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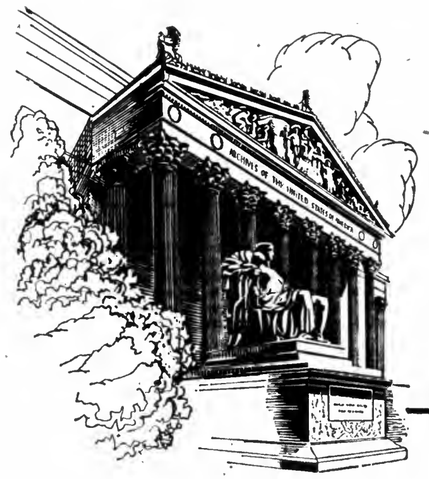
FEDERAL REGISTER

VOLUME 36 • NUMBER 41
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Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and Conservation Service
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative Committee
Fish and Wildlife Service
General Services Administration
Interagency Textile Administrative Committee
Interim Compliance Panel (Coal Mine Health and Safety)
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Mines Bureau
National Highway Traffic Safety Administration
National Oceanic and Atmospheric Administration
National Park Service
Public Health Service
Securities and Exchange Commission

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CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1971)

Title 4—Accounts $0. 50

[A Cumulative checklist of CFR issuances for 1971 appears in the first issue of the Federal Register each month under Title 1]

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1971 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1971. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

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PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3110 is amended to show that an additional 50 special agent positions for undercover work in the Bureau of Narcotics and Dangerous Drugs are excepted under Schedule A. Effective upon publication in the FEDERAL REGISTER (3–2–71), subparagraph (1) of paragraph (c) of § 213.3110 is amended as set out below.

§ 213.3110 Department of Justice.

• • • • • •

(c) *Bureau of Narcotics and Dangerous Drugs.* (1) 154 special agent positions for undercover work.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2799 Filed 3-1-71;8:49 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that an additional position of Confidential Assistant to the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–2–71), subparagrah (1) of paragraph (a) is amended as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Four Confidential Assistants and one Private Secretary to the Secretary.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 71-2798 Filed 3-1-71; 8:49 am]

PART 213—EXCEPTED SERVICE

Administrative Conference of the United States

Section 213.3319 is added to show that one position of Private Secretary to the Chairman of the Administrative Conference of the United States is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–2–71), § 213.3319 is added as set out below.

§ 213.3319 Administrative Conference of the United States.

(a) One Private Secretary to the Chairman.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2796 Filed 3-1-71;8:49 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Special Assistant to the Deputy Administrator is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–2–71), paragraph (t) is added to § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

• • • • • •

(t) One Special Assistant to the Deputy Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2800 Filed 3-1-71;8:49 am]

PART 213—EXCEPTED SERVICE

Commission on Civil Rights

Section 213.3356 is amended to show that one position of Confidential Secretary to the Deputy Staff Director is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–2–71), paragraph (d) is added to § 213.3356 as set out below.

§ 213.3356 Commission on Civil Rights.

• • • • • •

(d) One Confidential Secretary to the Deputy Staff Director.

(5 U.S.C. 301, 302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2797 Filed 3-1-71;8:49 am]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to permit appointments under Schedule A of severely handicapped persons upon certification by counselors of State Vocational Rehabilitation agencies and the Veterans Administration that such persons are likely to succeed in the performance of their duties. Section 213.3102 is amended by adding subparagraph (2) to paragraph (u) as set out below.

§ 213.3102 Entire executive civil service.

• • • • • •

(u) Subject to prior approval of the Commission, positions when filled by severely handicapped persons who (1) under temporary appointment, have demonstrated their ability to perform the duties satisfactorily; or (2) are certified by counselors of State Vocational Rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties.

• • • • • •

(34 F.R. 19258, Dec. 5, 1969, as amended at 34 F.R. 20263, Dec. 25, 1969)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2872 Filed 3-1-71;8:52 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that in the Federal Crop Insurance Corporation one position of Assistant Manager Corporate Services is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3-2-71), subparagraph (4) is added to paragraph (g) of § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

• • • • • •

(g) *Federal Crop Insurance Corporation.* • • •

(4) Assistant Manager Corporate Services.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2871 Filed 3-1-71;8:52 am]

PART 316—TEMPORARY AND INDEFINITE APPOINTMENT

Persons Eligible for Career or Career-Conditional Appointments

Part 316 is amended to authorize noncompetitive temporary appointments for present and former Foreign Service employees who are eligible for noncompetitive career or career-conditional appointments. Section 316.402 is amended by adding subparagraph (6) to paragraph (b) as set out below.

§ 316.402 Authorities for temporary appointments.

• • • • • •

(b) *Noncompetitive temporary limited appointments.* • • •

(6) A person eligible for career or career-conditional appointment under § 315.606 of this chapter.

(76A Stat. 18; 2 C.Z.C. 149(c)(2); E.O. 9830; 3 CFR 1943-1948 Comp., p. 606; E.O. 11103; 3 CFR, 1959-1963 Comp., p. 762)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2873 Filed 3-1-71;8:52 am]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

REGULATED AREAS

Under the authority of § 301.52-2 of the Pink Bollworm Quarantine regulations, 7 CFR 301.52-2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.52-2a, is hereby revised as follows:

§ 301.52-2a Regulated areas; suppressive and generally infested areas.

The civil divisions or parts of civil divisions described below are designated as pink bollworm regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

ARIZONA

(1) *Generally infested area.* Entire State.
(2) *Suppresive area.* None.

ARKANSAS

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Cleburne County. The entire county.
Conway County. That portion of the county lying north of the north line of T. 6 N. and east of the east line of R. 16 W.
Faulkner County. That portion of the county lying north of the north line of T. 6 N.
Little River County. The entire county.
Miller County. The entire county.

CALIFORNIA

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Imperial County. The entire county.
Inyo County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.
Kern County. The entire county.
Los Angeles County. That portion of the county lying east of the east boundary of R. 15 W., and north of the north boundary of T. 4 N., SBBM.
Riverside County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.
San Bernardino County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.
San Diego County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.

LOUISIANA

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Avoyelles Parish. All of Ward 10, and all of Ward 9 lying south of Bayou Des Glaises and west of the east line of sec. 2, T. 1 S., R. 4 E.
Caddo Parish. The entire parish.
De Soto Parish. The entire parish.
Grant Parish. The entire parish.
Natchitoches Parish. The entire parish.
Rapides Parish. The entire parish.
Red River Parish. The entire parish.

NEVADA

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Clark County. That portion of the county lying south of State Highway FAS 538 and west of the east line of R. 57 E.; and Tps. 15 and 16 S., Rs. 67 and 68 E.
Nye County. That portion of the county lying south of the south boundary of T. 17 S., MDBM, and east of the east boundary of R. 51 E., MDBM.

NEW MEXICO

(1) *Generally infested area.* Entire State.
(2) *Suppressive area.* None.

OKLAHOMA

(1) *Generally infested area.* Entire State.
(2) *Suppressive area.* None.

TEXAS

(1) *Generally infested area.* Entire State.
(2) *Suppressive area.* None.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.52-2)

This revision shall become effective upon publication in the FEDERAL REGISTER (3-2-71) when it shall supersede 7 CFR 301.52-2a effective August 16, 1968.

The Director of the Plant Protection Division has determined that infestations of the pink bollworm exist or are likely to exist in the civil divisions or parts of civil divisions listed above, or that it is necessary to regulate such localities because of their proximity to infestations or their inseparability for quarantine enforcement purposes from infested localities.

The Director has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on the interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the pink bollworm. Therefore, such civil divisions and parts of civil divisions listed above are designated as pink bollworm regulated areas.

The purpose of this revision is to delete from the regulated areas the following previously regulated counties or parishes: Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crawford, Crittenden, Dallas, Desha, Drew, Franklin, Garland, Grant, Hempstead, Hot Spring, Howard, Jefferson, Johnson, Lafayette, Lincoln, Logan, Lonoke, Monroe, Montgomery, Nevada, Ouachita, Perry, Phillips, Pike, Polk, Pope, Prairie, Pulaski, Saline, Scott, Sebastian, Sevier, Union, Van Buren, White, and Yell Counties in Arkansas; and Allen, Beauregard, Bienville, Bossier, Claiborne, Evangeline, Jackson, Jefferson Davis, Lincoln, Ouachita, Sabine, Union, Vernon, Webster, and

Winn Parishes in Louisiana. Portions of Conway and Faulkner Counties in Arkansas are also being removed from regulation. Sufficient surveys have been conducted to determine that infestations no longer exist in these counties or parishes.

Inasmuch as this revision relieves restrictions presently imposed, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of February 1971.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[FR Doc.71-2830 Filed 3-1-71;8:51 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1971-72 Marketing Year

PROCLAMATION OF RESULT OF MARKETING QUOTA REFERENDUM

Section 730.1508 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1971, through July 31, 1972, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1971-72 marketing year and announced that a referendum would be held during the period January 18 to 22, 1971, each inclusive, by mail ballot in accordance with Part 717 of this chapter.

Since the only purpose of § 730.1508 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is unnecessary.

§ 730.1508 Proclamation of the result of the rice marketing quota referendum for the marketing year 1971-72.

In a referendum of farmers engaged in the production of rice of the 1970 crop held by mail ballot during the period January 18 to 22, 1971, each inclusive, 11,888 voted. Of those voting, 11,152, or 93.8 percent favored quotas for the marketing year beginning August 1, 1971. Therefore, rice marketing quotas will be in effect for the 1971-72 marketing year.

(Secs. 354, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1354, 1375)

Effective date: Upon publication in the FEDERAL REGISTER (3-2-71).

Signed at Washington, D.C., on February 23, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-2758 Filed 3-1-71;8:46 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1971

Basis and purpose and statement of bases and consideration. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment is to permit the importation of additional quantities of raw sugar from foreign countries during the first quarter of this year. This action was taken to make adequate supplies of raw sugar from foreign countries available to all refiners especially during late March. This delayed start of harvesting in Puerto Rico and slightly smaller production in Louisiana had reduced somewhat the supplies of domestically produced raw sugar available to Louisiana refiners. Additional first quarter importations will be authorized from countries that have fulfilled their first quarter quota set-aside obligations on the basis of applications which become eligible for consideration pursuant to "Sugar Quota Clearance" on Form SU-3. Such applications become eligible for consideration not more than 5 days prior to the scheduled date of departure of the vessel for arrival prior to April 1. Each applicant must certify that approval of the application will not adversely affect fulfillment of quota set-aside agreements currently in effect for the second quarter.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended as follows:

Paragraph (d) of § 811.93 is amended by amending subparagraph (1) and adding a new subparagraph (6) to read as follows:

§ 811.93 Quotas for foreign countries.

• • • • • •

(d)(1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, the total quantity of raw sugar which may be authorized for importation from all foreign countries in accordance with Part 817 of this chapter during the second quarter of 1971 shall be limited to 1,411,865 short tons, raw value, plus any raw sugar authorized for importation during the first quarter which arrives during the second quarter of 1971 and is authorized for entry during such second quarter in accordance with applicable regulations, minus any quantity of sugar under second quarter set-asides imported and released during the first quarter pursuant to paragraphs (c) and (d) of § 817.8 of this chapter.

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(6) Notwithstanding subparagraph (2) of this paragraph (d), any applications for importation of raw sugar from foreign countries on or before March 31, 1971, may be authorized on the basis of applications for "Sugar Quota Clearance" submitted on Form SU-3 in accordance with the provisions of Part 817 of this chapter except as modified by subdivisions (i), (ii) and (iii) of this subparagraph (6). All such applications received on or before the effective date of this amendment shall become eligible for approval as of the effective date of this amendment.

(i) Any sugar covered by a set-aside agreement for first quarter importation must be charged to the respective country's quota pursuant to an approved application for "Sugar Quota Clearance" on Form SU-3 before the approval of an application to import sugar under this subparagraph (6).

(ii) Each applicant must certify on the application that the sugar covered will not adversely affect fulfillment of set-aside agreements currently in effect for the second quarter of 1971.

(iii) In the event sugar approved for entry pursuant to this subparagraph (6) does not arrive on or before March 31, 1971, such sugar shall be charged to an applicable second quarter setaside or released pursuant to a bond for refining and storage at the refiner where unladed until chargeable to an applicable quota.

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(Secs. 202 and 403; 61 Stat. 924 as amended, 932 as amended; 7 U.S.C. 1112 and 1153)

Effective date. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar be able as soon as possible to make plans based on these changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on February 26, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-2692 Filed 2-26-71;4:04 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 67, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee reflects its appraisal of the Florida orange crop and the current and prospective market conditions. Except for Navel, Temple, and Murcott Honey oranges, more restrictive regulation requirements should be made effective no later than March 1, 1971, so as to (1) establish and maintain returns to producers consistent with the declared policy of the act by preventing the shipment of less desirable oranges to fresh market outlets, and (2) provide consumers with oranges of the most desirable quality.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 1, 1971. Domestic shipments of Florida oranges, including Navel, Temple and Murcott Honey oranges, are concurrently regulated pursuant to Orange Regulation 67 (35 F.R. 18741, 19245, 19246; 36 F.R. 1522, 2860, 3194, 3460) and determinations as to the need for, and extent of, continued regulation of Florida orange shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of orange shipments subsequent to February 28, 1971, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on February 25, 1971. Such meeting was held (after giving due notice) to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views; the provisions of this amendment are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of such oranges; it is necessary in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.529 (Orange Regulation 67; 35 F.R. 18741, 19245, 19246; 36 F.R. 1522, 2860, 3194, 3460), the provisions of paragraph (a)(2)(i) are amended to read as follows:

§ 905.529 Orange Regulation 67.

(a) * * *

(2) * * *

(i) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Grade for oranges;

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 26, 1971, to become effective March 1, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2856 Filed 2-26-71;11:44 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

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AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188, 82 Stat. 996, sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781–1787, as amended.

PROGRAM OPERATIONS

§ 1472.1301 General.

This subpart sets forth the policies procedures, and requirements governing price support payments for shorn wool and unshorn lambs (pulled wool) for the 1971, 1972, and 1973 marketing years by the Commodity Credit Corporation (referred to in this subpart as "CCC").

§ 1472.1302 Administration.

The program will be carried out by the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS") under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the ASCS State and county offices. ASCS State and county offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto unless the power to modify or waive is expressly included in the pertinent provisions.

§ 1472.1303 Announcement of price support level.

In accordance with section 703 of the National Wool Act of 1954, as amended by the Agricultural Act of 1970 (Public Law 91–524), for each of the 3 marketing years 1971, 1972, and 1973, the support price for shorn wool shall be 72 cents per pound, grease basis, and the Secretary of Agriculture shall establish and announce a support price level for pulled wool which he determines will maintain normal marketing practices for pulled wool. Such support price levels shall be announced, to the extent practicable, sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year.

§ 1472.1304 Definitions.

As used in the regulations in this subpart and in the forms and documents related thereto, the following terms shall

have the meaning assigned to them in this section.

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of sheep, lambs, or wool.

(b) "Joint producers" means two or more producers who are joint owners of shorn wool or unshorn lambs, or who are producers of shorn wool or unshorn lambs under a caretaking agreement pursuant to which one producer owns the sheep or lambs and the other producer furnishes labor in connection with lamb or wool production in return for which he is entitled to share either in the wool or lambs produced or in the proceeds from the sale of such wool or lambs.

(c) "Joint owners" means two or more persons who own the wool or lambs in question, regardless of the special nature of their relationship or how it came into being, and shall include owners in common.

(d) "Lamb" means a young ovine animal which has not cut the second pair of permanent teeth. The term includes animals referred to in the livestock trade as lambs, yearlings, or yearling lambs.

(e) "Liveweight" is the weight of live lambs which a producer purchases or sells. In the event the price for the lambs is based on weight, the weight actually used in determining the total amount payable shall be considered the liveweight.

(f) "Local shipping point" means the point at which the producer delivers his wool to a common carrier for further transportation, or if his wool is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser. The term "common carrier" includes any carrier that serves the public in transporting goods for hire whether or not he is required to be licensed by some Government authority to do so.

(g) "Marketing agency" with reference to shorn wool means a person who sells a producer's wool for his account, and with reference to lambs, it means a commission firm, auction market, pool manager, or any other person who sells a producer's lambs for his account.

(h) "Marketing year" means the period beginning January 1 and ending the following December 31, both dates inclusive.

(i) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a State and any subdivision thereof.

(j) "Producer" of shorn wool means a person who either owns, individually or jointly, the sheep or lambs from which the wool is shorn or is a joint producer of the wool under a caretaking agreement as described in paragraph (b) of this section. "Producer" of lambs means a person who either owns the lambs, individually or jointly, or is a joint producer of the lambs under a caretaking agreement as described in paragraph (b) of this section.

(k) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of shorn wool or unshorn lambs.

(l) "Slaughterer" means a commercial slaughterer, that is, a person who slaughters for sale as distinguished from a person who slaughters for home consumption.

(m) "Specified marketing year" is the marketing year as to which the Department of Agriculture has announced that marketings of shorn wool and unshorn lambs by a producer during that year will entitle him to a payment under this program.

(n) "Unshorn lambs" means lambs which have never been shorn.

SHORN WOOL

§ 1472.1305 Price support payments.

(a) *General.* Price support on shorn wool will be furnished for each specified marketing year in accordance with the provisions of this subpart by means of payments to the producer on the shorn wool he markets in that marketing year. Payments will not be made on marketings of the pelts of sheep or lambs or on the marketings of wool removed from such pelts.

(b) *Rate of payment.* At the end of a specified marketing year and after the Department of Agriculture has determined the national average price for shorn wool received by producers in that marketing year, the Department will announce the rate of payment under this subpart. The rate of payment will be the percentage of the national average price per pound received by producers in a specified marketing year which is required to bring such national average price up to the support price for shorn wool.

§ 1472.1306 Eligibility for payments.

Before payments under this subpart can be approved pursuant to any application for payment covering any lot or lots of wool, the following requirements must be satisfied:

(a) Except as provided in § 1472.1344, the applicant must be the producer, and in the case of a joint application each applicant must be a producer, of the shorn wool which must have been marketed during the specified marketing year.

(b) The wool must have been shorn in the United States. If wool is shorn from imported sheep or lambs while they are held in quarantine in connection with their importation, such wool is not considered to have been shorn in the United States. For the purpose of this program, shorn wool is deemed to include murrain and other wool removed from dead sheep and other off wools such as black wool, tags, and crutchings.

(c) The producer, or in the case of joint producers at least one of the producers, must have owned the wool at the time of shearing and must have owned in the United States the sheep or lambs from which the wool was shorn for not less than 30 days at any time prior to the filing of the application. Ownership of wool or animals as used in this paragraph does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien. If sheep or lambs are imported into the United States, the 30-day period of required ownership shall begin after their importation and, if they were quarantined in connection with such importation, the period shall begin after their release from quarantine.

(d) Beneficial interest in the wool must always have been in the producer from the time the wool was shorn up to the time of its sale. A producer has beneficial interest in wool (1) when he owns it and has not authorized any other person to sell or otherwise dispose of it, or (2) when he has, by transfer of legal title to such other person or otherwise, authorized another person to sell or otherwise dispose of the wool but continues to be entitled to the proceeds from any such sale or other disposition thereof. Such beneficial interest is not changed by a mortgage or other lien on the wool.

(e) The applicant shall either report purchases of unshorn lambs as required by § 1472.1311 (a)(1) or (b)(1), or make the statement provided for in § 1472.1311 (a)(2) or (b)(2).

(f) Payments will not be made on the marketing of wool shorn from imported sheep or lambs if the permit for the importation of the sheep or lambs or a communication connected with such permit, issued by the Agricultural Research Service of this Department, states that the importation is for slaughter.

§ 1472.1307 Marketing within a specified marketing year.

(a) Marketing shall be deemed to have taken place in a specified marketing year if, pursuant to a sale or contract to sell in the process of marketing, the last of the following three events, in whatever order they occur, was completed in that marketing year: (1) Title passed to the buyer; (2) the wool was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer is known to the applicant's marketing agency, if he markets through a marketing agency, or is known to the applicant, if he markets directly.

(b) Marketings on which payments may be made under this subpart shall be sales in good faith. A sale by one producer to another shall not constitute a marketing in good faith unless (1) the selling producer usually markets his wool in that way, or (2) the buying producer is also engaged in the business of buying and selling wool and buys the wool in the course of that business. Neither an exchange of wool between the producers thereof nor a sale of wool conditioned on the acquisition by the selling producer from the buyer of the same wool or other wool shall constitute a marketing in good faith.

(c) Delivery of wool on consignment to a marketing agency to be sold for the producer's account does not constitute a

marketing, whether or not a minimum sales price is guaranteed or an advance against the prospective sales price is given by the consignee, except that the wool is deemed marketed if the marketing agency has guaranteed a minimum sales price, is unable to sell the wool for more, and with the producer's consent takes it over at the minimum sales price. The producer shall be deemed to have consigned the wool when he transfers to a marketing agency title to his wool and provides that such agency shall market the wool and that he shall be entitled to the proceeds of such marketing.

(d) The exchange of wool for merchandise or services (for instance, shearing) will be considered a marketing, provided a definite price for the wool is established by the parties to the exchange. Such price, or whatever other price the county ASC committee determines is the fair market value for such wool, whichever is lower, shall be utilized for the purpose of computing the net sales proceeds pursuant to § 1472.1308 upon which payment under this subpart is based.

§ 1472.1308 Computation of payment.

(a) The amount of the payment due to a producer shall be computed by applying the rate of payment to the net sales proceeds for the wool marketed during the specified marketing year. The resultant amount shall be reduced, on account of the purchase by the producer of unshorn lambs, by an amount resulting from multiplying the liveweight of such lambs reported in his application for payment by the announced rate of payment on unshorn lambs during said marketing year. If the amount of the reduction exceeds the payment computed on the shorn wool marketed, the liveweight of lambs which corresponds to the excess amount shall be carried forward and used to reduce payments on unshorn lambs marketed or slaughtered or shorn wool marketed in the current or future years.

(b) Except as provided in § 1472.1310 (a)(6) with respect to a guaranteed minimum sales price, the net sales proceeds shall be determined by deducting from the gross sales proceeds of the wool all marketing expenses, such as any charges paid by or for the account of the producer for transportation, handling (including commissions), grading, scouring, or carbonizing. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point. Charges for wool bags or storage, as well as any other charges not directly related to the marketing of the wool, such as interest on advances, shall not be considered marketing charges.

(c) All applications filed by a producer in the same county office for payments due on wool marketed during the specified marketing year shall be considered together for the purpose of determining the total net amount of payment due him. All such applications filed in different county offices may be considered together in determining such total payment.

§ 1472.1309 Preparation of application.

(a) *Preparation.* The application for payment on the sale of shorn wool shall be prepared on Form CCC–1155, "Application for Payment (National Wool Act)." Marketing agencies may assist producers in filling out applications by inserting the information on sales of shorn wool and sending the sales documents to the appropriate ASCS county office, but the producer must sign the application and is responsible for the requirements as to the time and manner of filing his application. If the producer paid marketing charges not shown on the sales document, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) *Supporting documents.* The application shall be supported by the original sales documents covering the wool sold.

(c) *Original sales document retained.* If the applicant does not wish the original sales document to remain within the ASCS county office, he may submit a photostat, carbon or other copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant, who shall retain it in accordance with § 1472.1351.

(d) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm preparing the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 1472.1310(a)(10), of the person or of the representative of the firm preparing the original sales document. Such copy shall be treated as an original for the purposes mentioned in this section.

(e) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated as an original for the purposes mentioned in this section.

§ 1472.1310 Contents of sales documents.

The sales documents attached to each application for an incentive payment must contain a final accounting and meet the requirements of paragraph (a) or (b) of this section, for the wool covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirements. Except as provided in § 1472.1344, sales documents must cover wool sold by the producer.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except a document covering an outright sale at the producer's farm, ranch, or local shipping point, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale. In case the producer's shipment to a marketing agency is sold in parts within a marketing year, the date when final settlement is made within that marketing year for the wool that was sold within the marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of wool sold. If the wool was sold as scoured or carbonized wool, the original grease weight must be shown as well as the scoured or carbonized weight.

(4) Except as otherwise provided in subparagraph (5) of this paragraph, the gross sales proceeds or sufficient information from which the gross sales proceeds can be determined.

(5) Marketing deductions, if any (see § 1472.1308(b)), except as otherwise provided in this subparagraph. The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketings services: _____. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and thus diminish the net proceeds on which the incentive payment is computed. Association dues are to be considered marketing deductions if they include compensation for marketing services.

(6) Net proceeds after marketing deductions. If a sales document contains a figure for net proceeds after marketing deductions, computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed. If a marketing agency has guaranteed a minimum sales price for the wool, is unable to sell the wool for a higher price, and therefore settles with the producer on the basis of such guaranteed minimum price, the sales document should be on the basis of that guaranteed minimum price regardless of a lower price at which the agency may sell the wool. In such a case, the marketing agency may indicate on the sales document that the price is the guaranteed minimum sales price.

(7) Additional deductions, such as charges for bags, storage, interest, association dues which do not include compensation for marketing services, or other charges not directly related to the marketing of the wool.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency, whichever issues the sales document.

(10) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within a specified marketing year shall contain a statement that the wool was marketed during the marketing year.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document covering an outright sale at the producer's farm, ranch, or local shipping point, and attached to an application for incentive payment shall be prepared by the purchaser and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale.

(3) Net weight of wool sold. If the wool was sold as scoured or carbonized wool, the original grease weight must be shown as well as the scoured or carbonized weight.

(4) Net amount received by the seller for the wool at his farm, ranch, or local shipping point.

(5) Any applicable nonmarketing deductions, such as charges for bags, storage, interest, association dues which do not include compensation for marketing services, or other charges not directly related to the marketing of the wool.

(6) Name and address of the purchaser.

(7) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

§ 1472.1311 Report of purchases of unshorn lambs.

(a) *Report on actual basis.* (1) If the application includes wool removed in the first shearing of lambs purchased unshorn, and the applicant is able to identify the lambs from which such wool was shorn, he shall report the number and liveweight of such lambs at time of purchase, including those from which wool was removed after death.

(2) If the applicant knows that his application does not include any wool which was removed in the first shearing of lambs purchased unshorn, he shall state that there are no purchases of unshorn lambs related to the sale of such wool.

(b) *Report on "first in, first out" basis.* (1) If an applicant does not know whether the application includes wool removed in the first shearing from lambs purchased unshorn, or he knows that such wool is included but he is unable to identify the lambs from which such wool was shorn, he shall report on a "first in, first out" basis, that is, in chronological order, the number and liveweight at the time of purchase of a quantity of lambs purchased unshorn equal to the number of sheep and lambs from which wool was shorn and included in the application. This reporting of purchased lambs shall be continued in applications for the current and subsequent marketing years for payments on shorn wool and for payments on unshorn lambs until the applicant has accounted for all lambs purchased unshorn on or after April 1, 1956, not reported in previous applications. However, he need not report those lambs with respect to which he can show no application has been made for a payment for the 1956 or a subsequent marketing year on their sale or on the sale of wool shorn from them.

(2) If the application for payment on the sale of shorn wool is made after an applicant has accounted for the total purchases of unshorn lambs, he shall state that there are no purchases of unshorn lambs related to such sale.

(c) *Imported lambs.* If purchased lambs which the applicant is required to report were imported, the liveweight required to be reported shall be the liveweight of the lambs at the time of import, or if they were quarantined in connection with the importation, at the time of release from quarantine. For the purpose of reporting imported lambs, whether they were purchased or raised by the producer they shall be treated as if they had been purchased by him. Any report in an application of purchased lambs and their liveweights as required by this paragraph shall be deemed to include lambs both purchased and raised by the producer.

(d) *Additional information.* The applicant shall furnish any additional details requested by ASCS State and county offices concerning any report made pursuant to this section.

UNSHORN LAMBS (PULLED WOOL)

§ 1472.1321 Price support payments.

(a) *Level of payments.* For each marketing year, price support will be furnished on pulled wool at such level, in relationship to the support price for shorn wool, as the Secretary determines will maintain normal marketing practices for pulled wool, by means of payments to the producer in accordance with this subpart on live unshorn lambs that are sold or moved to slaughter in a specified marketing year. Payments will not be made on the sale of the pelts of sheep or lambs or wool removed from such pelts.

(b) *Rate of payment.* The rate of payment will be 80 percent of the difference between the national average price per pound received by producers for shorn wool during a specified marketing year and the support price per pound of shorn wool multiplied by the average weight of wool per hundredweight of animals (5 pounds). The exact rate of payment will be determined and announced, after the end of that marketing year, as a specified amount per hundredweight of live animals.

§ 1472.1322 Eligibility for payments.

Before payments under this program can be approved pursuant to an application covering any lot or lots of lambs, the following requirements must be satisfied:

(a) Except as provided in § 1472.1344, the applicant must be the producer, and in the case of a joint application each applicant must be a producer, of the lambs.

(b) The producer, or in the case of joint producers at least one of the producers, must have owned the lambs for 30 days or more in the United States and title must have passed to the buyer within the specified marketing year. If a slaughterer is to qualify for a payment, he must have owned the lambs for 30 days or more in the United States prior to their moving to slaughter and they must have moved to slaughter within the specified marketing year. Ownership of lambs, as used in this paragraph, does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien. If lambs are imported into the United States, the 30-day period of required ownership shall again begin after their importation and, if they were quarantined in connection with such importation, the period shall begin after their release from quarantine.

(c) The lambs must never have been shorn at the time of sale, or, in the case of an application by a slaughterer, at the time of moving to slaughter.

(d) The applicant shall either report purchases of unshorn lambs as required by § 1472.1326 (a)(1) or (b)(1), or make the statement provided for in § 1472.1326 (a)(2) or (b)(2).

(e) Payments will not be made on the marketing of imported lambs if the permit for the importation of the lambs or a communication connected with such permit, issued by the Agricultural Research Service of this Department, states that the importation is for slaughter.

§ 1472.1323 Computation of payment.

(a) The amount of the payment due to an applicant shall be computed by applying the rate of payment to the liveweight of the lambs sold or moved to slaughter during the specified marketing year, reduced, on account of the purchase or importation by the applicant of unshorn lambs, by the liveweight of such lambs reported in his application for payment. If the amount of the reduction exceeds the liveweight of the unshorn lambs sold or moved to slaughter during said marketing year, such excess liveweight shall be carried forward and used to reduce payments on unshorn lambs

marketed or slaughtered or shorn wool marketed in the current or future years.

(b) All applications filed by a producer in the same county office for payments due on unshorn lambs marketed or moved to slaughter during the specified marketing year shall be considered together for the purpose of determining the total net amount of payment due him. All such applications filed in different county offices may be considered together in determining such total payment.

§ 1472.1324 Preparation of application.

(a) *Preparation.* The application for payment on the sale or slaughter of unshorn lambs shall be made on Form CCC–1155, "Application for Payment (National Wool Act)."

(b) *Supporting documents.* The application for payment on the sale of unshorn lambs shall be supported by the original sales documents covering the sale. The application for payment on the slaughter of unshorn lambs shall be supported by the scale ticket covering the movement to slaughter.

(c) *Original sales document retained.* If the applicant does not wish the original sales document to remain with the ASCS county office, he may submit a photostat, carbon, or other copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this prgoram and will be returned to the applicant. He will be required to retain it in accordance with § 1427.1351.

(d) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm preparing the sales document to furnish a carbon or photostat copy to the seller in place of the original, the applicant may submit that copy in support of his application, provided the copy bears a signature in accordance with § 1472.1325(a)(6), of the person or the representative of the firm preparing the original sales document. Such copy shall be treated as an original for the purposes mentioned in this section.

(e) *Lost or destroyed sales document.* If the original sales document or scale ticket has been lost or destroyed, the applicant may submit a copy, certified by the person who issued the original, and such certified copy shall be treated as an original for the purposes mentioned in this section.

§ 1472.1325 Contents of sales documents and scale tickets.

(a) *Sales documents.* Each sales document supporting an application must cover lambs sold by the producer except as provided in § 1472.1344, must be issued by the purchaser or the producer's marketing agency, and must show the following:

(1) Name and address of seller.

(2) Date of sale.

(3) Number of unshorn lambs sold. If the sales document does not clearly identify the animals as lambs that had never been shorn at the time of sale, the person issuing the sales document shall add a statement to that effect. If the sales document refers to the animals "unshorn lambs," this will indicate that the lambs were never shorn. If the document issued in connection with the sale of unshorn lambs also covers the sale of other animals, the person preparing the sales document shall clearly indicate therein the number and the liveweight of unshorn lambs included in the sale.

(4) Liveweight of unshorn lambs sold. If the weight is not determined by scales, this weight may be an estimated weight agreed to by the purchaser and the producer.

(5) Name and address of the purchaser or marketing agency, whichever issues the sales document.

(6) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(b) *Scale tickets.* The scale ticket supporting an application must cover unshorn lambs moved to slaughter by the applicant and must show the information normally appearing on scale tickets issued by stockyards (that is, date, number of head, classification(s), weight by classification, scale ticket number, if any, place of weighing, and name of weigher).

§ 1472.1326 Report of purchases of unshorn lambs.

(a) *Report on actual basis.* (1) If the application is based on the sale or slaughter of lambs purchased unshorn and the applicant is able to identify such lambs, he shall report the number of lambs purchased and their liveweight at the time of purchase.

(2) If the applicant knows that his application is not based on the sale or slaughter of any lambs purchased unshorn, he shall state that there are no purchases of unshorn lambs related to the sale or slaughter of such lambs.

(b) *Report on "first in, first out" basis.* (1) If an applicant does not know whether the application is based on the sale or slaughter of lambs purchased unshorn, or he knows that such lambs are included but he is unable to identify such lambs, he shall report on a "first in, first out" basis, that is, in chronological order, the number and liveweight at the time of purchase of a quantity of lambs purchased unshorn equal to the number of lambs on which his application is based. This reporting of purchased lambs shall be continued in applications for the current and subsequent marketing years for payments on unshorn lambs and shorn wool until the applicant has accounted for all lambs purchased unshorn on or after April 1, 1956, not reported in previous applications. However, he need not report those lambs with respect to which he can show no application has been made for a payment for the 1956 or a subsequent marketing year on their sale or on the sale of wool shorn from them.

(2) If the application for payment on the sale or slaughter of unshorn lambs is made after an applicant has accounted for the total purchases of unshorn lambs, he shall state that there are no purchases of unshorn lambs related to such sale or slaughter.

(c) *Imported lambs.* If purchased lambs which the applicant is required to report were imported, the liveweight required to be reported shall be the liveweight of the lambs at the time of import, or, if they were quarantined in connection with the importation, at the time of release from quarantine. For the purpose of reporting imported lambs, whether they were purchased or raised by the producer, they shall be treated as if they had been purchased by him. Any report in an application of purchased lambs and their liveweight as required by this paragraph shall be deemed to include lambs both purchased and raised by the producer.

(d) *Additional information.* The applicant shall furnish any additional details requested by ASCS State and county offices concerning any report made pursuant to this section.

GENERAL PROVISIONS

§ 1472.1341 Filing application for payment.

(a) *Place of filing.* Applications for payment shall be filed by the applicant with the ASCS county office serving the county where the headquarters of the producer's farm, ranch, or feed lot, as the case may be, is located. If the producer has more than one farm, ranch, or feed lot, with headquarters in more than one county, separate applications for payment shall be filed with the ASCS county office serving each such headquarters covering only the wool or lambs produced at each such farm, ranch, or feed lot, except that: (1) If the producer sells his entire clip of wool in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on shorn wool in any one of those ASCS county offices, or (2) if the producer includes in one sale unshorn lambs that were ranged, pastured, or fed in more than one county, he may file his application(s) for payment on such lambs in any one of those ASCS county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his office or residence may be considered the farm or ranch headquarters.

(b) *Time of filing.* An application for payment shall be filed as soon as possible after completion of the sales of shorn wool or unshorn lambs for the specified marketing year, or in the case of slaughter, as soon as possible after the last of the lambs moved to slaughter in the specified marketing year, but in no event shall an application be filed later than 3 years after the end of the specified marketing year.

(c) *Withdrawal or amendment of application for payment on shorn wool.* (1) An applicant may request permission from the ASC county committee to withdraw an application for payment on shorn wool which constitutes the full first shearing of purchased unshorn lambs when, as a result of such application containing the necessary report of purchases of unshorn lambs on an "actual basis," there is excess liveweight carried forward which would be used to reduce payments in the current or future marketing years. An applicant may also request permission to amend his application by omitting sales of those lots of wool constituting the full first shearing of purchased unshorn lambs reported on an "actual basis." These requests must be accompanied by such supporting evidence as may be required by the ASC county committee. If the application was signed jointly by two or more producers, the request for withdrawal or amendment must be signed by each such producer. To be considered a full shearing, the wool must constitute the complete fleece, and not merely tags, clippings, trimmings around the eyes, or other off-wools.

(2) If the ASC county committee is satisfied that the conditions described in subparagraph (1) of this paragraph exist, the committee may grant the request. If the applicant has filed additional shorn wool applications in other ASCS county offices, his request may be granted only if it is determined that such additional applications do not include any wool removed in the full first shearing of the lambs which will not be reported as a result of the withdrawal or amendment.

§ 1472.1342 Signature of applicant.

No payment will be made unless an application for payment on shorn wool or unshorn lambs is signed. Each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., must be properly authorized to sign in such capacity.

§ 1472.1343 Joint applicants.

When the applicant for a shorn wool payment is a joint producer of the wool, all of the joint producers (except those who sign a release as provided below in this section) must sign any application based on the sale of such wool regardless of whether the wool was divided among such producers prior to sale or was sold without division. When the applicant for a payment of unshorn lambs is a joint producer of the lambs, all of the joint producers (except those who sign a release as provided below in this section) must sign any application based on the sale of such lambs regardless of whether the lambs were divided among such producers prior to sale or were sold without division. CCC will not be responsible for a division among the applicants of a payment made to all of them jointly. When the application shows such joint production, and one or more of the joint producers refuse to join in the application, if each such joint producer signs a form prescribed by CCC releasing CCC from any obligation to make a payment to him, CCC shall make payment of the amount due the remaining joint producers who sign the application. Such release(s) shall be attached to the application. When any joint producer is entitled to join in an application but fails to do so, and the application does not show his interest as a joint producer, he shall have no claim against CCC for any portion of the payment made pursuant to the application.

§ 1472.1344 Disability.

(a) If a producer who is otherwise eligible to receive a payment under this subpart dies, disappears, or is declared incompetent, before marketing the shorn wool or unshorn lambs or before filing an application, his successors or representatives authorized to receive payment in the order of precedence set forth in Part 707 of this title may complete the eligibility requirements and make application for such payment on Form CCC–1155. The applicant shall also file Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," in accordance with Part 707 of this title.

(b) If a producer who earned a payment under this subpart and filed an application therefor dies, disappears, or is declared incompetent, either before CCC has issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title may apply therefor on Form ASCS–325, in accordance with Part 707 of this title.

(c) If an Indian who is incompetent earned a payment under this subpart, an application therefor may be filed on his behalf by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. Such application for payment will be filed in the ASCS county office where the headquarters of the Indian's farm or ranch is located.

(d) In all other cases of disability, including bankruptcy and dissolution, payments will be made to a representative only in accordance with specified directions issued by CCC.

§ 1472.1345 Payment.

(a) Payment will be made under this subpart after the ASCS county office has reviewed the application and attached supporting documents and has approved payment in whole or in part, and after the appropriate rate of payment for the specified marketing year has been announced by the Department of Agriculture.

(b) Payments under this subpart shall be made only on the basis of the net sales proceeds received for shorn wool and on the liveweight of lambs sold or moved to slaughter. No payment shall be made on that part of any sale which has been cancelled or on the basis of prices or weights which have been fraudulently increased for the purpose of obtaining higher payments. No payment shall be made on sales to a wool growers association (as distinguished from a cooperative marketing association) by its producer-members on the basis of net sales proceeds in excess of the fair market value of the wool (grease basis) as determined by CCC.

(c) If it is determined by the ASCS State or county office that an applicant knowingly made a false statement in his application, including his failure to report accurately purchases of unshorn lambs, no payment shall be made to him with respect to such application.

(d) If CCC subsequently determines that available evidence does not sustain the applicant's right to all or any part of a payment made, the amount of the payment not so sustained shall immediately become due and repayable to CCC, and CCC may, without limitation upon any of the Government's rights in the matter, deduct such amount from any other payment due the applicant under this subpart. If the right to such amount becomes involved in a lawsuit between the Government and the applicant or his assignee, he or his assignee shall have the burden of proving that he was entitled to such amount.

(e) If the ASCS county office rejects in whole or in part an application for payment on shorn wool or unshorn lambs, or, after a payment has been made, determines that the available evidence does not sustain the applicant's right to the payment or any part thereof, the ASCS county office shall mail a notice to the applicant, or, in the case of a joint application, to each applicant, that the application has been rejected, specifying the reason therefor, or that the available evidence does not sustain the applicant's right to the payment or any part thereof, as the case may be.

§ 1472.1346 Deductions for promotion.

If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, as amended, the rate of such deductions for the specified marketing year will be announced and the appropriate deduction will be made from each payment due under this subpart for such specified marketing year.

§ 1472.1347 Setoff.

If the county office records show that the producer is indebted to CCC, to any other agency within the U.S. Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the producer in accordance with Part 1408 of this chapter.

§ 1472.1348 Liens on sheep or wool.

If a producer grants a lien on his sheep, lambs, or wool, such lien shall not be deemed to extend to payments made to the producer pursuant to this subpart.

§ 1472.1349 Requests for reconsideration and appeals.

Any applicant who is notified that his application has been rejected in whole or in part or that any other action has been taken by the ASCS county office which unfavorably affects a payment to him may obtain reconsideration and review of the determination in accordance with Part 780 of this title. In the request for reconsideration, the applicant shall identify the application by number and date. When a joint application is involved, the request for reconsideration and review may be filed by all applicants jointly or by any of the applicants, in which case it shall be considered a request in behalf of all the joint applicants.

§ 1472.1350 Assignments.

(a) *Form.* An assignment of a payment due or to become due under this subpart on shorn wool or on unshorn lambs may be given to a financing agency or a wool marketing agency as security for cash advanced or to be advanced on sheep, lambs, or wool. The assignees shall not reassign such payment. One assignment may cover payments due or to become due on the sale of shorn wool or unshorn lambs or both. An assignment may only include payments due or to become due for a specified marketing year and must include all payments due and to become due for that specified marketing year on the commodity or commodities for which payment is being assigned. The assignment shall be executed by the producer, or in the case of joint producers by all such producers, on Form CCC–1157, "Assignment of Payment Under the National Wool Act of 1954," and shall be null and void unless it is freely made and is either executed in the presence of an attesting witness, who shall not be an employee or agent of, or by consanguinity or marriage related to, the assignee, or acknowledged before a notary public, a member of the ASC county committee, the ASCS county executive director, or a designated employee of such committee.

(b) *Payment.* CCC will make payment pursuant to an accepted assignment unless the ASCS county office is furnished evidence that the assignment is released by the assignee.

§ 1472.1351 Records and inspection thereof.

(a) The applicant for a payment under this subpart, as well as his marketing agency and any other person who furnishes evidence to such applicant for use in connection with the application, shall maintain books, records, and accounts pertaining to the marketing of the commodity on which the application is based, for 3 years following the end of the specified marketing year during which the marketing took place. The applicant shall maintain books, records, and accounts pertaining to the production of wool, sheep, and lambs and the shearing thereof, with respect to which he applies for payment, for 3 years following the end of the specified marketing year during which the marketing took place. The applicant shall also maintain books, records, and accounts showing the purchases of lambs on or after April 1, 1956, for 3 years following the end of the specified marketing year during which any part of the wool shorn from such lambs has been marketed or during which any such lambs have been marketed, as the case may be. If the applicant is required to report purchases of unshorn lambs on a "first in, first out" basis, he shall maintain such books, records, and accounts of such lambs for 3 years following the end of the specified marketing year for which such lambs are to be reported.

(b) If an application is based on the sale of wool shorn from imported sheep or lambs, or on the sale of imported lambs, or if lambs required to be reported as purchased unshorn were imported, the books, records, and accounts required by paragraph (a) of this section to be maintained by the applicant shall show the details of such importation, including the date of arrival of the lambs in the United States and the liveweight on such date, and if the lambs were quarantined, the date when they were released from quarantine and their liveweight on such date.

(c) With respect to any application for payment filed after the end of the specified marketing year, instead of maintaining the books, records, and accounts for the time specified in paragraph (a) of this section, such books, records, and accounts shall be maintained for 3 years following the date on which the application is filed.

(d) At all times during regular business hours, CCC shall have access to the premises of the applicant, of his marketing agency, and of the person who furnished evidence to an applicant for use in connection with the application, in order to inspect, examine, and make copies of the books, records, and accounts, and other written data as specified in paragraphs (a), (b), and (c) of this section.

§ 1472.1352 Violations of program.

(a) Whoever issues a false sales document or otherwise acts in violation of the provisions of this program so as to enable an applicant to obtain a payment to which he is not entitled, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action.

(b) The issuance of a false sales document or the making of a false statement in an application for payment or other document, for the purpose of enabling the applicant to obtain a payment to which he is not entitled, will subject the person issuing such document or making such statement to liabilty under applicable Federal civil and criminal statutes.

§ 1472.1353 Forms.

(a) Form CCC–1155, "Application for Payment (National Wool Act)," Form CCC–1157, "Assignment of Payment Under the National Wool Act of 1954," Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," and other forms issued by the U.S. Department of Agriculture for use in connection with this program may be obtained from ASCS county offices.

§ 1472.1354 Authorization by Executive Vice President, CCC, or other official.

If the applicant is unable to furnish the documentary evidence of sale required in this subpart, the Executive Vice President, CCC, or the Deputy Administrator, State and County Operations, ASCS, may authorize the submission of any other evidence which establishes to the satisfaction of the authorizing official the information required by §§ 1472.1310 and 1472.1325.

§ 1472.1355 Expiration of time limitations.

Whenever the final date for filing an application falls on a Saturday, Sunday, national holiday, or State holiday, or on any other day on which the appropriate ASCS State or county office is not open for the transaction of business during normal working hours, the time for filing the application shall be extended to the close of business on the next working day. If filing is by mail, it shall be considered timely if it is postmarked by midnight of such next working day.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This subpart shall become effective on the date of publication in the FEDERAL REGISTER (3–2–71).

Signed at Washington, D.C., on February 23, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71–2759 Filed 3–1–71;8:46 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71–522]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–26, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(13) relating to the State of Texas, subdivision (xi) relating to Galveston County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Galveston County, Tex., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of February 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71–2831 Filed 3–1–71;8:52 am]

[Docket No. 71–523]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Ohio and a new subparagraph (9) relating to the State of Ohio is added to read:

(9) *Ohio.* That portion of Mercer County bounded by a line beginning at the junction of State Highway 49 and State Highway 219; thence, following State Highway 49 in a northerly direction to State Highway 29; thence, following State Highway 29 in an easterly direction to Gause Road; thence, following Gause Road in a southerly direction to State Highway 219; thence, following State Highway 219 in a westerly direction to its junction with State Highway 49.

2. In § 76.2, the reference to the State of Rhode Island in the introductory portion of paragraph (e) and subparagraph (10 relating to the State of Rhode Island are deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Mercer County, Ohio, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendments also exclude Providence County, R.I., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine. No areas in Rhode Island remain under the quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of February 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71–2832 Filed 3–1–71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10878; Amdt. 39–1163]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman Models BN–2 and BN–2A Airplanes

Pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, an airworthiness directive was adopted on January 26, 1971, and made effective immediately as to all known U.S. operators of Britten Norman Models BN–2 and BN–2A airplanes. The directive requires repetitive inspections of the eye end of the elevator jack assembly for cracks and replacement of cracked eye ends with serviceable eye ends until the eye end is replaced with an improved part.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Britten Norman Models BN–2 and BN–2A airplanes by individual telegrams dated January 26, 1971. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

BRITTEN NORMAN. Applies to Britten Norman Models BN–2 and BN–2A series airplanes.

Compliance is required as indicated.

To prevent failure of the elevator trim control system, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD unless already accomplished within the last 10 hours' time in service and thereafter at intervals not to exceed 20 hours' time in service since the last inspection removed the elevator trim jack assembly from the airplane and inspect the eye end, P/N AGS–590, for cracks using the dye penetrant method or an FAA-approved equivalent.

(b) If the eye end is found to be cracked during the inspection required by paragraph (a), before further flight replace the cracked eye end with a serviceable eye end

of same part number and continue the repetitive inspections required by paragraph (a), or replace the cracked eye end with a new eye end P/N NB45B2385 in accordance with paragraph (c).

(c) On or before February 15, 1971, replace the elevator trim jack eye end P/N AGS-590 with a new eye end P/N NB45B2385 in accordance with Britten Norman Modification Leaflet BN-2NBM 468 dated January 21, 1971, or an FAA-approved equivalent.

(d) The repetitive inspections required by paragraph (a) may be discontinued after the elevator trim jack eye end has been replaced in accordance with paragraph (c).

This amendment is effective upon publication in the FEDERAL REGISTER (3-2-71) as to all persons except those persons to whom it was made immediately effective by the telegram dated January 26, 1971, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 23, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-2764 Filed 3-1-71;8:47 am]

[Airspace Docket No. 70-EA-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 23, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19520) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Block Island, R.I., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140) the Block Island, R.I., transition area is amended to read as follows:

BLOCK ISLAND, R.I.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Block Island State Airport (lat. 41° 10'05" N., long. 71°34'40" W.).

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 23, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2765 Filed 3-1-71;8:47 am]

[Airspace Docket No. 70-PC-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 30, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19794) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kahului, Hawaii, transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

Section 71.181 (36 F.R. 2140) is amended as follows: In the Kahului transition area all after the phrase "55-mile-radius circle centered on the Maui VORTAC," is deleted and the phrase "and on the south by V-6; and that airspace bounded on the north and northeast by V-23, on the east by V-11, on the south by V-21, and on the west by the Kona, Hawaii, VORTAC 357.5° radial." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 25, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2823 Filed 3-1-71;8:51 am]

[Airspace Docket No. 70-SW-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Federal Airways and Designation and Revocation of Reporting Points

On January 21, 1971, a notice of proposed rule making was publised in the FEDERAL REGISTER (36 F.R. 995) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter numerous VOR Federal airway segments and reporting points within the greater Dallas/Forth Worth, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received in response to the notice.

Subsequent to the publication of the notice, it has been determined that a better route alignment would be provided by realigning V-16 segment from Scurry, Tex., direct to Quitman direct to Texarkana, and the realignment of V-66 segment from Bridgeport direct Blue Ridge; direct Sulphur Springs direct Texarkana, Ark., including a north alternate from Bridgeport to Blue Bridge via intersection of Bridgeport 069° T (060° M) and Blue Ridge 285° T (277°M) radials, and including north and south alternates between Sulphur Springs and Texarkana via intersection of Sulphur Springs 060° T (052° M) and Texarkana 272° T (265° M) radials and intersection of Sulphur Springs 090° T (082° M) and Texarkana 240° T (233° M) radials and the designation of the Greater Southwest, Tex., VORTAC as a low altitude reporting point.

Since these amendments are minor in nature and have minimal impact beyond those proposed in the notice, further notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

1. Section 71.123 (36 F.R. 2010) is amended as follows:

a. In V-15 all between "Waco 173° radials;" and Okmulgee, Okla.," is deleted and "Scurry, Tex.; Blue Ridge, Tex., including an east alternate via INT Scurry 023° and Blue Ridge 153° radials; Ardmore, Okla.;" is substituted therefor.

b. In V-16 all between "Mineral Wells, Tex.;" and "Pine Bluff, Ark.;" is deleted and "Acton, Tex.; Scurry, Tex., including a south alternate; Quitman, Tex.; Texarkana, Ark.;" is substituted therefor.

c. In V-17 all between "Waco 173° radials;" and "Bridgeport, Tex.;" is deleted and "Acton, Tex.;" is substituted therefor.

d. In V-18 "From Dallas, Tex., via Quitman, Tex.;" is deleted and "From Mineral Wells, Tex., via Greater Southwest, Tex.; INT Greater Southwest 090° and Quitman, Tex., 260° radials; Quitman;" is substituted therefor.

e. In V-54 all between "From Waco, Tex.," and "Texarkana, Ark.;" is deleted and "Scurry, Tex.;" is substituted therefor.

f. V-61 is revoked.

g. In V-62 all after "INT Abilene 096°" is deleted and "and Acton, Tex., 264° radials; Acton." is substituted therefor.

h. In V-63 "From McAlester, Okla., via" is deleted and "From Blue Ridge, Tex., via McAlester, Okla.;" is substituted therefor.

i. In V-66 all between "Bridgeport, Tex., 248° radials;" and "From Tuscaloosa, Ala.," is deleted and "Bridgeport; Blue Ridge, Tex., including a north alternate via INT Bridgeport 069° and Blue Ridge 285° radials; Sulphur Springs, Tex.; Texarkana, Ark., including a north alternate via INT Sulphur Springs 060° and Texarkana 272° radials, and also a south alternate via INT Sulphur Springs 090° and Texarkana 240° radials." is substituted therefor.

j. In V-94 all between "Tuscola, Tex.;" and "Gregg County, Tex.;" is deleted and "Acton, Tex.; Scurry, Tex.;" is substituted therefor.

k. In V-114 all between "Wichita Falls 262° radials;" and "Alexandria, La.," is deleted and "INT Wichita Falls 117° and Blue Ridge, Tex., 285° radials; Blue Ridge; Quitman, Tex.; Gregg County, Tex.;" is substituted therefor.

l. In V-124 "From Dallas, Tex.;" is deleted and "From Blue Ridge, Tex., via" is substituted therefor.

m. In V-161 all before "Okmulgee, Okla.;" is deleted and "From Bridgeport, Tex., via Ardmore, Okla.;" is substituted therefor.

n. In V163 ; Bridgeport, Tex.;" is deleted and ", including an E. alternate from Lometa to Mineral Wells via Acton, Tex.; Bridgeport, Tex.;" is substituted therefor.

o. In V-278 "Dallas, Tex.;" is deleted and "Blue Ridge, Tex.;" is substituted therefor.

p. V-317 is added:

V-317 From Waco, Tex., via Greater Southwest, Tex.; Ardmore, Okla.

q. V-355 is added:

V-355 From Bridgeport, Tex.; Wichita Falls, Tex.

r. In V-477 all after "via Navasota, Tex.;" is deleted and "Scurry, Tex., including a W. alternate via INT Leona 330° and Scurry 182° radials" is substituted therefor.

2. Section 71.203 (36 F.R. 2301) is amended as follows:

a. Add: "Acton, Tex."; "Scurry, Tex."; "Blue Ridge, Tex."; "Greater Southwest, Tex.".

b. Revoke "Dallas, Tex."; "Britton, Tex.".

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 26, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2874 Filed 3-1-71;8:52 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7090]

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Procedures for Filing Claim for Floor Stock Credit or Refund on Cement Mixers

In order to provide procedures for filing a claim for a floor stock credit or refund on cement mixers under Public Law 91-678 (84 Stat. 2062), the following temporary regulations are hereby prescribed:

§ 48.4061-1 **Temporary regulations with respect to floor stock refunds or credits on cement mixers.**

(a) *In general*—(1) *Refund or credit.* Public Law 91-678 (84 Stat. 2062, Jan. 12, 1971) provides that if—

(i) A manufacturer, producer, or importer paid the tax imposed by section 4061 (relating to imposition of tax on motor vehicles) on the sale of a cement mixer after June 30, 1968, and before January 1, 1970, and

(ii) Such cement mixer was held by a dealer on January 1, 1970, for purposes of resale and was not used,

the manufacturer, producer, or importer is entitled to a credit or refund (without interest) of the amount of tax he paid on his sale of such cement mixer.

(2) *Time for filing claim.* The manufacturer, producer, or importer entitled to a credit or refund under subparagraph (1) of this paragraph shall file his claim for credit or refund on or before October 31, 1971, based upon a request submitted to the manufacturer, producer, or importer on or before July 31, 1971, by the dealer who held the cement mixer in respect of which the credit or refund is claimed. Before he files his claim for credit or refund, the manufacturer, producer, or importer shall either reimburse the dealer for the amount of tax he is claiming with respect to the cement mixer or obtain written consent from the dealer to claim such tax.

(3) *Other provisions applicable.* All provisions of law, including penalties, applicable in respect of the taxes imposed by section 4061 of such Code shall, insofar as applicable and not inconsistent with Public Law 91-678 apply in respect of the credits and refunds provided for in this section to the same extent as if the credits or refunds constituted overpayments of the taxes.

(b) *Definitions.* For purposes of this section—

(1) *Cement mixer.* The term "cement mixer" means—

(i) Any article designed to be placed or mounted on an automobile truck chassis or truck trailer or semitrailer chassis and to be used to process or prepare concrete, and

(ii) Parts or accessories designed primarily for use on or in connection with an article described in subdivision (i) of this subparagraph.

(2) *Dealer.* The term "dealer" includes a wholesaler, jobber, distributor, or retailer.

(3) *Held by a dealer.* A cement mixer shall be considered as "held by a dealer" if title thereto has passed to the dealer (whether or not delivery to him has been made), and if for purposes of consumption title to the cement mixer or possession thereof had not at any time prior to January 1, 1970, been transferred to any person other than a dealer. For purposes of paragraph (a) of this section and notwithstanding the preceding sentence, a cement mixer shall be considered as "held by a dealer" and not to have been used, although possession of such cement mixer has been transferred to another person, if such cement mixer is returned to the dealer in a transaction under which any amount paid or deposited by the transferee for such cement mixer is refunded to him (other than amounts retained by the dealer to cover damage to the cement mixer). Moreover, such a cement mixer shall be considered as held by a dealer on January 1, 1970, even though it was in the possession of the transferee on such day, if it was returned to the dealer (in a transaction described in the preceding sentence) before January 31, 1970. The determination as to the time title passes or possession is obtained for purposes of consumption shall be made under applicable local law. (See subdivisions (iii), (iv), and (v) of paragraph (b)(4) of § 145.2-1 of this subchapter for examples illustrating the provisions of this subparagraph.)

(c) *Other requirements.* All the requirements of paragraph (c) (relating to participation of dealers), paragraph (d) (relating to claim for credit or refund), paragraph (e) (relating to evidence to be retained), and paragraph (f) (relating to effect on other claims for refund or credit) of § 48.6412-1 are applicable (to the extent they are not inconsistent with section 4061 and Public Law 91-678) with respect to a claim for credit or refund under this section. With respect to claims for credit or refund under this section, the term "dealer request limitation date" and "claim limitation date" used in paragraphs (c) and (d) of § 48.6412-1 means July 31, 1971, and October 31, 1971, respectively.

Because of the need for immediate guidance with respect to the provisions

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-660; Amdt. 16]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Extension of Charter Regulations

Correction

In F.R. Doc. 71-1562 appearing at page 2482 in the issue for Friday, February 5, 1971, in § 207.13 the 17th line of paragraph (a), reading "shall not be carried, there shall be no", should appear as the fourth line of paragraph (c), while the fourth line of paragraph (c), reading "shall not charge the charterer for ferry", should appear as the 17th line of paragraph (a).

contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section. This Treasury decision is issued under the authority of 26 U.S.C. 4061 (note).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: February 25, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[FR Doc. 71-2828 Filed 3-1-71;8:51 am]

[T.D. 7089]

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

Tax on Use of Civil Aircraft

Correction

In F.R. Doc. 71-2441 appearing on page 3367 in the issue of Tuesday, February 23, 1971, the following changes should be made:

1. In the second line of § 154.3-1(c) the word "proposed" should read "imposed".

2. The authority citation at the end of the document should be changed to read:

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Expense of Care and Handling of Excess and Surplus Real Property

Part 101-47 is amended to clarify the responsibility of the holding agency for expenses incurred in the care and handling of excess and surplus real property.

The table of contents for Part 101-47 is amended by the addition of the following new entry:

Sec.
101-47.403 Assistance in disposition.

Subpart 101-47. 2—Utilization of Excess Real Property

Section 101-47.202-9 is revised as follows:

§ 101-47.202-9 Expense of care and handling.

When there are expenses connected with the physical care, handling, protection, maintenance, and repair of the property reported to GSA, the notice to the holding agency of the date of receipt (see § 101-47.202-8) will indicate, if determinable, the date that the provisions of § 101-47.402-2 will become effective. Normally this will be the date of the receipt of the report. If because of actions of the holding agency the property is not available for immediate disposition at the time of receipt of the report, the holding agency will be reminded in the notice that the period of its responsibility for the expense of care and handling will be extended by the period of the delay.

Subpart 101-47.3—Surplus Real Property Disposal

Section 101-47.304-5 is revised as follows:

§ 101-47.304-5 Inspection.

All persons interested in the acquisition of surplus property available for disposal under this Subpart 101-47.3 shall, with the cooperation of the holding agency, where necessary, and with due regard to its program activities, be permitted to make a complete inspection of such property, including any available inventory records, plans, specifications, and engineering reports made in connection therewith, subject to any necessary restrictions in the interest of national security and subject to such rules as may be prescribed by the disposal agency. (See § 101-47.403.)

Subpart 101-47.4—Management of Excess and Surplus Real Property

1. Section 101-47.402-2 is amended as follows:

§ 101-47.402-2 Expense of care and handling.

(a) The holding agency shall be responsible for the expense of physical care, handling, protection, maintenance, and repair of such property pending transfer or disposal for not more than 12 months, plus the period to the first day of the succeeding quarter of the fiscal year after the date that the property is available for immediate disposition. If the holding agency requests deferral of the disposal, continues to occupy the property beyond the excess date, or otherwise takes actions which result in a delay in the disposition, the period for which that agency is responsible for such expenses shall be extended by the period of delay. (See § 101-47.202-9.)

* * * * *

2. New § 101-47.403 is added as follows:

§ 101-47.403 Assistance in disposition.

The holding agency is expected to cooperate with the disposal agency in showing the property to prospective transferees or purchasers. Unless extraordinary expenses are incurred in showing the property, the holding agency shall absorb the entire cost of such actions. (See § 101-47.304-5.)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (3-2-71).

Dated: February 22, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-2745 Filed 3-1-71;8:45 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL PROVISIONS

PART 4—NATIONAL LIBRARY OF MEDICINE

On August 25, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13525-13527) proposing to amend Subchapter A of the Public Health Service regulations by adding a new Part 4 prescribing rules under which the facilities, library collections and related services of the National Library of Medicine shall be made available to public and private agencies, organizations and institutions, and individuals.

Views and arguments relating to the proposed regulations were invited to be submitted within 30 days after publication of such notice in the FEDERAL REGISTER, and notice was given of intention to make any regulations that are adopted effective upon publication in the FEDERAL REGISTER.

Two changes have been made in the interest of clarity. Section 4.4(c) relating to the use of study rooms has been amended by changing the term "fellows" to "persons" to conform to amendments to section 395 (authorizing the award of grants for special scientific projects) made by Public Law 91-212. In addition, § 4.5(c) relating to the availability of MEDLARS tapes was amended to emphasize that such tapes shall be provided in accordance with such rule to the extent Library resources permit.

After consideration of all comments submitted and with the advice and recommendations of the Board of Regents of the Library, the regulations set forth below are hereby adopted, effective upon publication in the FEDERAL REGISTER (3-2-71).

Subchapter A of Chapter I of the Public Health Service regulations is amended by adding immediately after Part 3, the following new Part 4:

Sec.
4.1 Applicability and scope.
4.2 Purpose of the Library.
4.3 Definitions.
4.4 Access to Library facilities and collections.
4.5 Reference, bibliographic, reproduction and consultation services; fees
4.6 Publications of the Library and information about the Library

AUTHORITY: The provisions of this Part 4 issued under sec. 215, 58 Stat. 690, as amended, sec. 382, 70 Stat. 960, as amended; 42 U.S.C. 216, 276.

§ 4.1 Applicability and scope.

(a) The regulations of this part relate to access to the facilities and library collections, including audiovisual materials, of the National Library of Medicine and the availability of its bibliographic, reproduction, reference, and related services. Such services are those functions performed by the Library directly for the benefit of the general public or health sciences professionals as described in section 382(a)(3)-(5) of the Public Health Service Act.

(b) Such services do not include, and the regulations in this part do not apply to:

(1) Except as provided in § 4.5, functions which relate to the Library's internal processing activities, whether by manual, photographic, or electronic means, as required by section 382(a)(1) and (2) of the Act.

(2) The availability of "records" of the Library as defined in, and available in accordance with, rules and procedures set forth in 45 CFR Part 5 and Part 1 of this chapter.

(3) Federal assistance for medical library construction and other purposes authorized by sections 390-398 of the Act (Parts 59a, 61, 63, and 64 of this chapter).

(4) The availability of facilities, collections and related services of Regional Medical Libraries established or maintained by grants authorized by section 397 of the Act (see Part 59a, Subpart C, of this chapter).

§ 4.2 Purpose of the Library.

In order to assist the advancement of medical and related sciences and to aid the dissemination and exchange of scientific and other information important to the progress of medicine and the public health, the National Library of Medicine, established by section 381 of the Public Health Service Act, acquires and maintains library materials, including audiovisual materials, pertinent to medicine; compiles, publishes, and makes available catalogs, indices, and bibliographies of such materials as appropriate; provides reference and other assistance to research, and engages in other activities in furtherance of the Library's overall purpose.

§ 4.3 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Library" means the National Library of Medicine, established by section 381 of the Act (42 U.S.C. 275).

(c) "Director" means the Director of the Library.

(d) "Collections" means all books, periodicals, prints, films, videotapes, recordings, manuscripts, and other resource materials of the Library, including audio and visual materials produced or developed by the National Medical Audiovisual Center located in Atlanta, Ga., but excluding data processing tapes used solely for internal processing activities to generate reference materials. It does not include "records" as that term is defined in 45 CFR 5.5.

(e) "Historical collection" means materials in the collections published or printed prior to 1871, including manuscripts and prints, and the archival film collection of the National Medical Audiovisual Center and other materials of the collections which, because of age, or unique or unusual value, require special handling, storage, or protection for their preservation, as determined by the Director.

(f) "Health sciences professional" means any person engaged in the administration of health activities, the provision of health services, or in research, teaching or education concerned with the advancement of medicine or other sciences related to health or improvement of the public health.

(g) "Regional Medical Library" means a medical library established or maintained as a regional medical library under section 397 of the Act (42 U.S.C. 280b-8).

§ 4.4 Access to Library facilities and collections.

(a) *General.* The Library facilities and collections are available to any person seeking to make use of the collections, subject to such reasonable rules, consistent with the regulations in this part, as the Director may prescribe to assure the most effective use of such resources by health sciences professionals and to protect the collections from misuse or damage.

(b) *Reading rooms.* Public reading rooms are available for obtaining and reading materials from the collections, subject to rules of the Director designed to provide adequate reading space and orderly conditions and procedures for those using the collections.

(c) *Study rooms.* A limited number of study rooms are available for assignment to individuals requiring extensive use of the collections, or other Library resources. Priority shall be given to persons engaged in "special scientific projects" under section 395 of the Act (42 U.S.C. 280b-5), and to health sciences professionals. Applications for use of study rooms shall be addressed to the Director.

(d) *Use of materials from the collections*—(1) *Materials generally.* Except as otherwise provided in this paragraph, materials from the collections are available for use only in facilities provided by the Library for such purposes.

(2) *Audiovisual materials.* Audio and visual materials in the collections are available for loan application setting forth to the Director's satisfaction that the material will be safeguarded from misuse, damage, loss or misappropriation, and will promptly be returned as required after use or upon request of the Library. Applications for such material may be made to the National Medical Audiovisual Center, Atlanta, Ga. 30333.

(3) *Interlibrary loans.* Materials from the collections, or copies thereof, not specified in subparagraph (2) of this paragraph, may be made available for use through libraries of public or private agencies or institutions upon application by such libraries setting forth to the Director's satisfaction that the requesting party has exhausted all other reasonably available local or regional library resources (including Regional Medical Libraries) and, when so prescribed, providing satisfactory assurances that the requested material will be safeguarded from misuse, damage, loss or misappropriation, and will be promptly returned to the Library as required after use or upon request of the Library. Libraries served by a Regional Medical Library are encouraged to file such applications through their Regional Medical Library.

(4) *Loans to health sciences professionals.* Except as provided in subparagraph (2) of this paragraph, loans of materials, or copies thereof, from the collections may be made directly to health sciences professionals upon application to the Director setting forth to his satisfaction that the requesting individual is geographically isolated, in terms of distance or available transportation, from all medical literature resources likely to contain the desired material, and providing the assurances to the Director required in subparagraph (3) of this paragraph.

(5) *Historical collection.* In addition to the rules specified above with respect to availability of the Library's collections generally, materials from the historical collection are available only in accordance with such other rules as the Director may prescribe to assure their maximum preservation and protection. Such materials may also be made available in the form of microfilm and paper print copies, for which reasonable fees may be levied.

(6) *Gifts and restricted materials.* In addition to the rules specified above, materials in the collections, whether acquired by the Library as the result of gift or purchase, shall be made available only in accordance with limitations imposed as a condition of such gift or purchase.

§ 4.5 Reference, bibliographic, reproduction and consultation services; fees.

(a) *General.* Reference, bibliographic, reproduction (in addition to those reproduction services discussed in § 4.4(d)) and consultation services provided by the Library, whether provided by professional medical librarians, through the use of computerized systems, or otherwise, are available upon request to the extent Library resources permit. In the provisions of services not reasonably available through local or regional library resources, priority shall be given to health sciences professionals.

(b) *Specialized bibliographic services.* (1) Requests for bibliographies on individually selected medical or scientific topics may be filled by use of a reference retrieval system, upon determination by the Director, on the basis of information

submitted with the request, that use of such system would be appropriate and effective in the circumstances. Requests must be made upon such forms and in such manner as the Director may from time to time prescribe. Searches determined by the Director to be of general interest may be published and made available for general distribution by the Library.

(2) A limited number of computerized bibliographies on topics of general interest to group users, such as public or nonprofit health related professional societies and research organizations, may be produced on a regularly recurring basis pursuant to contractual arrangements between the Library and public or nonprofit agencies, when determined in each case by the Director to be necessary to assure more effective distribution of the bibliographic information involved, in furtherance of the Library's special purposes.

(c) *MEDLARS tapes.* To the extent Library resources permit, where deemed necessary by the Director to further the dissemination of scientific and other information important to the progress of medicine and the public health, or to assist research and investigations in the field of medical library science, copies of all or part of the Library's magnetic tapes comprising the Medical Literature Analysis and Retrieval System (MEDLARS) may be made available to agencies, organizations and institutions upon application by such persons providing assurances that (1) such tapes will be utilized to provide reference or bibliographic services pertinent to medicine not otherwise available from the Library or a Regional Medical Library, or (2) such tapes are necessary to carry out such research or investigation. The use of such tapes shall be subject to such further conditions as the Director may prescribe when in his judgment necessary to further the purpose of the Library.

(d) *Fees for services.* The Director may, in accordance with schedules available at the Library on request, charge fees reasonably designed to recover all or a portion of the cost to the Library, including the employment of personnel, of providing any of the above or other reference, bibliographic and reproduction services. Such fees shall be charged only where the nature of the service in question is beyond that normally provided to the general public or health sciences professionals or where Library resources are limited or unduly taxed.

§ 4.6 Publications of the Library and information about the Library.

Lists of bibliographies or Library publications sold by the Government Printing Office, and other information concerning the organization, operation, functions and services of the Library, including necessary application forms, are available from the National Library of Medicine, Bethesda, Md. 20014.

Dated: January 15, 1971.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: February 23, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-2761 Filed 3-1-71;8:47 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1064]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February 1971.

It appearing, that an acute shortage of plain boxcars with inside length of 40 feet or longer and less than 50 feet, equipped with side doors 9 feet or wider or of plain boxcars with inside length 50 feet or longer and less than 70 feet, regardless of door width exists throughout the United States; that shippers are being deprived of such cars required for loading creating great economic loss and resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such boxcars to the owning railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1064 Service Order No. 1064.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraphs (4) and (6) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 378, issued by E. J. McFarland, or successive issues thereof as having mechanical designation XM, with inside length of 40 feet or longer and less than 50 feet and equipped with side doors 9 feet or wider, or with inside length 50 feet or longer and less than 70 feet regardless of door width, which bear the identification marks shown:

Burlington Northern Inc.
Identification marks—BN, CBQ, GN, NP, SPS.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Identification marks—Milw.
Missouri-Kansas-Texas Railroad Co.
Identification marks—BKTY, MKT.
Southern Pacific Transportation Co.
Identification marks—SP.
Union Pacific Railroad Co.
Identification marks—UP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (3), (4), (5), (6), (7), and (8) of this paragraph.

Chicago & Eastern Illinois Railroad Co.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.
The Texas and Pacific Railway Co.

(3) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(4) Except as otherwise provided in subparagraph (4) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(5) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(6) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(7) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraphs (2) or (4) of this paragraph, at a junction with the car owner.

(8) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(9) In using plain boxcars owned by railroads not listed in subparagraph (1) of this paragraph, the railroads named therein will restrict the use of such cars to traffic destined to a station closer to the car owner than the station at which the car was last loaded.

(10) In determining distances to the car owner from points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(11) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (2) or (4) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2793 Filed 3-1-71;8:49 am]

[S.O. 1065]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February 1971.

It appearing, that an acute shortage of certain plain boxcars exists on the railroads named in paragraph (a)(1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in a severe emergency and causing grain elevators to be unable to accept grain from farmers, thus creating economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1065 Service Order No. 1065.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in subparagraphs (5) and (7) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 378, issued by E. J. McFarland or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide and bearing the identification marks shown:

The Atchison, Topeka and Santa Fe Railway Co.
Identification marks—ATSF.
Burlington Northern Inc.
Identification marks—BN, CBQ, GN, NP, SPS.
Chicago & Eastern Illinois Railroad Co.
Identification marks—CEI.
Chicago and North Western Railway Co.
Identification marks—CGW, CMO, CNW, MSTL.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Identification marks—MILW.
Chicago, Rock Island and Pacific Railroad Co.
Identification marks—RI.
The Colorado and Southern Railway Co.
Identification marks—C&S
Fort Worth and Denver Railway Co.
Identification marks—FW&D
Missouri-Illinois Railroad Co.
Identification marks—M-I.
Missouri-Kansas-Texas Railroad Co.
Identification marks—MKT.
Missouri Pacific Railroad Co.
Identification marks—MP.
Soo Line Railroad Co.
Identification marks—DSA, SOO.
The Texas and Pacific Railway Co.
Identification marks—T&P, TP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (4), (5), (6), (7), (8), and (9) of this paragraph.

Burlington Northern Inc.
The Colorado and Southern Railway Co.
Fort Worth and Denver Railway Co.

(3) The following companies will be considered as one railroad in the application of subparagraphs (1), (4), (5), (6), (7), (8), and (9) of this paragraph.

Chicago & Eastern Illinois Railroad Co.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.
The Texas and Pacific Railway Co.

(4) Plain boxcars described in subparagraph (1) of this paragraph includes both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(5) Except as otherwise provided in subparagraph (4) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(6) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(7) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(8) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraph (2) or (4) of this paragraph, at a junction with the car owner.

(9) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(10) In using plain boxcars owned by railroads not listed in subparagraph (1) of this paragraph, the railroads named therein will restrict the use of such cars to traffic destined to a station closer to the car owner than the station at which the car was last loaded.

(11) In determining distances to the car owner from the points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(12) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (2) or (4) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17),

15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2794 Filed 3-1-71; 8:49 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3–2–71).

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Entrance on the refuge and the recently approved wilderness area is permitted for the purpose of bird watching, photography, nature study, hiking, and swimming during daylight hours. Shellfishing is permitted in conformance with regulations prescribed by the Town of Chatham. Tide water fishing is permitted 24 hours a day. Pets are permitted on a leash not exceeding 10 feet in length. Fires are permitted on the beach.

The refuge, comprising of 2,696 acres, the Refuge Manager, Great Meadows is delineated on a map available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, MA 01742 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 23, 1971.

[FR Doc.71-2747 Filed 3-1-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 31]

INCOME AND EMPLOYMENT TAXES

Definitions of Terms "United States," "Possession of the United States," and "Foreign Country"

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Employment Tax Regulations (26 CFR Part 31) to the amendments made by section 505 of the Tax Reform Act of 1969 (83 Stat. 634), such regulations are amended as follows:

PARAGRAPH 1. The following new sections are added immediately after § 1.632–1.

CONTINENTAL SHELF AREAS

§ 1.638 Statutory provisions; continental shelf areas.

SEC. 638. *Continental shelf areas.* For purposes of applying the provisions of this chapter (including sections 861(a)(3) and 862(a)(3) in the case of the performance of personal services) with respect to mines, oil and gas wells, and other natural deposits—

(1) The term "United States" when used in a geographical sense includes the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources; and

(2) The terms "foreign country" and "possession of the United States" when used in a geographical sense include the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the foreign country or such possession and over which the foreign country (or the United States in case of such possession) has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources, but this paragraph shall apply in the case of a foreign country only if it exercises, directly or indirectly, taxing jurisdiction with respect to such exploration or exploitation.

No foreign country shall, by reason of the application of this section, be treated as a country contiguous to the United States.

[Sec. 638 as added by sec. 505(a), Tax Reform Act 1969 (83 Stat. 634)]

§ 1.638–1 Continental shelf areas.

(a) *General rule.* For purposes of applying any provision of chapter 1, 2, 3, or 24 (including section 861(a)(3), 862(a)(3), 1441, 3402, or other provisions dealing with the performance of personal services), with respect to mines, oil and gas wells, and other natural deposits—

(1) *United States and possession of the United States.* The terms "United States" and "possession of the United States" when used in a geographical sense include the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States or such possession and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources.

(2) *Foreign country.* The term "foreign country" when used in a geographical sense includes the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the foreign country and over which such foreign country has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources, but this sentence applies only if such foreign country exercises, directly or indirectly, taxing jurisdiction with respect to such exploration or exploitation. A foreign country is not to be treated as a country contiguous to the United States by reason of the application of section 638 and this section.

(b) *Exercise of taxing jurisdiction.* For purposes of paragraph (a)(2) of this section, the exercise, directly or indirectly, of taxing jurisdiction with respect to the exploration or exploitation of natural resources is deemed to include those cases in which a foreign country—

(1) Imposes a tax upon capital assets connected with or income derived from such exploration or exploitation,

(2) Requires natural resources referred to in paragraph (a)(2) of this section to be transported to points within its landward boundaries and then levies a tax upon such natural resources or upon the income derived from the sale thereof, or

(3) Except as otherwise provided in this paragraph, exempts any person, in whole or in part for any period, from taxes imposed on income derived from such exploration or exploitation or assets connected therewith.

A foreign country which exempts any person, property, or activity engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits in the seabed or subsoil referred to in paragraph (a)(2) of this section, or the income therefrom, from taxation while not exempting within its territorial boundaries any person, property, or activity engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits, or the income therefrom, is deemed not to be exercising, directly or indirectly, taxing jurisdiction for purposes of paragraph (a)(2) of this section, unless such exemption expires not more than 10 years from the commencement of such exploration or exploitation.

(c) *Scope.* (1) For purposes of applying this section, persons, property, or activities which are engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits need not be physically upon, connected, or attached to the seabed or subsoil referred to in subparagraph (1) or (2) of paragraph (a) of this section to be deemed to be within the United States, a possession of the United States, or a foreign country, as the case may be, to the extent that the United States, a possession of the United States, or a foreign country, as the case may be, has jurisdiction over such person, property, or activities, in accordance with international law, with respect to such exploration or exploitation.

(2) Persons, property, or activities which are engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits and which are above or physically upon, connected, or attached to the seabed or subsoil referred to in subparagraph (1) or (2) of paragraph (a) of this section are generally within the United States, or a possession of the United States, as the case may be, or a foreign country if such country exercises, directly or indirectly, taxing jurisdiction with respect to such exploration or exploitation.

(d) *Natural deposits.* For purposes of this section, the term "natural deposits" means nonliving resources to which section 611(a) applies. Such term does not,

include fish, plant life, or living organisms belonging to the sedentary species (organisms which, at the harvestable state, either are immovable on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil referred to in paragraph (a) of this section). Living organisms belonging to the sedentary species include abalone, clams, king crab, and sponge.

(e) *Examples.* The application of the provisions of section 638 and this section may be illustrated by the following examples:

Example (1). A, a citizen of the United States privately employed as an engineer, is engaged in the exploitation of oil and is physically present on an offshore oil drilling platform. Such platform is affixed to the seabed of a submarine area which is adjacent to the territorial waters of foreign country X and over which that foreign country has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. Assuming that foreign country X exercises taxing jurisdiction as provided in paragraph (a) (2) of this section, A is to be treated as being in foreign country X for purposes of section 638 and this section.

Example (2). The facts are the same as in example (1) except that B, a citizen of the United States privately employed as an attorney-at-law, is physically present on such platform for the sole purpose of interviewing his client, A, whom he represents in a domestic relations matter and has no other activities on the seabed or subsoil referred to in example (1). Since B is not engaged in activities related to the exploration or exploitation of natural deposits, he is not to be treated as being in foreign country X for purposes of section 638 and this section.

Example (3). B, a nonresident alien individual privately employed as a sailor, is physically present on a ship servicing an offshore oil drilling platform which is engaged in the exploitation of oil. Such platform is affixed to the seabed of a submarine area which is adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. In such case, B is to be treated as being in the United States for purposes of section 638 and this section for that period he was on such ship when related to such exploitation and while the ship was above such seabed.

Example (4). C, a nonresident alien individual privately employed as an engineer in a foreign country, designs equipment for use on the oil drilling platform described in example (3). Although C's activities in this respect are related to the exploitation of oil in those submarine areas described in example (3), C is not treated as being in the United States for purposes of section 638 and this section by reason of such activities.

Example (5). M Corporation, a domestic corporation, chartered a ship from N Corporation, also a domestic corporation, under a time charter under which N Corporation's personnel continued to navigate and manage the ship. M Corporation equipped the ship with special oil exploration equipment and furnished its personnel to operate the equipment. The ship then commenced to explore for oil in the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of foreign country Y and over which that foreign country has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. Assuming that foreign country Y exercises taxing jurisdiction as provided in paragraph (a) (2) of this section, M and N Corporations shall be treated as being within foreign country Y for purposes of section 638 and this section for the period they, their personal property, or activities are engaged in or related to the exploration for oil in such seabed or subsoil while such ship was above such seabed and subsoil.

Example (6). The facts are the same as in example (5) except that C, a citizen of the United States, is privately employed by N Corporation as a cook and is physically present on the ship. C's sole duties consisted of cooking meals for personnel aboard such ship. In such case, as C's activities are related to the exploration for oil, C is to be treated as being in foreign country Y for purposes of section 638 and this section for the period he was aboard such ship while it was engaged in activities relating to the exploration for oil in such seabed or subsoil and while the ship was above the seabed and subsoil referred to in example (5).

Example (7). Z Corporation, a foreign corporation, entered into a contract with Y Corporation, a United States corporation, to engage in exploratory oil drilling activities on a leasehold held by Y Corporation. Such leasehold was located in the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. Since Z Corporation is engaged in and has property and activities which are engaged in and related to the exploration for oil, Z Corporation, its property, and activities are to be treated as being in the United States for purposes of section 638 and this section for that period such corporation, property, and activities were engaged in or related to the exploration for oil in such seabed or subsoil and were above or physically upon, connected, or attached to such seabed or subsoil.

§ 1.638–2 Effective date.

The specific requirements and limitations of § 1.638–1 apply on and after December 30, 1969.

PAR. 2. Section 1.1402(a)–12 is amended to read as follows:

§ 1.1402(a)–12 Possession of the United States.

For purposes of the tax on self-employment income, the term "possession of the United States", as used in section 931 (relating to income from sources within possessions of the United States) and section 932 (relating to citizens of possessions of the United States) shall be deemed not to include the Virgin Islands, Guam, or American Samoa. The provisions of section 1402(a)(9) and of this section insofar as they involve nonapplication of sections 931 and 932 to Guam or American Samoa, shall apply only in the case of taxable years beginning after 1960. For definition of the term "United States" and for other geographical definitions relating to the continental shelf see section 638 and § 1.638–1.

PAR. 3. Section 1.1441 is amended by adding immediately after § 1.1441(e) the following new subsection.

§ 1.1441 Statutory provisions; withholding of tax on nonresident aliens.

SEC. 1441. *Withholding of tax on nonresident aliens.* • • •

(f) *Continental shelf areas.* For sources of income derived from, or for services performed with respect to, the exploration or exploitation of natural resources on submarine areas adjacent to the territorial waters of the United States, see section 638.

[Sec. 1441 as amended by sec. 505(b), Tax Reform Act 1969 (83 Stat. 634)]

PAR. 4. Section 1.1441–5 is amended by revising paragraph (d) to read as follows:

§ 1.1441–5 Claiming to be a person not subject to withholding.

• • • • •

(d) *Definitions.* For determining whether an alien individual is a resident of the United States see § 1.871–2. For definition of the terms "foreign partnership" and "foreign corporation" see section 7701(a) (4) and (5) and § 301.7701–5 of this chapter. For definition of the term "United States" and for other geographical definitions relating to the continental shelf see section 638 and § 1.638–1.

PAR. 5. Section 31.3401(a)–1 is amended by inserting the following paragraph immediately after § 31.3401(a)–1(b):

§ 31.3401(a)–1 Wages.

• • • • •

(c) *Geographical definitions.* For definition of the term "United States" and for other geographical definitions relating to the continental shelf see section 638 and § 1.638–1 of this chapter.

[FR Doc.71-2829 Filed 3-1-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 90]

PROCEDURES FOR TRANSFER OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS

Notice of Proposed Rule Making

Notice is hereby given that in accordance with the provisions of section 203 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), and pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act, it is proposed that Subchapter O of Chapter I, Title 30, Code of Federal Regulations, be amended by adding Part 90, as set forth below, which provides procedures to be followed by miners, operators, and the Bureau of Mines, in relation to notification, exercise, and enforcement of the option of a miner with evidence of pneumoconiosis to transfer his position to a less dusty area of the mine.

Interested persons may submit written comments, suggestions or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

FEBRUARY 23, 1971.

Subchapter O of Chapter I, Title 30, Code of Federal Regulations, would be amended by adding the following:

PART 90—PROCEDURES FOR NOTIFICATION OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS OF OPTION TO TRANSFER POSITION; EXERCISE OF OPTION; IMPLEMENTATION OF TRANSFER; ENFORCEMENT

Subpart A—General

Sec.
90.1 Scope.
90.2 Definitions.

Subpart B—Notification to Miner

90.10 Notification by Director; contents.

Subpart C—Miner's Election of Option of Transfer

90.20 Election of option of transfer; notification.

Subpart D—Operator's Transfer of Miner

90.30 Operator's transfer of miner; requirements.
90.31 Verification of option of transfer by Director.
90.32 Transfer of miner; time requirement.
90.33 Notification to District Manager of transfer.
90.34 Compensation of transferred miner.

Subpart E—Enforcement of Miner's Option of Transfer by Bureau of Mines

90.40 Enforcement of option of transfer; notices and orders.

AUTHORITY: The provisions of this part 90 issued under sections 203 and 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173).

Subpart A—General

§ 90.1 Scope.

Section 203(a) of the Federal Coal Mine Health and Safety Act of 1969 requires the operator of a coal mine to cooperate with the Secretary of Health, Education, and Welfare in making available to each miner working in a coal mine the opportunity to have chest roentgenograms. The films of such roentgenograms shall be read and classified in a manner prescribed by the Secretary of Health, Education, and Welfare, and the Secretary of the Interior shall submit the results of these roentgenograms to each miner and advise him of his rights under the Act related thereto. Section 203(b)(1) of the Act provides that any miner who, in the judgment of the Secretary of Health, Education, and Welfare based upon such reading or other medical examinations, shows evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of such disease, where the concentration of respirable dust in the mine atmosphere is not more than 2.0 milligrams of dust per cubic meter of air. Section 203(b)(3) of the Act further provides that any miner so transferred shall receive compensation for such work at not less than the regular rate of pay received by him immediately prior to his transfer. The regulations in this Part 90 prescribe the manner by which the Director, Bureau of Mines shall notify miners of the results of chest roentgenograms and advise them of related rights; the method by which eligible miners shall exercise their option of transfer of position; the method to be followed by operators in transferring such eligible miners; and the manner in which the Director, Bureau of Mines shall enforce the option of transfer of position of eligible miners.

§ 90.2 Definitions.

As used in this Part 90:

(a) "Coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(b) "Director" means the Director, Bureau of Mines, U.S. Department of the Interior.

(c) "Miner" means any individual working in a coal mine.

(d) "Operator" means any owner, lessee, or other person who operates, controls, or supervises a coal mine.

(e) "Option of transfer" means the option afforded a miner, whose chest roentgenogram or other medical examination shows evidence of the development of pneumoconiosis, to transfer from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of pneumoconiosis, where the concentration of respirable dust in the mine atmosphere is not more than 2.0 mg/m³ of air.

(f) "Pneumoconiosis" means a chronic dust disease of the lung arising out of employment in a coal mine.

(g) "Respirable dust" means only dust particulates 5 microns or less in size.

(h) "Secretary" means the Secretary of Health, Education, and Welfare.

Subpart B—Notification to Miner

§ 90.10 Notification by Director; contents.

(a) Upon the receipt of information from the Secretary that a miner has been given a chest roentgenogram, and that such roentgenogram has been read and classified in the manner prescribed by the Secretary, the Director shall inform such miner, by letter, of the results of such roentgenogram and his rights related thereto, and shall include therewith a copy of the information received from the Secretary.

(b) When a chest roentgenogram shows, in the judgment of the Secretary, evidence of the development of pneumoconiosis, the Director shall notify the affected miner that he has the option of transfer.

Subpart C—Miner's Election of Option of Transfer

§ 90.20 Election of option of transfer; notification.

Any miner notified by the Director that he has the option of transfer, if he elects to exercise such option, shall:

(a) In writing, inform the operator by whom he is employed of his eligibility for the option of transfer and of his election to exercise such option. The miner shall include as part of his information to the operator a copy of the letter received from the Director, however, to preserve medical confidentiality the miner shall not be required to furnish the operator a copy of the information received from the Secretary and provided to the miner by the Director; and,

(b) Send a copy of the information given to the operator pursuant to paragraph (a) of this section to the Assistant Director—Coal Mine Health and Safety, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Subpart D—Operator's Transfer of Miner

§ 90.30 Operator's transfer of miner; requirements.

The operator shall (a) upon receipt, in writing, of the information from a miner required by § 90.20(a); and (b) upon receipt of a letter of verification from the Director in accordance with § 90.31, transfer the miner to such a position as is required by section 203(b) of the Act, within the time prescribed in § 90.32.

§ 90.31 Verification of option of transfer by Director.

Upon receipt by the Director, pursuant to § 90.20(b), of the copy of the information to be furnished to the operator by the miner, the Director shall send to the operator employing such miner a letter of verification notifying the operator that the miner is afforded the option of transfer and that the miner has exercised the option of transfer.

§ 90.32 Transfer of miner; time requirement.

The operator shall transfer the miner who has exercised the option of transfer as soon as practicable, but no later than 45 days from the date of the receipt by the operator of the letter of verification by the Director pursuant to § 90.31, or by such other date after the period of 45 days that the miner may indicate, in writing, to both the operator and the Director as being acceptable to the miner for such transfer.

§ 90.33 Notification to District Manager of transfer.

The operator shall immediately notify, in writing, the District Manager of the Coal Mine Health and Safety District in which the mine is located when the transfer has been accomplished. The notice shall include the name and Social Security number of the transferred miner, the name and identification number of the mine, the date of transfer, the section identification number, and the mine area and position from which the miner was transferred and the mine area and position to which the miner was transferred.

§ 90.34 Compensation of transferred miner.

Any miner transferred in accordance with the provisions of this Part 90 shall receive compensation for his work at not less than the regular rate of pay received by him immediately prior to his transfer.

Subpart E—Enforcement of Miner's Option of Transfer by Bureau of Mines

§ 90.40 Enforcement of option of transfer; notices and orders.

(a) If notification of the accomplishment of a miner's transfer is not received from the operator within the time required by § 90.32, the District Manager of the Coal Mine Health and Safety District where the mine is located shall make or cause to be made an inspection and investigation to determine whether or not the transfer of the miner has been accomplished and whether there is compliance with section 203 of the Act.

(b) If the inspection and investigation shows noncompliance with section 203 of the Act, the District Manager shall make or cause to be made appropriate findings, notices, and orders under section 104 of the Act. In no case shall a reasonable time for abatement of a violation be more than 30 days from the date of the notice of violation.

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FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 73]

[Docket No. 19153; FCC 71-156]

FORMULATION OF RULES AND POLICIES RELATING TO RENEWAL OF BROADCAST LICENSES

Notice of Inquiry and Proposed Rule Making

Introduction. 1. The Commission is reexamining in this and an associated proceeding (Docket No. 19154) its renewal processes in the commercial broadcast field. Programing is the essence of service to the public, the principal ingredient of which is the diligent, positive and continuing effort by the licensee to discover and fulfill the needs and interests of his area (En Banc Inquiry re: Programing, 25 F.R. 7291, 7295 (1960).

2. Recent experience has pointed up the need to revise our renewal policies. During the past year there has been a significant increase in the number of petitions to deny or complaints directed to license renewal applications. Many of these petitions and complaints contend that the licensee has not met the above-noted obligation. In most instances the points raised in these filings were not communicated to the licensee during the license period; indeed, little or no dialogue occurred between the petitioner and the licensee prior to the filing of the renewal application. This is a patently unsatisfactory situation.

3. The proposals set out in the following four sections are designed to remedy that situation and to promote the fulfillment of public interest obligations by the licensee. Parts II and III are applicable to broadcasting generally, Parts I and IV exclude educational broadcasters (proposals regarding revised requirements for educational broadcasters will be forthcoming shortly), with Part IV pertaining just to commercial television (a revised renewal form for commercial radio will be considered at a later date). In brief, the purpose here is to simplify the renewal process by concentrating on the essential elements, to insure a continuing dialogue on these elements between the licensee and the community, and finally, if there is to be resort to Commission processes, to provide more orderly procedures, fair to both petitioning parties and to the licensee.

4. Specifically, the proposals in this docket are designed to ensure that: (1) The licensee will remain conversant with and attentive to community problems and needs throughout the license period; (2) the licensee will make known to the public his responsibility to continually ascertain the most significant problems and needs of his service area and to present programs designed to deal with these problems and needs; (3) the public will be continually encouraged by the licensee to make comments, complaints, and suggestions regarding the operation of the station; (4) any complaints regarding the operation of a station will be communicated to the licensee immediately and every effort will be made during the license period by both the complainant and the licensee to resolve differences and problems through discussion on the local level; (5) if this dialogue is ineffective and a petition to deny the station's license renewal is filed, reasonable time periods will be provided for the petitioners to examine the license renewal application before filing the petition, for the station to reply to the petition, and for the petitioners to comment on the station's reply, with no extensions to be granted without the consent of all parties; (6) the Commission will be able to more easily determine, as one criterion in evaluating petitions to deny license renewal, the extent to which the petitioners had made a genuine effort to communicate their complaints to the licensee during the license period.

5. With respect to commercial television licensees, the Commission proposes to eliminate from the renewal form all information not essential to the Commission in making its public interest finding. The Commission also proposes that the licensee make an annual programing report needed for nationwide annual statistics; the report will include a list of community problems and concerns and programs directed thereto.

6. In its actual renewal processes for commercial television, the Commission will pay particular attention to (1) community feedback, facilitated by the proposals in this docket; (2) the applicant's actual programing during the past renewal period as compared to the programing proposed in his previous renewal application; (3) the applicant's performance during the past renewal period in the critical programing categories (e.g., local programs, news, public affairs, etc.) which are in the proposed annual report and renewal form; and (4) any information suggesting violation of the Act and/or Commission rules and policies.

7. In connection with (3) in the preceding paragraph, using the nationwide data base when it is available, the Commission will rank each station within a yet to be determined group (groupings may be determined by market, by revenues, or by a combination of factors) in each critical programing category. The parties are requested to comment on the appropriate groupings. The staff will then be instructed to closely scrutinize the renewal applications of those stations whose rankings fall below an appropriate level (e.g., 10 percent) and make a summary report of the application to the Commission. In so doing, it is not implied that all such applicants will be designated for hearing or even subject to further inquiry. Rather, the purpose of the process is, as stated, to ensure close scrutiny of all such applicants in order to delineate those whose performance is of such a borderline nature as to warrant inquiry and further showing. The grouping of stations and the levels below which stations will receive close scrutiny will, when determined by the Commission, be made a matter of public record. The Commission will also be assured that it does not, willy-nilly, renew an applicant which could not be said to meet statutory test of section 307(d).

8. As can be seen, this is a far-ranging proceeding with many facets. The Commission has, of course, reached no final conclusion on these proposals and would welcome comments and alternatives. After gaining experience with any approach adopted in this proceeding, the Commission could consider its extension to other fields. Finally, as stated at the outset, the proceeding is part of an overall inquiry, involving actions as to the survey requirements (see FCC 71-176) and in the comparative renewal hearing process (see Notice of Inquiry, FCC 71-159, 36 F.R. 3939 issued this day). The latter particularly bears on the overall renewal process, since it involves the proper balancing of the competitive spur and stability factors, to promote to a maximum extent "the public interest in the larger and more effective use of radio" (section 303(g) of the Communications Act; See NBC v. United States, 319 U.S. 190(1943)).

9. The Commission has received complaints concerning the public's right to inspect locally maintained records of the licensee required by § 1.526 of the rules. The Commission believes it important to reaffirm this vital aspect of existing renewal policy. It has, therefore, today issued a Public Notice titled "Availability of Locally Maintained Records for Inspection by Members of the Public" (FCC 71-157).

I. PROPOSED RULE MAKING TO ADOPT RULES REQUIRING BROADCAST NOTICE OF THE MANNER IN WHICH THE PUBLIC MAY EXPRESS OPINIONS ABOUT BROADCAST SERVICE AND THE MAINTENANCE OF A LOCAL PUBLIC FILE OF OPINIONS RECEIVED BY LICENSEES

1. In this section, we give notice of proposed rule making in the above-captioned matter. The Commission has consistently stated that its licensees are expected to remain conversant with community needs and problems throughout the license period. This obligation was clearly stated in the Network Programing Inquiry, 25 F.R. 7291, at 7295 (1960).[1] The broadcaster is obligated to make a positive, diligent and continuing effort, in good faith, to determine the tastes, needs, and desires of the public in his community and to provide programing to meet those needs and interests. This is a duty of the licensee and may not be delegated to others. Our proposal here is designed to better implement this all-important responsibility of the broadcast licensee.

2. The Commission notes an increase in the number of petitions to deny license renewal applications and in the number of informal complaints submitted concerning stations whose renewal applications are being processed. These petitions and objections often concern conduct of stations or incidents which occurred in the past. It is therefore apparent that there are complaints about station operation which are not communicated to licensees when the complaints arise. In its recent decision in WSM, Inc., et al., 24 F.C.C. 2d 561, at 563-4 (June 29, 1970),[2] the Commission stated that it:

> • • • does not condone the practice of community groups waiting until long after an application for renewal of license has been filed before raising any complaints they may have concerning a station's policies or program practices. Complaints concerning a licensee's hiring or employment practices should be brought to the attention of the licensee and/or Commission immediately upon their occurrence, and this can be done any time during the license period. Likewise, community groups can and should take any complaints they may have concerning a licensee's programing or program policies to the licensee at any time during the license period. Such practices should serve to encourage better relationships between the licensee and concerned community groups. The practice of waiting until long after a renewal application is filed before seeking correction of alleged past derelictions of a licensee (which it has been given no prior opportunity to consider) is disruptive of the Commission's processes.

3. To insure licensees remain conversant with and attentive to community problems throughout the license period and to promote resolution of complaints as they arise at the local level through discussion between complainant and the licensee (rather than through Commission inquiry), the Commission proposes to incorporate as § 73.1202 of its rules a requirement that a notice to the public informing them of their interest in station performance and of the appropriate manner in which to express their satisfaction or complaints with station operation be broadcast by every commercial licensee throughout the license period, except during the period from 6 months prior to expiration of the license to 30 days prior to expiration, during which time the proposed renewal application notices included in section III of this docket are being broadcast. The Commission is proposing that these announcements be aired every eighth day, but will, of course, consider written comments before making a final determination regarding the frequency of the announcements as well as their content. The announcement will include the following information:

I. For commercial radio stations:

(a) The station's call letters.

(b) A statement that the frequency on which the station operates is public property and that the station was granted on (give date of last renewal grant) a 3-year license by the Federal Communications Commission in Washington, D.C., to serve the public interest, convenience, and necessity.

(c) A statement that the Commission has indicated that service in the public interest obligates the broadcaster to make a continuing, diligent effort to determine the most significant problems and needs of his service area and to provide programing to help meet those problems and needs.

(d) A statement that to remain informed of the adequacy of its performance, the station requests its viewers or listeners to inform it of their opinions, criticisms, or suggestions.

(e) A request that comments regarding the station's performance be as specific as possible.

(f) The appropriate name and address to which comments should be mailed.

(g) A statement indicating that comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

II. For commercial television stations:

(a) The station's call letters.

(b) A statement that the frequency on which the station operates is public property and that the station was granted on (give date of last renewal grant) a 3-year license by the Federal Communications Commission in Washington, D.C., to serve the public interest, convenience, and necessity.

(c) A statement that the station is required to submit an annual filing with the Commission indicating what the licensee considered during the past year to be the most significant problems and needs of the public which he served and what programs the station aired during the year that were addressed to those problems and needs.

(d) A statement that the above filing is available for public inspection at the station's business office (or station's main location) during regular business hours. Give address and business hours.

(e) A statement that to remain informed of the adequacy of its performance, the station requests its viewers or listeners to inform it of their opinions, criticisms, or suggestions.

(f) A request that comments regarding the station's performance be as specific as possible.

(g) The appropriate name and address to which comments should be mailed.

(h) A statement indicating that comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

The differences in the announcement proposed for television from that proposed for radio results from the fact that the Commission's proposal for an annual reporting of community problems and concerns and programs that dealt with them is presently limited to television. (See section IV of this docket.) If future examination of issues related to renewal of radio licenses suggests that such annual reports should be submitted by radio stations, presumably announcements by radio and television stations would become identical. If the Commission decides to adopt this rule making before it adopts rule making requiring annual reporting for television licenses, the Commission could in the interim require television stations to air the proposed radio announcement.

5. The notices, a sample of which is set forth below as Appendix B, would be required to be made during the following time periods:

(a) For commercial television broadcast stations, between 8 p.m. and 10 p.m.

(b) For commercial AM and FM broadcast stations, between 7 p.m. and 9 a.m., but if such stations do not operate during these hours, then between 4 p.m. and 7 p.m.

The Commission welcomes comments on the above or other appropriate time periods (e.g. 6-11 p.m., 8:30-10:30 p.m.) and on whether all or merely a substantial percentage of the announcements should be required within the specified periods of maximum viewing or listening.

In the case of television broadcast stations such notice would be broadcast

[1] F.C.C. 60-970, 20 R.R. 1902.
[2] 19 R.R. 2d 476, at 479.

orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address for receiving complaints would be shown.

During the period between 30 days prior to expiration of the license and the date of license renewal, stations would broadcast every eighth day the appropriate (radio or television) announcement herein, except for the mention of the date of the last renewal grant. Commencing on the eighth day following the date of renewal, the regular announcement would be resumed and be broadcast every eighth day thereafter.

6. All written comments and suggestions received by the licensee concerning operation of the station would be maintained in a local file, available for inspection by the public, except when the person making the comment or suggestion has specifically requested that his communication not be made public or where the licensee feels that it should be excluded from availability for public inspection because of the special nature of its content, such as a defamatory or obscene letter. In accordance with § 1.526 of the Commission's rules such file would be kept for 7 years. Licensees would be required to separate written comments by subject categories to facilitate inspection by members of the public. Subject categories would include comments on technical operation; comments on advertising; comments regarding employment practices; comments complimentary of programing; comments adversely critical of programing; and comments suggesting new programing. If comments in one letter relate to more than one subject category, the correspondence is to be filed under the category which, in the licensee's judgment, receives the most attention in the letter.

7. Nothing in this proposed rule making would be construed as preventing the Commission from considering formal or informal complaints containing material and substantive matters which have been filed at any time concerning any applications submitted to the Commission.

APPENDIX A

1. Part 73, Subpart H, of the Commission's rules is amended by adding § 73.1202, to read as follows:

§ 73.1202 Public Notice of Licensee Obligations.

(a) Each licensee of a commercial AM, FM, or television station, except international or television translator stations, would make an announcement informing the public of the licensee's obligation to the public and of the appropriate method for individuals to express their opinion of the station's operation. Such announcement would be given at least once every eighth day throughout the license period except during the period from 6 months prior to expiration of the license to 30 days prior to expiration, during which time the renewal application notices in § 1.580 of this chapter would be broadcast. Such announcements would be aired during the following time periods:

(1) For commercial television broadcast stations, between 8 p.m. and 10 p.m.

(2) For commercial AM and FM broadcast stations, between 7 a.m. and 9 a.m., but if such stations do not operate during these hours, then between 4 p.m. and 7 p.m.

(b) In the case of commercial television broadcast stations, such notices would be broadcast orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address for receiving complaints would be shown.

(c) The announcement would contain the following information:

(i) For commercial radio stations:

(*a*) The station's call letters.

(*b*) A statement that the frequency on which the station operates is public property and that the station was granted on (give date of last renewal grant) a 3-year license by the Federal Communications Commission in Washington, D.C., to serve the public interest, convenience, and necessity.

(*c*) A statement that the Commission has indicated that service in the public interest obligates the broadcaster to make a continuing, diligent effort to determine the most significant problems and needs in his service area and to provide programing to help meet those problems and needs.

(*d*) A statement that to remain informed of the adequacy of its performance, the station requests its viewers or listeners to inform it of their opinions, criticisms, or suggestions.

(*e*) A request that comments regarding the station's performance be as specific as possible.

(*f*) The appropriate name and address to which comments should be mailed.

(*g*) A statement indicating that comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

(ii) For commercial television stations:

(*a*) The station's call letters.

(*b*) A statement that the frequency on which the station operates is public property and that the station was granted on (give date of last renewal grant) a 3-year license by the Federal Communications Commission in Washington, D.C., to serve the public interests, convenience, and necessity.

(*c*) A statement that the station is required to submit an annual filing with the Commission indicating what the licensee considered during the past year to be the most significant problems and needs of the public which he served and what programs the station aired during the year that were addressed to those problems and needs.

(*d*) A statement that the above filing is available for public inspection at the station's business office (or station's main location) during regular business hours. Give address and business hours.

(*e*) A statement that to remain informed of the adequacy of its performance, the station requests its viewers or listeners to inform it of their opinions, criticisms, or suggestions.

(*f*) A request that comments regarding the station's performance be as specific as possible.

(*g*) The appropriate name and address to which comments should be mailed.

(*h*) A statement indicating that comments may also be sent to the Federal Communications Commission, Washington, D.C.

(d) During the period between 30 days prior to expiration of the license and the date of license renewal, stations are to broadcast the appropriate announcement herein, except for the mention of the date of the last renewal grant. Commencing on the eighth day following the date of renewal, the regular announcement would be resumed and would be broadcast every eighth day thereafter.

(e) All written comments and suggestions received by the licensee concerning operation of the station will be maintained in a local file available for inspection by the public, except when the person making the comment or suggestion has specifically requested that his communication not be made public or where the licensee feels that it should be excluded from availability for public inspection because of the special nature of its content, such a defamatory or obscene letter. In accordance with § 1.526 of this chapter such file would be kept for 7 years. Licensees will be required to separate written comments by subject categories to facilitate inspection by members of the public. Subject categories will include comments on technical operation; comments on advertising; comments regarding employment practices; comments complimentary of programing; comments adversely critical of programing; and comments suggesting new programing. If comments in one letter relate to more than one subject category, the correspondence is to be filed under the category which, in the licensee's judgment, receives the most attention in the letter.

APPENDIX B

SAMPLE ANNOUNCEMENT FOR TELEVISION

The channel on which this station operates is public property. On (date of last renewal grant), we were granted a 3-year license by the Federal Communications Commission to operate this channel in the public interest.

Each year we are required to submit to the Commission a list of what we consider to have been the most significant problems and needs of this community during the past year and the programs we aired during the year that were addressed to those problems and needs. This filing is available for public inspection at our business office (address _____) during our regular business hours of _____ a.m. to _____ p.m., Monday through Friday.

In order that Station _____ may better serve our viewers, we request that you inform us of any opinions, criticisms, or suggestions you may have regarding our station operation. Comments or suggestions should be as specific as possible and should be mailed to (name and mailing address _____). Your letters will be made available for public inspection at our business office unless otherwise requested. Comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

SAMPLE ANNOUNCEMENT FOR RADIO

The frequency on which this station operates is public property. On (date of last renewal grant), we were granted a 3-year license by the Federal Communications Commission to operate this frequency in the public interest. We are obligated to make a continuing, diligent effort to determine the most significant problems and needs of this community and to provide programing to help meet those problems and needs.

In order that Station _____ may better serve the needs and interests of our listeners, we request that you inform us of any opinons, criticisms or suggestions you may have regarding our station operation. Comments or suggestions should be as specific as possible and should be mailed to (name and mailing address _____). Unless otherwise requested, your letter will be made available for public inspection at our business office (address _____) during our regular business hours of _____ a.m., to _____ p.m., Monday through Friday. Comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

II. PROPOSED RULE MAKING TO AMEND §§ 1.516(e)(1), 1.539(a), and 1.580 (i) and (j) OF THE COMMISSIONS'S RULES RELATING TO THE TIME FOR FILING APPLICATIONS FOR RENEWAL OF BROADCAST STATION LICENSES, PETITIONS TO DENY SUCH APPLICATIONS, OPPOSITIONS TO SUCH PETITIONS AND REPLIES TO SUCH OPPOSITIONS

1. In this section notice of proposed rule making is given in the above entitled matter. The proposals herein would amend the Commission's rules to change the deadline for filing applications for renewal of broadcast station licenses from 90 days prior to the expiration date of the license sought to be renewed to 4 months before that date. They would also provide that requests for extensions of time in which to file petitions to deny renewal applications will not be granted unless all parties concerned, including the renewal applicant, consent to such requests. Finally, they would lengthen the times in which to file oppositions to petitions to deny renewal applications and replies to such oppositions. The proposed amendments are set forth in Appendix C below. The following information and discussion explain why the Commission believes the rule changes to be necessary.

2. Prior to June 25, 1969, the Commission rules (§ 1.539) provided that applications for renewal of broadcast station licenses be filed at least 90 days before the expiration date of the license involved.[3] Applications for construction permits for new broadcast stations and for modification of construction permits and licenses of existing stations that were mutually exclusive with applications for license renewal, and petitions to deny renewal applications, could be filed at any time prior to the day of Commission grant thereof without hearing or the day of formal designation thereof for hearing. The rules (§ 1.580) also provided that after the renewal application had been filed, local public notice of the filing be published in a newspaper and broadcast over the station involved and that subsequent verification of the giving of such public notice be filed with the Commission.

3. In a rule making proceeding, Docket No. 18495, the rules were amended, effective June 25, 1969, insofar as they pertained to the filing of mutually exclusive applications and petitions to deny, and the giving of local notice of filing. The 90-day filing provision was not changed and remains in effect today. Broadcast License Renewal Applications, 20 F.C.C. 2d 191 (1969).

4. New § 1.516(e) and amended § 1.580 (i), adopted in the aforementioned proceeding, established a cutoff date after which applications mutually exclusive with renewal applications, and petitions to deny such applications, could not be filed. The cutoff date was designated as the end of the first day of the last full calendar month of the expiring license term. In the case of license renewal applications not timely filed 90 days before the expiration date, the cutoff date was established as the 60th day after the Commission gives public notice that it has accepted for filing the late-filed renewal application. The purpose of establishing a cutoff date was to provide for orderly and timely processing of renewal applications by setting a date certain, before the expiration of the license term, by which the Commission and the renewal applicant might be informed about the filing of mutually exclusive applications and formal petitions to deny.

5. New § 1.580(m), also adopted in the proceeding mentioned above, changed the local notice requirement by providing that the local notice of renewal applications be given during the 6-week period preceding the filing of the application rather than after the filing, and that verification of the giving of such public notice be filed with the Commission at the same time the renewal application is filed. The purpose of changing from a postfiling notice to a prefiling notice was to give a longer period of notice to the public and afford additional time for republication of defective notices in order to expedite processing and make for timely action on renewal applications.

6. Since the adoption of the prefiling notice rule and the cutoff date for the filing of formal petitions to deny renewal applications, community groups, from time to time, have requested extensions of time in which to file such petitions. In support of such requests, they have averred that they were engaged in discussions with the stations about such matters as their programming and employment policies and practices, that they preferred to resolve these matters by discussion, that they would file formal petitions to deny if discussions failed, and that an extension of time was therefore essential. Typically, such requests have been made at the last minute.

7. On several occasions we have expressed our views concerning such last-minute pleadings. Thus, in WSM, Incorporated, et al., 24 F.C.C. 2d 561 (1970), we referred to the 1969 amendment of the rules which provides for prefiling notification to the public, and stated, at 562:

> • • • The purpose of the publication rule is to insure that all residents and interested parties in the communities will be advised of the fact of the filing of applications and will be afforded an opportunity to submit whatever comments they may have concerning the licensee's stewardship. This rule also insures that the orderly administration of the Commission's processes will not be thwarted by the filing of belated pleadings or complaints. In this latter regard, each licensee should be afforded an opportunity to respond to allegations made against it in time to avoid undue delay in the processing of its application.

8. In the same document we also stated that we do not condone the practice of community groups waiting until long after renewal applications have been filed before registering complaints about a station's policies or program practices. We further stated that complaints about a licensee's hiring or employment practices, or programing, or programing policies should be made to the licensee or the Commission, as the case might be, during the license period, for this would encourage better community service and better relations between the licensee and community groups. The document also pointed out that the practice of making late complaints is disruptive of the Commission's processes.

9. Another expression of our views appeared in a recent memorandum opinion and order dealing with requests by community groups for extensions of time in which to file petitions to deny renewal applications of various broadcast stations serving the Chicago area, which alleged that discussions with the stations were in progress (FCC 70-1174, adopted November 2, 1970). In that document, we made the following statement (at paragraph 3):

> We have noted an increase in "last minute" filings of requests for extensions of time in circumstances like these. [Footnote omitted.] Based on our recent experience, we believe that a revision of our procedures is called for—one which will afford a better opportunity to interested persons to file a petition to deny and at the same time insure orderly and proper renewal processing. To that end, we intend to explore means which may provide a longer period of time during which renewal applications will be available for inspection and which will essentially provide that to obtain an extension of time all interested parties must join in the request.

10. In the 1969 action setting the present cutoff date 2 months after the filing date, we concluded that 60 days was sufficient for the filing of petitions to deny. Broadcast License Renewal Applications, 20 F.C.C. 2d 191. However, as indicated in the preceding paragraph, a revision appears to be necessary. We have found that many of the community groups do not have legal counsel, and

[3] An exception to this requirement was that applications for renewal of licenses for experimental or developmental broadcast stations could be filed up to 60 days before expiration.

many members of such groups are employed during day-time hours and can only examine applications on a part-time basis. We are of the view that if the time for filing renewal applications is set at 4 calendar months before expiration of license (instead of the present 90 days), and the end of the first day of the last full calendar month of the expiring license term is retained as the cutoff date for filing petitions to deny, the resulting 3-month period should be sufficient for such groups to examine renewal applications on file in the community, to discuss problems with station licensees and, if desired, to file timely petitions to deny. We are proposing to amend the rules accordingly.

11. As previously mentioned, the late-filed pleadings which we have been receiving are disruptive of the Commission processes. We believe an additional month will provide community groups interested in the performance of local stations with ample time to examine renewal applications and will thereby eliminate the necessity for seeking last-minute extensions of time. Moreover, where such requests are based on a claim of negotiations with the station, we are proposing that no extensions of time will be granted unless all parties concerned, including the renewal applicant, consent to such request.[4] The time which we are proposing would allow all interested parties a reasonable period to prepare and file petitions to deny. Absent any such filings, licensees are entitled to a prompt renewal unless problems are encountered in processing the renewal application. Coupled with the proposed publication requirements (section III of this docket), this course appears to represent a reasonable balance between necessary safeguards for the expression of the public interest by community groups and the need for orderly application processing.

12. Concerning license renewal applications that are not timely filed, present rules provide that the cutoff date for filing petitions to deny is the 60th day after the Commission gives public notice of acceptance for filing of the late-filed application (paragraph 4, supra). This means that, under the present rules, parties have about the same length of time in which to file formal petitions to deny whether the renewal application is timely or untimely filed. Since the same considerations apply, we are proposing to amend § 1.516(e)(1) to provide that in the case of late-filed applications, the cutoff date for filing petitions to deny will be the 90th day after the Commission gives public notice of acceptance for filing of the application. Thus, under the proposal, 90 days would be provided for filing petitions to deny late-filed renewal applications, and 3 calendar months would be allowed for filing petitions to deny timely filed applications.

13. In connection with the filing of petitions to deny renewal applications, another problem has come to our attention. Section 1.580(j) of the rules provides, among other things, that renewal applications have 10 days in which to file oppositions to petitions to deny, and that parties filing petitions to deny may reply to such oppositions within 5 days after the time for filing the oppositions has expired. It has been urged by applicants for renewal of license that a period of 10 days is often inadequate for preparing an opposition. Moreover, it is said that 5 days are not sufficient for preparing a reply to an opposition. It appears that there is merit to these allegations and that longer periods such as 30 and 20 instead of the present 10 and 5 days would be preferable. Additionally, in the interest of avoiding unnecessary delay in renewal processing, we believe that the time for filing replies to oppositions should run from the date of filing of the oppositions rather than (as provided in the present rules) from the date on which the time for filing oppositions has expired. Using this approach, if a renewal applicant were to file an opposition before the time for filing oppositions had expired, the time for filing a reply would commence to run from the former date. We are proposing to amend § 1.580(j) in accordance with the foregoing.

14. As we stated in paragraph 8, we believe that complaints about a station should be made to the licensee or to the Commission during the license period. Our proposal to change the filing date for renewal applications, which is designed to give local groups more time to examine renewal applications, is in no way meant to change that view. In fact, to encourage the ongoing registering of opinions about station operation during the license period, we have today adopted a notice of proposed rule making (section I of this docket) in which we invited comments on proposed rules that would require licensees to broadcast at least once every eighth day over their stations a notice to the public informing them of their interest in station performance and of the appropriate manner in which to express their satisfaction or complaints with station operation. In short, we cannot stress too strongly the importance of a continuing dialogue between station and community, rather than a triennial spirit of interest. See discussion in section I, supra, paragraph 3.

15. If after evaluating the comments and reply comments filed in this proceeding, the rules as proposed, or modification thereof, are adopted, the Commission will then give consideration to the question of what is the first group of renewal applications to which they should be applied in order to allow for an orderly transition from the old rules to the amended ones. Parties are invited to comment on this point as well as on the proposed amendments made herein.

16. Authority for the adoption of the rule amendments proposed herein is contained in sections 4(i), 303, 308, 309, and 315(a) of the Communications Act of 1934, as amended.

APPENDIX C

It is proposed that Part 1 of Chapter I of Title 47 of the Code of Federal Regulations be amended as follows:

§ 1.516 [Amended]

1. The first proviso of § 1.516(e)(1) is proposed to be amended by changing "60th" therein to "90th".

2. Section 1.539(a) is proposed to be amended to read as follows:

§ 1.539 Application for renewal of license.

(a) Unless otherwise directed by the Commission, an application for renewal of license shall be filed not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed, except that applications for renewal of license of an experimental or developmental broadcast station shall be filed not later than the first day of the second full calendar month prior to the expiration date of the license sought to be renewed. If any deadline prescribed in this paragraph falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter.

* * * * *

§ 1.580 [Amended]

3. Section 1.580(i) is proposed to be amended by deleting the period at the end of the first sentence, substituting a colon therefor, and adding after the colon a third proviso reading as follows: *"And provided further*, That requests for extension of time to file petitions to deny applications for renewal of license will not be granted unless all parties concerned, including the renewal applicant, consent to such requests."

4. Section 1.580(j) is proposed to be amended to read as follows:

(j) The applicant may file an opposition to any petition to deny, and the petitioner a reply to such opposition in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof. The times for filing such oppositions and replies shall be those provided in § 1.45 except that as to a petition to deny an application for renewal of license, an opposition thereto may be filed within 30 days after the petition to deny is filed, and the party that filed the petition to deny may reply to the opposition within 20 days after the opposition has been filed.

III. PROPOSED RULE MAKING TO AMEND § 1.580 (c), (d), AND (m) AS TO NOTICES OF THE FILING OF RENEWAL APPLICATIONS

In this section, we propose to amend § 1.580 (c), (d), and (m) of the rules to require the renewal applicant to broadcast the following announcements concerning the filing of his renewal application described herein:

The prefiling notice in Appendix D following, would be broadcast for the first time on the first day of the sixth full calendar month prior to the expiration of the license. It would be broadcast every eighth day thereafter until the renewal application has been filed with the Commission. The postfiling notice in Appendix D would then be broadcast, beginning on the date on which the renewal application has been filed. It would be broadcast every eighth day thereafter until the first day of the first calendar month prior to the expiration of the license. Both announcements would be made during the following time periods:

(a) For commercial television stations, between 8 p.m., and 10 p.m.

(b) For standard and FM broadcast stations, between 7 a.m., and 9 a.m., but if such stations do not operate during these hours, then between 4 p.m., and 7 p.m.

(c) For noncommercial educational stations, at the same time as commercial stations, except that such stations need not broadcast the announcement during any month during which the station does not operate.

In the case of television broadcast stations and noncommercial educational television stations, such notices will be broadcast orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address and the Commission's Washington address will be shown.

In the case of television broadcast stations, such notices would be broadcast orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address and the Commission's Washington address will be shown.

During the period beginning on the first day of the sixth full calendar month prior to the expiration of the license up to the date of expiration, the public notice requirements proposed in section I of this docket would be waived.

It should be noted that under the proposed amendments, the renewal applicant will no longer be required to publish in a newspaper a notice of his renewal filing.

At the time of filing his renewal application, the licensee would be required to submit a statement setting forth the date and times at which the prefiling notice included herein had been broadcast and the postfiling notice included herein would be broadcast.

The statement in the proposed announcements that further information concerning the Commission's renewal processes is available at the station reflects the Commission's intention to publish a booklet explaining renewal procedures and to require licensees to have a legible copy of the booklet available for public inspection. It is assumed that by the time this rulemaking is completed, the booklet will be ready for distribution to all licensees and that the Commission will, without another notice of proposed rulemaking, amend its rules (e.g. § 1.526) to require that one copy of the booklet be readily available to the public at any time during the station's regular business hours.

Authority for the adoption of the proposed rule is contained in sections 4(i), 303, 307, 308, 309, 311(a), and 315(a) of the Communications Act of 1934, as amended.

APPENDIX D

Section 1.580 (c), (d), and (m) of the Commission's rules is hereby amended to provide the following:

During the period beginning on the first day of the sixth full calendar month prior to the expiration of a broadcast station license to the date on which the renewal application is filed, all applicants for the renewal of station licenses shall broadcast the following announcement every eighth day:

The frequency/channel on which this station operates is public property. On (date of last renewal grant) we were granted a 3-year license by the Federal Communications Commission to operate this frequency/channel in the public interest, convenience, and necessity.

Pursuant to the provisions of the Communications Act of 1934, as amended, notice is hereby given that the broadcast license of Station (call letters, city and state) will expire on (date of expiration) and that we are required to file with the Federal Communications Commission, no later than (a date 120 days prior to the expiration date), an application for license renewal.

A copy of this application will, upon filing with the Commission, be available for public inspection at our business office (address) during our regular business hours of ——— a.m. to ——— p.m. Monday through Friday. The renewal application will include reports by this station regarding its performance during the last 3 years, analysis of complaints and suggestions we have received from the public during the past 3 years, and projections of our programing during the next 3 years.

Members of the public who desire to bring to the attention of the Federal Communications Commission facts concerning whether this station has operated in the public interest and/or facts relating to our renewal application will have until (date 30 days before expiration) to file formal comments and petitions. The Commission welcomes informal comments at any time.

Further information regarding the Commission's process of renewing broadcast licenses and deadlines for relevant filings by both broadcasters and the public is available at our business office, (address) or may be obtained from the Federal Communications Commission, Washington, D.C. 20554.

During the period beginning on the date in which the renewal application is filed to the first day of the last full calendar month prior to the expiration of the license, all applicants for the renewal of station licenses shall broadcast the following announcement every 8th day:

The frequency/channel on which this station operates is public property. On (date of last renewal grant) we were granted a 3-year license by the Federal Communications Commission to operate this frequency/channel in the public interest, convenience and necessity.

Pursuant to the provisions of the Communications Act of 1934, as amended, notice is hereby given that the broadcast license of Station (call letter, city, and state) will expire on (date of expiration) and that we have filed with the Federal Communications Commission an application for license renewal.

A copy of this application is available for public inspection at our business office (address) during our regular business hours of ------ a.m. to ------ p.m. Monday through Friday. The renewal application includes reports by this station regarding its performance during the last 3 years, analysis of complaints and suggestions we have received from the public during the past 3 years, and projections of our programing during the next 3 years.

Members of the public who desire to bring to the attention of the Federal Communications Commission facts concerning whether this station has operated in the public interest and/or facts relating to our renewal application will have until (date 30 days before expiration) to file formal comments and petitions. The Commission welcomes informal comments at any time.

Further information regarding the Commission's process of renewing broadcast licenses and deadlines for relevant filings by both broadcasters and the public is available at our business office, (address) or may be obtained from the Federal Communications Commission, Washington, D.C. 20054.

Both announcements shall be made during the following time periods:

(a) For commercial television stations, between 8 p.m., and 10 p.m.

(b) For standard and FM broadcast stations, between 7 a.m., and 9 a.m., but if such stations do not operate during these hours, then between 4 p.m., and 7 p.m.

(c) For noncommercial educational stations, at the same time as commercial stations, except that such stations need not broadcast the announcement during any month during which the station does not operate.

In the case of television broadcast stations and noncommercial educational television stations, such notices will be broadcast orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address and the Commission's Washington address will be shown.

During the period beginning on the first day of the sixth full calendar month prior to the expiration of the license up to the first day of the last full calendar month prior to renewal, the public notice requirements proposed in section I of this docket would be waived.

Authority for the adoption of the proposed rule is contained in sections 4(i), 303, 307, 308, 309, 311(a), and 315(a) of the Communications Act of 1934, as amended.

[4] Our reasons for this requirement are obvious. If the parties are engaged in good faith, serious negotiations, clearly those negotiations should continue, and possible resort to the Commission should await their outcome. It follows that a licensee engaged in such negotiations would give its consent to an extension of time, with such other safeguards as would appropriately protect the putative petitioner's right to file with the Commission, in the event the negotiations are unsuccessful. On the other hand, if the station is not interested in such negotiations, there is no reason for an extension based on a claim of negotiations, and the petition should be filed within the ample time proposed to be provided, unless a compelling showing can be made of unusual circumstances warranting a deviation from the above policy.

IV. INQUIRY AND PROPOSED RULE MAKING TO AMEND SECTION IV–B OF FORM 303 APPLICATION FOR RENEWAL OF TELEVISION STATION LICENSE AND ADOPTION OF ANNUAL REPORTING FORM FOR TELEVISION STATION LICENSEES

1. This section constitutes a notice of inquiry and proposed rule making in the above-entitled matter. Form I[6] in Attachment A would replace section IV–B of the renewal application for commercial licensees. Form II[6] in Attachment A would be filed annually.

2. The new Part IV–B of the renewal form eliminates some questions in the present form. But questions which solicit specific quantitive information have been retained and refined so that licensees would be required to break down programing of news, public affairs, and "other" by time segments similar to the way local programing has been broken down in the part (e.g., 6 p.m.–11 p.m.). Licensees would also be asked to elaborate on their programing of public affairs by indicating what network public affairs programs were offered but were not carried and what programs were aired instead.

3. When the present form was adopted in 1966, the Commission indicated that while there was general agreement on the necessity for reporting on ascertainment procedures and the station's response to community needs, there was disagreement on the details that should be required in the reporting (5 FCC 2d 178). While, as indicated in today's Public Notice (FCC 71–177) renewal applicants will now be required to apply the Primer in answering Part I of section IV–B of the current form, the Commission believes that a more appropriate method for commercial television stations to report on ascertainment might be for them to submit an annual report listing what the licensee considers were the most significant problems and needs in his service area during the preceding 12 months and listing the programs televised during that period that dealt with those problems and needs. The new public announcement proposed in Part I of this docket would refer to the annual submissions and would invite viewers to examine the lists and make comments and suggestions to the licensee. This would encourage continuous dialogue between the licensee and members of the public concerning what both consider to be the major problems and needs of the community.

4. In addition to an annual reporting of problems and needs and programs designed to meet them, television licensees would be required to submit quantitative information regarding program performance in specified program categories during the composite week announced by the Commission each July or early August. These reports, along with the lists of community problems and needs and programs directed to them, would be submitted each year on or before September 1st, and, barring unusual circumstances (e.g., a complaint filed during the license period in which the material in the annual reports is germane), would be filed without evaluation at that time by the Commission. The purpose of these reportings are: first, to provide the Commission with yearly nationwide statistics regarding television programing during a given composite week—statistics which are not now available to the Commission but which would be valuable in shaping any new policies in this area and in simply making more informed the Commission, or Congress or other interested persons; second, to enable the Commission to make a more complete evaluation of programing performance of the licensee during the past renewal period and; third, if necessary, in a comparative hearing (where upgrading during the last year of the renewal period would not be determinative in concluding that a station was providing substantial as opposed to minimal service—see 22 F.C.C. 2d 2040) to enable the Commission more readily to ascertain if programing during the first 2 years of the license period differed significantly from programing during the third year. It is important to emphasize that initiation of annual reporting would not constitute the initiation of an annual renewal process and that except in unusual circumstances, evaluation of the station's performance by the Commission would still take place only every 3 years.

5. The definitions used for "news," "public affairs," "other programs," and "local programs," would remain the same. These definitions read:

(a) "News programs" (N) include reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis, and sports news.

(b) "Public affairs programs" (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(c) "Other programs" (O) include all other programs excluding entertainment and sports.

(d) A "local program" (L) is any program originated or produced by the station, or for the production of which the station is substantially responsible, and employing live talent more than 50 percent of the time. Such a program, taped, recorded, or filmed for later broadcast shall be classified by the station as local. A local program fed to a network shall be classified by the originating station as local. All nonnetwork news programs may be classified as local. Programs primarily featuring syndicated or feature films, or other nonlocally recorded programs shall be classified as "Recorded" (REC) even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program a nonnetwork 2-minute news report is given and logged as a news program, the report may be classified as local).

Parties may comment on the above definitions in light of these proposals and indeed we specifically raise the issue whether the news and public affairs categories should not be viewed together. (See notice of inquiry (FCC 71–159), paragraph 4, 36 F.R. 3939, issued this day.)

6. While Parts I, II, and III of this docket apply equally to both television and radio licensees, this notice of inquiry and proposed rule making applies only to commercial television stations. Evaluation of section IV–A of Form 303 for commercial AM and FM renewal applicants will take place at a later date. At such time the Commission will reach a decision regarding the need for a new renewal form for radio and/or annual reporting by radio licensees.

Authority for this proposal is contained in sections 4(i), 303, 307, 308, and 315(a) of the Communications Act of 1934, as amended.

FILING PROCEDURES

All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on any or all sections of this docket on or before May 3, 1971, and reply comments on or before June 3, 1971. Comments directed toward a particular section of the docket should be labeled as such.

In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

On January 8, 1971, a petition for rule making (RM–1737) was filed by STATIC (Student Taskforce Against Telecommunication Information Concealment), a group of George Washington Law School students. The petition requested that the Commission adopt a rule which would require periodic announcements by licensees designed "to give the public effective notice of their rights vis-a-vis the licensees * * *." The material to be included in the announcement suggested in the petition is broader in scope than that in the announcement we are proposing in section III of this docket. Because the STATIC proposal is so similar in purpose to our own, we are considering the STATIC petition as a comment in this proceeding rather than issuing a separate proposed rule making regarding the STATIC petition. STATIC may of course filed additional comments if it so desires.

Adopted: February 17, 1971.

Released: February 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2720 Filed 3-1-71;8:45 am]

[6] Forms filed as part of original document.

[6] Commissioner Wells concurring in the result.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1000, 1001, 1002, 1004, 1006, 1007, 1011–1013, 1015, 1030, 1032, 1033, 1036, 1040, 1043, 1044, 1046, 1049, 1050, 1060–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1124–1134, 1136–1138]

[Docket No. AO–160–A44, etc.]

MILK IN MIDDLE ATLANTIC AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1000	(Applicable to all the following areas.)	
1004	Middle Atlantic	AO–160–A44.
1001	Massachusetts-Rhode Island-New Hampshire.	AO–14–A48.
1002	New York-New Jersey	AO–71–A61.
1006	Upper Florida	AO–356–A7.
1007	Georgia	AO–366–A6.
1011	Appalachian	AO–251–A13.
1012	Tampa Bay	AO–347–A11.
1013	Southeastern Florida	AO–286–A19.
1015	Connecticut	AO–305–A27.
1030	Chicago Regional	AO–361–A4.
1032	Southern Illinois	AO–313–A21.
1033	Ohio Valley	AO–166–A41.
1036	Eastern Ohio-Western Pennsylvania.	AO–179–A33.
1040	Southern Michigan	AO–225–A23.
1043	Upstate Michigan	AO–247–A16.
1044	Michigan Upper Peninsula	AO–299–A18.
1046	Louisville-Lexington-Evansville.	AO–123–A38.
1049	Indiana	AO–319–A17.
1050	Central Illinois	AO–355–A10.
1060	Minnesota-North Dakota	AO–360–A5.
1061	Southeastern Minnesota-Northern Iowa.	AO–367–A3.
1062	St. Louis-Ozarks	AO–10–A43.
1063	Quad Cities-Dubuque	AO–105–A32.
1064	Greater Kansas City	AO–23–A39.
1065	Nebraska-Western Iowa	AO–86–A24.
1068	Minneapolis-St. Paul	AO–178–A26
1069	Duluth-Superior	AO–155–A18
1070	Cedar Rapids-Iowa City	AO–229–A23
1071	Neosho Valley	AO–227–A25
1073	Wichita	AO–173–A25
1075	Black Hills	AO–248–A13
1076	Eastern South Dakota	AO–260–A16
1078	North Central Iowa	AO–272–A18.
1079	Des Moines	AO–295–A21.
1090	Chattanooga	AO–266–A14.
1094	New Orleans	AO–103–A31.
1096	Northern Louisiana	AO–257–A19.
1097	Memphis	AO–219–A24.
1098	Nashville	AO–184–A30.
1099	Paducah	AO–163–A26.
1101	Knoxville	AO–196–A20.
1102	Fort Smith	AO–237–A19.
1103	Mississippi	AO–346–A13.
1104	Red River Valley	AO–298–A17.
1106	Oklahoma Metropolitan	AO–210–A29.
1108	Central Arkansas	AO–243–A21.
1120	Lubbock-Plainview	AO–328–A12.
1121	South Texas	AO–364–A4.
1124	Oregon-Washington	AO–368–A3.
1125	Puget Sound	AO–226–A22.
1126	North Texas	AO–231–A36.
1127	San Antonio	AO–232–A22.
1128	Central West Texas	AO–238–A25.
1129	Austin-Waco	AO–256–A18.
1130	Corpus Christi	AO–259–A22.
1131	Central Arizona	AO–271–A14.
1132	Texas Panhandle	AO–262–A21.
1133	Inland Empire	AO–275–A22.
1134	Western Colorado	AO–301–A12.
1136	Great Basin	AO–309–A16.
1137	Eastern Colorado	AO–326–A16.
1138	Rio Grande Valley	AO–335–A17.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601, et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Washington, D.C., September 30, 1970, pursuant to notice thereof which was issued August 21, 1970 (35 F.R. 13657), and a supplemental notice issued September 25, 1970 (35 F.R. 14998).

Sixty-two orders were listed in the notice of hearing, and this decision relates to all 62 existing orders. The findings and conclusions of this recommended decision are equally applicable to all Federal milk orders and will be effectuated by the newly established general order, Part 1000.

The material issue on the record of the hearing relates to:

Whether several general terms, definitions, and other administrative provisions common to all orders should be issued in a new general order which would be applicable to all Federal milk orders.

The Dairy Division of Consumer & Marketing Service proposed and presented evidence in support of a plan to issue an order (Part 1000) containing such provisions and to amend the individual orders: (1) Adopting by reference the general provisions included in Part 1000 as if set forth in each order; (2) deleting the duplicated provisions; and (3) providing for the transfer of those operating provisions contained in any affected section of an order into other sections of the order.

The proposed Part 1000 contains six sections covering certain general definitions, employee directives, and provisions dealing with order administration.

The first section (§ 1000.1) states that the uniform provisions included in Part 1000 shall be a part of each Federal milk marketing order as if set forth in full in each order, except in any order where any such provision is expressly defined or modified otherwise.

The second section includes definitions of five general terms used in all Federal milk orders: Act, Order, Department, Secretary, and Person.

The third section deals with the designation, powers, and duties of the market administrator. Each Federal milk order describes these three areas of order administration.

The fourth section pertains to the continuity and separability of provisions of the individual orders. Each order now contains these provisions, which for the most part, are internal administrative rules and instructions to Department employees regarding procedures involved in the suspension, termination or liquidation of any or all provisions of a Federal milk marketing order.

The fifth section describes a handler's responsibility with respect to records and facilities. This section is divided into three paragraphs dealing with the maintenance, retention and availability of records and facilities. Each order now contains provisions incorporating these three requirements.

The last section (§ 1000.6) relates to the termination of obligations. This is a standard provision now contained in each of the orders, and it is being placed in the general order in that same form.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

A separate general order applicable to all milk orders (Part 1000) containing certain definitions, terms and other general administrative provisions should be adopted, and the necessary conforming amendments to the individual orders should be made.

Dairy Division witnesses presented evidence in support of the proposal. It was supported also by organizations with wide representation among milk producers and handlers.

The attorney for the National Milk Producers Federation, an organization of cooperative associations of dairy farmers and federations of such cooperative associations, indicated its support for the proposal. The cooperative members of the Federation supply milk to handlers who are regulated under one or another of the 62 Federal milk marketing orders; and in most instances, these cooperatives supply the majority of milk to handlers regulated by such orders. Another witness representing producers indicated concurrence with the proposed procedure to obtain uniformity regarding the provisions pertaining to order administration.

Only one cooperative association of producers indicated any opposition at the hearing. The cooperative objected to the nationwide hearing approach to consideration of the proposal for uniform provisions. However, the witness for the cooperative did not criticize or recommend any specific modification of the proposed uniform provisions.

A witness appearing on behalf of the Milk Industry Foundation and the International Association of Ice Cream Manufacturers, indicated that both of these organizations support the objective of promoting uniformity in administration of the order program. These organizations, however, did propose changes in the wording of certain of the proposed provisions. The Milk Industry Foundation is an international trade association representing fluid milk processors and distributors, while the International Association of Ice Cream Manufacturers also is an international trade association, representing ice cream manufacturers and distributors. In many instances, a given Federal milk order regulates milk handled by members of both organizations. In other markets, members of at least one of these two organizations are regulated.

Another handler witness also proposed changes in the specific terms to be included in the proposed general provisions.

Provisions of the type proposed for inclusion in Part 1000 are now included in the respective orders. Most of the order language for these administrative provisions has remained standard and unchanged for many years. However, a survey of current order language for these particular provisions shows that many variations in terminology exist. These differences have occurred primarily because of the passage of time and individual efforts to improve language.

The general order (Part 1000) would provide precisely uniform provisions, applicable to all orders, for each of these provisions which have the same purpose, intent, and basis in each market. Its adoption will make it possible to eliminate the possibility of confusion associated with the varying terminology for the same provision from one order to another and at the same time will avoid unnecessary repetition of the same type of provision in each individual order. In addition, removing the terminology differences will promote uniform application of these provisions which have the same basic intent and purpose in each order.

The standard provisions would be printed in a separate part of the Code of Federal Regulations and would be made a part of each milk order by reference. A copy of the general order (Part 1000), containing these standard administrative provisions, would be furnished to interested persons along with the operating provisions of an individual order to complete the individual regulatory plan for each milk market.

The dairy industry is very dynamic and has changed considerably since the Federal milk order program began. The marketing trends for milk have been toward centralization and it appears that these trends will continue into the future. Improvements in the highway system, advancement in truck refrigeration, developments in milk packages, and the overall improvement in milk quality has facilitated milk movements over wide geographic areas. Economies of scale associated with large bottling operations have made it economically sound for milk distributors to supply several metropolitan areas with milk packaged at one location.

With these changes in the field of processing, packaging, and distribution have come new methods of assembling the milk supply to meet the needs of these centralized large-scale regional bottling plants. Large regional cooperatives and federations of cooperatives have developed to supply these larger distributing plants. As the channels of distribution under these larger organizations become involved with not one or two but several Federal milk marketing orders, the work of the marketing specialist or economist for the milk dealer or cooperative becomes considerably more complicated in attempting to keep familiar with the provisions of several orders. Since a milk order is a complex legal instrument, composed of detailed definitions, terms, and provisions, small differences in the terminology of a given provision having the same intent and purpose unnecessarily adds to the workload of persons who must be familiar with the terms of several orders.

Also, the work of Government personnel involved in promulgating and administering orders is increased unnecessarily by the multiplicity of provisions. The cost of preparing and printing these standard provisions can be reduced considerably by printing a separate general order and eliminating the duplicate provisions in the individual orders. Thus, the proposed procedure will achieve important savings in the cost of administering this Government program.

The first section of Part 1000 (§ 1000.1) provides that the terms, definitions, and provisions of Part 1000 shall be common to and part of each Federal milk marketing order, except as specifically defined otherwise or modified in an individual order. While the provisions in Part 1000 normally would be the applicable provisions for each milk order, if the term, definition, or provision needs to be specifically defined otherwise in an individual order because of some unusual circumstance, the term, definition, or provision as modified in the individual order would have precedence. Since the substance of the subject provisions has remained unchanged over a long period to the present, it is not expected that such modified provisions would be a frequent occurrence. Furthermore, the main objective is to maintain uniform terms and provisions in all orders to the extent possible.

The second section includes the definitions of five general terms which are common to all milk orders. Definitions for these terms are now included in most orders. The definitions of "Act," "Secretary," and "Department" are types of definitions which should be applied uniformly throughout the milk order program since they obviously must have the same meaning.

The term "person" as defined by the statute should be used in all orders. The definition varies only in minor respects in the various orders at the present time.

None of the milk orders now defines the term "order." However, since reference is often made to this term when discussing the provisions of a particular regulation, a definition of the term would provide helpful clarification.

The third section pertains to the designation, powers, and duties of the market administrator. In all instances, market administrator means the agency for the administration of the order(s) and is not limited to an individual. This designation includes all representatives and agents performing any appropriate duties of the market administrator. Each milk order covers three distinct areas of order administration which also are provided in the language of the statute. The first two categories, pertaining to designation and powers are governed by the Act, and the language proposed for these provisions parallels the applicable language of the Act.

The third paragraph of this section deals with the duties of the market administrator. The standard duties of the market administrator include the requirement that he obtain a bond covering his performance, that he employ necessary assistants, and that he pay necessary administrative expenses from the funds provided by the order. He must also maintain records reflecting transactions provided for in the order and furnish information and reports to the Secretary regarding his administration.

One of the most important duties which each market administrator must perform is the verification of reports which handlers are required to make under the terms of each order. Initially, the market administrator must prescribe reports which will reflect information in the detail required by the particular order. He must then verify information filed on such report and ascertain whether payments required by the order have been made. The provision describing the market administrator's duty in verifying that all handlers have met their obligations under the order lists, parenthetically, the kinds of records that the market administrator is to examine in verifying reports and payments. The records named are not exclusive, but only representative, and include the kinds of records the Secretary is authorized to examine pursuant to the authority of 608d of the Act.

The investigation may entail examination of the records and facilities of others involved in transactions with the handler. While there may be variations in the methods of verification depending on the nature of plant records and operations, the objective of the verification process is the same under all orders and the responsibility of the handlers to keep records should be the same in all orders.

The proposed provision describing the market administrator's duties with respect to verification is consistent with the current interpretation and application of existing order provisions. Since in application this duty is the same for all market administrators, the description of their duties in this respect should be uniform. The proposed language outlines

such duties exercised by the market administrator in the administration of the orders.

Among the duties all market administrators must perform is the public dissemination of information about the order and milk marketed under its terms. All administrators are required to make public such information to the extent that it does not reveal confidential information. Each market administrator is expressly required also to furnish each handler with a written statement of such handler's obligation under the order promptly upon computing such obligation.

Another general duty performed by each market administrator is to announce publicly, at his discretion and by such means as he deems appropriate, unless otherwise directed by the Secretary, the name of any handler who has not complied with the terms of the order regarding reports, payments or records and facilities. This requirement also should be continued.

The fourth section deals with the "continuity and separability of provision," which are very similar in all present orders. These provisions deal with internal rules and instructions as to procedures involved with any suspension, termination, or liquidation of individual provisions of an order, or of an entire order, and should be based on uniform language applicable to all orders.

The fifth section pertains to handlers' "records and facilities." This section describes the responsibility of handlers regarding the maintenance, retention and availability of records and facilities.

The general purpose of the order provisions requiring handlers to keep records and to make their records available for examination is basically the same under each order, although the specific requirements of indiydual orders may result in variations in detail. By examination of all records relevant to a handler's obligation, the market administrator determines whether the handler has met such obligation under the order.

Each handler's obligation depends upon the use of milk he received. Section 1000.5 provides that a handler shall pay the highest class price for any amount of milk for which he does not make available proof of its use in a lower-priced class. This kind of rule, placing the "burden of proof" on the regulated handler who is obligated to the pool, is now provided in each individual order. Since it is a basic general rule applied uniformly throughout the milk order system, it is appropriately made a part of these proposed general provisions.

The types of records that a regulated handler must maintain include, but are not limited to, records of all receipts of skim milk and butterfat and the utilization of all such receipts. He must keep records of payments made pursuant to the respective order provisions. Also, since terms of individual orders vary and different records must be maintained as will reflect the different types of operations at various milk plants, each handler must be required to maintain such other specific records as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Paragraph (b) of § 1000.5 requires each handler to make available his records and facilities for examination by the market administrator. Each handler also must permit the market administrator to weigh, sample, and test milk and milk products, and to observe plant operations and equipment. The handler must make available to the market administrator such facilities as are necessary for the latter to carry out his duties with respect to verifying such handler's obligation under the terms of the applicable order. It is important that all of a handler's records be available for examination and that the market administrator's examiner be unrestrained from tracing both product pounds or units and values related thereto through the record or accounting system to the ultimate record kept by the handler. If any record is withheld, it becomes a potential hiding place for relevant information that a handler might wish to withhold from the market administrator.

Currently, some milk orders require that each handler make available records and facilities to the market administrator during the usual hours of business. This phrase, "during the usual hours of business," is ambiguous. The usual hour of business vary depending upon the particular operations in any given plant situation. For instance, even for a single plant, the bookkeeping, milk receiving, milk bottling, and inventory counting hours differ significantly. The usual hours for one plant function may be very different from the usual hours for performing some other activity. Therefore, flexibility is essential regarding the time for examining a handler's records or facilities. However, in all cases the hour of investigation must be reasonable in terms of the plant function involved in the verification process.

The last paragraph of § 1000.5 establishes a 3-year limit as the period for which a handler must retain records for examination by the market administrator. This limitation was adopted in 1949 for all milk orders than effective, on the basis of a hearing held July 30, 1947. It has been incorporated also in all orders issued since that date.

The 1947 hearing also dealt with the termination of obligations under milk orders which terms are proposed here to be included in § 1000.6. The rules established on the basis of that hearing covering termination of obligations are now included in each milk order.

The reasons for setting limits on the time period in which obligations continue and records must be retained are explained in the decision of the Secretary issued January 26, 1949 (14 F.R. 444). This decision sets forth the basis for selecting the particular limits. These limits regarding obligations and records remain unchanged.

Standardized provisions regarding the retention of records and termination of obligations were placed in the 28 milk orders affected by the 1949 decision, and the same provisions have been placed in all orders promulgated since that time. These provisions have, for all practical purposes, remained uniform and unchanged since this decision (20 years ago).

Minor changes from the provisions as proposed in the notice of hearing should be made. These changes are described in the following paragraphs.

At the hearing, confusion was expressed regarding the title of the first section of the general order. For clarification, that title is changed to "Scope and Purpose of Part 1000."

A witness, representing producers, posed two questions regarding the parenthetical phrase added at the end of § 1000.5(a)(1)(ii) as contained in the hearing notice. This phrase would place the burden of responsibility for proving any utilization other than in the highest use class on the handler who first receives the skim milk and butterfat. The questions concerned the location of this basic rule for classifying, and the word "all" in reference to the utilization of skim milk and butterfat.

It is proposed herein that this rule regarding handler responsibility appear in the introductory text of § 1000.5, and that the highest class price apply to such skim milk and butterfat for which adequate records are not maintained to establish a lower-priced use.

As proposed in the hearing notice, unless the handler who first receives skim milk and butterfat can prove the utilization of all skim milk and butterfat, all such skim milk and butterfat shall be priced in the highest priced class. This rule, as proposed, would price all skim milk and butterfat in the highest priced class even if such handler could prove the utilization of a portion of such milk in a lower class. The rule, as changed, prices only that skim milk and butterfat for which adequate records are not available to prove a lower classification in the highest priced class.

Another change places the responsibility for proof of use on the handler who is obligated for payment under the order, rather than the "first handler." This is to clarify responsibility when a cooperative acts as a handler on farm bulk tank milk. The cooperative is the first handler who receives such milk; however, under some orders the pool plant operator is obligated to the pool and determines the utilization of such milk.

A witness representing a milk handler objected to the discretion given the market administrator regarding the public announcement of handlers who are in violation of the order. However, another handler witness stated that all violations should be announced.

In some instances, a handler may be in violation of a milk order for some technical reason, perhaps one of which he is not aware. In order to avoid citing handlers who have not wilfully failed to meet their obligations under the order, it has been provided in the individual orders that the market administrator may exercise discretion in citing a handler for noncompliance. The market administrator's discretion is not unbridled but is

subject to a countermanding order by the Secretary.

Each of the existing 62 milk orders should be amended to conform with the general provisions included in Part 1000. To make the individual orders conform with the new general order, three types of conforming changes are needed. The two most significant of these conforming changes would provide, with respect to each individual order:

(1) A provision adopting by reference the provisions included in the general order; and

(2) The revocation of the provisions now included in the separate orders to be replaced by the uniform provisions of the general order.

In addition, other specific conforming changes, editorial in nature, are required in the individual orders.

The most extensive editorial change required in each order to make the individual orders conform with the new general provisions order pertains to the duties of the market administrator. The general order sets forth those duties which are the same under all milk orders. However, the individual orders now provide for some other specific duties that the market administrator necessarily performs to administer the terms and provisions of the particular order. To accommodate the new format, the paragraphs describing specific additional duties now provided for in the individual orders are retained under a new heading, "Additional Duties of the Market Administrator." Another less significant editorial change needed in each order is a revision of certain center headings.

In addition to the changes necessary in all milk orders, there are several other miscellaneous amendments to the individual orders needed to make the new general order and the individual orders conform.

In some instances the individual orders contain cross-references to sections to be revoked in the individual orders. However, in all cases, the information contained in each of the revoked sections is provided for in the new general order. In this amendment proceeding, unnecessary section references contained in the individual orders are revoked. However, if there is a continuing need for such reference in any individual order, it is changed to the applicable provision of the general order.

In several orders, the reference to the records and facilities section in the other source milk definition is revoked. This is a specific reference to a section which is now a part of the general order. This reference is not necessary.

In two orders, information regarding reports of individual producers, which was contained in the records and facilities section of the individual orders, is transferred to the reports section in the respective orders.

Another conforming change required in four orders revokes the proviso in the classification section stating that such skim milk and butterfat shall be Class I unless the handler who first received such milk proves that such milk should be classified otherwise. This basic rule for classifying milk has been transferred to the general order and is located in the introductory text of § 1000.5. Therefore, the purpose of this proviso is adequately covered in the general order and should be revoked from these four individual orders.

In one order (Part 1015), a sentence in the payments section is revoked. This sentence pertains to the billing statement furnished each handler by the market administrator showing the amounts due to and from the producer-settlement fund based on such handler's report. This information is adequately covered in the general order; therefore, this sentence is unnecessary and is revoked in the individual order.

Several orders have provisions exempting certain types of plants and handlers from the application of specific provisions of the order. Basically, these plans and handlers are subject only to the reporting and record keeping provisions of the order. Since the records and facilities section is moved to the general order, the individual orders must be amended revising the section references to reflect the records and facilities section of the new general order.

Some conforming amendments are necessary in some orders to relocate provisions pertaining to the division of responsibility between the cooperative and the pool plant operator when the cooperative acts as a handler on farm bulk tank milk. In four orders this division of responsibility is described only in a section which is being revoked. Therefore, in these four orders, this provision is repositioned in other sections.

An inadvertent error in the Texas Panhandle order, regarding the designation of paragraphs in the handler section, is being corrected at this time. The paragraphs in the handler section are redesignated as a necessary conforming change, so that the references to that section throughout the order are consistent.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the aforesaid marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1000—GENERAL PROVISIONS OF FEDERAL MILK MARKETING ORDERS

Sec.

1000.1 Scope and purpose of Part 1000.
1000.2 Definitions.
1000.3 Market administrator.
1000.4 Continuity and separability of provisions.
1000.5 Handler responsibility for records and facilities.
1000.6 Termination of obligations.

§ 1000.1 Scope and purpose of Part 1000.

This part sets forth certain terms, definitions, and provisions which shall be common to and part of each Federal milk marketing order except as specifically defined otherwise, or modified, in an individual order.

§ 1000.2 Definitions.

The following terms shall have the following meanings as used in the order:

(a) *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

(b) *Order.* "Order" means the applicable part of Title 7 of the Code of Federal Regulations issued pursuant to section 8c of the Act as a Federal milk marketing order (as amended).

(c) *Department.* "Department" means the U.S. Department of Agriculture.

(d) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(e) *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1000.3 Market administrator.

(a) *Designation.* The agency for the administration of the order shall be a market administrator selected by the Secretary and subject to removal at the Secretary's discretion. The market administrator shall be entitled to compensation determined by the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to each order under his administration:

(1) Administer the order in accordance with its terms and provisions;

(2) Make rules and regulations to effectuate the terms and provisions of the order;

(3) Receive, investigate, and report complaints of violations to the Secretary; and

(4) Recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all the duties necessary to administer the terms and provisions of each order under his administration, including, but not limited to, the following:

(1) Execute and deliver to the Secretary a bond covering himself and a bond covering any person designated by the Secretary to act in his stead. The respective bond shall be:

(i) Delivered within 45 days after he (or the acting market administrator) enters upon his duties;

(ii) Effective as of the date he (or the acting market administrator) enters upon his duties;

(iii) Conditioned upon the faithful performance of the market administrator's duties; and

(iv) In an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of persons necessary to enable him to exercise his powers and perform his duties;

(3) Pay out of funds provided by the administrative assessment, except expenses associated with functions for which the order provides a separate charge, the cost of all expenses necessarily incurred in the maintenance and functioning of his office and in the performance of his duties, including his own bond and compensation and the necessary bonds of his employees;

(4) Keep records which will clearly reflect the transactions provided for in the order, and upon request by the Secretary, surrender the records to his successor or such other person as the Secretary may designate;

(5) Furnish information and reports requested by the Secretary and submit his records to examination by the Secretary;

(6) Announce publicly at his discretion, unless otherwise directed by the Secretary, by such means as he deems appropriate, the name of any handler who, after the date upon which he is required to perform such act, has not:

(i) Made reports required by the order;

(ii) Made payments required by the order; or

(iii) Made available records and facilities as required pursuant to § 1000.5;

(7) Prescribe reports required of each handler under the order. Verify such reports and the payments required by the order by examining records (including such papers as copies of income tax reports, fiscal and product accounts, correspondence, contracts, documents or memoranda of the handler, and the records of any other persons that are relevant to the handler's obligation under the order), by examining such handler's milk handling facilities; and by such other investigation as the market administrator deems necessary for the purpose of ascertaining the correctness of any report or any obligation under the order. Reclassify skim milk and butterfat received by any handler if such examination and investigation discloses that the original classification was incorrect.

(8) Furnish each regulated handler a written statement of such handler's accounts with the market administrator promptly each month. Furnish a corrected statement to such handler if verification discloses that the original statement was incorrect; and

(9) Prepare and disseminate publicly for the benefit of producers, handlers, and consumers such statistics and other information concerning operation of the order and facts relevant to the provisions thereof (or proposed provisions) as do not reveal confidential information.

§ 1000.4 Continuity and separability of provisions.

(a) *Effective time.* The provisions of the order or any amendment to the order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of the order whenever he finds that such provision(s) obstructs or does not tend to effectuate the declared policy of the Act. The order shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

(c) *Continuing obligations.* If upon the suspension or termination of any or all of the provisions of the order, there are any obligations arising under the order, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination.

(d) *Liquidation.* (1) Upon the suspension or termination of any or all provisions of the order, the market administrator, or such other liquidating agent designated by the Secretary, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition; and

(2) If a liquidating agent is so designated, all assets and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market admininstrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

(e) *Separability of provisions.* If any provision of the order or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of the order to other persons or circumstances shall not be affected thereby.

§ 1000.5 Handler responsibility for records and facilities.

Each handler shall maintain and retain records of his operations and make such records and his facilities available to the market administrator. If adequate records of a handler, or of any other persons, that are relevant to the obligation of such handler are not maintained and made available, any skim milk and butterfat required to be reported by such handler for which adequate records are not available shall not be considered accounted for or established as used in a class other than the highest priced class.

(a) *Records to be maintained.* (1) Each handler shall maintain records of his operations (including, but not limited to, records of purchases, sales, processing, packaging, and disposition) as are necessary to verify whether such handler has any obligation under the order, if so, the amount of such obligation. Such records shall be such as to establish for each plant or other receiving point for each month:

(i) The quantities of skim milk and butterfat contained in, or represented by, products received in any form, including inventories on hand at the beginning of the month, according to form, time, and source of each receipt;

(ii) The utilization of all skim milk and butterfat showing the respective

quantities of such skim milk and butterfat in each form disposed of or on hand at the end of the month; and

(iii) Payments to producers, dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

(2) Each handler shall keep such other specific records as the market administrator deems necessary to verify or establish such handler's obligation under the order.

(b) *Availability of records and facilities.* Each handler shall make available all records pertaining to such handler's operations and all facilities the market administrator finds are necessary for such market administrator to verify the information required to be reported by the order and/or to ascertain such handler's reporting, monetary or other obligation under the order. Each handler shall permit the market administrator to weigh, sample, and test milk and milk products and observe plant operations and equipment and make available to the market administrator such facilities as are necessary to carry out his duties.

(c) *Retention of records.* All records required under the order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such records pertain. If, within such 3-year period, the market administrator notifies the handler in writing that the retention of such records, or of specified records, is necessary in connection with a proceeding under section 3c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such records, or specified records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1000.6 Termination of obligations.

The provisions of this section shall apply to any obligation under the order for the payment of money:

(a) Except as provided in paragraphs (b) and (c) of this section, the obligation of any handler to pay money required to be paid under the terms of the order shall terminate 2 years after the last day of the month during which the market administrator receives the handler's report of receipts and utilization on which such obligation is based, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such written notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) on which such obligation is based; and

(3) If the obligation is payable to one or more producers or to a cooperative association (except an obligation to be prorated to producers under an individual handler pool), the name of such producer(s) or such cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under the order, to make available to the market administrator all records required by the order to be made available, the market administrator may notify the handler in writing, within the 2-year period provided for in paragraph (a) of this section, of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such records pertaining to such obligation are made available to the market administrator;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under the order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Unless the handler files a petition pursuant to section 8c(15)(A) of the Act and the applicable rules and regulations (7 CFR 900.50 et seq.) within the applicable 2-year period indicated below, the obligation of the market administrator:

(1) To pay a handler any money which such handler claims to be due him under the terms of the order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim was received; or

(2) To refund any payment made by a handler (including a deduction or offset by the market administrator) shall terminate 2 years after the end of the month during which payment was made by the handler.

PART 1001—MILK IN THE MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1001.1, 1001.5, 1001.6, 1001.30, 1001.31, 1001.44, 1001.45, 1001.90, 1001.91, 1001.92, 1001.93, 1001.94, 1001.95, 1001.96, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1001.1 is added as follows:

§ 1001.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1001.32 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1001.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * * *

5. In § 1001.42 a new paragraph (e) is added as follows:

§ 1001.42 Reports regarding individual producers and dairy farmers.

* * * * * *

(e) Each handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for the month, which shall show for each producer:

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, with the prices, deductions, and charges involved.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1002.1, 1002.2, 1002.4, 1002.20, 1002.21, 1002.33, 1002.34, 1002.43, 1002.91, 1002.92 1002.93, 1002.94, 1002.95, and the center heading "Miscellaneous" are revoked.

3. A new § 1002.1 is added as follows:

§ 1002.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1002.12(e) the reference to "§ 1002.33" is changed to "§ 1000.5".

5. In § 1002.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1002.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * * *

PART 1004—MILK IN MIDDLE ATLANTIC MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1004.1, 1004.2, 1004.3, 1004.4, 1004.20, 1004.21, 1004.32, 1004.33, 1004.43, 1004.89a, 1004.90, 1004.91, 1004.92, 1004.93, 1004.100, 1004.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions," are revoked.

3. A new § 1004.1 is added as follows:

§ 1004.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1004.22 paragraphs (a) through (i) are revoked and the section title and introductory text are revised as follows:

§ 1004.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * * *

6. In § 1006.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1006.1, 1006.2 1006.3, 1006.4, 1006.20, 1006.21, 1006.33, 1006.34, 1006.80, 1006.90, 1006.91, 1006.92, 1006.93, 1006.100, 1006.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1006.1 is added as follows:

§ 1006.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1006.17, the reference "pursuant to § 1006.33" is revoked.

5. In § 1006.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1006.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * * *

6. In § 1006.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1007—MILK IN GEORGIA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1007.1, 1007.2, 1007.3, 1007.4, 1007.25, 1007.26, 1007.33, 1007.34, 1007.80, 1007.90, 1007.91, 1007.92, 1007.93, 1007.100, 1007.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1007.1 is added as follows:

§ 1007.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1007.17, the reference "pursuant to § 1007.33" is revoked.

5. In § 1007.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1007.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * * *

6. In § 1007.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1011—MILK IN APPALACHIAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1011.1, 1011.2, 1011.3, 1011.4, 1011.20, 1011.21, 1011.33, 1011.34, 1011.43, 1011.73, 1011.99, 1011.100, 1011.101, 1011.102, 1011.103, 1011.110, 1011.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1011.1 is added as follows:

§ 1011.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1011.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1011.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * * *

PART 1012—MILK IN TAMPA BAY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1012.1, 1012.2, 1012.3, 1012.4, 1012.20, 1012.21, 1012.33, 1012.34, 1012.80, 1012.90, 1012.91, 1012.92, 1012.93, 1012.100, 1012.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1012.1 is added as follows:

§ 1012.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1012.17, the reference "pursuant to § 1012.33" is revoked.

5. In § 1012.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1012.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * * *

6. In 1012.40 the proviso is revoked and the colon preceding the proviso is changed to a period.

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1013.1, 1013.2, 1013.3, 1013.4, 1013.25, 1013.26, 1013.32, 1013.33, 1013.43, 1013.74, 1013.87, 1013.100, 1013.101, 1013.102, 1013.103, 1013.110, 1013.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1013.1 is added as follows:

§ 1013.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1013.17, the reference "pursuant to § 1013.32" is revoked.

5. In § 1013.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1013.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * * *

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1015.1, 1015.5, 1015.6, 1015.30, 1015.31, 1015.44, 1015.45, 1015.90, 1015.91, 1015.92, 1015.93, 1015.94, 1015.95, 1015.96 and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1015.1 is added as follows:

§ 1015.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1015.32 paragraphs (a) through (f) and paragraphs (h) through (j) are revoked, and the section title and introductory text are revised as follows:

§ 1015.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1015.42 a new paragraph (d) is added as follows:

§ 1015.42 Reports regarding individual producers.

* * * * *

(d) Each handler under § 1015.9 (a), (c), and (d) shall submit to the market administrator, within 5 days after his request made not earlier than 22 days after the end of the month, his producer payroll for the month, which shall show for each producer or with respect to producer milk received from a cooperative association in its capacity as a handler under § 1015.9(d):

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, or cooperative association with the prices, deductions, and charges involved.

6. In § 1015.80 the last sentence is revoked.

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1030.1, 1030.2, 1030.3, 1030.4, 1030.20, 1030.21, 1030.32, 1030.33, 1030.43, 1030.89, 1030.90, 1030.91, 1030.92, 1030.93, 1030.100, 1030.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new §1030.1 is added as follows:

§ 1030.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1030.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1030.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1032.1, 1032.2, 1032.3, 1032.4, 1032.20, 1032.21, 1032.34, 1032.35, 1032.42, 1032.72, 1032.90, 1032.100, 1032.101, 1032.102, 1032.103, 1032.104, 1032.105, and the center headings "Termination of Obligations" and "Miscellaneous Provisions" are revoked.

3. A new § 1032.1 is added as follows:

§ 1032.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1032.22 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1032.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1033—MILK IN OHIO VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1033.1, 1033.2, 1033.3, 1033.4, 1033.25, 1033.26, 1033.32, 1033.33, 1033.44, 1033.80, 1033.81, 1033.82, 1033.83, 1033.90, 1033.91, 1033.92 and the center headings "Effective Time and Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1033.1 is added as follows:

§ 1033.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1033.18 the reference "pursuant to § 1033.32" is revoked.

5. In § 1033.27 paragraphs (a) through (j) and subparagraph (1) of paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1033.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1036.1, 1036.2, 1036.3, 1036.4, 1036.25, 1036.26, 1036.33, 1036.34, 1036.63, 1036.79, 1036.90, 1036.91, 1036.92, 1036.93, 1036.100, 1036.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1036.1 is added as follows:

§ 1036.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1036.17 the reference "pursuant to § 1036.33" is revoked.

5. In § 1036.27 paragraphs (a) through (g) and paragraphs (i) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1036.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1036.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Handler Reports, Records, and Facilities" to "Reports."

2. Sections 1040.1, 1040.2, 1040.3, 1040.4, 1040.25, 1040.26, 1040.32, 1040.33, 1040.67, 1040.100, 1040.101, 1040.102, 1040.103, 1040.104, 1040.110, 1040.111, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1040.1 is added as follows:

§ 1040.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1040.27 paragraphs (a) through (f) and paragraphs (h) through (j) are revoked, and the section title and introductory text are revised as follows:

§ 1040.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties.

* * * * *

5. Section 1040.44 is revised as follows:

§ 1040.44 Bulk deliveries by a cooperative association.

Milk in bulk delivered by a cooperative association as a handler under § 1040.7 (c) or from the pool plant of a cooperative association to a handler's pool plant shall be classified according to use or disposition by the latter handler and the value thereof at the class prices shall be included in his net pool obligation pursuant to § 1040.60.

6. Section 1040.90 is revised as follows:

§ 1040.90 Handler exemption.

Only §§ 1040.31 and 1000.5 of this chapter, as incorporated by § 1040.1, shall apply to a handler who operates a plant, other than a plant described in § 1040.16 (b), located outside the marketing area from which fluid milk products are disposed of within the marketing area on a route(s) but from which the disposition of fluid milk products on all routes operated wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers.

7. In § 1040.91 paragraph (a) is revised as follows:

§ 1040.91 Handlers subject to other Federal orders.

(a) Only § 1040.31, paragraph (b) of this section, and § 1000.5 of this chapter, as incorporated by § 1040.1, shall apply to a handler who operates a plant at which during the month milk is fully subject to the classification, pricing, and payment provisions of another order issued pursuant to the Act and the disposition of fluid milk products, except filled milk, if the other Federal marketing area exceeds that in the Southern Michigan marketing area.

* * * * *

8. Section 1040.92 is revised as follows:

§ 1040.92 Producer handler exemption.

Only §§ 1040.31 and 1000.5 of this chapter, as incorporated by § 1040.1, shall apply to a producer-handler.

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1043.1, 1043.2, 1043.3, 1043.4, 1043.20, 1043.21, 1043.34, 1043.35, 1043.44, 1043.64, 1043.78, 1043.90, 1043.91, 1043.92, 1043.93, 1043.100, 1043.101, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1043.1 is added as follows:

§ 1043.1 General provisions.

The terms, definitions, and provisions in Part 1000 or this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1043.22 paragraphs (a) through (h) are revoked, and the section title and introductory text are revised as follows:

§ 1043.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. Section 1043.81 is revised as follows:

§ 1043.81 Producer-handler exemption.

Only §§ 1043.32 and 1000.5 of this chapter, as incorporated by § 1043.1, shall apply to a producer-handler.

6. Section 1043.82 is revised as follows:

§ 1043.82 Handler exemption.

Only §§ 1043.33 and 1000.5 of this chapter, as incorporated by § 1043.1, shall apply to a handler who operates a plant from which an average of less than 100 points (one point being defined as one pint of half-and-half or one quart of any other Class I product) of Class I milk per day is disposed of in the marketing area during the month on routes.

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1044.1, 1044.2, 1044.3, 1044.4, 1044.20, 1044.21, 1044.34, 1044.35, 1044.44, 1044.64, 1044.75, 1044.90, 1044.91, 1044.92, 1044.93, 1044.100, 1044.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1044.1 is added as follows:

§ 1044.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1044.22 paragraphs (a) through (h) are revoked, and the section title and introductory text are revised as follows:

§ 1044.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. Section 1044.80 is revised as follows:

§ 1044.80 Producer-handler exemption.

Only §§ 1044.33 and 1000.5 of this chapter, as incorporated by § 1044.1, shall apply to a producer handler.

6. Section 1044.81 is revised as follows:

§ 1044.81 Exempt handler.

Only §§ 1044.33 and 1000.5 of this chapter, as incorporated by § 1044.1, shall apply to a handler who operates a fluid milk plant, of the type specified in § 1044.8(a), located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s).

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1046.1, 1046.2, 1046.3, 1046.4, 1046.20, 1046.21, 1046.33, 1046.34, 1046.43, 1046.89, 1046.90, 1046.91, 1046.92, 1046.93, 1046.100, 1046.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1046.1 is added as follows:

§ 1046.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1046.22 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1046.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1049—MILK IN INDIANA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1049.1, 1049.2, 1049.3, 1049.4, 1049.25, 1049.26, 1049.33, 1049.34, 1049.43, 1049.87, 1049.90, 1049.91, 1049.92, 1049.93, 1049.100, 1049.101, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1049.1 is added as follows:

§ 1049.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1049.27 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1049.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1050.1, 1050.2, 1050.3, 1050.4, 1050.20, 1050.21, 1050.34, 1050.35, 1050.42, 1050.72, 1050.90, 1050.100, 1050.101, 1050.102, 1050.103, 1050.104, 1050.105, and the center headings "Termination of Obligations" and "Miscellaneous Provisions" are revoked.

3. A new § 1050.1 is added as follows:

§ 1050.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1050.22 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1050.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1060—MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1060.1, 1060.4, 1060.6, 1060.7, 1060.30, 1060.31, 1060.38, 1060.39, 1060.43, 1060.89, 1060.90, 1060.91, 1060.92, 1060.93, 1060.100, 1060.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1060.1 is added as follows:

§ 1060.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1060.32 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1060.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c), of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1061.1, 1061.2, 1061.3, 1061.4, 1061.20, 1061.21, 1061.32, 1061.33, 1061.43, 1061.93, 1061.94, 1061.95, 1061.100, 1061.101, 1061.102, 1061.103, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1061.1 is added as follows:

§ 1061.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1061.22 paragraphs (a) through (g) are revoked, and paragraph (i), the section title and introductory text are revised as follows:

§ 1061.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

(i) On or before the 12th day after the end of each month, announce the uniform price computed pursuant to § 1061.71 and the producer butterfat differential pursuant to § 1061.81.

* * * * *

PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definition" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1062.1, 1062.2, 1062.3, 1962.4, 1062.20, 1062.21, 1062.33, 1062.34, 1062.43, 1062.72, 1062.89, 1062.90, 1062.91, 1062.92, 1062.93, 1062.94, 1062.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1062.1 is added as follows:

§ 1062.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1062.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1062.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1063.1, 1063.2, 1063.3, 1063.4, 1063.20, 1063.21, 1063.32, 1063.33, 1063.43, 1063.89, 1063.90, 1063.91, 1063.92, 1063.93, 1063.94, 1063.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1063.1 is added as follows:

§ 1063.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1063.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1063.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1064.1, 1064.2, 1064.3, 1064.4, 1064.20, 1064.21, 1064.33, 1064.34, 1064.43, 1064.89, 1064.90, 1064.91, 1064.92, 1064.93, 1064.100, 1064.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1064.1 is added as follows:

§ 1064.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1064.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1064.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1065.1, 1065.2, 1065.3, 1065.4, 1065.20, 1065.21, 1065.33, 1065.34, 1065.43, 1065.74, 1065.87, 1065.90, 1065.91, 1065.92, 1065.93, 1065.94, 1065.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1065.1 is added as follows:

§ 1065.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1065.15, the reference "pursuant to § 1065.33" is revoked.

5. In § 1065.22 revoke paragraphs (a) through (i) and revise the section title and introductory text as follows:

§ 1065.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1065.61 the introductory text is revised as follows:

§ 1065.61 Plants subject to other Federal orders.

Only §§ 1065.32, 1000.5 of this chapter, as incorporated by § 1065.1, and paragraph (c) of this section shall apply to a handler with respect to the operation of plants described in paragraphs (a) or (b) of this paragraph.

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1068.1, 1068.2, 1068.3, 1068.5, 1068.6, 1068.20, 1068.21, 1068.33, 1068.34, 1068.43, 1068.73, 1068.93, 1068.94, 1068.100, 1068.101, 1068.102, 1068.103, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1068.1 is added as follows:

§ 1068.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1068.22 paragraphs (a) through (f) are revoked, and the section title and introductory text are revised as follows:

§ 1068.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In the introductory paragraph of § 1068.62, the reference "§ 1068.33" is changed to "§ 1000.5 of this chapter."

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1069.1, 1069.2, 1069.3, 1069.4, 1069.20, 1069.21, 1069.33, 1069.34, 1069.43, 1069.72, 1069.89, 1069.90, 1069.91, 1069.92, 1069.93, 1069.94, 1069.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1069.1 is added as follows:

§ 1069.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1069.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1069.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1070.1, 1070.2, 1070.3, 1070.4, 1070.20, 1070.21, 1070.32, 1070.33, 1070.43, 1070.89, 1070.90, 1070.91, 1070.92, 1070.93, 1070.100, 1070.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1070.1 is added as follows:

§ 1070.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1070.22 paragraphs (a) through (j) are revoked, and the section title and introductory text are revised as follows:

§ 1070.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1071.1, 1071.2, 1071.3, 1071.4, 1071.20, 1071.21, 1071.33, 1071.34, 1071.43, 1071.98, 1071.100, 1071.101, 1071.102, 1071.103, 1071.110, 1071.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1071.1 is added as follows:

§ 1071.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1071.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1071.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1073.1, 1073.2, 1073.3, 1073.4, 1073.20, 1073.21, 1073.33, 1073.34, 1073.43, 1073.72, 1073.89, 1073.90, 1073.91, 1073.92, 1073.93, 1073.94, 1073.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1073.1 is added as follows:

§ 1073.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1073.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1073.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1075—MILK IN BLACK HILLS, S. DAK., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1075.1, 1075.2, 1075.3, 1075.4, 1075.25, 1075.26, 1075.32, 1075.33, 1075.43, 1075.74, 1075.89, 1075.90, 1075.91, 1075.92, 1075.93, 1075.94, 1075.95, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1075.1 is added as follows:

§ 1075.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1075.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1075.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1076.1, 1076.2, 1076.3, 1076.4, 1076.25, 1076.26, 1076.33, 1076.34, 1076.43, 1076.76, 1076.86, 1076.100, 1076.101, 1076.102, 1076.103, 1076.104, 1076.105, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1076.1 is added as follows:

§ 1076.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1076.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1076.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1076.61 the introductory text is revised as follows:

§ 1076.61 Plants subject to other Federal orders.

Only §§ 1076.32, 1000.5 of this chapter, as incorporated by § 1076.1, and paragraph (c) of this section shall apply to a handler with respect to the operation of plants described in paragraph (a) or (b) of this section.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1078.1, 1078.2, 1078.3, 1078.4, 1078.20, 1078.21, 1078.32, 1078.33, 1078.43, 1078.86, 1078.90, 1078.91, 1078.92, 1078.93, 1078.100, 1078.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1078.1 is added as follows:

§ 1078.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1078.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1078.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1079.1, 1079.2, 1079.3, 1079.4, 1079.25, 1079.26, 1079.32, 1079.33, 1079.43, 1079.89, 1079.90, 1079.91, 1079.92, 1079.93, 1079.100, 1079.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1079.1 is added as follows:

§ 1079.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1079.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1079.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1090.1, 1090.2, 1090.4, 1090.19, 1090.25, 1090.26, 1090.32, 1090.33, 1090.43, 1090.75, 1090.87, 1090.100, 1090.101, 1090.102, 1090.103, 1090.110, 1090.111, and center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1090.1 is added as follows:

§ 1090.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In §1090.27 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1090.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1094.1, 1094.2, 1094.3, 1094. 5, 1094.20, 1094.21, 1094.34, 1094.35, 1094.43, 1094.77, 1094.87, 1094.100, 1094.101, 1094.102, 1094.103, 1094.110, 1094.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1094.1 is added as follows:

§ 1094.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1094.16 the reference "pursuant to § 1094.34" is revoked.

5. In § 1094.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1094.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. Section 1094.60 is revised as follows:

§ 1094.60 Producer-handler exemption.

Only §§ 1094.32 and 1000.5 of this chapter, as incorporated by § 1094.1, shall apply to a producer-handler.

7. The introductory text of § 1094.63 is revised as follows:

§ 1094.63 Plants subject to other Federal orders.

Only §§ 1094.32 and 1000.5 of this chapter, as incorporated by § 1094.1, and paragraph (c) of this section shall apply to a handler operating a plant specified in paragraph (a) or (b) of this section.

* * * * *

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1096.1, 1096.2, 1096.3, 1096.4, 1096.25, 1096.26, 1096.33, 1096.34, 1096.43, 1096.87, 1096.90, 1096.91, 1096.92, 1096.93, 1096.94, 1096.95, and the center hearing "Miscellaneous Provisions" are revoked.

3. A new § 1096.1 is added as follows:

§ 1096.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1096.27 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1096.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1097.1, 1097.2, 1097.3, 1097.4, 1097.20, 1097.21, 1097.32, 1097.33, 1097.43, 1097.98, 1097.100, 1097.101, 1097.102, 1097.103, 1097.110, 1097.111, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1097.1 is added as follows:

§ 1097.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1097.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1097.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1098.1, 1098.2, 1098.3, 1098.4, 1098.20, 1098.21, 1098.33, 1098.34, 1098.43, 1098.73, 1098.88, 1098.100, 1098.101, 1098.102, 1098.103, 1098.104, 1098.105, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1098.1 is added as follows:

§ 1098.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1098.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1098.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1099.1, 1099.2, 1099.3, 1099.4, 1099.20, 1099.21, 1099.33, 1099.34, 1099.42, 1099.89, 1099.90, 1099.91, 1099.92, 1099.93, 1099.100, 1099.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1099.1 is added as follows:

§ 1099.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1099.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1099.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1101.1, 1101.2, 1101.3, 1101.4, 1101.20, 1101.21, 1101.32, 1101.33, 1101.43, 1101.73, 1101.89, 1101.100, 1101.101, 1101.102, 1101.103, 1101.110, 1101.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1101.1 is added as follows:

§ 1101.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

§ 1101.22 Additional duties of the market administrator.

* * * * *

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1102.1, 1102.2, 1102.3, 1102.4, 1102.20, 1102.21, 1102.33, 1102.34, 1102.43, 1102.85, 1102.100, 1102.101, 1102.102, 1102.103, 1102.110, 1102.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1102.1 is added as follows:

§ 1102.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1102.22 paragraphs (a) through (h) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1102.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1103.1, 1103.2, 1103.3, 1103.4, 1103.20, 1103.21, 1103.33, 1103.34, 1103.43, 1103.100, 1103.105, 1103.106, 1103.107, 1103.108, 1103.109, 1103.110, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1103.1 is added as follows:

§ 1103.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1103.22 paragraphs (a) through (h) and paragraphs (k) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1103.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1104.1, 1104.2, 1104.3, 1104.5, 1104.25, 1104.26, 1104.33, 1104.34, 1104.43, 1104.87, 1104.90, 1104.91, 1104.92, 1104.93, 1104.100, 1104.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1104.1 is added as follows:

§ 1104.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1104.27 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1104.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1106.1, 1106.2, 1106.3, 1106.4, 1106.20, 1106.21, 1106.33, 1106.34, 1106.43, 1106.89, 1106.90, 1106.91, 1106.92, 1106.93, 1106.100, 1106.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1106.1 is added as follows:

§ 1106.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1106.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1106.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1108.1, 1108.2, 1108.3, 1108.5, 1108.25, 1108.26, 1108.32, 1108.33, 1108.43, 1108.75, 1108.87, 1108.100, 1108.101, 1108.102, 1108.103, 1108.110, 1108.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1108.1 is added as follows:

§ 1108.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1108.27 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title, introductory text, and paragraph (i) are revised as follows:

§ 1108.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

(i) On or before the 11th day after the end of each of the months March through July, the market administrator shall notify each handler of the amount of base milk and excess milk received from each producer.

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1120.1, 1120.2, 1120.3, 1120.4, 1120.25, 1120.26, 1120.32, 1120.33, 1120.43, 1120.88, 1120.90, 1120.91, 1120.92, 1120.93, 1120.94, 1120.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1120.1 is added as follows:

§ 1120.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1120.16 the reference "pursuant to § 1120.32" is revoked.

5. In § 1120.27 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1120.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1121—MILK IN SOUTH TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1121.1, 1121.2, 1121.3, 1121.4, 1121.20, 1121.21, 1121.33, 1121.34, 1121.43, 1121.89, 1121.90, 1121.91, 1121.92, 1121.93, 1121.100, 1121.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1121.1 is added as follows:

§ 1121.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1121.17 the reference "pursuant to § 1121.33" is revoked.

5. In § 1121.22 paragraphs (a) through (h) and paragraphs (j) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1121.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1124—MILK IN OREGON-WASHINGTON MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1124.1, 1124.2, 1124.3, 1124.4, 1124.20, 1124.21, 1124.33, 1124.34, 1124.43, 1124.88, 1124.90, 1124.91, 1124.92, 1124.93, 1124.100, 1124.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1124.1 is added as follows:

§ 1124.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1124.14 the reference "pursuant to § 1124.33" is revoked.

5. In § 1124.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title, introductory text, and paragraph (j) are revised as follows:

§ 1124.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

(j) On or before the 14th day after the end of each month report to each cooperative association which so requests the amount and class utilization of producer milk delivered from members of such association to each proprietary handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

* * * * *

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions," "Reports, Records, and Facilities" to "Reports," and "Miscellaneous Provisions" to "Class I Base Provisions."

2. Sections 1125.1, 1125.2, 1125.3, 1125.4, 1125.20, 1125.21, 1125.33, 1125.34, 1125.43, 1125.89, 1125.90, 1125.91, 1125.92, 1125.93, 1125.100, 1125.101, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1125.1 is added as follows:

§ 1125.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1125.14(e) the reference to "§ 1125.33" is changed to "§ 1000.5".

5. In § 1125.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1125.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. The introductory text of § 1125.66 is revised as follows:

§ 1125.66 Plants subject to other Federal orders.

Only §§ 1125.30(e), 1125.32, paragraph (c) of this section, and § 1000.5, as incorporated by § 1125.1, shall apply to a handler with respect to the operation of plants described as follows:

* * * * *

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1126.1, 1126.2, 1126.3, 1126.4, 1126.25, 1126.26, 1126.33, 1126.34, 1126.43, 1126.98, 1126.100, 1126.101, 1126.102, 126.103, 1126.110, 1126.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1126.1 is added as follows:

§ 1126.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1126.27 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1126.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1127.1, 1127.2, 1127.3, 1127.20, 1127.21, 1127.33, 1127.34, 1127.43, 1127.89, 1127.90, 1127.91, 1127.92, 1127.93, 1127.100, 1127.101 and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1127.1 is added as follows:

§ 1127.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1127.22 paragraphs (a) through (h) and paragraph (k) are revoked and the section title and introductory text are revised as follows:

§ 1127.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1128.1, 1128.2, 1128.3, 1128.4, 1128.20, 1128.21, 1128.33, 1128.34, 1128.43, 1128.99, 1128.100, 1128.101, 1128.102, 1128.103, 1128.110, 1128.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1128.1 is added as follows:

§ 1128.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1128.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1128.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1129—MILK IN AUSTIN-WACO, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1129.1, 1129.2, 1129.3, 1129.4, 1129.25, 1129.26, 1129.33, 1129.34, 1129.43, 1129.96, 1129.100, 1129.101, 1129.102, 1129.103, 1129.110, 1129.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1129.1 is added as follows:

§ 1129.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1129.27 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1129.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1130.1, 1130.2, 1130.3, 1130.4, 1130.20, 1130.21, 1130.33, 1130.34, 1130.43, 1130.89, 1130.90, 1130.91, 1130.92, 1130.93, 1130.100, 1130.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1130.1 is added as follows:

§ 1130.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1130.22 paragraphs (a) through (h) and paragraphs (j) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1130.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1131.1, 1131.2, 1131.3, 1131.4, 1131.20, 1131.21, 1131.32, 1131.33, 1131.43, 1131.74, 1131.87, 1131.100, 1131.101, 1131.102, 1131.103, 1131.110, 1131.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1131.1 is added as follows:

§ 1131.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1131.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1131.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1132.1, 1132.2, 1132.3, 1132.4, 1132.25, 1132.26, 1132.32, 1132.33, 1132.43, 1132.90, 1132.100, 1132.101, 1132.102, 1132.103, 1132.110, 1132.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1132.1 is added as follows:

§ 1132.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1132.12 the paragraphs are redesignated as follows: "paragraph (b)" is "paragraph (a–1)"; "paragraph (c)" is "paragraph (b)"; "paragraph (d)" is "paragraph (c)"; "paragraph (e)" is "paragraph (d)".

5. In § 1132.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1132.27 Additional duties of the market administrator.

In addition the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1133.1, 1133.2, 1133.3, 1133.4, 1133.20, 1133.21, 1133.33, 1133.34, 1113.43, 1133.89, 1133.90, 1133.91, 1133.92,

1133.93, 1133.100, 1133.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1133.1 is added as follows:

§ 1133.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1133.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1133.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1134—MILK IN WESTERN COLORADO MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1134.1, 1134.2, 1134.3, 1134.4, 1134.20, 1134.21, 1134.33, 1134.34, 1134.43, 1134.72, 1134.89, 1134.90, 1134.91, 1134.92, 1134.93, 1134.100, 1134.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1134.1 is added as follows:

§ 1134.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1134.15 the reference "pursuant to § 1134.33" is revoked.

5. In § 1134.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1134.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1134.44 paragraph (a) is revised as follows:

§ 1134.44 Transfers.

* * * * *

(a) At the utilization indicated in writing to the market administrator by the operators of both plants, on or before the seventh day after the end of the month within which such transfer occurred, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler (except that for the purpose of this paragraph milk that was physically received at a pool plant from a handler pursuant to § 1134.11(d) or in bulk from a plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant), subject to the following conditions:

* * * * *

7. In § 1134.46 the introductory text is revised as follows:

§ 1134.46 Allocation of skim milk and butterfat classified.

After making the computations under § 1134.45 the market administrator shall determine each month for each handler the classification of milk received from producers by each handler under § 1134.11 (c) and (d) which was not received at a pool plant, and the classification of milk received from producers, in bulk from pool plants operated by cooperative associations and from handlers under § 1134.11(d) at a pool plant(s). For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1134.11(d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant.

* * * * *

PART 1136—MILK IN GREAT BASIN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1136.1, 1136.2, 1136.3, 1136.4, 1136.20, 1136.21, 1136.33, 1136.34, 1136.40, 1136.74, 1136.87, 1136.90, 1136.91, 1136.92, 1136.93, 1136.110, 136.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1136.1 is added as follows:

§ 1136.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1136.14 the reference "pursuant to § 1136.33" is revoked.

5. In § 1136.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1136.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1136.44 the introductory text is revised as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1136.9 (b) and (c) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1136.9(c) by each handler. For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1136.9(c) shall be considered as a receipt of producer milk at such plant.

* * * * *

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1137.1, 1137.2, 1137.3, 1137.4, 1137.20, 1137.21, 1137.33, 1137.34, 1137.43, 1137.72, 1137.89, 1137,90, 1137.91, 1137.92, 1137.93, 1137.100, 1137.101, and center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1137.1 is added as follows:

§ 1137.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1137.13 the reference "pursuant to § 1137.33" is revoked.

5. In § 1137.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1137.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1137.44 paragraph (a) is revised as follows:

§ 1137.44 Transfers.

* * * * *

(a) At the utilization indicated by the operator of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant (except that for the purpose of this paragraph milk that was physically received at a pool plant from a handler pursuant to § 1137.9 (d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant), subject to the following conditions:

* * * * *

7. In § 1137.46 the introductory text is revised as follows:

§ 1137.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1137.45, the market administrator shall determine each month for each handler the classification of milk received from producers by each handler pursuant to § 1137.9 (c) and (d) which was not received at a pool plant and the classification of milk received from producers, in bulk from pool plants operated by cooperative associations and from handlers pursuant to § 1137.9(d) at a pool plant(s). For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1137.9(d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant.

* * * * *

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1138.1, 1138.2, 1138.3, 1138.4, 1138.20, 1138.21, 1138.34, 1138.35, 1138.43, 1138.72, 1138.89, 1138.90, 1138.91, 1138.92, 1138.93, 1138.100, 1138.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1138.1 is added as follows:

§ 1138.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1138.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1138.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1138.46 the introductory text is revised as follows:

§ 1138.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1138.45, the market administrator shall determine the classification of producer milk received at each pool plant for each handler each month pursuant to the provisions of this section. Milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1138.9(c) shall be classified and allocated as producer milk.

* * * * *

6. In § 1138.70 the introductory text is revised and a new paragraph (a–1) is added as follows:

§ 1138.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler at each pool plant and of each cooperative association in its capacity as a handler pursuant to § 1138.9(b) or as a handler pursuant to § 1138.9(c) only for milk not delivered to a pool plant, during each month, shall be a sum of money computed as follows:

* * * * *

(a–1) Multiply the quantity of producer milk in each class as computed pursuant to §§ 1138.40 through 1138.46 for each cooperative association as a handler pursuant to § 1138.9(b) or as a handler pursuant to § 1138.9(c) for the milk not delivered to a pool plant, by the applicable class prices adjusted pursuant to §§ 1138.52 and 1138.53;

* * * * *

7. Section 1138.88 is revised as follows:

§ 1138.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, provided that for the purpose of this section milk received at a pool plant from a handler pursuant to § 1138.9(c) shall be considered as a receipt of producer milk by the handler operating such pool plant and shall be excluded from the producer milk of the handler pursuant to § 1138.9(c), (b) other source milk allocated to Class I pursuant to § 1138.46(a)(2)(i), (3) and (7) and the corresponding steps of § 1138.46(b), except other source milk on which no handler obligation applies pursuant to § 1137.70(e) and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1138.62(b)(2): *Provided*, That if a handler with respect to milk pursuant to (a), (b), or (c) of this section elects pursuant to § 1138.36 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

Signed at Washington, D.C., on February 25, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-2834 Filed 3-1-71;8:52 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 230]

WHALING

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by the Reorganization Plan No. 4 effective October 3, 1970 (35 F.R. 15627) and the Whaling Convention Act of 1949 (64 Stat. 421; 16 U.S.C. 916 et seq.), it is proposed to amend 50 CFR Part 230 as set forth below.

These amendments will accomplish two purposes. First, they will conform the whaling regulations to the requirements of the Schedule annexed to the International Whaling Convention. Second, they will amend the licensing provision to forbid the taking of any whales listed on the Endangered Species List, 50 CFR Part 17, App. A.

Interested persons may submit written comments, suggestions, or objections, including requests for a public hearing, with respect to the proposed amended Whaling Regulations to the Director, National Marine Fisheries Service, Interior Building, Washington, D.C. 20235, within thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are described below:

1. Amend § 230.10 to read as follows:

§ 230.10 Licenses required to engage in whaling.

(a) No person shall engage in the taking or processing of any whales without first having obtained an appropriate license.

(b) No license shall be issued for any species of whales appearing on the Endangered Species List, Part 17 of this title, Appendix A.

2. Amend paragraph (a) of § 230.20 and subparagraphs (1), (2), (4), and (5) to read as follows:

CLOSED SEASONS

§ 230.20 Whale catchers attached to land stations taking baleen whales.

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing any baleen whales except during the period April 15 to October 15, both days inclusive: *Provided*, That it is forbidden to kill or attempt to kill blue whales, by any means, in the following areas:

(1) The North Atlantic Ocean for 3 years ending on February 24, 1973.

(2) The North Pacific Ocean and its dependent waters north of the Equator for 5 years beginning with the 1971 season.

* * * * *

(4) In the North Atlantic Ocean for a period ending on November 8, 1972.

(5) In the North Pacific Ocean and its dependent waters north of the Equator for 3 years beginning with the 1971 season.

3. Amend § 230.22 to read as follows:

§ 230.22 Whale catchers attached to factoryships taking sperm whales.

It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating sperm whales in the waters between 40° south latitude and 40° north latitude. For all other waters, it is forbidden to use factoryships or whale catchers attached thereto for the purpose of taking or treating sperm whales except during the period April 1 to November 30 following both days inclusive.

4. Amend § 230.25 to read as follows:

CATCH QUOTAS

§ 230.25 Fin and sei whale quotas for the North Pacific.

Beginning with the 1971 season for taking baleen whales, it is forbidden for persons or vessels under the jurisdiction of the United States to take more than 40 fin whales and 51 sei whales from the waters of the North Pacific Ocean. The fin whale quota may be converted to sei and Bryde's whales combined, or vice versa, in terms of the formula as defined in paragraph 8(b) of the Schedule of the Convention: *Provided*, That the total catch of one or the other species does not exceed the level which is 10 percent (10%) above the quota for each species as prescribed above.

5. Add new § 230.26 to read as follows:

§ 230.26 Sperm whale quota for the North Pacific Ocean.

Beginning with the 1971 season for taking sperm whales, it is forbidden for persons or vessels under the jurisdiction of the United States to take more than 75 sperm whales from the waters of the North Pacific Ocean and dependent waters.

Issued at Washington, D.C., and dated January, 1971.

HARVEY M. HUTCHING,
Acting Director, National Marine Fisheries Service.

[FR Doc.71-2869 Filed 3-1-71;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-11]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Hot Springs, Va., control zone and alter the Hot Springs, Va., transition area (36 F.R. 2204).

The revised NDB (ADF) RWY 24 instrument approach procedure for Ingalls Field, Hot Springs, Va., requires alteration of the 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure. In addition with the availability of weather data and communications, a control zone can be designated.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hot Springs, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Hot Springs, Va., control zone as follows:

HOT SPRINGS, VA.

Within a 6-mile radius of the center, 37°57'04" N., 79°50'02" W. of Ingalls Field, Hot Springs, Va. This control zone is effective from 0800 to 1800 hours, local time, daily.

2. Amend §71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hot Springs, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9.5 mile radius of the center, 37°57'04" N., 79°50'02" W. of Ingalls Field, Hot Springs, Va.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 11, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-2766 Filed 3-1-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-12]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wrightstown, N.J., transition area (36 F.R. 2297).

A new VOR instrument approach procedure has been authorized for the Robert J. Miller Air Park, Toms River, N.J. Additionally, the VOR instrument approach procedure to the Flying W Ranch Airport, Lumberton, N.J., has been canceled. This will require alteration of the 700-foot-floor transition area to provide controlled airspace for aircraft executing the new approach procedure and to delete that airspace previously provided for the Flying W Ranch VOR procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wrightstown, N.J., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wrightstown, N.J. 700-foot floor transition area as follows:

In the description of the Wrightstown, N.J. 700-foot floor transition area, delete, "within a 5-mile radius of the center, 39°56'05" N., 74°48'30" W., of Flying W Ranch Airport, Lumberton, N.J.; within 2.5 miles each side of the North Philadelphia VOR 134° radial extending from the Flying W Ranch 5-mile radius area to 21 miles southeast of the North Philadelphia VOR.", and insert thereof, "within a 7-mile radius of 39°55'41" N., 74°17'30" W. of Robert J. Miller Air Park, Toms River, N.J.; within 1.5 miles each side of the Coyle, N.J. VOR TAC 044° radial extending from the 7-mile radius area to the Coyle VORTAC."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 11, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-2767 Filed 3-1-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-15]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Hammonton, N.J., transition area.

A new VOR instrument approach procedure for Hammonton Municipal Airport, Hammonton, N.J., will require designation of a 700-foot-floor transition area to provide protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hammonton, N.J., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Hammonton, N.J., 700-foot-floor transition area as follows:

HAMMONTON, N.J.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center of 39°40'30" N., 74°44' 30" W. of Hammonton Municipal Airport, Hammonton, N.J.; within 2 miles each side of the Millville, N.J., VORTAC 051° radial extending from the 5.5-mile-radius area to 7.5 miles northeast of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 11, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-2768 Filed 3-1-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 70-PC-6]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Midway Island control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, HI 96812. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would amend the Midway Island control zone to read as follows:

Within a 5-mile radius of Midway NS (Henderson Field) (lat. 28°11'55" N., long. 177°22'50" W.) and within 3.5 miles northwest and 4.5 miles southeast of the 240° bearing from the Midway RBN, extending from the 5-mile-radius zone to 10.5 miles southwest of the RBN.

The proposed alteration of the control zone is necessary to provide controlled airspace, specified by existing criteria, for aircraft executing instrument approach and departure procedures at Midway NS (Henderson Field).

The amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 23, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2769 Filed 3-1-71;8:47 am]

[14 CFR Part 73]

[Airspace Docket No. 70-EA-65]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-5201 at Camp Drum, N.Y.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules

Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The existing boundaries of R–5201 are as follows:

Beginning at lat. 44°15'00" N., long. 75°-31'30" W.; to lat. 44°11'15" N., long. 75°25'-00" W.; to lat. 44°03'00" N., long. 75°33'30" W.; to lat. 44°03'15" N., long. 75°37'39" W.; to lat 44°06'44" N., long. 75°43'54" W.; to point of beginning.

The FAA proposes to amend the boundaries of R–5201 to read as follows:

Beginning at lat. 44°15'00" N., long. 75°31'30" W.; to lat. 44°11'15" N., long. 75°25'00" W.; to lat. 44°03'00" N., long. 75°33'30" W.; to lat. 44°00'45" N., long. 75°37'25" W.; to lat. 44°03'25" N., long. 75°39'30" W.; to lat. 44°05'47" N., long. 75°44'30" W.; to lat. 44°10'00" N., long. 75°39'30" W.; to point of beginning.

The current boundaries of R–5201 do not meet the needs of the Department of the Army, Headquarters, Camp Drum. Since R–5201 was established, the number of units training at Camp Drum has saturated the reservation with artillery activity and resulted in the need to expand firing positions to the southwest. The proposed expansion of R–5201 would provide the needed protected airspace for this increased activity.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on February 25, 1971.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–2824 Filed 3–1–71;8:51 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 69–18; Notice 4]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Motor Vehicle Safety Standard; Extension of Time for Comments

A notice of proposed amendment to 49 CFR 571.21, Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, was published on February 3, 1971 (36 F.R. 1913) with a closing date for comments of March 4, 1971. The Motor & Equipment Manufacturers Association has petitioned for an extension of time to comment on the proposed amendment to omit sampling provisions from the test procedures for turn signal and hazard warning signal flashers, stating that it "raises serious problems among MEMA's automotive lighting member manufacturers as to individual company costs and other technological considerations." It should be noted, however, that the sampling and failure-rate provisions in question are exceptions to the normal form of the standards, and their deletion merely makes this area of the standards consistent with the legal assumptions that underlie the standards generally.

In response to the above request, the closing date for comments is hereby extended to April 5, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on February 24, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.71–2771 Filed 3–1–71;8:47 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 23138; Reg. PDR–32]

PROCEDURE FOR PROCESSING CONTRACTS FOR TRANSPORTATION OF MAIL BY AIR

Notice of Proposed Rule Making

FEBRUARY 25, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 302, its rules of practice in economic proceedings (14 CFR Part 302), which would provide procedures for the processing of certain contracts between the Postal Service and certificated air carriers pursuant to certain recently enacted legislation.

The background of the proposed amendment is described in the Explanatory Statement set forth below, and the amendment is set forth in the proposed rule. The amendment is proposed under the authority of section 204 of the Federal Aviation Act of 1958, as amended (72 Stat. 743; 49 U.S.C. 1324), and section 2 of the Postal Reorganization Act of 1970 (84 Stat. 772; 39 U.S.C. 5402).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before March 19, 1971, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. Public Law 91–375, approved August 12, 1970, contains a section[1] which permits the Postal Service, subject to certain conditions, to contract with certificated air carriers, without advertising for bids, for the transportation of mail between any of the points between which the carrier is authorized by the Board to transport mail.[2] The section requires any such contract to be filed with the Board not later than 90 days before its effective date. Unless the Board disapproves the contract, under the standards of section 102 of the Federal Aviation Act of 1958 not later than 10 days prior to its effective date, the contract automatically becomes effective. In order to provide procedures for the processing of contracts pursuant to this legislation, it is proposed to add a new Subpart O to Part 302 of the procedural regulations. The new subpart would prescribe, inter alia, rules for the filing and service of such contracts, and for the processing of complaints.

Proposed rules. It is prosed to amend Part 302, Rules of Practice in Economic Proceedings (14 CFR Part 302), as follows:

1. By amending the table of contents of Part 302 by adding a new Subpart O, to read as follows:

Subpart O—Procedure for Processing Contracts for Transportation of Mail by Air

Sec.
302.1504 Applicability.
302.1502 Filing.
302.1503 Explanation and data supporting the contract.
302.1504 Service.
302.1505 Complaints.
302.1506 Answers to complaints.
302.1507 Further procedures.
302.1508 Petitions for reconsideration.

2. By adopting a new Subpart O which will read as follows:

Subpart O—Procedure for Processing Contracts for Transportation of Mail by Air

§ 302.1501 Applicability.

This subpart sets forth the rules applicable to certain contractural arrangements between the Postal Service and certificated air carriers for the transportation of mail by air entered into without advertising for bids, pursuant to 39 U.S.C. 5402(a), 84 Stat. 772. Any such contract is required by that statute to be filed with the Board not later than 90 days before its effective date, and unless the Board disapproves the contract not later than 10 days prior to its effective date, the contract automatically becomes effective.

§ 302.1502 Filing.

Any car carrier which is a party to a contract to which this subpart is applicable shall file eight copies of the contract in the Docket Section of the Civil Aeronautics Board, Washington, D.C.

[1] 39 U.S.C. 5402(a), 84 Stat. 772.

[2] The contracts must be for the transportation of at least 750 pounds of mail per flight; moreover, no more than 10 percent of the domestic mail or 5 percent, based on weight, of the international mail, may consist of letter mail.

20428, not later than 90 days before the effective date of the contract. One copy of each contract filed shall bear the certification of the secretary or other duly authorized officer of the filing carrier to the effect that such copy is a true and complete copy of the original written instrument executed by the parties.

§ 302.1503 Explanation and data supporting the contract.

Each contract filed pursuant to this subpart shall be accompanied by economic data and such other information in support of the contract upon which the filing air carrier intends that the Board rely, including, in cases where pertinent:

(a) Estimates of the costs of performing the contract, and an explanation of the basis for the estimates which clearly sets forth the methodology involved in the assignment of direct and allocated costs and the investment related thereto (including, where available and relevant, data as to costs of performing past contracts for the transportation of mail by air);

(b) Estimates of the effect of the contract upon such carrier's revenues, and an explanation of the basis for the estimates (including, where available and relevant, data as to effects upon revenues resulting from past contracts for the transportation of mail by air); and

(c) Estimates of the annual volume of contract mail (weight and ton-miles) under the proposed contract, the nature of such mail (letter mail, parcel post, third-class, etc.), together with a statement as to the extent to which this traffic is new or diverted from existing classes of air and surface mail services and the priority assigned to this class of mail.

§ 302.1504 Service.

A copy of each contract filed pursuant to § 302.1502 shall be served upon each of the following persons:

(a) Each certificated route air carrier, other than the contracting carrier, which is authorized to carry mail between any pair of points between which mail is to be transported pursuant to the contract, and

(b) Each commuter air carrier (as defined in § 298.2 of this chapter) which serves between any pair of points between which mail is to be transported pursuant to the contract.

§ 302.1505 Complaints.

Within 10 days of the filing of a contract, any interested person may file with the Board a complaint against the contract setting forth the basis for such complaint and all pertinent information in support of same. A copy of the complaint shall be served upon each of the parties to the contract: *Provided,* That any complaint served upon the Postal Service pursuant to this section shall be addressed to the Assistant General Counsel, Transportation, U.S. Postal Service, Washington, D.C. 20260.

§ 302.1506 Answers to complaints.

Answers to the complaint may be filed within 10 days of the filing of the complaint. Copies of the answer shall be served upon the parties to the contract, and upon the complaining party: *Provided,* That any answer served upon the Postal Service pursuant to this section shall be addressed to the Assistant General Counsel, Transportation, Postal Service, Washington, D.C. 20260.

§ 302.1507 Further procedures.

(a) In any case where a complaint is filed, the Board shall issue either an order dismissing the complaint, or an order disapproving the contract. Such order shall be issued not later than 10 days prior to the effective date of the contract.

(b) In cases where no complaint is filed, the Board may issue an order directing the parties to the contract to show cause why the contract should not be disapproved. Unless otherwise specified by the Board, written answer to the order and supporting documents shall be filed within 10 days of the date of service of the order to show cause. A final order containing the Board's determination as to whether the contract should be disapproved shall be issued not later than 10 days prior to the effective date of the contract.

§ 302.1508 Petitions for reconsideration.

Except in the case of a Board determination to disapprove a contract, no petitions for reconsideration of any Board determination pursuant to this subpart shall be entertained.

[FR Doc.71–2816 Filed 3–1–71;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Riverside 1249]

CALIFORNIA

Opening of Land From Waterpower Withdrawal

FEBRUARY 23, 1971.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (14 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the authority of Bureau Order No. 701 of July 23, 1964 (29 F.R. 10526), as amended, as redelegated to me by the California State Director on August 11, 1967 (32 F.R. 11647), it is ordered as follows:

1. In an order issued October 29, 1968, the Federal Power Commission vacated EP-371-California, for the following described lands, all within the Inyo National Forest:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 1 S., R. 26 E.,
Sec. 5, lots 2 and 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, NE¼, E½NW¼, NE¼SW¼, NW¼SE¼;
Sec. 21, N½NW¼, SW¼NW¼, W½SW¼;
Sec. 28, W½W½;
Sec. 33, W½W½.
T. 2 S., R. 26 E.,
Sec. 4, lots 1 to 4, inclusive, S½N½, SW¼, NW¼SE¼;
Sec. 9, W½W½;
Sec. 13, S½;
Sec. 14, lots 2 and 3, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 15, lots 1 and 2, SW¼NE¼, S½NW¼, S½;
Sec. 16, NE¼NE¼, S½N½, S½;
Sec. 23, N½N½;
Sec. 24, N½N½.
T. 2 S., R. 27 E.,
Sec. 15, S½S½;
Sec. 16, S½S½;
Sec. 17, S½;
Sec. 18, S½;
Sec. 19, N½N½;
Sec. 20, N½;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, N½, N½S½;
Sec. 24, N½, N½S½.

2. At 10 a.m., April 15, 1971, the lands described in paragraph 1 will be opened to such forms of disposal as may by law be made of national forest lands, subject to valid existing rights, withdrawals and classifications and the requirement of applicable laws and regulations.

WALTER F. HOLMES,
Assistant Land Office Manager,
Riverside, California.

[FR Doc.71-2783 Filed 3-1-71;8:48 am]

[Serial No. I-3823]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands; Correction and Partial Termination

FEBRUARY 22, 1971.

1. In F.R. Doc. 70-16714; filed December 11, 1970, appearing on pages 18926-7 of the issue for December 12, 1970, the following corrections should be made:

In T. 3 S., R. 1 E.,

"Sec. 9, W½W½;" should read:

Sec. 9, S½N½, NW¼NW¼, S½;

"Sec. 15, W½E½, NW¼, E½SW¼, SE¼SE¼;" should read:

Sec. 15, E½, NW¼, E½SW¼;

"Sec. 22, lots 3, 4, 5, 6, 7, 8, 9, NW¼NE¼, S½NE¼ E½NW¼, SE¼" should read:

Sec. 22, lots 3, 4, 5, 6, 7, 8, 9, NE¼, E½NW¼, SW¼SW¼;

"Sec. 24, SW¼NE¼, SE¼NW¼, S½;" should read:

Sec. 24, S½N½, S½;

"Sec. 25, W½NE¼, W½, SE¼;" should read:

Sec. 25, All;

In T. 4 S., R. 2 E.,

"Sec. 14, lots 1, 3, NE¼, SE¼NW¼, SW¼, NW¼SE¼;" should read:

Sec. 14, lots 1, 3, NE¼, SE¼NW¼, SW¼, W½SE¼;

"Sec. 15, N½NE¼, SW¼NE¼, NW¼;" should read:

Sec. 15, lots 3, 4, N½NE¼, SW¼NE¼, NW¼, SE¼SE¼;

"Sec. 23, NW¼NW¼, S½NW¼ SW¼, NW¼SE¼, S½SE¼;" should read:

Sec. 23, W½E½, W½, SE¼SE¼;

2. Notice of an application Serial No. I-3823, for withdrawal and reservation of lands was published as F.R. Doc. 70-16714 on pages 18926-7 of the issue for December 12, 1970. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2350, such lands will be at 10 a.m. on March 10, 1971, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

T. 1 S., R. 1 W., Boise Meridian, Idaho,
Sec. 29, S½SW¼;
Sec. 31, NE¼NE¼;
Sec. 32, NW¼NW¼.

Containing 160 acres.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71-2749 Filed 3-1-71;8:46 am]

[Wyoming 27621]

WYOMING

Order Providing for Opening of Public Lands

FEBRUARY 23, 1971.

1. By donation, pursuant to section 8(a) of the Taylor Grazing Act (43 U.S.C. 315g(a)), the following described lands became public land of the United States:

SIXTH PRINCIPAL MERIDIAN

T. 38 N., R. 91 W.,
Sec. 13, tracts 40 and 42.

The area described aggregates 39.29 acres.

2. The lands are located in Fremont County near the Lysite townsite. Topography is level to gently rolling. The lands have surface values for livestock grazing, wildlife habitat, watershed and limited recreation.

3. Subject to valid existing rights, and the requirements of applicable law, tracts 40 and 42 will at 10 a.m. on March 30, 1971, be open to application, petition and selection under the public land laws. All valid applications received at or prior to 10 a.m. on March 30, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 1828, Cheyenne, WY 82001.

JOHN R. KILLOUGH,
Acting State Director.

[FR Doc.71-2748 Filed 3-1-71;8:46 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 20, 1971, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added:

ALABAMA

Blount County

Oneonta vicinity, *Horton Mill Covered Bridge*, 5 miles north of Oneonta on Route 3.

Washington County

St. Stephens vicinity, *Site of Old St. Stephens*, northeast of St. Stephens and bounded on the north by cement excavations, on the east by the Tombigbee River, on the south by woodland, and on the west by woodland and pasture.

CALIFORNIA

Contra Costa County

Richmond vicinity, *East Brother Island Light Station*, on the East Brother Island west of Point San Pablo.

Los Angeles County

Wilmington, *Drum Barracks*, 1053 Carey Street.

Placer County

Auburn, *Old Auburn Historic District*, bounded approximately by Interstate 80, Maple Street, and Hamilton Lane on the north, High Street on the south, and including the westerly frontage on Spring Street, the easterly frontage on Lincoln Way and Sacramento Street, and the Traveler's Rest and Winery property at the southeast of the historic district.

Solano County

Benicia, *Benicia Capitol-Courthouse*, First and G Streets.

CONNECTICUT

Fairfield County

Redding, *Putnam Memorial State Park*, intersection of Routes 58 (Block Rock Turnpike) and 107 (Park Road).

Hartford County

Wethersfield, *Old Wethersfield Historic District*, bounded on the north and west by the New York, New Haven & Hartford Railroad tracks, on the east by Interstate 91, and also on the north by Wethersfield Cove.

New London County

New London, *Shaw Mansion*, 11 Blinman Street.
New London, *Whale Oil Row*, 105-119 Huntington Street.
Norwichtown, *Lathrop, Dr. Daniel, School*, 69 East Town Street.
Norwichtown, *Lathrop, Dr. Joshua, House*, 377 Washington Street.
Norwichtown, *Leffingwell Inn*, 348 Washington Street.

GEORGIA

Gwinnett County

Lawrenceville, *Old Seminary Building (Lawrence Female Seminary Building)* Perry Street.

McDuffie County

Thomson vicinity, *The Old Rock House*, about 3 miles northwest of Thomson on Old Rock House Road.

Muscogee County

Columbus, *Springer Opera House*, 105 10th Street.

ILLINOIS

Pike County

Pittsfield, *Pittsfield East School*, 400 East Jefferson.

KANSAS

Barton County

Pawnee Rock vicinity, *Pawnee Rock*, 0.2 mile north of Pawnee Rock off U.S. 56.

Johnson County (also in Jackson County, Mo.)

Leawood, *Majors, Alexander, House*, 8145 State Line Road.

MARYLAND

Garrett County

Grantsville vicinity, *Fuller-Baker Log House*, 0.5 mile west of Grantsville on U.S. 40.

MICHIGAN

Ingham County

Lansing, *Michigan State Capitol*, Capitol Avenue at Michigan Avenue.

MINNESOTA

Clearwater County

Lake Itasca vicinity, *Itasca Bison Site*, NW¼NW¼ sec. 22, T. 143 N., R. 36 W.

MISSOURI

Callaway County

Mokane vicinity, *Mealy Mounds Archeological Site*, 2 miles northeast of Mokane.

Cole County

Osage City vicinity, *Gay Archeological Site*, 0.5 mile northeast of Osage City.

Lawrence County

Mount Vernon vicinity, *Old Spanish Fort Archeological Site*, 3 miles south of Mount Vernon.

New Madrid County

Sikeston vicinity, *Sikeston Fortified Village Archeological Site*, 2 miles southeast of Sikeston.

Pulaski County

Buckhorn vicinity, *Decker Cave Archeological Site*, 4.5 miles southwest of Buckhorn.

St. Louis County

Crescent vicinity, *Crescent Quarry Archeological Site*, 1 mile east of Crescent.

Scott County

Diehlstadt vicinity, *Brown, E. L., Village and Mound Archeological Site*, 2.5 miles northeast of Diehlstadt.

Stoddard County

Bernie vicinity, *Rich Woods Archeological Site*, 2 miles north of Bernie.

Vernon County

Arthur vicinity, *Coal Pit Archeological Site*, 1 mile northwest of Arthur.
Fair Haven vicinity, *Brown Archeological Site*, 2 miles west of Fair Haven.

Washington County

Caledonia vicinity, *Lost Creek Pictograph Archeological Site*, 2 miles northeast of Caledonia.

NEW JERSEY

Cape May County

Cape May, *Cape May Historic District*, bounded on the south by the Atlantic Ocean from Second Avenue on the west to the Coast Guard base on the east; bounded on the north by Cape May harbor to Schellenger's Creek to Cape Island Creek and thus westerly to Sixth Avenue; thence south on Pacific Avenue to Sunset Boulevard, south to Cape Island Creek, east to Broadway, south to Mount Vernon Avenue and west to Second Avenue.

NEW YORK

Albany County

Coeymans, *Coeymans School (Acton Civil Polytechnic Institute)*, southwest corner of Westerlo Street and Civill Avenue.

Herkimer County

Danube, *Herkimer House*, near New York 5S.

Rensselaer County

Troy, *National State Bank Building*, 297 River Street.

PENNSYLVANIA

Delaware County

Wallingford, *Leiper, Thomas, Estate*, Avondale Road.

Lehigh County

Allentown, *Nonnemaker House (Thomas Mewhorter House)*, 301 South Lehigh Street.

Philadelphia County

Philadelphia, *Twelfth Street Meetinghouse*, 20 South 12th Street.

RHODE ISLAND

Providence County

Providence, *Woods-Gerry House*, 62 Prospect Street.

SOUTH CAROLINA

Charleston County

Charleston, *Simmons-Edwards House*, 12-14 Legare Street.

Georgetown County

Georgetown vicinity, *Hopsewee (Thomas Lynch House)*, 12 miles south of Georgetown on U.S. 17.

Marlboro County

Wallace vicinity, *Pegues Place*, 6 miles north of Wallace, just off U.S. 1 on County Route 266.

Richland County

Columbia, *First Baptist Church*, 1306 Hampton Street.
Columbia, *First Presbyterian Church*, 1324 Marion Street.
Eastover vicinity, *Kensington Plantation House*, 8 miles east of Eastover near Farm Road 764.

TENNESSEE

Shelby County

Memphis, *First Baptist Church*, 379 Beale Avenue.
Memphis, *Tri-State Bank*, 390 Beale Street.

VIRGINIA

New Kent County

Tunstall vicinity, *Hampstead*, 1 mile northwest of the intersection of Routes 606 and 607.

WISCONSIN

Dane County

Madison, *Old Synagogue (Shaare Shomain Synagogue)*, 214 West Washington Avenue.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[FR Doc.71-2689 Filed 3-1-71;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-505]

JOHN S. DOW

Notice of Loan Application

FEBRUARY 24, 1971.

John S. Dow, 30 Linden Street, Rockland, ME 04841 has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 37-foot length overall fiberglass vessel to engage in the fishery for lobsters, shrimp, and scallops.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-2763 Filed 3-1-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 22474, 23080; Order 71-2-98]

AIR INDIES CORP.

Order To Show Cause

Issued under delegated authority February 23, 1971.

The establishment of temporary service mail rates for Air Indies Corporation; Dockets Nos. 22474, 23080.

Air Indies Corp. (Air Indies), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By petition filed August 17, 1970, Air Indies requested the Board to establish final mail rates for the transportation of mail by aircraft between San Juan and Ponce, P.R. By Order 70-12-166, adopted December 31, 1970, the Board authorized Caribbean-Atlantic Airlines, Inc., to suspend certificated service at Ponce until April 1, 1971, or until construction is completed at Ponce Airport, whichever occurs later. By Order 71-2-23, adopted February 4, 1971, in this docket, the Board granted Air Indies exemption authority to engage in the transportation of mail by air in these markets.

No service mail rates are currently in effect for this transportation by Air Indies. Air Indies requests that the multielement service mail rates established for priority mail by Order E-25610, August 28, 1967, in the Domestic Service Mail Rate Investigation, and for nonpriority mail by Order 70-4-9, April 2, 1970, Nonpriority Mail Rates, be made applicable to this carriage of mail.[1] The Postmaster General supports the Air Indies petition and states that the Postal Service and Air Indies agree that the applicable multielement rates are the fair and reasonable rates of compensation for the proposed services.

The rates established by Orders E-25610 and 70-4-9 have been open since December 12, 1970, pursuant to Order 70-12-48, December 8, 1970, instituting an investigation of the domestic service mail rates for priority and nonpriority mail. Therefore, the present domestic service rates for the transportation of priority and nonpriority mail by air are subject to such retroactive adjustment to December 12, 1970, as the final decision in the current domestic service mail rate investigation may provide.

We propose to establish service rates for the transportation by Air Indies of priority and nonpriority mail at the levels established in Orders E-25610 and 70-4-9, respectively. These rates and provisions will be subject to retroactive adjustment when the current Priority & Nonpriority Domestic Service Mail Rate Investigation, in Docket 23080, is concluded. Furthermore, Air Indies will be made a party to that proceeding.

The Board finds it in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

On and after February 4, 1971, the fair and reasonable service mail rates to be paid to Air Indies Corp., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between San Juan and Ponce, P.R., shall be:

(a) For priority mail, the multielement rates established by the Board in Order E-25610, August 28, 1967, as amended;

(b) For nonpriority mail, the multielement rates established by the Board in Order 70-4-9, April 2, 1970; and

(c) The rates and provisions of Orders E-25610 and 70-4-9 shall be applicable to Air Indies Corp. on a temporary basis, subject to such retroactive adjustment as the decision in Docket 23080 may provide.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's Regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.16(f):

It is ordered, That:

1. Air Indies Corp., the Postmaster General, Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., and all other interested persons, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable temporary rates of compensation to be paid to Air Indies Corp. for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the service connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below;

3. Air Indies Corp. is hereby made a party in Docket 23080; and

4. This order shall be served upon Air Indies Corp., the Postmaster General, Caribbean-Atlantic Airlines, Inc., Eastern Air Lines Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-2818 Filed 3-1-71;8:51 am]

[1] The service mail rates established by those orders provide for terminal charges per pound of mail originated of 2.34 cents at San Juan and 4.68 cents at Ponce, plus linehaul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

[2] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23140; Order 71-2-109]

DOMESTIC TRUNKLINE AND LOCAL SERVICE CARRIERS

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of February 1971.

Reasonableness of passenger fares charged by domestic trunkline and local service carriers from October 1, 1969, through October 14, 1970; Docket 23140.

On July 24, 1970, Congressman John E. Moss et al., filed a supplemental complaint with the Board[1] requesting, inter alia, that the Board institute an adjudicatory proceeding to determine appropriate relief for alleged fare overcharges for the period during which the air carrier parties charged fares pursuant to the tariffs declared unlawful by the Court of Appeals for the District of Columbia Circuit.[2] This period extended from October 1, 1969, "through the date on which lawful domestic passenger fares are re-established."[3] Specifically, the supplemental complaint requested that the Board calculate "the sum unlawfully extracted from the public" and "the proper disposition of the overcharge."

Initially, the Board entered an order on supplemental complaint (Order 70-9-73, Sept. 15, 1970) calling for briefs from the parties on a number of troublesome issues in order to assist the Board in deciding whether to institute the requested proceeding. Briefly, we asked for the parties' views on (1) the Board's legal power to order refunds or grant other relief, assuming that the fares charged after October 1, 1969, embodied "overcharges"; (2) the nature of the proof appropriate to a determination of unreasonableness or that the fares in question constituted "overcharges"; (3) the interrelationship of the requested proceeding and the Domestic Passenger-Fare Investigation, Docket 21866, now in an advanced state of progress; and (4) the practicality and feasibility of the various suggested forms of relief, if any, to be accorded.

The materials that we have requested have been submitted.[4] The Board has carefully considered all of the arguments and contentions presented, and we conclude that the public interest requires that we provide for the adjudicatory proceeding requested by the supplementary complaint and supported by virtually all of the carriers. These proceedings should not be burdensome to the parties since, as we explain below, the voluminous materials developed in the Domestic Passenger-Fare Investigation will be available for use here.

Specifically, we have determined that in light of all the circumstances an investigation should be initiated, including an adjudicatory hearing, to determine whether the fares charged from October 1, 1969, through October 14, 1970, were unjust and unreasonable, and if so, the amount of any overcharges that resulted for the period in question.[5] The fact that we are instituting an investigation does not necessarily reflect a view that the Board has power to grant relief; rather, we will defer resolution of this jurisdictional issue until such time as the factual issue of reasonableness is ready for decision. Moreover, we will also defer until that time the form any eventual relief may take, although we will expect the parties to develop an evidentiary record on this issue. We are also persuaded that this investigation should remain separate and distinct from the Domestic Passenger-Fare Investigation, but to the extent that evidence in the latter proceeding is relevant herein, such evidence is to be utilized to the maximum extent possible. Finally, we find that the justness and reasonableness of the fares in question will be best determined by application of the standards traditionally governing Board practice in rate cases as set forth in sections 102 and 1002(e) of the Act. The reasons and bases for our action are more fully explicated below.

Initially, it should be noted that virtually no controversy exsits among the parties concerning the desirability of having an adjudicatory proceeding. The Moss group argues that the Board has power to grant the relief requested in the supplemental complaint, relying chiefly upon United Gas Improvement Co. v. Callery, 382 U.S. 223 (1965) for the proposition that "an agency, like a court, can undo what is wrongfully done by virtue of its orders."[6] Accordingly, the complainants urge us to exercise our power to determine the extent of any "overcharges," and their appropriate disposition. The air carrier parties on the other hand, while arguing that the Board lacks power to order relief in the nature of refunds or reparations,[7] urge that a hearing be held nevertheless. Only Trans World Airlines, Inc. (TWA) is opposed, arguing that the T.I.M.E. case is an insurmountable bar to reparations and that no purpose would be served by a hearing.

The carriers emphasize as grounds for proceeding with a hearing the existence of a number of class actions seeking to recover alleged overcharges from the airlines following the decision of the Court of Appeals in the Moss case.[8] Should any

[1] The original docket number and caption of this proceeding ("Passenger fare revisions proposed by the Domestic Trunkline Carriers," Docket 21322) have been replaced by a new caption and docket number in order to avoid confusion and to describe more accurately the investigation being undertaken herein.

[2] Moss, et al. v. C.A.B., 430 F.2d 891 (decided July 9, 1970).

[3] Tariffs replacing those declared unlawful by the court went into effect on Oct. 15, 1970. Order 70-7-128, dated July 28, 1970, established a program for achieving compliance with the Moss decision. The adopted procedures were approved by the court (Moss et al. v. C.A.B., C.A.D.C. No. 23,627, Order dated July 30, 1970). Order 70-9-123, dated Sept. 24, 1970, disposed of the new tariffs filed in response to Order 70-7-128, allowing several to go into effect and suspending others. All air carriers subsequently filed tariffs matching those which the Board permitted to go into effect, and these filing have also been permitted to go into effect (Special Tariff Permissions Nos. 27381 and 27396). All the new tariffs bore an effective date of Oct. 15, 1970.

[4] Briefs were filed by Honorable John E. Moss et al., Air West & Piedmont Aviation, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc. & North Central Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

Answering briefs were filed by Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[5] We are concerned here with the reasonableness of the general level of fares which took effect on Oct. 1, 1969, in compliance with Board Order 69-9-68, which the court declared invalid in the Moss case. As we have indicated in earlier orders, the Oct. 1, 1969, fare increases increased the average industry level of fares by approximately 6.35 percent. However, a substantial number of fares, particularly in long-haul markets, were reduced, many others were not changed, any those that were increased, were increased by widely varying percentages. The investigation we are instituting will not be concerned with either assessing or determining the reasonableness of specific fares in the myriad of city-pair markets in the United States, but only with the reasonableness of the general level of fares effective during the retrospective period, the returns to the carriers which they produced, and their conformance as a whole to the standards of section 1002(e) and 102 of the Act. More specifically, we are concerned with the question of whether the fares charged were within the zone of reasonableness and, if not, the extent to which the carriers were "unjustly enriched."

[6] Complainants acknowledge that the Federal Aviation Act lacks provision for reparations, but assert that this is irrelevant. They argue that they seek a remedy for illegal and excessive Board-made rates which are successfully challenged on substantive grounds on direct court review, rather than "reparations," which flow out of "collateral attack upon carrier-made rates which, when imposed, • • • [are] final and valid in the sense of being no longer subject to direct judicial review." Thus, in their view, the statutory concept of "reparations" is inapplicable to this case.

[7] The air carriers rely upon T.I.M.E. v. United States, 359 U.S. 464 (1959), and various other cases as well as the legislative history of the Federal Aviation Act. They also distinguish the Callery case on the facts as well as differences in the enabling statute, and assert that the defects found by the Court of Appeals in the Moss case were procedural rather than substantive, thus precluding reparations or other relief in any case.

[8] Air Travelers Association, et al. v. Air West, Inc., et al., U.S.D.C. N.D. Cal., Civil Action No. C-70 1540 SAW; William M. Bennett, et al v. Air Transport Association of America, et al., U.S.D.C. N.D. Cal., Civil Action No. C-70 1608 GSL; Michael W. Williams, et al. v. American Airlines, Inc., et al., U.S.D.C. D.C., Civil Action No. 2162-70; Alan Weidberg, et al. v. American Airlines, Inc., et al., U.S.D.C. N.D. Ill., Civil Action No. 70C 1879; Wayne A. Benjamin, et al. v. Delta Airlines, Inc., et al., U.S.D.C. N.D. Ill., Civil Action No. 70C 2004; Allen E. Botney v. American Airlines, Inc., et al., U.S.D.C. C.D. Cal., Civil Action No. 70-2405-R.

of the suits proceed to a decision on the merits, the carriers point out, the issue of the reasonableness of the fares, central to any award of restitution by the courts, would fall within the primary jurisdiction of the Board and would therefore have to be referred to the Board. Consequently, the air carrier parties (except TWA) urge us to institute a proceeding to determine justness and reasonableness, meanwhile deferring decision on the Board's power to grant relief, since the factual decision may well moot the jurisdictional issue.

Conversely, the Moss group, while not controverting the carriers' arguments, urges the Board to proceed initially on the jurisdictional issue, asserting that they are not parties to the class actions, and that it would be unfair and burdensome for them to participate in a factual determination if the Board should subsequently decide that it lacks power to grant the relief requested.

We agree with the complainants and the air carrier parties that a hearing is desirable. It is apparent that substantial uncertainty has followed in the wake of the Court's decision in the Moss case, and that a hearing will be necessary to clear the air concerning the fares in effect from October 1, 1969, through October 14, 1970. While the Court declared the fares unlawful, it did so on what we believe to be purely procedural grounds, intimating no opinion as to the fares' justness or reasonableness.[9] Moreover, pending the new tariffs filed for effectiveness on October 15, 1970, without the onus of Board compulsion as found by the Court, the tariffs declared invalid by the Court were the only ones which could be legally charged pursuant to Section 403 of the Federal Aviation Act.[10] Nevertheless, it appears that segments of the traveling public may view the fares in effect during the period in question as constituting "overcharges" and resulting in unjust enrichment of the airlines, as witnessed by the class actions in the various lower courts around the country as well as by the supplmentary complaint herein. Thus, the present unsettled condition concerning the fares works to the detriment of the scheduled air transportation system in general.

Finally, should any or all of the class actions surmount the initial jurisdictional hurdle and proceed to trial on the merits,[11] it would appear that the central issue would not be whether the airlines were entitled to collect the fares in question, but whether they are entitled to retain such amounts or a part thereof which were above the lawful fares in effect before October 1, 1969. Atlantic Coast Line R. Co. v. Florida, 295 U.S. 301 (1935), holds that relief is available only if it is shown that the retention of the moneys collected would "unjustly enrich" the carriers at the expense of the traveling public. It appears that the issue of "unjust enrichment" necessarily entails an assessment of the justness and reasonableness of the fares, a function statutorily entrusted to the primary jurisdiction of the Board.[12] Thus, it may well be that the factual issue of reasonableness will be referred to the Board for determination at some time in the future in any case. Under these circumstances, the Board's resolution of the reasonableness issue at this time could be an aid to the district courts in fashioning relief, if indeed relief is due, or in determining whether the class actions should be entertained any further.

For all of the above reasons we find that it is in the public interest to provide for the adjudicatory proceeding requested by the supplemental complaint and to determine the justness and reasonableness of the general level of fares for the past period in question. We do not think, however, that we should or need decide at this time the question of our power to order the relief requested. It may well be that the fares were in fact just and reasonable, as the carriers assert they are prepared to prove. If so, the jurisdictional issue could be "by-passed," [13] since a finding of reasonableness would be an adequate basis for passing upon the supplemental complaint.[14] Moreover, as noted above, the factual issue of reasonableness may come before the Board in any case, whereas a Board decision on jurisdictional grounds, even if favorable to complainants, would neither assist the district courts in the near future, nor remove the uncertainty currently surrounding the fares in question, since our determination of the Board's power would not necessarily bar the courts from acting.

In sum, we are convinced that to proceed first with the adjudicatory investigation instituted herein will serve a number of important public interests. It will provide both the carriers and the traveling public with one central forum wherein to present their respective views and evidence on the matter lying at the core of the controversy surrounding the fares in issue, their justness and reasonableness. It may further provide the various courts presently entertaining class actions against the airlines with guidance on an issue within the Board's primary jurisdiction. And it should alleviate confusion and uncertainty with respect to the fares in issue. The Board is therefore of the opinion that this investigation, with the jurisdictional issue temporarily deferred, will most fairly meet the needs of the traveling public and the carriers and is thus in the public interest.[15]

The Board's order on supplemental complaint requested the parties' views on the interrelationship between the Domestic Passenger-Fare Investigation and the proceeding requested by the complainants. Most carrier parties as well as the Moss group feel that this matter is retrospective, covering a "closed" period, whereas the Investigation is prospective, looking toward the establishment of fares and fare standards for the future, and that therefore consolidation would unnecessarily delay both proceedings. These parties conclude that the proposed proceeding be conducted independently, and that to the extent there is duplicative evidence it can be readily stipulated from the Domestic Passenger-Fare Investigation or otherwise incorporated into the separate proceeding.

We agree. The Domestic Passenger-Fare Investigation is now at an advanced stage, and the incorporation of the issues herein will require reopening of the record. Moreover, the Investigation is an extensive and complex reappraisal of the standards, structure, and level of domestic passenger fares with the purpose of guiding the air transportation system's fare development in the future. On the other hand, the crucial issue in this proceeding is the comparatively narrow one of the justness and reasonableness of the fares in effect for the "closed" period of October 1, 1969, through October 14, 1970. Many of the complex issues inherent in the Investigation do not arise in the adjudication we are instituting, and the folding in of this investigation would, we believe, tend to blur the focus in both. Moreover, the time frames of the two proceedings differ. Consequently, we do not think that any significant duplication of evidence will occur. Thus, while the Investigation may be broad enough to absorb this proceeding, we are persuaded that completely separate proceedings would be preferable from the standpoint of convenience to the parties herein, the expeditious conclusion of both investigations, and the avoidance of unnecessary procedural complexity.

Nevertheless, it may be that some of the evidence adduced in the Domestic Passenger-Fare Investigation is relevant to this proceeding or duplicates pertinent evidence. To the extent that this is the case, we will allow the parties to stipulate evidence from the Investigation and in fact encourage them to do so to avoid needless expense and expenditure of time.

The Board also requested the parties' views on the nature of the proof to "be introduced to demonstrate that the fares charged after October 1, 1969, were 'excessive,' 'unreasonable,' or constituted 'overcharges' or that those fares were none of those things." The responses elicited diverged widely. The Moss group argued that the traveling public, not the carriers, is the aggrieved party, and that therefore the carriers have the entire burden of showing if any part of the fare increase was justifiable, or else the complainants will be entitled to the full amount of the increase above pre-October 1, 1969, levels as a matter of law.[16] On the other hand, some of the carriers assert that the basic showing is whether or not the carriers as a group had exceeded a 10.5 percent rate of return (our historical standard), and that consequently the only relevant proof is historical revenue and expense data for the period in question to determine the actual rate of return achieved. In their view, a full-blown rate proceeding would not be required.

We believe that the measure of overcharges, if any, constitutes those sums in excess of just and reasonable fares as determined by the standards of the Federal Aviation Act, which clothes us with the mantle of jurisdiction over this matter, particularly sections 1002(e) and 102 and the established practices of the Board thereunder. Thus, we agree with those carrier parties [17] who propose to show the fares accord with all of the substantive standards of the Act just as in any other rate proceeding involving a past period, with no presumption of either reasonableness or "unjust enrichment." We think that this approach will provide all parties with the opportunity to advance their contentions as to the reasonableness vel non of these fares on an equal basis and will best serve to build a useful record consistent with all of the substantive provisions of the Act. We leave the delineation of specific issues to the usual processes of the Board's adjudicatory machinery.

In light of our decision to defer the issue of our power to grant relief in the nature of refunds or reparations, we will also presently defer decision on the form any eventual relief might take. We believe that it would be appropriate, however, for the parties to develop an evidentiary basis at the hearing for the contentions they support with respect to the form any required relief is to take. Some air carriers assert that refunds to individuals would be a practical impossibility as well as administratively costly, and that in many markets fares were reduced, thus creating an obligation on some passengers to pay additional charges. Some of the carriers also assert that they lack capital to establish a specific fund to offset future fare increases. We will permit the introduction of concrete evidence bearing on these and similar problems, so that should we find the fares to be unjust and unreasonable and within our power to restore in appropriate fashion, we shall have an appropriate record to determine the specific means for effectuating our determinations.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the passenger fares between points in the 48 contiguous States and the District of Columbia in effect during the period October 1, 1969, to and including October 14, 1970, based upon Board Order 69–9–68, as modified during such period, and the rules, regulations and practices affecting such fares, were unjust and unreasonable, and if found to be unreasonable, to determine whether and to what extent other relief for fare-paying passengers, restoring overcharges unlawfully paid by them, or otherwise, may and should be granted. The fares are those published in Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 65, 90, 98, 99, 101, 117, 124, 125, 134, 136, 139, 142, 143, 144, 148, and 149;

2. The supplemental complaint of John E. Moss et al., dated July 24, 1970, to the extent deferred by previous Orders of the Board, be, and hereby is, consolidated in this proceeding;

3. The investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. The complainants, John E. Moss et al., and all domestic trunkline and local service carriers, are made parties to this investigation;

5. A copy of this order will be served upon the foregoing parties and upon counsel for plaintiffs in the Federal district court cases presently before the Judicial Panel on Multidistrict Litigation in its Docket No. 58—Air Fare Litigation, and upon counsel for plaintiffs in Rose et al. v. American Airlines, Inc. et al., U.S.D.C. N.D. Ill., Civil No. 70C–1844.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71–2819 Filed 3–1–71;8:51 am]

[Docket No. 22214]

INTERAMERICAN AIRFREIGHT CO.

Notice of Prehearing Conference

Willy Peter Daetwyler doing business as Interamerican Airfreight Co.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 2, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., February 24, 1971.

[SEAL] WILLIAM J. MADDEN, *Hearing Examiner.*

[FR Doc.71–2817 Filed 3–1–71;8:51 am]

[Docket No. 20993; Order 71–2–105]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority February 24, 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates; Docket 20993, Agreement CAB 22096, R–12.

By Order 71–1–133, dated January 28, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71–1–133 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22096, R–12, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication: *Provided further*, That tariff filings shall not be made to implement the agreement prior to this date, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71–2820 Filed 3–1–71;8:51 am]

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[9] See CAB Order 70–7–128, July 28, 1970, at 1; CAB Order 70–9–123, Sept. 24, 1970, at 5.

[10] The Court of Appeals recognized this factor in staying its mandate pending the establishment of new, lawful tariffs, Moss et al. v. CAB, CADC No. 23,627, Order dated July 30, 1970.

[11] We note that the Judicial Panel on Multidistrict Litigation is presently considering the possible consolidation of the class actions for purposes of pre-trial matters.

[12] Texas and Pacific R.R. Co. v. Abilene Cotton Oil Co., 204 U.S. 426, 448 (1907).

[13] The Board has on a number of recent occasions expressed its tentative view that it lacks power to order refunds or reparations, see CAB Order 70–7–128, July 28, 1970, at 1, and CAB Order 70–9–73, Sept. 15, 1970, at 3. However, the issue is not without doubt, Ibid., and the question has never been definitively settled.

[14] The deferral of jurisdictional issues pending resolution of factual questions is not unusual in either Board or judicial practice, See, e.g., Hawaiian Common Fares Case, 37 C.A.B. 269 (1962); Pan American World Airways, et al. v. C.A.B., 392 F.2d 483 (C.A.D.C., 1968) and cases cited therein at 488; Airline Employees Association v. C.A.B., 413 F.2d 1092 (C.A.D.C., 1969). Should the Board find the fares to have been unjust and unreasonable, we can thereafter squarely face the issue of our power to grant relief.

[15] We fail to see how this procedural arrangement will unduly burden the complainants, as they allege. In the first place, any hardship of presenting evidence before decision on the jurisdictional issue is ameliorated by the ready availability of evidence adduced in the Domestic Passenger-Fare Investigation. Secondly, the carriers intend to come forward with evidence on justness and reasonableness, so that the evidentiary burden does not lie solely or primarily on the complainants. Thirdly, any Board order finally disposing of the complaint is subject to court review. If the complainants expect to prevail in their contentions, as they assert they will, they will in any case be required to bear the burden of participating in the factual determination necessary to the relief they seek, whether the factual issue is heard prior to, contemporaneously with, or after the jurisdictional issue.

[16] The complainants argue that Atlantic Coast Line R. Co. v. Florida, 395 U.S. 301 (1935), which would seem to place the burden of persuasion as to unreasonableness of the fares on complainants, is inapplicable because the fares here in question were invalidated for substantive rather than merely procedural errors and were for that reason void rather than voidable as in the Atlantic case.

[17] American Airlines, Inc., Continental Air Lines, Inc., and Delta Air Lines, Inc.

[Docket No. 19790; Order 71-2-106]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority February 24, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 68-10-165, dated October 29, 1968, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Texarkana and Dallas, Tex.

The Postmaster General filed a petition on February 5, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 54.97 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 5, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 54.97 cents per great circle aircraft mile between Texarkana and Dallas, Tex.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Beechcraft Super 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2821 Filed 3-1-71;8:51 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

CIVIL SERVICE COMMISSION

AGRONOMIST, AGENCY FOR INTERNATIONAL DEVELOPMENT

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on January 27, 1971 for the position of Agronomist, GS-471-15 (requires research expertise in tropical and semitropical soil fertility and plant nutrients), Agency for International Development, Washington, D.C.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

This authorization is self-canceling when the position is filled.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2801 Filed 3-1-71;8:49 am]

ASSISTANT TO COMMISSIONER FOR DATA PROCESSING, BUREAU OF CUSTOMS

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on February 10, 1971, for the single position of Assistant to the Commissioner for Data Processing, GS-330-15, Bureau of Customs, Washington, D.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2802 Filed 3-1-71;8:49 am]

PHYSICIAN ASSISTANTS

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on January 29, 1971, for two positions of Physician Assistant, GS-603-11, Muskogee, Okla. The findings are not to exceed 1 year and are self-canceling when the positions are filled.

Assuming other legal requirements are met, appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2803 Filed 3-1-71;8:49 am]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Public Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2804 Filed 3-1-71;8:49 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2805 Filed 3-1-71;8:50 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service position of Deputy Assistant Secretary/Science and Technology Planning, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2806 Filed 3-1-71;8:50 am]

DEPARTMENT OF DEFENSE

Notice of Title Change in Noncareer Executive Assignment

By notice of April 8, 1969, F.R. Doc. 69-4144 the Civil Service Commission authorized the Department of Defense to fill by noncareer executive assignment the position of Special Assistant to the Assistant Secretary of Defense (International Security Affairs). This is notice that the title of this position is now being changed to Principal Assistant to the Assistant Secretary of Defense (International Security Affairs).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2807 Filed 3-1-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Intradepartmental Educational Affairs, Office of the Secretary, Office of the Assistant Secretary/Commissioner of Education.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2808 Filed 3-1-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant for New Communities, Office of the Assistant Secretary for Metropolitan Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2809 Filed 3-1-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Housing Management, Office of the Director, Renewal and Housing Management.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2810 Filed 3-1-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Housing Program Management Division, Office of Housing Management, Renewal and Housing Management.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2811 Filed 3-1-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of New Communities Development, Office of the Assistant Secretary for Metropolitan Planning and Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2812 Filed 3-1-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Research and Technology, Office of the Assistant Secretary for Research and Technology, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2813 Filed 3-1-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2814 Filed 3-1-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Secretary of Guam, Office of Territories, Government of Guam.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2815 Filed 3-1-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16495; FCC 71-174]

DOMESTIC COMMUNICATIONS SATELLITE FACILITIES

Applications Accepted for Filing for Consideration

FEBRUARY 19, 1971.

1. On December 22, 1970, applications for domestic communications satellite facilities were submitted by Hughes Aircraft Co. (Hughes); General Telephone Company of California, General Telephone Company of Florida, General Telephone Company of Indiana, Inc., and Bethel and Mount Aetna Telephone and Telegraph Co. (General System Companies); and Hawaiian Telephone Co. (Hawaiian). Upon preliminary examination of such applications, we are of the view that the applications are substantially complete and acceptable for filing for consideration in Docket No. 16495 insofar as the Hughes-General proposal and the Hawaiian proposal are concerned, but are not complete for the purpose of the Hughes proposal to transmit television programs for delivery to cable television operators.[1] Acceptance of the applications (to the extent listed below) for filing does not, of course, constitute any determination on the merits or preclude the Commission from requesting additional information in the course of processing such applications. Nor does it constitute a finding as to whether or not the provisions of service by Hughes is or should be a common carrier activity and subject to regulation as such. That question will be addressed when the Commission considers the application on its merits.

2. Applicants and other interested persons are requested to utilize the rule making procedure in Docket No. 16495 rather than filing petitions to deny domestic satellite applications (including interconnecting terrestrial) pursuant to section 309 of the Communications Act. See Report and Order in Docket No. 16495 issued on March 24, 1970 (22 FCC 2d 86) and Memorandum Opinion and Order in Docket No. 16495 issued on December 2, 1970 (FCC 70-1238), establishing cutoff dates for applications to be considered with those of Western Union and filing dates for comments and reply comments (March 30 and April 26, 1971, respectively) on the applications and on the issues in the proposed rule making (Notice of Proposed Rule Making, 22 FCC 810; Further Notice of Proposed Rule Making, FCC 70-1015). With respect to the point-to-point microwave applications filed by the General System Companies and Hawaiian in the Domestic Public Radio Service, which were previously listed on January 11, 1971,[2] the cutoff provisions of § 21.30(b) of the Commission's rules are superseded by the dates prescribed in Docket No. 16495 except for claims of frequency interference. In accordance with the provisions of § 1.419 of the Commission's rules and the Report and Order in Docket No. 16495, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. In reaching its decision on these applications and on the proposed rule making, the Commission may take into account any other relevant information before it, in addition to the comments of the parties and the applications.

3. The applications which are hereby accepted for filing are as follows:[3]

[1] The Hughes proposal is presently incomplete for failure to show eligibility to use the microwave frequencies proposed for partial terrestrial interconnection between its operating centers and the earth stations in Califon, N.J., and San Juan Capistrano, Calif.

[2] Common Carrier Services Information, Report No. 526, Jan. 11, 1971.

[3] The overall description of a proposal is associated with the application for the lead earth station.

DOMESTIC COMMUNICATIONS SATELLITE SERVICE

SPACE STATIONS

5-DSS-P(3)-71—Hughes Aircraft Co. (New), C.P.'s for three space stations to be placed in geostationary orbit at 97°, 100°, and 103° W. longitude. Each satellite will have 12 transponders with receive frequencies in 5925–6425 MHz band and transmit frequencies in 3700–4200 MHz band. Each satellite will have a 60-inch diameter mechanically despun antenna with multiple antenna feeds providing 6.8° x 3.5° beams (33.1 dBw) to coterminus United States and pencil beams (25 dBw) to Alaska and Hawaii.

EARTH STATIONS

12-DSE-P-71—Hughes Aircraft Co. (New), C.P. for earth station near San Juan Capistrano, Calif., at 33°34'52" N., and 117°31'47" W. Station will use a 98-foot diameter antenna (with a 42-foot antenna to be installed at a later date as a backup) to receive in 3700–4200 MHz band and transmit in 5925–6425 MHz band. Power output will be 100 watts for the 98-foot antenna and 500 watts for the 42-foot antenna with maximum EIRP of 83 dBw in main beam.

13-DSE-P-71—Hughes Aircraft Co. (New), C.P. for earth station at Califon, N.J., at 40° 44'41" N. and 74°49'22" W. Station parameters same as 12-DSE-P-71.

[NOTE: Files Nos. 12-DSE-P-71 and 13-DSE-P-71 are accepted for filing in conjunction with the Hughes-General System Companies domestic satellite system proposal for tracking, telemetry and control purposes, subject to the filing of further information with respect to the proposal of Hughes Aircraft Company for use of these stations for transmission of television programs to receive-only stations.]

14-DSE-P-71—General Telephone Co. of California (New), C.P. for earth station at Triunfo Pass, Calif., at 34°04'55" N. and 118°53'45" W. Station will use two 95-100-foot-diameter antennas to receive in 3700–4200 MHz band and transmit in 5925–6425 MHz band. Power output will be 1 kilowatt with EIRP of 92 dBw in main beam and +3 dBw/4 KHz in horizontal plane.

15-DSE-P-71—General Telephone Co. of Indiana (New), C.P. for earth station at Metamora, Ind., at 39°23'57" N. and 85°13'30" W. Station parameters same as 14-DSE-P-71.

16-DSE-P-71—Bethel and Mount Aetna Telephone and Telegraph Co. (New), C.P. for earth station at Indiantown Gap, Pa., at 40°28'31" N. and 76°33'53" W. Station parameters same as 14-DSE-P-71.

17-DSE-P-71—General Telephone Co. of Florida (New), C.P. for earth station at Homosassa, Fla., at 28°51'18" N. and 82°31'58" W. Station parameters same as 14-DSE-P-71.

(INFORMATIVE: Applicants propose to use these stations in conjunction with the space segment of the Hughes Aircraft Co. proposed domestic satellite system to supplement and interconnect terrestrial facilities of the General System Companies.)

8-DSE(R)-P-71—Hawaiian Telephone Co. (New), C.P. for earth station at Pupukea, Oahu, Hawaii, at 21°39'46" N. and 158°03'03" W. Station will use a 45-foot-diameter antenna with multihorn feeds to receive in 3700–4200 MHz band and transmit in 5925–6425 MHz band. Power output will be 330 watt with EIRP of 83 dBw in main beam and +3 dBw/4 KHz in horizontal plane.

(INFORMATIVE: Applicant proposes to use this earth station in conjunction with the domestic satellite system proposed by The Western Union Telegraph Co. or any other authorized domestic satellite system which is economically viable for Hawaii. Station will be operated initially as a receive-only station for television programs, but will have capacity for two-way message and television transmission service.)

POINT-TO-POINT MICROWAVE RADIO SERVICE

The following applications were listed and described in the Common Carrier Services Information Report No. 526 of Jan. 11, 1971, and are accepted for filing for consideration in Docket No. 16495 in connection with the domestic satellite proposals of Hughes-General System Companies and Hawaiian Telephone Co.:

3369-C1-P-71, 3370-C1-P-71, 3395-C1-P-71, 3396-C1-P-71, General Telephone Co. of California.

3444-C1-P-71, 3445-C1-P-71, 3446-C1-P-71, General Telephone Co. of Indiana.

3397-C1-P-71, 3398-C1-P-71, Bethel and Mount Aetna Telephone & Telegraph Co.

3400-C1-P-71, 3401-C1-P-71, 3402-C1-P-71, General Telephone Co. of Florida.

3364-C1-P-71, 3365-C1-P-71, 3366-C1-P-71, 3367-C1-P-71, 3368-C1-P-71, Hawaiian Telephone Co.

Action by the Commission February 18, 1971.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[FR Doc.71-2727 Filed 3-1-71;8:45 am]

[4] Commissioners Burch (Chairman), Robert E. Lee, Johnson, H. Rex Lee, Wells, and Houser.

[Canadian List 277]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

FEBRUARY 15, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		710 kHz							
CJRN (change of daytime site and radiation pattern—PO: 1600 kHz, 10 kw., DA-2).	Niagara Falls, Ontario, N. 42°53'52" W. 78° 57'27".	5D/2.5N	DA-2	U	II				
		1230 kHz							
CKSM (now in operation with increased power).	Shawinigan Falls, Quebec, N. 46°35'26.5". W. 72°45'46.5".	10D/2.5N	DA-2	U	II				
		1240 kHz							
CKBX (assignment of call letters).	100 Mile House, British Columbia, N. 51°40'11", W. 121°17'22".	0.25	ND 180	U	IV				

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistance Chief, Broadcast Bureau.

[FR Doc.71-2725 Filed 3-1-71;8:45 am]

[Docket No. 19154; FCC 71-159]

FORMULATION OF POLICIES RELATING TO BROADCAST RENEWAL APPLICANT, STEMMING FROM COMPARATIVE HEARING PROCESS

Notice of Inquiry

1. On January 15, 1970, the Commission issued its policy statement on comparative hearings involving regular renewal applicants (22 FCC 2d 424). The crux of this policy statement concerned the rendering of "substantial service" by the renewal applicant. If the latter has rendered such service, without substantial defects, he will be preferred over newcomers; if not, he obtains no preference against the newcomer, and, while the ultimate issue will be determined on the comparative criteria, obviously has a handicap since he is then competing as one who chose to deliver less than substantial service to the public. The Commission noted that the term "substantial", of necessity, lacks mathematical precision, but was nevertheless a perfectly appropriate standard, much used in statutes. It pointed to the dictionary definition, "strong, solid, firm, much, considerable, ample, large, of considerable worth or value; important." 22 FCC 2d at 426. Finally, the Commission stated that the hearing process would be critical in implementation of this standard (22 FCC 2d at p. 426):

> The renewal applicant would have a full opportunity to establish that his operation was a "substantial" one, solidly meeting the needs and interests of his area, and not otherwise characterized by serious deficiencies. He could, of course, call upon community leaders to corroborate his position. On the other hand, the competing party would have the same opportunity in the hearing process to demonstrate his allegation that the existing licensee's operation has been a minimal one. And he, too, can call upon community leaders to testify to this effect

if this is, indeed, the case. The programing performance of the licensee in all programing categories (including the licensee's response to his ascertainment of community needs and problems) is thus vital to the judgment to be made. Further, although the matter is not a comparative one but rather whether substantial service has been rendered, the efforts of like stations in the community or elsewhere to supply substantial service is also relevant in this critical judgment area. There would, of course, be the necessity of taking into account pertinent standards which are evolved by the Commission in this field.

2. The purpose of this notice is to explore whether some pertinent standards can be evolved in the area of television broadcasting. The reason for restricting the inquiry to television is that our preliminary study of renewals has focused on this area. It clearly constitutes a most important beginning point. In view of their present problems, we exclude from our discussion within (paragraphs 3–5) the independent UHF stations.

3. Clearly, any possible guidelines must be general in nature; there is no way, we repeat, to delineate with mathematical precision what constitutes "substantial service." However, the issue in this inquiry is whether it is appropriate to focus on two critically important areas, and to give some prima facie indication of what constitutes substantial performance in these areas. The areas are local programing, and programing designed to contribute to an informed electorate. The reason for focus on these two areas is obvious. The congressional scheme of TV allocations is based on local outlets. See sections 307(b), 303(s); S. Rept. No. 1526, 87th Cong., 2d Sess.; H. Rept. No. 1559, 87th Cong., 2d Sess. If a television station does not serve in a substantial manner as a local outlet—if it is, in effect, a network spigot or mere purveyor of nonlocal film programing, it is clearly not meeting its crucial role. Similarly, we have stated that the reason we have allotted so much spectrum space to broadcasting is because of the contribution which it can make to an informed electorate. See Report on Editorializing by Broadcast Licensees, 13 FCC 1246, 1248 (1949). If a broadcaster does not make such a contribution in a substantial fashion, he is again undermining the basic allocations scheme.

4. We thus single out these two areas: (1) Local programing and (2) informed electorate programing (i.e., news and public affairs), and turn now to what figures should be proposed in these areas for the comment of interested persons. In resolving that matter, we have had, necessarily, to rely upon our judgment and experience as to what should constitute "substantial service" in order to achieve the all-important basic allocation goals delineated above. However, it would make no sense to propose goals which are unrealistic, so we have also undertaken a study of all renewal applicants in the television markets. Based on that study, we do not believe our proposals to be unrealistic because in each of these categories, substantial numbers of broadcasters are meeting the proposed guidelines. There are three caveats to be noted in this respect. We have no data in some areas; thus, the form does not now require information on public affairs programing in prime time. The figure which we have selected for comment (3 percent of prime time or about an hour a week) appears to us to be both a reasonable and realistic one, called for to achieve the above noted basic allocations goal. The second caveat is the extent to which we should take into account the different revenue posture of stations. We believe that as a general matter we should exempt the unprofitable station from these guidelines. It is for that reason that for the present (i.e., until they become profitable), we have excluded from

this inquiry the independent UHF stations. Similarly, in the unlikely event that any other station losing money were to find itself in a comparative renewal hearing, the station could show the inapplicability of these guidelines because of its financial posture; judgment of its operation would thus have to be on an ad hoc basis, directed to the particular facts. But aside from this consideration of unprofitability, there is also the issue whether, based on the study, different guideline figures are not appropriate for stations with lesser revenue figures. To take this factor into account, we propose, for the most part, a range in these categories. The high end of the range would apply to the station in the top 50 markets with revenues over $5,000,000, while the low end would apply to the station with revenues below $1,000,000; a station with revenues between these figures would fall appropriately within the range (with, we stress, no specification of a precise, decimal-point figure but rather a general or "ball-park" figure). The appropriate revenue bracket would be denoted on the renewal or annual form, by checking a box. We specifically ask for comments directed to this question of the appropriate range, and to facilitate such comments, will make public our study data.[1] The third caveat has to do with the area of programing designed to contribute to an informed electorate. In view of the clear, close relationship between news and public affairs programing, comments are requested whether these two categories should not be viewed together, with one overall figure and leeway for the licensee to make judgments within that figure. Thus, a station in a very large community might make the judgment to concentrate on public affairs programming, in light of the very intensive news efforts of several other stations in the community. Or, a station, if it judged it a more effective way of illuminating issues, might increase its news programing as against public affairs, with the insertion in such news programing of substantial segments dealing with public affairs discussions.

5. With this as necessary background, we now set out the following proposed figures as representing substantial service:

(i) With respect to local programing, a range of 10–15 percent of the broadcast effort (including 10–15 percent in the prime time period, 6–11 p.m., when the largest audience is available to watch).

(ii) The proposed figure for news is 8–10 percent for the network affiliate, 5 percent for the independent VHF station (including a figure of 8–10 percent and 5 percent, respectively, in the prime time period).

(iii) In the public affairs area, the tentative figure is 3–5 percent, with, as stated, a 3 percent figure for the 6–11 p.m. time period.

[1] See tables 1–4, filed as part of the original document.

These figures are, of course, tentative ones set forth for comment by the interested parties.

6. There are a number of obvious considerations as to the above inquiry. First, as stated, it does not constitute the complete picture as to whether a station is rendering substantial service. Thus, it does not deal with every programing category. We believe that not every category is susceptible to the drawing of general guidelines. For example, there may be substantial agricultural interest in one area, and virtually none in another. As to such variables, only individual inspection, perhaps in the hearing process, could definitively delineate whether substantial service was being rendered in every respect. This point merits emphasis; we have no intention, now or at any future time, to try to delineate that X percent of time need be devoted to a particular programing area such as agriculture, religious, etc. Second, even as to the two general areas where we think we can usefully set forth overall guidelines for the reasons set forth in paragraph 3, supra, we point out that the guidelines, if adopted, would not be a requirement that would automatically be definitive, either for or against the renewal applicant. Thus, if the applicant did not meet these guidelines, he could still argue in a comparative hearing that his service was substantial, using means such as described in paragraph 1, supra; he might point to an exceptional qualitative effort, e.g., an exceptional dedication of funds, staff and other resources to compensate for the lesser quantitative showing. On the other hand, the fact that a renewal applicant did meet these general guidelines would not preclude the contention at renewal or at a comparative hearing that his service was not substantial in these two areas. An applicant could devote a most substantial percentage of his time to public affairs, for example, but with coverage solely of issues like canoe safety, rather than the issues that are truly of "great public concern" in the area. See Red Lion Bctg. Co. FCC, 395 U.S. 367, 394 (1969). In local programing the licensee again could have a substantial percentage figure and yet not serve "equitably and in good faith" the needs of significant groups within his service area. See Report and Statement of Policy re: Commission's En Banc Programing Inquiry, 20 Pike & Fischer, R.R. 1901 (1960); Capitol Bctg. Co., 38 FCC 1135, 1139–40 (1965). Here again, this would be a matter for particularized assessment, with the testimony of community leaders of particular significance. See paragraph 1, supra. There could of course also be substantial issues as to compliance with bedrock policies such as the fairness doctrine, the antidiscrimination rules, or over-commercialization. In short, the general guidelines are just that—general or prima facie indications of substantial service, not definitive mathematical models. Even so, these general guidelines would appear useful and helpful, both to the industrial and to the interested public. For they would give a general indication of what is called for, at least quantitatively, to meet substantial public interest requirements in these two critically important areas. Finally, we stress that assuming guidelines were to be adopted on the basis of this notice, such guidelines would not then become fixed or immutable. Clearly, in a field as "dynamic" as this (see FCC v. Pottsville Bctg. Co., 309 U.S. 134, 138), it would be necessary to review them in the light of experience and changing conditions and thus to determine at appropriate intervals whether they should be revised, upwards or downwards.

7. The above proposal focuses on the renewal applicant in relation to the criterion of substantial service where there are competitors. That concept clearly has great relevance to the renewal process generally since it constitutes the critically important competitive spur. See Policy Statement, supra. There are other revisions or proposals generally applicable in this renewal television field which should be briefly noted and which, we believe, complement the foregoing proposal:

(i) A renewal applicant would be required to list the most important problems or concerns facing his area during the twelve months preceding filing of his application which, in his opinion, were most serious or important. He would then be required to list all the programs he has presented during that same period which dealt with these issues, giving the name of each program, the date, time and duration of its broadcast, and a brief description of the program. At yearly intervals (specifically on September 1), the broadcast licensee would again prepare the information set out in the first two sentences of this subsection (i). This information would be an attachment to a shortened form which he would prepare at this annual interval, setting out, inter alia, his performance in the above-described categories (local; news; public affairs).

(ii) As proposed in Docket No. 19153, 36 F.R. 3902, the licensee would also make announcements at specified intervals, concerning his obligation to serve the needs and interests of his area and, if appropriate, his renewal application.

8. In view of the policy considerations discussed, we would propose not to require the extensive survey now incumbent upon the new broadcast applicant (including a transferee or assignee). The basis of this proposal to simplify our procedures is that there is no need at renewal for a new, detailed survey; the licensee should have been digging in each year of his operation to ascertain and meet needs, and would have maintained a continuing stream of contacts with interested individuals, leaders, and groups. In short, when it comes to renewal—to a question of performance consistent with the public interest standard—it is substance, not form, which is of critical importance. See paragraph 9, infra.

9. We stress this point of community involvement. The above proposals in paragraph 7 are geared to a continuing dialogue between station and community—not a triennial spurt; to actual performance in crucial areas rather than elaborate surveys; and, finally, to reliance upon community leaders and groups, both to point up the need for any further inquiry by the Commission at renewal time or to spur substantial performance by the possibility of filing of a competing application. See Policy Statement, supra. By facilitating both awareness of the station's performance in critical areas throughout the license term and a continuing participation by the public, we believe that we are acting in a manner fairer to the licensee and fairer to the interested public. None of these proposals, we emphasize, is designed in any way to dictate a particular program or format. They do indicate areas where the licensee must focus in view of sound and basic allocations policy. But the programing to be chosen to implement these policies is a matter for the licensee's judgment, after giving appropriate and good faith attention to the area's needs and interests. Since that is so, the Commission intends to place great reliance on community interest and participation in the renewal process. If the approach is successful in the area here under consideration, a simplified approach to renewal, with emphasis on community feed-back, will be considered for other broadcast areas. However, we intend to complete our study of this television area, and to gain experience therefrom, before turning to its consideration elsewhere.

10. If adopted, there is the question of the applicability of the new policy criteria as to substantial service. It would be clearly unfair to make such policies immediately applicable to the renewal applicants and judge their performance in hearings on policies which were not yet formulated or known to them; rather, if adoption of these general criteria is found to be warranted, there should be an appropriate time interval (e.g., 12 months) afforded licensees to meet these guidelines. We ask for comment on that time period. Any comparative hearings involving renewal applicants before that period would be governed by the present, more amorphous standards, with showings along the lines of the policy set out in paragraph 1, supra. In short, there would be a moratorium not on the filing of competing applications but on the applicability of these general criteria.

11. The foregoing proposal thus constitutes the basis of an inquiry to explore whether it is feasible or appropriate to give greater guidance with respect to the critically important concept in our 1970 Policy Statement of "substantial service." If it is not feasible or appropriate, one obvious alternative is simply to develop our policies in this area through a series of ad hoc decisions, with any overall policy awaiting the accumulation of greater experience. We have of course reached no final or tentative conclusion, but rather would stress our openness to all alternatives or suggestions as to what action would best serve our objective and, in the final analysis, the "public interest in the larger and more effective use of radio" (section 303(g) of the Communications Act of 1934, as amended).

12. Authority for this inquiry is contained in sections 4(i), 303, 307(d), 309, and 311(a) of the Communications Act of 1934, as amended.

13. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before May 3, 1971, and reply comments on or before June 3, 1971. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, briefs, and other documents shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

Adopted: February 17, 1971.

Released: February 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2721 Filed 3-1-71;8:45 am]

[1] Concurring statements of Commissioners Burch, Chairman; Johnson, and H. Rex Lee; and dissenting statement of Commissioner Wells filed as part of original document; Commissioner Bartley dissenting.

[2] Appendix A filed as part of the original document.

FEDERAL MARITIME COMMISSION

[Docket No. 71-16]

JOHNSON LINES ET AL.

Order of Investigation and Hearing

Johnson Lines, French Line, Hapag-Lloyd Line; violations of section 18(b)(3), Shipping Act, 1916.

Certain lines of the Outward Continental North Pacific Freight Conference have transported new ex factory automobiles from Europe to U.S. Pacific Coast ports (see Appendix A [2]) at rates not provided for in the Conference Tariff in possible violation of section 18(b)(3) of the Shipping Act, 1916. The Conference has stated that the automobiles were carried pursuant to separately negotiated contracts with the automobile manufacturers, and that the Conference members were acting as contract carriers in regard to these movements.

The automobiles carried took up only a fraction of the total cargo space aboard the vessels with the rest of the space devoted to common carriage. The Conference members used the contracts as a device to grant specific automobile shippers a rate lower than the Conference tariff rate in violation of section 18(b)(3) of the Shipping Act of 1916.

Therefore it is ordered, Pursuant to section 22 of the Shipping Act, 1916, that a proceeding is hereby instituted to determine whether, in view of the activities of the Respondents pertaining to section 1 of the Shipping Act of 1916, there has been a violation of section 18(b)(3) of the Act with respect to the carriage of new ex factory automobiles pursuant to individually negotiated contracts.

It is further ordered, That there appearing to be no material issues of fact in dispute that the proceeding shall be limited to the submission of affidavits of fact, memoranda of law, replies and oral argument. Should the respondents feel that an evidentiary hearing is required, they must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavits. Request for evidentiary hearing shall be made on or before March 19, 1971. Affidavits of fact and memoranda of law shall be filed by respondent and served upon all parties no later than the close of business March 19, 1971.

Replies thereto shall be filed by Hearing Counsel and intervenors, if any, no later than the close of business April 5, 1971. Respondents shall be given a further opportunity to answer the reply of Hearing Counsel and intervenors, if any, not later than the close of business April 15, 1971. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Time and date of oral argument if requested and/or deemed necessary by the Commission will be announced at a later date.

It is further ordered, That the Hapag-Lloyd Line, French Line, and Johnson Line be made respondents in this proceeding.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof be served upon the respondents.

It is further ordered, That any person other than those named as respondents herein who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(l) (46 CFR 502.72) of the Commission's rules of practice and procedure.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2785 Filed 3-1-71;8:48 am]

[Docket No. 71-18]

MATSON NAVIGATION CO.

Order of Investigation and Suspension

Matson Navigation Co. has filed with the Federal Maritime Commission Westbound Container Freight Tariff FMC-F No. 146 and Second Revised Page 9 to Tariff FMC-F No. 143 to become effective March 1, 1971, which generally increases rates and charges from U.S. Pacific Coast ports to ports in the Hawaiian Islands.

Upon consideration of the said tariff and protests filed thereto there is reason to believe that the increased rates and charges, and the governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

One of the cost factors which Matson has submitted to the Commission as justification for its proposed increase in rates is the substantial increase in the price of fuel oil which has occured during the past year. The Commission is well aware that fuel oil prices have sharply risen in such period and that a number of carriers in other trades have published surcharges to compensate for abnormal fuel expense which the Commission has allowed without investigation or suspension.

Furthermore, the Commission is aware of additional expenses which Matson has incurred arising out of a substantial investment in new equipment to be employed in the trade. Based upon the Commission's best knowledge and belief, indications are that the investment in new vessels will impose upon Matson an interest liability in excess of its net income. In the Commission's opinion, therefore, there are financial obligations imposed upon Matson by these additional expenses which must be considered. Although it cannot be determined at this time that the full 12½ percent increase proposed by Matson nor the elimination of the Less Than Containerload rates is justified, especially in view of the many protests received, the Commission is of the opinion that the full exercise of suspension authority would not be warranted. In consideration of the various equities involved, therefore, the Commission believes that as an interim measure an increase in rates in the amount of 9 percent would not be unreasonable. This approach would furthermore keep in effect the Less Than Containerload rates which would have been eliminated by the proposed tariff changes.

Under the circumstances, and pursuant to our authority under section 2 of the Intercoastal Shipping Act, 1933, the Commission hereby waives the 30-day notice requirements. The Commission, therefore, grants authority to Matson to publish and file consecutively numbered supplements to its Tariffs FMC-F Nos. 137 and 143, on not less than 1 day's notice to become effective not earlier than March 1, 1971, publishing a script clause notation to provide for a percentage increase not to exceed 9 percent limited to items increased in Tariffs FMC-F Nos. 146 and 143.

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to make such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Tariff FMC-F No. 146 and Second Revised Page 9 to Tariff FMC-F No. 143 are suspended and the use thereof be deferred to and including June 19, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Matson Navigation Co. a consecutively numbered supplement to the aforesaid tariffs which supplement shall bear no effective date, shall reproduce the portion of this order wherein the aforesaid matter is suspended and may not be used until June 20, 1971, except as otherwise authorized herein by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, except as authorized herein or unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provisions of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Matson Navigation Co. be named as respondent in this proceeding;

It is furthered ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and all protestants herein and published in the FEDERAL REGISTER; and (II) the said respondent and protestants be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

Honorable Bertram T. Kanbara, Attorney General, State of Hawaii, State Capitol Building, Honolulu, HI 96813.
H. A. Tatum, Manager, Hawaiian Islands Freight Association., Inc., 540 Cook Street, Honolulu, HI 96814.
Vincent J. Ferrigno, Vice President, The Industrial Traffic Association of Hawaii, Post Office Box 10684, Honolulu, HI 96816.
Paul Bimmerman, Jr., President, Paul Bimmerman Co., 2540 Huntington Drive, San Marino, CA 91108.
H. C. Lea, Vice President, Golden Gate Bakery, 264 South Spruce Avenue, South San Francisco, CA 94118.
R. H. Wiedenman, Manager, Dolly Madison Cakes Division, Interstate Brands Corp., 2330 Ripple Street, Los Angeles, CA 90039.
Vincent W. Jones, Esq., General Counsel & Assistant Corporate Secretary, Sears Roebuck and Co., 2650 East Olympic Boulevard, Los Angeles, CA 90054.
Dan Carmichael, Honolulu Correspondent, Kona Times, 2445 Kaala Street, Honolulu, HI 96822.
William W. Schwarzer, Esq., McCutchen, Doyle, Brown & Enersen, 601 California Street, San Francisco, CA 94108.
Gilbert Yamashiro, Volcano, HI 96785.
Robert F. Alderman, President, Alderman Enterprises, Inc., Suite 1013 Ala Moana Building, Honolulu, HI 96814.
A. P. Davis, Jr., Assistant Vice President, Carnation Co., 5045 Wilshire Boulevard, Los Angeles, CA 90036.
Stanton P. Sender, Esq., Sears Roebuck & Co., 1211 Connecticut Avenue, Washington, DC 20036.
John W. Gillus, Manager of Transportation Pricing, General Foods Corp., 250 North Street, White Plains, NY 10603.
Sam H. Flint, Vice President, The Quaker Oats Co., 345 Merchandise Mart, Chicago, IL 60654.
Jack I. Tokunaga, President, Hawaii Macadamia Producer Associates, Post Office Box 86, Kealakekua, HI 96750.
R. V. Haugen, Assistant Transportation Manager, CPC International, Inc., 1080 Bryant Street, San Francisco, CA 94103.
Peter P. Wilson, Esq., David F. Anderson, Esq., Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105.

[FR Doc.71-2786 Filed 3-1-71;8:48 am]

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington DC 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. M. L. Duffy, Secretary General, Atlantic Passenger Steamship Conference, 139 Sandgate Road, Folkestone, Kent, England.

Agreement No. 7840-79 of the Atlantic Passenger Steamship Conference provides for the modification of Agreement No. 7840, as amended, to permit a group of Member Lines to quote fares higher than the fares agreed upon by all Member Lines.

Dated: February 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2787 Filed 3-1-71;8:48 am]

FAR EAST CONFERENCE AND PACIFIC WESTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of joint petition filed by:

Mr. Raymond J. Flynn, Chairman, Far East Conference, 11 Broadway, New York, NY 10004,
and
Mr. W. C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, CA 94111.

The Far East Conference and the Pacific Westbound Conference have petitioned the Commission jointly for the continued approval of Agreements Nos. 8200, 8200-1, and 8200-2 without any limitation as to term. Agreements Nos. 8200, 8200-1, and 8200-2 were approved by the Commission pursuant to section 15 of the Shipping Act, 1916, until April 16, 1971, by its order of January 13, 1970.

Dated: February 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2788 Filed 3-1-71;8:48 am]

NEW YORK PASSENGER TERMINAL USERS' ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Paul M. Tschirhart, Esquire, Coles & Goertner, 1000 Connecticut Avenue NW., Washington, DC 20036.
James T. O'Hara, Esquire, Casey, Tyre, Wallace & Bannerman, Suite 212, The Woodward Building, 15th and H Streets NW., Washington, DC 20005.
Burton White, Esquire, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9851, between the parties identified hereafter, will establish a cooperative working arrangement whereby the parties organize themselves to arrive at a common position and conduct orderly negotiations with the city of New York and the Port of New York Authority regarding the construction of a Consolidated Passenger Terminal; the supplanting of existing lease, license and user arrangements; the determination of cost of use of such terminal and its allocation among the parties; interim terminal arrangements; the construction, financing, lease, use and tariff of a Consolidated Passenger Terminal; the modification, renewal, extension, termination or rescission of any agreements pertaining thereto; the establishing and changing of assignments of berths at any interim or Consolidated Passenger Terminal at the Port of New York for passenger carrying vessels owned or operated by the parties; also the parties may propose, discuss and enter arrangements among themselves establishing uniform positions for negotiations with Labor concerning customs and practices at any interim or Consolidated Passenger Terminal.

The parties may, through the NYPTUA (hereafter referred to as the Association) exchange information as to vessel dimensions, capacity and operating characteristics, passengers, mail, cargo, and baggage and comparative costs at ports other than the Port of New York. The provisions of the Agreement also cover the selection of a Chairman and other officers, holding regular meetings, calling special meetings, quorum requirements, allocation of expenses, establishing of committees, keeping of minutes and their filing with the Federal Maritime Commission.

Amendments may be adopted by affirmative vote of ¾ (three-fourths) of the members, but shall not become effec-

tive until approved by the Commission. Except for amendments to this Agreement, all action by the Association shall require an affirmative vote of not less than two-thirds (⅔) of the members.

Membership in the Association is open to any common carrier by water engaged in, or furnishing evidence of intention and ability to engage in, the transportation of passengers between the Port of New York and other ports. Procedure for admission, withdrawal and expulsion from the Association shall conform to the requirements of the Commission's General Order 9, which has been incorporated as part of the Agreement.

The parties to this Agreement No. 9851 are:

Canadian Pacific Ships.
Cunard Line, Ltd.
French Line.
Holland America Line.
Italian Line.
North German Lloyd Passenger.
Swedish America Line.
Chandris America Lines, Inc.
Flagship Cruises Ltd.
Greek Line, Inc.
Homes Lines Agency, Inc.
Incres Line.
Norwegian America Line.

Dated: February 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2789 Filed 3-1-71;8:48 am]

UNITED STATES GREAT LAKES-BORDEAUX/HAMBURG RANGE WESTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733; 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

L. S. Bissell, Executive Officer, U.S. Great Lakes-Bordeaux/Hamburg Range Westbound Conference, 1 Como Street, Romford, RM7 7DL, Essex, England.

Agreement No. 7830-11 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7, as revised on October 27, 1970, deletes reference to Rotterdam in Article 16, and restates the Agreement in its entirety.

Dated: February 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2790 Filed 3-1-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. CI71-118, etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Consolidating Proceedings for Hearing, Permitting Interventions, Prescribing Procedures, and Fixing Date of Hearing

FEBRUARY 22, 1971.

On June 17, 1970, the Commission issued in paragraph 12 of Docket No. R-389 a Statement on New Applications for Certificates for Sale of Permian Basin Area Natural Gas. Therein the Commission stated that it would subsequently accept for consideration applications by independent producers requesting issuance of a certificate of public convenience and necessity for sales of natural gas from the Permian Basin Area notwithstanding that the stated rate may be in excess of the applicable Permian Basin Area ceiling rates established in Opinions Nos. 468 and 468-A (34 FPC 159 and 1068). Thereafter, on July 17, 1970, in Docket No. R-389A the Commission stated it would accept for consideration similar applications from all other areas notwithstanding that the stated rate may be in excess of the ceiling or guideline rates.

The initial application for a certificate which is still pending under paragraph 12 of R-389 was filed on August 10, 1970, by Pan American Petroleum Corp. in Docket No. CI71-118. Thereafter, numerous applications for certificates have been filed pursuant to paragraphs 12 of both R-389 and R-389A. These applications represent sizeable volumes of natural gas potentially available to interstate pipelines. In view of the data which indicated to the Commission the inability of interstate pipelines to procure contracts for new supplies of gas at the same relative rate as heretofore, we believe it to be advisable to act expeditiously by considering all applications in one hearing rather than in individual hearings. We therefore consolidate for purposes of hearing all of the matters in issue in the applications listed in Appendix A below. A public hearing will be held to allow the presentation, cross-examination and rebuttal of evidence by any participant in any of the proceedings included therein involving that participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a permanent certificate on the terms proposed in that application. Although evidence on all applications will be admitted in one consolidated hearing, each individual application will be considered on its own merits.

Following the filing of certain applications, petitions to intervene and notices of intervention were filed pursuant to § 1.8 of the Commission's rules of practice and procedure. Those petitioners which are permitted to become interveners in each proceeding are listed according to docket number in Appendix B below. The participation of each intervener shall be limited to those applications in which intervention is permitted.

The Commission finds:

(1) The applications for certificates listed in Appendix A are related matters which should be heard on a consolidated record as hereinafter provided.

(2) It is desirable to allow the persons listed in Appendix B that have filed petitions to intervene in certain proceedings to become interveners in the designated dockets.

The Commission orders:

(A) The applications for certificates for sales of natural gas filed in Docket No. CI71-118 et al., as fully set forth in Appendix A below, are hereby consolidated for purposes of hearing. The decision as to each application shall be determined on the basis of its individual merits.

(B) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing April 6, 1971 at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning whether the present or future public convenience and necessity requires the issuance of a certificate for the sale of natural gas on the terms proposed in each application and whether the issuance of any certificate should be conditioned in any way. The Chief Examiner or an examiner designated by him shall preside at the hearing.

(C) The persons named in Appendix B who have filed petitions to intervene in certain proceedings consolidated herein for hearing are hereby permitted to become interveners, but only in the proceeding designated for each, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) All applicants seeking certificates in this consolidated proceeding shall on or before March 5, 1971, file with the Commission and serve on all interveners admitted to that particular application proceeding all exhibits and testimony of all witnesses to be sponsored by them in support of their application.

(E) All interveners and the Commission's staff shall on or before March 19, 1971, file with the Commission and serve on all participants in each respective proceeding all exhibits and testimony of all witnesses to be sponsored by them.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Applicant	Purchaser	Date application filed
PERMIAN BASIN AREA			
CI71-118	Pan American Petroleum Corp.	El Paso	8-10-70
CI71-138	Gulf Oil Corp.	do	8-17-70
CI71-170	Humble Oil & Refining Co.	do	8-26-70
CI71-256	Skelly Oil Co.	do	9-17-70
CI71-268	George Mitchell & Associates, Inc., Agent for Mitchell & Mitchell Gas & Oil Corp. et al.	Transwestern, El Paso	9-22-70, 9-28-70
CI71-285	Cities Service Oil Co.	do	11-12-70
CI71-405	Getty Oil Co.	do	11-20-70
CI71-435	Cities Service Oil Co.	Natural Gas Pipe Line Co. of America.	11-23-70
CI71-440	Atlantic Richfield Co.		
CI71-451	do	do	12- 3-70
CI71-460	Union Texas Petroleum, a division of Allied Chemical Corp.	do	12- 8-70
CI71-466	Humble Oil & Refining Co.	do	12-11-70
SOUTHERN LOUISIANA			
CI71-77	Suburban Propane Gas Corp.	United Gas	7-31-70
CI71-117	Edwin L. Cox (Operator) et al.	Texas Gas	8- 7-70
CI71-131	Tribal Oil Co. (Operator) et al	Trunkline	8-13-70
CI71-177	Birthright Oil Co.	Tennessee	8-24-70
CI71-220	Mobil Oil Corp.	Texas Eastern	9- 8-70
CI71-223	Texaco, Inc.	United Fuel	9- 8-70
CI71-237	Cities Service Oil Co.	Texas Eastern	9-11-70
CI71-262	Texas Pacific Oil Co., Inc.	Tennessee	9-21-70
CI71-263	Humble Oil & Refining Co.	Southern Natural	9-21-70
CI71-267	Emerald Oil Co. (Operator) et al.	Tennessee	9-22-70
CI71-317	Kerr-McGee Corp.	Michigan-Wisconsin	10- 9-70
CI71-331	Roy Huffington, Inc.	Southern Natural	10- 9-70
CI71-346	Cabot Corp.	Michigan-Wisconsin	10-19-70
CI71-355	Felmont Oil Corp.	do	10-21-70
CI71-358	Sun Oil Co.	do	10-22-70
CI71-399	Placid Oil Co.	Southern Natural	11- 9-70
CI71-411	Texaco, Inc.	Tennessee	11-16-70
CI71-421	Pan American Petroleum Corp.	Gas Gathering Corp.	11-19-70
CI71-424	Kenmore Oil Co., Inc. (Operator) et al.	Florida Gas	11-19-70
CI71-439	Getty Oil Co.	Tennessee	11-23-70
CI71-441	Continental Oil Co.	do	11-27-70
CI71-445	Oil & Gas Futures, Inc., of Texas	Transco	11-30-70
CI71-448	The Fundamental Oil Corp. (Operator) et al.	United Gas	12- 2-70
CI71-459	Inexco Oil Co.	Natural Gas Pipe Line Co. of America.	12- 7-70
CI71-461	Jones O'Brien, Inc. (Operator) et al.	Tennessee	12- 9-70
CI71-463	The California Co., a division of Chevron Oil Co.	do	12-10-70
CI71-464	William G. Darsey, III	do	12-10-70
CI71-474	The California Co., a division of Chevron Oil Co.	Texas Eastern	12-11-70
CI71-475	Texaco, Inc.	United Fuel	12-16-70
TEXAS GULF COAST			
CI71-69	American Pipeline Inc.	Natural Gas Pipe Line Co. of America.	7-23-70
CI71-110	Steeple Oil and Gas Corp.	United Gas	8- 6-70
CI71-139	Getty Oil Co.	Transco	8-17-70
CI71-180	Schimmel Oil Co. (Operator) et al.	Texas Eastern	8-27-70
CI71-200	Skelly Oil Co.	Transco	9- 2-70
CI71-203	Solon Haze Burleson (Operator) et al.	Tennessee	9- 3-70
CI71-207	Cities Service Co.	Transco	9- 4-70
CI71-209	Sun Oil Co.	do	9- 3-70
CI71-390	Lyons Petroleum (Operator) et al.	Natural Gas Pipe Line Co. of America.	11- 6-70
CI71-484	Prudhoe Production, Inc. (Operator) et al.	do	12-21-70
CI71-520	Varn Petroleum Co. (Operator) et al.	United Gas	1-15-71
CI71-533	Jetgas Co.	do	1-21-71
CI71-544	The California Co., a division of Chevron Oil Co.	Texas Eastern	1-27-71
HUGOTON-ANADARKO			
CI71-332	Helmly & Prather Oil Corp. (Operator) et al.	Transwestern	10-14-70

APPENDIX B

PERMIAN BASIN AREA

Docket No. in which Intervention Granted	Intervenors
CI71-118	El Paso Natural Gas Co. San Diego Gas & Electric Co. Pacific Gas & Electric Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
CI71-138	El Paso Natural Gas Co. San Diego Gas & Electric Co. Pacific Gas & Electric Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
CI71-170	El Paso Natural Gas Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
CI71-256	El Paso Natural Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
CI71-268	Southern California Gas Co. Transwestern Pipeline Co. Pacific Lighting Service Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
CI71-285	The People of the State of California and the Public Utilities Commission of the State of California.
CI71-405	El Paso Natural Gas Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.
CI71-435	El Paso Natural Gas Co. Southern California Gas Co. The People of the State of California and the Public Utilities Commission of the State of California.

SOUTHERN LOUISIANA

CI71-77	Long Island Lighting Co.
CI71-117	Long Island Lighting Co. The Philadelphia Gas Works Division of UGI Corp.
CI71-131	Long Island Lighting Co. The Philadelphia Gas Works Division of UGI Corp.
CI71-177	Long Island Lighting Co. The Philadelphia Gas Works Division of UGI Corp.
CI71-220	Long Island Lighting Co. The Philadelphia Gas Works Division of UGI Corp.
CI71-223	The Philadelphia Gas Works Division of UGI Corp.
CI71-237	Long Island Lighting Co. The Philadelphia Gas Works Division of UGI Corp.
CI71-262	The Philadelphia Gas Works Division of UGI Corp.
CI71-263	The Philadelphia Gas Works Division of UGI Corp.
CI71-267	The Philadelphia Gas Works Division of UGI Corp.
CI71-317	Long Island Lighting Co. Consolidated Edison Co. of New York, Inc.

APPENDIX B—Continued

PERMIAN BASIN AREA—Continued

C171-346	Long Island Lighting Co.
C171-355	Long Island Lighting Co.
C171-461	The Public Service Commission of the State of New York.
C171-463	The Public Service Commission of the State of New York.
C171-464	The Public Service Commission of the State of New York.
C171-474	The Public Service Commission of the State of New York.
C171-475	The Public Service Commission of the State of New York.

TEXAS GULF COAST

C171-139	Long Island Lighting Co. Consolidated Edison Co. of New York, Inc.
C171-180	Long Island Lighting Co.
C171-207	Consolidated Edison Co. of New York, Inc.
C171-209	Consolidated Edison Co. of New York, Inc.

HUGOTON-ANADARKO

C171-332	The People of the State of California and the Public Utilities Commission of the State of California. Pacific Lighting Service Co.

[FR Doc.71-2703 Filed 3-1-71;8:45 am]

[Docket No. RP71-94]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 24, 1971.

Take notice that Algonquin Gas Transmission Company (Algonquin) on February 17, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2[1] to become effective on March 17, 1971. The proposed rate changes would increase Algonquin's commodity rates by 0.02 cent per Mcf and would increase jurisdictional revenues by $27,913 annually, based on volumes, for the 12-month period ended December 31, 1969, as adjusted.

Algonquin in its filing states that the proposed changes in its rates are designed to recoup only the effect of an increase in the cost of gas purchased from Texas Eastern Transmission Corp. (Texas Eastern) resulting from the latter's rate filing in Docket No. RP71-93, on February 16, 1971. Algonquin requests that the proposed rate changes become effective, without suspension, on March 17, 1971, the same day as Texas Eastern has requested that its rate increase go into effect.

Copies of this filing were served on Algonquin's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2772 Filed 3-1-71;8:48 am]

[Docket No. CP71-199]

CAPROCK PIPELINE CO.

Notice of Application

FEBRUARY 24, 1971.

Take notice that on February 12, 1971, Caprock Pipeline Co. (applicant), Post Office Box 511, Amarillo, TX 79105, filed in Docket No. CP71-199 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of certain natural gas gathering and dehydration facilities from Pioneer Natural Gas Co. (Pioneer), the construction of 7.5 miles of connecting pipeline and the operation of these facilities for the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to gather, dehydrate and transport volumes of natural gas for and on behalf of Pioneer from the wellhead in West Wellman Field, Terry County, Tex., for delivery to El Paso Natural Gas Co. at its Plains Compressor Station in Yoakum County, Tex., for redelivery to Pioneer. Applicant proposes the purchase of the existing gathering and dehydration facilities in the West Wellman Field from Pioneer, and the construction and operation of 7.5 miles of 4½-inch pipeline to connect these facilities with applicant's existing Gaines County facilities.

Applicant states that the cost for the purchase of the existing gathering and dehydration facilities will be $63,273 and the cost of the proposed new facilities will be approximately $109,389.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2773 Filed 3-1-71;8:48 am]

[Docket No. RP71-95]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 24, 1971.

Take notice that Lawrenceburg Gas Transmission Corp. (Lawrenceburg) on February 18, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on March 17, 1971. The proposed rate changes would increase charges for jurisdictional sales by approximately $8,289 annually based on volumes for the 12-month period ended June 30, 1969. The proposed increase would be applicable to Lawrenceburg's two jurisdictional rate schedules, CDS-1 and EX-1.

Lawrenceburg states that the reason for the proposed increase is occasioned solely by, and will compensate Lawrenceburg only for, an increase in its cost of purchased gas resulting from the rate filing of its sole supplier, Texas Gas Transmission Corp. on February 16, 1971, in Docket No. RP69-41. In case of suspension of the proposed rate increase, Lawrenceburg requests that the increased rates be suspended to a date no later than the date on which the proposed rates of Texas Gas become effective.

Copies of the filing were served on Lawrenceburg's customers and interested State Commissions.

Any person desiring to be heard or to make protest with reference to said application should on or before March 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc. 71-2774 Filed 3-1-71;8:48 am]

[Docket No. RP71-18]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Proposed Increase in Rates and Charges

FEBRUARY 24, 1971.

Notice is hereby given that Midwestern Gas Transmission Co. (Midwestern) on February 12, 1971, filed proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, applicable to its Southern System, to be effective as of March 17, 1971. The rate increase is intended to track the rate increase of its supplier, Tennessee Gas Pipeline Company, whose increased rates become effective as of that date.

Midwestern on September 30, 1970, filed a general rate increase of approximately $19,185,000 with respect to its Southern System, to reflect among other things, increased purchased gas costs from Tennessee. By order issued in this proceeding on November 13, 1970, Midwestern's filing of September 30, 1970, was suspended until April 15, 1971. In that order the Commission stated that Midwestern would not be precluded from requesting permission to track supplier rate increases which increase the purchased gas cost reflected in the suspended filing. The impact of the instant filing is to make $15,052,553 of the $19,185,000 effective subject to refund as of March 17, 1971, rather than April 15, 1971, without change in the total amount of the general increase under review in this proceeding.

Midwestern requests waiver of §§ 154.63 and 154.66 and 2.52 of the Commission's general rules so as to permit the filing to become effective as of March 17, 1971.

Any person desiring to be heard or to make any protest with reference to this filing should on or before March 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2775 Filed 3-1-71;8:48 am]

[Docket No. CP71-200]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 24, 1971.

Take notice that on February 16, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-200 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the transportation and exchange of natural gas with United Gas Pipe Line Co. (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a 5 year gas exchange agreement with United providing for the exchange of up to 20,000 Mcf of gas per day. United will deliver exchange quantities of gas to Applicant at an existing delivery point from the Chevron Oil Co.'s Sabine Pass Plant, West Cameron, Block 19 Field, Cameron Parish, La. Applicant in turn will deliver equivalent volumes of gas to Transcontinental Gas Pipe Line Corp. (Transco) for the account of United at an existing delivery point to Transco's pipeline facilities from Mobil Oil Corp.'s Cameron Plant, Mud Lake, Cameron Parish, La. There are no new facilities proposed herein and applicant states that there will be no monetary compensation for the exchanged volumes.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2776 Filed 3-1-71;8:48 am]

[Docket No. CP71-203]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 24, 1971.

Take notice that on February 16, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-203 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to operate its pipeline facilities at authorized levels of delivery capacity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the winter season deliverability of its existing gas supply is inadequate to support the expanding operation of its pipeline at authorized levels of capacity. To assure continued deliveries to existing customers, applicant proposes to increase the peak day withdrawal capacity of its Sayre Storage Field in Oklahoma, to increase the peak day and seasonal capacity of its storage fields in Iowa and Illinois by 45,000 Mcf and 4,500,000 Mcf, respectively, and to utilize additional storage service in the amounts of 45,000 Mcf peak day and 4,500,000 Mcf seasonally which applicant has contracted for with Michigan Wisconsin Pipe Line Co.

To effect the proposal herein, applicant proposes the construction and operation of:

(1) 2,800 additional compressor horsepower, approximately 0.85 mile of 10-inch gathering pipeline, purification and other miscellaneous facilities at the Sayre Storage Field;

(2) 3,000 additional compressor horsepower at each of Compressor Stations Nos. 111 and 154 in Texas and approximately 20.64 miles of 26-inch pipeline partially looping its existing pipeline between the Sayre Field and Compressor Station No. 111;

(3) Eleven injection-withdrawal wells, recompletion of an existing St. Peter reservoir well as a Mount Simon reservoir well, approximately 2.90 miles of 16-inch, 8-inch, and 6-inch gathering pipelines, modification of one existing compressor

[1] Volume No. 1: 10th Revised Sheet No. 15-J; 13th Revised Sheets Nos. 5, 10, 14; 14th Revised Sheets Nos. 11-A and 12. Volume No. 2: 14th Revised Sheet No. 4; 11th Revised Sheet No. 57.

unit, additonal cushion gas, purification and other miscellaneous facilities at Applicant's Cairo Mount Simon Storage Field in Louisa County, Iowa;

(4) Two injection-withdrawal wells, approximately 7.96 miles of 16-inch, 12-inch, and 8-inch gathering pipelines, modification of one existing compressor unit at Compressor Station No. 201, additional cushion gas, purification and other miscellaneous facilities at Applicant's Herscher Northwest Storage Field in Kankakee County, Ill.; and

(5) Approximately 1.07 miles of 8-inch and 6-inch gathering pipelines, additional cushion gas and miscellaneous facilities at Applicant's Loudon Storage Field in Fayette County, Ill.

Applicant further states that the estimated cost of the facilities proposed herein, including the additional cushion gas is $10,591,000 which cost is to be financed through lines of credit and the issuance of commercial paper.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2777 Filed 3-1-71;8:48 am]

[Docket No. CP71-204]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 24, 1971.

Take notice that on February 16, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-204 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the testing and development of an underground natural gas storage reservoir in the Mount Simon formation in the Columbus City Storage Field, Louisa County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to recomplete three St. Peter reservoir wells as Mount Simon reservoir wells, to construct eight injection-withdrawal wells, approximately 11.2 miles of 12-, 8-, and 6-inch gathering lines and miscellaneous auxiliary and appurtenant facilities.

Applicant states that the estimated cost of the proposed development and testing program including approximately 2,000,000 Mcf of cushion gas, and options on storage rights is $2,537,000 which cost is to be financed with funds on hand or short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2778 Filed 3-1-71;8:48 am]

[Docket No. RP71-88]

NORTH PENN GAS CO.

Notice of Proposed Increase in Rates and Charges

FEBRUARY 24, 1971.

On February 12, 1971, North Penn Gas Co. (North Penn) filed a proposed change to its FPC Gas Tariff, First Revised Volume No. 1[1] to be effective as of March 17, 1971. The filing proposes to increase the price in its Rate Schedules G-1 and P-1 by 6.259 cents per Mcf (from 49.590 cents to 55.849 cents), and would increase jurisdictional revenues by approximately $1,690,000 per annum based on sales for the 12-month period ended December 31, 1970.

North Penn states that increased rates are filed to track the rate increases of its suppliers, Tennessee Gas Pipeline Co. and Consolidated Gas Supply Corp. Copies thereof were served upon North Penn's customers and interested State Commissions.

Any person desiring to be heard or to make protest with respect to said filing should on or before March 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2779 Filed 3-1-71;8:48 am]

[1] 7th Revised Sheets Nos. 4 and 5.

[Docket No. CP71-202]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

FEBRUARY 24, 1971.

Take notice that on February 16, 1971, South Georgia Natural Gas Co. (applicant), Post Office Box 1279, Thomasville, GA 31792, filed in Docket No. CP71-202 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale and delivery of natural gas on an off-peak, interruptible basis to Oil-Dri Corp. (Oil-Dri), all as more fully set forth in the application in this proceeding which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct 1.5 miles of 3-inch pipeline and related regulating and metering facilities for the direct sale of natural gas to Oil-Dri at its new plant near Ochlochnee, Thomas County, GA. Applicant states that this sale to Oil-Dri will replace existing sales of interruptible gas to the City of Cairo, Ga., for resale to an existing Oil-Dri plant which will cease operations upon completion of the new facilities near Ochlochnee.

Applicant further states that the estimated annual sales to Oil-Dri for the operation proposed herein will be 290,000 Mcf, and the estimated cost of the subject facilities is $56,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2780 Filed 3-1-71;8:48 am]

[Docket No. RP71-93]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 24, 1971.

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) on February 16, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1,[1] to become effective on March 17, 1971. The proposed rate changes would increase Texas Eastern's commodity rates by 0.02 cent per Mcf and would increase jurisdictional revenues by $182,672 annually, based on volumes, for the twelve month period ended December 31, 1969, as adjusted.

Texas Eastern in its filing states that the proposed changes in its rates are designed to recoup only the effect of an increase in the cost of gas purchased from Texas Gas Transmission Corp. (Texas Gas) resulting from the latter's rate filing in Docket No. RP69-41 et al. on February 16, 1971. Texas Eastern requests that the proposed rate changes become effective, without suspension, on March 17, 1971, the same day as Texas Gas has requested that its rate increase go into effect.

Copies of this filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2781 Filed 3-1-71;8:48 am]

[1] 4th Revised Sheet No. 10B; 7th Revised Sheet No. 25, 57; 11th Revised Sheets Nos. 12A, 65L; 14th Revised Sheets Nos. 28A, 44B; 17th Revised Sheets Nos. 65G, 65H; 18th Revised Sheets Nos. 14, 16, 17, 19, 23, 30, 32, 33, 35, 39, 41, 44, 46, 48, 49, 51, 55, 65B, 65F; 19th Revised Sheets Nos. 27, 56, 59; 20th Revised Sheet No. 24; 21st Revised Sheet No. 61.

[Docket No. G-2311]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

FEBRUARY 24, 1971.

Take notice that on February 16, 1971, Texas Gas Transmission Corp. (petitioner), Post Office Box 1160, Owensboro, KY 42301, filed in Docket No. G-2311 a petition to amend the Commission's order issued on October 1, 1954, in said docket (13 FPC 380), by authorizing the sale and delivery of natural gas to Michigan Wisconsin Pipe Line Co. (Michigan) at a contract demand rate of 50,000 Mcf per day with an estimated annual volume of 18,250,000 Mcf at 15.025 p.s.i.a., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The aforementioned order issued in the subject docket authorized, inter alia, the sale, to American Louisiana Pipe Line Co. (American) on a firm basis of 18,615,000 Mcf of natural gas per year at 14.73 p.s.i.a. Petitioner states that under the authorization requested herein Michigan, as the successor to American, will be able to receive daily uniform deliveries of natural gas throughout the year. Petitioner further states that there is no construction proposed herein and that the change in service proposed herein will not affect its ability to meet existing customer requirements.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2782 Filed 3-1-71;8:48 am]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Regs., Temporary Reg. 20]

PROCUREMENT

Research and Development; Training and Other Educational Services

To: Heads of Federal agencies.

Subject: Office of Management and Budget Circular No. A-21, revised September 2, 1970.

1. *Purpose.* This regulation amends the provisions of the Federal Procurement Regulations with respect to principles for determining costs applicable to research and development and adds principles for application to training and other educational services under grants and contracts with educational institutions.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (3-2-71).

3. *Expiration date.* This regulation will remain in effect until canceled.

4. *Background.* Office of Management and Budget Circular No. A-21, revised September 2, 1970, rescinded and superseded Circular No. A-21 dated March 3, 1965, and its amendments. In general, the changes are intended to clarify and refine the methods used in identifying, classifying, and distributing indirect costs and to provide more definitive standards concerning the allowability of costs, both direct and indirect, applicable to Government grants and contracts with educational institutions.

5. *Explanation of changes.* a. Pending a permanent amendment of the FPR, this regulation implements Office of Management and Budget Circular No. A-21, revised September 2, 1970. To the extent that the provisions of the revised circular differ from Subpart 1-15.3, the provisions of the circular shall govern. Attachment A of Circular No. A-21 contains principles for determining costs applicable to research and development under grants and contracts with educational institutions. The major changes to Attachment A in this revision are as follows:

(1) Educational institutions will be allowed to claim costs incurred or paid by State and local governments in behalf of and in direct benefit to the institutions (page 5, C6);

(2) The educational institutions may use special studies to support different overhead cost distribution methods when they result in a more accurate and equitable distribution of costs than the currently specified methods (page 9, E2d(2));

(3) When a fixed overhead rate for a fiscal year is negotiated in advance, the institutions may elect to use a procedure which will provide adjustments for the amount of over- or under-recovery of overhead costs for that year at the time of the next rate negotiation (page 16, G5); and

(4) The institutions will be allowed to establish a schedule of rates which will permit them to recover the aggregate cost of certain specialized facilities, such as computers and wind tunnels, over a long period of time as agreed upon in advance by the cognizant Federal agency (page 36, J37b).

b. Attachment B of Circular No. A-21, revised September 2, 1970, contains principles for determining costs applicable to training and other educational services under grants and contracts with educational institutions. This revision makes no major changes in the Attachment B which was originally issued by the then Bureau of the Budget on January 2, 1969, as an addition to Circular No. A-21.

Dated: February 19, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-2744 Filed 3-1-71;8:45 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

FEBRUARY 24, 1971.

On May 5, 1970, there was published in the FEDERAL REGISTER (35 F.R. 7094) a letter dated April 27, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Mexico and exported to the United States during the 12-month period beginning May 1, 1970. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, which provides that within the aggregate limit, the group limits for Groups I and II may be exceeded by not more than ten (10) percent and the group limit on Group III may be exceeded by not more than five (5) percent; within the aggregate and group limits, specific limits on categories may be exceeded by not more than five (5) percent; and for the limited carryover of shortfalls in certain categories to the next agreement year. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of Mexico and pursuant to the bilateral agreement referred to above, there is published below a letter of February 24, 1971, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the levels of restraint applicable to cotton textile products in Groups I, II, and III and the specific levels of restraint on categories in Group II for the 12-month period which began on May 1, 1970.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE
INTERAGENRY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

FEBRUARY 24, 1971.

DEAR MR. COMMISSIONER: On April 27, 1970, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Mexico, and exported to the United States on or after May 1, 1970, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of April 27, 1970, the following levels of restraint provided in that directive for cotton textiles and cotton textile products produced or manufactured in Mexico and exported from Mexico to the United States for the period beginning May 1, 1970, and extending through April 30, 1971, are hereby amended, effective as soon as possible, as follows:

The amended combined level of restraint for Categories 1, 2, 3, and 4 shall be 13,656,622 pounds.

The amended overall level of restraint for Categories 5 through 27 shall be 27,898,763.

Within the amended overall level of restraint for Categories 5 through 27, the following amended specific levels of restraint shall apply:

Category		12-month level of restraint
9	square yards	5,093,550
10	do	2,657,025
22	do	5,314,050
23	do	3,985,528
26	do[2]	7,971,075
27	do[2]	2,657,025

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico which provide in part that within the aggregate the group limits for Group I and II may be exceeded by not more than ten (10) percent and the group limit on Group III may be exceeded by not more than five (5) percent; within the aggregate and group limits, specific limits on categories may be exceeded by not more than five (5) percent; and for the limited carryover of short falls in certain categories to the next agreement year.

[2] Of the total amount for Categories 26 and 27, not more than 5,730,244 square yards shall be in duck fabric, T.S.U.S.A. Nos.:

320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

The amended overall level of restraint for Categories 28 through 64, shall be 2,668,050. No entries or withdrawals from warehouse of cotton textile products in Category 51 shall be permitted under this amended overall level of restraint. Entries and withdrawals from warehouse of cotton textile products in Categories 53 and 64 permitted pursuant to the terms of the directive of February 5, 1971, sent to you by the Chairman of the Interagency Textile Administrative Committee shall be charged against the amounts permitted to be entered under that directive and shall not be charged against the amended overall level of restraint for Categories 28 through 64 established by this directive. Cotton textile products in Categories 53 and 64 in excess of the amounts permitted to be entered under the terms of the directive of February 5, 1971, shall be charged against the amended overall level of restraint for Categories 28 through 64 established by this directive.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exceptions to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-2791 Filed 3-1-71;8:48 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

SLAB FORK COAL CO. AND KAISER STEEL CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10136, Slab Fork Coal Co., Slab Fork No. 8 Mine, USBM ID No. 46 01504 0, Slab Fork, Raleigh County, W. Va., Section ID No. 803 (10 Right Off No. 4 South Mains).

(2) ICP Docket No. 11231, Kaiser Steel Corp., York Canyon No. 1 Mine, USBM ID No. 29 00095 0, Raton, Colfax County, N.M., Section ID No. 003 (4th Right), Section ID No. 004 (1st Left), Section ID No. 009 (1st East), Section ID No. 006 (1st North), and Section ID No. 007 (2nd North).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

FEBRUARY 25, 1971.

[FR Doc.71-2760 Filed 3-1-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-4878]

DELMARVA POWER & LIGHT CO.

Notice of Posteffective Amendment Regarding Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exception From Competitive Bidding

FEBRUARY 23, 1971.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 600 Market Street, Wilmington, DE 19899, a registered holding company, has filed with this Commission a posteffective amendment to its application in this proceeding pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated June 8, 1970 (Holding Company Act Release No. 16752), the Commission permitted Delmarva to issue and sell short-term notes (including commercial paper) in an aggregate face amount not to exceed $25 million to be outstanding at any one time.

Delmarva now requests that for the period ending December 31, 1971, the exemption under section 6(b) be increased from 5 percent to approximately 13 percent of the principal amount and par value of its other securities outstanding, to permit it to issue and sell short-term notes (including commercial paper) in an aggregate face amount not to exceed $40 million outstanding at any one time. The proceeds will be used to finance a part of Delmarva's 1971 construction program which is estimated at $114,229,000. In all other respects the transactions remain unchanged.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 16, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2750 Filed 3-1-71;8:46 am]

[70-4974]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Underwritten Common Stock Offering to Stockholders and Offering of Unsubscribed Shares to Employees, and Issue and Sale of Preferred Stock at Competitive Bidding

FEBRUARY 23, 1971.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 600 Market Street, Wilmington, DE 19899, a registered holding company and also a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva proposes to issue and sell 1,015,958 shares of its authorized but unissued common stock, par value $3.375 per share, at an offering price which will not exceed, nor be less than 85 percent of, the last reported sale price on the New York Stock Exchange prior to the

determination of the offering price. The offering price will be determined by Delmarva's board of directors no later than 12 noon on March 23, 1971.

In accordance with the requirements of Delmarva's Certificate of Incorporation, its stockholders of record on March 25, 1971, will have the right (evidenced by transferable warrants) to subscribe to the new stock on the basis of one share of new stock for each ten shares of common stock held of record on such date. Subject to the rights of stockholders, the stock will also be offered at the same offering price to employees of Delmarva and its subsidiary companies in an amount not exceeding 300 shares per employee. The unsubscribed balance, if any, of the common stock will be sold at the offering price to underwriters subject to the competitive bidding requirements of Rule 50.

Delmarva also proposes, for the purpose of stabilizing the price of its common stock to purchase up to 50,798 shares of the presently outstanding shares. Such stabilization, if commenced, will be terminated not later than the time fixed for the opening of bids for the purchase of the unsubscribed stock. Shares acquired by Delmarva as a result of such stabilization will be included as a part of the unsubscribed stock which will be sold to the underwriters.

Delmarva also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, 150,000 shares of its cumulative preferred stock, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued dividends, to be paid to Delmarva (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The terms of the preferred stock will include a prohibition until April 1, 1976, against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or other preferred stocks at a lower effective dividend cost.

The proceeds received from the issue and sale of the common and preferred stock will be used by Delmarva and its subsidiary companies to finance, in part, the cost of their 1971 construction program, estimated at $117,343,000, and to pay all or a portion of unsecured short-term loans incurred prior to the sale of the common and preferred stock.

A statement of the fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is represented that the Public Service Commission of Delaware has jurisdiction over the proposed issue of common stock and preferred stock by Delmarva and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 12, 1971, request in writing that a hearing be held on such matter, stating the nature for his interest, the reasons for such request, and the issues of fact or law raised by said declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2751 Filed 3-1-71;8:46 am]

[70-4983]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Amendment of Certificate of Incorporation To Increase Authorized Preferred Stock and Common Stock and Solicitation of Proxies

FEBRUARY 22, 1971.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 600 Market Street, Wilmington, DE 19899, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva, by vote of its preferred and common stockholders at the annual meeting of stockholders to be held on April 20, 1971, proposes to amend its certificate of incorporation (1) to increase the authorized number of shares of preferred stock, par value $100 per share, from 750,000 to 1,300,000 and (2) to increase the authorized number of shares of common stock, par value $3.37½ per share, from 12 million to 17 million. Delmarva states that at the present time it has outstanding 550,000 shares of preferred stock and 10,159,579 shares of common stock. After consummation of a present proposal to issue preferred and common stock, there will be only 50,000 additional shares of preferred stock and 819,595 shares of common stock available for future issuance.

A majority vote is necessary by both preferred and common stockholders, voting separately as classes, to increase the authorized number of shares of preferred stock while only a majority vote of common stockholders is necessary to increase the authorized common stock. Delmarva proposes to solicit proxies from such security holders.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that no fees or commissions are to be paid in connection therewith.

Notice is further given that any interested person may, not later than March 11, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2752 Filed 3-1-71;8:46 am]

[70-4978]

GEORGIA POWER CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes

FEBRUARY 23, 1971.

Notice is hereby given that Georgia Power Co. (Georgia), 270 Peachtree Street NW., Atlanta, GA 30303, a public-utility subsidiary company of the Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes, on or prior to June 1, 1971, to issue $7,804,000 principal amount of its first mortgage bonds, 2⅞ percent series due 1980, under the provisions of its indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as trustee, as amended and supplemented, and to surrender such bonds to the Trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on August 18, 1965 (Holding Company Act Release No. 15294) and are to be issued on the basis of unfunded net property additions, thus making available for construction and other purposes cash which would otherwise be required to satisfy the sinking fund requirement or to purchase bonds for such purpose.

The fees and expenses to be paid by Georgia in connection with the issuance of the bonds are estimated at $2,500, including $1,500 for charges of the Trustee and counsel fee of $500. It is stated that the issuance of the sinking fund bonds has been authorized by the Georgia Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 12, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2753 Filed 3-1-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 653]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 24, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72453. By order of February 19, 1971, the Motor Carrier Board approved the transfer to Reinhart Mayer, doing business as Mayer Truck Line, Jamestown, N. Dak., of the operating rights in certificate No. MC-125003 issued February 13, 1964, to Donald M. Brown, doing business as Brown Truck Line, Drayton, N. Dak., authorizing the transportation of fertilizer, in bags, from Pine Bend and Minneapolis, Minn., and points within 10 miles thereof, except Cargill, Minn., to points in North Dakota. Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

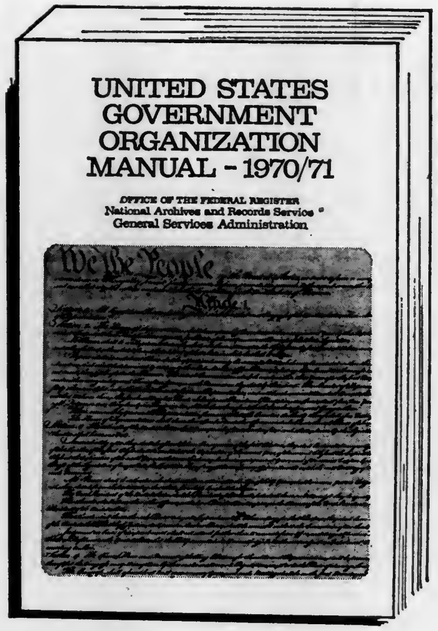
[FR Doc.71-2792 Filed 3-1-71;8:48 am]

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Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 335—SECURITIES OF INSURED STATE NONMEMBER BANKS

Certain Tender Offers and Acquisitions of Securities

Part 335 of Chapter III of Title 12 of the Code of Federal Regulations is amended as follows:

1. In § 335.4, paragraph (g)(2) is amended to read as follows:

§ 335.4 Registration statements and reports.

* * * * * *

(g) * * *

(2)(i) Any person who, after acquiring, directly or indirectly, the beneficial ownership of any equity security of a bank, of a class which is registered pursuant to section 12 of the Act, is directly or indirectly the beneficial owner of more than 5 percent of such class shall, within 10 days after such acquisition, send to the bank at its principal executive office, by registered or certified mail, sent to each exchange where the security is traded, and file with the Corporation a statement containing the information required by Form F–11. Six copies of the statement shall be filed with the Corporation, one of which shall be manually signed.

(ii) Acquisitions of securities by a security holder who, prior to such acquisition, was the beneficial owner of more than 5 percent of the outstanding securities of the same class as those acquired shall be exempt from the reporting requirements of subdivision (i) of this subparagraph if the following conditions are met: (*a*) The acquisition is made pursuant to preemptive subscription rights in an offering made to all holders of securities of the class to which the preemptive subscription rights pertain; (*b*) the purchaser does not, through the exercise of such preemptive subscription rights, acquire more than his or its pro rata share of the securities offered; and (*c*) the acquisition is duly reported pursuant to section 16(a) of the Act and the provisions of § 335.6 promulgated thereunder.

* * * * *

2. In § 335.5, paragraph (l) is amended as follows:

§ 335.5 Proxy statements and other solicitations under section 14 of the Act.

* * * * * *

(l) *Invitations for tenders.* (1) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security, which is registered pursuant to section 12 of the Act, of a bank if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 5 percent of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Corporation a statement containing the information and exhibits required by Form F–11.

* * * * * *

(5) If any securities to be offered in connection with the tender offer for, or request or invitation for tenders of, securities with respect to which a statement is required to be filed pursuant to subparagraph (1) of this paragraph, have been or are to be registered under the Securities Act of 1933, a copy of the prospectus containing the information required to be included therein under that Act shall be filed as an exhibit to such statement. Any information contained in the prospectus may be incorporated by reference in such statement.

(6) Six copies of the statement required by subparagraph (1) of this paragraph, every amendment to such statement, and all other material required by this section shall be filed with the Corporation. One copy of such statement or amendment shall be manually signed.

(15 U.S.C. 78l. Interpret or apply 15 U.S.C. 78l, 78m, 78n(a), 78n(c), 78n(d), and 78n(f))

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER on March 3, 1971.

3a. The foregoing amendments implement the provisions of Public Law 91–567, which became effective December 22, 1970, as they apply to insured State nonmember banks.

b. The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective date were not followed in connection with these amendments because the Corporation finds it necessary in the public interest and for the protection of investors that regulations implementing Public Law 91–567 be adopted effective upon publication and that such procedures, with respect to these amendments, would serve no useful purpose inasmuch as the amendments primarily implement statutory provisions without significant exercise of administrative discretion or interpretation and are otherwise of a procedural nature.

Dated this 26th day of February 1971.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[FR Doc.71-2914 Filed 3-2-71;8:51 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 226, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 907.526 (Navel Orange Regulation 226, 36 F.R. 3111) are hereby amended to read as follows:

§ 907.526 Navel Orange Regulation 226.

* * * * * *

(b) * * *
(1) * * *
(i) District 1: 900,000 cartons;
(ii) District 2: 300,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 25, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2859 Filed 3-2-71;8:47 am]

[Lemon Reg. 468, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 910.768 (Lemon Regulation 468, 36 F.R. 3345) are hereby amended to read as follows:

§ 910.768 Lemon Regulation 468.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 31,000 cartons.

(ii) District 2: 174,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 26, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2858 Filed 3-2-71;8:47 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-379; Order 420A]

PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

Accounting Treatment for Land Held for Future Utility Use and for Profits or Losses Realized Through Sales of Those Lands

FEBRUARY 23, 1971.

On January 22, 1970, the Commission issued Order No. 420 in this proceeding (36 F.R. 507, January 14, 1971). By that order the Commission amended certain accounts in its Uniform Systems of Accounts for Class A, B, C, and D Public Utilities and Licensees, and for Class A, B, C, and D Natural Gas Companies, together with certain schedules pertaining to the Annual Report Forms No. 1, No. 2, No. 1–F, and No. 2–A, prescribed respectively by §§ 141.1, 260.1, 141.2, and 260.2 of its regulations for public utilities, licensees and natural gas companies, effective for the reporting year 1971. Certain portions of that order involve inconsistent provisions that should be changed in respect to the amendments to the Commission's Uniform Systems of Accounts set forth therein.

The ordering paragraph C refers to Class D Public Utilities and Licensees prescribed by Part 205, Chapter I, Title 18 of the Code of Federal Regulations. "Part 205" is in error and should read "Part 105."

The ordering paragraph G2, fails to mention adding account 105.1, Production Properties Held for Future Use to the Chart of the Balance Sheet Accounts. Since this account is added to the text of the Balance Sheet Accounts it is logical to also add it to the Chart of Balance Sheet Accounts.

In the ordering paragraphs G4 and G5, the two new accounts added are referred to as "411.6, Gains from Sale of Utility Plant" and "411.7, Losses from Sale of Utility Plant" whereas they should have been referred to as "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant."

The Commission finds:

(1) The revisions of the Commission's Uniform System of Accounts herein prescribed are necessary and appropriate for the administration of the Federal Power and Natural Gas Acts.

(2) Since the amendments to the Commission's Uniform System of Accounts prescribed by Order No. 420 issued January 7, 1971, are effective for the year commencing January 1, 1971, good cause exists for making these revisions to the Uniform System of Accounts, effective January 1, 1971.

(3) In view of the revisions herein, reflecting only minor adjustments to the Commission's Uniform System of Accounts as revised and amended by Order No. 420, further notice thereof is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

A. The Commission's Uniform System of Accounts for Class D Public Utilities and Licensees prescribed by part 105, Chapter I, Title 18, of the Code of Federal Regulations is revised and amended as follows:

1. In the Electric Plant Instructions section amend the second sentence of instruction 6B. As so amended, Electric Plant Instruction 6B reads:

Electric Plant Instructions

* * * * *

6. *Electric Plant Retired.*

* * * * *

B. * * * If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, or amortization therefor which has been authorized and provided) and the sale price of the land (less the commission and other expenses of making the sale) shall be included in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 394, Electric Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, as appropriate. * * *

* * * * *

2. The chart of the Balance Sheet Accounts is amended by adding a new account title, "187, Deferred Losses from Disposition of Utility Plant" immediately following account title "183, Other Deferred Debits" and a new account title, "256, Deferred Gains from Disposition of Utility Plant" immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

256 Deferred gains from disposition of utility plant.

* * * * *

3. The text of the Balance Sheet Accounts is amended by adding two new accounts, "187, Deferred Losses From Disposition of Utility Plant" and "256, Deferred Gains From Disposition of Utility Plant," reading as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses From Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Electric Plant Held for Future Use.)

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Electric Plant Held for Future Use.)

* * * * *

4. The text of the Electric Plant Accounts is amended by revising account "394, Electric Plant Held for Future Use," as follows:

394 Electric plant held for future use.

A. This account shall include the original cost of electric plant (except land and land rights) owned and held for future use in electric service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in electric service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in service, but retired from such service and held pending its reuse in the future, under a definite plan, in electric service.

B. This account shall also include the original cost of land and land rights owned and held for future use in electric service under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in electric service, but held for such service in the future under a plan, and (2) previously held by the utility in service, but retired from such service and held pending its reuse in the future under a plan, in electric service.

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this accounts.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7 as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant, or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detailed accounts (301–390) prescribed for electric plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

* * * * *

5. The Chart of the Income Accounts is amended by adding two new account titles "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," immediately following account title, "411.4, Investment Tax Credit Adjustments, Utility Operations," as follows:

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

* * * * *

411.6 Gains from disposition of utility plant.

411.7 Losses from disposition of utility plant.

* * * * *

6. The texts of the Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," are added immediately following account "411.5, Investment Tax Credit Adjustments, Non-utility Operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," are revised.

These amended and revised portions of the Income Accounts read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in account 394, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. Income taxes on gains recorded in this accounts shall be recorded in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in account 394, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

* * * * *

B. The Commission's Uniform System of Accounts for Natural Gas Companies (Class A and Class B) prescribed by Part 201, Chapter I, Title 18 of the Code

of Federal Regulations is revised and amended as follows:

1. The Gas Plant Instructions are revised as follows:

(a) In instruction 7, paragraph C and the first sentence of paragraph E are revised.

(b) In instruction 10, the second sentence of paragraph E is revised.

These revised portions of the Gas Plant Instructions read as follows:

Gas Plant Instructions

• • • • • •

7. *Land and land rights.* • • •

C. The net profit from the sale of timber, cord wood, sand, gravel, other resources or other property acquired with the rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber and other natural resources on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the natural resources) from the sales of timber or its products or other natural resources shall be credited to the appropriate utility operating income account when such land has been recorded in account 105, Gas Plant Held for Future Use, 105.1, Production Properties Held for Future Use, or classified as plant in service otherwise to account 421, Miscellaneous Nonoperating Income.

• • • • • •

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights shall be included in account 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided. • • •

• • • • • •

10. *Additions and retirements of gas plant.*

• • • • • •

E. • • • If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be recorded in account 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant when the property has been recorded in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use, otherwise to accounts 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate. • • •

• • • • • •

2. The Chart of the Balance Sheet Accounts is amended by adding three new accounts titled "105.1, Production Properties Held for Future Use" immediately following account "105, Gas Plant Held for Future Use," "187, Deferred Losses from Disposition of Utility Plant," immediately following account title "186, Miscellaneous Deferred Debits," and "256, Deferred Gains from Disposition of Utility Plant," immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

• • • • • •

105.1 Production properties held for future use.

• • • • • •

4. DEFERRED DEBITS

• • • • • •

187 Deferred losses from disposition of utility plant.

LIABILITIES AND OTHER CREDITS

• • • • • •

8. DEFERRED CREDITS

• • • • • •

256 Deferred gains from disposition of utility plant.

• • • • • •

3. The text of the Balance Sheet Accounts is amended as follows:

(a) Account "105, Gas Plant Held for Future Use" is revised.

(b) Account "110, Accumulated Provision for Depreciation of Gas Plant Held for Future Use," and account "113.2, Accumulated Provision for Amortization of Other Gas Plant Held for Future Use" are amended by revising the first sentence in paragraph "A" of each account and by adding a final sentence at the end of paragraph "B" of each account.

(c) Three new accounts are added, "105.1, Production Properties Held for Future Use," "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant."

These revised and amended portions of the Balance Sheet Accounts read as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

• • • • • •

105 Gas plant held for future use.

A. This account shall include the original cost of gas plant (except land and land rights) owned and held for future use in gas service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in gas service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in gas service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service. This includes production properties relating to leases acquired on or before October 6, 1969.

B. This account shall also include the original cost of land and land rights owned and held for future use in gas service relating to leases acquired on or before October 6, 1969, under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in gas service, but held for such service in the future under a plan, and (2) previously held by the utility in gas service, but retired from such service and held pending its reuse in the future under a plan, in gas service. (See Gas Plant Instruction 7.)

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant, or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detail accounts (301 to 399) prescribed for gas plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE A: Materials and supplies, meters and house regulators held in reserve, and normal spare capacity of plant in service shall not be included in this account.

NOTE B: Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason except seasonal excess capacity or governmental proration requirements or for repairs, provided that the related production leases were acquired on or before October 6, 1969.

105.1 Production properties held for future use.

A. This account shall include the cost of production properties (except land and land rights) relating to leases acquired on or after October 7, 1969, held under a definite plan for future use to insure a future supply of natural gas for use in pipeline operations, to include: (1) Production property (except land and land rights) acquired but never used by the utility in gas service, but held for such service in the future under a definite plan, and (2) production property (except land and land rights) previously used by the utility in gas service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service.

B. This account shall also include the original cost of land and land rights held under a plan for future use to insure a future supply of natural gas for use in pipeline operations, relating to leases acquired on or after October 7, 1969, to include land and land rights: (1) Acquired but never used by the utility in gas service, but held for service in the future under a plan, and (2) previously used by the utility in gas service, but retired from such service and held pending its reuse in the future under a plan, in gas service. (See Gas Plant Instruction 7.)

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. Upon such determination, the amounts shall be transferred to account 256, Deferred Gains from Sale of Utility Plant, or account 187, Deferred Losses from Sale of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detailed accounts prescribed for natural gas production and gathering plant in service and such classification shall be maintained in the same detail as though the property were in service.

• • • • • •

110 Accumulated provision for depreciation of gas plant held for future use.

A. This account shall be credited with amounts charged to account 421, Miscellaneous Nonoperating Income, for depreciation expense on property included in accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use. • • •

B. • • • This account shall be subdivided so that amounts relating to account 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, can be readily identifiable.

• • • • • •

113.2 Accumulated provision for amortization of other gas plant held for future use.

A. This account shall be credited with amounts charged to account 421, Miscellaneous Nonoperating Income, for amortization expense on property included in accounts 105, Gas Plant Held for Future Use, and 105.1, Production Properties Held for Future Use, not including, however, provisions for abandoned natural gas leases. • • •

B. • • • This account shall be subdivided so the amounts relating to accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, can be readily identifiable.

• • • • • •

4. DEFERRED DEBITS

• • • • • •

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Subdivision of this account shall be maintained so that amounts relating to account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, can be readily identifiable. Amounts recorded in this account shall be net of related income taxes. (See accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use.)

• • • • • •

LIABILITIES AND OTHER CREDITS

8. DEFERRED CREDITS

• • • • • •

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Subdivision of this account shall be maintained so that amounts relating to account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, can be readily identifiable. Amounts recorded in this account shall be net of related income taxes. (See accounts 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use.)

• • • • • •

4. The Chart of Income Accounts is amended by adding immediately following account title "411.4, Investment Tax Credit Adjustments, Utility Operations," two new account titles "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant."

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

• • • • • •

411.6 Gains from disposition of utility plant.

411.7 Losses from disposition of utility plant.

• • • • • •

5. The text of Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," are added immediately following account "411.5, Investment tax credit adjustments, nonutility operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," are revised.

These amended and revised portions of the Income Accounts read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

• • • • • •

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

• • • • • •

2. OTHER INCOME AND DEDUCTIONS

• • • • • •

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, will be accounted for as prescribed in paragraphs B, C, and D thereof. (See gas plant instructions 5F, 7E, and 10E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to losses on

land and land rights held for future use recorded in accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, will be accounted for as prescribed in paragraphs B, C, and D thereof. (See gas plant instructions 5F, 7E, and 10E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

• • • • •

C. The amendments and revisions adopted herein shall be effective January 1, 1971.

D. The Acting Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2861 Filed 3-2-71;8:47 am]

[Docket No. R-392; Order No. 425]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Annual Report for Electric Utilities and Licensees

FEBRUARY 25, 1971.

On July 14, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 11701, July 22, 1970) proposing to revise schedule pages 429 and 430, Depreciation and Amortization of Electric Plant (Accounts 403, 404) of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, to require the reporting of more detail regarding depreciation practices.

Comments were invited from interested parties to be submitted on or before August 28, 1970. Based on requests from respondents this date was extended to September 28, 1970 (35 F.R. 14002, Sept. 3, 1970). The Commission received comments from 23 respondents.[1]

The rulemaking as initially proposed would cause schedule pages 429 and 430, Depreciation and Amortization of Electric Plant to be expanded, in section A thereof, to include an additional plant function "Intangible Plant," so as to have this section more inclusive for depreciation and amortization expenses. In addition, section B of the schedule as proposed would relate to details of amortization only rather than both depreciation and amortization, as is presently the case. And finally, a new section C to the schedule was proposed to provide reporting of depreciation details in a more comprehensive fashion by including information on the methods used in arriving at depreciation charges.

Two respondents gave full support to the principles underlying the proposed rulemaking. Of these, one was in complete agreement with the rulemaking as proposed while the other suggested expansion of schedule section C to include both salvage and cost of removal rates and major revision of schedule page 408, Accumulated Provisions for Depreciation of Electric Plant of the FPC Form No. 1. The Commission does not presently need the additional information encompassed by these suggestions to carry out its regulatory responsibilities and therefore will not adopt them.

Ten respondents were noncommital in their reaction to the rulemaking but offered suggested changes of a minor and administrative nature. Most of the suggestions from these respondents have now been adopted and are included in the schedule. Four respondents questioned the need for reporting the information in section C of the schedule on an annual basis, in that the detailed information would be repetitious. With reference to the reporting of schedule section C data annually, the Commission believes these responses have merit and has modified the reporting requirements to require complete reporting of schedule section C information every 5 years, beginning with reporting year 1971 with only changes from the preceding complete report to be reported in the year the change occurs.

Eleven respondents were opposed to the rulemaking, of which six respondents were not opposed to changes in sections A and B of the schedule but were opposed only to the adoption of the schedule's section C. The primary thrust of the opposition was that respondents felt information could be made available to the Commission's staff during compliance audits or by periodic special studies and that there is created an implication by virtue of the mortality curve data requested that depreciation rates and service periods should be based solely on mortality studies. The Commission in considering the suggested alternative methods of obtaining data has found from experience that they are inadequate to support its requirements for continuous analysis of depreciation adequacy and practices and to provide current data needed to update its Form S-201, Electric Utility Depreciation Practices every 5 years. The statement that reporting of mortality curve data implies depreciation rates and service periods should be based solely on mortality studies is without merit since instructions to schedule section C require reporting on an "if available" basis. The Commission's established position is to consider plant mortality studies as only one element in depreciation analysis. It also recognizes the pitfalls of adopting depreciation rates based solely on mortality study results. However, considering that over one-half of the Class A and B electric utilities utilize mortality studies in varying degrees in the depreciation analysis process and have found them useful in arriving at depreciation accruals, it is considered appropriate and reasonable that this data be reported to the Commission.

Finally, four respondents requested that the schedule be eliminated from the requirement of CPA certification, since revisions would require in-depth depreciation studies by auditing firms. In this connection, the Commission has now modified the certification requirement to exclude data recorded in Columns (a) through (g) of schedule section C. Previous requirements remain applicable to schedule sections A and B and to information to be reported at the bottom of schedule section C. This is essentially the same as original certification requirements.

Certain other constructive suggestions received from respondents resulting from the proposed rulemaking have been included in the final revisions to the schedule and, although not substantive in nature, were of considerable value in the overall revision.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Part 141, § 141.1, in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) Since the revisions prescribed herein, which were not included in the notice in this proceeding, are of a minor nature and consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(4) Since the revisions prescribed herein are for use in FPC Form No. 1 covering the calendar year beginning January 1, 1971 or for a year beginning or ending during the calendar year 1971, good cause exists for making these revisions to the form schedules Depreciation and Amortization of Electric Plant (Accounts 403, 404), effective upon issuance.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825a, 825h), orders:

A. Effective for the reporting year 1971 and thereafter, General Instructions page ii and schedule pages 429 and 430, Depreciation and Amortization of Electric Plant (Accounts 403, 404), of FPC Form No. 1, Annual Report for Electric Utilities and Licensees, and Others (Class A and Class B) prescribed by § 141.1, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, are hereby amended as set forth in Attachment A hereto.[2]

B. The amendments herein adopted are effective upon issuance of this order.

C. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2862 Filed 3-2-71;8:47 am]

[1] Arthur Andersen & Co., Gilbert Associates, Inc., Martin Toscan Bennett Associates, Inc., Carolina Power and Light Co., The Cleveland Electric Illuminating Co., Columbus and Southern Ohio Electric Co., Commonwealth Edison Co., Consumers Power Co., Florida Power Corp., Iowa-Illinois Gas and Electric Co., Kansas City Power & Light Co., Montana-Dakota Utilities Co., Northeast Utilities, Northern States Power Co., Pacific Power & Light Co., Pennsylvania Power & Light Co., Public Service Electric and Gas Co., Public Service Co. of Indiana, Inc., Southern Services, Inc., Union Electric Co., Utah Power & Light Co., Virginia Electric and Power Co., and Wisconsin Electric Power Co.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-76]

PART 46—NUT PRODUCTS

Peanut Butter; Definition and Standard of Identity; Effective Date

In the matter of establishing a definition and standard of identity for peanut butter (21 CFR 46.1):

An order promulgating a definition and standard of identity for peanut butter, to become effective 90 days after its date of publication in the FEDERAL REGISTER, was published July 24, 1968 (33 F.R. 10506). Two food manufacturers sought judicial review. Accordingly, an order staying the effective date of § 46.1, pending completion of judicial review, was published November 7, 1968 (33 F.R. 16333).

The U.S. Court of Appeals for the Third Circuit affirmed the order on May 14, 1970. Judicial review was concluded on December 14, 1970, when the U.S. Supreme Court denied the petition for a writ of certiorari filed by one of the manufacturers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That § 46.1 *Peanut butters identity; label statement of optional ingredients* shall become effective 30 days from the date of publication hereof in the FEDERAL REGISTER.

Dated: February 24, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-2860 Filed 3-2-71;8:47 am]

[2] Attachment A filed as part of the original document.

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Dimethyl 2,2,2-Trichloro-1-Hydroxyethyl Phosphonate

A petition (PP 0F0969) was filed with the Food and Drug Administration, DHEW, by Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) proposing establishment of tolerances for residues of the insecticide *O,O*-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate in or on the raw agricultural commodities peanut vine hay at 12 parts per million, peanut vines and hulls at 3 parts per million, and peanuts at 0.1 part per million.

Subsequently the firm amended its petition by changing the proposed tolerances to 4 parts per million for peanut vine and hulls and to 0.05 part per million for peanuts.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(1) of the Act were also transferred to the Administrator, Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to these tolerances.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed uses are not reasonably expected to result in residues in eggs, meat, milk, and poultry. The uses are in the category specified in § 420.6 (a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 1228), § 420.198 is amended by inserting a new paragraph "4 parts per million • • •" after the paragraph "12 parts per million • • •" and by inserting a new paragraph "0.05 part per million • • •" after the paragraph "0.1 part per million • • •", as follows:

§ 420.198 *O,O*-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate; tolerances for residues.

• • • • •

Four parts per million in or on peanut vine hay and hulls.

• • • • •

0.05 part per million (negligible residue) in or on peanuts.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3-3-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 26, 1971.

R. E. JOHNSON,
Acting Commissioner, Pesticides Office.

[FR Doc.71-2899 Filed 3-2-71;8:50 am]

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-1-(2,4,5-Trichlorophenyl) Vinyl Dimethyl Phosphate

A petition (PP 9F0805) was filed with the Food and Drug Administration, Department of Health, Education, and Welfare, by Shell Chemical Co., a division

of Shell Oil Co., 1700 K Street NW., Washington, DC 20006, proposing the establishment of tolerances for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate in meat, fat, and meat byproducts of cattle at 2 parts per million; and in milk fat at 0.75 part per million (reflecting negligible residues in whole milk). The petition was subsequently amended by withdrawing the request for a tolerance for residues in milk fat, and reducing the other requested tolerances to 1.5 parts per million in fat of meat and 0.5 part per million in meat and meat byproducts of cattle.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(l) of that Act (21 U.S.C. 346a(l)) were also transferred to the Administrator of the Environmental Protection Agency. Part 120 of Chapter 1 of Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to these tolerances.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The revised usage is not reasonably expected to result in residues of the insecticide in milk. The uses are classified in the category specified in § 420.6(a)(3) for milk.

2. The tolerances established by this order are safe and will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and under authority transferred to the Administrator (35 F.R. 15623) and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (35 F.R. 1228), § 420.252 is revised to read as follows to include the new tolerances mentioned above:

§ 420.252 2-Chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate; tolerances for residues.

Tolerances are established for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate in or on raw agricultural commodities as follows:

110 parts per million in or on corn forage and fodder (including field corn, sweet corn, and popcorn).

10 parts per million in or on apples, sweet corn (kernels plus cob with husks removed), and corn grain (including field corn and popcorn).

1.5 parts per million in the fat of cattle.

0.75 part per million in the fat of poultry.

0.5 part per million in the meat and meat byproducts of cattle.

0.1 part per million in eggs, meat, and meat byproducts of poultry.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3-3-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 26, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-2898 Filed 3-2-71;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18883; FCC 71-193]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments of Certain FM Broadcast Stations; First Report and Order

1. The Commission here considers the notice of proposed rule making in Docket No. 18883, adopted June 17, 1970, to amend the FM Table of Assignments (§ 73.202(b) of the rules) in various respects (FCC 70-639; 35 F.R. 10320) with the exception of Whaleyville, Va., and Lowell, Ind. (RM-1481 and RM-1503). All proposed assignments within 250 miles of the United States-Canadian border have been approved by Canada under the terms of the Canadian-United States Agreement of 1947 and the Working Arrangement of 1963. Unless otherwise indicated, population figures are from the 1970 census. Except as noted herein, the proposals have not been opposed.

2. Americus, Ga. (RM-1484). We here consider the assignment of Channel 249A as a second FM assignment to Americus, Ga., population 16,091, the largest city and seat of Sumter County, population 26,931. Channel 232A is used by Station WDEC-FM; also providing service are limited time Station WDEC and daytime-only Station WISK, the latter licensed to the petitioner Sumter Broadcasting Co. The only party filing comments was Sumter Broadcasting, more or less reiterating the arguments advanced in the petition and summarized in the notice. Briefly, these are: Americus is a principal community of its county, a key governmental center, the home of two higher educational institutions, and otherwise of importance to the area's financial, industrial, and agricultural activities.

3. From the viewpoint of population, a community of the size of Americus is entitled to another FM channel. See the further notice of proposed rule making in Docket No. 14185, adopted July 25, 1962 (FCC 62-867), and incorporated by reference in paragraph 25 of the third report, memorandum opinion and order, adopted July 23, 1963, 23 R.R. 1859, 1871. There appears to be no technical obstacle to the allocation of Channel 249A. However, as pointed out in the notice, three communities of greater than 2,000 population would be precluded by assignment of this channel to Americus. They are: Ashburn, population 4,209; Montezuma, population 4,125; and Tifton, population 12,179. As the notice stated, each city has local radio stations; Ashburn and Montezuma each have daytime-only stations while Tifton has two full-time AM stations and an unused Class C FM assignment (Channel 262). If Channel 262 at Tifton were activated with modest height and power, Ashburn would be well within its service contour. Montezuma could receive service from both of Macon's Stations WMAZ-FM and WDEN-FM if they increased somewhat (to far from maximum) their power and height. In the circumstances, there is no serious preclusion. Accordingly, we find that the public interest, convenience, and necessity will be served by allocating Channel 249A to Americus, Ga.

4. Oakdale, Calif. (RM-1490).[1] The proposals under consideration are the assignment of either Class B Channel 236 or 237A to Oakdale (population 6,522), the third largest city in Stanislaus County (population 191,679), which has no aural broadcast outlet of its own. Three Class B stations operate in the county, two at Modesto (population 60,348) located about 12 miles to the southwest, and one at Patterson, population 3,013, about 33 miles away.[1] The petitioner, Don Pedro Broadcasting Co., proposed Channel 236 at a site about 25 miles east of Oakdale in the foothill area of the Sierra Nevada Range, which

[1] The Patterson station occupies the channel assignment for Turlock (population 13,598), the second largest city in the county.

would allow the channel to meet all minimum mileage requirements, cover Oakdale with a principal-city signal (at maximum power from an assumed site 1,250 feet a.m.s.l.) and also serve the smaller places of Waterford, and La Grange.[2] Our notice suggested as an alternative the assignment of Channel 237A on the basis that Oakdale qualifies for a first FM channel but not a Class B, since an adequate showing had not been made to justify it.

5. The objections to a Class B allocation have been overcome by data and information filed by petitioner Don Pedro Broadcasting in response to the notice. While assignment of Channel 236 would preclude Channels 235, 236, 237A, and 238 from large areas, these generally are to the north and east of the assumed site in the sparsely populated higher elevations of the Sierra Nevada, where there is little likelihood of an FM station. Further, Don Pedro Broadcasting has demonstrated that there would be substantial areas within the 1 mv/m contour without any (9.1 percent) or only one (13.5 percent) 1 mv/m signals. Moreover, preclusion from either of the channels our Notice proposed is approximately the same. Because of other channel assignments, Channel 236 may be allocated in a corridor extending from the Pacific Ocean south of Monterey toward the northeast to the vicinity of Hawthorne, Nev., and beyond, but the suggested alternative allocation of Channel 237A would preclude allocation of Channel 236 in the center of the corridor and leaving areas near the Pacific Ocean and east of the Sierra Nevada Range where Channel 236 could be assigned but where potential needs for service are not as great as Oakdale's. Petitioner also urges the need for the wide-area coverage to provide programing for the substantial Spanish speaking population of the area, which Don Pedro Broadcasting Co. intends to cater to. However, the latter is an argument which is relevant to an application for a construction permit once a channel is assigned rather than allocation of a channel; there may be other applicants for the channel, if assigned, who would program differently.

6. On balance, it would appear that the public interest, convenience, and necessity would be served by allocating Channel 236 to Oakdale. We are persuaded by the fact that a Class B facility would provide service to substantial unserved and underserved areas including rough mountainous terrain which otherwise would be underserved. In making this assignment, it is to be understood that a successful applicant must be prepared to construct and operate a station at maximum power and antenna height or the equivalent considering terrain.[3]

[2] Waterford had a 1960 Census population of 1,780, but, as an unincorporated place, it is not yet listed in the 1970 Census. La Grange is unlisted in either Census; unofficial sources cited in footnote 5 of the notice (p. 4) showed its population as 80.

[3] Don Pedro proposes such a station which would include Merced (22,698), Turlock (13,359), and most of Modesto (60,348) within the 1 mv/m contour.

7. Goldsboro and Roanoke Rapids, N.C. (RM-1492). We here are concerned with returning Channel 272A as a second channel to the large center of Goldsboro (population 26,810), the county seat of Wayne County (population 85,408). Roanoke Rapids (population 13,508) is located in Halifax County (population 53,884). In 1967, Channel 273 was assigned to the smaller community and Channel 272A deleted from the larger because of the showing that substantial unserved (no service) and underserved (one other service) areas could be served by a Class C channel assignment at Roanoke Rapids. The assignment was made on condition that a station use 100-kw. power and 500 feet AAT antenna height or equivalent and further, as relevant here, that "[i]n the event the assignment is not applied for in a reasonable time, [Station] WFMC or any other interested party can file a petition to restore the previous assignments and consideration will be given to the situation at that time." 9 FCC 2d 672, 677 (1967)[4] Southern Radio and TV Corp., licensee of AM Station WFMC, Goldsboro, has petitioned for the exchange not only because Channel 273 has been fallow but in fact the proposed change would eliminate preclusions for Channel 274 in Buckingham County, Va., and Channel 272A in a large area of eastern North Carolina. In all the circumstances, a lengthy discussion is not necessary. Suffice it to say that we deem it appropriate to delete Channel 273 from Roanoke Rapids, assign Channel 272A to both Goldsboro and Roanoke Rapids, and thus restore the FM Table of Assignment as it existed prior to the 1967 Third Report and Order in Docket No. 17095.

8. Albany, Ga. (RM-1500). Albany, Ga., population 68,181, is the central city of the Albany SMSA (Dougherty County, population 88,705). Lynne-Yvette Broadcasting Co., Inc., licensee of daytime-only AM Station WLYB at Albany, requested the assignment of Channel 269A as the third FM channel to that community. The other two channels (242 and 283) are in operation; they are licensed to two of the four AM licensees at Albany. The petitioner would have preferred a Class C channel but none is available without disrupting existing assignments. Channel 269A may be assigned without other changes, and no city with over 1,210 population and without an FM assignment would be precluded from an assignment.[5] The Albany SMSA population growth from 1960 to 1970 is 17.2 percent (20 percent for the city proper). In the circumstances, considering the criteria for the number of FM allocations by population (see paragraph 3 above) and the active interest for an additional FM channel, it appears that the public interest will be served by allocation of Channel 269A to Albany.

9. Hattiesburg, Miss. (RM-1519). We here consider the proposed allocation of Channel 269A as a third assignment to Hattiesburg, population 38,277, the seat of Forrest County (57,849). Petitioner Deep South Radio, Inc., is the licensee of Station WBKH (daytime-only) at that city. The petitioner showed that the channel could be assigned to Hattiesburg in accordance with minimum mileage separations, with preclusion to a relatively small area including Prentiss (1,789), Collins (1,934), and Petal (6,987). The first two are the seats of Jefferson Davis (12,936) and Covington (14,002) Counties, respectively, and Petal is in Forrest County.[6] Petitioner urged that its proposal would permit program diversification and competition. In this respect, there are presently seven aural outlets operating in Hattiesburg, two Class IV and three daytime-only AM stations, and two Class C FM stations. The two Class C FM stations are operated in conjunction with fulltime AM stations. It is claimed that Hattiesburg is experiencing growth in population, industry and governmental importance.[7]

10. In our notice, we stated that we are not persuaded that Hattiesburg does not already have its fair share of FM assignments,[8] and that the adoption of the proposal also would mean the mixture of Class A and C channels in the same community, a result we have attempted to avoid whenever possible. We also said that we are reluctant to adopt the third assignment for Hattiesburg, if it would result in precluding the last available assignment for Collins, since neither it nor its county has an FM outlet. In the latter respect, we directly solicited comments by advising the President, Board of Supervisors of Covington County and the Mayor of Collins, of the proposal and the preclusion at Collins. John K. Keyes, Esquire, attorney for the town of Collins, replied to the effect that Collins objected because of its own need for an FM station; reliance was placed on area growth, industrial expansion, and location in the heart of the State's farming, cattle raising, poultry producing, and timber production area. Deep South Radio filed an engineering study proposing to show that Channel 240A could be assigned to Collins, although the site would have to be limited to meet the minimum mileage separation under our rules. For the reasons set out in the next paragraph, we are unable to agree that Channel 240A may be assigned to Collins.

11. Our study shows that in order to meet separation requirements to Station WFXM, Jackson, Miss., Channel 238, and

[4] The criteria applied in that proceeding for determining unserved and underserved areas before allocating Class B or C channels to smaller communities have been consistently followed since then. See, e.g., Oakdale, California, paragraphs 4-6, above.

[5] As to possible preclusion at Sylvester (4,077) and Fitzgerald (7,558) in the event of a grant of Florida-Georgia Interstate's application for Channel 266 at Valdosta (BPH-6805) mentioned in the notice, the application was dismissed for failure to prosecute on Oct. 27, 1970 (Docket No. 18964).

[6] An applicant for Petal could apply for the channel if assigned to Hattiesburg, under the "10-mile rule" (§ 73.203(b)).

[7] The 1960-70 growth is 9.7 percent.

[8] See Docket No. 14185, referred to in paragraph 3, above, which set the limit of two FM channels for a city of less than 50,000 population.

to Station WLPR–FM, Mobile, Ala., Channel 241, the transmitter site for Channel 240A would have to be so far from Collins that it is extremely doubtful that a principal-city signal could be provided over Collins. In addition, to meet the spacing to Station WSLI, Channel 242, at Jackson, the transmitter would need to be south and southeast of Collins which again would make it short to Station WLPR–FM. In the circumstances, we must deny the proposed allocation of Channel 269A to Hattiesburg on the basis that there is no reason to deviate from our population criterion by assigning a third channel, especially when to do so would preclude an allocation to a significant area elsewhere and where there are already seven aural outlets.

12. Exeter, N.H. (RM–1529). We here consider the reallocation of Channel 296A from Portsmouth (population 25,717) to Exeter (population 8,892)—both in Rockingham County (138,951)—about 11 miles apart. Exeter is the county seat and its only aural service is daytime-only AM Station WKXR, licensed to the petitioner Coastal Broadcasting Co., Inc. Portsmouth has three aural services: two AM stations, one daytime-only and the other unlimited, and Station WPFM on FM Channel 262. Channel 296A has been fallow. Petitioner's contentions—which are outlined in the notice—briefly are as follows: Rockingham is the fastest growing county in the State (40.3 percent increase from 1960 to 1970) and the assignment would allow a first local full-time outlet in the area including Hampton Beach, a nearby resort area. It might be noted that Portsmouth's population has remained constant despite the area's growth (Exeter's increase was about 3,000, or over 50 percent). It appears that the public interest, convenience and necessity would be served by the reallocation from Portsmouth to Exeter.

13. South Lake Tahoe, Calif. (RM–1531). The proposal here is to assign Channel 261A to South Lake Tahoe, Calif. South Lake Tahoe, incorporated in 1965,[9] is located near the California-Nevada border about 40 miles south of Reno, Nev. Its population is 12,921. The area is primarily a recreational one. There are three aural broadcast stations; a Class IV AM, a daytime-only AM, and an FM on Channel 276A[10] (the latter two are licensed to Emerald Broadcasting Co., which filed comments). As our notice stated, the proposed assignment satisfies all technical requirements, and although there are large preclusion areas, this is regarded as insignificant because of general availability of other possible assignments in the areas affected. Because of the apparent rapid growth in the area (see next paragraph), we felt that the proposal warranted rule making.

[9] It includes the communities formerly known as Bijou, Stateline, Al Tahoe, and Tahoe Valley.

[10] The FM Table of Assignments shows the place of assignment as Tahoe Valley, but this is being changed to South Lake Tahoe to reflect the incorporation (see footnote 9).

14. Filing comments were KOWL, Inc. (licensee of Class IV Station KOWL), Emerald Broadcasting Co., and the petitioner Philip D. Doersam. KOWL took a pessimistic view as to the present and future of Lake Tahoe Basin. It was pointed out that the population figure relied on by petitioner (31,427) is the figure for Lake Tahoe Basin and not the city of South Lake Tahoe. KOWL also contended that because of changes in the city and county building ordinances, the uncertainty of the Tahoe Regional Planning Agency, the Lake Tahoe region is a depressed area. Emerald also contends that because petitioner and his wife doing business as Pendor Communications are new licensees of Station KBUB–FM, Reno, Nev., there would be a violation of the multiple ownership rule (§ 73.240). Petitioner, on the other hand, says that Station KBUB–FM with its antenna at Sparks, Nev., will not provide service to South Lake Tahoe because of intervening mountainous terrain.[11]

15. The "multiple ownership" question is one to be considered at the time of application rather than now, inasmuch as petitioner may not be the sole applicant. While we are not persuaded by petitioner's stress on intention to serve the entire Lake Tahoe area, it would appear that this is a growth area, as reflected by the 49.1 percent population increase (1960 to 1970) of El Dorado County, in which South Lake Tahoe is located. Under the extant population criteria (see paragraph 3, above), South Lake Tahoe may be entitled to a second FM channel. Accordingly, we hereby allocate Channel 261A to South Lake Tahoe and change the place of assignment of Channel 276A from "Tahoe Valley" to South Lake Tahoe to reflect the 1965 incorporation.

16. Fairmont, N.C. and Mullins, S.C. The notice in this proceeding also proposed changes in the allocations for these communities because of a rule (§ 73.207) adopted concerning IF "taboo" (for 53 or 54 channel) separations after the FM Table of Assignments had been adopted, and with which certain assignments in the Table are inconsistent. These are Channel 292A at Fairmont and Channel 239 at Lumberton, N.C. (occupied by Station WJSK). Since the Fairmont channel is unoccupied, the notice in this proceeding proposed a change to Channel 265A, which at the same time required that the unoccupied channel assignment at Mullins be changed from 265A to 296A. No one commented on these proposed changes. Since obviously in the public interest, these changes will be made.

17. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

18. In accordance with the foregoing: *It is ordered*, That effective April 13, 1971, the FM Table of Assignments (§ 73.202(b) of the rules) is amended to read as follows for the cities listed below:

City	Channel No.
California:	
Oakdale	[1] 236
South Lake Tahoe	261A, 276A
Georgia:	
Albany	242, 269A, 283
Americus	232A, 249A
New Hampshire:	
Exeter	296A
Portsmouth	262
North Carolina:	
Fairmont	265A
Goldsboro	245, 272A
Roanoke Rapids	272A
South Carolina:	
Mullins	296A

[1] Any application must specify maximum power and antenna height, or the equivalent considering terrain.

19. *It is further ordered*, That the petition of Deep South Radio, Inc., RM–1519, is denied.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: February 24, 1971.

Released: February 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–2905 Filed 3–2–71;8:50 am]

[11] Petitioner, in this respect, also points to the fact that Station KNEV (Channel 238) operating from a mountain peak north of Reno about 2,000 feet higher than KBUB–FM's installation does not serve the Lake Tahoe Basin area.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected S. O. No. 1064]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February 1971.

It appearing, that an acute shortage of plain boxcars with inside length of 40 feet or longer and less than 50 feet, equipped with side doors 9 feet or wider or of plain boxcars with inside length 50 feet or longer and less than 70 feet, regardless of door width, exists throughout the United States; that shippers are being deprived of such cars required for loading creating great economic loss and resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such boxcars to the owning railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1064 Distribution of boxcars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in paragraphs (3) and (5) of this section, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 378, issued by E. J. McFarland, or successive issues thereof as having mechanical designation XM, with inside length of 40 feet or longer and less than 50 feet and equipped with side doors 9 feet or wider, or with inside length 50 feet or longer and less than 70 feet regardless of door width, which bear the identification marks shown:

Burlington Northern Inc.: Identification marks—BN, CBQ, GN, NP, SPS.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.: Identification marks—Milw.
Missouri-Kansas-Texas Railroad Co.: Identification marks—BKTY, MKT.
Southern Pacific Transportation Co.: Identification marks—SP.
Union Pacific Railroad Co.: Identification marks—UP.

(2) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Except as otherwise provided in subparagraph (5) of this paragraph, boxcars described in paragraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the carowner, such cars shall be delivered to the carowner at that junction, either loaded or empty.

(4) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the carowner.

(5) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the carowner shall not be back-hauled empty, except for the purpose of loading to a junction with the carowner or to a station on the lines of the carowner.

(6) The return to the owner of a boxcar described in paragraph (1) herein shall be accomplished when it is delivered to the carowner, either empty, or loaded as authorized by subparagraphs (3) or (5) of this paragraph.

(7) Junction points with the carowner shall be those listed by the carowner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(8) In using plain boxcars owned by railroads not listed in paragraph (1) of this section, the railroads named therein will restrict the use of such cars to traffic destined to a station closer to the carowner than the station at which the car was last loaded.

(9) In determining distances to the carowner from points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(10) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (3) or (5) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4) and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–2884 Filed 3–2–71;8:48 am]

[Corrected S.O. No. 1065]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February 1971.

It appearing, that an acute shortage of certain plain boxcars exists on the railroads named in paragraph (a) subparagraph (1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in a severe emergency and causing grain elevators to be unable to accept grain from farmers, thus creating economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1065 Distribution of boxcars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in subparagraphs (5) and (7) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 378, issued by E. J. McFarland, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide and bearing the identification marks shown:

The Atchison, Topeka and Santa Fe Railway Co.: Identification marks—ATSF.
Burlington Northern Inc.: Identification marks—BN, CBQ, GN, NP, SPS.
Chicago & Eastern Illinois Railroad Co.: Identification marks—CEI.
Chicago and North Western Railway Co.: Identification marks—CGW, CMO, CNW, MSTL.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.: Identification marks—MILW.
Chicago, Rock Island and Pacific Railroad Co.: Identification marks—RI.
The Colorado and Southern Railway Co.: Identification marks—C&S.
Fort Worth and Denver Railway Co.: Identification marks—FW&D.
Missouri-Illinois Railroad Co.: Identification marks—M–I.
Missouri-Kansas-Texas Railroad Co.: Identification marks—MKT.
Missouri Pacific Railroad Co.: Identification marks—MP.
Soo Line Railroad Co.: Identification marks—DSA, SOO.
The Texas and Pacific Railway Co.: Identification marks—T&P, TP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (5), (6), (7), (8), (9), and (10) of this paragraph.

Burlington Northern Inc.
The Colorado and Southern Railway Co.
Fort Worth and Denver Railway Co.

(3) The following companies will be considered as one railroad in the application of subparagraphs (1), (5), (6), (7), (8), (9), and (10) of this paragraph.

Chicago & Eastern Illinois Railroad Co.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.
The Texas and Pacific Railway Co.

(4) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and

plain boxcars assigned to the exclusive use of a specified shipper.

(5) Except as otherwise provided in subparagraph (7) herein, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(6) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(7) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(8) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraphs (5) or (7) of this paragraph.

(9) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(10) In using plain boxcars owned by railroads not listed in subparagraph (1) of this paragraph, the railroads named therein will restrict the use of such cars to traffic destined to a station closer to the carowner than the station at which the car was last loaded.

(11) In determining distances to the carowner from the points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(12) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (5) or (7) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1 (10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2885 Filed 3-2-71;8:48 am]

Title 50—WILDLIFE AND FISHERIES

Chapter III—International Regulatory Agencies (Fishing and Whaling)

SUBCHAPTER B—INTERNATIONAL WHALING COMMISSION

PART 351—WHALING

Miscellaneous Amendments

The Whaling Convention Act of 1949 (64 Stat. 421–425; 16 U.S.C. 916 et seq.), implements the International Convention for the Regulation of Whaling signed at Washington, D.C., December 2, 1946, by the United States of America and certain other governments; section 13 of the Act (64 Stat. 425; 16 U.S.C. 916D), provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the convention, have been amended several times by the International Whaling Commission, the last amendment having been brought into effect on October 7, 1970. The provisions of these regulations are applicable to persons and vessels under the jurisdiction of the United States.

Amendments to the whaling regulations adopted by the International Whaling Commission pursuant to article V of the Convention are not subject to the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C. 553). Accordingly, in fulfillment of section 13 of the Whaling Convention Act of 1949, the Whaling Regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 33 F.R. 2777 are amended as follows:

These amended regulations shall become effective on the date of publication.

Issued at Washington, D.C., pursuant to authority delegated to me under the Reorganization Plan No. 4, effective October 3, 1970 (35 F.R. 15627).

HARVEY M. HUTCHING,
Acting Director,
National Marine Fisheries Service.

1. Section 351.4(a)(2) is amended by changing the number "1966" to "1971."

2. Section 351.4(b) is amended to read "It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales except minke whales in any of the following areas:"

3. Section 351.5 is amended to read "It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° south latitude * * *"

4. Section 351.6(d) is amended by changing the number "1968" to "1971."

5. Section 351.6(e) is amended to read "It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating sperm whales in the waters between 40° south latitude and 40° north latitude."

6. Section 351.7(a) is amended to read "It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales (excluding minke whales) in * * *"

7. Section 351.7(b) is amended to read "It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating * * *"

8. Section 351.8(a) is amended by deleting the words "whale catchers attached to factory ships" in line 4 and inserting "factory ships or whale catchers attached thereto."

9. Section 351.8(b)(3) is amended by inserting after "sei" the words "or Bryde's."

10. Section 351.8(c) is amended to delete the word "factoryship" in the 6th line and add after the word "any" "waters south of 40° south latitude by all factory ships or whale catchers attached thereto * * *"

11. Section 351.8(d) is amended by deleting the last sentence and substituting "The taking or attempting to take baleen whales by factory ships or whale catchers attached thereto shall be illegal in any waters south of 40° south latitude after midnight of the date so determined."

12. Amend § 351.8 by adding paragraphs (f), (g), and (h) to read as follows:

(f) The number of fin whales taken in the North Pacific Ocean and dependent waters excluding the catch in the East China Sea shall not exceed 1,308 whales, plus or minus 10 percent (10%) in 1971.

(g) The number of sei and Bryde's whales combined taken in the North Pacific Ocean and dependent waters shall not exceed 4,710 whales plus or minus 10 percent (10%) in 1971. The numbers taken in the succeeding few years shall be further adjusted on the basis of the latest scientific assessment, so that within a few years the catch shall be less than the estimate of the sustainable yield.

(h) The provisions regarding a 10 percent (10%) allowance for fin and sei (including Bryde's) whales in the North Pacific Ocean and dependent waters shall be applied in such a way that if the catch of one species exceeds the number given in subparagraph (f) or (g), the catch of the other species shall be less

than the appropriate number by an equivalent amount.

13. Section 351.9(a) is amended by adding the word "Bryde's" after the word "sei" in the second line, and "and Bryde's" after "sei" in the fifth and eighth lines, and by changing the date "1968" to "1971" in said paragraph.

14. Section 351.9(b) is amended by deleting "for delivery to factory ships on land stations" in the third, fourth, sixth and seventh lines and by changing the date "1968" to "1971."

15. Section 351.11 is amended by adding "apart from minke whales" after the words "baleen whales," by adding "except the North Pacific Ocean and its dependent waters north of the Equator" after the word "area" in the fifth line, and by adding "provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in § 351.8 paragraphs (f), (g), and (h)" after the word "season" in the ninth line.

16. Section 351.13(a) is amended by deleting the words "delivery to" in the first line and substituting the words "treatment by."

17. Section 351.13(d) is amended by deleting the words in the first three lines up to and including "immediately" and substitute the words "The information specified in paragraph (c) of this section shall be entered immediately by a factory ship * * *."

18. Section 351.18(a) is amended by inserting the following definition after the definition for the Blue whale "Bryde's whale" (Balaenoptera edeni or brydei) means any whale known by the name of "Bryde's whale," and under the definition of "Sei whale," delete the last portion of the sentence beginning with "and shall be taken to include Bryde's whale (B. brydei)."

[FR Doc.71-2870 Filed 3-2-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter I—Federal Procurement Regulations

PART 1–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 1–5.10—Use of Excess Aluminum

ELIMINATION OF REPORTING REQUIREMENTS

This amendment revises procedures for implementing the Government Use program for excess aluminum in the National Stockpile. Specifically, the amendment eliminates the reporting requirements which have been imposed upon executive agencies and Government contractors under the excess aluminum use program. It also revises the references to rated orders which have been redesignated by the Department of Commerce.

1. Section 1–5.1001–1(b) is revised as follows:

§ 1–5.1001–1 Government Use Program.

* * * * * *

(b) These provisions do not apply to procurements of supplies or construction effected by procuring activities located outside, for use outside, the United States, its possessions, and Puerto Rico. These provisions are applicable to new procurements that are effected by amendments to an existing contract. In such cases, only the new procurement portion of the total contract is considered in determining whether the clause is required and, if required, the extent of its applicability.

2. Section 1–5.1001–2 is amended as follows:

§ 1–5.1001–2 Contract clause.

REQUIRED SOURCE FOR ALUMINUM INGOT

* * * * * *

(c) To the extent the Contractor (or subcontractor or supplier, where applicable) places subcontracts or purchase orders for aluminum products or for items other than aluminum products and containing aluminum in any form, he is not required with respect to such subcontracts or purchase orders to purchase aluminum from GSA. However, he agrees to incorporate this clause:

(i) In any such subcontract or purchase order for aluminum products in the total amount of $500 or more; or

(ii) In any such subcontract or purchase order in the total amount of $25,000 or more for any items containing aluminum in any form where the quantity of aluminum products used in the production of such items is estimated to be 10,000 pounds or more.

(d) The requirements of this clause are not intended to preclude basic agreements or other arrangements between the parties to any contracts (subcontracts or purchase orders) subject to this clause that will permit reference in such contracts to the applicability of the requirements of this clause, without the need for physically incorporating this clause in its entirety in each affected subcontract or purchase order.

(e) In placing subcontracts and purchase orders subject to the clause, the Contractor and all subcontractors and suppliers are authorized and encouraged to consolidate aluminum product purchases hereunder with other defense rated order purchases (ACM, DO, or DX) and other identifiable Government orders so as to apply the requirements of this clause to the total purchase. Otherwise, it is required either that aluminum product purchases subject to this clause be separately made, or, if consolidated with other aluminum product purchases, that the quantities (by weights) of aluminum products subject to this clause be separately set forth in the purchase document and identified as subject to this clause.

(f) Required purchases of aluminum from GSA by Contractors, subcontractors, or suppliers shall be made within 90 days from the date (i) of final delivery pursuant to a contract, subcontract, or purchase order containing the requirements of this clause, or (ii) when the Contractor, subcontractor, or supplier has completed deliveries of aluminum products aggregating 100,000 pounds, whichever is earlier: *Provided, however,* That any Contractor, subcontractor, or supplier, may defer required purchases of aluminum for the purpose of consolidating purchases to meet the requirement of two or more contracts, subcontracts, or purchase orders containing this clause until 90 days after the aggregate purchase requirements of such contracts, subcontracts, or purchase orders equal the minimum order quantities established by GSA (approximately 10,000 pounds or more). Successive consolidated purchases thereafter may be made at any time within 90-day intervals. The 90-day limitations may be extended upon approval in writing by GSA.

(g) Certain producers of aluminum have entered into contracts with GSA effective as of November 1, 1965, under which they have made long term commitments to purchase certain minimum and maximum quantities of aluminum from that Agency. The obligations of such producers under this clause shall be governed by the provisions of those contracts to the extent of any inconsistency.

(h) All purchases made pursuant to this clause, other than from GSA, which are rated (ACM, DO, or DX) in accordance with DMS Regulation 1, DMS Order 3, and DPS Regulation 1, are subject to the provisions of those regulations concerning the maintenance of records, rights of inspection and audit, and the penalty provisions contained therein for willful noncompliance.

3. Section 1–5.1001–3 is amended by revising the contract provision set forth in the section as follows:

§ 1–5.1001–3 Contract clause for construction contracts.

* * * * * *

(c) To the extent the Contractor or subcontractor or supplier, where applicable, places subcontracts or purchase orders for aluminum products, or for items other than aluminum products and containing aluminum in any form, or for construction where the subcontractor is to furnish materials containing aluminum in any form, he is not required with respect to such subcontracts or purchase orders to purchase aluminum from GSA. However, he agrees to incorporate this clause:

(i) In any such subcontract or purchase order for aluminum products in the total amount of $500 or more; or

(ii) In any such subcontract or purchase order in the total amount of $25,000 or more for any items containing aluminum in any form where the quantity of aluminum products used in the production of such items is estimated to be 10,000 pounds or more; or

(iii) Construction, where the materials are to be supplied by the subcontractor and the total value of such materials containing aluminum (in any form) is estimated to be $25,000 or more; and where the quantity of aluminum products used in the production of such items is estimated to be 10,000 pounds or more.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Modification of existing contracts. Executive agencies should modify existing contracts entered into prior to the effective date of this amendment which contain the contract clause prescribed in § 1–5.1001–2 by deleting paragraph (d) of such clause. Consideration for the deletion of paragraph (d) is the savings to the Government resulting from the elimination of (a) reimbursable costs associated with the requirement of the paragraph and/or (b) expenses involved in administering the reports which are no longer needed.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER (3–3–71).

Dated: February 23, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-2838 Filed 3-2-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 18—National Aeronautics and Space Administration

REVISION OF REGULATIONS

Parts 18–5, 18–6, and 18–7 of Chapter 18, Title 41 Code of Federal Regulations are revised as set forth below. These revisions to Chapter 18 covering changes made by the Basic 1970 Edition and Revision 1 of the NASA Procurement Regulation were effective July 27, 1970, except for interim changes made by Procurement Regulation Directives.

PART 18–5—INTERDEPARTMENTAL PROCUREMENT

Subpart 18–5.1—Procurement Under Federal Supply Schedule Contracts

Sec.
18–5.100 Scope of subpart.
18–5.101 General.
18–5.101–1 Federal Suply Schedule contracts.
18–5.101–2 Procurement offices.
18–5.101–3 Labor surplus area and small business considerations.
18–5.102 Mandatory Federal Supply Schedules.
18–5.103 Federal Supply Schedules not mandatory.
18–5.104 Order for Supplies or services.
18–5.105 Federal Supply Schedules with multiple source provisions.
18–5.105–1 Description.
18–5.105–2 General.
18–5.105–3 Justifications.
18–5.105–4 Responsibility of procurement office.
18–5.106 Use of Federal Supply Schedules for automatic data processing Equipment (ADPE) and related software, and maintenance services.

Subpart 18–5.4—Procurement of Prison-Made Supplies

18–5.400 Applicability.
18–5.401 General.
18–5.402 Preference as between prison-made and blind-made supplies.
18–5.403 Schedule of supplies which are prison-made.
18–5.404 Mandatory procurement of prison-made supplies.
18–5.404–1 Mandatory procurement from Federal Prison Industries, Inc.
18–5.404–2 Mandatory procurement of prison-made supplies from General Services Administration Stores Depots.
18–5.405 Nonmandatory procurement of prison-made supplies.
18–5.406 Procurement procedure.
18–5.406–1 Procurement from Federal Prison Industries, Inc.
18–5.406–2 Procurement from General Services Administration Stores Depots.
18–5.407 Exceptions.
18–5.408 Clearances.

Subpart 18–5.5—Procurement of Blind-Made Supplies

18–5.500 Applicability.
18–5.501 General.
18–5.502 Schedule of supplies which are blind-made.
18–5.503 Mandatory procurement of blind-made supplies.
18–5.504 Procurement procedure.
18–5.504–1 Through National Industries for the Blind.
18–5.504–2 From General Services Administration Stores Depots.
18–5.505 Clearances.
18–5.506 Optional procurement of blind-made supplies.
18–5.550 Procurement of services from agencies for the blind.

Subpart 18–5.6—Procurement of Printing and Related Supplies

18–5.601 Printing and related supplies.
18–5.602 Contract clause.

Subpart 18–5.7—Procurement From or Through Another Federal Agency

18–5.700 Scope of subpart.
18–5.701 Procuring materials from the Department of the Air Force missile procurement fund.
18–5.701–1 Requests for procurement.
18–5.701–2 Delivery requests.
18–5.701–3 Receiving procedures.
18–5.701–4 Billing.
18–5.702 Procurement of jewel bearings.
18–5.703 Procurement of helium.
18–5.704 Acquisition of mercury.

Subpart 18–5.8—Procurement of Certain Utility Services by Use of General Services Administration Areawide Public Utility Contracts and Department of Defense Areawide Communications Contracts

18–5.800 Scope of subpart.
18–5.801 General.
18–5.802 Distribution of GSA areawide public utility contracts and related publications.
18–5.803 Use of GSA areawide public utility contracts.
18–5.804 Ordering under GSA areawide public utility contracts.
18–5.850 Use of DOD areawide communications.

Subpart 18–5.9—Use of General Services Administration Supply Sources by Prime Contractors in Performing Cost-Reimbursement-Type Contracts

18–5.900 Scope and applicability of subpart.
18–5.901 Policy.
18–5.902 Limitation.
18–5.903 Authorization.
18–5.903–1 Basic authority.
18–5.903–2 Format and contents of authorizations.
18–5.903–3 Distribution.
18–5.904 Procedure.
18–5.904–1 Purchase orders under Federal Supply Schedule Contracts.
18–5.904–2 Purchase orders for General Services Administration Stores Stock.
18–5 904–3 Acquisition of filing cabinets by contractors.
18–5.905 Furnishing information to contractors.
18–5.906 Format for authorization for contractors to use GSA supply sources.
18–5.907 Contract Clause.

Subpart 18–5.10—Procurement From or Through the Military Departments

18–5.1000 Scope of subpart.
18–5.1001 Authorization and policy.
18–5.1002 NASA-Defense purchase request and acceptance.
18–5.1002–1 Preparation and use of form.
18–5.1002–2 Retention of property.
18–5.1002–3 Acceptance by military department.
18–5.1003 Changes in estimated total prices.
18–5.1004 Inquiries.
18–5.1005 Payments.

Subpart 18–5.51—Procurement of Items Designated as Potentially Hazardous

18–5.5100 Scope.
18–5.5101 Policy.

Subpart 18–5.1—Procurement Under Federal Supply Schedule Contracts

§ 18–5.100 Scope of subpart.

This subpart sets forth the policy and procedure relating to procurement from Federal Supply Schedules.

§ 18–5.101 General.

§ 18–5.101–1 Federal Supply Schedule contracts.

The Federal Supply Service, General Services Administration, establishes Federal Supply Schedule contracts for common use classes of supplies and services available directly from contractors at stated prices for a given period of time subject to stated minimum and maximum order limitations. The Index of National and Regional Federal Supply Schedules (referred to herein as "the Index"), contains a listing of current Schedules and information pertinent thereto. Copies of the Index and Schedules are available to procurement offices from the General Services Administration regional offices upon request. Requests should be submitted on GSA Form 457. In certain cases, individual Federal Supply Schedules will contain further qualifications to the coverage set forth in the Index. In the event of any conflict between the provisions of the index and those of any schedule those of the Schedule shall govern.

§ 18–5.101–2 Procurement offices.

Prior to initiating procurements from commercial sources, NASA procurement offices shall determine whether or not the required supplies or services are available from a Federal Supply Schedule. This information may be readily determined from the Index or the applicable Federal Supply Schedule.

§ 18–5.101–3 Labor surplus area and small business considerations.

In furtherance of NASA's policy of fostering labor surplus area and small business opportunities to the maximum extent possible; where two or more items at the same delivered price will meet the requiring activity's needs equally well, selection should be made when ordering against Federal Supply Schedule contracts, on the basis of preference for the item(s) of a labor surplus area concern or a small business concern. In making the selection on this basis, the order of priority shall be as follows:

(a) Certified-eligible concerns which are also small business concerns;

(b) Other certified-eligible concerns;

(c) Persistent labor surplus area concerns which are also small business concerns;

(d) Other persistent labor surplus area concerns;

(e) Substantial labor surplus area concerns which are also small business concerns;

(f) Other substantial labor surplus area concerns; and

(g) Small business concerns which are not labor surplus area concerns.

§ 18–5.102 Mandatory Federal Supply Schedules.

Supplies or services listed in a Federal Supply Schedule shall be obtained under the contracts summarized therein if the Schedule provides that such contracts are for mandatory use as primary sources of supply by executive agencies generally and NASA has not been listed therein as exempt, subject to the following exceptions:

(a) *Delivery requirements.* (1) When the delivery period offered in the Federal Supply Schedule does not meet the delivery requirements of the procurement office, procurement need not be made from the Federal Supply Schedules. However, delivery dates shown in Federal Supply Schedules are based upon the average capability of the contractor and are usually conservative. Contractors, in most instances, are able to make delivery within a shorter period of time than the maximum provided in the Schedule. Therefore, when the delivery requirements of the procurement office are less than the maximum shown in the Schedule, the contractor should be queried as to whether the delivery requirements can be met. This procedure shall be followed except in those cases where transportation time from the contractor's shipping point, or time required for inquiry and reply, make conformance impracticable. Where a multiple award Schedule item is involved, purchase must be made under the Schedule unless it is established, in accordance with the Schedule provisions, that one of the Schedule contractors whose products are acceptable can meet the delivery time requirement.

(2) Most Federal Supply Schedule contracts executed after July 1962 include a provision requiring contractors to reply to Government requests for earlier delivery within 3 working days. Such replies are to be made by the same method of communication as that used by the procurement office for its request. This contract provision also provides that earlier deliveries offered by contractors and accepted by the procurement offices will be binding on the contractors. Failure to meet maximum Federal Supply Schedule delivery dates (or delivery dates that are less than the maximum as agreed to by contractors under contracts containing the above-mentioned provision) constitutes a breach of contract and the order may be terminated for default in whole or in part by the procurement office. Where the contract does not include the aforementioned provision (generally contracts entered into prior to July 1962), if the contractor has affirmed his inability to provide earlier delivery or has failed to respond to the query within 3 days, procurement may be made from other sources for delivery earlier than the maximum specified in the Schedule. In such cases, an appropriate record justifying the action should be placed in the contract file.

(b) *Similar items.* When specific supplies or services having the same general characteristics and intended use as those listed in a Federal Supply Schedule are needed for a special requirement, the following procedures shall apply.

(1) *Nonemergency requirements.* When supplies or services are to be procured from other sources to satisfy a nonurgent requirement, the head of the office initiating the purchase request or his designated representative shall furnish the procurement office a signed statement identifying the supplies or services to be purchased. The statement shall include an explanation of why similar items listed in the applicable Federal Supply Schedule will not meet the specific requirement. The procurement office prior to initiating purchase action shall furnish such statement to the Commissioner, Federal Supply Service, General Services Administration, with a request that the requirement for using the Federal Supply Schedule item be waived. If such waiver is not granted, the case will be referred to the Director of Procurement for a final decision as to whether the nonschedule item will be purchased. The Director of Procurement shall promptly notify the Commissioner, Federal Supply Services, and the procurement office of the decision reached.

(2) *Emergency requirements.* When supplies or services are to be procured from other sources and the situation will not permit the delay incident to following the normal channels of obtaining a waiver from the General Services Administration prior to purchase, such waiver shall not be requested. In emergency situations, the head of the office initiating the purchase request, or his designated representative, shall furnish to the procurement office a signed statement identifying the supplies or services to be purchased, and explaining why similar items listed in the applicable Federal Supply Schedule will not meet the specific requirements. The procurement office shall within 15 days of the date of purchase, furnish such statement to the Commissioner, Federal Supply Service, General Services Administration.

(c) *Maximum dollar limitations.* Federal Supply Schedules stipulate maximum dollar limitations above which agencies may not submit orders and contractors may not accept orders. The maximum limitation varies between Schedules. The value of a single order or a series of orders placed within a short time, may not exceed this limitation.

(d) *Minimum requirements.* Federal Supply Schedules stipulate dollar amounts or quantitative values below which agencies need not submit orders and contractors are not obligated to accept orders. In determining such dollar amounts or quantitative values, all requirements which would normally be included in a single order to a contractor shall be considered.

(e) *Geographic location.* Federal Supply Schedules delineate geographic applicability on a national, zone, regional, or other area basis. The location of the activity to which delivery of the articles will be made or the location at which service will be performed shall govern, and not the location of the office which places the order with the contractor.

(f) *Public exigency.* Federal Supply Schedule contracts permit purchase elsewhere, where necessary, in cases of public exigency. However, ordering personnel should be alerted to situations where proximity of the contractor's production and distribution facilities to the point of use result in the contractor's facility being an immediate source of supply to meet the exigency.

(g) *Opportunity to buy supplies and services for less than listed prices from Federal Supply Schedule contractors.* Except when procuring automatic data processing equipment, related software and maintenance services, procurement offices shall not solicit bids, proposals, quotations, or otherwise test the market for comparison with the schedule prices (see § 18–5.106). However, if an opportunity arises for NASA to purchase listed supplies and services from a Federal Supply Schedule contractor at a price substantially more favorable to the Government than the price listed, the procurement will be accomplished at the more favorable price. Immediately subsequent thereto, a copy of the contract shall be furnishd to the office which issued the applicable Federal Supply Schedule. This office is identified on the cover of the Schedule.

(h) *Price exceeds $100,000.* The General Services Administration (GSA) has made the cost and pricing data requirements of 10 U.S.C. 2306(f) applicable to negotiated procurements of the GSA by the inclusion of such cost and pricing data requirements in Subpart 1–3.8 of the Federal Procurement Regulations (FPR). NASA is advised that these regulations are applied to Federal Supply Schedule contracts. Accordingly, when NASA purchases from Federal Supply Schedules, NASA will assume that Federal Supply Schedule contractors have furnished GSA with acceptable cost or pricing data and certification, or the Federal Supply Schedule contractor has qualified under the statutory exceptions. Specific variation generally will not be required from GSA to evidence compliance with the statute. Requests for evidence of compliance will not be made of GSA without the Procurement Officer's prior submission of such request, together with written justification therefor, to the Director of Procurement (Code KDP–2) for approval.

§ 18–5.103 Federal Supply Schedules not mandatory.

Supplies or services available from a Federal Supply Schedule which is optional for use by executive agencies generally (or in which NASA is listed as exempt) shall be ordered therefrom if:

(a) The Schedule or the contractor's price list identifies the item by Federal stock number;

(b) Delivery requirements can be met (see § 18–5.102(a));

(c) The order is within the maximum and minimum limitations of the Schedule; and

(d) The price is determined to be fair and reasonable.

Exception from the foregoing is permitted only where the contracting office has actual knowledge that the purchase can be made more advantageously to the Government from a source other than the Supply Schedule, after allowing for the burdens and cost of a new procurement under applicable prescribed procedures. Except when procuring automatic data processing equipment, related software and maintenance services, the procurement office shall not solicit bids, proposals, quotations, or otherwise test the market for comparison with the schedule price see § 18–5.106). Where a procurement from a source of supply other than the nonmandatory Schedule indicates that such source might be more advantageous to the Government as a general source, the name and address of the supplier, together with other details of the procurement action shall be forwarded to the General Services Administration through the Regional Office of the GSA region in which the procuring activity is located. The provisions of § 18–5.102(a) are applicable when determining whether a contractor can meet delivery requirements.

§ 18–5.104 Order for supplies or services.

NASA Form 1379 or Standard Form 147 should be used as a delivery order in purchasing supplies or services from Federal Supply Schedule contractors.

§ 18–5.105 Federal Supply Schedules with multiple source provisions.

§ 18–5.105–1 Description.

(a) Multiple-award Federal Supply Schedules cover contracts made with more than one supplier for comparable items at either the same or different prices for delivery to the same geographical area. These schedules are identified by the inclusion, in the Special Provisions, of a paragraph entitled "Multiple Awards."

(b) Federal Supply Schedule contracts are made on a multiple award basis when one or both of the following circumstances apply:

(1) The most effective utilization of industry production and distribution facilities in meeting the needs of the Government can be accomplished through making multiple awards and such awards are otherwise advantageous to the Government. (Considerations in determining that multiple awards should be made include price, quality, facility of delivery, availability of production and distribution facilities, technical advice or service in connection with products involved, and other pertinent factors.)

(2) In the absence of prescribed standards or specifications, selectivity, with respect to the choice of one item from a group of comparable items, is to the advantage of the Government in terms of suitability to accomplish or produce required end results.

§ 18–5.105–2 General.

The provisions of § 18–5.103 shall be applied in determining whether an order should be placed under a multiple-award schedule. Each purchase made from a multiple-award schedule must be made at the lowest delivered price available under that schedule, unless the procurement office fully justifies the purchase of a higher priced item.

§ 18–5.105–3 Justifications.

(a) Justifications of purchases made at prices other than the lowest delivered price available should be based on specific or definitive needs which are clearly associated with the achievement of program objectives. Mere personal preference cannot be regarded as an appropriate basis for a justification. Justifications should be clear and fully expressed. Recital of, or reference to one of the factors set forth in paragraph (b) of this section is not sufficient.

(b) The following examples illustrate factors that may be used in support of justifications, when used with assertions that are fully set forth and documented.

(1) Special features of one item, not provided by comparable items, are required in effective program performance.

(2) An actual need exists for special characteristics to accomplish identified tasks.

(3) It is essential that the item selected be compatible with items or systems already existing within using offices.

(4) Trade-in considerations favor a higher priced item and produce the lowest net cost.

(5) Time of delivery in terms of actual need cannot be met by a lower priced contractor.

(6) Justifications which incorporate features of the following examples must be based on objective factors which adequately establish the advantages inherent in purchase of the higher priced item when:

(i) Probable life of the item selected, as compared to that of a comparable item at a lower cost, is sufficiently greater so that the additional purchase price is economically warranted;

(ii) Warranty conditions of a higher priced item are sufficiently advantageous to justify the added cost; and

(iii) Greater maintenance availability, lower overall maintenance costs, or the elimination of problems anticipated with respect to machines or systems, especially at isolated use points, will produce long-run savings greater than the difference in purchase prices.

§ 18–5.105–4 Responsibility of procurement office.

The possibilities of selectivity among items listed in multpile-award Federal Supply Schedules do not relieve the procurement office of its responsibility to place its orders at the lowest delivered prices available (after application of Buy American differentials, when appropriate, as set forth in the Federal Supply Schedule under the paragraph "Foreign Origin") unless there are factors for consideration which definitely justify the purchase at other than the lowest price. This responsibility exists whether or not the value of an order is more or less than the applicable open market limitation. When orders are placed with Schedule contractors at other than the lowest schedule price available for the type of services or supplies required, the procurement office shall include in the contract file a memorandum for record setting forth the facts and conclusions justifying the order.

§ 18–5.106 Use of Federal Supply Schedules for automatic data processing equipment (ADPE) and related software and maintenance services.

(a) Nothing in this Subpart 18–1 is intended to preclude or otherwise detract from the procurement of ADPE from a number of different sources, if such action will be in the best interests of the Government. The existence of a Federal Supply Schedule contract does not preclude or waive the requirement for full and complete competition in obtaining ADPE, software, or maintenance services. Suitable ADPE not on a Federal Supply Schedule contract, as well as that which is on such a contract must be considered. Bids or proposals should be solicited from all qualified sources, including those on Federal Supply Schedules, if such action will be in the best interest of the Government.

(1) Purchase orders issued against Federal Supply Schedule contracts should delineate specifically both the hardware and/or the software being procured. Care should be taken to ensure that specific requirements and commitments are included in the purchase orders.

(2) In any case where ADPE, software, or maintenance services are procured under a Federal Supply Schedule contract at other than the lowest available delivered price, justification for the action shall be documented in the contract file in accordance with the provisions of § 18–5.105–4.

(3) Except in those instances where a determination as to lowest overall cost can be reached and documented without further solicitation or negotiation, proposals or bids should be solicited to determine the ADPE, software, or maintenance services which would satisfy requirements at the lowest overall cost to the Government, price and other factors considered.

(b) In accordance with the authority of 40 U.S.C. 486(c) the General Services Administration (GSA) has authorized agencies to procure ADPE, software and maintenance items from Federal Supply Schedule contracts without prior review and approval of GSA.

(1) In these instances, two copies of the solicitation document and any subsequent amendments thereto, shall be forwarded to the Director, ADP Procurement Division, Office of Automated Data Management Services—FTP, Federal

Supply Service, General Services Administration, Washington, D.C. 20405, as soon as available, but in no event later than the date issued to industry. In addition, one copy of the resulting purchase order, delivery order or contract shall be forwarded upon issuance.

(2) If, as a result of such solicitation, all or any part of the general purpose commercially available, mass produced ADPE, related software or maintenance service items selected are not available from a FSS contract, a request for procurement authority shall be forwarded to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20405 through the Director of Procurement (Code KDP–1). This request shall consist of two copies of the solicitation document together with such other clarifying or explanatory information as may be available. No award shall be made until the required procurement authority has been granted.

Subpart 18–5.4—Procurement of Prison-Made Supplies

§ 18–5.400 Applicability.

This subpart is applicable to supplies procured within the United States.

§ 18–5.401 General.

Supplies of the classes listed in the "Schedule of Products Made in Federal Penal and Correctional Institutions" shall be purchased in accordance with the policies and procedures set forth in this subpart.

§ 18–5.402 Preference as between prison-made and blind-made supplies.

In any case where similar supplies are manufactured or offered for sale both by Federal penal and correctional institutions and by agencies for the blind, the supplies must be purchased from Federal Prison Industries, Inc., to the extent available.

§18–5.403 Schedule of supplies which are prison-made.

Supplies which are manufactured by Federal penal and correctional institutions are in strict conformity with Federal Specifications. These supplies are listed in the "Schedule of Products Made in Federal Penal and Correctional Institutions" (referred to in this Subpart 18–5.4 as the "Schedule"). Copies of the Schedule are available from Federal Prison Industries, Inc., c/o Department of Justice, Washington, D.C. 10537.

§ 18–5.404 Mandatory procurement of prison-made supplies.

§ 18–5.404–1 Mandatory procurement from Federal Prison Industries, Inc.

Supplies listed in the Schedule shall be procured directly from Federal Prison Industries, Inc., when—

(a) Supplies require overseas packaging or packing;

(b) Supplies are required in carload lots, as described in the Consolidated Freight Classification for the commodity concerned; or

(c) Supplies are required in less than carload lots, but are not stocked by General Services Administration Stores Depots.

§ 18–5.404–2 Mandatory procurement of prison-made supplies from General Services Administration Stores Depots.

Supplies listed in the Schedule which are required in less than carload lots and which are stocked by General Services Administration Stores Depots shall be procured from such depots, except that procurement shall be made directly from Federal Prison Industries, Inc., when (a) the procurement office is so located that it is more practical and economical to procure directly from Federal Prison Industries, Inc., rather than from or through the General Services Administration, or (b) the General Services Administration Stores Depot is temporarily unable to furnish the required supplies, in which instance the depot will so advise the procurement office so that the procurement may be made directly from Federal Prison Industries, Inc.

§ 18–5.405 Nonmandatory procurement of prison-made supplies.

Contracting officers are encouraged to utilize the facilities of Federal Prison Industries, Inc., to the maximum extent practicable in the procurement of supplies which are not listed in the Schedule, but which are nevertheless of a type manufactured in Federal penal and correctional institutions.

§ 18–5.406 Procurement Procedure.

§ 18–5.406–1 Procurement from Federal Prison Industries, Inc.

Procurement directly from Federal Prison Industries, Inc., will be made by placing a purchase order with the Federal Prison Industries, Inc., % Department of Justice, Washington, D.C. 20537.

§18–5.406–2 Procurement from General Services Administration Stores Depots.

The Federal Standard Requisitioning and Issue Procedure (Federal Property Management Regulation, Subpart 101–26.2) shall be used to obtain prison-made supplies from General Services Administration Stores Depots.

§ 18–5.407 Exceptions.

Supplies listed in the Schedule may be procured through National Industries for the Blind or from commercial sources under any of the following conditions:

(a) Immediate delivery or performance is required by public exigency;

(b) Suitable used supplies can be obtained; or

(c) The total cost of the order is $25 or less.

§ 18–5.408 Clearances.

In addition to the exceptions provided in § 18–5.407, supplies of the types listed in the Schedule may be purchased through National Industries for the Blind or from commercial sources if such procurement is specifically authorized in clearances issued by Federal Prison Industries, Inc., as set forth in paragraphs (a) and (b) below.

(a) General clearances are issued by Federal Prison Industries, Inc., when classes of supplies are not avialable from Federal penal and correctional institutions, or when it is otherwise in the best interest of the Government to allow procurement of those classes of supplies from agencies for the blind or from commercial sources. Purchase orders or contracts written pursuant to a general clearance need not be supported by a copy of the clearance, but the clearance number must be cited on the purchase order or contract as well as on the initial voucher.

(b) Formal clearances are issued in response to requests initiated by purchasing offices desiring to procure from agencies for the blind or from commercial sources supplies of the type listed in the Schedule when such supplies are not covered by a general clearance. Requests for formal clearances shall be addressed to Federal Prison Industries, Inc., % Department of Justice, Washington, D.C. 20537. Actual purchase of the required supplies shall not be consummated prior to the issuance of the formal clearance. A copy of the clearance certificate must be attached to the initial voucher.

Subpart 18–5.5—Procurement of Blind-Made Supplies

§ 18–5.500 Applicability.

This subpart is applicable to supplies procured within the United States.

§ 18–5.501 General.

Supplies listed in the Schedule of Blind-Made Products shall be procured in accordance with the policies and procedures set forth in this subpart.

§ 18–5.502 Schedule of supplies which are blind-made.

Supplies manufactured by agencies for the blind are listed in the Schedule of Blind-Made Products, hereinafter referred to as the Schedule, copies of which may be obtained from the General Services Administration Regional Offices or Depots Items available from stocks at General Services Administration stores depots are so identified in the Schedule. Requests for copies of the Schedule will be submitted on GSA Form 457, will specify the exact organizational mailing address, and will request placement on the mailing lists for revisions.

§ 18–5.503 Mandatory procurement of blind-made supplies.

Except as provided in § 18–5.402 supplies listed in the Schedule shall be procured as follows:

(a) Orders for centrally managed supplies shall be placed through the National Industries for the Blind (NIB) in accordance with § 18–5.504–1.

(b) Orders for supplies which have been decentralized for local purchase shall be submitted to the General Services Administration Stores Depot which can best serve the Procurement Office, except that when one of the conditions

set forth below is present, procurement shall be through the NIB:

(1) Supplies require overseas packaging or packing;

(2) Supplies are required in carload lots, as described in the Consolidated Freight Classification for the Commodity concerned;

(3) Supplies are stocked by General Services Administration Stores Depots, but the procurement office is so located that it is more practical and economical to purchase directly from the agency for the blind which manufactures the supplies, rather than from the stores depot;

(4) The Schedule indicates that the supplies are not stocked by General Services Administration Stores Depots; or

(5) Delivery requirements cannot be met.

(c) Supplies listed in the Schedule may be procured from commercial sources under any of the conditions set forth below:

(1) Necessity requires delivery within two weeks and the NIB cannot give assurance of positive availability; or

(2) The procurement is for $25 or less.

§ 18–5.504 Procurement procedure.

§ 18–5.504–1 Through National Industries for the Blind.

When procurement of blind-made supplies is to be effected through the NIB, such procurement shall be made submitting directly to the National Industries for the Blind, 15 West 16th Street, New York, NY 10011, a request, in letter form, for an allocation. Upon receipt of the request, requirements will be allocated by NIB, and the procurement office will be notified of the name and location of the agency designated to manufacture the requirements. Upon receipt of such notification, a purchase order shall be issued to the designated agency for the blind and a copy thereof will be forwarded to the NIB. Such orders may be issued without limitation as to dollar amount. A certification of fund availability must be obtained before an order may be issued.

§ 18–5.504–2 From General Services Administration Stores Depots.

The Federal Standard Requisitioning and Issue Procedure (Federal Property Management Regulation, Subpart 101–26.2) shall be used in obtaining blind-made supplies from General Services Administration Stores Depots.

§ 18–5.505 Clearances.

Except as provided in § 18–5.503(a) procurement offices may procure supplies of the types listed in the Schedule from commercial sources if (1) such procurement is specifically authorized in clearances issued by NIB, and (2) if purchase action is initiated within 30 days from the date of the authorization of such additional period as may be authorized by the NIB.

§ 18–5.506 Optional procurement of blind-made supplies.

Supplies of any type or classification may be procured from agencies for the blind in any quantity, including less than carload lots, when such agency is the low bidder or offeror in response to an invitation for bids or request for proposals.

§ 18–5.550 Procurement of services from agencies for the blind.

Services, as distinguished from supplies, will not be procured pursuant to the procedure set forth above. The provisions of this subpart do not apply to labor or services or anything other than tangible articles produced by the blind.

Subpart 18–5.6—Procurement of Printing and Related Supplies

§ 18–5.601 Printing and related supplies.

Printing, duplicating, binding, and related supplies, including the printing, duplicating and other reproduction of documentation (e.g., reports, statistical data, etc.) required by NASA contracts shall be procured in accordance with (a) the Printing and Binding Regulations published by the Joint Committee on Printing, Congress of the United States, and (b) NMI 1490.2 "Responsibilities, Procedures, and Standards for NASA Printing, Duplicating, and Binding." The standards set forth in Attachment B to NMI 1490.2 shall be made a part of the contract schedule when any of the above items are required as a part of the contract.

§ 18–5.602 Contract clause.

The clause set forth below shall be inserted in all contracts which have requirements for printing, duplicating, or other reproduction of documentation.

LIMITATION ON PRINTING, DUPLICATING AND OTHER REPRODUCTION (JULY 1970)

Printing, duplicating, binding, and related supplies, including the printing, duplicating and other reproduction of documentation (e.g., reports, statistical data, etc.) required under this contract are subject to the provisions of the Government Printing and Binding Regulations published by the Joint Committee on Printing, Congress of the United States and shall comply with the standards set forth in the Schedule.

Subpart 18–5.7—Procurement From or Through Another Federal Agency

§ 18–5.700 Scope of subpart.

This subpart established policies and procedures for the procurement of special items of supplies from other Federal agencies.

§ 18–5.701 Procuring materials from the Department of the Air Force missile procurement fund.

The Department of the Air Force has assigned the operational authority and responsibility for the procurement and distribution of missile propellants and related items to the San Antonio Air Materiel Area (SAAMA), Kelly Air Force Base, Tex. Propellants, oxidizers, fuels, pressurants, and related materials are financed under a single Air Force appropriation designated the "Missile Procurement Fund" (MPF). Supplies are obtained by SAAMA from Government-owned contractor-operated plants and by consolidated procurements from industry. NASA, other Government agencies, and contractors (where materials are Government-furnished) may acquire from SAAMA the items listed in § 18–52.508 of this chapter on a reimbursable basis. The Air Force MPF shall be utilized as a supply source for propellants whenever there are economic or other advantages to the Government. Field installations and offices obtaining supplies from the Missile Procurement Fund shall comply with the reporting requirements of § 18–52.500.

§ 18–5.701–1 Requests for procurement.

To obtain the materials listed in § 18–52.508 from the Air Force MPF, NASA procurement offices will execute a NASA-Defense Purchase Request (NASA Form 523) in accordance with § 18–5.1002 and forward it to Headquarters, San Antonio Air Materiel Area, Kelly Air Force Base, Tex., Attention: SAOS. The following additional information should also be provided on the form:

(a) Contract number (when material is required for use by a NASA contractor);

(b) Delivery address; and

(c) Mode of transportation (rail, trailer, barge, etc.).

When the purchase requests covers requirements for materials which have not been previously forecast, as provided by Subpart 18–52.5 of this chapter, or covers significant changes to previously reported requirements, the SAAMA should be notified immediately of such requirements.

§ 18–5.701–2 Delivery requests.

(a) A delivery request is a call on the Air Force, made against a purchase request (NASA Form 523), which specifies the time and place of delivery. On the basis of the estimated requirements (See Subpart 18–52.5), the Air Force will notify NASA field installations and contractors of the name and address of the Air Force office or producing contractor's plant to which requests for delivery of materials shall be made. Delivery requests may be placed by any means of communication that time justifies; however, all verbal requests for delivery must be confirmed by a written request within 24 hours. The delivery request, both oral and written, must cite the NASA-Defense Purchase Request number under which the material is being ordered and contain the following information:

(1) Nomenclature and Federal Stock Number;

(2) Quantity;

(3) Program, project, and task;

(4) Contract number (when the material is required for use by a NASA contractor);

(5) Delivery address;

(6) Dates of delivery;

(7) Mode of transportation; and

(8) Location of weighing stations and scales (if weighing of the products prior to delivery is required).

(b) Each delivery request shall be numbered in the following manner to simplify identification and control. The

number shall consist of the last two digits of the calendar year (i.e. 70) followed by a dash (—) and a numerical designator of the month submitted (i.e. 8 for August) and a dash (—) and a consecutive running system beginning with 1. For example, a request number would appear as follows: 70–8–1. The next request would be written 70–8–2, etc. Changes to a request would be identified by adding an alphabetical designator beginning with A to the number. For example, the first change to request number 70–8–2 would be written 70–8–2A, etc. The above numbering system is not intended to replace or to interfere with existing NASA purchase order numbering or internal budget or accounting numbering procedures.

§ 18–5.701–3 Receiving procedures.

(a) *Receiving documents.* Receipt of materials will be evidenced by the signature of an individual authorized by NASA to receive materials from the Air Force on:

(1) USAF Propellant Sale/Return Slip (AF Form 857)—when materials are received directly from the Air Force inventory.

(2) Materiel Inspection and Receiving Report (DD Form 250)—when materials are received directly from a commercial producer's plant; or

(3) Other receiving forms—when materials are received from or through other Government agencies.

Every effort should be made to ensure that the NASA-Defense Purchase Request number is recorded on the receiving document prior to signing.

(b) *Weighing facilities.* Local weighing facilities (NASA-owned, contractor-owned, commercial or State operated) may be used to determine quantities of product received. If a discrepancy exists between the quantities shown on receiving documents and the quantities actually received:

(1) A certified weighing ticket evidencing actual weight at destination will be obtained; and

(2) A copy of the receiving document (AF Sale/Return Slip or DD Form 250) and the original weighing ticket will be forwarded to Headquarters, San Antonio Air Materiel Area, Kelly Air Base, Tex., Attention: SACAOM, identifying the discrepancy.

(c) *Distribution of receipts.* Copies of all receiving documents except the USAF Propellant Sale/Return Slip (Form 857) shall be transmitted to the Headquarters, San Antonio Air Materiel Area, Kelly Air Force Base, Tex., Attention: SACAOM. Receiving documents may be accumulated and submitted on the 10th, 20th, and last day of each month.

§ 18–5.701–4 Billing.

The costs for materials obtained through the Air Force Missile Procurement Fund are reimbursable. After delivery, a Standard Form 1080 (Voucher for Transfers Between Appropriations and/or Funds (Disbursement)), supported by documentary evidence of delivery, will be submitted by Headquarters, CAAMA to the NASA installation designated in the NASA–Defense Purchase Request (NASA Form 523).

§ 18–5.702 Procurement of jewel bearings.

See § 18–1.315.

§ 18–5.703 Procurement of helium.

(a) NASA is required under the provisions of Public Law 86–777 (50 U.S.C. 167a et seq.) to obtain its major requirements for helium from the Secretary of Interior.

(b) Each procurement office shall attempt to obtain its requirements for helium (gaseous or liquid) from the Secretary of the Interior (Bureau of Mines) prior to placing contracts with a private contractor for supply of helium.

(c) Questions regarding the application of this policy should be directed to the Procurement Office, NASA Headquarters (Code KDP–3).

§ 18–5.704 Acquisition of mercury.

(a) NASA is prohibited from purchasing mercury in quantities of 76 pounds or more from commercial sources without prior clearance from the General Services Administration.

(b) Mercury, minimum 99.9 percent pure (not triple distilled), in 76-pound flasks, is available for transfer from General Services Administration stocks at fair market value.

(1) Requests for mercury by NASA installations for their use or for use by their cost-reimbursement type contractors shall be made to the Project Manager, Mineral and Ores, Propetry Management and Disposal Services, General Services Administration, Washington, D.C. 20405. The project manager will furnish the current fair market value to NASA. The unit of issue is a 76-pound flask.

(2) Requests for clearance to purchase quantities of 76 pounds or more from sources other than the General Services Administration shall be submitted to the office referred to in paragraph (b)(1) of this section and must be accompanied by a statement of reasons that make the available excess mercury unsuitable for use by the requesting field installation.

Subpart 18–5.8—Procurement of Certain Utility Services by Use of General Services Administration Areawide Public Utility Contracts and Department of Defense Areawide Communications Contracts

§ 18–5.800 Scope of subpart.

This subpart prescribes policy and procedures for the procurement of certain utility services by use of General Services Administration (GSA) areawide public utility contracts and Department of Defense (DOD) areawide communications contracts.

§ 18–5.801 General.

(a) The General Services Administration enters into indefinite delivery type areawide contracts with various utility companies for the furnishing of electric, natural and manufactured gas distributed by pipes, steam sewage, water, telephone, and teletypewriter services to all, or substantially all, Government agencies located within specified areas. GSA areawide public utility contracts provide that the contractor will, upon receipt of an order in the form prescribed by the contracts, furnish without further negotiation as to rates and charges, the services involved in accordance with such of his established and filed rate schedules as are applicable to the service.

(b) The Department of Defense enters into indefinite delivery type areawide contracts with various communication companies for the furnishing of communications to all, or substantially all, Department of Defense installations. DOD areawide communications contracts provide that the contractor will upon receipt of an order in the form prescribed by the contract, furnish, without further negotiations as to rates and charges, the service involved in accordance with such of his established and filed rate schedules as are applicable to the service.

§ 18–5.802 Distribution of GSA areawide public utility contracts and related publications.

A list of the utility services obtainable under GSA areawide public utility contracts, including the area served and the name of the contractor involved, is contained in GSA Circular No. 61, Revised. GSA also has available copies of the areawide public utility contracts which include the required order form. Copies of GSA Circular No. 61 and GSA areawide public utility contracts may be obtained, upon request, from General Services Administration, Transportation and Communication Service, Public Utilities Division, Washington, D.C. 20405.

§ 18–5.803 Use of GSA areawide public utility contracts.

(a) Where GSA areawide public utility contracts are adequate to meet the requirements of NASA installations for utility services, such services will be procured thereunder. In determining whether a GSA areawide public utility contract is adequate to meet the requirements of the using installation, consideration should be given to (1) the areawide contract rates viewed in light of the magnitude of the service required, (2) any unusual characteristics of the service required, (3) any special equipment or facility requirements, (4) any special technical contract provisions required, and (5) any other special circumstances.

(b) Where an installation considers that a DOD areawide communications contract is more advantageous to the Government than the GSA areawide public utility contract, a request for a waiver of the requirement to use the GSA areawide public utility contract will be submitted to the Office of Tracking and Data Acquisition (Code TN). The request will explain why the use of the DOD areawide contract is considered to be more advantageous to the Government than the GSA areawide contract.

(c) Where an installation considers that a separately negotiated contract is

more advantageous to the Government than the GSA areawide public utility contract, for a utility service other than communications, a request will be submitted to the Procurement Office, NASA Headquarters (Code KDR), for a waiver of the requirement to use the GSA areawide public utility contract. The request shall explain why the separately negotiated contract is considered to be more advantageous to the Government than the areawide contract.

(d) Where an installation considers that a separately negotiated contract for communications services is more advantageous to the Government than the GSA areawide public utility contract or the DOD areawide communications contract, a request for a waiver of the requirement to use the GSA contract or the DOD contract (in that order) will be submitted to the Office of Tracking and Data Acquisition (Code TN). The request shall explain why the separately negotiated contract is considered to be more advantageous to the Government than either the GSA or DOD areawide contracts.

§ 18–5.804 Ordering under GSA areawide public utility contracts.

When utility services are procured under GSA areawide public utility contracts, the method of ordering prescribed in the appropriate GSA areawide contract will be used. The form prescribed for ordering may be modified to satisfy fiscal and administrative requirements of NASA, and to contain such additional contract provisions as may be contemplated or permitted by the GSA areawide contract, except that it shall not be modified for use as a public voucher in lieu of Standard Form 1034.

§ 18–5.850 Use of DOD areawide communications.

When the decision is made to procure communications services under DOD areawide contracts in accordance with § 18–5.803(b), the method of ordering prescribed in the appropriate DOD areawide contract will be used. The form may be modified to satisfy fiscal and administrative requirements of NASA, and to contain such additional contract provisions as may be contemplated or permitted by the DOD areawide contract, except that it shall not be modified for use as a public voucher in lieu of Standard Form 1034.

Subpart 18–5.9—Use of General Services Administration Supply Sources by Prime Contractors in Performing Cost-Reimbursement Type Contracts

§ 18–5.900 Scope and applicability of subpart.

(a) This subpart prescribes policies and procedures for the guidance of contracting officers in authorizing the use of General Services Administration supply sources (Federal Supply Schedule contracts and General Services Administration stores stock) by prime contractors in performing cost-reimbursement type contracts.

(b) This subpart applies only to the procurement of supplies to be delivered in the United States, its possessions, or Puerto Rico.

§ 18–5.901 Policy.

In appropriate cases, the contracting officer should authorize contractors to utilize General Services Administration supply sources in performing cost-reimbursement type contracts. Before issuing such an authorization, the contracting officer shall determine that it is in the best interest of the Government, considering price, delivery, contract administration, and any other significant factors, including recommendations of the contractor.

§ 18–5.902 Limitation.

Contractors shall not be authorized to utilize General Services Administration supply sources (a) in connection with the performance of fixed-price type contracts, even though such contracts provide for price adjustment, escalation, redetermination, or cost-reduction incentive; or (b) for the leasing of equipment to be utilized in the performance of cost-reimbursement type contracts, other than automatic data processing equipment for use only in performance of cost-reimbursement contracts where the entire rental cost will be charged to those contracts. Contractors operating under the above types of contracts may, however, if they so desire, utilize GSA supply source listings for price information purposes. Such listings (GSA catalogs and copies of GSA Federal Supply Contracts) as may be readily available in procurement offices will be made available for review by contractors for this purpose.

§ 18–5.903 Authorization.

§ 18–5.903–1 Basic authority.

Contractors shall be authorized to utilize General Services Administration supply sources only (a) where title to property ordered under Federal Supply Schedule contracts will pass to and vest in the Government directly from the Federal Supply Schedule contractor (rather than through the prime contractor), (b) where the contractor will lease automatic data processing equipment under a Federal Supply Schedule contract for use only in performance of cost-reimbursement contracts, and the entire rental cost will be charged to those contracts, or (c) where title to Government-owned property ordered from General Services Administration stores stock will remain in the Government.

§ 18–5.903–2 Format and contents of authorizations.

Authorizations shall be in writing and shall cite the contract number, specify any applicable limitations on the authority, such as the period of eligibility, and contain any other pertinent information, including requirements relative to ordering, receiving, inspection, and payment. The written authorization shall be in substantially the same format as that set forth in § 18–5.906.

§ 18–5.903–3 Distribution.

Copies of each authorization shall be forwarded by the contracting officer to the General Services Administration, Federal Supply Service, Office of Supply Management, General Services Building, Washington, DC 20405 and to the General Services Administration regional office serving the geographical area in which the facilities of the authorized prime contractor are located.

§ 18–5.904 Procedure.

§ 18–5.904–1 Purchase orders under Federal Supply Schedule contracts.

Orders by contractors under Federal Supply Schedule contracts shall be placed in accordance with the provisions of the applicable Federal Supply Schedule and the authorization. Such orders shall be accompanied by a copy of the authorization (unless a copy was previously furnished to the Federal Supply Schedule contractor) and shall contain the statement set forth in paragraph 2.a. of the format for authorization set forth in § 18–5.906.

§ 18–5.904–2 Purchase orders for General Services Administration Stores Stock.

Orders by contractors for General Services Administration stores stock shall be placed in accordance with the authorization. Such orders shall contain the statement set forth in paragraph 2.b. of the format for authorization set forth in § 18–5.906.

§ 18–5.904–3 Acquisition of filing cabinets by contractors.

(a) The moratorium declared by the President, in his letter of January 9, 1965, on acquisition by Government Agencies of filing cabinets covers requirements provided directly to NASA contractors (through GSA Federal Supply Service) where title to such equipment vests in the Government.

(b) Prior to ordering additional filing cabinets, NASA contractors are required to take the following prerequisite actions:

(1) Transfer inactive records to contractor storage areas;

(2) Dispose of unnecessary records in accordance with their corporate procedures;

(3) Use less expensive shelf filing methods;

(4) Take other actions which will reduce needs for filing cabinets; and

(5) Furnish statement to cognizant contracting officer that the above prerequisite actions have been taken and that sufficient additional filing capacity has not been produced.

(c) The contractor will then submit his request to the NASA contracting officer who, after conferring with the Records Management Officer, Supply Officer, and Project Officer, will certify on all letter requests that the prerequisite actions have been taken by the contractor and that such actions have not produced the required filing cabinets. Such certification will be forwarded with a letter request to the appropriate GSA Regional Administrator.

(d) If the need for the filing cabinets is approved by GSA, excess items of the type requested will be furnished, if available, through appropriate property accountability channels.

(e) Approved requests which cannot be filled from excess will be returned to the originating contractor with GSA Form 2084, Clearance to Acquire Correspondence Filing Cabinets, reflecting an FC (file cabinet) clearance number authorizing submission of a requisition to the GSA regional office. When mailed, the requisition will have the clearance number noted, and include a copy of the clearance document.

§ 18–5.905 Furnishing information to contractors.

Contracting officers shall assist contractors in obtaining pertinent Federal Supply Schedules, the General Services Administration Stores Stock Catalog and appropriate supplements thereto, and other relevant information.

§ 18–5.906 Format for authorization for contractors to use GSA supply sources.

Subject: Authorization to Lease, Rent or Purchase from General Services Administration Supply Sources.

(Contractor's name)

(Address)

1. You are hereby authorized to act for the Government in the following matters:

a. The purchasing of property for acquisition under Contract No. ------ which is available for purchase by Government agencies either directly from the General Services Administration Stores Depots or under Federal Supply Schedules, subject to the limitations set forth herein.

b. The leasing or rental of equipment for use on Contract No. ------ which is available for lease or rental by Government agencies under Federal Supply Schedules, subject to the limitations set forth herein.

c. The issuance of tax exemption certificates in lieu of the payment of State or other taxes for which the Government is not liable on property purchased under this authorization.

2. a. *Purchase orders under Federal Supply Schedule Contracts.* Orders shall be placed in accordance with the terms and conditions of the attached Federal Supply Schedule and this authorization. A copy of this authorization shall be attached to the order (unless a copy was previously furnished to the Federal Supply Schedule contractor) and shall contain the following statement:

This order is placed on behalf of the National Aeronautics and Space Administration, in furtherance of U.S. Government Contract No. (Insert contract number), pursuant to written authorization dated ---------- [ ].[1]

Title to property purchased hereunder shall vest in the U.S. Government. In the event of any inconsistency between the terms and conditions of this order and those of the Federal Supply Schedule contract, the latter will govern.

b. *Orders for items in the General Services Administration Stores Stock Catalog.* Orders shall be placed in accordance with the attached General Services Administration Stores Stock Catalog and this authorization. Include the address to which billings are to be sent. Bills are not issued by General Services Administration until after shipment has been made, and should therefore be paid promptly. Necessary adjustments, if any, will be made by General Services Administration subsequent to payment. All orders shall contain the following statement:

This order is placed on behalf of the National Aeronautics and Space Administration, in furtherance of U.S. Government Contract No. (Insert contract number), pursuant to written authorization dated ---------- [ ].[1]

Title to property delivered hereunder shall remain in the U.S. Government.

3. (Other provisions.)

4. This authority hereby granted is not transferable or assignable.

(Contracting Officer)

§ 18–5.907 Contract clause.

Insert the following clause in all cost-reimbursement type contracts under which the contractor may acquire supplies for the account of the Government. The last sentence of the clause shall be deleted in the case of facilities contracts.

GENERAL SERVICES ADMINISTRATION SUPPLY SOURCES (OCTOBER 1967)

The Contracting Officer may issue the Contractor an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired under such an authorization shall be in the Government. All property acquired under such an authorization shall be subject to the provisions of the clause of this contract entitled "Government Property", except paragraphs (a) and (b) thereof.

Subpart 18–5.10—Procurement From or Through the Military Departments

§ 18–5.1000 Scope of subpart.

This subpart sets forth policies and procedures, developed jointly by the National Aeronautics and Space Administration and the Department of Defense, with reference to procurement of supplies or services by NASA from or through the Military Departments.

§ 18–5.1001 Authorization and policy.

(a) NASA is authorized by the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) to use the procurement services, personnel, equipment, and facilities of the Military Departments with their consent, with or without reimbursement, and on a similar basis to cooperate with the Military Departments in the use of procurement services, equipment, and facilities.

(b) The Military Departments have agreed to cooperate fully with NASA in making their procurement services, equipment, personnel, and facilities available on the basis of mutual agreement.

(c) The Military Departments have agreed not to claim reimbursement for administrative costs incident to procurements for NASA, except as may be otherwise agreed prior to the time the services are performed.

(d) When procuring supplies or services for NASA or performing field service functions in support of NASA contracts, the Military Department concerned has agreed to use its own methods, except when otherwise required by the terms of the agreement involved.

(e) The Military Departments normally will use their own funds when procuring supplies or services for NASA, or performing services, and will not cite NASA funds on any Defense obligation or payment document.

§ 18–5.1002 NASA-defense purchase request and acceptance.

§ 18–5.1002–1 Preparation and use of form.

(a) The NASA-Defense Purchase Request (NASA Form 523) shall be used by NASA procurement offices for requesting procurement of supplies or services from all activities of the Military Departments. Individual NASA-Defense Purchase Requests shall be prepared in accordance with the instructions on the reverse of NASA Form 523 and shall be numbered in accordance with § 18–50.303. The form shall not be used for requesting:

(1) Block transfers of excess property between NASA and the Military Departments;

(2) Performance by the Military Departments of field service functions related to NASA contracts; or

(3) Items which the Military Departments normally purchase and stock for military use or in-house services, except when a DOD activity is willing to accept the form for these purposes. Supplies and services of this nature may be requisitioned using appropriate DOD forms when they are provided by and are acceptable to or preferred by the Military Department supplying activity or as otherwise mutually agreed upon by the parties.

(b) To obtain materials from the Air Force Missile Procurement Fund the procedures of § 18–5.701–1 will be followed.

(c) *Instructions for completing NASA Form 523.* The NASA-Defense Purchase Request is to be used by NASA to request the procurement of supplies or services by any activity of the Department of Defense. These instructions pertain to preparation and use of the form by NASA activities.

(1) *Block 5.* The original and 5 copies of the purchase request, each complete with all attachments, shall be forwarded to the DOD activity shown in this block.

(2) *Block 7b.* Describe the required services or supplies accurately and in sufficient detail to enable the purchasing activity to understand the requirement. When applicable, the particular NASA program and/or project to which the request or amendment pertains shall be indicated. Attachments may be used as required. For items of hardware stocked by the DOD, the item identification of the Army, Navy, or Air Force and the Federal stock number shall be entered if known. When applicable, give the specification number, manufacturer's part number, and other descriptive data, such as the desired grade, style, type, color, size, rating, etc.

(3) *Block 8.* Attachments should be prepared in sufficient quantity so that

[1] Insert "a copy of which is attached," or "a copy of which you have on file," or other suitable language, as appropriate.

each copy of a request is complete with a copy of every attachment listed therein.

(i) Shipping instructions: When names and addresses of consignees of all supplies to be delivered are not contained herein, or otherwise furnished, request for the issuance of shipping instructions shall be made to the appropriate NASA originating office not less than 30 days prior to date on which any of the articles is to be ready for shipment. Three copies of shipping documents shall be forwarded to the NASA originating office and each consignee.

(ii) Disposition of property: Include instructions for the disposition of any nonexpendable or other residual property purchased with NASA funds.

(iii) Priority rating: Include applicable priority rating and claimant program identification (example: Priority Rating DO–A2). In procurement for DX programs, identification shall also include the unclassified program name.

(4) *Block 10.* If this request or any part of the supplies or services covered by this request is subject to section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457), a copy of the New Technology or Property Rights in Inventions clause together with appropriate instructions for the inclusion of the clause in contracts shall be furnished the purchasing activity in accordance with § 18–9.101–9.

(5) *Block 12.* Cite appropriation symbol, cost coding, or any other accounting data to be included in the ensuing documentation.

(6) *Security classification.* If the purchase request or any part thereof is classified, DD Form 254, "Security Requirements Check List," or other written notice of security requirements shall be prepared.

(7) *Changes.* All changes that affect the contents of the purchase request must be processed as a purchase request amendment. This includes such changes as a decrease in quantity, increase or decrease in funds, change in the specifications or in the part, stock or drawing numbers, etc. Such changes may be made initially by expeditious means such as telegraph or telephone communication, but each change shall be confirmed by a purchase request amendment. The original and five copies of purchase request amendments shall be forwarded to the DOD recipient of the original purchase request. In preparing an amendment, Blocks 1 through 6 must always be completed. Only those remaining blocks of the form that are applicable to the change or revision of the data in the purchase request or prior amendments thereto need be filled in. The unused blocks, however, should have "N/C" inserted to reflect no change.

§ 18–5.1002–2 Retention of property.

In preparing a NASA-Defense Purchase Request, consideration shall be given to NASA's subsequent need for any nonexpendable equipment items acquired by the Military Departments which are reimbursed from NASA funds. When it it determined that retention of such equipment would be to NASA's advantage, the following clause shall be incorporated in the purchase request:

Title to all nonexpendable equipment having a unit cost in excess of $100 acquired in connection with this purchase request and for which reimbursement is made from NASA funds shall remain in NASA. All such items shall be identified and marked as NASA property. Records shall be maintained to the extent that periodic inventory reports can be submitted to NASA upon request. Listings of all excess, residual, and termination inventories shall be submitted to the NASA originating office for disposition instructions. (May 1961)

§ 18–5.1002–3 Acceptance by military department.

(a) Except as provided in paragraph (c) of this section within 30 days after receipt of a NASA-Defense Purchase Request, the Military Department concerned will forward to the initiator of the request an Acceptance of MIPR form, DD Form 448–2, in quadruplicate. Each DD Acceptance Form will show the action being taken or to be taken to fill the requirement and the name and complete address of the Department of Defense procurement activity for future direct contact by the initiator.

(b) To the extent feasible, all documents including acceptances, contracts, correspondence, shipping documents, work or project orders, and Standard Form 1080 (Voucher for Transfer between Appropriations and/or Funds) billings will reference the NASA-Defense Purchase Request number and the item number when appropriate.

(c) Acceptance by the Military Department is not required for NASA-Defense Purchase Requests covering deliveries of common-use standard stock items which the supplying department has on hand or on order for prompt delivery at published prices.

§ 18–5.1003 Changes in estimated total prices.

When a Military Department determines that the estimated total price (Block 9, NASA Form 523) of the items to be procured for NASA is not sufficient to cover the required reimbursement, or is in excess of the amount required, a request for an amendment will be forwarded to the NASA originating office. The request will indicate a specific dollar amount, rather than a percentage, and will include justification for any upward adjustment requested. Upon approval of the request, an amendment to the NASA-Defense Purchase Request shall be forwarded by the NASA procurement office concerned to the DOD procuring activity.

§ 18–5.1004 Inquiries.

Inquiries and correspondence shall be directed to the DOD procuring activity referenced on the DD Form 448–2.

§ 18–5.1005 Payments.

Except when agreements provide that reimbursement is not required, payments to the Military Departments for supplies and services furnished to or procured for NASA shall be effected on the basis of Standard Form 1080 billings submitted to the NASA office designated in Block 11 of the NASA-Defense Purchase Request. Billings shall be supported in the same manner as billings between Military Departments.

Subpart 18–5.51—Procurement of Items Designated as Potentially Hazardous

§ 18–5.5100 Scope.

This subpart provides policies and procedures for the procurement of items designated as potentially hazardous from or through other Government agencies.

§ 18–5.5101 Policy.

(a) If the order or request or other appropriate document communicating NASA's requirements involves the procurement of items designated as potentially hazardous, copies of required provisions and clauses (see §§ 18–1.351 and 18–9.204–52), together with instructions for their inclusion in IFB's, RFP's and contracts, shall be furnished to the Government agency.

(b) If the order or request or other appropriate document communicating NASA's requirements involves the delivery of items designated as potentially hazardous to the Government or to a Government contractor or subcontractor, the Government agency receiving the request shall be requested to furnish the data required by §§ 18–1.351 and 18–9.204–52.

PART 18–6—FOREIGN PURCHASES

Subpart 18–6.1—Buy American Act—Supply and Service Contracts

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Subpart 18–6.1—Buy American Act—Supply and Service Contracts

§ 18–6.100 Scope of subpart.

This subpart implements the Buy American Act (41 U.S.C. 10 a–d) and the policies set forth in Executive Order 10582, dated December 17, 1954, with respect to supply and service contracts.

§ 18–6.101 Definitions.

As used in this subpart, the following terms have the meanings set forth below.

(a) "End products" means articles, materials, and supplies which are to be acquired for public use. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts.

(b) "Components" means those articles, materials, and supplies which are directly incorporated in end products.

(c) "United States" means the States, the District of Columbia, Puerto Rico, American Samoa, the Canal Zone, the Virgin Islands, Guam, and any areas subject to the complete sovereignty of the United States.

(d) "Domestic source end product" means an unmanufactured end product which has been mined or produced in the United States, or an end product manufactured in the United States if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind:

(1) Determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or

(2) As to which the Administrator has determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act.

(e) "Canadian end product" means an unmanufactured end product, mined or produced in Canada, or an end product manufactured in Canada if the cost of its components which are mined, produced, or manufactured in Canada or the United States exceeds 50 percent of the cost of all its components.

(f) "Foreign end product" means an end product other than a domestic source end product.

(g) "Domestic bid" means a bid or offered price for a domestic source end product, including transportation to destination.

(h) "Foreign bid" means a bid or offered price for a foreign end product, including transportation to destination, and duty (whether or not a duty-free entry certificate may be issued).

§ 18–6.102 Statutory requirements.

Except as provided in § 18–6.103, the Buy American Act requires that in the procurement of supplies and services only domestic source end products shall be acquired for public use. In determining whether an end product is a domestic source end product, only the end product and its components shall be considered.

§ 18–6.103 Exceptions.

§ 18–6.103–1 Use outside the United States.

The restrictions of the Buy American Act do not apply to articles, materials, or supplies for use outside the United States.

§ 18–6.103–2 Nonavailability in the United States.

(a) The Buy American Act does not apply to articles, materials, or supplies of a class or kind which the Government has determined are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. Such classes or kinds of articles, materials, or supplies are included in the list set forth in § 18–6.105.

(b) Contracting officers are authorized to make additional determinations of nonavailability both prior to entering into contracts and in the course of contract administration: *Provided, however,* That in the latter case the Government receives adequate consideration. A copy of each determination of nonavailability will be included in the contract file.

(c) The following is the format for nonavailability determinations made by contracting officers:

DETERMINATION OF NONAVAILABILITY

Pursuant to the authority contained in section 2, title III, of the Act of March 3, 1933 (popularly called the Buy American Act (41 U.S.C. 10 a–d)), and authority delegated to me by § 18–6.103–2(b), I hereby find:

a. (Insert a description of the item or items to be procured, including unit, quantity, and estimated cost inclusive of duty and transportation costs to destination.)

b. (Enter the name and address of proposed contractor or supplier, and country of origin of the item or items.)

c. (Include a brief statement of the necessity for the procurement.)

d. (Include a statement of facts establishing the nonavailability of a similar item or items of domestic origin. If there is no known domestic item or items which can be used as a reasonable substitute, a statement to this effect will be made.)

Based upon these findings, it is determined that the above described item(s) is (are) not mined, produced, or manufactured, or the articles, materials, or supplies from which it (they) is (are) manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available quantities and of a satisfactory quality.

Accordingly, the requirement of the Buy American Act that procurement be made from domestic sources and that it be of domestic origin is not applicable to this procurement, since said procurement is within the nonavailability exception stated in the Buy American Act. Authority is granted to procure the above-described item(s) of foreign origin (country of origin) at an estimated total cost of $_____, including duty and transportation costs to destination.

_____ _____
(Date) (Contracting Officer)

§ 18–6.103–3 Unreasonable costs or inconsistency with the public interest.

When it is determined by the Administrator that the cost of a domestic source end product would be unreasonable or that its acquisition would be inconsistent with the public interest, the restrictions of the Buy American Act do not apply.

§ 18–6.103–4 Scrap.

Scrap generated in, collected in, and prepared for processing in the United States shall be considered as of domestic origin.

§ 18–6.103–5 Canadian supplies.

(a) The Administrator, by NASA Management Instruction 5106.2, "Determination Under the Buy American Act—Canadian Supplies", has determined that it would be inconsistent with the public interest to apply the restrictions of the

Buy American Act to the acquisition of certain supplies mined, produced, or manufactured in Canada. Accordingly, contracting officers shall:

(1) Evaluate all bids and proposals offering Canadian end products on a parity with bids and proposals offering domestic source end products, except that applicable duty (whether or not a duty-free entry certificate may be issued) shall be included in evaluating such bids and proposals offering Canadian end products; and

(2) Treat all components mined, produced, or manufactured in Canada as though they were mined, produced, or manufactured in the United States, except that, in evaluating bids and proposals containing such components, applicable duty (whether or not a duty-free entry certificate may be issued) shall be included.

(b) The procedures set forth in paragraph (a) above do not apply to or affect (1) items listed in § 18–6.105 or (2) items determined to be nonavailable in accordance with the procedures set forth in § 18–6.103–2.

§ 18–6.104 Procedures.

§ 18–6.104–1 Applicability.

The procedures in this § 18–6.104 apply to all contracts involving the procurement of supplies, except contracts exclusively for articles, materials, or supplies for use outside the United States. For Canadian supplies, see § 18–6.103–5(a).

§ 18–6.104–2 Solicitation of bids and proposals.

Invitations for bids and requests for proposals shall state that specific information as to articles, materials, and supplies excepted from the Buy American Act (see § 18–6.105) is available to prospective contractors upon request.

§ 18–6.104–3 Certificate.

Invitations for bids and requests for proposals shall require that each bid or proposal include a certificate substantially as follows:

BUY AMERICAN CERTIFICATE (JANUARY 1964)

The bidder or offeror hereby certifies that each end product, except the end products excluded below, is a domestic source end product (as defined in the contract clause entitled Buy American Act); and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

Excluded items: _____

§ 18–6.104–4 Evaluation of bids and proposals.

(a) The Administrator, by NASA Management Instruction 5106.1, "Determinations Under the Buy American Act—End Products and Construction Materials," has determined that where the procedures outlined in paragraphs (b), (c), and (d), of this section, result in the acquisition of foreign end products, the acquisition of domestic source end products would be (1) unreasonable in cost or (2) inconsistent with the public interest (see § 18–6.103–3). These procedures do not apply to the evaluation of bids and proposals offering Canadian end products; such bids and proposals shall be evaluated as provided in § 18–6.103–5(a)(1).

(b) Except as provided in § 18–6.103–5(a)(1), bids and proposals shall be evaluated so as to give preference to domestic bids. Award shall be made to the low acceptable bidder, after applying the procedures set forth in paragraph (c) of this section except for bids or proposals requiring decision of the Administrator, in accordance with paragraph (d) of this section. When more than one line item is offered in response to an invitation for bids or request for proposals, the appropriate percentage factor set forth in paragraph (c) of this section shall be applied, for evaluation purposes, on an item-by-item basis, except that such percentage factor may be applied to any group of items when the invitation for bids or request for proposals specifically provides that award may be made on a particular group of items.

(c) For purposes of evaluating bids and proposals, a factor of 6 percent of the amount of each foreign bid or proposal (which does not offer Canadian end products) shall be added to such bid or proposal. If, after applying such 6 percent factor, the low acceptable domestic bid or proposal is the low bid or proposal, award shall be made to the low domestic bidder or offeror. If, after applying such 6 percent factor, the low acceptable foreign bid or proposal is the low bid or proposal, award shall be made to such low foreign bidder or offeror, except that:

(1) When the firm submitting the low acceptable domestic bid or proposal is a small business or labor surplus area concern, or both, and its bid or proposal exceeds $100,000, the proposed award shall be submitted through the Procurement Office, NASA Headquarters (Code KDP–1) to the Administrator for decision; or

(2) When the firm submitting the low acceptable domestic bid or proposal is a small business or labor surplus area concern, or both, and its bid or proposal is $100,000 or less, a factor of 12 percent (in lieu of the 6 percent factor) of the amount of the low foreign bid or proposal shall be added to such low foreign bid or proposal, and award made to the low bidder or offeror: *Provided, however,* That when small purchase procedures (see Subpart 18–3.6, of this Chapter) are used, the 6 percent factor shall apply.

(d) The proposed award shall be submitted to the Administrator for decision if:

(1) Required by paragraph (c)(1) of this section;

(2) Rejection of an acceptable low foreign bid or proposal is considered necessary to protect essential national security interests, such as maintenance of a mobilization base; or

(3) Rejection of any bid or proposal is considered necessary for other reasons of the national interest.

(e) The following are examples of evaluation of bids and proposals in accordance with the provisions of paragraphs (b) and (c) of this section:

Example 1. Price differential of 6 percent or less between low foreign (non-Canadian) and low domestic bid or proposal:

	Low domestic bid	Low foreign bid
Cost to destination	$20,000	$19,600
Import duty		600
Total	20,000	19,600
6 percent differential		1,176
Total	20,000	20,776

The low domestic bid is not unreasonable; award would be made to the low domestic bidder (see paragraph (c) of this section).

Example 2. Price differential in excess of 6 percent between low foreign (non-Canadian) and low domestic bid or proposal, and small business and/or labor surplus area concerns are not involved.

	Low domestic bid	Low foreign bid
Cost to destination	$20,000	$17,000
Import duty		500
Total	20,000	17,500
6 percent differential		1,050
Total	20,000	18,550

The low domestic bid is unreasonable; award would be made to the low foreign bidder (see paragraph (c) of this section).

Example 3. Low domestic bidder or offeror is a small business and/or labor surplus area concern; the low domestic bid or proposal exceeds the low foreign (non-Canadian) bid or proposal by more than 6 percent, and small purchase procedures are not involved.

Item	Low foreign bids (include transportation to destination and duty) A Company	B Company	Low domestic bids (include transportation to destination) C Company	D Company	E Company	Difference (percent)
1	$20,000		$24,000			20
2	40,000		46,000			15
3		$20,000		$22,200		11
4	20,000				$22,600	13
5		30,000		32,700		9
6	20,000		22,000			10
7	10,000		10,700			7
8	5,000				6,500	30
			102,700			

A. In the case of Items 1, 2, 6, and 7 in the example, proposed awards would be submitted to the Director of Procurement for decision by the Administrator since (1) the low acceptable domestic bid exceeds the low acceptable foreign bid plus 6 percent on an item-by-item basis, (2) the low domestic bidder is a small business or labor surplus area concern, and (3) its bid exceeds $100,000 (see paragraph (c)(1) of this section).

B. In the case of Items 3 and 5 in the example, award would be made to the low domestic bidder, since (1) the differential is less than 12 percent on an item-by-item basis, (2) the low domestic bidder is a small business or labor surplus area concern, and (3) its bid is less than $100,000 (see paragraph (c)(2) of this section).

C. In the case of Items 4 and 8 in the example, award would be made to the low foreign bidder, since (1) the differential exceeds 12 percent on an item-by-item basis, (2) the low domestic bidder is a small business or labor surplus area concern and (3) its bid is less than $100,000 (see paragraph (c)(2) of this section).

§ 18–6.104–5 Contract clause.

In accordance with the requirements of this Subpart 18–6.1, insert the clause set forth below.

BUY AMERICAN ACT (SEPTEMBER 1961)

(a) In acquiring end products, the Buy American Act (41 U.S.C. 10 a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "components" means those articles, materials, and supplies which are directly incorporated in the end products;

(ii) "End products" means those articles, materials, and supplies which are to be acquired under this contract for public use; and

(iii) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States or Canada exceeds 50 percent of the cost of all its components. For the purposes of this (a)(iii)(B), components of foreign origin of the same type or kind as the products referred to in (b)(ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) Which are for use outside the United States;

(ii) Which the Government determines are not mined, produced or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(iii) As to which the Administrator determines the domestic preference to be inconsistent with the public interest; or

(iv) As to which the Administrator determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated Dec. 17, 1954.)

§ 18–6.105 List of excepted articles, materials, and supplies.

The articles, materials, and supplies listed below may be acquired for public use without regard to country of origin, except as provided in Subpart 18–6.4. The Administrator, by NASA Management Instruction 5106.1, "Determinations Under the Buy American Act—End Products and Construction Materials," has determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act to petroleum included in the list below. The remaining articles, materials, and supplies in the list below are included on the basis of nonavailability (see § 18–6.103–2(a)).

Acetylene, black.
Antimony, as metal or oxide.
Asbestos, amosite.
Bismuth.
Books, trade, text, technical or scientific; newspapers; magazines; periodicals; printed briefs and films; not printed in the United States and for which domestic editions are not available.
Cadmium, ores and flue dust.
Calcium cyanamide.
Chalk, English.
Chrome ore or chromite.
Cobalt, in cathodes, rondelles, or other primary forms.
Cork, wood or bark and waste.
Diamonds, industrial.
Graphite, natural, crystalline, crucible grade.
Jute and jute burlaps.
Lac.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Petroleum, crude oil; petroleum, finished products; and petroleum unfinished oils.
Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
Quartz crystals.
Rubber, crude and latex.
Shellac.
Tin, in bars, blocks, and pigs.
Wax, carnauba.

Subpart 18–6.2—Buy American Act—Construction Contracts

§ 18–6.200 Scope of subpart.

This subpart implements the Buy American Act (41 U.S.C. 10 a–d) and the policies set forth in Executive Order 10582, dated December 17, 1954, with respect to construction contracts.

§ 18–6.201 Definitions.

As used in this subpart, the following terms have the meanings set forth below.

§ 18–6.201–1 Construction.

"Construction" means construction, alteration, or repair of any public building or public work in the United States.

§ 18–6.201–2 Construction materials.

"Construction materials" means articles, materials, and supplies which are brought to the construction site for incorporation in the building or work.

§ 18–6.201–3 Components.

"Components" means those articles, materials, and supplies which are directly incorporated in construction materials.

§ 18–6.201–4 United States.

"United States" means the States, the District of Columbia, Puerto Rico, American Samoa, the Canal Zone, the Virgin Islands, Guam, and any areas subject to the complete sovereignty of the United States.

§ 18–6.201–5 Domestic construction material.

"Domestic construction material" means an unmanufactured construction material which has been mined or produced in the United States, or a manufactured construction material which has been manufactured in the United States if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the construction material in which it is incorporated is manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

§ 18–6.201–6 Nondomestic construction material.

"Nondomestic construction material" means a construction material other than a domestic construction material.

§ 18–6.202 Statutory requirements.

Except as provided in § 18–6.203, the Buy American Act requires that in the performance of contracts for construction, only domestic construction materials shall be used. In determining whether construction material is domestic construction material, only the construction material and its components shall be considered.

§ 18–6.203 Exceptions.

§ 18–6.203–1 Nonavailability in the United States.

(a) The Buy American Act does not apply to articles, materials, or supplies of a class or kind which the Government has determined are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality (see § 18–6.206).

(b) The authority to make additional determinations of nonavailability, is described in § 18–6.103–2(b).

(c) The format for nonavailability determinations is set forth in § 18–6.103–2(c).

§ 18–6.203–2 Unreasonable costs or impracticability.

The restrictions of the Buy American Act do not apply when it is determined by the Administrator that the use of a particular domestic construction material would (a) unreasonably increase the cost, or (b) be impracticable (see § 18–6.204–3).

§ 18–6.204 Procedures.

§ 18–6.204–1 Applicability.

The procedures in this § 18–6.204 apply to all contracts for construction in the

United States, except contracts executed on Standard Form 19.

§ 18–6.204–2 Solicitation of bids and proposals.

Invitations for bids and requests for proposals for construction shall include the following provision:

INFORMATION REGARDING BUY AMERICAN ACT (JANUARY 1964)

(a) The Buy American Act (41 U.S.C. 10 a–d) generally requires that only domestic construction materials be used in the performance of this contract. This requirement does not apply to construction materials or their components as set forth below:

(Insert list here including the items set forth in § 18–6.206)

(b) (1) Furthermore, bids or proposals offering the use of additional nondomestic construction materials may be acceptable for award if the Government determines that the use of comparable domestic construction materials is impracticable or would unreasonably increase the cost or that domestic construction materials (in sufficient and reasonably available commercial quantities and of a satisfactory quality) are unavailable. Reliable evidence shall be furnished justifying such use of additional nondomestic construction materials.

(2) Where it is alleged that the use of domestic construction materials would unreasonably increase the cost:

(i) Data shall be included, based on a reasonable canvass of suppliers, demonstrating that the cost of each such domestic construction material would exceed by more than 6 percent the cost of the comparable nondomestic construction material. (All costs of delivery to the construction site shall be included, as well as any applicable duty.)

(ii) For evaluation purposes, 6 percent of the cost of all additional nondomestic construction materials which qualify under (i) above will be added to the bid or proposal.

(3) When offering additional nondomestic construction materials, bids or proposals may also offer, at stated prices, any available comparable domestic construction materials, so as to avoid the possibility that failure of a nondomestic construction material to be acceptable under (1) above will cause rejection of the entire bid.

§ 18–6.204–3 Evaluation of bids and proposals.

(a) *Determination.* The Administrator, by NASA Management Instruction 5106.1, "Determinations Under the Buy American Act—End Products and Construction Material," has determined that where the procedures set forth in (b) below result in the use of nondomestic construction materials, the use of domestic construction materials would unreasonably increase the cost (see § 18–6.203–2).

(b) *Unreasonable cost.* If a bid or proposal is submitted in accordance with paragraph (b) of the provision set forth in § 18–6.204–2, and if such bid or proposal would be the low acceptable bid or proposal but for the Buy American Act, award shall be made on such bid or proposal if all the following conditions are satisfied:

(1) The bid or proposal specifically designates the nondomestic construction materials (not listed as exceptions in the invitation for bids or request for proposals) proposed for use;

(2) As to each such nondomestic construction material, accompanying data show that the cost of any available acceptable domestic construction material, delivered at the construction site, would exceed by more that 6 percent the cost of the designated nondomestic construction material delivered at the construction site (including any applicable duty);

(3) As to each such nondomestic construction material, the contracting officer is satisfied that the showing required by subparagraph (2) of this paragraph is correct as of the date of the opening of bids or proposals; and

(4) The bid or proposal is low after adding, for evaluation purposes, to such bid or proposal, 6 percent of the cost of all nondomestic construction materials (delivered at the construction site and including any applicable duty) which are offered in such bid or proposal and which qualify under subparagraphs (1) through (3) of this paragraph.

(c) *Impracticability.* If a bid or proposal is submitted in accordance with (b) of the provisions set forth in § 18–6.204–2, and if such bid or proposal would be the low acceptable bid or proposal but for the Buy American Act, the proposed award shall be submitted together with all pertinent information and full justification for such action to the Director of Procurement for decision by the Administrator, if the following conditions exist:

(1) The bid or proposal specifically designates the nondomestic construction materials (not listed as exceptions in the invitation for bids or request for proposals) proposed for use; and

(2) As to each such nondomestic construction material, accompanying data show that it would be impracticable to use domestic construction materials.

(d) If a contract is to be awarded under paragraph (b) or (c) of this section, the contracting officer shall place in the contract file (1) a copy of the data and justification in the case of an exception under paragraph (b) of this section, or (2) a copy of the Administrator's finding of impracticability in the case of an exception under paragraph (c) of this section, and copies thereof shall be available for public inspection.

§ 18–6.204–4 Small business.

Nothing in § 18–6.204–3 shall affect the authority or responsibility of the NASA to place a fair proportion of its total contracts with small business concerns.

§ 18–6.205 Penalty for violation.

If the Administrator finds that in the performance of a construction contract there has been a failure to comply with the clause in the contract entitled "Buy American Act," he shall make public his findings, including therein the name of the contractor obligated under the contract, and no other contract for construction in the United States or elsewhere shall be awarded to such contractor, or to subcontractors, materialmen, or suppliers with whom such contractor is associated or affiliated within a period of 3 years after such finding is made public.

§ 18–6.206 List of excepted articles, materials, and supplies.

The articles, materials, and supplies listed below may be used in construction without regard to country of origin, except as provided in Subpart 18–6.4 of this chapter, on the basis of the nonavailability provision of the Buy American Act. (See § 18–6.203–1.)

Antimony, as metal or oxide.
Asbestos, amosite.
Bismuth.
Cadmium, ores and flue dust.
Chalk, English.
Chrome ore or chromite.
Cobalt, in cathodes, rondelles, or other primary forms.
Cork, wood or bark and waste.
Damar gum.
Graphite, natural, crystalline, crucible grade.
Jute and jute burlap.
Kaurigum.
Lac.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Rubber, crude and latex.
Shellac.
Tin, in bars, blocks, and pigs.

§ 18–6.207 Contract clauses.

(a) The clause set forth below shall be included in all contracts for construction, and any articles, materials, and supplies which have been the subject of additional determinations pursuant to § 18–6.203–1 shall be listed thereunder.

NONDOMESTIC CONSTRUCTION MATERIALS (SEPTEMBER 1962)

The requirements of the clause of this contract entitled "Buy American Act" do not appy to construction materials or their components as set forth below:

(Insert list here including the items set forth in § 18–6.206)

(b) If a contract is to be awarded under §18–6.204–3 (b) or (c) and the use of designated nondomestic construction materials is to be permitted, the designated nondomestic construction materials shall be listed under the clause required by paragraph (a) of this section.

(c) The clause set forth below shall be inserted in all contracts for construction except those executed on Standard Form 19 and NASA Form 1379.

BUY AMERICAN (SEPTEMBER 1962)

(a) *Agreement.* In accordance with the Buy American Act (41 U.S.C. 10 a–d) and Executive Order 10582, December 17, 1954 (3 CFR Supp.), the Contractor agrees that only domestic construction material will be used (by the Contractor, subcontractors, materialmen, and suppliers) in the performance of this contract, except for nondomestic material listed in the contract.

(b) *Domestic construction material.* "Construction material" means any article, material, or supply brought to the construction site for incorporation in the building or work. An unmanufactured construction material is a "domestic construction material" if it has been mined or produced in the United States. A manufactured construction material is "domestic construction material" if it has been manufactured in the United States and if the cost of its components which have been mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. "Component" means any article, material, or supply directly incorporated in a construction material.

(c) *Domestic component.* A component shall be considered to have been "mined, produced or manufactured in the United States" (regardless of its sources in fact) if the article, material, or supply in which it is incorporated was manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

Subpart 18–6.4—Purchases From Soviet-Controlled Areas

§ 18–6.401 Restrictions.

§ 18–6.401–1 General policy.

Generally, supplies originating from sources within Soviet-controlled areas shall not be acquired for public use, notwithstanding the provisions of Subparts 18–6.1 and 18–6.2, and NASA contractors and subcontractors shall not acquire for use in the performance of any NASA contract or subcontract thereunder any supplies or services originating from Soviet-controlled areas.

§ 18–6.401–2 Soviet-controlled areas.

For the purpose of this subpart, Soviet-controlled areas are the folowing:

Albania.
Bulgaria.
China, excluding Taiwan (Formosa), but including Manchuria, Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, the former Kwantung Leased Territory, the present Port Arthur Naval Base Area, and Liaoning Province.
Communist-controlled area of Viet Nam and Communist-controlled area of Laos.
Cuba.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Outer Mongolia.
Poland and Danzig.
Rumania.
Union of Soviet Socialist Republics.

§ 18–6.401–3 Certain supplies of foreign origin.

The following supplies, if of foreign origin and however processed, shall be presumed to have originated from Soviet-controlled (Chinese) sources and shall not be acquired for public use unless (a) such supplies have been lawfully imported into the United States, its possessions, or Puerto Rico, or (b) the supplies are acquired directly from the countries indicated:

Bamboo, split	None.
Braids, straw	Italy, Japan.
Bristles, hog, including such bristles in knots or other processed condition.	None.
Brushes, paint (including parts thereof) containing hog bristles, if any such briatle is more than 1½ inches in total length or more than 1¼ inches out of the ferrule.	Do.
Eggs, poultry:	
Whole in the shell, other than chicken	Do.
Whole, dried	Do.
Albumen, dried	Do.
Yolks, dried	Do.
Floor coverings, grass and straw, including sea-grass mats and squares.	Japan.
Fur skins:	
Goat and kid	Argentina, Ethiopia (including Eritrea), Iran, Iraq.
Kolinsky	Republic of Korea.
Weasel	Canada.
Garments, Chinese type	None.
Jade, stones, cut but not set and suitable for use in jewelry.	Do.
Menthol, natural and synthetic (other than racemic)	Brazil.
Silk, piece goods, tussah and muga	None.
Silk, tussah and muga	Do.
Tea, Chinese type	Formosa.
Tung oil	Argentina, Brazil, Paraguay.
Walnuts	France, Iran, Italy, Turkey.

§ 18–6.401–4 Certain supplies from Hong Kong, Macao, and Soviet-controlled areas.

The following supplies, however processed, which are or were located in or transported from or through Hong Kong, Macao, or any Soviet-controlled area (see § 18–6.401–2), shall be presumed to have originated from Soviet-controlled (Chinese) sources, and shall not be acquired for public use unless such supplies have been lawfully imported into the United States, its possession, or Puerto Rico:

Agar-agar.
Bamboo:
  Bags, baskets, and other manufactures, excluding furniture.
  Poles and sticks.
Brocades and brocade articles.
Camphor, natural and synthetic.
Camphor oil, natural and synthetic.
Carpets.
Castor oil.
Chinaware, other than Dresden ware and Meissen ware.
Citronella oil.
Cotton manufactures.
Cotton waste.
Earthenware.
Edible marine products.
Embroideries and embroidered articles.
Feather manufactures.
Glass, sheet (window).
Graphite.
Hair nets, regardless of the material from which made.
Handkerchiefs.
Hardware manufactures, including furniture other than bentwood furniture.
Hats, paper.
Honey.
Ivory manufactures.
Lace and lace articles.
Linen manufacturers, excluding wearing apparel other than wearing apparel made in whole or in part of brocade, embroidery, or lace.
Ores and metals:
  Antimony.
  Bismuth.
  Quicksilver.
  Molybdenum.
  Tin.
  Tungsten.
Peanuts and peanut products.
Poultry, including pigeons, frozen or otherwise prepared or preserved.
Ramie.
Rugs.
Sea-grass and straw manufactures, excluding floor covering.
Sesame, oil and seed.
Shoes, leather-soled with no-leather upper, except ladies' high-heel shoes.
Silk:
  Raw and manufactures other than Western style suits and Indian saris.
  Waste.
Skins, deer and goat.
Stones, semiprecious, and manufacture thereof, including jewelry.
Tapestries, including needlework tapestries.
Tapioca, including tapioca flour.

§ 18–6.401–5 Supplies from North Korea or China.

All supplies, however processed, which are or were located in or transported from or through North Korea or China (as described in § 18–6.401–2) shall be presumed to have originated from Soviet-controlled (Chinese) sources, and shall not be acquired for public use unless such supplies have been lawfully imported into the United States, its possessions, or Puerto Rico.

§ 18–6.402 Exceptions.

(a) Exceptions from the general policy will be made only in accordance with paragraphs (b) and (c) of this section. Moreover, such exceptions shall be made only in cases of emergency, or where supplies are not available from any other source and a substitute supply is not acceptable, or in other unusual situations.

(b) Supplies other than those whose procurement is prohibited by §§ 18–6.401–3, 18–6.401–4, and 18–6.401–5, originating from sources within Soviet-controlled areas (see § 18–6.401–2), may be procured only when:

(1) The purchase is for $2,500 or less and the contracting officer determines there is a need for an exception in accordance with the procedures set forth in paragraph (d) (1) (i) or (2) (i) of this section; or

(2) The purchase is for more than $2,500 and an exception is approved by the Administrator in accordance with the procedures set forth in paragraph (d)(1)(ii) or (2)(ii) of this section.

(c) Supplies whose procurement is prohibited by §§ 18–6.401–3, 18–6.401–4, and 18–6.401–5 may be acquired if the acquisition is approved by an authorized Treasury Department representative. Where a request for such approval has been denied by a Treasury Department representative, an appeal may be made by the Administrator to the Secretary of the Treasury when unusual circumstances appear to warrant a departure from the general policy. Such appeals, with all pertinent information shall be submitted through the Procurement Office, NASA Headquarters (Code KDP–1).

(d) *Procedures.* (1) When it is proposed to procure supplies originating from sources within Soviet-controlled areas for public use within the United States (as defined in § 18–6.101(c)), or when a constuction contractor proposes to use such supplies in the performance of a contract for construction within the United States (as defined in § 18–6.201–1), the following procedurse should be followed:

(i) If the proposed procurement of such supplies does not exceed $2,500, the contracting officer shall make a determination of nonavailability, as authorized in § 18–6.103–2 or § 18–6.203–1. This determination shall include, in addition to the findings outlined in the determination format set forth in § 18–6.103–2(c), a finding to the effect that there is no known item or items from sources within non-Soviet-controlled areas which can be used as a reasonable substitute. Such determination shall be made a part of the contract file.

(ii) If the proposed procurement of such supplies exceeds $2,500, the contracting officer shall prepare a determination of nonavailability for signature by the Administrator. The format of the determination set forth in § 18–6.103–2(c) shall be used and such determination shall include, as an additional finding, a statement to the effect that there is no known item or items from sources within non-Soviet-controlled areas which can be used as a reasonable substitute. Such determination shall be forwarded, in triplicate, to the Office of Procurement.

(2) When it is proposed to procure supplies originating from sources within Soviet-controlled areas for public use elsewhere than within the United States (as defined in § 18–6.101(c)), or when a construction contractor proposes to use such supplies in the performance of a contract for construction elsewhere than within the United States, the following procedures shall be followed:

(i) If the proposed procurement of such supplies does not exceed $2,500, the contracting officer shall make a written finding setting forth the unusual situation, such as an emergency or the nonavailability of acceptable substitute supplies of domestic or non-Soviet-controlled area origin, which justifies the procurement of supplies originating in a Soviet-controlled area. Such finding shall be made a part of the contract file.

(ii) If the proposed procurement of such supplies exceeds $2,500, the contracting officer shall make a written finding, as described in paragraph (d)(2)(i) of this section. Such finding shall be forwarded, in triplicate, to the Procurement Office, NASA Headquarters for approval by the Administrator of the exception authorizing the proposed procurement.

§ 18–6.403 Contract clause.

(a) Except as provided in paragraph (b) of this section, in contracts for supplies, services, or construction, where acceptance is to take place outside the United States, its possessions, or Puerto Rico, the Soviet-controlled area listed in § 18–6.401–2 shall be set forth in the contract schedule and the following clause shall be included in the contract:

SOVIET-CONTROLLED AREAS (SEPTEMBER 1962)

(a) The Contractor shall not acquire for use in the performance of this contract any supplies or services originating from sources within Soviet-controlled areas, as listed in the Schedule of this contract, or transported from or through Hong Kong or Macao, without the written approval of the Contracting Officer.

(b) The Contractor agrees to insert the provisions of this clause, including this subparagraph (b) and the Soviet-controlled areas listed in the Schedule, in all subcontracts hereunder.

(b) The requirements of paragraph (a) of this section do not apply to purchase orders for small purchases (see Subpart 18–3.6, of this chapter) when there is other reasonable assurance of compliance with the policy set forth in this subpart.

Subpart 18–6.6—Duty and Customs

§ 18–6.601 Duties and customs on foreign purchases.

Ordinarily, duty must be paid in connection with the importation of supplies purchased by NASA outside the United States as provided in the tariff schedules set forth in 19 U.S.C. 1202 (Public Law 87–456, title III, section 303(c), approved May 24, 1962; 76 Stat. 78). However, many items are listed in the schedules as being duty-free. Schedule 8 of § 1202 is specifically directed to items which may be imported duty-free under conditions set forth in connection with the various items listed therein. Particular attention is invited to the following authorized exemptions:

(a) Item 832 of Part 3 of Schedule 8 provides that "emergency war materials purchased abroad" may be imported duty-free upon certification by the Military Departments to the Commissioner of Customs. Accordingly, when a Military Department makes a purchase on behalf of NASA, or when NASA is making a purchase for a Military Department, the above duty-free exemption authority shall be used to the maximum extent practicable. The policies and procedures for effecting duty-free entry of such materials are set forth in ASPR, section VI, part 6;

(b) Item 864.30 of Part 5, Schedule 8 provides for the duty-free exemption of "articles intended solely for testing, experimental or review purposes including plans, specifications, drawings, photographs, and similar articles for use in connection with experimental study" subject to the limitations set forth in headnote 1, under Item 862.20 of Part 5, Schedule 8; and

(c) Certain supplies (not including equipment) for vessels or aircraft operated by the United States are exempt from duty under 19 U.S.C. 1309.

Subpart 18–6.7—Foreign Contract Procurement

§ 18–6.700 Scope of subpart.

This subpart prescribes policy and procedures relating to the negotiation of foreign contracts.

§ 18–6.701 Definition of foreign contract procurement.

The term "foreign contract procurement" as used in this subpart means the procurement of negotiation of supplies or services, including construction work and contracts for research and development, where the work is to be performed outside the United States, its possessions, and Puerto Rico, by a foreign government or instrumentality thereof, or a foreign private contractor. The term does not include the following:

(a) Negotiation of government-to-government agreements;

(b) Negotiation of contracts with domestic concerns which involves work to be performed outside the United States, its possessions, and the Commonwealth of Puerto Rico;

(c) Contracts with the Canadian Commercial Corporation; or

(d) Procurement of books and periodicals from foreign sources of supply.

§ 18–6.702 Policy.

Foreign contract procurement is a specialized area which often requires involved negotiation with instrumentalities of foreign governments. Some of the requirements for contract clauses imposed by U.S. laws conflict with statutory prohibitions imposed by foreign countries. The resolution of these issues generally involves close coordination between the Office of International Programs and the Office of General Counsel, NASA Headquarters, and the Department of State. Accordingly, it is the policy of NASA that the responsibility for foreign contract procurement be centralized at NASA Headquarters.

§ 18–6.703 Assignment of responsibility for contract negotiation.

The Headquarters Contracts Division (Code: DHC), in conjunction with the Offices of International Affairs and General Counsel, is responsible for negotiating and executing contracts with foreign governments and private foreign organizations. This assignment of responsibility is specifically limited to foreign

contract procurement, as defined in § 18–6.701.

§ 18–6.704 Procedure.

A Headquarters or field installation technical office requiring a foreign procurement to be made will submit a properly approved Purchase Request (NASA Form 404, or similar form), through channels, to the Headquarters Contracts Division, NASA Headquarters (Code: DHC), for procurement action. In accordance with § 18–7.000, contract forms and clauses to be used in foreign contract procurement will be as prescribed on a case-by-case basis by the Director of Procurement.

§ 18–6.705 Assignment of contract administration.

(a) *General.* Assignment of contract administration responbility will be made by agreement between the initiating office and the Headquarters Contracts Division. Since principal responsibility for the monitoring of contractor progress and performance generally rests with a field installation, the Headquarters Contracts Division normally will designate the procurement officer of the cognizant field installation as his authorized representative for purposes of contract administration.

(b) *Contracts performed in Canada.* (1) When, in accordance with the provisions of Subpart 18–51.3, contract administration and related support service functions of the Defense Contract Administration Services are desired on a contract to be performed in Canada (whether placed with Canadian Commercial Corporation or direct with a Canadian firm), a letter of delegation shall be issued to:

Defense Contract Administration Services Office, Ottawa, 123 Slater Street, MacDonald Building, Ottawa 4, ON, Canada.

(2) In order that DCASO, Ottawa may utilize the capabilities of the Canadian Government agencies in the performance of contract administration services functions, each letter of delegation shall provide that the DCASO, Ottawa is delegated authority to act as the contracting officer's representative with power of further delegation for the performance of the requested services.

(3) A copy of each letter of delegation issued to the DCASO, Ottawa shall be furnished:

NASA/DCASR Representative, Defense Contract Administration Services Region, Detroit, 1580 East Grand Boulevard, Detroit, MI 48211.

§ 18–6.706 Contacts with foreign nationals.

(a) Proposals by NASA staff members which involve program or contract possibilities with foreign nationals shall be coordinated with the Office of International Affairs, NASA Headquarters, before any contacts are made with foreign nationals.

(b) Informal discussions between NASA staff members and foreign nationals could give rise to expectations concerning program or contract possibilities which are not supported by program requirements. Such situations must be avoided to preclude possible embarrassment to the United States, as well as to NASA.

(c) Requests or offers by foreign nationals to NASA staff members on programs or contract matters shall be reported promptly to the Office of International Affairs. (See NASA Policy Directive 1362.1, "Initiation and Development of International Participation and Cooperation in Aeronautical and Space Programs.")

Subpart 18–6.8—Balance of Payments Program—Offshore Procurement

§ 18–6.801 Use of excess foreign currencies.

It is the policy of NASA to utilize all possible actions to minimize payments and maximize receipts entering into the balance of payments. In carrying out this policy, procurement offices should, to the maximum extent practicable, ensure that contracts and other obligations incurred in excess and near-excess currency countries are made payable in foreign currencies rather than in U.S. dollars. The expenditures, in these countries, of foreign currencies rather than U.S. dollars provides a saving in the budget and improves the balance of payments situation.

§ 18–6.801–1 Obligations incurred in excess and near-excess currency countries.

NASA procurement offices should establish procedures to ensure that contracts and other obligations incurred in excess and near-excess currency countries are made payable in foreign currencies rather than in U.S. dollars, notwithstanding the appropriation or fund that will be used for payment. This should include contracts with American contractors, to the extent that the contractor may be expected to require such currencies for necessary expenses in the country involved.

§ 18–6.801–2 Designation and announcement of excess currency countries.

Excess and near-excess currency countries are designated by the Treasury Department. The list of countries which the Treasury Department has determined are excess or near-excess to the needs of the United States are announced in Bureau of the Budget Bulletins. The current Bulletin is included as an attachment to NASA Management Instruction 9393.2, "Use of Excess and Near-Excess Foreign Currencies."

Subpart 18–6.10—Exemption of Certain Contracts With Foreign Contractors From the Requirement for an Examination of Records Clause

§ 18–6.1000 Scope of subpart.

This subpart sets forth policies and procedures for exempting the requirement for the "Examination of Records" clause in contracts with foreign contractors and foreign subcontractors.

§ 18–6.1001 Statutory requirements.

(a) In accordance with 10 U.S.C. 2313(c), the "Examination of Records" clause may be excluded from negotiated contracts and subcontracts with foreign contractors and foreign subcontractors where:

(1) The Administrator determines, with the concurrence of the Comptroller General or his designee, that inclusion of the clause would not be in the public interest; or

(2) Where—

(i) The contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination, and

(ii) The Administrator determines, after taking into account the price and availability of the property or services from U.S. sources, that the public interest would be best served by exclusion of the clause.

(b) A determination of the Administrator under paragraph (a)(2) of this section does not require the concurrence of the Comptroller General or his designee. However, where a determination of the Administrator under paragraph (a)(2) is the basis for exclusion of the "Examination of Records" clause, the statute requires that a written report be furnished to the Congress. This report, which shall explain the reasons for the determination, shall be prepared in triplicate, signed by the head of the installation concerned, and forwarded to the Director of Procurement (Code KDP–2 for processing to the Administrator.)

§ 18–6.1002 Policy.

The "Examination of Records" clause shall be included wherever possible. Exclusion of the clause should be allowed only after the contracting officer has made all reasonable efforts to include the clause and has considered such factors as alternate sources of supply, additional cost, and time of delivery. "Foreign Contractor" for purposes of this subpart is defined as "one that is organized or existing under laws of a country other than the United States, it territories, or possessions."

§ 18–6.1003 Requests for determinations and findings.

Request for determinations and findings for exclusion ordinarily will be initiated by the contracting officer. The request shall consist of a letter submitted through normal procurement channels, addressed to the Administrator setting forth all the facts necessary to arrive at an appropriate determination and findings.

§ 18–6.1004 Determination and findings.

The determination and findings made by the Administrator to authorize exclusion of the "Examination of Records"

clause from a contract with a foreign contractor or foreign subcontractor under 10 U.S.C. 2313(c) shall:

(1) Identify the contract and its purpose, and state, that it is a contract or subcontract with a foreign contractor or foreign subcontractor, or that the contractor or subcontractor is a foreign government or agency thereof;

(2) Describe the efforts that have been made to include the clause in the contract or subcontract;

(3) State the reasons for the contractor's or subcontractor's refusal to include the clause;

(4) Describe the price and availability of the property or services from United States and other sources; and

(5) Determine that it is in the public interest to exclude the clause pursuant to the provisions of 10 U.S.C. 2313(c).

PART 18–7—CONTRACT CLAUSES

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18–7.203–17 Walsh-Healey Public Contracts Act.
18–7.203–18 Equal opportunity.
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18–7.203–20 Covenant against contingent fees.
18–7.203–21 Government property.
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18–7.303–29 Audit and records.
18–7.303–50 Data requirements.
18–7.303–51 Approval of contract.
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18–7.303–55 NASA PERT system.
18–7.303–56 NASA financial management reporting.
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18–7.303–58 Safety and health.
18–7.303–59 Nonuse of foreign-flag vessels engaged in Cuban or North Vietnam trade.
18–7.303–60 Report on NASA subcontracts.
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18–7.402–12 Renegotiation.
18–7.402–13 Buy American Act.
18–7.402–14 Convict labor.
18–7.402–15 Walsh-Healey Public Contracts Act.
18–7.402–16 Contract Work Hours Standards Act—overtime compensation.
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18-7.703-34 Payment for overtime premiums.
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AUTHORITY: The provisions of this Part 18–7 issued under 42 U.S.C. 2473(b)(1)

§ 18–7.000 Scope of part.

This part sets forth uniform clauses to be used in contracts for property and services entered into by NASA, except in contracts to be performed outside the United States, its possessions, and Puerto Rico (hereafter referred to as foreign contracts). The clauses to be used in foreign contracts shall be as prescribed on a case-by-case basis in accordance with the provisions of Subpart 18–6.7.

Subpart 18–7.1—Clauses for Fixed-Price Supply Contracts

§ 18–7.100 Scope of subpart.

This subpart sets forth uniform clauses for use in fixed-price supply contracts as defined in § 18–7.102.

§ 18–7.102 Applicability.

As used throughout this subpart, the term "fixed-price supply contract" means any contract entered into either by formal advertising or by negotiation, inclusing letter contracts (except notices of award, contracts placed under Small Purchases Procedures, and amendments or supplemental agreements which do not effect new procurement), at a fixed price (with or without provision for price redetermination, escalation, or other form of price revision), and for supplies other than construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property; experimental, developmental, or research work, or facilities to be provided by the Government under a facilities contract as defined in § 18–13.101–8.

§ 18–7.103 Required clauses.

The following clauses shall be inserted in all fixed-price supply contracts.

§ 18–7.103–1 Definitions.

DEFINITIONS (SEPTEMBER 1962)

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Administrator" means the Administrator or Deputy Administrator of the National Aeronautics and Space Administration; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Administrator.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a

Contracting Officer acting within the limits of his authority.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

(d) The term "NASA" means the National Aeronautics and Space Administration.

Additional definitions may be included, provided they are not inconsistent with the foregoing clause or the provisions of this chapter.

§ 18–7.103–2 Changes.

CHANGES (SEPTEMBER 1962)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; and (iii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for, the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

In the foregoing clause the period of "30 days" within which any claim for adjustment must be asserted may be varied not to exceed "60 days."

§ 18–7.103–3 Extras.

EXTRAS (SEPTEMBER 1962)

Except as otherwise provided in this contract, no payment for extras shall be made unless such extras and the price therefor have been authorized in writing by the Contracting Officer.

§ 18–7.103–4 Variation in quantity.

VARIATION IN QUANTITY (SEPTEMBER 1962)

No variation in the quantity of any item called for by this contract will be accepted unless such variation has been caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes, and then only to the extent, if any, specified elsewhere in this contract.

§ 18–7.103–5 Inspection.

INSPECTION (SEPTEMBER 1962)

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance.

(b) In case any supplies or lots of supplies are defective in material or workmanship or otherwise not in conformity with the requirements of this contract, the Government shall have the right either to reject them (with or without instructions as to their disposition) or to require their correction. Supplies or lots of supplies which have been rejected or required to be corrected shall be removed or, if permitted or required by the Contracting Officer, corrected in place by and at the expense of the Contractor promptly after notice, and shall not thereafter be tendered for acceptance unless the former rejection or requirement of correction is disclosed. If the Contractor fails promptly to remove such supplies or lots of supplies which are required to be removed, or promptly to replace or correct such supplies or lots of supplies, the Government either (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor the cost occasioned the Government thereby, or (ii) may terminate this contract for default as provided in the clause of this contract entitled "Default." Unless the Contractor corrects or replaces such supplies within the delivery schedule, the Contracting Officer may require the delivery of such supplies at a reduction in price which is equitable under the circumstances. Failure to agree to such reduction of price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inpection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor without additional charge shall provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If Government inspection or test is made at a point other than the premises of the Contractor or a subcontractor, it shall be at the expense of the Government except as otherwise provided in this contract: *Provided,* That in case of rejection the Government shall not be liable for any reduction in value of samples used in connection with such inspection or test. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. The Government reserves the right to charge to the Contractor any additional cost of Government inspection and test when supplies are not ready at the time such inspection and test is requested by the Contractor or when reinspection or retests is necessitated by prior rejection. Acceptance or rejection of the supplies shall be made as promptly as practicable after delivery, except as otherwise provided in this contract; but failure to inspect and accept or reject supplies shall neither relieve the Contractor from responsibility for such supplies as are not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any supplies or lots thereof does not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elewhere in this contract.

§ 18–7.103–6 Responsibility for supplies.

RESPONSIBILITY FOR SUPPLIES (SEPTEMBER 1962)

Except as otherwise provided in this contract, (i) the Contractor shall be responsible for the supplies covered by this contract until they are delivered at the designated delivery point, regardless of the point of inspection; (ii) after delivery to the Government at the designated point and prior to acceptance by the Government or rejection and giving notice thereof by the Government, the Government shall be responsible for the loss or destruction of or damage to the supplies only if such loss, destruction, or damage results from the negligence of officers, agents, or employees of the Government acting within the scope of their employment; and (iii) the Contractor shall bear all risks as to rejected supplies after notice of rejection, except that the Government shall be responsible for the loss, or destruction of, or damage to the supplies only if such loss, destruction, or damage results from the gross negligence of officers, agents, or employees of the Government acting within the scope of their employment.

§ 18–7.103–7 Payments.

Insert the following clause except that in letter contracts insert clause 4 of NASA Form 551–3 set forth in § 18–16.859–4(d).

PAYMENTS (SEPTEMBER 1962)

The Contractor shall be paid, upon the submission of proper invoices or vouchers, the prices stipulated herein for supplies delivered and accepted or services rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payment for accepted partial deliveries shall be made whenever such payment would equal or exceed either $1,000 or 50 percent of the total amount of this contract.

In contracts for the furnishing of transportation and accessorial services, the words "properly certified" shall be substituted for the word "proper" above.

§ 18–7.103–8 Assignment of claims.

ASSIGNMENT OF CLAIMS (SEPTEMBER 1962)

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this

contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

In negotiated procurement, where a contract is indebted to the Government as a result of dealings with NASA or other Government agencies, the last sentence before the sentence in parentheses of paragraph (a) of the "Assignment of Claims" clause, which is commonly referred to as the "no-set-off" provision, shall be omitted if such action is requested by other Government agencies or if it otherwise appears to be appropriate to protect the interests of the Government. In any event, the "no-set-off" provision shall be omitted from contracts for transportation services provided by common carriers who are subject to the Interstate Commerce Act, as amended, or the Civil Aeronautics Act of 1938. The assignee is required by the Assignment of Claims Act, as amended, to "File written notice of the assignment together with a true copy of the instrument of assignment with (a) the contracting officer or the head of his department or agency; (b) the surety or sureties upon the bond or bonds, if any, in connection with such contract; and (c) the disbursing officer, if any, designated in such contract to make payment."

When Standard Form 32 is used, the form need not be changed to delete the parenthetical sentence at the end of paragraph (a) of the clause.

§ 18–7.103–9 Additional bond security.

ADDITIONAL BOND SECURITY (SEPTEMBER 1962)

If any surety upon any bond furnished in connection with this contract becomes unacceptable to the Government, or if any such surety fails to furnish reports as to his financial condition from time to time as requested by the Government, the Contractor shall promptly furnish such additional security as may be required from time to time to protect the interests of the Government and of persons supplying labor or materials in the prosecution of the work contemplated by this contract.

§ 18–7.103–10 Federal, State, and local taxes.

Insert the appropriate clause set forth in § 18–11.401–1 or § 18–11.401–2.

§ 18–7.103–11 Default.

In accordance with the requirements of § 18–8.707, insert the clause set forth therein.

§ 18–7.103–12 Disputes.

DISPUTES (SEPTEMBER 1962)

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within thirty (30) days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Administrator. The decision of the Administrator or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the decision of the Contracting Officer.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided,* That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

§ 18–7.103–13 Renegotiation.

RENEGOTIATION (SEPTEMBER 1962)

(a) To the extent required by law, this contract is subject to the Renegotiation Act of 1951 (50 U.S.C. App. 1211, et seq.), as amended, and to any subsequent act of Congress providing for the renegotiation of contracts. Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of Congress heretofore or hereafter enacted. Subject to the foregoing, this contract shall be deemed to contain all the provisions required by Section 104 of the Renegotiation Act of 1951, and by any such other act, without subsequent contract amendment specifically incorporating such provisions.

(b) The Contractor agrees to insert the provisions of this clause, including this paragraph (b), in all subcontracts, as that term is defined in Section 103g of the Renegotiation Act of 1951, as amended.

§ 18–7.103–16 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 18–12.303–1. Note the prefatory language required by § 18–12.303–2 for use in contracts with a State or political subdivision thereof.

§ 18–7.103–17 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 18–12.605.

§ 18–7.103–18 Equal opportunity.

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the "Equal Opportunity" clause set forth in § 18–12.802–1, or (b) the "Equal Opportunity in Federally Assisted Construction Contracts" clause set forth in § 18–12.802–2.

§ 18–7.103–19 Officials not to benefit.

OFFICIALS NOT TO BENEFIT (SEPTEMBER 1962)

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

§ 18–7.103–20 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.103–21 Termination for convenience of the Government.

Insert the appropriate clause set forth in § 18–8.701.

§ 18–7.103–22 Authorization and consent.

Insert the clause set forth in § 18–9.103(a).

§ 18–7.103–23 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 18–9.105.

§ 18–7.103–53 Interest.

INTEREST (JANUARY 1963)

Notwithstanding any other provision of this contract, unless paid within 30 days all amounts that become payable by the Contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of 6 percent per annum from the date due until paid. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract, (ii) the date of the first demand for payment, (iii) the date of a supplemental agreement fixing the amount, or (iv) if this contract provides for revision of prices, the date of written notice to the contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

§ 18–7.104 Clauses required to be used when applicable.

§ 18–7.104–1 Clauses for contracts involving construction work.

(a) In accordance with the requirements of Subpart 18–12.4, insert in fixed-price supply contracts which involve construction work the clauses listed below, which are set forth in § 18–12.403–1:

Davis-Bacon Act.
Contract Work Hours Standards Act—Overtime Compensation.
Apprentices.
Payrolls and Payroll Records.
Compliance With Copeland Regulations.
Withholding of Funds.
Subcontracts.
Contract Termination—Debarment.

(b) In accordance with the requirements of § 18–6.207, insert in all contracts for construction, except those executed on Standard Form 19 and NASA Form 1379, the clause entitled "Buy American," as set forth in § 18–6.207(c).

§ 18–7.104–2 Soviet-controlled areas.

In accordance with the requirements of § 18–6.403, insert the clause set forth therein and include in the Schedule of

the contract the list of Soviet-controlled areas set forth in § 18–6.401–2.

§ 18–7.104–3 Buy American Act.

In accordance with the requirements of Subpart 18–6.1, insert the clause set forth in § 18–6.104–5.

§ 18–7.104–4 Notice to the Government of labor disputes.

Wherever work is to be performed and a work stoppage would result in delay in an urgent NASA program, insert the following clause:

NOTICE TO THE GOVERNMENT OF LABOR DISPUTES (SEPTEMBER 1962)

(a) Whenever the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in any subcontract hereunder as to which a labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential labor dispute, the subcontractor shall immediately notify his next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

§ 18–7.104–5 Patent indemnity.

Under the circumstances specified in § 18–9.104, the clause set forth therein may be included in the contract.

§ 18–7.104–6 Filing of patent applications.

In accordance with the requirements of § 18–9.107, insert the clause set forth therein.

§ 18–7.104–7 New technology.

In accordance wih the requirements of § 18–9.101–2, insert the clause set forth in § 18–9.101–4.

§ 18–7.104–9 Rights in data.

In accordance with the requirements of § 18–9.203, insert the clause in § 18–9.203–1, as amended by § 18–9.203–2 and, if applicable, by § 18–9.203–3.

§ 18–7.104–10 Ground and flight risk.

In all negotiated fixed-price type contracts for the production, modification, maintenance, or overhaul of aircraft, insert the clause set forth in § 18–10.404.

§ 18–7.104–12 Security requirements.

Insert the following clause in all contracts which are classified "Confidential" or higher and in other contracts which may require access to classified information or material:

SECURITY REQUIREMENTS (SEPTEMBER 1962)

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" or higher.

(b) NASA shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Checklist (DD Form 254), or other written notification.

(c) The Contractor agrees to execute, if he has not already done so, a Security Agreement (DD Form 441) with the Government, represented by the Military Department assigned security cognizance over the Contractor's facility. To the extent the Government has indicated, as of the date of this contract, or thereafter indicates a security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within his own organization in accordance with the requirements of:

(i) The Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) Any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department assigned security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility, and representatives of NASA, shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract, the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any such equitable adjustment shall be accomplished in the same manner as if such changes were directed under the "Changes" clause of this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

§ 18–7.104–14 Utilization of small business concerns.

In accordance with the instructions in § 18–1.707–3(a), insert the clause contained therein.

§ 18–7.104–15 Examination of records.

Insert the following clause in all negotiated fixed-price supply contracts in excess of $2,500.

EXAMINATION OF RECORDS (OCTOBER 1969)

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three (3) years after final payment under this contract or of the time periods specified in Appendix M of the NASA Procurement Regulation, whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three (3) years after final payment under the subcontract or of the time periods specified in Appendix M of the NASA Procurement Regulation, whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

§ 18–7.104–17 Convict labor.

In accordance with the requirements in Subpart 18–12.2, insert the clause set forth in § 18–12.203.

§ 18–7.104–18 Priorities, allocations, and allotments.

In accordance with the requirements of §18–1.307–2, insert the clause set forth therein.

§ 18–7.104–20 Utilization of concerns in labor surplus areas.

In accordance with the requirements of §18–1.805–3(a), insert the clause set forth therein.

§ 18–7.104–21 Limitation on withholding of payments.

(a) Except as provided in paragraph (b) of this section, insert the following clause in contracts which include more than one clause or Schedule provision authorizing the temporary withholding of amounts otherwise payable to the contractor for supplies delivered or services performed:

LIMITATION ON WITHHOLDING OF PAYMENTS (SEPTEMBER 1962)

If more than one clause or Schedule provision of this contract authorizes the temporary withholding of amounts otherwise payable to the Contractor for supplies delivered or services performed, the total of the amounts so withheld at any one time shall not exceed the greatest amount which may be withheld under any one such clause or Schedule provision at that time: *Provided*, That this limitation shall not apply to—

(i) Withholdings pursuant to any clause relating to wages or hours of employees;

(ii) Withholdings not specifically provided for by this contract; and

(iii) The recovery of overpayments.

(b) The clause set forth in parargaph (a) of this section is not required in letter contracts or where:

(1) The contracting officer determines that the withholding limitation in the said clause is incompatible with the purpose of the particular withholding provisions involved; or

(2) All of the contract clauses or Schedule provisions (in excess of one) which provide for the withholding of payments either (i) are exempt from the limitations in the clause set forth in paragraph (a) of this section under the proviso thereof, or (ii) provide that their withholding provisions do not require any additional withholdings where the amounts required to be withheld under them are being withheld under other provisions of the contract.

If it is determined that the withholding limitation in the clause set forth in paragraph (a) of this section is incompatible with the purpose of particular withholding provisions, the said clause may be omitted or modified to make it inapplicable to such withholding provisions.

§ 18–7.104–22 Small business subcontracting program.

In accordance with the requirements of § 18–1.707, insert the clause set forth in § 18–1.707–3(b).

§ 18–7.104–23 Subcontracts.

In accordance with the requirements of § 18–23.201–1, insert an appropriate Subcontracts clause.

§ 18–7.104–24 Government property.

In accordance with the requirements of § 18–13.702, insert the appropriate clause set forth therein.

§ 18–7.104–25 Special tooling.

In accordance with the requirements of § 18–13.704, insert the clause therein.

§ 18–7.104–35 Progress payments.

The policies and procedures set forth in paragraph 504 of Appendix E of ASPR, concerning the use of progress payments in formally advertised procurements, shall be followed by procurement offices. The provisions to be included in the invitation for bids and the "Progress Payments" clauses authorized for use pursuant to paragraph 504 are authorized for use in accordance with the instructions contained therein, except that the short form "Progress Payments" clauses set forth in paragraphs (a) and (b) of this section may be used in lieu of the ASPR clauses whenever it is estimated that the procurement will be less than $100,000.

(a) *Progress payments labor and material clause (short form).*

PROGRESS PAYMENTS (SHORT FORM CLAUSE BASED ON BOTH DIRECT LABOR AND MATERIAL COSTS OR WHEN LIMITED TO EITHER LABOR OR MATERIAL) (SEPTEMBER 1962)

Upon request of the Contractor, progress payments shall be made to the Contractor from time to time as work progresses, in amounts approved by the Contracting Officer, upon the following terms and conditions:

(a) *Computation of Amounts.*

(1) Unless a smaller amount is requested, each progress payment shall be 85 percent of the Contractor's cumulative costs of direct labor performed and material acquired [strike out inapplicable language if limited to a single direct cost] for performance of this contract; less the sum of previous progress payments. In no event, however, may the amount of unliquidated progress payments exceed ------ percent of the total contract price of items and services not yet delivered, invoiced to and accepted by the Government; also, the aggregate amount of progress payments made may not exceed ------ percent of the total contract price. [These percentages shall be the same as in (b) below.]

(2) Contractor's costs above mentioned must be reasonable, allocable to this contract, and consistent with generally accepted accounting principles.

(b) *Recovery of Program Payments.* Except as otherwise provided in this contract, payment by the Government for materials delivered, invoiced to, and accepted by the Government shall be reduced by ------ percent and the amount of the reduction applied against progress payments previously made until such time as the total of all progress payments has been liquidated. [The percentage to be inserted here and in (a) (1) above should be calculated as those in the following example: If the base for progress payments is 85 percent of the cost of direct labor and material and if estimated costs of direct labor and material are 70 percent of total estimated costs, liquidation would be at a rate not less than 59.5 percent (85 × 70) of the contract price or delivered items.]

(c) *Reduction or Suspension.* The Government reserves the right to withhold or reduce progress payments and to increase the liquidation rate if in the opinion of the Contracting Officer the Contractor is in such unsatisfactory financial condition or has so failed to make progress as to endanger contract performance and recoupment of progress payments.

(d) *Title to Material and Work.* When any progress payment is made under this contract, title to material acquired and work performed under this contract shall vest in the Government, and title to all like property thereafter acquired or produced by the Contractor and properly chargeable to this contract under generally accepted accounting practices shall vest in the Government. The Contractor shall repay to the Government an amount equal to that portion of the unliquidated progress payments allocable to material lost, stolen, destroyed, or damaged. Upon completion of performance of all obligations of the Contractor under this contract, title to all property not delivered to and accepted by the Government under this contract and to which title had vested in the Government under this contract shall vest in the Contractor.

(e) *Records and Reports.* The Contractor shall maintain reasonable controls for proper administration of this clause and shall furnish such statements and information as may reasonably be requested by the Contracting Officer. The Government shall be afforded reasonable opportunity to examine the Contractor's books, records, and accounts.

(f) *Default.* If this contract is terminated for default, the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments, less any amounts payable to the Contractor in accordance with the Default clause.

(g) *Reservation of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(b) *Progress payments total costs clause (short form).*

PROGRESS PAYMENTS (SHORT FORM "TOTAL COSTS" CLAUSE) (SEPTEMBER 1962)

Upon request of the Contractor, progress payments shall be made to the Contractor form time to time as work progresses, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of Amounts.*

(1) Unless a smaller amount is requested, each progress payment shall be 70 percent of the Contractor's cumulative total costs under this contract, less the sum of any previous progress payments. In no event, however, may the aggregate amount of progress payments made exceed 70 percent of the total contract price.

(2) The Contractor's costs must be reasonable, allocable to this contract, consistent with sound and generally accepted accounting principles, and may include depreciation or amortization allowance. Such costs shall exclude amounts for materials to which the Contractor has not acquired title.

(3) At no time shall unliquidated progress payments exceed 70 percent of the total contract price of the items and services not yet delivered and invoiced to and accepted by the Government.

(b) *Recovery of Progress Payments.* Except as otherwise provided in this contract, payments by the Government for materials delivered, invoiced, and accepted shall be reduced by 70 percent of the contract price of such items and the amount of the reduction applied against progress payments previously made until such time as the total of all progress payments has been recovered.

(c) *Reduction or Suspension.* The Government reserves the right to withhold or reduce progress payments and to increase the liquidation rate if in the opinion of the Contracting Officer the Contractor is in such unsatisfactory financial condition or has so failed to make progress as to endanger contract performance and recoupment of progress payments.

(d) *Title to Material and Work.* When any progress payment is made under this contract, title to material acquired and work performed under this contract shall vest in the Government, and title to all like property thereafter acquired or produced by the Contractor and properly chargeable to this contract under generally accepted accounting principles shall vest in the Government. The Contractor shall repay to the Government an amount equal to that portion of the unliquidated progress payments allocable to material lost, stolen, destroyed, or damaged. Upon completion of performance of all obligations of the Contractor under this contract, title to all property not delivered to and accepted by the Government under this contract and to which title had vested in the Government under this contract shall vest in the Contractor.

(e) *Records and Reports.* The Contractor shall maintain reasonable controls for proper administration of this clause and shall furnish such statements and information as may reasonably be requested by the Contracting Officer. The Government shall be afforded reasonable opportunity to examine the Contractor's books, records, and accounts.

(f) *Default.* If this contract is terminated for default, the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments, less any amounts payable to the Contractor in accordance with the default clause.

(g) *Reservation of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

§ 18–7.104–36 Preference for U.S.-flag vessels.

Under the circumstances stated in Subpart 18–1.14, insert the clause set forth in § 18–1.1402–3 in the contract.

§ 18–7.104–38 Labor surplus area subcontracting program.

In accordance with the requirement of § 18–1.805–3(b), insert the clause set forth therein.

§ 18–7.104–40 Competition in subcontracting.

Insert the following clause in all negotiated contracts over $10,000, except in firm fixed-price contracts where award is on the basis of effective price competition, or where prices are established by law or regulation.

COMPETITION IN SUBCONTRACTING (SEPTEMBER 1962)

The Contractor shall select subcontractors (including suppliers) on a competitive basis to the maximum practical extent consistent with the objectives and requirements of the contract.

§ 18–7.104–41 Contractor and subcontractor certified cost or pricing data.

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

§ 18–7.104–42 Audit and records.

(a) Insert the following clause in any negotiated contract which is not firm fixed-price or fixed-price with escalation.

AUDIT AND RECORDS (OCTOBER 1969)

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The Contractor's plants, or such part thereof, as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representative.

(c) The Contractor shall preserve and make available his records (i) until the expiration of three years from the date of final payment under this contract or for the time periods specified in Appendix M of the NASA Procurement Regulations, whichever expires earlier, and (ii) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final settlement or for the time periods specified in Appendix M of the NASA Procurement Regulation, whichever expires earlier.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract or (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) costs and expenses of this contract as to which exception has been taken by the Contracting Officer or his duly authorized representative, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert this clause, including the whole of this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved in place of the Contractor; to add "of the Government prime contract" after "Contracting Officer"; and to substitute "the Government prime contract" in place of "this contract" in (B) of paragraph (c) above.

(b) In cost-reimbursement type contracts that have separate periods of performance and that are to include, in the "Examination of Records" clause prescribed by § 18–7.203–7, the alternate paragraph (a)(4) which is set forth in § 18–7.203–7(b), the clause set forth in paragraph (a) of this section shall be modified by adding the following to paragraph (c) thereof:

Notwithstanding the foregoing, the Contractor's obligation to preserve and make available his records shall not extend beyond the period of his like obligation under the "Examination of Records" clause of this contract. (March 1970.)

§ 18–7.104–50 Data requirements.

In accordance with the requirements of § 18–9.202, insert the clause set forth in § 18–9.202–1(e).

§ 18–7.104–51 Approval of contract.

Insert the clause set forth below in the contract when approval thereof by the Director of Procurement is required.

APPROVAL OF CONTRACT (JULY 1968)

This contract (modification) shall be subject to the written approval of the Director of Procurement, NASA Headquarters, or his duly authorized representative, and shall not be binding until so approved.

§ 18–7.104–56 Order of precedence.

The following clause, which may be modified to change the order or to add to delete items to meet the needs of a particular procurement, shall be included in all contracts which are not preceded by a written solicitation (see §§ 18–2.201(a)(22) and 18–3.501(b)(62):

ORDER OF PRECEDENCE (NOVEMBER 1965)

In the event of an inconsistency in this contract, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) the Schedule; (b) General Provisions; (c) the other provisions of the contract whether incorporated by reference or otherwise; and (d) the Specifications.

§ 18–7.104–57 Liability for Government property furnished for repair or other services.

In accordance with the requirements of § 13.702(c), insert the clause set forth therein.

§ 18–7.104–58 Safety and health.

In accordance with the requirements of Subpart 18–1.52, insert the clause set forth in § 18–1.5204.

§ 18–7.104–59 Nonuse of foreign-flag vessels engaged in Cuban or North Vietnam trade.

In accordance with the requirements of § 18–1410, insert the clause set forth therein.

§ 18–7.104–60 Report on NASA Subcontracts.

In accordance with the requirements of § 18–16.902, insert the clause set forth therein.

§ 18–7.104–61 Rights in data for potentially hazardous items.

In accordance with the requirements of § 18–9.204–52, insert the clause set forth in § 18–9.204–52(c).

§ 18–7.104–62 Potentially hazardous items.

In accordance with the requirements of § 18–1.351, insert the clause set forth therein.

§ 18–7.104–63 Disclosure of proposals outside Government.

In accordance with the requirements of § 18–1.304–2(f), insert the clause set forth therein.

§ 18–7.105 Additional clauses.

The following clauses shall be inserted in fixed-price supply contracts if it is desired to cover the subject matter thereof.

§ 18–7.105–1 Alterations in contract.

Alterations in contract provisions may be made only in accordance with the provisions of § 18–1.109. When alterations are necessary, they shall be set forth either in the Schedule or on an Attachment Sheet, preceded by the following clause:

ALTERATIONS IN CONTRACT (SEPTEMBER 1962)

The following alterations have been made in the provisions of this contract.

§ 18–7.105–5 Liquidated damages.

When a liquidated damages provision is to be included in the contract, the clause set forth below shall be inserted as paragraph (f) of the "Default" clause (see § 18–8.707) and the present paragraphs (f) and (g) of that clause redesignated as (g) and (h). In addition, an appropriate implementing provision setting forth the amount of liquidated damages shall be included in the Schedule.

(f) (i) In the event the Government exercises its right of termination as provided in paragraph (a) above, the Contractor shall be liable to the Government for excess costs as provided in paragraph (b) above and, in addition, for liquidated damages, in the amount set forth elsewhere in this contract, as fixed, agreed, and liquidated damages for each calendar day of delay, until such time as the Government may reasonaly obtain delivery or performance of similar supplies or services.

(ii) If the contract is not so terminated, notwithstanding delay as provided in paragraph (a) above, the Contractor shall continue performance and be liable to the Government for such liquidated damages for each calendar day of delay until the supplies are delivered or services performed.

(iii) The Contractor shall not be liable for liquidated damages for delays due to causes which would relieve him from liability for excess costs as provided in paragraph (c) of this clause. (September 1962)

§ 18–7.105–6 Bill of materials.

A bill of materials consists of a report by a supplier which specifies the quantities of various materials required to produce a designated quantity of supplies of a particular kind. A bill of materials, with respect to all or part of the supplies to be furnished pursuant to a contract, will be required only if the contracting officer determines that such bill is necessary to develop materials or components requirements for production and maintenance programs, or for other specified purposes. In such event, the contract shall specify, with respect to such bill, the following:

(a) The supplies or parts thereof to be covered by the bill of materials;

(b) The type of bill or bills (detailed, modified, expanded summary, or abbreviated summary) to be furnished, with applicable instructions;

(c) The compensation to be paid the contractor for furnishing such bill and any revisions thereto, or a statement that the price of the item to which the bill relates includes compensation for the furnishing of such bill;

(d) The number and kind of copies of such bill to be furnished; and

(e) Delivery dates.

In such event, the contract shall also include the following clause:

BILL OF MATERIALS (SEPTEMBER 1962)

(a) With respect to the supplies to be delivered pursuant to the contract, for which a Bill of Materials is required, the Contractor shall furnish a Bill of Materials in the required number of copies on Department of Defense Forms 346 and 347, if applicable, or authorized reproductions thereof, in accordance with the instructions specified in the Schedule.

(b) The contractor shall furnish to the Government, at such intervals as designated in the Schedule, revised pages of the Bill of Materials incorporating the effect of any changes, pursuant to the clause hereof entitle "Changes," in the quantity of any material or part, or any other information contained in the Bill of Materials, or a statement that no revision is necessary. A final revision, or statement that no revision is necessary, shall be furnished upon completion of performance of the contract.

(c) The Bill of Materials and all revisions or statements subsequent thereto shall be subject to inspection and acceptance by the Government.

Where a bill of materials is procured by contract separate from the supplies to which such bill of materials relates, such contract shall include such of the terms mentioned above as may be appropriate and shall specify that the bill of materials shall be furnished on DD Forms 346 and 347, if applicable, or authorized reproductions thereof. The contractor shall not be required to obtain data for the bill of materials in greater detail from a subcontractor than he is to furnish under the terms of the above clause.

§ 18–7.105–7 Supply warranty.

In accordance with § 18–1.324, an appropriate supply warranty clause may be inserted.

§ 18–7.105–8 Stop work orders.

(a) *Use of clause.* The clause set forth in paragraph (c) of this section is authorized for use in any negotiated fixed-price type contract under which work stoppage may be required for reasons such as advancements in state of the art, performance or engineering breakthroughs, or realignment of programs. This clause is not authorized for use in research contracts with educational or other nonprofit institutions.

(b) *Use of orders.* (1) Inasmuch as stop work orders may result in increased costs to the Government by reason of standby costs, such orders will be issued only with prior approval of the procurement officer. Generally, use of a stop work order will be limited to those situations where it is advisable to suspend work pending a decision by the Government and a supplemental agreement providing for such suspension is not feasible. Although a stop work order may be used pending a decision to terminate for convenience, it will not be used pending a decision to terminate for default, nor will it be used in lieu of the issuance of a termination notice after a decision to terminate has been made.

(2) Stop work orders should include (i) a clear description of the work to be suspended; (ii) instructions as to the issuance of further orders by the contractor for material or services; (iii) guidance as to action to be taken on subcontracts; and (iv) other suggestions to the contractor for minimizing costs. Promptly after issuance, stop work orders should be disscussed with the contractor and should be modified, if necessary, in the light of such discussions.

(3) As soon as feasible after a stop order is issued, (i) the contract will be terminated; or (ii) the stop work order will either be canceled or—if necessary and if the contractor agrees—be extended beyond the period specified in the order. In any event, this must be done before the specified stop work period expires. When an extension of the stop work order is necessary, it shall be evidenced by a supplemental agreement. Any cancellation of a stop work order shall be subject to the same approvals as were required for the issuance of the order.

(c) *Clause.*

STOP WORK ORDER (JULY 1970)

(a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the work called for by this contract for a period of ninety (90) [1] days after the order is delivered to the Contractor, and for any further period to which the parties may agree. Any such order shall be specifically identified as a Stop Work Order issued pursuant to this clause. Upon receipt of such an order, the Contractor shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of ninety (90) [1] days after a stop work order is delivered to the Contractor, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either—

(i) cancel the stop work order, or

(ii) terminate the work covered by such order as provided in the "Termination for Convenience" clause of this contract.

(b) If a stop work order issued under this clause is canceled or the period of the order or any extension thereof expires, the Contractor shall resume work. An equitable adjustment shall be made in the delivery schedule or contract price, or both, and the contract shall be modified in writing accordingly, if—

(i) the stop work order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract, and

(ii) the Contractor asserts a claim for such adjustment within thirty (30) days after the end of the period of work stoppage; provided that, if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract.

(c) If a stop work order is not canceled and the work covered by such order is terminated for the convenience of the Government, the reasonable costs resulting from the stop work order shall be allowed in arriving at the termination settlement.

§ 18–7.106 Price escalation clauses (established prices).

This § 18–7.106 sets forth uniform clauses for use when it is desired to provide for price escalation in the event of changes in the contractor's established prices. Each clause is preceded by a statement of the conditions under which it may be used.

§ 18–7.106–1 Escalation clause for basic steel, aluminum, brass, bronze, or copper mill products.

The following price escalation clause is authorized for use in advertised or negotiated fixed-price supply contracts for basic steel, aluminum, brass, bronze, or copper mill products, such as sheets, plates, and bars, when an established price exists for the particular supply being procured. The percentage figure to be used in paragraph (d)(3) of the clause shall not exceed 10 percent.

PRICE ESCALATION (SEPTEMBER 1962)

(a) The Contractor warrants that the unit prices stated herein, excluding any part of the prices which reflects requirements for preservation, packaging and packing, beyond standard commercial practice, are not in excess of the Contractor's applicable established prices in effect on the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by means of formal advertising) for like quantities of the supplies covered by this contract.

(b) The Contractor shall promptly notify the Contracting Officer as to the amount and effective date of each decrease in any established price, and each applicable unit price shall be decreased by the amount of the decrease in the applicable established price. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. The Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by formal advertising), or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified

[1] This clause may provide for less than 90 days.

by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions.

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by means of formal advertising).

(2) No unit price shall be increased by an amount greater than the amount of the increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed _____ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, but if the Contractor's request for adjustment is received by the Contracting Officer more than ten (10) days after the effective date of the increase in the Contractor's applicable rate, no adjusted unit price shall be effective earlier than the date of receipt by the Contracting Officer of such request.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, within 30 days after receipt of the Contractor's request, cancel without liability to either party the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such cancellation, except that the Contractor may make delivery of all or any of the supplies which a duly authorized officer of the company shall certify were completed or in the process of manufacture at the time of receipt of notice of such cancellation. In such event the Government shall pay for all supplies so delivered at the applicable unit price contained in the Contractor's request, and the contract shall be amended accordingly: *Provided*, That such certification is made within 10 days after receipt of notice of such cancellation: *And provided further*, That such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (d). In the event this contract is for standard steel supplies, they shall be deemed to be in the process of manufacture when the steel therefor is in any state of processing after the beginning of the furnace melt.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request, or cancellation of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested: *Provided*, That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d): *And provided further*, That if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer neither reaches an agreement with the Contractor on the requested adjustment, nor cancels the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the applicable increased unit prices as requested: *Provided*, That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).

§ 18–7.106–2 Escalation clause for nonstandard steel items.

The following price escalation clause is authorized for use in advertised or in negotiated fixed-price supply contracts when:

(a) The contractor is a steel producer and actually manufactures the standard steel mill item referred to in paragraph (d) of the clause; and

(b) The items being procured are nonstandard steel items made wholly or in major part of standard steel mill items.

When this clause is included in invitations for bids, Note (8) is inapplicable and shall be omitted. Invitations for bids or requests for proposals shall instruct bidders or offerors, as appropriate, to complete all blanks in accordance with the applicable notes.

PRICE ESCALATION (SEPTEMBER 1962)

(a) The Contractor represents that the unit prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (i) the Contractor's rates of pay for labor employed by it, or (ii) the prices which the Contractor charges his manufacturing shops for the steel required in the performance of this contract.

(b) Each contract unit price shall be subject to revision, pursuant to the provisions of this clause, to reflect changes in the cost of labor and steel. For the purpose of any such price revision, the proportion of the contract unit price attributable to costs of labor not otherwise included in the price of the steel item identified in paragraph (d) below shall be _____ percent, and the proportion of the contract unit price attributable to the cost of steel shall be _____ percent. [See Note (1).]

(c) For the purposes of this paragraph, the term "labor index" shall mean the average straight time hourly earnings of the Contractor's employees in the _____ shop of the Contractor's plant [see Note (2)] for any particular month. The word "month" as used herein means "calendar month"; *Provided, however*, That if the Contractor's accounting period does not coincide with the calendar month, then such accounting period shall be used throughout the clause in lieu of "month." Unless otherwise specified in this contract, the labor index shall be computed by dividing the total straight time earnings of the Contractor's employees in the particular shop identified above for any given month by the total number of straight time hours worked by such employees in that month. Any revision in a contract unit price to reflect changes in the cost of labor shall be computed solely by reference to the "base labor index," which shall be the average of the labor indices for the three months consisting of the month of _____, 19__, [see Note (3)] the month immediately preceding, and the month immediately following, and to the "current labor index," which shall be the average of the labor indices for the month in which delivery of supplies is required to be made in accordance with the terms of the contract and the month preceding.

(d) Any revision in a contract unit price to reflect changes in the cost of steel shall be computed solely by reference to the "base steel index," which shall be the Contractor's established or published price to the public [see Note (8)] including all applicable extras of $_____ per _____ [see Note (4)] for _____ [see Note (5)] on _____, 19__ [see Note (6)] and the "current steel index," which shall be the Contractor's established or published price to the public [see Note (8)] of said item including all applicable extras in effect _____ days [see Note (7)] prior to the first day of the month in which delivery of supplies is required to be made in accordance with the terms of the contract.

(e) Each contract unit price shall be revised for each month in which, by the terms of this contract, delivery of supplies is required to be made, and such revised contract unit price shall apply to the deliveries of those quantities of supplies required to be made in that month regardless of when actual delivery be made of said quantities of supplies. Each revised contract unit price for any month shall be computed by adding together the following three amounts: (i) the amount (representing the adjusted cost of labor) obtained by multiplying _____ percent of the contract unit price by a fraction, the numerator of which shall be the current labor index and the denominator of which shall be the base labor index; (ii) the amount (representing the adjusted cost of steel) obtained by multiplying _____ percent of the contract unit price by a fraction, the numerator of which shall be the current steel index and the denominator of which shall be the base steel index; and (iii) the amount equal to _____ percent of the original contract unit price (representing that portion of such unit price which relates neither to the cost of labor nor to the cost of steel and which is therefore not subject to revision) [see Note (1)]: *Provided, however*, That any revised contract unit price made pursuant to the provisions of this clause shall in no event exceed 110 percent of the original contract unit price. All computations shall be made to the nearest one-hundredth of 1 cent.

(f) Pending revisions of the contract unit prices, if any, to be made pursuant to this clause, the Contractor shall be paid the contract unit prices for deliveries made. Within thirty (30) days after the final delivery of supplies, or within such further period of time as may be authorized by the Contracting Officer, the Contractor shall furnish a statement setting forth and certifying the correctness of (i) the average straight time hourly earnings of the Contractor's employees in the shop of the Contractor identified in paragraph (c) above which earnings are relevant to the computations of the "base labor index" and the "current labor index," and (ii) the Contractor's established or published prices to the public [see Note (8)] including all applicable extras, for like quantities of the item identified in paragraph (d) above, which prices are relevant to the computation of the "base steel index" and the "current steel index." Upon request of the Contracting Officer or his duly authorized representative, the Contractor shall make available his records used in the computation of the labor indices. After the receipt of such certificate by the Contracting Officer, the revised contract unit prices shall be computed in accordance with the provisions of this clause, and this contract shall be amended accordingly.

(g) In the event of any total or partial termination of any item of this contract for the convenience of the Government, the month in which notice of such termination is received by the Contractor, if prior to the month in which delivery is required by this contract, shall be considered the month in which delivery of such terminated or partially terminated item is required for the purpose of determining the current labor and materials indices under paragraphs (c) and (d) hereof: *Provided, however*, That as to the quantity of such item which is not terminated for convenience, the month in which delivery is required by this contract shall continue to apply for determining said indices. In the case of termination of any item for default on the part of the Contractor, any price revision shall be limited to the quantity of each item which has been delivered by the Contractor and accepted by the Government prior to receipt by the Contractor of notice of termination for default.

(h) As used in this clause the phrase "the month in which delivery of supplies is required to be made in accordance with the terms of this contract" shall mean any month in which under the terms of this contract a specific quantity of units of the supplies called for by this contract is required to be delivered: *Provided, however*, That in case the failure of the Contractor to make delivery of such quantity shall have arisen out of causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," the quantity not delivered shall be required to be delivered as promptly as possible after the cessation of the cause of such failure, and the delivery schedule set forth in this contract shall be amended accordingly.

(i) Failure to agree upon any determination to be made under this clause shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

NOTES

(1) Bidder insert the same percentage figures for the corresponding blanks in paragraphs (b) and in (e) (i) and (ii). In paragraph (e) (iii), bidder insert the percentage representing the difference between the sum of the percentages inserted in paragraph (b) and 100 percent.

(2) Bidder identify the shop and plant in which the standard steel mill item identified in paragraph (d) will be finally fabricated or processed into the contract item.

(3) Bidder insert the month of bid opening, or the month in which the Contractor submitted his proposal if this is a negotiated contract.

(4) Bidder insert the unit price and unit of measure of the standard steel mill item used by the Contractor in the manufacture of the contract item.

(5) Bidder identify the standard steel mill item used by the Contractor in the manufacture of the contract item.

(6) Bidder insert the date set for bid opening, or the date of the Contractor's quotation if this is a negotiated contract.

(7) Bidder insert the number of days which represents the Contractor's best estimate of the period of time required for processing the standard steel mill item in the shop identified in paragraph (c).

(8) In negotiated procurements of nonstandard steel items, when there is no established or published price to the public, or when it is not desirable to use such price this paragraph may refer to another appropriate price basis, such as an established interplant price.

§ 18–7.106–3 Escalation clause for standard supplies.

The following price escalation clause is authorized for use in negotiated fixed-price supply contracts for standard supplies for which established prices exist. The clause may be used only when the total contract price is over $5,000 and delivery is not to be completed within 6 months after the contract date. The percentage figure to be used in paragraph (d)(3) of the clause shall not exceed 10 percent. If any standard trade discounts offered by the contractor against his list or catalog price are taken into account in negotiating the contract unit price, the contracting officer's file should contain a statement setting forth the list or catalog price and the discounts. The discounts referred to do not include prompt payment or cash discounts.

PRICE ESCALATION (SEPTEMBER 1962)

(a) The Contractor warrants that the unit prices stated herein, excluding any part of the prices which reflects requirements for preservation, packaging, and packing beyond standard commercial practice, are not in excess of the Contractor's applicable established prices in effect on the contract date for like quantities of the supplies covered by this contract. The term "established price" as used in this clause is the net price after applying any applicable standard trade discounts offered by the Contractor from his list or catalog price.

(b) The Contractor shall promptly notify the Contracting Officer as to the amount and effective date of each decrease in any applicable established price, and each applicable contract unit price shall be decreased by the same percentage that the applicable established price is decreased. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. The Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the contract date; or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions:

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the contract date.

(2) No unit price shall be increased by a percentage greater than the percentage increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed _____ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, or the date of receipt by the Contracting Officer of the Contractor's request for adjustment, whichever is the later.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, within 30 days after receipt of the Contractor's request, cancel without liability to either party the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such cancellation.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request, or cancellation of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested: *Provided*, That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d): *And provided further*, That if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer neither reaches an agreement with the Contractor on the requested adjustment, nor cancels the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the applicable increased unit prices as requested: *Provided*, That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).

§ 18–7.106–4 Escalation clause for semistandard supplies.

The following price escalation clause is authorized for use in negotiated fixed-price supply contracts for semistandard supplies, the prices of which can be reasonably related to the prices of nearly equivalent standard supplies for which established prices exist. The clause may be used only when the total contract price is over $5,000 and delivery is not to be completed within six months after the contract date. A clear understanding should be set forth in writing prior to making the contract as to the identity of the standard supply items which are applicable. The percentage figure to be used in paragraph (d)(3) of the clause shall not exceed 10 percent. If any standard trade discounts offered by the contractor against his list or catalog price are taken into account in negotiating the contract unit price, the contracting officer's file should contain a statement setting forth the list or catalog price and the discounts. The discounts referred to do not include prompt payment or cash discounts. When the supplies being purchased are standard supplies in all

respects except for preservation, packaging, and packing requirements, the following clause should not be used; in such cases the escalation clause for standard supplies in § 18–7.106–3 is the appropriate clause.

PRICE ESCALATION (SEPTEMBER 1962)

(a) The Contractor warrants that the supplies covered by this contract are supplies which the Contractor customarily offers for sale commercially except for modifications in accordance with the specifications of this contract, and that as of the contract date any differences between the unit prices stated herein and the Contractor's established prices for like quantities of the supplies which are the nearest commercial equivalents of the supplies covered by this contract (herein referred to as "the established prices") are due to compliance with such specifications, and to compliance with any requirements which this contract may contain for preservation, packaging, and packing beyond standard commercial practice. The term "established price" as used in this clause is the net price after applying any applicable standard trade discounts offered by the Contractor from his list or catalog price.

(b) The Contractor shall promptly notify the Contracting Officer as to the amount and effective date of each decrease in any applicable established price, and each applicable contract unit price shall be decreased by the same percentage that the applicable established price is decreased. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. The Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the contract date, or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions:

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the contract date.

(2) No unit price shall be increased by a percentage greater than the percentage increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed ------ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, or the date of receipt by the Contracting Officer of the Contractor's request for adjustment, whichever is the later.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, pursuant to the clause of the contract entitled "Termination for Convenience of the Government," terminate the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such termination.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request, or termination of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested: *Provided*, That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d): *And provided further*, That if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer neither reaches an agreement with the Contractor on the requested adjustment, nor terminates the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the applicable increased unit prices as requested: *Provided*, That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).

§ 18–7.107 Price escalation clause (labor and material).

(a) The following price escalation clause is authorized for use in negotiated fixed-price supply contracts where (1) the price exceeds $50,000, (2) the period of performance exceeds 6 months, (3) there is no major element of design engineering or developmental work involved in producing the items being procured, and (4) one or more identifiable labor or material cost factors are subject to change.

(b) The Schedule shall describe in detail the types of labor and materials subject to escalation, the labor rates (including fringe benefits, if any), and unit prices of materials, which may be increased or decreased, and the quantities of labor and specified materials allocable to each unit of supplies to be delivered under the contract. The following sample format illustrates a type of schedule description that may be used:

The following types of labor and material are subject to price escalation pursuant to clause — of this contract.

CONTRACT ITEM NO. 1

Types of labor and materials	Rates of pay and material prices	Quantities and direct costs per unit of procurement
Drill press operator	$3.00/hour—no fringe benefits included.	20 minutes—$1.00.
Welder	$2.75/hour. 0.05/hour—vacation pay. 0.20/hour—pension plan.	
	$3.00	10 minutes—$0.50.
Copper sheet	$0.40 pound	2 pounds—$0.80.
Purchased parts:		
(1) ABC tube X5721.	$1.00 each	3 each—$3.00.
(2) XYZ part No. 9348.	$0.50 each	10 each—$5.00.

The percentage figure to be used in paragraph (d) (vi) of the clause will not exceed 10 percent.

(c) In negotiating adjustments under the clause, the contracting officer will consider work in process and materials on hand at the time of changes in labor rates or materials prices since these elements may have a significant impact on equitable price adjustments.

PRICE ESCALATION (SEPTEMBER 1962)

(a) The Contractor warrants that the prices set forth in this contract do not include any allowance for any contingency to cover increased costs of performance resulting from increases in (i) the Contractor's rates of pay for labor or (ii) the unit prices for materials, set forth in the Schedule.

(b) If at any time during the performance of this contract there is an increase or decrease in the rates of pay for labor or unit prices for materials set forth in the Schedule, the Contractor shall notify the Contracting Officer thereof within 60 days of such increase or decrease or within such further period as may be approved in writing by the Contracting Officer, but in any event not later than final payment under the contract. Such notice shall include the Contractor's proposal for an equitable adjustment in the contract unit prices to be negotiated in accordance with paragraph (c) below and shall be accompanied by data, in such form as the Contracting Officer may require, explaining (i) the causes, (ii) the effective date, and (iii) the amount, both of the increase or decrease and of the Contractor's proposal for an equitable adjustment.

(c) Promptly upon receipt of any notice and data described in (b) above, the Contractor and the Contracting Officer shall negotiate an equitable adjustment, and the effective date thereof, in the contract unit prices to reflect any change in the cost of performance of this contract due to the increase or decrease in rates of pay for labor or unit prices for materials set forth in the Schedule: *Provided, however*, That such negotiations may be postponed by the Contracting Officer until an accumulation of such increases and decreases results in an adjustment allowable under (d)(v). The equitable adjustment, and the effective date thereof, shall be set forth in an amendment or supplemental agreement to this contract. Such amendment or supplemental agreement shall also revise the rates of pay for labor or unit prices for materials set forth in the Schedule to reflect the increase or decrease therein. Failure of the parties to agree to an adjustment under this clause shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." Pending agreement on, or determination of, any such adjustment and its effective date, the Contractor shall continue performance.

(d) Not withstanding any other provision of this clause, any price adjustment under this clause shall be subject to the following limitations:

(i) There shall be no adjustment for supplies whose production cost is not affected by a change in the rates of pay for labor or unit prices for materials set forth in the Schedule;

(ii) There shall be no adjustment other than for increases or decreases in the rates of pay for labor or unit prices for materials set forth in the Schedule;

(iii) There shall be no adjustment for any increase or decrease in the quantities of labor or materials set forth in the Schedule for each item to be delivered hereunder;

(iv) No upward adjustment shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the adjustment, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor within the meaning of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule;

(v) Except as provided in (e) below, there shall be no adjustment for any change in rates of pay for labor or unit prices for materials which would not result in a net change of at least three percent of the then current total contract price; and

(vi) There shall be no adjustment upward which would cause any adjusted contract unit price to exceed ------ percent of the corresponding original contract unit price.

(e) If, after delivery of the last unit called for by this contract, either party requests negotiation pursuant to (c) above, the limitations of (d) (v) shall not apply.

(f) The final invoice submitted under this contract shall include a certification that the Contractor has not experienced a decrease in rates of pay for labor or unit prices for materials set forth in the Schedule or that he has given notice of all such decreases in compliance with (b) above.

(g) The Contracting Officer may examine the contractor's books, records, and other supporting data relevant to the costs of labor and materials during all reasonable times until three years after final payment under this contract.

§ 18–7.108 Incentive price revision clause.

When, in accordance with the provisions of Subpart 18–3.4, of this chapter, the fixed-price incentive contract described in § 18–3.404–4(a)(2) is to be used, the following clause shall be made a part of the contract. As to each item which is to be subject to incentive price revision, the contract schedule shall set forth the target cost, target profit, and target price. Paragraph (d)(2) of the following clause may be modified to provide, within the price ceiling, for a ceiling, a floor, or both on the final profit.

INCENTIVE PRICE REVISION (SEPTEMBER 1962)

(a) *Definitions.* As used in this clause, the following terms shall have the meanings set forth below:

(i) The term "target price" means the unit price of any supplies or services under this contract, which is subject to adjustment in accordance with this clause, and is composed of "target cost" and "target profit."

(ii) The term "target cost" means that part of the target price which, at the time of its negotiation, was agreed to as the estimate of the unit cost of the supplies or services being procured.

(iii) The term "target profit" means that part of the target price which, at the time of its negotiation, was agreed to as the unit profit for furnishing the supplies or services at a cost equal to the target cost.

(iv) The term "total target price" means the sum of the target prices.

(v) The term "total target cost" means the sum of the target costs.

(vi) The term "total target profit" means the sum of the target profits.

(vii) The term "total adjusted cost" means the final negotiated cost of all supplies or services which are subject to price revision under this clause.

(viii) The term "total adjusted price" means the final contract price, as computed in accordance with this clause, for all supplies or services which are subject to price revision under this clause.

(b) *General.* The supplies or services identified in the Schedule as Items ------ are subject to price revision in accordance with the provisions of this clause: *Provided*, That in no event shall the total adjusted price of such items exceed ------ percent (------%) of the total target cost. Any supplies or services which are to be ordered separately under, or otherwise added to, this contract, and which are to be subject to price revision in accordance with the provisions of this clause, shall be identified as such in a modification to this contract.

(c) *Submission of Data.* Within ------ (------) days after the end of the month in which the Contractor has delivered the last unit of supplies and completed the services called for by those items listed in paragraph (b) above, the Contractor shall submit, in such form as the Contracting Officer may require, (i) a detailed statement of all costs incurred up to the end of that month in performing all work under such items, and (ii) an estimate of costs of such further performance, if any, as may be necessary to complete performance of all work with respect to such items.

(d) *Price Revision.* Upon submission of the data required by paragraph (c) above, the Contractor and the Contracting Officer shall promptly establish the total adjusted price in accordance with the following:

(1) On the basis of the information required by paragraph (c) above, together with any other pertinent information, there shall be established by negotiation the total adjusted cost reasonably incurred or to be incurred for and properly allocable to the supplies delivered (or services performed) and accepted by the Government, which are subject to price revision under this clause.

(2) The total adjusted price shall be established by adding to the total adjusted cost an allowance for profit determined as follows:

When the total adjusted cost is—	*The allowance for profit is—*
Equal to the total target cost.	Total target profit.
Greater than the total target cost.	Total target profit less ----- percent (-----%) of the amount by which the total adjusted cost exceeds the total target cost.
Less than the total target cost.	Total target profit plus ----- percent (-----%) of the amount by which the total adjusted cost is less than the total target cost.

(e) *Records.* (1) The Contractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The Contractor shall segregate the costs of any supplies or services for which the price is fixed and not subject to revision under this clause. Each subcontract placed by the Contractor hereunder on other than a firm fixed-price basis in connection with the furnishing of the supplies or services identified in paragraph (b) above as being subject to price revision (i) shall provide that the subcontractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred in the performance of such subcontract, and (ii) shall require each such subcontractor to insert the entire substance of this subparagraph, including this (ii), in all his subcontracts which are on other than a firm fixed-price basis.

(2) The Government may at all reasonable times make such examination or audit as the Contracting Officer may require of the Contractor's books, records, documents, and other evidence, pertinent to the performance of this contract.

(f) *Certification.* An authorized responsible official of the Contractor shall certify on each statement of costs submitted to the Contracting Officer pursuant to (c) above that the incurred costs are based upon records of the Contractor, that such records reflect generally accepted accounting principles and practices normally followed by the Contractor, that such costs are correct to the best of his knowledge and belief, and that the accompanying estimate of cost to complete is considered reasonable.

(g) *Subcontracts.* (1) No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis; and the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve a total price in excess of $10,000, including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this subparagraph (1).

(2) Each subcontract placed by the Contractor hereunder (i) shall provide that the Government may at all reasonable times make such examination or audit as the Contracting Officer may require of the subcontractor's books, records, documents, and other evidence, pertinent to the performance of the subcontract, and (ii) shall require each such subcontractor whose subcontract is on other than a firm fixed-priced basis to insert the entire substance of this subparagraph, including this (ii), in all his subcontracts. The term "subcontract," as used in this subparagraph (2) only, excludes firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public.

(h) *Contract Modifications.* The total adjusted price, as determined in accordance with paragraph (d) above, shall be evidenced by a modification to this contract signed by the Contractor and the Contracting Officer and shall apply to supplies delivered and to services performed under this contract.

(i) *Adjustment of Payments.* Pending execution of the contract modification referred to in paragraph (h) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the

target prices set forth in this contract: *Provided*, That if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (j)(3) below, the parties may agree to revise billing prices, which shall be reflected in a modification to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the determination of the total adjusted price under paragraph (d) above. After execution of the contract modification referred to in paragraph (h) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the total adjusted price and any additional payments, refunds, or credits resulting therefrom shall be promptly made.

(j) *Limitation on Payments.* (1) This paragraph (j) shall not apply after final price revision to the full extent permitted by this contract.

(2) Within forty-five (45) days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer a cumulative statement setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total target profit which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established, increased or decreased in accordance with the incentive profit formula set forth in (d)(2) above when the amount of costs stated under (ii) above differs from the aggregate target costs of such supplies or services; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments).

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2)(iv) above exceeds the sum of (2)(i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any tax credits under section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4) modified as outlined in (i) above.

(k) *Disagreements.* If the Contractor and the Contracting Officer fail to agree upon the total adjusted price within 60 days after the date on which the data required by (c) above are to be submitted, or within such further time as may be specified by the Contracting Officer, such failure to agree shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the Contracting Officer shall promptly issue a decision thereunder.

(l) *Termination.* If this contract is terminated prior to establishment of the total adjusted price, prices of supplies or services subject to price revision under this clause shall be established pursuant to this clause for (i) completed supplies accepted by the Government and services performed and accepted by the Government, and (ii) in the event of a partial termination, supplies and services which are not terminated. All other elements of the termination shall be resolved pursuant to other applicable provisions of this contract.

In the event the contract calls for spare parts or other supplies or services, which are to be ordered under a provisioning document or Government option, and the prices of such supplies or services are to be made subject to incentive price revision in accordance with the above clause, the following provision (m) shall be included in such clause:

(m) *Spare Parts.* Spare parts, other supplies, or services, which are to be furnished under this contract, pursuant to a provisioning document or Government option, shall be subject to price revision in accordance with the provisions of this clause, and any prices established for such spare parts, other supplies, or services, pursuant to such provisioning document or Government option, shall be deemed to be target prices. Target cost and profit covering such spare parts, other supplies, or services may be established either separately, in the aggregate, or in any combination thereof, as the parties may agree.

§ 18–7.109 Price redetermination clauses.

§ 18–7.109–1 General.

When it is determined, in accordance with §18–3.403, to use a fixed-price contract providing for redetermination of price, the applicable clause of those set forth below shall be used.

§ 18–7.109–2 Prospective periodic price redetermination at stated intervals.

(a) *Description, applicability, and limitations.* See § 18–3.404–5.

(b) *Clause.*

PRICE REDETERMINATION (TYPE A)
(NOVEMBER 1965)

(a) *General.* The unit prices and the total price set forth in this contract shall be periodically redetermined in accordance with the provisions of this clause.[1] The prices for supplies delivered and services performed prior to the first effective date of price redetermination shall remain fixed.

(b) *Price Redetermination Periods.* For the purpose of price redetermination the performance of this contract is divided into successive periods. The first period shall extend from the date of this contract to ——— [2] and the second and each succeeding period shall extend for ------ (———) months from the end of the last preceding period, except that the final period may be varied by agreement of the parties. The first day of the second and each succeeding period shall be the effective date of price redetermination for the period.

(c) *Price Redetermination.* Not more than ——— [3] days nor less than ——— [3] days before the end of each redetermination period, except the last, and as otherwise provided in (iii) below, the Contractor shall submit:

(i) Proposed prices for supplies which may be delivered or services which may be performed in the next succeeding period under this contract, together with—

(A) An estimate and breakdown of the costs of such supplies or services on DD Form 784 or in any other form on which the parties may agree;

(B) Sufficient data to support the accuracy and reliability of such estimate; and

(C) An explanation of the differences between such estimate and the original (or last preceding) estimate for the same supplies or services;

(ii) A statement of all costs incurred in the performance of this contract through the end of the ------[4] month prior to the date of the submission of proposed prices, on DD Form 784 or in any other form on which the parties may agree, together with sufficient supporting data to disclose unit costs and cost trends for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

(iii) Supplemental statements of costs incurred subsequent to the date set forth in (ii) above for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

as and to the extent that such information becomes available prior to the conclusion of negotiations on redetermined prices; and

(iv) Any other relevant data which may reasonably be required by the Contracting Officer.

Upon receipt of the data required by this subparagraph (c), the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable contract prices for supplies which may be delivered and services which may be performed in the period following the effective date of price redetermination. Where the Contractor fails to submit the data as required above within the time specified, payments under this contract may be suspended by the Contracting Officer until the data are furnished.

(d) *Subcontracts.* No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis; and the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve an estimated amount in excess of $10,000, including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this paragraph (d).

(e) *Contract Modifications.* Each negotiated redetermination of prices shall be evidenced by a modification to this contract, signed by the Contractor and the Contracting Officer, setting forth the redetermined prices for supplies delivered and services performed hereunder during the applicable price redetermination period.

(f) *Adjustment of Payments.* Pending execution of the contract modification referred to in paragraph (e) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the prices set forth in this contract: *Provided*, That, if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (g)(3) below, the parties may agree to greater or lesser billing prices, which shall be reflected in an amendment or supplemental agreement to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the redetermination of prices under this clause. After execution of the contract modification referred to in paragraph (e) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the agreed prices, and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(g) *Limitation on Payments.* (1) This paragraph (g) shall apply only during a period for which firm prices have not been established.

(2) Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer a statement cumulative from the inception of the contract, setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total interim profit (used in establishing the initial contract price or agreed to for the purpose of this paragraph (g), Limitation on Payments), which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments); *Provided*, That such statement need not be submitted for any quarter for which either no costs are to be reported under (ii) above or revised billing prices have been established in accordance with paragraph (g) above and do not exceed the existing contract price, the Contractor's price-redetermination offer, or a price based on the most recent quarterly statement, whichever is least.

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2)(iv) above exceeds the sum of (2)(i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified as outlined in (i) above.

(h) *Disagreements.* If the Contractor and the Contracting Officer fail to agree upon redetermined prices for any price redetermination period within sixty (60)[4] days after the date on which the data required by (c) above is to be filed, or within such further time as may be agreed upon by the parties, the failure to agree upon redetermined prices shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the Contracting Officer shall promptly issue a decision thereunder. For the purpose of (e), (f), and (g) above, and pending final settlement of the disagreement on appeal, or by failure to appeal, or by agreement, such a decision shall be treated as an executed contract modification. Pending such final settlement, price redetermination for subsequent periods, if any, shall continue to be negotiated as hereinbefore provided.

(i) *Termination.* If this contract is terminated, prices shall continue to be established pursuant to this clause (i) for completed supplies accepted by the Government and services performed and accepted by the Government, and (ii) in the event of a partial termination, for supplies and services which are not terminated. All other elements of the termination shall be resolved pursuant to other applicable provisions of this contract.

§ 18–7.109–4 Retroactive price redetermination after completion.

(a) *Description, Applicability, and Limitations.* See § 18–3.404–7.

(b) *Clause.*

PRICE REDETERMINATION (TYPE E)
(NOVEMBER 1965)

(a) *General.* The unit prices and the total price set forth in this contract shall be redetermined in accordance with the provisions of this clause: *Provided*, That in no event shall the total amount paid under this contract exceed ------ dollars ($ ------).

(b) *Price Redetermination.* Within ------ (------) days after delivery of all supplies to be delivered and completion of all services to be performed under this contract, the Contractor shall submit (i) proposed prices, (ii) a statement of all costs incurred in the performance of this contract, on DD Form 784 or any other form on which the parties may agree, and (iii) any other relevant data which may reasonably be required by the Contracting Officer. Upon receipt of the required data, the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable contract prices for supplies delivered and services performed by the Contractor under this contract. Where the Contractor fails to submit the required data within the time specified, payment of all invoices may be suspended by the Contracting Officer until the data are furnished.

(c) *Subcontracts.* No subcontract under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis; and the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve an estimated amount in excess of $10,000 including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) *Contract Modification.* The negotiated redetermination of price shall be evidenced by a modification to this contract, signed by the Contractor and the Contracting Officer, setting forth the redetermined prices which shall apply to supplies delivered and to services performed by the Contractor hereunder.

(e) *Adjustment of Payments.* Pending execution of the contract modification referred to in paragraph (d) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the prices set forth in this contract: *Provided*, That, if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (f)(3) below, the parties may agree to greater or lesser billing prices, which shall be reflected in an amendment or supplemental agreement to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the redetermination of prices under this clause. After execution of the contract modification referred to in paragraph (d) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the agreed prices, and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(f) *Limitation on Payments.* (1) This paragraph (f) shall apply until final price redetermination to the full extent permitted by this contract.

(2) Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer a statement cumulative from the inception of the contract, setting forth:

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[1] Where a ceiling is applicable, the following proviso shall be added: "*Provided*, That in no event shall the total amount paid under this contract exceed ——— dollars ($———)". Alternatively, the contract may provide ceiling amounts for each or any of the price redeterminations under the contract.

[2] This point may be expressed in terms of units delivered, or as a calendar date, but in either case the period shall generally end on the last day of a month.

[3] Insert in the blanks numbers of days so that the Contractor's submission will be late enough to reflect recent cost experience (having in mind the contractor's accounting system), but early enough to permit review, audit if necessary, and negotiation prior to the start of prospective period.

[4] Insert the word "first," except the word "second" may be inserted if necessary to achieve compatibility with the contractor's accounting system.

[4] This period may be varied by the parties at the time of negotiating the contract.

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total interim profit (used in establishing the initial contract price or agreed to for the purpose of this paragraph (f), Limitation on Payments), which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments).

(3) Notwithstanding any provision of this contract authorizing greater payments if on any quarterly statement the amount of (2) (iv) above exceeds the sum of (2) (i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any applicable tax credits under section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified as outlined in (i) above.

(g) *Disagreements.* If the Contractor and the Contracting Officer fail to agree upon redetermined prices within sixty (60) [1] days after the date on which the data required by (b) above is to be filed, or within such further time as may be agreed upon by the parties, the failure to agree upon redetermined prices shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the Contracting Officer shall promptly issue a decision thereunder. For the purpose of paragraphs (d), (e), and (f) above, and pending final settlement of the disagreement on appeal, or by failure to appeal, or by agreement, such a decision shall be treated as an executed contract modification.

(h) *Termination.* If this contract is terminated prior to price redetermination, prices shall be established pursuant to this clause for completed supplies and services which are not terminated. All other elements of the termination shall be resolved pursuant to other applicable provisions of this contract.

[1] This period may be varied by the parties at the time of negotiating the contract.

Subpart 18–7.2—Clauses for Cost-Reimbursement Type Supply Contracts

§ 18–7.200 Scope of subpart.

This subpart sets forth uniform contract clauses for use in cost-reimbursement type supply contracts as defined in § 18–7.202.

§ 18–7.202 Applicability.

As used throughout this subpart, the term "cost-reimbursement type supply contract" means any contract, including letter contracts (except notices of award, contracts placed under Small Purchases Procedures, and amendments or supplemental agreements which do not effect new procurement), entered into on a cost or cost-plus-fixed-fee basis (see § 18–3.400) for supplies other than (a) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property; (b) experimental, developmental, or research work; or (c) facilities to be provided by the Government under a facilities contract as defined in § 18–13.101–8.

§ 18–7.203 Required clauses.

The following clauses shall be inserted in all cost-reimbursement type supply contracts.

§ 18–7.203–1 Definitions.

Insert the clause set forth in § 18–7.103–1. Additional definitions may be included, provided they are not inconsistent with such clause or the provisions of this chapter.

§ 18–7.203–2 Changes.

CHANGES (SEPTEMBER 1962)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; (iii) place of delivery; and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made (i) in the estimated cost or delivery schedule, or both, (ii) in the amount of any fixed fee to be paid to the Contractor, and (iii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

In the foregoing clause, the period of "sixty (60) days" within which any claim for adjustment must be asserted may be reduced to a period of not less than "thirty (30) days."

§ 18–7.203–3 Limitation of cost.

Insert the following clause, except that in letter contracts insert clause 3 of NASA Form 551–3 set forth in § 18–16.859–4(d).

LIMITATION OF COST (MARCH 1969)

(a) It is estimated that the total cost to the Government, exclusive of any fee, for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding thirty (30) days, when added to all costs previously incurred, will exceed eighty-five percent (85%) of the estimated cost then set forth in the Schedule, or if at any time the Contractor has reason to believe that the total cost to the Government, exclusive of any fee, for the performance of this contract will be greater or substantially less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

§ 18–7.203–4 Allowable cost, fixed-fee and payment.

(a) *Allowable cost, fixed-fee, and payment.* Insert the following clause in all cost-reimbursement type contracts, except as provided in paragraph (b) of this section. Additional instructions for use of the clause are set forth in paragraph (c) of this section.

ALLOWABLE COST, FIXED FEE AND PAYMENT (JULY 1970)

(a) For the performance of this contract, the Government shall pay to the Contractor:

(1) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Part 15, Subpart 2 of the NASA Procurement Regulation as in effect on the date of this contract; and

(B) The terms of this contract; and

(ii) Such fixed fee, if any, as may be provided for in the Schedule.

(b) Once each montth (or at more frequent intervals, if approved by the Contracting Officer), the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c) Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule: *Provided, however,* That after payment of eighty-five percent (85%) of the fixed fee set forth in Schedule, the Contracting Officer may withhold further payment of fee until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed fifteen percent (15%) of the total fixed fee or one hundred thousand dollars ($100,000), whichever is less.

(d) At any time or times prior to final payment under this contract the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fixed fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided,* That such claims are not known to the Contractor on the date of the execution of the release; *And provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) Claims for reimbursement of costs, including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) When there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the 1-year period after final payment.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

In paragraph (f) (ii) (B) the period of years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the contractor: *Provided,* That a corresponding increase is made in the period for retention of records required in paragraph (a) (4) of the Examination of Records clause set forth in § 18–7.203–7.

(b) *Allowable cost, incentive fee, and payment.* When the contract provides for incentives which may result in the revision of the fee, the clause set forth below will be used, except in cost-plus-award-fee type contracts. Additional instructions for use of the clause are set forth in paragraph (c) of this section.

ALLOWABLE COST, INCENTIVE FEE, AND PAYMENT (JULY 1970)

(a) (1) For the performance of this contract, the Government shall pay to the Contractor—

(i) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Part 15, Subpart 2 of the NASA Procurement Regulation as in effect on the date of this contract; and

(B) the terms of this contract; and

(ii) A fee determined as provided in the Schedule to this contract.

(2) The target cost and target fee of this contract are set forth in the Schedule and shall be subject to adjustment in accordance with (h) and (i) below. As used throughout this contract the term—

(i) "Target cost" means the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below; and

(ii) "Target fee" means the fee which was initially negotiated on the assumption that this contract would be performed and delivered as stipulated in the Schedule, for a cost equal to the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below.

(b) Once each month (or at more frequent intervals, if approved by the Contracting Officer), the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of fee shall be made to the Contractor as specified in the Schedule; provided, however, that whenever in the opinion of the Contracting Officer, the Contractor's performance or cost then incurred indicates that target fee will not be achieved, payment of fee will be based on such lesser fee, not lower than the minimum fee, as the Contracting Officer may determine to be appropriate. After payment of eighty-five percent (85%) of the applicable fee, the Contracting Officer may withhold further payment of fee until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed fifteen percent (15%) of the total applicable fee or one hundred thousand dollars ($100,000) whichever is less. When the Contracting Officer has ordered that fee payments be reduced in accordance with the foregoing, he may increase the basis for payment to an amount not to exceed the target fee upon an affirmative showing by the Contractor that such action is justified and equitable.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audits, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fee which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable

expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver—

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; provided, that such claims are not known to the Contractor on the date of the execution of the release; and provided further, that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) Claims for reimbursement of costs, including reasonable expenses incidental, thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) When there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one-year period following final payment.

Except as provided in (j) below, payments under the assignment and claims excepted from the release shall be subject to adjustment by reason of the adjustment of fee in accordance with (i) below.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

(h) When the work under this contract (including any supplies or services which are ordered separately under, or otherwise added to, this contract) is increased or decreased by contract modification or when any equitable adjustment in the target cost is authorized under any other clause of this contract, equitable adjustments in the target cost, target fee, minimum fee, maximum fee, or any or all of them, as appropriate, shall be set forth in an amendment or supplemental agreement to this contract.

(i) The fee payable hereunder shall be the target fee adjusted in accordance with the Schedule.

(j) For the purpose of the adjustment of the fee in accordance with (i) above, the term "total allowable cost" shall not include allowable costs arising out of:

(i) Any of the causes specifically enumerated inthe clause hereof entitled "Excusable Delays" to the extent they are without the fault or negligence of the Contractors or any subcontractor; or

(ii) The taking effect, after the negotiation of the target cost of this contract, of a statute, court decision, written ruling or regulation which results in the Contractor's being required to pay or bear the burden of any tax or duty, or increase in the rate thereof.

(c) *Additional instructions.* (1) Whenever, pursuant to paragraph (c) of the clauses set forth in paragraphs (a) and (b) of this section, vouchers or invoices which are submitted for approval include amounts for progress payments made to fixed-price type subcontractors, the payment to the prime contractor may included the full amount of the progress payment made to the subcontractor.

(2) In paragraph (f)(ii)(B) of the clauses set forth in paragraphs (a) and (b) of this section, the period of years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the contractor; provided, that a corresponding increase is made in the period for retention of records required in paragraph (a)(4) of the clause set forth in § 18–7.203–7.

(3) The detailed arrangements for increase or decrease of target fee (or adjustment of base fee in award fee contracts) shall be set forth in the contract Schedule.

(4) Paragraph (c) of the clause set forth in paragraph (b) of this section, states that payment of fee shall be made to the contractor as specified in the Schedule. Generally, the Schedule should provide that payment of fee will be based on target fee.

(5) In the case of cost-sharing contracts and cost-reimbursement type contracts without fee, use the clause set forth in paragraph (a) of this section modified as follows:

(i) Change the title of the clause to read "Allowable Cost and Payment."

(ii) Insert the following sentence in lieu of the second sentence of paragraph (c) of the clause,

"After payment of an amount equal to eighty percent (80%) of (Government's share of) the total estimated cost of performance of this contract set forth in the Schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of (the Government's share of) such total estimated cost, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside."

If the contract does not provide for cost-sharing, delete the parenthetical reference to the Government's share from the above sentence.

(iii) Delete the words "and any part of the fixed fee" from paragraph (e); and

(iv) In contracts which provide for cost-sharing, delete paragraph (a)(ii).

(6) In the case of cost-plus-award-fee contracts, use the clause set forth in paragraph (a) of this section, modified as follows:

(i) Substitute the words "base fee and award fee" for "fixed-fee" wherever they appear except in (a)(ii); and

(ii) Change (a)(ii) to read as follows:

"such base fee, if any, and such additional fee as may be awarded, as provided for in the Schedule."

(7) In the case of combined cost-plus-incentive-fee/cost-plus-fixed-fee contracts use the clause set forth in paragraph (b) of this section, modified as follows:

(i) In paragraph (c) delete "not lower than the minimum fee" and substitute therefore "not lower than the sum of the fixed-fee and minimum fee";

(ii) In paragraph (c) delete "not to exceed the target fee" and substitute therefor "not to exceed the sum of the fixed-fee and target fee"; and

(iii) In paragraph (h), delete "When the work under this contract" and substitute "When work subject to the incentive-fee portion of this contract".

(8) The contracting officer shall determine to his satisfaction that the estimated cost of the contract initially negotiated does not include amounts for the contingencies identified in paragraph (j) of the clause set forth in paragraph (b) of this section.

§ 18–7.203–5 Inspection of supplies and correction of defects.

INSPECTION OF SUPPLIES AND CORRECTION OF DEFECTS (SEPTEMBER 1962)

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies, fabricating methods, and special tooling hereunder. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of his subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, acceptance of any supplies or lots of supplies shall be made as promptly as practicable after delivery thereof and shall be deemed to have been made no later than sixty (60) days after the date of such delivery, if acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six (6) months (or such other period as may be provided in the Schedule) after acceptance of the supplies or lots of supplies last delivered in accordance with the requirements of this contract, the Government may require the Contractor to remedy by correction or replacement as directed by the Contracting Officer, any supplies or lots of supplies which at the time of delivery thereof are defective in material or workmanship or otherwise not in conformity with the requirements of this contract. Except as otherwise provided in paragraph (c) hereof, the cost of any such replacement or corerction shall be included in Allowable Cost determined as provided in the clause of this contract entitled "Allowable Cost, Fixed Fee and Payment," but no additional fee shall be payable with respect thereto. Such supplies or lots of supplies shall not be tendered thereafter for acceptance unless the former requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to replace or correct such supplies or lots of supplies, the Government (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under this contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (ii) in the case of supplies not delivered, may require the delivery of such supplies, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (iii) may terminate this contract for default as provided in the clause of this contract entitled "Termination." Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) Notwithstanding the provisions of paragraph (b) hereof, the Government may at any time require the correction or replacement by the Contractor, without cost to the Government, of supplies or lots of supplies which are defective n material or workmanship, or otherwise not in conformity with the requirements of this contract, if such defects or failures are due to fraud, lack of good faith, or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require correction or replacement by the Contractor, without cost to the Government, of any such defective supplies or lots of supplies if the defects or failures are caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) Corrected supplies or replaced supplies shall be subject to the provisions of this clause in the same manner and to the same extent as supplies originally delivered under this contract.

(e) The Contractor shall make his records of all inspection work available to the Government during the performance of this contract and for such longer period as may be specified in this contract.

(f) Except as provided in this clause and as may be provided in the Schedule, the Contractor shall have no obligation or liability to correct or replace supplies or lots of supplies which at the time of delivery are defective in material or workmanship or otherwise not in conformity with the requirements of this contract.

(g) Except as otherwise provided in the Schedule, the Contractor's obligation to correct or replace Government-furnished property (which is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor) shall be governed by the provisions of the clause of this contract entitled "Government Property."

§ 18–7.203–6 Assignment of claims.

In accordance with the requirements of § 18–7.103–8, insert the clause set forth therein.

§ 18–7.203–7 Examination of records.

(a) Except as provided in (b) of this section, insert the following clause.

EXAMINATION OF RECORDS (OCTOBER 1969)

(a)(1) The Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract (hereinafter collectively called the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract.

(2) The Contractor agrees to make available at the office of the Contractor at all reasonable times during the period set forth in subparagraph (4) below any books, documents, papers, or records of the Contractor, that directly pertain to, and involve transactions relating to this contract or subcontracts hereunder for inspection, audit or reproduction by any authorized representative of the Comptroller General.

(3) In the event the Comptroller General or any of his duly authorized representatives determines that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the Contractor, the Contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within two years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through the Contracting Officer, such documentary evidence in support of transportation costs as may be required by the comptroller General or any of, his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available his records (i) until expiration of three years after final payment under this contract or of the time periods specified in Appendix M of the NASA Procurement Regulation, whichever expires earlier; and (ii) for such longer period, if any, as is required by applicable statute, by any other clause of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available until expiration of 3 years from the date of any resulting final settlement or of the time periods specified in Appendix M of the NASA Procurement Regulation, whichever expires earlier.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract, (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in subparagraph (4)(B) above, the Contractor may in fulfillment of his obligation to retain his records as required by this clause substitute photographs, microphotographs, or other authentic reproductions of such records, after the expiration of 2 years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the Contracting Officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost, cost-plus-a-fixed-fee, time-and-material, or labor-hour basis.

(b) The Contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in subparagraph (a)(6) above, a provision to the effect that the subcontractor agrees that the Comptroller General or any of his duly authorized representatives, shall, until the expiration of 3 years after final payment under the subcontract, or of the time periods specified in Appendix M of the NASA Procurement Regulation, whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of such subcontractor that directly pertain to, and involve transactions relating to the subcontract. The term "subcontract," as used in this paragraph (b) only, excludes (i) purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(b) In the case of contracts which establish separate periods of performance, the following alternate paragraph (a)(4) may be substituted for the corresponding paragraph of the clause prescribed by (a) of this section.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available his records (i) until expiration of 3 years from the date of payment of the voucher or invoice submitted by the Contractor after the completion of the work performed during any separate period of performance established by this contract or by any amendment or supplemental agreement, without regard to former or subsequent periods of performance, or for the time periods specified in Appendix M of the NASA Procurement Regulation, whichever expires earlier, and (ii) for such longer period, if any, as is required by applicable statute, by any other clause of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available until expiration of 3 years from the date of any resulting final settlement or for the time periods specified in Appendix M of the NASA Procurement Regulation, whichever expires earlier.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract, (ii) litigation or the settlement of claims

arising out of the performance of this contract, or (iii) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of. (October 1969)

In the case of such contracts which do not contain the foregoing alternate paragraph (a)(4), that paragraph may be inserted by amendment, or in the alternative, the retention of records may be administered in accordance with the procedures set forth in the foregoing alternate paragraph (a)(4).

§ 18–7.203–8 Subcontracts.

(a) In accordance with the requirements in § 18–23.201–2, and subject to the instructions in (b) below, insert the following clause.

SUBCONTRACTS (AUGUST 1969)

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is cost-reimbursement type, time and materials or labor-hour, or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $1,000 or of any items of industrial facilities.

(b) In the case of a proposed subcontract which (i) is cost-reimbursement type, time and materials, or labor-hour, and would involve an estimated amount in excess of $10,000, including any fee, or (ii) is proposed to exceed $100,000, or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000; the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) The subcontractor's current, complete, and accurate cost of pricing data and Certificate of Current Cost or Pricing Data, when such data and certificate are required, by other provisions of this contract, to be obtained from the subcontractor; and

(5) Identification of the type of subcontract to be used.

(c) The Contractor shall obtain the written consent of the Contracting Officer prior to placing any subcontract for which advance notification is required under (a) above. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (i) and (ii) of (a) above without the consent of the Contracting Officer if the Contracting Officer has approved in writing the Contractor's procurement system and the subcontract is within the scope of the approval

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" paragraph set forth in the appropriate clause prescribed by paragraph 7.108 of the NASA Procurement Regulation, including subparagraph (d) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit the portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) of this paragraph.

(i) To facilitate small business participation in subcontracting under this concontract, the Contractor agrees to provide progress payments on the fixed-price subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(b) In contracts of the types listed in § 18–23.201–2(b), insert the following paragraph (g) in lieu of paragraph (g) of the clause set forth in paragraph (a) of this section:

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts without the prior written consent of the Contracting Officer if the Contracting Officer has, in writing, approved the Contractor's procurement system and the subcontract is within the scope of such approval. (August 1969)

§ 18–7.203–9 Utilization of small business concerns.

In accordance with the requirements set forth in § 18–1.707–3(a), insert the clause contained therein.

§ 18–7.203–10 Termination.

Insert the clause set forth in § 18–8.702.

§ 18–7.203–11 Excusable delays.

Insert the clause set forth in § 18–8.708.

§ 18–7.203–12 Disputes.

Insert the clause set forth in § 18–7.103–12.

§ 18–7.203–13 Renegotiation.

Insert the clause set forth in § 18–7.103–13.

§ 18–7.203–15 Convict labor.

In accordance with the requirements of Subpart 18–12.2, insert the clause set forth in §18–12.203.

§ 18–7.203–16 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 18–12.303–1. Note the introductory language required by § 18–12.303–2 for use in contracts with a State or political subdivision thereof.

§ 18–7.203–17 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 18–12.605.

§ 18–7.203–18 Equal opportunity.

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) The Equal Opportunity clause set forth in § 18–12.802–1, or (b) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–2.

§ 18–7.203–19 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.203–20 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.203–21 Government property.

Insert the clause set forth in § 18–13.703.

§ 18–7.203–22 Insurance—liability to third persons.

INSURANCE—LIABILITY TO THIRD PERSONS (SEPTEMBER 1962)

(a) The Contractor shall procure and thereafter maintain workmen's compensation, employer's liability, comprehensive general liability (bodily injury) and comprehensive automobile liability (bodily injury and property damage) insurance, with respect to performance under this contract, and such other insurance as the Contracting Officer may from time to time require with respect to performance under this contract: *Provided*, That the Contractor may with the approval of the Contracting Officer maintain a self-insurance program: *And provided further*, That with respect to workmen's compensation the Contractor is qualified pursuant to statutory authority. All insurance required pursuant to the provisions of this paragraph shall be in such form, in such amounts, and for such periods of time as the Contracting Officer may from time to time require or approve, and with insurers approved by the Contracting Officer.

(b) The Contractor agrees, to the extent and in the manner required by the Contracting Officer, to submit for the approval of the Contracting Officer any other insurance maintained by the Contractor in connection with the performance of this contract and for which the Contractor seeks reimbursement hereunder.

(c) The Contractor shall be reimbursed: (i) For the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and (ii) for liabilities to third persons for loss of or damage to property (other than property (A) owned, occupied, or used by the Contractor or rented to the Contractor, or (B) in the care, custody, or control of the Contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of this contract, whether or not caused by the negligence of the Contractor, his agents, servants, or employees; provided, such liabilities are represented by final judgments or by settlements approved in writing by the Government, and expenses incidental to such liabilities, except liabilities (I) for which the Contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the Schedule, or (II) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by the Contracting Officer, or (III) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (1) all or substantially all of the Contractor's business, or (2) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (3) a separate and complete major industrial operation in connection with the performance of this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of insurance maintained by the Contractor in connection with the performance of this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause; provided, such cost would constitute allowable cost under the clause of this contract entitled "Allowable Cost, Fixed-Fee, and Payment."

(d) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the Contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract, and the risk of which is then uninsured or in which the amount claimed exceeds the amount of coverage. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. If the amount of the liability claimed exceeds the amount of coverage, the Contractor shall authorize representatives of the Government to collaborate with counsel for the insurance carrier, if any, in settling or defending such claim. If the liability is not insured or covered by bond, the Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith: *Provided, however*, That the Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

§ 18–7.203–23 Authorization and consent.

Insert the clause set forth in § 18–9.103(a).

§ 18–7.203–24 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 18–9.105.

§ 18–7.203–26 Utilization of concerns in labor surplus areas.

In accordance with the requirements of § 18–1.805–3(a), insert the clause set forth therein.

§ 18–7.203–27 Payment for overtime premiums.

In accordance with the requirements of § 18–12.102, insert the clause set forth in § 18–12.102–6.

§ 18–7.203–28 Competition in subcontracting.

Insert the clause set forth in § 18–7.104–40.

§ 18–7.203–29 Audit and records.

Insert the clause set forth in § 18–7.104–42.

§ 18–7.203–50 Payment of royalties.

Insert the clause set forth in § 18–9.108–1, except that in contracts with members of the Manufacturers Aircraft Association the clause set forth in § 18–9.108–2 may be substituted therefor.

§ 18–7.203–51 Estimated cost and fixed fee.

Normally, the clause set forth below will be used as the Schedule provision covering the estimated cost and fixed fee. However, the clause may be modified at the discretion of the contracting officer.

ESTIMATED COST AND FIXED FEE (SEPTEMBER 1962)

The estimated cost of this contract is ----------exclusive of the fixed fee of ------- The total of estimated cost and fixed fee is-------.

§ 18–7.203–52 Payment of fixed fee.

Normally, the clause set forth below will be used as the Schedule provision covering the payment of fixed fees. However, at the discretion of the contracting officer, the clause may be modified.

PAYMENT OF FIXED FEE (SEPTEMBER 1962)

The fixed fee shall be paid in monthly installments based upon the percentage of completion of work as determined by the Contracting Officer.

§ 18–7.203–53 Interest.

Insert the clause set forth in § 18–7.103–53.

§ 18–7.204 Clauses required to be used when applicable.

§ 18–7.204–1 Clauses for contracts involving construction work.

(a) In accordance with the requirements of Subpart 18–12.4, insert in cost-reimbursement type supply contracts which involve construction work the clauses listed below which are set forth in § 18–12.403–1:

Davis-Bacon Act.
Contract Work Hours Standards Act—Overtime Compensation.
Apprentices.
Payrolls and Payroll Records.
Compliance With Copeland Regulations.
Withholding of Funds.
Subcontracts.
Contract Termination—Debarment.

(b) In accordance with the requirements of § 18–6.207, insert in all contracts for construction, except those executed on Standard Form 19 and NASA Form 1379, the clause entitled "Buy American" set forth in § 18–6.207 (c).

§ 18–7.204–2 Soviet-controlled areas.

In acordance with the requirements of § 18–6.403, insert the clause set forth therein and include in the Schedule of the contract the list of Soviet-controlled areas set forth in §18–6.401–2.

§ 18–7.204–3 Buy American Act.

In accordance with the requirements of Subpart 18–6.1, insert the clause set forth in § 18–6.104–5.

§ 18–7.204–4 Notice to the Government of labor disputes.

In accordance with the requirements of § 18–7.104–4, insert the clause set forth therein.

§ 18–7.204–6 Filing of patent applications.

In accordance with the requirements of § 18–9.107, insert the clause set forth therein.

§ 18–7.204–7 New technology.

In accordance with the requirements of § 18–9.101–2, insert the clause set forth in § 18–9.101–4.

§ 18–7.204–9 Rights in data.

In accordance with the requirements of § 18–9.203, insert the clause in § 18–9.203–1, as amended by § 18–9.203–2 and, if applicable, by § 18–9.203–3.

§ 18–7.204–12 Security requirements.

Insert the following clause in all contracts which are classified "Confidential" or higher and in other contracts which may require access to classified information or material:

SECURITY REQUIREMENTS (SEPTEMBER 1962)

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" or higher.

(b) The NASA shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254), or other written notification.

(c) The Contractor agrees to execute, if he has not already done so, a Security Agreement (DD Form 441) with the Government, represented by the Military Department assigned security cognizance over the Contractor's facility. To the extent the Government has indicated as of the date of this contract, or thereafter indicates, a security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of:

(i) the Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility, and representatives of NASA, shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract, the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and if such change causes an increase or decrease in the estimated cost of performance of this contract, the estimated cost and fixed fee (if any) shall, to be extent appropriate, be subject to an equitable adjustment. Any such equitable adjustment shall be accomplished in the manner set forth in the "Changes" clause of this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of clause, including this paragraph (f) but excluding paragraph (e) of this clause. The Contractor may insert in any such subcontract, and any such subcontract entered into thereunder may contain, in lieu of paragraph (e) of this clause, provisions which permit equitable adjustments to be made in the subcontract price or in the estimated cost and fixed fee (if any) of the subcontract (as appropriate to the type of subcontract involved) on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved.

(g) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

§ 18–7.204–15 Priorities, allocations, and allotments.

In accordance with the requirements of § 18–1.307–2, insert the clause set forth therein.

§ 18–7.204–16 Negotiated overhead rates.

Where negotiated overhead rates are to be used pursuant to Subpart 18–3.7, the appropriate clause set forth in § 18–3.704 shall be included in the contract.

§ 18–7.204–18 Limitation on withholding of payments.

In accordance with the requirements in § 18–7.104–21, insert the clause set forth therein.

§ 18–7.204–19 Small business subcontracting program.

In accordance with the requirements of § 18–1.707, insert the clause set forth in § 18–1.707–3(b).

§ 18–7.204–20 Changes to make-or-buy program.

In accordance with the requirements of § 18–3.901, insert the clause set forth therein.

§ 18–7.204–21 Flight risks.

In contracts for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involving the furnishing of aircraft to the contractor by the Government, insert the clause set forth in § 18–10.504.

§ 18–7.204–26 Preference for U.S.-flag vessels.

In accordance with the requirements of Subpart 18–1.14, insert the clause set forth in § 18–1.1402–3.

§ 18–7.204–28 General Services Administration supply sources.

The clause set forth in § 18–5.907 shall be included in contracts in accordance with the instructions set forth therein.

§ 18–7.204–29 Labor surplus area subcontracting program.

In accordance with the requirements of § 18–1.805–3(b), insert the clause set forth therein.

§ 18–7.204–30 Contract and subcontractor certified cost or pricing data.

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

§ 18–7.204–31 Scientific and technical information service.

Insert in all cost-reimbursement type supply contracts where research and development work is involved the clause set forth in § 18–7.302–55.

§ 18–7.204–50 Data requirements.

In accordance with the requirements of § 18–9.202, insert the clause set forth in § 18–9.202–1(e).

§ 18–7.204–51 Approval of contract.

Insert the clause set forth in § 18–7.104–51 when approval of the contract by the Director of Procurement is required.

§ 18–7.204–53 Limitation of Government's obligation.

The clause set forth below is authorized for use under the following conditions:

(a) The total value of the contract is $1,000,000 or more;

(b) The period of performance under the contract is in excess of 12 months; and

(c) Funds are not available to fully fund the total contract value at the time of entering into the contract.

Authority to use the clause shall not be construed as an approval to incrementally fund the contract.

LIMITATION OF GOVERNMENT'S OBLIGATION (SEPTEMBER 1962)

(a) It is estimated that the total cost to the Government, inclusive of any fixed fee, for the performance of this contract will not exceed the estimated cost and fixed fee set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. The fixed fee for complete performance of this contract is specified in the Schedule.

(b) The sum presently available for payment and allotted to this contract, the items covered thereby, and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is anticipated that from time to time additional funds will be allotted to this contract up to the full estimated cost, including any fixed fee. When additional funds are allotted from time to time for continued performance of the work, the parties shall agree as to the applicable estimated period of contract performance which shall be covered by such funds and the contract Schedule amended accordingly. The Contractor agrees to perform or have performed work on this contract up to the point at which in the event of termination of this contract for the convenience of the Government pursuant to the clause of this contract entitled "Termination," the total amount paid and payable by the Government pursuant to any settlement including cost and fixed fee under paragraph (e) of such clause would, in the exercise of reasonable judgment by the Contractor, approximate the total amount at the time allotted to this contract. The Contractor shall not be obligated to continue performance of the work beyond such point.

(c) The Government shall not be obligated to reimburse the Contractor for costs incurred (including amounts payable in respect to subcontracts and termination settlement costs) and to pay any fixed fee to which the Contractor may be entitled in excess of the total amount from time to time allotted to this contract. However, when and to the extent that the total amount allotted to this contract has been increased, any costs incurred by the Contractor and any fixed fee to which the Contractor may be entitled, prior to the increase and in excess of the amount previously allotted, shall be allowable to the same extent as if such costs had been incurred and fee earned after such increase in amount allotted.

(d) In the event funds allotted are considered by the Contractor to be inadequate to cover the work to be performed for the period set forth in the Schedule, the Contractor shall notify the Contracting Officer in writing when within the next thirty (30) days the work will reach a point at which, in the event of termination of this contract for the convenience of the Government pursuant to the clause of this contract entitled "Termination," the total amount paid and payable by the Government pursuant to a settlement including cost and fixed fee under paragraph (e) of such clause will approximate eighty-five percent (85%) of the total amount then allotted to the contract. The notice shall state the estimated date when such point will be reached and the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. The Contractor shall, thirty (30) days prior to the end of the period specified in the Schedule, advise the Contracting Officer in writing as to the estimated amount of additional funds which will be required on the basis of the obligation for performance in accordance with paragraph (b) of this clause for the timely performance of the work under the contract for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the Schedule, or an agreed date in substitution therefor, the Contracting Officer will, upon written request of the Contractor, terminate this contract on such date, or on a date to be specified in such request, on which the Contractor, in the exercise of his reasonable judgment, estimates that he will have discharged his obligation to perform hereunder in accordance with paragraph (b) of this clause, whichever is later, pursuant to the provisions of the clause of this contract entitled "Termination."

(e) When additional funds are allotted from time to time for continued performance of the work under this contract, the parties shall agree as to the applicable period of contract performance which shall be covered by such funds, and the provisions of paragraphs (b), (c), and (d) of this clause apply in like manner to such additional allotted funds and substituted date pertaining thereto, and the contract shall be amended accordingly.

(f) The Government may at any time prior to termination allot additional funds for this contract, and, with the consent of the Contractor, after notice of termination, may rescind such termination in whole or in part, and allot additional funds for this contract.

(g) In the event that sufficient amounts are not allotted to this contract to allow completion of the work contemplated by this contract, the Contractor shall be entitled, subject to the limitations of paragraph (c) of this clause, to a percentage of the fixed fee set forth in the Schedule equivalent to the percentage of completition of the work contemplated by this contract.

(h) Nothing in this clause shall affect the right of the Government to terminate this contract pursuant to the clause of this contract entitled "Termination."

(i) For the purpose of this clause, the allotment or allotments specified in the Schedule shall not be decreased without the consent of the Contractor.

(j) This clause shall be applicable and the clause of this contract entitled "Limitation of Cost" inapplicable until such time as an amount equal to the total estimated cost and fee set forth in the Schedule is allotted to this contract, and thereafter the clause of this contract entitled "Limitation of Cost" shall be applicable and this clause inapplicable.

§ 18–7.204–55 NASA PERT system.

When reporting of schedule information is required to support the use of the NASA PERT System (see the "NASA PERT and Companion Cost System Handbook," NPC 101), such requirement will be set forth in the Procurement Request, and the clause set forth below shall be used. When both PERT reporting and financial reporting are required, the clause set forth in § 18–7.204–56(d) shall be used.

NASA PERT SYSTEM (APRIL 1967)

(a) Periodic reporting to NASA by the Contractor of time actuals and projections will be accomplished as set forth herein. Contractor reports are required in the operation of NASA's internal project control system called "NASA PERT." Contractor recognizes NASA's responsibility and authority to establish the type, content, and format of information required. Operation of the system and Contractor's obligation in connection therewith are to be as described in the NASA PERT and Companion Cost System Handbook (NPC 101) as in effect on the date of this contract except for those portions pertaining to Contractor Financial Reporting.

(b) Contract requirements under the NASA PERT System shall be implemented through the operation of an implementation team consisting of representatives of the Contractor and NASA. The NASA Project Manager shall determine the NASA representatives on the team and designate from the NASA members a team Chairman. The work breakdown structure to be used by the team as the framework for structuring of the NASA PERT fragnets is shown in Appendix ------ of this contract.

(c) Fragnets (see NPC 101) are to be established for each line or group of line items as indicated in said Appendix. The Contractor's participation, as a member of the implementation team, shall be as follows:

(i) Development of the required fragnets;

(ii) Interconnecting of fragnets so that data can be processed separately for each fragnet or as a group for the Contractor's entire project effort;

(iii) Identification of events and activities comprising each of the fragnets required; and

(iv) Establishment of the initial time estimate for each activity.

(d) Lower level time detail, which Contractor utilizes for its own management purposes to validate information reported to NASA, shall be consistent with NASA requirements hereunder.

(e) Contractor shall exert its best efforts to ensure participation of its subcontractors in implementation and operation of the NASA PERT System.

(f) The approximate scope of each fragnet (in terms of the number of activities) that will be required is also indicated in said Appendix. This number is an approximate estimate included in the contract primarily for purposes of estimating the cost of meeting the requirements under this clause.

(g) Reporting against initially developed fragnets shall commence upon written direction by the NASA Project Manager. Frequency of reporting, as determined by the NASA Project Manager, shall be directed in writing by the NASA Project Manager, but in no event shall such reporting be required more frequently than biweekly. Reporting against all fragnets specified in said Appendix shall commence at the time the Project Manager so directs in writing. Reporting against and updating of individual fragnets shall commence as soon as individual fragnets are developed and not await completion of all fragnets. The computer input data reported shall be current as of the reporting date.

(h) In view of the dynamic character of the work under this contract, the initially developed fragnets referred to in (g) above need continual updating on a current basis to reflect to NASA a true picture of Contractor work plans and status.

(i) To insure responsiveness and adequacy of reporting requirements, the implementation team will review total content and operation of the system annually.

(j) The authority of the NASA Project Manager derived from this clause does not include, and shall not be construed to include authority to issue change orders.

(k) During the performance of this contract, if the NASA Project Manager requires a change, either an increase or decrease, in the information or reporting requirements, or both, specified in said Appendix or in (g) above, such change shall be effected by the Contracting Officer under the "Changes" clause of this contract, and any equitable adjustment therefor shall be determined and accomplished pursuant to said "Cha..ges" clause.

§ 18–7.204–56 NASA financial management reporting.

When financial management reporting on NASA Form 533 and 534 series of reports is required (see NASA Management Instruction 9501.1A, "Contractor Financial Management Reporting System" and NASA Handbook 9501.2, "Procedure for Reporting Cost Information from Contractors), such requirement will be set forth in the Procurement Request, and the appropriate clauses set forth in paragraph (a), (b), (c), or (d) of this section shall be used. The number of copies of the reports to be submitted by the contractor shall be specified in the Schedule of the contract.

(a) The clause set forth below shall be used when the NASA Form 533 series of reports is required without an appendix and the NASA PERT System does not require reporting from the contractor.

NASA FINANCIAL MANAGEMENT REPORTING (WITHOUT PERT, WITHOUT APPENDIX) (APRIL 1967)

Financial Management Reports shall be submitted by the Contractor on NASA Form 533 series of reports in accordance with the instructions on the reverse side of the form and NASA Handbook "Procedures for Reporting Cost Information from Contractors" (NHB 9501.2). The detailed content of the report will be established by NASA and Contractor personnel giving due regard to the Contractor's financial management information system. The Contracting Officer shall provide written notification to the Contractor of the agreed upon detailed content of the reports.

Subsequent changes to the detailed content of the reports wil be similarly determined and written notification by the Contracting Officer of each such change will be specific as to the months to which each shall apply.

(b) The clause set forth below shall be used when the NASA Form 533 series of reports is required with an appendix and the NASA PERT System does not require reporting from the contractor:

NASA FINANCIAL MANAGEMENT REPORTING (WITHOUT PERT, WITH APPENDIX) (APRIL 1967)

(a) Financial Management Reports shall be submitted by the Contractor on NASA Form 533 series of reports in accordance with the instructions set forth in NASA Handbook "Procedures for Reporting Cost Information from Contractors" (NHB 9501.2) and on the reverse side of the form, as supplemented by Appendix ------ of this contract. The said Appendix sets forth the detailed reporting categories to be used. Implementation by the Contractor of reporting under this clause shall include NASA approval of the definitions of the content of each reporting category, and will give due regard to the Contractor's established financial management information system.

(b) Reports shall be submitted in the number of copies, at the time, and in the

manner set forth in the contract Schedule or as designated administratively in writing by the Contracting Officer.

(c) Lower level detail, which the Contractor utilizes for its own management purposes to validate information reported to NASA, shall be compatible with NASA requirements.

(d) Contractor shall exert its best effects to ensure participation of its subcontractors in the Financial Management Reporting required by this clause.

(e) During the performance of this contract, if NASA requires a change, either an increase or decrease, in the information or reporting requirements, or both, specified in said Appendix, or as provided for in (a) or (b) above, such change shall be effected by the Contracting Officer under the "Changes" clause of this contract, and any equitable adjustment therefor shall be determined and accomplished pursuant to said "Changes" clause.

(c) When contractor special cost studies are to be reported on NASA Form 534 series of reports, insert the clause set forth below.

NASA Financial Management Reporting (Special Cost Study Reports) (April 1967)

Special cost study reports shall be submitted by the Contractor on the NASA Form 534 series of reports. The reports shall be submitted in accordance with the instructions in NASA Handbook "Procedures for Reporting Cost Information from Contractors" (NHB 9501.2), the instructions on the reverse side of NASA Form 534 series of reports, and the annual special instructions issued, in writing by the Contracting Officer within the scope of NHB 9501.2.

(d) When both the NASA PERT System reporting and the NASA Form 533 series of reports are to be required of a contractor, the clause set forth below shall be used:

NASA PERT and Companion Cost System (April 1967)

(a) Periodic reporting to NASA by the Contractor of time and cost actuals and projections will be accomplished as set forth herein. Contractor reports are required in the operation of NASA's internal project control system called "NASA PERT and Companion Cost." Contractor recognizes NASA's responsibility and authority to establish the type, content, and format of information required. Operation of the system and Contractor's obligation in connection therewith are to be as described in and NASA PERT and Companion Cost System Handbook (NPC 101) as in effect on the date of this contract.

(b) Contract requirements under the NASA PERT and Companion Cost System shall be implemented through the operation of an implementation team consisting of representatives of the Contractor and of NASA. The NASA Project Manager shall determine the NASA representatives on the team and designate from the NAS members a team Chairman. The work breakdown structure to be used by the team as the framework for structuring of the NASA PERT fragnets and corresponding cost reporting categories is shown in Appendix ------ of this contract.

(c) Fragnets and subdivision of work cost categories (see NPC 101) are to be established for each line item or group of line items as indicated in said Appendix. The Contractor's participation, as a member of the implementation team, shall be as follows:

(i) Development of the required fragnets;

(ii) Interconnecting of fragnets so that data can be processed separately for each fragnet or as a group for the Contractor's entire project effort;

(iii) Identification of events and activities comprising each of the fragnets required;

(iv) Definition of content of each cost reporting category;

(v) Identification of activities chargeable to each subdivision of work cost category; and

(vi) Establishment of the initial time estimate for each activity.

(d) Lower level time and cost detail, which Contractor utilizes for its own management purposes to validate information reported to NASA, shall be consistent with NASA requirements hereunder.

(e) Contractor shall exert its best efforts to ensure participation of its subcontractors in implementation and operation of the NASA PERT and Companion Cost System.

(f) The approximate scope of each fragnet (in terms of the number of activities) that will be required is also indicated in said Appendix. This number is an approximate estimate included in the contract primarily for purposes of estimating the cost of meeting the requirements under this clause.

(g) Reporting against initially developed fragnets shall commence upon written direction by the NASA Project Manager. Frequency of reporting, as determined by the NASA Project Manager, shall be directed in writing by the NASA Project Manager, but in no event shall such reporting be required more frequently than biweekly. Reporting against all fragnets specified in said Appendix shall commence at the time the Project Manager so directs in writing. Reporting against and updating of individual fragnets shall commence as soon as individual fragnets are developed and not await completion of all fragnets. The computer input data reported shall be current as of the reporting date.

(h) Cost reports of actuals and projections shall be submitted by the Contractor on the NASA Form 533 series of reports in accordance with the NASA Handbook "Procedures for Reporting Cost Information from Contractors" (NHB 9501.2) and the instructions on the reverse side of the form, as supplemented by said Appendix, and in the number of copies set forth in the contract Schedule. Reports shall be submitted at the time and in the manner directed in writing by the Project Manager. The line items within the work breakdown structure indicated in said Appendix will constitute the subdivisions of work to be reported. The elements of cost to be reported within each subdivision of work are listed in said Appendix.

(i) In view of the dynamic character of the work under this contract, the initially developed fragnets referred to in (g) above need continual undating on a current basis to reflect to NASA a true picture of Contractor work plans and status.

(j) To ensure responsiveness and adequacy of reporting requirements, the implementation team will review total content and operation of the system annually.

(k) The authority of the NASA Project Manager derived from this clause does not include, and shall not be construed to include authority to issue change orders.

(l) During the performance of this contract, if the NASA Project Manager requires a change, either an increase of decrease, in the information or reporting requirements, or both, specified in said Appendix or in (g) or (h) above, such change shall be effected by the Contracting Officer under the "Changes" clause of this contract, and any equitable adjustment therefor shall be determined and accomplished pursuant to said "Changes" clause.

§ 18–7.204–58 Safety and health.

In accordance with the requirements of Subpart 18–1.52, insert the clause set forth in § 18–1.5204.

§ 18–7.204–59 Nonuse of foreign-flag vessels engaged in Cuban or North Vietnam trade.

In accordance with the requirements of § 18–1.1410, insert the clause set forth therein.

§ 18–7.204–60 Report on NASA subcontracts.

In accordance with the requirements of § 18–16.902, insert the clause set forth therein.

§ 18–7.204–61 Rights in data for potentially hazardous items.

In accordance with the requirements of § 18–9.204–52, insert the clause set forth in § 18–9.204–52(c).

§ 18–7.204–62 Potentially hazardous items.

In accordance with the requirements of § 18–1.351, insert the clause set forth therein.

§ 18–7.204–63 Disclosure of proposals outside Government.

In accordance with the requirements of § 18–1.304–2(f), insert the clause set forth therein.

§ 18–7.204–64 Financial reporting of Government-owned space hardware.

When reporting of Government-Owned/Contractor-Held Space Hardware is required under contracts over $100,000 (see NHB 9500.2), such requirement will be set forth in the procurement request and the clause set forth below shall be included in the contract.

Financial Reporting of Government-Owned Space Hardware (September 1968)

(a) The Contractor shall prepare and submit semi-annually the "Government-Owned/Contractor-Held Space Hardware Report" (NASA Form 1017) in accordance with the instructions on the reverse of the form and NASA Handbook, "Financial Reporting for Government-Owned/Contractor Held Property and Space Hardware" (NHB 9500.2) on the project items identified by the Contracting Officer.

(b) During the performance of this contract, the Contracting Officer may require a change in the information or reporting requirements. If such change causes an increase or decrease in the estimated cost of this contract, an equitable adjustment shall be made in the estimated cost in accordance with the procedures in the "Changes" clause of this contract.

(c) The Contractor agrees to insert the substance of this clause, in all first tier cost-reimbursement type subcontracts over $100,000 issued hereunder and shall provide for reporting the value of Government-owned space hardware by the subcontractor direct to the Contractor for the purpose of a consolidated report to the Government.

§ 18–7.205 Additional clauses.

The following clauses shall be inserted if it is desired to cover the subject matter thereof.

§ 18–7.205–1 Alterations in contract.

The clause set forth in § 18–7.105–1 may be inserted.

§ 18–7.205–4 Bill of materials.

Under the circumstances stated in § 18–7.705–6, the clause set forth therein may be inserted.

§ 18–7.205–6 Stop work orders.

The clause set forth in § 18–7.105–8 is authorized for use under the criteria and in accordance with the instructions in § 18–7.105–8, if modified by changing—

(a) The words "the 'Termination for Convenience' clause of this contract" to "the 'Termination' clause of this contract," and

(b) The words "an equitable adjustment shall be made in the delivery schedule or contract price, or both" to "an equitable adjustment shall be made in the delivery schedule, the estimated cost, the fee, or a combination thereof, and in any other provisions of the contract that may be affected."

§ 18–7.205–50 Notice of delay.

The clause set forth below is authorized for use in situations where it is desirable to provide for notice by the contractor of anticipated delays in performance.

Notice of Delay (September 1962)

If the Contractor becomes unable to complete the contract work at the time specified because of technical difficulties, notwithstanding the exercise of good faith and diligent efforts in the performance of the work called for hereunder, the Contractor shall give the Contracting Officer written notice of the anticipated delay and the reasons therefor. Such notice and reasons shall be delivered promptly after the condition creating the anticipated delay becomes known to the Contractor but in no event less than forty-five (45) days before the completion date specified in this contract, unless otherwise directed by the Contracting Officer. When notice is so required, the Contracting Officer may, in his discretion, extend the time specified in the Schedule for such period as he deems advisable.

§ 18–7.205–52 Date of incurrence of costs.

The clause set forth below is authorized for use when specific coverage of precontract costs is considered desirable.

Date of Incurrence of Costs (October 1963)

The Contractor shall be entitled to reimbursement for costs incurred in an amount not to exceed $------ on or after ---------- which, if incurred after this contract had been entered into, would have been reimbursable under the provisions of this contract.

§ 18–7.205–53 Contractor's independent research program.

When the New Technology clause is included in the contract (see § 18–9.101–2) and it is determined that the contractor maintains an independent research program, the clause set forth in § 18–9.101–7 may be included in the Schedule at the contractor's request.

§ 18–7.205–54 Reports of work.

A Reports of Work clause is not prescribed for cost-reimbursement type supply contracts. When it is desired to include such a clause, however, the clause set forth in § 18–7.302–54 may be used or it may serve as a model in drafting the desired clause.

Subpart 18–7.3—Clauses for Fixed-Price Research and Development Contracts

§ 18–7.300 Scope of subpart.

This subpart sets forth uniform clauses for use in fixed-price research and development contracts as defined in § 18–7.301.

§ 18–7.301 Applicability.

As used throughout this subpart, the term "fixed-price research and development contract" means any contract, including letter contracts (except notices of award, contracts placed under Small Purchasers Procedures, and amendments or supplemental agreements which do not effect new procurement) which (a) is entered into on a fixed-price basis, (b) is in an amount exceeding $2,500, and (c) if for experimental, developmental, or research work.

§ 18–7.302 Required clauses.

The following clauses shall be inserted, as required, in all fixed-price research and development contracts except as otherwise indicated in this subpart. See § 18–7.350 for short form clauses.

§ 18–7.302–1 Definitions.

Insert the clause set forth in § 18–7.103–1. Additional definitions may be included, provided they are not inconsistent with such clause or the provisions of this chapter.

§ 18–7.302–2 Payments.

Insert the following clause except that in letter contracts insert clause 4 of NASA Form 551–3 set forth in § 18–16.859–4(d).

Payments (September 1962)

The Contractor shall be paid, upon submission of proper invoices or vouchers, the prices stipulated herein for work delivered or rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made upon acceptance of any portion of the work delivered or rendered for which a price is separately stated in the contract.

§ 18–7.302–3 Standards of work.

Standards of Work (September 1962)

The Contractor agrees that the performance of work and services pursuant to the requirements of this contract shall conform to high professional standards.

§ 18–7.302–4 Inspection.

Inspection (September 1962)

The Government, through any authorized representatives, has the right, at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection or evaluation is being made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

Where a more detailed provision covering inspection is desired, as where the primary contract objective is delivery of end items other than designs, drawings, or reports, the clause set forth below shall be substituted for this clause, unless the contracting officer determines that use of the longer clause is impracticable.

Inspection (September 1962)

(a) All work under this contract shall be subject to inspection and test by the Government, to the extent practicable, at all times (including the period of performance) and places, and in any event prior to acceptance. The Government through any authorized representative may inspect the premises of the Contractor or any subcontractor engaged in the performance of this contract.

(b) The Government may reject any work that is defective or otherwise not in conformity with the requirements of this contract. If the Contractor fails or is unable to correct or to replace such work, the Contracting Officer may accept such work at a reduction in price which is equitable under the circumstances. Failure to agree on the reduction in price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide, without additional charge, all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If the Government inspection or test is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government. All inspections and tests by the Government shall be performed in such a manner as not unduly to delay the work. Final inspection and acceptance or rejection of the work shall be made as promptly as practicable after delivery except as otherwise provided in this contract; but failure to inspect and accept, or reject the work shall neither relieve the Contractor from responsibility for such of the work as is not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any work shall not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

§ 18–7.302–5 Assignment of claims.

In accordance with the instructions in § 18–7.103–8, insert the clause set forth therein.

§ 18–7.302–6 Examination of records.

Insert the clause set forth in § 18–7.104–15.

§ 18–7.302–7 Federal, State, and local taxes.

Insert the clause set forth in § 18–11.401–1 or § 18–11.401–2 in accordance with the requirements of § 18–11.401.

§ 18–7.302–8 Utilization of small business concerns.

In accordance with the requirements of § 18–1.707–3(a), insert the clause set forth therein.

§ 18–7.302–9 Default.

In accordance with the requirements of § 18–8.710, insert the clause set forth therein.

§ 18–7.302–10 Termination for the convenience of the Government.

In accordance with the requirements of § 18–8.701, insert the clause set forth therein.

§ 18–7.302–11 Disputes.

Insert the clause set forth in § 18–7.103–12.

§ 18–7.302–12 Renegotiation.

Insert the clause set forth in § 18–7.103–13.

§ 18–7.302–13 Buy American Act.

In accordance with the requirements of Subpart 18–6.1, insert the clause set forth in § 18–6.104–5.

§ 18–7.302–14 Convict labor.

In accordance with the requirements of Subpart 18–12.2, insert the clause set forth in § 18–12.203.

§ 18–7.302–15 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 18–12.604.

§ 18–7.302–16 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 18–12.303–1. Note the introductory language required by § 18–12.303–2 for inclusion in contracts with a State or political subdivision thereof.

§ 18–7.302–17 Equal opportunity.

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the "Equal Opportunity" clause set forth in § 18–12.802–1, or (b) the "Equal Opportunity in Federally Assisted Construction Contracts" clause set forth in § 18–12.802–2.

§ 18–7.302–18 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.302–19 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.302–21 Authorization and consent.

In accordance with the requirements in § 18–9.103, insert the clause set forth in § 18–9.103(b).

§ 18–7.302–22 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 18–9.105.

§ 18–7.302–23 New technology or property rights in inventions.

In accordance with the requirements of § 18–9.101–2, insert the "New Technolgy" or "Property Rights in Inventions" clause, as appropriate.

§ 18–7.302–24 Rights in data.

If data is to be delivered under the contract, insert the appropriate clause in accordance with the instructions in § 18–9.203

§ 18–7.302–25 Security requirements.

Insert the clause set forth in § 18–7.104–12, except that if the contract is with an educational institution and is awarded on the basis of no profit, insert the clause set forth in § 18–7.451–24.

§ 18–7.302–26 Utilization of concerns in labor surplus areas.

In accordance with the requirements of § 18–1.805–3(a), insert the clause set forth therein.

§ 18–7.302–53 Interest.

Insert the clause set forth in § 18–7.103–53.

§ 18–7.302–54 Reports of work.

A clause requiring the contractor to furnish reports of work shall be included in the Schedule of the contract. An approved clause is set forth below. Changes in this clause may be made to meet the particular requirements of a procurement. Consideration should be given in each case to the desirability of providing for reports on the completion of significant units or phases of the work, in addition to periodic reports and reports on the completion of the entire contract.

REPORTS OF WORK (SEPTEMBER 1962)

(a) *Monthly Progress Reports.* The Contractor shall submit separate monthly progress reports of all work accomplished during each month of contract performance. Reports shall be in narrative form, and brief and informal in content. Monthly reports shall include:

(i) A quantitative description of overall progress;

(ii) An indication of any current problems which may impede performance, and proposed corrective action; and

(iii) A discussion of the work to be performed during the next monthly reporting period.

Monthly reports shall be submitted in ------ copies, plus a reproducible copy.

(b) *Quarterly Progress Reports.* The Contractor shall submit separate quarterly reports of all work accomplished during each 3-month period of contract performance. In addition to factual data, these reports shall include a separate analysis section which interprets the results obtained, recommends further action, and relates occurrences to the ultimate objectives of the contract work. Sufficient diagrams, sketches, curves, photographs, and drawings shall be included to convey the intended meaning. Quarterly reports shall be submitted in ------ copies, plus a reproducible copy.

(c) *Final Report.* The Contractor shall submit a final report which documents and summarizes the results of the entire contract work, including recommendations and conclusions based on the experience and results obtained. The final report shall include tables, graphs, diagrams, curves, sketches, photographs, and drawings in sufficient detail to comprehensively explain the results achieved under the contract. The final report shall be submitted in ------ copies, plus a reproducible copy.

§ 18–7.302–55 Scientific and technical information service.

In conformance with section 203(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473), and in the interest of conserving time and funds, and to avoid unnecessary duplication of effort, it is NASA policy to encourage contractors to use scientific and technical information in the possession of NASA in direct support of all NASA contracts involving research and development work. This information, which is available to contractors free of charge, includes past and current reports on research, development, test and evaluation. In order that such scientific and technical information may be provided in a timely manner, it is necessary for the contractor to furnish NASA the information specified in the clause set forth below. Accordingly, the following clause shall be inserted in all research and development contracts.

SCIENTIFIC AND TECHNICAL INFORMATION SERVICE (OCTOBER 1969)

(a) In order that NASA may provide the Contractor scientific and technical information in accordance with the procedures set forth in the introduction section of Scientific and Technical Aerospace Reports (STAR) distributed by NASA, the Contractor shall, within 10 days after receipt of this contract, furnish in writing to the Scientific and Technical Information Division (Code US), NASA Headquarters, Washington, D.C. 20546, (i) name of contractor, (ii) contract number, (iii) date of contract completion, (iv) security classification of contract and (v) name and address of the individual responsible for technical performance of the contract.

(b) NASA reserves the right, in the event of the unavailability of any scientific and technical information requested, to notify the Contractor of such unavailability. Failure of NASA to furnish any information requested shall not entitle the Contractor to any adjustment in the price, cost (estimated or target), fee, time required for performance or delivery schedule of the contract.

§ 18–7.303 Clauses required to be used when applicable.

The following clauses shall be inserted when applicable in all fixed-price research and development contracts except as indicated in this subpart. See § 18–7.350 for short form clauses.

§ 18–7.303–1 Clauses for contracts involving contruction work.

(a) In accordance with the requirements of Subpart 18–12.4, insert in fixed-price research and development contracts which involve construction work the clauses listed below, which are set forth in § 18–12.403–1:

Davis-Bacon Act.
Contract Work Hours Standards Act—Overtime Compensation.
Apprentices.
Payrolls and Payroll Records.
Compliance with Copeland Regulations.
Withholding of Funds.
Subcontracts.
Contract Termination—Debarment.

(b) In accordance with the requirements of § 18–6.207, insert in all contracts for construction, except those executed on Standard Form 19 and NASA Form 1379, the clause entitled "Buy American," as set forth in § 18–6.207(c).

§ 18–7.303–2 Filing of patent applications.

In accordance with the requirements of § 18–9.107, insert the clause set forth therein.

§ 18–7.303–6 Priorities, allocations, and allotments.

In accordance with the requirements of § 18–1.307–2, insert the clause set forth therein.

§ 18–7.303–7 Government property.

In accordance with the requirements set forth in § 18–13.702 or § 18–13.706, insert the appropriate contract clause.

§ 18–7.303–8 Soviet-controlled areas.

In accordance with the requirements of § 18–6.403, insert the clause set forth therein and include in the Schedule of the contract the list of Soviet-controlled areas set forth in § 18–6.401–2.

§ 18–7.303–9 Notice to the Government of labor disputes.

In accordance with the requirements of § 18–7.104–4, insert the clause set forth therein.

In accordance with the requirements of § 18–7.104–4, insert the clause set forth therein.

§ 18–7.303–10 Limitation on withholding of payments.

In accordance with the requirements of § 18–7.104–21, insert the clause set forth therein.

§ 18–7.303–11 Small business subcontracting program.

In accordance with the provisions of § 18–1.707, insert the clause set forth in § 18–1.107–3(b).

§ 18–7.303–12 Subcontracts.

In accordance with the requirements of § 18–23.201–1, insert the appropriate subcontracts clause.

§ 18–7.303–17 Ground and flight risk.

In all negotiated fixed-price type contracts for the production, modification, maintenance, or overhaul of aircraft, insert the clause set forth in § 18–10.404.

§ 18–7.303–23 Progress payments.

In accordance with the requirements of § 18–7.104–35, insert the appropriate clause as set forth therein.

§ 18–7.303–25 Labor surplus area subcontracting program.

In accordance with the requirements of § 18–1.805–3(b), insert the clause set forth therein.

§ 18–7.303–27 Competition in subcontracting.

In accordance with the requirements of § 18–7.104–40, insert the clause set forth therein.

§ 18–7.303–28 Contractor and subcontractor certified cost or pricing data.

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

§ 18–7.303–29 Audit and records.

In accordance with the requirements of § 18–7.104–42, insert the clause set forth therein.

§ 18–7.303–50 Data requirements.

In accordance with the requirements of § 18–9.202, insert the clause set forth in § 18–9.202–1(e).

§ 18–7.303–51 Approval of contract.

In accordance with the requirements of § 18–7.104–51, insert the clause set forth therein.

§ 18–7.303–52 Preference for U.S.-flag vessels.

Under the circumstances described in Subpart 18–1.14, insert the clause set forth in § 18–1.1402–3.

§ 18–7.303–55 NASA PERT system.

In accordance with the requirements of § 18–7.204–55, insert the clause set forth therein.

§ 18–7.303–56 NASA financial management reporting.

Insert the apropriate clause set forth in § 18–7.204–56 in accordance with the instructions set forth therein.

§ 18–7.303–57 Key personnel and facilities.

In accordance with the requirements of § 18–1.352, insert the clause set forth therein.

§ 18–7.303–58 Safety and health.

In accordance with the requirements of Subpart 18–1.52, insert the clause set forth in § 18–1.5204.

§ 18–7.303–59 Nonuse of foreign-flag vessels engaged in Cuban or North Vietnam trade.

In accordance with the requirements of § 18–1.1410, insert the clause set forth therein.

§ 18–7.303–60 Report on NASA subcontracts.

In accordance with the requirements of § 18–16.902, insert the clause set forth therein.

§ 18–7.303–61 Rights in data for potentially hazardous items.

In accordance with the requirements of § 18–9.204–52, insert the clause set forth in § 18–9.204–52(c).

§ 18–7.303–62 Potentially hazardous items.

In accordance with the requirements of §18–1.351, insert the clause set forth therein.

§ 18–7.303–63 Disclosure of proposals outside Government.

In accordance with the requirements of § 18–1.304–2(f), insert the clause set forth therein.

§ 18–7.304 Additional clauses.

Insert the following clauses if it is desired to cover the subject matter.

§ 18–7.304–1 Changes.

CHANGES (SEPTEMBER 1962)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, (ii) method of shipment or packing, (iii) place of inspection, delivery, or acceptance, and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or the time required for performance of, this contract, or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the contract price or time of performance, or both, and (ii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

In the foregoing clause, the period of "sixty (60) days" within which any claim for adjustent must be asserted may be reduced to a period of not less than "thirty (30) days."

§ 18–7.304–2 Alterations in contract.

The clause set forth in § 18–7.105–1 may be inserted.

§ 18–7.304–4 Bill of materials.

In accordance with the instructions in § 18–7.105–6, the clause set forth therein may be used.

§ 18–7.304–5 Stop work orders.

The clause set forth in § 18–7.105–8 is authorized for use under the criteria, and in accordance with the instructions, set forth in § 18–7.105–8.

§ 18–7.304–8 Warranty.

In accordance with § 18–1.324, an appropriate warranty clause may be inserted.

§ 18–7.304–50 Notice of delay.

In accordance with the instructions in § 18–7.205–50, the clause set forth therein is authorized for use.

§ 18–7.304–59 Price escalation.

The clauses set forth in §§ 18–7.106 and 18–7.107 are authorized for use in accordance with the instructions set forth therein.

§ 18–7.304–60 Incentive price revision.

The clause set forth in § 18–7.108 is authorized for use in accordance with the instructions set forth therein.

§ 18–7.304–61 Special tooling.

Where special tooling is to be acquired by the contractor, the clause set forth in § 18–13.704 is authorized for use in accordance with instructions contained therein.

§ 18–7.350 Short form clauses for fixed-price research contracts with nonprofit institutions.

Notwithstanding the provisions of §§ 18–7.302 and 18–7.303, the short form clauses set forth or referred to in this § 18–7.350 shall be used in fixed-price contracts for basic or applied research with nonprofit institutions of higher education, or with nonprofit institutions whose primary purpose is the conduct of scientific research, when a short form contract is desired.

§ 18–7.350–1 Definitions.

Insert the clause set forth in § 18–7.103–1.

§ 18–7.350–2 Payment.

PAYMENT (MARCH 1969)

(a) Payment will be made to the Contractor as set forth in the schedule upon submission of status reports indicating the portion of the work which has been performed and after acceptance by the Contracting Officer. The status reports shall also contain a concise statement of the work which has been performed.

(b) A prerequisite to final payment is the submission by the Contractor of a statement of the amount of funds expended in the performance of this contract and the furnishing to the Contracting Officer, and his acceptance, of the technical reports and patent reports required by this contract.

(c) Status reports, statements of funds expended, and technical reports required by the contract shall be submitted by the Contractor directly to the Contracting Officer for the purpose of determining the acceptability of such reports and statements.

§ 18–7.350–3 Technical reports and data.

Insert the clause set forth in § 18–9.204–50.

§ 18–7.350–4 Government-furnished property.

Insert the clause set forth in § 18–13.710.

§ 18–7.350–5 Release of information.

RELEASE OF INFORMATION (SEPTEMBER 1962)

It is the intent of NASA that the useful research information obtained under this contract be published either by NASA or in technical journals. Reports to be published by NASA should be prepared insofar as practicable in accordance with NASA editorial form. Three (3) copies of the manuscript containing research information obtained under this contract shall be furnished to NASA prior to release of the information by formal oral presentation or for publication in a technical journal: Appropriate credits to NASA will be included in any formal oral presentation or published article. Twenty (20) reprints of articles published in journals shall be furnished to NASA.

§ 18–7.350–6 Security.

SECURITY (SEPTEMBER 1962)

If the subject matter of this contract is classified in the interest of national security, or if it appears that performance on the contract will require access to classified information, the Contractor shall be governed by a Department of Defense Security Agreement (DD Form 441), and the attachment thereto, "The Industrial Security Manual for Safeguarding Classified Information." Further, if information or material is developed pursuant to this contract which appears to require protection in the interest of national security, the Contractor shall notify NASA immediately, in order that the appropriate classification category may be assigned, and a Security Agreement executed, if necessary.

§ 18–7.350–7 Property rights in inventions.

Insert the clause set forth in §18–9.101–5.

§ 18–7.350–8 Disputes.

Insert the clause set forth in § 18–7.103–12.

§ 18–7.350–9 Termination at the option of the Government.

TERMINATION AT THE OPTION OF THE GOVERNMENT (SEPTEMBER 1962)

The performance of work under this contract may be terminated by the Government in whole or in part, whenever the Contracting Officer shall determine that such action is in the best interest of the Government. If this contract is so terminated, fair compensation for work performed will be provided for the Contractor.

§ 18–7.350–10 Authorization and consent.

Insert the clause set forth in § 18–9.103(b).

§ 18–7.350–11 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 18–9.105.

§ 18–7.350–12 Buy American Act.

Insert the clause set forth in § 18–6.104–5.

§ 18–7.350–13 Examination of records.

Insert the clause set forth in § 18–7.104–15.

§ 18–7.350–14 Equal opportunity.

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–2, or (b) the Equal Opportunity clause set forth in § 18–12.802–1.

§ 18–7.350–15 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.350–16 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.350–17 Convict labor.

Insert the clause set forth in § 18–12.203.

§ 18–7.350–18 Audit and records.

In accordance with the requirements of § 18–7.104–42, insert the clause set forth therein.

§ 18–7.350–19 Additional clauses.

When circumstances justify it, the clauses prescribed in §§ 18–7.302, 18–7.303, and 18–7.304 may be added to or substituted for the clauses set forth in §§ 18–7.350–1 through 18–7.350–17; however, care should be exercised to ensure that there are no inconsistencies.

Subpart 18–7.4—Clauses for Cost-Reimbursement Type Research and Development Contracts

§ 18–7.400 Scope of subpart.

This subpart sets forth uniform clauses for use in NASA cost-reimbursement type research and development contracts as defined in § 18–7.401.

§ 18–7.401 Applicability.

As used thrcughout this subpart, the term "cost-reimbursement type research and development contract" means any contract, including letter contracts (except notices of award, contracts placed under Small Purchases Procedures, and amendments or supplemental agreements which do not effect new procurement), which (a) is entered into on a cost, cost-sharing, or cost-plus-a-fixed-fee basis, and (b) is for experimental, developmental, or research work.

§ 18–7.402 Required clauses for contracts with fee.

The following clauses shall be inserted in all cost-reimbursement type research and development contracts providing for a fee.

§ 18–7.402–1 Definitions.

Insert the clause set forth in § 18–7.103–1. Additional definitions may be included provided they are not inconsistent with such clause or the provisions of this chapter.

§ 18–7.402–2 Limitation of cost.

Insert the following clause, except that in letter contracts insert clause 3 of NASA Form 551–3 set forth in § 18–16.859–4(d).

LIMITATION OF COST (OCTOBER 1969)

(a) It is estimated that the total cost to the Government, exclusive of any fee, for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost then set forth in the Schedule, or if at any time the Contractor has reason to believe that the total cost to the Government, exclusive of any fee, for the performance of this contract will be greater or substantially less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such cost had been incurred after such increase in estimated cost.

§ 18–7.402–3 Allowable cost, fixed fee, and payment.

In accordance with the instructions set forth in § 18–7.203–4, insert the clause set forth therein.

§ 18–7.402–4 Standards of work.

Insert the clause set forth in § 18–7.302–3.

§ 18–7.402–5 Inspection and correction of defects.

INSPECTION AND CORRECTION OF DEFECTS (SEPTEMBER 1962)

(a) All work under this contract shall be subject to inspection and test by the Government (to the extent practicable) at all times (including the period of performance) and places, and in any event prior to acceptance. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of its subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, final inspection and acceptance shall be made at the place of delivery as promptly as practicable after delivery and shall be deemed to have been made no later than ninety (90) days after the date of such delivery, if final acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six (6) months (or such other period as may be provided in the Schedule) after acceptance of all the end items (other than designs, drawings, or reports) to be delivered under this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any failure by the Contractor to comply with the requirements of this contract. Any time devoted to such correction or replacement shall not be included in the computation of the period of time specified in the preceding sentence, except as provided in (d) below. Except as otherwise provided in paragraph (c) below, the allowability of the cost of any such replacement or correction shall be determined as provided in the clause of this contract entitled "Allowable Cost Fixed Fee, and Payment," but no additional fee shall be payable with respect thereto. Corrected articles shall not be tendered again for acceptance unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to perform such replacement of correction, the Government (i) may by contract or otherwise perform such replacement or correction and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under this contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (ii) in the case of articles not delivered, may require the delivery of such articles, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (iii) may terminate this contract for default. Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) Notwithstanding the provisions of paragraph (b) above, the Government may at any time require the Contractor to remedy by correction or replacement, without cost to the Government, any failure by the Contractor to comply with the requirements of this contract if such failure is due to fraud, lack of good faith, or willful misconduct on the part of any one of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require the Contractor to remedy by correction or replacement, without cost to the Government, any such failure caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) The provisions of paragraph (b) above shall apply to any corrected or replacement end item or component until six (6) months after its acceptance.

(e) The Contractor shall make his records of all inspection work available to the Government during the performance of this contract and for such longer period as may be specified in this contract.

(f) Except as provided in this clause and as may be provided in the Schedule, the Contractor shall have no obligation or liability to correct or replace articles which at the time of delivery are defective in material or workmanship or otherwise not in conformity with the requirements of this contract.

(g) Except as otherwise provided in the Schedule, the Contractor's obligation to correct or replace Government-furnished property (which is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor) shall be governed by the provisions of the clause of this contract entitled "Government Property."

In the foregoing clause, the words "Task Order" or other suitable designation may be substituted for "Schedule," as appropriate.

§ 18–7.402–6 Assignment of claims.

In accordance with the requirements in § 18–7.103–8, insert the clause set forth therein.

§ 18–7.402–7 Examination of records.

Insert the clause set forth in § 18–7.203–7. In the case of contracts which establish separate periods of performance, alternate paragraph (a)(4), set forth in § 18–7.203–7(b), may be substituted for the corresponding paragraph of the clause prescribed in § 18–7.203–7(a).

§ 18–7.402–8 Subcontracts.

(a) In accordance with the requirements in § 18–23.201–2, and subject to the instructions in paragraphs (b) and (c), below, insert the following clause.

SUBCONTRACTS (AUGUST 1969)

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is cost-reimbursement, time and materials, or labor-hour, or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, (iii) provides for the fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $1,000 or of any items of industrial facilities; or (iv) has experimental, developmental, or research work as one of its purposes.

(b) In the case of a proposed subcontract which (i) is cost-reimbursement, time and materials, or labor-hour which would involve an estimated amount in excess of $10,000, including any fee, (ii) is proposed to exceed $100,000, or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000, the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required by other provisions of this contract to be obtained from the subcontractor; and

(5) Identification of the type of subcontract to be used.

(c) The Contractor shall obtain the written consent of the Contracting Officer prior to placing any subcontract for which advance notification is required under (a) above. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which in the opinion of the Contractor, may result in litigation, related in any way to this contract, with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (i) and (ii) of (a) above, without the consent of the Contracting Officer, if the Contracting Officer has approved in writing the Contractor's procurement system and the subcontract is within the scope of such approval.

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" paragraph set forth in the appropriate clause prescribed by paragraph 7.108 of the NASA Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(b) In contracts of the types listed in § 18-23.201-2(b), insert the following paragraph (g) in lieu of paragraph (g) of the clause set forth in (a) above.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (i), (ii), or (iii) of (a) above without the prior written consent of the Contracting Officer, if the Contracting Officer has in writing approved the Contractor's procurement system and the subcontract is within the scope of such approval. (August 1969)

(c) In contracts without fee with educational institutions, change "(iii)" in paragraph (a) of the clause in (a) above to read:

(iii) Provides for (A) the construction, purchase, rental, installation, or other acquisition of nonseverable industrial facilities, or (B) the fabrication, purchase, rental, installation, or other acquisition, of any item of either (1) severable industrial facilities having a value in excess of $1,000 or the amount, if any, specified in the Schedule or Task Order, whichever is the lesser, or (2) special test equipment having a value in excess of $1,000. (August 1969)

In (iii)(B)(1) thereof, the $1,000 limit may, in the discretion of the contracting officer, be decreased where it is determined to be in the interest of the Government, in view of the circumstances of each particular contract, as, for example, the nature of the contractor's operations, previous experience with the contractor on comparable procurements, the contractor's accounting and procurement systems, and the capability of the office administering the contract to effect close surveillance of the contractor's procurement and accounting practices. Also, in the discretion of the contracting officer, the cumulative total of acquisitions of severable industrial facilities may be limited to a stated dollar amount or an amount equal to a stated percentage of the estimated cost, beyond which amount the contractor will be required to obtain written consent of the contracting officer for any additional acquisitions of such facilities.

§ 18-7.402-9 Utilization of small business concerns.

In accordance with the requirements of § 18-1.707-3(a), insert the clause set forth therein.

§ 18-7.402-10 Termination.

In accordance with the requirements of § 18-8.702, insert the appropriate clause set forth therein.

§ 18-7.402-11 Disputes.

Insert the clause set forth in § 18-7.103-12.

§ 18-7.402-12 Renegotiation.

Insert the clause set forth in § 18-7.103-13.

§ 18-7.402-13 Buy American Act.

In accordance with the requirements of Subpart 18-6.1, insert the clause set forth in § 18-6.104-5.

§ 18-7.402-14 Convict labor.

In accordance with the requirements in Subpart 18-12.2, insert the clause set forth in § 18-12.203.

§ 18-7.402-15 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 18-12.605.

§ 18-7.402-16 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 18-12.303-1. Note the introductory language required by § 18-12.303-2 for inclusion in contracts with a State or political subdivision thereof.

§ 18-7.402-17 Equal opportunity.

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18-12.802: (a) the Equal Opportunity clause set forth in § 18-12.802-1, or (b) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18-12.802-2.

§ 18-7.402-18 Officials not to benefit.

Insert the clause set forth in § 18-7.103-19.

§ 18-7.402-19 Covenant against contingent fees.

Insert the clause set forth in §18-1.503.

§ 18-7.402-20 Authorization and consent.

Insert the clause prescribed in § 18-9.103(b).

§ 18-7.402-21 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 18-9.105.

§ 18-7.402-22 New technology.

In accordance with the requirements of § 18-9.101-2, insert the clause set forth in § 18-9.101-4.

§ 18-7.402-23 Rights in data.

If data is to be delivered under the contract, insert the appropriate clause in accordance with the instructions in § 18-9.203.

§ 18-7.402-24 Security requirements.

Insert the clause set forth in § 18-7.204-12.

§ 18-7.402-25 Government property.

Insert the clause set forth in § 18-13.703.

§ 18-7.402-26 Insurance—Liability to third persons.

(a) Except under the circumstances stated in paragraph (b) or (c) of this section, insert the clause set forth in § 18-7.203-22.

(b) If the contractor claims total immunity from tort liability as a State agency or as a charitable institution, the clause set forth below shall be used in lieu of the clause contained in § 18-7.203-22.

LIABILITY TO THIRD PERSONS (SEPTEMBER 1962)

(a) The Government does not assume any liability to third persons, nor will the Government reimburse the Contractor for his liability to third persons with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of this contract or any subcontract thereunder.

(b) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the Contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. The Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith. The Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

(c) If the contractor claims partial immunity from tort liability as a State agency or as a charitable institution (as where work may be performed under the contract in a place or under the conditions where the contractor is not immune from tort liability), the paragraph (e) set forth below may be added to the Insurance—Liability to Third Persons clause contained in § 18-7.203-22.

(e) Notwithstanding paragraphs (a) and (c) of this clause, (i) the Government does not assume any liability to third persons, nor will the Government reimburse the Contractor for his liability to third persons, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of this contract or any subcontract hereunder; and (ii) the Contractor need not procure or maintain insurance coverage as provided in paragraph (a) of this clause; provided, the Contractor may obtain

any insurance coverage he deems necessary subject to approval by the Contracting Officer as to form, amount, and duration, in which event the Contractor shall be reimbursed (A) for the cost of such insurance and (B) to the extent provided in paragraph (c) above, for liabilities to third persons for which the Contractor has obtained insurance coverage as provided in this paragraph, but for which such coverage is insufficient in amount. (September 1962)

§ 18-7.402-27 Utilization of concerns in labor surplus areas.

In accordance with the requirements of § 18-1.805-3(a), insert the clause set forth therein.

§ 18-7.402-28 Payment for overtime premiums.

In accordance with the requirements of § 18-12.102, insert the clause set forth in § 18-12.102-6.

§ 18-7.402-29 Competition in subcontracting.

Insert the clause set forth in § 18-7.104-40.

§ 18-7.402-30 Audit and records.

Insert the clause set forth in § 18-7.104-42.

§ 18-7.402-50 Payment of royalties.

In accordance with the instructions in § 18-7.203-50, insert the clause set forth in § 18-9.108-1, except that if the contractor is a member of the Manufacturers Aircraft Association, the clause set forth in § 18-9.108-2 may be substituted therefor.

§ 18-7.402-51 Estimated cost and fixed fee.

In accordance with the requirements of § 18-7.203-51, insert the clause set forth therein.

§ 18-7.402-52 Payment of fixed fee.

In accordance with the requirements of § 18-7.203-52, insert the clause set forth therein.

§ 18-7.402-53 Interest.

Insert the clause set forth in § 18-7.103-53.

§ 18-7.402-54 Reports of work.

See § 18-7.302-54 for guidance and a clause approved for use.

§ 18-7.402-55 Scientific and technical information service.

Insert the clause set forth in § 18-7.302-55.

§ 18-7.403 Clauses required to be used when applicable.

The following clauses shall be inserted, when applicable, in all cost-reimbursement type research and development contracts providing for the payment of a fee.

§ 18-7.403-1 Clauses for contracts involving construction work.

(a) In accordance with the requirements of Subpart 18-12.4, insert in cost-reimbursement type research and development contracts which involve construction work the clauses listed below, which are set forth in § 18-12.403-1:

Davis-Bacon Act.
Contract Work Hours Standards Act—Overtime Compensation.
Apprentices.
Payrolls and Payroll Records.
Compliance with Copeland Regulations.
Withholding of Funds.
Subcontracts.
Contract Termination—Debarment.

(b) In accordance with the requirements of § 18-6.207, insert in all contracts for construction, except those executed on Standard Form 19 and NASA Form 1379, the clause entitled "Buy American," as set forth in § 18-6.207(c).

§ 18-7.403-2 Filing of patent applications.

In accordance with the requirements of §18-9.107, insert the clause set forth therein.

§ 18-7.403-5 Excusable delays.

Insert the clause set forth in § 18-8.708.

§ 18-7.403-7 Priorities, allocations, and allotments.

In accordance with the requirements of § 18-1.307-2, insert the clause set forth therein.

§ 18-7.403-8 Soviet-controlled areas.

In accordance with the requirements of § 18-6.403, insert the clause set forth therein and include in the Schedule of the contract the list of Soviet-controlled areas set forth in § 18-6.401-2.

§ 18-7.403-9 Negotiated overhead rates.

When negotiated overhead rates are to be used pursuant to Subpart 18-3.7, the appropriate clause set forth in § 18-3.704 shall be included in the contract.

§ 18-7.403-10 Notice to the Government of labor disputes.

Whenever work is to be performed and a work stoppage would result in delay in an urgent NASA program, insert the clause set forth in § 18-7.104-4.

§ 18-7.403-11 Contractor and subcontractor certified cost or pricing data.

In accordance with the requirements of §18-3.807-3, insert the clause set forth in § 18-3.807-4.

§ 18-7.403-12 Limitation on withholding of payments.

In accordance with the requirements of § 18-7.104-21, insert the clause set forth therein.

§ 18-7.403-13 Small business subcontracting program.

In accordance with the requirements of § 18-1.707, insert the clause set forth in § 18-707-3(b).

§ 18-7.403-14 Changes to make-or-buy program.

In accordance with the requirements of § 18-3.901, insert the clause set forth therein.

§ 18-7.403-16 Flight risks.

In contracts for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involving the furnishing of aircraft to the contractor by the Government, insert the clause set forth in § 18-10.504.

§ 18-7.403-23 General Services Administration supply sources.

The clause set forth in § 18-5.907 shall be included in contracts in accordance with instructions contained therein.

§ 18-7.403-24 Labor surplus area subcontracting program.

In accordance with the requirements of § 18-1.805-3(b), insert the clause set forth therein.

§ 18-7.403-50 Data requirements.

In accordance with the requirements of § 18-9.202, insert the clause set forth in § 18-9.202-1(e).

§ 18-7.403-51 Approval of contract.

The clause set forth in § 18-7.104-51 shall be included in contracts which require approval by the Director of Procurement.

§ 18-7.403-52 Preference for U.S.-flag vessels.

Under the circumstances described in Subpart 18-1.14, insert the clause set forth in § 18-1.1402-3.

§ 18-7.403-53 Limitation of Government's obligation.

Where funding to complete the entire contract is not available at the time it is entered into, the clause set forth in § 18-7.204-53 shall be included in the contract, with an implementing Schedule provision. The specific approval of the Director of Procurement is not required for the use of the clause when the provisions of § 18-7.403-53 are otherwise applicable.

§ 18-7.403-55 NASA PERT system.

In accordance with the requirements of § 18-7.204-55, insert the clause set forth therein.

§ 18-7.403-56 NASA financial management reporting.

Insert the appropriate clauses set forth in § 18-7.204-56 in accordance with the requirements set forth therein.

§ 18-7.403-57 Key personnel and facilities.

In accordance with the requirements of § 18-1.352, insert the clause set forth therein.

§ 18-7.403-58 Safety and health.

In accordance with the requirements of Subpart 18-1.52, insert the clause set forth in § 18-1.5204.

§ 18-7.403-59 Nonuse of foreign-flag vessels engaged in Cuban or North Vietnam trade.

In accordance with the requirements of § 18-1.1410, insert the clause set forth therein.

§ 18-7.403-60 Report on NASA subcontracts.

In accordance with the requirements of § 18-16.902, insert the clause set forth therein.

§ 18–7.403–61 Rights in data for potentially hazardous items.

In accordance with the requirements of § 18–9.204–52, insert the clause set forth in § 18–9.204–52(c).

§ 18–7.403–62 Potentially hazardous items.

In accordance with the requirements of § 18–1.351, insert the clause set forth therein.

§ 18–7.403–63 Disclosure of unsolicited proposals outside Government.

In accordance with the requirements of § 18–1.304–2(f), insert the clause set forth therein.

§ 18–7.403–64 Financial reporting of Government-owned space hardware.

In accordance with the requirements of § 18–7.204–64, insert the clause set forth therein.

§ 18–7.404 Additional clauses.

The following clauses shall be inserted in cost-reimbursement type research and development contracts providing for the payment of a fee, when it is desired to cover the subject matter.

§ 18–7.404–1 Changes.

CHANGES (SEPTEMBER 1962)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications; (ii) method of shipment or packing; (iii) place of inspection, delivery, or acceptance; and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of this contract, or otherwise affects any other provision of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the estimated cost or delivery schedule, or both, (ii) in the amount of any fee to be paid to the Contractor, and (iii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

In the foregoing clause, the period of "sixty (60) days" within which any claim for adjustment must be asserted may be reduced to a period of not less than "thirty (30) days."

§ 18–7.404–2 Alterations in contract.

The clause set forth in § 18–7.105–1 may be inserted.

§ 18–7.404–4 Bill of materials.

The clause set forth in § 18–7.105–6 may be inserted pursuant to the provisions thereof.

§ 18–7.404–5 Stop work orders.

The clause set forth in § 18–7.105–8, if modified as prescribed in § 18–7.205–6, is authorized for use under the criteria, and in accordance with the instructions, set forth in § 18–7.105–8.

§ 18–7.404–50 Notice of delay.

In accordance with the instructions in § 18–7.205–50, the clause set forth therein is authorized for use.

§ 18–7.404–52 Date of incurrence of costs.

The clause set forth in § 18–7.205–52 may be inserted.

§ 18–7.404–53 Contractor's independent research program.

When the New Technology of Property Rights in Inventions clause is included in the contract (see § 18–9.101–2) and it is determined that the contractor maintains an independent research program, the clause set forth in § 18–9.101–7 may be included in the Schedule at the contractor's request.

§ 18–7.404–57 Federal, State, and local taxes.

At the discretion of the contracting officer and when requested by the contractor, the clause set forth in § 18–11.402 may be inserted in cost-reimbursement type contracts.

§ 18–7.450 Clauses for cost-reimbursement research and development contracts with nonprofit institutions (including educational institutions).

§ 18–7.450–1 Applicability.

Sections 18–7.451, 18–7.452, and 18–7.453, including their subsections, are applicable to cost-reimbursement type research and development contracts with nonprofit organizations (including educational institutions), as defined in § 18–1.236, which involve no fee or profit.

§ 18–7.451 Required clauses.

Except as otherwise provided in § 18–7.460, the following clauses shall be inserted in all contracts specified in § 18–7.450–1.

§ 18–7.451–1 Definitions.

Insert the clause set forth in § 18–7.103–1. Additional definitions may be included provided they are not inconsistent with such clause or the provisions of this chapter.

§ 18–7.451–2 Limitation of cost.

Insert the clause set forth below.

LIMITATION OF COST (MARCH 1969)

(a) It is estimated that the total cost to the Government for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost then set forth in the Schedule, or if at any time the Contractor has reason to believe that the total cost to the Government for the performance of this contract will be greater or substantially less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

§ 18–7.451–3 Allowable cost and payment.

Insert the clause set forth below.

ALLOWABLE COST AND PAYMENT (JANUARY 1964)

(a) For the performance of this contract, the Government shall pay to the Contractor the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(i) Part 15, Subpart 3, of the NASA Procurement Regulation as in effect on the date of this contract, except that if the Contractor is not an educational institution the allowable costs shall be determined in accordance with Part 15, Subpart 2, of said Regulation; and

(ii) The terms of this contract.

(b) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c) (1) Promptly after receipt of each invoice or voucher, the Government shall, subject to the provisions of paragraph (d) below, make payment thereon as approved by the Contracting Officer.

(2) After payment of an amount equal to eighty percent (80%) of the total estimated cost of performance of this contract set forth in the Schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of such total estimated cost, or ten thousand dollars ($10,000), whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction of amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided,* That such claims are not known to the Contractor on the date of the execution of the release: *And provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) Claims for reimbursement of costs, including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) When there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one (1) year period after final payment.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract, by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

The provisions of paragraph (c)(2) of the above clause, which pertains to the withholding of payment of allowable costs, may be omitted.

§ 18–7.451–4 Standards of work.

Insert the clause set forth in § 18–7.302–3.

§ 18–7.451–5 Inspection.

Insert the fir. clause set forth in § 18–7.302–4. However, where a more detailed provision covering inspection is desired, as where the primary contract objective is the delivery of end items, rather than designs, drawings, or reports, the Inspection clause set forth in § 18–7.402–5 shall be used.

§ 18–7.451–6 Assignment of claims.

In accordance with the requirements of § 18–7.103–8, insert the clause set forth therein.

§ 18–7.451–7 Examination of records.

Insert the clause set forth in § 18–7.203–7. Pursuant to procedures approved by the Comptroller General, original documentary evidence in support of costs of the transportation of things shall not be required pursuant to paragraph (a)(3) of the Examination of Records clause. In the case of contracts which establish separate periods of performance, the alternate paragraph (a)(4) set forth in § 18–7.203–7(b) may be submitted for the corresponding paragraph of the clause prescribed in § 18–7.203–7(a).

§ 18–7.451–8 Subcontracts.

In accordance with the requirements of § 18–7.402–8, insert the clause set forth therein.

§ 18–7.451–9 Utilization of small business concerns.

In accordance with the requirements of § 18–1.707–3(a), insert the clause set forth therein.

§ 18–7.451–10 Termination for the convenience of the Government.

In accordance with the requirements of § 18–8.704–1, insert the clause set forth therein.

§ 18–7.451–11 Disputes.

Insert the clause set forth in § 18–7.103–12.

§ 18–7.451–12 Renegotiation.

Insert the clause set forth in § 18–7.103–13.

§ 18–7.451–13 Buy American Act.

In accordance with the requirements of Subpart 18–6.1, insert the clause set forth in § 18–6.104–5.

§ 18–7.451–14 Convict labor.

In accordance with the requirements of Subpart 18–12.2, insert the clause set forth in § 18–12.203.

§ 18–7.451–15 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 18–12.604.

§ 18–7.451–16 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 18–12.303–1. Note the introductory language required by § 18–12.303–2 for inclusion in contracts with a State or political subdivision thereof.

§ 18–7.451–17 Equal opportunity.

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity clause set forth in § 18–12.802–1, or (b) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–2.

§ 18–7.451–18 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.451–19 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.451–20 Authorization and consent.

Insert the clause set forth in § 18–9.103(b).

§ 18–7.451–21 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 18–9.105.

§ 18–7.451–22 New technology or property rights in inventions.

In accordance with the requirements of § 18–9.101–2, insert the New Technology or Property Rights in Inventions clause, as appropriate.

§ 18–7.451–23 Rights in data.

If data is to be delivered under the contract, insert the appropriate clause in accordance with the instructions in § 18–9.203.

§ 18–7.451–24 Security requirements.

Insert the clause set forth below only in contracts without fee with educational institutions. In contracts with nonprofit institutions which are not educational institutions, insert the clause set forth in § 18–7.204–12.

SECURITY REQUIREMENTS (SEPTEMBER 1962)

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential," or higher.

(b) NASA shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254), or other written notification.

(c) To the extent the Government has indicated as of the date of this contract, or thereafter indicates, security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within his own organization in accordance with the requirements of:

(i) the Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information as in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility and representatives of NASA shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract, the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) In the event a change in security requirements, as provided in paragraphs (b) and (c), results (i) in a change in the security classification of this contract or any element thereof from a nonclassified status to a classified status or from a lower classification to a higher classification or (ii) in more restrictive area controls than previously required, the Contractor shall exert every reasonable effort compatible with his established policies to continue the performance of work under the contract in compliance with such change in security classification or requirements. If, despite such reasonable efforts, the Contractor determines that the continuation of work under this contract is not practicable because of such change in security classification or requirements he shall so notify the Contracting Officer in writing.

(f) After receiving such written notification, the Contracting Officer shall explore the circumstances surrounding the proposed change in security classification or requirements and shall endeavor to work out a mutually satisfactory method whereby the Contractor can continue performance of the work under this contract.

(g) If, upon the expiration of fifteen (15) days after receipt by the Contracting Officer of the notification of the Contractor's stated inability to proceed, (i) the application to this contract of such change in security classification or requirements has not been withdrawn, or (ii) a mutually satisfactory method for continuing performance of work under this contract has not been agreed upon, the Contractor may request the Contracting Officer to terminate the contract in whole or in part. Thereupon the Contracting Officer shall terminate the contract in whole or in part, as may be appropriate, and such termination shall be deemed a termination under the provisions of the clause of this contract entitled, "Termination for the Convenience of the Government."

(h) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (h) but excluding paragraphs (e), (f), and (g) of this clause. In addition, the Contractor may insert in any subcontract, not involving fee or profit, with an educational institution, and any like lower-tier subcontract entered into thereunder may contain, in lieu of paragraphs (e), (f), and (g) of this clause, appropriate provisions extending to such subcontracts relief consistent with that provided for in those paragraphs, on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved. With respect to subcontracts other than those covered by the preceding sentence, "the mutually satisfactory method" provided for in paragraph (f) above may include a provision amending this contract to provide for an equitable adjustment on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved; and the Contractor may insert in any such subcontract, and any like lower-tier subcontract entered into thereunder may contain, in lieu of paragraphs (e), (f), and (g) of this clause, appropriate provisions with respect to such equitable adjustment. Failure of the Contractor and Contracting Officer to agree to any adjustment pursuant to the preceding sentence shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(i) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the performance of a subcontract hereunder which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance which is still in effect, prior to being accorded access to such classified information.

§ 18–7.451–25 Government property.

In accordance with the requirements of § 18–13.707, insert the appropriate clause set forth therein.

§ 18–7.451–26 Insurance—liability to third persons.

In accordance with the requirements of § 18–7.402–26, insert either the clause set forth in § 18–7.203–22 or the appropriate clause indicated in § 18–7.402–26. When the clause in § 18–7.203–22 is used, the title "Allowable Cost, Fixed-Fee, and Payment" in paragraph (c) will be changed to read "Allowable Cost and Payment."

§ 18–7.451–27 Utilization of concerns in labor surplus areas.

In accordance with the requirements of § 18–1.805–3(a), insert the clause set forth therein.

§ 18–7.451–28 Payment for overtime premiums.

In accordance with the requirements of § 18–12.102, insert the clause as set forth in § 18–12.102–6.

§ 18–7.451–29 Competition in subcontracting.

Insert the clause set forth in § 18–7.104–40.

§ 18–7.451–30 Audit and records.

Insert the clause set forth in § 18–7.104–42.

§ 18–7.451–50 Payment of royalties.

PAYMENT OF ROYALTIES (SEPTEMBER 1962)

Payments by the Contractor of any sum for royalties or patent rights not included in the ordinary purchase price of supplies, materials, or components, shall not constitute items of Allowable Cost hereunder, unless and until approved by the Contracting Officer. Reimbursement to the Contractor on account of any such payments shall not be construed as an admission by the Government of the enforceability, validity or scope or, or title to any of the patents involved, nor shall any such reimbursement constitute a waiver of any rights or defenses respecting such patents.

§ 18–7.451–51 Estimated cost.

Normally, the clause set forth below will be used as the Schedule provision covering the estimated cost. However, the clause may be modified at the discretion of the contracting officer.

ESTIMATED COST (SEPTEMBER 1962)

The estimated cost of this contract is $_____.

§ 18–7.451–54 Reports of work.

See § 18–7.302–54 for guidance and a clause approved for use.

§ 18–7.451–55 Scientific annd technical information service.

Insert the clause set forth in § 18–7.302–55.

§ 18–7.452 Clauses required to be used when applicable.

Except as otherwise provided in § 18–7.460, the following clauses shall be inserted, when applicable, in all contracts specified in § 18–7.450–1.

§ 18–7.452–1 Clauses for contracts involving construction work.

(a) In accordance with the requirements of Subpart 18–12.4, insert the cost-reimbursement type research and development contracts with educational or nonprofit institutions, where construction work is involved, the clauses listed below, which are set forth in § 18–12.403–1:

Davis-Bacon Act.
Contract Work Hours Standards Act—Overtime Compensation.
Apprentices.
Payrolls and Payroll Records.
Compliance with Copeland Regulations.
Withholding of Funds.
Subcontracts.
Contract Termination—Debarment.

(b) In accordance with the requirements of § 18–6.207, insert in all contracts for construction, except those executed on Standard Form 19 and NASA Form 1379, the clause entitled "Buy American," as set forth in § 18–6.207(c).

§ 18–7.452–2 Filing of patent applications.

In accordance with the requirements of § 18–9.107, insert the clause set forth therein.

§ 18–7.452–7 Priorities, allocations, and allotments.

In accordance with the requirements of § 18–1.307–2, insert the clause set forth therein.

§ 18–7.452–8 Soviet-controlled areas.

In accordance with the requirements of § 18–6.403, insert the clause set forth therein and include in the Schedule of the contract the list of Soviet-controlled areas set forth in § 18–6.401–2.

§ 18–7.452–9 Negotiated overhead rates.

Where negotiated overhead rates are to be used pursuant to Subpart 18–3.7, the appropriate clause set forth in § 18–3.704 shall be included in the contract.

§ 18–7.452–10 Notice to the Government of labor disputes.

Whenever work is to be performed and a work stoppage would result in delay in an urgent NASA program, insert the clause set forth in § 18–7.104–4.

§ 18–7.452–11 Contractor and subcontractor certified cost or pricing data.

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

§ 18–7.452–12 Limitation on withholding of payments.

In accordance with the requirements of § 18–7.104–21, insert the clause set forth therein.

§ 18–7.452–13 Small business subcontracting program.

In accordance with the requirements of § 18–1.707, insert the clause set forth in § 18–1.707–3(b).

§ 18–7.452–14 Changes to make-or-buy program.

In accordance with the requirements of § 18–3.901, insert the clause set forth therein.

§ 18–7.452–23 General Services Administration supply sources.

In accordance with the requirements of § 18–5.907, the clause set forth therein shall be included in the contract.

§ 18–7.452–24 Labor surplus area subcontracting program.

In accordance with the requirements of § 18–1.805–3(b), insert the clause set forth therein.

§ 18–7.452–50 Data requirements.

In accordance with the requirements of Subpart 18–9.2, insert the clause set forth in § 18–9.202–1(e).

§ 18–7.452–51 Approval of contract.

The clause set forth in § 18–7.104–51 shall be included when approval of the contract by the Director of Procurement is required.

§ 18–7.452–52 Preference for U.S.-flag vessels.

Under the circumstances described in Subpart 18–1.14, insert the clause set forth in § 18–1.1402–3.

§ 18–7.452–53 Limitation of Government's obligation.

Where funding to complete the entire contract is not available at the time it is entered into, the clause set forth in § 18–7.204–53 shall be included in the contract, with an implementing Schedule provision. The specific approval of the Director of Procurement is not required for the use of the clause when the provisions of § 18–7.452–53 are otherwise applicable.

§ 18–7.452–55 NASA PERT system.

In accordance with the requirements of § 18–7.204–55, insert the clause set forth therein.

§ 18–7.452–56 NASA financial management reporting.

In accordance with the provisions of § 18–7.204–56, insert the appropriate clause set forth therein.

§ 18–7.452–57 Key personnel and facilities.

In accordance with the requirements of § 18–1.352, insert the clause set forth therein.

§ 18–7.452–58 Safety and health.

In accordance with the requirements of Subpart 18–1.52, insert the clause set forth in § 18–1.5204.

§ 18–7.452–59 Nonuse of foreign-flag vessels engaged in Cuban and North Vietnam trade.

In accordance with the requirements of § 18–1.1410, insert the clause set forth therein.

§ 18–7.452–60 Report on NASA subcontracts.

In accordance with the requirements of § 18–16.902, insert the clause set forth therein.

§ 18–7.452–61 Rights in data for potentially hazardous items.

In accordance with the requirements of § 18–9.204–52, insert the clause set forth in § 18–9.204–52(c).

§ 18–7.452–62 Potentially hazardous items.

In accordance with the requirements of § 18–1.351, insert the clause set forth therein.

§ 18–7.452–63 Disclosure of unsolicited proposals outside Government.

In accordance with the requirements of § 18–1.304–2(f), insert the clause set forth therein.

§ 18–7.452–64 Financial reporting of Government-owned space hardware.

In accordance with the requirements of § 18–7.204–64, insert the clause set forth therein.

§ 18–7.453 Additional clauses.

Except as otherwise provided in § 18–7.460, the following clauses shall be inserted in all contracts prescribed in § 18–7.450–1 if it is desired to cover the subject matter.

§ 18–7.453–1 Changes.

CHANGES (SEPTEMBER 1962)

The Contracting Officer may at any time, by a written order and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications; (ii) method of shipment or packing; (iii) place of inspection, delivery, or acceptance; and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of this contract, or otherwise affects any other provision of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the estimated cost of delivery schedule, or both, and (ii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

In the foregoing clause, the period of "sixty (60) days" within which any claim for adjustment must be asserted may be reduced to a period of not less than "thirty (30) days."

§ 18–7.453–2 Alterations in contract.

The clause set forth in § 18–7.105–1 may be inserted.

§ 18–7.453–4 Bill of materials.

The clause set forth in § 18–7.105–6 may be inserted pursuant to the provisions thereof.

§ 18–7.453–50 Notice of delay.

The clause set forth in § 18–7.205–50 is authorized for use when it is desirable to provide for notice by the contractor to the Government of anticipated delays in performance.

§ 18–7.453–52 Date of incurrence of costs.

The clause set forth in § 18–7.205–52 is authorized for use where specific coverages of anticipatory costs is considered desirable.

§ 18–7.453–53 Contractor's independent research program.

In accordance with the instructions in § 18–7.205–53, the clause set forth in § 18–9.101–7 may be inserted.

§ 18–7.453–57 Federal, State, and local taxes.

(See § 18–11.402.)

§ 18–7.453–58 Excusable delays.

The clause set forth in § 18–8.708 may be inserted in the contract.

§ 18–7.460 Short form clauses for cost-reimbursement type research contracts with nonprofit institutions (including educational institutions).

Notwithstanding the provision of §§ 18–7.402, 18–7.403, 18–7.451, and 18–7.452, the clauses set forth or referred to in this paragraph § 18–7.460 shall be used in contracts for basic or applied scientific research at nonprofit institutions of higher education or at nonprofit institutions whose primary purpose is the conduct of scientific research when a short form contract is desired. (See § 18–1.236(c) for the definition of nonprofit institution.)

§ 18–7.460–1 Definitions.

Insert the clause set forth in § 18–7.103–1.

§ 18–7.460–2 Limitation of cost.

Insert the clause set forth in § 18–7.451–2.

§ 18–7.460–3 Government property.

Insert the appropriate clause set forth in § 18–13.707.

§ 18–7.460–5 Insurance — liability to third persons.

In accordance with the requirements of § 18–7.402–26, insert either the clause set forth in § 18–7.203–22 or the appropriate clause indicated in § 18–7.402–26. When the clause in § 18–7.203–22 is used, the title "Allowable Cost, Fixed Fee, and Payment" in paragraph (c) shall be changed to read "Allowable Cost and Payment."

§ 18–7.460–6 Examination of records.

Insert the clause set forth in § 18–7.203–7. Pursuant to procedures approved by the Comptroller General, original documentary evidence in support of costs of the transportation of things will not be required pursuant to paragraph (a) (3) of the "Examination of Records" clause. In the case of contracts which establish separate periods of performance, alternate subparagraph (a) (4), set forth in § 18–7.203–7(b), may be substituted for the corresponding subparagraph of the clause prescribed in § 18–7.203–7(a).

§ 18–7.460–7 Release of information.

Insert the clause set forth in § 18–7.350–5.

§ 18–7.460–8 Property rights in inventions.

Insert the clause set forth in § 18–9.101–5.

§ 18–7.460–9 Data and inspection.

Insert the clause set forth in § 18–9.204–51.

§ 18–7.460–10 Authorization and consent.

Insert the clause set forth in § 18–9.103(b).

§ 18–7.460–11 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 18–9.105.

§ 18–7.460–12 Security.

Insert the clause set forth in § 18–7.350–6.

§ 18–7.460–13 Disputes.

Insert the clause set forth in § 18–7.103–12.

§ 18–7.460–14 Termination.

Insert the clause set forth in § 18–8.705–50(b).

§ 18–7.460–15 Buy American Act.

Insert the clause set forth in § 18–6.104–5.

§ 18–7.460–16 Equal opportunity.

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–1, or (b) the Equal Opportunity clause set forth in § 18–12.802–2.

§ 18–7.460–17 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.460–18 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.460–19 Convict labor.

Insert the clause set forth in § 18–12.203.

§ 18–7.460–20 Allowable cost and payment.

Insert the clause set forth in § 18–7.451–3.

§ 18–7.460–21 Audit and records.

Insert the clause set forth in § 18–7.104–42.

§ 18–7.461 Additional clauses.

When circumstances justify it, the clauses prescribed in §§ 18–7.402, 18–7.403, 18–7.404, 18–7.451, 18–7.452, and 18–7.453, may be added to or substituted for the clauses set forth in §§ 18–7.460–1 through 18–7.460–19; however, care should be exercised to ensure that there are no inconsistencies.

Subpart 18–7.5—Clauses for Personal Services Contracts

CROSS REFERENCE: See § 18–3.204–3.

Subpart 18–7.7—Clauses for Facilities Contracts

§ 18–7.701 Applicability.

As used throughout this subpart, the term "facilities contract" means a contract under which Government facilities are provided to a contractor by the Government for use in connection with the performance of a separate contract or contracts for supplies or services. When property other than facilites is provided under a facilities contract, it shall be considered facilities for the purposes of that contract unless otherwise provided in the schedule of the contract. Facilities contracts may take any of the following forms:

(a) Consolidated facilities contracts, which provide for both—

(1) The acquisition, construction, and installation of facilities; and

(2) The use, maintenance, accountability, and disposition of facilities;

(b) Facilities acquisition contracts, which provide for the acquisition, construction, and installation of facilities; or

(c) Facilities use contracts, which provide for the use, maintenance, accountability, and disposition of facilities.

§ 18–7.702 Required clauses for consolidated facilities contracts.

The following clauses shall be inserted in all consolidated facilities contracts.

§ 18–7.702–1 Definitions.

DEFINITIONS (OCTOBER 1967)

As used throughout this Contract the following terms shall have the meanings set forth below:

(a) The term "Administrator" means the Administrator or Deputy Administrator of the National Aeronautics and Space Administration; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Administrator.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this Contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(c) Except as otherwise provided in this Contract, the term "Subcontracts" includes purchase orders under this Contract.

(d) The term "NASA" means the National Aeronautics and Space Administration.

(e) "Related Procurement Contract" means a Government contract or subcontract thereunder for furnishing supplies or services of any description, for the performance of which the use of the facilities is or may be authorized.

(f) "Facilities" means, for purposes of this contract, all property provided under this contract.

§ 18–7.702–2 Facilities to be provided.

FACILITIES TO BE PROVIDED (OCTOBER 1967)

(a) The Contractor, at Government expense and subject to the terms and conditions of this contract, shall acquire, construct, or install the Facilities, and perform the work related thereto, described in the Schedule.

(b) The Government, subject to the terms and conditions of this contract, shall furnish to the Contractor the Facilities identified in the Schedule as Government-furnished Facilities. The Contractor, at Government expense, shall perform such work with respect to these Government-furnished Facilities as may be described in the Schedule.

§ 18–7.702–3 Late delivery, diversion, and substitution.

LATE DELIVERY, DIVERSION, AND SUBSTITUTION (MARCH 1963)

(a) The Government shall not be liable to the Contractor for breach of contract by reason of nondelivery or of any delay in the delivery of the Facilities to be furnished by the Government hereunder.

(b) The Government may, if it is determined by the Contracting Officer to be in the best interest of the Government, divert the Facilities by directing:

(i) Delivery of any or all of the Facilities acquired by or furnished to the Contractor hereunder to locations other than those specified in the Schedule; and

(ii) Assignment, to the Government or to third parties, of purchase orders or subcontracts of the Contractor for any or all of the Facilities hereunder.

The work performed by the Contractor in complying with such directions shall be at Government expense.

(c) The Government may furnish any item of the Facilities, in lieu of the acquisition or construction thereof by the Contractor. In such event, the work performed by the Contractor in connection with the acquisition or construction of such Facilities, including the cost of terminating purchase orders or subcontracts therefor, shall be at Government expense.

(d) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any nondelivery, delay, diversion, or substitution under this clause.

§ 18–7.702–4 Changes.

CHANGES (MARCH 1963)

(a) The Contractor Officer may at any time, by written order and without notice to the sureties, if any, make changes, within the general scope of this contract, in the Facilities or work described in the Schedule. Work performed by the Contractor in complying with any such order shall be at Government expense. If any such change causes an increase or decrease in the estimated cost of this contract, in the time required for its performance, or otherwise affects any other provision of this contract, an equitable adjustment shall be made in the estimated cost, the completion schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(b) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any such change.

In the foregoing clause, the period of "thirty (30) days" within which any claim for adjustment must be asserted may be varied not to exceed "sixty (60) days."

§ 18–7.702–5 Representations and warranties.

REPRESENTATIONS AND WARRANTIES (MARCH 1963)

(a) The Government makes no warranty, express or implied, regarding the condition of fitness for use of any item of the Facilities. To the extent practicable, the Contractor shall be afforded an opportunity to inspect all items of Facilities that are to be furnished by the Government prior to the shipment of such Facilities to the Contractor. In the event that any item of such Facilities is received by the Contractor in a condition not suitable for the intended use the Contractor shall, within thirty (30) days after receipt and installation thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer and at Government expense, either (i) return such item or otherwise dispose of it, or (ii) effect repairs or modifications.

(b) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by the return or disposition, or the repair or modification, of any item of Facilities under paragraph (a) above.

§ 18–7.702–6 Inspection.

INSPECTION (OCTOBER 1967)

(a) The Facilities and work called for by this contract shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the Facilities and work called for by this contract. The Government, through any authorized representative, may inspect such Facilities and work at the plant or plants of the Contractor or any of his subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work to be performed by the Contractor under this contract or any related procurement contract.

(b) The Contracting Officer may at any time require the Contractor to remedy by correction or replacement any Facilities or work which are defective or otherwise not in conformity with the requirements of this contract. Except as otherwise provided in paragraph (c) below, such corrections and replacements shall be carried out at Government expense if under the terms of this contract the Facilities or work thus corrected or replaced were initially provided or required to be performed at Government expense.

(c) The Contracting Officer may at any time require the Contractor, without cost to the Government hereunder or under any of its related procurement contracts or subcontracts, to correct or replace any Facilities or work which are defective or otherwise not in conformity with the requirements of this contract, if such defects or failures are due to:

(1) Fraud, lack of good faith, or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives who has supervision or direction of—

(A) All or substantially all of the Contractor's business;

(B) All or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed; or

(C) A separate and complete major industrial operation in connection with the performance of this contract; or

(ii) The conduct of one or more individual employees selected or retained by the Contractor after any of the supervisory personnel described in (i) above has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) Corrected or replaced Facilities or work shall be subject to the provisions of this clause in the same manner and to the same extent as Facilities or work originally completed under this contract.

(e) The Contractor shall make his records of all inspection work available to the Government during the performance of this contract and for such longer periods as may be specified in this contract.

§ 18–7.702–7 Excusable delays.

Insert the clause set forth in § 18–8.708.

§ 18–7.702–8 Location of the facilities.

LOCATION OF THE FACILITIES (MARCH 1963)

The Contractor may use the Facilities at any of the locations specified in the Schedule, and, with the prior written approval of the Contracting Officer, at any other location. In granting this approval, the Contracting Officer may prescribe such terms and conditions as he may deem necessary for the protection of the Government's interest in the Facilities involved. Notwithstanding any inconsistency with the provisions of this contract, such terms and conditions shall prevail.

§ 18–7.702–9 Government bills of lading.

GOVERNMENT BILLS OF LADING (MARCH 1963)

All shipments of the Facilities shall be made on Government bills of lading, unless otherwise authorized by the Contracting Officer. The required number of such Government bills of lading will be furnished to the Contractor by, and the Contractor shall be accountable therefor to, the transportation activity designated by the Contracting Officer.

§ 18–7.702–10 Allowable cost and payment.

(a) Subject to the instructions set forth in paragraph (b) of this section, insert the following clause.

ALLOWABLE COST AND PAYMENT (OCTOBER 1967)

(a) For the performance of any work, duty, or obligation by the Contractor under this contract which is provided herein to be at Government expense, the Government shall pay the Contractor the cost thereof, determined by the Contracting Officer to be allowable in accordance with (i) Part 15, Subpart 5, of the NASA Procurement Regulation as in effect on the date of this contract and (ii) the terms of this contract.

(b) Except as otherwise specifically provided in this contract, the failure of this contract to provide for reimbursement shall not preclude the Contractor from including, as part of the price or cost under any other Government contract or subcontract, an allocable portion of the costs incurred in the performance of any work, duty, or obligation under this contract which are not reimbursable hereunder.

(c) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(d) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of paragraph (e) below, make payment thereof as approved by the Contracting Officer.

(e) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vourchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by

the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided*, That such claims are not known to the Contractor on the date of the execution of the release: *And provided further*, That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(b) In paragraph (f)(ii)(B) of the foregoing clause, the period of years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the contractor: *Provided*, That a corresponding increase is made in the period for retention of records required in paragraph (a)(4) of the "Examination of Records" clause prescribed by § 18–7.702–13.

§ 18–7.702–11 Limitation of cost.

LIMITATION OF COST (AUGUST 1969)

(a) It is estimated that the total cost to the Government for the performance of work under the Schedule of this contract which is provided herein to be at Government expense will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform such work within such estimated cost. If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of such work in the next succeeding thirty (30) days, when added to all costs previously incurred, will exceed eighty-five percent (85%) of the estimated cost then set forth in the Schedule, or if at any time the Contractor has reason to believe that the total cost to the Government for the performance of such work will be greater or substantially less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving his revised estimate of such total cost for the performance of such work.

(b) The Government shall not be obligated to reimburse the Contractor under this contract for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue the performance of work under this contract which is provided herein to be at Government expense, or to incur costs therefor, in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performing such work. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

§ 18–7.702–12 Use and charges.

USE AND CHARGES (APRIL 1969)

(a) The Contractor may use the Facilities without charge in the performance of:

(i) Prime contracts with the Government which specifically authorize use without charge,

(ii) Subcontracts held by the Contractor under Government prime contracts or subcontracts of any tier thereunder if the Contracting Officer having cognizance of the prime contract concerned has authorized use without charge by approving a subcontract specifically authorizing such use or has otherwise authorized such use in writing, and

(iii) Other work with respect to which the Contracting Officer has authorized use without charge in writing.

(b) Subject to the payment of a rental therefor, the Contractor may use all or part of the Facilities in the performance of work other than that specified in paragraph (a) above, as authorized in writing by the Contracting Officer or as specifically provided in the Schedule. Use so authorized shall not be construed to constitute a waiver of any rights the Government may have under this contract to terminate the Contractor's right to use all or any part of the Facilities. The amount of rental to be paid for the right to use the Facilities under this paragraph (b) shall be determined in accordance with the following procedures.

(1) The following bases are or shall be established in writing for the rental computation prescribed in subparagraph (2) below in advance of any use of the Facilities under this paragraph:

(i) The rental rates for the right to use the Facilities shall be those set forth in the Attachment.

(ii) The acquisition cost of the Facilities shall be the total cost to the Government, as determined by the Contracting Officer of each item of the Facilities, including the cost of transportation and installation, if such costs are borne by the Government. When Government-owned special tooling, special test equipment, or accessories are rented with any item of the Facilities, the acquisition cost shall be increased to include the price charged the Government for such tooling, test equipment, or accessories. When any item of the Facilities has been modernized by substantial rebuilding at Government expense so as to enhance its original capability, the acquisition cost for that item shall include the increased value, as determined by the Contracting Officer, that such rebuilding and modernization represent. The determination made by the Contracting Officer under this subparagraph shall be final.

(iii) For the purpose of determining the amount of rental due under subparagraph (2) below, the rental period shall be not less than 1 month nor more than 6 months, as may be mutually agreed to.

(iv) For the purpose of computing any credit under subparagraph (2) below, the measurement unit for determining the amount of use of the Facilities by the Contractor shall be direct labor hours, sales, hours of use, or any other measurement unit which will result in an equitable apportionment of the rental charge, as may be mutually agreed to.

(2) The Contractor shall compute the amount of rentals to be paid for each rental period, using the bases established pursuant to subparagraph (1) above. The rental rates shall be applied to the acquisition cost of such of the Facilities as may have been authorized for use in advance pursuant to this paragraph (b), for each rental period. The full charge for each rental period, so determined, shall be reduced by a credit in the amount of such rental as would otherwise be properly allocable to work with respect to which the use of the Facilities without charge is authorized in accordance with paragraph (a) above. Such credit shall be computed by multiplying the full rental for the rental period by a fraction whose numerator is the amount of use of the Facilities by the Contractor without charge during such period, and whose denominator is the total amount of use of the Facilities by the Contractor during such period.

(3) The Contractor shall submit to the Contracting Officer within ninety (90) days after the close of each rental period a written statement of the use made of the Facilities by the Contractor and the rental due the Government hereunder, and shall make available such records and data as are determined by the Contracting Officer to be necessary to verify the information contained in the statement.

(4) If the Contractor fails to submit the statement within the prescribed ninety (90) day period, the Contractor shall be liable for the full rental for the period in question, subject to the exception stated in subparagraph (5) below.

(5) If the Contractor's failure to submit the statement within the prescribed ninety (90) day period arose out of causes beyond the control and without the fault or negligence of the Contractor, the Contracting Officer shall grant to the Contractor in writing a reasonable extension of time in which to make such submission.

(c) Unless otherwise directed in writing by the Contracting Officer, the Contractor shall give priority in the use of the Facilities to the performance of contracts and subcontracts of the National Aeronautics and Space Administration and shall not undertake any work involving the use of the Facilities which would interfere with the performance of existing Government contracts or subcontracts.

(d) Concurrently with the submission of the written statement prescribed by paragraph (b)(3) above, the Contractor shall pay the rental due the Government under this clause by check made payable to the Treasurer of the United States. Each check shall be mailed or delivered to the Contracting Officer. Receipt and acceptance by the Government of the Contractor's checks pursuant to this paragraph shall constitute an accord and satisfaction of the final amount due the Government hereunder unless the Contractor is notified in writing within one hundred eighty (180) days following such receipt that the amount received is not regarded by the Government as the final amount due.

(e) If the Contractor uses any item of the Facilities without authorization, the Contractor shall be liable for the full monthly rental, without credit, for such item for each month or part thereof in which such unauthorized use occurs; *Provided however*, That the installation Director (or the Director, Headquarters Administration Office for the Headquarters Contracts Division) may, in writing, waive the Contractor's liability for such unauthorized use if he determines that the Contractor exercised reasonable care to prevent such unauthorized use. In this latter event, the Contractor shall be liable only for the rental that would otherwise be due under this clause. The acceptance of any rental by the Government hereunder shall not be construed as a waiver or relinquishment of any rights it may have against the Contractor growing out of the Contractor's unauthorized use of the Facilities or any other failure to perform this contract according to its terms.

ATTACHMENT

RENTAL RATES

The following rental rates are the rental rates referred to in the clause of this contract entitled "Use and Charges":

(i) For land and land preparation, buildings, building installations, and land installations other than those items specified in (ii) below a fair and reasonable rental shall be established, based on sound commercial practice.

(ii) For machinery and production equipment of the type covered by the following classes of Production Equipment:

Classification Federal Supply Code Nos.	*Description*
3411 through 3419	Machine Tools
3441 through 3449	Secondary Metal-forming Machnery

The following rates shall apply:

Age of equipment	*Monthly rental rate (percent)*
0 to 2 years	3
Over 2 to 3 years	2
Over 3 to 6 years	1.5
Over 6 to 10 years	1.0
Over 10 years	.75

The age of each item of the Facilities shall be based on the year in which it was manufactured, with an annual birthday on January 1, of each year thereafter. On January 1, following the date of manufacture, the item shall be considered 1 year old; and on each succeeding January 1st, it shall become 1 year older. For example, if an item of equipment is manufactured on July 15, 1958, it will be considered to be 1 year old on January 1, 1959, 2 years old on January 1, 1960, 3 years old on January 1, 1961, and so forth. The item of equipment will be considered "over 2 years old" on and after January 1, 1960, "over 6 years old" on and after January 1, 1964, and "over ten years old" on and after January 1, 1968.

(iii) For personal property and equipment not covered in (i) or (ii) above, a rental shall be established at not less than the prevailing commercial rate, if any; or, in the absence of such rate, not less than two percent (2%) per month for electronic test equipment and automotive equipment; and not less than one percent (1%) per month for all other property and equipment

§ 18–7.702–13 Examination of records.

In accordance with the instructions in § 18–7.203–7, insert the clause set forth therein, except that the first sentence of paragraph (a)(1) shall be deleted and the following sentence inserted in lieu thereof.

The Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract and to the use of and charges for the use of the Facilities (hereinafter collectively called "the records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature, for which reimbursement is claimed under the provisions of this contract, all use of the Facilities, and all charges to be made for the use of the Facilities. (October 1969)

§ 18–7.702–14 Maintenance.

MAINTENANCE (OCTOBER 1967)

(a) Except as otherwise provided in the Schedule, the Contractor shall perform normal maintenance of the Facilities in accordance with sound industrial practice, including protection, preservation, maintenance, and repair of the Facilities, and with respect to equipment, normal parts replacement.

(b) As soon as practicable after the execution of this contract, the Contractor shall submit to the Contracting Officer in writing a proposed normal maintenance program, including an appropriate maintenance records system, in sufficient detail to show its adequacy as a normal maintenance program. To the extent that the Contracting Officer and the Contractor agree upon such a program, it shall become the normal maintenance obligation of the Contractor; and the Contractor shall carry it out in satisfaction of (i) his normal maintenance obligation under paragraph (a) above, and (ii) his obligation to maintain records under paragraph (e) below.

(c) The Contracting Officer may at any time specify, by written notice to the Contractor, a reduction in the work required by the then current normal maintenance obligation of the Contractor. After receipt of such notice, the Contractor shall perform only such work as is specified therein. If any such notice causes a decrease in the cost of performing the normal maintenance obligation, appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any such decrease.

(d) The Contractor shall perform such maintenance work as may be directed by the Contracting Officer in writing. To the extent that such work is in excess of the Contractor's then current normal maintenance obligation under paragraphs (a) through (c) above, such work shall be at Government expense. The Contractor shall notify the Contracting Officer in writing whenever, in accordance with sound industrial practice, the Facilities require any work in excess of such normal maintenance obligation.

(e) The Contractor shall keep records of the work done on the Facilities in performing his obligations under this clause, and shall afford the Government adequate opportunity to inspect all such records. The Contractor shall deliver such records to the Government or third persons, if so directed by the Contracting Officer, whenever the Facilities to which they relate are disposed of hereunder.

(f) The Contractor's obligation under this clause shall continue, with respect to each item of the Facilities, until such item is removed, abandoned, or otherwise disposed of, until expiration of the one hundred and eighty (180) day period prescribed in paragraph (c) of the "Disposition of the Facilities" clause, or until the Contractor has discharged his obligations under this contract with respect to such items, whichever last occurs.

§ 18–7.702–15 Title.

TITLE (OCTOBER 1967)

(a) Title to all Facilities and components furnished by the Government shall remain in the Government. Title to all Facilities and components purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to replacement parts furnished by the Contractor in carrying out his normal maintenance obligations pursuant to the clause of this contract entitled "Maintenance" shall pass to and vest in the Government upon completion of their installation in the Facilities. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract; or (ii) commencement of processing or use of such property in the performance of this contract; or (iii) reimbursement of the cost thereof by the Government, whichever first occurs.

(b) Title to the Facilities shall not be affected by their incorporation in or attachment to any property not owned by the Government, nor shall any item of the Facilities be or become a fixture or lose its identity as personality by reason of affixation to any realty. The Contractor shall keep the Facilities free and clear of all liens and encumbrances, and, except as otherwise authorized by this contract or by the Contracting Officer, shall not remove or otherwise part with possession of or permit the use by others of any of the Facilities.

(c) The Contractor may, with the written approval of the Contracting Officer, install, arrange, or rearrange on premises furnished by the Government hereunder, readily movable machinery, equipment, and other items belonging to the Contractor. Title to any such item shall remain in the Contractor even though it is affixed to realty owned by the Government, unless it is so permanently attached to such realty as to be nonremovable without substantial injury, as determined by the Contracting Officer, to the property of the Government.

§ 18–7.702–16 Access.

ACCESS (MARCH 1963)

The Government and any persons designated by it shall at all reasonable times have access to the premises where any of the Facilities are located.

§ 18–7.702–17 Property control.

PROPERTY CONTROL (OCTOBER 1967)

The Contractor shall maintain adequate property control procedures and records, and a system of identification of the Facilities, in accordance with the provisions of Appendix B, "Control of Government Property in Possession of Contractors", or Appendix C, "Control of Government Property in Possession of Nonprofit Research and Development Contractors", of the NASA Procurement Regulation, as may be appropriate, in effect on the date of this contract.

§ 18–7.702–18 Liability for the facilities.

LIABILITY FOR THE FACILITIES (OCTOBER 1967)

(a) The Contractor shall not be liable for any loss of or damage to the Facilities or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto) which results from:

(i) Willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) All or substantially all of the Contractor's business; or

(B) All or substantially all of the Contractor's operations at any one plant or separate location, in which the Facilities are installed or located; or

(C) A separate and complete major industrial operation in connection with which the Facilities are used;

(ii) A failure, on the part of the Contractor, due to the willful misconduct or lack

of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above—

(A) To maintain and administer, in accordance with the clause of the contract entitled "Maintenance", a program for maintenance, repair, protection, and preservation of the Facilities, or

(B) To take all reasonable steps to comply with any appropriate written directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the Facilities;

(iii) A risk for which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) A risk expressly required to be insured pursuant to paragraph (c) of this clause, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) A risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement;

Provided, That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under way one exception shall not be limited by any other exception.

(b) If the Contractor transfers the Facilities to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the Facilities as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the Facilities while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all the Facilities in as good condition as when received, except for reasonable wear and tear or for the utilization of the Facilities in accordance with the provisions of the prime contract.

(c) Unless expressly directed in writing by the Contracting Officer, the Contractor shall not include as an element of price or cost under any contract with the Government any amount on account of the cost of insurance (including self-insurance) against any form of loss or damage to the Facilities. Any insurance required under this clause shall be in such form, in such amounts, for such periods of time, and with such insurers (including the Contractor as self-insurer in appropriate circumstances, if so approved) as the Contracting Officer shall require or approve. Such insurance shall contain provision for thirty (30) days prior notice to the Contracting Officer, in the event of cancellation or material change in the policy coverage on the part of the insurer. A certificate of insurance or a certified copy of each policy of insurance taken out hereunder shall be deposited promptly with said Contracting Officer. The Contractor shall, not less than thirty (30) days prior to the expiration of any insurance required by this contract to be carried by the Contractor on the Facilities, deliver to said Contracting Officer a certificate of insurance or a certified copy of each renewal policy to cover the same risks. The insurance shall be in the name of the United States of America (National Aeronautics and Space Administration), the Contractor, and such other interested parties as the Contracting Officer shall approve, and shall contain a loss payable clause reading substantially as follows:

"Loss, if any, under this policy shall be adjusted with (Contractor) and the proceeds, at the direction of the Government, shall be paid to (Contractor). Proceeds not paid to (Contractor) shall be paid to the Treasurer of the United States of America.".

(d) Upon the happening of any loss or destruction of or any damage to the Facilities:

(i) The Contractor shall promptly notify the Contracting Officer thereof, and with the assistance of the Contracting Officer shall take all reasonable steps to protect the Facilities from further damage, separate the damaged and undamaged Facilities, put all the Facilities in the best possible order, and promptly furnish to the Contracting Officer (and in any event within thirty (30) days after the Contractor has determined that loss or destruction of, or damage to, the Facilities has occurred) a statement of—

(A) The lost, destroyed, and damaged Facilities;

(B) The time and origin of the loss, destruction, or damage;

(C) All known interests in commingled property of which the Facilities are a part; and

(D) The insurance, if any, covering any part of or interest in such commingled property; and

(ii) The Contractor shall make such repairs, replacements, and renovations of the lost, destroyed, or damaged Facilities, or take such other action as the Contracting Officer may direct in writing.

The Contractor shall perform its obligations under this paragraph (d) at Government expense, except to the extent that the Contractor is responsible for such damage, loss, or destruction under the terms of this clause, and except as any damage, loss, or destruction is compensated by insurance.

(e) The Government is not obliged to replace or repair the Facilities which have been lost, destroyed, or damaged. In such event the right of the parties to an equitable adjustment in delivery or performance dates, or price, or both, and in any other contractual condition of the related procurement contracts affected thereby shall be governed by the terms and conditions of such contracts.

(f) Except to the extent of any loss or destruction of or damage to the Facilities for which the Contractor is relieved of liability, the Facilities shall be returned to the Government or otherwise disposed of under the terms of this contract in as good condition as when received by the Contractor, as subsequently improved or as they should have been subsequently improved under the terms of this contract, less ordinary wear and tear.

(g) In the event the Contractor is indemnified, reimbursed, or otherwise compensated (excepting proceeds from use and occupancy insurance, the cost of which is not borne directly or indirectly by the Government) for any loss or destruction of, or damage to, the Facilities, he, to the extent and as directed by the Contracting Officer:

(i) Shall use the proceeds to repair, renovate, or replace the Facilities involved; or

(ii) Pay such proceeds to the Government.

(h) The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any loss or destruction of, or damage to, the Facilities, and upon the request of the Contracting Officer shall furnish to the Government, at Government expense, all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

§ 18–7.702–19 Insurance—liability to third persons.

INSURANCE—LIABILITY TO THIRD PERSONS (MARCH 1963)

(a) The Contractor shall procure and thereafter maintain workmen's compensation, employer's liability, comprehensive general liability (bodily injury) and comprehensive automobile liability (bodily injury and property damage) insurance, with respect to performance of work at Government expense under this contract, and such other insurance as the Contracting Officer may from time to time require with respect to performance of work at Government expense under this contract: *Provided*, That the Contractor may with the approval of the Contracting Officer, maintain a self-insurance program: *And provided further*, That with respect to workmen's compensation the Contractor is qualified pursuant to statutory authority. All insurance required pursuant to the provisions of this paragraph shall be in such form, in such amounts, and for such periods of time, as the Contracting Officer may from time to time require or approve, and with insurers approved by the Contracting Officer.

(b) The Contractor agrees, to the extent and in the manner required by the Contracting Officer to submit for the approval of the Contracting Officer any other insurance maintained by the Contractor in connection with the performance of work at Government expense under this contract and for which the Contractor seeks reimbursement hereunder.

(c) The Contractor shall be reimbursed: (i) For the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and (ii) for liabilities to third persons for loss of or damage to property (other than property (A) owned, occupied, or used by the Contractor or rented to the Contractor, or (B) in the care, custody, or control of the Contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of work at Government expense under this contract, whether or not caused by the negligence of the Contractor, his agents, servants, or employees, provided such liabilities are represented by final judgments or by settlements approved in writing by the Government, and expenses incidental to such liabilities, except liabilities (I) for which the Contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the Schedule, or (II) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by the Contracting Officer, or (III) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representaitves, who has supervision or direction of (1) all or substantially all of the Contractor's business, or (2) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (3) a separate and complete major industrial operation in connection with the performance of work at Government expense under this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of insurance maintained by the Contractor in connection with the performance of work at Government expense under this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause, provided such cost would constitute

allowable cost under the clause of this contract entitled "Allowable Cost and Payment".

(d) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the Contractor arising out of the performance of work at Government expense under this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract, and the risk of which is then uninsured or in which the amount claimed exceeds the amount of coverage. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. If the amount of the liability claimed exceeds the amount of coverage, the Contractor shall authorize representatives of the Government to collaborate with counsel for the insurance carrier, if any, in settling or defending such claim. If the liability is not insured or covered by bond, the Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith: *Provided, however*, That the Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

§ 18–7.702–20 Indemnification of the Government.

INDEMNIFICATION OF THE GOVERNMENT (MARCH 1963)

Except as provided in the "Insurance—Liability to Third Persons" clause, the Contractor shall indemnify and hold the Government harmless against claims for injury to persons or damage to property of the Contractor or others arising from the Contactor's possession or use of the Facilities. However, the provisions of the Contractor's related procurement contracts shall govern the Government's assumption of liability for such claims arising out of or related to the performance of each such related procurement contract and involving the possession or use of the Facilities.

§ 18–7.702–21 Stop work orders.

STOP WORK ORDERS (MARCH 1963)

(a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the acquisition, construction, or installation work called for by the Schedule for a period of ninety (90)[1] days after the order is delivered to the Contractor, and for any further period to which the parties may agree. Any such order shall be specifically identified as a Stop Work Order issued pursuant to this clause. Upon receipt of such an order, the Contractor shall, at Government expense, forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of ninety (90)[1] days after a Stop Work Order is delivered to the Contractor, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either—

(i) Cancel the Stop Work Order, or

(ii) Terminate the work covered by such order as provided in the "Termination of Work" clause of this contract.

(b) If a Stop Work Order issued under this clause is canceled or the period of the order or any extension thereof expires, the Contractor shall resume work. An equitable adjustment shall be made in the delivery completion schedule, the estimated cost, or both, and the contract shall be modified in writing accordingly, if—

(i) The Stop Work Order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract, and

(ii) The Contractor asserts a claim for such adjustment within thirty (30) days after the end of the period of work stoppage: *Provided*, That, if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract.

(c) If a Stop Work Order is not canceled and the work covered by such order is terminated, the reasonable costs resulting from the Stop Work Order shall be allowed in arriving at the termination settlement.

(d) Appropriate equitable adjustment may be made in any related contract of the Contractor which so provides and which is affected by any Stop Work Order under this clause. In no event shall the Government be liable to the Contractor for damages or loss of profits because of a Stop Work Order issued under this clause.

§ 18–7.702–22 Termination of work.

TERMINATION OF WORK (OCTOBER 1967)

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a writter Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination and except as otherwise directed by the Contracting Officer, the Contractor shall:

(i) Stop work in performance of the contract on the date and to the extent specified in the Notice of Termination;

(ii) Place no further orders or subcontracts for materials, services, or Facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(iii) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) Assign to the Government, in the manner and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders or subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) With the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be reimbursable in whole or in part, in accordance with the provisions of this contract;

(vi) Transferred title (to the extent that title has not already been transferred) and, in the manner, to the extent, and at the times directed by the Contracting Officer, deliver to the Government—

(A) The fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect to the performance of, the work terminated by the Notice of Termination; and

(B) The completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would be required to be furnished to the Government;

(vii) Use his best efforts to sell in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (vi) above: *Provided, however*, That the Contractor—

(A) Shall not be required to extend credit to any purchaser, and

(B) May acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further*, That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(viii) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of Contractor in which the Government has or may acquire an interest.

The Contractor shall proceed immediately with the performance of the above obligations notwithstanding any delay in determining any item of reimbursable cost under this clause. At any time after expiration of the plant clearance period, as defined in Part 8 of the NASA Procurement Regulation, in effect as of the date of this contract, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter the Government will accept such items and remove them or enter into a storage agreement covering the same: *Provided*, That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than 1 year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer, upon request of the Contractor made in writing within such 1-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such 1-year period of any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by Part 8 of the NASA Procurement Regulation in effect as of the date of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

[1] This clause may provide for less than 90 days.

(d) Subject to the provisions of paragraph (c), and subject to any Settlement Review Board approvals required by Part 8 of the NASA Procurement Regulation in effect as of the date of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount.

(e) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (d), as to the amounts with respect to costs to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer shall, subject to any Settlement Review Board approvals required by Part 8 of the NASA Procurement Regulation in effect as of the date of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amount determined as follows:

(i) There shall be included therein all costs and expenses reimbursable in accordance with this contract, not previously paid to the Contractor for the performance of this contract prior to the effective date of the Notice of Termination, and such of these costs as may continue for a reasonable time thereafter with the approval of or as directed by the Contracting Officer: *Provided, however,* That the Contractor shall proceed as rapidly as practicable to discontinue such costs;

(ii) There shall be included therein so far as not included under (i) above, the cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(v) above, which are properly chargeable to the terminated portion of the contract; and

(iii) There shall be included therein the reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of termination inventory.

(f) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes", from any determination made by the Contracting Officer under paragraph (c) or (e) above, except that if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) If there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal.

(g) In arriving at the amount due the Contractor under this clause there shall be deducted (i) all unliquidated advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this contract, (ii) any claim which the Government may have against the Contractor in connection with this contract, and (iii) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(h) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of six percent (6%) per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten (10) days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(i) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by a Notice of Termination under this clause. In no event shall the Government be liable to the Contractor for damages or loss of profits by reason of a Notice of Termination issued pursuant to this clause.

§ 18–7.702–23 Notice of use of the facilities.

NOTICE OF USE OF THE FACILITIES (APRIL 1969)

The Contractor shall notify the Contracting Officer in writing whenever—

(i) Use of all Facilities for Government work, in any quarterly period, is on an average less than 75 percent of the total use of the Facilities.

(ii) Any item of the Facilities is no longer needed or usable for purposes of performing existing Government contracts or subcontracts for which use has been authorized.

§ 18–7.702–24 Termination of the use of the facilities.

TERMINATION OF THE USE OF THE FACILITIES (MARCH 1963)

(a) The Contractor may at any time, upon written notice to the Contracting Officer terminate his authority to use any or all of the Facilities. Termination under this paragraph (a) shall not relieve the Contractor of any of his obligations or liabilities under any related procurement contract or subcontract affected thereby.

(b) The Contracting Officer may at any time, upon written notice, terminate or limit the Contractor's authority to use any or all of the Facilities. Except as otherwise provided in the "Failure to Perform" clause of this contract, appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any such notice.

§ 18–7.702–25 Period of this contract.

PERIOD OF THIS CONTRACT (MARCH 1963)

If not previously terminated pursuant to the "Termination of the Use of the Facilities" clause of this contract, the use of the Facilities authorized under this contract shall terminate five (5) years after its effective date. Thereafter, if continued use of the Facilities by the Contractor is mutually desired, the parties shall enter into a new contract which shall incorporate such provisions as may then be required by applicable laws and regulations. The parties may, by written agreement, extend the use of the Facilities hereunder beyond this five (5) year period to permit the completion of then existing related procurement contracts and subcontracts.

A period or less than 5 years may be specified where appropriate. A period of more than 5 years may be specified only in accordance with the deviation procedures of § 18–1.109.

§ 18–7.702–26 Disposition of the facilities.

DISPOSITION OF THE FACILITIES (OCTOBER 1967)

(a) Except as the Contracting Officer otherwise directs, or until use of all the Facilities under this contract is terminated, the provisions of this clause shall not be applicable to those Facilities, the use of which has been terminated by the Contractor by a notice of termination under paragraph (a) of the "Termination of the Use of the Facilities" clause of this contract if:

(i) Such Facilities comprise less than all of the Facilities in the possession of the Contractor, and

(ii) The Contracting Officer determines that continued retention of such Facilities would not interfere with the Contractor's operations.

(b) Within sixty (60) days after the effective date of any notice of termination given pursuant to the "Termination of the Use of the Facilities" clause of this contract, or within such longer period as the Contracting Officer may approve in writing, the Contractor shall submit to the Contracting Officer, in form satisfactory to him, an accounting for all the Facilities covered by such notice.

(c) Within one hundred and eighty (180) days after the Contractor accounts for any Facilities pursuant to paragraph (b) above, the Contracting Officer shall give written notice to the Contractor as to the disposition thereof, except as otherwise provided in paragraph (e) below. In effecting such disposition, the Government may either:

(i) Abandon any such Facilities in place, and thereupon all obligations of the Government regarding such abandoned Facilities shall cease; or

(ii) Require the Contractor to comply, at Government expense, with such written directions as the Contracting Officer may give with respect to—

(A) The preparation, protection, removal, or shipment of the affected Facilities;

(B) The retention or storage of the affected Facilities, *provided*, that the Contracting Officer will not direct the Contractor to retain or store any items of Facilities in or on real property not owned by the Government if such retention or storage will interfere with the Contractor's operations;

(C) The restoration of Government-owned land or buildings incident to the removal therefrom of Government-owned Facilities; and

(D) The sale of any affected Facilities in such manner, at such times, and at such price or prices, as may be approved by the Contracting Officer, except that the Contractor shall not be required to extend credit to any purchaser.

(d) If the Contracting Officer fails to give the written notice required by paragraph (c) above within the prescribed one hundred and eighty (180) day period, or within thirty (30) days after notice as hereinafter provided, the Contractor may, upon not less than thirty (30) days' written notice to the Government and at Government risk and expense, (i) retain the Facilities in place or (ii) remove any of the affected severable Facilities located in Contractor-owned buildings or property and store them elsewhere, at the Contractor's plant or in a public insured warehouse, in accordance with sound practice and in a manner compatible with their security classification, if any. Except as provided in this paragraph, the Government shall not be liable to the Contractor for failure to give the written notice required by paragraph (c) above.

(e) Nonseverable items of the Facilities or items of the Facilities subject to patent or proprietary rights shall be disposed of in such manner as the parties may have agreed to in writing.

(f) The Government, either directly or by third persons engaged by it, may remove or otherwise dispose of any Facilities with respect to which the Contractor's authority to use has been terminated, other than those for which specific provision is made in paragraph (e) above.

(g) The Contractor shall, within a reasonable time after the expiration of the one hundred and eighty (180) day period specified in paragraph (c) above, remove all property owned by him from land or buildings owned or acquired by the Government and take such action as the Contracting Officer may direct in writing with respect to restoring such land or buildings, insofar as they are affected by the installation therein of the Contractor's property, to their condition prior to such installation.

(h) Unless otherwise specifically provided in this contract, the Government shall not be obligated to the Contractor to restore or rehabilitate any property at Contractor's plant, except where such restoration or rehabilitation is caused by the removal of the Facilities. The Contractor agrees to indemnify the Government against all suits or claims for damages arising out of the Government's failure to restore or rehabilitate any property at the Contractor's plant or property of its subcontractors, except any such damage as may be occasioned by the negligence of the Government, its agents, or independent contractors.

§ 18–7.702–27 Failure to perform.

FAILURE TO PERFORM (MARCH 1963)

(a) Subject to the provisions of the clause hereof entitled "Excusable Delays," if the Contractor shall fail to perform this contract in accordance with its terms, the Contracting Officer shall give the Contractor written notice thereof. Thereafter, notwithstanding any other provision of this contract, the Contractor shall not be entitled to an equitable adjustment under either this contract or any related procurement contract, to the extent that such equitable adjustment arises out of the Contractor's failure to perform or such reasonable remedial action as may be taken by the Contracting Officer predicated upon such failure.

(b) The failure of the Government to insist, in any one or more instances, upon the performance of any term or terms of this contract shall not be construed as a waiver or relinquishment of the Government's right to the future performance of such term or terms, and the Contractor's obligation in respect of such future performance shall continue in full force and effect.

(c) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

§ 18–7.702–28 Disputes.

Insert the clause set forth in § 18–7.103–12.

§ 18–7.702–29 Security requirements.

SECURITY REQUIREMENTS (MARCH 1963)

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" or higher.

(b) NASA shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254), or other written notification.

(c) The Contractor agrees to execute, if he has not already done so, a Security Agreement (DD Form 441) with the Government, represented by the Military Department assigned security cognizance over the Contractor's facility. To the extent the Government has indicated, as of the date of this contract, or thereafter indicates, a security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of:

(i) The Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for safeguarding Classified Information in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) Any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department assigned security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility, and representatives of NASA, shall have the right to inspect at reasonable intervals the procedures, methods and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract, the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and if such change causes an increase or decrease in the estimated cost of performance of this contract, the estimated cost and fixed fee (if any) shall, to the extent appropriate, be subject to an equitable adjustment. Any such equitable adjustment shall be accomplished in the manner set forth in the "Changes" clause of this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph. The Contractor may insert in any such subcontract, and any such subcontract entered into thereunder may contain provisions which permit equitable adjustments to be made in the subcontract price or in the estimated cost and fixed fee (if any) of the subcontract (as appropriate to the type of subcontract involved) on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved.

(g) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

§ 18–7.702–30 Authorization and consent.

Insert the clause set forth in § 18–9.103(a) or § 18–9.103(b), as appropriate.

§ 18–7.702–31 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 18–9.105.

§ 18–7.702–33 Subcontracts.

Insert the clause set forth in § 18–7.203–8, except that paragraph (a) of the clause shall be appropriately modified to delete references to facilities and special tooling.

§ 18–7.702–34 Utilization of small business concerns.

Insert the clause set forth in § 18–1.707–3(a).

§ 18–7.702–35 Utilization of concerns in labor surplus areas.

Insert the clause set forth in § 18–1.805–3(a).

§ 18–7.702–36 Buy American Act.

Insert the clause set forth in § 18–6.104–5.

§ 18–7.702–37 Assignment of claims.

Insert the clause set forth in § 18–7.103–8.

§ 18–7.702–38 Renegotiation.

Insert the clause set forth in § 18–7.103–13.

§ 18–7.702–39 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.702–41 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.702–42 Payment for overtime premiums.

In accordance with the requirements of § 18–12.102, insert the clause in § 18–12.102–6.

§ 18–7.702–43 Convict labor.

In accordance with the requirements of § 18–12.202, insert the clause set forth in § 18–12.203.

§ 18–7.702–44 Equal opportunity.

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity clause set forth in § 18–12.802–1, or (b) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–2.

§ 18–7.702–45 Walsh-Healey Public Contracts Act.

Insert the Clause set forth in § 18–12.605.

§ 18–7.702–46 Contract Work Hours Standards Act—overtime compensation.

Insert the appropriate clause set forth in § 18–12.303.

§ 18–7.702–47 Contractor and subcontractor certified cost or pricing data.

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

§ 18–7.702–48 Audit and records.

Insert the clause set forth in § 18–7.104–42, except that paragraph (a) thereof shall be modified to read as follows:

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly (i) all direct and indirect costs of whatever nature claimed to have been incurred an anticipadted to be incurred for the performance of this contract and (ii) the use of, and charges for the use of, the Facilities. The foregoing constitute "records" for the purposes of this clause.

§ 18–7.702–50 Competition in subcontracting.

Insert the clause set forth in § 18–7.104–40.

§ 18–7.702–51 Interest.

Insert the clause set forth in § 18–7.103–53, except in contracts with nonprofit organizations.

§ 18–7.702–52 Notice to the Government of labor disputes.

Insert the clause set forth in § 18–7.104–4.

§ 18–7.702–53 General Services Administration supply sources.

The clause set forth in § 18–5.907 will be included in contracts in accordance with the instructions set forth therein.

§ 18–7.702–54 Limitation on withholding of payments.

LIMITATION ON WITHHOLDING OF PAYMENTS (MARCH 1963)

If more than one clause or schedule provision of this contract authorizes the temporary withholding of amounts otherwise payable to the Contractor for work performed under this contract, the total of the amounts so withheld at any one time shall not exceed the greatest amount which may be withheld under any one such clause or schedule provision at that time; *Provided*, That this limitation shall not apply to:

(i) Withholdings pursuant to any clause relating to wages or hours of employees;

(ii) Withholdings not specifically provided for by this contract; and

(iii) The recovery of overpayments.

§ 18–7.702–55 Payment of royalties.

In accordance with the instructions of § 18–9.108, insert the appropriate clause set forth therein.

§ 18–7.702–56 Property listings.

PROPERTY LISTINGS (JULY 1968)

(a) Within thirty (30) days of receipt of written request from the Contracting Officer, the contractor shall furnish an up-to-date summary statement of all facilities for which he is accountable under this contract. The summary statement used in support of the clause entitled "Use and Charges" of this contract; shall contain the following information:

(i) Land, land preparations, and land installations other than those items specified in (ii) below—total acquisition cost.

(ii) Buildings and building installations other than those specified in (iii) below—total acquisition cost.

(iii) Machinery, production equipment, machine tools, FSC Code Number 3411 through 3419, and secondary metal—forming machinery, FSC Numbers 3441 through 3449—number of items and total acquisition cost of items in each of the following age categories: 0–2 years; 2–6 years; 6–10 years; and over 10 years of age;

(iv) Electronic test equipment and automotive equipment—total acquisition cost;

(v) Personal property and equipment not covered in (i), (ii), (iii), and (iv) above—total acquisition cost.

Total acquisition cost as referred to above shall be as defined in the "Use and Charges" clause of this contract.

(b) All listings required pursuant to paragraph (a) shall be signed by the Contractor and be submitted to the cognizant Government Property Administrator for verification and forwarding to the Contracting Officer.

(c) In addition to the summary listing required by paragraph (a), the Contractor agrees to furnish a current itemized listing of all Government-owned property accountable under this contract within thirty (30) days of receipt of a written request from the Contracting Officer therefor.

§ 18–7.702–57 Small business subcontracting program.

SMALL BUSINESS SUBCONTRACTING PROGRAM (OCTOBER 1967)

(a) The Contractor agrees to establish and conduct a program to afford small business concerns an equitable opportunity to compete for NASA subcontracts within their capabilities. In this connection, the Contractor shall—

(i) Designate a small business liaison officer, who will (A) maintain liaison with duly authorized representatives of the Government on small business matters, (B) supervise compliance with the clause of this contract entitled "Utilization of Small Business Concerns," and (C) administer the Contractor's Small Business Program;

(ii) Provide adequate and timely consideration of the potentialities of small business concerns in all "make-or-buy" decisions;

(iii) Insure that small business concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate small business participation;

(iv) Maintain records showing (A) whether each prospective subcontractor is a small business concern, and (B) procedures which have been adopted to comply with the policies set forth in this clause;

(v) Include the "Utilization of Small Business Concerns" clause in subcontracts which offer substantial small business subcontracting opportunities; and

(vi) Submit NASA Form 524 reports in accordance with the instructions contained therein.

(b) A "small business concern" is a concern that meets the pertinent criteria established by the Small Business Administration and set forth in paragraph 1.701 of the NASA Procurement Regulation.

(c) The Contractor further agrees to insert in any subcontract hereunder which is in excess of $500,000 and which contains the clause entitled "Utilization of Small Business Concerns" provisions which shall conform substantially to the language of this clause, including this paragraph (c).

§ 18–7.702–58 Supersedure.

SUPERSEDURE (JULY 1964)

(a) Facilities heretofore provided to the Contractor and identified in the Schedule shall become subject to the terms of this contract upon its effective date. The terms of any other contract by which such Facilities may have been provided to the Contractor by NASA are hereby superseded with respect to such Facilities, except for rights and obligations which may have accrued under such other contract prior to the effective date hereof.

(b) Each item of Facilities hereafter provided to the Contractor, under any contract which so specifies, shall become subject to the terms of this contract upon the completion of its construction, acquisition and installation or upon its availability of use, whichever first occurs, except as otherwise provided in the contract or other document by which such Facilities are provided to the contractor.

§ 18–7.702–59 Report on NASA subcontracts.

In accordance with the requirement of § 18–16.902, insert the appropriate clause set forth therein.

§ 18–7.703 Required clauses for facilities acquisition contracts.

The following contract clauses shall be inserted in all facilities acquisition contracts.

§ 18–7.703–1 Definitions.

Insert the contract clause set forth in § 18–7.702–1.

§ 18–7.703–2 Facilities to be provided.

Insert the clause set forth in § 18–7.702–2.

§ 18–7.703–3 Late delivery, diversion, and substitution.

Insert the clause set forth in § 18–7.702–3.

§ 18–7.703–4 Changes.

Insert the clause set forth in § 18–7.702–4.

§ 18–7.703–5 Representations and warranties.

Insert the clause set forth in § 18–7.702–5.

§ 18–7.703–6 Inspection.

Insert the clause set forth in § 18–7.702–6.

§ 18–7.703–7 Excusable delays.

Insert the clause set forth in § 18–8.708.

§ 18–7.703–8 Government bills of lading.

Insert the clause set forth in § 18–7.702–9.

§ 18–7.703–9 Allowable cost and payment.

(a) In accordance with the instructions in § 18–7.702–10, insert the contract clause set forth therein.

(b) If desired, the following additional provision may be added after the first sentence of paragraph (d) of this clause.

After payment of an amount equal to eighty percent (80%) of the total estimated cost of performance of this contract set forth in the Schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of such total estimated cost, or one hundred thousand dollars ($100,000) whichever is less, shall have been set aside

(c) If desired, the following additional paragraph may be added to this clause as paragraph (f), in which case paragraph (f) of the clause set forth in § 18–7.702–10 shall be redesignated paragraph (g).

(f) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all relevant provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (g) below) the Government shall promptly pay to the Contractor any balance of allowable cost. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of (i) all work under this contract, or (ii) such work involving acquisition, construction, or installation of the facilities as may then be specified in the Schedule, but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

§ 18–7.703–10 Limitation of cost.

Insert the clause set forth in § 18–7.702–11.

§ 18–7.703–11 Examination of records.

In accordance with § 18–7.203–7, insert the clauses set forth therein.

§ 18–7.703–12 Title.

Insert the clause set forth in § 18–7.702–15, except that the third sentence of paragraph (a) shall be deleted.

§ 18–7.703–13 Access.

Insert the clause set forth in § 18–7.702–16.

§ 18–7.703–14 Liability for the facilities.

Insert the clause set forth in § 18–702–18, except that the phrase "in accordance with the clause of the contract entitled 'Maintenance'," in paragraph (a)(ii) shall be deleted, and the phrase "in accordance with sound industrial practice" inserted in lieu thereof.

§ 18–7.703–15 Insurance—liability to third persons.

Insert the clause set forth in § 18–7.702–19.

§ 18–7.703–16 Indemnification of the Government.

Insert the clause set forth in § 18–7.702–20.

§ 18–7.703–17 Stop work orders.

Insert the clause set forth in § 18–7.702–21.

§ 18–7.703–18 Termination of work.

Insert the clause set forth in § 18–7.702–22.

§ 18–7.703–19 Failure to perform.

Insert the clause set forth in § 18–7.702–27.

§ 18–7.703–20 Disputes.

Insert the clause set forth in § 18–7.103–12.

§ 18–7.703–21 Security requirements.

Insert the clause set forth in § 18–7.702–29.

§ 18–7.703–22 Authorization and consent.

Insert the clause set forth in § 18–9.103(a) or § 18–9.103(b), as appropriate.

§ 18–7.703–23 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 18–9.105.

§ 18–7.703–25 Subcontracts.

Insert the clause set forth in § 18–7.203–8, except that paragraph (a) of the clause shall be appropriately modified to delete references to facilities and special tooling.

§ 18–7.703–26 Utilization of small business concerns.

Insert the clause set forth in § 18–1.707–3(a).

§ 18–7.703–27 Utilization of concerns in labor surplus areas.

Insert the clause set forth in § 18–1.805–3(a).

§ 18–7.703–28 Buy American Act.

Insert the clause set forth in § 18–6.104–5.

§ 18–7.703–29 Assignment of claims.

Insert the clause set forth in § 18–7.103–8.

§ 18–7.703–30 Renegotiation.

Insert the clause set forth in § 18–7.103–13.

§ 18–7.703–31 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.703–33 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.703–34 Payment for overtime premiums.

In accordance with the requirements of § 18–12.102, insert the clause set forth in § 18–12.102–6.

§ 18–7.703–35 Convict labor.

In accordance with the requirements of § 18–12.202, insert the clause set forth in § 18–12.203.

§ 18–7.703–36 Equal opportunity.

Insert one or the other of the following clauses, as required by an in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity clause set forth in § 18–12.802–1, or (b) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–2.

§ 18–7.703–37 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 18–12.605.

§ 18–7.703–38 Contract Work Hours Standards Act—overtime compensation.

Insert the appropriate clause set forth in § 18–12.303–1.

§ 18–7.703–39 Supersedure.

SUPERSEDURE (OCTOBER 1967)

When the acquisition, construction, or installation of the Facilities called for by this contract, or any usable increment thereof, is completed and accepted by the Government, such Facilities shall thereafter be subject to the provisions of related facilities contract by which the use of such items by the Contractor is authorized.

§ 18–7.703–40 Contractor and subcontractor certified cost or pricing data.

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

§ 18–7.703–41 Audit and records.

Insert the clause set forth in § 18–7.104–42, except that paragraph (a) thereof shall be modified to read as follows:

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect properly (i) all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract and (ii) the use of, and charges for the use of, the Facilities. The foregoing constitute "records" for the purposes of this clause.

§ 18–7.703–43 Competition in subcontracting.

Insert the clause set forth in § 18–7.104–40.

§ 18–7.703–44 Interest.

Insert the clause set forth in § 18–7.103–53, except in contracts with nonprofit organizations.

§ 18–7.703–45 Notice to the Government of labor disputes.

Insert the clause set forth in § 18–7.104–4.

§ 18–7.703–46 General Services Administration supply sources.

The clause set forth in § 18–5.907 will be included in contracts in accordance with the instructions set forth therein.

§ 18–7.703–47 Limitation on withholding of payments.

Insert the clause set forth in § 18–7.702–54.

§ 18–7.703–48 Payment of royalties.

In accordance with the instructions of § 18–9.108, insert the appropriate clause set forth therein.

§ 18–7.703–49 Small business subcontracting program.

Insert the clause set forth in § 18–7.702–57.

§ 18–7.703–50 Report on NASA subcontracts.

In accordance with the requirements of § 18–16.902, insert the clause set forth therein.

§ 18–7.704 Required clauses for facilities use contracts.

The following clauses shall be inserted in all facilities use contracts.

§ 18–7.704–1 Definitions.

Insert the clause set forth in § 18–7.702–1.

§ 18–7.704–2 Use and charges.

Insert the clause set forth in § 18–7.702–12.

§ 18–7.704–3 Allowable cost and payment.

ALLOWABLE COST AND PAYMENT (OCTOBER 1967)

(a) For the performance of any work, duty, or obligation by the Contractor under this contract which is provided herein to be at Government expense, the Government shall pay the Contractor the cost thereof, determined by the Contracting Officer to be allowable in accordance with (i) Part 15, Subpart 5 of the NASA Procurement Regulation in effect as of the date of this contract; and (ii) the terms of this contract.

(b) Except as otherwise specifically provided in this contract, the failure of this contract to provide for reimbursement shall not preclude the Contractor from including, as part of the price or cost under any other Government contract or subcontract, an allocable portion of the costs incurred in the performance of any work, duty, or obligation under this contract which are not reimbursable hereunder.

§ 18–7.704–4 Limitation of cost.

Insert the clause set forth in § 18–7.702–11.

§ 18–7.704–5 Examination of records.

In accordance with § 18–7.702–13, insert the clause set forth in § 18–7.203–7.

§ 18–7.704–6 Location of the facilities.

Insert the clause set forth in § 18–7.702–8.

§ 18–7.704–7 Maintenance.

Insert the clause set forth in § 18–7.702–14.

§ 18–7.704–8 Inspection.

Insert the clause set forth in § 18–7.702–6.

§ 18–7.704–9 Title.

Insert the clause set forth in § 18–7.702–15 except that the following paragraph (a) shall be substituted for the corresponding paragraph in that clause:

(a) Title to the Facilities shall remain in the Government. Title to parts replaced by the Contractor in carrying out its normal maintenance obligations pursuant to the clause of this contract entitled "Maintenance" shall pass to and vest in the Government upon completion of their installation in the Facilities.

§ 18–7.704–10 Access.

Insert the clause set forth in § 18–7.702–16.

§ 18–7.704–11 Property control.

Insert the clause set forth in § 18–7.702–17.

§ 18–7.704–12 Representations and warranties.

Insert the clause set forth in § 18–7.702–5.

§ 18–7.704–13 Government bills of lading.

Insert the clause set forth in § 18–7.702–9.

§ 18–7.704–14 Liability for the facilities.

Insert the clause set forth in § 18–7.702–18.

§ 18–7.704–15 Indemnification of the Government.

Insert the clause set forth in § 18–7.702–20, deleting the phrase "Except as provided in the 'Insurance—Liability to Third Persons' clause" in the first sentence.

§ 18–7.704–16 Notice of use of the facilities.

Insert the clause set forth in § 18–7.702–23.

§ 18–7.704–17 Termination of the use of the facilities.

Insert the clause set forth in § 18–7.702–24.

§ 18–7.704–18 Period of this contract.

Insert the clause set forth in § 18–7.702–25.

§ 18–7.704–19 Disposition of the facilities.

Insert the clause set forth in § 18–7.702–26.

§ 18–7.704–20 Failure to perform.

Insert the clause set forth in § 18–7.702–27, except that the phrase "Subject to the provisions of the clause hereof entitled 'Excusable Delays'," shall be deleted in paragraph (a).

§ 18–7.704–21 Disputes.

Insert the clause set forth in § 18–7.103–12.

§ 18–7.704–22 Security requirements.

Insert the clause set forth in § 18–7.702–29.

§ 18–7.704–23 Assignment of claims.

Insert the clause set forth in § 18–7.103–8.

§ 18–7.704–24 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.704–26 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.704–27 Payment for overtime premiums.

In accordance with the requirements of § 18–12.102, insert the clause set forth in § 18–12.102–6.

§ 18–7.704–28 Convict labor.

In accordance with the requirements of § 18–12.202, insert the clause set forth in § 18–12.203.

§ 18–7.704–29 Equal opportunity.

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) The Equal Opportunity clause set forth in § 18–12.802–1, or (b) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–2.

§ 18–7.704–30 Contract Work Hours Standards Act—overtime compensation.

Insert the appropriate clause set forth in § 18–12.303.

§ 18–7.704–31 Supersedure.

Insert the clause set forth in § 18–7.702–58.

§ 18–7.704–33 Audit and records.

Insert the clause set forth in § 18–7.104–42, except that paragraph (a) thereof shall be modified to read as follows:

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly (i) all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract and (ii) the use of, and charges for the use of, the Facilities. The foregoing constitute "records" for the purposes of this clause.

§ 18–7.704–35 Competition in subcontracting.

Insert the clause set forth in § 18–7.104–40.

§ 18–7.704–36 Interest.

Insert the clause set forth in § 18–7.103–53, except in contracts with nonprofit organizations.

§ 18–7.704–37 Property listings.

Insert the clause set forth in § 18–7.702–56.

§ 18–7.705 Clauses required to be used when applicable.

The clauses set forth in this paragraph are to be used with the clauses required for use in (a) Consolidated Facilities Contracts (§ 18–7.702), (b) Facilities Acquisition Contracts (§ 18–7.703), and (c) Facilities Use Contract (§ 18–7.704).

§ 18–7.705–1 Rights in data.

In accordance with the requirements of § 18–9.203, insert the clause in § 18–9.203–1. Particular attention shall be given to obtaining data where necessary to make possible the use or disposal of facilities.

§ 18–7.705–2 Filing of patent applications.

In accordance with the requirements of § 18–9.107, insert the clause set forth therein.

§ 18–7.705–3 Priorities, allocations, and allotments.

In accordance with the requirements of § 18–1.307–2, insert the clause set forth therein.

§ 18–7.705–4 Transfer of title to the facilities.

When it is anticipated, in connection with a contract with a nonprofit institution of higher education or nonprofit organization, that title to equipment may be vested in the contractor, the following clause may be inserted in facilities contracts.

TRANSFER OF TITLE TO THE FACILITIES (OCTOBER 1967)

Notwithstanding the provisions of the clause of this contract entitled "Title", the Contracting Officer may at any time during the term of this contract, or upon completion or termination, transfer title to equipment to the Contractor upon such terms and conditions as may be agreed upon; *Provided*, That the Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such equipment as is donated under this clause. Upon the transfer of title to equipment under this clause, such equipment shall cease to be Government property.

§ 18–7.705–5 Labor standards for construction work.

Except as provided in §§ 18–12.403–3 and 18–12.403–4, every construction contract as this term is defined in § 18–12.402, shall include the following.

LABOR STANDARDS FOR CONSTRUCTION WORK (NOVEMBER 1964)

(a) In the event that construction, alteration, or repair (including painting and decorating) of public buildings or public works is to be performed hereunder the Contracting shall, prior to commencing the work, request the determination of the Contracting Officer as to the applicability of the Davis-Bacon and Copeland Acts and shall not perform any of said items hereunder without receipt of such determination.

(b) The Contractor shall, in the performance of items of work so determined to be subject to the Davis-Bacon Act, comply with the following clauses set forth in § 18–12.403–1 of the NASA Procurement Regulation in effect as of the date of this contract:

(i) Davis-Bacon Act.
(ii) Contract Work Hours Standards Act—Overtime Compensation.
(iii) Apprentices.
(iv) Payrolls and Payroll Records.
(v) Compliance with Copeland Regulations.
(vi) Withholding of Funds.
(vii) Subcontracts.
(viii) Contract Termination—Debarment.

(c) Upon determination that the Davis-Bacon Act is applicable to any item of work to be performed hereunder, the Contractor shall submit a request for a predetermination of the prevailing wage rates to be made applicable to such work. Upon receipt of such request the Contracting Officer shall, as soon as possible, obtain a predetermination of the applicable prevailing wage rates and publish such rates and incidental instructions in numbered exhibits to this contract. Upon publication thereof such exhibits shall be considered the wage determination decision of the Secretary of Labor referred to in paragraph (a) of the "Davis-Bacon Act" clause. Each such exhibit shall indicate to what work the rates set forth therein shall apply, including the period of time within which subcontracts subject to such rates may be issued.

§ 18–7.705–6 Buy American Act—construction contracts.

In accordance with the requirements of § 18–6.207(c), every contract for construction shall include the contract clause set forth therein.

§ 18–7.705–7 Improvements to buildings or land owned by the Government.

Where necessary to assure that Government buildings or land will not be modified in a manner detrimental to the interests of the Government, the following clause shall be inserted.

IMPROVEMENTS TO BUILDINGS OR LAND OWNED BY THE GOVERNMENT (JANUARY 1964)

(a) The Contractor shall not construct or make, at his expense, any fixed improvement to, or structural alteration in the nature of, buildings or land owned or leased by the Government, without the prior written approval of the Contracting Officer.

(b) For the purposes of paragraph (a), the terms "fixed improvement" and "structural alteration" mean any improvement to or alteration in the nature of buildings or land which, after completion, cannot be removed without substantial loss of value or damage to the premises. Such terms do not include foundations for production equipment.

§ 18–7.705–8 New technology.

In accordance with the requirements of § 18–9.101–2, insert the New Technology clause, as appropriate.

§ 18–7.705–9 Required source for jewel bearings.

In accordance with the requirements of § 18–1.315, insert the clause set forth therein.

§ 18–7.705–10 Changes to make-or-buy program.

In accordance with the requirements of § 18–3.901–4, insert the clause set forth therein.

§ 18–7.705–11 Contractor and subcontractor certified cost or pricing data.

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

§ 18–7.705–12 Negotiated overhead rates.

When negotiated overhead rates are to be in contracts with concerns other than educational institutions pursuant to Subpart 18–3.7, insert the contract clause set forth in § 18–3.704–1, except that (a) the reference to the clause of the contract entitled "Allowable Cost, Fixed-Fee and Payment," in paragraph (a) thereof shall be changed to "Allowable Cost and Payment" and (b) the reference to "Part 15, Subpart 2" in paragraph (c) thereof shall be changed to "Part 15, Subpart 5." Where negotiated overrates (postdetermined or predetermined) are to be used in contracts with educational institutions, pursuant to that subpart, insert the appropriate contract clause set forth in § 18–3.704–2, except that reference to "Part 15, Subpart 3", in paragraph (c) of these two clauses shall be changed to "Part 15, Subpart 5."

§ 18–7.705–13 Rights in data for potentially hazardous items.

In accordance with the requirements of § 18–9.204–52, insert the clause set forth in § 18–9.204–52(c).

§ 18–7.705–14 Potentially hazardous items.

In accordance with the requirments of § 18–1.351, insert the clause set forth therein.

§ 18–7.705–15 Safety and health.

In accordance with the requirements of Subpart 18–1.52, insert the clause set forth in § 18–1.5204.

Subpart 18–7.9—Clauses for Time and Material and Labor Hour Contracts

§ 18–7.900 Scope of subpart.

This subpart sets forth uniform contract clauses for use in time and material and labor hour types of contracts as described in §§ 18–3.406–1 and 18–3.406–2.

§ 18–7.901 Required clauses.

The following clauses shall be inserted in all time and material contracts and labor hour contracts. In labor hour contracts, the provisions governing the reimbursement of material costs may be deleted.

§ 18–7.901–1 Definitions.

Insert the contract clause set forth in § 18–7.103–1. Additional definitions may be included in such clause provided they are not inconsistent with such clause or the provisions of this chapter.

§ 18–7.901–2 Changes.

CHANGES (JUNE 1966)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications; (ii) method of shipment or packing; (iii) place of delivery; and (iv) the amount of Government-furnished property. If any such change requires an increase or decrease in any hourly rate or in the ceiling price provided for in this contract, or in the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made in the (i) ceiling price, (ii) hourly rates, (iii) delivery schedule, and (iv) in such provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *provided, however*, That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

In the foregoing clause, the period of "thirty (30) days" within which any claim for adjustment must be asserted may be increased to a period of not more than "sixty (60) days."

§ 18–7.901–3 Excusable delays.

Insert the clause set forth in § 18–8.708.

§ 18–7.901–4 Termination.

TERMINATION (JUNE 1966)

(a) The performance of work under the contract may be terminated by the Government in accordance with this clause in whole, or from time to time, in part:

(i) Whenever the Contractor shall default in performance of this contract in accordance with its terms (including in the term "default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure such default within a period of ten (10) days (or such longer periods as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default; or

(ii) Whenever for any reason the Contracting Officer shall determine that such termination is in the best interests of the Government.

Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective. If, after notice of termination of this contract for default under (i) above, it is determined for any reason that the Contractor was not in default pursuant to (i), or that the Contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the Contractor pursuant to the provisions of the clause of this contract relating to excusable delays, the Notice of Termination shall be deemed to have been issued under (ii), above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(b) After receipt of a Notice of Termination and except as otherwise directed by the Contracting Officer, the Contractor shall:

(i) Stop work under the contract on the date and to the extent specified in the Notice of Termination;

(ii) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(iii) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) Assign to the Government, in the manner and to the extent directed by Contracting Officer, all right, title, and interest of the Contractor under the orders or subcontracts so terminated, in which case the Government shall have the right in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) With the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be payable by the Government in whole or in part, in accordance with the provisions of this contract;

(vi) Transfer title (to the extent that title has not already been transferred) and in the manner, to the extent, and at the times directed by the Contracting Officer, deliver to the Government (A) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the Notice of Termination; (B) the completed or partially completely plans, drawings, information, and other property which, if the contract had been completed, would be required to be furnished to the Government, and (C) the jigs, dies, fixtures, and other special tools and tooling acquired or manufactured for the performance of this contract for the cost of which the Contractor has been or will be reimbursed under this contract;

(vii) Use his best efforts to sell in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (vi) above: *Provided, however,* That the Contractor (A) shall not be required to extend credit to any purchaser, and (B) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(viii) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract, which is in the possession of the Contractor and in which the Government has or may acquire an interest.

The Contractor shall proceed immediately with the performance of the above obligations notwithstanding any delay in determining or adjusting any amount due or owing under this clause. At any time after expiration of the plant clearance period, as defined in Part 8, NASA Procurement Regulation, as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of exclusive of items the disposition of which has been directed or authorized by the Contracting Officer and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept such items and remove them or enter into a storage agreement covering the same: *Provided,* That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list. Any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than 1 year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer, upon request of the Contractor made in writing within such 1-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such 1-year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by Part 8 of the NASA Procurement Regulation in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any Settlement Review Board approvals required by Part 8 of the NASA Procurement Regulation in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination or work pursuant to this clause. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount.

(e) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (d) above, as to the amounts to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer shall, subject to any Settlement Review Board approvals required by Part 8 of the NASA Procurement Regulation in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination, and shall pay to the Contractor the amount determined as follows:

(i) If the termination of the contract is determined to be for the convenience of the Government, there shall be included—

(A) An amount for direct labor hours (as defined in the Schedule of the contract) which shall be determined by multiplying the number of direct labor hours expended prior to the effective date of the Notice of Termination by the hourly rate or rates set forth in the Schedule, less any hourly rate payments theretofore made to the Contractor;

(B) An amount (computed pursuant to the provisions of the contract providing for payment for materials) for material expenses incurred prior to the effective date of the Notice of Termination, not previously paid to the Contractor for the performance of this contract;

(C) An amount for labor and material expenses computed as if the expenses were incurred prior to the effective date of the termination reasonably incurred after the effective date of the Notice of Termination with the approval of or as directed by the Contracting Officer: *Provided,* That the Contractor shall discontinue such expenses as rapidly as practicable;

(D) To the extent not included in (A), (B), and (C) above, the cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(v) above, which are properly chargeable to the terminated portion of this contract; and

(E) The reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of termination inventory; or

(ii) If the termination of the contract is for the default of the Contractor, there shall be included the amounts computed in accordance with (i) above except there shall not be included—

(A) Any amount for the preparation of the Contractor's settlement proposal; or

(B) The portion of the hourly rate allocable to profit for any direct labor hours expended in furnishing materials and services not delivered to and accepted by the Government.

(f) The Contractor shall have the right of appeal, under the "Disputes" clause of this contract, from any determination made by the Contracting Officer under paragraphs (c) or (e), above, except that if the Contractor has failed within the time provided in paragraph (c), above, to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e), above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder, or if no timely appeal has been taken, the amount so determined by the Contracting Officer; or (ii) if an appeal has been taken, the amount finally determined on such appeal.

(g) In arriving at the amount due to the Contractor under this clause, there shall be deducted (i) all unliquidated advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this contract; (ii) any claim which the Government may have against the Contractor in connection with this contract; and (iii) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(h) In the event of a partial termination, the hourly rates for direct labor hours with respect to the work under the continued portion of the contract shall be equitably adjusted by agreement between the Contractor and the Contracting Officer, and such adjustment shall be evidenced by an amendment to this contract.

(i) The Government under such terms and conditions as it prescribes may make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract, whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of six (6) percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government; *provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten (10) days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

§ 18–7.901–5 Government property.

Insert the clause set forth in § 18–13.703 except that:

(a) The phrase "estimated cost, fixed-fee or delivery or performance dates, or all of them," appearing in lines 14, 15, 23, and 24 of paragraph (a) shall be deleted and the phrase "ceiling price, hourly rate, the delivery or performance date, or all of them," substituted therefor;

(b) Paragraph (i) shall be deleted, and paragraph (1) of the clause set forth in § 18–13.702(a) substituted therefor; and

(c) Add to the end of (g)(3), the following:

For any such repairs or renovations so directed, the Contracting Officer shall, upon written request of the Contractor, equitably adjust the ceiling price, hourly rate, delivery or performance date, or all of them in accordance with the procedures provided for in the clause of this contract entitled "Changes". In any such equitable adjustment due regard shall be given to the liability of the Contractor as determined under (1) above.

§ 18–7.901–6 Payments.

PAYMENTS (JUNE 1966)

The Contractor shall be paid as follows upon the submission of invoices or vouchers approved by the Contracting Officer.

(a) Hourly Rate.

(1) The amounts computed by multiplying the appropriate hourly rate, or rates, set forth in the Schedule by the number of direct labor hours performed, which rates shall include wages, overhead, general and administrative expense and profit. Fractional parts of an hour shall be payable on a prorated basis. Vouchers may be submitted once each month (or at more frequent intervals, if approved by the Contracting Officer), to the Contracting Officer or his designee. The Contractor will substantiate vouchers by evidence of actual payment and by individual daily job timecards or such other substantiation approved by the Contracting Officer. Promptly after receipt of each substantiated voucher, the Government shall, except as otherwise provided in this contract, and subject to the provisions of (e) below, make payment thereon as approved by the Contracting Officer.

(2) Unless otherwise set forth in the Schedule, five percent (5%) of the amount due under this paragraph (a) shall be withheld from each payment by the Contracting Officer but the total amount withheld shall not exceed $50,000. Such amounts withheld shall be retained until the execution and delivery of a release by the Contractor as provided in paragraph (f) hereof.

(3) Unless provisions of the Schedule hereof otherwise specify, the hourly rate or rates set forth in the Schedule shall not be varied by virtue of the Contractor having performed work on an overtime basis. If no overtime rates are provided in the Schedule and overtime work is approved in advance by the Contracting Officer, overtime rates will be negotiated. Failure to agree upon these overtime rates will be treated as a dispute under the "Disputes" clause of this contract. If the Schedule provides rates for overtime, the premium portion of those rates will be reimbursable only to the extent the overtime is approved by the Contracting Officer.

(b) *Materials and Subcontracts.*

(1) Allowable costs of direct materials shall be determined by the Contracting Officer in accordance with Subpart 2, Part 15, of the NASA Procurement Regulation in effect on the date of this contract. Reasonable and allocable material handling costs may be included in the charge for material at cost to the extent they are clearly excluded from the hourly rate. The Contractor shall support all material costs claimed by submitting paid invoices or storeroom requisitions, or by other substantiation acceptable to the Contracting Officer. Direct materials, as referenced by this clause, are defined as those materials which enter directly into the end product, or which are used or consumed directly in connection with the furnishing of such product.

(2) The cost of subcontracts which are authorized pursuant to the "Subcontracts" clause hereof shall be reimbursable costs hereunder, provided such costs are consistent with subparagraph (3) below. Reimbursable cost in connection with subcontracts shall be limited to the amounts actually required to be paid by the Contractor to the subcontractor and shall not include any costs arising from the letting, administration or supervision of performance of the subcontract, which costs are included in the hourly rate or fates payable under (a)(1) above.

(3) The Contractor shall, to the extent of his ability, procure materials at the most advantageous prices available with due regard to securing prompt delivery of satisfactory materials, and take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, and other benefits. When unable to take advantage of such benefits, it shall promptly notify the Contracting Officer to that effect, and give the reason therefor. Credits shall be given to the Government for cash and trade discounts, rebates, allowances, credits, salvage, the value of resulting scrap when the amount of such scrap is appreciable, commissions, and other amounts which have been accrued to the benefit of the Contractor, or would have so accrued except for the fault or neglect of the Contractor. Such benefits lost through no fault or neglect on the part of the Contractor, or lost through fault of the Government, shall not be deducted from gross costs.

(c) It is estimated that the total cost to the Government for the performance of this contract will not exceed the ceiling price set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such ceiling price. If at any time the Contractor has reasons to believe that the hourly rate payments and material costs which will accrue in the performance of his contract in the next succeeding thirty (30) days, when added to all other payments and costs previously accrued, will exceed eighty-five percent (85%) of the ceiling price then set forth in the Schedule, the Contractor shall notify the Contracting Officer to that effect giving his revised estimate of the total price to the Government for the performance of this contract, together with supporting reasons and documentation. If at any time during the performance of this contract, the Contractor has reason to believe that the total price to the Government for the performance of this contract will be substantially greater or less than the stated ceiling price, the Contractor shall so notify the Contracting Officer, giving his revised estimate of the total price for the performance of this contract, together with supporting reasons and documentation. If at any time during the performance of this contract, the Government has reason to believe that the work to be required in the performance of this contract will be substantially greater or less than the stated ceiling price, the Contracting Officer will so advise the Contractor, giving the then revised estimate of the total amount of effort to be required under the contract.

(d) The Government shall not be obligated to pay the Contractor any amount in excess of the ceiling price set forth in the Schedule, and the Contractor shall not be obligated to continue performance if to do so would exceed the ceiling price set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such ceiling price has been increased and shall have specified in such notice a revised ceiling which shall

thereupon constitute the ceiling price for performance under this contract. When and to the extent that the ceiling set forth in the Schedule has been increased, any hours expended and material costs incurred by the Contractor in excess of the ceiling price prior to the increase shall be allowable to the same extent as if such hours expended and material costs had been incurred after such increase in the ceiling price.

(e) At any time or times prior to final payment under this contract the Contracting Officer may cause to be made such audit of the invoices or vouchers and substantiating material as shall be deemed necessary. Each payment theretofore made shall be subject to reduction to the extent of amounts which are found by the Contracting Officer not to have been properly payable, and shall also be subject to reduction for overpayments, or to increase for underpayments, on preceeding invoices or vouchers. Upon receipt and approval of the voucher or invoice designated by the Contractor as the "completion voucher" or "completion invoice" and substantiating material, and upon compliance by the Contractor with all provisions of this contract (including, without limitation, provisions relating to patents and the provisions of (f) and (g) below), the Government shall as promptly as may be practicable pay any balance due and owing the Contractor. The completion invoice or voucher, and substantiating material, shall be submitted by the Contractor as promptly as may be practicable following completion of the work under this contract, but in no event later than one (1) year (or such longer period as the Contracting Officer may, in his discretion, approve in writing) from the date of such completion.

(f) The Contractor and each assignee, under an assignment entered into under this contract and in effect at the time of final payment under this contract, shall execute and deliver, at the time of and as a condition precedent to final payment under this contract, a release discharging the Government, its officers, agents, and employees of and from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts, or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon the liabilities of the Contractor to third parties arising out of the performance of this contract, which are not known to the Contractor on the date of the execution of the release, and of which the Contractor gives notice in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(g) The Contractor agrees that any refunds, rebates, or credits (including any interest thereon) accruing to or received by the Contractor or any assignee, which arise under the materials portion of this contract and for which the Contractor has received reimbursement, shall be paid by the Contractor to the Government. The Contractor and each assignee, under an assignment entered into under this contract and in effect at the time of final payment under this contract, shall execute and deliver, at the time of and as a condition precedent to final payment under this contract, an assignment to the Government of such refunds, rebates, or credits (including any interest thereon) in form and substance satisfactory to the Contracting Officer.

The following may be inserted as paragraph (b)(4) in the foregoing "Payments" clause where the nature of the work to be performed requires the contractor to furnish material which is regularly sold to the general public in the normal course of business by the contractor, and in accordance with the limitations contained in § 18–3.406–1(d)(i) and (ii):

(4) When the nature of the work to be performed requires the Contractor to furnish material which is regularly sold to the general public in the normal course of business by the Contractor, the price to be paid for such material, notwithstanding (b)(1), above, shall be on the basis of an established catalog or list price, in effect when the material is furnished, less all applicable discounts to the Government; provided that in no event shall such price be in excess of the Contractor's sales price to his most favored customer for the same item in like quantity, or the current market price, whichever is lower.

§ 18–7.901–7 signment of claims.

In accordance with § 18–7.103–8, insert the clause set forth therein.

§ 18–7.901–8 Disputes.

Insert the clause set forth in § 18–7–103.12.

§ 18–7.901–9 Convict labor.

Insert the clause set forth in § 18–12.203.

§ 18–7.901–10 Subcontracts.

SUBCONTRACTS (JUNE 1966)

(a) No contract shall be made by the Contractor for the furnishing of any of the work herein contracted for without the written approval of the Contracting Officer. For the purpose of this clause, purchase of raw material or commercial stock items shall not be considered work.

(b) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-percentage-of-cost basis.

§ 18–7.901–11 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 18–12.303–1.

§ 18–7.901–12 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 18–12.605.

§ 18–7.901–13 Equal opportunity.

In accordance with the instructions in § 18–12.802–1, insert the clause set forth therein.

§ 18–7.901–14 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.901–15 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.901–16 Audit and records.

Insert the clause set forth in § 18–7.104–42.

§ 18–7.901–17 Examination of records.

In accordance with § 18–7.203–7, insert the clause set forth therein.

§ 18–7.901–19 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 18–9.105.

§ 18–7.901–20 Authorization and consent.

Insert the clause set forth in § 18–9.103(a), or §18–9.103(b) if the contract is required in support of research and development work.

§ 18–7.901–21 Inspection and correction of defects.

INSPECTION AND CORRECTION OF DEFECTS (JUNE 1966)

(a) All materials furnished and services performed by the Contractor under this contract shall be subject to inspection and test by the Government to the extent practicable at all times (including the period of performance) and places, and in any event prior to acceptance. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of his subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, acceptance of services performed and materials furnished under this contract shall be made at the place of delivery as promptly as practicable after delivery and shall be deemed to have been made no later than sixty (60) days after the date of such delivery, if acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six (6) months (or such other period as may be provided in the schedule) after acceptance of the services or materials last delivered in accordance with the requirements of this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any services or materials which at the time of delivery thereof failed to comply with the requirement of this contract. Except as otherwise provided in paragraph (c) hereof, below, the allowability of the cost of any such replacement or correction shall be determined as provided in the "Payments" clause of this contract, but the "hourly rate" for labor hours incurred in such replacement or correction shall be reduced so as to exclude the portion of such rate attributable to profit. Corrected or replacement materials and services shall not be tendered again for acceptance unless the former tender and the requirement of correction or replacement is disclosed. If the Contactor fails to proceed with reasonable promptness to perform such replacement or correction, and if such replacement or correction may be performed within the ceiling price, or the ceiling price as increased by the Government, the Government (i) may by contract or otherwise perform such replacement or correction and charge to the Contractor any increases.

occasioned the Government thereby, and may deduct such increased cost from any amounts due the Contractor under this contract (or require repayment of any payments theretofore made), or (ii) may terminate this contract for default as provided in the "Termination" clause of this contract. Failure to agree to the amount of any such increased cost to be charged to the Contractor, or to such reduction in, or repayment of, any amount due under this contract, shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) Notwithstanding the provisions of paragraph (b) above, the Government may at any time require the Contractor to remedy by correction or replacement, without cost to the Government, any failure by the Contractor to comply with the requirements of this contract, if such failure is due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business; (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed; (iii) a separate and complete major industrial operation in connection with the performance of this contract; or (iv) all or substantially all of the Contractor's operations under this contract. The Government may at any time also require the Contractor to remedy by correction or replacement, without cost to the Government, any such failure caused by one or more individual employees selected or retained by the Contractor after any such supervisory person has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) The provisions of this clause shall apply to any corrected or replacement services or materials.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the material, fabricating methods, and the work and services hereunder. Records of all inspection work by the Contractor shall be complete and available to the Government at all reasonable times during performance of this contract and for such longer period as may be specified in this contract.

(f) Except as provided in this clause and as may be provided in the Schedule, the Contractor shall have no obligation or liability to correct or replace materials furnished and services performed under this contract which at the time of delivery are defective in material or workmanship or otherwise not in conformity with the requirements of this contract.

(g) Except as otherwise provided in the Schedule, the Contractor's obligation to correct or replace Government-furnished property (which is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor) shall be governed by the provisions of the "Government Property" clause of this contract.

In cases where inspection and acceptance are desired at the contractor's plant, the following should be substituted for the last sentence in paragraph (a):

Acceptance by the Government of all the items (other than aircraft to be flown away, if any) to be furnished under this contract shall be at the plant or plants of the Contractor specified in the Schedule, or any other plant or plants approved for such purpose in writing by the Contracting Officer. The Contractor shall inform the inspector or Contracting Officer when the work is ready for inspection. The Government reserves the right to charge to the Contractor any additional cost of Government inspection and test when items are not ready at the time such inspection and test are requested by the Contractor.

§ 18–7.901–22 Insurance—liability to third persons.

In accordance with the requirements of § 18–7.402–26, insert the appropriate clause from § 18–7.203–22 or § 18–7.402–26.

§ 18–7.901–23 Interest.

Insert the clause set forth in § 18–7.103–53.

§ 18–7.901–24 Renegotiation.

Insert the clause set forth in § 18–7.103–13.

§ 18–7.902 Clauses to be used when applicable.

§ 18–7.902–1 Utilization of small business concerns.

In accordance with § 18–1.707–3, insert the clause set forth therein.

§ 18–7.902–2 Utilization of concerns in labor surplus areas.

In accordance with § 18–1.805–3(a), insert the clause set forth therein.

§ 18–7.902–3 Security requirements.

In accordance with § 18–7.104–12, insert the clause set forth therein.

§ 18–7.902–4 Priorities, allocations, and allotments.

In accordance with § 18–1.307–2, insert the clause set forth therein.

§ 18–7.902–5 Buy American Act.

In accordance with § 18–6.104–5, insert the clause set forth therein.

§ 18–7.902–6 Notice to the Government of labor disputes.

In accordance with § 18–7.104–4, insert the clause set forth therein.

§ 18–7.902–7 Filing of patent applications.

In accordance with § 18–9.107, insert the clause set forth therein.

§ 18–7.902–8 New technology.

In accordance with § 18–9.101–2, insert the clause set forth in § 18–9.101–4.

§ 18–7.902–9 Data.

In accordance with Subpart 18–9.2, insert the appropriate clause or clauses prescribed therein.

§ 18–7.902–10 Alterations in contract.

When required, insert the clause set forth in § 18–7.105–1.

§ 18–7.902–11 Limitation on withholding of payments.

In accordance with § 18–7.104–21, insert the clause set forth therein.

§ 18–7.902–12 Soviet-controlled areas.

In accordance with § 18–6.403, insert the clause set forth therein.

§ 18–7.902–13 Flight risks.

Where appropriate, insert the clause set forth in § 18–10.504, revising paragraph (c) thereof to read as follows:

(c) If any aircraft is damaged, lost, or destroyed, during flight, and if the amount of such damage, loss, or destruction exceeds one hundred thousand dollars ($100,000) or twenty percent (20%) of the ceiling price of this contract, whichever is less, and if the Contractor is not liable for the damage, loss, or destruction pursuant to the "Government Property" clause of this contract together with paragraph (a) above, then an equitable adjustment for any resulting repair, restoration, or replacement that is required under this contract shall be made in the ceiling price, hourly rate, delivery or performance date, or all of them and the contract shall be modified in writing accordingly; provided, in determining the amount of adjustment in the hourly rate that is equitable, any faults of the Contractor, his employees, or any subcontractor which materially contributed to the damage, loss, or destruction shall be taken into consideration. Failure to agree on any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

§ 18–7.902–15 Payment of royalties.

In accordance with § 18–9.108, insert the appropriate clause from § 18–9.108–1 or § 18–9.108–2.

§ 18–7.902–20 Contractor and subcontractor certified cost or pricing data.

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

§ 18–7.902–21 Order of precedence.

In accordance with § 18–7.104–56, insert the clause set forth therein.

§ 18–7.902–50 Competition in subcontracting.

In accordance with the requirements of § 18–7.104–40, insert the clause set forth therein.

§ 18–7.902–51 Approval of contract.

In accordance with the requirements of § 18–7.104–51, insert the clause set forth therein.

§ 18–7.902–52 Liability for Government property furnished for repair or other services.

In accordance with the requirements of § 18–13.702(c), insert the clause set forth therein.

§ 18–7.902–53 New material.

In accordance with § 18–1.1208, insert the clause set forth in § 18–1.1208(a).

§ 18–7.902–54 Government surplus.

In accordance with § 18–1.1208, insert the clause set forth in § 18–1.1208(d).

§ 18–7.902–55 NASA financial management reporting.

Insert the appropriate clauses set forth in § 18–7.204–56 in accordance with the requirements set forth therein.

§ 18–7.902–56 Safety and health.

In accordance with the requirements of Subpart 18–1.52, insert the clause set forth in § 18–1.5204.

§ 18–7.902–57 Report on NASA subcontracts.

In accordance with the requirements of § 18–16.902, insert the clause set forth therein.

§ 18–7.902–58 Potentially hazardous items.

In accordance with the requirements of § 18–9.204–52, insert the clause set forth in § 18–9.204–52(c).

Subpart 18–7.50—Clauses for Negotiated Utility Service Contracts

§ 18–7.5000 Scope of subpart.

This subpart sets forth uniform contract clauses for use in negotiated utility service contracts as defined in § 18–4.5001.

§ 18–7.5001 Required clauses—contracts for more than $2,500.

Insert the following clauses in all negotiated utility service contracts which involve an estimated annual cost of more than $2,500, or whenever the negotiated utility service contract form prescribed by § 18–16.501–50(a) is to be used.

§ 18–7.5001–1 Definitions.

Insert the clause set forth in § 18–7.103–1. Additional definitions may be included, provided they are not inconsistent with such clause or the provisions of this chapter.

§ 18–7.5001–2 Payments.

PAYMENTS (JULY 1963)

(a) Payments for the service rendered under this contract shall be made monthly by the designated disbursing office or officer for the service herein contracted for, under the terms and conditions herein set forth, upon the submission of proper invoices.

(b) All bills shall be paid without penalty or interest and the Government shall be entitled to any discounts customarily applicable to payment of bills by all customers of the Contractor.

(c) Invoices for service rendered hereunder shall contain statements of the meter readings at the beginning of the billing period, meter constants, consumption during the billing period, and such other pertinent data as shall be required by the Government.

§ 18–7.5001–3 Assignment of claims.

ASSIGNMENT OF CLAIMS (JULY 1963)

No claim under this contract shall be assigned.

When requested by a prospective contractor and determined by the contracting officer to be in the public interest, the above clause may be deleted and the clause set forth in § 18–7.103–8 shall be included in the contract.

§ 18–7.5001–4 Disputes.

Insert the clause set forth in § 18–7.103–12.

§ 18–7.5001–5 Equal opportunity.

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity clause set forth in § 18–12.802–1, or (b) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–2.

§ 18–7.5001–6 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.5001–7 Convenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.5001–8 Termination.

TERMINATION (JULY 1963)

This contract may be terminated at the option of the Government by the giving of not less than thirty (30) days advance written notice of the effective date of termination.

In the foregoing clause the period of 30 days may be varied not to exceed 90 days.

§ 18–7.5001–9 Convict labor.

Insert the clause set forth in § 18–12.203.

§ 18–7.5001–10 Rates.

RATES (JULY 1963)

(a) For and in consideration of the faithful performance of the stipulations of this contract, the Contractor shall be paid at the rates set out in Appendix A: *Provided*, That the Government shall be liable for the minimum monthly charge, if any, specified in this contract commencing with the billing period in which service is initially furnished thereto, and continuing until this contract is terminated, except that the minimum monthly charge, if any, specified in this contract shall be equitably prorated for the billing periods in which commencement and termination of this contract shall become effective.

(b) The Contractor hereby declares that the rates applicable to the service furnished under this contract are not in excess of the lowest rates available to any prospective customer under like conditions, and agrees that during the life of this contract the Government shall continue to be billed at the lowest rates applicable for similar conditions of service.

§ 18–7.5001–11 Public regulation and change of rates.

PUBLIC REGULATION AND CHANGE OF RATES (JULY 1963)

(a) Rates established under this contract shall be subject to regulation in the manner and to the extent prescribed by law by any Federal, State, or local regulatory agency having jurisdiction. The Contractor agrees to give the Contracting Officer written notice of the filing of an application for rate changes concurrently with the filing of the application. Such notice shall fully describe the proposed rate change. If during the term of this contract the public regulatory agency having jurisdiction approves rates that are higher or rates that are lower than those stipulated herein, for like conditions of service, the Contractor agrees to continue to furnish service as stipulated in this contract and the Government agrees to pay for such service at the higher or lower rates from and after the date when such rates are made effective. In the event that the regulatory agency promulgates any regulation concerning matters other than rates which affects this contract, the Contractor shall immediately notify the Contracting Officer. The Government shall not be bound to accept any new regulation inconsistent with Federal laws or regulations.

(b) In the event the Contractor, during the term of this contract, shall make effective any new rate schedule or amended rate schedule applicable to the class of service furnished the Government at the service location, which may contain a lower rate or conditions more favorable to the Government for such class of service, the Contractor shall forward to the Contracting Officer a copy of such rate schedule or amended rate schedule within fifteen (15) days after the effective date thereof, and, upon receipt of written request from the Government, shall substitute such rate schedule or amended rate schedule for the rate schedule then in effect hereunder for such service location, commencing with the billing period in which such written request is received.

§ 18–7.5001–12 Change in class of service.

CHANGE IN CLASS OF SERVICE (JULY 1963)

(a) In the event of a permanent change in the class of service furnished the Government at the service location, service shall be furnished to such service location at the lowest available rate schedule of the Contractor which is applicable to the class of service furnished following such permanent change subject to the clause hereof entitled "Rates."

(b) Where the Contractor's rate schedule on file with the regulatory agency and applicable to services provided by the Contractor does not contain a schedule applicable to the class of service furnished the Government, no clause in this contract shall preclude the parties from negotiating a rate schedule applicable to the class of service furnished.

§ 18–7.5001–13 Contractor's facilities.

CONTRACTOR'S FACILITIES (JULY 1963)

(a) The Contractor, at his expense, shall furnish, install, operate, and maintain all facilities required to furnish service hereunder to, and measure such service as of, the point of delivery specified in the Service Specifications. Title to all such facilities shall be and remain in the Contractor and the Contractor shall be responsible for all loss of or damage to such facilities.

(b) The Government hereby grants to the Contractor, free of any rental or similar charge, but subject to the limitations specified in this contract, a revocable permit or license to enter the service location for any proper purpose under this contract, including use of the site or sites agreed upon by the parties hereto for the installation, operation, and maintenance of the facilities of the Contractor required to be located upon Government premises, all of which facilities shall be and remain the sole property of the Contractor and shall, at all times during the life of this contract, be operated and maintained by the Contractor at his expense; and all taxes and other charges in connection therewith, together with all liability of the Contractor in construction, operation, or maintenance of such facilities, shall be assumed by the Contractor. Authorized representatives of the Contractor will be allowed access to the facilities of the Contractor at suitable times to perform the obligations of the Contractor with respect to such facilities. Such facilities shall be removed and Government premises restored to their original condition by the Contractor at his expense within a reasonable time after the Government shall revoke the permit or license herein granted and in any event within a reasonable time after termination of this contract: *Provided*, That in the event of termination of this contract due to the fault of the Contractor such facilities may be retained in place at the option of the Government until service comparable to that provided for hereunder is obtained elsewhere. It is expressly understood, however, that proper Governmental authority may limit or restrict the right of access herein granted in any manner considered by such authority to be necessary for the national security.

§ 18–7.5001–14 Technical provisions.

TECHNICAL PROVISIONS (JULY 1963)

(a) *Measurement of Service.*

(i) All service furnished by the Contractor shall be measured by suitable metering equipment of standard manufacture, to be furnished, installed, maintained, calibrated, and read by the Contractor at his expense. When more than a single meter is installed at the service location, the readings thereof shall be billed conjunctively. In the event any meter fails to register or registers incorrectly the service furnished therethrough, the parties shall agree upon the length of period during which such meter failed to register or registered incorrectly and the quantity of service delivered therethrough during such period and, upon agreement, an appropriate adjustment based thereon shall be made in the Government's bills. For the purpose of the preceding sentence, any meter which registers not more than two (2) percent slow or fast shall be deemed correct.

(ii) The Contractor shall read meters on the same day of each month; if, however, that day falls on a Saturday, Sunday, or legal holiday, or if the Contractor is otherwise prevented from reading the meters on that day, he shall read the meters on the next succeeding business day on which he is able to do so: *Provided*, That all bills based on meter readings of less than twenty-seven (27) days or more than thirty-three (33) days shall be prorated accordingly: *And provided further*, That there shall be not more than twelve (12) billings in any 1 year.

(b) *Meter Test.* The Contractor, at his expense, shall periodically inspect and test the meters installed by him at intervals not exceeding one (1) year. At the written request of the Contracting Officer the Contractor shall make additional tests of any or all of such meters in the presence of Government representatives. The cost of such additional tests shall be borne by the Government if the percentage of errors is found to be not more than two (2) percent slow or fast. No meter shall be placed in service or allowed to remain in service which has an error in registration in excess of two (2) percent under normal operating conditions.

(c) *Change in Volume or Character.* Reasonable notice shall, so far as possible, be given by the Contracting Officer to the Contractor respecting any material changes proposed in the volume or characteristics of the utility service required at each location.

(d) *Continuity of Service and Consumption.*

(1) The Contractor shall use reasonable diligence to provide a regular and uninterrupted supply of service at the service location, but shall not be liable for damages, breach of contract or otherwise to the Government for failure, suspension, diminution, or other variations of service occasioned by or in consequence of any cause beyond the control of the Contractor, including but not limited to acts of God or of the public enemy, fires, floods, earthquakes or other catastrophes, strikes, or failure or breakdown of transmission or other facilities: *Provided*, That when any such failure, suspension, diminution, or variation of service shall aggregate more than ten (10) hours during any billing period hereunder, an equitable adjustment shall be made in the monthly rates specified in this contract (including the minimum monthly charge).

(ii) In the event the Government is unable to operate the service location in whole or in part for any cause beyond its control, including but not limited to acts of God or of the public enemy, fires, floods, earthquakes, or other catastrophes, or strikes, an equitable adjustment shall be made in the monthly rates specified in this contract (including the minimum monthly charge) if the period during which the Government is unable to operate such service location in whole or in part shall exceed fifteen (15) days during any billing period hereunder.

Minor changes may be made in the above clause when insisted upon by the contractor to conform with established procedure or with procedures contained in the contractor's published rates filed with a regulatory agency. The following types of changes, when made for this purpose, are not considered within the intent of § 18–4.5006(d) relating to contracts requiring NASA Headquarters approval.

(a) *Measurement of Service.*

(1) The words "billed conjunctively" in the second sentence of paragraph (a)(i) refer to the combination of similar quantities measured by two or more meters into a single quantity for the purpose of billing as if the bill were prepared for a single meter. This sentence may be deleted, or the word "separately" may be inserted in lieu of the word "conjunctively," to conform to the contractor's regulated practice and/or when the schedule under which bills are computed is such that billing separately will be more economical than billing conjunctively.

(2) In paragraph (a)(ii), the periodic intervals prescribed between meter readings may be changed to conform to the contractor's regulated practice.

(b) *Meter Test.*

(1) The first sentence of paragraph (b), requiring testing at intervals not exceeding one year, may be changed to provide for meter tests in accordance with the Contractor's regulated practice.

(2) In the third sentence of paragraph (b), the percentage error (shown as 2 percent) may be changed to comply with the contractor's regulated practice.

(c) *Continuity of Service and Consumption.*

(1) In paragraph (d)(i), the adjustment proviso may be deleted or changed, if necessary, to conform with the provisions of the contractor's field rate schedules. This paragraph may be ended after the word "facilities" and before the word "provided," or the period "ten hours" may be changed.

(2) Paragraph (d)(ii) may be deleted or changed, if the contractor's filed rates contain a provision requiring a continuation of demand, or similar charges, on a ready-to-serve basis during a period that the Government is unable to operate the service location for any cause beyond its control.

§ 18–7.5002 Clauses required to be used when applicable.

§ 18–7.5002–1 Federal, State, and local taxes.

In accordance with the requirements of § 18–11.401–2, insert the clause set forth therein.

§ 18–7.5002–2 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 18–12.303–1. Note the prefatory language required by § 18–12.303–2 for use in contracts with a State or political subdivision thereof.

§ 18–7.5002–3 Examination of records.

Insert the clause in § 18–7.104–15; except where the public utility services are to be furnished at rates not in excess of those established for uniform applicability to the general public or at such rates plus reasonable service or connection charges incident to such utility services.

§ 18–7.5002–4 Approval of contract.

When contractual approval by NASA Headquarters is required by § 18–4.5006, insert the clause set forth in § 18–7.104–51.

§ 18–7.5003 Additional clauses.

The clauses set forth in this § 18–7.5003 will be inserted in negotiated utility service contracts referred to in § 18–7.5001 when it is desired to cover the subject matter thereof. In addition, any other clause authorized by this chapter, in accordance with the instructions pertaining thereto, may be inserted in such contracts when it is necessary or desirable to cover the subject matter contained in such clauses.

§ 18–7.5003–1 Renewal of contract.

It is permissible to provide that a contract may be renewed annually for a number of years upon the execution by the Government of a renewal notice: *Provided*, That the number of successive years for which the contract is in effect does not exceed five. In any contract in which it is desirable that the service be provided under the same terms and conditions for a number of years, insert the following clause:

RENEWAL OF CONTRACT (JULY 1963)

This contract is renewable on an annual basis at the option of the Government, by the Contracting Officer giving written notice of renewal to the Contractor at least ——— days before this contract is to expire. If the Government exercises this option for renewal, the contract as renewed shall be deemed to include this option provision. However, the total duration of this contract, including the exercise of any options under this clause, shall not exceed ——— years.

In selecting the expiration date to be stated on NASA Form 550, consideration should be given to the selection of a date sufficiently past the end of the fiscal year to assure that appropriations will be available for the renewal period of the contract at the time the renewal notice is issued. The exercise of the option is a new procurement and the contract file shall be documented accordingly. (See Subpart 18–1.15.)

§ 18–7.5003–2 Public regulation and change of rates.

If the rates applicable to the service furnished under the contract are negotiated between the contractor and the Government without recourse to the approval of any Federal, State, or local regulatory agency, or if the service to be furnished under the contract is otherwise not subject to regulation by any

Federal, State, or local regulatory agency, or if the contractor also acts as the local public regulatory agency and his decisions are not subject to review by a higher regulatory agency, the following clause will be used in lieu of the clause set forth in § 18–7.5001–11.

CHANGES IN RATES (JULY 1963)

(a) If at any time during the term of this contract either of the parties hereto considers it appropriate that all or part of the rates applicable to the service furnished under this contract be changed, the parties agree to promptly negotiate such rates upon receipt by one party of a written request from the other (i) specifying the rates as to which a change is considered appropriate, (ii) setting forth the proposed change in rates, and (iii) stating in detail the reasons for the proposed change. Any rate changes agreed to by the parties as the result of such negotiations shall be made a part of this contract by the issuance of a supplemental agreement hereto and shall become effective as of the date of the request for a change in rates, unless otherwise agreed to by the parties. Failure of the parties to agree upon the appropriate adjustment of rates, if any, shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(b) The Contractor agrees that a duly authorized representative of NASA shall have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor relating to costs which form the basis for the rates.

§ 18–7.5003–3 Connection charge.

When (a) a connection charge is to be paid by the Government and (b) the conditions permitting the incorporation of a nonrecurring, nonrefundable fee in Appendix A do not exist (§ 18–16.501–52 (a)), attach Appendix C (§ 18–16.501–52 (c)) to the contract, and insert the following clause in the contract:

CONNECTION CHARGE (JULY 1963)

(a) *Charge.* The Government, in consideration of the furnishing and installation by the Contractor at his expense of the New Facilities described in Appendix C, attached hereto and made a part hereof, shall pay the Contractor, as a connection charge, after receipt of satisfactory evidence of completion of the facilities, the sum of $_____, representing the sum of $_____, less the agreed salvage value in the amount of $_____, as shown in Appendix C: *Provided*, That, as a condition precedent to final payment, the Contractor shall, if required by the Contracting Officer, execute a release in terms acceptable to the Contracting Officer, of claims against the Government arising under or by virtue of such installation:

(b) *Ownership, Operation, and Maintenance of New Facilities To Be Provided Hereunder.* The facilities to be supplied by the Contractor under this clause, notwithstanding the payment by the Government of a connection charge, shall be and remain the property of the Contractor and shall, at all times during the life of this contract or any renewals thereof, be operated and maintained by the Contractor at his expense, and all taxes and other charges in connection therewith, together with all liability arising out of the construction, operation, or maintenance of such facilities, shall be the obligation of the Contractor.

(c) *Credits.*

(1) The Contractor agrees to allow the Government on each monthly bill for service furnished under this contract to the Service Location, a credit of _____ percent of the amount of each such bill as rendered until the accumulation of credits shall equal the amount of such connection charge: *Provided*, That the Contractor may at any time so allow a credit up to 100 percent of the amount of each such bill.

(2) In the event the Contractor, prior to any termination of this contract but subsequent to completion of the facilities provided for in this clause, serves any customer other than the Government (regardless of whether the Government is being served simultaneously, intermittently, or at all) by means of such facilities, the corresponding benefit to the Contractor is hereby recognized. It is, therefore, agreed that upon initiation of such service, the Contractor shall promptly pay in full to the Government the uncredited balance of the connection charge, or accelerate the credits provided for under paragraph (c) (1) of this clause to 100 percent of each monthly bill until there is fully credited a sum equitably representing the same proportion of the uncredited balance of the connection charge as of the date of initiation of such service, as agreed upon by the parties hereto, as the portion of the facilities utilized in serving such customer bears to complete facilities described in Appendix C.

(d) *Termination Prior to Completion of Facilities.* The Government reserves the right to terminate this contract at any time prior to completion of the facilities provided for herein with respect to which the Government is to pay a connection charge. In the event the Government exercises this right, the Contractor shall be paid fair compensation, exclusive of profit, with respect to such facilities.

(e) *Termination Subsequent to Completion of Facilities.*

(1) *Termination by the Government.* In the event the Government terminates this contract subsequent to completion of the facilities provided for herein with respect to which the Government is to pay a connection charge, but prior to the crediting in full by the Contractor of any connection charge in accordance with the terms of this contract, the possible continued usefulness of such facilities is hereby recognized. It is, therefore, agreed that upon such termination the Contractor shall have the following options:

(A) To retain in place for 12 months or more after the notice of termination by the Government such facilities on condition that (1) if, during such 12-month period, the Contractor serves any other customer by means of such facilities, the Contractor shall, in lieu of allowing credits, pay the Government during such period installments in like amount, manner, and extent as the credits provided for under paragraph (c) of this clause prior to such termination; (ii) immediately after such 12-month period the Contractor shall promptly pay in full to the Government the uncredited balance of the connection charge.

(B) To remove such facilities at his own expense within 12 months after the effective date of the termination by the Government: *Provided*, That if the Contractor elects to so remove such facilities, the Government shall then have the option of purchasing such facilities at the agreed salvage value set forth in Appendix C hereto: *And provided further*, That the Contractor will, at the request of the Government, leave in place such facilities located on Government property which the Contractor elects to so remove and which the Government elects to purchase at the agreed salvage value.

(2) *Termination by the Contractor.* In the event the Contractor terminates service under, or otherwise defaults in performance of, this contract prior to the crediting in full, in accordance with the terms of this contract, of any connection charge paid by the Government, the Contractor shall pay to the Government an amount equal to the uncredited balance of the connection charge as of the date of such termination.

§ 18–7.5003–4 Termination charge.

When a payment is to be made to the contractor upon termination of service in lieu of a connection charge upon completion of the facilities, attach Appendix C (§ 18–16.501–52(c)) to the contract, and insert the following clause in the contract:

TERMINATION CHARGE (JULY 1963)

In consideration of the furnishing and installation by the Contractor at his expense of the New Facilities described in Appendix C, attached hereto and made a part hereof the Government shall, in the event of termination of this contract by the Government prior to _____ months from the date on which service commences, pay the Contractor as a termination charge _____ less _____ multiplied by the number of months service has been received prior to the date of such termination.

The length of time, not in excess of 60 months, as negotiated with the contractor will be entered in the first blank. In the second blank enter the amount of the maximum termination charge as negotiated with the contractor, but not in excess of cost of facilities furnished and installed by the contractor less the agreed salvage value as shown in Appendix C. Enter in the third blank the figure obtained by dividing the figure in the second blank by the figure in the first blank. The use of this clause does not affect the term of the contract; however, its use is subject to headquarters approval in accordance with § 18–4.5006 (b).

§ 18–7.5003–5 Multiple service locations.

When it is desired to provide for possible alternative service locations, insert the following clause:

MULTIPLE SERVICE LOCATIONS (JULY 1963)

(a) The Contracting Officer may at any time, by written order, designate any service location within the service area of the Contractor at which service shall be furnished or discontinued thereunder, and the contract shall be modified in writing accordingly by adding to or deleting from the Service Specifications the name and location of the appropriate service location, by specifying a different rate if applicable, the appropriate point of delivery, different service specification if applicable, and any other appropriate terms and conditions.

(b) The minimum monthly charge specified in this contract shall be equitable prorated for the billing period in which commencement or discontinuance of service at any service location designated under the Service Specifications shall become effective.

§ 18–7.5004 Required clauses—contracts for $2,500 or less annually.

The following clauses shall be inserted in all negotiated utility service contracts of $2,500 or less annually whenever the negotiated utility service contract form prescribed by § 18–16.501–51 is to be used.

§ 18–7.5004–1 Definitions.

Insert the clause set forth in § 18–7.103–1.

§ 18–7.5004–2 Payments.

Insert the clause set forth in § 18–7.5001–2.

§ 18–7.5004–3 Assignment of claims.

Insert the clause set forth in § 18–7.5001–3.

§ 18–7.5004–4 Disputes.

Insert the clause set forth in § 18–7.103–12.

§ 18–7.5004–5 Equal opportunity.

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity clause set forth in § 18–12.802–1, or (b) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–2.

§ 18–7.5004–6 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.5004–7 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.5004–8 Termination.

Insert the clause set forth in § 18–17.5001–8.

§ 18–7.5004–9 Convict labor.

Insert the clause set forth in § 18–12.203.

§ 18–7.5004–10 Rates.

Insert subclause (b) of the clause set forth in § 18–7.5001–10.

§ 18–7.5004–11 Public regulation and change of rates.

Insert the clause set forth in § 18–7.5001–11.

§ 18–7.504– 2 Contractor's facilities.

CONTRACTOR'S FACILITIES (JULY 1963)

The Contractor, at his expense, shall furnish, install, operate, maintain, retain title, to, and be responsible for all loss of or damage to, and all facilities required to furnish the service provided for herein. The Contractor will be allowed access to his facilities on Government premises at suitable times and he shall, at his expense, remove them and restore the premises to original condition within a reasonable time after termination of this contract.

GEORGE J. VECCHIETTI,
Director of Procurement,
National Aeronautics
and Space Administration.

[FR Doc.71–2784 Filed 3–2–71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70–PC–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On December 30, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19795) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Wake Island control zone.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth:

In § 71.171 (36 F.R. 2055) the Wake Island control zone is amended to read as follows:

WAKE ISLAND

Within a 5-mile radius of Wake Island Airport (lat. 19°16'50" N., long. 166°38'30" E.); within 3.5 miles each side of the Wake Island VORTAC 307° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; within 3.5 miles each side of the 281° bearing from the Wake Island RBN (AXX), extending from the 5-mile radius zone to 11.5 miles west of the RBN; within 3.5 miles eaoh side of the 101° bearing from the Wake Island RBN (AWK), extending from the RBN to 11.5 miles east of the RBN; and within 4.5 miles each side of the Wake Island VORTAC 111° radial, extending from the 5-mile radius zone to 20.5 miles east of the VORTAC.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 26, 1971.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.71–2876 Filed 3–2–71;8:48 am]

[Airspace Docket No. 71–SW–6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make a two degree realignment to the segment of VOR Federal Airway No. 54 north between Hot Springs, Ark., VOR and the Alpine, Ark., Intersection.

A recent flight check of the Hot Springs VOR indicated a need to raise the MRA/MEA to 5,500 feet. The MEA can be lowered to 3,500 feet by a small realignment of the airway radial predicated on the Hot Springs VOR. Accordingly, action is taken herein to alter V–54N segment two degrees in order to retain a 3,500-foot MEA.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.123 (36 F.R. 2010) V–54 is amended by deleting "Hot Springs, Ark., 223°" and substituting "Hot Springs, Ark., 225°" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 26, 1971.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.71–2878 Filed 3–2–71;8:48 am]

[Airspace Docket No. 70–SO–43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airways and Jet Route Segments

On January 14, 1971, F.R. Doc. 71–743 was published in the FEDERAL REGISTER (36 F.R. 494) effective April 29, 1971.

This document amended Part 71 of the Federal Aviation Regulation in part by realigning VOR Federal airway No. 16 north alternate segment between Nashville, Tenn., and the Vanleer Intersection through use of the Nashville 285° radial.

Subsequent to the publication of this amendment, it has been determined that use of the Nashville 286° radial in lieu of the 285° radial will provide a better junction of V–16 north with VOR Federal airway No. 49 at the Vanleer Intersection. Accordingly, action is taken herein to reflect this 1° radial change.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective upon publication, F.R. Doc. 71-743 (36 F.R. 494) is amended as hereinafter set forth.

In Item 1b "Nashville 285°" is deleted and "Nashville 286°" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 26, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2877 Filed 3-2-71;8:48 am]

[Airspace Docket No. 70-SW-65]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route Segment

On December 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19364) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 74 segment from Texico, N. Mex., direct to Oklahoma City, Okla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

Section 75.100 (36 F.R. 2371) is amended as follows:

In the caption Jet Route No. 74 "Greater Southwest, Tex." is deleted and "Oklahoma City, Okla." is substituted therefor, and in the text all after "Texico, N. Mex.; is deleted and "to Oklahoma City, Okla." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 25, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2875 Filed 3-2-71;8:48 am]

[Airspace Docket No. 70-WA-31]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On November 26, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18125) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate four area high routes between New York City, N.Y., and Oakland, Calif./Los Angeles, Calif. This notice was amended on December 3, 1970 (35 F.R. 18402) to correct typographical errors. On December 29, 1970 (35 F.R. 19678) the comment period was extended to January 11, 1971, after the Department of the Air Force had requested additional time for comment.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The Department of the Air Force objected to the proposed alignment of J803R through Restricted Area R-6405 which is a joint-use restricted area used by the Commander of Hill Air Force Base, Utah, and under the air traffic control jurisdiction of the Salt Lake City Air Route Traffic Control Center. The alignment of J803R as proposed will not cause any hazard to flight, nor will the defense mission of Hill AFB be compromised in any way. In order to obtain maximum use of available airspace, joint-use restricted areas are established so that the airspace of certain restricted areas is available for general use when the restricted area is not being used by the using agency for its established purpose. The alignment of J803R through R-6405 does not alter this procedure and does not in any way decrease the availability of this restricted area for use by Hill AFB. Whenever Hill AFB uses R-6405, Salt Lake City ARTCC will not clear traffic through that area. When Hill AFB releases R-6405 back to the Salt Lake City ARTCC, nonparticipating traffic will be cleared through the area.

The Air Force commented further that each of the proposed routes would possibly conflict with Oil Burner routes and air refueling operations conducted by the Strategic Air Command. Such possible conflictions will be resolved by use of air traffic control separation procedures precisely the same as those procedures employed to resolve potential conflictions between crossing jet routes or airways; i.e., by employment of vertical, longitudinal, or lateral separation. All other comments received were favorable toward the proposed action.

The area navigation route alignments as adopted herein are essentially the same as those proposed in the notice, even though minor changes are made. In several instances, the waypoints incorporated in the rule differ from those proposed since flight checks of the proposed routes revealed that additional navigational aids and waypoints were required in some areas. Such changes are made herein without changing the route alignment.

In J802R, the alignment of the route as incorporated in the rule between Emerald, Nebr., at lat. 40°55'26" N., long. 96°44'30" W., and Coaldale, Nev., at lat. 38°00'12" N., long. 117°46'10" W., differs slightly from that proposed in the notice. This realignment was made to shorten the route and eliminate the dogleg resulting from use of a waypoint as proposed at lat. 38°04'35" N., long. 116°50'45" W. In J801R, the alignment of the route as incorporated in the rule west of Dresden, Kans., at lat. 39°38'14" N., long. 100°23'38" W., differs slightly from that proposed in the notice. This realignment was made to avoid Restricted Area R-2601B and to cause the western tip of the area high route to coincide with terminal procedures frequently employed for use by aircraft departing Los Angeles. Since the realignments of J802R and J801R are insignificant in terms of centerline displacement, and since the designation of controlled airspace is not affected, further notice and public procedure are not required.

In consideration of the foregoing Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

1. In § 75.400 the following area high routes are added:

Waypoint name	Location: North latitude	Location: West longitude	Reference facility
	° ′ ″	° ′ ″	
J800R:			
Robbinsville, N.J., VORTAC	40 12 08	74 29 44	Robbinsville, N.J.
Riddle, Pa	39 58 04	78 04 45	Philipsburg, Pa.
Horn, Pa	40 00 43	80 13 38	Elwood City, Pa.
Thackery, Ohio	39 59 34	84 01 53	Rosewood, Ohio
Newton, Ind	39 53 23	87 00 54	Lafayette, Ind.
Chapin, Ill	39 39 58	90 35 08	St. Louis, Mo.
Kansas City, Mo., VORTAC	39 16 46	94 35 28	Kansas City, Mo.
Culver, Kans	38 51 00	97 43 31	Wichita, Kans.
Granada, Colo	37 59 43	102 37 19	Lamar, Colo.
Delhi, Colo	37 40 09	104 13 02	Pueblo, Colo.
Sanford, Colo	37 19 13	105 48 11	Alamosa, Colo.
Flora, N. Mex	36 46 10	108 06 23	Farmington, N. Mex.
Cameron, Ariz	35 58 37	111 12 21	Tuba City, N. Mex.
Fenner, Calif	34 48 12	115 00 57	Parker, Calif.
Morrow, Calif	34 02 51	117 14 54	Hector, Calif.
J801R:			
Mesquite, Calif	35 42 41	115 36 17	Las Vegas, Nev.
Paris, Ariz	36 53 51	111 55 43	Bryce Canyon, Utah
Gypsum, Colo	37 51 16	108 33 32	Farmington, N. Mex.
Powder Horn, Colo	38 15 52	106 57 50	Gunnison, Colo.
Rosemont, Colo	38 46 01	104 51 03	Pueblo, Colo.
Dresden, Kans	39 38 14	100 23 38	Hayes Center, Nebr.
Ruskin, Nebr	40 08 16	97 56 34	Wolback, Nebr.
Garden Grove, Iowa	40 53 49	93 30 28	Des Moines, Iowa
Joliet, Ill., VORTAC	41 32 47	88 19 06	Joliet, Ill.
Wolverine, Ohio	42 13 36	83 58 14	Flint, Mich.
Ormsby, Pa	41 48 09	78 38 27	Buffalo, N.Y.
Sparta, N.J., VORTAC	41 04 03	74 32 19	Sparta, N.J.

Waypoint name	Location: North latitude	Location: West longitude	Reference facility
	° ′ ″	° ′ ″	
J802R:			
Robbinsville, N.J., VORTAC	40 12 08	74 29 44	Robbinsville, N.J.
Furnace, Pa	40 36 35	78 02 40	Philipsburg, Pa.
Shiloh, Ohio	40 57 44	82 30 16	Appleton, Ohio
San Pierre, Ind	41 08 24	87 02 53	Lafayette, Ind.
Harlsburg, Ill	41 09 35	89 35 16	Iowa City, Iowa.
Emerald, Nebr	40 53 26	96 44 30	Pawnee City, Nebr.
Melton, Nebr	40 39 38	100 57 02	Hayes Center, Nebr.
Gilcrest, Colo	40 16 43	104 49 59	Denver, Colo.
Blanco, Colo	39 53 01	107 52 45	Meeker, Colo.
Hill Creek, Utah	39 33 51	109 58 03	Myton, Utah
Nebo, Utah	39 16 43	111 38 27	Fairfield, Utah
Grafton, Nev	38 43 06	114 32 58	Wilson Creek, Nev.
Coaldale, Nev., VORTAC	38 00 12	117 46 10	Coaldale, Nev.
J803R:			
Gabbs, Nev	38 33 55	118 01 55	Coaldale, Nev.
Bristol, Nev	39 23 01	114 59 10	Wilson Creek, Nev.
Clear Lake, Utah	39 52 08	112 42 38	Delta, Utah
Ouray, Utah	40 22 59	110 12 19	Myton, Utah
Maybelle, Colo	40 45 44	108 07 47	Meeker, Colo.
Tank, Wyo	41 17 12	104 47 30	Cheyenne, Wyo.
Sand, Nebr	41 44 19	101 09 59	Hayes Center, Nebr.
Plum Creek, Nebr	42 07 08	96 53 26	Lincoln, Nebr.
Scales Mound, Ill	42 22 53	90 24 00	Iowa City, Iowa
Haven, Mich	42 19 27	86 17 17	South Bend, Ind.
Wolverine, Ohio	42 13 36	83 58 14	Flint, Mich.
Ormsby, Pa	41 48 09	78 38 27	Buffalo, N.Y.
Sparta, N.J., VORTAC	41 04 03	74 32 19	Sparta, N.J.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 25, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2822 Filed 3-2-71;8:45 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 1—PROCEDURE FOR PREDETERMINATION OF WAGE RATES

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NON-CONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS STANDARDS ACT)

Amendments to Effectuate the Presidential Proclamation Suspending the Davis-Bacon Act

By Proclamation No. 4031 (36 F.R. 3457) promulgated by the President on February 23, 1971, under authority of section 6 of the Davis-Bacon Act (40 U.S.C. 276a-5) the President suspended until otherwise provided the provisions of the Davis-Bacon Act and all other acts providing for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act. Parts 1 and 5 of Title 29, Code of Federal Regulations, are hereby amended to effectuate that Proclamation.

As Proclamation No. 4031 was effective February 23, 1971, and as these changes merely implement that Proclamation, I hereby find that notice, public procedure, and delay in the effective date of these changes are contrary to the public interest within the meaning of 5 U.S.C. 553. Accordingly, these changes shall be effective on February 23, 1971, the date of Proclamation No. 4031 which it implements.

Title 29 of the Code of Federal Regulations is hereby amended as follows:

1. The table of contents preceding the text of Part 1 is amended by adding at the head thereof § 1.0 entitled:

Sec.
1.0 Suspension of procedures in this part.

2. Part 1 is amended by adding immediately before § 1.1 a new section reading as follows:

§ 1.0 Suspension of procedures in this part.

(a) The procedures for predetermination of wage rates contained in this part have been suspended, effective February 23, 1971, and until otherwise provided, pursuant to Proclamation 4031 (36 F.R. 3457) promulgated by the President on February 23, 1971, under the authority provided in section 6 of the Davis-Bacon Act (40 U.S.C. 276a-5).

(b) Proclamation 4031 suspends, as to all contracts entered into on or subsequent to February 23, 1971, and until otherwise provided—

(1) The provisions of the Davis-Bacon Act of March 31, 1931, as amended, and the provisions of all other acts providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and

(2) The provisions of any Executive order, proclamation, rule, regulation, or other directive providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act.

3. The table of contents preceding the text of Part 5 is amended by adding at the head thereof § 5.0 entitled:

Sec.
5.0 Suspension of certain provisions of this part.

4. Part 5 is amended by adding immediately before § 5.1 a new section reading as follows:

§ 5.0 Suspension of certain provisions of this part.

(a) Effective February 23, 1971, and until otherwise provided, certain of the provisions of this part, as set forth in paragraph (c) of this section, have been suspended pursuant to Proclamation 4031 (36 F.R. 3457) promulgated by the President on February 23, 1971, under the authority provided in section 6 of the Davis-Bacon Act (40 U.S.C. 276a-5).

(b) Proclamation 4031 suspends, as to all contracts entered into on or subsequent to February 23, 1971, and until otherwise provided—

(1) The provisions of the Davis-Bacon Act of March 31, 1971, as amended, and the provisions of all other acts providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and

(2) The provisions of any Executive order, proclamation, rule, regulation, or other directive providing for the payment of wages which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act.

(c) Except with respect to contracts entered into prior to February 23, 1971, the following provisions of this part are suspended, effective on such date and until otherwise provided, pursuant to Proclamation 4031 as set forth in paragraphs (a) and (b) of this section:

(1) The provisions of §§ 5.3 and 5.4, in their entirety;

(2) The provisions of paragraph (a) of § 5.5, insofar as they prescribe the inclusion in contracts of clauses set forth in subparagraphs (1) through (4) of such paragraph or authorized modifications thereof;

(3) The provisions of subparagraphs (6) and (7) of § 5.5(a), insofar as they require the inclusion in contracts and subcontracts of references to the clauses prescribed by subparagraphs (1) through (4) of § 5.5(a); and

(4) The provisions of § 5.6 and § 5.7.

(d) The suspension referred to in paragraphs (a) and (b) of this section does not apply to:

(1) The provisions of § 5.5(c) of this part; or to

(2) The application of any provisions of this part to contracts entered into prior to February 23, 1971. With respect to contracts entered into prior to such date all provisions of this part, as modified in accordance with the guidelines, orders, and organizational description published in the FEDERAL REGISTER of Friday, January 8, 1971 (36 F.R. 304-303) remain in effect.

(Proclamation No. 4031, 36 F.R. 3457, 40 U.S.C. 276a-5)

Signed at Washington, D.C., this 1st day of March 1971.

ROBERT D. MORAN,
Administrator of Workplace Standards.

[FR Doc.71-2998 Filed 3-2-71;10:01 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 22]

DRAWBACK

Proof of Export

This notice is supplemental to the notice of proposed rule making relating to proof of export for drawback purposes published on April 23, 1970 (35 F.R. 6505), in which comments were solicited on proposed amendments to §§ 22.6(f)(19) and (g–1)(10), 22.7, 22.8, 22.9, 22.10, 22.11, 22.13(a), 22.17(a), 22.18(b), 22.20(d), 22.21(a), 22.23(c), 22.26(a), 22.37(a), and 22.45 of the Customs regulations. It was proposed to eliminate usage of the notice of exportation and the shipper's export declaration for drawback purposes and to provide two alternate procedures by which the drawback claimant would establish export of the goods upon which drawback would be claimed. The date for filing comments was previously extended to July 8, 1970.

Evaluation of the many comments received disclosed the desire for greater flexibility in the export procedures. The proposed amendment has therefore been broadened to include three available procedures, namely: (1) Carrier Document; (2) Export Examination; and (3) Exporter's Summary.

Under the Carrier Document procedure the bill of lading, master air waybill, or cargo manifest, or copies thereof, issued by the exporting carrier, together with any additional evidence needed to describe the export, would be filed with the drawback entry.

The Export Examination procedure provides for the submission of a Certificate of Registration, Customs Form 4455, to Customs at the port of export for certification at or before the time of export. Evidence of exportation, such as the bill of lading, master air waybill, or cargo manifest or any indirect evidence of a sale or other transfer of the product to a foreign country are not required to be filed with the drawback entry but must be retained by the claimant for 3 years after payment of the drawback for Government audit purposes. Exports by mail and Government shipments would be exempt from the "retention of evidence" requirement.

An entirely new procedure is proposed which would be known as the Exporter's Summary procedure. Claimants who are the exporters of the articles on which they claim drawback and who have a sufficient volume of drawback exports to justify periodic filing would be eligible to use the procedure if they can establish that such use would substantially reduce the paperwork involved. Application to use this procedure would be made (in advance of filing drawback claims) to the regional commissioner of customs with whom the claims would be filed. Under the system the claimant would be required to retain evidence of the facts of exportation, including the identity and location of the ultimate consignee of the merchandise, for a period of 3 years after payment of the claim. Further, each claimant would be required to furnish a bond to reimburse the Government in the event any improper payments are made.

The terms of the proposed amendments of the Customs Regulations, in tentative form, are as follows:

Section 22.6 (f)(19) and (g–1)(10) are amended to read:

§ 22.6 General drawback rates in effect; approval of drawback statements by the Bureau and by collectors.

* * * * * * *

(f) * * *

(19) The drawback entry shall be in the following form:

DRAWBACK ENTRY FOR SUGARS AND SIRUPS

U.S. Customs Service,
Port of ----------, 19--.

Entry for drawback on exported sugars and sirups together with the designation of imported raw sugar containing sucrose of the quantity used in the manufacture of such merchandise, based on the relative value of the refined sugars and sirups manufactured during the period covered by abstract No. ------ (customs No. ------) on file with the district director of customs at the port of ----------. Drawback claimed under section 22.6(f) of the Customs Regulations.

Exporting carrier	Date of clearance	Name of shipper	No. of packages	Quantity and description of exported merchandise

DESIGNATION OF IMPORTED SUGAR

No. of import entry	By whom imported or withdrawn from warehouse	Name of importing carrier	When imported	Where imported	Quantity sugar (pounds)	Polarization	Sucrose (pounds)	Certificate of delivery No.

I, ----------, the ---------- of ----------, located at ---------- declare that the sugar (or sirup) described in this entry, was manufactured by said company at its refinery at ---------- and is part of the sugar (or sirup) covered by abstract No. ------, filed at the port of ----------; that the refinery and other records of the company verifying the statements contained in said abstract are now and at all times hereafter will be open to inspection by Customs officers. I further declare that the above-designated imported sugar (upon which the duties have been paid) was received by said company on ---------- and was used in the manufacture of sugar and sirup during the period covered by abstract No. ------, customs No. ------, on file with the district director of customs at ----------.

I further declare that the sugar or sirup specified herein was delivered to the above-named shippers.

Dated ----------, 19--.

(Signature)

* * * * * * *

(g–1) * * *

(10) The refiner shall file a combination drawback entry and certificate of manufacture showing the products exported in the quantities established by the notices of lading and other evidence of exportation. Inasmuch as exported products, as described on the notices of lading and the other evidence of exportation, may include quantities of non-petroleum additives, a recapitulation shall be made showing quantities exported and the quantity of each product (less additives) in terms of the abstract.

* * * * * * *

Section 22.7 is amended to read:

§ 22.7 Evidence of exportation.

(a) *Optional procedures.* Exportation of articles covered by a drawback claim shall be established by compliance with the provisions of any one of the following procedures:

(1) Carrier Document described in paragraph (b) of this section;

(2) Export Examination described in paragraph (c) of this section;

(3) Exporter's Summary described in paragraph (d) of this section.

(b) *Carrier document.* The drawback entry shall be supported by a bill of lading, master air waybill, or cargo manifest, or certified copies thereof, issued by the exporting carrier, and any additional evidence needed by Customs officers to identify the time and place of shipment, exporting vessel or other carrier and the exported goods described in the entry.

(1) If a copy of the original bill of lading, master air waybill, or cargo manifest is filed, it shall legibly identify the representative of the transportation company issuing it.

(2) When no bill of lading is issued to cover the exportation or, if issued, cannot be obtained by the drawback claimant, the district director may accept a drawback entry supported by an inland bill of lading covering transportation of the merchandise to the port of export, and a certificate of the forwarder or exporter at the port of export showing the foregoing facts and the name of the person for whose account the mechandise was exported, that exportation was made by a specified conveyance, and any additional information needed by Customs officers. This procedure may also be followed when articles such as aircraft, automobiles, and other vehicles are exported under their own power.

(3) When the bill of lading, master air waybill, or cargo manifest, or certified copy thereof, is lost or destroyed, the person making the drawback entry may submit in lieu thereof, to the district director of customs, a statement showing the cause of loss, with satisfactory evidence of exportation and of his right to make the drawback entry.

(c) *Export examination.* The drawback entry shall be supported by a Certificate of Registration, Customs Form 4455: *Provided* that:

(1) To permit examination, the Certificate showing the names of the exporter, the drawback claimant if known, and the exporting vessel or other carrier, the time and place of lading, the number and kind of packages and their marks and numbers, the description of the merchandise and its weight (gross and net), gage, measure or number, was filed at or before the time of export with Customs at the port of export for examination, certification of exportation, and return;

(2) Evidence of exportation, to wit, the bill of lading, master air waybill, cargo manifest, or certified copies thereof, or circumstantial evidence of sales or transfers, are retained for a period of 3 years by the claimant for examination by authorized Government officials. It is not necessary to establish that the bill of lading, master air waybill, cargo manifest, or certified copies thereof, cannot be obtained in order to satisfy the fact of exportation by other documentation. When no bill of lading is issued to cover the exportation, or the drawback claimant cannot obtain the bill of lading, master air waybill, or cargo manifest, or certified copies thereof, an inland bill of lading covering transportation of the merchandise to the port of export, and a certificate of the exporter or forwarder at the port of export showing the foregoing facts and the name of the person for whose account the merchandise was exported, or other satisfactory evidence of exportation, shall be retained for a period of 3 years.

(3) When merchandise is laden on a vessel for transshipment at a domestic port outside the continental United States, such as San Juan, P.R., or Honolulu, Hawaii, the Certificate shall be presented to the Customs officer at the port where the merchandise was last transshipped for its foreign destination. Otherwise, a bill of lading, master air waybill, or cargo manifest, or certified copies thereof, shall be submitted with the drawback entry and must show the facts of transshipment.

(d) *Exporter's Summary procedure.* A procedure consolidating claims for drawback on a periodic basis shall be available when such procedure will substantially reduce the paper work involved. Under this procedure the drawback entry shall be supported by a chronological summary of the exports and any additional evidence required by Customs officers to fully establish the fact of exportation and shall be permitted only when complete and accurate information is available from the records of the exporter-claimant. Application to use this procedure shall be made to the regional commissioner of customs with whom drawback claims will be filed. Permission to use the procedure may be granted if, in the regional commissioner's discretion, he shall conclude that the circumstances so warrant and provided that the following conditions are met:

(1) Prior to filing the drawback claim the claimant's export volume is found sufficient to justify the proposed usage of the Exporter's Summary procedure by the Regional Commissioner of Customs in whose region the claims are to be filed;

(2) A bond is furnished by the exporter-claimant in an amount determined by the district director, subject to approval of the regional commissioner of customs, to protect the revenue against erroneous payments of drawback due to the incorrect description of (i) the exported articles, (ii) the party entitled to drawback, or (iii) the facts of exportation;

(3) For a period of 3 years from the date of payment of the drawback, evidence of exportation, that must include the identity and location of the ultimate consignee of the exported goods, shall be retained by the exporter-claimant for examination by authorized Government officials.

Section 22.8 is amended to read:

§ 22.8 Certificate of registration, mail shipments.

(a) If the merchandise on which drawback is to be claimed is to be exported by mail or parcel post, the Certificate of Registration, Customs Form 4455, shall be prepared in triplicate. Compliance with § 22.7(c)(2) shall not be required. The original and two copies shall be filed with the postmaster at the place of mailing, and the merchandise shall be delivered to the postmaster at the same time and mailed under his supervision. Such certificates shall be numbered by the exporter in accordance with § 22.10.

(b) Each package to be exported shall have stamped or written thereon a waiver of the right to withdraw the package from the mails, signed by the exporter.

(c) After the packages have been mailed, the postmaster will date stamp the Certificate of Registration, mark "Copy" on the copies and return the original and one copy to the person who presented the certificate for subsequent use in filing the drawback entry. One copy of the Certificate of Registration will be retained by the postmaster as his record of the transaction.

Section 22.9 is amended to read:

§ 22.9 Evidence of exportation, Government shipments.

(a) In the case of a shipment by a department, branch, or agency of the U.S. Government, the exportation may be established as provided by any one of the procedures set forth under § 22.7 when the drawback is to be claimed by such department, branch, or agency. The supplier of the merchandise may establish exportation under § 22.7 (b) or (c) only. Compliance with § 22.7(c)(2) shall not be required. No bond shall be required when the U.S. Government claims drawback under the provisions of § 22.7(d).

(b) When the § 22.7(c) procedure is to be used:

(1) Three copies of the Certificate of Registration, Customs Form 4455, shall be filed by the exporter or his agent with the Government officer in charge of transportation at the port of exportation. Such certificates shall be numbered by the exporter in accordance with § 22.10.

(2) The Certificate of Registration shall bear an endorsement in the following form, to be placed thereon by the exporter, for execution by the Government transportation officer at the port of exportation.

CERTIFICATE OF EXPORTATION

This is to certify that the merchandise described herein was laden at the port of ----------, for ----------
(Foreign destination—
----------; that the exporting conveyance (actual or code) departed from the above-named port on ----------; and that ----------
(Date) (Name)
---------- was the actual shipper of the merchandise.

(Name)

---------- ----------
(Date) (Rank, organization, title)

(3) The Government transportation officer at the port of exportation will certify exportation on the Certificate of Registration, mark "Copy" on the copies and return the original and one copy to the person who presented the certificate. One copy of the Certificate of Registration will be retained by the Government transportation officer as his record of the transaction.

§ 22.10 [Amended]

Section 22.10 is amended by substituting "Certificates of Registration" for "notices of exportation" in the title, and by substituting "Certificates of Registration, Customs Form 4455," for "Notices of exportation" in the first sentence.

Section 22.11 is amended to read:

§ 22.11 Incorrect certificates of registration or exporter's summary.

The exportation of articles covered by an incorrect certificate of registration, Customs Form 4455, must be established

as provided by § 22.7(b). At any time within the 3-year period prescribed for the completion of the drawback claim, an Exporter's Summary may be amended if the district director is satisfied as to the correctness of the amendment. Every application for amendment and its supporting evidence shall be in writing and submitted to the district director where the drawback entry is filed.

Section 22.13(a) is amended to read:

§ 22.13 Completion of drawback claims.

(a) A drawback entry and certificate of manufacture shall be filed within 3 years after the date the articles are exported. Such entry and certificate shall be filed on Customs Form 7575 except in cases covered by paragraph (c) or (e) of this section. If such entry and certificate is filed on Customs Form 7575, such form shall be filed in duplicate; and, if the entry is filed on Customs Form 7573, only one copy (the original) need be filed, provided that an additional copy of either form may be required by the district director of customs if he deems such additional copy necessary for administrative use in his office. The bill of lading, master air waybill, cargo manifest, or certified certificate of registration, Customs Form 4455, shall show that the merchandise was shipped by the person making the drawback entry, or shall bear an endorsement of the person in whose name the merchandise was shipped, showing that the person making entry is authorized to make it and to receive the drawback. One entry may cover several shipments. All documents necessary to the liquidation of the entry, including those issued by one Customs officer to another, shall be filed or applied for, as the case may require, within the 3-year period prescribed above, except that any required landing certificate shall be filed within the time prescribed in § 22.17(c). Claims not completed within the 3-year period prescribed above shall be treated as abandoned and no extension will be granted, unless it is established that failure to complete the claim within 3 years was occasioned by action of a responsible Customs officer.

* * * * *

Section 22.17(a) is amended to read:

§ 22.17 Landing certificates.

(a) A landing certificate shall be required (1) whenever the district director of customs at the port of exportation or at the port where the drawback entry is filed shall have reason to believe that the shipment is not a bona fide exportation, (2) when the Bureau specifically directs that a landing certificate shall be produced, (3) when a landing certificate is otherwise required by law or regulation, and (4) for every aircraft which departs from the United States under its own power if drawback is claimed on the aircraft or any part thereof. Landing certificates for aircraft shall show the exact time of landing of the aircraft in the foreign country and describe the aircraft or parts thereof on which drawback is claimed in sufficient detail to enable the district director of customs to identify them with the bill of lading, master air waybill, cargo manifest, or certificate of registration, Customs Form 4455.

* * * * *

Section 22.18(b) is amended to read:

§ 22.18 Supplies for certain vessels and aircraft.

* * * * *

(b) The procedure prescribed in this part as to the filing of an application for a rate of drawback and other required documents shall be followed, so far as applicable, in filing claims for drawback under this section, except that notices of lading on Customs Form 7515 shall be filed in lieu of bills of lading, master air waybills, cargo manifests, or the certificate of registration, Customs Form 4455.

§ 22.20 [Amended]

Section 22.20(d) is amended by deleting the phrase "notices of exportation."

Section 22.21(a) is amended to read:

§ 22.21 To whom payable.

(a) The person named as exporter in the bill of lading, master air waybill, cargo manifest, or certificate of registration, Customs Form 4455, shall be held to be the exporter and entitled to the drawback, unless the manufacturer or producer, on the sale or consignment of such articles, shall have reserved to himself the right to claim the drawback, in which case such manufacturer or producer may make entry for such drawback and it shall be paid to him upon the production of satisfactory evidence that such reservation was made with the knowledge and consent of the exporter.

* * * * *

Section 22.23(c) is amended to read:

§ 22.23 Procedure.

* * * * *

(c) When the exportation covers duty-paid imported merchandise, in addition to the tax-paid alcohol, two sets of drawback entries shall be filed, one set for Customs drawback and the other for internal revenue drawback.

* * * * *

Section 22.26(a) is amended to read:

§ 22.26 Statement of drawback due.

(a) When the drawback claim has been completed by the filing of the entry and other documents, as required by the regulations in this part, any required landing certificate has been produced, and clearance of the exporting conveyance has been established by the records of clearance in the case of direct exportation or by a certificate when the merchandise was exported at another port, the regional commissioner of customs shall proceed to ascertain the amount of drawback due by reference to the certificate of manufacture and the drawback rate under which the drawback claimed is allowable.

* * * * *

Section 22.37(a) is amended to read:

§ 22.37 Articles manufactured or produced in the United States.

(a) The procedure prescribed in this part as to the filing of an application for a rate of drawback and other required documents shall be followed, so far as applicable, in filing claims for drawback under the fourth proviso to section 3 of the Act of June 18, 1934, as amended (19 U.S.C. 81c), on articles manufactured or produced in the United States with the use of imported or substituted merchandise, and on flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced with the use of domestic tax-paid alcohol, except that notices of transfer on Customs Form 7513 shall be filed in lieu of bills of lading, master air waybills, cargo manifests, or certificates of registration, Customs Form 4455.

* * * * *

§ 22.45 [Amended]

Section 22.45 is amended by deleting the phrase "or notices of exportation" and substituting therefor the phrase "master air waybills, cargo manifests, or certificates of registration, Customs Form 4455."

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U.S.C. 1313, 1624)

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 18, 1971.

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[FR Doc.71-2846 Filed 3-2-71;8:46 am]

Internal Revenue Service

[26 CFR Parts 194, 196, 197, 201, 245]

LIQUOR DEALERS; STILLS; DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS; DISTILLED SPIRITS; PLANTS; AND BEER

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco and Firearms Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to: (1) Implement the provisions of Public Law 87–863 which amended the Internal Revenue Code by providing that only one special tax as a retail dealer in liquors need be paid by a State, a political subdivision of a State, or the District of Columbia, regardless of the number of locations at which such business is conducted; (2) implement the provisions of Public Law 90–615 which amended the Internal Revenue Code by extending the period in which a nonbeverage drawback claim may be filed from 3 to 6 months following the quarter in which the distilled spirits are used; (3) implement the provisions of Public Law 90–618 which amended the Internal Revenue Code by repealing the requirement that district directors maintain a list of special taxpayers for public inspection and by exempting persons who pay special tax pursuant to Subtitle E of the Code from posting occupational tax stamps; (4) conform to the change in name of the Alcohol and Tobacco Tax Function; and (5) make miscellaneous and clarifying and editorial changes, the regulations in 26 CFR Parts 194, 196, 197, 201, and 245 are amended as follows:

Paragraph A. 26 CFR Part 194 is amended as follows:

1. Section 194.4 is amended to change the words "this part" to "Chapter 51, I.R.C." and to restrict application of § 194.4 to certain taxes by inserting a reference to § 194.1. As amended, § 194.4 reads as follows:

§ 194.4 Relation to State and municipal law.

The payment of any tax imposed by Chapter 51, I.R.S., for carrying on any trade or business specified in § 194.1 shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on such trade or business within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

(72 Stat. 1348; 26 U.S.C. 5145)

§ 194.11 [Amended]

2. Section 194.11 is amended by changing "alcohol and tobacco tax" to read "alcohol, tobacco and firearms" in the definition of assistant regional commissioner and by changing "Alcohol and Tobacco Tax Division" to read "Alcohol, Tobacco and Firearms Division" in the definition of Director.

3. Section 194.31 is amended to provide that States, political subdivision thereof, or the District of Columbia need pay only one special tax as a retail dealer in liquors regardless of the number of retail liquor stores operated. As amended, § 194.31 reads as follows:

§ 194.31 States, political subdivisions thereof, or the District of Columbia.

A State, a political subdivision thereof, or the District of Columbia which engages in the business of selling, or offering for sale, distilled spirits, wines, or beer is not exempt from special tax. However, no such governmental entity shall be required to pay more than one special tax as a retail dealer in liquors regardless of the number of locations at which such entity carries on business as a retail dealer in liquors. Any such governmental entity which has paid the applicable wholesale dealer special tax at its principal office, and has paid the applicable special tax as a retail dealer, shall not be required to pay additional wholesale dealer special tax at its retail stores by reason of the sale thereat of distilled spirits, wines, or beer, to dealers qualified to do business as such within the jurisdiction of such entity.

(72 Stat. 1340, 1343, 1344, as amended; 26 U.S.C. 5111, 5113, 5121, 5123)

4. Section 194.51 is amended by inserting a reference to § 194.31 and by deleting the reference to Subpart L and inserting in lieu thereof reference to §§ 194.181–194.193. As amended, § 194.51 reads as follows:

§ 194.51 Special tax liability incurred at each place of business.

Except as provided in §§ 194.31 and 194.181–194.193, liability to special tax is incurred at each and every place where distilled spirits, wines, or beer are sold or offered for sale: *Provided*, That the term "place" as used in this section means the entire office, plant or area of the business in any one location under the same proprietorship; and passageways, streets, highways, rail crossings, waterways, or partitions dividing the premises shall not be deemed sufficient separation to require the payment of additional special tax, if the various divisions are otherwise contiguous.

(72 Stat. 1347; 26 U.S.C. 5143)

5. The center heading preceding § 194.131 and § 194.131 are amended by deleting the reference to posting of a special tax stamp and providing instead that the stamp be available for examination by any internal revenue officer. As amended, the center heading and § 194.131 read as follows:

STAMP TO BE AVAILABLE FOR EXAMINATION

§ 194.131 General.

A dealer shall keep his special tax stamp available in his place of business for inspection by any internal revenue officer during business hours. A dealer holding a special tax stamp as a retail dealer in liquors or a retail dealer in beer "At Large" or "In the United States" shall keep the stamp available for inspection where he is conducting such business.

(72 Stat. 1348; 26 U.S.C. 5146)

6. The center heading "Missing Stamps" immediately preceding §194.132 is deleted.

7. Section 194.132 is amended to provide that a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" shall be kept available for examination by any internal revenue officer. As amended, § 194.132 reads as follows:

§ 194.132 Lost or destroyed.

If a special tax stamp has been lost or destroyed, the dealer shall immediately notify the director of the service center who issued the stamp. A "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will be issued to the dealer who submits an affidavit showing to the satisfaction of the director of the service center that the stamp was lost or destroyed. The certificate shall be kept available for inspection in the same manner as prescribed for a special tax stamp in § 194.131.

§§ 194.140–194.142 [Revoked]

8. The center heading "Record 10" immediately preceding § 194.140 and §§ 194.140, 194.141, and 194.142 are revoked.

9. Sections 194.230, 194.234, 194.239 (a), and 194.241 are amended to provide that the application referred to in each section is to be submitted in duplicate. As amended, §§ 194.230, 194.234, 194.239(a), and 194.241 read as follows:

§ 194.230 Recapitulation records.

Every wholesale dealer in liquors shall, daily, prepare a recapitulation record showing the total quantities of distilled spirits received and disposed of during the day: *Provided*, That, upon receipt of an application, in duplicate, and on his finding that preparation of the recapitulation daily is not necessary to law enforcement or protection of the revenue, the assistant regional commissioner may authorize a dealer to prepare such record less frequently until otherwise notified. The assistant regional commissioner's authorization shall specify the intervals at which the recapitulation shall be prepared and shall provide that the authorization may be withdrawn if, in the opinion of the assistant regional commissioner, preparation of a daily recapitulation by the dealer is necessary to law enforcement or to protection of the revenue.

§ 194.234 Daily reports, Forms 52A and 52B.

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall prepare and submit, daily, a report on Form 52A of all distilled spirits received by him, and on Form 52B of all distilled spirits disposed of by him. The reports shall be filed with the assistant regional commissioner or other officer designated by him. Each report shall bear the following declaration signed by the dealer or his authorized agent:

I declare under the penalties of perjury that this report, consisting of _____ pages, has been examined by me and to the best of my knowledge and belief is a true, correct, and complete report of all the transactions which occurred during the period covered thereby, and each entry therein is correct.

If any case the assistant regional commissioner shall so authorize, the reports, in lieu of being filed daily, may be filed for such periods and at such times as he may deem necessary in the interest of the Government, or, upon receipt of an application, in duplicate, and a finding by the assistant regional commissioner that such reporting is not necessary to law enforcement or protection of the revenue, he may relieve a dealer from the requirement of preparing and submitting such daily or periodic reports on Forms 52A and 52B until otherwise notified.

(68A Stat. 749, 72 Stat. 1342; 26 U.S.C. 6065, 5114)

§ 194.239 Requirements for retail dealers.

(a) *Records of receipts.* Each retail dealer in liquors and each retail dealer in beer shall keep at his place of business complete records of all distilled spirits, wines, or beer received, showing (1) the quantities, thereof, (2) from whom received, and (3) the receiving dates: *Provided*, That in cases where wines and beer are retailed only for off-premises consumption, the assistant regional commissioner may, pursuant to an application in duplicate, authorize the records to be maintained at other premises under control of the same dealer if he finds that such maintenance will not cause undue inconvenience to internal revenue officers desiring to examine such records. Records of receipts shall consist of all purchase invoices or bills covering distilled spirits, wines, and beer received, or, at the option of the dealer, a book record containing all of the required information.

* * * * *

§ 194.241 Place of filing.

Prescribed records of receipt and disposition and file copies of Forms 52A, 52B, 338, and the recapitulation records required by § 194.230, shall be maintained in chronological order in separate files at the premises where the distilled spirits are received and sent out: *Provided*, That the assistant regional commissioner may, pursuant to an application, in duplicate, submitted by the wholesale dealer, authorize the files, or any individual file, to be maintained at other premises under control of the same dealer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue officers desiring to examine such files.

(72 Stat. 1342; 26 U.S.C. 5144)

10. Section 194.247 is amended by deleting the reference to the posting of special tax stamps. As amended § 194.247 reads as follows:

§ 194.247 Other dealers; no sign required.

Internal revenue laws do not require the posting of signs by retail dealers in liquors, retail dealers in beer, or wholesale dealers in beer.

PAR. B. 26 CFR Part 196 is amended as follows:

§§ 196.2, 196.8, 196.32 [Amended]

1. Sections 196.2, 196.8, and 196.32 are amended by changing "Alcohol and Tobacco Tax Division", wherever such term appears, to read "Alcohol, Tobacco and Firearms Division".

§ 196.6 [Amended]

2. Section 196.6 is amended by changing "Assistant Regional Commissioner, Alcohol and Tobacco Tax," to "assistant regional commissioner, alcohol, tobacco and firearms,".

3. Section 196.31 is amended to provide that the notice referred to is to be submitted in duplicate and to delete "of the region." As amended, § 196.31 reads as follows:

§ 196.31 Manufacturer to notify assistant regional commissioner.

Any person making such changes, repairs, or alterations of a still or condenser will immediately give notice, in duplicate, to the assistant regional commissioner of the extent of such repairs or alterations, advising him of the quantity and cost of new materials and parts and the precise nature of the changes. If the changes, repairs, or alterations are involved or complicated, a sketch of the apparatus showing the changes or alterations should also be furnished the assistant regional commissioner for determination of tax liability. If such is available, information as to the initial cost of the construction of the apparatus should likewise be furnished the assistant regional commissioner.

(72 Stat. 1339; 26 U.S.C. 5102)

4. Section 196.37 is amended to provide that the special tax stamp shall be available for inspection by any internal revenue officer. As amended, § 196.37 reads as follows:

§ 196.37 Examination of special tax stamp.

The stamp issued as a receipt for the payment of the special (occupational) tax shall be kept at the still manufacturer's place of business, available for inspection by any internal revenue officer during business hours.

(72 Stat. 1348; 26 U.S.C. 5146)

5. Section 196.80 is amended to delete the reference to "the territory of Hawaii" and to provide that the application referred to is to be submitted in duplicate. As amended, § 196.80 reads as follows:

§ 196.80 Removal for domestic use.

Distilling apparatus which is to be used within the United States and the District of Columbia for purposes other than for distilling, as defined in § 196.10, is exempted from the procedure and requirements set forth in §§ 196.42 to 196.47. Manufacturers and vendors of distilling apparatus for purposes other than for distilling shall maintain at their premises a record showing all stills manufactured, received, and removed or otherwise disposed of. Such record shall show the name and address of the purchaser and the purpose for which each still is to be used. Such records will be kept available for a period of 2 years for inspection by internal revenue officers. At the close of each month, and not later than 10 days thereafter, the manufacturer or vendor shall submit a report to the assistant regional commissioner of the region in which his premises are located showing the number of stills on hand at the beginning of the month, the number received, the number disposed of, the number on hand at the end of the month, and as to each such still removed, the name and address of the purchaser and the type, capacity, and kind. Each report shall be signed by the manufacturer or vendor or his authorized agent and immediately above the signature there shall appear the following statement, "I declare under the penalties of perjury that this report has been examined by me and to the best of my knowledge and belief is a true and correct report." Upon application, in duplicate, by the manufacturer or vendor, the assistant regional commissioner may waive the requirement for the submission of such report when he finds that such waiver will not jeopardize the revenue. Such waiver shall terminate upon notification by the assistant regional commissioner to the manufacturer or vendor.

§ 196.81 [Amended]

6. Section 196.81 is amended to provide a correct cross-reference by changing "§ 196.63" to read "§ 196.61".

PAR. C. 26 CFR Part 197 is amended as follows:

§§ 197.2, 197.8, 197.98 [Amended]

1. Sections 197.2, 197.8 and 197.98 are amended by changing "Alcohol and Tobacco Tax Division", wherever the term appears, to read "Alcohol, Tobacco and Firearms Division."

§ 197.6 [Amended]

2. Section 197.6 is amended by changing "Alcohol and Tobacco Tax" to "alcohol, tobacco and firearms".

3. Section 197.40 is amended to provide that the special tax stamp shall be kept available for inspection by any internal revenue officer. As amended, § 197.40 reads as follows:

§ 197.40 Issuance of stamps.

Each manufacturer of nonbeverage products, upon filing a properly executed return on Form 11, together with the proper remittance in the full amount due, will be issued a special tax stamp designated "Manufacturer of Nonbeverage Products." Such special tax stamp may not be sold or otherwise transferred to another person. The stamp shall be kept available for inspection by any internal revenue officer during business hours.

(72 Stat. 1346; 26 U.S.C. 5146)

4. Section 197.41 is amended to provide that a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" shall be kept available for inspection by any internal revenue officer. As amended, § 197.41 reads as follows:

§ 197.41 Lost or destroyed stamps.

If a special tax stamp is lost or accidentally destroyed, the taxpayer should immediately notify the director of the service center who issued the stamp, who will issue to the taxpayer a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp." The certificate shall be kept available for inspection in the same manner as prescribed for a special tax stamp in § 197.40.

5. Section 197.95 is amended by changing "Alcohol and Tobacco Tax Division", wherever the term appears, to "Alcohol, Tobacco and Firearms Division", and by deleting "Washington 25, D.C." inasmuch as the address appears on Form 1678. As amended, § 197.95 reads as follows:

§ 197.95 Products requiring formulas.

Manufacturers intending to file drawback claims are required to file quantitative formulas for all preparations except those covered by § 197.96. Such formulas should be sent direct to the Director, Alcohol, Tobacco and Firearms Division, on Form 1678, in quadruplicate, before or at the time of manufacture of the products. Upon receipt by the Director, Alcohol, Tobacco and Firearms Division, the formulas will be examined and if found to be medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes they will be approved. If the formulas do not meet the requirements of the law for drawback products, they will be disapproved. No drawback will be allowed on distilled spirits used in a disapproved product, unless such product is later used in the manufacture of an approved nonbeverage product. The formulas should be serially numbered, commencing with number one and continuing thereafter in numerical sequence. Amended or revised formulas will be considered as new formulas and serially numbered accordingly. One copy of each formula will be retained by the Director, Alcohol, Tobacco and Firearms Division, one copy returned to the manufacturer, and the original and one copy will be sent to the assistant regional commissioner for filing. The formulas returned to manufacturers shall be filed in serial order by the manufacturer and made available for examination by internal revenue officers in the investigation of drawback claims. In the case of food products, such as preserved fruits, cakes, soups, etc., it will be sufficient if the formulas therefor show the quantity of proof gallons of distilled spirits used in the production of a given quantity of finished product.

6. Section 197.96 is amended to specify that only current revisions and editions of the United States Pharmacopoeia, National Formulary, or Homeopathic Pharmacopoeia of the United States are acceptable. As amended, § 197.96 reads as follows:

§ 197.96 Products not requiring formulas.

Quantitative formulas need not be submitted if the products are medicinal preparations, tinctures, or fluid extracts produced under formulas prescribed by current revisions or editions of the United States Pharmacopoeia, the National Formulary, or the Homeopathic Pharmacopoeia of the United States, and such products are identified in the supporting data by name and followed by the letters "U.S.P.," "N.F.," or "H.P.U.S.," as the case may be.

7. Section 197.106 is amended to incorporate the provisions of Revenue Ruling 63-67 which held that a manufacturer who is qualified to file claims on a monthly basis may file one, two, or three claims covering alcohol used during a quarter.

As amended, § 197.106 reads as follows:

§ 197.106 Claims.

The claim for drawback shall be filed on Form 843 (original only) with the assistant regional commissioner, for the region in which the place of manufacture is located, and shall pertain only to distilled spirits used in the manufacture or production of nonbeverage products during any one quarter of the year, and only one claim may be filed for each quarter: *Provided*, That where the manufacturer has notified the assistant regional commissioner, in writing, of his intention to file claims on a monthly basis, in lieu of a quarterly basis, and has filed a bond in compliance with the provisions of § 197.107, claims may be filed monthly in lieu of quarterly. The election to file claims on a monthly basis will not preclude a manufacturer from filing a single claim covering alcohol used during a quarter, or a single claim for two months of a quarter, or two claims, one for 1 month and one for 2 months. The month or months covered by the claim should be specifically identified, and the claimant may be required to separate the necessary data into the individual months covered by the claim. An election for the filing of monthly claims may be revoked upon filing of notice thereof, in writing, with the assistant regional commissioner.

8. Section 197.108 is amended to extend the filing period for claims from three to six months to conform to the amendment of section 5134(b), I.R.C., made by Public Law 90-615. As amended, § 197.108 reads as follows:

§ 197.108 Date of filing claim.

Quarterly claims for drawback shall be filed with the assistant regional commissioner within the 6 months next succeeding the quarter in which the distilled spirits covered by the claim were used in the manufacture of nonbeverage products. Monthly claims for drawback may be filed at any time after the end of the month in which the distilled spirits covered by the claim were used in the manufacture of nonbeverage products, but must be filed not later than the close of the sixth month succeeding the quarter in which such spirits were used.

(72 Stat. 1346, as amended, 26 U.S.C. 5134)

9. Section 197.113 is amended by deleting the reference to Form 2630 and by inserting in lieu thereof a reference to Form 179 and to the commercial invoice provided for in § 197.130b. As amended, § 197.113 reads as follows:

§ 197.113 Distilled spirits received in barrels, drums, or other portable containers.

Each claim covering distilled spirits received in barrels, drums, or other portable containers bearing distilled spirits stamps shall be accompanied by a statement showing: the date of receipt; the name and address of the vendor; the kind and serial number of the stamp affixed to the container and the date the stamp was issued or affixed as stated on the stamp; the serial number, if any, of the container; the name of the producer, blender, or warehouseman as shown on Form 179 or on the commercial invoice provided for in § 197.130b; and the kind, quantity, and proof of the spirits. (When the container is emptied, the stamp shall be completely destroyed.)

10. Section 197.114 is amended by deleting the requirement that the statement accompanying a claim covering distilled spirits received in bottles show the serial number of the strip stamp affixed to the bottle. As amended, § 197.114 reads as follows:

§ 197.114 Distilled spirits received in bottles.

Each claim covering distilled spirits received in bottles will be accompanied by a statement showing: the date of receipt; the name and address of the vendor; the name of the bottler; and the kind, quantity, and proof of the spirits.

11. A new section, § 197.130a, which incorporates the provisions of Revenue Ruling 68-259, is inserted immediately following § 197.130, to provide that the quantity of distilled spirits received shall be determined accurately. The new section, § 197.130a, reads as follows:

§ 197.130a Distilled spirits received and used.

(a) *Receipts.* Each manufacturer shall, at the time of receipt, determine, preferably by weight, and record in his permanent records, the exact quantity of distilled spirits received: *Provided*, That if the spirits are received in a tank car or tank truck and the result of the manufacturer's gauge of the spirits is within 0.2 percent of the quantity reported on the Form 179 covering the tax-determination of such spirits, the quantity reported on the Form 179 may be recorded

in the manufacturer's permanent records as the quantity received. However, the receiving gauge shall be noted on Form 179. Losses in transit, other than those attributable to variations in gauge not exceeding the 0.2 percent limitation as provided in this paragraph, must be determined but shall not be recorded in the manufacturer's permanent records as distilled spirits received.

(b) *Use.* Each manufacturer shall accurately determine, by weight or volume, the quantity of all distilled spirits used and enter such quantity in his permanent records. Where the quantity used is determined by volume, adjustments shall be made if the temperature of the spirits is above or below 60 degrees Fahrenheit. A correction table, Table No. 7, is available in 26 CFR Part 186, Gauging Manual. Losses after receipt, due to leakage, spillage, evaporation, or other causes shall be accurately recorded in the manufacturer's permanent records at the time such losses are determined.

12. A new section, § 197.130b, is inserted immediately following new § 197.130a, to provide that where shipments of spirits are made from a taxpaid room, a commercial invoice may be utilized as evidence of taxpayment in lieu of Form 179. The new section, § 197.130b, reads as follows:

§ 197.130b Evidence of taxpayment of distilled spirits.

Forms 179, required to be furnished by the supplier with each shipment of distilled spirits, shall be retained by the manufacturer as evidence of taxpayment of the spirits and to support information required to be furnished in supporting data filed with a claim: *Provided*, That where shipments are made from a taxpaid room operated in connection with a distilled spirits plant, the vendor's commercial invoice may be utilized in lieu of Form 179 if the invoice bears a certification as to taxpayment by the person who paid the tax, and includes the following information:

(a) The name and address of vendor;
(b) The registry number of the distilled spirits plant from which the spirits were withdrawn on determination of tax;
(c) The release number of the applicable Form 179;
(d) The name of the producer, blender, or warehouseman of the spirits;
(e) The serial number of the container;
(f) The serial number and date of the distilled spirits stamp; and
(g) The kind of spirits, proof, and proof gallons in the container.

Form 179 shall be secured and retained by the manufacturer for each shipment received from the bonded premises of a distilled spirits plant.

13. Section 197.133 is amended by inserting a reference to the commercial invoice provided for in § 197.130b. As amended, § 197.133 reads as follows.

§ 197.133 Retention of records.

Each manufacturer shall retain for a period of not less than 2 years all records required by this part, all Forms 179 received by him evidencing tax determination of the spirits, or commercial invoices as provided in § 197.130b, and all bills of lading received by him in respect of shipment of the spirits. In addition, a copy of each approved formula returned to the manufacturer shall be retained by him for not less than 2 years from the date he files his last claim for drawback under such formula. Such records, forms, and formulas shall be readily available during the manufacturer's regular business hours for examination and taking abstracts therefrom by internal revenue officers.

PAR. D. 26 CFR Part 201 is amended as follows:

1. Section 201.31 is amended to provide that the special tax stamp shall be available for inspection by any internal revenue officer. As amended, § 201.31 reads as follows:

§ 201.31 Rectifier's special tax.

Every person engaging in business as a rectifier, within the meaning of the term as defined in Subpart B of this part, shall file Form 11 and pay special tax at the applicable rate prescribed in section 5081, I.R.C. Form 11 shall be filed with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located. The tax is imposed as of the first day of July in each year, or on commencing such business. In the former case the tax is reckoned for 1 year and in the latter case it is reckoned proportionately from the first day of the month in which the liability to special tax commenced and to and including the 30th day of June following. Section 5142, I.R.C., provides that no person shall engage in or carry on the business of a rectifier until he has paid the special tax therefor. A stamp issued as a receipt for the payment of the special tax shall be kept at the rectifier's place of business, available for inspection by any internal revenue officer during business hours.

(68A Stat. 846, 72 Stat. 1338, 1346, 1347, 1348; 26 U.S.C. 7011, 5081, 5082, 5142, 5143, 5146)

2. Sections 201.307 and 201.308 are amended to change Form 1685 from an application to a notice. As amended, §§ 201.307 and 201.308 read as follows:

§ 201.307 Permissible blending.

Fruit brandies distilled from the same kind of fruit at not more than 170° of proof may, for the sole purpose of perfecting such brandies according to commercial standards, be mixed or blended with each other, or with any mixture or blend of such fruit brandies on bonded premises. Rums may, for the sole purpose of perfecting them according to commercial standards, be mixed or blended with each other, or with any mixture or blend of rums on bonded premises. Before blending such rums or brandies, the proprietor shall give notice on Form 1685, in triplicate, in accordance with the instructions on the form and deliver one copy to the assigned officer. When spirits in packages are to be dumped, the proprietor shall also deliver to the assigned officer a list (one copy) of the serial numbers of the packages. Brandies or rums mixed or blended in accordance with this subpart may be packaged, stored, transported, transferred in bond, withdrawn free of tax, withdrawn without payment of tax, withdrawn on payment or determination of tax, or be otherwise disposed of, in the same manner as brandies or rums not mixed or blended. If brandy or rum, mixed or blended in accordance with this subpart is transferred in bond, Form 236 and Form 2630 (if any) shall show such fact and whether the brandy or rum is subject to tax imposed by section 5023, I.R.C.

(72 Stat. 1367; 26 U.S.C. 5234)

§ 201.308 Blending procedure.

The proprietor shall dump the brandy or rum to be blended, gauge the contents of the blending tank, gauge the packages (if the spirits are repackaged), and complete Form 1685. The proprietor shall record the gauge of packages (if any) on Form 2630 and the tank gauge on Form 1685, deliver the original of each form to the assigned officer, and retain a copy of each form for his files.

(72 Stat. 1367; 26 U.S.C. 5234)

3. Section 201.322 is amended to clarify the language. As amended, § 201.322 reads as follows:

§ 201.322 Entry and gauge.

Proprietor shall make entry for the bottling of distilled spirits in bond on Form 1515. A separate Form 1515 shall be executed for each lot of spirits to be so bottled. Before dumping packages of spirits, the proprietor shall notify the assigned officer and shall give him a suitable list (one copy) of the serial numbers of the packages to be dumped. Each package shall be carefully examined by the proprietor, and if any package bears evidence of loss due to theft or unauthorized voluntary destruction, or loss in excess of normal storage losses, such package shall not be dumped until released by the assigned officer; Form 1515 will be amended when necessary. The proprietor shall dump packages promptly after the assigned officer has given his approval therefor on Form 1515; however, no more spirits shall be dumped at any time than can be bottled expeditiously. After dumping the packages, the proprietor shall gauge the spirits and make a report of such gauge on Form 1515. Such gauge shall be made by weight and proof unless the assistant regional commissioner approves another method of gauging. The spirits shall be gauged either in the storage portion of the bonded warehouse or in the bottling-in-bond facilities; spirits may be transferred to such facilities by pipeline. The Form 1515 will then be resubmitted to the assigned officer for the release of the spirits.

(72 Stat. 1366; 26 U.S.C. 5233)

4. Two sections, §§ 201.331a and 201.467a, are inserted immediately following §§ 201.331 and 201.467, respectively, to make it clear that shipments of spirits without payment of tax to Puerto Rico are subject to the provisions of 27 CFR Part 5 with respect to standards of fill and labeling requirements. Also, shipments of wines and spirits with benefit of drawback to Puerto Rico are subject to the provisions of 27 CFR Parts 4 and 5, respectively, with respect to standards of fill and labeling requirements. The new sections, §§ 201.331a and 201.467a, read as follows:

§ 201.331a Spirits withdrawn for shipment to Puerto Rico.

Spirits withdrawn without payment of tax for shipment to Puerto Rico under the provisions of Part 252 of this chapter are subject to the provisions of 27 CFR Part 5 in respect of labeling requirements and standards of fill for bottles.

§ 201.467a Spirits and wines removed for shipment to Puerto Rico.

Taxpaid wines and spirits removed for shipment to Puerto Rico with benefit of drawback under the provisions of Part 252 of this chapter are subject to the provisions of 27 CFR Parts 4 and 5, respectively, in respect of labeling requirements and standards of fill for bottles.

5. Section 201.524 is amended to remove the requirement that certain additional marks be placed on portable containers when withdrawn from bonded premises (1) on determination of tax, (2) for use in wine production, and (3) for transfer in bond. As amended, § 201.524 reads as follows:

§ 201.524 Additional marks on portable containers.

In addition to the other marks required by this part, portable containers (other than bottles enclosed in cases) of spirits (including denatured spirits, as applicable) to be withdrawn from the bonded premises—

(a) Without payment of tax, for export, transfer to customs manufacturing bonded warehouses, transfer to foreign-trade zones or supplies for certain vessels and aircraft shall be marked as provided in Part 252 of this chapter;

(b) On determination of tax shall be marked, if wooden packages, with the words "Rinsed" or "Not Rinsed", if rinsed, the temperature of the water used shall be shown as provided in § 201.377; or

(c) Tax-free shall be marked to show the number of the permit of the tax-free user, the date of withdrawal, and the purpose of withdrawal, as, for example, "Hospital Use", "Scientific Purposes", "Use of U.S."

The proprietor may show the brand or trade name and may place caution notices and other material required by Federal, State, or local law and regulations on the Government head or side if such names and attachments do not interfere with or detract from the markings required by this subpart. Also the proprietor may show wine gallons or proof gallons. No other marks may be placed on the Government head or side except as authorized by the Director.

(72 Stat. 1360; 26 U.S.C. 5206)

6. Sections 201.527 and 201.529 are amended to remove the requirement that certain additional marks be placed on cases of bottled-in-bond spirits and on cases of bottled alcohol on the date tax is determined or when cases are otherwise withdrawn or removed. As amended, §§ 201.527 and 201.529 reads as follows:

§ 201.527 Marks on cases of bottled-in-bond spirits.

(a) *Mandatory marks.* The following information shall be plainly marked at the time of bottling on the Government side of each case of spirits bottled in bond:

(1) Serial number;
(2) The words "Bottled in Bond";
(3) Kind of spirits;
(4) Proof gallons;
(5) Plant number of bottler;
(6) Proof (if bottled in bond for export);
(7) Date filled.

Cases withdrawn for export, transfer to customs manufacturing bonded warehouses, transfer to foreign-trade zones, or supplies for certain vessels and aircraft shall bear the additional marks required by Part 252 of this chapter. Cases withdrawn tax-free shall be marked to show the number of the permit of the tax-free user and the purpose of the withdrawal as provided in § 201.524(c).

(b) *Other marks.* The proprietor may also show the real name and/or the trade name of the producer of the spirits, and may place other material required by Federal, State, or local law and regulations on the Government side, if such names and attachments do not interfere with or detract from the markings required by this subpart. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

(72 Stat. 1360, 1366; 26 U.S.C. 5206, 5233)

§ 201.529 Cases of bottled alcohol.

(a) *Mandatory marks.* The Government side of each case of alcohol bottled in accordance with the provisions of Subpart K of this part shall be marked with the word "Alcohol", shall be serially numbered, and shall be marked to show the plant number, proof, and proof gallons. Cases withdrawn for export, transfer to customs manufacturing bonded warehouses, transfer to foreign-trade zones, or supplies for certain vessels and aircraft shall bear the additional marks required by Part 252 of this chapter. Cases withdrawn tax-free shall be marked to show the number of the permit of the tax-free user and the purpose of the withdrawal as provided in § 201.524(c).

(b) *Other marks.* The proprietor may also show the brand or trade name, and may place other material required by Federal, State, or local law and regulations on the Government side, if such names and attachments do not interfere with or detract from the marks required by this subpart. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

(72 Stat. 1360, 1369; 26 U.S.C. 5206, 5235)

§ 201.548 [Deleted]

7. Section 201.548 is deleted.

8. Section 201.563 is amended to conform to the language in section 5008, I.R.C. As amended, § 201.563 reads as follows:

§ 201.563 Claims.

Claims for refund or credit of tax on spirits voluntarily destroyed under this subpart shall be filed pursuant to the provisions of Subpart C of this part. Where spirits destroyed on bottling premises contain alcoholic ingredients which were not withdrawn by the proprietor from bond on tax determination, such ingredients shall not be included in any claim for refund or credit. The quantity of all spirits and alcoholic ingredients destroyed on bottling premises shall be reported on Form 2611. All claims under this subpart must be filed within 6 months from the date of destruction.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.601 [Amended]

9. The last sentence of § 201.601 is amended to read "When the assistant regional commissioner finds that any samples withdrawn were in excess of the size and number necessary for the conduct of the proprietor's business, or that any samples were used or disposed of in any manner not authorized by this part, he shall proceed to collect the tax thereon."

§ 201.635 [Deleted]

10. Section 201.635 is deleted.

PAR. E. 26 CFR Part 245 is amended as follows:

§ 245.2 [Amended]

1. Section 245.2, 245.57, 245.66, 245.105, 245.111a, 245.126, 245.221, 245.222, 245.225, 245.233, 245.236, 245.237, 245.238, 245.239, 245.253, and 245.257 are amended by changing "Alcohol and Tobacco Tax Division", wherever the term appears, to "Alcohol, Tobacco and Firearms Division."

§ 245.5 [Amended]

2. Section 245.5 is amended by changing "alcohol and tobacco tax" to read "alcohol, tobacco and firearms" in the definition of "Assistant regional commissioner" and by changing "Alcohol and Tobacco Tax Division" to read "Alcohol, Tobacco and Firearms Division" in the definition of "Director, Alcohol and Tobacco Tax Division."

3. Section 245.82 is amended by changing the heading from "Posting special tax stamp" to "Examination of special tax stamps" and by changing the requirement in the text that a special tax stamp be posted to a requirement that the stamp be available for inspection. As amended, § 245.82 reads as follows:

§ 245.82 Examination of special tax stamps.

All stamps denoting payment of special tax shall be kept available for inspection by any internal revenue officer during business hours.

(72 Stat. 1348; 26 U.S.C. 5146)

4. Section 245.125 is amended by changing "Alcohol and Tobacco Tax Division" to "Alcohol, Tobacco and Firearms Division" and by adding a definition of "Breweries of the same ownership." As amended, § 245.125 reads as follows:

§ 245.125 Barrels and kegs.

(a) *General.* The brewer's name or trade name and the place of production (city and, where necessary for identification, State) shall be embossed on, idented or branded in, or (subject to the approval of the Director, Alcohol, Tobacco and Firearms Division) otherwise durably marked on each barrel and keg of beer: *Provided*, That where the place of production is clearly shown on the bung or on the tap cover or on a label securely affixed to each barrel or keg, the place of production need not be embossed on, idented or branded in, or otherwise durably marked on the barrel or keg. No statement as to payment of internal revenue taxes shall be shown.

(b) *Breweries of same ownership.* Where two or more breweries are owned and operated by the same person, firm, or corporation, the place of production may be shown as provided in paragraph (a) of this section, or the locations of more than one such brewery may be so shown. Where such marking includes a location or locations other than that at which the beer currently in the container was produced, the location of the brewery at which the beer was produced must be shown on the bung or on the tap cover or on a label securely affixed to each barrel or keg: *Provided*, That the brewer may employ on the label a system of coding or marking, satisfactory to the assistant regional commissioner, which will permit internal revenue officers to readily identify the particular brewery at which the beer was produced. If more than one commonly owned brewery is located in the same city, the location by street number will also be shown on the label (printed or indicated by code as provided in this section). For the purposes of this subpart, the conditions and requirements of § 245.140 regarding breweries belonging to the same brewer shall be applicable in establishing that breweries are of the same ownership.

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.208 [Amended]

5. Section 245.208 is amended by changing "Alcohol and Tobacco Tax" to "Alcohol, Tobacco and Firearms."

§ 245.227 [Amended]

6. Section 245.227 is amended by changing the reference to "district director" to "director of the service center."

§ 245.241 [Amended]

7. Section 245.241 is amended by changing "alcohol and tobacco tax" to "alcohol, tobacco and firearms."

[FR Doc.71-2847 Filed 3-2-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FORT PECK INDIAN IRRIGATION PROJECT, MONT.

Operation and Maintenance Charges

FEBRUARY 25, 1971.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Notice is hereby given that it is proposed to revise § 221.38, of Part 221, Subchapter T, Chapter I of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in the act of August 1, 1914 (38 Stat. 583), the act of May 18, 1916 (39 Stat. 142); and the act of March 7, 1928 (45 Stat. 210).

The purpose of this revision is to establish the assessment charges for the season 1971 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Area Director, Billings Area Office, Bureau of Indian Affairs, 316 North 26th Street, Billings, MT 59101, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

It is proposed to revise § 221.38 of Part 221, Subchapter T, Chapter I of Title 25 of the Code of Federal Regulations to read as follows:

FORT PECK INDIAN IRRIGATION PROJECT, MONT.

§ 221.38 Charges.

(a) On that part of the Big Porcupine Unit that is under the service area of the Big Porcupine or Wiota pumping plant, water, when available, will be furnished to all irrigable non-Indian lands and to all Indian lands leased to non-Indians, to which delivery of water can be made, during the 1971 irrigation season and thereafter until further notice, at a minimum rate of $4.50 per acre per annum whether water is used or not. Payment of the minimum rate entitles the water user to the delivery of 2 acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $2.25 per acre-foot or fraction thereof for the first additional acre-foot, $2.25 per acre-foot or fraction thereof for the second additional acre-foot and $2.25 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(b) (1) For Indian land farmed by the Indian owner or leased and farmed by Indians, under that part of the Big Porcupine Unit that is within the service area of the Wiota pumping plant, water, when available, will be furnished during the 1971 season and until further notice at a minimum rate of $4.50 per acre per annum for the entire irrigable area included in the allotment whether water is used or not. Payment of the minimum rate entitles the Indian water user to the delivery of 2 acre-feet of water per acre included in the allotment. Any additional water delivered shall be charged for at the rate of $2.25 per acre-foot or fraction thereof for the first additional acre-foot, and $2.25 per acre-foot or fraction thereof for the second additional acre-foot, and $2.25 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(2) For all irrigable lands situated adjacent to and outside of that part of the Big Porcupine Unit that is under the service area of the Big Porcupine Unit or Wiota pumping plant, surplus water, when available and not required for irrigation of lands within the Big Porcupine Unit, will be furnished at the flat rate of $3 per acre-foot. Water measurement and delivery thereof will be made at the project limits.

(c) On the Frazer-Wolf Point Unit (comprising all irrigable lands supplied with water from the Little Porcupine Reservoir and the Frazer pumping plant) water, when available, will be furnished to all irrigable non-Indian lands and to all irrigable Indian-owned allotments leased to non-Indians (whether subjugated or not) to which delivery of water can be made during the 1971 irrigation season and until further notice at a minimum rate of $4.50 per acre per annum whether water is used or not. Water, when available, will be furnished at a like minimum rate for the irrigable area for all subjugated Indian-owned allotments to which delivery of water can be made. Payment of the minimum rate entitles the water user to the delivery of 2 acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $2.25 per acre-foot or fraction thereof for the first additional acre-foot, $2.25 per acre-foot or fraction thereof for the second additional acre-foot and $2.25 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(d) For all Indian lands farmed by the Indian owner, or leased and farmed by Indians in the Frazer-Wolf Point Unit, not subjugated but to which water can be delivered, water, when available will be furnished during the 1971 irrigation season and thereafter until further notice at a minimum rate of $4.50 per acre per annum for the entire irrigable area included in each allotment whether water is used or not. Payment of the minimum rate entitles the Indian water user to the delivery of 2 acre-feet of water per irrigable acre included in the allotment. Any additional water delivered shall be charged for at the rate of $2.25 per acre-foot or fraction thereof for the first additional acre-foot, $2.25 per acre-foot or fraction thereof for the second additional acre-foot and $2.25 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

LOUIS R. BRUCE,
Commissioner.

[FR Doc.71-2863 Filed 3-2-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 916]

[Docket No. AO-303-A2]

NECTARINES GROWN IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions with Respect to Proposed Further Amendment of the Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed further amendment of the marketing agreement, and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in California, hereinafter referred to collectively as the "order". The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than the close of business of the 15th day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the recommended amendment of the order was formulated was held in Fresno, Calif., on January 13, 1971, pursuant to a notice thereof which was published in the FEDERAL REGISTER on December 24, 1970 (35 F.R. 19579). The notice contained amendment proposals which had been submitted to the Secretary of Agriculture by the Nectarine Administrative Committee, the administrative agency established pursuant to the order.

Material issues. The material issues presented on the record of the hearing involve amendatory action to:

(1) Change the term of office of the Nectarine Administrative Committee and the Shippers Advisory Committee;

(2) Authorize production research;

(3) Change the provisions of termination; and

(4) Make conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on the evidence adduced at the hearing and the record thereof;

(1) The order should be amended, as hereinafter set forth to change the term of office of both the Nectarine Administrative Committee and the Shippers Advisory Committee to 2 years, ending on the last day of February of odd numbered years, and provide that nomination meetings be held accordingly. Currently, the order provides for a 1-year term ending the last day of February each year. There have been few changes in the nominees chosen from year to year to fill positions on the committees. Over the past 3 years there have been only two, one on each of the above-mentioned committees, and both involved alternates. Therefore, the longer term is desirable. The change to a 2-year term would allow the Nectarine Administrative Committee to schedule and hold its nomination meetings concurrently with those of Marketing Order No. 917 and the three California State Marketing Orders (Marketing Program for Processing Pears, As Amended, Marketing Order for Fresh Bartlett Promotion and Marketing Order for Fresh Bartlett Pears, As Amended), all of which are under a joint management arrangement with the order. This arrangement would give added inducement to more grower participation and eliminate the need for growers to attend a number of meetings in order to participate in the nomination of persons to fill positions on the committees. The joint meetings enabled by the amendment would conserve both time and expense for the growers and program management and effectuate the purposes of the order and the act.

Accordingly, if the order is amended as proposed, the term of office of the then incumbent committees should be extended to end on the last day of February 1973. The selection order appointing the Nectarine Administrative Committee provides that appointees shall serve for the term for which appointed and until their successors have been selected and qualified. Therefore, extension of the term should be accomplished by delaying the selection of successors. The Shippers Advisory Committee is elected by handlers at meetings arranged by the Nectarine Administrative Committee. Hence, the Shippers Advisory Committee election should be delayed for a year.

(2) The order should be amended to allow the expenditure of marketing order funds for production research. Such research was not previously permitted under the act, but an amendment to the act (Public Law 91–292), effective June 25, 1970, makes possible the inclusion of authority to carry out such research under marketing agreement and order programs. Many of the problems affecting the quality, appearance and shelf-life of nectarines begin during the preharvest development period. Hence, marketing research often cannot be of maximum effectiveness unless the scope of study concerns itself not only with what occurs to the fruit after picking but also in its development prior to harvesting. For example, the control of decay in nectarines has been increasingly difficult in recent years due largely to buildup of brown rot in the orchards and subsequent spread of infection in the packinghouses. The reduction of losses due to decay during marketing requires integrated control measures that reduce infections in the orchard, in the packinghouse, during transit and during marketing.

The foregoing are examples of the kinds of problems on which the committee may wish to undertake production research studies. They should not be viewed as limiting the committee's production research authority which should include any such research that is permitted under the act. All such projects should be subject to the approval of the Secretary and should be financed from assessments collected pursuant to the order in the same manner as is currently required for marketing research and development projects under the order.

(3) The provisions of the order concerning the quadrennial referendum on continuance should be revised to require that the next such referendum shall be required within the period beginning December 1, 1974, and ending February 15, 1975. The order currently requires that such a referendum shall be held with the period beginning December 1, 1972, and ending February 15, 1973. Ample provision is otherwise made in the order for growers to express their desires with respect to its continuance.

The required quadrennial referendum is only one of several ways in which termination proceedings may be initiated. The Secretary may at any time terminate or suspend the operation of any or all of the provisions of the order whenever he finds that these provisions do not tend to effectuate the declared policy of the act. The Nectarine Administrative Committee is required to consider all petitions from growers, submitted to it prior to October 1 of the then fiscal period, for termination and if considered advisable, to recommend a referendum. Upon receipt of any such recommendation, received not later than December 1, the Secretary shall conduct a referendum prior to the following February 15 to ascertain whether continuance of the order is favored by the growers. In view of these provisions and the fact that a referendum will be conducted to ascertain if the growers favor this amendment, it was advanced without opposition that the order should be amended, as hereinafter set forth, to specify that the Secretary shall conduct

a referendum within the period beginning December 1, 1974, and February 15, 1975 instead of during the period December 1, 1972, and ending February 15, 1973, to ascertain the sentiments of growers with respect to continuance.

(4) A proposal in the notice of hearing was that consideration be given to making such other changes in the order as may be necessary to make the entire order conform to any amendments that may result from this proceeding. This proposal was supported at the hearing, without opposition and such conforming changes as are necessary are incorporated in the order.

Rulings on proposed findings and conclusions. February 8, 1971 was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearings and on findings and conclusions which should be drawn therefrom. No brief was filed.

General findings. Upon the basis of the evidence adduced at such hearing and the record thereof, it is found that:

(1) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of nectarines grown in the production area in the manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production areas would not effectively carryout the declared policy of the act;

(4) There are no differences in the production and marketing of nectarines grown in the production area which make necessary different terms and provisions applicable to different parts of such area;

(5) All handling of nectarines grown in the production area as defined in said marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended further amendment of the marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Section 916.21 *Term of office* is amended to read as follows:

§ 916.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning on March 1 of an odd numbered year and ending on the last day of February of an odd numbered year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

2. Paragraph (b)(1) of § 916.22 *Nomination* is revised to read as follows:

§ 916.22 Nomination.

* * * * *

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than February 15 of each odd numbered year, a meeting or meetings of growers in each district for the purpose of designating nominees for successor members and alternate members of the committee. These meetings shall be supervised by the committee which shall prescribe such procedure as shall be reasonable and fair to all persons concerned.

* * * * *

3. Paragraphs (a) and (b) of § 916.37 *Shippers' Advisory Committee* are revised to read as follows:

§ 916.37 Shippers' Advisory Committee.

(a) A Shippers' Advisory Committee, consisting of five members and their respective alternates who shall be handlers, or employees of handlers, selected by the handlers in accordance with the provisions of this section, is hereby established. The members and their respective alternates shall be selected biennially for a term ending on the last day of February of odd numbered years. An alternate member shall, in the event of the member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) The members and alternate members of the Shippers' Advisory Committee shall be elected by handlers at a general meeting of all handlers and shall serve in such capacities during the marketing seasons subsequent to such election. Such meeting shall be supervised by the Nectarine Administrative Committee which may prescribe such rules and procedures as may be necessary to assure a membership representative of all shippers.

* * * * *

4. Section 916.45 *Marketing research and development* is amended to read as follows:

§ 916.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of nectarines. Such projects may provide for any form of marketing promotion including paid advertising. The expense of such projects shall be paid by funds collected pursuant to § 916.41.

5. Paragraph (e) of § 916.64 *Termination* is revised to read as follows:

§ 916.64 Termination.

* * * * *

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1974, and ending February 15, 1975, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such referendum within the same period of every fourth fiscal period thereafter.

* * * * *

Dated: February 26, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-2915 Filed 3-2-71;8:51 am]

[7 CFR Part 917]

[Docket No. AO-90-A5]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of the Marketing Agreement and Order (Partial)

Pursuant to the Rules of Practice and Procedure as amended, governing proceedings to formulate Marketing Agreements and Orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement and Order No. 917 (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, hereinafter referred to collectively as the "order". The order is effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than 10 days after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the recommended amendment of the order was formulated was held in Fresno, California, on January 13, 1971, pursuant to a notice thereof which was published in the FEDERAL REGISTER on December 24, 1970 (35 F.R. 19579), and a supplemental notice published December 31, 1970 (35 F.R. 20010). The notice and supplemental notice contained amendment proposals which had been submitted to the Secretary of Agriculture by the Control Committee, and the Plum Commodity Committee, administrative agencies for the order.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals to:

(1) Change the definition of fruit to extend the regulatory provisions to all varieties of peaches.

(2) Change the definition of fruit to extend the regulatory provisions to additional varieties of pears.

(3) Change the definition of grower as it applies to peaches.

(4) Realign the boundaries of certain districts.

(5) Change the provisions as to qualifications of nominees to represent the Peach Commodity Committee as grower members on the Control Committee.

(6) Change the provisions as to qualifications of nominees to represent the Pear and Plum Commodity Committees as grower members on the Control Committee.

(7) Increase the number of members on the Peach Commodity Committee, and increase the term of office of such members from 1 to 2 years.

(8) Increase the term of office of the Pear and Plum Commodity Committees from 1 to 2 years.

(9) Change the representation areas for peaches and reallocate representation on the Peach Commodity Committee among such areas.

(10) Change the quorum requirement for the Peach Commodity Committee; and increase the number of affirmative votes necessary by such committee to approve actions with respect to research and regulations.

(11) Add authority for production research for peaches.

(12) Add authority for production research for pears and plums, and for paid advertising for plums.

(13) Change the provisions on termination, with respect to peaches, to delay for 2 years the next scheduled referendum on continuance.

(14) Change the provisions on termination, with respect to pears and plums, to delay for 2 years the next scheduled referendum on continuance.

This is a partial recommended decision dealing only with issues applicable to peaches. The issues pertaining to pears and plums are reserved for a later decision.

(1) The term "fruit" should be redefined in the order as hereinafter set forth to extend the regulatory provisions of the order to all varieties of peaches.

Current provisions of the order define the term "fruit" with respect to peaches as the edible product from the trees of the peach varieties Elberta (Regular Elberta), Early Elberta (Gleason, Early Fay, Golden Elberta), Fay Elberta (Gold Medal, Golden Elberta), Burbank July Elberta (Early Elberta, Burbank Elberta, Burbank Jewel, Kim Elberta, July Elberta, and Socala). Regulation has been limited to Elberta-type peaches since the order was first made effective in 1939. Initially, such peaches constituted the major volume of shipments of fresh peaches shipped from the production area. By 1969, however, Elberta-type peaches constituted only about 25 percent of the volume of fresh peaches shipped in interstate channels. The other 75 percent was made up of about 50 non-Elberta varieties.

All varieties of peaches grown in the production area and shipped to markets within such area are subject to regulation under a California State Marketing Order. Hence, the State order and the order complement each other in the regulation of Elberta peaches, but since no regulations may be made to apply under the order to out-of-State shipments of varieties other than Elberta, only the intrastate shipments of such varieties are regulated.

In recent years when mandatory size, grade, and inspection requirements were in effect for intrastate shipments of peaches, shipments of the varieties of peaches other than Elberta were uncontrolled and sizable quantities of small size and off-grade peaches of such varieties were dumped in out-of-State markets. Actually, the institution of grade and size regulations applicable to intrastate shipments apparently results in the shipment to interstate markets of greater quantities of the lower grade and smaller sized fruit which do not meet the requirements of the State regulations than when no such regulations are instituted. In 1969 no size or quality controls were instituted under the State order. In 1970 regulations were so instituted, small sizes could not legally be distributed to markets within the State. Such sizes were shunted to out-of-State markets. Moreover, it was testified that handlers pack peaches of the smaller sizes even though demand is marginal for such sizes, and accumulate quantities of such peaches in the packinghouses when sales decline or fail to materialize. When prices fail to strengthen, the peaches are sold at any price that can be obtained without regard to the detrimental effect on the prices of the more desirable sizes. It is therefore concluded that all varieties of peaches grown in the production area and shipped in interstate marketing channels should be made subject to the provisions of the order. Such provisions, including the regulatory provisions, which provide for regulation by variety or varieties, contain the necessary flexibility to recognize differences in varieties in the establishment and application of appropriate regulations. Persons familiar with peaches, including inspectors, can distinguish one variety of peaches from another. Hence, the issuance of regulation recognizing differences in such characteristics as size, color, or season of ripening is appropriate and practical, and would tend to effectuate the purposes of the order and the act.

(3) The term "grower" is defined in the order to identify the persons who are eligible to vote as "growers" in referenda in connection with the order, to vote for nominees to fill positions on the respective committees under the order and to serve in such positions. Currently, "grower" is defined with respect to peaches as any person who produces such for market in fresh form in the current of interstate or foreign commerce, and who has a proprietary interest therein.

The order should be amended as hereinafter set forth to redefine the term "grower" as it applies to peaches to mean any person who produces peaches for market in fresh form and who has a proprietary interest therein.

This amended definition would make all growers of peaches eligible to vote for nominees to fill positions on the Peach Commodity Committee, irrespective of the markets (intrastate or interstate), to which their peaches are shipped. It is the intent of the peach industry to provide for the selection of identical persons on the Peach Commodity Committee administering the order and the Fresh Peach Advisory Board which administers the marketing order for California fresh peaches. It likewise is the intent to arrange for the two orders to be managed by the same management staff so that complementary and supplementary activities of the two programs may be appropriately coordinated. The objective is increased efficiency of operations. Since the current definition of "grower" as it applies to peaches provides that only growers of interstate shipments may vote for nominees to fill position on the Peach Commodity Committee or to serve in such position, the definition should be changed as indicated to remove such limitation. This would facilitate the objectives of better coordination of program activities and improved efficiency of operations, and this, in turn, would tend to effectuate the objectives of the order and the declared policy of the act.

(4), (5), (7), and (9) In addition to redefinition of "grower", as previously discussed, the order should be amended, as hereinafter set forth, to establish a 2-year term of office for the Peach Commodity Committee, to effect a realignment of districts, change the peach representation areas, increase the number of members on the Peach Commodity Committee, and allocate such members among the peach representation areas in such manner as will facilitate the coordination of activities under the order, the marketing order for California fresh peaches, and other jointly managed programs.

Districts and representation areas are established in the order to provide a basis for geographic representation on the commodity committees under the order. The districts are comprised of

combinations of specified delineated portions of the production area. The representation areas consist of specified districts or combinations thereof. Representation on the Peach Commodity Committee is allocated among the representation areas principally on the basis of the relative volume of production. Currently the order prescribes a seven-member Peach Commodity Committee allocated among four described representation areas. The provisions of §§ 917.4, 917.20, and 917.22 should be amended as hereinafter set forth to realign the districts to place Los Angeles County entirely within the South Coast District, increase the membership of the Peach Commodity Committee from seven to 13, and the number of representation areas for peach growers from four to six, and to allocate the enlarged membership of the committee among such areas as hereinafter specified. Such action is necessary to provide appropriate representation for all varieties of peaches, and to provide for staffing the Peach Commodity Committee, under the order, and the Peach Advisory Board, under the State order, with the same persons. The grower membership of the Board is comprised of 13 members and the geographic allocation of membership is essentially the same as that set forth in the order, as proposed to be amended.

The evidence indicates that while the realignment of districts as specified would not result in identical districts under the two orders, the differences involve counties in which there is no plantings of peaches.

The order should be amended to specify a 2-year term of office for the Peach Commodity Committee members instead of a 1-year term as currently provided. Such 2-year term should end on the last day of February of odd numbered years. The evidence indicates that there is little change in the membership of the commodity committee from year to year, hence it appears that the longer term is desirable. Nomination meetings do make demands on growers' time, and to the extent such meetings are unnecessary they should not be required. The evidence further indicates that the industry desires to arrange terms of office so such terms and nomination meetings under the State and Federal Marketing Orders under the same management coincide. At the time of the hearing on January 13, 1971, nomination meetings to fill positions on the Peach Commodity Committee had been held but appointments had not been made. It is likely that such appointments will have been made, prior to the effective time of this amendment, under current provisions of the order. However, the evidence indicates that, with respect to the Peach Commodity Committee, it is desirable that provision be made for selection of a committee of 13 members who are the same persons as those chosen to serve on the Peach Advisory Board. In this connection it was advanced that at the effective time of the amendment it would be agreeable to terminate the appointments of those serving on the Peach Commodity Committee and to appoint, as a new Peach Commodity Committee, those who are serving on the Board. For reference purposes the names and addresses of the Board members and alternates were introduced into the record for consideration as the nominees for the Peach Commodity Committee, if and when the amendment becomes effective. It is likely that the amendment would not become effective until the beginning of the 1971 peach season. The order as amended would cover additional varieties of peaches, and such varieties should have representation on the Peach Commodity Committee, hence a new committee with the enlarged membership should be selected promptly. The procedure suggested would provide nominees having the necessary qualifications on a timely basis. It is concluded therefore that the order should provide for selection of a Peach Commodity Committee in the manner heretofore indicated.

In addition to the three commodity committees representing the three fruits under the order, the order provides for a Control Committee, comprised of 12 shipper members and 13 grower members. The Control Committee performs local administration of the program in all intercommodity matters under the order, while each respective commodity committee deals with matters related specifically to its fruit. The grower members of the Control Committee are nominated by the commodity committees on the basis of an allocation to each as specified under the order. The order provides that each such grower so nominated shall be an individual person who produced fruit during the previous season. Except in rare instances, each commodity committee, including the Peach Commodity Committee, has nominated persons for its positions on the Control Committee from among its own membership. The order should be amended, as hereinafter set forth, to require that each person nominated by the Peach Commodity Committee to fill a grower position on the Control Committee shall be a member or alternate member of the Peach Commodity Committee. Such requirement would assure that there will be among the grower membership of the Control Committee persons who are familiar with the problems of peaches.

(10) Currently, based on a seven-member committee the quorum requirement for the Peach Commodity Committee is five members. The order should be amended to increase the quorum requirement for the Peach Commodity Committee to nine members. Such increased requirement is consistent with the increased size of such committee, which would be effected by this amendment. Such number would be adequate to secure a wide representation of views within the industry, and would not be so large as to be difficult to secure. The evidence indicates that it is desirable to require an affirmative vote equal to the quorum requirement of the committee on actions relative to research and recommendations for regulations. To effect this, § 917.35(a) should be changed to specify that approval of actions of the Peach Commodity Committee pursuant to § 917.39 *Market research and development and recommendations* under § 917.40 *Recommendations for regulations*, § 917.42 *Modification, suspension, or termination of regulations*, and § 917.43 *Special purpose shipments* shall require an affirmative vote of at least nine members. The order now requires a vote equal to the quorum requirement for recommendations pursuant to §§ 917.40 through 917.43. The modification which would add such requirement for recommendations pursuant to § 917.39 is related to the fact that, as hereinafter discussed, it is proposed to add authority in the order for the committee to establish production research projects in addition to marketing research and development projects. Such projects which are designed to assist, improve, or promote the marketing, distribution, and consumption, or efficient production of peaches may involve substantial expenditures. It is highly desirable that the recommendations with respect to any such projects, as well as recommendations on regulations under the sections previously cited, have a high degree of support by the committee and the industry. It is therefore concluded that the order should be amended, as hereinafter set forth, to increase the quorum requirement for the Peach Commodity Committee, and to require an affirmative vote for the approval of actions and recommendations pursuant to the specified sections as indicated.

(11) The order should be amended as hereinafter set forth to authorize the Peach Commodity Committee to establish production research projects for peaches.

The evidence indicates that there is a number of problem areas related to the production of peaches on which research may prove to be beneficial. Many problems which affect the fruit in the orchard affect the quality and shelf-life manifested by the fruit in marketing channels. Hence, many marketing research projects cannot be of maximum effectiveness unless the scope of study concerns itself not only with what happens to the fruit after it is picked from the tree but also how it develops prior to harvest.

The control of decay in peaches has become increasingly difficult in recent years, due largely to buildup of brown rot in the orchards and subsequent spread of infection in the packinghouses. The reduction of losses from decay in the market requires integrated control measures that reduce infections in the orchard, in packinghouses, during transit, and during marketing. Research on methods of preventing infection in the orchard, and sanitation measures in the packinghouses are appropriate areas for investigation.

The foregoing are examples of the kinds of problems on which the committee may wish to undertake studies. They should not be viewed as limiting the committee's production research authority which should include any such research that is permitted under the act.

(13) Current provisions of the order require quadrennial referenda to ascertain whether continuance of the order as to any fruit covered thereunder is favored by growers. The next such referenda would be required during the period December 1, 1972–February 15, 1973. The order also provides that the Control Committee may, upon the basis of a petition from growers received prior to October 1 of any year, recommend to the Secretary that such a referendum be held. It further provides that if the Secretary receives such a recommendation not later than December 1 of the then current fiscal period, he shall conduct such referendum prior to February 15. Based on this and the fact that a referendum will be conducted to ascertain if the peach growers favor this amendment, it was advanced without opposition that the next regularly scheduled referendum on continuance should be rescheduled to be required during the period beginning December 1, 1974, and ending February 15, 1975. Since ample opportunity otherwise exists for peach growers to express their sentiments with respect to continuance between the present time and foregoing period, it is concluded that the order should be amended as hereinafter set forth to reschedule said referendum as it applies to peaches.

Except as heretofore discussed conforming changes are not required.

Rulings on proposed findings and conclusions: February 8, 1970, was fixed as the latest date for filing proposed findings and conclusions, written arguments or briefs based upon the evidence received at the hearing. One brief was filed. Each point in such brief was fully and carefully considered along with the evidence in the record, in making the findings and conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of the evidence adduced at such hearing, and the record thereof it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 917.4 *Fruit* is revised to read as follows:

§ 917.4 Fruit.

"Fruit" means the edible product of the following three kinds of trees (a) all varieties of plums, (b) all varieties of peaches, and (c) the varieties of pears set forth below together with all mutations thereof which are grown in the production area and shipped in fresh form:

Pears. Bartlett, Dr. Jules Guyot (Guyot, Early Bartlett), Clapps Favorite (Hill Bartlett), Max-Red (Max-Red Bartlett, Red Bartlett), Rosired (Rosired Bartlett), Winter Bartlett, Gorham (Late Bartlett).

3. Section 917.5 *Grower* is revised to read as follows:

§ 917.5 Grower.

"Grower" is synonymous with producer and means (a) with respect to plums and peaches any person who produces such for market in fresh form, and who has a proprietary interest therein, and (b) with respect to pears any person who produces such for market in fresh form in the current of interstate or foreign commerce, and who has a proprietary interest therein.

4. Paragraphs (k), (q), and (r) of § 917.14 *District* are amended to read as follows:

§ 917.14 District.

* * * * * *

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, Ventura County, and that portion of Los Angeles County south of the Tehachapi Mountains and west of a straight line running from the town of Saugus to Point Fermin; except as to peaches "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, and Ventura County.

* * * * * *

(q) "Tehachapi District" includes and consists of that portion of Los Angeles County north of the San Gabriel Mountains and north of that portion of Kern County not included in Kern District, and Inyo County; except as to peaches "Tehachapi District" includes and consists of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and that portion of Los Angeles County not included in the South Coast District and the Tehachapi District; except as to peaches "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and Los Angeles County.

5. Paragraph (b) of § 917.18 *Nomination of grower members of the Control Committee* is revised to read as follows:

§ 917.18 Nomination of grower members of the Control Committee.

* * * * *

(b) A person nominated by any commodity committee for membership on the Control Committee shall be a member who produced fruit during the previous season: *Provided*, That Peach Commodity Committee nominees shall be members or alternate members of that committee: *And provided further*, That a person nominated by any commodity committee for membership on the Control Committee shall have the qualifications specified in § 917.24(c). Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

7. Section 917.20 *Designation of members of commodity committees* is amended to read as follows:

§ 917.20 Designation of members of commodity committees.

There are hereby established a Pear Commodity Committee and a Plum Commodity Committee each consisting of 12 members, and a Peach Commodity Committee consisting of 13 members. The members of each commodity committee, except the Peach Commodity Committee, shall be selected annually for a term ending on the last day of February, and such members shall serve until their respective successors are selected and have qualified. The members of the Peach Commodity Committee shall be selected biennially for a term ending on the last day of February of odd numbered years, and such members shall serve until the respective successors are selected and have qualified. The members of each commodity committee shall be selected in accordance with the provisions of Section 917.25.

9. Section 917.22 *Nomination of Peach Commodity Committee members* is revised to read as follows:

§ 917.22 Nomination of Peach Commodity Committee members.

(a) Nominations for membership on the Peach Commodity Committee shall be made by growers of peaches in the respective representation area, as follows:

(1) South Coast District and Southern California District one nominee.

(2) Tehachapi District and Kern District one nominee.

(3) Tulare District one nominee.

(4) Fresno District eight nominees.

(5) Stanislaus District and Stockton District one nominee.

(6) All of the production area not included in the Southern California District, Tehachapi District, Kern District, Tulare District, Fresno District, Stanislaus District, Stockton District, and the South Coast District one nominee.

(b) Notwithstanding the provisions of paragraph (a) of this section and of § 917.24 with respect to time and manner of nomination, on the effective date of this section, § 917.22, the appointment of members and alternates of the Peace Commodity Committee previously selected for a term ending the last day of February 1972 shall be terminated, and a new committee selected in conformance with the representation areas specified in said paragraph (a). The grower members and alternates of the Fresh Peace Advisory Board under the California State "Marketing Order for Fresh Peaches" shall then be considered as nominated and eligible for selection by the Secretary to positions on such new Peach Commodity Committee without further action as to nominations by the Control Committee.

10. Paragraph (b) of § 917.20 *Organization of committees* is amended to read as follows:

§ 917.29 Organization of committees.

* * * * *

(b) A quorum of the Pear Commodity Committee and of the Plum Commodity Committee shall each consist of eight members; and a quorum of the Peach Commodity Committee shall consist of nine members.

10a. The introductory language and paragraph (a) of § 917.35 *Powers and duties of each commodity committee* are amended to read as follows:

§ 917.35 Powers and duties of each commodity committee.

Each commodity committee shall have the following powers and duties:

(a) With regard to the respective fruit for which it was established, to establish production research and marketing research and development projects as authorized under § 917.39, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purpose of this part: *Provided, however*, That the Pear and Plum Commodity Committees shall each make said recommendation pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than eight members of each said committee: *Provided further*, That the Peach Commodity Committee shall approve such actions pursuant to § 971.39 or make said recommendations pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than nine members of said committee.

11. Section 917.39 *Market research and development* is amended to read as follows:

§ 917.39 Market research and development.

The committees with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. Also, the Peach Commodity Committee with the approval of the Secretary may establish or provide for the establishment of production research projects designed to assist, improve, or promote the marketing, distribution, and consumption, or efficient production of peaches. The expenses of such projects shall be paid from funds collected pursuant to § 917.37.

12. Paragraph (e) of § 917.61 *Termination* is revised to read as follows:

§ 917.61 Termination.

* * * * *

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1968, and ending February 15, 1969, to ascertain whether continuance of this part as to any fruit, included in this part is favored by the growers. Except as the peaches, the Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter. The Secretary shall conduct a referendum within the period beginning December 1, 1974, and ending February 15, 1975, to ascertain whether continuance of this part as to peaches included in this part is favored by the growers. The Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter.

* * * * *

Dated: February 26, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-2916 Filed 3-2-71;8:51 am]

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Notice of Proposed Salable Quantity and Allotment Percentage for the 1971–72 Marketing Year

Notice is hereby given of a proposal to establish, for the 1971–72 marketing year, which begins August 1, 1971, a salable quantity and allotment percentage applicable to hops produced in Washington, Oregon, Idaho, and California. The proposed salable quantity and allotment percentage would be established in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Hops Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than 21 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be made in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed salable quantity and allotment percentage are based upon recommendations of the Committee made at their meeting of January 18, 1971, and derive from the following determinations for the marketing year beginning August 1, 1971:

(1) Total domestic consumption of 38 million pounds of hops;

(2) Minus imports of 12,500,000 pounds of hops to result in domestic consumption of U.S. hops of 25,500,000 pounds;

(3) Plus total U.S. exports of 20 million pounds of hops to equal 45,500,000 pounds total usage of U.S. hops;

(4) Minus a desirable inventory adjustment, as of September 1, 1972, of 131,000 pounds; and

(5) Plus an adjustment of 3 million pounds to assure production of the quantity needed to meet market requirements, resulting in adjusted requirements for salable hops of 48,369,000 pounds.

The proposal is as follows:

§ 991.209 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1971.

The allotment percentage during the marketing year beginning August 1, 1971, shall be 82 percent, and the salable quantity shall be the amount resulting from multiplying the total of all producer allotment bases by the allotment percentage.

Dated: February 26, 1971.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[FR Doc.71-2917 Filed 3-2-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 16]

ENRICHED MACARONI PRODUCTS WITH IMPROVED PROTEIN QUALITY

Proposal To Establish Identity Standard

Notice is given that the Commissioner of Food and Drugs, on his own initiative, proposes the establishment of a standard of identity for "enriched macaroni products with improved protein quality." Two temporary permits have been issued for this type of product in which the nutritional elements are identifying features of the product. The U.S. Department of Agriculture is interested in making available to all consumers enriched macaroni products with minimum protein levels of quality and quantity.

Accordingly, the Commissioner proposes that a new section be added to Part 16 as follows:

§ 16._____ Enriched macaroni products with improved protein quality; identity; label statement of ingredients.

(a) (1) Enriched macaroni products with improved protein quality are the class of food each of which is prepared by mixing one or more suitable farinaceous ingredients with water and the nutrients as provided for in paragraph (b) of this section. Optional ingredients which are safe and suitable as defined in paragraph (c) may be used. The resulting dough is fabricated into formed units and dried.

(2) The total solids of the finished food shall be not less than 87 percent by weight as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition (1970), § 14.125 of this chapter, "Vacuum Oven Method-Official."

(3) Protein requirements of the finished food are as follows:

(i) The quantity of protein shall be not less than 20 percent by weight. For purposes of this section, protein is 6.25 times the nitrogen as determined by the method described in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition (1970), under "Improved Kjeldahl Method for Nitrate-Free Samples," section 2.51.

(ii) The quality of protein shall be not less than 95 percent of that of casein as determined by the method described in the same book under "Biological Evaluation of Protein Quality," §§ 39.166–39.170 of this chapter.

(b) Each such food contains nutrients as follows:

(1) Each pound of the finished food shall contain 5 milligrams of thiamin, 2.2 milligrams of riboflavin, 34 milligrams of niacin or niacinamide, and 16.5 milligrams of iron in an assimilable form.

(2) Optional nutrients, which are safe and suitable as defined in paragraph (c) of this section, may be added as follows:

(i) One or more edible proteins.

(ii) One or more amino acids, provided they are added in amounts no more or no less than those required to improve the biological quality of the total protein present as determined by the methods specified in paragraph (a) (3) (ii) of this section.

(iii) Calcium in such quantity that each pound of the finished food contains 625 milligrams of calcium (Ca). Calcium may be added only in forms that are safe and assimilable.

(3) The requirements of subparagraphs (1) and (2) (iii) of this paragraph shall be deemed to have been met if reasonable overages of the required vitamins and minerals, within limits of good manufacturing practice, are present to insure that the required levels of the vitamins and minerals are maintained throughout the expected shelf life of the food under customary conditions of distribution. The nutrients may be added in a harmless carrier, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform admixture of such substances with the other ingredients of the food.

(c) The ingredients referred to in paragraph (a) of this section are any safe and suitable ingredients which are not color additives, artificial flavorings, artificial sweeteners, chemical preservatives, or starches. An ingredient will be deemed suitable if it serves a useful purpose and if the amount is not in excess of that required to achieve its intended nutritional, technical, or other effect, including conformity to nutrient levels specified in this section. An ingredient will be deemed safe if it is not a food additive within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act; or if it is a food additive, it is used only in conformity with a regulation established pursuant to section 409 of the act.

(d) (1) Enriched macaroni with improved protein quality is the product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(2) Enriched spaghetti with improved protein quality is the product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(3) Enriched vermicelli with improved protein quality is the product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(e) (1) The name of each food for which a definition and standard of identity is prescribed by this section is "enriched macaroni product with improved protein quality, _____"; or alternatively, the name is "enriched macaroni with improved protein quality, _____," "enriched spaghetti with improved protein quality, _____," or "enriched vermicelli with improved protein quality, _____," as the case may be, when the units comply with the requirements of paragraph (d) (1), (2), or (3) respectively of this section. The blank in each instance is filled in with the name or names of the farinaceous ingredient used and in addition with the name or names of any other ingredient that significantly contributes to the protein quality of the food in order of descending predominance by weight; for example, "enriched macaroni with improved protein quality, made from corn-soy-wheat and nonfat dry milk."

(2) In the case of a macaroni or noodle product complying with another section of this part that meets all the compositional requirements of this section, the statement "with improved protein quality" may be incorporated into the established name of the food: *Provided*, That all the labeling requirements of this section are met. For example, a food complying with § 16.14 that contains not less than 20 percent protein by weight and the quality of the protein is not less than 95 percent of that of casein may be named "enriched macaroni product with improved protein quality made with nonfat milk."

(f) (1) The common or usual names of all ingredients (except that spices and flavorings may be designated as such) shall be listed on the label in descending order of predominance by weight.

(2) When a seasoning is used, the label shall bear the statement "seasoned with _____" the blank being filled in with the common name of the ingredient.

(3) The words and statements specified in this paragraph showing the ingredients present shall be listed on the principal display panel or panels or any appropriate information panel without obscuring design, vignettes, or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print or type, the size of which shall be not less than one-half of that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth inch in height. The entire ingredient statement shall appear on at least one panel of the label.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 30 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: March 1, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-2947 Filed 3-2-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 574]

[Docket No. 70–12; Notice No. 6]

TIRE IDENTIFICATION AND RECORDKEEPING

Proposed Interim Procedures; Withdrawal of Rule Making

On December 4, 1970, the National Highway Traffic Safety Administration

(formerly the National Highway Safety Bureau) published in the FEDERAL REGISTER (35 F.R. 18476) a notice of proposed rulemaking providing for an interim procedure that would require tire manufacturers, brand name owners and retreaders to maintain the name and address of purchasers of tires sold after May 1, 1971, but manufactured before that date (docket No. 70–12; notice No. 3).

Many comments that were received objected to the proposed interim procedures. Comments from retreaders stressed that there would be no practical way of identifying retreaded tires unless they had a standardized identification number such as the one prescribed by the tire identification and recordkeeping regulation which becomes effective May 22, 1971. No such number could, of course, be developed for these tires. New tire manufacturers commented that the imposition of an interim system in addition to the permanent system, would create an insurmountable recording task at both the manufacturer and dealer level, would create an economic hardship, and would be detrimental to the effectiveness of the system that will go into effect for tires manufactured after May 22, 1971.

In view of the demonstrated impracticability of the interim system, the proposal is hereby withdrawn and the rulemaking action discontinued.

(Secs. 103, 112, 119, and 201, National Traffic and Motor Vehicle Safety Act, as amended, 15 U.S.C. 1392, 1401, 1407, 1421; delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 24, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71–2868 Filed 3–2–71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Docket No. 16495; FCC 71–197]

DOMESTIC COMMUNICATION-SATELLITE FACILITIES BY NONGOVERNMENTAL ENTITIES

Order Regarding Establishment

1. On February 18, 1971, Fairchild Hiller Corp. (FHC) filed a motion for an extension of time until March 15, 1971, to submit an application for a domestic communications satellite system. In support of this request FHC states that it is experienced in space technology and satellite design as a defense contractor, and has been awarded contracts for the Applications Technology Satellites F and G by the National Aeronautics and Space Administration (NASA). It further asserts that its proposed system would provide major benefits in frequency conservation, reduce the costs of the system on a per channel mile basis and provide other benefits which would not be available from the proposals now pending before the Commission. While regretting that the press of other corporate matters of equal importance (such as the NASA project) did not enable its management to focus sooner on the domestic satellite field, FHC asserts that the requested 15-day extension would not unduly delay this proceeding and would serve the public interest by making available to the Commission an alternative for comparison with other proposed systems.[1]

2. On February 22, 1971 Western Tele-Communications, Inc. (Western), also moved for an extension until March 15, 1971, to submit applications for its own end-to-end domestic satellite facilities. By previous order in this proceeding (FCC 70–1238) Western has until March 30, 1971, to apply for earth stations to be operated with systems proposed by other applicants. Having now decided to add satellite capacity to its originally planned earth stations and terrestrial links, Western asserts that the additional 15-day extension "is necessary for the final preparation and reproduction of its proposal without extreme haste and excessive cost."

3. On August 7, 1970, the Commission gave public notice that the domestic satellite applications of The Western Union Telegraph Co. (Western Union) had been accepted for filing, and requested other potential applicants desiring consideration with Western Union to state how much time was desired for submission of their applications (FCC Public Notice 70–865). In light of the responses thereto, the Commission prescribed a cutoff date of December 1, 1970 (FCC Public Notice 70–953). Following the issuance of the Further Notice of Inquiry and Proposed Rule Making herein (FCC 70–1015) and various requests for extension of that deadline, the Commission granted an extension until March 1, 1971, with special provision for a March 15 statement of intent by the television networks and March 30 submissions by various entities (including Western) desiring to apply for earth stations to operate with systems proposed by others (Memorandum Opinion and Order, FCC 70–1238). The Commission also specified March 30, and April 26, 1971, as the dates for comments and reply comments on the applications and on the rule making issues. In so acting, the Commission noted Western Union's opposition to the postponement and stated its "desire to avoid any unnecessary delay in a resolution of this proceeding and to commence the lengthy task of processing applications as soon as possible."

4. In light of the foregoing and the good faith efforts of other applicants to meet the prescribed filing times, we would be reluctant to grant any extension which would substantially delay consideration of those who have made timely submissions, unless such delay is clearly required in the public interest. However, in view of the shortness of the time requested and our desire for resolving the important public interest questions involved herein on the most informed basis, we have decided to grant the requests.

5. *Accordingly, it is ordered,* That the time for submission of applications for domestic communication satellite systems is extended to March 15, 1971, and the dates heretofore specified for the filing of statements by TV networks and applications for earth stations to be operated with systems proposed by others, and the time for filing comments and reply comments as previously ordered herein, are each extended by 2 weeks.

Adopted: February 24, 1971.

Released: February 25, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–2918 Filed 3–2–71;8:51 am]

[1] The FHC motion is opposed by MCI Lockheed Satellite Corp. and GTE Service Corp.

[47 CFR Part 73]

[Docket No. 19160; FCC 71–191]

TABLE OF ASSIGNMENTS FOR CERTAIN FM BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 73.202, table of assignments, FM Broadcast Stations (Muskegon Heights, Mich.; Newport, R.I.; Pennington Gap, Va.; Heath, Ohio; Columbus, Tex.; Middlebury, Vt.; Three Rivers, Mich.; Ashdown, Ark.; Vandalia, Ill.; Lincoln, Maine; Bossier City, La.; Vevay, Ind.; Delphos, Ohio; Georgetown, Ohio; Bonita Springs, Fla.; Jenkins, Ky.; Peterborough, N.H.; Santa Paula, Calif.; Crown Point, Ind.; Luverne, Minn.; Red Bank-White Oak, Tenn.; North Myrtle Beach, S.C.; Napoleon, Ohio; Central City, Pa.; Waseca, Minn.; Quebradillas, P.R.; Security, Colo.; and Ord, Nebr.; and Vail, Colo.), RM–1618, RM–1634, RM–1641, RM–1642, RM–1647, RM–1649, RM–1657, RM–1662, RM–1663, RM–1664, RM–1668, RM–1669, RM–1671, RM–1672, RM–1565, RM–1673, RM–1676, RM–1690, RM–1692, RM–1699, RM–1704, RM–1705, RM–1707, RM–1708, RM–1717, RM–1718, RM–1720, RM–1721, RM–1730, RM–1582.

1. In this notice of proposed rule making, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Rules, to add first channels at the communities listed above, none of which now has an assignment, as requested in the rule-making petitions listed above. In the case of the first 28 communities listed, there is one proposal for a first Class A assignment. In the case of Vail, Colo., two separate parties have proposed a Class A and a Class C assignment; as discussed below our primary proposal is for the Class C assignment in order to provide service to areas now without it. With one exception, the petitions are unopposed.[1] Population figures herein are from the 1970 U.S. Census (preliminary or final) reports.

2. Except for a few petitions which involve changes in present assignments, conflicts with other requests, substantial oppositions, or other problems, this document covers all of the FM petitions filed until the end of 1970, which request Class A channels as first FM assignments in the respective communities, and require no other changes in the table. In the preparation of this notice, the Commission's staff has deviated to some extent from the general practice of processing FM petitions in order of filing. This has been done in order to permit more expeditious consideration of a large group of proposals which in general are not expected to present substantial problems or require extended deliberation, and which have the obvious merit of providing the opportunity for a first FM station in these places. We expect to issue, in the very near future, appropriate documents dealing with the other FM proposals which have been on file for some time, including proposals for Class B or C channels as first assignments, and petitions involving conflicts, oppositions, or channel changes.[2]

3. Except for Vail, Colo. (discussed separately below), all of the communities listed are of more than 1,500 population, and most are considerably larger. Of the 29 communities, none have multiple local AM stations; 18 have no AM station assigned, eight have daytime-only stations, and three have full-time Class IV stations (which, as we have pointed out many times, have quite limited coverage areas at night). Therefore, all of the proposals listed above warrant consideration in rule making. However, in some cases discussed individually below, the communities are located in Standard Metropolitan Statistical Areas or are otherwise situated close to larger centers with AM and FM outlets; and therefore, as indicated in these cases, we have reservations at this time about whether the proposed assignment should be made, and a showing will be required.

4. Communities in Standard Metropolitan Statistical Areas. Six of the communities listed are in Standard Metropolitan Statistical Areas. These are Santa Paula, Calif. (Oxnard-Ventura), Security, Colo. (Colorado Springs), Crown Point, Ind. (Gary-Hammond-East Chicago), Bossier City, La. (Shreveport), Muskegon, Mich. (Muskegon-Muskegon Heights) and Red Bank-White Oak, Tenn. (Chattanooga). As we have indicated in earlier situations, under these circumstances the proponents of the assignment must establish that use of the channel as requested is preferable to its use in another community in the general area, farther removed from the main city and its multiple AM and FM services. This requires the submission of a "preclusion showing", showing what impact the proposed assignment would have on potential uses of the same channel and the six adjacent channels in other places, particularly those of substantial size now without FM assignments; and, to the extent there is such a preclusion impact, what other channels could be assigned to such places. See the report and order in Docket No. 18905, Millington, Tenn. et al., FCC 70–1260, 20 R.R. 2d 1649, 26 FCC 2d 575 (December 1970), paragraph 12.[3]

5. In the case of the Crown Point, Ind., proposal, another consideration is presented. In Docket 18881, there is under consideration the assignment of Channel 296A at Lowell, Ind., a community in the same county as Crown Point (Lake), smaller in size than Crown Point and farther removed from Gary and other large population centers. While the two proposals are not technically related, it is open to question whether two additional assignments in this county should be made. Proponents of the Crown Point assignment should discuss whether, assuming the Lowell assignment is made (which has not yet been decided), the additional channel should be assigned to Crown Point or whether one would be sufficient. It appears that Channel 296A, if assigned to Lowell, could be used by a station licensed to Crown Point although it would have to be located a few miles outside of that city.

6. Other individual situations. In three other cases, although the communities involved are not in SMSA's, questions are presented which should be answered before affirmative action is taken. In the cases of Heath, Ohio, and North Myrtle Beach, S.C., the communities are close to larger cities, which have FM channels and AM stations (Newark, Ohio, with one Class B channel, and Myrtle Beach, S.C., with two Class A), and Heath itself has a daytime only station. Therefore, the proponents of these assignments should submit a preclusion showing of the type described in paragraph 4, above. In the case of Bonita Springs, Fla., a different type of problem is presented. The AM–FM licensee in Immokalee, Fla., wishes to move his FM station some 25 miles west to Bonita Springs,[4] a somewhat larger community but also one which is relatively close to a larger population center (Fort Myers), whereas Immokalee, the present location of the channel and station, is more isolated and the station can serve underserved areas. Comments are requested on whether, from this standpoint, the move would be in the public interest. If this shift in assignments is made, and no other party expresses an interest in the channel at Bonita Springs, we propose to modify the license of this station, WCOF–FM, accordingly.

7. Vail, Colo. (RM–1565 and 1582). Two petitioners, Aspen Broadcasting Co., Inc. (Aspen), and Nathanial B. Harris (Harris), in RM–1565 and RM–1582 respectively, seek channels for Vail, Colo. Aspen requests Class A Channel 272A; Harris seeks Class C Channel 268. Either or both may be assigned from a technical standpoint. Vail was not listed in the 1960 or previous censuses; the 1970 Census lists it as having a population of 484 persons, but Aspen estimates its actual year-round population as 1,500. It has developed into a prominent ski and winter sports resort, and the need for a first local broadcast service is urged in what is a rather isolated community and area, some 75 miles west of Denver. Harris urges that a Class C assignment would bring needed wide-coverage service to an area where it is now lacking, and that with such broad coverage the station would have a broad economic base.

8. It appears that an assignment in Vail is clearly warranted; however, there does not appear reason to assign two channels to such a small community, and therefore the question is whether the Class A or Class C assignment should be made. We are inclined to favor the latter, in view of the coverage benefits which would accrue. If Channel 268 is assigned, it may be desirable to condition its use by requiring that the facilities be substantial, such as power of at least 75 kw. and antenna height of at least 1,000 feet above average terrain, the assumptions used in the Harris petition. Comments upon this question are invited.

9. Showings required. We have set forth in paragraphs 4 and 6, above, certain questions which exist with respect to some of the particular cases included herein. The proponents of these assignments are expected to submit the showings mentioned; otherwise their requests are subject to denial. More generally, the proponents of any of the proposals covered herein should submit comments in response to this notice, even if they do nothing more than resubmit or incorporate by reference their petitions, and they should indicate their intention to apply for the channel if assigned, and build the station. Failure to file may lead to denial of the request.

[1] The petition requesting Channel 240A for Three Rivers, Mich., was opposed by the licensee of Station WMCB–FM, operating on that channel at Michigan City, Ind., on the ground that the petition apparently contemplates operation at petitioner's AM location, which would be at substandard spacing to WMCB–FM. However, petitioner's reply makes it clear that its request is not contingent on use of thia site, and our proposal is for use of this channel at Three Rivers in compliance with the separation rules. WMCB–FM also claims that any transmitter location within the city of Three Rivers would be similarly short-spaced; but our rules do not require, in FM or any other service, that the station's transmitter be located in its city. Many AM, FM, and TV stations are in fact not so located.

[2] None of the proposals covered herein conflict with any of the petitions which are pending and not included.

[3] This decision was affirmed on reconsideration, memorandum opinion and order in Docket 18905, FCC 71–151, adopted Feb. 10, 1971.

[4] The companion AM station would remain at Immokalee.

10. Cutoff procedure. As in other recent FM rule-making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

11. In view of the foregoing, pursuant to authority contained in sections 4(i), 303 (g) and (4), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, to add the following entries. Footnote indicators indicate situations where the channel proposed will have to be used at a location outside of the community mentioned to meet mileage separations.

City	Channel No.
Ashdown, Ark	280A
Santa Paula, Calif	244A
Security, Colo	288A
Vail, Colo	272A or 268
Bonita Springs, Fla. (deleting his assignment from Immokalee, Fla)	240A
Vandalia, Ill	296A
Crown Point, Ind	[1] 280A
Vevay, Ind	[1] 240A
Jenkins, Ky	[2] 276A
Bossier City, La	261A
Lincoln, Maine	257A
Muskegon Heights, Mich	269A
Three Rivers, Mich	[1] 240A
Luverne, Minn	265A
Waseca, Minn	[1] 221A
Ord, Nebr	280A
Peterborough, N.H	221A
Delphos, Ohio	[1] 296A
Georgetown, Ohio	[1] 249A
Heath, Ohio	[1] 269A
Napoleon, Ohio	[1] 276A
Central City, Pa	269A
Newport, R.I	296A
North Myrtle Beach, S.C	288A
Red Bank-White Oak, Tenn	[1] 232A
Columbus, Tex	252A
Middlebury, Vt	265A
Pennington Gap, Va	[1] 288A
Quebradillas, P.R	252A

[1] The assignments indicated must be used outside of the communities shown, as follows: Crown Point, Ind., 6 miles south; Vevay, Ind., 5 miles northeast; Waseca, Minn., 2 miles south; Three Rivers, Mich., south and east; Delphos, Ohio, west; Heath, Ohio, 3 miles southwest; Georgetown, Ohio, 4 miles east; Napoleon, Ohio, south, Red Bank-White Oak, Tenn., 1 mile north; and Pennington Gap, Va., 1 mile south.

[2] The proposed assignment for Jenkins must be used slightly over a mile east of Jenkins. Petitioner requests a waiver of § 73.207 of the rules to permit location of the FM station at the AM site, at short separation. Such petitions are not considered in rule making proceedings; it appears that locations meeting separations are available, and the proposal is advanced on the assumption that it will be used consistent with the rules.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before April 6, 1971, and reply comments on or before April 16, 1971. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: February 24, 1971.

Released: February 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2906 Filed 3-2-71;8:50 am]

[47 CFR Part 73]

[Docket No. 19161; FCC 71-192]

TABLE OF ASSIGNMENTS FOR CERTAIN FM BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b) of the Commission's rules, the FM Table of Assignments (West Allis, Berlin, Hartford, Neenah-Menasha, Shawano, Watertown, and Waupun, Wis., and Escanaba, Mich.; Coal City, Dwight, or Marseilles, Ill.; St. Charles and St. Louis, Mo.; Muncie, Ind., and Celina, Fostoria, and Lima, Ohio; Anamosa and Iowa City, Iowa; Terrell and Corsicana, Tex.; Sullivan, Bedford, and Paoli, Ind.; Orangeburg, S.C.; Danville, Ind.; Decatur or Paris, Ill.; Manning and Kingstree, S.C.), RM-1476, RM-1489, RM-1523, RM-1524, RM-1528, RM-1540, RM-1552, RM-1554, RM-1559, RM-1561, RM-1563, RM-1566, RM-1571, RM-1626, RM-1660.

1. Notice of proposed rule making is hereby given concerning the amendments to § 73.202(b) of the Commission's rules, the FM Table of Assignments, as listed and discussed below, including assignments proposed in all of the above petitions except RM-1476. Except where indicated, all population figures are from the 1970 U.S. Census. Briefly, the petitions involved are:

(a) First assignments (Class A) at Hartford and Waupun, Wis., a second Class A assignment at Neenah-Menasha, Wis., and a substitution of unused channels at Escanaba, Mich., to permit more flexibility in use of a Sturgeon Bay, Wis., assignment; and related changes in the table (three involving existing stations). The Hartford proposal requires denial of a proposal for a first assignment at West Allis, Wis.

(b) First assignments (Class A) at Coal City, Ill., and Danville, Ind., both of which would be the second FM channels in their counties and were opposed by the FM stations there.

(c) A first assignment at St. Charles, Mo. (B or C), by changing the channel of a St. Louis station, which opposed the petition.

(d) First assignments, unopposed but requiring changes of unoccupied channels, at Sullivan, Ind., Anamosa, Iowa, and Terrell, Tex.

(e) Provision of a second FM channel at Muncie, Ind., by shifting three existing channels and stations in Ohio, one of which opposed the request.

(f) Second assignments (Class A) at Manning and Orangeburg, S.C.; the Manning assignment would actually be for the first FM station there since the existing assignment is used at Kingstree, S.C.

(g) Substitution of a Class B for the present Class A channel at Paris, Ill.

2. The proposals summarized above are advanced herein for comments. In some cases, as discussed below, we have substantial reservations about whether the proposed amendment should be adopted, and the fact that comments are invited does not indicate a present Commission view, even tentatively, that they should be.

3. Changes in Wisconsin and Michigan. As revised to eliminate some conflicts, the petitions for changes in these States include requests by the licensees of the AM stations (daytime) in Waupun and Hartford for Class A channels as first assignments in these cities; a request by the Reverend Arthur T. Gregg for a second Class A assignment at Menasha or Neenah-Menasha (which he would use for religious programing), and a change in unoccupied Class C channels at Escanaba, Mich., to permit the existing Class A station at Sturgeon Bay, Wis., to move to the Class C channel there at its present location (which would be short-spaced to the present Escanaba assignment if it remained). The Waupun and Hartford proposals involve changes in the existing assignments at Berlin (unoccupied) and Watertown and Neenah-Menasha (Stations WTTN-FM and WNRR respectively); these licensees state that they do not object to the change provided they are reimbursed for the costs thereof.[1] The proposal for a second assignment at Neenah-Menasha (or Menasha) also requires a change in the channel of the assignment and station (WTCH-FM) at Shawano, Wis.; the licensee thereof takes the same position. The proposal which would benefit Sturgeon Bay requires only a shift in unoccupied assignments at Escanaba, Mich.

4. We conclude that all of these proposals clearly warrant consideration in rule-making. Waupun and Hartford are cities of about 8,000 and 6,500 persons respectively, each with one daytime AM station and therefore no fulltime local aural service, and both are more than 10 miles from larger centers. However, it is noted that Hartford is in the Milwaukee Standard Metropolitan Statistical Area (SMSA) as defined in the 1970 Census, although in a different county

[1] The licensee of the existing station at Neenah-Menasha, which would have to change channels, is the major stockholder in the Waupun petitioner (Jerry J. Collins and Collins Broadcasting Corp., respectively).

from the central city; therefore a "preclusion showing" will be required (as in other similar cases recently). Proponents of this assignment should submit a showing as to what effect the proposal would have on use of Channel 285A, and the six adjacent channels, in other places, particularly places farther from Milwaukee and its multiple stations, of substantial size and without FM assignments. As to the proposal for Menasha or Neenah-Menasha, these two communities (which are nearly contiguous and are "hyphenated" for many purposes including their present FM assignment and one AM station) have a combined 1970 Census population of over 33,000 and therefore clearly warrant a second FM assignment. We propose to continue the practice of assigning channels to these communities jointly. The proposal to change unoccupied channels at Escanaba, Mich., clearly warrants exploration in order to permit the best use of the Class C assignment at Sturgeon Bay, which was added to the table in 1966 in order to improve the service potential for the somewhat under-served area to the north.

5. The proposal for Hartford is inconsistent with the petition first captioned above, for a first FM channel at West Allis (filed by Dr. Alfred C. Valdez and Lew Breyer & Associates, seeking Channel 285A). West Allis is a community of very substantial size—over 70,000 in 1970—but it is contiguous to Milwaukee and in the same county, well served by the multiple Milwaukee AM and FM station, and has a daytime AM station of its own (under common ownership with one of the Milwaukee FM stations). Therefore, its claim is less meritorious than that of Hartford. We do not here decide whether we would consider this request in the absence of a competing demand; if we did the petitioner would certainly have to submit the type of preclusion showing mentioned above, and the result would probably ultimately have been denial of the request.

6. Coal City, Ill. and Danville, Ind. (RM-1540 and RM-1563). These two petitions seek Class A assignments which would be the first local outlets in their communities and the second FM assignments in their counties; both were opposed by the existing FM licensees. Coal City is a community of 2,937, located in Grundy County (26,193), and some 7 miles from the larger city and county seat of Morris (8,280). Petitioner Grundy County Broadcasters, Inc. is the licensee of the AM station at Morris (daytime-only). The licensee of the FM station at Morris (WRMI-FM, licensed to Mrs. Ottila E. Greiner, doing business as Radio Morris), opposed the petition on the grounds of the proximity and alleged economic interdependence of the two places, the alleged economic injury, the extent to which WRMI-FM actually serves Coal City, both technically and, assertedly, through presenting programs of particular value to it, and the plethora of other signals available, from Chicago, Joliet, and elsewhere. It is claimed that petitioner really wants simply an AM-FM combination to improve its competitive position vis-a-vis WRMI-FM. It is also claimed that the channel could better be assigned at other places in the area larger than Coal City, such as Dwight or Marseilles. In the Danville case, Danville is the county seat of Hendricks County (in the Indianapolis SMSA, although not its central county), and has a population of 3,771. The larger community of Plainfield (population 8,211) is 8 miles away in the same county, and the licensee of the FM station there (WJMK, licensed to James T. Barlow) opposed the petition. There are no AM stations in the county; petitioner is the licensee of an FM station at West Terre Haute, some 55 miles away. The opposition is based on much the same grounds as in the Coal City case mentioned above, including alleged injury from competition additional to the numerous stations already in the area, and service of a local nature which WJMK is said to provide for Danville.

7. Whatever significance these objections may ultimately have, they clearly are not sufficient to warrant rejection of these proposals without rule making. However, in the case of Coal City, we believe that possible alternative uses of the proposed channel should be considered. It appears that it may be as appropriate, and perhaps more so, to assign the proposed channel to Dwight (3,838), which is somewhat farther from any community with a radio station (17 miles) or to Marseilles (4,317) which is about the same distance from a local station as is Coal City, and is larger than either Coal City or Dwight. Therefore, we are proposing the assignment in the alternative (the listing of the communities is in alphabetical order, without any preference indicated).[2]

8. St. Charles and St. Louis, Mo. (RM-1523). Contemporary Media, Inc. requests the assignment of Class B/C channel 246 as a first assignment at St. Charles, Mo., through shifting a St. Louis assignment and Station KADI, St. Louis, from Channel 243 to 242 (one of 7 St. Louis FM assignments). St. Charles, population 31,834, is the county seat of St. Charles County (92,954), both city and county having increased more than 35% in population since 1960. The county has no FM assignments and one AM station, daytime-only, licensed to petitioner. No Class A channels can be assigned. St. Charles, and its county are in the St. Louis SMSA, although not adjacent to St. Louis city (it is some 20 miles between the centers of the cities). The licensee of KADI, Vanguard Broadcasting Corporation, opposed the petition, on the ground that the assignment is not shown to be feasible because of the distance from St. Charles at which the transmitter would have to be located (requiring a tall tower which might present air-hazard problems), and also because, allegedly, the station would provide complete coverage of St. Louis and raise, in essence, a "suburban issue" as to whether it is really a St. Louis proposal. To meet mileage separations and signal requirements with respect to St. Charles, a transmitter using Channel 246 must be in one of two areas: Either 15 miles north of that city in Illinois (Zone I), or some 32 miles southwest in Missouri (Zone II). In reply, petitioner asserted that there is already an equally tall tower in the Zone I area, and no additional problems would be created.

9. In view of the size and recent population increase of St. Charles, rule making on this proposal is clearly warranted. However, we are concerned about the question raised in the opposition, as to whether this channel would in fact be used by a station primarily serving as a St. Louis outlet. Some assurance on this score should be given. Also, while the petition and reply to opposition contain some information concerning preclusion, a more complete submission in this respect should be made, setting forth in one place a showing as to what areas would be precluded on each of the seven channels involved, the communities of substantial size in these areas (particularly those without assignments), and what other assignment possibilities remain for such communities.

10. First assignments at Anamosa, Iowa, Terrell, Tex., and Sullivan, Ind. (RM-1540, 1552, 1554). The first of these three petitions seeks a first assignment (Channel 232A) for Anamosa, Iowa, population 4,248, the county seat and largest community in Jones County, which is not in an SMSA. The assignment would be accomplished by changing an unoccupied assignment at Iowa City, Iowa, from Class C Channel 230 to Channel 228A. Iowa City (population over 46,000) has one Class C commercial FM station and a daytime-only AM station, as well as educational AM and FM stations licensed to the University of Iowa. An unoccupied Class C channel at Cedar Rapids can be moved to Iowa City if needed. Despite the mixture of A and C channels at Iowa City which would result from the proposed change (which we have tried in general to avoid) the proposal appears clearly to warrant consideration in rule making.

11. In RM-1552, Billy D. Pirtle seeks the assignment of a first channel to Terrell, Tex., a city of 13,803,[3] the largest city in (though not the seat of) Kaufman County, and whose daytime-only AM station is the only aural facility in that county. This city and county are located in the eastern portion of the Dallas SMSA; it is some 30 miles from Dallas to Terrell. Mr. Pirtle requests as a first alternative the assignment of Class C Channel 300, by deleting that channel at

[2] In the case of Danville, petitioner has submitted a fairly complete preclusion study. The only preclusion area is cochannel, and it includes only two communities of substantial size, Crawfordsville and West Lafayette. The former has an FM assignment; West Lafayette does not, but it has an unlimited-time (Class IV) AM station and is adjacent to Lafayette, with 3 FM stations (it is in the Lafayette SMSA).

[3] This is the 1960 census population. The 1970 preliminary census report gives a population of only 3,985; but it appears that this may be a typographical error.

Corsicana, Tex., replacing it with Channel 228A. As an alternative, it is proposed that Channel 296A should be dropped into Terrell, with no other changes. In both cases, the transmitter would have to be some 6 miles east of Terrell in order to meet minimum separation requirements with respect to Station KNOK–FM on Channel 298 at Fort Worth; and Mr. Pirtle suggests that this would present problems with respect to coverage of Terrell by a Class A station, and that therefore (and for wider coverage) the Class C assignment is preferable.

12. Clearly, a city of the size and importance of Terrell, fairly far from a large population center even though it is in the SMSA, merits an FM assignment if one can be made consistent with the rules and FM allocation policies. A 6-mile distance out of town, while larger than what is optimum, does not necessarily preclude even a Class A station from providing principal-city coverage as required by the rules, and a number of Class A assignments have been made on this basis. Accordingly, our first proposal is for the assignment of Channel 296A. With respect to the alternative preferred by Mr. Pirtle, Channel 300C, we are not persuaded that this should be removed from Corsicana, Tex., a somewhat larger city (19,839), the county seat and largest city in its county, farther from Dallas (40 miles) and not in the SMSA. At least this appears to be true unless a suitable replacement channel can be provided; and Channel 228A, which Mr. Pirtle proposes as a substitute, would have to be used even farther from Corsicana (7 miles) than would 296A or 300C outside of Terrell. Unless Channel 296A can be appropriately assigned at Terrell, or unless a suitable replacement channel can be found at Corsicana, it may be necessary to deny the Terrel request.

13. As to Sullivan, Indiana, in RM–1554, Donnie Joe Spiller seeks to provide a first FM assignment at Sullivan by moving to that city Channel 237A, now assigned to Bedford, Ind., replacing it at Bedford with Channel 288A. Channel 237A is unoccupied and not sought for use at Bedford, but there is a long-pending application for its use at Paoli, Ind., some 22 miles away.[4] The proposal is to reassign the channel at Paoli as well as at Sullivan, which can be done consistent with the rules. All three of these cities are the county seats and largest communities in their counties, with populations ranging from 3,281 (Paoli) to 13,087 (Bedford); Sullivan and Paoli each has one daytime-only station while Bedford has a fulltime Class IV station. Rule-making on this proposal is clearly warranted, since it would add an assignment to the Table in a community meriting it.

[4] Section 73.203(b) of the rules now limits such use of channels assigned to other communities to 10 miles for Class A and 15 miles for Class B or C. The Paoli application was filed under earlier rules, when the applicable distance was 25 miles.

14. Muncie, Ind., and Celina, Lima, and Fostoria, Ohio (RM–1524). Muncie, Ind., is a city of 69,080 persons, in its own SMSA. It now has four commercial broadcast outlets, in addition to two educational FM stations: WLBC (daytime AM), WERK (daytime AM), WMUN (FM) and WLBC–TV television. All but WERK are licensed to Tri-City Radio Corp. WERK is licensed to Muncie Broadcasting Corp., the petitioner here, who seeks Channel 244A as a second FM channel at Muncie. We have in the past denied a previous proposal by petitioner to achieve this objective, which would have involved substandard spacings; but we recognized in that action the desirability of providing such a channel if possible, to achieve greater diversity and ownership balance in the broadcast media in Muncie.[5] Petitioner now seeks to add Channel 244A by three shifts of channels and stations at cities in Ohio: essentially, Channel 244A, now assigned at Celina and Fostoria, Ohio, would be replaced with Channel 249A; and Channel 249A, now assigned at Lima, would be replaced with Channel 244A. Stations WBOB–FM, Fostoria, WCSM–FM, Celina, and WTNG, Lima, would be reimbursed for their reasonable expenses, and it is asserted that the change of only 1 MHz in dial position would not significantly affect listener habits. Station WTGN opposed the change, on the ground of disruption of listener habits and the assertion that listeners in the area between Celina and Lima, accustomed to tuning to Channel 249A to receive it, would do so and get WCSM–FM instead. The petition was also opposed by the licensee of Station WGLM on Channel 241 at Richmond, Ind., on the ground that the assignment at Muncie would prevent it from using one of various new transmitter sites north and northwest of Richmond which it had been investigating in order to improve facilities.[6]

15. While we are of the view that rule-making should be instituted on this proposal, we are not at this time persuaded that it would be in the public interest, in view of the rather large cost involved in requiring three stations to change channels (we attach no significance to the matter concerning Station WGLM last mentioned). This is a higher cost than anything we have required so far in terms of shifts of existing stations. However, comments upon the matter are invited. These stations will of course be reimbursed for the reasonable costs of the move if it is decided that the proposal should be adopted.

16. In advancing this proposal for comment, we again reject an alternative approach suggested by Muncie Broadcasting, of assigning Channel 221A to Muncie, and directing one of the Muncie educational FM stations to move from Channel 218 to Channel 210. Even though one of the educational FM stations in the general area has ceased operation and been deleted since this petition was filed (WHCI, Hartford City, in August 1970), the situation in central Indiana with respect to educational FM facilities and the potential for further assignments is one of the tightest in the entire country. This is particularly true since television Station WFBM–TV, Indianapolis, operates on TV Channel 6,[7] and therefore the problem of FM interference to television is a potentially serious one, particularly with respect to stations on the frequencies at the lower end of the educational FM band. Any further expansion of educational FM service in this general area must in all probability be on the higher frequencies, where the existence of Channel 221A as a commercial assignment at Muncie could well preclude it. Until we have more of an idea of what the principles governing educational FM assignments will be, we are not disposed to compound this situation.

17. Assignments at Orangeburg and Manning, S.C. (RM–1559 and RM–1571). In RM–1559, the licensee of one of the two AM stations at Orangeburg, S.C. (both daytime-only) seeks the addition of Channel 280A as a second FM assignment there, the other AM station and the existing Class C FM station being under common ownership. Orangeburg is a city of over 13,000, the county seat and largest city in its county and the center of a large area. It is shown that assignment of the channel would have a preclusion only on use of this channel, and that the only city within the "preclusion area" of over 2,000 population is Hampton, S.C., which has an FM assignment. Under these circumstances, rule-making on this proposal is clearly warranted.

18. In RM–1571, the licensee of the AM station at Manning, S.C., seeks the addition of Channel 221A at Manning, as the second assignment in the Table but in reality only the first, since the channel now assigned there in the Table, 261A, is used by a station at Kingstree, S.C., some 22 miles away and in a different county, under the former "25-mile rule". Petitioner's daytime AM station at Manning is the only broadcast outlet in the county, and there are no other FM channels assigned. Manning is a city of some 4,025 persons, the county seat and largest community in Clarendon County. With respect to preclusion impact, the proposed assignment would preclude Channel 222 from assignment in a small area and 221A from use in a larger area, and there would be some preclusion effect on use of educational FM channels 218, 219, and 220. However, the impact on use of Channel 221A and 222 is not great (including no community as large as Manning which does not have an assignment), and, as to the impact on educational FM, it appears that there are a large number of assignment possibilities on other such channels for any needs which may arise in the area. Unlike the Muncie situation referred to above, this is not a situation where interference to television Channel 6 is likely to be a problem.[8] Accordingly, since this would represent in effect a first assignment to Manning, consideration of the proposal in rule making is clearly warranted.

19. Substitution of Class B Channel 253 for 252A at Paris, Ill. In RM–1566, Paris Broadcasting Corp., the licensee of WPRS (daytime AM) and WPRS–FM, Paris, Ill., seeks the substitution of Class B Channel 253 for the present 252A assignment in that city, and modification of the license of WPRS–FM accordingly. Paris is a city of 9,828 population, the largest city and county seat of Edgar County (21,254). There is no other FM assignment in the county, and WPRS is the only AM station; but it is less than 20 miles from Paris to the large center of Terre Haute, Ind., and the two cities are in adjacent counties. Petitioner seeks a Class B channel in order to increase its coverage area, to a claimed 3,419 square miles containing 251,809 persons, compared to coverage with its Class A facilities of 480 square miles containing 18,875 persons, or increases of nearly 233,000 persons and over 2,900 square miles. Of the increase area, it is stated that 20 square miles and 655 persons have available no present 1 mv/m or greater service FM signal, and 7,555 persons in 207 square miles have only one such signal available (using the assumptions which have been specified in previous Commission notices and decisions in this area).

20. The showing was submitted as to the preclusion impact which the proposal would have. On 5 of the 7 channels involved it would have none; but on two, 253 and 254, the proposed assignment would preclude use of these channels in a number of places of substantial size. For example, if Channel 253 is not assigned at Paris but Channel 252A remains there, either 253 or 254 could be assigned at Decatur, Ill., a city of over 89,000 persons with only one FM channel (Class B) assigned, or at Taylorville, a city of 10,425, slightly larger than Paris and with one Class A assignment. Channel 254 could be assigned at Sullivan, a community of 4,197 persons now without an assignment.

21. We are of the view that consideration of assigning Channel 253 in this general area of Illinois should be considered, but not necessarily that the public interest would be served by assigning it to Paris, a city rather near a large population center and which already has a channel. As noted above, the amount of population gained which now has none or only one 1 mv/m or greater FM signal available would be small, and there is a substantial preclusion area. Therefore, we are proposing the assignment of this channel in the alternative to Decatur or Paris, with the understanding that it may also be sought in comments for other communities in the general area.

22. Showings required. Comments are invited upon the various proposals discussed above and listed below. As indicated, in some cases the Commission has reservations or questions concerning the proposal, and proponents of the proposed assignment will be expected to answer them. More generally, the proponents of the various proposals contained herein are expected to file comments, even if they do nothing more than resubmit or refer to their petitions. They are expected, among other things, to state their intention to apply for the channel if assigned, and if authorized to promptly build their stations. Failure to make these showings may result in denial of the proposals.

23. Cutoff procedure. As in other recent FM rule-making proceedings, the following procedures will govern:

(a) Counterprosposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

24. In view of the foregoing, subject to the conditions and reservations set forth hereinabove in certain respects, and pursuant to authority found in sections 4(i), 303 (g) and (r) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, as follows (where indicated by footnote indicators below, the assignment must be used a short distance outside of the specified city):

City	Channel No. Present	Proposed
Coal City, Dwight, or Marseilles, Ill.		288A.
Decatur, Ill.	275	253, 275.
Paris, Ill.	252A	252A or 253.[1]
Bedford, Ind.	237A	288A.[1]
Danville, Ind.		296A.[1]
Muncie, Ind.	281	244A, 281.[1]
Paoli, Ind.		237A.
Sullivan, Ind.		237A.[1]
Anamosa, Iowa		232A.
Iowa City, Iowa	230, 264	228A, 264.[1]
Escanaba, Mich.	227, 246	246, 284.
St. Charles, Mo.		246.[1]
St. Louis, Mo.	243 (plus 6 others).	242 (plus 6 others).
Celina, Ohio	232A, 244A	232A, 249A.
Fostoria, Ohio	244A	249A.
Lima, Ohio	249A, 271, 285A.	224A, 271, 285A.
Kingstree, S.C.		261A.
Manning, S.C.	261A	221A.
Orangeburg, S.C.	294	280A, 294.[1]
Corsicana, Tex.	300	300 or 228A.[1]
Terrell, Tex.		296A or 300.[1]
Berlin, Wis.	232A	272A.
Hartford, Wis.		285A.[1]
Neenah-Menasha, Wis.	257A	232A, 261A.[1]
Shawano, Wis.	261A, 274	257A, 274.
Watertown, Wis.	284	231.
Waupun, Wis.		257A.[1]

[1] The proposed assignments listed and so indicated must be used at points outside of the communities, approximately as follows: Paris, Ill. (253), 3 miles south or southwest; Bedford, Ind., 2 miles southwest; Danville, Ind., 2 miles west or northwest; Muncie, Ind., 2 miles northwest; Sullivan, Ind., north, west or northwest; St. Charles, Mo., 15 miles north or 32 miles southwest; Orangeburg, S.C., south; Corsicana, Tex. (228A), 7 miles northeast; Terrell, Tex. (either), 6 miles east; Hartford, Wis., south; Waupun, Wis., 7 miles northwest; Neenah-Menasha (Ch. 261A), 7 miles west or north; Iowa City, Iowa (228A), 2 miles east.

25. *It is further ordered,* Pursuant to section 316 of the Communications Act of 1934, as amended, that, if the assignments above which involve changes in the channels of existing stations are concluded to be in the public interest and are adopted, the following licensees shall show cause why the licenses of their station should not be modified to specify the new channels instead of their present channels, as indicated below (subject to reimbursement by parties which become the permittees on the new assignments thus made possible, of the reasonable costs of changing channel):

Station and location	Licensee	Present channel	Proposed channel
KADI, St. Louis, Mo.	Vanguard Broadcasting Corp.	243	242
WCSM–FM, Celina, Ohio.	Central Broadcasting Corp.	244A	249A
WFOB–FM, Fostoria, Ohio.	Seneca Radio Corp.	244A	249A
WTGN, Lima, Ohio.	Associated Christian Broadcasters.	249A	244A
WNRR, Neenah-Menasha, Wis.	Jerry J. Collins	257A	232A
WTCH–FM, Shawano, Wis.	Shawano County Leader Publishing Co.	261A	257A
WTTN–FM, Watertown, Wis.	Watertown Radio, Inc.	284	231

[5] Amendment of § 73.202, Muncie, Indiana and Celina, Ohio (RM–1063), 19 FCC 2d 921, 17 R.R. 2d 1658 (October 1969).

[6] The present Richmond station location would limit use of Channel 244A at Muncie to a point at least 2 miles northwest of the center of that city. It is noted that, although the WGLM opposition was filed more than a year ago, no application for change in transmitter site has been filed.

[7] Muncie, some 50 miles from Indianapolis, is well within the WFBM Grade B contour, and its county (Delaware) shows 50 percent or more weekly viewing of this station. See Television Factbook, 1970–71 edition, p. 262b.

[8] Manning and Clarendon County are outside of the Grade B contours of the closest Channel 6 stations (at Augusta, Ga. and Wilmington, N.C.) and the Television Factbook, 1970–1971 edition, shows no appreciable viewing in the county of either station.

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26. *It is further ordered,* That the petition, RM-1476, filed by Dr. Alfred C. Valdez and Lew Breyer & Associates, seeking the assignment of Channel 285A at West Allis, Wis., is denied.

27. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before April 13, 1971, and reply comments on or before April 23, 1971. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

28. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: February 24, 1971.

Released: March 1, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2907 Filed 3-2-71;8:50 am]

[47 CFR Part 73]

[Docket No. 18179; FCC 71-210]

NON-NETWORK SUPPLIERS TO COMMERCIAL TELEVISION STATIONS AND CATV SYSTEMS

Order Regarding Availability of Television Programs

1. The Commission has before it the petition filed on February 9, 1971, by nine television producers,[1] represented by the law firm of Phillips, Nizer, Benjamin, Krim, and Ballon, for extension of time to file comments and reply comments in the above-entitled proceeding, from the present dates of March 3 and April 5, 1971, to July 2 and September 3, 1971. In support thereof, petitioners set forth their great interest, their desire to conduct in-depth studies of the issues raised in the notice, and to submit detailed factual data. In view of the difficulty and complexity of the matter, they assert that they will not have a reasonable opportunity to present meaningful comments within the short time now set. In short, petitioners assert that there are "compelling" reasons for the 4 month extension requested.

2. We set out in our further notice the reasons for reaching an expeditious decision—particularly "* * * the possible ramifications of this matter on UHF development and the present critical juncture of that industry." (Par. 9, notice.) We appreciate the desire of petitioners for additional time to prepare and present in-depth study.[2] It thus becomes a matter of striking a balance between competing considerations. In the circumstances, we shall permit an additional 2-month period for filing the initial comments; this amounts to close to 4 months in all, and petitioners and other interested parties will simply have to submit as detailed studies as this time period will permit.

It is ordered, That the time for filing comments is extended to on or before May 3, 1971, and reply comments on or before June 3, 1971.

Adopted: February 25, 1971.

Released: February 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2908 Filed 3-2-71;8:50 am]

[1] These producers are: Allied Artists Pictures Corp.; Columbia Pictures Industries (and its wholly owned subsidiary, Screen Gems, Inc.); Independent Television Corp.; Metro-Goldwyn-Mayer, Inc.; Metromedia Producers Corp.; Twentieth Century-Fox Film Corporation; United Artists Corp.; and Warner Bros. Inc.

[2] In this respect, however, we note that petitioners three times requested extensions of time as to the filing date in the original notice in this proceeding, stating, inter alia, that the additional time was needed to permit the submission of a detailed factual study; that extensions totalling roughly 8 months were granted; and that petitioners nevertheless submitted comments of only 10 pages, containing no such showing.

[3] Commissioner Bartley dissenting.

[47 CFR Part 73]

[Docket No. 19139; RM-1653]

TABLE OF ASSIGNMENTS OF TELEVISION BROADCAST STATIONS ALLIANCE, BOWLING GREEN, AND CAMBRIDGE, OHIO

Order Extending Time for Filing Comments and Reply Comments

1. This proceeding was begun by a notice of proposed rule making, adopted January 20, 1971 (FCC 71-61), and published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1428). The dates specified for filing comments and reply comments are February 23, 1971 and March 2, 1971.

2. On February 22, 1971, counsel for the Ohio Educational Television Network Commission (OETNC) filed a request for a 2-week extension of the filing dates. OETNC states that when it filed the petition for rule making, all of its affiliates approved the proposal and pledged their support for OETNC's plan. However, one of its affiliates has now raised some questions with respect to certain parts of the proposal. Therefore, in order to resolve the differences between the OETNC and its affiliate, the extension is necessary.

3. It appears that the requested extension is warranted and would serve the public interest. *Therefore, it is ordered,* That the time for filing comments and reply comments in this proceeding is extended, to and including March 9, 1971, and March 16, 1971, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: February 22, 1971.

Released: February 24, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-2909 Filed 3-2-71;8:51 am]

[47 CFR Part 73]

[Docket No. 19045; RM-1637]

TABLE OF ASSIGNMENTS OF TELEVISION BROADCAST STATIONS; CLARKSVILLE, TENN.

Order Extending Time for Filing Reply Comments

1. This proceeding was begun by a notice of proposed rule making (FCC 70-1099), adopted October 7, 1970, and published in the FEDERAL REGISTER October 15, 1970 (35 F.R. 16181). The date designated for reply comments has expired and reply comments are presently due on February 19, 1971.

2. On February 17, 1971, counsel for Tennessee Televentures, the proponent in this proceeding, filed a request for a 3-week extension of the reply comment date, to and including March 12, 1971. Counsel states that due to the press of other business which will keep it away from the city for several days during the next few weeks, this extension is necessary. Counsel for Professional Telecasting Systems, Inc., licensee of Station WBKO, Bowling Green, Ky., has consented to the requested extension of time.

3. It appears that the requested extension is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of Tennessee Televentures is granted to and including March 12, 1971, for reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: February 23, 1971.

Released: February 24, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-2910 Filed 3-2-71;8:51 am]

[47 CFR Part 74]

[Docket No. 19121]

TELEVISION BROADCAST TRANSLATOR STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. This proceeding was begun by notice of proposed rule making (FCC 71-40) adopted January 13, 1971, released January 15, 1971 and published in the FEDERAL REGISTER January 20, 1971, 36 F.R. 936. The dates for filing comments and reply comments are presently February 22 and March 4, 1971.

2. On February 19, 1971, Frontier Broadcasting Co. (Frontier) filed a request to extend the time for filing comments to March 8, 1971. Frontier states that urgent press of other matters before the Commission has made it impossible for its counsel to turn its attention to this matter in order to be able to file comments by the present due date.

3. We are of the view that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments and reply comments in Docket No. 19121 is extended to and including March 8, 1971 and March 19, 1971, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: February 23, 1971.

Released: February 24, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-2911 Filed 3-2-71;8:51 am]

[47 CFR Part 97]

[Docket No. 19163; FCC 71-196]

AMATEUR EXTRA CLASS LICENSE

Licensing and Operating Requirements

1. Notice of proposed rule making is hereby given in the above-entitled matter.

2. The Commission has under consideration two petitions filed by the American Radio Relay League (ARRL) relating to licensing and operating requirements for the attainment of the Amateur Extra Class license. To the extent that the matters contained in the Petition RM-1646 filed by William K. Smith (WA3JHB) of Pittsburgh, Pa., are identical to the proposals in ARRL's petitions they are incorporated in this notice. A proposal contained in RM-1646, not germane to this proceeding, is being considered separately.

3. In their respective petitions, RM-1590 and RM-1646, ARRL and William K. Smith propose amendment of § 97.25(c) of the Commission's Rules to give an examination credit to former holders of the Amateur Extra First Class license (issued between June 1923 and June 1933) seeking to obtain an Amateur Extra Class license. In support of its request, ARRL states that the average person, 60 or more years old, generally experiences difficulty in undergoing an Amateur Extra Class examination. Further, correspondence received by ARRL from former holders of Amateur Extra First Class licenses state that they successfully passed examinations which were allegedly equal in difficulty to the present Amateur Extra Class examination. Mr. Smith also suggests that the requirements for the former Amateur Extra First Class license closely parallel present requirements for the Amateur Extra Class license.

4. A comparison of the present day and former examinations indicates that the level of difficulty of the Extra First Class license examination was far below that for the present Amateur Extra Class license. Since the period during which the Extra First Class license was originally available, the title of the license has been changed successively to "Class A" and then to "Advanced Class". Thus, without further examination, those former Extra First Class licensees who have kept renewing their licenses on time are now holders of Advanced Class licenses. When the Extra Class license was established in 1952, it was intended to be a new class, indicative of attainment of a level of achievement distinctly above that of any then existing or previously available amateur operator license. Therefore, it is determined that no credit should be given for the written portion of the examination. However, since the 20-word code test requirement remains unchanged from the earlier requisite, the Commission agrees that it is unfair to require eligible former holders of the Amateur Extra First Class license to again take the code test. Accordingly, the proposal below would require those licensees seeking to receive credit for the 20-word-per-minute code requirement to establish that they held an Amateur Extra First Class license and have continued, without interruption, to hold its successor, the Advanced Class license. Authentication of a claim to having held the older Extra First Class license may present something of a problem and comments regarding this are invited. In general, copies of licenses, other official Government documents or correspondence and other material giving a reasonably clear indication of the facts regarding the claim, are examples of the possibilities in this regard.

5. Both ARRL (in RM-1591) and Mr. Smith request that § 97.9(a) of the Commission's rules be modified to reduce the eligibility period for the Amateur Extra Class operator license from 2 years to 1 year. In support of their requests, the petitioners state that the 2-year waiting period tends to decrease rather than increase interest in advancement to the Amateur Extra Class license because the licensees' sustained interest is dependent on rapid upward movement in rank. It appears that the 2-year waiting period requirement for attainment of the Amateur Extra Class operator license may present an unwarranted deterrent to obtaining the higher class license. Adoption of the petitioners' request to reduce the waiting period to 1 year will achieve a continuing movement toward the goals set forth in § 97.1 of the Commission's rules and be consistent with the incentive licensing program in effect since August 1967.

6. Accordingly, we propose to amend §§ 97.9(a) and 97.25 of the rules as set forth below. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 1, 1971, and reply comments on or before June 18, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.415 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: February 24, 1971.

Released: February 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

I. Part 97 of the Commission's rules is proposed to be amended as follows:

1. Section 97.9(a) is amended to read as follows:

§ 97.9 Eligibility for new operator license.

* * * * * *

(a) *Amateur Extra Class.* Any citizen or national of the United States who either (1) any time prior to receipt of his application by the Commission has held for at least 1 year an amateur operator license of other than the Novice or Technician Class, issued by any agency of the U.S. Government, or submits proof that he held for a period of 1 year an amateur operator license at least equivalent to a General Class license issued by a foreign government, or (2) submits evidence of having held a valid amateur radio station or operator license issued by any agency of the U.S. Government during or prior to April 1917.

* * * * * *

2. Section 97.25 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 97.25 Examination credit.

* * * * * *

(d) An applicant for the Amateur Extra Class operator license will be given credit for examination element 1(C) if he so requests and submits evidence of having held the Amateur Extra First Class license, having continuously held its successor licenses and currently holding an amateur operator license of the Advanced Class.

* * * * * *

[FR Doc.71-2912 Filed 3-2-71;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5132]

PROCEDURE REGARDING ABANDONED REGISTRATION STATEMENTS AND POST-EFFECTIVE AMENDMENTS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission had under consideration a proposed new Rule 479 [17 CFR 230.479] under the Securities Act of 1933. The proposed rule would provide a procedure whereby the Commission may determine whether a registration statement or a posteffective amendment to such a statement has been abandoned and remove such statement or amendment from consideration as a pending matter.

At any given time there are on file with the Commission a limited number of registration statements or posteffective amendments which appear to have been abandoned by the registrant. This situation may develop for various reasons. For example, because of market or other conditions the registrant may have determined not to proceed with the offering or may have been liquidated or may have gone into bankruptcy. Whatever the reason, the registration statement or amendment is not up to date and should not be relied upon for the accuracy of the information contained therein. Hence it should be withdrawn or otherwise removed from consideration as a pending registration statement or posteffective amendment.

The proposed rule provides that when a registration statement or amendment has become out of date by the passage of 9 months from the filing date, or the filing of the latest substantive amendment, and the registrant has not furnished a satisfactory explanation as to why it has not amended or withdrawn the registration statement, the Commission may, in its discretion, follow the procedure set forth in the proposed rule. The proposed rule also provides that an abandoned registration statement or amendment shall be suitably marked and shall remain in the files of the Commission.

I. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adding thereunder a new § 230.479 reading as follows:

§ 230.479 Procedure with respect to abandoned registration statements and posteffective amendments.

When a registration statement, or a posteffective amendment to such a statement, has been on file with the Commission for a period of 9 months and has not become effective the Commission may, in its discretion, proceed in the following manner to determine whether such registration statement or amendment has been abandoned by the registrant. If the registration statement has been amended, otherwise than for the purpose of delaying the effective date thereof, or if the posteffective amendment has been amended, the 9-month period shall be computed from the date of the latest such amendment.

(a) A notice will be sent to the registrant, and to the agent for service named in the registration statement, by registered or certified mail, return receipt requested, addressed to the most recent addresses for the registrant and the agent for service reflected in the registration statement. Such notice will inform the registrant and the agent for service that the registration statement or amendment is out of date and must be either amended to comply with the applicable requirements of the Act and the rules and regulations thereunder or be withdrawn within 30 days after the date of such notice.

(b) If the registrant or the agent for service fails to respond to such notice by filing a substantive amendment or withdrawing the registration statement and does not furnish a satisfactory explanation as to why it has not done so within such 30 days, the Commission may, where consistent with the public interest and the protection of investors, enter an order declaring the registration statement or amendment abandoned.

(c) When such an order is entered by the Commission the papers comprising the registration statement or amendment will not be removed from the files of the Commission but will be plainly marked in the following manner: "Declared abandoned by order dated ----------."

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington, DC 20549, on or before March 17, 1971. All such communications will be available for public inspection.

By the Commission, February 17, 1971.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[F.R. Doc. 71-2840 Filed 3-2-71; 8:45 am]

[17 CFR Parts 249, 274]

[Release Nos. IC-6349, 34-9075]

ANNUAL AND PERIODIC REPORTS BY INVESTMENT COMPANIES AND BY BROKER-DEALERS WHO ARE MARKET-MAKERS IN SECURITIES

Notice of Proposed Rule Making

Proposed use by the Securities and Exchange Commission of the CUSIP system for identification of securities.

In 1969 a long-needed universal system for the identification of securities became available to the financial community. Developed under the sponsorship of the Committee on Uniform Security Identification Procedures (CUSIP) of the American Bankers Association, the CUSIP numbering system provides a common language for identifying securities in communications between brokers, transfer agents and other organizations involved in the trading cycle.

The CUSIP system is the result of several years of cooperative effort by the financial community. In addition to the American Bankers Association, organizations such as the New York Stock Exchange, the American Stock Exchange, the National Association of Securities Dealers, the Association of Stock Exchange Firms, the Investment Bankers Association and other organizations and representatives of individual firms participated in the development of the CUSIP system, together with representatives of the Securities and Exchange Commission.

The eight digit CUSIP number [1] specifically, uniformly and permanently identifies both the issuer of a publicly traded security and the particular issue. Its wide-spread use will constitute the essential first step toward the goal of full automation of the trading cycle, and make possible the automated handling of much of the present data flow in the financial community.

To realize the benefits of the CUSIP system in its own operations, the Commission proposes to use the CUSIP numbers in its electronic data processing (EDP) systems related to certain reporting forms. The Commission also plans to use the CUSIP numbers in other EDP systems involving the analysis of securities and in the publication of certain directories. The Commission further proposes to require the use of the CUSIP numbers in other public-use forms as the necessary EDP systems related thereto are developed and perfected.

The CUSIP system represents a basic industry effort to improve the speed and accuracy in the processing of securities and transactions involving them. The Commission urges industry-wide implementation of the CUSIP system in order to obtain maximum benefits from this common language for the identification of securities.

PROPOSED REVISION OF REPORTING FORMS TO PROVIDE FOR INCLUSION OF CUSIP NUMBERS TO IDENTIFY SECURITIES

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of certain of its reporting forms to require the inclusion of securities identification numbers assigned under the CUSIP system.

The reporting forms affected by the present proposal are Form N-1Q [17 CFR 274.106] for quarterly reports and Form N-1R [17 CFR 274.101] for annual reports filed by registered management investment companies (except, in the case of Form N-1R, those companies issuing periodic payment plan certificates and small business investment companies) pursuant to section 30 [15 U.S.C. 80a-29] of the Investment Company Act of 1940 and Section 13 [15 U.S.C. 78m] or 15(d) [15 U.S.C. 78o(d)] of the Securities Exchange Act of 1934; and Forms X-17A-9(1) [17 CFR 249.917(1)], X-17A-9(2) [17 CFR 249.917(2)], and X-17A-9(3) [17 CFR 249.917(3)], herein after referred to as the X-17A-9 reports, filed pursuant to Rule 17a-9 [17 CFR 240.17a-9] under the latter Act by registered broker-dealers who are market makers in, or who effect certain transactions in, common stocks listed or traded on national securities exchanges. Under the proposal, the X-17A-9 reports and Item 1 of Form N-1Q [17 CFR 240.106] would be revised to require that CUSIP numbers be included for securities reported therein, and the requirements to report exchange symbols would be rescinded. Item 1.27 of the EDP attachments to Form N-1R [CFR 274.101 and 274.101a-1; 101a-2], as it is proposed to be revised under a pending proposal of the Commission described below, would be further revised to require the inclusion of CUSIP numbers for "restricted securities" reported in that item.

Form N-1Q [17 CFR 249.31, 274.106] Quarterly Report for Registered Investment Companies. Form N-1Q is prescribed by the Commission for quarterly reports filed with the Commission by management investment companies registered under the Investment Company Act of 1940. Item 1 of the form requires the listing, in numbers of shares (or other unit) or principal amount of debt securities, of total purchases, total sales, and holdings of each portfolio security. The item presently requires that the exchange symbol be included for each security listed or traded on a national securities exchange. No identifying symbol or number is required for other securities.

In the absence of symbols or numbers under a common identification system for over-the-counter securities and other securities not listed or traded on national securities exchanges, the Commission has been unable to utilize its EDP equipment for processing the information on such securities in the N-1Q reports. It is proposed that Item 1 be revised to require the inclusion of CUSIP numbers in reporting the portfolio securities and to rescind the present requirement that exchange symbols be reported. This would permit the Commission, through automated processing, to make more effective use of the data in the reports in reviewing the activity in portfolios of individual investment companies and fund complexes and the overall investment company and institutional activity in over-the-counter securities as well as in other issues. In addition, the use of CUSIP numbers would enable reporting services to make more effective use of the portfolio information for distribution to investors, which was one of the principal objectives of the reporting of portfolio data.

Form N-1R [17 CFR 249.330, 274.101] Annual Report of Registered Management Investment Companies. Form N-1R is prescribed by the Commission for annual reports filed with the Commission by most registered management investment companies. The Commission gave notice on December 16, 1970, that it has under consideration the revision of Form N-1R and invited interested persons to submit views and comments with respect thereto on or before February 16, 1971 (Investment Company Act Release No. 6284) [35 F.R. 19525].

One of the revisions to Form N-1R under that proposal would consolidate into Item 1.27 the information required by the form on "restricted securities" [2] and would prescribe in Item 1.27 of the EDP attachments to the form a single schedule to present in a more usable manner the data on restricted securities. It is proposed that Item 1.27 of the EDP attachments (open-end and closed-end companies) to the form also be revised to require the inclusion of the CUSIP numbers of the restricted securities reported in the item. This would facilitate the processing by automated means of investment company holdings, purchases, sales, and manner of sales of restricted securities, and would be an important aid to regulation in the complex area of restricted securities investments.

X-17A-9 Reports [17 CFR 249.917] Forms for Reports to be made by Market Makers and certain other Registered Broker-Dealers in Securities traded on National Securities Exchanges. The X-17A-9 reports are required by Rule 17a-9 [17 CFR 240.17a-9], under the Securities Exchange Act of 1934, Rule 17a-9 and its related reporting forms provide a system for the notification by broker-dealers making off-board markets in common stocks traded on national securities exchanges (commonly called "the third market") and for the reporting of summaries of transactions by market makers and of certain other over-the-counter transactions in common stocks listed on the New York Stock Exchange. The latter reports contain the name and address of the broker-dealer who is making the report, statistics on total dollar and share volume, and share volume in individual stocks which are identified by exchange (ticker) symbols.

The information submitted on such forms is received and analyzed by the Commission in carrying out its regulatory responsibilities. As a part of the analyses, third market volume is compared on a stock-by-stock basis by means of the Commission's computer with volume on the New York Stock Exchange and with other related data. The information is summarized and published in the Commission's Statistical Bulletin for the use of interested parties.

Form X-17A-9(1) [§ 249.917(1) of this chapter] would be amended by adding a space for the CUSIP number on the "Name of Stock" line. Form X-17A-9(2) [§ 249.917(2) of this chapter], Part I, would be revised to require the inclusion of the names of the stocks and their CUSIP numbers. Form X-17A-9(2) [§ 249.917(2) of this chapter], Part II and Form X-17A-9(3) [§ 249.917(3) of this chapter] would be revised to require the inclusion of CUSIP numbers. In both the X-17A-9(2) and X-17A-9(3) reports the present requirement to include exchange symbols would be rescinded.

The proposed revisions of Forms N-1Q and N-1R would be adopted pursuant to sections 30, 31, 38(a) and 45(a) of the Investment Company Act of 1940 [15 U.S.C. 80a-29, 80a-30, 80a-37a, and 80a-44; 54 Stat. 836, 898, 841, and 845] and sections 13, 15(d), and 23(a) of the Securities Exchange Act of 1934 [15 U.S.C. 78m, 78o(d) and 78w; 48 Stat. 849, 895, and 901]. The Proposed Revision of the X-17A-9 reports would be adopted pursuant to section 17(a), 19(b), and 23(a) of the Securities Exchange Act of 1934 [15 USC 17q(a), 78s(b), and 78w(a); 48 Stat. 897, 898 and 901]. The revision of Form N-1Q would be made effective for quarters ending on or after September 30, 1971. The revision of Form N-1R would be effective for fiscal years commencing on or after January 1, 1971. The revisions of the X-17A-9 reports would be effective with respect to reports for quarters ending on or after September 30, 1971 and notifications filed on or after that date.

All interested persons are invited to submit views and comments on the proposed revisions. Any views or comments should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before March 16, 1971. All communications with respect to the proposed revisions should refer to Investment Company Act Release No. 6349 or to Securities Exchange Act Release No. 9075. Such communications will be available for public inspection.

By the Commission, February 16, 1971.

(Sec. 30, 54 Stat. 836, 15 U.S.C. 80a-29; sec. 31, 54 Stat. 838, 15 U.S.C. 80a-30; sec. 38, 54 Stat. 841, 15 U.S.C. 80a-37; sec. 45, 54 Stat. 845, 15 U.S.C. 80a-44; sec. 13, 48 Stat. 849, 15 U.S.C. 78m; sec. 15, 48 Stat. 895, 15 U.S.C. 78o; sec. 17, 48 Stat. 897, 15 U.S.C. 78q; sec. 19, 48 Stat. 898, 15 U.S.C. 78s and sec. 23, 48 Stat. 901, 15 U.S.C. 78w)

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2841 Filed 3-2-71;8:45 am]

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[1] The full CUSIP identification number includes an optional check digit in addition to the eight numbers and letters which describe a security. The check digit provides a method of testing the accuracy of the numbers transmitted or recorded.

The directories of CUSIP numbers are published by the CUSIP Service Bureau of Standard Statistics Co., Inc., New York City, under an agreement with the American Bankers Association. Directories are available on a subscription basis in book form and on magnetic tape.

[2] "Restricted securities" are those which must be registered under section 5 [15 U.S.C. 77e] of the Securities Act of 1933 prior to a public sale.

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1056, 1307]

[Ex Parte Nos. MC–19, MC–61; Released Rates Order No. MC–505]

PRACTICES AND RELEASED RATES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Notice of Proposed Rule Making

FEBRUARY 16, 1971.

On December 8, 1970, the Household Goods Carriers' Bureau, for itself and on behalf of its member carriers, filed a petition with the Interstate Commerce Commission seeking modification of Released Rates Order No. MC–505, entered in Practices of Motor Common Carriers of Household Goods, 102 M.C.C. 267, 277–280, on June 7, 1966, regarding carrier responsibility for loss and damage in excess of that at its lowest rates, to increase the minimum declared lump sum value of household goods shipments from $1.25 to $1.50 times the weight (in pounds) of the shipment, which would increase the valuation charge, on shipments released to a lump sum declared valuation equivalent to less than $1.50 per pound, by generally 50 cents per $100 applied to the amount representing the difference between total valuation based on $1.50 per pound and total valuation based on $1.25 per pound. For example, on a 6,000-pound shipment between any two points, the present minimum lump sum declarable value is $7,500 at a charge (50 cents per $100) of $37.50, whereas under the proposal the minimum lump sum declarable value would be $9,000 at a charge of $45, which reflects an increase of $7.50.

On January 10, 1971, we received from General Services Administration a letter statement urging that any increase in the minimum lump sum declared value should be contingent upon a proportionate increase in the maximum released liability of 60 cents per pound per article, which governs the base rate. On January 28, 1971, we received a reply from the petitioner to the letter statement, urging the rejection of such statement because it is not in the form of a petition, does not oppose the modification sought by petitioner but to broaden the issue to include consideration of increasing the maximum released liability for the lowest level of rates, which petitioner urges will necessitate consideration of increasing the lowest level of rates. The modification sought also would require simultaneous and corresponding changes in rules governing the practices of motor common carriers of household goods, prescribed by the order in Ex Parte No. MC–19 and Ex Parte No. MC–61. Practices of Motor Common Carriers of Household Goods, supra, on pages 274 to 277. These regulations are now published in 49 CFR § 1056.12 and § 1307.201.

General public notification of the filing of the petition and the statement of General Services Administration will be given by publication of this notice in the FEDERAL REGISTER.

Any persons interested in the matters involved and who wish to actively participate in the proceedings and to file and receive copies of pleadings shall make that fact known by notifying the Commission on or before 30 days from the publication of this notice in the FEDERAL REGISTER, advising the Status Branch, Office of Proceedings, Interstate Commerce Commission, whether they support or oppose the modifications. To avoid duplication, the Household Goods Carriers' Bureau and General Services Administration will be considered as parties without further notification. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceedings.

As soon as possible after the date for indicating a desire to participate in the proceedings has passed, a determination will be made of the further action necessary, and if required the Commission's Office of Proceedings, if further proceedings are deemed warranted by the Commission, will serve a list of the names and addresses of all persons upon whom service of future pleadings must be made. It is not contemplated that any further general public notices will be published in the FEDERAL REGISTER. Subsequent notices and/or orders entered in these proceedings will be served solely on the persons who become parties by responding to this notice, on the petitioner, and on the General Services Administration.

Copies of this notice are being sent to the petitioner, the General Services Administration, and Federal, and all known State, county, city, and voluntary consumer offices and organizations.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–2886 Filed 3–2–71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71–65]

FISH

Tariff Rate Quota

FEBRUARY 24, 1971.

In accordance with item 110.50 of part 3, schedule 1, Tariff Schedules of the United States, it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks, of cod, cusk, haddock, hake, pollock, and rosefish, in the 3 years preceding 1971, calculated in the manner provided for in headnote 1, part 3A, schedule 1, was 202,193,637 pounds. The quantity of fish that may be imported for consumption during the calendar year 1971 at the reduced rate of duty under item 110.50 is, therefore, 30,329,046 pounds.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71–2845 Filed 3–2–71;8:46 am]

WELDED-WIRE MESH FROM BELGIUM

Antidumping Proceeding Notice

FEBRUARY 23, 1971.

On November 23, 1970, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that welded-wire mesh from Belgium is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71–2894 Filed 3–2–71;8:49 am]

[T.D. 71–66]

LESLIE H. GRAVES

Cancellation of Customhouse Broker's Licenses

FEBRUARY 25, 1971.

Notice is hereby given that the Commissioner of Customs on February 25, 1971, pursuant to section 641, Tariff Act of 1930, as amended, and § 111.51(b), Customs Regulations, as amended, upon the specific requests of Leslie H. Graves canceled with prejudice customhouse broker's license No. 2119 issued to him on May 14, 1946, for Customs District No. 23 (now the Customs District of Laredo) and customhouse broker's license No. 2882 issued to him on August 15, 1955, for Customs District No. 22 (now the Customs District of Houston). The Commissioner's decision is effective as of February 25, 1971.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71–2895 Filed 3–2–71;8:49 am]

[T.D. 71–67]

WILLIAM RAYMOND ROWE

Cancellation of Customhouse Broker's License

FEBRUARY 25, 1971.

Notice is hereby given that the Commissioner of Customs on February 25, 1971, pursuant to section 641, Tariff Act of 1930, as amended, and section 111.51 (b), Customs Regulations, as amended, upon the specific request of William Raymond Rowe, San Francisco, Calif., canceled with prejudice customhouse broker's license No. 3538 issued to him on September 19, 1963, for Customs District No. 28 (now the Customs District of San Francisco). The Commissioner's decision is effective as of February 25, 1971.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71–2896 Filed 3–2–71;8:49 am]

[T.D. 71–68]

COFFEE

Special Classes of Merchandise; Import Quota

Notice of extension of International Coffee Agreement Act of 1968 and import quota on coffee from nonmember countries of the International Coffee Organization.

Public Law 91–694 (84 Stat. 2077), approved January 12, 1971, has amended section 302 of the International Coffee Agreement Act of 1968 (19 U.S.C. 1356f) by striking out the date of October 1, 1970, and inserting in lieu thereof July 1, 1971. The law provides that this amendment shall take effect as of October 1, 1970.

The Department of State has requested the Bureau to authorize the entry during the period of January 1, 1971–June 30, 1971, of 1,773,427 pounds of green coffee from nonmember countries, in order to maintain conformity with Article 45 of the International Coffee Agreement.

Accordingly, the following quota is prescribed for coffee of nonmember origin imported into the United States.

Period	Quota (in pounds of green coffee)
January 1, 1971–June 30, 1971	1,773,427

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: February 23, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71–2897 Filed 3–2–71;8:49 am]

Internal Revenue Service

JOHN STANLEY CICHON

Notice of Granting of Relief

Notice is hereby given that John Stanley Cichon, 36 Maywood Lane, Bristol, CT, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on September 22, 1964, and on December 16, 1965, in the Hartford County Superior Court, Hartford, Conn., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted it will be unlawful for John Stanley Cichon because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for John Stanley Cichon to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Stanley Cichon's application and:

1. I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act, and

2. It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that John Stanley Cichon be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 10th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2848 Filed 3-2-71;8:46 am]

EVERETT D. DAWSON

Notice of Granting of Relief

Notice is hereby given that Everett D. Dawson, 3985 Woodside Road, Woodside, Calif., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 27, 1965 in the U.S. District Court, San Francisco, Calif., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Everett D. Dawson because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Everett D. Dawson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Everett D. Dawson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Everett D. Dawson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2849 Filed 3-2-71;8:46 am]

DAVID HERBERT HANSON

Notice of Granting of Relief

Notice is hereby given that David Herbert Hanson, 216 West Curtis Street, Space 33, Aberdeen, WA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 2, 1970, in the Superior Court of the State of Washington for Thurston County, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for David H. Hanson because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for David H. Hanson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered David H. Hanson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that David H. Hanson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2850 Filed 3-2-71;8:46 am]

OTIS JACKSON

Notice of Granting of Relief

Notice is hereby given that Otis Jackson, 4709 McDougall, Detroit, MI 48207, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 16, 1961, in the Bessemer Division of the 10th Judicial Circuit Court, Jefferson County, Ala., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Otis Jackson because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Otis Jackson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Otis Jackson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Otis Jackson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 12th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2851 Filed 3-2-71;8:46 am]

RUDOLPH POE

Notice of Granting of Relief

Notice is hereby given that Rudolph Poe, 18400 Conley Street, Detroit, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 18, 1949, in The Recorders Court of the City of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Rudolph Poe because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Rudolph Poe to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Rudolph Poe's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, Title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), Title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Rudolph Poe be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2852 Filed 3-2-71;8:46 am]

EDWIN RAY WELLS

Notice of Granting of Relief

Notice is hereby given that Edwin Ray Wells, Post Office Box 15, West Hartford, VT, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 12, 1949, in the Hartford Municipal Court, Windsor County, Vt., of three counts of grand larceny, crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Edwin Ray Wells because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Edwin Ray Wells to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Edwin Ray Wells' application and:

1. I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

2. It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Edwin Ray Wells be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 12th day of February 1971:

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2853 Filed 3-2-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

MONTANA, ET AL.

Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Pursuant to 43 CFR 3120.2-2(b) notice is hereby given that the known geologic structures of producing oil and gas fields have been defined as follows:

NAMES OF FIELD, EFFECTIVE DATE, ACREAGE

(26) MONTANA

Keg Coulee, December 30, 1970; 4,081.

(31) NEW MEXICO

Cinta Rojo, October 20, 1970; 1,000.
Red Hills, October 20, 1970; 2,560.
West Jal, October 20, 1970; 1,840.

(34) NORTH DAKOTA

Blue Buttes, October 29, 1970; 24,363.
Medora, October, 29, 1970; 7,419.

(50) WYOMING

East Salt Creek, November 12, 1970; 1,880.
Fence Creek, December 28, 1970; 1,494.
Gas Draw, November 9, 1970; 8,700.
North Oregon Basin, January 11, 1971; 5,036.
Ute, November 5, 1970; 7,859.
Yellow Hammer, January 15, 1971; 840.

Maps and diagrams showing the boundaries of the defined structures have been filed with the appropriate land office of the Bureau of Land Management and are also of record in the Geological Survey, Washington, D.C.

W. A. RADLINSKI,
Acting Director.

FEBRUARY 24, 1971.

[FR Doc.71-2839 Filed 3-2-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 24]

SOUTHERN RAILWAY SYSTEM

Petition for Relief From Requirement of Initial Terminal Road Train Air Brake Tests

Petition of Southern Railway System for relief from the requirement of initial terminal road train air brake tests, 49 CFR 232.12.

At the request of counsel for the United Transportation Union and the Brotherhood of Railroad Carmen the hearing in this proceeding now set in Atlanta, Ga., on March 16, 1971, is changed to Cincinnati, Ohio.

This is a place change only. The hearing will be now held in room 9017, Federal Office Building, 550 Main Street, Cincinnati, Ohio, on March 16, 1971, beginning 9:30 a.m., e.s.t.

Dated this 24th day of February 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings & Proceedings and Hearing Examiner.

[FR Doc.71-2836 Filed 3-2-71;8:45 am]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Notice of Intention of Secretary of Transportation To Make Findings

The Trustee of the property of the Central Railroad Company of New Jersey has filed an application for the guarantee of trustee certificates in the

principal amount of $10 million by the Secretary of Transportation under the Emergency Rail Services Act of 1970 (Public Law 91–663, 84 Stat. 1975).

Notice is hereby given of the Secretary of Transportation's intention to make findings not less than 15 days from publication in accordance with the authority vested in him by section 3(a) of the Emergency Rail Services Act of 1970. Interested persons may submit such written data, views, and arguments as they deem desirable. Requests for opportunity to make oral presentation may be addressed to me, Carl V. Lyon, Acting Administrator, Federal Railroad Administration, Room 5424, 400 Seventh Street SW., Washington, DC 20591.

Issued in Washington, D.C., on the 1st day of March, 1971.

[SEAL] CARL V. LYON,
Acting Administrator.

[FR Doc.71-2997 Filed 3-2-71;9:33 am]

Urban Mass Transportation Administration

PROPOSED URBAN MASS TRANSPORTATION DEMONSTRATION OF A TRACKED AIR CUSHION VEHICLE (TACV) SYSTEM IN THE WASHINGTON, D.C. METROPOLITAN AREA

Notice of Draft Environmental Statement

The proposed project is a demonstration of an innovative 150 m.p.h. ground transportation technology, employing a linear induction propulsion system, and an air cushion suspension system. A 60–passenger vehicle will utilize a specially constructed guideway along the median strip of the Dulles Airport Access Road from Dolley Madison Boulevard (Virginia route 123) to the Dulles International Airport terminal, connecting with two temporary loading platforms and related facilities.

Pursuant to the National Environmental Policy Act of 1969, Council on Environmental Quality (CEQ) guidelines, and Departmental policy, notice is hereby issued that a draft environmental statement on the proposed Dulles Airport TACV Access Project is being circulated for comment to Federal agencies having jurisdiction by law or special expertise with regard to the environmental impact of the project, and to State and local agencies and units of government.

The public and interested organizations are also invited to comment on the environmental impact of the proposed action. The draft statement is available upon written request or in person at the address below. Information relating to the project (including preliminary route alignment and technical specifications) may be inspected by appointment during the hours of 8:30 to 5 p.m. weekdays.

Comments should be addressed in writing to:

Director of Special Projects, Urban Mass Transportation Administration, Department of Transportation, 400 Seventh Street SW. (Room 9315), Washington, DC 20590.

Comments should be received not later than 12:01 p.m. e.s.t., March 29, 1971.

Issued at Washington, D.C., on February 25, 1971.

H. W. MERRITT,
Director of Special Projects.

[FR Doc.71-2842 Filed 3-2-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-187]

NORTHROP CORP.

Notice of Issuance of Amended Facility License

The Atomic Energy Commission has issued Amendment No. 8 to Facility License No. R-90 to the Northrop Corp. The license authorizes the Northrop Corp. to possess and operate its TRIGA Mark F nuclear reactor located at Hawthorne, Calif. The amendment incorporates Technical Specifications for operation of the reactor facility in accordance with the application for license amendment dated June 6, 1967, and supplements thereto. The amendment, which republishes the license in its entirety, eliminates the record keeping and reporting requirements since they are now incorporated in the Technical Specifications.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of the proposed issuance of this amended license is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated June 6, 1967, and supplements thereto dated July 26, 1968, July 1 and 22, and November 19, 1969, and (2) the amendment to the facility license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the amendment may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 18th day of February 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-2854 Filed 3-2-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 23147, 22859; Order 71-2-119]

AIR WEST AND UNITED AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1971.

Increased rates on fish and seafood proposed by Air West (Hughes Air Corp. doing business as Air West) and United Air Lines, Inc., Docket 23147; Domestic Air Freight Rate Investigation, Docket 22859.

By tariff revisions[1] filed January 29, and marked to become effective March 1, United Air Lines, Inc. (United), and Air West[2] propose to increase or cancel joint rates on fish and seafood applying from Twin Falls, Idaho, to selected eastern destinations via Air West to Salt Lake City, and United beyond, as follows:

(1) Rates to Chicago, Cleveland, Detroit, and New York/Newark would be raised to levels equal to currently effective general commodity rates from Salt Lake City.

(2) Rates to Akron/Canton would be canceled, resulting in the application of the sum of the local general commodity rates.

The proposed higher joint specific commodity rates are subject to an expiration date of December 31, 1971. At the end of this period, the sums of local general commodity rates would be applicable unless other rates are made effective,

[1] Revisions to Airline Tariff Publishers, Inc., Agent's Tariff CAB No. 158.

[2] Certificates of public convenience and necessity formerly held by Air West, Inc. were transferred to Hughes Air Corp. by Order 70-4-15 dated Apr. 3, 1970. By Order 70-6-27, June 3, 1970, the Board authorized Hughes Air Corp. to use the trade name and engage in air transportation under the name of Air West.

In support of their proposal, the carriers state, inter alia, that the joint rates from Twin Falls are considerably lower than United's general commodity rates from Salt Lake City to eastern destinations for shorter distances, and that in consideration of the value of service and the traffic volume currently moving under the existing joint rates, the lower rate levels from Twin Falls via Salt Lake City are no longer justified. Rates to Akron/Canton are to be canceled due to insufficient traffic and lack of available service.

A complaint requesting investigation and suspensions has been filed jointly by Thousand Springs Trout Farms, Inc., and Clear Springs Trout Co., Inc. The complainants assert, in their petition, inter alia, that (1) the proposed rates would seriously injure the shippers of fresh fish; (2) the present traffic amounts to over 350,000 pounds per year to the involved destinations, and (3) trout farmers have invested large sums in trepans and processing plants.

Upon consideration of the complaint and other relevant matters, the Board finds that the proposed rates from Twin Falls to Chicago and New York/Newark may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

The rates proposed in these markets will result in increases ranging between 25 and 51 percent, relatively sharp increases which would apparently result in significant shipper impact. The annual volume of traffic of fresh trout transported under the current specific commodity rates amounts to 150,000 pounds to New York and 70,000 pounds to Chicago. Our suspension is based on the concept, implemented in a number of previous Board orders, that carriers should not be permitted large increases at one time because of the significant impact the increases may have on shippers. (Orders 69–2–111, 69–3–94, 69–5–65, and 69–5–105).

The carriers present no cost evidence purporting to show that the current rates for the commodities and markets in the proposal are unduly low and that the proposed rates would be reasonable. The carriers' contention that the current rates from Twin Falls are lower than the rates from Salt Lake City, involving shorter distances is not, per se, persuasive that the rates from Twin Falls are unduly low, nor does it support the application of a significant increase in the rates in the absence of investigation.

The Board is aware of United's overall financial situation and all-cargo operating losses. (Air West has been reporting operating losses after subsidy). By Order 70–12–143, December 28, 1970, the Board permitted United, inter alia, to cancel the 100-pound weight break for most specific commodity rates and to increase numerous specific commodity rates from $1.25 to $1.50 per 100 pounds. The Board stated that adjustments to specific commodity rates aimed at improving the economics of such transportation lie to a substantial degree within the discretion of the carriers. No complaints had, however, been filed against United's specific commodity rate proposals.

With respect to the tariff revisions proposed for Cleveland, Detroit, and Akron/Canton, the Board, upon consideration of all relevant matters, finds that the complaint does not set forth facts sufficiently to warrant suspension, and the request therefor will consequently be denied. The rates will automatically be under investigation in Docket 22859, Domestic Air Freight Rate Investigation.

The moderate increases proposed to Cleveland and Detroit, ranging between 3 and 9 percent, will apparently not result in significant shipper impact. The traffic involved in these two markets is apparently of relatively small volume: 35,000 pounds annually to Cleveland and 7,000 pounds to Detroit, according to the complaint.

The proposed cancellation of the joint current specific commodity rates to Akron/Canton would result in the application of the sum of local general commodity rates. While the resulting increases in rates will be relatively high, the carriers in their support indicate that the traffic volume is insignificant, a claim not denied in the complaint.

As indicated, except for the proposed rate increases to Chicago and New York-Newark, the Board is permitting the proposed tariff revisions to become effective. In this regard the carriers have proposed to extend the present expiry date on these commodity rates to all the named markets (except Akron/Canton) from June 30, 1971, to December 31, 1971, and this revision will also be permitted to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions (except those provisions reading "Expires with December 31, 1971") on Item No. 920 from Twin Falls, Idaho, to Chicago, Ill., and New York, N.Y.-Newark, N.J., via the routing RW–SLC–UA on Original Page 230 and 1st Revised Page 230 of the Airline Tariff Publishers, Inc., Agent's CAB No. 158, and rules, regulations, or practices affecting such rates and provisions (except those provisions reading "Expires with December 31, 1971"), are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions (except those provisions reading "Expires with December 31, 1971"), and rules, regulations, and provisions (except those provisions reading "Expires with December 31, 1971");

2. Pending hearing and decision by the Board, the rates and provisions (except those provisions reading "Expires with December 31, 1971"), on Item No. 920 from Twin Falls, Idaho, to Chicago, Ill., and New York, N.Y.-Newark, N.J., via the routing RW–SLC–UA on original Page 230 and 1st Revised Page 230 of Airline Tariff Publishers, Inc., Agent's CAB No. 158 are suspended and their use deferred to and including May 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein, designated as Docket 23147, is assigned for hearing before an examiner of the Board, at a time and place hereafter to be designated;

4. The complaint of Thousand Springs Trout Farms, Inc., and Clear Springs Trout Co., Inc., in Docket 23094, is dismissed, except to the extent granted herein; and

5. Copies of this order shall be filed with the tariffs and served upon United Air Lines, Inc., Air West (Hughes Air Corp. doing business as Air West), Thousand Springs Trout Farms, Inc., and Clear Springs Trout Co., Inc., which are hereby made parties to Docket 23147.

This order will be published in th FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2880 Filed 3-2-71;8:48 am]

[Docket No. 23146; Order 71-2-117]

L. T. C. AIR CARGO INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1971.

By tariff revision[1] filed January 29, and marked to become effective March 1, 1971, L. T. C. Air Cargo Inc. (LTC), an air freight forwarder, proposes to increase its excess valuation charge on all commodities domestically from 20 cents to 25 cents for each $100 (or fraction thereof) by which the declared value of the shipment exceeds 50 cents per pound or $50 per shipment, whichever is greater. Most major forwarders currently have an excess valuation charge of 15 cents per $100 by which the declared value exceeds 50 cents per pound or $50 per shipment, whichever is greater. The Board has consistently suspended, pending investigation, proposed increases above this level, absent a showing that the charges do not cover the loss stemming from excess valuation declarations.[2]

[1] Revision to L. T. C. Air Cargo Inc., Tariff C.A.B. No. 1.

[2] In recent actions, the Board suspended, pending investigation, increased excess valuation charges proposed by: (1) Shulman Air Freight (Order 69–5–78, May 19, 1969, and Order 69–9–107, Sept. 18, 1969); (2) Eagle Air Dispatch, Inc. (Order 69–10–155, Oct. 31, 1969); (3) Satellite Air Freight, Inc. (Order 70–10–92, Oct. 19, 1970), and Hop Air Freight Forwarder, Inc. (Order 70–11–84, Nov. 19, 1970).

LTC has provided no data on the relationship between revenues from current excess value charges and losses from claims paid on shipments for which such valuation charges have been paid, nor otherwise supported the proposed increase.

Upon consideration of all relevant factors, the Board finds that the proposed excess valuation charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the proposed rule should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions and charges in rule No. 95(A) on 3d Revised Page 9 of L.T.C. Air Cargo Inc.'s CAB No. 1, and rules, regulations, or practices affecting such provisions and charges, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions and charges, and rules, regulations, and practices affecting such provisions and charges;

2 Pending hearing and decision by the Board, the provisions and charges in rule No. 95(A) on 3d Revised Page 9 of L.T.C. Air Cargo Inc.'s CAB No. 1 are suspended and their use deferred to and including May 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated as Docket 23146, be assigned before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon L.T.C. Air Cargo Inc., who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2881 Filed 3-2-71;8:48 am]

[Dockets Nos. 23145, 21474; Order 71-2-116]

TRANS WORLD AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1971.

Increased specific commodity rates on live animals and birds proposed by Trans World Airlines, Inc., Docket 23145; in the matter of air freight rates on live animals and birds, Docket 21474.

By tariff[1] filed January 29, 1971, and marked to become effective March 1, 1971, Trans World Airlines, Inc. (TWA) proposes, inter alia, to delete most specific commodity rates at weight breaks under 500 pounds. This would result in the application of the general commodity rates to those shipment weights.

A complaint requesting suspension pending investigation of TWA's proposal as it would apply to rates on Item 466, tropical fish and live animals (when in mixed shipments with tropical fish but not exceeding 10 percent of the total shipment weight), has been filed by the Aquarium Supply Co., Division of Sternco Industries, Inc. (ASCO). The complaint states, inter alia, that TWA's proposal is inadequately justified; that the economic impact of the proposal would cause irreparable harm to ASCO; and that ASCO cannot tender shipments of 500 pounds and over in most of its markets.

In answer to the complaint and in justification of its proposal, TWA asserts, among other things, that the proposed increases are not penalizing live animal and bird traffic but that this traffic is being required to carry the same cost burden as other general commodity traffic; that the present Item 466 rates are economically unsound, particularly under TWA's present financial situation; that only a miniscule portion of ASCO's traffic would be affected; and that the other carriers have been permitted to similarly increase their specific commodity rates.

Upon consideration of the complaints and other relevant matters, the Board finds that TWA's proposal, to the extent that it applies to Item 466, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

TWA's proposal to cancel weight breaks below 500 pounds for Item 466 rates would result in increases of about 30 percent that would have a significant impact upon shippers as evidenced by the complaint. The proposed increases of this magnitude would be contrary to the Board's policy against large freight rate increases in one step. While carriers have generally been permitted considerable flexibility in adjusting specific commodity rates, the instant proposal goes well beyond any previously established parameters on the maximum increases acceptable without investigation when there is indication of a sharp impact on shippers. All of TWA's proposed rates will automatically be under investigation in Docket 22859, Domestic Air Freight Rate Investigation and the rates on live animals in Docket 21474. In the matter of air freight rates on live animals and birds.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof.

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A attached hereto,[2] and rules, regulations, and practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto are suspended and their use deferred to and including May 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint by the Aquarium Supply Co., Division of Sternco Industries, Inc., in Docket 23086 is dismissed;

4. The proceeding herein, designated Docket 23145, be assigned to hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon Trans World Airlines, Inc., and the Aquarium Supply Co., Division of Sternco Industries, Inc., which are hereby made parties to Docket 23145.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc. 71-2882 Filed 3-2-71;8:48 am]

[Docket No. 22098]

UNIVERSAL AIRLINES, INC.

Notice of Hearing Regarding Cargo Charter Charges

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 30, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., February 26, 1971.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[FR Doc.71-2879 Filed 3-2-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

RETZLOFF CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1115) has been filed by The Retzloff Chemical Co., Post Office Box 45296, Houston, TX 77045, proposing the establishment of an exemption from requirement of tolerances (21 CFR Part 420) for residues of poly(methylene-*p-tert*-butylphenoxy)-poly(oxyethylene)ethanol, the poly(oxyethylene) content averaging 4–12 moles, when used as an adjuvant in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.

The analytical method proposed in the petition for determining residues of the adjuvant is the method of P. W. Flanagan and R. A. Greff, J. Amer. Oil Chemist, 40:118 (1963).

Dated: February 26, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticide Office.

[FR Doc.71-2900 Filed 3-2-71;8:50 am]

RETZLOFF CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1114) has been filed by the Retzloff Chemical Co., Post Office Box 45296, Houston, TX 77045, proposing the establishment of an exemption from requirement of tolerances (21 CFR Part 420) for residues of poly(methylene-p-nonylphenoxy)-poly(oxyethylene)ethanol, the poly(oxyethylene) content averaging 4–12 moles, when used as an adjuvant in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.

The analytical method proposed in the petition for determining residues of the adjuvant is the method of P. W. Flanagan and R. A. Greff, J. Amer. Oil Chemist, 40:118 (1963).

Dated: February 26, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-2901 Filed 3-2-71;8:50 am]

RETZLOFF CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1113) has been filed by the Retzloff Chemical Co., Post Office Box 45296, Houston, TX 77045, proposing the establishment of an exemption from requirement of tolerances (21 CFR Part 420) for residues of alpha-(*p-tert*-butyl)-omega-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monothanolamine, potassium, sodium, and zinc salts of the phosphate esters; the poly(oxyethylene) content averaging 4–12 moles, when used as an adjuvant in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.

The analytical method proposed in the petition for determining residues of the adjuvant is the method of L. E. Cohen and F.W. Czech, Chem. Analyst, 47:86–87 (1958).

Dated: February 26, 1971.

R. E. JOHNSON,
Acting Commisioner,
Pesticides Office.

[FR Doc.71-2902 Filed 3-2-71;8:50 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1132) has been filed by the Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, proposing the establishment of tolerances (21 CFR Part 420) for residues of the insecticide 2,2-dichlorovinyl dimethyl phosphate in or on nonperishable bulk stored raw agricultural commodities at 0.5 part per million resulting from dispersion of the insecticide from resin strips used in bulk storage areas.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with a thermionic detector.

Dated: February 26, 1971.

R. E. JOHNSON,
Acting Commisioner,
Pesticides Office.

[FR Doc.71-2903 Filed 3-2-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-164]

SINGLE SIDEBAND EMISSIONS

Order Deleting Limitations on Certain Aircraft Radio Station Licenses

1. The Commission on June 26, 1968, adopted a report and order in Docket 17858 which, among other things, amended § 87.67(b)(1) of the Commission's rules to provide for the regular use of suppressed carrier single sideband emissions in aircraft stations when it is known that the receiving station is capable of receiving such emissions.

2. Prior to the above amendment of the rules, aircraft stations, when using single sideband equipment, were not authorized to use suppressed carrier emissions except under a developmental authorization. Aircraft radio station licenses which were issued prior to the rule amendment contained special provisions limiting the single sideband operation to the transmission of full carrier (A3H) emission. These provisions were included in order to protect stations using double sideband equipment.

3. In a letter to the Commission, Aeronautical Radio, Inc. directs attention to an operational evaluation of 3A35 emission on a family of high frequencies used on the North Atlantic air routes. ARINC suggests that license restrictions may prevent some U.S. aircraft from participating in the program; and in light of the amended rule, recommends that the Commission lift the restriction on current aircraft licenses in order that single sideband suppressed carrier operations may be conducted in accordance with the present rule. ARINC suggests that the license restrictions be lifted without the administrative need for license modification.

4. The use of single sideband suppressed carrier operations continues to increase in the aeronautical mobile service. The remaining double sideband operation is protected by the present provisions of the rules. Suppressed carrier emissions may be used when it is known that the receiving station is capable of handling that kind of emission, and full carrier must be used at the request of any other user of the same frequency. Accordingly, it appears that the license restrictions are no longer necessary and should be removed.

5. In view of the above: *It is ordered*, That effective immediately, the licensee of any aircraft radio station authorized to use frequencies below 30 MHz as set forth in Part 87 of the Commission's rules and an appropriate transmitter may employ A3A and A3J emission in accordance with § 87.67(b) of the Commission's rules notwithstanding license provisions to the contrary.

Adopted: February 18, 1971.

Released: February 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2913 Filed 3-2-71;8:51 am]

FEDERAL MARITIME COMMISSION

[No. 70-46; Independent Ocean Freight Forwarder License No. 1132]

MARIO J. MACCHIONE

Notice of Adoption of Initial Decision; Order of Suspension

Notice is hereby given that the Commission has determined to adopt the initial decision of the Examiner in this proceeding served February 9, 1971, the effect of which is to suspend respondent's freight forwarder license for a period of 90 days.

Therefore, it is ordered, that independent ocean freight forwarder license No. 1132, issued in the name of Mario J. Macchione, is hereby suspended for a period of 90 days from the date of service of this order.

[1] Commissioner Bartley absent.

[1] Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 158.

[2] Attachment A filed as part of the original document.

It is further ordered that license No. 1132 be returned to the Commission to be held during the period of suspension which will expire May 27, 1971.

It is further ordered that copy of this notice be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-2864 Filed 3-2-71;8:47 am]

COMPAGNIE MARITIME DES CHARGEURS REUNIS, S.A. AND ELDER DEMPSTER LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Raymond P. de Member, Esquire, Haight, Gardner, Poor & Havens, Federal Bar Building, 1815 H Street NW., Washington, DC 20006.

Agreement No. 9475-2, between Compagnie Maritime des Chargeurs Reunis, S.A. and Elder Dempster Lines, Ltd. modifies the basic sailing agreement in the trade between U.S. Atlantic and Gulf ports and West African ports (south of the southerly border of Rio de Oro, Spanish Sahara, and north of the northerly border of Southwest Africa), including the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes, also the Islands of Fernando Po, Principe, and San Thome in the Gulf of Guinea. The modification expands the geographic scope to include U.S. Great Lakes ports in the trade covered by the agreement, and further provides authority for the parties to agree upon and establish rates and charges in any trades within the scope of the agreement where the parties are not conference members.

Dated: February 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-2865 Filed 3-2-71;8:47 am]

GREAT LAKES-UNITED KINGDOM WESTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

L. S. Bissell, Executive Officer, Great Lakes-United Kingdom Westbound Conference, 1 Como Street, Romford, RM7 7DL, Essex, England.

Agreement No. 8140-5 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970, and restates the basic agreement in its entirety.

Dated: February 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-2866 Filed 3-2-71;8:47 am]

SOUTH ATLANTIC STEAMSHIP CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interesting parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Strect NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

E. J. Middleton, Chairman, South Atlantic Steamship Conference, Post Office Box 96, Savannah Bank and Trust Building, Savannah, GA 31402.

Agreement No. 8310-8 amends the basic agreement to include the mandatory self-policing provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: February 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-2867 Filed 3-2-71;8:47 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (71-2)]

VARIOUS DRAFT ENVIRONMENTAL IMPACT STATEMENTS

Public Notice Regarding Availability

Notice is hereby given of the public availability of draft Environmental Impact Statements with respect to the following programs and installations of the National Aeronautics and Space Administration:

(a) The NASA Quiet Engine Program. The objective of this program is to develop and demonstrate the feasibility of significantly reducing the generation of noise by aircraft engines. As the statement relates, the main testing under this program at NASA installations will be at the Lewis Research Center and adjacent Hopkins Airport, Cleveland, Ohio.

(b) The NASA Space Shuttle Program. The objective of this program is to develop a reusable rocket-powered booster and orbiting vehicle system capable of a high launch rate and a short turnaround time for reuse. The environmental statement discusses, in particular, the proposed shuttle engine testing at the NASA Mississippi Test Facility, Bay St. Louis, Miss., and at the Arnold Engineering Development Center, Tullahoma, Tenn.

(c) The NASA installation at the John F. Kennedy Space Center, Kennedy Space Center, Fla. This statement describes the Kennedy Space Center, its missions and operations, and the responsibilities and operations of the Kennedy Space Center at the Eastern Test Range (Cape Kennedy Air Force Station), and at the Western Test Range, Vandenburg Air Force Base, Calif.

(d) The NASA installation at the Langley Research Center, Langley Field, Va. This statement describes the Langley Center, its missions and operations.

(e) The NASA installation at the Lewis Research Center, Cleveland, Ohio. The statement describes the center, its missions and operations, and the Plum Brook Station of the Lewis Research Center located near Sandusky, Ohio.

Comments on the draft Environmental Statements and on matters set forth therein are solicited from, and may be submitted by, State and local agencies and members of the public. Such comments should be submitted to the Associate Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments must be received by May 1, 1971, in order to be considered in the preparation of any final environmental statement and in the ultimate program or activity reassessment.

Copies of the draft statements may be purchased (price $1 each) or examined at any of the following locations:

(a) NASA Public Documents Room (Room 126), 600 Independence Avenue SW., Washington, DC 20546.

(b) NASA Ames Research Center (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) NASA Flight Research Center (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) NASA Goddard Space Flight Center (Building 8, Room 150), Greenbelt, Md. 20771.

(e) NASA John F. Kennedy Space Center (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) NASA Langley Research Center (Building 1219, Room 304), Langley Station, Hampton, Va. 23365.

(g) NASA Lewis Research Center (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, Ohio 44135.

(h) NASA Manned Space Center (Building 1, Room 136), Houston, Tex. 77058.

(i) NASA George C. Marshall Space Flight Center (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) NASA Mississippi Test Facility (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, Calif. 91103.

(l) NASA Wallops Station (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C. this 1st day of March, 1971.

By direction of the Acting Administrator.

HOMER E. NEWELL, *Associate Administrator, National Aeronautics and Space Administration.*

[FR Doc.71-2977 Filed 3-2-71;8:51 am]

FEDERAL RESERVE SYSTEM

MIDATLANTIC BANKS INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Midatlantic Banks Inc., which is a bank holding company located in Newark, N.J., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Citizens National Bank, Englewood, N.J.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

By order of the Board of Governors, February 25, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-2837 Filed 3-2-71;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

FREEMAN COAL MINING CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a renewal permit for noncompliance with the Interim Mandatory Dust Standard (3.0 mg/m3) has been accepted for consideration as follows:

(1) ICP Docket No. 11108, Freeman Coal Mining Corporation, Orient No. 3 Mine, USBM ID No. 11 00600 0, Waltonville, Jefferson County, Ill., section ID No. 010 (7 West Main South West North).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK, *Chairman, Interim Compliance Panel.*

FEBRUARY 25, 1971.

[FR Doc.71-2844 Filed 3-2-71;8:46 am]

TARIFF COMMISSION

CERTAIN WINDOW GLASS

Report to the President

FEBRUARY 26, 1971.

The U.S. Tariff Commission, in a report sent to the President today on recent developments in the trade in certain window glass, reported that both

domestic shipments and imports of window glass declined in 1970. U.S. producers' shipments during the period January–September 1970 were 7 percent smaller in volume than in the corresponding period of 1969; domestic shipments of window glass had been at a high point in 1969. U.S. imports of all window glass were 29 percent smaller in January–September 1970 than in the first 9 months of 1969. Imports of window glass in January–September 1970 supplied about 21 percent of apparent U.S. consumption of such glass, compared with about 25 percent in the corresponding period of 1969.

The Commission report was submitted to the President in accordance with section 351(d)(1) of the Trade Expansion Act of 1962, which provides as follows:

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

Most window glass (i.e., that measuring 100 united inches (length plus width) or less) is currently dutiable at escape-clause rates that are considerably higher than the trade-agreement rates. The escape-clause rates are presently scheduled to remain in effect until January 31, 1972; thereafter, the rates are scheduled to be reduced to the trade-agreement rates in three equal annual steps.

Copies of the public report (TC Publication 364) will be available on request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Sts. NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-2893 Filed 3-2-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 26, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42141—*Ethylene Glycol from Taft, La.* Filed by Southwestern Freight Bureau, agent (No. B-214), for interested rail carriers. Rates on ethylene glycol, in tank carloads, as described in the application, from Taft, La., to Graingers and Rocky Mount, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 65 to Southwestern Freight Bureau, agent, tariff ICC 4867.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2887 Filed 3-2-71;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 26, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 36947, received in the Interstate Commerce Commission on February 21, 1971. Applicant: ORTNER AIR SERVICE, INC., Wakeman, OH. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, OH 44113. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, having a prior or subsequent movement by air, over irregular routes, in an express service, between Lorain, and its commercial zone, and all airports within a radius of 50 miles of Lorain, Ohio, and its commercial zone. Both intrastate and interstate authority sought.

HEARING: Time, place, and date not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Ohio Public Utilities Commission, 111 North High Street, Columbus, OH 42315, and should not be directed to the Interstate Commerce Commission.

State Docket No. 71015-CCT, filed January 20, 1971. Applicant: FLORIDA TERMINALS & TRUCKING COMPANY, Post Office Box 13607, Orlando, FL 32809. Applicant's representative: James E. Wharton and Gregory A. Presnell, 506 First National Bank Building, Post Office Box 231, Orlando, FL 32802. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: (1) *Modular and prefabricated homes and buildings* designed to be assembled and erected at a permanent site (specifically excluding the transportation of mobile homes as defined by the Florida Public Service Commission), complete or knocked down, or sections, including all *component parts, fixtures, appliances, equipment, supplies, and materials*, incidental to the erection and completion of such homes or buildings and when shipped in connection therewith and (2) *General commodities*, except items of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between points in Orange, Brevard, Lake, Osceola, Polk, Seminole, Marion, Volusia, Indian River, and St. Lucie Counties and that portion of Martin County north of the St. Lucie River, Fla., restricted to traffic having a prior or subsequent movement by rail. NOTE: Applicant does not seek any duplicate authority, and intends to tack the requested authority with that which it presently holds. Both intrastate and interstate authority sought.

HEARING: April 13–16, 1971, at Winter Park District Office. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, FL 32304 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2888 Filed 3-2-71;8:49 am]

[Notice 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 26, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-13300 (Deviation No. 18), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, NC 27602, filed February 19, 1971. Carrier's representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Greenwood, Del., over Delaware Highway 16 to junction Delaware Highway 36, thence over Delaware Highway 36 to Milford, Del., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Greenwood, Del., over U.S. Highway 13 to junction Delaware Highway 14, thence over Delaware Highway 14 to Milford, Del., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2889 Filed 3-2-71;8:49 am]

[Notice 7]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 26, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-52110 (Deviation No. 7), BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312, filed February 16, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Wayne, Ind., over Interstate Highway 69 to Indianapolis, Ind., thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: (1) From Pittsburgh, Pa., over U.S. Highway 30 to Mansfield, Ohio, thence over U.S. Highway 30 to Dyer, Ind., thence over Alternate U.S. Highway 30 to Chicago, Ill.; and (2) from St. Louis, Mo., over U.S. Highway 66 to Chicago, Ill., and return over the same routes.

No. MC 52110 (Deviation No. 8), BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312, filed February 16, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Wayne, Ind., over Interstate Highway 69 to Indianapolis, Ind., thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Pittsburgh, Pa., over U.S. Highway 30 to Mansfield, Ohio, thence over U.S. Highway 30N to Delphos, Ohio, thence over U.S. Highway 30 to Dyer, Ind., thence over Alternate U.S. 30 to Chicago, Ill.; (2) from St. Louis, Mo., over U.S. Highway 66 to Chicago, Ill.; (3) from Omaha, Nebr., over U.S. Highway 6 to Council Bluffs, Iowa, thence over Iowa Highway 375 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction U.S. Highway 59, thence over U.S. Highway 59 to Tarkio, Mo., thence over U.S. Highway 136 to Maryville, Mo., thence over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 36 to Springfield, Ill.; and (4) from Des Moines, Iowa, over Iowa Highway 90 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 34, thence over U.S. Highway 34 to Osceola, Iowa, thence over U.S. Highway 69 to Kansas City, Mo., and return over the same routes.

No. MC-104004 (Deviation No. 38), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, NY 10017, filed February 16, 1971. Carrier's representative: Robert R. Redmon, 2001 Massachusetts Avenue NW., Washington, DC 20036. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Business Route U.S. Highway 6 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 20 at or near Fremont, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 120 (formerly Business Route U.S. Highway 20), thence over Ohio Highway 120 to Toledo, Ohio; and (2) from Toledo, Ohio, over Ohio Highway 51 (formerly Ohio Highway 120) to junction U.S. Highway 20, thence over U.S. Highway 20 to junction unnumbered highway (formerly portion of U.S. Highway 20), thence over unnumbered highway via Fremont, Ohio, to junction U.S. Highway 20, thence over U.S. Highway 20 to Cleveland, Ohio, thence over U.S. Highway 422 to Youngstown, Ohio, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2890 Filed 3-2-71;8:49 am]

[Notice 15]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 26, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 79135 (Sub-No. 44) (Republication) filed January 28, 1970, published in the FEDERAL REGISTER issue of February 27, 1970, and republished this issue. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, NY 13346. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated February 2, 1971, and served February 22, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) calendars, calendar bases, calendar date pads, calendar stands, and stationery, and (2) equipment, materials, and supplies used in the manufacture and sale of advertising matter and novelties, except in bulk, between Sidney, N.Y., on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, New Jersey, New York, Ohio, Pennsylvania, and Virginia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued, subject to the following conditions: (1) The coincidental cancellation at applicant's request of its certificate No. MC-79135 (Sub-No. 33) dated August 31, 1964, and (2) that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be

prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be permitted for a period of 30 days from the date of such publication, during which period any proper party in interest may file petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 104104 (Republication) (Petition for Modification of Certificate), filed October 23, 1969, published in the FEDERAL REGISTER issue of December 10, 1970, and republished this issue. Petitioner: GEORGE A. FETZER, INC., Augusta, N.J. Petitioner's representative: Edward F. Bowes, 1060 Broad Street, Newark, NJ 07102. A decision and order of the Commission, Review Board No. 1, dated January 28, 1971, and served February 8, 1971, finds, upon consideration of the petition, as amended, and the record in the above-entitled proceeding, that the present and future public convenience and necessity require operation by petitioner in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of plastic articles, and insulating material, from, and to the same points specified in the last two conferring paragraphs of petitioner's certificate No. MC–104104, such authority to be substituted for authority to transport rock wool and rock wool, in bags, rolls, and cartons, presently contained in the two referred to conferring paragraphs of certificate No. MC–104104. (1) From Netcong, N.J., to points in Connecticut, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along unnumbered highway through Shrewsbury and Jacobus, Pa., to junction Interstate Highway 83, thence along Interstate Highway 83 through York, Pa., to junction unnumbered highway, thence along unnumbered highway to junction Pennsylvania Highway 295, thence along Pennsylvania Highway 295 through Zions View and Strinestown, Pa., to junction Interstate Highway 83, thence along Interstate Highway 83 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line, and points in Putnam, Dutchess, Orange, Ulster, and Sullivan Counties, N.Y., with no transportation for compensation on return except as otherwise authorized.

(2) From Stanhope, N.J., to Washington, D.C., and points in Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York (except New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Putnam, Dutchess, Orange, Ulster, and Sullivan Counties, N.Y.), Pennsylvania (except points in that part of Pennsylvania on and east of a line extending from the Pennsylvania-Maryland State line along unnumbered highway through Shrewsbury and Jacobus, Pa., to junction Interstate Highway 83, thence along Interstate Highway 83 through York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction Pennsylvania Highway 295, thence along Pennsylvania Highway 295 through Zions View and Strinestown, Pa., to junction Interstate Highway 83, thence along Interstate Highway 83 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line), North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the petition as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a modified certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party interested may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107295 (Sub-No. 335) (Republication) filed March 16, 1970, published in the FEDERAL REGISTER issue of April 16, 1970, and republished this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). The modified procedure has been followed in this proceeding and a Report and Order of the Commission, Review Board No. 2, decided January 29, 1971, and served February 4, 1971, find that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of buildings, complete, knocked down, or in sections, from Westville, N.H., to points in Vermont, New York, Connecticut, Massachusetts, Rhode Island, Maine, and New Jersey, subject to the condition that the certificate herein be limited in point of time to a period expiring 3 years from the date of issue; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the grant of authority as originally published in the FEDERAL REGISTER may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114284 (Sub-No. 45) (republication) filed August 10, 1970, published in the FEDERAL REGISTER issue of September 3, 1970, and republished this issue. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, OK. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated January 28, 1971, and served February 22, 1971, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Oklahoma City, Okla., to points in Arizona, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Inasmuch as the grant of authority described herein duplicates applicant's existing authority to a certain extent, such grant of authority and applicant's existing authority that it duplicates shall be construed as conferring only a single operating right. Since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 121673 (Republication) filed October 28, 1970, published in the FEDERAL REGISTER issue of November 18, 1970, under State Docket No. MC 27289 Sub–1, and republished this issue. Applicant: JAMES SWINDLE, doing business as WESTERN MOTOR FREIGHT, 1430 West Sheridan, Oklahoma City, OK 73106. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, OK 73107. An order of the Commission, Operating Rights Board, dated January 29, 1971, and served February 5, 1971, finds that a certificate of registration should be issued to the above applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a common carrier, by motor vehicle, transporting the commodities or passengers from, to, or between the points, over the routes, or within the territory and in the manner described in the appendix below, and subject to such additional and further conditions as may be necessary to give effect to the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation set forth in the appendix below, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

Appendix: Description of the transportation service authorized to be conducted solely within the State of Oklahoma in intrastate commerce, as a common carrier by motor vehicle, pursuant to that portion of Motor Carrier Certificate No. MC–27289 Sub 1, granted by order dated January 19, 1971, issued by the Corporation Commission of Oklahoma: General commodities; (1) between Oklahoma City, Okla., and Madge, Okla., serving the intermediate points of Mangum, Reed, Vinson, Hobart, Lone Wolf, and Granite, Okla., serving the off-route points of Willow and Brinkman, Okla. From Oklahoma City, Okla., via U.S. Highway 66 and Interstate Highway 40 to Clinton, Okla., thence via U.S. Highway 183 to Hobart, Okla., thence via State Highway 9 to Madge, Okla., and return over the same route; (2) between Oklahoma City, Okla. and Altus, Okla., serving the intermediate points of Lugert and Blair, Okla. From Oklahoma City, Okla. via U.S. Highway 66 and Interstate Highway 40 to Clinton, Okla., thence via U.S. Highway 183 to Hobart, Okla., thence via State Highway 9 to Lone Wolf, Okla., thence via State Highway 44 to Altus, Okla., and return over the same route; (3) between Oklahoma City, Okla., and Snyder, Okla., serving all intermediate points between Snyder and Hobart, Okla. From Oklahoma City, Okla., via U.S. Highway 66 and Interstate Highway 40 to Clinton, Okla., thence via U.S. Highway 183 to Snyder, Okla., and return over the same route; (4) between Oklahoma City, Okla., and Hobart, Okla., serving all intermediate points between Snyder and Hobart, Okla. From Oklahoma City, Okla., via U.S. Highway 62 to its intersection with the H. E. Bailey Turnpike, thence via H. E. Bailey Turnpike to Lawton, Okla., thence via U.S. Highway 62 to Snyder, Okla., thence via U.S. Highway 183 to Hobart, Okla., and return over the same route;

(5) Between Oklahoma City, Okla., and Madge, Okla., serving all intermediate points between Snyder and Madge, Okla. From Oklahoma City, Okla., via U.S. Highway 62 to its intersection with the H. E. Bailey Turnpike, thence via H. E. Bailey Turnpike to Lawton, Okla., thence via U.S. Highway 62 to Altus, Okla., thence via U.S. Highway 283 to Mangum, Okla., thence via State Highway 9 to Madge, Okla., and return over the same route; (6) between Oklahoma City, Okla., and Hollis, Okla., serving the intermediate points of Duke and Gould, Okla., and between Hollis, Okla., and Madge, Okla., serving all intermediate points by the way of State Highway 30. From Oklahoma City, Okla., via U.S. Highway 62 to its intersection with the H. E. Bailey Turnpike, to Lawton, Okla., thence via U.S. Highway 62 to Hollis, Okla., and return over the same route; (7) between Oklahoma City, Okla., and Eldorado, Okla., serving the intermediate point of Olustee, Okla. From Oklahoma City, Okla., via U.S. Highway 62 to its intersection with the H. E. Bailey Turnpike, thence via H. E. Bailey Turnpike to Lawton, Okla., thence via U.S. Highway 62 to junction with State Highway 44, thence via State Highway 44 to Eldorado, Okla., and return over the same route; and (8) between Oklahoma City, Okla., and Hobart, Okla., as an alternate route only, serving no intermediate points. From Oklahoma City, Okla., via U.S. Highway 62 to H. E. Bailey Turnpike, thence via H. E. Bailey Turnpike to its intersection with State Highway 9, thence via State Highway 9 to Hobart, Okla., and return over the same route.

APPLICATION FOR CERTIFICATES OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 121066 (Sub-No. 3) filed February 8, 1971. Applicant: NEBRASKA TRANSPORT CO., INC., Post Office Box 621, Scottsbluff, NE 69321. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities generally* (except those requiring special equipment), between points in Box Butte, Morrill, Scottsbluff, Dawes, Sioux, and Sheridan Counties, Nebr., on the one hand, and, on the other, points in Nebraska. NOTE: Applicant states that the requested authority would be tacked at points in Morrill County, Nebr., and Omaha, Nebr., permitting through service between Denver and Chicago. The instant application is a matter directly related to MC–F–11076, published in the FEDERAL REGISTER issue of February 10, 1971. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11092. Authority sought for control by CANADA STEAMSHIP LINES, LIMITED, 759 Victoria Square, Montreal PQ Canada 126, of SICOTTE TRANSPORTS LIMITED, 1025 Ottawa Street, Montreal PQ Canada and PROVINCIAL TRANSPORT ENTERPRISES LIMITED, ET AL., also of Montreal PQ Canada. Applicants' attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Operating rights sought to be controlled: No. MC–126672, *Commodities*, the transportation of which of size or weight requires the use of special equipment (except motor vehicles), as a *common carrier*, over irregular routes, between ports of entry on the United States-Canada boundary line at or near Morses Line, West Berkshire, Richford, East Richford, North Troy, Beeble Plain, Derby Line, High Gate Springs, and Norton, Vt., Beecher Falls and Scott Bog, N.H., and Fort Covington, Trout River, Mooers Forks, Champlain and Rouses Point, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and New York; *cement* in bulk, in tank vehicles and in bags, from the same ports of entry on the United States-Canada boundary line to points in described portions of Vermont, New Hampshire, and New York; No. MC–126923 and subs, passengers and their baggage, in the same vehicle with passengers, as a common carrier over regular routes, between the port of entry of the United States-Canada boundary line at or near North Troy, and Newport, Vt., serving all intermediate points; passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, between Newport, Vt., and the United States-Canada boundary line at a point 1 mile northeast of Derby Line, Vt., serving all intermediate points; with restriction, over one alternate route: passengers and their baggage, in round trip charter operations over irregular routes, beginning and ending at ports of entry on the United States-Canada boundary line located in Maine, New Hampshire, New York, and Vermont and extending to points in the United States, except Alaska and Hawaii.

No. MC–83928 and subs, passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, over regular routes, between the boundary of the United States and Canada south of Roosevelt Bridge, and Massena, N.Y., serving the intermediate point of Rooseveltown and Racket River, N.Y. between Ogdensburg, N.Y., and the United States-Canada boundary line at Ogdensburg-Prescott Bridge, located approximately 4 miles east of Ogdensburg, serving all intermediate points; passengers and their baggage, restricted to traffic originating at the points indicated,

in charter operations, from the boundary of the United States and Canada at the ports of Ogdensburg, Morristown, and Massena, N.Y., to points in that part of New York bounded by a line beginning at Oswego, N.Y., and extending through Lowville, N.Y., to Lake Placid, N.Y., thence in a northwesterly direction through McColloms and Massena, N.Y., to the St. Lawrence River, thence along the St. Lawrence River and the Lake Ontario shore to point of beginning, and return; passengers and their baggage, in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada boundary line, located in Maine, New Hampshire, Vermont, New York, Michigan, and Minnesota and extending to points in the United States, except to points in Hawaii; passengers and their baggage in the same vehicle with passengers, in round-trip charter operations, and in round-trip special operations limited to round-trip all-expense sightseeing and pleasure tours, beginning and ending at points of entry on the United States-Canada boundary line located in Maine, New Hampshire, Vermont, New York, Michigan, Minnesota, North Dakota, Montana, Idaho, and Washington and extending to points in the United States (including Alaska but excluding Hawaii); with restriction. CANADA STEAMSHIP LINES LIMITED, holds no authority from this Commission. However, it is affiliated with No. MC–112908, KINGSWAY TRANSPORT LIMITED, which is authorized to operate as a *common carrier* in Washington, Alaska, and Idaho. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11093. Authority sought for purchase by C & H TRANSPORTATION CO., INC., 1935 West Commerce, Post Office Box 5976, Dallas, TX 75222, of a portion of the operating rights and property of EQUIPMENT TRANSPORT, INC., Post Office Box 665, West Columbia, SC 29169, and for acquisition by TYLER CORPORATION, and, in turn by JOSEPH F. McKINNEY, 3100 Southland Center, Dallas, TX 75201, of control of such rights and property through the purchase. Applicants' attorneys: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701 and I. F. Belser, 1213 Lady, Columbia, SC 29201. Operating rights sought to be transferred: (1) *Roadbuilding machinery*, and (2) *commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and *related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment (except aircraft and missiles, and parts thereof), as a *common carrier* over irregular routes, between points in South Carolina, on the one hand, and, on the other, points in North Carolina, Florida and Georgia; *heavy machinery*, between points in Virginia, on the one hand, and, on the other, points in North Carolina, between Johnson City, Tenn., on the one hand, and, on the other, points in Virginia and North Carolina within 100 miles of Johnson City; *construction and roadbuilding materials, supplies, and equipment*, the transportation of which, because of size or weight, requires the use of special equipment, between certain specified points in Virginia, on the one hand, and, on the other, points in North Carolina, South Carolina, Tennessee, Georgia, West Virginia, Pennsylvania, New Jersey, and New York. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, Colorado, Wyoming, North Dakota, South Dakota, Ohio, Pennsylvania, Minnesota, Michigan, Iowa, New Jersey, New York, Missouri, Nebraska, Oregon, Washington, Alaska, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia, Montana, Utah, California, Arizona, Maryland, District of Columbia, Delaware, Connecticut, Rhode Island, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11095. Authority sought for purchase by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK 73108, of a portion of the operating rights and property of THEATRES SERVICE COMPANY, 830 Willoughby Way NE., Atlanta, GA 30312, and for acquisition by R. E. LEE and M. S. LEE, both also of Oklahoma City, OK 73108, of control of such rights and property through the purchase. Applicants' attorneys: Richard H. Champlin, Post Office Box 82488, Oklahoma City, OK 73108, and Allen Post, First National Bank Building, Atlanta, GA 30312. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier over regular routes, between Nashville, Tenn., and Huntsville, Ala., between Nashville, Tenn., and Lewisburg, Tenn., serving no intermediate points, between Huntsville, Ala., and Gadsden, Ala., serving all intermediate points, between Birmingham, Ala., and Huntsville, Ala., serving no intermediate points, between Huntsville, Ala., and the site of the Chemical Manufacturing Plant and Arsenal located approximately 10 miles southwest of Huntsville, serving no intermediate points, between Louisville, Ky., and Nashville, Tenn., serving the intermediate point of Edenwold, Tenn., on southbound traffic only, serving the intermediate point of Scottsville, Ky., without restriction, and serving the intermediate point of Elizabethtown, Ky., solely as a point of joinder; over one alternate route, between Elizabethtown, Ky., and Nashville, Tenn., serving no intermediate points; *general commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Birmingham, Ala., and Atlanta, Ga., serving all intermediate points; with restrictions, between Birmingham, Ala., and Nashville, Tenn., serving all intermediate points, and the off-route points of Madison, Greenbriar, Mooresville, Belle Mina, Somerville, Daniels, Eva, Trafford, Boyles, Bessemer, Fairfield, Woodward, Dolomite, and Brighton, Ala.; *general commodities*, excepting among other, classes A and B explosives, household goods and commodities in bulk, over regular and irregular routes, between Huntsville, Ala., and the site of the Chemical Warfare Corp., near Triana, Ala. Vendee is authorized to operate as a *common carrier* in Texas, Oklahoma, Missouri, Kansas, Illinois, Colorado, Indiana, Ohio, Pennsylvania, West Virginia, Arkansas, Arizona, New Mexico, and California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11096. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, MI 49502, of the operating rights of M. & E. TRANSPORTATION CORP., Box 248, Dover, NH 03820, and for acquisition by FUQUA INDUSTRIES, INC., 3800 First National Bank Building, Atlanta, GA 30303, of control of such rights through the purchase. Applicants' attorney: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, MI 49502. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a common carrier over regular routes, between Boston, Mass., and Springvale, Maine, and between Milton Mills, and Portsmouth, N.H., between Rochester, N.H. and Farmington, N.H. serving all intermediate points; *general commodities*, with exceptions as specified above, over irregular routes, between Brockton and Taunton, Mass., and points and places in certain specified counties in Massachusetts, on the one hand, and, on the other, points and places in York County, Maine, and those in Strafford and Rockingham Counties, N.H. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, New York, Missouri, Pennsylvania, Michigan, Minnesota, Wisconsin, Kentucky, West Virginia, Maryland, Massachusetts, New Jersey, Iowa, Delaware, Colorado, Nebraska, Wyoming, Kansas, Connecticut, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11097. Authority sought for purchase by OGDEN & MOFFETT COMPANY, 6465 Wyoming Avenue, Dearborn, MI 48126, of the operating rights and property of W. FORD JOHNSON CARTAGE, INC., 7260 Dix Avenue, Detroit, MI 48209, and for acquisition by NEIL MARSHALL, also of Dearborn, Mich., of control of such rights and property through the purchase. Applicants' attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226.

Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes, between certain specified points in Michigan, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, and Ohio. Application has been filed for temporary authority under section 210a(b). NOTE: Certificate of registration under MC–28675 Sub–7, will be canceled upon transfer becoming effective.

No. MC–F–11098. Authority sought for purchase by LESTER FELLOWS CO., 110 Halstead Street, East Orange, NJ 07108, of the operating rights and property of C. RIDGWAY MARTER, INC., Beverly Road, Burlington, NJ 08106, and for acquisition by WINFRED F. REINHARD of East Orange, NJ, and GEORGE W. REINHARD, Box 586, Burlington, NJ 08016, of control of such rights and property through the purchase. Applicants' attorney: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Operating rights sought to be transferred: *Cast iron pipe and fittings*, as a *contract carrier* over irregular routes, from Burlington, N.J., to all points in Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, and the described portions of New York and Pennsylvania, returning with; *damaged or defective shipments; machinery*, from Burlington, N.J., to all points in Delaware, Maryland, and the described portions of New York and Pennsylvania, returning with; *damaged machinery*. Vendee is authorized to operate as a *contract carrier* in New Jersey, New York, Connecticut, Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11099. Authority sought for purchase by S. F. DOUGLAS, doing business as S. F. DOUGLAS TRUCK LINE, Post Office Box 2766, St. Paul, MN 55112, of the operating rights of CHARLES STUHAUG, doing business as CHARLES STUHAUG TRUCKING, Fertile, MN 56540. Applicants' representative: A. F. Fowler, 2288 University Avenue, St. Paul, MN 55114. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Fertile, Minn., and Fargo, N. Dak., serving intermediate and off-route points within 25 miles of Fertile, on southbound traffic only; and *livestock*, over irregular routes, between Fertile, Minn., and points within 25 miles of Fertile, on the one hand, and, on the other, West Fargo and Union Stockyards, Cass County, N. Dak. Vendee is authorized to operate as a *common carrier* in North Dakota and Minnesota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11100. Authority sought for purchase by JOHN F. IVORY STORAGE CO., INC., 8035 Woodward Avenue, Detroit, MI 48202, a portion of the operating rights of GUIGNARD FREIGHT LINES, INC., Post Office Box 26067, Charlotte, NC 28213, and for acquisition by JOHN F. IVORY, SR., RUSSELL E. GARRETT, HARRY M. TODD and ARTHUR P. BOYNTON, all of Detroit, MI 48202, of control of through the purchase. Applicants' attorney: Arthur P. Boynton, 1600 First Federal Building, Detroit, MI 48226. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between points and places in North Carolina and South Carolina, from Orwigsburg, Pa., Greenville, Ky., Princeton, W. Va., New York, N.Y., and Charlotte, N.C., to Philadelphia, Pa., and Concord, N.C., and points in North Carolina and Georgia. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, District of Columbia, Texas, Louisiana, Mississippi, Florida, Maine, New Hampshire, North Dakota, South Dakota, New Mexico, Arizona, Utah, Wyoming, Idaho, Montana, Nevada, Oregon, and Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11101. Authority sought for control by MOTEK CORPORATION, a noncarrier, 1330 North Broad Street, Lansdale, PA 19446, of BEANEY TRANSPORTED, LIMITED, Post Office Box 973, Paoli, PA 19301, and for acquisition by MARK R. HERR and BYRON E. READING, both of Lansdale, Pa. 19446, of control of BEANEY TRANSPORT, LIMITED, through the acquisition by MOTEK CORPORATION. Applicants' attorney: Maxwell A. Howell, 1511 K Street NW., Washington, DC 20005. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, extending from Philadelphia, Pa., to New York, N.Y., Newark and Trenton, N.J., and Wilmington, Del., with restriction; also holds alternate route authority between New York, New Jersey, and Pennsylvania; *general commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, over irregular routes, between Rochester, N.Y., on the one hand, and on the other, points in Monroe and Orleans Counties, N.Y., within 50 miles of Rochester, N.Y., between points in Essex, Passaic, Bergen, Monmouth, and Middlesex Counties, N.J., on the one hand, and, on the other, Newark, N.J., with restriction; *frozen fruits and frozen vegetables, and fresh fruits, fresh vegetables, and fresh berries* when moving in the same vehicle with frozen fruits and frozen vegetables, from points in the New York, N.Y., commercial zone, as defined by the Commission, and points in that part of New York on, north, and west of a line beginning at Buffalo, N.Y., and extending eastward along U.S. Highway 20 to junction U.S. Highway 11, thence northerly along U.S. Highway 11 to Syracuse, N.Y., thence northwesterly along New York Highway 57 to junction U.S. Highway 104, and thence along U.S. Highway 104 to Oswego, N.Y., to ports of entry on the United States-Canada boundary line at Alexandria Bay, Buffalo, Ivey Lee, Niagara Falls, Ogdensburg, and Rooseveltown, N.Y.;

Frozen vegetables, and fresh fruits, fresh vegetables, and fresh berries when moving in the same vehicle with frozen vegetables, from Trappe, Md., and points in Cumberland, Salem, and Gloucester Counties, N.J., to ports of entry on the United States-Canada boundary line at Alexandria Bay, Buffalo, Ivey Lee, Niagara Falls, Ogdensburg, and Rooseveltown, N.Y.; *frozen berries, coffee beans, and tea, and fresh fruits, fresh vegetables, and fresh berries* when moving in the same vehicle with frozen berries, coffee beans, and tea, from points in the New York, N.Y., commercial zone, as defined by the Commission, to ports of entry on the United States-Canada boundary line at Alexandria Bay, Buffalo, Ivey Lee, Niagara Falls, Ogdensburg, and Rooseveltown, N.Y.; *cocoa beans, and fresh fruits, fresh vegetables, and fresh berries*, when moving in the same vehicle with cocoa beans, from points in the New York, N.Y., commercial zone, as defined by the Commission, and from Philadelphia, Pa., to ports of entry on the United States-Canada boundary line at Alexandria Bay, Buffalo, Ivey Lee, Niagara Falls, Ogdensburg, and Rooseveltown, N.Y.; *bananas, and fresh fruits, fresh vegetables, and fresh berries* when moving in the same vehicle with bananas, from points in the New York, N.Y., commercial zone, as defined by the Commission, to Rochester, N.Y.; *frozen foods*, from Brockport, N.Y., and points within 75 miles thereof, to New York, N.Y., Allentown, and Philadelphia, Pa., and points in New Jersey, Massachusetts, Connecticut, and Rhode Island;

Empty frozen food containers, from New York, N.Y., Allentown, Bethlehem, and Philadelphia, Pa., and points in New Jersey, Massachusetts, Connecticut, and Rhode Island, to Brockport, N.Y., and points within 74 miles thereof; *packinghouse products* as described in paragraphs A, B, and C of the appendix in Ex Parte No. MC–38, *Modification of Motor Contract Carriers of Packing-House Products*, 46 M.C.C. 23, from ports of entry on the United States-Canada boundary line at Buffalo and Niagara Falls, N.Y., to New York, N.Y., and points within 50 miles thereof; *fresh fruits, fresh vegetables, and the commodities* described in paragraphs A, B, and C, in the appendix to the report in *Modification of Permits Packing-House Products*, 48 M.C.C. 628, between ports of entry on the United States-Canada boundary line at Alexandria Bay, Buffalo, and

Niagara Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia. MOTEK CORPORATION, holds no authority from this Commission. However, it is affiliated with LANSDALE TRANSPORTATION CO., INC., 1330 North Broad Street, Post Office Box 392, Lansdale, Pa. 19446, which is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, District of Columbia, Virginia, Delaware, and Maryland. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2891 Filed 3-2-71;8:49 am]

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PART II

FEDERAL COMMUNICATIONS COMMISSION

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Primer on Ascertainment of Community Problems by Broadcast Applicants



FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18774; FCC 71-176]

PRIMER ON ASCERTAINMENT OF COMMUNITY PROBLEMS BY BROADCAST APPLICANTS

Report and Order

1. The Commission has before it: (a) A Notice of Inquiry, 20 FCC 2d 880, adopted December 19, 1969, in which a Primer was proposed to clarify and provide guidelines as to the Commission's requirements and policies with respect to the ascertainment of community problems by broadcast applicants; and (b) comments and reply comments filed in response to the notice.[1] The Primer, as revised upon consideration of those comments, is adopted by this report and order as set forth in Appendix B.

2. This proceeding was initiated at the request of the Federal Communications Bar Association. The FCBA was of the view that the Commission's standards with respect to part I of sections IV–A and IV–B of the Commission's broadcast application forms had been given different interpretations by applicants, members of the FCBA and the Commission's staff. Clarification was therefore requested. A tentative Primer answering commonly raised questions with respect to those standards was prepared by the staff. Commissioner Robert T. Bartley, who has long been active in the evolution of ascertainment policy, discussed that Primer with representatives of the FCBA on December 2, 1969. The matter was further discussed by the Commission on December 19, 1969. As a result of those meetings, the Primer was modified and issued along with the notice.

3. Black Efforts for Soul in Television (BEST), had asked for and had been denied access to the meeting of December 2, 1969. BEST contends that its exclusion from a meeting where the legal representatives of the industry were present, denied it (BEST) and similar groups the opportunity to effectively present their views. Therefore, BEST alleges that the origins of the Primer are clouded by ex parte processes. BEST seeks access to the "original formulation of a policy." However, the Primer is a statement intended to clarify and provide guidelines as to Commission policies and requirements. As such, it is neither an adjudicatory proceeding nor a restricted rule-making proceeding under our rules, see §§ 1.1201–1.1251. Moreover, BEST subsequently met with Commissioner Bartley, received copies of both stages of the proposed Primer and commented extensively upon both. We have given its comments careful consideration. We conclude, therefore, that the procedure followed has not denied BEST or any other party procedural or substantive due process.

4. The comments filed in this proceeding have been very helpful to us and many changes have been made in the Primer as a result of those comments. However, many comments were adopted only in part or were rejected. For those whose comments fall in the latter category, we have tried to be explicit as to our reasons for rejection, but specific variations of a particular concept may not be separately discussed. One consideration should be kept in mind that is generally applicable. The Primer is applicable to all classes of broadcasters filing specified applications. Thus, it applies to a group of operations that vary widely with respect to the area and population they propose to serve, the number of competing broadcast services, and potential revenues, profits or losses. The Primer must be, of necessity, broad enough to encompass that diversity. We recognize that there are several areas covered in the Primer where more specificity might be viewed by some as desirable. But the diversity is too great, and attempts to establish more precise criteria raise more questions than are answered. Moreover, in times when problems, needs and interests are constantly changing, we believe that we must retain a degree of flexibility. Guidelines that are too specific may result in too rigid an approach. Nonetheless, the amended Primer, in our view, will aid broadcasters in being more responsive to the problems of their communities, add more certainty to their efforts in meeting Commission standards, make available to other interested parties standards by which they can judge applications for stations licensed to their community, and aid our staff in applying our standards uniformly. With these considerations in mind, we turn now to the specific questions.

A. General

5. *Question and Answer 1.* Those applications to which the Primer is applicable are specified in the answers to Question 1.[2] Answer (1a) specifies applications for construction permits for new broadcast stations but exempts applications for noncommercial FM and television channels. Several parties have suggested that all new applicants, including educators, should be required to ascertain community problems in the manner described in the Primer. However, it is the purpose of this inquiry to provide clarification and guidelines with respect to commercial applicants. Given the reservation of channels for specialized kinds of programing, educational stations manifestly must be treated differently than commercial stations. Thus, the suggested extension of the Primer to include educational stations is beyond the scope of the Notice and will not be considered here.[3]

6. What the Bible Says, Inc. (WTBSI), requests that Answer 1(a) be amended to exempt from the Primer's requirements applicants that are religious organizations proposing "noncommercial specialized religious programing on a 100 percent sustaining basis." WTBSI's position is founded in the First Amendment to the Constitution, which provides in part that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *" WTBSI's concludes, in light of that language, "* * * that the imposition of any rule or issue which seeks to compel 'an establishment of religion' to ascertain community problems, * * * is a direct violation of the First Amendment." (Emphasis in original.[4] WTBSI also reasons that since the Commission has exempted educational applicants from conducting surveys due to a presumption that there is a need for specialized educational programing, a similar exemption should be available to noncommercial religious applicants based on the need for specialized religious programing.

7. In dealing with the Establishment and Free Exercise Clauses of the First Amendment, the Supreme Court has attempted to steer a neutral course. Due to the difficulty of reconciling those two clauses, a clear standard or formula that is generally applicable has not been evolved, and case-by-case decisions appear to be the rule. Recently, in Walz v. Tax Commission, 397 U.S. 664, 90 S. Ct. 1409 (1970), the Court stated:

> The general principle deducible from the First Amendment and all that has been said by the Court is this: that we will not tolerate either governmentally established religion or governmental interference with religion. Short of those expressly proscribed governmental acts there is room for play in the joints productive of a benevolent neutrality which will permit religious exercise to exist without sponsorship and without interference. (397 U.S. at 669, 90 S. Ct. at 1411–12)

Earlier, in Everson v. Board of Education, 330 U.S. 1, 67 S. Ct. 504 (1947), the Court said:

> The "establishment of religion" clause of the First Amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. (330 U.S. at 15, 67 S. Ct. at 511)

[1] Appendix A lists the 61 parties filing comments. One party, Pierson, Ball & Dowd, filed a request for declaratory ruling, pursuant to section 1.2 of the Commission's rules. If a party consists of two or more entities commenting jointly, the names of the entities are listed under the name of the lead entity. The short designation of every party in the present document appears in parentheses following the full name in Appendix A.

[2] Section IV–A is submitted for AM or FM stations, while section IV–B is submitted for television stations.

[3] Mr. Davidson has suggested that CATV systems be required to ascertain community problems. That, too, is beyond the scope of this proceeding.

[4] WTBSI apparently uses the phrase "establishment of religion" in the sense of a place or organization where religion is practiced, rather than in the sense of governmental creation or support of a religious organization.

In our view, exempting religious organizations that are applicants for broadcast stations from the ascertainment process, while imposing such requirements on other commercial applicants, would serve to aid the religious applicant, an obvious departure from the neutrality required by the Court. As to WTBSI's analogy of religious and educational applicants, the First Amendment does not prohibit government aid to, or interference with, education, so that the analogy must fail. Since there is a rational basis for applying different standards to educational as compared to commercial applicants, the distinction can not be classed as arbitrary. Accordingly, we must reject WTBSI's suggestion. Of course, consistent with our prior statements on the subject, religious organizations that are applicants for, or holders of, Commission authorizations may present sectarian programs. They can not, however, turn their backs on secular problems. For that reason, they must ascertain community problems and devote portions of their programing toward meeting those problems.

8. The exemption afforded educational organizations filing applications for noncommercial educational stations was stated in proposed Answer 1(a) to apply only to operation on noncommercial educational FM and television channels. As of July 1970, there were 25 educational stations operating on the AM band. Moreover, educational organizations may apply for noncommercial educational authorizations on nonreserved channels. At present, there are 15 educational FM and eight educational television stations operating on nonreserved channels. We believe, therefore, that the exemption is more appropriately phrased in terms of the nature of the applicant and the proposed service. Finally, educational organizations are not required to file part I, section IV, with respect to the other applications specified in the answers to Question 1. Therefore, we will delete the parenthetical insert from answer 1(a) and the following will be added: "Educational organizations filing applications for noncommercial educational broadcast stations are exempt from the provisions of this Primer."

9. *Answer 1(b): Applications for changes in facilities.* This answer reflects our policy that applicants for changes in facilities proposing to increase their area of coverage by more than 50 percent should ascertain the problems of the gain area. Metromedia states that this involves a change from the present forms which have obtained approval of the Bureau of the Budget. Metromedia refers to instruction two of section IV. That instruction refers to the sections of the rules that define major changes, §§ 1.571 (a)(1), 1.572(a)(1), and 1.573(a)(1). Instruction two also states that applicants for major changes are not required to file section IV "unless there is proposed a substantial change in programing, increased facilities serving a substantial amount of new area or population, or unless the information is requested by the Commission."[5] It cannot be argued that a 50 percent increase in area is not "substantial." Therefore, this concept is within the terms of the existing form. We also note that our requirement is well within the discretion afforded by the last clause in the quoted language. Consequently, in our view, Budget Bureau approval is not required. It has also been noted that under the proposed wording of Answer 1(b), a change that would result in coverage of a new area that is 55 percent greater than that covered by the authorized facilities, but which also resulted in a 10 percent loss area, would not require the submission of section IV, since there has been only a 45 percent increase. Answer 1(b) has been reworded to avoid that construction, as follows:

> (b) construction permit for a change in authorized facilities when the station's proposed field intensity contour (Grade B for television, 1 mv/m for FM, or 0.5 mv/m for AM) encompasses a new area that is equal to or greater than 50 percent of the area within the authorized field intensity contours.

10. Several parties suggest that population, not area, should be the criterion used for requiring an ascertainment of community problems in gain areas. They argue that it is service to people, not square miles, which should govern. However, that approach is not without its problems. Most importantly, it is administratively impracticable. In processing applications, a determination as to area is relatively easy. Population studies, on the other hand, require time-consuming detailed work, and we do not have the staff to conduct such studies routinely. As a general rule, there is a rough correlation between the area and the population served. Daly & Joyce points to one extreme where the gain area is sparsely populated.[6] Since a lesser standard is applied to ascertainment of community problems outside the city of license, no unduly burdensome requirement is imposed on the applicant. (See Answer 7.) Of course, if there is virtually no population in the gain area, an applicant may submit a showing to that effect, and be relieved of the Primer's requirements. BEST and Georgetown University Law Center Task Force on the Mass Media (Georgetown), on the other hand, point to areas around major cities where slight extensions of the field intensity contours encompass substantial new populations. That problem is not too significant for two reasons. First, the incidence of facility increases by large-city stations is not likely to be great in the near future, with all but a few VHF television, most AM and many FM stations now having maximum or near-maximum facilities. Second, a station's primary obligation is to its city of license, with only a secondary obligation to other areas within its field intensity contours. It becomes virtually impossible for a station in a major market to serve every political subdivision that receives its signal if service is defined as being responsive to community problems. Therefore, we have accorded broadcasters considerable discretion as to serving outlying areas. Thus, a New York City broadcaster might broadcast news and public affairs programing concerning major events in outlying cities or areas receiving its signal, but could hardly be expected to give in-depth coverage of local elections from Connecticut to central New Jersey. A Connecticut or New Jersey station might cover such elections, but we would not fault a New York City station that chose, in its discretion, to ignore them. Applicants for major changes should refer to questions 6–8.

11. *Answer 1(c): Change in station location.* Under this answer, applicants proposing to change a station's location, in terms of the city of license, are required to submit a new section IV. Dempsey & Koplovitz proposes exempting from this requirement moves from one city to another of a multiple, hyphenated allocation, or within a metropolitan statistical area. We think the proposed exemption is unwarranted. A station licensed to one community has a primary obligation to that community. If an applicant proposes to shift that obligation to another city, it should do so only after becoming thoroughly aware of the problems of the second community. See too, Question 6, below.

12. *Answer 1(d): Daytime AM stations seeking fulltime facilities.* The proposed Primer would require daytime AM stations seeking nighttime facilities to file part I, section IV–A. However, as noted by the NAB and Daly & Joyce, the problems of the community do not change after sundown. The requirement that part I should be submitted will, therefore, be deleted. However, the number of problems, and the approach to meeting them, may be substantially different if the station is able to increase its broadcast time. Therefore, we shall require such applicants to submit part III of section IV–A.

13. *Answer 1(d): Satellite television stations.* Applicants for satellite television stations are required to submit section IV–B under Answer 1(d). Since a station that is primarily a satellite does originate some local programing, the Primer's requirements obviously applies to it. However, Dempsey & Koplovitz suggest that 100 percent satellites, that is, stations originating no local programing, should be exempt. Typically, satellites are owned by the parent station. Since the parent should allocate some of their news and public affairs programing to meeting the needs of the

[5] See instruction two, section IV, FCC Form 301 and the cited sections of the rules. The 50 percent criterion is much the same as that used in §§ 1.572 and 1.573. There are, of course, other applications that qualify as major changes under the rules, which do not require the submission of part I; for example, a change of frequency.

[6] Broadcasters may propose such changes to improve signal strength over their city of license and adjacent areas. This may result in an extension of the field intensity contours into areas with little population.

area served by the satellite, the applicant must ascertain the problems of that area. Accordingly, we believe that such applicants should submit a complete section IV–B. There are a few rare cases where a 100 percent satellite is not owned by the parent corporation. In these cases, a problem is presented since the satellite licensee is not legally in a position to control the programing of the originating station. Nonetheless, we shall not exempt such stations from the Primer's requirements. Because such a satellite must rely on some agreement with the originating station as to both revenues and rebroadcast consent, a working relationship must be established. As part of that relationship, the licensee of a satellite would be able to provide news stringers, notice of significant upcoming events, and other material to the originating station only if he is sufficiently familiar with the community he serves. The Primer forces an awareness of the problems of the community on such a licensee, so that there is good reason for requiring him to ascertain community problems in accordance with the requirements of the Primer.

14. *Answer 1(e): Renewal applications.* We have concurrently released today a Notice of Inquiry and Notice of Proposed Rule Making, FCC 71–156, Docket No. 19153 and a Notice of Inquiry, FCC 71–159, Docket No. 19154 in which new standards are to be considered for the licensees of operating stations. Since different standards are under consideration, we have revised the Primer to delete references to renewal applicants, reserving judgment in this regard until we have reviewed the comments filed in those proceedings. We shall not further comment about the revisions caused by the deletion of renewal applications, except to the extent that it may be required for clarity. However, as an interim measure until other standards are adopted, renewal applicants will be required to comply with the Primer.

15. *Question and Answer 2.* In this question and answer we have attempted to consider our need for current information without requiring the broadcaster to unnecessarily duplicate recent efforts in ascertaining community problems. Our conclusion was that if the same applicant had provided a complete section IV within the previous year, he would not be required to repeat the process. The NAB states that this is unnecessarily short, and recommends 18 months. We will retain the 1-year standard, since, in our view, the information submitted would otherwise not be current enough for us to make an informed judgment. It should be noted in this respect that an applicant can begin preparation of an application up to 6 months prior to the filing of the application. (See Question 15, below.) If the NAB's proposal were adopted, we could conceivably be granting applications on the basis of information up to 2 years old at the time of filing, and older at the time of grant. Under the standard we have chosen, that information can be no older than one-half the license period, or 18 months, at the time of filing.

16. Metromedia notes in this connection the instructions in section IV of the program reporting form in assignment, transfer, and renewal applications (FCC Forms 314, 315, and 303 respectively) to the effect that proposed assignors and transferors need not file section IV, the program reporting form (of which the ascertainment showing is Part I), if they have filed a renewal application within the last 18 months. The significance of Metromedia's reference is not clear. As far as the present matter is concerned, assignors and transferors are not directly involved at all, since they are not required to file the ascertainment showing, part I of section IV, even if they have to file other portions of that section. If Metromedia means that the same 18-month principle should be extended generally so as not to require a new showing if one has been filed within that period, this argument must be rejected, for reasons stated in the preceding paragraph.

17. *Question and Answer 3: The purpose of section IV.* In the past, we have generally stated that the purpose of section IV was to show what the applicant had done to ascertain the needs and interests of the community to be served and the broadcast matter he proposed to meet these needs and interests. However, our experience has shown that a large segment of the broadcast industry has steadfastly interpreted community "needs" to mean program preferences. We are shown, for example, communities with "needs" for more country and western music, or for more sports programs, but which apparently are not believed to have needs for improved schools, roads, or welfare programs. Therefore, having failed, in large measure, in our earlier efforts to impress upon applicants that the phrase "community needs" encompasses a much larger area than program preferences, we sought in preparing the Primer to use a new word to emphasize our intent; hence, "problems." A review of new and changed applications filed since the proposed Primer was issued indicates that the use of the word is having the desired effect. We were careful to state in Answer 3, that the word "problems" as used in the Primer would be considered by us to be generally synonymous with "community needs and interests." Despite this explicit statement, those filing comments universally interpreted the wording of Answer 3 to be a major shift of Commission policy. For example, one broadcaster states that "the limitation of the term to 'problem' * * * creates doubts as to the needs for instructional, agricultural and other special kinds of programs." Others have charged that the "problem-oriented" approach of the Primer emphasizes matters having utility for limited segments of the community and that, in effect, the Primer unduly imposes the judgment of the government on broadcasters.

18. In our view, a careful reading of the Primer would not warrant these interpretations. Problems exist with respect to agricultural activities and we fail to understand why the language of the Primer would establish doubts as to the need for broadcast matter to meet those problems. Nor do we understand a charge that community problems affect only limited portions of the community. Most problems directly affect all segments of the community. Those problems that directly affect a lesser population have an indirect impact on the larger community. As to the alleged imposition of the Government's judgment on the broadcaster, we note that the choice of broadcast matter, whether it be entertainment programing, public affairs programing, public service announcements, or news, is left to the applicant's discretion. Within broad limits, the percentage of these kinds of programing is also left to the applicant. The judgment "imposed" by the Commission is no more than requiring broadcasters to be responsive to the problems of their communities. That judgment is required under the Communications Act.

19. The above serve only as examples of the statements submitted. While we believe that most of the interpretations given to Question and Answer 3 are not warranted, it is obvious that the proposed language has provided confusion among the commenting parties, rather than the clarification we hoped to bring about by issuing a Primer. Accordingly, some revision is in order. Westinghouse recommends the phrase "problems and issues," as a broader substitute, and the Mexican-American Committee suggests "needs, interests, and problems." As between the two, we believe that the latter is more in keeping with our policies. Again, to emphasize that we are not primarily concerned with program preferences, we think it appropriate to use the phrase "problems, needs, and interests." For the reasons set forth in paragraph 50, we will also indicate at this point that the phrase "to meet community problems" will be used to include the obligation to meet, aid in meeting, be responsive to, or stimulate the solution for community problems. Accordingly, Answer 3 will be changed to read as follows:

Answer: To show what the applicant has done to ascertain the problems, needs and interests of the people of his community of license and other areas he undertakes to serve (see Question 6, below), and what broadcast matter he proposes to meet those problems, needs and interests, as evaluated. The word "problems" will be used subsequently in this Primer as a short form of the phrase "problems, needs and interests." The phrase "to meet community problems" will be used to include the obligation to meet, aid in meeting, be responsive to, or stimulate the solution for community problems.

20. *Question and Answer 4: How the ascertainment of problems is to be made.* Several parties noted that parts of Answer 4 are repeated in subsequent questions and answers. They recommend, therefore, that revisions be made to avoid those repetitions. We concur in that view and believe that it would be appropriate to make the answer a general statement, leaving the details of how the applicant goes about ascertaining community problems to subsequent questions and answers. Several broadcasters commented that consultations with the general public were, in their view, unnecessary, confusing, or served no purpose. We have imposed this requirement on the assumption that members of the general public may perceive community problems differently than community leaders. Mr. Baldwin, in his comments, submitted a study of Columbia, Md., that supports that assumption. Therefore, the requirement of consultations with members of the general public will be retained. We will also add language to Answer 4 to make clear that the word "group" is not restricted to groups with formal organization. Accordingly, Answer 4 is revised to read as follows:

Answer: By consultations with leaders of the significant groups in the community to be served and surrounding areas the applicant has undertaken to serve, and by consultations with members of the general public. In order to know what significant groups comprise the community, its composition must be determined, see Question and Answer 9. The word "group," as used here, is broad enough to include population segments, such as racial and ethnic groups, and informal groups, as well as groups with formal organization.

21. *Question and Answer 5: Reliance on area familiarity.* CBS recommends that Answer 5 be changed to make "clear that long-time familiarity by a licensee of the area he serves is a significant plus factor." However, a long period of residency does not compel familiarity with the entire range of problems facing a community. Indeed, the claimed familiarity may be restricted to the problems of a rather narrow range of persons or groups. Therefore, an applicant's familiarity with the community he serves will be judged upon the showing he submits in response to section IV of the application form, and not upon the length of time the applicant has resided in or served the particular community. Accordingly, Answer 5, which makes a specific ascertainment effort mandatory, will be retained without change.

22. *Question and Answer 6: The applicant's obligation to ascertain community problems outside his city of license.* Since an applicant's primary obligation is to his city of license, his obligation to other areas is, of course, secondary. Instead of trying to set out a formula or standard differentiating those terms that would be applicable to all stations in cities of widely varying population and composition, the Primer permits an applicant, in his discretion, to choose those outlying areas or communities he will serve on a secondary basis. (In this context, we mean "serve" in the sense of programing that is responsive to specific community problems, not in the broader sense of providing programing to any person who receives the station's signal.) Thus, the Primer referred to Question 1(A)(2) of section IV (A and B) where the applicant is requested to set forth the other areas or communities he undertakes to serve. Several other formulas have been suggested by those submitting comments. The variety of those suggestions emphasizes the difficulty in establishing a standard that differentiates an applicant's primary and secondary obligations with respect to stations in such diverse cities as Chicago and Miles City, Mont.

23. There are, of course, limits on the applicant's discretion. AM stations that are licensed to two or more communities must, of course serve all those communities. FM or television stations that operate on channels allocated to two cities, Minneapolis-St. Paul television channels, for example, are license to one community but must also ascertain community problems in the second city. We also believe that applicants for assignment or transfer of stations which are licensed to one city but which have obtained waiver of the station identification rules to permit a secondary identification with one or more other cities must ascertain community problems in the additional cities. Although this was not specified in the proposed Primer, we believe that obtaining such a waiver is tantamount to an undertaking to serve the other city or cities. The proposed Primer would also require an applicant for a station licensed to a city within a standard metropolitan statistical area (SMSA) as defined by the U.S. Census Bureau, to ascertain community problems in each of the cities within that area. We will remove that requirement for two reasons. First, many metropolitan areas have numerous political subdivisions. For example, there are more than 100 communities within the SMSA of New York City and Chicago. We do not, and can not, require a station licensed to Chicago to present broadcast matter that is specifically responsive to the problems of each of those subdivisions. Second, as presently stated, an applicant for a station licensed to Joliet, Ill., part of Chicago's SMSA, would be required to ascertain community problems in all the political subdivisions surrounding and including Chicago, if its signal actually encompassed that area. That, too, is an unnecessary result; since it would apply a more stringent requirement as to applicants for stations licensed to suburban communities than to those in the central city.

24. We are adopting, instead, a somewhat different limitation on the discretion of all applicants, as to the communities in which an ascertainment of community problems must be made. That is that an applicant will be required to submit a showing as to why he does not undertake to serve a particular major city that falls within his service contours, up to a maximum of a 75-mile radius from the transmitter site.[1] The word "major", as we use it here is relative. Thus, a city of 25,000 residents might be considered minor for a station licensed to Los Angeles, but a city of 10,000 may be considered major for a station licensed to a city of 25,000. An applicant's showing in this regard might be that the major city in the outlying area has several broadcast stations in the same service licensed to it, or that the residents of that major city turn to the stations of another closer city for their broadcast service. Accordingly, Answer 6 will be amended as follows:

Yes. Of course, an applicant's principal obligation is to ascertain the problems of his city of license. But he should also ascertain the problems of the other communities that he undertakes to serve, as set forth in his response to Question 1(A)(2) of section IV–A or IV–B. Applicants for stations licensed to more than one city, or for channels assigned to two or more cities, or proposed transferees or assignees of stations which have obtain waiver of the station identification rules to permit secondary identification with additional cities, are expected to ascertain problems in each of the cities. If an applicant chooses not to serve a major community that falls within his service contours, a showing must be submitted explaining why. No major city more than 75 miles from the transmitter site need be included in the applicant's ascertainment, even if the station's service contours exceed that distance.

25. *Question and Answer 7: Ascertainment in outlying areas.* Since we have determined that applicant's obligation to ascertain community problems outside his city of license is secondary, it follows that he would be expected to be responsive to only major problems in that area. An ascertainment of major problems need not be as inclusive or exhaustive as that required for a city of license. Thus, Answer 7 indicates that an applicant has wide latitude as to how he ascertains community problems. Georgetown states that "cursory ascertainment of outlying areas is unlikely to provide sufficient responsiveness." However, we must again recognize that broadcast stations are primarily licensed to serve one city, and that the time allotted to meeting a secondary obligation to other areas must be distributed to numerous political subdivisions. We will, however, revise Answer 7 to indicate that in areas other than the city of license, consultations

[1] The 75-mile limitation is in deference to the extensive areas of Class I AM stations. This proceeding does not primarily relate to the obligation which such stations have by reason of the nature of their authorized facilities, designed to provide primary and secondary service to very large areas. This matter relates, rather, to the ascertainment of and efforts to meet problems more particularly associated with a particular community or area, those which can be ascertained by the process involved here and with which stations generally must be concerned.

with community leaders who can be expected to have a broad overview of community problems would be sufficient. We believe this will provide more guidance to applicants than the initially proposed language. In view of the above, Answer 7 is revised as follows:

Answer: No. Normally, consultations with community leaders who can be expected to have a broad overview of community problems would be sufficient to ascertain community problems.

26. *Question and Answer 8: Ascertainment in "gain" areas.* Because the first sentence of Answer 8 repeats the criteria discussed in Answer 1(b), our comments with respect to that answer (paragraphs 9 and 10, above) will not be repeated here. As to the extensiveness of the ascertainment in the gain area, upon which several parties commented, the answer is revised to refer the applicant to Answer 7.

27. *Question and Answer 9: Determining the composition of the city of license.* As previously noted, there are two broad parts to ascertaining community problems; consultations with community leaders and consultations with members of the general public. The applicant is expected to choose members from each of those broad groups that reflect the composition of the city of license. Obviously, an applicant does not rely on a random sample to choose community leaders. Rather, he is expected to contact leaders of each significant group within the community.[8] Thus, in reference to community leaders, we were speaking of a "statistically reliable sampling" in the proposed Primer, only in the sense that it denoted one means of determining what significant groups are found in the community; that is, its composition. Answer 9 also gives examples of other means of determining the composition of the community, including data from the U.S. Census Bureau, which, of course, bases its information on statistically reliable surveys. Data from the Chamber of Commerce or other reliable reports or studies may also be used to assist in determining the composition of the community. Two criticisms have been leveled at these sources. Bay Area TV comments that Chamber of Commerce data is business oriented, so that the Commission is "saying that the composition of the community shall be determined by the business Establishment." However, listing the Chamber of Commerce as one source of data does not lead to the conclusion that it should be considered the sole source of informaton. Moreover, those studies submitted by applicants as to the composition of their respective communities indicate that Chamber of Commerce profiles and city directories provide much useful information. Granted, much of that information duplicates that found in Census Bureau publications and much of it is business oriented. Nonetheless, many provide outlines of local government, lists of schools, and lists and total membership of benevolent, fraternal, religious, business, civic, professional, labor and miscellaneous organizations. The second criticism was made by several parties who claim that information from the Census Bureau is too general and not sufficiently current at the end of the decade to be of use. This is not, in fact, the case.[9] The Census Bureau periodically publishes updated information and, far from being too general, provides extensive detail. While the Primer permits the use of an outside organization to compile this information as to a community's composition, in our view, the ready availability of the sources of that information make such studies easily within the resources of all broadcast applicants.

28. Another problem that we have with these criticisms is that we do not require minutely or detailed information as to a community's composition. As discussed in conjunction with Question and Answer 13(a), those community leaders who are consulted should be chosen on the basis of the composition of the community. For example, we would expect consultations with labor leaders in cities with industries that are typically unionized. On the other hand, labor leaders would not necessarily be a part of the ascertainment process of a station licensed to a suburban "bedroom" community or a retirement community. Thus, for our purposes, it is sufficient to provide data indicating the minority, racial or ethnic breakdown of the community, its economic organizations, and any other factors that make the particular community distinctive. A retirement or university community would be examples of the latter. We are not concerned with minutia, and those challenging an applicant's showing must demonstrate that the applicant has failed to recognize a significant group. It should be noted that if an applicant finds that there are ten labor unions in the community, the "group" we consider significant is that of unions generally, and each union is not considered a separate group. However, we would expect that if there are a substantial number of unions in a community, the applicant's ascertainment process would include more than one union or a group consisting of more than one union, such as a Labor Council, if there is one.

29. Georgetown suggests that we should indicate that the data used should be as current as possible. We will so indicate in Answer 9. Apparently as a means to an end, Georgetown and other parties also suggest that language be inserted to the effect that submission of a "strong showing" as to the composition of the community will be a significant factor in considering performance when applicants are involved in comparative proceedings. We do not believe that these suggestions are appropriate. An applicant has either shown consultations with leaders of significant groups within a community and with the general public or he has not. Moreover, the performance that concerns us is not the degree of sophistication used by the applicant in obtaining data. Rather, it is his proposed programing. To make more clear the kinds of data we require in the applicant's study of the composition of his community, we have added the following sentence to Answer 9: "The applicant must submit such data as is necessary to indicate the minority, racial, or ethnic breakdown of the community, its economic activities, governmental activities, public service organizations, and any other factors or activities that make the particular community distinctive with respect to its composition."

30. *Question and Answer 10: Must a compositional showing always be submitted.* This question and answer have been the subject of several comments which we believe are valid. In sum, these comments argue that the burden of determining the composition of a particular community is not great; that such

[8] It should be made clear that the significance of a group is not determined solely by its size. Whether a group is to be considered "significant" may rest on several criteria, including its size, its influence or its lack of influence in the community.

[9] As an example, the Census Bureau periodically issues the County and City Data Book—A Statistical Abstract Supplement. This publication does not contain the most detailed information published by the Census Bureau. However, the following partial listing of data set forth there as to cities is indicative of the extensive information that is readily available: total population; land area; population density; percent nonwhite; percent Negro; percent foreign born; total foreign born; country of origin as a percent of total foreign stock; median age; percent under 18 years of age; percent 65 years of age and over; population per household; as to persons 25 years old and over, the median number of school years completed, the percent completing less than 5 years of school; as to persons 5 to 34 years old, the percent enrolled in all schools and in private schools; percent of work force employed in manufacturing, retail, wholesale, and white collar occupations; total income; median family income; percent families earning less than $3,000; percent of families earning $10,000 or more; total number of housing units; number of manufacturing establishments; number of employees; number of production workers; total payroll and wages; number of man hours; value added by manufacture; total and per capita retail sales; number or retail establishments; number of retail employees and payroll; number of establishments and sales of nine types of selected businesses (data similar to those set forth for retail trade are also given for wholesale trade and selected services); hospitals; total general city revenues and breakdown as to source; total city expenditures and a breakdown as to disposition, including public welfare, education, highways, health and hospitals, police protection, fire protection, sewerage, other sanitation, parks and recreation, interest on general debt, outstanding debt, and city payroll. This information is given for every city with a population over 25,000. Similar information is given for each county, with more agricultural data, so that cities less than 25,000 would be included in the county portion of the publication. More detailed information or source of information as to other areas may be found in the following Government publications which may be available in local libraries or can be purchased from the Government Printing Office: Statistical Abstract of the United States; Directory of Federal Statistics for Local Areas, A Guide to Sources; Directory of Federal Statistics for States, A Guide to Sources.

a determination is beneficial in that it apprises both the applicant and the Commission of the significant groups within a community; that no community can be described as "average" in composition; and, therefore, that each applicant should be required to submit a showing as to the composition of his community, rather than assume a prima facie showing if leaders of certain groups are consulted. The merits of this position are obvious. Suppose, for example, an applicant showed consultations with leaders of the Black community. The applicant would have made a prima facie showing that he had, under the present wording of Question and Answer 10, contacted leaders of racial and/or ethnic groups. Nevertheless, there may be, for example, significant American Indian or Spanish-speaking groups within the community. We would have no way of ascertaining the presence of such groups without information as to the community's composition. Since the burden of providing that information is not great, we will require each applicant to submit such a study.

31. The Citizens Committee suggests that an applicant's obligation does not end with "establishment" leaders, and includes "voluntary associations and agencies dealing with the needs of the elderly, the indigent and the handicapped, with welfare associations, tenant groups, youth and student groups, and civic improvement organizations, taxpayer groups, property owners associations, and other groups organized for the express purpose of protecting particular needs and interests."[10] The question is whether those groups comprise a significant segment of the community, not whether they fall within or without the "establishment", however that word is defined. Leaders of the listed organizations should be consulted, if they represent a significant group within the particular community. Since all these groups or organizations listed by the Citizens Committee will not necessarily appear in all communities, it would be inappropriate to set them forth in a Primer that is generally applicable.

32. In referring to challenges to an applicant's determination, many parties commented that more than an allegation should be required, and suggested that either the applicant should be assumed to be correct, or that a challenger should be required to make a showing with supporting data. If we are to assume the applicant to be correct, we assume away all challenges, and, therefore, we reject that position. However, we believe that it is appropriate to change the word from "allegation" to "showing". This change emphasizes that those challenging do more than state that the applicant has omitted a significant group. Rather, they must show that a significant group has been omitted, by means of supporting data. Bay Area TV criticizes this approach, stating that this places the burden on the public to come forward with evidence that the composition of the community is not what the applicant states it to be. However, the applicant has already submitted a showing in good faith, based on reliable data. If a significant group has been omitted, a challenger should be able to easily show it. Our approach is quite consistent with the statutory scheme. For example, those filing petitions to deny are required to make specific allegations of fact sufficient to show that a grant of an application would be prima facie inconsistent with the public interest; see section 309(d) of the Communications Act. We are only asking a similar showing for those challenging an applicant's determination of the composition of the particular community. The last sentence of the initially proposed answer 10 will be deleted, since, as noted by several parties, the thought expressed is self-evident. Answer 10 is, therefore, revised as follows:

Answer: Yes. The purpose of requiring a determination of the community is to inform the applicant and the Commission what groups comprise the community. The applicant must use that information to select those who are to be consulted as representatives of those groups. That determination may be challenged on a showing, including supporting data, that a significant group has been omitted. The "significance" of a group may rest on several criteria including its size, its influence or lack of influence in the community.

B. CONSULTATIONS WITH COMMUNITY LEADERS AND MEMBERS OF THE GENERAL PUBLIC

33. *Question and Answer 11(a): Consultation with community leaders.* It is our view that the principals and the management of an applicant should consult with community leaders. If nondecision-making personnel, or some organization or person other than the applicant were used, the information that would be gathered would go through a filtering process that might exclude much valuable information. It is doubtful that a written report can fully convey the nuances of any extensive conversation, or the extent of the sincerity, frustration or anger that may be associated with some community problems. Moreover, the person-to-person interview with the management of the station is more likely to establish a contact with the station in the interviewee's mind. Thus, a community leader knows someone to call if he believes there are matters that warrant further discussion. In this manner we believe that a dialogue can be established and maintained between the community and the decision-making personnel of the applicant. This would be largely lacking if we permitted an outside organization to conduct the consultations. We recognize that principals or management-level personnel may not be as expert in conducting consultations as some lower-level members of their staffs, or as those associated with a professional research organization. On balance, however, we believe that the lack of expertise is outweighed by the factors discussed above.

34. Welch & Morgan noted that the phrase "top-level employees" was not defined. It is difficult to be precise since there are innumerable ways of organizing a licensee. We are seeking those whose position is high enough in the organization to be an effective voice in the decision-making process. We believe that the phrase "management-level employees" is as precise as we can get, and we will use that phrase.

35. NBC requests the addition of the following language, "Consultations may be joint consultations, as with community leaders luncheons." We are seeking the individual views of each community leader, from the standpoint of the particular group represented, in an interview with one of the principals or management-level employees of the applicant. If this can be done, consistent with our goal, by community leader meetings or luncheons, the applicant is free to use this method. We do not, however, believe the matter to be so significant as to warrant separate comment in the revised Primer. Georgetown requests that Answer 11(a) be revised to make clear that the phrase "prospective employees" applies only to applicants for new stations. Our intention is to limit the use of prospective employees to those situations where an applicant is newly formed and has not yet hired a full staff. Answer 11(a) will be revised to indicate that limitation, as follows:

Answer: Principals or management-level employees. In the case of newly formed applicants who have not yet hired a full staff, principals, management-level employees, or prospective management-level employees, must be used to consult with community leaders.

36. *Question and Answer 11(b): Consultations with members of the general public.* The applicant has a wider choice as to who can conduct consultations with members of the general public. The answer will be revised to make clear that employees of the applicant that are not management-level may conduct consultations with the general public. In addition, Answer 11(b) would permit the use of a professional research or survey service. The Mexican-American Committee has expressed its concern with Answer 11(b) in that it might permit an applicant to use a professional service to avoid or minimize person-to-person contacts with members of the less organized segments of the community. The concern is heightened by a fear that an applicant may not classify Mexican-American leaders as community leaders, thus leaving the Mexican-American community without any direct dialogue with the applicant. We appreciate this concern, which, of course, might have been raised by other minority groups. If, however, such a group constitutes a significant group within the community, and an applicant fails to consult leaders of that group, his showing will be questioned by the Commission and is potentially subject to petitions or informal objections from others. In addition, our concern with this problem is in part reflected in our discussion of what constitutes a "significant" group in footnote 9, above, and in Answer 10. Furthermore, changes will

[10] It should be made clear that the significance of a group is not determined solely by its size. Whether a group is to be considered "significant" may rest on several criteria, including its size, its influence or its lack of influence in the community.

be made in Answer 13(a) as to the identification of leaders of less formally organized groups. Answer 11(b) is, therefore, revised as follows:

Answer: Principals or employees. In the case of newly formed applicants who have not hired a full staff, principals, employees, or prospective employees may conduct the consultations. If the consultations are conducted by employees who are below the management level, the consultation process must be supervised by principals, management-level employees or prospective management-level employees. Also, the applicant may choose to use a professional research or survey service to consult with members of the general public.

37. *Question and Answer 12: Use of professional research organizations.* Most of the professional research organizations that filed comments take the position that we should adopt rigorous standards in order to assure that the sampling techniques are scientifically conducted and result in statistically reliable findings. Because no broadcaster has as much expertise in sampling techniques as the professional research organization, they urge for themselves a much larger, if not primary, role in the ascertainment of community problems. We have rejected the necessity of using such organizations, although they will be permitted to assist in parts of the process. We have taken this position for several reasons, including our interest in establishing a direct dialogue between decision making personnel in the applicant and the community. Moreover, the ascertainment of problems is the goal, and there comes a point of diminishing returns as to the sophistication of the procedures used to reach that goal. We believe that any problem of significance will be uncovered by the procedures described in the Primer. While recognizing that those procedures may not approach standards acceptable to a statistician, they will, for our purposes, provide the necessary information. Thus, imposing requirements that will assure statstical reliability serve little purpose. The costs of obtaining such information, therefore, do not warrant the imposition of higher standards than those we have adopted.[10] Question and Answer 12 have been modified to more clearly indicate the areas where a professional research or survey service are permitted, but not required, to enter the ascertainment process, as follows:

Question: To what extent may a professional research or survey service be used in the ascertainment process?

Answer: A professional service would not establish a dialogue between decision-making personnel in the applicant and community leaders. Therefore, such a service may not be used to consult community leaders. However, a professional service, as indicated in Answer 11(b), may be used to conduct consultations with the general public. A professional service may also be used to provide the applicant with background data, including information as to the composition of the city of license. The use of a professional research or survey service is not required to meet Commission standards as to ascertaining community problems. The applicant will be responsible for the reliability of such a service if it is utilized.

38. *Question and Answer 13(a): Which community leaders should be consulted?* The answer will be changed to make clear that the selection of community leaders for consultation flows from the applicant's determination of the composition of the community. In addition to those leaders, Bay Area TV suggests that Answer 13(a) should be amended to indicate that applicants should also consult with four or five members of the rank and file of each group, as well as its leaders. This position is based on the belief that the leaders may view community problems differently from the members of those groups. However, to the extent that their views may differ, the differences should show up in the consultations with the general public. There is, therefore, no reason for imposing the suggested requirement, since it is essentially duplicative.

39. In our discussion of Question and Answer 11, we noted that it was permissible for consultations with the general public to be conducted by those who were not decisionmaking personnel of the applicant, including outside professional services. The Mexican-American Committee, as a spokesman for a minority group that may lack formal organization in some communities, was concerned that a lack of easily identifiable leaders might relegate the ascertainment of that group's problems to nondecisionmaking personnel or an outside professional service. In this way, the applicant could avoid personal consultations with such groups, thereby avoiding the establishment of the desired dialog between the applicant and the group. We would hope that applicants would not take such a course of action. However, to allay the concern of the Mexican-American Committee and of other similarly situated groups, and to make clear that an applicant may not arbitrarily avoid personal consultations with significant groups because the group lacks a highly developed formal structure, we believe that it is appropriate to revise the answer to indicate that additional efforts may be needed to identify leaders of less organized groups. This may require, as suggested by some parties, asking members of the particular group to identify those who they consider to be their local leaders. Accordingly, the answer is revised as follows:

Answer: The applicant has already determined the composition of the community, and should select for consultations, those community leaders that reflect the community's composition. Groups with the greatest problems may be the least organized and have the fewest recognized spokesmen. Therefore, additional efforts may be necessary to identify their leaders so as to establish a dialog with such groups and better ascertain their problems.

40. *Question and Answer 13(b): Which members of the general public should be consulted.* In view of our discussion with respect to professional research or survey services, we will specify that a "random sample" of the general public must be consulted. References to a "representative range" or to a "statistically reliable sampling" will be omitted. For our purposes a random selection may be taken from a city directory, or may be done on a geographical distribution basis. Moreover, given the pervasiveness of the telephone in this country, a random selection of names from a telephone directory is sufficient for our purposes. Since the last sentence of the answer in the initial Primer has essentially been included in Answer 13(a), it will not be repeated here. However, language has been added to indicate that an applicant may, in addition to a random sample, consult with additional members of a particular group to obtain better insights into their particular problems. The language is precatory in nature, and serves only to encourage applicants to take whatever steps he thinks is reasonably necessary to make him better informed.

41. *Question and Answer 14: Number of persons to be consulted.* The question of how many to consult is a difficult one. Many of those filing comments requested that specific figures be given. However, we believe that the question is not one of numbers, but whether the applicant has consulted leaders of the significant groups found in the community. Since consultations with members of the general public will be by a roughly random sample, that sample will generally reflect the community's composition, although, as previously noted, statistical accuracy is not required. In this regard, numerical superiority, by itself, does not automatically indicate a more representative selection of community leaders or of the general public. The questions that will be raised in this regard are: Have community leaders from each significant group been consulted? As to members of the general public, has the applicant used a method that will result in a generally random selection? Has the applicant elicited sufficient information as to community problems in those consultations? Accordingly, Answer 14 will be revised as follows:

Answer: No set number or formula has been adopted. Community leaders from each significant group must be consulted. A sufficient number of members of the general public to assure a generally random sample must also be consulted. The number of consultations will vary, of course, with the size of the city in question and the number of distinct groups or organizations. No formula has been adopted as to the number of consultations in the city of license compared to other communities falling within the station's coverage contours. Applicants for stations in relatively small communities that are near larger communities are reminded that an ascertainment of community problems primarily in the larger community raises a question as to whether the station will realistically serve the smaller city, or intends to abandon its obligation to the smaller city.

42. Dempsey & Koplovitz suggests that some formula be adopted as to the number of consultations in outlying communities. In view of the considerable discretion afforded applicants in ascertaining problems in areas outside the city of license, see Questions and Answers 6 and 7, above, we see no need for a formula.

43. *Question and Answer 15: Time of consultations.* The proposed Primer specified that consultations must be made within 6 months before the filing of the application involved. In our view, this requirement is an appropriate one, with respect to the types of applications which are covered by the Primer adopted herein (for new facilities and some major changes, and the assignee/transferee portion of assignment and transfer applications). This should give the applicant ample time to make the consultations, evaluate the information gathered, and propose broadcast matter based on that information. Language has been included in the answer to make it clear that it applies to licensees or permittees of operating stations applying for increases in facilities. As revised, Answer 15 will read as follows:

Answer: Applicants, including licensees or permittees of operating stations filing for major changes, are required to conduct consultations within six (6) months prior to filing the application.

44. *Question and Answer 16: Failure to consult with representatives of a significant group.* Question and Answer 16 were included to counter the impression of some applicants that because they did not believe a certain group would be a part of their normal listening or viewing audience, the problems of that group need not be ascertained. This does not follow, however, since the solution to those problems may lie, in part, within the control of the group or groups that do constitute the station's audience. The necessary conclusion, if leaders of a significant group are not consulted, is that the ascertainment process is defective. Thus, as recommended by Georgetown and BEST, the answer will be revised to indicate that the ascertainment process is not just "subject to question," as stated in the proposed Primer, but is defective. BEST also suggests that not only omission, but "low representation," would make a showing defective. Again, we believe the question should be generally one of representativeness, not one of specific numbers. However, it should be noted that it is impossible to require a one-to-one ratio in terms of number because most people belong to several groups, and because groups vary widely as to their membership. Thus, an applicant who consults two leaders of a small but significant group, and four leaders of a group that is 20 times as large, has a low representation of leaders of the larger group. We would not normally, however, fault such a distribution of consultations.

45. Question and Answer 17 of the proposed Primer are directed toward renewal applicants. They have been, therefore, deleted from the revised Primer.

46. *Question and Answer 17 (18): Use of questionnaires.* (Our subsequent discussion will be correlated to the numbers of the revised Primer. For clarity's sake, however, the number of the question of the Primer proposed in the notice of inquiry will be indicated in parentheses.) Professional research organizations indicate that a sampling technique wherein the person whose views are sought is to voluntarily return a questionnaire by mail produces a strong "cooperation bias" that renders almost meaningless the information gathered by this method. Thus, we shall place no reliance on such a method. That does not negate the usefulness of questionnaires as a guide for consultations with community leaders or where the method of collection from members of the general public does not require the interviewee's voluntary return of the questionnaire by mail. We have also revised the answer to indicate that questionnaires are not a substitute for consultations with community leaders. It should be obvious that the questions used in the questionnaire must meet our requirements. For example, questionnaires primarily seeking program suggestions or approval of a preplanned program schedule are of little or no value. In view of these comments, Answer 17 will be revised as follows:

Answer: Yes. A questionnaire may serve as a useful guide for consultations with community leaders, but cannot be used in lieu of personal consultations. Members of the general public may be asked to fill out a questionnaire to be collected by the applicant. If the applicant uses a form or questionnaire, a copy should be submitted with the application.

47. *Question and Answer 18 (19): Solicitation of program suggestions.* Several broadcasters commented that program suggestions should be elicited from community leaders. In view of our experience that many applicants have translated "community problems" into "community program preferences", we approach those comments with circumspection. Badger Broadcasting has perceptively understood our concern, but believes "that the goal of programing responsive to community problems would be better served by realistic acknowledgement of the relationship between problems and programing." We recognize that relationship, but believe our encouragement of such comments may tend to make consultations primarily a discussion of programing and programing preferences, rather than a discussion to ascertain community problems. Obviously, we do not expect an applicant to ignore comments from the general public or community leaders as to the kinds of programing that they believe should be presented. We expect, however, that the applicant will guide the consultations so as to elicit community problems. In this regard, if a person offers program suggestions, further questioning by the applicant may elicit a more detailed picture of community problems. Suppose, for example, a community leader states, "We need more programs dealing with the activities of city government." Further questioning might reveal such problems as poor community-police relations, underutilization of certain welfare agencies while other similar agencies were overcrowded, or low utilization of a city adult vocational training program despite a high unemployment rate and a need for the skills offered by the training program.

48. Other parties suggest that community leaders should be consulted as to the kinds of programs best suited to meeting community problems. Since an applicant will have a broader overview of community problems due to the ascertainment process, is more aware of the kinds of broadcast matter available from others, is more aware of his own resources for producing programs and announcements, we see little need to consult community leaders as to the kinds of broadcast matter presented to meet community problems. Accordingly, the first three sentences of Answer 18 will remain as proposed.

49. Several parties commented that Answer 18 was unduly restrictive in that it seems to indicate that comments by a particular community leader as to areas not related to his particular field were not acceptable. To clarify this point, Westinghouse, for example, suggests that the answer should be revised to indicate that "individual leaders may have significant comments well beyond their particular field." We believe the point is well taken. While a leader in the educational field is a useful source of information on educational matters, and while he should be encouraged to comment about problems related to education, we did not intend to indicate that his comments as to areas outside the educational field should be discouraged or were not an appropriate part of the ascertainment process. Therefore, we have inserted the following sentence after the third sentence in the present answer: "However, it is also recognized that individual leaders may have significant comments outside their particular field, and the applicant should consider their comments with respect to all community problems."

50. The last sentence of the answer now states that the applicant has the responsibility to present broadcast matter "to provide information on community problems." As correctly noted by several parties, the broadcaster's responsibility encompasses more than providing information, although providing information may be a large part of that responsibility. Thus, it is appropriate to change the language to indicate that his responsibility is to present broadcast matter to "meet community problems." We use the word "meet" to include a responsibility to meet, aid in meeting, be responsive to, or stimulate the solution for community problems.

51. *Question and Answer 19 (20): The applicant who finds few community problems.* Several parties noted the omission of "members of the general public" from Question 19. The question will be revised to include that phrase. Since Question and Answer 19 are directed to the applicant in the process of preparing his application, and who has had limited success in eliciting information, Answer 19 will be expanded to point out some of the more common

[10] For example, CBS states that a professional research organization estimated that a survey of the Chicago area market could be done for $79,500.

practices that result in inadequate responses. Accordingly, Question and Answer 19 will be revised as follows:

Question: If, in consulting with community leaders and members of the general public, an applicant receives little information as to the existence of community problems, can he safely assume that only a few problems exist?

Answer: No. The assumption is not safe. The applicant should reexamine his efforts to determine whether his consultations have been designed to elicit sufficient information. Obviously, a brief or chance encounter will not provide adequate results. The person interviewed should be specifically advised of the purpose of the consultation. The applicant should note that many individuals, when consulting with broadcast applicants, either jump to the conclusion that the applicant is seeking programming preferences, or express community problems in terms of exposure or publicity for the particular group or groups with which they are affiliated. The applicant may properly note these comments, but should ask further questions designed to elicit more extensive responses as to community problems.

52. *Question and Answer 20 (21): Identification of community leaders consulted.* The purpose of the information required in Answer 20 is to enable us and others inspecting applications to be able to determine whether those community leaders consulted are representative, and to provide a means of verification if questions should arise. Thus, additional information as to the age of the community leader and the address of his particular organization are not required. In some circumstances, his home address may be necessary to clearly identify the leader, especially where the group he represents lacks a formal organization. Since we have recognized that there may be community leaders of groups that are not organizations in the sense that they have a formal structure, see Question and Answer 13(a), we will require identification by name, position and/or organization. Thus, John Jones, Executive Vice President, XYZ Corporation, would be an appropriate identification for a business leader. John Jones, 123 First Street, spokesman for welfare recipients, would be an appropriate identification for a leader of a group lacking a high degree of formal organization. His address is required because, in the city in question, the group he represents has no office as such, and there are several people with the same name living in the city. Therefore, Answer 20 is revised as follows:

Answer: By name, position, and/or organization of each. If further information is required to clearly identify a specific leader, it should be submitted.

53. *Question and Answer 21 (22): Attribution of comments to particular community leaders.* Several parties suggest that the comments as to community problems elicited from community leaders should be attributed to that leader. However, we believe that there are many instances where those consulted will speak more candidly if their comments are not attributed to them in a document open to public inspection. We, therefore, reject the suggested revision. The applicant is, of course, free to make such an attribution, as recognized by the first sentence of Answer 21. The choice of attributing specific comments to community leaders is a matter left to the applicant and the particular leader.

C. Information Received

54. *Question and Answer 22 (23): Listing of all ascertained community problems required.* Several parties inquired as to what constituted a "significant" problem, or suggested definitions for the word. However, other parties noted that the significance of a problem is really part of the applicant's evaluation, and should not be included in questions and answers dealing with the applicant's information-gathering process. Thus, we will revise Answer 22 to require that all community problems the applicant has ascertained be listed, with the exception of those that are clearly frivolous. Therefore, Answer 22 will be revised as follows:

Answer: All ascertained community problems should be listed, whether or not he proposes to treat them through his broadcast matter. An applicant need not, however, list comments as to community problems that are clearly frivolous.

D. The Application's Evaluation

55. *Question and Answer 23 (24): The applicant's evaluation.* The process of evaluation of community problems is the basis for the applicant's choice of broadcast matter to meet those problems. As such, the process is left to the licensee's discretion, with certain general exceptions, see questions and answers 24, 26, and 31. That discretion is implicit in questions and answers 23, 25, and 27. Answer 23 will be revised to incorporate the somewhat broader definition of "evaluation" that constitutes the first full sentence of Answer 28 of the proposed Primer as follows:

Answer: The applicant's evaluation is the process by which he determines the relative importance of the community problems he has ascertained, the timeliness of the various comments, and the extent to which he can present broadcast matter to meet the problems.

56. *Question and Answer 24 (25): inclusion of the evaluation in the application.* Answer 24 states that the applicant need not submit his evaluation with the application. The Mexican-American Committee and Bay Area TV opposed that position on the grounds that such information is, in their view, essential to an acurate evaluation of the application. However, it is not our desire to intrude upon the applicant's thought process, Sioux Empire Broadcasting Co., 16 FCC 2d 995, 5 RR 2d 961 (1969). Our review of his evaluation will be indirect; that is, by a review of the broadcast matter proposed. Dempsey & Koplovitz suggests that if a question exists as to the applicant's responsiveness to community problems, a letter of inquiry will be sent to the applicant as a matter of course to allow him an opportunity to respond. In processing applications we normally try to make one such inquiry prior to designation, if a hearing is required by other circumstances. But the exigencies of the processing lines are such that we do not guarantee such a letter. Therefore, Answer 24 will remain as it is, in that an applicant may be asked for an explanation where his broadcast matter does not appear sufficiently responsive to the community problems disclosed in his consultations. Of course, in applications where a hearing is not otherwise required, the applicant must make the required showing and he will be asked for an explanation if he fails to do so.

57. *Question and Answer 25 (26): What problems should be treated by the applicant.* The FCBA, the NAB and BEST all urge that Answer 25 be revised to indicate that in making an evaluation, the applicant may take into consideration the nature of its program format and composition of its audience. There was similar language in a prior draft of the Primer. That may well be a consideration, but our reason for deleting the language of the prior draft, and for rejecting the suggested language, is that it is too restrictive. It indicates to us and, apparently, to broadcasters, as evidenced by the comments that have been submitted, that a station need only meet problems directly related to the group or groups that comprise a large segment of its audience. The NAB suggests, for example, that a "rock" station, which has a predominantly young audience, "would be most effective in treating problems which are germane to that age group." In our view, the station's obligation is clearly greater than to that group. By way of illustration, suppose there is a city with three radio stations, each of which has determined the composition of its listening audience through market studies. One, a Spanish-language station, finds that a large part of its audience is relatively poor. The second is a "rock" station with a youthful audience. The last presents "middle-of-the-road" popular music and has a generally middle class audience. In consultations with community leaders and the general public, these stations have found that one of the city's welfare programs is grossly inadequate; that there is an eleemosynary organization that supplements the city's program, but which would not totally alleviate the problem even if it were working at full capacity; that neither the city program or the eleemosynary organization's program are at full capacity because many of those eligible for the services offered are either misinformed about, or unware of, the programs; and that the eleemosynary organization would be better able to implement its program if it had more money and volunteer workers.

58. Under the rationale of the NAB, since welfare programs are "germane" to the poor, two of the stations in the city might ignore or only minimally treat these problems for the reason that their audiences have relatively few poor people. That is an undesirable result. We do not accept the thesis that all those who might be eligible for the welfare programs do not listen to popular, "rock" or classical music. Moreover, the inadequacy of the city's welfare program might well be a topic of news, discussion, and editorials on all three stations. However, we believe the applicant's knowledge of his audience may properly be used in the following manner. The station with an audience that has a large proportion of poor people might emphasize the services available, the criteria for eligibility, and locations where those who are eligible should call or go to avail themselves of the services. The "rock" station might emphasize the need for volunteers while the popular station might emphasize the need for volunteers and for contributions to the program sponsored by the eleemosynary organization. These are offered only as possible ways of meeting a community problem. Innovative broadcasters would, no doubt, have different points of emphasis or other means of meeting the problems. While we believe that this use of the applicant's knowledge of the characteristics of his audience is implicit in Answer 25, the matter is of sufficient importance to be made explicit by appropriate revisions in the answer.

59. Answer 25 does rest on the applicant's good faith determination, which, of course, gives him considerable discretion. Thus, he may choose to meet as many problems as he believes he can. He may be selective, giving more extensive treatment to those problems he believes most important or to nascent problems, which if not met now are likely to become critical. Or he may recognize that another station in the community traditionally presents extensive broadcast matter to meet a particular problem. If it is an important problem, and if the stations' respective audiences differ only slightly in their composition, the broadcaster may decide to present some broadcast matter to meet that problem, but less than he would ordinarily due to the efforts of the other station. In view of this discretion, we believe unwarranted the implication read into answers 25 through 27 by some broadcasters, that a station must program to meet most or all community problems. He may do so if he wishes. Other programing policies are within his discretion. There are, of course, broad limitations, so that his discretion may be subject to review and inquiries may be made by the Commission, see answers 24 and 26. To be consistent, the phrase "to deal with all community problems" appearing in Question 25 will be changed to "to meet all community problems." Therefore, Question and Answer 25 will be changed to read:

Question: Must an applicant plan broadcast matter to meet all community problems disclosed by his consultations?

Answer: Not necessarily. However, he is expected to determine in good faith which of such problems merit treatment by the station. In determining what kind of broadcast matter should be presented to meet those problems, the applicant may consider his program format and the composition of his audience, but bearing in mind that many problems affect and are pertinent to diverse groups of people.

60. *Question and Answer 26 (27): Questions raised as to the applicant proposing to treat only one or two problems.* Several parties commenting on Question 26 believed that "several" community problems indicated too restricted a range and that "many", "numerous", or "a number of" community problems reflect more accurately the condition of our communities today. We do not believe the distinctions to be that important, but will use the latter phrase. What is important, no matter how one describes the number of problems extant in the particular community, is that there comes a point where the applicant proposes to meet so few community problems that his proposal is prima facie inconsistent with the public interest. At that point, the Commission and, perhaps, other parties will raise questions about the applicant's proposal. Most comments raised in conjunction with Answer 26 have been disposed of in our discussion of prior questions. Question and Answer 26 will be revised, primarily editorially, to conform to that prior discussion, as follows:

Question: If an applicant lists a number of community problems but in his evaluation determines that he will present broadcast matter to meet only one or two of them, would the proposal be defective?

Answer: A prima facie question would arise as to how the proposal would serve the public interest, and the applicant would have the burden of establishing the validity of his proposal.

61. *Question and Answer 27 (28): Proportioning broadcast matter in relation to the number of people affected not required.* NBC comments that the proposed wording of the last sentence of Answer 27 indicates that "life or death" is an absolute criterion so that the applicant has no discretion. NBC's concern is that a licensee who gives a higher priority to the problem of pollution, which affects all people, than to a traffic light problem, which affects a very small number of people, but conceivably in a life-or-death manner, might be subject to challenge. In our view, an applicant who followed the priority suggested by NBC would be well within his discretion. However, we believe the situation referred to in Answer 27 provides useful guidance to applicants and should be retained. We have revised the answer to indicate that it is only an example and is not a limit on the licensee's discretion. Since the first sentence of Answer 27 repeats the definition of the "applicant's evaluation" that now appears in Answer 23, it will not be repeated here. Therefore, Answer 27 will be revised as follows:

Answer: No. For example, the applicant, in his evaluation, (see Question and Answer 23) might determine that a problem concerning a beautification program affecting all the people would not have the relative importance and immediacy of a problem relating to inadequate hospital facilities affecting only a small percentage of the community, but in a life-or-death way.

E. Broadcast Matter Proposed to Meet the Problems as Evaluated

62. *Question and Answer 28 (29).* "Broadcast matter" was defined in Answer 28 as programs and public service announcements. The FCBA notes that public service announcements, by definition, are announcements for which no charge is made.[11] The FCBA further notes that a sponsored program is a recognized vehicle for meeting community problems. The FCBA and others suggest that a sponsored and unsponsored announcement can meet community problems with equal efficacy. The NAB states that, "Commercial sponsors are responsible for airing of a variety of spot announcements covering such subjects as employment of the handicapped, safe driving, fire prevention, minority job training, air and water pollution, narcotics information, etc." We believe that the point is well taken, and Answer 28 will be revised to read. "Programs and announcements." Our experience indicates, however, that most "spots" that are designed to meet community problems are public service announcements. Sponsored announcements that meet community problems are relatively rare,[12] and applicants proposing to meet community problems through extensive sponsored announcements are reminded that the standard by which they are judged is the public interest, not their private economic interests.

63. *Question and Answer 29 (30): Linking broadcast matter with problems.* Paragraph I(c) of section IV–A and IV–B asks for "typical and illustrative programs or program series" the applicant plans to broadcast to meet community problems. Appendix B to the application forms indicates that the applicant's program service (broadcast matter) is to be related to the community problems. Thus, Question and Answer 29 indicate that the applicant must show what broadcast matter is proposed to meet what problems. In order to determine the relationship between broadcast matter and problems, as required by Appendix B of the application forms, we must have more than general statements. Therefore, Answer 30 requires the applicant to state the title, time segment, duration, and frequency of broadcast of the proposed broadcast matter. Several broadcasters commented that the required information was too inflexible, and encouraged adherence to schedules and formats which became outdated due to changes in the community and its problems. When speaking of proposed programing, the requirements of Answer 29 appear too precise, especially in view of the length of the license period. We believe it appropriate, therefore, to indicate that changes in broadcast matter throughout the license period may be warranted.

64. The comments on Question and Answer 29 were usually combined with proposed Question and Answer 33. The latter discusses specific examples of overly broad descriptions which sometimes appear in applications, that are inadequate. We believe it is appropriate to combine those examples as a part of Answer 29,

[11] See definition 13, section IV–A and IV–B of the application forms.

[12] Public safety announcements sponsored by insurance companies provide one of the more common examples.

and eliminate proposed Question and Answer 33. Accordingly, Question and Answer 29 will be revised as follows:

Question: In the application, must there be a showing as to what broadcast matter the applicant is proposing to meet what problem?

Answer: Yes. See Public Notice of August 22, 1968, FCC 68-847, 13 RR 2d 1303. The applicant should give the description, and anticipated time segment, duration and frequency of broadcast of the program or program series, and the community problem or problems that are to be treated by it. One appropriate way would be to list the broadcast matter and, after it, the community problem or problems the broadcast matter is designed to meet. Statements such as "programs will be broadcast from time to time to meet community problems," or "news, talk and discussion programs will be used to meet community problems," are clearly insufficient. Applicants should note that they are expected make a positive, diligent and continuing effort to meet community problems. Therefore, they are expected to modify their broadcast matter if warranted in light of changed community problems. If announcements are proposed, they should be identified with the community problem or problems they are designed to meet.

65. *Question and Answer 30(31): Questions raised as to applicants proposing to meet community problems exclusively through announcements.* It has been previously noted that a licensee may meet community problems by announcements as well as programs. However, Answer 30 indicates that, in our judgment, sole reliance on announcements raises a question as to the adequacy of the proposal. Our judgment is founded on the recognition that our society is confronted with many complex problems that cannot be met by the brief comment afforded by announcements. Therefore, the broadcaster's stewardship of the frequency includes programs, as a general rule. Accordingly, we stated in Answer 30 that before we make a public interest finding, we will place on the applicant proposing only announcements the burden of establishing the adequacy of his proposal. Bonneville is concerned that Answer 30 may raise First Amendment questions since it "directs the licensee how to program his station." We disagree because the Commission's policies do not dictate the content of programs or announcements. The courts have upheld our right to look at program proposals and to make determinations as to how those proposals serve the public interest, Henry *et al.* (Suburban Broadcasters) v. FCC, 302 F. 2d 191, 23 RR 2016 (1962), cert. denied, 371 U.S. 821, 83 S. Ct. 37 (1962). See too, National Broadcasting Company v. United States, 319 U.S. 190, 63 S. Ct. 997 (1943). We believe the policy expressed in Answer 30 is well within constitutional limitations, as defined by those cases.

67. NBC comments that Answer 30 does not make it clear that some community problems may be best handled by announcements only. Since the answer only refers to those who place sole reliance on announcements, considerable discretion is implicit, and we believe no revisions are required. Rev. Stockford suggests that a separate policy statement should be submitted with the application as to the applicant's policies on the selection, placement and utilization of announcements, and that these policies should be made part of the license. However, we are concerned here with the use of announcements as they are used as a part of the applicant's general policies on presenting broadcast matter to meet community problems. We do not believe that it is necessary to provide separate policy statements on programs and announcements, since they are closely related. These policies are part of the application, which is available for inspection at each station, so there is no need to state those policies on the actual license. To keep the wording consistent, minor editorial changes will be made in Question and Answer 30.

67. *Question and Answer 31 (32): Amount of time allotted to meeting community problems.* We are concerned here with the proportion of time that must be devoted to meeting community problems. The very general guidelines provided by Answer 31 are indicative of the difficulties in defining the applicant's obligation in this area. However, we are now considering some more definite guidelines. For the present, general guidlines must suffice. We will afford applicants considerable discretion. That discretion is, of course, subject to review if it appears to be inconsistent with the public interest. A previous draft of the Primer made such review explicit. Since we have indicated elsewhere that the applicant's discretion can be reviewed (see questions and answers 24, 26, and 31) in situations where the proposals do not appear consistent with the public interest, we did not believe it necessary to restate that point in Answer 31. However, BEST believes that the point should be made explicit to make clear the Commission's concern that an applicant provide a "substantial proportion" of broadcast time toward meeting community problems. We will, therefore, revise Answer 31 to emphasize that the applicant's judgment, while afforded considerable latitude, may be subject to Commission review, if appropriate. NBC suggests that the standard should be "the good faith judgment of the applicant," and that the only questions that can be raised should go to the applicant's good faith, not his judgment. Such a course of action leads us to an untenable result. It is quite conceivable that a programing proposal appears on its face to be inconsistent with the public interest. We do not believe it appropriate to drop any inquiry as to that proposal on the showing that it was reached in good faith. The public interest demands more. Answer 31 will be revised to read as follows:

Answer: There is no single answer for all stations. The time required to deal with community problems can vary from community to community and from time to time within a community. Initially, this is a matter that falls within the discretion of the applicant. However, where the amount of broadcast matter proposed appears patently insufficient to meet significantly the community problems disclosed by the applicant's consultations, he will be asked for an explanation by letter of inquiry by the Commission.

68. *Question and Answer 32 (34): Use of station editorials.* We have previously indicated that the applicant's obligation is greater than providing information on community problems. Therefore, in accord with the wording of previous questions and answers. Question 32 will be reworded to use the phrase "to meet community problems," rather than "discuss and present information on community problems." BEST and Georgetown both request that it be made clear that editorials cannot be used exclusively to meet community problems. In view of our position, set forth in paragraph 65, that, absent a special showing, an applicant's obligation includes programs to meet community problems, it is clear that sole reliance on editorials, which are typically brief, would be unacceptable. Therefore, Question 32 will be revised as follows:

Question: Can station editorials be used as a part of a licensee's efforts to meet community problems?

69. Question and Answer 33 of the proposed Primer have been incorporated and discussed in Answer 29 of the revised Primer.

70. *Question and Answer 33 (35): Use of news programs.* Answer 33 makes explicit that news programs may, in part, be used to meet community problems. This position follows from the definition of a news program: "News programs (N) include reports dealing with current, local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis and sports." (Emphasis supplied).[12] A report of facts, in a general way, aids in understanding problems, but it is clear that news programs encompass more than reporting facts. Westinghouse believes that this raises problems for stations proposing an all-news format, apparently on the basis that "commentary (and) analysis," as "an integral part of a news" would all be logged as news. Such a station would show, it is claimed, no public affairs programing. This appears to be more a question of logging criteria than of the validity of Answer 33. Discernable segments of an all-news format that qualify as public affairs programing" may be so logged. Other than minor editorial changes, we believe Answer 33 should stand as it is.

71. *Question and Answer 34 (36): Specialized format stations.* Here it is made clear that the applicant's choice of format does not change his obligation to meet community problems. Our discussion in paragraphs 57 and 58, in conjunction with Question and Answer 25, as to how an applicant may wish to emphasize certain aspects of a particular problem, is equally pertinent here. The Question and Answer will be revised to reflect wording previously discussed, as follows:

Question: If an applicant proposes a specialized format (all news, rock and roll, religious, etc.), must it present broadcast matter to meet community problems?

Answer: Yes. The broadcast matter can be fitted into the format of the station.

72. *Question and Answer 35 (37): Relevance of nonbroadcast activities.* Westinghouse believes that Answer 35 discourages licensees from taking steps in response to community problems, other than presenting broadcast matter. In our view, the answer does not have this implication. Certainly, it is encouraging to see broadcasters engaged in such activities, both for the benefits to the community which result and for the insight gained as to community problems by the broadcaster. Nevertheless, we believe that however commendable a licensee's nonbroadcast activities may be, our public interest finding with respect to the use of the frequency must rest upon how the broadcast matter presented meets community problems. We believe this is axiomatic. The matter is raised to counter a contrary impression on the part of a few broadcasters. To bring Question 35 into conformity with the wording of previous material, the phrase "to meet" will be substituted for "in dealing with."

73. *Question and Answer 36 (38): Time of presentation of broadcast matter.* Answer 36 reflects our belief that given the diversity of stations, markets, and problems, the time that announcements and programs are to be presented is best left to the applicant with general limitation that it should be presented at a time when it could reasonably be expected to be effective. That limitation precludes the possibility, suggested by some parties, that the applicant would be free to present all the broadcast matter that is designed to meet community problems from 2 to 4 a.m. Many comments suggested that certain minimum criteria should be established for the presentation of public service programing in prime time. We believe such a requirement would require a rule-making proceeding. In any event, we do not have sufficient information as to the effect of such a requirement before us. In accordance with previous discussion, "meeting" will be substituted for the phrase "dealing with" in Question 36.

74. There are several matters that have not been discussed in conjunction with any specific question. Since this is an inquiry concerning clarification of Commission policies, and not a rule-making proceeding, we have not discussed those comments looking toward the revision of specific rules. For example, several parties suggested that sections 73.30, 73.230, and 73.630 of the rules should be amended so that only one-third of the stations in a particular community would come up for renewal each year. That suggestion, which certainly has merit, can not be acted upon in this Inquiry. Other suggestions were directed toward revisions in the application forms, which we also believe are beyond the scope of this Inquiry. And finally, some comments were directed toward major changes in Commission policy. For example, it was suggested that the Commission establish certain minimum criteria as to the presentation of public service programing during prime time, which is contrary to our present policy as expressed in Question and Answer 36. Since the purpose of the Inquiry has been to provide clarification and guidelines as to existing policies, and since we are not convinced that such a policy change is appropriate, we have not discussed this and other suggested changes in programing policies.

75. Other parties have suggested additional questions. These have been rejected mostly because they do not reflect Commission policy, or because the matters raised are treated by the existing questions. Thus, for example, separate questions as to ascertaining the problems of children are not warranted, since an applicant would ordinarily consult adults responsible for children's care and education.

76. *Changes in program formats; the recent decision in The Citizens Committee v. FCC.* As should be clear from our discussion of the various questions and answers, the Primer emphasizes community problems and needs. It is only secondarily concerned with the preferences of the people in the community or service area with respect to program formats or the type of entertainment programing they would like to receive. Our view has been that the station's program format is a matter best left to the discretion of the licensee or applicant, since as a matter of public acceptance and of economic necessity he will tend to program to meet the preferences of his area and fill whatever void is left by the programing of other stations.[13] Therefore, we have excluded a question recommended by BEST relating to the showing that must be made in cases where a station proposes to change its format. However, a recent decision of the U.S. Court of Appeals (D.C.) in The Citizens Committee, etc. v. FCC (Case No. 23,515, October 30, 1970) necessitates a re-examination of this approach. There, the Court reversed our action granting consent to transfer of control of the licensee of an AM-FM combination in Atlanta, where the transferee would abandon, at least in part, the station's present classical music format and no other Atlanta station presents similar material. A hearing was held to be required in the circumstance.

77. The Commission has not completed its review of this decision and its implications, to determine what is required under it in terms of the Commission's obligations in passing on various types of applications. Therefore, and since the Primer is essentially directed at a different subject and it is desirable to get it out as soon as possible, we are not here discussing this matter at length. Suffice it to say that any application involving a substantial change in program format—including assignment and transfer applications (where this type of question has usually arisen) and also applications for renewal or major changes in facilities if they involve a basic programing change—will be scrutinized in light of this decision; and applicants should be prepared to support their proposals to change formats in light of the needs and tastes of the community and the types of programing available from other stations.[14] A careful reading of this decision is recommended.

78. As amended, we believe the attached Primer serves substantially to clarify and provide guidelines for our programing policies. As with our other Primers, revisions will be made from time to time where appropriate or necessary.

79. Under § 1.522 of the rules, applicants who believe their showing is deficient under the guidelines of this Primer, may amend their application as a matter of right prior to designation for hearing. Applicants in pending hearing cases may amend their applications if deemed necessary in view of our action here, within ninety (90) days of the release of the report and order, or such further time as the presiding tribunal may allow for cause shown.

80. In view of the above, the attached Primer is adopted.

Adopted: February 18, 1971.

Released: February 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[17]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A—PARTIES FILING COMMENTS

Action for Children's Television.
Aik and Lubic.
American Broadcasting Co. (ABC).
Association of Afro-American Television Producers.
Badger Broadcasting Co., Inc. et al. (Badger Broadcasting):

[12] Instruction 11(c) of section IV-A and IV-B of the application forms.

[13] See instruction 11(d) of section IV-A and IV-B of the application forms.

[14] The Court's holding related only to assignment and transfer applications. As to changes in format not involving application, the court noted that these do not require Commission permission; but that the licensee making such changes "would have done so knowing that the change would have been a factor to be weighed when its application for renewal was filed." (The Citizens Committee, etc., v. FCC, slip opinion, p. 16.)

[17] Commissioner Johnson concurring in the result.

Badger Broadcasting Co., Inc.
Fetzer Broadcasting Co.
560 Broadcasting Corp.
Kansas Association of Radio Broadcasters.
Quincy Broadcasting Co.
Quincy Newspapers, Inc.
RadiOhio, Inc.
Rock Island Broadcasting Co.
Stauffer Publications, Inc.
WBNS-TV, Inc.
Thomas F. Baldwin and Stuart H. Surlin.
Black Efforts for Soul in Television (BEST).
Bonneville International Corp. (Bonneville).
The Church Federation of Greater Chicago.
Lauren A. Colby.
Columbia Broadcast System, Inc. (CBS).
Committee to Improve Bay Area Television (Bay Area TV).
Cosmos Broadcasting Corp.
Daly & Joyce.
Jon Paul Davidson.
Dempsey & Koplovitz.
Department of Justice, Community Relations Service.
Empire Broadcasting Corp.
Federal Communications Bar Association (FCBA).
Franklin Broadcasting Co.
Milton Friedman et al.:
Milton Friedman.
Harry Kalvin, Jr.
Maurice Rosenfield.
Radio Station WAIT.
Georgetown University Law Center Task Force on the Mass Media (Georgetown).
Golden West Broadcasters.
Hampton Roads Broadcasting Corp.
L. L. Hilliard.
KMSO–TV, Inc.
McClatchy Newspapers.
John J. McGonagle, Jr.
Media Statistics, Inc.
Metromedia, Inc. (Metromedia).
National Association of Broadcasters, Inc. (NAB).
National Broadcasting Co. (NBC).
National Citizens Committee For Broadcasting (Citizens Committee).
National Mexican-American Anti-Defamation Committee, Inc. (Mexican-American Committee).
National Research Center, Inc.
Office of Communication of the United Church of Christ.
Oregon Association of Broadcasters.
Pierson, Ball & Dowd.
Robert D. Raiford.
Red Lion Broadcasting Co., Inc.
Herschel Shosteck Associates.
William H. Siemering.
Donald Stockton et al:
Donald Stockton.
Sanford E. Markey.
J. Jerome Lackamp.
Storer Broadcasting Co.
Tri-State Broadcasting Co., Inc.
Turner Broadcasting Corp.
William M. Weir et al:
William M. Weir.
Dee W. Norton.
Alan Spitzer.
Sue Rosner.
Peter Roberts.
John Spaulding.
Dorothea Dilkes.
Welch & Morgan.
Westinghouse Broadcasting Co., Inc. (Westinghouse).
What the Bible Says, Inc. (WTBSI).

APPENDIX B—FEDERAL COMMUNICATIONS COMMISSION PRIMER ON PART I SECTION IV–A AND IV–B OF APPLICATIONS FORMS CONCERNING ASCERTAINMENT OF COMMUNITY PROBLEMS AND BROADCAST MATTER TO DEAL WITH THOSE PROBLEMS

A. General.

1. Question: With what applications does this Primer apply in answering part I, section IV (A or B) of the application forms?

Answer: With applications for:

a. Construction permit for new broadcast stations;

b. Construction permit for a change in authorized facilities when the station's proposed field intensity contour (Grade B for television, 1 mV/m for FM, or 0.5 mV/m for AM) encompasses a new area that is equal to or greater than 50 percent of the area within the authorized field intensity contours.

c. Construction permit or modification of license to change station location;

d. Construction permit for satellite television station, including a 100 percent satellite;

e. The assignee's or transferee's portion of applications for assignment of broadcast license or transfer of control, except in pro forma cases where Form 316 is appropriate.

Educational organizations filing applications for educational noncommercial stations are exempt from the provisions of this Primer.

2. Question: If section IV (A or B) has been recently submitted, must an applicant conduct a new ascertainment of community problems and submit a new section IV?

Answer: Needless duplication of effort will not be required. Prior filings within the year previous to the tender of the present application will generally be acceptable, where they were filed by the same applicant, for the same station or for another station in the same community and there are no significant coverage differences involved. Parties relying on previous filings must specifically refer to the application relied on and state that in their judgment there has been no change since the earlier filing. Proposed assignors and transferors of control are not required to file part I even where they must file other parts of section IV.

3. Question: What is the general purpose of part I, section IV–A or IV–B?

Answer: To show what the applicant has done to ascertain the problems, needs and interests of the residents of his community of license and other areas he undertakes to serve (See Question 6, below), and what broadcast matter he proposes to meet those problems, needs and interests, as evaluated. The word "problems" will be used subsequently in this Primer as a short form of the phrase "problems, needs and interests." The phrase "to meet community problems" will be used to include the obligation to meet, aid in meeting, be responsive to, or stimulate the solution for community problems.

4. Question: How should ascertainment of community problems be made?

Answer: By consultations with leaders of the significant groups in the community to be served and surrounding areas the applicant has undertaken to serve, and by consultations with members of the general public. In order to know what significant groups are found in a particular community, its composition must be determined, see Question and Answer 9. The word "group" as used here is broad enough to include population segments, such as racial and ethnic groups, and informal groups, as well as groups with formal organization.

5. Question: Can an applicant rely upon long-time residency in or familiarity with, the area to be served instead of making a showing that he has ascertained community problems?

Answer: No. Such an ascertainment is mandatory.

6. Question: Is an applicant expected to ascertain community problems outside the community of license?

Answer: Yes. Of course, an applicant's principal obligation is to ascertain the problems of his community of license. But he should also ascertain the problems of the other communities that he undertakes to serve, as set forth in his response to Question 1(A)(2) of section IV–A or IV–B. Applicants for stations licensed to more than one city, or for channels assigned to two or more cities, or proposed transferees or assignees of stations which have obtained waiver of the station identification rules to permit secondary identification with additional cities, are expected to ascertain problems in each of the cities. If an applicant chooses not to serve a major community that falls within his service contours a showing must be submitted explaining why. However, no major city more than 75 miles from the transmitter site need be included in the applicant's ascertainment, even if the station's contours exceed that distance.

7. Question: Must the ascertainment of community problems for the other areas the applicant undertakes to serve be as extensive as for the city of license?

Answer: No. Normally, consultations with community leaders who can be expected to have a broad overview of community problems would be sufficient to ascertain community problems.

8. Question: Should an applicant for a major change in facilities (see Answer 1(b), above) make a new ascertainment of community problems for the entire service area or just the additional area to be served?

Answer: Only the additional area to be served need be subjected to a new ascertainment of community problems. Only communities or areas covered by Question and Answer 6 need be ascertained, to the extent indicated in Answer 7.

9. Question: How does an applicant determine the composition of his city of license?

Answer: The applicant may use any method he chooses, but guesswork or estimates based upon alleged area familiarity are inadequate. Current data from the U.S. Census Bureau, Chamber of Commerce and other reliable studies or reports are acceptable. The applicant must submit such data as is necessary to indicate the minority, racial, or ethnic breakdown of the community, its economic activities, governmental activities, public service organizations, and any other factors or activities that make the particular community distinctive.

10. Question: If the applicant shows consultations with leaders of groups and organizations that represent various economic, social, political, cultural and other elements of the community, such as government, education, religion, agriculture, business, labor, the professions, racial and/or ethnic groups, and eleemosynary organizations, is the applicant still required to submit a showing in support of its determination of the composition of the community?

Answer: Yes. The purpose of requiring a determination of the community is to inform the applicant and the Commission what groups comprise the community. The applicant must use that information to select those who are to be consulted as representatives of those groups. That determination may be challenged on a showing, including supporting data, that a significant group has been omitted. The "significance" of a group may rest on several criteria, including its size, its influence, or its lack of influence in the community.

B. Consultations with Community Leaders and Members of the General Public.

11(a). Question: Who should conduct consultations with community leaders?

Answer: Principals or management-level employees. In the case of newly formed applicants who have not hired a full staff and are applying for new stations, or for transfer or assignment of an authorization, principals, management-level employees, or prospective management-level employees, must be used to consult with community leaders.

11(b). Question: Who should consult with members of the general public?

Answer: Principals or employees. In the case of newly formed applicants who have not hired a full staff and are applying for new stations, or for transfer or assignment of an authorization, principals, employees or prospective employees may conduct consultations. If consultations are conducted by employees who are below the management level, the consultation process must be supervised by principals, management-level employees, or prospective management-level employees. In addition, the applicant may choose to use a professional research or survey service to conduct consultations with members of the general public.

12. Question: To what extent may a professional research or survey service be used in the ascertainment process?

Answer: A professional service would not establish a dialogue between decision-making personnel in the applicant and community leaders. Therefore, such a service may not be used to consult community leaders. However, a professional service, as indicated in Answer 11(b), may be used to conduct consultations with the general public. A professional service may also be used to provide the applicant with background data, including information as to the composition of the city of license. The use of a professional research or survey service is not required to meet Commission standards as to ascertaining community problems. The applicant will be responsible for the reliability of such a service.

13(a). Question: With what community leaders should consultations be held?

Answer: The applicant has already determined the composition of the community, and should select for consultations those community leaders that reflect that composition. Groups with the greatest problems may be the least organized and have the fewest recognized spokesmen. Therefore, additional efforts may be necessary to identify their leaders so as to better establish a dialogue with such groups and better ascertain their problems.

13(b). Question: With what members of the general public should consultations be held?

Answer: A random sample of members of the general public should be consulted. The consultations should be designed to further ascertain community problems which may not have been revealed by consultations with community leaders. In addition to a random sample, if the applicant has reason to believe that further consultations with a particular group may reveal further problems or may elicit viewpoints that will give him further insight into its problems, he is encouraged to consult with additional members of that group.

14. Question: How many should be consulted?

Answer: No set number or formula has been adopted. Community leaders from each significant group must be consulted. A sufficient number of members of the general public to assure a generally random sample must also be consulted. The number of consultations will vary, of course, with the size of the city in question and the number of distinct groups or organizations. No formula has been adopted as to the number of consultations in the city of license compared to other communities falling within the station's coverage contours. Applicants for stations in relatively small communities that are near larger communities are reminded that an ascertainment of community problems primarily in the larger community raises a question as to whether the station will realistically serve the smaller city, or intends to abandon its obligation to the smaller city.

15. Question: When should consultations be held?

Answer: In preparing applications for major changes in the facilities of operating stations, a complete new ascertainment must be made within six (6) months prior to filing the application. Applicants for a new facility, or the party filing the assignee or transferee portion of an application for assignment or transfer, are also required to hold consultations within six (6) months prior to filing an appropriate application.

16. Question: Is a showing on the ascertainment of community problems defective if leaders of one of the groups that comprise the community, as disclosed by the applicant's study, are not consulted?

Answer: The omission of consultations with leaders of a significant group would make the applicant's showing defective, since those consulted would not reflect the composition of the community.

17. Question: In consultations to ascertain community problems, may a preprinted form or questionnaire be used?

Answer: Yes. A questionnaire may serve as a useful guide for consultations with community leaders, but cannot be used in lieu of personal consultations. Members of the general public may be asked to fill out a questionnaire to be collected by the applicant. If the applicant uses a form or questionnaire, a copy should be submitted with the application.

18. Question: In consulting with community leaders to ascertain community problems, should an applicant also elicit their opinion on what programs the applicant should broadcast?

Answer: It is not the purpose of the consultations to elicit program suggestions. (See Question and Answer 3.) Rather, it is to ascertain what the person consulted believes to be the problems of the community from the standpoint of a leader of the particular group or organization. Thus, a leader in the educational field would be a useful source of information on educational matters; a labor leader, on labor matters; and a business leader on business matters. However, it is also recognized that individual leaders may have significant comments outside their respective fields, and the applicant should consider their comments with respect to all community problems. The applicant has the responsibility for determining what broadcast matter should be presented to meet the ascertained community problems as he has evaluated them.

19. Question: If, in consulting with community leaders and members of the general public, an applicant receives little information as to the existence of community problems, can he safely assume that only a few problems actually exist?

Answer: No. The assumption is not safe. The applicant should reexamine his efforts to determine whether his consultations have been designed to elicit sufficient information. Obviously, a brief or chance encounter will not provide adequate results. The person interviewed should be specifically advised of the purpose of the consultation. The applicant should note that many individuals, when consulting with a broadcast applicant, either jump to the conclusion that the applicant is seeking programing preferences, or express community problems in terms of exposure or publicity for the particular group or groups with which they are affiliated. The applicant may properly note these comments, but should ask further questions designed to elicit more extensive responses as to community problems.

20. Question: In responding to part I of section IV–A or IV–B how should the applicant identify the community leaders consulted?

Answer: By name, position, and/or organization of each. If further information is required to clearly identify a specific leader, it should be submitted.

21. Question: Should the information elicited from a community leader, from the standpoint of the group he represents, be set forth after his name?

Answer: It is not required, but the applicant may find it desirable. The information can be set forth in a general list of community problems.

C. Information Received.

22. Question: Must all community problems which were revealed by the consultations be included in the applicant's showing?

Answer: All ascertained community problems should be listed, whether or not he proposes to treat them through his broadcast matter. An applicant need not, however, list comments as to community problems that are clearly frivolous.

D. Applicant's Evaluation.

23. Question: What is meant by an "applicant's evaluation" of information received as to community problems?

Answer: The applicant's evaluation is the process by which he determines the relative importance of the community problems he has ascertained, the timeliness of the various comments, and the extent to which he can present broadcast matter to meet the problems.

24. Question: Is the applicant's evaluation to be included in his application?

Answer: It is not required. Where the applicant's broadcast matter does not appear to be sufficiently responsive to the community problems disclosed by his consultations, the applicant may be asked for an explanation by letter of inquiry from the Commission. See Questions and Answers 25 and 26.

25. Question: Must an applicant plan broadcast matter to meet all community problems disclosed by his consultations?

Answer: Not necessarily. However, he is expected to determine in good faith which of such problems merit treatment by the station. In determining what kind of broadcast matter should be presented to meet those problems, the applicant may consider his program format and the composition of his audience, but bearing in mind that many problems affect and are pertinent to diverse groups of people.

26. Question: If an applicant lists a number of community problems but in his evaluation determines that he will present broadcast matter to meet only one or two of them, would the proposal be defective?

Answer: A prima facie question would arise as to how the proposal would serve the public interest, and the applicant would have the burden of establishing the validity of his proposal.

27. Question: As a result of the evaluation process, is an applicant expected to propose broadcast matter to meet community problems in proportion to the number of people involved in the problem?

Answer: No. For example, the applicant, in his evaluation (see Question and Answer 23) might determine that a problem concerning a beautification program affecting all the people would not have the relative importance and immediacy of a problem relating to inadequate hospital facilities affecting only a small percentage of the community, but in a life-or-death way.

E. *Broadcast Matter To Meet the Problems as Evaluated.*

28. Question: What is meant by "broadcast matter"?

Answer: Programs and announcements.

29. Question: In the application, must there be a showing as to what broadcast matter the applicant is proposing to what problem?

Answer: Yes. See Public Notice of August 22, 1968, FCC 68-847, 13 RR 2d 1303. The applicant should give the description, and anticipated time segment, duration and frequency of broadcast of the program or program series, and the community problem or problems which are to be treated by it. One appropriate way would be to list the broadcast matter and, after it, the particular problem or problems the broadcast matter is designed to meet. Statements such as "programs will be broadcast from time to time to meet community problems," or "news, talk and discussion programs will be used to meet community problems," are clearly insufficient. Applicants should note that they are expected to make a positive, diligent and continuing effort to meet community problems. Therefore, they are expected to modify their broadcast matter if warranted in light of changed community problems. If announcements are proposed, they should be identified with the community problem or problems they are designed to meet.

30. Question: Can an applicant specify only announcements and no programs to meet community problems?

Answer: A proposal to present announcements only would raise a question as to the adequacy of the proposal. The applicant would have the burden of establishing that announcements would be the most effective method for meeting the community problems he proposes to meet. If the burden is not met by the showing in the application, it will be subject to further inquiry.

31. Question: What is meant by devoting a "significant proportion" of a station's programing to meeting community problems? [City of Camden 18 FCC 2d 412, 421, 16 RR 2d 555, 568 (1969)]

Answer: There is no single answer for all stations. The time required to deal with community problems can vary from community to community and from time to time within a community. Initially, this is a matter that falls within the discretion of the applicant. However, where the amount of broadcast matter proposed to meet community problems appears patently insufficient to meet significantly the community problems disclosed by the applicant's consultations, he will be asked for an explanation by letter of inquiry from the Commission.

32. Question: Can station editorials be used as a part of a licensee's efforts to meet community problems?

Answer: Yes.

33. Question: Can news programing be considered as programing to meet community problems?

Answer: Yes. However, they cannot be relied upon exclusively. Most broadcast stations, of course, carry news programs regardless of community problems. News programs are usually considered by the people to be a factual report of events and matters—to keep the public informed—and, therefore, are not designed primarily to meet community problems.

34. Question: If an applicant proposes a specialized format (all news, rock and roll, religious, etc.), must it present broadcast matter to meet community problems?

Answer: Yes. The broadcast matter can be fitted into the format of the station.

35. Question: May an applicant rely upon activities other than programing to meet community problems?

Answer: No. Many broadcasters do participate personally in civic activities, but the Commission's concern must be with the licensee's stewardship of his broadcast time in serving the public interest.

36. Question: Are there any requirements as to when broadcast matter meeting community problems should be presented?

Answer: The applicant is expected to schedule the time of presentation on a good faith judgment as to when it could reasonably be expected to be effective.

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Y.S

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PROCLAMATION 4032

Law Day, U.S.A., 1971

By the President of the United States of America

A Proclamation

Change is the immutable first law of nature, and governments reveal themselves most in the manner by which they provide for change. History is littered with the remains of governments that failed to meet this challenge: of those that gave too great a scope to unbridled impulse, and of those that gave too little scope to the human spirit.

Between these two extremes—between the tyranny of anarchy and the tyranny of totalitarianism—the law has its dominion. Our forefathers established government and founded a free nation on that high place. They gave us laws that could be changed by orderly process so that the nation and its people might remain free.

This ability to change by orderly process is essential to democratic government, for the success of such a form of government depends upon a capacity constantly to resolve the basic paradox of a system of liberty under law: that the supremacy of the law rests on its recognition of the supremacy of the people.

The continuing success of America testifies to the wisdom with which the founders of this nation addressed this paradox, and to the legal skill with which they resolved it.

It is fitting that we honor not merely the law, but the lawgivers, and that we honor above all those citizens who keep the law.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby urge the people of the United States to observe Saturday, May 1, 1971, as Law Day in the United States of America with appropriate public ceremonies and by the reaffirmation of their dedication to our form of government and the supremacy of law in our lives. I especially urge the legal profession, the schools and educational institutions, civic and service organizations, all media of public information, and the courts to take the lead in sponsoring and participating in appropriate observances throughout the nation.

And, as requested by the Congress, I direct the appropriate Government officials to display the flag of the United States on all public buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 2d day of March, in the year of our Lord, nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-3131 Filed 3-3-71; 9:15 am]

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Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Amendments

1. Effective April 5, 1971, §§ 226.7(e) and 226.9 (b) and (c) are amended and § 226.10(e) is added to Part 226 as follows:

§ 226.7 Open end credit accounts—specific disclosures.

* * * * *

(e) *Change in terms.* Not later than 15 days prior to the beginning date of the billing cycle in which any change is to be made in the terms previously disclosed to the customer of an open end credit account, the creditor shall mail or deliver a written disclosure of such change to each customer required to be furnished a statement under paragraph (b) of this section. Such disclosure shall be mailed or delivered to each other customer who subsequently activates his account not later than the date of mailing or delivery of the next required billing statement on his account. However, if the periodic rate or rates, or any minimum, fixed, check service, transaction, activity, or similar charge is increased, the creditor shall mail or deliver a written disclosure of such increase to each customer at least 15 days prior to the beginning date of the billing cycle in which the increase is imposed on his account. No notice is necessary if the only change is a reduction in the minimum periodic payment, periodic rate or rates, or in any minimum, fixed, check service, transaction, activity, or similar charge applicable to the account.

* * * * *

§ 226.9 Right to rescind certain transactions.

* * * * *

(b) *Notice of opportunity to rescind.* Whenever a customer has the right to rescind a transaction under paragraph (a) of this section, the creditor shall give notice of that fact to the customer by furnishing the customer with two copies of the notice set out below, one of which may be used by the customer to cancel the transaction. Such notice shall be printed in capital and lower case letters of not less than 12 point bold-faced type on one side of a separate statement which identifies the transaction to which it relates. Such statement shall also set forth the entire paragraph (d) of this section, "Effect of rescission." If such paragraph appears on the reverse side of the statement, the face of the statement shall state: "See reverse side for important information about your right of rescission." Before furnishing copies of the notice to the customer, the creditor shall complete both copies with the name of the creditor, the address of the creditor's place of business, the date of consummation of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the customer may give notice of cancellation. Where the real property on which the security interest may arise does not include a dwelling, the creditor may substitute the words "the property you are purchasing" for "your home," or "lot" for "home," where these words appear in the notice.

Notice to customer required by Federal law:

You have entered into a transaction on ---------- (date) which may result in a lien, mortgage, or other security interest on your home. You have a legal right under Federal law to cancel this transaction, if you desire to do so, without any penalty or obligation within 3 business days from the above date or any later date on which all material disclosures required under the Truth in Lending Act have been given to you. If you so cancel the transaction, any lien, mortgage, or other security interest on your home arising from this transaction is automatically void. You are also entitled to receive a refund of any downpayment or other consideration if you cancel. If you decide to cancel this transaction, you may do so by notifying ---------- (Name of creditor) at (Address of creditor's place of business) by mail or telegram sent not later than midnight of ---------- (date). You may also use any other form of written notice identifying the transaction if it is delivered to the above address not later than that time. This notice may be used for that purpose by dating and signing below.

I hereby cancel this transaction.

---------- (date) ---------- (customer's signature)

(c) *Delay of performance.* Except as provided in paragraph (e) of this section, the creditor in any transaction subject to this section, other than an extension of credit primarily for agricultural purposes, shall not perform, or cause or permit the performance of, any of the following actions until after the rescission period has expired and he has reasonably satisfied himself that the customer has not exercised his right of rescission:

(1) Disburse any money other than in escrow,

(2) Make any physical changes in the property of the customer;

(3) Perform any work or service for the customer; or

(4) Make any deliveries to the residence of the customer if the creditor has retained or will acquire a security interest other than one arising by operation of law.

* * * * *

§ 226.10 Advertising credit terms.

* * * * *

(e) *Advertising of FHA section 235 financing.* Any advertisement to aid, promote, or assist directly or indirectly the sale of residential real estate under Title II, section 235, of the National Housing Act (12 U.S.C. 1715z) shall clearly identify those credit terms which apply to the assistance program and, except as provided in this paragraph, comply with the provisions of paragraph (d) of this section. No such advertisement shall state:

(1) The amount of any payment scheduled to repay the indebtedness without stating the family size and income level applicable to that amount.

(2) Any rate of a finance charge, or the amount of the finance charge, expressed as an annual percentage rate based on the assistance. The annual percentage rate exclusive of the assistance may be stated, but is not required.

2a. The amendment to § 226.7(e) is designed to simplify disclosure of changes in open end credit account terms. Notice of changes may be sent to active accounts with the billing statement preceding the billing cycle in which the change takes place, provided it is given at least 15 days prior to the beginning of that billing cycle. Notice need not be given to inactive accounts until they become active, except that notice must be given of any change which would result in an increase in finance charges at least 15 days prior to the beginning of the billing cycle in which the increase is imposed on the account. No prior disclosure is required if the minimum payment or finance charges are reduced.

b. The last sentence in § 226.9(b) prior to the required form of notice has been amended to read as follows: "Where the real property on which the security interest may arise does not include a dwelling, the creditor may substitute the words 'the property you are purchasing' for 'your home,' or 'lot' for 'home,' where these words appear in the notice." The amendment is intended to make the rescission notice more meaningful in rescindable transactions involving only a vacant lot intended to be used as a homesite by permitting the substitution of the words "the property you are purchasing" for "your home" or "lot" for "home."

c. The amendment to § 226.9(c) consists of the insertion of the words "other than an extension of credit primarily for agricultural purposes." The amendment will allow agricultural credit customers to obtain money, property, or services prior to expiration of the rescission period. The creditor will not be required to delay performance until expiration of the rescission period as required in other transactions subject to the right of rescission. The amendment does not generally remove agricultural credit from the right of rescission provisions.

d. The new § 226.10(e) provides special advertising requirements for section 235 FHA Federal assistance programs. The amendment prohibits any statement of an annual percentage rate based on the assistance. Such a statement could

be misleading in view of the fact that the Truth in Lending Act permits an advertisement to contain the annual percentage rate without additional terms, and the assistance may subsequently vary or be terminated. Any statement of the amount of payments under the assistance program must give the applicable family size and income level.

3. Notice of proposed rule making with respect to these amendments was published in the FEDERAL REGISTER of November 5, 1970 (35 F.R. 17061), except with respect to the proposed amendment of § 226.9(c), which was published in the FEDERAL REGISTER of December 17, 1970 (35 F.R. 19124). The amendments were adopted by the Board after consideration of all relevant material, including communications received from interested persons.

By order of the Board of Governors, February 25, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2922 Filed 3-3-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-PC-8]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to alter the designated altitudes of the Kaula Rock, Hawaii, Restricted Areas R-3107A and R-3107B.

R-3107A and R-3107B have the same lateral dimensions. R-3107A extends from the surface to 14,500 feet MSL. R-3107B extends from 14,500 feet MSL to FL 300.

To simplify the management of these areas, the Federal Aviation Administration is altering the altitude division between R-3107A and R-3107B from 14,500 feet MSL to FL 180. The Department of Defense concurs in this action.

Since this action involves navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since these amendments are editorial in nature and do not require the designation of additional airspace, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

Section 73.31 (36 F.R. 2338) is amended as follows:

1. In R-3107A Kaula Rock, Hawaii, the phrase "Surface to 14,500 feet MSL." is deleted and the phrase "Surface to FL 180." is substituted therefor.

2. In R-3107B Kaula Rock, Hawaii, the phrase "14,500 feet MSL to FL 300." is deleted and the phrase "FL 180 to FL 300." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 26, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2944 Filed 3-3-71;8:47 am]

[Airspace Docket No. 70-SO-99]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On January 13, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 435, 833) stating that the Federal Aviation Administration was considering amendments to Part 73 of the Federal Aviation Regulations that would designate temporary restricted areas in the coastal region of North Carolina to be utilized for a short period to accommodate a joint Military training exercise.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Air Transport Association of America (ATA); U.S. Marine Corps, Cherry Point, N.C.; Coastair, Inc., Morehead City, N.C.; and the North Carolina Department of Conservation and Development, Raleigh, N.C.

The ATA concurred with the proposals contained in the notice. The Marine Corps comments were directed to the proposal to alter R-5306A to exclude the airspace within R-5306A below 3,000 feet MSL either side of a line extending from the Morehead City Airport to the New Bern VOR. The Marine Corps recommends utilization of current operation procedures which permit VFR aircraft to transit R-5306A between Morehead and New Bern. These procedures permit VFR traffic to transit the restricted area after coordination has been affected with the Cherry Point Radar Control Center. This coordination can be conducted via radio or a collect commercial telephone call to the Control Center via telephone number 447-1801. This coordination permits the Control Center to assign a route and altitude through the restricted area which provides the highest degree of separation between the transiting aircraft and the high volume of high-speed military traffic that prevails within the restricted area.

The FAA concurs with the U.S. Marine Corps and believes the utilization of the current procedures in effect for transit of R-5306A will provide a greater margin of safety for air traffic desiring to transit the restricted area. Accordingly, the proposal set forth under Item No. 4 in the notice will not be adopted.

The comments received from Coastair and the North Carolina Department of Conservation and Development did not object to the proposals but stated a requirement to conduct some air operations within portions of the proposed exercise areas. At the request of the FAA, coordination with these persons and the training exercise director was effected and suitable procedures were set up to permit their operations in concert with the training exercise activities.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 22, 1971, as hereinafter set forth.

1. Section 73.53 (36 F.R. 2353) is amended by adding the following:

a. Name: R-5305 Exotic Dancer IV Joint Military Exercise.

Location: Jacksonville, N.C.

Boundaries: Beginning at point on the northwest boundary of Restricted Area R-5306A at lat. 35°02'00" N., long. 76°58'15" W.; thence southwest and southeast along the boundary of R-5306A, R-5306B, and R-5306C to lat. 34°30'20" N., long. 77°15'50" W.; thence southwest along the boundary of Warning Area W-122 to lat. 34°17'45" N., long. 77°37'50" W.; to lat. 34°35'30" N., long. 77°42'30" W.; to lat. 34°37'30" N., long. 77°50'00" W.; to lat. 34°55'00" N., long. 77°49'30" W.; to lat. 35°15'00" N., long. 77°30'00" W.; to lat. 35°02'00" N., long. 77°09'00" W.; thence counterclockwise along the boundary of the New Bern control zone to the point of beginning, excluding the airspace below 5,000 feet MSL within the Jacksonville, N.C., control zone and Jacksonville transition area (8.5 statute mile radius of New River MCAS lat. 34°42'25" N., long. 77°26'35" W., and 6.5 statute mile radius of Albert Ellis, N.C., Airport lat. 34°49'49" N., long. 77°36'42" W.); excluding that airspace below 5,000 feet MSL, 4 nautical miles either side of the New River, N.C. (NCA) radio beacon 312° M bearing extending from New River MCAS to the Albert Ellis Airport; and that airspace from 1,000 to 5,000 feet MSL within 4 nautical miles either side of the Wilmington, N.C., VORTAC 047° M (051° T) radial, extending from the Jacksonville transition area southwest to the restricted area boundary; excluding that airspace from 1,000 to 5,000 feet MSL within 4 nautical miles either side of the Fayetteville, N.C., VORTAC 102° M (106° T) radial, extending from the Jacksonville transition area, westward to the restricted area boundary, and excluding the airspace below 3,000 feet MSL, within a 5 statute mile radius of the Beaufort-Morehead City Airport and within 5 statute miles each side of a line extending from the Airport to the New Bern VOR.

Designated altitude: Surface to 17,000 feet MSL.

Time of designation: Continuous, May 1 through May 14, 1971.

Controlling agency: FAA, Washington ARTC Center, Leesburg, Va.

Using agency: U.S. Atlantic Command, Norfolk, Va.

b. Name: R-5307 Exotic Dancer IV Joint Military Exercise.

Location: Beaufort, N.C.

Boundaries: Beginning at the northeast corner of Restricted Area R-5306A at lat. 35°04'30" N., long. 76°04'30" W.; to lat. 35°00'30" N., long. 76°01'20" W.; thence southwest along the boundary of Warning Area W-122 to lat. 34°37'30" N., long. 76°56'20" W.; thence north and northeast along the eastern boundary of R-5306A to point of beginning, excluding the airspace below 3,000 feet MSL, within a 5 statute mile radius of the Beaufort-Morehead City Airport and within 5 statute miles each side of a line extending from the Airport to the New Bern VOR.

Designated altitude: Surface to FL 350.

Time of designation: Continuous, May 1 through May 14, 1971.

Controlling agency: FAA, Washington ARTC Center, Leesburg, Va.

Using agency: U.S. Atlantic Command, Norfolk, Va.

c. Name: R-5309 Exotic Dancer IV Joint Military Exercise.

Location: Lake Waccamaw, N.C.

Boundaries: Beginning at lat. 34°23'30" N., long. 78°35'00" W.; to lat. 34°19'30" N., long. 78°20'30" W.; to lat. 34°11'40" N., long. 78°15'20" W.; to lat. 34°05'30" N., long. 78°25'00" W.; to lat. 34°15'30" N., long. 78°35'00" W.; thence to point of beginning.

Designated altitude: Surface to 17,000 feet MSL.

Time of designation: April 23 through May 13, 1971.

Controlling agency: FAA, Washington ARTC Center, Leesburg, Va.

Using agency: U.S. Atlantic Command, Norfolk, Va.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 1, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2993 Filed 3-3-71;8:51 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-53; Amdt. 10]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Filing Fees for Requests for Waiver

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1971.

Section 389.25(j) of Part 389 includes provision for a filing fee[1] for an application for exemption or for "a request under § 208.3a, § 295.3, § 378.30, or § 378a.20 of this chapter for a waiver of any of the provisions of Part 208, Part 295, Part 378, or Part 378a of this chapter." No express provision is made for a filing fee for a request for waiver of provisions of Part 207. This omission reflects the fact that Part 207 presently contains no express waiver provision, although relief from the provisions of Part 207 by way of exemption has been available for which a filing fee is required.

In ER-660[2] the Board extended the pro rata charter regulations of Part 208 governing supplemental air transportation to Part 207, and a new § 207.16 specifically provides for waiver of any of the provisions of the part. In light of the impending effectiveness of the substantive new rules governing pro rata charters in Part 207, it is anticipated that there will be requests for relief in the form of waivers from the provisions of Part 207 which will be filed, and which must be processed, either before or shortly after the new rules take effect. The Board intends to entertain requests for waiver of the provisions of the new rules filed prior to their effective date to facilitate requests for relief, notwithstanding that the waiver provision is not technically in effect, and will not require the carriers to proceed only by way of exemption. In view of this intension, § 389.25(j) is being amended, effective immediately, to provide a filing fee for Part 207 waivers.

Another matter requires clarification to remove an incongruity. The proviso to the $55 fee[3] literally would require a filing fee of only $55 for a waiver request affecting multiple charters, whereas an exemption application requires $55 for the first charter, plus $5 for each additional charter specified, subject to a maximum fee of $200. Since processing of requests for waiver affecting multiple charters entails substantially the same administrative expense as in the case of applications for exemption, the proviso is being amended to put requests for waiver on the same basis as applications for exemption.

Since the amended rule is one of agency procedure and practice, the Board finds that notice and public procedure thereon are not required, and the rule will be made effective immediately.

Accordingly, the Board hereby amends Part 389 of its Organization Regulations (14 CFR Part 389), effective March 1, 1971, as follows:

Amend § 389.25(j)(1) to read as follows:

§ 389.25 Schedule of filing and license fees.

* * * * * *

(j) *Other exemptions and Parts 207, 208, 295, 378, and 378a waivers.* (1) Except as provided in subparagraph (2) of this paragraph, the filing fee for (i) an application for exemption under section 101(3) or section 416(b) of the Act, except applications within the provisions of paragraph (h) or (i) of this section, or (ii) a request under § 207.16, § 208.3a, § 295.3, § 378.30, or § 378a.20 of this chapter for a waiver of any of the provisions of Part 207, Part 208, Part 295, Part 378, or Part 378a of this chapter, respectively, is $55: *Provided* That the filing fee for an application for exemption or a request for a waiver for the performance of a specific number of charters (one-way or round-trip) is $55, plus $5 for each charter (one-way or round-trip) described, subject to a maximum fee of $200.

* * * * * *

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2971 Filed 3-3-71;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 7091]

PART 245—BEER

Meters

On November 21, 1970, a notice of proposed rule making to amend 26 CFR Part 245, so as to discontinue the testing of brewers' beer meters by internal revenue officers and to place the responsibility on the brewer for maintenance of the accuracy and reliability of his meters in a manner acceptable to the assistant regional commissioner (alcohol, tobacco and firearms), was published in the FEDERAL REGISTER (35 F.R. 17952). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. After consideration of all relevant matter received with respect to the notice of proposed rule making, the amendments as published in the FEDERAL REGISTER are hereby adopted.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 7805 of the Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: February 26, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[1] The filing fee is $55: *Provided*, That the filing fee for an application for exemption for the performance of a specific number of charters (one-way or round-trip) is $55, plus $5, for each charter (one-way or round-trip) described, subject to a maximum fee of $200.

[2] Adopted January 29 and effective April 6, 1971.

[3] See footnote 1, supra.

In order to discontinue the testing of brewers' beer meters by internal revenue officers and to place the responsibility on the brewer for maintenance of accuracy and reliability of his meters in a manner acceptable to the assistant regional commissioner (alcohol, tobacco, and firearms), the regulations in 26 CFR Part 245 are amended as follows:

§ 245.18 [Deleted]

PARAGRAPH 1. Section 245.18 and the center heading preceding § 245.19 are deleted.

PAR. 2. Section 245.19 is amended to remove the requirement that pipelines in a brewery must be unbroken. As amended, § 245.19 reads as follows:

§ 245.19 Pipelines.

All beer and cereal beverage transferred to the brewery bottling house must pass through authorized pipelines which must be fixed and of permanent character and be exposed to view throughout the entire length.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.20 [Deleted]

PAR. 3. Section 245.20 is deleted.

PAR. 4. Subpart F is revised to read as follows:

Subpart F—Beer Meters

Sec.
245.30 Metering systems required.
245.31 Notice of acquisition of meter.
245.32 Location and installation.
245.33 Meter test approval.
245.34 Meter tests.
245.35 Report of meter tests.
245.36 Emergency procedures.

Subpart F—Beer Meters

§ 245.30 Metering systems required.

Brewers shall be required to provide, at their own expense, approved meters for measuring beer to be packaged or bottled.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.31 Notice of acquisition of meter.

When the brewer receives a meter from the manufacturer or from another source he shall notify the assistant regional commissioner of the region wherein the brewery is located. The notice shall be submitted in duplicate, and shall state the make, model, and serial number of the meter, and the source and date of acquisition. The meter shall not be used for measuring beer to be placed in packages, bottles, or other marketable containers until it has been tested for accuracy and proper functioning.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.32 Location and installation.

Beer meters shall be located and installed so that all beer to be placed in packages, bottles, or other marketable containers shall, except as provided in § 245.36, pass through the meters and that they will be readily accessible for examination by internal revenue officers. The meter installations, including piping, valves, and electrical circuitry (where required) shall be so arranged that the testing equipment and procedures approved by the assistant regional commissioner may be readily accommodated.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.33 Meter test approval.

Brewers shall provide such tests, adjustments, and repairs as may be required to maintain meters in such a manner that they accurately and reliably measure and record beer metered for packaging and bottling. The frequency of meter tests, and the equipment used and procedures employed in testing meters, shall be subject to approval by the assistant regional commissioner. The brewer shall submit a letterhead application, in triplicate, which shall describe, in detail, the method by which he proposes to maintain the accuracy and reliability of each metering system to be used for the measurement of beer to be packaged or bottled or placed in other marketable containers and list the make, model, and serial number of each meter to be used by him for such purpose. The assistant regional commissioner shall, after satisfying himself as to the adequacy of the proposed method, indicate his approval on all copies of the application and return the original to the brewer who shall keep it on file on the brewery premises available for examination by internal revenue officers.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.34 Meter tests.

(a) *General requirements.* The allowable variation of beer meters, as established by approved tests, shall not exceed 0.5 percent (plus or minus). If a meter test discloses an error in excess of the allowable variation, it shall be corrected immediately by suitable adjustment. Adjustments shall reduce the error to as near zero as practicable. If the meter or counter does not function properly or record accurately after adjustment or repair, the use of such meter or counter shall be discontinued and a suitable replacement installed. The brewer shall record on Form 138 the counter reading at the time a counter or meter is placed in service for measuring beer or removed therefrom.

(b) *Authority to require tests.* When the assistant regional commissioner has reason to believe the accuracy and reliability of a meter is not being properly maintained, he may require the brewer to have the meter tested and, if necessary, adjusted. The assistant regional commissioner may require that such testing and adjustment be supervised by an internal revenue officer.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.35 Report of meter tests.

When a meter is tested, the brewer shall prepare Form 138, Brewer's Report of Meter Test. He shall submit the original and one copy of the form to the assistant regional commissioner and file the remaining copy on the brewery premises where it will be available for examination by internal revenue officers.

§ 245.36 Emergency procedures.

Where a meter becomes inaccurate or inoperative, the brewer shall make such adjustment or repair as is necessary or replace it with another meter. If such corrective action is not possible, the brewer shall report the condition to the assistant regional commissioner who may authorize the temporary measurement of beer by methods other than by metering. If the brewer is unable to contact the assistant regional commissioner when such an emergency arises, he may temporarily measure beer by methods other than metering. When a brewer operates under emergency procedures as provided in this section, he shall terminate the emergency procedures as soon as practical. If emergency procedures are used without prior approval, the assistant regional commissioner shall be notified of the action and the circumstances thereof as soon as possible. The assistant regional commissioner may, if the emergency procedures have not been terminated, either authorize the continuation of the emergency procedures or require that such procedures be terminated until the meter malfunction has been corrected or the meter replaced. The brewer shall determine and record the quantities of unmetered beer, and retain this information for examination by an internal revenue officer.

(72 Stat. 1395; 26 U.S.C. 5552)

[FR Doc.71-2995 Filed 3-3-71;8:51 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

RESTATEMENT OF REGULATIONS

The regulations set out below supersede Parts 211–273 and the appendix thereto, designated as Subchapter C in the 1970 edition of the Code of Federal Regulations.

Since these regulations represent a comprehensive restatement of existing regulations with little change in substance, it is unnecessary and impracticable to publish them as proposed rules and to provide a delayed effective date. Accordingly, they are effective upon publication in the FEDERAL REGISTER (3-4-71).

DAVID A. NELSON,
General Counsel.

SUBCHAPTER B—INTERNATIONAL MAIL

INTERNATIONAL POSTAL SERVICE

PART 11—POSTAL UNIONS

Sec.
11.1 Universal Postal Union.
11.2 Postal Union of the Americas and Spain.

AUTHORITY: The provisions of this Part 11 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 11.1 Universal Postal Union.

The exchange of all mail except parcel post between the United States (see § 11.2 of this chapter) and other countries is governed by the provisions of the Convention of the Universal Postal Union, of which the United States is a member.

§ 11.2 Postal Union of the Americas and Spain.

The United States and the following countries are also members of the Postal Union of the Americas and Spain (PUAS):

Argentina.
Bolivia.
Brazil.
Canada.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
El Salvador.
Guatemala.
Haiti.
Honduras Republic.
Mexico.
Nicaragua.
Panama.
Paraguay.
Peru.
Spain and [1] Possessions.
Uruguay.
Venezuela.

PART 12—CATEGORIES OF INTERNATIONAL MAIL

Sec.
12.1 Postal Union mail.
12.2 Parcel post.

AUTHORITY: The provisions of this Part 12 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 12.1 Postal Union mail.

Postal Union mail, both surface and air, is exchanged under provisions of the Universal Postal Convention or the Convention of the Postal Union of the Americas and Spain. The weight and size limits and other general provisions (but not postage rates) for the various classifications of mail exchanged under those conventions are the same from and to the United States. Postal Union mail is divided into two categories, known as *LC* mail and *AO* mail, as follows:

(a) The term *LC* mail refers to letters, letter packages, post cards and aerogrammes. (See §§ 22.1, 22.2, 41.5 of this chapter.)

(b) The term *AO* mail refers to postal union mail other than letter mail, post cards and aerogrammes. It includes printed matter of all kinds, matter for the blind, samples of merchandise, and small packets. (See §§ 22.3 through 22.8).

§ 12.2 Parcel post.

Parcel post is a separate and distinct category from postal union mail. The exchange of parcel post with other countries is governed by the provisions of individual bilateral agreements with various countries and the Parcel Post Agreement of the Postal Union of the Americas and Spain. Unless otherwise noted under the country items in the appendix, the weight and size limits and other general parcel post provisions (but not postage rates) apply also from those countries to the United States. See Parcel Post, Parts 31 and 32.

[1] Spanish possessions include Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa; also Fernando Po, Rio Muni, and Spanish West Africa.

PART 13—OFFICIAL CORRESPONDENCE

Sec.
13.1 With the Department.
13.2 With foreign postal authorities.
13.3 With individuals in other countries.

AUTHORITY: The provisions of this Part 13 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 13.1 With the Department.

Correspondence relating to international postal service subjects should be addressed as follows:

Subject	*Address to—*
Policy matters relating to international mail and international postal affairs, negotiation and interpretation of postal agreements, communications of a nonroutine nature from foreign postal administrations, Post Office Department representation at international postal meetings, Post Office Department representation at meetings with other Federal departments and agencies relating to international mail and international postal affairs, and visits by foreign postal representatives.	Special Assistant to the Postmaster General for International Postal Affairs, U.S. Postal Service, Washington, DC 20260.
Operational matters, including classification, admissibility, addressing, preparation and packaging, size and weight, postage rates and fees, forms used, customs, forwarding, return, recall, undeliverable matter, special services, claims for indemnity, refunds of postage, and international reply coupons.	Office of Mail Division Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260.
All matters concerning transportation of international civil and military mail by surface and air, including mode of transport, routing, containerization, conveyance rates, documentation, internal, terminal and transit charges, designation of U.S. exchange offices and related forms and reports. Also, matters relating to schedules and performance of U.S. and foreign flag carriers.	International Branch, Operations Department, U.S. Postal Service, Washington, DC 20260.
Investigations of losses, depredations and security of international mail.	Burglary and Mail Theft Division, Chief Inspector's Department, U.S. Postal Service, Washington, DC 20260.
International money order systems including operational procedures, accounting, cashing and issuing.	Money Order Division, Finance and Administration Department, U.S. Postal Service, 1823 General Accounting Office Building, Washington, DC 20260.

POSTAL UNION MAIL

§ 13.2 With foreign postal authorities.

Postmasters, regional offices, and other field units of the Postal Establishment (except exchange offices, postal inspectors in charge, and postmasters acting under instructions in Part 71) shall not correspond directly with postal officials in other countries but shall refer inquiries from these officials to the Department for attention.

§ 13.3 With individuals in other countries.

Postmasters, regional offices, and other field units of the Postal Establishment may reply direct to inquiries and engage in other necessary correspondence with individuals and firms in other countries. The addresses of patrons may be furnished to inquirers, provided the patrons have given their consent. This correspondence is mailable without postage stamps under § 21.2(d)(5).

PART 21—CONDITIONS APPLICABLE TO ALL CLASSES

Sec.
21.1 Preparing and addressing.
21.2 Postage.
21.3 Prohibition and restrictions.
21.4 Documentation.

AUTHORITY: The provisions of this Part 21 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 21.1 Preparing and addressing.

(a) *Preparing.* (1) Senders must prepare articles securely, especially if they are for distant countries. International mail is handled more often and subjected to greater pressure and friction than domestic mail, hence it must be enclosed in strong envelopes or other wrappings.

(2) Use envelopes of any light color on which the address and postmark will be legible. Do not use three-corner envel-

opes. Window envelopes meeting the conditions in § 22.4, with the exception of open-panel envelopes, are acceptable in the international mail. Open-panel envelopes are accepted only in the ordinary (unregistered) mail to Canada.

(3) Letters and letter packages (LC mail) may be placed in bags, boxes, envelopes, or containers, and, if unregistered, may be sealed at the option of the sender. Registered letters and letter packages must be sealed. See § 42.2(b)(1).

(4) Articles other than letters and letter packages (AO mail) must be prepared in such a way that their contents are sufficiently protected but so as not to hinder quick and easy inspection of the contents. They should be placed under wrapper, on a roller, or between cardboard; in open bags, boxes, envelopes, or containers or in closed, unsealed bags, boxes, envelopes, or containers provided with fasteners that can be easily opened and reclosed without being dangerous; or they may be tied with string or twine in a manner that will permit them to be easily untied. Sealing of postal union *other articles* is not permitted, even if registered, and they must be prepared in such a way that other articles do not run the risk of being trapped by them.

(5) As an exception to subparagraph (4) of this paragraph, items in AO mail articles which would spoil if packed according to the general rules, and samples of merchandise packed in a transparent packing permitting check of their contents, are admitted in hermetically sealed packing. The same applies to samples of industrial and vegetable products in a packing sealed by the manufacturer or by an examining authority in the country of origin. In such cases the sender or the addressee may be required to assist in a check of the contents, either by opening certain of the items or in some other satisfactory manner.

(b) *Packing requirements for certain articles.* (1) *Glass.* Articles of glass or other fragile materials must be securely packed in boxes of metal, wood, or strong corrugated fiberboard filled with paper, wood shavings, or other protective material that prevent the articles from moving about or coming in contact with each other or with the sides of the box in course of transmission.

(2) *Liquids, oils, etc.* Liquids, oils, and substances which easily liquefy must be enclosed in hermetically sealed receptacles. Each receptacle must be placed in a separate box of metal, strong wood, or strong corrugated fiberboard containing enough sawdust, cotton, or spongy material to absorb the liquid in the event of breakage of the receptacle. The cover of the box must be fastened in such a way that it cannot become easily detached.

(i) *Fatty substances.* Fatty substances which do not easily liquefy, such as ointments, soft soap, resin, etc., as well as silkworm eggs, must be enclosed in an inside cover (box, canvas or parchment bag, etc.), which must itself be placed in a second box of wood, metal, or stout, thick material.

(ii) *Powders.* Dry powdered dyes such as aniline, etc., are not admitted unless enclosed in stout tin boxes placed, in turn, inside wooden boxes, with sawdust between the two packings; dry noncoloring powders must be placed in boxes of metal, wood, or cardboard. These boxes themselves must be enclosed in a canvas or parchment bag.

(iii) *Live organisms.* Live bees, leeches, silkworm eggs, and parasite and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies shall be enclosed in boxes so constructed as to avoid all danger.

(iv) *Perishable biological materials.* See § 21.3(b)(5)(iii).

(v) *Radioactive materials.* See § 21.3(b)(6).

(c) *Addressing.* (1) Reserve at least the entire right half of the address side for the address of the addressee, postage stamps or postage-paid impressions, and the service labels and notations (postmarks, etc.).

(2) Address mail legibly using roman letters and arabic figures placed lengthwise on one side of the article only. Write the name and address of the addressee precisely and completely so that employees distributing the mail will be able to route mail to its proper destination without difficulty. Show name of post office and country of destination in capital letters. Give house number and street address or box number when mail is addressed to towns or cities. Addressing mail to "Boxholder" or "Householder" is not permitted.

(3) The address of articles sent to General Delivery (in French, "Poste Restante") must indicate name of the addressee. The use of initials, figures, simple given names, fictitious names, or conventional marks of any kind is not permitted on these articles.

(4) Addresses in Russian, Greek, Arabic, Hebrew, Japanese, or Chinese characters must bear an interlined translation of the names of the post office, province, and country of destination in English. If the English forms are not known, show foreign spellings in roman characters, print or script.

(d) *Return address.* The complete address of the sender must be shown in the upper left corner of the address side so as not to affect either the clarity of the address or the application of service labels or notations. See §§ 22.2(c)(2) and 22.4(e)(5). Ordinary (unregistered) articles bearing a return address in another country are accepted only at risk of senders.

§ 21.2 Postage.

(a) *Prepayment.* Articles must be fully prepaid to assure dispatch without delay and without penalty against the addressees. If the missing postage cannot be collected from the mailer, the shortpaid articles are either sent to destination and double the shortage collected from the addressees or they are sent to deadletter branches for treatment. See § 23.2.

(b) *How paid*—(1) *Stamps.* Postage and fees for special services may be paid by means of U.S. postage stamps or by meter stamps of a bright red color. Precanceled stamps may be used under the same conditions as in the domestic mail. Airmail stamps may be used on airmail articles only, and special delivery stamps may be used only for payment of special delivery fees. See § 41.6 for other stamps not valid as postage.

(2) *Other means.* Postage may be paid by permit imprints, subject to the general conditions stated in Part 145. Permit imprints must show the amount of postage paid on each article and may be of any color. Postage on second-class and controlled circulation matter mailed by publishers or registered news agents may be paid in money under the conditions stated in § 23.5(c)(2) and (3) (second-class only).

(c) *Articles mailed aboard ships ("Paquebot").* (1) Mail posted aboard commercial vessels on the high seas usually bears postage stamps of the country whose flag the vessel flies. On arrival at a port, an officer of the ship hands the mail into the post office of the port city, where the stamps are canceled and the mail is dispatched. If the stamps are foreign, the post office uses a special "Paquebot" postmark or applies the word "Paquebot" to the enevelope in ink or with a rubber stamp.

(2) Any mail to be forwarded by air must be accompanied by an AV–2 form, prepared by the ship's officer, showing weight of the articles for each destination, including those for the United States. When airmail is presented at a post office that is not an international airmail exchange office, the postmaster must transmit the AV–2 form to the nearest installation listed below:

FAMRU,
Airport Mail Facility, P.O. Dept.,
Kennedy International Airport,
Jamaica, NY 11430.

FAMRU,
Airport Mail Facility, P.O. Dept.,
International Airport,
Miami, FL 33159.

FAMRU,
Airport Mail Facility, P.O. Dept.,
International Airport,
San Francisco, CA 94128.

(3) Mail posted aboard a U.S. ship on the high seas, or aboard any ship while in a U.S. port, must bear United States stamps and is not entitled to "Paquebot" cancellation at a U.S. post office.

(d) *Mailings without postage*—(1) *Diplomatic and consular mail.* Mail of foreign diplomatic and consular representatives in the United States is subject to the same postage rates and conditions which apply to mail of other postal patrons, except when mailed by diplomatic and consular representatives of countries belonging to the Postal Union of the Americas and Spain (see § 11.2). Diplomatic and consular representatives of those countries may send postal union

mail articles without postage up to the weight and size limits specified in Part 220, under the following conditions:

(i) *Diplomatic.* Free postage and free registration are granted to all surface correspondence (official and personal) of members of the diplomatic corps of PUAS countries when addressed to the PUAS countries.

(ii) *Consular.* Free postage and registration are granted to the official surface correspondence of consuls or vice consuls of PUAS countries when—

(a) Addressed for delivery in the country represented by the mailing officials;

(b) Addressed to the Embassy or Legation of the official's country located in any of those countries; or

(c) Addressed to an official of any of those countries located in those countries.

(iii) *Preparation and marking.* Diplomatic and consular mail will be either letters, letter-packages, or printed matter packages. Letters may be sealed, whereas printed matter packages must be unsealed and bear the words "Printed Matter" on the address side of the package. Envelopes, labels, etc., used by members of the PUAS diplomatic corps for postage free mail must show in the upper left corner the name of the Ambassador or Minister or name of Embassy or Legation, with post office address, and in the upper right corner the words "Diplomatic Mail" over the word "Free." For consulates, the name and address of the consul or consulate and the name of the country must appear over the words "Official Correspondence" in the upper left corner. The words "Consular Mail" must be written above "Free" in the upper right corner.

(iv) *Special services.* Diplomatic and consular mail entitled to free postage is also entitled to free registration but without the right to indemnity. If air or special delivery service is desired, both the postage and any special fees must be prepaid.

(2) *Federal Government official mail.* Official mail of the Federal Government is accepted for other countries without postage affixed under the following conditions:

(i) *Postage and fees paid mail.* All official mail of authorized departments and agencies prepared in accordance with the provisions of § 137.2(c) will be given the postal service indicated on its cover. There is no limitation as to the countries to which this mail may be addressed provided the service desired is available. The mail is subject to the weight and size limits and other conditions prescribed in Parts 22 and 31, and, when required, must be accompanied by the postal forms mentioned in those parts.

(ii) *Penalty and franked mail.* Ordinary (unregistered) surface mail prepared in accordance with the provisions of §§ 137.1 and 137.2(c)(ii) is accepted when addressed in PUAS countries except Argentina, Brazil, and Spain and Spanish possessions. (See § 11.2.) This mail must not exceed the domestic weight limit of 4 pounds, except when it is exempt from that limit by regulation (see § 137.2(e)), in which case the weight limits prescribed in Part 22 apply. The maximum dimensions prescribed in Part 22 apply in all cases. If registration, air, or special delivery service is desired, both the postage and fee must be prepaid.

(3) *Pan American Union mail.* Ordinary (unregistered) surface mail bearing the return address of the Union and weighing not more than 4 pounds (or 11 pounds for packages identified as containing printed matter) is accepted without postage affixed when addressed to PUAS countries except Canada. Such mail must bear the indicia "Free Under Postal Convention" in the upper right corner. If registration, air, or special delivery service is desired, both the postage and fee must be prepaid.

(4) *Pan American Sanitary Bureau mail.* Ordinary (unregistered) surface mail bearing the return address of the Bureau and weighing not more than 4 pounds is accepted without postage affixed when addressed to PUAS countries except Canada. Such mail must bear the words "Free Under Postal Convention" in the upper right corner. If registration, air, or special delivery service is desired, both the postage and fee must be prepaid.

(5) *Postal Service official mail.* All official mail of the Postal Service may be accepted without postage affixed. Use penalty envelopes or labels for mail addressed (a) to postal administrations or post offices in any country, (b) to the International Bureau of the Universal Postal Union at Berne, Switzerland, and (c) to any addressee in the PUAS countries except Argentina, Brazil, and Spain and Spanish possessions. (See § 11.2.) In all other cases use penalty envelopes or labels with the addition of the endorsement "Postage and Fees Paid." Larger post offices having sufficient need may requisition a rubber stamp from the Department on Form 1567.

(6) *Mail of widows of Presidents.* All mail bearing the written or facsimile signature of Mrs. Mamie Doud Eisenhower or of Mrs. Jacqueline Bouvier Kennedy and the words "Postage and Fees Paid" shall be given the service indicated on its cover, subject to the conditions indicated in subparagraph (2)(i) of this paragraph.

(e) *Reply coupons.* (1) Member countries of the Universal Postal Union purchase international reply coupons from the International Bureau of the Universal Postal Union and sell them at post offices. The selling price in the United States is 15 cents each. One of these coupons is exchangeable in any other member country for a stamp or stamps representing the international postage on a single-rate surface letter. Upon presentation of a sufficient number of coupons, the stamp or stamps received in exchange may be used to prepay an international airmail letter. Chart 7 in the Appendix shows the number of coupons required to be sent to other countries to prepay an airmail letter of the first unit of weight to the United States.

(2) International reply coupons (in French, *"Coupon-Réponse International"*) are printed in blue ink on paper having in the watermark the letters UPU in large characters. The name of the country, in French and the native language, and the selling price of the coupon are printed in black. Coupons purchased from the International Bureau prior to January 1, 1966, have the circles for the postmarks of the selling and exchanging post offices on the left- and right-hand sides; those purchased after January 1, 1966, have both these circles on the right-hand side. The issuing office postmarks the left-hand circle of the old style coupons and the upper circle of the new style coupons. The period of exchange of international reply coupons is unlimited.

(3) U.S. post offices will requisition international reply coupons from the same sources from which they obtain postage stamps. The coupons should be stocked at offices having a demand for them. Since all U.S. coupons are of the old style, the selling post office will postmark them in the left-hand circle. Unused U.S. coupons may be redeemed by the original purchaser at a discount of 1 cent on the purchase price. The post office redeeming the unused coupons will postmark them in the right-hand circle.

(4) Properly postmarked international reply coupons issued in other countries are exchangeable at U.S. post offices for postage stamps, aerogrammes, postcards or envelopes at the rate of 13 cents each. The post office exchanging a foreign coupon postmarks it in the right-hand circle of the old style coupon or the lower circle of the new style coupon. Foreign coupons not properly postmarked by the foreign post office may be exchanged if there is no apparent reason to doubt their authenticity. Post offices must not accept foreign coupons that already bear a U.S. postmark.

(5) Reply coupons formerly issued by the Postal Union of the Americas and Spain are no longer valid. These coupons are printed in green ink and bear the caption "Cupón Respuesta Américo-Español." It is suggested that patrons possessing any of these coupons return them to their correspondents in the country of issue for redemption through the selling post office.

(6) Postmasters will dispose of exchanged foreign and redeemed U.S. coupons as prescribed in § 42.4.

(f) *Foreign reply-paid cards.* The reply halves of post cards bearing foreign postage stamps, meter stamps, or imprinted postage and the heading "Carte postale réponse" (reply post card) are accepted as fully prepaid for ordinary surface transmission only if addressed to the country represented by the foreign postage. If this condition is not met, they are treated as unprepaid post cards. The initial half of the card may be left attached to the reply half, provided the address on the initial half is crossed out and folded on the inside of the card. Registry and special delivery fees can be prepaid only with U.S. stamps. See § 41.3(c) regarding additional U.S. postage required to transmit cards by airmail.

(g) *Nonpostage stamps.* Do not place nonpostage stamps, labels resembling postage stamps, or impressions resembling postage-paid impressions on the address side of mail articles.

(h) *Remailed articles.* New postage is required when remailing an article which has been returned from abroad because of insufficient address.

§ 21.3 Prohibitions and restrictions.

(a) *General list of prohibited articles.* The following articles are prohibited transmission in the postal union mail to all countries:

(1) Any article without address or incorrectly, insufficiently, or illegibly addressed so that it cannot be sent to its destination.

(2) Any article addressed to go around the world or with the address side wholly or partly divided into several spaces intended for successive addresses.

(3) Poisons, including narcotics (opium, morphine, cocaine, etc.), explosives and flammable articles (see § 31.2(a)(8)), and all other articles excluded from the domestic mail, which either from their nature or packing are likely to soil or damage the mail or are injurious to health, life, or property. Articles containing gas or liquid under pressure, except that products incorporating compressed gas are acceptable if the mist produced is nonflammable, the quantity of contents are not more than a pint, and not more than one container per package. These restrictions as to quantity do not apply to aerosol containers holding mailable liquid and gas under pressure less than 40 pounds per square inch absolute (25 pounds gage pressure) at 70° F. Liquids with flash point below 150° F. are restricted (see § 31.2(b)(1)). The container must be completely surrounded with sawdust, bran, or other absorbent material sufficient to take up all the liquid contents.

(4) Articles excluded from the domestic mail of the United States. (See part 124.) Although safety matches are admitted in the domestic mail, they are prohibited in the international mail.

(5) Live or dead animals and insects, except: (i) Live bees, leeches, and silk worms; (2) dead insects or reptiles when thoroughly dried; and (3) parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies.

(6) The following are prohibited to all countries unless sent in registered letter mail—coins, banknotes, or paper money; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles. These articles are absolutely prohibited even in registered letter mail to some countries. See heading "Prohibitions" for Postal Union mail in the Appendix. The term jewelry is generally understood to denote articles of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items containing little or no precious metal, is not considered to be jewelry within the meaning of this section and is accepted under the same conditions as other mailable merchandise to any country. However, it is accepted only at the sender's risk to countries which prohibit jewelry.

(7) Values payable to bearer unless sent by registered mail. Some countries prohibit such values entirely (see country items in Directory of International Mail.) The term values payable to bearer includes checks, drafts, or securities which can be legally cashed or easily negotiated by anyone who may come into possession of them. A check or draft payable to a specific payee is not regarded as payable to bearer unless the payee has endorsed it in blank. If not endorsed, or if endorsed in favor of another specific payee, it is not regarded as payable to bearer.

(8) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 544.)

(9) Articles whose acceptance or circulation is prohibtied in the country of destination.

(10) Written communications having the character of current correspondence, except in the form of letters or post cards, or under the conditions stated §§ 22.4(d)(2)(i), 22.4(d)(4)(v) or 22.5. Sound recorded communications having the character of current correspondence, except as letters, or under the conditions stated in §§ 22.4(d)(v) or 22.5.

(NOTE.—Recordings of music or other sounds not of the nature of letters are mailable under the classes of postal union mail available for the transmission of merchandise—see §§ 22.1(e) and 22.7(g); or as parcel post. The same applies to opened correspondence, written or recorded, that has already reached the original addressee and is no longer current.)

(11) Articles may not contain any card or envelope intended for reply purposes with postage denoted by U.S. stamps, business reply, or other indicia.

(NOTE.—The prohibition against business reply items need not be applied when they are bound or stapled into a magazine or other publication, or form an integral part of the printed page. These may be accepted so long as no objection is raised by the postal administrations of the countries concerned.)

(NOTE.—For general parcel post prohibitions, see § 31.2(a).)

(b) *Restricted articles*—(1) *Gold and gold certificates.* (See part 54.)

(2) *Tobacco seed and plants.* (See § 55.2.)

(3) *Plant material generally.* (See § 31.2(b)(5).)

(4) *Combustible liquids.* (See § 31.2(b)(1).)

(5) *Perishable biological materials.* Perishable biological materials, including those of pathogenic nature, when sent in the postal union mail are accepted only as Letter Packages. The following conditions apply:

(i) *Mailing restrictions.* If a country prohibits perishable biological materials this is shown under "Prohibitions" in the country item in the Directory of International Mail. The packages must be packed as prescribed in § 21.3(b)(5)(iii) and must bear distinctive violet labels by which they can be readily recognized and receive careful handling and prompt delivery.

(ii) *Qualification of mailers.* (a) Only officially recognized laboratories may send or receive letter packages containing perishable biological materials. Laboratories of the following categories are so designated:

Laboratories of local, State, and Federal government agencies.
Laboratories of federally licensed manufacturers of biologic substances derived from bacteria and viruses.
Laboratories affiliated with or operated by hospitals, universities, research facilities, and other teaching institutions.
Private laboratories licensed, certified, recognized, or approved by a public authority.

(b) A laboratory desiring to mail letter packages containing materials of this kind shall make written application on its letterhead stationery to the Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, D.C. 20260, explaining its qualifications and those of the prospective addressee to send and receive such materials, and stating how many packages are to be mailed. On approval, the mailer will receive a sufficient number of the violet labels for the contemplated shipments.

(iii) *Packaging.* (a) Perishable biological material not of a pathogenic nature must be packed in a nonporous container surrounded by sufficient absorbent material to take up all the liquid and must be placed in an outer protective container where it should fit tightly to avoid any shifting.

(b) Perishable biological material of a pathogenic nature must be packed in a tightly closed bottle or tube or heavy glass wrapped in thick absorbent material rolled several times around the bottle or tube and tied at the ends, sufficient in quantity to absorb all the liquid; the wrapped container must be placed in a strong well-closed metal box constructed to prevent any contamination outside of it. This metal box must be wrapped in cushioning material and placed in an outer protective box where it should fit tightly to avoid shifting. The outer container must consist of a hollow block of strong wood, metal, or other equally strong material with a tight lid so fitted that it cannot open during transportation.

(c) In addition to the requirements in (1) and (2), packages must comply with the regulations governing the transmission of such materials in the domestic mail.

(d) The mailer must place on each package one of the violet labels mentioned in a and b(2).

(6) *Radioactive materials.* Radioactive materials are restricted as provided in § 25.2(e). Senders of mailable radioactive materials must place on the wrapper of the package a white label bearing the French words "Matières radioactives." The label must be supplied by the sender and is to be gummed or taped to the address side of the package. The package must also bear a conspicuous request for return to sender in case of nondelivery.

(c) *Individual country prohibitions and restrictions.* See § 31.2(c).

(d) *Foreign customs information.* See § 312(d).

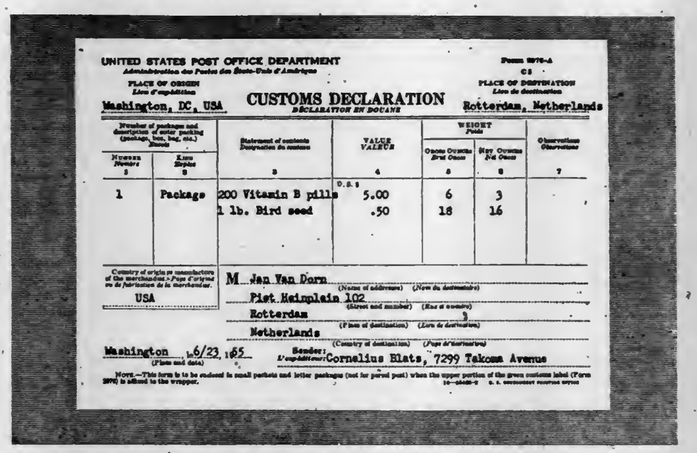
§ 21.4 Documentation.

(a) *Green customs label.* A green customs label, Form 2976, must be obtained at the post office and placed by the sender on each letter or letter package containing dutiable merchandise, on each package of dutiable prints, and on each small packet. The label is placed on the address side of each article. See §§ 22.1(e), 22.4(e)(6), and 22.7(f). The label is also used on merchandise packages weighing 8 ounces or less mailed to Canada, as prescribed under the country heading in the Directory of International Mail. The following facsimile illustrates the type of information the sender must supply when the label is used in its entirety:


CUSTOMS—DOUANE
May be Officially Opened
(Peut être ouvert d'office)
Detach and discard this portion if a separate declaration (Form 2976-A) or an invoice is enclosed in the package.
Contents in detail / Nature de la marchandise
2 cartons (400) Cigarettes
Net weight / Poids net 1 lb. 3 oz.
Value / Valeur $3.30
Form 2976 16—47822-1, GPO

When the label is used in its entirety there is no need to enclose the paper form of customs declaration, Form 2976–A, in the package (see § 21.4(b)), except for countries which specifically require it. (See country items in the appendix.) If the sender prefers not to show the nature and value of the contents on the outside of the article, or if for any reason the use of the label in its entirety is not practicable, the upper part (detached by cutting along the dotted line) may be affixed to the cover, and the paper customs declaration enclosed in the article. The label is not, under any circumstances, to be used on parcel post packages, nor are parcel post forms to be used on postal union mail articles.

(b) *Paper customs declaration.* The paper form of customs declaration (Form 2976–A) is available at post offices for completion by the sender and enclosure within the classes of articles mentioned in paragraph (a) of this section. The contents of the article must be indicated in detail on the form. Notations of a general character are not allowed. Form 2976–A is not to be used on parcel post packages, nor are parcel post forms described in § 31.4 to be used on postal union articles. The following facsimile illustrates the type of information required on Form 2976–A:


UNITED STATES POST OFFICE DEPARTMENT
Administration des Postes des États-Unis d'Amérique
Form 2976-A
CS
PLACE OF ORIGIN / Lieu d'expédition: Washington, DC, USA
PLACE OF DESTINATION / Lieu de destination: Rotterdam, Netherlands
CUSTOMS DECLARATION
DÉCLARATION EN DOUANE

Number of packages / Nombre	Kind / Espèce	Statement of contents / Désignation du contenu	Value / Valeur	Weight / Poids: Ounces / Onces	Weight / Poids: Pounds / Livres	Observations
1	Package	200 Vitamin B pills	D.S. $ 5.00	6	3	
		1 lb. Bird seed	.50	18	16	

Country of origin / Pays d'origine: USA
M. Jan Van Dorn (Name of addressee / Nom du destinataire)
Piet Heimplein 102 (Street and number / Rue et numéro)
Rotterdam (Post office of destination / Bureau de destination)
Netherlands (Country of destination / Pays de destination)
Washington, 6/23, 1965 (Place and date / Lieu et date)
Sender / L'expéditeur: Cornelius Klats, 7299 Tokosa Avenue
NOTE.—This form is to be enclosed in small packets and letter packages (not for parcel post) when the upper portion of the green customs label (Form 2976) is affixed to the wrapper.

(c) *Furnishing to Public.* Patrons requesting them may be furnished a reasonable supply of Forms 2976 and 2976–A for preparation at their homes or business establishments.

(d) *Nonpostal documentation.* Packages sent in the postal union mail may require one or more of the forms described in Part 51.

PART 22—RATES AND CONDITIONS FOR SPECIFIC CLASSES

Sec.
22.1 Letters and letter packages.
22.2 Post cards.
22.3 Printed matter.
22.4 Matter for the blind.
22.5 Samples of merchandise.
22.6 Small packets.
22.7 Combination packages.
22.8 Articles grouped together.

AUTHORITY: The provisions of this Part 22 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 22.1 Letters and letter packages.

(a) *Rates*—(1) *Surface.* The surface rate for letters and letter packages to Canada and Mexico is 6 cents per ounce or fraction. To all other countries it is 13 cents for the first ounce and 8 cents for each additional ounce.

(2) *Airmail.* Canada and Mexico, 10 cents per ounce or fraction. To Central America, South America, the Caribbean islands, Bahamas, Bermuda, and St. Pierre, and Miquelon, 15 cents per half ounce. To Europe (except Estonia, Latvia, Lithuania, and U.S.S.R.) and Mediterranean Africa, 20 cents per half ounce. To other countries, 25 cents per half ounce.

(b) *Weight limits.* The weight limit for letters and letter packages to all countries except Canada is 4 pounds 6 ounces; for Canada, 60 pounds.

(c) *Dimensions*—(1) *Maximum Dimensions.* Maximum length is 24 inches. Maximum length, breadth, and thickness combined is 36 inches. When sent in the form of a roll, the length (the maximum of which may not exceed 36 inches) plus twice the diameter may not exceed 42 inches.

(2) *Minimum dimensions.* The address side must measure at least 4¼ inches in length and 3 inches in width. When in the form of a roll, the length may not be less than 4 inches, or the length plus twice the diameter may not be less than 6¾ inches. Articles having lesser dimensions are accepted on condition that a rectangular address tag is attached whose dimensions are not less than 4 by 2¾ inches.

(d) *Restrictions.* Letters and letter packages may not contain current communications exchanged between persons other than the sender and the addressee or persons living with them.

(e) *Merchandise in letters*—(1) *Dutiable merchandise.* Letters or letter packages may contain merchandise which is dutiable in the country of destination unless the country is unwilling to accept such mailings. If a country prohibits dutiable merchandise in letters this is shown under "Prohibitions" in the country item in the Directory of International Mail. The postal service is not able to inform patrons whether or not any items are dutiable in other countries. When mailing articles which may be dutiable, senders must comply with the provisions concerning documentation shown in § 21.4 and with any special instructions in the Directory of International Mail.

(2) *Nondutiable merchandise.* Articles which the senders know are not dutiable may be mailed to countries which do not accept dutiable merchandise, but only at the risk of the senders. The Post Office Department assumes no responsibility for the treatment which such articles may be given by the foreign postal or customs authorities. As the presence of the green label (Form 2976) mentioned in § 21.4(a) generally denotes dutiable contents, it should be omitted from letter-mail articles when the sender knows the contents are not dutiable.

(f) *Endorsement.* Senders should add the words "Letter (lettre)" on the address side of letters and letter packages which, because of their size or manner of preparation, may be mistaken for matter of another class.

(g) *Preparation and addressing.* See § 21.1.

§ 22.2 Post cards.

(a) *Rates*—(1) *Surface.* Canada and Mexico, 5 cents single; reply-paid, 5 cents each half. All other countries, 8 cents single; reply-paid, 8 cents each half.

(2) *Airmail.* Canada and Mexico, 8 cents single; reply-paid, 10 cents on message half, 5 cents (surface rate) on reply half. All other countries, 13 cents single; reply-paid, letter rate (see § 22.1(a)(2)) on message half and 8 cents (surface rate) on reply half. Postage for return of the reply card by air can not be paid with U.S. stamps. See § 41.3(c) regarding prepayment of foreign reply-paid cards to be transmitted to other countries by airmail.

(3) *Other rates.* The letter rate (surface or air), or the surface printed matter rate if the card conforms to printed matter requirements, applies to double cards without prepaid reply and to single cards exceeding the dimensions for post cards.

(b) *Dimensions.* Maximum dimensions, 6 by 4¼ inches. Minimum dimensions, 4¼ by 3 inches.

(c) *Requirements*—(1) *Form and marketing.* Post cards shall be made of cardboard that meets the material and color specifications in § 131.2(b)(2) or of paper strong enough to withstand handling. Government postal cards may be used and postage added as required. Post cards of private manufacture must bear on the front the heading "Post Card," although this is not obligatory for picture post cards.

(2) *Preparation, addressing, and mailing.* Post cards shall be sent unenclosed, without wrapper or envelope. The right half, at least, of the address side is reserved for the address of the addressee and the notations or labels relating to the service. The sender may use the back and the left half of the address side. Postage must appear on the address side, in the upper right corner of the card; otherwise, the card is treated as unprepaid. Undeliverable post cards are disposed of in the country of address unless they bear the name and address of the sender.

(3) *Attachments.* Do not join or attach samples of merchandise or similar articles to post cards. However, illustrations, photographs, stamps of any kind, labels and clippings of any kind, of paper or other very thin material, as well as address labels or slips to be folded back, may be glued thereto, on condition that they do not alter the character of the post cards and that they adhere completely to the card. These articles may be glued only on the back or left half of the address side of the card, except address slips, tabs, or labels which may occupy the entire address side. Stamps of any kind, likely to be confused with postage stamps, may be placed only on the back.

(d) *Reply-paid cards*—(1) *Availability.* Reply-paid postal cards, bearing the required endorsements and imprinted postage are available at post offices. The domestic reply-paid postal card shall not be used in the international mail, except that it may be used to Canada and Mexico after adding the headings prescribed in § 22.2(d)(2) for private cards.

(2) *Private cards.* Double cards which are privately prepared for use as reply-paid cards shall bear in printing on the front, in the French language, as the heading of the first or message part, the words "Carte postale avec réponse payée" (post card with reply paid), and the words "Carte postale réponse" (reply post card) as the heading on the second or reply part. Each of the two parts must fulfill the other conditions laid down for a single card. Prepayment of the two halves shall be by means of U.S. postage or meter stamps affixed to each half.

(3) *Preparation and mailing.* The two parts of a reply-paid card are folded one part over the other, so that the fold forms the upper edge, and they may not be sealed in any manner. Prepare the card so that when it is folded the address of the addressee is on the part bearing the words "Carte postale avec réponse payée," and the address on the reply part is folded on the inside. The sender may have printed on the back of the reply half a questionnaire to be filled in by the addressee. The latter may return the inquiry half attached to the reply-portion, in which case the address on the inquiry half is crossed out and folded on the inside of the card.

(4) *Validity of postage.* The prepayment of the reply by means of U.S. postage is valid only if the card is addressed to this country. If this condition is not met, it is treated as an unprepaid post card.

(5) *Foreign cards.* See § 21.2(f).

§ 22.3 Printed matter.

(a) *Rates*—(1) *Surface.* Surface rates for printed matter are as follows:

(i) *Regular printed matter.* The rates on regular printed matter, that is, printed matter other than books, sheet music, publishers' second-class and publishers' controlled circulation publications described in b, c, and d of this section, are:

(*a*) To Canada and Mexico—6 cents for the first 2 ounces and 2 cents for each additional ounce or fraction.

(*b*) To countries other than Canada and Mexico—6 cents for the first 2 ounces and 4 cents for each additional 2 ounces or fraction.

(ii) *Books and sheet music.* The rates on books meeting the qualifications in § 35.2(a)(4)(i) and on printed sheet music are:

(*a*) To Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela—14 cents for the first 10 ounces and 1 cent for each additional 2 ounces or fraction.

(*b*) To all other countries—14 cents for the first 10 ounces and 1½ cents for each additional 2 ounces or fraction.

(c) Regular printed matter rates may be used where lower.

(iii) *Second-class publications.* The rates on publications entered domestically as second-class, when mailed by the publishers or by registered news agents, are:

(*a*) To PUAS countries (see § 11.2)—3 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction.

(*b*) To all other countries—4 cents for the first 2 ounces and 1½ cents for each additional 2 ounces or fraction.

(c) No separate rates are provided for nonprofit publications or for classroom publications. These second-class publications are subject to the rates stated in c(1) and c(2) of this section. Complete sample copies may also be mailed at those rates, whether or not the number of such sample copies exceeds 10 percent of the subscriber copies. Copies mailed by the public are subject to the regular printed matter rates stated in § 22.4(a)(1)(i).

(iv) *Controlled circulation publications.* The rates on periodicals that are approved domestically as controlled circulation publications, when mailed by the publishers are 5 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction, to all countries.

(2) *Airmail.* AO (other articles) air rates apply, as follows:

(i) To Mexico, Central America, the Caribbean islands, Bahamas, Bermuda, and St. Pierre and Miquelon, 40 cents for the first 2 ounces and 10 cents for each additional 2 ounces or fraction. To Canada the letter rate of 10 cents per ounce applies.

(ii) To South America, Europe (except Estonia, Latvia, Lithuania, and U.S.S.R.) and Mediterranean Africa, 50 cents for the first 2 ounces and 20 cents for each additional 2 ounces or fraction.

(iii) To Estonia, Latvia, Lithuania, U.S.S.R., Asia, the Pacific, and Africa (other than Mediterranean), 60 cents for the first 2 ounces and 30 cents for each additional 2 ounces or fraction.

(iv) The rates are shown under the country items in the appendix.

(b) *Weight limits.* (1) The following weight limits apply to individual packages of printed matter:

Countries	Books, catalogs, and directories	All other prints
For countries not listed below	11 pounds	6 pounds 9 ounces.
Bolivia, Brazil, Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa), and Spanish West Africa.	22 pounds	22 pounds.
Argentina, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.	33 pounds	33 pounds.

(2) See § 22.3(f) concerning use of direct sacks for mailing large quantities of prints to one addressee.

(3) Packages or bundles of second-class and controlled circulation publications mailed to Canada by publishers or registered news agents may weigh up to 30 pounds. When mailed by other than publishers or news agents, the weight limit is 6 pounds 9 ounces.

(c) *Dimensions.* Maximum and minimum dimensions are the same as for letters and letter packages. See § 22.1(c).

(d) *Description*—(1) *General definition.* The term printed matter applies to reproductions on paper, cardboard or other materials commonly used in printing, produced in several identical copies by means of a mechanical or photographic process involving use of a plate, stencil, or negative. Several copies of printed matter items may be sent together in a single package, but they must not bear names and addresses of different senders or addresses.

(2) *Articles specially admitted.* The following may be mailed as printed matter if they otherwise conform to the prescribed conditions of form and makeup, even though they may be wholly or partly handwritten or typed:

(i) Communications (including those in the form of sound recordings) exchanged between students in schools, provided they are sent through the intermediary of the heads of the schools.

(ii) Original and corrected exercises of students, without any notes not relating directly to the execution of the work.

(iii) Manuscripts of literary works or of newspapers.

(3) *Items not admissible.* The following are not admitted as printed matter:

(i) Printed papers which bear any marks whatever capable of constituting a conventional language or those whose text has been modified after printing, except for the additions mentioned in § 22.4(d)(4).

(ii) Stamps or forms of prepayment, canceled or not, including Internal Revenue strip stamps, and all printed papers representing a monetary value.

(iii) Articles of stationery in quantities of more than one article per package. This includes letterheads, billheads, unused cards, diaries, checkbooks, memo pads, and other similar items having some printing on them but on which additional entries are intended to be made.

(iv) Framed photographs and certificates.

(v) Photographic negatives and slides.

(vi) Films.

(vii) Phonograph records and other types of sound recordings, except under the conditions prescribed in § 22.3(d)(2)(i); also perforated papers intended to be used on automatic musical instruments.

(viii) Playing cards.

(ix) Typewritten matter, or carbon copies thereof, except as authorized in paragraphs (d)(4) and (d)(5) of this section.

(4) *Permitted additions.* The following additions may be made by hand or by any other process on condition that the additions must have a direct bearing on the printed matter on which they are placed and must not give the text the character of personal correspondence:

(i) Name and address of sender and addressee, with or without showing the status, profession, and style.

(ii) Place and date of mailing of the item.

(iii) Serial or registration number referring solely to the item.

(iv) Correction of printing errors.

(v) Deletion, marking, or underlining of certain words or certain parts of the printed text.

(vi) On notices concerning the departure and arrival of ships and planes: the dates and time of such departures and arrivals, as well as the names of the ships, planes, and ports of departure, call, and arrival.

(vii) On travelers' announcements: the name of the traveler, the date, time, and name of the place through which he contemplates passing as well as the place where he is stopping.

(viii) On order, subscription, or offer blanks for publications, books, newspapers, engravings, and pieces of music: the publications and number of copies ordered or offered, the prices of such publications, as well as notations representing price factors, terms of payment, the edition, the names of the authors or publishers, the catalog number and the words "broché" (stitched or paperbound), "cartonné" (boards) or "relié" (bound).

(ix) On forms used in connection with loans from libraries: the titles of books, number of copies requested or sent, names of authors or publishers, catalog numbers, number of days permitted for reading, name of person desiring to consult the book, other brief indications relating to the books in question.

(x) On illustrated cards (including those bearing the title "Post Card"), visiting cards, and other printed cards or folders: good wishes, greetings, condolences, or other forms of courtesy expressed in not more than five words or by means of not more than five conventional initials.

(xi) On printing proofs: such changes and additions as relate to the correction, form and printing, notes such as "Ready for printing," "O.K. for printing," or any similar note relating to the preparation of the work. In case of lack of space, the additions may be made on separate sheets.

(xii) On current price lists, offers for advertisements, market and stock quotations, commercial circulars and prospectuses: figures and any other annotations representing essential price factors.

(xiii) On literary or artistic productions: a dedication consisting of a simple expression of regard.

(xiv) On passages cut from newspapers and periodicals: the name, date, number, and address of the publication from which the article is taken.

(xv) An order or entry number relating exclusively to the articles contained in the package.

(xvi) On notices of change of address: The old and the new address and the date of the change.

(xvii) On photographs: Captions describing them and identifying persons, places and time taken. May be added on the photographs or on slips attached.

(5) *Permitted enclosures.* Articles sent as prints may have the following enclosures:

(i) An open invoice covering the article sent, reduced to its essential terms. There may be enclosed with books a printed circular relating to the accompanying book or containing announcements of other books, and an order form. An invoice mailed separately is subject to the letter rate of postage.

(ii) A card, envelope, or wrapper bearing the printed address of the sender which may be prepaid for return by means of postage stamps of the country of destination of the article of printed matter. Do not include a U.S. domestic business reply card or envelope.

(iii) Cutout patterns marked to show that they are an integral part of a fashion magazine with which they are mailed.

(e) *Preparation and mailing*—(1) *Wrapping and closing.* Articles mailed at printed matter rates must not be sealed. The general provisions of § 21.1(a)(4) apply, subject to the following exceptional methods of preparation:

(i) Prints of the shape and consistency of a card, which may be mailed unfolded or folded only once, may be mailed without wrapper, envelope, or fastener. These cards, including each half of folded cards must conform to the dimensions of post cards (see § 22.2(b)).

(ii) Single copies of second-class or controlled circulation publications mailed by publishers and addressed for delivery in Canada need not be enclosed in envelopes or wrappers when they are included in bundles as provided in § 22.4(e)(4)(iii). Copies for all other countries, even when tied in bundles, must be enclosed in envelopes or wrappers.

(iii) Use of steel bands or wire is permitted at the risk of the sender, except to Belgium, Great Britain and Northern Ireland and the Union of Soviet Socialist Republic which object to their use.

(iv) Envelopes having the main flap sealed and the side flap closed with a spot of glue (two spots may be used to close the flaps of large envelopes) are accepted at the risk of the sender, except to Switzerland which has objected to the use of this type of envelope.

(v) Padded envelopes closed by means of staples are accepted at the risk of the sender. These may be closed with one, two, or three staples, depending upon the size of the envelopes.

(2) *Marking.* Senders must see that an endorsement appears on the address side of all cards, envelopes, wrappers, or packages to be mailed at printed matter rates, as follows:

(i) Mark "Printed Matter" when postage is paid at regular printed matter rates. (See § 22.3(a)(1)(i).)

(ii) Mark "Printed Matter—Books or Printed Matter—Sheet Music" on pack-

ages of books or sheet music to be mailed at the rates stated in § 22.3(a)(1)(ii).

(iii) Mark "Printed Matter—Directories or Printed Matter—Catalogs" when necessary to identify packages as containing directories or catalogs subject to regular printed matter rates but entitled to the exceptional weight limits prescribed in § 22.3(b).

(iv) Mark "Printed Matter—Second-Class or Printed Matter—Controlled Circulation Publication" on the envelopes or wrappers of second-class and controlled circulation publications on which the postage rates stated in § 22.3(a)(1)(iii) or (iv) are paid by stamps affixed. When the postage on second-class and controlled circulation publications is paid in cash or by advance deposit, as permitted in § 22.3(5)(c)(iii), the envelopes or wrappers must bear the imprint "Second-class postage paid at _____," or "Controlled circulation postage paid at _____," in the upper right corner. The imprint serves as an indication of postage payment and identifies the publications as second-class or controlled circulation. Use imprints prescribed in §§ 132.2(e)(8) and 133.3(g) and for mailings made pursuant to § 22.3(e)(3)(iii). See subparagraph 3(ii) of this paragraph concerning special provisions applicable to bundled mailings to Canada.

(3) *Payment of postage.* (i) Postage on printed matter, other than second-class and controlled circulation publications mailed by the publisher or by a registered news agent under the conditions stated in subdivision (3)(ii) of this paragraph must be paid by means of postage stamps, meter stamps, or permit imprints showing the amount of postage paid on each piece.

(ii) Postage on second-class and controlled circulation publications mailed by the publisher or by a registered news agent may be paid by means of postage stamps or meter stamps, or the postage charges may be paid in cash before the mailings are dispatched or from deposits of money made with the postmaster by the publisher or news agent. When the postage is to be paid in cash or from money on deposit with the postmaster, the postage charges are computed on Form 3541, Computation of Second-Class or Controlled Circulation Postage, from reports filed by the publisher or news agent on Form 3542, Statement Showing Number of Copies of Second-Class or Controlled Circulation Publication Mailed.

(iii) Accept deposits of money to cover postage at regular printed matter rates stated in paragraph (a)(1)(i) of this section on mailings of publications for which application for second-class or controlled circulation privilege is pending. When application is approved, adjust postage charges on reported mailings based on rates stated in paragraph (a)(1)(iii) and (iv) of this section and according to general procedure in § 32.3(b) and § 33.2(c) of this chapter.

(iv) If a publisher or registered news agent prefers, he may pay postage on individually addressed copies of second-class and controlled circulation publications by reporting them on Form 3542, and pay postage on unaddressed copies to be mailed in bulk packages by affixing the appropriate postage to the wrappers of the packages.

(4) *Mailing.* (i) Prints on which the postage is paid by permit imprints and all second-class and controlled circulation publications to be mailed at the rates stated in paragraph (a)(1)(iii) and (iv) must be taken to the post office or such other place as may be designated by the postmaster. All other printed matter that is fully prepaid with postage or meter stamps and is properly prepared as required in paragraphs (e)(1) and (e)(2) may be presented for mailing at post office windows or deposited in post office drops or street collection boxes.

(ii) Publishers having more than five individually addressed copies of a second-class or controlled circulation publication addressed to subscribers at the same post office must tie them in unwrapped bundles with a conspicuous label attached showing the post office and country of destination. The twine must be strong enough for the weight and size of the bundles. When there is a sufficient quantity of copies for one city to fill approximately one third of a sack the publisher shall insert the prepared bundles for that city in a sack appropriately labeled to identify the city and country of destination.

(iii) Canada only: Single copies addressed for delivery in Canada that are not enclosed in wrappers or envelopes, as permitted in subparagraph (1)(ii) of this paragraph, must be included in bundles protected with sections of cardboard, fiberboard, or other protective covering that will prevent the copies from being damaged in transit. The labels on these protected bundles must bear the notation "Open and Distribute" and the words "Second-class postage paid at _____" or "Controlled circulation postage paid at _____."

(5) *Return request.* Ordinary (unregistered) prints, other than books, are not returned if undeliverable unless return has been requested by the sender. Therefore, senders desiring that undeliverable ordinary prints be returned must place a "Return Requested" notation on the article, preferably immediately below the return address and in a language known in the country of destination. Books and registered prints that are undeliverable must always be returned to origin.

(6) *Dutiable prints.* Prints known to be dutiable in the country to which they are addressed must have a green customs label, Form 2976, fixed to the address side of the article. (See § 21.4(a)).

(f) *Direct sacks to one adressee.* (1) Ordinary (unregistered) printed matter being mailed in quantity to one addressee may be transmitted in direct sacks (except to Ethiopia) if the sender complies with the following conditions:

(i) The minimum amount that may be mailed in a direct sack (by either surface or air) is 30 pounds; the maximum is 66 pounds (sack and contents). The weight and size limits prescribed in paragraphs (b) and (c) do not apply.

(ii) Obtain sacks from local post office, which will furnish airmail sacks, if available, when material is to be sent by airmail.

(iii) Place printed matter in one or more individual, unsealed packages bearing the name and address of sender and addressee. Mark each package "Postage Paid."

(iv) Attach to the neck of the sack a tie-on tag bearing the name and address of sender and addressee. The tag must be of substantial quality, with reinforced eyelets to prevent it from being torn off, and of such size as to permit the stamps in payment of the postage to be placed on it. Use heavy twine to tie on the tag. When sending several sacks for the same addressee, mark tag with an identifying fractional number, for example ⅓, ⅔, and ⅗, if the shipment consists of three sacks.

(2) Postage is calculated only on the weight of the contents of the sacks, and is paid by means of postage stamps or meter stamps affixed to the address tag. If a publisher or registered news agent prepares a direct sack of second-class or controlled circulation copies for one addressee and desires to pay the postage in cash or from money on deposit with the postmaster, the postage computation will be made on the basis of report on Form 3542. The address tag attached to the neck of the sack must then bear the second-class or controlled circulation imprint instead of stamps.

(3) The post office will label the sack with the name of the country of destination in large letters and the name of the United States dispatching exchange office in small letters (for example "Great Britain—via New York") and send it to the exchange office for dispatch to destination.

§ 22.4 Matter for the blind.

(a) *Rates.*—(1) *Surface.* Items mailable internationally as "Matter for the Blind" (see paragraph (d)(1) of this section) are accepted as surface mail free of postage.

(2) *Airmail.* Items mailable internationally as "Matter for the Blind" (see 222.541) are accepted at AO (other articles) air rates. The rates are shown in § 22.4(a)(2) and under the country items in the appendix.

(3) *Nonconforming matter.* Items not acceptable as "Matter for the Blind," pursuant to (b), (c), or (d) of this section, are subject to regular international rates of postage.

(b) *Weight limit.* Weight limit is 15 pounds 6 ounces.

(c) *Dimensions.* Maximum and minimum dimensions are the same as for letters and letter-packages. See § 22.1(c).

(d) *Description.* (1) The following are acceptable in international mail as "Matter for the Blind."

(i) Books, periodicals, and other matter, including unsealed letters, impressed in Braille or other special type for the use of the blind.

(ii) Plates for embossing blind literature.

(iii) Discs, tapes or wires bearing voice recordings and special paper intended solely for the use of the blind, provided they are sent by or addressed to an officially recognized institution for the blind.

(2) Although various additional articles are admitted in domestic mail free of postage, pursuant to Part 138, the only articles admitted in international mail as "Matter for the Blind" are those indicated in paragraph (a) of this section.

(e) *Preparation and marking.* Articles must be in unsealed envelopes or wrappers prepared so as to permit easy examination. The word "Free" must be placed in the upper right corner, immediately above the words "Matter for the Blind," on surface mail accepted free of postage. On airmail accepted at AO air rates the words "Matter for the Blind" must be placed in the upper right corner near the stamps. The name of the officially recognized institution for the blind must appear in the return address or in the address of matter mentioned in paragraph (d)(1)(iii) of this section.

§ 22.5 Samples of merchandise.

(a) *Rates.* (1) *Surface.* Surface rates for samples of merchandise to Canada and Mexico are 6 cents for the first 2 ounces and 2 cents for each additional ounce or fraction, with a minimum charge of 12 cents. To all other countries the rates are 6 cents for the first 2 ounces and 4 cents for each additional 2 ounces or fraction, with a minimum charge of 13 cents.

(2) *Airmail.* AO (other articles) air rates apply. The rates are shown in § 22.4(a)(2), and under the country items in the Appendix.

(b) *Weight limits.* Weight limits are 16 ounces to Canada and Mexico, and 18 ounces to all other countries.

(c) *Dimensions.* Maximum and minimum dimensions are the same as for letters and letter packages. See § 22.1(c).

(d) *Description.* (1) A "Sample of merchandise" is defined as a specimen or fragment which is sent free of charge to advertise an article or product and to enable it to be assessed by prospective buyers. It must not be intended for exchange with a third person for payment, and its character must be confirmed by the words "Free specimen" or "Free sample" (or its equivalent in a language understood in the country of destination) indelibly marked on the article itself, if practicable, otherwise on its container.

(2) Tubes of serum and vaccine and medicaments which are urgently needed and difficult to obtain are accepted at the samples rate. These articles may not be sent for commercial purposes unless they are sent in the general interest by officially recognized laboratories or institutions.

(e) *Permitted notations.* Senders may show the following on the outside wrapper, on the sample itself, or on a sheet enclosed with the sample: Particulars concerning sender and addressee, the manufacturer's mark or trademark, a reference to correspondence exchanged between sender and addressee, a brief statement referring to the manufacturer and to the person supplying the goods or concerning the person for whom the sample is intended, the serial or order number, price, size, quantity available as well as the weight, volume and such other particulars as are necessary to determine the source and the character of the goods.

(f) *Prohibited contents.* Articles of salable value are prohibited unless defaced in such a way that they can no longer be offered for sale; also pairs of articles, such as gloves, shoes, socks, etc., or goods sent as gifts or in execution of an order, no matter how small the quantity. Canceled or uncanceled postage stamps or any paper representing a value may not be mailed as samples of merchandise.

(g) *Packing and marking.*—(1) *Packing and Preparation.* See § 21.1 (a) and (b) of this chapter. Packages must not be sealed.

(2) *Marking.* In addition to marking the sample as prescribed in § 22.5(d)(1), the sender must mark the address side of the package "Sample of Merchandise."

§ 22.6 Small packets.

(a) *Rates.*—(1) *Surface.* Surface rate for all countries accepting small packets is 6 cents for each 2 ounces or fraction. Minimum charge, 26 cents per packet.

(2) *Airmail.* AO (other articles) rates apply to countries accepting small packets. The rates are shown in § 22.4(a)(2) and under the country items in the Directory of International Mail.

(b) *Weight limit.* Weight limit for small packets is 2 pounds 3 ounces.

(c) *Dimensions.* Maximum and minimum dimensions are the same as for letters and letter packages. See § 22.1(c).

(d) *Description.* Small packets offer a convenient and economical means for sending small quantities of merchandise to those countries that admit this class of postal union mail.

(e) *Preparation and marking.* (1) Small packets may not be sealed. They are subject to the provisions of § 21.1 of this chapter as to preparation and packing.

(2) The sender must mark the address side of the packet "Small Packet" or its equivalent in a language known in the country of destination—"petit paquet" (French), "pequeño paquete" (Spanish), "päckchen" (German).

(f) *Documentation.* Small packets, whether or not they are subject to customs inspection, must bear the green (customs) label, Form 2976. See § 21.4(a) of this chapter.

(g) *Enclosures.*—(1) *Permitted enclosures.* A simple invoice and a slip showing the names and addresses of the sender and addressee of the packet may be enclosed.

(2) *Prohibited enclosures.* Small packets may not contain written or sound recorded communications having the character of personal correspondence; coins, bank notes, paper money, canceled or uncanceled postage stamps, or values payable to the bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles. The term jewelry is defined in § 21.3(a)(6) of this chapter.

(h) *Countries not accepting.* Small packets are not accepted by the following countries:

Azores.	Haiti.
Bhutan.	Iceland.
Bolivia.	Korea (North).
Burma.	Madeira Islands.
Canada.	Maldive Islands.
Chile.	Outer Mongolia.
China (Continental).	Panama.
Colombia.	Paraguay.
Cuba.	Peru.
Gilbert and Ellice Islands Colony.	Rumania.
Guatemala.	Sudan.
	Vietnam (North).

§ 22.7 Combination packages.

(a) *Definition.* Combination packages are packages made up of two parts, firmly attached together, both addressed for delivery to the same addressee, and consisting of (1) a sealed envelope containing a written or printed communication; and (2) an unsealed container, with samples of merchandise or printed matter enclosed. These packages are treated as AO mail.

(b) *Rates.* Each part of a combination package must be fully prepaid at the appropriate rate of postage.

(c) *Countries for which accepted.* The following countries accept combination packages as ordinary (unregistered) mail only, except as noted:

Australia.	Haiti.
Austria.	Republic of Honduras (registered only).
Bolivia.	Iceland.
Brazil.	Jamaica.
British Honduras.	Mexico.
Bulgaria.	Nicaragua.
Canada.	Norway.
Colombia.	Panama.
Denmark.	Philippines.
Dominican Republic (ordinary or registered).	Poland.
El Salvador.	Rumania.
Faroe Islands.	Sweden.
Greenland.	Turks Islands.
Guyana.	

§ 22.8 Articles grouped together.

(a) *Description.* Printed matter and samples of merchandise may be combined in a single mail article, on condition that the samples do not exceed 18 ounces in weight (16 ounces in the case of Canada and Mexico) and that the total weight of the mail article does not exceed 6 pounds 9 ounces. The dimensions must conform to those prescribed for letter mail (see § 22.1(c)).

(b) *Rates.*—(1) *Surface.* The rates are as follows:

(i) To Canada and Mexico, 6 cents for the first 2 ounces and 2 cents for each additional ounce, with a minimum of 10 cents.

(ii) To all other countries, 6 cents for the first 2 ounces and 4 cents for each

additional 2 ounces or fraction, with a minimum of 13 cents.

(2) *Airmail.* AO (other articles) rates apply. The rates are shown in § 22.4(a) (2) and under the country items in the Directory of International Mail.

(c) *Preparation and marking.* Envelopes or packages mailed as grouped articles must not be sealed. Senders must mark the address side of the envelope or package Grouped Article.

PART 23—TREATMENT OF OUTGOING POSTAL UNION MAIL

Sec.
23.1 Postmarking.
23.2 Shortpaid and unpaid.
23.3 Improperly prepared.
23.4 Forwarding.
23.5 Return to United States.

AUTHORITY: The provisions of this Part 23 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 23.1 Postmarking.

The post office of mailing will postmark postal union mail.

§ 23.2 Shortpaid and unpaid.

(a) *At mailing office or sectional center.* Check carefully all locally mailed articles and mail received at sectional centers from associated offices for postage payment before it is dispatched. Return shortpaid and unpaid articles to the sender for deficient postage, using stock rubber stamp R–1300–230. The following exceptions apply:

(1) *Special delivery.* Dispatch to appropriate exchange office, unless deficiency can be obtained without delaying the article.

(2) *Letter mail and post cards with return address at an office other than the mailing office.* Dispatch to appropriate exchange office, unless the articles (1) can be returned to the office shown in the return address by the next business day; or (2) are paid at domestic rates; or (3) are totally unpaid.

(3) *Articles without return address.* Send letter mail and post cards to appropriate exchange office. Send "Other Articles" to proper dead letter branch.

(4) *Mail for Canada.* When quantity mailings of 10 or more pieces from the same sender are received return them for the deficiency or arrange that the postage charges be adjusted before the mail is dispatched. Otherwise, endorse articles to show that postage-due charges are to be collected from the addressee, as follows, and dispatch to appropriate exchange office:

(i) Double the amount of the deficient postage on ordinary (unregistered) letter mail and post cards.

(ii) The actual amount of the deficiency on ordinary "Other Articles" and on all registered mail.

(b) *Dispatch to exchange office or dead letter branch.* When shortpaid or unpaid mail is dispatched to exchange offices or to dead letter branches pursuant to § 23.2(a), apply stock rubber stamp R–1300–4, "Postage Due ------ Cents," but do not indicate the amount of shortpayment, except as provided in § 23.2(a)(4) for mail addressed to Canada. Dispatch to exchange offices by surface means when surface mail is involved and by air when airmail is involved.

(c) *In transit to dispatching exchange offices.* Except as provided in § 23.2(a) no check shall be made for postage deficiencies, but any articles seen to be paid at domestic postage rates (except special delivery) or to be totally unpaid shall be returned. Endorse "Returned for additional postage or Returned for postage." Do not return if the senders are in Alaska, Hawaii, or an overseas territory or possession and the articles are seen after arrival in continental United States, or vice versa; allow them to go forward to the dispatching exchange office for appropriate treatment.

(d) *Credit for postage already affixed.* Credit is allowed for postage already affixed in figuring correct amount on articles returned to senders for deficient postage.

§ 23.3 Improperly prepared.

(a) *Insufficient address.* Post offices will not return articles to senders if they are not addressed as prescribed in § 21.1(c), provided the country of destination is legibly written, but will dispatch them to the exchange office for decision as to the sufficiency of the address. New postage must be paid on articles remailed with corrected addresses after being returned from other countries.

(b) *Oversized cards.* Post offices will return oversized cards (those exceeding 6 x 4¼ inches) to senders, if known, unless they are paid at letter rates. If sender is not known, dispatch oversized cards as letter mail.

(c) *Undersized articles.* Post offices will return to the senders, if known, any articles that are less than the prescribed minimum size (4¼ x 3 inches) and are not prepared as provided under § 22.1(c) (2) of this chapter. If the sender is not known, dispatch the articles to the dead letter office.

(d) *Meter stamps.* The Universal Postal Convention prescribes that meter stamps are to be bright red in color. (See § 21.2(b)(1) of this chapter.) Although the use of red color for meter stamps on international mail should be encouraged, articles bearing those of other colors are to be allowed to go forward.

§ 23.4 Forwarding.

(a) *International.* Articles will generally be forwarded to a new address of the addressee, even in a third country, or back to the United States. The sender may forbid forwarding by a notation on the envelope or wrapper in a language understood in the country to which addressed. See § 24.3 of this chapter concerning forwarding mail of foreign origin.

(b) *Domestic*—(1) *Addressee moved to another country.* Treat as undeliverable and dispose of as provided in Part 158, except that post or postal cards and ordinary letters that do not appear to contain merchandise and do not bear a notice forbidding forwarding may be redirected to the original addressee in another country. Letters and cards are forwarded by surface if surface mail is involved and by air if airmail is involved, without prepayment of additional postage. If the difference between the domestic and international postage is not added at the time of forwarding it will be collected when the letter or card is delivered. Surface letters and cards will be forwarded by air if the difference between the domestic postage and the international airmail rate has been added on the letter or card.

(2) *Bearing foreign return address.* Any domestic letters (except those that appear to contain merchandise) or domestic post or postal cards bearing the sender's request for return are returned to the foreign return address. Return is by surface mail only, and without prepayment of additional postage. Indication of a foreign return address on registered or certified letter mail will be deemed to constitute a request on the part of the sender that the letter is to be forwarded to the foreign return address if it is not deliverable at the U.S. address. It further indicates that the sender thereby agrees, in case of loss of a registered letter after dispatch from the United States, to adjustment of indemnity in accordance with the provisions of § 72.2, irrespective of the amount of registry fee paid. Articles or packages containing merchandise are held by the post office of address and a report sent to the Department as provided in § 31.7(b). Treat other undeliverable domestic articles with foreign return addresses as dead mail. (See § 159.7(b)(1).)

(c) *Ship passenger and crew mail.* (1) As an alternative to the provisions of §§ 23.4(b) and 24.3(b) of this chapter, ordinary (unregistered) articles of correspondence (except those which appear to contain merchandise) addressed to crew members or passengers on board a ship may be forwarded in the international mail, by surface or air, in one envelope addressed to a ship or travel agency under the following conditions:

(i) The envelope in which the articles are to be forwarded shall be approximately 9 inches by 6 inches in size, and shall be supplied by the sender. Do not put postage on this envelope but place the following endorsement in the upper right corner of the envelope:

This envelope contains prepaid letters forwarded in bulk by authority of assistant postmaster general, bureau of operations. Any required additional international postage has been affixed to the articles enclosed.

(ii) The envelope must be presented unsealed at the mailing office for check of the contents. Any additional postage required must be paid on each of the articles enclosed, as follows:

(*a*) *Articles of U.S. origin.* Pay on each article the difference between the postage already paid and the appropriate international rate (surface or air) to the new country of destination.

(*b*) *Articles originating in other countries.* If envelope is to be forwarded by air, place full air postage from the United States to the new country of destination on each article enclosed. No additional postage is required if the envelope is to be forwarded by surface means.

(iii) If the envelope is intended to be transmitted by air, place label 19 bearing the words "Par Avion," in the upper left corner of the envelope immediately below the return address of the sender.

(iv) The total weight of the forwarding envelope and its contents is limited to 18 ounces.

(2) The accepting employee must check the envelope to see that any necessary additional postage has been paid on each article, cancel any additional postage placed on the articles, and seal the envelope. The accepting employee will apply the office date stamp and his initials immediately below the sender's endorsement prescribed in § 23.4(c)(1)(i).

§ 23.5 Return to United States.

(a) Articles will generally be returned to the sender if delivery cannot be made. Ordinary (unregistered) articles of printed matter, other than books, are not returned unless the sender has requested their return as prescribed in § 22.4(e)(5).

(b) The reason for nondelivery of returned articles may be indicated in French or Spanish, the most usual expressions being the following:

Ausente (Spanish)	Gone away.
Décédé (French)	Deceased.
Desconocido (Spanish)	Unknown.
Devuelvase a remitente (Spanish)	Return to sender.
Fallecido (Spanish)	Deceased.
Inconnu (French)	Unknown.
Non réclamé (French)	Unclaimed.
No reclamado (Spanish)	Unclaimed.
Parti (French)	Gone away.
Refusé (French)	Refused.
Rehusado (Spanish)	Refused.
Retour à l'expéditeur (French)	Return to sender.

(c) Precanceled stamps on mail returned to the United States must be defaced before delivery to the sender.

PART 24—TREATMENT OF INCOMING POSTAL UNION MAIL

Sec.
24.1 Charges.
24.2 Foreign markings instead of stamps.
24.3 Forwarding.
24.4 Undeliverable.

AUTHORITY: The provisions of this Part 24 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 24.1 Charges.

(a) *Customs clearance and delivery fees.* (1) Post offices will collect a fee of 20 cents from the addressee of every postal union article, other than a small packet, on which customs duty or internal revenue tax is collected. On every small packet on which duty or revenue tax is collected, the fee is 50 cents for each packet. The fees apply also when post office service is rendered for formal entry articles on which importers pay the customs charges directly to the Customs Service. The fees are retained by the Postal Service, and are accounted for by affixing postage due stamps to the articles or packets and canceling. See § 32.1(a) of this chapter concerning fees on incoming dutiable parcel post, and § 61.5(e) of this chapter concerning recording and reporting duty collections.

(2) These fees are authorized by international postal convention as reimbursement to the Postal Service for the work it performs in clearing mail articles through customs and for delivery to the addressees.

(3) The appropriate fee is collected on each article on which duty or tax is paid by the addressee, even if several articles are covered by a single mail entry form.

(4) These fees are not refundable by the Postal Service even though the Customs Service may later refund the duty paid by the addressee.

(5) Post offices will not collect the fees in the following cases:

(i) On dutiable matter from the Canal Zone or from overseas United States military post offices.

(ii) On packages assessed with duty which are delivered without collection of duty under § 61.5(d)(6) and (7)(iv) of this chapter. If postage due stamps were pasted on the package and canceled at the time the package was assigned for delivery, the delivery employee shall mark the stamps "Voided" and allow them to remain on the package. See § 61.5(d)(6) of this chapter concerning crediting employee with the value of the unreturned postage-due stamps.

(b) *Shortpaid mail.* Post offices will collect from the addressees of shortpaid letters and post cards the amount indicated in U.S. currency by the receiving exchange office. The Canadian service applies the ratings on articles from that country. The amount is accounted for by affixing and canceling postage due stamps, and is retained by the postal service. If an article bears U.S. postage the delivering office shall allow credit for its value when postage due is collected. Postage due ratings can be verified from paragraph 3 of the introduction to Chart 7 in the appendix, and inquiries may be directed to the Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, D.C. 20260.

(c) *Invalid foreign postage.* Foreign mail bearing invalid postage is accompanied by international Form C 10 issued in the country of origin and is rated as unpaid. The addressee is asked to pay the postage due, to disclose the name and address of the sender, and to surrender the envelope. The post office will send the envelope after delivery, or the entire article if the addressee refuses it, with the Form C 10 to the Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, D.C. 20260, with the name and address of the sender if disclosed by the addressee.

(d) *Storage.* The post office will collect storage charges for each day until delivery is made on (a) any printed matter package or small packet exceeding 1 pound in weight, and (b) any dutiable letter package regardless of weight. The charges and other conditions prescribed in § 32.1(c) of this chapter for incoming parcel post packages apply to the postal union articles mentioned.

(e) *AO mail containing letters.* When a personal communication is found in an AO article, the office discovering it will mark the cover and rate the article for collection of postage due in the same manner as prescribed in § 32.1(d) of this chapter for letters found in parcels.

(f) *Returned mail.* Post offices will collect charges on returned mail as follows:

(1) Return postage equal to the amount of postage originally paid on returned surface merchandise packages weighing 8 ounces or less mailed to Canada at 12 cents for 5 ounces or less, 14 cents for 6 ounces, 16 cents for 7 ounces, and 18 cents for 8 ounces.

(2) On return second-class publications mailed to Canada by publishers or registered news agents, 5 cents for the first 2 ounces and 1 cent for each additional ounce.

(3) From the sender of any article returned through a deadletter branch, 10 cents.

(4) From the sender of an undeliverable insufficiently prepaid article, the deficient postage that should have been collected from the addressee.

(5) Any other charge indicated by the exchange office.

§ 24.2 Foreign markings instead of stamps.

Some articles of foreign origin do not bear postage stamps but are marked "Postage Paid, Taxe perçue, Port payé, TP" or "PP," with postmark. The marking "On Her Majesty's Service" or "O.H.M.S." is also sometimes used. This mail is treated as prepaid.

§ 24.3 Forwarding.

(a) *Within the United States.* (1) Articles received by surface may be forwarded by surface and articles received by air may be forwarded by air, without an additional postage charge or fee, unless the envelope or wrapper bears a notation forbidding its being forwarded.

(2) Second-class publications from Canada are treated in accordance with §§ 158.2(b)(1) through (b)(3). A periodical publication from any other country whose delivery requires that it be forwarded to another local address or to another post office shall be forwarded and the addressee shall be requested to notify the publisher of his new address. If the publication is still being received 3 months after change of address occurs, the post office of original address shall dispose of it, and any subsequent copies received, as waste, except that publications bearing request of sender for return shall be endorsed "Moved, not forwardable" and returned to origin.

(b) *To another country.* (1) Articles can be forwarded on condition that the country of destination accepts mail of the classification involved. Articles received by either surface or air, which do not bear instructions forbidding their being

forwarded, are forwarded by surface without an additional postage charge or fee. U.S. postage at the airmail rate to the country concerned must be paid on any article that is forwarded by air. Cross out the Par Avion label or endorsement on an airmail article that is forwarded by surface. See § 23.4 (b), (c) and § 31.7(b) of this chapter concerning forwarding of domestic mail, and § 61.5 (i) (2) concerning disposal of customs mail entry forms relating to dutiable articles.

(2) The provisions of § 24.3(a) (2) apply in the case of periodical publications addressed to persons who have filed change of address to another country.

(c) *Backstamping.* A legible postmark is applied to the back of letters and to the front of postcards when received missent and to all forwarded articles.

§ 24.4 Undeliverable.

(a) *Retention period.* Post Offices will hold ordinary and registered articles at disposal of addressees for 30 days, except in the following cases:

(1) Articles bearing senders' requests for return within a specified time not exceeding 2 months.

(2) Articles bearing no time limit for their return, when there is good reason to believe they can be delivered to the addressee if held for a period not exceeding 2 months. These articles shall be marked "Specially held for delivery." Hold articles subject to storage charges (see § 24.1(d)) beyond the initial 30-day retention period only if the addressee, or someone acting in his behalf, pays the storage charges due at the end of the first 30-day period. Thereafter, collect accumulated storage charges every 10 days.

(3) Articles on which the addressee has protested the rate or amount of duty assessed, pursuant to § 61.5(d) (7) (ii).

(4) Articles positively known to be undeliverable, such as refused, or addressee moved and left no address. These shall be treated as undeliverable unless they bear the sender's request specified in paragraph (a).

(b) *Directory service.* See § 159.5 concerning directory service to be accorded mail of foreign origin.

(c) *Endorsing.* Endorse undeliverable mail as prescribed in § 159.5(a) (1) (ii). Apply a legible postmark to the back of letters and to the front of postcards that are returned to origin.

(d) *Disposal.* Dispatch undeliverable mail by surface means (including airmail articles, after crossing out Par Avion label or endorsement) to the appropriate exchange office for return to the country of origin, except the following:

(1) Ordinary (unregistered) prints, other than books, which do not bear the sender's request for return. These are disposed of in accordance with § 158.5(b). Books and registered prints must always be returned to origin.

(2) Postcards which do not bear the address of the sender. These are disposed of in accordance with § 159.4(a).

(3) Canadian second-class publications. These will be treated as prescribed in §§ 159.2(b) (1) through (3).

(4) Canadian articles of all classifications not covered by (a) and (b) of this section and not bearing sender's name and address. These will be sent to the dead-letter office for disposal pursuant to § 159.7(d) (8).

(f) *Storage charges.* Storage charges due on postal union articles are canceled if the articles are returned to origin or forwarded to another country. See § 32.5 (b) (4) concerning marking of parcel post on which storage charges are due.

(g) *Dutiable mail.* Dispose of customs mail entry forms as prescribed in § 61.5(i).

PART 25—ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

Sec.
25.1 U.S. postage rates required.
25.2 Mailing with U.S. postage paid.
25.3 Mailing with U.S. postage not paid.
25.4 Report of incoming mailings.

AUTHORITY: The provisions of this Part 25 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 25.1 U.S. postage rates required.

Pursuant to provisions of the Universal Postal Convention, U.S. postage must be paid to secure delivery of articles in excess of 200 pieces mailed in other countries by or on behalf of persons or firms whose residence or place of business is in the United States when the foreign postage on the articles is lower than comparable U.S. domestic postage. If the comparable rate is the domestic third-class rate, use the single-piece rate to compute postage on the mailing. The articles will be returned to origin unless applicable U.S. postage is paid for the total number of pieces. Even if the foreign postage is not lower, the same conditions apply when more than 5,000 pieces are mailed. These limitations apply to mailings made in such quantities within a 30-day period.

§ 25.2 Mailing with U.S. postage paid.

Senders affected by § 25.1 must submit a sample of the proposed mailing (envelope and contents) to the Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, D.C. 20260, with a statement as to the number of pieces to be mailed, when and where the mailing will take place, and a check to cover the amount of the applicable U.S. postage. Checks will be made payable to the Post Office Department. Notification of postage acceptance and approval of mailing will be given by the Department to the sender and to the appropriate U.S. receiving exchange offices which will permit the articles in the mailing to go forward to the addressees without delay when they reach the United States.

§ 25.3 Mailing with U.S. postage not paid.

A mailing subject to § 25.1 received without payment of U.S. domestic postage having been made in advance will be held at the exchange office of receipt, and the U.S. sender will be requested to pay the postage. After payment of the required amount, the mailing will be allowed to go forward; if not paid, it will be returned to the country of origin.

§ 25.4 Report of incoming mailings.

Only U.S. receiving exchange offices will report to the Department mailings from other countries that appear to have been made by or on behalf of senders in the United States.

PARCEL POST

PART 31—OUTGOING PARCELS

Sec.
31.1 Availability of service.
31.2 Prohibitions and restrictions.
31.3 Preparation, packing, and mailing.
31.4 Documentation.
31.5 Postmarking.
31.6 Shortpaid.
31.7 Forwarding.

AUTHORITY: The provisions of this Part 31 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 31.1 Availability of service.

Parcel post service is available to most countries and the general conditions shown in this part apply. The individual country items in the appendix show whether or not parcel post service is available to a particular country, as well as the special services and conditions applying to that country.

§ 31.2 Prohibitions and restrictions.

(a) *General list of prohibited articles.* The following are prohibited by parcel post to all countries:

(1) Articles excluded from the domestic mail of the United States. (See part 123.) Although safety matches are admitted in the domestic mail, they are prohibited in the international mail.

(2) Written communications of the nature of personal correspondence, or recorded correspondence. (See § 31.3(d)).

(3) Enclosures bearing an address different from that appearing on the parcel itself.

(4) Pistols, revolvers, and other firearms capable of being concealed on the person, with certain exceptions. (See § 124.5 subchapter C and § 53.1.)

(5) Live or dead creatures, except live bees, leeches, and silkworms and dead insects or reptiles when thoroughly dried.

(6) Fruits, vegetables, fresh meats, and other articles which easily decompose or which cannot reasonably be expected to reach destination without spoiling; substances which give off a bad odor.

(7) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 54.4.)

(8) Articles that may in any way damage or destroy the mail or injure the persons handling them. This includes liquids that may cause injury by contact with the skin or give off irritating vapors; also explosives and flammable liquids having a flash point by the Tagliabue open tester of 80° F. or lower, and flammable solids which are likely, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes.

(9) Articles containing gas or liquid under pressure, except that products incorporating compressed gas are acceptable if the mist produced is nonflammable, the quantity of contents not more than a pint, and not more than one container per package. These restrictions as to quantity do not apply to aerosol containers holding mailable liquid and gas under pressure less than 40 pounds per square inch absolute (25 pounds gauge pressure) at 70° F. Liquids with flash point below 150° F. are restricted as stated in § 31.2(b) (1).

(10) Oxidizing materials such as chlorates, permanganates, peroxides, or nitrates, which yield oxygen readily to stimulate the combustion of organic matter.

NOTE.—For general Postal Union mail prohibitions, see § 21.3.

(b) *Restricted articles.*—(1) *Combustible liquids.* Combustible liquids having a flash point of 150° F. or lower but above 80° F. (Tag, open tester) may be sent to foreign countries generally in quantities not exceeding 1 quart in any one parcel, except that paints, varnishes, turpentine, and similar substances may be sent in quantities of less than 1 gallon in any one parcel. The container must be completely surrounded with sawdust, bran, or other absorbent material sufficient to take up all the liquid content. Each parcel containing a combustible liquid must be marked by the sender to indicate that the flash point is above 80° F.

(2) *Gold and gold certificates.* (See § 54.1.)

(3) *Jewelry.* Some countries prohibit the importation of jewelry or other precious articles by parcel post, and others admit them only in registered or insured parcels. (See country items in the Directory of International Mail.) The term jewelry in this part denotes articles of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items containing little or no precious metal, is not considered to be jewelry within the meaning of this section and is accepted under the same conditions as other mailable merchandise to any country. However, its acceptance to countries to which jewelry is prohibited is at the risk of the sender.

(4) *Tobacco seed and plants.* (See § 55.2.)

(5) *Plant material generally.* Plants, seeds, and plant material are subject to the quarantine regulations of the country of destination. Patrons can obtain information from the Plant Quarantine Branch, Department of Agriculture, Washington, D.C. 20250, or from one of their offices located at principal ports of entry.

(6) *Radioactive materials.* Radioactive materials are restricted. See § 21.3(b) (6) and § 124.2(e).

(c) *Individual country prohibitions and restrictions.*—(1) *Information available.* Information as to articles prohibited or restricted to individual countries is published under the country headings in the Directory of International Mail. These prohibitions and restrictions are based on information furnished by the countries concerned. Patrons may inquire at the post office for information about them, or purchase the Dirctory (POD Publication 42).

(2) *Mailing of prohibited or restricted articles.* Packages known to contain articles prohibited to a country are not accepted for mailing. If a package contains articles whose importation into a country is restricted, the sender's attention is to be called to the restrictions and the articles accepted with the understanding that the addressee will be responsible for complying with the import formalities of the country concerned.

(3) *Mailings liable to return or seizure.* In addition to the published prohibitions and restrictions mentioned in § 31.2(c) (1), any country may return or confiscate articles which are prohibited from circulation within that country, whether or not notice of such prohibition or restriction has been published.

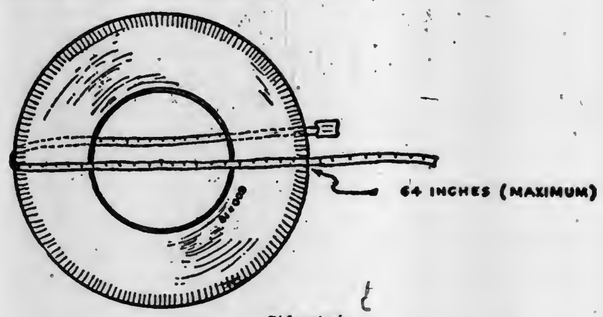
(d) *Foreign customs information.* The assessment of customs duty in other countries is outside the control of the postal service. Postal employees must not attempt to inform patrons whether any articles, either gifts or commercial shipments, will be subject to customs duty. It may be suggested to patrons that they inform the addressees in advance of the items they intend to mail so the latter may inquire of their local customs authorities whether or not there will be a duty charge.

§ 31.3 Preparation, packing, and mailing.

(a) *Dimensions and weight limits*—(1) *General dimensions.* Greatest length, 3½ feet; greatest length and girth combined, 6 feet. Length and girth combined means the measurement of once the length, plus twice the width, plus twice the depth. See § 135.3(b) for illustration of method of measuring parcels.

(2) *Exceptional dimensions.* To some countries, dimensions other than the general dimensions indicated are applicable. A parcel must not exceed the maximum dimensions allowed to the country to which it is addressed. See Directory of International Mail for individual country limits.

(3) *Dimensions of special articles.* The usual method of measuring parcels, as described in § 135.3(b) is not adaptable in the case of tires of all kinds, coils of rope, hose, wire, etc., forming a parcel circular in shape. To determine whether a tire or other object circular in shape (regardless of whether there is an open space in the center) can be accommodated inside the mail sacks used for parcel post to overseas foreign countries, the object as prepared for mailing shall be measured around its entire girth, in the direction of the diameter, as shown in the illustration. This measurement must not exceed 64 inches in order for the tire or other parcel circular in shape to be acceptable for mailing to overseas foreign countries. Measurement shall be taken as shown in the following illustration:



Side view.

(4) *Weight limits.* For weight limits applicable to each country of destination, see individual country items in the appendix. Except to Canada, there is no minimum weight limit for international parcel post. Parcel post to Canada must weigh over 8 ounces.

(b) *Packing*—(1) *In general.* (i) The responsibility of properly enclosing, packaging, and sealing parcels in the international mail rests with the sender, and the Postal Service will not assume liability for loss, rifling, or damage arising from defects which may not be observed at the time of mailing.

(ii) Every parcel shall be securely and substantially packed, having regard to the nature of the contents and climatic conditions, the length of the journey, and the numerous handlings and risks of concussion to which parcels for foreign destinations are unavoidably subjected en route.

(iii) Packages must be packed in canvas or similar material, double-faced corrugated cardboard boxes, solid fiber

boxes or cases, thick cardboard boxes, or strong wooden boxes made of lumber at least a half-inch thick or plywood of at least three plies. Ordinary pasteboard containers are wholly inadequate. Although it is permissible to use heavy wrapping paper or waterproof paper as the outside covering of a carton, such paper shall not be used as the only covering of the contents. Boxes with lids screwed or nailed on and bags closed by sewing may be used provided they conform to other conditions prescribed. Heavy objects such as cans of foods must be surrounded with other contents or packing material so that they cannot shift within the parcel.

(iv) For illustrations regarding recommended packaging and closures, see Part 121.

(2) *Specific articles.* (i) "Fragile articles" for overseas destinations shall be packed in a strong (preferably wooden) box. Strong solid fiberboard or double-faced corrugated fiberboard boxes of not less than 200-pound test if enclosed in strong wooden crates, or 275-pound test if used without crates, are acceptable. A space of at least 2 inches must be left between the articles and the top, bottom, and sides of the box, to be filled with sufficient cushioning material to protect the articles.

(ii) "All mailable liquids and substances which easily liquefy" must be packed in two receptacles. Between the first (bottle, flask, etc.) and the second (box of metal, strong wood, strong corrugated cardboard, strong fiberboard, or receptacle of equal strength) there shall be left a space to be filled with sawdust, bran, or other absorbent material in sufficient quantity to absorb all the liquid contents in the case of breakage. Excelsior does not possess the necessary absorbent quality to meet this requirement. In the case of Ireland, Leeward Islands, Malaysia, and Windward Islands, the outer receptacle shall be of strong wood or metal. Metal containers closed with a screw-top cover must have sufficient screw threads to require at least one and one-half complete turns before the cover will come off and be provided with a washer so as to prevent possible leakage of the contents. Compression or friction top metal containers must be soldered in four different places, equally spaced.

(iii) "Dry noncoloring powders" must be enclosed in boxes of metal, wood, or strong corrugated cardboard, placed in turn in a closely woven cloth bag or heavy kraft paper sack. "Powder dyes" must be enclosed in strong metal boxes, securely closed, and placed in turn in another box of wood or strong corrugated cardboard, with sawdust or other absorbent or protective material between the inner and outer containers.

(iv) "Eggs" addressed for delivery in all countries other than Canada must be placed in a metal egg container, and each egg in the square pockets must be surrounded with paper, excelsior, cotton, straw, or other similar material, while the metal egg container in turn must be enclosed in an outer container of wood with sufficient excelsior, straw, or similar material provided in the space between the inner and outer containers.

(v) "Eggs destined for delivery in Canada" may be packed either in the manner prescribed in subdivision (iv) of this subparagraph or in wooden, papier-mâché, or other box of a rigid material with a well-fitting tightly adjusted lid. Each egg must be wrapped in newspaper or other protecting material and placed on end, the vacant space in the box to be filled with newspaper or other packing material so as to prevent the eggs from striking together or against the sides, top, or bottom of the box.

(c) *Sealing.* Sealing is compulsory for all insured or registered parcel post, and for ordinary (uninsured and unregistered) parcel post for certain countries. (See individual country items in the appendix.) Patrons must seal their own parcels, using wax, gummed paper tape, nails, screws, sewing, wire or metal bands, or other adequate means which will permit detection of any attempted depredation.

(d) *Enclosure or attachment of communications*—(1) *Prohibited.* Except as provided in § 831.3(d)(2), a communication of personal nature must not be written on, attached to, or enclosed in a parcel. If such a communication is found it will be placed in the mail if separable; if inseparable the entire parcel must be rejected.

(2) *Exceptions.* The following exceptions apply:

(i) In the case of a parcel for Canada, a letter, and for Switzerland, a letter or card, fully prepaid and bearing the same address as that of the parcel may be tied or otherwise securely attached to the outside of the parcel in a manner that will prevent its becoming separated or interfering with the address of the parcel. Stamps to cover postage on the parcel must be placed on the wrapper. Stamps to pay postage on the letter or card must be placed on the envelope or the card. Parcels with such attachments are treated as parcel post.

(ii) A parcel may contain an open invoice confined to the particulars which constitute an invoice.

(iii) A file or collection of out-of-date correspondence, which has served its original purpose, is acceptable as parcel post.

(e) *Addressing and mailing*—(1) *Addressing.* The name and address of the sender and of the addressee must be legibly and correctly written in every case when possible on the parcel itself or on a label gummed thereto, and must also be written on a separate slip enclosed in the parcel. Parcels will not be accepted when addressed to a "care" in one country and the addressee (or person for whom intended) in another country or when addressed to or sent by initials, unless the initials are the adopted trade name of the senders or addressees. Addresses in ordinary pencil are not allowed, but copying ink or indelible pencil on a surface previously dampened may be used. Sufficient space must be left for the addition of necessary service notations and for stamps or labels.

(2) *Mailing.* Parcels may not be mailed in letterboxes. Patrons must present them at parcel post windows of post offices, where the necessary postal forms (see § 31.4) will be furnished without charge.

(f) *Rates, computation and postage payment*—(1) *Surface parcels.* Surface parcel post rates are based on an initial weight unit of 2 pounds and succeeding units of 1 pound. The rates to Canada, Mexico, Central America, Caribbean islands, Bahamas, Bermuda, and St. Pierre and Miquelon are $1 for the first 2 pounds and 30 cents for each additional pound or fraction. To all other countries the rates are $1.10 for the first 2 pounds and 35 cents for each additional pound or fraction. In computing the postage, a fraction of a pound is charged as a full pound. Applicable rates are shown under the Parcel Post headings of the various country items in the appendix. For convenience in computing postage, ready-reference rate tables are printed in the front of the Directory as Chart 4.

(NOTE.—To Canada packages are required to weigh over 8 ounces in order to be mailable as parcel post. See Canada country item in the appendix.)

(2) *Air parcels.* Air parcel post rates are based on weight units of 4 ounces, a fraction of 4 ounces being charged as a full 4 ounces. The rates vary according to the country of address, and are shown in the appendix under the Parcel Post heading of each country to which the service is available.

(3) *Postage not charged on postal forms.* The weight of the customs declaration and other postal forms will not be included with that of the parcel in computing the amount of surface or air postage required.

(4) *Placement of stamps.* Place stamps in payment of postage and fees in the upper right corner of the address side of the parcel. If the wrapping is of cloth or other material to which stamps will not adhere, place them on the customs declaration tag in the space below the name and address of the addressee.

§ 31.4 Documentation.

(a) *Customs declaration, form 2966*—(1) *Preparation by accepting clerk.* The accepting clerk will give the sender the number of forms required for the country concerned, and will see that he fills them out in accordance with § 31.4(a)(2) and any special instructions under the country item in the Directory of International Mail. Request senders to fill out declarations in ink or by typewriter. If packages are presented with declarations completed in ordinary pencil do not reject them for that reason. Enter weight of the parcel and insurance number if insured. Postmark form in the space provided and return it to the sender to be attached to the parcel as described in § 31.4(a)(3).

(2) *Preparation by sender.* Complete declarations in ink or by typewriter. The Postal Service assumes no responsibility for accuracy of the indications shown by the sender. Show on each declaration the following:

(i) Name and address of sender and addressee.

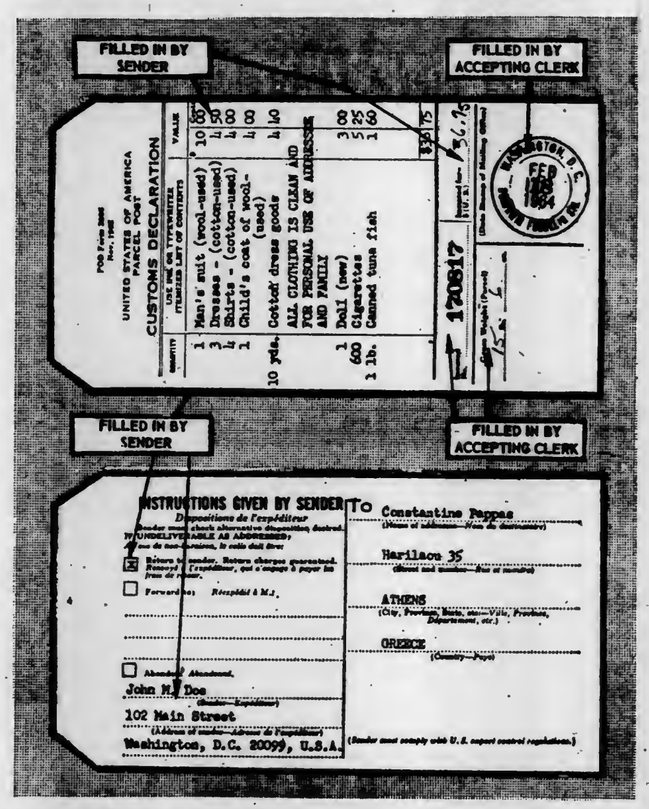
(ii) Disposal to be made of parcel if it proves to be undeliverable as addressed. If an alternate addressee is given, it is recommended that the sender also indicate whether he wishes to have the parcel returned or treated as abandoned if it proves to be undeliverable to both the original and alternate addressees. This is done by checking the ultimate disposal in addition to the one showing the alternate addressee. (See illustration in § 31.4(c)(4).) Senders should give instructions for abandonment of any parcels on which they are not willing to pay the return charges mentioned in § 32.5(a).

(iii) A complete and accurate description of the contents in the English language. An interlineation in another language is permitted, and in some cases is required (see the Appendix). For parcels containing more than one article, or articles of different kinds, state the exact quantity and value of each kind or article. A sender is permitted to declare that the contents of a parcel have "No value." Also, it is not sufficient to use simply such words as "coat," or "stockings," instead the materials of which the articles are composed must be shown, as "fur coat, silk stockings." General terms such as "worn clothing, groceries, presents, merchandise, samples," and the like, will not suffice, although in the case of quantity shipments of items such as mechanical or electrical parts, and the like, general descriptions will be accepted. If the customs declaration does not furnish enough space on which to give a complete list of the contents, an additional declaration form may be used, or the list may be placed on the wrapper, making reference to the fact on the declaration itself.

(iv) If the parcel is to be insured, show in the space provided the amount for which it is insured. (See §§ 43.4 and 43.5(a)(2).)

(3) *Affixing by Sender.* In addition to being tied by means of a strong cord passed through the eyelets, the tag must be bound to the parcel so that it lies flat and cannot be used as a handle to lift the parcel.

(4) *Facsimile of Form 2966.* The following facsimile illustrates the information the sender and the accepting clerk will add to complete the form:



(b) *Dispatch note, form 2972*—(1) *Preparation by accepting clerk.* The accepting clerk will give the sender a dispatch note if required for the country concerned and see that he fills it out in accordance with § 31.4(b)(2). Request senders to fill out the dispatch note in ink or by typewriter. If packages are presented with the forms completed in ordinary pencil do not reject them for that reason. Enter in the appropriate spaces the weight of the parcel, amount of postage paid, number of customs declarations, and, if insured, the insurance number and amount of insurance (see § 43.5(b)(1).). For parcels mailed by Government agencies pursuant to § 21.2(d)(2)(i), enter the words "Official Paid" or the abbreviation "Off. Pd." in lieu of the amount of postage. Postmark the form in the space provided and return it to the sender to be attached to the parcel.

(2) *Preparation and affixing by sender.* Complete the dispatch note in ink or on the typewriter. Fill in the name and address of the sender and addressee, and indicate alternate disposition to be made of the parcel. Attach the form to the parcel in the same manner as the customs declaration. (See § 31.4(a)(3).)

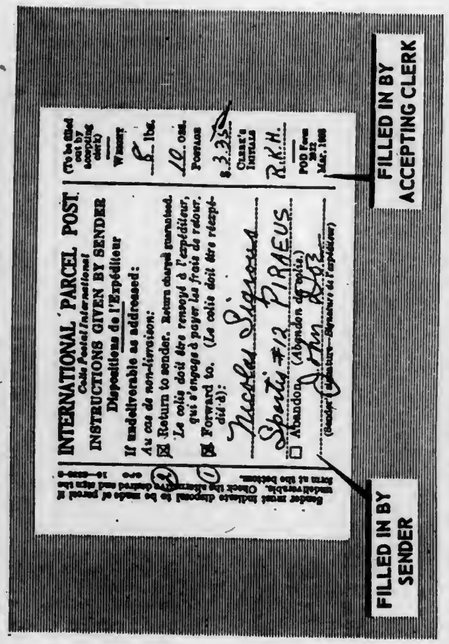
(3) *Facsimile.* The following facsimile illustrates the information which the sender must supply and which the accepting clerk will add to complete the form:

FEDERAL REGISTER, VOL. 36, NO. 43—THURSDAY, MARCH 4, 1971

(2) *Preparation by sender.* Prepare a parcel post sticker for each parcel. Indicate alternative disposition and place name at bottom of the form. Do not use Form 2922 on parcels for U.S. possessions.

(3) *Manner of affixing.* Form 2922 should be pasted to the wrapper of the parcel, preferably on the address side, but if the shape or size of the parcel makes this impracticable, the sticker may be affixed to a tag which shall in turn be securely attached to the parcel.

(4) *Facsimile.* The following facsimile illustrates the information which the sender and the accepting clerk will add to complete the form:



(d) *Furnishing to public.* Patrons requesting them may be furnished a reasonable supply of Forms 2922, 2966, and 2972 for preparation at their homes or business establishments.

(e) *Airmail label 19.* See § 41.4(b).

(f) *Forms found loose in the mail.* Customs declarations and dispatch notes found loose in the mail and apparently lost from parcels in transit must be sent by airmail to the appropriate exchange office to be again attached if possible to the parcels before dispatch.

(g) *Nonpostal documentation.* Parcel post packages may require one or more of the forms described in chapter 5.

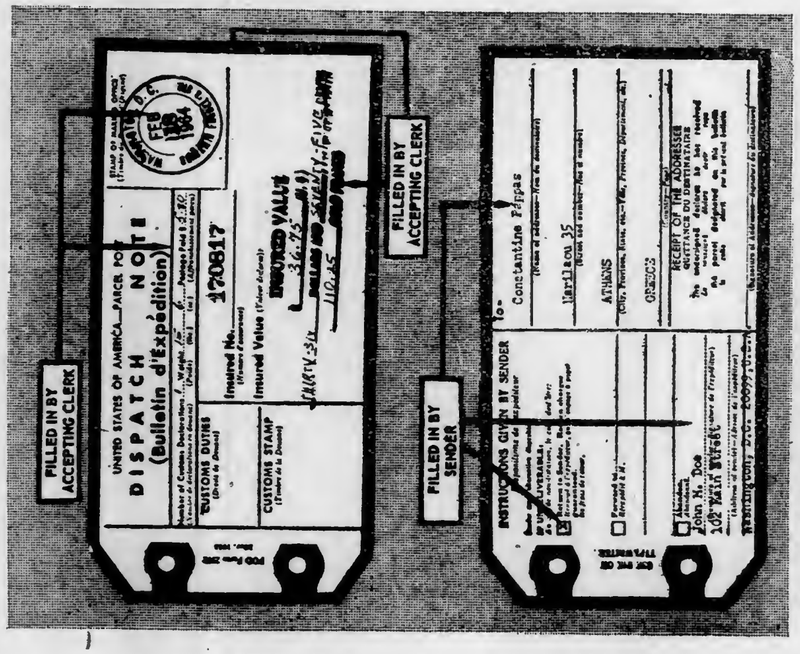
§ 31.5 Postmarking.

Post Offices will postmark international parcel post as prescribed in § 33.2(c)(2).

§ 31.6 Shortpaid.

(a) *At mailing office.* Outgoing parcels shall be checked carefully for postage payment before they are dispatched. Shortpaid parcels which bear a return address at the office of mailing shall be either returned to the sender for the deficient postage or held and the sender requested to supply the missing postage. The original postage is still valid when the parcel is remailed. If the return address is not at the mailing office the parcel shall be dispatched to the exchange office, unless the parcel is totally unpaid.

(b) *In transit.* Sectional centers and other intermediate offices rehandling parcels in transit shall not attempt to check the postage paid, but shall return to the senders any parcels observed to be totally unpaid.



NOTE: The statement under *INSTRUCTIONS GIVEN BY SENDER* on the Mar. 1963 edition of Form 2972 should read *Sender must check alternative disposition desired* instead of *Sender must alternative disposition.*

(c) *Parcel post sticker, form 2922—*(1) *Preparation by accepting clerk.* Give the sender a yellow "International parcel-post" sticker and see that he fills it out in accordance with § 31.4(c)(4). Enter in the spaces provided the weight of the parcel and the postage paid (not including insurance or other fees), and initial the form. For parcels mailed by Government agencies pursuant to § 21.2(d)(2)(i), enter the words "Official Paid" or the abbreviation "Off. Pd." in lieu of the amount of postage. See that the form is securely attached. (See § 31.4(c)(3).)

§ 31.7 Forwarding.

(a) *International.* Parcels addressed to other countries will generally be forwarded to a new address of the addressee in the country of destination, subject to collection of redirection charges prescribed by the internal regulations of the country. A parcel may be forwarded to a third country provided it complies with the conditions required for its further conveyance, and provided, as a rule, that the extra postage is paid at the time of redirection or the country concerned is satisfied that it will be able to recover the redirection charges. The sender may forbid forwarding by a notation on the wrapper in a language understood in the country to which the parcel is addressed.

(b) *Domestic.* If the addressee of a domestic parcel has moved to another country do not forward the parcel. Treat it as undeliverable. If the sender of an undeliverable domestic parcel has moved to another country, or if the parcel bears a return address in another country, hold the parcel and request instructions from the Office of Mail Classification, of Finance and Administration Department, U.S. Postal Service, Washington, D.C. 20260, indicating the sender's new address, the weight of the parcel, whether ordinary or insured, and, if known, the nature of the contents.

PART 32—INCOMING PARCELS

Sec.
32.1 Charges.
32.2 Stamps not affixed.
32.3 Delivery.
32.4 Forwarding.
32.5 Undeliverable.

AUTHORITY: The provisions of this Part 32 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 32.1 Charges.

(a) *Customs clearance and delivery fee.* Post offices will collect a fee of 50 cents from the addressee of every parcel post package on which customs duty or internal revenue tax is collected. The fee applies also when post office service is rendered for formal entry parcels on which importers pay the customs charges directly to the Customs Service. The fee is retained by the Postal Service, and is accounted for by affixing postage-due stamps to the parcel or to a postage-due bill and canceling. The fee is authorized by international parcel post agreements as reimbursement to the Postal Service for the work it performs in clearing parcels through customs and for delivery to the addressee. The provisions of § 24.1(a)(3) through (5) of this chapter also apply. See § 61.5(e) concerning recording and reporting duty collections.

(b) *On returned parcels.* Collect the charges referred to in § 32.5(a).

(c) *Storage—*(1) *When to charge.* Storage charges begin on the sixth working day after first delivery attempt has been made or first notice of available delivery has been issued to the addressee. The days on which the office is closed for business are not counted in determining the 5-day free storage period. However, after expiration of the free storage period, charges will be collected for each day thereafter that a package is on hand. This includes Saturdays, Sundays, national holidays, and the day on which delivery is effected. Storage charges are applied on packages requiring formal customs entry that are held in post office custody or on post office premises awaiting customs clearance. For formal entry packages, the charges being on the sixth working day after the date on which notice to file formal entry is mailed to the consignee (addressee), or on the sixth working day after receipt of the parcel at the office where it is to receive formal customs treatment if the customs notice has been issued at another customs port. Cooperation of customs officers should be solicited to enable post offices to collect any storage charges that may accrue on formal entry packages.

(2) *Marking packages.* When a package is returned to the post office after the first delivery attempt, or when a notice that the package is available for delivery is sent to the addressee, mark on the wrapper "Storage charges begin"—and insert the date when the charges will begin to accrue. Rubber stamp item R–1300–296 is available for this purpose to post offices of the first and second classes. See § 32.5(b)(4) regarding marking of undeliverable parcels on which storage charges are due.

(3) *Daily charges.* After expiration of the 5-day free storage period prescribed in § 32.1(c)(1) the following charges apply:

(i) *On parcels under $10,000 value.* 15 cents per day for the first 10 days, and 30 cents per day thereafter.

(ii) *On parcels of $10,000 or more value.*

Number of storage charge days	Rate	Total
1	$0.15	$0.15
2	.15	.30
3	.15	.45
4	.15	.60
5	.15	.75
6	.15	.90
7	.15	1.05
8	.15	1.20
9	.15	1.35
10	.15	1.50
11	.30	1.80
12	.40	2.20
13	.50	2.70
14	.60	3.30
15	.70	4.00
16	.80	4.80
17	.90	5.70
18	1.00	6.70
19	1.10	7.80
20	1.20	9.00
21	1.30	10.30
22	1.40	11.70
23	1.50	13.20
24	1.60	14.80
25	1.70	16.50
26	1.80	18.30
27	1.90	20.20
28	2.00	22.20
29	2.10	24.30
30	2.20	26.50
31	2.30	28.80
32	2.40	31.20
33	2.50	33.70
34	2.60	36.30
35	2.70	39.00
36	2.80	41.80
37	2.90	44.70
38	3.00	47.70
39	3.10	50.80
40	3.20	54.00
41	3.30	57.30
42	3.40	60.70
43	3.50	64.20
44	3.60	67.80
45	3.70	71.50
46	3.80	75.30
47	3.90	79.20
48	4.00	83.20
49	$4.10	$87.30
50	4.20	91.50
51	4.30	95.80
52	4.40	100.20
53	4.50	104.70
54	4.60	109.30
55	4.70	114.00
56	4.80	118.80
57	4.90	123.70
58	5.00	128.70
59	5.10	133.80
60	5.20	139.00

(4) *Accounting for charges.* The charges are accounted for by affixing postage-due stamps to the parcel or to a postage-due bill and canceling. If there are several parcels for one addressee the charges are applied separately on each parcel.

(5) *Charges waived.* When an addressee protests the rate or amount of duty assessed (see § 61.5(d)(6)), the time required for the addressee to submit his written objection is counted, but the time required for the Customs Service to come to a decision in the matter is not counted.

(6) *Parcels held beyond usual retention period.* See § 32.5(b)(1)(r) concerning collection of storage charges on parcels held beyond the usual retention period.

(d) *Parcels containing letters.* When a parcel from another country is found to contain a personal communication, the Office where it is discovered shall mark the wrapper "Letter enclosed—Collect ------ cents" and send the parcel forward to destination. The amount to be collected will be double the amount of postage (surface or air) applicable to a single-rate letter to the country concerned. The office endorsing the parcel shall indicate the amount to be collected and the delivering office shall collect the amount from the addressee by means of postage-due stamps. No systematic search for such letters shall be made.

§ 32.2 Stamps not affixed.

Some foreign post offices do not put postage stamps on parcels. All such parcels received must be regarded as prepaid.

§ 32.3 Delivery.

(a) *Parcels addressed through bank or other organization.* If a parcel is addressed to a bank or other organization for delivery to a second addressee, the post office will notify both addressees of the arrival of the parcel and will then deliver it to the first addressee, or hold it if the first addressee so desires. If the parcel is held, the post office will deliver it to the second addressee only with written permission from the first addressee, unless the sender has arranged for change of address as provided in § 47.6(b). After delivery, the post office will keep the written authorization 1 year, for reference in case of inquiry. File the authorizations for insured and registered parcels with the addresses' receipts, and for ordinary (uninsured and unregistered) parcels in any appropriate place. If delivery to the second addressee involves forwarding the parcel to another

post office, the parcel will be subject to forwarding postage as provided in § 32.4(a).

(b) *Foreign dispatch notes.* If parcels are received at delivery offices with dispatch notes (bulletin d'expédition) attached, they are delivered with the parcels. These forms have a space provided for the addressee's acknowledgement of receipt, but do not require signature. They must not be confused with foreign return receipts which are designated "Avis de réception" and are completed as prescribed in § 42.5(e)(1). If a parcel is returned as undeliverable, the post office will mark the dispatch note as well as the wrapper to show the reason for nondelivery and leave the dispatch note attached to the parcel. Dispatch notes that can not be associated with the relative parcels may be disposed of as waste after 60 days.

§ 32.4 Forwarding.

(a) *Within United States.* A parcel may be forwarded to the original addressee or to an alternate addressee at another post office in the United States by surface transportation, subject to collection on delivery of postage at the U.S. domestic zone rate. Forwarding by air must be prepaid. The post office forwarding an unprepaid parcel by surface in the United States will mark the wrapper "Postage due" giving the amount of domestic postage along with storage charges if any. When delivering an unprepaid forwarded parcel, the post office will collect the necessary amount for domestic transmission in postage-due stamps even if the *postage-due* marking is omitted. The fee prescribed in § 32.1(a) is also collectible on any forwarded dutiable parcel.

(b) *To country of origin.* If the addressee has moved to the country of parcel's origin and no instructions are given to deliver to a second addressee in the United States, the post office will mark it "Moved," show the forwarding address of the addressee, and send by surface means (including parcels received by air) to the appropriate exchange office for return to the country of origin.

(c) *To third country.* If the addressee has moved to another country (other than the country of parcel's origin), or if the parcel bears instructions to deliver it to an alternate addressee in a third country, the post office will hold the parcel and request instructions from the office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, D.C. 20260. The request should include the names and addresses of the sender and the addressee, or the alternate addressee, the weight of the parcel, whether ordinary, registered, or insured, and nature and value of the contents as shown on the customs declaration, so that the Classification and Special Services Division may communicate with the foreign postal administration to secure forwarding postage. If the sender has indicated that the parcel is to be treated as abandoned if undeliverable as addressed, dispose of it as prescribed in § 32.5(b)(3). See § 31.7(b) concerning domestic third- and fourth-class parcels addressed to persons who have moved to another country.

(d) *Dutiable parcels.* Dispose of customs entry forms accompanying dutiable parcels as prescribed in § 61.5(i).

§ 32.5 Undeliverable.

(a) *U.S. origin.* Returned parcels are subject on delivery to the sender to collection of return postage and any other charges assessed by the foreign postal authorities. The amount of such charges will be indicated by the exchange office. If the sender refuses the parcel, it shall be disposed of as dead parcel post. If the sender has moved to another address in the United States the parcel may be redirected, subject to forwarding postage at the U.S. domestic zone rate. If the sender has moved to another country, the post office will hold the parcel and request instructions from the office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, D.C. 20260, indicating the new address of the sender, the amount of return charges due on the parcel, weight, whether ordinary, registered, or insured, and the nature of the contents as shown on the customs declaration tag.

(b) *Foreign origin*—(1) *Retention period.* Parcels will be held at the disposal of the addressee for 30 days, except as follows:

(i) A parcel refused or known to be neither deliverable nor forwardable shall be treated as undeliverable at once. See § 61.5(d)(7) concerning procedure when addressee conditionally refuses a parcel because of the duty assessed and asks to have the matter protested to the customs service. The parcel is held until the customs office renders a decision on the protest, but if no decision is received within 30 days, request the customs office to expedite the decision.

(ii) A parcel bearing the sender's request for delivery to an alternate addressee shall be held 15 days at the disposal of the first addressee and 15 days at the disposal of the second. If the alternate addressee is at another post office, the parcel is forwarded subject to § 32.4(a), and the 15-day period begins from the date of receipt at the second office of address. Under the circumstances given in subdivision (iv) of this subparagraph, the parcel may be held for 30 days at the disposal of each addressee.

(iii) A parcel returned from customs custody with advice that the addressee has not complied with required customs entry procedures shall be treated as undeliverable at once.

(iv) On written request of the addressee or other person acting for the addressee, a parcel which remains undeliverable may be held up to 60 days on condition that the storage charges due at the end of the first 30-day retention period are paid at the time of the request and that the storage charges which accumulate thereafter are paid every 10 days.

(v) A parcel from Great Britain which bears request to "Return forthwith to sender at sender's expense" shall be returned within 10 days, or immediately if definitely known to be undeliverable.

(2) *Directory service.* See § 159.5 concerning directory service to be accorded parcels of foreign origin.

(3) *Marking and disposal.* At the end of the retention period prescribed in § 32.5(b)(1), mark parcel and the accompanying dispatch note, if any, to show reason for nondelivery (see § 159.1(a)(2)(ii)), and cross out address of the addressee but do not obliterate it entirely. Unless sender has given instructions on the wrapper or dispatch note for abandonment, return the parcel to the sender. Parcels to be returned to senders are dispatched to the appropriate exchange office by surface means, including those originally received by air. The post office of address will cross out the Par Avion label or other airmail marking. A parcel bearing the sender's instruction to abandon shall be marked "Abandoned" and sent to the appropriate dead parcel post branch for disposal, unless it has been assessed with customs duty. In the latter case, send the parcel to the nearest customs port (see § 61.3(e)); detach the customs entry forms and treat as prescribed in § 61.5(f).

(4) *Storage charges.* If a parcel to be returned to origin or forwarded to another country has storage charges due, the wrapper shall be marked with the amount so that appropriate action may be taken at the exchange office.

SPECIAL SERVICES

PART 41—AIR SERVICE

Sec.
41.1 Availability.
41.2 Rates.
41.3 Prepayment.
41.4 Marking.
41.5 Aerogrammes.

AUTHORITY: The provisions of this Part 41 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 41.1 Availability.

Postal union mail of any class may be sent by air, including direct sacks of prints described in § 22.4(f). Parcel post may be sent by air to the countries for which air parcel post rates are shown in the Directory of International Mail.

§ 41.2 Rates.

(a) *Postal union mail.* See Part 22 and individual country items in the appendix.

(b) *Parcel post.* See individual country items in the appendix.

§ 41.3 Prepayment.

(a) *How paid.* See § 36.4. See § 21.2(c) concerning articles intended for air transmission received from foreign flag vessels and prepaid with foreign postage stamps.

(b) *Full payment necessary.* Postage on airmail must be fully paid to assure dispatch without delay. See § 23.2 and § 31.6 for information on treatment of shortpaid and unpaid matter.

(c) *Double or reply-paid postcards.* See § 22.2(a)(2) for postage required to transmit a U.S. reply-paid postcard by airmail. If a patron wishes to airmail a foreign reply-paid card to the country represented by the postage on the card he must pay with U.S. stamps the difference between the U.S. surface and airmail postcard rate to the country concerned. If the first or message part of the card is left attached to the reply half, the additional postage required will be the difference between the surface postcard rate and the airmail letter rate to the country concerned.

§ 41.4 Marking.

(a) *Postal union mail.* Senders should mark airmail articles in the left corner, immediately below the return adress, with the words "Par Avion" in blue color. Post offices may furnish senders with Label 19 for the purpose. Articles which the senders have failed to mark "Par Avion" shall not be returned for marking or be marked by postal employees.

(b) *Parcel post.* Accepting clerks will place an airmail Label 19 on the address side of each parcel to be sent by air. Paste the label below and to the right of the name of the country of destination. If a dispatch note, Form 2972, is required, the airmail label shall be placed on that form also.

§ 41.5 Aerogrammes.

(a) *Availability and use.* Aerogrammes (air letter sheets), which can be folded into the form of an envelope and sealed, may be sent by air to all countries. These sheets, bearing imprinted postage, are sold at all post offices at 13 cents each. All parts of the sheets may be used for the sender's message, except the address side. No enclosures are permitted. The use of tape or stickers to seal aerogrammes is prohibited. Aerogrammes may be sent under registration on payment of the required registry fee in addition to the postage.

(b) *Private manufacture.* Aerogrammes without imprinted postage may be manufactured, subject to prior approval by the Department, by private individuals or firms, for their own use or for sale to the public. These sheets must average not less than 150 to the pound (approximately 9 per ounce) and be similar in size, color, and border markings to the regular form issued by the Post Office Department. They must bear the same printed endorsements on the address and reverse sides as the regular form. In addition, the words "Authorized for mailing as aerogramme—P.O. Permit No."—(the number to be filled in when issued) must appear in smaller type so they will be visible on the address side and near the lower edge when the sheet is folded for mailing. The quality and strength of the paper must be sufficient to guard against the likelihood of damage in the course of postmarking and handling, and to assure that the writing on the inner side will not interfere with the legibility of the address. Manufacturers must submit 10 samples of proposed aerogrammes to the Director, Office of Mail Classification, Bureau of Finance and Administration Department, U.S. Postal Service, Washington, D.C. 20260, for approval before engaging in their production. Approved private aerogrammes may be paid at the aerogramme rate, except that to Canada and Mexico they may be paid at the regular airmail letter rate.

(c) *Containing enclosures.* Aerogrammes that contain enclosures are treated as regular airmail letters. When required additional postage has not been placed on the articles they are returned to the sender for the deficiency or otherwise handled in accordance with § 23.2.

PART 42—REGISTRATION

Sec.
42.1 What may be registered.
42.2 Preparation by mailer.
42.3 Fees.
42.4 Mailing receipts.
42.5 Return receipts.
42.6 Restricted delivery.
42.7 Post Office processing of outgoing mail.
42.8 Post Office processing of incoming mail.
42.9 Indemnity.

AUTHORITY: The provisions of this Part 42 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 42.1 What may be registered.

(a) *Postal Union mail.* Postal union articles of all classes may be registered to all countries unless specific exception is stated under the country item in the Appendix. Direct sacks of prints, as described in § 22.4(f), may not be registered.

(b) *Parcel post.* Parcel post packages may be registered only to countries with which there are arrangements for this service. See § 72.2(b) and country items in the Directory of International Mail.

§ 42.2 Preparation by mailer.

(a) *Addressing.* Mail which bears an address written in pencil or consisting of initials will not be accepted for registration. The address of mail other than that sent in transparent panel (window) envelopes may be written in indelible pencil.

(b) *Sealing.* (1) Senders must securely seal letters or letter packages presented for registration. Wax or paper seals on envelopes must bear a distinctive mark of the sender and shall be affixed in such a way as to allow sufficient space at the intersections of the flaps for postmarking. Self-sealing envelopes and envelopes or packages that appear to have been opened and resealed will not be registered.

(2) Articles under the classifications of printed matter, books, matter for the blind, samples of merchandise and small packets, presented for registration, must not be sealed.

(3) Parcel post packages presented for registration must be sealed. See § 31.3(c) as to manner of sealing. Parcels that appear to have been opened and resealed will not be registered.

(c) *Declaration of value.* The sender must declare the full value of Postal Union mail offered for registration to enable the accepting clerk to identify valuable registered mail for recording purposes. (See § 42.7(a)(3).) Senders presenting valuable mail for registration listed on firm mailing sheets must indicate values opposite the respective entries. The declared value must not be regarded as the amount of indemnity payable in case of loss. See § 72.2(a) concerning limits of indemnity for registered Postal Union mail.

§ 42.3 Fees.

For Postal Union mail, the fee is 80 cents. The same fee applies to parcel post. See country items in the Appendix. (See § 72.2 for indemnity provisions.)

§ 42.4 Mailing receipts.

(a) *Issuance.* A receipt is issued to the sender for mail matter accepted for registration to other countries.

(b) *Post Office handling.* (1) Endorse receipts and mailing office record P. P. to distinguish parcel post from Postal Union mail accepted for registration.

(2) Endorse the receipt and office record "Free" for articles registered free pursuant to § 21.2(d)(1). Endorse "Official Paid" or "Off. Pd." for articles or parcels registered pursuant to § 21.2(d)(2)(i) of this chapter.

§ 42.5 Return receipts.

(a) *Requested at time of mailing.* (1) Fee: 13 cents. If the mailer desires that his return receipt be sent back by airmail, the article must be prepaid an additional fee equal to the airmail postage on a single post card to the country of destination.

(2) When the mailer desires a return receipt, the post office will proceed as follows:

(i) Endorse the article on the address side "Avis de reception" (meaning return receipt) or "A.R." Add "Par Avion" to the endorsement if the return receipt is to be returned by air and the additional fee prescribed in § 42.5(a)(1) has been paid.

(ii) Complete international return receipt, Form 2865, and attach to article or parcel. The form is gummed so it can be securely attached, and is perforated to facilitate completion and return.

(iii) When the receipt is to be returned by airmail, mark it on the address side "Renvoi Par Avion" (meaning return by airmail) and attach Label 19 bearing the words "Par Avion".

(iv) Put postage for the return receipt fee, and for the airmail postage if the sender has requested return of the receipt by air, on the registered article, and cancel.

(v) Do not include weight of the return receipt in determining the postage.

(b) *Requested after mailing.* (1) Within a period of 1 year from the day following that on which a registered article or parcel was mailed, the sender, on showing the registry receipt, may request a return receipt. The fee is 25 cents. To have the request for return receipt transmitted by air the sender must pay, in addition to the 25-cent fee, the postage for a one-rate airmail letter to the country of destination. To have the request transmitted by surface and the return receipt returned by air, the sender must pay the same postage, and to have the request and the return receipt transmitted in both directions by air, he must pay double the airmail letter rate.

(2) The post office will deal with such requests as follows:

(i) *Countries other than Canada.* (*a*) Prepare Form 542 and write at the top Request for return receipt made after mailing. Prepare Form 2865 and forward, with Form 542, to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f) of this chapter.

(*b*) Put postage for the return receipt fee, and for the airmail postage if the sender has asked that the request be sent by air, on Form 542 and cancel.

(*c*) When the receipt is to be returned by air, mark Form 542 A renvoyer par avion and attach Label 19 bearing the words "Par Avion." Mark the return receipt form "Renvoi par avion" and attach the airmail label.

(ii) *Canada.* (*a*) Prepare Form 1510 at all offices and endorse Request for return receipt made after mailing. Attach Form 2865 and send under official cover to the Canadian District Director of Postal Service in the province in which the office of address is located, as follows:

Provinces	*Location of District Directors*
Alberta	Calgary, Alberta, Canada.
British Columbia	Vancouver, British Columbia, Canada.
Manitoba	Winnipeg, Province of Manitoba, Canada.
New Brunswick	St. John, New Brunswick, Canada.
Newfoundland (including Labrador).	St. John's, Newfoundland, Canada.
Northwest Territories.	Edmonton, Alberta, Canada.
Nova Scotia	Halifax, Nova Scotia, Canada.
Ontario	Toronto, Ontario, Canada.
Prince Edward Island.	St. John, New Brunswick, Canada.
Quebec	Montreal, Province of Quebec, Canada.
Saskatchewan	Saskatoon, Saskatchewan, Canada.
Yukon Territory	Vancouver, British Columbia, Canada.

(*b*) Put postage for the return receipt fee, and for the airmail postage if the sender has asked that the request be sent by air, on Form 1510, and cancel.

(*c*) When the receipt is to be returned by air, mark Form 1510 as outlined in 242.522a(3).

(*c*) *Duplicate receipts.* If the sender has failed to receive a return receipt for which a fee was paid, the post office will follow the instructions prescribed in § 42.5(b)(2), without additional fee, but write "Request for duplicate return receipt" at the top of Forms 2865, 542, and 1510.

(*d*) *Completion.* Return receipts for registered articles delivered in other countries are completed in accordance with requirements of the country making delivery, which vary according to the country involved. The signature of the addressee is not furnished by some countries, or may be furnished only under specified conditions.

(*e*) *Issued in other countries*—(1) *Completion.* Return receipts from other countries bear the words "avis de réception." Have the addressee or his authorized agent date and sign the receipt with ink or indelible pencil. When signed by an agent of the addressee, have the agent sign the addressee's name followed by his own signature. Postmark the receipt in the appropriate spaces on both sides. "Examine All Return Receipts to Assure Proper Completion." Return the completed receipt unenclosed in the ordinary (unregistered) surface mail. If it bears the notation "Renvoi par avion" or a "Par Avion" label, or both, return it by airmail.

(2) *Foreign receipt form missing.* When it is apparent at the delivery office that a return receipt is desired by the sender of a registered piece of foreign origin and no return receipt form accompanies the article, complete U.S. international return receipt Form 2865, and treat as prescribed in subparagraph (1) of this paragraph.

Country	*Endorsement required*
Afghanistan	A remettre en main propre.
Albania	A remettre en main propre or Per t'n dorezuar ne doren e vet.
Anguilla (Leeward Is.)	Deliver to addressee in person.
Austria	A remettre en main propre or Zu eigenen Händen.
Belgium	A remettre en main propre or the equivalent in the Flemish language.
Brazil	A remettre en main propre.
Bulgaria	Lično.
Burma	A remettre en main propre.
Cape Verde Islands	A remettre en main propre.
China (Taiwan only)	A remettre en main propre or the equivalent in a language known at the place of destination.
Cyprus	To be delivered to the addressee in person.
Czechoslovakia	A remettre en main propre.
Denmark	Personlig.
Dominica (Windward Islands)	To be delivered to the addressee in person.
El Salvador	A remettre en main propre or A entregar en propia mano.
Estonia	A remettre en main propre.
Ethiopia	A remettre en main propre.
Falkland Islands	To be delivered to the addressee in person.
Fiji Islands	Personal delivery.
Finland	A remettre en main propre.
French Somaliland	A remettre en main propre.
Germany	A remettre en main propre or Eigenhändig.
Greece	A remettre en main propre or ΙΔΙΑΣ ΧΕΡΣΙΝ.
Hungary	A remettre en main propre or Saját kézbe kézbesitendő.
Iceland	A remettre en main propre or Afhendist viðtakanda sjálfum.
Italy	A remettre en main propre.
Jamaica	To be delivered to the addressee in person.
Jordan	A remettre en main propre.
Latvia	A remettre en main propre.
Lebanon	A remettre en main propre.
Leeward Islands (Anguilla, Montserrat, Nevis, and St. Christopher only)	Deliver to addressee in person.
Liberia	A remettre en main propre.
Lithuania	A remettre en main propre.
Luxembourg	A remettre en main propre.
Macao	A remettre en main propre.
Montserrat (Leeward Is.)	Deliver to addressee in person.
Nevis (Leeward Is.)	Deliver to addressee in person.
Philippines	To be delivered to addressee only.
Portugal	A remettre en main propre.
Portuguese East Africa	A remettre en main propre.
Portuguese Timor	A remettre en main propre.
Portuguese West Africa	A remettre en main propre.
Rumania	A remettre en main propre.
St. Christopher (Leeward Is.)	Deliver to addressee in person.
St. Lucia (Windward Is.)	Deliver to addressee in person.
Sierra Leone	To be delivered to the addressee in person:
Spain	A remettre en main propre or A entregar en propia mano.
Sweden	A remettre en main propre or Får utlå mnas endast till adressaten personligen.
Switzerland	A remettre en main propre.
Tunisia	A remettre en main propre.
Turkey	Alicinin kendine verilecek.
Turks Islands	To be delivered to the addressee in person.
Union of Soviet Socialist Republics	A remettre en main propre.
Uruguay	A remettre en main propre.
Vatican City State	A remettre en main propre.
Yemen	A remettre en main propre.
Yugoslavia	A remettre en main propre.

(2) The sender must place the required endorsement above and near the address of the addressee. The country of destination will make two attempts to effect delivery, and, if unsuccessful, the article will be returned as undeliverable.

(3) Fee: 50 cents; to be prepaid on the article in addition to other applicable fees and charges.

(4) Restricted delivery is not available for registered parcel post.

(*b*) *Articles mailed in other countries.* Registered postal union articles which are accompanied with a return receipt and bear the notation "Deliver to addressee only" are delivered only to the addressee. At least two attempts are made to deliver these articles.

§ 42.7 Post Office processing of outgoing mail.

(*a*) *Mailing offices*—(1) *Endorsing.* Stamp "Registered" in the lower left corner of the address side. On articles too small to accommodate the word "Registered," place the capital letter "R." Place airmail Label 19 or the words "Par Avion" on any article accepted for registration which is prepaid for air service and which the sender has failed to mark properly.

(2) *Numbering.* Write or stamp registration number just below the "Registered" endorsement, or to the right of the letter "R" on small articles.

(3) *Special marking on valuable mail.* Add the letter "X" after the registry number of all articles with a declared value in excess of $100 (see § 42.2(c)).

(4) *Postmarking.* Postmark letters twice on the back, on the crossing of the upper and lower flaps or, if paste-on return receipts are used, postmark partially on the receipt and partially on the flaps of the letter. Postmark packages sealed with paper strips across opposite edges of the strips. Postal union AO mail (required to be unsealed—see § 42.2(b)(2)) and letter mail sealed on the address side must be postmarked on the address side.

(*b*) *All offices*—(1) *Recording and dispatching.* Record and dispatch as provided in §§ 161.5 (b) and (c), 161.7, 161.8, and 161.9, and "Regional International Standpoint Surface Scheme" and "Regional International Standpoint, all classes Airmail Scheme."

(2) *Articles found in ordinary mail.* (i) Articles that have obviously been registered by the Postal Service shall be restored to the registered mail.

(ii) Articles endorsed to show registration is desired (as distinguished from an article formally registered) and fully prepaid shall be registered and receipt mailed to the sender stating that mail to be registered must be presented at the post office for that purpose. If not fully prepaid, return article to sender, if known, after indicating thereon that it is shortpaid and must be presented for registration. If article bears no return address, cross out sender's registry endorsement and dispatch as ordinary mail.

§ 42.8 Post Office processing of incoming mail.

(*a*) *Office of address*—(1) *Backstamping.* Backstamp on receipt.

(2) *Delivery.* Record and deliver as provided in § 161.7 so far as applicable. See §§ 24.4(a) and 32.5(b)(1) for retention periods.

(3) *Articles unaccounted for after assignment for delivery.* Make appropriate record of available facts when registered mail assigned for delivery is not properly accounted for and file papers pending receipt of possible inquiry. If inquiry is received from sender, ascertain from addressee whether the article was received in regular course. If article was not received, make full report promptly to the appropriate postal inspector in charge.

(*b*) *Articles found in ordinary mail.* All offices shall restore to the registered mail articles obviously already registered by the Postal Service. Cross out sender's registry endorsement and dispatch as ordinary any article that is without evidence of formal registration. The following registry indicia appear on incoming registered mail, according to the language of the country of origin, and Shall Be Used as the Determining Factor as to Whether an Article Found in the Ordinary Mail Is Registered.

(1) "Certificado."
(2) "Einschreiben."
(3) "R" or "Registered."
(4) "Raccomandata."
(5) "Recommandé."
(6) "Registo" or "Registrado" (used occasionally).

NOTE.—A number alone on mail is not sufficient evidence of registration.

§ 42.9 Indemnity.

See Part 72.

PART 43—INSURANCE

Sec.
43.1 Availability.
43.2 Preparation.
43.3 Fees.
43.4 Limits of insurance.
43.5 Marking.
43.6 Mailing receipts.
43.7 Return receipts.
43.8 Incoming parcels.

AUTHORITY: The provisions of this Part 43 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 43.1 Availability.

Insurance service is available only for parcel post packages mailed to countries with which insurance agreements are in force. To determine if insurance service is available to a particular country, consult the country item, heading *Parcel Post*, in the appendix.

§ 43.2 Preparation.

The general provisions for the preparation of ordinary parcels for other countries apply also to insured parcels. (See Part 31.) Sealing of insured parcels is compulsory.

§ 43.3 Fees.

For scales of fees, see country items in the appendix.

§ 43.4 Limits of insurance.

The maximum amount for which a parcel may be insured is shown under the country items in the appendix. A parcel may not be insured for more than the declared value of the contents or for more than the maximum amount of indemnity payable in connection with insured parcels for the country concerned. However, if desired, a parcel may be insured for a portion of the value of the contents, in which case only the fee covering the amount of insurance desired will be charged.

§ 43.5 Marking.

(*a*) *By Sender*—(1) *Contents.* Parcels containing fragile or perishable articles must be marked "Fragile, Perishable, Glass," or "Eggs," as appropriate.

(2) *Insured value.* Indicate in U.S. currency (figures only) in the appropriate space on the customs declaration (Form 2966) the amount for which the parcel is insured. See § 43.4.

(*b*) *By post office of mailing*—(1) *Endorsements and insurance number.* (i) On each parcel place the word "Insured" on the address side, preferably to the left and directly beside the country of destination.

(ii) Serially number each insured parcel immediately below the "Insured" endorsement. All international insured parcels must be numbered.

(iii) To most countries, the insured value of the parcel must be shown on the wrapper and on the dispatch note (Form 2972). See subcaption "Insurance" under individual country items in the Directory of International Mail as to the type of marking to be shown. Rubber stamp, item R–1300–284, may be used for this purpose. In some instances the insured value must be shown also in gold francs. Conversion of U.S. currency into gold francs is made on the basis of 33 cents (approximately) equals 1 gold franc. To determine the gold franc equivalent, multiply the amount in U.S. currency by 3. For example, $5.25 is equal to 15.75 gold francs.

(iv) Place the insurance number in the appropriate space on the customs declaration (Form 2966) and on the dispatch note (Form 2972) when the latter form is required.

(2) *Postmarking.* Postmark at the time of acceptance. Postmark at all breaks (cuts or torn edges) of any gummed paper strips used in sealing parcels.

§ 43.6 Mailing receipts.

(*a*) *Issuance.* The postal clerk will issue a receipt for a parcel accepted for insurance. Each receipt will bear the insurance number. The sender should enter the name and address of the addressee on the receipt and must submit it if a claim or an inquiry concerning the parcel is subsequently made.

(*b*) *Post office procedure.* (1) Use the same forms as those prescribed for domestic insured mail, except that Form 3813 shall not be used, because all international insured parcels and receipts therefor must be numbered.

(2) Fill out the original receipt only with ink or indelible pencil and issue to the sender.

(3) Indicate applicable fee, according to amount of insurance requested, for parcels presented for insurance by Government agencies pursuant to § 21.2(d)(2)(i) of this chapter.

§ 43.7 Return receipts.

(*a*) *Issuance.* Return receipts for insured parcels are furnished under the same conditions as apply to registry return receipts, except that no return receipts are furnished for insured parcels to Canada. Post offices will follow the procedure prescribed in § 42.5 for return receipts for registered mail.

(*b*) *Issued in other countries.* Post offices will follow the procedures in § 42.5(e) for return receipts for registered mail.

§ 43.8 Incoming parcels.

(*a*) *Insurance indicia.* (1) The following insurance indicia appear on the incoming insured parcels, according to the language of the country of origin:

(i) "Insured."
(ii) "Asegurado" or "Valor Declarado."
(iii) "Assicurato" or "Valore Dichiarato."
(iv) "Valeur déclarée."
(v) "V" or "V D" (meaning "valeur déclarée").
(vi) "Wertangabe" or "Wertpaket."

(2) The determining factor as to whether a parcel is insured is not the appearance of a number alone, but the insurance indicium, which appears very near the insurance number. Ordinary parcels from other countries usually bear numbers also.

(b) *Delivery.* Deliver international insured parcels as prescribed in § 162.6(b).

PART 44—SPECIAL DELIVERY EXPRESS

Sec.
44.1 Availability.
44.2 Marking.
44.3 Payment.
44.4 Processing.
44.5 Delivery in other countries.

AUTHORITY: The provisions of this Part 44 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 44.1 Availability.

See "Special Delivery" under country items in Directory of International Mail. The service applies to all postal union articles (ordinary and registered, surface and air) unless otherwise indicated. For example, to Canada it applies only to articles paid at the letter rate. Parcel post cannot be sent special delivery but may be prepaid for special handling. (See Part 246.)

§ 44.2 Marking.

An article intended for special delivery service must have fixed to the cover near the name of the country of destination an "Exprès (Special Delivery)" label, obtainable at the post office, or it may be marked on the cover boldly in red "Exprès (Special Delivery)." A facsimile of the label is shown below:



§ 44.3 Payment.

(a) *Fees.*

Class of mail	Weight: Not more than 2 lbs.	Weight: More than 2 lbs. but not more than 10 lbs.	Weight: More than 10 lbs.
Letters, letter packages, post cards, and airmail other articles	$0.45	$0.60	$0.75
Surface other articles	.65	.75	.90

(b) *How paid.* Senders may prepay the special delivery fee by special delivery stamps, ordinary postage stamps, or meter stamps. Airmail stamps may be used if the article is to be sent by air. Special delivery stamps may be used only for the payment of the special delivery fee. The special delivery fee must be prepaid in addition to the regular postage.

(c) *Shortpayment.* See § 23.2(a)(1).

§ 44.4 Processing.

(a) *Outgoing.* (1) Employees at post office windows are to be supplied with the "Exprès (Special Delivery)" Label 57, which is to be given to patrons who desire to use the special delivery service. The labels must be supplied to special delivery dispatching desks also; and when articles placed in post office drops or street boxes are observed to be prepaid for special delivery but do not bear the "Exprès" label or endorsement, the clerks must place labels on the articles.

(2) Special delivery mail is to be dispatched to the appropriate U.S. exchange office in the manner prescribed in "Regional International Standpoint Surface Scheme" and "Regional International Standpoint all Classes, Airmail Scheme."

(b) *Incoming.* (1) Foreign special delivery articles are to be delivered as prescribed in Part 354. These articles will bear a label, printed in red or on a red background, containing the word "Exprès" or bear the notation "Exprès" or "Special Delivery" in bold letters.

(2) Articles bearing U.S. special delivery stamps sufficient to cover the domestic special delivery fee are to be delivered as special delivery mail even though the article does not bear the "Exprès" label or endorsement.

§ 44.5 Delivery in other countries.

Delivery is made in the various countries according to the special delivery regulations in force in the country of destination.

PART 45—SPECIAL HANDLING

Sec.
45.1 Availability.
45.2 Fees.
45.3 Marking.
45.4 Treatment.

AUTHORITY: The provisions of this Part 45 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 45.1 Availability.

The special handling service for domestic third- and fourth-class mail is available also for surface parcel post and postal union AO mail addressed to other countries. The service is optional except in the case of parcels for Canada containing baby (day-old) poultry and honey bees. Special handling service does not apply to airmail articles or parcels.

§ 45.2 Fees.

Weight	Fee (cents)
Not more than 2 pounds	25
More than 2 pounds but not more than 10 pounds	35
More than 10 pounds	50

Special handling fees are in addition to the regular postage rate to the country concerned.

§ 45.3 Marking.

Senders must place the words "Special Handling" above the name of the addressee and below the stamps, as illustrated in § 167.3.

§ 45.4 Treatment.

Special handling packages are given priority in distribution and disposal over other surface AO or parcel post packages from the office of mailing to the point of dispatch from the United States. They are not accorded any preferential dispatch from the United States, and receive no special treatment in the country of destination.

PART 46—RECALL AND CHANGE OF ADDRESS

Sec.
46.1 Conditions and limitations.
46.2 How to apply.
46.3 Services and fees.
46.4 Mailing receipts.
46.5 Countries not permitting.
46.6 Processing.

AUTHORITY: The provisions of this Part 46 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 46.1 Conditions and limitations.

The mailer may cause any mail article or parcel addressed for delivery in another country to be withdrawn from the Postal Service, or have its address changed if it can be intercepted in the United States. If the article has been dispatched from the United States, but not delivered to the addressee, withdrawal or change of address may be effected if:

(a) The country of destination of the article is willing to allow the withdrawal or change of address (see § 46.5);

(b) The article has not been confiscated or destroyed by the authorities of the country of destination as being prohibited importation; or

(c) The article has not been seized under provisions of the domestic legislation of the country of destination.

§ 46.2 How to apply.

If the article was mailed in a post office, station, or branch, make application there. If it was mailed in a street letterbox, apply at the main post office. The mailer must identify himself and submit a written request giving a complete description of the article and the date of mailing. Form 2926, Sender's Request for Recall or Change of Address of International Mail, may be used at first- and second-class post offices. A single request may be used for two or more articles which have been mailed together by the same sender to the same addressee, in which case only one fee is charged. For post office processing of sender's request see § 46.6.

§ 46.3 Services and fees.

(a) *Search at office of mailing.* If the article has not been dispatched from the immediate point of mailing, it may be returned or its address may be changed without charge. Otherwise a search can be made at the main post office or other concentration point, provided the mailer pays a fee of 20 cents in stamps, whether the search is successful or not. The post office will change the address without charge, but if the article is returned to the mailer, domestic postage will be charged except in the case of letters or post cards, which are returned free of postage. If the mailing office is also the dispatching exchange office, the conditions stated in paragraph (b) of this section will apply.

(b) *Search at exchange office.* The mailer may have a search made for the article at the U.S. dispatching exchange office if he requests it and pays the fee of 20 cents, unless he has already paid it. (See paragraph (a) of this section.) If the mailer desires such search to include opening made-up sacks, he must guarantee payment of the cost of opening, searching, and closing the sacks, whether his article is located or not. If he wishes the request sent to the exchange office by telegraph, the mailer must pay the cost of the telegram. The exchange office will change the address without charge, but if the article is returned, postage will be charged at domestic rates for its transportation to the exchange office and back to the mailer's address, unless it is a letter or post card which is returned free of postage. The post office will inform the patron of the amount of charges due.

(c) *Search in country of destination.* A request will be sent to the postal administration of the country of destination to return an article or change its address if the mailer furnishes a facsimile of the address and pays the 20-cent fee in stamps, unles he has already paid it. (See §§ 46.3 (a) and (b).) If the request is to be transmitted by telegraph or cable, the application must be accompanied with an amount sufficient to pay the telegraph or cable charges. Otherwise the application must be accompanied with additional stamps in the amount of 80 cents to cover transmission of the request by registered mail, and with airmail postage if it is desired that it be transmitted to the foreign administration by air. The fee and cost of registration is not charged if the request is being made as the result of official notice to the sender in reply to an inquiry (see Part 74) or in the form of "advice of nondelivery" by the postal service of destination, showing that the article or parcel is undeliverable as addressed. If a request for change of address involves forwarding a parcel post package to another country the sender must furnish a written guarantee to pay the forwarding charges in the event they are not paid by the addressee in the new country. If the mailer wishes to have the foreign administration report by airmail, telegraph, or cable on the result of the action taken, he must furnish the additional return airmail postage or an amount sufficient to cover the cost of a prepaid telegraph or cable reply. Any amount remaining after transmitting a telegram or cablegram will be returned to the mailer. Return postage is charged on parcel post packages but not on other articles returned from other countries. See § 46.5(c) regarding a statement to be furnished when the article is addressed to a country which does not generally accept requests for recall or change of address.

§ 46.4 Mailing receipts.

If the mailer possesses a mailing receipt covering any article which is withdrawn or on which the address is changed, he must surrender it or submit it so that a suitable notation may be made thereon.

§ 46.5 Countries not permitting.

(a) *For postal union mail.* The legislation of the following countries does not allow senders of postal union articles to withdraw them from the mail or to change their address: Ascension, Australia, Bahamas, Bahrein, Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Great Britain and Northern Ireland, Guyana, Hong Kong, Ireland, Jamaica, Kenya, Kuwait, Leeward Islands, Malawi, Malaysia, Malta, Muscat, Nauru, New Guinea, New Zealand, Nigeria, Papua, Qatar, Rhodesia, St. Helena, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa (Rep. of), Swaziland, Tanzania, Trinidad and Tobago, Trucial States, Uganda, Windward Islands (except Dominica), and Zambia.

(b) *For parcel post.* Under the terms of the parcel post agreements in effect with the following countries, parcels cannot be recalled after they have left this service nor can the address be changed, unless the parcels are undeliverable at the original address; Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gilbert and Ellice Islands, Great Britain and Northern Ireland, Hong Kong, Ireland, Malawi, Malaysia, Nauru, Nigeria, Rhodesia, Seychelles, Solomon Islands, Swaziland, Tanzania, Trinidad and Tobago, Uganda, Windward Islands, and Zambia.

(c) *Applications accepted.* Applications involving the countries named in § 46.5 (a) and (b) will be received and acted on, subject to the conditions prescribed in § 46.3(c), if the mailer furnishes a written statement giving his reasons for the request. Compliance with the request is discretionary with the postal administration of the country of destination.

§ 46.6 Processing.

(a) *Mail of United States origin—(i) Before dispatch from the United States.* The following procedures apply to both postal union mail and parcel post packages:

(i) Before accepting an application for recall or change of address, require the applicant to identify himself as the sender or the sender's authorized representative.

(ii) If the piece is not located at the immediate point of mailing and the applicant desires the search continued, require the sender to submit a written application as prescribed in § 46.2, and collect the 20-cent fee indicated in § 46.3(a) before conducting further search. If the piece is located and is returned to the sender, charge appropriate domestic postage unless it is a letter or post card. If the piece is not located, explain to the applicant the conditions set forth in § 46.3 (b) and (c).

(iii) It is recommended that requests be made to the postal administration of the country of destination rather than search being made at U.S. dispatching exchange offices. However, if the applicant desires search made at the exchange office and agrees to the conditions, send a request to the exchange office setting forth the details on the application and the particulars of dispatch to the exchange office, if known.

(iv) If the exchange office returns the piece, collect domestic postage for its conveyance to the exchange office and return, unless it is a letter or post card. If the search included the opening of made-up sacks, the exchange office will inform the post office requesting the search as to the cost, which should also be collected on delivery. The exchange office will likewise advise if the search was unsuccessful.

(v) Amounts collected on delivery of returned articles and parcels are accounted for by affixing postage due stamps to the mail articles and canceling.

(2) *After dispatch from the United States.* If the sender requests that the postal authorities of the country of destination be asked to intercept the piece, collect as prescribed in § 46.3(c) and transmit with the application and facsimile address to the Office of Mail Classification, Finance and Administration Department, Post Office Department, Washington, D.C. 20260.

(3) *Sender's mailing receipt.* A mailing receipt relating to an article or parcel returned or redirected at the sender's request is to have the action taken noted thereon.

(b) *Mail of foreign origin.* Post offices may comply with a request for correction of address (without changing the addressee) and may forward an article or parcel to the same addressee at another U.S. post office without previous authorization from the Department. Comply with § 32.4(a) in forwarding parcel post packages. If a request is received for redirection of a piece to another country, for return to origin, or for change of addressee, hold the piece and refer the request to the Office of Mail Classification, Finance and Administration, Department, Post Office Department, Washington, D.C. 20260.

PART 47—CERTIFICATES OF MAILING

Sec.
47.1 Nature and issuance.
47.2 Fees.
47.3 On Treasury Department forms.
47.4 On Agriculture Department forms.
47.5 Preparation and payment of fees.

AUTHORITY: The provisions of this Part 47 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 47.1 Nature and issuance.

The sender can obtain a certificate of mailing at the post office where he mails any postal union article or parcel post package. Certificates of mailing issued for ordinary articles or parcels do not give any right to indemnity or proof of delivery. They are issued on the same forms as are used for domestic mail (see § 165.3), as well as on the Treasury De-

partment forms mentioned in § 47.3, or the Agriculture Department certificates mentioned in § 47.4 and Part 55.

§ 47.2 Fees.

(a) *Individually listed pieces.*

Original certificate for ordinary postal union or parcel post.	5 cents for each piece described.
Each additional copy of original certificate of mailing or original mailing receipt for registered or insured mail.	2 cents for each piece described.

(b) *Identical pieces.*

Identical pieces of postal union mail paid with ordinary stamps, precanceled stamps, or meter stamps, are subject to the following fees:

Up to 1,000 pieces (1 certificate for total number)	$0.25
For each additional 1,000 pieces, or fraction	.05
Duplicate copy	.05

§ 47.3 On Treasury Department forms.

If requested, the sender may receive a certificate of mailing on Treasury Department (Internal Revenue) Form P.T. 26, P.T. 27–A, or 550, certifying that he has waived the right to withdraw the article or parcel from the mail.

§ 47.4 On Agriculture Department forms.

See part 255 concerning certificates required in connection with the exportation of dried whole eggs and tobacco seed and plants.

§ 47.5 Preparation and payment of fees.

The mailer must prepare his certificate of mailing and pay the charges in the same manner as prescribed in the domestic service (see §§ 165.3, 165.4, and 165.5), regardless of the form on which the certificate is prepared.

NONPOSTAL EXPORT REGULATIONS

PART 51—SHIPPER'S EXPORT DECLARATION

Sec.
51.1 When required.
51.2 Preparation.
51.3 Information to be furnished.
51.4 How obtained.
51.5 Handling and disposal.

AUTHORITY: The provisions of this Part 51 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 51.1 When required.

Business concerns sending merchandise exceeding $250 in value to other business concerns—

(a) From the United States,[1] Puerto Rico, or the Virgin Islands of the United States to any foreign country, to the Canal Zone, and to the Caroline, Mariana and Marshall Islands.

(b) From the United States [1] to Puerto Rico and the U.S. possessions.[2]

[1] For purposes of this instruction the term United States refers to the 50 States and the District of Columbia.

[2] For purposes of this instruction the term U.S. Possessions refers to the Virgin Islands of the United States, Guam, Samoa, Canton and Enderbury Islands, Midway, and Wake Islands.

(c) From Puerto Rico to the United States,[1] and to the U.S. possessions.[2]

must fill out a shipper's export declaration on Department of Commerce Form 7525–V and present it at the post office at the time of mailing. The shipper's export declaration is required only for goods mailed for commercial purposes and not for goods which involve no commercial consideration. However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license or a distribution license from the Bureau of International Commerce, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. (See Part 52.) The declaration need not be furnished for catalogs, instruction books, and other advertising matter or for magazines, newspapers, and periodicals. It is also not required for shipments of technical data, regardless of value and whether or not they are covered by export licenses, except as stated in § 52.3 (c). Shippers who wish to correct a previously filed export declaration must submit such corrections to the post office on Commerce Form FT–7403.

§ 51.2 Preparation.

Only a single copy of the shipper's export declaration is required for mail shipments. A single export declaration may include any number of packages mailed by one sender the same day to one addressee. Export declarations need not be notarized; however, signature in ink is required.

§ 51.3 Information to be furnished.

(a) The following are the only items on the shipper's export declaration (Commerce Form 7525–V) which are required to be filled in by the sender of a postal shipment:

(1) *Item 1.* Name of post office where shipment is being mailed. (Insert in space on the form reading "From ---------- (U.S. port of export)".)

(2) *Item 3.* Name and address of exporter.

(3) *Item 4.* Name and address of forwarding agent, if any.

(4) *Item 5.* Name and address of ultimate consignee.

(5) *Item 6.* Name and address of intermediate consignee, if any.

(6) *Item 8.* Country of final destination.

(7) *Item 10.* Number of packages being mailed; description of merchandise and export license number and expiration date, or general license symbol.

(8) *Item 13.* Schedule B, commodity number.

(9) *Item 14.* Net quantity of merchandise, in Schedule B units.

(10) *Item 15.* Value of merchandise.

(b) To comply with the destination control regulations of the Commerce Department, each Form 7525–V, except for shipments addressed to Canada for consumption in that country, must bear one of the following statements:

(1) These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to U.S. law prohibited.

(2) These commodities licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name of country). Diversion contrary to U.S. law prohibited.

(3) U.S. law prohibits distribution of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Vietnam, or Cuba, unless otherwise authorized by the United States.

(c) The description of contents and units of quantity must be in the detail required by Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States 1965 edition. The shipper may obtain copies of Schedule B for a nominal charge from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20401, from Collectors of Customs, or from Department of Commerce field offices located in principal cities of the U.S. General descriptions, such as dry goods, groceries, or millinery, are not sufficient. Quantities and values must be given in whole numbers only, omitting fractions of less than one-half and counting one-half and over as a whole.

§ 51.4 How obtained.

Occasional shippers may obtain Form 7525–V free of charge at post offices. Regular exporters may purchase copies of the shipper's export declaration from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20401, from Collectors of Customs, or from Department of Commerce field offices. They may be privately printed, provided they conform to the official form in size, wording, color, quality (weight) of paper stock, and arrangement. Postmasters may obtain supplies, without cost, for limited distribution to occasional shippers from the Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233. Copies of the shipper's export declaration correction form for free distribution may also be obtained from the Bureau of the Census, Washington, D.C. 20233, and from Collectors of Customs.

§ 51.5 Handling and disposal.

(a) When a shipper's export declaration or correction form is presented at a post office in accordance with § 51.1, postmark it in the lower left corner and send it to:

Export Document Control, Foreign Trade Statistics Unit, Room 308, Building 66, Bureau of the Census, Jeffersonville, IN 47130

Send only one copy of each declaration submitted.

(b) When an export declaration bearing the authentication of a collector of customs is presented at the time of mailing a partial shipment under a validated export license (see § 52.3(e) of this chapter), postmark it and send to the Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230.

PART 52—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

Sec.
52.1 Scope and applicability.
52.2 General licenses.
52.3 Validated licenses.
52.4 Distribution licenses.
52.5 Export control inspections.

AUTHORITY: The provisions of this part 52 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 52.1 Scope and applicability.

(a) The Bureau of International Commerce, Department of Commerce, controls all exportations, except for certain commodities and technical data licensed for export by other U.S. Government agencies, to all countries other than Canada (with the exception that validated export licenses are required for certain types of technical data to Canada). Mailers must inform themselves as to the regulations and comply with them in making any exportations of commodities and technical data as parcel post or postal union mail. A brief summary of the regulations as they apply to mail shipments is given in this part. Additional information is available from a Commerce Department bulletin entitled "Public Notice—Requirements for Exports by Mail" on bulletin boards in first-, second-, and third-class post offices and in classified stations and branches. Mailers desiring further information may make inquiry of the Exporters' Service Section, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230 or of any field office of that department. A list of field offices is included in the above-mentioned public notice.

(b) Postal employees will not advise prospective mailers as to the type of license applicable to any commodities or to any destination, except that licenses are not required for shipments to Canada other than certain types of technical data. However, before accepting parcels employees should satisfy themselves that the mailers have complied with the regulations so far as they are applicable. A checklist for this purpose is printed in the front of the appendix.

§ 52.2 General licenses.

(a) *Definition and use.* A general license established by the Bureau of International Commerce is not a specific document, but is a general authorization covering exportations within its provisions, each general license being designated by symbol, such as G–DEST, GLV, GIFT, GUS, etc. A brief description of the general licenses usually used for mail shipments is given in this section. Further information can be obtained as set forth in § 52.1(a). When a prospective mailer finds that the contents of his package are properly exportable under a general license, unless it contains only printed matter or technical data (see § 52.2(e)), he must mark the wrapper with the appropriate symbol and the words Export license not required before presenting it at the post office. The postal clerk may accept any package so marked unless the symbol is obviously being misused. The marking certifies that the mailer has complied with the regulations governing the use of the general license denoted by the symbol. No marking is required on wrappers of packages containing printed matter and technical data mailed under general licenses G–DEST, GTDP, GTDU, and GTDS.

(b) *Restricted destinations.* The Commerce Department imposes particular restrictions on exports to Rhodesia; to Cuba; to the Far Eastern Communist countries (Continental China, Tibet, Inner Mongolia, North Korea, and the Communist-controlled area of Vietnam); to the following countries in the Eastern European Soviet bloc: Albania, Bulgaria, Czechoslovakia, Estonia, East Germany (Soviet Zone including Soviet Sector of Berlin), Hungary, Latvia, Lithuania, Outer Mongolia, and U.S.S.R.; and to Hong Kong and Macao. Packages for those areas may not bear any general license except as follows:

Destination	*General license symbols permitted*
†Cuba	GIFT, *G – DEST, GUS, BAGGAGE.
†Far Eastern Communist countries	*G – DEST, GUS, BAGGAGE.
Eastern European Soviet bloc	GIFT, G – DEST, GUS, BAGGAGE.
Hong Kong and Macao	GIFT, G – DEST, GUS, BAGGAGE, GLV.
Rhodesia	GIFT, *G – DEST, GUS, BAGGAGE.

*For Cuba and the Far Eastern Communist countries, general license G–DEST may be used only for unclassified printed matter and developed motion picture film. For Rhodesia it may be used only for foods, clothing, medicines and drugs, certain medical supplies, phonograph records, developed films, and printed matter considered to be of humanitarian or educational necessity.

†Parcel post and postal union packages of merchandise not accepted.

General licenses GTDP and GTDS for technical data, requiring no symbol on the package, may be used for any of the restricted destinations named above; and GTDU, also requiring no symbol on the package, may be used for Rhodesia, Hong Kong, and Macao.

(c) *General license gift.* (1) This license covers gift packages mailed by or on behalf of an individual sender to an individual addressee for the personal use of the latter or his family, or to a religious, charitable, or educational organization. The contents are limited to items normally sent as gifts, such as food, clothing (except military clothing to destinations named in § 52.2(b)), medicinals and drugs. When in doubt as to whether specific articles are exportable, consult the Commerce Department's "Public Notice" on post office bulletin boards, or inquire of the Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, or any Commerce Department field office.

(2) The value of the contents of a package is limited to $100.

(3) Not more than one gift package may be mailed per week by the same sender to one addressee under this general license.

(d) *General licenses G–DEST and GLV.* General license G–DEST may be used for any shipment, regardless of quantity, unless the Commerce Department's "Commodity Control List" indicates that a validated license is required. General license GLV may be used for certain types of small value shipments to which G–DEST does not apply. Except for Hong Kong and Macao to which certain commodities may be shipped up to $25 in value, general license GLV may not be used for destinations named in § 52.2(b).

(e) *Printed matter and technical data.* Miscellaneous printed matter exported under general license G–DEST and technical data under licenses GTDP, GTDS, and GTDU need no general license symbol on the wrapper.

(f) *General license GUS.* This license is used for shipments to U.S. Government personnel under prescribed conditions.

(g) *General license baggage.* This license is used to mail unaccompanied baggage of travellers, consisting of personal and household effects not intended for sale, under conditions and limitations established in Commerce Department export control regulations.

§ 52.3 Validated licenses.

(a) *Definition and use.* A validated license is an individual document issued by the Bureau of International Commerce, authorizing a specific exportation. Further information can be obtained as set forth in § 52.1(a). Before mailing a shipment under a validated license, the sender must put the license number on the wrapper.

(b) *Export declaration required.* An export declaration (see Part 51) is required for every shipment covered by a validated license, except technical data. However, partial shipments of technical data must comply with § 52.3(c).

(c) *Mailing under validated licenses.* In making a shipment against a validated license, the mailer must surrender the license at the post office regardless of whether the total quantity shown on the license is mailed. However, if only a part of the licensed quantity is mailed, the mailer may, as an alternative, deposit the license with a collector of customs and surrender at the post office a shipper's export declaration (Commerce Form 7525–V) bearing the number of the license and an authorization dated and signed by the collector or by his representative for shipment of the goods shown on the declaration. This is in addition to the declarations required by part 51 and § 52.3(b).

(d) *Technical data licenses.* Licenses issued by the Bureau of International Commerce for exportations of technical data are similar in form to the usual type of validated license, but no shipper's export declaration is required, except for partial shipments. (See 252.33.)

(e) *Processing in post offices.* (1) *Entire shipments.* The postal employee

must see that the correct license number is shown on the wrapper of every package presented for mailing with a validated license. The number appears in the upper right portion of the license, adjacent to the validation stamp of the Bureau of International Commerce. Compare the contents as shown on the customs declaration (or as stated by the mailer in the case of shipments mailed as printed matter) with the commodities stated on the license and on the shipper's export declaration when required. If no discrepancy is noted and the package is mailable, accept it and take the license and export declaration (if required) from the mailer. Write "Completed" on the back of the license and apply postmark. Send the license to the Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230. Postmark the export declaration and dispose of it as instructed in § 51.5.

(2) *Partial shipments.* When a mailer presents an authenticated export declaration with a partial shipment in lieu of a validated license, as prescribed in § 52.3(c), take the authenticated declaration, postmark it and send it to the Bureau of International Commerce. If a validated license is presented with a partial shipment, take it up and dispose of it in the same manner as for an entire shipment.

§ 52.4 Distribution licenses.

(a) *Definition and use.* A distribution license is a "bulk-type" validated license under which certain commodities in prescribed amounts over a period of a year may be sent to Australia, Belgium, Denmark, France, Germany (Federal Republic), Great Britain and Northern Ireland, Greece, Italy, Japan, Luxembourg, Netherlands and Norway.

(b) *Mailing under distribution license.* The distribution license number, which is prefixed by "H" or "V" must be written by the mailer on the address side of the wrapper of each parcel mailed under such license. The license need not be presented. A shipper's export declaration (see Part 51) is required for each shipment.

§ 52.5 Export control inspections.

Parcels are subject to inspection by U.S. customs officers at dispatching exchange post offices. If violations of export control are detected, the parcels may be returned or seized by the customs inspectors. Postage is not refunded.

PART 53—STATE DEPARTMENT REGULATIONS (ARMS AND TECHNICAL DATA)

Sec.
53.1 Individual licenses.
53.2 Mailings under license.
53.3 Processing licensed mailings.
53.4 Mailings exempt from license.
53.5 Government shipments.

AUTHORITY: The provisions of this Part 53 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 53.1 Individual licenses.

Exportation of certain arms or implements of war and related technical data requires individual licenses issued by the Office of Munitions Control, Department of State. Firearms subject to license include nonautomatic and semi-automatic rifles, carbines, revolvers and pistols, except those of .50 caliber or less manufactured prior to 1898; also all machineguns, submachineguns, machine pistols and fully automatic rifles. The mailer can obtain information as to the applicability of the State Department requirements and how to apply for individual licenses from the Office of Munitions Control, Department of State, Washington, D.C. 20520.

§ 53.2 Mailings under license.

When the entire amount authorized by an individual license is mailed, the sender must surrender the license at the post office. If only a portion of the amount authorized is mailed, the sender must enter on the back of the license the amount being shipped and present it at the post office, where the accepting clerk will postmark it and return it to the mailer.

§ 53.3 Processing licensed mailings.

(a) When a mailer presents a State Department license, the accepting clerk will compare the commodities or data indicated on the license with the contents as shown on the customs declaration or as stated by the mailer in the case of technical data mailed as printed matter. If no discrepancy is noted, and the contents are mailable under Part 124 and not prohibited to the country of destination concerned, the clerk will accept it for mailing. The sender must mark the wrapper "State Department export license No. ------."

(b) If the mailing represents the entire amount authorized, the clerk will take up the license, mark it "Completed," apply a legible postmark, and forward it to the Office of Munitions Control, Department of State, Washington, D.C. 20520.

§ 53.4 Mailings exempt from license.

Technical data that has been published or is otherwise exempt from licensing under title 22, § 125.3, Code of Federal Regulations, does not require individual State Department license for exportation. The mailer must mark the wrapper "22 CFR § 125.3 * * * applicable," identifying the specific subsection under which the exemption is claimed. Exportations under this exemption may not be made to the Soviet Union, any Soviet bloc country, Communist China, or the Communist controlled area of Vietnam.

§ 53.5 Government shipments.

Shipments mailed by any agency of the U.S. Government require no license from the Department of State, and no endorsement relating to 22 CFR 125.3 is needed on the wrapper.

PART 54—TREASURY DEPARTMENT REGULATIONS (GOLD AND GOLD CERTIFICATES)

Sec.
54.1 License requirements.
54.2 Gold held by nonresidents.
54.3 Fabricated gold.
54.4 Gold coin, bullion, or gold dust.
54.5 Where to obtain licenses.

AUTHORITY: The provisions of this Part — issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 54.1 License requirements.

A license is necessary to mail gold in any form or gold certificates from the continental United States to any destination outside its limits or from any U.S. post office outside the continental limits to another country, except as provided in §§ 54.2 and 54.3. Moreover, before acceptance, the postmaster at the office of mailing must receive instructions from the Post Office Department, or the Treasury Department, with a copy of the license.

§ 54.2 Gold held by nonresidents.

Gold in any form other than coin is mailable without a license and specific instruction, if it is not held or owned by a person who is a resident of or domiciled in the continental United States. In such a case the mailer must place on the wrapper of the package and on the shipper's export declaration when required (see § 51.1) a statement that the gold contained therein is held or owned by a person who is not a resident of, or who is not domiciled in, the continental United States.

§ 54.3 Fabricated gold.

(a) *Definition.* Fabricated gold is defined by the Treasury Department as processed or manufactured gold in any form (other than gold coin or scrap gold) which has a gold content the value of which does not exceed 90 percent of the total domestic value of the processed or manufactured gold and which has in good faith and not for the purpose of evading or enabling others to evade the provisions of the Gold Reserve Act of 1934, the act of October 6, 1917, as amended, or the regulations of the Treasury Department, been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses. Fabricated gold is to be distinguished from semiprocessed gold, which may be exported only pursuant to Treasury License, and which is defined to include gold articles of which more than 90 percent of the total domestic value is attributable to the gold content thereof.

(b) *Mailing restricted.* Fabricated gold is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper is required to endorse the wrapper of the package with the Bureau of Census Schedule B statistical classification number of each specific commodity contained therein. The shipper's export declaration, when required (see § 51.1) shall contain, in addition to a specific description of the contents of the package, the following notation: Fabricated gold as defined by section 54.4 of the Gold Regulations, being exported pursuant to the authorization contained in section 54.25(b)(2) of such regulations.

(c) *How to determine.* To determine whether an article is semi-processed or fabricated gold, the value of the gold content is computed at $35 per fine troy ounce of gold and the total domestic value is determined on the basis of the cost of the article to the owner and not the selling price. In the case of a manufacturer or processor, the allowable elements of such value are the cost of material in the article, labor performed on the article, and processing losses and overhead applicable to the manufacture or processing of such article. In the case of a dealer or other person who holds or disposes of gold without further processing, total domestic value includes only the net purchase price paid by such person and any transportation costs incurred in obtaining delivery of such article to his usual place of business.

(d) *Gold coin made prior to April 5, 1933.* Gold coin made prior to April 5, 1933, is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper's export declaration, when required (see § 51.1) shall contain, in addition to a specific description of the package, the following notation: Rare gold coin as defined by section 54.20 of the Gold Regulations, being exported pursuant to the authorization contained in section 54.25(b)(3) of such regulations.

§ 54.4 Gold coin, bullion, or gold dust.

The acceptance in the postal union mail or parcel post for any country of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $100 is prohibited, even though a license has been granted to export such gold coin, gold bullion, or gold dust.

§ 54.5 Where to obtain licenses.

The shipper may obtain the forms on which to apply for licenses to export gold from the Bureau of the Mint, Treasury Department, Washington, D.C. 20220.

PART 55—AGRICULTURE DEPARTMENT REGULATIONS

Sec.
55.1 Dried whole eggs.
55.2 Tobacco seed and plants.

AUTHORITY: The provisions of this Part 55 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 55.1 Dried whole eggs.

(a) *Endorsements.* When dried whole eggs purchased under a program of the Commodity Credit Corporation, Department of Agriculture, are offered for export by mail, an endorsement must be written or stamped on each package by the sender waiving any right to withdraw it from the mail or have it returned. The endorsement must be properly completed and signed by the exporter or his authorized representative over his title. The parcel post forms accompanying such parcels should be completed by the senders to indicate that the parcels are to be abandoned in case of nondelivery.

(b) *Certificates.* A certificate in the following form, prepared and completed by the sender, must be presented with the shipment:

CERTIFICATE OF MAILING DRIED WHOLE EGGS

I hereby certify that there has (have) been posted at this post office today by (Sender), parcels containing a total of (Number) pounds of dried whole eggs on which the sender has waived the right to withdraw same from the mails or have same returned.

Parcels addressed to:

(Names and addresses of addressees)

(Office stamp)
(Date) (Postmaster)

---------- ----------
By ----------

A single certificate may cover any number of parcels mailed by the same sender even though addressed to different countries. A charge of 5 cents will be made for each certificate of mailing issued to the sender, or for each parcel when a single certificate covers more than one parcel. Postage stamps to cover the charge for the certificate of mailing shall be affixed to the certificate and canceled by the postmark of the office of mailing. After postmarking, the certificate will be signed by the postmaster or his authorized representative and returned to the sender.

§ 55.2 Tobacco seed and plants.

(a) *Permit required.* It is unlawful to export any tobacco seed or live tobacco plants except in pursuance of a written permit granted by the Secretary of Agriculture.

(b) *Endorsement of package.* The sender must mark the wrapper of the package "Tobacco seed and plant export permit No. ------."

(c) *Surrender of permit.* The permit is to be presented by mailer at the time of mailing. It will be postmarked and signed by the accepting postal employee. The permit will be retained by the post office and forwarded to the Tobacco Division, Consumer Marketing Service, Department of Agriculture, Washington, D.C. 20250.

(d) *Charges.* A charge of 5 cents will be made for each permit presented by the sender and for each package or parcel when a single permit covers more than one parcel. Postage stamps to cover the charge shall be affixed to the permit and canceled by the postmark of the office of mailing.

PART 56—CONSULAR AND COMMERCIAL INVOICES

§ 56.1 Consular and commercial invoices.

Many countries require special documents to be prepared by the sender and either presented by the addressee or enclosed within the package. In some cases, certification by a recognized Chamber of Commerce in the United States, or legalization by a Consulate of the country of destination, or both, are required. The mailer may inquire at the post office for information, or purchase the Directory of International Mail from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

PART 57—DRAWBACK ARRANGEMENT

Sec.
57.1 Description.
57.2 Claiming drawback.
57.3 Obtaining forms.

AUTHORITY: The provisions of this Part 57 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 57.1 Description.

Drawback is an arrangement provided for under the U.S. Customs regulations whereby exporters of certain merchandise are entitled to claim a refund of (a) the duty paid on imported materials used wholly or in part in the manufacture or production of the articles to be exported, or (b) the internal revenue tax paid on domestic material used.

§ 57.2 Claiming drawback.

(a) *Instructions to mailers.* Mailers intending to claim drawback on articles exported by mail must present three completed copies of a "Notice of Exportation" (Customs Form 7511-A or 7511-B) with the package or packages. Each package must also bear on the address side a waiver of the right to withdraw it from the mail. This waiver may be made on customs Form 3413 and pasted on the wrapper, or may be stamped or written in wording similar to the following:

WARNING

EXPORTED IN BOND FOR DRAWBACK UNDER N.E. No. ------
Must not be returned to shipper or delivered in United States before submission to Collector of Customs.
Shipper ----------

We hereby waive our right to withdraw this package from the mail.

(Shipper's Signature)

(b) *Instructions to postmasters*—(1) *Postmaster's Certificate.* Postmark and sign the "Postmaster's Certificate" on the reverse side of Customs Form 7511-A or 7511-B, after verifying the marks and numbers on the form with those on the package and noting the presence of the sender's signed statement waiving the right to withdraw the package from the mail.

(2) *Disposal of forms.* Dispose of completed Forms 7511-A and 7511-B as follows:

(i) Return one copy to the mailer.

(ii) Forward one copy to the collector of customs at the port where the claim is to be filed (shown on the front of the form).

(iii) Retain one copy as an office record. Dispose of this copy after 3 years.

§ 57.3 Obtaining forms.

Exporters may obtain Customs Forms 3413, 7511-A, and 7511-B from collectors of customs.

IMPORTATIONS

PART 61—CUSTOMS

Sec.
61.1 What is subject to examination.
61.2 Separation points.
61.3 Examination.
61.4 Repacking.
61.5 Treatment at delivery office.

AUTHORITY: The provisions of this Part 61 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 61.1 What is subject to examination.

All mail believed to contain merchandise, including returned articles of U.S. origin, and printed matter are subject to customs examination, except mail addressed to Ambassadors and Ministers of foreign countries and articles known or believed to contain only official documents addressed to officials of the U.S. Government.

§ 61.2 Separation points.

(a) *Exchange offices.* Articles believed liable to customs duty are submitted immediately to local customs officers or redispatched for customs treatment to designated distribution offices. In the latter case, exchange offices will attach Label 81, a reusable pink slotted tag, bearing the words "This sacks contains mail Supposed Liable to Customs Duty," to the label holders or hasps of sacks or pouches containing matter to be submitted to customs officers.

(b) *Distribution offices.* Distribution offices will submit articles supposed liable to customs duty to customs officers as soon as possible after receipt. The reusable tags, Label 81, removed from sacks containing this mail will be returned periodically to the postmasters at New York, New Orleans, San Francisco, Seattle, or Miami, as may be appropriate from a geographical standpoint.

(c) *Priority treatment of airmail.* Airmail articles receive preferential customs treatment and are submitted to customs separately from surface mail. Upon return from customs, dispatch will be by air if it will expedite delivery.

§ 61.3 Examination.

(a) *Authority to open sealed articles.* Sealed letters and letter packages containing merchandise should bear a green label (Form C1) or an endorsement permitting the customs officer to open the article for examination. In the absence of a label or endorsement, the post office will obtain the addressee's signed authority for opening on Form 2921, Held Notice—International Mail. If such authority is not granted within 15 days after the first notice, send a second notice. If no response is received from the second notice after an additional 15-day period, endorse the article "Unclaimed" and return it to origin. Sealed parcel post is opened without any formality.

(b) *Registered and sealed articles.* The postmaster or other designated postal employee must be present when registered articles and parcels or sealed letter mail is opened by customs officers for examination. After customs treatment, the postal employee will repack and reseal letter packages in the presence of the customs officer who participated in the opening. Repack the article in the same or better condition than when it was opened. If the article was received in a special penalty envelope which can be reused, forward the article in that envelope; otherwise reseal the article and apply the official adhesive seal of the Post Office Department. Sign or initial the envelope or wrapper of each article.

(c) *Extraction of samples for advisory information.* Should a customs officer wish to obtain advisory information from a local trade expert or the Customs Information Exchange, 201 Varick Street, New York, NY 10014, permit him to extract a sample of the contents. The customs officer will furnish the postal official with two copies of Customs Form 6423, one for enclosure in the importation and the other for the post office files. If the sample is to be forwarded to New York, dispatch it under official registration to the New York Postmaster for delivery to the Customs Information Exchange.

(d) *Failure to receive customs examination.* Should an article known or supposed to be dutiable be observed at or en route to the office of address without having received customs treatment, forward it, labeled "For Customs Inspection," under seal to the postmaster at the appropriate office listed in paragraph (e) of this section. Packages that have received customs treatment will bear endorsements such as "Examined by U.S. Customs at _____ Duty To Be Collected," "Duty Paid," or "Passed Free of U.S. Customs at _____."

(e) *Custom ports.* Customs officers are stationed at the following places:

ALABAMA:
Birmingham.
Mobile.
ALASKA:
Anchorage.
Fairbanks.
Juneau.
Ketchikan.
ARIZONA:
Nogales.
CALIFORNIA:
Calexico.
Eureka.
Los Angeles.
San Diego.
San Francisco.
COLORADO:
Denver.
CONNECTICUT:
Bridgeport.
Hartford.
New Haven.
New London.
DELAWARE:
Wilmington.
DISTRICT OF COLUMBIA:
Washington.
FLORIDA:
Jacksonville.
Key West.
Miami.
Pensacola.
Port Everglades.
Tampa.
West Palm Beach.
GEORGIA:
Atlanta.
Savannah.
HAWAII:
Honolulu.
ILLINOIS:
Chicago.
Peoria.
INDIANA:
Evansville.
Indianapolis.
Lawrenceburg.
KENTUCKY:
Louisville.
LOUISIANA:
Baton Rouge.
Lake Charles.
Morgan City.
New Orleans.
MAINE:
Bangor.
Portland.
MARYLAND:
Baltimore.
MASSACHUSETTS:
Boston.
Lawrence.
Springfield.
Worcester.
MICHIGAN:
Detroit.
Port Huron.
Sault Ste. Marie.
MINNESOTA:
Duluth.
International Falls.
Minneapolis.
Noyes.
St. Paul.
MISSISSIPPI:
Gulfport.
MISSOURI:
Kansas City.
St. Louis.
MONTANA:
Great Falls.
NEBRASKA:
Omaha.
NEW MEXICO:
Columbus.
NEW YORK:
Albany.
Buffalo.
New York.
Niagara Falls.
Ogdensburg.
Rochester.
Rouses Point.
Syracuse.
NORTH CAROLINA:
Charlotte.
Wilmington.
Winston-Salem.
NORTH DAKOTA:
Pembina.
OHIO:
Akron.
Ashtabula.
Cincinnati.
Cleveland.
Columbus.
Dayton.
Sandusky.
Toledo.
OREGON:
Portland.
PENNSYLVANIA:
Philadelphia.
Pittsburgh.
PUERTO RICO:
Mayaguez.
Ponce.
San Juan.
RHODE ISLAND:
Providence.
SOUTH CAROLINA:
Charleston.
TENNESSEE:
Chattanooga.
Memphis.
Nashville.
TEXAS:
Beaumont.
Brownsville.
Corpus Christi.
Dallas.
Del Rio.
Eagle Pass.
El Paso.
Galveston.
Houston.
Laredo.
Port Arthur.
San Antonio.
VERMONT:
Burlington.
Island Pond.
Newport.
St. Albans.
VIRGINIA:
Alexandria.
Norfolk.
Petersburg.
Richmond.
VIRGIN ISLANDS:
Charlotte Amalie.
Christiansted.
Frederiksted.
WASHINGTON:
Oroville.
Seattle.
Spokane.
Tacoma.
WISCONSIN:
Green Bay.
Milwaukee.
Superior.

(f) *No examination before payment of duty.* Addressees are not permitted to examine the contents of dutiable articles until the duty is paid.

§ 61.4 Repacking.

(a) *Responsibility of customs and postal employees.* Customs and postal employees shall carefully examine and repack contents of importations, particularly those that contain delicate instruments, glass, china, or other fragile items, liquids, and easily liquefiable substances. Shipments must be restored to their original or better condition. Postal employees accepting articles which have been in customs custody for examination, must determine from external inspection whether the shipment can safely bear further handling and transportation. Postal and customs employees jointly will restore parcels that are not in satisfactory condition. Employees may be held responsible when damage occurs as a result of negligence or improper handling.

(b) *Customs shipments in bad order.* Shipments found to be in bad order in transit or at the delivery office must be reconditioned by postal employees. Note bad order and evidence of rifling or damage on the address side of the wrapper over the signature of the employee.

§ 61.5 Treatment at delivery office.

(a) *Detecting dutiable importations.* Postal employees will promptly examine all incoming mail to detect dutiable importations. These packages will bear the

following endorsement, placed near the address and completed by the customs office where the duty was assessed:

Examined By U.S. Customs
Port of _____
Collect Duty and Postal Fees
Mail Entry No. _____

The package will also be accompanied by an "Original" and "Addressee Receipt" copy of Customs Form 3419, Mail Entry, enclosed in a Treasury Department envelope securely attached to the package.

(b) *Missing mail entries.* (1) Withhold delivery of dutiable packages from which Customs Forms 3419 have become detached. If the mail entry forms are not found, complete Form 2937, Importer's Objection and/or Lost Mail Entries, in duplicate, requesting issuance of a duplicate set of entry forms. Send the original Form 2937 to Bureau of Customs, Data Center, 7981 Eastern Avenue, Silver Spring, MD 20910. Retain copy of Form 2937 with the package until duplicate set of entries is received, then process parcel as prescribed in paragraph (d) of this section, using duplicate set of entry forms.

(2) If the missing original set of entry forms is located before receiving the requested duplicat set, use the original set, and when the duplicate set is received mark it "Original set located and used" and return the duplicates to the Customs Data Center in Silver Spring. If the original set is located after delivery or other disposal has been made of the package following receipt of the duplicate set, destroy the original set.

(c) *Dispatch to delivery units.* Promptly forward dutiable articles to delivery units.

(d) *Delivery of dutiable mail.* (1) Dutiable mail will be delivered by city, village, and rural carriers, and by window delivery units. Form 2921, Held Notice—International Mail, is used to notify addressees of the arrival of dutiable parcels.

(2) Charge packages and both copies of the customs mail entry to delivery employee on Form 2944, Receipt for Customs Duty Mail, prepared in duplicate. For control and accounting purposes, enter on Form 2944 the mail entry numbers as shown on the entry forms. Retain both copies of Form 2944 at post office as record of employee's accountability.

(3) When customs charges are collected and delivery is made, delivering employee will obtain addressee's signature and date of delivery on the "Original" Customs Form 3419, as well as on the receipt for registered and insured mail if required. The delivering employee will sign and date the "Addressee Receipt" copy of Customs Form 3419 and give it to the addressee as a receipt for the duty. The delivery employee will turn in amounts collected with the signed originals of Customs Form 3419 and any undelivered packages with both copies of the related Customs Forms 3419.

(4) At first-class offices carrier's accountability will be cleared by completing the two copies of Form 2944 prepared pursuant to § 61.5(d)(2). Hand both copies of completed Form 2944 to carrier who will deposit the original in the slotted and locked receptacle provided for that purpose and file the duplicate which he will retain for 3 months after the last day of the month of issue. The Forms 2944 shall be removed from the locked receptacle by an employee or supervisor, other than the clearing clerk, and forwarded daily to the chief accountant or other designated employee. Clearing clerk will send signed originals of Form 3419 to the chief accountant or other designated employee. Employees at delivery windows who have been charged with dutiable packages will be similarly cleared, but will be required to execute a new set of Form 2944 covering all dutiable packages remaining in their custody at the close of business.

(5) At other than first-class offices the delivery employees' accountability will be cleared in the same manner as for COD transactions.

(6) The Customs Service in certain instances will attach a Customs Form 3433, Authorization to Postmaster To Deliver Mail Importation Conditionally Free of Duty, and a Customs Form 3342, Declaration for Free Entry of Gifts, to the mail entries, Customs Form 3419, of incoming dutiable packages. Deliver these packages without collection of the duty under the conditions stated on the Form 3433. After delivery, endorse the original Customs Form 3419, Form 3342 executed by addressee, and report the transaction as an uncollected customs duty item in accordance with § 61.5(f)(2). Return of the executed customs form will be authority for the clearing clerk to allow credit for unreturned postage due stamps delivered with the package pursuant to § 24.1(a)(5)(ii). The clearing clerk will keep a daily record of such voided stamp credits.

(7) When an addressee objects to the assessed value, rate, or amount of duty charged, the following alternatives are available:

(i) Addressee may take delivery, pay the duty and postal fees and protest (within 60 days from date of entry) directly to the issuing customs port.

(ii) Addressee may conditionally refuse the package pending review of the entry by the customs service. In this case, the procedure is as follows:

(a) Delivery employee will advise addressee to state his objections in writing to the postmaster and submit any evidence he may have substantiating his claim (invoice, declaration of value, etc.). Addressee may be allowed to copy customs mail entry number and other particulars that will assist in associating his protest with the package at the post office.

(b) Delivery employee will mark package "Addressee protests duty," date and initial, and return the package and related Customs Forms 3419 to the post office to be held awaiting receipt of addressee's written protest. On receipt of addressee's statement, promptly prepare report, in duplicate, on Form 2937, Importers Objections and/or Lost Mail Entries. Forward original Form 2937, with supporting statements and both copies of mail entry, to customs mail division where entry was prepared—unless addressee is located in vicinity of one of the customs ports listed in § 61.3(e), in which case package and other documents may be delivered to the local customs office for consideration of the protest. Retain duplicate of Form 2937 as office file and record copy.

(c) If the addressee's written protest is not received within 5 days after package is returned to post office, notify him that package is on hand and will be held for a further 5 days only. Mark package "Notified," and date, and if patron does not furnish the required statement within another week, endorse package "Unclaimed," show date, and treat as prescribed in § 61.5(f).

(d) If an adjustment is made by the customs officer he will endorse the adjustment on the mail entries and return them with the original Form 2937 to the postmaster. When delivery of the package is effected, collect and report the corrected amount of duty and handle as prescribed in § 61.5(e). If the adjusting customs officer waives the duty, report the entry as an uncollected item, as prescribed in § 61.5(e)(2).

(e) If no decision on a protest is received from the customs office within 30 days request that matter be expedited. Continue to hold package until a decision is received.

(iii) Addressee may definitely refuse the package if he does not wish to pay the duty or to protest the assessment. In this case the delivery employee shall make it clear to addressee that package will be disposed of immediately as undeliverable. Employee will mark package "Refused," date and initial, and return package and entry forms to post office for disposal. (See § 61.5(f).)

(e) *Recording and reporting collections.* Post offices making delivery-collection of dutiable articles will deposit the customs collections with postal funds.

(f) *Uncollected items*—(1) *Disposal.* When it is definitely established that a dutiable package is undeliverable, detach the customs mail entry forms and treat the package as prescribed in § 24.4 (for postal union articles) or in § 32.5(b) (for parcel post). Mark the entry forms to show the reason for nondelivery and report as prescribed in § 61.5(e)(b).

(2) *Reporting.* Complete Form 2933, Register of Uncollected Customs Charges, in duplicate, listing uncollected items in numerical order according to the 7-digit serial numbers on the mail entries. Forward the original Form 2933, accompanied with both copies of the mail entries and the supporting Customs Forms 3342 or other statements, if any, to the Regional Commissioner of Customs, Attention: Cashier, New York, N.Y. 10004. File duplicate of Form 2933 for reference purposes. Prepare reports as needed, but not less frequently than weekly.

(3) *Past-due entries.* When the customs service fails to receive a remittance of duty or report of disposition made of a dutiable package, postmaster will receive a set of reproduced copies of the mail entry. Search shall be made at the post office of address and a report of the

findings made to the Regional Commissioner of Customs, Attention: Cashier, New York, N.Y. 10004.

(g) *Refund of duty*—(1) *Duty not refundable by postmasters.* Amounts collected on customs mail entry forms are not refundable by postmasters. An addressee who requests a refund of duty shall be advised to make application therefor to the customs office which issued the mail entry within 60 days from the date of entry. It is suggested, if refund is claimed for damage, the article be forwarded with the application. If the addressee wishes to abandon the article to the Government, he should so state in his application. In case the addressee also intends to file a claim for indemnity with the Post Office Department, he shall, before taking the above action, present the contents, container, and complete wrapping to the postmaster for the inspection prescribed by Form 2855, Claim for Indemnity—International Insured Mail.

(2) *By Customs service.* Refund of duties paid will be considered by the Customs Service if merchandise, covered by a mail entry, representing 5 percent or more of the total value of all of the merchandise of the same class or kind entered in the invoice in which the item appears, is abandoned and delivered to the customs office where the entry was made within 60 days after the date of entry.

(3) *On returned merchandise.* Refund of duties paid less 1 percent will also be considered by the Customs Service if merchandise covered by a mail entry and found not to conform to sample or specification or shipped without the consent of the consignee is, within 90 days from the date of delivery, returned to customs custody for exportation, unless the Secretary of the Treasury authorizes in writing a longer time. The postal charges incident to returning the merchandise to the sender must be paid by the addressee.

(4) *As drawback on exported merchandise.* See Part 57.

(5) *No duty refund in certain cases.* When an addressee requests delivery of parcel post packages to be made at his residence or place of business after the customs duty thereon has been paid at the post office, the Treasury Department has declined to refund the duty in such cases when the goods become lost between the post office and the addressee's residence or place of business, and if there should be any loss there is no appropriation available from which the Post Office Department could make reimbursement for the amount of duty paid.

(h) *Duty*—(1) *Rates.* Patrons desiring information concerning rates of duty on articles imported into the United States, or other customs procedure, should communicate with the appropriate customs office, located at various points throughout the country (see § 61.3(e)), or with the Commissioner of Customs, Treasury Department, Washington, D.C. 20226.

(2) *Prepayment.* No provision is made for the prepayment abroad of customs duty on mail shipments addressed for delivery in the United States.

(3) *On articles repaired abroad.* Before sending an article abroad for repair, the patron should submit it to a customs officer for issuance of a certificate of registration. Otherwise, the entire article may be subjected to customs duty when it is returned to the United States.

(4) *In other countries.* See § 31.2(d).

(i) *Forwarding or returning dutiable mail*—(1) *Forwarding within the United States.* Dispatch packages as prescribed in § 24.3(a) (for postal union articles) or § 32.4(a) (for parcel post). Allow the Customs Forms 3419 to remain attached to the redirected package in its original envelope, which is also redirected to the new address. Prepare Form 3814, Record of COD Parcels Held for Delivery, in duplicate, showing name and address of addressee, forwarding address, and name of port where the duty was assessed. In Bin No. block on Form 3814, enter the 7-digit serial number from related Customs Form 3419. Mail original Form 3814 to the Regional Commissioner of Customs, Attention: Cashier, New York, N.Y. 10004. File duplicate of Form 3814 for reference in case of later inquiry.

(2) *Forwarding to another country.* See § 24.3(b) concerning forwarding of postal union articles and §32.4(b) and § 32.4(c) concerning forwarding of parcel post. When a dutiable package is entitled to be forwarded to another country, detach the Customs Forms 3419, endorse both copies "Addressee moved outside jurisdiction of the United States," and report as an uncollected item (see 261.562).

(3) *Return to sender.* When a dutiable package is to be returned to the sender, detach the Customs Forms 3419, endorse them "Refused, Unclaimed," etc., and report as an uncollected item (see § 61.6(e)(2)).

(4) *By stations and branches.* Postmasters may authorize stations and branches to forward or return packages directly from those units, without sending the packages to the main office.

PART 62—SEALED LETTERS BELIEVED TO CONTAIN PROHIBITED MATTER

Sec.
62.1 Examination—authorization to open.
62.2 Disposal.

AUTHORITY: The provisions of this Part 62 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 62.1 Examination—authorization to open.

Mail of foreign origin is scrutinized at the exchange office of first receipt for the presence of prohibited matter. If there is reason to believe that prohibited matter is contained in a sealed letter, the exchange office will endorse the cover "Supposed To Contain Matter Prohibited Importation" and forward it to the post office of destination. Letters received bearing such endorsement, or any foreign letter not so endorsed but suspected of containing prohibited matter, shall be held and treated as follows:

(a) Complete and mail Form 2921, Held Mail Notice—International, to the addressee requesting authorization to open the letter and examine its contents. The form may be endorsed "Lottery Matter" when it is believed the letter contains such matter. If the volume of such mail or other considerations warrant, an explanatory letter may be sent in lieu of Form 2921.

(b) When authorization to open is given by the addressee, the letter shall be opened and examined in his presence, if he has appeared in person, or, if he does not appear, in the presence of two designated postal employees.

(c) If the addressee fails to authorize the opening of the letter, endorse the cover "Unclaimed" and return, unopened, to its origin.

§ 62.2 Disposal.

(a) *Mailable matter.* If the contents of a letter opened pursuant to § 62.1 are found to be mailable and the examination has taken place in the presence of the addressee, immediately deliver the letter to him. If the addressee is not present, mail the letter to him under official cover.

(b) *Prohibited matter.* If the contents of a letter opened pursuant to § 62.1 are found to be prohibited they shall be disposed of as follows:

(1) Transmit lottery matter to the local postal inspector in charge.

(2) Report other prohibited matter to the Mailability Division, General Counsel's Office, with a sample of the contents, and await instructions as to disposition.

PART 63—PLANT QUARANTINE INSPECTION

Sec.
63.1 What is subject to inspection.
63.2 Segregation.

AUTHORITY: The provisions of this Part issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 63.1 What is subject to inspection.

All mail articles containing plants or plant products are subject to plant quarantine inspection.

§ 63.2 Segregation.

(a) *Exchange offices.* Submit packages containing plant material to the local plant quarantine inspector. Dispatch packages bearing a yellow and green special-mailing tag and those addressed to the Department of Agriculture, Plant Quarantine Division, to the quarantine station to which directed.

(b) *Distribution offices.* Submit packages containing plant material to a quarantine inspector at the most accessible of the offices mentioned in paragraph (g) of this section. Dispatch under seal addressed to the postmaster, marking "For plant quarantine examination."

(c) *Plants admitted without restriction.* Plants and plant products ordered by, intended for, and addressed to the Plant Quarantine Division, or the Crops Research Division, Department of Agriculture, Washington, D.C. 20250.

(d) *Plants admitted under restrictions.* Except for those listed in paragraph (e) of this section as prohibited, and some which are importable by private individuals, most plants and plant products are admitted under various restrictions. For information, patrons should address inquiries to the Department of Agriculture, Agricultural Research Service, Plant Quarantine Division, Washington, D.C. 20250.

(e) *Plants prohibited*—(1) *Cuttings, buds, cions, etc.* Subject to some exceptions, importation by mail is prohibited from all countries and localities, of all plants, including cuttings, buds, cions, bulb roots, tubers, seeds, etc.; fruits and vegetables in the raw or unprocessed state; and other plant products.

(2) *Plants and plant products as packing materials.* The importation as packing material is prohibited of rice straw, hulls and chaff; cotton and cotton products; sugarcane, including bagasse; bamboo leaves and small shoots; leaves of plants; forest litter; soil with an appreciable admixture of vegetable matter; and all parts of corn and allied plants, unless coming from Mexico and the countries of Central America, the West Indies, and South America. However, the plant materials mentioned may be admitted if in the judgment of an inspector of the U.S. Department of Agriculture the risk of carrying infectious insects and diseases has been eliminated by the manner of preparation, processing, or manufacturing to which the material has been subjected.

(f) *Failure to receive quarantine inspection.* Should a package containing plant material be observed at or en route to the office of address without having received quarantine inspection, forward it under seal to the postmaster at the most accessible of the offices mentioned in § 63.2(g). Mark "For plant quarantine examination."

(g) *Inspection stations.* Inspectors of the Plant Quarantine Division, Department of Agriculture, are stationed at the following offices:

Agana, Guam.
Atlanta, Ga.
Baltimore, Md.
Baton Rouge, La.
Blaine, Wash.
Boston, Mass.
Brownsville, Tex.
Buffalo, N.Y.
Calexico, Calif.
Charleston, S.C.
Charlotte Amalie, V.I.
Chicago, Ill.
Christiansted, V.I.
Cleveland, Ohio.
Corpus Christi, Tex.
Dallas, Tex.
Del Rio, Tex.
Detroit, Mich.
Douglas, Ariz.
Dover, Del.
Eagle Pass, Tex.
El Paso, Tex.
Galveston, Tex.
Hidalgo, Tex.
Hilo, Hawaii.
Hoboken, N.J.
Honolulu, Hawaii.
Houston, Tex.
Jacksonville, Fla.
Key West, Fla.
Laredo, Tex.
Memphis, Tenn.
Miami, Fla.
Mobile, Ala.
New Orleans, La.
New York, N.Y.
Nogales, Ariz.
Norfolk, Va.
Pensacola, Fla.
Philadelphia, Pa.
Port Arthur, Tex.
Port Everglades, Fla.
Portland, Oreg.
Presidio, Tex.
Roma, Tex.
St. Albans, Vt.
St. Paul, Minn.
San Antonio, Tex.
San Diego, Calif.
San Francisco, Calif.
San Juan, P.R.
San Luis, Ariz.
San Pedro, Calif.
San Ysidro, Calif.
Savannah, Ga.
Seattle, Wash.
Tampa, Fla.
Washington, D.C.
West Palm Beach, Fla.
Wilmington, N.C.

INQUIRIES, INDEMNITIES, AND REFUNDS

PART 71—INQUIRIES AND COMPLAINTS

Sec.
71.1 Inquiries encouraged.
71.2 Nondelivery.
71.3 Incomplete return receipts.
71.4 Charges for inquiries.
71.5 Processing.
71.6 Use of Form 673, Report of rifled parcel.
71.7 Use of Form 3760, Wrapper found without contents.

AUTHORITY: The provisions of this Part 71 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 71.1 Inquiries encouraged.

Patrons are urged to report losses, nondelivery, or mistreatment of mail, as these reports may serve to improve the postal service. Inquiries and complaints are to be made at, or addressed to, the local post office. They are accepted within 1 year, counting from the day following the date of mailing.

§ 71.2 Nondelivery.

If an article has failed to reach the addressee within a reasonable time, after it should in regular course have been delivered, the post office will, on request, institute an inquiry with the foreign postal administration. Inquiry may be made even though the article was mailed in another country. If the sender is unable to submit the registry (mailing) receipt for a registered article, he must make complaint at the office of mailing.

§ 71.3 Incomplete return receipts.

If the sender receives a return receipt not properly completed (see § 42.5(d)), the receipt with the complaint is transmitted to the Office of Mail Classification, Finance and Administration Department, Post Office Department, Washington, D.C. 20260.

§ 71.4 Charges for inquiries.

(a) *When applicable.* No charge is made for an inquiry or complaint concerning the nondelivery of a piece of international mail if the sender has failed to receive a return receipt for which the required fee was paid or if he can show that loss or other irregularity has occurred apparently through fault of the Postal Service. Such a showing is satisfied either by exhibiting a letter from the addressee a reasonable time after the article involved would normally have been delivered; or satisfactorily explaining the failure to exhibit such a letter or report. Otherwise, a charge of 20 cents is made, postage stamps to cover the fee being affixed to the inquiry form and canceled. The inquiry or complaint is transmitted by airmail, if practicable.

(b) *When several articles involved.* Only one fee is collected for inquiries or requests for information concerning several articles mailed simultaneously by the same sender to the same addressee.

(c) *Telegraph inquiry.* If the sender desires that the inquiry be sent by telegraph or cable, his request must be accompanied with an amount sufficient to pay the telegraph or cable charges, and if a reply by telegraph or cable is desired, the sender must pay the charges both ways. Such request should be forwarded to the postal inspector in charge of the division in which the office of mailing or address is located.

§ 71.5 Processing.

(a) *Mail exchanged with Canada*—(1) *Registered and ordinary*—(i) *Mailed in United States.* (a) Inquiries as to disposition or complaints of loss are reported on Form 1510. Enter dispatch particulars (except ordinary parcels) from mailing office on back of the form, and send it to the postmaster at the office of address in Canada.

(b) Complaints of rifling, damage, delay, or wrong delivery are reported on Form 1510, suitably altered, to the Postmaster, Claims and Inquiry Section, Chicago, Ill. 60607, with the envelope or wrapper, if available.

(ii) *Mailed to United States.* (a) Inquiries as to disposition or complaints of loss are reported on Form 1510 and sent to the postmaster at the office of mailing in Canada. If the registry receipt is not available, ask the complainant to have inquiry made at the office of mailing.

(b) Complaints of rifling, damage, delay, or wrong delivery are reported on Form 1510, suitably altered, to the Postmaster, Claims and Inquiry Section, Chicago, Ill. 60607, with the envelope or wrapper, if available.

(iii) *Inquiries of Canadian origin.* Post offices will return Canadian inquiries, appropriately endorsed with the result of their findings, to the point in Canada from which received. If loss of mail to or from Canada is disclosed, report the matter on Form 1510 to the Postmaster, Claims and Inquiry Section, Chicago, Ill. 60607. In the case of mail from Canada, the necessary information should be obtained from the Canadian inquiry form before it is returned.

(2) *Insured parcels*—(i) *Mailed in United States.* (a) Inquiries as to Disposition (sender has no report of nonreceipt from addressee). Complete Form 2855 and send to postmaster at the office of address in Canada. If delivery is disclosed, the endorsed form will be returned to the office of mailing so that the sender may be informed accordingly and the case closed. If loss, rifling, or damage is disclosed, Canadian officials will send Form 2855 to the Postmaster, Claims and Inquiry Section, Chicago, Ill. 60607. Should a form, disclosing loss, rifling, or damage, be sent by mistake to the postmaster at the office of mailing, send it promptly to the postmaster in Chicago.

(b) Complaints of Loss (sender has report of nonreceipt from addressee), "Rifling, Damage, Delay, or Wrong Delivery." Complete Form 2855 and send, with the correspondence received by the sender from the addressee, and wrapper if available, to the Postmaster, Claims and Inquiry Section, Chicago, Ill. 60607.

(c) If application for indemnity is received on Canadian Form 43A, bearing information supplied by the addressee and the Canadian Postal Service for damage or rifling, complete the Form

43A, in lieu of Form 2855, and forward to the Postmaster, Claims and Inquiry Section, Chicago, Ill. 60607.

(ii) *Mailed to United States.* (*a*) If a complaint of loss, rifling, damage, delay, or wrong delivery originates in the United States, complete Form 1510 and send parts II and III of the original to the postmaster at the mailing office in Canada with the packing of the parcel if available. If the packing has been destroyed or otherwise disposed of, the complaint shall be endorsed accordingly. If complaint is of loss or rifling, send a copy of part II of Form 1510, endorsed to show disposition of the original, to the postal inspector in charge of the division in which the office of destination is located

(*b*) On receipt of a Canadian indemnity form, it shall be properly completed and returned to the Canadian District Director of Postal Service from whom the form was received. If obtainable in cases of rifling or damage, the packing of the parcels shall be transmitted to the Canadian Administration with the indemnity form. If the packing has been destroyed or otherwise disposed of, the form shall be endorsed accordingly.

(*b*) *Mail exchanged with countries other than Canada*—(1) *Registered mail*—(i) *Mailed in United States.* "Inquiries as to Disposition" or "Complaints of Loss, Rifling, Damage, Delay or Wrong Delivery." Report on Form 542. Insert particulars of dispatch from the office of mailing and send form to the postmaster at the appropriate adjusting exchange office shown in 272.26, with the envelope or wrapper, if available.

(ii) *Mailed to United States.* "Inquiries as to Disposition" or "Complaints of Loss, Rifling, Damage, Delay or Wrong Delivery." Report on Form 542 and send, with registry receipt, if available, to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f), with the envelope or wrapper, if available. If the registry receipt is not available, ask the complainant to have inquiry made at the office of mailing.

(2) *Insured parcels*—(i) *Mailed in United States.* (*a*) "Inquiries as to disposition" (sender has no report of nonreceipt from addressee) "and Delay." Report on Form 542. Insert particulars of dispatch from the office of mailing and send form to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f), with the wrapper, if available.

(*b*) "Complaints of Loss" (sender has report of nonreceipt from addressee), "Rifling, Damage, or Wrong Delivery." Report on Form 2855, and send, with the correspondence received by the sender from the addressee, and wrapper if available, to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f).

(ii) *Mailed to United States*—(*a*) *Inquiries as to disposition and delay.* Report on Form 542 and send with the wrapper, if available, to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f).

(*b*) *Complaints of loss, rifling, damage, or wrong delivery.* When complaint is made at the office of address, enter mailing particulars on Form 2855, complete declaration of postmaster—office of address portion—and obtain declaration of addressee. Forward form and any related papers, including customs declaration and wrapper, if available, to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f).

(c) *Ordinary mail mailed in or to United States—Inquiries as to disposition or complaints of loss, rifling, damage, delay or wrong delivery.* Report on Form 542 (parcel post) and on Form 541 (postal union mail). Send forms to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f), with the envelope or wrapper, if available.

§ 71.6 Use of form 673, report of rifled parcel.

Report on Form 673, Report of Rifled Parcel.

§ 71.7 Use of form 3760, wrapper found without contents.

Use Form 3760 to inform the sender if parcel is of domestic origin; otherwise, send the form appropriately modified to the addressee.

PART 72—INDEMNITY CLAIMS AND PAYMENTS

Sec.
72.1 Initiation and proof of claims.
72.2 Indemnity payments.

AUTHORITY: The provisions of this Part 72 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 72.1 Initiation and proof of claims.

(a) *Initiation of claims.* Claims must be initiated as outlined in § 71.5 applying for the indemnity stipulated in § 72.2.

(b) *Documents to accompany claims.* Claimants must submit the report from the addressee on which the claim is based and any evidence of value or cost of repairs, such as purchase receipts or invoices.

§ 72.2 Indemnity payments.

(a) *Registered postal union articles.* Payment of indemnity is incumbent on the country of origin of the article and is made as follows:

(1) *Canada.* Indemnity may be paid not to exceed $100, based on actual value, for loss (contents and wrapper). When mailed in the United States, payment may also be made up to $100 based on actual value for damage or rifling of contents, if responsibility rests with the United States, or it is not possible to determine in which country the damage or rifling occurred.

(2) *Great Britain and Northern Ireland, Israel, and Switzerland.* Indemnity may be paid in any amount claimed not exceeding $8.17 for loss (contents and wrapper), regardless of value; and, on the basis of actual value, for rifling or total damage of an article in a registered packet, but not exceeding $8.17. When mailed in the United States, payment may also be made for partial damage, but not exceeding $8.17, if responsibility rests with the United States or it is not possible to determine in which country the damage occurred.

(3) *Australia.* Indemnity may be paid in any amount claimed not exceeding $8.17 for loss (contents and wrapper), regardless of value; and, on the basis of actual value, for rifling of an article in a registered packet, but not exceeding $8.17. When mailed in the United States, payment may also be made for damage, but not exceeding $8.17, if responsibility rests with the United States or it is not possible to determine in which country the damage occurred.

(4) *All other countries.* Indemnity may be paid in any amount claimed not exceeding $8.17 for loss (contents and wrapper), regardless of value. When mailed in the United States, payment may also be made up to $8.17 on the basis of actual value for damage or rifling of contents (including instances when money in cash, banknotes, or values payable to bearer are prohibited by international agreements), if responsibility rests with the United States or it is not possible to determine in which country the damage or rifling occurred.

(b) *Registered parcel post*—(1) *Cape Verde Islands and Portuguese West Africa.* Indemnity may be paid up to $16.33, based on actual value, for loss, rifling, or damage.

(2) *Cuba.* Parcel post service with Cuba is suspended.

(3) *Ecuador.* Indemnity may be paid up to $50, based on actual value, for loss, rifling, or damage.

(4) *Other countries.* Although parcels may be registered to Bermuda, British Honduras, Congo (Kinshasa), Jamaica, and Turks Islands, there is no provision for payment of indemnity in case of loss, rifling, or damage of such parcels.

(c) *Insured parcel post*—(1) *General provisions.* Indemnity may be paid for loss, rifling, or damage, based on actual value.

(2) *Forwarded or returned to third country.* The mailer may be paid only such indemnity for loss, rifling, or damage occurring after redispatch by the original country of address to a third country as the country in which the mistreatment occurred is willing or obligated to pay under any agreement between the countries involved.

(3) *Canada.* Indemnity may be specially paid as provided in § 72.2(c)(1) for loss, rifling, or damage of insured parcels addressed to Canada containing articles prohibited insurance. See country item "Canada" in the appendix.

(d) *Principal Exceptions.* Indemnity may not be paid:

(1) In excess of the limit prescribed for the insurance or registry fee paid or greater than that corresponding to the actual amount of loss (except registered postal union), rifling, or damage. Allowance must be made for depreciation or for needed repairs, and, in the absence of purchase receipts or invoices, the contents must be described in sufficient detail.

(2) To anyone in this country other than the sender, for loss of registered postal union mail, except on the consent of both the sender and the country of origin.

(3) For damage or for partial or complete loss or rifling of the contents of postal union registered articles, except as stated in § 72.2(a).

(4) When (i) other countries report delivery of parcels without external trace of rifling or damage and acceptance without reservation concerning the condition of the contents, and (ii) when delivery was made under conditions prescribed by the domestic regulations of the country of destination for mail of the same kind, or, on presentation of a regular postal identity card.

(5) When loss, rifling, or damage has been caused by the fault or negligence of the sender or the addressee or the representative of either, such as failure to endorse the parcel conspicuously to show the nature of the contents or to provide adequate packing for the length of the journey and for the protection of the contents.

(6) When an article or parcel cannot be accounted for in consequence of the destruction of service records through "force majeure."

(7) When the contents are prohibited, except as stated in paragraphs (a)(4) and (c)(3) of this section.

(8) When the claimant, with intent to defraud, shall declare the contents of a parcel to be above their real value.

(9) For an article or parcel seized by the customs.

(10) For parcels that contain matter of no intrinsic value or matter which did not conform to stipulations of the conventions applicable, or were not posted in the manner prescribed. However, in the event of loss, rifling, or damage of mail erroneously accepted for insurance to other countries, limited indemnity may specially be paid as if it had been addressed to a domestic destination, i.e., on the basis of the indemnity limits for domestic insured mail. If erroneously accepted as registered mail limited indemnity may be specially paid under the conditions in paragraph (a) of this section. If postage was erroneously collected at other than parcel post rates, but the parcel was otherwise properly accepted for insurance, indemnity may specially be paid under paragraph (c) of this section.

(11) For indirect loss or loss of profits in the case of parcels.

(12) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the article or parcel. In the case of insured mail with Canada, however, the time limit may be waived when it is satisfactorily established that the delay was unavoidable and not the fault of the claimant.

(13) For damage which results from the inherent vice or quality of the contents, that is, its inability, due to its nature, to withstand the ordinary incidents of the contemplated carriage.

(14) When full compensation or reimbursement has otherwise been made by the Post Office Department or by any outside firm or corporation whatsoever except on a prorata basis as coinsurer.

(15) For sentimental values arising from association of articles. Also, in the absence of a complete description, the claimant must satisfactorily establish the ordinary market value at the time of mailing, particularly in the case of heirlooms or antiques.

(16) For an amount in excess of the maximum prescribed for the insurance or registry fee paid, unless responsibility rests with the United States and it shall be shown to the satisfaction of the Postmaster General that the mailer was charged a fee less than that required to cover the amount of indemnity desired, through error on the part of the Postal Service. On such a showing, the deficiency in fee may be collected from the mailer and postal indemnity paid within the limit fixed for the higher fee. If full or partial responsibility rests with the other country and the mailer requested full coverage at the time of mailing, but a deficient and unauthorized insurance fee was collected, he may be paid for full value, less the amount of the deficient fee, but not exceeding the limit fixed for the appropriate insurance fee.

(17) For loss of articles registered fee or for official registered mail.

(18) When evidence of insurance coverage has not been presented.

(19) In excess of the limits prescribed in paragraph (a) of this section for domestic registered letters bearing foreign return addresses which are forwarded pursuant to § 23.4(b)(2).

(e) *When to be instituted.* Claims for indemnity involving international registered mail, and insured mail for which inquiry concerning disposal has been made, shall be instituted only on instructions from the postmasters at the appropriate adjusting exchange offices shown in paragraph (f) of this section, except as otherwise specifically provided for in § 71.5(a)(2)(i) of this chapter for insured mail to Canada.

(f) *Adjusting exchange offices.* Indemnity claims relating to international insured or registered mail shall be adjudicated and approved by the adjusting exchange office for the country involved as indicated below.

NEW YORK, N.Y. 10001

Europe.	Lebanon.
Africa.	Pakistan.
Afghanistan.	Saudi Arabia.
Iran.	Syria.
Iraq.	Turkey.
Israel.	Yemen.
Jordan.	

NEW ORLEANS, LA. 70113

Central and South America.
Mexico.
West Indies.

CHICAGO, ILL. 60607

Canada.

SAN FRANCISCO, CALIF. 94101

All other countries (in Pacific area).

PART 73—POSTAGE REFUNDS

Sec.
73.1 Who may apply.
73.2 Processing.

AUTHORITY: The provisions of this Part 73 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 73.1 Who may apply.

Senders may file application as outlined in § 147.2(b) for refund of postage, fees, or other charges paid on international mail for which full service was not rendered or which was paid in excess of the proper rate.

§ 73.2 Processing.

Post offices will process applications as prescribed in § 147.2(e) when the request relates to mail orginating in the United States, unless there is reason to believe that the other country is at fault. Forward application with the wrapper and all supporting papers to the Office of Mail Classification, Finance and Administration Department, Post Office Department, Washington, D.C. 20260, when there is reason to believe that the other country is at fault or when the request relates to mail originating in another country.

APPENDIX—INDIVIDUAL COUNTRY INFORMATION AND RATE TABLES

CONTENTS

Commerce Department export control checklist.
Mailing conditions for individual countries, arranged alphabetically.
List of former names of countries and other names not included in the country pages.
Chart 1—Classifications, rates, limits of weight and dimensions for postal union mail.
Chart 2—Ready reference tables of postage on postal union surface mail.
Chart 3—Ready reference tables of postage on postal union air mail.
Chart 4—Ready reference tables of postage on surface parcel post.
Chart 5—Special delivery.
Chart 6—Special handling.
Chart 7—Postage rates to the United States from other countries.

NOTE: Ready reference tables of postage on air parcel post are found in the country items.

The information in each country item is placed under two main headings, "Postal Union Mail" and "Parcel Post". The information under Postal Union Mail relates exclusively to the mailing of articles, including packages, under the classifications named in Part 21. The information under Parcel Post relates only to parcels complying with Part 31. The term "parcels", as used in official correspondence and communications, correctly refers to parcel post packages only.

Packages are sometimes mailable under a postal union mail classification or as parcel post, at the option of the sender.

COMMERCE DEPARTMENT EXPORT CONTROL REGULATIONS (PART 52)

CHECKLIST

Before accepting parcel post or postal union mail packages for mailing to any country, employees will see that "One" of the following requirements is met:

I. *General license mailings* (§ 52.2).

a. See that mailer has marked the wrapper with a general license symbol such as GIFT, G–DEST, or GLV and the words "Export license not required". No Marking Is Required for Packages Containing Only Printed Matter or Technical Data, or for Any Addressed to Canada.

b. See that the symbol used is permitted for the country of destination (§ 52.2(b)).

c. For commercial shipments, see that mailer presents shipper's export declaration when required under § 51.1. Take declaration for disposal according to § 51.1.

II. *Validated license mailings* (§ 52.3).

a. See that mailer (1) has marked wrapper with the number of validated license; (2) presents the validated license or (for partial shipments) an authenticated copy of export declaration in lieu of license; and (3) presents regular export declaration.

b. Compare contents of package as shown on customs declaration (if any) with listings on validated license and export declaration, to see that there is no significant discrepancy.

c. Take the license or authenticated export declaration for disposal according to § 52.3(e), and the regular export declaration for disposal according to § 51.5 (a).

III. *Distribution license mailings* (§ 52.4).

See that mailer has marked wrapper with the number of the distribution license, which need not be presented. Regular export declaration must be presented for disposal according to § 51.5 (a).

When None of Above Requirements Is Met. Do not accept package. Refer mailer for information to "Public Notice—Requirements for Exports by Mail" on bulletin boards of first-, second-, and third-class post offices, classified stations and branches, to the nearest Commerce Department field office, or to the Bureau of International Commerce, Department of Commerce, Washington, DC 20230.

Commerce Department Export Control Does Not Apply to Commodities Destined for Canada Other Than Certain Types of Technical Data.

AFGHANISTAN

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Coins, banknotes, paper money, or any values payable to the bearer. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 22.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2; each additional 4 ounces or fraction, 75 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.00	3	12	$12.50	7	4	$23.00
0	8	2.75	4	0	13.25	7	8	23.75
0	12	3.50	4	4	14.00	7	12	24.50
1	0	4.25	4	8	14.75	8	0	25.25
1	4	5.00	4	12	15.50	8	4	26.00
1	8	5.75	5	0	16.25	8	8	26.75
1	12	6.50	5	4	17.00	8	12	27.50
2	0	7.25	5	8	17.75	9	0	28.25
2	4	8.00	5	12	18.50	9	4	29.00
2	8	8.75	6	0	19.25	9	8	29.75
2	12	9.50	6	4	20.00	9	12	30.50
3	0	10.25	6	8	20.75	10	0	31.25
3	4	11.00	6	12	21.50			
3	8	11.75	7	0	22.25			

For rates over 10 pounds, charge $30 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Parcels may be addressed to Kabul, Jallalabad, or Kandahar only.

Prohibitions. Live plants; dry or liquid chemical dyes which, because of insufficient fixity, are not suitable for dyeing woolen carpets; European and Persian carpets and rugs; tapestry and laces, and any articles liable to compete with national industry.

Also see § 31.2 of this chapter.

ALBANIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1, Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Dutiable articles in letter packages.

Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.12; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.12	3	12	$8.98	7	4	$15.84
0	8	2.61	4	0	9.47	7	8	16.33
0	12	3.10	4	4	9.96	7	12	16.82
1	0	3.59	4	8	10.45	8	0	17.31
1	4	4.08	4	12	10.94	8	4	17.80
1	8	4.57	5	0	11.43	8	8	18.29
1	12	5.06	5	4	11.92	8	12	18.78
2	0	5.55	5	8	12.41	9	0	19.27
2	4	6.04	5	12	12.90	9	4	19.76
2	8	6.53	6	0	13.39	9	8	20.25
2	12	7.02	6	4	13.88	9	12	20.74
3	0	7.51	6	8	14.37	10	0	21.23
3	4	8.00	6	12	14.86			
3	8	8.49	7	0	15.35			

For rates over 10 pounds, charge $19.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. The service extends to:

Berat.	Lesh (Alessio).
Bilisht.	Leskovik.
Delvinë.	Libohovë.
Durrës (Durazzo).	Librazhd.
Elbasan.	Lushnje.
Fier.	Mallakastër.
Gjirokastër (Argirokastro).	Milot.
Himarë.	Peqin.
Kavajë.	Përmet.
Klos.	Peshkopi.
Kolonjë.	Pukë.
Konispol.	Sarandë.
Korçë (Coritoza).	Shijak.
Krujë.	Shkodër (Scutari).
Kuçovë.	Tepelenë.
Kukës.	Tiranë.
Kurvelesh.	Vlorë.

Gift parcels may contain the following commodities, in the quantities indicated, for the personal use of the addressee or his family. Only three parcels are admitted for each family per year.

Item No.	Name of commodity	Maximum quantity
1	Coffee, chocolate, sugar, candy, pastry.	2 lbs. 3 oz. of each.
2	Medicines and apparatus or instruments for the sick.	Medically prescribed quantities (parcels may not contain any other items).
3	Perfumes and cosmetics	2 items of each.
4	Shaving equipment	1 article.
5	Miscellaneous jewelry	4 articles.
6	Sporting and fishing equipment.	1 article or set of each.
7	Coats, raincoats, suits, dresses.	1 of each or material needed therefor.
8	Children's clothing	2 suits.
9	Pullovers or sweaters	1 article or material needed therefor (14 oz.).
10	Shirts and blouses	3 articles or material needed therefor.
11	Footwear	1 pair.
12	Body, bed or table linen	1 set of each.
13	Blankets and curtains	1 of each.
14	Small articles:	
	(a) Stockings or socks	4 pairs.
	(b) Briefcases or handbags.	1 of each.
	(c) Office supplies or professional equipment.	1 article or 2 sets of each.
	(d) Other small articles	2 articles or sets of each.
15	Musical instruments	One.
16	Watches	One.
17	Toys for children	4 articles or 2 sets.
18	Christmas tree ornaments.	1 set.
19	Books and periodicals, technical and scientific.	Single copies (parcels may not contain any other item).
20	Stoves or heaters for cooking.	One.
21	Heaters for water	One.
22	Bicycles	One.
23	Articles for personal use not listed above, in limited quantities.	Up to total value of 1,000 lek ($80).

Gift parcels containing used clothing will be returned to origin unless accompanied by a certificate of disinfection (see Prohibitions).

Preserved food in tin cans or otherwise hermetically sealed may not be sent in gift parcels.

Small articles in limited quantity not exceeding 200 lek ($16) in value are not included in the quota.

If a parcel contains articles exceeding the quantities indicated in the list, it may be delivered to the addressee subject to charges. If refused, it is treated as undeliverable.

Prohibitions. Arms and weapons of all kinds, except hunting arms. (See "Import restrictions" below.)

Used clothing, unless it has been disinfected and sender has enclosed a certificate attesting the clothing has been disinfected. The sender must mark wrapper "Disinfection certificate enclosed".

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Hunting arms require an import permit.

Medicines for personal use require a medical certificate.

ALGERIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Newspapers and other printed matter with advertising for "snowball" methods of selling.

Coins, banknotes, negotiable securities, checks and other instruments of payment, unless imported by the Central Bank of Algeria or approved intermediary banks.

Articles of gold or platinum, jewelry, and precious stones unless licensed by the Algerian Ministry of Finance.

Pictures and printed matter of pornographic or immoral nature, or which tend to incite crime or juvenile delinquency.

The articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.72; each additional 4 ounces or fraction, 50 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.72	3	12	$8.72	7	4	$15.72
0	8	2.22	4	0	9.22	7	8	16.22
0	12	2.72	4	4	9.72	7	12	16.72
1	0	3.22	4	8	10.22	8	0	17.22
1	4	3.72	4	12	10.72	8	4	17.72
1	8	4.22	5	0	11.22	8	8	18.22
1	12	4.72	5	4	11.72	8	12	18.72
2	0	5.22	5	8	12.22	9	0	19.22
2	4	5.72	5	12	12.72	9	4	19.72
2	8	6.22	6	0	13.22	9	8	20.22
2	12	6.72	6	4	13.72	9	12	20.72
3	0	7.22	6	8	14.22	10	0	21.22
3	4	7.72	6	12	14.72			
3	8	8.22	7	0	15.22			

For rates over 10 pounds, charge $20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. For reasons of public safety: Firearms including hunting guns. Military weapons. Butane lighters. Motion-picture films and other articles of celluloid unless packed as prescribed for France.

For reasons of sanitary policy: Saccharine in tablets or packets. Pure powdered saccharine is admitted if authorized by the Algerian health authorities.

For the protection of animals or plants: Bees, beekeeping supplies, and beeswax must be accompanied by an official certificate of origin and freedom from infection with interlinear translation in French or Arabic.

State monopolies: Tobacco leaves and stems, cigars, cigarettes, snuff, chewing and smoking tobacco are admitted only for the account of the Monopoly, except for smaller quantities sent as personal gifts.

For other reasons: Watches and clocks.

Goods not marked to show origin according to Algerian regulations, except for small gift shipments.

Canned vegetables, fish, plums, and nuts.

Funeral urns.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be sent by addressee:

Import licenses may be required for the following:

Firearms, sidearms, and antique firearms capable of being used as weapons.

Medicines for human or vetinary use, dietetic products, serums, vaccines and similar products. Medical, surgical, and dental instruments and prostheses.

Textile and leather products.

Books, publications, school and office equipment.

Paper, cardboard, and cellulose products.

ANDORRA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.77; each additional 4 ounces or fraction, 44 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.77	3	12	$7.93	7	4	$14.09
0	8	2.21	4	0	8.37	7	8	14.53
0	12	2.65	4	4	8.81	7	12	14.97
1	0	3.09	4	8	9.25	8	0	15.41
1	4	3.53	4	12	9.69	8	4	15.85
1	8	3.97	5	0	10.13	8	8	16.29
1	12	4.41	5	4	10.57	8	12	16.73
2	0	4.85	5	8	11.01	9	0	17.17
2	4	5.29	5	12	11.45	9	4	17.61
2	8	5.73	6	0	11.89	9	8	18.06
2	12	6.17	6	4	12.33	9	12	18.49
3	0	6.61	6	8	12.77	10	0	18.93
3	4	7.06	6	12	13.21			
3	8	7.49	7	0	13.65			

For rates over 10 pounds, charge $17.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.1 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$145.00 (U.S.)

ONE HUNDRED FORTY-FIVE DOLLARS

435 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the the dispatch note (Form 2972). No erasure or correction is permitted in the amount of insurance shown on the dispatch note.

See part 43 of this chapter, for method of converting United States currency into gold francs, and for general information on insurance.

Coin, gold or silver (whether manufactured or not), or any other precious article sent as parcel post must be insured.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

ARGENTINA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Any dutiable article must bear the green label, Form 2976, and have enclosed two copies of the paper form of customs declaration, Form 2976–A. Also the wrapper must be plainly marked "Green label attached."

Prohibitions. Communist propaganda. Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.56; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.56	3	12	$10.94	7	4	$20.32
0	8	2.23	4	0	11.61	7	8	20.99
0	12	2.90	4	4	12.28	7	12	21.66
1	0	3.57	4	8	12.95	8	0	22.33
1	4	4.24	4	12	13.62	8	4	23.00
1	8	4.91	5	0	14.29	8	8	23.67
1	12	5.58	5	4	14.96	8	12	24.34
2	0	6.25	5	8	15.63	9	0	25.01
2	4	6.92	5	12	16.30	9	4	25.68
2	8	7.59	6	0	16.97	9	8	26.35
2	12	8.26	6	4	17.64	9	12	27.02
3	0	8.93	6	8	18.31	10	0	27.69
3	4	9.60	6	12	18.98			
3	8	10.27	7	0	19.65			

For rates over 10 pounds, charge $26.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured, in U.S. currency and in gold francs, in the following form:

INSURED VALUE

$120.00 (U.S.)

360.00 GOLD FRANCS

Show the same indications in the appropriate space on the dispatch note (Form 2972).

See Part 43, for method of converting United States currency into gold francs, and for general information on insurance.

Observations. Commercial parcels exceeding 550 Argentine pesos in value must be accompanied by an invoice in duplicate which does not require consular legalization but must include a declaration signed by the seller or his representative reading: "I declare under oath that all the information given in this invoice is true and that the prices are those actually paid (or to be paid). I also declare that no agreement exists whereby these prices can be changed."

Used clothing addressed to individuals is limited to 22 pounds per parcel. Each parcel containing used clothing must have enclosed a notarized and legalized statement from a drycleaning or disinfecting establishment that the clothing has been thoroughly cleaned or disinfected. After the statement has been notarized, the notarization must be certified by the county clerk or other competent official. The statement must then be sent to an Argentine consulate accompanied by a fee of $7.40 for legalization. After the consulate returns the legalized statement, it must be enclosed in the parcel with the clothing. The wrapper of the parcel must be marked "Legalized disinfection certificate enclosed."

Prohibitions. For the protection of animals or plants: Bees unless accompanied by an official sanitary certificate visaed by an Argentine consul.

Furs and skins of chinchillas and vicuñas.

For other reasons: Coins, banknotes, values payable to bearer, jewels, precious stones and other precious articles.

Used clothing unless accompanied by a legalized disinfection certificate as set forth in "Observations," and the wrapper is endorsed as prescribed.

Radio and television receivers, phonographs and combinations.

Also see § 31.2 of this chapter.

ASCENSION

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air Rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each:

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel post. No service.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

AUSTRALIA (INCLUDING LORD HOWE ISLAND, NORFOLK ISLAND, THURSDAY ISLAND, THE COCOS [KEELING] ISLANDS, AND CHRISTMAS ISLAND)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatching exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Duty may be levied on catalogs, price lists, circulars, and all advertising matter introduced into Australia through the mail, whether at the letter rate of postage or otherwise. Particulars can be obtained from the Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, or from any field office of that Department.

Combination mailings as defined in § 22.3(a) of this chapter are accepted.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. Twenty-two pounds.

Dimensions. Length 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.66; each additional 4 ounces or fraction, 76 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.66	3	12	$12.30	7	4	$22.94
0	8	2.42	4	0	13.06	7	8	23.70
0	12	3.18	4	4	13.82	7	12	24.46
1	0	3.94	4	8	14.58	8	0	25.22
1	4	4.70	4	12	15.34	8	4	25.98
1	8	5.46	5	0	16.10	8	8	26.74
1	12	6.22	5	4	16.86	8	12	27.50
2	0	6.98	5	8	17.62	9	0	28.26
2	4	7.74	5	12	18.38	9	4	29.02
2	8	8.50	6	0	19.14	9	8	29.78
2	12	9.26	6	4	19.90	9	12	30.54
3	0	10.02	6	8	20.66	10	0	31.30
3	4	10.78	6	12	21.42			
3	8	11.54	7	0	22.18			

For rates over 10 pounds, charge $30.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.0 to $150	.65
$150.01 to $170	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in United States currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$75.00

SEVENTY-FIVE DOLLARS

Banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance see part 43 of this chapter.

Prohibitions. For reasons of public safety. Advertisements of prohibited articles. Subversive literature.

For sanitary reasons. Used bedding. Human hair, unless cleaned and disinfected.

Medicines purporting to be remedies for drunkenness or addiction to alcohol, tobacco, or drugs.

Applicances allegedly producing therapeutic effects through electrical, magnetic, or radioactive influences.

Used clothing not for the personal use of the addressee or his family, unless authorized by the Australian quarantine authorities.

For the protection of animals: Meat and other animal products, including powdered or concentrated milk and other dairy products, unless permission to import is received from the Australian quarantine authorities.

Arms, etc.—Silencers for firearms.

For other reasons: Invoices, blank or partly blank, capable of being filled out and used as genuine invoices.

Goods bearing the name "Anzac."

Goods produced wholly or partly in prisons or by convict labor.

Oleomargarine and butterine unless colored red and in a container clearly showing the name of the product.

Goods labeled in foreign languages, unless the country of origin is shown in English.

Printed matter considered by the Australian customs authorities as unduly emphasizing crime, horror or sex, or having a depraving effect.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees must obtain authorization from the Minister for Customs and Excise to receive arms, organic dyes and their ingredients, bran sacks weighing less than 20 ounces, sugar, sirup and molasses.

Second-hand carpets must be submitted to disinfection on arrival in Australia at the addressee's expense.

Permission of the Australian Department of Health is required to import medicines.

Radioactive materials may be imported only with permission of the Australian Atomic Energy Commission or Department of Health.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.38; each additional 4 ounces or fraction, 48 cents.

AUSTRIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions and import restrictions. The articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.71; each additional 4 ounces or fraction, 46 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.71	3	12	$8.15	7	4	$14.59
0	8	2.17	4	0	8.61	7	8	15.05
0	12	2.63	4	4	9.07	7	12	15.51
1	0	3.09	4	8	9.53	8	0	16.97
1	4	3.55	4	12	9.99	8	4	16.43
1	8	4.01	5	0	10.45	8	8	16.89
1	12	4.47	5	4	10.91	8	12	17.35
2	0	4.93	5	8	11.37	9	0	17.81
2	4	5.39	5	12	11.83	9	4	18.27
2	8	5.85	6	0	12.29	9	8	18.73
2	12	6.31	6	4	12.75	9	12	19.19
3	0	6.77	6	8	13.21	10	0	19.65
3	4	7.23	6	12	13.67			
3	8	7.69	7	0	14.13			

For rates over 10 pounds, charge $18.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity.	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter, for method of converting U.S. currency into gold francs, and for general information on insurance.

Gold or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Observations. The Austrian postal authorities have stated that the customs clearance of commercial parcels will be expedited if two copies of the original invoice are attached to the customs declarations.

Prohibitions. Articles of gold, silver, or platinum which are not of the fineness required by the Austrian regulations. Articles bearing markings such as "14k gold filled," "gold plated," or others which may give a false impression that they consist of precious metal.

Poisonous substances for medical, scientific, industrial, agricultural or household use, unless addressed to pharmacists or dealers authorized to sell poisons.

Meat and animal products, unless accompanied by an official certificate of origin and health, except for individual shipments of meat or preparations thereof not exceeding three kilograms (6 lbs. 9 oz.) in weight, which are exempt from the requirement.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which must be met by addressees:

Import licenses are required for many types of merchandise. Gift shipments are exempt up to a value of 1,000 schillings ($38.50).

Special permission must be obtained to take delivery of the following:

Firearms other than sporting guns; silencers or searchlights for firearms; guns for discharging gas or liquid; blackjacks, brass knuckles and daggers.

Tobacco products. Licenses are granted without difficulty if the value does not exceed 100 schillings ($3.85).

Austrian coins.

Postage stamps of other countries than Austria exceeding 500 schillings ($19.25) in value.

Radio receivers.

Medicinal preparations of all kinds, including cosmetic and dietetic products sold as remedies; serums and vaccines; veterinary medicines.

AZORES

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum idemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Same as Portugal except that perishable biological materials are not accepted.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.24; each additional 4 ounces or fraction, 35 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.24	3	12	$6.14	7	4	$11.04
0	8	1.59	4	0	6.49	7	8	11.39
0	12	1.94	4	4	6.84	7	12	11.74
1	0	2.29	4	8	7.19	8	0	12.09
1	4	2.64	4	12	7.54	8	4	12.44
1	8	2.99	5	0	7.89	8	8	12.79
1	12	3.34	5	4	8.24	8	12	13.14
2	0	3.69	5	8	8.59	9	0	13.49
2	4	4.04	5	12	8.94	9	4	13.84
2	8	4.39	6	0	9.29	9	8	14.19
2	12	4.74	6	4	9.64	9	12	14.54
3	0	5.09	6	8	9.99	10	0	14.89
3	4	5.44	6	12	10.34			
3	8	5.79	7	0	10.69			

For rates over 10 pounds, charge $14 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. Same as for Portugal.

Prohibitions and import restrictions. Same as Portugal.

Also see § 31.2 of this chapter.

BAHAMAS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Senders should complete customs declarations, Forms 2976 or 2976–A, to show in addition to the value of the contents the cost of the postage and the registration fee if any.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.39; each additional 4 ounces or fraction, 16 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.39	3	12	$3.63	7	4	$5.87
0	8	1.55	4	0	3.79	7	8	6.03
0	12	1.71	4	4	3.95	7	12	6.19
1	0	1.87	4	8	4.11	8	0	6.35
1	4	2.03	4	12	4.27	8	4	6.51
1	8	2.19	5	0	4.43	8	8	6.67
1	12	2.35	5	4	4.59	8	12	6.83
2	0	2.51	5	8	4.75	9	0	6.99
2	4	2.67	5	12	4.91	9	4	7.15
2	8	2.83	6	0	5.07	9	8	7.31
2	12	2.99	6	4	5.23	9	12	7.47
3	0	3.15	6	8	5.39	10	0	7.63
3	4	3.31	6	12	5.55			
3	8	3.47	7	0	5.71			

For rates over 10 pounds, charge $6.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$37.50

THIRTY-SEVEN DOLLARS AND FIFTY CENTS

Coin, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold or silver (whether manufactured or unmanufactured), precious stones, jewels, or other precious articles sent as parcel post must be insured.

For general information on insurance, see Part 43 of this chapter.

Observations. Senders should complete customs declarations, Form 2966, to show in addition to the value of the contents the cost of the postage and the insurance fee if any.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

BAHRAIN

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 65 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.64	3	12	$10.64	7	4	$19.74
0	8	2.19	4	0	11.29	7	8	20.39
0	12	2.84	4	4	11.94	7	12	21.04
1	0	3.49	4	8	12.59	8	0	21.69
1	4	4.14	4	12	13.24	8	4	22.34
1	8	4.79	5	0	13.89	8	8	22.99
1	12	5.44	5	4	14.54	8	12	23.64
2	0	6.09	5	8	15.19	9	0	24.29
2	4	6.74	5	12	15.84	9	4	24.94
2	8	7.39	6	0	16.49	9	8	25.59
2	12	8.04	6	4	17.14	9	12	26.24
3	0	8.69	6	8	17.79	10	0	26.89
3	4	9.34	6	12	18.44			
3	8	9.99	7	0	19.09			

For rates over 10 pounds, charge $26 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.75

SEVENTY-SIX DOLLARS AND SEVENTY-FIVE CENTS

Coins, bullion, precious stones, and any article of gold, silver, or platinum sent as parcel post must be insured. Parcels containing jewelry must not have a value exceeding $100.

The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

For general information on insurance, see Part 43 of this chapter.

Prohibitions. Arms and parts thereof. Cultivated, imitation, artificial, or bleached pearls.

Coins and gold ingots exceeding £5 ($14) in value, except coins declared to be intended as ornaments. Silver ingots or partially worked silver exceeding £20 ($56) in value.

Carbon paper, oilskins, and similar goods are subject to the conditions applicable to such articles for Great Britain.

Also see § 31.2 of this chapter.

BARBADOS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cent first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 242 Postal Manual.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.21; each additional 4 ounces or fraction, 32 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.21	3	12	$5.69	7	4	$10.17
0	8	1.53	4	0	6.01	7	8	10.49
0	12	1.85	4	4	6.33	7	12	10.81
1	0	2.17	4	8	6.65	8	0	11.13
1	4	2.49	4	12	6.97	8	4	11.45
1	8	2.81	5	0	7.29	8	8	11.77
1	12	3.13	5	4	7.61	8	12	12.09
2	0	3.45	5	8	7.93	9	0	12.41
2	4	3.77	5	12	8.25	9	4	12.73
2	8	4.09	6	0	8.57	9	8	13.05
2	12	4.41	6	4	8.89	9	12	13.37
3	0	4.73	6	8	9.21	10	0	13.69
3	4	5.05	6	12	9.53			
3	8	5.37	7	0	9.85			

For rates over 10 pounds, charge $12.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply.

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$53.00

FIFTY-THREE DOLLARS

Coin; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance see Part 43 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

BELGIUM

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Observations. The indication "Printed in U.S.A." must appear on articles of printed matter imported from the United States, except for articles whose weight does not exceed 4 ounces or which consist of only one article or one copy.

Printed matter is generally dutiable in Belgium. Belgian customs authorities exceptionally admit as regular the importation of printed matter up to 2 kilograms in weight, without Form 2976 (C 1) affixed. This concession applies only to price lists, catalogs, and advertising matter of business firms, and any fees or charges which may be due on such matter must be paid.

The green label, Form 2976(C 1), is not required on free copies of newly published books mailed by the publishers to Belgian literary and scientific societies and journalists, provided the outer wrappers bear a dedication or the words "Press Service" or some other indication that the copies are being sent gratuitously under the conditions mentioned.

The green label is not required on any shipment of printed matter on which the total of the revenue duties does not exceed 5 francs.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Instruments of payment, Belgian and foreign securities and coupons, unless

sent in registered letters. Radioactive materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966 ,one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.53; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.53	3	12	$7.41	7	4	$13.29
0	8	1.95	4	0	7.83	7	8	13.71
0	12	2.37	4	4	8.25	7	12	14.13
1	0	2.79	4	8	8.67	8	0	14.55
1	4	3.21	4	12	9.09	8	4	14.97
1	8	3.63	5	0	9.51	8	8	15.39
1	12	4.05	5	4	9.93	8	12	15.81
2	0	4.47	5	8	10.35	9	0	16.23
2	4	4.89	5	12	10.77	9	4	16.65
2	8	5.31	6	0	11.19	9	8	17.07
2	12	5.73	6	4	11.61	9	12	17.49
3	0	6.15	6	8	12.03	10	0	17.91
3	4	6.57	6	12	12.45			
3	8	6.99	7	0	12.87			

For rates over 10 pounds, charge $16.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Gold or silver, whether manufactured or unmanufactured; previous stones, jewelry or other precious articles sent as parcel post must be insured.

Observations. Used clothing, even when sent as a gift, is subject to customs duties in Belgium. Since the Belgian regulations do not permit cancellation of the duties, parcels containing used clothing cannot be returned to origin or abandoned if they should be unclaimed or refused by the addressees. Senders of parcels for Belgium containing used clothing must indicate an alternate addressee in that country to whom the parcel can be tendered for delivery in case it cannot be delivered as originally addressed.

Prohibitions. Bronze, copper and nickel coins not legal tender in Belgium unless imported for collections.

Instruments of payment, including currency, securities and coupons (admitted in registered letters).

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to met by addressees:

Special permission is required for the importation of all arms except hunting and sporting arms, side arms of war, arms for Government use, and arms for collections.

BERMUDA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 references tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Parcel Post

Weight limit. 33 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I).

Air parcel rates. Four ounces or less, $1.12; each additional 4 ounces or fraction 22 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.12	3	12	$4.20	7	4	$7.28
0	8	1.34	4	0	4.42	7	8	7.50
0	12	1.56	4	4	4.64	7	12	7.72
1	0	1.78	4	8	4.86	8	0	7.94
1	4	2.00	4	12	5.08	8	4	8.16
1	8	2.22	5	0	5.30	8	8	8.38
1	12	2.44	5	4	5.52	8	12	8.60
2	0	2.66	5	8	5.74	9	0	8.82
2	4	2.88	5	12	5.96	9	4	9.04
2	8	3.10	6	0	6.18	9	8	9.26
2	12	3.32	6	4	6.40	9	12	9.48
3	0	3.54	6	8	6.62	10	0	9.70
3	4	3.76	6	12	6.84			
3	8	3.98	7	0	7.06			

For rates over 10 pounds, charge $8.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee 80 cents. There is no provision for indemnity. (See Part 42 and § 72.2(b) (4) of this chapter.)

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

BHUTAN

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small Packets not except.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. No service.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

(No service)

BOLIVIA

Postal Union Mail

Classifications, weight limits and di-

mensions. See Chart 1 and Part 22 of this chapter. Small Packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.57; each additional 4 ounces or fraction, 43 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.57	3	12	$7.59	7	4	$13.61
0	8	2.00	4	0	8.02	7	8	14.04
0	12	2.43	4	4	8.45	7	12	14.47
1	0	2.86	4	8	8.88	8	0	14.90
1	4	3.29	4	12	9.31	8	4	15.33
1	8	3.72	5	0	9.74	8	8	15.76
1	12	4.15	5	4	10.17	8	12	16.19
2	0	4.58	5	8	10.60	9	0	16.62
2	4	5.01	5	12	11.03	9	4	17.05
2	8	5.44	6	0	11.46	9	8	17.48
2	12	5.87	6	4	11.89	9	12	17.91
3	0	6.30	6	8	12.32	10	0	18.34
3	4	6.73	6	12	12.75			
3	8	7.16	7	0	13.18			

For rates over 10 pounds, charge $17.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Transportation of surface parcels to Bolivia involves not only a long sea transit but also a difficult overland trip from Arica, Chile. Careful packing is essential.

Commercial invoices legalized by a Bolivian consulate as well as consular invoices are required for parcels exceeding $50 in value. The invoices must be in the form prescribed by the Bolivian consular regulations. If senders are not familiar with the requirements, they should be advised to consult one of the Bolivian consulates located in principal cities of the United States. Information may also be obtained from the American Republics Division, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, or any field office of that Department.

Parcels not exceeding $50 in value do not require invoices.

Prohibitions. Firearms, daggers, blackjacks, brass knuckles, sidearms and concealable weapons.

Cigarette lighters.

Gambling devices.

Pharmaceutical and medicinal products, unless approved by the Bolivian health authorities. In case of doubt, senders should ascertain from the addressees in advance of mailing whether the medicine they desire to send will be admitted.

Articles which violate the Bolivian trademark laws.

Counterfeit or illegal currency; advertisements imitating currency or postage stamps, except for philatelic or numismatic catalogs.

Adulterated or harmful beverages or foodstuffs.

Also see § 31.2 of this chapter.

BOTSWANA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. The articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail, except that diamonds and other precious stones are admitted in registered letter packages.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates.—Four ounces or less, $1.69; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	3	12	$12.89	7	4	$24.09
0	8	2.49	4	0	13.69	7	8	24.89
0	12	3.29	4	4	14.49	7	12	25.69
1	0	4.09	4	8	15.29	8	0	26.49
1	4	4.89	4	12	16.09	8	4	27.29
1	8	5.69	5	0	16.89	8	8	28.09
1	12	6.49	5	4	17.69	8	12	28.89
2	0	7.29	5	8	18.49	9	0	29.69
2	4	8.09	5	12	19.29	9	4	30.49
2	8	8.89	6	0	20.09	9	8	31.29
2	12	9.69	6	4	20.89	9	12	32.09
3	0	10.49	6	8	21.69	10	0	32.89
3	4	11.29	6	12	22.49			
3	8	12.09	7	0	23.29			

For rates over 10 pounds, charge $32 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Used clothing for sale; used boots and shoes.

Diamonds and precious stones; coins; gold dust or nuggets.

Butane gas cigarette lighters.

Honey and preparations of honey including "royal jelly," preserves sweetened with honey, and flypaper.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressee:

Special permission is needed to import the following:

Deadly weapons including knives having blades 4 inches or more in length, except those normally employed in household use, farming, or meat cutting; also imitation firearms, devices for discharging gas, harpoon guns, and air pistols.

Sera, vaccines and pathogenic cultures for human or veterinary use.

Military equipment including uniforms, altered or not; footwear; blankets; ground sheets; ordnance bags and haversacks.

Cheese of all kinds; yeast; beeswax; rice.

BRAZIL

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart [illegible] for fees and other conditions.

Money orders. No service.

Observations. The Brazilian requirements concerning import licenses are applicable to postal union mail packages, as indicated in "Observations" under "Parcel Post," except for samples and catalogs not exceeding $5 in value.

Combination mailings as defined in § 22.8(a) of this chapter, are accepted.

Prohibitions and import restrictions. Coins, banknotes, paper money, and any values payable to bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry or other precious articles.

Dutiable merchandise in letter packages; also perishable biological materials.

Canceled or uncanceled postage stamps are admitted only in registered letters.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

NOTICE! WARN ALL SENDERS OF BRAZILIAN IMPORT REGULATIONS

Read "Observations" below

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Airparcel rates. Four ounces or less, $1.87; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.87	3	12	$8.73	7	4	$15.59
0	8	2.36	4	0	9.22	7	8	16.08
0	12	2.85	4	4	9.71	7	12	16.57
1	0	3.34	4	8	10.20	8	0	17.06
1	4	3.83	4	12	10.69	8	4	17.55
1	8	4.32	5	0	11.18	8	8	18.04
1	12	4.81	5	4	11.67	8	12	18.53
2	0	5.30	5	8	12.16	9	0	19.02
2	4	5.79	5	12	12.65	9	4	19.51
2	8	6.28	6	0	13.14	9	8	20.00
2	12	6.77	6	4	13.63	9	12	20.49
3	0	7.26	6	8	14.12	10	0	20.98
3	4	7.75	6	12	14.61			
3	8	8.24	7	0	15.10			

For rates over 10 pounds, charge $19.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Persons desiring to mail parcels or postal union mail packages to Brazil should be informed that most commodities are subject to customs duty equal to or higher than their value, even if sent as gifts, and it is necessary for the addressees to make two or more trips to the post office to obtain delivery. Also, each parcel must be accompanied by an import permit which the addressee must obtain in advance and send to the mailer to be enclosed in the parcel. Only noncommercial commodities valued at $5 or less, and books and magazines in single copies mailed as printed matter are admitted as gifts free of duty and without import permits. Senders should be cautioned that the Brazilian customs authorities may appraise articles at a higher valuation than that declared by the mailers, resulting in the assessment of duty and penalties against the addressees. To be admitted as gifts, packages must be addressed to individuals, not to firms.

Gift parcels valued over $25 and all commercial parcels must also be accompanied by commercial shipping documents which the sender must have legalized by a Brazilian consulate at a fee of $12. Brazilian consulates are located in principal cities of the United States.

If parcels are found on arrival in Brazil to be in violation of any of the import regulations, they will be withheld from delivery and the addressees may be required to pay fines in addition to the customs duty. If the charges are not paid, the parcels are liable to seizure and are not released even if senders have requested return through the postal service.

In view of the foregoing, patrons should be advised to refrain from mailing parcels to Brazil unless they are assured that the addressees will be permitted to take delivery.

Prohibitions. For reasons of public safety: Poniards, stilettos, poniard blades; canes, umbrellas, or any other articles containing swords, daggers, or guns; handcuffs and blackjacks.

For sanitary reasons: Medicines whose formulas are not listed in the official pharmacopeias or not licensed by the Brazilian Department of Public Health, salted or smoked meat, and other foodstuffs of animal origin.

For the protection of plants: Seeds and seedlings of coffee.

Arms, munitions, etc.: Regulation arms and munitions of Brazil and parts. Air guns. Reducing tubes and silencers for firearms.

Saccharine and other artificial sweeteners and essences for artificial beverages require permission from the Brazilian Department of Public Health for importation.

Firearms may be imported only with permission of the Brazilian War Ministry.

Also see § 31.2 of this chapter.

BRITISH HONDURAS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. (Belize only.) See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions. Coins; manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles.

Packets of illustrated post cards prepaid as prints.

Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 31.2 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.20; each additional 4 ounces or fraction, 30 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.20	3	12	$5.40	7	4	$9.60
0	8	1.50	4	0	5.70	7	8	9.90
0	12	1.80	4	4	6.00	7	12	10.20
1	0	2.10	4	8	6.30	8	0	10.50
1	4	2.40	4	12	6.60	8	4	10.80
1	8	2.70	5	0	6.90	8	8	11.10
1	12	3.00	5	4	7.20	8	12	11.40
2	0	3.30	5	8	7.50	9	0	11.70
2	4	3.60	5	12	7.80	9	4	12.00
2	8	3.90	6	0	8.10	9	8	12.30
2	12	4.20	6	4	8.40	9	12	12.60
3	0	4.50	6	8	8.70	10	0	12.90
3	4	4.80	6	12	9.00			
3	8	5.10	7	0	9.30			

For rates over 10 pounds, charge $12.00 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee, 80 cents. There is no provision for indemnity. (See Part 42 and § 72.2(b) (4) of this chapter.)

Insurance. No provision.

Prohibitions. Bullion; coins, unless intended for ornament; tobacco packed with other merchandise; tobacco sweetened with leaves of other plants; saccharine and similar substances and articles containing them; arms.

Uncooked pork, including ham and bacon, and all uncooked pork products.

Also see § 31.2 of this chapter.

BRUNEI

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Money orders. No service.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.91; each additional 4 ounces or fraction, 93 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.91	3	12	$14.93	7	4	$27.95
0	8	2.84	4	0	15.86	7	8	28.88
0	12	3.77	4	4	16.79	7	12	29.81
1	0	4.70	4	8	17.72	8	0	30.74
1	4	5.63	4	12	18.65	8	4	31.67
1	8	6.56	5	0	19.58	8	8	32.60
1	12	7.49	5	4	20.51	8	12	33.53
2	0	8.42	5	8	21.44	9	0	34.46
2	4	9.35	5	12	22.37	9	4	35.39
2	8	10.28	6	0	23.30	9	8	36.32
2	12	11.21	6	4	24.23	9	12	37.25
3	0	12.14	6	8	25.16	10	0	38.18
3	4	13.07	6	12	26.09			
3	8	14.00	7	0	27.02			

For rates over 10 pounds, charge $37.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter.

BULGARIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Combination mailings as defined in § 22.8(a) of this chapter, Postal Manual are accepted.

Prohibitions. Bulgarian currency, except with the permission of the Ministry of Finance of Bulgaria.

Postage stamps, unless exchanged between philatelists through the intermediary of the Postal Philatelic Service of Bulgaria. The articles must be addressed to that service, which delivers them to the addressees.

Samples of merchandise.

Printed matter, photographs, films, sound recordings, manuscripts, drawings, musical notes, and similar articles, except single copies for the personal use of the addressees and not contrary to Bulgarian laws and customs.

Perishable biological materials.

Also see § 21.3 of this chapter.

Import restrictions. Same as for parcel post.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, One Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.36; each additional 4 ounces or fraction, 47 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.36	3	12	$7.94	7	4	$14.52
0	8	1.83	4	0	8.41	7	8	14.99
0	12	2.30	4	4	8.88	7	12	15.46
1	0	2.77	4	8	9.35	8	0	15.93
1	4	3.24	4	12	9.82	8	4	16.40
1	8	3.71	5	0	10.29	8	8	16.87
1	12	4.18	5	4	10.76	8	12	17.34
2	0	4.65	5	8	11.23	9	0	17.81
2	4	5.12	5	12	11.70	9	4	18.28
2	8	5.59	6	0	12.17	9	8	18.75
2	12	6.06	6	4	12.64	9	12	19.22
3	0	6.53	6	8	13.11	10	0	19.69
3	4	7.00	6	12	13.58			
3	8	7.47	7	0	14.05			

For rates over 10 pounds, charge $18.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions and import restrictions. The articles prohibited in the postal union mail are prohibited as parcel post.

Gift shipments mailed by commercial firms.

Medicines not approved by the Bulgarian Ministry of Health.

Import licenses are required for all commercial parcels, and for gift parcels if the customs duty thereon exceeds 100 leva.

Used clothing, footwear and bed coverings.

Also see § 31.2 of this chapter.

BURMA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small Packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. For reasons of public safety: Hypodermic syringes or needles unless imported on behalf of the Government or addressed to practicing physicians.

Arms, munitions, etc.: Arms, parts thereof, material for their manufacture, and appliances for discharging gas unless imported by or on behalf of the Government of Burma.

Imitation and toy pistols or revolvers.

State monopolies, etc.: All goods manufactured outside Her Majesty's dominions and bearing the British Royal Arms or imitations thereof; or bearing as a mark or label a portrait of any member of the Royal Family of England.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Wireless telegraph transmitting apparatus, and transmitting and receiving apparatus combined in a single unit, require a permit from the Director General of Posts and Telegraphs; receiving apparatus alone may be imported upon application to the customs authorities.

Addressees are required to obtain import licenses to take delivery of parcels, including those sent as gifts. It is recommended that senders inform the addressees of the contents of parcels prior to mailing, so that they may apply for the necessary import license.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Burma (2)

Air parcel rates. Four ounces or less, $2.10; each additional 4 ounces or fraction, 91 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.10	3	12	$14.84	7	4	$27.58
0	8	2.01	4	0	15.75	7	8	28.49
0	12	3.92	4	4	16.66	7	12	29.40
1	0	4.83	4	8	17.57	8	0	30.31
1	4	5.74	4	12	18.48	8	4	31.22
1	8	6.65	5	0	19.39	8	8	32.13
1	12	7.56	5	4	20.30	8	12	33.04
2	0	8.47	5	8	21.21	9	0	33.95
2	4	9.38	5	12	22.12	9	4	34.86
2	8	10.29	6	0	23.03	9	8	35.77
2	12	11.20	6	4	23.94	9	12	36.68
3	0	12.11	6	8	24.85	10	0	37.59
3	4	13.02	6	12	25.76			
3	8	13.93	7	0	26.67			

For rates over 10 pounds, charge $36.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	3	12	$11.13	7	4	$20.51
0	8	2.42	4	0	11.80	7	8	21.18
0	12	3.09	4	4	12.47	7	12	21.85
1	0	3.76	4	8	13.14	8	0	22.52
1	4	4.43	4	12	13.81	8	4	23.19
1	8	5.10	5	0	14.48	8	8	23.86
1	12	5.77	5	4	15.15	8	12	24.53
2	0	6.44	5	8	15.82	9	0	25.20
2	4	7.11	5	12	16.49	9	4	25.87
2	8	7.78	6	0	17.16	9	8	26.54
2	12	8.45	6	4	17.83	9	12	27.21
3	0	9.12	6	8	18.50	10	0	27.88
3	4	9.79	6	12	19.17			
3	8	10.46	7	0	19.84			

For rates over 10 pounds, charge $26.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

Import restrictions. Addressees in Burundi are required to obtain special permission to receive arms, medicines, saccharine and distilling apparatus.

CAMBODIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Perishable biological materials.

Articles restricted as parcel post are restricted in the postal union mail.

Also see §21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel post. No service.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions and import restrictions. Addressees in Cambodia are required to obtain import licenses for all commercial importations. Noncommercial shipments of 1,000 riels ($28.30) or less in value; samples; articles addressed to the Red Cross; clothing or other personal effects; and returned Cambodian goods are exempt.

Also see § 31.2 of this chapter.

CAMEROON

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins; platinum, gold, and silver, manufactured or not; precious stones, jewelry, and other precious articles. Perishable biological materials.

Also see §21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.77; each additional 4 ounces or fraction, 58 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.77	3	12	$9.89	7	4	$18.01
0	8	2.35	4	0	10.47	7	8	18.59
0	12	2.93	4	4	11.06	7	12	19.17
1	0	3.51	4	8	11.63	8	0	19.76
1	4	4.09	4	12	12.21	8	4	20.33
1	8	4.67	5	0	12.79	8	8	20.91
1	12	5.25	5	4	13.37	8	12	21.49
2	0	5.83	5	8	13.95	9	0	22.07
2	4	6.41	5	12	14.53	9	4	22.65
2	8	6.99	6	0	15.11	9	8	23.23
2	12	7.57	6	4	15.69	9	12	23.81
3	0	8.15	6	8	16.27	10	0	24.39
3	4	8.73	6	12	16.85			
3	8	9.31	7	0	17.43			

For rates over 10 pounds, charge $23.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

CANADA (INCLUDING NEWFOUNDLAND AND LABRADOR)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Packages of merchandise not exceeding 8 ounces in weight are mailable at rates of 12 cents for 5 ounces or less, 14 cents for 6 ounces, 16 cents for 7 ounces, and 18 cents for 8 ounces. These packages are treated as "Other Articles". (AO mail), must be unsealed, and must bear a completed customs label, Form 2976. An invoice or a completed paper customs declaration, Form 2976–A, must be enclosed in commercial packages.

See "Observations" concerning mail for overseas Canadian armed forces.

Air rates. Single post cards, 8 cents each. Letters and letter packages, printed matter, matter for the blind, samples of merchandise and other merchandise packages, 10 cents per ounce or fraction. (See Chart 3, Table I.)

Registration. The following fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $100.00	$0.80
$100.01 to 200.00	1.05

Return Receipt: 15 cents to return by surface, 23 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatching exchange office for AO packages only. See Chart 6 for fees.

Special delivery. Available only for letters and letter packages prepaid at the surface rate, and for all articles prepaid at the airmail rate, addressed for delivery within a letter carrier area. The fees are: 30 cents up to 2 pounds, 45 cents from 2 to 10 pounds, and 60 cents over 10 pounds.

Marking: Place on the cover, near the name of the country of destination, an "Exprès (Special Delivery)" label 57, or mark boldly in red "Exprès" (Special Delivery).

Money Orders. Yes. See § 171.2 of this chapter.

Observations. The address of mail for Canada should include the Province.

Mail for members of the Canadian armed forces serving overseas must be addressed as follows:

Surface mail	*Airmail*
Number, rank, name, Unit, CFPO (number), Belleville, ON Canada.	Number, rank, name, Unit, CFPO (number), Montreal, PQ Canada.

Articles addressed as above must bear postage at the surface or air rate for Canada. Letter packages exceeding 4 pounds 6 ounces in weight, and direct sacks of printed matter (§ 22.4(f), of this chapter), are not admissible for CFPO addresses. Patrons desiring to mail such articles should be advised to obtain civilian addresses either from the addressees or from the Post Office Department, Ottawa 8, ON Canada, and to prepare their articles for mailing in accordance with the regulations applicable to the country of destination concerned.

Banknotes valued at $100 or more must be put up in a compact package and securely tied with strong twine before wrapping. The wrapper must be of linen or other strong, woven material, linen lined paper, or two thicknesses of strong kraft paper. After wrapping, the package must be again securely tied or stitched and sealed at the points of closing.

Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Advertising matter specially prepared to promote the sale of goods or services by Canadian persons or firms is charged with customs duty in Canada when the total weight of articles mailed at one time exceeds 1 pound. Duty is charged on each individually addressed article. To avoid detention of such mail by Canadian customs, senders may arrange to pay the duty, which can be done by means of Canadian customs duty stamps affixed to the back of each piece of mail. Senders may inquire as to rates of duty and may purchase the duty stamps from the Department of National Revenue, Customs and Excise, Ottawa, ON Canada.

Commercial shipments of printed matter and certain other merchandise must be marked to indicate country of origin in the manner prescribed by the Canadian customs regulations. Commercial invoices are required as indicated in "Observations" under "Parcel Post".

Information as to Canadian customs regulations may be obtained from the European Division (Canadian Section), Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, or any field office of that Department.

Prohibitions. Reprints of Canadian or British works copyrighted in Canada. Reproductions of Canadian postage stamps unless printed in publications in black and white only and with a defacing line drawn across each reproduction.

Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail, except that coins, banknotes, values payable to bearer and precious articles may be sent in registered letters only.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. Over 8 ounces to 25 pounds. Packages weighing 8 ounces or less must be mailed as postal union mail. See headings "Surface rates" and "Air rates" under "Postal Union Mail". Parcels for CFPO addresses, 22 pounds. See "Observations."

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Over 8 ounces to 2 pounds, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air service. Not available for parcel post. Airmail packages must be prepared as letter-packages and be prepaid at airmail letter rate. See under "Postal Union Mail."

Special handling. Available to U.S. dispatching exchange office only. See Chart 6 for fees.

Registration. No provision.

Insurance. Limited to surface parcels, there being no air parcel post service to Canada.

The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15.00	$0.20
$15.01 to $50.00	.30
$50.01 to $100.00	.40
$100.01 to $150.00	.50
$150.01 to $200.00	.60

NOTE.—Each insured parcel, including those insured for $15 or less, must bear an insurance number. There is no C.O.D. service.

Parcels for CFPO addresses may not be insured.

Return receipts are not furnished for insured parcels addressed to Canada.

The following must not be accepted for insurance: Bees, postage stamps (canceled and uncanceled) albums in which they are mounted, bonds and coupons payable to bearer, stocks and other securities negotiable by bearer, gold scrap, jeweler's filings, precious stones (mounted or unmounted), and articles of gold or other precious metal. It should be recommended to senders that the articles mentioned, with the exception of bees, be sent in the registered letter mails.

However, articles for personal adornment, such as rings, brooches, tie pins, chains, cuff links, dress sets, fobs, bracelets, lockets and necklaces, and articles for personal use, such as cigarette holders, cigarette cases, vanity cases, cardcases, gold and silver pencils, lorgnettes, gold filled optical frames and mountings, mesh bags and watches, having a value not over $5 each may be insured provided they are enclosed in parcels of at least a minimum size of 36 cu. in. or combined length and girth of at least 16 in. For example, such parcels must be at least 6 by 6 by 1 in., or 8 by 3 by 1 in., etc. A parcel containing a number of such articles valued at $5 or less may be insured for the total value of the contents (up to the maximum of $200), provided it meets the prescribed requirements as to size.

See Part 43 of this chapter, for general information on insurance.

Observations. Each parcel must bear as part of its address the name of the Canadian Province in which the office of destination is located.

Parcels for members of the Canadian armed forces to overseas may not exceed 22 pounds in weight and may not be insured. They must be addressed in the following manner for surface dispatch:

Number, rank, name,
Unit,
CFPO (number),
Belleville, ON, Canada.

A letter fully prepaid and bearing the same address as that of the parcel may be tied or otherwise securely attached to the outside of the parcel in such manner as to prevent its separation therefrom and not to interfere with the address of the parcel. Stamps to cover postage on the parcel must be affixed to the wrapper of the parcel. Stamps to pay postage on the letter must be affixed to the envelope thereof.

Certain types of merchandise must be marked to show country of origin in the manner prescribed by the Canadian customs regulations.

The Canadian customs authorities require commercial invoices for all parcel post or postal union mail packages, regardless of value, except casual noncommercial shipments. For shipments valued at less than $50, the sender's regular business invoice may be used; if the value is $50 or over, the commercial invoice must be prepared on Canadian forms M–A or N–A. Four copies of the invoice; one of them signed by the sender in ink, must be sent by letter mail to the addressee.

In the case of noncommercial shipments of a casual nature, the senders need not furnish invoices, as the Canadian customs authorities will make delivery on the basis of forms completed by the addressees.

Interested mailers can secure information as to obtaining and preparing forms M–A and N–A, as well as other information concerning the Canadian customs regulations, from the European Division (Canadian Section), Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, or any field office of that Department.

Prohibitions. Honey bees, unless addressed to places served by railway post offices or motor vehicles. Mailers must ascertain whether the addressees of parcels containing honey bees are located at places to which such shipments can be sent. This information can be obtained from the Canadian postmaster at the office of address. After obtaining the information, the sender must mark the wrapper of his parcel "Office of address served by R.P.O." or "Office of address served by motor vehicle." Postmasters will refuse to accept parcels containing honey bees for Canada unless they bear such endorsement.

Queen bees are not subject to the above restriction.

Bees must not be on combs, and must be accompanied by a declaration signed by the mailer that the food for the bees carried in the package is free from disease. Honey must not be used in making the candy placed in queen bee mailing cages. Special handling charges are applicable to honey bees in cages, but not to queen bees in small cages, alone or accompanied by a few workers, unless a considerable number of such cages are tied together for transportation outside of mail sacks.

Shipments of bees are accepted only at the risk of senders; they may not be accepted for insurance.

Used or secondhand hives or bee supplies.

Commercial tags of metal. Prison-made goods being sold or intended for sale by a person or firm. Plumage and skins of wild birds.

Articles so marked as to create the false impression that they were made in Canada, Great Britain or any other British country.

Parcels bearing caution labels indicating the contents are flammable.

Meat and meat food products, unless federally inspected and passed and marked accordingly. If intended for sale, export certification by the U.S. Department of Agriculture is also required. Meat or meat food product for personal use is exempt from export certification but the addressee is required to certify to the Canadian authorities that it will not be offered for sale in Canada.

Drugs and medicines must comply with Canadian law. Senders are advised to communicate with prospective addresses to assure themselves before mailing that such articles will be admitted.

Biological products for veterinary use, including serums and vaccines, unless accompanied by a permit issued by the Veterinary Director General, Ministry of Agriculture of Canada.

Eggs for hatching unless packed in new, clean containers and accompanied by a certificate issued by a veterinarian of the U.S. Department of Agriculture, or one issued by a State veterinarian and endorsed by a veterinarian of that Bureau, stating that to the best of his knowledge the eggs come from a flock that is free from Newcastle disease, fowl pest, or fowl typhoid. See § 31.3(b) (2) (ᵛᵎ), for method of packing.

Smoke-making devices for motor vehicles and boats.

Radioactive materials, butane gas lighters and refill cartridges, lighter fluid regardless of flashpoint, and other articles regarded by the Canadian authorities as dangerous.

Coins, except when mailed in uninsured parcels to collectors or dealers. Banknotes and values payable to bearer.

Precious articles including jewelry and precious stones, mounted or unmounted; platinum, gold and silver, manufactured or unmanufactured; and articles of precious metal for personal use such as card cases, cigarette cases, cigarette holders, compacts, purses, watches and automatic pencils. The foregoing are admitted, however, in registered letters.

Oleomargarine and other butter substitutes, including altered or renovated butter.

Also see § 31.2 of this chapter.

Import restrictions. Addresses are required to obtain permits from the Canadian authorities to import firearms and other deadly weapons, except sporting guns.

CAPE VERDE ISLANDS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet: Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured and registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fraction, 51 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	3	12	$8.87	7	4	$16.01
0	8	2.24	4	0	9.38	7	8	16.52
0	12	2.75	4	4	9.89	7	12	17.03
1	0	3.26	4	8	10.40	8	0	17.54
1	4	3.77	4	12	10.91	8	4	18.05
1	8	4.28	5	0	11.42	8	8	18.56
1	12	4.79	5	4	11.93	8	12	19.07
2	0	5.30	5	8	12.44	9	0	19.58
2	4	5.81	5	12	12.95	9	4	20.09
2	8	6.32	6	0	13.46	9	8	20.60
2	12	6.83	6	4	13.97	9	12	21.11
3	0	7.34	6	8	14.48	10	0	21.62
3	4	7.85	6	12	14.99			
3	8	8.36	7	0	15.50			

For rates over 10 pounds, charge $20.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration and insurance. Parcels may be registered or insured against loss, rifling or damage for actual value not exceeding the following limits when fees as indicated are paid in addition to the postage applicable:

REGISTERED PARCEL-POST PACKAGES

Limit of indemnity:	Fee
Up to $16.33	$0.80

INSURED PARCEL-POST PACKAGES

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $16.33	.45

Coin, bullion, jewelry, or any other precious article must be registered.

For general information concerning registration and insurance, see Parts 42 and 43 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

CENTRAL AFRICAN REPUBLIC

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles. Perishable biological materials.

Also the articles prohibited as parcel post.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	3	12	$11.13	7	4	$20.51
0	8	2.42	4	0	11.80	7	8	21.18
0	12	3.09	4	4	12.47	7	12	21.85
1	0	3.76	4	8	13.14	8	0	22.52
1	4	4.43	4	12	13.81	8	4	23.19
1	8	5.10	5	0	14.48	8	8	23.86
1	12	5.77	5	4	15.15	8	12	24.53
2	0	6.44	5	8	15.82	9	0	25.20
2	4	7.11	5	12	16.49	9	4	25.87
2	8	7.78	6	0	17.16	9	8	26.54
2	12	8.45	6	4	17.83	9	12	27.21
3	0	9.12	6	8	18.50	10	0	27.88
3	4	9.79	6	12	19.17			
3	8	10.46	7	0	19.84			

For rates over 10 pounds, charge $26.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. The postal authorities of the Central African Republic collect domestic postage charges from the addressees of incoming parcels.

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case, or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Central African Republic authorities.

Also see § 31.2 of this chapter.

CEYLON

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.) Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.12; each additional 4 ounces or fraction, 81 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.12	3	12	$13.46	7	4	$24.80
0	8	2.93	4	0	14.27	7	8	25.61
0	12	3.74	4	4	15.08	7	12	26.42
1	0	4.55	4	8	15.89	8	0	27.23
1	4	5.36	4	12	16.70	8	4	28.04
1	8	6.17	5	0	17.51	8	8	28.85
1	12	6.98	5	4	18.32	8	12	29.66
2	0	7.79	5	8	19.13	9	0	30.47
2	4	8.60	5	12	19.94	9	4	31.28
2	8	9.41	6	0	20.75	9	8	32.09
2	12	10.22	6	4	21.56	9	12	32.90
3	0	11.03	6	8	22.37	10	0	33.71
3	4	11.84	6	12	23.18			
3	8	12.65	7	0	23.99			

For rates over 10 pounds, charge $32.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, banknotes, currency notes or any kind of securities payable to bearer, platinum, gold or silver (whether manufactured or unmanufactured), precious stones, jewels, or other precious articles sent as parcel post must be insured. Every parcel containing precious stones, jewelry, articles of gold, silver or platinum, or any other precious object must be packed in a strong case of wood or metal with an outer covering of cloth or heavy paper.

No erasure or correction is permitted in the amount of insurance shown on the customs declaration.

Observations. The value of each kind of goods must be shown separately on the customs declaration in addition to the net weight or quantity. Delivery of parcels will be facilitated if senders enclose in each parcel an invoice of the contents and endorse the wrapper of the package "invoice enclosed."

Prohibitions and import restrictions. The importation of many types of merchandise is prohibited, while other types require import permits which the addressees must obtain from the Controller of Imports at Colombo. No list of affected items is furnished. Therefore, patrons should be advised, before mailing parcel post or postal union mail packages, to obtain assurances from the addressees that their articles will be admitted.

Also see § 31.2 of this chapter.

CHAD (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles. Perishable biological materials.

Also the articles prohibited as parcel post.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound, or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces, or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	3	12	$11.13	7	4	$20.51
0	8	2.42	4	0	11.80	7	8	21.18
0	12	3.09	4	4	12.47	7	12	21.85
1	0	3.76	4	8	13.14	8	0	22.52
1	4	4.43	4	12	13.81	8	4	23.19
1	8	5.10	5	0	14.48	8	8	23.86
1	12	5.77	5	4	15.15	8	12	24.53
2	0	6.44	5	8	15.82	9	0	25.20
2	4	7.11	5	12	16.49	9	4	25.87
2	8	7.78	6	0	17.16	9	8	26.54
2	12	8.45	6	4	17.83	9	12	27.21
3	0	9.12	6	8	18.50	10	0	27.88
3	4	9.79	6	12	19.17			
3	8	10.46	7	0	19.84			

For rates over 10 pounds, charge $26.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. The postal authorities of Chad collect domestic postage charges from the addressees of incoming parcels.

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case, or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Chad authorities.

Also see § 31.2 of this chapter.

CHILE

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction.) See Chart 3, Table VI.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 242 Postal Manual.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins, banknotes, paper money, values payable to bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewels, or other precious articles. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.85; each additional 4 ounces or fraction, 55 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.85	3	12	$9.55	7	4	$17.25
0	8	2.40	4	0	10.10	7	8	17.80
0	12	2.95	4	4	10.65	7	12	18.35
1	0	3.50	4	8	11.20	8	0	18.90
1	4	4.05	4	12	11.75	8	4	19.45
1	8	4.60	5	0	12.30	8	8	20.00
1	12	5.15	5	4	12.85	8	12	20.55
2	0	5.70	5	8	13.40	9	0	21.10
2	4	6.25	5	12	13.95	9	4	21.65
2	8	6.80	6	0	14.50	9	8	22.20
2	12	7.35	6	4	15.05	9	12	22.85
3	0	7.90	6	8	15.60	10	0	23.30
3	4	8.45	6	12	16.15			
3	8	9.00	7	0	16.70			

For rates over 10 pounds, charge $22 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. In view of the extensive variety of articles prohibited to Chile (see "Prohibitions"), persons desiring to mail parcels should be advised to consult the addressees in advance of mailing to ascertain whether their articles will be admitted, or to consult the American Republics Division, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, stating specifically what articles they desire to send. Parcels will be accepted only with the understanding that the mailer has satisfied himself that the contents will be admitted.

Parcels for Chile must be accompanied by commercial invoices which must bear a declaration of origin in English or Spanish, signed by the mailer, in the following terms:

"Under oath, we declare that we are the owners (or shippers) of the above mentioned merchandise; that the prices and other details are exact; that the said merchandise is a product of the soil or industry of (country of origin) and that we accept the legal consequences which might arise through any inexactitude contained in this account."

Prohibitions. An extensive variety of articles is prohibited to Chile as a result of stringent import regulations. No list of the prohibited items has been furnished; however, it is understood that most items normally sent as gifts, such as clothing, foodstuffs, toys, jewelry, small appliances, etc. (except books) are not admitted. Parcels are accepted only under the conditions set forth in "Observations."

Also see § 31.2 of this chapter.

CHINA

I. Republic of China (Taiwan [Formosa], Penghu [Pescadores], Quemoy [Kinmen], and Matsu Islands)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes, See § 171.2 of this chapter.

Observations. Addresses must be complete and written when possible in Chinese characters in addition to English.

The Chinese postal authorities recommend the addition of "Via Taiwan" in the address of articles intended for the Quemoy and Matsu Islands.

Prohibitions. Dutiable articles in unregistered letter packages. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 7 feet. Parcels over 6 feet in combined length and girth are limited to 2½ feet in length.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.56; each additional 4 ounces or fraction, 66 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.56	3	12	$10.80	7	4	$20.04
0	8	2.22	4	0	11.46	7	8	20.70
0	12	2.88	4	4	12.12	7	12	21.36
1	0	3.54	4	8	12.78	8	0	22.02
1	4	4.20	4	12	13.44	8	4	22.68
1	8	4.86	5	0	14.10	8	8	23.34
1	12	5.52	5	4	14.76	8	12	24.00
2	0	6.18	5	8	15.42	9	0	24.66
2	4	6.84	5	12	16.08	9	4	25.32
2	8	7.50	6	0	16.74	9	8	25.98
2	12	8.16	6	4	17.40	9	12	26.64
3	0	8.82	6	8	18.06	10	0	27.30
3	4	9.48	6	12	18.72			
3	8	10.14	7	0	19.38			

For rates over 10 pounds, charge $26.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and general information on insurance.

Prohibitions. Cigars, cigarettes and prepared tobacco.

Camphor and ginseng for medicinal use.

Banknotes in "new Taiwan dollars".

Sugar, molasses, saccharine and other sweetening substances.

Extracts, essences and concentrates of tea.

Precious jewelry, imitation jewelry, unset pearls, synthetic gems and semi-precious stones, mother-of-pearl, tinsel and metallic trimmings.

Decorative articles of glass, coins and other small articles for collections.

Also see § 31.2 of this chapter.

Import restrictions. Addresses must obtain import licenses for all parcels except (1) samples without commercial values, and (2) gifts not exceeding $25 in value for personal or family use.

II. Continental China, Including Hainan Island, Manchuria, Inner Mongolia and Tibet

Postal Union Mail

NOTICE: THE CHINESE POSTAL AUTHORITIES REQUIRE THAT THE, NAME OF THE COUNTRY BE SHOWN AS "PEOPLE'S REPUBLIC OF CHINA."

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. No service.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. Addresses must be complete and written when possible in Chinese characters in addition to English.

The postal authorities of mainland China claim in order to facilitate distribution of mail, the place of destination shall be given as "People's Republic of China". They may return or confiscate articles if that is not done. Persons submitting letters addressed to destinations in mainland China should be advised of the above. Also, the postal authorities state that mail for Peking shall not be addressed "Peiping".

Prohibitions. Currency, checks, securities, and other financial instruments, unless licensed by the United States Treasury Department.

Dutiable articles in letter packages. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

(No service to Continental China, including Hainan Island, Manchuria, Inner Mongolia, and Tibet.)

COLOMBIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. Service is confined to Armenia, Barranquilla, Bogotá, Bucamaranga, Buenaventura, Buga, Cali, Cartagena, Cartago, Cúcuta, Girardot, Honda, Ibagué, Manizales, Medellín, Monteria, Neiva, Palmira, Pasto, Pereira, Popayán, Quibdó, Santa Marta, and Tunja. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Books and other printed matter, if valued over $20, require consular invoices, and the addressees must obtain import licenses as indicated in "Observations" under Parcel Post.

Every commercial shipment of books or periodicals mailed to Colombia must be covered by a commercial invoice which may either accompany the shipment or be sent under cover to the addressee. Each commercial invoice must bear the sender's declaration in the form given under "Observations" of "Parcel Post", and must show the following information:

(1) Name of importer.

(2) Number of copies in each package and number of copies of each title.

(3) Unit value of each copy and total value of the shipment. Values must be shown in U.S. dollars.

(4) Number of packages comprising the shipment.

(5) The publishing house, together with the name and class of the edition when the book belongs to a series established by the publishing house.

(6) Weight of each package.

(7) Total weight of the shipment.

The mailer should send a copy of each commercial invoice, preferably by airmail, direct to the Colombian post office to which the package is addressed.

Each package must be addressed directly to the addressee, as the Colombian regulations do not permit customs entry to be effected by anyone except the addressee or his authorized representative.

The address label must be marked with the number of items in the package and their weight.

Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions. Money in cash, banknotes, or values payable to the bearer.

Dutiable articles in letter packages. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.82; each additional 4 ounces or fraction 31 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.82	3	12	$6.16	7	4	$10.50
0	8	2.13	4	0	6.47	7	8	10.81
0	12	2.44	4	4	6.78	7	12	11.12
1	0	2.75	4	8	7.09	8	0	11.43
1	4	3.06	4	12	7.40	8	4	11.74
1	8	3.37	5	0	7.71	8	8	12.05
1	12	3.68	5	4	8.02	8	12	12.36
2	0	3.99	5	8	8.33	9	0	12.67
2	4	4.30	5	12	8.64	9	4	12.98
2	8	4.61	6	0	8.95	9	8	13.29
2	12	4.92	6	4	9.26	9	12	13.60
3	0	5.23	6	8	9.57	10	0	13.91
3	4	5.54	6	12	9.88			
3	8	5.85	7	0	10.19			

For rates over 10 pounds, charge $12.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U. S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, precious metals, jewelry, or other precious articles must not be accepted as parcel post for mailing unless they are insured.

Observations. Senders are required to indicate as a part of the addresses of all parcels the name of the department (State) in which the office of destination is located.

In view of the extensive variety of articles prohibited to Colombia (see Prohibitions), persons desiring to mail parcels should be advised to consult the addressees in advance of mailing to ascertain whether their articles will be admitted, or to consult the nearest Colombian consulate, stating specifically what articles they desire to send. Parcels will be accepted for mailing to Colombia only with the understanding that the mailer has satisfied himself that the contents will be admitted.

Each parcel-post shipment valued at $20 or less requires two copies of the sender's commercial invoice, one of which must be enclosed in the parcel and the other sent under separate cover to the addressee. Consular legalization is not needed, but the invoice must include a declaration of origin of the merchandise, in Spanish, reading as follows:

Certificamos bajo juramento que los precios de esta factura son los mismos que cargamos al cliente y que la mercancia a que se refiere esta misma factura es originaria de_____
(Country of origin)

En fe de lo expuesto firmamos la presente declaración en_____,
(City, State)

_____ de _____ de _____.
(Day) (Month) (Year)

_____
(Signature of shipper)

(Translation: We certify under oath that the prices in this invoice are the same that we charge our customers, and that the merchandise in this same invoice comes from_____
(Country of origin)

In faith of which we sign the present declaration at_____,
(City, State)

on _____.)
(Date)

Commercial shipments of books or periodicals must be accompanied by commercial invoices as prescribed for such shipments in the postal union mails. See "Observations" under "Postal Union Mail."

For parcels valued over $20, the sender must have a copy of his commercial invoice legalized by a Colombian Consulate, and must prepare four copies of a consular invoice, one of which must be sent direct to the addressee with the legalized commercial invoice.

Consular invoice forms may be obtained and commercial invoices legalized at Colombian Consulates, which are located in principal cities of the United States.

The addressees in Colombia are required in most cases to obtain import licenses in order to secure delivery of parcels. For a parcel exceeding $20 in value the addressee is required to send a copy of the import license to the sender, who must submit it to the Colombian Consul when obtaining the consular invoice. If a sender receives a copy of a Colombian import license for a parcel whose value does not exceed $20, he must return it to the addressee in Colombia.

Parcels mailed simultaneously by the same sender to the same addressee at one address must be marked in the following manner, in order that customs officials in Colombia may more readily ascertain the combined value of the parcels contained in a single mailing.

Each parcel comprised in a single mailing must bear a fractional number, the numerator of which indicates the number of the parcel and the denominator the number of parcels comprised in the mailing. For example, if a single mailing were composed of 15 parcels they would be numbered 1/15, 2/15, 3/15, etc.

Prohibitions. New and used clothing, except when mailed as unaccompanied baggage, in which case the words "Equipaje no acompañado" and the owner's passport number must be shown on the address label and the accompanying documents. Used clothing is also admitted when addressed to educational institutions. In either case, used clothing must have a certificate of disinfection enclosed.

An extensive variety of articles is prohibited to Colombia as a result of stringent import control regulations. Many kinds of food, musical instruments, jewelry, ornaments, watches, clocks, electrical and scientific apparatus, playing cards, engravings and other pictures including picture books, calendars and other illustrated stationery, soap, tobacco and pharmaceutical products are prohibited, as well as articles made from metal, wood, rubber, cloth, paper, cardboard, leather, glass, wax, and ceramics.

Parcels are accepted only under the conditions set forth in *Observations*.

Also see § 31.2 of this chapter.

COMORO ISLANDS (MAYOTTE, GRAND COMORO, ANJOUAN, AND MOHELI)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.99; each additional 4 ounces or fraction, 91 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.99	3	12	$14.73	7	4	$27.47
0	8	2.90	4	0	15.64	7	8	28.38
0	12	3.81	4	4	16.55	7	12	29.29
1	0	4.72	4	8	17.46	8	0	30.20
1	4	5.63	4	12	18.37	8	4	31.11
1	8	6.54	5	0	19.28	8	8	32.02
1	12	7.45	5	4	20.19	8	12	32.93
2	0	8.36	5	8	21.10	9	0	33.84
2	4	9.27	5	12	22.01	9	4	34.75
2	8	10.18	6	0	22.92	9	8	35.66
2	12	11.09	6	4	23.83	9	12	36.57
3	0	12.00	6	8	24.74	10	0	37.48
3	4	12.91	6	12	25.65			
3	8	13.82	7	0	26.56			

For rates over 10 pounds, charge $36.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown in § 31.2 of this chapter, apply.

CONGO (PEOPLE'S REPUBLIC OF THE) (BRAZZAVILLE)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in front of the appendix and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Lettters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver, or platinum; precious stones, jewelry, or other precious articles. Perishable biological materials.

Also the articles prohibited as parcel post.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	3	12	$11.13	7	4	$20.51
0	8	2.42	4	0	11.80	7	8	21.18
0	12	3.09	4	4	12.47	7	12	21.85
1	0	3.76	4	8	13.14	8	0	22.52
1	4	4.43	4	12	13.81	8	4	23.19
1	8	5.10	5	0	14.48	8	8	23.86
1	12	5.77	5	4	15.15	8	12	24.53
2	0	6.44	5	8	15.82	9	0	25.20
2	4	7.11	5	12	16.49	9	4	25.87
2	8	7.78	6	0	17.16	9	8	26.54
2	12	8.45	6	4	17.83	9	12	27.21
3	0	9.12	6	8	18.50	10	0	27.88
3	4	9.79	6	12	19.17			
3	8	10.46	7	0	19.84			

For rates over 10 pounds, charge $26.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. The postal authorities of Congo collect domestic postage charges from the addressees of incoming parcels.

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case, or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Congo authorities.

Also see § 31.2 of this chapter.

CONGO (DEMOCRATIC REPUBLIC OF THE) (KINSHASA)

Postal Union Mail

Classifications, weight limits and dimentions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Article of platinum, gold, or silver; jewels or other previous articles; coins.

Values payable to bearer and banknotes are subject to Congo exchange control regulations. If the importation of such articles is not authorized, they may be confiscated.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	3	12	$11.13	7	4	$20.51
0	8	2.42	4	0	11.80	7	8	21.18
0	12	3.09	4	4	12.47	7	12	21.85
1	0	3.76	4	8	13.14	8	0	22.52
1	4	4.43	4	12	13.81	8	4	23.19
1	8	5.10	5	0	14.48	8	8	23.86
1	12	5.77	5	4	15.15	8	12	24.53
2	0	6.44	5	8	15.82	9	0	25.20
2	4	7.11	5	12	16.49	9	4	25.87
2	8	7.78	6	0	17.16	9	8	26.54
2	12	8.45	6	4	17.83	9	12	27.21
3	0	9.12	6	8	18.50	10	0	27.88
3	4	9.79	6	12	19.17			
3	8	10.46	7	0	19.84			

For rates over 10 pounds, charge $26.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee, 80 cents. There is no provision for indemnity. (See Part 42 and § 72.2(b) (4) of this chapter.)

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown in § 31.2 of this chapter, apply.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees.

Saccharine and products containing it require the authorization of the Congo Ministry of Economic Affairs.

Medicines and biological products require the authorization of the Congo medical authorities.

Arms of all kinds require the authorization of the Congo Ministry of the Interior.

CORSICA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Same as France.

Prohibitions and import restrictions. Same as France.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.89; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.89	3	12	$7.77	7	4	$13.65
0	8	2.31	4	0	8.19	7	8	14.07
0	12	2.73	4	4	8.61	7	12	14.49
1	0	3.15	4	8	9.03	8	0	14.91
1	4	3.57	4	12	9.45	8	4	15.33
1	8	3.99	5	0	9.87	8	8	15.75
1	12	4.41	5	4	10.29	8	12	16.17
2	0	4.83	5	8	10.71	9	0	16.59
2	4	5.25	5	12	11.13	9	4	17.01
2	8	5.67	6	0	11.55	9	8	17.43
2	12	6.09	6	4	11.97	9	12	17.85
3	0	6.51	6	8	12.39	10	0	18.27
3	4	6.93	6	12	12.81			
3	8	7.35	7	0	13.23			

For rates over 10 pounds, charge $16.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.
Registration. No provision.
Insurance. Same as for France.
Observations. Same as France.
Prohibitions and import restrictions. Same as France, except that tobacco is admitted.

COSTA RICA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.31; each additional 4 ounces or fraction, 26 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.31	3	12	$4.95	7	4	$8.59
0	8	1.57	4	0	5.21	7	8	8.85
0	12	1.83	4	4	5.47	7	12	9.11
1	0	2.09	4	8	5.73	8	0	9.37
1	4	2.35	4	12	5.99	8	4	9.63
1	8	2.61	5	0	6.25	8	8	9.89
1	12	2.87	5	4	6.51	8	12	10.15
2	0	3.13	5	8	6.77	9	0	10.41
2	4	3.39	5	12	7.03	9	4	10.67
2	8	3.65	6	0	7.29	9	8	10.93
2	12	3.91	6	4	7.55	9	12	11.19
3	0	4.17	6	8	7.81	10	0	11.45
3	4	4.43	6	12	8.07			
3	8	4.69	7	0	8.33			

For rates over 10 pounds, charge $10.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.
Registration. No provision.
Insurance. No provision.
Observations. It is necessary that three copies of a commercial invoice be prepared in Spanish (or in English with an interlinear Spanish translation) for parcels valued in excess of $25. These invoices may be enclosed in the parcel or sent under separate cover to the consignee, the latter procedure being preferred.
Prohibitions. No list furnished, but the general prohibitions and restrictions shown in § 31.2 of this chapter, apply.

CUBA (INCLUDING ISLE OF PINES, WEST INDIES)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Service is limited to letters in usual form, braille letters for the blind, post cards, and unsealed envelopes containing printed matter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter and matter for the blind, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special delivery. No service.

Money orders. No service.

Prohibitions. Currency, postage stamps for sale or exchange, checks, securities and other financial instruments, unless licensed by the United States Treasury Department.

Parcel Post

(No service)

CYPRUS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. Service is confined to Famagusta, Kyrenia, Larnaca, Limassol, Nicosia, and Paphos. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins exceeding £5 ($14.00) in value. Radioactive materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.83; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.83	3	12	$9.39	7	4	$16.95
0	8	2.37	4	0	8.93	7	8	17.49
0	12	2.91	4	4	10.47	7	12	18.03
1	0	3.45	4	8	11.01	8	0	18.57
1	4	3.99	4	12	11.55	8	4	19.11
1	8	4.53	5	0	12.09	8	8	19.65
1	12	5.07	5	4	12.63	8	12	20.19
2	0	5.61	5	8	13.17	9	0	20.73
2	4	6.15	5	12	13.71	9	4	21.27
2	8	6.69	6	0	14.25	9	8	21.81
2	12	7.23	6	4	14.79	9	12	22.35
3	0	7.77	6	8	15.33	10	0	22.89
3	4	8.31	6	12	15.87			
3	8	8.85	7	0	16.41			

For rates over 10 pounds, charge $21.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.
Registration. No provision.
Insurance. No provision.
Prohibitions. Daggers; automatic or repeating rifles; airguns; guns for discharging harmful liquid or gas; imitation or toy pistols or revolvers. See "Import restrictions".

Coins. Post cards of private manufacture having illustrated designs not previously approved by the Cyprus Post Office.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees.

Import licenses must be obtained in Cyprus except for merchandise not exceeding £5 ($14.00) in value for the addressee's personal use.

Used clothing and saccharine require permission of the Ministry of Health.

Bees, honey and substances containing uncooked honey require permission of the Ministry of Agriculture.

Firearms which are not prohibited require a permit from the Prefect of Police.

Articles for the manufacture of cigarettes require permission of the Cyprus customs authorities.

CZECHOSLOVAKIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes, except to province of Ruthenia. See § 171.2 of this chapter.

Observations. See "Observations" under "Parcel Post" for special requirements applicable to gift parcels, which also apply to gift shipments in the postal union mail.

Postage stamps and stamped paper for philatelic purposes may be imported into Czechoslovakia only under the following conditions:

Shipments for sale may be sent only to the firm Artia. V. Smečkách 30, Prague 1.

Gift shipments may be sent only in letters containing no other merchandise; one addressee may receive only three shipments per year, from at least two different senders. Each shipment must consist of assorted cancelled stamps not exceeding 20 Czechoslovak crowns ($2.83) in value. Noncomplying shipments will not be delivered.

Exchange shipments may be sent only to authorized collectors through the intermediary of the Czechoslovak postal administration. Shipments must be addressed to the Foreign Stamp Exchange Center, Post Office, Prague 121, with the name and address of the collector on a piece of paper enclosed.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.38; each additional 4 ounces or fraction, 46 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.38	3	12	$8.10	7	4	$14.82
0	8	1.66	4	0	8.68	7	8	15.40
0	12	2.24	4	4	9.06	7	12	15.78
1	0	2.82	4	8	9.64	8	0	16.26
1	4	3.30	4	12	10.02	8	4	16.74
1	8	3.78	5	0	10.50	8	8	17.22
1	12	4.26	5	4	10.98	8	12	17.70
2	0	4.74	5	8	11.46	9	0	18.18
2	4	5.22	5	12	11.94	9	4	18.66
2	8	5.70	6	0	12.42	9	8	19.14
2	12	6.18	6	4	12.90	9	12	19.62
3	0	6.66	6	8	13.38	10	0	20.10
3	4	7.14	6	12	13.86			
3	8	7.62	7	0	14.34			

For rates over 10 pounds, charge $19.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.
Registration. No provision.
Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15.00	$0.35
$15.01 to $50.00	.45
$50.01 to $100.00	.55
$100.01 to $150.00	.65
$150.01 to $200.00	.75

Print on the wrapper, near the "insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, precious metals, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Used clothing and used footwear are prohibited except for articles belonging to persons travelling to Czechoslovakia, or articles inherited by or bequeathed to persons residing there.

Gift parcels may not contain preserved foods in tin cans or other hermetically sealed containers.

Gift parcels must be sent by private individuals. Those sent by commercial firms are not admitted.

Import permits are required for gift parcels exceeding three per year from one addressee, or for any parcel exceeding 3,000 crowns (about $415) in value. Permits may be issued to addressees or withheld at the discretion of the customs authorities after the parcels arrived.

Articles which plainly exceed in amount the normal needs of the addressee and his family are not admitted.

Certain commodities are subject to quotas, as shown in the following list. The quantities shown in the second column are admitted at lower rates of duty; larger amounts will be charged with duty at higher rates. The quantities shown in third column are the maximum admitted in gift parcels; larger amounts will not be delivered.

Commodities	Quantities admitted at lower duty rates	Maximum admitted in gift parcels
Coffee, other than instant.	2 lbs. 3 oz.	6 lbs. 9 oz.
Coffee, instant	17½ oz.	
Tea, other than instant.	8¾ oz.	2 lbs. 3 oz.
Tea, instant	17½ oz.	
Cocoa, powdered or not.	2 lbs. 3 oz.	6 lbs. 9 oz.
Cocoa, powdered		
Chocolate	2 lbs. 3 oz.	6 lbs. 9 oz.
Chocolate products	2 lbs. 3 oz.	
Chewing gum	8¾ oz.	17½ oz.
Spices	8¾ oz.	17½ oz.
Cigarettes	400	600.
Cigars		100.
Tobacco		17½ oz.
Wool knitting yarn	2 lbs. 3 oz.	4 lbs. 6 oz.
Coats, dresses, suits (new).		Two.
Wool cloth		7½ yards.
Nylon or similar cloth		7½ yards.
Blouses of nylon or similar cloth.		Three.
Underwear of nylon or similar cloth.		3 articles or suits.
Stockings of nylon or similar cloth.	2 pairs	5 pairs.
Shawls and scarfs (new).	Two	Five.
Tablecloths, plastic or nylon.	Two	Five.
Plastic or other synthetic materials.	5¼ yards	10½ yards.
Watches		Two.
Folding umbrellas		Two.

Medicines are admitted in gift parcels only if no other articles are enclosed. They are free of duty if the quantity does not exceed the proper needs of the addressee and his family. Addressees must present a permit from the Czechoslovak health authorities in order to take delivery.

Printed matter (books, periodicals, etc.), phonograph records, tape recordings and motion-picture films are admitted only in parcels containing no other articles.

The foregoing gift parcel regulations do not apply to parcels mailed by or addressed to Czechoslovak citizens visiting the United States, containing only articles belonging to them and intended for

their personal use. The customs declarations of such parcels, in addition to listing the nature and value of the articles enclosed, must indicate clearly that the contents are the property of a visiting Czechoslovak citizen.

Prohibitions. For reasons of public safety: Secret arms, i.e., poniards, firearms or swords concealed in canes, etc., may be imported only if accompanied by a certificate.

For reasons of sanitary policy: Colors and mastics containing lead may be imported when the packing bears a clear and distinct indication that they contain lead.

For the protection of animals or plants: Meat products require a veterinary certificate and a certificate of origin, except quantities up to 10 kilograms for the personal consumption of the addressee. Bacon and lard require a certificate of origin. Veterinary certificates and certificates of origin are required for honey, beeswax, and beekeeping equipment.

State monopolies: German and Hungarian silver coins.

For other reasons: Gift parcels containing preserved foods in tin cans or other hermetically sealed containers; gift parcels containing used clothing or used footwear; all gifts sent by commercial firms. See "Observations."

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

The importation of silkworms is permitted only by special permission of the Ministry of Agriculture.

Shipment of arms and their parts must be accompanied during their transportation over customs territory by a certificate issued by the State police.

Tobacco and its products require the permission of the Ministry of Finance for importation, with the exception of shipments for the Monopoly or small shipments for personal use of the addressee.

Czechoslovak coins, paper money, securities and other paper values of any kind, as well as savings-bank booklets, and unmanufactured gold, silver, and platinum, may be imported only by authorization of the Czechoslovak National Bank at Praha.

Salt and artificial sweetening substances require the authorization of the Ministry of Finance.

Wireless telegraph and telephone apparatus require authorization of the Ministry of Commerce.

The restrictions on the exchange of postage stamps shown in "Prohibitions" under "Postal Union Mails" also apply in case of shipments by parcel post.

DAHOMEY (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials. Also the articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.50; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.50	3	12	$9.06	7	4	$16.62
0	8	2.04	4	0	9.60	7	8	17.16
0	12	2.58	4	4	10.14	7	12	17.70
1	0	3.12	4	8	10.68	8	0	18.24
1	4	3.66	4	12	11.22	8	4	18.78
1	8	4.20	5	0	11.76	8	8	19.32
1	12	4.74	5	4	12.30	8	12	19.86
2	0	5.28	5	8	12.84	9	0	20.40
2	4	5.82	5	12	13.38	9	4	20.94
2	8	6.36	6	0	13.92	9	8	21.48
2	12	6.90	6	4	14.46	9	12	22.02
3	0	7.44	6	8	15.00	10	0	22.56
3	4	7.98	6	12	15.54			
3	8	8.52	7	0	16.08			

For rates over 10 pounds, charge $21.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provisions.

Insurance. No provision.

Observations. The following offices are authorized to participate in the parcel post service:

Abomey.	Grand-Popo.
Abomey-Calavi.	Kandi.
Adjohon.	Natitingou.
Allada.	Nikki.
Athiémé.	Ouidah.
Attogon.	Parahoué.
Bimbéréké.	Parakou.
Bohicon.	Pobé.
Cotonou.	Porto-Novo.
Cové.	Sakété.
Dassa-Zoumé.	Savalou.
Djougou.	Savé.

The postal authorities of Dahomey collect domestic postage from the addressees.

Prohibitions. Saccharine; distilling apparatus; arms and military equipment.

Also see § 31.2 of this chapter.

DENMARK

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III:)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Danish and foreign stocks, bonds, and coupons may not be imported unless the addresssee possesses a permit issued by the National Bank of Denmark.

Almanacs (except for single copies) which do not bear the University almanac stamp.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.35; each additional 4 ounces or fraction, 45 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.35	2	12	$7.65	7	4	$13.95
0	8	1.80	4	0	8.10	7	8	14.40
0	12	2.25	4	4	8.55	7	12	14.85
1	0	2.70	4	8	9.00	8	0	15.30
1	4	3.15	4	12	9.45	8	4	15.75
1	8	3.60	5	0	9.90	8	8	16.20
1	12	4.05	5	4	10.35	8	12	16.65
2	0	4.50	5	8	10.80	9	0	17.10
2	4	4.95	5	12	11.25	9	4	17.55
2	8	5.40	6	0	11.70	9	8	18.00
2	12	5.85	6	4	12.15	9	12	18.45
3	0	6.30	6	8	12.60	10	0	18.90
3	4	6.75	6	12	13.05			
3	8	7.20	7	0	13.50			

For rates over 10 pounds, charge $18 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$225.55 (U.S.)

TWO HUNDRED TWENTY-FIVE DOLLARS AND FIFTY-FIVE CENTS

676.65 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewels, or other precious articles sent by parcel post must be insured.

Observations. Parcels containing articles subject to ad valorem duty require an invoice, which should be sent to the addressee in advance in the case of parcels for Denmark, but should accompany parcels for the Faroe Islands. Information as to Danish customs duties on specific commodities can be obtained from the European Division, Bureau of International Commerce, Department of Commerce, Washington, DC 20230, or from any field office of that Department.

Prohibitions. For the protection of animals or plants: Dried or powdered milk, and food mixtures containing it.

For other reasons: Medicinal products reserved for pharmacies may be imported in amounts costing less than 100 crowns only by pharmacists, laboratories recognized by the State, or authorized dealers.

Fine-cut tobacco in small packages to which cigarette papers are attached.

Lighters utilizing a catalyst for ignition.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Permission from the Danish authorities is required for the following: Firearms exceeding .22 caliber, except shotguns for hunting and airguns; knives with blades over 4¾ inches long, except those used as tools; blackjacks, brass knuckles and similar weapons.

DOMINICAN REPUBLIC

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Coins, manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. (Banknotes and values payable to bearer are admitted in registered letters.)

Dutiable articles in letter packages. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.42; each additional 4 ounces or fraction, 23 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.42	3	12	$4.64	7	4	$7.86
0	8	1.65	4	0	4.87	7	8	8.09
0	12	1.88	4	4	5.10	7	12	8.32
1	0	2.11	4	8	5.33	8	0	8.55
1	4	2.34	4	12	5.56	8	4	8.78
1	8	2.57	5	0	5.79	8	8	9.01
1	12	2.80	5	4	6.02	8	12	9.24
2	0	3.03	5	8	6.25	9	0	9.47
2	4	3.26	5	12	6.48	9	4	9.70
2	8	3.49	6	0	6.71	9	8	9.93
2	12	3.72	6	4	6.94	9	12	10.16
3	0	3.95	6	8	7.17	10	0	10.39
3	4	4.18	6	12	7.40			
3	8	4.41	7	0	7.63			

For rates over 10 pounds, charge $9.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Parcels exceeding $100 in value must be accompanied by consular invoices or by commercial invoices in the form prescribed by the Dominican consular authorities, to whom six copies of either invoice must be sent for legalization.

Dominican consuls are located in principal cities of the United States.

Prohibitions. Arms, etc.: Poniards, daggers, stilettos; sticks or fans with concealed blades or firearms.

Firearms and war material, unless authorized by the Government.

For other reasons: Roulette games and other gambling devices.

Oils, etc., with a flash point lower than 150° F.

Cigarettes, unless each package bears a Dominican internal-revenue stamp. Interested mailers can obtain further information from Dominican Consulates.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirement which is to be met by addressees:

Authority must be obtained from the Dominican Export-Import Coordination Commission to import goods by parcel post or postal union mail.

ECUADOR

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatching exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. (Guayaquil and Quito only.) See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. See "Observations" under "Parcel Post" concerning treatment accorded articles on which Ecuadoran customs duties are assessed and which are refused by the addressee.

Prohibitions. Dutiable articles in unregistered letter packages. Perishable biological materials. Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.76; each additional 4 ounces or fraction, 30 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.76	3	12	$5.96	7	4	$10.16
0	8	2.06	4	0	6.26	7	8	10.46
0	12	2.36	4	4	6.56	7	12	10.76
1	0	2.66	4	8	6.86	8	0	11.06
1	4	2.96	4	12	7.16	8	4	11.36
1	8	3.26	5	0	7.46	8	8	11.66
1	12	3.56	5	4	7.76	8	12	11.96
2	0	3.86	5	8	8.06	9	0	12.26
2	4	4.16	5	12	8.36	9	4	12.56
2	8	4.46	6	0	8.66	9	8	12.86
2	12	4.76	6	4	8.96	9	12	13.16
3	0	5.06	6	8	9.26	10	0	13.46
3	4	5.36	6	12	9.56			
3	8	5.66	7	0	9.86			

For rates over 10 pounds, charge $12 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration and insurance. The following registry and insurance fees and limits of indemnity apply:

REGISTERED PARCEL-POST PACKAGES

Limit of indemnity:	Fee
Up to $50	$0.80

INSURED PARCEL-POST PACKAGES

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45

Coin, bullion, jewelry, or any other precious article must be registered.

For general information on registration and insurance, see Parts 42 and 43 of this chapter.

Observations. Parcels or groups of parcels exceeding $40 in value require consular and commercial invoices legalized by an Ecuadoran Consul, from whom consular invoice forms must be purchased. Certificates of mailing on Form 3817 or 3877 in quadruplicate must be submitted to the Consulate with the invoices. See Part 48 of this chapter for fees. Consuls of Ecuador are located in principal cities of the United States.

After the arrival of parcels in Ecuador each addressee is contacted in order to ascertain whether he desires to accept the parcel. If the addressee refuses the parcel it is treated as undeliverable and disposed of in accordance with the instructions of the sender, but if the addressee accepts the parcel it is then submitted for customs treatment. If, after customs duties have been assessed, the addressee should fail to pay those charges the parcel will not be released for return to the sender until the amount of duty assessed is paid.

Prohibitions. For reasons of public safety: Bank notes. Uncanceled postage stamps in ordinary mail.

For sanitary reasons: Pharmaceutical products and compound medicines whose formula is not known.

Used clothing, unless accompanied by a detailed list of articles and a certificate that they have been disinfected or thoroughly cleaned.

Nursing bottles with rubber or glass tubes.

For the protection of animals or plants: Plants, fruits, and seeds which may contain germs or parasites declared harmful by the agricultural authorities. Bits and mouthpieces therefor made of copper or any alloy containing copper.

Arms, etc.: Poniards; sticks, fans, and other articles containing hidden darts; razors, daggers, or firearms.

State monopolies, etc.: Leaf or manufactured tobacco and cigarette paper except for or by authorization of the Government. Unrefined salt.

For other reasons: Roulette games, gambling paraphernalia, labels, imprints, or marks registered in Ecuador, unless imported by authorized manufacturers themselves.

Leather shoes in general; cloth and rubber shoes.

Preparations for obliterating ink and handwriting.

All maps showing the territory of Ecuador with incorrect boundaries.

So-called "Panama" hats and the straw used for making them; also straw called "Mocora" similar to that produced in Ecuador, and hats made therefrom.

Also see § 31.2 of this chapter.

EL SALVADOR (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. See "Observations", under "Parcel Post" as to requirements for commercial invoice and certificate of origin, which also apply to packages of postal union mail.

Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions. Banknotes. Coins of gold or silver, jewelry, precious stones and other precious articles.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.40; each additional 4 ounces or fraction, 27 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.40	3	12	$5.18	7	4	$8.96
0	8	1.67	4	0	5.45	7	8	9.23
0	12	1.94	4	4	5.72	7	12	9.50
1	0	2.21	4	8	5.99	8	0	9.77
1	4	2.48	4	12	6.26	8	4	10.04
1	8	2.75	5	0	6.53	8	8	10.31
1	12	3.02	5	4	6.80	8	12	10.58
2	0	3.29	5	8	7.07	9	0	10.85
2	4	3.56	5	12	7.34	9	4	11.12
2	8	3.83	6	0	7.61	9	8	11.39
2	12	4.10	6	4	7.88	9	12	11.66
3	0	4.37	6	8	8.15	10	0	11.93
3	4	4.64	6	12	8.42			
3	8	4.91	7	0	8.69			

For rates over 10 pounds, charge $10.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Commercial invoices are required for all commercial parcels regardless of value and for gift parcels valued at $50 or more. No invoices are required for gift parcels valued at less than $50.

For all parcels valued at $50 or more, the sender should submit to a Salvadoran consulate seven copies of the commercial invoice in the form prescribed by the Salvadoran regulations. The consulate returns two legalized copies to the sender, who should mail them to the addressee direct, not enclosed in the parcel.

For commercial parcels valued at less than $50, three copies of the invoice which need not be legalized should be mailed direct to the addressee.

Certificates of origin are required only if exemption from or modification of customs duty is claimed under a trade agreement.

Salvadoran consuls are located in principal cities of the United States.

Prohibitions. Pistols and revolvers of caliber .41 or larger; regulation pistols of the Army of El Salvador; silencers for firearms of any kind. Gambling equipment. Unstamped cigarette paper. Cigarettes, unless the words "importación a El Salvador" are printed or stamped on each package.

Also see § 31.2 of this chapter.

EQUATORIAL GUINEA (INCLUDING ANNOBÓN, CORISCO AND THE ELOBEY ISLANDS)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Dutiable articles in letter packages; also perishable biological materials. Otherwise, same as for Spain, except that tobacco is admitted if the addressee has a permit.

See also § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.79; each additional 4 ounces or fraction, 77 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.79	3	12	$12.67	7	4	$23.35
0	8	2.56	4	0	13.34	7	8	24.12
0	12	3.33	4	4	14.11	7	12	24.89
1	0	4.10	4	8	14.88	8	0	25.66
1	4	4.87	4	12	15.65	8	4	26.43
1	8	5.64	5	0	16.42	8	8	27.20
1	12	6.41	5	4	17.19	8	12	27.97
2	0	7.18	5	8	17.96	9	0	28.74
2	4	7.95	5	12	18.73	9	4	29.51
2	8	8.72	6	0	19.50	9	8	30.28
2	12	9.49	6	4	20.27	9	12	31.05
3	0	10.26	6	8	21.04	10	0	31.82
3	4	11.03	6	12	21.81			
3	8	11.80	7	0	22.58			

For rates over 10 pounds, charge $30.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Registration. No provision.

Insurance. No provision.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Prohibitions and import restrictions. Same as for Spain, except that tobacco is admitted if the addressee has a permit.

Also see § 31.2 of this chapter.

ESTONIA

(NOTE.—The regulations mentioned hereinafter are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse the entry into Estonia of mail unless such mail complies with the Soviet postal regulations.)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." must be included as part of the address of mail articles.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 4 4and not over 46 inches in length do not exceed 24 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth.

Postal forms required. One form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.81, each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.81	3	12	$10.21	7	4	$18.61
0	8	2.41	4	0	10.81	7	8	19.21
0	12	3.01	4	4	11.41	7	12	19.81
1	0	3.61	4	8	12.01	8	0	20.41
1	4	4.21	4	12	12.61	8	4	21.01
1	8	4.81	5	0	13.21	8	8	21.61
1	12	5.41	5	4	13.81	8	12	22.21
2	0	6.01	5	8	14.41	9	0	22.81
2	4	6.61	6	12	15.01	9	4	23.41
2	8	7.21	6	0	15.61	9	8	24.01
2	12	7.81	6	4	16.21	9	12	24.61
3	0	8.41	6	8	16.81	10	0	25.21
3	4	9.01	6	12	17.41			
3	8	9.61	7	0	18.01			

For rates over 10 pounds, charge $24.00 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. Same as for U.S.S.R.

Observations. Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U.S.S.R." must be included as part of the address of parcels.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

ETHIOPIA (ABYSSINIA) (INCLUDING ERITREA)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Direct sacks of prints, provided for in § 22.4(f) of this chapter, are not accepted.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.80; each additional 4 ounces or fraction, 69 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.80	3	12	$11.46	7	4	$21.12
0	8	2.49	4	0	12.15	7	8	21.81
0	12	3.18	4	4	12.84	7	12	22.50
1	0	3.87	4	8	13.53	8	0	23.19
1	4	4.56	4	12	14.22	8	4	23.88
1	8	5.25	5	0	14.91	8	8	24.57
1	12	5.94	5	4	15.60	8	12	25.26
2	0	6.63	5	8	16.29	9	0	25.95
2	4	7.32	5	12	16.98	9	4	26.64
2	8	8.01	6	0	17.67	9	8	27.33
2	12	8.70	6	4	18.36	9	12	28.02
3	0	9.39	6	8	19.05	10	0	28.71
3	4	10.08	6	12	19.74			
3	8	10.77	7	0	20.43			

For rates over 10 pounds, charge $27.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:

	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting United States currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Parcels are liable to a charge for delivery. All parcels must be very strongly packed, and those of which the contents are liable to be affected by dampness should be enclosed in two separate waterproof covers.

In order to facilitate customs clearance and delivery, senders must enclose in their parcels a copy of an invoice covering the contents. Such invoices must be attested by an appropriate authority of the country of origin (chamber of commerce, board of trade, etc.).

Used clothing must be thoroughly cleaned.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

FALKLAND ISLANDS (INCLUDING SOUTH GEORGIA)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Same as for Great Britain, except that parasites and predators of injurious insects are prohibited.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.90; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.90	3	12	$9.46	7	4	$17.02
0	8	2.44	4	0	10.00	7	8	17.56
0	12	2.98	4	4	10.54	7	12	18.10
1	0	3.52	4	8	11.08	8	0	18.64
1	4	4.06	4	12	11.62	8	4	19.18
1	8	4.60	5	0	12.16	8	8	19.72
1	12	5.14	5	4	12.70	8	12	20.26
2	0	5.68	5	8	13.24	9	0	20.80
2	4	6.22	5	12	13.78	9	4	21.34
2	8	6.76	6	0	14.32	9	8	21.88
2	12	7.30	6	4	14.86	9	12	22.42
3	0	7.84	6	8	15.40	10	0	22.96
3	4	8.38	6	12	15.94			
3	8	8.92	7	0	16.48			

For rates over 10 pounds, charge $21.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Air parcels will receive air dispatch to Montevideo, Uruguay, and surface transmission from Montevideo to destination.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

FAROE ISLANDS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Same as for Denmark.

Parcel Post

(Same as Denmark)

FIJI ISLANDS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.77; each additional 4 ounces or fraction, 56 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.77	3	12	$9.61	7	4	$17.45
0	8	2.33	4	0	10.17	7	8	18.01
0	12	2.89	4	4	10.73	7	12	18.57
1	0	3.45	4	8	11.29	8	0	19.13
1	4	4.01	4	12	11.85	8	4	19.69
1	8	4.57	5	0	12.41	8	8	20.25
1	12	5.13	5	4	12.97	8	12	20.81
2	0	5.69	5	8	13.53	9	0	21.37
2	4	6.25	5	12	14.09	9	4	21.93
2	8	6.81	6	0	14.65	9	8	22.49
2	12	7.37	6	4	15.21	9	12	23.05
3	0	7.93	6	8	15.77	10	0	23.61
3	4	8.49	6	12	16.33			
3	8	9.05	7	0	16.89			

For rates over 10 pounds, charge $22.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:

	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. Tobacco, cigars, cigarettes, and snuff exceeding 11 pounds or packed with other merchandise.

Dyes and coloring materials.

Also see § 31.2 of this chapter.

FINLAND

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles of gold or silver are subject to inspection and must contain at least 585/1000 of fine gold or 813/1000 of fine silver, except for coins, medals and other foreign decorations, antiques, foreign contest prizes, gifts with engraved initials, and gold or silver articles intended for the addressee's personal use or that of his family, or those being shipped incidentally to change of residence.

Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.38; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.38	3	12	$8.24	7	4	$15.10
0	8	1.87	4	0	8.73	7	8	15.59
0	12	2.36	4	4	9.22	7	12	16.08
1	0	2.85	4	8	9.71	8	0	16.57
1	4	3.34	4	12	10.20	8	4	17.06
1	8	3.83	5	0	10.69	8	8	17.55
1	12	4.32	5	4	11.18	8	12	18.04
2	0	4.81	5	8	11.67	9	0	18.53
2	4	5.30	5	12	12.16	9	4	19.02
2	8	5.79	6	0	12.65	9	8	19.51
2	12	6.28	6	4	13.14	9	12	20.00
3	0	6.77	6	8	13.63	10	0	20.49
3	4	7.26	6	12	14.12			
3	8	7.75	7	0	14.61			

For rates over 10 pounds, charge $19.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:

	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and

in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, paper money, bullion, jewelry, or other precious articles sent as parcel post must be insured.

Observations. The Finnish customs authorities permit duty-free entry and exemption from import license for gift parcels, or groups of such parcels containing only the articles listed below, provided no parcel or group exceeds 22 pounds in weight or 5,000 Finnish marks (about $15.60) in value:

Foodstuffs other than coffee, cocoa, tea, or candy.

Coffee, cocoa, and candy up to 2 pounds 3 ounces each, and tea up to 8¼ ounces.

Tobacco products not exceeding 100 cigarettes, 30 cigarillos, 25 cigars or 3½ ounces of pipe tobacco.

Small quantities of clothing (new as well as used), soap, leather goods, razor blades, and similar articles of small value, not to be sold or used in commerce or trade.

If gift parcels contain articles exceeding the above limits, the addressees will be required to obtain import licenses and pay customs charges.

Prohibitions. For sanitary reasons: Medicines and drugs, including any substances which may be classed as pharmaceuticals by the Finnish authorities, unless addressed to authorized manufacturers, dealers, scientists or public health officials for use or distribution in accordance with Finnish regulations. Such substances prepared in doses for use by patients must be clearly and correctly labeled showing the nature and quantity of the ingredients.

For other reasons: Chile saltpeter containing 1 percent or more of chlorate or perchlorates, taking into consideration the whole of both substances as perchlorate of potassium.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

See "Observations" concerning import licenses.

The authorization of the Ministry of the Interior is required for the importation of meat and meat products, crude animal products, rags, and firearms.

FRANCE (INCLUDING MONACO)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounces. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatching exchange offices for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Printed matter of value should have Form 2976 affixed, and it can be cleared more readily through the French customs if an invoice is enclosed.

It is recommended that all articles bear, as a part of the address, the name of the department (Province), in which the office of destination is located.

Prohibitions. Gold coins or other articles of gold, unless the addressee has a permit issued by the Bank of France (not required for gold-plated articles or for ornaments or jewelry containing only small amounts of gold and weighing 500 grams or less). Also see Part 54 of this chapter.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weigh limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.89; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.89	3	12	$7.77	7	4	$13.65
0	8	2.31	4	0	8.19	7	8	14.07
0	12	2.73	4	4	8.61	7	12	14.49
1	0	3.15	4	8	9.03	8	0	14.91
1	4	3.57	4	12	9.45	8	4	15.33
1	8	3.99	5	0	9.87	8	8	15.75
1	12	4.41	5	4	10.29	8	12	16.17
2	0	4.83	5	8	10.71	9	0	16.59
2	4	5.25	5	12	11.13	9	4	17.01
2	8	5.67	6	0	11.55	9	8	17.43
2	12	6.09	6	4	11.97	9	12	17.85
3	0	6.51	6	8	12.39	10	0	18.27
3	4	6.93	6	12	12.81			
3	8	7.35	7	0	13.23			

For rates over 10 pounds, charge $16.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only underscored with a heavy line, as shown in the following example:

INSURED VALUE

$145.00 (U.S.)

ONE HUNDRED FORTY-FIVE DOLLARS

435 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972). No erasure or correction is permitted in the amount of insurance shown on the dispatch note.

See Part 43 of this chapter for method of converting U.S. currency into gold francs, and for general information on insurance.

Coins, gold or silver (whether manufactured or not); or any other precious article sent as parcel post must be insured.

Observations. Parcels whose senders or addressees are designated by initials shall not be accepted. All parcels shall bear, as a part of the address, the name of the department (Province), in which the office of destination is located.

Commercial shipments valued at more than 250 francs (about $50) require a commercial invoice in triplicate. No invoice is required for gift shipments, regardless of value.

Parcels must not be fastened by means of wire, but use may be made of straps not having sharp edges, tightly fastened so that no sharp ends or corners are exposed.

Prohibitions. For reasons of public safety: Cigarette lighters using butane gas.

For reasons of sanitary policy: Saccharine in tablets or packets.

For the protection of animals or plants: Bees, honey, and beeswax must be accompanied by a certificate of origin and noninfection issued by a qualified official approved by the Government. Shipments of honey not exceeding 2 kilograms do not require the certificate.

State monopolies, etc.: The importation of tobacco leaves and stems, manufactured tobaccos, cigars, cigarettes, chewing and smoking tobacco, is permitted only for the account of the Monopoly, with the following exception: Manufactured tobaccos, including cigars and cigarettes, may be sent to individuals in France for personal use up to 10 kilograms (22 pounds) per person per year, subject to special customs authorization.

For other reasons: Goods bearing false marks of French manufacture or origin.

Books in the French language printed abroad, unless the names of the publisher and printer are shown as prescribed by the French copyright laws.

Canned vegetables, fish, plums and nuts not bearing an indication of the country of origin by stamping, in plain raised or sunken letters at least 4 millimeters high, in the middle of the top or bottom and in a place not bearing any inscription.

Pure powdered saccharine may be imported only by authority of the French health authorities.

Gold in any form unless the addressee has a permit issued by the Bank of France. Also see Part 40 of this chapter.

Measuring instruments marked in units not complying with French law.

Funeral urns.

Also see § 31.2 of this chapter.

FRENCH GUIANA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Manufactured or unmanufactured platinum, gold or silver; precious stones; jewelry and other precious articles; coins.

Other articles, same as for France, except that tobacco is admitted.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.39; each additional 4 ounces or fraction, 35 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.39	3	12	$6.29	7	4	$11.19
0	8	1.74	4	0	6.64	7	8	11.54
0	12	2.09	4	4	6.99	7	12	11.89
1	0	2.44	4	8	7.34	8	0	12.24
1	4	2.79	4	12	7.69	8	4	12.59
1	8	3.14	5	0	8.04	8	8	12.94
1	12	3.49	5	4	8.39	8	12	13.29
2	0	3.84	5	8	8.74	9	0	13.64
2	4	4.19	5	12	9.09	9	4	13.99
2	8	4.54	6	0	9.44	9	8	14.34
2	12	4.89	6	4	9.79	9	12	14.69
3	0	5.24	6	8	10.14	10	0	15.04
3	4	5.59	6	12	10.49			
3	8	5.94	7	0	10.84			

For rates over 10 pounds, charge $14.00 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Invoices and certificates of origin are required as for France.

Prohibitions and import restrictions. Same as for France.

FRENCH POLYNESIA (SOCIETY ISLANDS (TAHITI AND MOOREA), MARQUESAS ISLANDS (NUKAHIVA AND HIVAOA), THE TUAMOTOU GROUP, LEEWARD ISLANDS (FRENCH) (HUAHINE, RAIATEA, TAHAA, AND BORABORA), GAMBIER, TUBUAI, AND RAPA ISLANDS)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 in this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Current coins, articles violating the patent or copyright laws, and perishable biological materials are prohibited.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.71; each additional 4 ounces or fraction, 48 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.71	3	12	$8.43	7	4	$15.15
0	8	2.19	4	0	8.91	7	8	15.63
0	12	2.67	4	4	9.39	7	12	16.11
1	0	3.15	4	8	9.87	8	0	16.59
1	4	3.63	4	12	10.35	8	4	17.07
1	8	4.11	5	0	10.83	8	8	17.55
1	12	4.59	5	4	11.31	8	12	18.03
2	0	5.07	5	8	11.79	9	0	18.51
2	4	5.55	5	12	12.27	9	4	18.99
2	8	6.03	6	0	12.75	9	8	19.47
2	12	6.51	6	4	13.23	9	12	19.95
3	0	6.99	6	8	13.71	10	0	20.43
3	4	7.47	6	12	14.19			
3	8	7.95	7	0	14.67			

For rates over 10 pounds, charge $19.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$145.00 (U.S.)

ONE HUNDRED FORTY-FIVE DOLLARS

435 GOLD FRANCS

See Part 43 of this chapter for method of converting United States currency into gold francs, and for general information on insurance.

Coins, gold or silver (whether manufactured or not), or any precious article sent as parcel post must be insured.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

FRENCH TERRITORY OF THE AFARS AND ISSAS

Postal Union Mail

Classifications weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Paper money and other instruments of payment, letters of credit, securities, or deeds, unless accompanied by a permit issued by the French exchange control authorities, or imported by a bank.

Coins, gold or silver bullion, precious stones, jewelry, and other precious articles are prohibited.

Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.84; each additional 4 ounces or fraction 65 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.84	3	12	$10.94	7	4	$20.04
0	8	2.49	4	0	11.59	7	8	20.69
0	12	3.14	4	4	12.24	7	12	21.34
1	0	3.79	4	8	12.89	8	0	21.99
1	4	4.44	4	12	13.54	8	4	22.64
1	8	5.09	5	0	14.19	8	8	23.29
1	12	5.74	5	4	14.84	8	12	23.94
2	0	6.39	5	8	15.49	9	0	24.59
2	4	7.04	5	12	16.14	9	4	25.24
2	8	7.69	6	0	16.79	9	8	25.89
2	12	8.34	6	4	17.44	9	12	26.54
3	0	8.99	6	8	18.09	10	0	27.19
3	4	9.64	6	12	18.74			
3	8	10.29	7	0	19.39			

For rates over 10 pounds, charge $26 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$145.00 (U.S.)

ONE HUNDRED FORTY-FIVE DOLLARS

435 GOLD FRANCS

See Part 43 of this chapter for method of converting United States currency into gold francs, and for general information on insurance.

Coins, gold or silver (whether manufactured or not), or any other precious article sent as parcel post must be insured.

Observations. All parcels must be claimed at Djibouti.

Prohibitions. Arms, except by authorization from the local authorities.

Also see § 31.2 of this chapter.

GABON

Postal Union Mail

Classifications weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerograms, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 242 Postal Manual.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles.

Perishable biological materials.

Also the articles prohibited as parcel post.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	3	12	$11.13	7	4	$20.31
0	8	2.42	4	0	11.80	7	8	21.18
0	12	3.09	4	4	12.47	7	12	21.85
1	0	3.76	4	8	13.14	8	0	22.52
1	4	4.43	4	12	13.81	8	4	23.19
1	8	5.10	5	0	14.48	8	8	23.86
1	12	5.77	5	4	15.15	8	12	24.53
2	0	6.44	5	8	15.82	9	0	25.20
2	4	7.11	5	12	16.49	9	4	25.87
2	8	7.78	6	0	17.16	9	8	26.54
2	12	8.45	6	4	17.83	9	12	27.21
3	0	9.12	6	8	18.50	10	0	27.88
3	4	9.79	6	12	19.17			
3	8	10.46	7	0	19.84			

For rates over 10 pounds, charge $26.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Observations. The postal authorities of Gabon collect domestic postage charges from the addressees of incoming parcels.

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case, or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Gabon authorities.

Also see § 31.2 of this chapter.

GAMBIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mails.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.52; each additional 4 ounces, 48 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.52	3	12	$8.24	7	4	$14.96
0	8	2.00	4	0	8.72	7	8	15.44
0	12	2.48	4	4	9.20	7	12	16.92
1	0	2.96	4	8	9.68	8	0	16.40
1	4	3.44	4	12	10.16	8	4	16.88
1	8	3.92	5	0	10.64	8	8	17.36
1	12	4.40	5	4	11.12	8	12	17.84
2	0	4.88	5	8	11.60	9	0	18.32
2	4	5.36	5	12	12.08	9	4	18.80
2	8	5.84	6	0	12.56	9	8	19.28
2	12	6.32	6	4	13.04	9	12	19.76
3	0	6.80	6	8	13.52	10	0	20.24
3	4	7.28	6	12	14.00			
3	8	7.76	7	0	14.48			

For rates over 10 pounds, charge $19.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. All parcels must be called for at a post office.

Commercial invoices are required in duplicate.

Prohibitions. Firearms and parts therefor other than sporting guns; air guns; shot and empty cartridges.

Coins. West African paper money.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirement, which is to be met by addressees:

Sporting guns require permission of the authorities for importation.

GERMANY (INCLUDING SAAR)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes (Western Germany only). See § 171.2 of this chapter.

Observations. Envelopes must not have innerlining or carry any indication other than the addresses of the sender and addressee and necessary postal directions.

Box numbers may be used as part of the address provided the name of the box holder is shown.

Senders preparing direct sacks of prints addressed to Western Germany in accordance with § 22.4(f) of this chapter must affix to the address tags of such sacks the green (customs) label, Form 2976, described in § 21.4(a) of this chapter.

Gift shipments for Eastern Germany must be mailed as small packets or as parcel post.

Prohibitions. Western Germany only: Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Eastern Germany only: Postcards and envelopes bearing illustrations constituting pro-Fascist or subversive propaganda.

Butane gas lighters.

Radioactive materials.

Means of payment issued by the "Deutsche Notenbank" (coins, banknotes, letters of exchange, checks, letters of credit, payment orders, etc.); also, values, securities, deposit books of banks and postal savings, etc., issued in Eastern Germany. Currency and other values issued in other countries are admitted, provided the addressee offers them to the "Deutsche Notenbank" for purchase within 15 days.

Postage stamps, cancelled or not, stamped paper and stamps in bulk, unless ordered for specific addressees by the "Deutsche Buch-Export und-Import GmbH," or sent as exchange material to members of the East German philatelic organization under special conditions prescribed by the customs authorities.

Advertising material must be addressed to organizations of the government or representatives of foreign commercial interests.

Newspapers and periodicals must be approved for sale in Eastern Germany, even if sent by individuals and not for sale. Literature which in the opinion of the East German customs authorities is inflammatory, sordid or antidemocratic is prohibited. Mailers should ascertain in advance from the addressees that the publications which they desire to mail will be admitted.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds, except gift packages to Eastern Germany, 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet except that parcels for Western Germany only may measure up to 4 feet in length, on condition that parcels over 42 inches in length do not exceed 20 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.34; each additional 4 ounces or fraction, 44 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.34	3	12	$7.50	7	4	$13.66
0	8	1.78	4	0	7.94	7	8	14.10
0	12	2.22	4	4	8.38	7	12	14.54
1	0	2.66	4	8	8.82	8	0	14.98
1	4	3.10	4	12	9.26	8	4	15.42
1	8	3.54	5	0	9.70	8	8	15.86
1	12	3.98	5	4	10.14	8	12	16.30
2	0	4.42	5	8	10.58	9	0	16.74
2	4	4.86	5	12	11.02	9	4	17.18
2	8	5.30	6	0	11.46	9	8	17.62
2	12	5.74	6	4	11.90	9	12	18.06
3	0	6.18	6	8	12.34	10	0	18.50
3	4	6.62	6	12	12.78			
3	8	7.06	7	0	13.22			

For rates over 10 pounds, charge $17.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. (To Western Germany only).—The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold or silver (whether manufactured or unmanufactured; precious

stones, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Western Germany (including the western sector of Berlin): The customs treatment of gift parcels will be facilitated if the customs declaration is marked by the sender "Private Geschenksendung" (personal gift package).

Each commercial parcel exceeding 240 DM ($60) in value must have enclosed an invoice in duplicate.

Eastern Germany (including the eastern sector of Berlin): Gift parcels are limited to 22 pounds in weight, must be mailed by individuals to individuals, and must contain only articles for the personal use of the addressee or members of his family. Only 12 gift parcels may be received by one addressee within any 1 year.

No gift parcel may contain any articles in tin cans or other hermetically sealed containers. They may not contain used clothing or footwear, medicaments of any kind, tape recordings, photographic films, plates or paper, geographic maps, postage stamps, or chilren's toys of military nature. No such parcel may contain more than 8¾ ounces of coffee, 8¾ of cocoa, 10½ ounces of chocolate (including chocolate-covered candy) and/or 1¾ ounces of tobacco products. Each gift parcel must be marked on the outside "Geschenksendung, keine Handelsware" (Gift shipment—no commercial goods).

Gift parcels complying with the foregoing are subject to customs duty at normal rates. Parcels not complying therewith may be returned to origin, confiscated or charged with double duty in accordance with East German customs regulations.

Prohibitions. Western Germany only: Firearms which can be folded, shortened or dismantled rapidly, or are not in the usual form of hunting or sporting guns; aiming lights and guns equipped with them. Other firearms require permission of the German authorities which the addressee must obtain to import them.

Playing cards, except in complete decks properly wrapped.

Live bees.

Uncooked meat products except in gift parcels in quantities not exceeding 11 pounds.

Articles bearing political or religious notations on the address side.

Also see § 31.2 of this chapter.

Eastern Germany only: Articles prohibited in the postal union mail are prohibited in either gift or commercial parcels.

See "Observations" concerning certain articles prohibited in gift parcels.

Also see § 31.2 of this chapter.

GHANA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Paper money, except when mailed under registration from a bank to another. Also see § 21.3 of this chapter.

Import restrictions. Same as for parcel post.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II).

Air parcel rates. Four ounces or less, $1.85; each additional 4 ounces or fraction, 58 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.85	3	12	$9.97	7	4	$18.09
0	8	2.43	4	0	10.55	7	8	18.67
0	12	3.01	4	4	11.13	7	12	19.25
1	0	3.59	4	8	11.71	8	0	19.83
1	4	4.17	4	12	12.29	8	4	20.41
1	8	4.75	5	0	12.87	8	8	20.99
1	12	5.33	5	4	13.45	8	12	21.57
2	0	5.91	5	8	14.03	9	0	22.15
2	4	6.49	5	12	14.61	9	4	22.73
2	8	7.07	6	0	15.19	9	8	23.31
2	12	7.65	6	4	15.77	9	12	23.89
3	0	8.23	6	8	16.35	10	0	24.47
3	4	8.81	6	12	16.93			
3	8	9.39	7	0	17.51			

For rates over 10 pounds, charge $23.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $80	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$72.50 (U.S.)

SEVENTY-TWO DOLLARS AND FIFTY CENTS

217.50 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

No alteration or erasure of the insurance indication on the customs declaration (Form 2966) is allowed; if an error is made a fresh customs declaration must be prepared.

Coins, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewels, or other precious articles sent as parcel post must be insured.

Observations. Every parcel containing precious stones, jewelry, or any article of gold, silver, or platinum exceeding $400 in value shall be packed in a box measuring not less than 3 feet 6 inches in length and girth combined.

Prohibitions. Paper money. Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees in Ghana are required to obtain import licenses for practically all types of merchandise.

GIBRALTAR

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Tablet III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.37; each additional 4 ounces or fraction, 47 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.37	3	12	$7.95	7	4	$14.53
0	8	1.84	4	0	8.42	7	8	16.00
0	12	2.31	4	4	8.89	7	12	15.47
1	0	2.78	4	8	9.36	8	0	15.94
1	4	3.25	4	12	9.83	8	4	16.41
1	8	3.72	5	0	10.30	8	8	16.88
1	12	4.19	5	4	10.77	8	12	17.35
2	0	4.66	5	8	11.24	9	0	17.82
2	4	5.13	5	12	11.71	9	4	18.29
2	8	5.60	6	0	12.18	9	8	18.76
2	12	6.07	6	4	12.65	9	12	19.23
3	0	6.54	6	8	13.12	10	0	19.70
3	4	7.01	6	12	13.59			
3	8	7.48	7	0	14.06			

For rates over 10 pounds, charge $18.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply.

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in figures and in letters spelled out in full, in U.S. currency, in the following form:

INSURED VALUE

$45.00

FORTY-FIVE DOLLARS

Coins, banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance see Part 43 of this chapter.

Prohibitions. Lighters containing butane gas and refills therefor.

Also see § 31.2 of this chapter.

Import restrictions. Arms and munitions require permit from the Governor of Gibraltar.

GILBERT AND ELLICE ISLANDS COLONY (FANNING, WASHINGTON, CHRISTMAS, OCEAN, GILBERT, AND ELLICE ISLANDS)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small Packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 63 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	3	12	$10.51	7	4	$19.33
0	8	2.32	4	0	11.14	7	8	19.96
0	12	2.95	4	4	11.77	7	12	20.59
1	0	3.58	4	8	12.40	8	0	21.22
1	4	4.21	4	12	13.03	8	4	21.85
1	8	4.84	5	0	13.66	8	8	22.48
1	12	5.47	5	4	14.29	8	12	23.11
2	0	6.10	5	8	14.92	9	0	23.74
2	4	6.73	5	12	15.55	9	4	24.37
2	8	7.36	6	0	16.18	9	8	25.00
2	12	7.99	6	4	16.81	9	12	25.63
3	0	8.62	6	8	17.44	10	0	26.26
3	4	9.25	6	12	18.07			
3	8	9.88	7	0	18.70			

For rates over 10 pounds, charge $25.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

GREAT BRITAIN AND NORTHERN IRELAND (ENGLAND, SCOTLAND, WALES, CHANNEL ISLANDS, AND NORTHERN IRELAND)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Commercial shipments in letter packages, small packets, or dutiable printed matter must have enclosed a paper form of customs declaration, Form 2976–A, and only the upper portion of the green customs label, Form 2976 is needed on the wrapper (§§ 21.4 (a) and (b) of this chapter). The forms may be omitted from printed matter which is not dutiable. Noncommercial (individual) shipments by letter package or small packet do not require Form 2976–A, provided the entire Form 2976 is completed and affixed to the wrapper.

The import regulations governing parcel post apply also to merchandise sent by postal union mail. See "Observations" and "Import restrictions" under "Parcel Post."

The following is a list of the names of the counties and principal towns in Northern Ireland:

ANTRIM:
- Antrim.
- Ballymena.
- Belfast.
- Carrickfergus.
- Larne.
- Lisburn.
- Portrush.
- Toomebridge.
- Whitehead.

DOWN:
- Banbridge.
- Bangor.
- Downpatrick.
- Kilkeel.
- Newcastle.
- Newry.
- Newtownards.

LONDONDERRY:
- Coleraine.
- Kilrea.
- Limavady.
- Londonderry.
- Magherafelt.
- Portstewart.

ARMAGH:
- Armagh.
- Lurgan.
- Portadown.

TYRONE:
- Cookstown.
- Dungannon.
- Moy.
- Omagh.
- Strabane.

FERMANAGH:
- Enniskillen.

Prohibitions and import restrictions. Articles containing enclosures addressed to different persons at different addresses are prohibited. Negotiable securities and British treasury notes require a permit to be obtained by the addressee from the exchange control authorities of Great Britain.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see, § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.32; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.32	3	12	$7.20	7	4	$13.08
0	8	1.74	4	0	7.62	7	8	13.50
0	12	2.16	4	4	8.04	7	12	13.92
1	0	2.58	4	8	8.46	8	0	14.34
1	4	3.00	4	12	8.88	8	4	14.76
1	8	3.42	5	0	9.30	8	8	15.18
1	12	3.84	5	4	9.72	8	12	15.60
2	0	4.28	5	8	10.14	9	0	16.02
2	4	4.68	5	12	10.56	9	4	16.44
2	8	5.10	6	0	10.98	9	8	16.86
2	12	5.52	6	4	11.40	9	12	17.28
3	0	5.94	6	8	11.82	10	0	17.70
3	4	6.36	6	12	12.24			
3	8	6.78	7	0	12.66			

For rates over 10 pounds, charge $16.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply, except that air parcel post for or from American Samoa and the Trust Territory of the Pacific (Caroline Islands, Marshall Islands, and Mariana Islands) may not be insured for more than $100:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $400	1.15
$400.01 to $500	1.35
$500.01 to $600	1.55
$600.01 to $700	1.75
$700.01 to $800	1.95
$800.01 to $900	2.15
$900.01 to $1,000	2.35

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.89

SEVENTY-SIX DOLLARS AND EIGHTY-NINE CENTS

Coins, bullion, precious stones, and any article of gold, silver, or platinum sent as parcel post must be insured.

Parcels containing jewelry must not have a value in excess of $1,000 ($100 when mailed as air parcel post from and to American Samoa and the Trust Territory of the Pacific). Any parcel containing jewelry or any other precious article exceeding $280 in value must be packed in a box measuring not less than 3 feet 6 inches in length and girth combined.

The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

While parcels containing eggs, when properly packed, may be accepted for insurance to Great Britain and Northern Ireland, no indemnity is payable, in the event of damage, should it be determined that responsibility for the damage rests with the Postal Administraton of Great Britain and Northern Ireland. Also regardless of where the damage occurred, no indemnity is payable for the damage to insured parcels, containing eggs, originating in Great Britain and Northern Ireland and addressed to this country.

For general information on insurance see Part 43 of this chapter.

Observations. Many types of merchandise, unless sent as unsolicited gifts, require import licenses which the addressees must obtain from the British Board of Trade. Before mailing commercial shipments, senders should assure themselves that the addressees can obtain licenses if needed.

Parcels containing bona fide unsolicited gifts are exempt from British import licensing requirements (see Import Restrictions). Mailers of such parcels should mark the wrappers and customs declarations "Unsolicited Gift."

Under the British customs regulations, parcels are liable to seizure if the customs declarations do not contain a full and accurate description of the contents.

Parcels containing articles subject to ad valorem duty should have an invoice enclosed showing the contents in detail and value of each article, and the parcel should be marked on the address side "Invoice enclosed". When the invoice relates to the contents of more than one parcel, each parcel is to be marked "Invoice enclosed in parcel No. ------".

Prohibitions. For reasons of sanitary policy: Meat, milk, cheese, butter, margarine, lard and other greases, unless packed in hermetically sealed tins plainly marked to show the nature of the contents. However, "Smithfield" hams are accepted as unsolicited gifts if enclosed in waterproof wrappings and adequately packed for protection and to avoid damage to other mail matter.

Arms, etc.: Firearms (except shotguns with barrels at least 24 inches long) and other deadly weapons and parts thereof, including guns for throwing liquid or gas and munitions therefor; accessories for reducing the sound or flash of firearms. The foregoing are admitted, however, if the addressee possesses an import license issued by the competent British authorities.

Switchblade knives.

To Northern Ireland: Airguns, and shotguns with barrels 24 inches or more in length, in addition to the above.

For other reasons: Articles violating the British trademark or copyright laws.

Liquids with flash point below 150° F. As an exception, paints, varnishes, turpentine, lacquer and similar substances with flash point between 90° and 150° may be accepted in quantities not exceeding one quart when packed as prescribed in § 31.3(b)(2)(ii) of this chapter with an air space of at least 7½ percent of the total cubic content left in each container; the wrapper must be marked by the sender indicating that the flash point is not lower than 90° F.

Any liquids in aerosol containers.

Cigars and other tobacco products containing any nontobacco material or ingredient. This comprises most cigars manufactured in the United States. Admissible tobacco products are dutiable at high rates, even if sent as gifts.

Coins, precious stones, jewelry and any articles of gold, silver or platinum, unless insured. Coins (unless declared to be for ornament), silver bullion or partially worked silver may not exceed £200 in value.

Portable radio transmitters operating on frequencies between 26.1 and 29.7 or between 88 and 108 megahertz, except with specific permission of the British authorities.

Advertisements of fortune tellers.

Oilskins or similar products, and waxed or varnished articles unless thoroughly dried. If sent by air, such articles must be hermetically sealed in strong paper or enclosed in boxes of metal or of wood reinforced with wire.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Certain hallucinogenic, narcotic and stimulant drugs; vaccines, antigens, antitoxins and sera; antibiotics for parenteral injection; salvarsan and similar substances; enzyme and hormone preparations; and certain surgical material for human use require import authorization from the competent British authority.

Foods or beverages to which any preservative or other substance has been added must comply with the British regulations for importation.

Many categories of merchandise require import licenses from the British Board of Trade, except when sent as bona fide unsolicited gifts (see Observations) or as trade samples.

GREECE (INCLUDING CRETE AND DODECANESE ISLANDS [ASTYPALAIA, CHALKI, KALYMNOS, KARPATHOS, KASSOS, KASTELLORIZON, KOS, LEIPSOS, LEROS, NISSIROS, PATMOS, RODOS. SYMI AND TILOS])

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 in this chapter.

Surface rates. See Chart 1 and Chart 2 references tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatching exchange offices for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See §171.2 of this chapter.

Prohibitions and import restrictions. Playing cards; saccharine; tobacco, cigars, cigarettes; cigarette papers; perishable biological materials.

Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, or other precious articles.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that pracels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, One Form 2966, One Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.66; each additional 4 ounces or fraction, 53 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.66	3	12	$9.08	7	4	$16.50
0	8	2.19	4	0	9.61	7	8	17.03
0	12	2.72	4	4	10.14	7	12	17.56
1	0	3.25	4	8	10.67	8	0	18.09
1	4	3.78	4	12	11.20	8	4	18.62
1	8	4.31	5	0	11.73	8	8	19.15
1	12	4.84	5	4	12.26	8	12	19.68
2	0	5.37	5	8	12.79	9	0	20.21
2	4	5.90	5	12	13.32	9	4	20.74
2	8	6.43	6	0	13.85	9	8	21.27
2	12	6.96	6	4	14.38	9	12	21.80
3	0	7.49	6	8	14.91	10	0	22.33
3	4	8.02	6	12	15.44			
3	8	8.55	7	0	15.97			

For rates over 10 pounds, charge $21.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. Insurance service is limited to parcels addressed to the following offices:

Aghios Nicolaos (Crete).
Alexandroupolis.
Amphissa.
Argostolion.
Arta.
Athens.
Chalkis.
Chania.
Chios.
Drama.
Edessa.
Filiates.
Florina.
Iraklion (Crete).
Ioannina.
Kalamai.
Karditsa.
Karpenission.
Kastoria.
Katerini.
Kavalla.
Kerkyra.
Kilkis.
Komotini.
Korinthos.
Kozani.
Lamia.
Larissa.
Lefkas.
Levadia.
Mesolonghion.
Mytilini.
Nafplion.
Patrai.
Piraeus.
Polyghyros.
Preveza.
Pyrghos (Ilias).
Rethymnon.
Rodos.
Samos.
Serrai.
Sparti.
Syros.
Thessaloniki (Salonica).
Trikkala.
Tripolis.
Verria.
Volos.
Xanthi.
Zakynthos.

The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$145.00 (U.S.)

ONE HUNDRED FORTY-FIVE DOLLARS

435 GOLD FRANCS

The same indications must be shown in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, bullion, valuable jewelry, or any other precious articles sent as parcel post must be insured.

Observations. Many types of merchandise are subject to import quotas and are not delivered without permission of the Greek authorities. Senders should assure themselves by inquiry of the addressees in advance of mailing that their shipments will be delivered.

Senders must enclose a copy of commercial invoices in parcels. The absence of the invoice may result in delay in delivery of parcels, difficulties in customs treatment, or even prejudice against the addressees.

Prohibitions. For sanitary reasons: Medicines except in the manufacturer's container bearing his distinctive marks. Drugstore prescriptions. Since admissible medicines must be licensed or specially authorized by the Greek authorities for importation, mailers should ascertain in advance whether the addressees will be able to take delivery.

Fresh meat, preserved meat, rawhides, wool, and other animal products unless accompanied by a certificate showing that the place of origin is free from trichina.

Used clothing, bedding, rags, etc., for commercial purposes. Used clothing for personal use, unless it is clean and is so described on the customs declaration.

Cans of condensed milk, unless provided with a label in the Greek language indicating the directions for its use.

Snuff.

Arms, etc.: Firearms, swords, and any articles containing them. However, hunting arms and other commercial arms be admitted (see "Import restrictions").

State monopolies: Salt; playing cards; amusement devices; petroleum; saccharine.

Leaf tobacco for cigars and cigarette papers, unless imported by or for tobacco manufacturers, under special authorization of the Ministry of Finance.

Aluminum sheets for tobacco manufacturing.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

See "Prohibitions" with respect to the requirements for licensing of medicines.

Hunting arms and other commercial arms require special permission from the police authorities.

Obligations, public securities and paper values of all kinds require special authorization from the Ministries of Finance and of National Economy.

Many types of merchandise are subject to import quotas and are not delivered without permission of the Greek authorities. See "Observations."

GREENLAND

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets accepted at risk of sender.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Letter packages containing dutiable merchandise. Accepted. See § 22.1(e) of this chapter.

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Same as for Denmark.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½

feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.49; each additional 4 ounces or fraction, 59 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.49	3	12	$9.75	7	4	$18.01
0	8	2.08	4	0	10.34	7	8	18.60
0	12	2.67	4	4	10.93	7	12	19.19
1	0	3.26	4	8	11.52	8	0	19.78
1	4	3.85	4	12	12.11	8	4	20.37
1	8	4.44	5	0	12.70	8	8	20.96
1	12	5.03	5	4	13.29	8	12	21.55
2	0	5.62	5	8	13.88	9	0	22.14
2	4	6.21	5	12	14.47	9	4	22.73
2	8	6.80	6	0	15.06	9	8	23.32
2	12	7.39	6	4	15.65	9	12	23.91
3	0	7.98	6	8	16.24	10	0	24.50
3	4	8.57	6	12	16.83			
3	8	9.16	7	0	17.42			

For rates over 10 pounds, charge $23.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of Indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$225.55 (U.S.)

TWO HUNDRED TWENTY-FIVE DOLLARS AND FIFTY-FIVE CENTS

676.65 GOLD FRANCS

See Part 43 of this chapter, for method of converting United States currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewels, or other precious articles sent as parcel post must be insured.

Observations. Parcels containing articles subject to ad valorem duty require an invoice, which should be sent to the addressee in advance.

Prohibitions and import restrictions. Same as for Denmark.

GUADELOUPE (INCLUDING THE ISLANDS OF DESIRADE, LES SAINTES, MARIE GALANTE, PETITE TERRE, ST. BARTHOLOMEW (BARTHELEMY), AND THE FRENCH PART OF ST. MARTIN)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry and other precious articles.

Also, the articles prohibited to France.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.00; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.27; each additional 4 ounces or fraction, 23 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.27	3	12	$4.49	7	4	$7.71
0	8	1.80	4	0	4.72	7	8	7.94
0	12	1.73	4	4	4.95	7	12	8.17
1	0	1.96	4	8	5.18	8	0	8.40
1	4	2.19	4	12	5.41	8	4	8.63
1	8	2.42	5	0	5.64	8	8	8.86
1	12	2.65	5	4	5.87	8	12	9.09
2	0	2.88	5	8	6.10	9	0	9.32
2	4	3.11	5	12	6.33	9	4	9.55
2	8	3.34	6	0	6.56	9	8	9.78
2	12	3.57	6	4	6.79	9	12	10.01
3	0	3.80	6	8	7.02	10	0	10.24
3	4	4.03	6	12	7.25			
3	8	4.26	7	0	7.48			

For rates over 10 pounds, charge $9.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Invoices and certificates of origin are required as for France.

Prohibitions. Same as to France.

GUATEMALA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. See "Observations" under "Parcel Post" for requirements as to commercial invoices and certificates of origin, which also apply to articles in the postal union mail.

Prohibitions. Money in cash, banknotes, and values payable to the bearer. Such articles found in letters received in Guatemala are not delivered unless the addressees comply with special formalities and pay domestic insurance fees.

Dutiable articles in unregistered letter packages.

Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.59; each additional 4 ounces or fraction, 29 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.59	3	12	$6.65	7	4	$9.71
0	8	1.88	4	0	5.94	7	8	10.00
0	12	2.17	4	4	6.23	7	12	10.29
1	0	2.46	4	8	6.52	8	0	10.58
1	4	2.75	4	12	6.81	8	4	10.87
1	8	3.04	5	0	7.10	8	8	11.16
1	12	3.33	5	4	7.39	8	12	11.45
2	0	3.62	5	8	7.68	9	0	11.74
2	4	3.91	5	12	7.97	9	4	12.03
2	8	4.20	6	0	8.26	9	8	12.32
2	12	4.49	6	4	8.55	9	12	12.61
3	0	4.78	6	8	8.86	10	0	12.90
3	4	5.07	6	12	9.13			
3	8	5.36	7	0	9.42			

For rates over 10 pounds, charge $11.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limits of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$75.55

SEVENTY-FIVE DOLLARS AND FIFTY-FIVE CENTS

Coins, precious metals, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance see Part 43 of this chapter.

Observations. The customs laws of Guatemala require that a certificate of origin be furnished for every importation except merchandise not exceeding $50 in value. In the case of articles subject to restrictions, quotas, or special charges, the certificate is required regardless of their value.

Commercial invoices must be furnished for all merchandise.

Both certificate of origin and commercial invoice must be visaed by one of the Guatemalan Consuls located in principal cities of the United States. Senders must present to the nearest Guatemalan Consul five copies of the commercial invoice covering their parcels. The certificate of origin, and the original invoice which is returned after certification shall not be enclosed in the parcel, but forwarded under separate cover to the addressee. The remaining copies are retained by the Consul.

Consular fees are collected at the point of destination of the parcels in Guatemala. It is understood that in cases where parcels of value are received in Guatemala without the certified invoices and the addressees are unable to produce such invoices the parcels will be delivered, but the addressees will be required to pay the usual import duties plus a fine of 50 percent of the duties.

The invoices must indicate (1) name and address of shipper; (2) name and address of consignee; (3) date of the invoice; (4) marks, countermarks, and numbers; (5) number and kind of package; (6) contents of merchandise in detail; (7) weights in kilograms—legal, net and gross; (8) value of merchandise; (9) expenses, such as postage, commissions, etc.; (10) declaration that all the prices and particulars are true and correct. The invoices must be signed in ink.

Prohibitions. Arms, etc.: Arms in general, except certain arms for hunting.

For other reasons: Military supplies of all kinds.

Also see § 31.2 of this chapter.

GUINEA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Prohibitions and import restrictions. Paper money and other instruments of payment, letters of credit, securities, or deeds, unless accompanied by a permit issued by the Guinea authorities. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.56; each additional 4 ounces or fraction. 61 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.56	3	12	$10.10	7	4	$18.64
0	8	2.17	4	0	10.71	7	8	19.25
0	12	2.78	4	4	11.32	7	12	19.86
1	0	3.39	4	8	11.93	8	0	20.47
1	4	4.00	4	12	12.54	8	4	21.08
1	8	4.61	5	0	13.15	8	8	21.69
1	12	5.22	5	4	13.76	8	12	22.30
2	0	5.83	5	8	14.37	9	0	22.91
2	4	6.44	5	12	14.98	9	4	23.52
2	8	7.05	6	0	15.59	9	8	24.13
2	12	7.66	6	4	16.20	9	12	24.74
3	0	8.27	6	8	16.81	10	0	25.35
3	4	8.88	6	12	17.42			
3	8	9.49	7	0	18.03			

For rates over 10 pounds, charge $24.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. The Guinea postal authorities collect domestic postage from the addressees.

Prohibitions. Arms, etc.: Daggers, sword-canes, brass knuckles, blackjacks, and other secret weapons.

For other reasons: Foreign products, natural or manufactured, having markings, labels, or wrappings of any kind which may give the impression that they are of French origin. Articles bearing the "Red Cross" or "Geneva Cross" as a trademark. Foreign products from a place having the same name as a place in France must bear, in addition to the name of that place, the name of the country of origin and the word "Importé" (imported) very conspicuously.

Preserved fish, vegetables, and plums must bear on each container an indication of the country of origin in raised or sunken letters at least 4 millimeters (⅜ inch) high, in the middle of the lid and of the bottom, in a space not bearing any inscription. Cases and wrappers containing these products must bear adhering letters containing the country of origin.

Weights and measures not of the metric system.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

The following articles are subject to special regulations upon importation: Artificial mineral waters. Firearms and airguns. Phonograph records.

GUYANA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See

Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatching exchange offices for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Coins, gold, silver, jewelry, and other precious articles. Bees and silkworms. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 31 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.54	3	12	$5.88	7	4	$10.22
0	8	1.85	4	0	6.19	7	8	10.53
0	12	2.16	4	4	6.50	7	12	10.84
1	0	2.47	4	8	6.81	8	0	11.15
1	4	2.78	4	12	7.12	8	4	11.46
1	8	3.09	5	0	7.43	8	8	11.77
1	12	3.40	5	4	7.74	8	12	12.08
2	0	3.71	5	8	8.05	9	0	12.39
2	4	4.02	5	12	8.36	9	4	12.70
2	8	4.33	6	0	8.67	9	8	13.01
2	12	4.64	6	4	8.98	9	12	13.32
3	0	4.95	6	8	9.29	10	0	13.63
3	4	5.26	6	12	9.60			
3	8	5.57	7	0	9.91			

For rates over 10 pounds, charge $12.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Show the insured value in U.S. currency (figures only) in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin; platinum, gold, or silver, whether manufactured, or unmanufactured; precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. Clocks, watches, or other articles bearing any imitation of a British assay mark. Ham and bacon. Artificial Christmas trees and plastic flowers.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Arms are not delivered unless the addressee produces a police permit.

Antibiotic medicines require a license issued by the Medical Board.

HAITI

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. In order for international reply coupons to be exchanged in Haiti, the reply coupons and the articles of correspondence to be prepaid must be presented at the same time.

Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions. Jewels. Perishable biological materials.

Banknotes and coins. Remittances in cash when sent from banks in the United States to their respective branches in Haiti, and values payable to bearer to any addresses, are accepted at the risk of the senders.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.43; each additional 4 ounces or fraction, 22 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.43	3	12	$4.51	7	4	$7.59
0	8	1.65	4	0	4.73	7	8	7.81
0	12	1.87	4	4	4.95	7	12	8.03
1	0	2.09	4	8	5.17	8	0	8.25
1	4	2.31	4	12	5.39	8	4	8.47
1	8	2.53	5	0	5.61	8	8	8.69
1	12	2.75	5	4	5.83	8	12	8.91
2	0	2.97	5	8	6.05	9	0	9.13
2	4	3.19	5	12	6.27	9	4	9.35
2	8	3.41	6	0	6.49	9	8	9.57
2	12	3.63	6	4	6.71	9	12	9.79
3	0	3.85	6	8	6.93	10	0	10.01
3	4	4.07	6	12	7.15			
3	8	4.29	7	0	7.37			

For rates over 10 pounds, charge $8.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. If addressees in Haiti fail to pay the import duties after acceptance and verification of their parcels, the contents may be sold at auction by the customs authorities.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

HONDURAS (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents

to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Letters are not acceptable if they appear to have been opened and resealed or if they are in soiled envelopes. Adhesive strips or gummed paper must not be used to seal letters unless the signature or name of the sender is written or stamped on the adhesive strips or gummed paper.

Commercial invoices are required as for parcel post shipments.

Combination mailings as defined in § 22.8(a) of this chapter are accepted under registration only.

Prohibitions. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds for Amapala, Comayagua, La Ceiba, Olanchito Progreso, Puerto Castilla, Puerto Cortez, San Pedro Sula, Tegucigalpa, and Tela; 22 pounds for other places.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels, over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.35; each additional 4 ounces or fraction, 29 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.35	3	12	$5.41	7	4	$9.47
0	8	1.64	4	0	5.70	7	8	9.76
0	12	1.93	4	4	5.99	7	12	10.05
1	0	2.22	4	8	6.28	8	0	10.34
1	4	2.51	4	12	6.57	8	4	10.63
1	8	2.80	5	0	6.86	8	8	10.92
1	12	3.09	5	4	7.15	8	12	11.21
2	0	3.38	5	8	7.44	9	0	11.50
2	4	3.67	5	12	7.73	9	4	11.79
2	8	3.96	6	0	8.02	9	8	12.08
2	12	4.25	6	4	8.31	9	12	12.37
3	0	4.54	6	8	8.60	10	0	12.66
3	4	4.83	6	12	8.89			
3	8	5.12	7	0	9.18			

For rates over 10 pounds, charge $11.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Parcels containing used clothing must be accompanied by a certificate of disinfection from the local board of health or from a firm with facilities for disinfecting the articles. Senders are to endorse the wrappers of such parcels to show that the certificate of disinfection is enclosed.

Parcels from the United States are held at the disposal of addressees for a period of 90 days.

Each shipment for Honduras, regardless of value, requires a commercial invoice containing a statement signed by the mailer reading "Certified correct" or similarly. The original invoice should be enclosed in the parcel and a copy sent direct to the addressee.

To facilitate the handling at destination, the senders of airmail parcels should forward a copy of the relative commercial invoices by air mail to the Director General of Posts at Tegucigalpa.

Prohibitions. Firearms, parts thereof and war material.

Coins, banknotes, paper money, bills of exchange payable to bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry or other precious articles.

Also see § 31.2 of this chapter.

HONG KONG (INCLUDING KOWLOON)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. Honk Kong is a British colony and articles for that place should be addressed to "Hong Kong" and not to "Hong Kong, China."

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.68; each additional 4 ounces, or fraction, 79 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.68	3	12	$12.74	7	4	$23.80
0	8	2.47	4	0	13.53	7	8	24.59
0	12	3.26	4	4	14.32	7	12	25.38
1	0	4.05	4	8	15.11	8	0	26.17
1	4	4.84	4	12	15.90	8	4	26.96
1	8	5.63	5	0	16.69	8	8	27.75
1	12	6.42	5	4	17.48	8	12	28.54
2	0	7.21	5	8	18.27	9	0	29.33
2	4	8.00	5	12	19.06	9	4	30.12
2	8	8.79	6	0	19.85	9	8	30.91
2	12	9.58	6	4	20.64	9	12	31.70
3	0	10.37	6	8	21.43	10	0	32.49
3	4	11.16	6	12	22.22			
3	8	11.95	7	0	23.01			

For rates over 10 pounds, charge $31.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, bullion, valuable jewelry or any other precious article sent as parcel post must be insured.

Observations. Hong Kong is a British colony and parcels for that place should be addressed to "Hong Kong" and not to "Hong Kong, China."

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

HUNGARY

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Postage stamps, canceled or not, and other stamped paper sent to individuals must be addressed to Bélyegcserebizottság (Stamp Exchange Commission), VII. Verseny u. 12, Budapest 70, Hungary, with the name of the addressee.

Gift articles in letter packages or small packets must conform to the requirements for gift parcels (see "Observations" under "Parcel Post").

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Import restrictions. Articles restricted as parcel post are restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.37; each additional 4 ounces or fraction, 48 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.37	3	12	$8.09	7	4	$14.81
0	8	1.85	4	0	8.57	7	8	15.29
0	12	2.33	4	4	9.05	7	12	15.77
1	0	2.81	4	8	9.53	8	0	16.25
1	4	3.29	4	12	10.01	8	4	16.73
1	8	3.77	5	0	10.49	8	8	17.21
1	12	4.25	5	4	10.97	8	12	17.69
2	0	4.73	5	8	11.45	9	0	18.17
2	4	5.21	5	12	11.93	9	4	18.65
2	8	5.69	6	0	12.41	9	8	19.13
2	12	6.17	6	4	12.89	9	12	19.61
3	0	6.65	6	8	13.37	10	0	20.09
3	4	7.13	6	12	13.85			
3	8	7.61	7	0	14.33			

For rates over 10 pounds, charge $19.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Coins, bullion, valuable jewelry, or any other precious article sent as parcel post must be insured.

For general information on insurance see Part 43 of this chapter.

Observations. To be admitted to Hungary as gift shipments, parcels must contain only articles for the personal use of the addressee or members of his family. The contents of gift parcels are subject to customs duty which must be paid by the addressees.

Preserved food in tin cans or other hermetically sealed containers, oranges and tangerines are prohibited.

Medicines, serums and vaccines to be admitted in gift parcels must be in the intact original wrappings of the manufacturing firm. Medicines prepared by pharmacists are not admitted.

To facilitate the customs treatment of gift parcels in Hungary two complete and detailed lists of the contents should be enclosed in each parcel. The lists should be written in the Hungarian language if possible.

Contents of gift parcels are limited to the items shown on the following list, and no addressee may receive amounts exceeding the quotas indicated. If those quotas are exceeded, the Hungarian authorities may charge duty at penalty rates, return the parcels to origin, or confiscate the contents in lieu of duty.

I. Food, Beverages, and Tobacco

Description	Yearly quotas
Foodstuffs:	
Foods not elsewhere specified	22 pounds.
Flour, spaghetti, noodles, biscuits, powdered milk, infant food, meat, sausage.	11 pounds each.
Candy	4 pounds 6 ounces.
Chewing gun	10½ ounces.
Coffee, cocoa, chocolate (including chocolate products).	4 pounds 6 ounces each.
Tea	1 pound 1½ ounces.
Spices except vanilla	1 pound 1½ ounces.
Vanilla	3½ ounces.
Beverages	3 quarts.
Tobacco:	
Cigarettes	1,000.
Cigars	100.
Other tobacco products	2 pounds 3 ounces.

II. Textile Goods

Description	Yearly quotas
Thread and yarn	4 pounds 6 ounces.
Cloth:	
Overcoat material	3¼ yards.
Suit and curtain material	6½ yards.
Linen and drapery material	13 yards.
Sheeting	17½ yards.
Wearing apparel and other cloth articles, sewn or knit:	
Overcoat	1.
Suits	2.
Dresses	3.
Stockings or socks	6 pairs.
Handkerchiefs	24.
Infant wear	30 articles.
Other articles	3 items or 3 pairs.
Rugs or curtains	2.

III. Furs, Leather and Rubber Goods

Dressed fur skins	Sufficient for 1 garment.
Articles of fur	1 article or 1 pair.
Leather for footwear	Sufficient for 2 pairs of shoes or 1 pair of boots.
Leather for clothing	Sufficient for 1 garment.
Articles of leather	2 pairs of shoes, 1 pair of boots, 1 coat, 2 pairs of gloves, or 1 other article.
Articles of rubber	1 pair of footwear; other articles, 2 items or 1 pair.

IV. Miscellaneous

Medicines and therapeutic appliances.	As prescribed by physician.
Eau de cologne, cold cream.	1 pound 1½ ounces.
Other cosmetics and toilet articles.	6 of each kind.
Laundry soap and soap powder.	6 pounds 9 ounces.
Precious jewelry:	
Gold	1 pound 1½ ounces.
Platinum	3½ ounces.
Ornaments, imitation jewelry.	2 articles of a kind, or 1 set.
Sporting goods, games and toys.	2 articles, 2 pairs, or 1 set; 24 tennis balls or 48 pingpong balls.
Other miscellaneous articles except as mentioned below.	2 of each kind.
Phonograph records	10.
Tape recordings	10.
Razor blades, lighter flints.	100.
Pencils	24.
Fountain pens	2.
Film	10 reels.
Postage stamps	Up to 1,000 forints value.
Books, magazines, photographs.	3 of each kind.

V. Durable Goods

Cameras, flashlights, tape recorders, radios, typewriters, musical instruments, household appliances, oriental rugs, and expensive furs.	1 of each kind.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

Import restrictions. All importations other than gift shipments require import licenses, and in some cases special authorization from the Hungarian authorities to be obtained by the addressees. Therefore, senders of commercial shipments should ascertain before mailing that the addressees have complied with the necessary formalities.

ICELAND

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates: Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions. Bees and silkworms.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 35 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	3	12	$6.59	7	4	$11.49
0	8	2.04	4	0	6.94	7	8	11.84
0	12	2.39	4	4	7.29	7	12	12.19
1	0	2.74	4	8	7.64	8	0	12.54
1	4	3.09	4	12	7.99	8	4	12.89
1	8	3.44	5	0	8.34	8	8	13.24
1	12	3.79	5	4	8.69	8	12	13.59
2	0	4.14	5	8	9.04	9	0	13.94
2	4	4.49	5	12	9.39	9	4	14.29
2	8	4.84	6	0	9.74	9	8	14.64
2	12	5.19	6	4	10.09	9	12	14.99
3	0	5.54	6	8	10.44	10	0	15.34
3	4	5.89	6	12	10.79			
3	8	6.24	7	0	11.14			

For rates over 10 pounds, charge $14. for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$275.50 (U.S.)

TWO HUNDRED SEVENTY-FIVE DOLLARS AND FIFTY CENTS

826.50 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Observations. All merchandise imported by mail must be accompanied by an invoice in duplicate signed by the seller in case of a sales transaction, otherwise by the mailer. The invoice must describe the merchandise and give the selling price of each type of goods. The addressee is required to present the invoice with other documents in order to effect customs clearance of his parcel.

Prohibitions. For sanitary reasons: Toys made of lead.

State monopolies: Wireless receivers and their accessories, parts, or batteries.

Tobacco products.

For other reasons: Icelandic coins and banknotes, as well as any values payable in Icelandic currency.

Also see § 31.2 of this chapter.

INDIA (INCLUDING THE ANDAMAN ISLANDS AND SIKKIM)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to the U.S. dispatching exchange office for AO packages only. See Chart 6 for fees.

Special delivery. Yes. Applicable only to unregistered letters, post cards, and printed matter. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Addressees in India are required to obtain import licenses in many cases in order to take delivery of commercial shipments.

Prohibitions and import restrictions. Works of art (including photographs), forms ruled or printed, account and manuscript books, labels, advertising matter (except trade catalogs and circulars), almanacs in sheets or in cards, and other cards, as well as waste paper and old newspaper for packing, are not admitted as printed matter when sent as merchandise, inasmuch as they are liable to customs duty.

Coins, banknotes, paper money, manufactured or unmanufactured platinum, gold or silver, precious stones, jewels and other precious articles.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds for surface parcels; 22 pounds for air parcels.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or

fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.70; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.70	3	12	$12.90	7	4	$24.10
0	8	2.50	4	0	13.70	7	8	24.90
0	12	3.30	4	4	14.50	7	12	25.70
1	0	4.10	4	8	15.30	8	0	26.50
1	4	4.90	4	12	16.10	8	4	27.30
1	8	5.70	5	0	16.90	8	8	28.10
1	12	6.50	5	4	17.70	8	12	28.90
2	0	7.30	5	8	18.50	9	0	29.70
2	4	8.10	5	12	19.30	9	4	30.50
2	8	8.90	6	0	20.10	9	8	31.30
2	12	9.70	6	4	20.90	9	12	32.10
3	0	10.50	6	8	21.70	10	0	32.90
3	4	11.30	6	12	22.50			
3	8	12.10	7	0	23.30			

For rates over 10 pounds, charge $32 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, banknotes, currency notes, or any kind of securities payable to bearer, platinum, precious stones, jewels, or other precious articles sent as parcel post must be insured.

Observations. Parcels addressed to box numbers and not bearing the actual address of the addressee will be returned to origin.

To assist addressees of gift parcels in obtaining import licenses (see "Import restrictions"), it is suggested that senders mark the customs declarations "Gift."

Parcels addressed to the post offices of Anini, Tuting and Vijayanager, in Assam, are limited to 4 lbs. 6 oz. in weight.

Prohibitions. For reasons of public safety: All liquids with flash point below 200° F.

Arms, etc.: Arms (offensive and defensive weapons of all kinds) and military equipment, except for the Indian Government.

Appliances (including pistols, pistol pencils, etc.) for discharging gas, except on behalf of the Government.

State monopolies, etc.: Coins or ingots exceeding 65 rupees ($8.65) in value, except coins obviously intended for ornament.

Articles of gold or silver.

Indian banknotes, except with permission of the Reserve Bank of India.

Commercial shipments of tobacco, manufactured or not, unless sent to licensed importers or wholesalers.

For other reasons: Piece goods and certain manufactured articles, unless marked to show country of origin as prescribed by the Indian trademark regulations.

Articles made wholly or partly of celluloid, such as flammable motion-picture or photographic film, unless packed in a strong wooden box marked "Celluloid" in large letters.

Articles for which the addressees have failed to obtain import licenses when required. (See "Import restrictions.")

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Addressees in India are required to obtain import licenses for all goods except those intended for their personal use and not exceeding 160 rupees ($21) in value. If the license is not obtained when required, the articles are considered as prohibited.

INDONESIA (ALOR ISLAND, AMBOINA, ARU ISLANDS, BABAR, BALI, BANDA, BANKA, BATJAN, BAWEAN, BENGKALIS, BILLITON, BINTAN, BORNEO [KALIMANTAN], BURU, BUTON, CELEBES [SULAWESI], CERAM, FLORES, GESER, HALMAHAIRA, IRIAN BARAT [WEST NEW GUINEA], JAVA [DJAWA], KAI ISLANDS, KALIMANTAN [BORNEO], KANGEAN, KARIMUN, KISAR, KUNDUR, LAUT, LOMBOK, MADURA, MOROTAI, MUNA, ROTI, SALAJAR, SALIBABU, SAMBU, SANGIR ISLANDS, SAPARUA, SAPUDI, SIANTAN, SIAU, SINGKEP, SULA ISLANDS, SULAWESI [CELEBES], SUMATRA, SUMBA, SUMBAWA, TANIMBAR ISLANDS, TARAKAN, TEBINGTINGGI, TERNATE, TIMOR [FORMERLY NETHERLANDS TIMOR], AND WEH)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Addressees in Indonesia are required to obtain special authorization to take delivery of the following:

(1) All articles classified in Indonesia as foreign exchange. This includes currency, securities, bonds, and coupons, as well as gold and other precious metals in any form.

(2) Gift shipments exceeding 300 rupiah (about $27) in value.

(3) Gift shipments containing articles which the Indonesian authorities consider as luxuries.

Prohibitions. Cocoa leaves, dried, undried, or powdered.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.21; each additional 4 ounces or fraction, 96 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.21	3	12	$15.65	7	4	$29.09
0	8	3.17	4	0	16.61	7	8	30.05
0	12	4.13	4	4	17.57	7	12	31.01
1	0	5.09	4	8	18.53	8	0	31.97
1	4	6.05	4	12	19.49	8	4	32.93
1	8	7.01	5	0	20.45	8	8	33.89
1	12	7.97	5	4	21.41	8	12	34.85
2	0	8.93	5	8	22.37	9	0	35.81
2	4	9.89	5	12	23.33	9	4	36.77
2	8	10.85	6	0	24.29	9	8	37.73
2	12	11.81	6	4	25.25	9	12	38.69
3	0	12.77	6	8	26.21	10	0	39.65
3	4	13.73	6	12	27.17			
3	8	14.69	7	0	28.13			

For rates over 10 pounds, charge $38.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Commercial parcels are accepted only if the sender has marked the customs declaration with the number and date of the Indonesian import permit issued to the addressee for the parcel. A copy of the sender's invoice, also bearing the Indonesian permit number and date, must be enclosed in each parcel.

The following articles are not admitted in commercial parcels: Articles of gold and silver, including tableware; pens and pencils ornamented with precious metal; calendar watches; linen clothing; natural silk goods; children's toys operated by steam or electricity; leather goods; coffee essences and coffee substitutes; molasses, and other substitutes for sugar.

Customs declarations must show both the gross weight of the entire parcel and the net weight of each item.

Prohibitions. Flammable films and celluloid articles. Nonflammable films must be described on customs declarations by the word "Nonflammable" or "Safety."

Books and periodicals printed in any Indonesian language and published outside of Indonesia, except educational books approved by the Indonesian Department of Commerce.

Cloth with batik designs.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirments, which are to be met by the addressees:

Import licenses are required for all gift parcels exceeding about $13 in value, and for those which contain any articles which may be considered by the Indonesian authorities as luxury items.

Special authorization is required for the following: Arms and parts thereof; motion-picture films which must be inspected and approved by an official commission at Djakarta; antibiotic drugs.

IRAN

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Available to Teheran only. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Addresses must be written in a precise and complete manner in Latin (English) characters lengthwise on the articles, leaving space for service notations or labels, so that the dispatch of articles and their delivery to addresses may be effected without research.

Prohibitions and import restrictions. Coins; Iranian banknotes; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles.

Banknotes other than Iranian may be imported only with the permission of the Bank Melli Iran.

Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.70; each additional 4 ounces or fraction, 61 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.70	3	12	$10.34	7	4	$18.78
0	8	2.31	4	0	10.85	7	8	19.39
0	12	2.92	4	4	11.46	7	12	20.00
1	0	3.53	4	8	12.07	8	0	20.61
1	4	4.14	4	12	12.68	8	4	21.22
1	8	4.75	5	0	13.29	8	8	21.83
1	12	5.36	5	4	13.90	8	12	22.44
2	0	5.97	5	8	14.51	9	0	23.05
2	4	6.58	5	12	15.12	9	4	23.66
2	8	7.19	6	0	15.73	9	8	24.27
2	12	7.80	6	4	16.34	9	12	24.88
3	0	8.41	6	8	16.95	10	0	25.49
3	4	9.02	6	12	17.56			
3	8	9.63	7	0	18.17			

For rates over 10 pounds, charge $24.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "INSURED' indorsement and number, the amount for which the parcel is insured. This amount shall be shown in figures in United States currency and in gold francs, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting United States currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes or any kind of securities payable to bearer, platinum, gold, or silver (whether manufactured or unmanufactured), precious stones, jewels, or other precious articles sent as parcel post must be insured.

Observations. Postage covers conveyance only to Iranian frontier offices; additional charges for conveyance into the interior are levied by the Iranian Administration.

Prohibitions. Firearms of all kinds.

The importation of a wide range of general merchandise is prohibited or subject to import quotas, and senders are advised in their own interests to ascertain before mailing whether their goods are admissible.

Also see § 31.2 of this chapter.

Import restrictions. Addressees must obtain an import permit from the Department of Commerce of Iran before receiving delivery of merchandise, except gifts not exceeding 10,000 rials ($130) in value per year. Medicines, regardless of value, require approval of the Iranian Ministry of Health.

IRAQ

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Letters are subject to examination for currency control. Remittances not in Iraqi currency, including checks, are sent to the Rafidain Bank, where the addressees are notified to apply to receive the equivalent of the remittance in Iraqi currency.

See "Observations" under "Parcel Post" concerning import licenses.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.89; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.89	3	12	$10.29	7	4	$18.69
0	8	2.49	4	0	10.89	7	8	19.29
0	12	3.09	4	4	11.49	7	12	19.89
1	0	3.69	4	8	12.09	8	0	20.49
1	4	4.29	4	12	12.69	8	4	21.09
1	8	4.89	5	0	13.29	8	8	21.69
1	12	5.49	5	4	13.89	8	12	22.29
2	0	6.09	5	8	14.49	9	0	22.89
2	4	6.69	5	12	15.09	9	4	23.49
2	8	7.29	6	0	15.69	9	8	24.09
2	12	7.89	6	4	16.29	9	12	24.69
3	0	8.49	6	8	16.89	10	0	25.29
3	4	9.09	6	12	17.49			
3	8	9.69	7	0	18.09			

For rates over 10 pounds, charge $24 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Radio transmitter-receivers using transistors, known as "walkie-talkies." Arms of all kinds, including air guns, parts of arms and munitions, with the exception of hunting rifles, their accessories, and knives. (See "Import restrictions.") Lighters containing butane gas. Binoculars.

Also see § 31.2 of this chapter.

Import restrictions. For parcels and other postal articles containing goods the value of which is more than 1 Iraqi dinar (about $2.80), the addressee must obtain a special import license from the Ministry of Supply, Import Department, Baghdad.

Radio apparatus, hunting rifles and their accessories, and knives having blades over 76 millimeters (about 3 inches) in length, require permission to be obtained by the addressees from the Iraqi authorities.

IRELAND (EIRE) (SEE ITEM "GREAT BRITAIN AND NORTHERN IRELAND" CONCERNING ENGLAND, SCOTLAND, WALES, CHANNEL ISLANDS AND NORTHERN IRELAND)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money Orders. Yes. See § 171.2 of this chapter.

Observations. The names of the counties in Ireland are as follows: Carlow, Cavan, Clare, Cork, Donegal, Dublin, Galway, Kerry, Kildare, Kilkenny, Leitrim, Laioghis, Limerick, Longford, Louth, Mayo, Meath, Monaghan, Offaly, Roscommon, Sligo, Tipperary, Waterford, Westmeath, Wexford, and Wicklow.

The names of the county and the delivering office must form a part of the address of all mail articles.

Prohibitions and import restrictions. The articles prohibited or restricted as parcel post are likewise prohibited or restricted in the postal union mail, except that oiled or varnished cloth or similar substances are prohibited unconditionally in postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.31; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.31	3	12	$7.19	7	4	$13.07
0	8	1.73	4	0	7.61	7	8	13.49
0	12	2.15	4	4	8.03	7	12	13.91
1	0	2.57	4	8	8.45	8	0	14.33
1	4	2.99	4	12	8.87	8	4	14.75
1	8	3.41	5	0	9.29	8	8	15.17
1	12	3.83	5	4	9.71	8	12	15.59
2	0	4.25	5	8	10.13	9	0	16.01
2	4	4.67	5	12	10.55	9	4	16.43
2	8	5.09	6	0	10.97	9	8	16.85
2	12	5.51	6	4	11.39	9	12	17.27
3	0	5.93	6	8	11.81	10	0	17.69
3	4	6.35	6	12	12.23			
3	8	6.77	7	0	12.65			

For rates over 10 pounds, charge $16.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $400	1.15
$400.01 to $500	1.35
$500.01 to $600	1.55
$600.01 to $700	1.75
$700.01 to $800	1.95
$800.01 to $900	2.15
$900.01 to $1,000	2.35

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, bullion, valuable jewelry, or any other precious article, sent as parcel post must be insured.

Observations. The names of the county and the delivering office must form a part of the address of all mail articles. See subcaption "Observations" under Postal Union Mail for names of counties comprising Ireland.

In the case of articles liable to customs duty which are eligible for preference, the preferential tariff will not be applied unless the customs declaration is inscribed in bold characters: "Preference claimed—Certificate of origin enclosed." Otherwise, the full customs duties will be applied to the articles.

The same applies to goods imported under permit, unless the declaration is clearly marked "Imported under license," and unless the relative license is produced at the time of customs examination. In such cases the license should be procured before the goods are imported.

Prohibitions. For sanitary reasons: Circulars or advertisements relating to the prevention or treatment of venereal disease, unless addressed to physicians or pharmacists.

Tea, unless imported by "Tea Importers (1958) Ltd."

Margarine, skimmed milk, and other diluted or adulterated foodstuffs, unless suitably labeled.

State monopolies, etc.: Coins, other than those of Ireland.

For other reasons: Coins exceeding £5 in value unless declared to be for ornament.

Tobacco, cigars or cigarettes packed with other articles. Extracts, essences, or concentrations of tobacco, coffee, tea, or chicory. Tobacco cut and compressed, sweetened or adulterated. See also "Import restrictions" below.

Oiled or varnished cloth or similar articles, unless accompanied by a certificate as follows: "The oilcloth or similar articles in this parcel have been stoved at a temperature of 140° F. until completely dried, and then cured for at least a month before packing."

Carbon paper, except for typewriter carbon paper which must be described on the customs declaration as follows: "Typewriter carbon paper coated with wax and containing no oxidizable or fatty substance."

Saccharine and similar substances, unless sent in 11-pound parcels containing no other merchandise.

Articles bearing false trademarks or lacking the indication of origin required by the Irish regulations.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements which must be met by addressees:

Addressees must obtain special permission to take delivery of the following:

Pork including bacon and ham; beef and mutton in any form; eggs and meat of poultry; butter and cheese; preserved unsweetened fruits and berries; and corn flakes.

Tobacco in any form not prohibited.

Certain drugs, vaccines, serums, biological products for injection, and surgical sutures for human use.

Firearms and deadly weapons and parts thereof, toy pistols and toy revolvers.

A variety of agricultural supplies and other merchandise. The lists are too long to give in detail, and it is recommended that senders ascertain from addressees in advance of mailing whether the articles which they desire to mail will be admitted.

ISRAEL, STATE OF

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. See "Observations" under "Parcel Post" concerning import license requirements which are also applicable to goods sent in the postal union mail.

Prohibitions and import restrictions. Perishable biological materials of infectious nature.

The articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces or fraction, 57 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.86	3	12	$9.84	7	4	$17.82
0	8	2.43	4	0	10.41	7	8	18.39
0	12	3.00	4	4	10.98	7	12	18.96
1	0	3.57	4	8	11.55	8	0	19.53
1	4	4.14	4	12	12.12	8	4	20.10
1	8	4.71	5	0	12.69	8	8	20.67
1	12	5.28	5	4	13.26	8	12	21.24
2	0	5.85	5	8	13.83	9	0	21.81
2	4	6.42	5	12	14.40	9	4	22.38
2	8	6.99	6	0	14.97	9	8	22.95
2	12	7.56	6	4	15.54	9	12	23.52
3	0	8.13	6	8	16.11	10	0	24.09
3	4	8.70	6	12	16.68			
3	8	9.27	7	0	17.25			

For rates over 10 pounds, charge $22.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Addressees in Israel are required to obtain import licenses in order to take delivery of all parcels except the following categories:

(a) Personal effects of persons immigrating to Israel.

(b) Gift packages containing food for personal use of the addressee.

(c) Gift packages containing articles other than food, limited to 300 Israeli pounds ($100) in value, for the addressee's personal use. One family residing together may not receive more than one such parcel within 3 months. Such parcels may not contain radios, other than portables; television sets; or new playing cards, other than one complete set of two decks.

Parcels contravening the above requirements may be confiscated or subjected to fines by the Israeli authorities if the addressees do not have import licenses.

To facilitate clearance of commercial parcels, it is recommended that senders attach the invoice, or a copy thereof, to the dispatch note, or place it in a separate envelope pasted to the wrapper of the parcel. To avoid delay in case the invoice becomes detached, it is recommended that a copy, or the original invoice, be enclosed in the parcel.

Prohibitions. Arms, etc.: Daggers and switchblades, unless imported as antiques.

For other reasons: Pharmaceutical preparations unless properly labeled. Commercial shipments must be labeled in accordance with the Israeli pharmaceutical regulations, and gift shipments must be labeled so as to permit verification of the contents. Customs declarations must show the name of the medicine and the exact quantity. Prescription medicines should be accompanied by a copy of the prescription, in which case the customs declaration may be marked "Medicine—Prescription enclosed."

Israeli banknotes. Blank invoices with headings.

Postage stamps issued in Arab countries after May 14, 1948.

Textiles exceeding 50 Israeli pounds ($16.67) in value.

Cigarettes in excess of 600. Tobacco in excess of 600 grams (21 ounces).

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

See "Observations" for information as to import licenses which must be obtained for certain shipments.

Addressees must obtain special permission to import postage stamps exceeding 20 Israeli pounds ($6.67) per month; firearms; preserved meat for commercial use; and veterinary serums or vaccines.

ITALY (INCLUDING REPUBLIC OF SAN MARINO)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 242 Postal Manual.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Postage stamps for philatelic purposes are admitted in registered letters on condition that the letter or letter-package bears a completed Form 2976 (see § 22.4(a) of this chapter) and the addressee complies with the Italian financial regulations.

Prohibitions. Precious stones, precious metal, jewelry and other precious articles.

Dutiable articles in letter packages, except for postage stamps (see "Observations").

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½

feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.67; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.67	3	12	$8.53	7	4	$15.39
0	8	2.16	4	0	9.02	7	8	15.88
0	12	2.65	4	4	9.51	7	12	16.37
1	0	3.14	4	8	10.00	8	0	16.86
1	4	3.63	4	12	10.49	8	4	17.35
1	8	4.12	5	0	10.98	8	8	17.84
1	12	4.61	5	4	11.47	8	12	18.33
2	0	5.10	5	8	11.96	9	0	18.82
2	4	5.59	5	12	12.45	9	4	19.31
2	8	6.08	6	0	12.94	9	8	19.80
2	12	6.57	6	4	13.43	9	12	20.29
3	0	7.06	6	8	13.92	10	0	20.78
3	4	7.55	6	12	14.41			
3	8	8.04	7	0	14.90			

For rates over 10 pounds, charge $19.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, bullion, jewelry, or any other precious article sent as parcel post must be insured.

Observations. Commercial parcels must be accompanied by a copy of the relative commercial invoice dated and signed by the sender.

Prohibitions. For reason of sanitary policy: Medicines and drugs, including serums and vaccines, not authorized by the Italian Ministry of Public Health. Accepting postal employees are not expected to know what medicines have been authorized by the Italian authorities, and any mailable medicines, etc., are to be accepted with the understanding that final decision as to the admissibility of the articles rests with the Italian authorities.

Nursing bottles, parts thereof, and baby pacifiers not bearing an indelible mark applied by the manufacturer. Nursing bottles with long tubes, and pacifiers with cavities inside are prohibited.

The containers of canned or preserved fish products must be indelibly marked describing the contents.

State monopolies, etc.: Playing cards addressed to San Marino.

Saccharine and its products.

Tobacco in any form except for individual shipments of manufactured tobacco which the addressees may receive with the permission of the customs authorities.

Cigarette lighters and cigarette papers. Also see § 31.2 of this chapter.

Import restrictions. Addressees require special permission to import the following:

Postage stamps; arms or parts thereof; salt; cigarette lighters and flints; cigarette papers; articles of gold, silver and platinum; radio equipment.

IVORY COAST (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.56; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.56	3	12	$9.96	7	4	$18.36
0	8	2.16	4	0	10.56	7	8	18.96
0	12	2.76	4	4	11.16	7	12	19.56
1	0	3.36	4	8	11.76	8	0	20.16
1	4	3.96	4	12	12.36	8	4	20.76
1	8	4.56	5	0	12.96	8	8	21.36
1	12	5.16	5	4	13.56	8	12	21.96
2	0	5.76	5	8	14.16	9	0	22.56
2	4	6.36	5	12	14.76	9	4	23.16
2	8	6.96	6	0	15.36	9	8	23.76
2	12	7.56	6	4	15.96	9	12	24.36
3	0	8.16	6	8	16.56	10	0	24.96
3	4	8.76	6	12	17.16			
3	8	9.36	7	0	17.76			

For rates over 10 pounds, charge $24 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. The postal authorities of Ivory Coast collect domestic postage from the addressees.

Prohibitions. Arms, etc.: Daggers, sword-canes, brass knuckles, blackjacks, and other secret weapons.

For other reasons: Foreign products, natural or manufactured, having markings, labels, or wrappings of any kind which may give the impression that they are of Ivory Coast origin. Articles bearing the "Red Cross" or "Geneva Cross" as a trademark.

Preserved fish, vegetables, and plums must bear on each container an indication of the country of origin in raised or sunken letters at least 4 millimeters (⅛ inch) high, in the middle of the lid and of the bottom, in a space not bearing any inscription. Cases and wrappers containing these products must bear adhearing letters indicating the country of origin.

Weights and measures not of the metric system.

Butane lighters.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

The following articles are subject to special regulations upon importation: Mineral waters. Stills and other distilling apparatus. Saccharine and other sweetening substances whose use is restricted to therapeutics, pharmacy, and the preparation of beverages. Firearms and airguns.

Arabic books and prints are subject to special control.

JAMAICA (INCLUDING CAYMAN ISLANDS)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions. Lighters containing butane gas.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.50; each additional 4 ounces or fraction, 20 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.50	3	12	$4.30	7	4	$7.10
0	8	1.70	4	0	4.50	7	8	7.30
0	12	1.90	4	4	4.70	7	12	7.50
1	0	2.10	4	8	4.90	8	0	7.70
1	4	2.30	4	12	5.10	8	4	7.90
1	8	2.50	5	0	5.30	8	8	8.10
1	12	2.70	5	4	5.50	8	12	8.30
2	0	2.90	5	8	5.70	9	0	8.50
2	4	3.10	5	12	5.90	9	4	8.70
2	8	3.30	6	0	6.10	9	8	8.90
2	12	3.50	6	4	6.30	9	12	9.10
3	0	3.70	6	8	6.50	10	0	9.30
3	4	3.90	6	12	6.70			
3	8	4.10	7	0	6.90			

For rates over 10 pounds, charge $8 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee, 80 cents. There is no provision for indemnity. (See Part 42 and § 72.2(b) (iv) of this chapter.)

Insurance. No provision.

Prohibitions. For public safety: Radioactive materials.

For protection of animals and plants: Bees and materials used by beekeepers. Citrus fruits and plants and parts thereof; cotton seed and plants and parts thereof.

Meats.

Arms, etc.: Switchblade knives.

For other reasons: Cocoa; coffee; condensed milk; cornmeal; edible oils; honey and beeswax; paints; sugar.

Medicaments which do not have the name and formula printed in English on the container and wrapper. Also medicaments for treatment of venereal disease if accompanied by directions for their use.

Also see § 31.2 of this chapter.

Import restrictions. Many types of merchandise require authorization to import which the addressee must obtain from the Trade Administrator at Kingston. Mailers should assure themselves that the addressee has such a permit or can obtain one if needed.

JAPAN

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

The addressees of postal union mail articles containing merchandise are required to submit import licenses at the time of customs clearance.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in girth do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.39; each additional 4 ounces or fraction, 50 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.39	3	12	$8.39	7	4	$15.39
0	8	1.89	4	0	8.89	7	8	15.89
0	12	2.39	4	4	9.39	7	12	16.39
1	0	2.89	4	8	9.89	8	0	16.89
1	4	3.39	4	12	10.39	8	4	17.39
1	8	3.89	5	0	10.89	8	8	17.89
1	12	4.39	5	4	11.39	8	12	18.39
2	0	4.89	5	8	11.89	9	0	18.89
2	4	5.39	5	12	12.39	9	4	19.39
2	8	5.89	6	0	12.89	9	8	19.89
2	12	6.39	6	4	13.39	9	12	20.39
3	0	6.89	6	8	13.89	10	0	20.89
3	4	7.39	6	12	14.39			
3	8	7.89	7	0	14.89			

For rates over 10 pounds, charge $20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, bullion, valuable jewelry or any other precious article sent as parcel post must be insured.

Observations. Gift parcels addressed to individuals are free of customs duty and taxes, provided (a) the parcel is plainly marked "Gift", (b) the contents consist solely of bona fide gifts for the addressee and his family, and (c) the value is estimated by the Japanese customs authorities at not more than 2,000 yen (about $5.56). In addition, it is understood that, as a concession, food and clothing are exempt from duty up to a value of about $10. Gift parcels sent to charitable institutions for relief purposes are likewise admitted free of duty.

See "Import restrictions" with respect to parcels not sent as gifts.

Human ashes may be accepted if presented for mailing by a licensed crematory or licensed mortuary. The ashes

must be packed in a sealed metal container enclosed in a substantial outer container. There must be enclosed within the outer container, but outside the metal container, a certified copy of the death certificate and a statement or certificate executed by the crematory or mortuary to the effect that the ashes are those of the person named in the death certificate.

Prohibitions. For the protection of animals and plants: Walnuts in the shell.

The following must be accompanied by official inspection certificates showing that they are free from domestic animals' infectious disease: Meat, bones, skin, hair, feathers, horns or hoofs of hoofed animals, rabbits, or poultry; wool samples; poultry eggs for hatching; honey bees.

Arms, etc.: Firearms unless addressed to persons authorized to receive them. Toy firearms which can be easily converted into deadly weapons.

Lighters and refills containing butane gas.

State monopolies: Salt, tobacco leaves and seeds, and apparatus and papers for tobacco manufacture, unless addressed to the Japanese monopoly authorities or agents thereof. The same applies to manufactured tobacco, except that individuals may be authorized by the monopoly authorities to receive for their personal use up to 200 cigarettes, 50 cigars, and 120 grams (4¼ ounces) of smoking or chewing tobacco or snuff.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Import licenses are required for certain categories of merchandise sent for commercial purposes. Licenses are not required for articles sent for personal use of the addressee or for relief of distressed persons; for gifts up to 36,000 yen ($100) in value; or for commercial samples or advertising matter up to 180,000 yen ($500) in value sent without cost.

Addressees must comply with the applicable Japanese regulations in order to take delivery of the following:

Banknotes, currency, checks and other instruments of payment. Securities and documents embodying tangible assets.

Articles made from precious metals.

JORDAN (HASHEMITE KINGDOM) (INCLUDING CENTRAL ARAB PALESTINE)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatching exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Banknotes and values payable to bearer; jewels and articles of precious metal. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fractions, 56 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	3	12	$9.67	7	0	$16.85
0	8	2.29	4	0	10.13	7	4	17.41
0	12	2.85	4	4	10.69	7	8	17.97
1	0	3.41	4	8	11.25	7	12	18.53
1	4	3.97	4	12	11.81	8	0	19.09
1	8	4.53	5	0	12.37	8	4	19.65
1	12	5.09	5	4	12.93	8	8	20.21
2	0	5.65	5	8	13.49	8	12	20.77
2	4	6.21	5	12	14.05	9	0	21.33
2	8	6.77	6	0	14.61	9	4	21.89
2	12	7.33	6	4	15.17	9	8	22.45
3	0	7.89	6	8	15.73	9	12	23.01
3	4	8.45	6	12	16.29	10	0	23.57
3	8	9.01						

For rates over 10 pounds, charge $22.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Arms, except sporting guns which are admitted under restrictions; essences and oils for use in making adulterated or imitated beverages.

Advertisements concerning treatment of venereal diseases or medicinal preparations intended to serve as preventives against those diseases.

Bees and silkworms, unless accompanied by an official certificate that they are free from disease.

Also see § 31.2 of this chapter.

KENYA

Postal Union Mail

Classification, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Banknotes and values payable to bearer; jewels and articles of precious metal. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces or fraction, 69 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.86	3	12	$11.52	7	4	$21.18
0	8	2.55	4	0	12.21	7	8	21.87
0	12	3.24	4	4	12.90	7	12	22.56
1	0	3.93	4	8	13.59	8	0	23.25
1	4	4.62	4	12	14.28	8	4	23.94
1	8	5.31	5	0	14.97	8	8	24.63
1	12	6.00	5	4	15.66	8	12	25.32
2	0	6.69	5	8	16.35	9	0	26.01
2	4	7.38	5	12	17.04	9	4	26.70
2	8	8.07	6	0	17.73	9	8	27.39
2	12	8.76	6	4	18.42	9	12	28.08
3	0	9.45	6	8	19.11	10	0	28.77
3	4	10.14	6	12	19.80			
3	8	10.83	7	0	20.49			

For rates over 10 pounds, charge $27.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Firearms and articles resembling deadly weapons.

Military or civil uniforms and clothing resembling them, except by permit of the Kenya government.

Used clothing, bedding and similar articles, for sale, unless accompanied by a certificate of disinfection.

Articles bearing false markings or accompanied by false guarantees.

Coins, banknotes, coupons, values payable to bearer, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, or other precious articles. The foregoing, except for coins over 100 shillings ($12) in value, are admitted in registered let only.

Traps capable of killing or capturing game, except with permission of the Chief Game Warden of Kenya.

Articles bearing Boy Scout or Girl Scout insignia, except with authorization of the Kenya Boy Scout or Girl Guide Commissioner.

Also see § 31.2 of this chapter.

Import restrictions. Many types of merchandise require authorization to import which the addressee must obtain from the Director of Trade and Supplies at Nairobi. Mailers should assure themselves that the addressee has such a permit or can obtain one if needed.

KOREA

I. Republic of Korea (South Korea)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions. Limited to cities of Seoul, Pusan, Taegu, Gwangju, Mokpo, Jeonju, Taejun, Chungju and Cheju.

Money orders. No service.

Observations. Articles addressed for delivery in Korea may be in any of the following languages: Korean, English, Russian, French, Spanish, Chinese or Japanese. Mail should bear the name of the addressee, street, district, town and province in Korea. The address should be shown also in Korean characters, if known.

See "Observations" under "Parcel Post" for the provinces comprising the Republic of Korea.

Prohibitions. Dutiable articles in unregistered letter packages. Coins, paper money, securities and values payable to bearer.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.43; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.43	3	12	$8.99	7	4	$16.55
0	8	1.97	4	0	9.53	7	8	17.09
0	12	2.51	4	4	10.07	7	12	17.63
1	0	3.05	4	8	10.61	8	0	18.17
1	4	3.59	4	12	11.15	8	4	18.71
1	8	4.13	5	0	11.69	8	8	19.25
1	12	4.67	5	4	12.23	8	12	19.79
2	0	5.21	5	8	12.77	9	0	20.33
2	4	5.75	5	12	13.31	9	4	20.87
2	8	6.29	6	0	13.85	9	8	21.41
2	12	6.83	6	4	14.39	9	12	21.95
3	0	7.37	6	8	14.93	10	0	22.49
3	4	7.91	6	12	15.47			
3	8	8.45	7	0	16.01			

For rates over 10 pounds, charge $21.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indications in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Observations. Parcel post service is available only to the provinces comprising the Republic of Korea, i.e., provinces south of the 38th parallel of latitude.

The following is a list of the provinces comprising the Republic of Korea:

Cheju-do.	*Hwanghae-do.
Cholla-namdo.	*Kangwŏn-do.
Cholla-pukto.	*Kyonggi-do.
Ch'ungch'ong-namdo.	Kyongsang-namdo.
Ch'ungch'ong-pukto.	Kyongsang-pukto.

The provinces marked with the asterisk (*) are divided by the 38th parallel of latitude, and it is the responsibility of the mailers to determine that the post offices to which their parcels are addressed are located south of the 38th parallel. Parcels addressed to offices north of the 38th parallel will not be forwarded to destination but will be treated as undeliverable.

The address of parcels should be repeated in Korean characters, if known.

Prohibitions. Books and other articles prejudicial to public safety.

Tobacco; machines and paper for making cigarettes; salt and ginseng, unless imported by the Korean government.

Also see § 31.2 of this chapter.

Import restrictions. Gift articles exceeding $50 in value and commercial shipments regardless of value require import licenses to be obtained by the addressees.

II. North Korea

Postal Union Mail

Classifications, weight limits and dimentions. See Chart 1 and Part 22 of this chapter. Service is limited to unregistered letters, post cards and printed matter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, 60 cents first 2 ounces, 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. No service.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface packages of printed matter. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. North Korea consists of the area of the country north of the 38th parallel. Mail should be addressed to "North Korea", and is dispatched via Hong Kong.

Prohibitions. Currency, postage stamps for sale or exchange, checks, securities and other financial instruments, unless licensed by the U.S. Treasury Department. Articles of merchandise.

Parcel Post

(No service)

KUWAIT

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.52; each additional 4 ounces or fraction, 63 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.52	3	12	$10.34	7	4	$19.16
0	8	2.15	4	0	10.97	7	8	19.79
0	12	2.78	4	4	11.60	7	12	20.42
1	0	3.41	4	8	12.23	8	0	21.05
1	4	4.04	4	12	12.86	8	4	21.68
1	8	4.67	5	0	13.49	8	8	22.31
1	12	5.30	5	4	14.12	8	12	22.94
2	0	5.93	5	8	14.75	9	0	23.57
2	4	6.56	5	12	15.38	9	4	24.20
2	8	7.19	6	0	16.01	9	8	24.83
2	12	7.82	6	4	16.64	9	12	25.46
3	0	8.45	6	8	17.27	10	0	26.09
3	4	9.08	6	12	17.90			
3	8	9.71	7	0	18.53			

For rates over 10 pounds, charge $25.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Show the insured value in U.S. currency (figures only) in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. Lighters containing butane gas, and refills therefor. Magazines or other printed matter containing illustrations of nude or partly nude human figures.

Also see § 31.2 of this chapter.

Import restrictions. Addresses are required to obtain import licenses for preserved meat, dairy products, drugs, serums and vaccines.

Commercial importations of the following require approval of the Ministry of Commerce and Industry of Kuwait: Manufactured or unmanufactured gold, silver and platinum; precious stones; jewelry and other precious articles; jewelers' scales, weights, assay material and appraising equipment.

LAOS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. The following are the only post offices in operation:

Vientiane.	Paksé.
Honeisai.	Paksong.
Luangprabang.	Khongsédone.
Saya'oury.	Champassak.
Paksane.	Muong Kong.
Khammouane.	Saravane.
Savannakhet.	Attopeu.

Prohibitions. Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles.

Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.13; each additional 4 ounces or fraction, 86 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.13	3	12	$14.17	7	4	$26.21
0	8	2.99	4	0	15.03	7	8	27.07
0	12	3.85	4	4	15.89	7	12	27.93
1	0	4.71	4	8	16.75	8	0	28.79
1	4	5.57	4	12	17.61	8	4	29.65
1	8	6.43	5	0	18.47	8	8	30.51
1	12	7.29	5	4	19.33	8	12	31.37
2	0	8.15	5	8	20.19	9	0	32.23
2	4	9.01	5	12	21.05	9	4	33.09
2	8	9.87	6	0	21.91	9	8	33.95
2	12	10.73	6	4	22.77	9	12	34.81
3	0	11.59	6	8	23.63	10	0	35.67
3	4	12.45	6	12	24.49			
3	8	13.31	7	0	25.35			

For rates over 10 pounds, charge $34.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. See Postal Union "Observations" for post offices which are in operation.

Prohibitions. For reasons of public safety: Pistols shooting blank cartridges which have the appearance of automatic pistols.

For sanitary reasons: Unverified thermometers. Nursing bottles with tubes. Saccharine and similar products.

Arms, munitions, etc.: War arms and war material.

For other reasons: Generally, articles prohibited to France are likewise prohibited to Laos.

A number of varieties of merchandise require special permission from the military authorities for importation. The list is too long to give in detail; however, senders should be advised in their own interest to ascertain before mailing whether their goods are admissible.

Also see § 31.2 of this chapter.

LATVIA

(NOTE.—The regulations mentioned below are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse the entry into Latvia of mail unless such mail complies with the Soviet postal regulations.)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U.S.S.R." must be included as part of the address of mail articles.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.81; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.81	3	12	$10.21	7	0	$18.01
0	8	2.41	4	0	10.81	7	4	18.61
0	12	3.01	4	4	11.41	7	8	19.21
1	0	3.61	4	8	12.01	7	12	19.81
1	4	4.21	4	12	12.61	8	0	20.41
1	8	4.81	5	0	13.21	8	4	21.01
1	12	5.41	5	4	13.81	8	8	21.61
2	0	6.01	5	8	14.41	8	12	22.21
2	4	6.61	5	12	15.01	9	0	22.81
2	8	7.21	6	0	15.61	9	4	23.41
2	12	7.81	6	4	16.21	9	8	24.01
3	0	8.41	6	8	16.81	9	12	24.61
3	4	9.01	6	12	17.41	10	0	25.21
3	8	9.61						

For rates over 10 pounds, charge $24 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. Same as for U.S.S.R.

Observations. Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U.S.S.R." must be included as part of the address of parcels.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

LEBANON (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air, Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Articles must be carefully addressed to show the exact place of destination but not the names of other places nearby. The office of destination must be written legibly in Arabic characters, as far as possible, as well as in English or French.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 11 pounds to Ain-Zhalta, Baino, Falougha, Hermel, Koubayat Maaser-el-Chouf, Ras-Baalbeck, and Souk-el-Gharb; 44 pounds to other places.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fraction, 56 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	3	12	$9.57	7	4	$17.41
0	8	2.29	4	0	10.13	7	8	17.97
0	12	2.85	4	4	10.69	7	12	18.53
1	0	3.41	4	8	11.25	8	0	19.09
1	4	3.97	4	12	11.81	8	4	19.65
1	8	4.53	5	0	12.37	8	8	20.21
1	12	5.09	5	4	12.93	8	12	20.77
2	0	5.65	5	8	13.49	9	0	21.33
2	4	6.21	5	12	14.05	9	4	21.89
2	8	6.77	6	0	14.61	9	8	22.45
2	12	7.33	6	4	15.17	9	12	23.01
3	0	7.89	6	8	15.73	10	0	23.57
3	4	8.45	6	12	16.29			
3	8	9.01	7	0	16.85			

For rates over 10 pounds, charge $22.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Commercial shipments valued at 50 Lebanese pounds ($22.85) or over require three copies of a combined certificate of origin and commercial invoice. The document must be certified by a chamber of commerce or similar organization and, if a Lebanese consular officer is located at the place of mailing, it must be legalized by him. Gift shipments regardless of value and commercial shipments valued at less than 50 Lebanese pounds are exempt from the requirement.

Articles must be carefully addressed to show the exact place of destination but not the names of other places nearby. The office of destination must be written legibly in Arabic characters, as far as possible, as well as in English or French.

Prohibitions. For reasons of public safety: Lighters using butane gas.

For sanitary reasons: Artificial butters and adulterated or harmful products.

State monopolies, etc.: Cigarette papers and machines for the manufacture or packing of cigarettes.

Salt.

Automatic and electrical gambling devices.

For other reasons: Radio-sending equipment.

Essences, essential oils, and products derived therefrom for use in the manufacture of imitated beverages, ices, and pastries.

False trade-marks, trade names, or indications of origin.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Import permits are required for many kinds of merchandise if the value exceeds 100 Lebanese pounds ($45.60).

Special permission is required for the importation of the following:

Certain vegetable and fish oils, unless denatured for soapmaking.

Cigarettes, cigars, leaf tobacco, and tumbeki.

Radio apparatus.

Medicines, surgical and dental instruments.

Nursing bottles. Condensed milk for infants.

LEEWARD ISLANDS (ANGUILLA, ANTIGUA), BARBUDA, MONTSERRAT, NEVIS, REDONDA, ST. CHRISTOPHER OR ST. KITTS AND VIRGIN ISLANDS (BRITISH)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials (accepted for Montserrat only).

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.13; each additional 4 ounces or fraction, 23 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.13	3	12	$4.35	7	0	$7.34
0	8	1.36	4	0	4.58	7	4	7.57
0	12	1.59	4	4	4.81	7	8	7.80
1	0	1.82	4	8	5.04	7	12	8.03
1	4	2.05	4	12	5.27	8	0	8.26
1	8	2.28	5	0	5.50	8	4	8.49
1	12	2.51	5	4	5.73	8	8	8.72
2	0	2.74	5	8	5.96	8	12	8.95
2	4	2.97	5	12	6.19	9	0	9.18
2	8	3.20	6	0	6.42	9	4	9.41
2	12	3.43	6	4	6.65	9	8	9.64
3	0	3.66	6	8	6.88	9	12	9.87
3	4	3.89	6	12	7.11	10	0	10.10
3	8	4.12						

For rates over 10 pounds, charge $0.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in United States currency (figures only), in the following form:

INSURED VALUE

$35.50

Coins, bullion, jewelry, or any other precious articles sent as parcel post must be insured.

For general information on insurance see Part 43 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

LESOTHO

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table II.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	3	12	$12.89	7	4	$24.09
0	8	2.49	4	0	13.69	7	8	24.89
0	12	3.29	4	4	14.49	7	12	25.69
1	0	4.09	4	8	15.29	8	0	26.49
1	4	4.89	4	12	16.09	8	4	27.29
1	8	5.69	5	0	16.89	8	8	28.09
1	12	6.49	5	4	17.69	8	12	28.89
2	0	7.29	5	8	18.49	9	0	29.69
2	4	8.09	5	12	19.29	9	4	30.49
2	8	8.89	6	0	20.09	9	8	31.29
2	12	9.69	6	4	20.89	9	12	32.09
3	0	10.49	6	8	21.69	10	0	32.89
3	4	11.29	6	12	22.49			
3	8	12.09	7	0	23.29			

For rates over 10 pounds, charge $32 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown in § 31.2 of this chapter, apply.

LIBERIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Platinum, gold, and silver, manufactured or unmanufactured; precious stones, jewelry, and other precious articles. Radioactive materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.42; each additional 4 ounces or fraction, 53 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.42	3	12	$8.84	7	4	$16.26
0	8	1.95	4	0	9.37	7	8	16.79
0	12	2.48	4	4	9.90	7	12	17.32
1	0	3.01	4	8	10.43	8	0	17.85
1	4	3.54	4	12	10.96	8	4	18.38
1	8	4.07	5	0	11.49	8	8	18.91
1	12	4.60	5	4	12.02	8	12	19.44
2	0	5.13	5	8	12.55	9	0	19.97
2	4	5.66	5	12	13.08	9	4	20.50
2	8	6.19	6	0	13.61	9	8	21.03
2	12	6.72	6	4	14.14	9	12	21.56
3	0	7.25	6	8	14.67	10	0	22.09
3	4	7.78	6	12	15.20			
3	8	8.31	7	0	15.73			

For rates over 10 pounds, charge $21.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No service.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $80	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.75

SEVENTY-SIX DOLLARS AND SEVENTY-FIVE CENTS

Coin, bank notes, currency notes, securities payable to bearer, precious stones, jewelry, or precious metals sent as parcel post must be insured.

For general information on insurance, see Postal Manual, Part 243.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

LIBYA (UNITED KINGDOM OF) (TRIPOLITANIA AND CYRENAICA)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Jewels and precious articles; manufactured platinum, gold or silver; coins, paper money, and values payable to bearer. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.71; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.71	3	12	$9.27	7	4	$16.83
0	8	2.25	4	0	9.81	7	8	17.37
0	12	2.79	4	4	10.35	7	12	17.91
1	0	3.33	4	8	10.89	8	0	18.45
1	4	3.87	4	12	11.43	8	4	18.99
1	8	4.41	5	0	11.97	8	8	19.53
1	12	4.95	5	4	12.51	8	12	20.07
2	0	5.49	5	8	13.05	9	0	20.61
2	4	6.03	5	12	13.59	9	4	21.15
2	8	6.57	6	0	14.13	9	8	21.69
2	12	7.11	6	4	14.67	9	12	22.23
3	0	7.65	6	8	15.21	10	0	22.77
3	4	8.19	6	12	15.75			
3	8	8.73	7	0	16.29			

For rates over 10 pounds, charge $21.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Each commercial parcel must be accompanied by an invoice in duplicate, dated and signed by the sender.

Prohibitions. Arms (other than sporting guns). Tobacco in any form.

Currency.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Import licenses are required for chocolate and confectionery, fresh or preserved fruits and nuts, cheese, photographic supplies, soap, jewelry, carpets and rugs, brass and copper household ware, and radios, if the value of the parcel exceeds 5 Libyan pounds ($14).

Special authorization is required for plant material including seeds, salt, saccharine, sporting guns, serums and vaccines.

LITHUANIA

(NOTE.—The regulations mentioned below are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse the entry into Lithuania of mail unless such mail complies with the Soviet postal regulations.)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U.S.S.R." must be included as part of the address of mail articles.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½

feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.81; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.81	3	12	$10.21	7	4	$18.61
0	8	2.41	4	0	10.81	7	8	19.21
0	12	3.01	4	4	11.41	7	12	19.81
1	0	3.61	4	8	12.01	8	0	20.41
1	4	4.21	4	12	12.61	8	4	21.01
1	8	4.81	5	0	13.21	8	8	21.61
1	12	5.41	5	4	13.81	8	12	22.21
2	0	6.01	5	8	14.41	9	0	22.81
2	4	6.61	5	12	15.01	9	4	23.41
2	8	7.21	6	0	15.61	9	8	24.01
2	12	7.81	6	4	16.21	9	12	24.61
3	0	8.41	6	8	16.81	10	0	25.21
3	4	9.01	6	12	17.41			
3	8	9.61	7	0	18.01			

For rates over 10 pounds, charge $24 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. Same as for U.S.S.R.

Observations. Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U.S.S.R." must be included as part of the address of parcels.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

LUXEMBOURG (GRAND DUCHY)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.57; each additional 4 ounces or fraction, 41 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.57	3	12	$7.31	7	4	$13.05
0	8	1.98	4	0	7.72	7	8	13.46
0	12	2.39	4	4	8.13	7	12	13.87
1	0	2.80	4	8	8.54	8	0	14.28
1	4	3.21	4	12	8.95	8	4	14.69
1	8	3.62	5	0	9.36	8	8	15.10
1	12	4.03	5	4	9.77	8	12	15.51
2	0	4.44	5	8	10.18	9	0	15.92
2	4	4.85	5	12	10.59	9	4	16.33
2	8	5.26	6	0	11.00	9	8	16.74
2	12	5.67	6	4	11.41	9	12	17.15
3	0	6.08	6	8	11.82	10	0	17.56
3	4	6.49	6	12	12.23			
3	8	6.90	7	0	12.64			

For rates over 10 pounds, charge $16.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply.

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Gold or silver, whether manufactured or unmanufactured; precious stones, jewelry or other precious articles sent as parcel post must be insured.

Prohibitions. For reasons of public safety: Anonymous printed pamphlets, without indication of the name of the printer.

Air guns, daggers, sword canes, loaded canes, and other hidden or secret defensive weapons.

For other reasons: Saccharine and similar sweetening substances, unless addressed to pharmacists for medical purposes by Government authorization.

Also see § 31.2 of this chapter.

MACAO

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Macao is a Portuguese colony and articles for Macao should be addressed to "Macao" and not to "Macao, China."

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.04; each additional 4 ounces or fraction, 79 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.04	3	12	$13.10	7	4	$24.16
0	8	2.83	4	0	13.89	7	8	24.95
0	12	3.62	4	4	14.68	7	12	25.74
1	0	4.41	4	8	15.47	8	0	26.53
1	4	5.20	4	12	16.26	8	4	27.32
1	8	5.99	5	0	17.05	8	8	28.11
1	12	6.78	5	4	17.84	8	12	28.90
2	0	7.57	5	8	18.63	9	0	29.69
2	4	8.36	5	12	19.42	9	4	30.48
2	8	9.15	6	0	20.21	9	8	31.27
2	12	9.94	6	4	21.00	9	12	32.06
3	0	10.73	6	8	21.79	10	0	32.85
3	4	11.52	6	12	22.58			
3	8	12.31	7	0	23.37			

For rates over 10 pounds, charge $31.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Macao is a Portuguese colony and parcels for Macao should be addressed to "Macao" and not to "Macao, China".

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter apply.

MADAGASCAR (MALAGASY REPUBLIC) (MADAGASCAR, STE. MARIE-DE-MADAGASCAR, AND NOSSI-BÉ

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins, manufactured or unmanufactured platinum, gold and silver; jewels and other precious articles. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4 Table II.)

Air parcel rates. Four ounces or less, $1.96; each additional 4 ounces or fraction, 77 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.96	3	12	$12.74	7	4	$23.52
0	8	2.73	4	0	13.51	7	8	24.29
0	12	3.50	4	4	14.28	7	12	25.06
1	0	4.27	4	8	15.05	8	0	25.83
1	4	5.04	4	12	15.82	8	4	26.60
1	8	5.81	5	0	16.59	8	8	27.37
1	12	6.58	5	4	17.36	8	12	28.14
2	0	7.35	5	8	18.13	9	0	28.91
2	4	8.12	5	12	18.90	9	4	29.68
2	8	8.89	6	0	19.67	9	8	30.45
2	12	9.66	6	4	20.44	9	12	31.22
3	0	10.43	6	8	21.21	10	0	31.99
3	4	11.20	6	12	21.98			
3	8	11.97	7	0	22.75			

For rates over 10 pounds, charge $30.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Saccharine. Compound medicines not appearing in an official pharmacopoeia.

Playing cards. Tobacco sauce (Praiss). Articles violating the copyright laws. Products bearing false indications of origin. Preserved fish, vegetables, and plums not bearing on each receptacle a stamp showing their origin. Boxes of preserved sardines weighing more than 1 kilogram.

Also see § 31.2 of this chapter.

MADEIRA ISLANDS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Same as for Portugal.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.34; each additional 4 ounces or fraction, 45 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.34	3	12	$7.64	7	4	$13.94
0	8	1.79	4	0	8.09	7	8	14.39
0	12	2.24	4	4	8.54	7	12	14.84
1	0	2.69	4	8	8.99	8	0	15.29
1	4	3.14	4	12	9.44	8	4	15.74
1	8	3.59	5	0	9.89	8	8	16.19
1	12	4.04	5	4	10.34	8	12	16.64
2	0	4.49	5	8	10.79	9	0	17.09
2	4	4.94	5	12	11.24	9	4	17.54
2	8	5.39	6	0	11.69	9	8	17.99
2	12	5.84	6	4	12.14	9	12	18.44
3	0	6.29	6	8	12.59	10	0	18.89
3	4	6.74	6	12	13.04			
3	8	7.19	7	0	13.49			

For rates over 10 pounds, charge $18 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. Same as for Portugal.

Prohibitions and import restrictions. Same as for Portugal.

MALAWI

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents

to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Correspondence concerning fraudulent enterprises or fortune telling.

Articles prohibited as parcel post are prohibted as postal union mail.

See also § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 79 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	3	12	$12.76	7	4	$23.81
0	8	2.48	4	0	13.54	7	8	24.60
0	12	3.27	4	4	14.33	7	12	25.39
1	0	4.06	4	8	15.12	8	0	26.18
1	4	4.85	4	12	15.91	8	4	26.97
1	8	5.64	5	0	16.70	8	8	27.76
1	12	6.43	5	4	17.49	8	12	28.55
2	0	7.22	5	8	18.28	9	0	29.34
2	4	8.01	5	12	19.07	9	4	30.13
2	8	8.80	6	0	19.86	9	8	30.92
2	12	9.59	6	4	20.65	9	12	31.71
3	0	10.38	6	8	21.44	10	0	32.50
3	4	11.17	6	12	22.23			
3	8	11.96	7	0	23.02			

For rates over 10 pounds, $31.60 for each even 10 pounds plus the rate given above for the remaining pound and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Pharmaceutical specialties unless plainly marked with the composition and dosage.

Also see, § 31.2 of this chapter.

MALAYSIA (THE STATES OF MALAYA [JOHORE, KEDAH, KELANTAN, MALACCA, NEGRI SEMBILAN, PAHANG, PENANG, PERAK, PERLIS, SELANGOR, AND TRENGGANU], SABAH [NORTH BORNEO AND LABUAN], AND SARAWAK.)

Postal Union Mails

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. The import licensing regulations (see Parcel Post Observations) apply also to merchandise sent by postal union mail.

Prohibitions. Coins; manufactured or unmanufactured platinum, gold or silver; jewelry and other precious articles.

Radioactive materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

See also § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.05; each additional 4 ounces or fraction, 90 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.05	3	12	$14.65	7	4	$27.25
0	8	2.95	4	0	15.55	7	8	28.15
0	12	3.85	4	4	16.45	7	12	29.05
1	0	4.75	4	8	17.35	8	0	29.95
1	4	5.65	4	12	18.25	8	4	30.85
1	8	6.55	5	0	19.15	8	8	31.75
1	12	7.45	5	4	20.05	8	12	32.65
2	0	8.35	5	8	20.95	9	0	33.55
2	4	9.25	5	12	21.85	9	4	34.45
2	8	10.15	6	0	22.75	9	8	35.35
2	12	11.05	6	4	23.65	9	12	36.25
3	0	11.95	6	8	24.55	10	0	37.15
3	4	12.85	6	12	25.45			
3	8	13.75	7	0	26.35			

For rates over 10 pounds, charge $36 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Insured parcels for Sabah (North Borneo and Labuan) and Sarawak are accepted only for delivery at the following offices:

Sabah (North Borneo and Labuan): Beaufort, Keningau, Kota Belud, Kota Kinabalu, Kudat, Labuan, Lahad Datu, Papar, Ranau, Sandakan, Semporna, Tawau, Tenom and Tuoran.

Sarawak: Baram, Bintulu, Kuching, Limbang, Miri, Mukah, Sarikei, Sibu and Simanggang.

See Part 43 of this chapter for method of converting United States currency into gold francs and for general information on insurance.

Coins, precious metals, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Many types of merchandise require import licenses which addressees must obtain from the Malaysian authorities. Senders should assure themselves before mailing that addressees can obtain licenses if needed.

Prohibitions. Arms, etc.: Firearms, including gas guns, and any component parts of such weapons.

Harpoons and spear guns used for undersea fishing.

Butane gas lighters and refills therefor.

For other reasons: Coins or ingots of a value higher than 50 Malaysian dollars ($16.30 U.S. currency), except coins for ornament. Paper money of Malaysia, Singapore or Brunei unless authorized by the Exchange Control Department, Bank Negara Malaysia at Kuala Lumpur.

Also see § 31.2 of this chapter.

Import restrictions. Hypodermic syringes require authorization of the medical authorities at Kuala Lumpur.

MALDIVE ISLANDS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. See "Observations." Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. The Postal Administration of Ceylon, where mail is sent for forwarding to the Maldive Islands, assumes no responsibility for registered articles after dispatch from Colombo.

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.28; each additional 4 ounces or fraction 82 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.28	3	12	$13.76	7	4	$25.24
0	8	3.10	4	0	14.58	7	8	26.06
0	12	3.92	4	4	15.40	7	12	26.88
1	0	4.74	4	8	16.22	8	0	27.70
1	4	5.56	4	12	17.04	8	4	28.52
1	8	6.38	5	0	17.86	8	8	29.34
1	12	7.20	5	4	18.68	8	12	30.16
2	0	8.02	5	8	19.50	9	0	30.98
2	4	8.84	5	12	20.32	9	4	31.80
2	8	9.66	6	0	21.14	9	8	32.62
2	12	10.48	6	4	21.96	9	12	33.44
3	0	11.30	6	8	22.78	10	0	34.26
3	4	12.12	6	12	23.60			
3	8	12.94	7	0	24.42			

For rates over 10 pounds, charge $32.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Observations. Air parcels are transported by air to Ceylon, thence by surface vessel to the Maldives.

dispatch only. See Chart 6 for fees.

Registration. No provision.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, Postal Manual, apply.

MALI (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special delivery. Yes. See Chart 5 for change office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 2.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.20; each additional 4 ounces, 52 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.20	3	12	$9.48	7	4	$16.76
0	8	2.72	4	0	10.00	7	8	17.28
0	12	3.24	4	4	10.52	7	12	17.80
1	0	3.76	4	8	11.04	8	0	18.32
1	4	4.28	4	12	11.56	8	4	18.84
1	8	4.80	5	0	12.08	8	8	19.36
1	12	5.32	5	4	12.60	8	12	19.88
2	0	5.84	5	8	13.12	9	0	20.40
2	4	6.36	5	12	13.64	9	4	20.92
2	8	6.88	6	0	14.16	9	8	21.44
2	12	7.40	6	4	14.68	9	12	21.96
3	0	7.92	6	8	15.20	10	0	22.48
3	4	8.44	6	12	15.72			
3	8	8.96	7	0	16.24			

For rates over 10 pounds, charge $20.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. The postal authorities of Mali collect domestic postage from the addressees.

Prohibitions. Daggers, sword-canes, blackjacks, and other concealable weapons except firearms and airguns (see "Import restrictions" below).

Articles with markings, labels, or wrappings indicating falsely that they are of French origin. Articles having the "Red Cross" or "Geneva Cross" as a trademark.

Preserved fish, vegetables, and plums, unless marked plainly with country of origin. Boxes of fish weighing more than one kilogram.

Weights and measures not of the metric system.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

The following articles are subject to special regulations on importation: Firearms and airguns; distilling apparatus; saccharine and artificial flavors for beverages and confectionery; phonograph records; Arabic books and prints.

MALTA (INCLUDING GOZO AND CUMINO ISLANDS)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles.

Articles restricted as parcel post are restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.65; each additional ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.65	3	12	$8.51	7	4	$15.37
0	8	2.14	4	0	9.00	7	8	15.86
0	12	2.63	4	4	9.49	7	12	16.35
1	0	3.12	4	8	9.98	8	0	16.84
1	4	3.61	4	12	10.47	8	4	17.33
1	8	4.10	5	0	10.96	8	8	17.82
1	12	4.59	5	4	11.45	8	12	18.31
2	0	5.08	5	8	11.94	9	0	18.80
2	4	5.57	5	12	12.43	9	4	19.29
2	8	6.06	6	0	12.92	9	8	19.78
2	12	6.55	6	4	13.41	9	12	20.27
3	0	7.04	6	8	13.90	10	0	20.76
3	4	7.53	6	12	14.39			
3	8	8.02	7	0	14.88			

For rates over 10 pounds, charge $19.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Switchblade knives.

Also see § 31.2 of this chapter.

Import restrictions. Addressees are required to obtain import licenses for all parcels except bona fide gifts for personal use, of small value and sent infrequently.

MARTINIQUE

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins; manufactured or unmanufactured platinum, gold or silver; precious stones; jewelry and other precious articles.

Also the articles prohibited to France.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.27; each additional 4 ounces or fraction, 23 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.27	3	12	$4.49	7	4	$7.71
0	8	1.50	4	0	4.72	7	8	7.94
0	12	1.73	4	4	4.95	7	12	8.17
1	0	1.96	4	8	5.18	8	0	8.40
1	4	2.19	4	12	5.41	8	4	8.63
1	8	2.42	5	0	5.64	8	8	8.86
1	12	2.65	5	4	5.87	8	12	9.09
2	0	2.88	5	8	6.10	9	0	9.32
2	4	3.11	5	12	6.33	9	4	9.55
2	8	3.34	6	0	6.56	9	8	9.78
2	12	3.57	6	4	6.79	9	12	10.01
3	0	3.80	6	8	7.02	10	0	10.24
3	4	4.03	6	12	7.25			
3	8	4.26	7	0	7.48			

For rates over 10 pounds, charge $9.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Invoices and certificates of origin are required as for France.

Prohibitions. Same as to France.

Also see § 31.2 of this chapter.

MAURITANIA (ISLAMIC REPUBLIC)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Watches. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.50; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.50	3	12	$3.36	7	4	$15.22
0	8	1.99	4	0	8.85	7	8	15.71
0	12	2.48	4	4	9.34	7	12	16.20
1	0	2.97	4	8	9.83	8	0	16.69
1	4	3.46	4	12	10.32	8	4	17.18
1	8	3.95	5	0	10.81	8	8	17.67
1	12	4.44	5	4	11.30	8	12	18.16
2	0	4.93	5	8	11.79	9	0	18.65
2	4	5.42	5	12	12.28	9	4	19.14
2	8	5.91	6	0	12.77	9	8	19.63
2	12	6.40	6	4	13.26	9	12	20.12
3	0	6.89	6	8	13.75	10	0	20.61
3	4	7.38	6	12	14.24			
3	8	7.87	7	0	14.73			

For rates over 10 pounds, charge $19.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. The service extends to—

Aioun-et-Atrouss.	M'Bagne.
Akjoujt.	M'Bout.
Aleg.	Mederdra.
Atar.	Moudjeria.
Bir-Moghrein.	Nema.
Boghe.	Nouakchott.
Boutilimit.	Port Etienne.
Chinguetti.	Rosso.
Fort-Gouraud.	Selibaby.
Kaédi.	Tamchakett.
Kiffa.	Tidjikja.
Maghama.	Timbedra.

Parcels for other places may be accepted but must be claimed at one of these offices, of which the name must appear in the address.

The postal authorities of Mauritania collect domestic postage from the addressees.

Prohibitions. For reasons of public safety: Printed or written matter, including designs or emblems, capable of promoting crime or public disorder.

Radioactive materials unless imported by an officially recognized organization with authorization of the Government of Mauritania.

Arms, etc.: Switchblade knives, blackjacks, daggers and other concealable offensive weapons.

Firearms, except for government use.

State monopolies: Weighing and measuring instruments not calibrated in the metric system.

Tobacco or cigarettes, unless the packages bear the words "Vente en République Islamique de Mauritanie" printed in letters at least 1¼ inches high below the trademark.

Articles of precious metal, jewelry, and coins. Rough diamonds.

Also see § 31.2 of this chapter.

MAURITIUS AND DEPENDENCIES (INCLUDING RODRIGUES)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins and banknotes which are legal tender in Great Britain, Mauritius, Madagascar, or Réunion Islands.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.91; each additional 4 ounces or fraction, 82 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.91	3	12	$13.30	7	4	$24.87
0	8	2.73	4	0	14.21	7	8	25.69
0	12	3.55	4	4	15.08	7	12	26.51
1	0	4.37	4	8	15.83	8	0	27.33
1	4	5.19	4	12	16.67	8	4	28.15
1	8	6.01	5	0	17.49	8	8	28.97
1	12	6.83	5	4	18.31	8	12	29.79
2	0	7.65	5	8	19.13	9	0	30.61
2	4	8.47	5	12	19.96	9	4	31.43
2	8	9.29	6	0	20.77	9	8	32.25
2	12	10.11	6	4	21.59	9	12	33.07
3	0	10.93	6	8	22.41	10	0	33.89
3	4	11.75	6	12	23.23			
3	8	12.57	7	0	24.05			

For rates over 10 pounds, charge $32.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Drugs and medicines, unless addressed to physicians, dentists, pharmacists, or veterinarians.

Also see § 31.2 of this chapter.

MEXICO

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 10 cents per ounce. (See Chart 3, Table I.)

Single post cards, 8 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 23 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatching exchange office for AO packages only. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. The Mexican requirements for import licenses and commercial invoices given in "Observations" under "Parcel Post" apply also to postal union mail packages.

Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Banknotes and values payable to bearer unless addressed to Mexican banks. The Mexican postal authorities assume no responsibility in case of loss of registered articles containing such items.

Works reprinted abroad in violation of the Mexican copyright laws.

Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

NOTICE! WARN ALL SENDERS OF MEXICAN IMPORT REGULATIONS

(Read "Observations" on next page)

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.12; each additional 4 ounces or fraction, 22 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.12	3	12	$4.20	7	4	$7.28
0	8	1.34	4	0	4.42	7	8	7.50
0	12	1.56	4	4	4.64	7	12	7.72
1	0	1.78	4	8	4.86	8	0	7.94
1	4	2.00	4	12	5.08	8	4	8.16
1	8	2.22	5	0	5.30	8	8	8.38
1	12	2.44	5	4	5.52	8	12	8.60
2	0	2.66	5	8	5.74	9	0	8.82
2	4	2.88	5	12	5.96	9	4	9.04
2	8	3.10	6	0	6.18	9	8	9.26
2	12	3.32	6	4	6.40	9	12	9.48
3	0	3.54	6	8	6.62	10	0	9.70
3	4	3.76	6	12	6.84			
3	8	3.98	7	0	7.06			

For rates over 10 pounds, charge $8.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to U.S. dispatching exchange office only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. A large variety of items, when the value exceeds 200 Mexican pesos (about $16), require import licenses which the addressees must obtain before the goods arrive. The Mexican official valuation of articles may be higher than the purchase price. Also, customs duty is assessed at high rates. This applies to gifts and to Mexican goods being returned for replacement or repair, as well as commercial shipments. If the addressees have not obtained import licenses, if required, before the parcels arrive, the Mexican customs authorities may assess fines in addition to the duty, or confiscate the parcels. Confiscated parcels are not released without authorization of the customs authorities, even if the addressees refuse them or the senders request their return.

Parcel post and postal union mail packages for which the declared value exceeds $16 (U.S. currency) are not to be accepted for mailing unless the sender has marked the wrapper "Addressee possesses Mexican import license" or "Addressee does not require Mexican import license".

Parcels containing queen bees and accompanying worker bees must have enclosed an official health certificate. The addressee must possess an import permit to be secured from the Mexican "Secretaría de Agricultura y Ganadería" before the bees are mailed. The wrapper must be marked "Health Certificate Enclosed—Addressee Has Import Permit."

Insecticides, fungicides, and germicides must be packed with cushioning material between the inner and outer containers, and each receptacle shall be plainly marked with the word "Poison" and the label or printed name of the manufacturer.

For each parcel or group of parcels exceeding $70 in value, a commercial invoice in triplicate must be enclosed in the parcel or in one parcel of the group. The wrapper of each parcel should be marked "Commercial invoice enclosed" or "Commercial invoice enclosed in parcel No. ------", as the case may be.

Prohibitions. For sanitary reasons: Pacifiers for the amusement of babies should bear labels in Spanish showing the material of which they are made and the name and address of the manufacturer.

Arms, etc.: Pistols, hunting and target arms, require a certificate from the Mexican consul at the place of shipment. Pistols and other instruments for the projection of tear gas are prohibited.

For other reasons: Works violating the Mexican copyright laws.

Bank notes, coins of all kinds, and values payable to bearer. As an exception, the Bank of Mexico and the banks associated therewith are authorized to import bank notes exclusively for the purpose of exchange.

Candy containing chocolate.

Cigarettes, unless the manufacturer has placed Mexican excise tax stamps on each pack.

Queen bees and accompanying worker bees, unless mailed in compliance with the Mexican regulations (see Observations).

Radioactive materials, unless the sender has obtained import authorization prior to mailing from the National Nuclear Energy Commission, Av. Insurgentes Sur 1079, Mexico, D. F., Mexico.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Meat or other animal products in cans, except in quantities less than 11 pounds

require an inspection certificate from the Ministry of Agriculture and Fomento.

Arms other than those mentioned under "Prohibitions" require special permission from the Secretariat of War and Navy.

See "Observations" concerning import permits required for certain items exceeding 200 pesos in value.

MOROCCO (INCLUDING SOUTHERN PROTECTORATE)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Manufactured and unmanufactured platinum, gold or silver; jewelry and other precious articles.

Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimension. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.67; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.67	3	12	$8.53	7	4	$15.39
0	8	2.16	4	0	9.02	7	8	15.88
0	12	2.65	4	4	9.51	7	12	16.37
1	0	3.14	4	8	10.00	8	0	16.86
1	4	3.63	4	12	10.49	8	4	17.35
1	8	4.12	5	0	10.98	8	8	17.84
1	12	4.61	5	4	11.47	8	12	18.33
2	0	5.10	5	8	11.96	9	0	18.82
2	4	5.59	5	12	12.45	9	4	19.31
2	8	6.08	6	0	12.94	9	8	19.80
2	12	6.57	6	4	13.43	9	12	20.29
3	0	7.06	6	8	13.92	10	0	20.78
3	4	7.55	6	12	14.41			
3	8	8.04	7	0	14.90			

For rates over 10 pounds, charge $19.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. For reasons of public safety: Arms, except deluxe and hunting arms authorized for supply to dealers or for strictly personal use by individuals.

Nipples and pacifiers made of substances other than pure rubber.

For sanitary reasons: Foods and beverages to which antiseptic or coloring substances have been added.

Arms, etc.: War arms and parts thereof, except for the Ministry of War.

State monopolies: Leaf tobacco, manufactured tobacco and "kiff," except for the Tobacco Monopoly. However, tobacco required for reasons of health or habit may be imported by individuals for their personal use, subject to previous authorization.

For other reasons: Articles bearing false indications or any designs resembling national Moroccan decorations.

Coins and banknotes, unless imported by the Bank of Morocco or other approved banks.

Also see § 31.2 of this chapter.

Import restrictions. Addressees are required to obtain import licenses in some cases. Special licenses are required for tobacco products, radio receivers, admissible firearms, motion-picture films, white lead and other lead compounds.

MUSCAT (INCLUDING OMAN)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Prohibitions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2974.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 65 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.54	3	12	$10.64	7	4	$19.74
0	8	2.19	4	0	11.29	7	8	20.39
0	12	2.84	4	4	11.94	7	12	21.04
1	0	3.49	4	8	12.59	8	0	21.69
1	4	4.14	4	12	13.24	8	4	22.34
1	8	4.79	5	0	13.89	8	8	22.99
1	12	5.44	5	4	14.54	8	12	23.64
2	0	6.09	5	8	15.19	9	0	24.29
2	4	6.74	5	12	15.84	9	4	24.94
2	8	7.39	6	0	16.49	9	8	25.59
2	12	8.04	6	4	17.14	9	12	26.24
3	0	8.69	6	8	17.79	10	0	26.89
3	4	9.34	6	12	18.44			
3	8	9.99	7	0	19.09			

For rates over 10 pounds, charge $26 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.75

SEVENTY-SIX DOLLARS AND SEVENTY-FIVE CENTS

Coins, bullion, precious stones, and any article of gold, silver, or platinum sent as parcel post must be insured. Parcels containing jewelry must not have a value exceeding $100.

The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

For general information on insurance, see Part 43 of this chapter.

Prohibitions. Arms and parts thereof. Cultivated, imitation, artificial, or bleached pearls.

Coins and gold ingots exceeding £5 ($14) in value, except coins declared to be intended as ornaments. Silver ingots or partially worked silver exceeding £20 ($56) in value.

Carbon paper, oilskins, and similar goods are subject to the conditions applicable to such articles for Great Britain.

Also see § 31.2 of this chapter.

NAURU (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatching exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.66; each additional 4 ounces or fraction, 76 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.66	3	12	$12.30	7	4	$22.94
0	8	2.42	4	0	13.06	7	8	23.70
0	12	3.18	4	4	13.82	7	12	24.46
1	0	3.94	4	8	14.58	8	0	25.22
1	4	4.70	4	12	15.34	8	4	25.98
1	8	5.46	5	0	16.10	8	8	26.74
1	12	6.22	5	4	16.86	8	12	27.50
2	0	6.98	5	8	17.62	9	0	28.26
2	4	7.74	5	12	18.38	9	4	29.02
2	8	8.50	6	0	19.14	9	8	29.78
2	12	9.26	6	4	19.90	9	12	30.54
3	0	10.02	6	8	20.66	10	0	31.30
3	4	10.78	6	12	21.42			
3	8	11.54	7	0	22.18			

For rates over 10 pounds, charge $30.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $170	.75

Print on the wrapper, near the "insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$75.00

SEVENTY-FIVE DOLLARS

Banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold or silver (whether manufactured or unmanufctured); precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance see Part 43 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter apply.

NEPAL

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Prohibitions. Dutiable articles in letter packages unless addressed to Kathmandu, Bhairawa or Biratnagar.

Currency; values payable to bearer; articles of gold, silver or platinum; jewelry, precious stones and other precious articles.

Perishable biological materials. Radioactive articles.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, two Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	3	12	$12.89	7	4	$24.09
0	8	2.49	4	0	13.69	7	8	24.89
0	12	3.29	4	4	14.49	7	12	25.69
1	0	4.09	4	8	15.29	8	0	26.49
1	4	4.89	4	12	16.09	8	4	27.29
1	8	5.69	5	0	16.89	8	8	28.09
1	12	6.49	5	4	17.69	8	12	28.89
2	0	7.29	5	8	18.49	9	0	29.69
2	4	8.09	5	12	19.29	9	4	30.49
2	8	8.89	6	0	20.09	9	8	31.29
2	12	9.69	6	4	20.89	9	12	32.09
3	0	10.49	6	8	21.69	10	0	32.89
3	4	11.29	6	12	22.49			
3	8	12.09	7	0	23.29			

For rates over 10 pounds, charge $32 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions, shown under § 31.2 of this chapter, apply.

NETHERLANDS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. See "Import restrictions" under "Parcel Post," concerning authorization required to be obtained by the addressee for the importation of currency: gold or diamonds, manufactured or not; art treasures; postage stamps; instruments of payment, valid or not; paper values; and public credit documents and securities.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.50; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.50	3	12	$7.38	7	4	$13.26
0	8	1.92	4	0	7.80	7	8	13.68
0	12	2.34	4	4	8.22	7	12	14.10
1	0	2.76	4	8	8.64	8	0	14.52
1	4	3.18	4	12	9.06	8	4	14.94
1	8	3.60	5	0	9.48	8	8	15.36
1	12	4.02	5	4	9.90	8	12	15.78
2	0	4.44	5	8	10.32	9	0	16.20
2	4	4.86	5	12	10.74	9	4	16.62
2	8	5.28	6	0	11.16	9	8	17.04
2	12	5.70	6	4	11.58	9	12	17.46
3	0	6.12	6	8	12.00	10	0	17.88
3	4	6.54	6	12	12.42			
3	8	6.96	7	0	12.84			

For rates over 10 pounds, charge $16.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The insured value shall also be shown in U.S. currency (figures only) in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, bullion, jewelry, or any other precious article sent as parcel post must be insured.

Prohibitions. Firearms, switchblade knives, daggers, disguised weapons and parts thereof, brass knuckles, blackjacks, and hand weapons for discharging poisonous substances, unless accompanied by a permit from the Netherlands Ministry of Justice.

Inflammable films and celluloid articles. Noninflammable films must be described on customs declarations by the word "Noninflammable" or "Safety."

Also see § 31.2 of this chapter.

Import restrictions. Authorization from the "Nederlandsche Bank" is required to be obtained by the addressee for the importation of current instruments of payment; securities, acknowledgments of debt; and shares of stock.

NETHERLANDS ANTILLES (ARUBA, BONAIRE, CURAÇAO, SABA, ST. EUSTATIUS, AND THE NETHERLANDS PART OF ST. MARTIN [SINT MAARTEN])

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.32; each additional 4 ounces or fraction, 28 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.32	3	12	$5.24	7	4	$9.16
0	8	1.60	4	0	5.52	7	8	9.44
0	12	1.88	4	4	5.80	7	12	9.72
1	0	2.16	4	8	6.08	8	0	10.00
1	4	2.44	4	12	6.36	8	4	10.28
1	8	2.72	5	0	6.64	8	8	10.56
1	12	3.00	5	4	6.92	8	12	10.84
2	0	3.28	5	8	7.20	9	0	11.12
2	4	3.56	5	12	7.48	9	4	11.40
2	8	3.84	6	0	7.76	9	8	11.68
2	12	4.12	6	4	8.04	9	12	11.96
3	0	4.40	6	8	8.32	10	0	12.24
3	4	4.68	6	12	8.60			
3	8	4.96	7	0	8.88			

For rates over 10 pounds, charge $11.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, bullion, jewelry, or any other precious article sent as parcel post must be insured.

Prohibitions. Arms, except by special permission. Copper, bronze, or nickel coins.

Also see § 31.2 of this chapter.

NEW CALEDONIA (INCLUDING ISLE OF PINES, LOYALTY ISLANDS, HUON ISLANDS, AND THE WALLIS AND FUTUNA ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.78; each additional 4 ounces or fraction, 59 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.78	3	12	$10.04	7	4	$18.30
0	8	2.37	4	0	10.63	7	8	18.89
0	12	2.96	4	4	11.22	7	12	19.48
1	0	3.55	4	8	11.81	8	0	20.07
1	4	4.14	4	12	12.40	8	4	20.66
1	8	4.73	5	0	12.99	8	8	21.25
1	12	5.32	5	4	13.58	8	12	21.84
2	0	5.91	5	8	14.17	9	0	22.43
2	4	6.50	5	12	14.76	9	4	23.02
2	8	7.09	6	0	15.35	9	8	23.61
2	12	7.68	6	4	15.94	9	12	24.20
3	0	8.27	6	8	16.53	10	0	24.79
3	4	8.86	6	12	17.12			
3	8	9.45	7	0	17.71			

For rates over 10 pounds, charge $23.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$145.00 (U.S.)

ONE HUNDRED FORTY-FIVE DOLLARS

435 GOLD FRANCS

See Part 43 for method of converting United States currency into gold francs and for general information on insurance.

Coin, gold or silver (whether manufactured or not), or any other precious article sent as parcel post must be insured.

Prohibitions. Saccharine and similar substances unless addressed to pharmacists. Tobacco leaves or manufactured tobacco. Weights and measures not of the decimal system.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following: Addressees are required to obtain government permission to import firearms.

NEW GUINEA, TERRITORY OF (COMPRISES NORTHEAST PORTION OF NEW GUINEA ISLAND, BISMARCK ARCHIPELAGO NEW BRITAIN, NEW IRELAND, NEW HANOVER, ADMIRALTY ISLANDS, AND BUKA, AND BOUGAINVILLE [SOLOMON ISLANDS])

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Same as for Australia.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fraction, 84 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	3	12	$13.49	7	4	$25.25
0	8	2.57	4	0	14.33	7	8	26.09
0	12	3.41	4	4	15.17	7	12	26.93
1	0	4.25	4	8	16.01	8	0	27.77
1	4	5.09	4	12	16.85	8	4	28.61
1	8	5.93	5	0	17.69	8	8	29.45
1	12	6.77	5	4	18.53	8	12	30.29
2	0	7.61	5	8	19.37	9	0	31.13
2	4	8.45	5	12	20.21	9	4	31.97
2	8	9.29	6	0	21.05	9	8	32.81
2	12	10.13	6	4	21.89	9	12	33.65
3	0	10.97	6	8	22.73	10	0	34.49
3	4	11.81	6	12	23.57			
3	8	12.65	7	0	24.41			

For rates over 10 pounds, charge $33.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $80	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$75.00

SEVENTY-FIVE DOLLARS

Banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance, see Part 43.

Prohibitions. Same as for Australia.

NEW HEBRIDES (INCLUDING THE BANKS AND TORRES ISLANDS)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents

to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Same as for France.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.68; each additional 4 ounces or fraction, 59 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.68	3	12	$9.94	7	4	$18.20
0	8	2.27	4	0	10.53	7	8	18.79
0	12	2.86	4	4	11.12	7	12	19.38
1	0	3.45	4	8	11.71	8	0	19.97
1	4	4.04	4	12	12.30	8	4	20.56
1	8	4.63	5	0	12.89	8	8	21.15
1	12	5.22	5	4	13.48	8	12	21.74
2	0	5.81	5	8	14.07	9	0	22.33
2	4	6.40	5	12	14.66	9	4	22.92
2	8	6.99	6	0	15.25	9	8	23.51
2	12	7.58	6	4	15.84	9	12	24.10
3	0	8.17	6	8	16.43	10	0	24.69
3	4	8.76	6	12	17.02			
3	8	9.35	7	0	17.61			

For rates over 10 pounds, charge $23.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions and import restrictions. Same as for France.

NEW ZEALAND (INCLUDING COOK ISLANDS [RAROTONGA, MANGAIA, ATIU, AITUTAKI, MITIARO, MAUKE (OR PARRY) AND HERVEY OR MANUAI] AND DANGER (PUKAPUKA), MANAHIKI, PALMERSTON (AVARUA), PENRHYN (TONGAREVA), RAKAANGA, SAVAGE (NIUE) AND SUWARROW ISLANDS)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.89; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.89	3	12	$11.27	7	4	$20.65
0	8	2.56	4	0	11.94	7	8	21.32
0	12	3.23	4	4	12.61	7	12	21.99
1	0	3.90	4	8	13.28	8	0	22.66
1	4	4.57	4	12	13.95	8	4	23.33
1	8	5.24	5	0	14.62	8	8	24.00
1	12	5.91	5	4	15.29	8	12	24.67
2	0	6.58	5	8	15.96	9	0	25.34
2	4	7.25	5	12	16.63	9	4	26.01
2	8	7.92	6	0	17.30	9	8	26.68
2	12	8.59	6	4	17.97	9	12	27.35
3	0	9.26	6	8	18.64	10	0	28.02
3	4	9.93	6	12	19.31			
3	8	10.60	7	0	19.98			

For rates over 10 pounds, charge $26.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs, and for general information on insurance.

Coin, platinum, gold, or silver (whether manufactured or unmanufactured) precious stones, jewels, or other precious articles sent as parcel post must be insured.

Insured parcels for the Cook Islands and other islands mentioned under New Zealand are subject to the following restrictions: In the case of parcels for Savage (Niue) and Rarotonga, the insurance is effective until delivery. In the case of all the other islands, insurance is effective only as far as Rarotonga and no indemnity will be paid for loss, rifling, or damage occurring to parcels for these other islands after they leave Rarotonga.

Observations. Each commercial shipment must be covered by a commercial invoice showing the current domestic price of the goods (that is, what the price would be if sold in the United States) and the selling price to the purchaser in New Zealand. The invoice must include a certificate as to the value of the goods, prepared in prescribed form and signed by the shipper. Printed blanks for the invoice and certificate can be purchased from printing firms specializing in such supplies.

The completed invoice must be sent to the addressee by letter mail. It is desirable to send one copy by air mail and another by the ordinary means.

Prohibitions. For reasons of sanitary policy: Samples of wool or cotton unless certified to be clean.

Used clothing and used bedding, except for the personal use of persons in New Zealand, or with permission of the New Zealand Minister of Customs. Wornout clothing not for personal use must be clean and disinfected, or it will be done at the addressee's expense.

Paint with lead base, unless plainly marked "This paint contains lead."

For the protection of animals and plants: Meat and meat products, unless sterilized by heat and enclosed in hermetically sealed cans or glass containers.

Arms: Firearms, unless the addressee has police permission.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following:

Addressees are required to obtain import licenses from the New Zealand customs authorities for all parcels except the following:

(a) Bona fide gifts not exceeding 40 New Zealand dollars (U.S. $44.80) in value.

(b) Merchandise for the addressee's personal use, not for his business or professional use or for sale or trade, and not exceeding 20 New Zealand dollars (U.S. $22.40) in value.

NICARAGUA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions. Coins, banknotes, platinum, gold, and silver. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.32; each additional 4 ounces or fraction, 26 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.32	3	12	$4.96	7	4	$8.60
0	8	1.58	4	0	5.22	7	8	8.86
0	12	1.84	4	4	5.48	7	12	9.12
1	0	2.10	4	8	5.74	8	0	9.38
1	4	2.36	4	12	6.00	8	4	9.64
1	8	2.62	5	0	6.26	8	8	9.90
1	12	2.88	5	4	6.52	8	12	10.16
2	0	3.14	5	8	6.78	9	0	10.42
2	4	3.40	5	12	7.04	9	4	10.68
2	8	3.66	6	0	7.30	9	8	10.94
2	12	3.92	6	4	7.56	9	12	11.20
3	0	4.18	6	8	7.82	10	0	11.46
3	4	4.44	6	12	8.08			
3	8	4.70	7	0	8.34			

For rates over 10 pounds, charge $10.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, precious metals, jewelry, or other precious articles sent as parcel post must be insured.

Observations. For parcels valued at $10 or over, a set of five commercial invoices prepared in Spanish must be sent to the nearest Nicaraguan consulate for legalization. The consulate retains one copy. The original and one copy must be enclosed in the parcel and the fact noted on the wrapper; another copy should be sent by air to the addressee.

Nicaraguan consulates are located in principal cities of the United States.

For parcels valued at less than $10, legalized invoices are not required, but two copies of the commercial invoice should be placed in the parcel and the fact noted on the wrapper.

Prohibitions. For sanitary reasons. Pharmaceutical specialties not registered in Nicaragua: pharmaceutical preparations or secret remedies of unknown composition whose formulas have not been made public.

Arms, etc: Bullets of iron or lead.

Firearms except with the permission of the Government.

For other reasons: Lighters.

Telegraph apparatus.

Police whistles.

Distilling apparatus.

Footwear, including shoes, slippers, and rubbers, except when sent as personal gifts.

Also see § 31.2 of this chapter.

NIGER (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited and restricted as parcel post are prohibited and restricted in postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.19; each additional 4 ounces, 50 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.19	3	12	$9.19	7	4	$16.19
0	8	2.69	4	0	9.69	7	8	16.69
0	12	3.19	4	4	10.19	7	12	17.19
1	0	3.69	4	8	10.69	8	0	17.69
1	4	4.19	4	12	11.19	8	4	18.19
1	8	4.69	5	0	11.69	8	8	18.69
1	12	5.19	5	4	12.19	8	12	19.19
2	0	5.69	5	8	12.69	9	0	19.69
2	4	6.19	5	12	13.19	9	4	20.19
2	8	6.69	6	0	13.69	9	8	20.69
2	12	7.19	6	4	14.19	9	12	21.19
3	0	7.69	6	8	14.69	10	0	21.69
3	4	8.19	6	12	15.19			
3	8	8.69	7	0	15.69			

For rates over 10 pounds, charge $20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Parcels are accepted for all places but they must be claimed at the nearest of the following offices of which the name must appear in the address:

Agadez.	Maradi.
Bilma.	N'Guigmi.
Birni-Konni.	Niamey.
Dogondoutchi.	Say.
Dosso.	Tahoua.
Filingué.	Tanout.
Gaya.	Téra.
Gouré.	Tessaoua.
Madaoua.	Tillabery.
Magaria.	Zinder.
Maine-Soroa.	

The postal authorities of Niger collect domestic postage from the addressees.

Prohibitions. Arms, etc.: Daggers, sword-canes, blackjacks, brass knuckles, and other secret weapons, except firearms (see "Import restrictions").

For other reasons: Foreign products, natural or manufactured, having markings, labels or wrappings of any kind which may give the impression that they are of French origin. Articles bearing the "Red Cross" or "Geneva Cross" as a trademark. Foreign products from a place having the same name as a place in France must bear, in addition to the name of that place, the name of the country of origin and the word "Importé" (imported) very conspicuously.

Preserved fish, vegetables and plums must bear on each container an indication of the country of origin in raised or sunken letters at least 4 millimeters (5/32 inch) high, in the middle of the lid and of the bottom, in a space not bearing any inscription. Cases and wrappers containing these products must bear adhering letters indicating the country of origin. Boxes of fish must not in any case exceed 1 kilogram.

Weights and measures not of the metric system.

Cigarettes unless each package is marked "Vente au Niger" "sale in Niger."

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

The following articles require special authorization for delivery: Phonograph records; Arabic books and prints; distilling apparatus; saccharine; flavoring and coloring materials; firearms and airguns.

NIGERIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatch exchange offices for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Service to the following offices is suspended:

Afikpo.	Imo River.
Arochukwu.	Ogidi.
Awka.	

Direct sacks of printed matter (§ 23.6) may not be addressed to banks for delivery to second addressees.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2; each additional 4 ounces or fraction, 59 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.00	3	12	$10.26	7	4	$18.52
0	8	2.59	4	0	10.95	7	8	19.11
0	12	3.18	4	4	11.44	7	12	19.70
1	0	3.77	4	8	12.08	8	0	20.29
1	4	4.36	4	12	12.62	8	4	20.88
1	8	4.96	5	0	13.21	8	8	21.47
1	12	5.54	5	4	13.80	8	12	22.06
2	0	6.13	5	8	14.39	9	0	22.65
2	4	6.72	5	12	14.98	9	4	23.24
2	8	7.31	6	0	15.57	9	8	23.83
2	12	7.90	6	4	16.16	9	12	24.42
3	0	8.49	6	8	16.75	10	0	25.01
3	4	9.08	6	12	17.34			
3	8	9.67	7	0	17.93			

For rates over 10 pounds, charge $23.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Service is suspended to certain offices. See "Observations" under Postal Union Mail.

Prohibitions. Coins, banknotes and coupons, unless mailed by a bank and addressed to a bank in Nigeria.

Advertisements of fortune tellers, promotion of wagers and forecasts of results of foreign football games.

Precious stones, manufactured silver, gold or platinum exceeding 5 pounds ($14) in value.

Publicity or advertisements concerning the treatment of venereal disease, except in technical publications addressed to physicians, pharmacists or the heads of hospitals.

Uniforms unless addressed to persons entitled to wear them.

Used clothing unless accompanied by a certificate of disinfection.

Arms, including hunting guns, airguns and weapons discharging liquid or gas.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements which are to be met by the addressees:

Special permission is required for medicines, key-duplicating machinery, and distilling apparatus.

NORWAY (INCLUDING SPITZBERGEN)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.35; each additional 4 ounces or fraction, 45 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.35	3	12	$7.65	7	4	$13.95
0	8	1.80	4	0	8.10	7	8	14.40
0	12	2.25	4	4	8.55	7	12	14.85
1	0	2.70	4	8	9.00	8	0	15.30
1	4	3.15	4	12	9.35	8	4	15.75
1	8	3.60	5	0	9.90	8	8	16.20
1	12	4.05	5	4	10.35	8	12	16.65
2	0	4.50	5	8	10.80	9	0	17.10
2	4	4.95	5	12	11.25	9	4	17.55
2	8	5.40	6	0	11.70	9	8	18.00
2	12	5.85	6	4	12.15	9	12	18.45
3	0	6.30	6	8	12.60	10	0	18.90
3	4	6.75	6	12	13.05			
3	8	7.20	7	0	13.50			

For rates over 10 pounds, charge $18 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general instructions on insurance.

Coin, banknotes, paper money, bullion, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. For sanitary reasons: Sausages, pastes, and other similar foodstuffs may be imported only by parcel post and with the permission of the Ministry of Agriculture, Oslo.

State monopolies, etc.: Mixed stock tonics and mixed artificial fertilizers.

For other reasons: Advertisements of prohibited remedies or merchandise included in the pharmacy monopoly.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Special permission is required for the importation of arms and parts thereof; almanacs and calendars; hair washes containing alcohol, unless denatured; butter; radio apparatus.

Norwegian currency and Norwegian securities require authorization from the National Bank of Norway.

OUTER MONGOLIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small Packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. Mail may be addressed "Mongolia" if desired.

Prohibitions. Dutiable articles in letter packages. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

(No service)

PAKISTAN

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions. The service in Pakistan is limited to ordinary (unregistered) articles.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and important restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II).

Air parcel rates. Four ounces or less, $2.20; each additional 4 ounces or fraction, 77 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.20	3	12	$12.98	7	4	$23.76
0	8	2.97	4	0	13.75	7	8	24.53
0	12	3.74	4	4	14.52	7	12	25.30
1	0	4.51	4	8	15.29	8	0	26.07
1	4	5.28	4	12	16.06	8	4	26.84
1	8	6.05	5	0	16.83	8	8	27.61
1	12	6.82	5	4	17.60	8	12	28.38
2	0	7.59	5	8	18.37	9	0	29.15
2	4	8.36	5	12	19.14	9	4	29.92
2	8	9.13	6	0	19.91	9	8	30.69
2	12	9.90	6	4	20.68	9	12	31.46
3	0	10.67	6	8	21.45	10	0	32.23
3	4	11.44	6	12	22.22			
3	8	12.21	7	0	22.99			

For rates over 10 pounds, charge $30.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Show the insured value in U.S. currency (figures only) in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. Arms, including firearms, swords, daggers, bows and arrows, as well as gun barrels; machinery for making arms; and apparatus such as pencils and cartridges for discharging gas, unless sent for the use of the Pakistan Government.

Coins and banknotes, unless authorized by the State Bank of Pakistan.

Liquids with a flash point below 200°.

Piece goods ordinarily sold by the yard or by the piece, manufactured outside of Pakistan.

Skins and feathers of wild birds not native to Pakistan, except the ostrich, unless imported as natural-history specimens.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees in Pakistan are required to obtain import licenses for all types of merchandise, except for unsolicited gift parcels containing the following articles:

(a) Books, magazines, newspapers, and medicines up to 300 rupees ($63) per year.

(b) All other articles up to 300 rupees ($63) per year, except that licenses are required for textiles (other than ready-made clothing), imitation jewelry, watches and watchbands, fountain pens,

photographic apparatus, radio apparatus, and hunting trophies, regardless of value.

Import licenses are also not required for bona fide trade samples up to 250 rupees ($52.50) per year, furnished without cost to authorized importers, or for printed advertising matter and technical literature furnished without cost.

Special permission is required for the importation of the following: Unmanufactured silver; wireless telegraph apparatus, yellow-fever virus.

PALESTINE WESTERN ARAB PALESTINE (GAZA AND KHAN YUNIS ONLY)

(See Jordan (Hashemite Kingdom), concerning service available to Central Arab Palestine.)

(See Israel, State of, concerning service available to that country.)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. No service.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. Western Arab Palestine includes the post offices of Gaza and Khan Yunis.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 11 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces or fraction, 57 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.86	3	12	$9.84	7	4	$17.82
0	8	2.43	4	0	10.41	7	8	18.39
0	12	3.00	4	4	10.98	7	12	18.96
1	0	3.57	4	8	11.55	8	0	19.53
1	4	4.14	4	12	12.12	8	4	20.10
1	8	4.71	5	0	12.69	8	8	20.67
1	12	5.28	5	4	13.26	8	12	21.24
2	0	5.85	5	8	13.83	9	0	21.81
2	4	6.42	5	12	14.40	9	4	22.38
2	8	6.99	6	0	14.97	9	8	22.96
2	12	7.56	6	4	15.54	9	12	23.52
3	0	8.13	6	8	16.11	10	0	24.09
3	4	8.70	6	12	16.68			
3	8	9.27	7	0	17.25			

For rates over 10 pounds, charge $22.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

PANAMA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Articles intended for delivery in the Republic of Panama must include the name of that Republic and not "Canal Zone" in the address.

Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions. Dutiable articles in unregistered letter packages. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. Surface parcels, 70 pounds; air parcels, 44 pounds.

Dimensions. Greatest combined length and girth, 7 feet, on condition that parcels exceeding 6 feet in combined length and girth shall not exceed 2½ feet in length. Greatest length permissible, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.58; each additional 4 ounces or fraction, 28 cents.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. For shipments of a commercial nature, the sender must prepare four copies of a commercial invoice and send them to the addressee under separate cover. Each copy must bear the following declaration in Spanish, signed by the sender: "Conste bajo la gravedad del juramento, con la firma puesta al pie de esta declaración, que todos y cada uno de los datos expresados en esta factura son exactos y verdaderos, y que la suma total declarada es la misma en que se han vendido las mercaderias." (It is declared, under oath, by the signature at the end of this declaration, that each and every one of the statements made in this invoice is correct and true, and that the total amount declared therein is that for which the goods were sold.)

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 47 of this chapter.

Fatty, liquid, or easily liquefiable substances are admitted at the risk of the sender. Owing to climatic conditions in Panama, such substances must be packed with particular care.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter apply.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.88	3	12	$5.80	7	4	$9.42
0	8	1.96	4	0	5.78	7	8	9.70
0	12	2.14	4	4	6.06	7	12	9.98
1	0	2.42	4	8	6.34	8	0	10.26
1	4	2.70	4	12	6.62	8	4	10.54
1	8	2.98	5	0	6.90	8	8	10.82
1	12	3.26	5	4	7.18	8	12	11.10
2	0	3.54	5	8	7.46	9	0	11.38
2	4	3.82	5	12	7.74	9	4	11.66
2	8	4.10	6	0	8.02	9	8	11.94
2	12	4.38	6	4	8.30	9	12	12.22
3	0	4.66	6	8	8.58	10	0	12.50
3	4	4.94	6	12	8.86			
3	8	5.22	7	0	9.14			

For rates over 10 pounds, charge $11.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

PAPUA, TERRITORY OF

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Same as for Australia.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fraction, 84 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	3	12	$13.69	7	4	$25.25
0	8	2.57	4	0	14.33	7	8	26.09
0	12	3.41	4	4	15.17	7	12	26.93
1	0	4.25	4	8	16.01	8	0	27.77
1	4	5.09	4	12	16.85	8	4	28.61
1	8	5.93	5	0	17.69	8	8	29.45
1	12	6.77	5	4	18.53	8	12	30.29
2	0	7.61	5	8	19.37	9	0	31.13
2	4	8.45	5	12	20.21	9	4	31.97
2	8	9.29	6	0	21.05	9	8	32.81
2	12	10.13	6	4	21.89	9	12	33.65
3	0	10.97	6	8	22.73	10	0	34.49
3	4	11.81	6	12	23.57			
3	8	12.65	7	0	24.41			

For rates over 10 pounds, charge $33.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $80	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$75.00

SEVENTY-FIVE DOLLARS

Banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance, see Part 43 of this chapter.

Prohibitions. Same as for Australia.

PARAGUAY

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Consular and commercial invoices, as prescribed under Parcel Post, are required for shipments by postal union mail.

Prohibitions. Banknotes, paper money, and values payable to bearer. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.57; each additional 4 ounces or fraction, 43 cent.

Lbs.	Oz.	Rate	Lbs	Oz.	Rate	Lbs.	Oz	Rate
0	4	$1.57	3	12	$7.59	7	4	$13.61
0	8	2.00	4	0	8.02	7	8	14.04
0	12	2.43	4	4	8.45	7	12	14.47
1	0	2.86	4	8	8.88	8	0	14.90
1	4	3.29	4	12	9.31	8	4	15.33
1	8	3.72	5	0	9.74	8	8	15.76
1	12	4.15	5	4	10.17	8	12	16.19
2	0	4.58	5	8	10.60	9	0	16.62
2	4	5.01	5	12	11.03	9	4	17.05
2	8	5.44	6	0	11.46	9	8	17.48
2	12	5.87	6	4	11.89	9	12	17.91
3	0	6.30	6	8	12.32	10	0	18.34
3	4	6.73	6	12	12.75			
3	8	7.16	7	0	13.18			

For rates over 10 pounds, charge $17.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. For shipments valued at $70 or more, five copies of a consular invoice and four copies of a commercial invoice must be prepared by the sender and be certified. Consular invoice forms and information as to certification can be obtained from Paraguayan consular offices, located in the following cities:

Dallas, Tex.	New Orleans, La.
Houston, Tex.	New York, N.Y.
Los Angeles, Calif.	San Francisco, Calif.
Miami, Fla.	

For shipments valued under $70, two copies of the commercial invoice only are required, and need not be certified.

Used linen must be accompanied by a certificate of disinfection.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter apply.

PERU

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small Packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Money in cash, banknotes, and values payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles. Lighters. Samples of cigars, cigarettes, and tobacco. Communist propaganda. Perishable biological materials. Dutiable articles in unregistered letter packages.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimension. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.83; each additional 4 ounces or fraction, 37 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.83	3	12	$7.01	7	4	$12.19
0	8	2.20	4	0	7.38	7	8	12.56
0	12	2.57	4	4	7.75	7	12	12.93
1	0	2.94	4	8	8.12	8	0	13.30
1	4	3.31	4	12	8.49	8	4	13.67
1	8	3.68	5	0	8.86	8	8	14.04
1	12	4.05	5	4	9.23	8	12	14.41
2	0	4.42	5	8	9.60	9	0	14.78
2	4	4.79	5	12	9.97	9	4	15.15
2	8	5.16	6	0	10.34	9	8	15.52
2	12	5.53	6	4	10.71	9	12	15.89
3	0	5.90	6	8	11.08	10	0	16.26
3	4	6.27	6	12	11.45			
3	8	6.64	7	0	11.82			

For rates over 10 pounds, charge $14.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Each parcel valued at $50 or over must be accompanied by a consular invoice if there is a Peruvian consulate located at the place of mailing. If there is none, a commercial invoice must be furnished instead. The commercial invoice must be legalized by a Peruvian consulate or countersigned by a chamber of commerce, or if neither is available, it may bear the notarized signatures of two well-known local merchants. If the value is under $50, a commercial invoice must be furnished but need not be legalized. The consular or commercial invoice may be either enclosed in the parcel or sent separately to the addressee so as to arrive before the parcel, but the legalization must not be dated later than the day of mailing.

Parcels containing used clothing must be accompanied by a certificate of disinfection issued by a competent authority (for example, local Board of Health) or by a firm with facilities for disinfecting the articles involved. The certificate must be legalized by a Peruvian consulate. Senders shall endorse the wrappers of parcels containing used clothing to show that the certificate of disinfection is enclosed.

Peruvian consuls are located in principal cities of the United States.

Prohibitions. For sanitary reasons: Glass nursing bottles with rubber or glass tubes.

Certain products, such as flour and milk for children and invalids, unless registered with the Director of Public Health, or specially authorized by him for importation.

Arms etc.: Firearms and other weapons of war.

State monopolies, etc.: Cooking salt. Playing cards. Tobacco, cigars or cigarettes, except cigarettes for medical use only for which a license has been secured from the Dirección General de Hacienda (Treasury Department of Peru).

For other reasons: Saccharine and similar products, and substances containing them, unless specially authorized for medical use by the Director of Public Health.

Pharmaceutical specialties and cosmetics, such as powders, dentifrices, rouge, hair dyes, depilatories, etc., unless registered with the Director of Public Health or specially authorized by him for importation.

Maps and all geographic material showing the boundaries of Peru incorrectly.

Also see § 31.2 of this chapter.

PHILIPPINES (REPUBLIC OF THE)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.) From Guam, 13 cents per half ounce. (See Chart 3, Table II).

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.) From Guam, 30 cents first 2 ounces, 10 cents each additional 2 ounces. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatching exchange offices for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. See "Observations" under "Parcel Post" concerning certificate of origin and consular invoice required in certain cases for packages containing merchandise.

The Philippine postal authorities recommend that letters containing checks or other negotiable instruments be registered.

Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 on this chapter.

Parcel Post

Weight limit. 44 pounds, except to the following offices which are limited to 22 pounds:

Post office and Province	*Post office and Province*
Aglipay, Nueva Vizcaya.	Mayoyao, Mt. Province.
Allen, Ilocos Sur.	Monreal, Masbate.
Anao-aoan, Surigao del Norte.	Mulanay, Quezon.
Angaki, Ilocos Sur.	Natonin, Mt. Province.
Arteche, Samar.	Nueva Era, Ilocos Norte.
Bagulin, La Union.	Neuva Valencia, Iloilo.
Bakun, Mt. Province.	Olutanga, Zamboanga del Sur.
Balindong, Lanao del Sur.	Palanan, Isabela.
Banayoyo, Ilocos Sur.	Paluan, Occidental Mindoro.
Barlig, Mt. Province.	Pantabangan, Nueva Ecija.
Bayabas, Surigao del Sur.	Pilar, Surigao del Norte.
Bayag, Mt. Province.	Poona-Bayabao, Lanao del Sur.
Buenavista, Iloilo.	Potia, Mount Province.
Bugulas, Mt. Province.	Pudtol, Mount Province.
Busuanga, Palawan.	Quezon, Palawan.
Buug, Zamboanga del Sur.	R. Magsaysay, Zamboanga del Sur.
Camaligan, Camarines Sur.	Sablayan, Occidental Mindoro.
Columbio, Cotabato.	Saguiaron, Lanao del Sur.
Concepcion, Iloilo.	Sal-Lapadan, Lanao del Sur.
Concepcion, Romblon.	San Andres, Quezon.
Corcuera, Romblon.	San Antonio, Samar.
Del Carmen, Pampanga.	San Emilio, Ilocos Sur.
Del Gallego, Camarines Sur.	San Isidro, Samar.
Dumingag, Zamboanga del Sur.	San Miguel, Zamboanga del Sur.
Famy, Laguna.	San Pablo, Zamboanga del Sur.
Galimuyod, Ilocos Sur.	San Policarpio, Samar.
Gamay, Samar.	Santa Josefa, Agusan.
Gregorio del Pilar, Ilocos Sur.	Santa Teresita, Batangas.
Hungduan Mt. Province.	Santo Niño, Samar.
Jordan, Iloilo.	Sigay, Ilocos Sur.
La Paz, Agusan.	Tanudan, Mount Province.
Lapinig, Samar.	Tarangnan, Samar.
Lasam, Cagayan.	Tuba, Mount Province.
Las Navas, Samar.	Tubod, Surigao del Norte.
Lawaan, Samar.	Uyugan, Batanes.
Lidlidda, Ilocos Sur.	Veruela, Agusan.
Lingig, Surigao del Sur.	Villaverde, Nueva Vizcaya.
Llanera, Nueva Ecija.	
Maddela, Nueva Vizcaya.	
Magsaysay, Isabela.	
Mahatao, Batanes.	
Manito, Albay.	
Mataas na Kahoy, Batangas.	

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.93; each additional 4 ounces or fraction, 74 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.93	3	12	$12.29	7	4	$22.65
0	8	2.67	4	0	13.03	7	8	23.39
0	12	3.41	4	4	13.77	7	12	24.13
1	0	4.15	4	8	14.51	8	0	24.87
1	4	4.89	4	12	15.25	8	4	25.61
1	8	5.63	5	0	15.99	8	8	26.35
1	12	6.37	5	4	16.73	8	12	27.09
2	0	7.11	5	8	17.47	9	0	27.83
2	4	7.85	5	12	18.21	9	4	28.57
2	8	8.59	6	0	18.95	9	8	29.31
2	12	9.33	6	4	19.69	9	12	30.05
3	0	10.07	6	8	20.43	10	0	30.79
3	4	10.81	6	12	21.17			
3	8	11.55	7	0	21.91			

For rates over 10 pounds, charge $29.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured, or unmanufactured, precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Observations. A certificate of origin is required in all cases where the value of the contents of a parcel is over 100 pesos ($25). If the value exceeds 500 pesos ($125), a consular invoice is necessary, in addition to the certificate of origin. If the value is 100 pesos ($25) or less, only the regular postal customs declaration form is required.

Certificates of origin and consular invoices, when required, must be on forms furnished by Philippine Consulates and executed in the manner they prescribe.

Philippine consular officers are located in the following cities:

Agana, Guam.	San Francisco, Calif.
Chicago, Ill.	San Juan, P.R.
Honolulu, Hawaii.	Seattle, Wash.
Los Angeles, Calif.	Washington, D.C.
New Orleans, La.	
New York, N.Y.	

Prohibitions. Playing cards and gambling devices.

Firearms of all kinds, unless authorized by the Philippine authorities.

Articles bearing on the wrappers any numbered stamps other than lawful postage stamps.

Articles of gold, silver or other precious metal bearing false markings of fineness or quality manufactured coffee products.

Also see § 31.2 of this chapter.

Import restrictions. Except for gifts not exceeding 100 pesos ($25) in value, parcels will not be delivered until the addressees have obtained release certificates from the Central Bank of the Philippines or authorization from the Philippine Department of Commerce and Industry. Failure to obtain this authorization may result in confiscation of the parcels.

PITCAIRN ISLANDS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.84; each additional 4 ounces or fraction, 65 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
	4	$1.84	6	12	$10.94	7	4	$20.04
0	8	2.40	4	0	11.50	7	8	20.60
0	12	3.14	4	4	12.24	7	12	21.34
1	0	3.70	4	8	12.80	8	0	21.90
1	4	4.44	4	12	13.54	8	4	22.64
1	8	5.00	5	0	14.10	8	8	23.20
1	12	5.74	5	4	14.84	8	12	23.94
2	0	6.30	5	8	15.40	9	0	24.50
2	4	7.04	5	12	16.14	9	4	25.24
2	8	7.60	6	0	16.70	9	8	25.80
2	12	8.34	6	4	17.44	9	12	26.54
3	0	8.90	6	8	18.00	10	0	27.10
3	4	9.64	6	12	18.74			
3	8	10.20	7	0	19.30			

For rates over 10 pounds, charge $26 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

POLAND

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limits. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 20 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4

feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.65; each additional 4 ounces or fraction 47 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.65	3	12	$8.23	7	4	$14.81
0	8	2.12	4	0	8.70	7	8	15.28
0	12	2.59	4	4	9.17	7	12	15.75
1	0	3.06	4	8	9.64	8	0	16.22
1	4	3.53	4	12	10.11	8	4	16.69
1	8	4.00	5	0	10.58	8	8	17.16
1	12	4.47	5	4	11.05	8	12	17.63
2	0	4.94	5	8	11.52	9	0	18.10
2	4	5.41	5	12	11.99	9	4	18.57
2	8	5.88	6	0	12.46	9	8	19.04
2	12	6.35	6	4	12.93	9	12	19.51
3	0	6.82	6	8	13.40	10	0	19.98
3	4	7.29	6	12	13.87			
3	8	7.76	7	0	14.34			

For rates over 10 pounds, charge $18.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Military arms and war material.

All kinds of labels, caps, corks, empty containers, etc., bearing the firm name of foreign producers, imported without the goods.

Saccharine and similar substances unless addressed to factories or wholesale drug stores under special permits.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Correspondence and parcels are subject to inspection by the currency control authorities. The authorization of the Polish People's Bank is required for the importation of valid Polish currency, unmanufactured platinum, and precious stones. Currency imported contrary to the Polish regulations is liable to confiscation.

Most articles received in Poland, even if sent as gifts, are subject to customs duty, and in some cases the addressees are required to obtain import licenses or special permits.

PORTUGAL

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter..

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.30; each additional 4 ounces or fraction, 40 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.30	3	12	$6.90	7	4	$12.50
0	8	1.70	4	0	7.30	7	8	12.90
0	12	2.10	4	4	7.70	7	12	13.30
1	0	2.50	4	8	8.10	8	0	13.70
1	4	2.90	4	12	8.50	8	4	14.10
1	8	3.30	5	0	8.90	8	8	14.50
1	12	3.70	5	4	9.30	8	12	14.90
2	0	4.10	5	8	9.70	9	0	15.30
2	4	4.50	5	12	10.10	9	4	15.70
2	8	4.90	6	0	10.50	9	8	16.10
2	12	5.30	6	4	10.90	9	12	16.50
3	0	5.70	6	8	11.30	10	0	16.90
3	4	6.10	6	12	11.70			
3	8	6.50	7	0	12.10			

For rates over 10 pounds, charge $16 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and general information on insurance.

Coin, valuable jewelry, or any other precious article sent as parcel post must be insured.

Prohibitions. For sanitary reasons: Serums, vaccines, and other similar products unless addressed to authorized firms and laboratories; the wrappers and labels should in all cases bear clear, complete information, in the Portuguese language, concerning the name and composition of the medicine.

Saccharine and similar substances or foodstuffs containing them.

For the protection of animals or plants: Traps and decoys of all kinds for hunting.

For other reasons: Tobacco, manufactured or unmanufactured.

Cigarette lighters and refills containing butane gas.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Import permits must be obtained for parcels regarded by the Portuguese authorities as commercial shipments.

Medicaments and foodstuffs injurious to the public health, and medicaments whose composition is not known or has not been duly registered, or those whose labels do not show the names of the active ingredients, require the authorization of the Director General of Health of Portugal.

PORTUGUESE EAST AFRICA (MOZAMBIQUE)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Import restrictions. Articles restricted as parcel post are restricted in the postal union mail.

Parcel Post

Weight limited. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exeed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.18; each additional 4 ounces or fraction, 81 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.18	3	12	$13.52	7	4	$24.86
0	8	2.99	4	0	14.33	7	8	25.67
0	12	3.80	4	4	15.14	7	12	26.48
1	0	4.61	4	8	15.95	8	0	27.29
1	4	5.42	4	12	16.76	8	4	28.10
1	8	6.23	5	0	17.57	8	8	28.91
1	12	7.04	5	4	18.38	8	12	29.72
2	0	7.85	5	8	19.19	9	0	30.53
2	4	8.66	5	12	20.00	9	4	31.34
2	8	9.47	6	0	20.81	9	8	32.15
2	12	10.28	6	4	21.62	9	12	32.96
3	0	11.09	6	8	22.43	10	0	33.77
3	4	11.90	6	12	23.24			
3	8	12.71	7	0	24.05			

For rates over 10 pounds, charge $32.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only underscored with a heavy line, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes in circulation, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles must not be accepted for mailing as parcel post unless they are insured.

Observations. Parcels are delivered from the following offices only; addressees of parcels for other places must claim them at one of these places:

Antonio.	Macequece.
Beira.	Marromeu.
Bella Vista (Maputo).	Mossuril.
Catembe.	Mozambique.
Chai-Chai.	Mutarara.
Chibuto.	Porto Amelia.
Chinde.	Quelimane.
Ênnes (Angoche).	Sena.
Ibo.	Tete.
Inhambane.	Villa Luiza (Marracuene).
Lourenço Marques.	

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees are required to obtain import licenses for parcels regarded by the customs authorities as commercial shipments.

Arms, munitions, and war material require the authorization of the military authorities.

Pharmaceutical specialities require the approval of the health delegates of the districts, acting on the advice of the inspectors of the pharmaceutical monopoly.

PORTUGUESE TIMOR

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Import restrictions. Articles restricted as parcel post are restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, breadth, or depth, 2 feet; length and girth combined, 4 feet.

Sealing. Compulsory.

Postal forms required: One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.31; each additional 4 ounces or fraction, $1.09.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.31	3	12	$17.87	7	4	$32.83
0	8	3.40	4	0	18.66	7	8	33.92
0	12	4.49	4	4	19.75	7	12	35.01
1	0	5.58	4	8	20.84	8	0	36.10
1	4	6.67	4	12	21.93	8	4	37.19
1	8	7.76	5	0	23.02	8	8	38.28
1	12	8.85	5	4	24.11	8	12	39.37
2	0	9.94	5	8	25.20	9	0	40.46
2	4	11.03	5	12	26.29	9	4	41.55
2	8	12.12	6	0	27.38	9	8	42.64
2	12	13.21	6	4	28.47	9	12	43.73
3	0	14.30	6	8	29.56	10	0	44.82
3	4	15.39	6	12	30.65			
3	8	16.48	7	0	31.74			

For rates over 10 pounds, charge $43.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Parcels are delivered only from the offices listed below. Parcels for other places are sent to Dili and the name of that office must be added to the addresses of such parcels.

Ailéu.	Lautem.
Balibo.	Liquiça.
Baucau.	Manatuto.
Bobanaro.	Okussi.
Dili.	Same.
Foho-Rém.	Suro.
Hato-Lia.	Viqueque.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter apply.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees are required to obtain import permits for parcels regarded by the customs authorities as commercial shipments.

Arms, munitions, and war material require the authorization of the military authorities.

PORTUGUESE WEST AFRICA (ANGOLA, GUINEA, ST. THOMAS ISLAND, AND PRINCE ISLAND)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Import restrictions. Articles restricted as parcel post are restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured and registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces or fraction, 64 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.86	3	12	$10.82	7	4	$19.78
0	8	2.50	4	0	11.46	7	8	20.42
0	12	3.14	4	4	12.10	7	12	21.06
1	0	3.78	4	8	12.74	8	0	21.70
1	4	4.42	4	12	13.38	8	4	22.34
1	8	5.06	5	0	14.02	8	8	22.98
1	12	5.70	5	4	14.66	8	12	23.62
2	0	6.34	5	8	15.30	9	0	24.26
2	4	6.98	5	12	15.94	9	4	24.90
2	8	7.62	6	0	16.58	9	8	25.54
2	12	8.26	6	4	17.22	9	12	26.18
3	0	8.90	6	8	17.86	10	0	26.82
3	4	9.54	6	12	18.50			
3	8	10.18	7	0	19.14			

For rates over 10 pounds, charge $25.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration and insurance. Parcels may be registered or insured against loss, rifling or damage (except in the case of force majeure) for actual value not exceeding the following limits when fees as indicated are paid in addition to the postage applicable:

REGISTERED PARCEL-POST PACKAGES

Limit of indemnity:	Fee
Up to $16.33	$0.80

INSURED PARCEL-POST PACKAGES

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $16.33	.45

Coins, bullion, jewelry, or any other precious article must be registered.

For general information on registration and insurance, see Parts 42 and 43 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees are required to obtain import permits for parcels regarded by the customs authorities as commercial shipments.

Arms, munitions, and war material require the authorization of the military authorities.

Special authorization from the health authorities of Angola is required for the importation of pharmaceutical specialties to that territory.

QATAR [INCLUDING DOHA AND UMM SAID]

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 65 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.54	3	12	$10.64	7	4	$19.74
0	8	2.19	4	0	11.29	7	8	20.39
0	12	2.84	4	4	11.94	7	12	21.04
1	0	3.49	4	8	12.59	8	0	21.69
1	4	4.14	4	12	13.24	8	4	22.34
1	8	4.79	5	0	13.89	8	8	22.99
1	12	5.44	5	4	14.54	8	12	23.64
2	0	6.09	5	8	15.19	9	0	24.29
2	4	6.74	5	12	15.84	9	4	24.94
2	8	7.39	6	0	16.49	9	8	25.59
2	12	8.04	6	4	17.14	9	12	26.24
3	0	8.69	6	8	17.79	10	0	26.89
3	4	9.34	6	12	18.44			
3	8	9.99	7	0	19.09			

For rates over 10 pounds, charge $26 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.75

SEVENTY-SIX DOLLARS AND SEVENTY-FIVE CENTS

Coins, bullion, precious stones, and any article of gold, silver, or platinum sent as parcel post must be insured. Parcels containing jewelry must not have a value exceeding $100.

The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

For general information on insurance, see Part 43 of this chapter.

Prohibitions. Arms and parts thereof. Cultivated, imitation, artificial, or bleached pearls.

Coins and gold ingots exceeding £5 ($14) in value, except coins declared to be intended as ornaments. Silver ingots or partially worked silver exceeding £20 ($56) in value.

Carbon paper, oilskins, and similar goods are subject to the conditions applicable to such articles for Great Britain.

Also see § 31.2 of this chapter.

RÉUNION (BOURBON) ISLAND

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins, manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry and other precious articles.

Other articles, same as for France.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10 each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.84; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.84	3	12	$13.04	7	4	$24.24
0	8	2.64	4	0	13.84	7	8	25.04
0	12	3.44	4	4	14.64	7	12	25.84
1	0	4.24	4	8	15.44	8	0	26.64
1	4	5.04	4	12	16.24	8	4	27.44
1	8	5.84	5	0	17.04	8	8	28.24
1	12	6.64	5	4	17.84	8	12	29.04
2	0	7.44	5	8	18.64	9	0	29.84
2	4	8.24	5	12	19.44	9	4	30.64
2	8	9.04	6	0	20.24	9	8	31.44
2	12	9.48	6	4	21.04	9	12	32.24
3	0	10.64	6	8	21.84	10	0	33.04
3	4	11.44	6	12	22.64			
3	8	12.24	7	0	23.44			

For rates over 10 pounds, charge $32 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Invoices and certificates of origin are required as for France.

Prohibitions and import restrictions. Same as for France.

RHODESIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Correspondence concerning fraudulent enterprises or fortune telling.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 79 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	3	12	$12.75	7	4	$23.81
0	8	2.48	4	0	13.54	7	8	24.60
0	12	3.27	4	4	14.33	7	12	25.39
1	0	4.06	4	8	15.12	8	0	26.18
1	4	4.85	4	12	15.91	8	4	26.97
1	8	5.64	5	0	16.70	8	8	27.76
1	12	6.43	5	4	17.49	8	12	28.55
2	0	7.22	5	8	18.28	9	0	29.34
2	4	8.01	5	12	19.07	9	4	30.13
2	8	8.80	6	0	19.86	9	8	30.92
2	12	9.59	6	4	20.65	9	12	31.71
3	0	10.38	6	8	21.44	10	0	32.50
3	4	11.17	6	12	22.23			
3	8	11.96	7	0	23.02			

For rates over 10 pounds, charge $31.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Medicines not labeled with the name, formula and composition in English.

Advertisements concerning the treatment of venereal disease, unless addressed to physicians or pharmacists for professional use.

Vaccines, sera, and similar substances, unless labeled with the name and address of the manufacturer and the date of manufacture or the date after which the preparation is not to be used.

Bank notes as well as gold, platinum, silver, jewels, and other precious articles.

Also see § 31.2 of this chapter.

RUMANIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted, unless addressed to hospitals or scientific institutions and containing therapeutic products or apparatus.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface. 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions. Dutiable articles in letter packages, unless sent under registration to hospitals or scientific institutions and containing therapeutic products or apparatus. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.54	3	12	$8.40	7	4	$15.26
0	8	2.03	4	0	8.89	7	8	15.75
0	12	2.52	4	4	9.38	7	12	16.24
1	0	3.01	4	8	9.87	8	0	16.73
1	4	3.50	4	12	10.36	8	4	17.22
1	8	3.99	5	0	10.85	8	8	17.71
1	12	4.48	5	4	11.34	8	12	18.20
2	0	4.97	5	8	11.83	9	0	18.69
2	4	5.46	5	12	12.32	9	4	19.18
2	8	5.95	6	0	12.81	9	8	19.67
2	12	6.44	6	4	13.30	9	12	20.16
3	0	6.93	6	8	13.79	10	0	20.65
3	4	7.42	6	12	14.28			
3	8	7.91	7	0	14.77			

For rates over 10 pounds, charge $19.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Gift parcels addressed to individuals are subject to the restrictions given below. The restrictions do not apply to gift parcels sent to hospitals and scientific institutions and containing therapeutic products and apparatus.

Articles in soldered tin cans are prohibited, except for medicaments. Parcels containing medicaments should not contain any other articles. An individual in Rumania may receive gift parcels up to a total weight of 55 pounds per year. The contents are limited to the items shown in the following list, not exceeding the quantities indicated. If a parcel does not comply with the restrictions, custom duty is collected at double rates.

LIST OF COMMODITIES ADMITTED TO RUMANIA IN GIFT PARCELS ADDRESSED TO INDIVIDUALS

Item No.	Types of articles	Maximum quantity
1	Underwear for adults	2 articles each kind.
2	Underwear for children	3 articles each kind.
3	Scarfs, babushkas	3 each.
4	Neckerchiefs	3.
5	Turkish towels	6.
6	Handkerchiefs	12.
7	Neckties	6.
8	Raincoats	1, or material for 1.
9	Blouses	3, or material for 3.
10	Dresses	3, or material for 3.
11	Ladies' suits	1, or material for 1.
12	Men's suits	1, or material for 1.
13	Overcoats	1, or material for 1.
14	Topcoats	1, or material for 1.
15	Clothing for children	3 articles.
16	Clothing of leather or fur	1 article.
17	Decorating materials, draperies, curtains, upholstery fabrics.	11 yards.
18	Caps, berets	2.
19	Pullovers, sweaters	2.
20	Fur-lined hats	1.
21	Jerseys, jackets	2.
22	Gloves	2 pairs.
23	Ladies' hosiery, silk or nylon	6 pairs.
24	Men's hosiery	6 pairs.
25	Children's hosiery	6 pairs.
26	Tablecloths	1.
27	Silk, nylon or similar fabrics	3½ yards.
28	Blankets, shawls	1.
29	Carpets, rugs	1.
30	Table napkins	6.
31	Bed sheets	2.
32	Pillow cases	2.
33	Material for 1 pair of shoes or boots:	
	Shoes for men	2 lbs. 3 oz. of soling and 14 oz. of leather.
	Shoes for ladies	1 lb. 5 oz. of soling and 14 oz. of leather.
	Boots	Double the above.

LIST OF COMMODITIES ADMITTED TO RUMANIA IN GIFT PARCELS ADDRESSED TO INDIVIDUALS—Continued

Item No.	Types of articles	Maximum quantity
34	Knitting wool	1 lb.
35	Sewing thread	3½ oz.
36	Articles of haberdashery:	
	Snaps, hooks, buttons, etc.	2 dozen.
	Buckles, fasteners, darning needles.	2.
	Ribbon, lace, cords	3½ oz. of each.
37	Toilet articles:	
	Toilet water	17 fl. oz.
	Perfumes	1.7 fl. oz.
	Toothbrushes	3.
	Shaving brushes	1.
	Combs	3.
	Lipsticks	3.
	Rouge	2.
	Face cream	2 articles.
	Toilet soap	6 articles.
	Shaving soap	6 articles.
	Razors	1.
	Safety razors	1.
	Blade sharpeners	1.
	Hair clippers	1.
	Scissors	1.
	Manicure sets	1.
	Razor blades	50.
	Hair dryers, massagers, etc.	1.
	Hair dyes, lotions, oils, etc.	1 lb.
	Curlers, hairpins	2 dozen.
38	Articles for personal use:	
	Eyeglasses	1 pair.
	Eyeglass lenses	1 pair.
	Other medical articles for household use.	1.
	Automatic pencils	6.
	Fountain pens	1.
	Watches	1.
	Precious jewelry	1 article (1 oz.).
	Imitation jewelry and other ornaments.	3 articles.
39	Leather goods:	
	Wallets	1.
	Handbags	1.
	Briefcases	1.
	Purses	1.
	Pencil cases	1.
	Eyeglass cases	1.
	Valises, suitcases	1.
	Watch bands	3.
	Straps, belts	3.
40	Musical instruments	1.
41	Disk records	1.
42	Recording tapes	5.
43	Household medical appliances:	
	Hearing aids	1.
	Batteries for hearing aids	1 dozen.
	Rechargers for hearing aid batteries.	1.
	Orthopedic corsets	1.
	Elastic stockings	1.
	Hernia supports	1.
	Various prosthetic devices	1.
	Thermometers	1.
	Syringes with needles	1.
	Heating pads	1.
	Medical bags	1.
	Artificial teeth	1 set.
	Dental cement, solution and wax.	3½ oz.
	Alloys for dentures	1¾ oz.
	Surgical belts	1.
44	Various articles for sport	1.
45	Various articles for fishing	1.
46	Slide rules	1.
47	Compass sets	1.
48	Water colors	1 box.
49	Artists' brushes	6.
50	Articles for school, office, or personal use.	1 item or 1 dozen.
51	Sewing machine needles	6.
52	Knitting machine needles	5.
53	Knitting needles	2.
54	Safety pins	1 dozen.
55	Foods, nonperishable and not in hermetically sealed containers:	
	Candy	4 lbs. 6 oz.
	Coffee	2 lbs. 3 oz.
	Cocoa	17½ oz.
	Condiments	8¾ oz.
	Biscuits, cakes	4 lbs. 6 oz.
	Chocolate	2 lbs. 3 oz.
	Dried fruit	4 lbs. 6 oz.
	Italian food pastes	41 lbs. 6 oz.
	Other foodstuffs	Normal amounts.
56	Optical appliances and instruments (microscopes, binoculars, magnifying glasses).	1 of each.
57	Umbrellas or parasols	1.
58	Varnishes, resinous products, dyes, and other chemical products.	17½ oz.

LIST OF COMMODITIES ADMITTED TO RUMANIA IN GIFT PARCELS ADDRESSED TO INDIVIDUALS—Continued

Item No.	Types of articles	Maximum quantity
59	Smoking accessories of all kinds.	1 of each kind.
60	Cigarettes	100.
61	Various footwear	1 pair.
62	Various toys	6 items.
63	Bicycles, children's cars	1.
64	Tools for workmen or farmers.	1.
65	Various household articles	1 or 2 articles.
66	Bulbs, seeds, cuttings, flowers and plants.	14 ounces.
67	Biological specimens (stuffed birds and mounted insects for study).	No limit.
68	Live bees	20.
69	Household electric appliances.	1.
70	Vacuum tubes and transistors.	1.
71	Photographic articles	1.
72	Photographic paper, film, chemicals.	10½ oz.
73	Replacement parts for vehicles and household appliances.	1 item or 1 set.

RWANDA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See chart 1 in the front of the Directory and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart, 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt; 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	3	12	$11.13	7	4	$20.61
0	8	2.42	4	0	11.80	7	8	21.18
1	0	3.09	4	4	12.47	7	12	21.85
1	4	3.76	4	8	13.14	8	0	22.52
1	8	4.43	4	12	13.81	8	4	23.19
1	12	5.10	5	0	14.48	8	8	23.86
2	0	5.77	5	4	15.15	8	12	24.53
2	4	6.44	5	8	15.82	9	0	25.20
2	8	7.11	5	12	16.49	9	4	25.87
2	12	7.78	6	0	17.16	9	8	26.54
3	0	8.45	6	4	17.83	9	12	27.21
3	4	9.12	6	8	18.50	10	0	27.88
3	8	9.79	6	12	19.17			
			7	0	19.84			

For rates over 10 pounds, charge $26.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter apply.

Import restrictions. Medicaments, saccharine and products containing it require authorization which the addressee must obtain from the Pharmacist in Chief of Rwanda.

RYUKYU ISLANDS (INCLUDING OKINAWA AND THE OTHER ISLANDS OF THE RYUKYU GROUP SOUTH OF 27° NORTH LATITUDE, AS WELL AS TORI SHIMA AND IHEYA)

[Ryukyu (Nansei) Islands north of 27° north latitude, excluding Tori Shima and Iheya, are under the administration of Japan.]

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Articles should be addressed in English, or bear an interlined translation in English of the name of the post office, island where located, and the words "Ryukyu Islands."

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.43; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.43	3	12	$8.99	7	4	$16.55
0	8	1.97	4	0	9.53	7	8	17.09
0	12	2.51	4	4	10.07	7	12	17.63
1	0	3.05	4	8	10.61	8	0	18.17
1	4	3.59	4	12	11.15	8	4	18.71
1	8	4.13	5	0	11.69	8	8	19.25
1	12	4.67	5	4	12.23	8	12	19.79
2	0	5.21	5	8	12.77	9	0	20.33
2	4	5.75	5	12	13.31	9	4	20.87
2	8	6.29	6	0	13.85	9	8	21.41
2	12	6.83	6	4	14.39	9	12	21.95
3	0	7.37	6	8	14.93	10	0	22.49
3	4	7.91	6	12	15.47			
3	8	8.45	7	0	16.01			

For rates over 10 pounds, charge $21.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and general information on insurance.

Coins, bullion, valuable jewelry, or any other precious article sent as parcel post must be insured.

Observations. When the contents of parcels consist of precious metals, articles of metal, or heavy goods, they must be packed in stout metal boxes or in wooden cases constructed of lumber at least a half-inch thick or plywood of at least three plies.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

ST. HELENA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this Chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.91; each additional 4 ounces or fraction, 77 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.91	3	12	$12.59	7	4	$23.47
0	8	2.68	4	0	13.46	7	8	24.34
0	12	3.45	4	4	14.23	7	12	25.01
1	0	4.22	4	8	15.00	8	0	25.78
1	4	4.99	4	12	15.77	8	4	26.55
1	8	5.76	5	0	16.54	8	8	27.32
1	12	6.53	5	4	17.31	8	12	28.09
2	0	7.30	5	8	18.08	9	0	28.86
2	4	8.07	5	12	18.85	9	4	29.63
2	8	8.84	6	0	19.62	9	8	30.40
2	12	9.61	6	4	20.39	9	12	31.17
3	0	10.38	6	8	21.16	10	0	31.94
3	4	11.15	6	12	21.93			
3	8	11.92	7	0	22.70			

For rates over 10 pounds, charge $30.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter apply.

SAINT PIERRE AND MIQUELON

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.09; each additional 4 ounces or fraction, 22 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.09	3	12	$4.17	7	4	$7.25
0	8	1.31	4	0	4.39	7	8	7.47
0	12	1.53	4	4	4.61	7	12	7.69
1	0	1.75	4	8	4.83	8	0	7.91
1	4	1.97	4	12	5.05	8	4	8.13
1	8	2.19	5	0	5.27	8	8	8.35
1	12	2.41	5	4	5.49	8	12	8.57
2	0	2.63	5	8	5.71	9	0	8.79
2	4	2.85	5	12	5.93	9	4	9.01
2	8	3.07	6	0	6.15	9	8	9.23
2	12	3.29	6	4	6.37	9	12	9.45
3	0	3.51	6	8	6.59	10	0	9.67
3	4	3.73	6	12	6.81			
3	8	3.95	7	0	7.03			

For rates over 10 pounds, charge $8.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

SANTA CRUZ ISLANDS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Prohibitions. Same as for Australia.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.97; each additional 4 ounces or fraction, 88 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.97	3	12	$14.29	7	4	$26.61
0	8	2.85	4	0	15.17	7	8	27.49
0	12	3.73	4	4	16.05	7	12	28.37
1	0	4.61	4	8	16.93	8	0	29.25
1	4	5.49	4	12	17.81	8	4	30.13
1	8	6.37	5	0	18.69	8	8	31.01
1	12	7.25	5	4	19.57	8	12	31.89
2	0	8.13	5	8	20.45	9	0	32.77
2	4	9.01	5	12	21.33	9	4	33.65
2	8	9.89	6	0	22.21	9	8	34.53
2	12	10.77	6	4	23.09	9	12	35.41
3	0	11.65	6	8	23.97	10	0	36.29
3	4	12.53	6	12	24.85			
3	8	13.41	7	0	25.73			

For rates over 10 pounds, charge $35.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions and import restrictions. Same as for Australia.

SAUDI ARABIA (KINGDOM OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Articles prohibited as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.97; each additional 4 ounces or fraction, 63 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.97	3	12	$10.79	7	4	$19.61
0	8	2.60	4	0	11.42	7	8	20.24
0	12	3.23	4	4	12.05	7	12	20.87
1	0	3.86	4	8	12.68	8	0	21.50
1	4	4.49	4	12	13.31	8	4	22.13
1	8	5.12	5	0	13.94	8	8	22.76
1	12	5.75	5	4	14.57	8	12	23.39
2	0	6.38	5	8	15.20	9	0	24.02
2	4	7.01	5	12	15.83	9	4	24.65
2	8	7.64	6	0	16.46	9	8	25.28
2	12	8.27	6	4	17.09	9	12	25.91
3	0	8.90	6	8	17.72	10	0	26.54
3	4	9.53	6	12	18.35			
3	8	10.16	7	0	18.98			

For rates over 10 pounds, charge $25.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Parcel post service extends to the following places only:

Al Gaba.	Khobar.
Al Lith.	Mecca.
Al Wejh.	Medina.
Daha.	Qunfidha.
Dammam.	Rabigh.
Dhahran.	Rastanurra.
Hasse.	Riyadh.
Jiddah.	Umm Lej.
Jizam.	Yenbo.
Katif.	

Prohibitions. Coins, paper money, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles. Arms, munitions, and war material.

Books and prints contrary to the Islamic faith.

Also see § 31.2 of this chapter.

SENEGAL (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.48; each additional 4 ounces, or fraction, 47 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.48	3	12	$8.06	7	4	$14.64
0	8	1.96	4	0	8.53	7	8	15.11
0	12	2.43	4	4	9.00	7	12	15.58
1	0	2.89	4	8	9.47	8	0	16.05
1	4	3.36	4	12	9.94	8	4	16.52
1	8	3.83	5	0	10.41	8	8	16.99
1	12	4.30	5	4	10.88	8	12	17.46
2	0	4.77	5	8	11.35	9	0	17.93
2	4	5.24	5	12	11.82	9	4	18.40
2	8	5.71	6	0	12.29	9	8	18.87
2	12	6.18	6	4	12.76	9	12	19.34
3	0	6.65	6	8	13.23	10	0	19.81
3	4	7.12	6	12	13.70			
3	8	7.59	7	0	14.17			

For rates over 10 pounds charge $18.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Parcel post service extends to the following offices only:

Bakel.	Koungheul.
Bambay.	Linguère.
Bignona.	Louga.
Birkelane.	Marsassoum.
Cascas.	Matam.
Coki.	M'Baké.
Dagana.	M'Bour.
Dahra.	N'Dande.
Dakar.	N'Doulo.
Diouloulou.	Pire.
Diourbel.	Podor.
Fatick.	Richard-Toll.
Foundiougne.	Rufisque.
Gorée.	Saint-Louis.
Gossas.	Sakal.
Guéoul.	Saldé.
Guinguinéo.	Sédikotane.
Joal.	Sédhiou.
Kaffrine.	Sokone.
Kanel.	Tambacounda.
Kaolack.	Thiès.
Kébémer.	Thiogne.
Kédougou.	Tiaroye.
Kelle.	Tivaouane.
Khombole.	Vélingara.
Kidira.	Ziguinchor.
Koida.	

The postal authorities of Senegal collect domestic postage from the addressees.

Prohibitions. Daggers, sword-canes, blackjacks, and other concealable weapons except firearms and airguns (see "Import restrictions" below).

Articles with markings, labels, or wrappings indicating falsely that they are of French origin. Articles having the "Red Cross" or "Geneva Cross" as a trademark.

Preserved fish, vegetables, and plums, unless marked plainly with country of origin. Boxes of fish weighing more than one kilogram.

Weights and measures not of the metric system.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

The following articles are subject to special regulations on importation: Firearms and airguns; distilling apparatus; saccharine and artificial flavors for beverages and confectionery; phonograph records; Arabic books and prints.

SEYCHELLES

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, Postal Manual, apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.61; each additional 4 ounces or fraction, 71 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.61	3	12	$11.55	7	4	$21.49
0	8	2.32	4	0	12.26	7	8	22.20
0	12	3.03	4	4	12.97	7	12	22.91
1	0	3.74	4	8	13.68	8	0	23.62
1	4	4.45	4	12	14.39	8	4	24.33
1	8	5.16	5	0	15.10	8	8	25.04
1	12	5.87	5	4	15.81	8	12	25.75
2	0	6.58	5	8	16.52	9	0	26.46
2	4	7.29	5	12	17.23	9	4	27.17
2	8	8.00	6	0	17.94	9	8	27.88
2	12	8.71	6	4	18.65	9	12	28.59
3	0	9.42	6	8	19.36	10	0	29.30
3	4	10.13	6	12	20.07			
3	8	10.84	7	0	20.78			

For rates over 10 pounds, charge $28.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter apply.

SIERRA LEONE

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins or precious metal exceeding £5 in value.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.96; each additional 4 ounces or fraction, 51 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.96	3	12	$9.10	7	4	$16.24
0	8	2.47	4	0	9.61	7	8	16.75
0	12	2.98	4	4	10.12	7	12	17.26
1	0	3.49	4	8	10.63	8	0	17.77
1	4	4.00	4	12	11.14	8	4	18.28
1	8	4.51	5	0	11.65	8	8	18.79
1	12	5.02	5	4	12.16	8	12	19.30
2	0	5.53	5	8	12.67	9	0	19.81
2	4	6.04	5	12	13.18	9	4	20.32
2	8	6.55	6	0	13.69	9	8	20.83
2	12	7.06	6	4	14.20	9	12	21.34
3	0	7.57	6	8	14.71	10	0	21.85
3	4	8.08	6	12	15.22			
3	8	8.59	7	0	15.73			

For rates over 10 pounds, charge $20.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Commercial invoices are required in duplicate.

Prohibitions. Distilling apparatus; arms and munitions except under license from the Governor; uniforms except for official use.

Also see § 31.2 of this chapter.

SINGAPORE

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.05; each additional 4 ounces or fraction, 90 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.05	3	12	$14.65	7	4	$27.25
0	8	2.95	4	0	15.55	7	8	28.15
0	12	3.85	4	4	16.45	7	12	29.05
1	0	4.75	4	8	17.35	8	0	29.95
1	4	5.65	4	12	18.25	8	4	30.85
1	8	6.55	5	0	19.15	8	8	31.75
1	12	7.45	5	4	20.05	8	12	32.65
2	0	8.35	5	8	20.95	9	0	33.55
2	4	9.25	5	12	21.85	9	4	34.45
2	8	10.15	6	0	22.75	9	8	35.35
2	12	11.05	6	4	23.65	9	12	36.25
3	0	11.95	6	8	24.55	10	0	37.15
3	4	12.85	6	12	25.45			
3	8	13.75	7	0	26.35			

For rates over 10 pounds, charge $36 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, precious metals, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Many types of merchandise require import licenses which addressees must obtain from the authorities of Singapore. Senders should assure themselves before mailing that the addressees can obtain licenses if needed.

Prohibitions. Arms, etc.: Firearms, including gas guns, and any component parts of such weapons.

Butane gas lighters and refills therefor.

For other reasons: Paper money and values payable to bearer (paper money admitted in registered letters—see Postal Union Mail Prohibitions). Coins or ingots of a value higher than 50 Malaysian dollars ($16.30 U.S. currency), except coins manifestly intended for ornament. Imitation currency.

Any substance containing sodium or calcium cyclamate.

Also see § 31.2 of this chapter.

Import Restrictions. Hypodermic syringes require authorization of the medical authorities.

SOLOMON ISLANDS (EXCEPT BOUGAINVILLE AND BUKA)

(See "New Guinea, Territory of" concerning Bougainville and Buka.)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.98; each additional 4 ounces or fraction, 88 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.98	3	12	$14.30	7	4	$26.62
0	8	2.86	4	0	15.18	7	8	27.50
0	12	3.74	4	4	16.06	7	12	28.38
1	0	4.62	4	8	16.94	8	0	29.26
1	4	5.50	4	12	17.82	8	4	30.14
1	8	6.38	5	0	18.70	8	8	31.02
1	12	7.26	5	4	19.58	8	12	31.90
2	0	8.14	5	8	20.46	9	0	32.78
2	4	9.02	5	12	21.34	9	4	33.66
2	8	9.90	6	0	22.22	9	8	34.54
2	12	10.78	6	4	23.10	9	12	35.42
3	0	11.66	6	8	23.98	10	0	36.30
3	4	12.54	6	12	24.86			
3	8	13.42	7	0	25.74			

For rates over 10 pounds, charge $35.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

SOMALIA

I. Southern Region (Former Italian Trust Territory of "Somalia")

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the Directory and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Coins, banknotes, paper money, and values payable to bearer; gold, platinum and silver, manufactured or unmanufactured; precious stones, jewelry and other precious articles.

Perishable biological materials. Radioactive materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.05; each additional 4 ounces or fraction, 72 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.05	3	12	$12.13	7	4	$22.21
0	8	2.77	4	0	12.85	7	8	22.93
0	12	3.49	4	4	13.57	7	12	23.65
1	0	4.21	4	8	14.29	8	0	24.37
1	4	4.93	4	12	15.01	8	4	25.09
1	8	5.65	5	0	15.73	8	8	25.81
1	12	6.37	5	4	16.45	8	12	26.53
2	0	7.09	5	8	17.17	9	0	27.25
2	4	7.81	5	12	17.89	9	4	27.97
2	8	8.53	6	0	18.61	9	8	28.69
2	12	9.25	6	4	19.33	9	12	29.41
3	0	9.97	6	8	20.05	10	0	30.13
3	4	10.69	6	12	20.77			
3	8	11.41	7	0	21.49			

For rates over 10 pounds, charge $28.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. For reasons of public safety: Printed matter, designs and emblems contrary to public order.

For sanitary reasons: Foreign medical specialties, serums, vaccines, etc., unless addressed to recognized medical institutions or registered pharmacies.

Empty containers and labels with markings relating to medicines.

Arms, etc.: Arms and parts thereof are not admitted until the addressee obtains a permit from the authorities in his locality.

State monopolies, etc.: Saccharine and its products, unless addressed to authorized pharmacies.

Sea salt and rock salt, and unmanufactured tobacco (leaves and stems), unless addressed to the Minister of Finances. Manufactured tobacco addressed to individuals for personal use is admitted with permission of the customs authorities.

Also see § 31.3 of this chapter.

II. Northern Region (Territory of former "Somaliland Protectorate")

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles.

Perishable biological materials. Radioactive materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.2 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel post. No service.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Parcels are accepted for any place, but delivery is confined to Berbera, Borama, Burao, Erigavo, Hargeisa, Sheikh, and Zeilah.

Prohibitions. Arms of all kinds, parts of arms, military stores, except for Government service or under Government license.

Lighters and refills containing butane gas.

Also see § 31.2 of this chapter.

SOUTH AFRICA (REPUBLIC OF) (INCLUDING SOUTH-WEST AFRICA)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171–2 of this chapter.

Observations. See "Observations" under "Parcel Post" for information as to the South African import-license requirements and the markings required for various types of shipments.

Prohibitions and import restrictions. The articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail, except that diamonds and other precious stones are admitted in registered letter packages.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing.—Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, II.)

Air parcel rates. Four ounces or less $1.69; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	3	12	$12.89	7	4	$24.09
0	8	2.49	4	0	13.09	7	8	24.89
0	12	3.29	4	4	14.49	7	12	25.69
1	0	4.09	4	8	15.29	8	0	26.49
1	4	4.89	4	12	16.09	8	4	27.29
1	8	5.69	5	0	16.89	8	8	28.09
1	12	6.49	5	4	17.69	8	12	28.89
2	0	7.29	5	8	18.49	9	0	29.69
2	4	8.09	5	12	19.29	9	4	30.49
2	8	8.89	6	0	20.09	9	8	31.29
2	12	9.69	6	4	20.89	9	12	32.09
3	0	10.49	6	8	21.69	10	0	32.89
3	4	11.29	6	12	22.49			
3	8	12.09	7	0	23.29			

For rates over 10 pounds, charge $32 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. The South African Government requires that import permits be obtained by the addressees to take delivery of all shipments except those in the following categories which are exempt from import control:

(*a*) Bona fide gifts not exceeding 10 Rand (about $14) in value.

(*b*) Medicines and therapeutic devices for the addressee's personal use, not exceeding 10 Rand in value.

(*c*) Books, newspapers, catalogs, printed music and periodicals (other than those of the sensational or "comic" variety which are prohibited) sent to firms or private individuals for their own use.

(*d*) Samples having no commercial value.

(*e*) Articles being returned to South Africa after repairs costing 10 Rand or less.

(*f*) Articles originating in South Africa being returned for repair or for replacement due to defect.

(*g*) Articles authorized under South African quota regulations.

(*h*) Used household or personal effects of persons who have arrived in South Africa.

Before mailing any parcel or postal union article whose contents do not conform to one of the above categories, the sender should ascertain whether the addressee will be permitted to receive it. The sender must mark the wrapper of each parcel or article "Addressee has import permit," or, if the contents are in one of the exempted categories, "Exempt from import control."

Commercial shipments of printed matter require separate import permits to be obtained by the addressees for the portions classified as (*a*) scientific, educational and technical, (*b*) nonfiction, and (*c*) fiction. It is desirable that mailers of such shipments prepare separate invoices in respect of each classification, each invoice to show the total number of parcels in the shipment, and the invoice number to be marked on each package.

For commercial shipments, a commercial invoice in prescribed form must be sent to the addressee so as to arrive before the shipment.

Prohibitions. For sanitary reasons: Used clothing for sale; used boots and shoes.

For other reasons: Diamonds and precious stones; coins; gold dust or nuggets.

Butane gas cigarette lighters.

Honey and preparations of honey including "royal jelly," preserves sweetened with honey, and flypaper.

Magazines and periodical publications of the sensational variety, such as "western," "detective," "romance," "confession," or "comics;" back numbers of all magazines or periodicals mailed more than 2 months from date of issue.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressee:

In addition to the import permits required as set forth in "Observations," special permission is needed to import the following:

Deadly weapons including knives having blades 4 inches or more in length, except those normally employed in household use, farming, or meat cutting; also imitation firearms, devices for discharging gas, harpoon guns, and air pistols.

Sera, vaccines and pathogenic cultures for human or veterinary use.

Military equipment including uniforms, altered or not; footwear; blankets; ground sheets; ordnance bags and haversacks.

Cheese of all kinds; yeast; beeswax; rice.

SOUTHERN YEMEN (PEOPLE'S REPUBLIC OF) (INCLUDING KAMARAN AND PERIM)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Gold and silver coins, precious metals, jewels and precious stones, watches of gold, silver or platinum, and other valuable manufactured articles.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.78; each additional 4 ounces or fraction, 69 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.78	3	12	$11.44	7	4	$21.10
0	8	2.47	4	0	12.13	7	8	21.79
0	12	3.16	4	4	12.82	7	12	22.48
1	0	3.85	4	8	13.51	8	0	23.17
1	4	4.54	4	12	14.20	8	4	23.86
1	8	5.23	5	0	14.89	8	8	24.55
1	12	5.92	5	4	15.58	8	12	25.24
2	0	6.61	5	8	16.27	9	0	25.93
2	4	7.30	5	12	16.96	9	4	26.62
2	8	7.99	6	0	17.65	9	8	27.31
2	12	8.68	6	4	18.34	9	12	28.00
3	0	9.37	6	8	19.03	10	0	28.69
3	4	10.06	6	12	19.72			
3	8	10.75	7	0	20.41			

For rates over 10 pounds, charge $27.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Arms, etc.: Arms and military supplies, unless imported by or on behalf of the Government of Aden.

Imitation and toy pistols and revolvers.

State monopolies, etc.: Coin or bullion exceeding £5 in value.

All goods manufactured outside Her Majesty's dominions and marked with the British Royal Arms or imitations.

Fictitious stamps.

Also see § 31.2 of this chapter.

SPAIN (INCLUDING BALEARIC ISLANDS, CANARY ISLANDS, AND THE SPANISH OFFICES IN NORTHERN AFRICA; CEUTA, MELILLA, ALHUCEMAS ISLAND, CHAFARINAS OR ZAFARANI ISLANDS, AND PEÑON DE VÉLEZ DE LA GOMERA)

(For Spanish Sahara and Ifni, see Spanish West Africa.)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Periodicals, newspapers and books generally require an import permit to be secured by the addressees in Spain. However, this requirement is waived in the case of single shipments addressed to individuals.

The customs handling of printed matter in Spain will be facilitated if a green customs label (Form 2976) is affixed to each package.

It is understood that periodicals in the Spanish language are often subjected to high duties and extensive examination by the Spanish authorities.

Prohibitions and import restrictions. Cottonseed unless addressed to the Spanish Institute for Textile Fiber Production.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. Air parcels, 22 pounds; surface parcels, 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922; two Form 2966; one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.77; each additional 4 ounces or fraction, 44 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.77	3	12	$7.93	7	4	$14.09
0	8	2.21	4	0	8.37	7	8	14.53
0	12	2.65	4	4	8.81	7	12	14.97
1	0	3.09	4	8	9.25	8	0	15.41
1	4	3.53	4	12	9.69	8	4	15.85
1	8	3.97	5	0	10.13	8	8	16.29
1	12	4.41	5	4	10.57	8	12	16.73
2	0	4.85	5	8	11.01	9	0	17.17
2	4	5.29	5	12	11.45	9	4	17.61
2	8	5.73	6	0	11.89	9	8	18.05
2	12	6.17	6	4	12.33	9	12	18.49
3	0	6.61	6	8	12.77	10	0	18.93
3	4	7.05	6	12	13.21			
3	8	7.49	7	0	13.65			

For rates over 10 pounds, charge $17.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper near the "Insured" endorsement and number the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, precious metals, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Each parcel containing used clothing must have enclosed a certificate of disinfection. It is believed that a statement on the letterhead of a drycleaning establishment or laundry that the articles of clothing have been cleaned should serve the purpose.

Parcel post service to the Canary Islands extends to the following offices only:

Agaete.
Arrecife.
Arucas.
Gáldar.
Garachico.
Granadilla.
Gran Tarajal.
Guía.
Guía de Isora.
Guimar.
Haría.
Hermigua.
Icod.
Ingenio.
La Antigua.
La Cuesta.
La Laguna.
La Orotava.
Las Palmas.
Los Llanos.
Moya.
Puerto Cabras.
Puerto de la Cruz.
Puerto Luz.
Realejo Alto.
San Andrés y Suaces.
San Bartolomé Tirajana.
San Mateo.
San Miguel.
Santa Brígida.
Santa Cruz de la Palma.
Santa Cruz de Tenerife.
San Sebastian de la Gomera.
Tacoronte.
Tazacorte.
Telde.
Teror.
Valverde del Hierro.

Prohibitions. Tobacco (admitted only to the Canary Islands, Ceuta, and Melilla). Playing cards. Foodstuffs containing saccharine in any amount. Weapons of all kinds.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees.

Import licenses must generally be obtained before parcels are delivered.

Special regulations must be complied with in the importation of the articles named below:

Books, periodicals and magazines as set forth in "Observations" under "Postal Union Mail" except that Form 2976 is not to be affixed to parcel-post packages.

Medicines, including serums and vaccines.

Jewelry and precious stones.

Spanish banknotes.

SPANISH SAHARA (RÍO DE ORO AND SEKIA EL HAMRA)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15

cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other condtions.

Money orders. No service.

Prohibitions and import restrictions. Coins, banknotes, paper money, values payable to the bearer; manufactured or unmanufactured platinum, gold, or silver, precious stones, jewelry, and other precious articles.

Dutiable articles in letter packages; also perishable biological materials.

Articles prohibited or restricted as parcel post to Spain are prohibited or restricted in the postal union mail to Spanish Sahara.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. Air parcels, 22 pounds; surface parcels, 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.78; each additional 4 ounces or fraction, 51 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.78	3	12	$8.92	7	4	$16.06
0	8	2.29	4	0	9.43	7	8	16.57
0	12	2.80	4	4	9.94	7	12	17.08
1	0	3.31	4	8	10.45	8	0	17.59
1	4	3.82	4	12	10.96	8	4	18.10
1	8	4.33	5	0	11.47	8	8	18.61
1	12	4.84	5	4	11.98	8	12	19.12
2	0	5.35	5	8	12.49	9	0	19.63
2	4	5.86	5	12	13.00	9	4	20.14
2	8	6.37	6	0	13.51	9	8	20.65
2	12	6.88	6	4	14.02	9	12	21.16
3	0	7.39	6	8	14.53	10	0	21.67
3	4	7.90	6	12	15.04			
3	8	8.41	7	0	15.55			

For rates over 10 pounds, charge $20.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. Service is available only to Aaiun, Güera, and Villa Cisneros.

Prohibitions and import restrictions. Same as for Spain.

SUDAN

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Prohibitions and import restrictions. Arms; coins; articles of gold and silver, precious stones and jewelry. Banknotes of a value less than two Sudanese pounds.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.99; each additional 4 ounces or fraction, 64 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.99	3	12	$10.95	7	4	$19.91
0	8	2.63	4	0	11.59	7	8	20.55
0	12	3.27	4	4	12.23	7	12	21.19
1	0	3.91	4	8	12.87	8	0	21.83
1	4	4.55	4	12	13.51	8	4	22.47
1	8	5.19	5	0	14.15	8	8	23.11
1	12	5.83	5	4	14.79	8	12	23.75
2	0	6.47	5	8	15.43	9	0	24.39
2	4	7.11	5	12	16.07	9	4	25.03
2	8	7.75	6	0	16.71	9	8	25.67
2	12	8.39	6	4	17.35	9	12	26.31
3	0	9.03	6	8	17.99	10	0	26.95
3	4	9.67	6	12	18.63			
3	8	10.31	7	0	19.27			

For rates over 10 pounds, charge $25.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. For the protection of animals or plants: Unseeded cotton.

Arms, etc.: 303 rifles, 380, 450, and 455 revolvers; 8-millimeter Italian guns; toy pistols larger than 3 caliber; all automatic pistols. Parcels containing other firearms or parts must bear on the outside an indication of the contents. See "Import restrictions."

For other reasons: Articles of gold, unless they bear a mark recognized by the Sudan Government.

Paper money.

Cotton thread, not bearing a label or mark clearly indicating the length or weight in accordance with the weights and measures legal in the Sudan.

Carbon paper unless wax-coated and not containing any oxidizable olly or fatty substance and so described on the customs declaration.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements which are to be met by addressees:

Addressees must obtain import licenses for the following:

Live plants (including bulbs), cotton seed, and seeded cotton.

Arms (other than those prohibited), Saccharine and sugar.

Sulphur and products thereof.

Unmanufactured tobacco.

SURINAM

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 24 inches in girth, parcels over 46 inches and up to 4 feet in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Form 2966. One Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.42; each additional 4 ounces or fraction, 33 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.42	3	12	$6.04	7	4	$10.66
0	8	1.75	4	0	6.37	7	8	10.99
0	12	2.08	4	4	6.70	7	12	11.32
1	0	2.41	4	8	7.03	8	0	11.65
1	4	2.74	4	12	7.36	8	4	11.98
1	8	3.07	5	0	7.69	8	8	12.31
1	12	3.40	5	4	8.02	8	12	12.64
2	0	3.73	5	8	8.35	9	0	12.97
2	4	4.06	5	12	8.68	9	4	13.30
2	8	4.39	6	0	9.01	9	8	13.63
2	12	4.72	6	4	9.34	9	12	13.96
3	0	5.05	6	8	9.67	10	0	14.29
3	4	5.38	6	12	10.00			
3	8	5.71	7	0	10.33			

For rates over 10 pounds, charge $13.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Coins, bullion, jewelry, or any other precious article sent as parcel post must be insured.

For general information on insurance see Part 43 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown in § 31.2 of this chapter, apply.

SWAZILAND

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. The articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail, except that diamonds and other precious stones are admitted in registered letter packages.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	3	12	$12.89	7	4	$24.09
0	8	2.49	4	0	13.69	7	8	24.89
0	12	3.29	4	4	14.49	7	12	25.69
1	0	4.09	4	8	15.29	8	0	26.49
1	4	4.89	4	12	16.09	8	4	27.29
1	8	5.69	5	0	16.89	8	8	28.09
1	12	6.49	5	4	17.69	8	12	28.89
2	0	7.29	5	8	18.49	9	0	29.69
2	4	8.09	5	12	19.29	9	4	30.49
2	8	8.89	6	0	20.09	9	8	31.29
2	12	9.69	6	4	20.89	9	12	32.09
3	0	10.49	6	8	21.69	10	0	32.89
3	4	11.29	6	12	22.49			
3	8	12.09	7	0	23.29			

For rates over 10 pounds, charge $32 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Used clothing for sale; used boots and shoes.

Diamonds and precious stones; coins; gold dust or nuggets.

Butane gas cigarette lighters.

Honey and preparations of honey including "royal jelly," preserves sweetened with honey, and flypaper.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressee:

Special permission is needed to import the following:

Deadly weapons including knives having blades 4 inches or more in length, except those normally employed in household use, farming, or meat cutting; also imitation firearms, devices for discharging gas, harpoon guns, and air pistols.

Sera, vaccines and pathogenic cultures for human or veterinary use.

Military equipment including uniforms, altered or not; footwear; blankets; ground sheets; ordnance bags and haversacks.

Cheese of all kinds; yeast; beeswax; rice.

SWEDEN

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Customs clearance of articles of merchandise will be expedited if a commercial invoice, signed by the sender, is enclosed in the package.

Combination mailings as defined in § 22.8(a) of this chapter.

As books, periodicals and newspapers are often subject to import charges, a completed Form 2976 should be affixed when such articles are sent as printed matter. The form should be marked "Gift" in appropriate cases.

Prohibitions. Banknotes and coins, except by authorization of the National Bank of Sweden.

Securities, except through the intermediary of the National Bank of Sweden or certain specially authorized commercial banks.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet 7 inches, provided that parcels exceeding 6 feet in combined length and girth do not exceed 30 inches in length.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, One Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.35; each additional 4 ounces or fraction, 45 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.35	3	12	$7.65	7	4	$13.95
0	8	1.80	4	0	8.10	7	8	14.40
0	12	2.25	4	4	8.55	7	12	14.85
1	0	2.70	4	8	9.00	8	0	15.30
1	4	3.15	4	12	9.45	8	4	15.75
1	8	3.60	5	0	9.90	8	8	16.20
1	12	4.05	5	4	10.35	8	12	16.65
2	0	4.50	5	8	10.80	9	0	17.10
2	4	4.95	5	12	11.25	9	4	17.55
2	8	5.40	6	0	11.70	9	8	18.00
2	12	5.85	6	4	12.15	9	12	18.45
3	0	6.30	6	8	12.60	10	0	18.90
3	4	6.75	6	12	13.05			
3	8	7.20	7	0	13.50			

For rates over 10 pounds, charge $18 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and general information on insurance.

Coin, banknotes, paper money, bullion, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Customs clearance of parcels will be expedited if a commercial invoice, signed by the sender, is enclosed in the parcel.

Prohibitions. The following articles unless addressed to importers authorized by the Swedish authorities:

Firearms and parts thereof; pharmaceutical drugs including bacteriological prepartions; sugar; perfumes and other preparations containing alcohol; tobacco in any form and machines, tools and paper for tobacco manufacture. As an exception, tobacco manufactures not exceeding 35 ounces in any one parcel may be sent as a gift to an individual for personal use.

Articles of gold or silver not complying with Swedish regulations as to fineness.

Banknotes, coins, and securities as indicated under "Postal Union Mails."

Also see § 31.2 of this chapter.

SWITZERLAND (INCLUDING LIECHTENSTEIN)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces, 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.52; each additional 4 ounces or fraction, 43 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.52	3	12	$7.54	7	4	$13.56
0	8	1.98	4	0	7.97	7	8	13.99
0	12	2.38	4	4	8.40	7	12	14.42
1	0	2.81	4	8	8.83	8	0	14.85
1	4	3.24	4	12	9.26	8	4	15.28
1	8	3.67	5	0	9.69	8	8	15.71
1	12	4.10	5	4	10.12	8	12	16.14
2	0	4.53	5	8	10.55	9	0	16.57
2	4	4.96	5	12	10.98	9	4	17.00
2	8	5.39	6	0	11.41	9	8	17.43
2	12	5.82	6	4	11.84	9	12	17.86
3	0	6.25	6	8	12.27	10	0	18.29
3	4	6.68	6	12	12.70			
3	8	7.11	7	0	13.13			

For rates over 10 pounds, charge $17.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, bullion, jewelry or any other precious article sent as parcel post must be insured. Parcels containing the articles mentioned, as well as those containing banknotes or other paper values, must be sealed with wax or lead seals, or with gummed paper tape bearing a distinctive mark or imprint of the sender.

Observations. A letter or card fully prepaid and bearing the same address as that of the parcel may be tied to or otherwise securely attached to the outside of the parcel in such manner as to prevent its separation therefrom and not to interfere with the address of the parcel. Stamps to cover postage on the parcel must be affixed to the wrapper of the parcel. Stamps to pay postage on the letter must be affixed to the envelope thereof; or, in case of a post card, to the address side of the card, preferably the upper right-hand portion. Parcels to which such letters or cards are attached are treated as parcel post.

Prohibitions. All shipments, regardless of weight, containing meat, or meat preparations, must be accompanied by a "certificate of origin and inspection of meats" and comply with other requirements of the Swiss regulations governing the importation of such products.

Articles of precious metal and alloys of such metals must conform to the regulations of the Swiss Government with respect to indications of fineness.

Also see § 31.2 of this chapter.

SYRIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Observations. Mail may be addressed "Syrian Arab Republic" or "Syria". The post office of destination should be written in Arabic if possible, as well as in English.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds, except that parcels addressed to Chahba and Salkhad are limited to 11 pounds, and parcels for Tel-Abiad and Yabroud to 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.57; each additional 4 ounces or fraction, 58 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.57	3	12	$9.09	7	4	$17.81
0	8	2.15	4	0	10.27	7	8	18.39
0	12	2.73	4	4	10.85	7	12	18.97
1	0	3.31	4	8	11.43	8	0	19.55
1	4	3.89	4	12	12.01	8	4	20.13
1	8	4.47	5	0	12.59	8	8	20.71
1	12	5.05	5	4	13.17	8	12	21.29
2	0	5.63	5	8	13.75	9	0	21.87
2	4	6.21	5	12	14.33	9	4	22.45
2	8	6.79	6	0	14.91	9	8	23.03
2	12	7.37	6	4	15.49	9	12	23.61
3	0	7.95	6	8	16.07	10	0	24.19
3	4	8.53	6	12	16.65			
3	8	9.11	7	0	17.23			

For rates over 10 pounds, charge $23.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No service.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, precious metals, jewelry, or any other precious article sent as parcel post must be insured.

Observations. Commercial shipments valued at $55.60 or over require three copies of combined commercial invoice and certificate of origin, which must be certified by a chamber of commerce or similar organization and legalized by a Syrian consulate. Gift shipments regardless of value and commercial shipments valued at less than $55.60 are exempt from the requirement.

Parcels may be addressed "Syrian Arab Republic" or "Syria." The post office of destination should be written in Arabic if possible, as well as in English.

Prohibitions. For reasons of sanitary policy: Margarine and other kinds of artificial butter, and materials for its manufacture.

State monopolies, etc.: Cigarette paper and machines for manufacturing tobacco or cigarettes (knives, choppers, etc.).

Salt.

For other reasons: Soap, except shaving soap.

Footwear of all kinds, except wool stockings.

High frequency radio receivers (above 100 megacycles).

Television equipment.

Essences, essential oils, and all chemical products derived therefrom intended or suitable for use in the manufacture of false or imitated alcoholic beverages; essences and aromas for the manufacture of mineral waters, ices, and pastries.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees are required to obtain import licenses for gift parcels exceeding 200 Syrian pounds ($90.50) in value, and for all commercial parcels.

Specail permission is required for the importation of the following:

Sporting guns.

Cigarettes, cigars, leaf tobacco and tumbeki.

TANZANIA (TANGANYIKA, ZANZIBAR, PEMBA AND ADJACENT ISLANDS)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail, except that registered letters and letter packages may contain coins up to 100 shillings ($12) in value, banknotes, coupons, values payable to bearer, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry or other precious articles.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.90; each additional 4 ounces or fraction, 73 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.90	3	12	$12.12	7	4	$22.34
0	8	2.63	4	0	12.85	7	8	23.07
0	12	3.36	4	4	13.58	7	12	23.80
1	0	4.09	4	8	14.31	8	0	24.53
1	4	4.82	4	12	15.04	8	4	25.26
1	8	5.55	5	0	15.77	8	8	25.99
1	12	6.28	5	4	16.50	8	12	26.72
2	0	7.01	5	8	17.23	9	0	27.45
2	4	7.74	5	12	17.96	9	4	28.18
2	8	8.47	6	0	18.69	9	8	28.91
2	12	9.20	6	4	19.42	9	12	29.64
3	0	9.93	6	8	20.15	10	0	30.37
3	4	10.66	6	12	20.88			
3	8	11.39	7	0	21.61			

For rates over 10 pounds, charge $29.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Military or civil uniforms and clothing resembling them, except by authorization of the Tanzania Government.

Used clothing, bedding and similar articles for sale, unless accompanied by a certificate of disinfection.

Rat poison, unless a permit has been issued by the Tanzania Ministry of Health.

Distilling apparatus, unless a permit has been issued by the customs authorities of Tanzania.

Arms, including airguns, safety pistols, toy guns, gas pistols, and parts of the foregoing; articles resembling deadly weapons or capable of being converted into them, except by authorization of the Tanzania police.

Articles bearing false markings or accompanied by false guarantees.

Publications relating to sex or birth control, unless a permit has been issued by the customs authorities of Tanzania.

Radioactive materials.

Coins, banknotes, coupons, values payable to bearer, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry or other precious articles. The foregoing, except for coins over 100 shillings ($12) in value, are admitted in registered letters and letter packages only.

Also see § 31.2 of this chapter.

Import restrictions. Many types of merchandise require authorization to import which the addressees must obtain from the Ministry of Commerce and Cooperatives at Dar-es-Salaam. Mailers should assure themselves that the addressees have such a permit or can obtain one if needed.

THAILAND

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.08; each additional 4 ounces or fraction, 74 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz	Rate
0	4	$2.08	3	12	$12.44	7	4	$22.80
0	8	2.82	4	0	13.18	7	8	23.54
0	12	3.56	4	4	13.92	7	12	24.28
1	0	4.30	4	8	14.66	8	0	25.02
1	4	5.04	4	12	15.40	8	4	25.76
1	8	5.78	5	0	16.14	8	8	26.50
1	12	6.52	5	4	16.88	8	12	27.24
2	0	7.26	5	8	17.62	9	0	27.98
2	4	8.00	5	12	18.36	9	4	28.72
2	8	8.74	6	0	19.10	9	8	29.46
2	12	9.48	6	4	19.84	9	12	30.20
3	0	10.22	6	8	20.58	10	0	30.94
3	4	10.96	6	12	21.32			
3	8	11.70	7	0	22.06			

For rates over 10 pounds, charge $29.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. Only parcels addressed to Bangkok and Dhonburi may be insured. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, securities payable to bearer, precious metals, jewelry or any other precious article sent as parcel post must be insured.

Prohibitions. Firearms, airguns, and their accessories, except by special authorization from the Government; however, toy airguns for children, as well as firearms and airguns kept exclusively as curios, may be imported without formalities.

Also see § 31.2 of this chapter.

TOGO

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Available to Lomé only. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Paper money and values payable to bearer are admitted in registered letters only.

Coins; manufactured or unmanufactured platinum, gold, and silver; precious stones, jewelry, and other precious articles are prohibited.

Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.64; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.64	3	12	$10.04	7	4	$18.44
0	8	2.24	4	0	10.64	7	8	19.04
0	12	2.84	4	4	11.24	7	12	19.64
1	0	3.44	4	8	11.84	8	0	20.24
1	4	4.04	4	12	12.44	8	4	20.84
1	8	4.64	5	0	13.04	8	8	21.44
1	12	5.24	5	4	13.64	8	12	22.04
2	0	5.84	5	8	14.24	9	0	22.64
2	4	6.44	5	12	14.84	9	4	23.24
2	8	7.04	6	0	15.44	9	8	23.84
2	12	7.64	6	4	16.04	9	12	24.44
3	0	8.24	6	8	16.64	10	0	25.04
3	4	8.84	6	12	17.24			
3	8	9.44	7	0	17.84			

For rates over 10 pounds, charge $24 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. The postal authorities of Togo collect domestic postage from the addressees.

Prohibitions. For reasons of public safety: Poniards, sword-canes, loaded canes, brass knuckles, blackjacks, and all other arms for offense.

For sanitary reasons: Saccharine and similar products.

Medical thermometers not bearing the stamp of the Laboratory of Arts and Crafts.

Retorts and other apparatus suitable for the distillation of alcohols.

Arms, etc.: Arms, munitions, and war material. Hunting arms are admitted subject to previous authorization.

State monopolies, etc.: Weights and measures other than those of the decimal metric system. Foreign silver coins.

For other reasons: Articles with false marks of origin.

Also see § 31.2 of this chapter.

TONGA (FRIENDLY) ISLANDS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.48; each additional 4 ounces or fraction, 59 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.48	3	12	$9.74	7	4	$18.00
0	8	2.07	4	0	10.33	7	8	18.59
0	12	2.66	4	4	10.92	7	12	19.18
1	0	3.25	4	8	11.51	8	0	19.77
1	4	3.84	4	12	12.10	8	4	20.36
1	8	4.43	5	0	12.69	8	8	20.95
1	12	5.02	5	4	13.28	8	12	21.54
2	0	5.61	5	8	13.87	9	0	22.13
2	4	6.20	5	12	14.46	9	4	22.72
2	8	6.79	6	0	15.05	9	8	23.31
2	12	7.38	6	4	15.64	9	12	23.90
3	0	7.97	6	8	16.23	10	0	24.49
3	4	8.56	6	12	16.82			
3	8	9.15	7	0	17.41			

For rates over 10 pounds, charge $23.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter apply.

TRINIDAD AND TOBAGO

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.51; each additional 4 ounces or fraction, 28 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.51	3	12	$5.43	7	4	$9.35
0	8	1.79	4	0	5.71	7	8	9.63
0	12	2.07	4	4	5.99	7	12	9.91
1	0	2.35	4	8	6.27	8	0	10.19
1	4	2.63	4	12	6.55	8	4	10.47
1	8	2.91	5	0	6.83	8	8	10.75
1	12	3.19	5	4	7.11	8	12	11.03
2	0	3.47	5	8	7.39	9	0	11.31
2	4	3.75	5	12	7.67	9	4	11.59
2	8	4.03	6	0	7.95	9	8	11.87
2	12	4.31	6	4	8.23	9	12	12.15
3	0	4.59	6	8	8.51	10	0	12.43
3	4	4.87	6	12	8.79			
3	8	5.15	7	0	9.07			

For rates over 10 pounds, charge $11.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $120	.65

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured, in U.S. currency and in gold francs, in the following form:

INSURED VALUE

$120.00 (U.S.)

360.00 GOLD FRANCS

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. Disguised firearms, switchblade knives (also known as "flick knives"), and sword-canes. Other arms require the permission of the Trinidad police authorities.

Carbon paper unless coated with wax and containing no oxidizable, oily or fatty substance, and so described on the customs declaration.

Saccharine, except with the permission of the Trinidad health authorities.

Uncooked pork including ham and bacon, and all uncooked pork products.

Coins exceeding £5 ($14) in value, except old coins intended as ornaments.

Also see § 31.2 of this chapter.

TRISTAN DA CUNHA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter, apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.80; each additional 4 ounces or fraction, 76 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.80	3	12	$12.44	7	4	$23.08
0	8	2.56	4	0	13.20	7	8	23.84
0	12	3.32	4	4	13.96	7	12	24.60
1	0	4.08	4	8	14.72	8	0	25.36
1	4	4.84	4	12	15.48	8	4	26.12
1	8	5.60	5	0	16.24	8	8	26.88
1	12	6.36	5	4	17.00	8	12	27.64
2	0	7.12	5	8	17.76	9	0	28.40
2	4	7.88	5	12	18.52	9	4	29.16
2	8	8.64	6	0	19.28	9	8	29.92
2	12	9.40	6	4	20.04	9	12	30.68
3	0	10.16	6	8	20.80	10	0	31.44
3	4	10.92	6	12	21.56			
3	8	11.68	7	0	22.32			

For rates over 10 pounds, charge $30.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. The parcels are forwarded to the Republic of South Africa and thence to Tristan da Cunha as opportunity offers.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

TRUCIAL STATES [INCLUDING ABU DHABI, DUBAI AND SHARJAH]

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter. No service to Sharjah.

Prohibitions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 65 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.54	3	12	$10.64	7	4	$19.74
0	8	2.19	4	0	11.29	7	8	20.39
0	12	2.84	4	4	11.94	7	12	21.04
1	0	3.49	4	8	12.59	8	0	21.69
1	4	4.14	4	12	13.24	8	4	22.34
1	8	4.79	5	0	13.89	8	8	22.99
1	12	5.44	5	4	14.54	8	12	23.64
2	0	6.09	5	8	15.19	9	0	24.29
2	4	6.74	5	12	15.84	9	4	24.94
2	8	7.39	6	0	16.49	9	8	25.59
2	12	8.04	6	4	17.14	9	12	26.24
3	0	8.69	6	8	17.79	10	0	26.89
3	4	9.34	6	12	18.44			
3	8	9.99	7	0	19.09			

For rates over 10 pounds, charge $26. for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.75

SEVENTY-SIX DOLLARS AND SEVENTY-FIVE CENTS

Coins, bullion, precious stones, and any article of gold, silver, or platinum sent as parcel post must be insured. Parcels containing jewelry must not have a value exceeding $100.

The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

For general information on insurance, see 43 of this chapter.

Prohibitions. Arms and parts thereof. Cultivated, imitation, artificial, or bleached pearls.

Coins and gold ingots exceeding £5 ($14) in value, except coins declared to be intended as ornaments. Silver ingots or partially worked silver exceeding £20 ($56) in value.

Carbon paper, oilskins, and similar goods are subject to the conditions applicable to such articles for Great Britain.

Also see § 31.2 of this chapter.

TUNISIA

Postal Union Mail

Classifications weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if

accompanied by a permit issued by the Tunisian exchange-control authorities, or if imported by a bank.

Coins, manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.66; each additional 4 ounces or fraction, 47 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.66	3	12	$8.24	7	4	$14.82
0	8	2.13	4	0	8.71	7	8	15.29
0	12	2.60	4	4	9.18	7	12	15.76
1	0	3.07	4	8	9.65	8	0	16.23
1	4	3.54	4	12	10.12	8	4	16.70
1	8	4.01	5	0	10.59	8	8	17.17
1	12	4.48	5	4	11.06	8	12	17.64
2	0	4.95	5	8	11.53	9	0	18.11
2	4	5.42	5	12	12.00	9	4	18.58
2	8	5.89	6	0	12.47	9	8	19.05
2	12	6.36	6	4	12.94	9	12	19.52
3	0	6.83	6	8	13.41	10	0	19.99
3	4	7.30	6	12	13.88			
3	8	7.77	7	0	14.35			

For rates over 10 pounds, charge $18.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. For reasons of public safety: Saccharine and similar products, except in very small amounts imported as remedies by pharmacists or physicians.

For sanitary reasons: Nursing bottles, nipples, and pacifiers which are not made of pure rubber and marked accordingly, and vulcanized by heat.

Arms, etc.: Arms of all kinds, except that hunting and commercial arms may be imported with authorization of the Director of Public Safety.

State monopolies, etc.: Playing cards.

Tobacco, except that manufactured tobaccos, cigars, and cigarettes for personal use of the importer may be admitted up to 10 kilograms per year, subject to authorization of the Tunisian revenue authorities.

For other reasons: Salt for private use. Copper coins and obsolete silver coins.

The following are among the articles prohibited for the protection of Tunisian industry: Aspirin, sulfa drugs, and vitamin compounds; chalk; pencils; soap and detergents containing it; leather and articles of artificial leather; carpets, tapestries, and bed coverings; footwear of rubber or plastic; hosiery of cotton or synthetic fibers, except women's stockings; jewelry made of precious metal or plated with it; household articles of galvanized iron, galvanized steel or aluminum; nonelectric cooking and heating applicances for household use.

Also see § 31.2 of this chapter.

TURKEY

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents by return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Coins; values payable to bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. (However, registered letters may contain paper money.)

Stocks, bonds, and coupons, unless addressed to the Central Bank of the Turkish Republic, require the authorization from the Turkish exchange control authorities.

Turkish money, as well as checks and drafts expressed in Turkish money, require authorization from the Ministry of Finance. If imported without advance permission, such remittances are liable to confiscation.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.44; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.44	3	12	$9.00	7	4	$16.56
0	8	1.98	4	0	9.54	7	8	17.10
0	12	2.52	4	4	10.08	7	12	17.64
1	0	3.06	4	8	10.62	8	0	18.18
1	4	3.60	4	12	11.16	8	4	18.72
1	8	4.14	5	0	11.70	8	8	19.26
1	12	4.68	5	4	12.24	8	12	19.80
2	0	5.22	5	8	12.78	9	0	20.34
2	4	5.76	5	12	13.32	9	4	20.88
2	8	6.30	6	0	13.86	9	8	21.42
2	12	6.84	6	4	14.40	9	12	21.96
3	0	7.38	6	8	14.94	10	0	22.50
3	4	7.92	6	12	15.48			
3	8	8.46	7	0	16.02			

For rates over 10 pounds, charge $21.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper near the "Insured" endorsement and number the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, bank notes, currency notes, securities payable to bearer, platinum, gold or silver (manufactured or unmanufactured), precious stones, jewels, or other precious articles sent as parcel post must be insured.

Observations. The value and net weight of each kind of article or goods must be shown on the customs declarations, also the country of origin of the merchandise.

Each commercial parcel for Turkey must have enclosed a combined certificate of origin and consular invoice, which must be certified by a chamber of commerce or other trade organization or by a notary public, and be legalized by a

Turkish consul. Each commercial shipment of printed matter, such as books, newspapers, or magazines, must likewise be accompanied by an invoice and, except in the case of daily newspapers, by a certificate of origin also.

Prohibitions. For sanitary reasons: Used bedding, linens, clothing, carpets, empty sacks, etc., not accompanied by a certificate of origin attesting their disinfection.

Saccharine and similar substances, except in small quantities for scientific and medical use.

Quinine, its derivatives and salts, as well as other medicaments for fever, neosalvarsan and similar compounds unless addressed to the Red Crescent Association.

Clinical thermometers must be accompanied by an official certificate of inspection.

Arms, munitions, etc.: Saltpeter, empty cartridges.

Arms and munitions of war and their accessories.

Secret and prohibited arms (poniards, bayonets, sword canes, air guns, etc.).

Gas masks and all other material for protection against gas, unless addressed to the Red Crescent Association.

State monopolies, etc.: Salt.

The following may be imported only by the Monopoly Administration: Tobacco and its products; cigarette paper and apparatus for making cigarettes; tobacco seed; tea; playing cards other than children's games.

For other reasons: Military goods (other than those imported by the Government).

Containers bearing names or trademarks of foreign firms.

Tablets of acetylsalicylic acid (American brands).

Silver coins and all foreign coins (except gold coins and ancient coins for collections).

Calculating machines, unless imported by the Government.

Glasses magnifying more than eight times, unless ordered by the Government.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Import licenses must be obtained for many types of merchandise, and others are subject to import quotas.

The permission of the competent Turkish authorities is required for the importation of pharmaceutical specialties, except small quantities for medical or veterinary use or samples for physicians; also for remedies and equipment to be used in combating plant diseases.

TURKS ISLANDS (INCLUDING CAICOS ISLANDS)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. Combination mailings as defined in § 22.8(a) of this chapter are accepted.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 21.3 of this chapter apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.43; each additional 4 ounces or fraction, 20 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.43	3	12	$4.23	7	4	$7.03
0	8	1.63	4	0	4.43	7	8	7.23
0	12	1.83	4	4	4.63	7	12	7.43
1	0	2.03	4	8	4.83	8	0	7.63
1	4	2.23	4	12	5.03	8	4	7.83
1	8	2.43	5	0	5.23	8	8	8.03
1	12	2.63	5	4	5.43	8	12	8.23
2	0	2.83	5	8	5.63	9	0	8.43
2	4	3.03	5	12	5.83	9	4	8.63
2	8	3.23	6	0	6.03	9	8	8.83
2	12	3.43	6	4	6.23	9	12	9.03
3	0	3.63	6	8	6.43	10	0	9.23
3	4	3.83	6	12	6.63			
3	8	4.03	7	0	6.83			

For rates over 10 pounds, charge $8 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee, 80 cents. There is no provision for indemnity. (See Part 42 and § 72.2(b)(4) of this chapter.)

Insurance. No provision.

Prohibitions. Firearms, except under permit. Bees, leeches, and silkworms.

Also see § 31.2 of this chapter.

UGANDA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail, except that registered letters and letter packages may contain coins up to 100 shillings ($12) in value, banknotes, coupons, values payable to bearer, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, or other precious articles.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces or fraction, 69 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.86	3	12	$11.52	7	4	$21.18
0	8	2.55	4	0	12.21	7	8	21.87
0	12	3.24	4	4	12.90	7	12	22.56
1	0	3.93	4	8	13.59	8	0	23.25
1	4	4.62	4	12	14.28	8	4	23.94
1	8	5.31	5	0	14.97	8	8	24.63
1	12	6.00	5	4	15.66	8	12	25.32
2	0	6.69	5	8	16.35	9	0	26.01
2	4	7.38	5	12	17.04	9	4	26.70
2	8	8.07	6	0	17.73	9	8	27.39
2	12	8.76	6	4	18.42	9	12	28.08
3	0	9.45	6	8	19.11	10	0	28.77
3	4	10.14	6	12	19.80			
3	8	10.83	7	0	20.49			

For rates over 10 pounds, charge $27.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Military or civil uniforms and clothing resembling them, except by authorization of the Uganda government.

Used clothing, bedding and similar articles for sale, unless accompanied by a certificate of disinfection.

Arms, including airguns, safety pistols, gas pistols, toy guns, parts of the foregoing, and articles resembling deadly weapons or capable of being converted into them, except by police permit. Switchblade knives.

Radioactive materials.

Articles bearing false markings or accompanied by false guarantees.

Publications relating to sex or birth control, unless a permit has been issued by the customs authorities of Uganda.

Coins, banknotes, coupons, values payable to bearer, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry or other precious articles. The foregoing, except coins over 100 shillings ($12) in value, are admitted in registered letters and letter packages only.

Also see § 31.2 of this chapter.

Import restrictions. Many types of merchandise require authorization to import which the addressee must obtain from the Ministry of Commerce and Industry at Kampala. Mailers should assure themselves that the addressees have such permits or can obtain them if needed.

UNION OF SOVIET SOCIALIST REPUBLICS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Articles at the printed matter rate addressed to individuals require an import license in some cases. It is forbidden to add marks to printed matter for correction of errors in printing or to emphasize certain passages. Not more than two copies of any book or issue of a periodical may be sent in a package.

Each small packet must have enclosed two Forms 2976–A listing the contents in detail, and also have affixed Form 2976 or the upper portion thereof.

Prohibitions and import restrictions. Currency, bonds and coupons of the Union of Soviet Socialist Republics. Currency of other countries is handed over by the postal service to branches of the State Bank of the U.S.S.R., by whom payment is made to the addressee.

Checks, drafts, and foreign obligations, except in accordance with the regulations of the State Bank of the Union of Soviet Socialist Republics.

Postage stamps, canceled or not; philatelic collections; obsolete bonds or bills of exchange addressed to private individuals. Match-box labels for collectors, if more than one of a kind is sent, without a permit from the Ministry of Foreign Trade.

Dutiable articles in letter packages; also perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, Two Forms 2966, One Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.81; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.81	3	12	$10.21	7	4	$18.61
0	8	2.41	4	0	10.81	7	8	19.21
0	12	3.01	4	4	11.41	7	12	19.81
1	0	3.61	4	8	12.01	8	0	20.41
1	4	4.21	4	12	12.61	8	4	21.01
1	8	4.81	5	0	13.21	8	8	21.61
1	12	5.41	5	4	13.81	8	12	22.21
2	0	6.01	5	8	14.41	9	0	22.81
2	4	6.61	5	12	15.01	9	4	23.41
2	8	7.21	6	0	15.61	9	8	24.01
2	12	7.81	6	4	16.21	9	12	24.61
3	0	8.41	6	8	16.81	10	0	25.21
3	4	9.01	6	12	17.41			
3	8	9.61	7	0	18.01			

For rates over 10 pounds, charge $24 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U. S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Show the insured value in U.S. currency (figures only) in the appropriate space on the dispatch note (Form 2972).

See Part 43 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles must not be accepted for mailing as parcel post unless they are insured.

Observations. Parcels must not be closed by means of metal bands or metal straps.

Prohibitions. Military firearms.

Printed matter, pictures, films, recordings, etc., which are contrary to the interests of the U.S.S.R.

Toys and games of militaristic nature, including those resembling pistols and other firearms.

Soviet currency and government bonds.

Postage stamps, cancelled or not, and philatelic collections.

Seeds, grain and legumes suitable for planting.

Foods and beverages in glass or hermetically sealed containers.

Medicines, vitamins and chewing gum.

Used clothing, linen and footwear.

Yard goods (cloth or plastic).

Thread, all kinds.

Photographic equipment.

Watches.

Radio and television receivers and parts thereof.

Motion picture films, developed or not.

Recording tapes, used or not.

Magnetic bracelets.

All parcels containing meat or any meat products, as well as smoked meats, sausages, and other mixtures of meat prepared by means of heat, must have an official veterinary certificate enclosed. Certificates can be obtained by submitting the meat to one of the inspection stations of the Meat Inspection Division, U.S. Department of Agriculture, located in principal cities. Inquiries on the subject may be addressed to the Meat Inspection Division, Department of Agriculture, Washington, D.C. 20250. Parcels containing meat should not be accepted for mailing unless the sender states that the required certificate is enclosed.

Import restrictions. Addressees are required to obtain import licenses for all parcels, except gifts for the addressees personal use consisting solely of articles shown in the following list and not exceeding the maximum quantities indicated. Customs duty is regularly assessed on the contents of parcels, even if no import license is required.

Commodities admitted	Maximum quantities
Medical thermometers, eyeglass lenses, eyeglasses and frames, prosthetic devices, orthopedic corsets, hearing aids, etc.	One of each.
Hand tools	One of each kind.
Photographic articles except films	1 article or 1 set.
Coffee, cocoa, chicory	4 lbs. 6 oz.
Tea	7 oz.
Spices, all kinds	3½ oz.
Foodstuffs, not in glass or hermetically sealed	4 lbs. 6 oz. of each kind.
Tobacco (except leaf) and tobacco products	2 lbs. 3 oz.
Overcoats and dresses (new)	One of each.
Shirts and blouses (new)	One of each.
Underwear (new)	Three sets.
Bed and table linen (new)	Two sets.
Stockings, socks (new)	Six pairs of each kind.
Headwear (including shawls) (new)	One.
Blinds, curtains, etc.	Three sets.
Gloves, all kinds (new)	One pair.
Briefcases and handbags	One item.
Other articles of haberdashery	2 items or sets.
Footwear (new)	Two pairs.
Tablewear	11 lbs.
Perfumes and cosmetics, all kinds	1 lb. or 1 set.
Soap and toilet articles	4 lbs. 6 oz.
Household articles (including electric appliances)	One article.
Printed matter (books and periodicals), manuscripts, etc.	1 copy of each.
Miniature graphics (cards, labels, etc.)	1 of each, but not more than 10 in all.
Disk recordings	12.
Musical instruments	One.
Hunting and sporting equipment (except firearms)	1 article or 1 set.
Toys, games and Christmas tree decorations	2 articles or 2 sets.
Office supplies and stationery	1 article or 1 set.
Miscellaneous small items (pens, pencils, etc.)	5 articles or 1 set.
Gold, silver or platinum articles	Unlimited.
Plastic manufactured items; window curtains, blinds, tablecloths, etc.	1 lb.

Articles which are prohibited or restricted in the postal union mail are prohibited or restricted by parcel post.

Also see § 31.2 of this chapter.

UNITED ARAB REPUBLIC (EGYPT)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Mail should be addressed "United Arab Republic", without the name "Egypt".

Small packets must have enclosed Form 2976–A listing contents and value, and also have affixed Form 2976 or the upper portion thereof.

See Parcel Post Observations for import license regulations, which apply also to merchandise sent by postal union mail.

Mailers shall be warned that it is a practice of the authorities in the United Arab Republic to impose a fine whenever any postal union article is found to contain an item of commercial value and no green customs label, Form 2976, is attached to the cover or wrapper.

When a fine is imposed and the article is refused by the addressee, it is subject to seizure and will be released for return to origin only if the fine is paid in advance by the sender.

Prohibitions and import restrictions. Bees and silkworms; also parasites and predators of injurious insects.

Tobacco, cigars, and cigarettes of any kind are not admitted as samples.

Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles. Remittances of currency other than Egyptian are not delivered but the addressees are offered the equivalent in Egyptian money at the official rate.

Perishable biological materials. Radioactive materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.47; each additional 4 ounces or fraction, 58 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.47	3	12	$9.59	7	4	$17.71
0	8	2.05	4	0	10.17	7	8	18.30
0	12	2.63	4	4	10.75	7	12	18.87
1	0	3.21	4	8	11.33	8	0	19.45
1	4	3.79	4	12	11.91	8	4	20.03
1	8	4.37	5	0	12.49	8	8	20.61
1	12	4.95	5	4	13.07	8	12	21.19
2	0	5.53	5	8	13.65	9	0	21.77
2	4	6.11	5	12	14.23	9	4	22.35
2	8	6.69	6	0	14.81	9	8	22.93
2	12	7.27	6	4	15.39	9	12	23.51
3	0	7.85	6	8	15.97	10	0	24.09
3	4	8.43	6	12	16.55			
3	8	9.01	7	0	17.13			

For rates over 10 pounds, charge $23.20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No service.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	0.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, precious metals, jewelry, or any other precious article sent as parcel post must be insured.

Observations. Parcels should be addressed "United Arab Republic", without the name "Egypt".

An invoice must be enclosed in each parcel or one parcel of each group. In the latter case, the other parcels of the consignment must be marked accordingly.

Care should be taken in the preparation of customs declarations, as the authorities in the United Arab Republic may impose a fine when the weight or quantity of any item is found to differ by more than 5 percent from the declaration.

All merchandise imported into the United Arab Republic requires an import permit to be obtained by the addressee, except for the following: Gifts and articles for personal use; books, magazines, and scientific bulletins; postage stamps; advertising matter for steamship and air lines for their own use; repair parts, equipment and supplies for steamships and airplanes.

For merchandise other than the categories listed above, the addressee must obtain an import permit before the goods are sent, and inform the sender of the permit number. The sender must place this number on the wrapper, dispatch note and customs declaration. Otherwise the packages will be liable to confiscation in the United Arab Republic.

Parcel post and postal union mail packages are not to be accepted for mailing to the United Arab Republic unless the sender has marked the wrapper "U.A.R. Import Permit Not Required" or "U.A.R. Import Permit No. _____" with the appropriate number. In the case of parcel post, the number must be placed also on the dispatch note and customs declaration.

Prohibitions. For sanitary reasons: Chalk for children's games, unless plainly marked "Poison" on the box, in Arabic and in another language, with directions for use (in two versions, one in Arabic and the other in another language), warning children not to put the chalk in their mouths.

Shaving brushes, as well as hair or bristles serving for their manufacture, unless accompanied by a certificate attesting that they have been disinfected and are free of all anthrax microbes.

Arms, etc.: .303-caliber rifles.

For other reasons: Articles of gold and silver, unless they bear an acceptable mark indicating their fineness.

Cotton thread and yarn, unless each unit bears a clear indication of the length in yards or meters or the actual weight in pounds, kilograms or okas.

Cotton cloth, unless folded in uniform lengths, with each piece marked to show the exact length.

Phonograph records of quotations from the Koran.

Electric lamps, unless they bear the name of the country of manufacture in raised, sunken or indelible letters.

Boxes of manufactured tobacco must bear a specific band showing the name of the importer, applied as prescribed by the Customs.

Compound medicaments and pharmaceutical specialties prepared for retail sale must have the selling price to the public marked on each unit.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Pharmaceutical specialties require the approval of the Ministry of Public Health.

The authorization of the Ministry of Agriculture is required for the importation of the following:

Fungicides and insecticides; bees, silkworks; paratites and predators of injurious insects intended for the control of such insects and exchanged between officially-recognized institutions.

The consent of the Ministry of Public Safety is required for the importation of the following:

Arms, other than those of .303 caliber which are prohibited.

Copies of the Koran and other Moslem religious books.

The consent of the Ministry of Interior must be obtained for the importation of phonograph records of Arabic songs, and for exposed motion-picture films (developed or not) except those addressed to members of the Diplomatic Corps.

Sticks of wood intended for the manufacture of matches or match boxes may be imported only with the consent of the Customs.

See Observations for import license requirement.

UPPER VOLTA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces of fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fraction, 55 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	3	12	$9.43	7	4	$17.13
0	8	2.26	4	0	9.96	7	8	17.68
0	12	2.83	4	4	10.53	7	12	18.23
1	0	3.38	4	8	11.08	8	0	18.78
1	4	3.93	4	12	11.63	8	4	19.33
1	8	4.48	5	0	12.18	8	8	19.88
1	12	5.03	5	4	12.73	8	12	20.43
2	0	5.58	5	8	13.28	9	0	20.98
2	4	6.13	5	12	13.83	9	4	21.53
2	8	6.68	6	0	14.38	9	8	22.08
2	12	7.23	6	4	14.93	9	12	22.63
3	0	7.78	6	8	15.48	10	0	24.18
3	4	8.33	6	12	16.03			
3	8	8.88	7	0	16.58			

For rates over 10 pounds, charge $22 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fee.

Registration. No provision.

Insurance. No provision.

Observations. The postal authorities of Upper Volta collect domestic postage from the addressees.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

URUGUAY

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles of gold or silver, precious stones, jewelry, or other precious articles. Paper money, coins and values payable to bearer.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces or fraction, 56 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.86	3	12	$9.70	7	4	$17.54
0	8	2.42	4	0	10.26	7	8	18.10
0	12	2.98	4	4	10.82	7	12	18.66
1	0	3.54	4	8	11.38	8	0	19.22
1	4	4.10	4	12	11.94	8	4	19.78
1	8	4.66	5	0	12.50	8	8	20.34
1	12	5.22	5	4	13.06	8	12	20.90
2	0	5.78	5	8	13.62	9	0	21.46
2	4	6.34	5	12	14.18	9	4	22.02
2	8	6.90	6	0	14.74	9	8	22.58
2	12	7.46	6	4	15.30	9	12	23.14
3	0	8.02	6	8	15.86	10	0	23.70
3	4	8.58	6	12	16.42			
3	8	9.14	7	0	16.98			

For rates over 10 pounds, charge $22.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. A commercial invoice must be enclosed in each parcel, and the wrapper must be marked "Invoice enclosed". A copy of the invoice must be sent by air mail direct to the addressee. For gift parcels, the commercial invoice may consist of a simple statement showing the names of the sender and addressee with an indication that the parcel contains a gift with no charge involved.

Prohibitions. Used clothing, unless accompanied by a certificate of disinfection. A notarized statement from a commercial firm that the articles have been disinfected or dry cleaned will be accepted for the purpose. Gold or silver coins, except old coins intended for collections, which may be imported up to the maximum number of 10 in each parcel.

Firearms.

Also see § 31.2 of this chapter.

VATICAN CITY STATE

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins, banknotes, and paper money; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. Perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 46 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.54	3	12	$7.98	7	4	$14.42
0	8	2.00	4	0	8.44	7	8	14.88
0	12	2.46	4	4	8.90	7	12	15.34
1	0	2.92	4	8	9.36	8	0	15.80
1	4	3.38	4	12	9.82	8	4	16.26
1	8	3.84	5	0	10.28	8	8	16.72
1	12	4.30	5	4	10.74	8	12	17.18
2	0	4.76	5	8	11.20	9	0	17.64
2	4	5.22	5	12	11.66	9	4	18.10
2	8	5.68	6	0	12.12	9	8	18.56
2	12	6.14	6	4	12.58	9	12	19.02
3	0	6.60	6	8	13.04	10	0	19.48
3	4	7.06	6	12	13.50			
3	8	7.52	7	0	13.96			

For rates over 10 pounds, charge $18.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter, apply.

VENEZUELA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins, banknotes, paper money, or any instruments of value payable to bearer.

Dutiable articles in letter packages; also perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.72; each additional 4 ounces or fraction, 26 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.72	3	12	$5.36	7	4	$9.00
0	8	1.96	4	0	5.62	7	8	9.26
0	12	2.24	4	4	5.88	7	12	9.52
1	0	2.50	4	8	6.14	8	0	9.78
1	4	2.76	4	12	6.40	8	4	10.04
1	8	3.02	5	0	6.66	8	8	10.30
1	12	3.28	5	4	6.92	8	12	10.56
2	0	3.54	5	8	7.18	9	0	10.82
2	4	3.80	5	12	7.44	9	4	11.08
2	8	4.06	6	0	7.70	9	8	11.34
2	12	4.32	6	4	7.96	9	12	11.60
3	0	4.58	6	8	8.22	10	0	11.86
3	4	4.84	6	12	8.48			
3	8	5.10	7	0	8.74			

For rates over 10 pounds, charge $10.40 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Observations. To meet the requirements of Venezuelan customs regulations and avoid penalties against the addressees, complete customs declarations (Form 2966) carefully, giving particular attention to the following:

1. If a parcel contains articles of different kinds, show the exact quantity of each kind, with complete descriptions and individual weights. Give descriptions if possible in the exact terminology of the Venezuelan customs tariff with the tariff item numbers, or you may use the ordinary commercial descriptions of the goods with complete descriptions of the materials of which they are made and the intended use. Also show the value of each kind of article and the total value. Show the country of origin of the goods; a brief statement such as "Product of U.S.A." is sufficient.

2. Give the weight of each article in kilograms or other metric units. This weight must include the immediate container or the spool or board which holds the goods, as well as the goods themselves. Also give the net weight and gross weight of the entire parcel in kilograms or other metric units.

Fines are imposed when the net weights vary more than 3 percent from those stated on the customs declarations, or when the customs declarations are not complete or do not show the proper classification of the merchandise.

After the arrival of parcels in Venezuela each addressee is contacted in order to ascertain whether he desires to accept the parcel. If the addressee refuses the parcel it is treated as undeliverable and disposed of in accordance with the instructions of the sender, but if the addressee accepts the parcel it is then submitted for customs treatment. After customs treatment the addressee must either take delivery of the parcel or surrender it to the Venezuelan customs authorities, since parcels which have been accepted by the addressees cannot be considered as abandoned for purposes of retransmission.

Prohibitions. For sanitary reasons: Pharmaceutical specialties not authorized by the Minister of Health, Agriculture, and Boviculture.

Tomatoes, tomato sauce, and foods containing tomato sauce in metal containers.

Frozen, dried, and salted meats except frozen birds and sea food.

Certificates of origin are required for meat, fish, and preserved foodstuffs.

Saccharin and similar substances, except in small amounts if a permit is obtained in advance from the Minister of Health, Agriculture, and Boviculture.

For the protection of animals: Uncooked pork, including ham and bacon, and all uncooked pork products, unless accompanied by an inspection certificate issued by the U.S. Agriculture Department to the effect that the meat or products have been treated by heat of at least 156° F.

Arms, etc.: Guns which are not considered as hunting arms; daggers and swords; knives and cutlasses not for domestic, industrial, or agricultural use.

Import permits are required for hunting arms and material.

War material may be imported only by the National Government.

For other reasons: Cigarette papers.

Copper, nickel, and silver coins may be imported only by collectors with the permission of the Venezuelan Ministry of Finance.

Telegraphic, telephonic, or radiotelegraphic apparatus, except by special permission of the Ministry of Fomento.

Shoes and footwear in general, except bathing and ballet shoes, unless the addressee obtains an import permit from the Venezuelan authorities.

Also see § 31.2 of this chapter.

VIETNAM

I. Republic of Vietnam (South Vietnam)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum idemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.09; each additional 4 ounces or fraction, 82 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.09	3	12	13.57	7	0	24.23
0	8	2.91	4	0	14.39	7	4	25.06
0	12	3.73	4	4	15.21	7	8	25.87
1	0	4.55	4	8	16.03	7	12	26.69
1	4	5.37	4	12	16.85	8	0	27.51
1	8	6.19	5	0	17.67	8	4	28.33
1	12	7.01	5	4	18.49	8	8	29.15
2	0	7.83	5	8	19.31	8	12	29.97
2	4	8.65	5	12	20.13	9	0	30.79
2	8	9.47	6	0	20.95	9	4	31.61
2	12	10.29	6	4	21.77	9	8	32.43
3	0	11.11	6	8	22.59	9	12	33.25
3	4	11.93	6	12	23.41	10	0	34.07
3	8	12.75						

For rates over 10 pounds, charge $32.80 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. For reasons of public safety: Coins not in circulation. Pistols shooting blank cartridges which have the appearance of automatic pistols.

For sanitary reasons: Unverified clinical thermometers. Nursing bottles with tubes. Saccharine and similar products.

Arms, munitions, etc.: War arms and war materials.

For other reasons: Boxes or cans of fish, vegetables, or prunes not bearing an indelible indication of their origin. Fish put up in boxes or cans weighing more than 1 kilogram. Weights and measures not of the metric system.

Also see § 31.2 of this chapter.

II. North Vietnam

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the Directory and Part 222 Postal Manual. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. No service.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Observations. The following post offices are located in North Vietnam: Bacninh, Banyennhan, Buichu, Camphamines, Camphaport, Donghoi, Gialam, Hacoi, Hadong, Haiphong, Hangkenh, Hanoi, Hongay, Kienan, Moncay, Namdinh, Ninhbinh, Quangyen, Sontay, Thaibinh, and Tienyen.

The place of destination of mail for that area should be shown in the address as "North Vietnam." This mail is dispatched via Hong Kong.

Prohibitions. Currency, postage stamps for sale or exchange, checks, securities and other financial instruments, unless licensed by the U.S. Treasury Department.

Dutiable articles in letter packages; also perishable biological materials.

Also see § 21.3 of this chapter.

Parcel Post

(No service)

WESTERN SAMOA SAVAII AND UPOLU ISLANDS AND THE TOKELAU (UNION) GROUP (ATAFU, FAKAOFO AND NUKUNONU ISLANDS)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 42 of this chapter.

Special delivery. No service.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restriction. Same as for New Zealand.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.72; each additional 4 ounces or fraction, 50 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.72	3	12	$8.72	7	4	$16.72
0	8	2.22	4	0	9.22	7	8	16.22
0	12	2.72	4	4	9.72	7	12	16.72
1	0	3.22	4	8	10.22	8	0	17.22
1	4	3.72	4	12	10.72	8	4	17.72
1	8	4.22	5	0	11.22	8	8	18.22
1	12	4.72	5	4	11.72	8	12	18.72
2	0	5.22	5	8	12.22	9	0	19.22
2	4	5.72	5	12	12.72	9	4	19.72
2	8	6.22	6	0	13.22	9	8	20.22
2	12	6.72	6	4	13.72	9	12	20.72
3	0	7.22	6	8	14.22	10	0	21.22
3	4	7.72	6	12	14.72			
3	8	8.22	7	0	15.22			

For rates over 10 pounds, charge $20 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, method of converting United States currency into gold francs, and for general information on insurance.

Coins, platinum, gold, or silver (whether manufactured or unmanufactured), precious stones, jewels, or other precious articles sent as parcel post must be insured.

In the case of parcels for the Tokelau (or Union) Group, indemnity is effective only as far as Apia, Western Samoa, and no indemnity will be paid for loss, rifling, or damage occurring to such parcels after they leave Apia.

Prohibitions and import restrictions. Same as for New Zealand.

WINDWARD ISLANDS (DOMINICA, GRENADA, THE GRENADINES, SAINT LUCIA, AND SAINT VINCENT)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 80 cents. Maximum idemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted to Dominica and St. Lucia only. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials to Dominica and Saint Vincent.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, on Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.52; each additional 4 ounces or fraction, 30 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.52	3	12	$5.72	7	4	$9.92
0	8	1.82	4	0	6.02	7	8	10.22
0	12	2.12	4	4	6.32	7	12	10.52
1	0	2.42	4	8	6.62	8	0	10.82
1	4	2.72	4	12	6.92	8	4	11.12
1	8	3.02	5	0	7.22	8	8	11.42
1	12	3.32	5	4	7.52	8	12	11.72
2	0	3.62	5	8	7.82	9	0	12.02
2	4	3.92	5	12	8.12	9	4	12.32
2	8	4.22	6	0	8.42	9	8	12.62
2	12	4.52	6	4	8.72	9	12	12.92
3	0	4.82	6	8	9.02	10	0	13.22
3	4	5.12	6	12	9.32			
3	8	5.42	7	0	9.62			

For rates over 10 pounds, charge $12 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency (figures only), in the following form:

INSURED VALUE

$35.50

Coin, bullion, jewelry, or any other precious article sent as parcel post must be insured.

For general information on insurance see Part 43 of this chapter.

Observations. Parcels containing used clothing addressed to Saint Lucia, must be accompanied by a certificate of disinfection. A statement from a drycleaning establishment that the articles have been cleaned will be satisfactory if dated not more than seven days before the date of mailing. Senders shall be required to endorse the wrappers of such parcels "Certificate of Disinfection Enclosed."

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 31.2 of this chapter apply.

YEMEN

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. No service.

Prohibitions. Dutiable articles in registered letters.

Articles contrary to the Islamic faith, the established government or good morals.

Perishable biological materials. Radioactive materials.

Also see § 21.3 of this chapter.

Parcel Post

(No service)

YUGOSLAVIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 and Part 22 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. Restricted delivery permitted. See Part 42 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Postal Union articles containing merchandise sent for commercial purposes must be accompanied by the original invoice in the same manner as indicated for Parcel Post under "Observations."

Printed matter whose contents may be contrary to national interest or public morals in Yugoslavia may be confiscated by court action, and repeatedly offending publications may be permanently prohibited from importation.

Prohibitions and import restrictions. The importation of postage stamps is restricted. Persons desiring to send stamps should consult the addressees to assure compliance with Yugoslav regulations.

Yugoslav bank notes are prohibited; also perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Also see § 21.3 of this chapter.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10 each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.38; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.38	3	12	$8.24	7	0	$14.61
0	8	1.87	4	0	8.73	7	4	15.10
0	12	2.36	4	4	9.22	7	8	15.59
1	0	2.85	4	8	9.71	7	12	16.08
1	4	3.34	4	12	10.20	8	0	16.57
1	8	3.83	5	0	10.69	8	4	17.06
1	12	4.32	5	4	11.18	8	8	17.55
2	0	4.81	5	8	11.67	8	12	18.04
2	4	5.30	5	12	12.16	9	0	18.53
2	8	5.79	6	0	12.65	9	4	19.02
2	12	6.28	6	4	13.14	9	8	19.51
3	0	6.77	6	8	13.63	9	12	20.00
3	4	7.26	6	12	14.12	10	0	20.49
3	8	7.75						

For rates over 10 pounds, charge $19.60 for each even 10 pounds plus the rate given above for the remaining pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 43 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, bank notes, currency notes or any kind of securities payable to bearer; platinum, gold, or silver, whether manufactured or not; precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Parcels containing merchandise sent for commercial purposes, for which the senders are to receive payment, must be accompanied by the original invoice and the wrappers endorsed to indicate that the original invoice is enclosed.

It shall be recommended to senders that, in order to facilitate customs handling, a signed copy of the invoice be transmitted to the addressees by letter mail, giving notice of the mailing of the parcels.

Prohibitions. For reasons of public safety: Arms and parts thereof, except shotguns.

Printed matter (newspapers, magazines, books, etc.) for distribution, unless addressed to authorized distributors.

For other reasons: Foreign merchandise in general bearing any marks indicating Yugoslav origin.

Also see § 31.2 of this chapter.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Commercial shipments may be received only by licensed importing firms in Yugoslavia.

Addressees are required to obtain special permits to receive prepared medicines.

Firearms unless the addressee has an import permit.

Articles of value, such as those of gold, silver or platinum, jewelry, precious stones and banknotes.

The following are prohibited in quantities valued at 25 pounds sterling ($60) or more, whether sent in single parcels or in commercial consignments of multiple parcels:

Cigars, cigarettes, manufactured or unmanufactured tobacco; blankets, quilts, mattresses, pillows, and cushions; carpets, rugs, and mats; clothing; gloves; hats, caps and other headwear; footwear, stockings, and socks; piece goods and lace perfumes and cosmetics; cutlery; books; playing cards; watches; jewelry, articles of gold or silver; sporting and athletic goods; cups, medals, trophies, etc.; harness and saddlery.

Also see § 31.2 of this chapter.

PLACES NOT INCLUDED IN ALPHABETICAL LIST OF COUNTRIES

(Postage rates and other conditions for these places appear under the country items as shown in parentheses)

Abu Dhabi (Trucial States).
Abyssinia (Ethiopia).
Aden (Southern Yemen).
Admiralty Islands (New Guinea, Territory of).
Aitutaki (Cook Islands) (New Zealand.)
Alderney (Channel Islands) (Great Britain).
Alhucemas (Spain).
Alofi Island (New Caledonia).
Andaman Islands (India).
Anglo-Egyptian Sudan (Sudan).
Angola (Portuguese West Africa).
Anguilla (Leeward Islands).
Anjouan (Comoro Islands).
Annobon Island (Equatorial Guinea).
Antigua (Leeward Islands).
Arab Palestine:
Central (Jordan).
Western (Palestine).
Arabia (Saudi Arabia, Kingdom of).
Aruba (Netherlands Antilles).
Ashanti (Ghana).
Astypalaia (Greece).
Atafu (Western Samoa [British]).
Atiu (Cook Islands) (New Zealand).
Avarua (New Zealand).
Baker Island (U.S. Poss. See Pt. 12, of this chapter).
Balearic Islands (Spain).
Baluchistan (Pakistan).
Banks Island (New Hebrides).
Barbuda (Leeward Islands).
Barthelemy (Guadeloupe).
Basutoland (Lesotho).
Bechuanaland Protoectorate (Botswana).
Belgian Congo (Congo [Kinshasa]).
Bismarck Archipelago (New Guinea, Territory of).
Bonaire (Netherlands Antilles).
Borabora (French Polynesia).
Borneo (North) (Malaysia).
Borneo (Kalimantan) (Indonesia).
Bougainville (New Guinea, Territory of).
Bourbon (Réunion Island).
British Cameroons (Cameroon or Nigeria).
British Guiana (Guyana).
British Somaliland (Somali Republic).
British Togoland (Ghana).
British Virgin Islands (Leeward Islands).
British West Indies (Bahamas, Barbados, Jamaica, Leeward Islands, Trinidad and Tobago, Turks Island, and Windward Islands).
Buka (New Guinea, Mandated Territory).
Calcos Islands (Turks Island).
Cameroons, British (Cameroon or Nigeria).
Cameroons, French (Cameroon).
Canal Zone (U.S. Poss. See P.O. Dir. and Pt. 12 and § 25.7(d) of this chapter).
Canary Islands (Spain).
Canton Island (U.S. Poss. See P.O. Dir. and Pt. 12 of this chapter).
Caroline Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Cayman Islands (Jamaica).
Central Arab Palestine (Jordan).
Ceuta (Spain).
Chaferinas Islands (Spain).
Chalki (Greece).
Chankiangshih (Kwangchowwan) (China).
Channel Islands (Jersey, Guernsey, Alderney, and Sark) (Great Britain).
Chosen (Korea).
Christmas Island (Gilbert and Ellice Islands Colony).
Christmas Island (Australia).
Cocos Islands (Australia).
Congo (Léopoldville) (Congo [Kinshasa]).
Cook Islands (New Zealand).
Corisco Island (Equatorial Guinea).
Crete (Greece).
Cumino Island (Malta).
Curaçao (Netherlands Antilles).
Cyrenaica (Libya).
Damao (India).
Danger (New Zealand).
Desirade Island (Guadeloupe).
Diu (India).
Dodecanese Islands (Greece).
Doha (Qatar).
Dominica (Windward Islands).
Dubai (Trucial States).
Eastern Island, Midway Islands (U.S. Poss. See Pt. 12 of this chaper).
Ebeye Island, Marshall Islands (U.S. Trust, Terr. See P.O. Dir. and Pt. 12 of this chapter).
Egypt (United Arab Republic).
Egyptian Sudan (Sudan).
Eire (Ireland).
Ellice Islands (Gilbert and Ellice Islands Colony).
Elobey Islands (Equatorial Guinea).
Enderburg Island (U.S. Poss. See Pt. 12 of this chapter).
England (Great Britain and Northern Ireland).
Eniwetok, Marshall Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Eritrea (Ethiopia).
Fakaofo (Western Samoa [British]).
Fanning Island (Gilbert and Ellice Islands Colony).
Federation of Malaya (Malaysia).
Federation of Rhodesia and Nyasaland (Rhodesia, Zambia, or Malawi).
Fernando Po (Equatorial Guinea).
Fezzan (Libya).
Formosa (Taiwan) (China).
French Camerooons (Cameroon).
French East Africa (Comoro Islands or French Somaliland).
French Equatorial Africa (Central African Republic, Chad, Congo [Brazzaville] or Gabon Republic).
French Guinea (Guinea).
French Morocco (Morocco).
French Oceania (French Polynesia).
French Somaliland (French Terr. of Afars and Issas).
French Soudan (Mali).
French Togoland (Togo).
French West Africa (Dahomey, Guinea, Ivory Coast, Mali, Mauritania, Niger, Senegal, or Upper Volta).
French West Indies (Guadeloupe or Martinique).
Friendly Islands (Tonga Islands).
Futuna and Alofi Islands (New Caledonia).
Gambier (French Polynesia).
Gaza (Palestine).
Goa (India).
Gold Coast Colony (Ghana).
Gozo Island (Malta).
Grand Comoro (Comoro Islands).
Grenada (Windward Islands).
Grenadines (Windward Islands).
Guam (U.S. Poss. See P.O. Dir. and Pt. 12, of this chapter).
Guernsey (Channel Islands) (Great Britain).
Guiana (British) (Guyana)
Guiana (Netherlands) (Surinam).
Guinea (French) (Guinea, Republic of).
Guinea (Portuguese) (Portuguese West Africa).
Guinea (Spanish) (Equatorial Guinea).
Hainan Island (China).
Hashemite Kingdom (Jordan).
Hervey (Cook Islands) (New Zealand).
Hivaoa (French Polynesia).
Holland (Netherlands).
Howland Island (U.S. Poss. See Pt. 12 of this chapter).
Huahine (French Polynesia).
Huan Islands (New Caledonia).
Ifni, Territory of (Spanish West Africa).
Iheya (Ryukyu Islands).
Indo-China (Cambodia, Laos and Vietnam).
Ireland (Northern) (Great Britain and Northern Ireland).
Irian Barat (Indonesia).
Islamic Republic (Mauritania).
Isle of Pines (New Caledonia).
Isle of Pines, West Indies (Cuba).
Jarvis Island (U.S. Poss. See Pt. 12 of this chapter).
Jersey (Channel Islands) (Great Britain).
Johore (Malaysia).
Johnston Island (U.S. Poss. See Pt. 12 of this chapter).
Jugoslavia (Yugoslavia).
Kalymnos (Greece).
Kamaran (Southern Yemen).
Karpathos (Greece).
Kassos (Greece).
Kastellorizon (Greece).
Kedah (Malaysia).
Keeling Islands (Australia).
Kelantan (Malaysia).
Kingman Reef (U.S. Poss. See Pt. 12 of this chapter).
Khan Yunis (Palestine).
Koror, Caroline Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Kos (Greece).
Kowloon (Hong Kong).
Kwajalein, Marshall Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Labrador (Canada).
Labuan (Malaysia).
Latakia (Syria).
Leeward Islands (French) (French Polynesia).
Leipsos (Greece).
Leros (Greece).
Les Saintes Island (Guadeloupe).
Liechtenstein (Switzerland).
Lord Howe Island (Australia).
Loyalty Islands (New Caledonia).
Macau (Macao).
Majuro, Marshall Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Malacca (Malaysia).
Malagasy Republic (Madagascar).
Malaya (Malaysia).
Mangaia (Cook Islands) (New Zealand).
Manahiki (New Zealand).
Manchuria (China).
Manua Islands, American Samoa (U.S. Poss. See Pt. 12 of this chapter).
Manuai (Cook Islands) (New Zealand).
Mariana Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Marie Galante (Guadeloupe).
Marquesas Islands (French Polynesia).
Marshall Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Mauke (Cook Islands) (New Zealand).
Mayotte (Comoro Islands).
Melilla (Spain).
Midway Islands (U.S. Poss. See Pt. 12 of this chapter).
Miquelon (St. Pierre and Miquelon).
Mitiaro (Cook Islands) (New Zealand).
Moheli (Comoro Islands).
Monaco (France).
Mongolia (China and Outer Mongolia).
Montserrat (Leeward Islands).
Moorea (French Polynesia).
Morocco, Southern Protectorate of (Morocco).
Moyen (Middle) Congo (Congo [Brazzaville]).
Mozambique (Portuguese East Africa).
Nansei Islands (Ryukyu Islands or Japan).
Navassa Island (U.S. Poss. See Pt. 12 of this chapter).
Negri Sembilan (Malaysia).
Netherlands West Indies (Netherlands Antilles).
Netherlands New Guinea (Indonesia).
Nevis (Leeward Islands).

New Britain (New Guinea, Territory of).
Newfoundland (Canada).
New Guinea (Netherlands) (Indonesia).
New Hanover (New Guinea, Territory of).
New Ireland (New Guinea, Territory of).
New South Wales (Australia).
Nissiros (Greece).
Niue (New Zealand).
Norfolk Island (Australia).
North Borneo (Malaysia).
Northern Ireland (Great Britain and Northern Ireland).
Northern Rhodesia (Zambia).
Northern Territories (Ghana).
Nossi-bé (Madagascar).
Nukahiva (French Polynesia).
Nukunonu (West Samoa [British]).
Nyasaland (Malawi).
Oceania (French Polynesia).
Ocean Island (Gilbert and Ellice Islands Colony).
Okinawa (Ryukyu Islands).
Oman (Muscat).
Oubangui-Chari (Central African Republic).
Pahang (Malaysia).
Palmerston (Avarua) (New Zealand).
Parry (Cook Islands) (New Zealand).
Pasni (Baluchistan) (Pakistan).
Patmos (Greece).
Pemba (Tanzania).
Penang (Malaysia).
Penghu Islands (China).
Peñón de Vélez de la Gomera (Spain).
Penrhyn (Tongareva) (New Zealand).
Perak (Malaysia).
Perim (Southern Yemen).
Perlis (Malaysia).
Persia (Iran).
Persian Gulf Ports (Bahrain, Muscat, Qatar and Trucial States).
Pescadores Islands (China).
Petite Terre (Guadeloupe).
Polynesia (French Polynesia).
Ponape, Caroline Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Portuguese Guinea (Portuguese West Africa).
Prince Island (Portuguese West Africa).
Province Wellesley (Malaysia).
Puerto Rico (see P.O. Dir. and Pt. 12 of this chapter).
Pukapuka (New Zealand).
Queensland (Australia).
Quemoy (China).
Raiatea (French Polynesia).
Rakaanga (New Zealand).
Rapa (French Polynesia).
Rarotonga (Cook Islands) (New Zealand).
Redonda (Leeward Islands).
Río de Oro (Spanish West Africa).
Río Muni (Equatorial Guinea).
Rodos (Greece).
Rodrigues (Mauritius and dependencies).
Rota, Mariana Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Ruanda-Urundi (Burundi or Rwanda).
Saar Territory (Germany).
Saba (Netherlands Antilles).
Sabah (Malaysia).
Sahara, Spanish (Spanish West Africa).
St. Bartholomew (Guadeloupe).
St. Christopher (Leeward Islands).
St. Croix, Virgin Islands (U.S. Poss. See P.O. Dir. and Pt. 12 of this chapter).
St. Eustatius (Netherlands Antilles).
St. John, Virgin Islands (U.S. Poss. See P.O. Dir. and Pt. 12 of this chapter).
St. Kitts (Leeward Islands).
St. Lucia (Windward Islands).
St. Martin (Netherlands part) (Netherlands Antilles).
St. Martin (French part) (Guadeloupe).
St. Thomas, Virgin Islands (U.S. Poss. See P.O. Dir. and Pt. 12 of this chapter).
St. Thomas Island (Portuguese West Africa).
St. Vincent (Windward Islands).
Ste. Marie de Madagascar (Madagascar).
Saipan, Mariana Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Salvador, El (El Salvador).
Samoa, American (U.S. Poss. See P.O. Dir. and Pt. 12 of this chapter).
Samoa, Western (British) (Western Samoa).
Sand Island, Midway Islands (U.S. Poss. See Pt. 12 of this chapter).
San Marino (Republic of) (Italy).
Sarawak (Malaysia).
Sark (Channel Islands) (Gerat Britain).
Savage Island (Niue) (New Zealand).
Savaii Island (Western Samoa [British]).
Scotland (Great Britain and Northern Ireland).
Sekia el Hamra (Spanish West Africa).
Selangor (Malaysia).
Sharja (Trucial States).
Shikoku (Japan).
Siam (Thailand).
Sikkim (India).
Singapore (Malaysia).
Sint Maarten (Netherlands Antilles).
Society Island (French Polynesia).
Solomon Islands (Bougainville and Buka only) (New Guinea Mandated Territory).
Somalia (Somali Republic).
Somaliland (Somali Republic or French Terr. of Afars and Issas).
Soudan (French) (Mali).
Soudanese Republic (Mali).
South Australia (Australia).
South Georgia (Falkland Islands).
South-West Africa (South Africa).
Southern Protectorate of Morocco (Morocco).
Southern Rhodesia (Rhodesia).
Spanish Guinea (Equatorial Guinea).
Spanish Morocco (Morocco).
Spanish Sahara (Sapnish West Africa).
Spitzenbergen (Norway).
Suwarrow Islands (New Zealand).
Swain's Island, American Samoa (U.S. Poss. See Pt. 12 of this chapter).
Swan Islands (U.S. Poss. See Pt. 12 of this chapter).
Symi (Greece).
Tahaa (French Polynesia).
Tahiti (French Polynesia).
Taiwan (Formosa) (China).
Tanganyika (Tanzania).
Tangier (Morocco).
Tasmania (Australia).
Tchad (Chad).
Thursday Island (Australia).
Tibet (China).
Tilos (Greece).
Timor (Netherlands) (Indonesia).
Tobago (Trinidad and Tobago).
Togoland (British) (Ghana).
Togoland (French) (Togo).
Tokelau (Union) Group (Western Samoa, British).
Tongareva (New Zealand).
Tori Shima (Ryukyu Islands).
Torres Island (New Hebrides).
Trans-Jordan (Jordan [Hashemite Kingdom]).
Trengganu (Malaysia).
Tripolitania (Libya).
Truk, Caroline Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Trust Territory of the Pacific, U.S. (See P.O. Dir. and Pt. 12 of this chapter).
Tuamotou (French Polynesia).
Tubuai (French Polynesia).
Tutuila Island, American Samoa (U.S. Poss. See Pt. 12 of this chapter).
Umm Said (Qatar).
Union Group (Western Samoa, British).
Union of South Africa (South Africa).
Upolu Island (Western Samoa, British).
Victoria (Australia).
Virgin Islands (British) (Leeward Islands).
Virgin Islands, U.S. (See P.O. Dir. and Pt. 12 of this chapter).
Volta Republic (Upper Volta).
Wake Island (U.S. Poss. See P.O. Dir. and Pt. 12 of this chapter).
Wales (Great Britain and Northern Ireland).
Wallis Islands (New Caledonia).
Washington Island (Gilbert and Ellice Islands Colony).
Wellesley, Province (Malaysia).
Western Arab Palestine (Palestine).
Western Australia (Australia).
West New Guinea (Indonesia).
Yap, Caroline Islands (U.S. Trust Terr. See P.O. Dir. and Pt. 12 of this chapter).
Zafarani Islands (Spain).
Zanzibar (Tanzania).

Chart 1—POSTAL UNION MAIL

(See Part 20 of this chapter, for detailed information on mailing conditions.)

TABLE 1.—CLASSIFICATIONS AND WEIGHT LIMITS FOR SURFACE AND AIR MAIL, AND SURFACE POSTAGE RATES

(For airmail: See country items for rates and Part 41 of this chapter for general information.)

Classifications (surface and air)	Surface rates	Weight limits (surface and air)
Letter mail (see § 22.1 of this chapter):		
To Canada	6 cents per ounce	60 pounds.
To Mexico	6 cents per ounce (See Chart 2, Table I.)	4 pounds 6 pounces.
To all other countries	13 cents first ounce, 8 cents each additional ounce. (See Chart 2, Table II.)	Do.
Postcards (see § 22.2 of this chapter):		
To Canada and Mexico	5 cents single; 10 cents reply paid	
To all other countries	8 cents single; 16 cents reply paid	
Printed matter (see § 22.3 of this chapter):		
a. Regular prints not stated in b and c: To Canada and Mexico	6 cents first 2 ounces; 2 cents each additional ounce. (See Chart 2, Table III.)	See Table II next page.
To all other countries	6 cents first 2 ounces; 4 cents each additional 2 ounces. (See Chart 2, Table IV.)	
b. Books and sheet music (see § 22.3 (a)(1)(ii) of this chapter): To PUAS countries (see § 11.2 of this chapter) except Spain and Spanish possessions.	14 cents first 10 ounces; 1 cent each additional 2 ounces. (See Chart 2, Table V.)	
To all other countries including Spain and Spanish possessions.	14 cents first 10 ounces; 1½ cents each additional 2 ounces. (See Chart 2, Table VI.)	
c. Publishers' second class and controlled circulation publications to all countries.	§ 22.3 (a)(1)(iii)	
Matter for the blind (see § 22.4 of this chapter).	Free. See § 22.4 (d) and Part 38 of this chapter.	15 pounds 6 ounces.
Samples of merchandise (see § 22.5 of this chapter): To Canada and Mexico	6 cents first 2 ounces; 2 cents each additional ounce; minimum charge 12 cents. (See Chart 2, Table III.)	16 ounces.
To all other countries	6 cents first 2 ounces; 4 cents each additional 2 ounces; minimum charge 13 cents (See Chart 2, Table IV.)	13 ounces.
Small packets: To all countries accepting [1]	6 cents each 2 ounces; minimum charge 26 cents. (See Chart 2, Table VII.)	2 pounds 3 ounces.

[1] If a country does not accept small packets, the statement "Small packets not accepted" appears in the introductory heading under the country item. For detailed information about small packets, see § 22.6 of this chapter.

TABLE II.—WEIGHT LIMITS FOR "PRINTED MATTER" PACKAGES (SURFACE OR AIR)

Countries	Books, catalogs, and directories	All other prints
For countries not listed below.	11 pounds...	6 pounds, 9 ounces.
Bolivia, Brazil, Spain (including Balearic Islands, Canary Islands, and Spanish Offices in Northern Africa), and Spanish Sahara.	22 pounds...	22 pounds.
Argentina, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.	33 pounds...	33 pounds.

See § 22.3(b) (3) of this chapter concerning exceptional weight limit for packages or bundles of second class and controlled circulation publications mailed to Canada by publishers or registered news agents.

TABLE III.—DIMENSIONS FOR POSTAL UNION MAIL ARTICLES (SURFACE OR AIR)

POST CARDS

Minimum	*Maximum*
4¼ by 3 inches.	6 by 4¼ inches.

ALL POSTAL UNION MAIL ARTICLES OTHER THAN POST CARDS

Minimum	*Maximum*
Address side no less than 4¼ by 3 inches. When in form of a roll, the length may not be less than 4 inches or the length plus twice the diameter less than 6¾ inches. Articles having lesser dimensions are accepted on condition that a rectangular address tag, not less than 4 by 2¾ inches, is attached.	Twenty-four inches in length or 36 inches in length, width and thickness combined. When in form of a roll, the length (the maximum of which is 36 inches) plus twice the diameter may not exceed 42 inches.

Chart 2.—READY REFERENCE TABLES OF POSTAGE ON POSTAL UNION SURFACE MAIL

TABLE I.—SURFACE RATES FOR LETTERS AND LETTER PACKAGES TO CANADA AND MEXICO

(Rate: 6 cents per ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	1	$0.06	1	9	$1.50	3	1	$2.94
0	2	.12	1	10	1.56	3	2	3.00
0	3	.18	1	11	1.62	3	3	3.06
0	4	.24	1	12	1.68	3	4	3.12
0	5	.30	1	13	1.74	3	5	3.18
0	6	.36	1	14	1.80	3	6	3.24
0	7	.42	1	15	1.86	3	7	3.30
0	8	.48	2	0	1.92	3	8	3.36
0	9	.54	2	1	1.98	3	9	3.42
0	10	.60	2	2	2.04	3	10	3.48
0	11	.66	2	3	2.10	3	11	3.54
0	12	.72	2	4	2.16	3	12	3.60
0	13	.78	2	5	2.22	3	13	3.66
0	14	.84	2	6	2.28	3	14	3.72
0	15	.90	2	7	2.34	3	15	3.78
1	0	.96	2	8	2.40	4	0	3.84
1	1	1.02	2	9	2.46	4	1	3.90
1	2	1.08	2	10	2.52	4	2	3.96
1	3	1.14	2	11	2.58	4	3	4.02
1	4	1.20	2	12	2.64	4	4	4.08
1	5	1.26	2	13	2.70	4	5	4.14
1	6	1.32	2	14	2.76	4	6	4.20
1	7	1.38	2	15	2.82			
1	8	1.44	3	0	2.88			

For letters or letter packages to Canada exceeding 4 pounds, 6 ounces, add 6 cents for each additional ounce or fraction.

TABLE II.—SURFACE RATES FOR LETTERS AND LETTER PACKAGES TO COUNTRIES OTHER THAN CANADA AND MEXICO

(Rates: 13 cents first ounce; 8 cents each additional ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	1	$0.13	1	9	$2.05	3	1	$3.97
0	2	.21	1	10	2.13	3	2	4.05
0	3	.29	1	11	2.21	3	3	4.13
0	4	.37	1	12	2.29	3	4	4.21
0	5	.45	1	13	2.37	3	5	4.29
0	6	.53	1	14	2.45	3	6	4.37
0	7	.61	1	15	2.53	3	7	4.45
0	8	.69	2	0	2.61	3	8	4.53
0	9	.77	2	1	2.69	3	9	4.61
0	10	.85	2	2	2.77	3	10	4.69
0	11	.93	2	3	2.85	3	11	4.77
0	12	1.01	2	4	2.93	3	12	4.85
0	13	1.09	2	5	3.01	3	13	4.93
0	14	1.17	2	6	3.09	3	14	5.01
0	15	1.25	2	7	3.17	3	15	5.09
1	0	1.33	2	8	3.25	4	0	5.17
1	1	1.41	2	9	3.33	4	1	5.25
1	2	1.49	2	10	3.41	4	2	5.33
1	3	1.57	2	11	3.49	4	3	5.41
1	4	1.65	2	12	3.57	4	4	5.49
1	5	1.73	2	13	3.65	4	5	5.57
1	6	1.81	2	14	3.73	4	6	5.65
1	7	1.89	2	15	3.81			
1	8	1.97	3	0	3.89			

TABLE III.—SURFACE RATES TO CANADA AND MEXICO FOR REGULAR PRINTED MATTER AND FOR SAMPLES OF MERCHANDISE

(SEE CHART 1, TABLE II FOR WEIGHT LIMITS)

(Rates: 6 cents first 2 ounces; 2 cents each additional ounce)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.06	2	4	$0.74	4	7	$1.44
0	3	.08	2	5	.76	4	8	1.46
0	4	.10	2	6	.78	4	9	1.48
0	5	.12	2	7	.80	4	10	1.50
0	6	.14	2	8	.82	4	11	1.52
0	7	.16	2	9	.84	4	12	1.54
0	8	.18	2	10	.86	4	13	1.56
0	9	.20	2	11	.88	4	14	1.58
0	10	.22	2	12	.90	4	15	1.60
0	11	.24	2	13	.92	5	0	1.62
0	12	.26	2	14	.94	5	1	1.64
0	13	.28	2	15	.96	5	2	1.66
0	14	.30	3	0	.98	5	3	1.68
0	15	.32	3	1	1.00	5	4	1.70
1	0	.34	3	2	1.02	5	5	1.72
			3	3	1.04	5	6	1.74
1	1	.36	3	4	1.06	5	7	1.76
1	2	.38	3	5	1.08	5	8	1.78
1	3	.40	3	6	1.10	5	9	1.80
1	4	.42	3	7	1.12	5	10	1.82
1	5	.44	3	8	1.14	5	11	1.84
1	6	.46	3	9	1.16	5	12	1.86
1	7	.48	3	10	1.18	5	13	1.88
1	8	.50	3	11	1.20	5	14	1.90
1	9	.52	3	12	1.22	5	15	1.92
1	10	.54	3	13	1.24	6	0	1.94
1	11	.56	3	14	1.26	6	1	1.96
1	12	.58	3	15	1.28	6	2	1.98
1	13	.60	4	0	1.30	6	3	2.00
1	14	.62	4	1	1.32	6	4	2.02
1	15	.64	4	2	1.34	6	5	2.04
2	0	.66	4	3	1.36	6	6	2.06
2	1	.68	4	4	1.38	6	7	2.08
2	2	.70	4	5	1.40	6	8	2.10
2	3	.72	4	6	1.42	6	9	2.12

[1] 12 cents is the minimum postage chargeable on "Samples of Merchandise" and 16 ounces is the maximum weight limit.

To determine the postage for packages of printed matter over 6 pounds 9 ounces addressed to Mexico, compute the rate for the pounds alone at 32 cents per pound. Then if there are no remaining ounces, add 2 cents; if there are remaining ounces, determine the rate for them from the table and add to the rate for the pounds.

TABLE IV.—SURFACE RATES TO COUNTRIES OTHER THAN CANADA AND MEXICO FOR REGULAR PRINTED MATTER AND FOR SAMPLES OF MERCHANDISE

(SEE CHART 1, TABLE II FOR WEIGHT LIMITS)

(Rates: 6 cents first 2 ounces; 4 cents each additional 2 ounces)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
[1]0	2	$0.06	2	4	$0.74	4	8	$1.46
[1]0	4	.10	2	6	.78	4	10	1.50
[1]0	6	.14	2	8	.82	4	12	1.54
0	8	.18	2	10	.86	4	14	1.58
0	10	.22	2	12	.90	4	15	1.60
0	12	.26	2	14	.94	5	0	1.62
0	14	.30	3	0	.98	5	2	1.66
1	0	.34	3	2	1.02	5	4	1.70
[1]1	2	.38	3	4	1.06	5	6	1.74
			3	6	1.10	5	8	1.78
1	4	.42	3	8	1.14	5	10	1.82
1	6	.46	3	10	1.18	5	12	1.86
1	8	.50	3	12	1.22	5	14	1.90
1	10	.54	3	14	1.26	6	0	1.94
1	12	.58	4	0	1.30	6	2	1.98
1	14	.62	4	2	1.34	6	4	2.02
2	0	.66	4	4	1.38	6	6	2.06
2	2	.70	4	6	1.42	6	8	2.10

[1] 13 cents is the minimum postage chargeable on "Samples of Merchandise," and 18 ounces is the maximum weight limit.

To determine the postage for packages of printed matter weighing over 6 pounds 9 ounces addressed to countries admitting them (see Chart 1, Table II), compute the rate for the pounds alone at 32 cents per pound. Then if there are no remaining ounces, add 2 cents; if there are remaining ounces, determine the rate for them from the table and add to the rate for the pounds. For example, if a package weights 21 pounds, compute the rate at 32 cents and add 2 cents, finding the rate to be $6.74. If a package weights 21 pounds 5 ounces, compute the rate for 21 pounds at 32 cents ($6.72) and add the rate for the ounces (14 cents), finding the rate to be $6.86.

TABLE V.—SURFACE RATES FOR PRINTED BOOKS AND SHEET MUSIC TO—

Argentina.	Guatemala.
Bolivia.	Haiti.
Brazil.	Republic of Honduras.
Canada.	Mexico.
Chile.	Nicaragua.
Colombia.	Panama.
Costa Rica.	Paraguay.
Cuba.	Peru.
Dominican Republic.	Uruguay.
Ecuador.	Venezuela.
El Salvador.	

(SEE CHART 1, TABLE II FOR WEIGHT LIMITS)

(Rates: 14 cents first 10 ounces; 1 cent each additional 2 ounces)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.14	3	14	$0.40	7	10	$0.70
0	4	.14	4	0	.41	7	12	.71
0	6	.14	4	2	.42	7	14	.72
0	8	.14	4	4	.43	8	0	.73
0	10	.14	4	6	.44	8	2	.74
0	12	.15	4	8	.45	8	4	.76
0	14	.16	4	10	.46	8	6	.76
1	0	.17	4	12	.47	8	8	.77
1	2	.18	4	14	.48	8	10	.78
1	4	.19	5	0	.49	8	12	.79
1	6	.20	5	2	.50	8	14	.80
1	8	.21	5	4	.51	9	0	.81
1	10	.22	5	6	.52	9	2	.82
1	12	.23	5	8	.53	9	4	.83
1	14	.24	5	10	.54	9	6	.84
2	0	.25	5	12	.55	9	8	.85
2	2	.26	5	14	.56	9	10	.86
2	4	.27	6	0	.57	9	12	.87
2	6	.28	6	2	.58	9	14	.88
2	8	.29	6	4	.59	10	0	.89
2	10	.30	6	6	.60	10	2	.90
2	12	.31	6	8	.61	10	4	.91
2	14	.32	6	10	.62	10	6	.92
3	0	.33	6	12	.63	10	8	.93
3	2	.34	6	14	.64	10	10	.94
3	4	.35	7	0	.65	10	12	.95
3	6	.36	7	2	.66	10	14	.96
3	8	.37	7	4	.67	11	0	.97
3	10	.38	7	6	.68			
3	12	.39	7	8	.69			

To determine the postage for packages of books or sheet music weighing over 11 pounds, compute the rate for the pounds alone at 8 cents per pound. If there are no remaining ounces, add 9 cents; if there are remaining ounces, determine the rate for them from the following scale and add to the rate for the pounds:

1 or 2 ounces—add 10 cents.
3 or 4 ounces—add 11 cents.
5 or 6 ounces—add 12 cents.
7 or 8 ounces—add 13 cents.
9 or 10 ounces—add 14 cents.
11 or 12 ounces—add 15 cents.
13 or 14 ounces—add 16 cents.
Over 14 ounces—consider full pound.

EXAMPLES. (1) Package weighing 21 pounds: Compute the rate at 8 cents per pound (8 cents×21 pounds=$1.68) and add 9 cents, finding the rate to be $1.77. (2) Package weighing 21 pounds 5 ounces: Compute the rate at 8 cents per pound (8 cents×21 pounds=$1.68) and add the rate shown in the scale above for the 5 ounces (12 cents), finding the rate to be $1.80.

TABLE VI.—SURFACE RATES FOR PRINTED BOOKS AND SHEET MUSIC TO COUNTRIES NOT LISTED IN TABLE V

(SEE CHART 1, TABLE II FOR WEIGHT LIMITS)

(Rates: 14 cents first 10 ounces; 1½ cents each additional 2 ounces)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.14	3	14	$0.53	7	10	$0.98
0	4	.14	4	0	.54½	7	12	.99½
0	6	.14	4	2	.56	7	14	1.01
0	8	.14	4	4	.57½	8	0	1.02½
0	10	.14	4	6	.59	8	2	1.04
0	12	.15½	4	8	.60½	8	4	1.05½
0	14	.17	4	10	.62	8	6	1.07
1	0	.18½	4	12	.63½	8	8	1.08½
1	2	.20	4	14	.65	8	10	1.10
1	4	.21½	5	0	.66½	8	12	1.11½
1	6	.23	5	2	.68	8	14	1.13
1	8	.24½	5	4	.69½	9	0	1.14½
1	10	.26	5	6	.71	9	2	1.16
1	12	.27½	5	8	.72½	9	4	1.17½
1	14	.29	5	10	.74	9	6	1.19
2	0	.30½	5	12	.75½	9	8	1.20½
2	2	.32	5	14	.77	9	10	1.22
2	4	.33½	6	0	.78½	9	12	1.23½
2	6	.35	6	2	.80	9	14	1.25
2	8	.36½	6	4	.81½	10	0	1.26½
2	10	.38	6	6	.83	10	2	1.28
2	12	.39½	6	8	.84½	10	4	1.29½
2	14	.41	6	10	.86	10	6	1.31
3	0	.42½	6	12	.87½	10	8	1.32½
3	2	.44	6	14	.89	10	10	1.34
3	4	.45½	7	0	.90½	10	12	1.35½
3	6	.47	7	2	.92	10	14	1.37
3	8	.48½	7	4	.93½	11	0	1.38½
3	10	.50	7	6	.95			
3	12	.51½	7	8	.96½			

NOTE: To determine the postage for packages of books or sheet music weighing over 11 pounds addressed to Spain and Spanish possessions, compute the rate for the pounds alone at 12 cents per pound. If there are no remaining ounces, add 6½ cents; if there are remaining ounces, determine the rate for them from the following scale and add to the rate for the pounds:

1 or 2 ounces—add 8 cents.
3 or 4 ounces—add 9½ cents.
5 or 6 ounces—add 11 cents.
7 or 8 ounces—add 12½ cents.
9 or 10 ounces—add 14 cents.
11 or 12 ounces—add 15½ cents.
13 or 14 ounces—add 17 cents.
Over 14 ounces—consider a full pounds.
Over 14 ounces—consider a full pound.

EXAMPLES. (1) Package weighing 21 pounds: Compute the rate at 12 cents per pound (12 cents×21 pounds=$2.52) and add 6½ cents, finding the rate to be $2.58½. (2) Package weighing 21 pounds 5 ounces: Compute the rate at 12 cents per pound (12 cents ×21 pounds=$2.52) and add the rate shown in the scale above for the 5 ounces (11 cents), finding the rate to be $2.63.

TABLE VII.—SURFACE RATES FOR SMALL PACKETS

(ALL COUNTRIES TO WHICH ACCEPTED)

(Rate: 6 cents for each 2 ounces or fraction of 2 ounces, with minimum charge of 26 cents)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
Up to—			1	2	$0.54	1	14	$0.90
0	8	$0.26	1	4	.60	2	0	.96
0	10	.30	1	6	.66	2	2	1.02
0	12	.36	1	8	.72	2	3	1.08
0	14	.42	1	10	.78			
1	0	.48	1	12	.84			

Chart 3.—READY-REFERENCE TABLES OF POSTAGE ON POSTAL UNION AIRMAIL

TABLE I.—AIRMAIL RATES FOR LETTERS AND LETTER PACKAGES TO CANADA AND MEXICO

(Rate: 10 cents per ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	1	$0.10	0	12	$1.20	1	7	$2.20
0	2	.20	0	13	1.30	1	8	2.40
0	3	.30	0	14	1.40	1	9	2.50
0	4	.40	0	15	1.50	1	10	2.60
0	5	.50	1	0	1.60	1	11	2.70
0	6	.60	1	1	1.70	1	12	2.80
0	7	.70	1	2	1.80	1	13	2.90
0	8	.80	1	3	1.90	1	14	3.00
0	9	.90	1	4	2.00	1	15	3.10
0	10	1.00	1	5	2.10	2	0	3.20
0	11	1.10	1	6	2.20			

For letters or letter packages over 2 pounds, add 10 cents for each ounce or fraction.

TABLE II.—AIRMAIL RATES FOR LETTERS AND LETTER PACKAGES TO CENTRAL AMERICA, SOUTH AMERICA, CARIBBEAN ISLANDS, BAHAMAS, BERMUDA, AND ST. PIERRE AND MIQUELON.

(Rate: 15 cents per half ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	½	$0.15	0	7½	$2.25	0	14½	$4.35
0	1	.30	0	8	2.40	0	15	4.50
0	1½	.45	0	8½	2.55	0	15½	4.65
0	2	.60	0	9	2.70	1	0	4.80
0	2½	.75	0	9½	2.85	1	½	4.95
0	3	.90	0	10	3.00	1	1	5.10
0	3½	1.05	0	10½	3.15	1	1½	5.25
0	4	1.20	0	11	3.30	1	2	5.40
0	4½	1.35	0	11½	3.45	1	2½	5.55
0	5	1.50	0	12	3.60	1	3	5.70
0	5½	1.65	0	12½	3.75	1	3½	5.85
0	6	1.80	0	13	3.90	1	4	6.00
0	6½	1.95	0	13½	4.05			
0	7	2.10	0	14	4.20			

For letters or letter packages over 20 ounces, add 20 cents per half ounce or fraction.

TABLE IV.—AIRMAIL RATES FOR LETTERS AND LETTER PACKAGES TO U.S.S.R., ESTONIA, LATVIA, LITHUANIA, ASIA, AFRICA (OTHER THAN MEDITERRANEAN), AND THE PACIFIC

(Rate: 25 cents per half ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	½	$0.25	0	7½	$3.75	0	14	$7.00
0	1	.50	0	8	4.00	0	14½	7.25
0	1½	.75	0	8½	4.25	0	15	7.50
0	2	1.00	0	9	4.50	0	15½	7.75
0	2½	1.25	0	9½	4.75	1	0	8.00
0	3	1.50	0	10	5.00	1	½	8.25
0	3½	1.75	0	10½	5.25	1	1	8.50
0	4	2.00	0	11	5.50	1	1½	8.75
0	4½	2.25	0	11½	5.75	1	2	9.00
0	5	2.50	0	12	6.00	1	2½	9.25
0	5½	2.75	0	12½	6.25	1	3	9.50
0	6	3.00	0	13	6.50	1	3½	9.75
0	6½	3.25	0	13½	6.75	1	4	10.00
0	7	3.50						

For letters or letter packages over 20 ounces, add 25 cents per half ounce or fraction.

TABLE V.—AIRMAIL "AO" RATES FOR PRINTED MATTER, MATTER FOR THE BLIND, SAMPLES OF MERCHANDISE AND SMALL PACKETS TO MEXICO, CENTRAL AMERICA, THE CARIBBEAN ISLANDS, BAHAMAS, BERMUDA, AND ST. PIERRE AND MIQUELON

(SEE CHART 1 FOR WEIGHT LIMITS)

(Rates: 40 cents first 2 ounces; 10 cents each additional 2 ounces)

Lbs.	oz.	Rate	Lbs.	oz.	Rate	Lbs.	oz.	Rate
0	2	$0.40	3	14	$3.40	7	10	$6.40
0	4	.50	4	0	3.50	7	12	6.50
0	6	.60	4	2	3.60	7	14	6.60
0	8	.70	4	4	3.70	8	0	6.70
0	10	.80	4	6	3.80	8	2	6.80
0	12	.90	4	8	3.90	8	4	6.90
0	14	1.00	4	10	4.00	8	6	7.00
1	0	1.10	4	12	4.10	8	8	7.10
1	2	1.20	4	14	4.20	8	10	7.20
1	4	1.30	5	0	4.30	8	12	7.30
1	6	1.40	5	2	4.40	8	14	7.40
1	8	1.50	5	4	4.50	9	0	7.50
1	10	1.60	5	6	4.60	9	2	7.60
1	12	1.70	5	8	4.70	9	4	7.70
1	14	1.80	5	10	4.80	9	6	7.80
2	0	1.90	5	12	4.90	9	8	7.90
2	2	2.00	5	14	5.00	9	10	8.00
2	4	2.10	6	0	5.10	9	12	8.10
2	6	2.20	6	2	5.20	9	14	8.20
2	8	2.30	6	4	5.30	10	0	8.30
2	10	2.40	6	6	5.40	10	2	8.40
2	12	2.50	6	8	5.50	10	4	8.50
2	14	2.60	6	10	5.60	10	6	8.60
3	0	2.70	6	12	5.70	10	8	8.70
3	2	2.80	6	14	5.80	10	10	8.80
3	4	2.90	7	0	5.90	10	12	8.90
3	6	3.00	7	2	6.00	10	14	9.00
3	8	3.10	7	4	6.10	11	0	9.10
3	10	3.20	7	6	6.20			
3	12	3.30	7	8	6.30			

For letters or letter packages over 20 ounces, add 15 cents per half ounce or fraction.

TABLE III.—AIRMAIL RATES FOR LETTERS AND LETTER PACKAGES TO EUROPE (EXCEPT ESTONIA, LATVIA, LITHUANIA AND U.S.S.R.), AND MEDITERRANEAN AFRICA

(Rate: 20 cents per half ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	½	$0.20	0	7½	$3.00	0	14½	$5.80
0	1	.40	0	8	3.20	0	15	6.00
0	1½	.60	0	8½	3.40	0	15½	6.20
0	2	.80	0	9	3.60	1	0	6.40
0	2½	1.00	0	9½	3.80	1	½	6.60
0	3	1.20	0	10	4.00	1	1	6.80
0	3½	1.40	0	10½	4.20	1	1½	7.00
0	4	1.60	0	11	4.40	1	2	7.20
0	4½	1.80	0	11½	4.60	1	2½	7.40
0	5	2.00	0	12	4.80	1	3	7.60
0	5½	2.20	0	12½	5.00	1	3½	7.80
0	6	2.40	0	13	5.20	1	4	8.00
0	6½	2.60	0	13½	5.40			
0	7	2.80	0	14	5.60			

To determine the postage for packages over 11 pounds, compute the rate for the pounds alone at 80 cents per pound, and add the rate for the ounces as shown in the table. If there are no ounces, add 30 cents to the rate at 80 cents per pound.

TABLE VI.—AIRMAIL "AO" RATES FOR PRINTED MATTER, MATTER FOR THE BLIND, SAMPLES OF MERCHANDISE AND SMALL PACKETS TO SOUTH AMERICA, EUROPE (EXCEPT U.S.S.R., ESTONIA, LATVIA AND LITHUANIA), AND MEDITERRANEAN AFRICA

(SEE CHART 1 FOR WEIGHT LIMITS)

(Rates: 50 cents first 2 ounces; 20 cents each additional 2 ounces)

Lbs.	oz.	Rate	Lbs.	oz.	Rate	Lbs.	oz.	Rate
0	2	$0.50	3	14	$6.50	7	10	$12.50
0	4	.70	4	0	6.70	7	12	12.70
0	6	.90	4	2	6.90	7	14	12.90
0	8	1.10	4	4	7.10	8	0	13.10
0	10	1.30	4	6	7.30	8	2	13.30
0	12	1.50	4	8	7.50	8	4	13.50
0	14	1.70	4	10	7.70	8	6	13.70
1	0	1.90	4	12	7.90	8	8	13.90
1	2	2.10	4	14	8.10	8	10	14.10
1	4	2.30	5	0	8.30	8	12	14.30
1	6	2.50	5	2	8.50	8	14	14.50
1	8	2.70	5	4	8.70	9	0	14.70
1	10	2.90	5	6	8.90	9	2	14.90
1	12	3.10	5	8	9.10	9	4	15.10
1	14	3.30	5	10	9.30	9	6	15.30
2	0	3.50	5	12	9.50	9	8	15.50
2	2	3.70	5	14	9.70	9	10	15.70
2	4	3.90	6	0	9.90	9	12	15.90
2	6	4.10	6	2	10.10	9	14	16.10
2	8	4.30	6	4	10.30	10	0	16.30
2	10	4.50	6	6	10.50	10	2	16.50
2	12	4.70	6	8	10.70	10	4	16.70
2	14	4.90	6	10	10.90	10	6	16.90
3	0	5.10	6	12	11.10	10	8	17.10
3	2	5.30	6	14	11.30	10	10	17.30
3	4	5.50	7	0	11.50	10	12	17.50
3	6	5.70	7	2	11.70	10	14	17.70
3	8	5.90	7	4	11.90	11	0	17.90
3	10	6.10	7	6	12.10			
3	12	6.30	7	8	12.30			

To determine the postage for packages over 11 pounds, compute the rate for the pounds alone at $1.60 per pound, and add the rate for the ounces as shown in the table. If there are no ounces, add 30 cents to the rate at $1.60 per pound.

TABLE VII.—AIRMAIL "AO" RATES FOR PRINTED MATTER, MATTER FOR THE BLIND, SAMPLES OF MERCHANDISE AND SMALL PACKETS TO U.S.S.R., ESTONIA, LATVIA, LITHUANIA, ASIA, AFRICA OTHER THAN MEDITERRANEAN, AND THE PACIFIC

(SEE CHART 1 FOR WEIGHT LIMITS)

(Rates: 60 cents first 2 ounces; 30 cents each additional 2 ounces)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.60	3	14	$9.60	7	10	$18.60
0	4	.90	4	0	9.90	7	12	18.90
0	6	1.20	4	2	10.20	7	14	19.20
0	8	1.50	4	4	10.50	8	0	19.50
0	10	1.80	4	6	10.80	8	2	19.80
0	12	2.10	4	8	11.10	8	4	20.10
0	14	2.40	4	10	11.40	8	6	20.40
1	0	2.70	4	12	11.70	8	8	20.70
1	2	3.00	4	14	12.00	8	10	21.00
1	4	3.30	5	0	12.30	8	12	21.30
1	6	3.60	5	2	12.60	8	14	21.60
1	8	3.90	5	4	12.90	9	0	21.90
1	10	4.20	5	6	13.20	9	2	22.20
1	12	4.50	5	8	13.50	9	4	22.50
1	14	4.80	5	10	13.80	9	6	22.80
2	0	5.10	5	12	14.10	9	8	23.10
2	2	5.40	5	14	14.40	9	10	23.40
2	4	5.70	6	0	14.70	9	12	23.70
2	6	6.00	6	2	15.00	9	14	24.00
2	8	6.30	6	4	15.30	10	0	24.30
2	10	6.60	6	6	15.60	10	2	24.60
2	12	6.90	6	8	15.90	10	4	24.90
2	14	7.20	6	10	16.20	10	6	25.20
3	0	7.50	6	12	16.50	10	8	25.50
3	2	7.80	6	14	16.80	10	10	25.80
3	4	8.10	7	0	17.10	10	12	26.10
3	6	8.40	7	2	17.40	10	14	26.40
3	8	8.70	7	4	17.70	11	0	26.70
3	10	9.00	7	6	18.00			
3	12	9.30	7	8	18.30			

Chart 4.—READY-REFERENCE TABLES OF POSTAGE ON SURFACE PARCEL POST

TABLE I.—SURFACE PARCEL POST RATES TO CANADA (SEE NOTE), MEXICO, CENTRAL AMERICA AND THE CARIBBEAN ISLANDS, BAHAMAS, BERMUDA, AND SAINT PIERRE AND MIQUELON

(SEE COUNTRY ITEMS FOR WEIGHT LIMITS)

(Rates: $1.00 first 2 pounds; 30 cents each additional pound)

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
2	$1.00	17	$5.50	32	$10.00
3	1.30	18	5.80	33	10.30
4	1.60	19	6.10	34	10.60
5	1.90	20	6.40	35	10.90
6	2.20	21	6.70	36	11.20
7	2.50	22	7.00	37	11.50
8	2.80	23	7.30	38	11.80
9	3.10	24	7.60	39	12.10
10	3.40	25	7.90	40	12.40
11	3.70	26	8.20	41	12.70
12	4.00	27	8.50	42	13.00
13	4.30	28	8.80	43	13.30
14	4.60	29	9.10	44	13.60
15	4.90	30	9.40		
16	5.20	31	9.70		

For parcels addressed to Panama weighing 44 pounds but not over 70 pounds, add 30 cents for each pound or fraction.

NOTE: See "Canada" country item for rates on packages weighing 8 ounces or less.

TABLE II.—SURFACE PARCEL POST RATES TO COUNTRIES FOR WHICH TABLE I DOES NOT APPLY

(SEE COUNTRY ITEMS FOR WEIGHT LIMITS)

(Rates: $1.10 first 2 pounds; 35 cents each additional pound)

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
2	$1.10	17	$6.35	32	$11.60
3	1.45	18	6.70	33	11.95
4	1.80	19	7.05	34	12.30
5	2.15	20	7.40	35	12.65
6	2.50	21	7.75	36	13.00
7	2.85	22	8.10	37	13.35
8	3.20	23	8.45	38	13.70
9	3.55	24	8.80	39	14.05
10	3.90	25	9.15	40	14.40
11	4.25	26	9.50	41	14.75
12	4.60	27	9.85	42	15.10
13	4.95	28	10.20	43	15.45
14	5.30	29	10.55	44	15.80
15	5.65	30	10.90		
16	6.00	31	11.25		

(SEE COUNTRY ITEMS FOR AIR PARCEL POST RATES AND TABLES)

Chart 5.—SPECIAL DELIVERY

Special delivery service is available only for postal union mail addressed to countries admitting the service. See subcaption "Special delivery" under individual country items. The following fees apply:

Class of mail	Weight: Not more than 2 pounds	Weight: More than 2 pounds but not more than 10 pounds	Weight: More than 10 pounds
	Cents	*Cents*	*Cents*
Letters, letter-packages, post cards, and airmail other articles	45	60	75
"Surface" other articles	65	75	90

Marking: Place on the cover, near the name of the country of destination, an "Exprès (Special Delivery)" label 57, or mark the cover, boldly in red, "Exprès (Special Delivery)."

For further information see Part 44 of this chapter.

Chart 6.—SPECIAL HANDLING

Special handling service is available only for surface AO and parcel post packages. The following fees apply:

	Cents
Up to 2 pounds	25
Over 2 pounds and up to 10 pounds	35
Over 10 pounds	50

Marking: Sender must endorse the package "Special Handling."

Treatment: Packages are entitled to priority treatment within the United States only. For further information see Part 45 of this chapter.

Chart 7.—POSTAGE RATES ON ARTICLES MAILED TO THE UNITED STATES FROM OTHER COUNTRIES

USE OF CHART

This chart will be found useful for the following purposes:

1. Determining the postage rates for letters, cards and aerogrammes from other countries to the United States.

Surface rates for letters are shown in columns 1 and 4, and for cards in column 5. Air rates for letters are shown in column 7 or column 8; for cards in column 11; and for aerogrammes in column 12. When the airmail letter rate appears in column 7, it is a surcharge in addition to the surface rate in columns 1 and 4. When it appears in column 8, it is the total airmail postage.

Column 2 shows the approximate equivalents in U.S. currency of the surface letter rates in column 1.

The weight units (columns 3 and 9) are frequently given in grams. One ounce equals 28.35 grams. It is generally considered that 20 grams equal about ¾ ounce, and 5 grams about ⅛ ounce.

2. Determining the number of international reply coupons required to prepay an airmail reply from another country.

One reply coupon will always prepay a single-rate surface letter from any country (§ 21.2(e)(1) of this chapter). Thus one coupon is good for the amount of postage shown in column 1 of the chart.

Column 10 shows the number of reply coupons needed to prepay an airmail reply weighing one weight unit as shown in column 9. For a letter exceeding that weight, determine the number of coupons by whichever of the following methods is applicable, converting ounces to grams if necessary (see the last paragraph of section 1 above).

a. If the airmail rate is a surcharge shown in column 7, compute the surface postage from columns 1 and 4, using the weight unit in column 3. Then compute the air surcharge from column 7, using the weight unit in column 9. Add the surcharge to the postage and divide the sum by the amount in column 1, which is the exchange value of a coupon.

b. If there is an airmail "combined rate" shown in column 8, compute the postage at that rate, using the weight unit in column 9, and divide by the exchange value of a coupon shown in column 1.

3. Checking postage-due ratings on letters and cards (surface or air) from other countries.

The postal service of origin marks shortpaid articles before dispatch for collection of an amount based on double the deficient postage. The marking, except on mail from Canada, consists of a letter "T" (meaning "Taxe") followed by a fractional number. The receiving U.S. exchange office multiplies the fraction by the single-rate surface letter postage to the country concerned (13 cents except with Mexico, 6 cents), and applies the product as postage-due marking.

The fractional number should consist of a figure representing double the shortpayment, written above the surface letter postage to the United States, in currency of the country of origin. For example, an airmail letter from France paid 1.30 francs but weighing over 5 grams would be marked "T 100/80", and 17 cents would be collected on delivery.

Shortpaid letters from Canada are not marked by the Canadian service with fractional numbers, but with the words "Postage due" followed by the actual amount in cents to be collected.

Surface mail: Letters: First weight unit	Surface mail: Letters: Equivalent in U.S. cents	Surface mail: Letters: Weight unit	Surface mail: Letters: Each additional weight unit	Surface mail: Single post cards	Countries and their monetary units	Airmail: Letters: Surcharge in addition to surface rate	Airmail: Letters: Combined rate	Airmail: Letters: Weight unit	Airmail: Letters: International reply coupons (*)	Airmail: Single post cards	Airmail: Aerogrammes	Airmail: Registration fee
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
3.75 a.	8.3	20 g.	2.25 a.	2.25 a.	Afghanistan 1 afghani (a.)=100 pools (p.).	12 a.		10 g.	5	14.25 a.		6 a.
1.80 L.	13	20 g.	95 q.	95 q.	Albania 1 lek (L)=100 qindarka (q.).	4 L.		5 g.	4	4.95 L.		2.40 L.
90 c.	12	20 g.	40 c.	40 c.	Algeria 1 dinar (d.)=100 centimes (c.).	40 c.		5 g.	2	80 c.		1.50 d.
12 c.	7	1 oz.	8 c.	8 c.	Antigua 1 dollar ($)=100 cents (c.).		25 c.	½ oz.	2	10 c.	12 c.	12 c.
20 p.	5.8	20 g.	20 p.	12 p.	Argentina 1 peso (p.)=100 centavos (c.).	20 p.		5 g.	3	32 p.	40 p.	60 p.
6 d.	6	1 oz.	3 d.	3 d.	Ascension 1 shilling (s.)=12 pence (d.).		Via G. Britian, 1 s 3 d. Via Capetown, 2 s 9 d.	½ oz.	3 6	9 d. 1 s 3 d.	6 d.	4 d.
7 c.	7.8	1 oz.	4 c.	7 c.	Australia 1 dollar ($)=100 cents (c.).		25 c.	½ oz.	4	13 c.	10 c.	20 c.
3.50 s.	13.4	20 g.	2 s.	2 s.	Austria 1 schilling (s.)=100 groschen (g.).	1.50 s.		5 g.	2	3.50 s.	5 s.	5 s.
8 c.	8	1 oz.	5 c.	5 c.	Bahamas 1 dollar ($)=100 cents (s.).		15 c.	½ oz.				8 c.
30 np.	6.3	1 oz.	20 np.	20 np.	Bahrain 1 rupee (r.)=100 naya paise (np.).		1 r.	½ oz.	4	60 np.	40 np.	40 np.
12 c.	6	1 oz.	8 c.	8 c.	Barbados 1 dollar ($)=100 cents (c.).		25 c.	½ oz.	3	12 c.	15 c.	12 c.
7 f.	14	20 g.	4 f.	4 f.	Belgium 1 franc (f.)=100 centimes (c.).	2.50 f.		5 g.	2	8.50 f.	8.50 f.	15 f.
8 d.	9	1 oz.	5 d.	4 d.	Bermuda 1 schilling (s.)=12 pence (d.).		1 s 3d.	½ oz.	2	10 d.	9 d.	2 s.
350 b.		20 g.	200 b.	200 b.	Bolivia 1 boliviano (b.)=100 centavos (c.).		365 b first wt. unit 615 b up to 10 gr.	½ oz.	2	365 b.		600 b.
8 c.	7	1 oz.	3 c.	3 c.	Botswana 1 rand (r.)=100 cents (c.).		25 c.		5	12 c.	10 c.	5 c.
56 c.	12.3	b.	25 c.	25 c.	Brazil 1 cruzeiro (C.)=100 centavos (c).	30 c.		f.	2	55 c.		70 c.
16 c.	5	a.	10 c.	10 c.	Brunei 1 dollar ($)=100 cents (c.).		$1.10.	l.	7	55 c.	45 c.	15 c.
0.13 l.	11	b.	0.08 l.	0.08 l.	Bulgaria 1 lev (L.)=100 stotinki (s.).	0.16 l.		f.	3	0.24 l.		0.15 l.
50 p.	10.5	a.	30 p.	30 p.	Burma 1 kyat (k.)=100 pyas (p.).	1.50 k.		l.	4	1.05 k.	75 p.	50 p.
11 f.	12.6	b.	7 f.	7 f.	Burundi 1 franc (f.)=100 centimes (c.).		26 f. first wt. unit. 21 f. ea. addl. unit.	b.	3	13 f.	13 f.	10 f.
4 r.	11.3	b.	2.50 r.	2.50 r.	Cambodia 1 riel (r.)=100 sen (s.).	7 r.		f.	3	9.50 r.		4.50 r.
30 f.	12	b.	20 f.	20 f.	Cameroon 1 franc (f.)=100 centimes (c.).	30 f.		f.	2	50 f.		70 f.
6 c.	6	a.	4 c.	6 c.	Canada 1 dollar ($)=100 cents (c.).		10 c.	a.	2	c.	10 c.	See Note 10.
4 d.	4	a.	2½ d.	2½ d.	Caymanils ands 1 shilling (s.)=12 pence (d.).		9 d.	l.	3	9 d.		3 d.
30 f.	12	b.	20 f.	20 f.	Central African Republic 1 franc (f.)=100 centimes (c.).	40 f.		f.	2	80 f.		100 f.
35 c.	5.8	a.	25 c.	25 c.	Ceylon 1 rupee (r.)=100 cents (c.).		1.60 r.	l.	5	80 c.	50 c.	50 c.
30 f.	12	b.	20 f.	20 f.	Chad 1 franc (f.)=100 centimes (c.).	30 f.		f.	2	80 f.		60 f.
20 c.	3	b.	See Note 6.	16 c.	Chile 1 escudo (e.)=100 centesimos (c.).							60 c.
$3.50.	8.8	b.	$2.	$2.	China 1 dollar ($)=100 cents (c.).		$8.00.	h.	3	$5.	$5.	$4.00.
80 c.	8	b.	80 c.	50 c.	Colombia 1 peso (p.)=100 centavos (c.).		2 p.	h.	3	1.40 p.	1.40.	1.30 p.
30 f.	12	b.	20 f.	20 f.	Comoro Islands 1 franc (f.)=100 centimes (c.).	36 f.		f.	3	56 f.		60 f.
30 f.	12	b.	20 f.	20 f.	Congo (Brazzaville) 1 franc (f.)=100 centimes (c.). 1 franc (f.)=100 centimes (c.).	30 f.			2	50 f.		60 f.

(*) See section 2 of the introduction to this chart.

Surface mail: Letters: First weight unit (1)	Equivalent in U.S. cents (2)	Weight unit (3)	Each additional weight unit (4)	Single post cards (5)	Countries and their monetary units (6)	Airmail: Letters: Surcharge in addition to surface rate (7)	Combined rate (8)	Weight unit (9)	International reply coupons (*) (10)	Single post cards (11)	Aerogrammes (12)	Registration fee (13)
6.6 k	13	20 g	3.9 k	3.9 k	Congo (Kinshasa) 1 zaire (z.) = 100 makuta (k.).	5 k		5 g	2	8.9 k	7 k	9.8 k.
25 c		20 g	15 c	15 c	Costa Rica 1 colon (C.) = 100 centimos (c.).	15 c		5 g	2	30 c		85 c.
3 c	2.3	1 oz	3 c	2 c	Cuba 1 peso (p.) = 100 centavos (c.).		12 c	½ oz	4	12 c	10 c	10 c.
30 m	7.2	20 g	20 m	20 m	Cyprus 1 pound (£) = 1000 mils (m.).		90 m	10 g	4	45 m		35 m.
1 c	13.8	20 g	60 d	60 d	Czechoslovakia 1 crown (c.) = 100 deniers (d.).	80 d		5 g	2	1.40 c	1.20 c	1.40 c.
30 f	12	20 g	20 f	20 f	Dahomey 1 franc (f.) = 100 centimes (c.).	25 f		5 g	2	45 f		70 f.
90 o	12	20 g	50 o	50 o	Denmark (incl. Greenland) 1 crown (c.) = 100 ore (o.).	40 o		5 g	2	90 o	80 o	1.40 c.
12 c	7	1 oz	8 c	8 c	Dominica (Windward Islands) 1 dollar ($) = 100 cents (c.).	18 c. (see note 1)		½ oz	2	12 c		15 c.
9 c	5.8	15 g	5 c	8 c	Dominican Republic 1 peso (p.) = 100 centavos (c.).	See note 9		15 g	2	10 c		25 c.
80 c	1.3	20 g	40 c	60 c	Ecuador 1 sucre (s.) = 100 centavos (c.). (See note 2.)	40 c. up to 20 gr. minimum chg. 1.70s.		5 g	3	80 c	1.40 s	1 s.
10 c	4	20 g	8 c	6 c	El Salvador 1 colon (C.) = 100 centavos (c.).		20 c	10 g	2	20 c	10 c	20 c.
6 K	6.7	20 g	4 k	4 k	Estonia 1 ruble (r.) = 100 kopeks (k.).							12 k.
30 c	12	20 g	20 c	20 c	Ethiopia 1 dollar ($) = 100 centimes (c.).		80 c	10 g	3	45 c	55 c	35 c.
6½ d	5.5	1 oz	3 d	3 d	Falkland Islands 1 shilling (s.) = 12 pence (d.).		1 s	½ oz	3		6 d	3 d.
7 d	8	1 oz	4 d	4 d	Fiji Islands 1 shilling (s.) = 12 pence (d.).		2 s	½ oz	4	1 s	10 d	1 s.
50 p	12	20 g	30 p	30 p	Finland 1 mark (m.) = 100 penni (p.).	25 p		5 g	2	55 p	50 p	80 p.
80 c	14.3	20 g	45 c	45 c	France 1 franc (f.) = 100 centimes (c.).	50 c		5 g	2	95 c	1.15 f	2.60 f.
80 c	14.3	20 g	45 c	45 c	French Guiana 1 franc (f.) = 100 centimes (c.).	20 c		5 g	2	65 c	1.15 f	2.60 f
12 f	12	20 g	7 f	7 f	French Polynesia 1 franc (f.) = 100 centimes (c.).	6 f		5 g	2	13 f		35 f.
30 f	14	20 g	20 f	20 f	French Ter. of Afars and Issas 1 franc (f.) = 100 centimes (c.).	25 f		5 g	2	45 f		60 f.
30 f	10.8	20 g	20 f	20 f	Gabon Republic 1 franc (f.) = 100 centimes (c.).	30 f		5 g	2	60 f		60 f.
6 d	7	1 oz	3 d	3 d	Gambia 1 shilling (s.) = 112 pence (d.).		1 s 9 d	½ oz	4	11 d	6 d	6 d.
80 p	13.6	1 oz	30 p	30 p	Germany (Western Zone) 1 mark (m.) = 100 pfennig (p.).	20 p		5 g	2	80 p	60 p	80 p.
25 p	11.2	20 g	15 p	15 p	Germany (Eastern Zone) 1 mark (m.) = 100 pfennig (p.).	10 p		5 g	2	25 p		50 p.
7½ p	10.5	1 oz	4½ p	4½ p	Ghana 1 Cedi (c.) = 100 pesawas (p.).		20 p	5 g	3	10 p	9 p	13½ p.
6 d	6	1 oz	4 d	4 d	Gibraltar 1 shilling (s.) = 12 pence (d.).		9 d	¼ oz	2	9 d	6 d	2 s.
7 d	6.5	1 oz	4 d	4 d	Gilbert and Ellice Islands 1 shilling (s.) = 12 pence (d.).		3 s	½ oz	5	1 s. 6 d	1 s	6 d.
9 d	9	1 oz	5 d	5 d	Great Britain and Northern Ireland 1 shilling (s.) = 12 pence (d.).		1 s. 6 d	½ oz	2	9 d	9 d	3 s.
4 d	13	20 g	2.50 d	2.50 d	Greece 1 drachma (d.) = 100 lepta (L.).	2 d		5 g	2	4.50 d		4 d.
12 c	7	1 oz	8 c	8 c	Grenada and the Grenadines 1 dollar ($) = 100 cents (c.).		37 c	½ oz	4	25 c	12 c	15 c.
80 c	14.3	20 g	45 c	45 c	Guadeloupe 1 franc (f.) = 100 centimes (c.).	20 c		5 g	2	65 c	1.15 f	2.60 f.
4 c	4	20 g	2 c	3 c	Guatemala 1 quetzal (q.) = 100 centavos (c.).		7 c	5 g	2	7 c		5 c.
30 f	12	20 g	20 f	20 f	Guinea 1 franc (f.) = 100 centimes (c.).	25 f		5 g	2	45 f	45 f	50 f.
8 c	4.6	1 oz	5 c	5 c	Guyana 1 dollar ($) = 100 cents (c.).		25 c	½ oz	4	15 c	15 c	12 c.
10 c	2	15 g	5 c	5 c	Haiti (see note 5) 1 gourde (g.) = 100 centimes (c.).	50 c		15 g	5			25 c.
12 c	8.4	1 oz	7 c	7 c	Honduras, British 1 dollar ($) = 100 cents (c.).	10 c		¼ oz	2	17 c	15 c	15 c.
8 c	4	15 g	6 c	3 c	Honduras, Republic of 1 Lempira (L.) = 100 centavos (c.).	12 c		5 g	3	15 c	12 c	10 c.
40 c	6.6	1 oz	25 c	25 c	Hong Kong 1 dollar ($) = 100 cents (c.).		$2	½ oz	5	$1	50 c	40 c.
3 F	10	20 g	2 F	2 F	Hungary 1 forint (F.) = 100 fillers (f.).	2.40 F		5 g	2	4.40 F		4 F.
10 c	11.4	20 g	6 c	6 c	Iceland 1 crown (c.) = 100 aurar (a.).	3 c		5 g	2	12 c	12 c	16 c.
75 P	10	20 g	45 P	45 P	India 1 rupee (r.) = 100 Paise (P.).	1.40 r		½ oz	3	75 P	85 P	95 P.
40 r	10.4	20 g	25 r	25 r	Indonesia 1 rupiah (r.) = 100 sen (s).	50 N		5 g	3	75 N	65 N	25 r.
6 r	7.8	20 g	3 r	3 r	Iran 1 rial (r.) = 100 dinars (d.).		24 r. first wt. unit, 18 r. each addl. unit.	10 g	4	8 r		8 r.
30 f	8.4	20 g	18 f	18 f	Iraq 1 dinar (d.) = 1,000 fils (f.).		80 f	10 g	3	50 f	35 f	50 f.
1 s 2 d	14	1 oz	8 d	8 d	Ireland 1 shilling (s.) = 12 pence (d.).		1 s. 5 d. first unit 1 s. 1 d each additional unit.	½ oz	2	8 d	10 d	2 s.
35 a	10	20 g	20 a	20 a	Israel 1 livre (L.) = 100 agorot (a).		85 a	10 g	3	50 a	50 a	60 a.
90 L	13.2	20 g	55 L	55 L	Italy 1 lira (L.) = 100 centesimi (c.).	60 L		5 g	2	115 L	130 L	130 L.

Surface mail: Letters: First weight unit (1)	Equivalent in U.S. cents (2)	Weight unit (3)	Each additional weight unit (4)	Single post cards (5)	Countries and their monetary units (6)	Airmail: Letters: Surcharge in addition to surface rate (7)	Combined rate (8)	Weight unit (9)	International reply coupons (*) (10)	Single post cards (11)	Aerogrammes (12)	Registration fee (13)
20 f	10.8	20 g	20 f	20 f	Ivory Coast 1 franc (f.) = 100 centimes (c.).	30 f		5 g	2	50 f		70 f.
6 c	9.6	1 oz	4 c	4 c	Jamaica 1 dollar ($) = 100 cents (c.).		10 c	½ oz	2	5 c	8 c	8 c.
50 y	14	20 g	30 y	30 y	Japan 1 yen (y.) = 100 sen (s.).		90 y first wt. unit 80 y ea. addl. unit.	10 g	2	45 y	50 y	70 y.
45 f	12.6	20 g	30 f	30 f	Jordan 1 danar (d.) = 1,000 fils (f.).		100 f	10 g	3	50 f	50	70 f.
70 c	10	1 oz	40 c	40 c	Kenya 1 shilling (s.) = 100 cents (c.).		2.50 s	½ oz	4	1.30 s	70 c	1.40 s.
26 w	13.2	20 g	21 w	21 w	Korea 1 won (w.) 100 = chun (c.).		83 w	15 g	3	36 w	37 w	53 w.
25 f	7	20 g	15 f	15 f	Kuwait 1 Kuwaiti dinar (KD) = 1,000 fils (f.).		90 f	10 g	4	55 f	25 f	50 f.
60 k	12	20 g	40 k	40 k	Laos 1 kip (k.) = 100 ats (a.).							100 k.
6 k	6.7	20 g	4 k	4 k	Latvia 1 ruble (r.) = 100 kopeks (k.).				c			12 k.
30 p	13.7	20 g	20 p	20 p	Lebanon 1 piastre (p.) = 100 centimes (c.).	40 p		10 g	3	60 p	50 p	45 p.
5 c	7	1 oz	3½ c	3½ c	Lesotho 1 rand (r.) = 100 cents (c.).		22½ c	½ oz	5	12 c	10 c	5 c.
13 c	13	1 oz	8 c	8 c	Liberia 1 dollar ($) = 100 cents (c.).		25 c	½ oz	5	15 c	15 c	55 c.
45 m	12.6	20 g	30 m	30 m	Libya 1 livre (L.) = 1,000 illimemes (m.)	40 m		10 g	2	70 m	50 m	70 m.
6 k	6.7	20 g	4 k	4 k	Lithuania 1 ruble (r.) = 100 kopens (k.)							12 k.
6 f	12	20 g	3.50 f	3.50 f	Luxembourg (1 franc (f.) = 100 centimes (c.).	2.50 f		5 g	2	6 f		10 f.
30 f	10.8	20 g	20 f	20 f	Madagasard 1 franc (f.) = 100 centimes (c.).	36 f		5 g	3	56 f		50 f.
6 d	6	1 oz	4 d	4 d	Malawi 1 shilling (s.) = 12 pence (d.).		2s. 9 d	½ oz	6	1 s. 3 d	1 s. 3 d	1 s. 3 d
25 c	5	1 oz	15 c	15 c	Malaysia 1 dollar ($) = 100 cents (c.).		$1.05	½ oz	5	55 c	30 c	60 c.
10 d	10	1 oz	6 d	6 d	Malta 1 shilling (s.) = 12 pence (d.).		1 s. 6 d	½ oz	2	9 d	10 d	1 s. 6 d
60 f	10.8	20 g	40 f	40 f	Mali 1 franc (f.) = 100 centimes (c.).	60 f		5 g	2	100 f		100 f.
80 c	14.3	20 g	45 c	45 c	Martinique 1 franc (f.) = 100 centimes (c.).	20 c		5 g	2	65 c	1.15 f	2.60 f.
30 f	10.8	20 g	20 f	20 f	Mauritania 1 franc (f.) = 100 centimes (c.).	25 f		10 g	2	45 f		70 f.
50 r	9	20 g	25 c	25 c	Mauritius and dependencies 1 rupee (r.) = 100 cents (c.).		1 r	5 g	3	75 c	50 c	50 c.
40 c	3.2	20 g	40 c	20 c	Mexico 1 peso (p.) = 100 centavos (c.).		80 c	10 g	2	80 c		50 c.
8 c	4.6	1 oz	5 c	5 c	Montserrat 1 dollar ($) = 100 cents (c.).		18 c	½ oz	3			6 c.
60 f	11.8	20 g	35 f	35 f	Morocco 1 Dirham (DH) = 100 francs (f.).	50 f		5 g	2	85 f		75 f.
30 np	6.3	1 oz	20 np	20 np	Muscat 1 rupee (r.) = 100 naye paise (np).		1 r	½ oz	4	60 np	40 np	40 np.
7 c	7.8	1 oz	4 c	7 c	Nauru 1 dollar ($) = 100 cents (c.).		25 c	½ oz	4	13 c	10 c	20 c.
50 p	5	20 g	30 p	30 p	Nepal 1 rupaiya (r.) = 100 paisa (p.).		2.50 r	½ oz	5	0.75 r	1.00 r	50 p.
45 c	12.3	20 g	25 c	25 c	Netherlands 1 florin (f.) = 100 cents (c.).	20 c		5 g	2	25 c	45 c	75 c.
20 c	10.6	20 g	12 c	12 c	Netherlands Antilles 1 florin (f.) = 100 cents (c.).		20 c	5 g	1	15 c	20 c	30 c.
12 c	7	1 oz	8 c	8 c	Nevis 1 dollar ($) = 100 cents (c.).		25 c	½ oz	3	12 c	15 c	10 c.
12 f	12	20 g	7 f	7 f	New Caledonia 1 franc (f.) = 100 centimes (c.).	9 f		5 g	2	16 f		35 f.
7 c	7.8	1 oz	4 c	7 c	New Guinea 1 dollar ($) = 100 cents (c.).		20 c	½ oz	3	10 c	9 c	20 c.
30 c	9.8	20 g	20 c	20 c	New Hebrides 1 gold franc (f.) = 100 gold centimes (c.).	30 c		5 g	2	45 c	35 c	50 c.
7 c	7.8	1 oz	4 c	4 c	New Zealand 1 dollar ($) = 100 cents (c.).		18 c	½ oz	3	10 c	8 c	18 c.
10 c	1.6	20 g	10 c	8 c	Nicaragua 1 cordoba (C.) = 100 centavos (c.).	30 c		5 g	4	38 c		40 c.
20 f	12	20 g	20 f	20 f	Niger 1 franc (f.) = 100 centimes (c.).	30 f		5 g	2	50 f		70 f.
9 d	10.5	1 oz	6 d	6 d	Nigeria 1 shilling (s.) = 12 pence (d.).		2 s	½ oz	3	1 s	9 d	1 s.
90 o	12.6	20 g	55 o	55 o	Norway 1 crown (c.) = 100 ore (o.).	35 o		½ oz	2	90 o	90 o	150 o.
80 p	10.5	1 oz	30 p	30 p	Pakistan 1 rupee (r.) = 100 paisa (p.).	80 p		½ oz	2	60 p	60 p	50 p.
8 c	7.8	20 g	5 c	5 c	Panama 1 balboa (b.) = 100 centesimos (c.) (see note 3).		13 c first 10 gr, 5 c. each addl. 5 gr.		2	13 c	8 c	10 c.
7 c	7.8	1 oz	4 c	7 c	Papua 1 dollar ($) = 100 cents (c.).		20 c	½ oz	3	10 c	9 c	20 c.
1.50 g	1.2	20 g	50 c	50 c	Paraguay 1 guarani (g.) = 100 centimos (c.).		18.15 g	5 g	3	18.15 g		40 c.
1.50 s	3.7	20 g	90 c	90 c	Peru 1 sol (s.) = 100 centavos (c.).	3 s		5 g	3	3.90 s	4 s	2 s.
6 d	7	1 oz	4 d	4 d	Pitcairn Island 1 shilling (s.) = 12 pence (d.).							4 d.

Surface mail: Letters: First weight unit	Equivalent in U.S. cents	Weight unit	Each additional weight unit	Single post cards	Countries and their monetary units	Airmail: Letters: Surcharge in addition to surface rate	Combined rate	Weight unit	International reply coupons (*)	Single post cards	Aerogrammes	Registration fee
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
30 c	7.5	20 g	20 c	20 c	Philippines 1 peso (p.) = 100 centavos (c.).		75 c	10 g	3	75 c	60 c	40 c.
2.50 z	10.4	20 g	1.50 z	1.50 z	Poland 1 zloty (z.) = 100 grosz (g.).	1.50 z		5 g	2	3.00 z		3.10 z.
2.50 e	8	20 g	1.50 e	1.50 e	Portugal, including the Azores and Madeira Islands. 1 escudo (e.) = 100 centavos (c.).	1.80 e		5 g	2	3.30 e		5 e.
					Portuguese Colonies in Africa:							
2.50 e	8	20 g	1.50 e	1.50 e	Angola 1 escudo (e.) = 100 centavos (c.).	3.50 e		5 g	3	5 e	2.50 e	4 e.
2.50 e	8	20 g	1.50 e	1.50 e	Cape Verde 1 escudo (e.) = 100 centavos (c.).	3.50 e		5 g	3	5 e	3.50 e	4 e.
2.50 e	8	20 g	1.50 e	1.50 e	Portuguese Guinea 1 escudo (e.) = 100 centavos (c.).	2.50 e		5 g	2	4 e		4 e.
2.50 e	8	20 g	1.50 e	1.50 e	Mozambique 1 escudo (e.) = 100 centavos (c.).	3.50 e		5 g	3	5 e	3.50 e	4 e.
2.50 e	8	20 g	1.50 e	1.50 e	St. Thomas and Prince Islands 1 escudo (e.) = 100 centavos (c.).	3.50 e		5 g	3	5 e	3.50 e	4 e.
					Portuguese Colonies in Asia and Oceania:							
80 a	8	20 g	30 a	30 a	Macao 1 pataca (p.) = 100 avos (a).	55 a		5 g	3	85 a	50 a	80 a.
40 e	8	20 g	1.50 e	1.50 e	Portuguese Timor 1 escudo (e.) = 100 centavos (c.).	3.50 e		5 g	4	6.00 e	4.50 e	4 e.
DH	8.4	1 oz			Qatar 1 riyal (R) = 100 dirhams (DH).		1.50 R	10 g	4	80 DH	50 DH	60 DH.
35 f	12.5	20 g	20 f	20 f	Reunion 1 franc (f.) = 100 centimes (c.).	25 f		5 g	2	45 f	60 f	130 f.
6 d	7	1 oz	4 d	4 d	Rhodesia 1 shilling (s.) = 12 pence (d.).		2 s 6 d	½ oz	5	1 s 3 d	1 s	1s.
2.40 L	13	20 g	1.50 L	1.50 L	Rumania 1 leu (L.) = 100 bani (b.).	4 L		20 g	3	5.50 L		3.60L.
10 f	10	20 g	6 f	6 f	Rwanda 1 franc (f.) = 100 centimes (c.).	11 f		5 g	2	17 f	15 f	12 f.
6 y	8	20 g	4 y	3 y	Ryukyu Islands 1 yen (y.) = 100 sen (s.).	30 y		20 g				30 y.
12 c	7	1 oz	8 c	8 c	Saint Christopher (St. Kitts) 1 dollar ($) = 100 cents (c.).	25 c		½ oz	3	12 c	15 c	10 c.
6 d	6	1 oz	3 d	3 d	Saint Helena 1 shilling (s.) = 12 pence (d.).		{1 s. 3d. via G. B. 2 s. 9 d. via Capetown.}	½ oz	3 5	9 d 1 s 3 d	6 d	4 d.
12 c	7	1 oz	8 c	8 c	Saint Lucia 1 dollar ($) = 100 cents (c.).	25 c		½ oz	3	20 c	15 c	15 c.
30 f	10.8	20 g	20 f	20 f	Saint Pierre and Miquelon 1 franc (f.) = 100 centimes (c.).	4 f		5 g	2	24 f		30 f.
10 c	8.8	1 oz	6 c	6 c	Saint Vincent 1 dollar ($) = 100 cents (c.).	24 c		5 g	3	12 c		6 c.
8 p	8.8	20 g			Saudi Arabia 1 riyal (r.) = 20 piasters (p.).	15 p		10 g	3		10 p	6 p.
30 f	10.8	20 g	20 f	20 f	Senegal 1 franc (f.) = 100 centimes (c.).	30 f		5 g	2	50 f		60 f.
50 c	10.5	20 g	30 c	30 c	Seychelles 1 rupee (r.) = 100 cents (c.).		1.10 r	10 g	3	60 c	60 c	20 c.
11.5 c	13.8	1 oz	8.5 c	6.5 c	Sierra Leone 1 leone (L.) = 100 cents (c.).	25 c		½ oz	3	18.5 c	9.5 c	18.5 c.
25 c	8	1 oz	15 c	15 c	Singapore 1 dollar ($) = 100 cents (c.).	$1.05		½ oz	5	55 c	30 c	60 c.
7 c	7.8	1 oz	4 c	4 c	Solomon Islands 1 dollar ($) = 100 cents (c.).	35 c		½ oz	5	18 c	8 c	60 c.
1 s	14	20 g	60 c	60 c	Somalia 1 shilling (s.) = 100 cents (c.).							1 s.
5 c	7		3½ c	3½ c	South Africa 1 rand (r.) = 100 cents (c.).	22½ c		½ oz	5	12 c	10 c	5 c.
25 f	6	1 oz	15 f	15 f	Southern Yemen 1 dinar (d.) = 1000 fils (f.).	125 f		½ oz	5	65 f	35 f	65 f.
8 p	11.4	20 g	5 p	5 p	Spain, including Balearic and Canary Islands, and Spanish Offices in Northern Africa. 1 peseta (p.) = 100 centimos (c.).	6 p		5 g	2	11 p	10 p	10 p.
8 p	11.4	20 g	5 p	5 p	Spanish Sahara 1 peseta (p.) = 100 centimos (c.).	6 p		5 g	2	11 p	10 p	10 p.
35 m	10	20 g	20 m	20 m	Sudan 1 piastre (p.) = 10 milliems (m.).	95 m		10 g	3	50 m	40 m	40 m.
20 c	10.5	20 g	12 c	12 c	Surinam 1 florin (f.) = 100 cents (c.).	20 c		5 g	1	20 c		30 c.
6 c	8.5	1 oz	4 c	4 c	Swaziland 1 rand (r.) = 100 cents (c.).	25 c		½ oz	5	13½ c	12½ c	10 c.
70 o	13.5	20 g	40 o	40 o	Sweden 1 crown (c.) = 100 ore (o.).	See note 8.				See note 8.	70 o	2 c.
50 c	11.4	20 g	30 c	30 c	Switzerland 1 franc (f.) = 100 centimes (c.).	25 c		5 g	2	55 c	65 c	70 c.
45 p	11.7	20 g	27.50 p	27.50 p	Syria 1 piastre (p.) = 100 centimes (c.).	60 p		10 g	3	87.50 p		45 p.
70 c	10	1 oz	40 c	40 c	Tanzania 1 shilling (s.) = 100 cents (c.).	2.50 s		½ oz	4	1.30 s	70 c	1.40 s.
2 b	10	20 g	1.25 b	1.25 b	Thailand 1 baht (b.) = 100 satangs (s.).	3 b		5 g	3	4.25 b	3 b	3 b.
50 f	10.8	20 g	20 f	20 f	Togo 1 franc (f.) = 100 centimes (c.).	25 f		5 g	2	45 f		60 f.
9 d	8.4	1 oz	½ d	5½ d	Tonga Islands 1 shilling (s.) = 12 pence (d.).		2 s. 1 d	½ oz	3	1 s 2 d	10 d	4 d.
6 d	6	1 oz	4 d	6 d	Tristan da Cunha 1 shilling (s.) = 12 pence (d.).		1s. 6 d	1 oz	3	1 s	9 d	1 s. 6d.
15 c	7.5	1 oz	10 c	10 c	Trinidad and Tobago 1 dollar ($) = 100 cents (c.).		30	½ oz	2	15 c	20 c	25 c.
30 np	6.3	1 oz	20 np	20 np	Trucial States 1 rupee (r.) = 100 naye paise (np).		1 r	½ oz	4	60 np	40 np	40 np.

Surface mail: Letters: First weight unit	Equivalent in U.S. cents	Weight unit	Each additional weight unit	Single post cards	Countries and their monetary units	Airmail: Letters: Surcharge in addition to surface rate	Combined rate	Weight unit	International reply coupons (*)	Single post cards	Aerogrammes	Registration fee
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
60 f	11.4	20 g	35 f	35 f	Tunisia 1 dinar (D.) = 1000 francs (f.).	50 f		5 g	2	85 f		100 f.
100 k	6.6	20 g	60 k	60 k	Turkey 1 kurus (k.) = 100 santim (s.).	200 k		10 g	3	260 k	275 k	300 k.
6 d	6	1 oz	4 d	4 d	Turks Islands 1 shilling (s.) = 12 pence (d.).		8 d	½ oz	2	5 d	6 d	4 d.
70 c	10	1 oz	40 c	40 c	Uganda 1 shilling (s.) = 100 cents (c.).		2.50 s	½ oz	4	1.30 s	70 c	1.40 s.
6 k	6.7	20 g	4 k	4 k	Union of Soviet Socialist Republics 1 ruble (r.) = 100 kopeks (k.).							12 k.
60 m	13.7	20 g	30 m	30 m	United Arab Republic (Egypt) 1 piastre (p.) = 10 milliemes (m.).	55 m		10 g	2	85 m	115 m	90 m.
30 f	10.8	20 g	20 f	20 f	Upper Volta 1 franc (f.) = 100 centimos (c.).	30 f		5 g	2	50 f		60 f.
15 p	4.15	20 g	15 p	10 p	Uruguay 1 peso (p.) = 100 centimos (c.).	17 p		5 g	2	27 p		18 p.
90 L	13.2	20 g	55 L	55 L	Vatican City State 1 lira (L.) = 100 centesimi (c.).	60 L		5 g	2	115 L		90 L.
20 c. (See note 4.)	9	20 g	15 c	20 c	Venezuela 1 bolivar (b.) = 100 centimos (c.).	15 c		5 g	2	35 c	45 c	40 c.
9 p	11.2	20 g	5.50 p	5.50 p	Vietnam 1 piastre (p.) = 100 cents (c.).	5.50 p		5 g	2	11 p		18 p.
8 c	8	1 oz	5 c	5 c	Virgin Islands (British) 1 dollar ($) = 100 cents (c.).		10 c	½ oz	2	5 c	8 c	6 c.
6 d	7	1 oz	4 d	4 d	Western Samoa (British) 1 shilling (s.) = 12 pence (d.).		2 s.	½ oz	4	1 s	1 s	9 d.
6 b	9.6	20 g	4 b	4 b	Yemen 1 riyal (r.) = 40 bogsches (b.).							8 b.
1.25 Nd	10	20 g	75 p	75 p	Yugoslavia 1 New dinar (Nd.) = 100 paras (p.).	1.65 Nd		10 g	3	2.40 Nd	2.50 Nd	2 Nd.
6 n	8.4	1 oz	4 n	4 n	Zambia 1 kwacha (k.) = 100 ngwee (n.).							1 s. 10 n.

NOTE 1.—Dominica: The air mail surcharge of 18 cents per half ounce is added to the surface letter rate from Dominica to Barbados, which is 5 cents for the first ounce, plus 2 cents for each additional ounce or fraction.

NOTE 2.—Ecuador: Surcharge of 10 centavos (Guayaquil Post Office and social security) on each article in addition to the postage.

NOTE 3.—Panama: In addition to the postage, a surcharge of 1 centesimo for each article is collected for the Fight Against Cancer.

NOTE 4.—Venezuela: Sealed letter-cards, 20 centimos; open, 5 centimos.

NOTE 5.—Haiti: A surcharge of 20 centimes is collected for each article for hurricane relief.

NOTE 6.—Chile: letter postage, 40 centesimos from 20 to 50 grams, and 40 c for each 50 g thereafter.

NOTE 7.—Paraguay allows exchange value of 6.25 guaranis for each international reply coupon.

NOTE 8.—Sweden: Air surcharge 25 ore per 5 grams; however, letters and postcards up to 5 grams only are sent by air if prepaid the surface postage, without surcharge.

NOTE 9.—Dominican Republic: Combined rate, 10 centavos first 15 grams, 7 centavos each additional 15 grams.

NOTE 10.—Canada: Registration fee, 50¢ for indemnity not exceeding $50; 75¢ not exceeding $100.

(*) See section 2 of the introduction to this chart.

[FR Doc.71-2843 Filed 3-3-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-14—INSPECTION AND ACCEPTANCE

Waiver of Contractor's Inspection or Testing Responsibilities

The table of contents of Part 5A-14 is amended to revise § 5A-14.206 and add §§ 5A-14.206-1 and 5A-14.206-2, as follows:

Sec.
5A-14.206 Acceptance of supplies or services.
5A-14.206-1 Acceptance of nonconforming supplies or services.
5A-14.206-2 Waiver of contractor's inspection or tests.

Subpart 5A-14.2—Acceptance

Section 5A-14.206 is revised and §§ 5A-14-206-1 and 5A-14-206-2 are added as follows:

§ 5A-14.206 Acceptance of supplies or services.

§ 5A-14.206-1 Acceptance of nonconforming supplies or services.

(a) As used in this section, the term "nonconforming supplies or services" refers to supplies or services which do not conform to the physical requirements of the specification, or to supplies or services which have not received contractually required tests or inspections by the contractor.

(b) If the contracting officer or his authorized representative determines that acceptance of nonconforming supplies or services is in the Government's best interest, and a significant deviation as defined in FPR 1-14.206 is involved, a request for deviation shall be processed through the Office of Standards and Quality Control. Requests for deviation shall contain (1) a copy of the pertinent specification and Invitation For Bids, (2) the basic reason(s) why the item does not conform to contract require-

ments, (3) a statement as to whether or not a similar deficiency was the basis for rejection of an otherwise low bid received on the same invitation For Bids, and (4) the reasons why it is in the best interest of the Government to accept the nonconforming item(s). However, requests in which urgency of acceptance is a factor shall be handled by telephone or other expeditious means. Regional requests shall be channeled through the appropriate POD Commodity Branch. With the concurrence to grant the deviation, the Office of Standards and Quality Control shall furnish the contracting officer with a reasonable estimate of the savings in costs which will accrue to the contractor as a result of the deviation and the amount of surcharge (generally 15 percent of the cost savings) for any administrative costs incurred by the General Services Administration. The contracting officer shall be guided by the estimate furnished by the Office of Standards and Quality Control in negotiating an equitable price reduction (including direct and indirect costs, plus profit) for the deviation.

(c) If the deviation involved is not significant, the item may be accepted at an appropriate reduction in price (on the basis stated in paragraph (b) of this section) provided the approval of the requiring activity is obtained in the case of nonstore items (see FPR 1-14.206).

(d) Except for very unusual circumstances, contracting officers shall not accept nonconforming supplies or services if the deviation is similar to a deviation which was the basis for rejection of an otherwise low bid received on the same Invitation For Bid.

(e) When under paragraph (b) or (c) of this section, it is determined to accept nonconforming material, the contracting officer shall provide appropriate notice, together with such additional information and instructions as may be appropriate, to each activity receiving material under the contract. If an FSS regional Quality Control Division submitted the rejection report, it shall also be notified.

§ 5A-14.206-2 Waiver of contractors inspection or tests.

Contractual inspection or test requirements may be the responsibility of either the Government or the contractor (see FPR 1-14.104(c)); however, performance of such inspection or tests by the Government does not relieve the contractor of his responsibilities under the contract to deliver conforming supplies or services. Under special circumstances, such as urgency of the requirement, the contracting officer may consider it to be in the best interest of the Government to waive certain contractual inspection or test requirements. However, such waiver action shall be processed in accordance with the same procedures as specified for acceptance of nonconforming supplies or services (see § 5A-14.206-1).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective 30 days after the date shown below.

Dated: February 23, 1971.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[FR Doc.71-2964 Filed 3-3-71;8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Procaine Penicillin for Aqueous Injection

No comments were received in response to the notice published in the FEDERAL REGISTER of December 18, 1970 (35 F.R. 19188), proposing to make moisture and pH testing of the procaine penicillin bulk used in production a certification requirement for the subject antibiotic drug and to increase the specified sample size as necessary. Accordingly, the Commissioner of Food and Drugs concludes that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 146a.47(d) (2)(ii) and (3)(ii) are revised to read as follows:

§ 146a.47 Procaine penicillin for aqueous injection.

* * * * * *

(d) * * *

(2) * * *

(ii) The procaine penicillin used in making the batch for potency, moisture, pH, crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

(3) * * *

(ii) The procaine penicillin used in making the batch: five packages, each containing approximately equal portions of not less than 500 milligrams, packaged in accordance with the requirements of § 146a.44(b).

* * * * * *

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 21, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[F.R. Doc.71-2924 Filed 3-3-71;8:46 am]

PART 148c—COLISTIN

Colistin Sulfate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 148c is amended by adding a new section as follows to provide for certification of colistin sulfate for ophthalmic solution:

§ 148c.6 Colistin sulfate for ophthalmic solution.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Colistin sulfate for ophthalmic solution is a dry mixture of colistin sulfate and mannitol packaged in combination with a suitable and harmless diluting solution which contains buffers and a preservative. When reconstituted as directed in the labeling, each milliliter contains 1.2 milligrams of colistin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of colistin that it is represented to contain. It is sterile. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 5.5 and not more than 6.3. The colistin sulfate used conforms to the standards prescribed by § 148c.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The colistin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*b*) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(*a*) The colistin sulfate used in making the batch: 10 containers, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 6 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Remove an accurately measured representative portion of the reconstituted solution and dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 1.0 microgram of colistin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using the solution reconstituted as directed in the labeling.

Data supplied by the manufacturer concerning the subject antibiotic drug have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since not delaying in so providing is in the public interest, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-4-71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 21, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-2925 Filed 3-3-71;8:46 am]

PART 149b—AMPICILLIN

Ampicillin Trihydrate Chewable Tablets

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 149b.3 *Ampicillin trihydrate chewable tablets* is amended in the first sentence of paragraph (a) by changing "125 milligrams of ampicillin" to read "125 or 250 milligrams of ampicillin".

This order amends the antibiotic drug regulation for the subject drug to provide for its certification at an additional potency level. Since the manufacturer has submitted data showing the drug to be safe and effective at the new potency level and since not delaying in providing for certification is in the public interest, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-4-71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 20, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-2926 Filed 3-3-71;8:46 am]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Amdt. 1]

PART 862—WAGE RATES: SUGARBEETS

Miscellaneous Amendments

Pursuant to the provisions of the Sugar Act of 1948, as amended, §§ 862.13 and 862.15 of Chapter VIII of Title 7 of the Code of Federal Regulations, published April 17, 1970, are amended to read as follows:

§ 862.13 Payment of wages.

The provisions of this section shall apply and be effective on and after March 29, 1971. Workers shall be paid in cash for all work performed. Deductions from cash payments are permitted and may be made for cash advances made only by producers to workers and, in reasonable amounts agreed upon by the producer and worker, for items furnished by the producer such as meals and transportation, and for mandatory deductions or withholdings required by law. Deductions may not be made for payment to a labor contractor or supervisor for his services, or for any items which the producer agreed to furnish the worker free of charge. The producer shall furnish the worker at the time of payment of wages or, if payment of wages is made through a labor contractor or crew leader, require the labor contractor or crew leader to furnish the worker at the time of payment of wages a statement showing the producer's and worker's names, the gross earnings, the items and amounts of deductions, and the net earnings of the worker, and the producer or the labor contractor or crew leader shall obtain the worker's signature acknowledging receipt of the amount of wages received which shall in no event be less than that required by this part.

§ 862.15 Employment of workers through a labor contractor or crew leader.

(a) On and after March 29, 1971, if a producer employs workers through a labor contractor or crew leader, the producer may make payment of workers' wages through such labor contractor or crew leader: *Provided,* That the producer obtain from such contractor or crew leader and have on file (1) a written record that he is registered or licensed as derived from examination of a valid certificate of registration or a farm labor contractor employee identification card; (2) a copy of his authorization signed by each worker to collect wages due each such worker; (3) a copy of each worker's statement of earnings as required by § 862.13, or a wage record sheet such as the "Wage Record Sheet Sugarbeet Program" shown in Exhibit 9 of Handbook 1-SU, available in county ASCS offices, showing the names of the producer and workers, dates work was performed, description of work performed, units of work, agreed upon rates per unit, and the amounts of wages due each such worker; and (4) the signature of each worker acknowledging receipt of wages received which shall in no event be less than those required by this part. The producer is responsible for paying to the labor contractor or crew leader the fee for his services, and the producer shall have on file a statement signed by the labor contractor or crew leader showing the amount of the fee being paid by the producer to the labor contractor or crew leader for his services, and showing that such fee is over and above the wages agreed upon by the contractor and the producer which shall in no event be less than those provided by this part.

(b) Responsibility for insuring that workers actually receive the minimum wage or the agreed upon wage, whichever is higher, less only deductions authorized by this part, rests with the producer. Whenever it appears that a worker has received less than the minimum or agreed upon wage, whichever is higher, less deductions authorized by this part, the producer shall not have met the requirements of this part for eligibility for payment under the act until it is determined that all workers on the farm have been paid in full: *Provided, however,* That a producer who having acted in good faith to fulfill his obligation to insure that the minimum or agreed upon wage is actually received by the workers, has obtained and has on file documents which meet the requirements set forth in paragraph (a) of this section and which show payment of wages in accordance with this part, shall have met the requirements of this part, except that in cases where the worker files a claim in the county ASCS office that he has not been paid wages in accordance with this part and it is found by the county committee that the worker's signature has been forged or he has been forced to sign under duress or by fraud, the producer shall not have met the requirements of this part for eligibility for payment under the act until the county committee determines that all workers on the farm have been paid in full.

* * * * * *

(Secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153)

STATEMENT OF BASES AND CONSIDERATIONS

The determination of fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarbeets, published in the FEDERAL REGISTER on April 17, 1970 (35 F.R. 6268), requires producers who employ workers through a labor contractor or crew leader and makes payment of workers' wages to him to obtain from the contractor a copy of his authorization signed by each worker to collect wages due each such worker, a wage record sheet showing the amounts earned and due each worker, a written representation that he will pay each worker the wage rate agreed upon, and a copy of the workers' statements of earnings if the contractor is required by law to furnish the workers such statements.

A lawsuit brought by sugar beet workers in Colorado has disclosed the existence of certain violations of the minimum wage provisions of the Sugar Act where payment of wages has been made through crew leaders or labor contractors. The Department has found that crew leaders and labor contractors often perform a valuable service for both the worker and the producer. In order to eliminate the possibility of violations of

the minimum wage provisions of the Sugar Act, the Department believes that the regulations should be revised and new regulations issued which enable the producer to pay workers' wages through licensed or registered crew leaders or labor contractors, but with added requirements reaffirming and clarifying the producers' responsibility to insure that workers actually receive the minimum wage, as provided by the Sugar Act. Therefore, the producer is now required to furnish or have a labor contractor or crew leader furnish the worker a statement showing gross earnings, itemized deductions, and the net amount paid to the worker. The producer must also obtain a receipt signed by the worker for the wages received. This amendment also requires producers to obtain from a labor contractor or crew leader proof that he is registered or licensed as a contractor, a copy of each worker's statement of earnings or a wage record sheet, a receipt for wages received signed by the worker, and a statement signed by the contractor showing the fee paid to him by the producer for his services which must be over and above wages to be paid as specified in the determination. This amendment further emphasizes the producer's responsibility for payment of the fee for services of the labor contractor or crew leader, and provides that the producer has not met the requirements of the wage determination if the worker files a claim that he has not been paid wages in accordance with the wage determination and the worker can prove duress, fraud, or forgery.

These additional requirements will facilitate the settlement of claims which may be filed by workers and help deter any possible exploitation of workers by labor contractors and crew leaders.

This amendment also changes the regulation to permit deductions from wages for cash advances only when made by producers to workers. It has been determined that the former provision for deducting cash advances made to the workers by third parties is no longer required.

This amendment shall become effective March 29, 1971, in order to give producers the opportunity to revise their recordkeeping systems to meet the requirements specified herein.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable wage provisions of the Sugar Act of 1948, as amended.

Effective date: March 29, 1971.

Signed at Washington, D.C., on February 3, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-2985 Filed 3-3-71;8:51 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 228]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.528 Navel Orange Regulation 228.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 2, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 5, through March 11, 1971, are hereby fixed as follows:

(i) District 1: 720,000 Cartons;
(ii) District 2: 280,000 Cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 3, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3147 Filed 3-3-71;11:26 am]

[Valencia Orange Reg. 337]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.637 Valencia Orange Regulation 337.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 533) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 2, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 5, through March 11, 1971, are hereby fixed as follows:

(i) District 1: unlimited;
(ii) District 2: unlimited;
(iii) District 3: 93,493 cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 3, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3148 Filed 3-3-71;11:23 am]

[980.109, Amdt. 4]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

(a) *Findings.* Notice of rule making regarding a proposed amendment to § 980.109 *Onion import regulation* (35 F.R. 11225, 12530, 14539, 18955), was published in the February 5, 1971 issue of the FEDERAL REGISTER (36 F.R. 2512). This regulation is effective under section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1).

Interested persons were afforded an opportunity to file data, views, or arguments in regard to the proposed amendment not later than February 17, 1971. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found that the proposal as published in the notice should be issued as hereinafter set forth. This regulation is subject to further amendment as domestic regulations are changed.

(b) *Regulation, as amended.* Section 980.109 *Onion import regulation* (35 F.R. 11225, 12530, 14539, 18955), is hereby amended to read as follows:

§ 980.109 Onion import regulation.

Pursuant to section 608e–1 of the Act (7 U.S.C. 606e–1) and except as otherwise provided herein, during the period beginning March 28, 1971, and continuing through May 29, 1971, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) Minimum grade and size requirements:

(1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1-inch minimum diameter; all other varieties of onions—1¾-inch minimum diameter.

(b) Condition: Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) Minimum quantity: Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) Plant quarantine: Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) Designation of governmental inspection service: The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) Inspection and official inspection certificates:

(1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e–1 (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables, and other products (part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give at least 1 day advance notice, except the requirement for "All California points" and "All other points" is at least 3 days advance notice, to the applicable office listed below prior to the time the onions will be imported.

All Texas points: W. T. McNabb, Post Office Box 310, Austin, TX 78767. (Phone 512—385–5385).

All Arizona points: B. O. Morgan, Post Office Box 1614, Nogales, AZ 85621. (Phone 602—287–2902).

All California points: D. P. Thompson, 294 Wholesale Terminal Building, 784 South Central Avenue, Los Angeles, CA 90021. (Phone 213—622–8756).

All Hawaii points: Stevenson Ching, 1428 South King Street, Honolulu, HI 96814. (Phone 808—941–3071).

New York City: Edward J. Beller, Room 28A, Hunts Point Market, Bronx, NY 10474. (Phone 212—991–7669).

New Orleans: Pascal J. Lamarca, 5027 Federal Office Building, 701 Loyola Avenue, New Orleans, LA 70113. (Phone 504—527–6741).

All other points: D. S. Matheson, Fruit and Vegetable Division, C&MS, USDA, Washington, D.C. 20250. (Phone 202—388–5870).

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: "Meets import requirements of 7 U.S.C. 608e–1."

(g) Reconditioning prior to importation: Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) It is hereby determined that imports of onions, during the effective times of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality, and maturity being made effective for onions grown in South Texas.

(i) Definitions: For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), U.S. Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title), or in the U.S. Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable U.S. Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

Dated March 1, 1971, to become effective March 28, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2987 Filed 3-3-71;8:51 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-184]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 97—AMATEUR RADIO SERVICE

Availability of Frequencies for Use by Amateur Service on Shared Basis With Loran Stations

Order. In the matter of amendment of Parts 2 and 97 of the Commission's rules to modify the availability of frequencies in the band 1800–2000 kc/s for use by the Amateur Service on a shared basis with Loran stations.

1. The Commission has under consideration the above-entitled matter.

2. The Commission has been advised by the U.S. Coast Guard that certain changes in the Loran A radionavigation system are necessary for implementation by May 1, 1971. In accordance with §§ 2.106 and 97.61 of the Commission's rules, Parts 2 and 97 respectively, sharing of the 1800–2000 kc/s band by the Amateur Radio Service is subject to the conditions that:

(a) Such use shall not be a bar to the expansion of the Loran-A service;

(b) Such use shall not cause harmful interference to the Loran A service; and

(c) The provisions for sharing by the Amateur Service shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran A system of radionavigation.

3. Essentially the changes set forth in the attached appendix provide modifications in the Pacific coast frequency segments to shift amateur operation from the higher frequency segments to the lower frequency segments.

4. Because of the above circumstances it is found that the prior notice and public procedure provisions of 5 U.S.C. 553 are impracticable and unnecessary. Authority for these rule changes is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

Area	Maximum DC plate input power in watts							
	1800–1825 kc/s	1825–1850 kc/s	1850–1875 kc/s	1875–1900 kc/s	1900–1925 kc/s	1925–1950 kc/s	1950–1975 kc/s	1975–2000 kc/s
	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night
Alabama	500/100	100/25	0	0	0	0	100/25	500/100
Alaska	1000/200	500/100	500/100	100/25	0	0	0	0
Arizona	1000/200	500/100	500/100	0	0	0	0	0
Arkansas	1000/200	500/100	100/25	0	0	100/25	100/25	500/100
California	1000/200	500/100	500/100	100/25	0	0	0	0
Colorado	1000/200	500/100	200/50	0	0	0	0	200/50
Connecticut	500/100	100/25	0	0	0	0	0	0
Delaware	500/100	100/25	0	0	0	0	0	100/25
District of Columbia	500/100	100/25	0	0	0	0	0	100/25
Florida	500/100	100/25	0	0	0	0	100/25	500/100
Georgia	500/100	100/25	0	0	0	0	0	200/50
Hawaii	0	0	0	0	200/50	100/25	100/25	500/100
Idaho	1000/200	500/100	500/100	100/25	100/25	100/25	100/25	500/100
Illinois	1000/200	500/100	100/25	0	0	0	0	200/50
Indiana	1000/200	500/100	100/25	0	0	0	0	200/50
Iowa	1000/200	500/100	200/50	0	0	100/25	100/25	500/100
Kansas	1000/200	500/100	100/25	0	0	100/25	100/25	500/100
Kentucky	1000/200	500/100	500/100	100/25	100/25	100/25	100/25	500/100
Louisiana	500/100	100/25	0	0	0	0	0	200/50
Maine	500/100	100/25	0	0	0	0	100/25	500/100
Maryland	500/100	100/25	0	0	0	0	0	0
Massachusetts	500/100	100/25	0	0	0	0	0	100/25
Michigan	1000/200	500/100	100/25	0	0	0	0	100/25
Minnesota	1000/200	500/100	500/100	100/25	100/25	100/25	100/25	500/100
Mississippi	500/100	100/25	0	0	0	0	100/25	500/100
Missouri	1000/200	500/100	100/25	0	0	100/25	100/25	500/100
Montana	1000/200	500/100	500/100	100/25	100/25	100/25	100/25	500/100
Nebraska	1000/200	500/100	200/50	0	0	100/25	100/25	500/100
Nevada	1000/200	500/100	500/100	100/25	0	0	0	0
New Hampshire	500/100	100/25	0	0	0	0	0	0
New Jersey	500/100	100/25	0	0	0	0	0	0
New Mexico	1000/200	500/100	100/25	0	0	100/25	500/100	1000/200
New York	500/100	100/25	0	0	0	0	0	0
North Carolina	500/100	100/25	0	0	0	0	0	100/25
North Dakota	1000/200	500/100	500/100	100/25	100/25	100/25	100/25	500/100
Ohio	1000/200	500/100	100/25	0	0	0	0	100/25
Oklahoma	1000/200	500/100	100/25	0	0	100/25	100/25	500/100
Oregon	1000/200	500/100	500/100	100/25	100/25	100/25	100/25	500/100
Pennsylvania	500/100	100/25	0	0	0	0	0	0
Rhode Island	500/100	100/25	0	0	0	0	0	0
South Carolina	500/100	100/25	0	0	0	0	0	200/50
South Dakota	1000/200	500/100	500/100	100/25	100/25	100/25	100/25	500/100
Tennessee	1000/200	500/100	100/25	0	0	0	0	200/50
Texas	500/100	100/25	0	0	0	0	0	200/50
Utah	1000/200	500/100	500/100	100/25	100/25	0	0	100/25
Vermont	500/100	100/25	0	0	0	0	0	0
Virginia	500/100	100/25	0	0	0	0	0	100/25
Washington	1000/200	500/100	500/100	100/25	0	0	0	0
West Virginia	1000/200	500/100	100/25	0	0	0	0	100/25
Wisconsin	1000/200	500/100	200/50	0	0	0	0	200/50

5. In view of the foregoing: *It is ordered,* That, effective May 1, 1971, Parts 2 and 97 of the Commission's rules are amended by revision of §§ 2.106 and 97.61 as shown below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 24, 1971.

Released: February 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

I. Part 2 of the Commission's rules is amended as follows:

§ 2.106 [Amended]

In § 2.106, NG footnotes, NG15(a) is amended to read as follows:

NG15(a) The Amateur Service may use the sections of the band 1800–2000 kHz which are not required for Loran A in accordance with the following conditions:

(1) The use of these frequencies by the harmful interference to the radionavigation expansion of the radionavigation (Loran A) service;

(2) The Amateur Service shall not cause harmful interference to the radio navigation (Loran A) service;

(3) Only types A1 and amplitude modulated double and single sideband telephony emission shall be employed;

(4) Amateur operation shall be limited to:

Area	Maximum DC plate input power in watts							
	1800–1825 kc/s	1825–1850 kc/s	1850–1875 kc/s	1875–1900 kc/s	1900–1925 kc/s	1925–1950 kc/s	1950–1975 kc/s	1975–2000 kc/s
	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night
Wyoming	1000/200	500/100	500/100	100/25	0	0	0	200/50
Puerto Rico	500/100	100/25	0	0	0	0	0	200/50
Virgin Islands	500/100	100/25	0	0	0	0	0	200/50
Swan Island	500/100	100/25	0	0	0	0	0	200/50
Serrana Bank	500/100	100/25	0	0	0	0	0	200/50
Roncador Key	500/100	100/25	0	0	0	0	0	200/50
Navassa Island	500/100	100/25	0	0	0	0	0	200/50
Baker, Howland, Enderbury, Canton	100/25	0	0	0	100/25	100/25	100/25	100/25
Guam, Johnston, Midway	0	0	0	0	0	0	0	100/25
American Samoa	200/50	0	0	0	200/50	200/50	200/50	200/50
Wake	100/25	0	0	0	100/25	0	0	0
Palmyra, Jarvis	0	0	0	0	0	200/50	200/50	200/50

II. Part 97 of the Commission's rules is amended as follows:

In § 97.61, paragraph (b) is amended as follows:

§ 97.61 Authorized frequencies and emissions.

* * * * *

(b) Limitations:

(1) The use of frequencies in this band is on a shared basis with the Loran A radionavigation system and is subject to cancellation or revision, in whole or in part, by order of the Commission, without hearing, whenever the Commission shall determine such action is necessary in view of the priority of the Loran A radionavigation system. The use of these frequencies by amateur stations shall not cause harmful interference to Loran A system. If an amateur station causes such interference, operation on the frequencies involved must cease if so directed by the Commission.

(2) Operation shall be limited to:

[FR Doc.71-2904 Filed 3-3-71;8:45 am]

[Docket No. 18908; FCC 71-199]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

Domestic Telegraph Service; Office Conversion Program of Western Union Telegraph Co.

Report and order. In the matter of domestic telegraph service, Docket No. 18908: Inquiry into the office conversion program of the Western Union Telegraph company; TD 16938, Ironwood, Mich.; TD 17114, Newport, Tenn.; TD 17307, Lebanon, Pa.; and TD 17398, New Britain, Conn.

I. INTRODUCTION

1. In a Notice of Inquiry and Notice of Proposed Rulemaking, FCC 70-723, released July 6, 1970, 35 F.R. 11133, we instituted a general inquiry into the present and future plans of the Western Union Telegraph Co. (hereafter "WU", or "the company"), for the conversion of a substantial proportion of its existing Class I teleprinter-operated offices into agencies operated by a local business firm, usually of a retail or service nature. Section 214 of the Act requires Commission approval before a Class I office can be closed and an agency established in lieu thereof. Standards and guidelines as to traffic volume, distance to substitute office, and the like have been in effect for many years and are the basis for grant or denial of the applications for conversion. Since the ultimate issue in each case is whether the public's telegraphic needs can be adequately met by the substitute facilities proposed by the agent, the primary criterion for grant or denial of such applications is the volume of messages. Public Message Service (hereafter "PMS") volume has been declining steadily since W.W. II; in 1969 volume was only approximately one-third of that in 1945. For many years the company has been curtailing service at its offices in various ways, such as reducing hours of service, closing offices, and converting offices to agencies. Since 1964 conversion applications have been filed at the rate of approximately 50 per year. In 1969, however, the rate of filing increased dramatically. In that year, there were 193 such applications, and during the first 5 months of 1970, the rate was 30 applications per month. Notice, p. 2. Not only has the rate of conversion of Class I offices into agencies accelerated sharply, but the offices being converted within recent years have been frequently showing greater local revenues than expenses, and are increasingly located in larger communities than those which had lost a Class I office in past years.

2. In March of 1970, at the request of the Chief of the Common Carrier Bureau (hereafter "CCB"), the company made an informal presentation to the Commission in respect to its future plans for PMS. As a result of this meeting the Commission concluded that certain questions were raised whether the scope and quality of telegraph service would be maintained if we continued to grant conversion applications pursuant to the existing standards and policies. Accordingly, the Notice of Inquiry and Notice of Proposed Rulemaking was issued calling for evidentiary hearings to explore the issues. To serve as the focus of investigation, the Commission selected four communities in which conversion applications were pending.[1] It provided that a hearing be held in each community in order to give the public a full opportunity to express its views, and to permit a full exploration by the Commission of the details of the proposed conversions. Thereafter, hearings were to be held in Washington, D.C., on the systemwide plans of the company and the overall public interest questions raised by the large number of pending applications.

3. The formal subject matter of the Inquiry was "the plans and programs of Western Union with respect to the conversion of Class I main offices to Class 9 agency offices; the effects of such plans and programs, if implemented, upon the adequacy, quality and efficiency of telegraph services; and, in light of the information advanced in these respects, what new or revised regulatory policies, if any, should be established by the Commission applicable to such conversions." Specific issues to be considered with respect to the four applications selected for study were as follows:

(1) To determine the character, quality, scope, and adequacy of telegraph service, facilities, and personnel now provided through applicant's Class I facilities sought to be discontinued in the four above described applications;

(2) To determine the character, quality, scope, and adequacy of telegraph service, facilities, and personnel which would be provided if the applications were granted;

(3) To determine, through a comparison of the character, quality, scope, and adequacy of the proposed service, facilities, and personnel with those now being provided, with particular reference to any reduction, impairment, extension or improvement in service which may result from the proposed change, whether the present or future public convenience or necessity will be adversely affected by the proposed replacement of Western Union Class I operation with Class 9 agency operation;

(4) To determine the nature and extent of the requirements of local telegraph users for telegraph service, and the ability of the proposed agency offices to meet such requirements;

(5) To determine the nature of the contractual arrangements between applicant and its proposed agents, and the extent to which the applicant will be able to maintain control as well as its specific plans for exercising such control over the character, quality, scope, and adequacy of the telegraph service, facilities and personnel to be provided by the agents, and over the availability of telegraph service to the public during specific hours;

(6) To determine the extent of any savings which will accrue to the applicant from the conversion of its Class I offices to agency operation as proposed in the applications and the weight to be given this factor;

(7) To determine the extent to which the proposed conversions to agency operation may result in either a diminution or increase in the use of telegraph service;

(8) To determine how a grant of the applications would affect the money order service as well as the ability of agents to cash telegraphic money orders promptly;

(9) To determine whether grant of the applications would involve any impairment of the privacy of the public in its use of the telegraph service, and as to the extent and significance thereof.

4. We indicated that adequate public notice of the pendency of the hearings was to be given in each of the four named communities in the local media and by posting of signs at WU offices. A copy of the Notice was served on every party of record and sent to the local newspapers and radio stations, Chambers of Commerce, Secretary of Defense, the four state Public Utility Commissions for the states in which hearings were to be held, and the National Association of Regulatory Utility Commissioners.

5. In addition to the Common Carrier Bureau's staff and Western Union, a number of parties participated in the hearings, in varying degrees. The United Telegraphers Workers, AFL-CIO (hereafter "UTW"), appeared at all the field and Washington, D.C. hearings; the Communication Workers of America (hereafter "CWA") participated in the Washington hearings. The Department of Defense and Western Union International (hereafter "WUI"), participated at the Washington hearings in limited respects. Direct testimony or evidence was submitted by WU, the Common Carrier Bureau, and UTW. The record was closed and certified to the Commission on September 30, 1970. Proposed Findings and Conclusions were submitted by WU, UTW, CWA, and WUI on October 30, 1970. Comments were submitted by the public as well, as contemplated by the Notice.

6. On the basis of all the evidence of record, and other matters which we may appropriately rely on,[2] we have concluded that the public interest would be served by approval of the agency conversion program in principle and generally by grant of the pending applications which conform to the existing rules. However, we do propose to substantially modify the rules governing applications for and operation of agencies established as a Class I substitute to assure ourselves that the public will continue to receive telegraph service which in terms of speed and quality is at least equal to existing service and which is adequate to meet the public's needs. These rules are set out in Appendix A hereto, and are discussed in section IV, infra, in which other changes in existing policy are set forth.

7. In section II, we will summarize the relevant facts contained in the four "representative" applications and the evidence adduced at each of the four field hearings.[3] Thereafter, in section III, we will summarize the testimony and evidence adduced in the Washington hearings bearing on systemwide considerations and finally, in section IV, we will discuss and analyse the relevant considerations and set down in detail the conclusions we have reached.

II. FIELD HEARINGS

A. NEW BRITAIN, CONNECTICUT

8. Application No. TD 17, 398, filed on June 24, 1970, proposed to close the existing Class I teleprinter-operated office at New Britain and to establish, in lieu thereof, a Class 9-C (teleprinter-operated) agency at the Nutmeg Answering Service at Cedar and Lake Streets in New Britain. Acceptance and delivery of telegrams by telephone would be provided toll free through the existing Class I office in Hartford some 9 miles distant, which is open 24 hours a day.[4] According to the application, New Britain has a population of approximately 85,000; the general character of business in the community is manufacturing. During the study year, which ended in March 1970, the volume of traffic handled through the Class I office averaged 145 messages per day, sent and received, Monday through Saturday. At the same time the average daily load for the existing after hours agency was three per day, Monday through Sunday. During the study year, revenues totaled $44,147 and expenses totaled $23,890.[5] In the month of March 1970, a total of 1893 messages were originated at the office, of which 518 were counter messages and 719 were telephone messages.[6] Subsequent testimony indicated that total volume at the New Britain office (revenue and nonrevenue) declined from 22,143 in the January–June 1969 period to 18,586 for the January–June 1970 period, a decline of 16.1 percent (WU Ex. 3, att. 54).

9. The proposed agent will observe open hours from 6:45 a.m. to 12 p.m. Monday through Saturday and 8 a.m. to 8 p.m. on Sunday. These hours are equal to those of the present Class I and after hours agent combined. While the agency is designated as a Class 9-C (teleprinter-operated) agency it will only receive on the teleprinter through the message switching system (SS-34) at Hartford and will telephone outbound messages and money orders to the Hartford office. With the diversion of telephone traffic from New Britain to the Hartford office, and the elimination of other kinds of traffic normally handled at the New Britain office but which the agent will not handle, e.g. nonrevenue, opening, and precloseout messages, the company estimates that the agent will handle a total of 38 messages per day, Monday through Saturday, and three messages on Sunday. The application states that "thorough instructions in the rules and practices of the telegraph company will be given [to the agent] to assure efficient and satisfactory operation of the Class 9 office. The telegraph company will observe all the conditions and requirements with respect to Class 9 operation and supervision as outlined in its letter to the Commission dated March 11, 1953."[7] The application asserts that "entirely adequate and satisfactory counter acceptance and physical delivery service will continue to be provided locally through the Class 9 [agency]", and that there is no prospect in the foreseeable future for any appreciable increase in the volume of traffic and that continuation of the Class I office would be wasteful and economically unsound from the viewpoint of good management. On the basis of its claim that there will be no degradation of service, the application contends that a grant thereof will impair neither the present nor future public convenience and necessity. The contract with the agent provides that he is to receive 50 cents for each incoming or outgoing telegram, cablegram or money order handled by him. As in the case of the existing Class I office, physical delivery will be effectuated by a cab company. If the agent himself chooses to make the delivery, he is to receive an additional 90 cents. In subsequent testimony WU claimed it would save $13,729 annually by converting the office.

10. On July 24, 1970, a Resolution of the Common Council of New Britain was received by the Commission protesting the pending application. A protest was also filed by a private citizen, and congressional inquiries were received. Public hearings were held in New Britain on August 4th and 5th, 1970, and 11 members of the public testified, a number of whom serve on the Common Council. Their testimony in large part turned on three issues: The physical location of the agency, the quality of service to be expected from the agency, and the intangible sense of loss, springing from civic concern, in the closing of the Western Union office. As to physical location, the record shows that the Nutmeg Answering Service is located about one-fourth mile from the existing office, and is approximately four blocks from the main business and shopping district which is somewhat further away than is the existing office. Witnesses differed as to whether adequate parking would be available, and whether the location was desirable from the viewpoint of personal safety. Many witnesses, however, emphatically stated that apart from such considerations the WU facility should be located in the heart of the business district where it can be a prominent part of the community. A number of witnesses claimed that the service rendered by an agent could not possibly be as good as that provided by the company itself; others said they had no concern with respect to the quality of service, but only the location and the injury to New Britain's civic image. A number of witnesses testified that there is a high proportion of elderly citizens in New Britain, many of whom have difficulty expressing themselves in English, and that for them the difficulties of transacting business either over the phone or at a somewhat more distant or unfamiliar location would be substantial. Many of those who testified had little or no idea exactly how the telegraph agency would operate; their opposition was based on uncertainty and apprehension rather than knowledge or experience.[8]

11. The proposed agent also testified in New Britain. He stated that at all times WU business will be given priority over other activities although he did not have a clear idea how much time would be taken up by the handling of the estimated 900 telegrams monthly. The facil-

[1] The Notice explicitly indicated that the proceeding was brought under the rule making provisions of the Communications Act of 1934, as amended, 47 U.S.C. section 403, and the Administrative Procedure Act, 5 U.S.C. section 553 and was not an adjudicatory proceeding.

[2] See Note 1, supra. In such a situation we are not restricted to consideration of the record as made herein. However, reliance on extra-record facts will be explicit.

[3] In describing the four applications selected for hearing in the Notice as "representative" we did not mean to imply that they were selected by any random sampling technique or are in every sense representative of the pending applications. We meant to suggest only that we believed the four chosen would provide a rough approximation of the facts and problems presented by these conversion applications. The Lebanon application was thought to be typical in most respects; those for Newport and Ironwood were heavily protested, and that for New Britain involved a city of the larger population levels which might be anticipated in future applications. Together, the four were thought to provide geographical distribution. We also choose these applications because, like so many which have been filed recently, they showed a favorable expense/revenue ratio.

[4] But see footnote 9.

[5] The expense figure used in this and the three other applications summarized herein is for local out of pocket costs only, and does not include any allocation of systemwide expense for this office.

[6] It is noted in the application that the unusually heavy March 1970 volume reflects the strike of postal employees.

[7] In a letter to the Commission of such date the company committed itself to adequately inspect its agencies. See paragraph 44, infra.

[8] One witness' testimony to the effect that an agency would not be as satisfactory as the WU office is fairly typical:

"Q. Can you send funds through the after-hours agent?

A. Yes, but I feel more secure when we send it through Western Union.

Q. In what respect do you feel more secure?

A. Well, Western Union is just Western Union.

* * * * * *

Q. You have had no actual difficulties in this regard * * *? this is just something that you yourself feel?

A. That is correct." (Tr. 95-6.)

ities of the Nutmeg Answering Service are marginally smaller than those at the WU office both as to working space and a public reception area, and are located in a half-basement of a modern and attractive building. The proposed agent testified that he will experience no difficulties in posting adequate Western Union signs throughout the building and in front of it to direct the public to his establishment. The proposed telephone listing for Western Union in the telephone directory will provide a number with the address of the local agent, and an indication, should there be no answer, that the customer is to dial the operator and ask for Western Union. The number provided will actually ring in Hartford; there will be two foreign exchange trunks in service in rotary. Should the customer wish to talk to the local agent he will be able to secure this number from the WU personnel in Hartford.[9] WU notes that toll-free telephone access will be available an additional 6 hours and 45 minutes daily through the Hartford office as compared to the New Britain office.

12. Much of the telegraph business generated by high volume commercial concerns in New Britain is handled either by tieline to the Hartford office, or by Telex. Beginning in the early 1960's, tielines terminating in New Britain were transferred to the Hartford office in order to permit the company to take advantage of the improvement in service which such changes brought about. Switching systems installed in Hartford, the SS–34 and SS–35 which automatically switch tieline traffic originating and terminating in New Britain, improve the speed of service and reduce the likelihood of error occurring, as compared with the previous manual repunching of tieline messages which had existed at the New Britain office. A company witness testified that service through the agency as compared with the existing service should be essentially the same in terms of origin to destination time, and that there should be no additional delay in the handling of money orders for any over-the-counter traffic at the agency.

B. LEBANON, PA.

13. Application No. TD 17, 307, filed on May 15, 1970, proposes to close the existing Class I teleprinter-operated office at Lebanon, Pa., and to establish, in lieu thereof, a Class 11–B telephone operated agency in the Capitol Trailways bus depot.[10] Acceptance and delivery of telegrams by telephone would be provided toll free through the existing Class I office in Harrisburg, Pa., 25 miles distant, to which tielines will also be diverted from the present termination at the Lebanon office. The Harrisburg office is open from 7 a.m. to 11 p.m. Monday through Saturday and 8 a.m. to 11 p.m. on Sunday, According to the application, Lebanon has a population of approximately 26,500, and the general character of business in the community is light manufacturing. During the study year ending January 1970, the existing office handled an average of 105 messages Monday through Friday, sent and received, and the after hours agent handled an average of four messages. Monday through Sunday. The telephone operated agency will observe open hours from 7:30 a.m. to 11 p.m. Monday through Saturday and from 9 a.m. to 11 p.m. on Sunday, a schedule equal to that maintained by the existing Class I and afterhour facilities combined.[11] The physical facilities of the proposed agent are substantially larger than those of the existing office in regard to the public reception area, and approximately the same size in counterspace, although this space must be shared with bus patrons. A larger counter and counterarea is contemplated by the agent. In terms of location and convenience the agency is not substantially different from the existing office. During the study year revenues totaled $30,989 and expenses totaled $14,287. In the month of January, the office originated a total of 830 messages, of which 118 were counter messages, 319 were telephone, and 67 were tieline. Subsequent testimony indicates that the total volume (revenue and nonrevenue) at Lebanon has declined from 14,068 in the period of January–June 1969, to 11,973 in the January–June 1970 period, a decline of 14.9 percent (WU Ex 3, att. 54). The WU listing in the local telephone book will give the local address and a local number, which will ring in Harrisburg. Physical delivery will be by taxi, as it currently is. The contract with the Lebanon agent provides a payment of 50 cents for each telegram, cablegram or money order sent, and states that "for delivering inbound telegrams, cablegrams * * * and/or paying money orders if [the agent] performs such services, * * *" 50 cents shall be paid for delivery within the specified area. No mention is made for handlings of inbound telegrams not requiring physical delivery.

14. With the diversion of telephone, tieline, and other traffic to Harrisburg, the application states that the Lebanon agency will be handling only 16 messages per day Monday–Friday, and one message on Saturday and Sunday. The application makes representations virtually identical to those appearing in the New Britain application with respect to the training to be provided the agent, the adequacy of the proposed substitute service, and the impact of a grant on the public convenience and necessity. In subsequent testimony WU claimed that by effectuating the conversion in Lebanon it would save $8,089 annually.

15. Five written protests were received at the Commission, including one from the Lebanon Chamber of Commerce. A public hearing was held in Lebanon on August 11, 1970. Only one of the four public witnesses criticized the location of the agency either in absolute terms or in relation to the existing office. One public witness who stated that agency service would not be as good as the existing service (which he characterized as second class) was himself a former after hours WU agent. He testified that his answering service had always taken care of its own customers' needs first and given WU business a second priority. He also indicated that his request to the company for installation of a teleprinter on the ground that the machine was necessary for good service had been denied.[12] A number of witnesses claimed that the bus depot was crowded, noisy, or confused; one stated that he had waited considerable periods of time for service. Two of the witnesses represented trucking concerns; one was associated with a motor common carrier and the other operated a so-called truck plaza.[13] Both of these witnesses testified that they have experienced difficulties with the present and prior agents in Lebanon, and that they have frequently found the service rendered by agents to be inadequate. The owner of the truck plaza indicated that Lebanon is a trucking center.

16. The proposed agent in Lebanon appeared in Washington, and testified

[9] The two foreign exchange trunks have already been installed in New Britain and are currently in service. Such action requires no FCC authorization. Of the four communities in which field hearings were held, only New Britain carried a substantial amount of international traffic. Since the installation of the foreign exchange lines, 30 percent of this traffic (as of August, 1970) has already been diverted to Hartford, and the company is of the view that the agent is of such high quality that no problems should be experienced with the remaining traffic.

[10] An agency designated as 11–B is telephone operated, whereas a Class 9–C agency is teleprinter-operated. Apart from this distinction, their substitution for a Class I company operated office presents similar policy issues and both types of agencies are encompassed within the subject matter hereof. Despite its classification, the Lebanon office is to have a teleprinter. See infra, paragraph 17.

[11] From examination of public witnesses it developed that contrary to the representations in the application, the existing Class I office was closed during the lunch hour and the after hours agent, who was supposed to be covering that time period, was not doing so. In subsequent written testimony, a company spokesman stated that the manager, who was aware of the difficulty patrons were having getting telegraph service during the noon hour, should have informed the company.

[12] In subsequent written testimony tendered at the Washington phase of the proceeding, a company witness stated that inspections which were carried out at the former agency of this witness indicated that the speed of service was extremely good by company standards, and that the witness was personally not present at any of 10 inspections. It should be noted that the witness volunteered that he owned the building in which the present WU office is located.

[13] A truck plaza provides numerous services to the truck driver on the road, such as gas, oil, maintenance, sleeping, eating and similar accommodations.

that she is well able to handle the WU work in addition to her bus duties. There are 12 buses daily at her depot and she indicated that she, and by implication other bus depot employees, are generally busy only for 10–15 minutes preceding the arrival of a bus. According to the agent, during these busy periods her bus customers would be given first priority. She declined to promise that WU customers would otherwise have any priority, but indicated that they should not have to wait more than a few minutes. She indicated that although she, her husband, and her daughter regularly work staggered work schedules at the depot, that it was her understanding that she would be the only person to be trained by the company and that she would, in turn, have to train her family.

17. Prior to the receipt of oral testimony in Lebanon, a company spokesman had indicated for the record that it had been decided to install a receive-only teleprinter in the Lebanon agency. To explore this proposed change in the mode of operation at the Lebanon agency, the Area Manager of Operations was cross-examined. He indicated that the decision to install the printer had been reached in early August 1970. This decision was based on a study of the message file in Lebanon which was carried out after this proceeding was instituted. According to the witness this study, which was more intensive than that ordinarily carried out for conversion applications, indicated a significant volume of truck permit messages at Lebanon, and in view of the complicated nature of these messages, a teleprinter was thought desirable. The Area Supervisor would not say whether this second study would have been carried out in the absence of a hearing in Lebanon. However, a subsequent company witness in Washington stated that the second study was undertaken as a direct consequence of the hearing and that the first study appeared to have been inadequate. It was also indicated in the Washington phase of the proceeding that discussions had been held with the owner of the truck plaza as a result of which the plaza owner had subscribed to Telex. The representative of the motor common carrier had also been approached and was considering the installation of a tieline at his office.

18. Testimony was also received in Lebanon from the manager of the local class I office and from the manager of the Harrisburg office. The local manager, who has 24 years of service with the company as manager at Lebanon, indicated that in his view agents are not able to render the same quality of service as WU employees because they are not as knowledgeable. The manager of the Harrisburg office was cross-examined with respect to his role in the selection of the Lebanon agent. He indicated that he, in the company of another WU employee, made a number of calls on local businesses of varous kinds which could be considered for agencies. He did not indicate that the matter of conversion or of the selection of prospective agents was discussed with any local groups or civic organizations. He testified that he had visited the Capitol Trailways depot some six times, each time staying for 10 or 15 minutes. In his judgment, the facilities, service, and privacy to be found in the depot were approximately equal to what one might encounter in many smaller WU offices. While he knew the number of buses stopping at the depot daily, he could not say how many passengers or how much freight was handled there on a daily basis. He indicated that he had rejected one prospective agent immediately upon discovering that the agent's business was located beyond the city limits of Lebanon.

19. In subsequent written testimony it was stated that speed of service through the proposed Lebanon agent would be essentially the same, even though an additional handling would be introduced. The present traffic handled at the Lebanon office is sent to and received from the Philadelphia reperforator center. When the message is received in Philadelphia coming to or from the Lebanon office, it is subject to a manual push-button switching operation before it is sent along to the ultimate destination. Under the proposed agency operation, the Harrisburg office will function as the "control" or "relay" office for the Lebanon agent. That is, the telephoned-in messages will be put into punched tape form and sent into the reperforator system. However, the Harrisburg office has automatic switching capability which will speed the message to its ultimate reperforator or destination city through the automatic sending aisles in Philadelphia. In contrast, the Philadelphia reperforator center cannot offer automatic switching to the Lebanon office, and the manual switch is approximately 10 minutes slower than the automatic switching. The net effect should be approximately equal origin to destination time on the average for agency, as apposed to Class I office handling. The existing four tielines in the Lebanon office which will be reterminated in Harrisburg will also have the benefit, both inbound and outbound, of the automatic switching capability through Harrisburg and Philadelphia.

C. NEWPORT, TENN.

20. Application No. TD 17,114 was filed on March 4, 1970, to close the Class I office in Newport, Tenn., and to establish a Class 9–C agency at the existing after-hours agency located in the Greyhound bus depot on East Main Street. According to the application, Newport has a population of 7,282 and the general character of business in the community is light industry and agriculture. During the study year which ended in November of 1969 the Class I office handled an average of 42 messages per day, sent and received combined, Monday through Saturday. During the same period the after-hours agent handled an average of three messages on Saturday only. Six tielines now terminating in the Class I office will be reterminated in Knoxville, some 40 miles distant. With this diversion, and the elimination of other kinds of traffic which are not normally handled by a Class 9 agent, it is anticipated that the agent will handle an average of 22 messages per day, Monday through Saturday, plus three messages on Saturday afternoons.

21. The Newport application makes representations generally similar to those in the aforementioned applications, in regard to the economics of the existing office and the adequacy of the substitute service, but with some variations. In the Newport application it is stated that the present low volume of telegraph traffic is insufficient to keep one employee fully occupied. The application also indicates that "employees of the [existing] agency office are thoroughly familiar with the rules and practices of the telegraph company to assure efficient and satisfactory operation of the Class 9 office."

22. The proposed agency will be open from 8 a.m. to 5 p.m. Monday through Saturday, which is greater than the present open hours of the Class I and after hours agency combined. The contract with the agent is similar in terms of payment to that with the Lebanon agent, except that payment is 55 cents. During the month of November 1969, the Class I office originated a total of 382 sent messages, of which 71 were counter originated, 105 were telephone originated, and 63 were tieline originated. For the test year revenues totaled $14,186 and expenses totaled $9,895. Subsequent testimony shows that total revenue and nonrevenue volume at Newport declined from $6,596 in January–June 1969 to $5,052 in January–June 1970, a decline of 23.4 percent (WU Ex. 3, att. 54). The physical facilities in the operating area of the proposed Class 9 agent are somewhat smaller and more cramped than the facilities at the existing office. The location of the agent is approximately as central and convenient as that of the existing office. As in the prior cases, no change in physical delivery by taxi is involved in the applications. WU claims that it can save $5,921 annually by converting the Newport office.

23. Approximately 25 written protests—an unusually heavy volume—were filed at the Commission against the Newport application. The Cocke County Court, the local legislative body, filed a protest, as did a number of local municipal offices. The Tennessee Public Service Commission filed a brief in support of its protest, and one petition carried approximately 190 names of local citizens. Numerous business concerns also protested. Most of the protests point to the industrial growth recently experienced by Newport, and the likelihood of increased development in this respect. The protests suggested that a WU office is important to such growth, and should be able to profit further from it. A number of protests state that the bus depot is not a suitable place because of the level of activity there or because of the atmosphere and surroundings. The company attempted to contact the protestants and to discuss the situation with them and report to the Commission, by

letter, the results of its investigations. In general, the company claims that many of the protestants either were unaware that the company planned to retain service through the bus depot, or had sent few or no telegrams in recent months, or both. For example, the company claims to have no record that any of the 190 signatories to the petition opposing the application has sent a telegram within 30 days of the date on the petition. The company claims that many of the protests were politically motivated, or were stirred up by a prominent local citizen and industrialist, Colonel M. M. Bullard, who also sent a number of protests in his own name. The company also indicated to the Commission by letter that beginning on July 1, 1970, toll free WATS service would be available for telephone acceptance and delivery on an after hours basis through the Knoxville office. The telephone directory will reflect both the local and the WATS number and will include the local address. The company did not volunteer the fact, later elicited on cross-examination, that 77 other points would be served by the same IN-WATS line and that there would be no automatic call director in Knoxville to handle WATS calls.

24. In subsequent written testimony of a company witness it was contended that while the industrial base in Newport may be growing (and the population as well), the fact is that there has been, in the last few years, a steady decline in the volume of traffic handled through the Class I office. The average monthly total for the first 6 months of 1970 is 40 percent below the 1960–65 level. This decline is attributed by WU largely to the concomitant growth of TWX, residential telephone service, WATS, and similar services. While certain local firms are Telex subscribers, the sale of that service to them, according to the company, was in the regular course of business, and is not an effort to withdraw message volume from the Class I office. Although a delay in the filing of the closure application was effectuated because Colonel Bullard indicated to the company that if they would defer the closing of the office he would help them stimulate new business, no improvement in the volume was noticeable after some months had passed. The company notes that the retermination of the six tielines to Knoxville will provide better service because of longer hours of operation there and because Knoxville, like Hartford, has message switching systems which provide for automatic switching, whereas the existing office is manually switched at the Cincinnati reperforator system.[14] Similarly, although there will be an extra step in the handling of a message originating or terminating at the agency as opposed to the Class I office, the company claims that the automatic switching capability at Knoxville should make the service essentially the same; it also claims that the additional delay will be "indiscernible."

25. The public hearing in Newport was held on August 18th–20th, 1970. Fourteen public witnesses testified; counsel for the Tennessee Public Service Commission and the city of Newport participated in cross-examination of witnesses. In broad outline, the substance of their testimony related to the service to be expected from the agent, the physical facilities, and the desire to retain a WU "presence" in the community. Many witnesses stated that the bus depot is frequently crowded and that one must wait for service. A number of witnesses indicated they have waited there 20 minutes or longer for service. Moreover, the area of the depot in which telegrams will be handled (the ticket counter) is a fairly small room, and according to a number of witnesses, it would be difficult to dispatch a telegram there with any measure of privacy if other members of the public were present. Other witnesses, including a Minister, testified that the bus depot is a meeting place for otherwise unoccupied members of the public and that the atmosphere is "unsavory" or inappropriate for the transaction of telegram business. Reference was made to the nearby transaction of "illicit" business. Witnesses referred to the substantial growth of industry in Newport, and Colonel Bullard testified that in his opinion Western Union has been unaggressive in promoting new business and does not seem to care what happens to its public business in Newport. One witness indicated that he had observed the operation of another WU agency and had noted that the agent on numerous occasions kept the telegraph customers waiting while he disposed of his ordinary retail trade.

26. In addition to the bus depot, the proposed agent, who has one full-time and one part-time assistant, operates a contiguous clothing store. One witness, who has a heavy file of international traffic, expressed concern with the efficiency of operation at the agency and the danger that his messages will be delayed. Many witnesses testified that the existing office manager has on occasion made extra and unrequired efforts to provide good service, and is reliable, helpful, and efficient. Commissioner Fowler, of the Tennessee Public Service Commission, testified, in essence, that acting as an agent both for the bus company and the telegraph company would necessarily involve favoring one group of customers as opposed to the other. Other witnesses echoed the feeling that an agent cannot possibly be as efficient as a WU employee whose only duty is to serve the telegraphic needs of the public, and who does so on a full-time basis. A number of witnesses appeared uncertain about the details of the proposed service, and some stated they were simply opposed to any change in the method of operation.

27. Thereafter, the proposed agent testified. She denied that the bus depot is ordinarily busy or that anyone would have to wait more than a few minutes for service. According to the agent, between 30 and 35 persons a day come into the bus depot;[15] there are seven buses during the proposed WU open hours. She also estimated that she had 20–25 bus information calls per day. She admitted that occasionally there are loiterers in the waiting room, and that she has to ask them to leave. In addition to her full-time assistant, the agent indicated that she had a part-time employee who generally will work 3 days a week, and full time as necessary during busy periods. The agent testified that she is not thoroughly trained in the rules and practices of the company and admitted that she will need further training before she can become the full-time agent. She also testified that she received a copy of the Telegraphic Agency Handbook only about 1 month prior to the hearing, and that she had not yet thoroughly studied it.

28. Finally, the existing WU office manager in Newport testified. She indicated that from time to time she puts in extra hours, beyond the ordinary call of duty, in order to serve the needs of her customers; she testified that as a long term employee of the company (28 years) she feels a sense of identity with it and a sense of dedication to the rendition of good public service.

D. IRONWOOD, MICH.

29. Application number TD 16,938 was filed on January 19, 1970, to close the Class I office in Ironwood, Mich. and to establish a Class 9–C teleprinter operated agency at the Kilponen Hardware Store. The application states that Ironwood has a population of 9,800 and the general character of business in the community is light manufacturing and resorts. During the study year which ended with September 1969, the office handled an average of 47 messages per day, sent and received combined, Monday through Saturday. With diversion of the one tieline and one telephone operated agency at Bessemer to the Marquette, Mich., office and the elimination of other traffic not normally handled by Class 9 offices, it is anticipated that the Class 9 office will handle an average of 35 messages per day, Monday through Saturday. Representations with respect to the poor prospects for message load growth in the community, the satisfactory nature of the substitute service, and the likely impact on the public interest are similar to those in prior applications. The Class 9 office will observe open hours from 8 a.m. to 12 m. and 1 p.m. to 5 p.m., Monday through Friday, and 8 a.m. to 12 m. on Saturday, which are equal to the present open hours of the WU office.

[14] In addition to the benefit of automatic switching at Knoxville, the company also notes that the agents' teleprinter will be on a dedicated circuit to Knoxville and will print the text of incoming messages directly on the message blank, whereas the existing office is on a way wire (or party line) to Cincinnati and still uses the older and slower gummed tape method of setting down the message. These distinctions exist also at Lebanon.

[15] The record was later supplemented to show that the bus depot sells on the average 19 tickets a day.

During the month of September 1969, the office originated 634 messages, of which 161 were over the counter, and 286 were filed by telephone. For the study year ending in September 1969, the total revenue was $19,376 and total expense was $8,984. Subsequent written testimony indicates that total revenue and nonrevenue volume at Ironwood declined from 7,335 in the January–June 1969 period to 7,185 in the January–June 1970 period, a decline of 2.1 percent (WU Ex 3, att. 54). The proposed agency is centrally located on East Aurora Street, and is in this respect more convenient to the center of town than is the existing office.[16] The agency is to be established in a rear area of the agent's hardware store which is currently given over to the handling of State licensure work and storage of supplies. The licensing activity will remain and the supplies will be removed. The amount of office space and counter or writing space appears to be roughly the same as that of the Class I office (although not all of the existing space will be used for WU business). The agent plans to make minor modifications, at his own expense, to suit the area better for the combined licensing and WU function. Physical delivery by taxi will be unaffected by the proposal. The contract with the agent provides a fee of 50 cents for each message sent, and 50 cents for each sent or received money order or message. According to WU, $3,381 can be saved annually by converting the Ironwood office.

30. Approximately 40 protests were received from Ironwood and the nearby communities of Hurley, Wis., and Bessemer, Mich. Throughout these protests, which were filed by both governmental and civic groups as well as by individuals and business concerns, a number of themes recurred: Many protestants noted that the area is in the midst of an economic boom, and argued, as was done in the case of Newport, that the company was not only vital to such a boom but would profit from it. Others expressed concern over the privacy of communications and the conviction that an agent cannot possibly render as rapid and efficient service as a company employee. Many letters note that the Ironwood office is the only one within a 90-mile radius, and that Ironwood, while not the county seat, is the shopping center of an area with approximately 50,000 citizens.

31. In Ironwood, the field hearing occurred on August 25th, 26th, and 27th, 1970. Nine public witnesses testified including the Mayor and the editor of the local newspaper. Counsel for the city of Ironwood participated actively in the proceeding. A number of witnesses observed that the company has not fully informed the public as to its plans for future operations in Ironwood, and in part their opposition was based on this lack of information and uncertainty as to what was in prospect. Privacy and rapid service were two frequently expressed concerns. A number of witnesses indicated that there are many foreign language speaking residents in the area who might need assistance in dispatching telegrams and who would prefer to deal directly with WU. As in Newport, the office manager received a good deal of praise in regard to her willingness to go out of her way to provide as good service as she possibly can. A number of motel owners testified that during the skiing season Ironwood attracts many thousands of vacationers for weekend activities, and because of the limited amount of hotel and motel space available, rapid, efficient handling of telegrams, and particularly money orders, is critical. While a number of witnesses testified that the license bureau is not generally very crowded, it was indicated that just prior to the license expiration date for automobiles there can be a considerable delay in service. As in other hearings, the view was expressed that an agent cannot possibly give as good telegraph service as an experienced, WU employee can. However, many witnesses made clear that their objection was not to the particular agent selected, who is highly regarded in the community.

32. The prospective agent also testified. He indicated that he proposed to make WU business the primary concern of one of his full-time employees, and that as a backup for her his wife will receive some training as well. The agent indicated that some discussions had been had with the company with respect to the peak licensing period, and that the company had indicated it might provide, at its own expense, a relief employee during that period. The agent stated, however, that he had discussed the requirements of a telegraph agency only superficially with the company, and he could not say with certainty how high a volume of traffic his employee could handle, nor what was involved in handling money order traffic. The agent indicated that he was well aware of the requirements of confidentiality of telegraphic communications and that for this reason he proposed to divorce himself from the day to day operation of the agency. According to the agent, he and his employees should be able to deal with most of the foreign language problems which might arise, and help is available at the local college for those problems he cannot deal with.

33. The existing class I office manager also testified. She indicated that in her experience prior agencies in Ironwood (after hours) and existing agencies in surrounding communities have rendered poor quality service. She indicated that she spends about 1 hour a day beyond her normal work hours personally delivering telegrams and seeing that the service is satisfactory in every respect. She also indicated that her office in Ironwood[17] had not been painted in 20 years, although she had made at least six requests for such work. She indicated that apart from very limited free advertising on the radio, there had been in her recollection no effort made in Ironwood by the company to stimulate demand for public message business.

34. In subsequent written testimony, a company spokesman indicated that Telex service had been sold to the one tieline customer in the Ironwood office subsequent to his filing of a protest but this sale was in the ordinary course of business and was not designed to worsen the revenue picture at that office. The same witness testified that the agency at Ironwood would work through the class I office in Marquette, but that the excellent originating speed through that office would assure that there would be "no discernible effect" on the speed of service. On cross-examination the witness, who agreed that speed of service standards should be the same for offices and agencies, admitted that there would be on the average, a 5-minute additional delay, origin to destination, for agency messages as opposed to the existing service.

III. SYSTEMWIDE CONSIDERATIONS[18]

35. The company submitted initially written testimony of four officials. This material along with additional oral testimony and subsequently filed testimony and exhibits was subjected to cross-examination at hearings held in Washington, D.C., from September 8, to September 30, 1970. According to the company, the office conversion program is a consequence of the volume decline in PMS. The company contends that the decline in PMS volume since W.W. II is attributable to the development of communications technology and the growth of competitive services.[19] At the same time that volume has been declining, the method of sending telegrams has been changing. The number of so-called machine-connected customers (tieline, Tel-(T)ex, facsimile) in the PMS has been generally rising. In 1969 there were 76,000 such customers and by the end of 1971 there are expected to be 116,000. At the same time the percentage of messages originated by telephone has been increasing and is now 44 percent. As a consequence the volume of over-the-counter traffic has rapidly declined. The company claims that the small (one to three man) office is now inherently inefficient, and that employee absence or illness in such offices often results in a substantial service degradation. The entire reperforator system, which was essentially installed some 20 years ago, is

[16] See note 17, infra.

[17] Shortly before the hearing the class I office was moved to a new location when the old office was demolished to make way for new construction.

[18] A number of matters were alluded to in the course of the proceeding by virtue of a process of association, such as advertising expenditures for PMS and refurbishing practices and expenses for Class I offices which we do not believe are strictly within the ambit of this inquiry. We will deal with all such matters only to the extent they bear directly on the issues herein.

[19] The company's contentions are similar to these made by it in Docket No. 18270, in which, in the context of a rate proceeding, we dealt with issues of service speed and quality of PMS. See FCC 70–123.

obsolescent and will be phased out in the next few years. The existing equipment is often antiquated but according to the company the service could not have been significantly improved by modernizing individual installations; the entire system must be replaced by a more modern message switching technology. The company contends that it is not essential that machine and telephone originations be interfaced with the telegraph company in the city of origin, and that there are a number of distinct advantages to centralizing the telephone and tieline acceptance operation in large class I offices or regional facilities.

36. In view of the ever diminishing load, the diversion of tieline and telephone traffic often leaves a small or medium size office with a load light enough to permit its transfer to an agent within the Commission's conversion criterion that prospective agents handle no more than 46 messages daily.[20] The company insists that a trained agent will be able to satisfactorily service the remaining local volume without any degradation in service in any material respect, e.g., hours of operation, money order payment, physical delivery, speed of service, etc. The company also claims that agency operation in the circumstances outlined above will result in a net savings to the company, in most cases, of thousands of dollars annually. In substance, this is the logic and the rationale which lies behind the company's efforts to close hundreds of its class I offices and to transfer the remaining load to agencies.

37. As we indicated in the Notice, the primary criterion by which conversion applications are judged is that of the volume of traffic to be transferred to the agent. Both company and Bureau witnesses stated that when adopted in 1948 the 46 message standard was intended to represent a level of local telegraph activity warranting the retention of a class I office.[21] At that time traffic diversion was rare. Since at least 1959, however, one of the exceptions to the standard, dealing with the load to be diverted to the agent, has been interpreted by all parties as representing the only major restriction on establishment of agencies. Consequently, if the transferred load, after diversion of tieline or telephone traffic, and elimination of nonrevenue, misrouted or other traffic not to be transferred, is less than 46 messages daily, the Commission has construed the application to be within the 46 message standard.

38. The office conversion program has been going on at least since 1948. At yearend 1969 there were approximately the same number of cities served by telegraph facilities as had been so served in 1951, but the number of class I offices had declined by 902 and the number of 9–C agencies had increased by 840. Initially the conversion program was aimed at deficit offices, but as the modernization plans developed, within the last 2 years, it became apparent to the company that with increased availability of reliable low-cost communications facilities for diversion of tieline and telephone load, it could advantageously expand the program to include offices with good operating ratios, but which could be eliminated with a savings to the company.[22] These are generally low volume offices, but the company contends that every aspect of the particular case must be examined to determine if the office is an appropriate one to convert.

39. To support the claim that service quality has not suffered after transfer to an agent, the company relies on a study recently carried out on data gathered in October 1968. The results indicate that the proportion of complaints sent to the executive offices of WU and those sent to the FCC attributable to agents was only 1.6 percent of the total of such complaints, while agents handled approximately 5.5 percent of the total traffic. The record reflects that this is the only study the company has ever carried out in regard to the service performance of its agents. Nevertheless, WU regards that performance as satisfactory. It notes that of the four instances selected by the Commission for study, none of the agents was found to be disreputable and no derogatory evidence was introduced as to any of them.

40. To test the effect of conversions on message volume, the company carried out a study of the message volume in 12 recently established agencies and compared that volume to the previous volume at the Class I office which had been discontinued. The results show an increase in volume of approximately 6 percent.[23] However, one of the cities showed a substantial increase attributed to the agent's efforts to attract business which was to be diverted to a Class I office. Adjusting the totals to exclude the figures for this city leads to a net decline of 8.6 percent, a figure roughly comparable to the systemwide decline experienced in the period covered by the conversion.

41. WU claims that one of the primary methods of assuring that agents are suitable individuals is the agency selection process which is detailed in the company's Service Coverage Manual SC–3. SC–3 indicates that community leaders or organizations should be consulted as to the need for an agent and their views sought as to the most desirable candidates among those qualified in the preliminary stages of investigation. A company witness confirmed that this is the standard practice and indicated that apparently no such visits had occurred in the case of Lebanon.[24] The selection of the agent should be restricted, according to SC–3, to retail establishments of a type which are appropriate for telegraphic communications; taverns, pool halls and the like are excluded. One essential requirement is that the retail establishment be able to meet the existing open hours of the Class I office (and possibly the existing after-hours agent) it is to replace. The business should be centrally located, the employees pleasant and willing to serve the public, interior space should be neat and clean. These requirements often limit the choice of an agent to relatively few businesses in a small or medium size community. As of December 31, 1969, agencies were established in various kinds of retail establishments in the following distributions:

	9–C Agencies	11–B Agencies
Retail stores	607	909
Pharmacies	277	306
Service organizations	191	129
Hotels/Motels	180	127
Real estate/Ins.	140	149
Bus terminals	130	27
Florists	127	84
Taxis	97	196
Military establishments	85	2
Chamber of Commerce	67	20
Filling stations/Garage	62	73
Truck stops	40	96
Credit bureaus	37	7
Restaurants	30	28
Groceries	29	25
Travel agencies	28	11
Telephone answering service	25	23
Private industries		43
Telephone companies		83
Banks		[1] 164
Others	[2]	[2]
Total	2,224	2,263

[1] 100 of which are in the Minneapolis area and replace allroad agencies.
[2] Less than 25 each.

42. SC–3 also provides guidelines as to the type of agency to be established in lieu of a Class I office, i.e., Class 9–C or 11–B. According to the manual, when an agency is being established for delivery purposes primarily, a load of no more than eight messages daily should be assigned to a telephone operated agency, although this number may be increased

[20] Between October 1968 and March 1970, 327 conversion applications were filed. Of these 53 percent involved a residual load of less than 20 per day and 80 percent involved a residual load of less than 30 per day.

[21] See Commission letters to Western Union of Feb. 26, and Sept. 8, 1948.

[22] The company is currently expanding its Truck Stop Agencies and the number of WATS lines in service. As of June 11, 1970, there were 427 truck stop agencies, 51 IN-WATS lines serving 26 States and 57 OUT-WATS lines serving 34 States. The company is also experimenting with agencies in A&P stores around the country, and is negotiating with a large bank in California for money order acceptance points.

[23] The agencies studied were selected on a random basis except that an effort was made to achieve a geographic distribution. It is conceded by the company that the study was not scientifically designed and it is not contended that the results are statistically valid. Twelve cities were originally chosen. The results for the 12th city, omitted in the exhibit but supplied in WU's Proposed Findings, do not materially alter the overall figure.

[24] Another witness indicated that the local Chamber of Commerce had been contacted, but no suggestions for agents had been sought. The record is unclear whether civic or community officials were consulted as to the candidates' relative desirability in Ironwood. While the Vice President for the Philadelphia region characterized the SC–3 procedure as a recommended one only, Tr. 1680–81, the Vice President for Field Support testified that the proper procedure for selecting an agent is "clearly defined in SC–3" (WU Exh. 2, p. 5).

in other circumstances. Consideration of the type of load is critical in selecting the kind of agency to establish. The manual also states that a telegraphically operated agency, that is a 9–C, is more likely to stimulate traffic than is a telephone operated agency. A company witness testified that the eight per day limit for telephone agencies is outmoded and 20 per day should be the standard; he also contended that the manual is wrong in stating that traffic can be encouraged with a teleprinter. A number of company witnesses indicated that the manual is in need of a revision, and that it would be revised when the record has been closed herein.

43. Simultaneously with the release of the Notice of Inquiry, the staff of the Common Carrier Bureau initiated a series of inspections of existing agencies chosen at random.[25] Altogether some 52 inspection reports were made and submitted as CCB Exhibits 1 and 2.[26] Of the 52 agencies inspected, 34 were 9–C, and 10 were 11–B. In some cases (between seven and 10 depending on interpretation) privacy was regarded as inadequate or questionable, but the location of equipment was generally satisfactory. The reports indicate that inadequate attention has been paid to maintenance of up-to-date tariff books. Money order service from the agents was generally judged satisfactory. In some cases, the agents offered telegraph service over longer hours than those formally tariffed; in some instances open hours are different from those specified or fewer than the tariff indicate. Some reports suggest inadequate concern for time endorsements and recordkeeping. In 12 cases signing was found to be nonexistent or inadequate. FCC inspections carried out since the release of the Notice of Inquiry indicate an increase in the frequency of company inspections, which appear to have been inadequate in seven to 10 cases. In general, the reports indicate that overall the agents are doing a good job in most respects.

44. The Vice President for Field Support testified that this proceeding has been instructive for the company in connection with these inspection reports and the hearings held herein and that it will attempt to rectify the weaknesses in its agency supervision program which have been uncovered. For example, under the terms of its letter to the Commission of March 11, 1953, the company has an obligation to inspect each 9–C agency every 6 months, and each 11–B agency once a year.[27] These are minimum requirements. It was admitted, however, that there have been lapses in fulfilling this requirement. One WU witness ascribed these failures in part to the press of other business and indicated that inspections would be given more attention in the future. To strengthen the agency supervision program, each of the 18 area vice presidents is to assign one member of his staff full time to the supervision of the agency program in that area, and this will be the only task assigned to that individual. In this way the company hopes to achieve a better degree of management control and coordination, although it does not plan to actually increase the number of manhours of supervision per agency. A new and expanded agency inspection check list has been drawn up by the company to assure complete and thorough inspections.[28]

45. From cross-examination of a number of witnesses it appears that the training of an agent generally takes anywhere from a few days to a few weeks, depending on the type of agency, the kind of load, and the agent's ability to absorb the instruction. The training comprehends operating and closely related matters as well as the minimal administrative and clerical work required of agents. The company claims that agents are always trained before they are left on their own. In some areas this training may occur prior to the actual cut over to the agent. In other areas, the company may commence the training on the day of the cut over, but in such cases the training is carried out by an employee who stays with the agent and handles the actual operations until the agent is able to take over on his own. The agent is advised to direct questions or problems to the WU office into which he sends his messages, the so called "control office."

46. Many of the functions performed at the class I office of a clerical or administrative nature are to be discontinued or transferred to the control office, leaving the agent with little telegraph work to do other than the actual transmission and delivery of telegrams coming through the agency. According to the company his training, therefore, need not be as extensive as that of a full-time WU employee. The company claims that the need for secrecy of communication is stressed during the training period. The secrecy regulations given to each agent state, in part: "All employees, agents, and their personnel must exercise extreme caution in the telephone handling of messages to insure that such conversations are not heard by members of the public or other unauthorized persons." Generally, an effort is made for a company representative to visit the agency after a week or so of operation. The control office is of course able to observe the agents work, at least in part, and to correct deficiencies when they appear. The Bureau field inspection reports indicate that agents are generally, although by no means universally, satisfied with the training and continuing support they receive from the company.

47. WU prints Telegraph Agency Handbooks for its agents, one for each mode of operation, i.e., teleprinter, telephone, and Deskfax operation, and these are distributed to the agents as well as copies of the tariff books. Each of the manuals is a concise summary of operating and administrative procedures with which the agent should be familiar. These are currently in the process of revision. A new handbook, for the guidance of company personnel who are assigned to the training of agents, is now in the planning stages.[29] Class 9–C agencies are generally with the type 15 teleprinter, which is a modern, highly reliable machine.

48. In the course of the proceeding, a great many photographs were received in evidence. The company introduced a number of photographs showing exterior and interior views of nine agencies, both 9–C and 11–B, of which five were located in the State of California (WU Ex. 2. Att. 5). A WU witness claimed the pictured agencies were "typical", but admitted on cross-examination that he had not selected them, nor was he familiar with the process by which they were selected. His field experience with agencies in the last few years proved to be very limited. In the Ironwood hearing the editor of the local newspaper had submitted three photographs of nearby agencies. The UTW introduced exterior photographs of five agencies in the State of Louisiana. Finally, Western Union introduced interior and exterior photographs of a number of agencies inspected by FCC personnel.

49. A Bureau witness testified that based on his examination of seven agencies in the State of Maine, the interior space and lighting conditions were poorer than is indicated by the "typical" agencies pictured in WU Ex. 2 Att. 5. Another Bureau witness, examining the photographs taken by WU of the agencies he had inspected, indicated in a number of instances that the agencies had not been

[25] CCB personnel selected agencies generally within 1 day's travel of Washington, D.C. Inspections carried out by personnel of the Field Engineering Bureau occurred in every region of the country. No contention is made that the agencies selected represent a scientifically valid sample, but there has been no contention by any party that they are unrepresentative in any significant way, except for WU's suggestion that the prevailing architecture in Maine (where a number of inspections were carried out) is "quaint".

[26] Field Engineering personnel carried out an additional 42 inspections the reports of which, because of their date of arrival in Washington, were not introduced into evidence. These reports are available for public inspection at the Commision's offices. In general, they conform to the inspection results described herein.

[27] It should be noted that the control offices in addition to their daily contact with the agency should be carrying out periodic "monitorial" inspections of all the records bearing on the agency's performance.

[28] The new form provides for an inspection of the following: hours of operation, including deviations, if any, and corrective action taken; adequacy and propriety of current telephone directory listing; appearance of agency; type, condition, and adequacy of interior and exterior signs; adequacy of counter space, display of blanks and advertising material; adequacy of supplies; originating and terminating speed of service; telephone speed of answer, and observance of operating procedures and review of secrecy of communication regulations (WU Exh. 2 Att. 4–B).

[29] Tr. 2134. WU's proposed findings do not mention this prospective publication. We believe it would be a useful administrative tool and assume that its ommission from the findings was inadvertent.

as well supplied with signs as they appeared to be in the pictures. WU claims that the record indicates that the four agencies set for hearing are, in physical appearance, commensurate with the general character of the community in which they are located.

50. The contracts entered into between the company and the four prospective agents, one for Class 9–C's and one for Class 11–B's, are fairly short documents covering the following matters: Hours of service, agent's responsibilities, material furnished by WU, rules regarding money order funds and records to be kept on money order principal, prohibition against commission splitting, rebating, or discounting, description of equipment to be provided, which varies widely from agent to agent, description of compensation which also varies from case to case, and provision for cancellation by either party on 60 days notice, without cause. In its proposed findings, WU alludes to a revised contract, which differs from the prior contracts in a number of ways. It delineates the hours of operation more explicitly, and makes it obligatory for the agent to notify the company if these hours cannot be met; provides a standardized list of equipment to be furnished to the agent, requires the agent to observe standard operating practices specified by the company, and that the agent not attempt to handle traffic intended to be diverted to a Class I office. The agent is obligated to provide adequate counter space and room for display of blanks, as well as adequate display signs. The contract obligates the agent to observe the rules governing secrecy of communications, and to notify the company if personnel changes occur necessitating additional training (WU Proposed Findings, Att. 4).

51. The manner and amount of compensation agents are to be paid is covered in SC–3. Most agents are paid on a per message basis. The record shows that $0.50 is frequently the commission paid per message. It may, however, rise to as much as $0.75. This is a judgment reached by the WU employee signing up the agent, in consultation (for the higher fee) with regional management. The higher fees are paid only when it is regarded as necessary to secure or retain an agency, or when the message volume is so low that the commission per message must be raised to attract an agent. In some cases, but not commonly, the company establishes a flat monthly rate or a guaranteed minimum. The prospective agent in Ironwood was first offered, and accepted, $0.35 per message. Later, the company claims, a drop in the message volume to be anticipated at that office prompted the company, on its own initiative, to raise the commission to $0.50.

52. The company claims that privacy of communications has not proven to be a problem in the past. However, no careful study of the matter has ever been undertaken by the company beyond the analysis of complaints referred to above. WU's proposed findings note that not one case of a breach of privacy was brought to light in the course of this proceeding. Moreover, it notes the prospective agents in New Britain and Ironwood have experience in protecting the privacy of existing activities. At all of the field hearings counsel for the UTW asked public witnesses and prospective agents whether there might not be a conflict of interest inherent in a retailer or member of the commercial community handling potentially confidential business affairs for competitors or monetary affairs for individuals who owe the agent money. Many witnesses expressed concern about these matters as did the prospective agent in Ironwood. The company contends that it does not know of any reported difficulties in this respect. The company introduced evidence to show that the four field hearing offices took in more money order principal, on a monthly basis, than they paid out in cash for inbound orders. There is no evidence in the record to suggest that this is not true generally or that the agencies proposed by the company will not experience the same cash flow.[30] Money order service, unlike PMS generally, has been growing in volume. This increase may be stated as follows:

	1960 [1]	1969
Total PMS volume	124,300,000	77,100,000
Total money order volume	7,709,706	10,002,573
Money order percentage of total	6.20	12.97

[1] From 1945 to 1959 money order volume steadily declined. In 1960 it increased and has increased each year since then.

The record indicates that complaints to agents regarding poor service, whether traceable to the agent or not, may have to be resolved at the local control office rather than by the agent. WU claims that physical delivery, where required, will be identical, or virtually so, under agency as opposed to Class I operation.

53. Each of the 18 area vice presidents has broad discretion in selecting offices for conversion, and in choosing between 9–C and 11–B agencies. This discretion is reflected in the variations which occur between States in the number and kind of pending applications. The following table, taken from CCB Exh. 3, illustrates these variations:

Class I district offices only		Applications on file		
State	District office	Class 9–C	Class 11–B	Total
Alabama	14	3	0	3
California	62	3	0	3
Georgia	24	3	0	3
Massachusetts	33	6	4	10
Michigan	30	5	5	10
Mississippi	19	4	0	4
New York	51	3	21	24
North Carolina	40	13	0	13
Texas	46	12	0	12
Wisconsin	26	0	6	6

The applications are submitted to the Commission, however, only after they have been carefully checked and studied by the company's service coverage office in Washington. Proposals which involve transfer of loads which are too close to the 46 message standard, for example, are rejected by WU without submission of an application to the FCC. There appear to be no firm companywide instructions or guidelines with respect to office closures, other than the 46 message standard, and the understanding that low production offices should be carefully studied with a view toward their possible conversion. A number of witnesses indicated that the figure of $2,000 per month of gross revenue would be a flag, indicating that some study of that office should be undertaken. Company witnesses stated unequivocally that conversion applications not showing a net savings to the company would be rejected out of hand with no consideration given to service quality questions.

54. None of the company's witnesses suggested that the 46 message standard should be modified in any way, although one witness indicated that he would not be opposed to a modification of the standard to reflect differences in the length of the messages handled. The area vice president for the Philadelphia region testified that he had no opinion about the appropriateness of the 46 message standard; he stated that of the 80 Class I offices in his region, probably 65 could be closed under that standard after diversion of tieline and telephone traffic. Both WU and Bureau witnesses confirmed the statements made in paragraph 3 and footnote 4 of our notice herein to the effect that the 46 message standard as adopted in part was intended to measure the volume of telegraph business which would warrant retaining an office. In practice, however, at least since 1959, it has been consistently interpreted by all parties to establish the residual load level after diversion below which an agency may be authorized in lieu of a Class I office.

55. The company claims that the annual savings to be anticipated from the 241 applications pending as of August 1970 is $2,312,458. In its direct testimony the company claimed initially a savings of $2,033,220 (WU Ex. 1, p. 22). The only supporting data for this figure was provided in four tables in WU Ex. 3 (Atts. 48–51). These tables consisted of raw financial data for annual class I office expenses and projected annual agency expense for each of the field hearing locations. In response to a staff request, the company agreed to undertake a more complete avoidable cost study, which was subsequently placed on the record as WU Ex. No. 9 and entitled Summary of Economics of Pending Conversions. This exhibit consisted of 70 pages: Six summary pages listing the estimated annual savings to be realized at each of the 241 offices where conversion applications are pending, and 64 pages of detailed data on a representative sample of 64 of these offices chosen by the Commission staff. The avoidable costs for the 12-month period ending August 1970 were given for each of these 64 offices. In addition, the incremental operating costs for the proposed agency offices were presented. Annual costs of such items as wages, office or space rental, postage,

[30] The 427 truck stops established by the company in an ongoing program have greatly improved access to money order service along truck routes, according to Western Union.

utilities, telephone tolls delivery expenses, and circuit or facility cost were presented for each office and proposed agency. The difference between the avoidable cost and the incremental cost was the company's estimate of the annual savings in each case. Company officials testified that essentially the same approach was used to determine the savings as a result of conversion for the remaining 177 offices where detailed information was not presented. As a result of this analysis, the company estimated total cost savings from the 241 class I office conversions to be $2,312,458.

56. The financial data submitted by the company indicates that about 98 percent of the savings are in wage expenses. As offices are closed, the affected employees will have the options of relocating, retiring and drawing a pension (if eligible) or resigning and collecting severance pay. Under each of these options, the expenses incurred will be charged, according to a WU accounting witness, as a systemwide expense, and are reflected in a loading factor of 20.27 percent that is applied to each wage figure in the system. Pensions and severance pay vary according to the individuals length of service and salary level. The company does not know, and cannot estimate, how many displaced employees will choose to retire, resign or relocate.

57. On cross-examination two company witnesses testified that to the best of their knowledge no such study had been carried out by the company prior to the staff's request; the savings estimates developed by the company and initially provided the Commission in WU's direct testimony was arrived at by adding each of the conversion savings estimates received from the field. These field estimates were based on the experience of the area vice president or someone on his staff, and did not reflect the kind of analysis ultimately submitted to the Commission.

58. A Bureau investigation, initiated by chance, indicated that the WU agency in Laurel, Md., a Class 9–C agency, was apparently not covering its listed hours of 9 a.m. to 12 noon on Saturday. As a result of a misunderstanding between WU and the agent, the agency has not been covering those hours since late in May. The control office for this agency, in Silver Spring, Md., was aware of this failure to open, but did not inform the company. According to a company witness, this was a "falldown" on the part of the control office manager. The matter has now been corrected by the company. A check of the other 62 agencies operating in the Washington, D.C. area on a recent Saturday indicated that all were open for business. The Laurel agency was not established through conversion of a Class I office, but is nevertheless obligated to maintain the posted and tariffed hours.

59. The foregoing relates primarily to the effect on conversion on the residual traffic, i.e., that to be handled by the agent. The company also claims that certain advantages will accrue to traffic to be diverted.

60. The tieline diversions, the company claims the following advantages: Expanded hours of service, retermination in switching systems permitting faster inbound service and reduction of errors; identical maintenance to that provided under class I office operation; improved efficiency at control office through increased flexibility of force and improved supervision, and improvement of outbound service through automatic switching capability where available at the control office.[31] Of course, the tieline patron, like others, will lose whatever advantages are inherent in having one's messages forwarded by a local WU employee.

61. The company is actively working on a plan to improve the service and accessibility for those customers using telephone filing. The plan envisions six centralized telephone bureaus (CTB) which will furnish toll-free service 24 hours a day 7 days a week from any telephone in the continental United States. CTB sites are planned in New Jersey, Virginia, Georgia, Ohio, Missouri and Nevada, with multiple interconnecting VF trunks for load leveling interchange during peak periods. The anticipated start up date for the first of these bureaus is in the last quarter of 1971. All the bureaus will be equipped with the latest in telephone terminal equipment coupled with combined sending positions which will allow direct access to the computerized message system without manual handling.[32] The result, it is claimed, will be expanded hours of toll-free service, an improved origin to destination service, consistently improved telephone speed of answer and minimization of alternate routing problems for after-hour traffic.[33] The company states that "the initial cost as well as the continuing expense of these benefits will be considerable, and we are depending on an accelerated conversion program for economic support." (WU, Ex. 1, p. 22.) At the same time, the company admits that the CTB scheme was one of the factors accelerating the conversion program.

62. The costs for the projected CTB's should be between $6 million and $8 million, with as much as $2 million required for the first installation. While there has not been, and will not be, any formal "earmarking" for the CTB's of the funds to be saved through the office conversion program, a company witness indicated that expenditures for the CTB's would have to be reevaluated, should the projected savings of the conversion program be denied the company as a result of the Commission's rejection of the conversion applications. According to the Proposed Findings, "delays in realizing [conversion] savings must be reflected in delays to future plans" (p. 58).

63. WU's Vice President for Service Coverage testified that the ultimate number of Class I offices is still somewhat uncertain, but may be as low as 250. This goal might be reached in 8 or 10 years. It will depend on a State by State study to optimize the number of agency control offices and coordinate facility planning for handling machine connected customers. It is also, of course, a function of future developments in PMS volume and manner of use. The company believes that the percentage of PMS telegrams handled by telephone may continue to increase. However, according to the witness "we plan to maintain counter representation where needed, and I do not foresee a time when we will not have physical delivery service available for the person who needs it. How it will be performed, whether by our own personnel, under contractual arrangements, or by a combination of both, I cannot say at this time." (WU Ex. 1, p. 23). On cross-examination, the witness was not able to be more precise in regard to physical delivery. While the company contends in its Proposed Findings (p. 76) that the "vast majority" of regular PMS users, i.e., those sending more than two telegrams per week, rarely use over-the-counter service, the percentage of traffic handled at the four field hearing locations over-the-counter was 18 percent of the total, sent and received, combined.[34]

64. In addition to the CTB's the record shows that the company has made or plans to make the following improvements in PMS service: refurbishing of public offices entailing an expense in 1968–69 of approximately $1.3 million, and $750,000 through September 18, 1970; a planned expense in 1971 of $250,000 for "bandit barriers" in public offices; an expenditure of approximately $200,000 in 1970 on modernization of the bookkeeping center in New York City; plans for computerized switching of inbound international messages estimated to cost more than $1 million; the initial phase out of the reperforator switching system entailing an expenditure by 1972 of $1.5 million and ultimate computerization of the PMS. A company witness indicated that the modernization program will have its first effects in New York, when, beginning in January of 1971, computer switching for intra-Manhattan traffic will substantially improve the origin to destination time. In the second quarter of 1972,

[31] Of the 241 applications pending when the Notice was released 155 of the proposed control offices had automatic tieline capability.

[32] In a combined sending position the operator types out the message as it is received over the telephone. The machine simultaneously makes a typewritten transcription of the text and punches out perforated tape. After any necessary adjustments are made the tape is sent into the reperforator system directly, thus eliminating the necessity for the message to be transcribed twice (once on receipt and again to make a punched tape for onward transmission).

[33] In its proposed findings the company does not allude to improved origin to destination service through telephone diversion (p. 27), although it does so represent in its Ex. 1, p. 22 in reference to the CTB's.

[34] This figure is derived by adding all the over-the-counter handling for all months at all four offices and dividing the total handlings for all months at all offices by the total figure for counter handlings.

the company expects the first cut over of the computer system for switching between the 95 major cities of the United States. Within months it is anticipated this system will be reducing the load in the old reperforator centers.

IV. Conclusions

65. The present record reflects a comprehensive review and analysis of the company's office conversion program. While certain problems have manifested themselves and considerable modifications of the rules appear to be called for, we are satisfied, for all the reasons which are detailed below, that the public convenience and necessity will be served by permitting the company to implement its plans for converting large numbers of offices to agencies. The basic questions presented in this proceeding may be posted in terms of short-run and long-run public interest determinations. For the short-run, the question is whether the public in the communities affected will continue to receive adequate services; for the long-run, the issue encompasses the restructuring of PMS service.

66. Our conclusions in regard to the service quality to be anticipated from the agencies proposed is that it should be adequate, under the rules adopted herein and if the company makes a sincere and dedicated effort to properly supervise and administer the program. We agree with the company that in connection with its modernization plans, it is both prudent and necessary for it to curtail uneconomic or outmoded operations which can be replaced by less expensive but adequate substitutes. However, the importance of maintaining the quality of service in these communities, and our desire to have greater details on the proposed agencies compels us to modify the inspection and application procedures, as hereinafter specified.

67. At the time this proceeding was initiated there were approximately 241 applications in pending status. Since that time certain of those applications have been granted and additional ones have been filed so that the present total of pending applications is 254. In the interests of expedition and in view of our basic conclusions that conversion should not disserve the public, we will generally grant pending applications which conform to preexisting rules and policies except that such grants will be subject to the condition that a revised contract, as provided for in paragraph 79 infra, and new § 63.91(a) of the rules (see Appendix A) be signed with each agency and notice of that fact given to the Commission prior to September 1, 1971. We intend, however, to begin processing the pending applications and to grant them as quickly as possible.

68. One of the primary purposes for holding field hearings was to permit us an opportunity to explore the questions or issues raised in the written protests filed with us by the public. A number of those who had filed such protests appeared at the hearings and amplified their views. Most of the public witnesses, however, had not previously protested the proposed conversion. Very few of the public witnesses had a clear idea how a telegraph agency operates, or how the one proposed for their community would operate; few had any prior experience with such agencies.[25] A certain number of the protests and much of the public testimony appear to be rooted in civic concern and deal only superficially with the merits of the proposals. However, a great deal of public testimony either on direct or cross-examination was directed to specific and recurring areas of concern in agency operation which we believe warrant careful analysis. These may be listed as follows:

1. Privacy of communications;
2. Promptness of service;
3. Competence of agent;
4. Speed of service (origin to destination);
5. Physical accommodations and location.

69. *Privacy of communications.* Ordinarily a customer who originates a message through a Western Union office assumes that the individual taking his telegram is well aware of the importance of privacy and confidentiality of communications, and as a professional telegrapher will take appropriate steps to guard that privacy both against his own disclosure and inadvertent or unauthorized public discovery or use of the contents.[26] Moreover, the customer is aware that ordinarily there will not be other individuals within earshot of the employee accepting the message unless the other individual is also transacting telegraph business at the same time. The situation at an agency may be very different. The agency may or may not be careful in this respect. In addition, most agencies are in retail and service establishments where any number of individuals may be engaged in shopping or browsing in the vicinity of the agency counter, and it may be virtually impossible to prevent their overhearing the substance of the message. Most public witnesses appear to have assumed that the WU office is less busy than the retail agencies. The record neither supports nor contradicts this assumption. The company assures us that agents are advised, repeatedly, of the requirements of secrecy of communications and that it has had no complaints in this respect either as to agencies or as to its very busy class I offices such as that in Las Vegas, Nev., where privacy is often nonexistent. Privacy is one of the most difficult aspects of agency operation to judge, either in general or in particular cases studied; and this is particularly so since the question presented is whether there will be an impairment of the privacy currently available. See the Notice, p. 8 Issue 9. Privacy entails, inter alia, analysis of the position of the teleprinter or telephone, the location of the operating area with respect to surrounding activities, the ambient noise level, the operating practices and personal discretion of the operator, and the foot traffic to be anticipated at or near the operating area. As to the latter, it is difficult to precisely evaluate the likelihood of other individuals being able to overhear the substance of a message, and it is impossible to predict with confidence the operator's prospective exercise of discretion.

70. Nevertheless, we believe the public's concern is legitimate and well founded and are not persuaded by the absence of complaints, which may be explained by many factors having nothing to do with the merits of the issue. While it may simply be impossible in the generally close confines of an agency to transact telegraph business without running the risk of nearby customers overhearing the discussion, certain steps can be taken to minimize such occurrences. We are modifying our rules regulating the selection of an agency in order to make clear that privacy of communications is an important factor in the establishment of an agency. In some cases, because of the other restrictions on the choice of an agent, it may be impossible to select one who will be able to assure or to maximize such privacy. However, we believe that in the agency selection process more emphasis should be placed on this factor, and we will require a statement in the application attesting to the adequacy of the agent in this respect. If, in a particular community, the company cannot make such a representation in good faith, it will be required to so state. In either case we may decline to grant the application if, in our view, the accommodations are inadequate from the viewpoint of privacy. To assist us in this determination, we are modifying the rules to provide that each application contain adequate information and photographs to permit us to independently judge the acceptability of the interior physical setting.[27]

71. *Delays in service.* The concern here is for delays at the agency in accepting the telegram, as opposed to delivery delays brought about by the interface of the reperforator system and the agency, which is discussed elsewhere.[28] One public witness testified that he had seen an agent ignoring his ringing WU line while continuing to transact other business. Perhaps as many as a dozen public witnesses expressed the view that an agent whose primary livelihood comes from his retail business will naturally give WU business second priority whenever a conflict arises. Many witnesses, particularly in Newport and Lebanon, noted that they had had to wait considerable periods of time for service at the business establishments proposed to become agencies. Two of the four agencies examined in the field hearings, New Britain and Ironwood, claimed that they would give priority to WU business. The other two claimed that they were generally not so busy with their bus depot activities that WU customers would ever have to wait more than a few minutes. The record shows that in Newport the volume of bus ticket sales averages two per hour. The agent, of course, also attends to telephone inquiries, freight handling, and other matters. We are not able to quantify on the basis of the present record how long a wait, if any, the average telegraph patron would encounter at any of the four specific locations explored or systemwide, nor how long a wait, on the average, could be expected at the local WU office. While it is true that in some instances the open hours at the agency will be greater than at the office, substantially relieving delay in that sense, we conclude that on balance the likelihood of delay at an agency is greater than that at a WU office.

72. We believe there should be an upper limit on this kind of delay in an agency. Prospective agents testified that ordinarily no customer would have to wait more than a few minutes for service. In our judgment, 5 minutes is a reasonable maximum period of time to wait for counter service. We also conclude that a maximum of six rings is appropriate for telephone answering, since this is the company standard systemwide. We will direct the company to make such maximum delays material conditions in its contracts with agents. Considering the inherent inefficiency in a one man office and the greater message volume and administrative burdens of Class I offices, it is our judgment that with the delay limits we are imposing, it is probable that service in this respect will be at least as good at agencies. In lieu of an elaborate scheme of recordkeeping, we will require the company to include this aspect of service in the study to be made of agency service. See infra, paragraph 109. Unlike other rule modifications which are directed to future applications, we will require these service standards to be adhered to no later than September 1, 1971, by all agencies established by conversion of Class I offices at any time. See new rule 63.91(a).

73. *Competence of agent.* Concern here is for the agent's knowledge of WU practices and policies; his ability to provide information to the patron, to advise as to classes of services, charges, and so on. The company maintains that after an agent has been trained, he is able to perform these functions satisfactorily, and that when he encounters problems, the control office is always able to provide assistance. The company also claims that its regular inspections, control office monitorials, and day to day control office contact assure that the agency is performing adequately. The study of agency-related complaints, described above, reflects relatively few complaints as to agent's capabilities. Many witnesses, however, testified that they have received or observed poor quality service from agents. The lack of complaints in this respect does not tell us much about how often a patron is unduly delayed while an agent studies his references; or confers with a colleague before advising a patron, nor how often erroneous or incomplete information is provided. Such problems would also not necessarily manifest themselves at the control office. This is plainly a matter of central importance to the agency conversion policy, and we propose to modify the inspection procedure. See infra, paragraph 88.

74. *Speed of service.* The company's position is that speed of service for the traffic to be handled by the agent should be essentially the same as that of the Class I office and that adherence to the speed of service standards is emphasized in the training of agents.[29] In the case of Ironwood, a company witness reluctantly admitted, after intensive cross-examination, that there would be, on the average, an additional delay of 5 minutes. The company believes the existing origin to destination standards which are in effect for all PMS traffic may appropriately be applied to agency originated or terminated traffic and we see no basis for excluding such traffic from the standards. We consider them fully applicable to agency traffic, including the terms of our recent decision in Docket No. 18270 in respect to such service.[30] Because of the critical importance of this aspect of service, we are directing the company to undertake monthly speed of service studies at agencies. See infra, paragraph 109.

75. *Physical accommodations and location in the community.* The record indicates that in the four cases set for hearing the location was controversial only in New Britain. However, the amount of counter and writing space in all four proposed agencies is less than that currently being provided.[31] Lighting did not appear significantly different. We regard the very slight superiority of the WU Class I offices as insignificant. We urge, however, that steps be taken here, as in the area of privacy, to improve the facilities being provided for telegraph business. Wherever possible, we believe some counter space should be reserved for telegraph patrons only and we are modifying the rules to require more information in this respect.

76. As suggested above, applications filed hereafter will require additional information and representations on the matters discussed above. In addition, we wish to have in the application a brief description of the facilities to be provided for the use of telegraph patrons, including size of quarters, type and position of counter or writing desk, location of teleprinter and or telephone with respect to other facilities of agent's business. Scale diagrams and photographs will be required of both the agency area and the surrounding areas of the agent's business. The location of the agency with respect to the center of the business district should also be indicated either in written or cartographic form. In addition to the foregoing, we wish to have the following information provided in each application: The nature of the agent's business, if this is not evident by the trade name; a copy of the agency contract; telephone listing as it will appear in telephone directories; number and type of signs to be used to identify the agency; arrangements to be made for the cashing of money orders; number of persons to be trained; how privacy of communication will be protected; identification of the control office, and a statement that it will be adequately staffed to handle the additional load without impairing any service provided or to be provided by that office, and a statement of the anticipated savings which are expected to result from the conversion.

77. We are also modifying the rules to require the company to report to us, in the conversion application, the considerations which led it to select the proposed agent, including such matters as location, physical facilities, open hours, number and quality of employees, reputation of agent, and similar such matters including, where applicable, an explanation for the selection of the proposed agent as against other rejected candidates. We are also providing that the financial aspects of the agency selection process be included in this description. The record made herein indicates that

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[25] A number of members of the New Britain Common Council, which had filed a written protest, testified at the hearing. The Council's submission, while noting WU's plans to establish an agency, decried WU's "abandonment" of the community. The members who testified were cross-examined as to the council's understanding of the agency proposal and its use of the word "abandonment". We find the testimony uncertain and contradictory on this point. Some members of the council may have understood the substance of the proposal but it appears that some did not.

[26] Section 605 of the Act makes unauthorized disclosure, discovery or use of the contents of a telegram a criminal offense. Company rules and regulations emphasize the necessity of privacy and confidentiality of communications.

[27] In some cases the rearrangement of counterspace or the erection of dividers may ease the problem somewhat. Such a course was mentioned at the Ironwood and Lebanon hearings. However, structural changes at both were to be at the agent's expense. It may be that some assistance from the company in this respect would induce more agents to make such modifications. We are modifying the rules to require full information in this respect.

[28] The telephone or tieline-filed telegram which is diverted from a Class I office to a central telephone bureau or to a Class I office larger than that being converted may well achieve faster and better service than the existing office would provide. See infra, paragraph 98.

[29] WU also claims the terminal printed-perforated tape switching equipment which can be installed in centralized agency termination points will improve speed of service through agencies.

[30] For full rate messages, the standards state that 90 percent are to be delivered as follows: Telephone or tieline in 60 minutes; physical delivery in 75 minutes. For social messages the same telephone and tieline standards apply, but physical delivery must be made in 120 minutes.

[31] WU notes in its proposed findings that many Class I offices do not have separate writing tables because they are not warranted by the over-the-counter load. In Lebanon, for example, there was no such table.

agents are paid widely varying amounts, and that the compensation arrangements vary from agent to agent. Without indicating that these variations are improper, we believe the financial factor is an important one and that we should know whether commission expenses were important to the selection of the agent. We will scrutinize future applications closely in all these respects and where appropriate, we may seek further data or information from the company or designate an application for hearing. We wish to emphasize that we believe the final selection of the agent is a matter well within the discretion of management and do not intend to substitute our judgment for the company's where it has made a thoughtful analysis and has exercised reasonable judgment. But we regard the quality of the agent and of the facilities as the most important factors in consideration of conversion applications and we intend to consider them carefully, particularly in view of our discussion in respect to the message standard (see paragraph 83, infra).

78. In its proposed findings, WU urges the Commission to adopt rules permitting it to select, where appropriate, an agent who cannot meet the committed open hours of the Class I office. This is to be accomplished through the simultaneous request, in the conversion application, for reduction in hours of the office which is to be converted and is to apply only where the remaining hours of service are at least 8 per day, the volume of experienced traffic during the hours to be discontinued is, on the average, less than 0.5 message per hour, with not more than two messages in any one hour, and where toll free telephone access is available. The Company claims that this will permit it to select as an agent one who may be better qualified than some other in every respect except for the hours commitment. We agree that in a particular case the public interest may be better served by an agent superior to some other in an important respect, such as privacy, but unable to meet the committed hours of the office. We also think it may not be fair to the general public to force the company to select an agent who may not be as good as some other merely because he can meet the existing committed hours, especially where the volume in the hours to be discontinued is quite light. Accordingly, we will consider such applications on an individual basis. Full particulars must be provided with respect to the choice of agents and the basis for the claimed superiority of the agent proposed, cf. § 63.502(o) of the rules. However, we believe it unnecessary to adopt the rule proposed by the company; it will be free to request such authority without any specific modifications in the rules. Ordinarily in such cases we will expect the company to make a compelling showing of the need for reduction in hours.

79. The record reveals that the training provided to an agent varies widely in scope, intensity, and timing. Although there may be substantial justification for such differences, such as, e.g., the anticipated level and nature of the load to be handled by the agent, we nevertheless believe it would be desirable to require that the Western Union employee who has actually carried out the training of the agent certify that the individual(s) designated have been trained and are qualified to undertake telegraph duties. This certification, which should follow the form set out below as new § 63.91(b) of the rules, should be filed with the company, and retained for inspection by the Commission whenever appropriate. The record also reveals that the contracts signed with agents vary widely in form and substance. WU has proffered a new and uniform contract in its proposed findings which we believe would constitute a substantial improvement and particularly so when modified further to reflect appropriate provisions of the new rules. We expect WU to substitute such a contract, as modified, for all 9–C or 11–B agency contracts now in effect where the agency is a substitute for a Class I facility. All such contracts should be in effect no later than September 1, 1971, but need not be filed with the Commission.

80. One of our concerns in instituting this Inquiry was the effect that conversion to agencies would have on the availability of money order service. In fact, we formulated a specific issue (number eight) to deal with this question, which is a substantial one in light of the increasing importance of money order volume to the total PMS volume. The data presented by the company indicates that in all four offices to be converted the money order principal accepted from patrons, on a monthly basis, substantially exceeds the principal cashed for patrons. We see no reason why this situation should be different at the agency, particularly so since almost all money order traffic is over-the-counter. The record also indicates that many payees prefer a draft to cash. In these circumstances we conclude that agencies should be able to provide adequate money order cashing services. However, we will require the application to state that this will be the case and to estimate the maximum which the agent should ordinarily be able to cover.

81. In its proposed findings, WU urges that the message standard should be raised to 50 revenue bearing messages per day. To support this increase, it notes that there is no evidence that agents have experienced difficulty under the present standard, that messages are generally less complicated today than formerly, and that the page teleprinter in service today is faster and easier to operate than the machines in use when the standard was originally adopted, since those machines were tape printers and the tape had to be formated and physically gummed onto the message blank. In addition, the use of terminal printer-perforated tape equipment, permitting error correction at the control office, should simplify and streamline agency operation somewhat. Apart from the testimony of company witnesses about the relative infrequency of complex or complicated messages in PMS, the record contains no data substantiating the claim that message content is generally more simple than formerly.

82. UTW and CWA suggest, in their Proposed Findings, that the standard is too high and should be lowered. UTW suggests that the standard should be 600 per month for 9–C's, and 475 per month for 11–B's, and that these figures should be calculated on the basis of the traffic pattern as it exists before diversion. CWA argues that the standard should be 25 messages daily for 9–C's and 20 daily for 11–B's.[4] In both cases these figures appear to be unrelated to any specific evidence or testimony in the record, and to represent as does the WU figure of 50, little more than a rough estimate of how much traffic can easily be handled.

83. Upon careful consideration of these conflicting proposals and the evidence of record, we conclude that the message standard should be abolished altogether. While the standard as first conceived was useful both to the company and to the Commission as an administrative tool, it appears that it no longer serves any useful function. The company is apparently able to convert large numbers of offices using the existing standard, and the diversion of telephone service to centralized locations can be expected to bring even larger numbers of offices within the present guideline. We believe it would be in line with the present situation, therefore, to substitute for the 46 message standard a more careful analysis of the facts of each application for conversion, as we are providing for herein. This approach is considered more realistic, in light of present-day technology and anticipated technological changes, and in view of our determination to scrutinize future applications with great care. Our action should not be construed, therefore, as removing all restrictions on the message volume which can be handled by agents, but rather as an effort to examine each proposed conversion on its own merits.

84. In each conversion application considered specifically herein and in those currently on file the company has stated that there is no prospect for increase in public message service business in the community. On the basis of the record made in this case, we perceive no basis for challenging this contention. Nor is there any evidence that the changeover to agency operation decreases the demand for service. The study introduced by the company, while not scientifically valid, indicates an increase in such volume. There is no evidence to the contrary in the record, other than the testimony of one company witness that he would ordinarily expect agency volume, systemwide, to decline in the same percentage as systemwide volume declines. Indeed, when the volume figures are adjusted by deleting the one community included in the volume study which showed the most substantial increase in volume—an increase which was admittedly artificially induced—the net effect is an overall volume decline of 8.6 percent, a figure close to the systemwide decline for the time period covered by the before and after load figures.

[4] Both Unions also argue for a standard restricting applications to offices showing an expense/revenue ratio of greater than 1.00/1.00. UTW suggests 1.20/1.00 and CWT suggests 1.25/1.00. We agree with WU's contention that such a factor is irrelevant to the public interest questions raised.

85. The issues in this proceeding are concerned with physical delivery service only as it relates to agency operation in comparison to Class I operation, and we see no basis for rejecting the company's contention that it should continue to be available in the immediate future to the same extent at the proposed agencies as it is at Class I offices. Western Union, by asserting that most of the public protests and testimony were generated as a result of pressure from a few local citizens, appears to be suggesting that the significance of the public's reaction to proposed conversions should be downgraded. We cannot agree. Many campaigns of public protest are in large measure the work of individuals who feel a deep concern for the issue and who have the energy to pursue their convictions by alerting others to the situation. Doubtless in some cases improper pressure may be applied, but we are not inclined, on the basis of the record herein, to consider the leading role of one or two individuals itself as rendering insignificant the substance or volume of the public's reaction to the proposed conversions. We do note however, that it became apparent in the course of the field hearings that many of the protestants were not familiar with the substitute service to be provided by the company, and some witnesses indicated that this very ignorance was the reason for their protest or public testimony. The rules currently provide in § 63.90(a)(7) that the company give a complete description of the substitute facilities in its public notices required to be posted in the community, but it is clear that the substance of the proposal has frequently not been apparent to the public. We are modifying the section cited above to make it clear that we want the notice to be explicit in every detail. We are aware that many members of the public will nevertheless fail to recognize the continued availability of telegraph service, and no notice can guarantee public understanding. We are therefore not prescribing the form the notice is to take beyond that contained in the rules, but expect the company to make a good faith effort to improve its performance in this respect. We will observe the written protests filed in the future to see if any improvement in this respect is apparent; if not, we may have to modify the rules again to set forth in complete detail the form, substance and presentation of the notice.

86. We are also amending the rules (see § 63.91(c)) to provide that where an agency has been established as a substitute for Class I service, the Commission must approve in advance any reduction in the hours of the agency, as well as any change in the identity or character of the agency.

87. The evidence with respect to the company's practices in the matter of telephone listings indicates that in communities served by a Class 9C or 11B agency and where telephone service is diverted to a distant office, the address of the agent is not always listed under Western Union in the local telephone directory. It was found that in some instances only the telephone number and location of the distant office are shown. Thus persons unfamiliar with the community may not be able to readily determine the location where counter acceptance and delivery services are available. We think this is contrary to the public interest and are providing in § 63.91(e) that in all cases the name and address of the nearest public telegraph facility where counter service is available shall appear in the listings for telegraph service.

88. As agencies replace Class I offices, the importance of the company's efforts to supervise and inspect agencies naturally increases. The company currently has a commitment to inspect Class 9C agencies every 6 months, and Class 11B agencies every 12 months. We believe that the frequency of inspection should be increased. The present dichotomy between classes of agency for inspection purposes seems to us somewhat beside the point. The frequency of inspection should turn on the message load, and not on the type of agency. Therefore, we will provide by rule that any agency established now or in the future as a substitute facility for a Class I office which handles, on a monthly average, more than 20 messages daily should be inspected at least every 3 months; those handling less than 20 messages daily should be inspected at least every 6 months. The reports of such inspections should be submitted on the form proposed by WU in its proposed findings (see new § 63.91(d)); these reports should be maintained at the Washington offices of WU for inspection by Commission staff as the need arises. We intend to conduct a limited number of our own inspections, comparing our results with those of the company inspection. In this way we will be able to keep a constant watch both on agency performance and on the accuracy and thoroughness of the company inspections.

89. A review of the company's avoidable cost study and the testimony adduced on cross-examination of those witnesses primarily responsible for its preparation, have led us to conclude that while the company's methodology is basically sound, the estimate of a recurring annual savings of $2,312,458 is slightly overstated, particularly for the first year. This overstatement, while not measurable in precise quantitative terms, can be illustrated through a discussion of the points that the company apparently failed to recognize. The bulk of the savings to be realized from office closures will be in the form of wages. In fact, on the basis of the 64 office sample for which avoidable and incremental cost data were provided, wage savings accounted for about 98 percent of total savings. As offices are closed, the affected employees will have one of three options open to them; they can retire and draw a pension (if eligible); they can resign and collect severance pay; or, they can remain with the company and accept another position. In the case of retirement, the allocation of pension expenses seems reasonable, since pension payments are made from the existing pension fund, and are not a direct out-of-pocket cost to the company. In the other two cases, however, the systemwide allocation approach does not appear to be reasonable.

90. For those employees electing to resign and accept severance pay, the company will incur one time direct out-of-pocket expenses in the form of severance payments. Additional one-time direct out-of-pocket expenses for relocation and retraining may be incurred by the company for those employees electing reassignment. As a result, the systemwide loading factor of 20.27 percent will be understated for that group of employees electing these options, and consequently, the total amount of savings to be realized from office closures will be overstated. In the nature of things, no one can be certain how many employees will elect any one of these options as a result of a conversion. It is therefore impossible to estimate what percentage of the anticipated savings will actually be realized. However, even if the loading factor is doubled, the resultant savings are still close to $2 million. The adjustments to the estimated savings suggeted in UTW's proposed findings appear to us arbitrary and unsupportable. The record does not support the implicit asusmption in UTW's proposed modifications of the savings projection that the accumulated years of service of the average Class I office manager is as much as the 25 year average UTW employs based on the history of the three managers who testified.

91. The record reflects considerable controversy as to the internal and external appearance of agencies, both in particular communities and systemwide. On balance, the record permits us to conclude that agencies appear generally to be commensurate with other local businesses in external appearance; we find no basis in the record to conclude that interior appearance is unsatisfactory generally. At the same time, we believe the company's characterization of the agencies depicted in Western Union Exhibit 3 Attachment 5 as "typical" of the system as a whole is unsupported by the record.

92. With respect to the service which is to be diverted, we conclude that it will be in virtually all cases at least as good as that currently being provided. In many cases, because of extended hours of operation, greater force flexibility and the like, service may well be improved for those customers whose traffic is diverted. Significantly, the company estimates that

44 percent of the traffic volume is telephone originated, and in most conversions there will be diversion of telephone traffic to a larger Class I office. It is also true, however, that terminating tielines and telephone lines (FET's) in a distant office may involve some service degradation for the person who needs or wants some local assistance.

93. The residual traffic—that remaining for local handling by the agent—in our judgment will in all probability be as good as that being offered currently provided that the company properly supervises and inspects its agencies. While it is undoubtedly true that agents will be less knowledgeable and expert than full time WU employees in a myriad of ways, we believe that with an improved and intensified inspection and supervision program, such as that set out elsewhere herein, the agents may be expected to offer virtually identical and certainly adequate service in these respects. The field inspections, the results of which are summarized in section III, supra, suggest that the greatest weaknesses in the program arise in the areas of company supervision and inspection, and it is in these areas that we expect the new rules to have the greatest impact. The sworn testimony given by the four agents involved in the field hearings convinces us that they are sincere and responsible individuals, who appreciate the special public interest nature of the telegraph business, and who are seriously concerned with providing the public with high quality service. It has been our experience over the years that most agents are so inclined, and in the last analysis this may be the best guarantee of adequate service.[45] As to the inherent difficulties in an agency, we believe they can be ameliorated considerably by the rule changes set out herein and by our closer scrutiny of conversion applications. Whatever initial or inherent disadvantages in agency operation may remain will be largely offset, in our judgment, by the stimulus to the agent of the commission basis for payment, and by the realization, expressed in the field hearings, that the rendition of good service may stimulate trade and the rendition of poor telegraph service may well cost the agent a retail customer. Indeed, the company suggested in the course of cross-examination of a number of witnesses that its own employees are not always as competent as they should be. We find that speed of service should in the vast majority of cases be equal to that of the Class I office; in a limited number of cases there may be a slight additional delay, but our primary concern is that the present and any future origin to destination standards as to minimum speed of service be adhered to.

94. With respect to the specific issues which the notice indicated were to be considered in the four field hearings, we have concluded that the proposed agencies should be able, if properly supervised and regularly and frequently inspected, to provide service equal in quality to that currently being provided with the caveats noted below. If the service were broken down into its component parts there would be some elements in which improvement over existing services might be anticipated and some in which deteriorations might occur. However, when consideration is given to the service as a whole, including the service for that traffic being diverted, we conclude that the character, quality, scope and adequacy of the two forms of service should be essentially the same.

95. The nature and extent of the requirements of local telegraph users appear to be as stated in the conversion applications, and should be adequately met by the proposed agencies. Much of the testimony and of the written protests appears to rest either on mere apprehension of conceivable degradation in service, a misunderstanding of the substitute service, ignorance of its nature, or concern for loss of civic stature in the withdrawal of a separate WU office. Few of the public witnesses, who in all cases formed a minute portion of the local populace, had heavy telegraph needs or were regular users, or had experienced poor service in the past through telegraph agencies.[46]

96. The record shows that the savings to be effectuated in the four conversions set for field hearings are, according to WU, as follows: New Britain, Conn.: $13,729, Lebanon, Pa.: $8,089, Newport, Tenn.: $5,921, and Ironwood, Mich.: $3,381. As we have indicated in our discussion of the systemwide savings claimed by the company, we are of the view that the figures given are overstated by an indeterminate amount. In the case of Lebanon, Newport, and Ironwood, where the existing office managers have long years of service and residence in the community in question, it is likely that the savings estimated by the company are more exaggerated than those given for the system as a whole, since it appears likely that most office managers do not have as many years of service as do the three mentioned above.

97. We find no evidence in the record to suggest that conversion to agency operation in these communities should result either in a diminution or increase in the use of telegraph services.

98. On the basis of the record made herein, we conclude that money order service should continue essentially unimpaired. The record is not conclusive on this point for the four individual locations specified in the designation order, but we see no reason to conclude that the systemwide aspects of money order service should be different at any of the field hearing locations.

99. As to privacy, the record shows that the agents who testified are aware of this element of service, as is the company. The physical facilities should permit a good deal of privacy in New Britain, and as proposed to be modified, should also be adequate in this respect in Lebanon. The installation of a barrier by the Ironwood agent, a matter alluded to by him at the hearing, might substantially improve privacy there. While the facilities at Newport are quite congested, the teleprinter is well away from public view and the agent's reluctance on the witness stand to reveal bus depot revenues augurs well for her attitude toward privacy.[47] The physical facilities of the agencies in question are not in respect to privacy significantly less well arranged, if at all, than are the class I offices. In sum, while we believe some minor changes are called for in Ironwood and Lebanon, we are satisfied that privacy should not be materially impaired, if at all. Traffic diverted to a distant city will obviously have considerable privacy, and in all four communities except Ironwood, the bulk of the traffic is to be diverted. We conclude that the loss of privacy, if any, should not be significant.

100. We believe the new applications required herein would have permitted us to make a fuller evaluation of each of the proposed agencies examined at the field hearings and would have permitted us to evaluate such weaknesses and strengths as the hearings developed to a reasonable degree without the time and expense of a full evidentiary hearing.

101. We come, then to the determination of the action to be taken with respect to the pending applications. As we have said above, we believe that a rigorous and intensive program of supervision and inspection, together with the rules adopted herein, will be adequate to assure that conversion to agency operation will not involve degradation of service. Moreover, it appears that conversion of isolated and relatively low volume offices is in accord with WU's overall modernization programs and will achieve substantial economies. We are accordingly of the view that approval of the principle of office conversion will serve the public interest. However, the record herein contains a number of matters which gave us pause. It reveals numerous instances in which the company has simply failed to meet its present commitments in regard to agency inspection and operation, one instance of an admittedly inadequate analysis of the existing message load, and one instance in which the application contained a gross misrepresentation as a result of carelessness in the field and poor management supervision. Indeed, a company witness admitted that there are occasional lapses in the inspection program. The company's efforts to improve the supervision and inspection programs, detailed above, should be helpful as should be the new rules adopted herein. However, we are constrained to state that satisfactory operation of the agencies proposed in the pending and in all future applications is a condition precedent to their continued operation. Upon our own motion or upon the petition of any interested party, we may, where the facts coming to our attention warrant such action, initiate proceedings under section 214(d) of the Act, 47 U.S.C. section 214(d) to compel the reestablishment of the previously existing company operated class I office. Moreover, we are giving notice that cease and desist proceedings may be inaugurated in appropriate circumstances under section 312(b), 47 U.S.C. section 312 (b) and, where appropriate, proceedings to impose fines on WU for failure to abide by any of the regulations now in existence or promulgated in this report and order may be initiated under section 502 of the Act, 47 U.S.C. section 502.

102. We realize that many of the activities we are requiring the company to undertake hereafter in connection with its agency program will undoubtedly involve the expenditure of additional funds beyond those contemplated by the company, although the amount of such additional expenditures will be difficult to state with any precision. While we are not adverse to the company restructuring its operations to take advantage of modern technology, and indeed, encourage such progress, we wish to make clear that we do not think it would serve the public interest to permit the company to save money by substituting a lower quality of service for that currently available in the cities where conversions are to be effectuated. To do so might well involve a discrimination under section 202(a) of the Act. Since we are of the view that the additional steps called for herein are reasonably required to properly protect the public against deterioration of service, we are obligated to require them, even though the net effect may be to diminish somewhat the savings to be realized through conversion.

103. Nor is this conclusion undermined by the company's suggestion that its modernization plans depend, to an indeterminate degree, on conversion savings. In our Decision in Docket No. 18270, supra, we approved numerous rate increases largely on the basis of our finding that they were required to finance the company's modernization program. We would expect that those modernization programs mentioned above, except for the CTB's which were not considered in Docket No. 18270, would go forward according to the company's representations in that proceeding.

104. Western Union did not claim during the hearing that the creation of the Central Telephone Bureau (CTB's) is strictly dependent on the grant of large numbers of conversion applications, although it noted that in the absence of the savings to be realized from the conversions it will have to reevaluate the feasibility of the CTB's. However, in its proposed findings, it suggests that delay in realizing savings will necessarily be reflected in delays in modernization. We conclude that the record as a whole supports the view that the CTB program is heavily dependent on anticipated conversion savings.

105. The company's plans with respect to the CTB's are still somewhat inchoate. Nevertheless it is clear that the implementation of the office conversion policy, together with the establishment of the CTB's will undoubtedly have a substantial and profound effect on the nature of PMS. Because the CTB program is not yet in final form we are not able at this time to reach any judgments with respect thereto as to the effect on service quality overall.[48] But the establishment of the CTB's will undoubtedly have a substantial long range effect on the availability of over-the-counter service. As the record herein demonstrates, in medium and small sized communities the retention of an office is often uneconomic; when the existing telephone and tieline load is diverted to another community, the volume of traffic remaining is usually quite low. At the same time the percentage of telegrams handled by telephone rather than over-the-counter has been rising.

106. At some future point in time the increasing diversion of telephone traffic to class I regional centers or to the CTB's and the decline in over-the-counter traffic, both absolutely and as a percentage of the remaining PMS load, may create a situation in which an agent cannot be induced to represent the company except at a rate of compensation which is totally unrelated to the amount of revenue generated in the community. In that situation it may well be that the public interest and sound common carrier regulation would permit or even compel the company to abandon those points altogether, leaving the community without over-the-counter representation. The record contains an indication that there is at present no intention to withdraw physical delivery service or counter representation where needed, and that the company is working on a pilot project for increasing money order service through banks, the expansion of its truck stop agencies, and traffic acceptance tests at certain A&P stores. On the one hand we do not intend to permit the company to artificially or unreasonably dry up demand for a full range of PMS service in small and medium size communities.[49] On the other hand, we recognize that PMS is in a state of flux and the ultimate form it may take is beyond our present knowledge. We intend to keep a close watch on this matter in order to assure ourselves that the system evolves in a way which will assure its continued contribution to the public interest.

107. Throughout the proceedings, and specifically in UTW's proposed findings of fact, there have been suggestions that the company has deliberately sought to reduce revenue at its Class I offices in order to create a situation which would warrant conversion. It is variously alleged that this effort has taken the form of selling Telex or other services to former high volume PMS customers, diverting traffic to other offices, or providing such poor service that the public loses interest in the telegraph service altogether. As to the first two allegations, we find no basis in this record for concluding that the company has made any effort to deliberately undercut its PMS volume by selling Telex, or any private line service or has offered such services on any special basis to former PMS patrons. Undoubtedly the sale of Telex or other services may result in a decline of PMS volume at the local office, but there is nothing illegitimate in such activities. The company contends that Telex and private wire sales are carried out in the ordinary course of business, and that the customer takes the service because it appears to be more convenient or more economical to him. Diversions of tieline and telephone traffic presents a more difficult question. But here, too, we find no basis in the record for concluding that the company is engaged in a sinister or illegal scheme to erode local PMS volume. Determinations of tielines and telephone diversions may provide better service for the customer, and may therefore be in the public interest; the company finds such moves economic because the associated incremental costs are more than offset by the savings in the closure of the Class I office. We see in this no impropriety or illegality. The issue is whether the service to be provided is, on balance, as good as that being deleted, and will be adequate to meet the public's needs. As we have indicated in our recent decision in Docket No. 18270, et al., and herein this is a matter of continuing concern to us and we intend to watch future developments closely.

108. In its proposed findings WU alludes to the delays it has experienced in Commission processing of conversion applications and suggests that the rules be modified to provide that unless a question is raised by the staff, or an application is in fact granted before the expiration of 60 days, that an application for a conversion shall be deemed to have been granted 60 days beyond the publication of public notice, or 90 days after the application is first filed with the Commission. The company notes that not only does delay prevent conversion to a more economical mode of operation, but also may involve additional expenses for lease renewal or the

[45] UTW and CWA urge us to conclude that there is a potential conflict in interest between agents as representatives of the company and as members of the local business community. We think the likelihood of such a conflict arising is not sufficiently great to warrant curtailment of the conversion policy in this respect.

[46] Uniquely in Lebanon two of the four witnesses were fairly heavy users and it appeared they had received poor quality agency service in the past.

[47] On Feb. 5, 1971, we were advised by counsel for the Tennessee Public Service Commission that a serious fire had occurred at the site of the proposed Newport agency. Whether WU will file an amendment to this application is not now known.

[48] WUI in its proposed findings urges us to avoid approving the CTB plans. It contends that those plans are as yet too incomplete to warrant approval, that they may involve wasteful duplication of facilities in Gateway cities, may not involve any cost savings, and can be expected to improve service, if at all, only for the 44 percent of PMS patrons who use the telephone method of filing. Since we agree with the first contention we do not need to reach the other issues presented.

[49] As we indicated in section III, the over-the-counter volume at the four cities averages 18 percent of the total number of handlings. This is hardly an insignificant portion of such handlings.

like, even though the office is virtually a temporary one. We reject this suggestion as inconsistent with our intent to give future applications careful scrutiny. To a large extent the delays mentioned by WU have been attributable to the large numbers of applications on file at any one time. By adoption of the new rules and policy objectives contained herein, future processing delays should be minimized.

109. As we indicated above, the record shows that the company has never undertaken a study of service speed or quality at its agency locations. Inasmuch as the company currently studies speed of service at 75 of its cities, and reports the results of this study to the Commission each month, we see no reason why a similar regimen should not be followed for agency operation. We recognize that the company presently has under study proposals for modification of the speed of service standards, and we are all too aware of the poor performance turned in at the 75 cities studied. (See the discussion in our recent decision in Docket No. 18270, FCC 71-123.) Nevertheless, we think the public is entitled to know, as we are, the relative speed of service as between the two modes of operation. Accordingly, we direct the company to choose a representative sampling of agencies established through conversion of Class I offices, and to perform speed of service studies for those agencies similar to those currently being carried out at the 75 reporting cities. The study should include consideration of the waiting time for counter service, as discussed supra, at paragraph 72. We will modify the rules to reflect the requirements for this study at a later date. To permit the company adequate time to design the study and to carry out the first month's studies, we will set September 1, 1971, as the date for the first report.[48] Thereafter, reports should be filed monthly, and they will be taken into account in our subsequent disposition of the remaining and future conversion applications. Lest there be any doubt, we state unequivocally that we expect agency performance to be the equal of Class I performance in terms of service, speed, and quality. Of course, all of the principles established in Docket No. 18270 in regard to service apply equally to agency-handled traffic.

110. All of those provisions relating to the information and representations to be contained in conversion applications as set out in new § 63.502(o) will be applicable, immediately, to all applications for conversion of Class I offices except for those currently on file. Pending applications need not be amended to provide the additional information required by the new rules. However, the applications on file will be reviewed in light of the new provisions and additional information may be requested in individual cases as we think appropriate. While we are approving herein the basic conversion policy of Western Union, we fully intend to scrutinize carefully all pending and future applications. No application will be granted hereafter unless it conforms to the provisions of new § 63.91(a), except that applications currently on file which are granted without amendment must be modified to conform to the new rule no later than September 1, 1971. Any change in the identity of an agent or the material facts in an application for a Class 9-C or 11-B agency established through a conversion of a Class I facility must be approved by the Commission, as required by § 63.91(c).[49] Contracts which are modified in minor respects must be filed within 30 days thereof. In the event of uncertainty whether a proposed change is one which requires prior approval a written request for clarification should be submitted prior to effectuation of the change in question. We note that the inspection requirements set out in § 63.91(d) will be applicable to Class 9-C and 11-B agencies whether or not established by conversion of Class I offices.

111. One further matter requires comment. In the interest of expedition, we provided in the Notice that no reply filings would be permitted. On November 5, 1970, UTW filed a "Motion to Strike or Reopen the Record", and on November 6, 1970, CWA filed a "Motion to Strike". Each is directed against certain aspects of WU's Proposed Findings and Conclusions. Both motions argue that the request in WU's filing to permit it to file for reduction of hours simultaneously with a conversion application, as discussed supra at paragraph 78 in effect comes too late to be considered by the Commission since it was not alluded to in the Notice and no attention was given to the matter during the course of the hearing. The UTW also objects to consideration of the new contract set forth and discussed in WU's proposed findings, posing numerous questions regarding the extent to which the new form will be, or should be, executed with existing or future agents. UTW, citing constitutional principles and case law, argues that the effect of WU's inclusion of these matters in its "unanswerable" pleading is to deny UTW the right to a full hearing. CWA objects to WU's suggestion of automatic grants 60 days after notice has been posted. On November 19, 1970, WU filed an opposition to the motions, arguing that all of the matters raised in WU's submission are properly considered in a rulemaking, and particularly so here, in light of paragraphs 13 and 14 of the Notice. Finally, WU contends that the matters objected to by UTW and CWA were touched upon in the hearings.

112. We find no merit to the motions and will deny them both. This proceeding is a legislative one, as the Notice explicitly states, and consequently need not be conducted under the same procedural restraints as would apply to adjudicatory proceedings. To deny any party, including WU, the opportunity to suggest new or modified procedures or regulations on the basis of the evidentiary hearing might well vitiate the whole purpose of the proceeding. In any event, the Report and Order we are adopting herein moots the specific objections raised by UTW and CWA. As we indicated in dealing with the suggestion regarding reduction in hours, the company is always free, as it was prior to this proceeding, to suggest such a course; it is our obligation to scrutinize the request, consider the public interest questions raised, and to take appropriate action. WU's proposed rule would have had no practical effect and has not been adopted as suggested.[50] As to the question of revised contracts, we have provided herein that they are to be executed by all agencies established through conversion of Class I offices. This appears to be fully responsive to the questions posed by UTW in regard to the new contracts. We have rejected WU's proposal of an automatic grant. In sum, we believe neither legal, equitable nor practical considerations support a grant of either of the motions.

113. In light of all the foregoing, we conclude that the public interest would be served by the adoption of the rules set forth in Appendix A of this report and order. Authority for the rules adopted is contained in sections 2, 3, 4 (i) and (j), 218, and 403 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That the rules set forth in Appendix A hereto are adopted effective April 13, 1971; and

It is further ordered, That no later than September 1, 1971, Western Union shall submit to the Commission a study of speed of service through its Class 9-C and 11-B telegraph agencies in such form as may be hereafter approved and such report shall be submitted monthly until further notice, and

It is further ordered, That on or before September 1, 1971, Western Union shall notify the Commission by letter whether or not duly modified contracts, as specified elsewhere herein, have been executed with the appropriate Western Union Agents; and

It is further ordered, That the motions to strike filed by United Telegraph Workers and Communications Workers of America are denied,

It is further ordered, That this proceeding is terminated.

(Secs. 2, 3, 4, 218, 403, 48 Stat., as amended, 1064, 1065, 1066, 1077, 1094; 47 U.S.C. 152, 153, 154, 218, 403)

Adopted: February 24, 1971.

Released: March 3, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[51]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

Part 63 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 63.91 is added to read as follows:

§ 63.91 Conversion of Class I offices to agencies.

(a) Applications for the conversion of a Class I telegraph office to Class 9-C or Class 11-B telegraph agency operation will not be granted unless the contract between the carrier and the agent provides that:

(1) No patron seeking over-the-counter telegram services of any kind is to be kept waiting longer than 5 minutes for service;

(2) The telephone established for telegraph business will in all cases be answered after no more than six rings;

(3) The agent assumes an obligation to notify the company immediately if he is unable for any reason to observe the committed hours;

(4) The agent assumes an obligation to observe standard operating practice as specified by the company;

(5) The agent assumes an obligation to provide adequate counter space, display space, and space for placement of signs;

(6) The agent assumes a specific obligation to observe the rules governing secrecy of communications;

(7) The agent assumes an obligation to notify the company of any personnel changes necessitating additional training;

(8) The agent is prohibited from diverting to himself telephone acceptance of the telegraph traffic where arrangements have been made for handling of such traffic through a Class I office. Contracts with agents the application for which was granted prior to adoption of this rule or which was pending at the time of its adoption must be modified to conform to this section no later than September 1, 1971.

(b) Within 7 days of the completion of the training of a Class 9-C or Class 11-B agent established through conversion of a Class I office, the carrier's representative actually conducting the training shall sign a certificate identical in form to that herein, and shall submit the same to the headquarters of the carrier.

I, _____ hereby certify that (name of trainer) on _____, 19__, I completed the training of _____ as an agent of the (date) trainee(s) _____. To the best of my personal knowledge and belief, said individual is fully competent to act as an agent of said (name of carrier) company in _____, _____ (city) (state)

_____ Signature

This certificate of competency is to be notarized. The carrier shall maintain such certificates in such a fashion as to assure their immediate availability on Commission request.

(c) With respect to Class 9-C or Class 11-B agencies established as substitute facilities for Class I offices, no major change in the agency as reflected in the facts contained in the application granted by the Commission shall be made without Commission approval. The Commission should be supplied with a copy of any new or modified contracts entered into with such agencies within 30 days of the date thereof.

(d) All Class 9-C or Class 11-B telegraph agencies whether or not established by conversion of a Class I office, which handle, on the average, more than 20 messages daily, sent and received combined including non-revenue messages, shall be inspected by the carrier's representatives no less frequently than every 3 months; all Class 9-C or Class 11-B agencies which handle on the same basis less than 20 messages daily shall be inspected no less frequently than once every 6 months. Such inspections shall conform to standards which the Commission may from time to time establish.

(e) Listings for telegraph service appearing in both alphabetical and classified telephone directories shall in all cases include both an indication of the telephone number to be called for telephone acceptance service and the name and address of the public telegraph facility where counter service is available.

2. In § 63.502, a new paragraph (o) is added to read as follows:

§ 63.502 Contents of applications to close or reduce hours of service at a public telegraph office which is the only public telegraph office of applicant in a community.

* * * * *

(o) In addition to the foregoing, applications for the substitution of a Class 9-C or Class 11-B telegraph agency for a Class I telegraph office must contain the following information:

(1) A description to the physical facilities to be provided for agency use, including the area of the agent's premises to be set aside for agency use, the counter and/or writing space, the placement of the teleprinter and/or telephone, and the physical relationship of these facilities to the nontelegraph facilities of the agent. A scale drawing, of no less a scale than ⅛ inch representing 1 foot shall be included as well as a sufficient number of photographs, of not less than 5 by 7 inches, to provide a complete representation of the agency facilities and of the relationship of the agency facilities to other facilities on the agent's premises. As many photographs and/or scale diagrams as necessary shall be submitted to provide views of all the areas where agency apparatus is to be installed.

(2) By reference to the data, diagrams and photographs mentioned in subparagraph (1) of this paragraph, a description of the manner in which privacy of communications will be protected at the proposed agency; if installation of new facilities or modification of existing facilities is to be undertaken, reference should be made to such changes and appropriate diagrams included.

(3) An accurate and complete copy of the contract entered into with the proposed agency.

(4) The extent to which the agent and/or other parties will be able to cash money orders, including the maximum dollar amount which the agent should ordinarily be able to pay.

(5) The exact form of the listing for telegraph service to appear in the telephone directory.

(6) The number of persons to be trained in telegraph operations.

(7) The type of establishment in which the agency is to be established.

(8) The considerations leading to the selection of the agent proposed, including, but not limited to, open hours, location, reputation of the agent, type of business or office, and physical facilities and compensation negotiations. Reference should be made both to the proposed agent and to the candidates ultimately rejected, if any.

(9) Identification of the control or relay office and a statement that the office will be adequately staffed to handle the additional traffic load, if any, without impairment of the company's speed of service standards for the present or additional messages to be carried by the control or relay office.

(10) Description of the parking to be available.

(11) Description of the number and placement of signs advertising the availability of service.

(12) A statement of the savings to be anticipated from the conversion.

The application shall contain representations that the privacy of telegraph communications, the ability of the agent to cash inbound money orders, and the signs to be placed at and within the agency advertising the availability of telegraph services, shall be adequate. The application shall also state that speed of service through the agency shall conform to the pertinent standards.

3. In § 63.90(a), subparagraph (7) is amended to read as follows:

§ 63.90 Publication and posting of notices.

(a) * * *

(7) A complete description of the substitute service, if any, to be provided if

[48] We recognize that agencies handle only some 5.5 percent of the total PMS traffic, and that it would therefore be unfair to require the company to undertake a study of the same magnitude as that used in the Class I category. We do not at this time think it appropriate to specify the design of the study, but we believe the company should consult the staff early in its formulation.

[49] While the rules require all existing Class 9-C or 11-B agencies established through conversion of Class I offices to execute modified contracts including the matters listed in § 63.91(a), we do not intend to require that copies of all such contracts be filed with us. We will, however, direct the company to inform us on or before September 1, 1971, whether or not such modified contracts have been executed.

[50] Western Union appears to recognize itself that its proposal would work no practical effect. See Western Union "Opposition to Motions to Strike," page 6.

[51] Commissioner Johnson concurring in the result.

the application is granted. In the case of substitute telegraph agency facilities established by termination of the existing Class I telegraph office, such description shall include the name and address of the proposed agency, and the arrangements which are to be made for the offering of public telegraph services in such detail and in such a manner as to best insure public understanding of the sub stance of the proposal.

* * * * *

[FR Doc.71-2978 Filed 3-3-71;8:50 am]

[Docket No. 18110; FCC 71-211]

PART 73—RADIO BROADCAST SERVICES

Multiple Ownership of Standard, FM, and Television Broadcast Stations

Memorandum opinion and order. In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission's rules relating to multiple ownership of standard, FM and television broadcast stations; Docket No. 18110.

BACKGROUND

1. The Commission has before it petitions for reconsideration of a first report and order adopted in this proceeding on March 25, 1970, 22 FCC 2d 306, in which it amended its multiple ownership rules so as, generally, to prohibit ownership, operation, or control of more than one broadcast station in the same market.[1] The rules do not require divestiture by any licensee of existing facilities; rather, they apply only to applications for new stations and for assignment of license or transfer of control (other than involuntary or pro forma assignments and transfers) of existing stations.

2. Some exceptions to the rules are: (1) The licensee of a Class IV AM station in a community under 10,000 population may obtain a license for an FM station in the same market; (2) the licensee of a daytime-only AM station may obtain a license for an FM station in the same market; (3) the licensee of an AM and a commonly owned FM station in the same market may, on a showing that the two stations cannot be separately sold and operated, sell both stations to a single party; (4) applications for UHF stations, grant of which would result in common ownership of UHF and full-time aural broadcast stations in the same market, are handled on a case-by-case basis.

3. In addition to adopting the First Report and Order, the Commission on the same date adopted a further notice of proposed rule making in this proceeding, 22 F.C.C. 2d 339, in which it proposed rules that would require divestiture, within 5 years, to reduce commonly owned media holdings in any market to one or more daily newspapers, or one television station, or an AM–FM combination. Not only would the proposed rules reduce common ownership by requiring divestiture as to existing combinations, but they would prevent the formation of new media combinations in the same market. Thus, for example, if a broadcast station were to buy one or more daily newspapers in a market, it would be required to dispose of any broadcast stations that it owned there within a year or by the time of the next license renewal date, whichever is longer. And no grants for broadcast station licenses would be made to owners of one or more daily newspapers in the same market.

4. Additionally, because of the Commission's view that FM should not be a mere adjunct of AM but that both AM and FM should be integral parts of a total aural service, the further notice invited comments on this subject generally, and specifically on whether divestiture should be required with regard to existing AM–FM combinations.

PETITIONS FOR RECONSIDERATION OF FIRST REPORT AND ORDER

5. Arguments in the petitions for reconsideration fall into three categories, namely: (1) requests that the first report and order be vacated and the new rules consequently withdrawn; (2) requests that the first report and order be vacated (or that, if not vacated, the effectiveness of the new rules adopted therein be stayed) and the entire matter of ownership covered by that document and by the further notice of proposed rule making be consolidated and handled in one final document; and (3) requests that the new rules be modified in one way or another, e.g., requests that all Class IV AM stations be permitted to obtain licenses for FM stations in the same market regardless of the size of the community of license of the Class IV stations. (The present rules, as stated above, only permit Class IV stations in communities under 10,000 population to obtain FM licenses in the same market.)

6. The present document, insofar as it deletes the rules pertaining to AM–FM combinations that were adopted in the first report and order, grants the requests in categories (1) and (2) above to that extent, and in other respects denies them. As for requests falling in the third category, the deletion of the rules pertaining to AM–FM combinations renders them moot with the exception of requests for modifications pertaining to applications involving UHF television broadcast stations, which are discussed hereafter.

7. Many of the arguments which fall in the first category are identical with those raised in the comments and reply comments and were given consideration by the Commission in issuing the first report and order. For this reason, they will not be dealt with again here. Examples of such arguments are those which maintain that the matter of diversity is such that it is better dealt with on an ad hoc basis rather than by rule, that no need for the rules has been demonstrated, that the rules would lock in existing combination owners and give them a competitive advantage over single owners, that owners of more than one station in a market do a better job of programing than owners of single stations, and that there is not a proper legal basis for adopting the rules.

8. On the other hand, some arguments in the petitions for reconsideration falling within the first category are directed against specific statements made or positions taken in the first report and order. They are dealt with in the immediately following paragraphs. Thereafter, arguments in the remaining two categories are discussed.

ARGUMENTS CONCERNING SPECIFIC MATTERS

9. One such argument has to do with a statement made by the Commission concerning the question of optimum diversity. Some commenting parties had urged that there was no need for the rules, the principal purpose of which is to promote diversity of viewpoints over the air in the same area, because the number of "voices"—including all media—has grown greatly over the years and, as they variously stated, there is ample diversity in all markets, or in large markets, or in markets where the particular commenting party is licensed. Some had also urged that as a practical matter there is a limit to the number of different viewpoints possible and that there had been no showing that greater diversity in viewpoints or content would result if the number of separate owners in New York, for example, were increased by 10 or 15.

10. In response to arguments of the foregoing type we stated in the first report and order that in our opinion there is no optimum degree of diversification and that we do not feel competent to say or hold that any particular number of outlets of expression is "enough," and we observed that a proper objective is the maximum diversity of ownership that technology will allow in each area. In our view the fact that there has been an increase in broadcasting facilities over the years is not an argument for not adopting the rules. Rather, as we said in the first report and order, this increase forms the basis for the conclusion that it is no longer necessary to permit the licensing of combined operations in the same market.

[1] Petitions for reconsideration were filed by the following parties: American Broadcasting Companies, Inc. (ABC); Badger Broadcasting Co. et al. (Badger); Bedford Broadcasting Corp. et al. (Bedford); Community Broadcasters Association, Inc. (Community); Cook Enterprises, Inc. (Cook); Golden West Broadcasters (Golden West); Kaiser Broadcasting Corp. (Kaiser); Knorr Broadcasting Corp. (Knorr); Lunde Corp. (Lunde); Meredith Corp. (Meredith); the National Association of Broadcasters (NAB); Salt Lake City Broadcasting Co. (Salt Lake); 222 Corp. (222 Corp.); and Voice of Orange Empire, Ltd. (Orange Empire). Separate petitions for stay of the effective date of the rules were filed by Badger and by KAKE–TV and Radio, Inc. An opposition to the latter was filed by JACO, Inc. In addition to the aforementioned filings, Rio Broadcasting Co. filed a petition for reconsideration requesting relief based on special circumstances. That petition has already been acted on by the Commission (BAL–6863) and is not dealt with in the present document.

11. Badger, in its petition for reconsideration, argues that it is surprising to hear the Commission state that it lacks the competence to determine that any particular number of outlets of expression is "enough" since the Commission has a policy that more than "enough" programing outlets can produce adverse results. This policy, Badger avers, has been expressed in Carroll Broadcasting Co. v. FCC, 258 F. 2d 440 (1958), and in Docket No. 18397, 15 F.C.C. 2d 417 (1968), in which rules were proposed that would permit only one distant independent TV station to be carried on a CATV system in the 35-mile zone of a smaller TV station.

12. What we said in the first report and order is completely consistent with the policy expressed in Carroll and the proposed CATV rules. The concepts are basically quite different. In those situations, the question is, essentially, whether the addition of one or more stations to those already in a community or area will adversely affect the existing operations in a way contrary to the public interest, for example by reducing the revenue available to each station and thus impairing the quality of their operations. Here, on the other hand, the question is that of the ownership of the stations which are already in the community or area, or which are proposed to be licensed therein. For reasons stated in the first report and order, in the absence of considerations more substantial than anything shown in this proceeding, we are persuaded that separate ownership is desirable, to the extent we have acted to require it herein.

13. Another argument, set forth in detail in the petition of Golden West, concerns the matter of divestiture. In paragraphs 65–66 of the first report and order we adverted to the arguments made by some commenting parties that although the rules are intended to be prospective and not require divestiture, they might produce results contrary to the Commission's intent to "grandfather" existing licensees. This fear was based on the belief that the new rules establish a policy that it is contrary to the public interest for any licensee, prospective or existing, to own more than one station in a market. Therefore, so the argument ran, a flood of competing applications filed at renewal time by new applicants with no broadcast interests but having highly impressive traditional qualifications would prevail either at Commission level or on review by the courts, and the intent to grandfather would be thwarted.

14. In response to that argument we asserted that our policy statement of January 14, 1970, on comparative hearings involving regular renewal applicants, 22 F.C.C. 2d 424, covered the question. That statement provided that—

> * * * if the applicant for renewal of license shows in a hearing with a competing applicant that its program service during the preceding license term has been substantially attuned to meeting the needs and interests of its area, [footnote omitted] and the operation of the station has not otherwise been characterized by serious deficiencies, he will be preferred over the newcomer and his application for renewal will be granted. [Id. at 425.]

The statement sought to balance two considerations—the benefits to the public of a spur inherent in the fact that there can be a challenge at renewal time, and the need not to undermine the predictability and stability of broadcast operation.

15. Golden West. now avers that whatever the dignity of a policy statement formally adopted by the Commission, in the first report and order formal rules were adopted to the effect that ownership of more than one station in a market is contrary to the public interest. It goes on to say that, without doubting the sincerity of the Commission in its intent to adhere to the principles enunciated in the policy statement, there is a substantial possibility that if the Commission were to prefer a renewal applicant to a competing applicant with no other broadcast interests in the market, and if the grant were appealed, the court might under some circumstances find merit to the claim that the grant is fatally inconsistent with the overriding one-to-a-market policy established by the rules. The rseult, it is argued, would be not even a divestiture but a confiscation and forfeiture. The consequences of this, according to Golden West, would be a great instability in the broadcast industry (and other concomitant evils) which the Commission found in the policy statement would be contrary to the public interest and sought to prevent. The argument culminates with the statement that there is no way in which the Commission can achieve absolute certainty that no court will adopt the line of reasoning mentioned above, and hence the rules should be vacated.

16. We disagree. In BEST et al., 21 F.C.C. 2d 355 (1970), adopted on the same date as the aforementioned January 14 policy statement, and in Comparative Hearings on Renewal Applicants, et al., 24 F.C.C. 2d 383 (1970), which denied petitions for reconsideration of the January 14 policy statement, we observed that the policy statement is not a rule and does not have the force or effect of a rule. We said, citing U.S. v. Storer Broadcasting Co., 351 U.S. 192 (1956), that a rule definitely controls a hearing, unless a case can be made for a waiver, and may even eliminate the need for a hearing. On the other hand, as to a policy statement, we pointed out that a party is always free to argue in a hearing that a policy should be changed or should be applied differently because of the facts of a particular situation.

17. However, the fact that a policy statement does not have the force and effect of a rule does not mean that the argument of Golden West is correct. If at separate times a policy statement and a conflicting rule were adopted and neither referred to the other at the time of adoption, it is conceivable, although we do not here decide, that in a hearing in which the two were placed in balance, the rule might outweigh the policy. However, where, as in the present case, a definite reference was made to the policy at the time that the rule was adopted and deference was given to the policy, the result must be otherwise. The first report and order found it in the public interest to adopt rules that are prospective only and that do not require divestiture. It also stated that in the comparative type of hearing postulated by Golden West, the policy statement would cover the question. This means that the Commission, in adopting the rules, has weighed the need for stability in the broadcasting industry against the value to the public of diversity of ownership and, consistent with its determination not to require divestiture, has found the public interest to be better served by letting the policy statement prevail in such circumstances.

18. NAB argues that recent events in the field of broadcasting regulation have neutralized any valid concern about diversity of voices which might have existed when this proceeding was initiated. In support thereof, it points to the decision in Red Lion Broadcasting Co. v. FCC, 395 U.S. 367 (1969), the community needs requirement of sections IV–A and IV–B of the license renewal form, the policy statement on comparative hearings involving regualr renewal applicants, mentioned above, and the additional diversity provided by noncommercial educational stations and programing.

19. NAM maintains that Red Lion leads to the conclusion that all views will be heard over broadcast stations regardless of ownership. Sections IV–A and IV–B of the license renewal form, it is stated, set forth the duty of the licensee to be in touch with and respond to the needs and interests of the community it serves on a continuing basis. And the renewal policy statement, it is argued, establishes a policy that insures that the needs and interests of the community will be amply served. Finally, it is said that as noncommercial educational broadcasting grows, supported by the Corporation for Public Broadcasting, it will increase the total number of broadcast voices reaching the public.

20. The Commission was aware of all of the foregoing at the time that the first report and order was issued. Red Lion was decided months before. The section IV–A and IV–B requirements of the application form had been in effect for years. The renewal statement of policy was issued several months previously. And noncommercial educational broadcasting and expected support from the Corporation for Public Broadcasting were matters of common knowledge. What we stated in paragraphs 16–22 of the first report and order expresses our views on the basis and purpose of the new rules and takes into account the factors mentioned by NAB—factors which did not lessen our concern about diversity. We consider the content of those paragraphs an adequate answer to NAB, and see no useful purpose in repeating it here.

21. NAB also argues that the Commission has overlooked important empirical data provided by the Litwin report.[2] This study purported to demonstrate that common ownership of AM, FM, TV and/or newspapers in a single market is favorable to the public interest. In the first report and order we stated that this study had serious weaknesses and we found it of little value. NAB suggests that we now disregard Litwin's hypotheses and value judgements and again look at the empirical findings in the Litwin report.

22. Empirical findings were based on two sets of interviews—68 with business and community leaders and 99 with media owners, managers, and top professional staff. These interviews were made in six different cities, two chosen to represent large markets, two to represent medium-sized markets, and two to represent small markets. In each pair of cities, one had a much higher concentration of common ownership than the other so that comparisons might be drawn.

23. The business and community leaders were first asked whether they felt that the media can bring changes in public thought and/or behavior, and 53 percent reported they did. However, Litwin writes a complete chapter on previous behavioral research covering the period from World War I to 1967 proving that his business and community leaders believe in a "myth" and concludes that "there is little evidence that media communication can have a direct effect on thought and behavior." Here Litwin discards his own empirical findings.

24. Next, the business and community leaders were asked to assess the "amount of diversity of viewpoint available through media" and the "validity and depth" of news coverage in their own cities, and Litwin attempts to quantify these subjective judgments. He finds that in the three cities with greater concentration of common owners the leaders interviewed score their cities slightly lower in "diversity" but higher in "validity in depth" than did the leaders in the other three cities. (He also makes the obvious finding that large markets have more diversity than do smaller ones.) We doubt whether concepts of greater or lesser diversity (so completely dependent on the background of the interviewee) can be quantified and totaled for a small sample of interviewees to accurately represent the extent of diversity or degree of validity of media in all U.S. markets or all markets of a given size. Moreover, there is no valid attempt to pinpoint the differences found as being due to differences in common ownership in the same market (as separate from group ownership,[3] revenue levels, profitability, or newspaper ownership, all factors which may be related to performance).

25. In order to evaluate station and newspaper performance, and compare performance of commonly owned vs. singly owned stations, Litwin interviewed the owners, managers and top professional staff (about three or four per station) of 30 selected stations and newspapers in the six selected cities. Each was asked about the performance of his own station, with respect to number of hours of news broadcast, size of news staff, hiring practices, extent of reliance on news service, degree of owner participation in formulating program policies, editorializing and the goals of the station. As we pointed out previously (first report and order, paragraph 37) the factual data would be more valuable if they were obtained from station records rather than interviews. The opinion questions on performance are susceptible to the bias that owners and managers present their station in the best possible light. If interviews were also obtained from lower level professional staff—reporters, editors, cameraman, news and documentary writers, etc.—more frank evaluations might have been obtained. Furthermore, the reply to questions, such as "What is the major goal of your station—public service, sales, profit, news coverage or good entertainment?" would seem to be dependent on the financial and profit history of the station rather than on whether commonly or singly owned. Thus, when owners and managers at profitable stations ranked "news coverage" and "public service" far ahead of "good entertainment" and "profits" (as did the sample of commonly owned stations), this may simply reflect their lack of concern that profits would continue. To conclude from this that commonly owned stations have greater public interest objectives is invalid.

26. Since interviews were made in only 30 stations and newspapers out of the 108 existing in the six selected cities, it was imperative that the sample of stations selected to represent commonly owned operations and those to represent singly owned operations be balanced in every other respect. We find however that this was not done. In the sample representing large markets, for example, the sample selection was completely biased in favor of common owners. Using Baltimore and Houston[4] to represent all the large markets, Litwin had the following stations from which to select his sample to typify commonly owned vs. singly owned stations:

COMMONLY OWNED

Baltimore Sun, a Baltimore TV–FM-Newspaper combination. WMAR–TV is a highly profitable VHF network affiliate; group owner.
Hearst Corp., a Baltimore TV–AM–FM-Newspaper combination. WBAL–TV is a highly profitable VHF network affiliate; group owner.
Houston Post, a Houston TV–AM-Newspaper combination. KPRC–TV is a highly profitable VHF network affiliate.
United Broadcasting Co., a Baltimore TV–AM-FM combination. WMET–TV is a UHF independent operating at a loss; group owner.
11 AM-FM combinations in Baltimore and Houston.

SINGLY OWNED

Westinghouse Corp., WJZ–TV, a Baltimore highly profitable VHF network affiliate; group owner.
Corinthian Broadcasting, KHOU–TV, a Houston highly profitable VHF network affiliate, group owner.
Capital Cities, KTRK–TV, a Houston highly profitable VHF network affiliate; group owner.
Oklahoma Publishing, KHTV–TV, a Houston UHF independent operating at a loss; group owner.
TVue Assoc., KVVV–TV, a Houston UHF independent operating at a loss (which has since ceased operation).
11 AM stations in Baltimore and Houston markets.
8 FM stations in Baltimore and Houston markets.

* * * * *

27. From the aforementioned group of stations, the following were selected for the Litwin sample: To represent common owners—Baltimore Sun (WMAR), Hearst Corp. (WBAL), Houston Post (KPRC) and a Houston AM–FM radio station; to represent single owners—Oklahoma Publishing (KHTV), TVue Assoc. (KVVV), two Baltimore AM stations, one Houston AM station. Obviously more favorable results could be expected from the profitable, group owned, VHF network affiliates than from UHF independents operating at a loss. If one wished to demonstrate that singly owned stations in these two markets are preferable, he could simply select this sample: To represent common owners—United Broadcasting (WMET), a Baltimore AM–FM station and two Houston AM–FM stations. To represent single owners—Westinghouse (WJZ–TV), Corinthian (KHOU–TV), Capital Cities (KTRK–TV) and a Baltimore AM station.

28. For the reasons stated, we find that we cannot rely on Litwin's empirical findings.

29. In the first report and order we referred to the fact that ABC and several other parties had stated in their comments that the notice of proposed rule making in this proceeding did not mention minority cross-interests, that they assumed the present proceeding was not directed at broadening the duopoly rules to embrace such interests, and that if the Commission decides to take such a step they assumed they would be given a chance to comment pursuant to the provisions of the Administrative Procedure Act. We agreed that the Notice did not refer to minority cross interests and stated that the rules which were being adopted contained no new language thereon. However, we announced that inasmuch as the new rules were an extension of the previously existing duopoly rules, past Commission rulings made on minority cross-interests in duopoly cases would be carried over and applied in situations involving such interests under the new rules.

30. In its petition for reconsideration, ABC argues that extending past ad hoc minority cross-interest rulings with regard to duopoly situations involving broadcast stations in the same service to duopoly situations involving stations in different broadcast services contravenes the Administrative Procedure Act for comments thereon should have been invited. We cannot agree. The previous duopoly rules simply stated that a single party could not "own, operate, or control" stations in the same broadcast service with overlapping facilities. The language of the rules made no specific mention about minority cross-interests. However, over the years, the Commission has given an expansive construction to the rules in numerous cases where they were applied.[5] These constructions have often been referred to as the duopoly policy—a policy promulgated under the rules. The newly adopted rules merely extend the concept of duopoly to cut across service lines, so that a single party may not "own, operate, or control" any broadcast stations in the same market. We think it reasonable to apply the same duopoly policy under the new rules that we applied under the old rules. Moreover, to do so is consistent with settled law that permits an agency to regulate through the means of rule making or ad hoc development of policy. S.E.C. v. Chenery Corp., 332 U.S. 194 (1947).

31. *AM and FM stations.* Finally, we turn to the matter of common ownership of AM and FM stations in the same market. The arguments concerning this subject were set forth in paragraphs 45–62 of the First Report and Order. Among other things, opponents of the proposed rules urged that they would hinder FM development, that in many communities independent FM operation is not viable, that FM channels would lie fallow as the result of the rules, and that in selling AM–FM combinations often there would be no buyer for the FM station separately and the result would be that the FM station would go off the air. It was also urged that the AM–FM nonduplication rule recognized that AM–FM combinations in small markets are not in a position to program even 50 percent separately, yet the proposed rules would not only require 100 percent separate programing, but separate ownership as well.

32. Supporters of the proposal, on the other hand, argued that the effect of combined ownership in the same market is to lessen diversity of news and information sources available and to reduce the degree of competition for advertising, that separate ownership would require 100 percent separate programing with consequent greater diversity, that common ownership results in similar views being broadcast on commonly owned stations, and that common ownership of AM and FM stations restricts FM development.

33. In arriving at our decision concerning AM and FM stations, we acknowledged the fact that in most cases existing AM–FM combinations in the same area may be economically and/or technically interdependent, and that financial data submitted to the Commission by independent FM stations indicated that they are generally losing money. We therefore adopted rules permitting the assignment or transfer of combined AM–FM stations to a single party if a showing was made that established the interdependence of such stations and the impracticability of selling and operating them as separate stations. In so doing, we observed that although this would not foster our objective of increasing diversity, it would prevent the possible closing down of many FM stations, which could only decrease diversity.

34. Although the rules did not require the breaking up of AM–FM combinations and made the aforementioned provisions for the sale of existing AM–FM combinations, they proscribed the formation of new combinations on the ground that there is no shortage of aural service. Two exceptions, based on special reasons mentioned in paragraphs 50–62 of the First Report and Order, were those set forth in (1) and (2) of paragraph 2 above.

35. The matter of common ownership of AM and FM stations in the same market is raised again in the petitions for reconsideration. Having consequently reviewed the subject once more, we are now of the opinion that although it is a close question, it is the better course to delete the rules pertaining thereto. Hence, there will be no rule barring the formation of new AM–FM combinations. And there will be no requirement of a special showing on the sale of such combinations. In other words, applications involving such matters will be treated in the same fashion as before the institution of this proceeding. The so-called one-to-a-market rules will thus apply only to combinations of VHF television stations with aural stations in the same market. (As indicated hereafter, combinations of UHF stations with aural stations will be handled on a case-by-case basis.) As a consequence, all conditional grants of applications for assignment of licenses, or transfer of control of licensees, of AM–FM combinations in the same market made since this proceeding began will have the condition deleted. (See paragraph 50, infra.)[6]

36. We are deleting the rules concerning common ownership of AM and FM stations, partly because we intend to examine the matter further. Thus, attention is called to the fact that in the Further Notice of Proposed Rule Making issued in this proceeding, we stated, as we have on other occasions in recent years, that FM should not be an adjunct or supplement of AM, but that both AM and FM should be integral parts of a total aural service.[7] Accordingly, in that document we invited comments on the subject generally, and specifically on whether divestiture should be required with regard to AM–FM combinations (see paragraph 4 supra). The record compiled as a result of that further notice may prove helpful in dealing with the AM–FM problem.

37. An additional reason for this deletion is that in the near future we intend to institute a rule making proceeding to explore the questions of whether the present nonduplication rule (§ 73.242) pertaining to permissible duplication of programing over commonly owned AM and FM stations in the same area should be amended in various ways so as to provide more nonduplicated programing, and whether and to what extent nonduplication rules can serve as an effective alternative to diversification of ownership.

ARGUMENTS FOR CONSOLIDATED TREATMENT

38. As mentioned in paragraph 4, some parties request that the First Report and Order be vacated (or that the effectiveness of the new rules adopted therein be stayed) and the entire matter of ownership covered by that document and by the Further Notice of Proposed Rule Making be consolidated and handled in

[2] The effects of Common Ownership on Media Content and Influence: A Research Evaluation of Media Ownership and the Public Interest, by George H. Litwin and William H. Wroth, prepared for and filed by NAB in this proceeding.

[3] By "group ownership" we here mean common ownership of media operating in different markets.

[4] Although the report uses fictitious code names, the cities have been identified in various articles, e.g. Barnett, Cable Television and Media Concentration, Part I: Control of Cable Systems by Local Broadcasters, 22 Stanford L. Rev. 221 (1970). The report did not show the specific stations chosen as samples, but these were obtained by letter from Litwin. No individual station data are being released as they were obtained by Litwin on a confidential basis.

[5] Some of the cases are cited in Radio Athens, Inc. v. FCC, 401 F. 2d 398, 402–3 (D.C. Cir. 1968). See also Multiple Ownership of AM, FM, and TV Stations, 13 F.C.C. 2d 357, 372–3 (1968); Policy Statement on Comparative Broadcast Hearings, 1 F.C.C. 2d 393 n. 5 (1965); and Multiple Ownership of Standard, FM & TV Broadcast Stations, 22 F.C.C. 2d 306 n. 25 (1970).

[6] Shortly after the issuance of the First Report and Order, a request for declaratory ruling was filed by the law firm of Pierson, Ball & Dowd asking that the Commission issue a declaratory ruling in the affirmative on the question of whether it will issue a tax certificate, pursuant to section 1071 of the Internal Revenue Code, 26 U.S.C. 1071, in the case where a broadcast licensee owning interests inconsistent with the new policy established in the First Report and Order disposes of any such interests in order to come into compliance with the policy. In response to that request and to various informal inquiries on the subject, the Commission, in a Public Notice, FCC 70–774, dated July 16, 1970, announced that it would issue a tax certificate in such circumstances. It now announces that licensees disposing of interests inconsistent with the modified policy in order to come into compliance with that modified policy will be issued tax certificates.

[7] We note in passing that at the time the First Report and Order was adopted herein, financial data for 1968 on file with the Commission indicated that only 34.18 percent of independent FM stations showed a profit. More recent data, for 1969, show that only 30.76 percent made a profit. This indicates that action that would require separate FM ownership might be undesirable at this time, until we have considered the matter further.

one final document. Various arguments in support of this position are presented. It is said that adopting rules in the First Report and Order and proposing additional rules in the Further Notice of Proposed Rule Making is a piecemeal approach; that the subjects of the two documents are so closely intertwined that they should not be considered separately; that the approach used is dangerous since the adoption of rules in the First Report and Order might tend to prejudge the important problems being considered in the Further Notice; that this approach will have an unwarranted disruptive effect on the industry, including preventing consummation of transactions which will result in no greater concentration of control of broadcasting properties than before, and which could otherwise be shown to be beneficial to the public; and that the Commission's official position is that the paramount problem is that of cross-ownership of television stations and newspapers, and that sound administrative efficiency and fairness require that this problem be dealt with before deciding whether cross-ownership of broadcasting facilities presents a substantial problem.

39. We are of the view that the approach we have used is a valid one. This proceeding was commenced by proposing rules aimed at producing more diversity of programing and viewpoints over the broadcast media. The proposed rules did not look toward divestiture of facilities by existing licensees, nor did they contemplate any action with regard to cross-ownership of newspapers and broadcasting facilities. However, the record which was developed raised substantial questions about divestiture and newspaper cross-ownership. As we stated in the First Report and Order (paragraph 68) and the Further Notice of Proposed Rule Making (paragraphs 6–7), these questions gave us pause. And, although it might have been legally permissible to adopt rules on those subjects at that juncture, we considered it the better course to issue a further notice concerning them because of the far-reaching ramifications of any rules that might be adopted on the subjects and in order to develop additional information about them. We also were of the view that adoption of the new rules was a reasonable start towards diversity and in the public interest.

40. We are not convinced that the rules adopted (and as modified herein) and those proposed are of such a nature that they must be dealt with simultaneously. The fundamental purpose of both is to produce diversity of programing and of viewpoints. The new rules do this, and, if adopted, the proposed rules will do even more; but there has been no showing that the former cannot be properly adopted prior to the latter or that our procedure will cause unwarranted disruption of the broadcast industry. (Nor do we view the adoption of rules as tending to prejudge problems in the further notice.) It is argued that the official position of the Commission is that the paramount problem is that of cross-ownership of television stations and newspapers and hence that that problem should be decided before any action, if any, is taken on cross-ownership of broadcast facilities. Those who make this argument cite the Commission's statement in paragraph 26 of the further notice which said: "It has now become clear that the most significant aspect of the problem is the common control of television stations and newspapers of general circulation." However, the quotation is taken out of context; the immediately preceding sentence states: "We have long been concerned with the particular problem of newspaper-broadcast joint control [footnote omitted] as an important factor in the overall attempt to secure diversity in the control of broadcast facilities." In other words, we were saying that as to cross-ownership of newspapers and broadcasting facilities, the problem of cross-ownership of newspapers and television stations is more significant than that of cross-ownership of newspapers and aural broadcasting facilities. However, this does not mean that there are not significant problems of cross-ownership of television stations and aural facilities.

41. It has been said that the new rules prevent consummation of transactions which will result in no greater concentration of control of broadcast properties than before and which can otherwise be shown to be beneficial to the public interest. To this we reply that in adopting the rules without requiring divestiture we have, in part, relied on producing diversity gradually by breaking up station combinations in the same market upon sale; if it can be shown that sale of a combination to a single party would be in the public interest a waiver can be granted.

42. We turn now to the third category of arguments raised in petitions for reconsideration—suggestions for revision of the rules adopted in the first report and order. As mentioned in paragraph 6 above, all such arguments have been rendered moot except for a request for modification relating to UHF stations.

43. The Commission has long had a policy of fostering UHF development. Consistent with that policy, in the first report and order we stated that the licensee of an AM station, or an FM station, or an AM–FM combination would not be barred by rule from building or acquiring a UHF station in the same market. Rather, Note 7 to § 73.636 adopted therein provides that applications for UHF stations by licensees or aural facilities in the same market will be handled on a case-by-case basis.

44. Kaiser, in its petition for reconsideration, argues that under the rules an AM or FM operator is eligible to acquire a Kaiser UHF station in its market and to continue combined radio-UHF ownership in that market indefinitely. However, it is argued, Kaiser, having spent millions of dollars in developing its UHF station, cannot create the same combined ownership by purchasing a radio station. It is urged that the policy of fostering UHF development applies as well to the situation in which a UHF station wishes to acquire a radio station as to the reverse. In fact, it is said, the case for permitting a UHF station to acquire a radio station that could lend financial stability to the UHF station would in many cases be stronger than the case for letting a radio station acquire a floundering UHF station. It is also said that potential UHF entrants would be more encouraged if the possibility of their subsequently acquiring a radio station in the same market were not foreclosed.

45. We agree with the foregoing argument and are accordingly amending the rules, as suggested by Kaiser, by adding new language to Note 7 of §§ 73.35 and 73.240 to provide that applications of UHF licensees to build or acquire radio stations (AM, FM, or AM–FM combinations) in the same market will be handled on a case-by-case basis.

46. *Oral argument.* Several parties have requested that the subject of this proceeding be set for oral argument. Although we do not now commit ourselves on the matter, it may be that such a procedure could have value in connection with the later phase of the proceeding when we consider comments in response to the further notice. However, it appears that oral presentation at this time would serve no useful purpose.

ORDERS

47. In view of the foregoing: *It is ordered,* That the petitions for reconsideration listed in footnote 1, supra, are granted insofar as they are consistent with the action taken herein, and in other respects are denied.

48. *It is further ordered,* That the requests for oral argument contained in the aforementioned petitions are denied.

49. *It is further ordered,* That in view of the action taken herein, petitions for stay mentioned in footnote 1, supra, are moot.

50. *It is further ordered,* That as to all conditional grants of applications for assignment of licenses or transfer of control of licensees of AM–FM combinations in the same market, whether the conditional grants were made during the interim period between the commencement of this proceeding and the enactment of the rules in the first report and order or after enactment of the rules, the conditions are deleted. The following identify specifically the types of conditional grants to which this order refers: (1) Grants made during the interim period subject to the outcome of this proceeding. (2) Grants made during the interim period subject to the condition that if acquisition of the stations became inconsistent with the rules as finally adopted in this proceeding the assignee or transferee would divest itself of one of the two stations. (3) Grants made during the interim period subject to the condition that the transferee or assignee dispose of one of the two stations as soon as possible or within a specified period of time. (4) Grants made since the enactment of the rules subject to the condition that the assignee or transferee dispose of one of the two stations within a specified time.[5]

51. *It is further ordered,* That Part 73 of the Commission's rules and regulations, is amended, effective April 12, 1971, as set forth below.

52. Authority for the adoption of the rules herein is contained in sections 4 (i) and (j), 303, and 405 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 405, 48 Stat. 1066, 1082, 1095, as amended; 47 U.S.C. 154, 303, 405)

Adopted: February 26, 1971.

Released: March 2, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

1. Section 73.35 of the Commission's rules and regulations is amended by revising paragraph (a), Note 7, and Note 8 to read as follows:

§ 73.35 Multiple ownership.

* * * * *

(a) Such party directly or indirectly owns, operates, or controls: one or more standard broadcast stations and the grant of such license will result in any overlap of the predicted or measured 1 mv/m groundwave contours of the existing and proposed stations, computed in accordance with § 73.183 or § 73.186; or one or more television broadcast stations and the grant of such license will result in the predicted or measured 2 mv/m groundwave contour of the proposed station, computed in accordance with § 73.183 or § 73.186, encompassing the entire community of license of one of the television broadcast stations or will result in the Grade A contour(s) of the television broadcast station(s), computed in accordance with § 73.684, encompassing the entire community of license of the proposed station; or

* * * * *

NOTE 7: Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for increased power for Class IV stations; to applications for assignment of license or transfer of control filed in accordance with § 1.540(b) or § 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if no new or increased overlap would be created between commonly owned, operated, or controlled standard broadcast stations and if no new encompassment of communities proscribed in paragraph (a) of this section as to commonly owned, operated, or controlled standard broadcast stations and television broadcast stations would result. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap of contours of standard broadcast stations with each other no greater than that already existing. (The resulting areas of overlap of contours of standard broadcast stations with each other in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Paragraph (a) of this section will not apply to any application by a party who directly or indirectly owns, operates or controls a UHF television broadcast station where grant of such application would result in the Grade A contour of the UHF station encompassing the entire community of license of a commonly owned, operated, or controlled standard broadcast station or would result in the entire community of license of such UHF station being encompassed by the 2 mv/m contour of such standard broadcast station. Such community encompassment cases will be handled on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Commonly owned, operated, or controlled broadcast stations, with overlapping contours or with community-encompassing contours prohibited by paragraph (a) of this section may not be assigned or transferred to a single person, group, or entity, except as provided above in this note.

NOTE 8: Paragraph (a) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programing is primarily a "satellite" operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade A contour of which completely encompasses the community of license of a commonly owned, operated, or controlled standard broadcast station, or the community of license which is completely encompassed by the 2 mv/m contour of such a standard broadcast station may subsequently become a "non-satellite" station with local studios and locally originated programing. However, such commonly owned, operated, or controlled standard and "non-satellite" television stations may not be transferred or assigned to a single person, group, or entity except as provided in Note 7.

2. Section 73.240 of the Commission's Rules and Regulations is amended by revising subparagraph (1) of paragraph (a), Note 7, and Note 8 to read as follows:

§ 73.240 Multiple ownership.

(a) * * *

(1) Such party directly or indirectly owns, operates or controls: one or more FM broadcast stations and the grant of such license will result in any overlap of the predicted 1 mv/m contours of the existing and proposed stations, computed in accordance with § 73.313; or one or more television broadcast stations and the grant of such license will result in the predicted 1 mv/m contour of the proposed station, computed in accordance with § 73.313, encompassing the entire community of license of one of the television broadcast stations or will result in the Grade A contour(s) of the television broadcast station(s), computed in accordance with § 73.684, encompassing the entire community of license of the proposed station; or

* * * * *

NOTE 7: Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with § 1.540(b) or § 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if no new or increased overlap would be created between commonly owned, operated, or controlled FM broadcast stations and if no new encompassment of communities proscribed in paragraph (a)(1) of this section as to commonly owned, operated, or controlled FM broadcast stations and television broadcast stations would result. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap of contours of FM broadcast stations with each other no greater than that already existing. (The resulting areas of overlap of contours of FM broadcast stations with each other in such major change causes may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, or necessity.) Paragraph (a) of this section will not apply to any application by a party who directly or indirectly owns, operates or controls a UHF television broadcast station where grant of such application would result in the Grade A contour of the UHF station encompassing the entire community of license of a commonly owned, operated, or controlled FM broadcast station or would result in the entire community of license of such UHF station being encompassed by the 1 mv/m contour of such FM broadcast station. Such community encompassment cases will be handled on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest. Commonly owned, operated, or controlled FM broadcast stations with overlapping contours or community-encompassing contours prohibited by paragraph (a)(1) of this section may not be assigned or transferred to a single person, group, or entity, except as provided above in this note.

NOTE 8: Paragraph (a)(1) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programing is primarily a "satellite" operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade A contour of which completely encompasses the community of license of a commonly owned, operated, or controlled FM broadcast station, or the community of license of which is completely encompassed by the 1 mv/m contour of such

[5] This order affects only conditional AM–FM grants. It does not affect conditional TV-radio grants.

[5] Commissioners Burch, Chairman; and Wells concurring in the result; concurring and dissenting statement of Commissioner Bartley filed as part of the original document; concurring and dissenting statement of Commissioner Johnson to be released at a later date.

an FM broadcast station may subsequently become a "non-satellite" station with local studios and locally originated programing. However, such commonly owned, operated, or controlled FM and "non-satellite" television stations may not be transferred or assigned to a single person, group, or entity except as provided in Note 7.

3. Section 73.636 of the Commission's rules and regulations is amended by revising subparagraph (1) of paragraph (a) and Note 8 to read as follows:

§ 73.636 Multiple ownership.

(a) • • •

(1) Such party directly or indirectly owns, operates, or controls: one or more television broadcast stations and the grant of such license will result in any overlap of the Grade B contours of the existing and proposed stations, computed in accordance with § 73.684; or one or more standard broadcast stations and the grant of such license will result in the Grade A contour of the proposed station, computed in accordance with § 73.684, encompassing the entire community of license of one of the standard broadcast stations, or will result in the predicted or measured 2 mv/m groundwave contour(s) of the standard broadcast station(s), computed in accordance with § 73.183 or § 73.186, encompassing the entire community of license of the proposed station; or one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed station, computed in accordance with § 73.684, encompassing the entire community of license of one of the FM broadcast stations, or will result in the predicted 1 mv/m contour of the FM broadcast station(s), computed in accordance with § 73.313, encompassing the entire community of license of the proposed station; or

• • • • •

NOTE 8: Paragraph (a)(1) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programing is primarily a "satellite" operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade B contour of which overlaps that of a commonly owned, operated, or controlled "non-satellite" parent television station, or the Grade A contour of which cmpletely encompasses the community of license of a commonly owned operated, or controlled standard or FM broadcast station, or the community of license of which is completely encompassed by the 2 mv/m contour of such a standard broadcast station, or the 1 mv/m contour of such an FM broadcast station, may subsequently become a "non-satellite" station with local studios and locally originated programing. However, such commonly owned, operated, or controlled "non-satellite", or controlled stations with Grade B overlap, or such commonly owned, operated, or controlled "non-satellite" television stations and standard or FM stations with the aforementioned community encompassment, may not be transferred or assigned to a single person, group, or entity except as provided in Note 7.

[FR Doc.71-2980 Filed 3-3-71;8:50 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 3, Amdt. 9-4]

PART 9—TESTIMONY OF EMPLOYEES OF THE DEPARTMENT AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

Testimony by Employees in Proceedings Involving Military Personnel

The purpose of this amendment is to define "employee" as used in Part 9 of the regulations of the Office of the Secretary and to expressly authorize employees of the Department to appear and give expert or opinion testimony on behalf of military members of the Coast Guard in legal proceedings conducted by the Coast Guard.

Although Part 9 of the regulations of the Office of the Secretary applies to "its employees" and "employees of the Department", the part does not clearly state what kinds of persons are included within those terms.

The Uniform Code of Military Justice (10 U.S.C. 801 et seq.) in prescribing the procedural rights of members of the Armed Forces, including the Coast Guard, provides that a defendant in a court-martial shall have the same opportunity to obtain witnesses as the Government. This applies to witnesses who give expert or opinion testimony as well as those whose testimony is factual. In addition, other Coast Guard administrative proceedings involving its individual military members such as administrative discharge boards, physical evaluation boards, and investigations, occasionally require expert or opinion testimony on behalf of the military member concerned.

Since this amendment relates to internal management of the Department, notice and public proceeding thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective February 25, 1971, Part 9 of Title 49, Code of Federal Regulations, is amended as follows:

1. Section 9.3 is amended by inserting the following new definition after the existing definition of "Department":

§ 9.3 Definitions.

• • • • • •

"Employee of the Department" means an officer or employee of the Department and an active duty officer or enlisted member of the Coast Guard.

• • • • • •

2. Section 9.5(a) is amended and a new paragraph (c) is added to read as follows:

§ 9.5 Testimony by employees in proceedings involving the United States.

(a) Except as provided in paragraph (c) of this section, an employee of the Department may not testify as an expert or opinion witness for any party other than the United States in any legal proceeding in which the United States is involved, but may testify as to facts.

• • • • • •

(c) An employee of the Department may appear and testify as an expert or opinion witness on behalf of an active duty officer or enlisted member of the Coast Guard in any legal proceeding conducted by the Coast Guard.

(Sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on February 25, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-2946 Filed 3-3-71;8:47 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71-6; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Tire Marking

On January 26, 1971, the National Highway Traffic Safety Administration (NHTSA) published in the FEDERAL REGISTER (36 F.R. 1196) a revision of Part 574, Tire Identification and Record Keeping (Docket No. 70-12; Notice No. 5) to become effective May 22, 1971. Part 574, as revised, provides that the DOT symbol, constituting the manufacturer's certification that the tire conforms with applicable motor vehicle safety standards, must be above, below, or to the left or right of the tire identification number. In addition, under this part the tire identification number must include, as the first grouping within the number, a two-symbol code assigned by the NHTSA that identifies the manufacturer of the tire. This notice amends Standard No. 109 of Part 571, in order to allow manufacturers, at their option, to convert to the new tire identification system before the May 22, 1971, effective date.

The requirements of Part 574 relating to the certification symbol and the manufacturer's code number will take the place of the requirements in Motor Vehicle Safety Standard No. 109, Part 571 of this chapter, that tire manufacturers place the DOT symbol and an assigned three-digit code number (in the case of brand-name tires) on both sidewalls. Accordingly, a notice published January 26, 1971 (36 F.R. 1195), amends Standard No. 109, effective May 22, 1971, to reconcile the requirements of that standard with the requirements of the Tire Identification and Record Keeping Regulation.

The Administration has received requests that tires manufactured before May 22, 1971, the effective date of Part 574, that are marked as prescribed by that part, not be required to be labeled on both sidewalls with the DOT symbol and the manufacturer's three-digit code required by Standard 109.

The requests have been found reasonable. In order to avoid unnecessary costs and allow for a smoother transition to the new requirements, Standard No. 109 is by this notice amended to provide that tires manufactured from March 1, 1971 to May 22, 1971, shall either meet the requirements of § 574.5, or, on both sidewalls, contain the DOT symbol and the manufacturer's three-digit code number required by S4.3(d) and S4.3(i) of Standard No. 109. Thus, tires manufactured during this period may be marked according to the current system, the new one effective May 22, 1971, or both.

Because this amendment to Standard No. 109 relieves restrictions and imposes no additional burden on any person, it is found that notice and public procedure thereon are unnecessary and impracticable, and that, for good cause shown, an effective date earlier than 180 days after issuance is in the public interest.

In consideration of the foregoing, Standard No. 109 of § 571.21 of Title 49, Code of Federal Regulations, is amended as set forth below, effective upon date of publication of this notice in the FEDERAL REGISTER (3-4-71).

S4.3 is amended by adding paragraph S4.3.3 to read as follows:

§ 571.21 Federal Motor Vehicle Safety Standards.

• • • • • •

MOTOR VEHICLE SAFETY STANDARD NO. 109

NEW PNEUMATIC TIRES—PASSENGER CARS

• • • • • •

S4.3.3 Each tire manufactured between March 1, 1971, and May 22, 1971, shall either—

(a) Comply with S4.3(d)(2) and S4.3(i) (as effective until May 22, 1971); or

(b) Be labeled with the tire identification number required by 574.5 of this chapter and comply with S4.3.1 and S4.3.2 (as effective on and after May 22, 1971).

• • • • • •

(Secs. 103, 112, 119, and 201, National Traffic and Motor Vehicle Safety Act, as amended, 15 U.S.C. 1392, 1401, 1407, 1421; delegation of authority at 49 CFR 1.51.)

Issued on February 26, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-2969 Filed 3-3-71;8:49 am]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assembly Anchorages

An amendment to Motor Vehicle Safety Standard No. 210, Seat Belt Assembly Anchorages, was published on October 1, 1970 (35 F.R. 15293). Thereafter, in response to petitions for reconsideration, the standard was reissued with additional amendments on November 26, 1970 (35 F.R. 18116).

Subsequent to the publication of the November 26 notice, additional information was received pertaining to the widespread provision of seat belt assembly anchorages in current lines of multipurpose passenger vehicles, trucks, and buses. It has been indicated that such anchorage will comply with the requirements of the version of Standard No. 210 that is currently in effect with respect to passenger cars manufactured before January 1, 1972. Manufacturers of these vehicles indicated, however, that severe leadtime problems were caused by imposition of the new anchorage requirements 6 months earlier than the effective date for passenger cars (January 1, 1972). Upon consideration of this information it has been determined that further amendment of the standard, to make the requirements effective on the same date for all vehicles, will ease the leadtime problems of the industry without significantly lowering the level of occupant protection.

Accordingly, the following amendments are made to Standard No. 210 (49 CFR 571.21):

1. The effective date of the amended Standard No. 210 as published November 26, 1970 (35 F.R. 18116) with respect to multipurpose passenger vehicles, trucks, and buses is changed from July 1, 1971, to January 1, 1972.

2. Effective July 1, 1971, the present Motor Vehicle Safety Standard No. 210 in § 571.21 of Title 49, Code of Federal Regulations, is amended as follows:

§ 571.21 Federal Motor Vehicle Safety Standards.

• • • • • •

MOTOR VEHICLE SAFETY STANDARD NO. 210

SEAT BELT ASSEMBLY ANCHORAGES—PASSENGER CARS

• • • • • •

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *Requirements.*

S4.1 *Type.*

S4.1.1 Seat belt anchorages for a a Type 2 seat belt assembly shall be installed for each forward-facing outboard designated seating position in passenger cars, and for each forward-facing front outboard designated seating position in vehicles other than passenger cars, except in—(1) Trucks having a gross vehicle weight rating of more than 10,000 pounds, (2) convertibles, (3) open-body type vehicles, (4) buses, and (5) walk-in van-type trucks.

S4.1.2 Seat belt anchorages for a Type 1 or a Type 2 seat belt assembly shall be installed for each designated seating position, except a passenger seat in a bus or a designated seating position for which seat belt anchorages for a Type 2 seat belt assembly are required by S4.1.1.

• • • • • •

Because this amendment to Standard No. 210 relieves restrictions and imposes no additional burden on any person, notice and request for comments on such notice are found to be unnecessary and impracticable, and good cause is shown that an effective date earlier than 180 days after issuance is in the public interest.

(Sec. 103, 112, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.51, 35 F.R. 4955)

Issued on February 26, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-2970 Filed 3-3-71;8:50 am]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 10—PUBLICATIONS IN FEDERAL REGISTER

In Title 24, Subtitle A, a new Part 10 is added as follows:

Sec.
10.1 Policy.
10.2 Scope.
10.3 Definitions.
10.4 Materials to be published.
10.5 Publication in advance of effective date.

AUTHORITY: The provisions of this Part 10 issued under sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

§ 10.1 Policy.

It is the policy of the Department to formally promulgate its rules and regulations, to give to the public notice concerning them, and to afford, wherever practicable, to all who may be affected by them an opportunity to participate in their formulation through submission of written comments prior to their effective date.

§ 10.2 Scope.

This part identifies the materials which the Department will publish in the FEDERAL REGISTER.

§ 10.3 Definitions.

(a) "Department" means the Department of Housing and Urban Development.

(b) "Rules and regulations" means the formally promulgated statements of the Department which are of general applicability and future effect and designed to implement or interpret law or policy or describe the organization, procedure, or practice requirements of the Department, and which are required to be included in the Department's Unified Issuances System in the form of Handbooks, Circulars, or Guides.

(c) "Handbook" means compiled material of a permanent nature issued

by the Department or an officer thereof for the guidance of its employees and program participants.

(d) "Circular" means material of a permanent nature dealing with a limited aspect of a subject, issued by the Department or an officer thereof pending its inclusion in a Handbook or Guide.

(e) "Guide" means material of a permanent though advisory nature.

(f) "Unified Issuances System" means the comprehensive system of the Department for dissemination of all formally promulgated statements that emanate from organizations in the Department. Formally promulgated statements of the Department which are of general applicability and future effect and designed to implement, interpret, or prescribe law or policy or describe the organization, procedure, or practice requirements of the Department must be included in the Unified Issuances System in the form of Handbooks, Circulars, or Guides.

§ 10.4 Materials to be published.

There shall be published in the FEDERAL REGISTER all rules and regulations of the Department hereafter issued except those which it determines to be concerned solely with matters internal to the Department or to be of limited interest to the public.

§ 10.5 Publication in advance of effective date.

The Department is exempt from the rulemaking procedures of 5 U.S.C. 553 with respect to the majority of its programs and functions. However, it will, although not required to do so, voluntarily publish in the FEDERAL REGISTER its rules and regulations except those excepted in § 10.4 or in the last sentence of this § 10.5 at least 30 days before their effective date to afford interested persons an opportunity to participate in the formulation of the final language of such rules and regulations through submission of written data, views, or arguments. The Department will consider all relevant matter presented. The Department will not make such advance publication where the Secretary has determined in the particular case or class of cases that such advance publication and notice and public procedure are impracticable, unnecessary, or contrary to the public interest.

Effective date. This part shall be effective on publication in the FEDERAL REGISTER (3–4–71).

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71–2988 Filed 3–3–71;8:51 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that two positions of Special Assistant to the Assistant Attorney General for the Civil Division are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–4–71), subparagraph (4) is added to paragraph (e) of § 213.3310 as set out below.

§ 213.3310 Department of Justice.

* * * * * * *

(e) *Civil Division.* * * *

(4) Two Special Assistants to the Assistant Attorney General.

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–2950 Filed 3–3–71;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the position of Director, Conservation and Land Use Programs Division, in the Agricultural Stabilization and Conservation Service, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–4–71), subparagraph (8) is added under paragraph (h) of § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

* * * * * * *

(h) *Agricultural Stabilization and Conservation Service.* * * *

(8) Director, Conservation and Land Use Programs Division.

* * * * * * *

(5 U.S.C. 3301–3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–2948 Filed 3–3–71;8:48 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that an additional position of Special Assistant to the Executive Secretary (interdepartmental activities) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–4–71), subparagraph (11) of paragraph (a) of § 213.3373 is amended as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *

(11) Three Special Assistants to the Executive Secretary (interdepartmental activities)

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–2949 Filed 3–3–71;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Special Assistant to the Deputy Administrator, Federal Highway Administration, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–4–71), subparagraph (2) of paragraph (d) is revoked as set out below.

§ 213.3394 Department of Transportation.

* * * * * * *

(d) *Federal Highway Administration.* * * *

(2) [Revoked]

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58, Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–2951 Filed 3–3–71;8:48 am]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 69–38; General Order 7 (Revised)]

PART 528—SELF-POLICING SYSTEMS

Mandatory Provisions; Enlargement of Time To Comply

The Commission's final rules prescribing mandatory self-policing provisions for ocean carrier conference agreements were published in the FEDERAL REGISTER on October 28, 1970 (35 F.R. 16679). Time for compliance with these requirements was subsequently extended to March 1, 1971.

Seven conferences have now requested a further extension within which to amend their agreements to conform to the requirements of the Commission's rules. These conferences are foreign domiciled, with members spread over a number of countries, which necessitates extensive correspondence by cable and which raises unique problems as to methods of arbitration to be employed. Accordingly, the request will be granted.

Therefore, it is ordered that time within which the following conferences must comply with the mandatory self-policing provisions of the Commission's General Order 7 (Revised) is enlarged to March 31, 1971:

Java New York Rate Agreement.
Straits/New York Conference.
Dell Pacific Rate Agreement.
Java Pacific Rate Agreement.
Dell New York Rate Agreement.
Thailand/Pacific Freight Conference.
Thailand/U.S. Atlantic & Gulf Conference.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2952 Filed 3–3–71;8:48 am]

[General Order 27, Amdt. 3; Docket No. 71–5]

PART 542—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Exemption of Non-Self-Propelled Barges Carrying No Oil

On April 3, 1970, the President signed into law the Water Quality Improvement Act of 1970, which amends the Federal Water Pollution Control Act to provide measures for the control of water pollution. As enacted, section 11 (p)(1) of the Federal Water Pollution Control Act, as amended (Act) requires every vessel over 300 gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States to establish and maintain evidence of financial responsibility to meet the liability to the United States to which such vessel could be subjected for the discharge of oil into or upon the waters of the United States. Exercising the authority delegated to it by the President,[1] the Commission, on September 30, 1970, promulgated General Order 27, implementing the financial responsibility provisions of section 11(p)(1).

Section 11(p)(1) of the Act has recently been amended, however, by section 120 of Title I of the River and Harbor Act of 1970, Public Law 91–611, which excludes from the financial responsibility requirements thereof "any barge that is not self-propelled and that does not carry oil as cargo or fuel."[2] The purpose for this exclusion, as expressed in the Report of the Committee on Public Works of the Senate on the bill which eventually became P.L. 91–611, was to relieve "non-oil carrying inland and coastal owners and operators of non-self-propelled barge units" from what would be, as to such owners and operators, "a time consuming and costly process." Since "non-self-propelled dry cargo barges would not be directly liable under the act," the Committee reasoned that it was not necessary, at least at this time, for owners of such barges to meet the same financial responsibility requirements and comply with the same rules and regulations imposed upon owners of vessels which carry oil either as cargo or fuel.

In order to conform its regulations to newly enacted section 120 of title I of the River and Harbor Act, the Commission by order published in the FEDERAL REGISTER on January 19, 1971, instituted this rulemaking proceeding to amend General Order 27 to exempt from its coverage non-self-propelled barges that carry no oil either as cargo or fuel. As proposed, existing §§ 542.1 and 542.3(a) would be amended to remove from their scope, consistent with the statutory exemption, "any barge that is not self-propelled and that does not carry oil as cargo or fuel." Further, new paragraphs (q) and (r) would be added to § 542.2, *Definitions*, defining the terms "Cargo" and "Fuel", respectively.

In response to the Commission's notice of proposed rulemaking, six comments were submitted by, or on behalf of, the American Waterways Operators, Inc.(AWO), Associated General Contractors of America, Inc. (Associated Contractors), Union Carbide Corp. (UCC), National Association of River and Harbor Contractors (National Contractors), J. Ray McDermott & Co., Inc. (McDermott), and Nolty J. Theriot, Inc. (Theriot). The Commission has carefully considered all comments received and in the light thereof herewith adopts and promulgates its final rules for reasons noted below. Comments and arguments not specifically discussed or reflected herein have been considered and found not relevant, material, or justified.

With but one exception,[3] all the comments submitted by the parties in this proceeding address themselves to the proposed new paragraph (r) to § 542.2 which would define "Fuel" as "* * * any oil used or capable of being used to produce heat or power by burning." The commentators are unanimous in the opinion that the Commission's proposed definition of "Fuel" is unreasonably restrictive in specifying the barges exempt from certification and in the suggestion that the rule be "more reasonably" drawn to effect what AWO characterizes as "the obvious purpose of the recent statutory amendment". While the parties commenting have their own views as to what quantity of oil should be permitted aboard an exempted barge and exactly what form the rule revision should take, all are in agreement that any definition of "fuel" should permit "small" quantities of oil to be carried aboard a nonself-propelled barge for the purpose of operating dredging machinery (such as derricks, pumps, winches, etc.), machinery incidental to the cargo-carrying functions of the barge, or other similar equipment.

AWO, expressing the views of the domestic water carrier industry, submits that although the "terms" of the statutory exemption contained in section 120 of title I of the River and Harbor Act "are not clear on their face", the language of the entire exemption itself, as well as the legislative history of that exemption and the legislative history of the Water Quality Improvement Act, mitigate in support of its position that a barge carrying only a "reasonable amount of oil on board for use on the barge" should be excluded from the financial responsibility provisions of section 11(p)(1) of the Act.

Looking first to the language of the statute, AWO argues that the Commission cannot interpret the term "fuel" as broadly and literally as in the proposed regulation. AWO is of the opinion that it is far more reasonable to read "fuel" with its usual maritime connotation, i.e., the "fuel" of a vessel is fuel to power the vessel.[4]

As regards the intent of Congress in enacting the subject exemption, AWO, on the theory that the principal purpose of section 11 of the Act is to protect the public in the case of "large oil spills from large vessels" and that the recent amendment was intended to reflect that purpose by exempting from the certification requirement barges that present no risk of substantial oil discharges, concludes that a barge carrying only a "reasonable amount of oil for use on the barge", and not as cargo or as fuel to propel the barge, was not considered and should not be considered to be "carrying oil as cargo or as fuel."

As to what constitutes "a reasonable amount of oil", there is a variance of opinion. AWO believes that a 1,200-gallon cutoff point for oil that is not carried as cargo or fuel for propulsion is a reasonable one. UCC would except from both the Commission's definition of "Fuel" and its definition of "Cargo", oil "used for operation of machinery" on the barge, up to a quantity of 550 gallons. Associated Contractors, on the other hand, believe that a quantity of "1,000 gallons or less carried in sealed containers away from the bow" should be allowed on dry-cargo barges engaged "in construction activities." Finally, National Contractors would set a limit of 2,000

[1] The responsibilities to establish and maintain regulations necessary to carry out the financial responsibility requirements of section 11(p)(1) of the Act were delegated to the Federal Maritime Commission pursuant to section 11(p)(2) of the Act which authorized the President to delegate such functions to an appropriate agency.

[2] The River and Harbor Act of 1970 was signed into law by the President on Dec. 31, 1970.

[3] One commentator addresses itself to the amendments proposed in §§ 542.1 and 542.3. McDermott, consistent with its belief that nonself-propelled barges which carry fuel solely for the purpose of operating deck machinery and other accessories on the barge do not carry a sufficient amount of oil to constitute any significant amount of pollution in the event of a spill, recommend that the words "or fuel" be eliminated from the Commission's proposed new amending language in both sections above referred to. For obvious reasons, the Commission must reject this proposal. Since the statutory exemption for non-oil carrying barges contained in the River and Harbor Act of 1970 is couched specifically in terms of barges that do not carry oil either as "cargo or fuel" to delete the term "or fuel" from our regulations would not only emasculate those regulations but also the statute which they implement.

[4] Likewise, McDermott would define "fuel" to mean any oil used or capable of being used for the purpose of "providing power for propulsion of self-propelled vessels."

gallons on the amount of oil an exempted barge might carry.

In urging that the Commission keep in mind the risk of pollution damage when arriving at a definition of "fuel", National Contractors go so far as to suggest that the Commission in its final rule should distinguish not only between the quantity but also the quality of oil carried. Thus, the Commission is requested to relate the particular grade of oil to be carried on an exempted barge as well as the allowable amount of such oil to the risk of significant pollution damage that might result if a spill did occur.

We cannot agree with any of the positions taken by the parties with regards to the relaxation of our definition of "Fuel". Section 120 of title I of the River and Harbor Act exempts from the financial responsibility requirements of section 11(p)(1) of the Federal Water Pollution Control Act, as amended, only those barges that do not "carry oil as cargo or fuel." While the language of this statutory exemption itself may not be as clear as it might be, we remain of the opinion that the language of that provision, when considered in conjunction with its clear, albeit brief, legislative history, supports the conclusion that the word "fuel" was meant to be all inclusive, as the Commission has defined it in its proposed implementing rules.

In its Report on the bill which eventually became the River and Harbor Act of 1970, the Senate Committee on Public Works made it abundantly clear that its concern was with barges that were "non-oil" carrying. Thus, in explaining that the amendment in no way affected the liability imposed by the Federal Water Pollution Control Act, as amended, the Committee pointed out that the exclusion:

> • • • simply exempts owners and operators of non-oil carrying inland and coastal nonself-propelled barge units from the requirement of establishing, with the Federal Maritime Commission, evidence of financial responsibility to meet costs of removal of oil discharged as a result of an act involving barges and for which the act imposes liability.[5]

This statement is entirely consistent with the Committee's earlier one made in the same report to the effect that the purpose of the exemption was to relieve "non-oil-carrying inland and coastal owners and operators of non-self-propelled barge units" [6] from what would be a time-consuming and costly process. We believe it clearly evident from the Committee's own discussion that it was concerned with, and thus chose to exempt, only those barges that carried no oil.

To adopt the suggestion advanced by AWO that the Congressional use of the words "or fuel" in describing exempt vessels was meant to express the same concept as "self-propelled" is to accuse Congress of redundancy. For if AWO's position be correct, then the term "or fuel" adds nothing in explanation of what barges were intended to be exempt. For this reason, we must assume that Congress meant the full intent of its language and that the use of the term "or fuel" was intended to fulfill a specific purpose consistent with its legislative intent, that is, limit the exemption only to vessels that carry no oil.

Recognizing that Congress meant to exempt from the statutory financial responsibility requirements those non-self-propelled barges that do not carry oil either as cargo or as fuel, the Commission has defined "fuel" so as to include not only propellent fuel but also fuel which is carried aboard a non-self-propelled barge for other purposes, such as the operation of machinery. We do not believe that the Commission's definition of "fuel" is the least bit strained. It merely establishes by rule what is commonly understood by the use of the word.

While the Commission can, in the course of performing its administrative functions, exercise a certain amount of latitude in implementing a statutory mandate, it must do so within the limits and framework of the given statute. Since Congress' concern here was with those barges that carried no oil and the language of the statutory exemption can be read to accomplish that end, we have no discretion to either limit or expand upon that exemption and we would be remiss in our duty if we attempted to do so. Therefore, whatever may be the merits of relating the allowable amount or grade of oil to be carried aboard an exempted barge to the risk of significant pollution damage that might result if spillage of such oil did occur and regardless of the equities of the matter, it is clear that the Commission is not authorized to modify the terms of the statutory exemption.

Finally, we should like to address ourselves to another matter directly related to the outcome of this proceeding. Recognizing that the Commission, pending the outcome of this rulemaking, has heretofore, by notice published in the FEDERAL REGISTER on February 20, 1971, granted an extension of time for the filing of applications for Certificates of Financial Responsibility (Oil Pollution) by owners and operators of so-called "non-oil carrying barges", until 2 weeks from the date the final rules in this proceeding are published in the FEDERAL REGISTER, we would hope that owners and operators of barges that now remain subject to the rules of this part would file their applications as promptly as possible. In view of the requirement in section 11(p)(2) of the Act that all vessels covered by the Act have evidenced financial responsibility by April 3, 1970, it is extremely important that the filing of these applications be expedited in order to enable the Commission to process such applications and accomplish the certification of all subject barges by the statutory deadline.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552) and in accordance with section 11(p)(1) and section 11(p)(2) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97), and section 120 of title I of the River and Harbor Act of 1970 (84 Stat. 1818), Part 542 of Title 46 CFR is hereby amended in the following respects:

1. The first sentence of § 542.1 is amended to read as follows:

§ 542.1 Scope.

The regulations contained in this part set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil as cargo or fuel, using any port or place in the United States or the navigable waters of the United States for any purposes after April 2, 1971, shall establish and maintain evidence of financial responsibility of $100 per gross ton, or $14 million, whichever is the lesser, to meet the liability to the United States to which any such vessel could be subjected pursuant to section 11, Water Quality Improvement Act of 1970, for the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone. • • •

2. Paragraph (a) of § 542.3 is amended to read as follows:

§ 542.3 Proof of financial responsibility, when required.

(a) No vessel over 300 gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil as cargo or fuel, shall use any port or place in the United States or the navigable waters of the United States on or after April 3, 1971, for any purpose unless a Certificate has been issued covering such vessel.

• • • • •

3. New paragraphs (q) and (r) are added to § 542.2, defining "Cargo" and "Fuel" as follows:

§ 542.2 Definitions.

• • • • •

(q) "Cargo" includes both proprietary and non-proprietary cargo.

(r) "Fuel" means any oil used or capable of being used to produce heat or power by burning.

Effective date. Since the above amendments merely recognize a statutory exemption and result in a relaxation of a restrictive rule, we believe that good cause exists for making such amendments effective on less than 30 days' notice. Accordingly, these amendments shall become effective immediately.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-2954 Filed 3-3-71;8:48 am]

[5] S. Rept. 91-1422, 91st Cong., 2d Sess. 61 (1970).

[6] Id. at 60.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 981]

[Docket No. AO-214-A4]

ALMONDS GROWN IN CALIFORNIA

Notice of Hearing With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Auditorium, Veterans Affairs Building, 1227 O Street, Sacramento, CA, beginning at 9 a.m., local time, March 17, 1971, with respect to proposed amendment to the marketing agreement and order, as amended (7 CFR Part 981) regulating the handling of almonds grown in California. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendment, hereinafter set forth, and to any appropriate modifications thereof.

The California Almond Growers Exchange has submitted the following amendatory proposals and requested a hearing thereon:

1. Section 981.41 is revised to read as follows:

§ 981.41 Research and development.

(a) The Control Board, with the approval of the Secretary may establish or provide for the establishment of production research, marketing research and development projects and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution and consumption or efficient production of almonds. Such projects may include any form of marketing promotion, including paid advertising and may provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized by the project. The expenses of such projects shall be paid from funds collected pursuant to § 981.81.

(b) The Control Board, with the approval of the Secretary, shall establish the terms and conditions applicable to such crediting. Upon conclusion of each program, but at least annually, the Control Board shall summarize and report on the program status and accomplishments to its members and the Secretary.

2. Section 981.67 is revised by adding a new sentence after the first sentence to read as follows: "Notwithstanding the provisions of § 981.40(b), a reduced quorum of not less than three, may approve, in cases of emergency, prompt changes, within limits prescribed by the Control Board, in the terms and conditions applicable to sales of reserve almonds in export."

3. Section 981.80 is revised to read as follows:

§ 981.80 Expenses.

The Control Board is authorized to incur such expenses, including the accumulation and maintenance of an operating reserve fund, as the Secretary may find are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate. The recommendations of the Control Board as to the expenses and the size of the operating reserve fund, for each such year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before August 1 of the crop year in connection with which such recommendations are made.

4. Paragraph (a) of § 981.81 is revised by inserting in the first sentence after the words "to meet the authorized board expenses" the words "and, the operating reserve requirements", and by adding a new sentence, after the last sentence, to read as follows: "The payment of assessments for the maintenance and functioning of the Board may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative."

5. Paragraphs (b) and (c) of § 981.81 are redesignated as paragraphs (c) and (d), respectively; a new paragraph (b) is added; and newly designated paragraph (c) is revised, both to read as follows:

(b) *Operating reserve.* The Control Board with the approval of the Secretary, may establish and maintain during one or more crop years, an operating monetary reserve, in an amount not to exceed approximately 1 fiscal year's operating expense. Funds in such reserve shall be available for use by the Board for expenses authorized pursuant to § 981.80.

(c) *Refunds.* Any money collected as assessments during any crop year, in excess of the Board's expenses for a crop year and operating reserve requirements may be used and shall be refunded by the Control Board in accordance with the provisions of this part. Such excess funds may be used by the Control Board during the period of 4 months subsequent to such crop year in paying the expenses of the Control Board incurred in connection with the new crop year. The Control Board shall, however, from funds on hand, including assessments collected during the new crop year, distribute or make available, within 5 months after the beginning of the new crop year, the aforesaid excess to handler's. Each handler's share of such excess funds shall be the amount of assessment he has paid in excess of his pro rata share of the actual expense of the Board and the addition, if any, to the operating reserve fund.

The Almond Growers Council has submitted the following amendatory proposals and requested a hearing thereon:

6. Section 981.16 is revised by deleting the words "continental," "Alaska," and "Hawaii".

7. Section 981.21 is revised by deleting the word "continental" and substituting therefor the word "the" and deleting the words "Alaska," and "Hawaii".

8. A new section is added to read as follows:

§ 981.22a Almond Advisory Committee.

"Almond Advisory Committee" is synonymous with "Committee" and means the Almond Advisory Committee established in this subpart.

9. Section 981.23 is redesignated as § 981.26.

10. A new § 981.24 is added to read as follows:

§ 981.24 Paid media advertising expenditures.

"Paid media advertising expneditures" means expenditures paid by any handler or expenditures paid for and in behalf of any handler by its parent corporation, which expenditures are directly connected with the cost of media advertising space and/or time within the United States, Puerto Rico, and the Canal Zone, with such media advertising devoted to the promotion of shelled or unshelled almonds and almond products excluding advertising production costs, preparation expenses, travel allowances, agency fees and other expenses not directly connected with such media advertising space and/or time.

11. Three new sections are added to read as follows:

§ 981.41 Almond Advisory Committee.

(a) An Almond Advisory Committee is hereby established, consisting of the eight largest handlers not to exceed eight in number (size of handler to be computed by the kernel weight basis of almonds handled for his own account and who handled not less than 1 percent of the preceding year's crop from the area of production). One of the grower members shall be designated by those members of the Control Board representing growers who market their almonds through cooperative handlers and the

other grower member shall be designated by those members of the Control Board representing growers who market their almonds through other than cooperative handlers. There shall be an alternate for each member of the Committee who shall have the same qualifications as the member for whom he is an alternate. An alternate member shall, in the event of such member's absence from a meeting of the Committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) The members and alternate members of the Almond Advisory Committee shall be appointed by the Control Board in the manner provided in paragraph (a) of this section and shall serve in such capacities during the crop year subsequent to such election for the term beginning June 10 and shall serve until their respective successors are appointed and qualified.

§ 981.42 Committee provisions.

(a) *Qualifications.* Any person selected as a member or alternate of the Almond Advisory Committee, shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member or employed by a member of the group for which he was to represent, shall, upon ceasing to be such member or employee, become disqualified to serve further and his position on the Almond Advisory Committee shall be deemed vacant.

(b) *Expenses.* The members of the Almond Advisory Committee shall serve without compensation, but shall be allowed their necessary expenses.

(c) *Powers.* The Almond Advisory Committee shall have the following powers:

(1) To administer the provisions of § 981.44 in accordance with its terms;

(2) To make rules and regulations to effectuate terms and provisions of § 981.44;

(3) To receive, investigate and report to the Secretary complaints of violations of this part; and

(4) To recommend to the Secretary amendments to § 981.44.

(d) *Duties.* The Almond Advisory Committee shall have among other things, the following duties:

(1) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall be subject to examination by the Secretary at any time;

(2) To furnish to the Secretary such available information as may be deemed pertinent or as he may request;

(3) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees; and

(4) To cause the books of the Almond Advisory Committee to be audited by one or more competent certified public accountants at least once for each crop year, and at such other times as the Almond Advisory Committee may deem necessary or as the Secretary may request; and the report of each such audit shall show, among other things, the receipt and expenditures of funds pursuant hereto; and to file with the Secretary three copies of all audited reports made.

§ 981.43 Procedure.

(a) *Organization and rules.* The members of the Almond Advisory Committee shall select a chairman from their membership. The Committee shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Committee shall give to the Secretary or his designated agent and representative the same notice of meetings of the Almond Advisory Committee as is given to members of the Committee.

(b) *Quorum.* All decisions of the Almond Advisory Committee, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of not less than 50 percent of the members shall be required to constitute a quorum.

(c) *Voting by mail or telegram.* The Almond Advisory Committee may vote by mail or telegram upon written notice to all members, or alternates acting in their place, including in the notice a statement of a reasonable time not to exceed 10 days in which a vote by mail or telegram must be received by the chairman of the Committee for counting: *Provided,* That voting by mail or telegram shall not be permitted at any assembled meeting of the Committee. When any proposition is submitted for vote by mail or telegram, one dissenting vote or failure to vote shall prevent its adoption by that method.

(d) *Right of the Secretary.* The members of the Almond Advisory Committee (including successors or alternates) and any agent or employees appointed or employed by the Almond Advisory Committee, shall be subject to removal by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the Almond Advisory Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or compliance therewith.

12. Section 981.41 is redesignated § 981.44 and revised to read as follows:

§ 981.44 Research and development.

The Almond Advisory Committee, with the approval of the Secretary, may establish or provide for the establishment of plans or activities for production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution and consumption or efficient production of almonds. Such projects, plans, or activities shall be without reference to a particular private brand, trademark, tradename, person, association, or corporate identity. Such projects may include any form of marketing promotion, including paid advertising, and may provide for crediting the pro rata expense assessment obligations of a handler with such portion of his paid media advertising expenditures as may be authorized by the project. The expenses of such projects shall be paid from funds collected pursuant to § 981.82. The Almond Advisory Committee shall limit its marketing promotion activities to those geographical areas of the United States, Puerto Rico and the Canal Zone which do not have a history of domination by any handler of the almond industry, and which areas have the potential of being developed as successful marketing areas for almonds.

13. A new paragraph (a) is added to § 981.70 to read as follows:

§ 981.70 Records and verification.

(a) *Records and verification.* Each handler shall keep records which will clearly show the details of this allowable paid media advertising expenditures and other pertinent information in respect to his operations pursuant to the provisions of this part. Such records shall be retained by the handler for 2 years after the end of the crop year to which they apply. Each handler's premises shall be accessible to authorized representatives of the Almond Advisory Committee and the Secretary for examination and audit of the aforesaid records. The Almond Advisory Committee shall make such audits of each handler's records as it deems appropriate or are requested by the Secretary to insure that accurate information as required in this part is being furnished by the handlers.

14. A new paragrph (a) is added to § 981.72 to read as follows:

§ 981.72 Report of receipts.

(a) *Report of paid media advertising expenditure receipts.* Each handler having custody of paid media advertising expenditure receipts shall tabulate such receipts and shall submit reports thereof to the Almond Advisory Committee within 4 months after the beginning of the new crop year.

15. A new paragraph (a) is added to § 981.74 to read as follows:

§ 981.74 Other reports.

(a) *Other reports.* Upon the request of the Almond Advisory Committee, made with the approval of the Secretary, every handler shall furnish to the Almond Advisory Committee in such manner and at such times as it prescribed (in addition to such other reports as are specifically provided for in this part) such other information as will enable the Almond Advisory Committee to perform its duties and exercise its powers hereunder.

16. A new § 981.75 is added to read as follows:

§ 981.75 Confidential nature of records and reports.

All information contained in handler records made available to the Almond Advisory Committee or the Secretary, or in reports to the Almond Advisory Committee, constituting a trade secret or disclosing the trade position, financial condition, or business operations of any handler shall be considered as confidential information. Such information received by the Almond Advisory Committee, shall be kept in the custody and under the control of one or more employees of the Almond Advisory Committee, who shall disclose such information to no person except the Secretary.

17. New paragraphs (a), (b), and (c) are added to § 981.80 to read as follows:

§ 981.80 Expenses.

(a) *Expenses—Almond Advisory Committee.* The Almond Advisory Committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the Almond Advisory Committee and for such purposes as the Secretary may, pursuant to the provisions of the subpart determine to be appropriate. The Almond Advisory Committee, after due notice and following an open public hearing shall submit a preliminary research and promotion budget recommendation to the Secretary on or before May 15 together with all data supporting such recommendation, and on or before August 1 the Almond Advisory Committee shall, following a public hearing, submit to the Secretary the final research and promotion budget recommendation together with all data supporting such recommendation. In determining the research and promotion budget the Almond Advisory Committee shall allocate not less than 80 percent of the total assessment required for such budget to paid media advertising expenditures as defined in § 981.24.

(b) *Operating reserve.* If at the end of a fiscal period, the research-promotional assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the handlers from whom it was collected: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the Almond Advisory Committee at the end of such fiscal period to any outstanding obligations due the Almond Advisory Committee from such handler.

(2) The Almond Advisory Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds in the reserve do not exceed approximately one fiscal period's research and promotional expenses. Such reserve funds may be used (i) to defray such expenses, during any fiscal period, excluding therefrom the crediting and rebating of said media advertising expenditures prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal year when assessment income is less than such expenses, (iii) to defray such expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (iv) to cover necessary expenses of liquidation in the event of termination of this part.

(c) *Credit or rebate of assement.* A handler shall be entitled to a credit or a rebate of funds collected for the crop year research-promotional assessment pursuant to § 981.82 for the handler's paid media advertising expenditures, provided such credit or rebate shall not exceed the percentage allocation established pursuant to paragraph (a) of this section. The Almond Advisory Committee in approving paid media advertising expenditures shall give credit or rebate for multiproduct paid media advertising in which almonds are displayed conspicuously.

18. A new section, § 981.82, is added to read as follows:

§ 981.82 Assessment.

(a) *Requirement for payment.* Each handler shall pay to the Advisory Committee on demand by the Committee, from time to time, such sum, based on an assessment not to exceed $0.02 per pound of almonds, kernel weight basis, received by him for his own account (except as to receipts from other handlers on which assessments have been paid) as the Secretary finds it necessary to provide funds to meet the final research and promotion budget. Upon redetermination of the kernel weight of almonds received by handlers for their own account as provided in § 981.61, such redetermined kernel weight for each handler, adjusted for receipts on which assessments have been paid, shall be the basis upon which he shall pay assessments.

(b) *Assessment proceedings.* On or before August 1, of the crop year, the Almond Advisory Committee, upon due notice and following an open public hearing, shall make a determination and recommendation to the Secretary of the amount of assessment defined herein and shall make a determination and recommendation to the Secretary of the allocation of any money collected as such assessments during the crop year as between the following categories: (1) Operational expenses of the Committee; (2) paid media advertising as defined in § 981.24; (3) promotional activity which makes no reference to a particular private brand, trademark, tradename, person, association, or corporate identity; and (4) production research as provided in § 981.44.

19. A new paragraph (e) is added to § 981.40 to read as follows:

§ 981.40 Procedure.

* * * * * *

(e) Whenever the Board shall vote on decisions pertaining to the program in § 981.44 "Research and development", no decision pursuant to the procedures of paragraph (b) of this section shall become effective unless at least one vote of a Board member other than a cooperative Board handler or cooperative Board grower has been voted with the majority vote.

20. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to the amendments which may result from this hearing.

Copies of this notice may be obtained from the Sacramento Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, 2800 Cottage Way, Room E–2713, Sacramento, CA 95825, or from the Almond Control Board, Post Office Box 8508, Sacramento, CA 95822.

Dated: February 26, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71–2937 Filed 3–3–71;8:47 am]

[7 CFR Part 1036]

[Docket No. AO–179–A34]

MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Howard Johnson Motor Lodge, 14043 Brookpark Road, Parma, OH, beginning at 1:30 p.m., March 12, 1971, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Northeastern Ohio Milk Market Survey Committee:

Proposal No. 1. Amend § 1036.70 (c), (c)(1), and (c)(2) to make it mandatory for all handlers to make an advance payment to producers, or to a cooperative association which collects payments for its members, for milk delivered during the first 15 days of the month. Maintain all other requirements of this section.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire

marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 7503 Brookpark Road, Parma, OH 44129, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on March 1, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71–2986 Filed 3–3–71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70–100a]

HOQUIAM RIVER, WASH.

Proposed Drawbridge Operation Regulations

Correction

In F.R. Doc. 71–2280 appearing at page 3202 in the issue for Friday, February 19, 1971, immediately after the last paragraph, reading "Dated: February 10, 1971", a signature should appear to read as follows: "R. E. Hammond, *Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.*"

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 71–WA–2]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes as a part of the overall program to establish an area navigation jet route structure.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10653), which established regulatory bases for the designation of specific area high and area low routes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

J–821R (CHICAGO, ILL., TO MINNEAPOLIS, MINN.)

Milwaukee, Wis. VORTAC, lat. 43°07'01" N., long. 88°17'03" W.;
Minneapolis, Minn., VORTAC, lat. 45°06'45" N., long. 93°22'23" W.

J–822R (MINNEAPOLIS, MINN., TO CHICAGO, ILL.)

Minneapolis, Minn., VORTAC, lat. 45°08'45" N., long. 93°22'23" W.;
Milwaukee, Wis., 179.4°M/54.7 NM, lat. 42°12'21" N., long. 88°18'53" W.

J–823R (DETROIT, MICH., TO CHICAGO, ILL.)

Pullman, Mich., 089.4°M/67.7 NM, lat. 42°28'00" N., long. 84°34'53" W.;
Pullman, Mich., VORTAC, lat. 42°27'56" N., long. 86°06'21" W.;
Pullman, Mich., 259.2M/88.0 NM, lat. 42°14'36" N., long. 87°36'17" W.

J–824R (ST. LOUIS, MO., TO CHICAGO, ILL.)

Bradford, Ill., 191.0M/129.6 NM, lat. 39°04'13" N., long. 90°18'27" W.;
Bradford, Ill., 063.6M/61.9 NM, lat. 41°32'47" N., long. 88°19'06" W.;
Bradford, Ill., 052.3M/71.1 NM, lat. 41°48'38" N., long. 88°16'07" W.

J–825R (CHICAGO, ILL. TO ST. LOUIS, MO.)

Lafayette, Ind., 271.1M/49.9 NM, lat. 40°-34'53" N., long. 88°09'36" W.;
St. Louis, Mo., 072.0M/43.0 NM, lat. 39°-01'07" N., long. 89°35'11" W.;
St. Louis, Mo., 072.0M/30.0 NM, lat. 38°-58'18" N., long. 89°51'27" W.

J–826R (KANSAS CITY, MO., TO CHICAGO, ILL.)

Kirksville, Mo., 225.0M/69.1 NM, lat. 39°-24'13" N., long. 93°44'49" W.;
Northbrook, Ill., 228.8M/96.7 NM, lat. 41°-09'35" N., long. 89°35'16" W.;
Northbrook, Ill., 211.3M/27.3 NM, lat. 44°-48'38" N., long. 88°16'07" W.

J–827R (CHICAGO, ILL., TO KANSAS CITY, MO.)

Dubuque, Iowa, 120.0M/50.0 NM, lat. 41°-55'53" N., long. 89°47'00" W.;
Kirksville, Mo., VORTAC, lat. 40°08'06" N., long. 92°35'30" W.;
Kirksville, Mo., 235.8M/78.8 NM, lat. 32°-30'13" N., long. 94°05'16" W.

J–829R (ATLANTA, GA., TO MIAMI, FLA.)

Macon, Ga., 253.8M/41.6 NM, lat. 32°-30'22" N., long. 84°26'16" W.;
Gainesville, Fla., 297.3M/70.2 NM, lat. 30°-07'24" N., long. 83°33'01" W.;
Miami, Fla., 269.0M/28.0 NM, lat. 25°57'14" N., long. 80°58'42" W.

J–828R (MIAMI, FLA., TO ATLANTA, GA.)

Vero Beach, Fla., 187.5M/89.8 NM, lat. 26°-11'22" N., long. 80°42'24" W.;
Vero Beach, Fla., 311.2M/82.0 NM, lat. 28°-34'32" N., long. 81°39'31" W.;
Alma, Ga., VORTAC, lat. 31°32'11" N., long. 82°30'30" W.;
Alma, Ga., 330.4M/106.8 NM, lat. 33°06'19" N., long. 83°33'03" W.

J–830R (ST. LOUIS, MO., TO NEW YORK, N.Y.)

Lewis, Ind., 253.9M/126.3 NM, lat. 38°43'46" N., long. 89°51'54" W.;
Lewis, Ind., 069.7M/29.3 NM, lat. 39°25'27" N., long. 86°39'29" W.;
Appleton, Ohio, 329.7M/59.9 NM, lat. 40°-59'40" N., long. 83°17'34" W.;
Buffalo, N.Y., 250.2M/115.8 NM, lat. 42°00'19" N., long. 80°56'16" W.;
Buffalo, N.Y., 187.5M/67.7 NM, lat. 41°48'00" N., long. 78°38'00" W.;
Sparta, N.J., VORTAC, lat. 41°04'03" N., long. 74°32'19" W.

J–831R (NEW YORK, N.Y., TO ST. LOUIS, MO.)

Westminster, Md., 076.9M/122.3 NM, lat. 40°-12'06" N., long. 74°29'44" W.;
Westminster, Md., 307.4M/58.3 NM, lat. 39°-58'04" N., long. 78°04'45" W.;
Ellwood City, Pa. 186.3M/50.4 NM, lat. 39°-59'07" N., long. 80°14'10" W.;
Rosewood, Ohio, 180.9M/22.2 NM, lat. 39°-55'04" N., long. 84°02'31" W.;
Lewis, Ind., 049.5M/52.5 NM, lat. 39°48'53" N., long. 86°22'06" W.;
Lewis, Ind., 260.4M/122.8 NM, lat. 38°58'18" N., long. 89°51'27" W.

J–832R (PHILADELPHIA, PA., TO BOSTON, MASS.)

Coyle, N.J., 246.1M/29.9 NM, lat. 39°32'15" N., long. 74°58'03" W.;
Coyle, N.J., 100.0M/49.0 NM, lat. 39°48'45" N., long. 73°22'20" W.;
Coyle, N.J., 067.9M/115.4 NM, lat. 40°49'17" N., long. 72°17'15" W.;
Boston, Mass., 194.0M/18.0 NM, lat. 42°03'28" N., long. 70°59'13" W.

J–833R (BOSTON, MASS., TO PHILADELPHIA, PA.)

Boston, Mass., 153.0M/26.0 NM, lat. 42°02'06" N., long. 70°36'17" W.;
Coyle, N.J., 100.0M/49.0 NM, lat. 39°48'44" N., long. 73°22'20" W.;
Coyle, N.J., VORTAC, lat. 39°49'02" N., long. 74°25'55" W.

J–834R (CHICAGO, ILL., TO CLEVELAND, OHIO)

Fort Wayne, Ind., 009.0M/49.8 NM, lat. 41°47'57" N., long. 85°00'54" W.;
Fort Wayne, Ind., 079.9M/129.0 NM, lat. 41°19'23" N., long. 82°22'42" W.

J–835R (CLEVELAND, OHIO, TO CHICAGO, ILL.)

Fort Wayne, Ind., 075.2M/136.3 NM, lat. 41°31'27" N., long. 82°15'55" W.;
Fort Wayne, Ind., 293.1M/101.6 NM, lat. 41°37'29" N., long. 87°15'57" W.

J–836R (CHICAGO, ILL., TO CINCINNATI, OHIO)

Fort Wayne, Ind., 241.8M/109.4 NM, lat. 40°14'20" N., long. 87°22'35" W.;
Fort Wayne, Ind., 180.5M/109.2 NM, lat. 39°09'27" N., long. 85°12'25" W.

J–837R (CINCINNATI, OHIO, TO CHICAGO, ILL.)

Fort Wayne, Ind., 178.7M/103.1 NM, lat. 39°15'37" N., long. 85°08'15" W.;
Fort Wayne, Ind., 266.0M/91.5 NM, lat. 40°51'20" N., long. 87°11'36" W.;
Fort Wayne, Ind., 287.2M/112.5 NM, lat. 41°30'36" N., long. 87°34'17" W.

J–838R (ATLANTA, GA., TO JACKSONVILLE, FLA.)

Atlanta, Ga., 177.0M/31.0 NM, lat. 32°59'25" N., long. 84°27'28" W.;
Jacksonville, Fla., 323.4M/81.2 NM, lat. 31°32'11" N., long. 82°30'30" W.;
Jacksonville, Fla., 304.0M/39.0 NM, lat. 30°48'46" N., long. 82°11'25" W.

J–839R (JACKSONVILLE, FLA., TO ATLANTA, GA.)

Jacksonville, Fla., 334.0M/30.0 NM, lat. 30°54'00" N., long. 81°49'09" W.;
Atlanta, Ga., 117.0M/53.0 NM, lat. 33°05'19" N., long. 83°33'03" W.

J–840R (ST. LOUIS, MO., TO INDIANAPOLIS, IND.)

Evansville, Ind., 293.5M/110.3 NM, lat. 38°-43'46" N., long. 89°51'54" W.;
Evansville, Ind., 026.7M/103.6 NM, lat. 39°-25'27" N., long. 86°39'29" W.

J841R (INDIANAPOLIS, IND., TO ST. LOUIS, MO.)

Lewis, Ind., 031.8M/34.9 NM, lat. 39°45'23" N., long. 86°50'14" W.;
Lewis, Ind., 260.4M/122.8 NM, lat. 38°58'18" N., long. 89°51'27" W.

J–842R (DALLAS, TEX., TO NEW YORK, N.Y.)

Greater Southwest, Tex., VORTAC, lat. 32°-49'10" N., long. 97°02'28" W.;
Texarkana, Ark., VORTAC, lat. 33°30'50" N., long. 94°04'23" W.;
Memphis, Tenn., VORTAC, lat. 34°56'34" N., long. 89°57'35" W.;
Bowling Green, Ky., 153.4M/44.3 NM, lat. 36°-15'24" N., long. 86°03'49" W.;
Knoxville, Tenn., 354.0M/57.0 NM, lat. 36°-50'56" N., long. 84°02'21" W.;
Charleston, W. Va., 168.5M/58.8 NM, lat. 37°-23'56" N., long. 81°27'56" W.;
Richmond, Va., 314.0M/50.1 NM, lat. 38°-00'48" N., long. 78°09'12" W.;
Robbinsville, N.J., 194.8M/44.9 NM, lat. 39°-27'21" N., long. 74°34'36" W.

J–843R (NEW YORK, N.Y., TO DALLAS, TEX.)

Robbinsville, N.J., VORTAC, lat. 40°12'08" N., long. 74°29'44" W.;
Robbinsville, N.J., 260.5M/122.3 NM, lat. 39°-29'42" N., long. 76°58'44" W.;
Gordonsville, Va., 348.7M/69.2 NM, lat. 39°-06'56" N., long. 78°35'19" W.;
Pulaski, Va., 345.8M/85.0 NM, lat. 38°26'21" N., long. 81°15'12" W.;
Louisville, Ky., 157.5M/52.0 NM, lat. 37°-17'44" N., long. 85°10'50" W.;
Nashville, Tenn., 334.9M/42.9 NM, lat. 36°-44'00" N., long. 86°56'21" W.;
Walnut Ridge, Ark., 149.8M/43.0 NM, lat. 35°27'25" N., long. 90°35'20" W.;
Texarkana, Ark., 326.1M/31.2 NM, lat. 33°58'-49" N., long. 94°21'01" W.;
Greater Southwest, Tex., VORTAC, lat. 32°49'10" N., long. 97°02'28" W.

J–844R (ATLANTA, GA., TO LOUISVILLE, KY.)

Knoxville, Tenn., 196.6M/98.2 NM, lat. 34°19'-29" N., long. 84°25'39" W.;
Knoxville, Tenn., 321.0M/111.1 NM, lat. 37°-19'02" N., long. 85°23'10" W.

J–845R (LOUISVILLE, KY., TO ATLANTA, GA.)

Louisville, Ky., 313.5M/54.4 NM, lat. 37°44'-12" N., long. 86°23'58" W.;
Knoxville, Tenn., 212.5M/114.6 NM, lat. 34°-16'03" N., long. 85°05'51" W.

J–846R (OMAHA, NEBR., TO CHICAGO, ILL.)

Lamoni, Iowa, 289.3M/97.5 NM, lat. 41°18'00" N., long. 95°54'00" W.;
Lamoni, Iowa, 008.9M/52.5 NM, lat. 41°26'15" N., long. 93°38'54" W.;
Dubuque, Iowa, 090.9M/13.8 NM, lat. 42°22'-53" N., long. 90°24'00" W.;
Dubuque, Iowa, 091.3M/107.2 NM, lat. 42°12'-39" N., long. 88°18'52" W.

J–847R (CHICAGO, ILL., to OMAHA, NEBR.)

Dubuque, Iowa, 120.0M/50.0 NM, lat. 41°55'-53" N., long. 89°47'00" W.;
Omaha, Nebr., 087.8M/95.8 NM, lat. 41°26'15" N., long. 93°38'54" W.;
Omaha, Nebr., 010.7M/18.7 NM, lat. 41°28'23" N., long. 95°39'29" W.

J–848R (DES MOINES, IOWA, TO CHICAGO, ILL.)

Iowa City, Iowa, 266.2M/92.6 NM, lat. 41°32'-00" N., long. 93°40'00" W.;
Iowa City, Iowa, 041.0M/75.0 NM, lat.42°22'-53" N., long. 90°24'00" W.;
Northbrook, Ill., 272.0M/17.0 NM, lat. 42°12'-39" N., long. 88°18'52" W.

J–849R (CHICAGO, ILL., TO DES MOINES, IOWA)

Dubuque, Iowa, 120.0M/50.0 NM, lat. 41°55'-53" N., long. 89°47'00" W.;
Dubuque, Iowa, 245.3M/128.5 NM, lat. 41°36'-44" N., long. 93°22'48" W.

J–883R (MINNEAPOLIS, MINN., TO NEW YORK, N.Y.)

Minneapolis, Minn., VORTAC, lat. 45°08'45" N., long. 93°22'23" W.;
Milwaukee, Wis., 010.5M/78.5 NM, lat. 44°23'-36" N., long. 87°53'19" W.;
Pullman, Mich., 009.3M/94.7 NM, lat. 44°01'-23" N., long. 85°45'09" W.;
Peck, Mich., 017.3M/17.4 NM, lat. 43°32'23" N., long. 82°37'39" W.;
Buffalo, N.Y., 196.5M/7.7 NM, lat. 42°48'07" N., long. 78°40'20" W.;
Huguenot, N.Y., 077.0M/38.0 NM, lat. 41°39'-53" N., long. 73°49'12" W.

J–884R (NEW YORK, N.Y., TO MINNEAPOLIS, MINN.)

Huguenot, N.Y., VORTAC, lat. 41°24'35" N., long. 74°35'31" W.;
Buffalo, N.Y., 206.6M/23.8 NM, lat. 42°33'11" N., long. 78°49'05" W.;
Peck, Mich., 020.0M/10.3 NM, lat. 43°25'17" N., long. 82°39'11" W.;
Pullman, Mich., 009.3M/94.7 NM, lat. 44°01'-23" N., long. 85°45'09" W.;
Milwaukee, Wis., 010.5M/78.5 NM, lat. 44°23'-36" N., long. 87°53'19" W.;
Minneapolis, Minn., VORTAC, lat. 45°08'45" N., long. 93°22'23" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 25, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–2825 Filed 3–3–71;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 71–WA–3]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 22 area high routes in the western and southwestern United States.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER (35 F.R. 10653) which established regulatory bases for the designation of specific area high and low routes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

J900R SAN FRANCISCO, CALIF., TO SEATTLE, WASH.

Ukiah, Calif., 123.7°/67.4 NM, lat. 38°10'46" N., long. 122°22'19" W.;
Medford, Oreg., 070.9°/25.2 NM, lat. 42°28'44" N., long. 122°20'39" W.;
Portland, Oreg. 069.1°/11.4 NM, lat. 45°44'50" N., long. 122°19'12" W.;
Portland, Oreg., 346.6°/87.1 NM, lat. 47°11'08" N., long. 122°18'30" W.

J901R SEATTLE, WASH. TO SPOKANE, WASH.

Yakima, Wash., 283.8°/92.5 NM, lat. 47°26'08" N., long. 122°18'30" W.;
Spokane, Wash., VORTAC, lat. 47°33'54" N., long. 117°37'33" W.

J902R PORTLAND, OREG., TO LOS ANGELES, CALIF.

Portland, Oreg., 194°/29 NM, lat. 45°21'05" N., long. 122°59'00" W.;
Medford, Oreg., 061°/24.7 NM, lat. 42°32'40" N., long. 122°21'46" W.;
Red Bluff, Calif., 163.2°/18.8 NM, lat. 40°-08'28" N., long. 122°52'29" W.;
Sacramento, Calif., VORTAC, lat. 38°26'38" N., long. 121°33'02" W.;
Avenal, Calif., VORTAC, lat. 35°38'49" N., long. 119°58'40" W.

J904R LOS ANGELES, CALIF., TO DENVER, COLO.

Peach Springs, Ariz., 275.5°/104 NM, lat. 35°40'57" N., long. 115°40'43" W.;
Tuba City, Ariz., 321.9°/56.2 NM, lat. 36°-59'03" N., long. 111°43'37" W.;
Dove Creek, Colo., VORTAC, lat. 37°48'32" N., long. 108°55'50" W.;
Gunnison, Colo., 314.7°/13.3 NM, lat. 38°38'28" N., long. 107°11'06" W.;
Denver, Colo., 219°/42 NM, lat. 39°25'38" N., long. 105°27'51" W.

J906R LOS ANGELES, CALIF., TO SALT LAKE CITY, UTAH

Boulder City, Nev., 213°/106.4 NM, lat. 34°47'49" N., long. 116°27'43" W.;
Boulder City, Nev., 293.5°/15.2 NM, lat. 36°09'14" N., long. 115°06'30" W.;
Boulder City, Nev., 017.2°/119.2 NM, lat. 37°40'22" N., long. 113°31'53" W.;
Delta, Utah, 008/63.9 NM, lat. 40°16'30" N., long. 111°56'23" W.

J903R LOS ANGELES, CALIF., TO TUCSON, ARIZ.

Oceanside, Calif., 300.9°/45.5 NM, lat. 33°47'04" N., long. 118°03'02" W.;
Yuma, Ariz., 024.6°/57.4 NM, lat. 33°30'58" N., long. 113°53'17" W.;
Phoenix, Ariz., 131.1°/95.2 NM., lat. 32°07'21" N., long. 110°49'12" W.

J905R LAS VEGAS, NEV., TO TUCSON, ARIZ.

Boulder City, Nev., VORTAC, lat. 35°59'45" N., long. 114°51'46" W.;
Phoenix, Ariz., 147°/42 NM, lat. 32°46'04" N., long. 111°37'04" W.;
Phoenix, Ariz., 131.1°/95.2 NM, lat. 32°07'21" N., long. 110°49'12" W.

J907R HOUSTON, TEX., TO LOS ANGELES, CALIF.

Humble, Tex., VORTAC, lat. 29°57'24" N., long. 95°20'44" W.;
Humble, Tex., 274.4°/125.1 NM, lat. 30°23'11" N., long. 97°41'56" W.;
Junction, Tex., VORTAC, lat. 30°35'52" N., long. 99°49'02" W.;
Wink, Tex., 154.9°/56.9 NM, lat. 30°57'07" N., long. 102°58'31" W.;
Wink, Tex., 232.2°/46.4 NM, lat. 31°31'23" N., long. 104°03'00" W.;
Truth or Consequences, N. Mex., 148.5°/64.5 NM, lat. 32°14'48" N., long. 106°52'20" W.;
San Simon, Ariz., 271°/30 NM, lat. 32°23'21" N., long. 109°50'08" W.;
Phoenix, Ariz., 147°/42 NM, lat. 32°46'04" N., long. 111°37'04" W.;
Phoenix, Ariz., 259.4°/100.5 NM, lat. 33°30'58" N., long. 113°53'17" W.;
Parker, Calif., 255.3°/102.5 NM, lat. 34°05'40" N., long. 116°44'17" W.

J909R DENVER, COLO., TO SAN FRANCISCO, CALIF.

Denver, Colo., 250°/30 NM, lat. 39°47'53" N., long. 105°23'46" W.;
Meeker, Colo., 237.6°/91.7 NM, lat. 39°35'46" N., long. 109°48'41" W.;
Fairfield, Utah, 149.3°/63.1 NM., lat. 39°15'18" N., long. 111°36'02" W.;
Wilson Creek, Nev., 327.5°/23.7 NM, lat. 38°37'46" N., long. 114°32'01" W.;
Wilson Creek, Nev., 249.6°/116.5 NM, lat. 39°04'35" N., long. 116°50'45" W.;
Coaldale, Nev., VORTAC, lat. 38°00'12" N., long. 117°46'10" W.

J908R SAN FRANCISCO, CALIF., TO DENVER, COLO.

Coaldale, Nev., 322.9°/35.9 NM, lat. 38°33'55" N., long. 118°01'55" W.;
Wilson Creek, Nev., 337.2°/42 NM, lat. 38°56'43" N., long. 114°29'58" W.;
Hanksville, Utah, 340.6°/48.8 NM, lat. 39°13'44" N., long. 110°46'44" W.;
Meeker, Colo., 162.6°/42 NM, lat. 39°22'03" N., long. 107°52.58" W.;
Denver, Colo., 219°/42 NM, lat. 39°25'28" N., long. 105°27'51" W.

J911R PORTLAND, OREG., TO DENVER, COLO.

Portland, Oreg., 194°/29 NM, lat. 45°21'05" N., long. 122°59'00" W.;
Pendleton, Oreg., 178.3°/69.6 NM, lat. 44°35'45" N., long. 119°26'55" W.;
Boise, Idaho, 001.1°/13.1 NM, lat. 43°46'22" N., long. 116°08'21" W.;
Malad City, Idaho, 005.5°/28.5 NM, lat. 42°38'18" N., long. 112°12'14" W.;
Rock Springs, Wyo., 358°/2.5 NM, lat. 41°37'52" N., long. 109°00'04" W.;
Meeker, Colo., 010.7°/61.1 NM, lat. 40°59'05" N., long. 107°20'31" W.;
Meeker, Colo., 058.1°/90.4 NM, lat. 40°29'23" N., long. 106°02'04" W.

J913R PORTLAND, OREG., TO SALT LAKE CITY, UTAH

Portland, Oreg., 194°/29 NM, lat. 45°21'05" N., long. 122°59'00" W.;
John Day, Oreg., 187.3°/23.7 NM, lat. 44°17'51" N., long. 119°57'47" W.;
Boise, Idaho, 190.7°/38.4 NM, lat. 43°00'43" N., long. 116°40'28" W.;
Malad City, Idaho, 192°/53.9 NM, lat. 41°24'47" N., long. 113°01'45" W.;
Malad City, Idaho, 157.8°/68.1 NM, lat. 41°04'07" N., long. 112°18'49" W.

J910R PHOENIX, ARIZ., TO SAN FRANCISCO, CALIF.

Phoenix, Ariz., VORTAC, lat. 33°25'53" N., long. 111°53'17" W.;
Boulder City, Nev., VORTAC, lat. 35°59'45" N., long. 114°51'46" W.;
Boulder City, Nev., 258.4°/47.4 NM, lat. 36°02'22" N., long. 115°50'08" W.;
Beatty, Nev., 186.1°/25.4 NM, lat. 36°24'27" N., long. 116°56'38" W.;
Fresno, Calif., 003.6°/22.9 NM, lat. 37°14'44" N., long. 119°38'15" W.;
Fresno, Calif., 292.1°/70.8 NM, lat. 37°37'39" N., long. 120°57'25" W.

J915R PHOENIX, ARIZ., TO SAN DIEGO, CALIF.

Gila Bend, Ariz., 040°/48.7 NM, lat. 33°25'53" N., long. 111°53'17" W.;
San Diego, Calif., 076°/18 NM, lat. 32°46'35" N., long. 116°52'08" W.

J917R SAN FRANCISCO, CALIF., TO PHOENIX, ARIZ.

Fresno, Calif., 257.3°/93 NM, lat. 36°59'13" N., long. 121°43'57" W.;
Fresno, Calif., 170.5°/9.1 NM, lat. 36°44'08" N., long. 119°49'40" W.;
Beatty, Nev., 177.2°/31.8 NM, lat. 36°17'04" N., long. 116°53'48" W.;
Boulder City, Nev., VORTAC, lat. 35°59'45" N., long. 114°51'46" W.;
Phoenix, Ariz., VORTAC, lat. 33°25'53" N., long. 111°53'17" W.

J912R DALLAS, TEX., TO CHICAGO, ILL.

Greater Southwest, Tex., VORTAC, lat. 32°49'10" N., long. 97°02'28" W.;
Tulsa, Okla., 145.3°/72.8 NM, lat. 35°06'27" N., long. 95°07'27" W.;
Springfield, Mo., VORTAC, lat. 37°21'21" N., long. 93°20'02" W.;
Capitol, Ill., 352.3°/46.7 NM, lat. 40°40'07" N., long. 89°41'28" W.;
Joliet, Ill., VORTAC, lat. 41°32'47" N., long. 88°19'06" W.;
Joliet, Ill., 006°/17 NM, lat. 41°49'37" N., long. 88°15'56" W.

J914R DALLAS, TEX., TO NEW ORLEANS, LA.

Greater Southwest, Tex., VORTAC, lat. 32°49'10" N., long. 97°02'28" W.;
Alexandria, La., VORTAC, lat. 31°15'23" N., long. 92°30'02" W.;
New Orleans, La., VORTAC, lat. 30°01'47" N., long. 90°10'20" W.

J916R SAN ANTONIO, TEX., TO HOUSTON, TEX.

San Antonio, Tex., VORTAC, lat. 29°38'38" N., long. 98°27'40" W.;
Humble, Tex., VORTAC, lat. 29°57'24" N., long. 95°20'44" W.

J919R EL PASO, TEX., TO SAN ANTONIO, TEX.

El Paso, Tex., VORTAC, lat. 31°48'03" N., long. 106°17'17" W.;
Fort Stockton, Tex., VORTAC, lat. 30°57'07" N., long. 102°58'31" W.;
San Antonio, Tex., VORTAC, lat. 29°38'38" N., long. 98°27'40" W.

J920R GREAT FALLS, MONT., TO SALT LAKE CITY, UTAH

Dillon, Mont., 005.4°/117.1 NM, lat. 47°02'01" N., long. 111°24'41" W.;
Malad City, Idaho, 147.7°/60.6 NM, lat. 41°13'27" N., long. 112°05'51" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 25, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2826 Filed 3-3-71;8:45 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF PROCUREMENT MANAGEMENT, BUREAU FOR EAST ASIA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, as amended and by Subpart 7-30.4 of the A.I.D. Procurement Regulations, I hereby redelegate, for countries or areas within the responsibility of the Assistant Administrator for East Asia, authority to the Director, Office of Procurement Management to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities, and grants, other than to a foreign government, or agencies of a foreign government;

(2) Letters of Commitment and Notices of Approval for Financing of Co-operating Country Contracts for Contracts described in paragraph (1) above;

(3) Amendment or modification (pursuant to Executive Order 11223) involving less than $25,000 of AID-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract;

(4) Advance payments and the required determination and findings for such payments under A.I.D. financed nonprofit contracts with nonprofit educational or research institutions.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director, Office of Procurement Management, in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Assistant Administrator for East Asia to the Director, Office of Procurement Management and the Chief, Services Contracts Division, dated April 30, 1970 (35 F.R. 7660) is hereby superseded.

This Redelegation of Authority is effective immediately.

WILLARD H. MEINECKE,
Acting Assistant Administrator, Bureau for East Asia.

FEBRUARY 24, 1971.

[FR Doc.71-2943 Filed 3-3-71;8:47 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[334.2]

CRUDE PETROLEUM

Entry of Net Quantities After Release Under Immediate Delivery Permit

FEBRUARY 26, 1971.

Upon the entry of importations of crude petroleum it is the practice to charge the entered (landed) quantities, including water and sediment, against an oil import license. Quota credits, and allowances under section 507 of the Tariff Act of 1930 (19 U.S.C. 1507), for excessive moisture and impurities are based on net landed quantities as determined on liquidation of the entries. Such allowances are made in accordance with Bureau ruling dated April 6, 1970 (T.D. 70-88; 35 F.R. 5968) that sediment and water in excess of 0.3 percent in importations of crude petroleum may properly be considered as excessive moisture and impurities under section 507 of the Tariff Act.

Under this procedure when entries are made in the latter part of a year the establishment of quota credits for excessive water and sediment may be delayed beyond the period of the license at which time the credits would no longer have a value.

Consideration is being given to a proposal that entry of crude petroleum released under an immediate delivery permit in accordance with § 8.59 of the Customs regulations (19 CFR 8.59) be permitted on the basis of the net landed quantity. For entry purposes, the net landed quantity would be computed by deducting from the landed quantity any water and sediment in excess of 0.3 percent as ascertained by a commercial laboratory test. Variances between the commercial laboratory tests and the Customs laboratory tests resulting in changes in the quantities subject to duty and oil import licensing requirements would be adjusted on liquidation.

The Oil Import Administration, Department of the Interior, has approved the proposal, under which the dutiable quantities and the quantities chargeable against an oil import license will always be the same, provided the commercial laboratories making the tests used by the importers in entering the oil have been approved by the U.S. Customs.

It is not anticipated that many significant differences requiring changes in the quantities subject to duty and chargeable against an importer's oil import license will occur by the adoption of the proposal. However, to minimize the frequency of adjustments on liquidation because of differences between laboratories, it is proposed that no adjustment to conform to the Customs laboratory tests be made when the differences between the commercial laboratory tests and the Customs laboratory tests do not exceed the differences set forth in the following table (adapted from ASTM Designation D 1796, Fig. 3):

Percentage of water and sediment found	*Maximum percentage difference allowable*
0.05 to 0.50	0.1
0.51 to 1.50	0.2
More than 1.50	0.3

Under this procedure samples will be furnished the Customs laboratory in the usual manner and all the samples will be tested by the laboratory.

Notice is hereby given that under authority of section 484(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1484 (a)), and section 507 of the Tariff Act of 1930 (19 U.S.C. 1507), it is proposed to adopt the procedure set forth herein. Prior to final action, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 15 days from the date of publication in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-2994 Filed 3-3-71;8:51 am]

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 8]

IMPERIAL INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $268,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

Imperial Insurance Company
Los Angeles, California
California

Certificates of Authority expire on June 30, each year unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: February 26, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-2941 Filed 3-3-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 19, 1971.

Notice of an application, Fairbanks Serial No. 035058, for withdrawal and reservation of lands was published as F.R. Doc. 66-637 on page 765 of the issue for January 20, 1966.

The Public Health Service, Department of Health, Education, and Welfare, has canceled its application in its entirety involving the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2350, the subject lands will be, at 10 a.m. on March 12, 1971, relieved of the segregative effect of the application concerned herein.

The lands involved in this notice of termination are:

JUNE CREEK, KOTZEBUE, ALASKA

An area comorising the June Creek drainage basin, located approximately 4 miles southeast of Kotzebue, Alaska, and containing approximately 9,970 land acres and 960 water acres.

CURTIS V. MCVEE,
Acting State Director.

[FR Doc.71-2942 Filed 3-3-71;8:47 am]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

FEBRUARY 25, 1971.

1. The Plat of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m. on April 4, 1971.

MOUNT DIABLO MERIDIAN, NEVADA

T. 29 N., R. 44½E. (Group 439).

2. The surveyed area in T. 29 N., R. 44½E., aggregates 57.08 acres. The plat was accepted January 15, 1971. The land within T. 29 N., R. 44½E., M.D.M. range from about 5,000 to 6,200 feet above sea level. The northern part is rolling and the southern part is mountainous. The soil is sandy gravel and rocky in the higher elevations and sandy gravel in the lower elevations. There are juniper and pinon in the mountains. The vegetation consists of shadscale, budsage, sagebrush, and sparse native grasses.

Trout Creek enters and leaves the township in section 12. There has been some mineral activity in the township.

Principal users of the area are cattlemen, sheepmen, and farmers. There is a small plot of alfalfa in sections 12 and 13. Access into the township is provided by graded gravel roads and trail roads scattered throughout the township.

3. Subject to any existing valid rights and the requirements of applicable laws, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., April 4, 1971, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, NV 89502.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[FR Doc.71-2927 Filed 3-3-71;8:46 am]

[New Mexico 12720]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands; Correction

FEBRUARY 26, 1971.

In F.R. Doc. 70-16422 appearing at page 18631 of the FEDERAL REGISTER issue of Tuesday, December 8, 1970 (35 F.R. 18631), the following correction should be made:

Change, "Sec. 21, W½NW¼, SW¼ and W½SE¼" to "Sec. 21, W½E½ and W½."

FRED E. PADILLA,
Acting Land Office Manager.

[FR Doc.71-2928 Filed 3-3-71;8:46 am]

[New Mexico 13177]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 26, 1971.

The Forest Service, U.S. Department of Agriculture, has filed application, Serial No. NM 13177, for the withdrawal of the lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundaries of the Carson National Forest and the Santa Fe National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, NM 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

T. 24 N., R. 2 E.,
HES 199.
T. 24 N., R. 3 E.,
HES Nos. 45, 194, 195, 196, 197, and 198.

T. 24 N., R. 4 E.,
Sec. 8, lots 1, 2, NE¼, S½NW¼, N½ SW¼, and SW¼SW¼;
Sec. 9, lots 1, 2 and NW¼NW¼;
Sec. 17, lot 1.

CARSON NATIONAL FOREST

T. 25 N., R. 2 E.,
Sec. 36, SW¼NW¼NW¼NE¼, SW¼NW¼ NE¼, W½SW¼NE¼, SW¼SE¼SW¼ NE¼, SE¼NE¼NE¼NW¼, NE¼SE¼ NE¼NW¼, W½E½NW¼SE¼ and W½ NW¼SE¼.

The areas described above aggregate 1,578.50 acres in Rio Arriba County.

FRED E. PADILLA,
Acting Land Office Manager.

[FR Doc.71-2929 Filed 3-3-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OREGON

Designation of Areas for Emergency Loans

On the basis of the February 13, 1971, declaration by the President of a major disaster and the consequent areas determination by the Director, Office of Emergency Preparedness, the following counties in the State of Oregon are hereby designated for the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) as modified by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606):

OREGON

Clatsop.	Tillamook.

Emergency loans will not be made in these counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 26th day of February, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc. 71-2938 Filed 3-3-71;8:47 am]

WASHINGTON

Designation of Areas for Emergency Loans

On the basis of the February 9, 1971 declaration by the President of a major disaster and the February 12, 1971, areas determination by the Director, Office of Emergency Preparedness, the following counties in the State of Washington are hereby designated for the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) as modified by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606):

WASHINGTON

Columbia	Lewis
Garfield.	Skagit.
Grays Harbor.	Yakima.

Whatcom.

Emergency loans will not be made in these counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 26th day of February, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2939 Filed 3-3-71;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GROUNDFISH FISHERIES

Closure of Season

Notice is hereby given pursuant to § 240.8(a)(4), Title 50, Code of Federal Regulations, as follows:

On March 4, 1971, the Director, National Marine Fisheries Service, determined that United States vessels operating in regulatory area Subarea 5, west of 69°00' W. longitude, defined in §§ 240.-1(b)(5) and 240.6(b)(2) had reached the quarterly catch limit for yellowtail flounder of 2,600 metric tons for the period January 1–March 31, 1971, as described in § 240.6(b)(2), published in the FEDERAL REGISTER, 36 F.R. 158–164.

I hereby announce that the season for taking yellowtail flounder without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours local time in the area affected March 5, 1971. The restriction will remain in effect until 0001 hours local time April 1, 1971.

Issued at Washington, D.C., and dated March 2, 1971.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.71-2996 Filed 3-3-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5740]

PENICILLIN FOR TOPICAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71-2165 appearing at page 3145 in the issue for Thursday, February 18, 1971, paragraph number 8 should read as follows:

8. Ledercillin Ointment; containing procaine penicillin G, Lederle Laboratories Division, American Cyanamid Co., Pearl River, NY 10965 (NDA 60-416).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR MODEL CITIES

Delegation of Authority

The delegation of authority to the Assistant Secretary for Model Cities published at 35 F.R. 7749, May 20, 1970, is amended as follows:

I. Revise section C to read:

SEC. C. *Authority to redelegate.* The Assistant Secretary for Model Cities is authorized to redelegate to employees of the Department any of the authority delegated under section A, except the authority to:

1. Make reservations or allocations of grant funds.

2. Authorize contracts and commitments for Federal grant assistance and amendatory contracts which provide for an increase in the total Federal grant amount set forth in a contract: *Provided, however,* That the authority to authorize waivers of contract provisions may be redelegated.

3. Suspend or terminate Federal grant assistance.

II. Add the following section D immediately following section C:

SEC. D. *Exercise of redelegated authority.* Redelegations of final authority pursuant to section C of this delegation shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator and Area Director, or their respective deputies, to whom a delegate is responsible, and these supervisors shall, in addition to any other authority delegated to them, have the same final authority redelegated to their subordinates.

III. Change existing section D to read "Sec. E."

IV. Change existing section E to read "Sec. F."

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. This amendment is effective as of September 29, 1970.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-2989 Filed 3-3-71;8:51 am]

REGIONAL ADMINISTRATORS, DEPUTY REGIONAL ADMINISTRATORS, AND ASSISTANT REGIONAL ADMINISTRATORS FOR MODEL CITIES

Redelegations of Authority

This amendment revises the Redelegations of Authority by the Assistant Secretary for Model Cities published at 35

F.R. 15178, September 29, 1970. The revision augments the program authority of Assistant Regional Administrators to coincide with that of Regional Administrators, subject to the provisions of section B of the Redelegation.

1. The introductory paragraph of subsection 2 of section A of the Redelegations of Authority, 35 F.R. 15178, is amended by deleting the phrase "except the authority" and substituting a period at the end of the paragraph.

2. Paragraphs A.2.a, A.2.b, and A.2.c are deleted in their entirety.

(Delegation of authority from the Secretary, 35 F.R. 7749, May 20, 1970, and amendment thereto being published concurrently herewith)

Effective date. This amendment is effective January 11, 1971.

FLOYD H. HYDE,
Assistant Secretary for Model Cities.

[FR Doc.71-2990 Filed 3-3-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

EMERGENCY RAIL SERVICES ACT OF 1970

Notice of Intention To Make Findings

The Trustees of the property of the Boston and Maine Corp. have filed an application for the guarantee of trustee certificates by the Secretary of Transportation under the Emergency Rail Services Act of 1970 (Public Law 91-663, 84 Stat. 1975) and have requested waiver of notice of intention to make certain findings required by the Act. The requested waiver of notice has been protested. Section 3(a) of the Emergency Rail Services Act provides that such waiver may be made only for good cause shown and upon a finding that extraordinary circumstances warrant doing so. I find no such basis for waiver of notice and the request of the applicant for such waiver has been denied.

Notice is hereby given of the Secretary of Transportation's intention to make findings not less than 15 days from publication in accordance with the authority vested in him by section 3(a) of the Emergency Rail Services Act of 1970. Interested persons may submit such written data, views, and arguments as they deem desirable. Requests for opportunity to make oral presentation may be addressed to me, Carl V. Lyon, Acting Administrator, Federal Railroad Administration, Room 5424, 400 Seventh Street SW., Washington, DC 20591.

Issued in Washington, D.C., on the 26th day of February 1971.

CARL V. LYON,
Acting Administrator.

[FR Doc.71-3132 Filed 3-3-71;9:56 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-363]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Jersey Central Power and Light Co., 260 Cherry Hill Road, Parsippany, NJ 07054, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated June 1, 1970, for authorization to construct and operate a pressurized water nuclear reactor designated as the Forked River Nuclear Generating Station, Unit 1, on the company's site located in Ocean County, N.J.

The site is located on the Atlantic Coast, approximately 2 miles south of the community of Forked River, 1½ miles inland from the shore of Barnegat Bay, about 7 miles west-northwest of Barnegat Light, and is adjacent to the Oyster Creek Nuclear Generating Station site in Lacey Township, Ocean County, N.J.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 18, 1971.

The proposed nuclear power plant is designed for initial operation at approximately 3390 thermal megawatts with a net electrical output of approximately 1129 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the office of the Mayor of Lacey Township, Frog Hill Road, Forked River, N.J.

Dated at Bethesda, Md., this 16th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2318 Filed 2-17-71;9:52 am]

[Dockets Nos. 50-352, 50-353]

PHILADELPHIA ELECTRIC CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Philadelphia Electric Co., 1000 Chestnut Street, Philadelphia, PA 19105, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated February 26, 1970, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors on the applicant's site of approximately 587 acres located on the Schuylkill River about 1.7 miles southeast of Pottstown, in Limerick Township, Montgomery County, Pa.

The proposed nuclear reactors, designated by the applicant as the Limerick Generating Station Units 1 and 2, are each designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts per unit.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 25, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Public Library, 500 High Street, Pottstown, PA.

Dated at Bethesda, Md., this 17th day of February, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2404 Filed 2-24-71;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Public Service Electric and Gas Co., 80 Park Place, Newark, NJ 07101, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated February 26, 1970, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors on the applicant's site of approximately 530 acres located in Bordentown Township, Burlington County, N.J. The proposed site is situated on Newbold Island, which is in the Delaware River approximately 5 miles south of the city limits of Trenton, N.J., and approximately 11 miles northeast of the Philadelphia city limits.

The proposed nuclear reactors, designated by the applicant as the Newbold Island Nuclear Generating Station, are each designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,088 megawatts per unit.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 25, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the offices of the Public Service Electric and Gas Co. located at 222 East State Street, Trenton, NJ, and at 437 High Street, Burlington, NJ.

Dated at Bethesda, Md., this 17th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2405 Filed 2-24-71;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Conference Type of Hearing

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Station Unit No. 2); Docket No. 50-247.

Take notice that the Atomic Safety and Licensing Board in this proceeding orders that a conference type of hearing shall convene at 9:30 a.m. on Wednesday, March 24, 1971, in the Auditorium of Hendrik Hudson High School, Albany Post Road, Montrose, NY.

The primary purpose of this conference type of hearing will be to consider and determine further procedures to expedite the presentation of evidence relative to the issues prescribed for hearing, to express requests for evidence relevant to this cause, to prescribe a schedule for the submission of the evidence intended to be adduced in the proceeding, and to designate, if possible, the date when a continuous session of hearings can convene to consider all of the evidence proposed to be offered by the parties.

The Applicant has requested that, at the conference hearing, its responses to requests for evidence presented by the Board be considered for receipt into evidence in this proceeding. If there is no objection to this presentation of evidence, the Board will consider the receipt of that evidence at this conference type of hearing. It may be that it will be convenient also to consider at this conference the other answers and questions presented by the several parties to the proceeding.

In addition, any motions and responses, as well as any evidence related thereto, submitted by the parties will be considered.

Issued: March 2, 1971, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-3126 Filed 3-3-71;8:51 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23096; Order 71-2-111]

EXECUTIVE AIR TRAVEL, INC.

Order To Show Cause

Issued under delegated authority February 28, 1971.

The Postmaster General filed a notice of intent February 11, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 52.6 cents per great circle aircraft mile for the transportation of mail by aircraft between Fayetteville, Ark., and Oklahoma City, Okla., via Fort Smith and Little Rock, Ark.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft D-18 or E-18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Executive Air Travel, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 52.6 cents per great circle aircraft mile between Fayetteville, Ark., and Oklahoma City, Okla., via Fort Smith and Little Rock, Ark.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16 (f):

It is ordered, That:

1. Executive Air Travel, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Executive Air Travel, Inc.;

2. Further procedure herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Executive Air Travel, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2972 Filed 3-3-71;8:50 am]

[Dockets Nos. 21866, 22784; Order 71-2-122]

NORTHEAST AIRLINES, INC., AND NORTHWEST AIRLINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1971.

By Tariff revisions[1] marked to become effective March 1, 1971, Northeast Airlines, Inc. (Northeast) proposes to increase regular and discount fares in the Baltimore-Hartford/New York/Philadelphia, Boston-Philadelphia, and Washington-New York/Philadelphia markets. The proposed coach fare increases are $0.92 or $1.85. Northwest Airlines, Inc. (Northwest) proposes to increase its Philadelphia-Washington fare by $0.93.

No complaints have been filed.

In each case, the carriers propose to set coach fares at the level of Allegheny's fares for standard-class service which exceed the level of coach fares presently published for trunkline service in those markets. Neither Northeast nor Northwest have provided justification for their proposals, and there would appear no valid reason to permit the proposed higher fares at this time.

Upon consideration of all relevant matters, the Board finds that the proposed military fare increases, which stem from higher basic fares we are herein suspending, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The remaining fares are already

[1] As this Order to Show Cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

under investigation in Docket No. 21866. We further conclude that all proposed fare increases should be suspended, pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the YM and M class fares and provisions described in Appendix A hereto,[2] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto [2] are suspended and their use deferred to and including May 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military fares ordered herein is hereby consolidated into Docket 22784; and

4. A copy of this order will be filed with the aforesaid tariff and served upon Northeast Airlines, Inc., and Northwest Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-2973 Filed 3-3-71;8:50 am]

[Docket No. 19793; Order 71-2-125]

ROSS AVIATION, INC.

Order To Show Cause

Issued under delegated authority February 26, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 69-7-16, July 2, 1969, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Midland, Abilene, and Dallas, Tex.

The Postmaster General filed a petition on February 10, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 50.56 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issued an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 10, 1971, to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 50.56 cents per great circle aircraft mile between Midland, Abilene, and Dallas, Tex.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-2974 Filed 3-3-71;8:50 am]

[Docket No. 20115; Order 71-2-124]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority February 26, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-2-52, dated February 12, 1970, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between San Angelo and Dallas, via Brownwood, Tex.

The Postmaster General filed a petition on February 5, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 42.15 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 5, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 42.15 cents per great circle aircraft mile between San Angelo and Dallas, via Brownwood, Tex.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-2975 Filed 3-3-71;8:50 am]

[Docket No. 23148; Order 71-2-120]

TRANS CARIBBEAN AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1971.

By tariff revisions [1] marked to become effective March 2, 1971, Trans Caribbean Airways, Inc. (Trans Caribbean) proposes various changes in its tariffs in connection with its merger into American Airlines, Inc. (American) the most significant features of which are: (1) Liberalization of the free baggage allowance rule on transportation between points in the continental United States and Puerto Rico and the Virgin Islands by adopting American's domestic per piece allowance, and increasing the baggage liability allowance from $100 to $500; (2) redesignation of the classes of service to conform with the descriptions used by trunkline carriers within the continental United States; and (3) addition of joint fares between St. Thomas/St. Croix, and San Juan, on the one hand, and numerous interior continental United States points, on the other.

The Commonwealth of Puerto Rico has filed a complaint, requesting investigation and suspension of Trans Caribbean's proposals essentially on the ground that the carrier has failed to provide any justification for the proposed changes or to show their impact on service and fares.

In support of its filing and in answer to the complaint, Trans Caribbean alleges that the sole purpose of these amendments is to structure Trans Caribbean's tariffs in such a manner that they can be adopted in their entirety by American upon consummation of the merger scheduled to take place on or about March 2, 1971, and that the proposed changes will facilitate an orderly transition of operations.

In general, we believe the proposed changes will be of benefit to the traveling public. Conversion to the per piece baggage plan will provide more liberal allowances in these markets than the present 44-pound limit, and the carrier's liability will be established at the level previously found by the Board to be the reasonable minimum within the continental United States.[2] In addition, we believe that conforming the designations of the various classes of service to those used throughout the domestic trunkline system, which will involve no change in presently effective fares, should contribute to the ease of public understanding of the types of service available.

However, certain proposed joint coach fares between interior United States points and points in the Caribbean, as set forth in Appendix "A",[3] exceed the combination of coach fares over the published gateway point Washington. Accordingly, we will institute an investigation of and suspend the application of such proposed fares.

We note that Trans Caribbean's proposal includes publication of coach fares in the San Juan market, notwithstanding that neither its present nor American's proposed official schedules show the offering of second-class service from the East Coast gateways. Accordingly, the coach fares have no applicability at this time. In the Board's opinion, a carrier's tariffs should normally be confined to the publication of fares applicable to services actually performed. However, we have concluded not to suspend the proposed coach fares since other carriers in the market presently publish fares for service which is not now provided.

Upon consideration of the tariff proposals, the complaint and answer thereto, and all other relevant matters, the Board finds that the proposed joint coach fares which exceed combinations of local fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that those fares should be suspended pending investigation. The complaint will be dismissed in all other respects.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particulary sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A hereto,[3] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto [3] are suspended and their use deferred to and including May 30, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint of the Commonwealth of Puerto Rico, in Docket 23100 is hereby dismissed;

4. This investigation be assigned before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariff and served upon American Airlines, Inc., Trans Caribbean Airways, Inc., and the Commonwealth of Puerto Rico, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-2976 Filed 3-3-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19147]

RUSSELL E. JANTZEN

Order Designating License Suspension for Hearing

In the matter of Russell E. Jantzen, 12149 Indiana Avenue, Riverside, CA 92503, suspension of amateur radio operator license (W5VBR) and order to show cause why the licenses for radio stations W6TBN and W5VBR in the amateur radio service should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration its Order, released January 22, 1971, which suspended the General Class Amateur Radio Operator

[2] Filed as part of the original document.

[3] Dissenting statements of Vice Chairman Gillilland and Member Timm filed as part of the original document.

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] Revisions to Trans Caribbean Airways, Inc.'s Tariffs CAB Nos. 26 and 34.

[2] Order E-24198, Sept. 19, 1966.

[3] Filed as part of the original document.

license of Russell E. Jantzen for the balance of the license term; and also having under consideration its Order, released January 22, 1971 (Docket No. 19147) directing said Russell E. Jantzen to show cause why the licenses for Amateur radio stations W5VBR and W6TBN should not be revoked; and

It appearing, that licensee, in accordance with section 303(m)(2) of the Communications Act of 1934, as amended, has filed a timely application for hearing on the Suspension Order; and

It further appearing, that the proceeding in Docket No. 19147 involves the same respondent and the issues are substantially the same; and

Therefore, it is concluded that consolidation of these proceedings will conduce to the proper dispatch of business and to the ends of justice; and:

It is ordered, Pursuant to sections 303(m)(1)(A) and (D) and 303(m)(2) of the Communications Act of 1934, as amended, and § 0.332(f) of the Commission's rules, that the matter of the suspension of the General Class Amateur Radio Operator license of Russell E. Jantzen, is designated for hearing before a Hearing Examiner to be named and at a time and place to be specified by subsequent order, upon the following issues:

1. To determine whether the licensee committed violations of §§ 97.119 and 97.117 of the Commission's rules on the dates and in the manner set forth in the Commission's Order of Suspension;

2. To determine whether the licensee's actions as described in the Order of Suspension are contrary to the public interest, convenience, and necessity and contrary to the provisions of sections 301 and 307(a) of the Communications Act of 1934, as amended, and § 97.1 of the Commission's rules;

3. To determine whether the licensee has misrepresented material facts to, or concealed them from the Commission, or was lacking in candor in his responses to Official Notices of Violation; and

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the facts and circumstances warrant any changes in the Order of Suspension; and

It is further ordered, Pursuant to the provisions of § 1.227 of the Commission's rules, that the proceeding on the issues on the Order of Suspension and the proceeding on the issues on the Order to Show Cause are consolidated for hearing; and

It is further ordered, That a copy of this order shall be sent to licensee by Air Mail at the address shown in the caption and at 514 Choctaw Street, Alva, OK 73717; and 14391 Harrington Street, Garden Grove, CA 92640.

Adopted: February 25, 1971.

Released: February 26, 1971.

CHIEF, SAFETY AND SPECIAL RADIO SERVICES BUREAU,
[SEAL] J. RUSSEL SMITH,
Chief, Legal, Advisory and Enforcement Division.

[FR Doc.71-2982 Filed 3-3-71;8:51 am]

[Report No. 533]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 1, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

3806–C2–MP–71—Viroqua Telephone Co. (KRS673), Modification of C.P. to change the antenna system operating on 158.10 MHz. All other terms of the existing authorization remain unchanged (1-way Viroqua, Wis.).

4467–C2–P–(3)71—Vernon H. Johnson (KKT397), C.P. for additional control facilities to operate on 454.225 MHz at location No. 2: 1005 Uranium Street, Milan, NM; add base facilities to operate on 152.12 MHz and repeater facilities on 459.250 MHz at location No. 3: Mount Powell Lookout, 0.4 mile north-northwest of Thoreau, N. Mex.

4468–C2–P–71—Peabody Telephone Answering Service (KCC786), C.P. to add frequency 152.21 MHz located at Route No. 1, Newbury Street, West Peabody, MA.

4469–C2–P–71—South Central Bell Telephone Co. (KLB506), C.P. to change frequency from 152.57 to 152.54 MHz, located at approximately 4 miles west of Monroe, La.

4507–C2–P–71—Athens Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at Jackson and Washington Streets, Athens, GA, to operate on frequencies 454.025 and 454.075 MHz.

4508–C2–P–(2)71—The Bell Telephone Co. of Pennsylvania (KGC406), C.P. to replace transmitters operating on frequency 454.800 MHz base and 454.675 MHz signaling and change the antenna system located at 4224 Mount Troy Road, Pittsburgh, PA.

4526–C2–P–71—General Telephone Co. of Indiana, Inc. (KSJ815), C.P. to change the antenna system operating on 35.22 MHz at location No. 2: 3102 South Clinton Street, Fort Wayne, IN.

4527–C2–P–71—Salem Radio Paging (KLF656), C.P. for additional facilities to operate on 43.22 MHz at a new site described as location No. 2: Salem, Oreg.

4528–C2–AL–71—Fitchburg Auto-Phone Co. Consent to assignment of license from Fitchburg Auto-Phone Co., Assignor, to: RAM Broadcasting of Massachusetts Inc., Assignee. Station KCA745, Fitchburg, Mass.

4529–C2–AL–71—Metro Radio Inc. Consent to assignment of license from Metro Radio Inc., Assignor, to: Richard O. Deaderick and Clara Lockett, doing business as R. O. Deaderick Co., Assignee. Station KIK580, Chattanooga, Tenn.

Major Amendment

724–C2–P–71—All City Telephone Answering Service, Inc. (KSA266), Change location of proposed 152.15 MHz base station from (latitude 43°02'04" N., longitude 88°12'01" W.) to Berlin, Wis. (latitude 42°56'16" N., longitude 88°10'12" W.). All other particulars same as reported on Public Notice dated Aug. 10, 1970.

2638–C1–P–71—South Central Bell Telephone Co. (New), Change base frequency from 157.83 MHz to 157.80 MHz. All other particulars same as reported on Public Notice dated Nov. 23, 1970, Report No. 519.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

4440–C1–P–71—Southern Bell Telephone & Telegraph Co. (WAN50), C.P. to add 6004.5 and 6123.1 MHz toward McKay, N.C., at its station located on Loves Chapel Road, 1 mile south of Stanfield, N.C.

4477–C1–P–71—American Telephone & Telegraph Co. (KBI35), C.P. to add 3890 MHz toward South Fork and Pagosa Springs, Colo., at Wolf Creek Pass, 15.5 miles southwest of South Fork, Colo.

4478–C1–P–71—American Telephone & Telegraph Co. (KBI36), C.P. to add 3930 MHz toward Wolf Creek Pass and Bayfield, Colo., at 8 miles southwest of Pagosa Springs, Colo.

4479–C1–P–71—American Telephone & Telegraph Co. (KBI37), C.P. to add 3890 MHz toward Pagosa Springs and Hesperus, Colo., at 7.6 miles east-northeast of Bayfield, Colo.

4480–C1–P–71—American Telephone & Telegraph Co. (KBI38), C.P. to add 3930 MHz toward Bayfield and Yellow Jacket, Colo., at 1.2 miles northeast of Hesperus, Colo.

4481–C1–P–71—American Telephone & Telegraph Co. (KBI39), C.P. to add 3890 MHz toward Hesperus and Dove Creek, Colo., at Yellow Jacket, 4.9 miles west of Lewis, Colo.

4482–C1–P–71—American Telephone & Telegraph Co. (KBI40), C.P. to add 3930 MHz toward Yellow Jacket and Monticello at 2.2 miles east of Dove Creek, Colo.

4483–C1–P–71—American Telephone & Telegraph Co. (KPX88), C.P. to add 3890 MHz toward Dove Creek, Colo., and Moab, Utah, at 9.4 miles north-northeast of Monticello, Utah.

4484–C1–P–71—American Telephone & Telegraph Co. (KPX89), C.P. to add 3930 MHz toward Monticello and Crescent Junction, Utah, at 11.5 miles northwest of La Sal, Utah.

4485–C1–P–71—American Telephone & Telegraph Co. (KPX90), C.P. to add 3890 MHz toward Moab and Green River, Utah, at Crescent Junction, 11.3 miles south-southwest of Thompson, Utah.

4486–C1–P–71—American Telephone & Telegraph Co. (KPX91), C.P. to add 3930 MHz toward Crescent Junction and Cleveland, Utah, at 9 miles southwest of Green River, Utah.

4487–C1–P–71—American Telephone & Telegraph Co. (KPX92), C.P. to add 3890 MHz toward Green River and Ephraim, Utah, at 17.4 miles southeast of Cleveland, Utah.

4488–C1–P–71—American Telephone & Telegraph Co. (KPX93), C.P. to add 3930 MHz toward Cleveland and Leamington, Utah, at 7 miles east of Ephraim, Utah.

4489–C1–P–71—American Telephone & Telegraph Co. (KPX94), C.P. to add 3890 MHz toward Ephraim and Delta, Utah, at 3.9 miles east-southeast of Leamington, Utah.

4490–C1–P–71—American Telephone & Telegraph Co. (KPW24), C.P. to add 3930 MHz toward Leamington, Utah, at 4.4 miles south-southeast of Delta, Utah.

4510–C1–AL–71—Pacific Northwest Bell Telephone Co. Consent to the assignment of license from Pacific Northwest Bell Telephone Co. to: Cascade Utilities, Inc. (formerly Estacada Telephone & Telegraph Co.). Station: KZ582, Mount Hood Meadows, Oreg.

4530–C1–P–71—American Telephone & Telegraph Co. (KAI71), C.P. to add frequency 4070 MHz toward Castana, Iowa. Station location: Moville Junction, 0.5 miles southeast of Moville, Iowa.

4531–C1–P–71—American Telephone & Telegraph Co. (KAE39), C.P. to add frequency 4030 MHz toward Mondamin, Iowa. Station location: 2.5 miles south-southeast of Castana, Iowa.

4532–C1–P–71—American Telephone & Telegraph Co. (KAI48), C.P. to add frequency 4010 MHz toward Loveland, Iowa. Station location: 4.5 miles east-southeast of Mondamin, Iowa.

4533–C1–P–71—American Telephone & Telegraph Co. (KBI61), C.P. to add frequency 3970 MHz toward Omaha, Nebr. Station location: Loveland, 4.8 miles southeast of Missouri Valley, Iowa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4431–C1–P–71—Alabama Microwave, Inc. (New), C.P. for new station at Morton Knob, 2.2 miles south of Nolensville, Tenn. (latitude 35°55'14" N., longitude 86°40'00" W.), transmitting on frequency 10,715 MHz toward Hoffland, 3.4 miles southeast of Cedar Grove, Tenn., on azimuth 175°50'.

4432–C1–P–71—Alabama Microwave, Inc. (New), C.P. for new station at Hoffland, Tenn. (latitude 35°39'52" N., longitude 86°38'41" W.), transmitting on frequency 11,285 MHz toward Begley Gap, Tenn., on azimuth 187°46'.

4433–C1–P–71—Alabama Microwave, Inc. (New), C.P. for new station at Bagley Gap, 1.9 miles south of Belfast, Tenn. (latitude 35°23'39" N., longitude 86°41'35" W.), transmitting on frequency 10,875 MHz toward Skinem, Tenn., on azimuth 167°10'.

4434–C1–P–71—Alabama Microwave, Inc. (New), C.P. for new station at 1.4 miles northwest of Skinem, Tenn. (latitude 35°06'58" N., longitude 86°36'45" W.), transmitting on frequency 11,445 MHz toward Station KJJ57, Capshaw Mountain, Ala., on azimuth 201°15'.

4441–C1–P–71—Southern Bell Telephone & Telegraph Co. (WAN51), C.P. to add 6356.5 and 6376.2 MHz toward Stanfield and Hamlet, N.C., at its station approximately 4.7 miles south of Mount Gilead, McKay, N.C.

4442–C1–P–71—Southern Bell Telephone & Telegraph Co. (WAN52), C.P. to add 6004.5 and 6123.1 MHz toward McKay, N.C., and 6034.2 and 6152.8 MHz toward Red Springs, N.C., at its station 2 miles east of Hamlet, N.C.

4443–C1–P–71—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 6286.2 and 6404.8 MHz. Location: 4 miles west-southwest of Red Springs, N.C.

4444–C1–P–71—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 6034.2 and 6152.8 MHz. Location: 0.5 mile south of Tobermory, N.C.

4445–C1–P–71—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 6286.2 and 6404.8 MHz. Location: 2 miles east-northeast of White Lake, N.C.

4446–C1–P–71—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 6034.2 and 6152.8 MHz. Location: 1 mile south of Wards Corner, Yamacraw, N.C.

4447–C1–P–71—Southern Bell Telephone & Telegraph Co. (KIR27), C.P. to add 6286.2 and 6404.8 MHz toward Yamecraw, N.C., at its station at 102 North Fourth Street, Wilmington, N.C.

4448–C1–P–71—Illinois Bell Telephone Co. (KSN61), C.P. to add frequency 4010 MHz directed toward Odell, Ill., at its station 2.8 miles east-southeast of Norway, Ill.

4449–C1–P–71—Illinois Bell Telephone Co. (KSO77), C.P. to add 3810 MHz toward Norway, Ill., and add 3970 MHz toward Benson, Ill., at its station 3.5 miles west-northwest of Odell, Ill.

4450–C1–P–71—Illinois Bell Telephone Co. (KSO79), C.P. to add frequency 3850 MHz directed toward Odell, Ill., and add 4010 MHz toward Sunnyland, Ill., at its station 2.2 miles north of Benson, Ill.

4451–C1–P–71—Illinois Bell Telephone Co. (KSO78), C.P. to add 3810 MHz toward Benson; add 3970 and 3710 MHz toward Peoria, Ill., and add 4110 MHz toward Delavan, Ill., at its station 1.8 miles north-northeast of Sunnyland, Ill.

4452–C1–P–71—Illinois Bell Telephone Co. (KSO76), C.P. to add 3850 and 4150 MHz toward Sunnyland, Ill., at its station at 320 Fulton Street, Peoria, Ill.

4453–C1–P–71—Illinois Bell Telephone Co. (KSO96), C.P. to add 3750 MHz toward Sunnyland and add 4150 MHz toward Lake Fork, Ill., at its station 2.8 miles south-southwest of Delavan, Ill.

4454–C1–P–71—Illinois Bell Telephone Co. (KSO95), C.P. to add 3710 MHz toward Delavan and add 4110 MHz toward Springfield, Ill., at 2.1 miles east-southeast of Lake Fork, Ill.

4455–C1–P–71—Illinois Bell Telephone Co. (KSO34), C.P. to add 3750 MHz toward Lake Fork, Ill., at its station 620 South Fifth Street, Springfield, Ill.

4456–C1–P–71—American Telephone & Telegraph Co. C.P.'s (21) to construct an additional pair of Type TD-2 telephone channels between Delta, Utah, and Manzanola, Colo., and one channel from Manzanola to Frick, Colo.

4470–C1–P–71—American Telephone & Telegraph Co. (KAZ59), C.P. add 4070 MHz directed toward Frick, Colo., at its station 7.2 miles southeast of La Junta, Colo.

4471–C1–P–71—American Telephone & Telegraph Co. (KAZ54), C.P. add 4030 MHz toward La Junta and add 3890 MHz toward Thatcher, Colo., at 15 miles south-southwest of Manzanola, Colo.

4472–C1–P–71—American Telephone & Telegraph Co. (KBI30), C.P. to add 3930 MHz toward Manzanola and Walsenburg, Colo., at 14.8 miles west of Thatcher, Colo.

4473–C1–P–71—American Telephone & Telegraph Co. (KBI31), C.P. to add 3890 MHz toward Thatcher and Red Wing, Colo., at 5.5 miles north of Walsenburg, Colo.

4474–C1–P–71—American Telephone & Telegraph Co. (KBI32), C.P. to add 3930 MHz directed toward Walsenburg and Monte Vista, Colo., at its station at Red Wing, 16.1 miles westsouthwest of Gardner, Colo.

4475–C1–P–71—American Telephone & Telegraph Co. (KBI33), C.P. to add 3890 MHz toward Red Wing and South Fork, Colo., at Monte Vista, 5.8 miles east-northeast of Homelake, Colo.

4476–C1–P–71—American Telephone & Telegraph Co. (KBI34), C.P. to add 3930 MHz toward Monte Vista and Wolf Creek Pass, Colo., at 4.9 miles northeast of South Fork, Colo.

4435–C1–P–71—Alabama Microwave, Inc. (KJJ57), C.P. to (a) add frequency 6286.2 MHz toward new point of communication at Station KJW67, Rogersville, Ala., on azimuth 273°05'; and (b) add frequency 6286.2 MHz, via power split, toward Huntsville, Ala. (latitude 34°43'10" N., longitude 86°32'20" W.), on azimuth 120°45'. Station location: Capshaw Mountain, Ala.

4436–C1–P–71—Alabama Microwave, Inc. (KJW67), C.P. to add frequency 6004.5 MHz toward Station KIU45, Florence, Ala., on azimuth 264°30'. Station location: Rogersville, 1.7 miles northeast of Rogersville, Ala.

(INFORMATIVE: Applicant proposes to provide the television signal of WMCV–TV, Nashville, Tenn., to the Muscle Shoals TV Cable Co. in Florence, Ala., and to the Alabama Cablevision Co. in Huntsville, Ala.)

4511–C1–P–71—Tower Communications Systems Corp. (KQO41), C.P. to power split frequency 5960.0 MHz on azimuth 206°40' toward Zanesville, Ohio. Location: Coshocton, Ohio, at latitude 40°16'04" N., longitude 81°50'14" W.

(INFORMATIVE: Applicant proposes to provide the television signal of Station WLWC of Columbus, Ohio, to Continental CATV, Inc. in Zanesville, Ohio.)

4534–C1–P–71—Microwave Service Co. of Florida, Inc. (KJG38), C.P. to add frequency 6093.5 MHz via power split, toward new points of communication at North Port Charlotte (latitude 27°03'23" N., longitude 82°15'18" W.) and Arcadia (latitude 27°12'45" N., longitude 81°51'50" W.) both in Florida, on azimuths of 266°45', and 60°15', respectively.

(INFORMATIVE: Applicant proposes to provide the television signal of Station WLCY–TV, Tarpon Springs, Fla., to Gulf Coast Teleception, Inc., in North Point Charlotte and Arcadia.)

[FR Doc. 71–2983 Filed 3–3–71;8:51 am]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on April 9, 1971, the following application by station WTAN for increase in daytime power of its Class IV standard broadcast station, will be considered as ready and available for processing:

BP–18973 WTAN, Clearwater, Fla.
Clearwater Radio, Inc.
Has: 1340 kc., 250 w., U.
Req: 1340 kc., 250 w., 1 kw.-LS, U.

The purpose of this notice is not to invite applications which may conflict with the listed application, but to appraise any party in interest who desires to file pleadings concerning the application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: February 26, 1971.

Released: March 2, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–2984 Filed 3–3–71;8:51 am]

FEDERAL MARITIME COMMISSION

[No. 71–3]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Publication of Discriminatory Rates; Further Rescheduling of Filing Dates

Respondent, American Export Isbrandtsen Lines, Inc., has requested additional time within which to respond to the Commission's Show Cause Order in this proceeding. An extension of 10 additional days will be granted.

Accordingly, it is ordered,

(1) That requests for evidentiary hearing, affidavits of fact, and memoranda of law shall be filed by respondent on or before March 8, 1971.

(2) That replies thereto by Hearing Counsel and interveners, if any, shall be filed on or before March 22, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2953 Filed 3–3–71;8:48 am]

HAWAII-ORIENT RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Fensin, Rates and Conferences Department, c/o States Steamship Company Secretary, Hawaii-Orient Rate Agreement, 320 California Street, San Francisco, CA 94104.

Agreement No. 8290–4 is a modification of the Hawaii-Orient Rate Agreement's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 116679).

Dated: March 1, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2955 Filed 3–3–71;8:48 am]

INTER-AMERICAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

David Orlin, Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, NY 10004.

Agreement No. 9648–A–5, among the member lines of the Inter-American Freight Conference, will revise the conference agreement by updating the terms of its self-policing provisions to include language required by the Commission's General Order 7 (Revised).

Dated: March 1, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2956 Filed 3–3–71;8:48 am]

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. A. Cole, Jr., Chairman, Japan-Atlantic & Gulf Freight Conference, C.P.O. Box 94, Tokyo, 100–91, Japan.

Agreement No. 3103–43 is a modification of the Japan-Atlantic & Gulf Freight Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 1, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2957 Filed 3–3–71;8:48 am]

JAPAN-PUERTO RICO AND VIRGIN ISLANDS FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. T. Sato, Secretary, Second Floor, Sumitomo Seimei Yaesu Building, 3, 4-Chome Yaesu, Chuo-ku, Tokyo 104, Japan.

Agreement No. 8190–10 is a modification of the Japan-Puerto Rico and Virgin Islands Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 1, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2958 Filed 3–3–71;8:48 am]

PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Executive Administrator, Section A, Pacific Coast River Plate Brazil Conference, 417 Montgomery Street, San Francisco, CA 94104.

Agreement No. 6400–16, among the member lines of the Pacific Coast River Plate Brazil Conference, will modify the basic conference agreement by (1) rephrasing the language of the first sentence of Article 15 thereof which covers voting by the members on all matters considered at a duly called meeting, and (2) Updating the terms of Article 20 to include language required by the Commission's General Order 7 (Revised).

Dated: March 1, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2959 Filed 3–3–71;8:49 am]

PACIFIC-INDONESIAN CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. R. E. Spaulding, Secretary, Pacific-Indonesian Conference, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 6060–16 is a modification of the Pacific-Indonesian Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 1, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2960 Filed 3–3–71;8:49 am]

PACIFIC-STRAITS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. R. C. Spaulding, Secretary, Pacific-Straits Conference, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 5680–14 is a modification of the Pacific-Straits Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 1, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2961 Filed 3–3–71;8:49 am]

PACIFIC WESTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 57–92 is a modification of the Pacific Westbound Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 1, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2962 Filed 3–3–71;8:49 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. James E. Mazure, Chairman, Trans-Pacific Freight Conference of Japan, Second Floor, Sumitomo Seimei Yaesu Building, 3, 4-Chome Yaesu, Chuo-ku, Tokyo, 104, Japan.

Agreement No. 150–48 is a modification of the Trans-Pacific Freight Conference's of Japan basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 1, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2963 Filed 3–3–71;8:49 am]

FEDERAL RESERVE SYSTEM

BANKERS TRUST NEW YORK CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Bankers Trust New York Corp., New York, N.Y., for approval of acquisition of all of the voting shares of The Industrial Bank of Binghamton, Binghamton, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3), of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Bankers Trust New York Corp., New York, N.Y. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of all the voting shares of The Industrial Bank of Binghamton, Binghamton, N.Y.

As required by section 3(b) of the Act, the Board notified the New York Superintendent of Banks of the application and requested his views and recommendation. The New York State Banking Board approved an application involving the same proposal in accordance with the recommendation of the New York State Superintendent of Banks and advised this Board of its action.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 12, 1971 (36 F.R. 390), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration the Board finds that:

Applicant, the largest registered holding company in New York State and the sixth largest banking organization, controls seven banks with total deposits of $5.5 billion. (All banking data are as of June 30, 1970, and reflect holding company applications approved by the Board to date.) Bank (deposits $15.2 million) is organized under the laws of New York State as an industrial bank. As such, it has the power under New York State statutes to, and in this case does, accept demand deposits and make commercial loans. It is thus a bank for purposes of the Bank Holding Company Act of 1956.

Acquisition of Bank would represent Applicant's initial entry into New York State's Seventh Banking District. Applicant's closest subsidiary, First Trust Company of Albany, N.Y., has its closest office approximately 110 road miles east of Binghamton and under New York State banking laws all of Applicant's subsidiaries are precluded from branching outside their respective districts. Bank is the fifth largest of 11 banking organizations operating within the Binghamton area. Each of the larger banks is a subsidiary of a large bank holding company. Consummation of the proposal would have no adverse effect on any banking organization in any relevant area and might serve to stimulate competition in the Binghamton area.

Considerations relating to the financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Additionally, Applicant proposes to seek full commercial bank powers for Bank. Such powers would enable Bank to expand, since its deposit volume is limited to 10 times capital accounts, would enable Bank to offer additional services such as trust services, and would give it greater branching privileges, making it more accessible to its customers. Considerations regarding the convenience and needs of the communities to be served support approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] February 25, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71–2920 Filed 3–3–71;8:45 am]

FIRST UNION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Union, Inc., St. Louis, Mo., for approval of the acquisition of 80 percent or more of the voting shares of Crystal City State Bank, Crystal City, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Union, Inc., St. Louis, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Crystal City State Bank, Crystal City, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. The Commissioner advised that his office had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 12, 1971 (36 F.R. 390), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant has three subsidiary banks with aggregate deposits of approximately $730 million, representing about 7.2 percent of the total commercial bank deposits in the State, and is the third largest banking organization and third largest bank holding company in Missouri. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions and formations approved by the Board to date.)

Bank, the only bank in Crystal City, holds deposits of $8.5 million, representing approximately 12 percent of the aggregate commercial bank deposits in Jefferson County. Bank is the fourth largest of the 11 banks in Jefferson County and is the second largest of the three banks serving Crystal City and environs, which area approximates Bank's primary service area. Applicant's closest subsidary to Bank is located in St. Louis some 40 miles north of Bank. A large number of banks are located in the intervening area. It appears that none of Applicant's present subsidiaries competes with Bank to any significant extent; moreover, the development of such competition seems unlikely on the facts of record and in the light of Missouri's restrictive branching laws. It appears that consummation of the proposed acquisition would not eliminate any meaningful competition nor foreclose significant potential competition, and would not have any undue adverse effects on other banks in the areas involved.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. Considerations relating to financial and managerial resources and prospects, as they relate to Applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Applicant proposes to institute trust services at Bank and to assist Bank in providing expanded mortgage and business lending services. In light of the expected future development of the area and the prospective increasing need for such services, considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period shall be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] February 25, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.2919 Filed 3-3-71;8:45 am]

MIDWEST BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Midwest Bancorporation, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by Applicant of over 80 percent of the voting shares of Community State Bank, Kansas City, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, February 25, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2921 Filed 3-3-71;8:45 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

MOUNTAINEER COAL CO.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) has been accepted for consideration as follows:

(1) ICP Docket No. 10227, Mountaineer Coal Co., Mine No. 34, USBM ID No. 46 01435 0, Fairmont, Marion County, W. Va., Section ID No. 001 (No. 2 right), Section ID No. 002 (No. 1 north).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

FEBRUARY 26, 1971.

[FR Doc.71-2935 Filed 3-3-71;8:47 am]

PEABODY COAL CO. AND FREEMAN COAL MINING CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10375, Peabody Coal Co., Sunnyhill Underground Mine No. 9 South, USBM ID No. 33 01068 0, New Lexington, Perry County, Ohio, Section ID No. 001 (1st South Main), Section ID No. 003 (3d South West off 1 SW).

(2) ICP Docket No. 11112, Freeman Coal Mining Corp., Crown Mine, USBM ID No. 11 00604 0, Farmersville, Montgomery County, Ill., Section ID No. 008 (6 North off 2 Main East off 1 South), Section ID No. 011 (6 North off 2 Main West off 1 South).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

FEBRUARY 26, 1971.

[FR Doc.71-2936 Filed 3-3-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-4989]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposal by Holding Company To Act as Surety on Bond of Public-Utility Subsidiary Company

FEBRUARY 26, 1971.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, NY 10020, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

On October 16, 1970, Hope Natural Gas Co., a division of Consolidated's wholly owned public-utility subsidiary company, Consolidated Gas Supply Corp. (Supply Corporation), filed revisions in its rate schedules with the Public Service Commission of West Virginia providing for increased rates and charges approximating $5,989,197 per year for furnishing natural gas service in the State of West Virginia. By action of the State commission, the effectiveness of the new rates was suspended until March 16, 1971. The new rates may now become effective upon the filing by Supply Corporation of a bond in the amount of $6 million, with satisfactory surety, for the due and proper payment of any refunds which the State commission may order. The State commission has indicated that Consolidated may act as surety on such bond.

Consolidated proposes, without fee or other consideration, to act as surety on the bond of Supply Corporation to save the cost of securing an outside corporate surety.

The fees and expenses incurred and to be incurred by Supply Corporation in connection with the proposed transaction are estimated at $350. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 15, 1971, at noon, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2932 Filed 3-3-71;8:46 am]

[File Nos. 2-20318 (22-3339), 2-21180 (22-3505)]

COPENHAGEN TELEPHONE CO., INC.

Notice of Application and Opportunity for Hearing

FEBRUARY 26, 1971.

Notice is hereby given that Kjøbenavns Telefon Aktieselskab (Copenhagen Telephone Co., Inc., the Company), has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of First National City Bank (the Bank) under six indentures of the Company dated as of June 1, 1962 (the 1962 Indenture), dated as of April 15, 1963 (the 1963 Indenture), both of which have been qualified under the Act, dated as of July 1, 1964 (the 1964 Indenture), dated as of April 1, 1966 (the 1966 Indenture), dated as of October 15, 1967 (the 1967 Indenture), and dated as of April 15, 1970 (the 1970 Indenture), of which last four none have been qualified, and the trusteeship of the Bank under an indenture dated as of February 1, 1971 (the "1971 Indenture") between the Company and the Bank, which has not been qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under such six indentures and the 1971 Indenture.

Section 310(b) of the Act, provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and becomes trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. It has outstanding:

(a) $10,500,000 principal amount of its 5⅝ percent Sinking Fund Dollar Debentures due June 1, 1977, under an indenture (the 1962 Indenture) between the Company and the Bank which has been qualified under the Act;

(b) $12 million principal amount of its 5⅜ percent Sinking Fund Dollar Debentures due April 15, 1978, under an indenture (the 1963 Indenture) between the Company and the Bank which has been qualified under the Act;

(c) $14 million principal amount of its 5¾ percent Sinking Fund Dollar Debentures due July 1, 1984, under an indenture (the 1964 Indenture) between the Company and the Bank which has not been qualified under the Act;

(d) $10 million principal amount of its 6¾ percent Sinking Fund Dollar Debentures due April 1, 1986, under an indenture (the 1966 Indenture) between the Company and the Bank which has not been qualified under the Act;

(e) $10 million principal amount of its 6¾ percent Sinking Fund Dollar Debentures due October 15, 1982, under an indenture (the 1967 Indenture) between the Company and the Bank which has not been qualified under the Act;

(f) $10 million principal amount of its 9 percent Sinking Fund Dollar Debentures due April 15, 1985, under an indenture (the 1970 Indenture) between the Company and the Bank which has not been qualified under the Act.

2. The Company is offering and selling outside the United States and its territories to nonresidents thereof, $15 million principal amount of its 8½ percent Sinking Fund Dollar Debentures due February 1, 1986, under an indenture (the 1971 Indenture) between the Company and the Bank. The 1971 Indenture has not been qualified under the Act.

3. All of the aforementioned indentures are unsecured.

4. Aside from differences as to amounts, dates, interest rates, and certain other figures, the provisions of the seven indentures are substantially identical and any difference in the provisions of the seven indentures is unlikely to cause any conflict of interest between the respective trusteeships of the Bank under said Indentures.

In the opinion of counsel for the Company, the debentures issued under all such indentures rank pari passu.

The Company waives notice of hearing and waives a hearing in connection with the matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is a public document on file in the offices of the Commission, 500 North Capitol Street NW., Washington, DC.

Notice is further given that any interested person may, not later than March 24, 1971, request in writing that a hearing be held in such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may

request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Recording Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2931 Filed 3-3-71;8:46 am]

[811-1342]

GOLCONDA CORP.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

FEBRUARY 26, 1971.

Notice is hereby given that Golconda Corp. (Applicant), 8550 West Bryn Mawr Avenue, Chicago, IL 60631, an Idaho corporation, successor to Golconda Mining Corp. (Golconda Mining), a registered, nondiversified, closed-end management investment company registered under the Investment Company Act of 1940 (Act) has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Golconda Mining, which during the first 30 years of its corporate existence was engaged solely in mining and mineral refinement became engaged in 1957 in a program of acquiring the securities of other mining companies. As a result of these acquisitions, Golconda Mining became an "investment company" as the term is defined in the Act. On September 4, 1970, at a special meeting of shareholders, more than two-thirds of the shareholders of Golconda Mining voted: (1) To approve a Plan and Agreement of Merger with Astro Controls, Inc. (Astro), a Delaware corporation; (2) to change the name of the company to Golconda Corp.; and (3) to change the nature of the business of Applicant so that it should cease to be an investment company. On September 15, 1970, after the shareholders of Astro had given their approval, the acquisition of Astro by Applicant became effective. Applicant claims that as a result of the merger it has ceased to be an investment company.

Section 3(a)(1) of the Act defines as an investment company an issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting or trading in securities.

Section 3(a)(3) of the Act further defines as an investment company an issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on a unconsolidated basis.

Applicant asserts that neither its predecessor nor itself has ever held itself out as being primarily engaged in the business of investing, reinvesting or trading in securities. Applicant claims that it does not propose to engage primarily in such business or to hold itself out as being so engaged. Applicant states that it will engage primarily in the design, manufacture and sale of industrial equipment and in the exploration and possible development of its mining properties and the mining properties of its subsidiaries. Applicant owns investment securities representing approximately 29 percent of the total value of its assets exclusive of cash and government securities (32 percent of the value of its assets if goodwill were eliminated). Applicant states that it intends only to hold these securities and that it has no present intention of trading or reinvesting in securities. Applicant represents that it may eventually sell some of these securities using the proceeds to reduce its indebtedness, improve its plant facilities, or acquire other tangible properties, but that in any case the holding and/or disposition of these investment securities is incidental to its business of manufacturing.

In support of its contentions Applicant represents that on a historic basis over 98 percent of the receipts of Applicant's two predecessors and 80 percent of their net income was generated by manufacturing activities. Applicant also states that it has 1,600 full-time employees engaged in manufacturing activities and no full-time employees engaged in investment activities.

Section 8(f) of the Act, provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which if necessary for the protection of investors, may be made upon appropriate conditions, and upon taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 19, 1971, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2930 Filed 3-3-71;8:46 am]

[70-4980]

OHIO POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Two Series of Preferred Stock at Competitive Bidding

FEBRUARY 24, 1971.

Notice is hereby given that Ohio Power Co. (Ohio), 301 Cleveland Avenue SW., Canton, OH 44701, an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $40 million aggregate principal amount of its first mortgage bonds maturing in not less than 5 years and not more than 30 years. The maturity of the bonds will be determined not less than 72 hours prior to the bidding date. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Ohio (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Mortgage and Deed of Trust dated as of October 1, 1938, between Ohio and Manufacturers Hanover Trust Co., as Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated as of the first day of the month in which the bonds are to be issued. The Supplemental Indenture includes a prohibition until April 1, 1976, against refunding the bonds, directly or indirectly, with funds borrowed at a lower effective interest cost.

Ohio also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 150,000 shares of its Cumulative Preferred Stock, Series A, par value $100 per share, and 100,000 shares of its Cumulative Preferred Stock, Series B, par value $100 per share. The dividend rate of the preferred stock (which shall be a multiple of $0.04) and the price, exclusive of accrued dividends, to be paid to Ohio (which shall be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The terms of each series of the preferred stock include a 5-year prohibition against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or other preferred stock at a lower effective dividend cost.

It is stated that the proceeds of the Cumulative Preferred Stock, Series A, will be used, to the extent necessary, to pay at maturity $15 million principal amount of Ohio's First Mortgage Bonds, 3 percent Series, due April 1, 1971. If the proceeds of the sale exceed $15 million, the balance, together with other available funds, is to be used in connection with Ohio's construction program, for working capital, to reimburse the company's treasury for money actually expended for such purposes, and for other corporate purposes. The proceeds of the Cumulative Preferred Stock, Series B, and of the bonds, together with other available funds, are to be used to pay or prepay short-term notes to banks, to pay commercial paper as it matures, to pay the company's construction program, for working capital, to reimburse the company's treasury for money actually expended for such purposes, and for other corporate purposes.

The application states that The Public Utilities Commission of Ohio, the State in which Ohio is organized and doing business, has jurisdiction over the issue and sale of the bonds. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed bonds are estimated at $87,472, including legal fees of $19,000 and accountants' charges of $1,700. Fees and expenses to be incurred in connection with the Series A and Series B Preferred Stock are estimated at $60,830 and $42,340, respectively, including respective legal fees of $4,500 and $3,000 and accountants' charges of $1,650 for each series. Fees and expenses of counsel for the underwriters are to be filed by amendment.

Notice is further given that any interested person may, not later than March 11, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2934 Filed 3-3-71;8:46 am]

[70-4968]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Proposed Issue and Sale of Promissory Notes to Bank

FEBRUARY 26, 1971.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. (Vermont Yankee), 77 Grove Street, Rutland, VT 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $21 million, is estimated at $135 million. Its 10 sponsor companies are committed by capital fund requirements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

In order to obtain interim financing for its initial nuclear fuel inventory, Vermont Yankee has issued and sold its promissory notes to banks, which will mature March 15, 1971. In contemplation of the payment of these notes and additional anticipated expenses in the fabrication, construction and acquisition of the nuclear fuel, Vermont Yankee has negotiated a loan agreement with the Chase Manhattan Bank NA (Chase), New York City.

Vermont Yankee proposes to issue and sell its promisory notes of up to $21 million outstanding at any one time to Chase pursuant to the loan agreement. The notes will mature December 31, 1971, will bear interest at 20 percent above the greater of Chase's prime rate or Federal funds rate, determined on a daily basis, and will be secured by the Vermont Yankee nuclear fuel assemblies. In addition, Vermont Yankee, under the loan agreement is obligated to pay a commitment fee of one-half of 1 percent per annum from January 1, 1971, on the average daily unused amount of the $21 million commitment.

The loan agreement provides that if Chase gives notice prior to September 30, 1971, of its intention to enter into a lease arrangement for the fuel, Vermont Yankee has the option of paying the notes at maturity, or accepting the lease proposal and selling the fuel to a subsidiary company of Chase in satisfaction of the notes outstanding. If no such notice is given, Vermont Yankee has the option of paying the notes at maturity or executing replacement notes with Chase, which Chase is obligated to purchase under the loan agreement, payable in installments through January 1, 1978, at the same interest rate as that borne by the notes presently proposed to be issued. It is represented that the interest rate on the notes reflects the cost of these options to Vermont Yankee. The proposed sale and lease of the nuclear fuel or the refinancing of the notes to be issued by issuance of replacement or other notes will be the subject of future filings with the Commission.

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than March 11, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission

should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER, *Recording Secretary.*

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INTERSTATE COMMERCE COMMISSION

[Notice 16]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 26, 1971.

The following applications are governed by Special Rule 1000.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 921 (Sub-No. 20), filed February 2, 1971. Applicant: DEAN TRUCK LINE, INC., Post Office Drawer 631 (Fulton Drive), Corinth, MS 38834. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Memphis, Tenn., and Meridian, Miss., from Memphis over Interstate Highway 55 to Valden, Miss., thence over Mississippi Highway 35 to Kosciusko, Miss., thence over Mississippi Highway 19 to Meridian, and return over the same route, serving no intermediate points; (2) between Memphis, Tenn., and Laurel, Miss., from Memphis over Interstate Highway 55 to Valden, Miss., thence over Mississippi Highway 35 to Raleigh, Miss., thence over Mississippi Highway 18 to Bay Springs, Miss., thence over Mississippi Highway 15 to Laurel, and return over the same route, serving no intermediate points; (3) between Memphis, Tenn., and Hattiesburg, Miss., from Memphis over Interstate Highway 55 to Valden, Miss., thence over Mississippi Highway 35 to Mount Olive, Miss., thence over U.S. Highway 49 to Hattiesburg, and return over the same route, serving no intermediate points; (4) between Laurel and Philadelphia, Miss., over Mississippi Highway 15 in conjunction with above serving Philadelphia for purposes of joinder only, and serving no intermediate points; (5) between Memphis and Nashville, Tenn., over Interstate Highway 40, serving no intermediate points;

(6) Between Nashville, Tenn., and Louisville, Ky., from Nashville over Interstate Highway 65 to Upton, Ky., thence over U.S. Highway 31W to Louisville, and return over the same route, serving no intermediate points; (7) between Nashville, Tenn., and Meridian, Miss., from Nashville over Interstate Highway 65 and/or U.S. Highway 31 to Birmingham thence over Interstate Highway 20 and/or U.S. Highway 11 to Meridian, and return over the same route, serving no intermediate points; (8) between Nashville, Tenn., and Red Bay, Ala., from Nashville over Interstate Highway 65 and/or U.S. Highway 31 to Decatur, Ala., thence over Alabama Highway 24 to Red Bay, and return over the same route, serving no intermediate points; (9) between Red Bay, Ala., and Brooksville, Miss., from Red Bay over Mississippi Highway 23 to U.S. Highway 78 to Fulton, thence over Mississippi Highway 25 to junction with U.S. Highway 45, thence over U.S. Highway 45 to Brooksville, and return over the same route, serving Brooksville for purposes of joinder only, and serving no intermediate points; (10) between Nashville, Tenn., and Tupelo, Miss., from Nashville over Interstate Highway 65 and/or U.S. Highway 31 to Cullman, thence over U.S. Highway 278 to Hamilton, thence over U.S. Highway 78 to Tupelo, and return over the same route, serving no intermediate points and (11) between Hamilton, Ala., and Mayhew, Miss., from Hamilton over Alabama Highway 17 to Vernon, thence over Alabama Highway 18 to Alabama-Mississippi line, thence over Mississippi Highway 12 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction Mississippi Highway 45W near Mayhew, and return over the same route, serving Mayhew and Hamilton for purposes of joinder only serving no intermediate points. NOTE: Nos. (1) through (11) are all alternate routes for operating convenience only in connection with carrier's regular route authority. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 941 (Sub-No. 6), filed February 10, 1971. Applicant: McCRACKEN BROS. MOTOR FREIGHT, INC., Post Office Box 2786, Eugene, OR 97402. Applicant's representative: Robert R. Hollis, 1121 Commonwealth Building, Portland, OR 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic fittings, and related and incidental supplies and materials* moving in mixed shipment with plastic pipe and plastic fittings, between points in Lane County, Oreg., on the one hand, and, on the other, points in Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland or Eugene, Oreg.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2229 (Sub-No. 160), filed February 4, 1971. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, TX 75247. Applicant's representative: W. P. Furrh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), serving from and to the plantsite of Industrial Generating Co. (Monticello Steam Electric Station in Titus County, near Mount Pleasant, Tex.), as an off-route point in connection with carrier's presently authorized regular route operations between Dallas and Texarkana, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 5267 (Sub-No. 17), filed February 12, 1971. Applicant: ATWOOD TRUCK LINE, INC., 1001 West Center Avenue, Denver, CO 80223. Applicant's representative: Leslie R. Kehl, Suite 420, Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and cement products*, from Portland, Colo., to points in Kansas, Nebraska, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 9194 (Sub-No. 2), filed February 8, 1971. Applicant: AAA TRANSFER, INC., 558 Occidental Avenue, South, Seattle, WA 98104. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo vans and containers, and *empty cargo vans and containers*, between Seattle and Tacoma, Wash., on the one hand, and, on the other, points in Washington and Oregon, restricted to shipments having a prior or subsequent movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 29120 (Sub-No. 125), filed February 12, 1971. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, SD 57101. Applicant's representative: Mead Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsite and storage facilities of Banner Beef Co., at or near Hospers, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, restricted to shipments originating at the plantsite or storage facilities of Banner Beef Co., at or near Hospers, Iowa, and destined to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 30837 (Sub-No. 424), filed February 4, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200—39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in initial movements, in driveaway and truckaway service, from Livingston County, Mich., to points and places in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30884 (Sub-No. 14) (Amendment), filed January 5, 1971, published in the FEDERAL REGISTER issue of January 28, 1971, and republished as amended this issue. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, MO 63011. Applicant's representative: Warren A. Goff, 211 Sterick Buildings, Memphis, TN 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers) in initial movements, in truckaway and driveaway service, from places of manufacture and assembly located in Kansas City, Mo., except those portions of the Kansas City, Mo., commercial zone, which lie within the State of Kansas, to points in the States of Alabama and Wisconsin, with no transportation for compensation on return except as otherwise authorized, under contract with General Motors Corp. NOTE: Common control may be involved. The purpose of this republication is to reflect contract authority in lieu of common authority and also to reflect the exception shown above. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Detroit, Mich.

No. MC 41404 (Sub-No. 95), filed February 2, 1971. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books, magazines, catalogues, paper, paper products, printed matter; and materials, supplies and equipment* used in the manufacture and distribution of the preceding commodities, between points in Weakley County, Tenn., and Cook County, Ill. Restriction: Restricted to traffic originating at and destined to the plantsites, storage facilities, distribution centers, and suppliers of the W. F. Hall Printing Co. in Weakley County, Tenn., and Cook County, Ill. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 42125 (Sub-No. 1) (Correction), filed January 8, 1971, published in the FEDERAL REGISTER issue of February 4, 1971 and republished in part as corrected this issue. Applicant: THE OVERLAND EXPRESS INTERNATIONAL, INC., 2828 Howard Street, Detroit, MI 48216. Applicants representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. NOTE: The purpose of this partial republication is to show applicant's correct name as THE OVERLAND EXPRESS INTERNATIONAL, INC., in lieu of THE OVERLAND INTERNATIONAL, INC., which was erroneously published in the FEDERAL REGISTER. The rest of the application remains as previously published.

No. MC 47171 (Sub-No. 83), filed February 5, 1971. Applicant: COOPER MOTOR LINES, INC., Post Office Box 4255, 301 Hammett Street, Greenville, SC 29608. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems and accessories* used in the installation thereof, (1) from Tabor City, N.C., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, West Virginia, and Wisconsin; and (2) between Tabor City, N.C., on the one hand, and, on the other, Philadelphia, Pa. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbia, S.C.

No. MC 53321 (Sub-No. 6), filed February 10, 1971. Applicant: RAU CARTAGE, INC., 1107 East Noble Avenue,

Monroe, MI 48161. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Starch*, except in bulk, from Harbor Beach, Mich., to Sharonville and Solon, Ohio, and Washington, Pa., under continuing contract with Union Camp Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Detroit, Mich.

No. MC 55889 (Sub-No. 37), filed February 3, 1971. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, AL 36426. Applicant's representatives: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004, and Kenneth A. Roberts, 1026 17th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Jacksonville, Fla., and New Orleans, La.: From Jacksonville over U.S. Highway 90 to Monticello, Fla. (also from Jacksonville over Interstate Highway 10 to junction U.S. Highway 19, thence over U.S. Highway 19 to Monticello), thence over U.S. Highway 19 to Thomasville, Ga., thence over U.S. Highway 84 to Andalusia, Ala., thence over U.S. Highway 29 to junction U.S. Highway 31, thence over U.S. Highway 31 to Mobile, Ala., thence over U.S. Highway 90 to New Orleans, and return over the same routes, serving Dothan, Ala., as an intermediate point and serving Thomasville, Ga., as an intermediate point for purpose of joinder only, restricted against tacking or joinder with any other authority held by the carrier for the performance of a through service between Jacksonville, Fla., and points in the commercial zone thereof, on the one hand, and, on the other, any point in Florida. NOTE: Applicant states it presently holds authority in MC 55889 and subnumbers thereunder to operate to and from the points and over the routes sought above. The sole purpose of this application is to remove the restriction contained in applicant's present certificate in MC–55889 (Sub-30) against providing local service between Jacksonville, Fla., on the one hand, and, on the other, Dothan, Ala, Columbus, Ga., and New Orleans, La. No duplicate authority is requested. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 55898 (Sub-No. 44), filed February 12, 1971. Applicant: HARRY A. DECATO, doing business as DECATO BROS. TRUCKING CO., Heater Road, Lebanon, N.H. 03766. Applicant's representative: Andre J. Barveau, 795 Elm Street, Room 510, Manchester, NH 03101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated homes and cottages, knocked down or partially assembled, uncrated or partly crated*, from Meredith, N.H., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, and Wisconsin, (2) *Flue liners*, from Sayerville, Somerville, and South River, N.J., to points in New Hampshire and Vermont, and (3) *Building brick, flue liners, and masonry supplies*, from Lebanon, N.H., to points in Maine, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Montpelier, Vt.

No. MC 58152 (Sub-No. 21), filed February 3, 1971. Applicant: OGDEN & MOFFETT COMPANY, a corporation, 1515 Busha Highway, Marysville, MI 48040. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of GMC Truck & Coach Division of General Motors Corp. on Ecorse Road, one-half mile west of Denton Road, in Van Buren Township, Wayne County, Mich. (near Willow Run), as an off-route point in connection with applicant's authorized regular route service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 59367 (Sub-No. 74), filed February 8, 1971. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, IA 50501. Applicant's representative: William L. Fairbank, ninth floor, Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by Banner Beef Co., at or near Hospers, Iowa, to points in Illinois, Minnesota, and Wisconsin, restricted to traffic originating at the named plantsite and storage facilities. NOTE: Applicant states that the requested authority cannot be tacked with its exising authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 59457 (Sub-No. 22), filed January 28, 1971. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. Applicant's representative: Thomas W. Murrett, 342 North Maine Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Magazines, magazine parts, magazine inserts, and mats, molds, plates, shells and vinylites* used in connection with the printing of magazines, between Albany, N.Y., and Woodbridge, N.J.; and (2) *bananas*, from Charleston, S.C., to Bridgeport, New Haven and Wallingford, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states the above-described authority sought in (1) above seeks to eliminate the presently required gateway of Old Saybrook, Conn., contained in its Sub-No. 14. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 59800 (Sub-No. 22), filed February 11, 1971. Applicant: THE WEICKER TRANSFER AND STORAGE COMPANY, INC., 2900 Brighton Boulevard, Denver, CO 80216. Applicant's representative: Joseph F. Nigro, 1515 Cleveland Place, Suite 400, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Portland, Colo., to points in Wyoming, Kansas, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 59856 (Sub-No. 42), filed February 4, 1971. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 3333 West Yellowstone, Casper, WY 82601. Applicant's representative: Joseph F. Sloan, 6540 North Washington Street, Denver, CO 80229. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between Rawlins and Savery, Wyo., from Rawlins over U.S. Highway 30, thence over Wyoming Highway 789 to Baggs, Wyo., thence over State Secondary Highway 0401 to Savery, and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Casper, Wyo.

No. MC 61396 (Sub-No. 226), filed February 8, 1971. Applicant: HERMAN BROS., INC., Box 189, 2501 North 11th Street, Omaha, NE 68101. Applicant's representative: D. G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from La Crosse, Wis., to points in Minnesota, Illinois, Iowa, Wisconsin, and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not indentify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 61403 (Sub-No. 210), filed February 5, 1971. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Post Office Box 969, Kingsport, TN 37662. Applicant's representatives: Charles E. Cox and W. C. Mitchell, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, from the plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states tacking possibilities, however, it has no present intention of tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 63417 (Sub-No. 35), filed February 4, 1971. Applicant: BLUE RIDGE TRANSFER COMPANY INCORPORATED, 1814 Hollins Road NE., Roanoke, VA 24001. Applicant's representatives: Lester M. Bridgeman and Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia to Roanoke, Va. NOTE: Applicant states that the requested authority would be tacked with its existing authority under MC 63417 Sub 6 to transport new furniture from Roanoke, Va., to points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, to provide single-line service from all points in Virginia, through Roanoke, to all destinations listed above. This is therefore not an application to institute a new service but to eliminate a gateway and/or interline service. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 64932 (Sub-No. 488), filed February 4, 1971. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Seneca, Ill., to points in Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65697 (Sub-No. 44), filed February 4, 1971. Applicant: THEATRES SERVICE COMPANY, a corporation, Post Office Box 1695, 830 Willoughby Way NE., Atlanta, GA 30301. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Greenville/Spartanburg Airport, near Greer, S.C., on the one hand, and, on the other, points in Franklin, Hart, Elbert, Stephens, Habersham, and Gwinnett Counties, Ga., restricted to traffic having a prior or subsequent movement by air; and (2) *motion and sound picture films, newspapers, books and periodicals*, between Greenville, S.C., Anderson, S.C., on the one hand, and, on the other, points in Stephens, Franklin, and Gwinnett Counties, Ga. NOTE: Applicant states tacking could be accomplished with applicant's existing authority under MC 65697 Sub-No. 32, at points in Franklin, Hart, Elbert, Stephens, Habersham, and Gwinnett Counties, Ga., to provide service between points authorized under the Sub 32 Certificate and that sought in the instant application. Further, tacking could be accomplished at points in Gwinnett County, Ga., in connection with applicant's certificate MC 65697 Sub-No. 1, to provide through service between points authorized to be served under that authority and those points sought to be served by the instant application. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 67071 (Sub-No. 6), filed February 4, 1971. Applicant: VIOLA M. MERRITT, doing business as E. C. MERRITT EXPRESS CO., 1048 Southbridge Street, Worcester, MA 01610. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Massachusetts. NOTE: Applicant states tacking will be made throughout Massachusetts to transport general commodities to and from Connecticut and New Hampshire, Vermont, Rhode Island, Connecticut, New York, and New Jersey. Applicant further states the purpose of this application is to apply for the authority sought to be purchased from Herbert Witkind in MC 58189 (Sub-No. 2). The instant application seeks to convert the certificate of registration of Herbert Witkind under MC 58189 (Sub-No. 2) into a certificate of public convenience and necessity. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Worcester, Springfield, or Boston, Mass.

No. MC 75317 (Sub-No. 13), filed February 8, 1971. Applicant: CENTRAL DISPATCH, INC., New Market Avenue, South Plainfield, NJ. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings, couplings and accessories; materials, supplies and equipment* used in the manufacture, production, distribution or sale of the aforementioned commodities (except in bulk), between South Plainfield, N.J., Easton, Pa., New Village, N.J., and Providence, R.I. Restriction: The proposed service to be under contract with Victaulic Company of America, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 76065 (Sub-No. 20), filed February 8, 1971. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 248 West 35th Street, New York, NY 10001. Applicant's representatives: Martin Werner and Norman Weiss, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment used in the manufacture of wearing apparel*, between Baltimore City, Md., and points in Baltimore, Carroll, Frederick, Howard, Montgomery, and Prince Georges Counties, Md., and Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania on and south of U.S. Highway 22 and on and east of Pennsylvania Highways 61 and 10; those in Delaware on and north of Delaware Highway 310; those in New Jersey on and south of U.S. Highway 22; on and west of New Jersey Highway 18 and U.S. Highway 9, and on and north of New Jersey Highways 50 and 49; those in Baltimore City, Baltimore, Carroll, Frederick, Howard, Montgomery, and Prince Georges Counties, Md. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Baltimore, Md., or Washington, D.C.

No. MC 83539 (Sub-No. 311), filed February 8, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron conduit pipe and connections or fittings, flexible steel conduit, steel armored and steel and lead armored copper cable, and strip steel*, from Pittsburg, Calif., to points in Arizona, California, Colorado, Montana, Nevada, New Mexico, Oregon,

Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 93980 (Sub-No. 54), filed January 28, 1971. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Henry M. Strause, Post Office Box 1119, Henderson, NC 27536. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building products*, from the plantsite and storage facilities of Union Camp Corp., located in the Isle of Wight County, Va., to points in the United States east of a line and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant holds contract authority under MC 116962, therefore common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95084 (Sub-No. 80), filed February 2, 1971. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *All terrain vehicles*, from Fort Dodge, Iowa, to points in the United States (except Alaska and Hawaii) and (2) *damaged, rejected, undeliverable, repossessed, and reassigned vehicles*, from points in the United States (except Alaska and Hawaii) to Fort Dodge, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with is existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 95876 (Sub-No. 110), filed February 16, 1971. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, building materials, cabinets, and carpeting and accessories, equipment, and supplies* used in the manufacture, distribution and sale of the commodities named above, from Marshfield, Wis., and Cedar Rapids, Iowa, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Common control may be involved. Applicant states that only remote tacking possibilities exist, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests that it be held at Milwaukee or Madison, Wis., or Minneapolis, Minn.

No. MC 99992 (Sub-No. 2), filed January 25, 1971. Applicant: CARROLL BROS. EXPRESS, INC., Federal Street, Millers Falls, Mass. 01349. Applicant's representatives: Arthur M. Marshall and Marshall and Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Athol and Agawam, Mass., from Athol over Massachusetts Highway 2 to junction with U.S. Highway 5 and Interstate Highway 91, thence over U.S. Highway 5 and Interstate Highway 91 to Agawam, Mass., and return over the same routes to Athol, serving all intermediate points and the off-route point of Chicopee, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., Hartford, Conn., or Boston, Mass.

No. MC 105045 (Sub-No. 28) (correction), filed January 21, 1971, published in the FEDERAL REGISTER issue of February 11, 1971, and republished in part as corrected this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Ernest A. Brooks, II, 1020 Ambassador Building, St. Louis, MO 63101. NOTE: The purpose of this partial republication is to show the correct filing date as January 21, 1971, in lieu of January 18, 1971, as was previously shown and to add the State of Arkansas to the destination territory. The rest of the application remains as previously published.

No. MC 106398 (Sub-No. 525) (Correction), filed January 29, 1971, published in the FEDERAL REGISTER issue of February 19, 1971, and republished as corrected, this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Ok. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Tippah County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is being sought. The purpose of this republication is to reflect that the origin territory is Tippah County, Miss., erroneously shown as Tippah County, Mass., in previous publication. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107002 (Sub-No. 399), filed February 3, 1971. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123 (U.S. Highway 80 West), Jackson, MS 39205. Applicant's representatives: John J. Borth (same address as applicant) and H. D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, and in bags, from points in Tishomingo County, Miss., to points in Alabama, Arkansas, Georgia, Louisiana, Missouri, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 107286 (Sub-No. 27), filed February 1, 1971. Applicant: M. PASCALE TRUCKING, INC., 8–10 Rice Street, South Attleboro, MA 02774. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile*, from points in Delaware, Maryland, Ohio, Virginia, West Virginia, and the District of Columbia, to points in Connecticut, Massachusetts, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 107403 (Sub-No. 805), filed February 4, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Gerald K. Gimmel, 666 [illegible]th Street NW., Washington, D.C. [illegible]0001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, from the plant site of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107527 (Sub-No. 47), filed January 25, 1971. Applicant: POST TRANSPORTATION COMPANY, a corporation, 3152 East 26th Street, Los Angeles, CA 90023. Applicant's representative: John C. Allen, 1210 West Fourth Street, Los Angeles, CA 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk salt*, from Los Angeles, Calif., and Amboy, Calif., to points in Clark County, Nev., and Nye County, Nev., under contract with Leslie Salt Co., and Ocean Salt Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 109595 (Sub-No. 15), filed February 4, 1971. Applicant: REX TRANSPORTATION CO., a corporation, 34350 Goddard Road, Romulus, MI 48174. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Detroit, Mich., to points in Indiana and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 109994 (Sub-No. 39), filed January 25, 1971. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MN 55901. Applicant's representatives: Kenneth O. Petrick (same address as applicant), and Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed cranberry products*, in cans, bottles, or packages and *frozen processed cranberry products;* and (2) *fresh and frozen cranberries* when moving in mixed loads with (1) above: From the plantsite and warehouse facilities of Ocean Spray Cranberries, Inc., at Hanson, Onset, and Middleborough, Mass.; Bordentown, N.J.; North Chicago, Ill.; Markham, Wash.; and Babcock, Wis.; to points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia; (3) *processed cranberry products*, in cans, bottles, or packages and *frozen processed cranberry products; and materials and supplies* used in processing cranberries or cranberry products; and (4) *fresh and frozen cranberries* when moving in mixed loads with (3) above: Between the plantsites and warehouse facilities of Ocean Spray Cranberries, Inc., at Hanson, Onset, Middleborough, Mass.; Bordentown, N.J.; North Chicago, Ill.; Babcock, Kenosha, and Madison, Wis.; Centralia and Markham, Wash.; and Eugene, Oreg. Restriction: Restricted to traffic originating at the plantsites and warehouse facilities of Ocean Spray Cranberries, Inc., and destined to the points or States named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.; or Minneapolis-St. Paul, Minn.

No. MC 110012 (Sub-No. 23), filed February 11, 1971. Applicant: G. B. C., INC., 707 North Liberty Hill Road, Post Office Box 68, Morristown, TN 37814. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from points in Knox County, Tenn., to points in Arizona, Arkansas, California, Iowa, Kansas, Louisiana, Nebraska, New Mexico, Oklahoma, and Texas; (2) from points in Cocke, Greene, and Hamblen Counties, Tenn., to points in Arizona, California, New Mexico, and Oklahoma; and (3) from points in Carter County, Tenn., to points in Massachusetts, Connecticut, and Rhode Island. NOTE: This application is for the elimination of certain gateways through which applicant can presently operate and render the entire service applied for above. Applicant must traverse in order to handle the shipments in (1) above any point in Washington or Cocke Counties, Tenn., except that in serving Arizona, California, New Mexico, and Oklahoma, the gateway in Washington County, Tenn., exclusively; in (2) above, applicant must traverse any point in Washington County, Tenn.; and in (3) above, must traverse any point in Washington County, Tenn. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn., or Washington, D.C.

No. MC 110683 (Sub-No. 79), filed February 4, 1971. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic scrap*, in bulk, from Louisville, Ky., to Bristol, Pa. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111434 (Sub-No. 80), filed February 12, 1971. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, CO 80216. Applicant's representative: Peter J. Crouse, 1700 Western Federal Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Portland, Colo., to points in Wyoming, Kansas, and Nebaska. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 111729 (Sub-No. 309), filed February 5, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delany (same address as applicant), and Russell Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers and records, audit and accounting media;* (a) between Berkeley Heights and Newark, N.J., on the one hand, and, on the other, Attleboro, Mass.; (b) between Flint, Mich., on the one hand, and, on the other, Lexington, Ky., and Portsmouth, Ohio; (2) *surgical arterial grafts;* (a) between New Brunswick, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia; (b) between points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic having a prior or subsequent movement by air; (3) *radiopharmaceuticals, radioactive drugs, and medical isotopes*, between points in Kansas and Missouri on traffic having an immediately prior or subsequent movement by air;

(4) *Cut flowers and decorative greens*, between Minneapolis, Minn., on the one hand, and, on the other, points in North Dakota and Wisconsin; (5) *computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, from Cincinnati, Ohio, to Bluefield, Huntington, and Parkersburg, W. Va., and Anderson, Bloomington, Columbus, Kokomo, Lafayette, and Muncie, Ind.; and (6) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Chamblee, Ga., and Bristol, Va. NOTE: Applicant holds contract authority under MC 112750 and subs thereunder, therefore, dual operations and common control may be involved. Applicant states

that a portion of the requested authority could be tacked with certain existing authorities. However, applicant does not, at present, have any intentions to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111812 (Sub-No. 418), filed February 10, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive cement* (except in bulk), from Freeport and Brooklyn, N.Y., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 112963 (Sub-No. 18), filed January 25, 1971. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representatives: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108, and Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lacquers*, in bulk, in tank vehicles, from Gardner and Templeton, Mass., to Barkhamstead, Conn.; (2) *tanning oils*, in bulk, in tank vehicles, from Somerville, Mass., to Gloversville and Johnson City, N.Y.; (3) *liquid polyester*, in bulk, in tank vehicles, from Westminster, Mass., to Vernon, Conn.; (4) *liquid colloidal silica and liquid colloidal antimony oxide*, in bulk, in tank vehicles, from Ashland, Mass., to Toledo, Lima, and Cleveland, Ohio; Detroit and Muskegon, Mich.; Shelton and Groton, Conn.; Calhoun, Ga.; Paterson, Whippany, and Rockleigh, N.J.; Rumford, Maine; La Porte, Ind.; and Washington, Pa.; (5) *Muriatic acid and sodium hypochlorite*, in bulk, in tank vehicles, from Merrimack, N.H., to points in Vermont, Maine, Connecticut, and Bristol, Plymouth, Worcester, Franklin, Hampshire, Hampden, and Berkshire Counties, Mass.; (6) *fatty surfactants*, in bulk, in tank vehicles, from Cumberland, R.I., to points in Connecticut, Massachusetts, Pennsylvania, and New Jersey; (7) *trichlorethylene and perchlorethylene*, in bulk in tank vehicles, from New Haven, Conn., to points in Massachusetts and Maine; and (8) *muriatic acid*, in bulk, in tank vehicles, from Everett, Mass., to points in Maine. NOTE: Applicant states that while tacking is possible with certain presently held authority, no tacking is intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 113158 (Sub-No. 18), filed February 4, 1971. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk or frozen), from Waterloo, Rushville, Red Creek, Egypt, Lyons, Newark, and Fairport, N.Y., to points in Maryland, Delaware, District of Columbia, that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending eastwardly along U.S. Highway 22 to its intersection with Interstate Highway 287, thence south along Interstate Highway 287 to its intersection with New Jersey Highway 18, thence south along New Jersey Highway 18 to its intersection with U.S. Highway 9, thence south on U.S. Highway 9 to its intersection with New Jersey Highway 33, thence east on New Jersey Highway 33 to the Atlantic Ocean and that part of Pennsylvania on and east of U.S. Highway 15 and the counties of Adams, Cumberland, Franklin, and York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 258), filed February 10, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags and bagging*, (1) from New Orleans, La., to points in Missouri, Iowa, and Minnesota; and (2) from Dallas, Tex., to points in Missouri, Iowa, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 113459 (Sub-No. 63), filed February 9, 1971. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, OK 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery and related machinery tools, parts and supplies*, from Columbus, Ohio, to points in New Mexico, Colorado, Nevada, Utah, Wyoming, California, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 113678 (Sub-No. 415), filed February 4, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by Banner Beef Co., at or near Hospers, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities used by Banner Beef Co., at or near Hospers, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113908 (Sub-No. 212), filed February 16, 1971. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Canandaigua, N.Y., to Dallas, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 114045 (Sub-No. 348), filed February 8, 1971. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, except in bulk, from the storage facilities of Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, Colorado, Oregon, Washington, California, Utah, Texas, Oklahoma, South Dakota, North Dakota, Montana, Wyoming, New Mexico, Arizona, Nevada, and Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 114457 (Sub-No. 104), filed February 10, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representatives: James C. Hardman and William H. Towle, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and meat), from points in Minnesota (except Minneapolis) and Durand, Wis., to points in Ohio, Pennsylvania, West Virginia, Kentucky, Nebraska, Connecticut, Delaware, Indiana, the Lower Peninsula of Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states it could serve North and South Dakota in conjunction with its Sub 2 authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 115113 (Sub-No. 19), filed February 3, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles* distributed by meat packinghouses (except hides and commodities in bulk) as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities utilized by Wilson Certified Foods, Inc., located at/or near Cherokee, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restrictions: The service proposed herein are restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 115826 (Sub-No. 212) (Clarification), filed December 31, 1970, published in the FEDERAL REGISTER issue of January 28, 1971 and republished as clarified this issue. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088 T.A., Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Pueblo, Colo., to points in California, Arizona, Nevada, and Utah. NOTE: Applicant presently provides jointline service from the origin point. This application is a gateway elimination application. Applicant by tacking its Subs 4 and 28 can presently provide the service through another Colorado point. The purpose of this republication is show applicant presently provides jointline service from the origin point. If a hearing is deemed necessary, applicant requests it be held at Denver or Pueblo, Colo.

No. MC 116254 (Sub-No. 123), filed February 16, 1971. Applicant: CHEMHAULERS, INC., Post Office Drawer M, Sheffield, AL 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Birmingham, Ala., to points in Georgia, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 116763 (Sub-No. 184) (Correction), filed December 28, 1970, published in the FEDERAL REGISTER issue of January 28, 1971, and republished in part, as corrected, this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). NOTE: The purpose of this partial republication is to include the States of North Dakota, Oklahoma, Rhode Island, and South Carolina as destination points which were inadvertently omitted from previous publication. The rest of the application remains as previously published.

No. MC 116763 (Sub-No. 187) (Correction), filed January 20, 1971, published in the FEDERAL REGISTER February 4, 1970, and republished as corrected, this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, or dealt in by tobacco and tobacco product growers, manufacturers, processors, and distributors; and *equipment, materials, supplies, and commodities* used in the conduct of such businesses; (1) between Cullman, Ala., Jacksonville, Fla., and Waycross, Ga.; and (2) from Cullman, Ala., Jacksonville, Fla., and Waycross, Ga., to points in the United States (except Alaska and Hawaii); and (3) from points in the United States (except Alaska and Hawaii), to Cullman, Ala., Waycross, Ga., and Jacksonville, Fla. Restricted to traffic originating at or destined to the facilities of Jno. H. Swisher & Son, Inc. NOTE: The purpose of this republication is to redescribe the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 117119 (Sub-No. 430), filed February 4, 1971. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and bakery goods*, from Jackson, Tenn., to points in Wisconsin, Michigan, Indiana, Illinois, Kansas, Oklahoma, and Arkansas. NOTE: Applicant states tacking at destination is possible but not intended, since applicant already holds direct authority to the States that could be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117344 (Sub-No. 213), filed February 3, 1971. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Post Office Box 15010. Cincinnati, OH 45215. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, from the plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked to a degree with applicant's present authority, however, applicant has no present intention of tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 118062 (Sub-No. 3), filed February 3, 1971. Applicant: DUD COOKE, doing business as, COOKE MOTOR EXPRESS, 212 North Boulevard, Lake City, SC 29560. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton and synthetic cloth and sewing room supplies; finished dresses, machinery* and parts used in the production of dresses, between Lake City, S.C., one the one hand, and, on the other, Andrews, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 118112 (Sub-No. 1), filed January 26, 1971. Applicant: PATRICK F. IZZI, doing business as PAT IZZI TRUCKING CO., 80 Wayland Avenue, Cranston, RI 02920. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen cranberries, cranberries*, crushed, *pulp, butter, jam, jellies, juice*, including *cranberries mixed with other fruits or vegetables*, between Providence, R.I., and points in that part of Massachusetts on

and east of Massachusetts Highway 138 extending from Boston, Mass., through Taunton to Fall River, Mass., on the one hand, and, on the other, Keansburg, N.J., and points in that part of New Jersey west and south of a line beginning at Bordentown, N.J., and extending along U.S. Highway 206 to the Burlington-Atlantic County line, thence along the northern boundary of Atlantic County to the Atlantic Ocean, including points on the indicated portion of U.S. Highway 206. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 118159 (Sub-No. 110), filed February 5, 1971. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from plantsite of Ocoma Foods Co., Shelbyville, Tenn., and storage facilities used by Ocoma Foods Co., at Jackson, Tenn., to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Oklahoma, North Dakota, Nebraska, South Dakota, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Washington, D.C., Dallas, Tex., or Oklahoma City, Okla.

No. MC 118263 (Sub-No. 43), filed February 3, 1971. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway 131, Clarksville, IN 47131. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and wood pulp*, from points in McMinn County, Tenn., to points in Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Pennsylvania, and the District of Columbia, and the commercial zones of Louisville, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 118739 ((Sub-No. 7) (Correction), filed December 21, 1970, published in the FEDERAL REGISTER issue of January 28, 1971, corrected and republished as corrected, this issue. Applicant: FRITZ TRUCKING, INC., Clara City, MN 56222. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail dry goods and variety store business houses, from points in the Chicago, Ill., commercial zone as defined by the Commission, to Clara City, Minn., under contract with VSC, Inc. NOTE: The purpose of this republication is to show that the proposed operation is that of a contract carrier, in lieu of common carrier, published erroneously in previous publication. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119441 (Sub-No. 24), filed February 12, 1971. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products, stone and stoneware products*, in panels with structural steel, bonded with cement, on flat bed semitrailers equipped with mechanical unloaders, from Minerva, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials and supplies* (except commodities in bulk) used in the manufacture of the above-described commodities, from points in the destination states in (1) above to Minerva, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119441 (Sub-No. 25), filed February 10, 1971. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the production of clay products (except commodities in bulk), from Lynchburg, Va., Bowmanstown, Pa., and Wilmington, Del., to points in Tuscarawas and Perry Counties, Ohio and to Magnolia and Waynesburg, Ohio; and (2) *clay products* (except in bulk), from Sugar Creek, Ohio to points in Maryland, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119557 (Sub-No. 4) (Amendment), filed December 9, 1970, published in the FEDERAL REGISTER issue of December 30, 1970, and republished as amended, this issue. Applicant: HOWARD KAYLOR AND KENNETH L. STUART, a partnership, doing business as K & S TANKLINE, Drawer R, Copperhill, TN 37317. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur dioxide*, in bulk, in tank vehicles, from Copperhill, Tenn., to points in Alabama, Georgia, South Carolina, and Missouri. NOTE: The purpose of this republication is to add the destination States of South Carolina and Missouri. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 119778 (Sub-No. 127), filed January 24, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 94, Powderly Station, Birmingham, AL 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, FL 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in tank vehicles, from Jay, Fla., to points in LeMoyne, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 119789 (Sub-No. 59), filed February 5, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen (except meats, meat products and meat byproducts), from Sturgis, Mich., to points in Texas, Oklahoma, Arkansas, Louisiana, Kansas, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Dallas, Tex., or Chicago, Ill.

No. MC 119789 (Sub-No. 60), filed February 8, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioners and components, parts, supplies, and equipment therefor*, and *heaters and components, parts, supplies and equipment therefor*, from Columbus, Ohio, to Phoenix, Ariz., Santa Ana and San Francisco, Calif., and Vancouver, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Columbus, Ohio., or Los Angeles, Calif.

No. MC 119789 (Sub-No. 61), filed February 8, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic sheeting*, (2) *Netting*, from points in Bergen, Hudson, Union, Essex, and Middlesex Counties, N.J., and New York, N.Y., and points in the New York commercial zone to North Hollywood, Calif., and (3) *Baby swings*, from Elverson, Pa., to North Hollywood, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Washington, D.C., or Los Angeles Calif.

No. MC 119917 (Sub-No. 33), filed February 8, 1971. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, GA 30316. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereals and food stuffs*, including, but not limited to, meats, soups, soup mixes, desserts, fruits, and nonalcoholic beverages, in mixed shipments with bakery products, from the plantsites, branches, and shipping points of the National Biscuit Co. at Atlanta, Ga., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, South Carolina, Virginia, and the District of Columbia. NOTE: Applicant states that it holds appropriate and unrestricted common carrier authority to transport bakery products from Atlanta, Ga., to all points in the described destination territory. Accordingly, there will be no tacking of joinder of extant or sought authorities, except to the extent of authorizing mixtures of the sought commodities with bakery products moving in the same vehicle. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 120257 (Sub-No. 11), filed February 11, 1971. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, TX 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Forth Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Antipollution systems, equipment and parts; liquid and vapor cooling systems, equipment and parts; environmental protective control and protective systems, equipment and parts;* and (b) *equipment, materials, and supplies* used in the construction or installation of antipollution and environmental control and protective systems, and liquid or vapor cooling systems, between points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla., or Dallas or Houston, Tex.

No. MC 121366 (Sub-No. 3), filed February 12, 1971. Applicant: DALLAS SMITH TRANSPORT CORP., 902 South 12th Street, Phoenix, AZ 85034. Applicant's representative: Wyman C. Knapp, 835 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles*, in secondary movements, in truckaway and driveaway service, from Phoenix, Ariz., to points in Clark County, Nev., New Mexico, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 123048 (Sub-No. 186), filed February 4, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703 and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from points in St. Joseph County, Ind., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123391 (Sub-No. 5), filed January 28, 1971. Applicant: MACHISE INTERSTATE TRANSPORTATION CO., INC., 500 Egg Harbor Road, Hammonton, NJ 08037. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Jacksonville, N.J., to Willow Grove, Pa. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123622 (Sub-No. 3), filed February 8, 1971. Applicant: THOMPSON TRANSPORT CO., INC., 1060 West Woodside, McPherson, KS 67460. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in Ford County, Kans., to points in Colorado, Nebraska, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 123639 (Sub-No. 131), filed February 8, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by Banner Beef Co., at or near Hospers, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the named origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 123778 (Sub-No. 17), filed February 3, 1971. Applicant: JOSEPH BAIO, doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, NJ 07095. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Newark Airport, Newark, N.J., La Guardia and John F. Kennedy Airports, New York, N.Y., to points in Connecticut, New Jersey, and that part of New York on, east, and south of a line beginning at the New Jersey-New York State line, and extending along New York Highway 17 to junction New York State Thruway, thence along the New York State Thruway to Albany, N.Y., and thence along U.S. Highway 20 to the New York-Massachusetts State line, and points in Pennsylvania on and east of U.S. Highway 15, and Wilmington, Del., Baltimore, Md., and the District of Columbia, under contract with U.S. News & World Report, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124070 (Sub-No. 21), filed February 8, 1971. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, (a) from Cincinnati, Ohio, to points in Illinois, Indiana, Kentucky, and Ohio; and (b) from Lima, Ohio, to points in Illinois, Indiana, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124070 (Sub-No. 20), filed February 8, 1971. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue,

Hammond, IN 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Fort Wayne, Ind., to points in Ohio, Pennsylvania, Michigan, Illinois, New York, West Virginia, Kentucky, North Carolina, and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 124070 (Sub-No. 22), filed February 4, 1971. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Sheboygan, Wis., to Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 473), filed February 4, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and phosphatic fertilizer solutions*, liquid, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Colorado, Kansas, Kentucky, Michigan, Missouri, Nebraska, and Ohio. NOTE: Applicant states that tacking is possible but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 124154 (Sub-No. 44), filed February 8, 1971. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, GA 31702. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, FL 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer rims and axle spindles*, from Akron and Minerva, Ohio, to the plantsite of Foreman Manufacturing Co., in Turner County, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124211 (Sub-No. 173), filed February 2, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766, from points in Deaf Smith County, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 124211 (Sub-No. 174), filed February 8, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lighting fixtures, accessories, and attachments*, from points in Warren County, Miss., to points in the United States (except Alabama, Alaska, Delaware, District of Columbia, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia); and (2) *materials, equipment, and supplies*, useful in the production, distribution and sale of commodities described in (1) above, from points in the destination states named in (1) to points in Warren County, Miss. Restriction: The authority sought herein, to the extent it duplicates authority presently held by applicant, shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124505 (Sub-No. 11), filed February 1, 1971. Applicant: EUGENE TRIPP, 4624 South Avenue West, Missoula, MT 59801. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, MT 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Minneapolis and St. Paul, Minn., and Milwaukee, Wis., to Great Falls and Helena, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont. Applicant states the proposed operation will be under contract with Giannini & Son, Clausen Distributing Co., and Earl J. Tucker Distributing Co.

No. MC 124711 (Sub-No. 9), filed February 8, 1971. Applicant: BECKER & SONS., INC., 2643 West Central, El Dorado, KS 67042. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in Ford County, Kans., to points in Colorado, Nebraska, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 124802 (Sub-No. 10), filed January 28, 1971. Applicant: CURTIS WOMELDORF, doing business as ACE MOTOR FREIGHT, Post Office Box 127, Summerville, PA 15864. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Clay products*, from Porter Township, Clarion County, Pa., to points in Vermont, New Hampshire, Maine, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Indiana, Illinois, and Michigan, and, *materials, supplies, and equipment* used in the manufacture and distribution of clay products, from the above-specified States to Porter Township, Clarion County, Pa.; and (b) *clay products*, from Summerville, Pa., to points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Morris, Somerset, and Warren Counties, N.J., and points in North Carolina, Rhode Island, Massachusetts, Illinois, Indiana, and Michigan, and *materials, supplies, and equipment* used in the manufacture and distribution of clay products from points in New Jersey, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125474 (Sub-No. 29), filed February 12, 1971. Applicant: BULK HAULERS, INC., Post Office Box 3601, Wilmington, NC 28401. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chrome ore, chome products, sodium chromate, sodium bichromate, soda ash, and salt cake (crude sodium sulphate)*, in bulk, from Wilmington and points in New Hanover County, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *chemicals, antifreeze preparations, glycol, ammonium nitrate, sulphuric acid and formaldehyde*, in bulk, between Wilmington and points in New Hanover and Brunswick Counties, N.C., on the one hand, and, on the other, points in North Carolina, South Carolina, Virginia, Florida, Georgia, Tennessee, and West Virginia; (3) *phosphate products and phosphoric acid*, in bulk, from points in Beaufort County, N.C., south of the Pamlico River and east of Durham Creek to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (4) *iron ore*, in bulk, from Wilmington and points in New Hanover and Brunswick Counties, N.C., to points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C. or Washington, D.C.

No. MC 126149 (Sub-No. 12) (Amendment), filed November 20, 1970, published in the FEDERAL REGISTER issue of December 17, 1970 and republished as amended this issue. Applicant: DENNY MOTOR FREIGHT, INC., 617 Indiana Avenue, New Albany, IN 46150. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except tractors equipped with fifth wheels), *lawn mowers, snow removal machines, tillers, cultivators and attachments, parts, and accessories* therefor, from Port Washington, Wis., to points in Alabama, Colorado, Delaware, Georgia, Indiana, Kansas, Maryland, Maine, Minnesota, Missouri, New York, New Hampshire, New Jersey, Ohio, Pennsylvania, South Carolina, Kentucky, Texas, Virginia, Wisconsin, Arkansas, Connecticut, Florida, Iowa, Illinois, Louisiana, Michigan, Massachusetts, Mississippi, Nebraska, New Mexico, North Dakota, North Carolina, Oklahoma, Rhode Island, South Dakota, Tennessee, Vermont, West Virginia, and the District of Columbia, restricted against the transportation of commodities which because of size or weight require special equipment or special handling. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to (1) reflect a change in applicant's representative, (2) reflect the exceptions, (3) reflect a change in the commodity description and (4) reflect the restriction listed above. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 126539 (Sub-No. 4), filed February 9, 1971. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 675 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Washed stone chips and sand*, in bulk, from Joliet and Lemont, Ill., to Clinton, Iowa; and (2) *texture faced brick concrete and related manufactured products*, from Clinton, Iowa, to points in Illinois on and west of U.S. Highway 51, and on and north of U.S. Highway 136, and to points in Grant and Lafayette Counties, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It also holds contract carrier authority under MC 129135 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dubuque, Iowa, Madison, Wis., or Des Moines, Iowa.

No. MC 127187 (Sub-No. 9) (Correction), filed January 5, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, and republished as corrected this issue. Applicant: FLOYD DUENOW, 215 East Cherry Street, Fergus Falls, MN. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, dry, (1) from points in that part of Iowa on and north of U.S. Highway 18, to points in Minnesota, North Dakota, South Dakota, and Wisconsin, (2) from points in that part of Minnesota east of U.S. Highway 71, to points in North Dakota, South Dakota, and Minnesota, and (3) from points in South Dakota to points in Iowa and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its presently held authority. The purpose of this republication is to reflect Iowa and Wisconsin as the destination territory in No. 3 above in lieu of Iowa and Minnesota. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 127526 (Sub-No. 2) (Correction), filed December 7, 1970, published in the FEDERAL REGISTER issue of January 14, 1971, and republished as corrected, this issue. Applicant: CECIL N. BUCHOLZ, 201 Second Avenue SW., Watertown, SD 57201. Applicant's represenative: D. K. Loucks, 17 Second Avenue SW., Watertown, SD 57201. The purpose of this partial republication is to show the commodity as "malt beverages" without a comma after "malt" as incorrectly shown in the previous publication.

No. MC 128273 (Sub-No. 87), filed February 12, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products* (except commodities in bulk, and commodities which, because of size or weight require the use of special equipment), from Woodland, Maine, Gilman, Vt., Lyons Falls, Utica, and Plattsburgh, N.Y., Burlington, Iowa, Reading, Pa., Taylorville, Ill., Gary, Ind., Tomahawk, Wis., and Crossett, Ark., to all points in the United States (except Alaska and Hawaii); (2) *paper and paper products, cellulose materials and products, products produced or distributed by manufacturers and converters of paper and paper products* (except commodities in bulk, and commodities which, because of size or weight require the use of special equipment), from Warwick, N.Y., to all points in the United States (except Alaska and Hawaii); (3) *check book covers, paper labels, greeting cards, paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products* from St. Louis, Mo., Lawrenceville, Ga., Cincinnati, and Norwood, Ohio, Lockport, Ill., Kansas City, Mo., and Kansas City, Kans., to all points in the United States (except Alaska and Hawaii); and (4) *materials, equipment, and supplies* used in the production and distribution of the commodities described in (1), (2), and (3) above (except commodities in bulk, and commodities which, because of size or weight require the use of special equipment), from all points in the United States (except Alaska and Hawaii), to Woodland, Maine, Gilman, Vt., Lyons Falls, Utica, and Plattsburgh, N.Y., Burlington, Iowa, Reading, Pa., Taylorville, Ill., Gary, Ind., Tomahawk, Wis., Crossett, Ark., Warwick, N.Y., St. Louis, Mo., Lawrenceville, Ga., Cincinnati, and Norwood, Ohio, Lockport, Ill., Kansas City, Mo., and Kansas City, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 128555 (Sub-No. 3), filed January 15, 1971. Applicant: MEAT DISPATCH, INC., 1000 Jefferson Road, Rochester, NY 14623. Applicant's representative: Raymonds A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in conduct of shipper's business, between points in Connecticut, Delaware, Indiana, Illinois, Georgia, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia, under contract with Regional Auto Supply Warehouse Division of Truckstops Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 128645 (Sub-No. 4) (Correction), filed December 23, 1970, published in the FEDERAL REGISTER issue of February 4, 1971, corrected in part, and republished as corrected this issue. Applicant: JOE H. BLATTLER, Post Office Box 811, Carson, WA 98610. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. NOTE: The purpose of this partial republication is to reflect applicant's correct name as JOE H. BLATTLER, in lieu of JOE H. BLATTER, and reflect proposed operation as that of a contract carrier, in lieu of common carrier, shown erroneously in the previous publication. The rest of the application remains the same.

No. MC 133035 (Sub-No. 13), filed February 11, 1971. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, IA

51526. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplement*, in bulk, from Omaha, Nebr., to points in Iowa, Nebraska, Kansas, South Dakota, Missouri, Minnesota, Colorado, and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 133421 (Sub-No. 1), filed February 11, 1971. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, VT 05401. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Express*, restricted to the transportation of traffic having an immediately prior or subsequent movement in a vehicle with passengers, (1) between points in Cheshire, Coos, Grafton, and Sullivan Counties, N.H., on the one hand, and, on the other, points in Vermont. NOTE: Applicant states that the requested authority can be tacked with its existing authority, wherein applicant is authorized to serve points in Vermont, New Hampshire, Maine, Massachusetts, and New York. If a hearing is deemed necessary, applicant requests it be held at Concord, Montpelier, or Burlington, Vt.

No. MC 133878 (Sub-No. 1), filed January 28, 1971. Applicant: A. E. TRUCKS, INC., Weston, Pa. 18256. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Water treatment and sewage disposal plants, refuse systems and filtering systems, and all component parts of the above items, and materials, supplies or equipment* used in the jobsite installation when accompanying the above items, from the plantsite of Dorr-Oliver, Inc., at Hazleton, Pa., to points in Delaware, Connecticut, Indiana, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (b) *materials, supplies or equipment* used in connection with or incidental to the manufacturer of commodities named in (a) above, from points in the destination States named in (a) above to the plantsite of Dorr-Oliver, Inc., at Hazelton, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg or Philadelphia, Pa., or Washington, D.C.

No. MC 133937 (Sub-No. 7), filed January 25, 1971. Applicant: CAROLINA CARTAGE COMPANY, INC., 424 Airport Road, Post Office Box 1075, Greenville, SC 20602. Applicant's representative: Henry P. Willimon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, between airports located at or near Charlotte, N.C., and Atlanta, Ga. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Columbia, S.C.

No. MC 133989 (Sub-No. 2), filed February 9, 1971. Applicant: LAWRENCE H. WITTKOPF, Route 2, Box 90, Spokane, WA 99207. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from Clay Pit near Tensed, Idaho, to Mica, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 134602 (Sub-No. 1), filed February 5, 1971. Applicant: J. T. TRUCKING COMPANY, a corporation, Post Office Box 647, Twin Falls, ID 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel water well casings*, and (2) *steel pipe* used in or in connection with the construction, operation, repair, servicing, and maintenance of water pipelines, including the stringing and pick up thereof, between points in California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, and ports of entry on the International Boundary line between the United States and Canada at or near Raymond, Mont., Sweetgrass, Mont., and Blaine, Wash., under contract with Southwest Pipe of Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 134651 (Sub-No. 1) (Correction), filed December 23, 1970, published in the FEDERAL REGISTER issue of January 28, 1971, corrected in part and republished as corrected this issue. Applicant: GIBSCO TRANSPORT LIMITED, 2111 Lakeshore Road West, Clarkson, ON, Canada. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. NOTE: The purpose of this partial republication is to reflect applicant's correct name and address as follows: "GIBSCO" TRANSPORT LIMITED, "2111 Lakeshore Road West," Clarkson, ON, Canada. The rest of the application remains the same.

No. MC 135072 (Sub-No. 2) (Correction), filed December 28, 1970, published in the FEDERAL REGISTER issue of January 28, 1971, and republished in part as corrected this issue. Applicant: JUDSON E. HEATER, 6887 Versailles Road, North Evans, NY 14112. Applicant's representative: E. George Perdix, 546 Delaware Avenue, Buffalo, NY 14202. NOTE: The sole purpose of this partial republication is to reflect the operations as contract authority in lieu of common authority. The rest of the application remains the same.

No. MC 135107 (Sub-No. 2), filed February 8, 1971. Applicant: HIGHWAY DUMP HAULERS, INC., 70 Shamburger Lane, Post Office Box 3172, Little Rock, AR 72204. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Crawford, Franklin, Johnson, Logan, Pope, Sebastian, and Yell Counties, Ark., and Adair, Cherokee, Haskell, Latimer, Le Flore, McIntosh, Muskogee, Okmulgee, Pittsburg, Sequoyah, and Wagoner Counties, Okla., to Muskogee, Okla., and Dardenelle, Ark., and points on the Arkansas River between Muskogee and Dardanelle. Restriction: Applicable on traffic having a subsequent out of State movement when from and to points in the same State. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Memphis, Tenn., or Fort Smith, Ark.

No. MC 135112, filed November 16, 1970. Applicant: D. J. EBY, doing business as D. J. EBY COMPANY, 517 South 100 West, Salt Lake City, UT 84101. Applicant's representatives: Sidney G. Baucom and Robert Gordon, 1407 West North Temple, Salt Lake City, UT 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and perishable foods* in refrigerated trucks, from frozen food storage warehouse located in Salt Lake City, Utah, to the following cities in Utah: North Salt Lake, Bountiful, Centerville, Farmington, Kaysville, Layton, Syracuse, Roy, Hooper, Clearfield, Ogden, Plain City, Huntsville, Willard, Perry, Mantua, Morgan, Brigham City, Park City, Brighton, Alta, Heber, Midway, Kamas, Keetley, Oakley, Wanship, Hoytsville, Coalville, Echo, Henefer, Pineview, Emery, Castle Rock, South Salt Lake, Murray, Midvale, Sandy, Riverton, Crescent, Draper, Lehi, Pleasant Grove, Lindon, American Fork, Orem, Provo, Springville, Spanish Fork, Benjamin, Mapleton, Payson, Hunter, Granter, Kearns, Garfield, Tooele, Magna, Grantsville, Bingham, Cooperton, West Jordan, Riverton, Herriman, Bluffsdale, Fairfield, St. John, and Delle. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 135210 (Sub-No. 1), filed December 28, 1970. Applicant: NEATHERY AND COMPANY, INC., 1910 South Crockett Street, Sherman, TX 75090. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by Montgomery Ward & Co. retail stores, from Sherman, Tex., to points in Love and Carter Counties, Okla., on and east of Interstate Highway 35, points in Marshall, Johnston, and Bryan Counties, Okla., and points in Atoka County, Okla., on and south of Oklahoma State Highways 3 and 3–7, under contract with Montgomery Ward & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 135246 (Sub-No. 1), filed February 11, 1971. Applicant: JIMBO, INC., 3810 Westheimer, Suite 410, Houston, TX 77027. Applicant's representatives: Everett Hutchinson, 1140 Connecticut Avenue NW., Washington, DC 20036, and Laurence C. Mosher, Jr., Bank of the Southwest Building, Houston, TX. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude borate* (in bulk), rock, from the site of the Tenneco Oil Co. installation located approximately 28 miles northwest of Death Valley Junction, Inyo County, Calif., to the Tenneco Oil Co. plantsite located approximately 15 miles south of Lathrop Wells, Nye County, Nev.; and (2) *calcium borate* (in bulk), from the plantsite of the Tenneco Oil Co. plantsite located approximately 15 miles south of Lathrop Wells, Nye County, Nev., to points in California and Nevada, under contract with Tenneco Oil Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 135287, filed January 28, 1971. Applicant: MANIWAKI-MONTREAL LTEE-LTD., Post Office Box 778, Maniwaki, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from the port of entry on the International Boundary line between the United States and Canada located in Rock Island to Beecher Falls, Vt. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 135295, filed January 25, 1971. Applicant: FALCON CONVOY, INC., 41 North Main Street, Carbondale, PA 18407. Applicant's representative: Arthur M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, mobile offices and manufactured buildings*, between Exeter, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., Washington, D.C., or Philadelphia, Pa.

No. MC 135312, filed February 4, 1971. Applicant: FLOYD W. MENSCH, Rural Delivery 2, Bangor, PA 18013. Applicant's representative: Morris Mindlin, 1509 Easton Avenue, Bethlehem, PA 18017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, including all *component parts, materials, supplies, and fixtures*, and when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof, from the plantsites of Great Western Consolidated Inc., at or near Mount Bethel, Northampton County, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Easton, Allentown, or Philadelphia, Pa.

No. MC 135316, filed February 8, 1971. Applicant: CRANE TRUCKING COMPANY, INC., 1001 South Laramie Avenue, Chicago, IL 60644. Applicant's representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and such commodities* as are sold by or used in operating retail gasoline service stations (except commodities in bulk), between the plantsite of the Mobil Oil Corp. at Cicero, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 136 from the Illinois-Indiana State line to Indianapolis, thence over U.S. Highway 40 to the Ohio-Indiana State line; all points in Iowa on and east of U.S. Highway 218 from the Illinois-Iowa border at Keokuk north of Cedar Rapids, thence over U.S. Highway 151 to Dubuque; all points in Michigan on and east of U.S. Highway 27 beginning at the Indiana-Michigan State line to Alma and all points south and east of Michigan Highway 46 to Lake Michigan, under contract with Mobil Oil Corp. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135323, filed February 11, 1971. Applicant: M & M TRUCKING CO., a corporation, 1103 East Poland Avenue, Bessemer, PA 16112. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Over regular routes: (1) *Building materials and building contractors machinery, supplies, and equipment*, (a) between Bessemer, Pa., and Cleveland, Ohio, serving all intermediate points and the off-route point of Niles, Ohio; (b) from Bessemer over Pennsylvania Highway 317 to the Pennsylvania-Ohio State line, thence over Ohio Highway 90 via Poland, Ohio, to Youngstown, Ohio, and thence over U.S. Highway 422 to Cleveland, and return over the same route; (c) from Bessemer over Pennsylvania Highway 317 to the Pennsylvania-Ohio State line, thence over Ohio Highway 630 to junction Ohio Highway 90, thence over Ohio Highway 90 to Poland, Ohio (also from Bessemer over unnumbered highway to junction U.S. Highway 224, thence over U.S. Highway 224 to Poland), thence over U.S. Highway 224 to Deerfield, Ohio, and thence over Ohio Highway 14 to Cleveland, and return over the same routes; (d) between Bessemer, Pa., and Dayton, Ohio, serving no intermediate points: From Bessemer over Pennsylvania Highway 317 to the Pennsylvania-Ohio State line, thence over Ohio Highway 630 to junction Ohio Highway 90, thence over Ohio Highway 90 to Poland, Ohio (also from Bessemer over unnumbered highway to junction U.S. Highway 224, thence over U.S. Highway 224 to Poland), thence over U.S. Highway 224 via Deerfield, Ohio, to Lodi, Ohio, thence over U.S. Highway 42 to Zenia, Ohio, and thence over U.S. Highway 35 to Dayton, and return over the same routes.

(2) Over irregular routes: *Building materials and building contractors machinery, and equipment*, between Bessemer, Pa., on the one hand, and, on the other, points in Lucas, Ottawa, Sandusky, Wood, Huron, Franklin, and Clark Counties, Ohio; (3) *dry cement*, between points in Ohio. Restriction: Restricted to the transportation of shipments having an immediately prior movement by rail or water; (4) *cement*, from Bessemer, Pa., to points in Ohio; and (5) *cement*, from points in Lake County, Ohio, to points in that part of New York on and west of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, and thence along U.S. Highway 11 to the New York-Pennsylvania State line, points in that part of Pennsylvania on and west of U.S. Highway 15, including Harrisburg, points in that part of West Virginia on north and west of a line beginning at the Pennsylvania-West Virginia-Maryland State line and extending south along the West Virginia-Maryland State line to junction U.S. Highway 219 near Breedlove, W. Va., thence along U.S. Highway 219 to Thomas, W. Va., thence along West Virginia Highway 32 to Harman, W. Va., thence in a westerly direction along West Virginia Highway 4 to Charleston, W. Va., and thence along U.S. Highway 60 to the West Virginia-Kentucky State line, points in Boyd, Greenup, Mason, Campbell, Kenton, Boone, and Jefferson Counties, Ky., and those in Indiana. NOTE: Applicant conducts operations as a contract carrier in No. MC 17379 and subs. The purpose of the instant application is to convert from contract carrier to common carrier. Applicant further states it will tender its contract carrier authority for cancellation upon grant of this application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 135325, filed February 10, 1971. Applicant: WEMCO, INC., 10111 Mercier,

Dearborn, MI 48120. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plaster, gypsum wallboard, and other gypsum products*, from Grand Rapids, Mich., to points in Wisconsin, Illinois, Indiana, Ohio, Kentucky, and Pennsylvania: NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 135328 (Sub-No. 1) (Amendment), filed January 4, 1971, published in the FEDERAL REGISTER, issue of February 4, 1971, and republished as amended this issue. Applicant: MARVIN E. YATES, doing business as YATES TRUCKING CO., Route 1, Box 131B, Klamath Falls, OR 97601. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (1) from Lakeview, Bly, and Klamath Falls, Oreg., to Dorris, Calif., and (2) from Burney and Weed, Calif., to White City, Oreg. NOTE: The purpose of this republication is to show that applicant now seeks to conduct operations as a common carrier, rather, than as a contract carrier. The application has been reassigned No. MC 135328 (Sub-No. 1), in lieu of No. MC 135123 (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at Klamath Falls, Oreg., or Medford, Oreg.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 164) (Correction), filed January 4, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, corrected in part, and republished as corrected, this issue. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: Barrett Elkins (same address as applicant). NOTE: The purpose of this partial republication is to correctly set forth the territorial description in (1) below, reflecting the origin point as Birmingham, in lieu of Birmington, which was shown erroneously in the previous publication: (1) From Birmingham over Interstate Highway 20 to junction U.S. Highway 78 just east of Leeds, Ala., and return over the same route, serving all intermediate points. The rest of the application remains the same.

No. MC 128823 (Sub-No. 3), filed November 28, 1969. Applicant: N.J. & N.Y. AIRPORT LIMOUSINE, INC., 132–20 Horace Harding Boulevard, Flushing, Long Island, NY 11367. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and pets*, in the same vehicle with passengers, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, restricted to the transportation of passengers either originating at, or destined to, Newark Airport, at Newark, N.J., Teterboro Airport, at Teterboro, N.J., La Guardia Airport and John F. Kennedy International Airport, at New York, N.Y.; between the intersection of New Jersey Highways 27 and 18 in New Brunswick, N.J., and junction of the New Jersey Turnpike (Interchange 13) from the intersection of New Jersey Highways 27 and 18 in New Brunswick, over New Jersey Highway 18 to New Jersey Turnpike (Interchange 9), thence along the New Jersey Turnpike to Interchange 13, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 28985 (Sub-No. 13), filed February 11, 1971. Applicant: SEASHORE TRANSPORTATION COMPANY, a corporation, 810 Broad Street, New Bern, NC. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Beaufort, Carteret, Craven, Edgecomb, Halifax, Johnston, Jones, Lenoir, Nash, New Hanover, Onslow, Pamlico, Pender, Pitt, Wake, Wayne, Wilson, and Warren Counties, N.C., and extending to points in the United States (including Alaska but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 108359 (Sub-No. 6), filed February 9, 1971. Applicant: WESTERN NEW YORK MOTOR LINES, INC., Court and Endicott Streets, Batavia, NY 14020. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Erie, Wyoming, Genesee, Livingston, Steuben, Chemung, Onondaga, Cayuga, Wayne, and Monroe Counties, N.Y., and extending to points in the United States, including Alaska (but excluding Hawaii). Applicant holds a brokers license under MC 12024. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12611 (Sub-No. 1), filed February 4, 1971. Applicant: MADISON TOURS, INCORPORATED, Post Office Box 342, Mocksville, NC. For a license (BMC–5) to engage in operations as a *broker* at Mocksville, N.C., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in sightseeing and pleasure tours, in special and charter operations, beginning and ending at points in Mecklenburg, Forsyth, Guilford, Wake, Davidson, Gaston, Lincoln, Buncombe, Rockingham, Durham, and McDowell Counties, N.C., and extending to points in the United States, including ports of entry on the international boundary lines between the United States and Canada and Mexico.

APPLICATION OF FREIGHT FORWARDER

No. FF–399 (HARRY H. BLANCO & CO., Freight Forwarder Application), filed February 17, 1971. Applicant: HARRY H. BLANCO & CO., a corporation, 3770 East 26th Street, Vernon, CA 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought under section 410, part IV of the Interstate Commerce Act for a permit authorizing applicant to continue operation as a freight forwarder in interstate or foreign commerce, in the transportation of: *General commodities* (except used household goods; motor vehicles; livestock; compressed gases and liquid commodities, in bulk, in tank vehicles; commodities when transported in bulk in dump trucks or in hoppertype trucks and commodities when transported in motor vehicles equipped for mechanical mixing in transit), between points in (1) the San Francisco-East Bay cartage zone, including the area embraced by the following boundary; beginning at the point where the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line and Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnwood Drive to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point 1 mile west of Highway U.S. 101; thence southeasterly along an imaginary line 1 mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the city of San Mateo;

Thence northeasterly, northwesterly, northerly, and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek, thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point 1 mile south of Toll Bridge Road; thence easterly along an imaginary line 1 mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mount Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line 1 mile south and southeasterly of and paralleling Mount Eden Road and Jackson Road to its intersection with an imaginary line 1 mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line 1 mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of city of Oakland, thence easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point 1 mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line 1 mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road);

Thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Co. right of way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning; (A) between San Mateo and San Jose and intermediate points on U.S. Highways 101 and 101 Bypass, between Hayward and San Jose and intermediate points, on State Highways 9 and 17, and between all points laterally within 5 miles of said highways and all places within a radius of 10 miles of San Jose; (B) (a) San Diego and points within 5 miles thereof; and (b) Los Angeles and points within 80 miles thereof, excluding points in San Diego County other than points included in (a) above, on the one hand, and, on the other; (1) points in Hawaii; (2) Australia and the islands of the Pacific Ocean (other than Hawaii), including, but not limited to, Caroline, Gilbert, Marianas, and Marshall Islands, Guam, Indonesia, New Zealand, and U.S. Trust Territories, and (3) Hong Kong, Japan, Malaysia, Philippine Islands, Singapore, South Korea, Taiwan, Thailand, and Vietnam, and (2) between points in Hawaii on the one hand, and, on the other, points in Australia and the islands of the Pacific Ocean (other than Hawaii), including, but not limited to, Caroline, Gilbert, Marianas, and Marshall Islands, Guam, Indonesia, New Zealand, and U.S. Trust Territories, and Hong Kong, Japan, Malaysia, Philippine Islands, Singapore, South Korea, Taiwan, Thailand, and Vietnam.

APPLICATION FOR WATERCARRIER

No. W–497 (Sub-No. 7) (UNITED STATES LINES, INC. Extension-BOSTON), filed February 22, 1971. Applicant: UNITED STATES LINES, INC., 1 Broadway, New York, NY. Applicant's representative: Russell T. Weil, 900 Seventh Street NW., Washington, DC 20006. Application of United States Lines, Inc., filed February 22, 1971, for a certificate to extend operations as a common carrier, by water, in interstate or foreign commerce, in the transportation of *property and passengers* generally by adding to the present Atlantic ports of New York, N.Y., and Baltimore, Md., the additional ports of Boston, Philadelphia, Norfolk, and Charleston, and by adding to the present Pacific ports the additional ports of Portland and Seattle.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 114457 (Sub-No. 103), filed February 12, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and plastic packaging materials*, from Roanoke, Va., to points in Michigan, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 71–2883 Filed 3–3–71;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 1, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42142—*Class and commodity rates from and to Hawthorne, Miss.* Filed by O. W. South, Jr., agent (No. A6229), for interested rail carriers. Rates on property moving on class and commodity rates, between Hawthorne, Miss., on the one hand, and points in the United States and Canada, on the other. Grounds for relief—New station and grouping.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–2968 Filed 3–3–71;8:49 am]

[Notice 253]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 26, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 53321 (Sub-No. 7 TA), filed February 19, 1971. Applicant: RAU CARTAGE, INC., 1107 East Noble Avenue, Monroe MI 48161. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Starch*, except in bulk, under a continuing contract with Union Camp Corp. from Harbor Beach, Mich., to Sharonville and Solon, Ohio; and Washington, Pa., for 180 days. Supporting shipper: Union Camp Corp., 1600 Valley Road, Wayne, NJ 07470. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 95510 (Sub-No. 1 TA), filed February 22, 1971. Applicant: D. C. COTNER, Highway 19, North Salem, MO 65560. Applicant's representative: J. Max Price, 103 Center Street, Salem, MO 65560. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Wood chips and related wood products*, from Salem, Mo., to Alton, Ill., and Tamms, Ill., regular routes as follows; Illinois Highways 32, 19, 60, 21, 8, 72, 67, 63, 28, 50, and T; I–44, I–244, I–270, for 180 days. Supporting shipper: Ozark Flooring Co.,

Salem, Mo. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 96607 (Sub-No. 7 TA), filed February 19, 1971. Applicant: RUCKER BROTHERS TRUCKING, INC., 733 East 11th Street, Tacoma, WA 98421. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings or houses*, set up, and sections thereof, set up, not on wheels, from points in King, Pierce, and Lewis Counties, Wash., to Vancouver, Longview, Olympia, Everett, Seattle, Tacoma, and Bellingham, Wash., for 150 days. Supporting shippers: Superior Homes Inc., 20213 84th Avenue South, Kent, WA 98031; Roof Structures, Inc., 11702; St. Regis Paper Co., 733 East 11th Street, Tacoma, WA 98401; Northwest Homes of Chehalis, Inc., Post Office Box 896, Chehalis, WA 98532. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

No. MC 108207 (Sub-No. 314 TA), filed February 19, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street (75207), Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Jefferson, Wis., to points in Kansas and Oklahoma, for 120 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Stoppenbach, Inc., Post Office Box 269, Jefferson, WI 53549. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1314 Wood Street, 513 Thomas Building, Dallas, TX 75202.

No. MC 108207 (Sub-No. 315 TA), filed February 19, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street (75207), Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocktail or tartar sauces*, not frozen, *frozen cooked seafood; and shrimp egg rolls*, from Waterloo, Wis., to points in Texas, Missouri, and Arizona, for 90 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Fin & Tail Foods, Inc., Post Office Box 12, Watertown, WI 53094. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 109294 (Sub-No. 15 TA), filed February 19, 1971. Applicant: COMMERCIAL TRUCK CO., LTD., 230 Brunette Street, New Westminster, BC, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete beams, panels, and stairs*, from the international boundary between the United States and Canada at or near Blaine, Wash., to points in King, Pierce, and Snohomish Counties, Wash., for 180 days. Supporting shipper: Pacific Prestress Ltd., 790 Nelson Road, Post Office Box 250, Richmond, BC, Canada. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

No. MC 111401 (Sub-No. 319 TA), filed February 19, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Hoyt Gabbard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Tulsa, Okla., to Phoenix and Tuscon, Ariz.; Los Angeles and South Gate, Calif.; Atlanta, Ga.; Kewanee and Urbana, Ill.; Indianapolis and Muncie, Ind.; Cape Giardeau, Mo.; Las Vegas, Nev.; Portland, Oreg.; and Nashville, Tenn.; for 180 days. Supporting shipper: Sun Chemical Corp., J. Bolzak, Director of Traffic, 631 Central Avenue, Carlstadt, NJ 07072. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 114274 (Sub-No. 14 TA), filed February 3, 1971. Applicant: VITALIS TRUCK LINES, INC., 137 Northeast 48th Street Place (Box 1703, 50306), Des Moines, IA 50313. Applicant's representative: William H. Towle, 127 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins), from the plant and warehouse sites of Bookey Packing Co. at Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: The operations sought herein are restricted to the transportation of traffic originating at the plant and warehouse sites of Bookey Packing Co. at Des Moines, Iowa, and destined to points in the abovenamed destination States, for 180 days. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 114323 (Sub-No. 16 TA), filed February 22, 1971. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris Street, Brooklyn, NY 11231. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the storage site of Allentown Portland Cement Co. at Jersey City, N.J., to points in Connecticut and Nassau, Suffolk, Westchester, Rockland, Orange, and Putnam Counties, N.Y., for 180 days. Supporting shipper: Allentown Portland Cement Co., Division of National Gypsum Co., Seventh Street, Allentown, PA 18105. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 123407 (Sub-No. 78 TA), filed February 19, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Chicago Heights, Ill., to points in Minnesota, Wisconsin, Iowa, Mississippi, Arkansas, Louisiana, Alabama, Georgia, North Carolina, Florida, Texas, and Oklahoma, for 180 days. Supporting shipper: Dawe's Laboratories, Inc., 450 State Street, Chicago Heights, IL 60411. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 127047 (Sub-No. 10 TA), filed February 22, 1971. Applicant: ED RACETTE & SON, INC., 5409 North Broadway, Wichita, KS 67219. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets, counter tops, wall panels, bifold doors, and fixtures and parts thereof*, from Gridley, Kans., to points in North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Colorado, Illinois, Missouri, Oklahoma, Texas, Arkansas, Louisiana, Wisconsin, and Indiana, and *materials and supplies* used in the manufacture of the above commodities, from points in the destination States, to Gridley, Kans., for 180 days. Supporting shipper: Garrett Cabinet & Supply, Box 157, Gridley, KS 66851. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. 128998 (Sub-No. 2 TA), filed February 22, 1971. Applicant: VANWAYS, INC., 1230 West River Road, Oscoda, MI 48753. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Michigan to points in Florence, Forest, Marinette, Oneida, Vilas, and Iron Counties, Wis., restricted to the transportation of traffic having a prior or subsequent movement beyond said points, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Continental Forwarders, Inc., 105 Leonard Street, New York, NY 10013; Davidson Forwarding Co., 3180 V Street NE., Washington, DC 20018; De Witt Freight Forwarding, 6060 North Figueroa Street, Los Angeles, CA 90042; Home-Pack Transport, Inc., 5748 49th Street, Maspeth, NY 11378; International Export Packers, Inc., 5360 Wheeler Avenue, Alexandria, VA 22304; Jet Forwarding, Inc., 2945 Columbia Street, Torrance, CA 90503; Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, WA 98109; Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA 98109; Smyth Worldwide Movers, Inc., 1161 Aurora Avenue North, Seattle, WA 98133; Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, CA 94801; and Door to Door International, Inc., 308 Northeast 72d Street, Seattle, WA 98115. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 225, Lansing, MI 48933.

No. MC 133811 (Sub-No. 1 TA), filed February 22, 1971. Applicant: H. E. McCONNELL AND H. E. McCONNELL, Jr., a partnership, doing business as H. E. McCONNELL & SON, 5117½ East Broadway, North Little Rock, AR 72117. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vanadium slag*, in bulk, in dump vehicles, from points on the Arkansas River located in Pulaski County, Ark., to the plantsite of Union Carbide Mining & Metals Division near Hot Springs, Ark., for 180 days. Supporting shipper: Union Carbide Corp., 270 Park Avenue, New York, NY 10017. Send protests to: District Supervisor, William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 133812 (Sub-No. 1 TA), filed February 22, 1971. Applicant: LEON OLSEN, ALBERT OLSEN, AND WILLIAM OLSEN, a partnership, doing business as LEON OLSEN TRUCKING COMPANY, 900 Wisconsin Street, Pine Bluff, AR 71601. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vanadium slag*, in bulk, in dump vehicles, from points on the Arkansas River located in Pulaski County, Ark., to the plantsite of Union Carbide Mining & Metals Division near Hot Springs, Ark., for 180 days. Supporting shipper: Union Carbide Corp., 270 Park Avenue, New York, NY 10017. Send protests to: District Supervisor, William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 134215 (Sub-No. 2 TA), filed February 22, 1971. Applicant: MINNESOTA EXPRESS, INC., Box 245, 617 West Pacific Avenue, Willmar, MN 56201. Applicant's representative: W. F. Appelgren (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh or frozen dressed poultry, frozen poultry products, and frozen foods*, from Faribault, Minn., to points in North Dakota and South Dakota, on and east of U.S. Highway 83, for 180 days. Supporting shipper: Domain Industries, Inc., New Richmond, Wis. 54017. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135234 (Sub-No. 1 TA), filed February 19, 1971. Applicant: COMMERCIAL CARTAGE, INC., Post Office Box No. 8477, South Charleston, WV 25305. Applicant's representative: Marvin F. Meadows (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric cable*, from Newington, Va., to points in West Virginia and (2) *empty reels*, from points in West Virginia to Arlington and Newington, Va., for 180 days. Supporting shipper: Western Electric Co., Inc., 222 Broadway, New York, NY, Attention: Mr. N. J. Scocozzo, Transportation Supervisor. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston WV 25301.

No. MC 135248 (Sub-No. 1 TA), filed February 22, 1971. Applicant: WILLIAM H. DEES, doing business as DEES TRANSPORTATION, Post Office Box 446, Worland, WY 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment and supplies* used in or in connection with the manufacture, production, and distribution of nonalcoholic beverages, including *advertising materials*, from Denver, Colo., Salt Lake City and Ogden, Utah, to Worland, Wyo., (2) *nonalcoholic beverages*, from Worland, Wyo., to points in Colorado, Idaho, Nevada, and Utah, for 180 days. Supporting shipper: Admiral Beverage Corp., Post Office Box 726, Worland, WY 82401. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 135321 (Sub-No. 1 TA), filed February 22, 1971. Applicant: P & C TRUCKING, INC., Rural Route 2, Pinckneyville, IL 62274. Applicant's representative: Paul Helvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from points in Perry, Jackson, and Union Counties, Ill., to points in Porter County, Ind., for 180 days. Supporting shippers: Tree-O-Lumber Co., Post Office Box 366, Pinckneyville, IL 62274; Springdale Lumber Co., 1415 West 47th Street, La Grange, IL 60525. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 135330 TA, filed February 22, 1971. Applicant: ANTHONY J. CHICOLA, SR., doing business as CHICOLA MOVING & STORAGE, 1301 Main Street, Alexandria, LA 71301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and personal effects* (crated and uncrated) and *Articles requiring special handling*, between Alexandria, Avoyelles, Allen, Beauregard, Caldwell, Catahoula, Concordia, Evangeline, Grant, La Salle, Natchitoches, Pointe Coupee, Rapides, St. Landry, Vernon and Winn, La., for 180 days. Supporting shippers: Department of The Air Force, Headquarters, 4403d-Combat Support Group (TAC) England Air Force Base, LA 71301, Contracting Officer, Fred G. Farthing; Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, CA 94801, Wallace Gracie, Assistant Operations Manager, and Furniture Forwarding, Inc., 2525 East 56th Street, Indianapolis, IN, Charles W. Zimmerman, Vice President. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

MOTOR CARRIER OF PASSENGERS

No. MC 133804 (Sub-No. 2 TA), filed February 22, 1971. Applicant: VIRGINIA COACH, INC., 1919 Hileman Road, Falls Church, VA 22043. Applicant's representative: Brady T. Stainback (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* when moving therewith, (1) between Falls Church, Va., on the one hand, and, on the other, the facilities of the National Security Agency at or near Fort Meade, Md., and Friendship Annexes of National Security Agency at or near Friendship Airport, Anne Arundel County, Md., serving the intermediate points of Arlington, Va., from Junction of Hillwood Avenue and Lee Highway, Route 29, Falls Church, Va., thence North on Route 29 to Rosslyn, Va., thence Interstate Route 66 each to Virginia Route

110, south on Route 110 to junction of Interstate Route 95, thence north on Interstate 95 to junction South Capitol thence north on Interstate 95 to junction South Capitol Street, thence east on South Capitol Street to junction Suitland Parkway, thence east on Suitland Parkway to junction of Interstate 295, thence north on Interstate 295 to junction of Kennilworth Avenue; thence north on Kennilworth Avenue to junction of Baltimore-Washington Parkway, thence north on Baltimore-Washington Parkway, (a) to its junction with Maryland Highway 32, thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md.; or

(b) To its junction with Maryland Highway 32, thence along Maryland Highway 32, to the facilities of National Security Agency at or near Fort Meade, Md., thence west of Maryland Highway 32 to its junction with the Baltimore-Washington Parkway, thence along the Baltimore-Washington Parkway to its junction with Maryland Highway 46, thence along Maryland Highway 46 to its junction with Maryland Highway 170, thence along Maryland Highway 170 to its junction with Elkridge Landing Road, thence along Elkridge Landing Road to the Friendship Annexes of National Security Agency at or near Friendship Airport, Anne Arundel County, Md., and return over the same routes with the right to pickup and discharge passengers at any point along Lee Highway, Route 29 between Falls Church, Va., and Rosslyn, Va., as long as their destination is to one of the facilities mentioned above. Run closed doors from Rosslyn, Va., to facilities of NSA, Fort Meade and NSA, Friendship Annex, Md., run closed doors from facilities of NSA, Friendship Annex and NSA, Fort Meade, Md., to Rosslyn, Va., for 180 days. Supporting shipper: Curtis L. Wagner, Jr., Chief, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2967 Filed 3-3-71;8:49 am]

[Notice 654]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 1, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72551. By order of February 9, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to Charles H. Kittelmann and Hope Kittelmann, a partnership, doing business as Big Sky Express, Miles City, Mont., of the operating rights in certificate No. MC-107441 issued April 4, 1957, to Ronald D. Shepherd, Baker, Mont., authorizing the transportation of general commodities, with usual exceptions, between Baker, Mont., and Ekalaka, Mont., serving all intermediate points. Gene Huntley, Box 897, Baker, MT 59313, attorney for applicants.

No. MC-FC-72563. By order of February 9, 1971, the Motor Carrier Board approved the transfer to Stroehmann Brothers Co., a corporation, 1685 Four Mile Drive, Williamsport, PA 17701, of the operating rights in certificates Nos. MC-74239 and MC-74239 (Sub-No. 1), issued January 22, 1942, and February 18, 1944, respectively, to J. D. Keissling, 230 River Avenue, Williamsport, PA 17701, authorizing the transportation of general commodities, with exceptions, between Williamsport, South Williamsport, Duboistown, and Mountoursville, Pa., and soap, soap powders, lard substitutes, edible oils and kindred drug products, in cotnainers, from Williamsport, Pa., to points in Lycoming, Clinton, Tioga, Bradford, Potter, and Sullivan Counties, Pa.

No. MC-FC-72574. (Correction), published FEDERAL REGISTER issue of February 19, 1971, and republished as corrected this issue. By order of January 19, 1971, the Motor Carrier Board approved the transfer to J. Derenzo Co., a corporation, doing business as Civil Equipment, Needham, Mass., of the operating rights in certificates Nos. MC-95218, MC-95218 (Sub-No. 2), MC-95218 (Sub-No. 3) and MC-95218 (Sub-No. 4) issued May 5, 1954, October 21, 1957, October 24, 1967 and March 23, 1966, respectively to Pelose, Inc., Johnston, R.I., authorizing the transportation of specified commodities from, to and between points in Rhode Island, Connecticut, Massachusetts, Maine, New Hampshire, Vermont, and New York, Hector D. Scull, 612 Highland Avenue, Needham, MA 02194, and Frank J. Weiner, 6 Beacon Street, Boston, MA 02108, attorneys for transferee. Raymond A. Lafazia, 410 Turks Head Building, Providence, RI 02903, attorney for transferor. NOTE: The purpose of the republication is to show the correct names of counsel for applicants.

No. MC-FC-72603. By order of February 8, 1971, the Motor Carrier Board approved the transfer to C.R.B. Motor Lines, Inc., Newark, N.J., of the operating rights in permit No. MC-125547 issued July 17, 1964, to Joman Trucking Corp., Newark, N.J., authorizing the transportation of such merchandise as is dealt in by wholesale and retail grocery houses between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y. George A. Olsen, registered practitioner, 69 Tonnele Avenue, Jersey City, NJ 07306, representative for applicants.

No. MC-FC-72636. By order of February 5, 1971, the Motor Carrier Board approved the transfer to E. B. Fraser, Inc., Cambridge, Mass., of the certificate of registration in No. MC-97942 (Sub-No. 1) issued June 29, 1965, to Edmund B. Fraser, Jr., doing business as E. B. Fraser & Sons, Belmont, Mass., evidencing a right to engage in operations in interstate or foreign commerce corresponding in scope to the grant of authority in irregular route common carrier certificate No. 7027 dated December 26, 1964, issued by the Massachusetts Department of Public Utilities. Harry Fienman, 17 Parsons Street, Brighton, MA 02135, and Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155, attorneys for applicants.

No. MC-FC-72646. By order of February 8, 1971, the Motor Carrier Board approved the transfer to Port Jersey Transportation, a corporation, doing business as Port Jersey Transportation, Bayonne, N.J., of the operating rights in certificates Nos. MC-8214, MC-8214 (Sub-No. 1), and MC-8214 (Sub-No. 2) issued June 11, 1968, March 4, 1970, and June 8, 1970, respectively to George Russo and Rocco R. Russo, a partnership, doing business as Russo Trucking Co., Bayonne, N.J., authorizing the transportation of specified commodities from, to and between specified points and areas in New York, New Jersey, Pennsylvania, and Connecticut. Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817, representative for applicants.

No. MC-FC-72663. By order of February 22, 1971, the Motor Carrier Board approved the transfer to National Expressways, Inc., Passaic, Mo., of the operating rights in certificates Nos. MC-126822 (Sub-No. 2), MC-126822 (Sub-No. 4), MC-126822 (Sub-No. 6), MC-126822 (Sub-No. 8), MC-126822 (Sub-No. 11), MC-126822 (Sub-No. 13), MC-126822 (Sub-No. 14), MC-126822 (Sub-No. 17), MC-126822 (Sub-No. 19), MC-126822 (Sub-No. 21), MC-126822 (Sub-No. 27), and MC-126822 (Sub-No. 30) issued July 21, 1965, October 25, 1966, May 9, 1967, October 11, 1967, August 25, 1969, September 9, 1968, March 19, 1968, September 5, 1967, May 27, 1970, March 17, 1969, September 26, 1969, and July 28, 1970, to Passaic Grain and Wholesale Co., Inc., Passaic, Mo., authorizing the transportation of salted hides and pelts and nonprocessed wool, in grease, between Butler, Mo., on the one hand, and, on the other, points in the United States, excluding Alaska and Hawaii; hides, from points in the United States (except Alaska, Hawaii, Oklahoma, Louisiana, and Texas) to Laredo, Eagle Pass, and Brownsville, Tex., and between Little Rock and Fort Smith, Ark., and Muskogee and Enid, Okla., on the one hand, and, on the other, points in the United States, excluding Alaska and Hawaii; animal hides and pelts, from and to, and between, numerous other points in the United States, and anhydrous ammonia, in bulk, in tank vehicles, and fertilizer and fertilizer materials (except such liquid fertilizer and fertilizer materials as may be derived from petroleum), from the plantsite of ARCO Chemical Co. at or near Fort Madison, Iowa, to points in Arkansas, Illinois (except points in the Chicago, Ill., and East St. Louis, Ill., commercial zones, as defined by the Commission), Indiana (except points in the Chicago, Ill., commercial zone, as defined by the Commission), Kansas, Kentucky, Michigan, Minnesota, Missouri (except points in the St. Louis, Mo., commercial zone, as defined by the Commission), Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, Kansas City, MO 64106, attorneys for applicants.

No. MC-FC-72666. By order of February 8, 1971, the Motor Carrier Board approved the transfer to Clifford Christopher, Fulton, Mo., of the operating rights in certificates Nos. MC-115900 and MC-115900 (Sub-No. 1) issued May 14, 1957 and April 10, 1961, respectively to T. J. Atkinson, Jr., McCredie, Mo., authorizing the transportation of specified commodities from East St. Louis, Ill., to points in Callaway and Boone Counties, Mo. Herman W. Huber, 101 East High Street, Jefferson, MO 65101, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2965 Filed 3-3-71;8:49 am]

[Notice 654-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 1, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72674. By application filed February 24, 1971, DORY EXPRESS, LTD., 405 Broad Street, Waverly, NY, seeks temporary authority to lease a portion of the operating rights of CANA TRANSPORT CO., INC., 706 Franklin Avenue, Endicott, NY, under section 210a(b). The transfer to DORY EXPRESS, LTD., of the operating rights of CANA TRANSPORT CO., INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2966 Filed 3-3-71;8:49 am]

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VOLUME 36 • NUMBER 43

Thursday, March 4, 1971 • Washington, D.C.

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration



BLACK LUNG BENEFITS

Notice of Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 410]

[Reg. No. 10]

BLACK LUNG BENEFITS

Notice of Proposed Rule Making

Notice is herby given that pursuant to the provisions of Title IV, Part B of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173; 83 Stat. 793 et seq.) and related provisions of that Act, there are set forth below in tentative form regulations relating to black lung benefits: Amendments of Subpart A (Introduction, General Provisions, and Definitions); new Subpart B (Requirement for Entitlement, Duration of Entitlement, Filing of Claims and Evidence); new Subpart C (Relationship and Dependency); new Subpart E (Payment of Benefits); and new Subpart F (Determination of Disability, Other Determinations, Administrative Review, Finality of Decisions, and Representation of Parties) which are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare.

Prior to final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto, for the purpose of suggesting amendment, revisions, or modification of the regulations, which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 8, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: February 22, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Part 410 of Chapter III, Title 20, is amended as follows:

Subpart A—Introduction, General Provisions, and Definitions

1. The authority citation for Part 410 is deleted and a new authority citation for Subpart A is inserted as follows:

AUTHORITY: The provisions of this Subpart A issued under secs. 3(g), 402, 411, 412, 413, 414, 426(a), and 508, 83 Stat. 744. Section 410.120 also issued under sec. 1106, 53 Stat. 1398, as amended, 42 U.S.C. 1306.

2. Section 410.101 is revised to read as follows:

§ 410.101 Introduction.

The regulations in this Part 410 (Regulations No. 10 of the Social Security Administration), relate to the provisions of Part B (Black Lung Benefits) of title IV of the Federal Coal Mine Health and Safety Act of 1969, as enacted December 30, 1969, and as may hereafter be amended. The regulations in this part are divided into the following subparts according to subject content:

(a) This Subpart A contains provisions relating to definitions and the use of terms.

(b) Subpart B of this part relates to the requirements for entitlement, duration of entitlement, filing of claims, and evidence.

(c) Subpart C of this part describes the relationship and dependency requirements for widows and relationship and dependency requirements which affect the benefit amounts of entitled miners and widows.

(d) Subpart D of this part provides standards for determining total disability and death due to pneumoconiosis.

(e) Subpart E of this part relates to payment of benefits, payment periods, benefit rates and their modification, and overpayments and underpayments.

(f) Subpart F of this part relates to determinations of disability and other determinations, the procedures for administrative review, finality of decisions, and the representation of parties.

3. A new paragraph (r) is added to § 410.110 to read as follows:

§ 410.110 General definitions and use of terms.

* * * * *

(r) "Beneficiary" means a miner or surviving widow of a miner entitled to a benefit as defined in paragraph (b) of this section.

4. A new § 410.120 is added to read as follows:

§ 410.120 Disclosure of program information.

Disclosure of any file, record, report, or other paper, or any information obtained at any time by the Department of Health, Education, and Welfare, or any officer or employee of that Department, or any person, agency, or organization with whom the Administration has entered into an agreement to perform certain functions in the Administration of title IV of the Act, which in any way relates to, or is necessary to, or is used in, or in connection with, the administration of such title, shall be made in accordance with the regulations of the Department contained in 45 CFR Part 5, except that any such file, record, report, or other paper or information obtained in connection with the administration of the old-age, survivors, disability, or health insurance programs pursuant to titles II and XVIII of the Social Security Act, shall be disclosed only in accordance with Regulation No. 1 of the Social Security Administration, Part 401 of this chapter.

5. New Subparts B and C are added to Part 410 of Chapter III to read as follows:

Subpart B—Requirements for Entitlement; Duration of Entitlement; Filing of Claims; and Evidence

Sec.
410.200 Types of benefits; general.
410.201 Conditions of entitlement; miner.
410.202 Duration of entitlement; miner.
410.210 Conditions of entitlement; widow.
410.211 Duration of entitlement; widow.
410.215 Filing a claim under State workmen's compensation law; when filing such claim shall be considered futile.
410.220 Claim for benefits; definitions.
410.221 Prescribed application forms.
410.222 Execution of a claim.
410.223 Evidence of authority to execute a claim on behalf of another.
410.224 Claimant must be alive when claim is filed.
410.226 Application effective for entire month of filing.
410.227 When a claim is considered to have been filed; time and place of filing.
410.228 Requests and notices to be in writing.
410.229 When written statement is considered a claim; general.
410.230 Written statement filed by or for a miner on behalf of a member of his family.
410.231 Time limits for filing claims.
410.232 Withdrawal of a claim.
410.233 Cancellation of a request for withdrawal.
410.234 Interim provision for claims not filed on a prescribed form.
410.240 Evidence.
410.250 Effect of conviction of felonious homicide on entitlement to benefits.

AUTHORITY: The provisions of this Subpart B issued under secs. 402, 411, 412, 413, 414, 426(a), and 508, 83 Stat. 792.

Subpart B—Requirements for Entitlement; Duration of Entitlement; Filing of Claims; and Evidence

§ 410.200 Types of benefits; general.

Part B of title IV of the Act provides for the payment of periodic benefits to a miner who is determined to be totally disabled due to pneumoconiosis, or to the widow of a miner who was entitled to benefits at the time of his death or whose death is determined to have been due to pneumoconiosis. The following sections of this subpart set out the conditions of entitlement to benefits for a miner or a widow; describe the events which terminate or preclude entitlement to benefits and the procedures for filing a claim; and prescribe certain requirements as to evidence. Also see Subpart C of this part for regulations relating to the relationship and dependency requirements applicable to claimants for benefits as a widow and to beneficiaries with dependents.

§ 410.201 Conditions of entitlement; miner.

An individual is entitled to benefits if such individual:

(a) Is a miner (see § 410.110(j)); and

(b) Is totally disabled due to pneumoconiosis (see Subpart D of this part); and

(c) Has filed a claim for benefits in accordance with the provisions of §§ 410.220–410.227; and

(d) Has also filed a claim under the applicable State workmen's compensation law as provided in § 410.215.

§ 410.202 Duration of entitlement; miner.

(a) An individual is entitled to benefits as a miner for each month beginning with the first month in which all of the conditions of entitlement prescribed in § 410.201 are satisfied.

(b) The last month for which such individual is entitled to such benefit is the month before the month in which either of the following events first occurs:

(1) The miner dies (see, however, § 410.226); or

(2) The miner's disability ceases.

(c) A miner's entitlement to benefits under Part B of Title IV of the Act which is based on a claim which is filed (see § 410.227) after December 31, 1971, and before January 1, 1973, shall terminate on December 31, 1972, unless sooner terminated under paragraph (b) of this section.

§ 410.210 Conditions of entitlement; widow.

An individual is entitled to benefits if such individual:

(a) Is the widow (see § 410.320) of a miner (see § 410.110(j));

(b) Has not remarried since the miner's death;

(c) Has filed a claim for benefits in accordance with the provisions of §§ 410.220–410.227;

(d) Has also filed a claim under the applicable State workmen's compensation law as provided in § 410.215;

(e) Was dependent on the miner at the pertinent time (see § 410.360); and

(f) The deceased miner either:

(1) Was entitled to benefits at the time of his death; or

(2) Died before January 1, 1973, and his death is determined to have been due to pneumoconiosis (see Subpart D of this part).

§ 410.211 Duration of entitlement; widow.

(a) An individual is entitled to benefits as a widow for each month beginning with the first month in which all of the conditions of entitlement prescribed in § 410.210 are satisfied.

(b) The last month for which such individual is entitled to such benefit is the month before the month in which either of the following events first occurs:

(1) The widow remarries; or

(2) The widow dies.

(c) Any remarriage of a widow after the miner's death whether or not such remarriage is later ended precludes her entitlement to benefits as a widow or, if such remarriage occurs after her entitlement, terminates such entitlement.

§ 410.215 Filing claim under State workmen's compensation law; when filing such claim shall be considered futile.

(a) A claimant for benefits under this part shall file a claim under the applicable State workmen's compensation law prior to or at the same time his claim for benefits under this part is filed (see § 410.227(c)) except where the filing of a claim under such applicable State workmen's compensation law would clearly be futile.

(b) The Administration shall determine that the filing of such a claim would clearly be futile when:

(1) The period within which such a claim may be filed under such law has expired; or

(2) Pneumoconiosis as defined in § 410.110(o) is not compensable under such law; or

(3) The maximum amount of compensation or the maximum number of compensation payments allowable under such law has already been paid; or

(4) The claimant does not meet one or more conditions of eligibility for workmen's compensation payments under applicable State law; or

(5) In any other situation the claimant establishes to the satisfaction of the Administration that the filing of a claim on account of pneumoconiosis would result as a matter of law in a denial of his claim for compensation under such law.

§ 410.220 Claim for benefits; definitions.

For purposes of this part:

(a) *Claim defined.* The term "claim" means a writing asserting a right to benefits by an individual, or by a proper party on his behalf as defined in § 410.222, which writing is filed with the Administration in accordance with the regulations in this subpart.

(b) *Application defined.* The term "application" refers only to a writing on a form prescribed in § 410.221.

(c) *Claimant defined.* The term "claimant" refers to the individual who has filed a claim for benefits on his own behalf, or on whose behalf a proper party as defined in § 410.222 has filed a claim.

(d) *Applicant defined.* The term "applicant" refers to the individual who has filed an application on his own behalf, or on behalf of another, for benefits.

(e) *Execution of claim defined.* The term "to execute a claim" means to complete and sign an application (but, for an exception, see § 410.234). Irrespective of who may have prepared or completed the application, it is considered to have been executed by or on behalf of the claimant when it is signed by him or by an individual authorized to do so on his behalf (see § 410.222).

§ 410.221 Prescribed application forms.

(a) Claims shall be made as provided in this subpart on such application forms and in accordance with such instructions (provided thereon or attached thereto) as are prescribed by the Administration.

(b) The application forms used by the public to file claims for benefits under part B of title IV of the Act are SSA–46 (Application for Benefits Under the Federal Coal Mine Health and Safety Act of 1969 (Coal Miner's Claim of Total Disability)) and SSA–47 (Application for Benefits Under the Federal Coal Mine Health and Safety Act of 1969 (Widow's Claim)).

§ 410.222 Execution of a claim.

The Administration determines who is the proper party to execute a claim in accordance with the following rules:

(a) If the claimant is mentally competent, and is physically able to execute the claim, the claim shall be executed by him.

(b) If the claimant has a legally appointed guardian, committee, or other representative, the claim may be executed by such guardian, committee, or other representative.

(c) If the claimant is mentally incompetent or is physically unable to execute the claim, it may be executed by the person who has the claimant in his care.

(d) Where the claimant is in the care of an institution and is not mentally competent or physically able to execute a claim, the manager or principal officer of such institution may execute the claim.

(e) For good cause shown, the Administration may accept a claim executed by a person other than one described in paragraph (b), (c), or (d) of this section.

§ 410.223 Evidence of authority to execute a claim on behalf of another.

Where the claim is executed by a person other than the claimant, such person shall, at the time of filing the claim or within a reasonable time thereafter, file evidence of his authority to execute the claim on behalf of such claimant in accordance with the following rules:

(a) If the person executing the claim is the legally appointed guardian, committee, or other legal representative of such claimant, the evidence shall be a certificate executed by the proper official of the court of appointment.

(b) If the person executing the claim is not such a legal representative, the evidence shall be a statement describing his relationship to the claimant, the extent to which he has the care of such claimant, or his position as an officer of the institution of which the claimant is an inmate. The Administration may, at any time, require additional evidence to establish the authority of any such person.

§ 410.224 Claimant must be alive when claim is filed.

For a claim to be effective, the claimant must be alive at the time a properly executed claim (see § 410.222) is filed with the Administration (see § 410.227). (See §§ 410.229 and 410.230 concerning the filing of a prescribed application form after submittal of a written statement.)

§ 410.226 Application effective for entire month of filing.

Benefits are payable for full calendar months. If the claimant meets all the requirements for entitlement to benefits in the same calendar month in which his application is filed, the application will be effective for the whole month. If a miner dies in the first month for which he meets all the requirements for entitlement to benefits, he will, notwithstanding the provisions of § 410.202(b), be considered to be entitled to benefits for that month.

§ 410.227 When a claim is considered to have been filed; time and place of filing.

(a) *Date of receipt.* Except as otherwise provided in this part, a claim is considered to have been filed only as of the date it is received at an office of the Administration or by an employee of the Administration who is authorized to receive such claims.

(b) *Date of mailing.* If the claim is deposited in and transmitted by the U.S. mail and the fixing of the date of delivery as the date of filing would result in a loss or impairment of benefit rights, it will be considered to have been filed as of the date of mailing. The date appearing on the postmark (when available and legible) shall be prima facie evidence of the date of mailing. If there is no postmark or it is not legible, other evidence may be used to establish the mailing date.

(c) *Prospective filing of a claim.* A claim which is filed before the first month in which the claimant meets the requirements for entitlement to benefits is a valid claim only if the claimant meets such requirements before a final decision on his claim is made. Such a claim is deemed to have been filed on the first day such requirements are met.

§ 410.228 Requests and notices to be in writing.

Except as otherwise provided in this part, any request to the Administration for a determination or a decision relating to a person's right to benefits, the withdrawal of a claim, the cancellation of a request for such withdrawal, or any notice provided for pursuant to the regulations in this Part 410, shall be in writing and shall be signed by the person authorized to execute a claim under § 410.222.

§ 410.229 When written statement is considered a claim; general.

(a) *Written statement filed by claimant on his own behalf.* Where an individual files a written statement with the Administration (see § 410.227) which indicates an intention to claim benefits, and such statement bears his signature or his mark properly witnessed, the filing of such written statement, unless otherwise indicated by the regulations in this part, shall be considered to be the filing of a claim for benefits: *Provided,* That:

(1) The claimant or a proper party on his behalf (see § 410.222) executes a prescribed application form (see § 410.221) that is filed with the Administration during the claimant's lifetime and within the period prescribed in paragraph (c) (1) of this section; or

(2) In the case of a claimant who dies prior to the filing of such prescribed application form within the period prescribed in paragraph (c) (1) of this section, a prescribed application form is filed with the Administration within the period precribed in paragraph (c) (2) of this section by a party acting on behalf of the deceased claimant's estate.

(b) *Written statement filed by individual on behalf of another.* A written statement filed by an individual which indicates an intention to claim benefits on behalf of another person shall, unless otherwise indicated thereon, be considered to be the filing of a claim for such purposes: *Provided,* That:

(1) The written statement bears the signature (or mark properly witnessed) of the individual filing the statement; and

(2) The individual filing the statement is the spouse of the claimant on whose behalf the statement is being filed, or a proper party to execute a claim on behalf of a claimant as determined by § 410.222; and

(3) A prescribed application form (see § 410.221) is executed and filed in accordance with the provisions of paragraph (a) (1) or (2) of this section.

(c) *Period within which prescribed application form must be filed.* After the Administration has received from an individual a written statement as described in paragraph (a) or (b) of this section:

(1) Notice in writing shall be sent to the claimant or to the individual who submitted the written statement on his behalf, stating that an initial determination will be made with respect to such written statement if a prescribed application form executed by the claimant or by a proper party on his behalf (see § 410.222), is filed with the Administration within 6 months from the date of such notice; or

(2) If the Administration is notified that the death of such claimant occurred before the mailing of the notice described in subparagraph (1) of this paragraph, or within the 6-month period following the mailing of such notice but before the filing of a prescribed application form by or on behalf of such individual, notification in writing shall be sent to a person acting on behalf of his estate, or to the deceased's last known address. Such notification will include information that an initial determination with respect to such written statement will be made only if a prescribed application form is filed within 6 months from the date of such notification.

(3) If, after the notice as described in this paragraph (c) has been sent, a prescribed application form is not filed (in accordance with the provisions of paragraph (a) or (b) of this section) within the applicable period prescribed in subparagraph (1) or (2) of this paragraph, it will be deemed that the filing of the written statement to which such notice refers is not to be considered the filing of a claim for the purposes set forth in paragraphs (a) and (b) of this section.

§ 410.230 Written statement filed by or for a miner on behalf of a member of his family.

Notwithstanding the provisions of § 410.229, the Administration will take no action with respect to a written statement field by or for a miner on behalf of a member of his family until such miner's death. At such time, the provisions of § 410.229 shall apply as if such miner's claim on behalf of a member of his family had been filed on the day of the miner's death.

§ 410.231 Time limits for filing claims.

(a) A claim by or on behalf of a miner must be filed on or before December 31, 1972, and when so filed, is a claim for benefits under part B of title IV of the Act. (See § 410.227 for when a claim is considered to have been filed. See also § 410.202(c) for the duration of entitlement to benefits of a miner based on a claim for such benefits which is filed after December 31, 1971, and before January 1, 1973.)

(b) In the case of a miner who was entitled to benefits for the month before the month of his death, or died in the first month for which he met all the requirements for entitlement (see § 410.226), a claim for benefits by or on behalf of the widow of such miner must be filed by December 31, 1972, or within 6 months after the miner's death, whichever is later. When so filed, it constitutes a claim for benefits under part B of title IV of the Act.

(c) In the case of a miner who was not entitled to benefits for the month before the month of his death, and whose death occurred prior to January 1, 1973, a claim for widow's benefits by or on behalf of the widow of such miner must be filed by December 31, 1972, or, in the case of the edath of a miner occurring after June 30, 1972, and before January 1, 1973, within 6 months of such miner's death. When so filed, it constitutes a claim for benefits under part B of title IV of the Act.

§ 410.232 Withdrawal of a claim.

(a) *Before adjudication of claim.* A claimant (or an individual who is authorized to execute a claim on his behalf under § 410.222), may withdraw his previously filed claim provided that:

(1) He filed a written request for withdrawal,

(2) The claimant is alive at the time the request for withdrawal is filed,

(3) The Administration approves the request for withdrawal, and

(4) The request for withdrawal is filed on or before the date the Administration makes a determination on the claim.

(b) *After adjudication of claim.* A claim for benefits may be withdrawn by a written request filed after the date the Administration makes a determination on the claim provided that:

(1) The conditions enumerated in paragraph (a) (1) through (3) of this section are met; and

(2) There is repayment of the amount of benefits previously paid because of the claim that is being withdrawn or it can be established to the satisfaction of the Administration that repayment of any such amount is assured.

(c) *Effect of withdrawal of claim.* Where a request for withdrawal of a claim is filed and such request for withdrawal is approved by the Administration, such claim will be deemed not to have been filed. After the withdrawal (whether made before or after the date the Administration makes a determination) further action will be taken by the Administration only upon the filing of a new claim, except as provided in § 410.233.

§ 410.233 Cancellation of a request for withdrawal.

Before or after a written request for withdrawal has been approved by the Administration, the claimant (or a person who is authorized under § 410.222 to execute a claim on his behalf) may request that the "request for withdrawal" be canceled and that the withdrawn claim be reinstated. Such request for cancellation must be in writing and must be filed, in a case where the requested withdrawal was approved by the Administration, no later than 60 days after such approval. The claimant must be alive at the time the request for cancellation of the "request for withdrawal" is filed with the Administration.

§ 410.234 Interim provision for claims not filed on a prescribed form.

Notwithstanding any other provision of this subpart, a written request for benefits which is filed before the end of the calendar month following the month in which the effective date of this section occurs, and which meets the requirements of this subpart except for the filing of a prescribed application form, shall be considered a claim for benefits. Nevertheless, where a prescribed application form has not been filed, the Administration may require that such a form be completed and filed before adjudicating the claim. (See § 410.240(a).)

§ 410.240 Evidence.

(a) *Evidence of eligibility.* A claimant for benefits shall submit such evidence of eligibility as is specified in this section. The Administration may at any time require additional evidence to be submitted with regard to entitlement or the right to receive payment.

(b) *Failure to submit requested evidence of eligibility.* Whenever a claimant for benefits has submitted no evidence or insufficient evidence of eligibility, the Administration will inform the claimant what evidence is necessary for a determination of eligibility and will request him to submit such evidence within a specified time. The claimant's failure to submit evidence as requested by the Administration shall be a basis for determining that the conditions of eligibility concerning which such evidence was requested have not been met (see § 410.610(g)).

(c) *Evidence of nonoccurrence of termination, suspension, or reduction event.* The Administration may at any time require an individual receiving, or claiming that he is entitled to receive, a benefit, either on behalf of himself or on behalf of another, to submit a written statement giving pertinent information bearing upon the issue of whether or not an event has occurred which would cause such benefit to be terminated, or which would subject such benefit to reductions or suspension under the provisions of the Act. The failure on the part of such individual to submit such statement, properly executed, to the Administration, shall subject such benefit to reductions, suspension, or termination, as the case may be.

(d) *Place and manner of submitting evidence.* Evidence in support of a claim shall be filed at an office of the Administration or with an employee of the Administration authorized to receive such evidence at a place other than such office. Such evidence may be submitted as part of a prescribed application form if the form provides for its inclusion, or it may be submitted in addition to such prescribed form and in the manner indicated in this section.

(e) *Certification of evidence by authorized individual.* In cases where a copy of a record, document, or other evidence, or an excerpt of information therefrom, is acceptable as evidence in lieu of the original, such copy or excerpt shall, except as may otherwise clearly be indicated thereon, be certified as a true and exact copy or excerpt by the official custodian of any such record or by an employee of the Administration authorized to make certifications of any such evidence.

(f) *Evidence of total disability or death due to pneumoconiosis.* For evidence requirements to support allegations of total disability or death due to pneumoconiosis; for the effect of the failure or refusal of an individual to present himself for an examination or test in connection with the alleged disability, or to submit evidence of disability and for evidence as to the cessation of disability, see Subpart D of this Part 410.

(g) *Evidence of matters other than total disability or death due to pneumoconiosis.* With respect to the following matters, evidence shall be submitted in accordance with the provisions of Regulations No. 4 (Part 404 of this chapter) cited hereinafter, as if the claim for benefits under the Act were an application for benefits under section 202 of the Social Security Act. Evidence as to:

(1) Age: § 404.703 of this chapter;

(2) Death: §§ 404.704, 404.705 of this chapter;

(3) Marriage and termination of marriage: §§ 404.706–404.709 of this chapter;

(4) Relationship of parent and child: §§ 404.711–404.715 of this chapter;

(5) Domicile: § 404.716 of this chapter;

(6) "Living with" or "member of the same household": § 404.716a of this chapter.

§ 410.250 Effect of conviction of felonious homicide on entitlement to benefits.

The widow of a miner who has been finally convicted by a court of competent jurisdiction of the felonious and intentional homicide of the miner shall not be entitled to benefits as a widow under part B of title IV of the Act.

Subpart C—Relationship and Dependency

Sec.
410.300 Relationship and dependency; general.
410.310 Determination of relationship; wife.
410.320 Determination of relationship; widow.
410.330 Determination of relationship; child.
410.350 Determination of dependency; wife.
410.360 Determination of dependency; widow.
410.370 Determination of dependency; child.
410.380 Time of determinations.
410.391 Legal impediment.
410.392 Domicile.
410.393 "Living with" and "member of the same household"; wife or widow.
410.394 "Living with"; child.
410.395 Contributions and support.

AUTHORITY: The provisions of this Subpart C issued under secs. 402, 412(a), 426(a), and 508, 83 Stat. 792.

Subpart C—Relationship and Dependency

§ 410.300 Relationship and dependency; general.

(a) In order to establish entitlement to benefits, a widow must meet relationship and dependency requirements with respect to the miner prescribed by or pursuant to the Act.

(b) In order for a beneficiary to qualify for augmented benefits because of one or more dependents (see § 410.510 (b)), such dependents must meet relationship and dependency requirements with respect to such beneficiary prescribed by or pursuant to the Act.

(c) "Employee" as used in 5 U.S.C. 8110(a) means a beneficiary, i.e., a miner with respect to miner's benefits and a widow with respect to widow's benefits (see § 410.110(r)).

§ 410.310 Determination of relationship; wife.

An individual will be considered to be the wife of a miner if:

(a) The courts of the State in which such miner is domiciled (see § 410.392) would find that such individual and the miner were validly married; or

(b) The courts of the State in which such miner is domiciled (see § 410.392) would find, under the law they would apply in determining the devolution of the miner's intestate personal property, that the individual is the miner's wife; or

(c) Under State law, such individual has the same right she would have if she were the wife to share in the miner's intestate personal property; or

(d) Such individual went through a marriage ceremony with the miner resulting in a purported marriage between them and which, but for a legal impediment (see § 410.391), would have been a valid marriage. However, such purported marriage shall not be considered a valid marriage if such individual entered into the purported marriage with knowledge that it was not a valid marriage.

§ 410.320 Determination of relationship; widow.

An individual will be considered to be the widow of a miner if:

(a) The courts of the State in which such miner was domiciled (see § 410.392) at the time of his death would find that the individual and the miner were validly married; or

(b) The courts of the State in which such miner was domiciled (see § 410.392) at the time of his death would find, under the law they would apply in determining the devolution of the miner's intestate personal property, that the individual was the miner's widow; or

(c) Under State low, such individual has the same right she would have as if she were the miner's widow to share in the miner's intestate personal property; or

(d) Such individual went through a marriage ceremony with the miner resulting in a purported marriage between them and which, but for a legal impediment (see § 410.391) would have been a valid marriage. However, such purported marriage shall not be considered a valid

marriage if such individual entered into the purported marriage with knowledge that it was not a valid marriage.

§ 410.330 Determination of relationship; child.

An individual will be considered to be the child of a beneficiary (see § 410.110 (r)) if:

(a) The courts of the State in which such beneficiary is domiciled (see § 410.392) would find, under the law they would apply in determining the devolution of the beneficiary's intestate personal property, that the individual is the beneficiary's child; or

(b) Such individual is the legally adopted child of such beneficiary; or

(c) Such individual is the stepchild of such beneficiary by reason of a valid marriage of his parent or adopting parent to such beneficiary; or

(d) Such individual does not bear the relationship of child to such beneficiary under paragraph (a), (b), or (c) of this section, but would, under State law, have the same right as a child to share in the beneficiary's intestate personal property; or

(e) Such individual is the natural son or daughter of a beneficiary but does not bear the relationship of child to such beneficiary under paragraph (a), (b), or (c) of this section, and is not considered to be the child of the beneficiary under paragraph (d) of this section, such individual shall nevertheless be considered to be the child of such beneficiary if the beneficiary and the mother or the father, as the case may be, of such individual went through a marriage ceremony resulting in a purported marriage between them which, but for a legal impediment (see § 410.391), would have been a valid marriage.

(f) Such individual is the natural son or daughter of a beneficiary but does not have the relationship of child to such beneficiary under paragraph (a), (b), or (c) of this section, and is not considered to be the child of the beneficiary under paragraph (d) or (e) of this section, such individual shall nevertheless be considered to be the child of such beneficiary if:

(1) Such beneficiary, prior to his entitlement to benefits, has acknowledged in writing that the individual is his son or daughter, or has been decreed by a court to be the father of the individual, or he has been ordered by a court to contribute to the support of the individual (see § 410.395(c)) because the individual is his son or daughter; or

(2) Such beneficiary is shown by satisfactory evidence to be the father of the individual and was living with or contributing to the support of the individual at the time such beneficiary became entitled to benefits.

(3) The term "beneficiary" as used in this paragraph, except where there is a specific reference to the "father" only, refers to the child's father (miner) or mother (widow).

§ 410.350 Determination of dependency; wife.

A wife will be determined to be dependent upon the miner if:

(a) She is a member of the same household as the miner (see § 410.393); or

(b) She is receiving regular contributions from the miner for her support (see § 410.395(b)); or

(c) The miner has been ordered by a court to contribute to her support (see § 410.395(c)).

§ 410.360 Determination of dependency; widow.

A widow will be determined to have been dependent upon the miner if, at the time of the miner's death:

(a) She was living with the miner (see §410.393); or

(b) She was dependent upon the miner for support or the miner has been ordered by a court to contribute to her support (see § 410.395); or

(c) She was living apart from the miner because of his desertion or other reasonable cause.

§ 410.370 Determination of dependency; child.

A child will be determined to be dependent upon the beneficiary if the child:

(a) Is unmarried; and

(b)(1) is living with such beneficiary (see § 410.394); or

(2) Is receiving regular contributions from such beneficiary toward his support (see § 410.395(b)); and

(c)(1) Is under 18 years of age; or

(2) Is 18 years of age or older and is incapable of self-support because of a physical or mental disability; or

(3) Is 18 years of age or older and a student.

(d) A child is "incapable of self-support because of a physical or mental disability" when he has an impairment (regardless of when it began) which would meet the disability requirements for child's insurance benefits based on such child's disability under section 202 (d) of the Social Security Act, 42 U.S.C. 402(d), which are applicable for months after August 1965. These disability requirements are prescribed in Subpart P of Part 404 of this chapter.

(e)(1) "Student" as used in this section means an individual under 23 years of age who has not completed 4 years of education beyond the high school level and who is regularly pursuing a full-time course of study or training at an institution which is:

(i) A school, college, or university operated or directly supported by the United States, or by a State or local government or political subdivision thereof; or

(ii) A school, college, or university which has been accredited by a State or by a State-recognized or nationally-recognized accrediting agency or body; or

(iii) A school, college, or university not so accredited but whose credits are accepted, on transfer, by at least three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited; or

(iv) A technical, trade, vocational, business, or professional school accredited or licensed by the Federal, or a State government or any political subdivision thereof, providing courses of not less than 3 months' duration that prepare the student for a livelihood in a trade, industry, vocation, or profession.

(2) A student will be considered to be "pursuing a full-time course of study or training at an institution" if he is enrolled in a noncorrespondence course and is carrying a subject load which is considered full-time for day students under the institution's standards and practices. However, a student will not be considered to be "pursuing a full-time course of study or training" if he is enrolled in a course of study or training of less than 13 school weeks' duration. A student beginning or ending a full-time course of study or training in part of any month will be considered to be pursuing such course for the entire month.

(3) A child is deemed not to have ceased to be a student:

(i) During any interim between school years, if the interim does not exceed 4 months and he shows to the satisfaction of the Administration that he has a bona fide intention of continuing to pursue a full-time course of study or training during the semester or other enrollment period immediately after the interim; or

(ii) During periods of reasonable duration during which, in the judgment of the Administration, he is prevented by factors beyond his control from pursuing his education.

(4) A student whose 23d birthday occurs during a semester or other enrollment period in which he is pursuing a full-time course of study or training shall continue to be considered a student until the end of such period.

§ 410.380 Time of determinations.

(a) *Relationship of widow.* The determination of a claimant's relationship as the widow of a miner is made with respect to the time such claimant effectively files (see § 410.227) a claim for benefits as a widow. A prior determination that such claimant was determined to be, or not to be, the wife of such miner, pursuant to § 410.310, for purposes of qualifying the miner for an augmentation of his benefits for a certain period on account of his dependents (see § 410.510(b)) is not determinative of the issue of the claimant's relationship as the widow of such miner.

(b) *Relationship and dependency of wife or child.* The determination as to whether an individual purporting to be a wife or child is related to or dependent upon the beneficiary shall be based on the facts and circumstances with respect to the period or periods of time as to which the issue of relationship or dependency of such purported wife or child is material. (See, for example, § 410.510(b).)

§ 410.391 Legal impediment.

For purposes of this Subpart C, "legal impediment" means an impediment resulting from the lack of dissolution of a previous marriage or otherwise arising out of such previous marriage or its dissolution, or resulting from a defect in the procedure followed in connection with the purported marriage ceremony—for example, the solemnization of a marriage only through a religious ceremony in a country which requires a civil ceremony for a valid marriage.

§ 410.392 Domicile.

(a) For purposes of this Subpart C, the term "domicile" means the place of an individual's true, fixed, and permanent home to which, whenever he is absent, he has the intention of returning.

(b) The domicile of a deceased miner is determined as of the time of his death.

(c) The domicile or a change in domicile of a beneficiary or other individual is determined with respect to the period or periods of time as to which the issue of domicile is material.

(d) If an individual was not domiciled in any State at the pertinent time, the law of the District of Columbia is applied as if such individual were then domiciled there.

§ 410.393 "Living with" and "member of the same household"; wife or widow.

(a) *Defined.* "Living with" as used in section 402(e) of the Act, and "member of the same household" as used in 5 U.S.C. 8110(a)(1)(A), means that a husband and wife were customarily living together as husband and wife in the same place of abode.

(b) *Temporary absence.* The temporary absence of one spouse from such place of abode does not preclude a finding that one was "living with" the other or that they were "members of the same household." The absence of one spouse from the place of abode in which both had customarily lived as husband and wife shall, in the absence of evidence to the contrary, be considered temporary:

(1) If such absence was due to service in the Armed Forces of the United States; or

(2) If the period of absence from their place of abode did not exceed 6 months, and neither spouse was outside the United States, and the absence was due to business or employment reasons, or because of confinement in a penal institution or in a hospital, nursing home, or other curative institution; or

(3) In any other case, if the evidence establishes that despite such absence they nevertheless reasonably expected to resume physically living together at some time in the reasonably near future.

(c) *Death during absence.* Where the death of one of the parties occurred while away from the place of abode for treatment or care of an illness or an injury (e.g., in a hospital), the fact that the death was foreseen as possible or probable does not, in and of itself, preclude a finding that the parties were "living with" one another or were "member[s] of the same household" at the time of death.

(d) *Absences other than temporary.* In situations other than those described in paragraphs (b) and (c) of this section, the absence shall not be considered temporary, and the parties may not be found to be "living with" one another or to be "member[s] of the same household." A finding of temporary absence would not be justified where one of the parties was committed to a penal institution for life or for a period exceeding the reasonable life expectancy of either, or was under a sentence of death; or where the parties had ceased to live in the same place of abode because of marital difficulties and had not resumed living together before death.

(e) *Relevant period of time.* (1) The determination as to whether a widow had been "living with" her husband shall be based upon the facts and circumstances as of the time of death of the miner.

(2) The determination as to whether a wife is a "member of the same household" as her husband shall be based upon the facts and circumstances with respect to the period or periods of time as to which the issue of membership in the same household is material. (See § 410.510(b).)

§ 410.394 "Living with"; child.

(a) *Defined.* "Living with" as used in 5 U.S.C. 8110(a)(3) means that the beneficiary and his child share the same residence and that the parent beneficiary is exercising or has the right to exercise parental control and authority over the child.

(b) *Periodic or temporary separation.* A beneficiary and his child will be considered to be sharing the same residence during a periodic or temporary separation if the circumstances indicate that the beneficiary and his child have shared and again expect to share a common residence when conditions permit.

(c) *Parental control and authority.* Parental control and authority may be exercised exclusively by one parent or jointly by both. However, the exercise of parental control and authority exclusively by one parent and then by the other over successive periods of time does not constitute the joint exercise of parental control and authority.

(d) *Relevant period of time.* The determination as to whether a child is "living with" the beneficiary shall be based on the facts and circumstances with respect to the period or periods of time as to which the issue of "living with" the beneficiary is material.

§ 410.395 Contributions and support.

(a) *"Support" defined.* The term "support" includes food, shelter, clothing, ordinary medical expenses, and other ordinary and customary items for the maintenance of the persons supported.

(b) *"Contributions" defined.* (1) "Contributions" refers to contributions actually provided by the contributor from his own property, or the use thereof, or by the use of his own credit.

(2) "Regular contributions" mean contributions that are customary and sufficient to constitute a material factor in the cost of the individual's support.

(3) When a wife receives, and uses for her support, income from her services or property and such income, under applicable State law, is the community property of herself and the miner, no part of such income is a "contribution" by the miner to his wife's support regardless of any legal interest the miner may have therein. However, when a wife receives, and uses for her support, income from the services and the property of the miner and, under applicable State law, such income is community property, all of such income is considered to be a contribution by the miner to his wife's support.

(c) *"Court order for support" defined.* References to support orders in §§ 410.350(c) and 410.360(b) mean any court order, judgment, or decree of a court of competent jurisdiction which requires regular contributions that are a material factor in the cost of the individual's support and which is in effect at the applicable time. If such contributions are required by a court order, this condition is met whether or not the contributions were actually made.

(d) *"Dependency" on miner defined.* A widow will be considered to be dependent on the miner for support for purposes of § 410.360(b) if during the year before his death she received from him regular contributions toward her support (see paragraph (b)(2) of this section).

Subpart D—Total Disability or Death Due to Pneumoconiosis

6. The authority citation for Part 410 has been deleted and a new authority citation for Subpart D is inserted as follows:

AUTHORITY: The provisions of this Subpart D issued under secs. 402 (b) and (f), 411, 426(a), and 508, 83 Stat. 793.

7. New Subparts E and F are added to Part 410 of Chapter III to read as follows:

Subpart E—Payment of Benefits

Sec.
410.501 Payment periods.
410.505 Payment on behalf of another; "legal guardian" defined.
410.510 Benefit rates.
410.515 Modification of benefit amounts; general.
410.520 Reductions; receipt of State benefit.
410.530 Reductions; excess earnings.
410.540 Reductions; more than one reduction event.
410.550 Nonpayment of benefits to residents of certain States.
410.560 Overpayments.
410.565 Collection and compromise of claims for overpayment.
410.570 Underpayments.
410.580 Relation to provisions for reductions or increases.

AUTHORITY: The provisions of this Subpart E issued under secs. 411(a), 412 (a) and (b), 413(b), 426(a), and 508, 83 Stat. 793; § 410.565 also issued under sec. 3, 80 Stat. 309, 31 U.S.C. 952.

Subpart E—Payment of Benefits

§ 410.501 Payment periods.

Benefits are paid to beneficiaries during entitlement for payment periods consisting of full calendar months.

§ 410.505 Payment on behalf of another; "legal guardian" defined.

Benefits are paid only to the beneficiary or his legal guardian. As used in this section, "legal guardian" means an individual who has been appointed by a

court of competent jurisdiction or otherwise appointed pursuant to law, to assume control of and responsibility for the care of the beneficiary, the management of his estate, or both.

§ 410.510 Benefit rates.

(a) *Basic rate.* A beneficiary is paid monthly benefits during entitlement at a rate equal to 50 percent of the minimum monthly payment to which a totally disabled Federal employee in Grade GS–2 would be entitled for such month under the Federal Employees' Compensation Act, chapter 81, title 5, United States Code. Such benefit rate for a month is determined by:

(1) Ascertaining the lowest annual rate of pay ("step 1") for Grade GS–2 of the General Schedule applicable to such month (see 5 U.S.C. 5332);

(2) Ascertaining the monthly rate thereof by dividing the amount determined in subparagraph (1) of this paragraph by 12;

(3) Ascertaining the minimum monthly payment under the Federal Employees' Compensation Act by multiplying the amount determined in subparagraph (2) of this paragraph by 75 percent (or 0.75) (see 5 U.S.C. 8112); and

(4) Ascertaining the basic rate under the Act by multiplying the amount determined in subparagraph (3) of this paragraph by 50 percent (or 0.50).

(b) *Augmented benefits in case of dependency.* (1) A beneficiary's benefit rate, as determined in paragraph (a) of this section, is increased for those months in which the beneficiary has one or more dependents who qualify under Subpart C of this part. This increase is referred to as an "augmentation." The beneficiary's basic rate is augmented at the rate of 50 percent for one such dependent, 75 percent for two such dependents, or 100 percent for three or more such dependents.

(2) A beneficiary's benefit rate is augmented to take account of a particular dependent beginning with the first month in which such dependent satisfies the conditions set forth in Subpart C of this part, and continues to be augmented through the month before the month in which such dependent ceases to satisfy the conditions set forth in Subpart C of this part.

(c) *Computation.* A computation prescribed by paragraph (a)(2), (3), (4), or (b) of this section is made to the third decimal place.

(d) *Benefit rates.*

	Beginning January 1971	Prior to January 1971
(1) Miner or widow with no dependents	$153.10	$144.50
(2) Miner or widow with one dependent	229.60	216.70
(3) Miner or widow with two dependents	267.90	252.80
(4) Miner or widow with three or more dependents	306.10	288.90

§ 410.515 Modification of benefit amounts; general.

Under certain conditions, the amount of monthly benefits as computed in § 410.510 must be modified to determine the amount actually to be paid to a beneficiary. A modification of the amount of a monthly benefit is required in the following instances:

(a) *Reduction.* A reduction from a beneficiary's monthly benefit may be required because of:

(1) A miner's excess earnings from wages and from net earnings from self-employment (see § 410.530); or

(2) Failure to report earnings from work in employment and self-employment within the prescribed period of time (see § 410.530); or

(3) The receipt by a beneficiary of payments made on account of any disability of the miner under State laws relating to workmen's compensation (including compensation for occupational disease), unemployment compensation or disability insurance (see § 410.520).

(b) *Adjustment.* An adjustment in a beneficiary's monthly benefit may be required because an overpayment or underpayment has been made to such beneficiary (see §§ 410.560, 410.570, and 410.580).

(c) *Nonpayment.* No benefits under this part are payable to the residents of a State which reduces its payments made to beneficiaries pursuant to certain State laws (see § 410.550).

(d) *Suspension.* A suspension of a beneficiary's monthly benefits may be required when the Administration has information indicating that reductions on account of the miner's excess earnings (based on criteria in section 203(b) of the Social Security Act, 42 U.S.C. 403(b)) may reasonably be expected.

(e) *"Rounding" of benefit amounts.* Monthly benefit rates are payable in multiples of 10 cents. Any monthly benefit rate which, after all applicable computations, augmentations, and/or reductions is not a multiple of 10 cents, is increased to the next higher multiple of 10 cents. Since a fraction of a cent is not a multiple of 10 cents a benefit rate which contains such a fraction in the third decimal is raised to the next higher multiple of 10 cents.

§ 410.520 Reductions; receipt of State benefit.

(a) As used in this section, the term "State benefit" means a payment to a beneficiary made on account of any disability of the miner under State laws relating to workmen's compensation (including compensation for occupational disease), unemployment compensation, or disability insurance.

(b) Benefit payments to a beneficiary for a month are reduced (but not below zero) by an amount equal to any payments of State benefits received by such beneficiary for such month.

(c) Where a State benefit is paid periodically but not monthly, or in a lump sum as a commutation of or a substitute for periodic benefits, the reduction under this section is made at such time or times and in such amounts as the Administration determines will approximate as nearly as practicable the reduction required under paragraph (b) of this section. In making such a determination, a weekly State benefit is multiplied by 4⅓ and a biweekly benefit is multiplied by 2⅙, to ascertain the monthly equivalent for reduction purposes.

(d) Amounts included in an award of a State benefit which are specifically identifiable as being for medical or legal expenses paid or incurred by the beneficiary in connection with his claim for such State benefit or the injury or occupational disease on which it is based, are excluded in computing the reduction under paragraph (b) of this section, unless such expenditures were directly reimbursed by the beneficiary's State, employer, or employer's carrier.

§ 410.530 Reductions; excess earnings.

Benefit payments to a miner are reduced by an amount equal to the deductions which would be made with respect to excess earnings under the provisions of sections 203 (b), (f), (g), (h), (j), and (l) of the Social Security Act (42 U.S.C. 403 (b), (f), (g), (h), (j), and (l)), as if such benefit payments were benefits payable under section 202 of the Social Security Act (42 U.S.C. 402).

§ 410.540 Reductions; more than one reduction event.

If a reduction for receipt of State benefits (see § 410.520) and a reduction on account of excess earnings (see § 410.530) are chargeable to the same month, the benefit for such month is first reduced (but not below zero) by the amount of the State benefits (as determined in accordance with § 410.520(c)), and the remainder of the benefit for such month, if any, is then reduced (but not below zero) by the amount of excess earnings chargeable to such month.

§ 410.550 Nonpayment of benefits to residents of certain States.

No benefit shall be paid under this part to the residents of any State which, after December 30, 1969, reduces the benefits payable to persons eligible to receive benefits under this part, under its State laws which are applicable to its general work force with regard to workmen's compensation (including compensation for occupational disease), unemployment compensation, or disability insurance benefits which are funded in whole or in part out of employer contributions.

§ 410.560 Overpayments.

(a) *General.* As used in this subpart, the term "overpayment" includes a payment where no amount is payable under part B of title IV of the Act; a payment in excess of the amount due under part B of title IV of the Act; a payment resulting from the failure to reduce benefits under section 412(b) of the Act (see §§ 410.520, 410.530); a payment to a resident of a State whose residents are not eligible for payment (see § 410.550); and a payment resulting from the failure to terminate benefits of an individual no longer entitled thereto.

(b) *Overpaid beneficiary is living.* If the beneficiary to whom an overpayment was made is, at the time of a determination of such overpayment, entitled to benefits, or at any time thereafter becomes so entitled, no benefit for any month is payable to such individual, except as provided in paragraph (c) of this section, until an amount equal to the amount of the overpayment has been withheld or refunded.

(c) *Adjustment by withholding part of a monthly benefit.* Adjustment under paragraph (b) of this section may be effected by withholding a part of the monthly benefit payable to a beneficiary where it is determined that:

(1) Withholding the full amount each month would deprive the beneficiary of income required for ordinary and necessary living expenses;

(2) The overpayment was not caused by the beneficiary's intentionally false statement or representation, or willful concealment of, or deliberate failure to furnish, material information; and

(3) Recoupment can be effected in an amount of not less than $10 a month and at a rate which would not extend the period of adjustment beyond 3 years after the initiation of the adjustment action.

(d) *Overpaid beneficiary dies before adjustment.* If an overpaid beneficiary dies before adjustment is completed under the provisions of paragraph (b) of this section, recovery of the overpayment shall be effected through repayment by the estate of the deceased overpaid beneficiary, or by withholding of amounts due the estate of such deceased beneficiary, or both.

§ 410.565 Collection and compromise of claims for overpayment.

(a) *General effect of the Federal Claims Collection Act of 1966.* Claims by the Administration against an individual for recovery of overpayments under part B of title IV of the Act, not exceeeding the sum of $20,000, exclusive of interest, may be compromised, or collection suspended or terminated where such individual or his estate does not have the present or prospective ability to pay the full amount of the claim within a reasonable time (see paragraph (c) of this section) or the cost of collection is likely to exceed the amount of recovery (see paragraph (d) of this section) except as provided under paragraph (b) of this section.

(b) *When there will be no compromise, suspension or termination of collection of a claim for overpayment—(1) Overpaid individual alive.* In any case where the overpaid individual is alive, a claim for overpayment will not be compromised, nor will there be suspension or termination of collection of the claim by the Administration if there is an indication of fraud, the filing of a false claim, or misrepresentation on the part of such individual or on the part of any other party having an interest in the claim.

(2) *Overpaid individual deceased.* In any case where the overpaid individual is deceased (i) a claim for overpayment in excess of $5,000 will not be compromised, nor will there be suspension or termination of collection of the claim by the Administration if there is an indication of fraud: the filing of a false claim, or misrepresentation on the part of such deceased individual, and (ii) a claim for overpayment regardless of the amount will not be compromised, nor will there be suspension or termination of collection of the claim by the Administration if there is an indication that any person other than the deceased overpaid individual had a part in the fraudulent action which resulted in the overpayment.

(c) *Inability to pay claim for recovery of overpayment.* In determining whether the overpaid individual is unable to pay a claim for recovery of an overpayment under part B of title IV of the Act, the Administration will consider such individual's age, health, present and potential income (including inheritance prospects), assets (e.g., real property, savings account), possible concealment or improper transfer of assets, and assets or income of such individual which may be available in enforced collection proceedings. The Administration will also consider exemptions available to such individual under the pertinent State or Federal law in such proceedings. In the event the overpaid individual is deceased, the Administration will consider the available assets of the estate, taking into account any liens or superior claims against the estate.

(d) *Cost of collection or litigative probabilities.* Where the probable costs of recovering an overpayment under part B of title IV of the Act would not justify enforced collection proceedings for the full amount of the claim or there is doubt concerning the Administration's ability to establish its claim as well as the time which it will take to effect such collection, a compromise or settlement for less than the full amount will be considered.

(e) *Amount of compromise.* The amount to be accepted in compromise of a claim for overpayment under part B of title IV of the Act shall bear a reasonable relationship to the amount which can be recovered by enforced collection proceedings giving due consideration to the exemptions available to the overpaid individual under State or Federal law and the time which such collection will take.

(f) *Payment.* Payment of the amount which the Administration has agreed to accept as a compromise in full settlement of a claim for recovery of an overpayment under part B of title IV of the Act must be made within the time and the manner set by the Administration. A claim for such recovery of the overpayment shall not be considered compromised or settled until the full payment of the compromised amount has been made within the time and manner set by the Administration. Failure of the overpaid individual or his estate to make such payment as provided shall result in reinstatement of the full amount of the overpayment less any amounts paid prior to such default.

§ 410.570 Underpayments.

(a) *General.* As used in this subpart, the term "underpayment" includes a payment in an amount less than the amount of the benefit due for such month, and nonpayment where some amount of such benefits are payable.

(b) *Underpaid beneficiary is living.* If a beneficiary to whom an underpayment is due is living, the amount of such underpayment will be paid to such beneficiary.

(c) *Beneficiary dies before adjustment of underpayment.* If a beneficiary to whom an underpayment is due dies before receiving payment or negotiating a check or checks representing such payment, such underpayment will be distributed to the legal representative of the estate of the deceased beneficiary as defined in paragraph (d) of this section.

(d) *Definition of legal representative.* The term "legal representative," for the purpose of qualifying to receive an underpayment, generally means the executor or the administrator of the estate of the deceased beneficiary. However, it may also include an individual, institution, or organization acting on behalf of an unadministered estate, provided the person can give the Administration good acquittance (as defined in paragraph (e) of this section). The following persons may qualify as legal representative for purposes of this section, provided they can give the Administration good acquittance:

(1) A person who qualifies under a State's "small estate" statute; or

(2) A person resident in a foreign country who, under the laws and customs of that country, has the right to receive assets of the estate; or

(3) A public administrator; or

(4) A person who has the authority, under applicable law, to collect the assets of the estate of the deceased beneficiary.

(e) *Definition of "good acquittance."* A person is considered to give the Administration "good acquittance" when payment to that person will release the Administration from further liability for such payment.

§ 410.580 Relation to provisions for reductions or increases.

The amount of an overpayment or underpayment is the difference between the amount actually paid to the beneficiary and the amount of the payment to which the beneficiary was actually entitled. Such overpayment or underpayment, for example, would be equal to the difference between the amount of a benefit in fact paid to the beneficiary and the amount of such benefit as reduced under section 412(b) of the Act, as increased pursuant to section 412(a)(1), or as augmented under section 412(a)(3), of the Act. In effecting an adjustment with respect to an overpayment, no amount can be considered as having been withheld from a particular benefit which is in excess of the amount of such benefit as so reduced. Overpayments and underpayments simultaneously outstanding on account of the same beneficiary are first adjusted against one another before adjustment pursuant to the other provisions of this subpart.

Subpart F—Determinations of Disability, Other Determinations, Administrative Review, Finality of Decisions, and Representation of Parties

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AUTHORITY: The provisions of this Subpart F issued under secs. 413(b), 426(a), 507, and 508, 83 Stat. 794.

Subpart F—Determinations of Disability, Other Determinations, Administrative Review, Finality of Decisions, and Representation of Parties

§ 410.601 Determinations of disability.

(a) *By State agencies.* In any State which has entered into an agreement with the Secretary providing therefor, determinations as to whether a miner is under a total disability (as defined in § 410.402) due to pneumoconiosis (as defined in § 410.110(o)), as to the date total disability began, and as to the date total disability ceases, shall be made by the State agency or agencies designated in such agreement on behalf of the Secretary with respect to all individuals in such State, or with respect to such class or classes of individuals in the State as may be designated in the agreement.

(b) *By the Administration.* Determinations as to whether a miner is under a total disability (as defined in § 410.402), due to pneumoconiosis (as defined in § 410.110(o)), as to the date the total disability began, and as to the date total disability ceases, shall be made by the Administration on behalf of the Secretary with respect to individuals in any State which has not entered into an agreement to make such determinations, or with respect to any class or classes of individuals to which such an agreement is not applicable, or with respect to any individuals outside the United States. In addition, all other determinations as to entitlement to and the amounts of benefits shall be made by the Administration on behalf of the Secretary.

(c) *Review by Administration of State agency determinations.* The Administration may review a determination made by a State agency that a miner is under a total disability and, as a result of such review, may determine that such individual is not under a total disability, or that the total disability began on a date later than that determined by the State agency, or that the total disability ceased on a date earlier than that determined by the State agency.

(d) *Initial determinations as to entitlement or termination of entitlement.* After any determination as to whether an individual is under a total disability or has ceased to be under a total disability, the Administration shall make an initial determination (see § 410.610) with respect to entitlement to benefits.

§ 410.610 Administrative actions that are initial determinations.

(a) *Entitlement to benefits.* The Administration, subject to the limitations of a Federal-State agreement pursuant to section 413(b) of the Act (see § 410.601(a)), shall make findings, setting forth the pertinent facts and conclusions, and an initial determination with respect to entitlement to benefits of any individual who has filed a claim for benefits. The determination shall include the amount, if any, to which the individual is entitled and, where applicable, such amount as reduced (see § 410.515), augmented or otherwise increased (see § 410.510).

(b) *Modification of the amount of benefits.* The Administration shall, under the circumstances hereafter stated in this paragraph, make findings, setting forth the pertinent facts and conclusions, and an initial determination as to whether:

(1) There should be a reduction under section 412(b) of the Act, and if a reduction is to be made, the amount thereof (see § 410.515(a)); or

(2) There has been an overpayment (see § 410.560) or an underpayment (see § 410.570) of benefits and, if so, the amount thereof, and the adjustment to be made by increasing or decreasing the monthly benefits to which a beneficiary is entitled (see § 410.515(b)), and, in the case of an underpayment due a deceased beneficiary, the legal representative (if any) to whom the underpayment should be paid.

(c) *Termination of benefits.* The Administration, subject to the limitations of a Federal-State agreement pursuant to section 413(b) of the Act (see § 410.601(a)), shall, with respect to a beneficiary who has been determined to be entitled to benefits, make findings, setting forth the pertinent facts and conclusions, and an initial determination as to whether, under the applicable provisions of part B of title IV of the Act, such beneficiary's entitlement to benefits has ended and, if so, the effective date of such termination.

(d) *Reinstatement of benefits.* The Administration shall, with respect to a beneficiary whose benefits have been determined to have ended under paragraph (c) of this section, make findings, setting forth the pertinent facts and conclusions, and an initial determination as to whether the individual is entitled to a reinstatement of benefits thus ended, and if so, the effective date of such reinstatement. Such findings of fact and determination shall be made whenever a party makes a written request for reinstatement or whenever evidence is received which justifies such reinstatement (see for example §§ 410.671–410.673).

(e) *Augmentation of benefits.* The Administration shall make findings, setting forth the pertinent facts and conclusions, and an initial determination, as to whether a beneficiary has or continues to have dependents who, at the appropriate time, qualify under the relationship, dependency, and other applicable requirements of Subpart C of this part, for purposes of entitling such beneficiary to an augmentation of his benefits pursuant to § 410.510(b).

(f) *Other increases in benefit amounts.* The Administration shall make findings, setting forth the pertinent facts and conclusions, and an initial determination, as to whether a beneficiary is entitled to an increase in benefits (other than an augmentation) pursuant to section 412(a) of the Act.

(g) *Applicant's failure to submit evidence.* If an individual fails to submit in support of his claim for benefits or request for augmentation or other increase of benefits, such evidence as may be requested by the Administration pursuant to § 410.240 or any provision of the Act, the Administration may make an initial determination disallowing the individual's claim or his request for such augmentation or other increase. The initial determination, however, shall specify the conditions of entitlement to benefits or to an augmentation or other increase of benefits that the individual has failed to satisfy because of his failure to submit the requested evidence (see § 410.240).

(h) *Failure to file claim under applicable State workmen's compensation law.* The Administration shall make findings, setting forth the pertinent facts and conclusions, and an initial determination, as to whether an individual has failed to file a claim under the applicable State workmen's compensation law as required by §§ 410.201(d), 410.210(b), and 410.215.

(i) *Withdrawal of claim or cancellation of withdrawal request.* When a request for withdrawal of a claim, or a request for cancellation of a "request for withdrawal" of a claim, is denied by the Administration, the Administration shall make findings setting forth the pertinent facts and conclusions and an initial determination of denial.

§ 410.615 Administrative actions that are not initial determinations.

Administrative actions which shall not be considered initial determinations, but which may receive administrative review include, but are not limited to, the following:

(a) The suspension of benefits pursuant to the criteria in section 203(h)(3) of the Social Security Act (42 U.S.C. 403(h)(3)), pending investigation and determination of any factual issue as to the applicability of a reduction under section 412(b) of the Act equivalent to the amount of a deduction because of excess earnings under section 203(b) of the Social Security Act (42 U.S.C. 403(b)) (see §§ 410.515(d) and 410.530).

(b) The withholding by the Administration in any month, for the purpose of recovering an overpayment, of less than the full amount of benefits otherwise payable in that month (see § 410.560(c)).

(c) The disqualification or suspension of an individual from acting as a representative in a proceeding before the Administration (see § 410.687 et seq.).

(d) The determination by the Administration under the authority of the Federal Claims Collection Act (31 U.S.C. 951–953) not to compromise a claim for overpayment under part B of title IV of the Act, or not to suspend or terminate collection of such a claim, or the determination to compromise such a claim, including the compromise amount and the time and manner of payment (see § 410.565).

(e) The denial of a request for reimbursement for a medical expense which is claimed to have been incurred in establishing an individual's claim for benefits, or the approval of such request for reimbursement in an amount less than the amount requested.

§ 410.620 Notice of initial determination.

Written notice of an initial determination shall be mailed to the party to the determination at his last known address, except that no such notice shall be required in the case of a determination that a party's entitlement to benefits has ended because of such party's death (see § 410.610(c)). If the initial determination disallows, in whole or in part, the claim of a party, or if the initial determination is to the effect that a party's entitlement to benefits has ended, or that a reduction or adjustment is to be made in benefits, the notice of the determination sent to the party shall state the basis for the determination. Such notice shall also inform the party of the right to reconsideration (see § 410.623) unless such determination is to the effect that a reduction or a termination is to be made and such determination is based only upon facts reported to the Administration by the party to the determination. Notice of termination because of cessation of disability shall inform the party to the determination of the right to reconsideration in all cases.

§ 410.621 Effect of initial determination.

The initial determination shall be final and binding upon the party or parties to such determination unless it is reconsidered in accordance with §§ 410.623–410.629, or it is revised in accordance with § 410.671.

§ 410.622 Reconsideration and hearing.

Any party who is dissatisfied with an initial determination may request that the Administration reconsider such determination, as provided in § 410.623. If a request for reconsideration is filed, such action shall not constitute a waiver of the right to a hearing subsequent to such reconsideration if the party requesting such reconsideration is dissatisfied with the determination of the Administration made on such reconsideration; and a request for a hearing may thereafter be filed, as is provided in § 410.630.

§ 410.623 Reconsideration; right to reconsideration.

The Administration shall reconsider an initial determination if a written request for reconsideration is filed, as provided in § 410.624, by or for the party to the initial determination (see § 410.610). The Administration shall also reconsider an initial determination if a written request for reconsideration is filed, as provided in § 410.624, by an individual as a widow or representative of a decedent's estate, who makes a showing in writing that his or her rights with respect to benefits, may be prejudiced by such determination.

§ 410.624 Time and place of filing request.

The request for reconsideration shall be made in writing and filed at an office of the Administration within 6 months from the date of mailing notice of the initial determination, unless such time is extended as provided in § 410.668.

§ 410.625 Parties to the reconsideration.

The parties to the reconsideration shall be the person who was the party to the initial determination (see § 410.610) and any other person referred to in § 410.623 upon whose request the initial determination is reconsidered.

§ 410.626 Notice of reconsideration.

If the request for reconsideration is filed by a person other than the party to the initial determination, the Administration shall, before such reconsideration, mail a written notice to such party at his last known address, informing him that the initial determination is being reconsidered. In addition, the Administration shall give such party a reasonable opportunity to present such evidence and contentions as to fact or law as he may desire relative to the determination.

§ 410.627 Reconsidered determination.

When a request for reconsideration has been filed, as provided in §§ 410.623 and 410.624, the Administration or the State

agency, as appropriate (see § 410.601), shall reconsider the determination with respect to disability or the initial determination in question and the findings upon which it was based; and upon the basis of the evidence considered in connection with the initial determination and whatever other evidence is submitted by the parties or is otherwise obtained, the Administration shall make a reconsidered determination affirming or revising, in whole or in part, the findings and determination in question.

§ 410.628 Notice of reconsidered determination.

Written notice of the reconsidered determination shall be mailed to the parties at their last known addresses. The reconsidered determination shall state the basis therefor and inform the parties of their right to a hearing (see § 410.630).

§ 410.629 Effect of reconsidered determination.

The reconsidered determination shall be final and binding upon all parties to the reconsideration unless a hearing is requested in accordance with § 410.631 and a decision rendered or unless such determination is revised in accordance with § 410.671.

§ 410.630 Hearing; right to hearing.

An individual has a right to a hearing about any matter designated in § 410.610, if:

(a) An initial determination and a reconsideration of the initial determination have been made by the Administration; and

(b) The individual is a party referred to in § 410.632 or § 410.633; and

(c) The individual has filed a written request for a hearing under the provisions described in § 410.631.

§ 410.631 Time and place of filing request.

The request for hearing shall be made in writing and filed at an office of the Administration or with a hearing examiner, or the Appeals Council. The request for hearing must be filed within 6 months after the date of mailing notice of the reconsidered determination to such individual, except where the time is extended as provided in § 410.669.

§ 410.632 Parties to a hearing.

The parties to a hearing shall be the person or persons who were parties to the initial determination in question and the reconsideration. Any other individual may be made a party if such individual's rights with respect to benefits may be prejudiced by the decision, upon notice given to him by the hearing examiner to appear at the hearing or otherwise present such evidence and contentions as to fact or law as he may desire in support of his interest.

§ 410.633 Additional parties to the hearing.

The following individuals, in addition to those named in § 410.632, may also be parties to the hearing. A widow or representative of a decedent's estate, who makes a showing in writing that such individual's rights with respect to benefits may be prejudiced by any decision that may be made, may be a party to the hearing.

§ 410.634 Hearing examiner.

The hearing provided for in this Subpart F shall, except as herein provided, be conducted by a hearing examiner designated by the Director of the Bureau of Hearings and Appeals of the Administration or his delegate. In an appropriate case, the Director may designate another hearing examiner or a member or members of the Appeals Council to conduct a hearing, in which case the provisions of this Subpart F governing the conduct of a hearing by a hearing examiner shall be applicable thereto.

§ 410.635 Disqualification of hearing examiner.

No hearing examiner shall conduct a hearing in a case in which he is prejudiced or partial with respect to any party, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party may have to the hearing examiner who will conduct the hearing, shall be made by such party at his earliest opportunity. The hearing examiner shall consider such objection and shall, in his discretion, either proceed with the hearing or withdraw. If the hearing examiner withdraws, another hearing examiner shall be designated by the Director of the Bureau of Hearings and Appeals of the Administration or his delegate to conduct the hearing. If the hearing examiner does not withdraw, the objecting party may, after the hearing, present his objections to the Appeals Council, as provided in §§ 410.660–410.664 as reasons why the hearing eaxminer's decision should be revised or a new hearing held before another hearing examiner.

§ 410.636 Time and place of hearing.

The hearing examiner shall fix a time and place for the hearing, written notice of which, unless waived by a party, not less than 10 days prior to such time, shall be mailed to the parties at their last known addresses, or given to them by personal service. Written notice of the objections of any party to the time and place fixed for a hearing shall be filed by the objecting party with the hearing examiner at the earliest practicable opportunity. The notice shall state the reasons for the party's objection and his choice as to the time and place for the hearing. The hearing examiner may, for good cause, fix a new time and/or place for the hearing.

§ 410.637 Hearing on new issues.

At any time after a request for hearing has been made, as provided in § 410.631, but prior to the mailing of notice of the decision, the hearing examiner may, in his discretion, either on the application of a party or his own motion, in addition to the matters brought before him by the request for hearing, give notice that he will also consider any specified new issue (see § 410.610) whether pertinent to the same or a related matter, and whether arising subsequent to the request for hearing, which may affect the rights of such party to benefits under this part even though the Administration has not made an initial and reconsidered determination with respect to such new issue: *Provided*, That notice of the time and place of the hearing on any new issue shall, unless waived, be given to the parties within the time and manner specified in § 410.636: *And provided further*, That the determination involved is not one within the jurisdiction of a State agency under a Federal-State agreement entered into pursuant to section 413(b) of the Act. Upon the giving of such notice, the hearing examiner shall, except as otherwise provided, proceed to hearing on such new issue in the same manner as he would on an issue on which an initial and reconsidered determination has been made by the Administration and a hearing requested with respect thereto by a party entitled to such hearing.

§ 410.638 Change of time and place for hearing.

The hearing examiner may change the time and place for the hearing, either on his own motion or for good cause shown by a party. The hearing examiner may adjourn or postpone the hearing, or he may reopen the hearing for the receipt of additional evidence at any time prior to the mailing of notice to the party of the decision in the case. Reasonable notice shall be given to the parties of any change in the time or place of hearing or of an adjournment or a reopening of the hearing.

§ 410.640 Conduct of hearing.

Hearings shall be open to the parties and to such other persons as the hearing examiner deems necessary and proper. The hearing examiner shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the hearing examiner believes that there is relevant and material evidence available which has not been presented at the hearing, the hearing examiner may adjourn the hearing or, at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which evidence and allegations shall be presented and the procedure at the hearing generally, except as these regulations otherwise expressly provide, shall be in the discretion of the hearing examiner and of such nature as to afford the parties a reasonable opportunity for a fair hearing.

§ 410.641 Evidence.

Evidence may be received at the hearing even though inadmissible under rules of evidence applicable to court procedures.

§ 410.642 Witnesses.

Witnesses at the hearing shall testify under oath or affirmation or as directed by the hearing examiner, unless they are excused by the hearing examiner for

cause. The hearing examiner may examine the witnesses and shall allow the parties or their representatives to do so. If the hearing examiner conducts the examination of a witness, he may allow the parties to suggest matters as to which they desire the witness to be questioned, and the hearing examiner shall question the witness with respect to such matters if they are relevant and material to any issue pending for decision before him.

§ 410.643 Oral argument and written allegations.

The parties, upon their request, shall be allowed a reasonable time for the presentation of oral argument or for the filing of briefs or other written statements of allegations as to facts or law. Where there is more than one party to the hearing, copies of any brief or other written statement shall be filed in sufficient number that they may be made available to any party.

§ 410.644 Record of hearing.

A complete record of the proceedings at the hearing shall be made. The record shall be transcribed in any case which is certified to the Appeals Council without decision by the hearing examiner (see §§ 410.654 and 410.657 to 410.659 inclusive), in any case where a civil action is commenced against the Secretary (see § 410.666), or in any other case when directed by the hearing examiner or the Appeals Council.

§ 410.645 Joint hearings.

When two or more hearings are to be held, and the same or substantially similar evidence is relevant and material to the matters in issue at each such hearing, the hearing examiner may fix the same time and place for each hearing and conduct all such hearings jointly. Where joint hearings are held, a single record of the proceedings shall be made and the evidence introduced in one case may be considered as introduced in the others, and a separate or joint decision shall be made, as appropriate.

§ 410.646 Consolidated issues.

When one or more additional issues are raised by the hearing examiner pursuant to § 410.637, such issues may, in the discretion of the hearing examiner, be consolidated for hearing and decision with other issues pending before him upon the same request for a hearing, whether or not the same or substantially similar evidence is relevant and material to the matters in issue. A single decision may be made upon all such issues.

§ 410.647 Waiver of right to appear and present evidence.

If all parties waive their right to appear before the hearing examiner and present evidence and contentions personally or by representative, it shall not be necessary for the hearing examiner to give notice of and conduct an oral hearing as provided in §§ 410.636 to 410.646, inclusive. A waiver of the right to appear and present evidence and allegations as to facts and law shall be made in writing and filed with the hearing examiner. Such waiver may be withdrawn by a party at any time prior to the mailing of notice of the decision in the case. Even though all of the parties have filed a waiver of the right to appear and present evidence and contentions at a hearing before the hearing examiner, the hearing examiner may, nevertheless, give notice of a time and place and conduct a hearing as provided in §§ 410.636 to 410.646, inclusive, if he believes that the personal appearance and testimony of the party or parties would assist him to ascertain the facts in issue in the case. Where such a waiver has been filed by all parties, and they do not appear before the hearing examiner personally or by representative, the hearing examiner shall make a record of the relevant written evidence, including applications, written statements, certificates, affidavits, reports, and other documents which were considered in connection with the initial determination and reconsideration, and whatever additional relevant and material evidence the party or parties may present in writing for consideration by the hearing examiner. Such documents shall be considered as all of the evidence in the case and the decision, as provided for in § 410.654, shall be based on them.

§ 410.648 Dismissal of request for hearing; by application of party.

With the approval of the hearing examiner at any time prior to the mailing of notice of the decision, a request for a hearing may be withdrawn or dismissed upon the application of the party or parties filing the request for such hearing. A party may request a dismissal by filing a written notice of such request with the hearing examiner or orally stating such request at the hearing.

§ 410.649 Dismissal by abandonment of party.

With the approval of the hearing examiner, a request for hearing may also be dismissed upon its abandonment by the party or parties who filed it. A party shall be deemed to have abandoned a request for hearing if neither the party nor his representative appears at the time and place fixed for the hearing and either (a) prior to the time for hearing such party does not show good cause as to why neither he nor his representative can appear or (b) within 10 days after the mailing of a notice to him by the hearing examiner to show cause, such party does not show good cause for such failure to appear and failure to notify the hearing examiner prior to the time fixed for hearing that he cannot appear.

§ 410.650 Dismissal for cause.

The hearing examiner may, on his own motion, dismiss a hearing request, either entirely or as to any stated issue, under any of the following circumstances:

(a) *Res judicata.* Where there has been a previous determination or decision by the Secretary with respect to the rights of the same party on the same facts pertinent to the same issue or issues which has become final either by judicial affirmance or, without judicial consideration, upon the claimant's failure timely to request reconsideration, hearing, or review, or to commence a civil action with respect to such determination or decision (see §§ 410.624, 410.631, 410.661, and 410.666).

(b) *No right to hearing.* Where the party requesting a hearing is not a proper party under § 410.632 or § 410.633 or does not otherwise have a right to a hearing under § 410.630.

(c) *Hearing request not timely filed.* Where the party has failed to file a hearing request timely pursuant to § 410.631 and the time for filing such request has not been extended as provided in § 410.669.

(d) *Death of party.* Where the party who filed the hearing request dies and there is no information before the hearing examiner or the Administration showing that an individual who is not a party may be prejudiced by the Administration's determination which is the subject of the request for hearing: *Provided*, That if, within 6 months from the date of mailing notice of the Administration's reconsidered determination to the original party or within 3 months from the date notice of such dismissal is mailed to the original party at his last known address, whichever is later, any such other individual states in writing that he desires a hearing on such claim and shows that he may be prejudiced by the Administration's initial determination, then the dismissal of the request for hearing shall be vacated.

§ 410.651 Notice of dismissal and right to request review thereon.

Notice of the hearing examiner's dismissal action shall be given to the parties or mailed to them at their last known addresses. Such notice shall advise the parties of their right to request review of the dismissal action by the Appeals Council (see § 410.660).

§ 410.652 Effect of dismissal.

The dismissal of a request for hearing shall be final and binding unless vacated (see § 410.653).

§ 410.653 Vacation of dismissal of request for hearing.

A hearing examiner or the Appeals Council may, on request of the party and for good cause shown, vacate any dismissal of a request for hearing at any time within 6 months from the date of mailing notice of the dismissal to the party requesting the hearing at his last known address. In any case where a hearing examiner has dismissed the hearing request, the Appeals Council may, on its own motion, within 60 days after the mailing of such notice, review such dismissal and may, in its discretion, vacate such dismissal.

§ 410.654 Hearing examiner's decision or certification to Appeals Council.

As soon as practicable after the close of a hearing, the hearing examiner, except as herein provided, shall make a decision in the case or certify the case

with a recommended decision to the Appeals Council for decision (see §§ 410.657–410.659). If the hearing examiner makes a decision in the case, such decision shall be based upon the evidence adduced at the hearing (§§ 410.636–410.646, inclusive) or otherwise included in the hearing record (see § 410.647). The decision shall be made in writing and contain findings of fact and a statement of reasons. A copy of the decision shall be mailed to the parties at their last known addresses.

§ 410.655 Effect of hearing examiner's decision.

The hearing examiner's decision, provided for in § 410.654, shall be final and binding upon all parties to the hearing unless it is reviewed by the Appeals Council (see §§ 410.663–410.665) or unless it is revised in accordance with § 410.671. If a party's request for review of the hearing examiner's decision is denied (see § 410.662) or is dismissed (see § 410.667), such decision shall be final and binding upon all parties to the hearing unless a civil action is filed in a district court of the United States to the extent permitted by section 413(b) of the Act (see § 410.670a), or unless the decision is revised in accordance with § 410.671.

§ 410.656 Removal of hearing to Appeals Council.

The Appeals Council on its own motion may remove to itself any request for hearing pending before a hearing examiner. The hearing on any matter so removed to the Appeals Council shall be conducted in accordance with the requirements of §§ 410.637 to 410.653, inclusive. Notice of such removal shall be mailed to the parties at their last known addresses.

§ 410.657 Appeals Council proceedings on certification and review; procedure before Appeals Council on certification by the hearing examiner.

When a case has been certified to the Appeals Council by a hearing examiner with his recommended decision (see § 410.654), the hearing examiner shall mail notice of such action to the parties at their last known addresses. The parties shall be notified of their right to file with the Appeals Council within 10 days from the date of mailing of the recommended decision, briefs or other written statements of exceptions or allegations as to applicable fact and law, except in the case of suspension or disqualification (see § 410.694(b)). Upon request of any party made within such 10-day period, a 10-day extension of time for filing such briefs or statements shall be granted and, upon a showing of good cause, such 10-day period may be extended, as appropriate. Where there is more than one party, copies of such briefs or written statements shall be filed in sufficient number that they may be made available to any party requesting a copy or any other party designated by the Appeals Council. Copies or a statement of the contents of the documents or other written evidence received in evidence in the hearing record, and a copy of the transcript of oral evidence adduced at the hearing, if any, or a condensed statement thereof shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless, for good cause shown, such payment is waived. When a case has been certified to the Appeals Council by a hearing examiner for decision any party shall be given, upon his request, a reasonable opportunity to appear before the Appeals Council for the purpose of presenting oral argument.

§ 410.658 Evidence in proceeding before Appeals Council.

Evidence in addition to that admitted into the hearing record by the hearing examiner may not be received as evidence except where it appears to the Appeals Council that such additional evidence may affect its decision. If no additional material is presented, but such evidence is available and may affect its decision, the Appeals Council shall receive such evidence or designate a hearing examiner or member of the Appeals Council before whom the evidence shall be introduced. Before such additional evidence is received, notice that evidence will be received with respect to certain matters shall be mailed to the parties, unless such notice is waived, at their last known addresses, and the parties shall be given a reasonable opportunity to present evidence which is relevant and material to such matters. When the additional evidence is presented to a hearing examiner or a member of the Appeals Council, a transcript or a condensed statement of such evidence shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless, for good cause shown, such payment is waived.

§ 410.659 Decision of Appeals Council.

The decision of the Appeals Council, when a case has been certified to it by a hearing examiner along with his recommended decision, shall be made in accordance with the provisions of § 410.665.

§ 410.660 Right to request review of hearing examiner's decision or dismissal.

If a hearing examiner has made a decision, as provided in § 410.654, or dismissed a request for hearing, as provided in §§ 410.648 through 410.650, any party thereto may request the Appeals Council to review such decision or dismissal.

§ 410.661 Time and place of filing request.

The request for review shall be made in writing and filed with an office of the Administration, or with a hearing examiner, or the Appeals Council. Such request shall be accompanied by whatever documents or other evidence the party desires the Appeals Council to consider in its review. The request for review must be filed within 60 days from the date of mailing notice of the hearing examiner's decision or dismissal, except as provided in § 410.669.

§ 410.662 Action by Appeals Council on review.

The Appeals Council may dismiss (see § 410.667) or, in its discretion, deny or grant a party's request for review of a hearing examiner's decision, or, may, on its own motion, within 90 days from the date of mailing notice of such decision, reopen such decision for review or for the purpose of dismissing the party's request for hearing for any reason for which it could have been dismissed by the hearing examiner (see §§ 410.648 through 410.650). Notice of the action by the Appeals Council shall be mailed to the party at his last known address.

§ 410.663 Procedure before Appeals Council on review.

Whenever the Appeals Council determines to review a hearing examiner's decision (except when the case is remanded to a hearing examiner in accordance with § 410.665), the Appeals Council shall make available to any party upon request, copies or a statement of the contents of the documents or other written evidence upon which the hearing examiner's decision was based, and a copy of the transcript of oral evidence, if any, or a condensed statement thereof, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless for good cause shown, such payment is waived. The parties shall be given, upon request, a reasonable opportunity to file briefs or other written statements of allegations as to fact and law. Copies of such brief or other written statements, where there is more than one party, shall be filed in sufficient number that they may be made available to any party requesting a copy and to any other party designated by the Appeals Council.

§ 410.664 Evidence admissible on review.

Evidence in addition to that introduced at the hearing before the hearing examiner, or documents before the hearing examiner where such hearing was waived (see § 410.647), may not be admitted except where it appears to the Appeals Council that such evidence is relevant and material to an issue before it and thus may affect its decision. Where no such evidence is presented, and it appears to the Appeals Council that additional material evidence is available which may affect its decision, the Appeals Council shall receive such evidence and designate a hearing examiner or member of the Appeals Council before whom the evidence shall be introduced. Before additional evidence is admitted into the record, as provided in this section, notice that evidence will be received with respect to certain issues shall be mailed to the parties, unless such notice is waived, at their last known addresses, and the parties shall be given a reasonable opportunity to comment thereon and to present evidence which is relevant and material to such issues.

When the additional evidence is presented to a hearing examiner or a member of the Appeals Council, a transcript or a condensed statement of such evidence shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless, for good cause shown, such payment is waived.

§ 410.665 Decision by Appeals Council or remanding of case.

(a) *General.* If a case is certified to the Appeals Council by a hearing examiner (see § 410.654), the Appeals Council shall make a decision. If the Appeals Council decides to review a hearing examiner's decision as provided in § 410.662, the Appeals Council may, upon such review, affirm, modify, or reverse the decision of the hearing examiner, or vacate such decision and remand the case to a hearing examiner either for rehearing and the issuance of a decision thereon or to take further testimony in the case and return it to the Appeals Council with a recommended decision for decision by the Appeals Council. Where a case has been remanded by a court for further consideration, the Appeals Council may proceed then to make the decision or it may in turn remand the case to a hearing examiner with directions to return the case upon completion of the necessary action to the Appeals Council with a recommended decision for decision by the Appeals Council.

(b) *Case remanded to hearing examiner.* Where a case is remanded to a hearing examiner, he shall initiate such additional proceedings and take such other action (under §§ 410.632 through 410.655) as is directed by the Appeals Council in its order of remand. The hearing examiner may take any additional action not inconsistent with the order of remand. Upon completion of all action called for by the order of remand and any other action initiated by the hearing examiner, the hearing examiner shall promptly (1) issue a decision in writing which contains findings of fact and a statement of reasons, or (2) when so directed by the Appeals Council, return the case with his recommended decision to the Appeals Council for its decision. A copy of the decision shall be mailed to each party at his last known address. When a recommended decision is issued, the hearing examiner shall also notify each party of his right to file with the Appeals Council within 10 days from the the date of mailing of the recommended decision, briefs or other written statements of exceptions and allegations as to applicable fact and law, except in the case of suspension or disqualification (see § 410.694(b)). Upon request of any party made within such 10-day period, a 10-day extension of time for filing such briefs or statements shall be granted and, upon a showing of good cause, such 10-day period may be extended, as appropriate.

(c) *Decision by Appeals Council.* A decision of the Appeals Council shall be based upon the evidence received into the hearing record and such further evidence as the Appeals Council may receive as provided in §§ 410.657, 410.658, 410.663, and 410.664. This decision shall be made in writing and contain findings of fact, and a statement of reasons. A copy of the decision shall be mailed to each party at his last known address.

§ 410.666 Effect of Appeals Council's decision or refusal to review.

The Appeals Council may deny a party's request for review or it may grant review and either affirm or reverse the hearing examiner's decision. The decision of the Appeals Council, or the decision of the hearing examiner where the request for review of such decision is denied (see § 410.662), shall be final and binding upon all parties to the hearing unless to the extent permitted by the provisions of section 413(b) of the Act (see § 410.670a), a civil action is filed in a district court of the United States, or unless the decision is revised under the provisions described in § 410.671.

§ 410.667 Dismissal by Appeals Council.

The Appeals Council may dismiss a request for review or proceedings before it under any of the following circumstances:

(a) *Upon request of party.* Proceedings pending before the Appeals Council may, with the approval of the Appeals Council, be discontinued and dismissed upon written application of the party or parties who filed the request for review to withdraw such request.

(b) *Death of party.* Proceedings before the Appeals Council, whether on request for review or review on the motion of the Appeals Council, may be dismissed upon the death of a party only if the record affirmatively shows that there is no prejudiced individual who wishes to continue the action.

(c) *Request for review not timely filed.* A request for review of a decision by a hearing examiner shall be dismissed where the party has failed to file a request for review within the time specified in § 410.661 and the time for filing such request has not been extended as provided in § 410.669.

§ 410.668 Extension of time to request reconsideration.

If a party to an initial determination desires to file a request for reconsideration after the time for filing such request has passed (see § 410.624), such party may file a petition with the Administration for an extension of time for the filing of such request. Such petition shall be in writing and shall state the reasons why the request for reconsideration was not filed within the required time. For good cause shown, the component of the Administration which has jurisdiction over the proceedings (see § 410.601) may extend the time for filing the request for reconsideration.

§ 410.669 Extension of time to request hearing or review or begin civil action.

(a) *General.* Any party to a reconsidered determination, a decision of a hearing examiner, or a decision of the Appeals Council (resulting from an initial determination as described in § 410.610), may petition for an extension of time for filing a request for hearing or review or, with respect to that portion of a decision that holds that a miner is not totally disabled due to pneumoconiosis or did not die due to pneumoconiosis (see § 410.670a), for commencing a civil action in a district court of the United States, although the time for filing such request or commencing such action has passed. If an extension of the time fixed by § 410.631 for requesting a hearing before a hearing examiner is sought, the petition may be filed with a hearing examiner. In any other case, the petition shall be filed with the Appeals Council. The petition shall be in writing and shall state the reasons why the request or action was not filed within the required time. For good cause shown, a hearing examiner or the Appeals Council, as the case may be, may extend the time for filing such request or action.

(b) *Where civil action commenced against wrong defendant.* If a party to a decision of the Appeals Council, or to a decision of the hearing examiner where the request for review of such decision is denied (see § 410.662), timely commences in a proper case (see § 410.670a), a civil action in a district court of the United States pursuant to section 413(b) of the Act, but names as defendant the United States or any agency, officer, or employee thereof instead of the Secretary either by name or by official title, and causes process to be served in such action as required by the Federal Rules of Civil Procedure, the Administration shall mail notice to such party that he has named the incorrect defendant in such action; and the time within which such party may commence the civil action against the Secretary pursuant to section 413(b) of the Act shall be deemed to be extended to and including the 60th day following the date of mailing of such notice.

§ 410.670 Review by Appeals Council.

Where a hearing examiner has determined the matter of extending the time for filing such request (whether he has allowed or denied the request for such extension), the Appeals Council on its own motion may review such determination and either affirm or reverse it. In connection with this review, the Appeals Council may consider whatever additional evidence relevant to this request a party may wish to present.

§ 410.670a Judicial review.

Under the Act, a civil action may be commenced in a district court of the United States with respect to a decision of the Appeals Council, or to a decision of the hearing examiner where the request for review of such decision is denied by the Appeals Council, only to the extent that it holds that a miner is not totally disabled due to Pneumoconiosis as defined in § 410.110(o) or did not die due to pneumoconiosis as so defined.

§ 410.671 Revision for error or other reason; time limitation generally.

(a) *Initial, revised or reconsidered determination.* Except as otherwise provided in § 410.675, an initial, revised or reconsidered determination (see §§ 410.610

and 410.627) may be revised by the appropriate component of the Administration having jurisdiction over the proceedings (§ 410.601), on its own motion or upon the petition of any party for a reason, and within the time period, prescribed in § 410.672.

(b) *Decision or revised decision of a hearing examiner or the Appeals Council.* Either upon the motion of the hearing examiner or the Appeals Council, as the case may be, or upon the petition of any party to a hearing, except as otherwise provided in § 410.675, any decision of a hearing examiner provided for in § 410.654 or any revised decision may be revised by such hearing examiner, or by another hearing examiner if the hearing examiner who issued the decision is unavailable, or by the Appeals Council for a reason and within the time period prescribed in § 410.672. Any decision of the Appeals Council provided for in § 410.665 or any revised decision of the Appeals Council, may be revised by the Appeals Council for a reason and within the time period prescribed in § 410.672. For the purpose of this paragraph (b), a hearing examiner shall be considered to be unavailable if among other circumstances, such hearing examiner has died, terminated his employment, is on leave of absence, has had a transfer of official station, or is unable to conduct a hearing because of illness.

§ 410.672 Reopening initial, revised or reconsidered determination of the Administration and decisions of a hearing examiner or the Appeals Council; finality of determinations and decisions.

An initial, revised or reconsidered determination of the Administration or a decision, or revised decision of a hearing examiner or of the Appeals Council which is otherwise final under § 410.621, § 410.629, § 410.655, or § 410.666 may be reopened:

(a) Within 12 months from the date of the notice of the initial determination (see § 410.620), to the party to such determination, or

(b) After such 12-month period, but within 4 years after the date of the notice of the initial determination (see § 410.620) to the party to such determination, upon a finding of good cause for reopening such determination or decision, or

(c) At any time, when:

(1) Such initial, revised, or reconsidered determination or decision was procured by fraud or similar fault of the claimant or some other person; or

(2) An adverse claim has been filed; or

(3) An individual previously determined to be dead, and on whose account entitlement of a party was established, is later found to be alive; or

(4) The death of the individual on whose account a party's claim was denied for lack of proof of death is established by reason of his unexplained absence from his residence for a period of 7 years (see § 410.240(g)(2)); or

(5) Such initial, revised, or reconsidered determination or decision is unfavorable, in whole or in part, to the party thereto but only for the purpose of correcting clerical error or error on the face of the evidence on which such determinations or decision was based.

§ 410.673 Good cause for reopening a determination or decision.

"Good cause" shall be deemed to exist where:

(a) New and material evidence is furnished after notice to the party to the initial determination;

(b) A clerical error has been made in the computation of benefits;

(c) There is an error as to such determination or decision on the face of the evidence on which such determination or decision is based.

§ 410.674 Finality of suspension of benefit payments for entire taxable year because of earnings.

Notwithstanding the provisions in § 410.672, a suspension of benefit payments for an entire taxable year because of earnings therein, may be reopened only within the time period and subject to the conditions provided in section 203(h)(1)(B) of the Social Security Act.

§ 410.675 Time limitation for revising finding suspending benefit payments for entire taxable year because of earnings.

No determination of the Administration or decision of a hearing examiner or the Appeals Council shall be revised after the expiration of the normal period for requesting reconsideration, hearing or review, with respect to such determination or decision (see §§ 410.624, 410.631, 410.661, and 410.666) to correct a finding which suspends benefit payments for an entire taxable year because of earnings therein, unless the correction of such finding is permitted under section 203(h)(1)(B) of the Social Security Act.

§ 410.676 Notice of revision.

(a) When any determination or decision is revised, as provided in § 410.671 or § 410.675, notice of such revision shall be mailed to the parties to such determination or decision at their last known addresses. The notice of revision which is mailed to the parties shall state the basis for the revised decision.

(b) Where a determination of the Administration is revised under paragraph (a) of this section, the notice of revision shall inform the parties of their right to a hearing as provided in § 410.678.

(c) (1) Where a hearing examiner or the Appeals Council proposes to revise a decision under paragraph (a) of this section and the revision would be based on evidence theretofore not included in the record on which the decision proposed to be revised was based, the parties shall be given notice of the proposal of the hearing examiner or the Appeals Council, as the case may be, to revise such decision, and unless hearing is waived, a hearing with respect to such proposed revision shall be granted as provided in this Subpart F.

(2) If a revised decision is appropriate, such decision shall be rendered by the hearing examiner or the Appeals Council, as the case may be, on the basis of the entire record, including the additional evidence. If the decision is revised by a hearing examiner, any party thereto may request review by the Appeals Council (§§ 410.660 and 410.661) or the Appeals Council may review the decision on its own motion (§ 410.662).

§ 410.677 Effect of revised determination.

The revision of a determination or decision shall be final and binding upon all parties thereto unless a party authorized to do so (see § 410.676) files a written request for a hearing with respect to a revised determination in accordance with § 410.678 or a revised decision is reviewed by the Appeals Council as provided in this Subpart F, or such revised determination or decision is further revised in accordance with § 410.672.

§ 410.678 Time and place of requesting hearing on revised determination.

The request for hearing shall be made in writing and filed at an office of the Administration, or with a hearing examiner, or the Appeals Council, within 6 months of the date notice was mailed to the party of the Administration's revised determination. Upon the filing of such a request, a hearing with respect to such revision shall be held (see §§ 410.631–410.653) and a decision made in accordance with the provisions of § 410.654.

§ 410.679 Finality of findings with respect to other claims for benefits based on the disability or death of a miner.

Findings of fact made in a determination or decision in a claim by one party for benefits may be revised in determining or deciding another claim for benefits based on the disability or death of the same miner, even though such findings may not be revised in the former claim because of the provisions of § 410.672.

§ 410.680 Imposition of reductions.

The imposition of reductions constitutes an initial determination with respect to each month for which a reduction is imposed. A finding that a reduction is not to be imposed is an initial determination for each month with respect to which the circumstances upon which such finding was based remain unchanged. The suspension of benefits, pending a determination as to the applicability of a reduction equivalent to the amount of a deduction because of excess earnings under section 203(b) of the Social Security Act shall not, however, constitute an initial determination (see § 410.615(a)).

§ 410.681 Change of ruling or legal precedent.

"Good cause" shall be deemed not to exist where the sole basis for reopening the determination or decision is a change of legal interpretation or administrative ruling upon which such determination or decision was made.

§ 410.682 General applicability.

The provisions of §§ 410.672, 410.673, and 410.679 to 410.681, inclusive, shall be applicable notwithstanding any provisions to the contrary in this Subpart F.

§ 410.683 Certification of payment; determination or decision providing for payment.

When a determination or decision has been made under any provision of §§ 410.610 to 410.678, inclusive, to the effect that a payment or payments of benefits should be made to any person, the Administration shall, except as hereafter provided, certify to the U.S. Treasury Department the name and address of the person to be paid, the amount of the payment or payments and the time at which such payment or payments should be made.

§ 410.684 Representation of party; appointment of representative.

A party in an action leading to an initial or reconsidered determination, hearing, or review, as provided in §§ 410.610 to 410.678, inclusive, may appoint as his representative in any such proceeding only an individual who is qualified under § 410.685 to act as a representative. Where the individual appointed by a party to represent him is not an attorney, written notice of the appointment must be given, signed by the party appointing the representative, and accepted by the representative appointed. The notice of appointment shall be filed at an office of the Administration, with a hearing examiner, or with the Appeals Council of the Administration, as the case may be. Where the representative appointed is an attorney, in the absence of information to the contrary, his representation that he has such authority, shall be accepted as evidence of the attorney's authority to represent a party.

§ 410.685 Qualifications of representative.

(a) *Attorney.* Any attorney in good standing who (1) is admitted to practice before a court of a State, Territory, District or insular possession or before the Supreme Court of the United States or an inferior Federal court and (2) is not, pursuant to any provision of law, prohibited from acting as a representative, may be appointed as a representative in accordance with § 410.684.

(b) *Person other than attorney.* Any person (other than an attorney described in paragraph (a) of this section) who (1) is of good character, in good repute, and has the necessary qualifications to enable him to render valuable assistance to an individual in connection with his claim, (2) has not been disqualified or suspended from acting as a representative in proceedings before the Social Security Administration, and (3) is not, pursuant to any provision of law, otherwise prohibited from acting as a representative, may be appointed as a representative in accordance with § 410.684.

§ 410.686 Authority of representative.

A representative, appointed and qualified as provided in §§ 410.684 and 410.685, may make or give, on behalf of the party he represents, any request or notice relative to any proceeding before the Administration under part B of title IV of the Act, including reconsideration, hearing and review, except that such representative may not execute a claim for benefits, unless he is a person designated in § 410.222 as authorized to execute a claim. A representative shall be entitled to present or elicit evidence and allegations as to facts and law in any proceeding affecting the party he represents and to obtain information with respect to the claim of such party to the same extent as such party. Notice to any party of any administrative action, determination, or decision, or request to any party for the production of evidence may be sent to the representative of such party, and such notice or request shall have the same force and effect as if it had been sent to the party represented.

§ 410.687 Rules governing the representation and advising of claimants and parties.

No representative shall:

(a) Knowingly make any false statement, representation, or certification in any application, record, report, or other document submitted in connection with any claim under the Act; or

(b) Divulge, except as may be authorized by regulations now or hereafter prescribed by the Secretary, any information furnished or disclosed to him by the Administration relating to the claim or prospective claim of another person (see § 410.120).

§ 410.688 Disqualification or suspension of an individual from acting as a representative in proceedings before the Administration.

Whenever it appears that an individual has violated any of the rules in § 410.687, or has otherwise refused to comply with the Secretary's rules and regulations governing representation of claimants before the Administration, the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance of the Administration may institute proceedings as herein provided to suspend or disqualify such individual from acting as a representative in proceedings before the Administration.

§ 410.689 Notice of charges.

The Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance of the Administration will prepare a notice containing a statement of charges that constitutes the basis for the proceeding against the individual. This notice will be delivered to the individual charged, either by certified or registered mail to his last known address or by personal delivery, and will advise the individual charged to file an answer, within 30 days from the date the notice was mailed, or was delivered to him personally, indicating why he should not be suspended or disqualified from acting as a representative before the Administration. This 30-day period may be extended for good cause shown, by the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance. The answer must be in writing under oath (or affirmation) and filed with the Social Security Administration, Bureau of Hearings and Appeals, Post Office Box 2518, Washington, DC 20013, with a copy to the Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, MD 21235, within the prescribed time limitation. If an individual charged does not file an answer within the time prescribed, he shall not have the right to present evidence. However, see § 410.692(f) relating to statements with respect to sufficiency of the evidence upon which the charges are based or challenging the validity of the proceedings.

§ 410.690 Withdrawal of charges.

If an answer is filed or evidence is obtained that establishes, to the satisfaction of the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance of the Administration, that reasonable doubt exists about whether the individual charged should be suspended or disqualified from acting as a representative before the Administration, the charges may be withdrawn. The notice of withdrawal shall be mailed to the individual charged at his last known address.

§ 410.691 Referral to Bureau of Hearings and Appeals for hearing and decision.

If action is not taken to withdraw the charges before the expiration of 15 days after the time within which an answer may be filed, the record of the evidence in support of the charges shall be referred to the Bureau of Hearings and Appeals of the Administration with a request for a hearing and a decision on the charges.

§ 410.692 Hearing on charges.

(a) *Hearing officer.* Upon receipt of the notice of charges, the record, and the request for hearing (see § 410.691), the Director, Bureau of Hearings and Appeals of the Administration or his delegate shall designate a hearing examiner to act as a hearing officer to hold a hearing on the charges. No hearing officer shall conduct a hearing in a case in which he is prejudiced or partial with respect to any party or where he has any interest in the matter pending for decision before him. Notice of any objection which a party to the hearing may have to the hearing officer who has been designated to conduct the hearing shall be made at the earliest opportunity. The hearing officer shall consider the objection(s) and shall, in his discretion, either proceed with the hearing or withdraw. If the hearing officer withdraws, another hearing officer shall be designated as provided in this section to conduct the hearing. If the hearing officer does not withdraw, the objecting party may, after the hearing, present his objections to the Appeals Council as reason why he believes the hearing officer's decision should be revised or a

new hearing held before another hearing officer.

(b) *Time and place of hearing.* The hearing officer shall notify the individual charged and the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance of the Administration, of the time and place for a hearing on the charges. The notice of the hearing shall be mailed to the individual charged at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, not less than 20 days prior to the date fixed for the hearing.

(c) *Change of time and place for hearing.* The hearing officer may change the time and place for the hearing (see paragraph (b) of this section) either on his own motion or at the request of a party for good cause shown. The hearing officer may adjourn or postpone the hearing, or he may reopen the hearing for the receipt of additional evidence at any time prior to the mailing of notice of the decision in the case (see § 410.693). Reasonable notice shall be given to the parties of any change in the time or place of hearing or of any adjournment or reopening of the hearing.

(d) *Parties.* A person against whom charges have been preferred under the provisions of § 410.688 shall be a party to the hearing. The Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance of the Administration, shall also be a party to the hearing.

(e) *Conduct of the hearing.* The hearing shall be open to the parties and to such other persons as the hearing officer or the individual charged deems necessary or proper. The hearing officer shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters: *Provided, however,* That if the individual charged has filed no answer he shall have no right to present evidence but in the discretion of the hearing officer may appear for the purpose of presenting a statement of his contentions with regard to the sufficiency of the evidence or the validity of the proceedings upon which his suspension or disqualification, if it occurred, would be predicated or, in his discretion, the hearing officer may make or recommend a decision (see § 410.693) on the basis of the record referred in accordance with § 410.691. If the individual has filed an answer and if the hearing officer believes that there is relevant and material evidence available which has not been presented at the hearing, the hearing officer may at any time prior to the mailing of notice of the decision, or submittal of a recommended decision, reopen the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the hearing officer.

(f) *Evidence.* Evidence may be received at the hearing, subject to the provision herein, even though inadmissible under the rules of evidence applicable to court procedure. The hearing officer shall rule on the admissibility of evidence.

(g) *Witnesses.* Witnesses at the hearing shall testify under oath or affirmation. The witnesses of a party may be examined by such party or by his representative, subject to interrogation by the other party or by his representative. The hearing officer may ask such questions as he deems necessary. He shall rule upon any objection made by either party as to the propriety of any question.

(h) *Oral and written summation.* The parties shall be given, upon request, a reasonable time for the presentation of an oral summation and for the filing of briefs or other written statements of proposed findings of fact and conclusions of law. Copies of such briefs or other written statements shall be filed in sufficient number that they may be made available to any party in interest requesting a copy and to any other party designated by the Appeals Council.

(i) *Record of hearing.* A complete record of the proceedings at the hearing shall be made and transcribed in all cases.

(j) *Representation.* The individual charged may appear in person and he may be represented by counsel or other representative.

(k) *Failure to appear.* If after due notice of the time and place for the hearing, a party to the hearing fails to appear and fails to show good cause as to why he could not appear, such party shall be considered to have waived his right to be present at the hearing. The hearing officer may hold the hearing so that the party present may offer evidence to sustain or rebut the charges.

(l) *Dismissal of charges.* The hearing officer may dismiss the charges in the event of the death of the individual charged.

(m) *Cost of transcript.* On the request of a party, a transcript of the hearing before the hearing officer will be prepared and sent to the requesting party upon the payment of cost, or if the cost is not readily determinable, the estimated amount, thereof, unless for good cause such payment is waived.

§ 410.693 Decision by hearing officer.

(a) *General.* As soon as practicable after the close of the hearing, the hearing officer shall issue a decision (or certify the case with a recommended decision to the Appeals Council for decision under the rules and procedures described in §§ 410.657 through 410.659) which shall be in writing and contain findings of fact and conclusions of law. The decision shall be based upon the evidence of record. If the hearing officer finds that the charges have been sustained, he shall either:

(1) Suspend the individual for a specified period of not less than 1 year, nor more than 5 years, from the date of the decision, or

(2) Disqualify the individual from further practice before the Administration until such time as the individual may be reinstated under § 410.699.

A copy of the decision shall be mailed to the individual charged at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, together with notice of the right of either party to request the Appeals Council to review the decision of the hearing officer.

(b) *Effect of hearing officer's decision.* The hearing officer's decision shall be final and binding unless reversed or modified by the Appeals Council upon review (see § 410.697).

(1) If the final decision is that the individual is disqualified from practice before the Administration, he shall not be permitted to represent an individual in a proceeding before the Administration until authorized to do so under the provisions of § 410.699.

(2) If the final decision suspends the individual for a specified period of time, he shall not be permitted to represent an individual in a proceeding before the Administration during the period of suspension unless authorized to do so under the provisions of § 410.699.

§ 410.694 Right to request review of the hearing officer's decision.

(a) *General.* After the hearing officer has issued a decision, either of the parties (see § 410.692) may request the Appeals Council to review the decision.

(b) *Time and place of filing request for review.* The request for review shall be made in writing and filed with the Appeals Council within 30 days from the date of mailing the notice of the hearing officer's decision, except where the time is extended for good cause. The requesting party shall certify that a copy of the request for review and of any documents that are submitted therewith (see § 410.695) have been mailed to the opposing party.

§ 410.695 Procedure before Appeals Council on review of hearing officer's decision.

The parties shall be given, upon request, a reasonable time to file briefs or other written statements as to fact and law and to appear before the Appeals Council for the purpose of presenting oral argument. Any brief or other written statement of contentions shall be filed with the Appeals Council, and the presenting party shall certify that a copy has been mailed to the opposing party.

§ 410.696 Evidence admissible on review.

(a) *General.* Evidence in addition to that introduced at the hearing before the hearing officer may not be admitted except where it appears to the Appeals Council that the evidence is relevant and material to an issue before it and subject to the provisions in this section.

(b) *Individual charged filed answer.* Where it appears to the Appeals Council that additional relevant material is available and the individual charged filed an answer to the charges (see § 410.689), the Appeals Council shall require the production of such evidence and may designate a hearing officer or member of the Appeals Council to receive such evidence. Before additional evidence is admitted into the record, notice that evidence will be received with respect to certain issues shall be mailed to the parties, and each party shall be given a reasonable opportunity to comment on such evidence and to present other evidence which is relevant and material to the issues unless such notice is waived.

(c) *Individual charged did not file answer.* Where the individual charged filed no answer to the charges (see § 410.689), evidence in addition to that introduced at the hearing before the hearing officer may not be admitted by the Appeals Council.

§ 410.697 Decision by Appeals Council on review of hearing officer's decision.

The decision of the Appeals Council shall be based upon evidence received into the hearing record (see § 410.692(i)) and such further evidence as the Appeals Council may receive (see § 410.696) and shall either affirm, reverse, or modify the hearing officer's decision. The Appeals Council, in modifying a hearing officer's decision suspending the individual for a specified period shall in no event reduce a period of suspension to less than 1 year, or in modifying a hearing officer's decision to disqualify an individual shall in no event impose a period of suspension of less than 1 year. Where the Appeals Council affirms or modifies a hearing officer's decision, the period of suspension or disqualification shall be effective from the date of the Appeals Council's decision. Where a period of suspension or disqualification is initially imposed by the Appeals Council, such suspension or disqualification shall be effective from the date of the Appeals Council's decision. The decision of the Appeals Council will be in writing and a copy of the decision will be mailed to the individual at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance.

§ 410.698 Dismissal by Appeals Council.

The Appeals Council may dismiss a request for the review of any proceedings instituted under § 410.688 pending before it in any of the following circumstances:

(a) *Upon request of party.* Proceedings pending before the Appeals Council may be discontinued and dismissed upon written application of the party or parties who filed the request for review provided there is no party who objects to discontinuance and dismissal.

(b) *Death of party.* Proceedings before the Appeals Council may be dismissed upon death of a party against whom charges have been preferred.

(c) *Request for review not timely filed.* A request for review of a hearing officer's decision shall be dismissed when the party has failed to file a request for review within the time specified in § 410.694 and such time is not extended for good cause.

§ 410.699 Reinstatement after suspension or disqualification.

(a) *General.* An individual shall be automatically reinstated to serve as representative before the Administration at the expiration of any period of suspension. In addition, after 1 year from the effective date of any suspension or disqualification, an individual who has been suspended or disqualified from acting as a representative in proceedings before the Administration may petition the Appeals Council for reinstatement prior to the expiration of a period of suspension or following a disqualification order. The petition for reinstatement shall be accompanied by any evidence the individual wishes to submit. The Appeals Council shall notify the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, of the receipt of the petition and grant him 30 days in which to present a written report of any experiences which the Administration may have had with the suspended or disqualified individual during the period subsequent to the suspension or disqualification. A copy of any such report shall be made available to the suspended or disqualified individual.

(b) *Basis of action.* A request for revocation of a suspension or a disqualification shall not be granted unless the Appeals Council is reasonably satisfied that the petitioner is not likely in the future to conduct himself contrary to the provisions of the rules and regulations of the Administration.

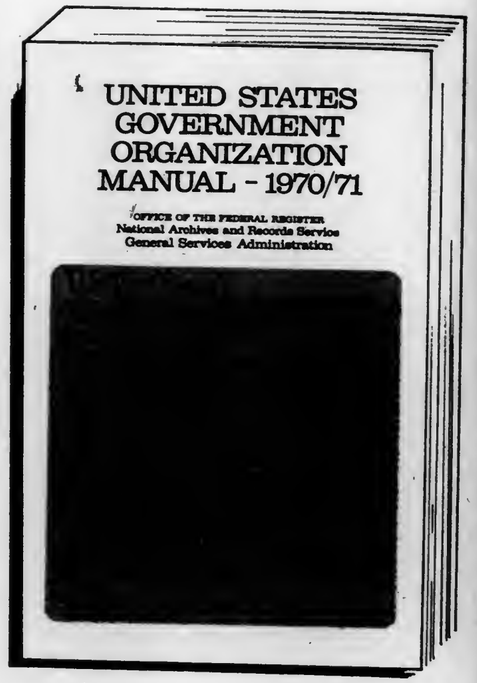
(c) *Notice.* Notice of the decision on the request for reinstatement shall be mailed to the petitioner and a copy shall be mailed to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance.

(d) *Effect of denial.* If a petition for reinstatement is denied, a subsequent petition for reinstatement shall not be considered prior to the expiration of 1 year from the date of notice of the previous denial.

[FR Doc. 71-2706 Filed 3-3-71; 8:45 am]

[FR Doc. 71-2706 Filed 3-3-71; 8:45 am]

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EXECUTIVE ORDER 11584

Inspection of Income, Excess-Profits, Estate, and Gift Tax Returns by the Senate Committee on Government Operations

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954 (26 U.S.C. 6103 (a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1950 to 1971, inclusive, shall, during the Ninety-second Congress, be open to inspection by the Senate Committee on Government Operations or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficency of the Government. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, and approved by the President on May 3, 1955.

Richard Nixon

THE WHITE HOUSE,
March 3, 1971.

[FR Doc.71-3151 Filed 3-3-71;12:51 pm]

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SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 5]

PART 780—APPEAL REGULATIONS

Requests for Reconsideration and Appeals Requiring Special Handling

Section 780.11 of the appeal regulations, 7 CFR Part 780, is amended by revising paragraph (a) to read as follows:

§ 780.11 Requests for reconsideration and appeals requiring special handling.

(a) Determinations made by a State committee with respect to (1) the establishment of farm yields for wheat, feed grain, and cotton, (2) the establishment of wheat allotments, (3) the establishment of farm feed grain bases, (4) the establishment of upland cotton base acreage allotments, (5) the establishment of conserving bases, (6) matters rising under the tobacco discount variety program, and (7) eligibility provisions of the livestock feed program are not appealable to the Deputy Administrator.

* * * * *

Effective date: Upon publication in the FEDERAL REGISTER (3-5-71).

Signed at Washington, D.C., on March 1, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-3127 Filed 3-4-71;8:55 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order No. 65]

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (36 F.R. 3070) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of April through November 1971, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1065.71 the provisions (h) through (l) in their entirety.

Statement of consideration. Suspension of the "takeout-payback" plan of paying producers was requested by the Central States Division of Mid-America Dairymen, a cooperative association representing a major portion of the producers supplying the market.

This suspension order suspends, for 1971, the takeout-payback plan for paying producers, which provides for withholding from the pool 8 percent of the adjusted value of producer milk in each of the months of April, May, and June, for distribution to producers during September, October, and November according to their deliveries in these latter months. The purpose of the plan is to reduce seasonality of milk production for the market. The basis for the request is that seasonality of production has been reduced substantially and the operation of the takeout-payback plan for 1971 would not serve the purpose for which it was instituted in the order. Also, suspension of the plan will assure that the relationship of uniform prices to pay prices of nearby manufacturing plants during the coming months will not disrupt milk procurement at regulated plants.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it is the only practical means of rendering the provisions inoperative for the period designated;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective April 1, 1971, for the period through November 30, 1971.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period April 1, 1971, through November 30, 1971.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: April 1, 1971.

Signed at Washington, D.C., on March 1, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc. 71-3130 Filed 3-4-71;8:56 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-525]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e)(15) relating to the State of Virginia is amended to read:

(15) *Virginia.* That portion of Isle of Wight County bounded by a line beginning at the junction of Secondary Highway 620 and the east bank of the Blackwater River; thence, following Secondary Highway 620 in a northeasterly then southeasterly direction to Secondary Highway 644; thence following Secondary Highway 644 in a southwesterly direction to Secondary Highway 654; thence following Secondary Highway 654 in a southeasterly direction to Secondary Highway 600; thence following Secondary Highway 600 in a southwesterly direction to Secondary Highway 637; thence, following Secondary Highway 637 in a southwesterly direction to Secondary Highway 606; thence following Secondary Highway 606 in a northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally westerly direction to the Blackwater River; thence, following the east bank of the Blackwater

River in a northeasterly direction to its junction with Secondary Highway 620.

2. In § 76.2, in paragraph (e)(13) relating to the State of Texas, a new subdivision (xxiv) relating to McLennan County is added to read:

(13) *Texas.* * * *

(xxiv) That portion of McLennan County bounded by a line beginning at the junction of State Highway 6 and the McLennan-Falls County line; thence following State Highway 6 in a northwesterly direction to U.S. Highway 81; thence, following U.S. Highway 81 in a southwesterly direction to the McLennan-Falls County line; thence, following the McLennan-Falls County line in a northeasterly direction to its junction with State Highway 6.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of McLennan County, Tex. and a portion of Isle of Wight County, Va., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2nd day of March 1971.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[FR Doc.71-3022 Filed 3-4-71;8:47 am]

[Docket No. 71-526]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(13) relating to the State of Texas, a new subdivision (xxv) relating to Hill County is added to read:

(13) *Texas.* * * *

(xxv) That portion of Hill County bounded by a line beginning at the junction of State Highway 174 and the Hill-Bosque County line; thence, following State Highway 174 in a northeasterly direction to Farm-to-Market Road 933; thence, following Farm-to-Market Road 933 in a southerly direction to Farm-to-Market Road 67; thence, following Farm-to-Market Road 67 in a southeasterly direction to Farm-to-Market Road 3049; thence, following Farm-to-Market Road 3049 in a southeasterly direction to Farm-to-Market Road 934; thence, following Farm-to-Market Road 934 in a northeasterly direction and then southeasterly direction to Farm-to-Market Road 309; thence, following Farm-to-Market Road 309 in a southeasterly direction to State Highway 22; thence, following State Highway 22 in a northeasterly direction to U.S. Highway 35, 81, and 77; thence, following U.S. Highway 35, 81, and 77 in a southeasterly direction to Farm-to-Market Road 1304; thence, following Farm-to-Market Road 1304 in a southwesterly direction to Farm-to-Market Road 2114; thence, following Farm-to-Market Road 2114 in a northwesterly direction to the Hill-Bosque County line; thence, following the Hill-Bosque County line in a generally northwesterly direction to its junction with State Highway 174.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Hill County, Tex., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2nd day of March 1971.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[FR Doc.71-3023 Filed 3-4-71;8:47 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Technetium 99m for Salivary Gland and Blood Pool Scans

Notice is hereby given of the amendment of the Atomic Energy Commission's regulation "Human Uses of Byproduct Material," 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists two groups of diagnostic uses of byproduct material with well-established clinical procedures. Section 35.14 states that the Commission will consider an application for a specific license for any diagnostic use listed in Group I or Group II of § 35.100 as an application for all of the uses within the group if the applicant is qualified.

The use of technetium 99m as pertechnetate for salivary gland and blood pool scans has become a well-established clinical procedure. The amendment set forth below adds to paragraph (b), Group II, § 35.100, the use of technetium 99m as pertechnetate for salivary gland and blood pool scans other than placenta localizations.

Because this amendment relates solely to minor procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecesary. Since the amendment relieves from restrictions under regulations currently in effect, it will become effective without the customary 30 day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 35, is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER (3–5–71).

Paragraph (b) of § 35.100 of 10 CFR Part 35 is amended to add technetium 99m as pertechnetate for salivary gland and blood pool scans other than placenta localizations as follows:

§ 35.100 Schedule A—Groups of diagnostic uses of byproduct material in humans.

* * * * *

(b) *Group II.* Scans and tumor localizations.

* * * * *

(15) Technetium 99m as pertechnetate for salivary gland and blood pool scans other than placenta localizations.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 10th day of February 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-3026 Filed 3-4-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-49-AD; Amdt. 39-1160]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC-8 Series Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-347 (32 F.R. 2439), AD 67-5-3, to require repetitive inspections of the engine pylon spar following rework per the applicable service bulletins was published in 35 F.R. 19792.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-347 (32 F.R. 2439), AD 67-5-3, is amended as follows:

(1) Amend paragraph (b) to read:

On all airplanes having serial Nos. 45252–45272, 45274–45289, 45291–45306, 45376–45393, 45408–45413, 45416–45427, 45429–45431, 45433–45437, 45442–45445, 45526, 45565–45570, 45588–45614, 45616–45630, 45632–45638, 45640–45651, 45653, 45655–45663, 45665–45673, 45676, 45684, conduct an inspection for cracks on all upper inboard and outboard spar caps of the outboard pylons in the area between station YOP 214 and station YOP 255, and repair or replace if necessary as follows:

(2) Delete the second sentence of paragraph (b)(2).

(3) Add a new paragraph (b)(4) as follows:

(4) The inspections required in paragraphs (b)(1) and (b)(2) do not apply to airplanes modified in accordance with McDonnell Douglas Service Bulletin Nos. 54-33, dated March 15, 1963; 54-35, dated April 9, 1966; or later FAA-approved revisions. Each service bulletin contains the airplane serial numbers to which it is applicable.

However, all airplanes modified in accordance with S.B. Nos. 54-33 or 54-35 must be reinspected per Paragraph (b) above within the next 1,500 hours' time in service after the effective date of this AD amendment, unless already accomplished within the last 1,500 hours' time in service, and thereafter at intervals not to exceed 3,000 hours' time in service. Upon installation of an improved spar kit per McDonnell Douglas S.B. 54-57, Revision 1, dated December 9, 1969, or later FAA approved revision, these repetitive inspections may be discontinued.

This amendment becomes effective April 4, 1971.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 23, 1971.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[FR Doc.71-3077 Filed 3-4-71;8:51 am]

[Airworthiness Docket No. 70-WE-50-AD; Amdt. 39-1161]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39-1130 (35 F.R. 19530), AD 70-26-3, provides for inspection of the main landing gear trunnion support beam per the manufacturer's service bulletin or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region; it provides for replacement or repair of the beam, if cracks are found, in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region. Amendment 39-1130 does not provide for rework of cracks in the beams in accordance with the service bulletin. The agency has determined that a method for reworking cracks, as provided in Service Bulletin 57-115, is an approved method. Therefore, the AD is being amended to provide a rework procedure, thereby eliminating the need for individually approved rework procedures.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1130 (35 F.R. 19530), AD 70-26-3, is amended as follows:

(1) Amend paragraph (b) to read:

(b) If cracks are found, before further flight, accomplish one of the following:

(1) Rework the beam per Boeing Service Bulletin 57-115, dated November 20, 1970, or later FAA approved revisions, and repeat the inspection required in (3) above, or

(2) Repair the beam in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region, and repeat the inspection required in (3) above, or

(3) Replace the beam with a serviceable beam. If this beam is a previously reworked beam, or has 10,000 or more landings, repeat the inspection required in (3) above.

(2) Delete the "NOTE" in its entirety in the AD.

This amendment becomes effective March 6, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 23, 1971.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[FR Doc.71-3078 Filed 3-4-71;8:52 am]

[Airworthiness Docket No. 71-WE-4-AD; Amdt. 39-1162]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Cracks have been detected in the main landing gear trunnion support beam, P/N 65-16230, on numerous airplanes. In one case a crack emanating from the bearing bore resulted in complete beam failure and main landing gear collapse. Since this condition is likely to develop in other Model 727 airplanes, an Airworthiness Directive is being issued to require inspection and rework of the beam bearing bore.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to main landing gear trunnion support beams P/N 65-16230 on all model 727 series airplanes certificated in all categories.

Compliance required as indicated:

To detect cracks in the main landing gear trunnion support beam, accomplish the following:

(a) For all beams which have accumulated 4,500 hours time in service or 7,000 landings on the effective date of this AD, unless already accomplished within the last 1,000 hours time in service, inspect the bearing bore in each beam in accordance with (d) below, within the next 1,000 hours time in service.

(b) For all beams which have not accumulated 4,500 hours time in service or 7,000 landings on the effective date of this AD, inspect the bearing bore on the main landing gear trunnion beam in accordance with (d) below, prior to the accumulation of 5,500 hours time in service or 7,500 landings, whichever occurs first.

(c) Reinspect all beams in accordance with (d) below, at intervals not to exceed 2,000 hours time in service or 2,500 landings, whichever occurs first, after the initial inspection per (a) or (b) above, until the beam is reworked or replaced in accordance with (e) below.

(d) Inspect the bearing bore in accordance with Boeing Service Bulletin Number 57-119, dated 1 February 1971, or later FAA approved revision, or an equalivalent inspection approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

(e) Any beam in which evidence of a crack in the bearing bore is found must, prior to further flight, be replaced with a beam inspected per this AD and found to be uncracked, or reworked in accordance with instructions in Boeing Service Bulletin No. 57-119, dated 1 February 1971, or later FAA approved revisions, or in accordance with instructions approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) For the purpose of this AD, when conclusive records are not available to show the number of landings accumulated by a particular beam, the number of landings may be computed by dividing the airplane time in service since the beam was installed in the airplane by the operator's fleet average time per flight for his model 727 airplanes.

NOTE: This AD covers the bearing bore of the main landing gear beam and must be distinguished from the procedures prescribed in Amendment 39-1130, 35 F.R. 19503, AD 70-26-3 as amended.

This AD becomes effective March 6, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 23, 1971.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[FR Doc.71-3079 Filed 3-4-71;8:52 am]

[Airspace Docket No. 71-CE-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Grand Marais, Minn.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Grand Marais, Minn., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 29, 1971, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

GRAND MARAIS, MINN.

That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Devils Track Municipal Airport (latitude 47°49'35" N., longitude 90°22'45" W.); and within 4½ miles north and 9½ miles south of the 103° bearing from the Devils Track Municipal Airport, extending from the airport to 18½ miles east of the airport except for that portion which overlies P-204; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 273° bearing from the Devils Track Municipal Airport extending from the airport to 12 miles west of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 18, 1971.

DANIEL E. BARROW,
Acting Director,
Central Region.

[FR Doc.71-3080 Filed 3-4-71;8:52 am]

[Airspace Docket No. 71-CE-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Cut Bank, Mont.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the control zone and transition area at Cut Bank, Mont. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 29, 1971, as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

CUT BANK, MONT.

Within a 5-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 3½ miles each side of the Cut Bank VORTAC 150° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

CUT BANK, MONT.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 9½ miles northeast and 4½ miles southwest of the Cut Bank VORTAC 150° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; and within a 12-mile radius extending from a line 5 miles west of and parallel to the Cut Bank VORTAC 172° radial counterclockwise to a line 5 miles northeast of and parallel to the Cut Bank VORTAC 150° radial.

(Sec. 307(a) Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 16, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3081 Filed 3-4-71;8:52 am]

[Airspace Docket No. 71-CE-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Pierre, S. Dak.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria require minor alternation of the control zone and transition area at Pierre, S. Dak. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 29, 1971, as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

PIERRE, S. DAK.

That airspace within a 5-mile radius of Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.).

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

PIERRE, S. DAK.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); within 5 miles each side of the Pierre VORTAC 087° radial extending from the 8½-mile radius area to 7 miles east of the VORTAC; and within 5 miles each side of the Pierre VORTAC 265° radial extending from the 8½-mile radius area to 18½ miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9½ miles north and 4½ miles south of the Pierre VORTAC 087° radial extending from the VORTAC to 18½ miles east of the VORTAC; within 9½ miles south and 4½ miles north of the Pierre VORTAC 265° radial extending from 11½ miles west of the VORTAC to 30 miles west of the VORTAC; and within a 25-mile radius of the Pierre VORTAC extending clockwise from a line 5 miles south of and parallel to the VORTAC 253° radial to a line 5 miles northeast of and parallel to the VORTAC 302° radial.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 16, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3082 Filed 3-4-71;8:52 am]

[Airspace Docket No. 71-CE-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the LeMars, Iowa, transition area.

The public use instrument approach procedure for LeMars, Iowa, Municipal Airport has been altered by moving the approach radial by approximately 10°. Therefore, it is necessary to alter the LeMars transition area to reflect this radial change and action is taken herein to reflect this change. This alteration does not involve the designation of any additional airspace.

Since this change is minor in nature and imposes no additional burden on any person; notice and public procedure hereon are unnecessary and the change may be accomplished by Final Rule Action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

LEMARS, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of LeMars Municipal Airport (latitude 42°46'36" N., longitude 96°11'37" W.); and within 3 miles each side of the 358° bearing from LeMars Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface with 4½ miles east and 9½ miles west of the 358° and 178° bearings from LeMars Municipal Airport, extending from 4½ miles south to 18½ miles north of the airport, excluding the portion which overlies the Sioux City, Iowa, transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 18, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3083 Filed 3-4-71;8:52 am]

[Airspace Docket No. 70-CE-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transion Area; Revocation of Transition Areas

On Page 18747 of the FEDERAL REGISTER dated December 10, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Mason City, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following changes:

(1) The longitude coordinate recited in the Mason City, Iowa, Municipal Airport control zone and transition area alteration as "longitude 93°19'55" W." is changed to read "longitude 93°19'54" W.".

(2) Add the following to the last sentence of the transition area description "and the Charles City, Iowa, transition area.".

These amendments become effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 40 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 12, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

MASON CITY, IOWA

Within a 5-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'54" W.)

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

MASON CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'54" W.); within 5 miles each side of the Mason City VORTAC 002° radial, extending from the 9-mile radius area to 24½ miles north of the VORTAC; and within 4½ miles west and 9½ miles east of the Mason City VORTAC 182° and 002° radials, extending from 5 miles north to 24½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of Mason City VORTAC; and within 4½ miles east and 9½ miles west of the Mason City VORTAC 002° radial, extending from the 22½-mile radius area to 34½ miles north of the VORTAC, excluding the portion which overlies the Albert Lea, Minn., transition area and the Charles City, Iowa, transition area.

[FR Doc.71-3084 Filed 3-4-71;8:52 am]

[Airspace Docket No. 70-CE-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Pages 18747 and 18748 of the FEDERAL REGISTER dated December 10, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Harrisburg, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

Start the first sentence of the transition area description with the phrase: "That airspace extending upward from 700 feet above the surface,".

This amendment ecomes effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 12, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

HARRISBURG, ILL.

That airspace extending upward from 700 feet above the surface, within a 5½-mile radius of Harrisburg-Raleigh Airport (latitude 37°48'45" N., longitude 88°33'00" W.); and within 3 miles each side of the 049° bearing from Harrisburg-Raleigh Airport, extending from the airport to 8 miles northeast of the airport.

[FR Doc.71-3085 Filed 3-4-71;8:52 am]

[Airspace Docket No. 70-CE-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 18748 of the FEDERAL REGISTER dated December 10, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Kankakee, Ill.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

Line 6 of the Kankakee, Illinois, transition area description recited as "VORTAC, extending from the 6½-mile radius" is changed to read "VORTAC 192° radial, extending from the 6½-mile radius".

This amendment shall be effective 0901 G.m.t. April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 3, 1971.

JOHN A. HARGRAVE,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

KANKAKEE, ILL.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Greater Kankakee Airport (latitude 41°04'15" N., longitude 87°50'55" W.); within 2 miles each side of the Peotone, Ill., VORTAC 192° radial extending from the 6½-mile radius area to the VORTAC; within 3 miles each side of the 212° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport; within 3 miles each side of the 222° bearing from Greater Kankakee Airport extending from the 6½-mile radius area to 8 miles southwest of the airport; and within 3 miles each side of the 052° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles northeast of the airport.

[FR Doc.71-3086 Filed 3-4-71;8:52 am]

[Airspace Docket No. 70-CE-105]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Revocation of Transition Areas

On pages 18748 and 18749 of the FEDERAL REGISTER dated December 10, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Saginaw, Mich., and revoke the transition area at Bay City and Midland, Mich.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 2, 1971.

JOHN A. HARGRAVE,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

SAGINAW, MICH.

That airspace within a 5-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.) and within 2½ miles each side of the Saginaw, Mich. VORTAC 030°, 146°, 233°, and 310° radius extending from the 5-mile radius zone to 6½ miles northeast, southeast, southwest, and northwest of the VORTAC.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

SAGINAW, MICH.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.); within 2 miles each side of the Saginaw ILS localizer northeast course, extending from the 8½-mile radius zone to 13 miles northeast of the Saginaw, Mich. VORTAC; within a 5-mile radius of James Clements Municipal Airport (latitude 43°32'45" N., longitude 83°53'40" W.); within a 5-mile radius of Jack Barstow Airport (latitude 43°39'40" N., longitude 84°15'40" W.); and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at latitude 43°16'00" N., longitude 83°30'00" W.; thence west along latitude 43°16'00" N., to and north along longitude 84°25'00" W., to and northwest along a line 10 miles southwest of and parallel to the Saginaw, Mich. VORTAC 317° radial; to and clockwise along the arc of a 31-mile radius circle centered on the Saginaw VORTAC; to and south along a line 5 miles east of and parallel to the Saginaw VORTAC 013° radial; to and clockwise along the arc of a 20-mile radius circle centered on the Saginaw VORTAC; to and east along a line 10 miles north of and parallel to the Saginaw VORTAC 105° radial; to and south along longitude 83°24'00" W.; to and west along the north edge of V-216; to and south along longitude 83°30'00" W.; to the point of beginning; within 10 miles southwest and 7 miles northeast of the Saginaw VORTAC 317° radial, extending from the 31-mile radius area to 37 miles northwest of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Saginaw localizer northeast course, extending from the 20-mile radius area to 23½ miles northeast of the VORTAC.

(3) In § 71.181 (35 F.R. 2134), the following transition areas are revoked:

a. Bay City, Mich.
b. Midland, Mich.

[FR Doc.71-3087 Filed 3-4-71;8:52 am]

[Airspace Docket No. 70-CE-108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 18749 of the FEDERAL REGISTER dated December 10, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Peoria, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

(1) The Greater Peoria Airport coordinates recited in the Peoria, Ill., control zone and transition area alteration as "latitude 40°39'45" N., longitude 89°41'35" W." are changed to read "latitude 40°39'47" N., longitude 89°41'22" W.".

(2) Line 10 of the transition area description recited as "miles each of the VORTAC; and within 4½" is changed to read "miles east of the VORTAC; and within 4½".

These amendments shall become effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 4, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

PEORIA, ILL.

Within a 5-mile radius of Greater Peoria Airport (latitude 40°39'47" N., longitude 89°41'22" W.); within 5 miles each side of the Peoria ILS localizer northwest course, extending from the airport to 16 miles north of the airport; and within 2 miles each side of the Peoria VORTAC 109° radial extending from the 5-mile radius zone to 12 miles east of the VORTAC.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

PEORIA, ILL.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Greater Peoria Airport (latitude 40°39'47" N., longitude 89°41'22" W.); within 5 miles each side of the Peoria ILS localizer northwest course, extending from 16 to 18½ miles northwest of the airport; within 5 miles each side of the Peoria VORTAC 109° radial, extending from the 9-mile radius area to 20 miles east of the VORTAC; and within 4½ miles north and 9½ miles south of the Peoria VORTAC 279° radial, extending from the VORTAC to 18½ miles west of the VORTAC.

[FR Doc.71-3088 Filed 3-4-71;8:52 am]

[Airspace Docket No. 70-WE-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 783) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Durango, Colo., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted subject to the following changes.

Delete the FEDERAL REGISTER citation for the control zone "* * * § 71.171 (35 F.R. 2054) * * *" and the transition area "* * * § 71.181 (35 F.R. 2134) * * *" and substitute "* * * § 71.171 (36 F.R. 2055) * * *" and "* * * § 71.181 (36 F.R. 2140) * * *" therefor.

Effective date. These amendments shall be effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a) Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 24, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Durango, Colo. control zone is amended to read as follows:

DURANGO, COLO.

Within a 5-mile radius of La Plata Field (latitude 37°09'12" N., longitude 107°45'04" W.) and within 3 miles each side of the Durango VOR 224° radial, extending from the 5-mile-radius zone to 8 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140) the description of the Durango, Colo. transition area is amended to read as follows:

DURANGO, COLO.

That airspace extending upwards from 700 feet above the surface within a 7-mile radius of the La Plata Airport (latitude 37°09'12" N., longitude 107°45'04" W.), and within 3.5 miles each side of the Durango VOR 224° radial, extending from the 7-mile-radius area to 11.5 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southeast and 6 miles northwest of the Durango VOR 224° and 044° radials, extending from 8 miles northeast to 25 miles southwest of the VOR.

[FR Doc.71-3089 Filed 3-4-71;8:53 am]

[Airspace Docket No. 70-WE-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 782) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Cortez, Colorado, control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted subject to the following changes.

Delegate the FEDERAL REGISTER citation for the control zone "* * * § 71.171 (35 F.R. 2054) * * *" and the transition area "* * * § 71.181 (35 F.R. 2134) * * *" and substitute "* * * § 71.171 (36 F.R. 2055) * * *" and "* * * § 71.181 (36 F.R. 2140) * * *" therefor.

Effective date. These amendments shall be effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 24, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Cortez, Colo. control zone is amended to read as follows:

CORTEZ, COLO.

Within a 5-mile radius of Cortez-Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37'35" W.) and within 3 miles each side of the Cortez VOR 210° and 004° radials, extending from the 5-mile-radius zone to 8 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140) the description of the Cortez, Colo., transition area is amended to read as follows:

CORTEZ, COLO.

That airspace extending upwards from 700 feet above the surface within a 7-mile radius of Cortez-Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37'35" W.), within 3.5 miles each side of the Cortez VOR 184° and 004° radials extending from the 7-mile-radius area to 11.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Cortez VOR 184° and 004° radials, extending from 8 miles south to 19 miles north of the VOR, and within 5 miles northeast of and parallel to the Dove Creek VORTAC 129° radial, extending from the VORTAC to 21 miles southeast of the VORTAC.

[FR Doc.71-3090 Filed 3-4-71;8:53 am]

[Airspace Docket No. 71-SO-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Control Areas, Federal Airway, Jet Route and Reporting Points

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to make editorial changes in the descriptions of several reporting points and additional control areas, Blue Federal airway No. 19, and Jet Route No. 81.

To comply with agency policy to eliminate the duplication of location names within an Air Route Traffic Control Center control area and adjacent ARTCC control areas, the names of several radio beacons will be changed on May 27, 1971, as follows:

Present name	*Future name*
Key West, Fla., RBN	Fish Hook, Fla., RBN
Tallahassee, Fla., RBN	Wakulla, Fla., RBN
Fort Myers, Fla., RBN	Tice, Fla., RBN
Melbourne, Fla., RBN	Satellite, Fla., RBN
Charleston, S.C., RBN	Ashley, S.C., RBN
Palm Beach, Fla., RBN	Rubin, Fla., RBN
Jacksonville, Fla., RBN	Dinsmore, Fla., RBN

These name changes will require amendments to Parts 71 and 75 of the Federal Aviation Regulations. Action is taken herein to make these amendments.

Since these amendments are editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

1. Section 71.109 (36 F.R. 2008) is amended as follows:

In B-19 the phrase "From Key West, Fla., RBN, INT Key West RBN 037°" is deleted and the phrase "From Fish Hook, Fla., RBN, INT Fish Hook RBN 037°" is substituted therefor.

2. Section 71.163 (35 F.R. 13363, 18039 and 36 F.R. 2048) is amended as follows:

a. In Control 1153 the phrases "Jacksonville, Fla., radio beacon" and "from the radio beacon" are deleted and the phrases "Dinsmore, Fla., RBN" and "from the RBN" are substituted therefor.

b. In Control 1232 the phrase "Palm Beach, Fla., RBN," is deleted and the

phrase "Rubin, Fla., RBN," is substituted therefor.

c. In Control 1488 the phrase "Key West radio beacon 245°" is deleted and the phrase "Fish Hook, Fla., RBN 245°" is substituted therefor.

3. In § 71.203 (36 F.R. 2301) low altitude reporting point "Key West, Fla., RBN" is deleted and "Fish Hook, Fla., RBN" is substituted therefor.

4. Section 71.209 (36 F.R. 2311) is amended as follows:

a. In Azalea INT the phrase "Charleston, S.C., RBN." is deleted and the phrase "Ashley, S.C., RBN." is substituted therefor.

b. In Barracuda INT the phrase "Melbourne, Fla., RBN" is deleted and the phrase "Satellite, Fla., RBN" is substituted therefor.

c. In Carp INT the phrase "Jacksonville, Fla., RBN." is deleted and the phrase "Dinsmore, Fla., RBN" is substituted therefor.

d. In Crab INT the phrase "Tallahassee, Fla., RBN" is deleted and the phrase "Wakulla, Fla., RBN" is substituted therefor.

e. In Gateway INT the phrase "Jacksonville, Fla., RBN" is deleted and the phrase "Dinsmore, Fla., RBN" is substituted therefor.

f. In Halibut INT the phrase "Palm Beach, Fla., RBN" is deleted and the phrase "Rubin, Fla., RBN" is substituted therefor.

g. In Sea Lion INT the phrase "Key West, Fla., RBN" is deleted and the phrase "Fish Hook, Fla., RBN" is substituted therefor.

h. In Smelt INT the phrase "Charleston, S.C., RBN" is deleted and the phrase "Ashley, S.C., RBN" is substituted therefor.

i. In Trout INT the phrase "Jacksonville, Fla., RBN" is deleted and the phrase "Dinsmore, Fla., RBN" is substituted therefor.

5. § 75.100 (36 F.R. 2371) is amended as follows:

In Jet Route No. 81, the phrase "Melbourne, Fla., RR" is deleted and the phrase "Satellite, Fla., RBN" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 26, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3091 Filed 3-4-71;8:53 am]

[Airspace Docket No. 70-SO-106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 14, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 556), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Louisville, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the final approach bearing for NDB–A instrument approach procedure to Louisville-Winston County Airport was refined to the 357° bearing. It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

LOUISVILLE, MISS.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Louisville-Winston County Airport (lat. 33°08'35" N., long. 89°03'45" W.); within 3 miles each side of the 357° bearing from Louisville RBN (lat. 33°08'37" N., long. 89°03'39" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 22, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-3092 Filed 3-4-71;8:53 am]

[Airspace Docket No. 70-SO-107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 782), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Lancaster, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

LANCASTER, S.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lancaster Airport (lat. 34°43'22" N., long. 80°51'18" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 19, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-3093 Filed 3-4-71;8:53 am]

[Airspace Docket No. 70-SO-108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 20, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 932), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Columbus, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Columbus, Miss., transition area is amended as follows:

"* * * VORTAC to 18.5 miles west * * *." is deleted and "* * * VORTAC to 18.5 miles west; within an 8.5-mile radius of Golden Triangle Regional Airport (lat. 33°26'48" N., long 88°35'30" W.) * * *." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 23, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-3094 Filed 3-4-71;8:53 am]

[Airspace Docket No. 70-SO-109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 783), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Apalachicola, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Apalachicola, Fla., transition area is amended to read:

APALACHICOLA, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Apalachicola Municipal Airport (lat. 29°43'45" N., long. 85°01'45" W.); within 3 miles each side of the 012°, 049°, and 322° bearings from Apalachicola RBN, extending from the 6.5-mile radius area to 8.5 miles north, northeast, and northwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 23, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-3095 Filed 3-4-71;8:53 am]

[Airspace Docket No. 70-SO-110]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 782), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Marianna, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Marianna, Fla., transition area is amended to read:

MARIANNA, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Marianna Municipal Airport (lat. 30°50'08" N., long. 85°11'02" W.); within 3 miles each side of Marianna VOR 127° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 23, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-3096 Filed 3-4-71;8:53 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[15th Gen. Rev. of the Export Regs. (Amdt. 15)]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 368, 371, 373, 376, and 386 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: Part 373—March 19, 1971; Parts 368, 371, 376, and 386—March 5, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

PART 368—U.S. IMPORT CERTIFICATE AND DELIVERY VERIFICATION CERTIFICATE

In § 368.2(a)(8), the footnote in subdivision (i) is amended to read as follows:

§ 368.2 International import certificate.

(a) * * *

(8) *Approval of shipment, transfer, or sale or commodities to a foreign consignee before delivery under International Import Certificate.* (i) * * *

[1] The attention of U.S. purchasers is directed to the Transaction Control Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, sections 505.01 et seq.). These regulations prohibit persons within the United States and subsidiaries and branches of U.S. firms located abroad from purchasing or selling, or arranging the purchase or sale, without a Treasury Department license, of any merchandise in any foreign country when the transaction involves a shipment from any foreign country to Country Group W, Y, or Z (except Cuba, for which the Cuban Assets Control Regulations mentioned below restrict shipments to Cuba) of merchandise identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1), or of a type prohibited by any of the several regulations referred to in § 370.10. (See Supplement No. 1 to Part 370 for Country Group designations.) A Treasury Department general license (§ 505.31) authorizes transactions prohibited by the Regulations with respect to shipments of merchandise to Eastern Europe from COCOM member countries provided the shipment has been licensed by the exporting country.

The attention of purchasers is also directed to the Foreign Assets Control Regulations and the Cuban Assets Control Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, sections 500.101 et seq. and 515.101 et seq.). These regulations prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transactions with Communist China, North Korea, North Vietnam, Cuba, or nationals thereof, or in any unlicensed transactions involving property in which Communist China, North Korea, or nationals thereof, have or have had, any interest, direct or indirect, since December 17, 1950; in which North Vietnam or nationals thereof, have or have had any interest, direct or indirect, since May 5, 1964; or in which Cuba or nationals thereof have or have had any interest, direct or indirect, since July 8, 1963. The Foreign Assets Control Regulations also prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transaction with respect to merchandise outside the United States if such merchandise is of mainland Chinese, North Vietnamese, or Cuban origin, or is merchandise specified in the Regulations as presumptively of mainland Chinese origin.

General licenses in the Foreign Assets Control Regulations (31 CFR 500.541 and 500.544) authorize (a) U.S.-owned or controlled foreign firms and U.S. citizens residing abroad to engage in transactions with Communist China and its nationals, provided the transaction does not involve merchandise of U.S. origin (unless licensed by Commerce) or of strategic type, or U.S. dollar accounts; (b) persons in the U.S. to import for noncommercial purposes, merchandise of mainland Chinese origin, or specified in the regulations as presumptively of that origin and to deal abroad in merchandise of the latter type.

A general license in the Cuban Assets Control Regulations exempt certain transactions by U.S.-owned or controlled foreign firms. However, the general license does not authorize U.S. citizens who are officers or directors of such firms to be involved in Cuban transactions.

The Rhodesian Sanctions Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, sections 530.101 et seq.) also contain restrictions of interest to U.S. purchasers. These regulations prohibit, unless licensed, the importation of merchandise of Rhodesian origin, transfers of property which involve merchandise outside the United States that is of Rhodesian origin or which is destined to Southern Rhodesia or to or for the account of business nationals thereof; other transfers of property to or on behalf of or for the benefit of any person in Rhodesia; and the importation of ferrochrome produced in any country from chromium ore or concentrate of Rhodesian origin. U.S.-owned or controlled foreign firms except Rhodesian firms are not subject to the regulations. However, this exemption does not extend to U.S. citizens or residents who are officers or directors of foreign firms.

Any questions concerning the Transaction Control Regulations, the Foreign Assets Control Regulations, the Cuban Assets Control Regulations, or the Rhodesian Sanction Regulations should be submitted to the Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, D.C. 20220.

PART 371—GENERAL LICENSES

In § 371.4(c), subparagraph (1) is amended to read as follows:

§ 371.4 General License GIT; intransit shipments.

• • • • • •

(c) *Shipments originating in Canada.* (1) The provisions of General License GIT are applicable, as modified herein, to all shipments from Canada moving in transit through the United States to any foreign destinations, regardless of the origin of the commodities. For each such shipment, the customs officer at the U.S. port of export shall require a copy of Form B–13, Canadian Customs Entry, certified or stamped by the Canadian customs authorities, except where the shipment is made under a validated U.S. export license or applicable U.S. general license other than General License GIT, or is valued at less than $50. Where the commodity description, quantity, ultimate consignee, country of ultimate destination, or any other pertinent detail of such shipment is not the same on the "Transportation Entry and Manifest," Customs Form CF 7512, for shipment as that on the required Form B–13, a corrected Form B–13 authorizing the shipment is required.

• • • • •

PART 373—SPECIAL LICENSING PROCEDURES

In § 373.4, paragraph (b) is amended to read as follows:

§ 373.4 Foreign-based warehouse procedure.

• • • • •

(b) *Exports to the foreign-based warehouse.* A U.S. exporter who qualifies under this procedure may apply for and obtain licenses for exports to an approved destination for the purpose of maintaining a foreign-based stock of any commodity(ies) identified by code letters "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List, except the following commodities:

Export Control Commodity Number and Commodity Description	
513	Boron (Boron-10 only).
513	Chlorine trifluoride.
514	Hydrides in which lithium is compounded with hydrogen or complexed with other metals, or aluminum hydride.
515	Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin.
683	Bars, rods, angles, shapes, sections, plates, sheets, strips, foil, hollow bars, tubes, pipes, blanks, and fittings, of porous nickel metal with a mean pore size of 25 microns or less and a nickel purity content of 99 percent or more, except single porous nickel metal sheets not greater than 930 cm^2 (144 square inches) in size when intended for use in batteries for civilian application.
683	Other bars, rods, angles, shapes, sections, plates, sheets, strips, foil, hollow bars, tubes, pipes, blanks, and fittings, of porous nickel having a purity of 99 percent or more.
711	Heat exchangers and heat-exchanger type condensers specially designed for nuclear reactors; and specially designed parts and accessories, n.e.c.
711	Parts and accessories, n.e.c., specially designed for nuclear reactors, including mechanical devices designed to control or shutdown a nuclear reactor.
714	Electronic computers
7191	Electrolytic cells for the production of fluorine, with a production capacity greater than 250 grams of fluorine per hour; and specially designed parts, n.e.c.
7191	Process vessels specially designed for chemically processing radioactive material; and parts and accessories, n.e.c.
7191	Equipment specially designed for the production of uranium hexafluoride (UF_6); and specially designed parts and accessories, n.e.c.
7191	Other machines and equipment, specially designed for use in processing of irradiated nuclear materials to isolate or recover fissionable materials; and specially designed parts and accessories, n.e.c.
7191	Heat exchangers made of aluminum, copper, nickel, or alloys containing more than 60 percent nickel, or combinations of these metals as clad tubes, designed to operate at less than 10^{-4} atmospheres per hour under a pressure differential of 1 atmosphere; and specially designed parts, n.e.c.
7191	Equipment specially designed for the production and/or concentration of deuterium oxide; and specially designed parts.
7191	Equipment for the production of liquid fluorine; and specially designed parts.
7192	Vertically shafted centrifugal pumps, glandless, hermetically sealed (canned) type or mechanical pressurized sealed type, having all flow-contact surfaces made of or lined with 10 percent or more nickel and/or chromium and rated at 50 kilowatts or more; and parts and attachments, n.e.c.
7192	Compressors and blowers (turbo, centrifugal, and axial flow types) having a capacity of 60 cfm or more and wholly made of or lined with aluminum, nickel or alloy containing 60 percent or more nickel; and specially designed parts and attachments.
7192	Counter-current solvent extractors specially designed for the extraction of radio-active substances (for example, pulsed columns and mixer-settlers made of stainless steel); and specially designed parts.
7192	Equipment specially designed for the separation of isotopes of uranium and/or lithium; and specially designed parts, n.e.c.
7192	Gas centrifuges capable of the enrichment or separation of isotopes; and specially designed parts, n.e.c.
7192	Centrifuge bowls, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel; and parts, n.e.c.
71980	Electron beam equipment for the deposition of thin film, the coating of thin film, or the working thereof.
71980	Nuclear reactor fuel chopping, disassembling, or dejacketing machines; and specially designed parts and accessories, n.e.c.
7199	Valves, 1 inch or more in diameter; fitted with bellows seal, and wholly made of or lines with aluminum; nickel, or alloy containing 60 percent or more nickel, except those having metal-to-metal seats; and specially designed parts, n.e.c.
726	X-ray machines and parts therefor; and flash discharge type X-ray tubes.
7295	Vibration testing equipment.
7295	Process control instruments specially designed or modified for monitoring or controlling the processing of irradiated fissionable or fertile materials or irradiated lithium.
72970	Neutron generators and specially designed parts therefor; and neutron generator tubes.
862	High speed photographic film and plates, sensitized, unexposed, as follows: (a) Having an intensity dynamic range of 1,000,000:1 or greater, or (b) having a speed of ASA 10,000 (or equivalent) or more.
28	Iron and steel scrap containing 1 percent or more nickel by weight, including scrap melted into crude forms.
28	Nickel bearing residues and dross.
28	Nickel or nickel alloy waste and scrap.
513	Nickel oxide.
514	Nickel sulfate.
671	Ferronickel containing 90 percent or less nickel.
683	Nickel based magnetic material, unwrought.
683	Other nickel or nickel alloys, unwrought.
683	Nickel or nickel alloy electroplating anodes.

• • • • •

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

In § 376.4, paragraph (a) is amended to read as follows:

§ 376.4 Nickel commodities.

(a) *90 day validity period.* All licenses to export any of the commodities set forth below in this § 376.4(a) will be valid for 90 days from the date of issuance:

Export Control Commodity Number and Commodity description	

PART 386—EXPORT CLEARANCE

In § 386.3(i)(3) subdivision (vi) is deleted and subdivisions (vii), (viii), and (ix) are redesignated (vi), (vii), and (viii) respectively and in § 386.3(t)(1), subdivision (i) is amended to read as follows:

§ 386.3 Shipper's export declaration.

• • • • •

(3) • • •

(vi) [Deleted]

• • • • •

(t) • • •

(1) • • •

(i) Commodities shipped by vessel in transit through the United States from one foreign country or area to another, including merchandise destined from one foreign country to another and transshipped in U.S. ports; or

• • • • •

In § 386.9, paragraph (a) is amended to read as follows:

§ 386.9 Authority of customs offices and postmasters in clearing shipments.

(a) *Delegation of authority to customs offices and postmasters.* Customs offices and postmasters, including all customs and post office officials, are authorized and directed to take appropriate action to assure observance of the provisions of the Export Control Regulations and of general and validated licenses issued thereunder. This includes, but is not limited to inspection of commodities and technical data being exported or about to be exported. Customs offices and postmasters, upon specific authorization by the Office of Export Control, may waive presentation of an export license. The functions delegated to customs offices and postmasters by this § 386.9(a) may also be carried out by officials of the Office of Export Control.

• • • • •

[FR Doc.71–3059 Filed 3–4–71;8:50 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER A—POLICY, PRACTICE, AND PROCEDURE

[General Order 41, 3d Rev., Amdt. 3]

PART 201—RULES OF PRACTICE AND PROCEDURE

Former Employees

Notice of rule making with respect to a proposed amendment to the rules of practice and procedure appeared in the FEDERAL REGISTER issue of October 17, 1970 (35 F.R. 16320), in which comments were invited in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 553). Comments were received from the Maritime Administrative Bar Association. Comments were directed to the proposed amendment and opposition was expressed to the omission of all reference to partners or associates of former employees. A suggestion was also made that the proposed amendment include a definition of the term "official responsibility."

The proposed amendment is intended to clarify the areas of participation by a former employee in postemployment activities. The suggestion that language be included in the proposed amendment which would place certain prohibitions on partners and associates of a former employee was found to be unsatisfactory and no such language has been included in the proposed amendment. No definition of the term "official responsibility" is included in the proposed amendment since that term is defined in Section 202 of Public Law 87–849 (18 U.S.C. 202(b)).

No other adverse comments were received in respect to the language used in the proposed amendment.

In view of the foregoing, pursuant to the authority under Reorganization Plan No. 7 of 1961, Department (of Commerce) Organization Order 10–8 (formerly Department Order 117–A, 31 F.R. 8087, 35 F.R. 115, and Department Organization Order 25–2A) and section 204 (b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)), § 201.26 of Subpart B of this part is hereby revised to read as follows:

Subpart B—Appearance and Practice Before the Administration (Rule 2)

§ 201.26 Former employees.

(a) No former officer or employee of the Administration, after his or her employment with the Administration has ceased, shall act as agent or attorney for anyone other than the United States in connection with any particular matter in which a specific party or parties are involved and in which the United States is a party or has a direct and substantial interest and in which the former officer or employee participated personally and substantially as an officer or employee of the Maritime Administration through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise while so employed by the Maritime Administration.

(b) No former officer or employee of the Administration shall practice, appear, or represent anyone, directly or indirectly, other than the United States, before the Administration in any matter for a period of 1 year subsequent to the termination of his or her employment with the Administration in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested and which was under his or her official responsibility as an officer or employee of the Administration at any time during the last year of his or her service.

(c) Any person in doubt as to the applicability of paragraphs (a) or (b) of this § 201.26 to a particular case or to the postemployment activities of a former officer or employee of the Administration may address an application to the Administration for the Administration's consent to appear, stating his former connection with the Administration or predecessor agency, identifying the matter in which he or she desires to appear and describe in detail his or her participation in or responsibility for the particular matter and the specific party or parties involved and the extent, if any, in which the former officer or employee had participated while employed by the Administration. The applicant shall be promptly advised as to his or her privilege to appear in the particular matter. Separate consents to appear must be obtained in each particular matter.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (Mar. 5, 1971).

Dated: March 1, 1971.

By order of the Assistant Secretary for Maritime Affairs and the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71–3102 Filed 3–4–71;8:54 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Public Notice 108.632]

PART 6–1—GENERAL

Miscellaneous Amendments

Part 6–1, Chapter 6 of Title 41 of the Code of Federal Regulations is amended as set forth below.

1. In Subpart 6–1.1, § 6–1.104 is amended by adding a new subparagraph (d) to read as follows:

§ 6–1.104 Applicability.

• • • • •

(d) At posts where Joint Administrative Offices have been formed, the DOSPR and the FPR are applicable to procurement from Shared Administrative Support funds. The DOSPR and the FPR are applicable for all AID administrative and technical support procurement, except in areas which have been defined by the AID Office of Administrative Services (A/AS).

2. In Subpart 6–1.1, a new Subpart 6–1.10 is added to read as follows:

Subpart 6–1.10—Publicizing Procurement Actions

Sec.

6–1.1001	General policy.
6–1.1002	Availability of invitations for bids and requests for proposals.
6–1.1003	Synopses of proposed procurements.
6–1.1003–1	Department of Commerce Synopsis.
6–1.1003–2	General requirements.

AUTHORITY: The provisions of this Subpart 6–1.10 are issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c), sec. 4, 63 Stat. 111, 22 U.S.C. 2658.

§ 6–1.1001 General policy.

To obtain full competition and provide information to the public FPR 1–1.1001 requires that prospective prime contractors and subcontractors be informed of proposed Government procurements or procurements it has awarded.

§ 6–1.1002 Availability of invitations for bids and requests for proposals.

A copy of all unclassified invitations for bids and requests for proposals issued by the Supply and Transportation

Division will be displayed for prospective contractors and subcontractors.

§ 6–1.1003 Synopses of proposed procurements.

§ 6–1.1003–1 Department of Commerce Synopsis.

As provided in FPR 1–1.1003–2(a)(9) procurements by the Foreign Service posts outside the United States are exempted from the provisions of this section.

§ 6–1.1003–2 General requirements.

(a) Except as provided in FPR 1–1.1003–2(a) all proposed Department procurement actions of $5,000 and above shall be synopsized in the Commerce Business Daily.

(b) Preparation and transmittal of synopses of proposed procurements of the Supply and Transportation Division will be prepared by the Procurement Branch in accordance with the procedures set out in FPR 1–1.1003–7.

(c) Those offices to whom contracting authority has been delegated as enumerated in § 6–1.404–2 of this title are responsible for publicizing proposed procurement actions as required by FRP 1–1.10.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c), sec. 4, 63 Stat. 111, 22 U.S.C. 2658)

Dated: February 12, 1971.

FRANK G. MEYER,
Assistant Secretary for Administration.

[FR Doc.71–3021 Filed 3–4–71;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5024]

[Oregon 6995]

OREGON

Withdrawal for National Forest Research Natural Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and withdrawals, the following described national forest land is hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SISKIYOU NATIONAL FOREST

WILLAMETTE MERIDIAN

Coquille River Falls Research Natural Area

T. 33 S., R. 11 W.,
Sec. 6, that portion of the SW¼ lying west of the centerline of Forest Service Road No. 321 (Coquille River Road);
Sec. 17, that portion of the S½ lying north of the centerline of Forest Service Road No. 321;
Sec. 18, that portion of the SE¼SE¼ lying northeast of the centerline of Forest Service Road No. 321, and that portion of the N½SE¼ east of the junction of Forest Service Road No. 321 and Forest Service Road No. 333 (Agness Road) and lying between the centerlines of said roads and south of the South Fork Coquille River;
Sec. 20, that portion of the N½N½ lying north of the centerline of Forest Service Road No. 321;
Sec. 21, that portion of the N½NW¼ lying north and west of the centerline of Forest Service Road No. 321.

The areas described aggregate approximately 500 acres in Coos County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, except that the withdrawal is subject to Powersite Classification No. 147 of June 1, 1926, so far as it affects the lands described above in sections 16 and 17, T. 33 S., R. 11 W.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 1, 1971.

[FR Doc.71–3033 Filed 3–4–71;8:48 am]

[Public Land Order 5025]

[New Mexico 10205]

NEW MEXICO

Revocation of Reclamation Withdrawal Hondo River Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1964), it is ordered as follows:

1. The Departmental Orders of January 31, 1903, and February 16, 1904, which withdrew lands for reclamation purposes and the Departmental Order of April 20, 1910, changing the earlier withdrawal from second form to first form, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 22 E.,
Sec. 12, SW¼;
Sec. 13, S½;
Sec. 14, SE¼;
Sec. 23, E½, E½W½;
Secs. 24 and 25;
Sec. 26, E½, NW¼, S½SW¼;
Sec. 27, NE¼NE¼, S½NE¼, SE¼SE¼;
Sec. 35, NW¼NE¼, NE¼NW¼, SW¼NW¼.
T. 11 S., R. 23 E.,
Sec. 3, SW¼;
Sec. 6, lots 1, 2, 4, 5, S½NE¼, SE¼NW¼, SE¼;
Sec. 18, lots 3, 4, E½SW¼, SE¼;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½W½, N½SE¼, SW¼SE¼;
Sec. 30, lot 1 and NE¼NW¼.

The areas described contain 4,857.87 acres in Chaves County, of which 760.42 acres are privately owned. The following described lands are public lands:

T. 11 S., R. 22 E.,
Sec. 13, S½;
Sec. 14, SE¼;
Sec. 23, E½, E½W½;
Secs. 24 and 25;
Sec. 26, E½, NW¼, S½SW¼;
Sec. 27, NE¼NE¼, S½NE¼, SE¼SE¼;
Sec. 35, NW¼NE¼, NE¼NW¼, SW¼NW¼.
T. 11 S., R. 23 E.,
Sec. 18, lots 3, 4, E½SW¼, SE¼;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½W½, N½SE¼, SW¼SE¼;
Sec. 30, lot 1 and NE¼NW¼.

The lands are located approximately 8 air miles southwest of Roswell, N. Mex. The topography ranges from relatively level to moderately rolling. Soils vary from a thin, gravelly-rocky, sandy loam to a moderate depth of silty loam. Vegetal cover consists of three-awn, tobosa, mixed gramas, fluffgrass, snakeweed, cockleburr, Russian thistle, and very scattered cholla and mesquite.

2. At 10 a.m. on April 6, 1971, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 6, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands will be open to location under the United States mining laws at 10 a.m. on April 6, 1971. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 1, 1971.

[FR Doc.71–3034 Filed 3–4–71;8:48 am]

[Public Land Order 5026]

[Sacramento 4011, 4040]

CALIFORNIA

Partial Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental order of November 7, 1908, and Public Land Order No. 725 of June 4, 1951, which withdrew national forest lands for administrative sites, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

(S 4011)

SIERRA NATIONAL FOREST

Chowchilla Administrative Site

T. 5 S., R. 20 E.,
Sec. 28, SW¼SE¼, SE¼SW¼.

(S 4040)

ELDORADO NATIONAL FOREST

Georgetown Administrative Site

T. 12 N., R. 11 E.,
Sec. 6, SW¼NE¼.

The areas described aggregate approximately 120 acres in Mariposa and Eldorado Counties.

2. At 10 a.m. on April 6, 1971, the land shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 1, 1971.

[FR Doc.71–3035 Filed 3–4–71;8:48 am]

[Public Land Order 5027]

[Arizona 035187]

ARIZONA

Correction of Public Land Order No. 4983

The land description in Public Land Order No. 4983 of December 24, 1970, appearing in 36 F.R. 61 of the issue of January 5, 1971, withdrawing certain lands for the Fort Bowie National Historic Site, so far as it refers to section 2 in paragraph 2 of said order, is corrected to read "sec. 3".

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 1, 1971.

[FR Doc.71–3036 Filed 3–4–71;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

PART 148w—CEPHALOSPORIN

Cephalexin Monohydrate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commission of Food and Drugs (21 CFR 2.120), Parts 141, 145, and 148w are amended as follows to provide for certification of cephalexin monohydrate capsules and powder for oral suspension:

1. Section 141.3(b) is amended by adding a new subparagraph, as follows:

§ 141.3 Equipment and diluents for use in biological testing.

* * * * * * *

(b) * * *

(12) Diluent 12 (0.5 percent methylcellulose (4,000 centipoises) in distilled water). Proceed as directed in subparagraph (10) of this paragraph, except use 0.5 gram of methylcellulose (4,000 centipoises).

2. Section 141.5(b) is amended by alphabetically inserting a new item in the table, as follows:

§ 141.5 Safety test.

* * * * * * *

(b) * * *

Antibiotic drug	Diluent (diluent number as listed in sec. 141.3)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
* * *	* * *	* * *	* * *	* * *
Cephalexin monohydrate	12	10 mg	0.5	Oral.
* * *	* * *	* * *	* * *	* * *

2. Section 141.110 is amended by alphabetically inserting a new item in the table in paragraph (a) and another in the table in paragraph (b), as follows:

§ 141.110 Microbiological agar diffusion assay.

* * * * * * *

(a) * * *

Antibiotic	Media to be used (as listed by medium number in § 141.103(b)): Base layer	Media to be used (as listed by medium number in § 141.103(b)): Seed layer	Milliliters of media to be used in the base and seed layers: Base layer	Milliliters of media to be used in the base and seed layers: Seed layer	Test organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation temperature for the plates
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
Cephalexin	2	1	21	4	A	0.65	32-35
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

(b) * * *

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in § 141.501)	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Standard response line concentrations: Diluent	Standard response line concentrations: Final concentrations, units or micrograms of antibiotic activity per milliliter
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
Cephalexin	Not dried	1	1 mg	7 days		1	12.8, 16.0, 20.0, 25.0, 31.2 μg.
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

3. Section 141.506(b) is amended by alphabetically inserting a new item in the table in subparagraph (1) and another in the table in subparagraph (2), as follows:

§ 141.506 Iodometric assay.

* * * * * * * *

(b) * * *

(1) * * *

Antibiotic	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration in units or milligrams of activity per milliliter of standard solution
* * *	* * *	* * *	* * *
Cephalexin	None	Distilled water	2 milligrams.
* * *	* * *	* * *	* * *

(2) * * *

Antibiotic	Initial solvent	Diluent (solution number as listed in §141.102(a))	Final concentration in units or milligrams of activity per milliliter of sample
* * *	* * *	* * *	* * *
Cephalexin	None	Distilled water	2 milligrams.
* * *	* * *	* * *	* * *

4. Section 145.3 is amended by adding a new subparagraph to paragraph (a) and another to paragraph (b), as follows:

§ 145.3 Definitions of master and working standards.

(a) * * *

(42) *Cephalexin.* The term "cephalexin master standard" means a specific lot of cephalexin that is designated by the Commissioner as the standard of comparison in determining the potency of the cephalexin working standard.

(b) * * *

(42) *Cephalexin.* The term "cephalexin working standard" means a specific lot of a homogeneous preparation of cephalexin.

5. Section 145.4(b) is amended by adding the following new subparagraph:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * * *

(b) * * *

(45) *Cephalexin.* The term "microgram" applied to cephalexin means the cephalexin activity (potency) contained in 1.0707 micrograms of the cephalexin master standard.

6. Part 148w is amended by adding the following three new sections:

§ 148w.6 Nonsterile cephalexin monohydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate is the monohydrate form of 7-(D-2-amino-2-phenylacetamido)-3-methyl-3-cephem-4-carboxylic acid. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms of cephalexin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 4.0 nor more than 8.0 percent.

(iv) Its pH in an aqueous solution containing 50 milligrams per milliliter is not less than 3.0 nor more than 5.5.

(v) When calculated on an anhydrous basis, its absorptivity at 262 nanometers is not less than 95 percent and not more than 104 percent of that of the cephalexin standard similarly treated and corrected for potency.

(vi) It gives a positive identity test.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(ii) Samples require: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution containing 1.0 milligram per milliliter (estimated). Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 20 micrograms of cephalexin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

NOTE: The 10 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* hydrochloric acid, and the assay should be completed within 1 hour after the sample and standard are first put into solution.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter, except observe the mice for 7 days.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous suspension containing 50 milligrams per milliliter.

(5) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve accurately weighed portions of approximately 50 milligrams each of the sample and standard in 250 milliliters of distilled water. Transfer a 10-milliliter aliquot to a 100-milliliter volumetric flask and dilute to volume with distilled water. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of each solution at 262 nanometers. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{milligrams standard} \times \frac{\text{potency of standard in micrograms per milligram}}{} \times 10}{\text{Absorbance of standard} \times \text{milligrams sample} \times (100 - m)},$$

where

m = percent moisture in the sample.

(6) *Identity.* Proceed as directed in § 141.521 of this chapter, using the 0.5 percent potassium bromide disc prepared as described in paragraph (b)(1) of that section.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148w.7 Cephalexin monohydrate for oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate for oral suspension is cephalexin monohydrate with one or more suitable and harmless diluents, buffer substances, colorings, and flavorings. When reconstituted as directed in the labeling, each milliliter contains cephalexin monohydrate equivalent to 25 milligrams, 50 milligrams, or 100 milligrams of cephalexin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephalexin that it is represented to contain. Its moisture content is not more than 2 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 6.0. The cephalexin used conforms to the standards prescribed by § 148w.6(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cephalexin used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The cephalexin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, transfer an appropriate aliquot into a volumetric flask and bring to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute an aliquot of this solution with solution 1 to the reference concentration of 20.0 micrograms of cephalexin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, transfer an accurately measured representative portion to a volumetric flask and bring to volume with distilled water. Further dilute an aliquot of this solution with distilled water to the prescribed concentration of cephalexin. NOTE: The 10 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* hydrochloric acid, and the assay should be completed within 1 hour after the sample and standard are first put into solution.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

§ 148w.8 Cephalexin monohydrate capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate capsules are composed of cephalexin monohydrate and one or more suitable and harmless lubricants and diluents enclosed in a gelatin capsule. Each capsule contains cephalexin monohydrate equivalent to either 125 or 250 milligrams of cephalexin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephalexin that it is represented to contain. Its moisture content is not more than 10 percent. The cephalexin used conforms to the standards prescribed by § 148w.6(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cephalexin monohydrate used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The cephalexin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of capsules in a high-speed glass blender with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute with solution 1 to the reference concentration of 20.0 micrograms of cephalexin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Blend a representative number of capsules in a high-speed glass blender with sufficient distilled water to give a stock solution of convenient concentration. Further dilute with distilled water to the prescribed concentration of cephalexin. NOTE: The 10.0 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* hydrochloric acid, and the assay should be completed within 1 hour after the sample and standard are first put into solution.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

Data supplied by the manufacturer concerning the subject antibiotic drugs have been evaluated. Since the conditions prerequisite to providing for their certification have been complied with and since not delaying in so providing is in the public interest, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-5-71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 20, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-2923 Filed 3-4-71;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-25a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Kennebec River, Maine

1. The Maine Central Railroad requested that the special operation regulations for its bridge across the Kennebec River between Bath and Woolwich be revised to permit closure during periods of infrequent use. Advance notice would be required during these periods. A public notice dated January 9, 1970, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, First Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of April 11, 1970 (35 F.R. 6011).

2. Interested persons were afforded an opportunity to participate in this rule making procedure through the submission of comments. A number of opposing comments were received. Several opposed the proposal but gave no reason for their opposition. Other comments objected on the grounds that such regulations might hamper industrial growth and development upstream of the bridge. Still others objected because of the possible adverse effects upon the fishing-cannery industry. The statistical data submitted by the railroad however, clearly demonstrated that the advance notice periods requested were the periods of infrequent use by vessels.

3. The regulations as proposed would have required that the draw be opened promptly on signal provided that from April 15 through June 15 and October 1 through November 15, from 7 p.m. to 3 a.m. the draw need be opened only by arrangement with the drawtender while he is on duty (3 a.m. to 7 p.m.) and from November 16 through April 14 at least 24 hours' advance notice would have been required.

4. The Main Central Railroad requested that the original proposed regulations be modified to require at least 4 hours' advance notice from February 15 through April 14 and November 16 through December 15, at least 4 hours' advance notice from April 15 through June 15 and from October 1 through November 15 from 7 p.m. to 3 a.m. and at least 24 hours' advance notice from December 16 through February 14. As this modification makes the original proposal less restrictive, the proposed change is accepted.

5. After consideration of all known factors in this case the proposal is accepted. If industrial growth and development takes place upstream of the bridge or if the needs of vessels, particularly fishing vessels, change in the future,

a reexamination of these regulations will be made at that time.

6. Accordingly, Part 117 is amended by revising § 117.8 to read as follows:

§ 117.8 Kennebec River, highway and railroad bridge, between Bath and Woolwich.

(a) The draw shall be opened promptly on signal provided that:

(1) From February 15 through April 14 and November 16 through December 15 at least 4 hours' advance notice has been given.

(2) From April 15 through June 15 and October 1 through November 15 at least 4 hours' advance notice has been given from 7 p.m. to 3 a.m.

(3) From December 16 through February 14 at least 24 hours' advance notice has been given.

(b) Signals:

(1) *Sound signals.* Sound signals shall be used if weather conditions will permit sound signals to be heard by the drawtender or by the vessel operator. A long blast shall be of approximately 3 seconds duration and a short blast shall be of approximately 1 second duration. These blasts may be made by a whistle, horn, or by other similar device producing sound that can be clearly heard, or by a bell. In appropriate circumstances, shouting through a megaphone may be employed instead of sounding these signals.

(i) *Signal to request opening of draw.* One long blast followed by one short blast.

(ii) *Acknowledging signal by the drawtenders.* (a) When the draw will be opened immediately. One long blast followed by one short blast.

(b) When the draw cannot be opened immediately or is open and must be closed immediately. Four or more short blasts, shall be sounded in rapid succession, repeated at regular intervals until acknowledged by the same signal from the vessel. As soon as the draw can be opened the drawtender shall sound the opening signal and open the draw for any vessels waiting to pass.

(2) *Visual signals.* These signals shall be use if weather conditions may prevent sound signals from being heard or if sound producing devices are not properly functioning. Sound signals may be used in conjunction with visual signals.

(i) *Signal to request opening of draw.* A white flag of sufficient size to be readily visible by day or a white light of sufficient intensity to be readily visible by night, raised and lowered vertically in full sight of the drawtender repeated until acknowledged by the drawtender. Mechanical devices which produce essentially the same signal using fixed and/or flashing lights are permitted.

(ii) *Acknowledging signal by the drawtender.* (a) When the draw will be opened immediately. Same as signal to request opening.

(b) When the draw cannot be opened immediately or is open and must be closed immediately. A red flag of sufficient size to be readily visible by day or a red light of sufficient intensity to be readily visible by night, swung back and forth horizontally in full sight of the vessel, repeated until acknowledged by the vessel with the same signal. Mechanical devices which produce essentially the same signal using fixed and/or flashing lights are permitted. As soon as the draw can be opened, the drawtender shall give the opening signal and open the draw for any vessels waiting to pass.

(c) Unnecessary delays prohibited. Trains, vehicles, or pedestrians shall not stop or be stopped on a drawbridge so as to delay its opening, nor shall vessels be navigated so as to hinder or delay the closure of the draw. All passages across or through a drawbridge shall be prompt to prevent delay to either land or water traffic. Passage through a draw shall be made at no greater speed than that required to maintain reasonable control of a vessel as to minimize damage to the bridge, fenders, and/or vessel in case of collision.

(d) Posting of special operation regulations. The owners of or agencies controlling the drawbridge shall keep conspicuously posted both upstream and downstream of the drawbridge, on the bridge or elsewhere, in such a manner that they can easily be read at any time, from an approaching vessel, a brief statement of the special operation regulations pertaining to that bridge. Information as to whom and how notice should be given when passage through the draw is desired shall also be posted.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959), and 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER (3-5-71).

Dated: March 1, 1971.

D. H. LUZIUS,
Captain, U.S. Coast Guard,
Acting Chief, Office of Operations.

[FR Doc.71-3066 Filed 3-4-71;8:51 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Miscellaneous Amendments

1. Section 6.35 is revised to read as follows:

§ 6.35 Establishment of grace period.

For the payment of any premium under a U.S. Government Life Insurance policy, a grace period of 31 days without interest will be allowed, during which time the policy will remain in force; but if the policy shall become a claim within the grace period, the unpaid premium shall be deducted from the amount of insurance payable.

2. Section 6.69 is revised to read as follows:

§ 6.69 Election of payments on matured endowments.

(a) The insured under a U.S. Government Life Insurance policy issued on the endowment plan may, at the date of the maturity as an endowment, elect to receive payment in monthly installments under option 2 in lieu of payment in one sum or as a refund life income option as authorized under paragragh (b) of this section. He shall have the right to designate the beneficiary or beneficiaries to receive any remaining unpaid installments at his death. If the insured dies before receiving all such monthly installments and no designated beneficiary survives, the present value of the remaining unpaid installments shall be paid to the estate of the insured, provided such payment would not escheat. If the designated beneficiary of a matured endowment survives the insured, the present value of any remaining unpaid installments shall be paid to such beneficiary in one sum, unless the insured or such beneficiary has elected to continue the installments under the option selected by the insured for payment of the endowment.

(b) Effective January 1, 1971, under the provisions of 38 U.S.C. 752(b), the insured may elect to receive payment of such matured endowment policy, in lieu of any other mode of payment, as a refund life income in monthly installments payable for such periods certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the insured. However, all settlements under the refund life income option authorized by this paragraph shall be calculated on the basis of The Annuity Table for 1949. Installment payments under this paragraph shall be made as provided in § 6.69a.

3. Sections 6.69a and 6.69b are added to read as follows:

§ 6.69a Optional settlement of insurance under the refund life income option authorized by 38 U.S.C. 752(b).

(a) Where the insured under a policy of U.S. Government Life Insurance requests settlement under the refund life income option of the cash surrender value of any such policy or of the proceeds of an endowment policy which matures by reason of completion of the endowment period, payment shall be made as follows:

(1) *Refund Life Income Option Under 38 U.S.C. 752(b).* The amount of the installments noted in this section will be payable monthly throughout the lifetime of the insured, but, if the insured dies before payment of the number of installments certain noted in this section, the remaining unpaid monthly installments will be payable as provided in §§ 6.69(a) and 6.117a for such period certain as may be required in order that the sum of installments certain (including a last installment of such reduced amount as may be necessary) shall equal the face value of the contract less any indebtedness.

Age of insured at date of entitlement	Male: Number of guaranteed installments	Male: Amount of each monthly installment per $1,000	Female: Number of guaranteed installments	Female: Amount of each monthly installment per $1,000
45	227	$4.42	244	$4.11
46	224	4.48	241	4.16
47	220	4.55	237	4.22
48	217	4.62	234	4.28
49	214	4.69	231	4.34
50	210	4.77	228	4.40
51	207	4.85	224	4.47
52	203	4.93	221	4.54
53	200	5.02	217	4.61
54	196	5.11	214	4.69
55	192	5.21	210	4.77
56	189	5.31	206	4.86
57	185	5.41	203	4.95
58	182	5.52	199	5.05
59	178	5.64	195	5.15
60	174	5.76	191	5.26
61	170	5.89	186	5.38
62	166	6.03	182	5.50
63	163	6.17	178	5.62
64	159	6.32	174	5.76
65	155	6.48	170	5.90
66	151	6.65	166	6.05
67	147	6.83	161	6.22
68	143	7.02	157	6.39
69	139	7.22	153	6.57
70	135	7.44	148	6.76
71	131	7.66	144	6.97
72	127	7.90	140	7.19
73	123	8.16	135	7.42
74	120	8.39	131	7.67
75	120	8.56	127	7.93
76	120	8.72	122	8.22
77	120	8.87	120	8.45
78	120	9.01	120	8.64
79	120	9.14	120	8.81
80	120	9.26	120	8.97
81	120	9.36	120	9.12
82	120	9.46	120	9.25
83	120	9.54	120	9.37
84	120	9.60	120	9.48
85	120	9.66	120	9.56
86	120	9.71	120	9.63
87	120	9.74	120	9.69
88	120	9.77	120	9.74
89	120	9.79	120	9.77
90	120	9.81	120	9.79
91	120	9.82	120	9.81
92	120	9.82	120	9.82
93 and over	120	9.83	120	9.83

§ 6.69b Payment to the insured where the monthly installment of insurance, under the provisions of section 752(b) of title 38, United States Code, is less than $10 under the option selected.

(a) Where payment is to be made in 12 or 24 monthly installments the amount of each monthly installment should be paid in accordance with the following table:

Number of monthly installments	*Amount of each monthly installment per $1,000 insurance payable*
12	$84.65
24	43.05

(b) If the option selected by the insured requires payment of monthly installments of less than $10, the amount payable shall be paid under option 2 (§ 6.68) in such maximum number of monthly installments as are a multiple of 12 and will provide a monthly installment of not less than $10.

(c) If the present value of the amount payable at the time the insured initially becomes entitled to payment thereof is not sufficient to pay at least 12 monthly installments of not less than $10 each, such amount shall be payable in one sum.

4. In § 6.78, paragraph (a) is amended to read as follows:

§ 6.78 Provisions for reinstatement.

(a) Subject to the U.S. Government Life Insurance provisions of title 38, United States Code, and Veterans Administration regulations issued thereunder, any insurance which has lapsed or may hereafter lapse and which has not been surrendered for a cash value or for paid-up insurance may be reinstated upon written application signed by the applicant, and, except as hereinafter provided in this paragraph, upon payment of all premiums in arrears, with interest from their several due dates, provided such applicant at the time of application and tender of premiums is in the required state of health as shown in § 6.79 (a) or (b), whichever is applicable, and submits satisfactory evidence thereof at the time of application and tender of premiums. Interest on premiums in arrears shall be at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually: *Provided,* That no interest on premiums in arrears will be required if reinstatement is effected within 6 months from the premium in default. The payment or reinstatement of any indebtedness against any policy must be made, with interest, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall, except as provided in § 6.81, be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy. A lapsed U.S. Government Life Insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with the required interest are made not less than 5 years prior to the date such extended insurance would expire. In any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period, such policy may be reinstated upon application and payment of the premiums with the required interest, and health statement or other medical evidence will not be required. U.S. Government Life Insurance on the 5-year level premium term plan may be reinstated upon application by the insured within 5 years after the date of lapse with satisfactory evidence of the insurability of the insured and upon payment of two monthly premiums, one for the month of lapse, the other for the premium month in which reinstatement is effected, subject to the conditions of § 6.170(b) if reinstated after expiration of the 5-year term period. Any indebtedness against the policy must be paid or reinstated with interest. The provisions of the "Reinstatement" clause in U.S. Government Life Insurance policies are hereby amended accordingly.

* * * * *

5. Section 6.117a is added to read as follows:

§ 6.117a Payment of cash value in monthly installments.

Effective January 1, 1971, in lieu of payment of the cash value in one sum under the provisions of §§ 6.115, 6.116, and 6.117, the insured may elect to receive payment in monthly installments under option 2 (§ 6.68) or as a refund life income option in accordance with the provisions of § 6.69a. If the insured dies before the agreed number of monthly installments have been paid, the remaining unpaid monthly installments will be payable as provided in § 6.69. Unless otherwise requested by the insured, a surrender under this section will be deemed completed as of the end of the premium month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the first check released thereunder, whichever is later.

6. In § 6.170, that portion of paragraph (b) preceding subparagraph (1) is amended to read as follows:

§ 6.170 Renewal of U.S. Government Life Insurance on the 5-year level premium term plan.

* * * * *

(b) Effective June 25, 1970, a 5-year level premium term policy which lapsed for nonpayment of the premium due and subsequently expired may be renewed subsequent to the expiration of the old term period provided the insured within 5 years of the date of lapse:

* * * * *

7. In § 8.22, paragraph (a) is amended to read as follows:

§ 8.22 Reinstatement of National Service Life Insurance.

(a) *Reinstatement of National Service Life Insurance except insurance reinstated pursuant to section 781 of title 38, United States Code, or section 725 of title 38, United States Code.* Subject to the National Service Life Insurance provisions of title 38, United States Code, and Veterans Administration regulations issued thereunder, any insurance which has lapsed or may hereafter lapse and which has not been surrendered for a cash value or for paid-up insurance may be reinstated upon written application signed by the applicant, and, except as hereinafter provided in this paragraph, upon payment of all premiums in arrears, with interest from their several due dates, provided such applicant at the time of application and tender of premiums is in the required state of health as shown in § 8.23 (a) or (b), whichever is applicable, and submits evidence thereof at the time of application and tender of premiums. Interest on premiums in arrears shall be at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due

date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually: *Provided*, That no interest on premiums in arrears will be required if reinstatement is effected within 6 months from the due date of the premium in default. The payment or reinstatement of any indebtedness against any policy must be made, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy. A lapsed National Service Life Insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with the required interest are made not less than 5 years prior to the date such extended insurance would expire. In any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period, such policy may be reinstated upon application and payment of the premiums with the required interest, and health statement or other medical evidence will not be required. Subject to the terms and conditions of § 8.85, National Service Life Insurance on the level premium term plan may be reinstated within 5 years of the date of lapse upon written application by the insured accompanied by evidence of insurability and tender of two monthly premiums, one for the month of lapse, the other for the month of reinstatement.

• • • • •

8. Section 8.26a is revised to read as follows:

§ 8.26a Special dividends.

(a) Any special National Service Life Insurance dividend declared prior to January 1, 1952, shall be paid in cash. Such special dividends shall not be accepted to accumulate on deposit and, except as provided in § 8.7c, shall not be available to pay premiums.

(b) Effective June 25, 1970, no claim by an insured for payment in cash of a special dividend declared prior to January 1, 1952, shall be processed by the Veterans Administration unless such claim was received within 6 years after such dividend was declared. Whenever any claim for payment of a special dividend, the processing of which is barred by this paragraph, is received in the Veterans Administration, it shall be returned to the claimant with a copy of section 707(b) of title 38, United States Code, and such action shall be a complete response without further communication.

(c) The limitation for filing claim in paragraph (b) of this section shall not preclude payment of any unpaid special dividend to the beneficiary upon maturity of a policy because of the insured's death.

9. Section 8.27a is added to read as follows:

§ 8.27a Payment of the cash value of National Service Life Insurance in monthly installments under section 717(e) of title 38, United States Code.

(a) Effective January 1, 1971, in lieu of payment of the cash surrender value in one sum under the provisions of § 8.27 (a) through (g) the insured may elect to receive payment in monthly installments under option 2 (§§ 8.79, 8.80, 8.80c, and 8.81, as applicable) or as a refund life income option in accordance with the applicable provisions of §§ 8.80, 8.80c, 8.81, and 8.92a. If the insured dies before the agreed number of monthly installments have been paid, the remaining unpaid monthly installments will be payable as provided in § 8.89. Unless otherwise requested by the insured, a surrender under this section will be deemed completed as of the premium month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the first check released thereunder, whichever is later.

(b) If the cash value of the policy is not sufficient to provide monthly installments under the option elected by the insured of at least $10, the amount payable shall be paid under option 2 in such maximum number of monthly installments as are a multiple of .12 and will provide a monthly installment of not less than $10 (see §§ 8.80a, 8.80b, 8.80d, and 8.81a).

(c) If the present value of the amount payable at the time the insured initially becomes entitled to payment thereof is not sufficient to pay at least 12 monthly installments of not less than $10 each, such amount shall be payable in one sum.

10. Section 8.80d is revised to read as follows:

§ 8.80d Payment to a beneficiary where the monthly installment of insurance, issued under the provisions of section 723(b) of title 38, United States Code, is less than $10 under the option selected.

Where payment is to be made in 12 or 24 monthly installments (see § 8.77(a)(5)), the amount of each monthly installment will be paid in accordance with the following table:

Number of monthly installments	Amount of each monthly installment per $1,000 insurance payable
12	$84.28
24	42.66

11. In § 8.85, that portion of paragraph (b) preceding subparagraph (1) is amended to read as follows:

§ 8.85 Renewal of National Service Life Insurance on the 5-year level premium term plan and limited convertible 5-year level premium term plan.

• • • • •

(b) Effective June 25, 1970, a 5-year level premium term policy which lapsed for nonpayment of the premium due and subsequently expired may be renewed subsequently to the expiration of the old term period provided the insured within 5 years of the date of lapse:

• • • • •

12. Section 8.92 is revised to read as follows:

§ 8.92 Election of payments on matured endowments.

(a) The insured under a National Service Life Insurance policy issued on the endowment plan may, at the date of the maturity as an endowment, elect to receive payment in monthly installments under option 2 in lieu of payment in one sum or as a refund life income option as authorized under paragraph (b) of this section. He shall have the right to designate the beneficiary or beneficiaries to receive any remaining unpaid installments at his death. If the insured dies before receiving all such monthly installments and no designated beneficiary survives, the present value of the remaining unpaid installments shall be paid to the estate of the insured, provided such payment would not escheat. If the designated beneficiary of a matured endowment survives the insured, the present value of any remaining unpaid installments shall be paid to such beneficiary in one sum, unless the insured or such beneficiary has elected to continue the installments under the option selected by the insured for payment of the endowment.

(b) Effective January 1, 1971, under the provisions of 38 U.S.C. 717(e), the insured may elect to receive payment of such matured endowment policy, in lieu of any other mode of payment, as a refund life income in monthly installments payable for such periods certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the insured. However, all settlements under the refund life income option authorized by this paragraph shall be calculated on the basis of The Annuity Table for 1949. Installment payments under this paragraph shall be made as provided in §§ 8.80, 8.80c, 8.81, and 8.92a.

13. Sections 8.92a and 8.92b are added to read as follows:

§ 8.92a Optional settlement under the refund life income option authorized by 38 U.S.C. 717(e) on participating National Service Life Insurance and nonparticipating insurance issued under section 602(c)(2) of the National Service Life Insurance Act, as amended, on which the requirements of good health were waived.

(a) Where the insured requests settlement under the refund life income option of the proceeds of an endowment policy which matures by reason of completion of the endowment period, payment under this section shall be made as follows:

(1) *Refund Life Income Option Under 38 U.S.C. 717(e).* The amount of the installments noted in this section will be payable monthly throughout the lifetime of the insured, but, if the insured dies before payment of the number of installments certain noted in this section, the remaining unpaid monthly installments will be payable as provided in § 8.92 (a) for such period certain as may be required in order that the sum of installments certain (including a last installment of such reduced amount as may be necessary) shall equal the face value of the contract less any indebtedness.

Age of insured at date of entitlement	Male: Number of guaranteed installments	Male: Amount of each monthly installment per $1,000	Female: Number of guaranteed installments	Female: Amount of each monthly installment per $1,000
40	262	$3.83	281	$3.57
41	258	3.88	277	3.62
42	255	3.93	274	3.66
43	251	3.99	270	3.71
44	247	4.05	266	3.76
45	244	4.11	263	3.81
46	240	4.17	260	3.86
47	236	4.24	256	3.91
48	233	4.31	252	3.97
49	229	4.38	249	4.03
50	225	4.45	244	4.10
51	221	4.53	240	4.17
52	217	4.61	236	4.24
53	213	4.70	233	4.31
54	209	4.79	228	4.39
55	205	4.88	224	4.47
56	201	4.98	220	4.56
57	197	5.08	216	4.65
58	193	5.19	211	4.74
59	189	5.31	207	4.84
60	185	5.43	203	4.95
61	181	5.55	198	5.06
62	177	5.68	194	5.18
63	172	5.83	189	5.30
64	168	5.98	184	5.44
65	164	6.13	180	5.58
66	159	6.30	175	5.73
67	155	6.47	171	5.88
68	151	6.65	166	6.05
69	146	6.85	161	6.23
70	142	7.06	156	6.42
71	138	7.28	152	6.62
72	133	7.52	147	6.83
73	129	7.76	142	7.06
74	125	8.02	137	7.30
75	121	8.31	133	7.56
76	120	8.48	128	7.83
77	120	8.63	124	8.13
78	120	8.78	120	8.40
79	120	8.91	120	8.58
80	120	9.08	120	8.74
81	120	9.14	120	8.89
82	120	9.23	120	9.03
83	120	9.31	120	9.15
84	120	9.38	120	9.25
85	120	9.44	120	9.34
86	120	9.48	120	9.41
87	120	9.52	120	9.47
88	120	9.55	120	9.51
89	120	9.57	120	9.55
90	120	9.59	120	9.57
91	120	9.60	120	9.59
92	120	9.60	120	9.60
93 and over	120	9.61	120	9.61

§ 8.92b Payment to the insured where the monthly installment of insurance under the provisions of section 717(e) of title 38, United States Code, is less than $10 under the option selected.

(a) If the option selected by the insured requires payment of monthly installments of less than $10, the amount payable shall be paid under option 2 (§§ 8.79, 8.80, 8.80c, and 8.81, as applicable) in such maximum number of monthly installments as are a multiple of 12 and will provide a monthly installment of not less than $10.

(b) Where payment is to be made in 12 or 24 monthly installments, the amount of each monthly installment shall be paid in accordance with §§ 8.80a, 8.80b, 8.80d, and 8.81a, as applicable.

(c) If the present value of the amount payable at the time the insured initially becomes entitled to payment thereof is not sufficient to pay at least 12 monthly installments of not less than $10 each, such amount shall be payable in one sum.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: February 26, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-2945 Filed 3-4-71;8:45 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1062-A]

PART 1033—CAR SERVICE

Distribution of Gondola Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washingon, D.C., on the 26th day of February 1971.

Upon further consideration of Service Order No. 1062 and good cause appearing therefor:

It is ordered, That: § 1033.1062 *Service Order No. 1062-A* (Distribution of Gondola Cars) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 12:01 a.m., March 3, 1971; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3061 Filed 3-4-71;8:50 am]

[S.O. 1066]

PART 1033—CAR SERVICE

Distribution of Gondola Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of February 1971.

It appearing, that an acute shortage of plain unequipped general service gondola cars exists on the railroads named in section (a) paragraph (1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that certain gondola cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of certain gondola cars owned by these railroads are ineffective; and that efforts by the Association of American Railroads to promote more equitable distribution of gondola cars have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1066 Service Order No. 1066.

(a) *Distribution of Gondola Cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraph (2) of this paragraph, all plain unequipped general service gondola cars which are listed in the Official Railway Equipment Register I.C.C. R.E.R. 378 issued by E. J. McFarland, or reissues thereof, as having mechanical designations "GB" or "GT" owned by the following railroads:

The Baltimore and Ohio Railroad Co. Reporting marks: B&O.
Bessemer and Lake Erie Railroad Co.
Reporting marks: B&LE.
The Central Railroad Co. of New Jersey, Robert D. Timpany, Trustee.
Reporting marks: CNJ.
The Chesapeake and Ohio Railway Co.
Reporting marks: C&O.
Erie Lackawanna Railway Co.
Reporting marks: EL, DL&W, Erie.
Lehigh Valley Railroad Co., John F. Nash and R. C. Haldeman, Trustees.
Reporting marks: LV.
Missouri-Kansas-Texas Railroad Co.
Reporting marks: MKT, BKTY.
Norfolk and Western Railway Co.
Reporting marks: N&W, NKP, P&WV, WAB.
Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees.
Reporting marks: PC, NYC, PRR.
The Pittsburgh and Lake Erie Railroad Co.
Reporting marks: P&LE.
Reading Co.
Reporting marks: RDG.

Union Railroad Co. (Pittsburgh, Pa.).
Reporting marks: Union, URR.
Western Maryland Railway Co.
Reporting marks: WM.

(2) Gondola cars described in subparagraph (1) of this paragraph may be loaded only to destinations on or via the owning road or to a junction with the owner. When empty at a junction with the owner, cars must be delivered empty to the owner at that junction. Cars must not be back-hauled to obtain loading as authorized in this paragraph.

(3) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded gondola car, described in this order, contrary to the provisions of this order.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 3, 1971.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3062 Filed 3-4-71;8:50 am]

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-381; Order No. 408]

PART 101—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

Accounting Treatment for Expenditures for Research and Development

AUGUST 26, 1970.

F.R. Doc. 70-11626, published at page 13983 in the issue dated Thursday, September 3, 1970, is corrected by:

On page 13986, left column, line 19: Change the words "units of" to "units or."

On page 13986, left column, line 44: Change "24.B" to "27.B."

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3004 Filed 3-4-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

MINIMUM TAX FOR TAX PREFERENCES

Notice of Proposed Rule Making; Correction

In F.R. Doc. 70-17544 appearing at page 19757 in the issue for Wednesday, December 30, 1970, the following change should be made:

The year "1971" in the last line of Example (4) of § 1.56-2(e) should be "1972".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71-3011 Filed 3-4-71;8:46 am]

[26 CFR Part 1]

INCOME TAX

Treatment of Certain Insurance Receipts for Excess Living Expenses

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to provide regulations under section 123 of the Internal Revenue Code of 1954, as amended by section 901 of the Tax Reform Act of 1969 (83 Stat. 709), the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Section 1.123 is amended by revising the section number in the title, the section number in the statutory material, and by revising the historical note. These amended provisions read as follows:

§ 1.124 Statutory provisions; cross references to other acts.

SEC. 124. *Cross references to other acts.* * * *

[Sec. 124 as amended by section 501(t), Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 885); sec. 2201(25), Veterans' Benefits Acts of 1957 (71 Stat. 160); sec. 13 (t), Act of Sept. 2, 1958 (Public Law 85-857, 72 Stat. 1266); as renumbered by sec. 206(a), Rev. Act 1964 (78 Stat. 38); as renumbered by sec. 1(a)(2), Act of Mar. 8, 1966 (Public Law 89-365, 80 Stat. 32); as renumbered by sec. 901, Tax Reform Act 1969 (83 Stat. 709)]

PAR. 2. There are inserted immediately following § 1.122-1 the following new sections:

§ 1.123 Statutory provisions; amounts received under insurance contracts for certain living expenses.

SEC. 123. *Amounts received under insurance contracts for certain living expenses—*

(a) *General rule.* In the case of an individual whose principal residence is damaged or destroyed by fire, storm, or other casualty, or who is denied access to his principal residence by government authorities because of the occurrence or threat of occurrence of such a casualty, gross income does not include amounts received by such individual under an insurance contract which are paid to compensate or reimburse such individual for living expenses incurred for himself and members of his household resulting from the loss of use or occupancy of such residence.

(b) *Limitation.* Subsection (a) shall apply to amounts received by the taxpayer for living expenses incurred during any period only to the extent the amounts received do not exceed the amount by which—

(1) The actual living expenses incurred during such period for himself and members of his household resulting from the loss of use or occupancy of their residence, exceed

(2) The normal living expenses which would have been incurred for himself and members of his household during such period.

[Sec. 123 as added by sec. 901, Tax Reform Act 1969 (83 Stat. 709)]

§ 1.123-1 Exclusion of insurance proceeds for reimbursement of certain living expenses.

(a) *In general.* (1) Gross income does not include insurance proceeds received by an individual on or after January 1, 1969, pursuant to the terms of an insurance contract for indemnification of the temporary increase in living expenses resulting from the loss of use or occupancy of his principal residence, or a part thereof, due to damage or destruction by fire, storm, or other casualty. The term "other casualty" has the same meaning assigned to such term under section 165(c)(3). The exclusion also applies in the case of an individual who is denied access to his principal residence by governmental authorities because of the occurrence (or threat of occurrence) of such a casualty. The amount excludable under this section is subject to the limitation set forth in paragraph (b) of this section.

(2) This exclusion applies to amounts received as reimbursement or compensation for the reasonable and necessary increase in living expenses incurred by the insured and members of his household to maintain their customary standard of living during the loss period.

(3) This exclusion does not apply to an insurance recovery for the loss of rental income. Nor does the exclusion apply to any insurance recovery which compensates for the loss of, or damage to, real or personal property. See section 165(c)(3) relating to casualty losses; section 1231 relating to gain on an involuntary conversion of a capital asset held for more than six months, and section 1033 relating to recognition of gain on an involuntary conversion. In the case of property used by an insured partially as a principal residence and partially for other purposes, the exclusion does not apply to the amount of insurance proceeds which compensates for the portion of increased expenses attributable to the nonresidential use of temporary replacement property during the loss period. In the case of denial of access to a principal residence by governmental authority, the exclusion provided by this section does not apply to an insurance recovery received by an individual as reimbursement for living expenses incurred by reason of a governmental condemnation or order not related to a casualty or the threat of a casualty.

(4) (i) Subject to the limitation set forth in paragraph (b), the amount excludable is the amount which is identified by the insurer as being paid exclusively for increased living expenses resulting from the loss or use or occupancy of the principal residence and pursuant to the terms of the insurance contract.

(ii) When a lump-sum insurance settlement includes, but does not specifically identify, compensation for property damage, loss of rental income, and increased living expenses, the amount of such settlement allocable to living expenses shall, in the case of uncontested claims, be that portion of the settlement which bears the same ratio to the total recovery as the amount of claimed increased living expense bears to the total amount of claimed losses and expenses,

to the extent not in excess of the coverage limitations specified in the contract for such losses and expenses.

(iii) In the case of a lump-sum settlement involving contested claims, the insured shall establish the amount reasonably allocable to increased living expenses, consistent with the terms of the contract and other facts of the particular case.

(iv) In no event may the amount of a lump-sum settlement which is allocable to increased living expenses exceed the coverage limitation specified in the contract for increased living expenses. Where, however, a coverage limitation is applicable to the total amount payable for increased living expenses and, for example, loss of rental income, the amount of an unitemized settlement which is allocable to increased living expenses may not exceed the portion of the applicable coverage limitation which bears the same ratio to such limitation as the amount of increased living expenses bears to the sum of the amount of such increased living expenses and the amount, if any, of lost rental income.

(5) The portion of any insurance recovery for increased living expenses which exceeds the limitation set forth in paragraph (b) shall be included in gross income under section 61 of the Code.

(b) *Limitation*—(1) *Amount excludable.* The amount excludable under this section is limited to amounts received which are not in excess of the amount by which (i) total actual living expenses incurred by the insured and members of his household which result from the loss of use or occupancy of their residence exceed (ii) the total normal living expenses which would have been incurred during the loss period but are not incurred as a result of the loss of use or occupancy of the principal residence. Generally, the excludable amount represents such excess expenses actually incurred by reason of a casualty, or threat thereof, for renting suitable housing and for extraordinary expenses for transportation, food, utilities, and miscellaneous services during the period of repair or replacement of the damaged principal residence or denial of access by governmental authority.

(2) *Actual living expenses.* For purposes of this section, actual living expenses are the reasonable and necessary expenses incurred as a result of the loss of use or occupancy of the principal residence to maintain the insured and members of his household in accordance with their customary standard of living. Actual living expenses must be of such a nature as to qualify as a reimbursable expense under the terms of the applicable insurance contract without regard to monetary limitations upon coverage. Generally, actual living expenses include the cost during the loss period of temporary housing, utilities furnished at the place of temporary housing, meals obtained at restaurants which customarily would have been prepared in the residence, transportation, and other miscellaneous services. To the extent that the loss of use or occupancy of the principal residence results merely in an increase in the amount expended for items of living expenses normally incurred, such as food and transportation, only the increase in such costs shall be considered as actual living expenses in computing the limitation.

(3) *Normal living expenses not incurred.* Normal living expenses consist of the same categories of expenses comprising actual living expenses which would have been incurred but are not incurred as a result of the casualty or threat thereof. If the loss of use of the residence results in a decrease in the amount normally expended for a living expense item during the loss period, the item of normal living expense is considered not to have been incurred to the extent of the decrease for purposes of computing the limitation.

(4) *Examples.* The application of this paragraph (b) may be illustrated by the following examples:

Example (1). On March 1, 1970, A's principal residence, a dwelling owned by A no part of which was rented to others or used for nonresidential purposes, was extensively damaged by fire. The damaged residence was under repair during the entire month of March making it necessary for A and his spouse to obtain temporary lodging and to take their meals at a restaurant. A and his spouse incur expenses of $200 for lodging at a motel, $180 for meals which customarily would have been prepared in his residence, and $25 for commercial laundry service which customarily would have been done by A's wife. A makes (directly or through mortgage insurance) or remains liable for, the required March payment of $190 on the mortgage note on his residence. The mortgage payment results from a contractual obligation having no casual relationship to the occurrence of the casualty and is not considered as an actual living expense resulting from the loss of use of the residence. A's customary commuting expense of $40 for bus fares to and from work is decreased by $20 for the month because of the motel's closer proximity to his place of employment. Other transportation expenses remain stable. Since there has been a decrease in the amount of A's customary bus fares, normal transportation expenses are considered not to have been incurred to the extent of the decrease. Finally, A does not incur customary expenses of $150 for food obtained for home preparation, $75 for utilities expenses, and $10 for laundry cleansers. The limitation upon the excludable amount of an insurance recovery for excess living expenses is $150, computed as follows:

LIVING EXPENSES

	Actual resulting from casualty	Normal not incurred	Increase (decrease)
Housing	$200.00		$200.00
Utilities		$75.00	(75.00)
Meals	180.00	150.00	30.00
Transportation		20.00	(20.00)
Laundry	25.00	10.00	15.00
Total	405.00	255.00	150.00

Example (2). Assume the same facts as in example (1) except that the damaged residence is not owned by A but is rented to him for $100 per month and that the risk of loss is upon the lessor. Since A would not have incurred the normal rental of $100 for March, the excludable amount is limited to $50 ($150 as in previous example less $100 normal rent not incurred).

(c) *Principal residence.* Whether or not property is used by the insured taxpayer and members of his household as their principal residence depends upon all the facts and circumstances in each case. For purposes of this section a principal residence may be a dwelling or an apartment leased to the insured as well as a dwelling or apartment owned by the insured.

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[26 CFR Part 1]

INCOME TAX

Gain From Dispositions of Certain Depreciable Realty

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to reflect section 521 (b), (c), and (e) of the Tax Reform Act of 1969 (83 Stat. 652, 653), the Income Tax Regulations (26 CFR Part 1) under section 1250 of the Internal Revenue Code of 1954 (relating to gain from dispositions of certain depreciable realty) are amended as follows:

PARAGRAPH 1. Section 1.1250–1 is amended by adding new paragraphs (a), (d)(1), and (g) to read as follows:

§ 1.1250–1 Gain from dispositions of certain depreciable realty.

(a) *Dispositions after December 31, 1969*—(1) *Ordinary income.* (i) In general, section 1250(a)(1) provides that, upon a disposition of an item of section 1250 property after December 31, 1969, the applicable percentage of the lower of—

(a) The additional depreciation (as defined in § 1.1250–2) attributable to periods after December 31, 1969 in respect of the property, or

(b) The excess of the amount realized on a sale, exchange, or involuntary conversion (or the fair market value of the property on any other disposition) over the adjusted basis of the property,

shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 (that is, shall be recognized as ordinary income). The amount of such gain shall be determined separately for each item (see subparagraph (2)(ii) of this paragraph) of section 1250 property. If the amount determined under (b) of this subdivision exceeds the amount determined under (a) of this subdivision, then such excess shall be treated as provided in subdivision (ii) of this subparagraph. For relation of section 1250 to other provisions, see paragraph (c) of this section.

(ii) If the amount determined under subdivision (i)(b) of this subparagraph exceeds the amount determined under subdivision (i)(a) of this subparagraph, then the applicable percentage of the lower of—

(a) The additional depreciation attributable to periods before January 1, 1970, or

(b) Such excess,

shall also be recognized as ordinary income.

(iii) If gain would be recognized upon a disposition of an item of section 1250 property under subdivisions (i) and (ii) of this subparagraph, and if section 1250(d) applies, then the gain recognized shall be considered as recognized first under subdivision (i) of this subparagraph. (See example (3) (i) of paragraph (c)(4) of § 1.1250–3.)

(2) *Meaning of terms.* (i) For purposes of section 1250, the term "disposition" shall have the same meaning as in paragraph (a)(3) of § 1.1245–1. "Section 1250 property" is, in general, depreciable real property other than section 1245 property. See paragraph (e) of this section. See paragraph (d)(1) of this section for meaning of the term "applicable percentage." If, however, the property is considered to have two or more elements with separate periods (for example, because units thereof are placed in service on different dates, improvements are made to the property, or because of the application of paragraph (h) of § 1.1250–3), see the special rules of § 1.1250–5.

(ii) For purposes of applying section 1250, the facts and circumstances of each disposition shall be considered in determining what is the appropriate item of section 1250 property. In general, a building is an item of section 1250 property, but in an appropriate case more than one building may be treated as a single item. For the manner of determining whether an expenditure shall be treated as an addition to capital account of an item of section 1250 property or as a separate item of section 1250 property, see paragraph (d)(2)(iii) of § 1.1250–5.

(3) *Sale, exchange, or involuntary conversion after December 31, 1969.* (i) In the case of a disposition of section 1250 property by a sale, exchange, or involuntary conversion after December 31, 1969, the gain to which section 1250(a)(1) applies is the applicable percentage for the property (determined under paragraph (d)(1)(i)(e) of this section) multiplied by the lower of (a) the additional depreciation in respect of the property attributable to periods after December 31, 1969, or (b) the excess (referred to as "gain realized") of the amount realized over the adjusted basis of the property.

(ii) In addition to gain recognized under section 1250(a)(1) and subdivision (i) of this subparagraph, gain may also be recognized under section 1250(a)(2) and this subdivision if the gain realized exceeds the additional depreciation attributable to periods after December 31, 1969. In such a case, the amount of gain recognized under section 1250(a)(2) and this subdivision is the applicable percentage for the property (determined under paragraph (d)(2) of this section) multiplied by the lower of (a) the additional depreciation attributable to periods before January 1, 1970, or (b) the excess (referred to as "remaining gain") of the gain realized over the additional depreciation attributable to periods after December 31, 1969.

(iii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Section 1250 property which has an adjusted basis of $500,000 is sold for $650,000 after December 31, 1969, and thus the gain realized is $150,000. At the time of the sale the additional depreciation in respect of the property attributable to periods after December 31, 1969, is $190,000 and the applicable percentage is 100 percent (paragraph (d)(1)(i)(e) of this section). Since the gain realized ($150,000), is lower than the additional depreciation ($190,000), the amount of gain recognized as ordinary income under section 1250(a)(1) is $150,000 (that is, 100 percent of $150,000). No gain is recognized under section 1250(a)(2).

Example (2). Section 1250 property which has an adjusted basis of $440,000 is sold for $500,000 on December 31, 1974, and thus the gain realized is $60,000. The property was acquired on March 31, 1965. At the time of the sale, the additional depreciation attributable to periods after December 31, 1969, is $20,000, and the additional depreciation attributable to periods before January 1, 1970, is $60,000. The property qualified as residential rental property for each taxable year ending after December 31, 1969, and the applicable percentage is 95 percent (paragraph (b)(1)(i)(c) of this section). The applicable percentage under paragraph (d)(2) of this section is 15 percent. Since the additional depreciation attributable to periods after December 31, 1969 ($20,000), is lower than the gain realized ($60,000), the amount of gain recognized as ordinary income under section 1250(a)(1) is $19,000 (that is, 95 percent of $20,000). In addition, gain is recognized under section 1250(a)(2) since there is remaining gain of $40,000 (that is, the gain realized ($60,000) minus the additional depreciation attributable to periods after December 31, 1969 ($20,000)). Since the remaining gain of $40,000 is lower than the additional depreciation attributable to periods before January 1, 1970 ($60,000), the amount of gain recognized as ordinary income under section 1250(a)(2) is $6,000 (that is, 15 percent of $40,000). The remaining $35,000 (that is, gain realized $60,000, minus gain recognized under section 1250(a), $25,000) of the gain may be treated as gain from the sale or exchange of property described in section 1231.

(4) *Other dispositions after December 31, 1969.* (i) In the case of a disposition of section 1250 property after December 31, 1969, other than by way of a sale, exchange, or involuntary conversion, the gain to which section 1250(a)(1) applies is the applicable percentage for the property (determined under paragraph (d)(1) of this section) multiplied by the lower of (a) the additional depreciation in respect of the property attributable to periods after December 31, 1969, or (b) the excess (referred to as "potential gain") of the fair market value of the property over its adjusted basis. In addition, if the potential gain exceeds the additional depreciation attributable to periods after December 31, 1969, then the gain to which section 1250(a)(2) applies is the applicable percentage for the property (determined under paragraph (d)(2) of this section) multiplied by the lower of (c) the additional depreciation attributable to periods before January 1, 1970, or (d) the excess (referred to as "remaining potential gain") of the potential gain over the additional depreciation attributable to periods after December 31, 1969. If property is transferred by a corporation to a shareholder for an amount less than its fair market value in a sale or exchange, for purposes of applying section 1250 such transfer shall be treated as a disposition other than by way of a sale, exchange, or involuntary conversion.

(ii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Section 1250 property having an adjusted basis of $500,000 and a fair market value of $550,000 is distributed by a corporation to a stockholder in complete liquidation of the corporation after December 31, 1969, and thus the potential gain is $50,000. At the time of the liquidation, the additional depreciation for the property attributable to periods after December 31, 1969, is $80,000 and the applicable percentage is 100 percent (paragraph (d)(1)(i)(e) of this section). Since the potential gain of $50,000 is lower than the additional depreciation attributable to periods after December 31, 1969 ($80,000), the amount of gain recognized as ordinary income under section 1250(a)(1) is $50,000 (that is, 100 percent of $50,000) even though in the absence of section 1250, section 336 would preclude recognition of gain to the corporation.

Example (2). The facts are the same as in example (1) except that the fair market value of the property is $650,000, and thus the potential gain is $150,000. Since the additional depreciation attributable to periods after December 31, 1969 ($80,000), is lower than the potential gain of $150,000, the amount of gain recognized as ordinary income under section (a)(1) is $80,000 (that

is, 100 percent of $80,000). In addition, section 1250(a)(2) applies since there is remaining potential gain of $70,000, that is, potential gain ($150,000) minus additional depreciation attributable to periods after December 31, 1969 ($80,000). The additional depreciation attributable to periods before January 1, 1970, is $90,000 and the applicable percentage under paragraph (d)(2) of this section is 50 percent. Since the remaining potential gain of $70,000 is lower than the additional depreciation attributable to periods before January 1, 1970 ($90,000), the amount of gain recognized as ordinary income under section 1250(a)(2) is $35,000 (that is, 50 percent of $70,000). Thus under section 1250(a), $115,000 (that is, $80,000 under section 1250(a)(1), plus $35,000 under section 1250(a)(2)) is recognized as ordinary income, even though in the absence of section 1250, section 336 would preclude recognition of gain to the corporation.

(5) *Instances of nonapplication.* (i) Section 1250(a)(1) does not apply to losses. Thus, section 1250(a)(1) does not apply if a loss is realized upon a sale, exchange, or involuntary conversion of property, all of which is considered section 1250 property, nor does the section apply to a disposition of such property other than by way of sale, exchange, or involuntary conversion if at the time of the disposition the fair market value of such property is not greater than its adjusted basis.

(ii) In general, in the case of section 1250 property with a holding period under section 1223 of more than 1 year, section 1250(a)(1) does not apply if for periods after December 31, 1969, there are no "depreciation adjustments in excess of straight line" (as computed under section 1250(b) and paragraph (b) of § 1.1250–2).

(6) *Allocation rules.* (i) In the case of a sale, exchange, or involuntary conversion of section 1250 property and nonsection 1250 property in one transaction after December 31, 1969, the total amount realized upon the disposition shall be allocated between the section 1250 property and the other property in proportion to their respective fair market values. Such allocation shall be made in accordance with the principles set forth in paragraph (a)(5) of § 1.1245–1 (relating to allocation between section 1245 property and nonsection 1245 property).

(ii) If an item of section 1250 property has two (or more) applicable percentages because one subdivision of paragraph (d)(1)(i) of this section applies to one portion of the taxpayer's holding period (determined under § 1.1250–4) and another subdivision of such paragraph applies with respect to another such portion, then the gain realized on a sale, exchange, or involuntary conversion, or the potential gain in the case of any other disposition, shall be allocated to each such portion of the taxpayer's holding period after December 31, 1969, in the same proportion as the additional depreciation with respect to such item for such portion bears to the additional depreciation with respect to such item for the entire holding period after December 31, 1969.

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(d) *Applicable percentage.*—(1) *Definition for purposes of section 1250(a)(1).* (i) For purposes of section 1250(a)(1), the term "applicable percentage" means—

(*a*) In the case of property disposed of pursuant to a written contract which was, on July 24, 1969, and at all times thereafter binding on the owner of the property, 100 percent minus 1 percentage point for each full month the property was held after the date on which the property was held 20 full months;

(*b*) In the case of property constructed, reconstructed, or acquired by the taxpayer before January 1, 1975, with respect to which a mortgage is insured under section 221(d)(3) or 236 of the National Housing Act, or housing is financed or assisted by direct loan or tax abatement under similar provisions of State or local laws, and with respect to which the owner is subject to the restrictions described in section 1039(b)(1)(B) (relating to approved dispositions of certain Government-assisted housing projects), 100 percent minus 1 percentage point for each full month of the taxpayer's holding period for the property (determined under § 1.1250–4) during which the property qualified under this sentence, beginning after the date on which the property so qualified for 20 full months.

(*c*) In the case of residential rental property (as defined in section 167(j)(2)(B)) other than that covered by (*a*) and (*b*) of this subdivision, 100 percent minus 1 percentage point for each full month of the taxpayer's holding period for the property (determined under § 1.1250–4) included within a taxable year for which the property qualified as residential rental property, beginning after the date on which the property so qualified for 100 full months.

(*d*) In the case of property with respect to which a deduction was allowed under section 167(k) (relating to depreciation of expenditures to rehabilitate low-income rental housing), 100 percent minus 1 percentage point for each full month of the taxpayer's holding period (determined under § 1.1250–4) beginning 100 full months after the date on which the property was placed in service.

(*e*) In the case of all other property, 100 percent.

The provisions of (*a*), (*b*), and (*c*) of this subdivision shall not apply with respect to additional depreciation described in section 1250(b)(4). If the taxpayer's holding period under § 1.1250–4 includes a period before January 1, 1970, such period shall be taken into account in applying each provision of this subdivision.

(ii) A single item of property may have two (or more) applicable percentages under the provisions of subdivision (i) of this subparagraph. For example, if the provision of subdivision (i) which applies to an item of section 1250 property (or to an element of such property if the property is treated as consisting of more than one element under § 1.1250–5) in the taxable year in which the item (or element) is disposed of did not apply to the item (or element) in a prior taxable year which is included within the taxpayer's holding period under § 1.1250–4 and which ends after December 31, 1969, then each provision of subdivision (i) of this subparagraph shall apply only for the period during which the property qualified under such provision.

(iii) If the taxpayer makes rehabilitation expenditures and elects to compute depreciation under section 167(k) with respect to the property attributable to the rehabilitation expenditures, such property will generally constitute a separate improvement under paragraph (c) of § 1.1250–5 and therefore will constitute an element of section 1250 property. For computation of applicable percentage and gain recognized under section 1250(a) in such a case, see paragraph (a) of § 1.1250–5.

(iv) The principles of this subparagraph may be illustrated by the following examples:

Example (1). Section 1250 property is sold on December 31, 1970, pursuant to a written contract which was binding on the owner of the property on July 24, 1969, and at all times thereafter. The property was acquired on July 31, 1968. The applicable percentage for the property under subdivision (i)(*a*) of this subparagraph is 91 percent, since the property was held 29 full months.

Example (2). Section 1250 property is sold on June 30, 1978. The property was acquired by a calendar year taxpayer on June 30, 1966. Subdivision (i)(*e*) of this subparagraph applies to the property in 1977 and 1978. However, subdivision (i)(*c*) of this subparagraph applied to the property for the taxable years of 1970 through 1976. Thus, the property has two applicable percentages under this subparagraph. The period before January 1, 1970 (42 full months), and the period from 1970 through 1976 (84 full months) are both taken into account in determining the applicable percentage under subdivision (i)(*c*) of this subparagraph. Thus, the applicable percentage is 74 percent (that is, 100 percent minus the excess of the holding period taken into account (126 full months) over 100 full months). The applicable percentage for the years 1977 and 1978 is 100 percent under subdivision (i)(*e*) of this subparagraph.

Example (3). Section 1250 property is sold on December 31, 1968. The property was acquired by a calendar year taxpayer on December 31, 1969. The taxpayer made rehabilitation expenditures in 1973 and properly elected to compute depreciation under section 167(k) on the property attributable to the expenditures for the 60-month period beginning on January 1, 1974, the date such property was placed in service. Subdivision (i)(*c*) applies to the property (other than the property with respect to which a deduction was allowed under section 167(k)) for the taxable years of 1970 through 1978 (108 full months) and the applicable percentage for such property is 92 percent. The applicable percentage for the property with respect to which a deduction under section 167(k) was allowed is 100 percent under subdivision (i)(*d*) of this subparagraph, since the holding period for purposes of such subdivision begins on the date such property is placed in service.

Example (4). Section 1250 property is sold by a calendar year taxpayer on March 31, 1974. The property was transferred to the taxpayer by gift on December 31, 1970, and

under section 1250(e)(2), the taxpayer's holding period for the property for purposes of computing the applicable percentage includes the transferor's holding period of 80 full months. Subdivision (i)(*c*) of this subparagraph applies to the property in the years 1970 through 1974. The applicable percentage under subdivision (i)(*c*) of this subparagraph is 81 percent, since the period before January 1, 1970 (68 full months), and that portion of the period after December 31, 1969, during which such subdivision applied (51 full months) are taken into account.

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(g) *Examples.* The principles of this section may be illustrated by the following examples:

Example (1). Section 1250 property which has an adjusted basis of $350,000 is sold for $630,000 on December 31, 1984. The property was acquired by a calendar year taxpayer on December 31, 1969. For the taxable years from 1970 through 1980, the property qualified as residential rental property and the applicable percentage for those years is 68 percent (paragraph (d)(1)(i)(*c*) of this section). For taxable years from 1981 through 1984, the property did not qualify as residential rental property and the applicable percentage for those years is 100 percent (paragraph (d)(1)(i)(*e*) of this section). The additional depreciation for the years from 1970 through 1980 is $120,000. The additional depreciation for the years from 1981 through 1984 is $20,000. The gain realized is $280,000 (that is, amount realized, $630,000, minus adjusted basis $350,000). The gain recognized as ordinary income under section 1250(a)(1) is computed in two steps. First, since the additional depreciation attributable to the years 1970 through 1980 ($120,000) is lower than the gain realized attributable to such years determined under paragraph (a)(6) of this section ($240,000, that is, gain realized, $280,000, multiplied by $^{12}/_{14}$), the gain recognized as ordinary income under section 1250(a)(1) in the first step is $81,600, that is, 68 percent of $120,000. Second, since the additional depreciation attributable to the years 1981 through 1984 ($20,000) is lower than the gain realized attributable to those years ($40,000, that is, gain realized, $280,000, multiplied by $^{2}/_{14}$), the gain recognized as ordinary income under section 1250(a)(1) for the years from 1981 through 1984 is $20,000 (that is, 100 percent of $20,000). The total gain recognized under section 1250(a)(1) is $101,600 (that is, $81,600 plus $20,000).

Example (2). Section 1250 property which has an adjusted basis of $400,000 is sold for $472,000 on December 31, 1978. The property was acquired on December 31, 1966. The additional depreciation attributable to periods before January 1, 1970, is $40,000 and the applicable percentage under paragraph (d)(2) of this section is zero percent. The property qualifies as residential rental property for the years 1970 through 1976, but fails to qualify for 1977 and 1978. Under paragraph (d)(1) of this section, the applicable percentage for the years 1970 through 1976 is 80 percent (paragraph (d)(1)(i)(*c*) of this section), and the applicable percentage for the years 1977 and 1978 is 100 percent (paragraph (d)(1)(i)(*e*) of this section). The additional depreciation attributable to the years 1970 through 1976 is $50,000, and the additional depreciation attributable to the years 1977 and 1978 is $10,000. The gain recognized as ordinary income under section 1250(a)(1) is computed in two steps. First, since the additional depreciation attributable to the years 1970 through 1976 ($50,000) is lower than the gain realized attributable to such years ($60,000, that is, $72,000 multiplied by $^{6}/_{8}$), the gain recognized under section 1250(a)(1) in the first step is $40,000 (that is, 80 percent of $50,000). Second, since the additional depreciation attributable to 1977 and 1978 ($10,000) is lower than the gain realized attributable to such years ($12,000, that is, $72,000 multiplied by $^{1}/_{6}$), the gain recognized under section 1250(a)(1) in the second step is $12,000 (that is, 100 percent of $12,000). In addition, section 1250(a)(2) applies. However, since the applicable percentage is zero percent, none of the gain is recognized as ordinary income under section 1250(a)(2). Thus, the remaining $20,000 (that is, gain realized, $72,000, minus gain recognized under section 1250(a), $52,000) of the gain may be treated as gain from the sale or exchange of property described in section 1231.

PAR. 2. Section 1250–2 is amended by adding a new paragraph (a)(2), revising paragraph (a)(3), adding new subparagraphs (2) and (4) to paragraph (b), and by adding a new example (3) to paragraph (b)(6). These added and revised provisions read as follows:

§ 1.1250–2 Additional depreciation defined.

(a) *In general.* • • •

(2) *Definition for purposes of section 1250(b)(4).* Except as otherwise provided in paragraph (e) of this section, for purposes of section 1250(b)(4), the term "additional depreciation" means—

(i) In the case of property with respect to which a deduction under section 167(k) (relating to depreciation of expenditures to rehabilitate low-income rental housing) was allowed, which at the time of disposition has a holding period under section 1223 of not more than 1 year from the time the rehabilitation expenditures were incurred, the "depreciation adjustments" (as defined in paragraph (d) of this section) in respect of the property, and

(ii) In the case of property with respect to which a deduction under section 167(k) (relating to depreciation of expenditures to rehabilitate low-income rental housing) was allowed, which at the time of disposition has a holding period under section 1223 of more than 1 year from the time the rehabilitation expenditures were incurred, the depreciation adjustments in excess of straight line for the property, computed under paragraph (b)(2) of this section.

For purposes of this subparagraph, all rehabilitation expenditures which are incurred in connection with the rehabilitation of an element of section 1250 property shall be considered incurred on the date the last such expenditure is considered incurred under the accrual method of accounting, regardless of the method of accounting used by the taxpayer with regard to other items of income and expense. If the property consists of two or more elements (for example, if the property is placed in service at different times), then each element shall be treated as if it were a separate property and the expenditures attributable to each such element shall be considered incurred on the date the last such expenditure is considered incurred.

(3) *Allocation to certain periods.* With respect to a taxable year beginning in 1963 and ending in 1964, or beginning in 1969 and ending in 1970, the amount of depreciation adjustments or of depreciation adjustments in excess of straight line (as the case may be) shall be ascertained by applying the principles of paragraph (c)(3) of § 1.167(a)–8 (relating to determination of adjusted basis of retired asset), and the amount determined in such manner shall be allocated on a daily basis in order to determine the portion thereof which is attributable to a period after December 31, 1963, or after December 31, 1969, as the case may be.

• • • • • •

(b) *Computation of depreciation adjustments in excess of straight line.* • • •

(2) *Depreciation under section 167(k).* For purposes of paragraph (a)(2) of this section, depreciation adjustments in excess of straight line shall be, in the case of any property with respect to which a deduction was allowed under section 167(k) (relating to depreciation of expenditures to rehabilitate low-income rental housing), the excess of (i) the sum of the "depreciation adjustments" (as defined in paragraph (d) of this section) allowed in respect of the property, over (ii) the sum such adjustments would have been if such adjustments had been determined for the entire period the property was held under the straight line method of depreciation permitted by section 167(b)(1).

• • • • •

(4) *Special rule for computing useful life and salvage value (section 167(k)).* For purposes of computing under subparagraph (2)(ii) of this paragraph the sum the depreciation adjustments would have been under the straight line method, the useful life and salvage value permitted under section 167(k) shall not apply, the useful life of the property shall be determined under paragraph (b) of § 1.167(a)–1 (or, if applicable, under the lease-renewal-period provision of paragraph (c) of this section), and the salvage value of the property shall be determined under paragraph (c) of § 1.167(a)–1. Such useful life or salvage value shall be determined by taking into account for each taxable year the same facts and circumstances as would have been taken into account if the taxpayer had used the straight line method permitted under section 167(b)(1) throughout the period the property was held.

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(6) *Examples.* • • •

Example (3). On January 1, 1978, a calendar year taxpayer sells section 1250 property. The property, which is attributable to rehabilitation expenditures of $50,000 incurred in 1970, was placed in service on January 1, 1971. The taxpayer elected to compute depreciation for the period of 1971 through 1975 under section 167(k). Under such section salvage value is not taken into account in computing annual allowances, and the useful life of the property is deemed to be 5 years. For purposes of applying subparagraph (4) of this paragraph, if the taxpayer had used the straight line method permitted under section 167(b)(1) for such period,

he would have used a salvage value of $5,000 and a useful life of 15 years. Depreciation under the straight line method would thus have been $3,000 each year, 1/15 of $45,000 (that is, $50,000 minus $5,000). As of January 1, 1978, the additional depreciation for the property is $29,000, as computed in the table below:

Year	Actual depreciation	Straight line	Additional depreciation (deficit)
1971	$10,000	$3,000	$7,000
1972	10,000	3,000	7,000
1973	10,000	3,000	7,000
1974	10,000	3,000	7,000
1975		3,000	(3,000)
1976		3,000	(3,000)
1977		3,000	(3,000)
Total	50,000	21,000	29,000

PAR. 3. Section 1.1250–3 is amended by adding a new example (3) to paragraph (c)(4) to read as follows:

§ 1.1250–3 Exceptions and limitations.

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(c) *Limitation for certain tax-free transactions.* • • •

(4) *Examples.* • • •

Example (3). (i) Miller transfers section 1250 property after December 31, 1969, to a corporation, which is not exempt from taxation, in exchange for cash of $9,000 and stock in the corporation worth $31,000, in a transaction qualifying under section 351. Thus, the amount realized is $40,000 ($9,000 plus $31,000). The property has an applicable percentage under paragraph (d)(1)(i)(e) of this section of 100 percent and an applicable percentage under paragraph (d)(2) of this section of 50 percent. The adjusted basis of the property on the date of the transfer is $24,000, and the gain realized is $16,000 (that is, amount realized, $40,000, minus adjusted basis, $24,000). The additional depreciation attributable to periods after December 31, 1969, is $8,000 and the additional depreciation attributable to periods before January 1, 1970, is $12,000. Since the additional depreciation attributable to periods after December 31, 1969 ($8,000), is lower than the gain realized ($16,000), the amount of gain which would be recognized as ordinary income under section 1250(a)(1) would be $8,000 (100 percent of $8,000) if the limitation provided in section 1250(d)(3) did not apply. In addition, gain is recognized under section 1250(a)(2) since there is a remaining potential gain of $8,000 (that is, gain realized, $16,000, minus additional depreciation attributable to period after December 31, 1969 ($8,000). Since the remaining potential gain ($8,000) is lower than the additional depreciation attributable to periods before January 1, 1970 ($12,000), the amount of gain which would be recognized under section 1250(a)(2) would be $4,000 (50 percent of $8,000) if the limitation in section 1250(d)(3) did not apply. Since under section 351(b) gain in the amount of $9,000 would be recognized to the transferor without regard to section 1250, the limitation in section 1250(d)(3) limits the gain taken into account by the transferor under section 1250(a) to $9,000. Since the section 1250(a)(1) gain is considered as recognized first under paragraph (a)(1)(iii) of § 1.1250–1, of the $9,000 of gain recognized, $8,000 is recognized under section 1250(a)(1) and $1,000 is recognized under section 1250(a)(2).

(ii) The amount of additional depreciation for the property in the hands of the transferee immediately after the transfer is $10,000, the amount of additional depreciation immediately before the transfer ($20,000), minus the sum of (*a*) the amount of additional depreciation necessary to produce an amount equal to the gain recognized under section 1250(a)(1) upon the transfer, $8,000 (that is, gain recognized under section 1250(a)(1), $8,000, divided by 100 percent, the applicable percentage under section 1250(a)(1)), plus (*b*) the amount of additional depreciation necessary to produce an amount equal to the gain recognized under section 1250(a)(2) upon the transfer, $2,000 (that is, gain recognized under section 1250(a)(2), $1,000, divided by 50 percent, the applicable percentage under section 1250(a)(2)). Of this amount, zero (that is, $8,000 minus $8,000) is attributable to periods after December 31, 1969, and $10,000 ($12,000 minus $2,000) is attributable to periods before January 1, 1970.

• • • • • •

PAR. 4. Section 1.1250–5 is amended by adding a new paragraph (b), to read as follows:

§ 1.1250–5 Property with two or more elements.

• • • • • •

(b) *Dispositions after December 31, 1969*—(1) *Amount treated as ordinary income.* If section 1250 property consisting of two or more elements (described in paragraph (c) of this section) is disposed of after December 31, 1969, the amount of gain taken into account under section 1250(a) shall be the sum, determined in 5 steps under subparagraphs (2), (3), (4), (5), and (6) of this paragraph, of the amount of gain for each element. Steps 3 and 4 are used only if the gain realized exceeds the additional depreciation attributable to periods after December 31, 1969, in respect of the property as a whole.

(2) *Step 1.* The first step is to make the following computations:

(i) In respect of the property as a whole, compute the additional depreciation (as defined in section 1250(b)) attributable to periods after December 31, 1969, and the gain realized. For purposes of this paragraph, in the case of a transaction other than a sale, exchange, or involuntary conversion, the gain realized shall be considered to be the excess of the fair market value of the property over its adjusted basis.

(ii) In respect of each element as if it were a separate property, compute the additional depreciation for the element attributable to periods after December 31, 1969, and the applicable percentage (as defined in section 1250(a)(1)) for the element. For additional depreciation in respect of an element of property acquired in certain transactions, see paragraph (e) of this section. For purposes of determining additional depreciation, the holding period of an element shall be determined under section 1223, applied by treating the element as a separate property. However, for the purpose of determining applicable percentage, the holding period of an element shall, except to the extent provided in paragraphs (c)(5), (e), and (f) of this section, be determined in accordance with the rules prescribed in § 1.1250–4.

(3) *Step 2.* The second step is to determine the amount of gain recognized for each element under section 1250(a)(1) in the following manner:

(i) If the amount of additional depreciation in respect of the property as a whole attributable to periods after December 31, 1969, is equal to the sum of the additional depreciation in respect of each element having such additional depreciation, and if such amount is not more than the gain realized, then the amount of gain to be taken into account for an element under section 1250(a)(1) is the product of the additional depreciation attributable to periods after December 31, 1969, for the element, multiplied by the applicable percentage determined under section 1250(a)(1).

(ii) If subdivision (i) of this subparagraph does not apply, the amount of gain to be taken into account under section 1250(a)(1) for an element is the product of—

(*a*) The additional depreciation attributable to periods after December 31, 1969, for the element multiplied by

(*b*) The applicable percentage for the element determined under section 1250(a)(1) for the element, and multiplied by

(*c*) A ratio, computed by dividing (*1*) the lower of the additional depreciation in respect of the property as a whole which is attributable to periods after December 31, 1969, or the gain realized, by (*2*) the sum of the additional depreciation attributable to periods after December 31, 1969, in respect of each element having such additional depreciation.

(4) *Step (3).* If the gain realized exceeds the additional depreciation in respect of the property as a whole attributable to periods after December 31, 1969,

(i) Compute the additional depreciation attributable to periods before January 1, 1970, and the remaining gain (or remaining potential gain in the case of a transaction other than a sale, exchange, or involuntary conversion), in respect of the property as a whole.

(ii) Compute the additional depreciation attributable to periods before January 1, 1970, and the applicable percentage determined under section 1250(a)(2) in respect of each element as if it were a separate property. For additional depreciation in respect of an element of property acquired in certain transactions, see paragraph (e) of this section. For purposes of determining additional depreciation, the holding period of an element shall be determined under section 1223, applied by treating the element as a separate property. However, for the purpose of determining applicable percentage, the holding period of an element shall, except to the extent provided in paragraphs (c)(5), (e), and (f) of this section, be determined in accordance with the rules prescribed in § 1.1250–4.

(5) *Step (4).* The fourth step is to compute the gain recognized under section 1250(a)(2) for each element (if computation was required under step (3)) in the following manner:

(i) If the amount of additional depreciation in respect of the property as a whole attributable to periods before January 1, 1970, is equal to the sum of the additional depreciation in respect of each element having such additional depreciation, and if such amount is not more than the remaining gain (or remaining potential gain), then the amount of gain to be taken into account for an element under section 1250(a)(2) is the product of the additional depreciation attributable to periods before January 1, 1970, for the element, multiplied by the applicable percentage determined under section 1250(a)(2) for the element.

(ii) If subdivision (i) of this subparagraph does not apply, the amount of gain to be taken into account for an element under section 1250(a)(2) is the product of—

(*a*) The additional depreciation attributable to periods before January 1, 1970, for the element, multiplied by,

(*b*) The applicable percentage for the element determined under section 1250(a)(2), and multiplied by,

(*c*) A ratio, computed by dividing (*1*) the lower of the additional depreciation in respect of the property as a whole which is attributable to periods before January 1, 1970,

or the remaining gain (or remaining potential gain), by (*2*) the sum of the additional depreciation attributable to periods before January 1, 1970, in respect of each element having additional depreciation.

(6) *Step (5).* The fifth step is to compute the sum of the amount of gain for each element, as determined in steps (2) and (4).

(7) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Gain of $60,000 is realized upon a sale, after the December 31, 1969, of section 1250 property which was constructed by the taxpayer after such date. The property consists of four elements (W, X, Y, and Z). Since on the date of sale the amount of additional depreciation attributable to periods after December 31, 1969, in respect of the property as a whole ($32,000), is equal to the sum of the additional depreciation in respect of each element having such additional depreciation and is less than the gain realized, the gain recognized for each element is determined under subparagraph (3)(i) of this paragraph. The amount of gain taken into account under section 1250(a)(1) is $28,500, as determined in the following table in accordance with the additional facts assumed:

Element	Additional depreciation after Dec. 31, 1969	×	Applicable percentage (1250(a)(1))	=	Gain for element
W	$14,000	×	80	=	$11,200
X	6,000	×	90	=	5,400
Y	2,000	×	95	=	1,900
Z	10,000	×	100	=	10,000
Total	32,000				28,500

Example (2). Assume the same facts as in example (1), except that the property was acquired by the taxpayer before January 1, 1970. Since the gain realized ($60,000) exceeds the additional depreciation attributable to periods after December 31, 1969 ($32,000), section 1250(a)(2) applies to the remaining gain of $28,000. Since the additional depreciation in respect of the property as a whole attributable to periods before January 1, 1970 ($21,000), is equal to the sum of the additional depreciation in respect of each element having such additional depreciation and is less than the remaining gain ($28,000), the amount of gain recognized for each element under section 1250(a)(2) is determined under subparagraph (5)(i) of this paragraph. The amount of gain taken into account under section 1250(a)(1) is $28,500 the same as in example (1). The amount of gain taken into account under section 1250(a)(2) is $3,900, as determined in the following table in accordance with the additional facts assumed:

Element	Additional depreciation before Jan. 1, 1970	×	Applicable percentage (1250(a)(2))	=	Gain for element (1250(a)(2))
W	$8,000	×	0	=	$0
X	6,000	×	10	=	600
Y	2,000	×	15	=	300
Z	5,000	×	60	=	3,000
Total	21,000				3,900

Example (3). (i) The facts are the same as in example (2) except that element Y has a deficit in additional depreciation attributable to periods after December 31, 1969, of $6,000 and thus the additional depreciation attributable to periods after December 31, 1969, in respect of the property as a whole is $24,000. The sum of the additional depreciation for each element having additional depreciation is $30,000, or $6,000 more than the additional depreciation in respect of the property as a whole. Thus, the gain recognized for each element under section 1250(a)(1) is determined under subparagraph (3)(ii) of this paragraph. The ratio referred to in subparagraph (3)(ii)(c) of this paragraph is 24:30, that is, the lower of the additional depreciation in respect of the property as a whole attributable to periods after December 31, 1969 ($24,000), or the gain realized ($60,000), divided by the sum of the additional depreciation in respect of each element having such additional depreciation ($30,000). The amount of gain taken into account under section 1250(a)(1) is $21,280, as determined in the following table:

Element	Additional depreciation after Dec. 31, 1969	×	Applicable percentage (1250(a)(1))	×	Ratio	=	Gain for element
W	$14,000	×	80	×	24:30	=	$8,960
X	6,000	×	90	×	24:30	=	4,320
Y	(6,000)	×	95	×	24:30	=	0
Z	10,000	×	100	×	24:30	=	8,000
Total	24,000						21,280

(ii) In addition, gain is recognized under section 1250(a)(2) since there is a remaining potential gain of $36,000, that is, gain realized ($60,000) minus the additional depreciation attributable to periods after December 31, 1969 ($24,000). The gain recognized in respect of each element and the gain recognized under section 1250(a)(2) ($3,900) are the same as in example (2), since the additional depreciation attributable to periods before January 1, 1970 ($21,000) is less than the remaining gain ($36,000).

[FR Doc.71–3105 Filed 3–4–71;8:54 am]

[26 CFR Parts 194, 196, 197, 201, 240, 245]

LIQUOR DEALERS; STILLS; DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS; DISTILLED SPIRITS PLANTS; WINE AND BEER

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco and Firearms Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to automate the processing of low-volume tax returns at Internal Revenue Service Centers and to effect economies by providing that taxpayers subject to the same class of special (occupational) tax for the same taxable period at two or more locations shall file but one special tax return with the Director of the Service Center serving the Internal Revenue District in which the taxpayer's principal place of business, or principal office in the case of a corporate taxpayer, is located, the regulations in 26 CFR Parts 194, 196, 197, 201, 240, and 245 are amended as follows:

PARAGRAPH A. 26 CFR Part 194 is amended as follows:

1. An undesignated center heading is inserted immediately preceding § 194.–104 to read as follows: "Filing Return and Payment of Special Tax".

2. Section 194.104 and its heading are amended with respect to the filing of returns, and paragraph (b) thereof is transferred to new § 194.104a. As amended, § 194.104 and its heading read as follows:

§ 194.104 Time for filing return.

Every person who intends to engage in a business subject to special tax under the provisions of this part shall, on or before the date such business is commenced, render a special tax return, Form 11, with remittance of tax, and every taxpayer who continues into a new fiscal year a business subject to special tax under the provisions of this part shall file a Form 11 and remittance on or before July 1 of the new fiscal year: *Provided,* That a taxpayer subject to the same class of special tax for the same period at two or more locations shall, as provided in § 194.106, file one special tax return Form 11 with remittance of tax to cover all such locations. Where the return and remittance are received in the mail and the U.S. postmark on the cover shows that it was deposited in the mail in the United States within the time prescribed for filing in an envelope or other appropirate wrapper which was properly addressed with postage prepaid, the return shall be considered as timely filed. If the postmark is not legible, the sender has the burden of proving the date when the postmark was made. When registered mail is used the date of registration shall be accepted as the postmark date.

(68A Stat. 732, 749, 72 Stat. 1346; 26 U.S.C. 6011, 6071, 5142)

3. A new section, § 194.104a, respecting the place for filing returns is added immediately following § 194.104 to read as follows:

§ 194.104a Place for filing return.

Form 11 with remittance of tax shall be filed with the director of the service center serving the internal revenue district in which the business is located: *Provided,* That any taxpayer required by § 194.104 to file a Form 11 and remittance to cover two or more locations shall file Form 11 and remittance with the director of the service center serving the internal revenue district in which the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer) is located.

4. Section 194.106 and its heading are amended to provide for the filing of a single return on Form 11 to cover special tax liability at two or more places of business. As amended, § 194.106 and its heading read as follows:

§ 194.106 Special tax returns.

(a) *General.* Special tax returns shall be made on Form 11, which may be procured from the director of the service center or from any district director. A separate Form 11 shall be filed for each rate of tax specified in § 194.101. If a taxpayer files Form 11 as provided in paragraph (c) of this section and thereafter in the period covered thereby starts at one or more locations one or more new businesses, he shall make a return on Form 11 with remittance of tax and an attached list showing the name, trade name (if any), and the address of each location covered by the return in the manner prescribed in paragraph (c) of this section: *Provided,* That no one return shall cover more than one class of tax nor periods of liability commencing on different days.

(b) *Special tax return covering a single location.* In the case of a special tax return filed for a single location, the taxpayer shall disclose in the spaces provided on the return—

(1) Where the dealer is an individual or a corporation, the true name of such individual or corporation;

(2) In the case of a partnership, the true name of each and every person comprising the partnership;

(3) Where a trade name is used, the exact trade name under which the business is conducted, in addition to information required in subparagraph (1) or (2) of this paragraph;

(4) The employer identification number (see §§ 194.106a–194.106c);

(5) The exact location of the place of business, by name and number of building or street or, where these do not exist, by some particularization in addition to the post office address;

(6) The kind of liquor business carried on, as classified in §§ 194.23–194.27;

(7) All other information provided for on the form.

(c) *Special tax return covering multiple locations.* In the case of a special tax return filed for multiple locations, the taxpayer shall disclose in the spaces provided on the return—

(1) The name, trade name (if any), and address of his principal place of business, or principal office, in the manner prescribed in paragraph (b) (1), (2), (3), and (5) of this section;

(2) The employer identification number (see §§ 194.106a–194.106c);

(3) The kind of liquor business carried on, as classified in §§ 194.23–194.27;

(4) The number of locations covered by the return; and

(5) All other information provided for on the form.

In addition to the above, the taxpayer shall prepare, in duplicate, a list identified with his name, address, employer identification number, class of tax, and period covered by his return. The list shall show by States, the name, trade name, if any, and address of each location (including taxpayer's principal place of business, or principal office, if subject to special tax) covered by the return. Each address shall be disclosed on such list in the manner prescribed in paragraph (b) (5) of this section. The original of the list shall be attached to the Form 11, as a part of his return, and the copy shall be retained by the taxpayer as part of the records required by this part.

(68A Stat. 732, 846, 75 Stat. 828; 26 U.S.C. 6011, 7011, 6109)

5. Section 194.106d is amended to provide that all hand-carried returns shall be filed with the district director. As amended, § 194.106d reads as follows:

§ 194.106d Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located or, as to a single return prepared under the provisions of § 194.106(c), to cover liability at two or more locations, the return shall be filed with the district director of the internal revenue district in which the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer) is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

§ 194.108 [Deleted]

6. Section 194.108 is deleted.

7. Section 194.109 is amended to provide penalties and limitation on such penalties for failure to pay special tax and to delete provisions respecting extension of time for filing a return. As amended, § 194.109 reads as follows:

§ 194.109 Penalty for failure to file return or to pay tax.

(a) *Failure to file return.* Any person required by this part to file a return on Form 11 who fails to file the return on or before the last date prescribed in § 194.104 shall pay, as an addition to the tax, a delinquency penalty, unless it is shown that such failure is due to reasonable cause and not due to willful neglect. The delinquency penalty for failure to file the return on or before the last date prescribed shall be 5 percent of the amount required to be shown as tax on the return if the failure is for not more than one month; with an additional 5 percent for each additional month or fraction thereof during which such delinquency continues, but not more that 25 percent in the aggregate.

(b) *Failure to pay tax.* Any person who files a return on Form 11 under the provisions of this part and who fails to pay the amount shown as tax on the return on or before the date prescribed in § 194.104 for payment of such tax, shall pay, as an addition to the tax, a penalty, unless it is shown that such failure is due to reasonable cause and not due to willful neglect. The penalty for failure to pay the tax on or before the date prescribed for payment shall be 0.5 percent of the amount shown as tax on the return if the failure is not more than one month; with an additional 0.5 percent for each additional month or fraction thereof during which the failure continues, but not exceeding 25 percent of the aggregate.

(c) *Limitations.* With respect to any return on Form 11, the amount of the addition under paragraph (a) of this section shall be reduced by the amount of the addition under paragraph (b) of this section for any month to which an addition to tax applies under both paragraphs (a) and (b). If the amount of tax required to be shown as tax on the return is less than the amount shown as tax on such return, the penalties prescribed in paragraphs (a) and (b) of this section shall be applied by substituting such lower amount.

(68A Stat. 821, as amended; 26 U.S.C. 6651)

8. Section 194.111 and its heading are amended to include waiver of penalties for failure to pay tax. As amended, § 194.111 and its heading read as follows:

§ 194.111 Waiver of penalties.

In every case where a special tax return is not filed, or the tax is not paid, at the time prescribed in § 194.104, the delinquency penalties specified in § 194.109 for failure to file a return or for failure to pay the amount shown as tax on the return will be asserted and collected unless a reasonable cause for delay in filing the return or payment of the tax is clearly established. A dealer who believes the circumstances which delayed his filing of the return or payment of the tax are reasonable, and who desires to have the penalties waived, shall submit with his return a written statement under the penalties of perjury, affirmatively showing all of the circumstances alleged as reasonable causes for delay. If such return and statement are submitted to the director of the service center, he shall determine whether the delay in filing or payment was due to reasonable cause; if delivered to an internal revenue officer working under supervision of the assistant regional commissioner, the assistant regional commissioner shall make the determination. Any reason which appeals to a man of ordinary prudence and intelligence as a reasonable cause for the delay and which clearly shows no willful intent to avoid the provisions of the taxing statutes, or gross negligence, will be accepted as reasonable. Mere ignorance of the law will not be considered a reasonable cause.

(68A Stat. 821, as amended; 26 U.S.C. 6651)

9. Section 194.121 is amended to cover the issuance of special tax stamps to taxpayers filing a single return for multiple locations. As amended, § 194.121 reads as follows:

§ 194.121 Issuance of stamps.

Upon filing a return properly executed on Form 11, together with a remittance in the full amount due, the taxpayer will be issued an appropriately designated stamp. If the Form 11 with remittance covers multiple locations, the taxpayer will be issued one stamp for each location listed in the attachment to Form 11 required by § 194.106(c) but showing, as to name and address, only the name of the taxpayer and the address of the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer). Special tax stamps will not be issued until the tax is fully paid.

(72 Stat. 1346; 26 U.S.C. 5144)

10. A new section, § 194.121a, is added immediately following § 194.121 to provide for the distribution of stamps issued for multiple locations. As added, § 194.121a reads as follows:

§ 194.121a Distribution of stamps for multiple locations.

On receipt of the special tax stamps, the taxpayer will verify that he has one stamp for each location listed in his copy of the attachment to Form 11 and examine them to insure that his name and address are correctly stated thereon. Incorrect stamps shall be returned to the director of the service center as provided in § 194.134. The taxpayer shall designate one stamp for each location listed in his copy of the attachment to Form 11 required by § 194.106 and shall type thereon the trade name, if different from the name in which the stamp was issued, and the address of the business conducted at the location for which that stamp is designated. He shall then forward each stamp to the place of business designated on the stamp. On receipt of the stamp at the designated place of business, it shall be examined to verify that the name and address of the business are correctly stated. If they are not, the stamp shall be returned, with a statement showing the nature of the error and the correct data, to the principal office of the taxpayer who will compare the data on the stamp with his retained copy of the attachment to Form 11. If the error in name and address was made by the taxpayer, he will correct the stamp and return it to the designated place of business. If the error was made in the attachment to Form 11, the taxpayer will file with the director of the service center an amended Form 11 and an amended attachment with a statement explaining the error.

11. Sections 194.124 and 194.126 are amended to provide for the filing of a single return on Form 11 to cover special tax liability for two or more passenger carriers and two or more supply boats or vessels, respectively. As amended, §§ 194.124 and 194.126 read as follows:

§ 194.124 Stamps for passenger trains, aircraft, and vessels.

Special tax stamps may be issued in general terms "In the United States" to persons who will carry on the business of retail dealers in liquors or retail dealers in beer, on trains, aircraft, boats or other vessels, engaged in the business of carrying passengers. If sales of liquors are made at the same time on two or more passenger carriers, a special tax stamp shall be obtained for each such carrier. However, a dealer may transfer any such stamp from one passenger carrier to another on which he conducts his business, without registering the transfer with the Internal Revenue Service, and he may conduct such business throughout the passenger carrying train, aircraft, boat or other vessel, to which the stamp is transferred. A person subject to the same rate of special tax on two or more passenger carriers shall file one Form 11, prepared in the manner prescribed in § 194.106(b), with remittance, to cover all such carriers and shall specify on the Form 11 the number of passenger carriers for which special tax is being paid.

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

§ 194.126 Stamps for supply boats or vessels.

Special tax stamps may be issued to persons carrying on the business of a retail dealer in liquor or a retail dealer in beer on supply boats or vessels operated by them, when such persons operate from a fixed address in a port or harbor and supply exclusively boats or other vessels, or persons thereon, at such port or harbor. Any person desiring to obtain a special tax stamp for such business shall file Form 11, prepared in the manner prescribed in § 194.106(b), with remittance, and shall specify on the Form 11, or on an attachment thereto, (a) that the business will consist of supplying exclusively boats, vessels, or persons thereon, (b) the name of the port or harbor at which the business is to be carried on, and (c) the fixed address from which operations are to be conducted: *Provided,* That where such sales are to be made from two or more supply boats or vessels, the dealer shall obtain a special tax stamp for each such boat or vessel, and shall, in addition to the information required by paragraphs (a), (b), and (c) of this section, specify on the Form 11 the number of supply boats or vessels for which special tax is being paid. A dealer may transfer any such stamp from any boat or vessel on which he discontinues such sales to any other boat or vessel on which he proposes to conduct such business, without registering the transfer with the Internal Revenue Service. If the taxpayer operates from two or more fixed addresses, he shall prepare, as required by § 194.106(c), one tax return, Form 11, to cover all such addresses and shall, in addition, show on the attachment to the Form 11 the number of stamps to be procured for supply boats or vessels operating from each address. On receipt of the special tax stamps, the taxpayer shall designate an appropriate number of stamps for each location and shall type thereon the trade name, if different from the name in which the stamp was issued, and the fixed address of the business conducted at the location for which the stamps are designated. He shall then forward the stamps to the place of business designated on the stamps. The taxpayer shall enter on each stamp received for retailing liquors on supply boats or vessels, immediately after the occupational tax classification, the phrase "on supply boats" and in the lower margin the notation, "Covers supplying exclusively of boats or vessels, or persons thereon, at the Port (or Harbor) of" followed by the name of such port or harbor.

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

12. Section 194.135 is amended with respect to correction of special tax stamps by internal revenue officers. As amended, § 194.135 reads as follows:

§ 194.135 Errors discovered on inspection.

When an internal revenue officer discovers a material error on a special tax stamp in the name, ownership, or address of the dealer, he will secure from the dealer a new Form 11, designated "Amended Return," showing correctly all of the information required in § 194.106 and, in the body of the form or in an attachment thereto, a statement of the reason for requesting correction of the

stamp. On receipt of the amended return and an acceptable explanation for the error, the officer will make the proper correction on the stamp and return it to the taxpayer. However, if the error found by the internal revenue officer is on a special tax stamp obtained pursuant to a return on Form 11 filed under the provisions of § 194.106(c), he shall instruct the taxpayer to return the stamp, with a statement showing the nature of the error and the correct data, to the dealer's principal office as provided in § 194.121a.

13. Sections 194.151 and 194.169 are amended to add a cross reference to § 194.106(b). As amended, §§ 194.151 and 194.169 read as follows:

§ 194.151 Amended return, Form 11; endorsement on stamp.

(a) *General.* A dealer who, during the taxable period for which special tax was paid, removes his business to a place other than that specified on his original special tax return on Form 11, and stated on his special tax stamp, shall, within 30 days from the date he begins to carry on such business at the new location, register the change with the director of the service center who issued the stamp, by filing a new return on Form 11, designated "Amended Return," setting forth the time when and the place to which such removal was made, and shall surrender the special tax stamp to the director of the service center for endorsement of the change in location: *Provided,* That the dealer who filed his original return, Form 11, under the provisions of § 194.106(b) may deliver the amended return and the stamp at any internal revenue office, or to any internal revenue officer inspecting the business, in lieu of submitting them directly to the director of the service center. The director of the service center or the internal revenue officer receiving such return and stamp shall, if the return is submitted to him within the 30-day period, enter the proper endorsement on the stamp and return it to the taxpayer.

* * * * *

§ 194.169 Change of control, persons having right of succession.

Certain persons other than the special-tax payer may, without paying additional special tax, secure the right to carry on the same business at the same address for the remainder of the taxable period for which the special tax was paid. Such persons are—

(a) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased dealer;

(b) A husband or wife succeeding to the business of his or her living spouse;

(c) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors; and

(d) The partner or partners remaining after death or withdrawal of a member of a partnership.

In order to secure such right, the person or persons continuing the business shall file with the director of the service center who issued the stamp or stamps, within 30 days from the date on which the successor begins to carry on the business, an amended special tax return on Form 11, showing the basis of the succession, and shall surrender the unexpired special tax stamp or stamps for endorsement of the change in control: *Provided,* That, if the original return, Form 11, was filed under the provisions of § 194.106(b), the person succeeding to the business may deliver the amended return and stamp at any internal revenue office, or to any internal revenue officer inspecting the business, in lieu of submitting them to the director of the service center. If the applicant has the right of succession and the return and stamp are submitted on time, the director of the service center or other internal revenue officer receiving them will enter the proper endorsement on the stamp and return it to the successor.

(68A Stat. 846; 72 Stat. 1347; 26 U.S.C. 7011, 5143)

PAR. B. 26 CFR Part 196 is amended by revising §§ 196.34 and 196.34d and by adding two new sections, §§ 196.36a and 196.36b, immediately following § 196.36, to read as follows:

§ 196.34 Special tax return.

Special (occupational) taxes imposed on manufacturers of stills or condensers and the special (commodity) taxes on such articles will be paid by the manufacturer pursuant to the filing of a special tax return, Form 11, showing the information required by the headings on the form and the instructions thereon or issued in respect thereto. Special tax returns on Form 11 shall be filed, with remittance, with the director of the service center serving the internal revenue district in which the place of manufacture is located: *Provided,* That a taxpayer subject to special (occupational) tax for the same period at two or more locations shall (a) file one special tax return Form 11, with remittance, to cover all such locations, with the director of the service center serving the internal revenue district in which the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer) is located; and (b) prepare, in duplicate, a list identified with his name, address, employer identification number, class of tax, and period covered by his return. The list shall show, by States, the name (and trade name, if any) and address of each location (including taxpayer's principal place of business or principal office, if subject to special tax) for which special tax is being paid. The original of the list shall be attached to the Form 11, as a part of his return, and the copy shall be retained by the taxpayer for a period of not less than 2 years.

§ 196.34d Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special tax, such returns which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located or, as to a single return prepared under the provisions of § 196.34 to cover liability at two or more locations, the return shall be filed with the district director of the internal revenue district in which the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer) is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

§ 196.36a Issuance of stamps.

Upon filing a return properly executed on Form 11, together with a remittance in the full amount due, the taxpayer will be issued an appropriately designated stamp. Special tax stamps will not be issued until the tax is fully paid. If such Form 11 with remittance covers multiple locations, the taxpayer will be issued one special (occupational) tax stamp for each location listed in the attachment to Form 11 required by § 196.34 but showing, as to name and address, only the name of the taxpayer and the address of the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer).

§ 196.36b Distribution of special (occupational) tax stamps for multiple locations.

On receipt of the special tax stamps, the taxpayer will verify that he has one stamp for each location listed in his copy of the attachment to Form 11 required by § 196.34. He shall designate one stamp for each location and shall type thereon the trade name, if different from the name in which the stamp was issued, and address of the business conducted at the location for which that stamp is designated. He shall then forward each stamp to the place of business designated on the stamp.

PAR. C. 26 CFR Part 197 is amended by revising §§ 197.28, 197.29, 197.29d, and 197.40 and by adding a new section, § 197.40a, immediately following § 197.40, to read as follows:

§ 197.28 Filing of return and payment of special tax.

Returns shall be filed on Form 11, with remittance, with the director of the service center serving the internal revenue district in which the place of manufacture is located: *Provided,* That a taxpayer subject to the same rate of special (occupational) tax at two or more locations shall (a) file one special tax return Form 11 (prepared in the manner prescribed in § 197.29), with remittance, to cover all such locations, with the director of the service center serving the internal revenue district in which the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer) is located; and (b) prepare, in duplicate, a list identified with his name, address, employer identification number, class of tax, and period covered by his return. The list shall show, by States, the name (and trade name, if any) and address of each location (including taxpayer's principal place of business, or principal office, if subject to special tax) for which special tax is being paid. The original of the list shall be attached to the Form 11, as a part of his return, and the copy shall be retained by the taxpayer for a period of not less than 2 years.

§ 197.29 General.

Special tax returns, Form 11, may be procured from the director of the service center or from any district director and shall disclose, in the spaces provided, the following:

(a) The true name of the taxpayer, which may be followed by the words "trading as" and any trade name under which the business is conducted.

(b) The employer identification number (see §§ 197.29a–197.29c).

(c) The exact location of the place of business, as by name and number of building or street, and where these do not exist, some particularization in addition to the post office address; except, that in the case of one return for two or more locations, as provided for in § 197.28, the location to be shown on the Form 11 shall be that of the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer).

(d) The kind of business carried on.

(e) Except in the case of a corporation, the true names of all persons having a proprietary interest in the business. While it is not necessary that the names of all persons having a proprietary interest in the business appear on the special tax stamp, the names must be disclosed on the return, Form 11.

§ 197.29d Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located or, as to a single return prepared under the provisions of § 197.28 to cover liability at two or more locations, the return shall be filed with the district director of the internal revenue district in which the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer) is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

§ 197.40 Issuance of stamps.

Each manufacturer of nonbeverage products, upon filing a properly executed return on Form 11, together with the proper remittance in the full amount due, will be issued a special tax stamp designated "Manufacturer of Nonbeverage Products." Such special tax stamp may not be sold or otherwise transferred to another person. If such Form 11 with remittance covers multiple locations, the taxpayer will be issued one appropriately designated stamp for each location listed in the attachment to Form 11 required by § 197.28 but showing, as to name and address, only the name of the taxpayer and the address of the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer).

§ 197.40a Distribution of stamps for multiple locations.

On receipt of the special tax stamps, the taxpayer will verify that he has one stamp for each location listed in his copy of the attachment to Form 11 required by § 197.28. He shall designate one stamp for each location and shall type thereon the trade name, if different from the name in which the stamp was issued, and address of the business conducted at the location for which that stamp is designated. He shall then forward each stamp to the place of business designated on the stamp.

PAR. D. 26 CFR Part 201 is amended by revising §§ 201.31, 201.32a, and 201.32f, and by adding two new sections, §§ 201.32g and 201.32h, immediately following § 201.32f, to read as follows:

§ 201.31 Rectifier's special tax.

Every person engaging in business as a rectifier, within the meaning of the term as defined in Subpart B of this part, shall prepare a return on Form 11. The return shall be filed with the director of the service center serving the internal revenue district in which the business is located, and pay special tax at the applicable rate prescribed in section 5081, I.R.C.: *Provided,* That a taxpayer subject to the same class of special (occupational) tax for the same period at two or more locations shall (a) file one special tax return Form 11, prepared in the manner prescribed in § 201.32a, with remittance, to cover all such locations, with the director of the service center serving the internal revenue district in which the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer) is located; and (b) prepare, in duplicate, a list identified with his name, address, employer identification number, class of tax, and period covered by his return. The list shall show, by States, the address of each location (including taxpayer's principal place of business, or principal office, if subject to special tax) for which special tax is being paid. The original of the list shall be attached to the Form 11, as a part of his return, and the copy shall be retained by the taxpayer for a period of not less than 2 years. The tax is imposed as of the first day of July in each year, or on commencing such business. In the former case the tax is reckoned for 1 year and in the latter case it is reckoned proportionately from the first day of the month in which the liability to special tax commenced and to and including the 30th day of June following. Section 5142, I.R.C., provides that no person shall engage in or carry on the business of a rectifier until he has paid the special tax therefor.

(68A Stat. 846, 72 Stat. 1338, 1346, 1347; 26 U.S.C. 7011, 5081, 5082, 5142, 5143)

§ 201.32a Data required on Form 11.

Each return on Form 11 shall be prepared in accordance with the headings on the form and the instructions thereon or issued in respect thereto, and shall include the following:

(a) Where the rectifier is an individual or a corporation, the true name of such individual or corporation;

(b) In the case of a partnership, the true name of each and every person comprising the partnership;

(c) The employer identification number (see §§ 201.32c–201.32e);

(d) The exact location of the place of business, by name and number of building or street or, where these do not exist, by some particularization in addition to the post office address except, that in the case of one return for two or more locations, as provided for in § 201.31, the location to be shown on the Form 11 shall be that of the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer);

(e) The kind and class of tax (see § 201.31);

(f) All other information provided for on the form.

(68A Stat. 732, 846, 75 Stat. 838; 26 U.S.C. 6011, 7011, 6109)

§ 201.32f Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located or, as to a single return prepared under the provisions of § 201.31 to cover liability at two or more locations, the return shall be filed with the district director of the internal revenue district in which the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer) is located.

§ 201.32g Issuance of stamps.

Upon filing a return properly executed on Form 11, together with a remittance in the full amount due, the taxpayer will be issued an appropriately designated stamp. Special tax stamps will not be issued until the tax is fully paid. If such Form 11 with remittance covers multiple locations, the taxpayer will be issued one appropriately designated stamp for each location listed in the attachment to Form 11 required by § 201.31, but showing, as to name and address, only the name of the taxpayer and the address of the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer).

§ 201.32h Distribution of stamps for multiple locations.

On receipt of the special tax stamps, the taxpayer will verify that he has one stamp for each location listed in his copy of the attachment to Form 11 required by § 201.31. He shall designate one stamp for each location and shall type thereon the address of the business conducted at the location for which that stamp is designated. He shall then forward each stamp to the place of business designated on the stamp.

PAR. E. 26 CFR Part 240 is amended by revising §§ 240.343, 240.344, and 240.345, to read as follows:

§ 240.343 Annual special tax.

The special tax year commences on July 1 and ends on June 30 of the next year. All persons liable for special tax

shall file Form 11 with the director of the service center serving the internal revenue district in which the business is located, and pay the special tax to him on or before July 1 of each year. If the Form 11, with remittance, is not actually delivered on or before July 1, the date of the postmark stamped on the cover in which such return is mailed, if made by a United States post office, shall be deemed to be the date of filing.

(68A Stat. 846, 895, 72 Stat. 1346, 1347; 26 U.S.C. 7011, 7502, 5142, 5143)

§ 240.344 Business commenced after July.

Where business is commenced after July, the tax will be prorated from the first day of the month in which business was commenced to June 30 following. In such case, if the Form 11, with remittance, is not actually delivered to the director of the service center on or before the day on which the business was commenced, the date of the postmark stamped on the cover in which such return is mailed, if made by a United States post office, shall be deemed to be the date of filing.

(72 Stat. 1346, 1347; 26 U.S.C. 5142, 5143)

§ 240.345 Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located or, as to a single return prepared under the provisions of Part 194 of this chapter to cover liability at two or more locations, the return shall be filed with the district director of the internal revenue district in which the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer) is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

PAR. F. 26 CFR Part 245 is amended by revising §§ 245.76, 245.76a, and 245.76e, and by adding two new sections, §§ 245.77a and 245.77b, immediately following § 245.77, to read as follows:

§ 245.76 Special tax return.

Every person liable to special tax shall prepare a return on Form 11. The return shall be filed, with remittance, with the director of the service center serving the internal revenue district in which the business is located: *Provided*, That a taxpayer subject to the same class of special (occupational) tax for the same period at two or more locations shall (a) file one special tax return Form 11 (prepared in the manner prescribed in § 245.76a) with remittance to cover all such locations, with the director of the service center serving the internal revenue district in which the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer) is located; and (b) prepare, in duplicate, a list identified with his name, address, employer identification number, class of tax, and period covered by his return. The list shall show, by States, the name and address of each location (including the taxpayer's principal place of business, or principal office, if subject to special tax) for which special tax is being paid. The original of the list shall be attached to the Form 11, as a part of his return, and the copy shall be retained by the taxpayer for a period of not less than 2 years.

(72 Stat. 1346; 26 U.S.C. 5142)

§ 245.76a Data required on Form 11.

Each return on Form 11 shall be prepared in accordance with the headings on the form and the instructions thereon or issued in respect thereto, and shall include the following:

(a) Where the taxpayer is an individual or a corporation, the true name of such individual or corporation;

(b) In the case of a partnership, the true name of each and every person comprising the partnership;

(c) The employer identification number (see §§ 245.76b–245.76d);

(d) The exact location of the place of business, by name and number of building or street or, where these do not exist, by some particularization in addition to the post office address except, that in the case of one return for two or more locations, as provided for in § 245.76, the location to be shown on the Form 11 shall be that of the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer).

(e) The class of tax;

(f) All other information provided for on the form.

(68A Stat. 732, 846, 75 Stat. 828; 26 U.S.C. 6011, 7011, 6109)

§ 245.76c Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located or, as to returns prepared under the provisions of § 245.76, in which the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer) is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

§ 245.77a Issuance of stamps.

Upon filing a return properly executed on Form 11, together with a remittance in the full amount due, the taxpayer will be issued an appropriately designated stamp. Special tax stamps will not be issued until the tax is fully paid. If such Form 11 with remittance covers multiple locations, the taxpayer will be issued one appropriately designated stamp for each location listed in the attachment to Form 11 required by § 245.76 but showing, as to name and address, only the name of the taxpayer and the address of the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer).

§ 245.77b Distribution of stamps for multiple locations.

On receipt of the special tax stamps, the taxpayer will verify that he has one stamp for each location listed in his copy of the attachment to Form 11 required by § 245.76. He shall designate one stamp for each location and shall type thereon the address of the business conducted at the location for which that stamp is designated. He shall then forward each stamp to the place of business designated on the stamp.

[FR Doc.71–3026 Filed 3–4–71;8:47 am]

[26 CFR Part 245]

BEER

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, DC 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco and Firearms Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to implement the provisions of Public Law 91–673 which amended the Internal Revenue Code by (a) permitting credit or refund of tax if beer is returned to another brewery of the same brewer and permitting offsets or deductions from taxable removals if beer is returned to the same brewery from which it was removed, (b) permitting credit or refund of tax in the case of beer lost by theft or rendered unmerchantable, (c) permitting removals of beer without payment of tax for use in research, development, or testing, (d) permitting the bonding requirements to be met by certifying the continuation of an existing bond in place of the present requirement that a new bond be secured, (e) permitting certain facilities of the brewery to

be near the main facilities, rather than requiring them to adjoin the main facilities, (f) eliminating the requirement for separate facilities for the bottling of beer and cereal beverages, and (g) authorizing the establishment of pilot brewing plants; and to delete obsolete requirements, the regulations in 26 CFR Part 245 are amended as follows:

PARAGRAPH 1. Section 245.1 is amended to include reference to pilot brewing plants. As amended, § 245.1 reads as follows:

§ 245.1 Beer.

The regulations in this part relate to beer and cereal beverages and cover the location, construction, equipment, and operations of breweries and pilot brewing plants and the qualification of such establishments including the ownership, control, and management thereof.

PAR. 2. Section 245.5 is amended by revising the definitions of "Brewery" and "Removed for consumption or sale," adding, in alphabetical order, a definition for "package and packaging," and deleting the statutory citation after the definition of "Bottle and bottling." As amended, § 245.5 reads as follows:

§ 245.5 Meaning of terms.

* * * * * *

Bottle and bottling. "Bottle" shall mean a bottle, can, or similar container, and "bottling" shall mean the filling of bottles, cans, and similar containers.

* * * * * *

Brewery. "Brewery" shall mean the land and buildings described as such in the brewer's notice on Form 27–C, where beer is to be produced and packaged.

(72 Stat. 1389, as amended; 26 U.S.C. 5402, 5411)

* * * * * *

Package and packaging. "Package" shall mean a bottle, can, keg, barrel, or other original consumer container, and "packaging" shall mean the filling of any package.

(72 Stat. 1390, as amended; 26 U.S.C. 5416)

* * * * * *

Removed for consumption or sale. "Removed for consumption or sale" (except when used with respect to beer removed without payment of tax as authorized by law) shall mean (a) the sale and transfer of possession of beer for consumption at the brewery or (b) any removal of beer from the brewery.

(72 Stat. 1333, as amended; 26 U.S.C. 5052)

* * * * * *

PAR. 3. Section 245.11 is amended to provide for case packing, loading, or storing facilities located within reasonable proximity to the brewery packaging facilities to be approved as a part of the brewery. As amended, § 245.11 reads as follows:

§ 245.11 Continuity of brewery.

The continuity of the brewery must be unbroken except where separated by public passageways, streets, highways, waterways, or carrier rights-of-way, or partitions; and if parts of the brewery are so separated they must abut on the dividing medium and be adjacent to each other. Notwithstanding the preceding sentence, facilities under the control of the brewer for case packing, loading, or storing which are located within reasonable proximity to the brewery packaging facilities may be approved by the assistant regional commissioner as a part of the brewery if the revenue will not be jeopardized thereby.

(72 Stat. 1389, as amended; 26 U.S.C. 5402)

PAR. 4. Section 245.12 is amended to expand the authorized purposes for which the brewery may be used and to delete the requirement that all bottling of beer be conducted in the brewery bottling house. As amended, § 245.12 reads as follows:

§ 245.12 Use of brewery.

The brewery shall be used exclusively, except as provided herein, for the purposes of (a) producing, packaging, and storing beer, cereal beverages containing less than one-half of 1 percent of alcohol by volume, vitamins, ice, malt, malt sirup, and other byproducts and soft drinks and other nonalcoholic beverages; (b) processing spent grain, carbon dioxide, and yeast; and (c) storing packages and supplies necessary or incidental to all such operations. If the brewer desires to use the brewery for other purposes, not involving the production of alcoholic beverages, which (1) require the use of byproducts or wastage from the production of beer, or utilize buildings, rooms, areas, or equipment not fully employed in the production or packaging of beer, (2) are reasonably necessary to realize the maximum benefit from the premises and equipment and to reduce the overhead of the plant, (3) are in the public interest because of emergency conditions, or (4) involve experiments or research projects related to equipment, materials, processes, products, byproducts, or wastage of the brewery, he may submit an application, in triplicate, so to do to the Director, Alcohol and Tobacco Tax Division, through the assistant regional commissioner. The Director, Alcohol and Tobacco Tax Division, will approve such application where he finds that such use will not jeopardize the revenue, will not impede the effective administration of this part, and is not contrary to the specific provisions of law.

(72 Stat. 1389, as amended; 26 U.S.C. 5411)

PAR. 5. Section 245.13 is amended to provide cross reference to § 245.157 concerning storage of taxpaid beer and to delete reference to the brewery bottling house. As amended, § 245.13 reads as follows:

§ 245.13 Storage of beer.

(a) *Taxpaid beer.* Beer on which the tax has been paid or determined shall not be stored in the brewery except as provided in § 245.157.

(b) *Untaxpaid beer.* Packaged beer on which tax has not been paid or determined may be stored in any suitable location in the brewery.

(72 Stat. 1389, as amended; 26 U.S.C. 5411)

PAR. 6. Section 245.19 is amended to delete reference to the brewery bottling house. As amended, § 245.19 reads as follows:

§ 245.19 Pipelines.

All beer and cereal beverage transferred from production or bulk storage tanks for bottling shall pass through authorized pipelines which shall be fixed and of permanent character and be exposed to view throughout the entire length.

(72 Stat. 1395; 26 U.S.C. 5552)

PAR. 7. Section 245.30 is amended to delete reference to beer to be bottled. As amended, § 245.30 reads as follows:

§ 245.30 Metering systems required.

Brewers shall be required to provide at their own expense, approved meters for measuring beer to be packaged.

(72 Stat. 1395; 26 U.S.C. 5552)

PAR. 8. Sections 245.31, 245.32, and 245.33 are amended because of and to conform to the new definition of "package and packaging." As amended, §§ 245.31, 245.32, and 245.33 read as follows:

§ 245.31 Notice of acquisition of meter.

When the brewer receives a meter from the manufacturer or from another source he shall notify the assistant regional commissioner of the region wherein the brewery is located. The notice shall be submitted in duplicate, and shall state the make, model, and serial number of the meter, and the source and date of acquisition. The meter shall not be used for measuring beer to be packaged until it has been tested for accuracy and proper functioning.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.32 Location and installation.

Racking and bottling meters shall be located and installed so that all beer to be racked or bottled, as the case may be, shall (except as provided in § 245.36) pass through the respective meters and so that they will be readily accessible for examination by internal revenue officers. The meter installations, including piping, valves, and electrical circuitry (where required) shall be so arranged that the testing equipment and procedures approved by the assistant regional commissioner may be readily accommodated.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.33 Meter test approval.

Brewers shall provide such tests, adjustments, and repairs as may be required to maintain meters in such a manner that they accurately and reliably measure and record beer metered for packaging. The frequency of meter tests, and the equipment used and procedures employed in testing meters, shall be subject to approval by the assistant regional

commissioner. The brewer shall submit a letterhead application, in triplicate, which shall describe, in detail, the method by which he proposes to maintain the accuracy and reliability of each metering system to be used for the measurement of beer to be packaged and list the make, model, and serial number of each meter to be used by him for such purpose. The assistant regional commissioner shall, after satisfying himself as to the adequacy of the proposed method, indicate his approval on all copies of the application and return the original to the brewer who shall keep it on file on the brewery premises available for examination by internal revenue officers.

(72 Stat. 1395; 26 U.S.C. 5552)

PAR. 9. Section 245.41 is amended to include reference to continuation certificate, to delete reference to the brewery bottling house and to show the use of bottling lines, and to require a statement of process for products to be marketed under a name other than "beer," "ale," "porter," or "stout." As amended, § 245.41 reads as follows:

§ 245.41 Data for notice.

Form 27–C shall include the following information:

(a) The serial number.

(b) The purpose stated as (1) to give notice of the brewer's intention to engage in the business of brewing; or (2) to give notice of the brewer's intention to continue business under a new bond or a continuation certificate; or (3) to amend or supplement previously furnished information as set forth in items _____, _____, and _____.

(c) Name of brewer.

(d) Business address of brewer.

(e) Address of brewery affected by the notice (if other than the business address).

(f) Character of brewer, i.e., sole proprietorship, partnership, corporation, or other, supported by copies, in triplicate, of articles and amended articles of incorporation (and including the certificate of incorporation), partnership, or association, etc.

(g) Description of brewery, including (1) each tract of land comprising the brewery and (2) brewery buildings, referring to each building by its designated number or letter and giving the approximate ground dimensions and the purposes for which ordinarily used. Description of land shall be by courses and distances, in feet and hundredths thereof or inches, with the particularity required in conveyances of real estate.

(h) A list of (1) mash tubs, brewkettles, fermenting tanks, storage tanks, and similar tanks to be used in the production of beer and (2) tanks and bottling lines to be used in the bottling of beer. The list shall show as to tanks, the quantity (number) of each type, their capacities in barrels, and the designated number or letter of the building in which located; and as to bottling lines, the number of lines and the designated number or letter of the building in which located.

(i) A list of the trade names which the brewer is using or intends to use in doing business or in packaging, and the offices where such names are registered, supported by copies, in triplicate, of any certificates or other documents filed or issued in respect to such names.

(j) A statement of process for any fermented beverage which the brewer intends to produce and market under a name or description other than "beer," "ale," "porter," or "stout." The statement shall show the name or other designation of the product, the kinds and quantities of materials to be used, the method of manufacture, and the approximate alcohol content of the finished product.

(k) The name and address of the owner of the fee and of any mortgagee or other encumbrancer of the land, buildings, or equipment comprising the brewery (except when an encumbrance on equipment is held by, or the equipment is leased from, the manufacturer thereof or his representative or franchised distributor).

(l) A statement setting forth the authorized, the issued, the classifications, and the par value of the capital stock or other evidence of ownership of a corporate brewer, or, in the case of an individual owner or partnership, a statement giving the name of every person interested in the brewery, whether such interest appears in the name of the interested party or in the name of another for him.

(m) A list of the names and addresses of all stockholders and other persons having an interest of not less than 10 percent in the corporation or similar legal entity and the nature and amount of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him; also, a list of officers and directors, showing their residence and business addresses.

(n) The date of the notice and name and signature of the brewer. The name of the brewer, if an individual, must be typed or written, preceded by the trade name, if any, and followed either by the signature of the brewer and the words "sole owner" or by the signature of a duly empowered attorney in fact and his title as such. In the case of a partnership, the trade name of the firm shall be typed or written, followed by the word "By" and the signatures of all partners, or of any partner duly authorized to sign in behalf of the firm, or of a duly empowered attorney in fact. If a corporation, the form will be executed in the corporate name immediately followed by the signature and title of the person duly authorized to act in its behalf. If the brewer is any other entity, the notice shall be signed by such person or persons as are duly authorized and empowered so to do.

(72 Stat. 1388, as amended; 26 U.S.C. 5401)

PAR. 10. Section 245.44, the heading of Subpart H, and § 245.45 are amended to include reference to continuation certificates. As amended, § 245.44, the heading of Subpart H, and § 245.45 read as follows:

§ 245.44 Supplemental and superseding notices.

The brewer shall file an amended or supplemental Form 27–C, as provided in Subpart L of this part, where there is any change with respect to items of information recorded on the active Forms 27–C on file. Such amended or supplemental notices may be in skeleton form. The brewer shall file a new and complete notice, superseding those previously filed, once every 4 years, which new notice will become effective on the date of renewal of the brewer's bond or the effective date of the brewer's continuation certificate as provided in § 245.45: *Provided*, That where the information and documents required by § 245.41 (f), (g), (h), (i), (j), (l), and (m) are on file as an attachment to a previously filed and approved Form 27–C and reflect current data, such information and documents may be incorporated by reference in, and be made a part of, the new and complete notice. Where a brewer files a new bond before expiration of the usual 4-year period, as provided in § 245.49, the assistant regional commissioner may require the filing of a new and complete notice, which supersedes those previously filed and which may incorporate information and documents contained in a preyiously filed and approved Form 27–C and reflecting current data, as provided in this section. The new notice will become effective on the effective date of the new bond, or the assistant regional commissioner may postpone the filing of such new notice until such time as the new bond is renewed or superseded.

Subpart H—Bonds, Continuation Certificates, and Consents of Surety

§ 245.45 General.

Every person intending to commence the business of a brewer shall, in connection with filing his notice, Form 27–C, file a bond, Form 1566, in accordance with the provisions of this subpart. Every brewer intending to continue the business of a brewer shall, once every 4 years (or as provided in § 245.49) execute and file with the assitant regional commissioner a new bond in accordance with the provisions of this subpart, or a continuation certificate as provided in § 245.45a. Such bond or continuation certificate shall be in lieu of any former bond or bonds, or former continuation certificate or certificates, of the brewer in respect to all liabilities accruing after approval of the new bond or continuation certificate. Consents of surety to a change in the terms of any bond filed under this part shall be manifested on Form 1533 by the principal and by the surety on the bond with the same formality and proof of authorization as required for the execution of the bond. No person shall continue or commence the business of a brewer until he receives notice from the assistant regional commissioner of the approval of the bond, continuation certificate, or consent of surety required by this part.

(72 Stat. 1388, as amended; 26 U.S.C. 5401)

PAR. 11. A new section, § 245.45a, is added immediately following § 245.45 to prescribe the conditions under which a continuation certificate may be submitted. As added, § 245.45a reads as follows:

§ 245.45a Continuation Certificate, Form 1566–A.

If the contract of surety between the brewer and the surety on an expiring bond or continuation certificate is continued in force between the brewer and surety for a succeeding period of not less than 4 years from the expiration date of such bond or continuation certificate, the brewer may submit, in lieu of a new bond, a continuation certificate on Form 1566–A, executed under the penalties of perjury, by the brewer and the surety attesting to continuation of the bond. Each continuation certificate shall constitute a bond and all provisions of law and regulations applicable to bonds on Form 1566 given pursuant to this part, including the disapproval of bonds, shall be applicable to continuation certificates prescribed by this section.

(72 Stat. 1388, as amended; 26 U.S.C. 5401)

PAR. 12. Section 245.47 is amended to add additional conditions to the brewer's bond with respect to brewers and proprietors of pilot brewing plants, and to change "free of tax" to "without payment of tax". As amended, § 245.47 reads as follows:

§ 245.47 Conditions of bond.

The brewer's bond shall be conditioned that the principal shall pay, or cause to be paid, to the United States according to the laws of the United States and this part, the taxes, including penalties and interest, for which (a) the brewer shall become liable, on all beer, including all beer removed for transfer to the brewery from other breweries owned by the brewer, all beer removed without payment of tax for export or removed for use as supplies on vessels or aircraft, which is not exported or otherwise accounted for, and all beer removed without payment of tax for use in research, development, or testing, and (b) the proprietor of a pilot brewing plant shall become liable, on all beer brewed, produced, or received on the pilot brewing plant; and shall in all respects comply without fraud or evasion with all requirements of law and this part relating to the production and sale of beer.

(72 Stat. 1388, as amended, 84 Stat. 2057; 26 U.S.C. 5401, 5417)

PAR. 13. Section 245.67 is amended to delete reference to the brewery bottling house. As amended, § 245.67 reads as follows:

§ 245.67 Depiction of brewery.

The plat shall show, in a manner reflecting the brewer's description on Form 27–C, the outer boundaries of the brewery. The plat shall also contain an accurate depiction of all brewery buildings and any driveway, public passageway, street, highway, waterway, or carrier right-of-way adjacent thereto or connecting therewith. If the parts of the brewery are separated as provided in § 245.11, the different parts shall be depicted individually. If two or more buildings are used, the designated name or use of each (including its alphabetical or numerical designation, if any) shall be indicated and all connecting pipelines used for the conveyance of beer between the same shall be depicted. All pipelines and other connections for the conveyance of beer between brewery buildings or between the brewery and other premises shall be indicated on the plat and identified as to use. The conduit or pipeline used for the transfer of beer for bottling shall be shown in red, and the location of meters shall also be shown. The direction of flow of beer through pipelines shall be indicated by arrows.

PAR. 14. Sections 245.87 and 245.95 are amended to include reference to continuation certificates. As amended, §§ 245.87 and 245.95 read as follows:

§ 245.87 Fiduciary.

If the brewery is to be operated by an administrator, executor, receiver, trustee, assignee, or other fiduciary, the fiduciary may in lieu of filing a new notice, bond, and plat, file an amended or supplemental notice, furnish a consent of surety extending the terms of his predecessor's bond or continuation certificate, and adopt the plat of such predecessor. The fiduciary shall also furnish certified copies, in triplicate, of the court order or other pertinent documents, showing his qualifications as such fiduciary. The effective date of the qualifying documents filed by a fiduciary shall be the same as the date of the order, or the date specified therein, for him to assume control. If the fiduciary was not appointed by the court the date of his appointment shall coincide with the effective date of the qualifying documents filed by him.

§ 245.95 Change in location.

Where there is a change in the location of the brewery, the brewer shall file an amended Form 27–C and a new plat and bond, except that in lieu of filing a new bond, Form 1566, the brewer may furnish a consent of surety, Form 1533, in accordance with § 245.45 extending the terms of the bond or continuation certificate given for the former location to cover operation of the brewery at the new location. The new location may not be used for the business of brewing until the documents required by this part are approved by the assistant regional commissioner.

(72 Stat. 1388, as amended; 26 U.S.C. 5401)

PAR. 15. Section 245.96 is amended to delete reference to the brewery bottling house. As amended, § 245.96 reads as follows:

§ 245.96 Changes in premises.

Where the brewery is to be extended or curtailed, the brewer shall file with the assistant regional commissioner an amended Form 27–C and amended plat. The additional facilities covered by an extension may not be used for the proposed purposes, and the portion to be excluded by a curtailment may not be used for other than the previously approved purposes, prior to approval of Form 27–C.

(72 Stat. 1388, as amended; 26 U.S.C. 5401)

PAR. 16. Section 245.116 is amended to prescribe the method for determining the amount of tax due on beer removed on any business day. As amended, § 245.116 reads as follows:

§ 245.116 Time of tax determination and payment.

The tax on beer shall be determined at the time of its removal for consumption or sale, and shall be paid by return as provided in this part. In determining the amount of tax due on beer so removed on any business day, the quantity of beer returned to the same brewery from which removed for consumption or sale shall be taken as an offset against or deduction from the total quantity of beer removed for consumption or sale from that brewery on the business day that such beer is returned.

(72 Stat. 1334, 1335, as amended; 26 U.S.C. 5054, 5056, 5061)

§ 245.116a [Deleted]

PAR. 17. Section 245.116a is deleted.

PAR. 18. Section 245.117a is amended with respect to the prepartion and filing of semimonthly returns, Form 2034. As amended, § 245.117a reads as follows:

§ 245.117a Semimonthly return.

(a) *General.* The tax on beer shall (unless prepaid) be paid by semimonthly return on Form 2034, which shall be filed, with remittance, for the full amount of tax due as shown on the return. The quantities of keg and bottled beer removed daily for consumption or sale during the period covered by the return and the aggregate quantity thereof, and the quantities of beer returned daily to the brewery from which removed for consumption or sale and the aggregate quantity thereof, shall be reported in the tax return. Form 2034 shall be filed as a semimonthly return regardless of whether tax has been prepaid as provided in § 245.117c during the return period. The brewer shall include for payment on his return the full amount of tax required to be determined (and which has not been prepaid) on all beer removed for consumption or sale during the period covered by the return. Prepayments made by the brewer during the semimonthly period shall be separately shown on the return. A return, Form 2034, shall be filed covering each return period even though no beer was removed for consumption or sale during the period.

* * * * * *

(c) *Time for filing returns and paying tax.* The semimonthly tax return, Form 2034, for each return period, shall be filed, with remittance, not later than the close of the last full calendar day of the

return period next succeeding that period.

(d) *Timely filing.* Where the semimonthly return and remittance are delivered by U.S. mail to the office of the district director, the date of the official postmark of the U.S. Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery of such return and remittance: *Provided,* That where the postmark on the cover is illegible, the burden of proving when the postmark was made will be on the brewer: *Provided further,* That where the return and remittance are sent by registered mail, the date of registry, or where the return and remittance are sent by certified mail, the date of the postmark on the sender's receipt, shall be treated as the postmark date of the return and remittance.

(72 Stat. 1335; 26 U.S.C. 5061)

PAR. 19. Section 245.141 is amended to delete reference to the brewery bottling house. As amended, § 245.141 reads as follows:

§ 245.141 Kinds of containers.

Beer may be transferred without payment of tax from one brewery to another brewery belonging to the same brewer (a) in the brewer's hogsheads or packages or (b) in tanks, tank cars, tank trucks, tank ships, barges, or deep tanks of vessels, subject to such limitations and conditions as may be imposed by the assistant regional commissioner. All such containers shall be marked, branded, or labeled as provided in Subpart O of this part.

(72 Stat. 1389; 26 U.S.C. 5414)

PAR. 20. Subpart S relating to beer returned to the brewery is amended to read as follows:

Subpart S—Beer Returned to Brewery or Voluntarily Destroyed

Sec.
245.155 Beer returned to brewery.
245.156 Beer returned to brewery from which removed.
245.157 Beer returned to a brewery other than that from which removed.
245.158 Beer voluntarily destroyed without return to brewery.

Subpart S—Beer Returned to Brewery or Voluntarily Destroyed

§ 245.155 Beer returned to brewery.

(a) *General.* Beer, produced in the United States, on which the brewer has paid or determined the tax may be returned to any brewery of the brewer. Upon return of the beer the brewer shall determine the actual quantity of beer received, expressed in barrels. The burden of proof of establishing the correct quantity of beer returned is on the brewer and where kegs or cases containing less than the original contents are involved, the actual quantity of beer shall be determined by weight unless the assistant regional commissioner has authorized the use of another method.

(b) *Disposition of returned beer.* Beer returned to the brewery under the provisions of this subpart may be disposed of in any manner prescribed for beer which has never left the brewery. If such returned beer is again removed for consumption or sale, the tax shall be determined and paid without respect to the tax which was paid or determined at the time of prior removal of the beer.

(c) *Records.* The brewer's daily records required by § 245.225 shall show as to beer returned to the brewery under the provisions of this subpart:

(1) The date;

(2) The quantity of beer returned;

(3) If the title to the beer has passed, the name and address of the person returning the beer; and

(4) If the beer was returned to a brewery other than the one from which removed, the name and address of the brewery from which the beer was removed.

The records of returned beer shall be supported by credits against loading slips, credit memorandums, or other commercial papers, and shall differentiate between beer returned to the brewery after removal therefrom and beer returned to the brewery after removal from another brewery owned by the brewer.

(72 Stat. 1334, 1335, as amended, 1390; 26 U.S.C. 5054, 5056, 5415)

§ 245.156 Beer returned to brewery from which removed.

Where beer on which the brewer has paid or determined the tax is returned to the same brewery from which removed, the quantity of beer so returned shall, as provided in § 245.116, be taken as an offset against or deduction from the total quantity of beer removed for consumption or sale from the brewery on the business day of such return.

(72 Stat. 1335, as amended, 1390; 26 U.S.C. 5056, 5415)

§ 245.157 Beer returned to a brewery other than that from which removed.

Where beer on which the brewer has paid or determined the tax is returned to a brewery owned by him but other than the brewery from which removed, refund or credit of the tax on such beer may be claimed by the brewer, or if the tax has not been paid he may be relieved of the liability therefor, in accordance with the provisions of Subpart T. If the brewer is required under the provisions of § 245.161 to file a notice of intention to return beer to the brewery, he may bring such beer onto the brewery premises prior to filing the notice; however, such beer shall be segregated from all other beer, shall be clearly identified as beer returned from another brewery, and shall be retained intact for inspection by internal revenue officers until the notice relating to such beer has been filed and disposition of the beer is authorized.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

§ 245.158 Beer voluntarily destroyed without return to brewery.

Beer on which the brewer has paid or determined the tax may be destroyed at a location other than that of any of his breweries and refund or credit of tax may be claimed by him upon compliance with the provisions of Subpart T.

(72 Stat. 1355, as amended; 26 U.S.C. 5056)

PAR. 21. Subpart T relating to refund and credit of tax or relief from liability is amended to read as follows:

Subpart T—Refund and Credit of Tax or Relief From Liability

Sec.
245.160 Refund or credit of tax on returned beer.
245.161 Notice by brewer.
245.162 Supervision.
245.163 Beer lost by fire, theft, casualty, or act of God.
245.164 Claims for refund of tax.
245.165 Claims for allowance of credit for tax.

Subpart T—Refund and Credit of Tax or Relief From Liability

§ 245.160 Refund or credit of tax on returned beer.

The tax paid by a brewer on beer produced in the United States and returned to any brewery of the brewer may be refunded or credited to him (without interest) or, if the tax has not been paid, he may be relieved of liability therefor: *Provided,* That no such refund, credit, or relief shall be allowed on beer for which an offset against or deduction from removals has been taken as provided in § 245.116. Similar refund, credit, or relief may be allowed the brewer in respect of the tax paid or determined on beer voluntarily destroyed as provided in this subpart.

(72 Stat. 1355, as amended; 26 U.S.C. 5056)

§ 245.161 Notice of brewer.

(a) *Beer to be destroyed.* When a brewer possesses beer on which he has paid or determined the tax and which he desires to destroy elsewhere than in any of his breweries, he shall give written notice of his intention, in triplicate, to the assistant regional commissioner of the region in which the beer is to be destroyed: *Provided,* That such notice may be submitted directly to an inspector at any of his breweries if the place of destruction and the brewery are in the same region. The notice, which shall be serially numbered, shall be executed under penalties of perjury as defined in § 245.5. The notice shall specify the date on which the beer is to be destroyed, which date shall not be less than 12 days from the date of the notice. If, before the date specified in the notice, an internal revenue officer has not supervised destruction of the beer, or the assistant regional commissioner has not advised the brewer to the contrary, the brewer may destroy the beer on the date and in the manner stated in the notice. Where the notice is given to an inspector at the brewery, the inspector may supervise the transaction or transmit the notice to the assistant regional commissioner. The notice shall contain the following information:

(1) The number and sizes of kegs and the actual quantity of beer contained therein expressed in barrels; or the number of cases, the number and size in ounces of the bottles comprising the cases, and the actual quantity of beer contained therein expressed in barrels. (The burden of proof of establishing the correct quantity of beer is on the brewer and where kegs or cases containing less than the original contents are involved, the actual quantity of beer shall be determined by weight unless the assistant regional commissioner has authorized the use of another method.)

(2) The date on which the beer was received for destruction.

(3) A statement that the tax on the beer has been fully paid or determined.

(4) If the title to the beer has passed, the name and address of the person returning the beer.

(5) The location at which the brewer desires to accomplish destruction and the reason for not returning the beer to the brewery.

(b) *Additional notice requirements.* The assistant regional commisioner may, where he deems it necessary, require a brewer who desires to return beer on which he had paid or determined the tax to any of his breweries other than the brewery from which removed, to give written notice in the same manner as is required by paragraph (a) of this section with respect to beer which is to be destroyed elsewhere than in any of his breweries.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

§ 245.162 Supervision.

On receipt of the brewer's notice, the assistant regional commissioner shall, if he considers it necessary for the protection of the revenue, assign an inspector to verify the statements therein and, to the extent the assistant regional commissioner deems necessary, to witness the destruction of the beer or to verify the quantity of beer returned to the brewery. The assistant regional commissioner may require that the destruction of the beer be delayed, and that returned beer remain segregated, pending arrangement of a convenient time for supervision. If the place of destruction is not readily accessible to an inspector, the assistant regional commissioner may require that the beer be moved to a more convenient location.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

§ 245.163 Beer lost by fire, theft, casualty, or act of God.

(a) *General.* In accordance with the provisions of this part the tax paid by any brewer on beer produced in the United States may be refunded or credited (without interest), or, if the tax has not been paid, the brewer may be relieved of liability therefor if, before transfer of title thereto to any other person, such beer is lost, whether by theft or otherwise, or is destroyed or otherwise rendered unmerchantable by fire, casualty, or act of God. In any case in which beer is rendered unmerchantable by fire, casualty, or act of God, refund or credit, or relief from liability of tax shall not be allowed unless the brewer proves to the satisfaction of the assistant regional commissioner that such beer cannot be salvaged and returned to the market for consumption or sale. In any case in which beer is lost or destroyed, whether by theft or otherwise, the assistant regional commissioner may require the brewer to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the tax shall be collected unless the brewer proves to the satisfaction of the assistant regional commissioner that such theft occurred before removal from the brewery and occurred without connivance, collusion, fraud, or negligence on the part of the brewer, consignor, consignee, bailee, or carrier, or the employees or agents of any of them.

(b) *Claims.* A brewer who sustains a loss of beer before transfer of title thereto to another person and desires to file a claim for refund or credit, or for relief from liability of tax, shall, on learning of such loss, immediately notify the assistant regional commissioner of the region in which the loss occurred of the nature, cause, and extent of the loss, and the place where such loss occurred. Statements of witnesses or other supporting documents should be furnished, if available. When such notice, and supporting documents where furnished, are received by the assistant regional commissioner, he will examine the reasons for the described loss and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary for use in connection with the claim when it is submitted. The tax liability on excessive losses of beer from transfers between breweries of the same ownership may be remitted as provided in § 245.143.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

§ 245.164 Claims for refund of tax.

Claims for refund of tax shall be filed on Form 843. Such claims, if for refund of tax on beer returned to a brewery of the brewer or voluntarily destroyed at a location other than the brewery, shall show (a) the name and address of the brewer filing the claim, the address of the brewery from which the beer was removed, and the address of the brewery to which the beer was returned, as applicable, (b) the quantity of beer covered by the claim, (c) the amount of tax for which the claim is filed, (d) the reason for return or voluntary destruction of the beer and the facts relating thereto, (e) whether the brewer is indemnified by insurance or otherwise in respect of the tax, and, if so, the nature of such indemnification, (f) the claimant's reasons for believing that the claim should be allowed, and (g) the date on which the beer was returned to the brewery (where applicable), the name of the person from whom the beer was received, and a statement that the tax has been fully paid or determined. If the claim is for refund of tax on beer lost, whether by theft or otherwise, or destroyed or otherwise rendered unmerchantable by fire, casualty, or act of God, it shall contain the information specified in paragraphs (a), (b), (c), (e), and (f) of this section, and a statement of the circumstances surrounding the loss, and, where applicable, the reason that the beer rendered unmerchantable cannot be salvaged and returned to the market for consumption or sale. The claim shall also show the date of the loss, and, if lost in transit, the name of the carrier. Notices required under §§ 245.161 and 245.163 shall be incorporated, by reference, in claims. Claims covering losses shall be supported, whenever possible, by affidavits of persons having knowledge of the loss, unless such affidavits are contained in the notice given under § 245.163. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. Any claim on Form 843 shall be filed with the assistant regional commissioner of the region in which the beer was returned, lost, destroyed, or rendered unmerchantable, within 6 months after the date of such return, loss destruction, or rendering unmerchantable. Such claims will not be allowed if filed after the prescribed time or if the claimant was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

§ 245.165 Claims for allowance of credit for tax.

In lieu of filing a claim for refund of tax as provided in § 245.164, a brewer may file with the assistant regional commissioner of the region in which the beer was returned, lost, destroyed, or rendered unmerchantable, a claim on Form 2635 for allowance of credit for the tax paid. Any claim for credit filed on Form 2635 shall include all of the information required under § 245.164 with respect to a claim for refund on Form 843. Notices required under §§ 245.161 and 245.163 shall be incorporated, by reference, in such claims. The brewer shall not anticipate allowance of a credit or make an adjusting entry therefor in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the credit or any part thereof is received from the assistant regional commissioner, the brewer may make a proper adjusting entry and explanatory statement in the next subsequent beer tax return (or returns) to the extent necessary to exhaust the credit. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. A claim for allowance of credit for tax paid on beer must be filed within 6 months after the date the beer was returned, lost, destroyed, or rendered unmerchantable. A claim will not be allowed if filed after the prescribed time or if the brewer was in-

demnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

PAR. 22. Section 245.211 is amended to delete reference to "bottles" and "bottled" in the first and second sentences. As amended, § 245.211 reads as follows:

§ 245.211 Production and removal of cereal beverage.

Brewers who produce cereal beverage may remove such beverage in packages without payment of tax. The method of production must be such that the alcohol content of the product will not increase while in the original container after being removed from the brewery. Cereal beverage shall be kept separate from beer and when it is to be packaged shall pass through the appropriate beer meters. Beer kegs or barrels may be used for packaging cereal beverage if the sides are durably painted at each end with a white stripe not less than 4 inches in width and the heads are durably painted in a solid color, with conspicuous lettering in a contrasting color reading: "Nontaxable under section 5051 I.R.C." The word "non-taxable" shall be not less than 1 inch high and of proportionate width, the remaining words shall be not less than one-half inch high and of proportionate width. The name or trade name and the address of the brewer must also be legibly marked on the package. Bottle labels shall show the name or trade name and address of the brewer, the distinctive name of the beverage, if any, and the legend "Nontaxable under section 5051 I.R.C." Other information, which is not inconsistent with the requirements of this section, may be shown on such labels. Cases or other shipping containers shall be marked to show the nature of the product contained therein, and the name or trade name and address of the brewer.

(72 Stat. 1389, as amended, 1395; 26 U.S.C. 5411, 5552)

PAR. 23. Subpart Y relating to removals for analysis is amended to read as follows:

Subpart Y—Removals for Analysis, Research, Development, or Testing

Sec.
245.215 Analytical purposes.
245.216 Research, development, or testing purposes.
245.217 Application.
245.218 Consent of surety.
245.219 Containers and marks.

Subpart Y—Removals for Analysis, Research, Development, or Testing

§ 245.215 Analytical purposes.

A brewer may remove beer, without payment of the tax thereon, to a laboratory for analytical purposes to determine the character or quality of the product. The brewer shall make daily entries in his records of all such removals showing the person to whom such beer was delivered, the location where delivered, the means of delivery, and the purpose of the analysis. The total quantity removed each month shall be reported on Form 103.

(72 Stat. 1334, as amended; 26 U.S.C. 5053)

§ 245.216 Research, development, or testing purposes.

The assistant regional commissioner may authorize the brewer to remove beer without payment of tax for use in research, development, or testing (other than consumer testing or other market analysis) of processes, systems, materials, or equipment relating to beer or brewery operations.

(72 Stat. 1334, as amended; 26 U.S.C. 5053)

§ 245.217 Application.

A brewer who desires to remove beer without payment of tax under the provisions of § 245.216 shall, for each such removal, submit a letter application, in triplicate (in quadruplicate if the consignee is in another region), to the assistant regional commissioner of the region in which the brewery is located. The application shall specify:

(a) The name and address of the brewer;

(b) The name and address of the consignee;

(c) The kind and quantity of beer to be removed;

(d) The type of container in which the beer will be removed;

(e) The nature of the research, development, or testing to be conducted;

(f) The manner of disposing of the beer after completion of the operations. The brewer shall submit with his application:

(1) A new bond, Form 1566, conditioned as provided in § 245.47, or a consent of surety, Form 1533, as provided in §245.218, extending the terms of his existing bond, Form 1566, unless the bond then in force is so conditioned;

(2) A written statement, executed under the penalties or perjury by the consignee, agreeing that he will maintain records of the receipt, use, and disposition of all beer received by him and that such records will be available during regular business hours for inspection by internal revenue officers.

One copy of the approved application will be returned to the brewer as his authority to remove the beer from his brewery, and one copy will be sent to the consignee as his authority to use the beer for the purposes stated in the approved application. The brewer shall report the total quantity of beer removed under the provisions of § 245.216 on his monthly report, Form 103, appropriately identified as to the purpose of the removal.

(72 Stat. 1334, as amended; 26 U.S.C. 5053)

§ 245.218 Consent of surety.

Each consent of surety on Form 1533 given under the provisions of § 245.217 shall identify the particular bond, Form 1566, to which it applies and shall contain a statement of purpose as follows:

To continue in effect and extend the terms and conditions of said bond, including all extensions or limitations of such terms and conditions previously consented to and approved, to cover the tax, for which the principal shall become liable, on all beer removed by him, from time to time, without payment of tax for use in research, development, or testing of processes, systems, materials, or equipment relating to beer or brewery operations, and which is not so used or otherwise lawfully disposed of or accounted for.

§ 245.219 Containers and marks.

Beer may be removed, as authorized by § 245.216, in packages and, when approved by the assistant regional commissioner, in other containers. Each barrel, keg, case, or shipping container shall be plainly marked with the name and address of the brewer and the consignee; the identification of the product and the quantity thereof; and the words "Not for Consumption or Sale." If beer is to be so removed in a bulk conveyance, the marks shall be placed on the route board of such conveyance.

PAR. 24. Section 245.225 is amended to delete reference to the brewery bottling house and to provide for additional data to be recorded in the brewer's records. As amended, § 245.225 read as follows:

§ 245.225 Records.

The brewer shall maintain, at his brewery, daily records which will accurately and clearly reflect by quantity the following:

(a) Each kind of material received and used in the production of beer and cereal beverage (including, in the case of wort and concentrated wort, the balling thereof and the quantity and kind of each material used in the production thereof).

(b) Beer and cereal beverage produced (including water added after production is ascertained).

(c) Beer and cereal beverage transferred for bottling and racking.

(d) Beer and cereal beverage bottled and racked.

(e) Cereal beverage removed from the brewery.

(f) Beer removed for consumption or sale and beer removed without payment of tax, showing with respect to each removal the date of removal, the identity of the person to whom the beer was shipped or delivered (not required in the case of sales in quantities of one-half barrel or less for delivery at the brewery), and the quantities of beer removed in kegs and bottles: *Provided*, That where the brewer keeps, at the brewery, copies of invoices or other commercial records containing the information required as to each such removal, such copies may be used in lieu of any other record required by this paragraph if they are maintained in such manner that the assistant regional commissioner is satisfied that the information may be readily ascertained therefrom by internal revenue officers.

(g) Beer consumed at the brewery.

(h) Beer returned to the brewery after removal therefrom.

(i) Beer returned to the brewery after removal from another brewery owned by the brewer.

(j) Beer reconditioned, used as material, or destroyed.

(k) Beer received from other breweries or received from pilot brewing plants.

(l) Brewing materials, beer and cereal beverage in process, and finished beer and cereal beverage on hand.

(m) Beer and cereal beverage lost due to breakage, theft, casualty, or other unusual cause.

(n) Brewing materials sold or transferred to pilot brewing plants (including the name and address of the person to whom shipped or delivered) and brewing materials used in the manufacture of wort, wort concentrate, malt sirup, and malt extract for sale or removal.

The brewer shall also maintain a record reflecting shortages and overages of beer and cereal beverage disclosed by physical inventories taken at least once each calendar month: *Provided*, That a physical inventory taken on a Saturday or Sunday next succeeding the last day of any calendar month, or on a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located) falling within the first 7 days of the next calendar month, shall be deemed to be a physical inventory taken during the calendar month immediately preceding such Saturday or Sunday or legal holiday. The brewer shall maintain a record of the ballings of the wort produced, and of the ballings and the alcohol content of beer and cereal beverage transferred (1) for bottling and racking, (2) between breweries in bulk conveyances, and (3) of beer transferred to pilot brewing plants. The records reflecting ballings and alcohol content need not be consolidated and averaged daily unless the brewer so desires. The brewer's records shall include all supplemental and auxiliary records of individual operations and transactions of the brewery needed for compilation purposes and for verification by internal revenue officers. The daily totals of transactions and operations of the brewery shall be recorded on Form 2051 unless alternate records showing the information required thereby are used by the brewer as provided herein. Specimen copies of Form 2051 will be furnished brewers by assistant regional commissioners. Form 2051, if maintained, will be provided by brewers at their own expense. Assistant regional commissioners may authorize brewers to modify Form 2051 to adapt its use to tabulating or other data processing equipment, or to the brewer's special operations, or to provide additional information, where such modifications are not inconsistent with the general requirements of accuracy and clarity. Where a brewer's records show the required information in any other form of record or combination of records, the brewer may use such records in lieu of maintaining Form 2051. The Director, Alcohol and Tobacco Tax Division, may require the maintenance of Form 2051 by any brewer when the interests of the United States so demand. All entries in the records required by this part shall be made not later than the close of the business day next succeeding the day on which the transactions occur: *Provided*, That when the last day for making such entries falls on Saturday, Sunday, or a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located), such entries shall be considered timely if they are made on the next succeeding day which is not a Saturday, Sunday, or a legal holiday (of the particular State or District of Columbia wherein the brewery is located).

(72 Stat. 1390; 1395; 26 U.S.C. 5415, 5555)

PAR. 25. Section 245.230 relating to disposition of unsalable beer is amended to read as follows:

§ 245.230 Disposition of unsalable beer.

A brewer having unsalable beer in packages or tanks in his brewery, may destroy, recondition, or use such beer as material. The brewer shall report the quantity of such beer destroyed, reconditioned, or used as material, in his daily records and on Form 103. If the unsalable beer consists of rejects from the packaging operations, such beer may be destroyed without being included in the packaging production records, and, when so destroyed, shall be so reported in the brewer's daily records and on Form 103. When reject bottled beer is to be consumed at the brewery or sold to brewery employees, or is cased or otherwise accumulated pending other disposition, the quantity thereof must be included in the packaging production and be so reported in the brewer's daily records and on Form 103.

(72 Stat. 1389, as amended, 1390, 1395; 26 U.S.C. 5411, 5415, 5555)

PAR. 26. Section 245.242 is amended to delete reference to the brewery bottling house and racking room. As amended, § 245.242 reads as follows:

§ 245.242 Operations.

The operations incident to the production of concentrate and the reconstitution of beer therefrom shall be conducted in the brewery. Each tank, vat, cask, or other container used or intended for use as a receptacle for concentrate shall meet the requirements of § 245.25. Such receptacles shall be identified as containers of concentrate. Concentrate produced shall be identified and accounted for by the serial number of Form 3019 under which it was produced and shall not be mingled with unconcentrated beer. The brewer shall accurately measure the quantity and determine the balling and alcohol content of all (a) beer entered into the concentration process, (b) concentrate produced, (c) concentrate transferred to other breweries belonging to the same brewer, (d) concentrate removed for export, (e) concentrate received, (f) concentrate used in reconstituting beer, and (g) beer reconstituted. Containers of concentrate transferred to other breweries belonging to the same brewer, and containers of concentrate removed for export shall be marked, branded, and labeled in the same manner as is prescribed for containers of beer in Subpart O of this part and shall be clearly marked as containers of concentrate. Barrels, kegs, and bottles containing reconstituted beer shall show by label or otherwise the statement "Produced From _____ Concentrate"; the blank to be filled in with the appropriate class designation of the beer (beer, lager beer, ale, stout, etc.) from which the concentrate was made. Such statement shall be conspicuous and readily legible and, in the case of bottled beer, shall appear in direct conjunction with, and as a part of, the class designation of the reconstituted beer. All parts of the class designation shall appear in lettering of substantially the same size and kind.

PAR. 27. Subpart CC relating to experimental breweries is amended to read as follows:

Subpart CC—Pilot Brewing Plants

Sec.
245.251 General.
245.252 Application.
245.253 Action on application.
245.254 Bond.
245.255 Special tax.
245.256 Operations and records.
245.257 Transfers from the pilot brewing plant.
245.258 Discontinuance of operations.

Subpart CC—Pilot Brewing Plants

§ 245.251 General.

A pilot brewing plant may be established and operated off the brewery premises for specific and limited periods of time for research, analytical, experimental, or developmental purposes with regard to beer or brewery operations. Such plants shall be established and operated as provided in this subpart. Notwithstanding the implications of any other section of this part, beer may be removed from such plant only for analysis and/or organoleptic examination. Beer may be transferred to the pilot brewing plant from a brewery of the same ownership in accordance with the provisions of Subpart Q of this part. Subject to the provisions of § 245.257, beer may be transferred without payment of tax from the pilot brewing plant to a brewery of the same ownership. The provisions of Subparts A, B, J, K, N, and Z of this part and of § 245.10 shall be applicable to pilot brewing plants established under this subpart. Also, the provisions of § 245.45 relating to consents of surety, §§ 245.45a, 245.48–245.61, 245.86, 245.91, 245.93, 245.94, 245.95, relating to bonds, continuation certificates, and consents of surety, and §§ 245.97–245.100, shall be applicable to bonds, continuation certificates and consents of surety given, and to changes in the proprietorship, location, and premises of pilot brewing plants established under this subpart.

(84 Stat. 2057; 26 U.S.C. 5417)

§ 245.252 Application.

(a) *Original.* Any person who desires to establish a pilot brewing plant under the provisions of this subpart shall file

an application therefor with the assistant regional commissioner. The application shall be in writing, in triplicate, and shall state (1) the name and address of the applicant; (2) a description of the premises and equipment to be used in the operations of such plant; (3) the nature, purpose, and extent of the operations; and (4) that the applicant agrees to comply with all provisions of this part applicable to operations to be conducted. The assistant regional commissioner may authorize the operation of a pilot brewing plant if he determines that such plant will be operated solely for one or more of the purposes specified in § 245.251 and that the operations will be such that the revenue will not be jeopardized. Such authorization will expire on the last day of the period specified therein, but in no case shall such period exceed 4 years. The assistant regional commissioner may at any time before or after approval of an application require the submission of such additional information as he considers necessary for administration of the applicable provisions of this part or for the protection of the revenue. Authorization to operate a pilot brewing plant may be withdrawn whenever in the judgment of the assistant regional commissioner the revenue would be jeopardized by the operations of such plant.

(b) *Renewal of authorization.* Any person who desires to continue the operation of a pilot brewing plant after the expiration of his authorization shall file a new and complete application and a new bond, Form 1566, or continuation certificate, Form 1566–A, as applicable: *Provided*, That in any case where the existing bond or continuation certificate has not expired or has not been terminated, a new bond or continuation certificate will not be required until the expiration of the existing bond or continuation certificate. The new application, which shall supersede those previously filed, shall conform to the requirements of paragraph (a) of this section. Operation of a pilot brewing plant shall not continue until the new application required by this section has been approved by the assistant regional commissioner.

(84 Stat. 2057; 26 U.S.C. 5417)

§ 245.253 Action on application.

If the assistant regional commissioner approves the application, he will so note each copy and forward one copy to the applicant. The applicant shall file his copy of the approved application at his premises, available for inspection by internal revenue officers.

§ 245.254 Bond.

Any person requesting authorization to establish a pilot brewing plant as provided in § 245.252 shall also execute and file bond on Form 1566. Notwithstanding the provisions of § 245.46 relating to penal sum of bonds, the penal sum of the bond covering the premises of a pilot brewing plant shall be in an amount equal to the tax value of the maximum quantity of beer on hand, in transit to the plant, and unaccounted for at any one time, computed by multiplying such quantity expressed in barrels by the rate of tax prescribed by section 5051, I.R.C.: *Provided*, That the penal sum of any such bond (or total penal sum if original and strengthening bonds are filed) shall not exceed $50,000 nor be less than $500. The operation of the pilot brewing plant shall not commence until the applicant receives notice from the assistant regional commissioner of the approval of such bond. Such operation may continue only so long as an approved bond (or continuation certificate) is in effect. The bond shall be conditioned that the operator of the pilot brewing plant shall pay, or cause to be paid, to the United States according to the laws of the United States and the provisions of this part, the taxes, including penalties and interest for which he shall become liable, on all beer brewed, produced, or received on the premises.

§ 245.255 Special tax.

The special tax imposed on a brewer by section 5091, I.R.C., shall be paid in accordance with Subpart K of this part.

§ 245.256 Operations and records.

On receipt of the approved application and bond, operations may commence. Monthly reports of operations need not be filed with the assistant regional commissioner, but records which are, in the opinion of the assistant regional commissioner, appropriate to the type of operation being conducted shall be maintained, available for inspection by internal revenue officers. Such records shall include information sufficient to fully account for the receipt, production, and disposition of all beer received or produced on the premises, and the receipt (and disposition, if removed) of all brewing materials.

§ 245.257 Transfers from the pilot brewing plant.

(a) *Application.* The proprietor of a pilot brewing plant who desires to remove beer, without payment of tax, from his plant for transfer to a brewery of the same ownership shall, for each such removal, make application to and receive the approval of the assistant regional commissioner of the region in which such brewery is located, before any beer is so removed for transfer. The application shall be filed in duplicate and shall specify:

(1) The purpose for which filed;

(2) The name and address of the pilot brewing plant;

(3) The name and address of the brewery to which the beer is to be transferred;

(4) The approximate quantity to be transferred; and

(5) If the product to be transferred is a fermented beverage which the brewer intends to market under a name or designation other than "beer," "ale," "porter," or "stout," the name or other designation of the product, the kinds and quantities of materials used, the method of manufacture, and the approximate alcohol content of the finished product. The assistant regional commissioner may require that samples of the beer or fermented beverage to be removed for transfer be submitted to him for analysis before taking action on any application. If the application is approved, a copy will be returned to the applicant as his authority to remove the beer for transfer.

(b) *Consent required.* Each application to remove beer from the pilot brewing plant for transfer to a brewery of the same ownership shall be accompanied by a Consent of Surety, Form 1533, extending the terms of the bond or continuation certificate of the consignee brewer to cover the transportation and receipt of the beer. The consent of surety shall identify the particular bond, Form 1566, or continuation certificate, Form 1566–A, to which it applies and shall contain a statement of purpose as follows:

To continue in effect and extend the terms and conditions of said bond or continuation certificate, including all extensions or limitations of such terms and conditions previously consented to and approved, to cover the tax, for which the principal shall become liable, on the quantity of beer to be removed for transfer to such brewery from a pilot brewing plant owned by him.

(c) *Applicable procedure.* The provisions of Subpart Q of this part shall be applicable to approved transfers of beer without payment of tax from a pilot brewing plant to a brewery of the same ownership: *Provided*, That, where the provisions of § 245.146 or § 245.147 require that Form 2035 be submitted by the consignor with his Form 103 covering the month during which the beer was shipped, the proprietor of the pilot brewing plant shall forward Form 2035 to his assistant regional commissioner not later than the close of the business day next succeeding the business day during which the beer was transferred.

§ 245.258 Discontinuance of operations.

When operations are to be discontinued, the proprietor shall notify the assistant regional commissioner in writing, in triplicate, stating therein the purpose of the notice and giving the date of the discontinuance. When operations have been completed and all beer on the premises has been disposed of and appropriately accounted for, the assistant regional commissioner will note his approval on the notice and return one copy to the proprietor.

[FR Doc.71–3027 Filed 3–4–71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

INSTALLATION OF AUTOMATIC WARNING DEVICES AND FIRE SUPPRESSION DEVICES ON BELT HAULAGEWAYS

Notice of Proposed Rule Making

In accordance with the provisions of section 311(g) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), and pursuant to the authority vested in the Secretary of the Interior under section 301(d) of the Act, it is proposed that Part 75 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations be amended by adding the following §§ 75.1103–2 through 75.1103–17, as set forth below, which prescribe the requirements for the installation of automatic warning devices on underground belt conveyors and the schedule for the installation of fire suppression devices on belt haulageways.

Interested persons may submit written comments, suggestions or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 45 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

FEBRUARY 25, 1971.

Part 75 of Chapter I, Subchapter O, Title 30, Code of Federal Regulations will be amended by adding the following:

§ 75.1103–2 Automatic fire sensors; approved components; installation requirements.

(a) The components of each automatic fire sensor required to be installed in accordance with the provisions of § 75.1103–1 shall be of a type approved by, and installed in accordance with, the recommendations of the Underwriters Laboratories, Inc. or Factory Mutual Research Corp.

(b) Automatic fire sensors shall be installed in accordance with the manufacturer's recommendations, and those set forth in National Fire Protection Association, Code 72A.

§ 75.1103–3 Automatic fire sensor and warning device systems; minimum requirements; general.

(a) Automatic fire sensor and warning device systems installed in the belt haulageways of underground coal mines on and after May 29, 1970, shall be assembled from components which meet the minimum requirements set forth in §§ 75.1103–4 through 75.1103–7.

(b) Any other automatic fire sensor and warning device system, the components of which have been approved by the Secretary, which provides no less effective means of automatically warning of a fire in belt haulageways shall meet the requirements of § 75.1103–2.

§ 75.1103–4 Automatic fire sensor and warning device systems; sectionalization; installation; minimum requirements.

(a) The automatic fire sensor and warning device system required to be installed in accordance with the provisions of § 75.1103–1 shall be sectionalized in increments of no more than 500 feet along the entire length of each belt haulageway in the mine.

(b) (1) One automatic fire sensor which responds to temperature rise shall be installed at the beginning and end of each sectionalized increment which does not exceed 125 feet in length.

(2) Where sectionalized increments exceed 125 feet in length, automatic sensors shall be installed at the beginning and end of the increment, and one additional sensor shall be installed for each additional 125 feet, or any portion thereof, along the entire length of the increment, provided however, that in no case shall the maximum distance between sensors exceed 125 feet. For example, where the distance of the increment is 200 feet, three sensors shall be installed; where the distance is 500 feet, five sensors shall be installed.

(3) Where additional sensors are required to be installed, they shall, where practicable, be equally spaced along each increment.

(4) Where increments are installed contiguously, the end of one increment shall be considered the beginning of the next succeeding increment and the installation of one automatic sensor shall satisfy the requirements for installation of a single sensor at the end of the first increment and at the beginning of the second increment which follows it in a series.

(c) Automatic fire sensor and warning device systems shall be installed so as to minimize the possibility of damage by roof fall, or by the moving belt and its load.

(d) Infrared, ultraviolet and other sensors whose response is affected by contamination shall be protected from dust, dirt, and moisture.

(e) The voltage of automatic fire sensor and warning device systems shall not exceed 120 volts.

(f) Automatic fire sensor and warning device systems shall be provided with a standby power source which will remain operative for a minimum of 4 hours after the primary source of power to the system has failed.

§ 75.1103–5 Automatic fire warning devices; audible and visual signals; manual resetting.

(a) Automatic warning devices required to be installed in accordance with the provisions of §§ 75.1103 and 75.1103–1 shall be constructed to provide both audible and visual fire warning signals at a location where mine personnel are on constant duty.

(b) Automatic fire warning devices shall also be constructed to provide an audible or visual signal to indicate loss of power, open circuits, and the operating condition of the sensor and warning system.

(c) Automatic fire warning devices shall include a manual reset device.

§ 75.1103–6 Automatic fire sensors; actuation of warning devices and belt haulageway fire suppression devices.

(a) The automatic fire sensors required to be installed in accordance with the provisions of § 75.1103–1 shall actuate warning devices, and shall permit identification of the 500-foot section of belt haulageway affected.

(b) The automatic fire sensors shall be interlocked with belt drives so that when actuated they will deenergize both primary and secondary belt drives.

(c) The automatic sensors may also be used to actuate deluge type water systems, foam generator systems, or multipurpose dry powder systems.

§ 75.1103–7 Electrical components; permissibility requirements.

On and after June 30, 1971, the electrical components of each automatic fire sensor and warning device system installed inby the last open crosscut or in return airways shall be permissible and such components shall be maintained in permissible condition.

§ 75.1103–8 Automatic fire sensor and warning device systems; inspection requirements.

(a) Automatic fire sensor and warning device systems shall be examined weekly, and a functional test of the complete system shall be made at least once annually. Responsibility for the inspection and maintenance of such systems shall be assigned to a competent person trained in the operation and maintenance of the system.

(b) Inspections conducted in accordance with paragraph (a) of this section shall be recorded in a book or record maintained by the operator for that purpose.

§ 75.1103–9 Fire suppression devices on belt haulageways.

On and after June 30, 1971, fire suppression devices shall be installed on the belt haulageways of all underground coal mines.

§ 75.1103–10 Fire suppression devices; approved components; installation requirements.

(a) The components of each fire suppression device required to be installed in accordance with the provisions of § 75.1103–9 shall be approved by Underwriters Laboratories, Inc., or Factory Mutual Research Corp.

(b) Fire suppression devices shall be installed in accordance with the manufacturer's specifications, and those set forth in National Fire Protection Association Codes Nos. 11, 13, 13A, 15, and 17.

§ 75.1103–11 Fire suppression devices; minimum requirements; general.

(a) Fire suppression devices installed in underground belt haulageways shall be assembled from components which meet the minimum requirements set forth in §§ 75.1103–12 through 75.1103–16.

(b) Any fire suppression device, the components of which have been approved by the Secretary, which provides no less effective means of suppressing fires on belt haulageways, shall meet the requirements of § 75.1103–10.

§ 75.1103–12 Fire suppression devices; water sprinkler system; installation; minimum requirements.

(a) Water sprinkler systems installed in accordance with the provisions of § 75.1103–9 shall be sectionalized in belt haulageways in increments not to exceed 500 feet in length.

(b) Each increment installed in accordance with paragraph (a) of this section shall contain a branch line connected to a water line and shall be located parallel to the belt conveyor for installation of the sprinklers. Each branch line shall include a manual shutoff valve having a rising stem or other visual indicator, and strainers equipped with flush-out connections.

(c) Sprinklers shall be installed uniformly along the branch line and the maximum distance between sprinkler heads shall not exceed 12 feet.

(d) Water may be discharged by the sprinklers along the branch line over the top surface of the top belt, or it may be directed at both the upper and bottom surfaces of the top belt and the upper surface of the bottom belt.

(e) Regardless of the method or methods of delivery, the rate of water discharge from the branch line system shall be equivalent to not less than 0.18 gallons per minute per square foot of the top surface of the top belt.

(f) The supply of water shall be adequate to maintain a constant flow of water for 10 minutes with all sprinklers in the branch line operating. The water shall be free from excessive sediment and noncorrosive to the system.

§ 75.1103–13 Alternative methods of delivering water to sprinkler systems.

Where appropriate, the following alternative methods of delivering water to water sprinkler systems used to protect belt haulageways may be employed:

(a) Regular dry-pipe systems in which the automatic sprinklers are attached to exposed piping containing compressed air;

(b) Antifreeze wet-pipe systems in which the automatic sprinklers and exposed piping contain an antifreeze solution;

(c) Preaction systems in which the water flow into the sprinklers of the dry-pipe system is controlled by a valve actuated by sensors; and

(d) Deluge systems in which spray nozzles are used in place of sprinklers in the preaction system.

§ 75.1103–14 Installation of multipurpose dry powder systems; minimum requirements.

(a) Self-contained automatic multipurpose dry powder systems installed in accordance with the provisions of § 75.1103–9 may be employed to protect belt haulageways, however, where such systems are employed, they shall be installed and maintained in accordance with the minimum requirements set forth in this section.

(b) Each self-contained automatic multipurpose dry powder system shall be sectionalized in increments of no more than 100 feet along the entire length of each belt haulageway in the mine, and the system shall be actuated by automatic fire sensors which are spaced not more than 25 feet apart.

(c) Each 100-foot system shall contain approximately 16 noozles located so as to discharge the bulk of the multipurpose powder to the top and bottom surfaces of the top belt.

(d) The minimum quantity of multipurpose powder contained in each 100-foot system shall be 125 pounds.

(e) All components of the system shall be adequately sealed to protect them from moisture, dust, and dirt.

(f) A backup water supply shall be provided in an adjacent entry with firehose outlets not more than 300 feet apart. At 1,000-foot intervals, 500 feet of firehose with suitable fittings for connection to firehose outlets shall be provided.

§ 75.1103–15 Installation of high-expansion foam generator systems; minimum requirements.

(a) Premounted automatically operated high-expansion foam systems installed in accordance with the provisions of § 75.1103–9 may be employed to protect belt haulageways, however, where such systems are employed, they shall be installed and maintained in accordance with the minimum requirements set forth in this section.

(b) High-expansion foam devices shall be actuated by automatic fire sensors and shall discharge foam sufficient to fill a 500-foot section of belt haulage entry in 5 minutes.

(c) The water, power, and chemical supply of high-expansion foam devices shall be adequate to maintain a constant foam flow for a minimum of 15 minutes.

(d) High-expansion foam devices shall be equipped with a manual control to actuate the system.

(e) High-expansion foam systems shall be provided with a standby power source to enable the system to remain operative for at least 4 hours after the primary source of power system has failed.

§ 75.1103–16 Fire-suppression systems; inspection and maintenance.

(a) Fire-suppression systems shall be inspected weekly, and each fire-suppression system shall be functionally tested at least once annually. Responsibility for the inspection and maintenance of such systems shall be assigned to a competent person trained in the operation and maintenance of the system.

(b) A record of inspections conducted in accordance with paragraph (a) of this section shall be recorded in a book or record maintained by the operator for that purpose.

[FR Doc.71–3014 Filed 3–4–71;8:46 am]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 150]

[Hearing Docket CE–P 16]

CORN AND SOYBEANS

Limits on Position and Daily Trading for Future Delivery; Notice of Hearing

On January 28, 1971, a notice of proposed rulemaking was published in the FEDERAL REGISTER (F.R. Vol. 36, No. 19, 1340) to amend §§ 150.1 and 150.4 of the Orders of the Commodity Exchange Commission under section 4a of the Commodity Exchange Act (7 U.S.C. 6a). These respective orders relate to limits on position and daily trading in corn and soybeans for future delivery. The proposed amendment provides that the limits be established at 3 million bushels in any one future, or in all futures combined in corn or in soybeans.

The notice provided that if any interested person desires an oral hearing with reference to the proposed amendment to the orders on limits on position and daily trading in corn and soybeans and notifies the Administrator of the Commodity Exchange Authority to that effect, a hearing will be held.

A hearing will be held beginning at 10:00 a.m., e.s.t., on March 19, 1971, in Room 4711, South Building, U.S. Department of Agriculture, Washington, D.C., on the matter of proposed amendment of limits on position and daily trading in corn and soybeans for future delivery.

Section 4a of the Commodity Exchange Act provides that such limits shall not apply to transactions which are shown to be bona fide hedging transactions as defined in subsection 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)).

Written statements with reference to the subject matter of this hearing may be submitted by any interested person and may be in addition to or in lieu of testimony at such hearing. Such statements should be prepared in quintuplicate and mailed to the Presiding Officer, Hearing Docket CE–P 16, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, DC 20250 prior to the time of hearing, or delivered to the Presiding Officer at the time of hearing.

All written statements submitted prior to, during, and after the hearing, the transcript of the record, and exhibits will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued this 2d day of March 1971.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.71–3129; Filed 3–4–71; 8:56 am]

Consumer and Marketing Service

[7 CFR Part 1001]

[Docket No. AO–14–A49]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Concord, N.H., on October 7–10, 1970, and reconvened at Boston, Mass., on December 15, 1970, pursuant to notice thereof which was issued on September 4, 1970 (35 F.R. 14325), and November 9, 1970 (35 F.R. 17663), respectively.

The material issues on the record of the hearing relate to:

1. Extension and redesignation of the marketing area.
2. Modification of pooling standards for supply plants.
3. Modification of diversion provisions.
4. Modification of assignment provisions.
5. Producer-handler definition and exemption of "own farm" production.
6. Miscellaneous.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Extension and redesignation of the Massachusetts-Rhode Island-New Hampshire marketing area.* The Massachusetts-Rhode Island-New Hampshire marketing area should be extended to include 23 additional towns in Massachusetts, 29 additional cities and towns in New Hampshire, and 37 towns in Vermont.

This area of expansion encompasses Franklin County, Massachusetts, except the towns of New Salem, Orange, and Warwick; Sullivan County except the town of Plainfield, and the remaining unregulated area of Cheshire County, all in New Hampshire; three towns in Bennington County, 12 towns in Windsor County, and all of Windham County except for the unorganized territory of Somerset, all in Vermont.

Since, with this extension, the marketing area will now encompass parts of 4 states, it should be redesignated as the Boston Regional marketing area.

The total area of extension as set forth in the proposals contained in the hearing notice included, in addition to the territory herein proposed: The remaining towns in Franklin County, Mass. (i.e., the towns of Orange, Warwick, and New Salem), the towns of Athol, Petersham, Phillipston, and Templeton in Worcester County, Mass.; the town of Plainfield in Sullivan County, the city of Lebanon and 20 additional towns in southern Grafton County, all in New Hampshire; the towns of Barnard, Bethel, Bridgewater, Hartford, Hartland, Norwich, Pomfret, Royalton, Sharon, and Woodstock, in Windsor County, and the towns of Bradford, Corinth, Fairlee, Newbury, Randolph, Strafford, Thetford, Topsham, Tunbridge, and West Fairlee, in Orange County, all in Vermont.

Proponents of area expansion (12 cooperative associations with membership among producers under the existing order) requested the regulation of Franklin County, Mass. (except for the towns of Orange, New Salem, and Warwick) and a corridor of cities and towns in the Connecticut River Valley region running northward to and including the towns of Sharon and Norwich in Vermont, and Hanover, Canaan, Orange, and Alexandria in New Hampshire.

Proposals for additional territory, made individually by three proprietary handlers and conditional on the extension of regulation to encompass the cooperatives' proposal, included the remaining three towns in Franklin County, Mass., four towns in Worcester County, Mass., an additional corridor of Vermont towns west of and contiguous to the area included in the cooperatives' proposal, and additional Vermont and New Hampshire territory extending northward along the Connecticut River to and including the towns of Topsham and Newbury in Vermont and the Haverhill, Piermont, Warren, Ellsworth, Thornton, and Waterville tier of towns in New Hampshire.

Proponent cooperatives' primary concern was extension of Federal regulation into that area of Franklin County, Mass., where there is presently extensive distribution of fluid milk from two unregulated plants (one in Springfield, Vt., and the other in Portsmouth, N.H.) in direct competition with regulated handlers. The regulation of that area was most recently considered at a hearing held at Sturbridge and Boston, Mass., during the period October 21–28, 1969. On the basis of that record the Acting Assistant Secretary recognized that, due to the procurement practices of and the volume of fluid sales by the two dealers, the situation in Franklin County was the least stable of any portion of the area then under consideration. He concluded, however, that regulation of Franklin County appropriately should not be accomplished without a further hearing "in which there would be opportunity to adjust the marketing area boundaries to more closely reflect the primary sales area of the handlers to be regulated."

Proponents' current proposal was advanced to overcome the deficiency of the previous proceeding.

Official notice is taken of that part of the Acting Assistant Secretary's decision of April 3, 1970 (35 F.R. 5695) dealing with the extension of regulation.

Over a period of many years the handling of milk in the New England states has been subject to state and/or Federal regulation. Federal regulation was initially confined to the Boston area but over the years it has been gradually extended to include essentially all of southern New England (including southern New Hampshire), except western Massachusetts. Concurrently, with the institution of Federal regulation in Rhode Island and Connecticut, State regulation there was withdrawn. In the case of New Hampshire, Federal regulation was instituted immediately following the removal of State regulation. The States of Massachusetts, Maine, and Vermont continue to have active milk control agencies.

The extension of Federal regulation in Massachusetts beyond the greater Boston area essentially has been a step-by-step action, as necessitated for the purpose of maintaining orderly marketing. Almost every such action originated with the decision of some dealer(s) serving a particular local market to circumvent effective state regulation through the procurement of milk from out-of-state sources. Originally, separate regulation was instituted in the Fall River, Lowell-Lawrence (Merrimack Valley), Springfield, Worcester, and Southeastern New England markets. The separate regulations were subsequently combined with the Boston regulation into a single order and in recent years most of the intervening and neighboring territory has been gradually added to the marketing area as the situation required.

The preponderance of dairy farmers in New England are producers under this, or the Connecticut, order. In the New England area as a whole more than 80 percent of the milk is under Federal regulation. Almost 90 percent of the Vermont production is Federal order milk. Only those dairy farmers having a Class I outlet with local State-regulated dealers are not associated with Federal regulation. The Federal orders carry essentially the total reserve milk supply for all of New England with the exception of certain remote Maine markets. Only in the State of Maine, where about 40 percent of the milk is priced under the Federal order, is there any significant number of dairy farmers under State regulation. Because prices under the several State orders are closely correlated with Federal order prices, orderly marketing has generally prevailed in the State-controlled areas as long as local dealers purchased essentially only intrastate milk. An unstable market situation develops when dealers circumvent effective regulation by dropping local producers and relying

on an out-of-State supply source, or by supplementing their local milk with out-of-State purchases.

Several of the larger handlers under the present order distribute essentially throughout New England and operate both pool and nonpool plants. Whenever the competition in a local Massachusetts market has turned to the use of out-of-State milk, these handlers in most circumstances have had the flexibility to adjust their distribution patterns as between their regulated and unregulated plants to maintain a competitive position. Other single plant handlers, however, in many circumstances have been seriously disadvantaged because of their higher procurement costs at minimum prices fixed under the terms of the order. The pool has suffered through loss of Class I sales, and in many circumstances has been burdened with the addition of the milk of those dairy farmers who lost their local market.

This was precisely the circumstance which prompted the request for extension of regulation into Franklin County in 1969. A substantial handler operating both pool and nonpool plants and distributing milk through his own dairy stores opened several such stores in Franklin County serving them from his Portsmouth, N.H., unregulated processing plant with milk procured from the State of Maine at prices well below the minimum Federal order Class I price.

By coincidence or as a result of the deteriorating market situation, in June 1969 (between the time of the hearing request and the opening of the hearing) the only remaining substantial State regulated dealer in Franklin County sold his business in Greenfield, Mass., to a Springfield, Vt., partially regulated handler. The Greenfield plant was closed and all processing was concentrated in the Springfield plant. The 27 producers previously supplying the Greenfield operation were left without a market and lacking other alternatives became producers under Order No. 1. The more than 600,000 pounds per month Class I sales made through the Greenfield plant (now a distribution depot) have been largely supplied by purchases of milk from a Portland, Maine, plant and occasionally by purchases from a Bangor, Maine, plant.

On occasion, tankloads of milk so purchased from Maine dealers in excess of the Springfield dealer's immediate needs have been received at the Springfield plant and then reshipped back to Maine. While the record does not disclose the circumstances of such transactions, the procedure effectively circumvents both the Vermont and Maine price regulations, to the advantage of both dealers.

During the period July 1969 through June 1970, this dealer purchased approximately 7 million pounds of nonfederally regulated milk from Maine dealers. This milk cost him f.o.b. his plant in Springfield a little less than the Order 1, 21st zone blend price. Since the simple average of the monthly zone 21 order blend prices for the first half of 1970 was $5.84, his costs were a minimum of 47 cents less than the price which he was required to pay for local Vermont State controlled milk during the same period and about $1.62 below the effective Order 1 Class I price in the 12th zone (Springfield).

It is not possible on the basis of this record to specifically construct the total receipts or sales of this dealer. It is apparent, however, that he, like other local dealers, operates preponderantly only a Class I business. During the period July 1969 through June 1970 his total receipts were in excess of 38 million pounds. Thus, notwithstanding his substantial purchases of Maine milk and of Federal order milk, his predominant source of supply is local dairy farmers.

The quantity of milk which this dealer received from Maine sources during the 3 months immediately preceding the October session of the hearing was substantially below his average monthly receipts from such sources during the previous 12-month period. He testified to receiving only 230,524 pounds of Maine milk during the period July through September 1970, a monthly average of 77,000 pounds, or about 10 percent of his average monthly receipts from such source during the preceding 12 months.

This shift in supply source was of a temporary nature and reflected the fact that the desired volume of milk could not be obtained from Maine dealers during that period of the year. Maine supplies of milk, surplus to the fluid needs of local dealers, diminished sharply during the months of July, August, and September because of the higher volumes of milk needed to serve the heavy vacation trade within the State.

Until October 1970, the Springfield dealer remained outside full regulation. His sales inside the marketing area were partially covered by purchases of packaged milk from pool handlers, partially by bulk purchases of Federal order milk which he packaged in his own plant, and the remainder was subject to compensatory payment. He discontinued his packaged purchases, however, just prior to the October hearing and arranged for a supplemental supply of bulk milk from a proponent cooperative association plant in St. Albans, Vt. His agreement with this cooperative provided that he would pool his entire operation under the order for the months of October and November.

Since July, August, and September are vacation months in Maine and October and November are seasonally short production months, there is a minimum amount of Maine milk surplus to the fluid needs of that area throughout the period July through November. This explains the reduced purchases of Maine milk during the July–September period and also why the dealer sought regulation for the months of October and November.

While the record does not show the dealer's status for the period subsequent to November, it could have been anticipated that he would remove his operation from full regulation when Maine supplies again became available. This is substantiated by the listing of handlers issued by the market administrator for the month of December, official notice of which is taken. The Springfield handler is no longer a pool handler but is again a partially regulated handler.

While the current record does not deal in any substantial way with the operations of the Portsmouth, New Hampshire, unregulated plant previously referred to, it is apparent that this dealer's procurement costs for his Maine milk are very similar to those of the Springfield dealer. In his decision of April 3, 1970, the Acting Assistant Secretary concluded that for the year ending August 1969 the advantage to this dealer in his procurement of milk for Class I use for the Portsmouth plant averaged approximately $1.20 per hundred weight when compared to the order Class I price paid by regulated handlers. The total milk supply for this plant is Maine dairy farmers who are members of one of the proponent cooperatives.

Official notice is taken of the Deputy Assistant Secretary's decision of October 13, 1967 (32 F.R. 14502) on the matter of extension of regulation into southern New Hampshire and the remainder of Essex County, Mass. At the time it was recognized that the Springfield dealer and certain other Vermont dealers were distributing milk in eastern New Hampshire in direct competition with New Hampshire dealers who were being brought under full regulation. The western boundary of the extended area was drawn to include in the marketing area the towns of Dublin, Jaffrey, Harrisville, Nelson, Marlborough, Roxbury, Sullivan, and Keene City in Chesire County and to exclude the remainder of Cheshire and all of Sullivan County.

In his decision on the matter the Deputy Assistant Secretary concluded as follows: "The western boundary of the area of extension herein adopted was proposed and supported by Vermont handlers [dealers]. Recognizing their competition with New Hampshire dealers in distribution in the city of Keene and adjacent towns to the east in Cheshire County, they conceded the need for including such area in the marketing area. They pointed out that this area involved only a small part of their business and this was insufficient to bring them under full regulation. They further contended that with the marketing area boundary as herein proposed, sales by regulated handlers in Sullivan and Cheshire counties would not exceed 5 percent of any such handler's total sales. They estimated that Vermont dealers, on the other hand, did 85 percent of the total business in this area."

Under the terms of the order a distributing plant with more than 700 quarts of route disposition in the marketing area on any day or more than a daily average of 300 quarts during the month, which disposition is not less than 10 percent of the plant's total receipts of fluid milk products, becomes a fully regulated pool plant. Accordingly, at the time of the

1966 hearing on which the October 1967 decision was based, no Vermont dealer had as much as 10 percent of his sales in the area. Their disposition was insufficient to bring them under full regulation.

The situaiton has changed substantially since 1966. The Springfield dealer has significantly expanded his sales in the regulated market. At the time of the current hearing, in addition to his direct distribution in the marketing area he was purchasing approximately 300,000 pounds per month of packaged milk from regulated handlers for delivery directly to his distributing depot in Keene, N.H. The dealer conceded that these purchases were necessary to keep his disposition of plant receipts in the marketing area below the minimum 10 percent which would subject him to full regulation.

The dealer's election of full regulation for the months of October and November was clearly an economic decision. Confronted with the necessity of purchasing additional Federal order milk because of the temporary unavailability of his Maine supply, the advantage of processing all of his fluid requirements in his own plant outweighed the disadvantage of pooling his local dairy farmer receipts. The situation reversed in December when Maine supplies again became available.

The dealer is clearly exploiting both State and Federal regulations. The shifting of his supply sources and of the regulatory status of his plant are disruptive factors in the market which seriously debilitate the integrity of regulation. Continuing orderly marketing can be assured only by extension of the marketing area as herein adopted.

The marketing area boundaries as herein adopted will encompass the primary distribution area of the Springfield handler and of other handlers with whom he competes and who are expected to be fully regulated by this action. At the same time, the boundaries will insure the minimum involvement of other local dealers on the basis of their current distribution patterns.

In view of the past operating practices of the Portsmouth, New Hampshire, handler, it is uncertain whether his Portsmouth plant will become regulated through this area extension. This handler also operates plants at Canton, Mass., and Meriden, Conn., fully regulated under Orders 1 and 15, respectively. He operates his own chain of retail dairy stores, some of which are within and some outside of the currently defined Orders 1 and 15 marketing areas.

The Portsmouth plant has continued in its status as a nonpool plant over an extended period notwithstanding several recent Order 1 amendment actions which resulted in the expansion of the marketing area to include additional territory in which certain of the handler's stores are located. As the area has been extended, the handler has shifted the supplying of those stores which fell within an area of extension from his Portsmouth plant to his Canton or Meriden pool plants.

The additional territory adopted herein will include four of the handlers' stores now supplied by the Portsmouth plant, two in Greenfield, one in Shelburne, and one in Montague, all in Franklin County. The competitive buying advantage which this handler now enjoys through the supplying of these stores with unregulated milk will be removed by the regulation of the area as herein adopted, regardless from which plant he elects to serve them.

A dealer whose plant is located in Brattleboro, Vt., proposed that his area of sales be excluded from the area of extension. This dealer's primary area of distribution is in the southern portion of Windham County, Vt., and the southwestern portion of Cheshire County, N.H. Brattleboro is the principal town in his sales area and by far the largest population center in the entire Vermont area under consideration in this proceeding. Its approximately 12,239 residents (figures are based upon 1970 U.S. Census) is over a third of the total population of Windham County.

The dealer's only competition in his primary sales area comes from the Springfield dealer. Both dealers compete strongly for sales in Brattleboro, the Springfield dealer having an estimated 30 percent of the fluid milk business here. Both dealers also compete for sales in the Vermont towns of Newfane, Putney, Westminster, Dummerston, and Rockingham.

The Brattleboro dealer recognized that his was an "all or nothing situation," requiring that his sales area be included fully in or fully outside the expanded market. He suggested, therefore, that if any of the towns in which he distributes milk is regulated (Brattleboro being the major one) then all his sales territory reasonably should be regulated.

This portion of the market under discussion also is a significant segment of the Springfield handler's sales area and it cannot reasonably be excluded from the marketing area. Regulation of the Brattleboro dealer will in no way place him at a competitive disadvantage in the market since he and the Springfield handler are the only major distributors in this area and both will be subject to the minimum prices established by Order 1 in the procurement of their milk supply.

The northern delineation of the marketing area boundary adopted herein excludes from the marketing area those towns noticed in the northern portion of Windsor County, as well as the proposed towns in Orange County, all in Vermont, and the southern portion of Grafton County, N.H.

There are eight known dealers doing all or a portion of their business in this area and there is a considerable overlapping of their routes. Several of the dealers involved do their principal business beyond the maximum area noticed in the hearing call. It cannot be determined from this record whether such handlers do a sufficient proportion of their business within the noticed towns to bring them under full regulation or what problems might result if they became fully regulated while their principal competition remained outside the scope of regulation. Since there is no apparent disorderly marketing condition existing in the area at this time, there is no necessity of extending regulation beyond the boundaries as herein adopted.

A pool handler located in Laconia, N.H., proposed an extension of the marketing area to include the contiguous Grafton County, N.H., towns of Campton, Thornton, Rumney, Hebron, Waterville, Warren, Wentworth, Ellsworth, Dorchester, Groton, and Lyme.

Proponent handler generally has the preponderance of sales in these towns. In fact, on the basis of this record it appears that he has no competition except in the towns of Campton and Thornton. Nevertheless, his total sales here represent only about 4 percent of his total Class I business. There was no showing of any disorderly marketing conditions in any of these towns. Under the circumstance, there is no basis on this record for extension of regulation here and the request is therefore denied.

A proposal by the Springfield dealer to extend the area of regulation to include also the seven Massachusetts towns of Orange, New Salem, and Warwick in Franklin County, and Athol, Petersham, Phillipston, and Templeton in Worcester County, also should not be adopted.

Consideration was given to the regulation of this seven-town area at the October 1969 hearing and the decision relating thereto has been officially noticed elsewhere in these findings. There is no showing on this record that there have been any changes in the milk procurement practices or milk distribution patterns in the interim period. The local State regulated handlers doing business in this area are purchasing their entire milk supply from local dairy farmers on a classified use basis and at not less than the minimum prescribed State order prices. Under the circumstances there is no necessity for Federal regulation on the basis of this record.

The marketing area boundary herein adopted, as noted earlier in these findings, is drawn so as to encompass insofar as possible the area in which pool handlers and other handlers who are expected to be fully regulated under the order have their principal distribution of fluid milk products, and at the same time to minimize fringe area distribution of partially regulated handlers.

Although some of the route disposition of handlers to be regulated will extend beyond the area herein adopted for regulation, it is neither practical nor reasonable to include in the regulated area all of the area in which regulated handlers have any route disposition. The marketing area as adopted is a practical one in that it will encompass the preponderance of the fluid milk sales of handlers to be regulated. In addition, the boundaries as drawn insure on the basis of current operations, as detailed in the record, that there will be a minimum of overlapping sales as between regulated and unregulated handlers.

The definition in the existing order makes it clear that the designated marketing area means all territory within the specified places set forth therein, and all waterfront facilities connected therewith and craft moored thereat, and all territory therein occupied by any governmental installation, institution, or other similar establishment. This intent as to the application of the marketing area definition is equally applicable to the marketing area as hereby expanded.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing, and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area.

Unless all milk of such a handler were fully regulated under the order he, in effect, would not be subject to effective price regulation. The absence of effective classification, pricing, and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers on a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Since the dealers being brought under regulation have been purchasing milk from the same areas and in direct competition with regulated handlers and in the territory being added have competed with regulated handlers for sales, it is concluded that the provisions of the present order are equally appropriate for the extended area for the identical reasons set forth in the decisions under which such provisions were adopted.

2. *Pooling standards for supply plants.* No change should be made in the shipping requirements for pooling supply plants on the basis of this record.

The present shipping percentages were adopted concurrently in this order and in the Connecticut order, effective December 1, 1967, on the basis of a hearing held in Concord, N.H.; Framingham, Mass.; Greenfield, Mass.; and Hartford, Conn., during the period June 20–July 1, 1966.

To acquire pool plant status in the month of July, a plant must ship at least 15 percent, and in any month of August through November at least 25 percent, of its total receipts of milk from dairy farmers' farms as fluid milk products, other than as diverted milk, to pool distributing plants or to plants to which qualifying shipments may be made under the Connecticut order: *Provided,* That the greater shipments are made to qualifying plants under this order. A plant also may be pooled in any month of the July–November period as one of a group of plants under specified conditions, provided the group of plants considered as a unit meets the shipping percentages for such month. However, to qualify for pooling in the month of November as one of a group, the plant individually must have met the prescribed shipping requirements in one of the immediately preceding months of July through October.

To provide additional pooling flexibility, it has been further provided that a supply plant operated by a cooperative which also operates as a handler on farm bulk tank milk pursuant to § 1001.9(d) may be considered as one of a group of plants. In that event, the group's total receipts from dairy farms include the cooperative's receipts in its capacity as a handler pursuant to said § 1001.9(d) and qualifying shipments include shipments from such group of plants as well as receipts at other handlers' pool distributing plants from the cooperative as a handler pursuant to § 1001.9(d).

Automatic pooling status is provided in the months of December through June for any plant which was a pool plant in each of the preceding months of July through November. Otherwise, the monthly shipping requirement for each individual plant is 15 percent for each of such months.

A proposal made on behalf of six cooperatives and considered at the hearing would include the month of July as one of the months of automatic pooling and would revise the period of required shipments to the months of August through December.

In support of the proposal, the cooperatives' spokesman stated that greater flexibility in the pooling standards is needed in order to reduce uneconomic movements of reserve milk which sometimes must be made solely for the purpose of maintaining pooling status. This situation, he suggested, is the result of changing seasonality of receipts and Class I utilization. In this connection he pointed out that certain of the proponent cooperatives have found it increasingly difficult to meet the present standards, particularly during the months of July and August.

The present order provisions provide substantial flexibility in the matter of pooling. In addition, the required shipments are quite nominal. The increase in shipping requirements prescribed by the 1967 amendments resulted from difficulties experienced in the market in getting adequate delivery of country supply plant milk to the central market to meet the market's fluid needs.

Proponents' spokesman contended that the present problem is unrelated to the then existing problem of getting supply plants to ship needed milk. He suggested that the current difficulty is a problem of obtaining sufficient Class I outlets to meet the prescribed shipments. At the same time, however, he was uncertain whether, in fact, his proposal would adequately accommodate the current situation or whether August should be added to the months of automatic pooling.

If continuing orderly marketing is to be assured throughout the New England area, it is essential that coordinated pooling requirements continue to be maintained under the Massachusetts-Rhode Island-New Hampshire Order (No. 1) and the Connecticut Order (No. 15). Since the provisions of the Connecticut order were not an issue at this hearing, no change can be made in the provisions of that order and accordingly no change appropriately should be made in the pooling provisions of Order 1 at this time.

If subsequent experience continues to indicate the need for modification, the matter should be reconsidered under circumstances where there is opportunity to amend the two orders concurrently.

In conjunction with the proposed change in pooling standards, proponents also proposed an alternative qualification feature for all cooperative supply plants under which continuing pool status would be retained by each such plant for any month if at least 10 percent of receipts from dairy farmers associated with such plant had been shipped to pool distributing plants in each of 12 consecutive months ending with the current month. In addition, proponents proposed the adoption of a call provision in conjunction with this latter proposal under which the market administrator, under prescribed procedures, could change the regular shipping percentage for any month as needed to meet the market's needs for fluid milk.

The record establishes no distinction between the existing country manufacturing plants operated by cooperative associations and those operated by proprietary handlers, either in terms of function or purpose. While certain manufacturing plants operated by cooperative associations in the nearby plant area are pooled under special provisions, these particular plants have historically performed a unique balancing function in the market totally unlike that of any other plants. The fact that such plants have been accorded special status cannot be used as a basis for pooling the remaining cooperative manufacturing plants. The proposal for a special pooling standard for cooperative country manufacturing plants, therefore, is denied.

There was no showing that a call provision would better accommodate the market situation than the provisions adopted in conjunction with the 1967 change in shipping requirements for the purpose of assuring the continuing availability of all milk for fluid use. Under these current provisions a plant would lose pool status for any month in which the market administrator determines

that any part of the pool milk supply of such plant is not available for Class I use because of an unconditional contract for such plant to supply fluid milk products for Class II use. While the record does not establish that this provision has ever been invoked, there was no showing that the provision has been ineffective in assuring the availability of all milk for fluid use as needed. Accordingly the request for a call provision is denied.

3. *Diverted Milk.* No change should be made on the basis of this record with respect to the presently prescribed limitations on diversions.

The matter of diversions was most recently considered at the October 1969 hearing held in Sturbridge and Boston, Mass. On the basis of that record the then existing provisions were modified to provide nearly unlimited diversions of milk between pool plants and to limit diversions to nonpool plants in any month to not more than 25 percent of a handler's producer receipts. The changes were adopted to eliminate the detailed recordkeeping necessary under the previous provisions to insure that milk of any individual producer was not overdiverted. Under those provisions an individual producer's milk was eligible for diversion only if milk from his farm had been received at the pool plant (from which it was to be diverted) on a majority of the days during the preceding 12 months, ending with the current month, in which the handler caused milk to be moved from the farm as producer milk.

In modifying the diversion limitations, the Acting Assistant Secretary pointed out in his decision at that time that, in the case of overdiversions between pool plants, milk had pooling rights regardless of whether the diverting or receiving handler was held responsible and the pool obligation as well as the required payment to the producer(s) was, for all practical purposes, the same. Under the circumstances there was no apparent reason why diversions should be significantly limited between pool plants.

He further pointed out that there were adequate manufacturing facilities associated with the pool to generally handle the market's reserve supply. Since diversions to nonpool plants were not substantial, based on past market experience, he concluded it was not necessary to provide for diversions to nonpool plants in any month of more than 25 percent of a handler's producer receipts.

A cooperative association, the primary membership of which is with Massachusetts producers delivering to local handlers in the market (handlers outside the central market), proposed that the diversion limitations to nonpool plants be modified to permit such cooperative greater flexibility during the months of May through August in the use of nonpool plants as outlets for its members' milk not needed by its regulated purchasing handlers. The cooperative's spokesman pointed out that it operated no pool plants and to this extent did not have the flexibility of operation available to some other cooperatives operating pool plants in the nearby area. He contended that greater opportunity for moving milk to nonpool plants was needed in order that the cooperative would have the same privileges with respect to diversion of member-producer milk as the order accords other cooperatives with similar involvement in the marketing area.

Under usual circumstances, milk produced in the nearby area logically should be disposed of for Class I purposes. It is uneconomic and a considerable expense to the pool, and hence to all producers, when nearby milk is disposed of to nonpool plants for Class II use at the same time that country plant milk is being transferred to city distributing plants for Class I use. The order provisions appropriately should be drafted to encourage the most efficient use of pool milk. The fact that certain handlers may wish to retain control of larger reserve supplies to insure maximum flexibility for bidding on contract milk is not a persuasive reason for liberalizing the diversion provisions.

The fact that during the months of June through August 1970 proponent's managerial decisions on the routing of surplus milk were influenced by the need for the pooling of such milk cannot be construed as a demonstration of the inappropriateness of the existing provisions. Unquestionably, each handler in the market makes his daily managerial decisions on the basis of their impact with respect to the application of the several order provisions. Proponent's role in this regard, thus, is not unique.

It is recognized that since proponent's membership includes primarily producers delivering to the small local handlers, the problem of disposing of reserve milk may be somewhat more demanding than that of cooperatives serving the larger handlers. However, the application of the order cannot be construed as being inequitable, as proponent's spokesman suggests, because of this situation. It cannot be concluded on the basis of this record that the existing provisions have impeded the efficient and orderly marketing of all milk. The request for modification of the diversion limitation is denied.

4. *Assignment provisions.* No change should be made in the assignment provisions on the basis of this record.

A proposal made by six cooperatives and a proposal by a multiple plant proprietary handler would each amend the present assignment provisions to provide that up to 20 percent of direct producer receipts (including receipts from cooperatives as handlers on farm bulk tank milk) would be assigned to Class II use before the milk received from the handler's own country supply plants was so assigned. Proponents claimed that the position of one cooperative operating both distributing and supply plants and of the multiple plant handler was unique in that only they, among all handlers in the market, were unable to have country supply plant milk assigned to Class I until all of their direct receipts had been so assigned.

Under the existing assignment provisions, receipts from the handler's plants in the nearby zone, receipts from other handlers' pool plants for which a Class II classification is not requested, and direct receipts from producers and cooperative associations in their capacity as handlers pursuant to § 1001.9(d) are assigned to Class I, in that sequence, before the assignment of receipts from the handler's country plant(s). Under these provisions, a handler purchasing milk from the plants of other handlers, or a multiple-plant handler operating more than one plant in the nearby zone, has more flexibility for assigning country plant receipts to Class I than handlers receiving milk only from their own country plants.

This present assignment sequence, proponents contend, provides other handlers full opportunity to have all, or nearly all, of their Class II requirements delivered to their city plants at producers' expense. One proponent indicated that, to obtain the same advantage, it had been necessary for it to make uneconomic transfers through other plants to circumvent the assignment procedures. Otherwise it would bear the transportation cost on its country plant transfers. In either situation a disadvantageous cost position in relation to other handlers was said to result.

A proposal intended to achieve a result essentially similar to that contemplated by proponents under the current proposals was considered and denied in the 1969 proceeding. In denying such proposal, the Acting Assistant Secretary pointed out that its adoption would provide all handlers the opportunity to move almost unlimited quantities of milk to city plants for Class II use at producers' expense. The appropriate solution to the problem, he said, would be to amend the order in a manner which would relieve the pool (and hence producers) of the burden of transferring excessive quantities of milk to city plants for Class II use.

In support of their current proposal, proponents indicated that certain Class II operations (milk shake base and certain ice cream mixes) were carried on at their city plants because of the need to use equipment utilized principally in their fluid packaging operations. Other Class II uses (shrinkage, eggnog, yogurt, etc.), they said, were adjunct to their Class I business. They further pointed out that it was generally necessary to have available reserves to cover day-to-day variations in Class I sales and that this in conjunction with unavoidable route returns necessarily increased Class II utilization at city plants.

While it is recognized that some Class II utilization at city plants is unavoidable, a handler's need to use certain equipment available at such plants cannot be a compelling reason for modifying the assignment provisions to relieve such handlers of transportation costs on Class II milk. To the extent that reserves must be available at city plants to cover fluctuations in supplies and Class I sales and that route returns are unavoidable, it

may be reasonable that producers bear the cost of transporting minimal quantities of milk to city plants to cover such uses. The record of this hearing, however, lacks precision in identification of the volumes or percentages which might here be involved.

As previously indicated, the problem most appropriately should be approached with the view of amendment of the order in a manner which would relieve the pool of the burden of transporting excessive quantities of milk to city plants for Class II use. More consideration of the problem and possible solutions is needed than was given on this record. Under the circumstances, amendment of the order on the basis of this record is denied.

5. *Producer-handlers.* The definition and application of producer-handler provisions under the order should not be modified on the basis of this record.

The order currently provides, among other conditions, that a producer-handler may receive no fluid milk products other than from his own production and from pool plants under this or the Connecticut order. If his receipts from own farm production and total route sales each exceed 2,150 pounds per day for the month, his receipts from pool plants under either Federal order may not exceed 2 percent of his receipts from own production.

A proposal made on behalf of six cooperatives, and widely supported both by other producers and by handler interests, would discontinue the recognition and treatment now prescribed for producer-handlers under the order in favor of an "own farm milk" exemption not in excess of 1,500 quarts on a daily average for any handler with respect to his own farm production during any month, if such own farm production is received, processed, and packaged at his own plant and distributed therefrom.

The application of producer-handler provisions under the New England Federal orders has been a consideration at numerous past hearings. The matter was most recently considered at the June 20–July 1, 1966, hearing on which record regulation was extended into southern New Hampshire and the then remaining unregulated area of Essex County, Mass. One of the proposals there considered for modifying the producer-handlers provisions (all of which were subsequently denied) was essentially indentical to the proposal here under consideration.

The producer-handler provisions of the present order, adopted on the basis of the record of the merger hearing held in January and February 1963, are substantially those previously contained in the separate Boston, Southeastern New England, Springfield, and Worcester orders. Fundamentally, the exemption of producer-handlers from the pooling and pricing provisions of the order is predicated on the self-sufficiency of the combined production, processing, and distribution operation of such persons.

While the application of producer-handler provisions under this order has been a continuing issue throughout much of the period of regulation, their economic impact in the market has not been substantial. Nevertheless, certain individuals in the role of producer-handler have, at times, attempted to exploit their position to the disadvantage of the market generally. The present order provisions evolved from a series of previous actions taken intermittently throughout the period of regulation to resolve marketing problems generated by the activities of handlers with own farm production, to maintain equity among producers and among handlers, and at the same time to minimize the impact of regulation on individuals who operate in the joint role of both producer and handler solely at their own risk and substantially without reliance on others for either supplies or facilities.

Proponents suggested that the current proposal was being made because, in their view, the Department had erred in not adopting similar previous proposals which they believe provided the most appropriate treatment of individuals engaged in both production and processing. They suggested that the extension of regulation would place local Vermont dealers now being brought under regulation at a serious disadvantage in competition with a large operation holding producer-handler status under the current order.

Proponents offered no information demonstrating any problem involving producer-handlers in the current marketing area. To the contrary between March 1968 and March 1970 the number of producer-handlers under the order declined by 22 percent, from 54 to 42. While all the decline in number of producer-handlers occurred in the group with a daily production of less than 1,500 quarts, the percentage decline in production among the nine producer-handlers with a daily production in excess of 1,500 quarts was essentially identical to that of all producer-handlers, approximately 26 percent. Producer-handler production in March 1970 was 1.2 percent of the total production for the market, whereas 2 years earlier it was 1.8 percent of such total.

On the basis of available information, it cannot be concluded that producer-handlers have in any way improved their position in the market under the current order provisions. Nor is there any indication in the record that they have promoted disorderly marketing conditions in the current area.

The additional territory here being added to the marketing area is an important sales area of one of the largest producer-handlers in the market and his primary competition in this area are the local Vermont dealers now being brought under regulation. In addition, the operations of this individual are somewhat unusual in that the principal current outlet for his milk is through the IGA stores in Massachusetts, New Hampshire, and Vermont.

Proponents point out that the dealers now being brought under regulation have in the past purchased their milk requirements from dairy farmers at prices closely related to the Order 1 blend price applicable in their procurement area. With the extension of regulation, these handlers must now purchase their milk on a classified use basis and at the order class prices. This, they suggest, presents an entirely new situation which requires that the Department revise its regulation with respect to producer-handlers.

While it is conceded that the position of the producer-handler in question is somewhat different from that of the usual producer-handler in that all his sales apparently are contracted sales to stores, nevertheless it cannot be concluded that this situation is totally unique or that it necessarily requires a change in the order provision relating to producer-handlers. Based on general experience under the order, there is less reason now to consider further regulation of producer-handlers than in the past. Accordingly, the request for a change in the regulation of producer-handlers is denied.

6. *Miscellaneous.* There are no incidental or conforming changes necessary to the Massachusetts-Rhode Island-New Hampshire order provisions. It has been concluded elsewhere in these findings that the provisions of the present order are equally appropriate for the extended area for the identical reasons set forth in the decisions under which such provisions were adopted. In this connection, a hearing was held for 62 order markets (including Order No. 1) in Washington, D.C., September 30, 1970, pursuant to notice thereof issued August 21, 1970 (35 F.R. 13657), and a supplemental notice issued September 25, 1970 (35 F.R. 14998). The material issue on the record of the hearing related to whether several general terms, definitions, and other administrative provisions common to all milk orders should be issued in a separate single order which could be applicable to all Federal milk orders.

Any changes which may be made on the basis of the record of this September 1970 proceeding which involve the adoption of certain such general provisions to the Massachusetts-Rhode Island-New Hampshire Order No. 1 and all other orders would be equally applicable and appropriate to the expanded order market as here adopted.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1001.87 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

Section 1001.2 is revised to read as follows:

§ 1001.2 Boston Regional marketing area.

"Boston Regional marketing area," hereinafter called the "marketing area," means all territory within the boundaries of the places set forth below, all waterfront facilities connected therewith and craft moored thereat, and all territory therein occupied by any governmental installation, institution, or other similar establishment:

Massachusetts

Counties:
- Barnstable.
- Bristol.
- Dukes.
- Essex.
- Franklin (except the towns of New Salem, Orange, and Warwick).
- Hampden (except the towns of Brimfield, Monson, Palmer, and Wales).
- Hampshire (except the town of Ware).
- Middlesex.
- Norfolk.
- Plymouth.
- Suffolk.
- Worcester (except the towns of Athol, Barre, Douglas, East Brookfield, Hardwick, New Braintree, North Brookfield, Northbridge, Petersham, Phillipston, Royalston, Templeton, Uxbridge, Warren, West Brookfield, and Winchendon).

New Hampshire

Counties:
- Belknap.
- Cheshire.
- Grafton (the towns of Ashland, Bridgewater, Bristol, Holderness, and Plymouth only).
- Hillsborough.
- Merrimack.
- Rockingham.
- Strafford.
- Sullivan (except the town of Plainfield).

Rhode Island

All cities and towns except New Shoreham (Block Island).

Vermont

Counties:
- Bennington (the towns of Landgrove, Peru, and Winhall only).
- Windham (except Somerset).
- Windsor (the towns of Andover, Baltimore, Cavendish, Chester, Ludlow, Plymouth, Reading, Springfield, Weathersfield, Weston, West Windsor, and Windsor only).

Signed at Washington, D.C., on March 1, 1971.

John C. Blum,
Deputy Administrator
Regulatory Programs.

[FR Doc.71-3024 Filed 3-4-71;8:47 am]

[7 CFR Part 1064]

[Docket No. AO-23-A40]

MILK IN GREATER KANSAS CITY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the greater Kansas City marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the Federal Register. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary Statement

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Kansas City, Mo., on December 15, 1970, pursuant to notices thereof which were issued on November 17, 1970, (35 F.R. 17859) and November 23, 1970, (35 F.R. 18202).

The material issues on the record of the hearing relate to:

1. Pool plant performance requirements for cooperative supply plants.
2. Supply plant pooling standards.
3. Diversions of producer milk.
4. Mileage limitation on transfers and diversions to nonpool plants.
5. Class II and Class III prices.
6. Emergency action.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant performance requirements for cooperative supply plants.* The performance requirements for a supply plant operated by a cooperative association should be revised to allow such a plant to be pooled on the basis of milk movements to pool distributing plants during either the current month or the 12-month period ending with the current month.

The revised provision would require that, during the applicable period of qualification, 50 percent or more of member producer milk be received at pool distributing plants by transfer from the supply plant or directly from member producers' farms. Milk delivered directly from farms of member producers to pool distributing plants would be considered a receipt at the supply plant of the cooperative for the purpose of determining the qualification of such plant as a pool plant.

To quality a cooperative supply plant presently, 65 percent of member producer milk must be received at pool distributing plants during the months of September through January, either by transfer from the supply plant or directly from member producers' farms. In the remaining months of the year only 50 percent of member producer milk must be so received.

The cooperative association representing a large majority of producers operates a balancing plant in the market. The percentage of its member producer milk received at pool distributing plants has declined significantly, particularly by shipment from such supply plant. In October 1969, 81.5 percent of its member producer milk was received at pool distributing plants by transfer from its Sabetha, Kans., plant and directly from member producer farms. By October 1970, only 68.4 percent of its member producer milk was received at pool distributing plants.

Since the present pooling standard requires receipt of 65 percent of a cooperative's member producer milk at pool distributing plants, the supply plant of such cooperative may not qualify in the future under such standard without incurring additional hauling and handling costs.

The reasons for the decrease in shipments to Kansas City pool distributing plants are varied. In 1968, a handler discontinued his packaging operations and transferred them to a plant in another market. The milk formerly received at the Kansas City plant was diverted to other uses. Another Kansas City handler closed his plant in December 1969. The route sales of that plant were then served from another plant of that handler regulated by the Des Moines, Iowa, order. Here again, producer milk of the cooperative had to be diverted to other uses. Average daily Class I sales by nonpool plants have increased by over 50 percent from November of 1969 to November of 1970, and in each month of 1970 were greater than they were for the corresponding month in 1969.

With the exception of April, the Class I sales of pool distributing plants declined in each month through November 1970 from the corresponding month a year earlier. Such decreases ranged from 1.5 percent in February to 5.2 percent in May, and averaged 2.4 percent monthly through November 1970.

Producer milk pooled on the Kansas City market increased throughout most of 1970. Average daily producer milk pooled on the Kansas City market increased 6.3 percent in May from 1 year ago, in June 5.5 percent, July 9.9 percent, August 5.3 percent, September 10.9 percent, and October 12 percent.

Proponents requested that the pooling requirements be based on receipts of member producer milk at pool plants during the previous 12 months. Pooling on the basis of aggregate performance in the immediately preceding 12-month period should be adopted as an alternative to current month performance. This will reflect that a cooperative has demonstrated the regular association of a balancing plant and producer milk with this market. It also will provide flexibility for a cooperative in adjusting its operations to meet variable marketing conditions.

Proponent's proposal would abandon the current month performance standard for pooling that is contained in the present order. It would not permit a cooperative with a supply plant first becoming associated with this market by meeting the cooperative plant pooling requirement in the current month to be pooled on the same basis as other similar plants. This could be unduly restrictive, however. A cooperative having 50 percent of its member producer milk on the market might have similar balancing problems in supplying other handlers even though it had only been on the market a short time.

The current month performance standard therefore should be continued in the order as the basic pooling provision. However, if a cooperative supply plant demonstrates its association with the market as a balancing plant for a period of 1 year, it should have the opportunity to be pooled on the alternate 12-month aggregate basis.

It is necessary further to establish rules to determine under which order a cooperative supply plant qualifying by either of the above means should be regulated, if it meets the pooling requirements of more than one order.

Proponent suggested that in the event that a cooperative supply plant under this order should meet the pooling qualifications under another order as well, a written request to the market administrator should be sufficient to maintain pool plant status under this order.

Generally, a plant should be pooled under the order for the market where it is most closely associated by delivery performance. Most of the orders in this region provide that a supply plant shall be subject to regulation when it meets the specified shipping requirements of the particular order and delivers a greater percentage of its milk to plants defined as pool distributing plants under such order than is delivered to pool plants under the other order to which it might be subject.

As previously stated, pool status for a cooperative supply plant under this order is based, however, on either direct shipments from member producers' farms or shipments from the supply plant, to pool distributing plants. Qualification on this basis is related to the particular function of the plant as a balancing plant for the Greater Kansas City market.

In view of the limited volume of milk likely to move through a cooperative supply plant in performing its function as a balancing plant, even small shipments of milk to other order plants could result in a shift of regulation of such plant from the Greater Kansas City order. It is concluded therefore that the milk which is delivered directly to pool distributing plants from the farms of member producers should be considered a receipt at the cooperative supply plant for the purpose of qualifying such plant as a pool plant under the Greater Kansas City order. With such a provision, shipments from the plant to other markets should not result in the plant becoming a pool plant under some other order as long as the supply of producer milk of the cooperative continues to be primarily associated with the Greater Kansas City market.

2. *Supply plant pooling standards.* The pooling requirements for a supply plant (other than a cooperative supply plant) should be changed to require that at least 50 percent of the plant's monthly receipts of Grade A milk from dairy farmers either be shipped as fluid milk products to pool distributing plants or otherwise be disposed of in the marketing area as Class I. This would change the present 30 percent shipping requirement to 50 percent for each month of November, December, and January. Pooling requirements for the remaining months of the year would continue to be 50 percent. However, a plant which qualifies as a pool plant during each month of September through January could continue to be qualified without meeting shipment requirements during the following months of February through August, unless nonpool plant status is requested by the handler.

The order was amended on February 1, 1967, to reduce the percentage shipping requirement in November, December, and January from 50 percent of dairy farmer receipts at supply plants to 30 percent. Official notice is taken of the decision issued on January 27, 1967 (32 F.R. 1133). At that time the one supply plant on the market experienced difficulty in meeting the 50 percent shipping requirement because deliveries of producer milk directly from farms to pool distributing plants increased to the extent that shipments from the supply plant were halved. The plant involved now qualifies under the provision for pooling a cooperative supply plant.

There are no present supply plants on the market other than the two operated by the cooperatives. Consequently, no present plant would be affected by this change. Some shipping standard is needed in each month, however, for any other supply plant that may come on the market at a future time. In view of an equal or possibly greater dependence on supply plants during the fall and winter than at other times, the proposed 50 percent shipping requirement is reasonable for these months as well as for other months of the year.

A 50 percent shipping requirement for supply plants to attain pool plant status in the fall and winter period is contained in other nearby orders also. This order had the 50 percent standard for November through January prior to February 1967. Reinstatement of this pooling standard under the Greater Kansas City order will provide similar basis for market pooling under different orders for supply plants that compete for milk in overlapping procurement areas.

Under these revised standards, a plant which meets the minimum pooling requirements during September through January would be required to ship only 21 percent of its milk on an annual basis, since it may continue to have pool plant status for February through August without further shipments.

3. *Diversions of producer milk.* The provisions relating to diversion of producer milk by a handler or a cooperative should be revised to provide the same basis for diversion of producer milk in September through January as now provided for February through August. This change would permit maximum diversions of producer milk from pool distributing plants to pool supply plants and to nonpool plants in an amount not to exceed that received physically at pool distributing plants during the month instead of the present 35 percent of such receipts.

A cooperative in the market proposed more liberal diversions of producer milk. Specifically, its proposal would allow for each month of the year the diversion of an amount of producer milk equal to the amount of producer milk actually received at pool distributing plants. This cooperative acts as a handler on most of the milk that must be diverted from the market for use in manufactured dairy products. It was necessary to suspend the 35 percent diversion limit for the November 1970–January 1971 period to accommodate the orderly disposition of reserve milk supplies for the market.

The diversion privilege is intended primarily to promote efficient disposition of milk not needed at pool distributing plants for fluid purposes. When milk is not needed at pool distributing plants, it is more efficient to divert it to manufacturing plants located near farms of producers rather than receive it at bottling plants and subsequently move it to manufacturing plants.

In September 1970, the proponent cooperative diverted 21 percent of its member milk from pool distributing plants compared to 11.6 percent in September 1969. In the month of October 1970, the cooperative diverted 32 percent of its member producer milk from pool distributing plants compared to 14.6 percent in the same month a year earlier. For the first 11 months of 1970, 172 million pounds of producer milk, or 18 percent of total producer milk, was diverted. For the same period in 1969, producer milk diversions totaled 126 million pounds, or 14 percent of producer milk on the market. The cooperative handled approximately 90 percent of the total producer milk diverted in both years.

Several recent developments in the market prompt the need for revising the diversion provisions. As pointed out previously, these include the closing of local distributing plants and shifts of their Class I sales to pool plants under other orders, a change in procurement methods of a local handler, the manufacture of cottage cheese at nonpool plants instead of in pool plant facilities, and some increase in local producer supplies in relation to Class I sales.

As Class I sales have declined, the average daily producer milk receipts at pool plants have increased. Some of this increase in producer milk supplies has resulted from the association of an additional cooperative supply plant with the market as a pool plant effective in May 1970. Average daily producer milk deliveries increased in May and June 1970 by 6 percent from May and June 1969, and have continued to increase on a daily basis over the same month a year ago by 10 percent in July, 5 percent in August, 11 percent in September, and 12 percent in October and November 1970.

The effect of these developments during recent months has been to increase the percentage of producer milk in Class II and Class III uses. In 1968 and 1969, the percentage of producer milk in Class II and Class III uses was 33 and 34, respectively. Of the 959 million pounds of producer milk pooled during January through November 1970, 375 million pounds, or 39 percent, were utilized in Class II and Class III uses. About 46 percent of the total producer milk used in the reserve milk classes in these 11 months was diverted milk.

The cooperative diverting most of the producer milk on the market diverted from 19 percent to 43 percent of its member producer milk received at pool distributing plants in each of the first 10 months of 1970. This was a substantial increase from the same months during 1969 when from 12 percent to 29 percent of its member producer milk at pool distributing plants was diverted.

May, June, and July are usually the months when the proportion of producer milk that must be diverted is greatest. However, greater diversions are being made in September through January than in the past. In October 1970, diversions by the cooperative were near the present 35 percent limit.

There is substantial variation in daily fluid milk needs of distributing plants throughout the year. Increasing numbers of distributing plants do not process and package milk on weekends. Holidays also affect the need for milk packaged at distributing plants. The daily sales volume of plants during the week is uneven because consumers tend to buy at stores toward the end of the week. Distributing plant operators typically maintain a sufficient supply of milk to meet requirements on peak bottling days during seasonally low production months. Consequently, there are substantial quantities of milk produced on other days which must be diverted to manufactured dairy product uses.

Accordingly, the order should be revised to allow cooperatives and handlers to divert, in each month of the year, a maximum quantity of producer milk to pool supply plants and nonpool plants equal to that received physically at pool distributing plants.

4. *Mileage limitation on transfers and diversions to nonpool plants.* The order should be amended to remove the mandatory Class I classification of bulk fluid milk products transferred or diverted to nonpool plants located more than 400 miles from the nearer of Kansas City, Mo., or Topeka, Kans. Such transfers or diversions would be classified on the basis of actual use as now provided for transfers and diversions to nonpool plants located within a 400-mile radius from such basing points. Transfers of packaged milk to nonpool plants would continue to be classified as Class I irrespective of location.

Although this provision has not interfered up to the present time with the movement of milk to nonpool plants, retention could affect the orderly disposition of reserve milk supplies in the future, especially since nonpool manufacturing plants and the farms of some of the producers delivering to the Kansas City market are located in Minnesota. Minnesota lies largely outside the 400-mile line of demarcation. Proponent cooperative operates a pool supply plant under the Kansas City order which is located at Faribault, Minn. The cooperative also operates a plant located at Pine Island, Minn., which is currently regulated under the Southeastern Minnesota-Northern Iowa order. Pine Island is approximately 427 miles from Kansas City. The cooperative has a third plant at Pine Island which was recently converted to the manufacture of cheddar cheese.

Witness for the cooperative stated that effective January 1, 1971, the Pine Island plant, now pooled under the Southeastern Minnesota-Northern Iowa order would probably qualify as a pool plant under the Kansas City order. Milk excess to the fluid milk requirements at Kansas City pool distributing plants then would be moved from the Faribault and Pine Island pool plants to the cheese manufacturing plant at Pine Island for processing.

Another cooperative supported removal of the mileage basis for classifying bulk milk movements. No one opposed it at the hearing.

The present provision of the order requiring Class I classification of milk moved more than 400 miles from the market has been suspended since November 1, 1970. Amended of the order will continue to permit milk moved to the cheese plant at Pine Island to be classified and priced on the basis of its use or disposition at such plant.

In earlier days, it was economically feasible to move milk from the market to outlets beyond the 400 miles only if it were intended for Class I use. Because Class III milk has about the same value at all locations, it was considered uneconomical under usual circumstances to transport it long distances for use in manufactured dairy products. However, under current marketing conditions, milk associated with this market can be handled at manufacturing plants located more than 400 miles from the market without incurring unnecessary transportation and handling costs. The Pine Island cheese manufacturing plant is located near the farms of some producers for this market and it represents a desirable outlet for some milk excess to Class I needs in this market.

In the past, limiting distant movements of milk to Class I classification tended to save administrative cost. The cost involved in verifying utilization at distant plants is greatly lessened now because the Federal order system is extensive throughout much of the continental United States. Arrangements for verifying utilization at distant nonpool plants are feasible through facilities of several market administrators' offices near the nonpool plants representing actual or potential outlets for the market

reserve. Also, the market administrator is required presently to check utilization at plants in the general area, but within 400 miles of Kansas City. It would not represent much greater expense to verify utilization at a plant, such as Pine Island, which is only a few miles more distant than a plant at which utilization is verified currently.

Removal of the automatic Class I classification for milk moved to points 400 miles or more from the market will result in handlers accounting to the producer-settlement fund on the basis of use at the plant to which the milk is transferred or diverted. Handlers, including cooperatives, will be required to claim Class II or Class III utilization in their monthly reports of receipts and utilization and will be required to maintain plant records which must be made available to the market administrator upon request.

5. *Class II and Class III prices.* The Class III price should be the basic formula price for the current month and the Class II price for milk used in cottage cheese should be the basic formula price for the month plus 15 cents. The basic formula price is the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported monthly by the Department, adjusted to a 3.5 percent butterfat test.

Currently, the Class III price is the Minnesota-Wisconsin formula price for the current month, but not to exceed a price based on butter and nonfat dry milk values in a formula recognizing yield factors and manufacturing allowances for these products. The Class II price is the Class III price plus 15 cents per hundredweight, but not less than the the basic formula price (Minnesota-Wisconsin series) for the month.

A cooperative supplying milk to the market proposed that the butter-nonfat dry milk formula, used as a "snubber" in determining the Class III price, be deleted from the order and that the Class II price be the Class III price plus 15 cents.

The proponent cooperative is the primary handler of reserve milk supplies in this market. It maintains that a price determined by butter and nonfat dry milk values is too low and not representative of a competitive pay prices for milk in manufactured product uses in this area.

A cooperative operating a pool supply plant located in Minnesota and a handler witness opposed any increase in reserve milk prices at this time in this market. Both testified that action should await hearing or hearings held on classification and pricing on a number of orders to achieve uniformity among them.

The objective in pricing reserve milk disposed of in manufactured product uses is to price such milk at a level to result in orderly disposition of all excess supplies, but yet maximize returns to producers from the values obtained in manufactured product disposition. Establishment of a price too high to clear the market of milk excess to Class I requirements would interfere with the orderly marketing of milk and encourage the use of other, more distant sources of milk instead of producer supplies. Fixing a price too low would not obtain the highest possible returns for producers and would encourage handlers to associate additional supplies with the market to obtain low cost milk for manufacturing uses.

The Minnesota-Wisconsin price series represents actual prices paid farmers for manufacturing grade milk in Minnesota and Wisconsin. It is announced monthly, on or before the fifth of the month, by the Department. It is based on a large sampling of plants in Minnesota and Wisconsin. Approximately one-half of the manufacturing grade milk sold in the United States is produced in these two states. The most competitive situation existing for manufacturing grade milk in the United States is in Minnesota and Wisconsin. The Minnesota-Wisconsin price series represents an excellent measure of the average value of manufacturing grade milk because the series reflects supply and demand under highly competitive conditions for milk used in maunfactured dairy products. Milk products that are manufactured from excess milk in the Kansas City market compete with manufactured dairy products within a marketing system which is national in scale.

In 1969 the proponent cooperative paid its members who produced manufacturing grade milk a price which averaged 9 cents below the Minnesota-Wisconsin price. During the first 10 months of 1970, however, the price paid members averaged only 2 cents below the Minnesota-Wisconsin price and in 3 months was higher than such price.

The proponent cooperative handles the major volume of the reserve milk. In 1969 this cooperative obtained a price for excess Grade A milk moved to nonpool plants which averaged 3 cents below the Minnesota-Wisconsin price series. For the first 10 months of 1970, the price obtained averaged 2 cents above the Minnesota-Wisconsin price series.

The cooperative is obtaining 20 cents above the Minnesota-Wisconsin price for milk used in evaporated milk, and from 25 to 30 cents above the Minnesota-Wisconsin price for milk used in cheese.

In 1969, the butter-nonfat dry milk formula under the Greater Kansas City order resulted in a price 17 cents below the Minnesota-Wisconsin price. For the first 10 months of 1970, the butter-nonfat dry milk price averaged 12 cents below the Minnesota-Wisconsin price. The cooperative, however, paid its member manufacturing milk shippers prices approaching the Minnesota-Wisconsin level during this period.

The cooperative has a manufacturing plant in this market, and also operates plants in the Nebraska-Western Iowa, the Des Moines, the St. Louis-Ozarks and the Neosho Valley market. The Minnesota-Wisconsin price is the basis for establishing reserve milk prices in such surrounding markets. Obviously, the cooperative has been able to return to its member producers in this market a price competitive with the prices for reserve milk under surrounding orders.

The Class II price should be the basic formula price for the month plus 15 cents. The same cooperative, handling most of the producer milk in the market, proposed that the Class II price be increased to this level. Another cooperative and handlers opposed any increase until all orders in the region are simultaneously amended.

The effective minimum Class II milk price under the current order for each of the months of May through September 1970 was the Minnesota-Wisconsin price plus 15 cents. For the first 10 months of 1970, however, use of the basic formula price plus 15 cents would have resulted in a Class II price averaging 6 cents higher than the order Class II prices during that period. Prices handlers paid for producer milk in cottage cheese uses, including handling charges, were above the proposed level during this 10-month period.

The price for Class II milk should be at a level which will obtain full use value for producers. Thus, some added value should be attached to producer skim milk used in cottage cheese in this market above its value in other manufactured dairy products. The Class II price should not be established, however, at a level substantially higher than the cost of alternative supplies for this use, if producers are to retain this outlet for their milk.

Cottage cheese represents one of the largest outlets for producer skim milk that is excess to fluid uses in the Kansas City market. Approximately 12 percent of the total producer milk supply is so utilized each month. Handlers use producer milk for cottage cheese manufacture in preference to other sources.

The cooperative spokesman testified that four alternative sources of supply, in addition to producer milk, are available for cottage cheese use in the Kansas City market. These include manufacturing grade milk for unregulated supply plants, manufactured dairy products, such as nonfat dry milk, which may be used to produce cottage cheese, cottage cheese made from milk priced under another order, and cottage cheese and cottage cheese curd from nonpool plants.

The prices for non-Grade A milk returned to dairy farmer members of the cooperative averaged $4.61 during the first 10 months of 1970. This was 2 cents per hundredweight less than the Minnesota-Wisconsin price but does not include a handling charge or any additional hauling cost. Handlers in this market have not requested the cooperative to supply non-Grade A milk for their cottage cheese requirements. However, had they done so, the cost to them, including the customary handling charge, would have approximated the proposed Class II price.

Handlers presumably could purchase nonfat dry milk and reconstitute it into liquid skim for use in cottage cheese. The price per pound of nonfat dry milk produced locally was 27.2 cents at the time of the hearing. At such price the cost of nonfat dry milk (skim milk equivalent basis) used to produce cottage cheese would exceed the proposed Class II price level.

Plants under other Federal orders are a third potential source of milk for cottage cheese. The price for regulated milk used in cottage cheese at plants under the Nebraska-Western Iowa order is the Minnesota-Wisconsin price plus 15 cents. While some other markets price milk for cottage cheese at the basic formula price level, the milk or cottage cheese imported from such markets could be presumed to carry handling or transportation charges from the other market, or both.

A fourth source of cottage cheese to handlers would be cottage cheese or curd from nonpool plants. The proponent cooperative operates such a plant at Eldorado Springs, Mo. Producers of manufacturing grade milk received at this plant were paid $4.64 per hundredweight for their milk in the first 10 months of 1970. This was about 1 cent more than the Minnesota-Wisconsin price for the same period. About two-thirds of the cottage cheese manufactured at this plant is made from Grade A excess milk. Milk diverted from Greater Kansas City pool plants to this nonpool plant is classified as Class II and is so priced under this order. The proponent cooperative also manufactures cottage cheese at a nonpool plant located at Minneapolis, Minn., and regulated under the Minneapolis-St. Paul Federal order. Milk in cottage cheese at that plant is priced at the Minnesota-Wisconsin price level. Considering transportation cost, cottage cheese from this source moved to Kansas City would be as high or higher than cottage cheese made from producer milk at the proposed Class II price. These plants were the only sources of finished cottage cheese or curd referred to in the testimony. No lower-priced sources were indicated.

At no time during recent months has any handler refused producer milk for cottage cheese, nor has any handler sought a supply other than producer milk for cottage cheese use. The proposal for establishing the Class II price at the basic formula price plus 15 cents is reasonable and is adopted.

6. *Emergency action.* Consideration was given at the hearing to the need for emergency action, with respect to the material issues. The witness for the proponent cooperative which originally requested emergency action stated the cooperative was not seeking omission of the recommended decision, but prompt action on the necessary amendments.

The provisions considered for amendment are important and complex. Therefore, the recommended decision with respect to these matters should not be omitted.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1064.12, paragraphs (b) and (c) are revised to read as follows:

§ 1064.12 Pool plant.

* * * * *

(b) A supply plant from which during the month 50 percent or more of the Grade A milk received at such plant from dairy farmers (including receipts from a handler pursuant to § 1064.7(c), except receipts of milk diverted pursuant to § 1064.15) is disposed of as fluid milk products, except filled milk, in one or both of the following ways: (1) shipped to and received at pool distributing plants, or (2) sold as Class I in the marketing area on routes. A supply plant which is a pool plant under this paragraph during each month of September through January shall be pooled for the following months of February through August, if the required percentage pursuant to this paragraph is not met, unless the plant operator files written request with the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such request and thereafter until the plant qualifies as a pool plant on the basis of shipments.

(c) A supply plant operated by a cooperative association in any month in which the member producer milk of such cooperative association received at pool distributing plants during the current month, or the immediately preceding 12-month period ending with the current month, either by transfer from such supply plant or directly from member producers' farms, is 50 percent or more of such cooperative's total member producer milk. Such direct deliveries from member producers' farms shall be considered as having been received first at the plant of such cooperative association for the purpose of determining the qualification of such plant as a pool plant pursuant to this paragraph. If two or more cooperative associations desire to qualify a supply plant operated by one of the associations as a pool plant on the basis of their combined deliveries to pool distributing plants and have filed a written request to this effect with the market administrator on or before the first day of the month the agreement is effective, such a supply plant shall be a pool plant during the month if the above specified percentage of the total member producer milk of such cooperative associations was received at pool distributing plants during the current month, or the immediately preceding 12 month period ending with the current month.

2. In § 1064.15, paragraphs (a) and (b) are revised to read as follows:

§ 1064.15 Diverted milk.

* * * * *

(a) A handler pursuant to § 1064.7(b) may divert for its account the milk of any member producer whose milk is received at a pool distributing plant for at least 1 day's delivery during the month, without limit during the other days of the month. The total quantity of milk so diverted may not exceed the larger of the following amounts: (1) The total quantity of its member producer milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member producer milk received at pool distributing plants during the previous month, multiplied by the number of days in the current month.

(b) A handler operating a pool distributing plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, whose milk is received at his pool distributing plant for at least 1 day's delivery during the month, without limit during the other

days of the month. However, the total quantity of milk so diverted may not exceed the larger of the following amounts: (1) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association that has diverted milk pursuant to paragraph (a) of this section, or (2) the average daily quantity of producer milk received at such plant during the previous month from producers who are not members of a cooperative association that has diverted milk in the current month pursuant to paragraph (a) of this section, multiplied by the number of days in the current month.

• • • • •

§ 1064.44 [Amended]

3. In § 1064.44, paragraph (c) is revoked.

4. In § 1064.44, the introductory text of paragraph (d) preceding subparagraph (1) is revised to read as follows:

§ 1064.44 Transfers.

• • • • •

(d) As Class I milk, if thransferred or diverted in bulk to a nonpool plant that is neither an other order plant, a producer-handler plant, or the plant of a handler pursuant to § 1064.7(f); unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph.

• • • • •

5. In § 1064.51, paragraphs (b) and (c) are revised to read as follows:

§ 1064.51 Class prices.

• • • • •

(b) *Class II milk.* The Class II price shall be the basic formula price for the month plus 15 cents.

(c) *Class III milk.* The Class III price shall be the basic formula price for the month.

6. In § 1064.62, paragraph (c) is revised and a new paragraph (c–1) is added to read as follows:

§ 1064.62 Plants subject to other Federal orders.

• • • • •

(c) A supply plant meeting the requirements of § 1064.12(b), which also meets the pooling requirements of another Federal order, and which has greater direct marketing area route disposition in the form of fluid milk products, except filled milk, and qualifying shipments to plants regulated under such other order than are made under this order, unless during any month of February through August automatic pool plant status for such plant is retained under this part for such month.

(c–1) A supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant also qualified as a pool plant pursuant to § 1064.12(c).

• • • • •

Signed at Washington, D.C., on March 1, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-3025 Filed 3-4-71;8:47 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

PROCEDURES: DETERMINATION OF CONSTRUCTION - DIFFERENTIAL SUBSIDY AND EVALUATION OF NEGOTIATED CONSTRUCTION CONTRACT PRICE

Notice of Proposed Rule Making

The Merchant Marine Act, 1936, as amended (46 U.S.C. 1101, et seq.) has recently been amended by the Merchant Marine Act of 1970 (Public Law 91-469) to permit the negotiation of a price between a shipyard and a proposed ship purchaser for the construction of a ship with the aid of construction-differential subsidy under section 502(a) (46 U.S.C. 1152(a)) of said 1936 Act, and to provide for certain procedures for the determination of the estimated foreign cost of construction of vessels of the type proposed to be constructed with the aid of construction-differential subsidy under section 502(b) (46 U.S.C. 1152(b)) of said 1936 Act.

Pursuant to section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114) and in accordance with the provisions of section 3(a)(3), Administrative Procedure Act (5 U.S.C. 552(a)(1)(D)), notice is hereby given that the Maritime Subsidy Board is contemplating the adoption of procedures to be followed in connection with the negotiation of a price between a shipyard and a proposed ship purchaser for the construction of a ship, and in connection with the determination of estimated foreign cost of the vessel types comprising its ship construction program.

While the subsidy program is exempt from the requirements of section 4, Administrative Procedure Act (5 U.S.C. 553), the Board invites interested parties to submit any written data or views on the contemplated procedures for consideration by the Board, in triplicate, to the Secretary, Maritime Subsidy Board, Maritime Administration, Washington, D.C., by close of business on April 5, 1971. Copies of proposed procedures prepared by the Board may be obtained from the Secretary.

Dated: March 1, 1971.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-3103 Filed 3-4-71;8:56 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 37]

AUTOPSIES OF COAL MINERS

Notice of Proposed Rule Making

Section 203(d) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843(d)) provides that upon the death of any active or inactive underground coal miner, the Secretary of Health, Education, and Welfare is authorized, with proper consent, to pay for an autopsy to be performed on such miners.

Notice is hereby given that the Secretary proposes to amend Part 37 of Title 42, Code of Federal Regulations by adding a new subpart which sets forth the conditions under which the Secretary will pay qualified pathologists for autopsies performed by them on underground miners.

It is proposed to make the regulations effective on the date of their republication in the FEDERAL REGISTER.

Inquiries may be addressed, and comments concerning the proposed regulations may be submitted, to the Bureau of Occupational Safety and Health, Public Health Service, 5600 Fishers Lane, Rockville, MD 20852.

Since failure promptly to adopt the regulations may work to the detriment of the families of deceased miners, the Department finds that it is in the public interest to limit the time for submitting comments to 20 days following the publication of these proposed regulations in the FEDERAL REGISTER.

Part 37 would be amended by adding a new subpart as follows:

Sec.
37.200 Scope.
37.201 Definitions.
37.202 Payment for autopsy.
37.203 Autopsy specifications.
37.204 Procedure for obtaining payment.

AUTHORITY: The provisions of this subpart issued under the authority of sec. 508, 83 Stat. 803; 30 U.S.C. 957.

Subpart—Autopsies

§ 37.200 Scope.

The provisions of this subpart set forth the conditions under which the Secretary will pay pathologists to obtain results of autopsies performed by them on miners.

§ 37.201 Definitions.

As used in this subpart:

(a) "Secretary" means the Secretary of Health, Education, and Welfare.

(b) "Miner" means any individual who during his life was employed in any underground coal mine.

(c) "Pathologist" means (1) a physician certified in anatomic pathology by the American Board of Pathology or the American Osteopathic Board of Pathology, (2) a physician who possesses qualifications which are considered "Board eligible" by the American Board of Pathology or American Osteopathic Board of Pathology, or (3) an intern, resident, or other physician in a training program in pathology who performs the autopsy under the supervision of a pathologist as defined in subparagraph (1) or (2) of this paragraph.

(d) "ALFORD" means the Appalachian Laboratory for Occupational Respiratory Diseases, Public Health Service, Department of Health, Education, and Welfare, Post Office Box 4257, Morgantown, WV 26505.

§ 37.202 Payment for autopsy.

(a) The Secretary will pay up to $200 to any pathologist who, after the effective date of the regulations in this part and with legal consent.

(1) Performs an autopsy on a miner and submits the results and other materials to ALFORD in accordance with this subpart; and

(2) Receives no other specific payment, fee, reimbursement or honorarium in connection with the autopsy other than under this section.

(b) The Secretary will pay to any pathologist entitled to payment under paragraph (a) of this section and additional $10 if the pathologist can obtain and submits a good quality copy or original of a chest roentgenogram (posteroanterior view) made of the subject of the autopsy within 5 years prior to his death together with a copy of any interpretation made.

§ 37.203 Autopsy specifications.

(a) Every autopsy for which a claim for payment is submitted pursuant to this part:

(1) Shall be performed consistent with standard autopsy procedures such as those, for example, set forth in the "Autopsy Manual" prepared by the Armed Forces Institute of Pathology, July 1, 1960. (Technical Manual No. 8-300. NAVMED P-5065, Air Force Manual No. 160-19.) Copies of this document may be obtained from ALFORD.

(2) Shall include:

(i) Gross and microscopic examination of the lungs, pulmonary pleura, and tracheobronchial lymph nodes;

(ii) Weights of the heart and each lung;

(iii) Circumference of each cardiac valve when opened;

(iv) Thickness of right and left ventricles;

(v) Size, number, consistency, location, description and other relevant details of all lesions of the lungs;

(vi) Level of the diaphragm;

(vii) From each type of suspected pneumoconiotic lesion, representative microscopic slides stained with hematoxylineosin or other appropriate stain, and one formalin fixed, paraffin-impregnated block of tissue; a minimum of three stained slides and three blocks of tissue shall be submitted. When no such lesion is recognized, similar material shall be submitted from three separate areas of the lungs selected at random; a minimum of three stained slides and three formalin fixed, paraffin-impregnated blocks of tissue shall be submitted.

(b) Needle biopsy techniques shall not be used.

§ 37.204 Procedure for obtaining payment.

Every claim for payment under this subpart shall be submitted to ALFORD and shall include:

(a) An invoice (in duplicate) on the pathologist's letterhead or billhead indicating the date of autopsy, the amount of the claim and a signed statement that the pathologist is not receiving any other specific compensation for the autopsy from the miner's widow, his surviving next-of-kin, the estate of the miner, or any other source.

(b) Completed PHS Consent, Release and History Form (See Fig. 1). This form may be completed with the assistance of the pathologist, attending physician, family physician, or any other responsible person who can provide reliable information.

(c) Report of autopsy:

(1) The information, slides, and blocks of tissue required by this subpart.

(2) Clinical abstract of terminal illness and other data that the pathologist determines is relevant.

(3) Final summary, including final anatomical diagnoses, indicating presence or absence of simple and complicated pneumoconiosis, and correlation with clinical history if indicated.

Dated: February 28, 1971.

ELLIOT L. RICHARDSON,
Secretary.

FIGURE 1

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE—NATIONAL COAL WORKERS' AUTOPSY STUDY

Consent, Release, and History Form Federal Coal Mine Health and Safety Act of 1969

I, _____, _____
(Name) (Relationship)
of _____, do hereby authorize the performance of an autopsy
(Name of deceased miner)
(_____) on said deceased. I understand that the report and certain tissues as necessary will be released to the United States Public Health Service and to _____
(Limitation, if any, on autopsy)
(Name of Physician securing autopsy)
I understand that any claims in regard to the deceased for which I may sign a general release of medical information will result in the release of the information from the Public Health Service. I further understand that I shall not make any payment for the autopsy.

Occupational and Medical History

1. Date of Birth of Deceased _____
(Month, Day, Year)
2. Social Security Number of Deceased _____
3. Date and Place of Death _____,
(Month, Day, Year)
_____
(City, County, State)
4. Place of Last Mining Employment:
Name of Mine _____
Name of Mining Company _____
Mine Address _____

5. Last Job Title at Mine of Last Employment _____
(e.g., Continuous Miner Operator, motorman, foreman, etc.)
6. Job Title of Principal Mining Occupation (that job to which miner devoted the most number of years) _____
(e.g., Same as above)
7. Smoking History of Miner:
(a) Did he ever smoke cigarettes? Yes ____ No _____
(b) If yes, for how many years? _____ Years.
(c) If yes, how many cigarettes per day did he smoke on the average? _____
(Number of) Cigarettes per day.
8. Total Years in Surface and Underground Employment in Coal Mining, by State (If known) _____ _____
(Years) (State)
9. Total Years in *Underground* Coal Mining Employment, by State (If known) _____
(Years)
_____
(State)

_____
(Signature)
_____
(Address)
_____
(Date)

Interviewer:
_____

[FR Doc.71-3018 Filed 3-4-71;8:47 am]

[42 CFR Part 55]

GRANTS FOR ADVANCEMENT OF HEALTH IN COAL MINES

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend Title 42, Code of Federal Regulations, by adding a new Part 55, which sets forth the conditions and procedures for awarding grants for the advancement of health in coal mines under section 501 of the Federal Coal Mine Health and Safety Act (30 U.S.C. 951). This Act authorizes grants to be made for studies, research, experiments, demonstrations, and other activities.

It is proposed that these regulations be effective on the date of their republication in the FEDERAL REGISTER. The Secretary has determined that the purposes of the Act will be achieved in a more effective and expeditious manner if grants under this part are limited to public and private nonprofit agencies and institutions.

Interested persons may submit comments concerning the proposed regulations to the Bureau of Occupational Safety and Health, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received within 30 days after publication of this notice will be considered.

Part 55 would be added as follows:

PART 55—GRANTS FOR ADVANCEMENT OF HEALTH IN COAL MINES

Subpart A—General

Sec.
55.1 Applicability.
55.2 Definitions.
55.3 Nature and purpose.
55.4 Application for grant.
55.5 Compliance with the Civil Rights Act.

Subpart B—Evaluation and Disposition of Applications

Sec.
55.10 Evaluation.
55.11 Disposition.

Subpart C—Grant Awards, Payments, Termination

55.20 Grant awards and payments.
55.21 Supplemental and continuation grants.
55.22 Termination.

Subpart D—Grant Conditions: Obligation of Grantee

55.30 Use of funds, changes.
55.31 Project director.
55.32 Inventions and discoveries.
55.33 Other conditions.

Subpart E—Reports, Records and Inspections

55.40 Reports and records.
55.41 Inspections and audits.

Subpart F—Expenditures

55.50 Allocation of costs.
55.51 Particular direct costs.

Subpart G—Grantee Accountability

55.60 Accounting for grant payments.
55.61 Accounting for equipment, materials, and supplies.
55.62 Interest.
55.63 Project net income.
55.64 Final settlement.

AUTHORITY: The provisions of this Part 55 issued under sec. 508, 83 Stat. 603; 30 U.S.C. 957.

Subpart A—General

§ 55.1 Applicability.

The regulations of this part apply to to project grants for studies, research, experiments, demonstrations, and other activities relating to coal mine health as set forth in § 55.3.

§ 55.2 Definitions.

As used in this part all terms not defined herein shall have the meaning given them in the Act.

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et. seq.)

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) "Bureau" means the Bureau of Occupational Safety and Health.

(d) "Director" means the Director of the Bureau of Occupational Safety and Health or his authorized representative.

(e) "Fiscal year" means the year period beginning July 1 and ending on June 30 following.

(f) "Project Period" means the period of time, not exceeding 5 years, which the Secretary finds is reasonably required to initiate and conduct a project meriting support of one or more project grants within the scope of § 55.3, except that such period may be extended by the Secretary beyond 5 years solely to permit continuation or completion of the same approved project by use of funds previously awarded but remaining unencumbered by the grantee at the end of such 5 years. The approval and support of a project for the maximum project period shall not preclude additional support of that project beyond such period if such support of the continued project is requested, evaluated, and approved on the same basis as a new or initial application.

(g) "Applicant" means any public or nonprofit agency or institution which files an application for a grant under section 501 of the Act.

(h) "Project Director" means a single individual designated by the grantee in the grant application and approved by the Secretary, who is responsible for the scientific and technical direction of the project.

(i) "Nonprofit" as applied to institution means a corporation or association no part of the net earnings of which inures or may lawfully inure to the benefit of any shareholder or individual.

§ 55.3 Purpose of project grant.

The Secretary is authorized under section 501 of the Act to make grants for studies, research, experiments, and demonstration (a) to improve working conditions and practices in coal mines affecting health and to prevent occupational diseases originating in the coal mining industry, (b) to develop and revise improved mandatory health standards for the protection of life and the prevention of occupational diseases of miners, (c) to protect life and prevent diseases in persons who, although not miners, work with and around the products of coal mines in areas outside mines and under conditions which may adversely affect the health and well-being of such persons, (d) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine atmosphere of active workings of the coal mine, (e) to develop epidemiological information, (f) to develop techniques for the prevention and control of occupational disease of miners, including tests for hypersusceptibility and early detection, (g) to evaluate the effect on bodily impairment and occupational disability of miners afflicted with an occupational disease, (h) to develop effective respiratory equipment, (i) to prepare and publish from time to time reports on all significant aspects of occupational diseases of miners, (j) to study the relationship between coal mine environments and occupational diseases of miners, and (k) for such other purposes as the Secretary deems necessary to carry out the purposes of the Act.

§ 55.4 Application for grants.

(a) An application for a grant shall be submitted on such forms and in such manner as the Secretary may prescribe.

(b) The application shall be executed by an individual authorized to act for the institution or other applicant, and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this part.

(c) In addition to any other pertinent information which the Secretary may require, each applicant shall submit as part of the application a description of the project in sufficient detail to indicate the nature, duration, purpose, justification, and proposed method of conduct of the project; the qualifications of the principal staff members to be responsible for the project; the total facilities and resources that will be available, and a justification of the amount of funds requested.

§ 55.5 Compliance with the Civil Rights Act.

The applicant shall comply with the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits, or be subjected to discrimination under any program or activity receiving Federal financial assistance (section 601), and to the implementing regulation issued by the Secretary with the approval of the President (45 CFR Part 80).

Subpart B—Evaluation and Disposition of Applications

§ 55.10 Evaluation.

(a) All applications filed in accordance with this part shall be evaluated by the Secretary through such officers and employees and such experts or consultants engaged for this purpose as he determines are specially qualified in the area involved.

(b) The Secretary's evaluation shall take into account, among other pertinent factors, the scientific merit and significance of the project, the competency of the proposed staff in relation to the type and scope of the project involved, the feasibility of the project, the likelihood of its producing meaningful results, the proposed project period, and the adequacy of the applicant's resources available for the project and the amount of grant funds necessary for completion, and where appropriate, the recommendations of the Advisory Council on Coal Mine Health Research.

§ 55.11 Disposition.

On the basis of his evaluation of an application, pursuant to § 55.10, the Secretary shall either (a) approve, (b) defer because of lack of funds or a need for further evaluation, or (c) disapprove support of the proposed project in whole or in part. With respect to approved projects, the Secretary shall determine the project period during which the project may be supported. Applicants shall be advised of the reason an application has been deferred and upon request the reason it has been disapproved. Any deferral or disapproval of an application shall not preclude its reconsideration or a reapplication.

Subpart C—Grant Awards, Payments, Termination

§ 55.20 Grant awards and payments.

(a) Within the limits of funds available for approved projects, the Secretary shall award a grant to those applicants whose approved projects will in his judgment best promote the purposes of § 55.3. All grant awards shall be in writing and shall set forth the amount of funds granted. All amounts awarded are subject to accountability for the sum total of all amounts paid.

(b) A grant award shall be made by the Secretary for either the project period or for such lesser period as he may prescribe in making the award.

(c) Neither the approval of any project nor a grant award shall commit or obligate the United States in any way to make any additional, supplemental or continuation award with respect to any approved project or portion thereof.

(d) Payments with respect to an approved project shall be made periodically, either in advance or by way of reimbursement, as the Secretary may determine, based on the estimated requirements or actual expenditures, respectively, for such period.

(e) No payment shall be paid for any period so long as the applicant fails to comply substantially as determined by the Secretary with any requirement or condition imposed by or pursuant to these regulations.

§ 55.21 Supplemental and continuation grants.

The Secretary may from time to time within the project period, on the basis of an application therefor, make additional grant awards with respect to any approved project where he finds on the basis of such progress, fiscal or other reports as he may require that (a) the amount of any prior award was less than the amount necessary to carry out the approved project within the period with respect to which the prior award was made (a supplemental grant), or (b) the progress made within the period with respect to which any prior awards were made justifies support for an additional specified portion of the project period (a continuation grant).

§ 55.22 Termination.

(a) Whenever, in the judgment of the Secretary, or the grantee continuation of an approved project would produce results of insufficient value in furthering the purposes of § 55.3, grant support may be terminated.

(b) The Secretary may revoke or terminate any grant award, in whole or in part, at any time after affording the grantee reasonable notice and opportunity to present his views and evidence whenever the Secretary finds that in his judgment the grantee has failed in a substantial respect to comply with the condition of the grant or the regulations of this part.

(1) The views and evidence of the grantee shall be presented in writing unless the Secretary determines that an oral presentation is desirable.

(2) Such views and evidence shall be confined to matters relevant to whether the grantee has failed in a substantial respect to comply with a condition of the grant or the regulation of this part.

(c) Upon termination pursuant to this section, the grantee shall render an accounting and final statement as provided in this part. The Secretary may allow credit for the amount required to settle at minimum costs any noncancellable Federal obligations properly incurred by the grantee prior to receipt of notice of termination if he finds that the grantee had good cause for the failure.

Subpart D—Grant Conditions: Obligations of Grantee

§ 55.30 Use of funds, changes.

(a) Any funds granted pursuant to § 55.20 shall be expended by the grantee solely for carrying out the approved project in accordance with regulations of this part. The grantee may not, in whole or in part, delegate or transfer this responsibility for the use of such funds to any other person.

(b) Changes in project: Permissible changes by the project director in the approved project shall be limited to changes in methodology, approach, or other aspect of the project that would expedite achievement of the project objectives. Whenever the grantee or the project director is uncertain as to whether a change complies with the provisions, the question should be referred to the Secretary for a final determination.

(c) Changes in project period: The project period may be extended by the Secretary, with or without additional funds, for such an additional period as he determines may be required to complete the objectives. The total period as extended must not exceed 7 years.

§ 55.31 Project Director.

The project director shall be responsible for the conduct of the project for the duration of the project period. Should he become unavailable to discharge his responsibility, the grant shall be terminated unless the grantee replaces the project director with another person found by the Secretary to be qualified to direct and conduct the project.

§ 55.32 Inventions and discoveries.

Any grant award pursuant to this part shall be subject to the regulations of the Department of Health, Education, and Welfare as set forth in Title 45 CFR, Parts 6 and 8, as amended, relating to inventions and patents. Such regulations shall apply to any activity for which grant funds are used. Appropriate measures shall be taken by the grantee and the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into, and that all personnel involved in the supported activity are aware of and comply with such obligation. Laboratory notes, related technical data, and information pertaining to inventions or discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary or those he may designate at such times and in such manner as he may determine necessary to carry out such Department regulations.

§ 55.33 Other conditions.

The Secretary may impose additional conditions prior to, or at the time of any award when in his judgment such conditions are necessary to assure project advancement, the interest of the public health, or the conservation of grant funds.

Subpart E—Reports, Records and Inspections

§ 55.40 Reports and records.

In addition to such other reports as the Secretary may require, each grantee shall maintain and file with the Secretary the following:

(a) A report of expenditures for each budget period;

(b) Interim progress reports with all applications for continued support;

(c) Terminal progress reports at the end of the project period which shall include a summary statement of progress toward the achievement of the originally stated aims, a list of results, positive and negative, considered significant by the program director, and a list of publications resulting from the grant; and

(d) Immediate and full reporting of all inventions.

§ 55.41 Inspection and audit.

An application for a grant award shall constitute the consent of the applicant to inspections at reasonable times by persons designated by the Secretary, of the facilities, equipment, records, and other resources of the applicant and to interviews with principal staff members. The acceptance of the grant award shall constitute the consent of the grantee to inspections and fiscal audit by persons assigned by the Secretary, of the supported activity and of progress and fiscal records relating to the approved project.

Subpart F—Expenditures

§ 55.50 Allocation of costs.

(a) Funds granted for the direct costs of an approved project may be expended for personal services, rental of space, materials and supplies, and other cost items as shown on the award statement to the extent that such services, materials, supplies and other items are required to carry out the approved project.

(b) Indirect costs: The amount of any award for indirect costs shall be calculated by the Secretary on the basis of his estimate of the actual indirect costs reasonably related to the approved project, or on the basis of a percentage of all, or a portion of the estimated direct costs when there are reasonable assurances that the use of such percentages will not exceed the approximate actual indirect costs.

§ 55.51 Particular direct costs.

Funds granted for the direct costs of an approved project may be expended by the grantee as follows:

(a) *Personal services.* The costs of personal services are payable from grant

funds substantially in proportion to the time or effort the individual devotes to carrying out the approved project. Such costs may include all direct costs incident to such services, such as salary during vacations, retirement, workmen's compensation charges, in accordance with the policies and accounting practices consistently applied by the grantee to all its activities.

(b) *Equipment and materials.* The cost of materials or fixed movable equipment not available to the grantee but required for execution of the approved project may be charged to a grant as a direct cost. Such acquisition may be by lease or by outright purchase, subject to accounting as provided in 55.61. Such costs may include those incurred for delivery, installation, and maintenance services.

(c) *Travel costs.* Costs of travel of individuals are payable as a direct cost where required to carry out the project. To the extent that the grantee has not established rules or policies which uniformly apply regardless of source of funds in determining the amounts and types of reimbursable travel expenses, the Standardized Government Travel Regulations shall be applied in determining the amount of grant funds chargeable for travel expenses.

(d) *Alterations and renovations.* The costs of altering and renovating buildings or other structures in which an approved project is to be conducted may be charged to the grant to the extent that such alterations and renovations are essential to the accomplishment of the specific objective of the project. Such costs may not include enlarging or adding to such structures or the erection of new structures.

(e) *Publication costs.* Costs required to assure effective publication or other distribution of the project results may be charged as a direct cost.

§ 55.60 Accounting for grant payments.

A grantee shall render, with respect to each grant awarded to it, a full account at the termination date by presenting or otherwise making available vouchers or any other evidence satisfactory to the Secretary of actual expenditures for the project. No such records shall be disposed of within 5 years after termination of the project period or until the grantee has been notified in writing that a final audit has been completed.

§ 55.61 Accounting for equipment, materials and supplies.

Expenditures for movable or fixed equipment, material or supplies, termed in this section "materials", may be charged to grant funds only to the extent that such materials are required for the conduct of the approved project during the period for which Federal support is provided. Any materials on hand on the termination date of the project period (excluding expendable supplies within such limitations as the Secretary may prescribe) shall be accounted for as one or a combination of the following methods:

(a) Materials may be used by the grantee without adjustments of accounts for purposes within the grantee's program to improve the health and safety of the coal miner, and no other accounting for such materials shall be required: *Provided, however,* (1) That during the period of use, no charge for depreciation, amortization, or for other use of the materials shall be made against any existing or future Federal grant or contract, and (2) that, if within the period of their useful life, the materials are transferred by sale or otherwise for use outside the scope of the grantee's program to improve the health or safety of the coal miner, the proportionate fair market value at the time of transfer shall be payable to the United States.

(b) Materials may be sold by the grantee and the proportion of net proceeds of sale, equal to the proportion of Federal participation in the cost of the material, paid to the United States; or such materials may be used or disposed of in any other manner by the grantee by paying to the United States such proportion of their fair market value on the termination date. To the extent materials purchased from grant funds have been used for credit or "trade-in" on the purchase of new materials, the accounting obligation shall apply to the same extent to such new materials.

(c) Transfer of equipment: To the extent the Secretary so requires or approves, title to such materials will be transferred to the United States for such authorized use or disposition as he may direct.

§ 55.62 Interest.

Any interest earned through any deposit or investment by the grantee of the funds paid pursuant to 55.20 shall be paid to the United States as such interest is received by the grantee.

§ 55.63 Project net income.

The Secretary may impose on any grant award or class of grant awards, conditions that will assure return to the United States of its equitable share of any net income derived by the grantee from the activity supported by the grant.

§ 55.64 Final settlement.

There shall be payable to the United States as final settlement with respect to each approved project, the total sum of any amount not accounted for pursuant to 55.60, and of any amounts payable to the United States as provided in 55.61. Such total sums constitute a debt owed by the grantee to the United States and if not paid to the United States shall be recovered from the grantee or its successors by setoff or other action as provided by law.

Dated: February 28, 1971.

Approved: February 28, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-3019 Filed 3-4-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-3]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Platteville, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Platteville, Wis., Municipal Airport, utilizing a State-owned radio beacon located 825 feet north-northeast of the northeast end of Runway 25 as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Platteville, Wis. IFR traffic will be controlled by the Chicago Air Route Traffic Control Center through the Dubuque VOR which is remoted to the Cedar Rapids Flight Service Station and the Chicago Center Dubuque RCAG.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is added:

PLATTEVILLE, WIS.

That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Platteville Municipal Airport (latitude 42°41'15" N., longitude 90°26'41" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles north and 4½ miles south of the 084° bearing from Platteville Municipal Airport extending from the airport to 18½ miles east of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on January 25, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-3067 Filed 3-4-71;8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-4]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Ann Arbor, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new instrument approach procedure has been developed for the Ann Arbor Municipal Airport, Ann Arbor, Mich. Accordingly, it is necessary to alter the Ann Arbor transition area to adequately protect aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

ANN ARBOR, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Ann Arbor Municipal Airport (latitude 42°13'22" N., longitude 83°44'40" W.); excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on January 25, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-3068 Filed 3-4-71;8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-5]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Pellston, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Pellston, Mich., a new VOR/DME instrument approach procedure has been developed for the Emmet County Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Pellston, Mich., control zone and transition area to adequately protect aircraft executing the new approach procedure and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

PELLSTON, MICH.

Within a 5-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°-47'45" W.); within 2½ miles each side of the 132° bearing from Emmet County Airport, extending from the 5-mile radius zone to 5½ miles Southeast of the airport; and within 5 miles each side of the Pellston VORTAC 238° radial extending from the airport to 21 miles Southwest of the VORTAC.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

PELLSTON, MICH.

That airspace extending upward from 700 feet above the surface within a 11-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.); and within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile-radius area to 22 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Pellston VORTAC; within 4½ miles northwest and 9½ miles southeast of the Pellston VORTAC 238° radial extending from the 13-mile-radius area to 32½ miles southwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the Pellston VORTAC 060° radial, extending from the 13-mile-radius area to 18½ miles northeast of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the Emmet County Airport, extending from the 13-mile-radius area to 18½ miles southeast of the airport, excluding the portion which overlies the Sault Sainte Marie, Mich., transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 3, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3069 Filed 3-4-71;8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-6]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Brookings, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this

notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Brookings, S. Dak., the instrument approach procedures have been revised for Brookings Municipal Airport. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Brookings transition area to adequately protect aircraft executing the revised approach procedures and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

BROOKINGS, S. DAK.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Brookings Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.); within 3 miles each side of the 300° bearing from Brookings Municipal Airport extending from the 6½-mile-radius area to 7½ miles west of the airport; and within 3 miles each side of the 141° bearing from the Brookings Municipal Airport, extending from the 6½-mile-radius area to 7½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 141° and 321° bearings from the Brookings Municipal Airport extending from 4½ miles northwest of the airport to 18½ miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 3, 1971.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[FR Doc.71-3070 Filed 3-4-71;8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Winona, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Winona, Minn., the instrument approach procedures for Winona Municipal-Max Conrad Field have been revised. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Winona, Minn., control zone and transition area to adequately protect aircraft executing the revised approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to alter Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

WINONA, MINN.

Within a 5-mile radius of the Winona Municipal-Max Conrad Field (latitude 44°-04'37" N., longitude 91°42'22" W.); within 2½ miles each side of the 319° bearing from Winona Municipal-Max Conrad Field, extending from the 5-mile-radius area to 6 miles northwest of the airport and within 3 miles each side of the 107° bearing from the Winona Municipal-Max Conrad Field extending from the 5-mile-radius area to 6½ miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

WINONA, MINN.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Winona Municipal-Max Conrad Field (latitude 44°04'37" N., longitude 91°42'22" W.); excluding that portion which overlies the La-Crosse, Wis. transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 2, 1971.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[FR Doc.71-3071 Filed 3-4-71;8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-10]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Clifton, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 824, 3400 Whipple Street, East Point, GA.

The Clifton transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hassell Field (lat. 35°23'00" N., long. 87°58'00" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at Hassell Field. A prescribed instrument approach procedure to this airport, utilizing the Jacks Creek VOR, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 23, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-3072 Filed 3-4-71;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 81]

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Stock of Corporation

Notice is hereby given that it is proposed to amend Part 81 by revising § 81.2, *Common stock.* The proposed amendment would reflect the amendment of section 303(b) of the Federal National Mortgage Association Charter Act, by section 902 of the Housing and Urban Development Act of 1970, Public Law 91-609; and would otherwise provide for the sale of common stock.

Prior to adoption of this amendment, consideration will be given to any written comments or suggestions pertaining thereto which interested persons may wish to submit. Communications should identify the subject matter by the above title and should be submitted in triplicate to the Office of the Secretary, Department of Housing and Urban Development, 451 Seventh Street SW., Washington DC 20410. All communications received on or before March 19, 1971, will be considered before taking action on the proposal. A copy of each communication will be available for public inspection during business hours, both before and after the closing date set forth above, in the HUD Information Center at the above address.

The proposed amendment, which is issued pursuant to sections 309(h) and 311 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a (h) and 1723c), reads as follows:

§ 81.2 Common stock.

(a) The corporation is authorized to issue shares of its common stock to each seller or borrower who makes capital contributions authorized by section 303(b) of the Charter Act. The corporation is further authorized to issue and sell additional shares of its common stock to the servicers of its mortgages, in consideration for payments by such servicers into the corporation's capital or capital and surplus for each share of an amount equal to the then current issue price of the common stock authorized to be issued by the first sentence hereof; but no such stock shall be issued to any servicer at any time in excess of its reasonably foreseeable need at such time in connection with the amount of stock required to be held pursuant to section 303(c) of the Charter Act. The authorizations of this paragraph are granted on the condition that the Secretary of Housing and Urban Development be given written notice at least 15 days in advance of any change by the corporation in the issue price of its stock issued pursuant to this paragraph.

(b) For any issue other than stock issued pursuant to paragraph (a) of this section, the corporation is authorized to adopt a shareholder resolution, governing the issuance and sale of shares of its common stock, or other securities convertible into the corporation's common stock, which permits the corporation to provide for or limit or deny to shareholders preemptive rights in the purchase of issues of such stock or securities.

(c) A shareholder resolution, as authorized by paragraph (b) of this section, shall be made in the following manner:

(1) The board of directors of the corporation shall adopt a resolution, setting forth the proposed shareholder resolution and directing that it be submitted to a vote at a meeting of shareholders of the corporation, which may be either an annual or a special meeting.

(2) Written notice setting forth the proposed resolution or a summary of it shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided for notices of meetings of shareholders in the bylaws of the corporation.

(3) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed resolution. The proposed resolution shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the shares of the corporation which are outstanding and entitled to vote thereon.

(d) Such a shareholder resolution shall be effective in accordance with its terms until and unless expressly repealed or amended by a subsequent shareholder resolution adopted in accordance with the procedures set forth in paragraph (c) of this section.

(e) For any issue other than stock issued as authorized by paragraph (a) of this section, the approval of the Secretary is required prior to the issuance by the corporation of any stock, obligation, security, or similar instrument.

Issued at Washington, D.C., March 4, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3242 Filed 3-4-71;12:01 pm]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[461.161]

SECOND CLEAR WHEAT FLOUR

Tariff Classification

MARCH 4, 1971.

In a ruling published November 2, 1967 (32 F.R. 15186), second clear wheat flour was reclassified from the provision for animal feed obtained as a byproduct of the milling of grain, in item 184.70, Tariff Schedules of the United States (TSUS); to the provision for milled grain products in item 131.40, TSUS, if fit for human consumption, or in item 131.72, TSUS, if unfit for human consumption. A notice published July 23, 1968 (33 F.R. 10463), indicated that the validity of the ash content test theretofore used as one of the tests of the fitness of wheat flour, including second clear, for human consumption was being considered. A further notice published February 28, 1969 (34 F.R. 3635), indicated that it had been concluded that second clear wheat flour is, in the tariff sense, a byproduct, rather than a product, of the milling of grain and proposed to classify second clear wheat flour as a nonenumerated product not provided for elsewhere, in item 799.00, TSUS.

The representations submitted in response to all the notices, including that published on February 28, 1969, have been reviewed and, in the light of all available information, it has been concluded that second clear wheat flour is, in the tariff sense, a product, rather than a byproduct, of the milling of grain. It has been further concluded that the present tariff classification of second clear wheat flour in item 131.40, TSUS, if fit for human consumption, or item 131.72, TSUS, if unfit for human consumption, is correct.

In view of the foregoing, it has been further concluded that the question of the validity of the ash content test as a measure of the fitness of wheat flour, including second clear, for human consumption, the review of which was announced by the notice of July 23, 1968 (33 F.R. 10463), should be revived and resolved.

Accordingly, it has been tentatively concluded that all wheat flour, including second clear, should be regarded as fit for human consumption in the tariff sense unless it is adulterated or contaminated at the time of importation in such a manner that it cannot be consumed by humans without processing to elliminate such contamination or adulteration. Consequently, wheat flour which is so adulterated or contaminated should be considered to be unfit for human consumption and classified in item 131.72, TSUS, with duty at the rate of 2.5 percent ad valorem. All other wheat flour should be considered fit for human consumption and classified in item 131.40, TSUS, with duty at the rate of 52 cents per hundred pounds.

Pursuant to § 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review the existing established and uniform practice of classifying wheat flour as unfit for human consumption because of its ash content.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226. To assure consideration, such communications must be received not later than 30 days from the date of publication of this notice. No material submitted in response to any of the notices cited herein need be resubmitted. No hearing will be held.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3178 Filed 3-4-71;10:30 am]

Internal Revenue Service

LINDSEY OWEN ALEXIOU

Notice of Granting of Relief

Notice is hereby given that Lindsey Owen Alexiou, 33857 Nokomis, Fraser, MI 48027, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 17, 1958, by the Circuit Court of Macomb County, Mount Clemens, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Lindsey Owen Alexiou because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Lindsey Owen Alexiou to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Lindsey Owen Alexiou's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Lindsey Owen Alexiou be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3106 Filed 3-4-71;8:54 am]

GEORGE WASHINGTON ARCHER

Notice of Granting of Relief

Notice is hereby given that George Washington Archer, Titus Star Route, Box No. 12, Wetumpka, AL, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 23, 1936, in the U.S. District Court for the Northern District of Georgia, Gainesville, Ga., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for George W. Archer because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for George W. Archer to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered George W. Archer's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That George W. Archer be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3107 Filed 3-4-71;8:54 am]

RAYMOND E. FOSTER

Notice of Granting of Relief

Notice is hereby given that Raymond E. Foster, 128 Kelly Road, Wapping, CT 06087 has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 7, 1949, in the Windsor Locks Night Court in Windsor Locks, Conn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Raymond E. Foster because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Raymond E. Foster to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Raymond E. Foster's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Raymond E. Foster be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3108 Filed 3-4-71;8:54 am]

LOUIS C. GENNARO

Notice of Granting of Relief

Notice is hereby given that Louis C. Gennaro, 76-17 69th Place, Glendale, NY, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 16, 1959, in the Circuit Court of Accomack County, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Louis C. Gennaro because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Louis C. Gennaro to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Louis C. Gennaro's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Louis C. Gennaro be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3110 Filed 3-4-71;8:54 am]

JAMES L. HABERER

Notice of Granting of Relief

Notice is hereby given that James L. Haberer, 301 Main Street, Randolph, IA 51649, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 1, 1956, in the District Court of Yankton, S. Dak., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James L. Haberer because of such conviction, to ship, transport, or receive in interstate or foreign commerce any fire arm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for James L. Haberer to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James L. Haberer's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That James L. Haberer be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 26th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3109 Filed 3-4-71;8:54 am]

BOB LEE HAYES

Notice of Granting of Relief

Notice is hereby given that Bob Lee Hayes, 3415 St. Jean Street, Detroit, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 18, 1939, in the Detroit Recorders Court, Detroit, MI, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Bob Lee Hayes because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Bob Lee Hayes to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Bob Lee Hayes' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Bob Lee Hayes be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3111 Filed 3-4-71;8:54 am]

ARTHUR OTTO HENNING

Notice of Granting of Relief

Notice is hereby given that Arthur Otto Henning, 12028 69th. South, Seattle, WA 98178, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on June 5, 1928, in the King County Superior Court, Seattle, WA, and on February 26, 1937, in the Superior Court of Pierce County, Tacoma, WA, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Arthur Otto Henning because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such convictions, it would be unlawful for Arthur Otto Henning to receive, possess, or transport in commerce or affecting commerce, any firearms.

Notice is hereby given that I have considered Arthur Otto Henning's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Arthur Otto Henning be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 25th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3112 Filed 3-4-71;8:54 am]

LUCIUS LEE MARTIN

Notice of Granting of Relief

Notice is hereby given that Lucius Lee Martin, 8033 East Canfield, Detroit, MI 48214, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 5, 1948, and on June 30, 1958, in the Recorder's Court for the city of Detroit, Detroit, MI, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Lucius Lee Martin, because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Bobbie Ray Motley to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Lucius Lee Martin's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Lucius Lee Martin be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 26th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3113 Filed 3-4-71;8:54 am]

BOBBIE RAY MOTLEY

Notice of Granting of Relief

Notice is hereby given that Bobbie Ray Motley, Taho Drive, Bassett Forks, VA 24055, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 12, 1955, in the Circuit Court, Martinsville, VA, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Bobbie Ray Motley because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Bobbie Ray Motley to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Bobbie Ray Motley's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Bobbie Ray Motley be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 24th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3114 Filed 3-4-71;8:55 am]

TERRY CHARLES PATRICK MULHERIN

Notice of Granting of Relief

Notice is hereby given that Terry Charles Patrick Mulherin, 201 Derby Avenue, Derby, CT 06418, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 12, 1968, in the United States District Court for Connecticut, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Terry C. P. Mulherin because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Terry C. P. Mulherin to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Terry C. P. Mulherin's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Terry C. P. Mulherin be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 24th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3115 Filed 3-4-71;8:55 am]

RICHARD HATFIELD NICKLES

Notice of Granting of Relief

Notice is hereby given that Richard Hatfield Nickles, 4448 Crest Oak Drive, Salt Lake City, UT 84117, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on June 1, 1966, in the United States District Court for the District of Utah, on August 14, 1950, in the Superior Court of California for the County of Los Angeles and on November 14, 1950, in the Superior Court of California for the County of Los Angeles, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard Hatfield Nickles, because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; U.S.C., Appendix), because of such convictions, it would be unlawful for Richard Hatfield Nickles to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard Hatfield Nickles' application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Richard Hatfield Nickles be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 22d day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3116 Filed 3-4-71;8:55 am]

NORRIS RALPH RAMBONE

Notice of Granting of Relief

Notice is hereby given that Norris Ralph Rambone, Campbell Point Road, Star Route, Sackets Harbor, NY 13685, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer shipment, or possession of firearms incurred by reason of his conviction on November 20, 1961, in the Supreme Court for Jefferson County, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Norris Ralph Rambone because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such conviction, it would be unlawful for Norris Ralph Rambone to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Norris Ralph Rambone's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Norris Ralph

Rambone be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3117 Filed 3-4-71;8:55 am]

JAKE RUCKER

Notice of Granting of Relief

Notice is hereby given that Jake Rucker, 3684 Concord Avenue, Detroit, MI 48207, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 8, 1960, in the Detroit, Mich., Recorder's Court, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Jake Rucker because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Jake Rucker to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Jake Rucker's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Jake Rucker be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 24th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3118 Filed 3-4-71;8:55 am]

ULYSEE SEYMORE

Notice of Granting of Relief

Notice is hereby given that Ulysee Seymore, 12248 Meyers, Detroit, MI 48227, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 20, 1955, in the Recorder's Court Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ulysee Seymore because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ulysee Seymore to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ulysee Seymore's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will be not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Ulysee Seymore be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 26th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3119 Filed 3-4-71;8:55 am]

JACKSON SMITH

Notice of Granting of Relief

Notice is hereby given that Jackson Smith, RFD No. 1, Box 208, Chase City, VA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 18, 1957, in the Circuit Court for the County of Mecklenburg, Boydton, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Jackson Smith because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Jackson Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Jackson Smith's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Jackson Smith be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 26th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3120 Filed 3-4-71;8:55 am]

JAMES F. STATON, SR.

Notice of Granting of Relief

Notice is hereby given that James F. Staton, Sr., 407½ West Sixth Street, Jacksonville, FL, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 9, 1956, in the U.S. District Court, Southern District of Florida, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James F. Staton, Sr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for James F. Staton, Sr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James F. Staton, Sr.'s application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), Title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That James F. Staton, Sr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 25th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3121 Filed 3-4-71;8:55 am]

SAMUEL BENJAMIN THOMAS

Notice of Granting of Relief

Notice is hereby given that Samuel Benjamin Thomas, 4659 Fremont Avenue, North, Minneapolis, MN 55412, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of fireams incurred by reason of his conviction on June 10, 1948 by a general court-martial at Osaka, Honshu, Japan, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Samuel Benjamin Thomas because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Samuel Benjamin Thomas to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Samuel Benjamin Thomas' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c) title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Samuel Benjamin Thomas be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 24th day of February, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3122 Filed 3-4-71;8:55 am]

MACK WILLIAMS

Notice of Granting of Relief

Notice is hereby given that Mack Williams, 561 Smith Street, Detroit, MI 48202, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 18, 1947, in the Recorders' Court of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mack Williams because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or amunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mack Williams to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mack Williams' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Mack Williams be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 24th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3123 Filed 3-4-71;8:55 am]

CHARLES O. WOMACK

Notice of Granting of Relief

Notice is hereby given that Charles O. Womack, 8867 Yates Avenue, Detroit, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 22, 1957, in The Detroit Recorders Court, Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Charles O. Womack because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Charles O. Womack to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Charles O. Womack's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Charles O.

Womack be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 26th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3124 Filed 3-4-71;8:55 am]

RICHARD DUDLEY YOUNG

Notice of Granting of Relief

Notice is hereby given that Richard Dudley Young 359 Filer Avenue, West Twin Falls, ID 83301, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 15,, 1946, in the Denver County District Court, Denver, Colo., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard Dudley Young because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control an Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Richard Dudley Young to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard Dudley Young's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Richard Dudley Young be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3125 Filed 3-4-71;8:55 am]

POST OFFICE DEPARTMENT

SEXUALLY ORIENTED ADVERTISEMENTS

Interpretive Statement

On pages 1468-1470 of the FEDERAL REGISTER of January 30, 1971, the Department adopted and published the regulations to implement and interpret section 3010 of title 39, United States Code, as enacted by Public Law 91-375, such regulations consisting of a new § 124.9 in Part 124 of Title 39, Code of Federal Regulations.

Section 124.9(d)(2) of those regulations interprets 39 U.S.C. section 3010(c) as prohibiting the use of the Postal Service's list of persons desiring not to receive sexually oriented advertisements through the mails except as stated therein. A question has been raised as to whether 39 U.S.C. 3010(c) as interpreted by § 124.9(d)(2) of the regulations prohibits a subscriber to the list from selling, leasing, renting, lending, exchanging, or licensing another to use a mailing list owned or controlled by the subscriber if such mailing list has been purged of names and addresses of persons who were included on the Postal Service's list.

In order to state the position of the Post Office Department on this question in the manner provided in 5 U.S.C. 553(b)(A) and (d)(1) and (d)(2), the following interpretation of 39 U.S.C. 3010 and §124.9(d)(2) is hereby announced to be effective upon publication in the FEDERAL REGISTER (Mar. 5, 1971).

The Post Office Department takes the position that the limitations in 39 U.S.C. 3010(c) as interpreted by § 124.9(d)(2) of the regulations are applicable only to the list published by it and copies or portions thereof, and that a subscriber is not precluded from using the Postal Service's list to purge his privately owned (or controlled) mailing list and thereafter allowing others to obtain or use his privately owned (or controlled) mailing list.

(5 U.S.C. 301; 39 U.S.C. 501; 39 U.S.C. 3010 (Public Law 91-375; 84 Stat. 749))

DAVID A. NELSON,
General Counsel.

[FR Doc.71-3133 Filed 3-3-71;10:21 am]

DEPARTMENT OF THE INTERIOR

National Park Service

PLATT NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Platt National Park proposes to issue a concession permit to Tribes of the Arbuckle Indian Arts and Crafts Association, Sulphur, Okla., authorizing it to sell genuine Indian handicraft to the public at Platt National Park for a period of nine (9) months from April 1, 1971 through December 31, 1971.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice. Interested parties should contact the Superintendent, Platt National Park, Post Office Box 201, Sulphur, OK 73086, for information as to the requirements of the proposed permit.

Dated: January 29, 1971.

JOHN C. HIGGINS,
Superintendent of Platt National Park.

[FR Doc.71-3006 Filed 3-4-71;8:46 am]

PLATT NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Platt National Park proposes to issue a concession permit to each of the following authorizing them to provide rental of camping equipment for the public at Platt National Park, for a period of five (5) years from January 1, 1971 through December 31, 1975:

Dooly's Laundry, Sulphur, Okla.;
Hicks' Service, Sulphur, Okla.;
Earl Sanders, Sulphur, Okla.

The foregoing concessioners have performed their obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, are entitled to be given preference in the issuance of new permits. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Platt National Park, Post Office Box 201, Sulphur, Okla. 73086, for information as to the requirements of the proposed permit.

Dated: January 28, 1971.

JOHN C. HIGGINS,
Superintendent of Platt National Park.

[FR Doc.71-3007 Filed 3-4-71;8:46 am]

Office of the Secretary

PROPOSED TRANS-ALASKA PIPELINE

Notice of Public Hearing: Extension of Time for Submission of Written Comments

On January 20, 1971, the Department of the Interior published in the FEDERAL REGISTER, 36 F.R. 947, an amended notice of hearing, to be held in Washington, D.C., and Anchorage, Alaska, on the environmental impact of granting a right-of-way for a crude oil pipeline across public lands in Alaska.

Notice was given that written comments from those unable to attend the hearings and from those wishing to supplement their oral presentation at the hearings would be accepted by the Department until March 8, 1971.

Notice is hereby given that the Department will accept written comments concerning the Trans-Alaska Pipeline until 5 p.m., e.s.t. on March 22, 1971. Written comments should be addressed to the Director (attention 320), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. All written statements received pursuant to this notice will be included in the hearing record.

ORME LEWIS, Jr.,
Deputy Assistant Secretary of the Interior.

MARCH 2, 1971.

[FR Doc.71-3065 Filed 3-3-71;9:56 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 10]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1971)

The CCC Monthly Sales List for the fiscal year ending June 30, 1971, published in 35 F.R. 10922, is amended as follows:

1. The provisions of Section 6 entitled "Credit Eligibility List" and section 7 entitled "Credit Interest Rates" are deleted.

2. Section 9 entitled "Barter Eligibility List" is revised to read as follows:

9. *Barter eligibility list.* CCC-owned upland cotton and tobacco under loan are available for new and existing barter contracts.

3. A section 32 is inserted which reads as follows:

32. *Linseed Oil (Raw) Export Sales.* Available on a competitive bid basis through the Minneapolis ASCS Commodity Office.

4. Section 33 entitled "Linseed Oil (Raw) Unrestricted Use Sales" is amended by the insertion of the following sentence after the first sentence: "For March the price will be $0.1110 per pound."

5. Section 46 entitled "Cotton, Extra Long Staple—Unrestricted Use Sales" is amended by deletion of the last sentence.

Signed at Washington, D.C. on March 1, 1971.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-3128 Filed 3-4-71;8:56 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

B. F. GOODRICH CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2635) has been filed by the B. F. Goodrich Co., 500 South Main Street, Akron, OH 44318, proposing that § 121.2562 *Rubber articles intended for repeated use* (21 CFR 121.2562) be amended in paragraph (c)(4)(i) to provide for the safe use of polyurethane resins derived from reactions of diphenylmethane diisocyanate with adipic acid and 1,4-butanediol, as elastomers in the manufacture of rubber articles intended for repeated food-contact use.

Dated: February 25, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-3005 Filed 3-4-71;8:45 am]

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration), formerly part 5, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968), is hereby amended with regard to section 3-B, formerly section 5-B, Organization as follows:

Following the paragraph on Office of State Plans (2555) under the heading Health Facilities Planning and Construction Service (2500) insert:

Maternal and Child Health Service (3N00). Carries out the HSMHA national role in the organization and delivery of health services by serving as the focal point for this responsibility for mothers and children. In this context, plans, stimulates, conducts, and coordinates programs designed to improve the health and well being of mothers and children (including handicapped children and youth but excepting those programs administered by the National Center for Family Planning Services), with special attention to locating, diagnosing, and treating handicapped children and to services for reducing infant mortality with particular emphasis to disadvantaged income groups in urban and rural areas. By delegation of authority: (1) Serves as the usual and principal source for developing Health Services and Mental Health Administration (HSMHA) objectives, plans, and policies in the area of maternal and child health; (2) serves as focal point within HSMHA for the development and issuance of standards and guidelines for programs affecting the health of mothers and children; (3) coordinates maternal and child health activities for HSMHA with the Department, with other Federal agencies, and with other interested groups; (4) administers programs of grants and contracts for services, research, and training under Title V of the Social Security Act, coordinating with the National Center for Family Planning Services as appropriate; (5) provides consultation and technical assistance, through regional maternal and child health staff, to States, communities, and voluntary and professional organizations; (6) establishes and maintains communications with national organizations having related health interests for purposes of exchange of pertinent information, and with consumer groups and the general public; and (7) provides leadership on international activities in maternal and child health and carries primary responsibility for the development and operation of international research and training activities in this area, subject to the overall international program policies of HSMHA.

Office of the Director (3N01). In behalf of the Administrator, by selective delegation: (1) Serves as the principal source of HSMHA's national effort in improving and delivering comprehensive health services for mothers and children; (2) provides leadership and/or direction for all Maternal and Child Health Service (MCHS) programs, including legislative planning and program planning, review, and evaluation; (3) develops and establishes program policies and objectives; (4) provides professional and technical guidance and direction to regional personnel on maternal and child health matters; (5) coordinates maternal and child health programs with other programs providing health services; (6) provides liaison with other Federal agencies on matters related to the improvement of health services for mothers and children; and (7) offers technical consultation on and maintains liaison with international activities in maternal and child health. NOTE: The specific delegations may vary in accord with the

need for coordinating comprehensive health care planning and service programs within HSMHA or between agencies.

Office of Information (3N17). (1) Develops and conducts the information program of MCHS; (2) prepares materials related to provision and improvement of health services for mothers and children; (3) provides staff advice on information matters and professional editing and writing services to other elements of MCHS; (4) prepares MCHS materials for publication; and (5) participates in planning and development of MCHS-level policies with special responsibility for their interpretation to the public.

Office of Administrative Management (3N19). (1) Plans, directs, and evaluates the administrative management activities of MCHS; (2) develops and implements management policies, procedures, and systems; (3) provides program guidance and information to the staff of the Administration's Office of Financial Management in the operation of a financial management system for MCHS, including program policy interpretation in budget formulation and execution, in preparation of program planning and budgeting data, and in the financial management of grants; (4) serves as the focal point for liaison with officials of the Office of the Administrator and the Office of the Secretary on financial, personnel, organization, supply, contracts, and other management matters; and (5) assists the Office of the Director in the development of MCHS goals and objectives.

Division of Health Services (3N41). (1) Establishes national policy and administrative guidance for nationwide health programs for mothers and children, including grants to carry out service and training programs designed to meet the health needs of mothers and children, both normal and handicapped, and to promote optimal growth and development of children and reduce infant morbidity; (2) develops policies, guides, and standards for professional services and effective organization and administration of health programs for mothers and children; (3) in cooperation with regional maternal and child health staff provides consultation and technical assistance to State and local agencies; and (4) provides liaison with interested public and voluntary organizations on programs for improving the effectiveness of health services for mothers and children.

Division of Research (3N51). (1) Develops policy and administrative guidelines and in behalf of HSMHA administers a nationwide program of grants for research in maternal and child health and crippled children's services; (2) provides technical assistance and consultation to these and other related research programs; (3) collects and analyzes information on research findings and carries out a research utilization program; (4) reviews and analyzes effectiveness of MCHS programs and recommends action to promote improvement; and (5) collects and analyzes statistical and related information on or related to MCHS programs.

Dated: February 25, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-3017 Filed 3-4-71;8:46 am]

FEDERAL AVIATION ADMINISTRATION

AIR CARRIER DISTRICT OFFICE, NASHVILLE, TENNESSEE

Notice of Establishment

Notice is hereby given that on February 15, 1971, the Air Carrier District Office at Nashville, Tenn., was established. Certificate responsibility for Capitol International Airways has been transferred from the Eastern Region to the Southern Region. Air carrier program functions will cover the States of Tennessee, Alabama, Mississippi, and Kentucky. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Atlanta, Ga., on February 15, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-3073 Filed 3-4-71;8:51 am]

PLAN FOR STANDARD INSTRUMENT DEPARTURES AND ARRIVAL PROCEDURES

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, of the Federal Aviation Administration (FAA) program for expansion and continued use of Standard Instrument Departure (SID) and Standard Terminal Arrival Route (STAR) procedures by the Air Traffic Control (ATC).

A. A SID is coded ATC instrument flight rules (IFR) departure routing. A STAR is coded IFR arrival routing. Each is preplanned and preprinted for pilot use in graphic and textual or, if urgently required between charting dates, in textual form only. They are a means of simplifying ATC clearances and considerably reducing the often lengthy communication requirements for relay and delivery of the clearances. Also, use of these preprinted ATC clearance procedures can reduce pilot and controller workload and the error potential present in the transmission, reception, and compliance with otherwise often lengthy and complex verbally described clearances.

B. The FAA has established SIDs and STARs for use at a number of civil airport locations. The military services have established SIDs at military locations. SIDs have been in use since 1954 and STARs since 1968. ATC has by agreement with the scheduled air carrier and the military service operators assigned SIDs and STARs to the air carriers and SIDs to the military operators whenever deemed appropriate. Each has been assigned to any other user when requested. Through coordination with all major airspace user group representatives it has been determined that this same application to all airspace users can produce expanded benefits in the areas described above.

C. Application of the SID and STAR programs by ATC will be to all aircraft operating on an IFR flight plan to and from locations having established effective SIDs/STARs. When use of either procedure is deemed appropriate by ATC it may be issued as a part of or as the total ATC clearance. Additionally, pilots may include a specific SID/STAR in a filed IFR flight plan and, provided the procedure/s is consistent with the existing flow of traffic and other pertinent system requirements it may be included in the issued ATC clearance. In any event, as with any ATC clearance or portion thereof, a pilot, has the prerogative of refusing a clearance and requesting that it be revised in part or in total.

D. SID and STAR procedures are published by the FAA in the National Flight Data Digest for use by charting organizations. Lists of civil SID and STAR locations are published in the Airman's Information Manual (AIM). FAA charting of SID procedures is accomplished by the U.S. Coast and Geodetic Survey in booklet form. Publication of STARs is planned in a similar manner. Additional publication of procedures required on an urgent or emergency basis may be contained in textual only format in part 3 of the Airman's Information Manual until publication is accomplished. Approved effective military SIDs that are intended for use at military locations are published and made available to pilots in accordance with appropriate military directives/regulations. Military publication of STARs for use by military pilots is planned.

E. Use of SID/STAR procedures requires that the pilot must have in his possession at least the textual description of any procedure issued in an ATC clearance. The textual description of each procedure, when issued in an ATC clearance by name and accepted by the pilot, constitutes the ATC clearance or portion thereof. Any pilot who does not have a preprinted procedure in his possession or for any other reason does not wish to use an issued SID/STAR should verbally advise ATC at the time of issuance. A pilot who does not wish to use any published SID/STAR may inform ATC by placing "NO SID/STAR" as appropriate in the remarks section of his filed IFR flight plan. He also may use the less desirable method of notification by verbally stating the same to ATC.

Issued in Washington, D.C., on February 23, 1971.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[FR Doc.71-3074 Filed 3-4-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 2-6; Notice 3A]

GENERAL MOTORS ET AL.

Side Door Strength—Passenger Cars; Denial of Petitions for Reconsideration

An amendment to § 571.21 of Title 49, Code of Federal Regulations, adding Motor Vehicles Safety Standard No. 214, Side Door Strength—Passenger Cars, was published in the FEDERAL REGISTER on October 30, 1970 (35 F.R. 16801). Thereafter, pursuant to § 553.35 of the Procedural Rules (49 CFR 553.35), petitions for reconsideration of the new standard were filed by General Motors, Morgan Motor Co., and Checker Motors Corp. Pursuant to §§ 553.35, 553.37, and 553.39 of Title 49, Code of Federal Regulations (35 F.R. 5119, 35 F.R. 19268), notice is hereby given that the petitions for reconsideration are denied.

With respect to General Motors' request to adopt inner panel deflection rather than outer panel deflection as the measure of a door's strength, the National Highway Traffic Safety Administration has previously considered and rejected this request. Requiring significant levels of resistance at a very early point in the impact sequence has several important advantages. It increases the likelihood that a striking vehicle will be deflected and will not interlock with the struck vehicle; it tends to transfer more energy to the striking vehicle and to deform its structure to produce a more broadly distributed impact area; it allows more of the crush distance to be used for energy-absorbing interior cushioning; and it makes possible a more gradual acceleration of the interior of the struck vehicle. For these reasons it was decided to adopt the crush resistance requirements as proposed in the notice of proposed rulemaking, and the information submitted by General Motors is not considered sufficient to alter the decision.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority at 49 CFR 1.51.

Issued on March 1, 1971.

DOUGLAS W. TOMS,
Acting Administrator, National Highway Traffic Safety Administration.

[FR Doc.71-3058 Filed 3-4-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-373, 50-374]

COMMONWEALTH EDISON CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Commonwealth Edison Co., 1 First National Plaza, Chicago, IL 60690, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 3, 1970, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Brookfield Township, La Salle County, Ill. The proposed site is located approximately 5 miles south-southwest of Seneca, Ill.

The proposed facilities are designated by the applicant as La Salle County Nuclear Power Station, Units 1 and 2. Each reactor is designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,078 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 5, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the Chairman of the Board of Supervisors, La Salle County Courthouse, Ottawa, Ill.

Dated at Bethesda, Md., this 22d day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2623 Filed 3-4-71;8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Northern Indiana Public Service Co., 5265 Hohman Avenue, Hammond, IN 46320, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated August 24, 1970, for authorization to construct and operate a single-cycle, forced circulation, boiling water nuclear reactor at its Bailly Generating Station site, located in Westchester Township, Porter County, Ind. The proposed site is located on the south end of the shore of Lake Michigan, adjacent to the fossil-fueled Units 7 and 8 of the Bailly Generating Station, and is approximately 12 miles east-northeast of Gary, Ind.

The proposed nuclear reactor, designated by the applicant as Bailly Generating Station—Nuclear 1, is designed for initial operation at approximately 1,931 megawatts (thermal) with a net electrical output of approximately 657 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 5, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the local office of Northern Indiana Public Service Co., 141 South Calumet Street, Chesterton, IN.

Dated at Bethesda, Md., this 22d day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2624 Filed 3-4-71;8:45 am]

[Docket No. 50-341]

DETROIT EDISON CO.

Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter

The Detroit Edison Co., 2000 Second Avenue, Detroit, MI 84226, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated April 29, 1969, for a permit to construct and license to operate a boiling water nuclear power reactor, having a gross electrical output of approximately 1,157 megawatts derived from a thermal capacity of approximately 3,293 megawatts.

The proposed reactor, designated by the applicant as the Enrico Fermi Atomic Power Plant, Unit No. 2, is to be located at the applicant's 915-acre site on the western shore of Lake Erie in Frenchtown Township, Monroe County, Mich., about 30 miles southwest of downtown Detroit, Mich. It will be adjacent to the nuclear facility owned and operated by the Power Reactor Development Co. and

designated as the Enrico Fermi Atomic Power Plant, Unit No. 1.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after February 19, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and the office of Delbert J. Hoffman, Supervisor, Frenchtown Township Hall, 2664 Vivian Road, Monroe, MI.

Dated at Bethesda, Md., this 11th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2205 Filed 2-18-71;8:45 am]

[Docket No. 50-269]

DUKE POWER CO.

Order Extending Provisional Construction Permit Completion Date

By application dated February 19, 1971, and supplemental letter dated February 23, 1971, Duke Power Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-33. The permit authorizes the construction of a pressurized water nuclear reactor designated as the Oconee Nuclear Station Unit No. 1 at the applicant's site in Oconee County, S.C., approximately 8 miles northeast of Seneca, S.C.

Good cause having been shown for this extension pursuant to Section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations, *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-33 is extended from February 28, 1971, to September 30, 1971.

Dated at Bethesda, Md., this 27th day of February, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-3029 Filed 3-4-71;8:48 am]

[Docket No. 50-378]

GENERAL ELECTRIC TECHNICAL SERVICES, INC.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Electric Technical Services Co., Inc., San Jose, Calif., a wholly owned subsidiary of the General Electric Co., has submitted to the Atomic Energy Commission (Commission) an application dated December 8, 1970, for a license to authorize the export of a 2,436 megawatt thermal, boiling water reactor to the Ente Nazionale per l'Energia Elecrtrica (ENEL), Rome, Italy.

Subject to confirmation that the proposed reactor export is within the scope of and consistent with the terms of the Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will upon such confirmation as noted above cause to be issued to the General Electric Technical Services Co., Inc., a facility export license and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

A copy of the application, dated December 8, 1970, is on file in the Commission's Public Document Room located at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 16th day of February 1971.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of
State and Licensee Relations.

[FR Doc.71-3030 Filed 3-4-71;8:48 am]

[Docket No. 50-384]

GULF OIL CORP.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that Gulf Oil Corp., San Diego, Calif., has submitted to the Atomic Energy Commission (Commission) an application dated January 7, 1971, as amended, for a license to authorize the export of certain essential components to be used to increase the steady-state power level of an existing TRIGA Mark II nuclear research reactor from 250 kilowatts thermal to 1 megawatt thermal. The proposed export would be made to the Bandung Institute of Technology, Bandung, Indonesia.

Subject to confirmation that the proposed export of reactor components is within the scope of and consistent with the terms of the Agreement for Cooperation Between the Government of the United States of America and the Government of Indonesia, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor components proposed to be exported are a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will, upon such confirmation as noted above, cause to be issued to the Gulf Oil Corp., a facility export license and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

A copy of the application, dated January 7, 1971, as amended, is on file in the Commission's Public Document Room located at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 19th day of February 1971.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of
State and Licensee Relations.

[FR Doc.71-3031 Filed 3-4-71;8:48 am]

[Docket No. 50-377]

GULF OIL CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on January 12, 1971 (36 F.R. 384), the Atomic Energy Commission has issued License No. XR-76 to Gulf Oil Corp., authorizing the export of a 250 kilowatt thermal TRIGA Mark I nuclear research reactor to the Medical University, Hannover, West Germany. The license is being issued as proposed except that, Gulf Energy & Environmental Systems, Inc., having been merged into Gulf Oil Corp. and the application having been accordingly amended, the licensee is Gulf Oil Corp. The export of the reactor to West Germany is within the purview of the present Additional Agreement for Cooperation Between the Government of the United States and the European Atomic Energy Community.

Dated at Bethesda, Md., this 18th day of February 1971.

For the Atomic Energy Commission.

JAMES R. MASON,
Acting Director, Division of
State and Licensee Relations.

[FR Doc.71-3032 Filed 3-4-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22982]

TRANSPORTE AEREO RIOPLATENSE, S.A.C. e I.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding, now assigned to be held on March 9, 1971, at 10 a.m., in Room 911, is postponed and reassigned for hearing on March 30, 1971, at 10 a.m., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., March 1, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-3097 Filed 3-4-71;8:53 am]

[Docket No. 23089 etc.; Order 71-3-5]

AMERICAN AIRLINES, INC.

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1971.

Effective March 3, 1971, American Airlines, Inc. (American)[1] proposes jointly with Continental Air Lines, Inc. (Continental) and Western Air Lines, Inc. (Western) to establish new group inclusive tour-basing fares between 11 continental U.S. points[2] and Hawaii, for groups of 154 or more passengers. The tariff rules provide that members of the group may travel individually between the point of origin and the assembly point on the West Coast, but that between the West Coast and Hawaii the group must travel together on the same aircraft.[3]

The proposed fares match fares available via Northwest Airlines, Inc. (Northwest) and United Air Lines, Inc. (United), which are constructed by combining the Chicago-Hawaii group fare (for 154 or more persons) of $240 with proportional fares applicable between Chicago and points east. The proportional fares were initially established at the level of Discover America fares (160 percent of coach fares), which have since been canceled in these markets. While the fares match competitive levels, the governing rules differ in one respect. Whereas the fares of Northwest and United permit individual travel (at the proportional fare add-on) only to Chicago, the proposals now before the Board would permit individual travel transcontinentally to the West Coast.

Complaints against the proposal have been filed by Northwest and United requesting suspension and investigation. In summary, it is alleged that the proposal should be rejected because it has not been supported by justification as required by the Board's economic regulations and that it is not motivated by competition; that the relaxation of the travel restrictions proposed is economically destructive and contrary to the objectives of limiting diversion and improving aircraft and facilities utilization; that the proposal would result in passengers traveling overland on the identical basis as an individually ticketed passenger, which is tantamount to a drastic cut in fares for individual transcontinental travel; that the proposal features a consolidation provision more liberal than that rejected by previous Board order; and that the proposed fares are not constructed on the same basis as present fares which permit passengers to join the group only after paying a local fare to the group departure city.

Upon consideration of the tariff filing, the complaints, and other relevant matters, the Board finds that the complaints do not set forth sufficient facts to warrant investigation of the proposed tariff and the requests therefor, and consequently the requests for suspension, will be denied.[4]

The proposal appears essentially to be an effort to become competitive with existing services of Northwest and United. The only material difference between the proposed versus the present fares is the greater amount of individual travel permitted by the former. In the Board's opinion, this difference alone does not warrant suspension of the proposal. With two exceptions, the fares range from about $30 to $60 (or 12 to 22 percent) above present GIT fares applicable when the group travels together throughout the entire trip. Thus, the passenger in most instances would be paying a premium for the somewhat less restrictive travel requirements applicable to the proposed fares.

The complainants allege that their present fares represent merely combinations of existing fares over the segments traveled, i.e., the group discount for group travel west of Chicago and individual excursion fares for travel to and from points east of Chicago, and that the proposed fares have no such basis. While this was true when the fares were initially established, it is no longer so by virtue of the cancellation of Discover America fares in markets below 1,500 miles. Thus, the proposed fares are not unique in this respect as the complainants appear to argue. Finally, the complainants allude to the Board's suspension of consolidation provisions previously proposed by United.[5] While the proposed tariff does have a consolidation provision, it does not raise the questions of discrimination, preference, and prejudice with which the Board was concerned when it suspended that proposal.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. The complaints of Northwest Airlines, Inc., in Dockets 23089 and 23107, and United Air Lines, Inc., in Docket 23106 are hereby dismissed; and

2. A copy of this order be served upon American Airlines, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3098 Filed 3-4-71;8:53 am]

[Dockets Nos. 21884, 21822; Order 71-3-9]

EASTERN AIR LINES, INC.

Order Regarding Application for Permission To Use Certain Airports in Florida

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1971.

Application of Eastern Air Lines, Inc., for permission to serve Vero Beach, Fla., through J. F. Municipal Airport at Melbourne, Fla. Application of Eastern Air Lines, Inc., for permission to use the John R. Alison Municipal Airport at Gainesville, Fla., for serving Ocala, Fla.

Eastern Air Lines, Inc. (Eastern) has filed an application seeking permission to serve Vero Beach, Fla., through J. F. Kennedy Municipal Airport at Melbourne, Fla.[1] Vero Beach has filed an

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[1] American's Tariff CAB No. 246.

[2] Baltimore, Boston, Chicago, Cleveland, Detroit, Hartford, New York, Philadelphia, Pittsburgh, St. Louis, and Washington.

[3] Pan American World Airways, Inc., jointly with other carriers, had proposed similar fares and provisions which were rejected for failure to comply with the notice requirements of the Board's economic regulations.

[4] The complaints requesting suspension and investigation of Pan American's proposal which was rejected are moot and will likewise be dismissed.

[5] Order 69-9-151, Sept. 30, 1969.

[1] On Feb. 12, 1970, Eastern requested that the Board defer action on the application until it completed discussions with the Vero Beach community regarding its air service. Subsequently, Eastern filed a motion to reopen the record to receive a joint tariff agreement concluded between Eastern and Florida Air Lines, Inc., an air taxi operator at Vero Beach. The motion further requested expedited action on its application.

answer in opposition to Eastern's application and motion.[3]

In support of its application, Eastern alleges, inter alia, that traffic volume of less than five passengers a day generated at Vero Beach does not warrant trunkline service at that point;[4] that Vero Beach has adequate surface transportation to and from the Melbourne Airport, located 35 miles from Vero Beach; that Vero Beach passengers have access to nationwide air service provided by Eastern, National, and air taxis at Melbourne Airport; and that grant of the authority requested would enable Eastern to realize a $136,000 annual saving in operating expenses.

In opposition, Vero Beach alleges that Eastern asked the city to improve its airport, at great expense, to accommodate DC–9 aircraft to replace the present Electra service. The city notes that whereas Eastern had previously attempted to assure replacement service by an air taxi operator, no such arrangement has been proposed now. Since the application was filed, Eastern and Vero Beach have had numerous discussions and have failed to reach a satisfactory settlement.

Upon consideration of the pleadings and all the relevant facts, we have concluded that the application should be set aside for hearing to permit a complete consideration of the issues raised. Since the issues raised by Eastern's Vero Beach application are closely connected with those involved in Eastern's application, in Docket 21822, for permission to use the John R. Alison Municipal Airport at Gainesville, Fla., for serving Ocala, Fla.,[4] we have decided to consolidate these dockets for an expedited hearing.[5]

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., in Docket 21884 be and it hereby is set for hearing, which hearing will include the issues of whether Eastern's certificate should be altered, amended, or modified to delete Vero Beach or to redesignate Vero Beach and Melbourne as a hyphenated point, to be served through the Melbourne airport;

2. The applications of Eastern Air Lines, Inc., in Dockets 21884 and 21822, be and they hereby are consolidated for hearing and decision on an expedited basis, at a time and place to be designated hereafter;

3. The motion of Eastern to reopen the record to receive additional information be and it hereby is granted; and

4. The motion of Eastern for leave to file an unauthorized pleading be and it hereby is granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–3099 Filed 3–4–71;8:53 am]

[Docket No. 22508 etc.; Order 71–3–14]

MAINLAND–PONCE SERVICE INVESTIGATION

Order Regarding Motion To Invoke Environmental Policy Act Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of March 1971.

By Order 70–8–102, August 25, 1970, as modified by Order 70–12–49, December 8, 1970, the Board instituted the above-captioned investigation. On February 4, 1971, the Bureau of Operating Rights, participating in this proceeding, filed a motion entitled "Motion to Invoke Environmental Policy Act Procedures."[1]

Upon consideration of the motion and other relevant facts, the Board has determined that this proceeding might result in a major Federal action significantly affecting the quality of the human environment and will therefore invoke the procedures outlined in its Policy Statement implementing the National Environmental Policy Act of 1969 (14 CFR 399.110, 35 F.R. 10582). In accordance with 14 CFR 399.110(d) the Board encourages participation in this proceeding, in accordance with its Rules of Practice, by the appropriate Federal, State, and local agencies and by other interested persons to the end of insuring that a complete record is developed which will permit full consideration of any possible environmetal impact. All parties to this investigation are directed to proceed in conformity with the requirements of 14 CFR 399.110.

Accordingly, it is ordered:

1. That the motion of the Bureau of Operating Rights, docketed February 4, 1971, entitled "Motion to Invoke Environmental Policy Act Procedures," be and it hereby is granted;

2. That this proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110;

3. That a copy of this order shall be served upon all persons served with Orders 70–8–102 and 70–12–49, and, in addition, a copy of this order and Orders 70–8–102 and 70–12–49 shall be served upon the Environmental Protection Agency, the Council on Environmental Quality, and the Governor of the Commonwealth of Puerto Rico.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–3100 Filed 3–4–71;8:53 am]

[Docket No. 19787; Order 71–2–123]

RIO AIRWAYS, INC.

Order To Show Cause

Issued under delegated authority February 26, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order E–26979, issued June 25, 1968, in this docket, is currently in effect for Hood Airlines, Inc., an air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Temple and Dallas, via Waco, Tex.

The Postmaster General filed a petition on February 5, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 49.8 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 5, 1971, to Rio Airways, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.8 cents per great circle aircraft mile between Temple and Dallas, via Waco, Tex.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Rio Airways, Inc., the Postmaster General, Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Rio Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Rio Airways, Inc., the Postmaster General, and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–3101 Filed 3–4–71;8:54 am]

[3] Eastern filed a motion for permission to file a reply to the answer of Vero Beach. Since the information contained in Eastern's reply is pertinent to the matter at hand, the carrier's request to file the reply will be granted.

[4] Eastern's present service includes one Electra round trip daily between Jacksonville, Gainesville, Ocala, Vero Beach, and Miami.

[4] Eastern presently serves Ocala and Vero Beach on the same Electra flight, and these are the only points on Eastern's system which are regularly served with Electras.

[5] By Order 70–12–96, dated Dec. 16, 1970, the Board set for hearing Eastern's application in Docket 21822.

[1] Under date of Feb. 10, 1971, counsel for the Commonwealth of Puerto Rico submitted an answer expressing concurrence in the motion.

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

ENVIRONMENTAL PROTECTION AGENCY

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1087) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing the establishment of a tolerance (21 CFR Part 420) for total residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog *O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate in or on the raw agricultural commodity alfalfa at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a flame photometric detector equipped with a phosphorus filter (526 nanometers).

Dated: March 2, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticide Office.

[FR Doc.71–3015 Filed 3–4–71;8:48 am]

WYANDOTTE CHEMICALS CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1080) has been filed by Wyandotte Chemicals Corp., Wyandotte, Mich. 48192, proposing an exemption from the requirement of a tolerance (21 CFR Part 420) for residues when used as an inert ingredient in pesticide formulations of the surfactant which is the monophosphate ester of the block copolymer alpha - hydro - omega - hydroxypoly(oxyethylene) - poly(oxypropylene)-poly(oxyethylene); the poly(oxypropylene) content averages 37–41 moles and the molecular weight averages 8,000.

The analytical method proposed in the petition for determining residues of the surfactant is a procedure in which the polyoxyproplene - polyoxyethylene condensates are precipitated as complexes with iodobismuthate barium reagent. The excess bismuth remaining in solution is then determined using the ultraviolet absorption band of bismuth iodide at 337 nanometers. The excess is subtracted from the total bismuth to determine bismuth consumed.

Dated: March 2, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticide Office.

[FR Doc.71–3016 Filed 3–4–71;8:46 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 91]

H. F. AHMANSON & CO. AND AHMANCO, INC.

Notice of Receipt of Application for Approval of Acquisition of Control of San Mateo County Building and Loan Association

MARCH 2, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the H. F. Ahmanson & Co., Los Angeles, Calif., a unitary savings and loan holding company which is controlled by Ahmanco, Inc., Los Angeles, Calif., for approval of acquisition of control of the San Mateo County Building and Loan Association, Redwood City, Calif., an uninsured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effective by the purchase for cash by Home Savings and Loan Association, an insured subsidiary of H. F. Ahmanson & Co., of the assets of said San Mateo County Building and Loan Association. Home Savings and Loan Association will also assume the obligations and liabilities of San Mateo County Building and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc. 71–3057 Filed 3–4–71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. R–380]

ACCOUNTING AND RATE TREATMENT OF ADVANCE PAYMENTS TO SUPPLIERS FOR GAS AND AMENDING F.P.C. FORM NO. 2

Order Denying Rehearing

FEBRUARY 26, 1971.

On January 8, 1971, we issued Order No. 410–A (36 F.R. 366, January 12, 1971) amending our regulations under the Natural Gas Act to prescribe for accounting and rate treatment of advance payments made by pipeline companies to their suppliers of natural gas. Order No. 410–A issued as a result of our order of November 27, 1970, granting rehearing for purposes of further consideration (35 F.R. 18640, December 8, 1970) of original Order No. 410 in Docket No. R–380. Order No. 410–A issued as an interim order of clarification until rulemaking procedures in Docket No. R–411 are concluded.

A petition for rehearing of Order No. 410–A was filed by the Public Service Commission of the State of New York (New York) on January 28, 1971.

This petition contends the order predetermines by rulemaking the propriety and reasonableness of specific advance payments. We find this contention without merit as Order No. 410 states "the Commission plans to consider those amounts recorded in Account 166, Advance Payment for Gas, as rate base items where found reasonable and appropriate." Order No. 410 is still in effect and has not been modified by Order No. 410–A in this regard.

It is alleged that Order No. 410–A has substantive changes from Order No. 410 which were not properly noticed as provided by § 1.34(d) of the rules of practice and procedure. New York claims that inadequate notice was given because the Commission did not advise the parties as to the areas of the previous order it was contemplating revising. We find this argument without merit. The order

granting rehearing issued on November 27, 1970. "For the purpose of allowing us an opportunity to give full and adequate consideration to the matters set forth in the * * * petitions for rehearing * * *." This order gave full opportunity for Petitioner to respond in accordance with § 1.34(d) of the Commission's rules of practice and procedure which permits responses to the issues upon which rehearing is granted. The procedures followed therein were in full conformance with both § 1.34(d), as cited above, and section 553 of the Administrative Procedures Act (5 U.S.C. section 553). Substantive change are said to include the allowance in Account 166 of advance payments to affiliate producers obtaining a working interest in production activity. We find this allegation without foundation. This was fully treated on page 2 of Order No. 410–A.

Other changes alleged include revision of the treatment of advance payments by pipelines to independent producers where the pipeline receives a working interest in the producers' activities. We find this allegation also without merit as in both Order 410–A and Order 410, such advance payments receive treatment in production accounts which are not rate base accounts.

New York also charges that Order 410–A changes the time within which a pipeline must completely reduce the advance payments balance in Account 166 from 5 years to any period authorized by the Commission. We find this claim to be without basis as Order 410 also provided that "Unless otherwise authorized by the Commission outstanding advance payments should be fully reduced within a reasonable period of time." The 5-year period referred to in Order 410 illustrated what the Commission believes a reasonable period of time should be, but this does not detract from the reservation of authority to fix such periods as circumstances indicate.

New York contends that a request for modification to permit a pipeline to amortize beyond the 5-year period may be granted without notice to the pipeline's customers or opportunity for hearing. Our rules of practice and procedure, § 3.5 (25)(b), provide that the Chief Accountant has certain delegated authority with respect to accounting interpretations and acceptance for filing of certain proposed journal entries. Such communications do not violate the ex parte rule (rules of practice and procedure § (1.4(d)). Moreover, Account 166 in Order No. 410–A explicitly states that "A sufficient portion of all gas taken should be credited to outstanding advance payments so as to eliminate the advance within a 5-year period or as otherwise authorized by the Commission upon request by the pipeline company." There is no delegation of authority stated or implied of the Commission's responsibility for granting such requests.

New York further alleges that new paragraph F of Account 166 in Order No. 410–A would allow pipeline companies to contend that a particular interest was not granted as a result of the advance payment but as consideration for some other portion of the total deal. We reject this allegation as a basis for rehearing because, absent evidence to the contrary, the good faith and adherence to the intent of the Commission's rules, regulations, and orders must be presumed.

The 7-percent credit detailed in paragraph F of Order No. 410–A is challenged by the petitioner as unequal to the return and tax benefit arising from rate base treatment of Account 166. We find the argument that this defeats the intent of the Commission in so providing to be without merit. The 7-percent credit was not designed to be equated with the rate of return and tax benefit affecting advance payments, but instead was a figure deemed appropriate for the interim period during which Order 410–A is effective.

An application for rehearing and reconsideration of Order No. 410–A was also filed by Mobil Oil Corp. on February 8, 1971.

Mobil's contentions that Order No. 410–A is discriminatory against independent producers are, in large part, similar to issues before the Commission in connection with Order No. 410. Mobil states on page 6 of its application that "The manner of such discrimination was detailed in the applications for rehearing of Order No. 410." Mobil's application, in this regard, must therefore be construed as an application for rehearing of the principles enunciated in Order No. 410. The Commission stated in Order No. 410–A, that "In order to afford all parties an opportunity to be heard on all issues, we issue concurrently a notice of proposed rulemaking in Docket No. R–411." Mobil's comments will, however, be considered along with such others as Mobil shall file in Docket No. R–411.

Mobil urges that Order No. 410–A was issued without adequate notice of its content prior to its promulgation. We find no substance in this claim for the same reason as given above in our response to a similar claim by the New York Public Service Commission.

Mobil alleges that Order No. 410–A poses a procedural dilemma in that "it would appear to be discriminatory as between those making advance payments before and after the date * * * orders are issued in Docket No. R–411." If such order in R–411 does not differ from Order No. 410–A, Mobil contends that the Commission will have prejudged the issues. We find this dilemma nonexistent and the contentions without merit. Orders issuing from Docket No. R–411 may change Order Nos. 410–A and 410 and be in full conformance with the authority vested in the Commission under section 16 of the Natural Gas Act.

The Commission finds: The assignments of error and grounds for rehearing set forth in New York Public Service Commission's petition and Mobil Oil Corp.'s application present no new facts or principles of law which were not considered by the Commission in its order issued January 8, 1971, in Docket No. R–380, or which having now been considered, warrant any change or modification of that order.

The Commission orders: The petition for rehearing filed herein by New York Public Service Commission on January 28, 1971, and the application for rehearing filed by Mobil Oil Corp. on February 8, 1971, are herby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc. 71-3051 Filed 3-4-71;8:49 am]

[Docket Nos. E–7571, E–7572]

UNION ELECTRIC CO. AND MISSOURI POWER & LIGHT CO.

Order Suspending Proposed Rate Increases, Granting Interventions, Waiving 60-Day Notice Requirement, Consolidating Proceedings, and Providing for Hearing

FEBRUARY 26, 1971.

This order suspends for 5 months proposed rate schedule changes, provides for hearing, consolidates proceedings for purposes of hearing and decision, waives 60-day notice provision of our regulations, and grants petitions for intervention.

Union Electric Co. (Union), a public utility subject to the jurisdiction of this Commission, on October 29, 1970, tendered for filing in Docket No. E–7571 a rate increase proposal to its affiliate, Missouri Power & Light Co. (MP&L), which is designated as Supplement No. 18 to Union's Rate Schedule FPC No. 49.[1] Union's tender, however, was deficient under our regulations and was not completed until January 27, 1971. By its tender, Union proposes to increase its revenues by approximately $1,018,000 annually and requested its increase be made effective December 27, 1970.

In support of its filing, Union states that, since December 15, 1955, when the present rate schedule went into effect, practically all of its operational costs have increased continually especially its costs of capital, construction, and fuel. Further, Union asserts that those increased costs have made it impossible to maintain its earnings under the present rate structure despite Union's endeavor to combat those costs. Union alleges that the proposed increase is necessary to enable it to attract the capital needed for its construction program at an economical cost.

As part of its filing in compliance with our regulations, Union submitted cost of service data based on a 1969 test year. Its submittal in this proceeding used similar cost procedures contained in Union's case-in-chief filed in justification of its proposed increase to its W–2 customers, which is the subject matter of the proceeding in Docket No. E–7525.

[1] MP&L, in lieu of a certificate of concurrence, filed the identical agreement, which is designated as Supplement No. 14 to MP&L's Rate Schedule FPC No. 26.

Our staff and certain interveners have taken exception to certain cost procedures used by Union in that proceeding. Hearings have been held, briefs have been filed, and the case in Docket No. E–7525 is pending before the Presiding Examiner. Since some of Union's cost procedures used to justify its submittal here are under attack in another proceeding, the proposed increase here may be unjust and unreasonable and, consequently, unlawful under the Federal Power Act. Accordingly, we will suspend the subject increase and will not order any hearing procedures pending a determination in Docket No. E–7525. Since the filing was first submitted on October 29, 1970, but was not completed until January 27, 1971, we believe that the 60-day notice provision contained in section 35.13(b)(4) of the Commission's regulations should be waived to permit the filing to be effective (subject to the provisions of this order) on February 27, 1971, 30 days after completion of the filing.[2]

On October 29, 1970, MP&L, a public utility subject to our jurisdiction, tendered for filing in Docket No. E–7572 a proposed increase in its rates and charges to Missouri Edison Co. (Edison), another affiliate of Union, which proposal is designated as Supplement No. 8 to MP&L's Rate Schedule FPC No. 25. That filing was also deficient under our regulations and was not completed until January 28, 1971. By its tender, MP&L seeks an increase in revenues of approximately $376,000 annually and requested the increase be made effective December 27, 1970.

In support of its filing, MP&L refers to Union's filing in Docket No. E–7571 and states that this filing would flow through MP&L's increased costs from Union to its customer, Edison. Thus, the increase proposals filed in Dockets Nos. E–7571 and E–7572 contain common questions of law and fact that can best be resolved in a consolidated hearing. Accordingly, we will consolidate those proceedings for purposes of hearing and decision, permit the filing in Docket No. E–7572 to be made effective 30 days after completion in accordance with the provisions of this order, and have the suspension period end concurrently with the filing in Docket No. E–7571.

Notice of both filings was given by publication in the FEDERAL REGISTER on December 8, 1970 (35 F.R. 18643, 18644), stating that any person desiring to be heard or to make any protest with reference to said filings should on or before December 31, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure. The Missouri Public Service Commission, on December 24, 1970, filed its petition to intervene in both dockets and, on December 30, 1970, the city of Jefferson, Mo., filed petitions to intervene in both proceedings.[3] The city of Jefferson states that it is a community served by MP&L and, consequently, it and its citizens will be affected by the proposed rate increases.

The Commission further finds:

(1) The tendered rate schedule filings submitted by Union and MP&L on October 29, 1970, and heretofore designated in this order may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful under the Federal Power Act.

(2) Good cause exists for waiver of the 60-day notice provision of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act and for consolidating the proceedings in Dockets Nos. E–7571 and E–7572 for purposes of hearing and decision.

(3) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the tendered rate increase filings and that those filings be suspended and the use thereof be deferred as hereinafter provided.

(4) Participation by the Missouri Public Service Commission and the city of Jefferson, Mo., in these proceedings may be in the public interest.

The Commission orders:

(A) The 60-day notice provision of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act is hereby waived to permit the filings in Dockets Nos. E–7571 and E–7572 to be effective as of February 27, 1971, and February 28, 1971, respectively, subject to the provisions of this Order.

(B) The proceedings in Dockets Nos. E–7571 and E–7572 are hereby consolidated for purposes of hearing and decision.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened at the offices of the Federal Power Commission in Washington, D.C., at a time and date to be set by further order of the Commission, concerning the lawfulness of the rate increase proposals tendered by Union and MP&L on October 29, 1970, which are the subjects of Dockets Nos. E–7571 and E–7572.

(D) Pending such hearing and decision thereon, Supplement No. 18 to Union's Rate Schedule FPC No. 49, Supplement No. 14 to MP&L's Rate Schedule FPC No. 26, and Supplement No. 8 to MP&L's Rate Schedule FPC No. 25 are hereby suspended and the use thereof deferred until July 27, 1971. On that day, those supplements shall take effect in the manner prescribed by the Federal Power Act; and Union and MP&L, subject to further orders of the Commission, shall charge and collect the new rates and charges set forth in those supplements for all power sold and delivered thereunder.

(E) Union and MP&L shall refund at such times and in such manner as may be required by final order of the Commission the portion of the increased rates and charges found by the Commission in these proceedings not justified, together with interest at the prime rate in St. Louis, Mo., on July 27, 1971, from the date of payment until refunded; shall bear all costs of such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of July 27, 1971, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered under the subject rate schedules, and the revenues resulting therefrom as computed under the rates in effect immediately prior to July 27, 1971, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(F) The city of Jefferson, Mo., and the Missouri Public Service Commission are hereby permitted to intervene in Dockets Nos. E–7571 and E–7572 subject to the Rules and Regulations of the Commission: *Provided, however,* That participation of each intervenor shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in these proceedings.

(G) Unless otherwise ordered by the Commission, neither Union nor MP&L shall change the terms or provisions of the subject rate schedules or of its presently effective rate schedules until these proceedings have been terminated or until the period of suspension has expired.

(H) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20425, on or before March 19, 1971, in accordance with the Commission's rules of practice and procedures (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

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[2] By letter dated Dec. 15, 1970, Union protested the withholding of a filing date on its submittal and stated that that constituted a harsh penalty for a relatively minor omission in its filing data. However, in our view, the data required by section 35.13 of our regulations are necessary to the orderly processing of rate increase filings. The omission of any data required by our regulations disrupts our orderly processing of those filings and requires corrective action on our part to counter that disruptive procedure. Our action taken in this proceeding, in our opinion, is justified by the circumstances.

[3] The petitions erroneously referred only to Docket No. E–7572 in their title, but the city of Jefferson, Mo., has obviously sought intervention in each of the subject proceedings involved here.

[Docket No. RP71-89]

NORTHERN NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Tariff Sheets, Prescribing Procedures, Denying Motions, Deferring Decision on Abandonment Issue, and Permitting Intervention

FEBRUARY 26, 1971.

Northern Natural Gas Co. (Northern), on January 18, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, consisting of First Revised Sheet No. 60 Superseding Original Sheet No. 60 and Original Sheet No. 60a, to become effective on February 27, 1971. The proposed tariff revisions would amend paragraph 9 of the General Terms and Conditions to permit Northern to curtail deliveries of gas to its customers down to 85 percent of their contract demands in the months of April and October and down to 70 percent of their contract demands during the months of May through September in order to assure Northern of the availability of sufficient volumes of gas and pipeline capacity to replenish its Redfield underground storage field.

Northern avers that it has not been able to contract for sufficient additional gas reserves to support an expansion of its transmission system and that the combination of normal load growth and its facilities have resulted in a situation whereby pipeline capacity is inadequate by 14 million Mcf annually to deliver its customers' full contract demand requirements and provide the injection volumes required to replenish its storage facility unless it is permitted to curtail contract demand deliveries as proposed in the revised tariff sheets described above.

Petitions requesting leave to intervene in this proceeding were timely filed by the following petitioners:

The Cleveland-Cliffs Iron Co.
Erie Mining Co.
Farmland Industries, Inc.
Inter-City Gas Limited.
Iowa Electric Light and Power Co.
Iowa-Illinois Gas and Electric Co.
Iowa Power and Light Co.
Iowa Public Service Co.
Iowa Southern Utilities Co.
Kansas-Nebraska Natural Gas Co., Inc.
Lake Superior District Power Co.
Madison Gas and Electric Co.
Metropolitan Utilities District of Omaha.
Michigan Gas Utilities Co.
Michigan Power Co.
Michigan Wisconsin Pipe Line Co.
Minneapolis Gas Co.
Minnesota Natural Gas Co.
North Central Public Service Co.
Northern Illinois Gas Co.
Northern Municipal Defense Group, consisting of Brooklyn, Cascade, Coon Rapids, Emmetsburg, Gilmore City, Graettinger, Harlan, Hawarden, Manilla, Manning, Osage, Preston, Remsen, Rolfe, Sac City, Sanborn, Sioux Center, West Bend, Whittemore, and Woodbine, Iowa; Circle Pines and Hutchinson, Minn.; and Pender and Ponca, Nebr.
Northern States Power Co. (Minnesota).
Northern States Power Co. (Wisconsin).
Reserve Mining Co.
St. Croix Valley Natural Gas Co., Inc.
Superior Water, Light and Power Co.
Terra Chemicals International, Inc.
United States Steel Corp.
Wisconsin Fuel and Light Co.
Wisconsin Gas Co.
Wisconsin Power and Light Co.
Wisconsin Public Service Corp.
Wisconsin Southern Gas Co., Inc.

Notices of intervention were timely filed by the Public Service Commission of Wisconsin and the Michigan Public Service Commission. The Michigan Commission requested that its intervention be recorded as in opposition to the approval of Northern's tariff revisions.

Petitions requesting leave to intervene were not timely filed by the following petitioners:

American Dehydrators Association.
City Gas Co.
Eveleth Taconite Co.
Hanna Mining Co., The
Interstate Power Co.
Northwestern Public Service Co.
Wisconsin Michigan Power Co.
Wisconsin Natural Gas Co.

Protests opposing the approval of Northern's proposed revised tariff sheets were timely filed by the following protestants:

Allied Chemical Corp., Agricultural Division.
Carleton D. Beh Co.
Coon Rapids, Iowa, Municipal Utilities.
Emmetsburg, Iowa, Municipal Utilities.
Gilmore City, Iowa, Municipal Gas Works.
Hawarden, Iowa, Office of Public Works.
Hutchinson, Minn., Utilities Commission.
Inter-City Gas Utilities Ltd.
Manilla, Iowa, Municipal Gas Department.
Manning, Iowa, Natural Gas Department.
Morrison and Quirk, Inc.
Natural Gas, Inc.
Pender, Nebr., Village of.
Remsen, Iowa, Municipal Gas Department.
Sioux Center, Iowa, Municipal Gas Department.
Woodbine, Iowa, Municipal Natural Gas System.

The above-named protestants generally opposed Northern's curtailment of deliveries on the grounds that reduced gas deliveries would create economic hardships and would amount to an unjust increase in rates because of Northern's intention to reduce their contract demand entitlements without any compensating decrease in demand charges.

Fourteen[1] of the parties filing petitions to intervene either supported Northern's curtailment plan or did not object to it sufficiently to request a formal hearing. They generally agreed that Northern would have to adopt some type of curtailment program in order to obtain the gas and pipeline capacity required to replenish Redfield and they concluded that Northern's curtailment plan was as acceptable to them as any alternative they had considered.

All of the remaining petitions to intervene object to Northern's proposed tariff revisions if approval would result in curtailment of any gas the petitioners might wish to purchase under their contracts with Northern. Nine[2] petitioners unequivocally oppose Northern's curtailments and request that the proposed revised tariff sheets be suspended for the full 5-month period and that an expedited hearing be conducted so that the Commission may reach a determination as to the justness, reasonableness, and propriety of the proposal before it is allowed to go into effect at the end of the suspension period.

Northern Illinois Gas Co. (NI-Gas), filed on February 3, 1971, a motion to dismiss Northern's tariff filing or, absent such relief, a request for hearing and suspension of the proposed tariff sheets for the full statutory period pending the outcome of the hearing. As grounds for its motion to dismiss NI-Gas claims that Northern was certificated to serve its contract demand customers on the basis of their service agreements and that Northern cannot reduce deliveries of gas below the certificated volumes without filing for permission to abandon under section 7(b) of the Act. Among other arguments, NI-Gas contends that a proceeding under section 7(b) would require the Commission to reach a decision as to the lawfulness of Northern's proposed reduction in contract demand service prior to the inception of reduced deliveries. On the other hand, NI-Gas contends that if Northern is permitted to proceed exclusively under section 4 it might be able to institute its curtailment of contract demand service, even if the proposal is suspended for the full statutory period, before the Commission has reached a decision on the lawfulness of the proposal. Under such circumstances, NI-Gas claims that it could be irreparably injured by reductions in its contract demand entitlements while a Commission ruling on the lawfulness of the proposal is still pending.[3]

[1] Interstate Power Co., Iowa Electric Light and Power Co., Iowa-Illinois Gas and Electric Co., Iowa Power and Light Co., Iowa Public Service Co., Iowa Southern Utilities Co., Metropolitan Utilities District of Omaha, Minneapolis Gas Co., Minnesota Natural Gas Co. (its approval would be subject to insertion of a provision requiring payment of penalties if customers continued to take gas when Northern's curtailments were in effect), North Central Public Service Co., Northern States Power Cos. of Minnesota and Wisconsin, Northwestern Public Service Co., and Wisconsin Southern Gas Co., Inc.

[2] Farmland Industries, Inc., Inter-City Gas Limited, Kansas-Nebraska Natural Gas Co., Inc. (would support proposal if all customers were curtailed in proportion to annual purchases and if curtailed volumes could alternatively be received at delivery points in producing areas), Michigan Power Co., Michigan Wisconsin Pipe Line Co., Northern Illinois Gas Co., Northern Municipal Defense Group, Terra Chemicals International, Inc., and Wisconsin Gas Co.

[3] Similar contentions are made in the motion to reject filed by Michigan Power and the petitions to intervene filed by Michigan Wisconsin, Farmland Industries, Terra Chemicals, and Wisconsin Gas.

The Commission deferred action on a similar motion in its order issued September 25, 1970, in Natural Gas Pipeline Co. of America, Docket No. RP70-42, 44 FPC ——, where it was noted that the chances of irreparable injury were slight because it was not contemplated that the proposed allocations in that case would become effective for a period of about 7 months so that the Commission had adequate time within which to consider the proposals on their merits before they would become effective. However, in the instant proceeding Northern claims that it must commence injecting gas into Redfield very shortly after the winter heating season has passed and asks that the tariff sheets be permitted to become effective no later than April 27, 1971.

In determining the length of the suspension period to be fixed in this case, the Commission has been concerned about the petitioners' allegations of the irreparable injury which might result if the curtailments were allowed to become effective prior to a Commission decision on the merits of Northern's proposed curtailment plan. However, despite the seriousness of the petitioners' irreparable injury arguments, the Commission is faced with the possibility of an even greater irreparable injury if Northern is unable to curtail deliveries sufficiently to increase the gas inventory in Redfield to the level required to provide its customers with gas throughout the 1971-72 heating season. Except for NI-Gas and Michigan Wisconsin, who contend that they rely upon purchases from Northern to refill their own storage fields, the irreparable injury alleged by the petitioners relates to economic detriments. On the other hand, failure to replenish Redfield may produce a gas shortage for space-heating customers and that could result in social consequences which would far exceed any irreparable injury which is associated with economic considerations.

While NI-Gas and Michigan Wisconsin allege that they rely upon Northern's gas for replenishing their own storage facilities, they have provided no details to support the extent of such reliance. Also the Commission is aware that some of Michigan Wisconsin's gas is sold for resale for consumption in electric generating stations. In Michigan Wisconsin Pipe Line Co., 32 FPC 737, 746, for example, Michigan Wisconsin's evidence showed that it expected to supply 6,800,000 Mcf annually to Wisconsin Public Service Corporation for use as boiler fuel in the latter's Western electric generating station. Weston's gas consumption is 2,800,000 Mcf greater than the total potential reduction in deliveries which Michigan Wisconsin alleges it would experience if Northern's curtailment program were to be approved.

After a careful review of the pleadings, the Commission finds that Northern's need for gas to refill its storage field is such an essential gas requirement that the effectiveness of the proposed tariff sheets should not be suspended beyond April 27, 1971. Consequently, it is necessary to deny both NI-Gas' motion to dismiss and its alternative request for a 5-month suspension period.

Northern filed on February 17, 1971, a response to the motions submitted in this proceeding arguing that it is unnecessary for it to file an abandonment application under section 7(b) of the Act because all of its customers were certificated for service under the terms of service agreements, rate schedules, and the General Terms and Conditions of its tariff which provide for curtailment of service when there is a shortage of gas. While the Commission believes there is merit to Northern's contention, it is deferring a decision on the question of whether a filing under section 7(b) is required so that the parties may, if they wish, develop any additional facts they may deem essential for urging that contention in briefs before the Examiner and the Commission.

Many of the petitioners also claim that the rate aspects of Northern's filing should be considered only under section 5(a) of the Act in order to assure that the Commission's determinations will be effective prospectively, but the Commission believes that the rate issues[4] in this case can be determined as appropriately under section 4 as they can be decided under section 5 of the Act.

Michigan Power Co. filed on February 8, 1971, a motion to reject Northern's filing on the ground that it is a unilateral attempt by Northern to vary the volumes of gas which its customers are entitled to purchase and which Northern is obligated to deliver under the terms of their service agreements (United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958)). The primary argument made in support of Michigan Power's motion is that no provisions of the General Terms and Conditions of Northern's tariff, its rate schedules, or its service agreements permit it to file any type of change except changes in rates. Since Northern's proposal does not constitute a change in rates. It is said to be a prohibited unilateral filing under the Mobile case supra, and must be rejected.

The Commission believes that Michigan Power's interpretation of Northern's tariff, rate schedules, and service agreements is unduly restrictive.[5] The service agreements provide that service is subject to the general terms and conditions in Northern's tariff and that contract demand volumes may be increased or decreased in accordance with Northern's CD rate schedules as those rate schedules and Terms and Conditions are amended and made effective from time to time. Thus, Northern has clearly provided, under the principles of the Memphis case supra, that it may file unilateral changes to its tariff and rate schedules subject to its customers' rights to protest and object to such changes in proceedings before the Commission. The right to change the General Terms and Conditions is made specific, apart from the right to file rate changes, despite the fact that both rights are reserved in a section of the service agreements bearing the caption "Section 5. Price." Therefore, the Commission concludes that Northern was entitled under the provisions in its service agreements, rate schedules, and the general terms and conditions of its tariff to file the proposed revised tariff sheets and Michigan Power's motion to reject the filing should be denied.

Issues have been raised in this proceeding which require development in evidentiary proceedings. The proposed changes in the general terms and conditions of the tariff have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in the general terms and conditions of Northern's FPC Gas Tariff and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) The participation of the above-named petitioners may be in the public interest.

[4] Many petitioners claim that the proposed tariff sheets are unjust because Northern contemplates making no reduction in its demand charges despite its intention to reduce contract demand deliveries by as much as 30 percent. Others contend that the filing is unduly discriminatory because those customers who buy at high load factors will be penalized by being curtailed to a greater degree than those who purchase at low load factors. Other complaints are that the proposed curtailments are much greater than the 14,000,000 Mcf deficiency alleged by Northern; that sufficient heat energy units could be obtained to satisfy the alleged deficiency by reduction of deliveries to Northern's Bushton extraction plant; and that Northern's tariff already provides for curtailment of large volume industrial customers and that discontinuance of deliveries to one or two large generating plants would provide the necessary gas required to replenish Redfield.

[5] Michigan Power also argues that a proposal to reduce deliveries without decreasing demand charges constitutes a change in rates, but it contends that if Northern's filing is interpreted as a permissible filing to change rates, it still ought to be rejected for failure to comply with section 154.63 of the Commission's regulations.

[6] The Commission has made similar determinations in United Gas Pipe Line Company, Docket No. RP70-13, order issued May 15, 1970, 43 FPC 747, Alabama-Tennessee Natural Gas Company, Docket No. RP71-7, order issued Oct. 13, 1970, 44 FPC ——, and East Tennessee Natural Gas Company, Docket No. RP71-15, order issued Nov. 13, 1970, 44 FPC ——.

(4) Good cause has not been shown to grant NI-Gas' and Michigan Power's motions to dismiss or reject Northern's filing.

(5) Good cause exists to permit the late filing of the aforementioned petitions to intervene listed on page 3 supra.

The Commission orders:

(A) The motion to dismiss filed February 3, 1971, by Northern Illinois Gas Co. and the motion to reject filed February 8, 1971, by Michigan Power Co. are denied.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing March 23, 1971, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the proposed changes in the general terms and conditions of Northern's FPC Gas Tariff, Third Revised Volume No. 1. After compliance with the provisions of paragraph (D) below, the hearing shall go forward with cross-examination of Northern's witnesses.

(C) Pending such hearing and decision thereon, Northern's proposed First Revised Sheet No. 60 Superseding Original Sheet No. 60 and Original Sheet No. 60a are hereby suspended and the use thereof is deferred until April 27, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) At the hearing on March 23, 1971, Northern's entire rate filing as submitted and served on January 18, 1971, shall be admitted in the record as Northern's complete case-in-chief, subject to appropriate motions, if any, by parties to the proceeding.

(E) The above-named petitioners are hereby permitted to become interveners in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(F) Any parties planning to present testimony in opposition to Northern's curtailment procedures shall, on or before March 15, 1971, file and serve on the Presiding Examiner, the Commission's staff, and all parties prepared written testimony in support of their positions.

(G) A Presiding Examiner to be designated by the Chief Examiner for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control the proceeding in accordance with the policies expressed in Section 2.59 of the Commission's rules of practice and procedure.

(H) Northern shall serve copies of its filing in Docket No. RP71-89, including the supporting testimony and exhibits, upon all parties to the proceeding unless it has already done so.

(I) Decision on the partial abandonment issue raised by several petitioners is deferred pending submission of briefs by any parties espousing that contention and answering briefs in reply thereto.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3053 Filed 3-4-71;8:50 am]

BRIGHT AND SCHIFF

Notice Accepting Agreements and Undertakings in Lieu of Surety Bonds

FEBRUARY 25, 1971.

Bright and Schiff Dockets Nos. RI64-678, RI69-756, RI65-155, RI70-98, RI71-8, RI71-287, RI64-160, RI64-344, RI69-280, RI63-314, RI68-404.

On January 26, 1971, Bright and Schiff submitted financial data relating to the above-designated proceedings and requested that the agreements and undertakings filed previously in these proceedings be accepted for filing as the appropriate refund assurance in lieu of the surety bonds heretofore filed.

Good cause exists for accepting the agreements and undertakings filed in the above-designated proceedings in lieu of the surety bonds heretofore filed.

Take notice that:

The agreements and undertakings filed in the above-designated proceedings are accepted for filing in lieu of the surety bonds heretofore filed. The surety bonds filed in the above-designated proceedings are hereby discharged.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3000 Filed 3-4-71;8:45 am]

[Docket No. CP71-73]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Extension of Time and Continuance

FEBRUARY 25, 1971.

On February 17, 1971, Panhandle Eastern Pipe Line Co. (Panhandle Eastern) filed a request for an extension of time of 30 days within which to serve its testimony and related exhibits in accordance with paragraph (B) of the order issued on January 29, 1971, in the above-designated matter. Panhandle Eastern also requests that the hearing scheduled to commence on March 8, 1971, be continued 30 days.

Upon consideration, notice is hereby given that the time is extended to and including March 22, 1971, within which Panhandle Eastern shall serve its testimony and related exhibits on all parties, and that the hearing is continued until April 12, 1971, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3001 Filed 3-4-71;8:45 am]

[Docket No. CP70-67]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

FEBRUARY 25, 1971.

Take notice that on February 12, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (petitioner), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP70-67 a petition to amend the Commission's order issued on November 17, 1969, pursuant to section 7(c) of the Natural Gas Act in said docket by extending until November 1, 1971, the time in which Petitioner shall commence the transportation of natural gas for Consolidated Gas Supply Corp. (Consolidated), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The Commission's order in the subject docket authorized, inter alia, Petitioner to render a transportation service for Consolidated as provided by the terms of a transportation agreement executed by Petitioner and Consolidated on February 12, 1970. This agreement is on file with the Commission as Rate Schedule T-14 in the Fifth Revised Volume 2 of Petitioner's FPC Gas Rate Tariff.

Petitioner states that on October 15, 1970, it entered into an agreement with Consolidated to amend the transportation agreement to permit Consolidated to suspend Petitioner's obligation to redeliver equivalent volumes of natural gas until November 1, 1971. Accordingly, petitioner requests that the Commission's order in the subject docket issued on November 17, 1969, be amended to authorize the transportation of natural gas by Petitioner under the terms of the transportation agreement dated February 12, 1970, between petitioner and Consolidated, as amended by agreement dated October 15, 1970.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3002 Filed 3-4-71;8:45 am]

[Docket No. CB71-201]

UNITED GAS PIPE LINE CO.

Notice of Application

FEBRUARY 25, 1971.

Take notice that on February 16, 1971, United Gas Pipe Line Co. (applicant), 1525 Fairfield Avenue, Shreveport, LA 71102, filed in Docket No. CP71-201 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the transportation and exchange of natural gas with Natural Gas Pipeline Co. of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a 5 year gas exchange agreement with Natural providing for the exchange of up to 20,000 Mcf of gas per day. Applicant will deliver exchange quantities of gas to Natural at an existing delivery point from the Chevron Oil Co.'s Sabine Pass Plant, West Cameron, Block 19 Field, Cameron Parish, La. Natural in turn will deliver equivalent volumes of gas to Transcontinental Gas Pipe Line Corp. (Transco) for the account of applicant at an existing delivery point to Transco's pipeline facilities from Mobil Oil Corp.'s Cameron Plant, Mud Lake, Cameron Parish, La. There are no new facilities proposed herein and applicant states that there will be no monetary compensation for the exchanged volumes.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3003 Filed 3-4-71;8:45 am]

[Dockets Nos. RP70-5, RP70-16, RP70-38, RP71-4]

SOUTHERN NATURAL GAS CO.

Notice of Filing of Supplement No. 1 to Stipulation and Agreement

MARCH 2, 1971.

Take notice that on February 12, 1971, Southern Natural Gas Co. (Southern) submitted for approval a supplement to the stipulation and agreement filed December 4, 1970, in these proceedings to provide for rate changes to reflect advance payments for gas.

The supplemental agreement provides, inter alia, that Southern may from time to time increase its jurisdictional rates to give effect to inclusion in rate base of advance payments made by Southern; that any such rate increase shall become effective without suspension but shall be subject to refund, if objection to such rate increase is made prior to the effective date, as to that portion of such increase found by the Commission to be unjustified; and provides for rate adjustments in the event all or any portion of an advance payment is repaid, in money or in gas.

Copies of this Supplement No. 1 were served on all parties to these proceedings, all of Southern's jurisdictional customers and all interested State commissions.

Answers or comments relating to the proposed Supplement No. 1 may be filed with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before March 11, 1971.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3042 Filed 3-4-71;8:45 am]

[Docket No. CP70-65]

FLORIDA GAS TRANSMISSION CO.

Notice of Petition To Amend

MARCH 1, 1971.

Take notice that on February 22, 1971, Florida Gas Transmission Co., (petitioner), Post Office Box 44, Winter Park, FA 32789, filed in Docket No. CP70-65 a petition to amend the Commission's order issued on December 3, 1969 (42 FPC 1060), issuing a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, in said docket by authorizing the construction and operation of certain compressor facilities, for the receipt of natural gas from the Superior Oil Co., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The aforementioned order authorized the construction and operation of a 300-horsepower skid-mounted compressor unit on petitioner's 4-inch supply lateral in Galveston County, Tex. Petitioner states that it has made a reappraisal of the deliverability and future potential of the gas supply involved and concluded that the installation of a unit with lower rated horsepower would adequately meet all current compression requirements and at the same time effect a saving in the amount of investment required.

Accordingly, petitioner requests that the aforementioned authorization for the installation of a 300-horsepower skid-mounted compressor unit be amended by substituting authorization for the installation and operation of a 100-horsepower skid-mounted compressor unit.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 20, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3043 Filed 3-4-71;8:49 am]

[Docket No. CP71-207]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

MARCH 1, 1971.

Take notice that on February 22, 1971, Florida Gas Transmission Co. (applicant), Post Office Box 44, Winter Park, FL 32789, filed in Docket No. CP71-207 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period beginning July 1, 1971, and operation of certain natural gas facilities to enable applicant to take into its pipeline system natural gas which will be purchased from producers in the general area of applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $7 million with no single onshore project costing in excess of $1 million and no single offshore project costing in excess of $1,750,000. Applicant states that these costs will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3044 Filed 3-4-71;8:49 am]

[Docket No. CP71-208]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Application

MARCH 1, 1971.

Take notice that on February 23, 1971, Iowa-Illinois Gas and Electric Co. (applicant), 206 East Second Street, Davenport, IA 52808, filed in Docket No. CP71-208 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 9.3 miles of pipeline within the city limits of Davenport, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate 9.3 miles of 16-inch pipeline as a partial loop of a 10-inch pipeline heretofore authorized by the Commission in Docket No. G-1899. The proposed line will start at applicant's existing Locust Street Town Border Station and terminate at its Kimberly Town Border Station, and will lie completely within the city limits of Davenport, Scott County, Iowa. Applicant states that the proposed facilities will provide additional capacity and greater service reliability for its customers within the greater Davenport area. The estimated cost of the proposed line is $736,265 which cost applicant states will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3045 Filed 3-4-71;8:49 am]

[Docket No. CP71-206]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 1, 1971.

Take notice that on February 18, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP71-206 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon 2.6 miles of 14-inch pipeline and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 2.6 miles of 12-inch pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to the authority granted in Docket No. G-280, applicant is presently operating the aforementioned 14-inch pipeline, located in Lincoln and Minnehaha Counties, S. Dak., for delivery of natural gas to the community of Sioux Falls, S. Dak. Applicant states that because of population encroachment, it is necessary to replace this 1931 vintage pipeline. Applicant proposes to replace the aforementioned 14-inch line with an equal length of 12-inch line, which applicant states can be utilized without jeopardizing delivery capacity, at an approximate cost of $199,590.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3046 Filed 3-4-71;8:49 am]

[Dockets Nos. RP70-7 etc.]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Filing of Stipulation and Agreement

MARCH 2, 1971.

Take notice that on February 22, 1971, South Georgia Natural Gas Co. (South Georgia), submitted for approval a stipulation and agreement in the above-captioned dockets which would resolve all issues in these proceedings.

The stipulation and agreement, inter alia, provides for a reduction in South Georgia's jurisdictional rates below those which are presently in effect subject to refund in the captioned proceedings and set forth proposed rates for specified periods of time; requires refunds by South Georgia for the excess which has been collected above the rates set forth in the stipulation and agreement; allows South Georgia to adjust its rates to track increases and decreases in the rates of its supplier, Southern Natural Gas Co. (Southern); requires South Georgia to flow-through refunds with interest received from Southern which are applicable to purchases from Southern during the term of the stipulation and agreement; allows South Georgia to adjust its rates to track increases and decreases in the event of changes in Federal and State income tax rates; reflects a change in the general terms and conditions of South Georgia's existing FPC Gas Tariff related to the availability of service under rate schedules G-1 and G-2; and provides that South Georgia will not make effective an increase in its jurisdictional rates prior to January 1, 1973, except as provided in the stipulation and agreement.

Copies of the stipulation and agreement, together with a motion of South Georgia for approval of the agreement were seved on all parties to the above-captioned proceedings, all of South Georgia's jurisdictional customers; and all interested State commissions.

Answers or comments relating to the stipulation and agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before March 11, 1971.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3047 Filed 3-4-71;8:49 am]

[Docket No. CP71-209]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application

MARCH 2, 1971.

Take notice that on February 23, 1971, South Texas Natural Gas Gathering Co. (Applicant), Post Office Drawer 521, Corpus Christi, TX, 78403, filed in Docket No. CP71-209 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period beginning April 1, 1971, and operation of certain natural gas facilities to enable Applicant to take into its pipeline system natural gas which will be purchased from producers in the general area of Applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $1 million with no single project costing in excess of $250,000. Applicant states that these costs will be financed from cash on hand and funds generated internally through normal operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3048 Filed 3-4-71;8:49 am]

[Docket No. AR64-2 etc.]

TEXAS GULF COAST AREA RATE PROCEEDING ET AL.

Notice of Extension of Time

MARCH 1, 1971.

Texas Gulf Coast Area Rate Proceeding, Docket No. AR64-2; Mobil Oil Corp., Docket No. RI70-1666; Petroleum Corporation of Texas, Docket No. RI71-477; J. S. Abercrombie Mineral Co., Inc., Docket No. RI71-479; Atlantic Richfield Co., Docket No. RI71-480; Pan American Petroleum Corp., Docket No. RI71-515; Sun Oil Co., Docket No. RI71-530; Mobil Oil Corp., Docket No. RI71-555; John W. Pace (Operator), Docket No. RI71-556; Coastal States Gas Producing Co., Docket No. RI71-611.

On February 25, 1971, Humble Oil and Refining Co. et al., filed a motion requesting an extension of time to and including March 21, 1971, within which to answer the motion filed on February 18, 1971, by the Philadelphia Gas Works Division by UGI, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including March 22, 1971, within which answers may be filed to the motion filed by the Philadelphia Gas Works Division of UGI on February 18, 1971.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3049 Filed 3-4-71;8:49 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Regulation F-90]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a natural gas rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Service Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal Government before the Alabama Public Service Commission in a proceeding involving increased rates of the Alabama Gas Corp.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT L. KUNZIG,
Administrator of General Services.

FEBRUARY 26, 1971.

[FR Doc.71-3055 Filed 3-4-71;8:50 am]

[Federal Property Management Regulations Temporary Regulation F-89]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Washington Utilities and Transportation Commission in a proceeding (Docket No. U-71-5) involving intrastate rates for telecommunications services provided by the Pacific Northwest Bell Telephone Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT L. KUNZIG,
Administrator of General Services.

FEBRUARY 26, 1971.

[FR Doc.71-3056 Filed 3-4-71;8:50 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

KENTUCKY CARBON CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.³) has been accepted for consideration as follows:

(1) ICP Docket No. 10271, Kentucky Carbon Corp., Kencar No. 1 Mine, USBM ID No. 15 02107 0, Phelps, Pike County, Ky. Section ID No. 002 (East Mains).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 1, 1971.

[FR Doc.71-3020 Filed 3-4-71;8:47 am]

OFFICE OF EMERGENCY PREPAREDNESS

MISSISSIPPI

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on February 22, 1971, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Mississippi, adversely affected by storms and tornadoes beginning on or about February 21, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Mississippi. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. William H. Hollaway, Regional Director, OEP Region 3, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Mississippi to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 22, 1971:

The counties of:

Benton.	Pontotoc.
Carroll.	Sharkey.
Grenada.	Sunflower.
Holmes.	Tallahatchie.
Humphreys.	Tippah.
Issaquena.	Warren.
Lafayette.	Washington.
Leflore.	Yalobusha.
Marshall.	Yazoo.

Dated: February 26, 1971.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.71-3008 Filed 3-4-71;8:46 am]

NEBRASKA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on February 23, 1971, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Nebraska, adversely affected by severe storms and flooding beginning on or about February 18, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Nebraska. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Donald G. Eddy, Regional Director, OEP Region 6 to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Nebraska to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 23, 1971:

The counties of:

Burt.	Madison.
Cedar.	Pierce.
Colfax.	Platte.
Cuming.	Stanton.
Dakota.	Thurston.
Dixon.	Washington.
Dodge.	Wayne.
Knox.	

Dated: February 26, 1971.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.71-3009 Filed 3-4-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 1, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10-cents par value of Continental Vending Machine Corporation, and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 2, 1971, through March 11, 1971.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3040 Filed 3-4-71;8:49 am]

[70-4986]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Cash Capital Contributions to Subsidiary Companies

MARCH 1, 1971.

Notice is hereby given that General Public Utility Corp. (GPU), 80 Pine Street, New York, NY 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to make cash capital contributions, from time to time during the 9-month period ending December 31, 1971, to certain of its subsidiary companies of up to the following respective aggregate amounts:

New Jersey Power & Light Co. (NJP&L)	$4,900,000
Metropolitan Edison Co. (Met-Ed)	34,800,000
Pennsylvania Electric Co. (Penelec)	16,000,000
Waterford Electric Co. (Waterford)	100,000
Total	55,800,000

The proposed capital contributions will be utilized by NJP&L, Met-Ed, Penelec, and Waterford for the purpose of financing their respective businesses as public utilities, including the construction of additional facilities and the increase of their working capital. Such cash capital contributions will be credited by the recipients to their respective capital surplus accounts and, in the case of NJP&L, will promptly thereafter be transferred to stated capital applicable to its common stock.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses in connection with the proposed transactions will be approximately $3,000.

Notice is further given that any interested person may, not later than March 26, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3041 Filed 3-4-71;8:49 am]

SMALL BUSINESS ADMINISTRATION

GOLD COAST CAPITAL CORP.

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration pursuant to § 107.701 of the Regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of Gold Coast Capital Corp. (Gold Coast), 1451 North Bayshore Drive, Miami, FL 33132, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.), License No. 05/05-0010.

Gold Coast was licensed on December 22, 1959, and has paid-in capital and paid-in surplus from private sources amounting to $218,595.04. Mr. Peter Schenck, 745 Coronado Avenue, Coral Gables, FL 33134, intends to sell his 50 percent equity interest in Gold Coast to Messrs. Morris Bayroff, 465 Ocean Drive, Miami Beach, FL 33139, Samuel J. Burger, 150 Lefferts Avenue, Brooklyn, NY 11235, and Bernard Madovoy, 820 Shore Boulevard, Brooklyn, NY 11235. The proposed transfer of control is subject to and contingent upon the approval of SBA.

The officers and directors after the transfer of control will be:

William I. Gold, 6905 Leonardo, Coral Gables, FL 33134, President and Director.
Morris Bayroff, 465 Ocean Drive, Miami Beach, FL 33139, Secretary and Director.

Messrs. Burger and Madovoy are the sole owners and officers and directors of Preferred Capital for Small Business, Inc. (Preferred Capital), 16 Court Street, Brooklyn, NY 11201, License No. 02/02-0241. Mr. Bruce Bayroff, 2650 Ocean Parkway, Brooklyn, NY 11235, the son of Mr. Morris Bayroff, is the general manager of Preferred Capital. The acquisition of Mr. Schenck's equity interest by the transferees is proposed with the intention of ultimate merger of Gold Coast and Preferred Capital in mind.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed transferees, and probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the proposed transferees in a

newspaper of general circulation in Miami, Fla.

For SBA (pursuant to delegated authority).

A. H. SINGER,
Associate Administrator for Investment.

FEBRUARY 18, 1971.

[FR Doc.71-3010 Filed 3-4-71;8:46 am]

[Declaration of Disaster Loan Area 809]

NEBRASKA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971 because of the effects of certain disasters damage resulted to residences and business property located in the State of Nebraska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in all areas of northeastern Nebraska suffered damage or destruction resulting from floods commencing on February 19, 1971, and continuing thereafter.

OFFICES

Small Business Administration District Office, 215 North 17th Street, Omaha, NE 68102.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1971.

Dated: February 25, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-3037 Filed 3-4-71;8:48 am]

[Declaration of Disaster Loan Area 808]

NORTH CAROLINA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971 because of the effects of certain disasters, damage resulted to residences and business property located in Cumberland County, N.C.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in all areas of the aforesaid County and adjacent areas suffered damage or destruction resulting from tornado occurring on February 22, 1971.

OFFICE

Small Business Administration District Office, 222 South Church Street, Charlotte, NC 28202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to August 31, 1971.

Dated: February 24, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-3038 Filed 3-4-71;8:48 am]

[Declaration of Disaster Loan Area 807]

MISSISSIPPI AND TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the States of Mississippi and Tennessee;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid County and adjacent areas suffered damage or destruction resulting from tornado occurring on February 22, 1971.

OFFICE

Small Business Administration District Office, 222 South Church Street, Charlotte, NC 28202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to August 31, 1971.

Dated: February 24, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-3039 Filed 3-4-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 254]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 1, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 71 TA), filed February 24, 1971. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04103. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, MA 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill rolls*, between Jay, Maine, and Kalamazoo, Mich., and Appleton, Wis., for 180 days. Supporting shipper: International Paper Co., 220 East 42d Street, New York, NY 10017. Send protests to: District Supervisor Donald G. Weiler, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167 PSS, Portland, ME 04112.

No. MC 60271 (Sub-No. 1 TA), filed February 23, 1971. Applicant: HARPER TRUCK LINE, INC., Post Office Box 288, Monroe, LA 71201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood sawdust, chips and shavings*, from points in Arkansas, to Lillie and West Monroe, La., for 180 days. Supporting shipper: Olinkraft, Post Office Box 488, West Monroe, LA 71291. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, AR 72201.

No. MC 69492 (Sub-No. 39 TA), filed February 22, 1971. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, KY 42301. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Peoria, Ill., to Jackson, Tenn., and (2) *Feed and feed ingredients*, except in bulk, from Decatur, Ill., to Clinton, Ky., for 180 days. Supporting shippers: Central Soya of Clinton, Inc., Post Office Box 68, Clinton, KY 42031; Baxter Smith Co., 237 West LaFayette, Jackson, TN 38301. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Building, 167 North Main Street, Memphis, TN 38103.

No. MC 75317 (Sub-No. 14 TA), filed February 23, 1971. Applicant: CENTRAL DISPATCH, INC., New Market Avenue, South Plainfield, NJ 07080. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings, couplings and accessories, materials, supplies, and equipment* used in manufacture, production, distribution, or sale of the aforementioned commodities (except in bulk), between South Plainfield, N.J., Easton, Pa., New Village, N.J., and Providence, R.I. Restriction: The proposed service to be under contract with Victaulic Company of America, Inc., for 180 days. Supporting shipper: Victaulic Company of America, 3100 Hamilton Boulevard, South Plainfield, NJ 07080. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 103993 (Sub-No. 610 TA), filed February 24, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: R. H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobile in initial movements, from Selmer, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Town House Inc., Selmer, Tenn. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 104654 (Sub-No. 146 TA), filed February 23, 1971. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, IL 62222. Applicant's representative: D. R. McClane (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the site of the Phillips Pipe Line terminal at or near Hickman, Ky., to points in Missouri, on and south of I44 and U.S. Highway 66 and on and east of U.S. Highway 63; for 150 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak, Kansas City, MO. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 107882 (Sub-No. 20 TA), filed February 24, 1971. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Applicant's representative: Herbert Alan Dubin, Federal Bar Building West, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Culpeper, Va., on the one hand, and, on the other, Boston, Mass., New York and Buffalo, N.Y., Philadelphia, Pa., Cleveland and Cincinnati, Ohio, Pittsburgh, Pa., Richmond, Va., Baltimore, Md., Charlotte, N.C., Atlanta, Ga., Birmingham, Ala., Jacksonville, Fla., Nashville, Tenn., New Orleans, La., Chicago, Ill., Detroit, Mich., St. Louis, Mo., Little Rock, Ark., Louisville, Ky., Memphis, Tenn., Minneapolis, Minn., Helena, Mont., Kansas City, Kans., Denver, Colo., Oklahoma City, Okla., Omaha, Nebr., Dallas, El Paso, Houston, and San Antonio, Tex., San Francisco and Los Angeles, Calif., Portland, Oreg., Salt Lake City, Utah, Seattle, Wash., Miami, Fla., and Washington, D.C., for 180 days. Supporting shipper: General Services Administration, Transportation and Communications Service, Washington, D.C. 20405. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 111545 (Sub-No. 156 TA), filed February 24, 1971. Applicant: HOME TRANSPORTATION CO., INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles: (1) from Jefferson, Douglas, Pavo, Pelham, Bainbridge, Cordele, Abbeville, and Woodbury, Ga., to points in Alabama, Florida, Mississippi, Louisiana, Arkansas, Texas, Missouri, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, Delaware, Pennsylvania, and the District of Columbia; and (2) from Albertville, Ala., to points in Georgia, Florida, Mississippi, Louisiana, Arkansas, Texas, Missouri, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, Delaware, Pennsylvania, and the District of Columbia for 180 days. Supporting shippers: Young American Homes, Division of Mid-American Housing, Post Office Box 724, Albertville, AL; Fleetwood Enterprises, Post Office Box 7638, Riverside, CA; Celebrity Homes Corp., Jefferson, Ga.; Champion Home Builders Co., Titan Division, Post Office Box 251, Woodbury, GA; Harmony Homes, Inc., Post Office Box 708, Douglas, GA; Homes of America, Inc., Post Office Box 235, Pavo, GA; All Seasons Industries, Inc., Abbeville, Ga.; Cavalier Homes, Cordele, Ga.; Derose Industries, Inc., Bainbridge, Ga.; and TBR Homes, Inc., Pelham, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 113666 (Sub-No. 52 TA), filed February 24, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from Baltimore, Jennings, and Leslie, Md.; East Palestine, Windham, Portsmouth, Ohio; New Galilee, Somerset, Slippery Rock, Township, and Butler County, Pa.; Ludington, Mich.; Hammond, Ind.; and Cape May, N.J.; to ports of entry on the international boundary between the United States and Canada on the States of New York, Michigan, Vermont, New Hampshire, and Maine; for 180 days. Supporting shippers: Harbison Walker Refractories Co., Division of Dresser Industries, Inc., 2 Gateway Center, Pittsburgh, PA 15222; Pittsburgh Refractories Inc., 10th Floor Benedum-Trees Building, Pittsburgh, PA 15222; RPI, Inc. (Regal Products for Industry), Post Office Box 1584, Butler, PA 16001. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, Pittsburgh, PA 15222.

No. MC 126063 (Sub-No. 7 TA), filed February 19, 1971. Applicant: BIRD TRUCKING, INC., 1370 Swanner Road, Salt Lake City, UT 84104. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, poultry feed, and animal feed*; (1) from points in Utah to points in California, Oregon, and Idaho; and (2) from points in Idaho to points in California, Oregon, and Utah, under a continuing contract with Utah By-Products Co., for 180 days. Supporting shipper: Utah By-Products Co., 463 South Third West Street, Salt Lake City, UT 84101 (Eric F. Teutsch, Manager). Send protests to:

John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 134978 (Sub-No. 4 TA), filed February 19, 1971. Applicant: C. P. BELUE, doing business as BELUE'S TRUCKING, Route 2, Chesnee, SC 29323. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Augusta, Ga., to points in Tennessee, Virginia, South Carolina, and North Carolina (except points in Jackson, Macon, Swain, and Graham Counties, N.C.), for 180 days. Supporting shipper: International Minerals & Chemical Corp., Rainbow Division, Post Office Box 5398, Spartanburg, SC 29301. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3064 Filed 3-4-71;8:50 am]

[Notice 655]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72731. By application filed February 24, 1971, M & M COACHES & CHARTER, INC., 459 First Street, Menominee, MI 49858, seeks temporary authority to lease the operating rights of WILLIAM SMEESTER, doing business as IRON MOUNTAIN-KINGSFORD COACHES, 516 South Avenue, Kingsford, MI 49801, under section 210a(b). The transfer to M & M COACHES & CHARTER, INC., of the operating rights of WILLIAM SMEESTER, doing business as IRON MOUNTAIN-KINGSFORD COACHES, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3063 Filed 3-4-71;8:50 am]

RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

Order Denying Petition

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 26th day of February 1971.

Upon consideration of the petition filed by the Automobile Manufacturers Association, Inc., requesting certain modifications of Service Order No. 1063.

It appearing, that Service Order No. 1063 was issued by the Railroad Service Board in accordance with applicable law and upon its determination that an emergency exists because of an acute shortage of freight cars in all sections of the country; that similar provisions in similar service orders were three times postponed during the period October 2, 1970, to December 31, 1970; that the petitioners have had ample opportunity to review their operations to avoid the excessive detention of empty freight cars held for the exclusive use of shippers of automobile parts; that numerous empty cars assigned to the exclusive use of certain shippers are held idle for excessive periods awaiting orders for placement for loading; and that the petition states no errors of fact or law warranting the relief sought, and for good cause appearing;

It is ordered, That the petition be, and it is hereby denied.

By the Commission, Division 3, acting as an appellate division.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3060 Filed 3-4-71;8:50 am]

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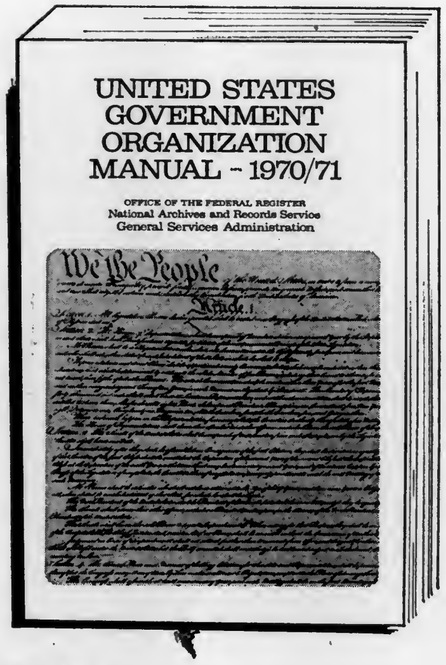
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UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71

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FEDERAL REGISTER

VOLUME 36 • NUMBER 45
Saturday, March 6, 1971 • Washington, D.C.
Pages 4457–4532

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Title 3—The President

PROCLAMATION 4033

Red Cross Month, 1971

By the President of the United States of America

A Proclamation

The highest ideal of mankind is love, and the great challenge is to infuse love into the decisions and actions of daily living. "Love cannot be a mere abstraction," the American religious leader Mary Baker Eddy wrote nearly a century ago; we must "make strong demands on love, call for active witnesses to prove it, and noble sacrifices and grand achievements as its results." At about the same time, her contemporary Clara Barton was founding an organization that meets this challenge superbly—the American Red Cross.

Today the hands of the Red Cross reach across the Nation and, through the League of Red Cross Societies, around the world, to bring relief wherever disaster, disease, misfortune, or war causes human suffering. The American Red Cross is chartered by Congress but its financing is purely voluntary, compelled by compassion alone. The success of its vital humanitarian mission rests upon generous gifts of time and money from millions of Americans.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, and Honorary Chairman of the American National Red Cross, do hereby designate March 1971, as Red Cross Month, a month when the organization will appeal for your active help. I urge every American to measure his contribution of dollars and skills by the same rule that governs the work of the Red Cross—the Golden Rule.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of March, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-3283 Filed 3-4-71;4:30 pm]

PROCLAMATION 4034

Save Your Vision Week, 1971

By the President of the United States of America

A Proclamation

The greatest tragedy of blindness is that it may be needless.

Much can be done to preserve sight by regular and thorough eye examinations, beginning early in life, and by promoting eye safety on the job, in schools, and at home.

Early detection can prevent glaucoma and prompt treatment can restore the vision lost because of cataracts. Healthy tissue can be transplanted to restore sight.

On the other hand, there are many causes of blindness or visual disability that science cannot yet prevent or treat. Only research can provide the answers to visual problems such as disorders of the retina, inherited vision defects, and blindness from long-standing diabetes.

The Federal Government conducts and supports such research in the recently established National Eye Institute of the National Institutes of Health and in laboratories across the Nation. This effort by the Government complements the many excellent activities of private and voluntary groups in supporting research and in providing services to the blind and visually handicapped.

In an effort to make Americans better aware of how sight may be preserved, the Congress by a joint resolution approved December 30, 1963 (77 Stat. 629), requested the President to proclaim the first week in March of each year as Save Your Vision Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week of March 7, 1971, as Save Your Vision Week; and I invite appropriate officials of State and local governments to issue similar proclamations.

I call upon all our citizens to join in this observance by learning how visual disabilities may be prevented and by seeking professional attention for themselves and their families for vision problems. I also encourage them, and the communications media, the health care professions, and other interested organizations, to support research aimed at conquering those diseases and conditions against which we now have no defense.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of March, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-3282 Filed 3-4-71;4:30 pm]

EXECUTIVE ORDER 11585

Creating an Emergency Board to Investigate Disputes Between Certain Carriers Represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers' Conference Committees and Certain of Their Employees Represented by the Brotherhood of Railroad Signalmen

WHEREAS disputes exist between certain carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers' Conference Committees, designated in List A attached hereto and made a part hereof, and certain of their employees represented by the Brotherhood of Railroad Signalmen, a labor organization; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the Board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers' Conference Committees, or by their employees represented by the Brotherhood of Railroad Signalmen, in the conditions out of which the disputes arose.

Richard Nixon

THE WHITE HOUSE,
March 4, 1971.

List A

EASTERN RAILROADS

Akron, Canton & Youngstown Railroad
Ann Arbor Railroad
Baltimore and Ohio Railroad
  Baltimore and Ohio Chicago Terminal Railroad
  Staten Island Rapid Transit Railway
Bangor and Aroostook Railroad
Bessemer and Lake Erie Railroad
Boston and Maine Corporation
Boston Terminal Corporation
Central Railroad Company of New Jersey
  New York and Long Branch Railroad Company
Central Vermont Railway, Inc.
Cincinnati Union Terminal Company
Cleveland Union Terminals Company
Dayton Union Railway
Delaware and Hudson Railway
Detroit and Toledo Shore Line Railroad
Detroit Terminal Railroad
Detroit, Toledo and Ironton Railroad
Erie Lackawanna Railway
Grand Trunk Western Railroad
Indiana Harbor Belt Railroad
Indianapolis Union Railway
Lehigh and Hudson River Railway
Lehigh and New England Railway
Lehigh Valley Railroad
Maine Central Railroad Company
  Portland Terminal Company
Monongahela Railway
Monon Railroad
New York, Susquehanna and Western Railroad
Norfolk and Western Railway
  (Lines of former New York, Chicago and St. Louis Railroad)
  (Lines of former Pittsburgh and West Virginia Railway)
Penn Central Transportation Company
Pennsylvania-Reading Seashore Lines
Reading Company
Union Railroad Company (Pittsburgh)
Washington Terminal Company
Western Maryland Railway

WESTERN RAILROADS

Alton and Southern Railway
Atchison, Topeka and Santa Fe Railway
Belt Railway Company of Chicago
Burlington Northern, Inc.
  (Former Chicago, Burlington & Quincy Railroad)
  (Former Great Northern Railway)
  (Former Northern Pacific Railway)
  (Former Spokane, Portland & Seattle Railway)
Chicago and Eastern Illinois Railroad
Chicago and Illinois Midland Railway
Chicago and North Western Railway
Chicago and Western Indiana Railroad
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago, Rock Island and Pacific Railroad
Colorado and Southern Railway
Denver and Rio Grande Western Railroad
Denver Union Terminal Railway
Duluth, Winnipeg and Pacific Railway
Elgin, Joliet and Eastern Railway
Fort Worth and Denver Railway
Galveston, Houston and Henderson Railroad
Green Bay and Western Railroad
Houston Belt and Terminal Railway
Illinois Central Railroad
  (Including the Paducah and Illinois Railroad)
Joint Texas Division of CRI&P—FtW&D Railway
Kansas City Southern Railway
Kansas City Terminal Railway
Louisiana and Arkansas Railway
Missouri-Kansas-Texas Railroad

WESTERN RAILROADS—continued

Missouri Pacific Railroad
Norfolk and Western Railway
  (Lines formerly operated by the Wabash Railroad)
Peoria and Pekin Union Railway
St. Louis-San Francisco Railway
St. Louis Southwestern Railway
Soo Line Railroad
Southern Pacific Transportation Company
  Pacific Lines
  Texas and Louisiana Lines
  Former Pacific Electric Railway
Terminal Railroad Association of St. Louis
Texas and Pacific Railway
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans
Toledo, Peoria and Western Railroad
Union Pacific Railroad,
Union Terminal Company (Dallas)
Western Pacific Railroad

SOUTHEASTERN RAILROADS

Atlanta and West Point Railroad Company
  The Western Railway of Alabama
Central of Georgia Railway
Chesapeake and Ohio Railway
Clinchfield Railroad
Georgia Railroad
Gulf, Mobile and Ohio Railroad
Jacksonville Terminal Company
Kentucky and Indiana Terminal Railroad
Louisville and Nashville Railroad
New Orleans Public Belt Railroad
Norfolk and Western Railway
  (Atlantic and Pocahontas Regions)
Richmond, Fredericksburg and Potomac Railroad
Seaboard Coast Line Railroad
Southern Railway
  Alabama Great Southern Railroad
  Cincinnati, New Orleans and Texas Pacific Railway
  Georgia Southern and Florida Railway
  Harriman and Northeastern Railroad
  New Orleans Terminal Company
  St. Johns River Terminal Company

[FR Doc.71-3249 Filed 3-4-71;1:41 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the Assistant Secretary for Public Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–6–71), subparagraph (20) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(20) One Special Assistant to the Assistant Secretary for Public Affairs.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-3253 Filed 3-5-71;8:52 am]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—White-Fringed Beetle

REGULATED AREAS

Under the authority of § 301.72–2 of the White-Fringed Beetle Quarantine regulations, 7 CFR 301.72–2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.72–2a, is hereby amended as follows:

A. In § 301.72–2a relating to the State of Alabama, the entire description for that State is changed to read as follows:

ALABAMA

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

B. In § 301.72–2a relating to the State of Arkansas, under suppressive area, the following counties are added or redescribed and should be listed in alphabetical order as follows:

ARKANSAS

• • • • • •

(2) *Suppressive area.*

Clay County. That area included within the corporate limits of the town of Datto.

Craighead County. Secs. 10, 11, 12, 13, 14, 15, 23, 24, 25, and 36, T. 14 N., R. 3 E.; secs. 1, 2, 3, 11, 12, 13, 14, 24, and 25, T. 13 N., R. 4 E.; secs. 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 34, 35, and 36, T. 14 N., R. 4 E.; secs. 18, 19, and 30, T. 13 N., R. 5 E., including all of the town of Jonesboro; secs. 9, 10, 11, 14, 15, and 16, T. 13 N., R. 7 E., including all of the town of Caraway; and secs. 27, 28, 33, and 34, T. 15 N., R. 7 E., including all of the town of Monette.

Crittenden County. All the area included within the corporate limits of the towns of Crawfordsville, Earle, Marion, Norvell, and West Memphis; secs. 1, 2, 11, and 12, T. 5 N., R. 7 E.; secs. 35 and 36, T. 6 N., R. 7 E.; secs. 6, 7, 8, and 17, T. 5 N., R. 8 E.; sec. 31, T. 6 N., R. 8 E.; sec. 24, T. 7 N., R. 7 E.; secs. 19, 21, 22, 27, and 28, T. 7 N., R. 8 E.; secs. 9, 15, 16, 22, and 27, T. 8 N., R. 8 E.; and sec. 10, T. 6 N., R. 9 E.

• • • • • •

Lawrence County. That area included within the corporate limits of the town of Black Rock.

• • • • • •

Mississippi County. Secs. 7, 8, 9, and 17, T.15 N., R. 8 E., including all of the town of Leachville; sec. 19, T. 10 N., R. 9 E.; secs. 11 and 12, T. 12 N., R. 9 E.; all of the area within the corporate limits of the town of Manila; all of the area within the limits of the Blytheville Air Force Base; secs. 2, 3, 4, 8, 9, 10, 11, 13, 14, 15, 16, 17, 20, 21, 22, 23, and 28, T. 15 N., R. 11 E., including all of the town of Blytheville; secs. 27 and 34, T. 16 N., R. 11 E.; and secs. 8, 17, and 18, T. 15 N., R. 12 E.

Monroe County. All of the area lying within the corporate limits of the towns of Brinkley and Clarenden, and secs. 22, 23, 26, and 27, T. 1 S., R. 2 W.

• • • • • •

Poinsett County. That area included within the corporate limits of the towns of Harrisburg, Trumann, and Tyronza; secs. 12, 13, 14, 23, 24, 25, and 26, T. 10 N., R. 3 E.; secs. 1, 2, and 3, T. 10 N., R. 6 E.; secs 34, 35, and 36, T. 11 N., R. 6 E., including all of the town of Market Tree; secs. 2, 3, 4, 9, 10, 11, 14, 15, 22, and 23, T. 11 N., R. 7 E.; and secs. 9, 26, 33, 34, and 35, T. 12 N., R. 7 E., including all of the town of Lepanto.

Pulaski County. That portion of T. 2 N., R. 12 W., lying west of State Highway 5 and north of Interstate 40; sec. 31, T. 3 N., R. 12 W., and that area included within a circle having a ½-mile radius with the center point located at the intersection of Markham Road and Rodney Parham Road.

• • • • • •

Union County. Sec. 17, T. 17 S., R. 15 W.

C. In § 301.72–2a relating to the State of Florida, the following county is added in alphabetical order to the generally infested area:

FLORIDA

(1) *Generally infested area.* • • •

Hamilton County. Secs. 12, 13, and 24, T. 2 N., R. 11 E.; and secs. 7, 8, 17, 18, 19, and 20, T. 2 N., R. 12 E.

• • • • • •

D. In § 301.72–2a relating to the State of Georgia, under generally infested area, the following counties are added or redescribed and should be listed in alphabetical order as follows:

GEORGIA

(1) *Generally infested area.*

Appling County. That portion of Georgia Militia District 1726 lying east of State Secondary Road S–1301.

• • • • • •

Bulloch County. Georgia Militia Districts 45, 48, 1209, 1575, 1716, 1547, 44, and 1803.

• • • • • •

Carroll County. That portion of the county lying within Georgia Militia Districts 649, 642, 714, and 1533.

Chatham County. That portion of the county lying between the Seaboard Coastline Railroad and the Pipe Maker's Canal and bounded on the east by Dean Forest Road and on the west by I–95.

• • • • • •

Colquitt County. The entire county.

Columbia County. That portion of Georgia Militia District 128 lying north of Fort Gordon Reservation.

• • • • • •

Crisp County. That portion of the county lying within Georgia Militia Districts 1451, 1004, 1040, 732, and 1697.

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Douglas County. All of that part of the city of Villa Rica that lies within the county.

• • • • • •

Haralson County. The entire county.

• • • • • •

Jenkins County. That portion of the county lying within a radius of 2 miles with center at the intersection of U.S. Highway 25 and the Burke County line; and all of Georgia Militia District 1638.

• • • • • •

Madison County. That portion of the county lying within a radius of 1 mile with center at U.S. Highway 29 and the Diamond Hill-Colbert Road.

• • • • • •

Mitchell County. That portion of the county lying within Georgia Militia District 1194, and that portion of Georgia Militia District 1173 lying south of State Highway 97 and west of State Secondary Road S–1643, excluding that portion of the city of Camilla.

• • • • • •

Newton County. That portion of the county lying within Georgia Militia Districts 420, 462, 461, 1261, and 1513.

• • • • • •

Rockdale County. That portion of the county lying within Georgia Militia District 561.

• • • • • •

Whitfield County. That portion of the county lying within an area having a 1-mile radius with center at the intersection of State Highway 71 and State Secondary Road 1582.

• • • • • •

E. In § 301.72–2a relating to the State of Louisiana, the entire description for that State is changed to read as follows:

LOUISIANA

(1) *Generally infested area.*

Acadia Parish. T. 7 S., Rs. 1 E. and 1 W.; secs. 13, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, and 43, T. 9 S., R. 1 E.; that portion of sec. 14, T. 9 S., R. 1 E., lying south of Bayou Wikoff; those portions of secs. 20, 29, 30, 31, and 44, T. 9 S., R. 1 E., lying south and east of Bayou Plaquemine Brule; secs. 3, 4, 5, 6, 7, 8, and 37, T. 10 S., R. 1 E.; and secs. 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 S. R. 2 E.

De Soto Parish. All that area lying within the corporate limits of the city of Mansfield.

East Baton Rouge Parish. Sec. 48, T. 5 S., R. 1 W.; secs. 58 and 59, T. 6 S., R. 1 W.; that portion of the parish lying within T. 6 S., Rs. 1 E. and 1 W., south and west of U.S. Highway 190 (Airline Highway), and those portions of secs. 50, 51, and 64, T. 6 S., R. 1 E., lying east of said highway; and that portion of the parish lying within T. 7 S., Rs. 1 and 2 E. and 1 W.

East Feliciana Parish. T. 1 S., Rs. 1, 2, 3, and 4 E.; T. 2 S., Rs. 2 and 3 E.; that area bounded by lines lying 1 mile east and west of and parallel to Louisiana Highway 19 extending from the south line of the parish northward to Louisiana Highway 955; and secs. 28, 33, 42, and 47, T. 2 S., R. 1 E.

Evangeline Parish. That area bounded by lines lying 1 mile west and east of and parallel to Louisiana Highway 13 extending from State Highway 1160 to the south line of the parish.

Iberia Parish. That portion of the parish known as Avery Island including secs. 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 36, 55, 56, 57, 58, 59, and 60, T. 13 S., R. 6 E.; and secs. 1, 2, 10, 11, 12, and 13, T. 12 S., R. 6 E.

Iberville Parish. All the sections in T. 9 S., R. 12 E., lying west of State Highway 1, including all the area in the corporate limits of the city of Plaquemine.

Jefferson Parish. The entire parish.

Lafayette Parish. T. 9 S., Rs. 3, 4, and 5 E., including all of the corporate limits of the city of Lafayette; and T. 10 S., R. 5 E.

Lincoln Parish. Secs. 6, 7, 18, 19, 20, 21, 28, 29, 30, and 31, T. 18 N., R. 2 W.; T. 18 N., R. 3 W.; and that portion of the parish lying within T. 20 N., Rs. 2 and 3 W.

Livingston Parish. Secs. 57 and 58, T. 5 S., R. 3 E.; and that portion of the parish lying within T. 6 S.; and that portion of T. 7 S., Rs. 6 and 7 E., lying within the parish.

Orleans Parish. All of Orleans Parish, including the city of New Orleans.

Ouachita Parish. Secs. 24 and 25, T. 18 N., R. 1 E.; secs. 25, 26, 27, 28, 29, and 30, T. 18 N., R. 2 E.; secs. 4, 5, 6, 7, 8, 9, 16, and that portion of 54 lying north of State Road 3033, T. 17 N., R. 3 E.; that portion of T. 18 N., R. 3 E., lying west of the Ouachita River; and that area bounded by a line beginning at the point where the west line of sec. 39, T. 18 N., R. 4 E., intersects Bayou DeSiard and extending east and north along said bayou to the south line of sec. 11, T. 18 N., R. 4 E., thence northeast to the east line of sec. 12, thence north to the north line of sec. 31, T. 19 N., R. 5 E., thence east to the east line of sec. 31, thence south along the east lines of secs. 31 and 6 to the Stubbs-Ritchie Road, thence east to the intersection of Stubbs-Ritchie Road with State Road 594, thence south along State Road 594 to the crossing of the Illinois Central Railroad, thence west along said railroad to the west line of sec. 33, T. 18 N., R. 5 E., thence north along the west lines of secs. 33 and 39, T. 18 N., R. 4 E., to the point of beginning.

Plaquemines Parish. T. 18 S., R. 27 E.; and all of that portion of the parish lying north of the south line of T. 16 S.

Pointe Coupee Parish. Sec. 74, and that portion of secs. 75 and 76 west of Louisiana Highway 77 and north of U.S. Highway 190, T. 6 S., R. 9 E.

Rapides Parish. That portion of sec. 1 outside of the corporate city limits of Pineville; sec. 2, T. 4 N., R. 1 W.; and secs. 35 and 36, T. 5 N., R. 1 W.; and that portion of the city of Alexandria bounded on the west by MacArthur Drive, on the south and east by Monroe Street, and on the north by Bolton Avenue; secs. 4, 5, and 6, T. 1 S., R. 2 W.; secs. 28, 29, 30, 31, 32, and 33, T. 1 N., R. 2 W.; secs. 32, 78, 115, and that portion of 116 and 119 lying south of State Highway 121 in T. 4 N., R. 3 W.; and secs. 12, 13, 37, 38, 40, and 41 in T. 4 N., R. 4 W.

St. Bernard Parish. The entire parish.

St. Charles Parish. That area bounded by a line beginning at a point where U.S. Highway 61 and the St. Charles-St. John the Baptist Parish line intersecb and extending eastward along said highway to its intersection with the St. Charles-Jefferson Parish line, thence south along said parish line to its intersection with U.S. Highway 90, thence westward along said highway to its junction with State Highway 3060, thence northeast along said highway to its junction with State Highway 18, thence northeast along a line projected from a point at the junction of State Highways 18 and 3060 to the east bank of the Mississippi River, thence northwest along said bank of the Mississippi River to its intersection with the St. Charles-St. John the Baptist Parish line, thence east and northeast along said parish line to the point of beginning.

St. Helena Parish. The entire parish.

St. James Parish. That area bounded by a line beginning at a point where U.S. Highway 61 and the Ascension-St. James Parish line intersect and extending southeast and east along said highway to its intersection with the St. James-St. John the Baptist Parish line, thence southeast along said parish line to the east bank of the Mississippi River, thence northwest along said bank of the Mississippi River to its intersection with Ascension-St. James Parish line, thence eastward along said parish line to the point of beginning.

St. John the Baptist Parish. All that portion of the parish lying between U.S. Highway 61 and the Mississippi River, and all of secs. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 54, 55, 56, 59, 60, 61, and 62, T. 11 S., R. 7 E.

St. Landry Parish. That portion of the parish lying in T. 6 S. west of the east line of R. 2 E.; secs. 33, 34, 35, 42, and 45, T. 5 S., R. 5 E.; secs, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 52, and 63, T. 6 S., R. 5 E.; that portion of sec. 47 lying east of the Missouri Pacific Railroad, and sec. 61, T. 7 S., R. 5 E.; and sec. 30, T. 7 S., R. 6 E.

St. Martin Parish. Secs. 13, 24, 105, and 106, T. 8 S., R. 5 E.; and secs. 48 and 67, T. 8 S., R. 6 E.

St. Tammany Parish. The entire parish.

Tangipahoa Parish. The entire parish.

Union Parish. Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 21 N., R. 1 E.; and secs. 21, 22, 23, 24, 25, 26, 27, 28, and 36, T. 21 N., R. 1 W.

Washington Parish. The entire parish.

Webster Parish. T. 18 N., R. 9 W., including all that area lying within the corporate limits of the city of Dubberly; T. 19 N., R. 9 W.; and all that area lying within the corporate limits of the city of Springhill.

(2) *Suppressive area.*

Caddo Parish. That area in the corporate limits of the city of Shreveport bounded by a line beginning at a point where Youree Drive intersects U.S. Interstate Highway 20, thence southeast along Youree Drive to its intersection with Cornwell Avenue, thence south along Cornwell Avenue to its intersection with Jordan Street, thence west along Jordan Street to its intersection with Line Avenue, thence north along Line Avenue to its intersection with U.S. Interstate Highway 20, thence northeast along U.S. Interstate Highway 20 to the point of beginning.

Grant Parish. Sec. 15, T. 6 N., R. 1 W.

Morehouse Parish. All that area within the corporate limits of the city of Bastrop; secs. 13, 14, and those portions of secs. 23 and 24 outside the corporate limits of the city of Bastrop, T. 21 N., R. 5 E.

Terrebonne Parish. That area bounded by a line commencing where the Intercoastal Waterway crosses Bayou Terrebonne; thence north and east along said waterway to the east line of R. 17 E.; thence south along said line to the intersection of East Houma City limits; thence south along city limit line to the intersection of Louisiana Highway 57; thence north and west along said highway to the intersection of State Highway 24; thence west on State Highway 24 to the point of beginning.

West Feliciana Parish. Secs. 51, 52, 67, and 68, T. 3 S., R. 3 W., excluding that area lying within the corporate limits of the city of St. Francisville.

F. In § 301.72–2a relating to the State of Mississippi, the entire description for that State is changed to read as follows:

MISSISSIPPI

(1) *Generally infested area.*

Adams County. The entire county.

Alcorn County. The entire county.

Amite County. The entire county.

Attala County. The entire county.

Benton County. The entire county.

Bolivar County. Sec. 3 and NW¼, T. 21 N., R. 5 W.; secs. 15, 16, 17, 18, 22, 27, and 34, and SW¼, T. 22 N., R. 5 W.; and secs. 8, 9, 16, 17, 20, and 21, T. 23 N., R. 5 W.

Calhoun County. Secs. 4, 5, 8, and 9, T. 22 N., R. 9 E.; secs. 13, 14, 15, 22, 23, 24, 32, and 33, T. 23 N., R. 9 E.; and an area 2 miles wide with State Highway No. 9 as the centerline, beginning at the south line of T. 13 S., R. 1 W., and continuing to Savannah Creek in T. 11 S., R. 1 W.

Carroll County. Secs. 13, 14, 15, 22, 23, and 24, T. 17 N., R. 5 E.

Chickasaw County. Secs. 4, 9, 31, 32, and 33, T. 13 S., R. 3 E.; secs. 4, 5, and 6, NE¼, T. 14 S., R. 3 E.; and SE¼, T. 12 S., R. 5 E.

Choctaw County. The entire county.

Claiborne County. The entire county.

Clarke County. The entire county.

Clay County. Secs. 20, 21, 28, and 29, T. 20 N., R. 13 E.; secs. 22, 23, and 24, and NE¼, T. 17 S., R. 6 E.

Coahoma County. Secs. 18, 19, and 30, T. 27 N., R. 3W.; and secs. 13, 14, 15, 22, 23, 24, 25, 26, and 27, T. 27 N., R. 4 W.

Copiah County. The entire county.

Covington County. The entire county.

DeSoto County. The entire county.

Forrest County. The entire county.

Franklin County. The entire county.

George County. The entire county.

Greene County. The entire county.

Grenada County. The entire county.

Hancock County. The entire county.

Harrison County. The entire county.

Hinds County. The entire county.

Holmes County. Secs. 25, 26, 27, 34, 35, and 36, T. 15 N., R. 2 E.; that portion of the NE¼, T. 12 N., R. 3 E., lying within the county; secs. 21, 22, 27, and 28, T. 13 N., R. 3 E.; secs. 17, 18, 19, and 20, T. 13 N., R. 4 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, and 23, T. 14 N., R. 4 E.; secs. 3 and 4, T. 15 N., R. 5 E.; and secs. 33 and 34, T. 16 N., R. 5 E.

Itawamba County. SW¼, T. 7 S., R. 8 E.; secs. 23, 24, 25, 26, 35, and 36, and NW¼, T. 9 S., R. 8 E.; secs. 25 and 36, T. 7 S., R. 9 E.; sec. 1, T. 8 S., R. 9 E.; secs. 19, 20, 29, 30, 31, and 32, T. 9 S., R. 9 E.; secs. 29, 30, 31, and 32, T. 7 S., R. 10 E.; and secs. 5 and 6, T. 8 S., R. 10 E.

Jackson County. The entire county.

Jasper County. The entire county.

Jefferson County. The entire county.

Jefferson Davis County. The entire county.

Jones County. The entire county.

Kemper County. The entire county.

Lafayette County. Secs. 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 8 S., R. 3 W.; secs. 3, 4, 5, and 6, T. 9 S., R. 3 W.; secs. 13, 24, 25, and 36, T. 8 S., R. 4 W.; and sec. 1, T. 9 S., R. 4 W.

Lamar County. The entire county.

Lauderdale County. The entire county.

Lawrence County. The entire county.

Leake County. The entire county.

Lee County. The entire county.

Lincoln County. The entire county.

Lowndes County. Secs. 16, 17, 18, 19, 20, and 21, T. 18 N., R. 16 E.; SW¼, T. 16 S., R. 18 W.; secs. 4, 5, and 6, T. 17 S., R. 18 W.; secs. 24, 25, and 36, T. 16 S., R. 19 W.; and all of the area lying within the corporate limits of the city of Columbus.

Madison County. The entire county.

Marion County. The entire county.

Marshall County. SW¼, T. 3 S., R. 2 W.; NW¼, T. 4 S., R. 2 W.; SE¼, T. 3 S., R. 3 W.; and NE¼, T. 4 S., R. 3 W.

Monroe County. Secs. 35 and 36, T. 11 S., R. 6 E.; SW¼, T. 15 S., R. 18 W.; sec. 32 and that portion of sec. 33, T. 13 S., R. 16 W., lying in Mississippi; sec. 5, T. 14 S., R. 16 W.; secs. 25, 26, 35, and 36, T. 14 S., R. 19 W.; and all of the areas lying within the corporate limits of the cities of Aberdeen and Amory.

Montgomery County. The entire county.

Neshoba County. The entire county.

Newton County. The entire county.

Nozubee County. Secs. 9, 16, and 21, T. 15 N., R. 17 E.

Oktibbeha County. Secs. 5 and 6, T. 19 N., R. 12 E.; secs. 31 and 32, T. 20 N., R. 12 E.; secs. 1, 2, 3, 4, 9, 10, 11, and 12, T. 18 N., R. 14 E.; and secs. 25, 26, 27, 28, 33, 34, 35, and 36, T. 19 N., R. 14 E.

Panola County. S½, T. 7 S., R. 7 W.; N½ and S½, T. 8 S., R. 7 W.; and N½, T. 9 S., R. 7 W.

Pearl River County. The entire county.

Perry County. The entire county.

Pike County. The entire county.

Pontotoc County. Secs. 10, 11, 14, and 15, T. 9 S., R. 1 E.; SE¼, T. 10 S., R. 1 E.; secs. 31, 32, 33, and 34 T. 9 S., R. 3 E.; and secs. 3, 4, 5, and 6, T. 10 S., R. 3 E.

Prentiss County. Secs. 1, 12, 35, and 36, T. 6 S., R. 6 E.; secs. 9, 10, and 35, T. 4 S., R. 7 E.; secs. 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, and 23, T. 5 S., R. 7 E.; secs. 6 and 7, T. 6 S., R. 7 E.

Rankin County. The entire county.

Scott County. The entire county.

Simpson County. The entire county.

Smith County. The entire county.

Stone County. The entire county.

Tate County. W½, T. 5 S., R. 7 W., including all of the corporate limits of the city of Coldwater.

Tippah County. The entire county.

Tishomingo County. Sec. 13, T. 4 S., R 9 E.; secs. 28, 29, 32, and 33, T. 1 S., R. 10 E.; secs. 11, 12, 13, 14, 23, and 24, T. 3 S., R. 10 E.; SE¼, T. 6 S., R. 10 E.; NE¼, T. 7 S., R. 10 E.; secs. 7, 18, and 19, T. 3 S., R. 11 E.; secs. 19, 30, and 31, T. 6 S., R. 11 E.; and secs. 6, 7, and 18, T. 7 S., R. 11 E.

Tunica County. Secs. 32 and 33, T. 4 S., R. 11 W.; and secs. 4 and 5, 8. 5 S., R. 11 W.

Union County. The entire county.

Walthall County. The entire county.

Warren County. The entire county.

Wayne County. The entire county.

Webster County. The entire county.

Wilkinson County. The entire county.

Winston County. The entire county.

Yalobusha County. Secs. 3, 4, and 5, T. 24 N., R. 6 E.; secs. 32, 33, and 34, T. 25 N., R. 6 E.; secs. 28, 29, 30, 31, 32, and 33, T. 10 S., R. 4 W.; and secs. 4, 5, 6, 7, 8, and 9, T. 11 S., R. 4 W.

Yazoo County. E½, T. 12 N., R. 2 W.; secs. 1, 2, and 3, T. 11 N., R. 2 W.; and that portion of T. 12 N., R. 3 E., lying within the county.

(2) *Suppressive area.* None.

G. In § 301.72–2a relating to the State of North Carolina, under generally infested areas, the following counties are added or redescribed and should be listed in alphabetical order as follows:

NORTH CAROLINA

(1) *General infested area.* • • •

Cabarrus County. The entire county.

Lenoir County. The entire county.

• • • • • •

Nash County. Beginning at a point where the Tar River crosses the Franklin and Nash County line, thence south and east along Tar River to its intersection with State Secondary Road 1001; thence south and east along said road to its intersection with Toisnot Swamp; thence southeast along Toisnot Swamp to its intersection with the Wilson County line; thence southwest along Wilson and Nash County line to its junction with the Johnston County line; thence northwest along the Johnston and Nash County line to a point where Johnston, Wake, Franklin, and Nash County lines meet; thence northeast along the Franklin and Nash County line to the point of beginning.

New Hanover County. That area bounded by a line beginning at a point where the Northeast Cape Fear River intersects the Pender-New Hanover County line; thence extending southeast along said county line to the Intercoastal Waterway; thence southwest along said waterway to its junction with the Cape Fear River; thence north along said river to its junction with the Northeast Cape Fear River; thence north and east along said river to the point of beginning.

• • • • • •

Rowan County. The entire county.

• • • • • •

Wake County. The entire county.

• • • • • •

H. In § 301.72–2a relating to the State of North Carolina, under suppressive area, the following county is added in alphabetical order as follows:

NORTH CAROLINA

• • • • • •

(2) *Suppressive area.* • • •

Pitt County. That area is bounded by a line beginning at a point where State Secondary Road 1725 intersects State Highway 43; thence extending northeast along State Secondary Road 1725 to its junction with State Secondary Road 1726; thence southeast along said road to its intersection with State Secondary Road 1727; thence south along said road to its junction with State Secondary Road 1700; thence South along said road to its intersection with State Secondary Road 1774; thence east along said road to its junction with State Secondary Road 1744; thence south along said road to its junction with State Highway 43; thence northwest along said highway to its junction with State Secondary Road 1745; thence south along said road to its junction with State Secondary Road 1746; thence west and south along said road to its junction with State Secondary Road 1747; thence west along said road to its junction with State Secondary Road 1700; thence southwest along said road to its intersection with State Secondary Road 1725; thence north along said road to point of beginning.

• • • • • •

I. In § 301.72–2a relating to the State of North Carolina, under suppressive area, the entire listing for Wake County is deleted.

J. In § 301.72–2a relating to the State of South Carolina, under suppressive area, Beaufort County is redescribed as follows:

SOUTH CAROLINA

• • • • • •

(2) *Suppressive area.*

Beaufort County. All that area lying north of the Coosaw River and Whale Branch.

• • • • • •

K. In § 301.72–2a relating to the State of Tennessee, under generally infested area, the following counties are added or redescribed and should be listed in alphabetical order as follows:

TENNESSEE

(1) *Generally infested area.* • • •

Decatur County. All of Civil District 6.

• • • • • •

Giles County. That portion of the city of Pulaski bounded on the west by State Highway 11, north by U.S. Highway 64, east and south by city limits and Richland Creek.

• • • • • •

Hamilton County. That portion of the county bounded on the southwest by State Highway 153, on the north by Chickamouga Lake, on the east by the Volunteer Ordnance Works, and on the southeast by Interstate 75.

• • • • • •

Lawrence County. That portion of Civil District 9 south of Weakley Creek Road, Civil District 10 south of Little Shoal Creek, Civil District 5 north of Pond Creek and Coon Creek, and all of Civil Districts 8, 12, 13, 15, 16, and 17.

All of the incorporate city limits of Loretto, and an area northwest and adjacent to the city limits bounded by Loretto Branch and Stillhouse Branch.

Lewis County. That portion of the city of Hohenwald north of Smith Street and Swan Avenue.

Lincoln County. That portion of Civil District 2 south of Coldwater Creek and that portion of Civil District 19 south of Coldwater Creek and west of the Camargo-Kirkland-State Line road.

That portion of Civil District 17 south of State Highway 110.

• • • • • •

Maury County. Civil District 5. That portion of Civil District 9 bounded on the north by FAS Road 7993 and unnamed county road between State Highway 7 and FAS Road 6255, on the east by FAS Road 6255, on the south by Covey Hollow Road and McCain-Bigbyville Road, and on the west by FAS Road 6201.

• • • • • •

Rhea County. That portion of the city of Spring City west of U.S. Highway 27.

Roane County. That portion of the county bounded on the east by Little Emory River, on the south by Emory River, on the west by Bullard Branch, and on the north by the Morgan-Roane County line.

Rutherford County. Civil District 18, and that portion of Civil District 20 northeast of U.S. Highway 41.

• • • • • •

Wayne County. The entire city of Clifton. That portion of the city of Waynesboro bounded on the north by U.S. Highway 64, on the east by Green River, on the south by Rocky Mill Branch, on the west by State Highway 13.

* * * * *

L. In § 301.72–2a relating to the State of Virginia, the entire description for that State is changed to read as follows:

VIRGINIA

(1) *Generally infested area.*

City of Alexandria. That portion of the city bounded by a line beginning at a point where Duke Street (State Route 236) intersects with the Alexandria-Fairfax City-County line; thence extending southeast along Duke Street (State Route 236) to its junction with the Potomac River; thence south along the west bank of said river to its junction with the Alexandria-Fairfax City-County line; thence west and north along said line to the point of beginning.

That portion of the city bounded by a line beginning at a point where Oakcrest Drive intersects with the Alexandria-Arlington City line; thence north and east along said city line to its intersection with Mount Vernon Avenue; thence southeastward along said avenue to its intersection with Russell Road; thence southward along said road to its intersection with Monticello Boulevard; thence westward along said boulevard and continuing on Summit Avenue to its intersection with Oakcrest Drive; thence along said drive to the point of beginning.

City of Arlington. That portion of the city bounded by a line beginning at a point where Wilson Boulevard intersects with the Arlington-Fairfax City-County line; thence east along said boulevard to its intersection with Frederick Street; thence north along said street to its intersection with Washington Boulevard; thence east and southward along said boulevard to its intersection with Interstate 95; thence south along said interstate highway to its junction with Arlington Ridge Road; thence southward along said road to its intersection with Arlington-Alexandria City line; thence west, southwest, and northwest along said line to its junction with Arlington-Fairfax City-County line; thence along said line to the point of beginning.

Fairfax County. That portion of the county bounded by a line beginning at a point where Braddock Road (Route 620) intersects with the Little River Turnpike (State Route 236); thence extending southeast along the Little River Turnpike (State Route 236) to its junction with the Alexandria-Fairfax City-County line; thence south and east along said line to its junction with the Potomac River; thence south and southwest along the west and north banks of said river to that body of water known as Gunston Cove; thence northwest along the north bank of said cove to that body of water known as Pohick Bay; thence west along the north bank of said bay to that body of water known as Pohick Creek; thence northwest along said creek to its intersection with Old Colchester Road (Route 611); thence southwest along Old Colchester Road to its intersection with Gunston Hall Road (State Route 242); thence north and west along said road to its junction with U.S. Highway 1 and Gunston Cove Road (Route 600); thence west and north along Gunston Cove Road to its junction with the northern entrance ramp of Interstate 95; thence north along Interstate 95 to its intersection with Accotink Creek; hence north along said creek to its intersection with Lake Accotink; thence west and north along the south and west shores of said lake and continuing north along Accotink Creek to its intersection with Braddock Road (Route 620) at a point just west of Inverchapel Road; thence east and north along Braddock Road to the point of beginning.

That portion of the county bounded by a line beginning at a point where Leesburg Pike (State Route 7) intersects the Fairfax-Falls Church County-City line; thence east along said line to its junction with Fairfax-Arlington County-City line; thence southeastward along said line to its intersection with Arlington Boulevard (U.S. Route 50); thence northwest along said boulevard to its junction with Olin Drive; thence southwest along said drive to its junction with Munson Hill Road; thence southeast along said road to its intersection with Row Place; thence southwest along said road to its junction with Leesburg Pike (State Route 7); thence northwest along said route to the point of beginning.

City of Falls Church. That portion of the city bounded by a line beginning at a point where West Marshall Street intersects the Falls Church-Fairfax City-County line; thence north along said street to its junction with South Oak Street; thence northeast along said street and continuing along North Oak Street to its intersection with Lincoln Avenue; thence eastward along said avenue and continuing along Fairfax Drive to its intersection with Falls Church-Arlington City line; thence southeastward along said line to its junction with Falls Church-Fairfax City-County line; thence west and northwestward along said line to the point of beginning.

City of Hampton. That portion of the city bounded by a line beginning at a point where Interstate 64 intersects with the Newport News-Hampton city line; thence extending southeast along Interstate 64 to its junction with the Newport News Tunnel Connector Road; thence west and south along said road to its intersection with the Hampton and Newport News City line; thence south, west, and northward along said city line to the point of beginning.

City of Newport News. That portion of the city bounded by a line beginning where Museum Drive intersects with the James River; thence extending north along Museum Drive and continuing on J. Clyde Morris Boulevard to its intersection with Interstate 64; thence southeast along Interstate 64 to its intersection with the Newport News-Hampton city line; thence west and southward along said line to its intersection with Hampton Roads; thence southwest along the north boundary of Hampton Roads to its junction with the James River; thence northwest along the eastern shore of the James River to the point of beginning.

City of Norfolk. The entire city.

City of Virginia Beach. That portion of the city bounded by a line beginning at a point 500 feet north of the intersection of Virginia Beach Boulevard (U.S. Route 58) and the Norfolk-Virginia Beach City limits; thence extending due east to the junction of Witch Duck Road and Lavender Lane; thence northeast along Witch Duck Road to a drainage ditch approximately 500 feet north of Holladay Road; thence east along said drainage ditch to that body of water known as Thalia Creek; thence northeast along Thalia Creek to that body of water known as Hebden Cove; thence easterly along Hebden Cove; thence due east from said cove to the Lynnhaven Methodist Church on Little Neck Road; thence southeast along said road to its junction with Little Haven Road; thence east on Little Haven Road to the Eastern Branch of Lynnhaven Bay; thence south along said branch and contiguous with London Bridge Creek to its intersection with Virginia Beach Boulevard (U.S. Route 58); thence east along Virginia Beach Boulevard (U.S. Route 58 and 58B) to its intersection with Birdneck Road; thence south on Birdneck Road to its junction with Bells Road; thence extending northwestward along a projected line from said junction to the south Lynnhaven Road exit of the Virginia Beach Expressway; thence west along the southside of said expressway to its intersection with South Plaza Trail; thence southwest along South Plaza Trail to its intersection with Old Forge Road; thence westward along a projected line to the junction of Holland Road and Edwin Drive; thence southwest along Edwin Drive to its intersection with Princess Anne Road; thence northwestward along Princes Anne Road to its intersection with the eastern branch of the Elizabeth River; thence west along the northern bank of said river branch to the Norfolk City limits; thence northward along the Norfolk City limits to the point of beginning.

That portion of the city bounded by a line beginning at a point where Virginia Beach-Norfolk city limits intersect with the Chesapeake Bay; thence east and southeast along the southern boundary of the Chesapeake Bay to its junction with Great Neck Point at the John Alesner Bridge; thence south to its junction with Shore Drive (U.S. Route 60); thence west along Shore Drive (U.S. Route 60) to its intersection with Northampton Boulevard; thence southwest along said boulevard to its junction with Shell Road; thence south and west along said road to its junction with Northampton Boulevard; thence southwest along Northampton Boulevard to its intersection with the Virginia Beach-Norfolk city limits; thence northward along said city limits to the point of beginning.

That portion of the city bounded by a line beginning at the junction of John Alesner Bridge and Great Neck Point; thence north and northeastward along the southern boundary of the Chesapeake Bay to its intersection with the Seashore State Park; thence south along the western boundary of Seashore State Park to its intersection with Long Creek; thence southwest along the north bank of said creek to the point of beginning.

That portion of the city bounded by a line beginning at a point where the Eastern Branch of the Elizabeth River intersects the Virginia Beach-Chesapeake city limits and extending eastward along the south bank of said river branch to a point ¼ mile east of South Military Highway (U.S. Route 13); thence extending along a line projected due south to Gammon Road; thence south on the east side of said road to its junction with Indian River Road; thence northwest along said road to the Virginia Beach-Chesapeake city limits; thence northward along said city limits to the point of beginning.

(2) *Suppressive area.* None.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.72–2)

These amendments to the white-fringed beetle regulated area shall become effective upon publication in the FEDERAL REGISTER (3–6–71).

The Director of the Plant Protection Division has determined that infestations of the white-fringed beetle exist or are likely to exist in the civil divisions and parts of civil divisions listed above, or that it is necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Director has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the white-fringed beetle. Therefore, such civil divisions and parts of civil divisions listed above are designated as white-fringed beetle regulated areas.

The purpose of this revision is to add to the regulated areas all or parts of the following previously nonregulated counties, parishes, or cities: Clay, Lawrence, and Union Counties in Arkansas; Hamilton County in Florida; Appling, Carroll, Chatham, Columbia, Douglas, Haralson, Jenkins, Madison, Mitchell, Rockdale, and Whitfield Counties in Georgia; Caddo, Grant, Iberville, and West Feliciana Parishes in Louisiana; Pitt and Rowan Counties in North Carolina; Decatur, Giles, Hamilton, Lewis, Maury, Rhea, Roane, Rutherford, and Wayne Counties in Tennessee; and the cities of Arlington and Falls Church in Virginia. The regulated area has been extended in some previously regulated counties, parishes, and cities, and some areas were changed from suppressive to generally infested areas. With this revision, the entire State of Alabama is now under Federal regulation.

This document imposes restrictions that are necessary in order to prevent the spread of the white-fringed beetle and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553 that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 3d day of March 1971.

JOSEPH F. SPEARS,
Acting Director,
Plant Protection Division.

[FR Doc.71–3193 Filed 3–5–71;8:50 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Supp. 13]

PART 842—BEET SUGAR AREA

Approved Local Areas for 1969 Crop

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, § 842.15 is added to read as follows:

§ 842.15 Approved local areas for the 1969 crop.

For purposes of considering eligibility for abandonment and crop deficiency payments on 1969-crop sugar beets, the respective Agricultural Stabilization and Conservation county committees have determined with respect to the following counties and local producing areas that due to drought, flood, storm, freeze, disease, or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugar beets on farms in each such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugar beets planted on all farms in such county or local producing area.

(a) *Arizona.*

ENTIRE COUNTIES

Cochise.	Pinal.
Maricopa.	Yuma.
Pima.	

(b) *California.*

ENTIRE COUNTIES

Alameda.	San Luis Obispo.
Amador.	Santa Barbara.
Butte.	Santa Clara.
Fresno.	Solano.
Glenn.	Stanislaus.
Kings.	Sutter.
Merced.	Tehama.
Monterey.	Tulare.
Riverside.	Ventura.
Sacramento.	Yolo.
San Joaquin.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Colusa: Area 2; Area 3.
Imperial: Area 1; Area 2; Area 3; Area 4; Area 5; Area 6; Area 7; T12S, R14E.
Kern: Area 1; Area 2; Area 3; Area 8; Area 9.

(c) *Colorado.*

ENTIRE COUNTIES

Adams.	Mesa.
Arapahoe.	Montrose.
Baca.	Morgan.
Bent.	Phillips.
Boulder.	Prowers.
Cheyenne.	Pueblo.
Crowley.	Sedgwick.
Kit Carson.	Washington.
Larimer.	Weld.
Logan.	Yuma.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Delta: Area 1; Area 2.
Otero: Area 1; Area 2.

(d) *Idaho.*

ENTIRE COUNTIES

Ada.	Gooding.
Bannock.	Jefferson.
Bingham.	Jerome.
Blaine.	Lincoln.
Bonneville.	Madison.
Canyon.	Minidoka.
Caribou.	Oneida.
Cassia.	Owyhee.
Elmore.	Payette.
Franklin.	Power.
Fremont.	Twin Falls.
Gem.	Washington.

(e) *Iowa.*

ENTIRE COUNTIES

Cerro Gordo.	Mitchell.
Kossuth.	

(f) *Kansas.*

ENTIRE COUNTIES

Cheyenne.	Sheridan.
Decatur.	Sherman.
Finney.	Stanton.
Grant.	Thomas.
Haskell.	Wallace.
Kearny.	

(g) *Maine.*

ENTIRE COUNTIES

Aroostook.	Piscataquis.
Franklin.	Somerset.
Penobscot.	

(h) *Michigan.*

ENTIRE COUNTIES

Clinton.	Lenawee.
Genesee.	Monroe.
Huron.	Sanilac.
Lapeer.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Arenac: Area 1.
Bay: Beaver; Frankenlust; Hampton.
Gratiot: Area 4.
Saginaw: Area 1; Area 4; Richland.
Tuscola: Area 1; Area 2; Wisner.

(i) *Minnesota.*

ENTIRE COUNTIES

Faribault.	Redwood.
Freeborn.	Waseca.
Martin.	Watonwan.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Clay: Area 1; Morken; Oakport; Viding.
Norman: Halstad.
West Polk: Area 1; Area 4.

(j) *Missouri.*

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Pemiscot: Little Prairie; Virginia.

(k) *Montana.*

ENTIRE COUNTIES

Blaine.	Phillips.
Broadwater.	Ravalli.
Carbon.	Stillwater.
Dawson.	Treasure.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Richland: Area 3; Area 4.
Yellowstone: Area 1; Area 3; Area 4; Area 6.

(l) *Nebraska.*

ENTIRE COUNTIES

Chase.	Keith.
Cheyenne.	Lincoln.
Dawson.	Morrill.
Deuel.	Perkins.
Garden.	Sioux.
Kearney.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Box Butte: Area 1; Area 3; Area 4; T26N, R50W.
Scotts Bluff: Area 3; T22N, R52W; T22N, R55W.

(m) *New Jersey.*

ENTIRE COUNTIES

Burlington.

(n) *New Mexico.*

ENTIRE COUNTIES

Curry.	Union.
Hidalgo.	

(o) *New York.*

ENTIRE COUNTIES

Livingston.	Oswego.
Madison.	Seneca.
Onondaga.	Wayne.
Ontario.	Yates.
Orleans.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTY AND AREAS

Cayuga: Area 1; Area 2.

(p) *North Dakota.*

ENTIRE COUNTIES

Kidder.	McKenzie.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Cass: Area 1; Area 2; Area 4; Gunkel.
Pembina: Area 1; Area 2; Area 3; Pembina.
Richland: Area 2.
Walsh: St. Andrews.

(q) *Ohio.*

ENTIRE COUNTIES

Erie.	Lucas.
Fulton.	Ottawa.
Hancock.	Sandusky.
Henry.	Wood.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Putnam: Area 1; Area 2; Area 3; Liberty; Blanchard.
Seneca: Pleasant.

(r) *Oregon.*

ENTIRE COUNTY

Malheur.

(s) *Texas.*

ENTIRE COUNTIES

Bailey.	Moore.
Castro.	Oldham.
Dallam.	Parmer.
Deaf Smith.	Potter.
Floyd.	Randall.
Hale.	Sherman.
Hartley.	

(t) *Utah.*

ENTIRE COUNTIES

Box Elder.	Millard.
Cache.	Sanpete.
Davis.	Sevier.
Iron.	Weber.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Salt Lake: Area 1.
Utah: Area 3.

(u) *Washington.*

ENTIRE COUNTIES

Benton.	Walla Walla.
Grant.	Yakima.

(v) *Wyoming.*

ENTIRE COUNTIES

Converse.	Niobrara.
Goshen.	Platte.
Laramie.	

Statement of Bases and Considerations. One of the conditions of eligibility of a sugar beet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the county Agricultural Stabilization and Conservation Committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugar beet crop.

The purpose of this supplement is to give notice that specific counties and local producing areas have qualified under the requirements with respect to the 1969 crop of sugar beets and that any sugar beet producer operating a farm which is located in any one of these counties or local producing areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Secs. 303, 403, 61 Stat. 930 as amended, 932; 7 U.S.C. 1133, 1153)

Effective date: Date of publication (3-6-71).

Signed at Washington, D.C., on March 1, 1971.

CHAS M. COX,
Acting Deputy Administrator, State and County Operations.

[FR Doc.71-3150 Filed 3-5-71;8:47 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 470]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.770 Lemon Regulation 470.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 2, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 7, through March 13, 1971, are hereby fixed as follows:

(i) District 1: 20,000 Cartons;
(ii) District 2: 205,000 Cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31 as amended; 7 U.S.C. 601-674)

Dated: March 4, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3239 Filed 3-5-71;8:52 am]

[Grapefruit Reg. 78]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.378 Grapefruit Regulation 78.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective duing the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period March 8, 1971, through March 14, 1971, is hereby fixed at 212,500 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 5, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3308 Filed 3-5-71;11:36 am]

[Grapefruit Reg. 46]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.346 Grapefruit Regulation 46.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 8, 1971, through March 14, 1971, is hereby fixed at 212,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 5, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3307 Filed 3-3-71;11:35 am]

PART 914—ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Expenses and Rate of Assessment

On February 19, 1971, notice of rule making was published in the FEDERAL REGISTER (36 F.R. 3199) regarding proposed expenses and the related rate of assessment for the initial fiscal period beginning November 29, 1970, and ending July 31, 1971, pursuant to the marketing agreement and Order No. 914 (7 CFR Part 914, 35 F.R. 17169), regulating the handling of oranges grown in the Interior District in Florida. No written data, views, or arguments were filed with respect to said proposals during the period specified therefor in the notice. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Interior Orange Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 914.201 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Interior Orange Marketing Committee during the initial fiscal period November 29, 1970, through July 31, 1971, will amount to $28,000.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 914.31, is fixed at $0.004 per standard packed box of oranges.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of oranges are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, and (3) such period began on November 29, 1970, and said rate of assessment will automatically apply to all such oranges beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 3, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3194 Filed 3-5-71;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-524]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the reference to the State of Minnesota in the introductory portion of paragraph (e) and paragraph (e)(4) relating to the State of Minnesota are deleted, and paragraph (f) is amended by adding thereto the name of the State of Minnesota.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes portions of Renville, Sibley, and Nicollet Counties in Minnesota from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Minnesota remain under the quarantine.

The amendment adds Minnesota to the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are applicable to Minnesota.

Insofar as the amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, it must be made effective immediately to be of maximum benefit to affected persons. Insofar as it imposes restrictions it should be made effective promptly in order to prevent the spread of hog cholera. It does not appear that public participation in this rule making proceeding would make additional information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of March 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71-3149 Filed 3-5-71;8:46 am]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 18—FORM AND CONTENT OF FINANCIAL STATEMENTS

Consolidated Statements

Part 18, Chapter I, Title 12 of the Code of Federal Regulations, is amended by revising paragraph (e), adding a new paragraph (f), and redesignating existing paragraph (f) as (g) in § 18.4. These amendments are issued under authority of R.S. 324 et seq., as amended, secs. 12, 13, 48 Stat. 892, 894, as amended; 12 U.S.C. 1 et seq., 15 U.S.C. 78l, 78m. Since the amendments are for clarification and codification of existing regulations only, notice and public procedure are found to be unnecessary and not in the public interest. Accordingly, the amendments will become effective upon publication (3-6-71). Changes in the text are as follows:

§ 18.4 Consolidated statements.

* * * * *

(e) Minority interests in the net assets of consolidated subsidiaries shall be shown in each consolidated balance sheet as a liability. The aggregate amount of profit and loss accruing to minority interests should be stated separately in the consolidated profit or loss statement.

(f) Income from foreign subsidiaries and foreign branches shall be reported only when remittable to the parent bank. Such income shall be reported under item 1(h), appendix B, unless the bank consolidates each item of revenue and expense.

(g) In general, intercompany items and transactions shall be eliminated. If significant items are not eliminated, a statement of the reasons and methods of treatment shall be made.

Dated: March 3, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-3180 Filed 3-5-71;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 71-SW-1, Amdt. 39-1164]

PART 39—AIRWORTHINESS DIRECTIVES

Aerostar Models 600 and 601 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modifications to the main landing gear to assure adequate strength on Aerostar Model 600 and 601 airplanes was published in 36 F.R. 931.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AEROSTAR. Applies to Models 600 and 601. Serial numbers 60-0001 through 60-0056 and 61-0001 through 61-0070.

Compliance required within the next 100 hours time in service after the effective date of this AD or at the next annual inspection, unless already accomplished.

To prevent collapse of the main landing gear, replace the main landing gear sidebrace assemblies in accordance with Instructions I, II, III, and IV of Aerostar Service Bulletin No. 600-21, dated December 29, 1970, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, Forth Worth, Tex.

This amendment becomes effective April 5, 1971.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423, sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Forth Worth, Tex., on February 24, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-3159 Filed 3-5-71;8:47 am]

[Airworthiness Docket No. 71-WE-5-AD; Amdt. 39-1166]

PART 39—AIRWORTHINESS DIRECTIVES

Certain AiResearch Engines

There have been failures of the high-speed pinion assembly on AiResearch Model TPE331-1 and -25 Series engines that could result in failure of the engine. Since this condition is likely to exist or develop in other engines of the same type design, an Airworthiness Directive is being issued to require a repetitive 50-hour oil filter inspection. In addition, a revision to the Airplane Flight Manuals is required to advise the pilot to shut down the engine if torque fluctuation or loss of torque pressure occurs.

The agency has previously adopted Amendment 39-1082 (35 F.R. 14692), AD 70-19-2, to provide for an engine oil sample analysis and oil filter inspection on -1 and -2 engines to detect impending pinion bearing failure due to premature wear of the bearings. AD 70-19-2 is not being amended at this time, as premature wear of the pinion bearings has not been noted on the -25 series engines.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following Airworthiness Directive:

AIRESEARCH. The AiResearch Manufacturing Co. of Arizona. Applies to Turbopropeller Engines Models TPE331-1, -2, -25, -29, -43, -45, -47, -49, -51, -55, -57, -61, and -71, installed in, but not limited to the Mitsubishi MU-2, Swearingen Merlin 2B, Volpar Turboliner, and Short Skyvan Aircraft.
Compliance required as indicated.

To prevent possible failure of the high-speed pinion assembly, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD, unless already accomplished, and at intervals not to exceed 50 hours' time in service thereafter, perform a visual inspection of the engine oil filter in accordance with AiResearch Service Bulletin 628, Revision 1, dated February 10, 1971, or later FAA-approved revision, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(1) If excessive oil contamination in the filter is found, the cause must be determined before further flight by AiResearch or other FAA-approved facility.

(2) The intervals between the prescribed engine oil filter inspections may be increased to 100 hours if a suitable means of checking continuity of the engine chip detector is provided in accordance with AiResearch Service Bulletin No. 647, dated February 10, 1971, or later FAA-approved revision, or by a means approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(A) A chip detector continuity check must be made after the last engine shutdown of any day of engine operation, or prior to the next flight.

(B) If a chip detector indication is noted, the cause must be determined by AiResearch or other FAA-approved facility before further flight. If the chip detector can be monitored in flight and an indication is noted, the provisions of the Airplane Flight Manual must be observed, and the cause must be determined by AiResearch or other FAA-approved facility before the next flight, and

(C) Appropriate entries of the chip detector continuity checks must be made in the engine log book.

(b) Within 50 hours' time in service after the effective date of this AD, unless already accomplished, revise the normal procedures section of the applicable FAA-approved Airplane Flight Manuals for aircraft equipped with AiResearch Model TPE331-1, -2, -25, -29, -43, -45, -47, -49, -51, -55, -57, -61, and -71 series engines to include a cautionary note to read as follows:

"If sudden loss or significant fluctuation of torque pressure indication occurs, the engine should be promptly shut down and the cause determined before further operation."

This amendment becomes effective on March 9, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 24, 1971.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[FR Doc.71-3161 Filed 3-5-71; 8:47 am]

[Airworthiness Docket No. 71-WE-2-AD; Amdt. 39-1165]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Model 340, 440, and C-131E Airplanes, Including Those Airplanes Converted to Turbopropeller Power

Amendment 39-1145 (36 F.R. 904), AD 71-2-3, requires inspection of the main landing gear cylinders for cracks and rework or replacement as necessary on General Dynamics 340, 440, and C-131E Airplanes including those converted to turbopropeller power. After issuing Amendment 39-1145, the agency determined that crack susceptibility is primarily age dependent and that gear cylinders, after reaching a safe-life threshold, require periodic inspections. Therefore, the AD is being amended to: (1) Establish limitations for reworked cylinders; (2) require additional inspections every 1,000 hours' time in service from the time at which the 15,000 hours' time in service inspection was accomplished; and (3) delay the requirement for additional repetitive inspections of the main landing gear cylinders for cracks until after a total of 15,000 hours' time in service has accrued.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1145 (36 F.R. 904), AD 71-2-3, is amended as follows:

1. Delete the note following paragraph (b).

2. Add new paragraphs (c), (d), and (e):

(c) If cylinders are reworked in accordance with (b) above, accomplish the following before further flight:

1. Identify and record the cylinders and areas reworked.

2. Limit the use of reworked cylinders to those aircraft operating below or at a maximum of 55,000 pounds takeoff gross weight. If any cylinder reworked per (b) above is installed in any aircraft converted to turbopropeller power in accordance with STC SA4-1100 (known as Model 580), install a placard in only those aircraft previously approved for operating weights above 55,000 pounds, and in full view of the pilot, which reads as follows: "Maximum takeoff gross weight 55,000 lbs."

3. Repeat (a) above at intervals of 1,000 hours' time in service from the last inspection.

(d) If no cracks are found as a result of the inspection required by (a) above and it is definitely determined that a cylinder has less than 14,000 hours' time in service, repeat (a) above, before 15,000 hours' time in service have been accumulated.

(e) If no cracks are found as a result of the inspection required by (a) or (d) above, and a cylinder is considered to have more than 14,000 hours' time in service, repeat (a) above at intervals of 1,000 hours' time in service from the last inspection.

This amendment becomes effective March 9, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif. on February 24, 1971.

LEE E. WARREN,
Acting Director,
FAA, Western Region.

[FR Doc.71-3160 Filed 3-5-71;8:47 am]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 71-SO-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 28, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1358), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by Colemill Enterprises, Inc., operator of Cornelia Fort Airpark, which is located approximately 4.2 nautical miles north of the Nashville Metropolitan Airport.

Colemill Enterprises, Inc., objected to the proposal to include Cornelia Fort Airpark in the Nashville control zone, on a full-time basis, because it would adversely affect aircraft operations, particularly when visibility was below 3 miles.

A review of the proposal, in light of comments received, disclosed that Cornelia Fort Airpark is located adjacent to the final approach segment associated

with AL-282 LOC(BC) RWY 20R Instrument Approach Procedure. At this location, current criteria permit a control zone extension of 1 mile each side of the localizer course, expanding uniformly to 3 miles each side at a point 13 miles north of the localizer.

In view of the foregoing, the proposal to include Cornelia Fort Airpark in the Nashville control zone is not required and is hereby withdrawn. This withdrawal results in a reduction of controlled airspace designation.

Subsequent to publication of the notice, the instrument approach procedure to Smyrna Airport was revised by raising the holding pattern altitude from 2,500 to 3,000 feet MSL. This revision permits a reduction of 5.5 miles in width and 14 miles in length to the transition area extension predicated on Nashville VORTAC 131° radial. Since these amendments are less restrictive in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Nashville, Tenn., control zone is amended to read:

NASHVILLE, TENN.

Within a 5-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 1 mile each side, expanding to 3 miles each side of the ILS localizer north course, extending from the 5-mile radius zone to 13 miles north of the localizer; within 3 miles each side of Nashville VOR TAC 103° radial, extending from the 5-mile radius zone to 8.5 miles east of the VORTAC; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; excluding the portion within a 1-mile radius of Cornelia Fort Airpark (lat. 36°11'45" N., long. 86°42'00" W.) Monday through Friday, except Federal legal holidays.

In § 71.181 (36 F.R. 2140), the Nashville, Tenn., transition area is amended to read:

NASHVILLE, TENN.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 9.5 miles east and 4.5 miles west of the ILS localizer north course, extending from the 14-mile radius area to 23 miles north of the localizer; within 9.5 miles north and 4.5 miles south of Nashville VORTAC 103° radial, extending from the 14-mile radius area to 18.5 miles east of the VORTAC; within an 8.5-mile radius of Smyrna Airport (lat. 36°-00'33" N., long. 86°31'13" W.); within 3 miles each side of Nashville VORTAC 131° radial, extending from the 8.5-mile radius area to 21.5 miles southeast of the VORTAC; within an 8-mile radius of Gallatin Municipal Airport (lat. 36°22'45" N., long. 86°24'30" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 24, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-3162 Filed 3-5-71;8:48 am]

[Airspace Docket No. 71-SO-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Anniston, Ala., control zone.

The Anniston control zone is described in § 71.171 (36 F.R. 2055).

A proposed ILS Runway 5 Instrument Approach Procedure to Anniston-Calhoun County Airport requires a control zone extension predicated on the ILS localizer southwest course 2 miles in width and extending from the basic 5-mile radius zone to the outer marker. This extension results in an additional 1½ square miles of controlled airspace. It is necessary to alter the control zone description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 15, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Anniston, Ala., control zone is amended as follows: "• • • Anniston VOR 085° radial, extending from the 5-mile radius zone to the VOR • • •." is deleted and "• • • Anniston VOR 085° radial, extending from the 5-mile radius zone to the VOR; within 1 mile each side of the ILS localizer SW course, extending from the 5-mile radius zone to the OM • • •." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 24, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-3163 Filed 3-5-71;8:48 am]

[Airspace Docket No. 70-SW-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Walnut Ridge, Ark., terminal area.

On October 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16480) stating the Federal Aviation Administration proposed to alter controlled airspace in the Walnut Ridge, Ark., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

(1) In § 71.171 (36 F.R. 2055), the Walnut Ridge, Ark., control zone is amended by substituting "3 miles" for "2 miles" in the second line and "8.5 miles" for "8 miles" in the third line.

(2) In § 71.181 (36 F.R. 2140), the Walnut Ridge, Ark., transition area is amended to read:

WALNUT RIDGE, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Walnut Ridge Municipal Airport (lat. 36°07'30" N., long. 90°55'25" W.); within 3 miles each side of the Walnut Ridge VORTAC 244° radial extending from the 6.5-mile-radius area to 8.5 miles southwest of the VORTAC; and within a 5-mile radius of the Pocahontas Municipal Airport (lat. 36°-14'40" N., long. 90°56'45" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on February 25, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-3164 Filed 3-5-71;8:48 am]

[Airspace Docket No. 70-WE-96]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 21, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 995) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Elko, Nev., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

Delete the FEDERAL REGISTER citation "• • • § 71.181 (35 F.R. 2134) • • •" and substitute "• • • § 71.181 (36 F.R. 2140) • • •" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 26, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Elko, Nev., transition area is amended to read as follows:

ELKO, NEV.

That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9 miles west of the Elko VORTAC 161° radial, extending from the VORTAC to 19 miles south of the VORTAC; and that airspace upward from 1,200 feet above the surface bounded by an arc of a 17-mile-radius circle centered on the Elko VORTAC extending clockwise from the 091° to the 258° radial of the Elko VORTAC, and that airspace bounded on the northwest and north by V6, on the southeast by V465 and on the south by V32.

[FR Doc.71-3165 Filed 3-5-71;8:48 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10881; Amdt. 95-204]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective April 1, 1971, as follows:

1. By amending Subpart C as follows:

Section 95.602 *Blue Federal airway 2* is deleted.

Section 95.1001 *Direct routes—United States* is amended to delete:

From, to, and MEA

Junction, Tex., VOR via JCT R 134°; INT, 134° M rad, Junction VOR and 281° M rad, San Antonio VOR; *3,800. *3,700—MOCA.
INT, 134° M rad, Junction VOR and 281° M rad, San Antonio VOR; *Medina INT, Tex.; **3,700. *4,000—MRA. **3,200—MOCA.
Medina INT, Tex.; San Antonio, Tex., VOR; *3,700. *3,200—MOCA.

Panama Routes

Section 95.1001 *Direct routes—United States* is amended to read:

V-7:

Taboga, Republic of Panama VOR; Ponce INT, Republic of Panama; 2,100.
Ponce INT, Republic of Panama; Bravo Point INT, Republic of Panama; 5,400.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Green Bay, Wis., VOR; Spruce INT, Wis.; *2,500. *2,200—MOCA.
Spruce INT, Wis.; Iron Mountain, Mich., VOR; *3,000. *2,800—MOCA.
Menominee, Mich., VOR via E alter.; Hemlock INT, Mich., via E alter.; *2,600. *2,100—MOCA.
Hemlock INT, Mich., via E alter.; Iron Mountain, Mich., VOR via E alter.; *3,000. *2,800—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Bradford, Ill.; VOR; Triumph INT, Ill.; *2,700. *2,100—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Blue Springs, Mo., VOR; Oak Grove INT, Mo.; *2,600. *2,000—MOCA.
Oak Grove INT, Mo.; *Odessa INT, Mo.; *2,600. *2,200—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Ankeny INT, Iowa; Nevada INT, Iowa; 4,000.
Nashville INT, Mo.; *Deerfield INT, Mo.; **2,700. *3,000—MRA. **2,000—MOCA.
Deerfield INT, Mo.; Butler, Mo., VOR; *2,600. *1,900—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Memphis, Tenn., VOR; Fisherville INT, Tenn.; *2,000. *1,800—MOCA.
Upolu Point, Hawaii, VOR; Hamakua INT, Hawaii; 7,000.
Hamakua INT, Hawaii; *Arbor INT, Hawaii; **8,000. *8,000—MRA. **5,500—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Duncan, Okla., VOR; Alex INT, Okla.; *3,000. *2,700—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Houston, Tex., VOR via S alter.; La Porte, INT, Tex., via S alter.; 1,500.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

*McKenna INT, Wash.; Seattle, Wash., VOR; 3,000. *4,100—MCA McKenna INT, southbound.

Section 95.6036 *VOR Federal airway 36* is amended to read in part:

Lake Henry, Pa., VOR; Pecks Pond INT, Pa.; 4,000.
Pecks Pond INT, Pa.; Sparta, N.J., VOR; 3,800.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

Flint, Mich., VOR; Plains INT, Mich; *3,000. *2,500—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Memphis, Tenn., VOR via S alter.; Holly Springs, Miss., VOR via S alter.; 2,000.
Holly Springs, Miss., VOR via S alter.; Allsboro INT, Ala., via S alter. *3,500. *2,000—MOCA.
Allsboro INT, Ala., via S alter.; Muscle Shoal, Ala., VOR via S alter.; 2,500.
Pike INT, Ark., via N alter.; Alpine INT, Ark., via N alter.; *5,500. *1,900—MOCA.
Alpine INT, Ark., via N alter.; Marcus INT, Ark., via N alter.; *3,500. *1,900—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended by adding:

Junction, Tex., VOR via S alter.; INT 134° M rad, Junction VOR and 281° M rad, San Antonio VOR via S alter.; *3,800. *3,700—MOCA.
INT 134° M rad, Junction VOR and 281° M rad, San Antonio VOR via S alter.; *Medina INT, Tex., via S alter.; **3,700. *4,000—MRA. **3,200—MOCA.
Medina INT, Tex., via S alter.; San Antonio, Tex., VOR via S alter.; *3,700. *3,200—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Walnut Ridge, Ark., VOR; Leeper INT, Mo.; 2,900. *5,000—MRA.
Leeper INT, Mo.; Farmingham, Mo., VOR; 2,900.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Sparkman INT, Ark.; Caney INT, Ark.; *4,000. *1,400—MOCA.
Caney INT, Ark.; Hot Springs, Ark., VOR; 2,500.
New Market INT, Mo.; Rushville INT, Mo.; *2,700. *2,200—MOCA.
Rushville INT, Mo.; Huron INT, Kans.; *2,600. *2,100—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

*Magazine INT, Ark.; Maumelle INT, Ark.; **4,500. *3,600—MCA Magazine INT, eastbound. **4,000—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Llano, Tex., VOR via S alter.; Wirtz INT, Tex., via S alter.; **3,300. *2,800—MOCA.
Wirtz INT, Tex., via S alter.; Capitol INT, Tex., via S alter.; *3,000. *2,700—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Duncan, Okla., VOR via E alter.; Alex INT, Okla., via E alter.; *3,000. *2,700—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Colorado Springs, Colo., VOR; Franktown INT, Colo.; 9,700.
Franktown INT, Colo.; Denver, Colo., VOR; 9,000.

Section 95.6133 *VOR Federal airway 133* is amended to delete:

Hickory, N.C., VOR; Jefferson INT, N.C.; 5,000.
Jefferson INT, N.C.; Sugar Grove INT, Va.; 7,000.
Hickory, N.C., VOR; West Jefferson INT, N.C.; 5,000.
West Jefferson INT, N.C.; Sugar Grove INT, Va.; 7,000.

Section 95.6133 *VOR Federal airway 133* is amended by adding:

Hickory, N.C., VOR; Mulberry INT, N.C.; 5,000.
Mulberry INT, N.C.; Sugar Grove INT, Va.; 7,000.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Houghton, Mich., VOR; Thunder Bay, Ont., VOR; *#3,100, *2,500—MOCA. #For that airspace over U.S. territory.

Section 95.6138 *VOR Federal airway 138* is amended by adding:

Fort Dodge, Iowa, VOR; Bancroft INT, Iowa; *2,900. *2,600—MOCA.
Bancroft INT, Iowa; Blue Earth INT, Minn.; *2,900. *2,500—MOCA.
Blue Earth INT, Minn; Mankato, Minn. VOR; *2,900. *2,400—MOCA.

Section 95.6146 *VOR Federal airway 146* is amended to read in part:

Pawling, N.Y., VOR; Torrington INT, Conn.; *3,400. *2,900—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Birmingham, Ala., VOR; Jasper INT, Ala.; *2,200. *2,000—MOCA.
Hamilton, Ala., VOR; Guntown INT, Miss.; *2,300. *2,000—MOCA.
Guntown INT, Miss.; Holly Springs, Miss., VOR; 2,000.
Birmingham, Ala., VOR via E alter.; Empire INT, Ala., via E alter.; *2,200. *1,900—MOCA.
Empire INT, Ala., via E alter.; Double Springs INT., Ala., via E alter.; *2,600. *2,100—MOCA.
Double Springs INT, Ala., via E alter; Allsboro INT, Ala., via E alter.; *4,000. *2,300—MOCA.
Allsboro INT, Ala., via E alter.; Holly Springs, Miss., VOR via E alter.; *3,500. *2,000—MOCA.
Holly Springs, Miss., VOR; Memphis, Tenn., VOR; 2,000.
Hamilton, Ala., VOR via W alter.; Wyatte INT, Miss., via W alter.; *2,400. *2,000—MOCA.
Wyatte INT, Miss., via W alter.; Memphis, Tenn., VOR via W alter.; *2,000. *1,800—MOCA.
*Bolivar INT, Mo.; Holden INT, Mo.; **3,000. *6,000—MRA. **2,500—MOCA.
Holden INT, Mo.; Blue Springs, Mo., VOR; *2,600. *2,100—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Grimes INT, Iowa; Ankeny INT, Iowa; 3,300.

Section 95.6172 *VOR Federal airway 175* is amended to read in part:

Malden, Mo., VOR; *Leeper INT, Mo.; **4,000. *5,000—MRA. **2,500—MOCA.
Leeper INT, Mo.; Bunker INT, Mo.; *4,000. *2,500—MOCA.
Sioux City, Iowa, VOR; Oyens INT, Iowa; 4,400.
Oyens INT, Iowa.; Worthington, Minn., VOR; *3,400. *3,300—MOCA.
Linden INT, Iowa; *Manning INT, Iowa; **4,000. *3,900—MRA. **2,600—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Houston, Tex., VOR; La Porte INT, Tex.; 1,500.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

Pawling, N.Y., VOR; Meadow INT, Conn.; *3,800. *2,900—MOCA.

Section 95.6230 *VOR Federal airway 230* is amended to read in part:

*Salinas, Calif., VOR; San Benito INT, Calif.; **6,500. *6,500—MCA Salinas VOR, eastbound. **5,500—MOCA.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Prescott, Ariz., VOR; *Bishops Lake INT, Ariz.; **10,000. *11,000—MRA. **9,000—MOCA.
Bishops Lake INT, Ariz.; Grand Canyon, Ariz., VOR; 10,000.

Section 95.6262 *VOR Federa lairway 262* is amended to read in part:

Peoria, Ill., VOR; *Dunlop INT, Ill.; **2,300. *3,000—MRA. **2,000—MOCA.

Section 95.6325 *VOR Federal airway 325* is amended to read in part:

Gadsden, Ala., VOR via E alter.; Hobbs INT, Ala., via E alter.; 3,000. Hobbs INT, Ala., via E alter.; Decatur, Ala., VOR via E alter.; *3,000. *2,600—MOCA.
Decatur, Ala., VOR via E alter.; Muscle Shoals, Ala., VOR via E alter.; *2,400. *2,200—MOCA.

Section 95.6347 *VOR Federal airway 347* is amended to read in part:

Tatalina INT, Alaska; Chandalar Lake, Alaska, LF/RBN; * # 11,000. *6,900–MOCA. # MEA is established with a gap in navigation signal coverage.

Section 95.6416 *Hawaii VOR Federal airway 16* is amended to read in part:

Upolu Point, Hawaii, VOR; Hamakua INT, Hawaii; 7,000.
Hamaku INT, Hawaii; *Arbor INT, Hawaii, **8,000. *8,000—MRA. **5,500—MOCA.

Section 95.6422 *Hawaii VOR Federal airway 22* is amended to read in part:

Barracuda INT, Hawaii; Sardine INT, Hawaii; *11,000. *1,000—MOCA.
Sardine INT, Hawaii; Bonita INT, Hawaii; *8,000. *1,000—MOCA.
Bonita INT, Hawaii; *Hilo, Hawaii, VOR; 8,000. *3,200—MCA Hilo VOR, northwestbound.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Kodiak, Alaska, VOR via W alter.; INT 185° M rad, Homer VOR and 335° M rad, Kodiak VOR via W alter.; *10,000. *5,300—MOCA.
INT 185° M rad, Homer VOR and 335° M rad, Kodiak VOR via W alter.; Homer, Alaska, VOR via W alter.; *10,000. *5,300—MOCA.

Section 95.7513 *Jet Route No. 513* is amended to read in part:

From, to, MEA, and MAA

Thunder Bay, Ontario, Canada, VORTAC; Sudbury, Ontario, Canada, VORTAC; 18,000; 45,000. For that airspace over U.S. territory.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

From; to—Changeover point: Distance; from

V–139 is amended by adding:
Snow Hill, Md., VOR; Sea Isle, N.J., VOR; 25; Snow Hill.

V–71 is amended by adding:
El Dorado, Ark., VOR; Hot Springs, Ark., VOR; 49; El Dorado.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on February 25, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71–3075 Filed 3–5–71;8:45 am]

[Docket No. 10880; Amdt. 745]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF–ADF(NDB)–VOR SIAPs, effective April 1, 1971:

Utica, N.Y.—Oneida County Airport; VOR 1, Amdt. 1; Canceled.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective March 11, 1971:

Carlsbad, N. Mex.—Cavern City Air Terminal; VOR Rwy 32L, Original; Established.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective April 1, 1971:

Atlanta, Ga.—Fulton County Airport; VOR Runway 8R, Amdt. 1; Canceled.
Atlanta, Ga.—Fulton County Airport; VOR–A, Original; Established.
Beatrice, Nebr.—Beatrice Municipal Airport; VOR Runway 13, Amdt. 5; Revised.
Elgin, Ill.—Elgin Airport; VOR–A, Amdt. 2; Revised.
Franklin, Va.—Franklin Municipal/John Beverly Rose Airport; VOR Runway 9, Amdt. 8; Revised.
Kenne, N.H.—Dillant-Hopkins Airport; VOR Runway 2, Amdt. 3; Revised.
Kenosha, Wis.—Kenosha Municipal Airport; VOR Runway 14, Amdt. 1; Revised.
Lebanon, N.H.—Lebanon Regional Airport; VOR–A, Amdt. 9; Revised.
Lebanon, N.H.—Lebanon Regional Airport: VOR–B, Amdt. 1; Revised.
Lumberton, N.J.—Flying "W" Ranch Airport; VOR–1, Amdt. 1; Canceled.
South Haven, Mich.—South Haven Municipal Airport; VOR Runway 22, Amdt. 1; Revised.
State College, Pa.—State College Air Depot; VOR–A, Amdt. 2; Revised.
Stevens Point, Wis.—Stevens Point Municipal Airport; VOR Runway 3, Amdt. 3; Revised.
Stevens Point, Wis.—Stevens Point Municipal Airport; VOR Runway 21, Amdt. 8; Revised.
Stevens Point, Wis.—Stevens Point Municipal Airport; VOR Runway 30, Amdt. 7; Revised.
Westland, Mich.—National Airport; VOR–A, Amdt. 1; Revised.
Willmar, Minn.—Willmar Municipal Airport; VOR Runway 11, Amdt. 3; Revised.
Franklin, Va.—Franklin Municipal/John Beverly Rose Airport; VOR/DME Runway 27, Amdt. 4; Revised.
Galax-Hillsville, Va.—Twin County Airport; VOR/DME Runway 17, Original; Established:
Utica, N.Y.—Oneida County Airport; VOR/DME Runway 33, Original; Established.
Yazoo City, Miss.—Barrier Field; VOR/DME–A, Amdt. 3; Revised.
Yazoo City, Miss.—Barrier Field; VOR/DME Runway 17, Original; Established.

4. Section 97.25 is amended by establishing, revising or canceling the following LOC–LDA SIAPs, effective April 1, 1971:

Chicago, Ill.—Chicago O'Hare International Airport; LOC Runway 4, Amdt. 5; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; LOC Runway 27L, Amdt. 4; Revised.
Utica, N.Y.—Oneida County Airport; LOC (BC) Runway 15, Amdt. 1; Revised.

5. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective February 4, 1971:

Goodland, Kansas.—Renner Field/Goodland Municipal Airport; NDB Runway 12, Original; Canceled.
Goodland, Kans.—Renner Field/Goodland Municipal Airport; NDB Runway 30, Original; Canceled.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective March 11, 1971:

Carlsbad, N. Mex.—Cavern City Air Terminal; NDB Runway 321, Original; Canceled.

7. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective April 1, 1971:

Atlanta, Ga.—Fulton County Airport; NDB Runway 8R, Amdt. 1; Canceled.
Atlanta, Ga.—Fulton County Airport; NDB–A, Original; Established.
Benson, Minn.—Benson Municipal Airport; NDB Runway 14, Original; Established.
Cambridge, Md.—Cambridge Municipal Airport; NDB Runway 34, Amdt. 3; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 4, Amdt. 3; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 14L, Amdt. 11; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 14R, Amdt. 10; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 27R, Amdt. 10; Revised.
Cumberland, Md.—Cumberland Municipal Airport; NDB–A, Amdt. 2; Revised.
Cushing, Okla.—Cushing Municipal Airport; NDB Runway 35, Original; Established.
Galax-Hillsville, Va.—Twin County Airport; NDB–A, Amdt. 2; Revised.
Keene, N.H.—Dillant-Hopkins Airport; NDB–A, Amdt. 1; Revised.
Oneida, Tenn.—Scott Municipal Airport; NDB Runway 5, Original; Established.
Port Huron, Mich.—St. Clair County Airport; NDB–A, Amdt. 1; Revised.
Port Huron, Mich.—St. Clair County Airport; NDB Runway 4, Amdt. 1; Revised.
Trenton, Mo.—Trenton Municipal Airport; NDB Runway 35, Amdt. 1; Revised.
Utica, N.Y.—Oneida County Airport; NDB Runway 15, Amdt. 4; Revised.
Utica, N.Y.—Oneida County Airport; NDB Runway 33, Amdt. 7; Revised.

8. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective April 1, 1971:

Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 14L, Amdt. 16; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 14R, Amdt. 17; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 27R, Amdt. 12; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; Parallel ILS Runway 27R, Amdt. 2; Revised.
Keene, N.H.—Dillant-Hopkins Airport; ILS Runway 2, Amdt. 2; Revised.
Utica, N.Y.—Oneida County Airport; ILS Runway 33, Amdt. 9; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 24, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71–3076 Filed 3–5–71;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33–5133, 34–9083]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Interpretations Regarding Registration and Reporting

The Securities and Exchange Commission announced today certain interpretations with regard to its requirements for registration statements and reports filed with the Commission under the Securities Act of 1933 and the Securities Exchange Act of 1934. These interpretations, and related explanatory material, concern the information required in regard to the description of business, the summary of operations and financial statements.

(a) *Form 10 (17 CFR 249.210).* (1) Item 1. Business:

Information falling within the scope of paragraph (d) with regard to business dependent upon a single customer or a very few customers, or within paragraph (e) with regard to operations outside the United States, is required to be included in response to paragraph (c)(1), "Information as to lines of business," or (c)(2), "Information as to classes of similar products or services," or both paragraphs (c)(1) and (c)(2) as may be appropriate, if (1) such disclosure is specifically required by paragraph (c)(1) with respect to a line of business, (2) such disclosure is specifically required by paragraph (c)(2) with respect to a class of similar products or services, or (3) the omission of such information would render the response to the item misleading.

(2) Item 2. Summary of Operations:

Where per share earnings are disclosed, pursuant to instruction 3, the information with respect to the computation of per share earnings on both primary and fully diluted bases, presented by exhibit or otherwise must be furnished even though the amounts of per share earnings on the fully diluted basis are not required to be stated under the provisions of Accounting Principles Board Opinion No. 15. That Opinion provides that any reduction of less than three percent need not be considered as dilution (see footnote 2 to paragraph 14 of the Opinion) and that a computation on the fully diluted basis which results in improvement of earnings per share not be taken into account (see paragraph 40 of the Opinion).

(b) *Form 10–K (17 CFR 249.310).* (1) Item 1. Business:

(2) Item 2. Summary of Operations:

The comments above with respect to Items 1 and 2 of Form 10 are applicable to Items 1 and 2 of Form 10–K.

(3) Financial Statements:

(i) Notes to financial statements:

Notes to financial statements must be furnished for both of the two years for which such statements are required to be furnished. Preferably such notes should be integrated.

Where pursuant to Rule 12b–23 (17 CFR 240.12b–23) financial statements contained in a prospectus, proxy statement or report to security holders are incorporated by reference in a report on Form 10–K (and copies of the statements filed with the report as required by that rule) any so-called compliance or supplemental notes required by Regulation S–X (17 CFR Part 210) which are not included in the prospectus, proxy statement or report to security holders, as the case may be, must be filed with the report on Form 10–K within 90 days after the end of the fiscal year covered by the report. The provision of General Instruction A to Form 10–K with respect to the filing of schedules within 120 days after the end of the fiscal year does not apply to such notes.

(ii) Schedules to financial statements:

The requirements with respect to the furnishing of schedules to financial statements appear in Rule 5–04 of Regulation S–X, entitled "What Schedules Are To Be Filed." Paragraph (a)(1) of that rule provides that certain schedules shall be filed as of the date of the most recent balance sheet filed and

paragraph (a) (2) provides that certain other schedules shall be filed for each period for which a profit and loss statement is filed. As applied to Form 10–K, which requires financial statements for 2 fiscal years, this means that the schedules called for by paragraph (a) (1) need be furnished only as of the end of the latest fiscal year, but that those called for by paragraph (a) (2) are to be furnished for both fiscal years.

(iii) Manually signed opinions of accountants covering the financial statements and schedules are required by the provisions of Article 2 of Regulation S–X.

(iv) Incorporation by reference:

In order that the microfiche system for the public dissemination of reports and documents filed with the Commission may work, Rule 12b–23, "Incorporation by Reference," was amended, effective February 4, 1971, to provide that copies of information or financial statements incorporated by reference, or copies of the pertinent pages of any document containing such information or statement, be filed with the registration statement or report in which it is so incorporated.

(c) *Form S–1 (17 CFR 239.11)* (1) Item 6. Summary of Earnings:

The comments above with respect to Item 2 of Form 10 are applicable to Instruction 2 to this item.

Where earnings per share are shown, in response to the requirements of Accounting Principles Board Opinion No. 15 or otherwise, the information or exhibit with respect to the computation of earnings per share, mentioned above in connection with Item 2 of Form 10 should be furnished.

(2) Item 9. Description of Business:

The comments above with respect to Item 1 of Form 10 are applicable to the similar provisions of this item.

(d) *Form S–7 (17 CFR 239.26)*. Item 5. Business:

The comments above with respect to Item 1 of Form 10 are applicable to the similar provisions of this item.

(e) *Form S–8 (17 CFR 239.16b)*. Item 11. Summary of Earnings:

Where earnings per share are shown, in response to the requirements of Accounting Principles Board Opinion No. 15 or otherwise, the information, or exhibit, with respect to the computation of earnings per share, mentioned above in connection with Item 2 of Form 10 should be furnished.

(f) *Form S–11 (17 CFR 239.18)*. Item 6. Summary Financial Data:

The comments above with respect to Item 2 of Form 10 are applicable to Instruction 4 to this item.

By the Commission, February 18, 1971.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3175 Filed 3-5-71;8:49 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-70]

IMPLEMENTATION OF TIR CONVENTION AND SIMPLIFIED IN-BOND PROCEDURE

On March 17, 1970, notice of proposed rule making regarding regulations to implement the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention) (TIAS 6633), to incorporate procedural changes relating to the transportation of merchandise in bond instituted provisionally on September 9, 1968, and to delete obsolete paragraphs of Part 18 of the regulations was published in the FEDERAL REGISTER (35 F.R. 4632). Interested persons were given until April 16, 1970, to submit written comments, suggestions, or objections regarding the proposed regulations. Representations submitted pursuant to the notice have been carefully considered. The amendments as proposed are hereby adopted subject to the following changes:

1. Section 10.39 (e) and (f) are amended to conform to the changes made by T.D. 69–146 (34 F.R. 9798) in other sections of Part 10 which relate to circumstances in which a bond is required to be given in an amount equal to 110 percent of estimated duties instead of double estimated duties.

2. Section 10.41c, including paragraphs (b) and (c) which were not referred to in the notice of proposed rule making, is deleted and replaced by a new § 18.4a. Paragraphs (b) and (c) of former § 10.41c are omitted from § 18.4a as properly the subject of the regulations of the U.S. Coast Guard relating to the certification of cargo containers for transport under customs seal published in the FEDERAL REGISTER of July 31, 1970 (35 F.R. 12776). Paragraph (b) in new § 18.4a relates to the acceptance for transport under customs seal of road vehicles carrying merchandise under cover of a TIR carnet.

3. In § 18.2, present paragraph (b), as amended by T.D. 71–22 (36 F.R. 1058), is retained; proposed paragraphs (b) and (c) are redesignated, respectively, as paragraphs (c) and (d); and present paragraph (d), which was not referred to in the notice of proposed rule making, is redesignated as paragraph (e).

4. Proposed § 18.5(d) is amended to provide that in the event of diversion of merchandise transported under cover of a TIR carnet, splitting up of a shipment shall not be permitted.

5. In § 18.6, proposed paragraph (b) (1) and (2) are deleted as superseded by the amendment of present paragraph (b) by T.D. 71–22 (36 F.R. 1058). The substance of proposed § 18.6(b) (2), modified to require that the district director of customs make demand on the initial bonded carrier for pecuniary penalties, liquidated damages, duties, and taxes which may accrue, in respect of merchandise carried under a TIR carnet, only in the case of any excess for which the guaranteeing association is not responsible, appears as a separate paragraph (d). Present paragraphs (d) and (e), which were not referred to in the notice of proposed rule making, are redesignated, respectively, as paragraphs (e) and (f).

6. Proposed § 18.8(e) (2) is amended to state the time limits in which the guaranteeing association must be notified in the event a TIR carnet has not been discharged or has been discharged subject to a reservation.

7. Former §§ 18.29, 18.30, and 18.31, which the notice proposed to delete, have previously been deleted from the regulations by T.D. 70–121 (35 F.R. 8214).

8. Proposed § 33.22(c) (1), now § 114.22 (c) (1), is amended to provide that a TIR carnet may be accepted at any port of entry and that road vehicles transporting merchandise under cover of a TIR carnet must comply with all applicable requirements of Federal and State agencies concerned with the regulation of such vehicles and their personnel.

9. Proposed § 33.22(c) (3), now § 114.22(c) (3), is amended to make clear that in the event the total of duties and taxes on any shipment covered by a TIR carnet exceeds the amount for which the guaranteeing association is liable, the excess constitutes a charge against the Carrier's Bond.

10. Section 114.31 is amended to provide that merchandise not entitled to temporary importation under bond shall not be imported under cover of an A.T.A. or E.C.S. carnet and that except in respect to merchandise for indirect exportation, merchandise not entitled to transportation in bond shall not be transported under cover of a TIR carnet.

11. Sections 123.42 (a) and (b) and 123.64(b), which were not referred to in the notice of proposed rule making, are amended to conform to the procedures established for the transportation of merchandise in bond by requiring the presentation of "the related customs Form 7512–C (duplicate)" in certain circumstances.

Minor editorial changes, and conforming changes to reflect revisions in cross references and the redesignation of Part 33 of the regulations as Part 114 by T.D. 70–134 (35 F.R. 9251), are also made.

The text of the amendments to Parts 10, 18, 21, 25, 114, and 123 of Chapter I, Title 19, Code of Federal Regulations, as adopted is set forth below.

Effective date. These amendments shall be effective on April 1, 1971.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: February 26, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

The first sentence of paragraph (a) of § 10.31 is amended to read:

§ 10.31 Entry; bond.

(a) Entry of articles brought into the United States temporarily and claimed to be exempt from duty under Schedule 8, Part 5C, Tariff Schedules of the United States,[24] shall, unless covered by an A.T.A. or E.C.S. carnet provided for in Part 114 of this chapter, be made on customs Form 7501, except that, when § 10.36 or § 10.36a is applicable, or the aggregate value of the article is not over $250, the form prescribed for the informal entry of importations by mail, in baggage, or other, as the case may be, may be used. * * *

* * * * *

Section 10.39 is amended as follows: Paragraphs (e) (4) and (f) are amended to read:

§ 10.39 Cancellation of bonds.

* * * * *

(e) * * *

(4) Upon the payment of an amount equal to double the duty which would have accrued on the articles had they been entered under an ordinary consumption entry, or equal to 110 percent of such duties where that percentage is prescribed in § 10.31(f), if such amount is determined to be less than the full amount of the bond.

(f) If there has been compliance with the terms of the bond with respect to part of but not all the articles covered thereby and a written application for relief is filed as provided in Part 172 of this chapter, and if that part of the liability for liquidated damages which represents double the duty or 110 percent of the duty, as required under § 10.31(f), on the articles in respect of which there has been a default does not exceed $20,000, the district director may cancel the total liability for payment of liquidated damages in any amount upon the payment of an amount equal to double the duty or 110 percent of the duty, as appropriate, on the articles in respect of which the default occurred, or, under the circumstances enumerated in subparagraph (1), (2), or (3) of paragraph (e) of this section, upon payment of such lesser amount as the district director may deem appropriate, provided the district director is satisfied that the importation was properly entered under schedule 8, part 5C, and that there was no intent to defraud the revenue or delay the payment of duty.

* * * * *

§ 10.41a [Amended]

Paragraph (c) of § 10.41a is amended by substituting the following for the second sentence: "The required application may be filed at the port of arrival or at a subsequent port to which an instrument shall have been transported in bond or to which a container shall have been moved under cover of a TIR carnet (see Part 114 of this chapter) showing the characteristics and value of the container on the Goods Manifest of the carnet. If the container is listed on the Goods Manifest of the carnet, the application may be filed at the port of arrival or at the subsequent port. If the container is not listed on the Goods Manifest, the application shall be filed at the port of arrival. The fact of approval and discontinuance of bonds on customs Form 7587 will be published in the weekly Customs Bulletin, as provided for in § 25.4(a) (34) of this chapter."

Paragraph (g) of § 10.41b is amended to read:

§ 10.41b Clearance of serially numbered substantial holders or outer containers.

* * * * *

(g) If the holder or container and its contents are to move in bond or under cover of a TIR carnet (see Part 114 of this chapter) from the port of arrival intact, the holder or container shall appear on the inward foreign manifest so as to be related to the cargo contained therein and will be released under this procedure at a subsequent port. If the holder or container is to move in bond or under cover of a TIR carnet from the port of arrival not intact with its contents, the holder or container may appear on the inward foreign manifest separate from and not related to the cargo contained therein and will be released under this procedure at the port of arrival before it moves forward and will not appear on the in-bond document.

* * * * *

§ 10.41c [Deleted]

Part 10 is amended by deleting § 10.41c.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Section 18.1(a) is amended to read:

§ 18.1 Carriers; application to bond.

(a) (1) Merchandise to be transported from one port to another in the United States in bond, except as provided for in paragraph (b) of this section, shall be delivered to a common carrier, contract carrier, freight forwarder, or private carrier bonded for that purpose, but such merchandise delivered to a common carrier, contract carrier, or freight forwarder may be transported with the use of facilities of other bonded or non-bonded carriers.[1] For the purposes of this section, the term "common carrier" means a common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route. Only vessels entitled to engage in the coastwise trade (see § 4.80 of this chapter) shall be entitled to transport merchandise under this section.

(2) Merchandise to be transported from one port to another in the United States under cover of a TIR carnet (see Part 114 of this chapter) shall be transported in accordance with the provisions of subparagraph (1) of this paragraph, except that it may be transported only with the use of facilities of bonded common or contract carriers. The TIR carnet shall be responsible for liability incurred in the carriage of merchandise under such carnet, and the Carrier's Bond shall be responsible only as provided in § 114.22(c) (3) of this chapter.

* * * * *

Section 18.2 is amended to read:

§ 18.2 Receipt by carrier; manifest.

(a) When merchandise is delivered to a bonded carrier for transportation in bond, the merchandise shall be laden on the conveyance under the supervision of a customs officer unless the transporting conveyance is not to be sealed with customs seals or the lading inspector accepts the check of the carrier as to the merchandise laden thereon. The carrier's receipt shall be given immediately to the lading inspector on the customs in-bond document (the appropriate customs Forms 7512 or 7520, or the TIR carnet) covering the merchandise. In the case of a TIR carnet, the receipt shall be given on the appropriate vouchers in the following form:

Received the cargo listed herein for delivery to Customs at the indicated port of destination or exportation, or for direct exportation.

Name of Carrier (or Exporter)

Attorney or Agent of Carrier (or Exporter)

(Date)

(b) A customs in-bond document containing a description of the merchandise shall be prepared by the carrier or shipper and signed by the agent of the carrier whenever merchandise is being transported in bond. All copies of the in-bond document shall be signed by the importing carrier or his agent and the in-bond carrier or his agent to indicate the quantity delivered for transportation in bond. When there is no discrepancy between the quantity manifested by the importing carrier and the quantity delivered to the in-bond carrier, the district director of customs may authorize waiving the signature of the parties in interest as to delivered quantities. Except as prescribed in Subpart D of Part 123 of this chapter, relating to merchandise in transit through the United States between ports in contiguous foreign territory, a separate set shall be prepared for each entry and, if the consignment is contained in more than one conveyance, a separate set shall be prepared for each conveyance.

(c) After the merchandise has been laden and the in-bond carrier or his agent has receipted the in-bond document, either customs Form 7512 or customs Form 7520, in duplicate, or the TIR carnet, together with the related customs Form 7512–C (duplicate), shall be delivered as a manifest to the conductor, master, or person in charge to accompany the merchandise to destination. If more than one conveyance is used to transport merchandise, the customs Form 7512–C (duplicate) shall accompany the first conveyance, and two copies of customs Form 7512 shall accompany each conveyance as a manifest of the merchandise transported by that conveyance. A TIR carnet (see § 18.3 (b)) shall not be used if more than one conveyance is required.

(d) Upon arrival of the merchandise at the port of destination, the delivering carrier shall promptly surrender the in-bond manifest and related customs Form 7512–C (duplicate) to the district director as a notice of arrival of the merchandise. If the in-bond manifest is lost in transit, the in-bond carrier will be responsible for obtaining copies of the original.

(e) In addition to the foregoing, any entry for immediate transportation presented at the port of arrival for merchandise to be transported in bond by a private carrier shall be accompanied by a commercial invoice setting forth the particulars of the merchandise and a statement in the following form verified

by the district director of the district in which is located the warehouse to which the merchandise is to be carried:

The undersigned hereby requests permission to transport under the provisions of his carrier's bond, dated _____ on file at the port of _____, the merchandise described in the attached invoice from the port of _____ to his warehouse located at _____

_____
(Warehouse proprietor and carrier)

_____
(Date)

Invoice and statement verified:

_____
(Date)

_____
(District Director)

(Sec. 551, 46 Stat. 742, as amended; 19 U.S.C. 1551)

Section 18.3 is amended to read:

§ 18.3 Transshipment; [3] transfer by bonded cartmen.

(a) When bonded merchandise in one conveyance is to be transshipped under customs supervision to another single conveyance while en route to the port of destination or exportation, the in-bond document which accompanied the merchandise shall be presented to the district director of customs at the place of transshipment for execution of a certificate of transfer thereon. The in-bond document shall be returned to the carrier to accompany the merchandise to the port of destination or exportation. Except as provided in paragraph (c) of this section, merchandise covered by a TIR carnet shall not be transshipped if the transshipment involves the unlading of the merchandise from a container or road vehicle.

(b) When bonded merchandise, other than merchandise covered by a TIR carnet, is to be transshipped into more than one conveyance, the carrier, agent of the shipper, or forwarder shall prepare, for each such conveyance, two additional copies of the customs Form 7512 which accompanied the merchandise to the place of transshipment. The Form 7512 and customs Form 7512–C (duplicate) which accompanied the shipment to the place of transshipment shall be presented to the district director there. The customs officer supervising the transshipment shall execute a certificate of transfer on all copies of the Form 7512. The original copies of the Form 7512 and related Form 7512–C (duplicate) shall be delivered to the conductor, master, or person in charge of the first conveyance. Two additional copies of the Form 7512 shall be similarly delivered to the person in charge of each additional conveyance in which the merchandise is forwarded for delivery to the district director at the port of destination or exportation.

(c) Merchandise covered by a TIR carnet may be transshipped in a case involving the unlading of the merchandise from a container or road vehicle only if the transshipment is necessitated by casualty en route. In the event of transshipment, a TIR approved container or road vehicle shall be used if available. If the transshipment takes place under customs supervision, the customs officer shall excute a certificate of transfer on the appropriate TIR carnet voucher.

(d) If it becomes necessary at any point in transit to remove the customs seals from a conveyance or container containing bonded merchandise for the purpose of transferring its contents to another conveyance or container, or to gain access to the shipment because of casualty or for other good reason, and it cannot be done under customs supervision because of the element of time involved or because there is no customs officer stationed at such point, a responsible agent of the carrier may remove the seals, supervise the transfer or handling of the merchandise, seal the conveyance or container in which the shipment goes forward, and make appropriate notation of his action on the conductor's or master's copy of the manifest, or the outside back cover of the TIR carnet, including the date, serial numbers of the new seals applied, and the reason therefor. This authorization shall not apply in any case not involving a real emergency.

(e) All transfers to or from the conveyance or warehouse of merchandise undergoing transportation in bond shall be made under the provisions of Part 21 of this chapter and at the expense of the parties in interest, unless the Carrier's Bond or a TIR carnet is liable for the safekeeping and delivery of the merchandise while it is being transferred.

(Secs. 551, 565, 46 Stat. 742, as amended, 747; 19 U.S.C. 1551, 1565)

Section 18.4 is amended as follows: Paragraph (a) is amended by designating the present text as subparagraph (1) and adding a new subparagraph (2) and paragraph (c) is amended to read as follows:

§ 18.4 Sealing conveyances and compartments; labeling packages; warning cards.

(a) • • •

(2) The district director of customs shall cause a customs seal to be affixed to a container or road vehicle which is being used to transport merchandise under cover of a TIR carnet unless the container or road vehicle bears a valid customs seal (domestic or foreign). The district director shall likewise cause a customs seal or label to be affixed to heavy or bulky goods being so transported. If, however, he has reason to believe that there is a discrepancy between the merchandise listed on the Goods Manifest of the carnet and the merchandise which is to be transported, he shall cause a customs seal or label to be affixed only when the listing of the mercahndise in the carnet and a physical inventory agree.

• • • • • •

(c) (1) Merchandise not under bond may be transported in sealed conveyances or compartments containing bonded goods when destined for the same place or places beyond, but not when intended for intermediate places.

(2) Merchandise moving under cover of a TIR carnet may not be consolidated with other merchandise.

• • • • • •

Part 18 is amended by adding a new § 18.4a as follows:

§ 18.4a Containers or road vehicles accepted for transport under customs seal; requirements.

(a) (1) Containers covered by the Customs Convention on Containers [3a] shall be accepted for transport under customs seal (see § 18.4) if (i) durably marked with the name and address of the owner, particulars of tare, and identification marks and numbers, and (ii) constructed and equipped as outlined in Annex 1 to the Customs Convention on Containers, as evidenced by an accompanying unexpired certificate of approval in the form prescribed by Annex 2 to that Convention or by a metal plate showing design type approval by a competent authority.

(2) Containers [3b] carrying merchandise covered by a TIR carnet shall be accepted for transport under customs seal (see § 18.4) if (i) durably marked with the name and address of the owner, particulars of tare, and identification marks and numbers, (ii) constructed and equipped as outlined in Annex 6 to the TIR Convention, as evidenced by an accompanying unexpired certificate of approval in the form prescribed by Annex 8 to that Convention, or by a metal plate showing design type approval by a competent authority, and (iii) if the container or road vehicle hauling the container has affixed to it a rectangular plate bearing the letters "TIR" in accordance with Article 31 of the TIR Convention.

(b) Road vehicles [3c] carrying merchandise covered by a TIR carnet shall be accepted for transport under customs seal if (1) durably marked with the name and address of the owner, particulars of tare, and identification marks and numbers, (2) constructed and equipped as outlined in Annex 3 to the TIR Convention, as evidenced by an accompanying unexpired certificate of approval in the form prescribed by Annex 5 to that Convention, or by a metal plate showing design type approval by a competent authority, and (3) if the road vehicle has affixed to it a rectangular plate bearing the letters "TIR" in accordance with Article 31 of the TIR Convention.

(c) The district director of customs may refuse to accept for transport under customs seal a container or road vehicle bearing evidence of approval if, in his opinion, the container or road vehicle no longer meets the requirements of the applicable Convention.

(d) Containers or road vehicles which are not approved under the provisions of a Customs Convention may be accepted for transport under customs seal only if the district director at the port of origin is satisfied that (1) the container or road vehicle can be effectively sealed and (2) no goods can be removed from or introduced into the container or road vehicle without obvious damage to it or without breaking the seal. A container or road vehicle so accepted shall not carry merchandise covered by a TIR carnet.

(77A Stat. 14, sec. 14, 67 Stat. 516, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 1202 (Gen. Hdnote. 11), 1322, 1623, 1624)

Section 18.5 is amended to read:

§ 18.5 Diversion.

(a) Merchandise forwarded under any class of transportation entry may be diverted to any port other than the port named in the entry at the option of the consignee or agent. Except as provided for in paragraphs (c), (d), and (e), of this section, prior application or approval of such diversion is not required.

(b) The district director of customs at the port to which merchandise is diverted may permit merchandise in transit under bond under any class of transportation entry to be entered at his port for consumption, warehouse, exportation, further transportation in bond, or under any provisions of the tariff laws.

(c) When merchandise which has been delivered to the district director at the port of original destination or port of diversion under any class of transportation entry is to be forwarded to another port or returned to the port of origin, a new transportation entry shall be required. If the merchandise is moving under cover of a TIR carnet, the carnet may be accepted as a transportation entry.

(d) If it is desired to split a shipment at a port of destination and to enter a portion for consumption or warehouse and forward the balance in bond, or to divert the entire shipment or a part thereof to more than one port, the district director at the port where diversion takes place shall complete the original transaction and shall require the filing of a new transportation entry or entries for the portion or portions forwarded. In the case, however, of merchandise being transported under cover of a TIR carnet, splitting up of a shipment shall not be permitted.

(e) The diversion of shipments in bond which are subject on importation to restriction or prohibition under quarantines and regulations of the Agricultural Research Service of the Department of Agriculture shall be allowed only upon written permission or under regulations issued by the agency concerned.

(Secs. 551–553, 46 Stat. 742, as amended, 19 U.S.C. 1551–1553)

Section 18.6 is amended to read:

§ 18.6 Short shipments; shortages; entry and allowance.

(a) When there has been a short shipment and the short-shipped packages are subsequently received, they may be forwarded only under a new transportation entry referenced to the original entry.

(b) When there is a shortage of one or more packages or nondelivery of an entire shipment, and inquiry by the carrier discloses that the merchandise has been delivered directly to the consignee, entry therefor may be accepted if the merchandise can be recovered intact without any of the packages having been opened. In such cases, any shortage from the invoice quantity shall be presumed to have occurred while the merchandise was in the possession of the bonded carrier.

(c) If the merchandise cannot be recovered intact, as above specified, entry shall not be accepted and, except as provided in paragraph (d) of this section, there shall be sent to the initial bonded carrier a demand for liquidated damages on customs Form 5955–A, in the case of nondelivery of an entire shipment or on customs Form 5931, in the case of a partial shortage.

(d) If merchandise covered by a TIR carnet cannot be recovered intact, as specified in paragraph (b) of this section, entry shall not be accepted; there shall be sent to the guaranteeing association a demand for pecuniary penalties, liquidated damages, duties, and taxes as prescribed in § 18.8(e); and, if appropriate, there shall also be sent to the initial bonded carrier a demand for any excess, as provided in § 114.22(c)(3) of this chapter. Demands shall be made on the forms specified in paragraph (c) of this section.

(e) An allowance in duty on merchandise reported short at destination, including merchandise found by the appraising officer to be damaged and worthless, and animals and birds found by the discharging officer to be dead on arrival at destination, shall be made in the liquidation of the entry.

(f) In the case of shipments arriving in the United States by rail or seatrain which are forwarded under customs in-bond seals under the provisions of Subpart D of Part 123 of this chapter, and § 18.11, or § 18.20, a notation shall be made by the carrier or shipper on the in-bond manifest, customs Form 7512, to show whether the shipment was transferred to the car designated in the manifest or whether it was laden in the car in the foreign country, which shall be named.

(Secs. 551, 552, 553, 46 Stat. 742, as amended; 19 U.S.C. 1551, 1552, 1553)

Section 18.7(a) is amended to read:

§ 18.7 Lading for exportation, verification of.

(a) When merchandise covered by an in-bond entry is delivered to the exporting carrier at the port of exportation, the in-bond document and the related customs Form 7512–C (duplicate) shall be promptly delivered to the district director of customs.

• • • • • •

Section 18.8 is amended as follows: The heading is amended and a new paragraph (e) is added as follows:

§ 18.8 Liability for shortage, irregular delivery, or nondelivery, penalties.

• • • • • •

(e) (1) The domestic guaranteeing association shall be jointly and severally liable with the initial bonded carrier for pecuniary penalties, liquidated damages, duties, and taxes accruing to the United States, and any other charges imposed as the result of any shortage, irregular delivery, or nondelivery at the port of destination or port of exit of merchandise covered by a TIR carnet. Penalties imposed as liquidated damages for any shortage, irregular delivery, or nondelivery shall be computed in accordance with subparagraphs (1), (2), and (3) of paragraph (b) of this section. If a TIR carnet has not been discharged, or has been discharged subject to a reservation, the guaranteeing association shall be notified within 1 year of the date upon which the carnet is taken on charge, except that if the discharge shall have been obtained improperly or fraudulently the period shall be 2 years. No claim for payment under a TIR carnet shall be made against a guaranteeing association more than 3 years after the date when the association was informed that the carnet had not been discharged, or had been dicharged subject to a reservation, or that the certificate of discharge had been obtained improperly or fraudulently. However, in cases which become the subject of legal proceedings during the above-mentioned 3-year period, no claim for payment shall be made more than 1 year after the date when the decision of the court becomes enforceable.

(2) Within 3 months from the date demand for payment is made by the district director as provided by § 18.6(b)(2), the guaranteeing association shall pay the amount claimed, except that if the amount claimed exceeds the liability of the guaranteeing association under the carnet (see § 114.22(c)(3) of this chapter), the carrier shall pay the excess. The amount paid shall be refunded if, within a period of 1 year from the date on which the claim for payment was made, it is established to the satisfaction of the Commissioner of Customs that no irregularity occurred. The district director may canel liquidated damages assessed against the guaranteeing association to the extent authorized by paragraph (d) of this section.

Section 18.11 is amended as follows: Paragraphs (a), (b), (c), (f), (g), and (h) are amended and a new paragraph (i) is added to read as follows:

[3] See footnote 38a to Part 10 of this chapter.

[3a] "• • • the term 'container' shall mean an article of transport equipment (lift-van, movable tank or other similar structure);

"(i) Of a permanent character and accordingly strong enough to be suitable for repeated use;

"(ii) Specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;

"(iii) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;

"(iv) So designed as to be easy to fill and empty; and

"(v) Having an internal volume of one cubic metre or more; the term 'container' includes neither vehicles nor conventional packing; • • •" (Article 1, TIR Convention.)

[3c] "• • • the term 'road vehicle' shall mean not only any road motor vehicle but also any trailer or semitrailer designed to be drawn by such a vehicle; • • •" (Article 1, TIR Convention.)

§ 18.11 Entry; classes of goods for which entry is authorized; form used.

(a) Entry for immediate transportation without appraisement may be made under section 552, Tariff Act of 1930,[3] (1) for any merchandise, except explosives and prohibited merchandise, upon its arrival at a port of entry, or (2) for merchandise in general-order warehouse at any time within 1 year from the date of importation.

(b) Entry for immediate transportation without appraisement may be made by (1) the carrier bringing the merchandise to the port of arrival, (2) the carrier who is to accept the merchandise under its bond or a TIR carnet for transportation to the port of destination, or (3) any person shown by the bill of lading or manifest, a certificate of the importing carrier, or by any other document satisfactory to the district director of customs, to have a sufficient interest in the merchandise for that purpose.

(c) Before a shipment covered by an entry for immediate transportation, including a TIR carnet, or a manifest of baggage shipped in bond (other than baggage to be forwarded in bond to a customs station—see § 18.13(a)), shall be allowed to be transported directly to a place of deposit outside a port of entry for examination and release as contemplated by section 484(f), Tariff Act of 1930, as amended,[4] the consent of the district director of customs for the port of entry designated in the transportation entry or baggage manifest (or in the event of diversion under § 18.5, for the port of destination of the merchandise or baggage) must first be secured. Before consent may be given, the importer must furnish such district director with a stipulation that, promptly upon the arrival of any part of the merchandise or baggage at the place of deposit, he will file an entry for the shipment at the port of entry designated in the transportation entry or baggage manifest (or in the event of diversion under § 18.5, at the port of destination of the merchandise or baggage) and will comply with the provisions of § 14.2(f) of this chapter.

* * * * *

(f) One or more entire packages of merchandise covered by an invoice from one consignor to one consignee may be entered for consumption or warehouse at the port of first arrival, and the remainder entered for immediate transportation without appraisement, provided all the merchandise covered by the invoice is entered simultaneously and any TIR carnet which may cover such merchandise is discharged as to that merchandise.

(g) Several importations may be consolidated in one immediate transportation without appraisement entry when bills of lading or carrier's certificates name only one consignee at the port of first arrival. However, merchandise moving under cover of a TIR carnet may not be consolidated with other merchandise.

(h) Either customs Form 7512 or a TIR carnet shall be used as a combined transportation entry, invoice, and manifest. If customs Form 7512 is used, a minimum of three copies shall be required at the port of origin. The district director, however, may require additional copies of customs Form 7512 or the Goods Manifest of the carnet for use in connection with the delivery of the merchandise to the bonded carrier. In lieu of additional copies of the Goods Manifest, the district director may accept copies of a bill of lading covering the merchandise. The merchandise shall be described in such detail as to enable the district director to estimate the duties and taxes, if any, due. The district director may require evidence to satisfy him of the approximate correctness of the value or quantity stated in the entry. If a TIR carnet is used, and the duties and taxes estimated to be due exceed the maximum liability of the guaranteeing association under the carnet, the provisions of § 114.22(c)(3) of this chapter shall apply.

(i) The value stated on the entry at the port of first arrival is not binding on the ultimate consignee making entry at the port of destination and does not relieve the importer of the obligation to show the correct value on entry.

Section 18.12 is amended as follows: Paragraphs (d) and (e) are amended to read:

§ 18.12 Entry at port of destination.

* * * * *

(d) All importations forwarded under immediate transportation without appraisement entries (including TIR carnets) shall be held by the bonded carrier at the port of destination until released by the district director of customs.

(e) All merchandise included in an immediate transportation without appraisement entry (including a TIR carnet) not entered within 5 days, exclusive of Sundays and holidays, after delivery of the manifest to the district director at the port of destination shall be treated as unclaimed unless the district director, with the concurrence of the carrier, authorizes in writing a longer time.

(Secs. 484, 552, 46 Stat. 722, as amended, 742; 19 U.S.C. 1484, 1552)

Paragraph (b) of § 18.13 is amended to read:

§ 18.13 Procedure; manifest.

* * * * * *

(b) A customs manifest for baggage shipped in bond, customs Form 7520, shall be prepared in triplicate for each shipment. Two copies of Form 7520 and the related customs Form 7512–C (duplicate) shall be delivered to the carrier to accompany the baggage and shall be delivered by the carrier to the district director of customs at the port of destination as a notice of arrival.

* * * * *

Section 18.16(a) is amended to read:

§ 18.16 Form of withdrawal; time.

(a) Merchandise may be withdrawn from warehouse for transportation to another port of entry if withdrawal for consumption or exportation can be accomplished at the port of destination before the expiration of the warehousing period, including any lawful extension thereof. The withdrawal document shall be customs Form 7512, five copies of which shall be required at the port of origin. However, the district director at the port of origin may require an extra copy or copies to be furnished for use in connection with the delivery of the merchandise to the bonded carrier named in the withdrawal document. In the case of alcoholic beverages, two extra copies shall be required for use in furnishing the duty statement to the district director at destination. A person in whom the right to withdraw the merchandise to be so transported has not previously been vested in accordance with § 8.39 of this chapter may make such withdrawal by (1) depositing a withdrawal for transportation on which is endorsed an assent to the withdrawal by the person in whom the right of withdrawal is then vested and (2) filing with such endorsed withdrawal the bond provided for in § 8.39(a) of this chapter.

* * * * *

Section 18.19 is amended to read:

§ 18.19 Procedure.

(a) *Direct exportation.* When merchandise is withdrawn from warehouse for exportation without transportation in bond to another port, five copies of customs Form 7512, or three copies of customs Form 7506 as to merchandise being exported under cover of a TIR carnet, shall be filed. However, the district director of customs may require an extra copy or copies of Form 7512 or 7506 to be furnished for use in connection with the delivery of the merchandise to the exporting carrier named in the withdrawal document.

(b) *Indirect exportation.* (1) When merchandise is withdrawn from warehouse for transportation and exportation, five copies of customs Form 7512, or three copies of customs Form 7506 as to merchandise to be exported under cover of a TIR carnet, shall be required at the port of withdrawal. However, the district director may require an extra copy or copies to be furnished for use in connection with the delivery of the merchandise to be bonded carrier named in the withdrawal document.

(2) The merchandise shall be forwarded in accordance with the general provisions for transportation in bond, §§ 18.1–18.8.

(3) If any part of a shipment is not exported, or if a shipment is divided at the port of exportation, extracts in duplicate from the manifest on file in the customhouse shall be made on customs Form 7512 for each part, one copy to be sent to the discharging inspector and the other to the lading inspector to be used as a report of exportation. The splitting up for exportation of shipments arriving under warehouse withdrawals for transportation and exportation shall be permitted only when various portions of a shipment are destined to different destinations, when the export vessel cannot properly accommodate the entire quantity, or in other similar circumstances. In the case of merchandise moving under cover of a TIR carnet, if the merchandise is not to be exported or if the shipment is to be divided, appropriate entry shall be required and the carnet discharged. The provisions of §§ 18.23 and 18.24 shall also be followed in applicable cases.

(c) *Withdrawal statement required.* Each withdrawal for exportation or withdrawal for transportation and exportation shall contain the summary statement prescribed for withdrawals in § 8.37(b) of this chapter.

(Sec. 557, 46 Stat. 744, as amended; 19 U.S.C. 1557)

Section 18.20 is amended as follows: Paragraphs (a) and (b) are amended to read:

§ 18.20 Entry procedure; forwarding.

(a) When an importation is entered for transportation and exportation,[5] except as provided for in subparts D, E, F, and G of Part 123 of this chapter relating to merchandise in transit through the United States between two points in contiguous foreign territory), a TIR carnet or four copies of customs Form 7512 shall be required. The district director of customs, however, may require additional copies of customs Form 7512 or the Goods Manifest of the carnet for use in connection with the delivery of the merchandise to the bonded carrier. In lieu of additional copies of a Goods Manifest, the district director may accept copies of a bill of lading covering the merchandise. Acceptance of transportation and exportation entries shall be subject to the requirements prescribed in § 18.11(b) for entry of merchandise for immediate transportation without appraisement.

(b) Except in respect to merchandise covered by a TIR carnet (see § 18.1(a)(2)), in places where no bonded common carrier facilities are reasonably available and merchandise is permitted to be transported otherwise than by a bonded common carrier, the district director may permit entry in accordance with the procedure outlined in paragraph (a) of this section if he is satisfied that the revenue will not be endangered. A bond on customs Form 7557 in an amount equal to double the estimated duties shall be required when the district director deems such action necessary. (See § 25.15 of this chapter for cancellation of export bonds.)

* * * * *

Section 18.24 is amended to read:

§ 18.24 Retention of goods on dock; splitting of shipments.

(a) Upon written application of a party in interest and the written consent of the owner of the dock, the district director of customs, in his discretion, may allow in-transit merchandise, including merchandise covered by a TIR carnet, to remain on the dock under the supervision of a customs officer without extra expense to the Government for a period not exceeding 90 days. Upon further application, additional extensions of 90 days or less, but not to exceed 1 year from the date of importation, may likewise be granted by the district director.[5] The district director may take possession of the merchandise at any time.

(b) The splitting up of a shipment for exportation shall be permitted when exportation in its entirety is not possible by reason of the different destinations to which portions of the shipment are destined, when the exporting vessel cannot properly accommodate the entire quantity, or in similar circumstances. In the case, however, of merchandise being transported under cover of a TIR carnet, splitting up of a shipment shall not be permitted.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

Section 18.25 is amended as follows: Paragraphs (a) and (d) are amended to read:

§ 18.25 Direct exportation.

(a) Except as otherwise provided for in § 9.11(a) of this chapter, relating to exportations by mail, when no entry has been made or completed for merchandise in customs custody, or when the merchandise is covered by an unliquidated consumption entry, or when merchandise which has been entered in good faith is found to be prohibited under any law of the United States, and such merchandise is to be exported directly without transportation to another port, four copies of customs Form 7512 shall be filed. If a TIR carnet covers the merchandise which is to be exported directly without transportation, the carnet shall be discharged or canceled, as appropriate (see Part 114 of this chapter), and four copies of Form 7512 shall be filed. The district director may require an extra copy or copies of Form 7512 to be furnished for use in connection with delivery of the merchandise to the carrier named in the entry.

* * * * *

(d) If the merchandise is exported in the importing vessel without landing, a representative of the exporting carrier who has knowledge of the facts shall certify that the merchandise entered for exportation was not discharged during the vessel's stay in port. A charge shall be made against the vessel term bond, customs Form 7569, if on file, or a vessel bond on customs Form 7567 shall be given as in the case of residue cargo for foreign ports. If the merchandise is covered by a TIR carnet, the carnet shall not be taken on charge (see § 114.22(c)(2) of this chapter).

* * * * * *

Paragraph (a) of § 18.26 is amended to read:

§ 18.26 Indirect exportation.

(a) When merchandise of the character enumerated in § 18.25(a) is to be transported in bond to another port for exportation, it may be entered for transportation and exportation in accordance with the procedure in § 18.20. No bond on customs Form 7557 or 7559 shall be required as the bond of the importing carrier is sufficient to insure the safekeeping of the merchandise pending its exportation. In the case of merchandise prohibited entry by any Government agency, that fact shall be prominently noted on customs Form 7512 for the information of the district director of customs at the port of exportation. If the merchandise was imported under cover of a TIR carnet, the carnet shall be discharged or canceled at the port of importation and the merchandise transported under an entry on customs Form 7512 (see § 18.25).

* * * * *

Part 18 is amended by adding a new center head and §§ 18.41 through 18.45 reading as follows:

MERCHANDISE NOT OTHERWISE SUBJECT TO CUSTOMS CONTROL EXPORTED UNDER COVER OF A TIR CARNET

§ 18.41 Applicability.

The provisions of §§ 18.41 through 18.45 apply only to merchandise exported under cover of a TIR carnet for the convenience of the U.S. exporter or other party in interest and do not apply to any merchandise otherwise required to be transported in bond under the provisions of this chapter.

§ 18.42 Direct exportation.

At the port of exportation, the container or road vehicle, the merchandise, and the TIR carnet shall be made available to the district director of customs. Any required export declarations shall be filed in accordance with the applicable regulations of the Bureau of the Census (15 CFR Part 30) and the Office of Export Control (15 CFR Part 386). The district director shall examine the merchandise to the extent he believes necessary to determine that the carnet has been properly completed and shall verify that the container or road vehicle has the necessary certificate of approval or approval plate intact and is in satisfactory condition. After completion of any required examination and supervision of loading, the district director shall cause the container or road vehicle to be sealed with customs seals and ascertain that the TIR plates are properly affixed and sealed. (See § 18.4a.) In the case of heavy or bulky goods moving under cover of a TIR carnet, the district director shall cause a customs seal or label, as appropriate, to be affixed. He shall also remove two vouchers from the carnet, execute the appropriate counterfoils, and return the carnet to the carrier or agent to accompany the merchandise.

§ 18.43 Indirect exportation.

(a) When merchandise is to move from one U.S. port to another for actual exportation at the second port, any export declarations required to be validated shall be filed in accordance with the port of origin procedure described in the applicable regulations of the Bureau of the Census and of the Office of Export Control.

(b) The district director shall follow the procedure provided in § 18.42 in respect to examination of the merchandise, supervision of loading, sealing or labeling, and affixing of TIR plates. He shall remove one voucher from the carnet, execute the appropriate counterfoil, and return the carnet to the carrier or agent to accompany the container or road vehicle to the port of actual exportation.

(c) At the port of actual exportation, the carnet and the container (or heavy or bulky goods) or road vehicle shall be presented to the district director who shall verify that seals or labels are intact and that there is no evidence of tampering. After verification, the district director shall remove the appropriate voucher from the carnet, execute the counterfoil, and return the carnet to the carrier or agent.

§ 18.44 Abandonment of exportation.

In the event that exportation is abandoned at any time after merchandise has been placed under cover of a TIR carnet, the carrier or agent shall deliver the carnet to the nearest customs office or to the customs office at the port of origin for cancellation (see § 114.26(c) of this chapter). When the carnet has been canceled, the carrier or agent may remove customs seals or labels and unload the container (or heavy or bulky goods) or road vehicle without customs supervision.

§ 18.45 Supervision of exportation.

The provisions of §§ 18.41 through 18.44 do not require the district director of customs at the port of actual exportation to verify that merchandise moving under cover of a TIR carnet is loaded on board the exporting carrier.

PART 21—CARTAGE AND LIGHTERAGE

Section 21.8(a) is amended to read:

§ 21.8 Liability; reports of loss or damage.

(a) The cartman or lighterman conveying the merchandise, including merchandise covered by a TIR carnet which has not been "taken on charge" (see § 114.22(c)(2) of this chapter), shall be liable under his bond for its prompt delivery in sound condition, or in no worse than the damaged condition noted on the delivery ticket, customs Form 6043, Elliott Fisher ticket, or customs Form 7502–A, 7506, or 7512, if damage is so noted. Any negligence, dishonest or deceptive practice, or carelessness shall be cause for revocation of the license.

* * * * *

PART 25—CUSTOMS BONDS

Section 25.19 is amended to read:

§ 25.19 Cancellation of erroneous charges.

(a) When it is determined that liquidated damages assessed or paid under a bond did not in fact accrue, the charge against the bond shall be canceled by the district director of customs without regard to the amount thereof, the liquidated damages, if paid, shall be refunded by the regional commissioner of customs, and an appropriate notation shall be made on customs Form 5955 or 5955–A, if the transaction has already been recorded thereon.

(b) When it is determined that liquidated damages assessed or paid for any shortage, irregular delivery, or nondelivery of merchandise covered by a TIR carnet did not in fact accrue, the liquidated damages shall be canceled and, if paid, refunded, as provided by § 18.8 of this chapter.

(c) When it is determined that liquidated damages assessed or paid for failure to properly reexport or destroy merchandise temporarily imported under cover of an A.T.A. or E.C.S. carnet did not in fact accrue, the liquidated damages shall be canceled and, if paid, refunded, as provided by § 10.39 of this chapter.

(d) When the determination of whether or not the charge was erroneously made depends upon a construction of law, the charge shall not be canceled without Bureau approval, unless there is in force a Bureau ruling decisive of the issue. Bureau instructions shall be requested in all doubtful cases.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

PART 114—CARNETS

Section 114.1 is amended as follows: Paragraphs (d) and (e) are amended and a new paragraph (f) is added to read:

§ 114.1 Definitions.

* * * * *

(d) *A.T.A. carnet.* "A.T.A. carnet" (Admission Temporaire—Temporary Admission) means the document reproduced as the Annex to the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods (TIAS 6631).

(e) *E.C.S. carnet.* "E.C.S. carnet" (Echantillons Commerciaux—Commercial Samples) means the document reproduced as the Annex to the Customs Convention on the E.C.S. Carnets for Commercial Samples (TIAS 6632).

(f) *TIR carnet.* "TIR carnet" (Transport International Routier) means the document reproduced as Annex 1 to the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIAS 6633).

Section 114.2 is amended by adding paragraph (c) reading:

§ 114.2 Customs conventions.

* * * * *

(c) Customs Convention on the International Transport of Goods under Cover of TIR Carnets (hereinafter referred to as TIR Convention).

Section 114.3 is amended as follows:

§ 114.3 Carnets.

(a) *Use.* A carnet issued in conformity with the provisions of a Convention identified in § 114.2 and with the regulations in this part shall serve as an entry document within the scope contemplated by the applicable Convention and as a bond for the performance of acts in compliance with the provisions of such Convention and the Customs statutes and regulations which are involved. Such carnet shall:

(1) Show the period for which it is valid,

(2) Be fully completed in accordance with the provisions of the Convention which provides for its issuance, and

(3) Include an English translation whenever the goods covered by a carnet are described in another language.

(b) *Area of validity.* Carnets are valid in the customs territory of the United States which includes only the States, the District of Columbia, and Puerto Rico.

§ 114.11 [Amended]

Paragraph (a) of § 114.11 is amended by changing the caption to read "*Documents to be furnished.*" and by adding the following sentence at the end thereof: "Evidence of affiliation with an appropriate international organization shall also be required if affiliation with such an organization is required by the Convention under which carnets are to be issued or guaranteed."

Section 114.12 is amended as follows: Paragraphs (a) and (c) are amended to read:

§ 114.12 Termination of approval.

(a) *For cause.* The Commissioner may suspend or revoke the approval previously given to any issuing association or guaranteeing association for failure or refusal to comply with the duties, obligations, or requirements set forth in its written undertaking on which the approval was based; in the applicable Customs Convention; or in the customs regulations; or upon termination of the affiliation with an appropriate international organization required by § 114.11(a). Before such suspension or revocation, the Commissioner shall give the association a reasonable opportunity to refute the alleged failure of compliance.

* * * * *

(c) *Notice.* Notice of the suspension or revocation of the approval of an issuing association or a guaranteeing association, or of the withdrawal of an approved guaranteeing association, with respect to a Customs Convention to which the United States has acceded will be published in the FEDERAL REGISTER by the Commissioner.

Section 114.22 is amended by adding paragraph (c) reading:

§ 114.22 Coverage of carnets.

* * * * *

(c) *TIR carnet.*—(1) *Use.* The TIR carnet may be accepted at any port of entry for the transport of merchandise in road vehicles or in containers, even if the containers, without being loaded on road vehicles, are carried by other means of transport for part of the journey between the customs offices of departure and destination. The TIR carnet may also be accepted for the transport of "heavy or bulky goods" as defined in Article 1 of the TIR Convention. The TIR carnet covers the transportation of merchandise for customs purposes only. Road vehicles transporting merchandise under cover of a TIR carnet must also comply with all other applicable requirements of Federal and State agencies concerned with the regulations of such vehicles and their personnel.

(2) *Taken on charge.* A TIR carnet is "taken on charge" by Customs when it is accepted as a transportation entry and when the shipment covered thereby is receipted for by the bonded carrier (see §§ 18.1, 18.2, and 18.10(a) of this chapter). Until the carnet is "taken on charge," the guaranteeing association shall have no liability to the United States under the carnet.

(3) *Excess liability.* When the total of duties and taxes on any shipment covered by a TIR carnet exceeds the amount for which the guaranteeing association is liable, the excess constitutes a charge against the Carrier's Bond of the carrier which receipts for the merchandise in accordance with § 18.2(a) of this chapter.

Section 114.23 is amended to read:

§ 114.23 Maximum period.

(a) *A.T.A. and E.C.S. carnet.* No A.T.A. or E.C.S. carnet with a period of validity exceeding 1 year from date of issue shall be accepted.

(b) *TIR carnet.* A TIR carnet may be accepted without limitation as to time provided it is initially "taken on charge by a customs administration (United States or foreign) within the period of validity shown on its front cover.

Section 114.26 is amended to read:

§ 114.26 Discharge, nonacceptance, or cancellation of carnets.

(a) *Unconditional discharge.* An A.T.A. or E.C.S. carnet shall be discharged unconditionally by the district director of customs when he is satisfied that all merchandise covered thereby is reexported or destroyed. A TIR carnet shall be discharged unconditionally when all merchandise covered thereby has been properly entered, placed in general order, or exported under customs supervision. In all other cases, any discrepancy shall be noted on the appropriate counterfoil, and action shall be taken in accordance with § 10.39 or § 18.6 of this chapter.

(b) *Effect of discharge.* When a district director has discharged a carnet unconditionally by completion of the appropriate counterfoil, no claim may be brought against the guaranteeing association for payment under the carnet unless it can be established that the discharge was obtained improperly or fraudulently or, in the case of an A.T.A. or E.C.S. carnet, that there has been a breach of the conditions of temporary importation.

(c) *Nonacceptance or cancellation of TIR carnets.* If a TIR carnet presented to customs is not accepted, it shall be stamped "Not Taken on Charge" (see § 114.22(c)(2)). If merchandise not required to be transported inbond moving under cover of a TIR carnet is not exported, the carnet shall be stamped "Cancelled."

Section 114.31 is amended to read:

§ 114.31 Restrictions.

(a) *Mail importations.* Carnets shall not be accepted for importations by mail.

(b) *Temporary importations.* Merchandise not entitled to temporary importation under bond shall not be imported under cover of an A.T.A. or E.C.S. carnet.

(c) *Transportation in bond.* Except as provided in § 18.43 of this chapter, merchandise not entitled to transportation in bond shall not be transported under cover of a TIR carnet.

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

Section 123.42 is amended as follows:

Subparagraph (1) of paragraph (a) and that portion of paragraph (b) which precedes subparagraphs (1), (2), and (3) are amended to read:

§ 123.42 Truck shipments transiting the United States.

(a) *Procedure at U.S. port of arrival—*(1) *Combined inward foreign and in-transit manifest.* Trucks with merchandise transiting the United States from point to point in Canada shall present a combined inward foreign and in-transit manifest on customs Form 7512–B, Canada 8–1/2, to the customs officer at the port of arrival. The customs officer shall note on the form over his initials the seal numbers or the waiver of sealing, retain the original, and return three copies with the related customs Form 7512–C (duplicate) to the person in charge of the carrier to accompany the shipment for presentation and certification at the port of exit.

* * * * *

(b) *Procedure at U.S. port of exit.* The driver shall present the returned copies of the manifest and the related customs Form 7512–C (duplicate) to the customs officer at the U.S. port of exit. The customs officer shall check the numbers and condition of the seals and record and certify his findings on all copies of the manifest, returning two copies to the person in charge of the carrier. The check shall be made as follows:

* * * * *

Section 123.64(b) is amended to read:

§ 123.64 Baggage in transit through the United States between ports in Canada or in Mexico.

* * * * *

(b) *In-transit manifest.* Three copies of the manifest on customs Form 7520 shall be required. One copy of the Form 7520 and related customs Form 7512–C (duplicate) shall be delivered to the person in charge of the carrier to accompany the baggage and shall be delivered by the carrier to the customs officer at the port of departure from the United States.

* * * * *

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

[FR Doc.71–3179 Filed 3–5–71;8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148t—VIOMYCIN

Effective on publication in the FEDERAL REGISTER (3–6–71), Part 148t is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

§ 148t.1 Sterile viomycin sulfate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Viomycin sulfate is the sulfate salt of viomycin. It is so purified and dried that:

(i) Its potency is not less than 700 micrograms of viomycin per milligrams, on an anhydrous basis. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of viomycin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine nor histamine-like substances.

(vi) Its loss on drying is not more than 5 percent.

(vii) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 4.5 and not more than 7.0.

(viii) Its absorption maximum at approximately 268 nanometers does not vary more than ±3 nanometers from that of the viomycin working standard, similarly treated.

(ix) It is crystalline.

(2) *Packaging.* In addition to the requirements of § 148.2 of this chapter, if it is packaged for dispensing the viomycin content shall be 1 gram or 5 grams of viomycin per immediate container.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, loss on drying, pH, identity, and crystallinity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility; A minimum of 10 packages, each containing 300 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(1) For all tests except sterility: A minimum of 12 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration; and also if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute the stock solution with sterile distilled water to the reference concentration of 100 micrograms of viomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 10 milligrams of viomycin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

(6) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(7) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 100 milligrams of viomycin per milliliter.

(8) *Identity*—(i) *Phosphate buffer solution.* Mix 296.3 milliliters of 0.1*N* sodium hydroxide with 500 milliliters of 0.05*M* potassium phosphate (6.805 grams of KH_2PO_4 per 1,000 milliliters of water) and dilute with sufficient water to make 1 liter.

(ii) *Procedure.* Dissolve the working standard and the sample to be tested in sufficient potassium phosphate buffer solution to give solutions containing 10 micrograms per milliliter. Measure the ultraviolet absorption of each solution in a suitable spectrophotometer. Compare the spectrum of the sample qualitatively with that of the standard.

(9) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 20, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-3152 Filed 3-5-71;8:47 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alaska	Fairbanks North Star Borough.	Remainder	E 02 039 0000 01 E 02 039 0000 02	Local Affairs Agency, Office of the Governor, Juneau, Alaska 99801. Alaska Insurance Department, Room 416, Goldstein Bldg., Pouch D, Juneau, AK 99801.	Office of the Fairbanks North Star Borough Planning Department, 510-512 2d Ave., Fairbanks, AK 99701.	Mar. 5, 1971.
California	Contra Costa	El Cerrito	E 06 013 1100 01 E 06 013 1100 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Hall, 10890 San Pablo Ave., El Cerrito, CA 94530.	Do.
Do	San Diego	Unincorporated areas.	E 06 073 0000 01	do	Office of the Director, Department of Sanitation and Flood Control, San Diego County Project Works Agency, County Operations Center, 5555 Overland Ave., San Diego, CA 92123.	Do.
Do	San Mateo	Portola Valley	E 06 081 2898 01 through E 06 081 2898 04	do	Portola Valley Town Hall, 4141 Alpine Rd., Portola Valley, CA 94025.	Do.
Hawaii	Hawaii	Remainder	E 15 001 0000 01 through E 15 001 0000 04	Department of Land and Natural Resources, Box 621, Honolulu, HI 96809. Hawaii Insurance Department, Box 3614, Honolulu, HI 96811.	Office of the County of Hawaii Planning Department, 25 Aupuni St, Hilo, HI 96720.	Do.
New Jersey	Cape May	North Wildwood	I 34 009 2280 02	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ. 08625.	Office of the Tax Collector, City of North Wildwood, 901 Atlantic Ave., North Wildwood, NJ 08260.	Do.
New York	Nassau	Long Beach	E 36 059 3360 01	New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	City Hall, 1 West Chester St., Long Beach, NY 11561.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Oklahoma	Stephens	Comanche	E 40 137 1070 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Office Bldg., Oklahoma City, OK 73105.	City Hall, City of Comanche, Comanche, OK 73529.	Do.
Texas	Comal	Unincorporated areas.	E 48 091 0000 01	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the Road Administrator for Comal County, Room 309 County Courthouse, New Braunfels, TX 78140.	Do.
West Virginia	Logan	West Logan	E 54 045 2770 01	Department of Insurance, State of West Virginia, State Capitol, Charleston, WV 25305. Department of Insurance, State of West Virginia, State Capitol, Charleston, WV 25305.	Office of the Recorder, City Hall, West Logan, WV 25601.	Do.
Wisconsin	Wood	Unincorporated areas.	E 55 141 0000 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081.	Office of City-County Planning, Room 319, Wood County Courthouse, Wisconsin Rapids, WI 54494.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: March 5, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-2991 Filed 3-5-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alaska	Fairbanks North Star Borough.	Remainder	T 02 039 0000 01 T 02 039 0000 02	Local Affairs Agency, Office of the Governor, Juneau, Alaska 99801. Alaska Insurance Department, Room 416, Goldstein Bldg., Pouch D, Juneau, AK 99801.	Office of the Fairbanks North Star Borough Planning Department, 510-512 2d Ave., Fairbanks, AK 99701.	Mar. 5, 1971.
California	Contra Costa	El Cerrito	T 06 013 1100 01 T 06 013 1100 02	Department of Water Resources Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Hall, 10890 San Pablo Ave., El Cerrito, CA 94530.	Do.
Do	San Diego	Unincorporated areas.	T 06 073 0000 01	do	Office of the Director, Department of Sanitation and Flood Control, San Diego County Project Works Agency, County Operations Center, 5555 Overland Ave., San Diego, CA 92123.	Do.
Do	San Mateo	Portola Valley	T 06 081 2898 01 through T 06 081 2898 04	do	Portola Valley Town Hall, 4141 Alpine Rd., Portola Valley, CA 94025.	Do
Hawaii	Hawaii	Remainder	T 15 001 0000 01 through T 15 001 0000 04	Department of Land and Natural Resources, Box 621, Honolulu, HI 96809. Hawaii Insurance Department, Box 3614, Honolulu, HI 96811.	Office of the County of Hawaii Planning Department, 25 Aupuni St., Hilo, HI 96720.	Do.
New Jersey	Cape May	North Wildwood	H 34 009 2280 02	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Tax Collector, City of North Wildwood, 901 Atlantic Ave., North Wildwood, NJ 08260.	Aug. 6, 1970.
New York	Nassau	Long Beach	T 36 059 3360 01	New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	City Hall, 1 West Chester St., Long Beach, NY 11561.	Mar. 5, 1971.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oklahoma	Stephens	Comanche	T 40 137 1070 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Office Bldg., Oklahoma City, OK 73105.	City Hall, City of Comanche, Comanche, Okla. 73529.	Do.
Texas	Comal	Unincorporated areas.	T 48 091 0000 01	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the Road Administrator for Comal County, Room 309, County Courthouse, New Braunfels, TX 78140.	Do.
West Virginia	Logan	West Logan	T 54 045 2770 01	Department of Insurance, State of West Virginia, State Capitol, Charleston, WV 25305. Department of Insurance, State of West Virginia, State Capitol, Charleston, WV 25305.	Office of the Recorder, City Hall, West Logan, WV 25601.	Do.
Wisconsin	Wood	Unincorporated areas.	T 55 141 0000 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081.	Office of City-County Planning, Room 319, Wood County Courthouse, Wisconsin Rapids, WI 54494.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: March 5, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-2992 Filed 3-5-71;8:45 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN LAKE AND RESERVOIR AREAS

Part 311, Chapter III, of Title 36 of the Code of Federal Regulations is revised to read as follows:

Sec.
311.0 Determination of the Secretary.
311.1 Areas covered.
311.2 Boats, commercial.
311.3 Boats and other vessels, private.
311.4 Mooring, care and sanitation of boats and floating facilities.
311.5 Swimming and bathing.
311.6 Hunting and fishing.
311.7 Camping.
311.8 Picnicking.
311.9 Access to water areas.
311.10 Destruction of public property.
311.11 Firearms, explosives, fireworks and other weapons of all kinds.
311.12 Gasoline and oil storage.
311.13 Sanitation.
311.14 Advertisements.
311.15 Unauthorized solicitations and business activities.
311.16 Commercial operations.
311.17 Recreational activity programs.
311.18 Abandonment of personal property.
311.19 Discriminatory practices prohibited.
311.20 Control of horses, dogs, cats and pets.
311.21 Visiting hours.
311.22 Noise levels.
311.23 Vehicles.

AUTHORITY: The provisions of this Part 311 issued under sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d.

§ 311.0 Determination of the Secretary.

The Secretary of the Army having determined that the use of certain lake and reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the lake or reservoir for their primary purposes, hereby prescribes the following rules and regulations pursuant to the provision of section 4 of the Act of Congress approved December 22, 1944, as amended (16 U.S.C. 460d.), for the public use of certain lake and reservoir areas. Such public use is also subject to applicable State, local, and other Federal laws and regulations.

§ 311.1 Areas covered.

(a) The regulations contained in this part shall be applicable to:

ARKANSAS

Beaver Lake Area, White River.
Blakely Mountain Dam (Lake Ouachita) Area, Ouachita River.
Blue Mountain Lake Area, Petit Jean River.
Bull Shoals Lake Area, White River.
De Gray Lake Area, Caddo River.
De Queen Lake Area, Rolling Fork River.
Greers Ferry Lake Area, Little Red River.
Millwood Lake Area, Little River.
Narrows Dam (Lake Greeson) Area, Little Missouri River.
Nimrod Lake Area, Fourche La Fave River.
Norfolk Lake Area, North Fork River.
Table Rock Lake Area, White River.

CALIFORNIA

Black Butte Lake Area, Stony Creek.
Coyote Valley Dam (Lake Mendocino) Area, Eastern Fork of Russian River.
Harry L. Englebright Lake Area, Yuba River.
Isabella Lake Area, Kern River.
New Hogan Lake Area, Calaveras River.
North Fork Lake Area, North Fork American River.
Pine Flat Lake Area, Kings River.
Success Lake Area, Tule River.
Terminus Dam (Lake Kaweah) Area, Kaweah River.

COLORADO

Cherry Creek Dam and Reservoir Area, Cherry Creek.
John Martin Lake Area, including Lake Hasty, Arkansas River.

CONNECTICUT

Colebrook River Lake Area, West Branch Farmington River.
Hop Brook Lake Area, Hop Brook.
Hancock Brook Dam Area, Hancock Brook.
Mansfield Hollow Lake Area, Natchaug River.
Northfield Brook Lake Area, Northfield River.
Thomaston Dam Area, Naugatuck River.
West Thompson Lake Area, Quinebaug River.

GEORGIA

Allatoona Lake Area, Etowah River.
Buford Dam (Lake Sidney Lanier) Area, Chattahoochee River.
Clark Hill Lake Area, Savannah River.
Hartwell Lake Area, Savannah River.

IDAHO

Albeni Falls Dam Area, Pend Oreille River.
Lucky Peak Lake Area, Boise River.

ILLINOIS

Carlyle Lake Area, Kaskaskia River.

INDIANA

Huntington Lake Area, Wabash River.
Mansfield Lake Area, Raccoon Creek.
Mississinewa Lake Area, Mississinewa River.
Monroe Lake Area, Salt Creek.
Salamonie Lake Area, Salamonie River.

IOWA

Coralville Lake Area, Iowa River.
Rathbun Lake Area, Chariton River.
Red Rock Dam, Lake Red Rock Area, Des Moines River.

KANSAS

Council Grove Lake Area, Grand (Neosho) River.
Elk City Lake Area, Elk River.
Fall River Lake Area, Fall River.
Hulah Lake Area, Caney River.
John Redmond Dam and Reservoir Area, Grand (Neosho) River.
Kanopolis Lake Area, Smoky Hill River.
Melvern Lake Area, Marais Des Cygens River.
Milford Lake Area, Republican River.
Perry Lake Area, Delaware River.
Pomona Lake Area, One Hundred Ten Mile Creek.
Toronto Lake Area, Verdigris River.
Tuttle Creek Lake Area, Big Blue River.
Wilson Lake Area, Saline River.

KENTUCKY

Barren River Lake Area, Barren River.
Buckhorn Lake Area, Middle Fork of Kentucky River.
Dale Hollow Lake Area, Obey River.
Dewey Lake Area, Johns Creek.
Fishtrap Lake Area, Levisa Fork.
Grayson Lake Area, Little Sandy River.
Green River Lake Area, Green River.
Nolin Lake Area, Nolin River.
Rough River Lake Area, Rough River.
Wolf Creek Dam and Lake Cumberland Area, Cumberland River.

MARYLAND

Youghiogheny River Lake Area, Youghiogheny River.

MASSACHUSETTS

Barre Falls Dam Area, Ware River.
Birch Hill Dam Area, Millers River.
Buffumville Lake Area, Little River.
Conant Brook Dam Area, Conant Brook.
East Brimfield Lake Area, Quinebaug River.
Hodges Village Dam Area, French River.
Knightville Dam Area, Westfield River.
Littleville Lake Area, Middle Branch of Westfield River.
Tully Dam Area, East Branch of Tully River.
West Hill Dam Area, West River.
Westville Lake Area, Quinebaug River.

MISSISSIPPI

Arkabutla Lake Area, Coldwater River.
Enid Lake Area, Yocona River.
Grenada Lake Area, Yalobusha and Skuna Rivers.
Okatibee Lake Area, Okatibee Creek.
Sardis Lake Area, Little Tallahatchie River.

MISSOURI

Bull Shoals Lake Area, White River.
Clearwater Lake Area, Black River.
Harry S. Truman Dam and Reservoir Area, Osage River.
Norfolk Lake Area, North Fork River.
Pomme de Terre Lake Area, Pomme de Terre River.
Stockton Lake Area, Sac River.
Table Rock Lake Area, White River.
Wappapello Lake Area, St. Francis River.

MONTANA

Fort Peck Lake Area, Missouri River.

NEBRASKA

Gavins Point Dam (Lewis and Clark Lake) Area, Missouri River.
Harlan County Lake Area, Republican River.

NEW HAMPSHIRE

Blackwater Dam Area, Blackwater River.
Edward MacDowell Dam Area, Nubanusit Brook.
Everett Lake Area, Piscataquog River.
Franklin Falls Dam Area, Pemigewasset River.
Hopkinton Lake Area, Contoocook River.
Otter Brook Lake Area, Otter Brook.
Surry Mountain Lake Area, Ashuelot River.

NEW MEXICO

Abiquiu Dam Area, Rio Chama.
Conchas Lake Area, Canadian River.
Jemez Canyon Dam Area, Jemez River.
Two Rivers Dam Area, Rio Hondo.

NEW YORK

Almond Lake Area, Canacadea Creek.
East Sidney Lake Area, Ouleout Creek.
Whitney Point Lake Area, Otselic River.

NORTH CAROLINA

John H. Kerr Dam and Reservoir Area, Roanoke River.
W. Kerr Scott Dam and Reservoir Area, Yadkin River.

NORTH DAKOTA

Baldhill Dam and Lake Ashtabula Area, Sheyenne River.
Bowman—Haley Lake Area, North Fork of Grand River.
Garrison Dam (Lake Sakakawea) Area, Missouri River.
Homme Lake Area, Park River.
Oahe Dam and Lake Oahe Area, Missouri River.

OHIO

Alum Creek Lake Area, Alum Creek.
Berlin Lake Area, Mahoning River.
Deer Creek Lake Area, Deer Creek.
Delaware Lake Area, Olentangy River.
Dillon Lake Area, Licking River.
North Branch of Kokosing Lake Area, Kokosing River.
Paint Creek Lake Area, Paint Creek.
Shenango River Lake Area, Shenango River.

OKLAHOMA

Broken Bow Reservoir Area, Mountain Fork River.
Canton Lake Area, North Canadian River.
Eufaula Lake Area, Canadian River.
Fort Gibson Lake Area, Wolf Creek.
Fort Supply Lake Area, Wolf Creek.
Keystone Lake Area, Arkansas River.
Heyburn Lake Area, Polecat Creek.
Hulah Lake Area, Caney River.
Denison Dam (Lake Texoma) Area, Red River.
Oologah Lake Area, Verdigris River.
Pine Creek Lake Area, Little River.
Tenkiller Ferry Reservoir and Tenkiller Ferry Lake Area, Illinois River.
Wister Lake Area, Poteau River.

OREGON

Cottage Grove Lake Area, Coast Fork of Willamette River.
Dexter Lake Area, Middle Fork Willamette River.
Dorena Lake Area, Row River.
Fall Creek Lake Area, Fall Creek.
Fern Ridge Dam and Lake Area, Long Tom River.
Foster Lake Area, South Santiam River.
Green Peter Lake Area, Middle Santiam River.
Lookout Point Lake Area, Middle Fork Willamette River.

PENNSYLVANIA

Alvin R. Bush Lake Area, Kettle Creek.
Bear Creek Lake Area, Lehigh River.
Conemaugh River Lake Area, Conemaugh River.
Crooked Creek Lake Area, Crooked Creek.
Curwensville Lake Area, West Branch Susquehanna River.
Foster Joseph Sayers Dam Area, Bald Eagle Creek.
Loyalhanna Lake Area, Loyalhanna Creek.
Mahoning Creek Lake Area, Mahoning Creek.
Prompton Lake Area, Lackawaxen River.
Shenango River Lake Area, Shenango River.
Tionesta Lake Area, Tionesta Creek.
Youghiogheny River Lake Area, Youghiogheny River.

SOUTH CAROLINA

Clark Hill Lake Area, Savannah River.
Hartwell Lake Area, Savannah River.

SOUTH DAKOTA

Big Bend Dam (Lake Sharpe) Area, Missouri River.
Cold Brook Lake Area, Cold Brook.
Fort Randall Dam (Lake Francis Cace) Area, Missouri River.
Gavins Point Dam (Lewis and Clark Lake) Area, Missouri River.
Oahe Dam—Lake Oahe Area, Missouri River.

TENNESSEE

Center Hill Lake Area, Caney Fork River.
Dale Holow Lake Area, Obey River.
J. Percy Priest Dam and Reservoir Area, Stones River.

TEXAS

Bardwell Lake Area, Waxahachie Creek.
Belton Lake Area, Leon River.
Benbrook Lake Area, Clear Fork of the Trinity River.
Canyon Lake Area, Gualalupe River.
Denison Dam (Lake Texoma) Area, Red River.
Ferrells Bridge Dam (Lake O' the Pines) Area, Cypress Creek.
Garza—Little Elm Reservoir (Lewisville Dam) Area, Elm Fork, Trinity River.
Grapevine Lake Area, Denton Creek.
Hords Creek Lake Area, Hords Creek.
Lavon Lake Area, East Fork Trinity River.
Navarro Mills Lake Area, Richland Creek.
Pat Mayse Lake Area, Sanders Creek.
Proctor Lake Area, Leon River.
San Angelo Lake Area, North Concho River.
Sommerville Lake Area, Yegua Creek.
Stillhouse Hollow Dam Area, Lampasas River.
Texarkana Lake Area, Sulphur River.
Town Bluff Dam and B. A. Steinhagen Lake Area, Neches River.
Waco Lake Area, Bosque River.
Whitney Lake Area, Brazos River.

VERMONT

Ball Mountain Dam Area, West River.
North Hartland Lake Area, Ottauqueshee River.
North Springfield Lake Area, Black River.
Townshend Lake Area, West River.
Union Village Dam Area, Ompompanoosuc River.

VIRGINIA

Bluestone Lake Area, New River.
John H. Kerr Dam and Reservoir Area, Roanoke River.
John W. Flannagan Dam and Reservoir Area, Pound River.
North Fork of Pound River Lake Area, North Fork of Pound River.
Philpott Lake Area, Smith River.

WASHINGTON

Chief Joseph Dam Area, Columbia River.
Mill Creek Lake Area, Mill Creek.

WEST VIRGINIA

Bluestone Lake Area, New River.
Beech Fork Lake Area, Beech Fork Creek.
Burnsville Lake Area, Little Kanawha River.
East Lynn Lake Area, Twelve Pole Creek.
R. D. Bailey Lake Area, Guyandotte River.
Summersville Lake Area, Gauley River.
Sutton Lake Area, Elk River.

(b) In those portions of the lake or reservoir area which are now or which hereafter are managed by other governmental agencies (including State, county, and municipal) pursuant to leases or licenses granted by the Department of the Army, such agencies may make and enforce such rules and regulations as are necessary, and within their legal authority.

§ 311.2 Boats, commercial.

(a) No boat, barge or other vessel shall be placed upon or operated upon any water of the lake or reservoir for a fee or profit, either as a direct charge to a second party, or as an incident to other services provided to a second party, except as specifically authorized by lease, license, or concession contract with the Department of the Army, or except for commercial navigation on a lake or reservoir which is navigable by law.

(b) All such watercraft authorized for commercial service, including rental units, shall have the maximum passenger carrying capacity (number of persons authorized by State and local law and/or in the absence thereof by ratings figured on Outboard Boating Club manufacturers rating) plainly posted in a conspicuous place inside the watercraft.

§ 311.3 Boats and other vessels, private.

(a) The operation of boats, houseboats, cabin cruisers and other vessels on the lake or reservoir for fishing and recreational use is permitted except in prohibited areas as contained in regulations in this part and as designated by the District Engineer in charge of the project.

(b) Except for the lakes and reservoirs listed in this paragraph, a permit is required from the District Engineer or his authorized representative for placing and operating a vessel on the lake or reservoir for a period longer than 3 days, unless the boat or other vessel is registered and displays a valid State or U.S. Coast Guard number. No charge will be made for this permit. The permit shall be kept aboard the vessel at all times that the vessel is in operation on the lake or reservoir. The District Engineer in charge of the area or his authorized representative shall have authority to revoke the permit and to require removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations of this part.

IDAHO

Albeni Falls Dam Area, Pend Oreille River.

WASHINGTON

Chief Joseph Dam Area, Columbia River.

(c) Unsafe boats or other vessels will not be permitted on the lake or reservoir. The District Engineer may require the applicant for a permit to furnish the construction plans and other information pertaining to the construction and equipment of the boat or other vessel prior to issuing a permit for its operation on the lake or reservoir. All boats permitted on the lake or reservoir shall be equipped for safe operation and operated in a safe manner in accordance with instructions issued by the District Engineer. These instructions may provide that the operation of speed boats and water skiing activities shall be confined to areas of water designated by the District Engineer for such activities.

(d) Houseboats, cabin cruisers, and other vessels may be placed and operated on the lakes and reservoirs, except that such a facility shall not be utilized for human habitation at a fixed or permanent mooring point and if equipped with toilets and galley shall not be placed on lakes and reservoirs with small permanent pools, or where prohibited by State and/or local laws and regulations. Such vessels may be barred from other lakes and reservoirs by the District Engineer with the concurrence of the Chief of Engineers in those lakes and reservoirs in which the waters thereof are used for domestic water supply when the District Engineer determines that such use is contrary to the public health and safety.

§ 311.4 Mooring, care and sanitation of boats and floating facilities.

(a) All boats or other vessels when not in actual use must be either removed from the lake or reservoir, securely moored at authorized docks or boathouses where supervision by the owner or his representative is provided on a 24-hour-day basis or placed in the care of a marina concessionaire, State or local managing agency or other party authorized to care for floating equipment on a 24-hour-day basis.

(b) All boats, barges, and other vessels or floating facilities will be moored only in locations designated by the District Engineer or his designated representative. All floating or stationary mooring facilities will be constructed in accordance with approved plans and specifications and will require a permit, lease or license approved by the District Engineer or his designated representative. He shall have authority to revoke such permits, leases, or licenses and require removal of the facility for failure of the permittee, lessee or licensee to comply with the terms and conditions of the permit, lease, or license or with the regulations in this part.

(c) The discharge of sewage, garbage, or other pollutants in the waters of the lake or reservoir from any boat, barge, or other vessel on the reservoir is prohibited except in accordance with regulations of the Environmental Protection Agency, State and local health agencies permitting such discharge when underway in deep waters other than embayments. All such pollutants shall be deposited ashore at places designated for such deposit and disposal.

§ 311.5 Swimming and bathing.

Swimming and bathing are permitted except in prohibited areas designated by the District Engineer or State and local health authorities.

§ 311.6 Hunting and fishing.

(a) Hunting, fishing, and trapping are permitted in accordance with all applicable Federal, State and local laws for the protection of fish and game except in prohibited areas including the following:

(1) Public access, park and recreation areas in which all hunting is prohibited;

(2) Prohibited areas designated by the District Engineer in which hunting or fishing or both are prohibited;

(3) Prohibited areas designated by Federal or State managing agencies under applicable laws administered by such agencies.

(b) Hunting is restricted to the use of hunting devices authorized under Federal, State, and local laws and regulations.

(c) A permit shall be obtained from the District Engineer or his authorized representative to construct a duck blind on the land and/or water in any lake or reservoir area listed in § 311.1 except for the Wappapello Lake Area, St. Francis River, Mo., on which duck blinds may be permitted or prohibited in accordance with regulations of the Missouri Conservation Commission relative to duck hunting.

§ 311.7 Camping.

(a) Camping is permitted only at areas dsignated by the District Engineer in charge of the lake or reservoir area or his authorized representative or the managing agency referred to in § 311.1(b).

(b) The length of stay is limited to 14 consecutive days except where the District Engineer or his authorized representative or the managing agency referred to in § 311.1(b) determines a lesser stay is warranted. However, where ample facilities exist to serve the public at the time, the length of stay may be extended to no more than 30 consecutive days by special permission of the District Engineer or his authorized representative or the managing agency referred to in § 311.1(b). No trailer, tent or other camping unit is permitted to remain more than 30 consecutive days.

(c) Camping fees, where applicable, will be as posted.

(d) Camping equipment shall not be abandoned or left unattended for 24 hours or more, and such equipment may not be placed on a camp site prior to actual occupancy.

(e) The installation by campers of any permanent facility at any camp ground is prohibited.

(f) Campers shall keep their campgrounds clean and dispose of combustibles and refuse in accordance with instructions posted at each campground by the District Engineer or his authorized representative or the managing agency referred to in § 311.1(b).

(g) Due to diligence shall be exercised in building and putting out camp fires to prevent damages to trees and vegetation and to prevent forest fires and grass fires.

(h) Camping equipment shall be completely removed and the sites cleaned before the departure of the campers.

(i) Quiet shall be maintained in all camping areas between the hours of 10 p.m. and 6 a.m.

§ 311.8 Picnicking.

(a) Picnicking is permitted except in prohibited areas designated by the District Engineer or his authorized representative, or the managing agency referred to in § 311.1(b).

(b) Picnickers shall keep their picnic area clean and dispose of garbage and refuse in accordance with instructions posted by the District Engineer or his authorized representative or the managing agency referred to in § 311.1(b).

(c) Due diligence shall be exercised in building and putting out fires to prevent damages to trees and vegetation and to prevent forest and grass fires.

§ 311.9 Access to water areas.

(a) Pedestrian access is permitted along the shores of the lake or reservoir except in areas designated by the District Engineer or his authorized representative.

(b) Vehicular access is permitted only over open public lake and reservoir roads. The operator of any vehicle shall obey all posted vehicular traffic control signs and devices.

(c) Access for the general public to launch boats is permitted only at the public launching sites designated by the District Engineer.

§ 311.10 Destruction of public property.

The destruction, injury, defacement, or removal of public property or of vegetation, rock, or minerals, except as authorized is prohibited.

§ 311.11 Firearms, explosives, fireworks and other weapons of all kinds.

Loaded firearms, any projectile firing devices, bows and arrows, crossbows, and explosives of any kind are prohibited in the area, except when in the possession of a law enforcement officer or Government employee on official duty, when any hunting devices are being used for hunting during the hunting season as permitted under § 311.6 or when specifically authorized by the District Engineer. The use of fireworks is prohibited in the area, except when authorized by the District Engineer or his authorized representative for special purposes.

§ 311.12 Gasoline and oil storage.

Gasoline and other flammable or combustible liquids shall not be stored in, upon, or about the lake or reservoir or shores thereof without the written permission of the District Engineer or his authorized representative.

§ 311.13 Sanitation.

Dumping and unauthorized disposal in any manner of refuse, garbage, rubbish, trash, or litter of any kind at such waters resources development projects, either into the waters of such projects or onto any land federally owned and administered by the Chief of Engineers is prohibited, except at designated points or places designed for the sanitary disposal thereof.

§ 311.14 Advertisements.

Private notices and advertisements shall not be posted, distributed or displayed in the lake or reservoir area except such as the District Engineer or his authorized representative may deem necessary for the convenience and guidance of the public using the area for recreational purposes.

§ 311.15 Unauthorized solicitations and business activities.

No person, firm, or corporation, or their representatives shall engage in or solicit any business on the lake or reservoir area without permission in writing from the District Engineer or in accordance with terms of a lease, license, or concession contract with the Department of the Army.

§ 311.16 Commercial operations.

All commercial operations or activities on the waters or on the lands under the control of the Department of the Army around the lake or reservoir shall be in accordance with lease, license, or other agreements with the Department of the Army.

§ 311.17 Recreational activity programs.

(a) Special events such as water carnivals, boat regattas, music festivals, dramatic presentations, or other special recreational programs of interest to the general public are permitted in areas designated by the District Engineer or his authorized representative.

(b) A permit shall be obtained from the District Engineer or his authorized representative by the governmental or legally responsible private agency proposing to hold a special event as indicated in this section. No charge will be made for this permit.

(c) The District Engineer in charge of the area shall have authority to revoke any permit granted under this section and to require the removal of any equipment upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

§ 311.18 Abandonment of personal property.

Abandonment of personal property on the land or waters of the lake or reservoir area is prohibited. Personal property shall not be left unattended upon the lands and waters of the lake or reservoir area except in accordance with the regulations prescribed in this part or under permits issued therefor. The Government assumes no responsibility for personal property and if such property is abandoned or left unattended in other than places designated in a permit issued therefor or under a regulation for a period in excess of 24 hours it will be impounded, and if not reclaimed by the owners it will be treated as abandoned private personal property. The District Engineer may assess a reasonable impoundment fee, which shall be paid before the impounded property may be returned to its owners.

§ 311.19 Discriminatory practices prohibited.

All project land and water areas which are open to the public shall be available for use and enjoyment by the public without regard to race, creed, color, or national origin. No lessee or licensee of a project area under lease or license providing for a public or quasi-public use, including group camp activities, and no concessionaire of a lessee or license providing a service to the public, including facilities and accommodations, shall discriminate against a person or persons because of race, creed, color, or national origin in the conduct of its operations under the lease, license or concession agreements.

§ 311.20 Control of horses, dogs, cats and pets.

(a) Horseback riding is prohibited in developed camping, picnicking, and swimming beach areas and areas as may be designated by the District Engineer or his authorized representative or the managing agency referred to in § 311.1(b).

(b) Dogs, cats, and pets are prohibited unless they are caged, penned, on a leash no longer than 6 feet, or otherwise under physical restrictive control at all times.

(c) Horses, dogs, cats, and pets are prohibited in designated beach areas.

§ 311.21 Visiting hours.

The District Engineer or his authorized representative or the managing agency referred to in § 311.1(b) may establish a reasonable schedule of visiting hours for all or portions of the area and close or restrict the public use of all or any portion of the area, when necessary for the protection of the area or the safety and welfare of persons or property by posting of appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours.

§ 311.22 Noise levels.

The operation or use of any audio or noise producing device including communication media and motorized equipment or vehicles in such a manner as to unreasonably annoy or endanger persons in any public place on the project is prohibited.

§ 311.23 Vehicles.

The following are prohibited at developed recreation sites:

(a) Driving motor vehicles in excess of posted speeds.

(b) Driving or parking any vehicle or trailer except in places developed for this purpose.

(c) Driving any vehicle carelessly and heedlessly disregarding the rights or safety of others or without due caution and at a speed, or in a manner, so as to endanger, or be likely to endanger, any person or property.

(d) Driving bicycles, motorbikes, motorcycles, snowmobiles, or other recreational vehicles within developed recreation sites, except where otherwise designated by appropriate signs.

(e) Driving motorbikes, motorcycles, snowmobiles, or other motor vehicles on roads in developed recreation sites for any purpose other than access into, or egress out of, the site.

(f) Operating a motor vehicle at any time without a muffler in good working order, or operating a motor vehicle in such a manner as to create excessive or unusual noise or annoying smoke, or using a muffler cutoff, bypass, or similar device.

(g) Excessively accelerating the engine of a motor vehicle or motorcycle when

such vehicle is not moving or is approaching or leaving a stopping place.

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-3143 Filed 3-5-71;8:46 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5028]

[Colorado 1513]

COLORADO

Opening of Lands Subject to Section 24 of the Federal Power Act

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. sec. 818 (1964), it is ordered as follows:

In DA-490-Colorado, the Federal Power Commission determined that the power value of the following described national forest land, withdrawn in Powersite Classification No. 431 of May 5, 1954, will not be injured or destroyed by restoration to location, entry, or selection under the appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act, supra:

WHITE RIVER NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 88 W., sec. 36, lot 4.

The area described aggregates 40.07 acres in Gunnison County.

At 10 a.m. on April 6, 1971, the land shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals, and subject to the provisions of section 24 of the Federal Power Act, supra.

The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location and entry under the U.S. mining laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 1, 1971.

[FR Doc.71-3153 Filed 3-5-71;8:47 am]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 70—STANDARDS FOR A MERIT SYSTEM OF PERSONNEL ADMINISTRATION

The regulations set forth below, approved by the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Secretary of Defense, amend Subtitle A, Title 45 of the Code of Federal Regulations by revising Part 70 pertaining to personnel standards on a merit basis in the administration of various grant-in-aid programs. The revision of the regulations is designed to strengthen equal employment opportunity provisions, to facilitate employment of the disadvantaged, to emphasize the options available to State and local governments, to promote flexibility and experimentation in approaches to personnel administration, and to clarify the intent of the Standards.

These amendments shall be effective upon their publication in the FEDERAL REGISTER. Notice of proposed rule making has been dispensed with for good cause since notice and public procedure thereon are unnecessary and impracticable for the following reasons.

The revision is designed to promote flexibility and encourage innovation in personnel administration by State and local agencies administering federally aided programs, and delay would be contrary to the interest of such agencies, their employees, persons seeking employment with them, and the public.

There was substantial consultation with State, local, and Federal officials in developing the amendments, and they were submitted formally for comments to groups represented by the Advisory Commission on Intergovernmental Relations in accordance with Bureau of the Budget Circular A-85, and favorable response was received.

On January 5, 1971, the President approved the Intergovernmental Personnel Act of 1970, 84 Stat. 1909, Public Law 91-648. Section 208 of this Act provides for transfer to the U.S. Civil Service Commission on March 6, 1971, of all the functions, powers, and duties of the Secretary of Labor and the Secretary of Health, Education, and Welfare relating to the prescription of personnel standards on a merit basis under various laws, including those which are implemented by these regulations. Even if the proposed rule making procedure were initiated at this time, a decision to adopt the proposed rules and their publication as final regulations could not be accomplished prior to the transfer of authority. In this situation, the urgently needed revision could be further delayed pending de novo consideration of the matter by the Civil Service Commission.

The Intergovernmental Personnel Act provides that the Standards in effect at the time of transfer of functions to the Civil Service Commission continue in effect until modified or superseded by the Commission. It is desirable that these revised Standards be effective rather than those issued in 1963. The Civil Service Commission concurs in this approach.

Part 70 is revised to read as set forth below:

Sec.
70.1 Purpose.
70.2 Jurisdiction.
70.3 Merit system organization.
70.4 Equal employment opportunity.
70.5 Employee-management relations.
70.6 Political activity.
70.7 Classification.
70.8 Compensation.
70.9 Recruitment.
70.10 Selection.
70.11 Appointment.
70.12 Career advancement.
70.13 Layoffs and separations.
70.14 Cooperation between merit systems.
70.15 Extension of merit system.
70.16 Personnel records and reports.

AUTHORITY: The provisions of this Part 70 issued under: 29 U.S.C. 49d(b); 40 U.S.C. 484(j); 42 U.S.C. 246(a)(2)(F), 246(d)(2)(F), 291d(a)(8), 302(a)(5)(A), 503(a)(1), 602(a)(5)(A), 639, 705(a)(3)(A), 1202(a)(5)(A), 1302, 1352(a)(5)(A), 1382(a)(5)(A), 1395hh, 1396a(a)(4)(A), 2674(b)(7), 2684(a)(6), 3023(a)(6), 4573(a)(5); 50 U.S.C. App. 2286(a)(4).

§ 70.1 Purpose.

(a) These standards are promulgated by the Departments of Health, Education, and Welfare, Labor, and Defense to implement statutory and regulatory provisions requiring the establishment and maintenance of personnel standards on a merit basis in the administration of various grant-in-aid programs.

(b) The development of proper and efficient administration of the grant-in-aid programs is a mutual concern of the Federal, State, and local agencies cooperating in the programs. Proper and efficient administration requires clear definition of functions, employment of the most competent available personnel, and development of staff morale and individual efficiency. The cooperative efforts of merit system and program agency personnel offices in providing comprehensive personnel programs are essential. Such programs provide for analyzing and classifying jobs; establishing adequate and equitable salary, fringe benefit, and retirement plans; projecting manpower needs and planning to meet them; developing effective recruitment, selection, placement, training, employee evaluation, and promotion programs; assuring equal opportunity and providing affirmative action programs to achieve that end; protecting employees from discrimination, arbitrary removal, and political pressures; conducting positive employee-management relations and communications; and providing research to improve personnel methods. Personnel programs must be planned and administered in a timely, expeditious manner to meet effectively program and merit system objectives.

(c) An integral part of the grant-in-aid programs is the maintenance by the State and local governments of a merit system of personnel administration for the grant-aided agencies. The Federal agencies are interested in the development and continued improvement of State and local merit systems but exercise no authority over the selection, tenure of office, or compensation of any individual employed in conformity with the provisions of such systems.

(d) Laws, rules, regulations, and policy statements to effectuate a merit system in accordance with these standards are a necessary part of the approved State plans required as a condition of Federal grants. Such laws, rules, regulations, policy statements, and amendments thereto, will be reviewed for substantial conformity to these standards. The administration of the merit system will likewise be subject to review for compliance in operation.

(e) Continuing application of these standards will give reasonable assurance of a proper basis for personnel administration, promote a career service, and result in increased operating efficiency and program effectiveness. Within these standards means are provided for the effectuation of national policies for structuring jobs and the training and employment of the disadvantaged.

(f) In order to assist State and local jurisdictions in maintaining their merit systems under these standards, technical consultative service will be made available.

§ 70.2 Jurisdiction.

These standards are applicable to all personnel, both State and local, except those exempted in this section, engaged in the administration of grant-in-aid programs under Federal laws and regulations requiring the establishment and maintenance of personnel standards on a merit basis. The standards apply to personnel engaged in the administration of the federally aided programs, irrespective of the source of funds for their individual salaries. The following positions may be exempted from application of these standards: Members of policy, advisory, review, and appeals boards or similar bodies who do not perform administrative duties as individuals; officials serving ex officio and performing incidental administrative duties; the executive head and a deputy or deputies to the executive head of each State agency as warranted by the size and complexity of the organization, scope of programs, and nature of the positions; one confidential assistant or secretary to any of the foregoing exempted officials; attorneys serving as legal counsel; the executive head of an independent local public health or civil defense agency; part-time professional health and related personnel; time-limited positions established for the purpose of conducting a special study or investigation; and unskilled labor.

§ 70.3 Merit system organization.

(a) Any one of a variety of types of merit system organizations covering substantially all employees in a State or local government would meet the requirements of this section if it adequately provides for impartial administration and the system and its administration are in substantial conformity with these standards. The system will be administered by a qualified merit system executive who may be responsible to the chief executive, a top level official, or a board or commission.

(b) In the absence of such a system, a State may establish a cooperative interagency merit system for the grant-aided agencies covered by the standards. In the interest of economy, efficiency, and effectiveness, a single cooperative merit system will be established for all of these grant-aided agencies. The cooperative merit system will be administered by a qualified executive and adequate staff appointed on the basis of merit and serving in accordance with the provisions of the merit system. An impartial citizens' merit system council will be established to assure that in accordance with merit principles public employment is based on the public interest, including management effectiveness and sound employee relations. The members of this council or board will be appointed by the chief executive or by the administrative agencies, as determined by the State, and will serve overlapping terms. No member will be employed in any other capacity in any of the agencies covered by the merit system.

(c) A local government may elect, at the option of the State, to cover grant-aided programs under a merit system serving other grant-aided agencies covered by the standards, such as a system serving State agencies, another city or county, or a group of local jurisdictions.

§ 70.4 Equal employment opportunity.

Equal employment opportunity will be assured in the State system and affirmative action provided in its administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin, or other nonmerit factors will be prohibited. Discrimination on the basis of age or sex or physical disability will be prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration. The regulations will include provisions for appeals in cases of alleged discrimination to an impartial body whose determination shall be binding upon a finding of discrimination.

§ 70.5 Employee-management relations.

The rights of public employees to organize and join or refrain from joining an organization for purposes of representation and the matters on which they may negotiate or on which management agrees to meet and confer should be delineated, along with other employee rights and obligations and management rights and obligations. Means should be established for resolution of impasses. The maintenance of a system of personnel administration based on merit principles must be assured.

§ 70.6 Political activity.

Every employee will have the right freely to express his views as a citizen and to cast his vote. Coercion for political purposes of and by employees of federally aided programs and use of their positions for political purposes will be prohibited. Participation in partisan political activity by an employee subject to these standards will be prohibited with respect to activity prohibited in federally grant-aided programs under the Federal Hatch Political Activities Act, as amended, 5 U.S.C. 1501-1508. (Individuals whose principal employment is in a federally grant-aided program are subject to the prohibitions in the Hatch Act, administered by the U.S. Civil Service Commission, regardless of whether their employment is covered by these standards.)

§ 70.7 Classification.

A position classification plan based upon analysis of the duties and responsibilities of each position will be established and maintained on a current basis. The classification plan will include an appropriate title for each class of position, a description of the duties and responsibilities of positions in the class, and minimum requirements of training, experience, skills, knowledges, abilities, and other qualifications necessary for entry into the class.

§ 70.8 Compensation.

(a) A plan of compensation for all classes of positions will be established and maintained on a current basis. The plan will include salary rates adjusted to the responsibility and difficulty of the work and will take into account the prevaling compensation for comparable positions in the recruiting areas and in other agencies of the Government and other relevant factors. It will provide for salary advancement for full-time permanent employees based upon quality and length of service and for other salary adjustments.

(b) Compensation in a local agency will be governed by a compensation plan which, at the option of the State, is established by: a local government and covers other local agencies; the State and covers local grant-aided agencies; or the State and covers the agency responsible for State administration of Federal grants.

§ 70.9 Recruitment.

An active recruiting program will be conducted, based upon a plan to meet current and projected manpower needs. The recruiting efforts of the merit system and program agencies will be coordinated and carried out in a timely manner. Recruitment will be tailored to the various classes of positions to be filled and will be directed to all appropriate sources of applicants in order to attract an adequate number of candidates for consideration and to permit successful competition with other employers. Recruiting publicity will be carried out through all appropriate media for a sufficient period to assure open opportunity for the public to apply and be considered for public employment on the basis of abilities and potential. Such publicity will indicate that the agency is an equal opportunity employer.

§ 70.10 Selection.

(a) Selection for entrance to the career service will be through open competition. The selection process will maximize reliability, objectivity, and validity

through a practical and normally multipart assessment of applicant attributes necessary for successful job performance and career development. Applicants will meet the minimum requirements of the job class. The parts of the total examination will consist, in various combinations as appropriate to the class and to available manpower resources, of such devices as work-sample and performance tests, practical written tests, individual and group oral examinations, ratings of training and experience, physical examinations, and background and reference inquiries. In determining ranking of candidates, the examination parts will be appropriately weighted.

(b) To facilitate employment of disadvantaged persons in aide or similar positions, competition may be limited to such individuals.

§ 70.11 Appointment.

(a) Appointments to positions not herein exempted will be made on the basis of merit by selection from among the highest available eligibles on appropriate registers established in accordance with the above provisions on recruitment and selection. Permanent appointment will be based upon satisfactory performance of employees during a fixed probationary period.

(b) In the absence of an appropriate register, individuals appointed to temporary or other nonstatus positions or given provisional appointments to permanent positions pending establishment of a register will be certified by the merit system executive as meeting at least the minimum qualifications established for the class of position. Such appointments will be time-limited. Provisional appointments will not be continued beyond the established time limit unless compelling extenuating circumstances exist and are a matter of record. Provisional appointments will be terminated within a specified reasonable period following establishment of an appropriate list of eligibles.

(c) Emergency appointments may be made for a specified limited period to provide for maintenance of essential services in an emergency situation where normal employment procedures are impracticable.

§ 70.12 Career advancement.

(a) Employee performance and potential should be evaluated systematically in order to improve individual effectiveness to assess training needs and plan training opportunities, and to provide a basis for decisions on placements, promotions, separations, salary advancements and other personnel actions.

(b) When in the best interest of the service it is determined to fill a position by promotion, consideration will be given to the eligible permanent employees in the agency or in the career service and the selection will be based upon demonstrated capacity, and quality and length of service. Promotions will require certification of eligibility by the merit system executive.

§ 70.13 Layoffs and separations.

Employees who have acquired permanent status will not be subject to separation or suspension except for cause or reasons of curtailment of work or lack of funds. Retention of employees in classes affected by reduction in force will be based upon systematic consideration of type of appointment, length of service, and relative efficiency. In the event of separation permanent employees will have the right to appeal to an impartial body through an established procedure.

§ 70.14 Cooperation between merit systems.

To facilitate public service mobility and maximum utilization of manpower provision should be made for: Cooperative interjurisdictional recruiting, examining, certifying, training and other personnel functions; adding to registers of eligibles applicants with eligibility on comparable examinations in other jurisdictions; appointing employees on the basis of their permanent merit system status in another jurisdiction, with maximum protection of their retirement and other benefits.

§ 70.15 Extension of merit system.

(a) As determined by the State, upon the initial extension of the merit system to a program, an incumbent may obtain permanent status through an open competitive examination; or if he has a specified period of service in the agency, at its discretion he may attain permanent status if he passes a noncompetitive qualifying examination. If he does not pass, such an employee may be retained in the position in which he has incumbency preference without acquiring the rights of merit system status.

(b) An employee with status under a merit system meeting these standards will retain comparable status if the employing agency is placed under the jurisdiction of another merit system.

§ 70.16 Personnel records and reports.

Such personnel records as are necessary for the proper administration of a merit system and related agency personnel programs will be maintained. Periodic reports will be prepared as necessary to indicate compliance with applicable State and local requirements and these standards.

Effective date. This revision shall be effective on the date of its publication in the FEDERAL REGISTER (3-6-71).

Dated: February 19, 1971.

ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare.

Dated: March 2, 1971.

J. D. HODGSON,
Secretary, Department of Labor.

Dated: March 3, 1971.

MELVIN R. LAIRD,
Secretary, Department of Defense.

[FR Doc.71-3259 Filed 3-5-71;8:52 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Treaties and Other International Agreements Relating to Radio

Order. 1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its rules and regulations.

2. Authority for the amendments is contained in sections 4(i), (5)(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered,* Effective March 12, 1971, that Part 2 of the rules and regulations is amended as set forth below.

Adopted: March 1, 1971.

Released: March 1, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 2.601 is amended to read as follows:

§ 2.601 General.

This subpart is corrected to March 1, 1971. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

2. In § 2.603 paragraphs (a) and (b) are amended to read as follows:

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party (other than reciprocal operating agreements for radio amateurs) are listed below:

Date	Citations	Subject
1925	1V Trenwith 4248, 4250 and 4251. TS 724-A.	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct. 1925. Entered into force Oct. 1, 1925.
1928 and 1929	102 LNTS 143. TS 767-A.	US-Canada Agreement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929; Continued by the arrangement contained in EAS 62.
1929	1V Trenwith 4767. TS 777-A.	US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party on Jan. 1, 1953.)
1934	49 Stat. 3555. EAS 66.	US-Canada Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16, and May 23, 1934. Entered into force May 23, 1934.
1934	48 Stat. 1570. EAS 62.	US-Canada Arrangement relative to Radio Communications between Fixed Point Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3007. EAS 72.	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1570. TS 938.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Terminates, as between the United States and other parties, the Washington Convention, 1927, for Part II, Part III of this Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1938 (TIAS 4070).
1938	54 Stat. 1675. TS 949.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Mar. 17, 1941.
1939	53 Stat. 2157. EAS 143.	US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1946	60 Stat. 1696. TIAS 1527.	US-USSR Agreement on Organization of Commercial Radio Teletype Communication Lines. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (4) 3800. TIAS 1726.	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-106 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947	61 Stat. (4) 3416. TIAS 1676.	Memorandum of Understanding between the United States and United Nations Regarding Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreements contained in TIAS 5961 and TIAS 6750 signed Feb. 9, 1966, and Aug. 28, 1969, respectively.
1947	61 Stat. (3) 3131. TIAS 1662.	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.
1948	9 UST 621. TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958. Modified by the amendments contained in TIAS 6285 a nd in TIAS 6490 adopted by the IMCO Assembly Sept. 15, 1964, and Sept. 28, 1965.
1949	3 UST (3) 3064. TIAS 2489.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1949	3 UST (2) 2686. TIAS 2435.	London Telecommunications Agreement between the United States and Various Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. Amended by the agreement contained in TIAS 2705 which was signed Oct. 1, 1952.
1950	3 UST (2) 2672. TIAS 2433.	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950 and 1951	2 UST (1) 883. TIAS 2223.	US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951. Entered into force Jan. 11, 1951.
1950	11 UST 413. TIAS 4460.	North American Regional Broadcasting Agreement (NARBA). Signed at Havana, Cuba, Dec. 13, 1937. Revised Nov. 15, 1950. Signed at Washington Apr. 19, 1960. Entered into force, between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands, Ratification on behalf of Jamaica pending.
1951	3 UST (3) 3787. TIAS 2508.	US-Canada Convention relating to the Operation by Citizens of the United States of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951 and 1952	3 UST (3) 3892. TIAS 2520.	US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Ottawa Sept. 17, 1951, and Feb. 27, 1952. Entered into force Mar. 27, 1952.
1951	3 UST (2) 2860. TIAS 2489.	US-Cuba Agremant concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1952	3 UST (4) 4925. TIAS 2666.	US-Canada Agreement for the Promotion of Safety on the Great Lakes by means of Radio. The agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1951.
1952	3 UST (3) 4443. TIAS 2694.	US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 28 and June 23, 1952.
1952	3 UST (4) 6140. TIAS 2705.	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. (Supersedes the agreement contained in TIAS 2435, 3 UST (2) 2686.)
1953	5 UST (3) 2840. TIAS 3138.	US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1953	7 UST 2179. TIAS 3617.	US-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2839. TIAS 3665.	US-Costa Rica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Oct. 1 and Nov. 1, 1956. Entered into force Nov. 1, 1956.
1956	7 UST 3159. TIAS 3684.	US-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.
1957	9 UST 1037. TIAS 4079.	Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS-938). Signed at Washington Dec. 20, 1957. Entered into force Dec. 20, 1957. Additionally, a Contract between the Union of International Telecommunications and the Government of the United States and Other Powers was signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.
1958	9 UST 1091. TIAS 4080.	US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 10, 1958. Entered into force July 10, 1958.
1958	10 UST 2423. TIAS 4394.	Telecommunication Convention between the United States and International Telecommunication Convention. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960.
1959	10 UST 1440. TIAS 4295.	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 30 and Aug. 30, 1959.
1959 and 1960	11 UST 257. TIAS 4442.	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1959	10 UST 3019. TIAS 4394.	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959.
1959	12 UST 2377. TIAS 4893.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Revised by the Partial Revisions of the Radio Regulations, Geneva, 1959, contained in TIAS 5603, TIAS 6332, and TIAS 6590 signed Nov. 8, 1963, Apr. 29, 1966, and Nov. 3, 1967, respectively.

Date	Citations	Subject
1960	11 UST 1 TIAS 4399.	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	16 UST 185 TIAS 5780.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6284 signed Feb. 15, 1966.
1960	11 UST 2229 TIAS 4596.	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31, and Oct. 6, 1960. Entered into force Nov. 5, 1960.
1961	17 UST 1574 TIAS 6115.	US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 26, 1966.
1961	12 UST 1695 TIAS 4888.	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 411 TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962.
1962	13 UST 997 TIAS 5034.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.
1962	13 UST 2418 TIAS 5205.	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was revised by the agreement contained in TIAS 5833 signed June 16 and 24, 1965.
1963	14 UST 817 TIAS 5360.	US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963.
1963	15 UST 887 TIAS 5603.	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC to Allocate Frequency Bands for Space Radiocommunication Purposes. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1754 TIAS 5453.	US-Columbia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.
1964	15 UST 1705 TIAS 5646.	US-Other Governments Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System and Special Agreement. Done at Washington Aug. 20, 1964. Entered into force Aug. 20, 1964. Additionally, a Supplementary Agreement on Arbitration was done at Washington June 4, 1965. Entered into force Nov. 21, 1966.
1964	18 UST 1299 TIAS 6285.	Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force Oct. 6, 1967.
1965	16 UST 821 TIAS 5816.	US-Brazil Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 923 TIAS 5833.	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5205). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 883 TIAS 5827.	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965.
1965	19 UST 4855 TIAS 6490.	Amendment to Article 28 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at Paris Sept. 28, 1965. Entered into force Nov. 3, 1968.
1965	18 UST 575 TIAS 6267.	International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967.
1966	17 UST 74 TIAS 5961.	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947 (TIAS 1676). Signed at New York Feb. 9, 1966. Entered into force Feb. 9, 1966. Amended by the agreement contained in TIAS 6176 signed Dec. 8, 1966.
1966	18 UST 1289 TIAS 6284.	Process-Verbal of Rectification to Certain Annexes to the International Convention for the Safety of Life at Sea of June 17, 1960 (TIAS 5780). Done at London Feb. 15, 1966.
1966	18 UST 2091 TIAS 6332.	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC for the Preparation of a Revised Allotment Plan for the Aeronautical Mobile (R) Service. Signed at Geneva Apr. 29, 1966. Entered into force for the United States Aug. 23, 1967, except for the frequency allotment plan contained in Appendix 27 which entered into force Apr. 10, 1970.
1966	17 UST 2319 TIAS 6176.	US-UN Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1966 (TIAS 5961). Effected by exchange of notes at New York Dec. 8, 1966. Entered into force Dec. 8, 1966.
1967	18 UST 365 TIAS 6241.	US-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1201 TIAS 6268.	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effected by exchange of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967. Amended by the agreement contained in TIAS 6626 signed Apr. 18, 1969, and Jan. 31, 1969.
1967	19 UST 6717 TIAS 6590.	Partial Revision of the Radio Regulations, 1959, Final Acts of the WARC to Deal with Matters relating to the Maritime Mobile Service. Signed at Geneva Nov. 3, 1967. Entered into force Apr. 1, 1969.
1968 and 1969	20 UST 7 TIAS 6626.	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations Amending the Agreement of Mar. 31 and June 12, 1967 (TIAS 6268). Effected by exchange of notes at Ottawa Apr. 18, 1968, and Jan. 31, 1969. Entered into force Jan. 31, 1969.
1969	20 UST 2810 TIAS 6750.	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947, as Supplemented (TIAS 1676, 5961, 6176). Signed at New York Aug. 28, 1969. Entered into force Aug. 28, 1969.
1969	TIAS 6931.	US-Canada Agreement relating to the Operation of Radiotelephone Stations. Signed at Ottawa Nov. 19, 1969. Entered into force July 24, 1970.
1970	TIAS 7021.	US-Mexico Agreement concerning radio broadcasting in the standard band (535-1605 kHz), with annexes. Signed at Mexico Dec. 11, 1968. Entered into force Nov. 18, 1970.
1970	TIAS 7021.	US-Mexico Agreement concerning the operation of broadcasting stations in the standard broadcast band (535-1605 kHz) during a limited period prior to sunrise ("Pre-Sunrise") and after sunset ("Post-Sunset"), with annexes. Signed at Mexico Dec. 11, 1968. Entered into force Nov. 18, 1970.

(b) The applicable agreements in force between the United States and another country relating to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country are as follows:

Date	Citations	Subject
1964	15 UST 1787 TIAS 5649.	US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1965	16 UST 93 TIAS 5766.	US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb. 2, 1965. Entered into force Feb. 2, 1965.
1965	16 UST 165 TIAS 5777.	US-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 16, 1965. Entered into force Apr. 15, 1965.
1965	16 UST 181 TIAS 5779.	US-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26, 1965.
1965	16 UST 817 TIAS 5815.	US-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965.
1965	16 UST 869 TIAS 5824.	US-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 18, 1965. Entered into force June 18, 1965.
1965	16 UST 973 TIAS 5836.	US-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 25, 1965. Entered into force June 25, 1965.

Date	Citations	Subject
1965	16 UST 1160 TIAS 5860.	US-Peru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lima June 28 and Aug. 11, 1965. Entered into force Aug. 11, 1965.
1965	16 UST 1746 TIAS 5900.	US-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 29, 1965. Entered into force July 29, 1965.
1965	16 UST 1131 TIAS 5856.	US-Sierra Leone Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 16, 1965. Entered into force Aug. 16, 1965.
1965	16 UST 1742 TIAS 5899.	US-Colombia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Nov. 28, 1965.
1965	16 UST 2047 TIAS 5941.	US-UK Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965. Supplemented by the amendment contained in TIAS 6800 which was signed Dec. 11, 1969.
1966	17 UST 328 TIAS 5978.	US-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Asuncion Mar. 18, 1966. Entered into force Mar. 18, 1966.
1966	17 UST 719 TIAS 6022.	US-France Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 5, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966. Modified by the amendment contained in TIAS 6711 which was signed Oct. 3, 1969.
1966	17 UST 813 TIAS 6038.	US-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 16 and 25, 1966. Entered into force May 25, 1966.
1966	17 UST 760 TIAS 6028.	US-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966.
1966	17 UST 2426 TIAS 6189.	US-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 22, 1966. Entered into force Dec. 21, 1966.
1966	17 UST 1120 TIAS 6068.	US-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 29 and 30, 1966. Entered into force June 30, 1966.
1966	17 UST 1039 TIAS 6061.	US-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into force July 19, 1966.
1966	17 UST 1560 TIAS 6112.	US-Nicaragua Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Managua Sept. 3 and 20, 1966. Entered into force Sept. 20, 1966.
1966	17 UST 2215 TIAS 6159.	US-Panama Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Panama Nov. 16, 1966. Entered into force Nov. 16, 1966.
1966 and 1967	18 UST 525 TIAS 6259.	US-Honduras Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Tegucigalpa Dec. 29, 1966, Jan. 24 and Apr. 17, 1967. Entered into force Apr. 17, 1967.
1967	18 UST 554 TIAS 6264.	US-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 16, 1967. Entered into force May 16, 1967.
1967	18 UST 543 TIAS 6261.	US-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at St. Ann's and Port of Spain Jan. 14 and Mar. 16, 1967. Entered into force Mar. 16, 1967.
1967	18 UST 361 TIAS 6243.	US-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1661 TIAS 6309.	US-El Salvador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Salvador May 24 and June 5, 1967. Entered into force June 5, 1967.
1967	18 UST 1241 TIAS 6273.	US-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967.
1967	18 UST 1272 TIAS 6281.	US-New Zealand Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Wellington June 21, 1967 Entered into force June 21, 1967.
1967	18 UST 2499 TIAS 6348.	US-Venezuela Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Caracas Sept. 18, 1967. Entered into force Oct. 3, 1967.
1967	18 UST 2878 TIAS 6378.	US-Austria Agreement regarding Alien Amateur Radio Operators. Done at Vienna Nov. 21, 1967. Entered into force Dec. 21, 1967.
1967	18 UST 2882 TIAS 6380.	US-Chile Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington Nov. 30, 1967. Entered into force Dec. 30, 1967.
1967	20 UST 2883 TIAS 6766.	US-Guatemala Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Guatemala Nov. 30 and Dec. 11, 1967. Entered into force Oct. 2, 1969.
1967	18 UST 3153 TIAS 6406.	US-Finland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Helsinki Dec. 15 and 27, 1967. Entered into force Dec. 27, 1967.
1968	19 UST 7852 TIAS 6622.	US-Monaco Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Nice and Paris Mar. 29, and Oct. 16, 1968. Entered into force Dec. 1, 1968.
1968	19 UST 4892 TIAS 6494.	US-Guyana Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Georgetown May 6 and 13, 1968. Entered into force May 13, 1968.
1968	19 UST 8004 TIAS 6553.	US-Barbados Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bridgetown Sept. 10 and 12, 1968. Entered into force Sept. 12, 1968.
1968	19 UST 6057 TIAS 6566.	US-Ireland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Dublin Oct. 10, 1968. Entered into force Oct. 10, 1968.
1968	20 UST 190 TIAS 6651.	US-Indonesia Agreement regarding Alien Amateur Radio Operator Effected by exchange of notes at Djakarta Dec. 10, 1968. Entered into force Dec. 10, 1968.
1969	20 UST 773 TIAS 6690.	US-Sweden Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Stockholm May 27 and June 2, 1969. Entered into force June 2, 1969.
1969	20 UST 2308 TIAS 6711.	US-France Agreement regarding Alien Amateur Radio Operators Amending the Agreement of May 5, 1966 (TIAS 6022). Effected by exchange of notes at Paris Oct. 3, 1969. Entered into force Oct. 3, 1969.
1969	20 UST 3089 TIAS 6800.	US-UK Agreement regarding Alien Amateur Radio Operators Supplementing the Agreement of Nov. 26, 1965 (TIAS 5941). Effected by exchange of notes at London Dec. 11, 1969. Entered into force Dec. 11, 1969.
1970	TIAS 6936.	US-Brazil Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Rio de Janeiro and Brasilia Jan. 26, June 19 and July 30, 1970. Entered into force June 19, 1970.

[FR Doc.71-2979 Filed 3-5-71;8:45 am]

[Docket No. 18110]

PART 73—RADIO BROADCAST SERVICES

Multiple Ownership of Standard, FM, and Television Broadcast Stations; Correction

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission rules relating to multiple ownership of standard, FM and television broadcast stations.

A Memorandum Opinion and Order (FCC 71-211) in the above-entitled matter, adopted February 26, 1971, and released March 2, 1971 (36 F.R. 4284), is corrected by changing paragraph 51 thereof to read as follows:

51. Inasmuch as the amendments of the rules adopted herein relieve a restriction, they are, consistent with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. section 553 (Supp. V, 1970)), being made effective sooner than 30 days after publication in the FEDERAL REGISTER. *Accordingly, it is further ordered,* That Part 73 of the Commission's rules and regulations, is amended, effective March 9, 1971, as set forth below.

Released: March 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3281 Filed 3-5-71;8:52 am]

XUM

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1061]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2d day of March 1971.

It appearing, that an acute shortage of hopper cars exists on the railroads named in paragraph (a) (1) herein; that shippers located on the lines of this carrier are being deprived of hopper cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owner; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1061 Service Order No. 1061.

(a) Regulations for return of hopper cars: Each common carrier by railroad subject to the Interstate Commerce Act, with the exception of those carriers named in Service Order No. 1043 (Service Order No. 1043 remains in effect, and carriers named therein must continue to comply with its provisions), shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, except as otherwise authorized in subparagraphs (2) and (3) of this paragraph, all hopper cars owned by the following railroads:

Missouri-Kansas-Texas Railroad Co. Reporting marks: MKT, BKTY.
St. Louis-San Francisco Railway Co. Reporting marks: SLSF.

(2) Hopper cars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, provided such loading is available at unloading point. Backhauling of empties is prohibited.

(3) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transporation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car for movements contrary to the provisions of subparagraphs (2) and (3) of this paragraph.

(b) The term "hopper cars" as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT", in the Official Railway Equipment Register, I.C.C. R.E.R. No. 378, issued by E. J. McFarland, or reissues thereof.

(c) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) Effective date: This order shall become effective at 12:01 a.m., March 5, 1971.

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., April 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1 (10–17), 15 (4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3183 Filed 3-5-71;8:49 am]

[Rev. S.O. 1066]

PART 1033—CAR SERVICE

Distribution of Gondola Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2d day of March 1971.

It appearing, that an acute shortage of plain unequipped general service gondola cars exists on the railroads named in paragraph (a) (1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that certain gondola cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of certain gondola cars owned by these railroads are ineffective; and that efforts by the Association of American Railroads to promote more equitable distribution of gondola cars have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1066 Service Order No. 1066.

(a) Distribution of gondola cars. Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, all plain unequipped general service gondola cars which are listed in the Official Railway Equipment Register I.C.C. R.E.R. 378 issued by E. J. McFarland, or reissues thereof, as having mechanical designations "GB" or "GT" owned by the following railroads:

The Baltimore and Ohio Railroad Co. Reporting marks: B&O.
Bessemer and Lake Erie Railroad Co. Reporting marks: B&LE.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee. Reporting marks: CNJ.
The Chesapeake and Ohio Railway Co. Reporting marks: C&O.
Erie Lackawanna Railway Co. Reporting marks: EL, DL&W, Erie.
Lehigh Valley Railroad Co., John F. Nash and R. C. Haldeman, Trustees. Reporting marks: LV.
Missouri-Kansas-Texas Railroad Co. Reporting marks: MKT, BKTY.
Norfolk and Western Railway Co. Reporting marks: N&W, NKP, P&WV, WAB.
Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees. Reporting marks: PC, NYC, PRR.
The Pittsburgh and Lake Erie Railroad Co. Reporting marks: P&LE.
Reading Co. Reporting marks: RDG.
Union Railroad Co. (Pittsburgh, Pa.). Reporting marks: Union, URR.
Western Maryland Railway Co. Reporting marks: WM.

(2) Except as authorized in subparagraph (4) of this paragraph, gondola cars described in subparagraph (1) of this paragraph may be loaded only to destinations on or via the owning road or to a junction with the owner. Cars must not be back-hauled to obtain loading as authorized in this paragraph.

(3) Except as authorized in subparagraph (4) of this paragraph, gondola cars, empty at a junction with the owner, must be delivered empty to the owner at that junction.

(4) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(5) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded gondola car, described in this order, contrary to the provisions of this order.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 4, 1971.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3184 Filed 3-5-71;8:49 am]

PART 1048—COMMERCIAL ZONES

Nashville and Davidson County, Tenn.; Correction

In the FEDERAL REGISTER publication of February 26, 1971 (36 F.R. 3515), the CFR citation in the above-entitled matter was incorrectly noted as § 1048.39. This designation should have been § 1048.40.

The Report and Order in this proceeding, which will appear in the Commission's bound volume, will be corrected accordingly.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3232 Filed 3-5-71;8:52 am]

Title 50—WILDLIFE AND FISHERIES

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Restrictions Applicable to Fishing Vessels

The member Governments have approved a further relaxation of the portion of the Resolution of the Inter-American Tropical Tuna Commission requiring that vessels depart port within 10 days after the date of closure of the yellowfin tuna fishing season in order to qualify to continue to take and retain yellowfin tuna without restriction on that trip (35 F.R. 4964). Therefore § 280.6(b) is amended so that for 1971 only in order to avoid congestion of unloading and processing facilities around the date of the season closure and the danger that vessels may put to sea without adequate preparations any United States tuna vessel which has completed a fishing voyage in the regulatory area during the current open season and is in port at the time of the closure shall be allowed to depart such port within 30 days after said closure for an unrestricted fishing voyage. Since the closure of the yellowfin tuna fishing season could occur in the near future, and since this amendment relieves a restriction, it has been determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest.

Paragraph (b) of § 280.6 is amended to read as follows:

§ 280.6 Restrictions applicable to fishing vessels.

* * * * *

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in tuna fishing prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of tuna taken during such voyage. Furthermore for 1971 only any vessel which has completed a tuna fishing voyage in the regulatory area during the then current open season and is in port at the time of the date of closure of such season shall be allowed to depart such port within 30 days after said date of closure for an unrestricted fishing voyage. For the purposes of this subsection, the date of departure from port refers to the date on which the fishing vessel departs from a port to proceed directly to the fishing grounds outfitted, supplied, fueled, provisioned, and manned by officers and crew in the manner and to the extent usually required to carry out fishing operations, by means of such vessel: *Provided,* That a stopover at a single intermediate port, not exceeding 48 hours, is permitted for the specific purpose of meeting any deficiencies in such outfitting, supplying, fueling, provisioning, or manning needs of the vessel for a fishing voyage. A stay in an intermediate port in excess of 48 hours shall constitute a new date of departure from port coinciding with the date of the delayed departure from the intermediate port.

This amendment is adopted under the authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950 as amended (16 U.S.C. 955(e)) as modified by Reorganization Plan Number 4, effective October 3, 1970 (35 F.R. 15627). This amendment shall be effective upon publication in the FEDERAL REGISTER (3–6–71).

Issued at Washington, D.C., and dated March 3, 1971.

PHILIP M. ROEDEL, *Director, National Marine Fisheries Service.*

[FR Doc.71-3142 Filed 3-5-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 253]

COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

Supplemental Notice of Proposed Rule Making

The proposed regulations of December 15, 1970 (35 F.R. 18975) set forth procedures to be used by the Secretary in providing financial assistance to State agencies for research and development of the commercial fisheries resources of the Nation under the authority of the Commercial Fisheries Research and Development Act as amended (82 Stat. 957; 16 U.S.C. 778 et seq.), and Reorganization Plan No. 4 of 1970. This supplement to the notice of proposed rule making of December 15, 1970, is intended to remove § 253.2(f) and to revise § 253.3(b) in consideration of comments received and to provide an additional 30-day period for public comments on this notice and on the original notice.

1. The notice of proposed rule making of December 15, 1970, is revised by deleting paragraph (f) of § 253.2.

2. The notice of proposed rule making of December 15, 1970, is revised by amending paragraph (b) of § 253.3 to read as follows:

§ 253.3 General provisions.

* * * * *

(b) *Project proposal.* (1) A project proposal shall be submitted for each proposed project for approval by the Secretary. An approved project proposal shall not be binding on the parties until incorporated in a cooperative agreement.

(2) Project proposals utilizing an allocation of State funds additional to amount previously allocated by the State for commercial fishery research and development activities shall be preferred over project proposals utilizing an allocation of State funds which do not involve an increase of State funds dedicated to commercial fishery research and development programs. No project proposal which involves a reduction of State funds previously dedicated to commercial fishery research and development activities will be approved.

* * * * *

Interested persons may submit written comments, suggestions, or objections with respect to this proposed supplement or regarding the notice of proposed rule making of December 15 to the Director, National Marine Fisheries Service, Department of Commerce, Interior Building, Washington, D.C. 20235, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

MARCH 3, 1971.

[FR Doc.71-3155 Filed 3-5-71;8:47 am]

[50 CFR Part 254]

CONTROL OR ELIMINATION OF JELLYFISH

Supplemental Notice of Proposed Rule Making

The proposed regulations of December 15, 1970 (35 F.R. 18977) set forth procedures to be used by the Secretary in providing financial assistance to State agencies for the control or elimination of jellyfish and other such pests in coastal waters and for research on control of floating seaweed in such waters under the authority of the Jellyfish Act as amended (84 Stat. 922; 16 U.S.C. 1201 et seq.), and Reorganization Plan Number 4 of 1970. This supplement to the notice of proposed rule making of December 15, 1970, is intended to revise § 254.3(b) and to add a new section based on comments received and to provide an additional 30-day period for public comment on this notice and on the original notice. The proposed revision and new section follow:

1. The notice of proposed rule making of December 15, 1970, is revised by amending paragraph (b) of § 254.3 to read as follows:

§ 254.3 General provisions.

* * * * *

(b) *Project proposal.* (1) A project proposal shall be submitted for each proposed project for approval by the Secretary. An approved project proposal shall not be binding on the parties until incorporated in a cooperative agreement.

(2) Project proposals utilizing an allocation of State funds additional to amounts previously allocated by the State for the control or elimination of jellyfish and other such pests in coastal waters and for research on control of floating seaweed in such waters shall be preferred over project proposals utilizing an allocation of State funds which do not involve an increase of State funds dedicated to such programs. No project proposal which involves a reduction of State funds previously dedicated to such programs will be approved.

2. The notice of proposed rule making of December 15, 1970, is revised by adding a new § 254.8 to read as follows:

§ 254.8 New work requirement.

Project proposals shall set forth undertakings which constitute activities in addition to current programs. It is desirable that projects represent entirely new undertakings. However, expansion of existing programs for control or elimination of jellyfish and other such pests in coastal waters and research on control of floating seaweed in such waters is satisfactory provided such existing programs are not reduced insofar as the cooperator's financial participation is concerned.

Interested persons may submit written comments, suggestions, or objections with respect to this proposed supplement or regarding the notice of proposed rule making of December 15 to the Director, National Marine Fisheries Service, Department of Commerce, Interior Building, Washington, D.C. 20235, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

MARCH 3, 1971.

[FR Doc.71-3156 Filed 3-5-71;8:47 am]

[50 CFR Part 401]

ANADROMOUS FISHERIES CONSERVATION, DEVELOPMENT AND ENHANCEMENT

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce under provisions of the Anadromous Fish Act, as amended (84 Stat. 214; 16 U.S.C. 757 et seq.), and Reorganization Plan Number 4 of 1970, effective October 3, 1970 (35 F.R. 15627), it is proposed to amend Part 401 of Title 50, Code of Federal Regulations, as set forth below. The purpose of this amendment is to establish procedures to be used by the Secretary in providing financial assistance to State agencies and other non-Federal interests for conservation, development and enhancement of the anadromous fisheries resources of the Nation and fishes of the Great Lakes which ascend streams to spawn. This amendment clarifies certain definitions, establishes uniform terminology, and adds coverage responsive to recent legislation. In view of the numerous changes, this amendment is set forth as a complete revision of the regulations. The proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 553(a)(2)). However, it is the policy of the Department of Commerce that, whenever practicable, the rule making requirements be observed voluntarily.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sec.
401.1 Administration.
401.2 Definitions.
401.3 General provisions.
401.4 Availability of funds.
401.5 Cost sharing.
401.6 New work requirement.
401.7 Environment.
401.8 Water pollution control.

AUTHORITY: The provisions of this Part 401 issued under Public Law 89-304, 79 Stat. 1125; as amended by Public Law 91-249, 84 Stat. 214 (16 U.S.C. 757a et seq.) and as modified by Reorganization Plan No. 4 of 1970, effective Oct. 3, 1970 (35 F.R. 15627).

§ 401.1 Administration.

The National Marine Fisheries Service and the Bureau of Sport Fisheries and Wildlife shall jointly administer the Anadromous Fish Conservation Act for the Secretary of Commerce and the Secretary of the Interior, respectively.

§ 401.2 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Secretary.* The Secretary of Commerce or his authorized representatives or the Secretary of the Interior or his authoized representatives.

(b) *Act.* The Anadromous Fish Conservation Act, Public Law 89-304, 79 Stat. 1125, as amended by Public Law 91-249, 84 Stat. 214 (16 U.S.C. 757a et seq.)

(c) *State.* Any State of the United States which has had or now contains anadromous fish and the States bordering the Great Lakes.

(d) *State fishery agency.* Any agency or official(s) of a State empowered under its laws to administer the commercial or sport fishery.

(e) *Other non-Federal interest.* Any organization, association, institution, business, school, individual or group of individuals, municipality, and others outside the Federal Government other than State fishery agencies who desire to cooperate within the terms of the Act.

(f) *Cooperator.* A State fishery agency or other non-Federal interest participating in a cooperative agreement with the Secretary.

(g) *Anadromous fish.* All aquatic, gill breathing, vertebrate animals bearing paired fins which migrate to and spawn in fresh water, but which spend part of their life in salt water; also, fish which spend part of their life in the Great Lakes and spawn in streams tributary to the Great Lakes.

(h) *Project proposal.* A description of work to be accomplished, including objectives, procedures, cost, location, and time required for completion, and such other information as may be required by the Secretary.

(i) *Cooperative agreement.* The contract for anadromous fish conservation, development, and enhancement activities to be carried on as provided by the Act and these regulations. Such agreement shall set forth the terms and conditions binding upon the cooperator and the Secretary, including the objectives, procedures, costs and terms of the agreement, and such other provisions as may be appropriate.

(j) *Project.* Any undertaking which is established upon execution of a cooperative agreement involving the conservation, development, and enhancement of anadromous fish.

(k) *Basin.* Rivers and their tributaries, lakes, estuaries, bays, sounds, and other bodies of water or portions thereof.

§ 401.3 General provisions.

(a) *Submission of applications.* Project proposals and proposed cooperative agreements shall be submitted to the concerned Regional Office of the National Marine Fisheries Service or the Bureau of Sport Fisheries and Wildlife.

(b) *Project proposal.* (1) A project proposal shall be submitted for each proposed project for approval by the Secretary. An approved project proposal shall not be binding on the parties until incorporated in a cooperative agreement.

(2) Project proposals utilizing an allocation of State funds additional to amounts previously allocated by the State for anadromous fish conservation, development, and enhancement activities shall be preferred over project proposals utilizing an allocation of State funds which do not involve an increase of State funds dedicated to such programs. No project proposal which involves a reduction of State funds previously dedicated to such programs will be approved.

(c) *Cooperative agreement.* (1) After the Secretary has approved a project proposal, activities to be undertaken by the cooperator and the obligation of Federal funds shall be evidenced by a cooperative agreement executed by the cooperator and the Secretary. Such agreement may be amended by mutual consent of the parties.

(2) The Secretary shall not enter into a cooperative agreement with a non-Federal interest other than a State unless the project agreed upon has approval of the State fishery agency responsible for the fishery resources which will be affected.

(3) The cooperative agreement shall contain applicable provisions as required by Federal law and regulations. These provisions are identified in the Federal Aid for Fisheries Handbook, the most recent version of which may be obtained from the Director, National Marine Fisheries Service.

(d) *Subcontracts.* In the performance of work under a cooperative agreement, subcontracts shall be solicited and awarded according to the laws and regulations of the State provided the Secretary is satisfied that adequate steps have been taken to insure economical and efficient services and impartial selection of subcontractors.

(e) *Prosecution of work.* (1) The prosecution of work by the cooperator shall be performed in a manner acceptable to the Secretary. Unsatisfactory performance shall be cause for the Secretary to withhold payments. Cooperative agreements may be terminated or suspended upon determination by the Secretary that satisfactory progress has not been maintained.

(2) All work shall be performed in accordance with applicable State laws except when such laws are in conflict with Federal laws or regulations, in which case such Federal law or regulations shall prevail.

(f) *Economy and efficiency of operations.* No cooperative agreement shall be executed until the cooperator has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to achieve economy and efficiency, including the avoidance of undesirable duplication, in the completion of a project.

§ 401.4 Availability of funds.

(a) *Allocation.* On July 1 of each year, or as soon thereafter as practicable, the Secretary shall notify respective States and other non-Federal interests of the amount of funds tentatively allocated to each under section 4 of the Act.

(b) *Obligation.* Federal funds tentatively allocated to a cooperator for obligation in any fiscal year, beginning with fiscal year 1972, remain available to the cooperator for obligation until the end of the succeeding fiscal year. If the total amount allocated or any portion thereof is unobligated at the end of this 2-year allocation period, such funds are withdrawn and reallocated for obligation.

(c) *Project savings.* Unspent obligated funds or project savings remain available to the cooperator for reobligation up to 1 year following termination of the cooperative agreement.

§ 401.5 Cost sharing.

(a) *Level of cost sharing.* The Federal share of the cost of approved projects shall not exceed 50 percent except that the Federal share may be increased to a maximum of 60 percent when two or more States having a common interest in a basin jointly enter into a cooperative agreement. Under 60 percent Federal funding, the financial participation of each State entering into a joint cooperative agreement should be consistent with the magnitude of its interest, the extent of available funds and priorities. Each State cooperating in such jointly funded project must participate financially to the extent of at least 10 percent of the total estimated cost of the project.

(b) *Property as matching funds.* (1) The non-Federal share of the cost of projects may be in the form of real or personal property. Such property must be directly related to the work involved and must be an appropriate cost item of the project. To establish the value of

such property, the cooperator shall furnish such current market value appraisal information as the Secretary may require.

(2) Eligible property would include, among other things, the ground on which a structure is placed including a reasonable amount of adjoining area required for parking, access, loading, and the like; and the heating, plumbing, and electrical, and other facilities of an existing structure or complex provided there is unused capability. Any portion of an existing facility used in connection with a new facility shall, unless otherwse apparent, be presumed to be excess to the existing facility and available for the new facility. The proportionate cost of the "new facility" or portion of any existing facility used as matching property may be considered as a part of the contribution of a cooperator.

(3) The value of property used as matching funds may be distributed to more than one cooperative agreement when such distribution of value is justified by direct relationship to the projects concerned. Property may be used as matching funds until the appraised value of the eligible property is fully utilized.

(4) Property which has been used as matching funds may, to that extent, be operated and maintained as a project activity.

§ 401.6 New work requirement.

Project proposals shall set forth undertakings which constitute activities in addition to current programs. It is desirable that projects represent entirely new undertakings. However, expansion of existing anadromous fish conservation, development, and enhancement programs is satisfactory provided these programs are not reduced insofar as the cooperator's financial participation is concerned.

§ 401.7 Environment.

Projects contracted for shall be performed consistent with the policies set forth in the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.).

§ 401.8 Water pollution control.

In the performance of work under a cooperative agreement the cooperator shall take such action as is necessary to avoid pollution of water as a direct or indirect result of a contract activity. Water quality must be maintained at a level consistent with applicable water quality standards.

PHILIP M. ROEDEL,
Director.
National Marine Fisheries Service.

MARCH 3, 1971.

[FR Doc.71-3157 Filed 3-5-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Morris, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Morris, Minn., a new public use instrument approach procedure has been developed for Morris Municipal Airport. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Morris transition area to adequately protect aircraft executing the new approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

MORRIS, MINN.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Morris Municipal Airport (latitude 45°34'05" N., longitude 95°58'10" W.); and within 3 miles each side of the 138° bearing from the Morris Municipal Airport extending from the airport to 7 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° bearing from the Morris Municipal Airport extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 318° bearing from the Morris Municipal Airport extending from the airport to 12 miles northwest of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Kansas City, Mo., on February 3, 1971.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[FR Doc.71-3166 Filed 3-5-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-9]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Eagle River, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Eagle River, Wis., Municipal Airport utilizing a city-owned nondirectional radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Eagle River, Wis. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at this location will be controlled by the Minneapolis Air Route Traffic Control Center.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is added:

EAGLE RIVER, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eagle River Municipal Airport (latitude 45°55'45" N., longitude 89°16'00" W.); and within 3 miles each side of the 037° bearing from Eagle River Municipal Airport extending from the 5-mile-radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 037° and 217° bearings from Eagle River Municipal Airport, extending from 6 miles southwest to 18½ miles northeast of the airport, excluding the portions which overlap the Rhinelander and Land O'Lakes, Wis., transition areas.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 14, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3167 Filed 3-5-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at West Bend, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at West Bend, Wis., a new instrument approach procedure has been developed for the West Bend Municipal Airport. In addition the criteria for designation of transition areas have changed. Accordingly, it is necessary to alter the West Bend transition area to adequately protect aircraft executing the new approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

WEST BEND, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of West Bend Municipal Airport (latitude 43°25'20" N., longitude 88°07'45" W.); and within 3 miles each side of the 133° bearing from the West Bend Municipal Airport, extending from the 7-mile-radius area to 7½ miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 12, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3168 Filed 3-5-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Brainerd, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace, a new public use instrument approach procedure has been developed for the Brainerd-Crow Wing County Airport, Brainerd, Minn. Accordingly, it is necessary to alter the Brainerd, Minn., transition area to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

BRAINERD, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Brainerd-Crow Wing County Airport (latitude 46°23'55" N., longitude 94°08'15" W.); within 3 miles each side of the 120° radial of the Brainerd VORTAC extending from the 7-mile-radius area to 7½ miles southeast of the VORTAC; within 5 miles each side of the Brainerd VORTAC 302° radial extending from the 7-mile-radius area to 21 miles northwest of the VORTAC; within 3 miles each side of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 7-mile-radius area to 11½ miles south of the airport; and within 3 miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport, extending from the 7-mile-radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Brainerd VORTAC; within 9½ miles southwest and 4½ miles northeast of the Brainerd VORTAC 302° radial, extending from the 13-mile-radius area to 31½ miles northwest of the VORTAC; within 9½ miles east and 4½ miles west of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius to 23 miles south of the airport; within 9½ miles northeast and 4½ miles southwest of the Brainerd VORTAC 120° radial extending from the 13-mile-radius area to 18½ miles southeast of the VORTAC; and within a 25-mile radius of the Brainerd VOR TAC from a line 5 miles southwest of and parallel to the VORTAC 302° radial clockwise to a line 5 miles southeast of and parallel to the VORTAC 024° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C.

1348), and of section 6(c) of the Department of Transportation; Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 12, 1971.

DANIEL E. BARROW,
Director, Central Region.

[FR Doc.71-3169 Filed 3-5-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-11]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate, alter and revoke controlled airspace in the State of Kentucky by designating the Kentucky transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

There are 12 small portions of uncontrolled airspace and two segments of controlled airspace having floors above 1,200 feet above the surface throughout the State of Kentucky. These areas are either surrounded by Federal airways or 1,200-foot transition areas. Because of the increasing traffic volume and demand for air traffic control services, there is a need to include these areas within the proposed Kentucky transition area. Inclusion of these areas within the proposed transition area, along with the adjustment of the floors of existing transition areas designated above 1,200 feet above the surface, would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and improve chart legibility, the following airspace actions are proposed:

1. The Kentucky transition area would be designated as:

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Kentucky.

2. The portions of the following transition areas described in § 71.181 (36 F.R. 2140), with floors of 1,200 feet above the surface, would be revoked:

Bowling Green, Ky.	Paducah, Ky.
Hopkinsville, Ky.	Somerset, Ky.
Lexington, Ky.	Evansville, Ind.
London, Ky.	Paris, Tenn.
Louisville, Ky.	Union City, Tenn.

3. The Logansport and Marion, Ky., transition areas described in § 71.181 (36 F.R. 2140) would be revoked.

4. The Hopkinsville, Ky., transition area described in § 71.181 (36 F.R. 2140), with a floor of 2,500 feet MSL, would be revoked.

5. The West Virginia transition area described in § 71.181 (36 F.R. 2140) would be amended as follows: "• • • lat. 37°23'00" N., long. 82°11'39" W.; thence to lat. 38°02'00" N., long. 82°15'-00" W.; to lat. 38°00'00" N., long. 82°-55'00" W.; to lat. 38°45'00" N., long. 83°30'00" W.; • • •" would be deleted and "• • • to the intersection of the Kentucky State line; thence counterclockwise along the Kentucky State line, to and north along long. 83°30'00" W., to lat. 38°45'00" N.; • • •" would be substituted therefor.

6. The Cincinnati, Ohio 1,200-foot transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

CINCINNATI, OHIO

That airspace extending upward from 1,200 feet above the surface beginning at lat. 39°-40'00" N., long. 84°25'00" W., to lat. 39°19'-00" N., long. 84°00'00" W.; thence south along long. 84°00'00" W., to and counterclockwise along the Kentucky State line, to and north along the Indiana State line, to and northeast along a line extending from lat. 39°12'00" N., long. 85°30'00" W., to lat. 39°40'00" N., long. 84°25'00" W., to point of beginning.

7. The Blytheville, Ark. transition area described in § 71.181 (36 F.R. 2140) with a floor of 5,000 feet MSL, would be amended as follows: "• • • excluding the portion within the Paducah, Ky. transition area • • •." would be deleted and "• • • excluding the portion within the State of Kentucky • • •." would be substituted therefor.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 24, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-3171 Filed 3-5-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-15]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Everett, Wash., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendent. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

A new VOR RWY 16 instrument approach procedure is proposed for Snohomish County Airport, Everett, Washington, utilizing the 356° T(334° M) radial of the Paine VOR as the final approach radial. The procedure was developed in accordance with criteria contained in U.S. Standard for Terminal Instrument Procedures and it has been determined that additional control zone is required. The additional control zone is required to provide controlled airspace protection for aircraft executing the proposed instrument procedure while operating below 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (36 F.R. 2055) the description of the Everett, Washington, control zone is amended as follows:

In line two of the text, delete "• • • 2 miles • • •" and substitute "• • • 3 miles • • •" therefor.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 26, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-3172 Filed 3-5-71;8:48 am]

[14 CFR Part 75]

[Airspace Docket No. 70-EA-86]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate three area navigation (RNAV) high routes to be used to transition aircraft from Kennedy International Airport, N.Y., to overseas routes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10653), which established regulatory basis for the designation of specific area high and area low routes.

If this action is taken, Part 75 of the Federal Aviation Regulations would be amended by designating the following area high routes:

Waypoint name	VOR/DME description	Geographical coordinates
J-807R (Belle Terre, Conn., to United States/ Canadian Border):		
Belle Terre, Conn.	HTO 294.0M/38.4 NM	Lat. 41°02'17" N., long. 73°08'51" W.
Cherry Plain, N.Y.	HTO 350.6M/114.6 NM	Lat. 42°40'52" N., long. 73°18'11" W.
Holland, Vt.	PLB 094.0M/61.4 NM	Lat. 44°59'29" N., long. 71°59'55" W.
J-808R (Squid, N.Y., to Whaler, Mass.):		
Squid, N.Y.	JFK 109.0M/45.0 NM	Lat. 40°31'10" N., long. 72°47'56" W.
Mary Ann, Mass.	ACK 351.0M/13.8 NM	Lat. 41°29'31" N., long. 70°09'06" W.
Whaler, Mass.	ACK 082.0M/146.3 NM	Lat. 42°11'49" N., long. 67°00'25" W.
J-809R (Squid, N.Y., to Davey, Maine):		
Squid, N.Y.	JFK 109.0M/45.0 NM	Lat. 40°31'19" N., long. 72°47'56" W.
Mary Ann, Mass.	ACK 351.0M/13.8 NM	Lat. 41°29'31" N., long. 70°09'06" W.
Davey, Maine	ACK 063.0M/150.0 NM	Lat. 42°55'46" N., long. 67°29'55" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 1, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3170 Filed 3-5-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19116]

FM BROADCAST STATIONS

Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202, Table of Assigments, FM Broadcast Stations, (Skowhegan, Augusta, Westbrook, and South Paris, Maine; Plymouth and Dover, N.H.; and Waterbury, Vt.), RM-1422, RM-1464.

1. This proceeding was begun by a notice of proposed rule making (FCC 71-23), adopted January 6, 1971, and published in the FEDERAL REGISTER on January 14, 1971 (36 F.R. 557). The time for filing comments and reply comments was specified as February 26, 1971, and March 8, 1971, respectively.

2. On February 25, 1971, Oxford Hills Radio Communications, Inc. (Oxford Hills), filed a request for extension of time to March 8, 1971 for filing of comments. Oxford Hills states that there has been a delay in securing data from its consultant due to illness, therefore necessitating the additional time to prepare its comments.

3. We are of the view that the additional time requested is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments is extended to and including March 8, 1971, and for reply comments to and including March 19, 1971.

4. This action is taken pursuant to authority found in section 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: February 26, 1971.

Released: March 1, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-3158 Filed 3-5-71;8:47 am]

[47 CFR PART 97]

[Docket No. 19162; FCC 71-195]

EXPANSION OF TELEPHONY SEGMENTS OF HIGH FREQUENCY AMATEUR BANDS

Notice of Proposed Rule Making

In the matter of amendment of part 97 of the Commission's rules to provide for expansion of the telephony segments of the high frequency amateur bands, RM-1306, RM-1349, RM-1477, RM-1479, RM-1544, RM-1550, RM-1593, RM-1603, RM-1614, RM-1616, RM-1644, RM-1665, RM-1695, RM-1723, RM-1729.

1. On September 24, 1969, the Commission adopted an Order (FCC 69-1020), which affirmed the implementation on November 22, 1969, of high frequency band "incentive" telephony allocations for Amateur Extra and Advanced Class licensees previously adopted in Docket 15928. Expansion of the total space available in the high frequency bands for telephony was not considered in that proceeding. Fourteen petitions and a number of letters have been received which request expansion of one or more of the amateur high frequency telephony sub-bands. One petition proposes reduction of telephony space.

2. Petition RM-1349 proposes expanded phone bands for U.S. licensees in Puerto Rico, Guantanamo Bay, and the Virgin Islands without regard to license class. RM-1603 urges phone band expansions and early action on RM's 1306, 1477, 1479, 1544, and 1550. RM-1616 proposes phone band expansion and abolishment of exclusive bands for Advanced and Extra Class operators. RM-1695 proposes 50 kHz additions to the present phone bands for only net operation without change to the current segments reserved for Advanced and Extra Class operators. Reduction of the present 14 MHz telephony sub-band to 14.225-14.350 MHz is proposed in RM-1723. Of the remaining 10 petitions, all propose additional exclusive space for Extra Class; seven propose additional reserved space for Advanced and Extra Class, and; seven propose expansion of the telephony space available to Conditional and General Class operators. In addition to RM-1616, RM's 1550, 1593, and 1614 would make the space available to General and Conditional Class equal to that which was available prior to the implementation of Docket 15928. A tabulation of the total kHz now allocated and requested follows:

A=Advanced class C=Conditional class E=Extra class G=General class

Band:	3500–4000 kHz			7000–7300 kHz			14,000–14,350 kHz			21,000–21,450 kHz			28,000–29,700 kHz		
Class:	G, C	E, A	E	G, C	E, A	E	G, C	E, A	E	G, C	E, A	E	G, C	E, A	E
Current kHz:	100	175	200	50	100	100	75	150	150	100	175	200	1200	1200	1200
RM-1306							75	150	200	100	175	250			1500
1349	250	250	250	125	125	125	250	250	250	350	350	350	1600	1600	1600
1477	100	200	225	50	150	150	75	200	200	100	250	250	1200	1300	1300
1479	100	175	225	50	100	125	75	150	175	100	175	250			
1544				50	75	100	75	150	200	200	225	250			
1550	200	225	250	100	125	150	150	175	200	200	225	250			
1593	200	275	300	100	150	150	150	225	225	200	200	225			
1611	200	200	275	100	100	125	150	200	200	200	250	250			
1616	300	300	300	200	200	200	250	250	250	200	200	200			
1644	175	225	250	100	150	150	75	150	200	150	200	250	1200	1500	1500
1665	200	225	250	100	100	125	150	200	250						
1695	150	225	250	100	150	150	125	200	200	150	225	250			
1723							100	125	125						
1729	200	275	300	100	150	150	150	200	200	150	225	250			

3. In most cases, the proposed General-Conditional Class operator segments extend downward from the top edge of each amateur band with an adjacent Advanced-Extra reserved band next below and the Extra-only band at the low end of a contiguous group of telephony sub-bands, in the same pattern as the current telephony bands. However, a 7075–7100 kHz telephony band was proposed for Extra only (RM–1644), for Extra and Advanced (RM–1655); 7100–7150 kHz for telephony nets (RM–1695); 7075–7150 kHz for Puerto Rican telephony (RM–1349), and; 3525–3600, 7025–7050 kHz for telephony by Extra Class operators only (RM–1614).

4. Some petitioners proposed conditions on the use of the added telephony segments such as: (1) Limitation of contacts to "DX" stations (other countries) only (RM–1306, 1477); (2) limitation to use of single sideband emission only (RM–1477, 1644, 1695); (3) maximum of 150 watts input power (RM–1306); (4) maximum of 1 kilowatt (kw) output power for Advanced Class and 1.5 kw output for Extra Class (RM–1665). RM–1593 would allow Advanced Class to use telegraphy in the exclusive Extra Class telephony bands. Most petitioners would move the Novice telegraphy bands downward without change in bandwidth to make way for the telephony expansion proposed. However, in exception to just shifting the Novice space, 28.1–28.2 MHz is proposed in lieu of 21.1–21.25 MHz (RM–1306, 1644) and/or reduction of the 21 MHz band to 21.1–21.2 MHz is proposed (RM–1479, 1644). A 50 kHz overlap of the Novice and the net allocation would be permitted by RM–1695. The effect of RM–1616 would be to eliminate the current exclusive Extra Class telegraphy segments while RM–1665 proposes reductions to 3500–3510, 7000–7005 and 14000–14005 kHz. In RM–1665, 3510–3525, 7005–7010, and 14005–14010 kHz is proposed for exclusive Advanced and Extra Class telegraphy operation. In RM–1614, 21000–21025 kHz is proposed for Advanced as well as Extra Class telegraphy operation. The 50 kHz telegraphy Extra Class segments, proposed in RM–1479, were rejected in the Commission's Order (FCC 69–1020) adopted September 24, 1969. The matter of credit for certain amateur examination elements proposed in RM–1477 for holders of Commercial operator licenses will be considered in a separate proceeding.

5. Except as noted, these petitions are based on the purpose of providing more operating room in the high frequency telephony sub-bands for all operator classes and/or providing further incentive to obtain the Advanced Class and the Extra Class operator licenses. One of the petitioners said daily listening indicates "* * * that the division of frequency spectrum between radiotelephone and CW (telegraphy) is very inequitable, based on the number of stations using each mode and the bandwidths required." He also stated "The emphasis of the Extra Class license privileges should not be heavily weighted towards CW as is now, but should provide more opportunity and incentive for the amateur who is interested in other modes of transmission."

6. In evaluating the effect of the first phase of the incentive licensing (Docket 15928) program and of the second phase,[1] the Commission considered correspondence, license statistics, petitions, and occupancy surveys of the reserved sub-bands. In addition to observation of the relative occupancy of portions of the bands adjacent to the Extra and the Extra-Advanced reserved sub-bands, the overall relative occupancy throughout each of the amateur high frequency bands was studied. These observations were made during periods of moderate and heavy occupancy of the band being studied. During such periods, the telephony sub-bands were invariably much more heavily occupied than were the segments remaining for telegraphy. This was determined with a receiver of good selectivity for each mode of operation. Beginning with the 7 MHz band and becoming progressively more pronounced up through the 28 MHz band, it was evident that, in each band there was a territory of significantly reduced activity between the more popularly used lower 100 kHz of the telegraphy segment and the telephony sub-band. With the exception of the 7 MHz and 21 MHz Novice segments, there was very little telegraphy operation therein by U.S. amateurs, the occupancy being almost wholly by foreign amateurs using telephony. Even during periods of greatest activity, the foreign telephony station occupancy of these segments appears to be relatively light. The observations also revealed that occupancy of the 25 kHz Extra Class reserved telegraphy segments was low even during times of high telegraphy activity on adjacent frequencies.

7. Heretofore, there has been opposition to such telephony sub-band expansion by telegraphy proponents on the basis that the foreign amateurs using telephony would shift downward and cause severe interference in the informally, but internationally recognized exclusive telegraphy segments.[2] Since the use of single sideband suppressed carrier techniques by foreign amateur telephony stations has become predominant, destructive interference to telegraphy from telephony carriers is no longer a significant factor. In fact, it appears that foreign amateurs using suppressed carrier telephony now avoid the popular telegraphy segments apparently because of the interference suffered from telegraphy in receivers being operated for reception of suppressed carrier telephony.

8. The Commission believes that some expansion of the amateur high frequency telephony sub-bands is desirable. The encouraging result of the present license class—frequency allocation incentive system indicates that its continuation in approximately the same pattern is warranted. This is predicated upon provision of an attractive advantage of operating space to number of licensees ratio for the Advanced and Extra Class operators. Therefore, appropriate amendment of the Amateur Radio Service Rules is proposed as set forth below. Generally, an exclusive 25 kHz segment for Amateur Extra Class operator is provided at the low end of each telephony sub-band. The modest number of United States licensees of this class should not significantly affect foreign telephony operation therein and the greater possibility of establishing foreign contacts should be an incentive to qualify for the Extra Class license. With the exception of the 7 MHz band, expansion of each of the current Extra-Advanced Class reserved sub-bands is proposed. Expansion of current General-Conditional Class sub-bands is proposed in four bands. Expansion of the 28 MHz telephony sub-band to provide a similar pattern of Extra and Extra-Advanced telephony sub-bands is proposed. Appropriate modification of the 7 and 21 MHz Novice sub-bands is included. A 2F MHz Novice band is proposed as compensation for the proposed reduction in the 21 MHz Novice band. Because of the light occupancy in the current 25 kHz Extra Class telegraphy segments, reduction of each to 10 kHz is proposed.

9. The requested limitation of Extra or Advanced Class operation to low power, "SSB" emission and to only international contacts is not proposed herein. The petitioners gave no reasons for proposing such limitations and it is the Commission's view that some of the limitations would serve to reduce the attractiveness of the subbands to would-be Extra Class and Advanced Class licensees. Since there is so little double sideband telephony operation left in these bands, the imposition of a limitation to the use of only single sideband suppressed carrier appears to be unnecessary. The limitation to only international contacts would be difficult to comply with and enforce in many situations such as, for example, a multilateral exchange of communications among a foreign station and two or more United States stations.

10. The request for additional telephony space for use by the amateurs of the Commonwealth of Puerto Rico appears to be designed primarily to allow them to operate with telephony on frequencies where many Spanish speaking amateurs of other countries are most likely to be operating. It would also obviously permit freedom from the heavier interference from amateur telephony stations in the 50 States. However convenient this might be, it is believed that Puerto Rican licensees should also be encouraged to up-grade their license class and the allocations proposed herein will provide some of the benefits desired by the petitioner, to those who are willing to exert the effort to obtain the higher class licenses. It is also believed desirable to encourage more communication between the citizens residing in the Commonwealth and in the 50 States.

11. The requested use of 1875–1900 kHz in Puerto Rico (RM–1349) is not possible because of United States Coast Guard requirements for protection of the LORAN system of navigation with which amateur sharing of the band must be on a noninterfering basis. 1800 to 1850 and 1975 to 2000 kHz is available for telephony and telegraphy in Puerto Rico.

12. In Regions 1 and 3 (as defined by the International Radio Regulations, Geneva, 1959) 7100–7300 kHz is not allocated to the Amateur Radio Service. Appropriate amendment of the operator privileges, making provision for a substitute Novice subband and a telephony subband for U.S. licensees located in the far Pacific Island possessions in Region 3, is included. Recognizing that off-frequency telephony contacts with stations in Region 1 or 3 operating below 7100 kHz may be more difficult for U.S. stations operating above 7150 kHz, provision for the exchange of telephony communications with stations outside Region 2 is proposed at 7075 to 7100 kHz for Advanced and Extra Class operators as an incentive to encourage qualification for these classes.

13. The specific rule changes proposed herein are set forth below. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 1, 1971, and reply comments on or before June 18, 1971. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, and comments shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before it, in addition to specific comments invited by this Notice.

Adopted: February 24, 1971.

Released: March 1, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX I

Petitioners

RM–1306 Richard Ebeling, K2UTC, White Plains, N.Y.

RM–1349 Radio Club de Puerto Rico, Jose E. Saldana, President, San Juan, P.R.

RM–1477 Lowell E. White, W2CNQ, Closter, N.J.

RM–1479 Paul H. Lee, W3JM, Kensington, Md.

RM–1544 Bernard Ostrofsky, W9HTF, Gary, Ind.

RM–1550 Andrew G. Bourassa, WA1LJJ, Laconia, N.H.

RM–1593 Joseph Santangelo, W1NXY, Waltham, Mass.

RM–1603 Paul H. Lee, W3JM, Kensington, Md.

RM–1614 R. L. Cope, W8MOK, Marion, Ohio

RM–1616 Kenneth H. Dearborn, K6EVO et al.

RM–1644 J. S. Brown, W9IPK; Wallace H. Raymond, K4EKJ; C. Everett Coon, W2KNU/4; Gary O. Poorman, W4UPJ; W. I. Bull, W4TRI, and; L. M. Rundlett, W3ZA.

RM–1665 David W. Clements, WA6FHB, FPO, N.Y.

RM–1695 Charles R. Clark, WB40BZ, Moncks Corner, S.C.

RM–1723 George E. Cushing, W4QVJ, Hollywood, Fla.

RM–1729 Gary A. Stillwell, W6NJU, Canoga Park, Calif.

APPENDIX II

Amendment of Part 97 of the Commission's rules is proposed as follows:

1. Section 97.7(a) and table, paragraph (b), and paragraph (d) (2) are amended to read as follows:

§ 97.7 Privileges of operator licenses.

(a) *Amateur Extra Class and Advanced Class.* All authorized amateur privileges including exclusive frequency operating authority in accordance with the following table:

Frequencies and class of license authorized

Amateur extra only:

3500–3510 kc/s	14,150–14,175 kc/s
3750–3775 kc/s	21,000–21,010 kc/s
7000–7010 kc/s	21,200–21,225 kc/s
7150–7175 kc/s	28,350–28,375 kc s
14,000–14,010 kc/s	

Amateur extra and advanced:

3775–3875 kc/s	21,225–21,325 kc/s
7075–7100 kc/s	28,375–28,500 kc/s
7175–7225 kc/s	50.0–50.1 Mc/s
14,175–14,250 kc/s	

(b) *General and Conditional Class.* All authorized amateur privileges except those exclusive frequency operating privileges which are reserved to the Advanced and/or the Amateur Extra Class but including operating privileges in the band 7075–7100 kc/s with telegraphy, and with telephony when located outside Region 2 (Refer to § 97.95(b)(2) for a description of Region 2).

* * * * * *

(d) *Novice Class.* Those amateur privileges designated and limited as follows:

* * * * * *

(2) Radiotelegraphy is authorized in the frequency bands 3700–3750 kc/s, 7100–7150 kc/s (7050–7075 kc/s when located outside Region 2), 21100–21200 kc/s, and 28150–28250 kc/s, using only type A–1 emission and 145–147 Mc/s, using radiotelegraphy emissions as set forth in § 97.61. Refer to § 97.95(b)(2) for a description of Region 2.

* * * * * *

2. In § 97.61, the table in paragraph (a) is amended and, in paragraph (b), subparagraph (10) is added to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) * * *

Frequency band	Emissions	Limitations (see paragraph (b))
kc/s		
1800–2000	A1, A3	1, 2
3500–4000	A1	
3500–3750	F1	
3750–3875	A5, F5	
3750–4000	A3, F3	4
7000–7300	A1	3, 4
7000–7075	F1	
7075–7100	A3, F3, A5, F5	10
7100–7150	F1	3, 4
7150–7225	A5, F5	3, 4
7150–7300	A3, F3	3, 4
14000–14350	A1	
14000–14150	F1	
14150–14250	A5, F5	
14150–14350	A3, F3	
Mc/s		
21.00–21.45	A1	
21.00–21.20	F1	
21.200–21.325	A5, F5	
21.20–21.45	A3, F3	
28.00–29.70	A1	
28.00–28.35	F1	
28.35–29.70	A3, F3, A5, F5	
* * *	* * *	* * *

(b) * * *

(10) The use of telephony in this band is limited to the calling of, and the exchange of communications with, amateur stations located outside Region 2. Refer to § 97.95(b)(2) for a description of Region 2.

[FR Doc.71–2981 Filed 3–5–71;8:45 am]

[1] Order, FCC 69–1020, adopted Sept. 24, 1969.

[2] The regulations of most countries permit the use of telephony throughout each high frequency amateur band. The International Amateur Radio Union has adopted a set of voluntary suballocations (QST, Nov., 1969, page 81).

FEDERAL REGISTER, VOL. 36, NO. 45—SATURDAY, MARCH 6, 1971

Notices

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

YELLOWFIN TUNA

1971 Commission Final Resolution

The resolution adopted by the Inter-American Tropical Tuna Commission at the second part of the 23d annual meeting held in Mexico City, Mexico, February 16–20, 1971, reads as follows:

RESOLUTION

THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Taking note that at its 21st Annual Meeting at San Diego, Calif., on March 18, 19, and 22 of 1969, the Commission recommended the initiation of a 3-year program of experimental fishing designed to test then current assessments of the yellowfin stocks,

Taking note that the apparent changes in the stock during 1969 and 1970 resulting from the experimental fishing program have been within the limits set for continuation of the experiment,

Taking note that certain provisions of the resolutions from the 21st, 22d, and 23d Annual Meetings of the Commission relating to the catch of yellowfin tuna after the season closure are limited to the years 1969 and 1970, and only through February 16 of 1971,

Recognizing that the recommendations for establishing a conservation regime during 1971, approved at its 23d Annual Meeting, were of an interim nature, lasting only through February 16, 1971,

Concludes that it is desirable to continue the experimental fishing during 1971,

Considering the resolution from the second part 10th Intergovernmental Meeting on the conservation of yellowfin tuna held in Mexico City from February 16 through February 20, which recommends certain management measures to the Commission,

Therefore recommends to the High Contracting Parties that they take joint action to:

1. Establish the annual catch limit (quota) on the total catch of yellowfin tuna for the calendar year 1971 at 140,000 short tons from the regulatory area defined in the resolution adopted by the Commission on May 17, 1962; provided: (a) That if the annual catch rate is projected to fall below 3 short tons per standard day's fishing, measured in purse seine units adjusted to limits of gear efficiency previous to 1962, as estimated by the Director of Investigation, the unrestricted fishing for yellowfin tuna in the regulatory area shall be curtailed so as not to exceed the then current estimate of equilibrium yield and shall be closed on a date to be fixed by the Director of Investigation; (b) that the Director of Investigation may increase this limit by no more than two successive increments of 10,000 short tons each, if he concludes from reexamination of available data that such increase will offer no substantial danger to the stock.

2. Reserve a portion of the annual yellowfin tuna quota for an allowance for incidental catches of tuna fishing vessels when fishing in the regulatory area for species normally taken mingled with yellowfin tuna, after the closure of the unrestricted fishing for yellowfin tuna. The amount of this portion should be determined by the scientific staff of the Commission at such time as the catch of yellowfin tuna approaches the recommended quota for the year.

3. Allow vessels to enter the regulatory area during the open-season, which began January 1, 1971, with permission to fish for yellowfin tuna without restriction on the quantity until the return of the vessel to port.

4. Close the fishery for yellowfin tuna in 1971 at such date as the quantity already caught plus the expected catch of yellowfin tuna by vessels which are at sea with permission to fish without restriction reaches 140,000 short tons or 150,000 or 160,000, if the Director of Investigations so determines such amounts should be taken, less the portion reserved for incidental catches in Item 2 above and for the special proportion allowed for in Items 6 and 7 below, such dates to be determined by the Director of Investigations.

In order to not curtail their fisheries, those countries whose Governments accept the Commission's recommendations but whose fisheries of yellowfin tuna are not of significance will be exempted of their obligations of compliance with the restrictive measures.

Under present conditions, and according to the information available, an annual capture of 1,000 tons of yellowfin tuna is the upper limit to enjoy said exemption.

After the closure of the yellowfin tuna fishery, the Governments of the Contracting parties and cooperating countries may permit their flag vessels to land yellowfin tuna without restriction in any country described in the preceding section which has tuna canning facilities until such time as the total amount of yellowfin tuna landed in such country during the current year reaches 1,000 short tons.

For 1971 only in order to avoid congestion of unloading and processing facilities around the date of the season closure and the danger that vessels may put to sea without adequate preparations, any vessel which completes its trip before the closure may sail to fish freely for yellowfin tuna within the regulatory area on any trip which is commenced within 30 days after the closure.

5. Permit each vessel, not provided with a special allowance under Items 6 and 7 below fishing tuna in the regulatory area after the closure date for the yellowfin tuna fishery to land an incidental catch of yellowfin tuna taken in catches of other species in the regulatory area on each trip commenced during such closed season. The amount each vessel is permitted to land as an incidental catch of yellowfin tuna shall be determined by the Government which regulates the fishing activities of such vessels: *Provided, however,* That the aggregate of the incidental catches of yellowfin tuna taken by all such vessels of a country so permitted shall not exceed 15 percent of the combined total catch taken by such vessels during the period these vessels are permitted to land incidental catches of yellowfin tuna.

6. Permit the flag vessels of each country of 400 short tons capacity and less fishing tuna in the regulatory area after the closure date for the yellowfin tuna fishing to fish freely until 6,000 short tons of yellowfin tuna are taken by such vessels or to fish for yellowfin tuna under such restrictions as may be necessary to limit the catch of yellowfin tuna by such vessels to 6,000 short tons; and thereafter to permit such vessels to land an incidental catch of yellowfin tuna taken in the catch of other species in the regulatory area on each trip commenced after 6,000 tons have been caught. The amount each vessel is permitted to land as an incidental catch shall be determined by the Government which regulates the fishing activities of such vessels: *Provided, however,* That the aggregate of the incidental catches of yellowfin tuna taken by such vessels of each country so permitted shall not exceed 15 percent of the total catch taken by such vessels during trips commenced after 6,000 short tons of yellowfin tuna have been caught.

In the event that the Director of Investigations increases the quota to 150,000 or 160,000 short tons as provided for in Item 1 above, this special allowance of 6,000 short tons shall be increased in proportion to the increase in the total catch beyond 140,000 short tons.

7. Permit, during 1971, the newly constructed flag vessels of those members of the Commission which are developing countries and whose fisheries are in early stage of development (that is, whose tuna catch in the convention area in 1970 did not exceed 12,000 short tons, and whose total fish catch in 1969 did not exceed 400,000 metric tons) and which enter the fishery for yellowfin tuna in the convention area for the first time during the closed season in 1971 and which, because of characteristics such as size, gear or fishing techniques, present special problems, to fish unrestricted for yellowfin tuna until such vessels have taken in the aggregate 2,000 short tons of yellowfin, or to fish for yellowfin tuna under such restrictions as may be necessary to limit the aggregate catch of such vessels to 2,000 short tons of yellowfin tuna.

8. The species referred to in Items 2, 5 and 6 are: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, billfishes, and sharks.

9. Obtain by appropriate measures the cooperation of those Governments whose vessels operate in the fishery, but which are not parties to the Convention for the establishment of an Inter-American Tropical Tuna Commission, to put into effect these conservation measures.

This resolution amends the previous interim resolutions adopted at the first part of the 23d Annual Meeting held in San Jose, Costa Rica, January 4–21, 1971, published in the FEDERAL REGISTER February 17, 1971 (36 F.R. 3076).

This notice constitutes the announcement of the annual limitation on the quantity of yellowfin tuna permitted to be taken in the regulatory area, pursuant to the procedure established in 50 CFR 280.3. Closure of the season for yellowfin tuna will be announced in accordance with the procedure established in 50 CFR 280.5.

Issued at Washington, D.C., and dated March 3, 1971.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

[FR Doc.71-3141 Filed 3-5-71;8:46 am]

Office of the Secretary

COLLEGE OF WILLIAM AND MARY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00052–58–46040. Applicant: College of William and Mary, Williamsburg, VA 23185. Article: Electron microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used for research on the ultrastructure in marine red algae with the basic purpose of using ultrastructure as a criterion for the establishment of phylogenetic relationships among this group of plants. A graduate level course in cell biology of cytology will be offered to students to provide them with experience in the use of an electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 10, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3134 Filed 3-5-71;8:45 am]

CORNELL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00287–00–46040. Applicant: Cornell University, Ithaca, NY 14850. Article: Large angle goniometer hot stage, Model AHLG. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article is an accessory for an existing JEM–200 electron microscope used for materials science research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3135 Filed 3-5-71;8:45 am]

EAST TENNESSEE STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00049–33–46040. Applicant: East Tennessee State University, Johnson City, TN 37601. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used primarily for the training of undergraduate, residency and graduate students in the techniques and applications of electron microscopy. The simplicity of operations is important as a teaching instrument.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 10, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc. 71-3136 Filed 3-5-71;8:45 am]

INSTITUTE FOR CANCER RESEARCH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00176–33–46040. Applicant: The Institute for Cancer Research, 7701 Burholme Avenue, Philadelphia, Pa. 19111. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A. G., West Germany.

Intended use of article: The article will be used for research purposes of the structure-function relationship between macromolecular components of cells and viruses, and more specifically, the study of the structure of discrete sites on cell surfaces which (a) function as virus receptors, (b) are responsible for the release of infecting nucleic acid and (c) facilitate nucleic acid uptake by the cell.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 19, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

We therefore find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3137 Filed 3–5–71;8:45 am]

SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00172–33–46040. Applicant: Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York, NY 10021. Article: Electron Microscope, Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used for biological studies on crystalline and semicrystalline structures: Lipoprotein macromolecules; and enzyme localizations.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 19, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

We therefore find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3138 Filed 3–5–71;8:46 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00295–00–46040. Applicant: University of California, San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, CA 94804. Article: Image intensifier. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory for a previously imported Elmiskop 101 electron microscope used for a study of macromolecules of biological origin.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3139 Filed 3–5–71;8:46 am]

WISTAR INSTITUTE OF ANATOMY AND BIOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended, (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00089–33–46040. Applicant: The Wistar Institute of Anatomy and Biology, 36th Street at Spruce, Philadelphia, PA 19104. Article: Electron microscope, Model HS 8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for the training of postdoctoral

fellows, graduate students and staff members in techniques of electron microscopy, and, to examine preparations made during the research of various staff scientists.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C elctron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 10, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3140 Filed 3–5–71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

SPECIAL SERVICES FOR DISADVANTAGED STUDENTS PROGRAM

Notice of Establishment of Closing Date for Receipt of Application for Funds

The Higher Education Act of 1965, title IV, part A, section 408, as amended, authorizes the Commissioner of Education to conduct programs of special services for disadvantaged and physically handicapped students already enrolled or accepted for enrollment at Institutions of Higher Education through grants to such institutions. Such programs may include, among other things, (A) counseling, tutorial, or other educational services, including special summer programs, to remedy such students' academic deficiencies, (2) career guidance, placement, or other student personnel services to encourage or facilitate such students' continuance or reentrance in higher education programs, or (C) identification, encouragement, and counseling of any such students with a view to their undertaking a program of graduate or professional education.

Notice is hereby given that application for grants under this program, which are to be funded from appropriations for fiscal year 1971, must be received at the address indicated below no later than March 31, 1971.

Every effort will be made to mail the application forms by February 12, 1971, to the Presidents of all Institutions of Higher Education on the Office of Education mailing list, as well as to faculty and administrators of Institutions of Higher Education who have already indicated an intent to apply for assistance under the program. Such forms as well as further information may be obtained from the Talent Search/Special Services Branch, Division of Student Special Services, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

Dated: February 11, 1971.

PRESTON VALIEN,
Acting Associate Commissioner for Higher Education.

Approved: February 27, 1971.

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

[FR Doc.71–3144 Filed 3–5–71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION I

Redelegation of Authority With Respect to Fair Housing

SECTION A. *Authority with respect to fair housing.* The Assistant Regional Administrator for Equal Opportunity, Region I (Boston), is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under title VIII (Fair Housing) of the Civil Rights Act of 1968 (42 U.S.C. 3601–3619), except the authority to:

1. Issue a subpena or an interrogatory under section 811 of the Act (42 U.S.C. 3611).

2. Make studies and publish reports under section 808(e) of the Act (42 U.S.C. 3608(d)).

3. Issue rules and regulations.

SEC. B. *Authority to redelegate.* The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to employees of the Department the authority of the Secretary to administer oaths under section 811(a) of the Act (42 U.S.C. 3611(a)).

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Apr. 30, 1970, 35 F.R. 6877, Apr. 30, 1970)

Effective date. This redelegation of authority is effective as of October 1, 1970.

JAMES J. BARRY,
Regional Administrator, Region I (Boston).

[FR Doc.71–3191 Filed 3–5–71;8:50 am]

CERTAIN HUD EMPLOYEES IN REGION I

Redelegation of Authority to Administer Oaths

Redelegation of authority to administer oaths under title VIII (Fair Housing) of Civil Rights Act of 1968.

Each of the following named employees in the Department of Housing and Urban Development, Region I (Boston), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3611(a):

1. Lionel J. Jenkins.
2. Thomas L. Sanders.
3. Lawrence P. Troiano.
4. Frank H. Buntin.

(Redelegation by Regional Administrator effective Oct. 1, 1970 (36 F.R. 4517, Mar. 6, 1971))

Effective date. This redelegation of authority is effective upon publication in the FEDERAL REGISTER (3–6–71).

JOSEPH S. VERA,
Assistant Regional Administrator for Equal Opportunity, Region I (Boston).

[FR Doc.71–3192 Filed 3–5–71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

CHESTER BRIDGE TOLLS

Notice of Public Hearing

The Federal Highway Administrator has received complaints that the tolls now charged for transit over the Chester Bridge across the Mississippi River at Chester, Ill., are not just and reasonable. The complainants have asked the Administrator to prescribe reasonable rates of toll for transit over the bridge in accordance with section 4 of the Bridge Act of 1906, as amended, 33 U.S.C. 494, and section 105 of the River and Harbor Act of 1966, 80 Stat. 1405, 1406.

The Administrator has decided to conduct a hearing under the Administrative Procedure Act (5 U.S.C. 554–558) and the regulations in 49 CFR Part 310 for the purpose of determining whether the present toll rates are reasonable and just and, if they are found to be invalid, what reasonable rates of toll should be prescribed for transit over the bridge.

The Honorable Malcolm P. Littlefield, a hearing examiner duly appointed under

Administrative Procedure Act, is hereby appointed to conduct the hearing on the complaint and answer heretofore filed and to proceed in accordance with applicable laws and regulations. By subsequent order, the hearing examiner shall fix the time and place for all further proceedings.

Issued on March 3, 1971.

F. C. TURNER,
Federal Highway Administrator.

[FR Doc.71-3207 Filed 3-5-71;8:52 am]

Federal Railroad Administration

[FRA-Petition-No. 26]

SEABOARD COAST LINE RAILROAD CO.

Petition for Relief From Requirement of Initial Terminal Road Train Air Brake Tests

Petition of Seaboard Coast Line Railroad Company for relief from the requirement of initial terminal road train air brake tests, 49 CFR 232.12.

The hearing in this proceeding now set in Richmond, Va., on March 11, 1971, is postponed to a date and place to be hereinafter fixed.

A further notice will be issued as soon as the hearing has been rescheduled.

Dated this 1st day of March 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings, and Hearing Examiner.

[FR Doc.71-3154 Filed 3-5-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-348, 50-364]

ALABAMA POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Alabama Power Co., 600 North 18th Street, Birmingham, AL 35203, pursuant to the Atomic Energy Act of 1954, as amended, filed an application dated October 10, 1969, and an application Amendment No. 1 dated June 26, 1970 for authorization to construct first one then a second, pressurized water nuclear reactor, designated as the Joseph M. Farley Nuclear Plant, Unit No. 1 and No. 2, respectively, on the applicant's site in Houston County, Ala.

The site is located on the west side of the Chattahoochee River located about 16½ miles east of Dothan, Ala.

The proposed nuclear plant will be comprised of two pressurized water nuclear reactors, which are each to have a net electrical capacity of about 829 megawatts electrical.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 20, 1971.

A copy of the application and Amendment No. 1 is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the Honorable A. A. Middleton, Chairman, Houston County Commission, City of Dothan, Houston County, Ala.

Dated at Bethesda, Md., this 11th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2262 Filed 2-19-71;8:45 am]

[Dockets Nos. 50-382, 50-383]

LOUISIANA POWER & LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, LA 70114, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated December 28, 1970, for two construction permits and facility licenses to authorize construction and operation of two pressurized water reactors on the applicant's approximately 100-acre part of the 3,600-acre site on the west bank of the Mississippi River near the town of Taft, La. The site is located in St. Charles Parish, about 20 miles west of New Orleans, La.

The proposed reactors are designated by the applicant as the Waterford Steam Electric Station, Units 3 and 4. Unit No. 3 is designed for a maximum expected output of 3,580 megawatts (thermal) with a net output of about 1,165 megawatts (electrical). The final decision to construct Unit No. 4 has not been made with any supplier or engineering consultant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 13, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the President of St. Charles Parish Police Jury, Hahnsville, La.

Dated at Bethesda, Md., this 10th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2084 Filed 2-12-71;8:50 am]

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Southern California Edison Co., 601 West Fifth Street, Los Angeles, CA 90053, and the San Diego Gas and Electric Co., 101 Ash Street, San Diego, CA 92112, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application, dated May 28, 1970, for authorization to construct two pressurized water nuclear reactors, designated as the San Onofre Nuclear Generating Station Units 2 and 3, on the applicants' site located at Camp Pendleton, San Diego County, Calif.

The site is located on the west coast of Southern California, approximately 62 miles southeast of Los Angeles, approximately 51 miles northwest of San Diego, and is within the U.S. Marine Corps Base, Camp Pendleton.

Southern California Edison Co. (SCE) and San Diego Gas and Electric Co. (San Diego) are joint applicants for the construction permit for the San Onofre Nuclear Generating Station Units 2 and 3. The ownership for the two units will be shared in the proportion of 80 percent by SCE and 20 percent by San Diego. SCE, as project manager for the utilities, will have responsibility for the technical adequacy of the design and construction of the San Onofre plant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 20, 1971.

The proposed nuclear power plants which will be located adjacent to San Onofre Nuclear Generating Station, Unit 1, will consist of two pressurized water nuclear reactors, each of which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,140 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 12th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2263 Filed 2-19-71;8:45 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Proposed Issuance of Facility Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of a facility operating license to Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. (the applicants) which would authorize the applicants to possess, use, and operate the Point Beach Nuclear Plant Unit No. 2 (Unit No. 2), a pressurized water nuclear reactor, on the applicants' site in the Town of Two Creeks, Manitowoc County, Wis., at steady state power levels not to exceed 1,518 megawatts (thermal), in accordance with the provisions of the license and the Technical Specifications appended thereto. Construction of Unit No. 2 was authorized by Provisional Construction Permit No. CPPR-47 issued by the Commission on July 25, 1968.

The Commission has found that the application for the facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I.

Prior to the issuance of the facility operating license, the facility will be inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-47. The license will be issued after the Commission makes the findings, reflecting its review of the application, which are set forth in the proposed license, and concludes that the issuance of this license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicants will be required to execute an amended indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In the event that construction has not been sufficiently completed to permit full power operation, the Commission may issue an operating license consistent with the level of construction completed to permit initial fuel loading and low power testing prior to the issuance of the full power license.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicants may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of a hearing or appropriate order.

Prior to issuance of the facility operating license, the Commission will issue a detailed environmental statement for the Point Beach facility. The availability of the statement will be published in the FEDERAL REGISTER. The statement will be prepared consistent with Appendix D of 10 CFR Part 50 of the Commission's regulations.

For further details with respect to this proposed facility operating license, see (1) the applicants' application for a facility license dated March 12, 1969, as amended (Amendments Nos. 1 through 11), (2) the report of the Advisory Committee on Reactor Safeguards on the application for Unit Nos. 1 and 2, dated April 16, 1970, (3) the proposed facility operating license, (4) the Technical Specifications which will be attached as Appendix A to the proposed facility operating license, and (5) a related safety evaluation prepared by the Division of Reactor Licensing for Unit Nos. 1 and 2, dated July 15, 1970, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of items (2), (3), and (5) above may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of March 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-3173 Filed 3-5-71;8:49 am]

[Docket No. 50-166]

UNIVERSITY OF MARYLAND

Notice of Proposed Issuance of Amendment to Facility License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility License No. R-70 dated October 31, 1961, which authorizes the University of Maryland to possess, use, and operate the nuclear reactor located on its campus in College Park, Md., at steady-state levels up to 10 kilowatts (thermal). The amendment authorizes the operation of the modified reactor and restates the license in its entirety to incorporate previously issued amendments and additional reporting requirements. The modifications were authorized by Construction Permit No. CPRR-108.

The Commission has found that the application for amendment and supplements comply with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. Prior to issuance of the amendment, the facility will be inspected by the Commission to determine whether it has been constructed and modified in accordance with the application, as amended, and the provisions of Construction Permit No. CPRR-108. The amendment will be issued after the Commission makes the findings required by the Act and the Commission's regulations which are set forth in the proposed amendment, and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment dated June 30, 1969, and supplements dated November 25, 1969, January 14, 1971 (which supersedes previous submittals), February 4, 1971, and February 10, 1971, and (2) the proposed amendment, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of item 3 may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of March 1971.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-3260 Filed 3-5-71;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22214, etc.]

INTERAMERICAN AIRFREIGHT CO.

Notice of Hearing

Willy Peter Daetwyler doing business as Interamerican Airfreight Co.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on March 10, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For further information regarding the issues herein interested persons are directed to Board order 71-2-24 of February 4, 1971, consolidating applications for hearing and decision herein and to the documents on file in the dockets referred to in said order.

Dated at Washington, D.C., March 2, 1971.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[FR Doc.71-3188 Filed 3-5-71;8:50 am]

[Docket No. 22628; Order 71-3-19]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority March 2, 1971.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA) and adopted by mail vote. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements, which encompass amendments to IATA resolutions recently approved by the Board[1] as agreed upon at the 1970 Worldwide Passenger Fare Conference held in Honolulu, would (1) permit contract bulk inclusive tour (CBIT) fares, available for North/Central Pacific travel by Japan-originating passengers, to be combined with IATA-agreed fares within the Western Hemisphere, and (2) clarify that the minimum tour price for use in connection with South Pacific 35-day individual inclusive tour fares shall be $140 for the minimum-stay period plus $10 per day thereafter where tour features are required.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB:	*IATA resolutions*
22133 ----------	JT31 (Mail 190) 080m.
22221 ----------	JT31 (Mail 195) 079d.

Accordingly, it is ordered, That:

Action on Agreements CAB 22133 and 22221 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for reveiw of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3189 Filed 3-5-71;8:50 am]

[Docket No. 22871]

LATIN AMERICAN ROUTES STOPOVER AUTHORITY INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 20, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 23, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 3, 1971.

[SEAL] HARRY H. SCHNEIDER,
Hearing Examiner.

[FR Doc.71-3187 Filed 3-5-71;8:50 am]

[Docket No. 21740; Order 71-3-24]

NORTH CENTRAL AIRLINES, INC.

Order Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1971.

North Central has filed a motion for an order to show cause on its application, Docket 21740, to amend its certificate of public convenience and necessity for route 86 so as to delete part of Condition (10),[1] and thus, permit turnaround service between Cleveland, Ohio, and Detroit, Mich.

Northwest Airlines, Inc. (Northwest), filed an answer requesting denial of North Central's motion for an order to show cause. Northwest also suggests that if the Board considers an award to North Central to be necessary, the Board should award an exemption permitting the carrier to operate one daily turnaround flight between Cleveland and Detroit.

Upon consideration of the foregoing, and all the relevant facts, the Board has decided to issue an order to show cause, proposing to amend North Central's certificate as requested. In addition, we will grant North Central an exemption on a pendente lite basis to permit one daily turnaround flight between Cleveland and Detroit. The latter authority will permit North Central to operate the service proposed in the operating plan submitted in support of its motion for a show cause order.

We tentatively find and conclude that the public convenience and necessity require amendment of North Central's certificate for route 86 so as to delete the restriction in Condition (10) which prohibits turnaround operations between Cleveland and Detroit. The new authority will be ineligible for subsidy.

In support of our ultimate finding, we tentatively find that the restriction presently serves no useful purpose, and that its deletion from North Central's certificate will enable that carrier to achieve greater operating flexibility.[2] Moreover, the proposed authorization is permissive. Thus, if the carrier finds it desirable to do so, it will be able to adjust its operations as circumstances require. We also find that no other air carrier will be significantly affected by grant of this award.[3]

Interested persons will be given 20 days from the service date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be supported by legal precedent and detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail, why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

We also find that grant of exemption authority pendente lite to permit the operation of one daily turnaround flight between Cleveland and Detroit is warranted. The relief granted is quite limited, temporary, and involves no new stations or equipment for North Central. North Central is authorized at the market in question, and the effect of our award is to afford North Central increased operating and scheduling flexibility, without causing any significant adverse impact on any other carrier.[4] We find that it would be an undue burden, under the circumstances here presented, to deprive the carrier of the operational efficiencies that will inure to it under the authority authorized herein during the pendency of its application for an amendment to its certificate.

Accordingly, we find that enforcement of section 401 with respect to the service described above would be an undue burden on the carrier by reason of the limited extent of, and the unusual circumstances affecting its operations, and is not in the public interest.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending North Central's certificate of public convenience and necessity for route 86 so as to delete the restriction on Cleveland service contained in Condition (10);[5]

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. North Central Airlines, Inc., be and it hereby is temporarily exempted from the provisions of section 401 of the Act, and the terms, conditions, and limitations of its certificate of public convenience and necessity for route 86, to the extent that they would otherwise prevent North Central from operating one daily turnaround flight between Detroit, Mich., and Cleveland, Ohio;

6. The exemption authority granted herein shall be effective until 60 days following final Board decision in Docket 21740;

7. The exemption authority granted herein may be amended or revoked at any time in the discretion of the Board without hearing; and

8. A copy of this order shall be served upon the following, who are hereby made parties to this proceeding: Airlift International, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Lines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Tag Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and the cities of Detroit, Mich., and Cleveland, Ohio.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3190 Filed 3-5-71;8:50 am]

[1] Order 71-2-58, dated Feb. 11, 1971.

[1] Condition (10) of route 86 states as follows:

"(10) Flights serving Cleveland, Ohio, shall originate or terminate at a point north or west of Detroit, Mich., and nonstop flights between Minneapolis-St. Paul, Minn., and Chicago, Ill., shall orginate or terminate at a point west of Minneapolis-St. Paul."

[2] The restriction was imposed over a decade ago in the Great Lakes Local Service Investigation, 31 C.A.B. 442 (1960), in a competitive situation different from that which obtains today. It does not appear that continued limitation of the carrier's operational flexibility will provide any benefits to the public.

[3] We note that Northwest does not allege that any diversion of passengers or revenues will result from grant of North Central's certificate amendment request.

[4] Grant of the exemption will make possible late evening service from Traverse City to Cleveland (thereby conveniencing passengers returning to Cleveland through Traverse City) which the carrier asserts would be otherwise economically infeasible.

[5] The authority will be ineligible for subsidy.

FEDERAL MARITIME COMMISSION

A. F. KLAVENESS & CO., A/S, ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Francis L. Tetreault, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 9852 is a cooperative working arrangement among A. F. Klaveness & Co., A/S, Det Bergenske Dampskibsselskab and Det Nordenfjeldske Dampskidsselskab as parties to operate passenger vessels now being built in a joint cruise service to and between various ports in the world.

The objective of the parties is the cooperative management and operation of passenger cruise services either directly or through a jointly owned Norwegian corporation, Royal Viking Line A/S, or through a jointly owned American corporation, Royal Viking Line, Inc., or through other corporations and business structures and/or through bareboat charter or otherwise.

The agreement specifically provides for the arranging of scheduling; fares, accounting and other things necessary for the management and operation of the vessels; acquisition of equipment and other property in connection with the operation of the vessels; filing of tariffs and obtaining necessary certifications from interested governmental agencies; appointment of agents, including arrangements for advertising and booking services; and entering into arrangements for terminals and terminal services.

Any specific pooling arrangements and/or other subsequent agreements requiring Section 15 approval will be filed with the Federal Maritime Commission.

Dated: March 2, 1971.

By order of the Federal Martime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3195 Filed 3-5-71;8:51 am]

ATLANTIC AND GULF-INDONESIA CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. R. T. Curran, Secretary, Atlantic and Gulf-Indonesia Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8080–10 is a modification of the Atlantic and Gulf-Indonesia Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3196 Filed 3–5–71;8:51 am]

ATLANTIC AND GULF-SINGAPORE, MALAYA, AND THAILAND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. R. T. Curran, Secretary, Atlantic and Gulf-Singapore, Malaya, and Thailand Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8240–8 is a modification of the Atlantic and Gulf-Singapore, Malaya, and Thailand Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3197 Filed 3–5–71;8:51 am]

FARRELL LINES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Seymour H. Kligler, Esquire, Levitt Brauner Baron Rosenzweig & Kligler, Attorneys at Law, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9931, between Farrell Lines, Inc., and Moore-McCormack Lines, Inc., as one party, and South African Marine Corp., Ltd., Springbok Lines, Ltd., and Springbok Shipping Co., Ltd., as one party, provides for the establishment of a sailing arrangement by the parties in the trade from U.S. Atlantic Coast ports to ports in southwest, south, southeast and East Africa, and to ports on the islands of Madagascar, Reunion, Mauritius, the Comores and Seychelles and on the islands of Ascension and St. Helena. The parties will furnish equivalent tonnage as regards the type and capacity of the vessels to be used, and each will maintain a minimum of 40 sailings annually in the trade. Either party may operate one or more sailings in excess of the specified 40 sailings annually in the trade after giving notice, as provided in the agreement, of such intention to the other party and to the Federal Maritime Commission.

Dated: March 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3198 Filed 3–5–71;8:51 am]

MALAYSIA-PACIFIC RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Galloway, Secreary, Malaysia-Pacific Rate Agreement, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 9836–1 is a modification of the Malaysia-Pacific Rate Agreement's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3199 Filed 3–5–71;8:51 am]

PACIFIC COAST EUROPEAN CONFERENCE AND MATSON NAVIGATION CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Fransicso, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

G. E. Hay, Chairman, Pacific Coast European Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement No. 8299–1 amends the basic agreement to permit the member lines of the Pacific Coast European Conference to issue through bills of lading for through movements originating in Hawaii and restates the agreement in its entirety.

Dated: March 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3200 Filed 3–5–71;8:51 am]

PRUDENTIAL-GRACE LINES, INC., AND COMPANIA PERUANA DE VAPORES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Martin F. Richman, Esq., Barrett, Knapp, Smith & Schapiro, 26 Broadway, New York, NY 10004.

Agreement No. 9932, between Prudential-Grace Lines, Inc., and Compania Peruana De Vapores, covers an equal access arrangement with respect to the movement of government-controlled cargo in the trade between ports on the west coast of the United States and Peruvian ports. The agreement provides that (1) each carrier will support requests to its government by the other carrier for the movement of 50 percent of the cargoes controlled by such government; (2) each carrier shall have free access to all commercial export and import cargoes in the trade; (3) each carrier will be an associated carrier of the other, and shall maintain a minimum of 12 voyages per year adequately spaced in the service; and (4) the arrangement shall have an interim duration of 120 days during which period the parties thereto intend to negotiate a pooling agreement for the movement of government-controlled cargo in this same trade on a similar 50–50 basis.

Dated: March 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3201 Filed 3–5–71;8:51 am]

U.S. GREAT LAKES AND ST. LAWRENCE RIVER PORTS/WEST AFRICA AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John K. Cunningham, Secretary, U.S. Great Lakes and St. Lawrence River Ports/West Africa Agreement, 67 Broad Street, New York, NY 10004.

Agreement No. 9420–3, among the member lines of the United States Great Lakes and St. Lawrence River Ports/West Africa Agreement, will modify the basic agreement of the parties by amending (1) Article 5 of the agreement to eliminate the payment of an admission fee as a condition for becoming a party to the agreement, and (2) Article 3 of the agreement to eliminate the requirement of a unanimous vote for action and to substitute therefor a two-thirds majority vote for action on rate matters and a three-fourths majority vote for action on all other matters.

Dated: March 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3202 Filed 3–5–71;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. R171–744]

AZTEC OIL AND GAS CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 25, 1971.

The Respondents named herein have filed proposed increased rates and

[1] Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 an d1.37(f)) on or before April 16, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-744	Aztec Oil & Gas Co.	3	[1] 28	El Paso Natural Gas Co. (Mesa Verde Formation in San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	$226,429	12-21-70	3-1-71	8-1-71	[3] 15.0593 14.0593	[4] 29.23 [4] 29.23	R169-379, R169-379.

*The pressure base is 15.025 p.s.i.a.
[1] Does not include acreage added by agreements dated Oct. 3, 1969 and Dec. 15, 1969. (Supplement Nos. 25 and 26).
[2] Includes 1-cent minimum guarantee for liquids.
[3] Unilateral increase after expiration of 20-year contract.
[4] 28.11-cent base rate plus 0.12-cent tax reimbursement and 1-cent minimum guarantee for liquids.

Aztec Oil & Gas Co. proposes a unilateral rate increase from 14.0593¢ and 15.0593¢ to 29.23¢ per Mcf for a sale of gas to El Paso Natural Gas Co. from the Mesa Verde formation in the San Juan Basin of N. Mex.

The Commission recently issued an order in Docket No. R-407 providing for a 1-day suspension period for certain independent producer rate filings. Another order issued concurrently with the order in Docket No. R-407 shortened the suspension period for proposed increased rates then under suspension. Nothwithstanding these orders, in view of the potential triggering impact of this increased rate, Aztec's rate shall be suspended for 5 months.

Aztec's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-2999 Filed 3-5-71;8:45 am]

[Docket No. CS71-192, etc.]

CLIFFORD H. SHERROD, JR., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

MARCH 1, 1971.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene it filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Acting Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS71-192	1-22-71	Clifford H. Sherrod, Jr., Post Office Box 742, Midland, TX 79701.
CS71-193	1-25-71	North Star Petroleum Corp., 705 Alamo National Bldg., San Antonio, TX 78205.
CS71-194	1-25-71	Delta Corp., 801 First National Bldg., Oklahoma City, OK 73102.
CS71-195	1-25-71	Southwest Oil Industries, Inc., 801 First National Bldg., Oklahoma City, OK 73102.
CS71-196	1-25-71	Sabine Oil Industries, Inc., 801 First National Bldg., Oklahoma City, OK 73102.
CS71-197	1-26-71	Rex Fuller, Post Office Box 2454, Lubbock, TX 79408.
CS71-198	1-26-71	Do.
CS71-199	1-25-71	Mitchell Oil Co., c/o Mr. Phillip V. Mitchell, 5709 Cromwell Dr., Washington, DC 20016.
CS71-200	2-1-71	Sage Petroleum Co., c/o Bobby G. Dawson, Agent, Box 191, Borger, TX 79007.
CS71-201	2-1-71	Childers Oil Co., c/o Bobby G. Dawson, Agent, Box 191, Borger, TX 79007.
CS71-202	2-1-71	Jay Childers Oil Account, c/o Bobby G. Dawson, Agent, Box 191, Borger, TX 79007.
CS71-203	2-1-71	A. S. Ritchie et al., 352 North Broadway, Wichita, KS 67202.
CS71-204	2-4-71	Acme Oil Corp. (Operator) et al., 435 North Main, Wichita, KS 67202.
CS71-205	2-5-71	W. Frank Dameron, 2205 Wilco Bldg., Midland, TX 79701.
CS71-206	2-5-71	Davon Drilling Co., Post Office Box 12509, Oklahoma City, OK 73112.
CS71-207	2-8-71	Ronald L. Werner, Holcomb, Kans. 67851.
CS71-208	2-8-71	Chanslor-Western Oil and Development Co., 80 East Jackson Blvd., Room 1426, Chicago, IL 60604.
CS71-209	2-10-71	Paul W. Kenworthy, Post Office Box 2253, Odessa, TX 79760.
CS71-210	2-16-71	Barnett Oil Co., 411 First National Bank Bldg., Wichita, KS 67202.
CS71-211	2-17-71	Trumart Oil Co., c/o Donald L. Martin, Partner, Box 12, Ellis, KS 67637.
CS71-212	10-30-70	James B. Dunigan Estate, c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006.
CS71-213	10-30-70	LeFors Petroleum Co., Inc., c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006.
CS71-214	10-30-70	E. L. Green, Jr., c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006.
CS71-215	10-30-70	R. G. Allen, c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006.
CS71-216	10-30-70	Hugh Burdette, c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006.
CS71-217	10-30-70	Hugh Burdette and H. L. Green, Trustees, c/o Howard E. Wahrenbrock, Attorney, Room 605, 1725 K Street NW., Washington, DC 20006.

[FR Doc.71-3050 Filed 3-5-71;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of St. Johns River Bank, Jacksonville, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, March 1, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-3174 Filed 3-5-71;8:49 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

WESTMORELAND COAL CO. AND LITTLE ROCK COAL CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10647, Westmoreland Coal Co., Wentz No. 1 Mine, USBM ID No. 44 00302 0, Stonega, Wise County, Va., Section ID No. 005 (No. 3 Main East), Section ID No. 007 (No. 3 Main East, No. 13 Right).

(2) ICP Docket No. 10652, Westmoreland Coal Co., Pine Branch No. 1 Mine, USBM ID No. 44 00298 0, Dunbar, Wise County, Va., Section ID No. 004 (No. 2 Left).

(3) ICP Docket No. 11075, Little Rock Coal Co., No. 11 Mine, USBM ID No. 44 01580 0, Grundy, Buchanan County, Va., Section ID No. 001 (No. 1).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK, *Chairman, Interim Compliance Panel.*

MARCH 2, 1971.

[FR Doc.71-3145 Filed 3-5-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2889]

CHAMBERLAIN MANUFACTURING CORP.

Notice of Filing of Application for Order Exempting Transaction

MARCH 2, 1971.

Notice is hereby given that Chamberlain Manufacturing Corp. (Chamberlain), 845 Larch Avenue, Elmhurst, IL 60126, has field an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by Chamberlain of 116,300 shares of its outstanding common stock, at a price of $8.50 per share, from Enterprise Fund, Inc. (Enterprise), an open-end investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Enterprise owns 116,300 shares (7.2 percent) of the outstanding common stock of Chamberlain and Chamberlain is accordingly an affiliated person of Enterprise under section 2(a)(3) of the Act.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for an affiliated person of a registered investment company to sell to or purchase from such investment company any security or property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are fair and reasonable and do not involve

any over-reaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, and that the proposed transaction is consistent with the general purposes of the Act.

Chamberlain, an Iowa corporation with approximately 1,100 stockholders, is engaged in the manufacturing business. Its common stock is traded over-the-counter and is not listed on any stock exchange. The proposed transaction was agreed upon by Chamberlain and Enterprise on December 24, 1970. The bid price of Chamberlain's common stock in the over-the-counter market at that time was $8.50 per share. The agreement was put in writing on January 18, 1971, and provides that such agreement will terminate if an order of the Commission granting the requested exemption is not issued by March 24, 1971.

Chamberlain states that it and Enterprise were on equal footing in negotiating the proposed transaction in an arms-length relationship. None of the directors, officers, or persons owning beneficially 10 percent or more of the outstanding voting securities of Chamberlain is a director, officer or shareholder of Enterprise. None of the directors or officers of Enterprise is a director or officer or, to the knowledge of Chamberlain, a shareholder of Chamberlain.

Notice is further given that any interested person may, not later than March 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Chamberlain at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3176 Filed 3-5-71;8:49 am]

[70-4549]

PENNSYLVANIA ELECTRIC CO.

Notice of Posteffective Amendment Regarding Increase in Authorized Amount of Notes To Be Acquired From Nonaffiliated Company

MARCH 2, 1971.

Notice is hereby given that Pennsylvania Electric Co. (Penelec), 1001 Broad Street, Johnstown, PA 15907, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed with this Commission a posteffective amendment to the application in this proceeding pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 (Act), proposing to further assist one of two nonaffiliated coal companies to complete development of mines to supply the coal requirements of a generating station owned in part by Penelec. All interested persons are referred to the posteffective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated November 17, 1967 (Holding Company Act Release No. 15899), the Commission, among other things, authorized Penelec to acquire $5,500,000 up to December 31, 1970, of promissory notes to be issued by The Helen Mining Co. (Helen), one of the two nonaffiliated mining companies engaged in developing coal mines for the Homer City Generating Station, in which station Penelec owns a 50 percent interest. By order dated July 11, 1970 (Holding Company Act Release No. 16773), Penelec was authorized to increase the amount of notes to be acquired to $6,500,000, due to increases in Helen's estimated costs of developing such mines. Penelec now proposes to further increase such authorized amount to not more than $7,750,000 to be acquired not later than June 30, 1972, due to additional increases in Helen's costs of developing such mines. As of the date of filing, Penelec has acquired $5,500,000 of such notes. The remaining transactions heretofore authorized and described in the above-mentioned Commission orders remain unchanged. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 23, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 25049. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3177 Filed 3-5-71;8:49 am]

TARIFF COMMISSION

[TEA-W-80]

ADVANCE ROSS ELECTRONICS PLANT

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers at the Advance Ross Electronics Plant, Washington, Iowa, the U.S. Tariff Commission, on March 1, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the deflection yokes and horizontal output transformers produced at the plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such plant.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: March 3, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3206 Filed 3-5-71;8:52 am]

[TEA-W-79]

AMERICAN BEMBERG PLANT

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers at the American Bemberg Plant, Beaunit Fibers, Division of Beaunit Corp., Elizabethton, Tenn., the U.S. Tariff Commission, on March 1, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the cuprammonium rayon continuous yarn produced at the plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such plant.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: March 3, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3205 Filed 3-5-71;8:51 am]

[TEA-F-19]

BEL-TRONICS CORP.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Bel-Tronics Corp., Addison, Ill., the U.S. Tariff Commission, on March 1, 1971, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with coils and antennae of the type produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 3, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3203 Filed 3-5-71;8:51 am]

[TEA-W-78]

CARPENTER TECHNOLOGY CORP.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the production, maintenance, and salaried workers at the Carpenter Technology Corp. plant, steel division, in North Brunswick, N.J., the U.S. Tariff Commission, on March 1, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements articles like or directly competitive with the stainless steel wire produced at the plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of its workers.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: March 3, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3204 Filed 3-5-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; ICC Order 54]

GRAND TRUNK WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Grand Trunk Western Railroad Co. is unable to transport traffic over its car ferry between Milwaukee, Wis., and Muskegon, Mich., because of ice conditions in Lake Michigan.

It is ordered, That:

(a) The Grand Trunk Western Railroad Co., being unable to transport traffic over its car ferry between Milwaukee, Wis., and Muskegon, Mich., because of ice conditions in Lake Michigan, that line and its connections are hereby authorized to reroute and divert such traffic, via any available route, to expedite the movement.

(b) Concurrence of receiving road to be obtained: The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3 p.m., March 1, 1971.

(g) Expiration date: This order shall expire at 11:59 p.m., March 15, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 1, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-3182 Filed 3-5-71;8:49 am]

[Rev. S.O. 994; ICC Order 53]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The St. Louis-San Francisco Railway

Co. is unable to transport traffic over its line between East Aberdeen, Miss., and Aberdeen, Miss., because of high water.

It is ordered, That:

(a) The St. Louis-San Francisco Railway Co., being unable to transport traffic over its line between East Aberdeen, Miss., and Aberdeen, Miss., because of high water, that line is hereby authorized to reroute and divert such traffic via any available route, to expedite the movement.

(b) Concurrence of receiving road to be obtained: The railroad diverting the traffic shall receive the concurrence of the lines over which the the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4 p.m., February 26, 1971.

(g) Expiration date: This order shall expire at 11:59 p.m., March 15, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 26, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-3181 Filed 3-5-71;8:49 am]

[Notice 255]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 2, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30374 (Sub-No. 18 TA), filed February 24, 1971. Applicant: TRI-STATE TRANSPORTATION CO., INC., 44 North West Avenue (Rear), Post Office Box L, Vineland, NJ 08360. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing*, in containers and on hangers; (2) *materials and supplies* (other than in bulk) used in the manufacture of clothing; and (3) *department store merchandise* when moving in the same vehicle with clothing on hangers, between New York, N.Y., Secaucus, N.J., and Philadelphia, Pa., on the one hand, and, on the other, Baltimore, Laurel, and Frederick, Md.; Washington, D.C.; Manassas, Va.; and points within 10 miles of Baltimore, Md., and Washington, D.C. NOTE: Applicant seeks authority to tack this authority with its authorized operations in MC 30374 and to join, interline and interchange with Cargo Distribution Corp. (MC 59868), Bradley's Express, Inc. (MC 85130), and R. B. Colby Co., Inc. (MC 99121, Sub 2) in through operations, for 180 days. Supporting shippers: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 114284 (Sub-No. 47 TA), filed February 24, 1971. Applicant: FOX-SMYTHE TRANSPORTATION CO. (Oklahoma Corporation), Post Office Box 82307, Stockyard Station, 1700 South Portland Avenue, Oklahoma City, OK 73108. Applicant's representative: Carl Smythe (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate and chocolate candies, candies and confectionery products*, when moving with chocolate candies; from the plantsite and warehouse facilities of Bunte Candies, Inc., Oklahoma City, Okla., to points in New Mexico and Arizona, and points in El Paso and Hudspeth Counties, Tex., and to points in that part of Texas on and north of a line beginning at the junction of U.S. Highway 80 and the east boundary of Hudspeth County, and extending along U.S. Highway 80 to junction U.S. Highway 83, and thence on and west of U.S. Highway 83 to its junction with the Red River, approximately 8 miles north of Childress, Tex., and thence along the north bank of the Red River of the Texas-Oklahoma State line with no transportation for compensation on return, except as otherwise authorized, for 180 days. Supporting shipper: Bunte Candies, Inc., Oscar Widmer, Special Representative, 129 East California, Oklahoma City, OK 73104. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 116073 (Sub-No. 157 TA), filed February 24, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, Post Office Box 919, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building sections, building panels, parts and materials*, from the plantsite and warehouse facilities of Frank Paxton Lumber Co., in Des Moines, Iowa, to points in Minnesota, Wisconsin, Illinois, Missouri, Kansas, Nebraska, and South Dakota, for 180 days. Supporting shipper: Frank Paxton Lumber Co., 205 Southwest 11th Street, Des Moines, IA. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 11647 (Sub-No. 8 TA), filed February 24, 1971. Applicant: LAS VEGAS TANK LINES, INC., doing business as LAS VEGAS TRUCK LINE, 1901 South Industrial Avenue, Post Office Box 15295 (89114), Las Vegas, NV 89102. Applicant's representative: Ron Davis, 841 Folger Avenue, Berkeley, CA 94710. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, used household goods as described in *17 M.C.C. 467*, and classes A and B explosives, to, from and between Las Vegas, Nev., on the one hand, and, on the other hand, points in Arizona on the routes described below as follows: From Las Vegas, Nev., over U.S. Highway 93 to Henderson, thence over U.S. Highway 95 to its junction with Nevada Highway 77, thence over Nevada State Highway 77 (Arizona Highway 68), to its junction with unnumbered county road approximately 4 miles north of Bullhead City, Ariz., then over unnumbered county road to Bullhead City, Ariz., thence southerly over unnumbered county road by way of Riviera and Mohave Indian Reservation to its junction with U.S. Highway 66 at a point approximately 3 miles north of Needles, Calif.; and service to, from and between all off-route points in Mohave County, Ariz., situated south of unnumbered county road between Bullhead City and Oatman, and west of unnumbered county road approximately 4 miles north of Topock, Ariz., any and all highways and roads between the area described above may be used for operating convenience only. NOTE: Applicant intends to tack the authority here applied for with its authority in MC-116427 and subs thereunder and will interline with Associated Freight Lines, MC-57254, at Los Angeles, Calif., for 180 days. Supporting shippers: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Daniel Augustine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 203 Federal Building, 705 North Plaza Street, Carson City, NV 89701.

No. MC 126537 (Sub-No. 25 TA), filed February 23, 1971. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, KY 40221. Applicant's representative: George Catlett, Suite 703, 706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greeting cards, and related items*, (1) between the plantsite of American Greetings Corp. near Danville, Ky., on the one hand, and, on the other, Cleveland, Ohio, and (2) from the plantsite of American Greetings Corp. near Danville, Ky., to Philadelphia, Pa., and New York, N.Y., for 180 days. NOTE: Applicant proposes to interline shipments of involved traffic with other carriers at Philadelphia, Pa., and New York, N.Y., it does not intend any tacking. Supporting shipper: James H. Edler, Distribution Research Manager, American Greetings Corp., 10500 American Road, Cleveland, OH 44144. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 127304 (Sub-No. 9 TA), filed February 24, 1971. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 Northwest Street, Valley Center, KS 67147. Applicant's representative: G. L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except acids and chemicals, and oils in bulk), from Wichita, Kans., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, under continuing contract with Kansas Beef Industries, Inc., for 180 days. Supporting shipper: Kansas Beef Industries, Inc., 900 East 21st Street, Wichita, KS 67214. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 128007 (Sub-No. 31 TA), filed February 24, 1971. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, KS. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnesite calcined*, from Freeport, Tex., to Eagle Grove, Iowa; Muncie, Kans., Fremont, Nebr., and Enid, Okla., for 180 days. Supporting shipper: Farmland Industries, Inc., Post Office Box 7305, Kansas City, MO 64116. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 128575 (Sub-No. 3 TA), filed February 23, 1971. Applicant: GOLDEN WEST TRUCKING CO., 12780 Southwest Prince Albert Street, Tigard, OR 97223. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Cowlitz, Clark, Skamania, Klickitat Counties, Wash., to Portland, Oreg., for 180 days. Supporting shipper: Timber Structures, Inc., 3400 Northwest Yeon Avenue, Post Office Box 3782, Portland, OR 97208. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 129442 (Sub-No. 2 TA), filed February 24, 1971. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency, coins, bullion, and negotiable instruments), as are used in the business of banks and banking institutions; (1) between Dallas, Fort Worth, and Wichita Falls, Tex., on the one hand, and, on the other, points in Oklahoma; and (2) between Dallas and Fort Worth, Tex., on the one hand, and, on the other, points in Oklahoma. Restricted to shipments having prior or subsequent movement by air, for 180 days. Supporting shippers: First National Bank of Fort Worth, Fort Worth, Tex., 76101; Southwestern States Bankcard Association (E. E. Churchill, Vice President), Post Office Box 31366, Dallas, TX 75231. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 133737 (Sub-No. 6 TA), filed February 24, 1971. Applicant: ROBERT CRAWFORD, doing business as CRAWFORD TRUCKING COMPANY, 8998 L Street, Suite 231, Omaha, NE 68127. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, motorcycle parts and accessories, and motorcyclist's accessories*, from points in California to Omaha, and Bellevue, Nebr., and Council Bluffs, Iowa, for 150 days. Supporting shippers: Ramer Motors, Inc., 2701 Leavenworth Street, Omaha, NE; Bellevue Honda, Inc., 213 West Mission Street, Bellevue, NE; Peoples Motor, Inc., 17 North Second Street, Council Bluffs, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 135340 TA, filed February 24, 1971. Applicant: C. A. WALKER TRUCK LINES, INC., 1518 North Santa Fe Avenue, Chillicothe, IL 61532. Applicant's representative: Robert T. Lawley, 306-308 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from Henry, Ill., to points in Indiana and Michigan, for 180 days. Supporting shipper: W. R. Grace & Co., 100 North Main Street, Post Office Box 277, Memphis, TN 38101. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135342 TA, filed February 23, 1971. Applicant: BLAINE L. PARK AND REED N. PARK, a partnership, doing business as PARK BROS. TRUCKING, Post Office Box 112, Terreton, ID 83450. Applicant's representative: J. F. Meglen,

Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk supplement*, in bags, from Rogers, Minn., to points in California, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, for 180 days. NOTE: Applicant does not intend to interline with other carriers, has no authority, therefore, will not tack. Supporting shipper: K & K Manufacturing, Inc., Rogers, Minn. 55374. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702.

No. MC 135341 TA, filed February 24, 1971. Applicant: MAGOG EXPRESS, INC., Route 2, Post Office Box 265, Magog (Stanstead County), PQ, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and periodicals*, from ports of entry on the international boundary line between the United States and Canada located at or near Derby Line and Highgate Springs, Vt., to Springfield, Mass., and Bridgeport, Conn.; *pallets*, from the above-described destination points to the above-described origin points. Restriction to the transportation of shipments originating at or near points in Stanstead County, Quebec, Canada. Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts with Imprimerie Montreal Offset Printing, Inc., Montreal, Quebec, Canada, for 180 days. Supporting shipper: Imprimerie Montreal Offset Printing, Inc., 144 Port Royal West, Montreal 357, PQ, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3186 Filed 3-5-71;8:50 am]

[Notice 656]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 3, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72542. By order of February 9, 1971, the Motor Carrier Board approved the transfer to Alphie J. Bousley, Armstrong Creek, Wis., of permits No. MC-124309 and MC-124309 (Sub-No. 2), issued May 15, 1962, and September 28, 1970, respectively, to Alphie F. Bousley, Armstrong Creek, Wis., authorizing the transportation of: Finished and unfinished lumber, lumber and veneer, from Goodman, and Mellen, Wis., and points in the Upper Peninsula of Michigan, as specified, to points in Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Carolina, Ohio, and Wisconsin. William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203, attorney for applicants.

No. MC-FC-72587. By order of February 9, 1971, the Motor Carrier Board approved the transfer to Ottawa Bus Service, Inc., Ottawa, Kans., of the operating rights in certificate No. MC-115758 issued June 25, 1969 to Ward Bus Service, Inc., Topeka, Kans., authorizing the transportation of passengers and their luggage, in round trip charter operations, beginning and ending at Melvern, Kans. and points within 20 miles thereof, and extending to all points in the United States except Alaska and Hawaii. John D. Jandera, 641 Harrison Street, Topeka, KS 66603, attorney for applicants.

No. MC-FC-72619. By order of February 9, 1971, the Motor Carrier Board approved the transfer to David L. Duchesneau, doing business as All-Ways Moving and Warehousing Co., Pittsfield, Mass., of the operating rights in certificate No. MC-95097 issued April 19, 1955, to Lucien Charles Dupuis, doing business as L. Dupuis Moving Service, Pittsfield, Mass., authorizing the transportation of household goods, as defined by the Commission, between Pittsfield, Mass., and points within 5 miles of Pittsfield, on the one hand, and, on the other, points in Connecticut, New Jersey, New York, Rhode Island, and Vermont. Arthur Stein, 85 East Street, Pittsfield, MA 01201, attorney for applicants.

No. MC-FC-72643. By order of February 9, 1971, the Motor Carrier Board approved the transfer to California Delivery Service, a corporation, Los Angeles, Calif., of the certificate of registration in No. MC-99578 (Sub-No. 1) issued August 22, 1967, to William J. Bowman, doing business as California Delivery Service, Vernon, Calif., evidencing a right to engage in operations in interstate or foreign commerce corresponding in scope to the grant of authority in the certificate granted in Decision No. 51718, dated July 18, 1955, as amended, transferred by Decision No. 70673, dated May 10, 1966, by the Public Utilities Commission of California. George W. Burch, Jr., Suite 1023, Subway Terminal Building, 417 South Hill Street, Los Angeles, CA 90013, attorney for applicants.

No. MC-FC-72655. By order of February 10, 1971, the Motor Carrier Board approved the transfer to Auto Club Services, Inc., Minneapolis, Minn., of the operating rights in License No. MC-12960 issued April 20, 1966 to Zephyr Tours, Inc., Minneapolis, Minn., authorizing the transportation of passengers and their baggage, in special and charter operations beginning and ending at points in Minnesota, and extending to points in the United States, including Alaska, but excluding Hawaii. Martin J. Ward, 2300 Dain Tower, Minneapolis, MN 55402, attorney for applicants.

No. MC-FC-72659. By order of February 9, 1971, the Motor Carrier Board approved the transfer to Hindman Transfer and Storage, Inc., Butler, Pa., of the operating rights in certificate No. MC-47361 issued October 20, 1961 to John M. Hindman and Ray H. Hindman, a partnership, doing business as Hindman Transfer, Butler, Pa., authorizing the transportation of various commodities from, to and between specified points and areas in Pennsylvania, Ohio, Kentucky, New York, Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, Virginia and West Virginia. Louis H. Artuso, 416 Frick Building, Pittsburgh, PA 15219, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3185 Filed 3-5-71;8:50 am]

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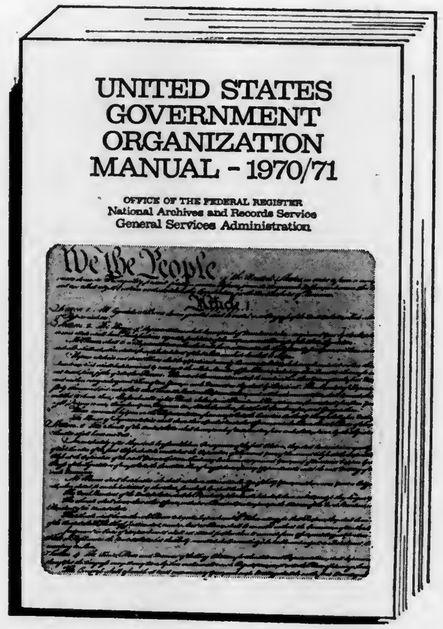
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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that the position of Associate Director for Program Planning, Community Action Program, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3-9-71), paragraph (b) of § 213.3373 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-3254 Filed 3-8-71;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Confidential Secretary to the Assistant Secretary for Environment and Urban Systems is excepted under Schedule C. This section is further amended to reflect the current title of this Assistant Secretary in the Schedule C listing of his Special Assistant. Effective on publication in the FEDERAL REGISTER (3-9-71), subparagraph (14) is amended and subparagraph (24) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(14) One Special Assistant to the Assistant Secretary for Environment and Urban Systems.

• • • • • •

(24) One Confidential Secretary to the Assistant Secretary for Environment and Urban Systems.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-3255 Filed 3-8-71;8:48 am]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Confidential Secretary to the Director of the Mint is no longer excepted under Schedule C. This section is further amended to show that the position of Confidential Assistant to the Director of the Mint is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3-9-71), subparagraph (1) is revoked and subparagraph (2) is added to paragraph (f) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

• • • • • •

(f) *Bureau of the Mint.* (1) [Revoked]

(2) One Confidential Assistant to the Director of the Mint.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-3256 Filed 3-8-71;8:48 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On February 17, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3070) regarding proposed expenses and related rate of assessment for the period November 1, 1970, through October 31, 1971, and carryover of unexpended funds from the period November 1, 1969, through October 31, 1970, pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order, it is hereby found and determined that:

§ 907.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee, during the period November 1, 1970, through October 31, 1971, will amount to $334,700.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 907.41, is fixed at $0.013 per carton of Navel oranges.

(c) *Reserve.* Unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1970, in the amount of $35,000, are carried over as a reserve in accordance with § 907.42 of said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable Navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1970, and said rate of assessment will automatically apply to all assessable Navel oranges beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 4, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3278 Filed 3-8-71;8:50 am]

[Lemon Reg. 469, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon

which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 910.769 (Lemon Reg. 469, 36 F.R. 3800) during the period February 28, through March 6, 1971, are hereby amended to read as follows:

§ 910.769 Lemon Regulation 469.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 20,000 cartons;

(ii) District 2: 210,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 4, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3279 Filed 3-8-71;8:50 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—FEDERAL RESERVE BANK INTEREST RATES

Change in Rates; Amendment

The document amending §§ 224.2, 224.3, and 224.4 published in the FEDERAL REGISTER of February 25, 1971 (36 F.R. 3461), is amended by changing the rate and effective date thereof for the Federal Reserve Bank of Richmond under § 224.4 to 6¾ percent and February 26, 1971, respectively.

By order of the Board of Governors, March 3, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3208 Filed 3-8-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-WE-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

Correction

In F.R. Doc. 71-2566 appearing at page 3463 in the issue for Thursday, February 25, 1971, in the third complete paragraph on page 3464, immediately after the phrase "'* * * longitude 119°18'50'' * * * '", the following words should be inserted: "and '* * *, within 5 miles each side of the Moses Lake VOR 144° radial * * *'".

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-670; Amdt. 11]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Holidays on Which the Board Is Closed

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of March 1971.

Section 221.161 of the economic regulations provides, inter alia, that tariff publications will be received for filing only during the established business hours of the Board, and that the office of the Board is closed on certain specified holidays. By recently effective legislation,[1] the dates of certain legal public holidays have been changed and a new holiday (Columbus Day) added, and the list of holidays upon which the office of the Board is closed is being modified accordingly.

This amendment relates solely to a matter of Board procedure, and will not impose a burden upon any person; therefore, the Board finds that notice and public procedure thereon are unnecessary, and the amendment may become effective immediately.

Accordingly, the Board hereby amends Part 221 of its Economic Regulations (14 CFR Part 221), effective March 4, 1971, as follows:

Amend § 221.161 to read in part as follows:

§ 221.161 Delivering tariff publications to Board.

* * * * *

New Year's Day (January 1).
Inauguration Day (January 20, 1973, and January 20 of each fourth year thereafter).
Washington's Birthday (third Monday in February).
Memorial Day (last Monday in May).
Independence Day (July 4).
Labor Day (first Monday in September).
Columbus Day (second Monday in October).
Veterans Day (fourth Monday in October).
Thanksgiving Day (fourth Thursday in November).
Christmas (December 25).

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

[1] Public Law No. 90-363, 82 Stat. 250, 5 U.S.C. section 6103(a), approved June 28, 1968, effective Jan. 1, 1971.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3268 Filed 3-8-71;8:49 am]

[Reg. ER-699; Amdt.12]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Revision of MAC Minimum Rates for Overseas and Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1971.

On November 18, 1970, by notice of proposed rule making EDR-185A/PSDR-29 (35 F.R. 18056), the Board proposed to amend Parts 288 and 399 of its economic regulations (14 CFR Parts 288 and 399) which would increase, effective August 5, 1970, certain minimum rates for services performed for MAC in foreign and overseas air transportation.

The Department of Defense (DOD) and 10[1] carriers have submitted comments in response and thereafter DOD and seven[2] carriers filed reply comments. All comments, replies, and supporting materials before the Board have been carefully considered, and all contentions not otherwise disposed of hereinafter are rejected. Final amendments to Part 399 are being adopted concurrently herewith.

DOD, after its initial analysis of the carriers' data, had concluded that no rate change was justified. In its comments, in response to the Board's notice to increase the rates for MAC charters in foreign and overseas air transportation by 10.5 percent for operations conducted with long-range aircraft, and 11 percent for operations with short-range aircraft, DOD recommended that the rates be increased for long-range services by no more than 3.27 percent[3] and for short-range services by no more than 9.56 percent.

DOD derived its recommended rates by substituting for the Board's data in the notice its computation of the investment base and interest expense, and reducing the weighting for Pan American's long-range aircraft costs by 20 percent from that used by the Board.

In their comments the carriers support the increases proposed in the notice and

[1] Braniff Airways, Inc.; Continental Air Lines, Inc.; Eastern Air Lines Inc.; The Flying Tiger Line Inc.; Pan American World Airways, Inc.; Seaboard World Airlines, Inc.; Trans International Airlines, Inc.; Trans World Airlines, Inc.; Universal Airlines, Inc.; and World Airways, Inc.

[2] Airlift International, Inc.; Alaska Airlines, Inc.; Continental Air Lines, Inc.; The Flying Tiger Line Inc.; Pan American World Airways, Inc.; Seaboard World Airlines, Inc.; and World Airways, Inc.

[3] DOD by letter advised of a clerical error which required change of its original figure of 3.01 percent to 3.27 percent.

most, for various reasons, argue for increases above those proposed in the notice.

In its reply, DOD addressed itself to some of the specific issues raised by the carriers. DOD claims that no change in the 9 percent rate of return on investment is warranted; that cost increases beyond the base period should not be recognized; and that Braniff's claims for a reduced daily aircraft utilization rate, for determining the investment base by averaging the five quarters of the base period, and for including in the Federal income tax allowance the surtax that expired on June 30, 1970, should be denied.

Upon consideration of the comments and reply comments, and in the light of the adjusted cost data set forth in the appendices hereto, the Board has adopted as minimum fair and reasonable rates for MAC charters in foreign and overseas air transportation, performed with turbine-powered aircraft, the rates hereafter set forth in the final rule, notably, sections 288.7 (a)(1), (d) (1) and (2), and (e). The revised rates will result in increases of 9.46 percent for operations conducted with long-range aircraft, and 12.09 percent for operations with short-range aircraft. As noted in the proposed rule, charter rates for turboprop and piston aircraft are to remain unchanged.

Rates for individually waybilled and ticketed Categories A, X, and Z transportation are to be increased by 9.46 percent, in line with the increases for long-range aircraft.

For reasons hereafter explained, the revised rates will become effective as of August 5, 1970, except for Category Z rates, which are embodied in tariffs and may not be made effective retroactively.

First steps leading to a full-scale review of MAC minimum rates for fiscal year 1972 were initiated on December 11, 1970, by requests to carriers from the Board's staff for cost information and related data. Accordingly, the rates now being adopted shall be effective until June 30, 1971, or until such later date as may be specified after the new MAC rate review is completed.

Appendix A[3a] shows the data upon which the Board has based its rate increases. These data are the same as the data used in the notice, with certain revisions. As will be explained subsequently, the revisions stem from the correction of certain errors, the recomputation of investment and interest expense involving certain carriers, and the reduction in weighting of Pan American costs for long-range aircraft from full weight to 80 percent.

AIRCRAFT UTILIZATION

We are not persuaded that we have assumed an unreasonably high utilization for Braniff or Universal as claimed by these carriers, nor that our utilization forecast overall tends to be too low, as claimed by DOD, because insufficient regard was given to the fact that MAC utilization is generally higher than system utilization rates. As was indicated in the notice, we have relied principally upon system utilization, taking into account that the MAC portion of such utilization can be expected to decline, and allowing for the fact that in some instances the reported system utilization is depressed by the inclusion of significant intermediate-haul data. We have also assumed that 9 hours is a reasonable minimum for combination route carriers and 7 hours for supplemental carriers. No new facts have been provided of a noncontroversial nature indicating that our judgment in any significant respects need be changed regarding our utilization forecast for the interim period to June 30, 1971.

INVESTMENT BASE

DOD claims that the investment base should be computed as of January 1, 1971 (the mid-point of fiscal year 1971), and not as of April 1, 1970, which is the basis used in the notice. DOD claims that the January 1, 1971, basis would conform to previous Board practice in MAC rate-making. DOD also disputes some of the investment and interest expense data provided by certain carriers. Accordingly, DOD submitted with its comments new investment and interest expense data.

No carrier disputes the investment or interest expense amounts used in the notice. However, we have become aware of an error in the investment data in the notice regarding Flying Tiger's DC-8-63 aircraft.

In the case of Flying Tiger, the investment reflects a forecast utilization of 10 hours when 11 hours was intended. The corrected data, including a correction of a mechanical error of computation in the case of Trans International's DC-8-63, are reflected in Appendix A.

Regarding the investment base period, Braniff advocates use of the average investment for the base year ended March 31, 1970, while Continental, Flying Tiger, Seaboard, and World support the basis used in the notice. The latter carriers contend that it would be unfair to mix a base period terminating March 31, 1970, with an investment projected 9 months forward. They claim that the investment base logically should be related to the specific historic base period as proposed in the notice.

The Braniff approach is inappropriate because the rate revision is not for the base period but rather for a forward period, beginning August 5, 1970, and terminating June 30, 1971. DOD's approach, while conforming to the Board's method in previous MAC rate reviews that was based upon detailed and comprehensive data prepared for a specific period, is not reasonable for purposes of the expedited review. The expedited review, when initiated, did not contemplate any specific period of applicability, and hence, did not provide for a forecast keyed to a future period. Therefore, facts specifically related to a mid-point concept were not provided by the carriers. Consequently, for example, the interest expense (an important factor affecting the income tax element) was submitted for the year ended March 31, 1970. For fiscal 1971, the amount would be different in probably all cases, especially since interest rates have been fluctuating significantly. It does not appear realistic to project changes in the investment without projecting concomitant changes in interest expense.

Moreover, the base period reflects a specific scope of operations which is consistent with the base year-end investment. Therefore, for purposes of the expedited interim rate review the most reasonable approach appears to be to use the investment as of the end of the base period.

Although we adhere to the investment base used in the notice from the base date standpoint, we find that revisions in the amounts shown are in order in two instances. The notice is based upon data submitted by the carriers. We have analyzed the amounts submitted by DOD. In light of our analyses and the carriers' reply comments, in all but two instances, the differences between the investment amounts shown by DOD and the notice are explained and we are not convinced that revisions are warranted.[4] In the case of American Flyers and Overseas National, our analysis confirms that the carriers' submissions overstate their investment beyond reasonable limits. Therefore, for these carriers we have resorted to the cost data furnished in the previous full-scale rate review to determine a more reasonable investment than that provided by the carriers.[5] Our allocation of system investment to MAC is predicated upon the ratio of MAC revenue hours to system revenue hours for the year ended March 31, 1970. The revised data are shown in Appendix A.

INTEREST EXPENSE

We have analyzed DOD's recomputation of interest expense applicable to American, Braniff, Eastern, Airlift, American Flyers, Overseas National, Saturn, Universal, and World in connection with long-range aircraft and to Alaska in connection with short-range aircraft. DOD's method was to apply a carrier's ratio of system interest expense to system investment. We concur that an adjustment is appropriate for American Flyers, Overseas National, Saturn,

[3a] Filed as part of original document.

[4] The differences generally stem from DOD's projection for 9 months; nonrecognition by DOD of the utilization proposed in the notice; and DOD's inability to reflect the cost of components such as communications and navigation equipment and spares which are not reported by aircraft types on Form 41. In other cases, DOD misconstrued the timing of carrier depreciation policy changes or did not adjust to reflect partial-year operations. In the case of Flying Tiger, DOD computed the value of leased aircraft on the basis of the average of Flying Tiger's owned aircraft, rather than the substantially higher value of the leased aircraft themselves.

[5] Form 41 does not provide the full cost of individual aircraft in that generally the cost of communications and navigation equipment, and their spares, are not reported by aircraft types.

Universal, and Alaska but we differ as to the amounts. In these cases we have used DOD's ratio, but applied it to the adjusted investment shown in Appendix A. In the case of Eastern, DOD's ratio does not conform to Form 41 data; accordingly, we have determined the ratio of interest expense to investment from Form 41 data and applied it to the adjusted investment in Appendix A. Our interest expense for American and World is based upon data specific to MAC operations, rather than a ratio of system interest to system investment. In the case of Braniff, DOD reflected all-cargo aircraft, which we have excluded. In the case of Airlift, DOD's ratio does not conform to Form 41 data so that we have accepted the carrier's data, which is consistent with Form 41 reported data. The data, as revised, are shown in Appendix A.

COST INCREASES AND DECREASES

A number of carriers contend that cost increases should not be limited to annualization within the base period of actual increases. Some request that all known increases should be reflected, while others go farther and claim that allowance should be included for inflationary cost trends. DOD opposes such projections. As we brought out in the notice it is reasonable to believe that continuing inflationary pressures can be expected to be offset to a considerable degree by cost savings not fully reflected in the base-period cost data. We note that the carriers have recently intensified their efforts in cost control. The trend in aircraft mix continues toward increased usage of the more efficient stretched jet types, as shown in Appendix B. We observe, from the data in Appendix C, significant gains in the FAA-approved engine times between overhauls in the latest available report compared with those in the base period. As earlier indicated, a full-scale review of the costs and appropriate rates for fiscal 1972 has been initiated. In light of these facts and developments, we conclude that there is no persuasive showing that a separate allowance is required to compensate for inflationary pressures in the rates that are established for the interim period.

Flying Tiger, supported by Airlift, objects to the recognition of lower prices for military fuel that became effective on July 1, 1970. Flying Tiger claims that this adjustment is inconsistent with the Board's base period concept and with past reviews when the Board refused to allow for military fuel prices announced and effective after the base year. The carrier also points up facts indicating the possibility that fuel prices may be increased. Continental is critical of the Board's refusal to take known prospective cost increases into account, claiming this treatment is inconsistent with the fuel price adjustment. In addition, the carrier states that contrary to the Board's assumption, it purchases less than 50 percent of its fuel from the military.

Our review of past explanatory statements in Part 288 MAC rate amendments discloses no instance, while a MAC rate proceeding was still open, to support the claim that the Board refused to allow for military fuel prices announced and effective after the base year. It may be that carriers sought to persuade the Board to revise a final rate to reflect a fuel price increase. Under such circumstances, the Board's policy would require that the rate be opened in its entirety and not limited to the single factor of the fuel price increase.

We believe it valid to reflect the reduction in fuel costs since it is factual and not a projection. It is an item not affected by efficiency or productivity factors and is, therefore, distinguishable from carriers' claims for cost increases beyond the base period or for a recognition of rising cost trends. The situation is analogous to projecting the actual tax rate.

Turning to our estimate that 50 percent of the fuel is purchased from military sources, as stated in the notice, in view of available disparate estimates, this is a judgment. Continental, in its response to DOD's recommendation that the military fuel price be reduced, showed that 27.2 percent of its Pacific fuel purchases were from the military in the first 5 months of 1970. Northwest in a similar response stated that it "* * * takes up at least half of its fuel for MAC flights from commercial sources." MAC had informally estimated that on the average the carriers by 70 percent of their fuel from military sources. In view of these disparate estimates, it appears that an estimate of 50 percent is not unreasonable.

Flying Tiger is dissatisfied with the method used to estimate wage increases in that it gives no weight for increases incurred for outside services. Airlift supports this objection. Pan American claims that the notice fails to reflect wage increases that are applicable to indirect maintenance. We agree to the merit of these objections, but because of the lack of adequate facts to make a nonarbitrary adjustment, we propose to make no revision. Moreover, our appraisal is that were facts available to support such adjustment, the impact would be insignificant.

In the notice, we proposed to provide for a 2.2 percent increase in costs over the base period, net of the impact of an estimated decrease in the price of military fuel of 1 percent for long-range operations and 0.8 percent in short-range operations. Pan American has brought to our attention an error in the technique for computing the estimated cost increases not reflected in the base period. This error affects all carriers. Correction of this error overall increases the gross amount from 2.2 percent to 3.2 percent, as detailed in Appendix D.[6] Accordingly, the net cost increase for long-range aircraft is increased from 1.2 percent to 2.2 percent, as shown in Appendix A. For short-range aircraft the corrected figure is 2.4 percent.[7]

RATE OF RETURN

Various carriers urge that the conventional 9 percent rate of return on investment used in MAC ratemaking be increased, citing higher interest costs, greater instability in MAC business than heretofore, and the initial decision in Phase 8 of the "Domestic Passenger-Fare Investigation," Docket 21866, wherein the examiner recommended a rate of return of 11 percent. DOD opposes any increase. In view of the fact that the "Domestic Passenger-Fare Investigation" is before the Board awaiting its decision, it would not be appropriate to consider changes in the rate of return used in MAC rate making at this juncture. Hence we shall adhere to the long-established 9 percent rate for this expedited review.

DEPRECIATION

TWA objects to the depreciation policy in the notice of a 14-year service life, 15 percent residual effective April 1, 1970, claiming that the Board has never formally adopted such standard. As was indicated in the notice, the proposed standard was used in the most recent MAC rate review and we shall continue with this standard until the standard is revised by a rule making proceeding. However, in the event that we fix upon a different depreciation rate in the "Domestic Passenger-Fare Investigation," we will then consider whether the MAC rates for fiscal 1971 should be adjusted to reflect the new policy.

OTHER ISSUES

The notice included Pan American's cost data in full but proposed that DOD might have a valid objection in that 20 percent of MAC's contract revenue was derived from Rest and Recuperation charters operated in short-range services with long-range aircraft, at the higher short-range aircraft unit rate. DOD in its comments proposes that the weighting for Pan American's data be reduced by 20 percent in order to exclude that portion not generated by long-range services. Pan American in its reply acknowledges that this adjustment may be appropriate for long-haul rates, but requests that a counterpart adjustment be made to include the revenues and costs considered short-haul for Pan American with the short-range aircraft costs of other carriers.

We do not agree with Pan American and will implement DOD's proposal. MAC has permitted Pan American to use its long-haul aircraft on short-haul R&R routes at the higher seat revenue of short-haul services as an accommodation to Pan American. The short-haul aircraft rates were developed entirely from short-haul aircraft cost data. It would not be reasonable at this stage to weight in 20 percent of Pan American's mixed long-haul/short-haul revenues and expenses (based upon B–707 experience) with a pure short-haul analysis (based upon B–727 experience).

Flying Tiger and Seaboard World claim that an extra increase should be provided for one-way passenger charters. In view of the fact that this issue has been raised by only these two carriers, that the increase in one-way passenger charters was noted some time ago with no followup action requested, and that the facts in support are very meager, we propose that the matter be deferred to the fiscal 1972 review.

Effective date. The Board instituted this proceeding by notice dated August 5, 1970 (EDR–185), and there stated: "* * * it is in the public interest to institute a rule making proceeding in advance of any notice of rule making in order to put all interested persons on notice that the present rates are subject to revision, effective on the date of this notice [e.g., August 5, 1970]." When the Board issued the notice of proposed rule making on November 18, 1970 (EDR–185A), the Board stated again that "in keeping with the Board's policy as expressed in EDR–185, it is proposed that the rate herein be made effective as of August 5, 1970." The Board acknowledged that petitions for reconsideration of this choice of effective date had been filed, and stated that it would defer action on such petitions, and any further comments on the effective date, for determination with the final rule.

The carriers argue, variously that the effective date should be, among others, March 13, 1970, the date of Continental's petition challenging the old rate; [8] or May 7, 1970, when the Director, Bureau of Economics, informed the parties that a MAC rate review was being undertaken; or at the very latest July 1, 1970, the beginning of the new fiscal year. The fact that a formal notice did not issue until August 5, 1970, the carriers argue, was due to DOD's tardiness in formulating a position. DOD maintains that the effective date should be no earlier than August 5, 1970.

The Board has never made revisions to MAC rates for overseas and foreign air transportation effective prior to the date of institution of the rate proceeding. Moreover, even assuming that we could lawfully establish rates retroactively as of a date prior to the notice, such policy would create undesirable uncertainty on the part of carriers and DOD alike, for none could ever be certain that the MAC rates for particular service performed were final. Additionally, the Board's policy of nonretroactivity for MAC rates was established during a period when rates were declining, and we believe it only fair not to change the policy at a point in time when rates are being increased. Finally, all the world has been on full notice that the Board proposed to make the rates effective August 5, 1970. Accordingly, except for Category Z rates, which cannot be made effective until tariffs are filed, the rates prescribed herein shall be effective as of August 5, 1970.[9]

In view of our action herein, the petitions of Continental in Docket 22008, of Flying Tiger in Docket 22101 and of Pan American in Docket 22133, for various increases in certain MAC minimum rates, are, except to the extent granted herein, hereby denied.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the economic regulations (14 CFR Part 288), effective August 5, 1970, as follows:

Amend § 288.7 (a)(1), (d)(1) and (2), and (e) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * * * *

(a) * * *

(1) Performed with turbine-powered aircraft:

Aircraft type	Passengers, per passenger-mile		Cargo, per ton-mile		Convertible		Mixed passenger-cargo, per revenue plane-mile			
					Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Roundtrip		One way	
	Round-trip	One way	Round-trip	One way			Variable	Fixed	Variable	Fixed
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Dollars*	*Dollars*	*Dollars*	*Dollars*
Turboprops:										
CL–44	2.00	3.60	9.36	17.19	2.15	10.67				
L–382			10.05	19.64						
Regular turbojets	[1] 1.916	3.448	7.728	15.379	2.069	9.030				
Passengers-pallets:										
165 and 0							3.415	3.163	5.966	5.602
117 and 3							3.306	3.065	5.833	5.670
105 and 4							3.284	3.043	5.833	5.659
93 and 5							3.251	3.010	5.922	5.659
81 and 6							3.229	2.988	5.922	5.648
63 and 7							3.185	2.955	5.911	5.648
51 and 8							3.163	2.923	5.900	5.637
0 and 12							3.043	2.824	5.878	5.615
DC–8F–61, –63	1.916	3.448	7.728	15.379	2.069	9.030				
Passengers-pallets:										
210 and 0							4.532	4.192	7.859	7.553
159 and 5							4.346	3.995	7.684	7.378
65 and 12							4.039	3.689	7.421	7.104
47 and 13							3.984	3.634	7.367	7.060
0 and 18							3.842	3.481	7.224	6.918
B–727, CV–880, CV–990, Pacific Interisland	2.578	4.876	13.115	26.229	2.847	16.006				
Passengers-pallets:										
105 and 0							2.993	2.713	5.403	5.123
61 and 2							2.847	2.567	5.235	4.954
50 and 3							2.802	2.522	5.190	4.910
46 and 4							2.791	2.511	5.179	4.898
0 and 7							2.645	2.365	4.999	4.719
B–727, CV–880, CV–990, all other	2.802	5.302	14.572	29.143	3.071	17.598				
Passengers-pallets:										
105 and 0							3.228	2.948	5.851	5.571
61 and 2							3.064	2.813	5.717	5.436
50 and 3							3.060	2.780	5.683	5.403
46 and 4							3.049	2.769	5.672	5.392
0 and 7							2.903	2.623	5.526	5.246

[1] The minimum rate for operation of B–707 aircraft in Recreation and Rehabilitation (R&R) service between the Republic of South Vietnam, on the one hand, and Thailand, Malaysia, Singapore, the Republic of the Philippines, Hong Kong and Taiwan, on the other shall be 2.578 cents per passenger-mile.

* * * * * * *

(d) For Category A transportation:

(1) Passengers, 3.448 cents per passenger-mile.

(2) Cargo: Outbound, 13.135 cents per ton-mile; and inbound, 10.946 cents per ton-mile.

* * * * * * *

(e) For Category X transportation, 1.916 cents per passenger-mile and 7.728 cents per cargo ton-mile.

* * * * * * *

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373, and 1386, and 5 U.S.C. 552.)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71–3269 Filed 3–8–71;8:49 am]

[6] Appendix D filed as part of the original document, supersedes and revises Appendix C in the notice.

[7] In Appendix A to the notice, the impact of the 2.2 percent cost increase net of the 0.8 percent fuel price increase for short-range aircraft is shown as 1 percent when it should be 1.4 percent.

[8] The petition was actually docketed on Mar. 16, 1970.

[9] The petitions for reconsideration of the effective date, filed by Pan American and Continental on Aug. 17, 1970, will accordingly be denied.

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-43; Amdt. 22]

PART 399—STATEMENTS OF GENERAL POLICY

Military Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of March 1971.

On November 18, 1970, by Notice of Proposed Rule Making EDR-185A/PSDR-29 (35 F.R. 18056), the Board proposed inter alia, to amend Part 399, Statements of General Policy, by changing the minimum rate for Category Z individually ticketed military transportation.

Comments in response to the notice have been filed by Braniff Airways, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans International Airlines, Inc., Trans World Airlines, Inc., Universal Airlines, Inc., World Airways, Inc., and the Department of Defense. Reply comments have been filed by Airlift International, Inc., Alaska Airlines, Inc., Continental Air Lines, Inc., The Flying Tiger Line Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., World Airways, Inc., and the Department of Defense. These comments are discussed in connection with comments submitted by the same persons in ER-669, amending Part 288, which is being issued concurrently herewith. For the reasons set forth therein, which are incorporated herein by reference, we are adopting the amendment to Part 399 as set forth below.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective August 5, 1970, as follows:

Amend § 399.16(b) to read as follows:

§ 399.16 Military exemptions.

* * * * *

(b) The minimum charges considered fair and reasonable for the transportation of Category Z individually ticketed passengers in foreign and overseas air transportation and in air transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand will be 3.448 cents per passenger mile, applied to the shortest mileage between the commercial air carrier points as set forth in the current IATA Mileage Manual to compute point-to-point passenger fares.

(Secs. 204, 403, and 404 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 and 760, as amended; 49 U.S.C. 1324, 1373, 1374; and 5 U.S.C. 552, 80 Stat. 383.)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3270 Filed 3-8-71;8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Apricots Quality Standard; Confirmation of Effective Date of Order To Delete Minimum Weight Requirements

In the matter of amending the quality standard for canned apricots (§ 27.11) to delete the minimum weight requirements for apricot halves and quarters:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Acts (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Foods and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of December 25, 1970 (35 F.R. 19634). Accordingly, the amendments promulgated by that order became effective February 23, 1971.

Dated: February 24, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3223 Filed 3-8-71;8:46 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart I—Nondiscrimination and Fair Housing

POLICY; MINORITY-GROUP IDENTIFICATION

The following amendment to Subpart I of Part 200 revises the title of Subpart I, amends § 200.300 to add the Civil Rights Act of 1964 and 1968 to the declaration of policy, and adds a new § 200.306 requiring participants to comply with directives of the Secretary concerning the compiling of information on minority-group identification. Since there is an immediate need for the information, advance publication and notice and public procedure are impracticable, and the amendment is effective February 1, 1971.

1. The Table of Contents is amended by revising the titles of Subpart I and § 200.300 and adding a title for new § 200.306 to read:

Subpart I—Nondiscrimination and Fair Housing

Sec.
200.300 Nondiscrimination and fair housing policy.
200.306 Minority-group identification.

2. The title of Subpart I and the title and text of § 200.300 are amended to read as follows:

Subpart I—Nondiscrimination and Fair Housing

§ 200.300 Nondiscrimination and fair housing policy.

The regulations in this subpart are prescribed pursuant to the provisions of Executive Order 11063, issued by the President under date of November 20, 1962, and title VI of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968 prohibiting discrimination and providing for fair housing and directing the Secretary to administer Housing and Urban Development programs and activities in a manner affirmatively to further these policies.

3. A new § 200.306 is added to read as follows:

§ 200.306 Minority-group identification.

Participants in Housing and Urban Development programs shall furnish such information as the Secretary may require concerning minority-group identification to assist the Secretary in carrying out his responsibility for administering the national policies prohibiting discrimination and providing for fair housing.

(Executive Order 11063, 27 F.R. 11527; sec. 602, 78 Stat. 252, 42 U.S.C. 2000d-1; sec. 808, 82 Stat. 84; 42 U.S.C. 3608; sec. 2, 48 Stat. 1246, 12 U.S.C. 1703; sec. 7(d), 79 Stat. 670, 42 U.S.C. 3535(d))

Issued at Washington, D.C., March 4, 1971.

WOODWARD KINGMAN,
Acting Federal Housing Commissioner.

[FR Doc.71-3284 Filed 3-5-71;9:44 am]

Chapter IV—Government National Mortgage Association, Department of Housing and Urban Development

PART 1600—GENERAL

Power of Attorney

Section 1600.11(c) is amended by revoking the power of attorney granted to those persons listed in subparagraphs (12), (24), and (26); and by granting the power of attorney to those persons listed in new subparagraphs (32) through (37). As amended, § 1600.11(c) reads:

§ 1600.11 Power of attorney.

* * * * *

(c) The persons appointed attorneys-in-fact by paragraph (a) of this section are:

(12) [Reserved]
(24) [Reserved]
(26) [Reserved]

* * * * *

(32) Norman Camber, of Los Angeles, Calif.
(33) Howard A. Morton, of Chicago, Ill.
(34) Jack Powell, of Chicago, Ill.
(35) Norman M. Reid, of Los Angeles, Calif.
(36) Keller D. Thormahlen, of Dallas, Tex.
(37) Jack Tuggle, of Los Angeles, Calif.

(Sec. 309, 82 Stat. 540; 12 U.S.C. 1723a; By-laws of the Association, 35 F.R. 2606, Feb. 5, 1970)

Issued at Washington, D.C., March 1, 1971.

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[FR Doc.71-3252 Filed 3-8-71;8:48 am]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 481—AIR QUALITY CONTROL REGIONS CRITERIA, AND CONTROL TECHNIQUES

Designations

On December 1, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18292) to amend Part 481 by designating the Central Arkansas, Northeast Arkansas, and Northwest Arkansas Intrastate Air Quality Control Regions, and by revising the boundaries of the Metropolitan Fort Smith Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on December 10, 1970, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, section 481.138, as set forth below, designating the Central Arkansas Intrastate Air Quality Control Region; § 481.139, as set forth below, designating the Northeast Arkansas Intrastate Air Quality Control Region; § 481.140, as set forth below, designating the Northwest Arkansas Intrastate Air Quality Control Region; and § 481.63, as set forth below, revising the boundaries of the Metropolitan Fort Smith Interstate Air Quality Control Region, are adopted effective on publication.

§ 481.138 Central Arkansas Intrastate Air Quality Control Region.

The Central Arkansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas:

Chicot County.	Hot Spring County.
Clark County.	Jefferson County.
Cleveland County.	Lincoln County.
Conway County.	Lonoke County.
Dallas County.	Perry County.
Desha County	Pope County.
Drew County.	Pulaski County.
Faulkner County.	Saline County.
Garland County.	Yell County.
Grant County.	

§ 481.139 Northeast Arkansas Intrastate Air Quality Control Region.

The Northeast Arkansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas:

Arkansas County.	Monroe County.
Clay County.	Phillips County.
Craighead County	Poinsett County.
Cross County.	Prairie County.
Greene County.	Randolph County.
Independence County.	Saint Francis County.
Jackson County.	Sharp County.
Lawrence County.	White County.
Lee County.	Woodruff County.
Mississippi County.	

§ 481.140 Northwest Arkansas Intrastate Air Quality Control Region.

The Northwest Arkansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas:

Baxter County.	Marion County.
Boone County.	Montgomery County.
Carroll County.	Newton County.
Cleburne County.	Pike County.
Franklin County.	Polk County.
Fulton County.	Scott County.
Izard County.	Searcy County.
Johnson County.	Stone County.
Logan County.	Van Buren County.
Madison County.	

§ 481.63 Metropolitan Fort Smith Interstate Air Quality Control Region.

The Metropolitan Fort Smith Interstate Air Quality Control Region (Arkansas-Oklahoma) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas:

Benton County.	Sebastian County.
Crawford County.	Washington County.

In the State of Oklahoma:

Adair County.	Le Flore County.
Cherokee County.	Sequoyah County.

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 3, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-3246 Filed 3-8-71;8:48 am]

PART 481—AIR QUALITY CONTROL REGIONS CRITERIA, AND CONTROL TECHNIQUES

Designations

On December 15, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18978) to amend Part 481 by designating the Berkshire and Central Massachusetts Intrastate Air Quality Control Regions, and by revising the Metropolitan Providence and Hartford-New Haven-Springfield Interstate Air Quality Control Regions and the Metropolitan Boston Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on December 17, 1970, with appropriate State and local authorities pursuant to Section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented.

The only change from the original proposal made in the December 15, 1970, FEDERAL REGISTER is that the proposed name change of the Metropolitan Providence Interstate Air Quality Control Region is not made.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, section 481.141, as set forth below, designating the Berkshire Intrastate Air Quality Control Region; § 481.142, as set forth below, designating the Central Massachusetts Intrastate Air Quality Control Region; § 481.31, as set forth below, revising the boundaries of the Metropolitan Providence Interstate Air Quality Control Region; § 481.19, as set forth below, revising the boundaries of the Metropolitan Boston Intrastate Air Quality Control Region; § 481.26, as set forth below, revising the boundaries of the Hartford-New Haven-Springfield Interstate Air Quality Control Region, are adopted effective on publication.

§ 481.141 Berkshire Intrastate Air Quality Control Region.

The Berkshire Intrastate Air Quality Control Region (Massachusetts) consists of the territorial area encompassed by

the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Massachusetts:
Berkshire County.

§ 181.142 Central Massachusetts Intrastate Air Quality Control Region.

The Central Massachusetts Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Massachusetts:

TOWNSHIPS

Ashburnham.	Northbridge.
Ashby.	North Brookfield.
Athol.	Oakham.
Auburn.	Oxford.
Barre.	Paxton.
Berlin.	Petersham.
Blackstone.	Phillipston.
Boylston.	Princeton.
Brookfield.	Royalston.
Charlton.	Rutland.
Clinton.	Shirley.
Douglas.	Shrewsbury.
Dudley.	Southbridge.
East Brookfield.	Spencer.
Grafton.	Sterling.
Hardwick.	Sturbridge.
Harvard.	Sutton.
Holden.	Templeton.
Hopedale.	Townsend.
Hubbardston.	Upton.
Lancaster.	Uxbridge.
Leicester.	Warren.
Lunenburg.	Webster.
Mendon.	Westborough.
Millbury.	West Boylston.
Millville.	West Brookfield.
New Braintree.	Westminster.
Northborough.	Winchendon.

CITIES

Fitchburg.	Leominster.
Gardner.	Worcester.

§ 181.31 Metropolitan Providence Interstate Air Quality Control Region.

The Metropolitan Providence Interstate Air Quality Control Region (Rhode Island-Massachusetts) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

The Entire State of Rhode Island.

In the State of Massachusetts:

CITIES

Attleboro.	New Bedford.
Fall River.	Taunton.

TOWNSHIPS

Acushnet.	Mattapoisett.
Barnstable.	Medway.
Bellingham.	Middleborough.
Berkley.	Milford.
Bourne.	Nantucket.
Brewster.	North Attleborough.
Carver.	Norton.
Chatham.	Oak Bluffs.
Chilmark.	Orleans.
Dartmouth.	Plainville.
Dennis.	Plymouth.
Dighton.	Plympton.
Eastham.	Provincetown.
Edgartown.	Raynham.
Fairhaven.	Rehoboth.
Falmouth.	Rochester.
Foxborough.	Sandwich.
Franklin.	Seekonk.
Freetown.	Somerset.
Gay Head.	Swansea.
Gosnold.	Tisbury.
Halifax.	Truro.
Harwich.	Wareham.
Kingston.	Wellfleet.
Lakeville.	Westport.
Mansfield.	West Tisbury.
Marion.	Wrentham.
Mashpee.	Yarmouth.

§ 481.19 Metropolitan Boston Intrastate Air Quality Control Region.

The Metropolitan Boston Intrastate Air Quality Control Region (Massachusetts) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Massachusetts:

CITIES

Beverly.	Medford.
Boston.	Melrose.
Brockton.	Newton.
Cambridge.	Peabody.
Chelsea.	Quincy.
Everett.	Revere.
Gloucester.	Salem.
Lynn.	Somerville.
Malden.	Waltham.
Marlborough.	Woburn.

TOWNSHIPS

Abington.	Essex.
Acton.	Framingham.
Arlington.	Hamilton.
Ashland.	Hanover.
Avon.	Hanson.
Bedford.	Hingham.
Belmont.	Holbrook.
Bolton.	Holliston.
Boxborough.	Hopkinton.
Braintree.	Hudson.
Bridgewater.	Hull.
Brookline.	Ipswich.
Burlington.	Lexington.
Canton.	Lincoln.
Cohasset.	Lynnfield.
Concord.	Manchester.
Danvers.	Marblehead.
Dedham.	Marshfield.
Dover.	Maynard.
Duxbury.	Medfield.
East Bridgewater.	Middleton.
Easton.	Millis.

TOWNSHIPS—Continued

Milton.	Stoughton.
Nahant.	Stow.
Natick.	Sudbury.
Needham.	Swampscott.
Norfolk.	Topsfield.
North Reading.	Wakefield.
Norwell.	Walpole.
Norwood.	Watertown.
Pembroke.	Wayland.
Randolph.	Wellesley.
Reading.	Wenham.
Rockland.	West Bridgewater.
Rockport.	Weston.
Saugus.	Westwood.
Scituate.	Weymouth.
Sharon.	Whitman.
Sherborn.	Wilmington.
Southborough.	Winchester.
Stoneham.	Winthrop.

§ 481.26 Hartford-New Haven-Springfield Interstate Air Quality Control Region.

The Hartford-New Haven-Springfield Interstate Air Quality Control Region (Connecticut-Massachusetts) consists of the territorial area encompassed by the boundaries of the following juridictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut:

CITIES

Ansonia.	Milford.
Bristol.	New Britain.
Derby.	New Haven.
Hartford.	Shelton.
Meriden.	Waterbury.
Middletown.	West Haven.

TOWNSHIPS

Andover.	Middlebury.
Avon.	Middlefield.
Beacon Falls.	Naugatuck.
Berlin.	Newington.
Bethany.	North Branford.
Bethlehem.	North Haven.
Bloomfield.	Orange.
Bolton.	Oxford.
Branford.	Plainville.
Burlington.	Plymouth.
Canton.	Portland.
Cheshire.	Prospect.
Cromwell.	Rocky Hill.
Durham.	Seymour.
East Granby.	Simsbury.
East Haddam.	Somers.
East Hampton.	Southbury.
East Hartford.	Southington.
East Haven.	South Windsor.
East Windsor.	Suffield.
Ellington.	Thomaston.
Enfield.	Tolland.
Farmington.	Vernon.
Glastonbury.	Wallingford.
Granby.	Watertown.
Gullford.	West Hartford.
Haddam.	Wethersfield.
Hamden.	Windsor.
Hebron.	Windsor Locks.
Madison.	Wolcott.
Manchester.	Woodbridge.
Marlborough.	Woodbury.

In the State of Massachusetts:
Franklin County.

CITIES

Chicopee.	Springfield.
Holyoke.	Westfield.
Northampton.	

TOWNSHIPS

Agawan.	Ludlow.
Amherst.	Middlefield.
Belchertown.	Monson.
Blandford.	Montgomery.
Brimfield.	Palmer.
Chester.	Pelham.
Chesterfield.	Plainfield.
Cummington.	Russell.
Easthampton.	Southampton.
East Longmeadow.	Southwick.
Goshen.	South Hadley.
Granby.	Tolland.
Granville.	Wales.
Hadley.	Ware.
Hampden.	Westhampton.
Hatfield.	West Springfield.
Holland.	Wilbraham.
Huntington.	Williamsburg.
Longmeadow.	Worthington.

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Pub. L. 91-604)

Dated: March 3, 1971.

WILLIAM D. RUCKELHAUS,
Administrator.

[FR Doc.71-3245 Filed 3-8-71;8:48 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of the Washita National Wildlife Refuge during the open season in areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through October 14, 1971, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) The use of boats is permitted only in those waters south of State Highway 33. Boats may not exceed speeds of 10 miles per hour within 100 yards of any shoreline or other boats from which people are fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 14, 1971.

ROBERT H. STRATTON, Jr.,
Refuge Manager, Washita National Wildlife Refuge.

FEBRUARY 24, 1971.

[FR Doc.71-3231 Filed 3-8-71;8:47 am]

PART 33—SPORT FISHING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Sport fishing on the Quivira National Wildlife Refuge, Stafford, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 1, 1971, to September 30, 1971, inclusive.

(2) Fishing will be with closely attended rod(s) and line(s) only.

(3) The use of boats is not permitted. One-man floater tubes may be used.

(4) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1971.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

MARCH 2, 1971.

[FR Doc.71-3229 Filed 3-8-71;8:47 am]

PART 33—SPORT FISHING

Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 15 through October 15, 1971, inclusive, in Great Salt Plains Lake as posted, in Sand Creek, the three main channels of Salt Fork River, and the right-of-way of Oklahoma State Highway 11 as posted.

(2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

FRED L. BOLWAHNN,
Refuge Manager, Salt Plains National Wildlife Refuge, Jet, Okla.

FEBRUARY 26, 1971.

[FR Doc.71-3230 Filed 3-8-71;8:47 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-25; Notice No. 71-3]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Location of Exhaust Systems in Buses

Section 393.83 of the Motor Carrier Safety Regulations provides, in part, that "The exhaust system of every bus shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus." The Bureau of Motor Carrier Safety has interpreted the phrase "rearmost part of the bus" to refer to the rearmost part of the rear bumper of a bus that is equipped with bumpers, rather than the rearmost part of the body of the bus.

Motor Coach Industries, Inc., of Pembina, N. Dak., a manufacturer of buses, has filed a petition for rule making asking the Bureau of Motor Carrier Safety to amend § 393.83 to permit the exhaust

systems of buses to discharge to the atmosphere at a point farther forward than that allowed under the existing rule, as it has been interpreted. After studying the information supplied with the petition, the Bureau has concluded that the petition should be granted and, inasmuch as the amendment will increase design freedom and provide larger manufacturing tolerances, to do so without further rule-making proceedings.

Since 1967, at least 1,500 buses have been manufactured with an exhaust system that discharges more than 6 inches forward of the rearmost point of the rear bumper. The Bureau has found no indication that this configuration of the exhaust system has caused, or threatens to cause, any danger or discomfort to occupants of those vehicles. Furthermore, the requirements in § 393.83 were issued at a time when the majority of buses engaged in interstate or foreign commerce were powered by gasoline-fueled engines. Today, most of those vehicles, including the 1,500 mentioned above, are powered by diesel engines, which exhaust far less carbon monoxide than gasoline engines of the older type. Accordingly, the Bureau has concluded that relaxation of the 6-inch rule in § 393.83 will result in no additional hazard if it is limited to buses powered by diesel engines.

In consideration of the foregoing, the petition of Motor Coach Industries, Inc., is granted. Section 393.83 of the Motor Carrier Safety Regulations, in Subpart B of Chapter III of Title 49, CFR is revised to read as follows:

§ 393.83 Exhaust system location.

(a) No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle.

(b) The exhaust system of every bus, except a bus powered by a diesel engine, shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus. The exhaust system of a bus powered by a diesel engine shall discharge to the atmosphere at or within 15 inches forward of the rearmost part of the bus.

(c) The exhaust system of every truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.

Since this amendment imposes no new obligation and relieves a restriction, notice and public procedure thereon are unnecessary, and it is effective upon publication in the FEDERAL REGISTER.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, the delegation of authority by the Secretary of Transportation in 49 CFR 1.48, and the delegation of authority by the Federal Highway Administrator in 49 CFR 389.4)

Issued on February 24, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.71-3236 Filed 3-8-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Limitation on Tax Attributable to Certain Total Distributions From Qualified Plans

Correction

In F.R. Doc. 71-2827 appearing at page 3822 in the issue of Saturday, February 27, 1971, the following changes should be made:

1. In the third from the last line of the last paragraph of *Example* (*1*) (iv) (*a*) in § 1.72-19(e) the figure now reading "$895" should read "$905".

2. The figure in the last line of *Example* (3) (ii) (c) of § 1.72-19(e) now reading "13,000" should read "13,100".

Bureau of Customs

[19 CFR Part 1]

CUSTOMS PORTS OF ENTRY

Notice of the Proposed Revocation as Ports of Entry and the Designation as Customs Stations of Fort Covington, N.Y., and Chateaugay, N.Y.

FEBRUARY 25, 1971.

A survey of the workload at the ports of Fort Covington, N.Y., and Chateaugay, N.Y., indicates that the reestablishment of these ports of entry as Customs stations under the port of Trout River would increase administrative flexibility and improve the overall management of these offices. This would result in greater efficiency and economy through better utilization of Customs personnel and would provide improved service to the public.

Therefore, notice is hereby given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), it is proposed to revoke the designations of Fort Covington and Chateaugay as Customs ports of entry in the Customs district of Ogdensburg, N.Y., in Region I, and to designate Fort Covington and Chateaugay as Customs stations under the supervision of the Port of Trout River in the District of Ogdensburg, Region I. It is further proposed to amend §§ 1.2(c) and 1.3(d) of the Customs Regulations (19 CFR 1.2(c), 1.3(d)) to reflect these changes.

Data, views, or arguments with respect to the proposed action may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3247 Filed 3-8-71;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 70]

RESPIRABLE DUST STANDARDS FOR INTAKE AIR COURSES IN UNDERGROUND COAL MINES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), and in accordance with section 303(b) of the Act which requires that the Secretary or his authorized representative prescribe the maximum respirable dust level in the intake air courses of each underground coal mine, it is proposed that Part 70, Subchapter 0 of Chapter I, Title 30, Code of Federal Regulations be amended by adding a new paragraph (d) and paragraph (e) to § 70.100 and a new § 70.212 as set forth below, which prescribe the respirable dust levels which must be continuously maintained in the intake air courses of each underground coal mine, and the dust sampling procedures which must be initiated by each operator to determine compliance with the dust standard for intake air.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 3, 1971.

Part 70, Subchapter 0 of Chapter I, Title 30, Code of Federal Regulations would be amended by adding the following:

§ 70.100 Dust standards; respirable dust.

* * * * * *

(d) Effective June 30, 1971, each operator shall continuously maintain the average concentration of respirable dust in the intake air courses in the mine during each shift to which each miner in the active workings of such mine is exposed below 2.0 milligrams of respirable dust per cubic meter of air.

(e) Effective December 30, 1972, each operator shall continuously maintain the average concentration of respirable dust in the intake air courses in the mine during each shift to which each miner in the active workings of such mine is exposed below 1.0 milligram of respirable dust per cubic meter of air.

§ 70.212 Violation of dust standard; intake air samples.

(a) If the data recorded pursuant to § 70.261 for a single intake air sample with respect to a working section of a coal mine establish a concentration of respirable dust in excess of the concentration stated in paragraph (d) or paragraph (e) of § 70.100, as applicable, the Secretary shall require the operator to submit five additional intake air samples to determine whether such working section is in compliance with the applicable respirable dust limit.

(b) Upon receipt of advice that additional sampling is required, the operator shall commence such sampling on the first day on which there is a production shift following the day upon which he receives such advice from the Secretary pursuant to this paragraph, and shall continue to take such consecutive samples until he is advised in writing by the Secretary that the total number of valid samples required have been received.

(c) Where additional samples are received by the Secretary in accordance with paragraph (b) of this section, they shall be combined with the valid intake air sample already received, and a determination of compliance or noncompliance shall be made with respect to the working section.

(d) If the data recorded pursuant to § 70.261 with respect to the working section establish an average concentration of respirable dust in excess of the concentration stated in paragraph (d) or paragraph (e) of § 70.100 with respect to the particular applicable limit, the Secretary shall issue a notice to the operator that he is in violation of paragraph (d) or paragraph (e) of § 70.100.

[FR Doc.71-3250 Filed 3-8-71;8:48 am]

[30 CFR Part 75]

STANDARDS FOR PREVENTING EXPLOSIONS FROM EXPLOSIVE GASES OTHER THAN METHANE AND PROCEDURES FOR TESTING ACCUMULATIONS OF SUCH GASES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), and in accordance with section 317(t) of the Act which requires that the Secretary propose standards for preventing explosions from explosive gases other than methane and for testing accumulations of such gases, it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations be amended by adding §§ 75.301–5 through 75.301–8, as set forth below. This amendment prescribes maximum allowable concentrations for explosive gases other than methane and specifies the air sampling procedures to be followed by the Secretary and each operator of an underground coal mine in testing for the accumulation of such gases.

Interested persons may submit written objections, comments or suggestions to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 3, 1917.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations will be amended by adding the following:

§ 75.301–5 Explosive gases other than methane; maximum allowable concentrations.

Notwithstanding the provisions of § 75.301–2, for the purpose of preventing explosions from gases other than methane, the following gases shall not be allowed to accumulate in excess of the concentrations listed below:

(1) Carbon monoxide (CO)—2.5 volume per centum.
(2) Hydrogen (H_2)—.80 volume per centum.
(3) Hydrogen sulfide (H_2S)—.60 volume per centum.
(4) Acetylene (C_2H_2)—.40 volume per centum.
(5) Propane (C_3H_8)—.40 volume per centum.
(6) MAPP (Methyl acetylene-propylene-propodiene)—.30 volume per centum.

§ 75.301–6 Explosive gases other than methane; air sampling by the Secretary; general.

Air samples shall be taken periodically by an authorized representative of the Secretary in each underground coal mine, and such samples shall be analyzed to determine the concentration of explosive gases other than methane which may be present.

§ 75.301–7 Explosive gases other than methane; analysis of air samples; notice of violation; control measures and additional samplings requirements.

(a) Where the analysis of air samples taken pursuant to § 75.301–6 show that the accumulation of any explosive gas is in excess of the limit prescribed for such gas, the Secretary shall issue a written notice to the operator that he is in violation of § 75.301–5, and each such Notice of Violation shall specify the accumulation of explosive gas which exceeds the maximum allowable concentrations prescribed.

(b) Upon receipt of a notice of violation issued pursuant to paragraph (a) of this section, the operator shall immediately institute ventilation or other control measures in the mine so that the air shall contain less than the maximum allowable concentration of explosive gas prescribed in § 75.301–5.

(c) (1) During the first calendar month following receipt of a notice of violation, and during each calendar month thereafter, until otherwise advised in writing by the Coal Mine Health and Safety District Manager for the district in which the mine is located, the operator shall take one air sample in each area of the mine in which excessive concentrations of explosive gas were shown to be present after analyses conducted in accordance with this section.

(2) Air samples taken in accordance with subparagraph (1) of this paragraph shall be promptly transmitted for analysis to:

Gas Analysis Services, Health and Safety Technical Support Center, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213.

(3) Air samples transmitted in accordance with the provisions of this section shall be clearly marked for identification and include a specific description of the location in the mine from which they were taken.

§ 75.301–8 Potential explosion hazards; control measures; air sampling by the operator; requirements.

(a) Where explosive gasses other than methane have been (1) accidentally or inadvertently released in excessive amounts, or (2) where other potential explosion hazards are known by the operator to exist in the mine due to the liberation or presence of an excessive amount of explosive gas other than methane, the operator shall immediately notify the Coal Mine Health and Safety District Manager for the district in which the mine is located of the potential explosion hazard which is present in the mine, and promptly institute ventilation or other control measures to reduce the accumulation of such gases.

(b) Where potential explosion hazards exist due to the presence of excessive amounts of explosive gas other than methane, the operator shall promptly institute an air sampling program which includes frequent periodic samples to determine the concentration of explosive gas in any area of the mine where such gases are known to be present, and he shall continue to take such samples for the entire period during which such potential explosion hazard exists.

(c) (1) Air samples taken in accordance with the provisions of paragraph (b) of this section shall be promptly transmitted for analysis to:

Gas Analysis Services, Health and Safety Technical Support Center,
Bureau of Mines,
4800 Forbes Avenue,
Pittsburgh, PA 15213.

(2) Air samples transmitted in accordance with the provisions of this section shall be clearly marked for identification and include a specific description of the location in the mine from which they were taken.

[FR Doc.71–3251 Filed 3–8–71;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001, 1002, 1004, 1006, 1007, 1011–1013, 1015, 1030, 1032, 1033, 1036, 1040, 1043, 1044, 1046, 1049, 1050, 1060–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1124–1134, 1136–1138]

[Docket No. AO–10–A41 etc.]

MILK IN ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

Decision and Order To Terminate Proceeding on Proposed Amendments to Marketing Agreements and to Orders

Correction

In F.R. Doc. 71–760, appearing at page 921 of the issue for Wednesday, January 20, 1971, in the third column on page 927 the ninth line of the third paragraph is corrected to read "ported the 15-cent figure. The Milk In-"

[7 CFR Part 1124]

[Docket No. AO 368–A4]

MILK IN OREGON-WASHINGTON MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Sweetbrier Inn, Tualatin Exit, Interstate 5, Tualatin, OR, beginning at 10 a.m., on March 30, 1971, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Oregon-Washington marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mayflower Farms, Eugene Farmers Creamery, Portland Independent Milk Producers Association, Farmers Cooperative Creamery, and Tillamook County Creamery Association.

Proposal No. 1. Amend § 1124.9(b) and a new paragraph (c) as follows:

(b) A supply plant which:

(1) During any of the months of August through February in which 50 percent or more of the receipts of Grade A milk from dairy farmers except as filled milk is moved to plants described in paragraph (a) of this section, or

(2) During any of the months of March through July in which 40 percent or more of the receipts of Grade A milk from dairy farmers except filled milk is moved to plants described in paragraph (a) of this section.

(c) A supply plant which is operated by a cooperative association if 50 percent of the member producer milk of such cooperative association is received during the immediately preceding 12-month period at pool distributing plants either directly from member producer's farms or by transfer from such supply plant: *Provided*, That for the purpose of determining the appropriate percentages in this paragraph the following shall be considered as deliveries to pool distributing plants:

(1) The volume of fluid milk products processed and packaged in such supply plant and disposed of as Class I milk products on routes in the marketing area, and

(2) The volume of fluid milk products and cream used to produce Class II products in such supply plant: *And further provided*, If two or more cooperative associations desire to qualify a supply plant(s) operated by one or more of such cooperatives, as a pool plant(s) on the basis of their combined deliveries to pool distributing plants and have filed a request to this effect in writing with the market administrator on or before the first day of the month in which the agreement is effective, such a supply plant(s) shall be a pool plant(s) during the month if the above specified percentages of the total member milk of such cooperative associations was received during the month at pool distributing plants.

Proposal No. 2. Amend § 1124.11(a) as follows:

(a) During any month of the year a cooperative association may divert for its account to a nonpool plant the milk of any member producer from whom at least three deliveries are received at a pool distributing plant during the month, except that the aggregate quantity diverted may not exceed that aggregate quantity received during the month from all such producers at pool distributing plants. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month such agreement is effective. This request shall specify the basis for assigning any overdiverted milk to the producer members of each cooperative association according to a method approved by the market administrator.

(b) A handler in his capacity as the operator of a pool distributing plant may divert during any month for his account to a nonpool plant the milk of any producer whose milk has been received previously at a pool distributing plant other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section during the month. Such handler may divert on other days the milk of any producer from whom at least three deliveries are received during the month at his pool distributing plant(s) and who is not a member of a cooperative association which is diverting milk pursuant to paragraph (a) of this section during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at his pool distributing plant(s).

Proposal No. 3. Amend § 1124.13(a)(3) as follows:

(3) Diverted by the operator of such pool plant or cooperative association to another pool plant if he claims such diversion and both handlers have requested Class III classification on such diverted milk in their reports filed pursuant to § 1124.30.

Proposal No. 4. Amend § 1124.41(c)(5) to read as follows:

(5) In inventory of bulk fluid milk products and creams containing 18 percent or more butterfat on hand at the end of the month.

Proposal No. 5. Amend § 1124.51(a) to read as follows:

(a) The price for Class I milk shall be the basic formula price for the preceding month plus $1.75 plus an additional 20 cents.

Proposal No. 6. Amend § 1124.12 to read as follows:

§ 1124.12 Producer-handler.

"Producer-handler" means any person who is an individual partnership or corporation and who meets all the following conditions:

(a) Operates a dairy farm(s) from which the milk produced thereon is supplied to a plant operated by him in accordance with the conditions set forth in paragraph (b) of this section, and provides proof satisfactory to the market administrator that:

(1) The full maintenance of milk-producing cows on such farm(s) is his sole risk, and under his complete and exclusive management and control;

(2) Each such farm is owned or operated by him, at his sole risk, and under his complete and exclusive management and control; and

(3) Only he and no other person (except a member of his immediate family, or a stockholder in the case of a corporate farm) employed on such farm(s) own, fully or partially, either the cows producing the milk on the farm or the farm on which it is produced;

(b) Operates a plant in which milk approved by a duly constituted health authority for fluid consumption is processed or packaged and is disposed of during the month in the marketing area on routes: *Provided*, That:

(1) No fluid milk products are received at such plant or by him at any other location except:

(i) From dairy farm(s) as specified in paragraph (a) of this section; and

(ii) That such person may purchase from other pool plants packaged fluid milk products, other than whole milk, in an amount not in excess of an average of 100 pounds per day during the month.

(2) Such plant is operated under his complete and exclusive management and control and at his sole risk, and is not used during the month to process, package, receive, or otherwise handle fluid milk products for any other person; and

(3) For the purpose of this section, all fluid milk products disposed of on routes or at stores operated by him or by any person (including the operator of a plant, or a vendor) who controls or is controlled by him (e.g., as an interlocking stockholder), or in which he (including, in the case of a corporation, any stockholder therein) has a financial interest, shall be considered as having been received at his plant; and the utilization for such plant shall include all such route and store dispositions; and

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk.

Proposal No. 7. Add a new § 1124.63 to read as follows:

§ 1124.63 Obligation of a vendor on receipts from a producer-handler.

Each vendor shall pay the market administrator for the producer-settlement fund on or before the 25th day afer the

end of the month at the difference between the value of the skim milk and butterfat in fluid milk products received from a producer-handler during the month at the Class I price applicable at the location of the producer-handler's plant (but not less than the Class III price) and its value at the Class III price subject to the following conditions:

(a) The quantities of skim milk and butterfat in fluid milk products on which payments shall be made pursuant to this section shall not exceed the vendor's Class I disposition in the marketing area during the month; and

(b) This section shall not apply to a vendor whose total Class I disposition is obtained from a producer-handler, or whose total receipts and disposition of fluid milk products are considered as a part of the receipts and disposition of the producer-handler pursuant to § 1124.12.

Proposal No. 8. Amend § 1124.7 by adding a new paragraph (g).

(g) A vendor. Any person who does not operate a plant described in paragraphs (a) (b) and (f) of this section but who engages in the business of receiving fluid milk products for resale and distributes to retail and wholesale outlets, via a mobile delivery vehicle, packaged fluid milk products received from such a plant.

Proposal No. 9. Amend § 1124.70 to provide that fluid milk products received from an unregulated supply plant which has been received as Class I under a Federal milk order will not include any additional charges.

Proposal No. 10. Amend § 1124.85(a) by adding the following:

The market administrator shall offset any payment due any handler against payments due from such handler.

Proposal No. 11. Amend the shrinkage and allocation provisions to provide for clarification of the accounting of cream testing more than 18 percent.

Proposal No. 12. Amend § 1124.44(c) by deleting the following: "• • • except that cream so transferred may be classified as Class III if the handler claims classification of such cream in Class III in his report pursuant to § 1125.30, the handler tags the container of such cream as for manufacturing purposes, and the handler gives the market administrator sufficient notice to allow him to verify the shipment: • • •"

Proposed by Mayflower Farms:

Proposal No. 13. Eliminate the location differential in Central Washington and Eastern Oregon.

Proposed by Grade A Milk Producers' Association, Inc.

Proposal No. 14. Amend § 1124.7(c) to read as follows:

(c) A cooperative association with respect to milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association.

Proposal No. 15. Amend § 1124.8(b) to read as follows:

(b) "Supply plant" means a plant from which filled milk or a fluid milk product which has been approved by a duly constituted health authority for fluid consumption is shipped during the month to a pool plant.

Proposal No. 16. Amend the first sentence in § 1124.9(b) to read as follows:

Any supply plant from which 30 percent of its dairy farm supply of Grade A milk is moved, except as filled milk, during the month to a pool plant(s).

Proposal No. 17. Amend the second sentence in § 1124.11(a) to read as follows:

During the month of August through February, such cooperative association may divert on other days the milk of any producer from whom at least 3 days deliveries are received at a pool plant during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at pool plants.

Proposal No. 18. Amend § 1124.41(c)(1) to include evaporated milk products in hermetically sealed all metal containers.

Proposal No. 19. Amend § 1124.44(c)(3)(iv) to read as follows:

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class III milk to the extent of such uses at the plant and then as Class II milk.

Proposal No. 20. Delete § 1124.52(b).

Proposal No. 21. Amend §§ 1124.52 and 1124.83 so that location adjustments will apply only at plants 100 miles or more from the nearest of Portland and Klamath Falls, Oreg., and Walla Walla, Wash.

Proposed by Carnation Company.

Proposal No. 22. The Oregon-Washington Class I price shall be the same as the Puget Sound Class I price.

Proposal No. 23. The Class II price should be no higher than 10 cents above the Class III price.

Proposal No. 24. Half and half should be moved from Class I to Class II.

Proposal No. 25. Ice cream, ice cream mix, frozen desserts, sour cream mixtures, and aerated cream products should be moved from Class II to Class III.

Proposal No. 26. Add a proviso to the definition of handler as follows:

Any person in his capacity as the operator of one or more pool plants: *Provided*, That in the case of recognized divisions of a corporation which are operated as separate business units, each such division shall be deemed to be a handler:

Proposed by Klamath Falls Creamery.

Proposal No. 27. Add Lake County, Oreg. to the marketing area.

Proposed by Yakima Valley Dairy Study Committee.

Proposal No. 28. Reduce the location adjustment rate in Central Washington and Umatilla County, Oreg., from 20 cents to 15 cents.

Proposed by Roy H. Matson.

Proposal No. 29. Use the 4 lowest months of production during the year for calculating producer bases.

Proposed by Medo-Bel Creamery.

Proposal No. 30. In § 1124.9(a)(1), change "15 percent" to "35 percent."

Proposed by the Dairy Division.

Proposal No. 31. Reconsider §§ 1124.52 and 1124.83 in their entirety in light of all other proposals affecting location pricing.

Proposal No. 32. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, Farmers Center Building, 6700 Southwest Varns Street, Post Office Box 23354, Portland, OR 97223 or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, DC 20250 or may be there inspected.

Signed at Washington, D.C., on March 3, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-3240 Filed 3-8-71;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 280]

EASTERN PACIFIC TUNA FISHERIES

Yellowfin Tuna

Amendments to the regulations implementing conservation measures on the taking of yellowfin tuna in the regulatory area are needed to carry into effect a change in the existing regulatory system recommended by the Inter-American Tropical Tuna Commission in a resolution adopted on February 20, 1971, and published in the FEDERAL REGISTER. In addition to the regular season closure when the quota is reached, the resolution recommends that the Director of Investigation shall cause the curtailment of the unrestricted fishing for yellowfin tuna in the regulatory area when the annual catch rate is projected to fall below 3 short tons per standard day's fishing, measured in purse seine units adjusted to limits of gear efficiency previous to 1962.

Present language in § 280.5 does not provide for a closure date determined on the basis of an annual catch rate. Therefore, it is proposed to amend § 280.5 to allow the Director of Investigations to determine a closure date on the appropriate basis.

It is proposed in § 280.6(c) to include jig boats under the provisions for the incidental catch rate and allotment provided to bait boats during the closed season.

It is proposed that in § 280.6 the closed season allotments to the different boat categories be continued in 1971 at the same level as were given for 1970 in the current regulations published May 28, 1970 (35 F.R. 8366).

Before final adoption of amendments, consideration will be given to any data, views, or arguments in writing to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, within the period of 10 days from the date of publication of this notice in the FEDERAL REGISTER. Interested persons will also be afforded an opportunity to comment orally on the proposed amendments at a public hearing to be held at the United Portuguese Club, 2818 Addison Street, San Diego, CA, beginning at 9:30 a.m., March 18, 1971. Any person who intends to present views orally at this hearing is requested to furnish in writing his name and the name of the organization he represents, if any, to the said Regional Director.

These amendments are proposed under authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950 as amended (16 U.S.C. 955(e)) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 F.R. 15627).

Issued at Washington, D.C., and dated March 4, 1971.

PHILIP M. ROEDEL,
Director, National Marine
Fisheries Service.

The proposed amendments are described below:

1. Amend § 280.5 to read as follows:

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations will determine the date on which he deems that the yellowfin fishing season should close and will promptly notify the Service Director of such date. The Service Director shall then announce the season closure date thus established by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined has been affected by changed circumstances, he may substitute another date which shall be announced by the Service Director in like manner as provided for the date originally determined.

2. Amend subparagraphs (4) and (5) of paragraph (c) of § 280.6 to read as follows:

§ 280.6 Restrictions applicable to fishing vessels.

• • • • • •

(c) • • •

(4) Bait boats and jig boats may land in any port or place yellowfin tuna not to exceed 50 percent (50%) by round weight of the vessels' carrying capacity in short tons: *Provided*, That when the catch of yellowfin tuna by bait boats and jig boats reaches 2,000 short tons, the incidental catch rate for those vessels of yellowfin tuna will revert to 15 percent (15%) of yellowfin taken as an incident to fishing for those species listed in § 280.2(b)(3). A notice of reversion which will apply to bait boats and jig boats leaving port after a selected date will be published in the FEDERAL REGISTER.

(5) The short ton capacity of vessels shall be determined from tables prepared by the Commission which relate carrying capacity to gross and/or net tonnage and from official unloading records available to the National Marine Fisheries Service. Managing owners of purse seine vessels between 301 to 400 short tons carrying capacity, inclusive will be notified by registered mail that their vessel is in that category and is therefore subject to the provisions of subparagraph (2) of this paragraph. Managing owners of vessels of 300 short tons or less carrying capacity will be notified by registered mail that their vessel is in this category and is therefore subject to the provisions of subparagraph (3) of this paragraph. Except as provided below for bait boats and jig boats, managing owners not receiving such notification by registered mail can assume that their vessel is in the category of over 400 short tons carrying capacity and is therefore subject to the provisions of subparagraph (1) of this paragraph. To qualify for the bait boat and jig boat yellowfin allocation described in subparagraph (4) of this paragraph, managing owners of bait boats and jig boats will supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information, together with tables supplied by the Commission which relate to gross and/or net tonnage and from official records available to the National Marine Fisheries Service will be used by the Regional Director to establish the carrying capacity of each vessel. Failure to comply will result in such vessels being limited to a 15 percent (15%) incidental catch of yellowfin taken as an incident to fishing for those species listed in § 280.2(b)(3). This incidental rate will remain in effect for such vessels until the above documentation is supplied and the vessel's capacity determined.

[FR Doc.71-3217 Filed 3-8-71;8:46 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 602, 603, 608, 609, 610, 611, 612, 614, 615, 687]

[Administrative Order 814]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Notice of Hearings Correction: Statutory Citation; Notice of Dates for Prehearing Statements

In Administrative Order 614, F.R. Doc. 70-13025 published on page 15226, the first sentence of item 3 appearing on page 15227 and the second sentence of item 8 on page 15228 are corrected to read as follows:

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

• • • • •

8. • • • Interested persons wishing to participate in any of the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing, that is, April 9, 1971, for matters to be considered by Industry Committee Nos. 99–A or B; April 16, 1971, for matters to be considered by Industry Committee Nos. 100–A or B; May 28, 1971, for matters to be considered by Industry Committee Nos. 101–A, B, C, or D; and June 11, 1971, for matters to be considered by Industry Committees Nos. 102–A or B.

Signed at Washington, D.C. this 2d day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-3261 Filed 3-8-71;8:49 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 201, 260]

[Docket No. R-411]

ACCOUNTING AND RATE TREATMENT OF ADVANCE PAYMENTS TO SUPPLIERS FOR EXPLORATION AND LEASE ACQUISITION OF GAS PRODUCING PROPERTIES

Notice of Further Extension of Time

MARCH 2, 1971.

On February 23, 1971, Northern Natural Gas Co. filed a request for an extension of time to and including March 10, 1971, within which to file comments in the above-designated matter. On February 26, 1971, Columbia Gas System Service Corp. filed a request for an extension of time to and including March 25, 1971.

Upon consideration, notice is hereby given that the time is further extended to and including March 25, 1971, within which any interested person may submit views and comments in writing to the notice of proposed rule making (36 F.R. 377) issued January 8, 1971, in the above-designated matter. The time is extended to and including April 22, 1971, within which responses to the comments may be filed.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3219 Filed 3-8-71;8:46 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 455]

ARIZONA

Notice of Filing of Plat of Survey

MARCH 2, 1971.

1. Plat of Survey of the land described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m., on April 7, 1971:

GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 2 W., sec. 34, tracts B, C, and D.

The area described aggregates 64.50 acres. It is situated within the Fort Whipple Military Reservation as established by Executive order of October 17, 1875. It is bordered by the city of Prescott on the south and west and Highways 89–69 cross the southeast corner through Tract C.

2. The soil, in the above described land, varies from nearly level to low rolling hills. The southwest portion contains no timber, and the balance is covered with scattered cedar and locust timber. The soil is a heavy clay loam.

ROY T. HELMANDOLLAR,
Acting Manager.

[FR Doc.71-3248 Filed 3-8-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

EGG PRICES AND MARKET CONDITIONS

Requests for Comments on Market News

The U.S. Department of Agriculture in accordance with the Agricultural Marketing Act of 1946 reports through its Federal-State Market News Service the market and prices of shell eggs and other commodities at about 35 locations throughout the country. Some of these locations cover major production areas and others cover major terminal markets. The type of egg reports released cover producer prices, shipping point prices, prices at major markets including wholesale transactions and prices of cartoned eggs sold to retail buyers. The reports also include narrative comments on market conditions. Most of these reports are issued on a daily basis.

The USDA is considering a recommendation for major changes in the reporting of market prices of shell eggs. This recommendation has been made by the Executive Committee of the United Egg Producers. UEP is a nationwide cooperative of egg producers and marketers composed of the following regional organizations:

1. Western Egg Co., Oakland, Calif.
2. National Egg Co., Atlanta, Ga.
3. Northeast Egg Marketing Association, Durham, N.H.
4. Southwestern Egg Producers, Riverside, Calif.
5. Midwest Egg Producers Cooperative, East Lansing, Mich.
6. Northwest Egg Producers Cooperative, Seattle, Wash.

UEP has recommended that:

1. The Federal-State Market News Service should discontinue daily reporting of egg prices and market conditions in terminal markets, except for the west coast.

2. The Federal-State Market News Service should discontinue the daily wholesale market report in New York City and Chicago. It should not be replaced with a weekly report.

3. In order to provide after-the-fact price information, the Federal-State Market News Service should publish each Monday the egg prices series of prices paid by retailers for cartoned eggs during the preceding week.

Should these recommendations be adopted by the Federal-State Market News Service, all reporting of egg prices on a daily basis would be discontinued for all markets in the eastern half of the U.S. prices and general market conditions would be reported each Monday covering most egg market activity for the preceding week. These Monday reports would not include any information on wholesale prices in Chicago and New York City. The wholesale price series in these two cities (the only ones now reported) would be completely discontinued.

In order to give all interested persons an opportunity to submit their views and comments on these recommendations, the Department is soliciting written comments. The Department is particularly interested in obtaining answers to the questions which follow. Specific and direct comments would be appreciated.

1. Should the Market News Service discontinue the reporting of:

a. New York City wholesale egg prices?

b. Chicago trucklot egg sales delivered Chicago?

2. Should reports on prices paid by retailers for cartoned eggs covering the United States continue to be released daily or should they be released only on Monday to cover market activity which occurred the previous week?

3. Should market comments describing trading activity at various market points, including the "National Egg Market at a Glance," which are now released daily, be discontinued on a daily basis and only a summary report released each Monday covering the previous week's marketing activity?

(No change in production or shipping point reports or in statistics on storage or receipts etc., has been recommended).

Public meetings have been scheduled for Chicago, March 10, and for New York, March 15. Both meetings will begin at 1:00 p.m. local time and the public is invited.

The Chicago meeting will be in the Federal Building, Ceremonial Courtroom, 25th Floor, 219 South Dearborn Street. The New York meeting will be in the New Federal Building, Room 305, 26 Federal Plaza.

In order to give all interested parties an opportunity to submit their views and opinions on these recommendations, the Department is also soliciting written comments in connection with the above questions. Written comments should be addressed to the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 by March 20, 1971.

Done at Washington, D.C., this 3d day of March 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-3280 Filed 3-8-71;8:50 am]

DEPARTMENT OF COMMERCE

Maritime Administration

U.S. GOVERNMENT-SPONSORED COMMODITIES

Voyage Charter Rate Guidelines

In F.R. Doc. 69-11278 appearing in FEDERAL REGISTER issue of September 19, 1969 (34 F.R. 141614) the voyage charter rate guidelines applicable to the movement of full shiploads of U.S. Government-sponsored commodities in U.S.-flag vessels were suspended for a period of six (6) months and were thereafter suspended in F.R. Doc. 70-3488 (35 F.R. 4888 March 20, 1970) and F.R. Doc. 70-11750 (35 F.R. 14167 September 5, 1970) up to March 21, 1971.

Notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs has determined that said voyage charter guidelines shall be suspended until further notice effective March 22, 1971.

Dated: March 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary,
Maritime Administration.

[FR Doc.71-3315 Filed 3-8-71;8:50 am]

Office of the Secretary

[Department Organization Order 10-3]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Authority and Functions

The following order was issued by the Secretary of Commerce effective February 14, 1971. This material supersedes the material appearing at 35 F.R. 15173 of September 29, 1970.

SECTION 1. *Purpose.* This order prescribes the scope of authority and the functions of the Assistant Secretary for Domestic and International Business.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce, established by Public Law 90-191 (15 U.S.C. 1505), shall continue to be designated the Assistant Secretary for Domestic and International Business. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

SEC. 3. *Scope of authority.* .01 The Assistant Secretary for Domestic and International Business shall exercise policy direction and general supervision over the Bureau of Domestic Commerce and the Bureau of International Commerce. He shall also exercise direction over the Office of Import Programs, the Office of Textiles, and the Office of Administration for Domestic and International Business.

.02 Pursuant to the authority vested in the Secretary of Commerce by law, the following authorities of the Secretary are hereby delegated to the Assistant Secretary for Domestic and International Business:

a. The authorities contained in the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.) and Executive Order 11075 of January 15, 1963, as amended by Executive Order 11106 of April 18, 1963, including the authority to make certifications pursuant to sections 302(b)(1) and 302(c) of the Act and to issue rules and regulations under section 401 of the Act.

b. The authorities contained in title I of the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2071 et seq.), as conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, to issue or modify orders restricting transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Orders T-1 and T-2.

c. The authorities contained in section 402 of the Act of June 30, 1949 (40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, section 601 of the Act of June 30, 1949 (40 U.S.C. 473) relating to the importation into the United States of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Regulation 8 (44 CFR 308.15), and the authority to promulgate regulations pertaining thereto.

d. The authorities contained in the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897).

e. The authorities contained in headnote 6 (d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), added by Public Law 89-805, pertaining to the allocation of watches and watch movements among producers located in the Virgin Islands, Guam, and American Samoa, respectively. Such allocations shall be made jointly with the Secretary of the Interior or his designated official.

.03 The Assistant Secretary may redelegate his authority, except the authorities delegated in subparagraph .02a of this section, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* The Assistant Secretary for Domestic and International Business shall serve as the principal officer of the Department to advise the Secretary on and to direct Commerce activities aimed at promoting progressive business policies and growth and at strengthening the international economic position of the United States. In this respect, the Assistant Secretary shall:

a. Propose general Federal policies for the Secretary to establish for promoting the business economy.

b. Develop and implement new programs to accomplish national objectives for improving and expanding the economic strength of the United States.

c. Exercise overall direction of Commerce functions involving: the expansion of exports; business-consumer relations; import quota administration; administration of export controls; trade adjustment assistance; the collection, analysis, and dissemination of selected information on various industries, commodities, and markets; the preparation and execution of plans for industrial mobilization readiness; and Federal recognition of and participation in international expositions and trade fairs;

d. Consult with and encourage cooperation and appropriate participation of the business community in the Department's domestic and international business program; and

e. Coordinate the Department's domestic and international business programs with other Federal agencies.

SEC. 5. *Deputy Assistant Secretaries.* The Assistant Secretary for Domestic and International Business shall be assisted by the following officers in carrying out his responsibilities:

a. The Deputy Assistant Secretary and Director, Bureau of Domestic Commerce.

b. The National Export Expansion Coordinator who shall also be the Deputy Assistant Secretary and Director, Bureau of International Commerce. In his capacity as National Export Expansion Coordinator, he shall coordinate all aspects of the Federal effort to increase exports for the improvement of the U.S. balance of payments.

c. The Deputy Assistant Secretary for International Economic Policy who shall be the focal point of contact with Federal agencies on financial and international economic policy affecting U.S. business, and shall serve as liaison officer with the Council on International Economic Policy. He shall coordinate the development of Commerce's views on such policy issues as export financing and foreign investment, barter programs, domestic and international tax policies affecting trade, governmental lending activities and other aspects of domestic financial operations, and shall represent the Department in multilateral and bilateral trade negotiations.

d. The Deputy Assistant Secretary for Resources who shall be principally responsible for import policy matters and who shall directly supervise the Office of Import Programs and the Office of Textiles.

Effective date: February 14, 1971.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[FR Doc.71-3210 Filed 3-8-71;8:45 am]

[Department Organization Order 40-1A]

BUREAU OF DOMESTIC COMMERCE

Delegation of Authority

The following order was issued by the Secretary of Commerce effective February 14, 1971. This material supersedes the material appearing at 35 F.R. 15174 of September 29, 1970.

SECTION 1. *Purpose.* .01 This order delegates authority to the Deputy Assistant Secretary and Director, Bureau of Domestic Commerce, and prescribes the functions of the Bureau.

.02 This revision of the order eliminates authorities and/or functions transferred from the Bureau to the Office of Import Programs and the Office of Textiles, being separately established; transfers to the Bureau responsibilities for labor-management matters heretofore vested in the Office of Policy Development; and gives the Bureau a primary role on consumer matters.

SEC. 2. *Status and line of authority.* .01 The Bureau of Domestic Commerce is hereby continued as a primary operating unit of the Department of Commerce.

.02 The Bureau of Domestic Commerce shall be headed by the Deputy Assistant Secretary and Director, Bureau of Domestic Commerce (hereinafter called the "Deputy Assistant Secretary"). He shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by a Deputy Director of the Bureau of Domestic Commerce who shall perform the functions of the Deputy Assistant Secretary in the latter's absence.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Domestic and International

Business may prescribe, the Deputy Assistant Secretary is hereby delegated the authority of the Secretary of Commerce under:

a. The Act of February 14, 1903 (15 U.S.C. 1512; 15 U.S.C. 175) as amended, to foster, promote, and develop the domestic commerce of the United States, and related provisions (15 U.S.C. 171 et seq.);

b. Chapters 1 and 2 of title III of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.), other than the authority to make certifications pursuant to sections 302(b)(1), 302(c), and 311(b) of the Act;

c. Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under section 501(2) of title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031);

d. Public Law 91-269 of May 27, 1970 (84 Stat. 271), with respect to Federal Government recognition of and participation in international expositions proposed to be held in the United States;

e. The Defense Production Act of 1950, (50 U.S.C. App. 2061 et seq.) as amended and extended, and Executive Order 10480 thereunder except the authority of the Secretary of Commerce with respect to the use of transportation facilities and the creation of new agencies within the Department of Commerce;

f. Part 9 of Executive Order 11490 of October 28, 1969, with respect to emergency preparedness functions concerning production and distribution of materials, and use of production facilities;

g. The National Security Act of 1947 (50 U.S.C. 401 et seq.), as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

h. The Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98-98h, as amended) with respect to the acquisition of stocks of materials for defense purposes;

i. Executive Order 11179 of September 22, 1964, with respect to the establishment and training of the National Defense Executive Reserve;

j. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense; and

k. Other authorities of the Secretary for performing the functions assigned in this order.

.02 The Deputy Assistant Secretary may redelegate his authority to any employee of the Bureau of Domestic Commerce or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* The Bureau of Domestic Commerce shall:

.01 Perform the following domestic commerce functions:

a. Provide a working forum for business and the Federal Government to achieve a coordinated and unified position on domestic business policy and the major economic issues affecting business, particularly concerning the role of industry in new-material resources, short-supply export controls, national growth patterns, production mobilization systems, industry-consumer and industry-government relations, industry-wide data banks, and domestic business services.

b. Collect, analyze, and maintain factual data on U.S. industries in levels of detail based on the importance of the industry to the overall economy, exclusive of data related to the fiber, textile and apparel sector of the industrial economy which shall be the responsibility of the Office of Textiles. This information will be used in support of business policy decisions and program actions by the Bureau of Domestic Commerce, as well as other parts of the Department and the Government. Both domestic and international data shall be included in categories such as production, pricing, inventories, marketing, labor, financing, taxation, and location and size of companies.

c. Assess the implications for the business economy of major consumer protection proposals under consideration within the Department; promote voluntary efforts by business and industry segments to increase consumer protection efforts; and represent the Department of consumer protection matters.

d. Conduct studies and develop policy recommendations on domestic and international labor-management relations issues, and participate, as appropriate, in conferences and meetings relating thereto.

e. Through Business Services Field Offices, located in principal cities, provide the local business community with advice, information, and assistance on the domestic, international and industrial mobilization programs of the Bureau of Domestic Commerce and the Bureau of International Commerce; and, as may be requested, provide information and services on selected program activities for other operating units of the Department.

.02 Perform the following actions specifically required by law:

a. Recommend individual firms, claiming injury or threat of injury by imports, for certification to apply for technical, financial or tax assistance under the Trade Expansion Act of 1962; provide technical assistance to the firms when needed in preparing proposals to the Secretary; refer each certified proposal to the appropriate agency to furnish technical, financial or tax assistance; and maintain necessary controls to insure maximum utilization of financial assistance provided to firms;

b. Certify U.S. firms as "bona fide motor-vehicle manufacturers" qualified to trade under the provisions of United States-Canadian Automotive Agreement; and prepare the President's Annual Report to Congress concerning implementation of the Automotive Products Trade Act of 1965;

c. Evaluate prospective international expositions to be held in the United States and prepare studies and recommendations for the President, including the nature and extent of Federal participation therein; and perform all activities relating to the certification and promotion of domestic trade fairs pursuant to the Trade Fair Act of 1959 (19 U.S.C. 1751-1756); and

d. Publish the Commerce Business Daily.

.03 Perform the following national defense and industrial mobilization functions:

a. Assist in achieving an adequate supply of strategic and critical materials for defense-supporting activities and essential civilian needs, including the timely completion of current military, atomic energy, and space programs for production, construction, and research and development; and

b. Participate in the development of national plans to assure maximum readiness of the industrial resources of the United States, including the means for administering them, to meet any future demands of any national emergency.

SEC. 5. *Administrative management and related services.* The Office of Administration for Domestic and International Business shall furnish administrative management and related services to the Bureau, as determined by the Assistant Secretary for Domestic and International Business.

SEC. 6. *Saving provision.* Department Organization Order 15-4 of August 5, 1970 (Office of Policy Development) (35 F.R. 13149 of August 18, 1970), is constructively amended to reflect the actions of this order.

Effective date: February 14, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-3211 Filed 3-8-71;8:45 am]

[Dept. Organization Order 40-1B]

BUREAU OF DOMESTIC COMMERCE

Organization and Functions

This material supersedes the material appearing at 35 F.R. 3836 of February 27, 1970; 33 F.R. 10158 of July 16, 1968; 33 F.R. 10756 of July 27, 1968; and 32 F.R. 11348 of August 4, 1967.

SECTION. 1. *Purpose.* This order prescribes the organization and assignment of functions within the Bureau of Domestic Commerce.

SEC. 2. *Organization and structure.* The organization structure and line authority of the Bureau of Domestic Commerce (the "Bureau") shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Bureau head.* .01 The Deputy Assistant Secretary and Director, Bureau of Domestic Commerce, shall determine the objectives of the Bureau, formulate policies and programs for achieving those objectives, and direct execution of the Bureau's programs.

.02 The Deputy Director shall assist in the direction of the Bureau and perform the functions of the Director in his absence. He shall also provide direction and guidance to the following staff units each of which shall be headed by a Staff Director:

a. The Management Resources Control Staff shall develop and provide, on a regular basis, tabulations, analyses and reports of project dollar and manpower costs; develop and maintain systems for measuring project accomplishments, and otherwise assist top management in assessing progress and in planning program operations; perform the budget function and exercise fiscal control; coordinate the Bureau's data processing requirements; and facilitate the provision of administrative management services by the Office of Administration, DIB and, as applicable, by the Office of the Secretary to the Bureau.

b. The Legislation Review and Development Staff shall prepare or coordinate within the Bureau the preparation of responses to legislative inquiries, and shall develop and review proposed legislation on business-related issues. The Staff shall coordinate its activities with the Office of the General Counsel.

c. The Business and Trade Relations Staff shall assess the need for, and determine policies covering, programs with national organizations and trade associations; exercise overall review and monitoring of public advisory committees of the Bureau, including consultation with Bureau officials on the need for committees, their membership, and reporting requirements.

d. The Communications Services Staff shall plan and conduct an information program for the Bureau and shall provide technical guidance and control in the preparation and issuance of Bureau publications.

e. The Project Systems Design Staff shall identify business-related issues which may affect the domestic business economy and shall undertake preliminary studies to determine alternative proposals for projects to be undertaken by the Bureau to cope with such issues.

SEC. 4. *Office of Domestic Business Policy.* The Office of Domestic Business Policy shall provide analyses of current and developing industry and trade conditions; recommend policies and program objectives to stimulate balanced growth of U.S. industry; prepare analyses of policy issues involving specific industries and business segments for use by other operating units of the Department, other Federal agencies, the Congress, and business and industry in developing policies, plans, and programs; and serve as the principal office within the Bureau for examining issues of specific industries and business segments as these might affect the economic and technological growth of the economy. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall direct all activities of the Office. He shall be immediately assisted by a Deputy Director who shall also perform the functions of the Director in his absence.

.02 The Marketing and Consumer Affairs Division shall coordinate intra-Department consumer matters. It shall identify, analyze, and conduct or sponsor research on issues and problems with respect to the marketing sector and consumer affairs matters; develop related policy recommendations on governmental plans, programs and legislations; and consult with industry on the impact of such proposals. The Division shall be the contact point for industry in promoting voluntary consumer protection efforts and shall develop and disseminate information on various aspects of marketing and consumer affairs, including primary data on consumer needs, attitudes, and behavior patterns.

.03 The Industrial Relations Division shall analyze management-labor relations problems in terms of the economic impact on business, industry and national goals by examining such matters as national and international labor-management problems, labor standards, strikes, wages, benefits, welfare and pension plans, and technological displacement of employees, and shall evaluate the impact of changing conditions in business insurance and business taxes.

.04 The Trade Adjustment Assistance Division shall recommend policies and procedures of adjustment assistance to minimize the adverse effects on industry of import competition; and administer the trade adjustment assistance program.

.05 The Business and Community Growth Division shall analyze current and projected urban business problems and propose actions to facilitate business involvement in the development and growth of new and existing communities.

.06 The Analytic Methods Division shall provide substantive analytical methods, utilizing available models as appropriate, for use in addressing current and future policy issues of specific industries and business segments.

.07 The Special Programs Division shall undertake, as requested by the Director, projects that do not fit the functional areas of the Office.

SEC. 5. *Office of Business Research and Analysis.* The Office of Business Research and Analysis shall serve as a principal source within Government for data concerning industry and shall establish and maintain a data base for use by Government, industry, and others in analyzing and assessing developments and trends in selected industry areas and in establishing appropriate policy and program recommendations. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall direct all activities of the Office. He shall be immediately assisted by a Deputy Director who shall also perform the functions of the Director in his absence. In addition, the Deputy Director shall provide direction to the following staff units:

a. The Data Quality Assurance Staff shall assure the quality and adequacy of the data concerning industry collected by the respective industry divisions by coordinating and improving the varied data mantenance programs within the Office, by developing procedures to attain consistency and usefulness of the information to Government, industry, and other users, and by assessing the quality of data output for assisting in the solution of industry problems involving such matters as export expansion, projections of growth, and technological advances.

b. The Data Forecasting Staff shall develop techniques and methods for improving forecasting of measures of activity for specific industries and business segments.

c. The Special Reports Staff shall compile special-purpose tabulations and reports involving more than one industry or business segment.

.02 The industry divisions, as listed below, shall collect, evaluate, categorize, and analyze statistical data on an assigned group of industries; and shall otherwise prepare such data for dissemination:

Metals and Minerals Division.
Chemicals, Petroleum and Rubber Division.
Construction and Engineering Division.
Forest Products, Packaging, Printing and Publishing Division.
Business and Scientific Equipment Division.
Consumer Products and Services Division.
Electrical and Electronics Division.
Transportation Division.
Communications Division.
General Industries Division.

In carrying out these responsibilities, each Division shall:

a. Obtain industry data from established governmental sources, major industry sources trade associations, and other primary statistical data collection organizations, or directly from industries, journals, trade publications or any other source of potential business information and data;

b. Evaluate, categorize, analyze and maintain economic, business, industry, trade, finance, and technology data; and

c. Publish and disseminate commodity/industry data to a wide range of users within and outside Government, as well as provided data in readily useable formats for the specialized needs of individual users.

SEC. 6. *Office of Industrial Mobilization.* The Office of Industrial Mobilization shall carry out the Bureau's assigned industrial mobilization and readiness responsibilities; assure readiness of industrial resources for national emergencies and an adequate flow of materials essential for national defense, atomic energy, and other critical programs; provide policy guidance and coordinate industrial mobilization activities within the Department; and maintain liaison with other agencies of the Government and with friendly governments on industrial mobilization matters. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall direct all activities of the Office. He shall be immediately assisted by a Deputy Director who shall also perform the functions of the Director in his absence.

.02 The Mobilization Readiness Division shall develop and test the organizational plans and procedures for the Bureau to assume the responsibility for industrial production, construction, and distribution in the event of national emergencies; assist and guide industry in preparing for the conduct of emergency operations to assure the continuity of required production; and recruit and train Executive Reservists to be prepared to assume major responsibilities in the event of a national emergency.

.03 The Industrial Resources Division shall provide guidance and recommendations to the Office of Emergency Preparedness on matters relating to the National Stockpile Program, including the establishment of objectives, development of procurement programs and purchase specifications, special instructions, disposal programs, storage manuals and special studies; provide staff support for the Chairman, NATO Industrial Planning Committee and the Co-Chairman, United States/Canada Emergency Industrial Production and Materials Committee; and investigate and report on alleged impact of imports on national security.

.04 The Industrial Evaluation Division shall identify industrial facilities of exceptional importance to mobilization readiness, the national security, and postattack and recovery; specify standards for assessing and evaluating their production capabilities; supervise the preparation of industrial analyses of critically important products and industrial services, including essential survival items; conduct industrial feasibility studies to determine capabilities to meet national emergencies; and provide liaison between the Bureau and the National Resources Analysis Center of the Office of Emergency Preparedness.

.05 The Mobilization Plans Division shall support current national defense requirements by administering the Defense Materials System and Priorities Program under title I of the Defense Production Act, and plan for and maintain emergency measures for regulating the production and distribution of materials during emergency situations.

SEC. 7. *Office of Business Services.* The Office of Business Services shall serve as the Department's principal medium of contact with the local business community for: (a) Ascertaining the needs and desires for information relevant to the private economy that falls within the scope of Commerce's responsibilities, arranging or participating in the effective delivery of Commerce's business-related information products, and assisting in the planning and design of additional business information; (b) aiding businesses in the utilization of such information services; and (c) promoting participation of the general business community in the resolution of economic and minority business problems of the Nation. Though Business Services Field Offices, located throughout the country, the Office shall, in particular, provide local assistance and service to business communities in utilizing information and related business aids of Commerce and of other agencies; shall perform the field work and services involved in the programs of the Bureau and the Bureau of International Commerce; and shall perform special services for other organizations of Commerce as may be arranged from time to time. The Office shall also carry out the domestic trade fair and the domestic international exposition functions of the Bureau; and shall provide staff support for the National and Regional Export Expansion Councils. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall plan and direct the activities of the Office, and a Deputy Director who shall assist in direction of the Office and perform the functions of the Director in his absence.

.02 The Field Office Program Management Staff shall develop and prescribe procedures for administering activities of the Business Services Field Offices; conceive and implement management improvement practices; evaluate field office performance and recommend appropriate measures to assure maximum efficiency; coordinate workload requirements with field office resources; develop and provide measures for continuous improvement of technical proficiency; prepare guidelines for use by the field offices in the preparation of operational plans and coordinate and supervise the accomplishment of these plans; and provide central direction of publication sales and library business reference services.

.03 The Business Cooperation Staff shall develop and maintain liaison and communication with local and national business and trade organizations, State and local governmental entities, professional groups, and institutions to effect the exchange of ideas and to develop the framework for promoting Government/business participation in the resolution of economic and socio-economic problems; and provide support and guidance to field offices in these endeavors.

.04 The Business Services Development Staff shall, in cooperation with program managers of the Bureau, other units of the Department, or other agencies, identify and adapt substantive program products and data for marketing to the business community through the Business Services Field Offices in a manner that will respond to the needs of business in local communities, and create greater awareness of as well as provide utilization of the business related services of the Department.

.05 The Business Opportunity Staff shall develop and administer the effective delivery of private and Government information on business opportunities, both foreign and domestic, to industry and business and shall evaluate source materials and the effectiveness of distribution of business opportunities information.

.06 The Domestic Trade Fairs and Expositions Staff shall provide information, promotional assistance, and certification services to industry associations, business and civic groups and other operators of domestic trade fairs; arrange trade fair and industry visits for foreign businessmen; develop, schedule, and arrange for exhibits and displays to promote Bureau and Department programs and services at selected domestic trade fairs; review requests and prepare recommendations on U.S. Government recognition of international expositions to be held in the United States; plan, develop, construct, and operate Federal pavilions and exhibitions at such international expositions; and publicize scheduled domestic trade fairs and Federal exhibitions.

.07 The Business Services Field Offices, as listed in Appendix B, shall perform the following functions for the geographic areas pertinent to their respective locations:

a. Represent the Bureau of Domestic Commerce and the Bureau of International Commerce with local business, industry, and community groups;

b. Provide representation or particular services in their respective localities for the Office of the Secretary or for any operating unit of the Department as may be requested and arranged from time to time;

c. Create awareness of and disseminate marketing information, business opportunities, technological data and other information products of the Department applicable to business;

d. Obtain information on business, industry and community conditions and trends to assist the Bureau of Domestic Commerce and the Bureau of International Commerce in formulating and recommending policies, plans and programs on such matters;

e. Promote the expansion of exports to improve the U.S. Balance of Payments; and

f. Serve as a general source of information on all Commerce programs; facilitate contacts and communication, as may be needed, between local groups and individuals on the one hand and appropriate offices and officials of the Department on the other; and otherwise serve as a focal point for effective relations with various segments of the local communities on major developments involving Commerce programs that affect business and economic growth.

Effective date: February 14, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

APPENDIX A—PUBLIC INFORMATION APPENDIX—BUREAU OF DOMESTIC COMMERCE

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the Bureau of Domestic Commerce (BDC) to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms or other requirements established by the Bureau of Domestic Commerce which affect the public, and otherwise to comply with the requirements of section 552, title 5, U.S.C., as amended by Public Law 90–23, June 5, 1967 (81 Stat. 54), (hereinafter referred to as the Act).

B. *Public information services.* .01 BDC provides the business community with a wide range of information on domestic and foreign industry, domestic markets, and business opportunities. This includes periodic and special reports and studies covering foreign market surveys, market analyses and trends, industry reports, input-output relationships between industries, international business opportunities, and analyses of data bearing on production, sales, employment, profits, and distribution.

.02 Publications of the Bureau are listed in the Annual Catalog of Commerce Publications and the weekly Business Service Checklist, both of which are available from the field offices of the Office of Business Services, Department of Commerce, or the U.S. Department of Commerce, Washington, D.C. 20230. In addition, BDC publishes a BDC Publications Booklet, which can be obtained from the U.S. Department of Commerce or the field offices of the Office of Business Services, Department of Commerce.

C. *Guide to published rules and regulations.* .01 *Defense Production Act.* Public orders and regulations issued in implementation of title I (priorities and allocation powers) under the Defense Production Act of 1950, as amended, (64 Stat. 798; 50 U.S.C. 2061 et seq.) are found in Title 32A, Code of 1950, as amended (64 Stat. 798; 50 U.S.C. procedures under these orders and regulations are through the normal Department of Commerce appeals procedures.

.02 *National Defense Executive Reserve.* Departmental responsibilities for the National Defense Executive Reserve, as exercised by BDC are outlined in Department Administrative Order 210–8 (30 F.R. 12957). Selection procedures and criteria are found in the BDC Operating Instruction Manual. Applications for participation in the NDER must be made on CD–174 which is available from the Director, Mobilization Readiness Division, BDC, U.S. Department of Commerce, Washington, D.C. 20230.

.03 *Trade Adjustment Assistance.* Rules and regulations for certification of eligibility to apply for trade adjustment assistance and for application for such assistance under the Trade Expansion Act of 1962 (76 Stat. 883–892; 19 U.S.C. 1901–1920) are contained in 48 CFR 310.

.04 *Automotive Products Trade.* Rules, procedures, and criteria for determination of bona fide motor vehicle manufacturers under the Automotive Products Trade Act of 1965 (79 Stat. 1023; 19 U.S.C. 3032) are found in 19 CFR 301.

D. *Submission of requests and applications.* The established places at which and the methods whereby the public may make any submittals, applications, or requests concerning the programs listed in section C of this Appendix are found in the rules and regulations cited therein.

E. [Reserved]

F. *Inspection and copying of opinions and orders.* All final opinions and orders made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public; and any other materials required to be made available for public inspection and copying under section 552 (a) (2) are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, DC 20230. Rules concerning the use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the facility.

G. *Inspection of bureau records.* Rules for persons desiring, pursuant to section 552(a) (3), to inspect records not available to the public as part of the regular public information services of the Bureau of Domestic Commerce are contained in Part 4, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from the field offices of the Office of Business Services, Department of Commerce.

WILLIAM D. LEE,
Director,
Bureau of Domestic Commerce.

APPENDIX B—BUREAU OF DOMESTIC COMMERCE, OFFICE OF BUSINESS SERVICES

BUSINESS SERVICES FIELD OFFICES

Albuquerque, N. Mex.
Anchorage, Alaska.
Atlanta, Ga.
Baltimore, Md.
Birmingham, Ala.
Boston, Mass.
Buffalo, N.Y.
Charleston, S.C.
Charleston, W. Va.
Cheyenne, Wyo.
Chicago, Ill.
Cincinnati, Ohio.
Cleveland, Ohio.
Dallas, Tex.
Denver, Colo.
Des Moines, Iowa.
Detroit, Mich.
Greensboro, N.C.
Hartford, Conn.
Honolulu, Hawaii.
Houston, Tex.
Jacksonville, Fla.
Kansas City, Mo.
Los Angeles, Calif.
Memphis, Tenn.
Miami, Fla.
Milwaukee, Wis.
Minneapolis, Minn.
New Orleans, La.
New York, N.Y.
Philadelphia, Pa.
Phoenix, Ariz.
Pittsburgh, Pa.
Portland, Oreg.
Reno, Nev.
Richmond, Va.
St. Louis, Mo.
Salt Lake City, Utah.
San Francisco, Calif.
San Juan, P.R.
Savannah, Ga.
Seattle, Wash.

See local telephone directory under "United States Government—Commerce, Department of—Field Services" for address and telephone number.

[FR Doc.71–3212 Filed 3–8–71;8:45 am]

[Department Organization Order 40–8]

OFFICE OF IMPORT PROGRAMS

Establishment and Functions

The following order was issued by the Secretary of Commerce effective February 14, 1971.

SECTION 1. *Purpose.* This order establishes the Office of Import Programs and prescribes the functions of the Office.

SEC. 2. *Status and line of authority.* The Office of Import Programs is hereby established as a constituent operating unit of the Department. It shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Domestic and International Business.

SEC. 3. *Transfers.* .01 The functions enumerated in subparagraphs a, through h, of section 4 of this order, as heretofore assigned to the Bureau of Domestic Commerce, are hereby transferred to the Office of Import Programs together with the resources involved.

.02 The provision of secretariat and administrative support to the Foreign Trade-Zones Board is transferred from the Bureau of International Commerce together with the resources involved.

.03 The Assistant Secretary for Administration, in consultation with the Assistant Secretary for Domestic and International Business, shall determine the funds, personnel, property, and records being transferred by this order and shall effect these transfers.

SEC. 4. *Functions.* The Office of Import Programs shall be the principal point of contact within the Department on special import problems involving industries experiencing difficulty from import competition. For such industries, it shall maintain interagency relationships, coordination of legislative proposals, international negotiations, and representation with business and trade groups. It shall make policy recommendations as appropriate. In this respect, the Office shall perform the following functions:

a. Analyze the effect of imports upon domestic markets;

b. Keep abreast of activities and developments within the Government on import matters;

c. Represent the Department in U.S. Government participation in international arrangements and agreements on commodities and industrial products;

d. Review, prepare comments, and recommend positions of the Department on legislation concerning imports;

e. Provide staff assistance to the Department's member on the Oil Import Appeals Board;

f. Process applications for duty free importation of educational, scientific, and cultural materials;

g. Perform necessary staff work pertaining to the allocation of watches and watch movements among producers located in the Virgin Islands, Guam, and American Samoa;

h. Process applications to import foreign excess property into the United States; and

i. Provide executive secretariat services and administrative support to the Foreign Trade-Zones Board.

SEC. 5. *Organization.* The principal organization structure of the Office shall be determind by the Director, subject to the approval of the Assistant Secretary for Domestic and International Business.

SEC. 6. *Administrative and related services.* The Office of Administration for Domestic and International Business shall furnish administrative management services to the Office of Import Programs, as determined by the Assistant Secretary for Domestic and International Business.

SEC. 7. *Saving provision.* This order constructively amends Department Organization Order 40–2A of September 15, 1970 (35 F.R. 15175 of Sept. 29, 1970), and Department Organization Order 40–2B of October 16, 1970 (35 F.R. 16988 of

Nov. 4, 1970), to reflect the actions of this order.

Effective date: February 14, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-3213 Filed 3-8-71;8:45 am]

[Department Organization Order 40-9]

OFFICE OF TEXTILES

Establishment and Functions

The following order was issued by the Secretary of Commerce effective February 14, 1971.

SEC. 1. *Purpose.* This order establishes the Office of Textiles and prescribes the functions of the Office.

SEC. 2. *Status and line of authority.* The Office of Textiles is hereby established as a constituent operating unit of the Department. It shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Domestic and International Business.

SEC. 3. *Transfers.* .01 The functions enumerated in subparagraphs a. through f of section 4 of this order, as heretofore assigned to the Bureau of Domestic Commerce, are hereby transferred to the Office of Textiles with the resources involved.

.02 The Assistant Secretary for Administration, in consultation with the Assistant Secretary for Domestic and International Business, shall determine the funds, personnel, property, and records being transferred by this order and shall effect the transfer.

SEC. 4. *Functions.* The Office of Textiles shall be the principal point of contact within the Department on matters involving the fiber, textile, and apparel sector of the industrial economy, including the administration of the Long Term Arrangement Regarding International Trade in Cotton Textiles, interagency relationships, coordination of legislative proposals, international negotiations, and representation with relevant industry and trade groups. In this respect, the Office shall perform the following functions:

a. Conduct studies and analyses of the fiber, textile and apparel sector of the industrial economy; provide interpretative data on trends affecting its economic stability; and recommend necessary and appropriate action on the part of Government to improve the economic position of the sector;

b. Obtain and consider the views of the sector in formulating policy recommendations on matters affecting the sector;

c. Keep abreast of conditions in the sector, particularly with respect to the impact of imports and identify potential problem areas requiring governmental action;

d. Develop position papers and recommendations for interagency consideration of policy issues concerning international arrangements affecting trade in the sector, and participate in the negotiation of such arrangements and agreements;

e. Participate, as appropriate, in the conduct of investigations and analyses by the National Bureau of Standards in developing or appraising product standards under the Flammable Fabrics Act and provide views on proposed new or amended standards; and

f. Compile, analyze, interpret, an publish statistics on trade and domestic production and related activities of the sector.

SEC. 5. *Organization.* The principal organization structure of the Office shall be determined by the Director, subject to the approval of the Assistant Secretary for Domestic and International Business.

SEC. 6. *Administrative and related services.* The Office of Administration for Domestic and International Business shall furnish administrative management and related services to the Office of Textiles, as determined by the Assistant Secretary for Domestic and International Business.

Effective date: February 14, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-3214 Filed 3-8-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9295; Docket No. FDC-D-302; NDA 9-295 etc.]

BUCLIZINE HYDROCHLORIDE FOR ORAL ADMINISTRATION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Softran Tablets containing buclizine hydrochloride; The Stuart Co. Division of Atlas Chemical Industries, Inc., Wilmington, Del. 19899 (NDA 11-378).

2. Vibazine Hydrochloride Tablets containing buclizine hydrochloride; Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, NY 10017 (NDA 9-295).

The drugs are regarded as new drugs (21 U.S.C. 321 (p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. Buclizine hydrochloride is effective for the prevention of motion sickness.

2. Buclizine hydrochloride lacks substantial evidence of effectiveness for the following claimed indications: "Conditions in which emotional stress is a complicating or causative factor such as essential hypertension, sterility, hyperkinesia, palpitation, cramps, hyperhidrosis, tremor, headache, and insomnia have been relieved by buclizine hydrochloride"; "additional antihistaminic, antinauseant, antimotion sickness and hypotensive properties make (buclizine hydrochloride) a unique compound in the field of non-phenothiazine tranquilizers;" and bronchial asthma.

3. The drug is regarded as possibly effective for its other labeled indications.

B. *Form of drug.* Buclizine hydrochloride preparations are in tablet form suitable for oral administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

Buclizine hydrochloride is indicated for use in preventing motion sickness.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which the drug is described in paragraph A.3. above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration, data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

E. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to October 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug, and complete current container labeling, unless recently submitted.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling. The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in paragraph D for the period stated.)

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A.1. above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph D for the period stated.)

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time, additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.2. of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any such drug for human use offered for the indications for which substantial evidence of effectiveness is lacking, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named and he shall issue a written notice of the time and place at which the hearing will commence.

H. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 9295, directed to the attention of the appropriate office listed below, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

Request for Hearing (Identify with Docket Number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-62, Parklawn Building.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

Requests for NAS-NRC report: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3225 Filed 3-8-71;8:46 am]

[DESI 50359]

CERTAIN PREPARATIONS FOR OPHTHALMIC USE CONTAINING ANTIBIOTICS AND CORTICOSTEROIDS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the

National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Predmycin Ophthalmic Solution, containing neomycin sulfate, prednisolone, and phenylephrine hydrochloride; marketed by Allergan Pharmaceuticals, 1000 South Grand Avenue, Santa Ana, Calif. 92705. (50–359)

2. Prednicidin Ophthalmic Suspension, containing neomycin sulfate, gramicidine, prednisolone acetate, and phenylephrine hydrochloride; marketed by Tilden-Yates Laboratories, Inc., Fairfield Road, Wayne, N.J. 07470. (60–637)

The Food and Drug Administration concludes that preparations containing neomycin sulfate, prednisolone (or its acetate ester), and phenylephrine hydrochloride with or without gramicidin for ophthalmic use are possibly effective for the treatment of nonpurulent ocular infections complicated by inflammation of the eyelids, conjunctiva, cornea, sclera, and uveal tract; preventing bacterial infection; preventing potential infection in chemical and thermal burns or following foreign body removal; for the treatment or control of ophthalmic disorders involving inflammatory, allergic, and traumatic conditions of the anterior segment, lids, and conjunctiva whether or not complicated by infection; and for prophylaxis of infection in such conditions.

Preparations containing neomycin sulfate-prednisolone-phenylephrine hydrochloride or neomycin sulfate-gramicidin-prednisolone acetate-phenylephrine hydrochloride in solution or suspension for ophthalmic use are subject to the antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. To allow applicants to obtain and submit data to provide substantial evidence of effectiveness of the drug in those conditions for which it has been evaluated as possibly effective, batches of preparations containing these drugs which bear labeling with these indications will continue to be accepted for certification by the Food and Drug Administration for a period of six months after publication of this announcement in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drug will not be eligible for release or certification.

A copy of the Academy's report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, DC 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 50359, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number, if known): Division of Antiinfective Drugs (BD–140), Office of Scientific Evaluation, Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–3228 Filed 3–8–71;8:46 am]

[DESI 12024]

CLEMIZOLE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Reactrol Tablets, containing clemizole hydrochloride; the Purdue Frederick Co., 99–101 Saw Mill River Road, Yonkers, N.Y. 10701 (NDA 12–779).

2. Allercur Tablets, containing clemizole hydrochloride; J. B. Roerig and Co., Division, Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 12–024).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available information, and concludes that:

1. Clemizole hydrochloride is probably effective for the conditions described in the labeling "Indications" section which follows.

2. Except for those indications referred to above, the drugs is possibly effective for the labeled indications.

B. *Marketing status.* 1. Those indications for which the drug is described in paragraph A above as probably effective may continue to be used for 12 months, and the indications described as possibly effective may continue to be used for 6 months, following the date of this publication, to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

3. Within 60 days from publication hereof in the FEDERAL REGISTER, the holder of any approved new-drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommends use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

For the symptomatic relief of:
Seasonal and perennial allergic rhinitis.
Vasomotor rhinitis.
Allergic conjunctivitis.
Mild, uncomplicated cutaneous manifestations of angioedema and urticaria.

4. After 60 days following publication hereof in the FEDERAL REGISTER, any such drug on the market without an approved new-drug application and shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act should be labeled in accord with this notice.

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the Academy's report. Any other interested person may obtain a copy of these reports by request to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12024, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–3227 Filed 3–8–71;8:46 am]

[DESI 10126]

POLYOXYETHYLENE DODECANOL, MENTHOL, CAMPHOR, EUCALYPTUS OIL, AND BENZOIN FOR INHALATION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Vicks Vaposteam Liquid, containing polyoxyethlene dodecanol, menthol, camphor, eucalyptus oil, and benzoin tincture; marketed by Vick Chemical Co., Division of Richardson-Merrell, Inc., 1 Bradford Road, Mount Vernon, N.Y. 10017 (NDA 10–126).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report and concludes that this over-the-counter drug is possibly effective when administered as an inhalant in steam for the relief of cough, stuffiness, and chest congestion.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of the report by writing to the applicable office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10126, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Requests for NAS–NRC Reports: Press Relations Office, Food and Drug Administration (CE–200), 200 C Street SW., Washington, D.C. 20204.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 8, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71–3226 Filed 3–8–71;8:46 am]

[DESI 7698]

PROBENECID

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Benemid Tablets containing probenecid; Merck, Sharp and Dohme, Division of Merck and Co., Inc., West Point, Pa. 19486 (NDN 7–898).

The drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that this drug is effective for the indications described in the labeling conditions which follow.

B. *Form of drug.* This preparation is in tablet form suitable for oral administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

For the treatment of gout and gouty arthritis.

As an adjuvant to therapy with penicillin G, O, or V for elevation and prolongation of penicillin plasma levels by whatever route the antibiotic is given.

D. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to October 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug and complete current container labeling, unless recently submitted.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD–356H to the extent described for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement.

E. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drugs submits, within 180 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

F. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded as effective as described herein: The requirements of §§ 130.35(f) and 130.13(b) (1), (2), and (3) remain a continuing responsibility of each applicant.

G. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 7898, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3224 Filed 3-8-71;8:46 am]

ATOMIC ENERGY COMMISSION

URANIUM ENRICHMENT SERVICES CRITERIA

Charge for Enriching Services

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled "Uranium Enrichment Services Criteria" as published in the FEDERAL REGISTER on December 23, 1966 (31 F.R. 16479), and as amended in 35 F.R. 13546 of August 25, 1970 (referred to herein as the notice).

1. Subparagraphs 5(c) (1), (2), and (3) of the notice are revised to read as follows:

(c) *Charge for enriching services.* (1) The charge for enriching services, in accordance with the Act, will be established on a nondiscriminatory basis and on a basis of recovery of the Government's costs over a reasonable period of time. Applicable charges for enriching services and related services will be those in effect at the time of delivery of enriched uranium to the customer as (i) published in the FEDERAL REGISTER, or (ii) in the absence of such publication, determined in accordance with the Commission's pricing policy. The charge per unit of separative work for enriching services will be the same as that employed in the Commission's published schedule of charges for sale or lease of enriched uranium. The AEC may impose an appropriate surcharge representing additional costs, if any, to the AEC for providing enriching services on short notice.

(2) AEC's charge for enriching services will be established on a basis that will assure the recovery of appropriate Government costs projected over a reasonable period of time. The cost of separative work includes electric power and all other costs, direct and indirect, of operating the gaseous diffusion plants; appropriate depreciation of said plants; and a factor to cover applicable costs of process development, AEC administration and other Government support functions, and imputed interest on investment in plant and working capital. During the early period of growth of nuclear power, there will be only a small civilian demand on the large AEC diffusion plants. These plants were originally constructed for national security purposes, but will be utilized in meeting future civilian requirements. In this interim period of low plant utilization, the Commission has determined that the costs to be charged to the separative work produced for civilian customers will exclude those portions of the costs attributable to depreciation and interest on plant investment which are properly allocable to plant in standby and to excess capacity.

(3) Projections of supply and demand over a reasonable time period will be used in establishing a plan for diffusion plant operations. This plan will be the basis for establishing an average charge for separative work over the period involved, which charge will be kept as stable as possible as operating plans are periodically updated. Under such operating plans, AEC will at times be preproducing enriched uranium. Interest on the separative work costs of any such preproduced inventories will be factored into the average separative work charges.

Effective date. This notice is effective upon publication in the FEDERAL REGISTER. (3–9–71)

Dated at Washington, D.C., this 3d day of March 1971.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-3215 Filed 3-8-71;8:45 am]

URANIUM HEXAFLUORIDE

Charges, Enriching Services, Specifications, and Packaging; Revisions

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled, "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging", as published in the FEDERAL REGISTER on November 29, 1967 (32 F.R. 16289), and as amended in 35 F.R. 13547, August 25, 1970 (referred to herein as the notice).

1. The first sentence of the notice is revised to read as follows: "The U.S. Atomic Energy Commission (AEC) hereby announces the establishment of its standard table of enriching services, its charge per kilogram unit of separative work, its standard processing loss pursuant to the established Uranium Enrichment Services Criteria set forth in the FEDERAL REGISTER, 31 F.R. 16479, December 23, 1966, as amended in 35 F.R. 13546, August 25, 1970, and 36 F.R. 7562, March 9, 1971, and revisions in (1) its schedule of base charges for normal uranium and uranium enriched or depleted in the isotope U^{235}, (2) its use charge for uranium and other materials leased by the AEC, (3) its charges for withdrawal and packaging of UF_6, (4) its limits on loading of containers, and (5) its assay variation limits."

2. The penultimate sentence of paragraph 3 of the notice is revised to read as follows: "The charge per kilogram unit of separative work is $32.00."

3. Table 1 of the notice is revised to read as follows:

TABLE 1—SCHEDULE OF BASE CHARGES AND STANDARD TABLE OF ENRICHING SERVICES

Assay (wt. % U^{235})	Schedule of base charges ($/kg U as UF_6)	Standard table of enriching services	
		Feed component (normal (kgs U feed/ kg U product)	Separative work component (kg SWU/ kg U product)
0.20	3.00	0	0
0.25	3.00	0.098	−0.100
0.30	3.00	0.196	−0.158
0.35	3.00	0.294	−0.189

TABLE 1—SCHEDULE OF BASE CHARGES AND STANDARD TABLE OF ENRICHING SERVICES—Con.

Assay (wt. % U^{235})	Schedule of base charges ($/kg U as UF_6)	Standard table of enriching services	
		Feed component (normal (kgs U feed/ kg U product)	Separative work component (kg SWU/ kg U product)
0.38	3.00	0.352	−0.197
0.40	3.00	0.391	−0.198
0.42	3.81	0.431	−0.197
0.44	4.82	0.470	−0.194
0.46	5.80	0.509	−0.189
0.48	7.03	0.548	−0.182
0.50	8.24	0.587	−0.173
0.52	9.47	0.626	−0.163
0.54	10.79	0.665	−0.151
0.56	12.16	0.705	−0.137
0.58	13.52	0.744	−0.123
0.60	14.95	0.783	−0.107
0.65	18.68	0.881	−0.062
0.70	22.56	0.978	−0.012
0.711	23.46	1.000	0.000
0.75	26.65	1.076	0.044
0.80	30.87	1.174	0.104
0.85	35.22	1.272	0.168
0.90	39.69	1.370	0.236
0.95	44.26	1.468	0.307
1.00	48.90	1.566	0.380
1.10	58.43	1.761	0.535
1.20	68.25	1.957	0.698
1.30	78.29	2.153	0.868
1.40	88.52	2.348	1.045
1.50	98.95	2.544	1.227
1.60	109.50	2.740	1.413
1.70	120.15	2.935	1.603
1.80	130.96	3.131	1.797
1.90	141.86	3.327	1.994
2.00	152.86	3.523	2.194
2.20	175.09	3.914	2.602
2.40	197.57	4.305	3.018
2.60	220.30	4.697	3.441
2.80	243.24	5.088	3.871
3.00	266.33	5.479	4.306
3.20	289.61	5.871	4.746
3.40	313.02	6.262	5.191
3.60	336.52	6.654	5.638
3.80	360.16	7.045	6.090
4.00	383.86	7.436	6.544
4.50	443.50	8.415	7.690
5.00	503.59	9.393	8.851
5.50	564.03	10.372	10.022
6.00	624.77	11.350	11.203
7.00	746.97	13.307	13.587
8.00	869.93	15.264	15.995
9.00	993.51	17.221	18.422
10.00	1,117.54	19.178	20.863
12.00	1,366.76	23.092	25.782
14.00	1,617.14	27.006	30.737
16.00	1,868.39	30.920	35.719
18.00	2,120.37	34.834	40.724
20.00	2,372.93	38.748	45.747
25.00	3,006.37	48.532	58.369
30.00	3,642.16	58.317	71.064
35.00	4,279.78	68.102	83.816
40.00	4,918.92	77.886	96.616
50.00	6,201.33	97.456	122.344
60.00	7,488.93	117.025	148.235
70.00	8,782.18	136.595	174.302
80.00	10,082.97	156.164	200.605
85.00	10,737.71	165.949	213.892
90.00	11,397.63	175.734	227.341
92.00	11,664.01	179.648	232.796
93.00	11,798.65	181.605	235.550
94.00	11,932.86	183.562	238.328
96.00	12,233.13	187.476	244.842
98.00	13,129.41	191.389	269.982

All values are computed on the basis of taking normal uranium having an assay of 0.711 wt. percent U^{235}, as having a zero separative work component, and on the basis of a tails (waste) assay of 0.20 wt. percent U^{235}.

The base charges, kilograms of feed, and separative work components for assays not shown will be determined by linear interpolation between the nearest assays listed in the above schedules. A comprehensive listing of interpolated values for both the base charges and standard table is contained in report TID–21015 (Revised), 'Interpolated Values For The Schedule of Base Charges and The Standard Table of Enriching Services' available for a charge from Clearinghouse for Federal, Scientific and Technical Information, National Bureau of Standards, U.S. Department of Commerce, Springfield, Va. 22151.

Uranium having an assay (wt. percent U^{235}) below 0.711 will normally be accepted by the AEC as feed material for the performance of enriching services only if such uranium was previously distributed by the AEC or has been derived solely from uranium previously distributed by the AEC.

The base charge for depleted uranium requested without a specification as to assay is $2.50 per kilogram U. The assay furnished by the AEC in this case will normally be in the neighborhood of 0.20 wt. percent U^{235} of which large amounts are available.

The inclusion in the Schedule of Base Charges of specific assays above 93.00 wt. percent U^{235} is for the purpose of interpolation and for establishment of base charges for limited amounts of specified assays above 93 percent. Inquiries concerning the availability of material for lease or sale of specified assays above 93 percent should be addressed to the AEC Materials Leasing Officer, USAEC, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830.

Effective date. This notice shall become effective 180 days after publication in the FEDERAL REGISTER (3–9–71).

Dated at Washington, D.C., this 3d day of March 1971.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-3216 Filed 3-8-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 17665]

REOPENED WASHINGTON/BALTIMORE HELICOPTER SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on March 24, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William F. Cusick.

Requests for information and evidence, proposed statements of issues and procedural dates shall be filed with the Examiner and served on Bureau Counsel and parties to the proceeding on or before March 18, 1971.

Dated at Washington, D.C., March 3, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71 3271 Filed 3-8-71;8:49 am]

FEDERAL MARITIME COMMISSION

ARABIAN/PERSIAN GULF-U.S. ATLANTIC & GULF RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

A. J. Wassler, Secretary, Arabian/Persian Gulf-U.S. Atlantic & Gulf Rate Agreement, Room 1539, 26 Broadway, New York, NY 10004.

Agreement No. 9778-2, among the members of the Arabian/Persian Gulf-U.S. Atlantic & Gulf Rate Agreement No. 9778, as amended, modifies the terms of the self-policing system under the agreement to conform to the requirements of the Commission's General Order 7 (Revised).

Dated: March 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3273 Filed 3-8-71;8:50 am]

ATLANTIC AND GULF/PANAMA CANAL ZONE, COLON, AND PANAMA CITY CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Office located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

C. D. Marshall, Chairman, Atlantic and Gulf/Panama Canal Zone, Colon, and Panama City Conference, 11 Broadway, New York, NY 10004.

Agreement No. 3868-23, among the member lines of the Atlantic and Gulf/Panama Canal Zone, Colon, and Panama City Conference, modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by cancelling the existing Articles 10 through 13 and substituting therefore new Articles 10 through 14.

Dated: March 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3274 Filed 3-8-71;8:50 am]

LEEWARD & WINDWARD ISLANDS & GUIANAS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

C. D. Marshall, Chairman, Leeward & Windward Islands & Guianas Conference, 11 Broadway, New York, NY 10004.

Agreement No. 7540-21, among the member lines of the Leeward & Windward Islands & Guianas Conference, modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by cancelling the existing Articles 15 through 20 and substituting therefore new Articles 15 through 18.

Dated: March 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3275 Filed 3-8-71;8:50 am]

TRANSPORTACION MARITIMA MEXICANA, S.A. AND COMPANIA TRASATLANTICA ESPANOLA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. T. H. Schroeder, Smith & Johnson, 11 Broadway, New York, NY 10004.

Agreement No. 9930 establishes a joint cargo service between Transportacion Maritima Mexicana, S.A. and Compania Trasatlantica Espanola, to be known as the Tras-Mex Line in the trade between U.S. ports of the Gulf of Mexico and ports of call in Spain and Western Mediterranean areas under the terms and conditions set forth therein.

Dated: March 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3276 Filed 3-8-71;8:50 am]

UNITED STATES ATLANTIC & GULF-JAMAICA CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

C. D. Marshall, Chairman, United States Atlantic & Gulf-Jamaica Conference, 11 Broadway, New York, NY 10004.

Agreement No. 4610-17, among the member lines of the United States Atlantic & Gulf-Jamaica Conference, modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by canceling the existing Articles 9 through 14 and substituting therefore new Articles 9 through 12.

Dated: March 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3277 Filed 3-8-71;8:50 am]

[Docket No. 71-19]

IML SEATRANSIT, LTD.

Increases in Freight, All Kinds Rate in the U.S. Pacific Coast/Hawaii Trade; Order of Investigation and Suspension

IML SeaTransit, Ltd. has filed with the Federal Maritime Commission Supplement No. 4 to its Tariff FMC-F No. 2 to become effective March 8, 1971. This publication increases the rate on freight, all kinds, between U.S. Pacific Coast ports and ports in the Hawaiian Islands.

Upon consideration of said publication, the Commission is of the opinion that the above designated tariff matter should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It it ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Supplement No. 4 to Tariff FMC-F No. 2 is suspended and the use thereof deferred to and including July 7, 1971, unless otherwise ordered by the Commission;

It is further ordered, That there shall be filed immediately with the Commission by IML SeaTransit, Ltd., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until July 8, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's Rules of Practice and Procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within ten days of commencement of the proceeding, is similarly waived;

It is further ordered, That IML SeaTransit, Ltd. be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (1) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (2) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR § 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3272 Filed 3-8-71;8:50 am]

NORFOLK PORT AND INDUSTRIAL AUTHORITY AND CUNARD LINE LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United

States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. James N. Crumbley, General Manager, Norfolk Port and Industrial Authority, Maritime Tower, Norfolk, VA 23510.

Agreement No. T-2492, between the Norfolk Port and Industrial Authority (Authority) and Cunard Line Limited (Cunard), provides for the use of Pier Two, Southside, at the Norfolk International Terminal for the operation of Cunard's passenger cruise vessels. Cunard will also have the right to use all passenger facilities located on the berth. For the use of the facilities, Cunard will pay the Authority all applicable tariff charges. The agreement also requires that Cunard will place one of its passenger vessels on berth approximately four times per month, commencing on or about May 1, 1972.

Dated: March 4, 1971.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3311 Filed 3-5-71; 12:40 pm]

FEDERAL POWER COMMISSION

[Docket No. G-3072 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 25, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3072 D 1-25-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Starr County, Tex.	Assigned	.....
G-3973 C 1-18-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Natural Gas Pipeline Co. of America, La Gloria Field, Brooks and Jim Wells Counties, Tex.	16.7338	14.65
G-4318 1-20-71	R. C. Harris et al., 221 Hall Bldg., Beeville, TX 78102.	Transcontinental Gas Pipe Line Corp., West Tuleta Field, Bee County, Tex.	(2)	.....
G-11937 E 2-4-71	Pennzoil Producing Co. (successor to Mobil Oil Corp.), 900 Southwest Tower, Houston, TX 77002.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	14.0	14.65
G-12584 E 2-4-71	do	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	11.9004	14.65
G-12585 E 2-4-71	do	do	11.9004	14.65
G-12586 E 2-4-71	do	do	11.9004	14.65
G-12587 E 2-4-71	do	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	14.0	14.65
G-16232 E 1-21-71	North American Royalties, Inc. (successor to Salmon Corp.), 200 East 8th St., Chattanooga, TN 37402.	Florida Gas Transmission Co., Kain Field, Matagorda County, Tex.	19.5	14.65
G-18029 C 2-5-71	Hunt Oil Co. (Operator) et al., 1401 Elm St., Dallas, TX 75202.	Texas Gas Transmission Corp., Red Rock-North Shongaloo Area, Webster Parish, La.	[3] 19.75	15.025
G-19546 1-20-71 [2]	Houston Natural Gas Production Co. (Operator) et al., c/o Grover B. Cobb, attorney, Foy, Cobb, Campbell, & Gall, Post Office Box 1188, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp., Ray-Wilcox Unit, Ray Field; South Mineral Unit, South Mineral Field; and Mineral Unit, Mineral Field, Bee County, Tex.	(3)	.....
C161-1307 C 2-2-71	Pan American Petroleum Corp., Post Office Box 591, Tulsa, OK 74102.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0	15.025
C163-470 C 1-18-71 [4]	Mobil Oil Corp.	Natural Gas Pipeline Co. of America, La Gloria Field, Brooks and Jim Wells Counties, Tex.	16.7295	14.65
C164-1422 C 2-4-71	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, OK 73118.	Oklahoma Natural Gas Gathering Corp., South Ringwood Field, Major County, Okla.	13.0	14.65
C165-1227 D 1-18-71	Mobil Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Second Bayou Field, Cameron Parish, La.	(4)	
C167-1519 [5] E 2-1-71	Austral Gas Co. (Operator) et al. (successor to J. P. Owen (Operator) et al.), 2700 Humble Bldg., Houston, TX 77002.	Michigan Wisconsin Pipe Line Co., Lawson Field, Acadia Parish, La.	20.625	15.025
C167-1651 [3] E&C 2-1-71	Austral Gas Co. (Operator) et al. (successor to Owen Oil Co., Inc. (Operator) et al.).	Trunkline Gas Co., Lake Arthur Field, Jefferson Davis Parish, La.	[6] 20.0	15.025
C170-676 1-25-71 [7]	George Mitchell & Associates, Inc., agent for GM & A Gas Products Plant, Inc. (Operator) et al., 12th Floor, Houston Club Bldg., Houston, TX 77002.	Natural Gas Pipeline Co., of America, Seven Oaks Field Area, Polk County, Tex.	17.0	14.65
C170-722 (G-6170) C&F 1-25-71 [8]	Miss-Tex Oil Producers (successor to The Superior Oil Co. (Operator) et al.) 225 Petroleum Bldg., Jackson, MS 39201.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis county, Miss.	[9] 20.0	15.025
C170-723 (G-3146) C&F 1-25-71 [10]	Miss-Tex Oil Producers (successor to Atlantic Richfield Co.).	do	[11] 19.0	15.025
C170-724 (G-12094) C&F 1-25-71 [12]	Miss-Tex Oil Producers (successor to Mobil Oil Corp.).	do	[11] 15.0256	15.025
C170-917 C 2-1-71 [13]	Phillips Petroleum Co., Bartlesville, OK 74004.	Panhandle Eastern Pipe Line Co., Powder River Basin Area, Converse and Campbell Counties, Wyo.	17.0	14.65
C171-219 12-3-70 [14]	Humble Oil & Refining Co. (Operator) et al.	Florida Gas Transmission Co., Jay Field, Santa Rosa County, Fla.	30.0	14.65
C171-219 1-18-71 [15]	do	do	30.0	14.65

Filing code: Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C171-532 B 1-18-71	Mobil Oil Corp.	Transcontinental Gas Pipe Line Corp., La Gloria Field, Brooks and Jim Wells Counties, Tex.	(5)	.....
C171-556 B 2-1-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Heyser Field, Victoria and Calhoun Counties, Tex.	Depleted	.....
C171-557 A 2-1-71	J. M. Huber Corp., 2300 West Loop, Houston, TX 77027.	Phillips Petroleum Co., Quinduno Field, Roberts County, Tex.	13.5	14.65
C171-558 A 2-1-71	STANCO Petroleum, Inc., Box 202, Kimball, NE 69145.	Kansas-Nebraska Natural Gas Co., Inc., Highland No. 1 Well, Washington County, Colo.	15.0	14.65
C171-559 A 2-1-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	United Fuel Gas Co., Kentland Coal & Coke No. 2 Well, Pike County, Ky.	32.0	15.325
C171-560 A 2-1-71	Phillips Petroleum Co.	El Paso Natural Gas Co., Sales Ranch Field, Martin County, Tex.	[17] 24.5	14.65
C171-561 A 2-1-71	Mobil Oil Corp.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Baca County, Colo.	[17] 16.0	14.65
C171-562 (C167-353) F 2-2-71	Ladd Petroleum Corp. (Operator) et al. (successor to First General Resources Co.,[18] 830 Denver Club Bldg., Denver, CO. 80202.	Florida Gas Transmission Co., South Manchester Field, Calcasieu Parish, La.	20.0	15.025
C171-565 [19] B 2-5-71	C. Dale Armour (Operator) et al., Post Office Box 1432, Fulton, MS 38843.	Texas Eastern Transmission Corp., Beans Ferry Field, Itawamba County, Miss.	Uneconomical	.....
C171-566 [19] B 2-5-71	do	do	Uneconomical	.....
C171-568 A 2-5-71	Jones & Pellow Oil Co., 101 Northeast 26th St., Oklahoma City, OK 73105.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[17] 22.0	14.65
C171-569 B 2-8-71	Union Oil Co. of California, Union Oil Center, Los Angeles, CA 90017.	Cities Service Gas Co., Sterling Field, Comanche County, Okla.	Assigned	.....
C171-570 A 2-8-71	Stephens Production Co., c/o W. R. Walker, attorney, 115 North 12th St., Fort Smith, AR 72901.	Arkansas Louisiana Gas Co., Tidwell Field, Sequoyah County, Okla.	[11] 15.0	14.65
C171-571 A 2-8-71	Chevron Oil Co., Western Division, Post Office Box 599, Denver, CO 80201.	Northern Natural Gas Co., Hog Creek Area, Ellis County, Okla.	[17] 20.0	14.65
C171-572 B 2-4-71	Colorado Oil & Gas Corp., Denver Club Bldg., Denver, CO 80201.	El Paso Natural Gas Co., Laverne Field, Beaver County, Okla.	Depleted	.....
C171-574 A 2-10-71	Arch B. Gilbert, 705 Fort Worth National Bank Bldg., Fort Worth, TX 76102.	Arkansas Louisiana Gas Co., Bonanza Field, Sebastian County, Ark.	16.0	14.65
C171-575 A 2-10-71	Basin Petroleum Corp., 545 First National Bldg., Oklahoma City, OK 73102.	Natural Gas Pipeline Co. of America, Moseetie Field, Wheeler County, Tex.	20.5	14.65
C171-576 A 2-10-71	Southwest Oil Industries, Inc., 801 First National Bldg., Oklahoma City, OK 73102.	Transwestern Pipeline Co., Lipscomb (Tonkawa) Field, Lipscomb County, Tex.	20.5	14.65
C171-577 A 2-10-71	K. M. McClain, 529 Fort Worth National Bank Bldg., Fort Worth, TX 76102.	Arkansas Louisiana Gas Co., Bonanza Field, Sebastian County, Ark.	16.0	14.65

[1] Amendment to certificate filed to increase daily contract quantity.
[2] Amendment to certificate filed to delete acreage, extend term of contract and provide for rates of 19 cents, 21 cents, and 25 cents per Mcf, depending on vintage.
[3] Applicant proposes to sell natural gas from additional acreage pursuant to its FPC Gas Rate Schedule No. 47 at the contract rate of 19.75 cents per Mcf at 15.025 p.s.i.a., including tax reimbursement, but is willing to accept certificate authorization at the Commission's guideline rate. The guideline rate is 18.75 cents per Mcf, including tax reimbursement.
[4] Deletes nonproducing leases.
[5] Pending—temporary authorization only granted.
[6] Predecessor's rate is 19.5 cents per Mcf for gas produced from reservoirs discovered prior to Jan. 1, 1968 and 20 cents per Mcf for gas produced from newly discovered reservoirs.
[7] Amendment to certificate filed to include the interest of Energy Resources Group—1968 and Houston Corp., trustee and to redesignate rate schedule as "Operator et al.".
[8] Adds acreage acquired from The Superior Oil Co., Docket No. G-6170.
[9] Subject to adjustment for compression and gathering charges.
[10] Adds acreage acquired from Atlantic Richfield Co., Docket No. G-3146.
[11] Subject to reduction for compression charges.
[12] Adds acreage acquired from Mobil Oil Corp., Docket No. G-12094.
[13] Amendment to certificate filed to add acreage and to increase daily contract quantity.
[14] Amendment to certificate filed to add interest of coowners, W. A. Moncrief and Marshall R. Young Oil Co., and to redesignate rate schedule as "Operator et al.".
[15] Amendment to certificate filed to add interest of coowner, Sun Oil Co.
[16] Terms of contract with Transcontinental terminates Apr. 1, 1971, and applicant's reserves have been dedicated to contracts with Natural Gas Pipeline Co. of America.
[17] Subject to upward and downward B.t.u. adjustment.
[18] Related certificate in Docket No. C161-1607 was issued to W. A. Wegmann (Operator) et al.
[19] Related certificate in Docket No. C161-506 was issued to Gragg Drilling Co. (Operator) et al.

[FR Doc.71-2940 Filed 3-8-71; 8:45 am]

[Docket No. RI71-745 etc.]

MOBIL OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 26, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and

[1] Does not consolidate for hearing or dispose of the several matters herein.

undertakings shall be deemed to have been accepted.[3]

[3] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, DC 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before April 14, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-745	Mobil Oil Corp.	456	[3] 4	Texas Eastern Transmission Corp. (Main Pass Block 6) (Offshore Louisiana).	(1)	1-28-71		[3] 3-13-71	[3] [40] 17.0	[4] [40] 21.25	
		457	[3] 4	Transcontinental Gas Pipe Line Corp. (Vermillion Block 215) (Offshore Louisiana).	$12,503	1-28-71		[3] 3-13-71	[3] [40] 17.0	[4] [40] 21.25	
		459	[3] 4	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (South Marsh Island Block 79) (Offshore Louisiana).	(1)	1-28-71		[3] 3-13-71	[3] [40] 17.0	[4] [40] 21.25	
		461	[3] 3	Southern Natural Gas Co. (Main Pass Block 144) (Offshore Louisiana).	31,025	1-28-71		[3] 3-13-71	[3] [40] 17.0	[4] [40] 21.25	
RI71-746	Suburban Propane Gas Corp.	6	9	United Gas Pipeline Co. (Roanoke Field, Jefferson Davis Parish) (Southern Louisiana).	23,960 5,800	1-28-71		[3] 3-13-71	18.87 [5] 19.98	[4] 21.05	
RI71-747	Amerada Hess Corp.	14	3	do	3,800	1-28-71		[3] 3-13-71	[3] [40] 20.40	[4] [40] 21.5	
		144	[7] 7	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (Southwest Belle Isle Field) (St. Mary Parish) (Southern Louisiana).	1,296	1-28-71		[3] 3-13-71	[3] [40] 20.0	[4] [40] 21.625	
RI71-748	The California Co., A division of Chevron Oil Co. et al.	35	3	Transcontinental Gas Pipe Line Corp. (Block 23 Field, South Marsh Island Field) (Offshore Louisiana).	14,600	1-29-71		[3] 3-14-71	[4] [40] 19.0	[4] [40] 20.0	
		64	1	Texas Eastern Transmission Corp. (Main Pass Block 103 Field) (Offshore Louisiana).	219,000	1-28-71		[3] 3-13-71	[3] [40] 18.5 [3] [10] [40] 17.0	[4] [40] 26.0	
RI71-749	Cities Service Oil Co.	330	1	do	[5] 101,250	2-1-71		[3] 3-17-71	[3] [40] 18.5 [3] [10] [40] 17.0	[4] [40] 26.0	
RI71-750	Getty Oil Co.	107	[11] [13] 24	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (Grand Isle Block 47 Field) (Offshore Louisiana) (Disputed Zone).	4,611	2-1-71		[3] 3-17-71	[40] 21.375	[3] [4] [40] 23.5	RI71-428.
		185	1	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (Grand Isle Block 63) (Offshore Louisiana).	[5] 5,850 [10] 6,480	2-1-71		[3] 3-17-71	[3] [40] 18.5 [10] [40] 17.0	[4] [40] 26.0	
RI71-751	Humble Oil & Refining Company et al.	166	[14] 12	United Fuel Gas Co. (Calcasieu Pass Field, Cameron Parish) (Southern Louisiana).	912	2-1-71		[3] 3-17-71	[40] 22.375	[4] [40] 22.5	RI71-700.
RI71-752	Skelly Oil Co.	246	1	Texas Eastern Transmission Corp. (Block 103 Field Main Pass Area) (Offshore Louisiana).	8,438	2-1-71		[3] 3-17-71	[3] [40] 18.5 [10] [40] 17.0	[4] [40] 26.0	
RI71-753	The Fundamental Oil Corporation et al.	2	1	United Gas Pipe Line Co. (Southeast Houma Field, Terrebonne Parish) (Southern Louisiana).	13,688	2-1-71		[3] 3-17-71	[3] [40] 20.0	[4] [40] 21.5	
RI71-754	Houston Natural Gas Production Co.	23	4	South Texas Natural Gas Gathering Co. (Yeary Field, Kleberg County Tex. RR. District No. 4).	28,774	2-1-71	3-4-71	3-5-71	15.05625	[15] 19.07125	R170-1289.
RI71-755	Shell Oil Co. et al.	189	5	Transcontinental Gas Pipe Line Corp. (Big Foot Field Frio County) (Texas RR. District No. 1).	1,322	2-1-71	4-27-71	4-28-71	15.6738	16.78462	R167-346.
RI71-756	W. L. Pickens et al.	5	[16] 2	Transcontinental Gas Pipe Line Co. (West Mission Valley Field) (Goliad County) (Texas RR. District No. 2).		2-1-71	3-4-71	[41] Accepted			
		5	3	do	[10] 10,500	2-1-71	3-4-71	3-5-71	[17] 11.0 [18] 12.0 [19] 13.0	19.0 21.0 [21] 25.0	
RI71-757	Pennzoil Producing Co.[22]	276	[23] [24] 3	United Gas Pipe Line Co. (Agua Dulce Field, Nueces County) (Texas RR. District No. 4).	912	2-1-71	2-1-71	2-2-71	15.0	16.0	R170-282. R170-1490.
RI71-427	do		[23] [25] 2	do	39,000	11-3-70	11-3-70	11-4-70	15.0	16.0	R170-282. R170-1490.
RI71-758	Atlantic Richfield Co. et al.	224	13	Natural Gas Pipeline Co. of America (Northeast Thompsonville and Taquachie Creek Fields, Jim Hogg and Zapata Counties) (Texas RR. District No. 4).	403,710	2-4-71	3-7-71	3-8-71	18.0675	22.0	R168-91.
RI71-759	Aquitaine Oil Corp.	4	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal 239-256) (Offshore Louisiana).	5,200	2-5-71		23-21-71	[40] 20.0	[4] [40] 21.25	RI71-317.
RI71-760	Pan American Petroleum Corp. et al.[26]	391	[26] 5	Natural Gas Pipeline Co. of America (Willamar Field, Willacy County, Texas RR. District No. 4).	(27)	2-4-71	3-7-71	3-8-71	16.06	17.06375	R170-441.
RI71-761	Monsanto Co. et al.	78	7	Lone Star Gas Co. (Dibble & S.E. Boyle Areas, McClain County, Oklahoma Other Area).	20,000	2-4-71	3-7-71	3-8-71	15.0	16.0	

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-762	John C. Oxley et al.	3	[29] 10	Arkansas Louisiana Gas Co. (Kinta Field, Pittsburg County, Okla., Other Area).	1,803	2-3-71	3-6-71	3-7-71	15.0	16.015	
RI71-763	American Trading and Production Corp.	3	7	Natural Gas P/L Co. of America (Hoonsville Field, Wise County, Texas RR. District No. 9).	9,047	1-28-71	3-1-71	3-2-71	[30] [31] 14.5	[30] [31] 17.3185	
RI71-764	Brammer Engineering, Inc., et al.	11	(32)	United Gas P/L Co. (Bethany Field, Harrison & Panola Counties, Texas District No. 6).		1-27-71	2-27-71	[41] [42] Accepted			
			[33] 1	do		1-27-71	2-27-71	[41] [42] Accepted			
			[33] 2	do	7,800	1-27-71	2-27-71	2-28-71	[34] 11.75	15.00	
RI71-765	Texaco, Inc.	360	4	Northern Natural Gas Co. (Ozona Field, Crockett County, Texas RR. District 7-C) (Permian Basin).	88	2-1-71	3-4-71	3-5-71	17.02	17.0638	
RI71-766	National Cooperative Refinery Association	23	2	El Paso Natural Gas Co. (Chinle Wash Field) (San Juan County Utah) (Anetha Area).	[9] 1,700	2-1-71	3-4-71	3-5-71	[9] [40] 17.7	[9] [40] 18.7	
RI71-767	Phillips Petroleum Co.	47	13	El Paso Natural Gas Co. and Pecos Co. (Jack Herbert Field) (Upton County, Tex.) (RR. District 7-C). (Permian Basin).		2-1-71	3-4-71	[41] Accepted			
			14	do	2,503	2-1-71	3-4-71	3-5-71	16.2760	18.3105	
RI71-768	Monsanto Co.	80	2	Baca Gas Gathering System, Inc. (Plank Field, Baca County Colo.).	600	2-4-71	3-7-71	3-8-71	12.0	13.0	
RI71-769	Union Oil Co. of California.	94	5	Northern Natural Gas Co. (Coyanosa Field; Pecos County Tex.) (RR. District. No. 8) (Permian Basin).	10,200	1-26-71	3-1-71	3-2-71	6.060	17.064	
RI71-770	Frio-Tex Oil & Gas Co. et al.	2	[35] 8	Northern Natural Gas Co. (Ozona (Strawn) Field; Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin).	4,168	1-28-71	5-1-71	5-2-71	16.060	17.0637	
RI71-771	Axtec Oil & Gas Co.	34	6	El Paso Natural Gas Co. (Basin Dakota Field) (San Juan County, N. Mex.). (San Juan Basin).	1,507	2-1-71	3-4-71	3-5-71	[35] [40] 14.0536	[35] [40] 15.0578	RI64-460.
RI71-772	Thomas A. Dugan	12	4	El Paso Natural Gas Co. (Ballard Pictured Cliffs Field; Rio Arriba County) (New Mexico).	127	2-1-71	3-4-71	3-5-71	12.0	13.0551	
RI71-773	Monsanto Co.	93	3	Transwestern Pipeline Co. (Rock Tank Morrow Field) (Eddy County, N. Mex.) (Permian Basin).	24,760	2-4-71	3-7-71	3-8-71	16.48	17.718	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] No production at present.
[2] The date from Jan. 10, 1971, corresponding to the number of days filed after Nov. 27, 1970.
[3] Applicable only to casinghead gas.
[4] Increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413 issued 10-27-70.
[5] As corrected by letter dated Feb. 2, 1971.
[6] Includes upward B.t.u. adjustment.
[7] Applies only to acreage added by Supplement No. 5.
[8] Subject to B.t.u. price adjustment.
[9] Gas well gas.
[10] Casinghead gas.
[11] Pertains only to gas produced from the "KD" and "KJ" Sand Reservoirs discovered after Oct. 1, 1968.
[12] Pursuant to Opinion No. 567.
[13] Includes documents required by Opinion No. 567 establishing the discovery date of new reservoirs.
[14] Applicable to sales from reservoirs discovered on or after Oct. 1, 1968.
[15] Step periodic increase.
[16] Agreement dated Dec. 14, 1970, provides among other things for an extension of contract term until Apr. 1, 1981, and for renegotiated rates of 19 cents for gas produced from reservoirs discovered prior to Sept. 28, 1960, 21 cents for gas from reservoirs discovered Sept. 28, 1960, to June 17, 1970, and 25 cents for gas discovered on or after June 17, 1970, or any higher area ceiling rate.
[17] For gas which does not require compression or which is compressed by buyer.
[18] For gas presently compressed by buyer, the facilities for which seller may elect to take over.
[19] For gas requiring compression, the facilities for which seller may elect to maintain and operate.
[20] Based on the assumption that all gas is sold at 19 cents which may or may not be true as the gas may be sold at one, two, or three rates.
[21] Subject to a 0.21931-cent dehydration charge.
[22] Both buyer and seller are wholly owned subsidiaries of Pennzoil United, Inc.
[23] Includes documents establishing new reservoirs pursuant to Opinion No. 567.
[24] Pertains only to gas produced from the 5,300' Stry Sand Reservoir.
[25] Applicable to gas well gas sold from new reservoirs discovered May 21, 1970 and to those reservoirs previously shown in Mar. 11, 1970 filing.
[26] Pertains only to acreage added by Supplement No. 3.
[27] No deliveries at present.
[28] Changed name to Amoco Production Co. on Feb. 1, 1971.
[29] Applicable only to the gallon unit.
[30] Includes 0.25-cent dehydration charge paid by buyer to seller.
[31] Base rate subject to upward and downward B.t.u. adjustment.
[32] Contract dated Dec. 28, 1970, which provides for increased rate and supersedes contract dated Sept. 8, 1955.
[33] Letter agreement dated Dec. 28, 1970, which provides for measurement procedures under contract of same date.
[34] Subject to downward B.t.u. adjustment.
[35] Applicable to gas produced above a depth of 7,000 feet from the surface of the ground.
[36] Not used.
[37] Subject to price reduction for sour gas treating, approximately, 3.3 cents per Mcf.
[38] Applicable to production from Strawn Sand only (does not apply to gas produced from acreage under Supplements Nos. 2 and 5).
[39] Includes 1 cent per Mcf minimum guarantee for liquids.
[40] Pressure base is 15.025 p.s.i.a.
[41] Accepted as a contract amendment effective as of the date set forth in the "Effective Date Unless Suspended" column, subject to the conditions prescribed elsewhere in this order.
[42] Acceptance of contract does not constitute authorization to abandon any acreage covered by the original contract dated Sept. 8, 1955, as amended, which is not covered by the subject superseding contract.

The agreements filed by Pickens and Phillips in addition to providing for the proposed increased rates also provide for future escalations to any higher area ceiling or settlement rate perscribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b-1), the agreements are accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage.

The Southern Louisiana increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

Although the proposed increased rate of Pennzoil Producing Co. (Supplement No. 3 to its FPC Gas Rate Schedule No. 276) does not exceed the 16-cent rate prescribed in Opinion No. 567, it is suspended for 1 day from the date of filing because of the affiliation between buyer and seller. In addition, the order issued November 25, 1970, suspending Pennzoil's proposed increase in Docket No. RI71-427 is amended to reflect that such increase also applies to gas sold from newly discovered reservoirs shown in the filings submitted on March 11, 1970, as reflected in Supplement No. 2 to Pennzoil's FPC Gas Rate Schedule No. 276 which is reported herein. The suspension period for Supplement No. 2 is the same as that provided in the November 25 order.

The superseding contract of Brammer Engineering, Inc., which provides the basis for the proposed increase includes two maps outlining the acreage dedicated thereunder. No other acreage description is shown and it cannot be determined whether or not the superseding contract covers all or only part of the acreage dedicated to the original contract. Brammer is hereby advised that acceptance of the superseding contract and the

letter agreement does not constitute authorization to abandon any acreage covered by the original contract (dated September 8, 1955) which is not covered by the subject superseding contract.

Certain respondents request effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

[FR Doc.71-3054 Filed 3-8-71;8:45 am]

[Docket No. E-7229]

IDAHO POWER CO.

Notice Fixing Oral Argument

MARCH 2, 1971.

The Commission has before it the Presiding Examiner's initial decision issued on August 18, 1970, the briefs on exceptions, and the briefs opposing exceptions. On November 2, 1970, Idaho Power Co. filed a motion for oral argument.

Take notice that an oral argument is scheduled to be heard by the Commission en banc commencing at 9:30 a.m., e.s.t., on April 8, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

All participants in this proceeding who desire to present oral argument shall notify the Secretary of the Commission in writing on or before March 10, 1971, of the amount of time requested for presentation of their respective oral arguments.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3220 Filed 3-8-71;8:46 am]

[Dockets Nos. CI-71-118, etc.]

PAN AMERICAN PETROLEUM CORP.[1] ET AL.

Order Prescribing Procedure

MARCH 2, 1971.

In our order issued February 22, 1971 in Dockets Nos. CI71-118, et al. we stated that: "Evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a permanent certificate on the terms proposed in that application. Although evidence on all applications will be admitted in one consolidated hearing, each individual application will be considered on its own merits." However, because there may be a large number of persons having common interests which may be affected by the determination contemplated by this proceeding, and in order to expedite the progress of this proceeding, it is appropriate in the public interest that parties having common interest should be permitted to present evidence jointly to avoid duplicate and cumulative presentations, and to agree to cross-examine witnesses in a manner as to avoid cumulative and repetitious cross-examination.

Therefore, where appropriate, and not in derogation of the rights of any party, those parties having common interests should be permitted to combine for the purposes above set out. In no way should this procedure interfere with the right of any person, having an interest independent of other applicants and intervenors, to present, cross-examine and rebut evidence in any proceedings involving that person.

The Commission orders: Parties having common interests in the consolidated proceeding will be allowed to jointly present evidence, cross-examine and rebut evidence in the proceedings involving those parties in Dockets Nos. CI71-118, et al.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3221 Filed 3-8-71;8:46 am]

[Docket No. CP71-210]

RAYMOND LUCAS GAS CO., AND CITIES SERVICE GAS CO.

Notice of Application

MARCH 3, 1971.

Take notice that on February 26, 1971, Raymond Lucas, doing business as Raymond Lucas Gas Co. (Applicant), Post Office Box 138, Ochciata, OK 74051, filed in Docket No. CP71-210 an application pursuant to section 7(a) of the Natural Gas Act requesting that Cities Service Gas Co. (Respondent), be directed to establish physical connection of its natural gas transmission facilities with the facilities to be constructed by Applicant and to sell and deliver natural gas to Applicant for resale and delivery to meet third year peak day and annual requirements of 40 Mcf and 5,777 Mcf, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that Respondent be directed to provide a new delivery point on its 16-inch transmission line in Washington County, Okla. and to sell and deliver natural gas to enable Applicant to initiate service to 39 residences and one fraternal lodge in a rural unincorporated portion of Washington County.

Applicant proposes the construction, at an estimated cost of $20,550, and operation of a natural gas distribution system to serve the aforementioned customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3222 Filed 3-8-71;8:46 am]

FEDERAL RESERVE SYSTEM

MIDLANTIC BANKS INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Correction

In F.R. Doc. 71-2837 appearing on page 4081 in the issue of Wednesday, March 3, 1971, the company name as it appears in the heading and in the fifth line of the document should read as set forth above.

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of acquisition of 80 percent or more of the voting shares of Tampa Bay Bank, Tampa, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First at Orlando Corp., Orlando, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Tampa Bay Bank, Tampa, Fla. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 14, 1971 (36 F.R. 575), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant is the fifth largest banking organization in Florida controlling 16 banks with $478 million in deposits, representing 3.9 percent of the deposits held by all banking organizations in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through January 31, 1971.) Applicant's acquisition of Bank deposits of $18 million) would increase its share of deposits in the State by less than two-tenths of 1 percent.

Bank is the 10th largest of 21 banking organizations serving Hillsborough County, holding only 2.1 percent of the deposits in that area. Applicant's closest subsidiary to Bank is located 60 miles east of Bank in Lake Wales, Fla. Because of this distance between the two, the presence of intervening banks and restrictive Florida law, there is little meaningful competition between them and, based on the facts of record, little possibility that more competition will develop in the future. Through affiliation with Applicant, Bank would be in a stronger position to compete with its much larger competitors in Hillsborough County, two of which each have deposits in excess of $200 million. Based upon the foregoing, the Board concludes acquisition of Bank would not have an adverse effect on competition in any relevant area, and is likely to have a procompetitive effect in the Hillsborough County area.

The banking factors as they pertain to Applicant and Bank are consistent with approval of the application. Considerations relating to the convenience and needs of banking customers in Hillsborough County lend some weight in favor of approval of the application. Although the needs of those customers are being served, consummation of the acquisition will enable Bank to offer additional services (such as trust services) which are presently being offered only by large banks in the area or those affiliated with large banking organizations. It is the Board's judgment that the proposed transaction would be in the public interest and should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] March 2, 1971.

KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3209 Filed 3-8-71;8:45 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ALLIED CHEMICAL CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.³) has been received for consideration as follows:

(1) ICP Docket No. 10842, Allied Chemical Corp.—Semet-Solvay Division, A Mine—Harewood, USBM ID No. 46 01896 0, Longacre, Fayette County, W. Va., section ID No. 014 (A Mine Mains).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 3, 1971.

[FR Doc.71-3238 Filed 3-8-71;8:47 am]

BEATRICE POCAHONTAS CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.³) have been received as follows:

(1) ICP Docket No. 10072, Beatrice Pocahontas Co., Beatrice Mine, USBM ID No. 44 00238 0, Keen Mountain, Buchanan County, Va., section ID No. 001 (No. 1 Longwood—south) section ID No. 002 (No. 2 Longwood—1st north).

(2) ICP Docket No. 10100, Imperial Smokeless Coal Co., Imperial No. 2 Mine, USBM ID No. 46 01472 0, Quinwood, Greenbrier County, W. Va., section ID No. 004 (11th Left), section ID No. 005 (1st west).

(3) ICP Docket No. 10101, Imperial Smokeless Coal Co., Imperial No. 7 Mine, USBM ID No. 46 01474 0, Quinwood, Greenbrier County, W. Va., section ID No. 001 (3d east), section ID No. 002 (1st east), section ID No. 003 (1st west), section ID No. 004 (2d right).

(4) ICP Docket No. 10158, Mill Coal Co., Inc., Mill Coal Co., Inc. No. 1 Mine, USBM ID No. 46 01829 0, Leivasy, Nicholas County, W. Va., section ID No. 001 (rooms off second right).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 3, 1971.

[FR Doc.71-3237 Filed 3-8-71;8:47 am]

POSTAL RATE COMMISSION

[Docket No. R71-1; Order No. 1]

RECOMMENDED DECISION ON CHANGES IN RATES OF POSTAGE AND FEES FOR POSTAL SERVICES

Notice of Prehearing Conference

MARCH 5, 1971.

On March 3, 1971, the Commission, in its order granting petitions to intervene, stated that it would issue a separate order setting a date for a prehearing conference in this proceeding. In accordance with section 19 of the Commmission's rules of practice, the Commission hereby schedules the prehearing conference to begin on March 29, 1971, in Washington, D.C. The presiding officer shall conduct the prehearing conference with a view toward beginning the hearings on April 19, 1971.

The Commission's rules of practice (§24) note that "It is the intent of the Commission to issue its recommended decision * * * with the utmost practicable expedition." The Post Office Department filed its rate-increase request in this docket on February 1, and its direct testimony has thus been publicly available for over a month. The Post Office Department was also obligated to serve copies of its request and testimony upon the interveners after the Commission's

March 3 order. In these circumstances the Commission believes at this time that its proposed conference and hearing dates are reasonable.

Nonetheless, we recognize that the Commission can adhere to an expedited schedule only with the parties' fullest cooperation and assistance. Section 24 of the rules of practice (36 F.R. 400–401) spells out the matters which the presiding officer and the participants shall consider and resolve at the prehearing conference. All participants are expected to come to the prehearing conference fully prepared to discuss in detail and resolve these matters.

In this connection, the Commission's March 3 order directed the presiding officer to consider whether parties who filed jointly—and others—should be regarded as having substantially like interests and positions and should be requested to join together in making their presentations. Sections 20(f) and 24(d)(5) of our rules of practice provide for such groupings as are consistent with procedural fairness to the parties.[1] We expressly encourage the parties to confer, before and during the prehearing conference, for the purpose of agreeing upon the voluntary grouping of parties with common or similar interests. The benefits of grouping are manifold. Thus, the parties with a general identity of interests stand to achieve meaningful savings of both time and expense through joint evidentiary presentations. Moreover, parties engaged in cooperative efforts will enhance the likelihood of avoiding duplicative and repetitive presentations which would be objectionable or, at a minimum, delay the prompt conclusion of these proceedings.

Additionally, we call the parties' attention to the provisions of sections 25 and 26 of our rules of practice, establishing the availability of discovery procedures. Parties are expected to use discovery procedures "at the earliest possible time and no later than at the prehearing conference * * *." (section 24(c).) As noted earlier, the Post Office's direct evidence has been publicly available since its filing on February 1, 1971, and is now being formally served on each party. Each participant should make every effort to complete all necessary discovery before the prehearing conference or within the shortest possible time thereafter.

At the prehearing conference, the parties should also be prepared to narrow those issues on which they intend to cross-examine or to submit evidence. Parties who expect to be active participants in the hearing shall submit written statements of issues in question form rather than in narrative form. The parties are also encouraged to submit, in written form, their positions on all other matters specified in section 24(d). The parties may, in advance of the conference, serve these documents on the other parties. Upon request of counsel, such written documents may be copied into the formal prehearing conference record.

In scheduling the hearing for April 19, the Commission contemplates that Phase I of the hearings will consist of the formal proffer of the Post Office Department's direct case, followed by cross-examination of the Department's witnesses.[2] At the end of the prehearing conference, the presiding officer will fix the dates for the service of answering and rebuttal evidence.

The Commission orders:

(A) A prehearing conference in this proceeding, regarding which a notice of proceeding was published in the FEDERAL REGISTER on February 4, 1971 (36 F.R. 2431), will be held on March 29, at 10 a.m., e.s.t., in the main hearing room at the U.S. Tariff Commission, F Street between Seventh and Eighth Streets, NW., Washington, DC. The conferencc will be held for the purposes specified in section 24 of the Commission's rules of practice (36 F.R. 400–401) and in this order, and to afford all interested persons an opportunity to be heard with respect to the procedures to be followed in expeditiously determining the issues to be tried in the proceedings in Docket No. R71–1. The conference proceedings shall be recorded by an official reporter, and shall be recessed and reconvened at the discretion of the presiding officer, to be designated later.

(B) A copy of this order shall be published in the FEDERAL REGISTER and served on each of the intervener parties and upon the United States Post Office Department.

(C) Pursuant to section 55 of the rules of practice, the Commission designates its Assistant General Counsel, Litigation Division, as the officer of the Commission who shall represent the interests of the general public.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71-3317 Filed 3-8-71;8:50 am]

[1] See Postal Reorganization Act, 39 U.S.C. § 3624(b). Through its General Counsel, the Associated Third Class Mail Users have petitioned for amendment or repeal of sections 20(f) and 24(d)(5) of our rules of practice. The Commission will soon rule on that petition.

[2] In arriving at the dates for the commencement of the prehearing conference and the beginning of Phase I, we gave consideration to the procedural views expressed by certain parties in their intervention pleadings. The parties expressing such views were the Direct Mail Advertising Association, Inc., the American Retail Federation, and J. C. Penney Co., Inc.

SECURITIES AND EXCHANGE COMMISSION

[813–34]

ARTHUR ANDERSEN & CO. AND ARTHUR ANDERSEN'S FUND A PARTNERSHIP

Notice of Filing of Application for Exemption

MARCH 2, 1971.

Notice is hereby given that Arthur Andersen & Co., a general partnership formed under the laws of the State of Illinois (herein called "Arthur Andersen") and Arthur Andersen's Fund A Partnership (herein called "Fund A") 1345 Avenue of the Americas, New York, NY, an investment company registered under the Investment Company Act of 1940 (Act), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Fund A, to the extent hereafter set forth, from sections 2(a)(13) and 6(b), and pursuant to section 6(b) for an order of exemption from sections 10(a), 14(a), 15(a), 16(a), 18(i), 22(e), and 32 of the Act and Rule 22c–1 of the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

ARTHUR ANDERSEN

Arthur Andersen, a public accounting firm, has approximately 10,000 employees and maintains offices throughout the world, serving approximately 40,000 clients in auditing, tax accounting, and administrative services. As of July 1, 1970, the business of Arthur Andersen was managed by 510 general partners, all of whom are U.S. residents, and an additional 132 "participating principals" and 44 "overseas representatives". Participating principals and overseas representatives occupy positions substantially equivalent to partners; they make noninterest bearing subordinated loans to Arthur Andersen in lieu of capital contributions, receive participations in partnership income (but do not share in losses), and have drawing accounts, as do general partners, but are not common law partners or signatories of the general partnership agreement. Participating principals operate in the administrative services area of the firm; they are not certified public accountants and, therefore, may not officially, under various State statutes, be members of an accounting firm. Arthur Andersen's overseas representatives perform functions outside the United States similar to those performed by partners in the United States; they are either citizens and residents of foreign countries or U.S. personnel who, but for their residence abroad, would be partners and who it is expected will be made partners upon their return to the United States.

Under the Arthur Andersen partnership agreement, each partner has one vote; a majority vote is required for the election of Arthur Andersen's managing board of directors (who serve staggered 3-year terms, with four of the 12 directors being elected each year) and a managing partner, who are responsible to the partnership for firm operations; a majority vote is also required for the annual election of a nominating committee which makes recommendations to the partnership for election of directors (none of the members of which committee may serve as directors); admission of new partners requires the unanimous consent of all existing partners; a partner may be asked to resign upon the affirmative vote of 80 percent of the partners; and changes in the Arthur Andersen partnership agreement require the consent of 95 percent of the partners.

FUND A PARTNERSHIP

Fund A is being organized as a partnership under the laws of the State of New York. Fund A is registered as a nondiversified open-end no-load investment company of the management type under the Act, and will invest in readily marketable securities with the investment objective of long-term capital growth. Arthur Andersen has organized Fund A to enable Arthur Andersen partners to pool their investment resources in a manner consistent with the interests of Arthur Andersen. Fund A has filed a registration statement under the Securities Act of 1933 for the partnership interest it is offering to sell to Arthur Andersen partners, participating principals, and overseas representatives (File No. 2–36748).

Only partners, participating principals, and overseas representatives of Arthur Andersen will be admitted as participants in Fund A. Any partner of Fund A who resigns, or withdraws from Arthur Andersen for any reason other than retirement, must withdraw as a participant in Fund A. Any participant in Fund A who retires from Arthur Andersen may continue as a participant in Fund A unless and until the Management Committee of Fund A (the "Committee"), selected by Arthur Andersen, as described below, determines that his withdrawal is in the best interests of Arthur Andersen. Partnership interests in Fund A are nonassignable.

The partnership agreement of Fund A expressly provides that the interests of Arthur Andersen are paramount and prior to the interests of Fund A and any of its participants. Accordingly, Fund A may not invest in clients of Arthur Andersen, or make any other investment of a type which partners of Arthur Andersen are not permitted to make as a matter of firm policy or which the Committee or Arthur Andersen determines to be adverse to the independence, reputation or business of Arthur Andersen as an international accounting firm. Fund A must promptly dispose of any investment which becomes, or is determined by the Committee or Arthur Andersen to be, in investment of the type prohibited by these restrictions. Applicants represent that the criteria relating to the independence of Arthur Andersen are complex: They may be affected by the unique facts of a particular situation; they depend not only on interpretations, which may be subject to revision from time to time, of the accounting profession and of the Securities and Exchange Commission but also on Arthur Andersen's rules which are designed to insure that no action of Arthur Andersen or any of its partners reflects adversely on, or raises questions as to the independence of Arthur Andersen. At present, Arthur Andersen policy restricts its partners (and spouses and children living with partners) not only with respect to ownership of any securities or other interests in client companies but also with respect to investments in nonclients which have substantial interests in clients. Arthur Andersen is constantly reviewing its policies with respect to permissible investments by partners with a view to further insulating Arthur Andersen and its partners from any adverse reflections on the firm's independence. Fund A is designed as a vehicle which will permit partners to make investments which they can be assured will not interfere with the independence or business of Arthur Andersen.

The minimum initial capital contribution of each participant in Fund A is $2,000. Additional capital contributions and withdrawals from capital accounts may be made in multiples of $1,000. New participants may be admitted and additional capital contributions to, and capital withdrawals from Fund A may be made as of April 30 of each year or such other date or dates, not less frequently than once a year, as the Committee may determine. Valuation of interests in Fund A will be made on April 30 of each year, or on such date or dates, not less frequently than once a year, as the Committee may determine.

The administrative business of Fund A will be managed by the Committee, whose members will be appointed and subject to replacement and removal by Arthur Andersen. Only general partners of Arthur Andersen will be eligible to serve on the Committee. The Committee is authorized to employ others under contract to supply investment advisory and management services (provided that the Committee shall at all times have the responsibility of insuring that investments shall not be made or retained which are adverse to the independence or reputation of Arthur Andersen).

Arthur Andersen, through the Committee, will retain control over the identity of any portfolio manager to insure that the independence and reputation of Arthur Andersen will not be adversely affected by Fund A's relationship with any portfolio manager, and to insure that no portfolio manager will achieve an entrenched position with respect to Fund A.

Applicant presently contemplate that the Committee will retain the services under a contract terminable at any time by the Committee, of Goldman, Sachs & Co., which firm will have discretion to manage the investment portfolio of Fund A, subject only to the Committee's power to veto, or require the disposition of any investment which in its opinion compromises the independence or reputation of Arthur Andersen. Before making any investment on behalf of Fund A, Goldman, Sachs must check with the Committee or its designee to ascertain whether the proposed investment would threaten the independence or reputation of Arthur Andersen.

The Committee intends to have any brokerage transactions executed on the best terms available; in light of this objective, the proposed contract with Goldman, Sachs provides that 25 percent of any brokerage commissions earned by Goldman, Sachs will be deducted from the Goldman, Sachs management fee (which will initially be at the annual rate of three-fourths of 1 percent of the portfolio). Goldman, Sachs has advised the applicants that in the opinion of their counsel such an arrangement is permitted under the rules of the various securities exchanges.

No compensation whatsoever, either direct or indirect, may be paid to any Committee member, other than reimbursement of reasonable and necessary out-of-pocket expenses incurred in the conduct of Fund A's business. No Committee member will receive any monetary benefits of any kind, either directly or indirectly, from Fund A, other than from his interest, if any, as a participant in Fund A. The partnership agreement prohibits purchase or sale or borrowing transactions between Fund A and any Committee member or any entity in which any Committee member has an interest or of which he is a director or officer and any joint or several participations in transactions by Fund A and members of the Committee or any such entities.

All expenses of organizing Fund A, of registering Fund A under the Act and under the Securities Act and of applying for exemptions for Fund A under the Act are being borne by Arthur Andersen.

All proceedings of the Committee will be recorded, and such records and all other records of Fund A will be available for inspection by any participant in Fund A. Reports of the value of the participant's interest in Fund A, transactions and investments by, and financial statements of Fund A, will be transmitted to the partners of Fund A annually on April 30 or such other annual date as the Committee may determine. Reports will also be transmitted in connection with any distribution, explaining the character and source of the distribution. All other reports called for by the Act will also be made. In addition, after the conclusion of each tax fiscal year, reports will be made to partners of Fund A of income, gains and losses for tax purposes.

REQUESTED EXEMPTIONS

Applicants request pursuant to section 6(c) an exemption from section 6(b) and section 2(a)(13) of the Act only to the extent that such sections would require Fund A as an "employees" securities company to be beneficially owned by employees of Arthur Andersen, since all the participants in Fund A will be either partners, overseas representatives or participating principals of Arthur Andersen.

The applicants have also requested that the Commission issue an order under section 6(b), of the Act exempting the Fund A from the following provisions of the Act:

(a) Section 10(a) provides, in pertinent part, that no registered investment

company shall have a board of directors more than 60 percentum of the members of which are persons who are investment advisers of, affiliated persons of an investment advisers of, or officers or employees of such registered investment company.

To the extent that members of the management committee may be considered to be officers of Fund A, the applicants request exemption from section 10(a) to permit the management committee to be so constituted.

(b) Section 14(a) provides in pertinent part that no registered investment company shall make a public offering of its securities unless it has a net worth of $100,000.

Applicants request exemption from section 14(a) to the extent necessary to permit Fund A to offer its securities to Arthur Andersen partners prior to the time the Fund has a net worth of $100,000; *Provided*, That the Fund shall not commence operation unless and until it has a net worth of at least $100,000.

(c) Section 15(a) provides, among other things, that no person shall act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such investment company and which may be terminated at any time without penalty by the board of directors of such investment company, or by vote of a majority of the outstanding voting securities of such company.

Applicants request an exemption from section 15(a) to the extent necessary to permit the Fund A Management Committee alone to approve and to terminate any contract with an investment adviser without a vote of shareholders: *Provided*, That such exemption from section 15(a) shall terminate when partners of Arthur Andersen are precluded by Arthur Andersen from making investments in publicly traded securities except through Fund A or similar funds sponsored by Arthur Andersen.

(d) Section 16(a) provides, among other things, that no person shall serve as director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company.

Applicants request an exemption from section 16 to the extent necessary to permit Arthur Andersen to appoint and remove the members of Fund A management committee without a vote of the shareholders in Fund A.

Applicants assert that exemption from sections 15(a) and 16(a) is necessary to permit the Arthur Andersen partnership to maintain the necessary control over the operations of Fund A. Applicants assert the following: Arthur Andersen and all Arthur Andersen partners have an interest in Fund A; the Fund is being sponsored by Arthur Andersen as a vehicle uniquely adapted to Arthur Andersen needs; many of its expenses are being borne by Arthur Andersen; it will be available as an investment vehicle only to Arthur Andersen partners; it will have a continuing relationship with Arthur Andersen and its activities will have a direct bearing on the independence, reputation, and business of Arthur Andersen and its partners. It is of vital concern to all Arthur Andersen partners, whether or not they invest in Fund A, that the operations of Fund A do not adversely affect the independence, reputation, or business of their firm.

Applicants also represent that Committee members serve totally without compensation or remuneration of any kind from Fund A; and no Committee member will receive any monetary benefits, either directly or indirectly from the Fund, other than from his interest, if any, as a partner of Fund A.

(e) Section 18(i) provides, in pertinent part, that every share of stock issued by a registered investment company shall be voting stock.

Applicants request an exemption from section 18(i) to permit the Fund to issue interests in the Fund which do not have the right to vote on investment advisory contracts, and for management committee members, and do not have the right to vote to select accountants of Fund A.

(f) Rule 22c–1 under the Act provides that all sales and redemptions of redeemable investment company shares must be made at a price computed at the next current offering price in effect after the order is placed to purchase or redeem. Section 22(e) provides in pertinent part that no investment company may suspend the right of redemption or postpone the date of payment of any redeemable security for more than 7 days.

Applicants request exemptions from Rule 22c–1 and section 22(e) to permit Fund A to limit sales and redemptions of its partnership interests to the 30th day of April in any year or such other date or dates as may be fixed, but not less frequently than once in each calendar year, and to limit partial withdrawals to multiples of $1,000.

(g) Section 32 of the Act provides among other things that the selection of independent public accountants must be ratified by the shareholders of the investment company.

Applicants request an exemption from section 32 to the extent necessary to permit the Management Committee of Fund A alone to select independent public accountants for Fund A without submitting such selection for ratification or rejection to the partners of Fund A.

Applicants assert that only those exemptions are being requested which are necessary or relevant to the operation of Fund A as an investment program uniquely adapted to the needs of Arthur Andersen and its partners. The exemptions requested are necessary, it is asserted, to control the investment activities and associations of Fund A to the extent required to insure that such activities and associations do not adversely affect the independence and reputation of Arthur Andersen in the conduct of its business as an international accounting firm, and to operate the Arthur Andersen investment program as contemplated. Such exemptions are said to be in the interests of Arthur Andersen and all its partners (who are sponsoring Fund A and defraying many of its expenses and who constitute the only persons to whom interests in Fund A are being offered). All provisions of the Act relating to self-dealing, such as section 17, and all reporting requirements of the Act will be complied with. Arthur Andersen will bear the costs of forming the partnership and registering it and the partnership interests under the Act and the Securities Act of 1933. There will be no sales load; and the members of the Committee appointed by Arthur Andersen will receive no compensation from Fund A.

Applicants submit that Fund A will be an "employees' securities company" within the meaning of section 2(a)(13) of the Act. While the participants, or most of them, are technically "partners" rather than "employees" of Arthur Andersen, they believe that this is not a distinction which has relevance under the Act. The fact that the participants are "partners" rather than "employees" of Arthur Andersen is due in large part to the requirement that accounting firms be partnerships; if Arthur Andersen were a corporation, such "partners" would be "employees". Fund A is, like other employees' securities companies, being sponsored for the participants by the organization for which they work. Applicants assert that investment programs for unsophisticated personnel are granted exemptions as employees' securities companies on the ground that such exemptions are not inconsistent with the protection of such investors, and that such exemptions should not be regarded as inconsistent with the protection of the Arthur Andersen partners who will be the investors in Fund A. Applicants believe none of the factors set forth in section 6(b) of the Act suggests any reason why Fund A should not be granted the requested exemptions.

Section 6(b) of the Act provides that the Commission shall by order exempt any "employees' security company" from the provisions of the Act if and to the extent that such exemption is consistent with the protection of investors.

Secion 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–3234 Filed 3–8–71;8:47 am]

[70–4950]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS POWER & LIGHT CO.

Notice of Proposed Acquisition and Sale of Assets, and Issue and Sale of Notes to Banks and to Holding Company by System Service Company and Acquisition of Notes by Holding Company

MARCH 3, 1971.

In the matter of Middle South Services, Inc., 225 Baronne Street, New Orleans, LA 70160; Middle South Utilities, Inc., 280 Park Avenue, New York, NY 10017; Arkansas Power & Light Co., Ninth and Louisiana Streets, Little Rock, AR 72203; 70–4950.

Notice is hereby given that Middle South Utilities, Inc. (Middle South), a registered holding company, and two of its subsidiary companies, Middle South Services, Inc. (Services), the system service company, and Arkansas Power & Light Co. (AP&L), an electric utility company, have filed a joint application-declaration and certain amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 9(a), 10, 12 (b) and (f) thereof Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Services now functions as the wholly owned subsidiary service company in the Middle South holding-company system pursuant to an order of this Commission dated March 23, 1965 (Holding Company Act Release No. 15207). On September 30, 1970 the outstanding capitalization and surplus of Services consisted of $20,000 aggregate par value of capital stock and $2,500,000 principal amount of long-term notes (Old Notes), all of which are owned by Middle South.

Control of bulk power supply and load dispatching for the Middle South System presently are performed by a System Operator under the direction of the Middle South System Operating Committee, using an administrative building and system control and dispatching equipment now owned by AP&L in Pine Bluff, Ark. In order to simplify coordinated operation of the Middle South System, meet prospective growth requirements, and provide increased reliability of System operations, the applicants-declarants propose to establish a new Middle South System Operations Center (Operations Center) in Pine Bluff, Ark., to be owned and operated by Services for the System.

To establish this center, it is proposed that Services acquire from AP&L, and that AP&L sell to Services for cash at the depreciated original cost thereof of approximately $450,000, the control and dispatching facilities and building now owned by AP&L. The purchase price would be adjusted for any change in book cost from October 1, 1970, to the date of closing. Services would expend additional funds of approximately $1,400,000 to alter and expand these facilities and provide arrangements to accommodate the installation of a new Bulk Power Management System (BPMS).

The BPMS, which has been designed specifically for the Operations Center, would be the principal component of equipment in the center, and it would consist of extensive data acquisition and control equipment, a large digital control computer installation, and a complex information retrieval and display system. Approximately 2 years would be required to complete construction of the BPMS and related equipment, and it is expected to cost approximately $6,400,000. The Operations Center is scheduled to become operational in 1973.

In order to finance the Operations Center, Services would require approximately $8,250,000 of additional capital. To meet the cost of the BPMS and related equipment, applicants-declarants propose that Services issue and sell, from time to time prior to June 30, 1974, up to $6,400,000 aggregate principal amount of unsecured notes to the following commercial banks (Bank Notes) for cash at the principal amount thereof:

Name	Amount
Simmons First National Bank of Pine Bluff (Pine Bluff, Ark.)	$1,500,000
Whitney National Bank of New Orleans (New Orleans, La.)	1,500,000
Deposit Guaranty National Bank (Jackson, Miss.)	1,000,000
First National Bank of Jackson (Jackson, Miss.)	1,000,000
The Hibernia National Bank in New Orleans (New Orleans, La.)	700,000
The National Bank of Commerce in New Orleans (New Orleans, La.)	700,000
	6,400,000

The Bank Notes would mature not more than 10 years from the date of issuance thereof and in any event not later than September 30, 1982. Such notes would bear interest at a rate one-half of 1 percent (one-half percent) per annum above the prime rate charged from time to time by banks in New York, N.Y., for short-term commercial loans, with adjustments to be made in such rate effective as of the first date of the month next following the month in which such change occurs. The notes may be prepaid by Services at any time in whole or in part at the principal amount thereof. Beginning September 30, 1974, the total repayments of principal in each year thereafter are required to be not less than the provisions for depreciation of the Operations Center accrued for such year, and the aggregate provisions for depreciation of the Operations Center would be sufficient to repay the entire issue of Bank Notes prior to October 1, 1982.

In order to finance the remaining costs of the Operations Center ($1,850,000) and to provide services with $750,000 of additional working capital, it is further proposed that Services issue and sell to Middle South for cash from time to time prior to June 30, 1975, and Middle South acquire, up to $2,600,000 aggregate principal amount of unsecured notes ("New Notes"). Such notes would mature in not more than 50 years from the date of issuance thereof and would be prepayable by Services in any amount at any time without penalty. The New Notes would bear the prevailing prime rate of interest charged from time to time by banks in New York, N.Y., on short-term commercial loans, with adjustments in such rate to be made effective as of the first day of the month next following the month in which any change occurs.

The Bank Notes would be guaranteed as to principal and interest by Middle South, and all existing and future indebtedness of Services to Middle South (including the Old and New Notes) would be subordinated to the Bank Notes except that Services would pay interest on such indebtedness when due so long as Services is not in default on any of its obligations in respect of the Bank Notes. Beginning with the year following the year in which repayment on the Bank Notes is completed, Services proposes to repay the New Notes each year in amounts equal

to at least the annual provisions for depreciation of the Operations Center for such year.

Giving effect to the proposed transactions, the pro forma capitalization and surplus of Services would consist of $6,400,000 principal amount of Bank and surplus of Services would consist of $6,400,000 principal amount of Bank Notes (55.56 percent), and $5,100,000 principal amount of subordinated Old Notes and New Notes plus $20,000 of common stock (44.44 percent). As at November 30, 1970, the consolidated capitalization and surplus of Middle South and its subsidiary companies included 56 percent long-term debt and 44 percent capital stock and surplus.

The applicants-declarants represent that various alternative methods of financing the Operations Center have been explored, and that the proposed plan was found to be the most economical from the viewpoint of both Services and the Middle South System.

It is stated that (a) recording fees, transfer taxes and other expenses estimated at $550, and legal fees estimated at $400 will be incurred and paid by Services in connection with its acquisition of the facilities from AP&L; and (b) that expenses estimated at $200 will be incurred and paid by AP&L in connection with its sale of such facilities to Services. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 18, 1971, request in writing that a hearing be held in respect of the above entitled matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as heretofore amended or as it may be further amended, may be granted and permitted to become effective in the manner provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER, *Recording Secretary.*

[FR Doc.71-3235 Filed 3-8-71;8:47 am]

TARIFF COMMISSION

TELEVISION RECEIVERS FROM JAPAN CAUSING INJURY

Dumping Duty To Be Imposed

MARCH 4, 1971.

The Tariff Commission today notified the Secretary of the Treasury that an industry in the United States is being injured by reason of imports from Japan of monochrome and color television receiving sets sold at less than fair value. The Commissioners voting were unanimous in their decisions; Chairman Mize did not participate. As a result of the Commission's determination, television receivers from Japan sold at less than fair value will become subject to special dumping duties.

On December 4, 1970, the Treasury Department had advised the Commission that television receiving sets, monochrome and color, from Japan are being, and are likely to be sold at less than fair value as defined in the Antidumping Act. The Treasury Department's advice was based on an investigation which it had instituted after receiving a complaint filed in March 1968 on behalf of the World Trade Committee, Parts Division, Electronic Industries Association. On receipt of Treasury's advice, the Commission had instituted an investigation (No. AA1921-66) to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established by reason of imports of such television receiving sets from Japan sold at less than fair value. A public hearing was held January 26-28, 1971.

U.S. imports of television receivers from Japan amounted to 3.3 million sets valued at $255 million in 1970. The imports from Japan accounted for about three-fourths of total U.S. imports of television sets in that year. Shipments of domestically produced television receivers amounted to about 7.8 million sets in 1970. Data on the value of domestic shipments in 1970 are not yet available; shipments in 1969 amounted to 8.9 million sets valued at $1.9 billion.

The Commission's report contains a statement of reasons for the determination. Copies of the report (TC Publication 367) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission Eighth and E Streets NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-3243 Filed 3-8-71;8:48 am]

[AA1921-66]

TELEVISION SETS FROM JAPAN

Determination of Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on December 4, 1970, that television receiving sets, monochrome and color, from Japan are being, and are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted Investigation No. AA1921-66 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on January 26-28, 1971. Notice of the investigation and hearing was published in the FEDERAL REGISTER of December 10, 1970 (35 F.R. 18768).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission determined unanimously[1] that an industry in the United States is being injured by reason of the importation of television receiving sets, monochrome and color, from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

In the Commission's judgment, an industry in the United States is being injured by reason of the importation of television receivers from Japan, which are being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

In reaching this determination, three reasons have been persuasive: (1) Imports of television receivers from Japan, determined by the Treasury to have been sold at less than fair value, have increased and now supply a substantial share of the U.S. market; (2) the sellers of the LTFV Japanese receivers have for the most part undersold U.S. manufacturers of television sets in the domestic market; and (3) sales of the LTFV television sets have contributed substantially to declining prices of domestically produced television receivers.

The industry. The Commission has considered the injured industry to consist of the facilities in the United States for the production of television receivers. Television sets are currently manufactured in the United States by approximately 20 firms, most of which produce both monochrome and color sets in a wide range of screen sizes.

[1] Chairman Mize did not participate in the determination.

The imported product. Except for console-type television receivers, few of which are imported into the United States, imported television sets from Japan cover the broad range of types and sizes sold in the U.S. market. Both monochrome and color receivers in nearly all screen sizes are imported into the United States from Japan in large volume.

The U.S. market. Annual sales of television receivers in the United States ranged between 5.1 million and 7.6 million sets during the 1950's and early 1960's; they rose appreciably in the mid-1960's with the advent of color television and averaged about 12.5 million sets in recent years. Sales in 1970 (12.2 million sets) were somewhat lower than those in the 2 preceding years (12.8-12.9 million sets).

In the past 3 years (1968-70), the U.S. market has been divided about equally between monochrome and color sets; annual sales of the monochrome sets have generally accounted for about 55 percent of total sales, and color sets, for 45 percent. Monochrome sets have been sold in substantial volume in a wide range of screen sizes, while color sets have been sold primarily in the larger screen sizes. In recent years, however, U.S.-market demand for both monochrome and color rereivers has shifted appreciably toward receivers having smaller screens. In 1970, for example, sales in the United States of monochrome receivers having screen sizes of 13 inches or less accounted for about 45 percent of total sales of monochrome sets, compared with 20 percent in 1965. Sales of large color receivers (screens of 20 inches or more) accounted for nearly 95 percent of total sales of color sets in 1965, but only 50 percent in 1970.

The competition in the U.S. market between domestic and Japanese television receivers has been sharpest in the middle screen sizes. Nearly all of the very large television sets sold in the United States have been produced domestically, while the great bulk of the very small sets have been imported. The market for receivers in sizes between those extremes, however, has been supplied by both Japanese and U.S. producers. Television sets in the middle sizes—that is, sets having screens larger than 9 inches but less than 20 inches—accounted for more than half of the output of domestic receivers and nearly three-fourths of the imports of Japanese receivers in 1970. Thus, the competition in the U.S. market between the Japanese and the domestically produced middle-sized receivers affects a great part of U.S. production.

Data on the number of television sets produced in the United States and imported from Japan in 1965-70 are given in the following table.

Television receivers: U.S. production and imports from Japan, 1965-70

(Thousand units)

Description	1965	1966	1967	1968	1969	1970
Monochrome:						
Not over 13"						
U.S. production	1,166	1,376	949	1,016	831	649
Imports from Japan	575	632	791	1,164	1,594	1,721
Over 13", not over 16"						
U.S. production	511	610	405	408	478	329
Imports from Japan	141	158	110	158	212	206
Over 16"						
U.S. production	5,401	4,626	2,688	3,133	2,301	2,132
Imports from Japan	17	58	116	144	251	344
Color:						
Not over 16"						
U.S. production	33	233	332	441	550	558
Imports from Japan	21	13	121	404	467	492
Over 16"						
U.S. production	2,576	4,548	4,886	4,802	4,621	3,744
Imports from Japan	10	160	130	209	375	310

Market penetration. U.S. imports of Japanese television receivers have increasingly penetrated the U.S. market. In 1970, Japan supplied about 28 percent of the apparent U.S. consumption of television receivers, compared with 10 percent in 1965. In the more recent year, 36 percent of apparent consumption of monochrome receivers, and 16 percent of apparent consumption of color sets, consisted of Japanese receivers.

Substantial market penetration by Japanese television receivers has occurred in all of the middle screen sizes. Imports from Japan of monochrome sets having 10- to 13-inch screens, for example, increased rapidly in recent years; the imports supplied about 50 percent of the U.S. market in 1970, compared with 25 percent in 1965. Imports from Japan of monochrome sets having 17- to 19-inch screens accounted for 1 percent of the domestic market for such sets in 1965, but more than 15 percent in 1970. Aggregate U.S. production of monochrome receivers in the middle screen-size groups in 1970 was less than half of that in 1965, evidencing both lost production and lost jobs. While this decline reflects in part the substitution of color for monochrome sets, it resulted in substantial part from the increasing imports of LTFV sets from Japan. In its investigation the Treasury found that the bulk of the Japanese monochrome sets having 10- to 16-inch screens, accounting for about a fourth of total supply of middle-sized monochrome receivers in the U.S. market, were sold at less than fair value.

Although the pattern of import penetration has been more erratic for color sets than for monochrome sets, imports from Japan of color sets have generally increased since 1965 and have taken a marked share of the U.S. market in the middle screen sizes. The Japanese share of the U.S. market for middle-sized color receivers was about 30 percent in 1970. In its investigation the Treasury found that virtually all of the Japanese color receivers having 14- to 19-inch screens, accounting for about a fifth of total supply of middle-size color receivers in the U.S. market, were sold at less than fair value.

Price effects. Information obtained by the Commission in the investigation indicates that the bulk of the television receivers imported from Japan have been sold in recent years in the United States at prices significantly lower than the prices of comparable domestic television receivers. Such underselling has been concentrated in certain of the middle screen sizes—the market area where competition between the Japanese and domestic sets has been most substantial and direct. The price differences were found to exist when comparing weighted average prices of Japanese-produced and domestically-produced television receivers within narrow screen-size categories, as well as in instances where virtually identical sets (i.e., sets having comparable screens, cabinets, circuitry, and automatic tuning devices) could be compared. The LTFV margins were often equivalent to a substantial part of the margin of underselling in the United States; in other instances, the LTFV margin was found to be greater than the margin of underselling. In any event, the ability of the Japanese suppliers to undersell domestic producers in the U.S. market appears to have been significantly enhanced as a result of the selling of Japanese sets at less than fair value. While margins of underselling in the U.S. market have generally diminished since 1967, perhaps in part as a response to the Treasury's investigation of allegations of LTFV sales, they have continued to be an important competitive factor in the market place.

Since 1967 the prices of major categories of domestically-produced television receivers, both monochrome and color, have dropped substantially, particularly in the middle range of screen sizes. Weighted average prices of domestically-produced sets in the middle screen sizes ranged as much as 25 percent lower in 1970 than in 1968. As indicated earlier, imports of television receivers from Japan at LTFV were a major factor in the U.S. market during that period, supplying a substantial and increasing share of apparent consumption. Under these circumstances, the LTFV imports clearly contributed in substantial measure to the price deterioration that has occurred in the domestic market for television receivers.

Conclusion. In the Commission's judgment, the imports of television receivers from Japan, sold at LTFV, have adversely affected the prices of comparable domestically-produced receivers in

the United States, and have caused substantial loss of sales by U.S. producers. Accordingly, we have unanimously determined that an industry in the United States is being injured by reason of such LTFV imports.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-3244 Filed 3-8-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; ICC Order No. 54-A]

GRAND TRUNK WESTERN RAILROAD CO.

Car Distribution

Upon further consideration of ICC Order No. 54 (Grand Trunk Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 54 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 4:10 p.m., March 2, 1971.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 2, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-3262 Filed 3-8-71;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 4, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42143—*Newsprint paper—rejected shipments—returned to southern territory.* Filed by O. W. South, Jr., agent (No. A6230), for interested rail carriers. Rates on newsprint paper, in carloads, rejected or returned to mill point from which originally shipped, as described in the application, from and to points in southern territory.

Grounds for relief—Returned movements of commodities.

Tariff—Supplement 44 to Southern Freight Association, agent, tariff ICC S-864.

FSA No. 42144—*Chlorine from Gramercy, La.* Filed by O. W. South, Jr., agent (No. A6231), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Gramercy, La., to specified points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 169 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3263 Filed 3-8-71;8:49 am]

[Notice 257]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 4, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107515 (Sub-No. 738 TA), filed February 19, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat byproducts, meat products*, fresh or frozen, in vehicles equipped with mechanical refrigeration, from Bonne Terre, Mo., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, for 150 days. Supporting shipper: Redfern Sausage Co., Post Office Box 43387, Atlanta, GA 30336. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 113666 (Sub-No. 50 TA) (Amendment), filed January 26, 1971, published FEDERAL REGISTER issue of February 3, 1971, amended and republished as amended this issue. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluxing compounds*, dry, in bulk, in tank vehicles, from New Kensington, Pa., to Brooklyn, N.Y.; and (2) *fluxing compounds and rimming agents* (except in bulk), from New Kensington, Pa., to points in New York (except New York City commercial zone), Kentucky and West Virginia and the municipalities of Warren, Mingo Junction, Cleveland, and Youngstown, Ohio; Baltimore and Sparrows Point, Md., Gary, Ind., and Kankakee, Ill., and the return of *materials and supplies* used in the production of fluxing compounds and rimming agents. NOTE: The purpose of this republication is to broaden the scope of authority sought and territorial description. The rest of the application remains the same.

No. MC 114045 (Sub-No. 349 TA), filed February 25, 1971. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except skins and commodities in bulk), from the plantsite of Swift & Co. at Clovis, N. Mex., to points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 114273 (Sub-No. 79 TA), February 23, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at or near Ottumwa, Iowa; to points in Michigan, Ohio, New York, and Pennsylvania, for 180 days. Supporting shipper: John Morrell & Co., Ottumwa, Iowa. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 114917 (Sub-No. 4 TA), filed February 24, 1971. Applicant: DART TRANSPORTATION SERVICE (California corporation), 1430 South Eastman Avenue, Post Office Box 23035, Lugo Station, Los Angeles, CA 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt on by mail-order and chain retail department business houses, from points in the Los Angeles and Los Angeles Harbor (Calif.) commercial zones, to Merced, San Bruno, San Rafael, and Santa Cruz, Calif. Restriction: The operations proposed herein are limited to a transportation service to be performed under a continuing contract or contracts with Sears, Roebuck & Co., for 180 days. Supporting shipper: Sears, Roebuck & Co., Post Office Box 3021, Terminal Annex, Los Angeles, CA 90054. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 116967 (Sub-No. 13 TA), filed February 25, 1971. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, IL 60438. Applicant's representative: Samuel Ruff, Jr., 2109 Broadway, East Chicago, IN 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Patio stones, brick, and related landscaping material, articles and supplies*, in dump vehicles and flatbeds, between East Chicago, Ind., and points in Michigan, Wisconsin, Illinois, Indiana, Ohio, Tennessee, and Missouri, limited to transportation service to be performed under continuing contract, or contracts with Van Drie-King Co. of East Chicago, Ind., for 150 days. Supporting shipper: Van Drie-King Co., 4608 Baring Avenue, East Chicago, IN. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 125294 (Sub-No. 4 TA) (Correction) filed January 27, 1971, and published FEDERAL REGISTER issue of February 4, 1971, and republished in part as corrected this issue. Applicant: HILLDRUP TRANSFER & STORAGE CO., INC., Post Office Box 745, 510 Essex Street, Fredericksburg, VA 22401. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. NOTE: The purpose of this partial republication is to correctly set forth the authority in (1) as follows: (1) Between points in Rockingham County, Va., on the one hand, and on the other, points in Page and Shenandoah Counties, Va. The rest of the publication remains the same.

No. MC 128853 (Sub-No. 5 TA), filed February 23, 1971. Applicant: COOKE CARTAGE AND STORAGE, LTD., 110 Anne Street South, Post Office Box 429, Barrie, ON Canada. Applicant's representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle seats*, not in containers, from those ports of entry on the international boundary line located at or near Detroit and Port Huron, Mich., to the facilities of the Ludwig Honold Manufacturing Co. at or near Edgemoor, Md., restricted to a transportation service to be performed under a contract or contracts with Heywood-Wakefield Co. of Canada, Ltd., for 180 days. Applicant intends to joinder its authority issued by the Ontario Highway Transport Board. Supporting shipper: Heywood-Wakefield Co. of Canada, Ltd., Orillia, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 134934 (Sub-No. 1 TA), filed February 25, 1971. Applicant: DONALD L. BROWN, doing business as DONALD BROWN TRUCKING, Post Office Box 335, Warren, IL 61087. Applicant's representative: Carl E. Munson, 675 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, liquid in bulk, in tank vehicles, between points in Bureau, Carroll, Jo Daviess, Ogle, and Winnebago Counties, Ill.; Clinton, Dubuque, and Jackson Counties, Iowa; Dane, Grant, Green, Lafayette, and Walworth Counties, Wis.; for 180 days. Supporting shipper: H & H Farm Chemicals, Inc., Warren, Ill. 61087. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135281 (Sub-No. 1 TA), filed February 25, 1971. Applicant: RAYMOND LANGLEY, doing business as LANGLEY TRUCKING, Route No. 4, Post Office Box 61, Elizabethtown, KY 42701. Applicant's representative: George Catlett, Suite 703, 706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum shot*, in bulk, in dump vehicles, from the site of the plant of the National Aluminum Corp. in Hancock County, Ky., to the site of the plant of Great Lakes Steel Corp., Ecorse (Detroit), Mich. Supporting shipper: Paul L. Klinvex, Manager, Traffic and Transportation, National Aluminum Corp., 2800 Grant Building, Pittsburgh, PA 15219. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 135287 (Sub-No. 1 TA), filed February 24, 1971. Applicant: MANIWAKI-MONTREAL TRANSPORT LTEE-LTD., Post Office Box 778, Maniwaki, PQ Canada. Applicant's representative: Paquette, Paquette, Toupin & Perreault, 200 St. James Street West Montreal, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from the port of entry on the international boundary line between the United States and Canada located in Rock Island, Vt., to Beecher Falls, Vt., for 180 days. Supporting shipper: Maniwaki Lumber Co. (Office) Montreal, PQ Canada, (Mill) Maniwaki, PQ Canada, Attention: Mr. Leonard Barrett, General Manager. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3264 Filed 3-8-71;8:49 am]

[Notice 657]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 4, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72549. By order of February 12, 1971, the Motor Carrier Board approved the transfer to F. W. Groves Trucking Co., Leland, N.C., of the operating rights in certificate No. MC-64856, issued March 3, 1961 to Christina Augusta Jurgensen, Beverly Anne Jurgensen, and Christian Adolph Jurgensen, Jr., a partnership, doing business as Jurgensen Motor Transfer, Wilmington, N.C., authorizing the transportation of food products, packinghouse products, and concrete products, from Wilmington, N.C., to points in North Carolina and South Carolina within 150 miles of

Wilmington, and machinery, from Wilmington, N.C., to points in South Carolina. Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, NC 27601, attorney at law.

No. MC–FC–72634. By order of February 10, 1971, the Motor Carrier Board approved the transfer to Robert H. Hecht, doing business as Hecht Auto Service, Toledo, Ohio, of the operating rights in certificate No. MC–108805 (Sub-No. 1) issued March 30, 1949, to Charles G. Seyfang, Robert E. Seyfang, and Fred C. Seyfang, a partnership, doing business as Seyfang Auto Service, Toledo, Ohio, authorizing the transportation of wrecked or disabled motor vehicles, in truckaway service between points in a described area of Ohio on the one hand, and, on the other, points in Steuben County, Ind., and Monroe, Lenawee, and Wayne Counties, Mich. Edwin H. van Deusen, 50 West Broad Street, Columbus, OH 43215, attorney for applicants.

No. MC–FC–72647. By order of February 11, 1971, the Motor Carrier Board approved the transfer to Canadian Machinery Movers, Ltd., Windsor, ON, Canada, of certificate No. MC–47024 issued to Gale Industrial Rigging and Erecting Contractors, Inc., Detroit, Mich., authorizing the transportation of: Heavy machinery, between points in the Lower Peninsula of Michigan. Robert E. Gesell, 1600 Commonwealth Building, Detroit, MI 48226, attorney.

No. MC–FC–72653. By order of February 11, 1971, the Motor Carrier Board approved the transfer to Keenan Bros., Inc., Steubenville, Ohio, of the operating rights in permit No. MC–14458 issued May 5, 1960, to Rhoda Keenan doing business as Keenan Bros., Steubenville, Ohio, authorizing the transportation of petroleum products and gasoline filling-station equipment from Midland, Pa., and Steubenville and Martins Ferry, Ohio, to specified portion of Ohio; liquid petroleum products, in bulk, in tank trucks, from Freedom, Pa., to specified portion of Ohio and from Midland, Pa., to points in Ohio County, W. Va.; coal mining machinery between Morgantown and Charleston, W. Va., McKeesport and Washington, Pa., and Smithfield, Fairpoint, Amsterdam, and Tiltonsville, Ohio; and road construction materials, contractors' supplies and equipment, and such commodities as are usually transported in dump trucks between points in West Virginia, Ohio, and Pennsylvania within 50 miles of Steubenville, Ohio, including Steubenville. James M. Burtch, 100 East Broad Street, Columbus, OH 43215, attorney for applicants.

No. MC–FC–72665. By order of February 12, 1971, the Motor Carrier Board approved the transfer to Larry L. Fincher, 2031½ Andreasen Drive, Clarkston, WA 99403, of the operating rights in certificate No. MC–68408 issued October 4, 1967 to LaVern Lohman, doing business as Inter-State Truck Line, Clarkston, Wash., authorizing the transportation of general commodities with specified exceptions between specified points in Washington, Oregon, and Idaho. James W. Giverns, 1026 F Street, Post Office Box 875, Lewiston, ID 83501, attorney for transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–3265 Filed 3–8–71;8:49 am]

[Notice 657–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 4, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–72675. By application filed March 3, 1971, TOM B. YORK, doing business as HILL TOP TRANSPORT, Post Office Box 8, White Plains, NC 27031, seeks temporary authority to lease the operating rights of FLOYD VESTAL DULL, Route 5, Box 182, Mocksville, NC 27038, under section 210a(b). The transfer to TOM B. YORK, doing business as HILL TOP TRANSPORT, of the operating rights of FLOYD VESTAL DULL, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–3266 Filed 3–8–71;8:49 am]

[Notice 256]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 3, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 427 TA), filed February 22, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160 (53141), Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All terrain vehicles*, from New Castle, Pa., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Lockley Manufacturing Co., Inc., 310 Grove Street, New Castle, PA 16103 (Richard A. Snow, vice president, sales and marketing). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 64317 (Sub-No. 36 TA), filed February 25, 1971. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2888, Roanoke, VA 24001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garbage disposal units*, from Kankakee, Ill., to points in Alabama, Delaware, District of Columbia, Georgia, Kentucky, Maryland, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: A. O. Smith Corp., Post Office Box 584, Milwaukee, WI 53201. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, SW., Roanoke, VA 24011.

No. MC 87720 (Sub-No. 104 TA), filed February 25, 1971. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, and closures*, for the account of Bemis Co., Inc., from Nashua, N.H., to points in Ohio; for 180 days. Supporting shipper: Bemis Co., Inc., East Pepperell, Mass. 01437. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 88826 (Sub-No. 3 TA), filed February 25, 1971. Applicant: CELLUS STRATMAN, doing business as STRATMAN TRUCK SERVICE, Vienna, Mo. 65582. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated wood mine blocks and props*, from Vienna, Mo., to points in Illinois, for 180 days. Supporting shipper: Mid-Missouri Post & Lumber Co., Inc., Vienna, Mo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 105925 (Sub-No. 2 TA), filed February 25, 1971. Applicant: PLAINFIELD TRANSPORTATION CO., INC., Federal Road, Danbury, CT 06810. Applicant's representative: Reubin Kaminsky, Society Plaza Building, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, in containers, and in packages, in vehicles equipped with mechanical refrigeration, from Syosset, Long Island, N.Y., to points in Connecticut and in Hampden County, Mass., for 150 days. Supporting shipper: N. Dorman & Co., Inc., 73 Hudson Street, New York, NY. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 106400 (Sub-No. 80 TA), filed February 25, 1971. Applicant: KAW TRANSPORT COMPANY, Post Office Box 8525, Highway 10, Pleasant Valley, MO, Sugar Creek, MO 64054 (Missouri Corp.). Applicant's representative: H. D. Holwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquid*, in bulk, in tank vehicles, from Wolcott, Kans., to points in Arkansas, Illinois, Iowa, Missouri, Nebraska, Oklahoma, and South Dakota, for 120 days. Supporting shipper: Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, OR. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 117940 (Sub-No. 40 TA), filed February 24, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, fresh, canned, and frozen, from Kennett Square, Pa., to points in Colorado, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, for 180 days. Supporting shipper: Kennett Canning Co., Post Office Box K, Kennett Square, Pa. 19348. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 126899 (Sub-No. 44 TA), filed February 25, 1971. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, KY 42001. Applicant's representative: William A. Usher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material*, when shipped with malt beverage from Newport, Ky., to La Crosse, Milwaukee, and Sheboygan, Wis., to Newport, Ky.; from Newport, Ky., to Nashville, Tenn.; from Newport, Ky., to points in New Jersey. *Empty used beer containers* used in the transportation of malt beverages, on the return movement, for 180 days. Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, WI 54601. Attention: F. W. Liegois, general traffic manager. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Building, 167 North Main Street, Memphis, TN 38103.

No. MC 133128 (Sub-No. 3 TA), filed February 24, 1971. Applicant: F–B TRUCK LINE COMPANY, 1891 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lumber and forest products* (except wood chips), such as plywood and plywood mill products, boards and sheets, particle board, hardboard, prefinished and hardboard panelling, from mills and storage areas in that part of Oregon west of U.S. Highway 97 to points in California south of a line formed by the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino; and (b) *Pulpboard, paper and paper articles*, from Toledo, Oreg., to points in California south of a line formed by the northern boundaries of the Counties of San Luis Obispo, Kern, and San Bernardino; and (c) *Straight or mixed loads of the above-described commodities*, from and to the points set forth above, for 180 days. Supporting shipper: Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, OR 97204. (Lewis G. Hallett, western traffic manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 133655 (Sub-No. 45 TA), filed February 23, 1971. Applicant: TRANSNATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Harold H. Pike (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat* packinghouses as defined, from Guymon, Okla., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, District of Columbia, Pennsylvania, Rhode Island, Vermont, and Virginia, for 120 days. Supporting shipper: G. Dwight Weed, Assistant Transportation Manager, Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago IL 60604. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 133819 (Sub-No. 4 TA), filed February 24, 1971. Applicant: SERVICE, INCORPORATED, 301 West First Avenue, Post Office Box 384, Crossett, AR 71635. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood sawdust, chips, and shavings*, from points in Arkansas to Lillie and West Monroe, La., for 180 days. Supporting shipper: Olinkraft, Post Office Box 488, West Monroe, LA 71291. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135227 (Sub-No. 1 TA), filed February 24, 1971. Applicant: CHESTER CLARK, doing business as SPECIAL DISPATCH, 240 West Ohio, Post Office Box 460, Indianapolis, IN 46206. Applicant's representative: Keith F. Henley, 88 East Broad Street, Suite 1660, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, drugs, cleaning, scouring, and washing compounds, soap powder or soap, clothing, toys, greeting cards, and premium, and prizes;* (2) *materials, equipment, and supplies*, used in connection with Item (1); and (3) *returned merchandise*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana. (Restricted to transportation service to be performed under a continuing contract with Avon Products, Inc.), for 180 days. Supporting shipper: Avon Products, Inc., 175 Progress Place, Springdale, OH 45246. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135232 (Sub-No. 1 TA), filed February 25, 1971. Applicant: CROWN METAL & SALVAGE CO., Old Route 82, Brookfield, OH 44403. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New Jersey, New York, Pennsylvania, and West Virginia, for 150 days. Supporting shipper: Columbus Iron & Metal Co., Post Office Box 307, Girard, OH 44420. Send protests to: District Supervisor G. J. Bacci, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 135327 (Sub-No. 1 TA), filed February 24, 1971. Applicant: ARMAND VEILLEUX, 18 Lake Street, Ste. Rose Station (Laval Co.), PQ Canada. Applicant's representative: Adrien R. Paquette, 200 Rue St.-Jacques, Suite 1010, Montreal, PQ Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from Montreal, PQ Canada, to points in Vermont, New York, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: Herbert Lumber Ltd., 1417 Charlevoix, Montreal, PQ Canada. Send

protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Montpelier, VT 05602.

No. MC 135328 (Sub-No. 2 TA), filed February 23, 1971. Applicant: MARVIN E. YATES, doing business as MARVIN YATES TRUCKING, Route 1, Box 131B, Klamath Falls, OR 97601. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Lakeview, Bly, and Klamath Falls, Oreg., to Dorris, Calif., and from Burney and Weed, Calif., to White City, Oreg., for 180 days. Supporting shippers: Southern Oregon Moulding Co., White City, Oreg. 97501; Mountain Valley Moulding Co., Post Office Box 517, Dorris, CA 96023; Dorris Lumber Co., Post Office Box 2688, Sacramento, CA 95812; Oregon Cutstock & Moulding Corp. White City, Oreg.; Weyerhaeuser Co., Post Office Box 9, Klamath Falls, OR 97601. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4267 Filed 3-8-71;8:49 am]

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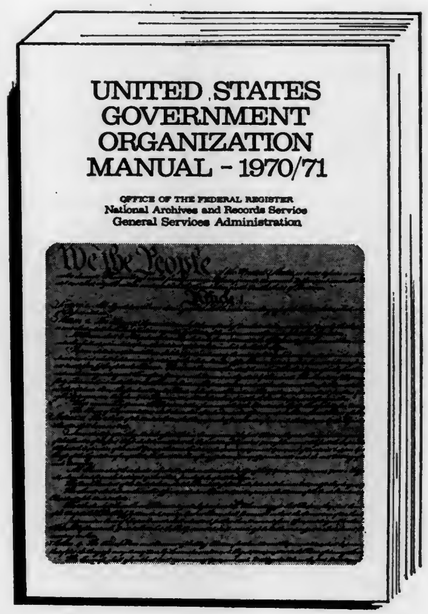
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Presidential Documents

Title 3—The President

PROCLAMATION 4035

Volunteers of America Week

By the President of the United States of America

A Proclamation

From the beginning of our country, Americans have worked together voluntarily to help master common needs and problems. This year marks the seventy-fifth anniversary of one of the Nation's leading voluntary action organizations, the Volunteers of America, devoted to solving the spiritual and social problems of our needy.

In recognition of the work of this humanitarian organization, the Congress, by House Joint Resolution 337, has requested the President to designate the second week of March 1971 as Volunteers of America Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week of March 7, 1971, as Volunteers of America Week. I urge our people during that week to express their appreciation and gratitude for the untiring and selfless work of the Volunteers of America and to continue their support of its activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of March, in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-fifth.

Richard Nixon

[FR Doc.71-3417 Filed 3-9-71;9:41 am]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

PART 311—DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED CARCASSES AND PARTS

Tapeworm Cysts (Cysticercus Bovis) in Cattle

On November 7, 1970, there was published in the FEDERAL REGISTER (35 F.R. 17188) a notice that the Department was considering amending § 311.23 of the revised Meat Inspection Regulations (9 CFR 311.23), which became effective December 1, 1970, under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), to prohibit any cattle carcasses from being passed for human food at an establishment subject to the Act if one or more lesions of cysticercus bovis is found in the carcass, unless the carcass is first refrigerated or heated to destroy the infestation.

A period of 30 days was allowed for filing of comments by interested persons. The time for filing of comments was extended for an additional 30 days by a notice published in the FEDERAL REGISTER on December 9, 1970 (35 F.R. 18672), pursuant to requests for additional time made by affected persons.

After due consideration of all relevant matters, including all comments received pursuant to the notice of proposed rulemaking, and under the authority of section 21 of the Federal Meat Inspection Act (21 U.S.C. 621), the proposal set forth in the FEDERAL REGISTER of November 7, 1970 (35 F.R. 17188; F.R. Doc. 70-15089) is hereby adopted with the following change:

In § 311.23(a)(2) as set forth in said notice, the last three words "under retention tags" are deleted and the phrase "under positive control of a Program inspector" is substituted therefor.

(Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 29 F.R. 16210, as amended, 33 F.R. 10750)

This change relates to a matter of agency procedure which does not impose any additional requirement on any member of the public, and under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rulemaking procedures on the amendment are unnecessary. This amendment shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., on March 4, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

§ 311.23 Tapeworm cysts (cysticercus bovis) in cattle.

(a) Except as provided in paragraph (b) of this section, carcasses of cattle affected with lesions of cysticercus bovis shall be disposed of as follows:

(1) Carcasses of cattle displaying lesions of cysticercus bovis shall be condemned if the infestation is extensive or if the musculature is edematous or discolored. Carcasses shall be considered extensively infested if in addition to finding lesions in at least two of the usual inspection sites, namely the heart, diaphragm and its pillars, muscles of mastication, esophagus, tongue, and musculature exposed during normal dressing operations, they are found in at least two of the sites exposed by (i) an incision made into each round exposing the musculature in cross section, and (ii) a transverse incision into each forelimb commencing 2 or 3 inches above the point of the olecranon and extending to the humerus.

(2) Carcasses of cattle showing one or more tapeworm lesions of cysticercus bovis but not so extensive as indicated in subparagraph (1) of this paragraph, as determined by a careful examination, including examination of, but not limited to, the heart, diaphragm and its pillars, muscles of mastication, esophagus, tongue, and musculature exposed during normal dressing operations, may be passed for human food after removal and condemnation of the lesions with surrounding tissues: *Provided*, That the carcasses, appropriately identified by retained tags, are held in cold storage under positive control of a USDA Food Inspector at a temperature not higher than 15° F. continuously for a period of not less than 10 days, or in the case of boned meat derived from such carcasses, the meat, when in boxes, tierces, or other containers, appropriately identified by retained tags, is held under positive control of a Program Inspector at a temperature of not higher than 15° F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as provided in this subparagraph, such carcasses and meat may be heated throughout to a temperature of at least 140° F. under positive control of a Program Inspector.

(b) Edible viscera and offal shall be disposed of in the same manner as the rest of the carcass from which they were derived unless any lesion of cysticercus bovis is found in these byproducts, in which case they shall be condemned.

[FR Doc.71-3309 Filed 3-9-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7025; Amdts. Nos. 61-53, 91-88]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 91—GENERAL OPERATING AND FLIGHT RULES

Category II Operations With Small Airplanes

These amendments provide for the issuance by the Administrator of individual authorizations to permit a pilot to conduct Category II operations in small airplanes identified as Category A airplanes under § 97.3(b)(1), if passengers or property are not carried for compensation or hire.

These amendments are issued in response to a petition for rule making submitted by the Aircraft Owners and Pilots Association (AOPA), and serve as a disposition of that petition as well. The petition requests the adoption of rules amending current Category II requirements to allow Category II operations with small Category A Airplanes with one pilot rather than two as currently required, without the required special equipment and maintenance, and also to allow Category II operations with small Category A aircraft on Category I ILS approaches to Category I runways.

In support of its petition, AOPA cites an extensive series of tests it conducted over a period of 2½ years, during which time AOPA's pilot representative made more than 100 simulated approaches to a decision height of 100 feet in a small twin-engine airplane. In addition, five approaches (pursuant to a waiver from the weather minimums of §§ 91.116 and 91.117) were made in conditions below Category I minimums.

As defined in Part 1 of the Federal Aviation Regulations, a Category II operation is a straight-in ILS approach to a runway of an airport under an ILS instrument approach procedure that includes lower than standard visibility minimums (down to 1,200 RVR from 2,400) and lower than standard decision heights (down to 100 feet from 200 feet). For the purpose of this amendment, standard minimums and operations are designated as Category I.

In order to gain additional information pertinent to the matter concerned herein, the FAA conducted a program of demonstrations in August 1969, using both single and multiengine airplanes

and using pilots of varying experience, including AOPA member pilots. These demonstrations tended to support AOPA's findings with respect to the use of slower, smaller, and more maneuverable airplanes in Category II operations. However, with regard to approaches under Category I systems, the demonstrations indicated that each airport must be individually evaluated in terms of ILS accuracy below current decision height minimums, and missed approach obstacle clearance surfaces at the lower decision heights.

Therefore, the FAA has determined that a general rule-making scheme as requested by AOPA is not appropriate at this time. However, the FAA does believe that the issuance of individual authorizations to permit Category II operations in small Category A aircraft is both consonant with safety and practicable. For several years the FAA, pursuant to authority currently contained in § 91.63, has issued waivers authorizing deviations in certain instances from the Category I requirements of §§ 91.116 and 91.117. Based upon the experience gained in this area, the FAA is confident that safety will not be impaired by adopting similar deviation authority in connection with certain Category II operations, inasmuch as Category II airports have more approach facilities and aids than Category I airports. Furthermore, this procedure will give the FAA an opportunity, under actual operating conditions, to compile and evaluate data for the purpose of determining the feasibility of adopting a general rule making approach as AOPA proposes. Therefore, the agency is amending Parts 61 and 91 to permit FAA personnel under the jurisdiction of the FAA regional offices to issue individual authorizations for Category II operations conducted in small airplanes identified as Category A aircraft in § 97.3(b)(1). However, the FAA does not believe that this authority should include the carriage of persons or property for compensation or hire and such a restriction is stated in the rules adopted herein.

Since these amendments delegate authority to issue individual authorizations and impose no additional burden upon any person, I find that public notice and procedure thereon are unnecessary.

In consideration of the foregoing, Parts 61 and 91 of the Federal Aviation Regulations are amended, effective May 9, 1971, as follows:

1. By adding a new paragraph (h) to § 61.3 to read as follows:

§ 61.3 Certificates and ratings required.

* * * * *

(h) The Administrator may issue a certificate of authorization to the pilot of a small airplane identified as a Category A aircraft in § 97.3 of this chapter to use that airplane in a Category II operation, if he finds that the proposed operation can be safely conducted under the terms of the certificate. Such authorization does not permit operation of the aircraft carrying persons or property for compensation or hire.

2. By adding a new section to follow immediately after § 91.1 to read as follows:

§ 91.2 Certificate of authorization for certain Category II operations.

The Admistrator may issue a certificate of authorization authorizing deviations from the requirements of §§ 91.6, 91.33(f), and 91.34 for the operation of small airplanes identified as Category A aircraft in § 97.3 of this chapter in Category II operations, if he find that the proposed operation can be safely conducted under the terms of the certificate. Such authorization does not permit operation of the aircraft carrying persons or property for compensation or hire.

(Secs. 313(a) and 601, Federal Aviation Act of 1958, 49 U.S.C. 1354(a) and 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 2, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-3314 Filed 3-9-71; 8:47 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-54; Amdt. 20]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegation of Authority to Director, Bureau of Enforcement; To Require Submission of Certain Information

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of March 1971.

In order to facilitate the submission of reports and other information by air carriers which the Board is authorized to require under section 407 of the Act, this amendment delegates to the Director, Bureau of Enforcement, authority to issue orders requiring air carriers to prepare and submit, within a specified reasonable period, special reports, copies of agreements, records, accounts, papers, documents, and specific answers to questions upon which information is deemed necessary.

Since the delegation of authority to a staff member is not a substantive rule, but a rule of agency organization and procedure, notice and public procedure hereon are not required and the rule may be made effective immediately.

Accordingly, the Board hereby amends § 385.22 of Part 385 of the Organization Regulations (14 CFR Part 385), effective March 5, 1971, by adding paragraph (c) to read as follows:

§ 385.22 Delegation to the Director, Bureau of Enforcement.

* * * * *

(c) Issue orders requiring air carriers to prepare and submit within a specified reasonable period, special reports, copies of agreements, records, accounts, papers, documents, and specific answers to questions upon which information is deemed necessary. Special reports shall be under oath whenever the Director, Bureau of Enforcement so requires.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3334 Filed 3-9-71; 8:49 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1857]

PART 13—PROHIBITED TRADE PRACTICES

Associated Chinchilla Breeders, Inc., and Bruce Tibbals

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1715 *Quality.*

(Sec. 6, 8 Stat. 721; 15 U.S.S. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Associated Chinchilla Breeders, Inc. et al., Minot, N. Dak. Docket No. C-1857, Jan. 27, 1971]

In the Matter of Associated Chinchilla Breeders, Inc., a Corporation, and Bruce Tibbals, Individually and as an Officer of Said Corporation

Consent order requiring a Minot, N. Dak., distributor of chinchilla breeding stock to cease making exaggerated earning claims, representing that it is feasible to breed chinchilla stock in garages and basements, that each female chinchilla will produce four live offspring per year, that its stock is hardy and free from disease, and misrepresenting the average price or range of prices realized from the pelts of chinchillas purchased from respondents.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Associated Chinchilla Breeders, Inc., a corporation, and its officers, and Bruce Tibbals, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without knowledge or experience in the breeding, caring for and raising of such animals.

3. Chinchillas are hardy animals or are relatively free from diseases.

4. Each female chinchilla purchased from respondents and each female offspring will produce at least four live offspring per year.

5. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla of purchasers of respondents' breeding stock unless, in fact, the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

6. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $20 per pelt, or that they generally sell for from $17 to $40 each.

7. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price, or range of prices of purchasers of respondents' breeding stock unless, in fact, the past price, average price, or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

8. Purchasers of respondents' breeding stock will realize earnings, profits, or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless, in fact, the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

B. Misrepresenting in any manner the earnings or profits to purchasers or reproduction capacity of any chinchilla breeding stock.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of respondents' products or services, and failing to secure from each such individual a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 27, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc. 71-3296 Filed 3-9-71; 8:46 am]

[Docket No. C-1856]

PART 13—PROHIBITED TRADE PRACTICES

Bar-Zon Frocks, Inc., and Sam Garfinkel

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Bar-Zon Frocks, Inc., et al., New York, N.Y., Docket C-1856, Jan. 26, 1971]

In the Matter of Bar-Zon Frocks, Inc., a Corporation, and Sam Garfinkel, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer and distributor of women's wearing apparel to cease violating the Flammable Fabrics Act by manufacturing or distributing any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Bar-Zon Frocks, Inc., a corporation, and its officers, and Sam Garfinkel, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material, fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom has been delivered the fabric which gave rise to this complaint, of the flammable nature of said fabric, and effect the recall of said fabric from such customers.

It is further ordered, That the respondents herein either process the fabric which gave rise to this complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabric which gave rise to the complaint, (2) the amount of said fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabric and effect the recall of said fabric from customers, and of the results thereof, (4) any disposition of said fabric since May 21, 1970, and (5) any action taken or proposed to be taken to bring said fabric into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 26, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-3295 Filed 3-9-71; 8:46 am]

[Docket No. C-1853]

PART 13—PROHIBITED TRADE PRACTICES

Gulf Union Corp. and Sound Dimensions, Inc.

Subpart—Misrepresenting oneself and goods—Promotional sales plans: § 13.1830 *Promotional sales plans:* 13.1830–10 Temporary increase of broadcast audience, "hypoing."

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gulf Union Corp. et al., Baton Rouge, La., Docket No. C-1853, Jan. 25, 1971]

In the Matter of Gulf Union Corp., a Corporation, and Sound Dimensions, Inc., a Corporation

Consent order requiring a Baton Rouge, La., radio broadcasting company and its subsidiary to cease engaging in "hypoing" during a period when its broadcast audience is being measured, that is, using unusual promotional practices designed to temporarily increase the size of a broadcast audience during rating periods.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Gulf Union Corporation, a corporation, and Sound Dimensions, Inc., a corporation, their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the broadcasting, and the advertising, offering for sale or sale of broadcast time in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Conducting or participating in any unusual contest or give-away or promotional practice which is calculated or designed to temporarily increase the size of their broadcast audience only during a rating or survey period or which is calculated or designed to cause any rating or survey company to publish and place in the hands of purchasers thereof, audience rating or other data which may mislead or deceive such purchasers as to the size or composition of respondents' audience.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondent Sound Dimensions, Inc., notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 25, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-3292 Filed 3-9-71;8:46 am]

[Docket No. C-1851]

PART 13—PROHIBITED TRADE PRACTICES

Holiday Universal, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.125 *Limited offers or supply;* § 13.155 *Prices:* 13.155–100 Usual as reduced, special, etc.; § 13.170 *Qualities or properties of product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc.; 13.170–74 Reducing, nonfattening, low-calorie, etc.; § 13.260 *Terms and conditions.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1710 *Qualities or properties;* § 13.1747 *Special or limited offers;* § 13.1760 *Terms and conditions:* 13.1760–50 Sales contract. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision.* Subpart—Securing signatures wrongfully: §13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Holiday Universal Inc., et al., Baltimore, Md., Docket No. C-1851, Jan. 19, 1971]

In the Matter of Holiday Universal, Inc., a Corporation, and Frank Bond, Norman Pessin, Donald Goldman and Maury Scarborough, Individually and as Officers of Said Corporation, and Holiday Health Studio of Pimlico, Inc., Holiday Health Studio of Glen Burnie, Inc., Holiday Health Studios of North Point, Inc., Holiday Health of Bethesda, Inc., Holiday Health of Silver Spring, Inc., Holiday Health of Washington, D.C., Inc., Holiday Health of 40 West, Inc., Holiday Health of Huntington, Inc., Holiday Health of Falls Church, Inc., Holiday Health of Hempstead, Inc., General Health of Laurias, Inc., General Health of Windsor, Inc., General Health of Park City, Inc., Holiday Health of Towson, Inc., Century Health Spa of Plainview, Ltd., Holiday Health Spa, Inc., Spa International, Inc., American Spas, Inc., Holiday Health of Hampton, Inc., Great American Financial Management Corp., Trans State Investments, Inc., Trans State Investments of Glen Burnie, Inc., National Loan Corp., National Loan Corporation of Glen Burnie, Inc., Corporations, and Bernard Sandler Advertising, Inc., a Corporation, and Bernard Sandler, Individually and as an Officer of Said Corporation.

Consent order requiring an operator of various health club facilities and an advertising agency, both located in Baltimore, Md., to cease representing that the price of any membership is special or reduced or that an increase is imminent, that its health program will alter body size, extend life, prevent heart attacks, and reduce weight without calory control, that all facilities are available at all clubs and that any service is guaranteed unless all aspects of the guarantee are disclosed, using deceptive "before and after" photographs, making repeated telephone calls to obtain payments on any debt, misrepresenting that any debt has been turned over to an independent collector, failing to disclose that any paper about to be signed is a contract or promissory note, obtaining signature on any contract which fails to provide a 4 day cancellation clause and a provision that it may be canceled if the customer moves beyond a 25-mile limit, and misrepresenting that application for membership will be held without acceptance pending further investigations.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents, Holiday Universal Inc., a corporation, and Holiday Health of Pimlico, Inc., Holiday Health Studios of Glen Burnie, Inc., Holiday Health Studios of North Point, Inc., Holiday Health of Bethesda, Inc., Holiday Health of Silver Spring, Inc., Holiday Health of Washington, D.C., Inc., Holiday Health of 40 West, Inc., Holiday Health of Huntington, Inc., Holiday Health of Falls Church, Inc., Holiday Health of Hempstead, Inc., General Health of Laurias, Inc., General Health of Windsor, Inc., General Health of Park City, Inc., Holiday Health of Towson, Inc., Century Health Spa of Plainview, Ltd., Holiday Health Spa, Inc., Spa International, Inc., American Spas, Inc., Holiday Health of Hampton, Inc., Great American Financial Management Corp., Trans State Investments, Inc., Trans State Investments of Glen Burnie, Inc., National Loan Corp., National Loan Corporation of Glen Burnie, Inc., corporations, and their officers, and Frank Bond, Norman Pessin, Donald Goldman, and Maury Scarborough, individually and as officers of said corporations and respondents' agents, representatives, salesmen, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, and sale of health club memberships or other services or products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I. Representing, directly or by implication

(A) That fewer health club memberships are available for sale than are in fact available.

(B) That the price charged for any club membership or service is a special or reduced price unless:

(1) Respondents maintain accounting records with respect to each sale, indicating:

(a) The type of membership and/or services,

(b) The price charged for such membership and/or services,

(c) The terms of each such membership or service,

(d) The name and address of each customer purchasing any such membership or services.

(2) Such price represents a significant reduction from the usual and customary price charged for the same or similar memberships or services.

(C) That a price increase is imminent unless the respondents' management by appropriate corporate action has previously theretofor determined the amount of such increase and the effective date thereof and such increase takes place on the date determined.

(D) That any person will alter their body size or configuration in any specified way or in any specified period of time as a result of participation in respondents' health club program.

(E) That attendance and participation in respondents' programs will insure an extended life span or will insure against or prevent heart attacks or any other bodily malfunctions.

(F) That respondents' exercise programs are unique.

(G) That respondents' programs are the only way to improve a person's figure or physique, appearance, vitality or virility.

(H) That health club memberships are available for any period of time less than the shortest period for which a significant number of memberships are in fact sold to the public.

(I) That respondents' programs are effective in reducing a person's weight without regulating caloric intake.

(J) That a substantial number of respondents' health club members had paid for their memberships by inducing others to join respondent's clubs.

(K) That any facilities are available unless such facilities are available at all clubs referred to in any particuar advertisement and are available to persons of either sex at all said clubs during all of said clubs' business hours. If the facilities are not available to all members at all hours at each club referred to in such advertisement, such representation shall be qualified by a clear and conspicuous disclosure in immediate conjunction therewith providing that "such facilities and hours may differ at each location." Such disclosure shall appear in a type size larger than the size used to set out the facilities.

(L) That any of respondents are holders in due course of any notes, contracts or other documents signed or executed by respondents' customers.

(M) That any service or product is guaranteed without disclosing clearly and conspicuously and in immediate conjunction therewith:

(1) The nature and extent of such guarantee;

(2) The manner in which the guarantor will perform thereunder;

(3) The identity of the guarantor.

II. Use of "before and after" or comparison photographs indicating any change of body configuration unless:

(A) The person so depicted has attended respondents' health clubs, and the results depicted were achieved through participation in respondents' health club program; or

(B) The photographs are accompanied by the following statement to appear in clear and conspicuous fashion in immediate conjunction therewith: "Posed photographs".

III. Placing repeated telephone calls to, or making repeated personal contact with, any person at their home, place of employment, or any other place, for the purpose of obtaining payment on any debt or obligation after such person has clearly indicated he will not heed such telephone or personal requests for payment.

IV. Misrepresenting, directly or by implication that a customer's account has been turned over to an attorney or an independent organization engaged in the business of collecting past due accounts.

V. Failing to clearly and conspicuously disclose in writing in a manner which can be easily understood by any customer and before obtaining his signature on any application for membership, note, contract, agreement, or other document and failing to require all salesmen and other representatives, by means of both oral and written instructions, that they disclose orally in a manner which can be easily understood by any customer, and before obtaining his signature, on any application for membership, note, contract, agreement or other document:

(A) That the document is a contract and will become legally binding upon said customer upon its acceptance by the respondents.

(B) The terms and conditions of any promissory note or other instrument of indebtedness in such document.

(C) Each and every circumstance or condition under which a customer's membership may be canceled or teminated, and any terms, conditions or costs to the customers of such cancellation or termination.

VI. Taking judgment on any note, agreement or other instrument executed by the respondents' health club customers, which contains any provision whereby any party thereto authorizes a confession of judgment against said party or waives any legal rights or defenses which said party would have under a suit on a simple contract, unless the defendent in such suit receives notice from the respondent in accordance with the rules of court of the local jurisdiction where such suit is instituted of his right to assert any defense in such suit which he would have if the suit were a suit on a simple contract in such jurisdiction and unless the defendent is afforded an opportunity for a hearing on the merits in such proceeding prior to judgment.

VII. Obtaining customer's signatures on any application for membership, contract, note or other document which fails to:

(A) Contain a clause allowing customers to avoid said agreement or obligation, within 4 business days of the date of execution of said document, upon the tender of a certificate from the customer's physician that participation in respondents' health club programs would impair the health of said customer during the term of said contract provided such certificate is accurate and correct.

(B) Contain a clause which provides for termination of the membership in respondents' health clubs by any member who permanently moves his place of residence beyond a twenty-five (25) mile radius of any health club owned or operated by respondents or by any other person or firm which is a member of a trade or other association to which respondents belong and with whom they have an agreement offering reciprocal membership in a health club with similar facilities without additional charge to such member.

VIII. Representing to any of respondents' customers that any application for membership, contract, note, or other documents executed by said customer will: (1) be held without acceptance pending further confirmation of the terms and conditions thereof by said customers and not be accepted by respondents until such confirmation or (2) not be accepted by respondents in the normal course of business unless such representation is specifically contained in the terms of the written agreement or in a separate written instrument.

IX. Failing to deliver a copy of this order to cease and desist to all operating divisions of the corporate respondents, to all franchisees or licensees and to all officers, managers and salesmen both present and future and to any other person now engaged or who shall become engaged in the sale of health club memberships or collection of club dues as respondents' agent, representative or employee; and failing to secure a signed statement from each of said persons acknowledging receipt of a copy thereof.

It is further ordered, That respondents Bernard Sandler Advertising, Inc., a corporation, and Bernard Sandler, individually and as an officer of said corporation, and respondents' agents, representatives, salesmen, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertising of health clubs, or other products or services, containing any representation or misrepresentations prohibited by paragraphs I or II hereof.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in any of the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of any successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a written report

setting forth in detail the manner and form of their compliance with this order.

Issued: January 19, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-3291 Filed 3-9-71;8:45 am]

[Docket No. C-1854]

PART 13—PROHIBITED TRADE PRACTICES

Saks Fur Co., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Saks Fur Co., Inc., et al., New York, N.Y., Docket No C-1854, Jan 26, 1971]

In the Matter of Saks Fur Co., Inc., a Corporation, and Arthur Schachner and Edna Schachner, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer and distributor of fur products to cease misbranding and falsely invoicing its furs.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Saks Fur Co., Inc., a corporation, and its officers, and Arthur Schachner and Edna Schachner, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-3293 Filed 3-9-71;8:46 am]

[Docket No. C-1855]

PART 13—PROHIBITED TRADE PRACTICES

Sutter Textile Co. et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Sutter Textile Co. et al., New York, N.Y., Docket C-1855, Jan. 26, 1971]

In the Matter of Sutter Textile Co., a Partnership, and Allan Sutter, Robert Sutter and George Sutter, Individually and as Copartners Trading as Sutter Textile Co.

Consent order requiring a New York City partnership which imports and distributes textile fiber products to cease importing and distributing any fabric or related material which fails to conform to the standards of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sutter Textile Co., a partnership, and Allan Sutter, Robert Sutter, and George Sutter, individually and as copartners trading as Sutter Textile Co., or under any other name or names, respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended, or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom has been delivered the fabric which gave rise to the complaint, of the flammable nature of said fabric and effect the recall of said fabric from such customers.

It is further ordered, That the respondents herein either process the fabric which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabric which gave rise to the complaint, (2) the amount of said fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabric and effect the recall of said fabric from customers, and of the results thereof, (4) any disposition of said fabric since October 1969, and (5) any action taken or proposed to be taken to bring said fabric into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than one square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-3294 Filed 3-9-71;8:46 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-76]

PART 153—ANTIDUMPING

Television Receiving Sets, Monochrome and Color, From Japan

MARCH 8, 1971.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that television receiving sets, monochrome and color, from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of December 5, 1970 (35 F.R. 18549, F.R. Doc. 70-16531).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on March 4, 1971, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of television receiving sets, monochrome and color, from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of March 9, 1971 (36 F.R. 4576, F.R. Doc. 71-3244).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to television receiving sets, monochrome and color, from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Television receiving sets, monochrome and color.	Japan	71-76

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[FR Doc.71-3415 Filed 3-9-71;9:18 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7092]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Amounts Representing Taxes and Interest Paid to Cooperative Housing Corporations

On December 29, 1970, a notice of proposed rule making to amend the Income Tax Regulations (26 CFR Part 1) was published in the FEDERAL REGISTER (35 F.R. 19670). The notice of proposed rule making conformed the regulations to section 216 of the Internal Revenue Code of 1954, as amended by section 913 of the Tax Reform Act of 1969. Section 216 relates to the deduction of taxes and interest by the tenant-stockholders of a cooperative housing corporation. Since no comments were received and since no public hearing was held, the amendment is hereby adopted subject to the following changes:

Examples (1) and (2) of § 1.216-1(c)(2) and examples (1) and (4) of § 1.216-1(g), as set forth in paragraph 2 of the notice of proposed rule making, are revised.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

Approved: March 5, 1971.

EDWIN S. COHEN, *Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 216 (a) and (b) to the amendments of the Internal Revenue Code of 1954, made by section 913 of the Tax Reform Act of 1969 (83 Stat. 723), and to make certain clarifying changes to such regulations, such regulations are amended as follows:

PARAGRAPH 1. Section 1.216(b) is amended by adding at the end thereof the following new paragraph and by revising the historical note:

§ 1.216 Statutory provisions; deduction of taxes, interest, and business depreciation by cooperative housing corporation tenant-stockholder.

Sec. 216. *Deduction of taxes, interest, and business depreciation by cooperative housing corporation tenant-stockholder.* * * *

(b) *Definitions.* * * *

(4) *Stock owned by governmental units.* For purposes of this subsection, in determining whether a corporation is a cooperative housing corporation, stock owned and apartments leased by the United States or any of its possessions, a State or any political subdivision thereof, or any agency or instrumentality of the foregoing empowered to acquire shares in a cooperative housing corporation for the purpose of providing housing facilities, shall not be taken into account.

* * * * *

[Sec. 216 as amended by sec. 28, Revenue Act 1962 (76 Stat. 1068); sec. 913, Tax Reform Act 1969 (83 Stat. 723)]

PAR. 2. Section 1.216-1 is amended to read as follows:

§ 1.216-1 Amounts representing taxes and interest paid to cooperative housing corporation.

(a) *General rule.* An individual who qualifies as a tenant-stockholder of a cooperative housing corporation may deduct from his gross income amounts paid or accrued within his taxable year to a cooperative housing corporation representing his proportionate share of:

(1) The real estate taxes allowable as a deduction to the corporation under section 164 which are paid or incurred by the corporation before the close of the taxable year of the tenant-stockholder on the houses (or apartment building) and the land on which the houses (or apartment building) are situated, or

(2) The interest allowable as a deduction to the corporation under section 163 which is paid or incurred by the corporation before the close of the taxable year of the tenant-stockholder on its indebtness contracted in the acquisition, construction, alteration, rehabilitation, or maintenance of the houses (or apartment building), or in the acquisition of the land on which the houses (or apartment building) are situated.

(b) *Limitation.* The deduction allowable under section 216 shall not exceed the amount of the tenant-stockholder's proportionate share of the taxes and interest described therein. If a tenant-stockholder pays or incurs only a part of his proportionate share of such taxes and interest to the corporation, only the amount so paid or incurred which represents taxes and interest is allowable as a deduction under section 216. If a tenant-stockholder pays an amount, or incurs an obligation for an amount, to the corporation on account of such taxes and interest and other items, such as maintenance, overhead expenses, and reduction of mortgage indebtedness, the amount representing such taxes and interest is an amount which bears the same ratio to the total amount of the tenant-stockholder's payment or liability, as the case may be, as the total amount of the tenant-stockholder's proportionate share of such taxes and interest bears to the total amount of the tenant-stockholder's proportionate share of the taxes, interest, and other items on account of which such payment is made or liability incurred. No deduction is allowable under section 216 for that part of amounts representing the taxes or interest described in that section which are deductible by a tenant-stockholder under any other provision of the Code.

(c) *Tenant-stockholder's proportionate share*—(1) *General rule.* The tenant-stockholder's proportionate share is that proportion which the stock of the cooperative housing corporation owned by the tenant-stockholder is of the total outstanding stock of the corporation, including any stock held by the corporation. For taxable years beginning after December 31, 1969, if the cooperative housing corporation had issued stock to a governmental unit, as defined in paragraph (f) of this section, then in determining the total outstanding stock of the corporation, the governmental unit shall be deemed to hold the number of shares that it would have held, with respect to the apartments or houses it is entitled to occupy, if it has been a tenant-stockholder. That is, the number of shares the governmental unit is deemed to hold is determined in the same manner as if stock had been issued to it as a tenant-stockholder. For example, if a cooperative housing corporation requires each tenant-stockholder to buy one share of stock for each one thousand dollars of value of the apartment he is entitled to occupy, a governmental unit shall be deemed to hold one share of stock for each one thousand dollars of value of the apartments it is entitled to occupy, regardless of the number of shares formally issued to it.

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). The X Corporation is a cooperative housing corporation within the meaning of section 216. In 1970, it acquires a building containing 40 category A apartments and 25 category B apartments, for $750,000. The value of each category A apartment is $12,500, and of each category B apartment is $10,000. X values each share of stock issued with respect to the category A apartments at $125, and sells 4,000 shares of its stock, along with the right to occupy the 40 category A apartments, to 40 tenant-stockholders for $500,000. X also sells 1,000 shares of nonvoting stock to G, a State housing authority qualifying as a governmental unit under paragraph (f) of this section for $250,000. The purchase of this stock gives G the right to occupy all the category B apartments. G is deemed to hold the number of shares that it would have held if it had been a tenant-stockholder. G is therefore deemed to own 2,000 shares of stock of X. All stockholders are required to pay a specified part of the corporation's expenses. F, one of the tenant-stockholders, purchased 100 shares of the category A stock for $12,500 in order to obtain a right to occupy a category A apartment. Since there are 6,000 total shares deemed outstanding, F's proportionate share is 1/60 (100/6,000).

Example (2). The X Corporation is a cooperative housing corporation within the meaning of section 216. In 1960 it acquired a housing development containing 100 detached houses, each house having the same value. X issued one share of stock to each of 100 tenant-stockholders, each share carrying the right to occupy one of the houses. In 1971 X redeemed 40 of its 100 shares. It then sold to G, a municipal housing authority qualifying as a governmental unit under paragraph (f) of this section, 1,000 shares of preferred stock and the right to occupy the 40 houses with respect to which the stock had been redeemed. X sold the preferred stock to G for an amount equal to the cost of redeeming the 40 shares. G also agreed to pay 40 percent of X's expenses. For purposes of determining the total stock which X has outstanding, G is deemed to hold 40 shares of X.

(d) *Cooperative housing corporation.* In order to qualify as a "cooperative housing corporation" under section 216, the requirements of subparagraphs (1) through (4) of this paragraph must be met.

(1) *One class of stock.* The corporation shall have one and only one class of stock outstanding. However, a special classification of preferred stock, in a nominal amount not exceeding $100, issued to a Federal housing agency or other governmental agency solely for the purpose of creating a security device on the mortgage indebtedness of the corporation, shall be disregarded for purposes of determining whether the corporation has one class of stock outstanding and such agency will not be considered a stockholder for purposes of section 216 and this section. Furthermore, for taxable years beginning after December 31, 1969, a special class of stock issued to a governmental unit, as defined in paragraph (f) of this section, shall also be disregarded for purposes of this paragraph in determining whether the corporation has one class of stock outstanding.

(2) *Right of occupancy.* Each stockholder of the corporation, whether or not the stockholder qualifies as a tenant-stockholder under section 216(b)(2) and paragraph (e) of this section, must be entitled to occupy for dwelling purposes an apartment in a building or a unit in a housing development owned or leased by such corporation. The stockholder is not required to occupy the premises. The right as against the corporation to occupy the premises is sufficient. Such right must be conferred on each stockholder solely by reason of his ownership of stock in the corporation, that is, the stock must entitle the owner thereof either to occupy the premises or to a lease of the premises. The fact that the right to continue to occupy the premises is dependent upon the payment of charges to the corporation in the nature of rentals or assessments is immaterial.

(3) *Distributions.* None of the stockholders of the corporation may be entitled, either conditionally or unconditionally, except upon a complete or partial liquidation of the corporation, to receive any distribution other than out of earnings and profits of the corporation.

(4) *Gross income.* Eighty percent or more of the gross income of the corporation for the taxable year of the corporation in which the taxes and interest are paid or incurred must be derived from the tenant-stockholders. For purposes of the 80-percent test, in taxable years beginning after December 31, 1969, gross income attributable to any house or apartment which a governmental unit is entitled to occupy, pursuant to a lease or stock ownership, shall be disregarded.

(e) *Tenant-stockholder.* The term "tenant-stockholder" means an individual who is a stockholder in a cooperative housing corporation, as defined in section 216(b)(1) and paragraph (d) of this section, and whose stock is fully paid up in an amount at least equal to an amount shown to the satisfaction of the district director as bearing a reasonable relationship to the portion of the fair market value, as of the date of the original issuance of the stock, of the corporation's equity in the building and the land on which it is situated which is attributable to the apartment or housing unit which such individual is entitled to occupy.

(f) *Governmental unit.* For purposes of section 216(b) and this section, the term "governmental unit" means the United States or any of its possessions, a State or any political subdivision thereof, or any agency or instrumentality of the foregoing empowered to acquire shares in a cooperative housing corporation for the purpose of providing housing facilities.

(g) *Examples.* The application of section 216 (a) and (b) and this section may be illustrated by the following examples, which refer to apartments but which are equally applicable to housing units:

Example (1). The X Corporation is a cooperative housing corporation within the meaning of section 216. In 1970, at a total cost of $200,000, it purchased a site and constructed thereon a building with 15 apartments. The fair market value of the land and building was $200,000 at the time of completion of the building. The building contains five category A apartment units, each of equal value, and 10 category B apartment units. The total value of all of the category A apartment units is $100,000. The total value of all of the category B apartments is also $100,000. Upon completion of the building, the X Corporation mortgaged the land and building for $100,000, and sold its total authorized capital stock for $100,000. The stock attributable to the category A apartments was purchased by five individuals, each of whom paid $10,000 for 100 shares, or $100 a share. Each certificate for 100 shares of such stock provides that the holder thereof is entitled to a lease of a particular apartment in the building for a specified term of years. The stock attributable to the category B apartments was purchased by a governmental unit for $50,000. Since the shares sold to the tenant-stockholders are valued at $100 per share, the governmental unit is deemed to hold a total of 500 shares. The certificate of such stock provides that the governmental unit is entitled to a lease of all of the category B apartments. All leases provide that the lessee shall pay his proportionate part of the corporation's expenses. In 1970 the original owner of 100 shares of stock attributable to the category A apartments and to the lease to apartment No. 1 made a gift of the stock and lease to A, an individual. The taxable year of A and of the X Corporation is the calendar year. The corporation computes its taxable income on an accrual method, while A computes his taxable income on the cash receipts and disbursements method. In 1971, the X Corporation incurred expenses aggregating $13,800, including $4,000 for the real estate taxes on the land and building, and $5,000 for the interest on the mortgage. In 1972, A pays the X Corporation $1,380, representing his proportionate part of the expenses incurred by the corporation. The entire gross income of the X Corporation for 1971 was derived from the five tenant-stockholders and from the governmental unit. A is entitled under section 216 to a deduction of $900 in computing his taxable income for 1972. The deduction is computed as follows:

Shares of X Corporation owned by A	100
Shares of X Corporation owned by four other tenant-stockholders	400
Shares of stock of X Corporation deemed owned by governmental unit	500
Total shares of stock of X Corporation outstanding	1,000
A's proportionate share of the stock of X Corporation (100/1,000)	1/10
Expenses incurred by X Corporation:	
Real estate taxes $4,000	
Interest 5,000	
Other 4,800	
Total	$13,800
Amount paid by A	$1,380
A's proportionate share of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	$900
A's proportionate share of total corporate expenses based on his stock ownership (1/10 of $13,800)	$1,380
Amount of A's payment representing real estate taxes and interest (900/1,380 of $1,380)	$900
A's allowable deduction	$900

Since the stock which A acquired by gift was fully paid up by his donor in an amount equal to the portion of the fair market value, as of the date of the original issuance of the stock, of the corporation's equity in the land and building which is attributable to apartment No. 1, the requirement of section 216 in this regard is satisfied. The fair market value at the time of the gift of the corporation's equity attributable to the apartment is immaterial.

Example (2). The facts are the same as in example (1) except that the building constructed by the X Corporation contained, in addition to the 15 apartments, business space on the ground floor, which the corporation rented at $2,400 for the calendar year 1971. The corporation deducted the $2,400 from its expenses in determining the amount of the expenses to be prorated among its tenant-stockholders. The amount paid by A to the corporation in 1972 is $1,140 instead of $1,380. More than 80 percent of the gross income of the corporation for 1971 was derived from tenant-stockholders. A is entitled under section 216 to a deduction of $743.48 in computing his taxable income for 1972. The deduction is computed as follows:

Expenses incurred by X Corporation	$13,800.00
Less: Rent from business space	2,400.00
Expenses to be prorated among tenant-stockholders	$11,400.00

[FR Doc.71-3341 Filed 3-9-71;8:49 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Banana River, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.171c is hereby revoked, effective upon publication in the FEDERAL REGISTER (3-10-71) since the area is no longer needed, as follows:

§ 207.171c Banana River at Patrick Air Force Base, Fla.; seaplane restricted area. [Revoked]

[Regs., February 18, 1971, 1522-01—Banana River, Fla.—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-3339 Filed 3-9-71;8:49 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

EFFECTIVE DATES

1. In § 3.400, paragraph (o) is amended to read as follows:

§ 3.400 General.

* * * * * *

(o) *Increases (38 U.S.C. 3010(a); §§ 3.109, 3.156, 3.157).* Except as provided in § 3.401(b), date of receipt of claim or date entitlement arose, whichever is later. A retroactive increase or additional benefit will not be awarded after basic entitlement has been terminated, such as by severance of service connection.

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2. In § 3.401, paragraph (b) is amended to read as follows:

§ 3.401 Veterans.

* * * * * *

(b) *Dependent, additional compensation or pension for.* Latest of the following dates:

(1) Date of claim: This term means the following, listed in their order of applicability:

(i) Date of veteran's marriage, or birth of his child, or his adoption of a child, if the evidence of the event is received within 1 year of the event.

(ii) Date notice is received of dependent's existence, if evidence is received within 1 year of the Veterans Administration request.

(2) Date dependency arises.

(3) Date the law permits benefits for dependents generally.

(4) Date of commencement of veteran's award. (38 U.S.C. 3010(f),(n); Public Law 91-584, 84 Stat. 1575) (Other increases, see § 3.400(o). For school attendance see § 3.667.)

* * * * * *

3. In § 3.403, paragraph (c) is amended to read as follows:

§ 3.403 Children.

(c) *Posthumous child.* Date of child's birth if proof of birth is received within 1 year of that date, or if notice of the expected or actual birth meeting the requirements of an informal claim, is received within 1 year after the veteran's death; otherwise, date of claim. (38 U.S.C. 3010(n); Public Law 91-584, 84 Stat. 1575)

* * * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective December 24, 1970.

Approved: March 4, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-3302 Filed 3-9-71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Dept. Reg. 108.632]

PART 6-1—GENERAL

Miscellaneous Amendments

Correction

In F.R. Doc. 71-3021 appearing at page 4377 in the issue of Friday, March 5, 1971, the bracketed material above the part heading should read as set forth above.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-217]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Radio Station Applications; Deletion of Special Filing Requirement for Alaska

Memorandum opinion and order. In the matter of amendment of Part 21 of the Commission's rules to delete the special filing requirement for applications involving radio stations in Alaska.

1. Section 21.13(a) of the Commission's rules now requires that every application for a radio station authorization under Part 21, except applications for stations located in Alaska, be submitted to the Commission's office in Washington, D.C. Paragraph (b) states that applications for authorizations under Part 21 for stations in Alaska shall be filed with the Commission's Engineer-in-Charge (EIC) in Seattle, Wash., and that the filing should include one extra copy of all such applications (§ 21.13 (d)). At the time that the foregoing provisions were adopted in 1956 the Alaska Communications System (ACS) was in existence and was operated by the Department of Defense. ACS headquarters was in Seattle, Wash., and the filing of applications with the Commission's Engineer-in-Charge in Seattle enabled ACS headquarters to keep informed in a timely fashion of the filing of such applications.

2. The ACS effectively ceased to exist when its communications assets were transferred from the U.S. Government to RCA Alaska Communications, Inc., on January 10, 1971. Since the Commission's Seattle office performed no substantive function with respect to the applications, but simply acted as a conduit to ACS headquarters, there appears to be no reason why there should be a continued requirement for the filing of Part 21 Alaska applications with the EIC in Seattle.

3. It would therefore appear to be in the public interest to make appropriate changes in § 21.13, paragraph (a), and to delete the present paragraphs (b) and (d).[1]

4. Authority for this amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Since the subject amendment is procedural and relieves a restriction, compliance with the public notice and effective date requirements of 5 U.S.C. 553 is unnecessary.

5. *Accordingly, it is ordered,* That, effective March 17, 1971, Part 21 is amended as set forth below.

[1] The present paragraph (c) will be redesignated as paragraph (b).

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 3, 1971.

Released: March 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 21.13 is amended to read as follows:

§ 21.13 Place of filing applications, fees, and number of copies.

(a) Every application for a radio station authorization, and all correspondence relating thereto, shall be submitted to the Commission's office at Washington, D.C. 20554. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

(b) Unless otherwise specified in a particular case, or for a particular form, each application, including exhibits and attachments thereto, shall be filed in duplicate.

[FR Doc.71-3319 Filed 3-9-71;8:48 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 69-7; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Crash Protection in Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

The purpose of this amendment to Standard No. 208, 49 CFR 571.21, is to specify occupant crash protection requirements for passenger cars, multipurpose passenger vehicles, trucks, and buses manufactured on or after January 1, 1972, with additional requirements coming into effect for certain of of those vehicles on August 15, 1973, August 15, 1975, and August 15, 1977. The requirements effective for the period beginning on January 1, 1972, were the subject of a notice of proposed rulemaking published September 25, 1970 (35 F.R. 14941), and appear today for the first time in the form of a rule. The requirements for subsequent periods were issued in rule form on November 3, 1970 (35 F.R. 16927), and are reissued today in amended form as the result of petitions for reconsideration.

The substantive rulemaking actions that preceded this amendment are as follows:

(a) May 7, 1970 (35 F.R. 7187)—Proposed requirements and a schedule for the adoption of passive restraint systems and interim active systems.

(b) September 25, 1970 (35 F.R. 14941)—Proposal for a modified interim set of requirements effective January 1, 1972.

(c) November 3, 1970 (35 F.R. 16927)—Rule amending Standard No. 208 to specify requirements for passive restraints, effective July 1, 1973.

(d) November 3, 1970 (35 F.R. 16937)—Proposed additional requirements and conditions to be contained in Standard No. 208.

Following issuance of the November 3 amendment, petitions for reconsideration were filed pursuant to § 553.35 of the procedural rules (49 CFR 553.35, 35 F.R. 5119) by Japan Automobile Manufacturers Association, Inc., American Safety Belt Council, Peugeot, Inc., American Motors Corp., Volvo, Inc., Ford Motor Co., Chrysler, Chrysler United Kingdom, Ltd., International Harvester Co., Automobile Manufacturers Association, Generol Motors Corp., Volkswagen of America, Inc., Takata Kojyo Co., Ltd., Renault, Inc., American Motors (Jeep), Rolls-Royce, Ltd., American Safety Equipment Corp., Hamill Manufacturing Co., Energy Systems Division (Olin), American Association for Automotive Medicine, Checker Motors Corp., Eaton Yale and Towne, Inc., and the American Academy of Pediatrics.

Concurrently with the evaluation of the petitions, the Administration has reviewed the comments received in response to the September 25 and November 3 proposals, and the interim occupant protection requirements are combined herein with the requirements for later periods.

The standard establishes quantitative criteria for occupant injury, as determined by use of anthropomorphic test devices. For the head, the criterion is a severity index of 1,000, calculated according to SAE Information Report J885a; for the upper thorax, it is a deceleration of 60g except for a cumulative period of not more than 3 milliseconds; and for the upper legs it is an axial force of 1,400 pounds. A fourth criterion is that the test devices must be contained by the outer surfaces of the passenger compartment.

For systems that provide complete passive protection there are three vehicle impact modes in which a vehicle is required to meet the injury criteria. In the frontal mode, the vehicle impacts a fixed collision barrier perpendicularly or at any angle up to and including 30° in either direction from the perpendicular while traveling longitudinally forward at any speed up to 30 m.p.h. In the lateral mode, the vehicle is impacted on its side by a barrier moving at 20 m.p.h. In the rollover mode, the vehicle is rolled over from a speed of 30 m.p.h.

On January 1, 1972, a passenger car will be required to provide one of three options for occupant protection: (1) Passive protection system that meets the above injury criteria in all impact modes at all seating positions; (2) lap belts at all positions, with a requirement that the front outboard positions meet the injury criteria with lap-belted dummies in a 30-m.p.h. perpendicular barrier crash; or (3) lap-and-shoulder-belt systems at the front outboard positions that restrain test dummies in a 30-m.p.h. barrier crash without belt or anchorage failure, and lap belts in other positions.

Both the second and third options require warning systems that activate a visible and audible signal if an occupant of either front outboard position has not extended his lap belt to a specified length. Lap belts furnished under the second or third options must have emergency-locking or automatic-locking retractors at all outboard positions, front and rear. Shoulder belts furnished under the third option must have either manual adjustment or emergency-locking retractors.

On August 15, 1973, a passenger car will be required to provide one of two options for occupant protection: (1) Passive protection that meets the injury criteria in all impact modes at all seating positions; or (2) a system that provides passive protection for the front positions in a perpendicular frontal fixed barrier crash, that includes lap belts at all seating positions such that the injury criteria are met at the front positions both with and without lap belts fastened in a perpendicular frontal fixed barrier crash, and that has a seat belt warning system at the front outboard positions.

On and after August 15, 1975, a passenger car will be required to meet the injury criteria in all impact modes at all seating positions by passive means.

Multipurpose passenger vehicles and trucks with gross vehicle weight ratings of 10,000 pounds or less manufactured from January 1, 1972, to August 15, 1975, will have the option of meeting the injury criteria in all impact modes at all seating positions by passive means, or of providing a seatbelt assembly at each designated seating position. From August 15, 1975, to August 15, 1977, these vehicles will be required to meet one of the two options permitted passenger cars during the period August 15, 1973, to August 15, 1975. On and after August 15, 1977, they will be required to meet the full passive crash protection requirements that become effective for passenger cars on August 15, 1975. Forward control vehicles, however, may continue to use belt systems, and certain other specialized types of vehicles may continue to provide only head-on passive protection.

Multipurpose passenger vehicles and trucks with a GVWR of more than 10,000 pounds manufactured on or after January 1, 1972, will have the option of providing protection by passive means that meet all the crash protection requirements or of installing seat belt assemblies at all seating positions. Buses manufactured after January 1, 1972, will be required to provide one of these options for the driver's seating position.

The remainder of this preamble is separated into sections dealing with (I) the comments received in response to the September 25 proposal for the interim system, (II) the petitions for reconsideration of the November 3 rule on the requirements for later periods, and (III) the comments received and action taken pursuant to the November 3 proposal for additional requirements.

I. The September 25 proposal specified a series of options for occupant protection in passenger cars manufactured on or after January 1, 1972. Each option represented a significant advance over the level of protection afforded occupants by present seat belt systems. Upon consideration of comments requesting postponement of the requirements, it has been determined that compliance with one or another of the options by January 1, 1972, is reasonable and practicable. In response to the comments and other available information, however, certain changes have been made.

In the proposal, the first option consisted of a passive protection system that would meet the injury criteria at all seating positions in a 30 m.p.h. perpendicular frontal impact. A large number of respondents (to this notice and to others dealt with herein), both within and outside of the concerned industries, took the position that the requirements for installation of seat belts should not be dropped until the vehicles in question provided protection in angular, lateral, and rollover crash modes, in addition to the direct frontal mode. After detailed consideration of these arguments and other available data, it has been determined that the added cost of seatbelt systems is justified, even where vehicles provide passive frontal-impact protection. Accordingly, the first option, the only one under which manufacturers are allowed not to provide seat belts in their vehicles, requires a passive protection system that meets the injury criteria in all of the impact modes mentioned above.

The second option set forth in the proposal consisted of Type 1 seatbelt assemblies with a warning system at the front outboard positions and Type 1 or Type 2 assemblies at the other positions. The front outboard positions were either to meet the injury criteria in a perpendicular impact by use of the belts, or be protected by energy absorbing materials conforming to amended requirements proposed for Standards Nos. 201 and 203. The latter alternative was the subject of several adverse comments, and in the light of these comments and the tentative nature of the proposed amendments to Standards Nos. 201 and 203, the alternative has been deleted. As adopted, the option provides that the front outboard positions must meet the injury criteria in a perpendicular fixed barrier crash with the test dummies restrained by Type 1 belts only. The wording that a vehicle should have "either a Type 1 or a Type 2" seatbelt assembly under this option has been changed to refer simply to Type 1 (lap belt) assemblies. A manufacturer may at his option provide upper torso restraints, which do or do not attach to the lap belts. The essence of the second option, however, is that the vehicle be designed to provide protection with lap belts alone, in view of their much higher level of public use in comparison with lap-and-shoulder combinations. Vehicles under this option, therefore, must provide lap belts that are usable separately.

The third option proposed in the September 25 notice has been adopted with some changes. It consists of an improved combination of lap and shoulder belts in the front outboard seating positions, with lap belts in other positions. The belts and anchorages at the front outboard positions must be capable of restraining a dummy in a 30-m.p.h. frontal perpendicular impact without separation of the belts or their anchorages.

The seat belt warning system required under the second and third options has been modified somewhat in the light of the comments, to clarify the requirements and to restrict its operation to situations where the vehicle is likely to be in motion. The notice proposed that the system operate when the driver or right front passenger, or both, occupied the seat but did not fasten the belt about them. It was stated in several comments such systems operating through the buckle are relatively complex and that leadtime would be a significant problem. Upon evaluation of the comments, it has been decided to provide for warning system operation when the driver's belt is not extended to a length that will accommodate a 5th-percentile adult female, or when the right front passenger's seat is occupied and that belt is not extended far enough to fit a 50th-percentile 6-year-old. Keying the system to belt withdrawal is technologically simpler, and still provides protection against tampering. The notice had proposed that the system operate whenever the vehicle's ignition was in the "on" position. It was pointed out in the comments that situations arise in which the vehicle is at rest with the ignition on and the engine running, as when picking up or discharging passengers. To avoid the annoyance to vehicle occupants of the warning system in such situations, the standard provides that the system shall operate only if the ignition is in the "on" position and the transmission is in a drive position.

The seat belt system requirements have also been changed somewhat in response to comments. The notice had proposed to require retractors at all seating positions in those options specifying seat belts. Several comments stated that the installation of retractors at inboard positions would require extensive redesign of bench-type seats. In the light of the low occupancy rate for the center seats, the difficulties in meeting the requirement, and the short leadtime available, the requirement for center-position retractors has been omitted.

The requirement that the shoulder and pelvic restraints be releasable at a single point by a pushbutton-type action has been retained. The Administration considers that single-point release is essential to the convenient operation of the seat belts, and that standardization of the buckle release device is also important, particularly in emergency situations. However, the additional requirement for one-hand fastening by the

driver has been deleted. Adjustable bench seats would require major redesign in many cases, and it has been determined that the additional convenience afforded the driver would not be sufficient to justify the cost and leadtime problems that would result.

A number of comments noted that no dimensions were specified in the notice for the various occupants, and that there were no dimensions of this type in general use. To remedy the problem, the standard provides a table of dimensions for various sizes of adult occupants and 50th-percentile 6-year-olds. The latter set of dimensions has been adopted because of the availability of manikins at that size.

In response to several comments stating that the proposed 8-inch distance between the occupant's certerline and the intersection of the upper torso belt with the lap belt was too great, the distance has been reduced to 6 inches. It has been determined that a 6-inch distance will provide satisfactory protection and lessen the convenience problems that might be created with the greater distance.

II. With few exceptions, the petitions for reconsideration of the November 3 amendment requested that the requirement for mandatory passive protection be postponed. The length of postponement requested varied from 2 months to several years. After full consideration of the issues raised by the petitions, it has been decided to continue to require passive protection for the front seating positions of passenger cars in 1973. In order to ease the problem of model year scheduling, the date is changed from July 1, 1973, to August 15, 1973. The petitions did not offer sufficient reasons to change the Administration's position as set forth in previous notices in this docket, that passive protection systems are a vitally important step in reducing the death and injury toll on our highways, and that the relevant technology is sufficiently advanced to provide this basic protection, in accordance with the performance requirements and the time schedule that have been specified. The petitions that requested a postponement of all passive protection requirements beyond August 15, 1973, are therefore denied.

However, considerable data was presented in the petitions to the effect that the development of passive systems for the various impact modes has not proceeded at an equal rate. It appears that a number of manufacturers may be unable to comply with the lateral crash protection requirements in 1973. Accordingly, it has been decided to establish two restraint options for the front seating positions of passenger cars manufactured on or after August 15, 1973, and before August 15, 1975. A manufacturer may choose, first, to provide a passive system that meets the occupant crash protection requirements at all seating positions, in all impact modes. If he is unable to provide such full passive protection, he may choose to adopt a system that provides passive protection for the front occupants in a head-on collision, and also, includes a lap belt at each seating position with a seatbelt warning system for the front outboard positions. Under this option, the injury criteria must be met at each front position in a perpendicular barrier crash up to 30 m.p.h., both with and without the lap belts fastened. This option thus resembles the second option permitted during the interim period, except that the injury criteria must also be met with the test dummies unrestrained, and at the front center position as well as the front outboard positions.

The date on which a passenger car must provide passive means of meeting the injury criteria in a side impact is changed to August 15, 1975, to reflect the greater leadtime needed to develop such passive systems. To provide uniform phasing, and allow time for development of passive protection in the angular-impact and rollover modes, the effective date for these requirements is also set at August 15, 1975. Thus, after August 15, 1975, each passenger car must meet the crash protection requirements at each seating position in all impact modes by means that require no action by vehicle occupants.

Petitions of manufacturers of multipurpose passenger vehicles and trucks with GVWR of 10,000 pounds or less stated that the trucking industry as a whole would need additional time to assimilate the experience of passenger car manufacturers, before passive systems could be properly installed on their vehicles. The Administration has determined that additional leadtime is required for these vehicles. The standard accordingly provides that the protection required for passenger cars in 1973 will be required for multipurpose passenger vehicles and trucks with a GVWR of 10,000 pounds or less on August 15, 1975. The protection required for passenger cars on August 15, 1975, will be required of these vehicles on August 15, 1977.

The notice of proposed rulemaking published on November 3, 1970, proposed to make the passive protection requirements applicable to open-body type vehicles. Review of the comments and the petitions for reconsideration leads to the conclusion that this type of vehicle, along with convertibles, walk-in van-type vehicles, motor homes, and chassis-mount campers cannot be satisfactorily equipped with a complete passive protection system. Accordingly, the standard provides that only the head-on passive protection system required for passenger cars in 1973 will be required for each of these types on August 15, 1977, and thereafter. It has been further determined that it may not be feasible to provide passive protection in some forward control vehicles, and such vehicles are therefore permitted the option of providing seat belt assemblies at all seating positions.

A number of petitions objected to the requirement for a minimum speed below which a crash-deployed system may not deploy. Upon consideration of the petitions, it has been determined that it is preferable to allow manufacturers freedom in the design of their protective systems at all speeds, and this requirement is hereby deleted from the standard.

The injury criteria specified in the November 3 amendment were the subject of numerous petitions. The basic objections to the head injury criteria were that the 70g–3-millisecond requirement was too conservative, with respect to both acceleration levels and time factors. Review of these objections and a reevaluation of the information available to the Administration leads to the conclusion that the head injury criteria can be more appropriately based on the severity index described in the Society of Automotive Engineers Information Report J885(a), June 1966. Accordingly, the standard adopts as the criterion for head injury a severity index of 1,000 calculated by the method in the SAE report.

The severity index is based on biomechanical data derived from head injury studies and does not adapt itself readily to chest-injury usage. Several petitions stated that the chest injury criteria were set at too low a level. In some respects, a higher "g-level" on the chest actually increases the protective capabilities of the system, if properly designed, since it more effectively utilizes the available space in which the occupant can "ride down" the crash impact—an especially important factor in higher-speed crashes. Therefore, in accordance with data currently available, a chest tolerance level of 60g, except for a cumulative period of 3 milliseconds, is hereby adopted.

No data was received to support the contention of several petitioners that the upper leg load was too conservative. The maximum force level of 1,400 pounds appears well founded and is retained.

Several petitions objected to the condition that vehicles be tested at their gross vehicle weight rating. Upon review of the appropriateness of this requirement for passenger cars and a review of loading patterns on trucks, it has been decided to alter the condition to specify that passenger cars are tested at a weight that represents their unloaded vehicle weight (recently defined in the FEDERAL REGISTER of Feb. 5, 1971, 36 F.R. 2511) plus the weight of rated cargo capacity and the specified number of test devices. Trucks are to be tested at a weight that approximates a half-loaded vehicle, with the load secured in the cargo area, plus the specified number of test devices.

The use of the anthropomorphic test device described in SAE J963 was objected to by several petitioners, on the grounds that further specifications are needed to ensure repeatability of test results. The Administration finds no sufficient reason to alter its conclusion that the SAE specification is the best available. The NHTSA is sponsoring further research and examining all available data, however, with a view to issuance of further specifications for these devices.

In response to other comments with respect to test conditions, the test devices' hand positions are adjusted to reduce apparent test variability. Also, the frequency filtration criteria of SAE Recommended Practice J211 have been substituted for the filtration criteria employed in the November 3 notice.

III. The notice of proposed rulemaking issued on November 3, 1970, dealt with several aspects of the occupant protection standard for which changes contemplated by the Administration, after review of the comments to the May 7 notice, were thought to require additional opportunity for comment. These aspects included a proposed deletion of the exemption from the rollover requirements previously proposed for open-body type vehicles, the raising of the low-velocity deployment requirement from 10 to 15 m.p.h., the establishment of requirements for the lateral component of head and chest acceleration, and the amendment of the test conditions for the lateral impact and rollover requirements.

Since the subject of low speed deployment and the question of exemptions were also the subjects of petitions for reconsideration under the November 3 rule, the disposition of these matters has been noted in the preceding section. For the reasons given therein, the low-velocity deployment requirement has been omitted, and the exemptions have been expanded to include forward control vehicles, convertibles, walk-in van-type trucks, motor homes, and chassis-mount campers. These type descriptions are in general use among manufacturers to describe vehicles sharing certain well-defined characteristics. Definitions of these types of vehicles may, as found necessary in the future, be added to § 571.3 *Definitions*.

Upon review of the comments and other information available to the Administration, it has been decided that the establishment of requirements for the lateral component of head and chest acceleration is not feasible at this time. However, it is anticipated that biomechanical studies will shortly provide data regarding lateral tolerances on which a requirement can be based and that rulemaking action will thereupon resume.

The conditions proposed for the lateral impact and rollover tests have been adopted as proposed without significant change. Comments on the lateral impact test revealed no significant support for a fixed barrier collision of the type proposed in the May 7 notice, although several recommended use of the moving barrier specified in SAE Recommended Practice J972 and others requested that the height of the barrier be lowered from 65 inches to 36–38 inches as specified in SAE J972. The decision to retain the test and barrier dimensions as proposed in the November 3 notice was made after a full review of the SAE procedures.

The test as adopted is considered to afford greater repeatability than the SAE procedure, which permits a much more complex interaction between the barrier and the impacted vehicle. The height of the barrier has been retained at 65 inches so that it will test the head impact protection afforded by the vehicle when struck by a surface extending to head height. Passenger compartment intrusion of the type that might result from use of a lower barrier is the subject of a separate rulemaking action on side door strength.

Some comments suggested that the wording of the proposed procedures, that the moving barrier undergo no deformation or nonlongitudinal movement, was unduly restrictive. The wording is not, however, intended to describe an actual test, but to establish the condition that the vehicle must be capable of meeting the stated requirements no matter how small the degree of deformation or nonlongitudinal movement of the barrier. This issue, in the case of the moving barrier, is thus analogous to that in the definition of "fixed collision barrier" (35 F.R. 11242, July 14, 1970). To more clearly reflect this position and the legal similarity of the two types of barriers, the word "significant" is added to the conditions relating to movement and deformation of the barrier.

Several comments stated that the rollover test would not produce repeatable results. Although refinements may be made in the procedure before the date on which rollover protection becomes mandatory, the Administration has determined that the test as adopted is more satisfactory than any other suggested thus far. The kinematics of a rollover type accident are such that variability in vehicle behavior may often be more visible than in other test procedures.

A number of other minor issues were raised by the petitions, and each has been carefully evaluated by the Administration. With respect to those objections and suggestions not specifically mentioned elsewhere in this notice, the petitions are hereby denied.

In light of the foregoing, Motor Vehicle Safety Standard No. 208 in § 571.21 of Title 49, Code of Federal Regulations, is amended to read as follows, with effective dates as specified in the text of the standard. This amendment is issued under the authority of sections 103, 108, 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1347, 1401, 1403, 1407, and the delegation of authority at 49 CFR 1.51.

Issued on March 3, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

§ 571.21 Federal Motor Vehicle Safety Standards.

* * * * *

MOTOR VEHICLE SAFETY STANDARD NO. 208

OCCUPANT CRASH PROTECTION

S1. *Scope.* This standard specifies performance requirements for the protection of vehicle occupants in crashes.

S2. *Purpose.* The purpose of this standard is to reduce the number of deaths of vehicle occupants, and the severity of injuries, by specifying vehicle crashworthiness requirements in terms of forces and accelerations measured on anthropomorphic dummies in test crashes, and by specifying equipment requirements for active and passive restraint systems.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *General requirements.*

S4.1 *Passenger cars.*

S4.1.1 *Passenger cars manufactured from January 1, 1972, to August 14, 1973.* Each passenger car manufactured from January 1, 1972, to August 14, 1973, inclusive, shall meet the requirements of S4.1.1.1, S4.1.1.2, or S4.1.1.3. A protection system that meets the requirements of S4.1.1.1 or S4.1.1.2 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.1.1.3.

S4.1.1.1 *First option—complete passive protection system.* The vehicle shall meet the crash protection requirements of S5 by means that require no action by vehicle occupants.

S4.1.1.2 *Second option—lap belt protection system with belt warning.* The vehicle shall—

(a) At each designated seating position, have a Type 1 seat belt assembly that conforms to Standard No. 209 and to S7.1 and S7.2 of this standard;

(b) At each front outboard designated seating position, have a seat belt warning system that conforms to S7.3; and

(c) Meet the frontal crash protection requirements of S5.1, in a perpendicular impact, with respect to anthropomorphic test devices in each front outboard designated seating position restrained only by Type 1 seat belt assemblies.

S4.1.1.3 *Third option—lap and shoulder belt protection system with belt warning.*

S4.1.1.3.1 Except for convertibles and open-body vehicles, the vehicle shall—

(a) At each front outboard designated seating position have a Type 2 seatbelt assembly that conforms to Standard No. 209 and S7.1 and S7.2 of this standard, with either an integral or detachable upper torso portion, and a seatbelt warning system that conforms to S7.3;

(b) At each designated seating position other than the front outboard positions, have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 and S7.2 of this standard; and

(c) When it perpendicularly impacts a fixed collision barrier, while moving longitudinally forward at any speed up to and including 30 m.p.h., under the test conditions of S8.1 with anthropomorphic test devices at each front outboard position restrained by Type 2 seatbelt assemblies, experience no complete separation of any load-bearing element of a seatbelt assembly or anchorage.

S4.1.1.3.2 Convertibles and open-body type vehicles shall at each designated seating position have a Type 1 or Type 2 seatbelt assembly that conforms to Standard No. 209 and to S7.1 and S7.2 of this standard, and at each front outboard designated seating position have a

seatbelt warning system that conforms to S7.3.

S4.1.2 *Passenger cars manufactured from August 15, 1973 to August 14, 1975.* Passenger cars manufactured from August 15, 1973, to August 14, 1975, inclusive, shall meet the requirements of S4.1.2.1 or S4.1.2.2. A protection system that meets the requirements of S4.1.2.1 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.1.2.2.

S4.1.2.1 *First option—complete passive protection system.* The vehicle shall meet the crash protection requirements of S5 by means that require no action by vehicle occupants.

S4.1.2.2 *Second option—head-on passive protection system.* The vehicle shall—

(a) At each designated seating position, have a Type 1 seatbelt assembly that conforms to Standard No. 209 and to S7.1 and S7.2 of this standard;

(b) At each front designated seating position, meet the frontal crash protection requirements of S5.1, in a perpendicular impact, by means that require no action by vehicle occupants;

(c) At each front designated seating position, meet the frontal crash protection requirements of S5.1, in a perpendicular impact, with a test device restrained by a Type 1 seatbelt assembly; and

(d) At each front outboard designated seating position, have a seatbelt warning system that conforms to S7.3.

S4.1.3 *Passenger cars manufactured on or after August 15, 1975.* Each passenger car manufactured on or after August 15, 1975, shall meet the occupant crash protection requirements of S5 by means that require no action by vehicle occupants.

S4.2 *Trucks and multipurpose passenger vehicles with GVWR of 10,000 pounds or less.*

S4.2.1 *Trucks and multipurpose passenger vehicles, with GVWR of 10,000 pounds or less, manufactured from January 1, 1972, to August 14, 1975.* Each truck and multipurpose passenger vehicle with a gross vehicle weight rating of 10,000 pounds or less, manufactured from January 1, 1972, to August 14, 1975, inclusive, shall meet the requirements of S4.2.1.1 or S4.2.1.2. A protection system that meets the requirements of S4.2.1.1 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.2.1.2.

S4.2.1.1 *First option—complete passive protection system.* The vehicle shall meet the crash protection requirements of S5 by means that require no action by vehicle occupants.

S4.2.1.2 *Second option—belt system.* The vehicle shall have seat belt assemblies that conform to Standard 209 installed as follows:

(a) A Type 1 or Type 2 seat belt assembly shall be installed for each designated seating position in convertibles, open-body type vehicles, and walk-in van-type trucks.

(b) In all vehicles except those for which requirements are specified in S4.2.1.2(a), a Type 2 seat belt assembly shall be installed for each outboard designated seating position that includes the windshield header within the head impact area, and a Type 1 or Type 2 seat belt assembly shall be installed for each other designated seating position.

S4.2.2 *Trucks and multipurpose passenger vehicles, with GVWR of 10,000 pounds or less, manufactured from August 15, 1975, to August 14, 1977.* Each truck and multipurpose passenger vehicle, with a gross vehicle weight rating of 10,000 pounds or less, manufactured from August 15, 1975, to August 14, 1977, inclusive, shall meet the requirements of S4.1.2 (as specified for passenger cars), except that forward control vehicles, convertibles, open-body type vehicles, walk-in van-type trucks, motor homes, and vehicles carrying chassis-mount campers may instead meet the requirements of S4.2.1.2.

S4.2.3 *Trucks and multipurpose passenger vehicles, with GVWR of 10,000 pounds or less, manufactured on or after August 15, 1977.* Each truck and multipurpose passenger vehicle, with a gross vehicle weight rating of 10,000 pounds or less, manufactured on or after August 15, 1977, shall meet the occupant crash protection requirements of S5 by means that require no action by vehicle occupants, except that forward control vehicles may instead meet the requirements of S4.2.1.2, and convertibles, open-body vehicles, walk-in van-type trucks, motor homes, and vehicles carrying chassis-mount campers may instead meet the requirements of S4.1.2.2.

S4.3 *Trucks and multipurpose passenger vehicles, with GVWR of more than 10,000 pounds.* Each truck and multipurpose passenger vehicle, with a gross vehicle weight rating of more than 10,000 pounds, manufactured on or after January 1, 1972, shall meet the requirements of S4.3.1 or S4.3.2. A protection system that meets the requirements of S4.3.1 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.3.2.

S4.3.1 *First option—complete passive protection system.* The vehicle shall meet the crash protecton requirements of S5 by means that require no action by vehicle occupants.

S4.3.2 *Second option—belt system.* The vehicle shall, at each designated seating position, have either a Type 1 or a Type 2 seat belt assembly that conforms to Standard No. 209,

S4.4 *Buses.* Each bus manufactured on or after January 1, 1972, shall meet the requirements of S4.4.1 or S4.4.2.

S4.4.1 *First option—complete passive protection system—driver only.* The vehicle shall meet the crash protection requirements of S5, with respect to an anthropomorphic test device in the driver's designated seating position, by means that require no action by vehicle occupants.

S4.4.2 *Second option—belt system—driver only.* The vehicle shall, at the driver's designated seating position, have either a Type 1 or a Type 2 seatbelt assembly that conforms to Standard No. 209.

S4.5 *Other general requirements.*

S4.5.1. *Labeling and driver's manual information.* Each vehicle shall have a label setting forth the manufacturer's recommended schedule, specified by month and year, for the maintenance or replacement, necessary to retain the performance required by this standard, of any crash-deployed occupant protection system. The label shall be permanently affixed to the vehicle within the passenger compartment and lettered in English in block capitals and numerals not less than three thirty-seconds of an inch high. Instructions concerning maintenance or replacement of the system and a description of the functional operation of the system shall be provided with each vehicle, with an appropriate reference on the label. If a vehicle owner's manual is provided, this information shall be included in the manual.

S4.5.2 *Readiness indicator.* An occupant protection system that deploys in the event of a crash shall have a monitoring system with a readiness indicator. The system components monitored shall include all electrical circuits and compressed gases, if present. The indicator shall monitor its own readiness and shall be clearly visible from the driver's designated seating position. A list of the elements of the system being monitored by the indicator shall be included with the information furnished in accordance with S4.5.1, but need not be included on the label.

S5. *Occupant crash protection requirements.*

S5.1 *Frontal barrier crash.* When the vehicle, traveling longitudinally forward at any speed up to and including 30 m.p.h., impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, under the applicable conditions of S8, with anthropomorphic test devices at each designated seating position, it shall meet the injury criteria of S6.

S5.2 *Lateral moving barrier crash.* When the vehicle is impacted laterally on either side by a barrier moving at 20 m.p.h., with test devices at the outboard designated seating positions adjacent to the impacted side, under the applicable conditions of S8, it shall meet the injury criteria of S6.

S5.3 *Rollover.* When the vehicle is subjected to a rollover test in either lateral direction at 30 m.p.h. with test devices in the outboard designated seating positions on its lower side as mounted on the test platform, under the applicable conditions of S8, it shall meet the injury criteria of S6.1.

S.6 *Injury criteria.*

S6.1 All portions of the test device shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test.

S6.2 The resultant acceleration at the center of gravity of the head shall not exceed a severity index of 1,000, calculated by the method described in SAE Information Report J885a, October 1966.

S6.3 The resultant accleration at the center of gravity of the upper thorax shall not exceed 60g, except for intervals whose cumulative duration is not more than 3 milliseconds.

S6.4 The force transmitted axially through each upper leg shall not exceed 1,400 pounds.

S7. *Seat belt assembly requirements—passenger cars.*

S7.1 *Adjustment.*

S7.1.1 Except as specified in S7.1.1.1, S7.1.1.2, and S7.1.1.3, any seat belt assembly furnished in accordance with S4.1.1. or S4.1.2 shall adjust to fit persons whose dimensions range from those of a 50th-percentile 6-year-old child to those of a 95th-percentile adult male, with the seat in any position and the seat back in the manufacturer's nominal design riding position, and shall adjust by means of an emergency-locking retractor or an automatic-locking retractor that conforms to Standard No. 209.

S7.1.1.1 A seat belt assembly installed at the driver's seating position shall adjust to fit persons whose dimensions range from those of a 5th-percentile adult female to those of a 95th-percentile adult male.

S7.1.1.2 A seat belt assembly installed at any designated seating position other than the outboard positions shall adjust either by a retractor as specified in S7.1.1 or by a manual adjusting device that conforms to Standard No. 209.

S7.1.1.3 The upper torso portion of a seat belt assembly shall adjust either by an emergency-locking retractor as specified in S7.1.1 or by a manual adjusting device that conforms to Standard No. 209.

S7.1.2 The intersection of the upper torso belt with the lap belt in any Type 2 seatbelt assembly furnished in accordance with S4.1.1 or S4.1.2, adjusted in accordance with the manufacturer's instructions, shall be at least 6 inches from the front vertical centerline of a 50th-percentile adult male occupant, measured along the centerline of the lap belt, with the seat in its rearmost and lowest adjustable position and with the seat back in the manufacturer's nominal design riding position.

S7.1.3 The weights and dimensions of the vehicle occupants specified in this standard are as follows:

	50th-percentile 6-year old child	5th-percentile adult female	50th-percentile adult male	95th-percentile adult male
Weight	47.3 pounds	102 pounds	164 pounds	215 pounds.
Erect sitting height	25.4 inches	30.9 inches	35.7 inches	38 inches.
Hip breadth (sitting)	8.4 inches	12.8 inches	14.5 inches	16.4 inches.
Hip circumference (sitting)	23.9 inches	36.4 inches	42 inches	47.2 inches.
Waist circumference (sitting)	20.8 inches	23.6 inches	33 inches	42.5 inches.
Chest depth		7.5 inches	9 inches	10.5 inches.
Chest circumference:				
(nipple)		30.5 inches	37.7 inches	44.5 inches.
(upper)		29.8 inches		
(lower)		26.8 inches		

S7.2 *Latch mechanism.* A seat belt assembly installed in a passenger car shall have a latch mechanism—

(a) Whose components are accessible to a seated occupant in both the stowed and operational positions;

(b) That releases both the upper torso restraint and the lap belt simultaneously, if the assembly has an upper torso restraint that requires unlatching for release of the occupant; and

(c) That releases at a single point by a pushbutton action.

S7.3 *Seat belt warning system.*

S7.3.1 Seat belt assemblies provided at the front outboard seating positions in accordance with S4.1.1 or S4.1.2 shall have a warning system that activates a continuous or intermittent audible signal and a continuous or flashing warning light, visible to the driver, displaying the words "Fasten seat belts" when and only when condition (a), and either of conditions (b) or (c), exist simultaneously:

(a) The vehicle ignition switch is in the "on" position and the transmission gear selector is in any forward or reverse position.

(b) The pelvic restraint portion of the driver's seat belt assembly is not extended at least to the degree necessary to fit a 5th-percentile adult female, when the seat is in the rearmost and lowest adjustment position.

(c) A person of at least the weight of a 50th-percentile 6-year-old child is seated in the right front designated seating position and the pelvic restraint portion of the seat belt assembly for that position is not extended at least to the degree necessary to fit such a person, when the seat is in the rearmost and lowest adjustment position.

S8. *Test conditions.*

S8.1 *General conditions.* The following conditions apply to the frontal, lateral, and rollover tests.

S8.1.1 The vehicle, including test devices and instrumentation, is loaded as follows:

(a) *Passenger cars.* A passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the weight of the necessary anthropomorphic test devices.

(b) *Multipurpose passenger vehicles, trucks, and buses.* A multipurpose passenger vehicle, truck, or bus is loaded to its unloaded vehicle weight plus 50 percent of the difference between its unloaded vehicle weight and its gross vehicle weight rating, secured in the load carrying area and distributed as nearly as possible in proportion to its gross axle weight ratings, plus the weight of the necessary anthropomorphic test devices.

S8.1.2 Adjustable seats are in the adjustment position midway between the forwardmost and rearmost positions, and if separately adjustable in a vertical direction, are at the lowest position.

S8.1.3 Adjustable seat backs are in the manufacturer's nominal design riding position.

S8.1.4 Adjustable steering controls are adjusted so that the steering wheel hub is at the geometric center of the locus it describes when it is moved through its full range of driving positions.

S8.1.5 Movable vehicle windows and vents are in the fully closed position.

S8.1.6 Convertibles and open-body type vehicles have the top, if any, in place in the closed passenger compartment configuration.

S8.1.7 Doors are fully closed and latched but not locked.

S8.1.8 Anthropomorphic test devices conform to the requirements of SAE Recommended Practice J963, June 1968, and have a pelvic structure that conforms to Figure 1. The weights, dimensions and centers of gravity specified in SAE J963 for the test device segments are determined with all instrumentation in place.

S8.1.9 Each test device is clothed in form-fitting cotton stretch garments.

S8.1.10 Limb joints are set at 1g, barely restraining the weight of the limb when extended horizontally. Leg joints are adjusted with the torso in the supine position. Articulated head, neck, and torso joints do not move at a horizontal acceleration load of 1g, in the test position, but move at a horizontal acceleration load of 2g.

S8.1.11 Each test device is firmly placed in a designated seating position in the following manner.

(a) The head is aligned by placing the test device on its back on a rigid, level surface and by adjusting the head so that it touches the level surface and is laterally centered with respect to the device's axis of symmetry.

(b) The test device is placed in the vehicle in the normal upright sitting posture, and a rigid roller, 6 inches in diameter and 24 inches long, is placed transversely as low as possible against the front of the torso.

(c) The roller is pressed horizontally against the torso with a force of 50 pounds.

(d) Force is applied at the shoulder level to bend the torso forward over the roller, flexing the lower back, and to return the test device to the upright sitting posture.

(e) The roller is slowly released.

S8.1.12 Except as otherwise herein specified, the test devices are not restrained during impacts by any means that require occupant action.

S8.1.13 The hands of the test device in the driver's designated seating position are on the steering wheel rim at the horizontal centerline. The right foot is at 90° to the tibia and rests on the brake pedal with the longitudinal axis of the tibia directed at the geometric center of the brake pedal pad. The left leg is placed as in S8.1.14.

S8.1.14 The hands of each other test device are resting on the seat with the palms touching the legs, and the upper arms are resting against the seat back and flush with the body. Where possible, the legs are outstretched, with the thighs on the seat and the heels touching the floor with the foot at 90° to the tibia. Otherwise, the tibia are vertical with the feet resting on the floor. The left leg of

a test device in the center front designated seating position is on the vehicle centerline, and the right leg is in the right footwell. The left and right legs of a test device in the center rear designated seating position are in the left and right footwells, respectively.

S8.1.15 *L* load sensing device is installed in each upper leg, 4.25 inches from the knee's axis of rotation, so that all force transmitted from the knee to the upper leg is measured.

S8.1.16 Acceleration sensing devices are installed in each test device to measure orthogonal accelerations at the centers of gravity of the head and upper thorax.

S8.1.17 The output of acceleration and load sensing devices is recorded in individual data channels that conform to the requirements of SAE Recommended Practice J211, October 1970, with channel classes as follows:

(a) Head acceleration—1,000 Hz.

(b) Upper thorax acceleration—180 Hz.

(c) Upper leg force—600 Hz.

S8.1.18 The sensing devices are rigidly attached to the test devices by mountings that have no resonance frequency within the frequency-range of the specified channel class.

S8.1.19 Instrumentation does not affect the motion of test devices during impact or rollover.

S8.2 *Lateral moving barrier crash test conditions.* The following conditions apply to the lateral moving barrier crash test.

S8.2.1 The moving barrier, including the impact surface, supporting structure, and carriage, weighs 4,000 pounds.

S8.2.2 The impact surface of the barrier is a vertical, rigid, flat rectangle, 78 inches wide and 60 inches high, perpendicular to its direction of movement, with its lower edge horizontal and 5 inches above the ground surface.

S8.2.3 During the entire impact sequence the barrier undergoes no significant amount of dynamic or static deformation, and absorbs no significant portion of the energy resulting from the impact, except for energy that results in translational rebound movement of the barrier.

S8.2.4 During the entire impact sequence the barrier is guided so that it travels in a straight line, with no significant lateral, vertical or rotational movement.

S8.2.5 The concrete surface upon which the vehicle is tested is level, rigid and of uniform construction, with a skid number of 75 when measured in accordance with American Society for Testing and Materials Method E–274–65T at 40 m.p.h., omitting water delivery as specified in paragraph 7.1 of that method.

S8.2.6 The tested vehicle's brakes are disengaged and the transmission is in neutral.

S8.2.7 The barrier and the test vehicle are positioned so that at impact—

(a) The vehicle is at rest in its normal attitude;

(b) The barrier is traveling in a direction perpendicular to the longitudinal axis of the vehicle at 20 m.p.h.; and

(c) A vertical plane through the geometric center of the barrier impact surface and perpendicular to that surface passes through the driver's seating reference point in the tested vehicle.

S8.3 *Rollover test conditions.* The following conditions apply to the rollover test.

S8.3.1 The tested vehicle's brakes are disengaged and the transmission is in neutral.

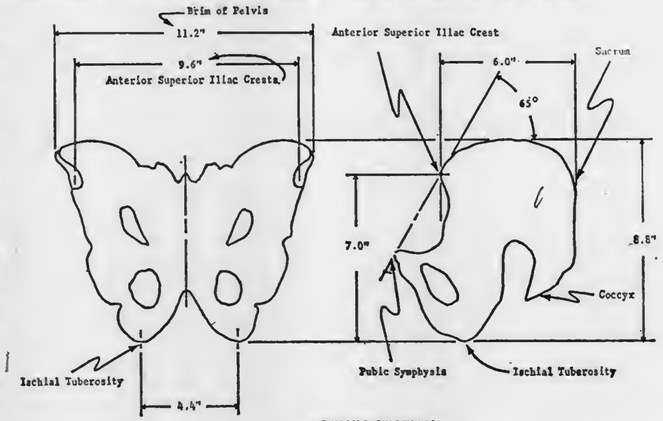
S8.3.2 The concrete surface on which the test is conducted is level, rigid, of uniform construction, and of a sufficient size that the vehicle remains on it throughout the entire rollover cycle. It has a skid number of 75 when measured in accordance with American Society of Testing and Materials Method E–274–65T at 40 m.p.h. omitting water delivery as specified in paragraph 7.1 of that method.

S8.3.3 The vehicle is placed on a device, similar to that illustrated in Figure 2, having a platform in the form of a flat, rigid plane at an angle of 23° from the horizontal. At the lower edge of the platform is an unyielding flange, perpendicular to the platform with a height of 4 inches and a length sufficient to hold in place the tires that rest against it. The intersection of the inner face of the flange with the upper face of the platform is 9 inches above the rollover surface. No other restraints are used to hold the vehicle in position during the deceleration of the platform and the departure of the platform and the departure of the vehicle.

S8.3.4 With the vehicle on the test platform, the test devices remain as nearly as possible in the posture specified in S8.1.

S8.3.5 Before the deceleration pulse, the platform is moving horizontally, and perpendicularly to the longitudinal axis of the vehicle, at a constant speed of 30 m.p.h. for a sufficient period of time for the vehicle to become motionless relative to the platform.

S8.3.6 The platform is decelerated from 30 to 0 m.p.h. in a distance of not more than 3 feet, without change of direction and without transverse or rotational movement during the deceleration of the platform and the departure of the vehicle. The deceleration rate is at least 20g for a minimum of 0.04 seconds.



PELVIC SECTION

50TH PERCENTILE MALE ANTHROPOMORPHIC TEST DEVICE

FIGURE I

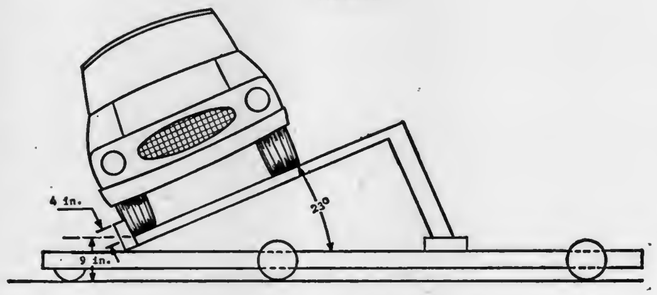


FIGURE 2 - TYPICAL DEVICE FOR ROLLOVER TEST

[FR Doc.71-3258 Filed 3-9-71;8:45 am]

[Docket No. 69–23; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assemblies in Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

This notice amends Federal Motor Vehicle Safety Standard No. 209 in § 571.21 of Title 49 of the Code of Federal Regulations, to upgrade the requirements for seatbelt assemblies for use in passenger cars, multipurpose passenger vehicles, trucks, and buses. As amended, the standard is both an equipment and a vehicle standard. The equipment aspect applies to a seatbelt assembly manufactured on or after the effective date. The vehicle aspect applies to an assembly installed in a vehicle manufactured on or after the effective date, regardless of when the assembly was manufactured.

During the period since the original issuance of Standard No. 209, laboratory tests and experience with actual seatbelt usage have disclosed areas where improvements in performance requirements are necessary. Consequently, a notice of proposed amendments to the standard was published on March 17, 1970 (35 F.R. 4641) to upgrade the performance requirements for seatbelt assemblies. Interested persons were given an opportunity to comment on the contents of the proposed rule. These comments, and other available data, have been carefully considered in the development of these amendments.

Paragraph (S4.1(f)) of the standard is amended to make it clear that a manufacturer may use bolts other than the specified bolts if the substituted bolts are equivalent.

The standard formerly required a Type 1 or Type 2 seatbelt assembly to be adjustable to fit an occupant with the weight and dimensions of a 95th-percentile adult male. To insure that belt assemblies can be adjusted to fit the range of occupants who may use them, paragraph S4.1(g) is amended to require each Type 1 or Type 2 seatbelt assembly to be adjustable to fit occupants whose weight and dimensions range from those of a 5th-percentile adult female to those of a 95th-percentile adult male. A belt assembly installed for an adjustable seat must conform to the requirements regardless of seat position. Several comments noted that no dimensions were specified in the notice for the various occupants which a belt assembly must fit. To remedy the problem, the standard provides a table of weights and dimensions for 5th-percentile adult females and 95th-percentile adult males.

In the notice, it was proposed to reduce the force required to release seat belt buckles from 30 to 22.5 pounds and to require that the release force for pushbutton-type buckles be applied no closer than 0.125 inch from the edge of the pushbutton access opening. In light of comments received, and other available information, the value of 30 pounds has been retained. The procedure for testing the buckle release force of a pushbutton-type buckle has been amended as proposed, however, to insure that the release force will not be applied so close to the edge of the access opening that the button might tilt in a manner unrepresentative of actual use conditions and thereby exaggerate the release force.

The buckle crush release requirements are amended to extend the standard's crush release requirements to all Type 1 and Type 2 seatbelt buckles, and to require application of the test load to areas of a buckle other than directly over the center of the release mechanism. Experience has indicated that non-push-button buckle release mechanisms are also subject to impairment when compressed, and occupants using such buckles are therefore provided equivalent protection by the extension of the buckle crush release requirements. In laboratory tests on pushbutton-type buckles, buckle release or malfunction occurred when a compressive force as low as 275 pounds was applied to a surface area other than the area directly over the pushbutton. The amended test will tend to eliminate buckle designs that are prone to accidental damage, or that release during the initial phase of the accident.

The notice proposed a new buckle latch test procedure in which a specified tensile load was to be applied at 30° to the buckle. In the light of comments received and other information that has become available indicating that the requirement was not justified, the procedure has not been adopted.

In response to comments that the acceleration levels proposed in the notice were too high, the acceleration level above which an emergency-locking retractor must lock has been reduced from 2g, as proposed, to 0.7g, and the acceleration level below which the retractor must not lock has been reduced from 1g to 0.3g. For reasons of occupant convenience, the notice proposed that the required upper limit on acceleration had to be met only when the webbing was extended to the length necessary to fit a 5th-percentile adult female. Upon review it has been determined that the proposed free travel distance could make a belt unsafe for use by a child, and, further, that an adequate measure of convenience is provided by the requirement that a belt not lock at accelerations of less than 0.3g. Accordingly, the standard does not limit the belt withdrawal range within which the acceleration levels must be met. For similar reasons, the retraction force requirements are required to be met regardless of the amount of belt withdrawal.

As stated in the notice, the hex-bar abrasion test does not adequately simulate the type of webbing abrasion caused by some buckles. The standard as amended retains the hex-bar test, but supplements it with an additional abrasion requirement, under which webbing is required to retain at least 75 percent of its breaking strength after being repeatedly passed through the assembly buckle or manual adjustment device.

Effective date: September 1, 1971.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 209 in § 571.21 of Title 49, Code of Federal Regulations, is amended as set forth below. This amendment is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1401, 1407 and the delegation of authority at 49 CFR 1.51.

Issued on March 3, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

I. Paragraph S2. is revised as follows:

S2. *Application.*

This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses and to seat belt assemblies for use in those types of vehicles.

II. Subparagraphs (f) and (g) of paragraph S4.1 are revised as follows:

(f) *Attachment hardware.* A seat belt assembly shall include all hardware necessary for installation in a motor vehicle in accordance with SAE Recommended Practice J800B, Motor Vehicle Seat Belt Installations, September 1965. However, seat belt assemblies designed for installation in motor vehicles equipped with seat belt assembly anchorages that conform to Federal Motor Vehicle Safety Standard No. 210 and that do not require anchorage nuts, plates, or washers, need not have such hardware, but shall have 7/16 –20 UNF—2A or ½–13 UNC—2A attachment bolts or equivalent hardware. The hardware shall be designed to prevent attachment bolts and other parts from becoming disengaged from the vehicle while in service. Reinforcing plates or washers furnished for universal floor installations shall be of steel, free from burrs and sharp edges on the peripheral edges adjacent to the vehicle, at least 0.6 inch in thickness and at least 4 square inches in projected area. The distance between any edge of the plate and the edge of the bolt hole shall be at least 0.6 inch. Any corner shall be rounded to a radius of not less than 0.25 inch or cut so that no corner angle is less than 135° and no side is less than 0.25 inch in length.

(g) *Adjustment.* (1) A Type 1 or Type 2 seat belt assembly shall be capable of adjustment to fit occupants whose dimensions and weight range from those of a 5th-percentile adult female to those of a 95th-percentile adult male. The seat belt assembly shall have either an automatic-locking retractor, an emergency-locking retractor, or an adjusting device that is within the reach of the occupant. A Type 3 seat belt assembly shall be capable of adjustment to fit any child capable of sitting upright and weighing not more than 50 pounds, unless it is specifically labeled for use on a child in a smaller weight range.

(2) A Type 1 or Type 2 seat belt assembly for use in a vehicle having seats that are adjustable shall conform to the requirements of S4.1(g)(1) regardless of seat position. However, if a seat has a back that is separately adjustable, the requirements of S4.1(g)(1) need be met only with the seat back in the manufacturer's nominal design riding position.

(3) The adult occupants referred to in S4.1(g)(1) shall have the following measurements:

	5th-percentile adult female	95th-percentile adult male
Weight	102 pounds	215 pounds.
Erect sitting height	30.9 inches	38 inches.
Hip breadth (sitting)	12.8 inches	16.4 inches.
Hip circumference (sitting)	36.4 inches	47.2 inches.
Waist circumference (sitting)	23.6 inches	42.5 inches.
Chest depth	7.5 inches	10.5 inches.
Chest circumference: (nipple)	30.5 inches	44.5 inches.
(upper)	29.8 inches	
(lower)	26.6 inches	

III. Subparagraph (d) and (j) of paragraph S4.3 are revised as follows:

(d) *Buckle release.* • • •

(3) The buckle of a Type 1 or Type 2 seat belt assembly shall not release under a compressive force of 400 pounds applied as prescribed in paragraph S5.2(d)(3). The buckle shall be operable and shall meet the applicable requirements of paragraph S4.4 after the compressive force has been removed.

• • • • •

(j) *Emergency-locking retractor.* An emergency-locking retractor of a Type 1 or Type 2 seat belt assembly, when tested in accordance with the procedures specified in paragraph S5.2(j)—

(i) Shall lock before the webbing extends 1 inch when the retractor is subjected to an acceleration of 0.7g;

(ii) Shall not lock when the retractor is subjected to an acceleration of 0.3g or less.

(iii) Shall exert a retractive force of at least 1.5 pounds under zero acceleration when attached to a pelvic restraint; and

(iv) Shall exert a retractive force of not less than 0.45 pound and not more than 1.1 pounds under zero acceleration upon any strap or webbing that contacts the shoulder when the retractor is attached to an upper torso restraint.

IV. Paragraph S4.2(d) is revised to read as follows:

(d) *Resistance to abrasion.* The webbing of a seatbelt assembly, after being subjected to abrasion as specified in either S5.1(d) or S5.3(d), shall have a breaking strength of not less than 75 percent of the breaking strength listed in S4.2(b) for that type of belt assembly.

V. Subsections (1) and (3) of subparagraph (d) and subparagraph (j) of paragraph S5.2 are revised as follows:

(d) *Buckle release.* (1) Three seatbelt assemblies shall be tested to determine compliance with the maximum buckle release force requirements, following the assembly test in S5.3. After subjection to the force applicable for the assembly being tested, the force shall be reduced and maintained at 150 pounds on the assembly loop of a Type 1 seatbelt assembly, 75 pounds on the components of a Type 2 seatbelt assembly, or 45 pounds on a Type 3 seatbelt assembly. The buckle release force shall be measured by applying a force on the buckle in a manner and direction typical of those which would be employed by a seatbelt occupant. For pushbutton-release buckles, the force shall be applied at least 0.125 inch from the edge of the pushbutton access opening of the buckle in a direction that produces maximum releasing effect. For lever-release buckles, the force shall be applied on the centerline of the buckle level or finger tab in a direction that produces maximum releasing effect.

• • • • •

(3) The buckle of a Type 1 or Type 2 seatbelt assembly shall be subjected to a compressive force of 400 pounds applied anywhere on a test line that is coincident with the centerline of the belt extended through the buckle or on any line that extends over the center of the release mechanism and intersects the extended centerline of the belt at an angle of 60°. The load shall be applied by using a curved cylindrical bar having a cross section diameter of 0.75 inch and a radius of curvature of 6 inches, placed with its longitudinal centerline along the test line and its center directly above the point on the buckle to which the load will be applied. The buckle shall be latched, and a tensile force of 75 pounds shall be applied to the connected webbing during the application of the compressive force. Buckles from three seatbelt assemblies shall be tested to determine compliance with paragraph S4.3(d)(3).

• • • • •

(j) *Emergency-locking retractor.* A retractor shall be tested in a manner that permits the retraction force to be determined exclusive of the gravitational forces on hardware or webbing being retracted. The webbing shall be fully extended from the retractor, passing over or through any hardware or other material specified in the installation instructions. While the webbing is being retracted, the lowest force of retraction within plus or minus 6 inches of 75 percent extension shall be determined. The retractor shall be subjected to an acceleration of 0.3g within a period of 50 milliseconds while the webbing is a 75 percent extension, to determine compliance with S4.3(j)(1(ii). The retractor shall be subjected to an acceleration of 0.7g within a period of 50 milliseconds, while the webbing is a 75 percent extension, and the webbing movement before locking shall be measured under the following conditions: For a retractor sensitive to webbing withdrawal, the retractor shall be accelerated in the direction of webbing retraction while the retractor drum's central axis is oriented horizontally and at angles of 45°, 90°, 135°, and 180° to the horizontal plane. For a retractor sensitive to vehicle acceleration, the retractor shall be accelerated in three directions normal to each other while the retractor drum's central axis is oriented horizontally and at angles of 45°, 90°, 135°, and 180° to the horizontal plane.

VI. Paragraph S5.3 is revised by adding the following new subparagraph:

(d) *Resistance to buckle abrasion.* Seatbelt assemblies shall be tested for resistance to abrasion by each buckle or manual adjusting device normally used to adjust the size of the assembly. The webbing of the assembly to be used in this test shall be exposed for 4 hours to an atmosphere having relative humidity of 65 percent and temperature of 70° F. The webbing shall be pulled back and forth through the buckle or manual adjusting device as shown schematically in Figure 9. The anchor end of the webbing (A) shall be attached to a weight (B) of 3 pounds. The webbing shall pass through the buckle (C), and the other end (D) shall be attached to a reciprocating device so that the webbing forms an angle of [illegible] with the hinge stop (E). The reciprocating device shall be operated for 2,5[illegible] cycles at a rate of 18 cycles per minute with a stroke length of inches. The abraded webbing shall be tested for breaking strength by the procedure described in paragraph S5.1(b).

VII. The following new Figure 9 is added at the end of the standard.

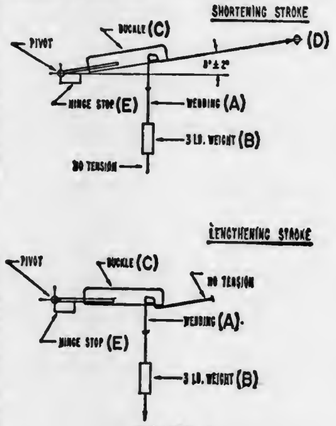


FIGURE 9

[FR Doc.71-3257 Filed 3-9-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Muscatatuck National Wildlife Refuge, Ind.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3-10-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

INDIANA

MUSCATATUCK NATIONAL WILDLIFE REFUGE

Sport fishing on the Muscatatuck National Wildlife Refuge, Seymour, Ind., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 160 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, MN 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from April 15, 1971, to October 1, 1971, daylight hours only.

(2) Winter fishing through the ice will be permitted on designated areas when it has been determined to be safe and announced by the Refuge Manager.

(3) The use of boats is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through October 1, 1971.

CHARLES E. SCHEFFE,
Refuge Manager, Muscatatuck National Wildlife Refuge, Seymour, Ind.

FEBRUARY 22, 1971.

[FR Doc.71-3299 Filed 3-9-71;8:46 am]

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

PART 260—INSPECTION AND CERTIFICATION

Changes in Approved Identification

MARCH 2, 1971.

In the interest of time, this amendment revises only those provisions relating to approved identification contained in Part 260—Inspection and Certification, of Subchapter G—Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products.

This revision is necessary in order to reflect the transfer of fishery standards development and inspection functions, performed under the authority of title II of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), from the Department of the Interior to the Department of Commerce. This transfer was effected by Reorganization Plan No. 4 of 1970 (35 F.R. 15627), which, among other things, abolished the Bureau of Commercial Fisheries in the Department of the Interior, and transferred its functions, including the fishery inspection function dealt with in these regulations, to the Department of Commerce.

Further revisions of other provisions of these regulations will be forthcoming shortly, reflecting the transfer of functions outlined above. However, in recognition of the necessity to provide effective and uninterrupted services to the fish processing industry and to the public, it was determined to proceed immediately with the revision of the approved identification provision. For these reasons and in light of the fact that the changes are technical in nature, notice and public procedure thereon are impracticable, unnecessary, and would be contrary to the public interest.

The amendments are as follows: Section 260.86 is hereby revised (including a new paragraph (f)) to read as follows:

§ 260.86 **Approved identification.**

(a) Grade marks: The approved grade mark or identification may be used on containers, labels, or otherwise indicated for any processed product that (1) has been packed under inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such grade, quality or classification. The grade marks approved for use shall be similar in form and design to the examples of Figures 1 to 5 of this section.

Shield using red, white, and blue background or other colors appropriate for label.

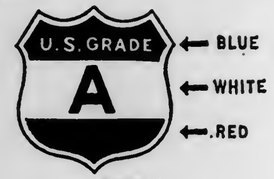


FIGURE 1.

Shield with plain background.



FIGURE 2.

U.S. GRADE A

FIGURE 3.



FIGURE 4.

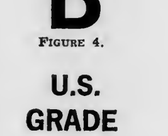


FIGURE 5.

(b) Inspection marks: The approved inspection marks may be used on containers, labels, or otherwise indicated for any processed product that (1) has been packed under inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such quality or grade classification as may be approved by the Secretary. The inspection marks approved for use shall be similar in form and design to the examples in Figures 6, 7, and 8 of this section.

Statement enclosed within a circle.



FIGURE 6.

Statement without the use of the circle.

PACKED UNDER
FEDERAL
INSPECTION
U.S. DEPARTMENT
OF COMMERCE

FIGURE 7.

Statement without the use of the circle.

PACKED BY

UNDER FEDERAL INSPECTION
U.S. DEPT. OF COMMERCE

FIGURE 8.

(c) Combined grade and inspection marks: The grade marks set forth in paragraph (a) of this section, and the inspection marks, Figures 7 and 8, set forth in paragraph (b) of this section, may be combined into a consolidated grade and inspection mark for use on processed products that have been packed under inspection as provided in this part.

(d) Products not eligible for approved identification: Processed products which have not been packed under inspection as provided in this part shall not be identified by approved grade or inspection

marks, but such products may be inspected on a lot inspection basis as provided in this part and identified by an authorized representative of the Department by stamping the shipping cases and inspection certificate(s) covering such lot(s) as appropriate, with marks similar in form and design to the examples in Figures 9 and 10 of this section.



FIGURE 9.



FIGURE 10.

(e) Removal of labels bearing inspection marks: At the time a lot of fishery products is found to be mislabeled and the labels on the packages are not removed within ten (10) consecutive calendar days, the following procedure shall be applicable:

(1) The processor, under the supervision of the inspector, shall clearly and conspicuously mark all master cases in the lot by means of a "rejected by USDC Inspector" stamp provided by the Department.

(2) The processor shall be held accountable to the Department for all mislabeled products until the products are properly labeled.

(3) Clearance for the release of the relabeled products shall be obtained by the processor from the inspector.

(f) Users of inspection services having an inventory of labels which bear official approved identification marks stating "U.S. Department of the Interior" or otherwise referencing the Interior Department, will be permitted to use such marks until December 31, 1971, except that upon written request the Director, National Marine Fisheries Service, may extend such period for the use of specific labels.

This amendment shall be effective upon publication in the FEDERAL REGISTER (3-10-71), due to a need to provide effective and uninterrupted service in the use of approved identification.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

[FR Doc.71-3146 Filed 3-9-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

PHOENIX, ARIZ.

Proposed Designation as Customs Port of Entry

MARCH 4, 1971.

In order to provide better Customs service in the Nogales, Ariz., Customs district, it is considered desirable to designate Phoenix, Ariz., as a port of entry. Therefore, notice is hereby given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), it is proposed to designate Phoenix, Ariz., as a Customs port of entry in the Nogales, Ariz., Customs district (Region VII).

Data, views, or arguments with respect to the proposed designation of the above-described Customs port of entry may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3340 Filed 3-9-71;8:49 am]

Internal Revenue Service

[26 CFR Parts 201, 252]

DISTILLED SPIRITS PLANTS AND EXPORTATION OF LIQUORS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco and Firearms Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commisisoner of Internal Revenue.

In order (1) to implement Public Law 91-659, as it amended the Internal Revenue Code with respect to: (a) Destruction of distilled spirits; (b) losses of distilled spirits; (c) transfer of domestic distilled spirits, without payment of tax or with benefit of drawback, to customs warehouses; (d) involuntary liens; (e) bottling of distilled spirits in bond; and (f) return of tax-determined spirits to bonded premises; (2) to incorporate in the regulations, with a minor change, the provisions of a revenue ruling concerning procedures for the establishment of standard export drawback rates; and (3) to make conforming, editorial, and clarifying changes, the regulations in 26 CFR Parts 201 and 252, are amended as follows:

PARAGRAPH A. 26 CFR Part 201 is amended as follows:

1. Section 201.11 is amended by inserting, in alphabetical order, a definition of "Bottling-in-bond" and by making a clarifying change in the definition of "Bottling-in-bond facilities". The new and amended definitions of § 201.11 read as follows:

§ 201.11 Meaning of terms.

* * * * *

Bottling in bond. When used in Subpart K of this part, the bottling of distilled spirits under section 5233, I.R.C., prior to determination of tax. When used in Subpart Na of this part, the bottling of distilled spirits in accordance with the conditions and requirements of section 5233, I.R.C., and under the supervision provided for in section 5202(g), I.R.C., but after determination of tax. When used elsewhere in this part, either act of bottling defined herein, unless otherwise specifically provided.

Bottling-in-bond facilities. The part of the bonded premises in which spirits are bottled in bond under section 5233, I.R.C., prior to tax determination.

* * * * *

2. Paragraph (a) of § 201.25 is amended by deleting the last sentence, and paragraph (c) is amended to provide for the withdrawal of distilled spirits to a customs bonded warehouse without payment of tax. As amended, paragraphs (a) and (c) of § 201.25 read as follows:

§ 201.25 Persons liable for tax.

(a) *Distilling.* Section 5005, I.R.C., provides that the distiller of spirits is liable for the tax thereon and that every proprietor or possessor of, and any person in any manner interested in the use of, any still, distilling apparatus, or distillery, shall be jointly and severally liable for the tax on distilled spirits produced therefrom: *Provided*, That a person, not an officer or director of a corporate proprietor, owning or having the right of control of not more than 10 percent of any class of stock of such proprietor, is not liable by reason of such stock ownership or control: *Provided further*, That (1) when spirits are transferred in bond persons so liable for the tax are relieved of such liability if (i) the proprietors of transferring and receiving premises are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other and (ii) no person so liable for the tax on the spirits transferred retains any interest in such spirits, and (2) when spirits are withdrawn on determination of tax under withdrawal bond the persons so liable for the tax are relieved of such liability if (i) the person withdrawing such spirits and the person or persons so liable for the tax are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and (ii) all persons so liable for the tax have divested themselves of all interest in the spirits so withdrawn.

* * * * *

(c) *Withdrawals without payment of tax.* Pursuant to section 5005(e), I.R.C., any person who withdraws spirits from the bonded premises of a plant without payment of tax, as provided in section 5214, I.R.C., shall be liable for the tax on such spirits from the time of such withdrawal. Such persons shall be relieved of any such liability at the time, as the case may be, the spirits are exported, deposited in a foreign-trade zone, used in production of wine, deposited in a customs bonded warehouse or a customs manufacturing bonded warehouse, or laden as supplies upon or used in the maintenance or repair of certain vessels or aircraft, as provided by law.

* * * * *

(72 Stat. 1318, 82 Stat. 1328, as amended, 84 Stat. 1965; 26 U.S.C. 5005, 5232, 5066)

3. In § 201.44, paragraph (e) is amended to include requirements relating to alcoholic ingredients other than taxpaid spirits and to delete requirements respecting containers; a new paragraph

(g) is added; and the sentence immediately following paragraph (f) is deleted. As amended, § 201.44 reads as follows:

§ 201.44 Claims in respect of spirits returned to bonded premises.

Claims for credit or refund of tax relating to spirits which have been withdrawn from bonded premises on payment or determination of tax and which are returned thereto under section 5215, I.R.C., as provided in Subpart S of this part, shall be filed with the assistant regional commissioner, and shall set forth the following:

(a) Quantity of spirits so returned;

(b) Amount of tax for which the claim is filed;

(c) Name, number, and address of the plant from which the spirits were so withdrawn, the date of such withdrawal, and purpose for which withdrawn;

(d) Name, address, and plant number of the plant to which the spirits were returned and the date of such return;

(e) A statement as to whether or not any alcoholic ingredients other than fully taxpaid distilled spirits have been added to the product covered by the claim;

(f) The reason for such return and all facts relating thereto; and

(g) The serial number of the Form 2612 and the date of gauge of the returned spirits.

Such claims shall be filed by the proprietor of the plant to which the spirits were returned and within 6 months of the date of the return. If such claim is allowed, refund (without interest) will be made or credit (without interest) will be allowed.

(72 Stat. 1323, as amended, 1364, as amended; 26 U.S.C. 5008, 5215)

4. In § 201.45, paragraph (b) is amended to make its provision comparable to those in section 5008(b), I.R.C., as amended; paragraph (c) is amended to include claims relating to accidental losses amounting to 10 proof gallons or more and to exclude such losses in computing operational losses; and a new paragraph (e) is added with respect to spirits returned to bottling premises. As amended and added, paragraph (b), (c), and (e) of § 201.45 read as follows:

§ 201.45 Claims relating to spirits lost or destroyed after tax determination.

* * * * *

(b) *Claims relating to spirits withdrawn for rectification or bottling and voluntarily destroyed.* Claims for abatement, credit, or refund of tax (including rectification tax, if any) under this part, in the case of spirits withdrawn on payment or determination of tax from bond to bottling premises for rectification or bottling and voluntarily destroyed under the provisions of Subpart R of this part, shall be filed with the assistant regional commissioner by the proprietor of the bottling premises who withdrew the spirits. Such claims shall contain the information required under § 201.43(a) (1), (2), and (3), and in addition, shall state (1) the name, number, and address of plant from which withdrawn; (2) date of destruction, reason therefor, and all facts relative thereto; (3) the date of determination of the tax; (4) the date of payment of the tax (if claim is for refund or credit) or of assessment of the tax (if claim is for abatement); (5) the serial number of the approved application, Form 1577; and (6) whether the claim covers tax on spirits withdrawn from bond by the claimant on payment or determination of tax for removal to bottling premises for rectification or bottling, and whether the spirits covered by the claim were destroyed before removal from his bottling premises.

(c) *Claims relating to losses of spirits withdrawn for rectification or bottling, by reason of accident, flood, fire, or other disaster.* Claims for abatement, credit, or refund of tax under this part, relating to spirits withdrawn for rectification or bottling and lost due to accident, flood, fire, or other disaster, shall be filed with the assistant regional commissioner by the proprietor who withdrew the spirits. The claim shall contain the information required under § 201.43(a) (1), (2), (3), (5), and (6) and, in addition, shall state (1) the date of determination of the tax (if claim is for refund or credit); (2) the date of assessment of the tax (if claim is for abatement); (3) whether or not the claimant is indemnified or recompensed for the tax, and if so, the extent and nature of such indemnification or recompense; (4) whether the claim covers tax on spirits withdrawn from bond by the claimant on payment or determination of tax for removal to bottling premises for rectification or bottling; and (5) whether the spirits covered by the claim were lost due to accident while being removed from bond to bottling premises, due to flood, fire or other disaster before removal from the premises of his distilled spirits plant, or due to accident while on his distilled spirits plant premises and the loss amounts to 10 proof gallons or more in respect of any one accident. Supporting statements as provided in § 201.484 shall be submitted with such claims. Any claim covering a loss by accident while on the distilled spirits plant premises shall contain a statement that the loss covered thereby has not and will not be included in computing total losses for filing claims under the provisions of paragraph (d) of this section.

* * * * *

(e) *Claims relating to taxpaid spirits returned to bottling premises.* The provisions of paragraphs (b), (c), and (d) of this section shall apply to spirits withdrawn from bond on payment or determination of tax for rectification or bottling, which, after removal, where returned to the bottling premises to which removed from bond. Claims covering losses or destruction of such returned spirits shall include the name and address of the person from whom the spirits were returned, the date of the return, and, in the case of claims covering losses, the date and serial number of the notice of gauge and the date of gauge of the spirits on return to the bottling premises.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

5. Section 201.89 as amended to provide that the proprietor's schedule of operations shall include activities relating to bottling in bond after determination of tax. As amended, § 201.89 reads as follows:

§ 201.89 Proprietor's schedule of operations.

The proprietor of each plant qualified for the production, bonded storage, or bottling in bond of spirits shall furnish the assigned officer a written schedule of operations. The schedule shall be given at least 1 day in advance of the operations and shall show, for the period covered by the schedule, all activities related to such production, bonded storage (including denaturation and bottling in bond before determination of tax), and bottling in bond after determination of tax, which the provisions of this part require to be conducted under supervision of an internal revenue officer.

(72 Stat. 1356, 1357; 26 U.S.C. 5201, 5202)

6. Paragraph (d) of § 201.95 is amended for clarification as it relates to spirits bottled in bond after determination of tax. As amended, paragraph (d) of § 201.95 reads as follows:

§ 201.95 Adjustment of proof.

* * * * *

(d) *Bottling after tax determination.* The proof of spirits to be bottled or packaged after tax determination shall be adjusted to a whole degree prior to determination of the rectification tax, if any, and the filling of packages or bottles: *Provided*, That when such spirits (except those to be bottled in bond for domestic use, which must be adjusted to 100° of proof) are to be bottled and labeled in tenths of a degree of proof, the proof shall be adjusted to such tenths of a degree, and the fractional degree of proof shall be used in determining the rectification tax, if any.

7. Section 201.114 is amended to prescribe conditions under which a proprietor may elect to use facilities on his bottling premises for bottling tax-determined spirits in bond. As amended, § 201.114 reads as follows:

§ 201.114 Facilities for bottling in bond.

Bottling-in-bond facilities may be established only in a separate room or building on bonded premises by a proprietor of a plant qualified under this part to store spirits on such bonded premises in casks, packages, cases, or similar portable approved containers. Notwithstanding the provisions of § 201.116, such bottling-in-bond facilities shall not be used for the storage of spirits. The proprietor of a plant qualified under this part to store spirits in casks, packages, cases, or similar portable approved containers on bonded premises may, if bonded and bottling premises are within the same distilled spirits plant, elect to use facilities on his bottling premises for the bottling in bond of spirits after determination of tax. Tanks and pipelines conforming to the requirements of § 201.327 may be used alternately for bottling in bond before tax determination as provided in § 201.175.

(72 Stat. 1353, as amended; 26 U.S.C. 5178)

8. Paragraph (j)(4) of § 201.132 is amended to provide for a statement concerning bottling in bond after tax determination. As amended, paragraph (j)(4) of § 201.132 reads as follows:

§ 201.132 Data for application for registration.

* * * * *

(j) * * *

(4) With respect to the business of bottling after tax determination:

(i) Statement of the name, address, and plant number of a plant qualified by the applicant for production or bonded warehousing. (Not required if the plant being registered is qualified for production, bonded warehousing, or rectification, or if the applicant is a State or political subdivision thereof.)

(ii) Statement whether operations involving bottling in bond after tax determination, as provided in § 201.114, will be conducted.

* * * * *

(72 Stat. 1349; 26 U.S.C. 5171, 5172)

9. Section 201.173 is amended to include a new proviso at the end of the section. As amended, § 201.173 reads as follows:

§ 201.173 Encumbrance.

Where any of the property subject to lien under section 5004(b)(1), I.R.C., becomes encumbered by any judgment, or other lien, the proprietor shall thereupon file (a) an application to amend the registration of his plant (b) a consent on Form 1602 or an indemnity bond on Form 3A (if such bond in sufficient penal sum is not on file), and (c) consent of surety on Form 1533 or a new qualification bond: *Provided*, That where such property is to be voluntarily subjected to an encumbrance, the documents shall be filed and approved before the property is encumbered: *And provided further*, That where such property is involuntarily subjected to an encumbrance and an indemnity bond, Form 3A, is not on file, the proprietor may file an indemnity bond on Form 4737 in lieu of Form 3A, as provided in § 201.203a.

(72 Stat. 1349, as amended; 26 U.S.C. 5172, 5173)

10. Paragraph (d) of § 201.174 is amended to provide that spirits to be bottled in bond after tax determination may not be transferred to an incoming proprietor and that such spirits may be retained under Government lock on the premises being alternated. As amended, paragraph (d) of § 201.174 reads as follows:

§ 201.174 Procedure for alternating proprietors.

* * * * *

(d) *Bottling premises.* Operations on bottling premises shall be completely finished and all spirits and wines removed from such premises prior to the change in proprietorship: *Provided*, That (1) except for spirits to be bottled in bond after tax determination, spirits and wines on hand, including those in the process of rectification, may be transferred to the incoming proprietor, or (2) all spirits and wines may be retained, under lock (Government lock as to spirits to be bottled in bond), but in such case the outgoing proprietor shall (unless qualification bond is not required for the plant) execute a consent of surety on Form 1533 to continue the liability on the qualification bond for the tax on such spirits and wines retained on the premises notwithstanding the change in proprietorship. Products subject to tax under the provisions of sections 5021 and 5022, I.R.C. (including partially rectified products), which are being transferred to a successor shall be taxpaid by the outgoing proprietor.

* * * * *

(72 Stat. 1349, 1370; 26 U.S.C. 5172, 5271)

11. Section 201.175 is amended to make a clarifying change in the last sentence. As amended, § 201.175 reads as follows:

§ 201.175 Alternating use of bonded and bottling premises.

Subject to the provisions of this section, a portion of the bonded premises may be alternately used as bottling premises and a portion of the bottling premises may be alternately used as bonded premises. Such alternate use of premises is subject to the filing by the proprietor, and the approval by the assistant regional commissioner, of (a) an application for registration, Form 2607, to cover such operation, and (b) a special plat to designate the premises which are to be alternated. The proprietor shall also file a drawing or diagram, in triplicate, clearly depicting all buildings, rooms, tanks, and spirits lines which are to be subject to such alternation, in their relative operating sequence. All such buildings, rooms, and equipment shall be individually identified by number or letter. Once such qualifying documents have been approved, the premises as described on such documents may be alternated pursuant to approval by the assigned officer of the proprietor's application on Form 2610. Before alternation is effected, all spirits on which the tax has not been determined shall be removed from the portion of the premises to be alternated to bottling premises, and all spirits on which the tax has been determined and other ingredients used in rectifying processes (if any), as the case may be, shall be removed from the portion of the premises to be alternated to bonded premises.

(72 Stat. 1349; 26 U.S.C. 5172)

12. Section 201.192 is amended to include reference to a bond given under new § 201.203a. As amended, § 201.192 reads as follows:

§ 201.192 Additional condition of distiller's bond.

In addition to the requirements of § 201.191, the distiller's bond shall be conditioned that he shall not suffer the property, or any part thereof, subject to lien under section 5004(b)(1), I.R.C., to be encumbered by any lien during the time in which he shall carry on such business, except that this condition shall not apply during the term of an indemnity bond given under the provisions of § 201.200 or to any judgment or other lien covered by a bond given under the provisions of § 201.203a.

(72 Stat. 1349, as amended; 26 U.S.C. 5173)

13. Section 201.198 is amended to include, in the last sentence, a reference to a bond filed under new § 201.203a. As amended, § 201.198 reads as follows:

§ 201.198 Disapproval of bonds or consents of surety.

The assistant regional commissioner may disapprove any bond or consent of surety submitted in respect to the business of a distiller, bonded warehouseman, or rectifier, if the principal or any person owning, controlling, or actively participating in the management of the business of the principal shall have been previously convicted, in a court of competent jurisdiction of—

(a) Any fraudulent noncompliance with any provision of any law of the United States, if such provision related to internal revenue or customs taxation of spirits, wines, or beer, or if such an offense shall have been compromised with the person on payment of penalties or otherwise, or

(b) Any felony under a law of any State or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of spirits, wine, beer, or other intoxicating liquor.

Further, no bond of a distiller shall be approved unless the assistant regional commissioner is satisfied that the situation of the land and any building which will constitute his bonded premises (as described in his application for registration, Form 2607) is not such as would enable the distiller to defraud the United States, and unless: (1) The distiller is the owner in fee, unencumbered by any mortgage, judgment, or other lien, of the lot or tract of land subject to lien under section 5004(b)(1), I.R.C.; or (2) the distiller files a consent, Form 1602, of the owner of the fee, and of any mortgagee, judgment creditor, or other person having a lien thereon, in accordance with the provisions of §§ 201.151 and 201.152; or (3) the distiller files an indemnity bond Form 3A, in accordance with the provisions of § 201.200, or with respect to a judgment or other involuntary lien, files a bond in accordance with the provisions of § 201.203a.

(72 Stat. 1349, as amended, 1394; 26 U.S.C. 5173, 5551)

14. Section 201.200 is amended to include reference to new bond, Form 4737. As amended, § 201.200 reads as follows:

§ 201.200 Indemnity bond, Form 3A.

A proprietor of a plant qualified for the production of spirits may furnish bond on Form 3A to stand in lieu of future liens imposed under section 5004(b)

(1), I.R.C., and no lien shall attach to any lot or tract of land, distillery, building, or distilling apparatus by reason of distilling done during any period included within the term of any such bond. Where an indemnity bond has been furnished on Form 3A in respect of a plant, the requirements of this part relating to the filing of consents on Forms 1602 and bonds on Forms 1617 and Forms 4737 are not applicable in respect to such plant.

(72 Stat. 1317, 1349, as amended; 26 U.S.C. 5004, 5173)

15. A new section, § 201.203a, to prescribe requirements for an indemnity bond to cover judgments or other involuntary liens, is inserted immediately following § 201.203 to read as follows:

§ 201.203a Indemnity bond for involuntary lien.

Where a judgment or other involuntary lien is imposed on any of the property specified in section 5004(b)(1), I.R.C., on which the United States has a first lien for taxes and an indemnity bond on Form 3A has not been furnished under § 201.200, the proprietor of the distilled spirits plant may, in lieu of filing Form 3A, file with the assistant regional commissioner an indemnity bond on Form 4737. Bond on Form 4737 shall be in a penal sum equal to the full amount of any judgments or other involuntary liens, or portions thereof unsatisfied at the time the bond is filed, and which are to be covered by the bond.

(72 Stat. 1317, 1349, as amended; 26 U.S.C. 5004, 5173)

16. In § 201.211, the list of bonds and the footnotes are amended by redesignating paragraphs (h), (i), and (j) as paragraphs (i), (j), and (k) and inserting a new paragraph (h), and by redesignating footnotes 1 and 2 as footnotes 2 and 3 and adding a new footnote 1. As amended and added, paragraphs (h), (i), (j), and (k), and footnotes 1, 2, and 3, read as follows:

§ 201.211 Bonds and penal sums of bonds.

* * * * *

Bond	Penal Sum		
	Basis	Minimum	Maximum
* * *	* * *	* * *	* * *
(h) Indemnity Bond, Form 4737	The amount of involutary liens against property.	(1)	(1)
(i) Withdrawal Bond, Form 2613	The amount of tax which, at any one time, is chargeable against such bond but has not been paid.	1,000	1,000,000
(j) Withdrawal Bond, Form 2614	do	1,000	1,000,000
(k) Blanket Withdrawal Bond, Form 2615:			
(1) Bonded and bottling premises on same plant premises.	Sum of penal sums of bonds, Forms 2613 and 2614, in lieu of which given.	2,000	1,000,000
(2) Two or more plants in a region qualified for bonded and/or bottling operations.	Sum of the penal sums of all the bonds, Forms 2613 and/or 2614, in lieu of which given.	(2)	(3)

[1] Sum of outstanding involuntary lien or liens covered by the bond.
[2] Sum of the minimum penal sums required for each plant covered by the bond.
[3] Sum of the maximum penal sums required for each plant covered by the bond. (The maximum penal sum for one plant is $1,000,000.)

(68A Stat. 847, 72 Stat. 1349, as amended, 1352; 26 U.S.C. 7102, 5173, 5174, 5175)

17. Paragraph (c) of § 201.221 is amended to include reference to new bond, Form 4737. As amended, paragraph (c) reads as follows:

§ 201.221 Relief of surety from bond.

* * * * *

(c) *Bond, Form 1617 or Form 4737.* The surety on a bond given on Form 1617 or Form 4737 shall be relieved from his liability when the bond has been canceled as provided for in § 201.223.

* * * * *

(72 Stat. 1317, 1349, as amended, 1352, 1353; 26 U.S.C. 5004, 5173, 5174, 5176)

18. Section 201.223 is amended to provide conditions for termination of liability under bond, Form 4737. As amended § 201.223 reads as follows:

§ 201.223 Cancellation of indemnity bond.

Any indemnity bond will be canceled by the assistant regional commissioner, on application by the principal or surety, if he determines that the liability for which such bond was given has ceased to exist. Liability under any bond on Form 1617, given under the provisions of this part or under any other prior provisions of law or regulations, will be deemed to have ceased to exist: (a) When a superseding bond is approved; (b) when the proprietor furnishes a consent, Form 2602, on an indemnity bond, Form 3A, as provided in § 201.201; or (c) when it is established to the satisfaction of the assistant regional commissioner that all spirits produced, while the property covering which the indemnity bond was filed formed a part of the distillery premises and equipment, have been tax-paid or that the producer thereof has been relieved from liability for payment of such tax under the provisions of chapter 51, I.R.C. Liability under any bond on Form 4737 will be deemed to have ceased to exist when the conditions stated in paragraph (a) or (b) of this section have been met or when the judgment or involuntary lien for which the bond was filed has been satisfied.

(72 Stat. 1317, 1349, as amended, 1353; 26 U.S.C. 5004, 5173, 5176)

19. Section 201.241 is amended to specifically provide that it relates only to the bottling of spirits before determination of tax, and to update the citation. As amended, § 201.241 reads as follows:

§ 201.241 Bottling facilities on bonded premises.

Where the proprietor is authorized to bottle spirits in bond before determination of tax he shall provide a separate room or building of his bonded warehouse for such purpose. Such room or building shall be constructed as provided in § 201.231, arranged, and equipped so as to be suitable for the intended purpose. When authorized by the assistant regional commissioner, bottling-in-bond facilities, when not in use for bottling in bond before determination of tax, may be used for bottling alcohol before determination of tax.

(72 Stat. 1353, as amended, 1369; 26 U.S.C. 5178, 5235)

20. Paragraph (c) of § 201.243 is amended to provide that tanks used for bottling in bond on bottling premises shall be equipped for securing with Government locks or seals. As amended, paragraph (c) of § 201.243 reads as follows:

§ 201.243 Tanks.

* * * * *

(c) *Bottling premises.* All openings in storage, receiving, bottling, and package filling tanks on bottling premises shall be equipped for securing with locks or seals, and all tanks to be used for spirits to be bottled in bond on such premises, shall be so equipped that the flow of spirits in or out of the tanks may be controlled by Government locks or seals: *Provided*, That the Director may approve other devices or methods affording comparable protection.

21. Section 201.371 is amended to provide that Form 179 shall show the purpose of withdrawal where spirits are withdrawn for bottling in bond after tax determination and to specify certain conditions under which spirits will not be eligible for bottling in bond after tax determination. As amended, § 201.371 reads as follows:

§ 201.371 Application.

Spirits to be withdrawn from bonded premises on determination of the tax thereon shall be in such containers or cases as are prescribed in this part. The proprietor of the bottling premises to which the spirits are to be removed or the proprietor of the bonded premises from which the spirits are to be withdrawn, shall make application on Form 179 for tax determination and withdrawal. Where spirits are to be withdrawn on determination of tax, the tax thereon shall be paid before removal of the spirits from the bonded premises unless the proprietor making application for the withdrawal has furnished bond on Form 2613, 2614, or 2615 to secure payment of tax. Where the spirits are to be withdrawn by the proprietor of bottling premises from bonded premises not on the same plant premises, he shall, on execution of his portion of the application on Form 179, deliver one copy to the assigned officer at the bottling premises and forward the remaining copies of the form to the proprietor of the bonded premises. Where the proprietor of bottling premises intends to withdraw spirits which are to be bottled in bond after tax determination as provided in § 201.114, he shall specify on Form 179 the purpose for which the spirits are being withdrawn. On completion of the application the proprietor of the bonded premises shall deliver all copies of the application to the assigned officer at his premises. Where spirits in packages are to be gauged in bulk gauging tanks, the proprietor of the bonded premises shall attach to Form 179 a list (one copy) of the serial numbers of the packages. Where an alternating proprietor has been authorized pursuant to § 201.174 to commence operations of bottling facilities at a specified future time, he may apply for the withdrawal of spirits from bond on Form 179 in anticipation of such commencement of operations, but spirits so applied for will not be eligible for loss allowance or bottling in bond after tax determination unless such spirits are withdrawn directly from bond and unless such spirits are received on his bottling premises during the time he is authorized to operate such premises.

(72 Stat. 1363; 26 U.S.C. 5213)

22. Section 201.385 is amended to add provisions for spirits withdrawn for bottling in bond after tax determination and to make a clarifying change relating to spirits bottled in bond before determination of tax. As amended, § 201.385 reads as follows:

§ 201.385 Release of spirits.

No spirits shall be removed from bonded premises, except as otherwise provided by law, unless the tax thereon has been determined. If the Form 179, and Form 2521 (if required) with remittance, are in order and cover the full amount of the tax on the spirits to be withdrawn, the assigned officer shall execute his certificate of tax determination. The assigned officer shall not execute his certificate of tax determination where a proprietor of bottling premises, whose bond on Form 2614 or 2615 is not in the maximum penal sum, has assumed liability for the tax on the spirits, and the tax is greater than the amount shown on Form 179 as charged against his bond. Where Form 2521 has been filed with the district director, as required by § 201.383 (b), the certificate regarding tax determination shall not be executed before the assigned officer has received a receipted copy of the return from the district director. Where a proprietor of bottling premises has made application for withdrawal of spirits for bottling in bond after tax determination, the assigned officer shall not execute his certificate of tax determination unless the spirits to be withdrawn meet the aging and packaging requirements prescribed for spirits to be bottled in bond and are otherwise eligible. On execution of the certificate of tax determination the assigned officer shall issue distilled spirits stamps for packages or bulk conveyances of spirits to be removed from bonded premises. Distilled spirits stamps shall be affixed, canceled, and protected in the manner provided in Subpart Q of this part. When the distilled spirits stamps have been affixed by the proprietor to the containers and the containers have been properly marked, the assigned officer shall release the spirits. When spirits are to be removed by pipeline, the appropriate Form 179, after execution of the certificate of tax determination shall be attached to the gauge tank before the spirits are released by the assigned officer. Spirits bottled in bond before determination of tax which are to be withdrawn from bonded premises on determination of tax may be so withdrawn subsequent to bottling, without being returned to the storage portion of the bonded warehouse, if the proprietor executes Form 179 in advance of withdrawal to cover a specific quantity of such spirits, and also executes, in advance of withdrawal, the statement required by § 201.372. In such case the assigned officer shall execute the certificate of tax determination only if he is satisfied that adequate means and methods are provided for accurately ascertaining the quantities of spirits to be so withdrawn at time of bottling and that the Form 179 is otherwise in order. On completion of the withdrawal covered by Form 179, the proprietor shall complete the forms, identifying the cases and showing the actual quantity of spirits so withdrawn; such information shall be verified by the assigned officer. When any spirits have been removed from the bonded premises as provided in this section, the proprietor shall execute, under the penalties of perjury, the statement of removal on all copies of Form 179 and distribute them in accordance with the instructions on the form.

23. Section 201.386 is amended to provide for the withdrawal of distilled spirits to a customs bonded warehouse without payment of tax. As amended, § 201.386 reads as follows:

§ 201.386 Authorized withdrawals without payment of tax.

Spirits may be withdrawn from bonded premises, without payment of tax, for—

(a) Export, as authorized under section 5214(a)(4), I.R.C.;

(b) Transfer to customs manufacturing bonded warehouses, as authorized under section 5522(a), I.R.C.;

(c) Transfer to foreign-trade zones, as authorized under 19 U.S.C. 81c;

(d) Supplies for certain vessels and aircraft, as authorized under 19 U.S.C. 1309;

(e) Transfer to customs bonded warehouses, as authorized under section 5066, I.R.C.;

(f) Use in wine production, as authorized under section 5373, I.R.C.; or

(g) Transfer to any university, college of learning, or institution of scientific research for experimental or research use, as authorized under section 5312(a), I.R.C.

The withdrawal of spirits as provided in paragraphs (a) through (e) of this section shall be in accordance with the regulations in Part 252 of this chapter.

(72 Stat. 1362, 1375, 1382, 1393, 84 Stat. 1965; 26 U.S.C. 5214, 5312, 5373, 5522, 5066)

24. The heading of Subpart N immediately preceding § 201.421 is amended to read as follows:

Subpart N—Operations on Bottling Premises Other Than Bottling in Bond

25. Section 201.422 is amended to provide a cross-reference to Part 252 with regard to preparing Forms 27–B Supplemental when a proprietor wishes to have a standard export drawback rate established. As amended, § 201.422 reads as follows:

§ 201.422 Form 27–B Supplemental.

Every rectifier shall file with the Director a statement on Form 27–B Supplemental of each formula and process by which he intends to rectify spirits or wines. A rectifier shall not use a formula or process in the manufacture of any rectified product until he has received approval therefor. When an intermediate product is made for use in manufacturing a finished product (or products) a separate Form 27–B Supplemental (designating the product as an intermediate) shall be filed for the intermediate product; such intermediate product shall be shown as such and by formula number as an ingredient in the formula for the finished product in which it is to be used. Each formula shall: (a) Be serially numbered in sequence beginning with the number "1"; (b) describe the kind of products in accordance with the appropriate class and type designation prescribed by 27 CFR Part 4 or Part 5, if applicable; (c) state the process completely and concisely in step by step sequence, and (d) designate all ingredients composing the formula in sufficient detail to enable a proper determination as to the tax classification and labeling of the finished product. Alcoholic flavoring materials containing spirits on which drawback has been or may be claimed shall be identified in the formula as such, and shall be separately shown by kind, quantity (by volume) to be used, and the percentage of alcohol (by volume) contained therein; approval of formulas shall be conditioned on compliance with the provisions of § 201.424. The Director may require a diagram, drawing or other pictorial depiction of the process to supplement the statement of process on Form 27–B Supplemental. Formulas which show an alternate use of ingredients which would result in a different tax or labeling classification will not be approved. Form 27–B Supplemental for products on which the proprietor wishes to have a standard export drawback rate established will be prepared as provided in Part 252 of this chapter.

(72 Stat. 1326, 1356, 1370; 26 U.S.C. 5025, 5201, 5251)

26. Section 201.425 is amended to include provisions relating to the establishment of standard export drawback rates. As amended, § 201.425 reads as follows:

§ 201.425 Changes in formulas.

The addition or elimination of ingredients, changes in quantities of ingredients used (where the percentages are required to be disclosed), and changes in the process of rectification are permissible only after approval of a new Form 27–B Supplemental: *Provided,* That where such change of ingredients or process does not result in altering the class or type of the finished product or the tax applicable, and, in the case of formulas on which a standard drawback rate has been established, does not affect such rate, the change may be accomplished by filing, with the Director, a rider to the formula. The rider, in quadruplicate, will clearly identify the original formula by number, date of approval, name of the product, and by name and number of the plant, will specify the ingredients to be added or eliminated, or the change in process, and will be signed and processed in the same manner as the original formula. Such change in ingredients or process is permissible only after approval of the rider. Riders submitted to obtain a standard export drawback rate for an approved formula will be filed with the assistant regional commissioner as provided in Part 252 of this chapter. A new Form 27–B Supplemental or rider will not be required to cover changes in brand names. Once an approved formula is superseded by a new formula, the original formula shall no longer be used and will be surrendered to the Director.

(72 Stat. 1356; 26 U.S.C. 5201)

27. Section 201.461 is amended to limit its application to bottles filled under the provisions of Subpart N. As amended, § 201.461 reads as follows:

§ 201.461 Strip stamps.

The proprietor shall affix to each bottle of spirits filled on bottling premises under the provisions of this subpart a red strip stamp. Such stamp shall be procured, overprinted (when required), affixed, and accounted for as provided in Subpart Q of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

28. A new Subpart Na is added, immediately following § 201.470, to prescribe requirements concerning bottling in bond after tax determination. As added, Subpart Na reads as follows:

Subpart Na—Bottling in Bond After Tax Determination

Sec.

201.470a General.
201.470b Withdrawal.
201.470c Handling of spirits.
201.470d Filtering and stabilizing.
201.470e Rinsing of packages.
201.470f Record of use.
201.470g Reduction in proof.
201.470h Bottling.
201.470i Liquor bottle and label requirements.
201.470j Labels to agree with contents of tanks and bottles.
201.470k Filling of bottles.
201.470l Strip stamps.
201.470m Cases.
201.470n Salvaged spirits.
201.470o Domestic use of spirits bottled for export.
201.470p Use of trade name.
201.470q Rebottling, relabeling, or restamping.

Subpart Na—Bottling in Bond After Tax Determination

§ 201.470a General.

A proprietor who is qualified to use facilities on his bottling premises for bottling in bond shall conduct operations relating to such bottling pursuant to the provisions of this subpart. Spirits which have been withdrawn for bottling in bond shall be transferred, dumped, gauged, bottled, stamped, and labeled by the proprietor under the direct supervision of the assigned officer. Spirits to be bottled in bond shall, at the time of withdrawal from bond, meet the aging and packaging requirements prescribed by § 201.321. Spirits may be bottled in bond under the provisions of this subpart only if they have been withdrawn from bonded premises on the same distilled spirits plant as the bottling premises in which they are to be bottled.

(72 Stat. 1353, as amended; 26 U.S.C. 5178)

§ 201.470b Withdrawal.

Proprietors shall make application for withdrawal of spirits for bottling in bond on Form 179 in accordance with the provisions of Subpart L of this part. Spirits which are not specifically withdrawn for bottling in bond may not be so bottled.

(72 Stat. 1363; 26 U.S.C. 5213)

§ 201.470c Handling of spirits.

The proprietor shall inspect containers of spirits at the time of their receipt in accordance with § 201.430. Unless spirits are held under the provisions of § 201.430, spirits to be bottled in bond which are received on bottling premises shall be promptly dumped for bottling. No more spirits shall be received and dumped at any one time than can be bottled expeditiously. If any lot, or part of a lot, of spirits which have been withdrawn for bottling in bond are to be otherwise bottled, packaged, or removed, the proprietor shall give written notice to that effect to the assigned officer showing the serial numbers of the Form 179, the Form 122, and the Form 2637, as applicable, and make appropriate notation on the forms involved.

§ 201.470d Filtering and stabilizing.

Spirits withdrawn for bottling in bond may be treated as provided in §§ 201.324 and 201.445.

§ 201.470e Rinsing of packages.

All wooden packages containing spirits to be bottled in bond shall be rinsed, and the rinsings disposed of, in accordance with the provisions of § 201.434. The provisions of § 201.436 prohibiting the extraction of spirits from wooden packages applies to packages emptied under this subpart.

§ 201.470f Record of use.

Whenever any spirits intended for bottling in bond are to be dumped or received by pipeline on bottling premises for bottling (or are to be reduced in proof, filtered, or stabilized for such bottling), the proprietor shall prepare Form 122. Each Form 122 shall (a) identify the spirits to be dumped, (b) show the trade name under which the distiller produced and warehoused the spirits, if any, in addition to the real name of the distiller, (c) be prominently marked in the top margin with the words "Spirits to be bottled in bond", and (d) be serially numbered within the same series as Forms 122 covering spirits dumped for other purposes. When the proprietor has completed all entries required on Form 122, he shall submit one copy to the assigned officer and retain the remaining copy for his files.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.470g Reduction in proof.

The proof of spirits to be bottled in bond shall be reduced in accordance with the provisions of § 201.326.

§ 201.470h Bottling.

Spirits may be bottled in bond only from approved bottling tanks. On completion of any filtration, stabilization, and reduction of spirits to be bottled in bond, the proprietor shall determine the quantity and proof of the spirits deposited in each bottling tank and shall prepare Part I of Form 2637. Form 2637 shall be attached to the bottling tank. Where two or more lots of spirits are to be bottled in bond at the same time, or where a lot of spirits to be bottled in bond is to be bottled simultaneously with a lot of spirits to be otherwise bottled, the bottling shall be conducted in such manner as to prevent any mingling of the different lots. Where part of a lot of spirits are to be bottled in bond for export and the proof is further reduced, the proprietor shall determine the quantity and proof of the spirits after further reduction and enter the results of the gauge in the first unused line of Part II of Form 2637. No spirits (including spirits further reduced for export) shall be bottled in bond until the assigned officer has verified the quantity and proof of the spirits and has released the spirits for bottling at the specified proof. Bottling tanks and pipelines shall be so equipped that the flow of spirits through the tanks may be controlled by Government locks. Tanks containing spirits to be bottled in bond shall be locked with Government locks at all times except when bottling-in-bond operations, or the activities related thereto, are being conducted and the assigned officer is on the premises.

(72 Stat. 1356, 1357; 26 U.S.C. 5201, 5202)

§ 201.470i Liquor bottle and label requirements.

The proprietor shall comply with the provisions of Subpart Pa of this part and § 201.328 respecting the use of liquor bottles. He shall also comply with the provisions of Subpart Pa of this part and §§ 201.329, 201.331, and 201.332 respecting label requirements.

§ 201.470j Labels to agree with contents of tanks and bottles.

Before bottling a lot of spirits in bond, the proprietor shall affix a copy of the (approved or exempted) label he proposes to use for such bottling, which label shall agree with the spirits in the tank, to the Form 2637 to be attached to the tank: *Provided,* That, on application therefor, the Director may approve the entering on Form 2637 of code symbols, identifying the labels to be used, in lieu of affixing the labels. Labels affixed to bottles shall be identical with the label affixed to (or with the label identified by the code symbol entered on) Form 2637 attached to the tank from which the bottles are to be filled. If the assigned officer finds that the label and spirits do not agree in every respect, he shall not permit the spirits to be bottled until the proprietor submits to him a proper label correctly describing the spirits to be bottled, or, if the spirits are labeled with labels which do not agree with the spirits in every respect, he shall cause the proprietor to relabel the spirits with a proper label.

(72 Stat. 1353, as amended, 1374; 26 U.S.C. 5178, 5301)

§ 201.470k Filling of bottles.

Bottles of bottled-in-bond spirits shall be so labeled (a) that the label in use is identical with the label attached to (or with the label identified by the code symbol entered on) Form 2637, and properly describes the spirits, and (b) that the bottled spirits agree in proof with the data on the label; and shall be so filled that the quantity agrees with the data on the label, stamp, or bottle. If the contents do not agree as to quantity (except for such variations in measuring as may occur in filling conducted in compliance with good commercial practice and there is substantially as much overfill as underfill for each lot of spirits bottled) or as to proof (subject to a normal drop in proof occurring during bottling operations, but not to exceed three-tenths of a degree) with the respective data on the label, stamp, or bottle, the assigned officer will withhold release of the bottled spirits and require the proprietor to rebottle, recondition, or relabel the spirits in such manner that the label will correctly described the contents.

(72 Stat. 1353, as amended, 1374; 26 U.S.C. 5178, 5301)

§ 201.470l Strip stamps.

The proprietor shall affix to each bottle of spirits bottled in bond a domestic or export strip stamp, as appropriate. Such stamps shall be procured, overprinted (when required), affixed, and accounted for as provided in Subpart Q of this part.

§ 201.470m Cases.

On completion of bottling, the filled bottles, with labels and strip stamps properly affixed, shall be placed in cases in accordance with the provisions of § 201.462. Where there is less than a case of bottled-in-bond spirits remaining from a lot of spirits bottled, either for domestic use or for exportation, the remnant will be placed in a case and such case shall be marked as a remnant case as provided in Subpart P of this part: *Provided,* That where spirits, of the same kind and proof, produced by the same distiller at the same distillery during the same distilling season as the remnant, are to be bottled on the same or following business day, and are eligible for inclusion in the remnant case, such remnant case may be given the next serial number and filled with such spirits. The bottles contained in any case of bottled-in-bond spirits marked as a remnant case which has not been removed from the plant premises may, when the next lot of spirits of the same kind, produced by the same distiller, at the same distillery during the same distilling season is to be bottled (a) be used for filling a complete case, if of the same proof and otherwise eligible, or (b) be dumped into the bottling tank and mingled with such other spirits for bottling. Where any remnant spirits are handled in a manner prescribed or authorized by the provisions of this section, the pertinent Forms 2637 shall be appropriately marked to show the disposition of the spirits.

(72 Stat. 1356, 1360; 26 U.S.C. 5201, 5206)

§ 201.470n Salvaged spirits.

Spirits to be bottled in bond which are salvaged from the filtering or bottling operation may be added, under the direct supervision of the assigned officer, to a tank on bottling premises containing the same spirits or another lot of spirits of the same kind, produced by the same distiller, at the same distillery during the same distilling season which are also to be bottled in bond. Such spirits may also be mingled with homogeneous spirits or added to heterogeneous spirits in accordance with the provisions of Subpart N of this part. Salvaged spirits shall be reported on the Form 122 covering the lot to which they were added, unless they are returned to the lot from which they were salvaged.

(72 Stat. 1356, 1366; 26 U.S.C. 5201, 5233)

§ 201.470o Domestic use of spirits bottled for export.

Cases (full or remnant) of spirits bottled in bond for export shall not be used for domestic purposes unless the spirits are contained in bottles in the sizes provided in 27 CFR Part 5 which bear the indicia required under Part 173 of this chapter and the spirits are properly relabeled. If the proprietor desires to convert full or remnant cases of spirits bottled in bond for export to domestic use as bottled-in-bond spirits (where eligible), the export strip stamps shall be replaced by domestic bottled-in-bond strip stamps. All rebottling, relabeling, and restamping of such spirits shall be performed in accordance with the provisions of § 201.470q. If the proprietor desires to convert full or remnant cases of spirits bottled in bond for export to domestic use as other than bottled-in-bond spirits, the rebottling, relabeling, and restamping, as applicable, shall be conducted in accordance with the requirements of § 201.466.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.470p Use of trade name.

Before a proprietor may bottle or label bottled-in-bond spirits under a trade name, he shall secure approval of such name in the manner prescribed by Subpart F of this part. When any such name is to be used, it shall be entered in the appropriate space on Form 2637.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.470q Rebottling, relabeling, or restamping.

(a) *General.* Spirits bottled in bond before determination of tax and spirits bottled in bond after determination of tax may be rebottled, relabeled, or restamped in accordance with the applicable provisions of Subpart K of this part by the proprietor of a bonded warehouse who is qualified for bottling in bond before determination of tax. Such spirits may also be rebottled, relabeled, or restamped in accordance with paragraphs (b), (c), and (d) of this section by the proprietor of bottling premises who is qualified for bottling in bond after determination of tax.

(b) *Application.* Application to rebottle, relabel, or restamp spirits identified in paragraph (a) of this section on bottling premises shall be filed in duplicate, with the assigned officer, and state specifically (1) the reason for the rebottling, relabeling, or restamping, (2) the serial numbers of the cases, (3) the name and plant or registry number of the producing distiller, (4) the season and year of production, (5) the name and plant or registry number of the premises where the spirits were bottled, and (6) the season and year of original bottling. If the spirits were originally bottled by a person other than the applicant, the application shall be accompanied by written authorization from such person consenting to the rebottling or relabeling. No such spirits shall be rebottled, relabeled, or restamped until the assigned officer has approved the application.

(c) *Applicable provisions.* The provisions of § 201.346 relating to supervision of operations and to mingling and expeditious processing of spirits; § 201.349 relating to strip stamps, liquor bottles, and cases (including marking thereof); § 201.350 relating to filtering and stabilizing; and § 201.351 relating to reduction in proof and withdrawal with benefit of drawback of domestic spirits for exportation; shall be applicable to the rebottling, relabeling, or restamping of spirits under the provisions of this section. Where spirits are relabeled, the proprietor shall comply with the provisions of § 201.470j, and Subpart Pa of this part.

(d) *Forms 122 and 2637.* Forms 122 and 2637 shall be prepared in accordance with the provisions of this subpart to cover the rebottling of spirits under this section by the proprietor of bottling premises. Form 2637, appropriately modified, shall be prepared to cover the relabeling or restamping of such spirits by the proprietor bottling premises.

29. Section 201.482 is amended to provide for accidental losses of 10 proof gallons or more, and losses of spirits after return to bottling premises. As amended, § 201.482 reads as follows:

§ 201.482 Allowable losses.

Where spirits withdrawn from internal revenue or customs bond on payment or determination of tax for rectification or bottling are lost, the tax imposed on such spirits under section 5001(a)(1), I.R.C., may be abated, remitted, or, without interest, refunded or credited to the proprietor who so withdrew the spirits for removal to his bottling premises, if it is established to the satisfaction of the assistant regional commissioner that:

(a) Such loss occurred (1) by reason of accident while being removed from bond to bottling premises, or (2) by reason of flood, fire, or other disaster before removal from the premises of the distilled spirits plant to which removed from bond, or (3) by reason of accident while on the distilled spirits plant premises and amounts to 10 proof gallons or more in respect of any one accident, or

(b) Such loss occurred before the completion of the bottling and casing or other packaging of the spirits for removal from the bottling premises to which removed from bond by reason of, and was incident to, authorized rectifying, packaging, bottling, or casing operations (including losses by leakage or evaporation occurring during removal from bond to the bottling premises and during storage on bottling premises pending rectification or bottling).

Paragraphs (a) (2), and (3) and (b) of this section shall apply to spirits returned to the bottling premises to which withdrawn from bond as provided in § 201.495. Abatement, remission, credit, or refund of tax shall not be made in respect of the losses described in this section to the extent that the claimant is indemnified or recompensed for the tax, and in the case of the losses described under paragraph (b) of this section, abatement, remission, credit, or refund shall not be made in excess of the limitations set forth in this subpart. No allowance is made in section 5008(c), I.R.C., in respect to loss of spirits by theft. Spirits lost by theft in transit to, or while on, bottling premises shall be reflected as losses by theft in the records and reports prepared by the proprietor but shall be excluded from the quantities for which claims are filed pursuant to section 5008(c), I.R.C. Spirits used up in bona fide analysis and testing on bottling premises shall be considered as lost by reason of, and incident to, authorized operations within the meaning of this section. Spirits removed as samples from the bottling premises before completion of bottling and casing or other packaging of such spirits for removal from the bottling permises shall be reflected as proprietor samples or Government samples in the records and reports prepared by the proprietor, and shall be excluded from the quantities for which claims are filed pursuant to section 5008(c), I.R.C.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

30. Section 201.485 is amended to clarify its provisions as to accidental losses of 10 proof gallons or more. As amended, § 201.485 reads as follows:

§ 201.485 Operating losses.

Losses of spirits by reason of the conditions stated in § 201.482(b) may be computed and claimed by the proprietor and tentatively allowed as provided in §§ 201.488 and 201.489, but shall be adjusted and finally allowed on a fiscal year basis; the proprietor shall promptly report to the assigned officer any such loss which is substantial and unusual in nature. Losses of spirits under this section (except losses incurred in the manufacture of gin and vodka in a closed system which are provided for in § 201.487) shall be allowed in an amount no greater than the excess of losses over gains and not to a greater extent than is set forth below:

If total completions during the fiscal year in proof gallons are—	The maximum allowable loss in proof gallons is—
Not over 24,000	2 percent of completions.
Over 24,000 but not over 120,000	480 proof gallons plus 1 percent of excess over 24,000.
Over 120,000 but not over 600,000	1,440 proof gallons plus 0.6 percent of excess over 120,000.
Over 600,000 but not over 2,400,000	4,320 proof gallons plus 0.3 percent of excess over 600,000.
Over 2,400,000	9,720 proof gallons plus 0.2 percent of excess over 2,400,000.

Accidental losses of less than 10 proof gallons in respect of any one accident, occurring before completion and in the course of authorized rectifying, packaging, bottling, or casing operations, are includable in losses under this section subject to the limitations herein. Accidental losses of 10 proof gallons or more in respect of any one accident if claimed under the provisions of § 201.45(c), shall not be included as operating losses under this section.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

§ 201.493 [Deleted]

31. Section 201.493 is deleted.

32. Section 201.494 is amended to delete obsolete material and to provide for the gauge of returned spirits. As amended, § 201.494 reads as follows:

§ 201.494 Gauge of spirits.

Where spirits are gauged to determine (a) losses as provided by § 201.484, (b) losses as provided by § 201.485 which occur before dumping, (c) quantities of ineligible alcoholic ingredients dumped for rectification or bottling, (d) quantities entered into or removed from the closed system, as provided in § 201.487, or (e) quantities of returned spirits as provided in § 201.496, such gauge shall be made by the proprietor by weight and proof unless the assistant regional commissioner approves another method of gauging.

(72 Stat. 1358; 26 U.S.C. 5204)

33. An undesignated center heading and new §§ 201.495 and 201.496, are added immediately following § 201.494, to read as follows:

TAXPAID SPIRITS RETURNED TO BOTTLING PREMISES

§ 201.495 Application of loss provisions to returned spirits.

Distilled spirits withdrawn from bond on payment or determination of tax for rectification or bottling which are removed from bottling premises and subsequently returned to the premises from which removed may be dumped and gauged after such return as provided in § 201.496, and subsequent to such gauge shall be eligible for allowance of loss under section 5008(c), I.R.C., as though they had not been removed from such bottling premises.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

§ 201.496 Notice of gauge.

A proprietor desiring to apply the loss provisions to returned spirits as authorized in § 201.495 shall submit a notice, on Form 4738, to the assigned officer, if any; to another internal revenue officer on the premises; or to the assistant regional commissioner. The notice shall specify a date on which the proprietor intends to dump and gauge the returned spirits. Where the notice is given to an assigned officer the dumping and gauging may be done at any time convenient to that officer. Where it is filed with another internal revenue officer or with the assistant regional commissioner, such date shall be not less than 12 days following the date on which the notice is filed: *Provided*, That if it is filed with another internal revenue officer and it is convenient for him to supervise the dumping and gauging of the spirits before he leaves the plant, the spirits may be immediately dumped and gauged. Where the notice is filed with another internal revenue officer and it is not convenient for him to supervise the operations before he leaves the plant, he will forward the notice to the assistant regional commissioner. If the notice is sent to the assistant regional commissioner and, before the date specified, he has not notified the proprietor to the contrary, the proprietor may dump and gauge the returned spirits and enter the gauge on the form. He shall attach to his retained completed copy of Form 4738 the applicable Forms 122 and 2637, or other documentation establishing the extent of eligibility for loss allowance on the returned product.

34. Section 201.502 is amended by adding a reference to Subpart Na for bottling spirits in bond after determination of tax for export and by making related changes. As amended, § 201.502 reads as follows:

§ 201.502 Containers of 1 gallon or less.

The provisions of Subpart K of this part govern the containers to be used in bottling spirits in bond before determination of tax for export under section 5233, I.R.C., and bottling alcohol on bonded premises under section 5235, I.R.C. The provisions of Subpart Na of this part govern the containers to be used in bottling spirits in bond for export in accordance with the conditions and requirements of section 5233, I.R.C., but after determination of tax. The provisions of Subpart Pa of this part govern the containers to be used in bottling spirits in bond for domestic use under, or in accordance with, section 5233, I.R.C. The provisions of Subpart N of this part govern the bottling of spirits, other than spirits bottled in bond, and wines on bottling premises. Denatured spirits may be filled on bonded premises into metal or glass containers of a capacity of 1 gallon or less. Liquor bottles shall not be used for bottling denatured spirits. Spirits in bottles of a capacity of 1 gallon or less, except anhydrous spirits and spirits to be withdrawn from bond free of tax, are deemed to be for nonindustrial use.

(72 Stat. 1315, 1360, 1374; 26 U.S.C. 5002, 5206, 5301)

35. Paragraph (b) of § 201.514 is amended to provide for a separate series of numbers for cases of spirits bottled in bond on bottling premises. As amended, paragraph (b) of § 201.514 reads as follows:

§ 201.514 Numbering of packages and cases.

* * * * *

(b) Cases of spirits bottled in bond on bonded premises, cases of spirits bottled in bond on bottling premises, and cases of spirits otherwise bottled shall be numbered in separate series. The proprietor may establish more than one series of serial numbers for cases on either bonded or bottling premises where more than one bottling unit is used and each series is distinguished from each other by the use of alphabetical prefixes or suffixes. Further, separate series of serial numbers, distinguished from each other by the use of alphabetical prefixes or suffixes, may be established to identify size of bottles, brand names, or other information, on written application (in triplicate) to, and approval of, the assistant regional commissioner. Remnant cases shall be given the serial number of the last full case followed by the letter R.

* * * * *

(72 Stat. 1360; 26 U.S.C. 5206)

36. Paragraph (a) of § 201.527 is amended to add provisions for marking cases of spirits bottled in bond after tax determination, to specify that cases transferred to a customs bonded warehouse shall bear the additional marks required by Part 252, and to make related changes. As amended, paragraph (a) of § 201.527 reads as follows:

§ 201.527 Marks on cases of bottled-in-bond spirits.

(a) *Mandatory marks.* The following information shall be plainly marked at the time of bottling on the Government side of each case of spirits bottled in bond:

(1) Serial number;

(2) The words "Bottled in Bond" if bottled under the provisions of Subpart K of this part, or the words "Bottled in Bond TP" if bottled under the provisions of Subpart Na of this part;

(3) Kind of spirits;

(4) Proof gallons;

(5) Plant number of bottler;

(6) Proof (if bottled in bond for export);

(7) Date filled.

In addition, on the date tax is determined on cases of spirits bottled in bond under the provisions of Subpart K of this part, such cases shall be marked with the words "Tax Determined", followed by the date of tax determination. Cases, at the time of transfer in bond, shall be marked to show such purpose, the date, and the plant number of the consignee, as, for example, "Trans. 8–1–60, DSP–Ky–4." Cases withdrawn for export, transfer to customs bonded warehouses or customs manufacturing bonded warehouses, transfer to foreign-trade zones, or for use as supplies on certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter. Cases otherwise withdrawn or removed shall be marked to show the purpose and the date of withdrawal.

* * * * *

(72 Stat. 1360, 1368, 84 Stat. 1965; 26 U.S.C. 5206, 5233, 5066)

37. Section 201.528 is amended to exclude cases of spirits bottled in bond after tax determination from its provisions, and to specify that cases transferred to a customs bonded warehouse shall bear the additional marks required by Part 252. As amended, § 201.528 reads as follows:

§ 201.528 Marks on cases filled on bottling premises.

(a) *Mandatory marks.* The following information shall be plainly marked on the Government side of each case of spirits, except cases of spirits bottled in bond under the provisions of Subpart Na of this part, or wine filled on bottling premises:

(1) Serial number;

(2) Kind of wine, or kind of spirits;

(3) Plant number where bottled;

(4) Proof gallons (for spirits and rectified wines);

(5) Wine gallons (for unrectified wines);

(6) Proof (for spirits);

(7) Percent of alcohol by volume (for wines);

(8) Date filled.

Cases removed for export, transfer to customs bonded warehouses or customs manufacturing bonded warehouses, transfer to foreign-trade zones, or for use as supplies on certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter.

(b) *Other marks.* In addition to the required marks on cases, other than cases of spirits bottled in bond under the provisions of Subpart Na of this part, filled on bottling premises, the proprietor may include on the Government side of cases marks as follows:

(1) Name or trade name, and location, if desired, of the bottler, and in conjunction therewith the word "Bottler";

(2) For products actually distilled or rectified by the proprietor, his name or trade name, and location, if desired, and in conjunction therewith the words "Distiller" or "Rectifier" as applicable;

(3) For products actually imported and bottled by the proprietor, the words "Imported and Bottled By", followed by his name or trade name, and location if desired;

(4) For products bottled for a dealer, the words "Bottled For", followed by the name of such dealer;

(5) Other material required by Federal or State law and regulations.

The marks authorized by this paragraph shall not interfere with or detract from the mandatory marks prescribed in paragraph (a) of this section. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

(72 Stat. 1360, 1381, 84 Stat. 1965; 26 U.S.C. 5206, 5363, 5066)

38. Section 201.540b is amended to provide that spirits bottled in bond after tax determination may not be packaged in 4-ounce liquor bottles. As amended, § 201.540b reads as follows:

§ 201.540b Bottles authorized.

Liquor bottles shall conform to the applicable standards of fill provided in Subpart E of 27 CFR Part 5, including those for liquor bottles of less than ½-pint capacity. The use of any bottle size other than as authorized in Subpart E of 27 CFR Part 5 is prohibited for the packaging of distilled spirits for domestic purposes, except that 4-ounce liquor bottles may be used for packaging any distilled spirits, other than spirits bottled in bond after determination of tax, on bottling premises for sale in intrastate commerce only. Bottles bearing the indicia required under Part 173 of this chapter may be used, but need not be used, in bottling spirits for export.

39. Section 201.540m is amended to provide that both spirits bottled in bond before determination of tax and spirits bottled in bond after determination of tax shall have a caution notice affixed thereto. As amended, § 201.540m reads as follows:

§ 201.540m Caution notice, spirits bottled in bond.

Each bottle of spirits bottled in bond under the provisions of Subpart K or Na of this part (except for export) shall

have affixed thereto a caution notice (clearly legible) reading as follows:

This bottle has been filled and stamped under the provisions of sections 5205 and 5233, Internal Revenue Code. Any person who shall reuse the stamp affixed to this bottle or remove the contents of this bottle without so breaking the stamp affixed thereto as to prevent reuse, or who shall sell this bottle, or reuse it for distilled spirits, will be liable to the penalties prescribed by law.

Bottles containg spirits bottled for export may have affixed thereto such caution notice.

(72 Stat. 1366; 26 U.S.C. 5233)

40. Paragraphs (a) and (b) of § 201.541 are amended to provide that bottles of spirits bottled in bond after tax determination shall be stamped with the prescribed bottled-in-bond strip stamp. As amended, paragraphs (a) and (b) of § 201.541 read as follows:

§ 201.541 General.

(a) *Spirits bottled in bond.* Except as provided in paragraph (c) of this section, every bottle of spirits bottled in bond pursuant to the provisions of Subpart K or Na of this part shall, when filled, be stamped by the proprietor with a prescribed bottled-in-bond strip stamp evidencing the bottling of such spirits in bond. The prescribed stamp is serially numbered (except stamps of less than ½ pint denomination), and shows that the spirits were bottled in bond under supervision of the U.S. Government, and, in the case of spirits bottled in bond for domestic use, the quantity of spirits in the container and the proof of the spirits. Green strip stamps are prescribed for spirits bottled in bond for domestic use, and blue for export. Blue export strip stamps, applied to bottles of spirits bottled in bond for export with benefit of drawback, shall be overprinted with the word "Drawback". Where bottled-in-bond spirits, originally intended for domestic use, are to be exported with benefit of drawback, the word "Export" shall be overprinted on the green strip stamp.

(b) *Spirits bottled on bottling premises.* Every bottle or other immediate container of less than five wine gallons of taxpaid spirits, except spirits bottled in bond pursuant to the provisions of Subpart Na of this part, filled on bottling premises for removal therefrom shall, when filled, be stamped by the proprietor with a prescribed red strip stamp, evidencing the determination of tax or indicating compliance with the provisions of chapter 51, I.R.C., and this part. The prescribed stamps shall be issued in a standard size, serially numbered, for bottles or containers of ½-pint capacity or more and in a small size for bottles or containers of less than ½-pint capacity. Where bottled spirits bearing red strip stamps are to be exported with benefit of drawback, the word "Export" shall be overprinted on such stamps.

* * * * * *

(72 Stat. 1358, 1369; 26 U.S.C. 5205, 5235)

41. Section 201.547 is amended to provide that bottles of bottled-in-bond spirits may be restamped under the provisions of Subpart K or Na of § 201.532 and to make related changes. As amended, § 201.547 reads as follows:

§ 201.547 Restamping of spirits.

Bottles of alcohol filled on bonded premises may be restamped under the provisions of Subpart K of this part. Bottles of bottled-in-bond spirits may be restamped under the provisions of Subpart K or Na of this part. Bottles or other containers to which red strip stamps have been affixed may be restamped under the provisions of Subpart N of this part. Bottles of alcohol and bottled-in-bond spirits, and bottles or other containers to which red strip stamps have been affixed, may also be restamped under the provisions of § 201.532. Replacement of mutilated or missing stamps by persons other than proprietors of plants shall be made in accordance with the provisions of Part 194 of this chapter.

(72 Stat. 1358, 1366; 26 U.S.C. 5205, 5233)

42. Paragraph (b) of § 201.561 is amended to delete material no longer applicable and to add provisions for returned spirits and for refund or credit of rectification taxes. As amended, paragraph (b) reads as follows:

§ 201.561 General.

* * * * * *

(b) By the proprietor who withdrew the spirits on payment or determination of tax for rectification or bottling, if the spirits are destroyed on the bottling premises to which they were removed from bond before removal from, or after return to, such premises. A corporation and any of its affiliated or subsidiary corporations who conduct successive operations at the same bottling premises may qualify, as provided in § 201.490, to be treated as one proprietor for the purposes of this subpart. This paragraph applies to the distilled spirits tax imposed under section 5001(a)(1), I.R.C., and, as applicable, the rectification tax imposed under sections 5021, 5022, and 5023, I.R.C. This paragraph applies only in respect of such taxes on the quantity actually destroyed.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

43. Section 201.562 is amended to require supporting documents to be attached to Form 1577. As amended, § 201.562 reads as follows:

§ 201.562 Application, Form 1577.

Application for destruction of spirits (including denatured spirits) shall be filed by the proprietor of a plant on Form 1577 with the assigned officer or, if none is regularly assigned, the assistant regional commissioner. If the proprietor desires to destroy spirits in bond at some place other than on bonded premises, the assistant regional commissioner may require that the spirits be moved to a more convenient location. The quantity of spirits to be destroyed shall be determined by an assigned officer, who shall supervise the destruction thereof and prepare his report on Form 1577; denatured spirits may, at the discretion of the approving officer, be destroyed without supervision. The original of Form 1577 covering the destruction of spirits on taxpaid premises shall have attached thereto the related Forms 122, 179, and 2637, or other supporting documents, as appropriate.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

44. Section 201.563 is amended to clarify the provisions as to refund or credit of the rectification tax. As amended, § 201.563 reads as follows:

§ 201.563 Claims.

Claims for refund or credit of tax on spirits voluntarily destroyed under this subpart shall be filed pursuant to the provisions of Subpart C of this part. Where spirits destroyed on bottling premises contain alcoholic ingredients which were not withdrawn by the proprietor from bonded premises on tax determination, the tax on such ingredients is not allowable; however, this does not preclude, where applicable, refund or credit of the rectification tax on the entire quantity destroyed. The quantity of all spirits and alcoholic ingredients subject to the operational loss provisions of this part and which are destroyed on bottling premises shall be reported on Form 2611. All claims under this subpart must be filed within 6 months from the date of destruction.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

45. Section 201.581 is amended to conform to changes in law and for clarification. As amended, § 201.581 reads as follows:

§ 201.581 Return of taxpaid spirits to bonded premises.

Subject to the provisions of this subpart, spirits withdrawn from bonded premises on payment or determination of tax (other than products to which any alcoholic ingredients other than such spirits have been added) may be returned to the bonded premises of a distilled spirits plant. The returned spirits shall be:

(a) Destroyed in accordance with § 201.562;

(b) Denatured;

(c) Redistilled; or

(d) Mingled as follows:

(1) If 190° or more of proof, with other spirits of 190° or more of proof;

(2) If eligible for denaturation, with other spirits to be immediately denatured;

(3) If eligible to be removed from bond for an authorized tax-free purpose, with other spirits eligible to be immediately so removed;

(4) If eligible to be redistilled at the same or at another plant, with other spirits for immediate redistillation; or

(5) With heterogeneous spirits under the provisions of § 201.298.

Prior to disposition as provided in paragraphs (a) through (d) of this section, such returned spirits may be accumulated for short periods of time (but not longer than 6 months) so that the destruction, denaturation, redistillation, or

mingling may be accomplished in quantities sufficiently large to make the operations economically worthwhile. Spirits so accumulated shall be kept separate and apart from other spirits and shall be appropriately identified. All provisions of Chapter 51, I.R.C., and this part, applicable to spirits in internal revenue bond shall be applicable to spirits returned to bonded premises under this section on such return. The provisions of this subpart do not apply to taxpaid spirits returned to the bottling-in-bond facility for rebottling, relabeling, or restamping under the provisions of Subpart K of this part.

(72 Stat. 1364, as amended; 26 U.S.C. 5215)

46. Section 201.583 is amended to require supporting forms to be forwarded with Form 2612 rather than the related claim. As amended, § 201.583 reads as follows:

§ 201.583 Receipt of returned taxpaid spirits.

On receipt of taxpaid spirits eligible for return to bonded premises, the proprietor shall gauge the spirits in the presence of the assigned officer. The proprietor shall execute his receipt for the spirits and report of gauge on all copies of the approved Form 2612 and deliver all the copies to the assigned officer who shall, on execution on the form of his verification of the receipt and gauge of the spirits, return two copies to the proprietor. The assigned officer shall forward the original of Form 2612, with related Forms 179, 122, and 2637, as applicable, or other supporting documents, to the assistant regional commissioner, and shall retain one copy for his files. The proprietor shall retain one copy of Form 2612 for his files. When containers of such spirits are emptied, the proprietor shall comply with the applicable provisions of § 201.531.

(72 Stat. 1364, as amended; 26 U.S.C. 5215)

47. Section 201.586 is amended to include reference to a customs bonded warehouse. As amended, § 201.586 reads as follows:

§ 201.586 Return of spirits withdrawn without payment of tax.

Spirits lawfully withdrawn without payment of tax under the provisions of Part 252 of this chapter for exportation, or for deposit in a customs bonded warehouse or a customs manufacturing bonded warehouse, or for deposit in a foreign-trade zone, or for use on vessels and aircraft, and not so exported, deposited, or used (or laden for use) on a vessel or aircraft, may be returned, under the applicable provisions of this part and Part 252 of this chapter, (a) to the bonded premises of any plant authorized to produce distilled spirits, for redistillation, or (b) to the bonded premises from which withdrawn, for storage pending subsequent removal for a lawful purpose. Wine spirits withdrawn pursuant to § 201.387 for use in wine production, and not so used, may be returned to the bonded premises of a plant; the consignee proprietor shall obtain approval, as provided in § 201.366, and the wine spirits shall be removed from the winery in accordance with the provisions of Part 240 of this chapter.

(72 Stat. 1362, 1365, 1382, 84 Stat. 1965; 26 U.S.C. 5214, 5223, 5373, 5066)

48. In § 201.623, paragraphs (k) and (l) and the text immediately following paragraph (l) are amended to read as follows:

§ 201.623 Daily bottling premises records.

* * * * * *

(k) The voluntary destruction of spirits, showing separately (1) spirits destroyed before completion (including spirits returned to the bottling premises and dumped for reprocessing or rebottling), and (2) spirits destroyed after completion (including spirits returned to the bottling premises and not dumped for reprocessing or rebottling).

(l) The losses which occur (1) by reason of accident while being removed from bond to bottling premises (where such losses occur, the actual quantity of spirits received shall be reported in the record required by paragraph (a) of this section), (2) by reason of accident while on the bottling premises and that amount to 10 proof gallons or more in respect of any one accident, (3) by theft, or (4) by reason of flood, fire, or other disaster.

The records required by paragraphs (a)(1), (b), (e), (g), and (h)(3) of this section shall show separately spirits for bottling in bond after tax determination and spirits for other bottling. The records required by paragraph (a) of this section shall also show the name and plant number of the producer or rectifier (bonded warehouseman in the case of blended beverage rums or brandies or spirits of 190° or more of proof received from storage facilities) for domestic spirits, the name of the importer and the country of origin for imported spirits, and the name and address of the producer of wines and alcoholic flavoring materials. In addition to the above requirements separate records shall be maintained for spirits entered into the closed system (under the provisions of § 201.487) for the production of gin or vodka and the spirits removed therefrom; alcoholic flavoring materials which, under § 201.424, must be procured direct from the manufacturer and covered by an affidavit from him, shall be distinguished in the records from other alcoholic flavoring materials; and spirits stamped and marked, or restamped and marked (if in cases) or marked (if in packages) for exportation with benefit of drawback, shall be appropriately identified in the records. Where proprietors' copies of prescribed transaction forms reflect details of the transactions required by this section, such copies may constitute the records of such details required under this section.

(72 Stat. 1361; 26 U.S.C. 5207)

PAR. B. 25 CFR Part 252 is amended as follows:

1. Section 252.1 is amended to include the withdrawal of distilled spirits to a customs bonded warehouse. As amended, § 252.1 reads as follows:

§ 252.1 General.

The regulations in this part relate to exportation, lading for use on vessels and aircraft, and the transfer to a foreign-trade zone or a manufacturing bonded warehouse, class 6, of distilled spirits (including specially denatured spirits), beer, and wine, and in the case of distilled spirits only, transfer to a customs bonded warehouse as provided for in section 5066, I.R.C., whether without payment of tax, free of tax, or with benefit of drawback, and includes requirements with respect to removal, shipment, lading, deposit, evidence of exportation, losses, claims, and bonds.

2. In § 252.11, the definition of "Assistant regional commissioner" is updated and a definition of "Customs bonded warehouse" as added, in alphabetical order. The new and amended definitions in § 252.11 read as follows:

§ 252.11 Meaning of terms.

* * * * * *

Assistant regional commissioner. An assistant regional commissioner (alcohol, tobacco, and firearms) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

* * * * * *

Customs bonded warehouse. A customs bonded warehouse, class 2, 3, or 8, established under the provisions of Customs Regulations (19 CFR Ch. I).

* * * * * *

3. Section 252.25 is amended to include withdrawals of distilled spirits for transfer to a customs bonded warehouse. As amended, § 252.25 reads as follows:

§ 252.25 General.

Any manufacturer who manufactures the products designated in section 5522, I.R.C., at a duly constituted manufacturing bonded warehouse, established in accordance with law and the regulations in 19 CFR Chapter I, may withdraw distilled spirits or wines from any distilled spirits plant or bonded wine cellar, as the case may be, without payment of tax, for use in the manufacture of such products for export, or for rectification and export, or shipment in bond to Puerto Rico, or, in the case of distilled spirits, for transfer to a customs bonded warehouse, as provided for in section 5066, I.R.C. The proprietor of the manufacturing bonded warehouse shall furnish bond in accordance with the provisions §§ 252.63 and 252.64.

(46 Stat. 691, as amended, 72 Stat. 1362, 1380, 1392, 1393, 1394, 84 Stat. 1965; 19 U.S.C. 1311, 26 U.S.C. 5214, 5362, 5521, 5522, 5523, 5066)

4. Immediately following § 252.25, an undesignated center head and two new sections, §§ 252.26 and 252.27, are added to read as follows:

CUSTOMS BONDED WAREHOUSES

§ 252.26 Entry into customs bonded warehouses.

(a) *Distilled spirits bottled in bond for export.* Distilled spirits bottled in bond for export may, subject to this part, be withdrawn from bonded premises for transfer to customs bonded warehouses in which imported distilled spirits are permitted to be stored in bond for entry pending withdrawal as provided in § 252.27. Withdrawals from bonded premises under the provisions of this paragraph shall be treated as withdrawals for exportation under the provisions of section 5214(a)(4), I.R.C.

(b) *Bottled distilled spirits eligible for export with benefit of drawback.* Bottled distilled spirits stamped or restamped, and marked, especially for export with benefit of drawback may, subject to this part, be transferred to customs bonded warehouses in which imported distilled spirits are permitted to be stored, and entered pending withdrawal as provided in § 252.27, as if such spirits were for exportation.

(c) *Time deemed exported.* For the purpose of this part, distilled spirits entered into a customs bonded warehouse as provided in this section shall be deemed exported at the time so entered.

(84 Stat. 1965; 26 U.S.C. 5066)

§ 252.27 Withdrawal from customs bonded warehouses.

Distilled spirits entered into customs bonded warehouses as provided in § 252.26 may, under the appropriate provisions of 19 CFR Chapter I, be withdrawn from such warehouses for consumption in the United States by and for the official or family use of such foreign governments, organizations and individuals who are entitled to withdraw imported distilled spirits from such warehouses free of tax. Distilled spirits transferred to customs bonded warehouses as provided in § 252.26 shall be entered, stored, and accounted for in such warehouses under the appropriate provisions of 19 CFR Chapter I.

(84 Stat. 1965; 26 U.S.C. 5066)

5. Section 252.42 is amended to include evidence of the deposit of distilled spirits in a customs bonded warehouse. As amended, § 252.42 reads as follows:

§ 252.42 Evidence of deposit.

The deposit of distilled spirits in a customs bonded warehouse or distilled spirits and wines in a foreign-trade zone with benefit of drawback may be evidenced by a copy of the transportation bill of lading obtained under the provisions of § 252.250.

(48 Stat. 999, as amended, 84 Stat. 1965; 19 U.S.C. 81c, 26 U.S.C. 5066)

6. In § 252.58, paragraph (a) is amended to provide for the filing of a new bond, Form 2601, or a consent of surety, to cover removals to customs bonded warehouses and the statutory citation at the end of § 252.58 is amended. As amended, paragraph (a) of § 252.58 and the statutory citation read as follows:

§ 252.58 Bond, Form 2601.

(a) *Spirits.* Where spirits are withdrawn without payment of tax, as authorized in § 252.91, from the bonded premises of a distilled spirits plant on application of the proprietor thereof, the bond, Form 2601, given by the proprietor and approved under the provisions of Part 201 of this chapter, shall cover such withdrawals: *Provided*, That where a proprietor desires to remove distilled spirits to a customs bonded warehouse as provided in § 252.91(e) and the terms of his bond on Form 2601, then in force, do not cover such removals, he shall either file a consent of surety on Form 1533 to extend the terms of such bond to cover such removals or file a new bond on Form 2601.

* * * * * *

(72 Stat. 1349, 1352, 1362, 84 Stat. 1965; 26 U.S.C. 5173, 5175, 5214, 5066)

7. Section 252.61 is amended to include a reference to § 252.91(e). As amended § 252.61 reads as follows:

§ 252.61 Bond, Form 2734.

If a specific lot of distilled spirits or wines is to be withdrawn without payment of tax, as authorized in § 252.91 (a), (b), (c), or (e), or § 252.121 (a), (b), or (c), by a person other than the proprietor of the bonded premises, a specific bond on Form 2734 shall be filed by the exporter with the assistant regional commissioner as provided in § 252.51. The penal sum of such bond shall be not less than the tax prescribed by law on the quantity of spirits or wines to be withdrawn: *Provided*, That the maximum penal sum of such bond shall not exceed $200,000, but in no case shall the penal sum be less than $1,000.

(72 Stat. 1352, 1362, 1380, 84 Stat. 1965; 26 U.S.C. 5175, 5214, 5362, 5066)

8. Paragraph (a) of §§ 252.62 and 252.65, are amended to provide for the filing of a new bond, or a consent of surety, to cover removals to customs bonded warehouses and the statutory citations at the end of § 252.62 and at the end of § 252.65 are amended. As amended, paragraph (a) of §§ 252.62 and 252.65, and the statutory citations at the end of §§ 252.62 and 252.65, read as follows:

§ 252.62 Bond, Form 2735.

(a) *General.* If distilled spirits and/or wines are to be withdrawn from time to time without payment of tax, as authorized in §§ 252.91 (a), (b), (c), or (e), and 252.121 (a), (b), or (c), by a person other than the proprietor of the bonded premises, a continuing bond on Form 2735 shall be filed by the exporter with the assistant regional commissioner as provided in § 252.51. The bond shall be executed in a penal sum sufficient to cover the tax at the rates prescribed by law on the maximum quantity of distilled spirits and wines that may remain unaccounted for at any one time: *Provided*, That the maximum penal sum of such bond shall not exceed $200,000, but in no case shall the penal sum be less than $1,000: *Provided further*, That where the exporter desires to remove distilled spirits to a customs bonded warehouse as provided in § 252.91(e) and the terms of his bond on Form 2735, then in force, do not cover such removals, he shall either file a consent of surety on Form 1533 to extend the terms of such bond to cover such removals or file a new bond on Form 2735. Distilled spirits and wines withdrawn for exportation, use on vessels or aircraft, or transfer to a foreign-trade zone, or distilled spirits withdrawn for transfer to a customs bonded warehouse, shall remain unaccounted for until the evidence of exportation, use, transfer, or loss in transit, as required by this part, has been filed with the assistant regional commissioner. The exporter shall, at the time of executing Form 2735, designate the premises from which the withdrawals are to be made, provided that, as to any one bond on Form 2735, such premises shall be located in the same internal revenue region.

* * * * * *

(72 Stat. 1352, 1362, 1380, 84 Stat. 1965; 26 U.S.C. 5175, 5214, 5362, 5066)

§ 252.65 Bond, Form 2738.

Whenever, under the provisions of this part, the claimant desires drawback of tax on distilled spirits or wines to be exported, laden for use on vessels or aircraft, or transferred to and deposited in a foreign-trade zone, or, in the case of distilled spirits, transferred to a customs bonded warehouse, as authorized in §§ 252.171, 252.201, and 252.211, prior to the receipt by the assistant regional commissioner of the certified copy of Form 1582, 1629, or 1582-A, as the case may be, as prescribed by this part, he shall file bond on Form 2738 with the assistant regional commissioner as provided in § 252.51. The penal sum of the bond shall be sufficient to cover the amount of drawback which will at any time constitute a charge against the bond: *Provided*, That the maximum penal sum shall not exceed $200,000, but in no case shall the penal sum be less than $1,000: *Provided further*, That where the claimant desires to remove distilled spirits to a customs bonded warehouse as provided in § 252.171(d) and the terms of his bond on Form 2738, then in force, do not cover such removals, he shall either file a consent of surety on Form 1533 to extend the terms of such bond to cover such removals or file a new bond on Form 2738.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

9. Section 252.91 is amended by adding thereto a new paragraph (e). As amended, § 252.91 reads as follows:

§ 252.91 General.

Distilled spirits on which the internal revenue tax has not been paid or determined may, subject to this part, be withdrawn from the bonded premises of a distilled spirits plant without payment of tax for:

(a) Exportation;

(b) Use on the vessels or aircraft described in § 252.21;

(c) Transfer to and deposit in a foreign-trade zone for exportation or for storage pending exportation;

(d) Transportation to and deposit in a manufacturing bonded warehouse; or

(e) Transfer to and deposit in a customs bonded warehouse as provided for in § 252.26.

All such withdrawals shall be made under the applicable bond prescribed in Subpart D of this part.

(48 Stat. 999, as amended, 72 Stat. 1362, 1393, 84 Stat. 1965; 19 U.S.C. 81c, 26 U.S.C. 5214, 5522, 5066)

10. Paragraph (a) of § 252.92 is amended to provide for the use of Form 206 as an application to withdraw distilled spirits without payment of tax for transfer to a customs bonded warehouse, and the citation following the section is amended. As amended, paragraph (a) of § 252.92 and the citation read as follows:

§ 252.92 Application, Form 206.

(a) *Export, use on vessels and aircraft, and transfer to a foreign-trade zone or a customs bonded warehouse.* Application for the withdrawal of distilled spirits without payment of tax for exportation from the United States, or for use on vessels and aircraft, or for transfer to a customs bonded warehouse or a foreign-trade zone, shall be made by the exporter on Form 206, in quadruplicate, except that where the shipment is for use on aircraft, an extra copy, marked "Consignee's Copy", shall be prepared. Where the exporter is not the proprietor of the bonded premises of the distilled spirits plant from which the spirits are to be withdrawn, he shall forward all copies of the form to such proprietor, except that where the withdrawals are being made under the limitations set forth in § 252.62(b), all copies of Form 206 shall be submitted to the internal revenue officer at the designated distilled spirits plant as provided in that section.

* * * * * *

(72 Stat. 1362, 1393, 84 Stat. 1965; 26 U.S.C. 5214, 5522, 5066)

11. Section 252.93 is amended to provide for the name of the carrier or carriers on the application for withdrawals from the bonded premises of a distilled spirits plant to a customs bonded warehouse. As amended, § 252.93 reads as follows:

§ 252.93 Carrier to be designated.

The name of the carrier or carriers to be used in transporting the distilled spirits from the bonded premises of the distilled spirits plant to the port of export, or to the customs bonded warehouse, or to the manufacturing bonded warehouse, or to the foreign-trade zone, as the case may be, shall be shown in the application. If the spirits are shipped on a through bill of lading and all carriers handling the spirits while in transit are not known, the name of the carrier to whom the distilled spirits are to be delivered at the shipping premises shall be shown.

(72 Stat. 1362, 1393, 84 Stat. 1965; 26 U.S.C. 5214, 5522, 5066)

12. Paragraph (d) of § 252.103 is amended by adding an "or" at the end thereof; a new paragraph (e) is added to specify the additional marks and brands to be placed on cases of distilled spirits withdrawn without payment of tax for deposit in a customs bonded warehouse; and the citation following the section is amended. As amended and added, paragraphs (d) and (e) of § 252.103, and the citation read as follows:

§ 252.103 Marks and brands.

* * * * * *

(d) Where the spirits are to be withdrawn for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone; or

(e) "Deposit in C.B.W." followed by the address (city or town and State) of the customs bonded warehouse—where the spirits are to be withdrawn for deposit in a customs bonded warehouse as provided for by § 252.56.

* * * * * *

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1362, 1393, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5214, 5522, 5066)

13. Section 252.110 is amended to extend the provisions for losses in transit to distilled spirits withdrawn from bonded premises without payment of tax and transported to a customs bonded warehouse. As amended, § 252.110 reads as follows:

§ 252.110 Losses.

Where there has been a loss of distilled spirits while in transit from the bonded premises of a distilled spirits plant to a port of export, a customs bonded warehouse, a manufacturing bonded warehouse, a vessel or aircraft, or a foreign-trade zone, the provisions of Subpart O of this part, with respect to losses of spirits after withdrawal without payment of tax and to claims for remission of the tax thereon, shall be applicable.

(72 Stat. 1323, as amended, 84 Stat. 1965; 26 U.S.C. 5008, 5066)

14. Section 252.115 is amended to provide for the return to bonded premises of spirits withdrawn without payment of tax for deposit in a customs bonded warehouse. As amended, § 252.115 reads as follows:

§ 252.115 General.

On application of the proprietor of a distilled spirits plant, spirits which have been lawfully withdrawn without payment of tax under the provisions of this subpart for exportation, or for deposit in a foreign-trade zone, a manufacturing bonded warehouse, or a customs bonded warehouse, or for use on vessels and aircraft may, for good cause, be returned:

(a) To the bonded premises of any distilled spirits plant authorized to produce distilled spirits, for redistillation; or

(b) To the bonded premises from which withdrawn, for storage pending subsequent removal for lawful purposes: *Provided*, That such spirits are returned before they are exported, deposited in a foreign-trade zone, a manufacturing bonded warehouse, or a customs bonded warehouse, or laden as supplies upon or used on vessels or aircraft, as the case may be.

(72 Stat. 1362, 1365, 84 Stat. 1965; 26 U.S.C. 5214, 5223, 5066)

15. Paragraph (c) of § 252.171 is amended by adding an "or" at the end thereof; a new paragraph (d) is added to provide for the withdrawal of distilled spirits to a customs bonded warehouse; and the citation following the section is amended. As amended and added paragraphs (c) and (d) of § 252.171 and the citation read as follows:

§ 252.171 General.

* * * * * *

(c) Transferred to and deposited in a foreign-trade zone for exportation or for storage pending exportation; or

(d) Transferred to and deposited in a customs bonded warehouse as provided for in § 252.26.

* * * * * *

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

16. An undesignated center head and a new section, § 252.173, are added immediately following § 252.171, to read as follows:

STANDARD EXPORT DRAWBACK RATES

§ 252.173 General.

Products which derive all of their alcoholic content from fully taxpaid spirits, such as unrectified spirits and gin and vodka produced exempt from rectification tax, are considered, without further action by the bottler or packager, to be subject to a standard drawback rate. In the case of rectified products, other than gin and vodka produced exempt from the rectification tax, rectifiers may submit to the Director, Alcohol, Tobacco and Firearms Division, formulas on Form 27-B Supplemental prepared as provided in Part 201 of this chapter and which (a) are precise as to the quantity or percentage of the ingredients to be used, including the alcoholic content of the ingredients, and (b) permit no variation except in the proof of the finished product due to increases or decreases in the quantity or percentage of water or other non-alcoholic ingredients used. Each such formula submitted shall include the following statement immediately above the signature of the rectifier:

For the purpose of having a standard export drawback rate established, I agree to adhere strictly to the formula set forth above and to accept the rate of drawback established for this product.

Rectifiers may also submit formulas on Forms 27-B Supplemental for products

in which the quantities, proof, and alcoholic content of spirits, wines, and alcoholic flavoring materials vary between specified limits in arriving at the specific proof. The drawback rate will be computed on the basis of the maximum quantity and highest alcoholic content of wine and alcoholic flavoring material permissible under the formula, even though such wine and flavoring material were used in the minimum quantity and/or the lowest alcoholic content. Each such formula submitted shall include the following statement immediately above the signature of the rectifier:

For the purpose of having a standard export drawback rate established, I agree to accept the rate of drawback established, based on the largest quantity and the highest alcoholic content of wine and alcoholic flavoring material that might be used in any product produced under this formula.

Returned bottled goods and dregs and remnants produced under a formula on which a standard drawback rate has been established may be added to a batch of the identical formula, provided that the approved formula specifies that return bottled goods and dregs and remnants may be added and that such returned bottled goods and dregs and remnants can be identified as having been produced under the identical formula. On all formulas containing alcoholic flavoring materials the rectifier shall state whether nonbeverage drawback has been or will be claimed on the alcoholic flavoring material to be used. In the case of existing approved formulas which meet the above criteria, the rectifier may, in lieu of submitting a new formula, file with his Assistant Regional Commissioner, Alcohol, Tobacco and Firearms, a signed rider, in quadruplicate, identifying the formula, and any previously approved riders, and containing the statement, as applicable, that he agrees to accept the rate of drawback established. Such riders shall pertain solely to the establishment of a standard drawback rate and shall not make any change in the existing formula.

17. Section 252.190 is amended to provide for the use of Form 1582 as a notice of shipment of distilled spirits to a customs bonded warehouse. As amended, § 252.190 reads as follows:

§ 252.190 Notice, Form 1582.

Notice of shipment of distilled spirits for export, for use as supplies on vessels or aircraft, for deposit in a foreign-trade zone, or for deposit in a customs bonded warehouse, shall be prepared by the exporter on Form 1582, in quadruplicate: *Provided*, That where the withdrawal is for use on aircraft, an extra copy, marked "Consignee's Copy", shall be prepared. Each Form 1582 shall be given, by the exporter, a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat., 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

18. Section 252.193 is amended to specify the additional marks and brands to be placed on cases of distilled spirits withdrawn with benefit of drawback for deposit in a customs bonded warehouse. As amended, § 252.193 reads as follows:

§ 252.193 Export marks.

In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 201 of this chapter, the exporter shall place additional marks, as herein specified, on each such container before removal for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone or a customs bonded warehouse:

(a) "Export—Drawback Claimed"—Where the spirits are to be removed for export from the United States; or

(b) "Use on Vessels (or Aircraft)—Drawback Claimed"—Where the spirits are to be removed for use on vessels or aircraft; and

(c) Where the spirits are removed for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone; or

(d) "Deposit in C.B.W.—Drawback Claimed" followed by the address (city or town and State) of the customs bonded warehouse—where the spirits are removed for deposit in a customs bonded warehouse as provided for by § 252.26.

All such markings shall be placed on the containers in the same manner and in the same area as is prescribed in Part 201 of this chapter for the affixing of the original marks.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81C, 26 U.S.C. 5062, 5066)

19. Section 252.195a is amended to provide that where a standard export drawback rate has been established, the bottler or packager shall show the formula number and date of approval in Part II of Form 1582; and further provide that the assistant regional commissioner may waive the filing of certain supporting forms with a claim for drawback. As amended, § 252.195a reads as follows:

§ 252.195a Claim.

The bottler or packager of the spirits shall compute the drawback rate, unless the assistant regional commissioner has, under the provisions of § 252.173, established a standard drawback rate, and shall complete Parts II and III on both copies of Form 1582. If a standard drawback rate has been established for a rectified product other than gin and vodka produced exempt from rectification tax, the date of approval of the formula and the number shall be shown in any available space in Part II of Form 1582. The bottler or packager shall file one copy as the claim for drawback of tax with the assistant regional commissioner for the region in which the claimant's premises are located, and retain one copy for his files. Each claim on Form 1582 shall be supported, as applicable, by a copy of each related Form 122, Form 2630, and Form 2637 covering the dumping and bottling or packaging of the spirits; and in the case of spirits bottled in bond on bonded premises, a copy of each Form 179 covering the taxpayment. If substitute records are maintained as provided in § 201.432(d) of this chapter, the claimant shall prepare from such record, and submit with the claim, a batch record on Form 122 and shall certify that the transcript accurately reflects the original record. Upon application, and a finding by the assistant regional commissioner that dumping, bottling, or packaging records are not essential, he may waive the requirement for the filing of supporting forms with each claim for drawback except the requirement for filing Form 179 covering taxpayment of spirits bottled in bond on bonded premises: *Provided*, That in the case of any such waiver, the claimant shall insert in Part II the formula number, if any, or a statement that the alcoholic content of the product is derived solely from fully taxpaid spirits. In lieu of a waiver of the filing of supporting forms, the assistant regional commissioner may approve an alternate method of furnishing information. The authorization shall provide that the authority may be withdrawn if, in the opinion of the assistant regional commissioner, there is a need for the supporting forms.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336, as amended; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062)

20. Section 252.196 is amended to include transfers to a customs bonded warehouse. As amended, § 252.196 reads as follows:

§ 252.196 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of distilled spirits removed under this subpart for export, use on vessels or aircraft, transfer to a customs bonded warehouse, or transfer to a foreign-trade zone, shall be in accordance with the applicable provisions of Subpart M of this part.

(72 Stat. 1336, 84 Stat. 1965; 26 U.S.C. 5062, 5066)

21. A new § 252.244a is added, immediately following § 252.244, to read as follows:

§ 252.244a Shipment to customs bonded warehouse.

Distilled spirits withdrawn for shipment to a customs bonded warehouse shall be consigned in care of the customs officer in charge of the warehouse.

(84 Stat. 1965; 26 U.S.C. 5066)

22. Section 252.250 is amended by changing the text preceding paragraph (a) to require submission of a transportation bill of lading in the case of shipment of distilled spirits to a customs bonded warehouse; and by amending the citation. As amended, such text of § 252.250 and the citation read as follows:

§ 252.250 Bills of lading required.

A copy of the export bill of lading covering transportation from the port of export to the foreign destination, or a copy of the through bill of lading to the foreign destination, if so shipped, covering the acceptance of the shipment by a carrier for such transportation, shall be obtained and filed by the claimant or exporter with the assistant regional commissioner with whom the application, notice, or notice and claim is filed. Where the shipment consists of distilled spirits for deposit in a customs bonded warehouse, or distilled spirits or wines, for deposit in a foreign-trade zone, with benefit of drawback, and the principal has filed bond, Form 2738, a copy of the transportation bill of lading covering the shipment shall be obtained and filed by the claimant or exporter with the assistant regional commissioner with whom the notice and claim is filed: *Provided*, That such transportation bill of lading will not be required when delivery is made directly to the foreign-trade zone or the customs bonded warehouse by the shipper. Bills of lading shall be signed by the carrier or by an agent of the carrier and shall contain the following minimum information:

• • • • •

(72 Stat. 1334, 1335, 1336, as amended, 1362, 1380, 84 Stat. 1965; 26 U.S.C. 5053, 5055, 5062, 5214, 5362, 5066)

23. Section 252.265 is amended to include detention of distilled spirits transferred to a customs bonded warehouse where a customs inspection discloses evidence of fraud. As amended, § 252.265 reads as follows:

§ 252.265 Evidence of fraud.

If the customs inspection discloses evidence of fraud, the customs officer shall detain the merchandise and notify the director of customs who shall report the facts forthwith to the assistant regional commissioner within whose region the port of export is located. The assistant regional commissioner shall make investigation and take such action as the facts may warrant. Where the detained merchandise has been withdrawn for transfer and deposit in a manufacturing bonded warehouse, the merchandise shall be deemed not to have been deposited in said warehouse, and the designated officer shall hold in abeyance the processing of Form 206 until advised by the director of customs that the detained merchandise may be entered for deposit. Where the detained merchandise has been withdrawn or entered for deposit in a foreign-trade zone or a customs bonded warehouse, it shall be deemed to not have been deposited in the zone of the warehouse and the customs officer shall hold in abeyance the processing of the application, notice, or claim, Form 206, 1582, 1582-A, 1582-B, or 1689, as the case may be, and Zone Form D, until advised by the director of customs that the detained merchandise may be entered for deposit.

(48 Stat. 999, as amended, 72 Stat. 1334, 1335, 1336, 1362, 1380, 1393, 84 Stat. 1965; 19 U.S.C. 81c, 26 U.S.C. 5053, 5055, 5062, 5214, 5362, 5522, 5066)

24. An undesigned center head and new § 252.286 are added, immediately following § 252.285, to read as follows:

RECEIPT IN CUSTOMS BONDED WAREHOUSE

§ 252.286 Receipt in customs bonded warehouse.

On receipt of the distilled spirits and the related Form 206 or 1582, as the case may be, the customs officer in charge of the customs bonded warehouse shall make such inspection as is necessary to establish to his satisfaction that the shipment corresponds with the description thereof on the appropriate form. The customs officer shall note on each copy of the Form 206 or 1582, as the case may be, any deficiency in quantity or discrepancy between the merchandise inspected and that described on the form. Where the inspection discloses no loss, or where a loss is disclosed and there is no evidence to indicate fraud, the officer shall execute his certificate of deposit on both copies of the form, forward the original to the assistant regional commissioner, and retain the remaining copy for his files.

(84 Stat. 1965; 26 U.S.C. 5066)

25. Section 252.301 is amended to extend the provisions for losses in transit to distilled spirits withdrawn from bonded premises without payment of tax and transported to a customs bonded warehouse. As amended, § 252.301 reads as follows:

§ 252.301 Loss of distilled spirits in transit.

The tax on distilled spirits withdrawn without payment of tax under this part and which are lost during transportation from the bonded premises of the distilled spirits plant from which withdrawn to (a) the port of export, (b) the manufacturing bonded warehouse, (c) the vessel or aircraft, (d) the foreign-trade zone, or (e) the customs bonded warehouse, as the case may be, may be remitted if evidence satisfactory to the assistant regional commissioner establishes that such distilled spirits have not been unlawfully diverted, or lost by theft with connivance, collusion, fraud, or negligence on the part of the exporter, owner, consignor, consignee, bailee, or carrier or the employees or agents of any of them: *Provided*, That such remission in the case of loss of distilled spirits by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed in respect of the tax for such loss.

(72 Stat. 1323, as amended, 84 Stat. 1965; 26 U.S.C. 5008, 5066)

26. Sections 252.331 and 252.333 are amended to include the processing of claims for drawback of tax on distilled spirits shipped to a customs bonded warehouse. As amended, §§ 252.331 and 252.333 read as follows:

§ 252.331 Claims supported by bond, Form 2738.

On receipt of a claim for drawback of tax on distilled spirits or wines on which the tax has been determined, and of the evidence of exportation required by § 252.40, or of lading for use on vessels or aircraft required by §252.41, or of deposit in a foreign-trade zone or of deposit of distilled spirits in a customs bonded warehouse, as required by § 252.42, as the case may be, the assistant regional commissioner shall, if a good and sufficient bond has been filed as provided in § 252.65, and the notice of removal has been properly completed, allow the claim in accordance with the rate of drawback established in respect of the particular spirits or wines on which claim is based and charge the amount allowed against the bond. On receipt of the original of the claim properly executed by the appropriate customs official or armed services officer, as required by this part, and, in the case of claims on Form 1582-A, the certificate of tax determination, Form 2605, the assistant regional commissioner shall give appropriate credit to the bond.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

§ 252.333 Where no bond is filed.

Where a claim for drawback of tax on distilled spirits or wines on Form 1582, Form 1582-A, or Form 1629, is not supported by a bond on Form 2738, and in all cases where claim for drawback of tax on beer is made on Form 1582-B, the assistant regional commissioner shall, on receipt by him of the original of the claim properly executed by the appropriate customs official or armed services officer, as required by this part, examine the claim to determine that it has been properly completed. He shall then, on receipt of the evidence of exportation required by § 252.40, or of lading for use on vessels or aircraft required by § 252.41, or of deposit in a foreign-trade zone or a customs bonded warehouse as required by § 252.42, as the case may be, and, in the case of claims on Form 1582-A, the certificate of tax determination, Form 2605, allow the claim in the amount of the tax paid on the beer or the tax paid or determined on the distilled spirits or wines on which the claim is based and which were exported, laden as supplies on vessels or aircraft, or deposited in a foreign-trade zone of a customs bonded warehouse, as the case may be.

(46 Stat. 690, 691, as amended, 48 Stat. 999, as amended, 72 Stat. 1327, 1335, 1336, 84 Stat. 1965; 19 U.S.C. 1309, 1311, 81c, 26 U.S.C. 5009, 5055, 5062, 5066)

[FR Doc.71-3306 Filed 3-9-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71-16]

PHOSPHORUS PENTASULFIDE

Proposed Classification as Inflammable Solid

The Coast Guard is considering amending the dangerous cargoes regulations to

identify phosphorus pentasulfide by name as an inflammable solid and to prescribe general packaging conditions for its transportation by water.

Interested persons are invited to submit written data, views or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications should identify the notice number, CGFR 71–16, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on Tuesday, May 4, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. Comments received on or before May 11, 1971, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

By a separate document published at page 4626 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposed amendments to Parts 172 and 173 of Title 49, Code of Federal Regulations, relating to the identification of phosphorus pentasulfide as a flammable solid and the prescription of general packaging conditions for its transportation. For reasons fully stated in that document, the Board reached the conclusion as to the suitability of the amendment in view of the properties of phosphorus pentasulfide and of some accidents that have occurred.

The proposed amendment of the hazardous materials regulations of the Department of Transportation in Title 49 would apply to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make these regulations governing phosphorus pentasulfide applicable to carriers by water.

In consideration of the foregoing, it is proposed to amend Part 146 of Title 46, Code of Federal Regulations, as follows:

Subpart 146.04—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

1. Section 146.04–5 will be amended by adding in proper alphabetical sequence, the article "Phosphorus pentasulfide", to read as follows:

§ 146.04–5 List of explosives and other dangerous articles and combustible liquids.

Article	Classed as—	Label required
• • •	• • •	• • •
Phosphorus pentasulfide	Inf. S	Yellow.
• • •	• • •	• • •

Subpart 146.22—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

§ 146.22–100 [Amended]

2. Section 146.22–100 will be amended by adding in proper alphabetical sequence, the article "Phosphorus pentasulfide", to read as follows:

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R.R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Phosphorus pentasulfide.	*Light-yellow or greenish-yellow crystalline mass of peculiar odor.* *Reacts with water to produce phosphoric acid and highly toxic hydrogen sulfide.* *Ignitable by friction or struck sparks.* *Contact with skin mildly irritating.* Do not stow with oxidizing materials (yellow label). Stow away from all living quarters and foodstuffs. Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (DOT–6A, 6B, 6C) not over 30 gal. cap. (DOT–37A, 37B) STC, not over 425 lb. gr. wt. Wooden boxes: (DOT–15A, 15B) with airtight inside metal containers not over 250 lb. gr. wt. Tight sift-proof packaging complying with DOT regulations.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

3. Section 146.22–100 will also be amended by adding in the column headed "Required conditions for transportation-cargo vessel" the words "Tight sift-proof packaging complying with DOT regulations" for the article "Phosphorus sesquisulfide."

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: February 24, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71–3305 Filed 3–9–71;8:47 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173]

[Docket No. HM–80; Notice 71–7]

TRANSPORTATION OF HAZARDOUS MATERIALS

Phosphorus Pentasulfide

The Hazardous Materials Regulations Board is considering amending §§ 172.5 and 173.225 to identify phosphorus pentasulfide by name as a flammable solid and to prescribe general packaging conditions for its transportation.

The question of regulating this commodity has been raised several times and confusion may exist regarding its classification, i.e., whether or not the product is subject to the Department's Hazardous Materials Regulations.

In view of the properties of this material and its accident history, the Board believes that the product should be identified and classed as a flammable solid and hazard warnings should be provided during transportation. The Board also considers the additional placarding described in § 177.823(c) appropriate. On the basis of the information the Board has available, it appears that any tight, sift-proof packaging meeting the requirements of § 173.24 would be adequate.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172 and 173 as follows:

I. Part 172: In § 172.5 paragraph (a), Commodity List, would be amended as follows:

§ 172.5 List of hazardous materials.

(a) • • •

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(a'd)				
Phosphorus pentasulfide	F.S.	173.153, 173.225	Yellow	11 pounds.
• • •	• • •	• • •	• • •	• • •

* * * * * * *

II. Part 173: (A) In Part 173 Table of Contents, § 173.225 would be amended to read as follows:

Sec.
173.225 Phosphorus sesquisulfide and phosphorus pentasulfide.

(B) In § 173.225 the heading would be amended; paragraph (b) would be added to read as follows:

§ 173.225 Phosphorus sesquisulfide and phosphorus pentasulfide.

• • • • • •

(b) Phosphorus pentasulfide must be packed as follows:

(1) Tight, sift-proof packaging complying with § 173.24.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before May 11, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on March 4, 1971.

W. F. REA, III,
Read Admiral, .S. Coast Guard, By direction of Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71–3304 Filed 3–9–71;8:47 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71–1; Notice 2]

GLAZING MATERIALS

Extension of Time for Comments

A notice of proposed rule making to amend Motor Vehicle Safety Standard No. 205, "Glazing Materials," was published January 9, 1971 (36 F.R. 326). The notice established a closing date of March 9, 1971, for the submission of comments. In response to petitions from Rohm & Haas Co. and Donnelly Mirrors, Inc., to extend the comment period, the closing date for comments is hereby extended to April 8, 1971.

This notice is issued under the authority of sections 103, 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. secs. 1392, 1401, 1403, 1407) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on March 5, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.71–3337 Filed 3–9–71;8:49 am]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[Docket No. 23166; EDR–196]

CREDIT LIMITATIONS FOR CERTIFICATED ROUTE AIR CARRIERS

Advance Notice of Proposed Rule Making

FEBRUARY 25, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration the question of whether it should propose regulations which would limit the extent credit may be extended for air transportation by all certificated route air carriers and whether it should propose related Part 241 amendments.

The rules which may be proposed are described and discussed in the Explanatory Statement set forth below and the proposals are set forth in the draft rule. The notice is issued pursuant to the authority of sections 204(a), 401, 403, 404 (b), and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754, 758 (as amended by 74 Stat. 445), 760, 788; 49 U.S.C. 1324, 1371, 1373, 1374, 1481).

Interested persons may participate in the rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before April 9, 1971, will be considered before taking action on the proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. Section 221.38 (i) of the Board's economic regulations (14 CFR 221.38(i)) prescribes rules and regulations pertaining to the construction, publication, filing and posting of tariffs governing the carriers' extension of credit. No rules or regulations presently exist limiting the amount of credit which may be extended by any carrier. However, the magnitude of credit extended by the air transport industry has been increasing sharply. Thus over the 10-year period, December 31, 1959, to December 31, 1969, the aggregate outstanding receivables from transportation sales less intercarrier payables increased from substantially $132 million to $489 million, or approximately 271 percent for trunkline, Pan American and local service carriers. Annual transportation revenues increased substantially threefold, or from $2.6 billion to $8.3 billion annually. In percentage terms, the ratio of receivables to revenues increased accordingly, from about five to six. Over the same 10-year span the carriers' provisions to expense for uncollectible receivables increased from $1.4 million in 1960 to $15.2 million in 1969. While sizable amounts in absolute terms, such provisions for losses approximated only 0.05 and 0.18 percent of total transportation revenues, for 1960 and 1969, respectively. They also approximated one and three percent of the net consumer receivables reported as outstanding at the end of each of these years.

These data do not disclose a drastic growth in the relative magnitude of credit being financed by the industry. However, information is not available in the regular reports to the Board of either the absolute degree to which credit is being extended or of the rate at which such credit may be turning over. The Board has therefore collected informally through special questionnaire information concerning the age of those receivables outstanding as of December 31, 1969. On the basis of this survey, substantially 93 percent of all receivables outstanding at that date were less than 60 days old, about 5 percent were less than 180 days old, and less than 3 percent were more than 180 days old.

None of the foregoing would indicate that in relation to revenues the volume of credit carried by the industry to date has constituted a serious drain on available resources. Nevertheless, the current absolute magnitude is sizable and can be expected to grow in concert with the further anticipated growth of air transportation. Moreover, the industry is at the present time undergoing severe financial strains. In light of these circumstances and in the interest of preventing adverse circumstances which may otherwise materialize, the establishment of minimum standards with respect to the extension and monitoring of credit may be desirable.

For purposes of eliciting comment concerning the desirability for and the terms of a rule limiting the amount and duration of credit which may be extended to

any customer, there is hereinafter set forth a draft of rule which would limit an extension of credit to any customer to not more than $1,000 or for longer than 60 days unless standards are established by the carrier to provide reasonable assurance that the indebtedness will be paid if greater. This regulation would not tell each carrier how it must regulate the extension of credit, but would merely require it to establish reasonable controls within its own business practices.

The adoption of such a rule also would make desirable an amendment to Part 241 to provide for an annual report schedule from each certificated route carrier which would set forth basic information concerning the scope and age of outstanding credit.

Draft rule. The Civil Aeronautics Board has under consideration the possible promulgation of a new part to the Economic Regulations and related amendments to Part 241 (14 CFR Part 241) as follows:

1. Establish a new part as follows:

PART ____—TARIFFS OF AIR CARRIERS: CREDIT PRACTICES

Sec.
____.1 Applicability.
____.2 Definitions.
____.3 Conditions governing the extension of credit.

§ ____.1 **Applicability.**

This part applies to all certificated route air carriers.

§ ____.2 **Definitions.**

For the purpose of this part:

(a) "Person" means any individual, corporation, firm, or any other society, association, or group of individuals operating as a single entity for purposes of billing by and reimbursing the air carrier for transportation and incidental services received.

(b) "Credit" means an extension of time allowed any person, other than the U.S. Government, to pay for air transportation or its incidental services beyond the date of performance by the air carrier.

§ ____.3 **Conditions governing the extension of credit.**

(a) Credit shall not be extended to any person for air transportation, or services in connection with such air transportation, in excess of $1,000 or for longer than a period of 60 days.

(b) Notwithstanding the provisions of paragraph (a) of this section, a carrier may extend credit in greater amounts and for longer periods pursuant to written agreements with individual customers in accordance with standards contained in its tariffs which provide reasonable assurance that incurred indebtedness will be paid as scheduled and which specify the procedures to be followed for correction in the event of default.

Part 241. 2. Amend section 22—General Reporting Instructions by inserting a new Schedule B–15, as shown in Exhibit A attached,[1] in the list of schedules under paragraph (a) so that the list in pertinent part reads:

Schedule No.		Filing	
		Frequency	Postmark Interval (days)
...	...	...	...
B 10	Developmental and preoperating costs.	Quarterly	40
B 15	Analysis of basic sales elements.	Annually	90
B 41	Investments held by, or for the account of, respondent.	do	90

3. Amend section 23—Certification and Balance Sheet Elements by inserting instructions for new Schedule B–15 as follows:

Schedule B–15—Analysis of Basic Sales Elements.

(a) This schedule shall be filed by all certificated route air carriers.

(b) Gross sales data shall be separately identified as between credit sales and cash sales and credit sales shall be further identified as to type of credit plan in the appropriate columns of this schedule.

(c) The receivables data shall be separately identified as between interline receivables and other general traffic receivables. The amounts reported shall agree in total with the balance of Account 1240 Accounts Receivable-General Traffic Reported on Schedule B–1 Balance Sheet. Other general traffic receivables shall be reported as overdue for periods of less than 60 days, 60 to 120 days, and over 120 days, respectively.

(d) The data reported for uncollectible accounts shall include the reserve balance at the beginning period, credits or charges to the reserve, the reserve balance at the end period and uncollectible accounts charged directly to expense during the year, together with the identities of the persons who owe more than $1,000 for a period in excess of 60 days or who are not in compliance with the terms of an agreement executed pursuant to § ____.3(b) and the steps taken to collect such sums.

[FR Doc.71–3362 Filed 3–9–71;8:49 am]

[1] Exhibit A filed as part of the original document.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1300]

[Ex Parte No. 273]

SUBSTITUTION OF MOTOR FOR RAIL SERVICE AND PUBLICATION OF JOINT MOTOR-RAIL RATES ON EXEMPT COMMODITIES

Notice of Proposed Rule Making

Substitution of motor for rail service and publication of joint motor-rail rates on grain, etc. (exempt commodities).

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of February 1971.

Upon consideration (1) of certain rules of Tariff Circular No. 20 which apparently reflect views set forth in the decision in Ex Parte No. 230, "Substituted Service—Piggyback," 322 I.C.C. 301, 354, and related findings in Ex Parte No. 129, "Substituted Freight Service," 232 I.C.C. 683, and other decisions, that substituted service is in fact a joint service, and that tariffs setting forth through rates or charges for joint intermodal service may be published only with respect to commodities the transportation of which is subject to economic regulation throughout the entire movement provided for in such tariffs; (2) of the granting of past applications of railroads for special permission in emergency situations (a) to establish tariff provisions with respect to the substitution of motor for rail service on commodities exempt from rate regulation under part II of the Interstate Commerce Act, and (b) to establish joint motor-rail rates for the transportation of such commodities; and (3) of the fact that applications relating to substitution of motor for rail service have been granted only for limited periods, and that where the continuance of such service has proven to be desirable in the public interest, the filing of successive requests for extensions of the expiration dates has been necessary; and for good cause shown:

It is ordered, That, under the authority of part I of the Interstate Commerce Act, 49 U.S.C. 1, and more specifically sections 1, 6, 8, 15, and 16 thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), a proceeding be, and it is hereby, instituted to determine whether the Commission, without the necessity of the filing by the carriers of special permission applications, may accept for filing tariff provisions with respect to substituted motor-for-rail service and joint motor-rail rates for the transportation of commodities exempt from rate regulation under part II of the act, and whether rules prescribed in Ex Parte No. 230, and related findings in Ex Parte No. 129 and other decisions, and the rules in Tariff Circular No. 20 reflecting those rules and findings, should be changed in any respect.

It is further ordered, That no oral hearings be scheduled for the taking of testimony in this proceeding unless a need therefor should later appear, but that any interested person may participate by submitting for consideration written statements of verified facts, if any, views, and arguments regarding the subject of this proceeding, as hereinafter provided.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Status Branch of the Office of Proceedings of this Commission, Washington, D.C. 20423, within 30 days of the date of publication hereof in the FEDERAL REGISTER, by filing the original and one copy of a statement of his intention (only) to participate; and that this Commission shall thereafter prepare and make available to all such persons a list of the names and addresses of the parties upon whom copies of all statements must be filed and shall fix the times within which initial and reply statements must be filed.

And it is further ordered, That a copy of this order be posted in the office of the Secretary of this Commission for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication therein as notice to all interested persons. It is not contemplated that there will be any further general public notification of the succeeding handling of this proceeding, or that service of subsequent notices and orders will be served upon persons other than those responding to this notice and order.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–3325 Filed 3–9–71;8:48 am]

Notices

POST OFFICE DEPARTMENT

MAIL TO GREAT BRITAIN

Termination of Embargo and Termination of Suspension of Private Express Statutes

On March 8, 1971, the Postmaster General issued the following order:

The British postal administration has advised that the strike of British postal workers has ended and that British domestic and international mail services are being resumed. In view of the foregoing, the embargo placed by the Post Office Department on mail to Great Britain is terminated as follows:

Air mail at midnight March 8, 1971;
Surface parcels at midnight March 9, 1971;
Surface letter mail at midnight March 10, 1971; and
All other mail at midnight March 11, 1971.

In view of the strike I issued an order dated January 22, 1971, suspending the operation of paragraphs (1) through (6) of 39 United States Code 901(a) in respect to any carriage of letters out of the mails destined for delivery to Great Britain. The order of January 22, 1971, is revoked and the suspension of the provisions of the Private Express Statutes contained therein is terminated effective March 17, 1971.

The suspension of the provisions of the Private Express Statutes involved in the foregoing order and the restoration of the requirements of those statutes that were in effect immediately prior to the British postal strike are a consequence of actions taken by the Post Office Department at the request of the British postal administration. Under the foregoing circumstances public proceedings and greater advance notice of effective dates is unnecessary and contrary to the public interest.

(5 U.S.C. 301; 39 U.S.C. 501, 505, 901, and 6106)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-3418 Filed 3-9-71;10:07 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

INTERAGENCY COMMITTEE ON POPULATION RESEARCH

Establishment and Functions

Notice is hereby given that the Interagency Committee on Population Research was established by a directive of the Secretary dated October 5, 1970.

The Interagency Committee on Population Research has operated on an informal basis since November 1969 under the auspices of the Center for Population Research, National Institute of Child Health and Human Development. The Interagency Committee on Population Research is the successor to the Ad Hoc Group on Population Research of the Federal Council for Science and Technology, which was established in October 1968. It concluded its activities with the submission to the Federal Council for Science and Technology of its report of July 1, 1969 entitled, "The Federal Program in Population Research." This report recommends the establishment of a standing committee on population research.

The Deputy Assistant Secretary for Population Affairs has directed the Center for Population Research, National Institute of Child Health and Human Development, to assume the responsibility for providing energy and direction to the research activities of all Federal agencies with interests in population in accordance with recent Presidential Messages, including the President's Message on the Problems of Population Growth, delivered in 1969, which states:

Utilizing its Center for Population Research, the Department of Health, Education, and Welfare should take the lead in developing, with other Federal agencies, an expanded research effort, one which is carefully related to those of private organizations, university research centers, international organizations, and other countries.

In this function, the Center for Population Research will utilize the Interagency Committee on Population Research in carrying out its responsibility.

The Chairman of the Committee shall be the Director of the Center for Population Research, who shall be a permanent member of the Committee. Other permanent members shall be representatives of the Administrator of the Agency for International Development, the Chairman of the Atomic Energy Commission, the Secretary of Agriculture, the Director of the Bureau of the Census, the Secretary of Commerce, the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Director of the Office of Economic Opportunity, the Director of the Office of Management and Budget, the Director of the Smithsonian Institution, the Secretary of State, the Secretary of Transportation, the Director of the U.S. Information Agency, and the Administrator of the Veterans Administration. Representatives shall be designated by the head of the agency or department concerned and shall be authorized to speak for the agency or department on matters relating to the functions of the Committee.

Functions of the Committee. The Committee will strive to facilitate the exchange of information and ideas among the various Federal agencies interested in population research; to provide a means of improved coordination of research relevant to the solution of human population problems; to assess how effectively research findings are communicated and utilized; and to prepare periodic reports on Federal activities, progress, and plans regarding population research with recommendations concerning additional Federal efforts needed.

Termination. The Committee will terminate on June 30, 1972.

RODNEY H. BRADY,
Assistant Secretary for Administration and Management.

MARCH 3, 1971.

[FR Doc.71-3318 Filed 3-9-71;8:48 am]

Social Security Administration

DIRECTOR, BUREAU OF RETIREMENT AND SURVIVORS INSURANCE

Redelegation of Authority to Certify Benefits and Administrative Expenses for Payment

Authority to certify to the Department of the Treasury that individuals are entitled to benefit payments or payments attributable to the costs of administering the Social Security program, as vested in the Secretary of Health, Education, and Welfare by sections 205(i), 201(g)(1)(A), 1817(h), and 1841(g) of the Social Security Act, as amended (42 U.S.C. 401 et seq.), has been delegated by the Secretary to the Commissioner of Social Security (section 8-D.1. of the HEW Statement of Organization, Functions and Delegations of Authority, 33 F.R. 5836). Notice is hereby given that authority to certify that individuals are entitled to such payments has been redelegated to the Director of the Bureau of Retirement and Survivors Insurance, Social Security Administration, with authority to redelegate. Redelegations by the Director of the Bureau of Retirement and Survivors Insurance shall become effective upon receipt of formal concurrence from the Assistant Commissioner for Administration, Social Security Administration.

Dated: March 1, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

[FR Doc.71-3298 Filed 3-9-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT CORP.

Appointment of Member of Board of Directors

Pursuant to section 729(b) of the Housing and Urban Development Act of 1970 (Public Law 91-609), there is hereby appointed as a member of the Board of Directors of the Community Development Corporation, John G. Heimann of New York City.

Dated: March 3, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3285 Filed 3-9-71;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-249]

COMMONWEALTH EDISON CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that, pursuant to an Order of the Atomic Energy Commission (the Commission), dated March 1, 1971, which noted the withdrawal of the joint petition for leave to intervene of David Dinsmore Comey and BPI Action Fund, Inc., and denied the amended petition for leave to intervene of Harriet Sherman, dated January 25, 1971; and upon finding that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, (the Act) and the Commission's regulations in 10 CFR Chapter I, the Commission has issued, effective as of the date of issuance, Amendment No. 1 to Facility Operating License No. DPR-25 which was issued to Commonwealth Edison Co. (the licensee) on January 12, 1971. The license authorized the licensee to possess, use, and, with specific restrictions, to operate the Dresden Nuclear Power Station Unit 3, a single cycle, forced circulation, boiling, light water reactor (the reactor), located on the licensee's site in Grundy County, Ill. The license restricted the licensee to initial fuel loading, low power testing and operation of the reactor at 1 megawatt (thermal) without the reactor vessel head in place.

Amendment No. 1 authorizes the licensee to operate the reactor at steady state power levels not in excess of 2,527 megawatts (thermal), in accordance with the provisions of the license and the Technical Specifications, as modified by Change No. 1 issued February 16, 1971; however, operation at power levels in excess of 5 megawatts (thermal) is subject to the satisfactory completion of modifications and final testing (as verified by the Commission in writing) of the station output transformer, the auto-depressurization interlock, and the feedwater system, as described in the licensee's telegrams dated February 26, 1971.

The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. Prior notice of the proposed issuance of a facility operating license for operation of the Dresden Nuclear Power Station Unit 3 at steady state power levels not in excess of 2,527 megawatts (thermal) was published in the FEDERAL REGISTER on November 20, 1970, 35 F.R. 17876.

The Commission's regulatory staff has inspected the facility and has determined that, for operation as authorized by the amendment, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-22, the Act, and the Commission's regulations.

For further details with respect to this amendment, see (1) the withdrawal of the joint petition for leave to intervene of David Dinsmore Comey and BPI Action Fund, Inc., (2) the amended petition for leave to intervene of Harriet Sherman, dated January 25, 1971, (3) the Commission's order dated March 1, 1971, (4) Change No. 1 to the Technical Specifications, dated February 16, 1971, and (5) Commonwealth Edison Co.'s telegrams dated February 26, 1971, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of the license amendment and Change No. 1 to the Technical Specifications may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of March 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Deputy Director,
Division of Reactor Licensing.

[FR Doc.71-3287 Filed 3-9-71;8:45 am]

[Docket No. 50-113]

UNIVERSITY OF ARIZONA

Extension of Completion Date of Construction Permit

The University of Arizona, having filed a request dated February 22, 1971, for extension of the latest completion date specified in Construction Permit No. CPRR-111, which authorizes modification of the existing reactor facility located on the University's campus at Tucson, Ariz., and good cause having been shown for extension of said date, pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date for Construction Permit No. CPRR-111 is extended from March 1, 1971, to September 1, 1971.

Date of issuance: March 1, 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-3288 Filed 3-9-71;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Proposed Issuance of Amendment to Provisional Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Provisional Operating License No. DPR-17 which presently authorizes the Niagara Mohawk Power Corp. to possess, use and operate the Nine Mile Point Nuclear Power Station located on the southeast corner of Lake Ontario in Oswego County, N.Y., at steady-state power levels up to a maximum of 1,538 megawatts (thermal). The amendment would authorize Niagara Mohawk to operate the Nine Mile Point Nuclear Power Station at steady-state power levels up to a maximum of 1,850 megawatts (thermal) in accordance with Niagara's application dated April 20, 1970, and amendments thereto.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I. The license amendment will be issued after the Commission makes the findings relating to its review of the application, which are set forth in the proposed amendment, and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 30 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment dated April 20, 1970, Amendments 1 through 5 thereto, and letter dated November 23, 1970; (2) the Report of the Advisory Committee on Reactor Safeguards dated February 6, 1971; (3) the proposed amendment to the provisional operating license; (4) the

proposed changes to the Technical Specifications which are incorporated in the proposed license amendment; and (5) a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of each of items (3) through (5) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 3d day of March 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-3442 Filed 3-9-71;10:24 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22925; Order 71-3-30]

MOHAWK AIRLINES, INC.

Order Dismissing Complaint Regarding Group Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of March 1971.

By tariff revisions[1] which became effective January 11, 1971, Mohawk Airlines, Inc. (Mohawk), established round-trip fares for groups of 10 or more between Chicago/Minneapolis and 19 other points. The discounts from normal coach fares are in the range of 33 to 35 percent and the fares are to be available from June 21, 1971, through September 10 of that year. The group need not have affinity, must travel together on the going portion with individual travel permitted on return; and ticketing and reservations must be accomplished at least 48 hours prior to departure. There is no tour requirement or travel limitations as to time of day or day of week, and no restriction as to combinability with other fares.

Northwest Airlines, Inc. (Northwest), filed a complaint requesting investigation and suspension, alleging that the peak period availability of the fares together with the lack of travel restrictions or tour requirements will create extensive self-diversion and dilution of yields, particularly since the fares are combinable and thus would have an impact far beyond the specific markets in which they are published.

In answer to the complaint, Mohawk alleged that the fares are needed for the specific and limited movement of the Boy Scouts of America who will be conducting summer camping programs for their members, and that the tour program is scheduled to begin on June 21 and will continue throughout the summer on a back-to-back basis with groups of scouts arriving daily at each encampment and staying for approximately 2 weeks before returning home. It is further alleged that because of the variations in the tours and travel arrangements which are involved, it would be difficult to further restrict the applicability of these fares.

Upon consideration of the complaint and answer thereto, the limited scope and duration of the tariff, and other relevant matters, the Board finds that the complaint does not set forth facts sufficient to warrant investigation. The request therefore, and consequently the request for suspension, will be denied, and the complaint dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof:

It is ordered, That:

1. The complaint of Northwest Airlines, Inc., in Docket 22925 is hereby dismissed; and

2. A copy of this order be served on Mohawk Airlines, Inc., and Northwest Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3335 Filed 3-9-71;8:49 am]

[Docket No. 22364; Order 71-3-27]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of March 1971.

By tariff revisions[1] marked to become effective March 15, 1971, Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), United Air Lines, Inc. (United), and Western Air Lines, Inc. (Western), proposed to increase west coast gateway-Hawaii fares as follows: Coach fares—$5 peak and $6 offpeak; economy fares—$10 peak and offpeak.

In support of the proposed increases, the carriers allege that interim fare relief is necessary pending decision in the U.S. Mainland-Hawaii Fare Investigation, Docket 22364, in view of the mounting losses experienced by all carriers operating in the market. The carriers assert that they are incurring such losses even though they are experiencing reasonable load factors, and that the problem lies in the present fare yields which are well below carrier costs.

Continental Air Lines, Inc. (Continental), has filed a complaint against the proposals on the basis that they would increase third-class fares twice as much as coach fares and thus reduce the fare differential between the two classes of service. Continental contends that this would result in the elimination of third-class service—a very key issue in the U.S. Mainland-Hawaii Fare Investigation.

The existing and proposed Hawaii fares are currently under investigation in Docket 22364 and their lawfulness will ultimately be decided there. The immediate question is whether or not to suspend the instant filings pending completion of that proceeding.

The carriers have all reported substantial losses in their Hawaiian services in recent periods and all parties to the investigation, including the Board's Bureau of Economics, advocate fare increases, albeit in different amounts. Against this background, the proposed fare increases in and of themselves do not appear unreasonable. However, we are concerned with the fact that the resulting structure would provide a differential of only $5 between the two classes of service, and that this might result in elimination of the lowest fare service. This is essentially the same concern which prompted us to suspend certain fare proposals in July 1970 (Order 70-7-69), and to institute the current proceeding. Thus, the question of fare structure, as well as fare level, in the mainland-Hawaii market is a major issue in the pending investigation now well in progress, and the evidence adduced therein reveals general agreement among the parties that a differential of this magnitude would in fact result in elimination of the lower fare service. We are not herein attempting to resolve the issue of whether or not there should be three-tier structure in the Hawaii market, or if so what the appropriate differential in fares should be, based on cost and value of service considerations. However, we do not believe it would be in the public interest to permit fares which could jeopardize the existence of the lowest normal fare service to become effective without investigation. Accordingly, the Board has concluded to suspend the proposed economy fare increases.

In view of the above and upon consideration of all relevant matters, the Board has determined that the proposed economy-fare increases between the U.S. Mainland and Hawaii may be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial or otherwise unlawful and should be suspended. These fares are already under investigation in Docket 22364.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof:

It is ordered, That:

1. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[3] are suspended and their use deferred to and including June 12, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to theextent granted herein, the complaint in Docket 23082 is dismissed; and

3. A copy of this order will be filed with the aforesaid tariff and be served on Continental Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3336 Filed 3-9-71;8:49 am]

[1] Revisions to Airline Tariff Publishers, Inc., Agent Tariff CAB Nos. 136 and 142.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[3] Appendix A filed as part of original document.

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on April 13, 1971, the following applications by stations KPST and KVIC for increases in daytime power of their Class IV standard broadcast stations, will be considered as ready and available for processing:

BP-18976	KPST, Preston, Idaho.	
	Voice of the Rockies, Inc.	
	Has: 1340 kc., 250 w., S.H.	
	Req: 1340 kc., 250 w., 1 kw.-LS, S.H.	
BP-18978	KVIC, Victoria, Tex.	
	Pioneer Broadcasting Co.	
	Has: 1340 kc., 250 w., U.	
	Req: 1340 kc., 250 w, 1 kw.-LS, U.	

The purpose of this notice is not to invite applications which may conflict with the listed applications, but to apprise any party in interest who desires to file pleadings concerning the applications pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: March 2, 1971.

Released: March 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3323 Filed 3-9-71;8:48 am]

[2] Concurring and dissenting statement of Vice Chairman Whitney Gillilland filed as part of original document.

[Docket No. 19080, etc.; FCC 71-183]

NIAGARA COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In the matter of application of Niagara Communications, Inc., for a construction permit for a new public Class III-B coast station to be located at Bay Shore, N.Y., Docket No. 19080; et al., Docket Nos. 19081-19085; application of Great Eastern Communications Co. for extension of the construction permit for a new public Class III-B coast station to be located at Bridgeport, Conn., Docket No. 19156, File No. 538-M-MP-21.

1. On March 14, 1969, Great Eastern Communcations Co., Inc., was initially granted a construction permit (CP) for a Class III-B public coast station at Bridgeport, Conn. This initial CP was extended on November 20, 1969, and on May 21, 1970. The last extension was specified to expire at 3:00 a.m., e.s.t., on Sunday, November 1, 1970. The permittee submitted another application for extension of the CP, which application was dated and postmarked on October 29, 1970, from Fairfax, Va. This application was not received by the Commission until Monday, November 2, 1970, and was accompanied by a $10 filing fee rather than the $20 amount required by the new fee schedule. The application was not, therefore, timely filed in accordance with § 81.32(c) of the rules which requires filing of such applications 30 days prior to the expiration date of a CP, or, if good cause is shown, within the 30 day period preceding expiration. The permittee has made no showing why the request for extension was not filed 30 days prior to expiration. Section 1.1103(a) of the rules prohibits acceptance for filing of any application prior to payment of the full amount of the fee specified and permits return of the application when no fee or an insufficient fee accompanies the application. The subject application was returned to the permittee on the grounds that it was not timely filed and was unaccompanied by the proper filing fee. The permittee, however, resubmitted the application stating (a) that he was unaware of the recent increase in the fee schedule and therefore thought he had submitted the proper fee, and (b) that by mailing the application from Fairfax, Va., on October 29, he thought it would arrive in the Offices of the Commission in Washington prior to the expiration date 3 days after he mailed it. The applicant has since tendered the full amount of the specified fee.

2. The permittee is also a party to the proceeding in Dockets 19080-19085, a consolidated hearing to determine the need, if any, for additional Public Coast III-B facilities in the Long Island, New York area. In that proceeding, the applicant has petitioned to deny an application for a proposed station at Bay Shore, Long Island, N.Y., on the grounds that such station would overlap the coverage area of and electrically interfere with the applicant's proposed station at Bridgeport. In submitting this latest application for extension of the CP, the applicant made representations concerning why he had not completed construction prior to the expiration of the last extension of its CP. It is uncertain, however, whether these representations constitute good cause for not completing construction of the station within the time already allowed. Thus there is a question of whether the CP of Great Eastern should in the public interest be extended.

3. In view of the circumstances in this case, we believe the application of Great Eastern should be accepted for filing, but designated for hearing in this Docket for resolution of the question of whether good cause exists for granting a further extension of the CP. If the CP is extended, Great Eastern will retain its standing as a permittee and a petitioner to deny in this proceeding. If the CP is not extended, then Great Eastern will cease to have standing as a party in interest in this proceeding with respect to the Bridgeport station and the issues contained in our earlier designation order must be modified as hereinafter specified.

4. *Accordingly, it is ordered,* That §§ 1.1103(a) and 81.32(c) of the rules are waived and the above-captioned application for extension of a CP is accepted for filing.

5. *It is further ordered,* That the above-captioned application of Great Eastern is designated for hearing with the other applications listed in our memorandum opinion and order adopted November 10, 1970, in the above-captioned Dockets to determine whether good cause exists for failure to complete construction of station KLU785 at Bridgeport, Conn., and that the burden of proof and proceeding with the introduction of evidence on this issue is on Great Eastern.

6. *It is further ordered,* That if it is found that good cause exists for failure to complete construction of station KLU785, the application of Great Eastern for extension of its CP will be granted and the standing of, and burdens placed on, Great Eastern by our order of November 10, 1970, referred to above, will remain unchanged.

7. *It is further ordered,* That if it is found that good cause does not exist for failure to complete construction of station KLU785, the subject application of Great Eastern will be denied and dismissed and Great Eastern will cease to be a party in this proceeding insofar as issues in Dockets 19080-19085 depend on the existence of a CP for KLU785.

Adopted: February 24, 1971.

Released: March 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3320 Filed 3-9-71;8:48 am]

[Dockets Nos. 19157-19159; FCC 71-189]

PETTIT BROADCASTING CO. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard application of Claud M. Pettit and Margaret E. Pettit, doing business as Pettit Broadcasting Co., Brush, Colo., Docket No. 19157, File No. BP-18125, requests: 1190 kc., 5 kw., Day; A. V. Bamford, Colorado Springs, Colo., Docket No. 19158, File No. BP-18467, requests: 1190 kc., 50 kw., DA, Day; and Enid C. Pepperd and Dona B. Weber, doing business as Brocade Broadcasting Co., Boulder, Colo., Docket No. 19159, File No. BP-18470, requests: 1190 kc., 1 kw., Day; for construction permits.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that simultaneous operation of the stations as proposed would result in prohibited overlap of contours as defined by § 73.37 of the Commission's rules.

2. According to information in the application, A. V. Bamford would require $159,350 to construct and operate his proposed station. Bamford plans to finance this amount with his own funds. Although he appears to have a sufficient net worth to do so, his balance sheet shows only $18,000 in liquid assets. Accordingly, a financial issue will be specified.

3. Boulder is located 16 miles from the northernmost city limits of Denver, Colo. The centers of the cities are approximately 25 miles apart. The 1970 census figures place Denver's population at 514,678 and Boulder's at 66,870. Since Brocade Broadcasting's proposed 5 mv/m contour penetrates the geographical limits of Denver, a presumption that Brocade Broadcasting is realistically proposing to serve the larger city is raised under the Commission's Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901. Brocade Broadcasting, however, has submitted considerable data in an effort to establish that Boulder has its own distinct community needs and is autonomous from Denver. After examination of this data, together with the Commission's own study, the Commission finds that the policy statement presumption has been effectively rebutted and that for 307(b) purposes Brocade Broadcasting should be considered as proposing a local transmission service to Boulder. Boulder is the largest city in Boulder County as well as its county seat. Boulder has its own government independent of the local government of Denver and has been operating autonomously with a city manager form of government since 1918. Moreover, it has its own school system which, again, is in no way connected with the school system of Denver. This system consists of 21 elementary, five junior high, and two high schools as well as three parochial schools. In addition to being the home of the University of Colorado, there is a vocational and technical center for post-high school education and training. Boulder has its own municipal airport and its own transportation facilities. It is also noted that Boulder has three aural broadcast stations licensed or under construction and a daily newspaper—The Boulder Daily Camera. In addition to numerous stores, restaurants and various business establishments, major companies and institutions located in the Boulder area include Ball Brothers Research Corp., Beech Aircraft Corp., Dow Chemical Co., and International Business Machines. Thus, it appears that Boulder is both politically and economically independent of Denver.[1] Brocade Broadcasting proposes to locate its transmitter and antenna system 0.45 mile south of the Boulder city limits in a direction towards Denver. The area and population involved in the 5 mv/m contour penetration into Denver amounts to 8.36 percent and 41,300, respectively. According to Brocade Broadcasting, the penetration involved is a direct result of its inability to locate a site from which it could avoid 5 mv/m penetration of Denver and, at the same time, meet the coverage requirements for Boulder. Brocade Broadcasting has enumerated factors which restrict the site location, which are: (a) Interference considerations with respect to Environmental Sciences Services Administration (ESSA) located to the north of Boulder; (b) an airport northeast of Boulder; (c) the Rocky Mountains rise very abruptly, to the west of Boulder; (d) zoning restrictions in built-up areas around Boulder; and (e) the unwillingness of landowners to the east and southeast to sell a piece of land for the transmitter site. In support of its allegations, Brocade Broadcasting has submitted letters from the local realtors describing unsuccessful efforts to obtain tracts of land suitable for a transmitter site.

4. Engineering factors have been afforded decisional significance in most of those cases in which the Commission found, prior to hearing, that the aforementioned presumption had been effectively rebutted, e.g., Clay Broadcasters, Inc., 4 FCC 2d 932, 8 RR 2d 687; Du Page County Broadcasting, Inc., 5 FCC 2d 557, 8 RR 2d 930; Donnelly C. Reeves, 6 FCC 2d 531, 9 RR 2d 448; Major Market Stations, Inc. (KREL), 8 FCC 2d 13, 9 RR 2d 1368; Woods and Watkins, FCC 68-56, released January 23, 1968, 12 RR 2d 97; KACY, Inc. (KACY), 15 FCC 2d 33, 14 RR 2d 618; and Howard L. Burris, et al., —— FCC 2d ——, FCC 71-17, released January 12, 1971. Upon examination of the applicant's showing, the Commission finds, as alleged by Brocade, that the 5 mv/m penetration is not occasioned by a desire to serve the larger city, but is a direct result of the necessity of meeting the coverage requirements for Boulder. In this connection, Commission studies indicate that one kilowatt is needed from the proposed site to place a 25 mv/m contour over the business district of Boulder as required by § 73.188. If a transmitter site could have been acquired on any side of Boulder other than to the south, at a distance of about only 2.5 miles from the proposed site, 5 mv/m penetration could have been avoided. This fact lends convincing support to the applicant's assertions regarding the unavailability of a site to the north, east, or west of Boulder and leads us to conclude, as a practical matter, that the 5 mv/m penetration is due to technical considerations beyond the applicant's control. Thus, we find that Brocade Broadcasting has effectively rebutted the aforementioned presumption and that for 307(b) purposes should be considered as proposing a local transmission service for Boulder.

5. Since no determination has yet been reached on whether the antenna proposed by A. V. Bamford would constitute a hazard to air navigation, an issue regarding this matter is required.

6. The Colorado Springs and Boulder proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the three proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the applicants and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

(2) To determine with respect to the application of A. V. Bamford:

(a) How the applicant will obtain sufficient additional funds to construct and operate the proposed station for 1 year without revenue; and

[1] Standard Rate and Data Service estimates total retail sales for Boulder and Boulder County to be approximately $150 million and $300 million, respectively. Thus, it appears there is sufficient broadcast revenue potential to support Brocade's operation without reliance on revenue from Denver.

(b) Whether in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

(3) To determine whether there is a reasonable possibility that the tower height and location proposed by A. V. Bamford would constitute a hazard to air navigation.

(3) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

(5) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would best serve the public interest.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

9. *It is further ordered,* That, the Federal Aviation Administration is made a party to the proceeding.

10. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

11. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: February 24, 1971.

Released: March 3, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3321 Filed 3-9-71;8:48 am]

[Docket Nos. 19026, 19027; FCC 71R-74]

TRI COUNTY BROADCASTING CO. AND RADIO TUPELO

Memorandum Opinion and Order

In regard applications of Olvie E. Sisk, Ivous T. Sisk and Joel E. Camp, doing business as Tri County Broadcasting Co., Eupora, Miss., Docket No. 19026, File No. BP-18016; and Ralph Mathis and Aubrey Freeman, doing business as Radio Tupelo, Tupelo, Miss., Docket No. 19027, File No. BP-18220; for construction permits.

1. The above-captioned applications were designated for hearing by Order, FCC 70-1038, 35 F.R. 15864, released October 2, 1970. On October 23, 1970, Ralph Mathis and Aubrey Freeman, doing business as Radio Tupelo filed a motion to enlarge issues.[1] Radio Tupelo requests that the issues in the proceeding be enlarged to determine whether Tri County Broadcasting Co. (Tri County): (1) Will comply with § 73.189 of the rules; (2) has sufficient land available to effectuate its proposal; (3) is financially qualified; and (4) has a staff adequate to carry out its proposal. The requests will be treated seriatim.

Section 73.189 issue. 2. Radio Tupelo alleges that the Tri County proposal fails to comply with § 73.189 of the rules, which requires a proposed radiation system to radiate a minimum of 175 mv./m./kw. Tri County's proposed antenna height, according to Radio Tupelo's reading of Figure 8 of the rules, would produce 180 mv./m./kw. if the ground system were adequate. However, petitioner purports to show that Tri County's ground system is inadequate and, thus, that the resulting radiation falls below minimum efficiency.

3. Radio Tupelo relates that three possible sizes for the Tri County site have been indicated by Tri County: (1) Land records indicate that Tri County has acquired only 4.2 acres of land at the proposed site; (2) the engineering portion of the Tri County application contains a sketch which indicates that the required size is 5.326 acres; and (3) the financial portion of the application states that 4.75[2] acres are owned. Radio Tupelo's engineer calculates the resulting radiation efficiency for each of the abovementioned site sizes to be the following: (1) 166 mv./m./kw. for the 4.2 acre site; (2) 168 mv./m./kw. for the 4.75 acre site; and (3) 170 mv./m./kw. for the 5.326 acre site. Since all three values are less than the required minimum, Radio Tupelo requests—in addition to the stated issue—that Tri County be directed to make a complete field intensity survey.[3]

4. In opposition, Tri County submits calculations[4] based on the ground system proposed in the engineering portion of its application, consisting of 240 copper wire radials 200' to 300' in length spread over a 5.326 trapezoidal plot of ground. According to these calculations, based on a method by Frank R. Abbott published in the Proceedings of the I.R.E., July 1952, the radiation system would produce 176 mv./m./kw.

5. The Broadcast Bureau, in its comments, notes that Radio Tupelo failed to indicate the method of determining the various radiation efficiencies for the different Tri County sites.[5] In the Bureau's opinion, the 4.2 or 4.75 acre sites would raise only a "borderline" question of Tri County being able to meet the minimum efficiency requirement, and, if Tri County proves the availability of 5.326 acres, the ground system would be adequate. Therefore, the Bureau would include a condition to require a proof-of-performance in the event of a Tri County grant.

6. In reply, Radio Tupelo attacks the validity of the method used by Tri County's engineer to calculate the proposed efficiency, contending that the Abbott method is "inconsistent with Figure 8 of § 73.190 of the Commission's rules and, in fact, contradicts it." Furthermore, Radio Tupelo points out that the Abbott method requires that the soil conductivity for the area in question must be known and that Tri County's engineer assumed the conductivity to be that indicated by Figure M-3. In contrast, Radio Tupelo alleges that the method used by its engineer is the method used by the Broadcast Bureau in its processing of applications and "well-known to consulting engineers." Thus, Radio Tupelo concludes, sufficient question of fact exists to merit resolving the dispute in hearing. Further, petitioner states that the Bureau gives no basis for its statement that the 5.326 acre site would be adequate, and contends that the Bureau's suggested condition is not sufficient to resolve the matter.

7. In the Board's view, sufficient questions exist as to whether or not Tri County's proposed antenna system meets the requirements of § 73.189 to warrant the addition of an issue. This situation can readily be distinguished from that in The Edgefield-Saluda Radio Co., FCC 66R-372, 5 FCC 2d 148, relied on by Tri County, in which the Review Board denied a request to add an issue to determine compliance with § 73.189. In that case, the Commission had considered the problem prior to designation for hearing, and, therefore, the designation order included a condition requiring the submission of proof-of-performance data, establishing that the proposal would meet the radiation requirements prior to authorization of program tests. The Review Board held that the disputed amount of departure from the rule requirement was not sufficient to indicate that the applicant would be unable to comply. In contrast, the designation order in this proceeding does not establish that the problem of whether Tri County's

[1] Other related pleadings before the Board for consideration are: (a) Opposition, filed Nov. 16, 1970, by Tri County; (b) Broadcast Bureau comments, filed Nov. 16, 1970; (c) reply, filed Dec. 16, 1970, by Radio Tupelo; (d) motion for leave to file supplemental pleading, filed Dec. 23, 1970, by Tri County; (e) supplemental pleading, filed Dec. 23, by Tri County; and (f) comment on (d), filed Jan. 4, 1971, by Radio Tupelo. No objection to the acceptance of Tri County's supplemental pleading has been filed, and the motion for leave to file the supplement will be granted.

[2] Correcting a typographical error, Tri County in its opposition (paragraph 10) states that this figure should be 4.25 acres.

[3] Further, in light of the alleged uncertainty about the amount of land owned, petitioner requests the addition of a site availability issue. This request will be considered in later paragraphs.

[4] The proposal is found in Figure 5 of the Tri County application.

[5] In its reply pleading, Radio Tupelo furnishes additional information as to the methods it used.

proposed operation would meet the radiation requirements has been considered prior to designation; nor is it clear that the requirement of 175 mv./m./kw. could be met through use of the 5.326 acre trapezoidal plot of ground, which is the significant area here, see paragraph 11, infra. Thus, the addition of an issue is warranted in order to afford the parties an opportunity to resolve the matter on the record. Childress Broadcasting Corporation of West Jefferson (WKSK), 71R–17, ____ FCC 2d ____.

Site availability. 8. Radio Tupelo alleges that the land records of Webster County—the location of the Tri County site—do not support Tri County's assertion that it owns 4.75 acres; rather the record indicates that Tri County owns only 4.2 acres. This disprecancy assumes importance as a basis for inquiring into site adequacy, Radio Tupelo reasons, in view of Tri County's engineering proposal which shows that it intends to use a tract of 5.326 acres. Moreover, petitioner contends, since the applicant has asserted that all the land it requires is "on hand", sufficient basis exists for inquiring into site availability. Radio Tupelo requests a broad type of issue with regard to Tri County's site; rather than merely inquiring into site availability and adequacy, petitioner requests that all the circumstances surrounding Tri County's prior and present sites be examined. In this connection, Radio Tupelo alleges that Tri County submitted proposals containing unexplained inconsistencies as to site dimensions with respect to its prior site;[6] similarly, at the time Tri County made its representation as to the acreage of the present site, it, in fact, owned only 1-acre.[7]

8. In opposition, Tri County asserts that it had actually purchased a 4.2 acres of land for its site from two vendors as of December 1969, but that, as a result of personal circumstances affecting one vendor and the inability to conduct an accurate field survey until spring, the deed for a portion of this land (3.2 acres) was neither executed nor recorded until June of 1970. Tri-County asserts that, at the time the engineering amendment was submitted to the Commission in February of this year, it reasonably believed it owned 4.25 acres.[8] The engineering proposal, Tri County continues, was not only based on the ownership of approximately 4.25 acres, but also on an option for an additional 3 acres of land.[9] Tri County argues that, not only are the circumstances surrounding its former site not relevant to its present proposal, but that even if those circumstances could appropriately be considered, they constituted reasonable assurance, inasmuch as the prospective vendor had assured Tri County that it could purchase any portion of 22 acres needed for the station.

9. In reply, Radio Tupelo alleges that, although Tri County has bought a 1.1-acre tract of land lying to the north of its existing tract, the new acquisition does not lie immediately to the north; consequently, the boundaries are not continuous from the new to the formerly purchased tract. As a result, Radio Tupelo contends, serious questions still exist as to the exact amount of land available to Tri County, the dimensions of the land, and whether or not the land will accommodate the antenna and ground system proposed in the application.

10. In a supplemental pleading, Tri County concedes that according to the formal boundary descriptions contained in its warranty deed and easement, Radio Tupelo's observations concerning the gaps in boundaries are accurate. However, Tri County alleges, the gaps, rather than being actual, are the result of error in recording the respective "point of beginning" reference points in warranty and easement documents. These erroneous figures have been corrected to conform with the true figures; consequently Tri County submits, the corrected documents accurately indicate that the boundaries are contiguous, thereby obviating the need for a site availability issue.

12. In the Board's view, the site issue requested by Radio Tupelo is not warranted. Tri County sought to substitute a new engineering proposal, Figure 5, by amendment. However, by Order, FCC 70M–1731, released December 21, 1970, the Examiner rejected the proposed new Figure 5. Consequently, Tri County must continue to rely on its original Figure 5, which proposes a trapezoidal-shaped site of 5.326 acres, rather than inclusion of easements submitted. In any event, Tri County has shown the availability of 5.326 acres in accordance with its pending proposal. Consequently, no site availability issue is warranted. Further, Tri County has shown that the boundaries of its site are contiguous, thereby obviating any possible question of site suitability.

Financial qualifications. 13. In its application, Tri County shows the availability of $55,740 to meet construction costs of $14,373.64 and first year operating costs of $29,242.71. Radio Tupelo, in its petition to enlarge, contends that substantial and material questions of fact exist about both these estimates, and proceeds to discuss allegedly inadequate specific estimates. However, in opposition, Tri County states that it has tendered an amendment which would increase certain cost estimates, as well as increase the total amount of available funds. According to this amendment, Tri County's first-year costs would total $52,018.91 and the amount available to it would total $123,172.22. Petitioner, in reply, concedes that the amendment eliminates the necessity for a financial issue. In view of the acceptance of Tri County's financial amendment, no question presently exists as to the financial ability of Tri County to construct and operate its proposal.

Staff adequacy. 14. Radio Tupelo first notes that Tri County proposes a staff of four employees, the full time participation of Joel E. Camp, and the part-time participation of Olvie E. and Ivous T. Sisk. Petitioner alleges that since Camp and the Sisks have time-consuming obligations with other broadcast facilities, a serious staff adequacy issue is raised with respect to Tri County's operation. Although it is not clear that the proposal for four staff members includes the Sisks, Radio Tupelo contends that their participation is considered essential by the applicant and, thus, that their other broadcast obligations are significant. Specifically, petitioner notes that Joel E. Camp is currently the full-time General Manager of Station WSVA, Vernon, Ala., and contends that he therefore cannot possibly serve as full-time manager of the proposed facility, as well. Mr. Sisk, petitioner states, is currently General Manager and Chief Engineer of Station WFTO,[10] Fulton, Miss., devotes time to Station WSVA, and additionally, intends to devote three days a week to the proposed facility; Mrs. Sisk devotes full time (with the exception of 1 hour a day to be devoted to bookkeeping for another station) to Station WFTO as Station Manager and intends to devote 1 hour a week to the proposed station. Both the Sisks are already heavily committed, petitioner claims, and therefore will not be able to devote sufficient time to the proposed station.

15. In opposition, Tri County states that its proposal for four employees includes Mr. Camp, but does not include either of the Sisks. Further, Tri County denies that there is any requirement for either of the Sisks to commute between broadcast facilities on a daily basis. With respect to Mr. Camp, Tri County submits his affidavit, in which he states that he intends to move to Eupora upon grant of the instant application, and terminate his working relationship with Station WSVA at that time. Finally, Tri County contends that four employees are sufficient to maintain a small daytime-only station. In reply, Radio Tupelo asserts that four employees is a barebone proposal and that, in view of the other broadcast commitments of the Sisks, little actual relief can be anticipated from either of them.

16. In the Board's view, an adequacy of staff issue is not warranted. Radio Tupelo's allegations are not supported by affidavits of a person or persons having personal knowledge, as required by § 1.229(c) of the Commission's rules. Moreover, Radio Tupelo's pleadings do not contain specific allegations of fact which are sufficient to support its contention that a proposed staff of four is inadequate.[11] Finally, no question concerning the size of Tri County's staff exists in light of Tri County's explanation contained in its opposition—the Sisks will be part-time, rather than full-time, employees, and Mr. Camp will sever his working relationship with Station WSVA upon grant of the proposal, thereby giving Tri County the full complement of four full-time employees. Finally, petitioner has not shown that the Sisks will be unable to perform their proposed duties at the station proposed by Tri County.

17. *Accordingly, it is ordered,* That the motion for leave to file supplemental pleading, filed December 23, 1970, by Tri County Broadcasting Co., is granted; and

18. *It is further ordered,* That the motion to enlarge issues, filed October 23, 1970, by Radio Tupelo, is granted to the extent indicated hereinafter, and in all other respects is denied; and

19. *It is further ordered,* That the issues in the proceeding are enlarged by the addition of the following issue: To determine whether the antenna system proposed by Tri County Broadcasting Co. will be able to achieve the minimum efficiency requirement (175 mv./m./kw.) of § 73.189(b)(2)(ii) of the Commission's rules.

20. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under the above issue will be on Tri County Broadcasting Co.

Adopted: March 1, 1971.

Released: March 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3322 Filed 3-9-71;8:48 am]

[6] Specifically, petitioner alleges, the original application, filed Nov. 2, 1967, differed without explanation, from an amendment filed 1 month later.

[7] Tri County had an option to purchase three additional acres at that time, which it subsequently exercised.

[8] The use of the figure 4.75 in a Feb. 18, 1970, amendment as inadvertent, Tri County explains, the result of a typographical error.

[9] Tri County states that it was assured that it could use and/or purchase any additional land that might be needed; that it has exercised this option and, additionally, has obtained an easement on a 300 feet by 700 feet plot of land; and that it presently has a site with dimensions which accord with its engineering proposal, namely 5.326 acres.

[10] Petitioner claims that Mr. Sisk will be required to inspect the proposed station once a day, five days a week at twelve hour intervals (citing § 73.93(e) of the rules) and thus will have to commute between Fulton and Eupora, Miss., twice a day, which would consume approximately 3½ hours a day.

[11] See Fred Kaysbler, 19 FCC 2d 636, 17 RR 2d 389 (1969).

FEDERAL MARITIME COMMISSION

[Docket No. 71–20]

CAL-HAWAIIAN FREIGHT, INC.

General Increase in Rates in U.S. Pacific Coast/Hawaii Trade; Order of Investigation and Suspension

Cal-Hawaiian Freight, Inc., has filed with the Federal Maritime Commission First Revised Page 4, Fourth Revised Page 27, Fourth Revised Page 28 and Original Page 29, to its Tariff FMC–F No. 1 to become effective March 8, 1971, which generally increase rates and charges between U.S. Pacific Coast ports and ports in the Hawaiian Islands.

Upon consideration of said publications, the Commission is of the opinion that the above-designated tariff matter should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, First Revised Page 4, Fourth Revised Page 27, Fourth Revised Page 28 and Original Page 29 to Tariff FMC–F No. 1 are suspended and the use thereof deferred to and including July 7, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Cal-Hawaiian Freight Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until July 8, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admission of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Cal-Hawaiian Freight Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (1) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (2) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3312 Filed 3-9-71;8:47 am]

FEDERAL RESERVE SYSTEM

FIRST UNION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Union, Inc., St. Louis, Mo., for approval of the acquisition of 80 percent or more of the voting shares of Rolla State Bank, Rolla, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Union, Inc., St. Louis, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Rolla State Bank, Rolla, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. The Commissioner advised that his office had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 6, 1971 (36 F.R. 189), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the third largest banking organization and third largest bank holding company in Missouri, has four subsidiary banks with aggregate deposits of $738.5 million, representing 7.3 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions and formations approved by the Board to date.) Consummation of the proposed acquisition would increase Applicant's control to 7.4 percent of statewide deposits.

Bank ($14.5 million of deposits) is the largest of three banks in Rolla and the largest of five banks in Phelps County, which approximates the relevant banking market. The Rolla competitors of Bank have experienced good growth and demonstrated competitive viability and aggressiveness; and it appears that Bank does not dominate the market. Applicant's closest subsidiary to Bank is located more than 100 miles from Rolla, and none of Applicant's subsidiaries appears to compete with Bank to any significant extent. In the light of the facts before the Board, notably the distance between Applicant's present subsidiaries and Bank and Missouri's restrictive branching laws, it seems unlikely that consummation of the proposal herein would foreclose any significant potential competition.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. Considerations relating to financial and managerial resources and prospects, as they relate to Applicant, its subsidiaries, and Bank, are regarded as satisfactory and consistent with approval of the application. Applicant proposes to assist Bank in providing additional consumer and business loans, trust services, and specialized mortgage financing. Such additional services should contribute to the economic growth of the community. Considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period shall be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] March 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3289 Filed 3-9-71;8:45 am]

MARINE CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of The Marine Corp., Milwaukee, Wis., for approval of acquisition of 90 percent or more of the voting shares of Farmers State Bank, Beaver Dam, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of The Marine Corp., Milwaukee, Wis. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 90 percent or more of the voting shares of Farmers State Bank, Beaver Dam, Wis. (Farmers Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Wisconsin Commissioner of Banking, and requested his views and recommendation. The Commissioner responded that his office had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 16, 1971 (36 F.R. 809), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant is the third largest banking organization in Wisconsin by virtue of its control of 14 banks with aggregate deposits of approximately $563 million, representing 6.5 percent of all deposits of commercial banks in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions approved by the Board through January 31, 1971.) Upon acquisition of Farmers Bank ($19 million of deposits), Applicant would increase its share of statewide deposits to 6.7 percent, making it the second largest banking organization in the State.

On the basis of deposits, Farmers Bank is the smallest of the three comparable-sized banks in Beaver Dam and, with about 24 percent of market deposits, third in size among the eight banks located in the relevant market, defined as approximately the western portion of Dodge County (except Waupun).

Applicant's two subsidiary banks located closest to Farmers Bank are, respectively, 36 miles east and 40 miles southwest of Farmers Bank and are not in Dodge County. It appears that there is no significant competition between Farmers Bank and either of these two banks or any of Applicant's other subsidiary banks, and none is likely to develop in the future because of the distances involved, the number of other banks located in the intervening areas, and the restrictive provisions of Wisconsin law on branch banking. There appears to be little likelihood that Applicant would establish a de novo office in the area served by Farmers Bank. Thus, it appears that consummation of Applicant's proposal would not eliminate significant existing competition nor foreclose potential competition. Affiliation with Applicant may enable Farmers Bank to compete more aggressively with the two larger banks in the market without having any adverse effect on the smaller banks located there.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The financial and managerial resources and prospects of Applicant, its subsidiaries, and Farmers Bank are regarded as consistent with approval of the application. Applicant proposes to assist in providing customers of Farmers Bank with a number of new, expanded, and improved services with respect to loans, fiduciary services, and computer facilities. Thus considerations relating to the convenience and needs of the communities involved lend some support to approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] March 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3290 Filed 3-9-71;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Brimmer, and Sherrill. Absent and not voting: Governors Mitchell, Deane, and Maisel.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

KINGS STATION COAL CORP. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10214, Kings Station Coal Corp., Kings Mine, USBM ID No. 12 00323 0, Princeton, Gibson County, Ind., Section ID No. 004 (Main Northwest Cross Entry). Section ID No. 006 (Main North Entry).

(2) ICP Docket No. 10216, Old Ben Coal Corp., Mine No. 26, USBM ID No. 11 00590 0, Sesser, Franklin County, Ill., Section ID No. 002 (12th through 20th East-South Cross Entry Group). Section ID No. 003 (1st through 11th East-South Cross Entry Group).

(3) ICP Docket No. 10654, Peabody Coal Co., Mine No. 10, USBM ID No. 11 00585 0, Pawnee, Christian County, Ill., Section ID No. 006 (West Aircourse off Main South).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 4, 1971.

[FR Doc.71-3310 Filed 3-9-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

BONZER INVESTMENT CO.

Notice of License Surrender

Notice is hereby given that Bonzer Investment Co. (Bonzer), 7505 Highway 7, Minneapolis, MN 55426, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107).

Bonzer was licensed as a small business investment company on March 21, 1962, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of Bonzer's license is hereby accepted and all rights, privileges, and franchises derived therefrom are canceled and terminated.

A. H. SINGER,
Associate Administrator for Investment.

FEBRUARY 24, 1971.

[FR Doc.71-3300 Filed 3-9-71;8:46 am]

PROGRESS VENTURE CAPITAL CORP.

Notice of Issuance of License to Operate as Minority Enterprise Small Business Investment Company

On February 5, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 2541) stating that Progress Venture Capital Corp., 1501 North Broad Street, Philadelphia, PA 19122, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (33 F.R. 326.13 CFR Part 107), for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business February 15, 1971, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 03/03-5065 to Progress Venture Capital Corporation, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

A. H. SINGER,
Associate Administrator for Investment.

FEBRUARY 23, 1971.

[FR Doc.71-3301 Filed 3-9-71;8:46 am]

TARIFF COMMISSION

[TEA-F-20]

BERNIE SHOE CO.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Bernie Shoe Co., Haverhill, Mass., the U.S. Tariff Commission, on March 4, 1971, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with women's footwear of the type produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 5, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3316 Filed 3-9-71;8:48 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year.

Annes Department Store, variety-department store; 4810-20 North Michigan Avenue, Chicago, IL; 10-28-71.

Any Time Inn, restaurant; Eppley Airfield,

[1] Voting for this action: Chairman Burns and Governors Robertson, Brimmer, and Sherrill. Absent and not voting: Governors Mitchell, Daane, and Maisel.

Omaha, Nebr.; 10-29-70 to 2-27-71 (replacement).

Bass Memorial Baptist Hospital, hospital; Enid, Okla.; 11-11-71.

Ben Franklin Store, variety-department store; No. 5416, Tucson, Ariz.; 11-16-70 to 10-31-71.

Buck's Supermarket, foodstore; 504 Elm Street, Marked Tree, AR; 10-27-71.

Butler's Department Store, variety-department store; 54 Main Street, Waterville, ME; 11-7-71.

Community Memorial Hospital, Inc., hospital; Burwell, Nebr.; 11-2-71.

Concord Manor Inc., nursing home; 1375 Division Street, Garner, IA; 10-26-71.

Dan Purvis Drugs, drugstore; 725 Broadway, New Haven, IN; 11-8-71.

Duckwall Stores Co., variety-department stores: No. 28, Council Grove, Kans., 10-28-71; No. 43, Scott City, Kans., 11-12-71; No. 58, Topeka, Kans., 11-2-71.

Exira Super Valu, foodstore; Exira, Iowa; 11-19-71.

Fandel Co., variety-department store; 602 St. Germain Street, St. Cloud, MN; 11-3-71.

George's Market, Inc., foodstore; No. 2, Morristown, Tenn.; 10-31-71.

Gindlers Department Store, variety-department store; 419 St. George, Gonzales, TX; 11-16-71.

Glen & Dee's Foodland, foodstore; 6007 Richfield Road, Flint, MI; 11-11-71.

Goldblatt Bros., Inc., variety-department store; 3311 West 26th Street, Chicago, IL; 10-27-71.

W. T. Grant Co., variety-department stores: No. 243, Galesburg, Ill., 10-27-71; No. 259, New Albany, Ind., 10-22-71; No. 761, El Paso, Tex., 10-26-71.

Haines Super Market, foodstores, 10-25-71: 551 State Street, Clairton, PA; Route 51, Pleasant Hills, Pittsburgh, PA.

Hart's Department Store, variety-department store: 955 Fourth Avenue, New Kensington, PA; 10-24-71.

Harvey's Dime Store, Inc., variety-department store; 108 North Broad, Griffith, IN; 10-28-71.

S. H. Heironimus Co. Inc., variety-department store; 405 South Jefferson Street, Roanoke, VA; 10-31-71.

Hilley's Pharmacy, Inc., drugstore; Brazos Shopping Center, Mineral Wells, Tex.; 10-20-71.

Jewish Home for Aged, nursing home; 158 North Street, Portland, ME; 11-2-71.

Kientz IGA, foodstore; 1016 West Sixth, Junction City, KS; 11-17-71.

Kistler-Collister Co., variety-department store; 1100 San Mateo Northeast, Albuquerque, NM; 11-11-71.

S. S. Kresge Co., variety-department stores: No. 88, Belleville, Ill., 10-31-71; No. 101, South Bend, Ind., 10-23-71; No. 127, Leavenworth, Kans., 11-9-70 to 9-2-71; No. 1039, Newport, Ky., 11-3-71; No. 6, Bay City, Mich., 10-21-71; No. 453, Clawson, Mich., 10-23-71; No. 490, Dearborn, Mich., 10-24-71; No. 696, Farmington, Mich., 10-27-71; No. 203, Milford, Ohio, 11-17-71.

Lalonde's Super Market, foodstore; Port Sulphur, La.; 10-25-71.

McCaskill-Burke Tractor Co., Inc., farm equipment; corner South Green and Jackson, Marianna, FL; 8-10-70 to 7-16-71.

McCrory-McLellan-Green Stores, variety-department stores: No. 660, Flagstaff, Ariz., 11-9-70 to 10-31-71; No. 692, Ionia, Mich., 11-8-71; No. 313, Natchez, Miss., 10-21-71; No. 576, Raleigh, N.C., 11-13-70 to 11-9-71; No. 109, Monongahela, Pa., 10-26-71; No. 322, Dallas, Tex., 10-22-71; No. 1020, Fort Worth, Tex., 10-26-71; No. 1208, Houston, Tex., 10-26-71.

McDonald's Hamburgers, restaurant; No. 1, Columbia, S.C.; 10-22-71.

Middletown Merchandise Mart, variety-department store; 3751 East Harrisburg Pike, Middletown, PA; 10-26-71.

Morgan & Lindsey, Inc., variety-department store; No. 3060, Westwego, La.; 11-17-71.

M. E. Moses Co., variety-department store; No. 29, Dallas, Tex.; 10-29-71.

Neisner Brothers, Inc., variety-department store; No. 172, Port Arthur, Tex.; 11-15-71.

J. J. Newberry Co., variety-department stores: No. 85, Calais, Maine, 10-21-71; No. 360, Alma, Mich., 9-11-71; No. 411, Richmond Heights, Mo., 11-9-71; No. 17, New Brunswick, N.J., 10-24-71; No. 13, Newport, Pa., 10-25-71; No. 218, Newport, Vt., 11-8-71; No. 169, Fredericksburg, Va., 10-22-71.

Piggly Wiggly, foodstore; 3110 Grand Avenue, Fort Smith, AR; 10-11-71.

Radcliff Department Store, Inc., variety-department store; 374 North Dixie Boulevard, Radcliff, KY; 10-21-71.

Rodenberg's Inc., foodstore; Montague & Mixon, North Charleston, S.C.; 8-25-70 to 8-23-71.

Ronk's Variety Store, Inc., variety-department store; Covington, Tenn.; 11-12-71.

Schaper's IGA Foodliner, foodstore; 526 West Main Street, Jackson, MO, 11-5-71.

Scurlock's Inc., foodstore; 725 North Sunshine Strip, Harlingen, TX; 11-7-71.

Silver Lining, restaurant; Eppley Airfield, Omaha, Nebr.; 10-29-70 to 2-27-71 (replacement).

O. P. Skaggs, foodstore; 543 North Broad Street, Fremont, NE; 11-14-71.

Spurgeon's, variety-department stores; 113 First Street, Dixon, IL, 11-7-71; 604 Broadway, Lincoln, IL, 11-14-71; 723 Washington Street, Mendota, IL, 11-7-71; 227 South Main Street, Monmouth, IL, 11-14-71; 519 South Main, Princeton, IL, 11-5-71; 429 Lincoln Highway, Rochelle, IL, 11-5-71; 310 North 12th Street, Centerville, IA, 10-26-71; 1201 Second Street, Perry, IA, 10-25-71; 216-218 Bush Street, Red Wing, MN, 11-14-71.

T. G. & Y. Stores Co., variety-department store; No. 127, Kansas City, Kans.; 11-6-71.

Ted Maier Drug Co., drugstores, 10-6-71: 78 East Third and Miracle Mall, Winona, MN.

The Webber Co., Inc., variety-department store; 39 North Perry Street, Montgomery, AL; 10-24-71.

William C. Wiechmann Co., variety-department store; 116 South Jefferson, Saginaw, MI; 11-8-71.

Wolf Super Market, foodstore; Main Street, Yorktown, TX; 11-6-71.

Worth's, apparel store; 95 Bank Street, Waterbury, CT; 11-17-71.

H. Zimmerman & Sons, Inc., 118 West Third Street, Marion, IN; 11-9-71.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

A & R Food Store, Inc., foodstore; 930 Oxmoor Road, Birmingham, AL; stock clerk, produce clerk, meat clerk, carryout; 9 to 12 percent; 11-15-71.

Breen's Market, Inc., foodstore; 334 North Main Street, Milford, MI; carryout, stock clerk; 13 to 20 percent; 11-15-71.

Crest Stores Co., variety-department store; Villa Park Shopping Center, Conover, N.C.; salesclerk, stock clerk; 10 to 45 percent; 11-9-71.

Duckwall Stores, Inc., variety-department store; No. 4, Clay Center, Kans.; salesclerk, stock clerk; 8 to 35 percent; 11-9-71.

Economy Super Market, foodstore; 1875 Perry Boulevard NW, Atlanta, GA; carryout; 8 to 11 percent; 10-27-70 to 10-19-71.

Erdman Supermarkets, Inc., foodstore; Highway 65 South, Owatonna, MN; checker, stock clerk, carryout, cleanup; 10 percent 11-19-71.

Froshin's, Inc., variety-department store; 68 Broad Street, Alexander City, AL; salesclerk, wrapper; 13 to 32 percent; 10-26-71.

W. T. Grant Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, cashier, except as otherwise indicated: No. 174, Mishawaka, Ind., 7 to 37 percent, 11-19-71; No. 1100, Cedar Falls, Iowa, 2 to 14 percent, 10-27-70 to 10-23-71 (salesclerk, stock clerk); No. 945, Union, N.J., 8 to 33 percent; 10-26-71; No. 926, Cleveland, Ohio, 6 to 12 percent, 11-1-71; No. 235, Shamokin Dam, Pa., 5 to 25 percent, 11-12-71.

Hales Super Market, foodstores, for the occupations of stock clerk, carryout, 6 to 28 percent: Highway 13, Gallatin, Mo., 10-26-70 to 10-20-71; Hamilton, Mo., 10-20-71.

Handy-Andy, Inc., foodstores, for the occupations of package clerk, dairy stock clerk, produce clerk, office cashier, stock clerk, bottle sorter, bakery clerk, janitorial, checker, 11-2-71: No. 28, San Antonio, Tex., 23 to 31 percent; No. 29, San Antonio, Tex., 18 to 27 percent.

S. H. Heironimus Co. Inc., variety-department stores, for the occupations of salesclerk, stock clerk, gift wrapper, 2 to 6 percent, 10-3-71: Crossroads Mall and Towers Shopping Center, Roanoke, Va.

Jenny Lee Bakery, bakery; Fort Couch and Washington Road, Pittsburgh, Pa.; salesclerk; 16 to 22 percent; 11-1-71.

S. S. Kresge Co., variety-department stores, for the occupations of stock clerk, maintenance, office clerk, food preparation, salesclerk, checker-cashier, counter clerk, customer service, 10 percent, 11-1-71, except as otherwise indicated: No. 4538, Detroit, Mich. (9 to 10 percent, 9-2-71); No. 4283, Jacksonville, Fla. (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service, 7 to 21 percent, 11-2-71); No. 4279, Lauderhill, Fla. (salesclerk, 1 to 12 percent, 11-13-71); No. 4245, Tampa, Fla. (salesclerk, 7 to 24 percent, 11-2-70 to 10-30-71); No. 4230, Atlanta, Ga. (salesclerk, 4 to 13 percent, 11-15-71); No. 4135, Augusta, Ga. (salesclerk, 4 to 14 percent, 11-19-71); No. 4189, Savannah, Ga. (salesclerk, 4 to 14 percent, 10-25-71); No. 4337, Addison, Ill. (salesclerk, maintenance, stock clerk, office clerk, cashier, customer service, 12 to 20 percent, 10-28-71); No. 4030, Danville, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 7 to 29 percent, 10-25-71); No. 4097, Elgin, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 5 to 10 percent, 10-31-71); No. 4322, Kankakee, Ill. (salesclerk, stock clerk, maintenance, checker-cashier, customer service, office clerk, 18 to 34 percent, 10-28-71); No. 4107, Peoria, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 9 to 16 percent, 10-23-71); No. 4048, Springfield, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 9 to 16 percent, 10-20-71); No. 4035, Anderson, Ind. (salesclerk, stock clerk, checker-cashier, office clerk, 10-30-71); No. 4067, Fort Wayne, Ind. (salesclerk, stock clerk, checker-cashier, office clerk, 5 to 10 percent, 11-8-71); No. 4124, Terre Haute, Ind. (salesclerk, stock clerk, checker-cashier, office clerk, 11-6-71); No. 4314, Cedar Rapids, Iowa (salesclerk, stock clerk, office clerk, checker-cashier, customer service, maintenance, 13 to 25 percent, 10-29-71); No. 4315, Iowa City, Iowa (salesclerk, stock clerk, office clerk, checker-cashier, customer service, maintenance, 13 to 25 percent, 10-29-71); No. 4105, Ann Arbor, Mich. (11-8-71); No. 4065, Battle Creek, Mich. (3 to 10 percent, 11-10-71); No. 4118, Grand Rapids, Mich. (4 to 10 percent); No. 4098, Monroe, Mich.; No. 4145, Mount Clemens, Mich. (11-8-71); No. 4099, Mount Morris, Mich.; No. 4535, Owosso, Mich. (11-7-71); No. 4096, Saginaw, Mich.; No. 4059, Taylor, Mich. (11-14-71); No. 115, Troy, Mich. (8 to 10 percent, 11-5-71); No. 4106, Ypsilanti, Mich. (10-30-71); No. 135, Minneapolis, Minn. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, counter clerk, 18 to 30 percent, 11-16-71); No. 4310, Fayetteville, N.C. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 11 to 22 percent, 11-9-71); No. 4150, Altoona, Pa. (salesclerk, 3 to 10 percent, 11-15-71); No. 4275, Mechanicsburg, Pa. (salesclerk, bagger, stock clerk, office clerk, 6 to 29 percent, 11-15-71); No. 4064, North Versailles, Pa. (stock clerk, salesclerk, bagger, 8 to 29 percent, 11-18-71); No. 4300, Dallas, Tex. (salesclerk, 7 to 27 percent, 10-30-71); No. 4267, Hurst, Tex. (salesclerk, 7 to 27 percent, 10-30-71); No. 4025, Tyler, Tex. (salesclerk, 7 to 27 percent, 10-20-71); No. 4255, Janesville, Wis. (salesclerk, stock clerk, office clerk, checker-cashier, customer service, counter clerk, 5 to 10 percent, 10-31-71).

Lerner Shops, apparel stores, for the occupations of salesclerk, credit clerk, cashier, except as otherwise indicated: No. 197, Gainesville, Fla., 3 to 25 percent, 11-8-71; No. 199, Titusville, Fla., 3 to 22 percent, 11-10-71 (salesclerk, office clerk, stock clerk, maintenance); No. 254, Omaha, Nebr., 10 to 17 percent, 11-15-71 (salesclerk, stock clerk, office clerk); No. 331, Houston, Tex., 4 to 11 percent, 10-20-71.

Martin's, variety-department store; 1219 Wilmer Avenue, Anniston, Ala.; salesclerk, stock clerk; 9 to 19 percent; 11-19-71.

May's Drug Store, drugstore; No. 201, Peru, Ill.; salesclerk, stock clerk; 5 to 8 percent; 11-17-71.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, except as otherwise indicated: No. 331, East Dover, Del., 27 to 38 percent, 11-14-71 (salesclerk, cashier); No. 392, North Riverside, Ill., 10 to 27 percent, 11-1-71; No. 382, Fall River, Mass., 7 to 15 percent, 10-22-71; No. 374, Framingham, Mass., 7 to 15 percent, 11-8-71; No. 253, Grand Rapids, Mich., 10 to 27 percent, 10-21-71; No. 238, Menominee, Mich., 10 to 33 percent, 11-8-71; No. 393, Southgate, Mich., 10 to 27 percent, 10-21-71; No. 260, Oxford, Miss., 7 to 27 percent, 11-15-71 (salesclerk, stock clerk); No. 1306, Bricktown, N.J., 11 to 32 percent, 11-3-71; No. 708, Grants, N. Mex., 4 to 25 percent, 10-24-71 (salesclerk, office clerk, stock clerk, maintenance); No. 257, Norwood, Ohio, 6 to 20 percent, 10-22-71; No. 224, Hazelton, Pa., 19 to 32 percent, 11-15-71 (salesclerk, stock clerk, office clerk, maintenance); No. 332, Shavertown, Pa., 12 to 23 percent, 11-14-71; No. 165, Dallas, Tex., 11 to 15 percent, 11-19-71.

McDonald's Hamburgers, restaurant; 1110 Camp Jackson Road, Cahokia, IL; general restaurant worker; 8 to 25 percent; 11-6-71.

Morgan & Lindsey, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, except as otherwise indicated: No. 3065, Baton Rouge, La., 8 to 27 percent, 10-15-71; No. 3123, Monroe, La., 6 to 31 percent, 11-6-71 (salesclerk, stock clerk); No. 3129, Natchitoches, La., 12 to 45 percent, 11-18-71; No. 3125, Ruston, La., 12 to 45 percent, 11-14-71; No. 3114, Long Beach, Miss., 4 to 22 percent, 10-31-71; No. 3059, Conroe, Tex., 10 to 27 percent, 10-31-71.

M. E. Moses Co., variety-department store; No. 22, Mesquite, Tex.; salesclerk, checker, store clerk; 28 to 40 percent; 11-15-71.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, janitorial, 10-27-71: No. 329, Ashland, Ky., 17 to 27 percent; No. 327, Indiana, Pa., 14 to 26 percent.

J. J. Newberry Co., variety-department store; No. 476, Macon, Ga.; salesclerk; 10 percent; 10-31-71.

Pence Food Center, foodstore; 122 South Sixth, Osage City, Kans.; sacker, carryout, stock clerk, checker, cleanup; 8 to 25 percent; 10-27-71.

Piggly Wiggly, foodstores, for the occupations of bagger, stock clerk, checker, 18 to 25 percent, 10-11-71, except as otherwise indicated: 2222 Midland Boulevard, 3500 Jenny Lind and Phoenix Village Shopping Center, Fort Smith, Ark.; 710 East Blackhawk Avenue, Prairie Du Chien, Wis. (bagger, carryout, 17 to 22 percent, 11-9-71).

R & R Farms, Inc., agriculture; Carthage, Miss.; general agricultural work; 5 to 21 percent; 9-27-71.

Ream's Bargain Annex, foodstore; 1350 North Second West, Provo, Utah; cleanup, stock clerk, carryout; 26 to 33 percent; 10-27-71.

Rose's Stores, Inc., variety-department store; No. 3, Louisburg, N.C.; salesclerk, stock clerk; 5 to 27 percent; 11-18-71.

Schensul's Cafeteria, cafeteria; East Grand River Avenue, Okemos, Mich.; bus boy (girl), coffee girl (boy), counter worker, dish washer, food preparation, short order cook; 49 to 77 percent; 9-30-71.

Schradzki Co., apparel stores, for the occupations of salesclerk, office clerk, marking clerk, 3 to 12 percent, 11-9-71; 213-215 Southwest Adams and 4125 Sheridan Road, Peoria, IL.

Shady Oaks, nursing home; Lake City, Iowa; nurse's aid, kitchen helper; 9 to 13 percent; 10-29-71.

Spee-D-Foods, Inc., foodstores, for the occupations of carryout, checker, stock clerk, 20 percent, 11-1-71, except as otherwise indicated: 1207 12th Street NW., Canton, OH; 6304 North Market, North Canton, OH; 4075 Portage Road, North Canton, OH (stock clerk, carryout, cleanup); 4730 Cleveland Avenue South, North Industry, OH.

Sterling's Inc., variety-department store; 1119 South Bellevue at McLemore, Memphis, TN; janitorial, salesclerk, stock clerk; 12 to 43 percent; 10-31-71.

T. G. & Y. Stores Co., variety-department stores, for the occupations of office clerk, salesclerk, stock clerk, 24-30 percent, 11-13-71, except as otherwise indicated: No. 21, Shawnee, Okla. (20 to 30 percent); Nos. 467 and 469, Tulsa, Okla. (11-7-71); No. 340, Houston, Tex. (30 percent); No. 779, Nederland, Tex. (30 percent); No. 822, Odessa, Tex. (6 to 21 percent, 11-14-71).

Town & Country Supermarket, foodstore; 818 North Elm, Hoisington, KS; carryout, checker, produce clerk; 18 to 48 percent; 10-26-71.

Van Arsdell's Inc., variety-department store; 37 Signal Hills, West St. Paul, MN; salesclerk, stock clerk, office clerk, gift wrapper, marking clerk; 3 to 14 percent; 10-21-71.

Wakefield's, Inc., variety-department store; 1212 Quintard Avenue, Anniston, AL; salesclerk, stock clerk; 9 to 19 percent; 11-19-71.

Wood's 5 & 10¢ Stores, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, 11-15-71, except as otherwise indicated: Conway Shopping Center, Conway, S.C., 9 to 20 percent; East Gate Shopping Center, Chapel Hill, N.C., 9 to 34 percent (10-31-71); Biggs Park Shopping Center, Lumberton, N.C., 6 to 19 percent.

Younker Brothers, Inc., variety-department store; 901 East 27th Street, Cedar Falls, IA; salesclerk, stock clerk, office clerk, marker, delivery clerk, messenger, wrapper, porter, cleanup; 9 to 16 percent; 11-14-71.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 1st day of March 1971.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.71-3313 Filed 3-9-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 270]

ALABAMA POWER CO. ET AL.

Investigation of Railroad Freight Rate Structure

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 1st day of March 1971.

Upon consideration of the record, the joint petition filed on February 16, 1971, by Alabama Power Co.; American Electric Power Co.; Central Illinois Public Service Co.; The Cleveland Electric Illuminating Co.; Coal Traffic Bureau of Northern West Virginia, Ohio & Western Pennsylvania; Commonwealth Edison Co.; Consumers Power Co.; Electric Energy, Inc.; Georgia Power Co.; Gulf Power Co.; Illinois Power Co.; Iowa Electric Light and Power Co.; Iowa Power and Light Co.; Madison Gas and Electric Co.; Missouri Public Service Co.; Newera Corp.; Niagara Mohawk Power Corp.; Otter Tail Power Co.; Pennsylvania Power & Light Co.; Property Owners Committee; Public Service Electric & Gas Co.; Rochester Gas & Electric Co.; The Toledo Edison Co.; Wisconsin Electric Power Co.; and Wisconsin Power & Light Co., and the petition filed February 16, 1971, by the Allied Chemical Corp., for additional time in

which to submit supplementary views, and for a prehearing conference; and for good cause appearing:

It is ordered, That the time within which the petitioners may file statements setting forth their views be, and it is hereby, extended to April 1, 1971.

It is further ordered, That the requests for a prehearing conference be, and they are hereby, denied at this time in view of the extension of time herein granted as additional time will be required to evaluate all statements submitted.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3326 Filed 3-9-71;8:48 am]

[Notice 7]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 5, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 579), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland OH 44113, filed February 23, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express* and newspapers in the same vehicle with passengers, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 59 to junction Alabama County Road 65 (Wiebel Road), thence over Alabama County Road 65 to junction U.S. Highway 11, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Birmingham, Ala., over U.S. Highway 11 via Bucksville and Box Springs, Ala., to New Orleans, La., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3328 Filed 3-9-71;8:48 am]

[Notice 8]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 5, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-18320 (Deviation No. 1), YORK TRANPORTATION COMPANY, INC., Post Office Box 707, York Pa. 17405, filed February 25, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From York, Pa., over Interstate Highway 83 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 78 (U.S. Highway 22), thence over Interstate Highway 78 (U.S. Highway 22) to New York, N.Y., and (2) from York, Pa., over Interstate Highway 83 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 78 (U.S. Highway 22), thence over Interstate Highway 78 (U.S. Highway 22) to junction Interstate Highway 287, thence over Interstate Highway 287 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Interstate Highway 278, thence over Interstate Highway 278 to New York, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent regular routes as follows: (1) From York, Pa., over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y.; and (2) from Paoli, Pa., over U.S. Highway 202 to junction Pennsylvania Highway 43, thence over Pennsylvania Highway 43 to junction U.S. Highway 1, and return over the same routes.

No. MC-89723 (Deviation No. 18), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103, filed February 23, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 67 and Missouri Highway 110 (east of De Soto, Mo.), over U.S. Highway 67 to junction Missouri Highway 49 (near Williamsville, Mo.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from junction U.S. Highway 67 and Missouri Highway 110 over Missouri Highway 110 to De Soto, Mo., thence over Missouri Highway 21 to junction Missouri Highway 8 (at or near Potosi, Mo.), thence over Missouri Highway 32 to junction County Road "N", (at or near Leadwood, Mo.), thence over County Road "M" to junction County Road "BB", thence over County Road "BB" to junction Missouri Highway 32, thence over Missouri Highway 32 to Bismarck, Mo., thence over Missouri Highway 32 to junction County Road "N", thence over County Road "N" to junction County Road "W", thence over County Road "W" to junction Missouri Highway 21, thence over Missouri Highway 21 to junction Missouri Highway 49, thence over Missouri Highway 49 to Piedmont, Mo., thence over Missouri Highway 34 to junction Missouri Highway 34 to junction Missouri 49, thence over Missouri Highway 49 to junction U.S. Highway 67 (near Williamsville, Mo.), and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3329 Filed 3-9-71;8:48 am]

[Notice 17]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 5, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 74416 (Sub-No. 8) (Republication), filed December 15, 1969, published in the FEDERAL REGISTER issue of January 29, 1970, and republished this issue. Applicant: LESTER M. PRANGE, INC., Post Office Box 1, Kirkwood, PA 17536. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, PA 17566. A decision and order of the Commission, Review Board No. 2, dated February 3, 1971, and served February 9, 1971, upon consideration of the record in the proceeding, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of fabricated sheet metal products, (2) of heating and air conditioning systems, and (3) of equipment, materials, and supplies used in the installation of fabricated sheet metal products and heating and air conditioning systems, from the plantsites and facitities utilized by Berger Brothers Co. in Lower South Hampton Township (Bucks County), Pa., and Penn Supply and Metal Corp., Adelta Manufacturing Co., Inc., Acme Manufacturing Co., and Southwark Metal Manufacturing Co., of Philadelphia, Pa., to points in Virginia, North Carolina, South Carolina, and Georgia, restricted (a) against the transportation of commodities which because of size or weight require the use of special equipment, and (b) to the transportation of shipments originating at the above-named origin points and destined to points in the above-named destination States. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113024 (Sub-No. 94) (Republication), filed July 29, 1970, published in the FEDERAL REGISTER issue of August 20, 1970, and republished this issue. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated February 2, 1971, and served February 26, 1971, finds: That applicant's proposed operations do not meet the definition of a contract carrier by motor vehicle as defined in section 203(a)(15) of the Interstate Commerce Act; and that the proposed operations are those of a *common carrier* by motor vehicle; and (2) It further finds; That the present and future public convenience and necessity require operation by applicant, as a *common carrier* by motor vehicle, over irregular routes, of fiber, from Yorklyn, Del., to St. Paul, Minn., and Memphis, Tenn.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate, should be issued concurrently with or subsequent to the issuance to applicant of appropriate certificates and the cancellation of applicant's outstanding permits in No. MC-113024 and subnumbers thereunder, and, that should the pending conversion proceedings be disapproved by the Commission, the instant application will stand denied in its entirety. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 60756 (Sub-No. 4) (Notice of Filing of Petition To Modify Certificate), filed February 11, 1971. Petitioner: CRESCENT MOTOR LINE, Spartanburg, S.C. Petitioner's representative: Frank B. Hand, Jr., 740 15th Street NW., Washington, DC 20005. Petitioner holds a certificate in MC 60756 (Sub-No. 4), authorizing the transportation of, among other things, General commodities, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, in shipments weighing not less than 5,000 pounds each from any one consignor, between Spartanburg and Lyman, S.C., on the one hand, and, on the other, points in Georgia, North Carolina, and South Carolina within 100 miles of Spartanburg. The purpose of this petition is to seek the elimination of the restriction: "in shipments weighing not less than 5,000 pounds each from any one consignors * * *." Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 69096 (Notice of Filing of Petition to Waive Deviation Rules and for Revision of Operating Rights), filed February 9, 1971. Petitioner: C. STANLEY F. LOUTTIT, doing business as LOUTTIT TRANSFER, Monongahela, Pa. Petitioner's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Petitioner states that it is authorized to transport, as a contract carrier, over regular routes: Glass, glass products, and machinery, materials and supplies used in the conduct of glass manufacture: 1. between Fairmont, W. Va., and Bridgeton, N.J., serving the intermediate points of Harpers Ferry, W. Va., and Baltimore, Md., from Fairmont over U.S. Highway 250 to junction U.S. Highway 50, thence over U.S. Highway 50 to Winchester, Va., thence over U.S. Highway 340 to Frederick, Md., thence over U.S. Highway 40 to junction New Jersey Highway 49, thence over New Jersey Highway 49 to Bridgeton, and return over the same route; 2. Between Fairmont, W. Va., and Clairon, Pa., over specified regular routes, serving no intermediate points; 3. Between Fairmont, W. Va., and Chicago Heights, Ill., over specified regular routes, serving the intermediate point of Columbus, Ohio, and the off-route points of Zanesville, Ohio, and Gas City, Ind.; 4. Between Fairmont, W. Va., and Streator, Ill., over specified regular routes, serving the intermediate points of Columbus, Ohio, and the off-route points of Gas City, Ind., and Zanesville, Ohio, and 5. Between Fairmont, W. Va., and Alton, Ill., over specified regular routes, serving the intermediate points of Terre Haute, Ind., and Columbus, Ohio, and the off-route point of Zanesville, Ohio. By the instant application, petitioner seeks revision of its permit so as to authorize operations over irregular routes, rather than over regular routes. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of or against the petition, within 30 days from the date of publication in the FEDERAL REGISTER.

FREIGHT FORWARDER

TRANSFER APPLICATION UNDER SECTION 410(g), INTERSTATE COMMERCE ACT, DESIGNATED FOR ORAL HEARING

Finance Docket No. 26358. Application filed September 23, 1970. CUSTOMS FORWARDERS, INC., CHICAGO, ILL., Transferee, and J. E. BERNARD & CO., INC., CHICAGO, ILL., Transferor. Attorneys for applicants: Harold E. Spencer and Thomas F. McFarland, Jr., 20 North Wacker Drive, Chicago, IL 60606. The application filed under section 410(g) of the Act, seeking transfer of the freight forwarded operating rights specified in the Amended Permit and Order issued January 26, 1951, in Nos. FF-119 and FF-119 (Sub-No. 1) in the name of transferor herein, to transferee herein, Customs Forwarders, Inc., covering the transportation of: Commodities generally, (1) from points in the New York, N.Y., commercial zone to points in the Chicago, Ill. commercial zone; and (2) when consigned for export, from points in the Chicago commercial zone to New York, N.Y.; and (3) when imported or consigned for export,

between points in the Chicago, Ill., commercial zone, on the one hand, and, on the other, San Francisco, Calif., New Orleans, La., Seattle, Wash., and Vancouver, British Columbia, Canada (insofar as the transportation takes place within the United States), was approved by order of the Commission, Motor Carrier Board, entered November 30, 1970.

Petitions for reconsideration and/or oral hearing were filed by Lyons Transport, Inc., and Import Freight Carriers, Inc., C. S. Greene and Co., Inc., and D. C. Andrews International, Inc., all freight forwarders, and by Navajo Freight Lines, Inc., et al, motor carriers.

By order entered February 11, 1971, Division 3, acting as an Appellate Division, vacated and set aside the approval order of the Motor Carrier Board entered November 30, 1970, reopened the proceeding, and assigned the matter for oral hearing at a time and place to be hereafter fixed.

Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence.

APPLICATIONS UNDER SECTIONS 5(a) AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11081 (Correction) (SAM TANKSLEY TRUCKING, INC.—Purchase—JOHN SEPHTON, doing business as JOHN SEPHTON PRODUCE CO.) (WESLEY M. HOLSTON, Executor of the estate), published in the February 10, 1971, issue of the FEDERAL REGISTER on page 2848. The docket number shown should have read *"MC-F-11081,* in lieu of *"MC-11081"*.

No. MC-F-11102. Authority sought for control and merge by THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road SE., Post Office Box 350, Warren, OH 44400, of the operating rights and property of WATSON BROS. VAN LINES AND HEAVY HAULING CO., 3514 South 25th Street, Omaha, NE 68105, and for acquisition by J. PHIL FELBURN, Post Office Box 427, Middletown, OH, of control of such rights and property through the transaction. Applicants' attorney: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Operating rights sought to be controlled and merged: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, as a common carrier over irregular routes, between points and places in Nebraska, on the one hand, and, on the other, points and places in Illinois, Iowa, Kansas, Missouri, and South Dakota, between Omaha, Nebr., and points and places in Nebraska within 100 miles of Omaha, on the one hand, and, on the other, points and places in Wisconsin, Minnesota, and Colorado; *commodities* which, because of size or weight, require special handling or special equipment, and *contractors' machinery, equipment, and supplies* not requiring special handling or special equipment because of size or weight, between points and places in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota and Wyoming; *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota and Wyoming; (1) *material handling equipment, winches, compaction and roadmaking equipment, rollers, mobile cranes, and highway freight trailers,* and (2) *parts, attachments and accessories* of the commodities described in (1) above, between the plantsites of Hyster Co., located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wyoming.

Hydraulic systems and power units for hydraulic systems, and *equipment, parts, and accessories* used in the installation and operation of hydraulic systems and power units for hydraulic systems, between Omaha, Nebr., on the one hand, and, on the other, Orange, Calif., St. Petersburg, Fla., and Tacoma, Wash., between Omaha, Nebr., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wyoming, and Wisconsin; *self-propelled trench excavating machines* each weighing less than 15,000 pounds, from the plant sites of and storage facilities utilized by Omsteel Products Corp. (a subsidiary of Omsteel Industries, Inc.), at Omaha, Nebr., to points in the United States (except Alaska and Hawaii), with restrictions; *steel bar joists and accessories,* from Norfolk, Nebr., to points in Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, the Upper Peninsula of Michigan, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin, and Wyoming. THE AETNA FREIGHT LINES, INCORPORATED, is authorized to operate as a *common carrier* in Michigan, Pennsylvania, West Virginia, Ohio, New York, Indiana, Illinois, Kentucky, Iowa, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, Tennessee, Delaware, District of Columbia, Maryland, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11103. Authority sought for continuance in control by KENNETH R. NORTON, Post Office Box 249, Crete, NE 68333, of INTERSTATE CONTRACT CARRIER CORPORATION, 12060 Sable Boulevard, Brighton, CO 80601, upon issuance of the permit authorized to said carrier by recommended order of January 15, 1971, in No. MC-134599. Applicants' attorney: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority to be granted covers the transportation of iron and steel articles, under contract with National Industries, Inc. and subsidiaries, from Chicago, Ill., to points in Kansas, Colorado, Tennessee, and Kentucky. The operations are now being performed by said carrier under temporary authority. KENNETH NORTON presently controls CRETE CARRIER CORPORATION, which holds authority as a motor contract carrier under permit No. MC-128375 and Subs, to transport various specified commodities, under contracts with normal shippers, from and to points in all States in the United States (except Alaska and Hawaii).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3330 Filed 3-9-71;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 5, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. (Unknown) filed February 22, 1971. Applicant: H. GEORGE RIPLEY & DOROTHY R. RIPLEY, doing business as BUTTE-BOZEMAN DELIVERY SERVICE, a partnership, 712 East Main, Bozeman, MT 59715. Applicant's representative: Hugh Sweeney, Post Office Box 1321, Billings, MT 59101. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except commodities in bulk or in tank vehicles; and excepting heavy machinery, equipment and supplies requiring special equipment), between Bozeman, Mont., and all points and places located on Highway 191 between Bozeman, Mont., and the Wyoming State Line; between West Yellowstone, Mont., and all points and places located on Highway 191 between West Yellowstone, Mont., and the Wyoming State Line, and serving the off-route point of the Big Sky Complex. Both intrastate and interstate authority sought.

HEARING: Date, place, and time unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Board of Railroad Commissioners of the State of Montana, Helena, MT 59601 and should *not* be directed to the Interstate Commerce Commission.

State Docket No. 71084-CCT, filed February 19, 1971. Applicant: UNITED FREIGHT, INC., Suite 1212, 25 West Flagler Street, Miami, FL 33130. Applicant's Attorney: John W. McWhirter, Jr., Post Office Box 2150, Tampa, FL 33601. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *perishable commodities, frozen commodities and such merchandise* as is dealt in by wholesale and retail chain stores, food businesses, department stores and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business restricted against liquid and dry commodities in bulk and classes A and B explosives, from and between all points in Florida in intrastate commerce and in interstate and foreign commerce moving wholly within the state of Florida, upon demand of shippers. Both intrastate and interstate authority sought.

HEARING: 9:30 a.m., Tuesday, March 9, 1971, at Winter Park, Fla. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

State Docket No 16378, filed February 24, 1971. Applicant: KING MOTOR LINE, INC., 1540 North Ripley Street, Montgomery, AL 36104. Applicant's representative: Euel A. Screws, Jr., Post Office Box 347, Montgomery, AL. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (except Classes A and B explosives, household goods as defined by the Interstate Commerce Commission, commodities in bulk, in tank vehicles and those requiring special equipment), between the following points and over the following described routes. From all locations, cities, points and intermediate points being presently served by the holder of certificate 550 (except the cities of Montgomery and Mobile) to Birmingham, Ala., and return over the following routes: Over U.S. Highway 31 (I-65) and over Alabama Highway 22 and U.S. Highway 31 (I-65). That is, applicant seeks authority to haul said general commodities from all intermediate points lying between Mobile and Montgomery, Ala., along U.S. Highway 31 to Birmingham, Ala., and return and from all intermediate points lying between Mobile and Selma, Ala., along U.S. Highway 31 and Alabama Highways Nos. 21 and 41 to Birmingham, Ala., and return. This proposed extension is filed with the restriction prohibiting applicant from serving any intermediate points along the proposed extended routes. This proposed extension is filed with the further restriction prohibiting applicant from transporting any freight originating at or interchanged in the cities of Montgomery or Mobile, Ala., destined to Birmingham, Ala., or originating at or interchanged in the city of Birmingham, Ala., destined to Montgomery or Mobile, Ala. Applicant seeks to extend its authority to handle interstate shipments over said extended intrastate routes in the same manner and to the same extent as its existing authority heretofore granted, except as restricted by the proposed restrictions.

HEARING: Contact the Alabama Public Service Commission for this information. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alabama Public Service Commission, Montgomery, Ala. 36102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3327 Filed 3-9-71;8:48 am]

[Notice 258]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 5, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or it authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2310 (Sub-No. 4 TA), filed March 1, 1971. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, 620 Boston Street, La Porte, IN 46350. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Metal containers and caps and covers relating thereto,* from St. Louis, Mo., to Fort Wayne, Ind., for 180 days. Supporting shipper: American Can Co., 200 South Michigan Avenue, Chicago, IL 60604. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 104210 (Sub-No. 65 TA), filed March 1, 1971. Applicant: THE TRANSPORT COMPANY, INC., Post Office Box 151, 2728 Agnes, Corpus Christi, TX 78403. Applicant's representative: E. C. Dodds (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal fat,* liquid, in bulk, in tank vehicles, from Amarillo, Tex., to Clayton, N. Mex., for 150 days. Supporting shipper: Sunray Meats, Inc., 2700 East Third Street, Amarillo, TX 79104. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, TX 78205.

No. MC 116073 (Sub-No. 158 TA), filed March 1, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers,* designed to be drawn by passenger automobiles, in initial movements, from the plantsite and storage facilities of Marietta Homes, Crimson Homes, Winston Homes, and Monterey Mobile Homes, Inc., all Divisions of Winston Industries, Inc., in Double Springs, Guin, and Addison, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Texas, Virginia, Oklahoma, Tennessee, and West Virginia, for 180 days. Supporting shipper: Winston Industries, Inc., Post Office Box 347, Double Springs, Ala. 35553. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 119302 (Sub-No. 13 TA), filed February 24, 1971. Applicant: MILLER TRANSFER & RIGGING CO. (Del. Corp.), Office Box 6077, Akron, OH, 3911 State Route 183, Edinburg, OH 58227. Applicant's representative: John J. Brutvan (same address as above).

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric tools and component parts*, from Hampstead, Md., to Fayetteville, and Tarboro, N.C., (2) *Electric tools and lawn and garden equipment*, from Fayetteville and Tarboro, N.C., to Hampsted, Md. The operations under the foregoing authority are to be limited to a transportation service to be performed under a continuing contract or contracts with the Black & Decker Manufacturing Co., at Towson, Md., for 180 days. Supporting shipper: The Black & Decker Manufacturing Co., Towson, Md. 21204. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 119777 (Sub-No. 203 TA), filed March 1, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Wallboard, insulation board, paneling vinyl film, shelving, siding, moulding, display cases, and display case assemblies, crated and uncrated new furniture, and door and door assemblies*, from Sedalia, Mo., to points in the United States, and *return and rejected shipments thereof on return*, for 180 days. Supporting shipper: Dan A. Gaw, Truck Traffic Supervisor, Permaneer Corp., 145 Weldon Parkway, Maryland Heights, MO 63042. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 128007 (Sub-No. 32 TA), filed March 1, 1971. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry zinc sulfate, fertilizer grade; dry zinc oxide, fertilizer grade*, from the plantsite and/or warehouse facilities of Sherwin Williams Chemicals, a division of Sherwin-Williams Co., at or near Coffeyville, Kans., to points in Oklahoma, Texas, Colorado, Nebraska, Iowa, Missouri, Wisconsin, Minnesota, and Michigan, for 180 days. Supporting shipper: Sherwin Williams Chemicals, Division of the Sherwin-Williams Co., Post Office Box 855, Coffeyville, KS 67337. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 134853 (Sub-No. 3 TA), filed March 1, 1971. Applicant: CHARLES M. WILSON AND RICHARD R. REEVES, a partnership, doing business as W-R TRUCKING CO., 9003 Westhervane Garth, Baltimore, MD 21234. Applicant's representative: Harold P. Boss, 1100—17th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty cylinders*, used for propane and/or other liquefied petroleum gas, between the plantsites and facilities of Cyl-Con, Inc., at or near Catonsville, Md., on the one hand, and, on the other, points in New York and North Carolina, limited to a service to be performed under a continuing contract or contracts with Cyl-Con, Inc., for 150 days. Supporting shipper: Cyl-Con, Inc., 1014 Leslie Avenue, Catonsville, MD 21228. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, MD 21201.

No. MC 135065 (Sub-No. 2 TA) (Correction), filed February 16, 1971, and published FEDERAL REGISTER issue of February 26, 1971, and republished in part as corrected this issue. Applicant: EARL G. DUBOSE, doing business as DUBOSE TRUCKING CO., Route 1, Box 257, Denham Springs, LA 70726. Applicant's representative: Cordell H. Hayman, Suite 301, Baton Rouge Saving & Loan Building, 101 St. Ferdinand Street, Baton Rouge, LA 70801. NOTE: The purpose of this partial republication is to show "Indiana" as a destination State in lieu of Idaho. The rest of the application remains the same.

No. MC 135253 (Sub-No. 1 TA), filed March 1, 1971. Applicant: RALPH NEFF TRUCKING, Post Office Box 724, Rapid City, SD 57701. Applicant's representative: Ralph Neff (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Rapid City, S. Dak., and a 20-mile radius thereof to Denver, Colo., for 180 days. Supporting shipper: Patrick Farrar, coowner, Speede Car Crusher, 2406 38th Street, Rapid City, SD 57701. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

No. MC 135318 (Sub-No. 1 TA), filed March 1, 1971. Applicant: CRANE TRUCKING COMPANY, INC., 1001 South Laramie Avenue, Chicago, IL 60644. Applicant's representative: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and such commodities* as are sold by or used in operating retail gasoline stations (except commodities in bulk), between the plantsite of the Mobil Oil Corp. at Cicero, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 136 from the Illinois-Indiana State line to Indianapolis, thence U.S. Highway 40 to the Ohio-Indiana State line; all points in Iowa on and east of U.S. Highway 218 from the Illinois-Iowa border at Keokuk, north to Cedar Rapids thence U.S. 151 to Dubuque; all points in Michigan on and east of U.S. Highway 27 beginning at the Indiana-Michigan State line to Alma and all points south and east of Michigan Highway 46 to Lake Michigan, for 180 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, NY 10017. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 135345 (Sub-No. 1 TA), filed March 1, 1971. Applicant: C. E. WOOD, doing business as C. E. WOOD DELIVERY, Route 7, Box 414, Roanoke, VA 24108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs and such commodities as are dealt in by wholesale and retail drug business houses*, from Roanoke, Va., to points in Rockingham County, N.C., with no transportation for compensation on return except as otherwise authorized. Restriction: The transportation service specified immediately above must be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate wholesale drug business houses, the business of which is the manufacture, compounding, and sale of drugs, for the commodities specified and in the manner indicated. From Roanoke, Va., to (1) points in North Carolina on the west of a line extending from the Virginia-North Carolina State line along U.S. Highway 501 to Durham, N.C., on and north of a line extending along U.S. Highway 70 from Durham through Greensboro, Salisbury, Statesville, N.C., to Hickory, N.C., and on and east of a line extending along U.S. Highway 321 from Hickory to Boone, N.C., and thence along U.S. Highway 421 from Boone to the North Carolina-Virginia State line, exclusive of points in Rockingham County, N.C., (2) points in Washington, Sullivan, Carter, and Johnson Counties, Tenn., and (3) points in McDowell, Wyoming, and Mercer Counties, W. Va., points in Raleigh County, W. Va., on and east of West Virginia Highway 16, and points in West Virginia, on and north of a line extending from the West Virginia-Virginia State line along the northern boundary of Mercer County to the junction with Raleigh County and thence along the northern boundary of Raleigh County to the junction of U.S. Highway 19, thence on and east of a line extending along U.S. Highway 19 to the junction of U.S. Highway 60, and thence on and south of a line extending along U.S. Highway 60 from its junction with U.S. Highway 19 to the West Virginia-Virginia State line, for 180 days. Supporting shipper: McKesson & Robbins Drug Co., 914 Rhodes Avenue NE., Post Office Box 1631, Roanoke, VA 24008. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 135349 TA, filed March 1, 1971. Applicant: R T S DELIVERY SERVICE, INC., 325 Jeliff Avenue, Newark, NJ 07108. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, from New York, N.Y., and Newark, N.J., to points in Connecticut, New York, New Jersey, and Pennsylvania within 60 miles of New York, N.Y., and Newark, N.J. The above restricted: (a) Against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any 1 day, and (b) in leased vehicles with drivers under continuing contracts with A. I. Freidman, Inc., 25 West 45th Street, New York, NY 10036; Arrow Photo Service, Inc., 22 West 32d Street, New York, NY 10001; Arthur Brown & Bros., Inc., 2 West 46th Street, New York, NY 10036; Ever-Last Floor Supply Co., 864 Clinton Avenue, Newark, NJ 07108; Managistics, Inc., 379 DeKalb Avenue, Brooklyn, NY 11205; and Meco Press, Inc., 16 West 45th Street, New York, NY 10036 and (2) *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, from Philadelphia, Pa., to points and places in New Jersey and Delaware within 60 miles of Philadelphia, Pa. The above restricted: (a) Against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any 1 day, and (b) in leased vehicles with drivers under continuing contracts with Charles Bruning Co., 7790 Duncan Road, Philadelphia, PA 19111, for 180 days. Supporting shippers: Application supported by the contracting shippers named above. Send protests to: District Supervisor, Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 135351 TA, filed March 1, 1971. Applicant: GRONDIN TRANSPORT, INC., St. Frederic, Beauce County, PQ, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos*, from ports of entry on the International boundary line between the United States and Canada, located in Maine, New Hampshire, Vermont, and Rouses Point, N.Y., to points in Massachusetts, Connecticut, and Rhode Island, restricted to traffic originating at points in Beauce County, Quebec, Canada, for 180 days. Supporting shipper: Carey-Canadian Mines, Ltd., Post Office Box 190, East Broughton Station, PQ. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, NH 03301.

No. MC 135352 TA, filed March 3, 1971. Applicant: VANDER HART TRANSFER & STORAGE, INC., 1207 Franklin Street, Pella, IA 50219. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires*, from Memphis, Tenn., to Pella, Iowa; under a continuing contract with Schiebout Tire Co., Inc., Pella, Iowa, for 180 days. Supporting shipper: Schiebout Tire Co., Inc., Pella, Iowa 50219. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC. 135353 TA, filed March 1, 1971. Applicant: BARSTOW TRANSFER & STORAGE CO., INC., Post Office Box 639, Barstow-Daggert Airport, Barstow, CA 92311. Applicant's representative: Alan F. Wohlstetter, One Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Bernardino, Calif., and between Barstow, Calif., and Long Beach and San Pedro harbors and the Los Angeles International Airport, Calif. Restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: H C & D Moving & Storage Co., Inc., Overseas Division, 321 Valencia Street, San Francisco, CA 94103; Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, CA 94103 (a subsidiary of Domestic Air Express, Inc.). Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc 71-3331 Filed 3-9-71;8:49 am]

[Notice 658]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 5, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date or the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72277. By order of February 10, 1971, the Motor Carrier Board approved the transfer to Frick Transfer, Inc., Easton, Pa., of the operating rights in certificate No. MC-61693, issued June 16, 1941, to Harvey J. Miller, Bangor, Pa., authorizing the transportation of household goods and other specified commodities between Bangor, Pa., and specified points in New Jersey. S. Maxwell Flitter, 200 South Seventh Street, Easton, PA 18042, attorney for applicants.

No. MC-FC-72588. By order of February 11, 1971, the Motor Carrier Board approved the transfer to Short's Garage, Inc., Causeway and South Market Street, Wilmington, DE 19801, of the operating rights in certificate No. 118983 (Sub-No. 1) issued April 16, 1963, to Robert S. Short, doing business as Short's Garage, Wilmington, Del., authorizing the transportation of disabled, repossessed, stolen, or wrecked motor vehicles, by use of wrecker equipment only, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

No. MC-FC-72616. By order of February 9, 1971, the Motor Carrier Board approved the transfer to L. E. Yoho, doing business as L. E. Yoho Excavating Service, Proctor, W. Va., of certificate No. MC-94431, issued to William C. Bonnette, Edward C. Bonnette, and Chester Bonnette, doing business as Chester Bonnette and Sons, Moundsville, W. Va., authorizing the transportation of: Such bulk commodities, coal, sand, gravel, etc., usually transported in dump trucks, between specified points and areas in Ohio and West Virginia. D. L. Bennett, practitioner, 129 Edginton Lane, Wheeling, WV 26003. John T. Madden, attorney, 635 Courth Avenue, Moundsville, WV 26041.

No. MC-FC-72631. By order of February 10, 1971, the Motor Carrier Board approved the transfer to R. D. Brown, doing business as Dan Brown Trucking, Greybull, Wyo., of certificates Nos. MC-107452, and MC-107452 (Sub-No. 1), issued to Robert F. Hansen, doing business as Hansen Trucking, Lovell, Wyo., authorizing the transportation of: Livestock, feeds, seeds, rock, and stone, between specified points and areas in Wyoming and Montana. Jerome Anderson, attorney, Post Office Box 1215, Billings, MT 59103.

No. MC-FC-72640. By order of February 9, 1971, the Motor Carrier Board approved the transfer to K. G. Moore, Inc., Nashua, N.H., of the certificate No. MC-308 issued to Wrentham Motor Lines, Inc., Wrentham, Mass., authorizing the transportation of: General commodities, usual exceptions; paper and asbestos products, between specified points and areas in New Hampshire, New

York, Massachusetts, and New Jersey. Frederick T. O'Sullivan, attorney at law, 372 Granite Avenue, Milton, MA 02186.

No. MC–FC–72651. By order of February 10, 1971, the Motor Carrier Board approved the transfer to James C. Ferraro, doing business as Bridal Veil Tours, 121 79th Street, Niagara Falls, NY 14304, of certificate No. MC–116661 (Sub-No. 1), issued to Charles C. Ferraro, doing business as Bridal Veil Tours, 121 79th Street, Niagara Falls, NY 14304, authorizing the transportation of: Passengers and their baggage in special operations, beginning and ending at Niagara Falls, N.Y., and extending to ports of entry of the Canadian-United States boundary line at Niagara Falls and Lewiston, N.Y.

No. MC–FC–72657. By order of February 9, 1971, the Motor Carrier Board approved the transfer to Roland D. Sellers, doing business as Sellers Truck Lines, 804 North Cedar Street, Abilene, KS 67410, of the operating rights in certificates Nos. MC–42326 and MC–42326 (Sub-No. 4), issued October 14, 1958, and January 31, 1958, respectively, in the name of Charles W. Sellers, doing business as Sellers Truck Line, 1007 North Olive Street, Abilene, KS, authorizing the transportation of general commodities between specified points in Kansas and Missouri.

No. MC–FC–72661. By order of February 10, 1971, the Motor Carrier Board approved the transfer to Service Warehouse Co., Inc., Newark, N.J., of certificate No. MC–3717, issued to Interstate Refrigerated Foods, Inc., Phila., Pa., authorizing the transportation of: Frozen foods, Sea foods, and machinery and equipment, and supplies therefore, and petroleum products, between specified points and areas in New York, New Jersey, Massachusetts, New Hampshire, Maryland, Rhode Island, and Connecticut. James J. Farrell, practitioner, 206 North Boulevard, Belmar, NJ 07719.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–3332 Filed 3–9–71;8:49 am]

[Notice 658–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 5, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–72711. By application filed March 3, 1971, N.J. & N.Y. AIRPORT LIMOUSINE, INC. (a New Jersey corporation), 1 Polifly Road, Hackensack, NJ 07601, seeks temporary authority to lease the operating rights of N.J. & N.Y. AIRPORT LIMOUSINE, INC. (a Connecticut corporation), c/o James A. Curtis, 657 High Street, Newark, NJ 07102, under section 210a(b). The transfer to N.J. & N.Y. AIRPORT LIMOUSINE, INC. (a New Jersey corporation), of the operating rights of N.J. & N.Y. AIRPORT LIMOUSINE, INC. (a Connecticut corporation), is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–3333 Filed 3–9–71;8:49 am]

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FEDERAL REGISTER

VOLUME 36 • NUMBER 47

Wednesday, March 10, 1971 • Washington, D.C.

PART II

DEPARTMENT OF THE INTERIOR

Bureau of Mines

•

Respiratory Protective Devices; Tests for Permissibility; Fees

Notice of Proposed Rule Making



DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Parts 11, 12, 13, 14, 14a]

RESPIRATORY PROTECTIVE DEVICES; TESTS FOR PERMISSIBILITY; FEES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 508 of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, 30 U.S.C. 801), and 36 Stat. 369, as amended 37 Stat. 681, 30 U.S.C. 3, 5, and 7, and after consultation and agreement with the Secretary of Health, Education, and Welfare, it is proposed that Parts 11, 12, 13, 14, and 14a of Subchapter B (Bureau of Mines Schedules 13E, 14F, 19B, 21B, and 23B), Chapter I of Title 30, Code of Federal Regulations be rescinded in their entirety and that Subchapter B of Chapter I be amended by substituting the following Part 11, as set forth below, which prescribes the approval procedures, establishes the fees, and consolidates and extends the requirements for obtaining joint approval of respirators by the Bureau of Mines, Department of the Interior and the Bureau of Occupational Safety and Health, Department of Health, Education, and Welfare.

Interested persons may submit comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, or the Director, Bureau of Occupational Safety and Health, Rockville, MD 20852, no later than 45 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

FEBRUARY 25, 1971.

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AUTHORITY: The provisions of this Part 11 issued under sec. 508 of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, 30 U.S.C. 801) and 36 Stat. 369, as amended, 37 Stat. 681, 30 U.S.C. 3, 5, and 7.

Subpart A—General Provisions

§ 11.1 Purpose.

The purpose of the regulations contained in this Part 11 is (a) to establish procedures and prescribe requirements which must be met in filing applications for the joint approval of respirators or changes or modification of approved respirators; (b) to specify minimum requirements and to prescribe methods to be employed by the Bureau and by the applicant in conducting inspections, examinations and tests to determine the effectiveness of respirators used during entry into or escape from hazardous atmospheres; (c) to establish a schedule of fees to be charged each applicant for the inspections, examinations, and testing conducted by the Bureau under the provisions of this part; and, (d) to provide for the issuance of certificates of approval or extensions of certificates of approval for respirators which have met the minimum requirements for performance and respiratory protection set forth in this part.

§ 11.2 Approved respirators.

(a) On and after March 30, 1974, respirators or combinations of respirators shall be considered to be approved for use during entry into hazardous mine atmospheres, escape from hazardous mine atmospheres, or both, only where such respirators or combinations of respirators are; (1) the same in all respects as those respirators which have been approved after meeting the minimum requirements for performance and respiratory protection prescribed in this part 11, or have been approved under a Bureau of Mines schedule listed in paragraph (b) of this section, and (2) which are maintained in an approved condition.

(b) On and after March 30, 1971, respirators fabricated, assembled, or built under any approval, or any extension thereof, issued by the U.S. Bureau of Mines, Department of the Interior, in accordance with the schedules set forth below shall be considered to be approved for use during entry into hazardous mine atmospheres, escape from hazardous mine atmospheres, or both, where such respirators are maintained in an approved condition:

(1) Self-contained breathing apparatus, Bureau of Mines Schedule 13E, July 19, 1968.

(2) Supplied-air respirators, Bureau of Mines Schedule 19B, April 19, 1955.

(3) Filter-type dust, fume, and mist respirators, Bureau of Mines Schedule 21B, January 19, 1965.

(c) On or before March 30, 1974, gas masks and chemical cartridge respirators shall be considered to be approved for use during entry into hazardous mine atmospheres, escape from hazardous mine atmospheres, or both, where such respirators are; (1) fabricated, assembled or built under any approval, or any extension thereof, issued by the U.S. Bureau of Mines, Department of the Interior, in accordance with the schedules set forth below, and (2) are maintained in an approved condition:

(i) Gas masks, Bureau of Mines Schedule 14F, April 23, 1955.

(ii) Nonemergency gas respirators, Bureau of Mines Schedule 23B, August 4, 1959.

§ 11.2–1 Selection, use, and maintenance of approved respirators.

Approved respirators shall, where applicable, be selected, used and maintained in accordance with the provisions of the American National Standard Practices for Respiratory Protection, Z88.2.

§ 11.3 Definitions.

As used in this part ——

(a) An "air purifying respirator with attached blower" is a device equipped with a facepiece, hood, or helmet, breathing tube, canister, cartridge, filter, canister with filter, or cartridge with filter, and blower.

(b) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, assembles, or controls the assembly of a respirator and who seeks to obtain a certificate of approval for such respirator.

(c) "Approval" means a certificate or formal document issued by the Bureau stating that an individual respirator or combination of respirators has met the minimum requirements of this Part 11, and that the applicant is authorized to use and attach an approval label to any respirator, respirator container, or instruction card for any respirator manufactured or assembled in conformance with the plans and specifications upon which the approval was based, as evidence of such approval.

(d) "Approved" means conforming to the minimum requirements of this Part 11.

(e) "Auxiliary equipment" means a self-contained breathing apparatus whose use is limited in underground mine rescue and recovery operations to situations in which the wearer has ready access to fresh air and at least one crew of five or six men equipped with approved self-contained breathing apparatus preferably of 2 hours or longer rating, is in reserve at a fresh-air base.

(f) "Bureau" means the U.S. Bureau of Mines, Department of the Interior, and the Bureau of Occupational Safety and Health, Department of Health, Education, and Welfare.

(g) "Compressed breathing gas" means oxygen or air stored in a respirator in a compressed state and supplied to the wearer in gaseous form.

(h) "Concentration limits for radionuclides" means the concentration limits set forth in Appendix B, Table 1, Column I of Title 10 CFR Part 20 by the Atomic Energy Commission.

(i) "dBA" means sound pressure levels in decibels, as measured with the A-weighted network of a standard sound level meter using slow response.

(j) "DOP" means a homogenous liquid aerosol, having a particle diameter of 0.3 micron, which is generated by vaporization and condensation of dioctyl phthalate.

(k) "Dust" means a solid mechanically produced particle with a size ranging from submicroscopic to macroscopic.

(l) Respirators "for entry into and escape from" means respiratory devices providing protection during entry into or escape from hazardous atmospheres, or both.

(m) Respirators "for escape only" means respiratory devices providing protection only during emergency escape from hazardous atmospheres.

(n) A "facepiece" or "mouthpiece" is a respirator component designed to make a gas-tight or dust-tight fit with the face and may include headbands, valves, and connections for canisters, cartridges, filters, or respirable gas source.

(o) "Fume" means a solid condensation particle, generally less than 1 micron in diameter.

(p) "Gas" means an aeroform fluid which is in the gaseous state at ordinary temperature and pressure.

(q) "Hazardous atmosphere" means any atmosphere containing a toxic or disease producing gas, vapor, dust, fume, mist, or pesticide, either immediately or not immediately dangerous to life or health, and any oxygen-deficient atmosphere, or both.

(r) A "hood" or "helmet" covers the wearers head and neck, or head, neck, and shoulders, and contains incoming respirable air for the wearer to breathe. It may include a headharness and connection for a breathing tube.

(s) "Immediately dangerous to life or health" means conditions that pose an immediate threat to life or health and conditions that pose an immediate threat of severe exposure to contaminants such as radioactive materials which are likely to have adverse delayed effects on health.

(t) "Liquefied breathing gas" means oxygen or air stored in liquid form and supplied to the wearer in a gaseous form.

(u) "Mist" means a liquid condensation particle with a size ranging from submicroscopic to macroscopic.

(v) "Not immediately dangerous to life or health" means any hazardous atmosphere which may produce physical discomfort immediately, chronic poisoning after repeated exposure, and acute adverse physiological symptoms after prolonged exposure.

(w) "Pesticide" means (1) any substance or mixture of substances (including solvents and impurities) intended to prevent, destroy, repel, or mitigate any insect, rodent, nematode, fungus, weed, or other form of plant or animal life or virus, and (2) any substance or mixture of substances (including solvents and impurities) intended for use as a plant regulator, defoliant, or dessicant, as defined in the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, as amended (7 U.S.C. 135–135K), except for fumigants which are applied as gasses or vapors.

(x) "Protection factor" means the ratio of the concentration of dust, fume, or mist present in the ambient atmosphere to the concentration of dust, fume, or mist within the facepiece while the respirator is being worn.

(y) "Radionuclide" means an atom identified by the constitution of its nucleus (specified by the number of protons Z, number of neutrons N, and energy, or, alternatively, by the atomic number Z, mass number A=(N+Z), and atomic mass) which exists for a measurable time; decays or disintegrates spontaneously, emits radiation and results in the formation of new nuclides.

(z) "Respirable dust" means a dust particle aerodynamically capable of reaching the terminal airways of the lung.

(aa) "Respirator" means any device designed to provide the wearer with respiratory protection against inhalation of a hazardous atmosphere.

(bb) "TLV" means the Threshold Limit Values of Airborne Contaminants adopted by the American Conference of Governmental Industrial Hygienists or the standards for atmospheric hazards prescribed by the Secretary of Labor in accordance with the provisions of the Occupational Safety and Health Act of 1970.

(cc) "Vapor" means the gaseous state of a substance that is solid or liquid at ordinary temperature and pressure.

Subpart B—Application for Approval

§ 11.10 Application procedures.

(a) Inspection, examination, and testing leading to the approval of the types of respirators classified in Subpart C of this part shall be undertaken by the Bureau only pursuant to written applications which meet the minimum requirements set forth in this Subpart B.

(b) Applications shall be submitted in duplicate to Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213, and shall be accompanied by a check, bank draft, or money order in the amount specified in Subpart K of this part payable to the order of the U.S. Bureau of Mines.

(c) Except as provided in § 11.34, the examination, inspection, and testing of all respirators shall be conducted at Approval and Testing, Bureau of Mines, Pittsburgh, PA 15213.

(d) Applicants, manufacturers, or their representatives may visit or communicate with Approval and Testing in order to discuss the requirements for approval of any respirator or to obtain criticism of proposed designs, however, no charge shall be made for such consultation and no written report shall be issued by the Bureau as a result of such consultation.

§ 11.11 Contents of application.

(a) Each application for approval shall contain a complete written description, in duplicate, of the respirator for which approval is requested together with a set of drawings, in duplicate, showing full details of construction of the respirator.

(b) Drawings shall include title, number, and date, any revision dates shall be shown on the drawings, and the purpose of each revision shall be shown on the drawing or described on an attachment to the drawing to which it applies.

(c) Each application for approval shall contain a proposed plan for quality control which meets the minimum requirements set forth in subpart M of this part.

(d) Each application for approval shall contain, as appropriate, a statement indicating whether or not the apparatus is being marketed or the date on which it will be marketed.

(e) Each application shall contain a statement that the respirator has been pretested by the applicant as prescribed in § 11.34.

§ 11.12 Delivery of respirators by applicant; requirements.

(a) Each applicant shall, when an application is filed pursuant to § 11.10, deliver at his own expense, the number of completely assembled respirators, required for testing, to Approval and Testing, Bureau of Mines, Pittsburgh, PA 15213.

(b) The applicant will be advised by the Bureau, upon request, of the total number of respirators and component parts required for testing.

(c) Each respirator delivered in accordance with this section shall be labeled distinctly to show the name of the applicant, and the name and letters or numbers by which the respirator is designated for trade purposes.

(d) One completely assembled respirator approved under the provisions of this part may be retained by the Bureau as a laboratory exhibit; the remaining respirators may be returned to the applicant following the issuance of such approval.

(e) Where a respirator fails to meet the requirements for approval set forth in this part, all respirators and components delivered in accordance with this section may be returned to the applicant at his own expense, upon written request within 30 days after notice of disapproval.

Subpart C—Classification of Approved Respirators; Scope of Approval; Entry and Escape; Atmospheric Hazards; Service Time

§ 11.20 Types of respirators to be approved; scope of approval.

Approvals shall be issued for the types of respirators which have been classified pursuant to this Subpart C, have been inspected, examined and tested by the Bureau in accordance with the provisions of Subparts D through J of this part, and have been found to provide respiratory protection for fixed periods of time against the hazards specified in such approval.

§ 11.21 Entry and escape; classification.

Respirators described in Subparts E through J of this part shall be classified for use during entry and escape or escape only as follows:

(a) *Entry and escape.* Respirators designed and approved for use during entry into a hazardous atmosphere, or escape from a hazardous atmosphere, or both; or,

(b) *Escape only.* Respirators designed and approved for use only during emergency escape from a hazardous atmosphere.

§ 11.22 Atmospheric hazards; classification.

Respirators described in Subparts E through J of this part shall be classified as approved for use against any or all of the following respiratory hazards:

(a) Oxygen deficiency;
(b) Gases and vapors;
(c) Particulates, including dusts, fumes and mists; and
(d) Pesticides.

§ 11.23 Periods of protection; service time; classification.

(a) Respirators described in Subparts E through J of this part shall be classified, where applicable, as approved for use during the following prescribed service times:

(1) Four hours;
(2) Three hours;
(3) Two hours;
(4) One hour;
(5) Forty-five minutes;
(6) Thirty minutes;
(7) Fifteen minutes;
(8) Ten minutes;
(9) Five minutes;
(10) Three minutes.

(b) Time classifications established in accordance with paragraph (a) of this section shall not limit the use of escape apparatus as provided in § 11.21(b).

Subpart D—General Construction and Performance Requirements

§ 11.30 Construction and performance requirements; general.

(a) The Bureau shall accept applications and issue approvals for the types of respirators described in Subparts E through J of this part which have met the minimum requirements set forth for such respirators in this Part 11.

(b) In addition to the types of respirators specified in paragraph (a) of this section, the Bureau will accept applications and issue approvals for other respiratory devices not specifically described in this Part 11, however, the Bureau reserves the right to require, as a condition of such approval, any minimum requirements it deems necessary for approval of such devices as specified in § 11.33(c).

§ 11.31 General construction requirements.

(a) All respirators accepted by the Bureau for examination, inspection and testing shall be designed on sound engineering and scientific principles, constructed of suitable materials and evidence good workmanship.

(b) Respirator components which come into contact with the wearer's body shall be made of nonirritating materials.

(c) Components replaced during or after use shall be constructed of materials which will not be damaged by normal handling.

(d) Mouthpieces, hoods, helmets, and facepieces, except those employed in single-use respirators, shall be constructed of materials which will withstand repeated disinfection as recommended by the applicant in his instructions for use of the device.

(e) The components of each respirator accepted by the Bureau for examination, inspection and testing and approved for use where permissibility is required shall meet the requirements for permissibility and intrinsic safety set forth in Part 18, Subchapter D of this chapter (Bureau of Mines Schedule 2G).

§ 11.32 Component parts; minimum requirements.

(a) The component parts of each respirator shall be:

(1) Designed, constructed and fitted to ensure against creation of any hazard to the wearer;

(2) Assembled to permit easy access for inspection and repair of functional parts; and

(3) Assembled to permit easy access to parts which require periodic cleaning and disinfecting.

(b) Replacement parts shall be designed and constructed to permit easy installation and to maintain the effectiveness of the respirator.

§ 11.33 Test requirements; general.

(a) Each respirator and respirator component shall, where applicable, when tested by the applicant and by the Bureau, meet the applicable requirements set forth in Subparts E through J of this part.

(b) Where a combination respirator is assembled from two or more types of respirators, as described in this part, each of the individual respirator types which have been combined shall, as applicable, meet the minimum requirements for such respirators set forth in Subparts E through J of this part, and such combination respirators except as specified in paragraph (c)(2) of § 11.40 will be classified by the type of respirator in the combination which provides the least protection to the user.

(c) In addition to the minimum requirements set forth in Subparts E through J of this part, the Bureau reserves the right to require, as a further condition of approval, any additional or other minimum requirements it deems necessary to establish the quality, effectiveness and safety of any respirator used as protection against hazardous atmospheres.

(d) Where it is determined after receipt of an application that additional or other minimum requirements will be required for approval, the Bureau will notify the applicant in writing of these additional requirements stating generally its reasons for conducting additional or other examinations, inspections, or tests.

§ 11.34 Pretesting by applicant; approval of test methods by the Bureau.

(a) Prior to any application for approval or extension of approval, the applicant shall conduct, or cause to be conducted, examinations, inspections, and tests of respirator performance which are equal to or exceed the severity of those conducted by the Bureau.

(b) With the application, the applicant shall provide a statement to the Bureau showing the results of the tests required under paragraph (a) of this section and state that the respirator meets the minimum requirements of Subparts E through J of this part, as applicable.

(c) Where the Bureau has determined that the examinations, inspections, and tests specified by the applicant are acceptable, the Bureau will approve them in writing.

(d) The Bureau may, upon written request by the applicant, provide drawings and descriptions of its test equipment and otherwise assist the applicant in establishing a test laboratory or securing the services of a testing agency.

(e) The Bureau will not issue an approval to the applicant for any assembly or component tested until it has validated the applicant's test results.

§ 11.35—Conduct of examinations, inspections, and tests by the Bureau; assistance by applicant; observers; recorded data; public demonstrations.

(a) All examinations, inspections, and tests conducted pursuant to Subparts E through J of this part will be under the sole direction and control of the Bureau.

(b) The Bureau may, as a condition of approval, require the assistance of the applicant or his agents during the assembly, disassembly, or preparation of any respirator or respirator component prior to testing or in the operation of such equipment during testing.

(c) Only Bureau personnel, persons assisting the Bureau pursuant to paragraph (b) of this section, and such other persons as may be mutually agreed upon by the Bureau and the applicant as observers, shall be present during any examination, inspection, or test conducted prior to the issuance of an approval by the Bureau for the equipment under consideration.

(d) Applicants shall be solely responsible for any agent or observer present during any examination, inspection, or test, and each applicant shall hold the Bureau harmless against any claim for damage to the equipment being tested and against any claim for personal injury suffered by any agent of the applicant or observer admitted by mutual agreement.

(e) The Bureau shall hold as confidential any analyses, drawings, specifications, or materials submitted by the applicant and it shall not disclose any principles or patentable features of such equipment.

(f) As a condition of each approval issued for any respirator, the Bureau reserves the right, following the issuance of such approval, to conduct such public tests and demonstrations of the approved respiratory equipment as it deems appropriate.

§ 11.36 Withdrawal of applications; refund of fees.

(a) Any applicant may, upon a written request submitted to the Bureau, withdraw any application for approval of any respirator.

(b) Upon receipt of a written request for the withdrawal of an application, the Bureau shall determine the total man days expended and the amount due for services already performed during the course of any examinations, inspections, or tests conducted pursuant to such application. The total amount due shall be determined in accordance with the provisions of § 11.162 and assessed against the fees submitted by the applicant. If the total amount assessed is less than the fees submitted, the Bureau shall refund the balance together with a statement of the charges made for services rendered.

Subpart E—Self-Contained Breathing Apparatus

§ 11.40 Self-contained breathing apparatus; description.

(a) Self-contained breathing apparatus, including all completely assembled, portable, self-contained devices designed for use as respiratory protection during entry into and escape from or escape only from hazardous atmospheres, are described as follows:

(1) *Closed-circuit apparatus.* An apparatus of the following types in which the exhaled air is rebreathed by the wearer after the carbon dioxide has been effectively removed and a suitable oxygen concentration restored from the indicated sources:

(i) Compressed oxygen;
(ii) Solid-chemical oxygen;
(iii) Liquid-oxygen.

(2) *Open circuit apparatus.* An apparatus of the following types from which exhaled air is vented to the atmosphere and not rebreathed:

(i) *Demand-type apparatus.* An apparatus in which the pressure inside the facepiece in relation to the immediate environment is positive during exhalation and negative during inhalation.

(ii) *Pressure-demand-type apparatus.* An apparatus having positive pressure inside the facepiece in relation to the immediate environment during both inhalation and exhalation.

(b) The following devices may be classified as designed and approved for use during emergency entry into a hazardous atmosphere: A combination respirator which includes a self-contained breathing apparatus and a Type "C" or Type "CE" supplied air respirator, where (1) the self-contained breathing apparatus is classified for 3-, 5-, or 10-minute, service time and the air line supply is used during entry, or (2) the self-contained breathing apparatus is classified for 15 minutes or longer service time and not more than 20 percent of the rated capacity of the air supply is used during entry.

(c) Self-contained breathing apparatus classified for less than 1 hour service time will not be approved for use during underground mine rescue and recovery operations except as auxiliary equipment.

(d) Self-contained breathing apparatus classified for less than 30 minutes service time will not be approved for use as auxiliary equipment.

§ 11.41 Self-contained breathing apparatus; required components.

(a) Each self-contained breathing apparatus described in § 11.40 shall, where its design requires, contain the following component parts:

(1) Facepiece or mouthpiece;
(2) Respirable breathing gas container;
(3) Supply of respirable breathing gas;
(4) Gas pressure or liquid level gages;
(5) Timer;
(6) Remaining service life indicator or warning device;
(7) Hand-operated valves;
(8) Breathing bag;
(9) Safety relief valve or safety relief system; and,
(10) Harness.

(b) The components of each self-contained breathing apparatus shall, where applicable, meet the minimum construction requirements set forth in Subpart D of this part.

§ 11.42 Breathing tubes; minimum requirements.

(a) Flexible breathing tubes used in conjunction with breathing apparatus shall be designed and constructed to prevent:

(1) Restriction of free head movement;
(2) Disturbance of the fit of facepieces and mouthpieces;
(3) Interference with the wearer's activities; and,
(4) Shutoff of airflow due to kinking, or from chin or arm pressure.

§ 11.43 Harnesses; installation and construction; minimum requirements.

(a) Each apparatus shall, where required by the Bureau, be equipped with a suitable harness designed and constructed to hold the components of the apparatus in position against the wearer's body.

(b) Harnesses shall be designed and constructed to permit easy removal and replacement of apparatus parts, and, where applicable, provide for holding a full facepiece in the ready position when not in use.

§ 11.44 Apparatus containers; minimum requirements.

(a) Apparatus may be equipped with a substantial, durable container bearing markings which show the applicant's name, the type and commercial designation of the respirator it contains, and all appropriate approval labels.

(b) Containers supplied by the applicant for carrying or storing self-contained breathing apparatus will be inspected, examined, and tested as components of the respirator for which approval is sought.

(c) Containers for self-contained breathing apparatus shall be designed and constructed to permit easy removal of the apparatus.

§ 11.45 Half-mask facepieces and full facepieces; mouthpieces; fit; minimum requirements.

(a) Half-mask facepieces and full facepieces shall be designed and constructed to fit persons with various facial shapes and sizes (1) by providing more than one facepiece size, or (2) by providing one facepiece size which will fit varying facial shapes and sizes.

(b) Full facepieces shall provide for the optional use of corrective spectacles which shall not reduce the respiratory protective qualities of the apparatus.

(c) Mouthpieces shall be equipped with noseclips which are securely attached to the mouthpiece and provide an airtight seal.

(d) Facepieces shall be designed to minimize eyepiece fogging.

§ 11.46 Facepieces; eyepieces; minimum requirements.

(a) Facepieces shall be designed and constructed to provide adequate vision which is not distorted by the eyepiece.

(b) All eyepieces shall be designed and constructed to meet the impact and penetration requirements specified in the American National Standard for Occupational and Educational Eye and Facepiece Protection, Z87.

§ 11.47 Inhalation and exhalation valves; minimum requirements.

(a) Inhalation and exhalation valves shall be provided where necessary and protected against distortion.

(b) Exhalation valves shall be designed and constructed with covers to protect against damage and external influence and to provide a dead airspace to prevent the inward leakage of contaminated air.

§ 11.48 Head harnesses; minimum requirements.

(a) Facepieces shall be equipped with adjustable and replaceable head harnesses designed and constructed to provide adequate tension during suspension and an even distribution of pressure over the entire area covered by the facepiece.

(b) Mouthpieces shall be equipped, where applicable, with adjustable and replaceable head harnesses designed and constructed to hold the mouthpiece in place.

§ 11.49 Breathing gas; minimum requirements.

(a) Breathing gas used to supply apparatus shall be respirable and contain

no less than 20.0 (dry atmosphere) volume percent of oxygen.

(b) Oxygen, including liquid oxygen, shall meet the minimum requirements for medical or breathing oxygen set forth in the United States Pharmacopeia.

(c) Compressed, gaseous breathing air shall meet the minimum requirements for Type 1, Grade D gaseous air set forth in the Compressed Gas Association Commodity Specification for Air, G–7.1.

(d) Compressed, liquefied breathing air shall meet the minimum requirements for Type II, Grade B liquid air set forth in the Compressed Gas Association Commodity Specification for Air, G–7.1.

§ 11.49–1 Interchangeability of oxygen and air prohibited.

Approvals shall not be issued by the Bureau for any apparatus, combination of respirator assemblies or any apparatus or respirator component which is designed or constructed to permit the interchangeable use of oxygen and air.

§ 11.50 Gas and liquid containers; minimum requirements.

(a) Compressed-breathing gas containers shall meet the minimum requirements for such containers set forth in applicable Department of Transportation or Interstate Commerce Commission Specifications, and shall be acceptable for interstate shipment when fully charged.

(b) Containers normally removed from the apparatus for refilling shall be permanently and legibly marked to identify their contents, e.g., compressed-breathing air, compressed-breathing oxygen, liquefied-breathing air, or liquefied-breathing oxygen.

(c) Containers, normally removed from apparatus for refilling shall be equipped with a dial indicating gage which shows the pressure in the container.

(d) Compressed-breathing gas container valves or a separate charging system or adapter provided with each apparatus shall be equipped with outlet threads specified for the service by the American National Standard for Compressed Gas Cylinder Valve Outlet and Inlet Connections, B57.1 (1965).

§ 11.51 Gas pressure gages; minimum requirements.

(a) Gas pressure gages, except those employed on compressed-breathing gas containers, shall be calibrated in:

(1) Pounds per square inch, or

(2) In fractions of the total container capacity, or

(3) Both in pounds per square inch and fractions.

(b) Gas pressure gages employed on compressed-breathing gas containers shall be calibrated in pounds per square inch; however, they may also be calibrated in fractions of total container capacity.

(c) Liquid-level gages shall be calibrated fractions of the total container capacity; however, they may also be calibrated in units of liquid volume.

(d) (1) Dial-indicating gages shall be reliable to within 5 percent of full scale when tested both up and down the scale at each of 10 equal intervals.

(2) The full scale graduation of dial-indicating gages shall not exceed 150 percent of the maximum cylinder pressures specified for the container in Department of Transportation or the Interstate Commerce Commission Specification 3AA.

(e) (1) Stem-type gages shall be readable by sight and by touch and shall have a stem travel distance of not less than one-fourth inch between each graduation.

(2) A minimum of five graduations shall be engraved on the stem of each gage and these graduations shall include readings for empty, one-quarter, one-half, three-quarters, and full.

(3) Stem gage readings shall not vary from true readings by more than one-sixteenth inch per inch of stem travel.

(f) The loss of gas through a broken gage or severed gage connection shall not exceed 70 liters per minute when the cylinder pressure is 6,900 kN/m.^{2} (1,000 pounds per square inch gage) or the liquid level at one-half.

(g) Where gages are connected to the apparatus through a gage line, the gage and line shall be capable of being isolated from the apparatus except where the failure of the gage or line would not impair the performance or service life of the apparatus.

(h) Oxygen pressure gages shall have the words, "Use No Oil," marked prominently on the gage.

(i) (1) Apparatus using compressed-breathing gas, except apparatus classified for escape only, shall be equipped with gages visible to the wearer which indicate the remaining gas content in the container.

(2) Apparatus using liquefied breathing gas, except apparatus classified for escape only, shall be equipped with gages visible to the wearer which indicate the remaining liquid content in the container; however, where the liquid content cannot be rapidly vented, and the service time of the device begins immediately after filling, a timer shall be provided in place of a visible gage.

§ 11.52 Timers; remaining service life indicators; minimum requirements.

(a) A means for indicating elapsed time shall be provided for apparatus with a solid chemical oxygen source, except apparatus used for escape only, and on liquefied breathing gas apparatus. The timer or other indicator shall be accurately calibrated in minutes of remaining service life.

(b) Timers shall be discernible by sight and by touch during use by the wearer.

(c) Timers shall be equipped with automatically preset alarms which will warn the wearer for a period of 7 seconds or more after the present time has elapsed.

(d) (1) Remaining service-life indicators or warning devices shall be provided in addition to a pressure gage on compressed gas self-contained breathing apparatus, except apparatus used for escape only, and shall operate automatically without preadjustment by the wearer.

(2) Each remaining service-life indicator or warning device shall give an alarm when the remaining service-life of the apparatus is reduced to between 20 and 25 percent of its rated service time.

(3) Where the apparatus protected by an automatic warning device depends upon gas flow, the maximum flow rate of gas vented to the atmosphere shall not exceed 4 liters per minute; and, when used on a closed circuit apparatus, not more than 1 liter per minute of actuating gas shall be allowed to escape from the breathing circuit.

§ 11.53 Hand-operated valves; minimum requirements.

(a) Hand-operated valves shall be designed and constructed to prevent removal of the stem from the valve body during normal usage and to ensure against a sudden release of the full pressure of the container when the valve is opened.

(b) Valves shall be installed in locations where they will be protected from damage by external forces and shall be designed or positioned to prevent accidental closing.

(c) Valves operated during use of the apparatus shall be installed in locations where they can be readily adjusted by the wearer.

(d) Main-line valves, designed and constructed to conserve gas in the event of a regulator or demand valve failure, shall be provided in addition to gas container valves where necessary.

(e) Hand-operated bypass systems designed and constructed to permit the wearer to breathe and to conserve his gas supply in the event of a regulator or demand valve failure, shall be provided where necessary.

(f) Valves installed on apparatus shall be clearly distinguishable from one another.

(g) The bypass system valve control shall be colored red.

(h) A main-line or bypass valve or system will not be required on apparatus for escape only.

(i) (1) Safety relief valves or systems, designed and constructed to release excess pressure in the breathing circuit, shall be provided on closed-circuit apparatus.

(2) The relief valve or system shall operate automatically when the pressure in the breathing circuit on the inhalation side of the breathing bag reaches 13 mm. (½ inch) water-column height of pressure above the minimum pressure required to fill the breathing bag, within the resistance requirements for the apparatus.

(3) The relief valve or system shall be designed to prevent external atmospheres from entering the breathing circuit.

(4) The relief valve or system shall be designed to permit manual overriding for test purposes and in the event of a failure in the valve or system.

§ 11.54 Breathing bags; minimum requirements.

(a) Breathing bags shall have sufficient volume to prevent gas waste during exhalation and to provide an adequate reserve for inhalation.

(b) Breathing bags shall be constructed of materials which are flexible and resistant to gasoline vapors.

(c) Breathing bags shall be installed in a location which will protect them from damage or collapse by external forces, except on apparatus classified for escape only.

§ 11.55 Self-contained breathing apparatus; performance requirements; general.

Self-contained breathing apparatus and the individual components of each such device shall as appropriate meet the minimum requirements specified in the tests described in §§ 11.55–1 through 11.55–19.

§ 11.55–1 Component parts exposed to oxygen pressures; minimum requirements.

Each applicant shall certify that the materials employed in the construction of component parts exposed to oxygen pressures above atmospheric pressure are safe and compatible for their intended use.

§ 11.55–2 Compressed gas filters; minimum requirements.

All self-contained breathing apparatus using compressed gas shall have a filter downstream of the gas source to effectively remove particles from the gas stream.

§ 11.55–3 Breathing bag test.

(a) Breathing bags will be tested in an air atmosphere saturated with gasoline vapor at room temperature (24°–30° C./75°–85° F.) for a continuous period of twice the rated time of the apparatus (except for apparatus for escape only where the test period shall be the rated time of the apparatus).

(b) The bag will be operated during this test by a breathing machine with 24 respirations per minute and a minute-volume of 40 liters.

(c) A breathing machine cam with a work rate of 622 kg.-m./min.[1] will be used.

(d) The air within the bag(s) shall not contain more than 100 parts per million of gasoline vapor at the end of the test.

§ 11.55–4 Weight requirement.

(a) The completely assembled and fully charged apparatus shall not weigh more than 16 kg. (35 pounds); however, where the weight decreases by more than 25 percent of its initial charge weight during its rated service life, the maximum allowable weight of a completely assembled and fully charged apparatus shall be 18 kg. (40 pounds).

(b) Where an apparatus employs equipment which contributes materially to the wearer's comfort, e.g., a cooling system, the completely assembled and fully charged apparatus shall not weigh more than 18 kg. (40 pounds) regardless of the decrease in weight during use.

§ 11.55–5 Breathing resistance test; inhalation.

(a) Resistance to airflow will be measured at the facepiece while the apparatus is operated by a breathing machine as described in § 11.55–3.

(b) The inhalation resistance of open-circuit apparatus shall not exceed 32 mm. (1.25-inch) water-column height.

(c) The inhalation resistance of closed-circuit apparatus shall not exceed the difference between exhalation resistance (§ 11.55–6(e)) and 10 cm. (4 inches) water-column height.

§ 11.55–6 Breathing resistance test; exhalation.

(a) Resistance to airflow at the facepiece of open-circuit apparatus will be measured with air flowing at a continuous rate of 85 liters per minute.

(b) The exhalation resistance of demand apparatus shall not exceed 25 mm. (1 inch) water-column height.

(c) The exhalation resistance of pressure-demand apparatus shall not exceed the static pressure in the facepiece by more than 51 mm. (2 inches) water-column height.

(d) The static pressure (at zero flow) in the facepiece shall not exceed 38 mm. (1.5 inches) water-column height.

(e) Resistance to airflow at the facepiece of closed-circuit apparatus will be measured with a breathing machine as described in § 11.55–3, and the exhalation resistance shall not exceed 51 mm. (2 inches) water column height.

§ 11.55–7 Exhalation valve leakage test.

(a) Dry exhalation valves and valve seats will be subjected to a suction of 25 mm. water-column height while in a normal operating position.

(b) Leakage between the valve and the valve seat shall not exceed 30 millimeters per minute.

§ 11.55–8 Gas flow test; open-circuit apparatus.

(a) A static-flow test will be performed on all opening circuit apparatus.

(b) The flow from the apparatus shall be greater than 200 liters per minute when the facepiece pressure of demand-apparatus is lowered by 51 mm. (2 inches) water-column height when full container pressure is applied.

(c) Where pressure demand apparatus are tested, the flow will be measured at zero facepiece pressure.

(d) Where compressed-breathing-gas containers are used, the flow test shall also be made with 3,550 kN/m.^{2} (500 p.s.i.g) container pressure applied.

§ 11.55–9 Gas flow test; closed circuit apparatus.

(a) Where oxygen is supplied by a constant-flow device only, the rate of flow shall be at least 3 liters per minute for the entire rated service time of the apparatus.

(b) Where constant flow is used in conjunction with demand flow, the constant flow shall be greater than 1.5 liters per minute for the entire rated service time.

(c) All demand-flow devices shall provide at least 30 liters of oxygen per minute when in the fully open position.

§ 11.55–10 Rated service time test; open-circuit apparatus.

(a) Rated service time will be measured with a breathing machine as described in § 11.55–3.

(b) The apparatus will be rated according to the length of time it supplies air or oxygen to the breathing machine.

(c) The rated service time obtained on this test will be used to classify the apparatus in accordance with § 11.23.

§ 11.55–11 Rated service time test; closed-circuit apparatus.

(a) The apparatus will be rated according to the length of time it supplies adequate breathing gas to the wearer during breathing tests, and during man test No. 4 described in Table 4.

(b) The service time obtained on man test No. 4 will be used to classify the apparatus in accordance with § 11.23.

§ 11.55–12 Test for carbon dioxide in inspired gas; open and closed circuit apparatus; maximum allowable limits.

(a) Open circuit apparatus:

(1) The concentration of carbon dioxide in inspired gas in open circuit apparatus will be measured at the mouth while the apparatus mounted on a dummy head is operated by a breathing machine.

(2) The breathing rate will be 14.5 respirations per minute with a minute-volume of 10.5 liters.

(3) A sedentary breathing machine cam[2] will be used.

(4) The apparatus will be tested at a temperature of 27° ± 2° C. (80° ± 5° F.).

(5) A concentration of 5 percent carbon dioxide in air will be exhaled into the facepiece.

(6) Tested in this manner, the presence of carbon dioxide shall not exceed the maximum allowable limits set forth in paragraph (c) of this section.

(b) Closed-circuit apparatus:

(1) The concentration of carbon dioxide in inspired gas in closed-circuit apparatus will be measured at the mouth while the parts of the apparatus contributing to dead-air space are mounted on a dummy head and operated by the breathing machine as in paragraph (a) of this section.

(2) Tested in this manner, the presence of carbon dioxide shall not exceed the maximum allowable limits set forth in paragraph (c) of this section.

(c) The concentration of carbon dioxide in inspired gas at the mouth will be continuously recorded, and the maximum average concentration during the

[1] Silverman, L., G. Lee, T. Plotkin, L. Amory, and A. R. Yancey, Fundamental Factors in Design of Protective Equipment, O.S.R.D. Report No. 5732, issued Apr. 1, 1945.

[2] Work cited in footnote 1.

inhalation portion of the breathing cycle shall not exceed the following limits:

Where the rated service time is:	*Maximum allowable average concentration of carbon dioxide in inspired air, percent by volume*
Not more than 30 minutes	2.5
1 hour	2.0
2 hours	1.5
3 hours	1.0
4 hours	1.0

(d) (1) In addition to the test requirements set forth in paragraph (b) of this section, gas samples will be taken during the course of the man tests described in Tables 1, 2, 3, and 4.

(2) These gas samples will be taken from the closed-circuit apparatus at a point downstream of the carbon dioxide sorbent.

(3) These samples shall not contain more than 0.5 percent carbon dioxide at any time.

§ 11.55–13 Tests during low temperature operation.

(a) The applicant shall specify the minimum temperature for safe operation and two persons will perform the tests described in paragraphs (c) and (d) of this section, wearing the apparatus according to applicant's directions. At the specified temperature, the apparatus shall meet all the requirements described in paragraph (e) of this section.

(b) The apparatus will be precooled at the specified minimum temperature for 4 hours, but in no case below —32° C. (— 25° F.).

(c) The apparatus will be worn in the low temperature chamber for 30 minutes, or for the rated service time of the apparatus, whichever is less.

(d) During the test period, alternate 1 minute periods of exercise and rests will be required with the exercise periods consisting of stepping onto and off a box 21.5 cm. (8½ inches) high at a rate of 30 cycles per minute.

(e) (1) The apparatus shall function satisfactorily at the specified minimum temperature on duplicate tests.

(2) The wearer shall have sufficient unobscured vision to perform the work.

(3) The wearer shall not experience undue discomfort because of airflow restriction or other physical or chemical changes in the operation of the apparatus.

(f) Where necessary, auxiliary low-temperature parts which are commercially available to the user may be used on the apparatus to meet the requirements of this test.

§ 11.55–14 Man tests; testing conditions; general requirements.

(a) The man tests described in tables 1, 2, 3, and 4 represent the workload performed by a person wearing the apparatus tested in the mining, mineral, or allied industries.

(b) The apparatus tested will be worn by Bureau personnel trained in the use of self-contained breathing apparatus, and the wearer will, before participating in these tests, pass a physical examination conducted by a qualified physician.

(c) All man tests will be conducted by the Bureau in an appropriate gallery.

(d) The apparatus will be examined before each man test to ensure that it is in proper working order.

(e) Breathing resistance will be measured within the facepiece or mouthpiece and the wearer's pulse and respiration rate will be recorded during each 2 minute sample period prescribed in tests 1, 2, 3, and 4.

(f) Man tests 1, 2, 3, 4, 5, and 6 will be conducted in duplicate.

(g) If man tests are not completed through no fault of the apparatus, the test will be repeated.

§ 11.55–15 Man tests 1, 2, 3, and 4; requirements.

(a) Man tests 1, 2, 3, and 4, set forth in tables 1, 2, 3, and 4 respectively, prescribe the duration and sequence of specific activities. These tests will be conducted to:

(1) Familiarize the wearer with the apparatus during use;

(2) Provide for a gradual increase in activity;

(3) Evaluate the apparatus under different types of work and physical orientation; and,

(4) Provide information on the operating and breathing characteristics of the apparatus during actual use.

§ 11.55–16 Man test 5; requirements.

(a) Test 5 will be conducted to determine the maximum length of time the apparatus will supply the respiratory needs of the wearer while he is sitting at rest.

(b) The wearer will manipulate the devices controlling the supply of breathing gas to the advantage of the apparatus.

(c) Samples of the atmosphere from within the respirator will be taken once every 15 minutes for respirators with rated service times of 1 hour, or less, and once every 30 minutes for apparatus rated over 1 hour.

(d) One sample will be taken in the case of 3-, 5-, and 10-minute apparatus.

§ 11.55–17 Man test 6; requirements.

(a) Man test 6 will be conducted with respect to liquefied-breathing gas apparatus only.

(b) This test will be conducted to evaluate operation of the respirator in other than vertical positions.

(c) The wearer shall lie face downward for one-fourth the service life of the apparatus with both full and one-quarter full charges of liquefied gas.

(d) The test will be repeated with the wearer lying on each side and on his back.

(e) The oxygen content of the gas supplied to the wearer by the apparatus will be continuously measured.

§ 11.55–18 Man tests; performance requirements.

(a) The apparatus shall satisfy the respiratory requirements of the wearer for the rated-service time.

(b) Fogging of the eyepiece shall not obscure the wearer's vision, and the wearer shall not experience undue discomfort because of fit or other characteristics of the apparatus.

(c) When the ambient temperature during testing is 24±6° C. (75±10° F.), the concentration of oxygen shall not be less than 20.5 volume-percent, and the maximum temperature of inspired air recorded during man tests shall not exceed the following, after correction for deviation from 24° C. (75° F.):

Where service life of apparatus is	Where percent relative humidity of inspired air is—	Maximum permissible temperature of inspired air shall not exceed—	
		° F.	° C.
½ hour or less	0–50	125	52
	50–100	[1] 110	[1] 43
1 to 2 hours	0–50	115	46
	50–100	[1] 105	[1] 41
3 hours	0–50	110	43
	50–100	[1] 100	[1] 38
4 hours	0–50	105	41
	50–100	[1] 95	[1] 35

[1] Where percent relative humidity is 50–100 and apparatus is designed for escape only, these maximum permissible temperatures may be increased by 5° C. (10° F.).

§ 11.55–19 Gas tightness test; minimum requirements.

(a) Each apparatus will be tested for tightness by persons wearing it in an atmosphere of 1,000 p.p.m. isoamyl acetate.

(b) Each apparatus with a full facepiece will also be tested for tightness by persons wearing it in an atmosphere of 2 volume-percent of phosgene.

(c) Six persons will each wear the apparatus in the test concentrations specified in paragraphs (a) and (b) of this section for 2 minutes and none shall detect the odor or taste of the test gases.

TABLE 1.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 1, IN MINUTES

(30 CFR Part 11, Subpart E, § 11.55, et seq.)

Activity	Rated service time—							
	3 minutes	5 minutes	10 minutes	15 minutes	30 minutes	45 minutes	1 hour	2, 3, and 4 hours
Sampling and readings				2	2	2	2	Perform 1 hour test 2, 3, or 4 times, respectively.
Walks at 3 miles per hour	3	5	3	4	5	12	18	
Sampling and readings			2	2	2	2	2	
Walks at 3 miles per hour			3	5	5	12	18	
Sampling and readings			2	2	2	2	2	
Walks at 3 miles per hour					6	13	16	
Sampling and readings					2	2	2	

TABLE 2.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 2, IN MINUTES

(30 CFR Part 11, Subpart E, § 11.55, et seq.)

Activity	Rated service time—							
	3 minutes	5 minutes	10 minutes	15 minutes	30 minutes	45 minutes	1 hour	2, 3, and 4 hours [1]
Sampling and readings				2	2	2	2	2.
Walks at 4.8 km. (3 miles) per hour			1	1	3	4	6	10.
Carries 23 kg. (50 pounds) weight over overcast.			1 time in 2 minutes.	1 time in 2 minutes.	2 times in 4 minutes.	3 times in 6 minutes.	4 times in 8 minutes.	5 times in 10 minutes.
Walks at 4.8 km. (3 miles) per hour				1	3	3	3	5.
Climb svertical treadmill [2] (or equivalent)	1		1	1	1	1	1	1.
Walks at 4.8 km. (3 miles) per hour	1		1			2	3	5.
Climbs vertical treadmill (or equivalent)	1					1	1	1.
Sampling and readings					2	2	2	2.
Walks at 4.8 km. (3 miles) per hour				2	2	3	5	11.
Climbs vertical treadmill (or equivalent)				1	1	1	1	1
Carries 23 kg. (50 pounds) weight over overcast.				1 time in 2 minutes.	3 times in 6 minutes.	4 times in 8 minutes.	5 times in 10 minutes.	5 times in 10 minutes.
Sampling and readings			2			2	2	2.
Walks at 4.8 km. (3 miles) per hour				1	3	3	3	
Climbs vertical treadmill (or equivalent)			1		1	1	1	Then repeat above activities once.
Walks at 4.8 km. (3 miles) per hour			2			2	3	
Climbs vertical treadmill (or equivalent)						1	1	
Carries 20 kg. (45 pounds) weight and walks at 4.8 km. (3 miles) per hour.	1						2	
Walks at 4.8 km. (3 miles) per hour	1	2				1	4	
Sampling and readings				2	2	2	2	

[1] Total test time for Test 2 for 2-hour, 3-hour, and 4-hour apparatus is 2 hours.
[2] Treadmill shall be inclined 15° from vertical and operated at a speed of 1-foot per second.

TABLE 3.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 3, IN MINUTES

(30 CFR Part 11, Subpart E, § 11.55, Et Seq.)

Activity	Rated service time—							
	3 minutes	5 minutes	10 minutes	15 minutes	30 minutes	45 minutes	1 hour	2, 3, and 4 hours [1]
Sampling and readings				2	2	2	2	Perform test No. 3 for 1 hour apparatus, then perform test No. 1 for 1 hour apparatus.
Walks at 4.8 km. (3 miles) per hour			1	1	2	2	3	
Runs at 9.7 km. (6 miles) per hour	1	1	1	1	1	1	1.	
Pulls 20 kg. (45 pounds) weight to 5 feet		15 times in 1 minute.		30 times in 2 minutes.	30 times in 2 minutes.	30 times in 2 minutes.	60 times in 6 minutes.	
Lies on side	½	1	1	2	3	4	5.	
Lies on back	½	1	1	2	2	3	3.	
Crawls on hands and knees	1	1	1	2	2	2	2.	
Sampling and readings			2		2	2	2.	
Runs at 4.7 km. (6 miles) per hour				1	1	1	1.	
Walks at 4.8 km. (3 miles) per hour					2	8	10.	
Pulls 20 kg. (45 pounds) weight to 5 feet			30 times in 2 minutes.		60 times in 6 minutes.	60 times in 6 minutes.	60 times in 6 minutes.	
Sampling and readings				2		2	2.	
Walks at 4.8 km. (3 miles) per hour			1		3	4	10.	
Lies on side						1	4.	
Lies on back						2	1.	
Sampling and readings					2	2	2.	

[1] Total test time for Test 3 for 2-hour, 3-hour, and 4-hour apparatus is 2 hours.

TABLE 4.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 4, IN MINUTES
(30 CFR Part 11, Subpart E, §11.55, et seq.)

Activity	Rated service time—									
	3 minutes	5 minutes	10 minutes	15 minutes	30 minutes	45 minutes	1 hour	2 hours	3 hours	4 hours
Sampling and reading				2	2	2	2	Perform test No. 1 for 30-minute apparatus, then perform test No. 4 for 1-hour apparatus, then perform test No. 1 for 30-minute apparatus.	Perform test No. 1 for 1-hour apparatus then perform test No. 4 for 1-hour apparatus, then perform test No. 1 for 1-hour apparatus.	Perform test No. 1 for 1-hour apparatus, then perform test No. 4 for 1-hour apparatus, then perform test No. 1 for 1-hour apparatus, twice (i.e., two 1-hour tests).
Walks at 4.8 km. (3 miles) per hour.				1	2	2	2.			
Climbs vertical treadmill [1] (or equivalent).	1	1	1	1	1	1	1.			
Walks at 4.8 km. (3 miles) per hour.		1	1	1	2	2	2.			
Pulls 20 kg. (45 pounds) weight to 5 feet.		30 times in 2 minutes.	30 times in 2 minutes.	30 times in 2 minutes.	60 times in 5 minutes.	60 times in 5 minutes.	60 times in 5 minutes.			
Walks at 4.8 km. (3 miles) per hour.			1	1	1	2	3.			
Carries 23 kg. (50 pounds) weight over overcast.				1 time in 1 minute.	1 time in 1 minute.	2 times in 3 minutes.	4 times in 8 minutes.			
Sampling and reading			2		2	2	2.			
Walks at 4.8 km. (3 miles) per hour.				1	3	3	4.			
Runs at 9.7 km. (6 miles) per hour.		1	1	1	1	1	1.			
Carries 23 kg. (50 pounds) weight over overcast.			1 time in 1 minute.	1 time in 1 minute.	2 times in 3 minutes.	4 times in 6 minutes.	6 times in 9 minutes.			
Pulls 20 kg. (45 pounds) weight to 5 feet.	15 times in 1 minute.			15 times in 1 minute.	60 times in 5 minutes.	30 times in 2 minutes.	36 times in 3 minutes.			
Sampling and readings				2	2	2	2.			
Walks at 4.8 km. (3 miles) per hour.	1		1			2	6.			
Pulls 20 kg. (45 pounds) weight to 5 feet.						60 times in 5 minutes.	60 times in 5 minutes.			
Carries 20 kg. (45 pounds) weight and walks at 4.8 km. (3 miles) per hour.						3	3.			
Sampling and readings						2	2.			

[1] Treadmill shall be inclined 15 degrees from vertical and operated at a speed of 30 cm. (1 foot) per second.

Subpart F—Gas Masks

§ 11.60 Gas masks; description.

(a) Gas masks including all completely assembled, air purifying masks which are designed for use as respiratory protection during entry into and escape or escape only from hazardous atmospheres containing adequate oxygen to support life are described as follows:

(1) *Front-mounted or back-mounted gas mask.* A gas mask which consists of a full facepiece, a breathing tube, a canister at the front or back, a canister harness and associated connections.

(2) *Type "N" gas mask.* A gas mask specifically designed to protect against acid gases, ammonia, carbon monoxide, organic vapors and particulate contaminants which consist of a full facepiece, breathing tube, a canister at the front or back, a canister harness, and associated connections.

(3) *Chin-style gas mask.* A gas mask which consists of a full facepiece, a canister which is usually attached to the facepiece, and associated connections.

(4) *Escape gas mask.* A gas mask designed for use during escape only from hazardous atmospheres which consists of a half-mask facepiece or mouthpiece, a canister, and associated connections.

(b) Gas masks shall be further described according to the specific gases or vapors against which they are designed to provide respiratory protection, as follows:

Type of front-mounted or back-mounted gas mask:	*Maximum use concentration, percent by volume*
Acid gas [2] [4]	[6] 2
Ammonia [3]	3
Carbon monoxide [3]	2
Organic vapors [3] [4]	[6] 2

Type of chin-style gas mask:	*Maximum use concentration, percent by volume*
Acid gas [2] [4]	[5] 0.5
Ammonia	0.5
Organic vapors [2] [4]	[5] 0.5

Type of escape gas mask:	*Maximum use concentration, parts per million*
Acid gas [2] [4] [5]	[6] 1,000
Ammonia [6]	5,000
Carbon monoxide	10,000
Organic vapors [2] [4] [6]	[5] 5,000

(1) Gas masks for respiratory protection against other gases and vapors may be approved. The applicant shall submit a request for approval, in writing, to the Bureau of Mines, Approval and Testing, 4800 Forbes Avenue, Pittsburgh, PA 15213, listing the gas or vapor and suggested maximum use concentration for the specific type of gas mask. The Bureau will consider the application and accept, reject, or modify the application on the basis of effect on the wearer's health and safety and any field experience in use of gas masks for such exposures.

[2] Approval may be for acid gases or organic vapors as a class or for specific acid gases, ammonia, or organic vapors. Approval may also be granted for combinations of acid gases and organic vapors.

[4] Not for use against acid gases or organic vapors with poor warning properties or which generate high heats of reaction with sorbent materials in the canister.

[5] Suggested maximum use concentrations are lower than these for some acid gases and organic vapors.

[6] Eye protection may be required in certain concentrations of acid gases, ammonia, and organic vapors.

§ 11.61 Gas masks; required components.

(a) Each gas mask described in § 11.60 shall, where its design requires, contain the following component parts:

(1) Facepiece or mouthpiece and noseclip;

(2) Canister;

(3) Canister harness; and,

(4) External check valve.

(b) The components of each gas mask shall, where applicable, meet the minimum construction requirements set forth in Subpart D of this part.

§ 11.62 Canisters and cartridges in parallel; resistance requirements.

Where two or more canisters or cartridges are used in parallel, their resistance to airflow shall be essentially equal.

§ 11.63 Canisters and cartridges; color and markings; requirements.

The color and markings of all canisters and cartridges shall conform with the requirements of the American National Standard for Identification of Gas Mask Canisters, K13.1.

§ 11.64 Filters used with canisters and cartridges; location; replacement.

(a) Particulate matter filters used in conjunction with a canister or cartridge shall be located on the inlet side of the canister or cartridge.

(b) Filters shall be incorporated into or firmly attached to the canister or cartridge and each filter assembly shall, where applicable be designed to permit its easy removal from and replacement on the canister or cartridge.

§ 11.65 Breathing tubes; minimum requirements.

(a) Flexible breathing tubes used in conjunction with gas masks shall be designed and constructed to prevent:

(1) Restriction of free head movement;

(2) Disturbance of the fit of facepieces, mouthpieces, hoods, or helmets;

(3) Interference with the wearer's activities; and,

(4) Shut-off of airflow due to kinking, or from chin or arm pressure.

§ 11.66 Harnesses; installation and construction; minimum requirements.

(a) Each gas mask shall, where required by the Bureau, be equipped with a suitable harness designed and constructed to hold the components of the gas mask in position against the wearer's body.

(b) Harnesses shall be designed and constructed to permit easy removal and replacement of gas mask parts, and where applicable, provide for holding a full facepiece in the ready position when not in use.

§ 11.67 Gas mask containers; minimum requirements.

(a) Gas masks shall be equipped with a substantial, durable container bearing markings which show the applicant's name, the type and commercial designation of mask it contains, and all appropriate approval labels.

(b) Containers for gas masks shall be designed and constructed to permit easy removal of the mask.

§ 11.68 Half-mask facepieces, full facepieces and mouthpieces; fit; minimum requirements.

(a) Half-mask facepieces and full facepieces shall be designed and constructed to fit persons with various facial shapes and sizes (1) by providing more than one facepiece size, or (2) by providing one facepiece size which will fit varying facial shapes and sizes.

(b) Full facepieces shall provide for optional use of corrective spectacles, which shall not reduce the respiratory protective qualities of the gas mask.

(c) Mouthpieces shall be equipped with noseclips which are securely attached to the mouthpiece and provide an airtight seal.

(d) Facepieces shall be designed to minimize eyepiece fogging.

§ 11.69 Facepieces; eyepieces; minimum requirements.

(a) Facepieces shall be designed and constructed to provide adequate vision which is not distorted by the eyepiece.

(b) All eyepieces shall be designed and constructed to meet the impact and penetration requirements specified in the American National Standard for Occupational and Educational Eye and Facepiece protection, Z87.

§ 11.70 Inhalation and exhalation valves; minimum requirements.

(a) Inhalation and exhalation valves shall be protected against distortion.

(b) Inhalation valves shall be designed and constructed and provided where necessary to prevent excessive exhaled air from adversely affecting cartridges, canisters, and filters.

(c) Exhalation valves shall be provided where necessary and shall be designed and constructed with covers to protect against damage and external influence and to provide a dead airspace to prevent the inward leakage of taminated air.

§ 11.71 Head harnesses; minimum requirements.

(a) Facepieces shall be equipped with adjustable and replaceable head harnesses, designed and constructed to provide adequate tension during suspension and an even distribution of pressure over the entire area covered by the facepiece.

(b) Mouthpieces shall be equipped, where applicable, with adjustable and replaceable head harnesses designed and constructed to hold the respirator in place.

§ 11.72 Gas masks; performance requirements; general.

Gas masks and the individual components of each such device shall meet the minimum requirements for performance and protection specified in the tests described in §§ 11.72–1 through 11.72–5.

§ 11.72–1 Breathing resistance test; minimum requirements.

(a) The gas mask facepiece will be mounted on a test fixture with air flowing at a continuous rate of 85 liters per minute.

(b) Resistance of the entire mask to airflow shall be measured at the facepiece both before and after each test conducted in accordance with §§ 11.72–3, 11.72–4, and 11.72–5.

(c) The maximum allowable resistance requirements for gas masks are as follows:

MAXIMUM ALLOWABLE RESISTANCE
(mm. water-column height)

Type of gas mask	Inhalation		Exhalation
	Initial	Final [1]	
Front-mounted or back-mounted (without particulate filter)	55	70	20
Front-mounted or back-mounted (with approved particulate filter)	65	80	20
Chin-style (without particulate filter)	35	50	20
Chin-style (with approved particulate filter)	50	70	20
Escape (without particulate filter)	45	60	20
Escape (with approved particulate filter)	60	75	20

[1] Measured at end of the service life specified in tables 5, 6, and 7.

§ 11.72–2 Exhalation valve leakage test.

(a) Dry exhalation valves and valve seats will be subjected to a suction of 25 mm. water-column height while in a normal operating position.

(b) Leakage between the valve and valve seat shall not exceed 30 milliliters per minute.

§ 11.72–3 Facepiece tests; minimum requirements.

(a) The complete gas mask will be fitted to the face of three persons having varying facial shapes and sizes.

(b) Where the applicant specifies a facepiece size or sizes for his gas mask with accompanying approximate measurements of faces they are designed to fit, the Bureau will provide test subjects to suit those facial measurements.

(c) Gas mask parts or components which must be removed to perform the facepiece or mouthpiece fit tests required under this section shall be replaceable without special tools and without disturbing the facepiece or mouthpiece fit.

(d) The facepiece or mouthpiece fit test, using positive or negative pressure recommended by the applicant and described in his instructions will be used to fit the facepiece.

(e) The facepiece or mouthpiece fit test will be performed by each person prior to conducting each test described in this section.

(f) (1) Each person wearing a gas mask will enter a chamber containing 1,000 p.p.m. isoamyl acetate vapor, and remain in the chamber for 8 minutes while performing the following work during the time specified:

(i) Two minutes, nodding and turning head.

(ii) Two minutes, calisthenic arm movements;

(iii) Two minutes, running in place; and

(iv) Two minutes, pumping with a tire pump into a 28 liter (1 cubic foot) cylinder.

(2) The facepiece or mouthpiece may be adjusted, if necessary, in the test chamber before starting the tests.

(3) Each person performing the test shall not detect the odor of isoamyl acetate during the test.

(g) (1) Each of three persons wearing two different gas masks comfortably fitted to his face (a total of 6 wearings and 6 different gas masks) will enter a chamber containing 5,000 p.p.m. dichlorodifluoromethane for a full facepiece or mouthpiece or 1,000 p.p.m. dichlorodifluoromethane for a half-mask facepiece and perform the following work during the time specified: [7]

(i) Two minutes, nodding and turning head and coughing;

(ii) One minute, smiling;

(iii) One minute, frowning;

(iv) Two minutes, reciting alphabet;

(v) Two minutes, talking;

(vi) Two minutes, deep and shallow breathing; and

(vii) Two minutes, pumping with a tire pump into a 28-liter (1 cubic-foot) cylinder.

(2) Air samples shall be taken continuously from inside the facepiece or mouthpiece.

[7] Test will be performed as described in the following: Watson, H. A., P. M. Gussey, and A. J. Beckert, Evaluation of Chemical-cartridge Respirator Face Fit. BuMines Report of Investigations 7431, 1970, 9 pp.

(3) The average concentration of dichlorodifluoromethane in the sample measured shall not exceed 0.5 percent of the test concentration for a full facepiece, 0.25 percent of the test concentration for a mouthpiece, or 5 percent of the test concentration for a half-mask facepiece.

§ 11.72–4 Dust, fume, mist and smoke tests; canisters containing filters; minimum requirements.

(a) Gas mask canisters containing filters for protection against dusts, fumes, mists, and smokes in combination with gases, vapors, or gases and vapors, will be tested for this purpose, as prescribed in § 11.110.

(b) Gas mask canisters designed for protection against smokes will be tested in an atmospheric concentration of 100 micrograms of dioctyl phthalate per liter of air at continuous flow rates of 32 and 85 liters per minute for a period of 5 to 10 seconds, and the DOP leakage through the canister shall not exceed 0.03 percent of the test concentration.

§ 11.72–5 Canister bench tests; minimum requirements.

(a) (1) Bench tests will, except for carbon monoxide tests, be made on an apparatus that allows a test atmosphere at 50±5 percent relative humidity and room temperature (25±2.5° C.) to enter the canister continuously at predetermined concentrations and rates of flow, and that is designed to determine the test life of the canister.

(2) Three canisters will be bench tested as received.

(3) Two canisters will be equilibrated at room temperature by passing 25 percent relative humidity air through them at 64 liters per minute for 6 hours.

(4) Two canisters will be equilibrated at room temperature by passing 85 percent relative humidity air through them at 64 liters per minute for 6 hours.

(5) The equilibrated canisters will be resealed, kept in an upright position at room temperature, and tested within 18 hours.

(b) Front-mounted and back-mounted gas mask canisters will be tested and shall meet the minimum requirements set forth in Table 5.

(c) (1) Front-mounted and back-mounted canisters designated as Type N canisters shall have a window or other indicator to warn the gas mask wearer when the canister will no longer satisfactorily remove carbon monoxide from the inhaled air.

(2) Other types of front and back-mounted canisters may also be equipped with a window or other indicator to warn of imminent leakage of other gases or vapors.

(3) The window indicator canisters will be tested as regular canisters, but shall show a satisfactory indicator change or other warning before the allowable canister penetration has occurred.

(d) Chin-style gas mask canisters shall meet the minimum requirements set forth in Table 6.

(e) Escape gas mask canisters shall meet the minimum requirements set forth in Table 7.

TABLE 5.—CANISTER BENCH TESTS AND REQUIREMENTS FOR FRONT AND BACK-MOUNTED GAS MASK CANISTERS

(30 CFR Part 11, Subpart F, § 11.72-4)

Canister type	Test condition	Test atmosphere: Gas or vapor	Concentration, p.p.m.	Flow rate, l.p.m.	Number of tests	Maximum allowable penetration, p.p.m.	Minimum life, minutes [1]
Acid gas	As received	SO_2	20,000	64	3	5	12
		Cl_2	20,000	64	3	5	12
		NO_x	20,000	64	3	5	12
	Equilibrated	SO_2	20,000	32	4	5	12
		Cl_2	20,000	32	4	5	12
		NO_x	20,000	32	4	5	12
Organic vapors	As received	CCl_4	20,000	64	3	5	12
	Equilibrated	CCl_4	20,000	32	4	5	12
Ammonia	As received	NH_3	30,000	64	3	50	12
	Equilibrated	NH_3	30,000	32	4	50	12
Carbon monoxide	As received	CO	20,000	[3] 64	2	(2)	60
		CO	5,000	[4] 32	3	(2)	60
		CO	3,000	[3] 32	3	(2)	60
Type N	As received	SO_2	20,000	64	3	5	6
		Cl_2	20,000	64	3	5	6
		NO_x	20,000	64	3	5	6
		CCl_4	20,000	64	3	5	6
		NH_3	30,000	64	3	5	6
		CO	20,000	[3] 64	2	(2)	60
		CO	5,000	[4] 32	3	(2)	60
		CO	3,000	[3] 32	3	(2)	60
	Equilibrated	SO_2	20,000	32	4	5	6
		Cl_2	20,000	32	4	5	6
		NO_x	20,000	32	4	5	6
		CCl_4	20,000	32	4	5	6
		NH_3	30,000	32	4	5	6

[1] Minimum life will be determined at the indicated penetration.
[2] Relative humidity of test atmosphere will be 95±3 percent; temperature of test atmosphere will be 25±2.5°.
[3] Maximum allowable CO penetration will be 385 cc. during the minimum life. The penetration shall not exceed 500 p.p.m. during this time.
[4] Relative humidity of test atmosphere will be 95±3 percent; temperature of test atmosphere entering the test fixture will be 0+2.5° C.−0° C.

TABLE 6.—CANISTER BENCH TESTS AND REQUIREMENTS FOR CHIN-STYLE GAS MASK CANISTERS

(30 CFR Part 11, Subpart F, § 11.72-4)

Canister type	Test condition	Test atmosphere: Gas or vapor	Concentration, p.p.m.	Flow rate, l.p.m.	Number of tests	Maximum allowable penetration, p.p.m.	Minimum life, minutes [1]
Acid gas	As received	SO_2	5,000	64	3	5	12
		Cl_2	5,000	64	3	5	12
		NO_x	5,000	64	3	5	12
	Equilibrated	SO_2	5,000	32	4	5	12
		Cl_2	5,000	32	4	5	12
		NO_x	5,000	32	4	5	12
Organic vapors	As received	CCl_4	5,000	64	3	5	12
	Equilibrated	CCl_4	5,000	32	4	5	12
Ammonia	As received	NH_3	5,000	64	3	50	12
	Equilibrated	NH_3	5,000	32	4	50	12

[1] Minimum life will be determined at the indicated penetration.

TABLE 7. CANISTER BENCH TESTS AND REQUIREMENTS FOR ESCAPE GAS MASK CANISTERS

(30 CFR Part 11, Subpart F, § 11.72-4)

Canister type	Test condition	Test atmosphere: Gas or vapor	Concentration, p.p.m.	Flow rate, l.p.m.	Number of tests	Maximum allowable penetration, p.p.m.	Minimum life, minutes [1]
Acid gas	As received	SO_2	5,000	64	3	5	12
		Cl_2	5,000	64	3	5	12
		NO_x	5,000	64	3	5	12
	Equilibrated	SO_2	5,000	32	4	5	12
		Cl_2	5,000	32	4	5	12
		NO_x	5,000	32	4	5	12
Organic vapors	As received	CCl_4	5,000	64	3	5	12
	Equilibrated	CCl_4	5,000	32	4	5	12
Ammonia	As received	NH_3	5,000	64	3	50	12
	Equilibrated	NH_3	5,000	32	4	50	12
Carbon monoxide	As received	CO	10,000	[3] 32	2	(2)	[4] 60
		CO	5,000	[3] 32	3	(2)	60
		CO	3,000	[3] 32	3	(2)	60

[1] Minimum life will be determined at the indicated penetration.
[2] Relative humidity of test atmosphere will be 95±3 percent; temperature of test atmosphere will be 25±2.5° C.
[3] Maximum allowable CO penetration will be 385 cc. during the minimum life. The penetration shall not exceed 500 p.p.m. during this time.
[4] If effluent temperature exceeds 100° C. during this test, the escape gas mask shall be equipped with an effective heat exchanger.
[5] Relative humidity of test atmosphere will be 95±3 percent; temperature of test atmosphere entering the test fixture will be 0+2.5° C.−0° C.

Subpart G—Supplied-Air Respirators

§ 11.80 Supplied-air respirators; description.

(a) Supplied-air respirators, including all completely assembled respirators designed for use as respiratory protection during entry into and escape from hazardous atmospheres are described as follows:

(1) *Type "A" supplied-air respirators.* A hose mask respirator, for entry into and escape from hazardous atmospheres, which consists of a motor-driven or hand operated blower that permits the free entrance of air when the blower is not operating, a strong large-diameter hose having a low resistance to airflow, a harness to which the hose and the lifeline are attached and a tight-fitting facepiece.

(2) *Type "AE" supplied-air respirators.* A Type "A" supplied air respirator equipped with additional devices designed to protect the wearer's head and neck against impact and abrasion, and with shielding material such as plastic, glass, woven wire or sheet metal to protect the window(s) of facepieces, hoods and helmets which do not unduly interfere with the wearer's vision and permit easy access to the external surface of such window(s) for cleaning.

(3) *Type "B" supplied-air respirators.* A hose mask respirator, for entry into and escape from atmospheres not immediately dangerous to life or health, which consists of a strong large-diameter hose with low resistance to airflow, a harness to which the hose is attached, and a tight-fitting facepiece.

(4) *Type "BE" supplied-air respirators.* A Type "B" supplied-air respirator equipped with additional devices designed to protect the wearer's head and neck against impact and abrasion, and with shielding material such as plastic, glass, woven wire or sheet metal to protect the window(s) of facepieces, hoods and helmets which do not unduly interfere with the wearer's vision and permit easy access to the external surface of such window(s) for cleaning.

(5) *Type "C" supplied-air respirators.* An airline respirator, for entry into and escape from atmospheres not immediately dangerous to life or health, which consists of a source of respirable breathing air, a hose, a detachable coupling, a control valve, orifice, a demand valve or pressure demand valve, an arrangement for attaching the hose to the wearer, and a facepiece, hood or helmet.

(6) *Type "CE" supplied-air respirators.* A Type "C" supplied-air respirator equipped with additional devices designed to protect the wearer's head and neck against impact and abrasion, and with shielding material such as plastic, glass, woven wire, or sheet metal to protect the window(s) of facepieces, hoods, and helmets which do not unduly interfere with the wearer's vision and permit easy access to the external surface of such window(s) for cleaning.

§ 11.81 Supplied-air respirators; required components.

(a) Each supplied-air respirator described in § 11.80 shall, where its design requires, contain the following component parts:

(1) Facepiece, hood or helmet;
(2) Air supply valve, or demand or pressure-demand regulator;
(3) Hand operated or motor driven air blower;
(4) Air supply hose;
(5) Detachable couplings;
(6) Flexible breathing tube; and
(7) Respirator harness.

(b) The component parts of each supplied-air respirator shall, where applicable, meet the minimum construction requirements set forth in Subpart D of this part.

§ 11.82 Breathing tubes; minimum requirements.

(a) Flexible breathing tubes used in conjunction with supplied-air respirators shall be designed and constructed to prevent:

(1) Restriction of free head movement;
(2) Disturbance of the fit of facepieces, mouthpieces, hoods, or helmets.
(3) Interference with the wearer's activities; and
(4) Shut-off of airflow due to kinking, or from chin or arm pressure.

§ 11.83 Harnesses; installation and construction; minimum requirements.

(a) Each supplied-air respirator shall, where required by the Bureau, be equipped with a suitable harness designed and constructed to hold the components of the respirator in position against the wearer's body.

(b) Harnesses shall be designed and constructed to permit easy removal and replacement of respirator parts, and where applicable, provide for holding a full facepiece in the ready position when not in use.

§ 11.84 Respirator containers; minimum requirements.

Supplied-air respirators shall be equipped with a substantial, durable container bearing markings which show the applicant's name, the type and commercial designation of the respirator it contains, and all appropriate approval labels.

§ 11.85 Half-mask facepieces and full facepieces; hoods and helmets; mouthpieces; fit; minimum requirements.

(a) Half-mask facepieces and full facepieces shall be designed and constructed to fit persons with various facial shapes and sizes (1) by providing more than one facepiece size, or (2) by providing one facepiece size which will fit varying facial shapes and sizes.

(b) Full facepieces shall provide for optional use of corrective spectacles, which shall not reduce the respiratory protective qualities of the respirator.

(c) Mouthpieces shall be designed and constructed with noseclips which are securely attached to the mouthpiece and provide an airtight seal.

§ 11.86 Facepieces, hoods, and helmets; eyepieces; minimum requirements.

(a) Facepieces, hoods, and helmets shall be designed and constructed to provide adequate vision which is not distorted by the eyepiece.

(b) All eyepieces except those on Types B, BE, C, and CE supplied-air respirators shall be designed and constructed to meet the impact and penetration requirements specified in the American National Standard for Occupational and Educational Eye and Facepiece Protection, Z87.

(c) (1) The eyepieces of AE, BE, and CE type supplied-air respirators shall be shielded by plastic, glass, woven wire, sheet metal, or other suitable material which does not interfere with the vision of the wearer.

(2) Shields shall be mounted and attached to the facepiece to provide easy access to the external surface of the eyepiece for cleaning.

§ 11.87 Inhalation and exhalation valves; check valves; minimum requirements.

(a) Inhalation and exhalation valves shall be provided where necessary and protected against distortion.

(b) Exhalation valves shall be provided with covers to protect against damage and external influence and to provide a dead air space where necessary to prevent the inward leakage of contaminated air.

(c) Check valves designed and constructed to allow airflow toward the facepiece only shall be provided in the connections to the facepiece or in the hose fitting near the facepiece of all Type A, AE, B, and BE supplied-air respirators.

§ 11.88 Head harnesses; minimum requirements.

Headharnesses shall be adjustable and replaceable and shall be designed and constructed to provide adequate tension during suspension and an even distribution of pressure over the entire area covered by the facepiece.

§ 11.89 Head and neck protection; supplied-air respirators; minimum requirements.

Type AE, BE, and CE supplied-air respirators shall be designed and constructed to provide protection against impact and abrasion to the wearer's head and neck.

§ 11.90 Air velocity and noise levels; hoods and helmets; minimum requirements.

(a) Hoods and helmets shall be designed and constructed to protect against harmful noise levels during use.

(b) Noise levels will be measured inside the hood or helmet at maximum airflow obtainable within pressure and hose length requirements and shall not exceed 80 dBA.

§ 11.91 Breathing gas; minimum requirements.

(a) Breathing gas used to supply supplied-air respirators shall be respirable breathing air and contain no less than 20.5 volume-percent of oxygen.

(b) Compressed, gaseous breathing air shall meet the minimum requirements for Type 1, Grade D gaseous air set forth in the Compressed Gas Association Commodity Specification for Air, G–7.1.

(c) Compressed, liquefied breathing air shall meet the minimum requirements for Type II, Grade B liquid air set forth in the Compressed Gas Association Commodity Specification for Air, G–7.1.

(d) The air supply for supplied-air respirators shall be the responsibility of the user, and may be a contaminant-free air inlet supply for hose masks, an air-compressing system, or a reservoir of compressed air.

§ 11.92 Air supply source; hand-operated or motor driven air blowers; Type A supplied-air respirators; minimum requirements.

(a) Blowers shall be designed and constructed to deliver an adequate amount of air to the wearer with either direction of rotation, unless constructed to permit rotation in one direction only, and to permit the free entrance of air to the hose when the blower is not operated.

(b) No multiple systems, whereby more than one user is supplied by one blower, will be approved, unless each hose line is connected directly to a manifold at the blower.

§ 11.93 Terminal fittings or chambers; Type B supplied-air respirators; minimum requirements.

(a) Blowers or connections to air supplies providing positive pressures shall not be approved for use on Type B supplied-air respirators.

(b) Terminal fittings or chambers employed in Type B supplied-air respirators, shall be:

(1) Installed in the inlet of the hose;

(2) Designed and constructed to provide for the drawing of air through an arrangement capable of removing material larger than 0.149 mm. in diameter (149 microns, 100-mesh, U.S. Standard sieve of corrosion resisting material).

(3) Installed to provide a means for fastening or anchoring the fitting or chamber in a fixed position in a zone of respirable air.

§ 11.94 Supplied-air respirators; performance requirements; general.

Supplied-air respirators and the individual components of each such device shall, as appropriate, meet the minimum requirements for performance and protection specified in the tests described in §§ 11.94–1 through 11.94–29.

§ 11.94–1 Hand-operated blower test; minimum requirements.

(a) Hand-operated blowers shall be tested by attaching them to a mechanical drive and operating them 6 to 8 hours daily for a period of 100 hours at a speed necessary to deliver 50 liters of air per minute through each completely assembled respirator. Each respirator shall be equipped with the maximum length of hose with which the device is to be approved and the hose shall be connected to each blower or manifold outlet designed for hose connections.

(b) The crank speed of the hand-operated blower shall not exceed 50 revolutions per minute in order to deliver the required 50 liters of air per minute to each facepiece.

(c) The power required to deliver 50 liters of air per minute to each wearer through the maximum length of hose shall not exceed one-fiftieth horsepower, and the torque shall not exceed a force of 2.3 kg. (5 pounds) on a 20 cm. (8-inch crank, as defined in § 11.94–3.

(d) The blower shall operate throughout the period without failure or indication of excessive wear of bearings or other working parts.

§ 11.94–2 Motor-operated blower test; minimum requirements.

(a) Motor-operated blowers shall be tested by operating them at their specified running speed 6 to 8 hours daily for a period of 100 hours when assembled with the kind and maximum length of hose for which the device is to be approved and when connected to each blower or manifold outlet designed for hose connections.

(b) The connection between the motor and the blower shall be so constructed that the motor is disengaged automatically from the blower when the blower is operated by hand.

(c) The blower shall operate throughout the period without failure or indication of excessive wear of bearings or other working parts.

(d) Where a blower, which is ordinarily motor driven, is operated by hand, the power required to deliver 50 liters of air per minute to each wearer through the maximum length of hose shall not exceed one-fiftieth horsepower, and the torque shall not exceed a force of 2.3 kg. (5 pounds) on a 20 cm. (8-inch) crank, as defined in § 11.94–3.

(e) Where the respirator is assembled with the facepiece and 15 m. (50 feet) of the hose for which it is to be approved, and when connected to one outlet with all other outlets closed and operated at a speed not exceeding 50 revolutions of the crank per minute, the amount of air delivered into the respiratory-inlet covering shall not exceed 150 liters per minute.

§ 11.94–3 Method of measuring the power and torque required to operate blowers.

As shown in Figure 1, the blower crank is replaced by a wooden drum, *a* (13 cm. (5 inches) in diameter is convenient). This drum is wound with about 12 m. (40 feet) of No. 2 picture cord, *b*, a weight, *c*, of sufficient mass to rotate the blower at the desired speed is suspended from this wire cord. A mark is made on the cord about 3 to 4.5 m. (10 to 15 feet) from the weight, *c*. another mark is placed at a measured distance (6–9 cm./20–30 feet is convenient) from the first. These are used to facilitate timing. To determine the torque or horsepower required to operate the blower, the drum is started in rotation manually at or slightly above the speed at which the power measurement is to be made. The blower is then permitted to assume constant speed, and then as the first mark on the wire leaves the drum, a stopwatch is started. The watch is stopped when the second mark leaves the drum. From these data the foot-pounds per minute and the torque may be calculated.

§ 11.94–4 Type B supplied-air respirator; minimum requirements.

No Type B supplied-air respirator shall be approved for use with a blower or with connection to an air supply device at positive pressures.

§ 11.94–5 Type C supplied-air respirator, continuous flow class; minimum requirements.

(a) Respirators tested under this section shall be approved only when they supply respirable air at the pressures and quantities required.

(b) The pressure at the hose connection to the blower or manifold shall not exceed 863 kN/m.^{2} (125 pounds per square inch gage).

(c) Where the pressure at any point in the supply system exceeds 863 kN/m.^{2} (125 pounds per square inch gage), the respirator shall be equipped with a pressure-release mechanism that will prevent the pressure at the hose connection from exceeding 863 kN/m.^{2} (125 pounds per square inch gage) under any conditions.

§ 11.94–6 Type C supplied-air respirator, demand and pressure demand class; minimum requirements.

(a) Respirators tested under this section shall be approved only when used to supply respirable air at the pressures and quantities required.

(b) The manufacturer shall specify the range of air pressure at the point of attachment of the air-supply hose to the air-supply system, and the range of hose length for the respirator. For example, he might specify that the respirator be used with compressed air at pressures ranging from 280–550 kN/m.^{2} (40 to 80 pounds per square inch) with from 6 to 76 m. (15 to 250 feet) of air-supply hose.

(c) The specified air pressure at the point of attachment of the hose to the air-supply system shall not exceed 863 kN/m.^{2} (125 pounds per square inch gage).

(d) (1) Where the pressure in the air-supply system exceeds 863 kN/m.^{2} (125 pounds per square inch gage), the respirator shall be equipped with a pressure-release mechanism that will prevent the pressure at the hose connection from exceeding 863 kN/m.^{2} (125 pounds per square inch gage).

(2) The pressure-release mechanism shall be set to operate at a pressure not more than 20 percent above the manufacturer's highest specified pressure. For example, if the highest specified pressure is 550 to 863 kN/m.^{2} (80 to 125 pounds per square inch), the pressure-release mechanism would be set to operate at a maximum of 1,035 kN/m.^{2} (150 pounds per square inch).

§ 11.94–7 Air-supply line tests; minimum requirements.

Air supply lines employed on Type A, Type B, and Type C supplied-air respirators shall meet the minimum test requirements set forth in Table 8.

§ 11.94–8 Harness test; minimum requirements.

(a) (1) Shoulder straps employed on Type A supplied-air respirators shall be tested for strength of material, joints, and seams and must separately withstand a pull of 113 kg. (250 pounds) for 30 minutes without failure.

(2) Belts, rings, and attachments for life lines must withstand a pull of 136 kg. (300 pounds) for 30 minutes without failure.

(3) The hose shall be firmly attached to the harness so as to withstand a pull of 113 kg. (250 pounds) for 30 minutes without separating, and the hose attachments shall be arranged so that the pull or drag of the hose behind an advancing wearer does not disarrange the harness or exert pull upon the facepiece.

(4) The arrangement and suitability of all harness accessories and fittings will be considered.

(b) (1) The harness employed on Type B supplied-air respirators shall not be uncomfortable, disturbing, or interfere with the movements of the wearer.

(2) The harness shall be easily adjustable to various sizes.

(3) The hose shall be attached to the harness in a manner that will withstand a pull of 45 kg. (100 pounds) for 30 minutes without separating or showing signs of failure.

(4) The design of the harness and attachment of the line shall permit dragging the maximum length of hose considered for approval over a concrete floor without disarranging the harness or exerting a pull on the facepiece.

(5) The arrangement and suitability of all harness accessories and fittings will be considered.

(c) The harness employed on Type C respirators shall be similar to that required on the Type B respirator, or, it may consist of a simple arrangement for attaching the hose to a part of the wearer's clothing in a practical manner that prevents a pull equivalent to dragging the maximum length of the hose over a concrete floor from exerting pull upon the respiratory-inlet covering.

(d) Where supplied-air respirators have a rigid or partly rigid head covering, a suitable harness shall be required to assist in holding this covering in place.

§ 11.94–9 Breathing tube test; minimum requirements.

(a) (1) One or two flexible breathing tubes of the nonkinking type shall be employed on Type A supplied-air respirators which extend from the facepiece to a connecting hose coupling attached to the belt or harness.

(2) The breathing tubes employed shall permit free head movement, insure against closing off by kinking or by chin or arm pressure, and they shall not create a pull that will loosen the facepiece or disturb the wearer.

(b) Breathing tubes employed on Type B supplied-air respirators shall meet the minimum requirements set forth in paragraph (a) of this section.

(c) Breathing tubes employed on Type C supplied-air respirators of the continuous flow class shall meet the minimum requirements set forth in paragraph (a) of this section, however, an extension of the connecting hose may be employed in lieu of the breathing tubes required.

(d) (1) A flexible, nonkinking type breathing tube shall be employed on Type C supplied-air respirators of the demand and demand-pressure class shall extend from the facepiece to the demand or pressure-demand valve, except where the valve is attached directly to the facepiece.

(2) The breathing tube shall permit free head movement, insure against closing off by kinking or by chin or arm pressure, and shall not create a pull that will loosen the facepiece or disturb the wearer.

§ 11.94–10 Airflow resistance test, Type A and Type AE supplied-air respirators; minimum requirements.

(a) Resistance to airflow will be determined when the respirator is completely assembled with the respiratory-inlet covering, the air-supply device, and the maximum length of air-supply hose coiled for one-half its length in loops 1.5 to 2.1 m. (5 to 7 feet) in diameter.

(b) The resistance to inhalation shall not exceed the following amounts to air drawn at the rate of 85 liters (3 cubic feet) per minute when the blower is not operating or under any practical condition or blower operation:

Maximum length of hose for which respirator is approved		Maximum resistance, water column height	
Feet	Meters	Inches	Millimeters
75	23	1.5	38
150	46	2.5	64
250	76	3.5	89
300	91	4.0	102

(c) Resistance of the exhalation valve shall not exceed 25 mm. (1 inch) of water column height at a flow rate of 85 liters (3 cubic feet) per minute when the blower is operating or under any practical condition of blower operation.

§ 11.94–11 Airflow resistance test; Type B and Type BE supplied-air respirators; minimum requirements.

(a) Resistance to airflow shall be determined when the respirator is completely assembled with the respiratory-inlet covering and the hose in the maximum length to be considered for approval, coiled in loops 1.5 to 2.1 m. (5 to 7 feet) in diameter.

(b) Resistance shall not exceed 38 mm. (1.5 inches) of water-column height to air drawn at the rate of 85 liters (3 cubic feet) per minute.

(c) The resistance of the exhalation valve shall not exceed 25 mm. (1.0 inch) of water-column height at this flow rate.

§ 11.94–12 Airflow resistance test; Type C supplied-air respirator, continuous flow class and Type CE supplied-air respirator; minimum requirements.

The resistance to air flowing from the respirator shall not exceed 25 mm. (1 inch) of water-column height when the air flow into the respiratory-inlet covering is 115 liters (4 cubic feet) per minute.

§ 11.94–13 Airflow resistance test; Type C supplied-air respirator, demand class; minimum requirements.

(a) The resistance to inhalation shall not exceed 50 millimeters (2 inches) of water at an air flow of 115 liters (4 cubic feet) per minute.

(b) The exhalation resistance to a flow of air at a rate of 85 liters (3 cubic feet) per minute shall not exceed 25 millimeters (1 inch) of water.

§ 11.94–14 Airflow resistance test; Type C supplied-air respirator, pressure-demand class; minimum requirements.

(a) The static pressure in the facepiece shall not exceed 38 mm. (1.5 inches) of water-column height.

(b) The pressure in the facepiece shall not fall below atmospheric at inhalation flows not exceeding 115 liters (4 cubic feet) per minute.

(c) The resistance of the facepiece-exhalation valve to a flow of air at a rate of 85 liters (3 cubic feet) per minute shall not exceed the static pressure in the facepiece by more than 50 mm. (2 inches) of water-column height.

§ 11.94–15 Exhalation valve leakage test.

(a) Dry exhalation valves and valve seats will be subjected to a suction of 25 mm. water-column height while in a normal operating position.

(b) Leakage between the valve and valve seat shall not exceed 30 milliliters per minute.

§ 11.94–16 Man tests for gases and vapors; supplied-air respirators; general performance requirements.

(a) Man tests will be made in duplicate.

(b) The wearer will enter a chamber containing a gas or vapor as prescribed in §§ 11.94–17, 11.94–18, 11.94–19, and 11.94–20, and put on (wear) the respirator to be tested; gas tight goggles will be used where necessary to protect the eyes against irritation.

(c) After the respirator is properly fitted, the man will spend 10 minutes in work to provide observations on freedom of the device from leakage. The freedom and comfort allowed the wearer will also be considered.

(d) Time during the test period will be divided as follows:

(1) Five minutes—Walking, turning head, dipping chin; and

(2) Five minutes—Pumping air with a tire pump into a 28-liter (1 cubic-foot) cylinder to a pressure of 172 kN/m.² (25 pounds per square inch) or equivalent work.

(e) No odor of the test gas or vapor shall be detected by the wearer in the air breathed during any such test, and the wearer shall not be subjected to any undue discomfort or encumbrance because of the fit, air delivery, or other features of the respirator during the testing period.

§ 11.94–17 Man test for gases and vapors; Type A and Type AE respirators; test requirements.

(a) The completely assembled respirator will be worn in a chamber containing 0.1±0.025 percent isoamylacetate in air, and the blower, the intake of the hose, and not more than 25 percent of the hose length will be located in isoamylacetate-free air.

(b) The man in the isoamylacetate atmosphere will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone (blower not operating).

(c) The 10-minute work test will be repeated with the blower in operation at any practical speed up to 50 revolutions of the crank per minute.

§ 11.94–18 Man test for gases and vapors; Type B and Type BE respirators; test requirements.

(a) The completely assembled respirator will be worn in a chamber containing 0.1±0.025 percent isoamyl acetate vapor, and the intake of the hose, and not more than 25 percent of the hose length will be located in isoamyl acetate free air.

(b) The man in the chamber will draw his inspired air through the hose and connections by means of his lungs alone.

§ 11.94–19 Man test for gases and vapors; Type C respirators, continuous-flow class and Type CE supplied-air respirators; test requirements.

(a) The completely assembled respirator will be worn in a chamber containing 0.1±0.025 percent isoamyl acetate vapor, the intake of the hose will be connected to suitable source of respirable air, and not more than 25 percent of the hose length will be located outside the chamber.

(b) The minimum flow of air required to maintain a positive pressure in the respiratory-inlet covering throughout the entire breathing cycle will be supplied to the wearer, provided however, that airflow shall not be less than 115 liters per minute for tight-fitting and not less than 170 liters per minute for loose-fitting respiratory inlet-coverings.

(c) The test will be repeated with the maximum rate of flow attainable within specified operating pressures.

§ 11.94–20 Man test for gases and vapors; Type C supplied-air respirators, demand and pressure-demand classes; test requirements.

(a) The completely assembled respirator will be worn in a chamber containing 0.1±0.025 percent isoamyl acetate vapor, the intake of the hose will be connected to a suitable source of respirable air, and not more than 25 percent of the hose length will be located outside the chamber.

(b) The test will be conducted at the minimum pressure with the maximum hose length and will be repeated at the maximum pressure with the minimum hose length.

§ 11.94–21 Man tests for particulate matter; Type A, Type B and Type C respirators; general performance requirements.

(a) The man tests prescribed in §§ 11.94–22, 11.94–23, 11.94–24, and 11.94–25 will be made in duplicate, however, the respirators may be tested simultaneously or consecutively.

(b) The respirators will be worn in a test atmosphere which contains:

(1) 40 to 70 percent relative humidity;

(2) A temperature of approximately 25° C.; and

(3) A test suspension of 50± 10 mg. per cubic meter of ground flint, air-floated (99+percent through 325 standard mesh sieve), and consisting of 99+ percent free silica (SiO_2) and,

(4) A particle size distribution of the test suspension which does not exceed a geometric mean of 0.6 micrometer and a standard geometric deviation of 2.

(c) The respirator will be worn in the test atmosphere for 30 minutes, and the time during the test period shall be divided as follows:

(1) Five minutes—Walking, turning head, and dipping chin;

(2) Five minutes—Pumping air with a tire pump into a 28-liter (1 cubic-foot) cylinder to a pressure of 173 kN/m.² (25 pounds per square inch) or equivalent work;

(3) Five minutes—Resting;

(4) Five minutes—Walking, turning head, and dipping chin;

(5) Five minutes—Pumping air with a tire pump into a 28-liter (1 cubic-foot) cylinder to a pressure of 173 kN/m.² (25 pounds per square inch) or equivalent work; and

(6) Five minutes—Resting.

(d) During the test period, air will be withdrawn continuously at the rate of 32 liters (1.13 cubic feet) per minute from:

(1) The respiratory-inlet covering at a point as near as convenient to the wearer's nostrils; and,

(2) The source of air entering the intake to the hose of the respirator.

(e) Respirators tested in accordance with §§ 11.94–22, 11.94–23, 11.94–24, and 11.94–25 shall meet the following minimum requirements: (1) Undue encumbrance and discomfort shall not be experienced by the wearer because of the fit, air delivery, or other features of the respirator; (2) the amount of particulate matter collected from the air withdrawn from the respiratory-inlet covering of the respirators shall not exceed that collected from the air withdrawn simultaneously from the source of air supplied to the respirator by more than 0.5 mg. for the 30-minute test period.

§ 11.94–22 Man test for particulate matter; Type A supplied-air respirator; test requirements.

(a) The respirator will be arranged as prescribed in § 11.94–17.

(b) The wearer will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone (blower not operating).

(c) The 30-minute test will be repeated with the blower in operation at any practical speed up to 50 revolutions of the crank per minute.

§ 11.94–23 Man test for particulate matter; Type B supplied-air respirator; test requirements.

(a) The respirator will be arranged as prescribed in § 11.94–18.

(b) The wearer will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone.

§ 11.94–24 Man test for particulate matter; Type C supplied-air respirator, continuous flow class; test requirements.

(a) The respirator will be arranged as prescribed in § 11.94–19.

(b) The rates of air flow will be the same as in the tests for protection against gases, except that the minimum rates will be increased by 32 liters per minute.

§ 11.94–25 Man test for particulate matter; Type C supplied-air respirator, demand and pressure-demand classes; test requirements.

No specific test will be made to determine the protection afforded by these classes of respirators against particulate matter, however, two men will wear the respirator at both extremes of the specified ranges of air pressure and hose length, while performing the required schedule of exercise, in order to appraise the comfort and practicability of the respirator.

§ 11.94–26 Tests for protection during abrasive blasting; Type AE, Type BE, and Type CE supplied-air respirators; general performance requirements.

(a) Duplicate tests will be made under conditions of typical abrasive-blasting operation.

(b) The tests prescribed in §§ 11.94–27, 11.94–28, and 11.94–29 will be conducted under the following conditions:

(1) A suction-feed abrasive blasting outfit will be used by the wearer;

(2) The diameter of the air jet shall be 5 mm. (3/16 inch);

(3) Air pressure will be 276–483 kN/m.² (40–70 pounds per square inch);

(4) The abrasive used will contain a composition of 99+percent free silica (SiO_2);

(5) The size properties of the abrasive used will be a mixture of 90 percent by weight of essentially No. 1 sandblast sand and 10 percent air-floated fines.

(6) The No. 1 sand used will meet a size specification of not more than 10 percent on a 20-mesh sieve and not more than 10 percent through a 35-mesh sieve; 99+percent of the fines will be able to pass through a 325-mesh sieve. All size determinations will be made by standard-mesh sieves.

(c) Tests will be conducted for 30 minutes continuously or in 5-, 10-, or 15-minute intervals with 5-minute periods between work periods.

(d) (1) The person wearing the respirator will sandblast the inside surface of a common iron kettle of approximate hemispherical shape (about 76 cm. (30 inches) in diameter, and 113.6 liters (30 gallons) capacity).

(2) The kettle will be placed with the plane of the opening inclined 45° from a vertical position and with the lowest point of the rim at about the height of the person's hips.

(3) The wearer will stand at one position in front of the kettle and lean over until the upper part of the body is inclined to parallel the face of the kettle.

(4) The wearer will blast the entire inner surface of the kettle with the blast at all times directed approximately at right angles to the surface with the nozzle of the gun approximately 15 cm. (6 inches) from the surface, and with his head approximately 46 cm. (18 inches) from the nozzle.

(5) The wearer will move his head forward, backward, and sideways during each blasting operation.

(e) (1) Air will be withdrawn continuously during test at the rate of 32 liters (1.13 cubic feet) per minute from the respiratory-inlet covering at a point as near as convenient to the wearer's nostrils.

(2) Simultaneously air will be drawn at the same rate from the source of intake air to the respirator.

(f) Respirators tested in accordance with §§ 11.94–27, 11.94–28, and 11.94–29 shall meet the following minimum requirements:

(1) The amount of particulate matter in the air withdrawn from the respiratory-inlet covering shall not exceed that from the respirator intake air by more than 0.5 mg. for the 30-minute test period;

(2) The wearer of the respirator in this test shall not experience undue encumbrance and discomfort because of the fit, air delivery, or other features of the respirator; and,

(3) The head and shoulder covering shall adequately protect the wearer from discomfort or injury due to impact or abrasion from the rebounding material during the test.

§ 11.94–27 Test for protection during abrasive blasting; Type AE supplied-air respirator; test requirements.

(a) The respirator will be arranged as prescribed in § 11.94–17.

(b) The wearer will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone (blower not operating).

(c) The test will be repeated with the blower in operation at any practical speed up to 50 revolutions per minute of the crank.

§ 11.94–28 Test for protection during abrasive blasting; Type BE supplied-air respirator; test requirements.

(a) The respirator will be arranged as prescribed in § 11.94–18.

(b) The wearer will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone.

§ 11.94–29 Test for protection during abrasive blasting; Type CE supplied-air respirator; test requirements.

(a) The respirator will be arranged as prescribed in § 11.94–19.

(b) The rates of air flow will be the same as in the tests for protection against gases, except that the minimum rates will be increased by 32 liters per minute.

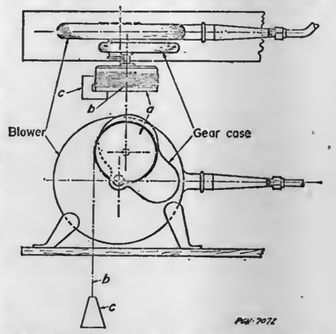


Figure 1.—Apparatus for measuring power required to operate blower. (30 CFR Part 11, Subpart G, § 11.94–3)

TABLE 8.—AIR-SUPPLY-LINE REQUIREMENTS AND TESTS

(30 CFR Part 11, Subpart G, § 11.94–7)

Specific requirements	Requirements for the air-supply lines of the indicated types of supplied-air respirators		
	Type A	Type B	Type C
Length of hose	Maximum of 91 m. (300 feet), in multiples of 7.6 m. (25 feet).	Maximum of 23 m. (75 feet) in multiples of 7.6 m. (25 feet).	Maximum of 91 m. (300 feet) in multiples of 7.6 m. (25 feet). It will be permissible for the applicant to supply hose of the approved type of shorter length than 7.6 m. (25 feet) provided it meets the requirements of the part.
Air flow	None	None	The air-supply hose with air regulating valve or orifice shall permit a flow of not less than 115 liters (4 cubic feet) per minute to tight-fitting and 170 liters (6 cubic feet) per minute to loose-fitting respiratory-inlet coverings through the maximum length of hose for which approval is granted and at the minimum specified air-supply pressure. The maximum flow shall not exceed 425 liters (15 cubic feet) per minute at the maximum specified air-supply pressure with the minimum length of hose for which approval is granted.
			The air-supply hose, detachable coupling, and demand valve of the demand class or pressure-demand valve of the pressure-demand class for Type C supplied-air respirators, demand and pressure-demand classes, shall be capable of delivering respirable air at a rate of not less than 115 liters (4 cubic feet) per minute to the respiratory-inlet covering at an inhalation resistance not exceeding 50 millimeters (2 inches) of water-column height measured at the respiratory-inlet covering with any combination of air-supply pressure and length of hose within the applicant's specified range of pressure and hose length. The air-flow rate and resistance to inhalation shall be measured while the demand or pressure-demand valve is actuated 20 times per minute by a source of intermittent suction. The maximum rate of flow to the respiratory-inlet covering shall not exceed 425 liters (15 cubic feet) per minute under the specified operating conditions.

TABLE 8.—AIR-SUPPLY-LINE REQUIREMENTS AND TESTS—Continued

(30 CFR Part 11, Subpart G, § 11.94–7)

Specific requirements	Requirements for the air-supply lines of the indicated types of supplied-air respirators		
	Type A	Type B	Type C
Air-regulating valve.	None	None	If an air-regulating valve is provided, it shall be so designed that it will remain at a specific adjustment, which will not be affected by the ordinary movement of the wearer. The friction developed between the packing and a valve stem will not be considered as meeting this requirement. The valve must be so constructed that the air supply with the maximum length of hose and at the minimum specified air-supply pressure will not be less than 115 liters (4 cubic feet) of air per minute to tight-fitting and 170 liters (6 cubic feet) of air per minute of loose-fitting respiratory inlet coverings for any adjustment of the valve. If a demand or pressure-demand valve replaces the air-regulating valve, it shall be connected to the air supply at the maximum air pressure for which approval is sought by means of the minimum length of air-supply hose for which approval is sought. The outlet of the demand or pressure-demand valve shall be connected to a source of intermittent suction so that the demand or pressure-demand valve is actuated approximately 20 times per minute for a total of 100,000 inhalations. To expedite this test, the rate of actuation may be increased if mutually agreeable to the applicant and the Bureau. During this test the valve shall function without failure and without excessive wear of the moving parts. The demand or pressure-demand valve shall not be damaged in any way when subjected at the outlet to a pressure or suction of 25cm (10 inches) of water gage for 2 minutes.
Noncollapsibility.	The hose shall not collapse or exhibit permanent deformation when a force of 90 kg. (200 pounds) is applied for 5 minutes between 2 planes 76 cm. (3 inches) wide on opposite sides of the hose.	Same as Type A	None.
Nonkinkability.	None	None	A 7.6 m. (25 foot) section of the hose will be placed on a horizontal-plane surface and shaped into a one-loop coil with one end of the hose connected to an airflow meter and the other end of the hose supplied with air at the minumim specified supply pressure. The connection shall be in the plane of the loop. The other end of the hose will be pulled tangentially to the loop and in the plane of the loop until the hose straightens. To meet the requirements of this test the loop shall maintain a uniform near-circular shape and ultimately unfold as a spiral, without any localized deformation that decreases the flow of air to less than 90 percent of the flow when the hose is tested while remaining in a straight line.
Strength of hose and couplings.	Hose and couplings shall not separate or fail when tested with a pull of 113 kg. (250 pounds) for 5 minutes.	Same as Type A	Hose and couplings shall not exhibit any separation or failure when tested with a pull of 45 kg. (100 pounds) for 5 minutes and when tested by subjecting them to an internal air pressure of 2 times the maximum respirator-supply pressure that is specified by the applicant or at 173 kN/m.² (25 pounds per square inch) gage, whichever is higher.
Tightness	No air leakage shall occur when the hose and couplings are joined and the joint(s) are immersed in water and subjected to an internal air pressure of 35 kN/m.² (5 pounds per square inch) gage.	None	Leakage of air exceeding 50 cc. per minute at each coupling shall not be permitted when the hose and couplings are joined and are immersed in water, with air flowing through the respirator under a pressure of 173 kN/m.² (25 pounds per square inch) gage applied to the inlet end of the air-supply hose, or at twice the maximum respirator-supply pressure that is specified by the applicant, whichever is higher.
Permeation of hose by gasoline.	The permeation of the hose by gasoline will be tested by immersing 7.6 m. (25 feet) of hose and one coupling in gasoline, with air flowing through the hose at the rate of 8 liters per minute for 6 hours. The air from the hose shall not contain more than 0.01 percent by volume of gasoline vapor at the end of the test.	Same as for Type A.	Same as for Type A, except the test period is 1 hour.
Detachable coupling.	None	None	A hand-operated detachable coupling by which the wearer can readily attach or detach the connecting hose shall be provided at a convenient location. This coupling shall be durable, remain connected under all conditions of normal respirator use, and meet the prescribed tests for strength and tightness of hose and couplings.

Subpart H—Dust, Fume, and Mist Respirators

§ 11.100 Dust, fume, and mist respirators; description.

Dust, fume, and mist respirators, including all completely assembled respirators designed for use as respiratory protection during entry into and escape from hazardous particulate atmospheres which contain adequate oxygen to support life, are described as follows:

(a) Respirators designed as respiratory protection against dusts (1) having a TLV not less than 0.05 milligram per cubic meter of air, including but not limited to arsenic, cadmium, chromium, lead, and manganese; or (2) dusts having a TLV not less than 2 million particles per cubic foot of air, including but not limited to aluminum, asbestos, coal, flour, iron ore, and free silica, resulting principally from the disintegration of a solid, e.g., dust clouds produced in mining, quarrying, and tunneling, and in dusts produced during industrial operations, such as grinding, crushing, and the general processing of minerals and other materials where the contaminant concentration is known not to exceed 20 times the TLV where a half-mask facepiece is employed or 200 times the TLV where a full facepiece is employed.

(b) Respirators designed as respiratory protection against fumes of various metals having a TLV not less than 0.05 milligram per cubic meter, including but not limited to aluminum, antimony, arsenic, cadmium, chromium, copper, iron, lead, magnesium, manganese, mercury (except mercury vapor), and zinc, which result from the sublimation or condensation of their respective vapors, or from the chemical reaction between their respective vapors and gases.

(c) Respirators designed as respiratory protection against mists of materials having a TLV not less than 0.05 milligram per cubic meter or 2 million particles per cubic foot, e.g., mists produced by spray coating with vitreous enamels, chromic acid mist produced during chromium plating, and other mists of materials whose liquid vehicle does not produce harmful gases or vapors where the contaminant concentration is known not to exceed 20 times the TLV where a half-mask facepiece is employed or 200 times the TLV where a full facepiece is employed.

(d) Respirators designed as respiratory protection against dusts, fumes, and mists having a TLV less than 0.05 milligrams per cubic meter, including but not limited to lithium hydride and beryllium, and against radionuclides where the contaminant concentration is known not to exceed 10 times the TLV or 10 times the concentration limits for the radionuclides involved (protection factor of 10).

(e) Respirators designed as respiratory protection against dusts, fumes, and mists having a TLV less than 0.05 milligrams per cubic meter, including but not limited to lithium hydride and beryllium, and against radionuclides where the contaminant concentration is known not to exceed 100 times the TLV or 100 times the concentration limits for the radionuclides involved (protection factor of 100).

(f) Respirators designed as respiratory protection against dusts, fumes, and mists having a TLV less than 0.05 milligrams per cubic meter, including but not limited to lithium hydride and beryllium, and against radionuclides where the contaminant concentration is known not to exceed 1,000 times the TLV or 1,000 times the concentration limits for the radionuclides involved (protection factor of 1,000).

(g) Respirators designed as respiratory protection against radon daughters, radon daughters attached to dusts, fumes and mists, and asbestos dusts and mists.

(h) Respirators designed as protection against various combinations of particulate matter.

(i) Single-use dust respirators designed as respiratory protection against pneumoconiosis- and fibrosis-producing dusts.

(j) The types of dust, fume, and mist respirators in paragraphs (a) through (i) of this section may also be classified according to their design as follows:

(1) Air-purifying respirators; and

(2) Air-purifying respirators with attached blower.

§ 11.101 Dust, fume and mist respirators; required components.

(a) Each dust, fume and mist respirator described in § 11.100 shall, where its design requires, contain the following component parts:

(1) Facepiece, mouthpiece with noseclip, hood or helmet;

(2) Filter unit;

(3) Harness; and

(4) Attached blower.

(b) The components of each dust, fume and mist respirator shall, where applicable, meet the minimum construction requirements set forth in Subpart D of this part.

§ 11.102 Breathing tubes; minimum requirements.

(a) Flexible breathing tubes used in conjunction with respirators shall be designed and constructed to prevent:

(1) Restriction of free head movement;

(2) Disturbance of the fit of facepieces, mouthpieces, hoods, or helmets;

(3) Interference with the wearer's activities; and

(4) Shut-off of airflow due to kinking, or from chin or arm pressure.

§ 11.103 Harnesses; installation and construction; minimum requirements.

(a) Each respirator shall, where required by the Bureau, be equipped with a suitable harness designed and constructed to hold the components of the respirator in position against the wearer's body.

(b) Harnesses shall be designed and constructed to permit easy removal and replacement of respirator parts, and, where applicable, provide for holding a full facepiece in the ready position when not in use.

§ 11.104 Respirator containers, minimum requirements.

(a) Each respirator shall, except as provided in paragraph (b) of this section, be equipped with a substantial, durable container bearing markings which show the applicant's name, the type of respirator it contains, and all appropriate approval labels.

(b) Containers for single use respirators may provide for storage of more than one respirator, however, such containers shall be designed and constructed to permit the closing of the container to prevent contamination of respirators which are not removed, and to prevent damage to respirators during transit.

§ 11.105 Half-mask facepieces and full facepieces; hoods and helmets; mouthpieces; fit; minimum requirements.

(a) Half-mask facepieces and full facepieces shall be designed and constructed to fit persons with various facial shapes and sizes (1) by providing more than one facepiece size, or (2) by providing one facepiece size which will fit varying facial shapes and sizes.

(b) Hoods and helmets shall be designed and constructed to fit persons with various head sizes, provide for the optional use of corrective glasses and insure against any restriction of movement by the wearer.

(c) Mouthpieces shall be designed and constructed with noseclips which are securely attached to the respirator and provide an airtight seal.

(d) Full facepieces shall provide for optional use of corrective spectacles, which shall not reduce the respiratory protective qualities of the respirator.

(e) Facepieces, hoods, and helmets shall be designed to minimize eyepiece fogging.

§ 11.106 Facepieces, hoods, and helmets; eyepieces; minimum requirements.

Facepieces, hoods, and helmets shall be designed and constructed to provide adequate vision which is not distorted by the eyepieces.

§ 11.107 Inhalation and exhalation valves; minimum requirements.

(a) Inhalation and exhalation valves shall be protected against distortion.

(b) Inhalation valves shall be designed and constructed and provided where necessary to prevent excessive exhaled air from adversely affecting filters, except where filters are specifically designed to resist moisture as prescribed in § 11.110–7.

(c) Exhalation valves shall be provided where necessary and shall be designed and constructed with covers to protect against damage and external influence and to provide a dead airspace to prevent the inward leakage of contaminated air.

§ 11.108 Head harnesses; minimum requirements.

(a) Headharnesses, except those employed on single use respirators, shall be adjustable and replaceable.

(b) Single use respirators shall be equipped with an elastic or adjustable headharness.

(c) Headharnesses shall be designed and constructed to provide adequate tension during suspension and an even distribution of pressure over the entire area covered by the facepiece.

§ 11.109 Air velocity and noise levels; hoods and helmets; minimum requirements.

(a) Hoods and helmets shall be designed and constructed to protect against harmful noise levels during use.

(b) Noise levels will be measured inside the hood or helmet at maximum airflow obtainable and shall not exceed 80 dBA.

§ 11.110 Dust, fume, and mist respirators; performance requirements; general.

Dust, fume, and mist respirators and the individual components of each such device shall, as appropriate, meet the minimum requirements for performance and protection specified in the tests described in §§ 11.110–1 through 11.110–15 and prescribed in Tables 9 and 10.

§ 11.110–1 Coal-dust tightness test; minimum requirements.

(a) (1) Three persons will each wear two different respirators (six tests and six different respirators) for a period of 30 minutes in a concentration of 75±25 milligrams per cubic meter of bituminous coal dust.

(2) The coal dust will be 100 percent through a 200-mesh sieve.

(b) Prior to testing, each respirator will be modified in a manner which will least affect its performance, by connecting a lightweight tube through the facepiece to a 5-micron pore size membrane filter and holder assembly and a vacuum (sampling) pump operating at 2 liters per minute.

(c) Each wearer will perform the preliminary facepiece fit test recommended by the manufacturer prior to testing.

(d) After obtaining a satisfactory fit, the wearer will perform the following activities in the coal dust chamber:

(1) Three minutes—walking and turning and nodding head;

(2) One and one-half minutes—smiling;

(3) One and one-half minutes—frowning;

(4) Three minutes—reciting alphabet;

(5) Three minutes—talking; and,

(6) Three minutes—shallow and deep breathing.

(7) Upon completion of this 15-minute activity schedule, the wearer will repeat the schedule.

(e) During the test period, a second sampling pump, connected to a second membrane filter and holder assembly located in the wearer's breathing zone,

will be employed to sample the test concentration in the ambient atmosphere.

(f) Coal dust samples taken from dust, fume, and mist respirators tested in accordance with the provisions of this section shall not exceed the following ambient concentrations when desiccated and weighed to the nearest 0.01 milligram:

Respirator	Maximum allowable percent of ambient concentration
Designed for respiratory protection against dusts and mists of materials having a TLV not less than 0.05 milligram per cubic meter or 2 million particles per cubic foot and single-use dust respirators	10
Designed for respiratory protection against fumes of metals having a TLV not less than 0.05 milligram per cubic meter	5
Designed for respiratory protection against radon daughters and radon daughters attached to dusts, fumes and mists	5

(g) If the wearer's face shows indication of coal dust leakage at the nose, the test will be repeated with the wearer's nostrils closed.

§ 11.110–2 Isoamyl-acetate-tightness test; dust, fume, and mist respirators designed for respiratory protection against fumes of various metals having a TLV not less than 0.05 milligram per cubic meter; minimum requirements.

(a) The respirator will be modified in such a manner that all of the air that normally would be inhaled through the inhalation port(s) is drawn through an efficient activated charcoal-filled canister, or cartridge(s), without interference with the face-contacting portion of the facepiece.

(b) The modified facepiece will be worn by several persons for at least 2 minutes each in a test chamber containing 100 parts (by volume) of isoamyl-acetate vapor per million parts of air.

(c) The odor of isoamyl-acetate shall not be detected by the wearers of the modified respirator while in the test atmosphere.

§ 11.110–3 Isoamyl-acetate-tightness test; respirators designed for respiratory protection against dusts, fumes, and mists having a TLV less than 0.05 milligram per cubic meter, or against radionuclides; minimum requirements.

(a) The applicant shall provide a charcoal-filled canister or cartridge of a size and resistance similar to the filter unit with connectors which can be attached to the facepiece in the same manner as the filter unit.

(b) (1) Where the contaminant concentration is known not to exceed 10 times the TLV or 10 times the concentration limits for the radionuclides involved, the canister or cartridge will be used in place of the filter unit, and several persons each will wear the modified facepiece for 5 minutes in a test chamber containing 100 parts (by volume) of isoamyl-acetate vapor per million parts of air.

(2) The following work schedule will be performed by each wearer in the test chamber:

(i) Two minutes walking, nodding, and shaking head in normal movements; and,

(ii) Three minutes exercising and running "in place."

(3) The facepiece shall be capable of adjustment, according to the applicant's instructions, to each wearer's face, and the odor of isoamyl acetate shall not be detectable by any wearer during the test.

(c) Where the contaminant concentration is known not to exceed 100 or 1,000 times the TLV or 100 or 1,000 times the concentration limits for the radionuclides involved, the canister or cartridge will be used in place of the filter unit, and several persons each will wear the modified facepiece for 5 minutes in a test chamber containing 1,000 parts (by volume) of isoamyl-acetate vapor per million parts of air, and tested as in paragraph (b) of this section.

§ 11.110–4 Air-purifying filter tests; performance requirements; general.

Dust, fume, and mist respirators will be tested in accordance with the schedule set forth in Table 10 to determine their effectiveness as protection against the particulate hazards specified therein.

§ 11.110–5 Silica-dust test; single use filters; minimum requirements.

(a) Three respirators will be tested for periods of 90 minutes each with a mechanical-testing apparatus at a continuous airflow rate of 32 liters per minute.

(b) The relative humidity in the test chamber will be 20–80 percent, and the room temperature approximately 25° C.

(c) The test suspension in the chamber will not be less than 50 nor more than 60 milligrams of flint (99+ percent free silica) per cubic meter of air.

(d) The flint in suspension will be ground to pass 99+ percent through a 325-mesh sieve.

(e) The particle-size distribution of the test suspension will have a geometric mean of 0.4 to 0.6 micrometer, and the standard geometric deviation will not exceed 2.

(f) The total amount of unretained test suspension in samples taken during testing shall not exceed 2 milligrams for any single respirator.

§ 11.110–6 Silica-dust test; single-use dust respirators; minimum requirements.

(a) Three respirators will be tested.

(b) Using the mechanical testing apparatus described in § 11.110–5 airflow will be cycled through the respirator by a breathing machine at the rate of 24 respirations per minute with a minute volume of 40 liters; a breathing machine cam with a work rate of 622 kg.-m./minute shall be used.

(c) Air exhaled through the respirator will be 35±2° C. (95±3° F.) with 94±3 percent relative humidity.

(d) Air inhaled through the respirator will be sampled and analyzed for respirator leakage.

(e) The total amount of unretained test suspension after drying in samples taken during testing shall not exceed 2 milligrams for any single test.

§ 11.110–7 Lead fume test; minimum requirements.

(a) Three respirators will be tested for a period of 312 minutes each with a mechanical-testing apparatus at a continuous airflow rate of 32 liters per minute.

(b) The relative humidity in the test chamber will be 20–80 percent, and the room temperature approximately 25° C.

(c) The test suspension in the test chamber will not be less than 15 nor more than 20 milligrams of freshly generated lead-oxide fume, calculated as lead (Pb), per cubic meter of air.

(d) The fume will be generated by impinging an oxygen-gas flame on molten lead.

(e) Samples of the test suspension will be taken during each test period for analysis.

(f) The total amount of unretained test suspension in the samples taken during testing, which is analyzed and calculated as lead (Pb), shall not exceed 1.5 milligrams of lead for any single respirator.

§ 11.110–8 Silica-mist test; minimum requirements.

(a) Three respirators will be tested for a period of 312 minutes each with a mechanical-testing apparatus at a continuous airflow rate of 32 liters per minute.

(b) The room temperature in the test chamber will be approximately 25° C.

(c) The test suspension in the test chamber will not be less than 20 nor more than 25 milligrams of silica mist, weighed as silica dust, per cubic meter of air.

(d) Mist will be produced by spraying an aqueous suspension of flint (99+ percent free silica), and the flint shall be ground to pass 99+ percent through a 325-mesh sieve.

(e) Samples of the test suspension will be taken during each test period for analysis.

(f) The total amount of silica mist unretained in the samples taken during testing, weighed as silica dust, shall not exceed 2.5 milligrams for any of the three respirators.

§ 11.110–9 Lead-fume test; air-purifying respirators with attached blower in the contaminated atmosphere; minimum requirements.

(a) Three respirators will be tested as described in § 11.77–7 at the effective airflow rate of the respirator, which shall be not less than 115 liters (4 cubic feet) per minute for 4 hours and not less than 170 liters (6 cubic feet) per minute for 4 hours to hoods and helmets.

(b) The total amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 4.8 milligrams for a test made at 115 liters (4 cubic feet) per minute or 6.2 milligrams for a test made at 170 liters (6 cubic feet) per minute.

§ 11.110–10 Silica-dust test air-purifying respirators with attached blower in the contaminated atmosphere; minimum requirements.

(a) Three respirators will be tested as described in § 11.110–5 at the effective airflow rate of the respirator, which shall be not less than 115 liters (4 cubic feet) per minute for 4 hours and not less than 170 liters (6 cubic feet) per minute for 4 hours to hoods and helmets.

(b) The respirator resistance shall not exceed those specified in § 11.110–12.

§ 11.110–11 Tests for respirators designed for respiratory protection against more than one type of dispersoid; minimum requirements.

Respirators designed as respiratory protection against more than one particulate hazard (dust, fume, or mist) shall comply with all the requirements of this part, with respect to the specific hazard involved.

§ 11.110–12 Airflow resistance tests; all dust, fume, and mist respirators; minimum requirements.

(a) The resistance to airflow of a completely assembled respirator on inhalation and on exhalation will be determined on a mechanical testing apparatus before and after each test conducted in accordance with § 11.110–5 through 11.110–10 at a continuous airflow rate of 85 liters per minute.

(b) Each respirator tested shall meet the following minimum requirements for resistance:

MAXIMUM RESISTANCE
(mm. water-column height)

Type of respirator	Initial inhalation	Final inhalation	Exhalation
Single-use	12	15	15
Dust, fume, and mist	30	50	20
Radon daughter, and asbestos dust and mist	[1]18	[1]25	15

[1] Measured after silica dust test described in § 11.110–5

§ 11.110–13 DOP man test and chamber test; respirators designed as respiratory protection against dusts, fumes, and mists having a TLV less than 0.05 milligrams per cubic meter and against radionuclides; minimum requirements.

(a) Each of three complete respirators will be tested when worn by six different persons (18 wearings).

(b) A probe to permit sampling the air within the respirator facepiece will be attached without impairing the overall efficiency of the respirator.

(c) Each wearer will enter a test chamber in which air, containing approximately 100 micrograms of DOP per liter is flowing.

(d) While in the chamber, each wearer will carry out the following work schedule:

(1) Facial movements, 2 minutes;
(2) Talking, 1 minute; and,
(3) Running "in place," 2 minutes.

(e) Where respirators are being tested as respiratory protection against a contaminant concentration that does not exceed 10 times the TLV or the concentration limits for the radionuclides involved, the wearer will substitute head turns from side to side for facial movements and substitute shallow and deep breathing for talking.

(f) The respirator exhibiting the highest DOP penetration of the three respirators tested in accordance with paragraph (a) of this section will then be worn by three different persons for periods of 2 hours each while performing the following activities in a chamber concentration of 100 micrograms of DOP per liter of air:

(1) *0.15 minute.* (i) Each wearer will be seated and a sample will be drawn from the inside of the facepiece at the rate of 8 liters per minute.

(ii) The sample will be compared with the chamber concentration, and if excessive leakage is detected, the wearer will leave the chamber and a stream of DOP shall be directed at the respirator to determine the source(s) of leakage.

(2) *15–60 minutes.* Each test subject will leave the chamber and carry on normal activities without adjusting or removing the facepiece.

(3) *60–75 minutes.* (i) Each wearer will reenter the test chamber.

(ii) A sample will be drawn from the inside of the facepiece at the rate of 8 liters per minute.

(iii) The wearer will engage in the following activities:

(*a*) Cough (2 minutes);
(*b*) Turn his head from side to side (2 minutes);
(*c*) Smile (2 minutes);
(*d*) Frown (2 minutes);
(*e*) Recite the alphabet loudly (2 minutes);
(*f*) Talk (3 minutes); and,
(*g*) Breath shallowly and deeply (2 minutes).

(iv) Where respirators are being tested as respiratory protection against a contaminant concentration that does not exceed 10 times the TLV or the concentration limits for the radionuclides involved, the wearer will not be required to engage in coughing, smiling, frowning, reciting the alphabet, or talking.

(4) *75–105 minutes.* Each wearer will engage in normal activities outside the test chamber.

(5) *105–120 minutes.* Each wearer will reenter the test chamber and the routine for the 60–75-minute period shall be repeated.

(g) Each respirator shall meet the following minimum requirements:

Where the contaminant concentration does not exceed the TLV or concentration limits for the radionuclides involved by a factor of:	Maximum allowable penetration for the respirator—percentage of ambient concentration	Maximum allowable penetration for average of all tests—percentage of ambient concentration
10	1	0.5
100	1	0.5
1,000	0.1	0.05

§ 11.110–14 DOP filter test; respirators designed as respiratory protection against dusts, fumes, and mists having a TLV less than 0.05 milligram per cubic meter and against radionuclides; minimum requirements.

(a) All single-filter units will be tested in an atmosphere concentration of 100 micrograms of DOP per liter of air at continuous flow rates of 32 and 85 liters per minute for a period of 5 to 10 seconds.

(b) Where filters are to be used in pairs, the flow rates will be 16 and 42.5 liters per minute, respectively, through each filter.

(c) The filter will be mounted on a connector in the same manner as used on the respirator, and the total leakage for the connector and filter shall not exceed 0.03 percent of the ambient DOP concentration at either flow rate.

§ 11.110–15 Silica-dust-loading test; respirators designed as protection against dusts, fumes, and mists having a TLV less than 0.05 milligram per cubic meter and against radionuclides; minimum requirements.

Three respirators will be tested in accordance with the provisions of § 11.110–5, and shall meet the minimum requirements of §§ 11.110–5 and 11.110–12.

TABLE 9.—FACEPIECE TEST REQUIREMENTS
(30 CFR Part 11, Subpart H, § 11.110–1, et seq.)

Respirator types (11.100(a)–(i))	Pressure tightness test	Coal dust tightness test (11.110–1)	Isoamyl-Acetate tightness test (11.110–2)	Isoamyl-Acetate tightness test (11.110–3)	Isoamyl-Acetate tightness test (11.110–4)
(a)	X	X			
(b)	X		X		
(c)	X	X			
(d)	X			X	
(e)	X				X.
(f)	X				X.
(g)	X	X		[1]X	[1]X.
(h)	X	[1]X	[1]X	[1]X	[1]X.
(i)		X			

[1] Test is required only where applicable.

TABLE 10.—AIR PURIFYING FILTER TESTS REQUIRED FOR APPROVAL
(30 CFR Part 11, Subpart H, § 11.110-5, et seq.)

Dust, fume, and mist respirator type (11.110(a)-(l))	Silica dust test			Lead fume test		Silica dust test
	(11.110-5)	(11.110-6)	(11.110-14)	(11.110-7 and 11.110-9)		(11.110-8)
(a)	X					
(b)				X		
(c)						X
(d)					X	
(e)				X		
(f)	X		X			
(g)	X		X	X [1]	X [1]	
(h)	X [2]	X [2]	X [2]	X [2]	X [2]	X [2]
(i)		X				

[1] Applies only to radon daughter respirators.
[2] Test is required only where applicable.

Subpart I—Chemical Cartridge Respirators

§ 11.120 Chemical cartridge respirators; description.

Chemical cartridge respirators including all completely assembled respirators which are designed for use as respiratory protection during entry into or escape from atmospheres not immediately dangerous to life and health, are described according to the specific gases or vapors against which they are designed to provide respiratory protection, as follows:

Type of Chemical-cartridge respirator:	*Maximum use concentration, parts per million*
Amines [a]	[b] 100
Amine derivatives [a]	[b] 30
Ammonia	300
Chlorine	10
Hydrogen chloride	50
Organic vapor [a]	[b] 1,000
Sulfur dioxide	50

[a] Not for use against amines, amine derivatives, nor against organic vapors with poor warning properties or those which generate high heats of reaction with sorbent material in the cartridge.
[b] Maximum use concentrations are lower for amines, amine derivatives, or organic vapors which produce atmospheres immediately hazardous to life or health at concentrations lower than these.

NOTE: Chemical-cartridge respirators for respiratory protection against gases or vapors, which are specifically listed with their maximum use concentration except pesticides, may be approved if the applicant submits a request for such approval, in writing, to the Bureau. The Bureau shall consider each such application and accept, reject, or modify the application after a review of the effects on the wearer's health and safety and in the light of any field experience in use of chemical-cartridge respirators as protection against such hazards.

§ 11.121 Chemical cartridge respirators; required components.

(a) Each chemical cartridge respirator described in § 11.120 shall, where its design requires, contain the following component parts:

(1) Facepiece, mouthpiece and noseclip, hood or helmet;
(2) Cartridge;
(3) Harness.

(b) The components of each chemical cartridge respirator shall, where applicable, meet the minimum construction requirements set forth in Subpart D of this part.

§ 11.122 Cartridges in parallel; resistance requirements.

Where two or more cartridges are used in parallel, their resistance to airflow shall be essentially equal.

§ 11.123 Cartridges; color and markings; requirements.

The color and markings of all cartridges shall conform with the requirements of the American National Standard for Identification of Gas Mask Canisters, K13.1.

§ 11.124 Filters used with cartridges; location; replacement.

(a) Particulate matter filters used in conjunction with a cartridge shall be located on the inlet side of the cartridge.

(b) Filters shall be incorporated into or firmly attached to the cartridge and each filter assembly shall, where applicable, be designed to permit removal from and replacement on the cartridge.

§ 11.125 Breathing tubes; minimum requirements.

(a) Flexible breathing tubes used in conjunction with respirators shall be designed and constructed to prevent:

(1) Restriction of free head movement;
(2) Disturbance of the fit of facepieces, mouthpieces, hoods, or helmets;
(3) Interference with the wearer's activities; and,
(4) Shut-off of airflow due to kinking, or from chin or arm pressure.

§ 11.126 Harnesses; installation and construction; minimum requirements.

(a) Each respirator shall, where required by the Bureau, be equipped with a suitable harness designed and constructed to hold the components of the respirator in position against the wearer's body.

(b) Harnesses shall be designed and constructed to permit easy removal and replacement of respirator parts.

§ 11.127 Respirator containers; minimum requirements.

(a) Respirators shall be equipped with a substantial, durable container bearing markings which show the applicant's name, the type and commercial designation of the respirator it contains, and all appropriate approval labels.

§ 11.128 Half-mask facepieces and full facepieces; fit; minimum requirements.

(a) Half-mask facepieces and full facepieces shall be designed and constructed to fit persons with various facial shapes and sizes (1) by providing more than one facepiece size, or (2) by providing one facepiece size which will fit varying facial shapes and sizes.

§ 11.129 Inhalation and exhalation valves; check valves; minimum requirements.

(a) Inhalation and exhalation valves shall be provided where necessary and protected against distortion.

(b) Inhalation valves shall be designed and constructed to prevent excessive exhaled air from entering cartridges or adversely affecting canisters.

(c) Exhalation valves shall be designed and constructed with covers to protect against damage and external influence and to provide a dead airspace to prevent the inward leakage of contaminated air.

§ 11.130 Head harnesses; minimum requirements.

(a) Facepieces shall be equipped with adjustable and replaceable head harnesses designed and constructed to provide adequate tension during suspension and an even distribution of pressure over the entire area covered by the facepiece.

(b) Mouthpieces shall be equipped, where applicable, with adjustable and replaceable head harnesses designed and constructed to hold the respirator in place.

§ 11.131 Chemical cartridge respirators; performance requirements; general.

Chemical cartridge respirators and the individual components of each such device shall, as appropriate, meet the minimum requirements for performance and protection specified in the tests described in §§ 11.131-1 through 11.131-8.

§ 11.131-1 Breathing resistance test; minimum requirements.

(a) The resistance to airflow of a completely assembled respirator on inhalation and exhalation will be determined on a mechanical apparatus at the facepiece or mouthpiece before and after each test conducted in accordance with §§ 11.131-5, 11.131-6, 11.131-7, and 11.131-8.

(b) The chemical-cartridge respirator will be mounted on a test fixture with air flowing at a continuous rate of 85 liters per minute.

(c) Each respirator shall meet the following minimum requirements for resistance:

MAXIMUM RESISTANCE
(mm. water-column height)

Type of chemical-cartridge respirator	Inhalation		Exhalation
	Initial	Final [1]	
Half-mask or mouthpiece, for gases, vapors, or gases and vapors	35	45	20
Half-mask or mouthpiece, for gases, vapors, or gases and vapors, and dusts, fumes, and mists	45	65	20
Half-mask or mouthpiece, for gases, vapors, or gases and vapors, and mists of paints, lacquers, and enamels	45	70	20

[1] Measured at end of the service life specified in Table 11.

§ 11.131-2 Exhalation valve leakage test; minimum requirements.

(a) The dry exhalation valve and the valve seat will be subjected to a suction of 25 mm. water-column height while in a normal operating position.

(b) Leakage between the valve and valve seat shall not exceed 30 milliliters per minute.

§ 11.131-3 Facepiece test; minimum requirements.

(a) The completely assembled chemical-cartridge respirator will be fitted to the faces of three persons having varying the facial shapes and sizes.

(b) (1) The facepiece or mouthpiece fit test will be performed by each wearer prior to each test.

(2) Where the applicant specifies a facepiece size or sizes for the respirator together with the approximate measurement of the faces they are designed to fit, the Bureau will provide wearers to suit such facial measurements.

(c) The facepiece or mouthpiece fit test using the positive or negative pressure recommended by the applicant and described in his instructions will be used during each test.

(d) Any chemical-cartridge respirator part which must be removed to perform the facepiece or mouthpiece fit test shall be replaceable without special tools and without disturbing facepiece or mouthpiece fit.

(e) (1) Each wearer will enter a chamber containing 100 p.p.m. isoamyl acetate vapor.

(2) The facepiece or mouthpiece may be adjusted, if necessary, in the test chamber before starting the test.

(3) Each wearer will remain in the chamber for 8 minutes while performing the following activities:

(i) Two minutes, nodding and turning head;
(ii) Two minutes, calisthenic arm movements;
(iii) Two minutes, running in place; and
(iv) Two minutes, pumping with a tire pump into a 28-liter (1 cubic-foot) cylinder.

(4) Each wearer shall not detect the odor of isoamyl acetate vapor during the test.

(f) (1) Three persons wearing two different respirators comfortably fitted to their face (a total of 6 wearings and 6 different respirators) will enter a chamber containing 1,000 p.p.m. dichlorodifluoromethane.[10]

(2) Each wearer will remain in the chamber for 12 minutes while performing the following activities:

(i) Two minutes, nodding and turning head and coughing;
(ii) One minute, smiling;
(iii) One minute, frowning;
(iv) Two minutes, reciting alphabet;
(v) Two minutes, talking;
(vi) Two minutes, deep and shallow breathing; and
(vii) Two minutes, pumping with a tire pump into 28-liter (1 cubic-foot) cylinder.

(3) Air samples will be taken continuously from inside the facepiece or mouthpiece.

(4) The average concentration of dichlorodifluoromethane in the sample, measured as described [11] shall not exceed 5 percent of the test concentration.

§ 11.131-4 Lacquer and enamel mist tests; respirators with filters; minimum requirements; general.

(a) Three respirators with cartridges containing or having attached to them, filters for protection against mists of paints, lacquers, and enamels shall be tested in accordance with the provisions of § 11.131-8.

(b) In addition to the test requirements set forth in paragraph (a) of this section, three such respirators will be tested against each aerosol in accordance with the provisions of §§ 11.131-5 and 11.131-6.

§ 11.131-5 Lacquer mist test; minimum requirements.

(a) Temperature in the test chamber will be approximately 25° C.

(b) Continuous airflow through the respirator will be 32 liters per minute.

(c) Airflow through the chamber will be 20-25 air changes per minute.

(d) The atomizer employed will be a Spraying Systems Co., 1/4J Pneumatic Atomizing Nozzle With Setup 1A, or equivalent, operating at 69 kN/m.^{2} (10 pounds per square inch gage).

(e) The test aerosol will be prepared by atomizing a mixture of 1 volume of clear cellulose nitrate lacquer and one volume of lacquer thinner.

(f) The lacquer used will conform essentially to Federal Specification TT-L-31, October 7, 1953.

(g) The concentration of cellulose nitrate in the test aerosol will be 95-125 milligrams per cubic meter.

(h) The test aerosol will be drawn to each respirator for a total of 156 minutes.

(i) The total amount of unretained mist in the samples taken during testing, weighed as cellulose nitrate, shall not exceed 5 milligrams for any one of the three respirators.

§ 11.131-6 Enamel mist test; minimum requirements.

(a) Temperature in the test chamber will be approximately 25° C.

(b) Continuous airflow through the respirator will be 32 liters per minute.

(c) Airflow through the chamber will be 20-25 air changes per minute.

(d) The atomizer employed will be a Spraying Systems Co., 1/4J Pneumatic Atomizing Nozzle With Setup 1A, or equivalent, operating at 69 kN/m.^{2} (10 pounds per square inch gage).

(e) The test aerosol will be prepared by atomizing a mixture of 1 volume of white enamel and one volume of turpentine.

(f) The enamel used will conform essentially to Federal Specification TT-E-489b, May 12, 1953 (an enamel having a phthalic alkyd resin vehicle and a titanium dioxide pigment).

(g) The concentration of pigment in the test aerosol, weighed as ash, will be 95-125 milligrams per cubic meter.

(h) The test aerosol will be drawn to each respirator for a total of 156 minutes.

(i) The total amount of unretained mist in the samples taken during testing, weighed as ash, shall not exceed 1.5 milligrams for any one of the three respirators.

§ 11.131-7 Dust, fume, and mist tests; respirators with filters; minimum requirements; general.

(a) Three respirators with cartridges containing, or having attached to them, filters for protection against dusts, fumes, and mists, except the mists of paints, lacquers, and enamels, will be tested in accordance with the provisions of § 11.131-8.

(b) In addition to the test requirements set forth in paragraph (a) of this section, three such respirators will be tested, as appropriate, in accordance with the provisions of §§ 11.110-1 through 11.110-15, however, the maximum allowable resistance of complete dust, fume, and mist, and gas, vapor, or gas and vapor chemical-cartridge respirators shall not exceed the maximum allowable limits set forth in § 11.131-1.

§ 11.131-8 Bench tests; gas and vapor tests; minimum requirements; general.

(a) Tests will be made on an apparatus that allows the test atmosphere (at 50 ± 5 percent relative humidity and room temperature, approximately 25° C.) to enter the cartridges continuously at predetermined concentrations and rates of flow, and that has means for determining the test life of the cartridges.

(b) Where two cartridges are used in parallel on a chemical-cartridge respirator, the bench test will be performed with the cartridges arranged in parallel, and the test requirements will apply to the combination rather than to the individual cartridges.

(c) Three cartridges or pairs of cartridges will be removed from containers

[10] Watson, H. A., P. M. Gussey, and A. J. Beckert, Evaluation of Chemical-Cartridge Respirator Face Fit. BuMines Report of Investigations 7431, 1970, 9 pp.
[11] Work cited in footnote 14.

and tested as received from the applicant.

(d) Two cartridges or pairs of cartridges will be equilibrated at room temperature by passing 25 percent relative humidity air through them at a flow rate of 25 liters per minute for 6 hours.

(e) Two cartridges or pairs of cartridges will be equilibrated by passing 85 percent relative humidity air through them at a flow rate of 25 liters per minute for 6 hours.

(f) All cartridges will be resealed, kept in an upright position at room temperature, and tested within 18 hours.

(g) Cartridges will be tested and shall meet the minimum requirements set forth in Table 11.

TABLE 11.—CARTRIDGE BENCH TESTS AND REQUIREMENTS

(30 CFR Part 11, Subpart I, § 11.131-8)

Cartridge	Test condition	Test atmosphere: Gas or vapor	Test atmosphere: Concentration (p.p.m.)	Flowrate (l.p.m.)	Number of tests	Penetration [1] (p.p.m.)	Minimum life (min.)
Ammonia	As received	NH_3	1000	64	3	50	50
Ammonia	Equilibrated	NH_3	1000	32	4	50	50
Chlorine	As received	Cl_2	500	64	3	5	40
Chlorine	Equilibrated	Cl_2	500	32	4	5	40
Hydrogen chloride	As received	HCl	500	64	3	5	50
Hydrogen chloride	Equilibrated	HCl	500	32	4	5	50
Methylamine	As received	CH_3NH_2	1000	64	3	10	25
Methylamine	Equilibrated	CH_3NH_2	1000	32	4	10	25
Organic vapors	As received	CCl_4	1000	64	3	5	50
Organic vapors	Equilibrated	CCl_4	1000	32	4	5	50
Sulfur dioxide	As received	SO_2	500	64	3	5	30
Sulfur dioxide	Equilibrated	SO_2	500	32	4	5	30

[1] Minimum life will be determined at the indicated penetration.

Subpart J—Pesticide Respirators

§ 11.140 Pesticide respirators; description.

Pesticide respirators including all completely assembled respirators which are designed for use as respiratory protection during entry into or escape from atmospheres which contain pesticide hazards, are described according to their construction and the approximate exposure of the wearer to pesticide vapor and particulate matter against which they are designed to provide respiratory protection, as follows:

Type of pesticide respirator	Maximum exposure [12]
Front-mounted or back-mounted gas mask.	100 times TLV.
Chin-style gas mask	50 times TLV.
Chemical-cartridge	10 times TLV.
Air-purifying respirator with attached blower.	10 times TLV.
Other devices, including combination respirators.	([13]).

[12] Maximum exposure will depend upon the concentration and the period of exposure.

[13] Other devices, including combination respirators, shall be rated and designated on the basis of their particular performance during tests conducted by the Bureau pursuant to the provisions of Subparts E through I of this part.

§ 11.141 Pesticide respirators; required components.

(a) Each pesticide respirator described in § 11.140 shall, where its design requires, contain the following component parts:

(1) Facepiece, mouthpiece, helmet, or hood;

(2) Canister with filter;

(3) Cartridge with filter;

(4) Harness;

(5) Attached blower.

(b) The components of each pesticide respirator shall, where applicable, meet the minimum construction requirements set forth in Subpart D or this part.

§ 11.142 Canisters and cartridges in parallel; resistance requirements.

Where two or more canisters of cartridges are used in parallel, their resistance to airflow shall be essentially equal.

§ 11.143 Canisters and cartridges; color and markings; requirements.

The color and markings of all canisters and cartridges shall conform with the requirements of the American National Standard for Identification of Gas Mask Canisters, K13.1.

§ 11.144 Filters used with canisters and cartridges; location; replacement.

(a) Particulate matter filters used in conjunction with a canister or cartridge shall be located on the inlet side of the canister or cartridge.

(b) Filters shall be incorporated into or firmly attached to the canister or cartridge and each filter assembly shall, where applicable, be designed to permit removal from and replacement on the canister or cartridge.

§ 11.145 Breathing tubes; minimum requirements.

(a) Flexible breathing tubes used in conjunction with respirators shall be designed and constructed to prevent:

(1) Restriction of free head movement;

(2) Disturbance of the fit of facepieces, mouthpieces, hoods, or helmets;

(3) Interference with the wearer's activities; and,

(4) Shut-off of airflow due to kinking, or from chin or arm pressure.

§ 11.146 Harnesses; installation and construction; minimum requirements.

(a) Each respirator shall, where required by the Bureau, be equipped with a suitable harness designed and constructed to hold the components of the respirator in position against the wearer's body.

(b) Harnesses shall be designed and constructed to permit easy removal and replacement of respirator parts, and, where applicable, provide for holding a full facepiece in the ready position when not in use.

§ 11.147 Respirator containers; minimum requirements.

(a) Respirators shall be equipped with a substantial, durable, container bearing markings which show the applicant's name, type and commercial designation of the respirator it contains, and all appropriate approval labels.

(b) Containers for gas masks shall be designed and constructed to permit easy removal of the mask.

§ 11.148 Half-mask facepieces and full facepieces; hoods and helmets; mouthpieces; fit; minimum requirements.

(a) Half-mask facepieces and full facepieces shall be designed and constructed to fit persons with various facial shapes and sizes (1) by providing more than one facepiece size, or (2) by providing one facepiece size which will fit varying facial shapes and sizes.

(b) Full facepieces shall provide for optional use of corrective spectacles, which shall not reduce the respiratory protective qualities of the respirator.

(c) Hoods and helmets shall be designed and constructed to fit persons with various head sizes, permit optional use of corrective spectacles without reducing the respiratory protective qualities of the respirator, and ensure against any restriction of movement by the wearer.

(d) Mouthpieces shall be designed and constructed with noseclips which are securely attached to the mouthpiece and provide an airtight seal.

(e) Facepieces, hoods, and helmets shall be designed to minimize eyepiece fogging.

§ 11.149 Facepieces, hoods and helmets; eyepieces; minimum requirements.

(a) Facepieces, hoods and helmets shall be designed and constructed to provide adequate vision which is not distorted by the eyepiece.

(b) All eyepieces of gas masks shall be designed and constructed to meet the impact and penetration requirements specified in the American National Standard for Occupational and Educational Eye and Facepiece Protection, Z87.

§ 11.150 Inhalation and exhalation valves; check valves; minimum requirements.

(a) Inhalation and exhalation valves shall be protected against distortion.

(b) Inhalation valves shall be designed and constructed and provided where necessary to prevent excessive exhaled air from adversely affecting cartridges, canisters and filters.

(c) Exhalation valves shall be provided where necessary and shall be designed and constructed with covers to protect against damage and external influence and to provide a dead airspace

to prevent the inward leakage of contaminated air.

§ 11.151 Head harnesses; minimum requirements.

(a) Facepieces shall be equipped with adjustable and replaceable head harnesses designed and constructed to provide adequate tension during suspension and an even distribution of pressure over the entire area covered by the facepiece.

(b) Mouthpieces shall be equipped, where applicable, with adjustable and replaceable headharnesses designed and constructed to hold the respirator in place.

§ 11.152 Air velocity and noise levels; hoods and helmets; minimum requirements.

(a) Hoods and helmets shall be designed and constructed to protect against harmful noise levels during use.

(b) Noise levels will be measured inside the hood or helmet at maximum obtainable airflow and shall not exceed those prescribed in Subpart F, Part 70 of this chapter.

§ 11.153 Pesticide respirators; performance requirements; general.

Pesticide respirators and the individual components of each such device shall, as appropriate, meet the minimum requirements for performance and protection specified in the tests described in §§ 11.153–1 through 11.153–7.

§ 11.153–1 Breathing resistance test; minimum requirements.

(a) The resistance to airflow of a completely assembled pesticide respirator on inhalation and exhalation shall be determined on a mechanical apparatus at the facepiece before and after each test conducted in accordance with §§ 11.153–5, 11.153–6, and 11.153–7.

(b) The pesticide respirator facepiece will be mounted on a test fixture with air flowing at a continuous rate of 85 liters per minute.

(c) Each respirator shall meet the following minimum requirements for resistance:

MAXIMUM RESISTANCE

(mm. water-column height)

Type of pesticide respirator	Inhalation: Initial	Inhalation: Final [1]	Exhalation
Front- or back-mounted gas mask	65	80	20
Chin-style gas mask	50	70	20
Air-purifying with attached blower	[2] 45	[2] 65	[2] 20
Chemical-cartridge	45	65	20

[1] Measured at end of the service life specified in table 12.

[2] Resistance of filter(s), cartridge(s), and breathing tube(s) only.

§ 11.153–2 Exhalation valve leakage test; minimum requirements.

(a) The dry exhalation valve and the valve seat will be subjected to a suction of 25 mm. water-column height while in a normal operating position.

(b) Leakage between the valve and valve seat shall not exceed 30 milliliters per minute.

§ 11.153–3 Facepiece test; minimum requirements.

(a) The completely assembled pesticide respirator will be fitted to the face of three persons having varying facial shapes and sizes.

(b) (1) The facepiece fit test will be performed by each wearer prior to each test.

(2) Where the applicant specifies a facepiece size or sizes for his respirator together with the approximate measurement of the faces they are designed to fit, the Bureau will provide wearers to suit such facial measurements.

(c) The facepiece fit test using the positive or negative pressure recommended by the applicant and described in his instructions will be used during each test.

(d) Any pesticide respirator part which must be removed to perform the facepiece fit test shall be replaceable without special tools and without disturbing facepiece fit.

(e) (1) Each wearer will enter a chamber containing 1,000 p.p.m. isoamyl acetate vapor.

(2) The facepiece may be adjusted, if necessary, in the test chamber before starting the test.

(3) Each wearer will remain in the chamber for 8 minutes while performing the following activities:

(i) Two minutes, nodding and turning head;

(ii) Two minutes, calisthenic arm movements;

(iii) Two minutes, running in place; and,

(iv) Two minutes, pumping with a tire pump into a 28-liter (1 cubic-foot) cylinder.

(4) Each wearer shall not detect the odor of isoamyl acetate during the test.

(f) (1) Three persons wearing two different respirators comfortably fitted to their face (a total of six wearings and six different respirators) will enter a chamber containing (i) 10,000 p.p.m. dichlorodifluoromethane where the respirator has a full facepiece, or (ii) 1,000 p.p.m. dichlorodifluoromethane where the respirator has a half-mask.[14]

(2) Each wearer will remain in the chamber for 12 minutes while performing the following activities:

(i) Two minutes, nodding and turning head and coughing.

(ii) One minute, smiling.

(iii) One minute, frowning.

(iv) Two minutes, reciting alphabet.

(v) Two minutes, talking.

(vi) Two minutes, deep and shallow breathing.

(vii) Two minutes, pumping with a tire pump into a metal cylinder.

(3) Air samples will be taken continuously from inside the facepiece.

(4) The average concentration of dichlorodifluoromethane in the sample, measured as described [15] shall not exceed 0.5 percent of the test concentration for full facepieces and mouthpieces or 5 percent of the test concentrations for half-mask facepieces.

§ 11.153–4 Silica dust test; minimum requirements.

Three completely assembled pesticide respirators will be tested with a mechanical-testing apparatus as follows:

(a) Temperature in the test chamber shall be approximately 25±2.5° C.

(b) Continuous airflow through the respirator shall be:

(1) 32 liters per minute for front-mounted, back-mounted, and chin-style gas mask pesticide respirators and chemical-cartridge pesticide respirators; or,

(2) At the normal operating airflow which shall be not less than 115 liters (4 cubic feet) per minute, for the air-purifying respirators with attached blowers with tight-fitting facepieces, and at not less than 170 liters (6 cubic feet) per minute for air-purifying respirators with attached blowers with loose-fitting hoods and helmets.

(c) The test aerosol will contain 50–60 milligrams of 99+ percent free silica per cubic meter of air.

(d) The particle-size distribution of the test suspension will have a geometric mean diameter of 0.4 to 0.6 micrometer, with a standard geometric deviation less than 2.

(e) Front-mounted, back-mounted, and chin-style gas mask pesticide respirators and chemical-cartridge pesticide respirators will be tested for 90 minutes and air air-purifying pesticide respirators with attached blowers will be tested for 4 hours.

(f) The breathing resistance of the respirators tested shall not exceed the maximum allowable levels prescribed in § 11.153–1.

§ 11.153–5 Lead fume test; minimum requirements.

Three completely assembled pesticide respirators will be tested with a mechanical-testing apparatus as follows:

(a) Temperature in the test chamber will be approximately 25±2.5° C.

(b) Continuous airflow through the respirator will be:

(1) 32 liters per minute for front-mounted, back-mounted, and chin-style gas mask pesticide respirators and chemical-cartridge pesticide respirators; or,

(2) At the normal operating airflow which shall be not less than 115 liters (4 cubic feet) per minute, for air-purifying respirators with attached blowers with tight-fitting facepieces, and at not less

[14] Test will be performed as described in the following: Watson, H. A., P. M. Gussey, and A. J. Beckert, Evaluation of Chemical-Cartridge Respirator Face Fit. Bureau of Mines Report of Investigations 7431, 1970, 9 pp.

[15] Work cited in Footnote 20.

than 170 liters (6 cubic feet) per minute for air-purifying respirators with attached blowers with loose fitting hoods and helmets.

(c) The test aerosol will contain 20–25 milligrams of freshly generated lead-oxide fume, calculated as lead, per cubic meter of air.

(d) The fume will be generated by impinging an oxygen-gas flame on molten lead.

(e) Front-mounted, back-mounted, and chin-style gas mask pesticide respirators and chemical-cartridge pesticide respirators will be tested for 90 minutes and air purifying pesticide respirators with attached blowers will be tested for 4 hours.

(f) The total amount of unretained test suspension, which is analyzed and calculated as lead, shall not exceed: (1) 0.43 milligram for any 90-minute test; (2) 4.8 milligrams for any test made at 115 liters (4 cubic feet) per minute; or (3) 6.2 milligrams for any test made at 170 liters (6 cubic feet) per minute.

§ 11.153–6 Dioctyl-phthalate test; minimum requirements.

(a) All canisters submitted for use with front-mounted and back-mounted gas mask pesticide respirators will be tested in an atmospheric concentration of 100 micrograms of dioctyl phthalate per liter of air at continuous flow rates of 32 and 85 liters per minute for a period of 5 to 10 seconds.

(b) The DOP leakage through the canister shall not exceed 0.03 percent of the ambient DOP concentration.

§ 11.153–7 Bench tests; minimum requirements.

(a) All canisters and cartridges employed in pesticide respirators shall meet the minimum requirements set forth in this section.

(b) Canisters and cartridges will be tested on a mechanical apparatus that allows a test atmosphere (50±5 percent relative humidity and a room temperature of 25±2.5° C.) to enter the canister or cartridge at predetermined concentrations and rates of flow, and that has a means for determining the test life of the canister or cartridge against carbon tetrachloride.

(c) Canisters and cartridges will be tested as they are used on each pesticide respirator, either singly or in parallel.

(d) (1) Three canisters or cartridges will be tested as received from the applicant.

(2) Two canisters, cartridges, or pairs of cartridges will be equilibrated at room temperature by passing 25 percent relative humidity air through them at 64 liters per minute (25 liters per minute for cartridges) for 6 hours.

(3) Two canisters, cartridges, or pairs of cartridges will be equilibrated at room temperature by passing 85 percent relative humidity air through them at 64 liters per minute (25 liters per minute for cartridges) for 6 hours.

(4) The equilibrated canisters or cartridges will be resealed, kept in an upright position at room temperature, and tested within 18 hours.

(e) Cansiters and cartridges tested in accordance with the provisions of this section shall meet the requirements specified in Table 12.

TABLE 12.—*Carbon tetrachloride bench tests and requirements for canisters and cartridges*

(30 CFR Part 11, Subpart J, § 11.153–7)

Type of pesticide respirator	Test conc, percent CCl_4	Flow rate, (l.p.m.)	Number of tests	Minimum life, minutes [1]
Chest-mounted or back-mounted gas mask (as received)	20,000	64	3	12
Chest-mounted or back-mounted gas mask (equilibrated)	20,000	32	4	12
Chin-style gas mask or chemical-cartridge respirator (as received)	1,000	64	3	50
Chin-style gas mask or chemical-cartridge respirator (equilibrated)	1,000	32	4	50
Air-purifying respirator with attached blower (as received)	1,000	64	3	50
Air-purifying respirator with attached blower (equilibrated)	1,000	32	4	50

[1] Minimum life will be determined at 5 ppm leakage.

Subpart O—Fees

§ 11.200 Examination, inspection and testing of complete respirator assemblies; fees.

Except as provided in § 11.202, the following fees shall be charged by the Bureau for the examination, inspection and testing of complete respirator assemblies:

(a) Self-contained breathing apparatus—	
(1) Entry and escape, one hour or more	$3,500
(2) Entry and escape, less than 1 hour	2,750
(3) Escape only	2,000
(b) Gas masks—	
(1) Single hazard	1,100
(2) Type N	4,100
(c) Supplied-air respirators	750
(d) Dust, fume and mist respirators—	
(1) Single particulate hazard having a TLV of more than 0.05 mg./m.³ or 2 million particles per cubic foot	500
(2) Combination particulate hazards having a TLV more than 0.05 mg./m.³ or 2 million particles per cubic foot	750
(3) Particulate hazards having a TLV less than 0.05 mg./m.³ or 2 million particles per cubic foot, radon daughters	1,250
(4) All dusts, fumes and mists	2,000
(e) Chemical cartridge respirators	1,150
(f) Paint spray respirators	1,600
(g) Pesticide respirators	1,600

§ 11.201 Examination, inspection and testing of respirator components; fees.

Except as provided in § 11.202, the following fees shall be charged by the Bureau for the examination, inspection and testing of the individual respirator components:

(a) Facepieces	$450
(b) Canisters	900
(c) Cartridges	600
(d) Filters	650
(e) Hoses	250
(f) Blowers	250
(g) Harnesses	100

§ 11.202 Unlisted fees; additional fees; payment by applicant prior to approval.

(a) Applications for the approval of complete respirator assemblies which are not listed in § 11.200, or for the approval of respirator components which are not listed in § 11.201, shall be accompanied by the following deposits:

(1) Complete respirator assembly	$1,500
(2) Each individual component	500

(b) The Bureau reserves the right to conduct any examination, inspection, or test it deems necessary to determine the quality and effectiveness of any listed or unlisted respirator assembly or respirator component, and to assess the cost of such examinations, inspections or tests against the applicant prior to the issuance of any approval for the respiratory equipment examined, inspected or tested.

(c) The fees charged for the examination, inspection and testing of unlisted respirator assemblies, unlisted individual respirator components and for the additional examination, inspection, and testing of listed respirator assemblies and components shall be at the rate of $100 per day for each man day required to be expanded by the Bureau.

(d) Upon completion of all examinations, inspections, and tests of unlisted respirator assemblies or components, or following the completion of any additional examination, inspections or tests of listed assemblies or components, the Bureau shall advise the applicant in writing of the total cost assessed and the additional amount, if any, which must be paid to the Bureau as a condition of approval.

(e) In the event the amount assessed by the Bureau for unlisted assemblies or components is less than the amount of the deposit submitted in accordance with paragraph (a) of this section, the Bureau shall refund the overpayment upon the issuance of any approval or notice of disapproval.

Subpart P—Approval

§ 11.210 Certificates of approval; scope of approval.

(a) The Bureau shall issue certificates of approval pursuant to the provisions of this subpart only for individual, completely assembled respirators which have been examined, inspected and tested and meet the minimum requirements set forth in Subparts E through J of this part, as applicable.

(b) The Bureau will not issue certificates of approval for any respirator component or for any respirator subassembly.

(c) The Bureau shall not issue an informal notification of approval.

§ 11.211 Certificates of approval; contents.

(a) The certificate of approval shall contain a classification and a description of the respirator or combination of respirators, for which it is issued as provided in this part.

(b) The certificate of approval shall specifically set forth any restrictions or limitations on the respirator's use in hazardous atmospheres.

(c) Each certificate of approval shall be accompanied by a list of drawings and specifications, which shall be incorporated by reference and maintained by the applicant. The plans and specifications listed in each certificate of approval shall set forth in detail the design and construction requirements which shall be met by the applicant during commercial production of the respirator.

(d) Each certificate of approval shall be accompanied by a reproduction of the approval label design to be employed by the applicant with each approved respirator as provided in § 11.213.

(e) No test data or specific laboratory findings will accompany any certificate of approval, however, the Bureau will release pertinent test data and specific findings upon written request by the applicant.

(f) Each applicant shall be required to maintain an exact duplicate of the drawings and specifications incorporated in each certificate of approval in accordance with paragraph (c) of this section.

(g) Each certificate of approval shall also contain a description of the quality control plan as specified in § 11.221.

§ 11.212 Notice of disapproval.

(a) If, upon the completion of the examinations, inspections and tests required to be conducted in accordance with the provisions of this part, it is found that the respirator does not meet the minimum requirements set forth in this part, the Bureau shall issue a written notice of disapproval of the applicant.

(b) Each notice of disapproval shall be accompanied by all available data or findings with respect to the defects of the respirator for which approval was sought with a view to the possible correction of any such defects.

(c) The Bureau shall not disclose, except to the applicant upon written request, any data, findings or other information with respect to any respirator for which a notice of disapproval is issued.

§ 11.213 Approval labels and markings; approval of contents; use.

(a) Full-scale reproductions of approval labels and markings and a sketch or description of their method of application and position on the harness, container, canister, cartridge, filter, or other component, together with instructions for the use and maintenance of the respirator shall be submitted to the Bureau for approval.

(b) Approval labels shall, where appropriate, bear the seals of the U.S. Bureau of Mines and the Department of Health, Education, and Welfare, the applicant's name and address, the restrictions or limitations placed upon the use of the respirator by the Bureau, and an approval number assigned in accordance with the following schedule:

Type of respirator	*Approval Designation*
Self-contained breathing apparatus.	13E—(Serial number) [16]
Gas mask, including pesticide gas masks.	14G—(Serial number) [16]
Supplied-air respirator	19B—(Serial number) [16]
Dust, fume, and mist respirator.	21B—(Serial number) [16]
Chemical cartridge, including pesticide chemical cartridge.	23C—(Serial number) [16]

[16] A serial number shall be added to each listed designation to form the complete approval number.

(c) The Bureau shall, where necessary, notify the applicant when additional labels, markings or instructions will be required.

(d) Approval labels and workings shall only be used by the applicant to whom they were issued.

(e) Legible reproductions or abbreviated forms of the label approved by the Bureau for use on each respirator shall be attached to or printed at the following locations:

Respirator type	Label type	Location
Self-contained breathing apparatus.	Entire	Harness assembly and canister (where applicable).
Gas mask	Entire	Mask container and canister.
Supplied-air respirator.	Entire	Respirator container or instruction card.
Dust, fume, and mist respirator.	Entire	Respirator container and filter container.
	Abbreviated.	Filters.
Chemical-cartridge respirator.	Entire	Respirator container, cartridge container, and filter containers (where applicable).
	Abbreviated.	Cartridges and filters and filter containers.
Pesticide respirator.	Entire	Respirator container, and cartridge and filter containers.
	Abbreviated.	Cartridges and filters.

(f) The use of any Bureau approval label obligates the applicant to whom it is issued to maintain or cause to be maintained the approved quality control sampling schedule and the acceptable quality level for each attribute tested, and to guarantee that it is manufactured according to the drawings and specifications upon which the certificate of approval is based.

§ 11.214 Withdrawal of certificates of approval.

The Bureau reserves the right to rescind, for cause, any certificate of approval issued pursuant to the provisions of this part.

§ 11.215 Changes or modification of approved respirators; issuance of extension of certificate of approval.

(a) Each applicant may, if he desires to change any feature of an approved respirator, obtain an extension of the original certificate of approval issued by the Bureau for such respirator by filing an application for such extension in accordance with the provisions of this section.

(b) Applications shall be submitted as for an original certificate of approval, with a request for an extension of the existing certificate to cover any proposed change or modification.

(c) The application shall be accompanied by appropriate drawings and specifications, and by a proposed quality control plan which meet the requirements of Subpart M of this part.

(d) The application for extension together with the accompanying material shall be examined by the Bureau to determine whether testing will be required.

(e) The Bureau shall inform the applicant of the fee required for any additional testing and the applicant will be charged for the actual cost of any examination, inspection or test required and such fees shall be submitted in accordance with the provisions of Subpart O of this part.

(f) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied, where necessary, by a list of new and revised drawings and specifications covering the change(s) and reproductions of revised approval labels.

§ 11.216 Delivery of approval record.

An approved respirator with proper markings and containers shall be delivered by the applicant to the Bureau of Mines, Approval and Testing, 4800 Forbes Avenue, Pittsburgh, PA 15213 as soon as it is commercially produced with such modifications.

Subpart Q—Quality Control

§ 11.220 Quality control plans; filing requirements.

(a) Each applicant shall file with the Bureau a proposed quality control plan which shall be designed to maintain the quality of protection provided by the respirator for which approval is sought.

(b) Quality control plans shall be filed by the applicant as a part of each application for approval or extension of approval submitted pursuant to Subpart B of this part.

§ 11.221 Quality control plans; contents.

(a) Each quality control plan shall include a procedure for the selection of approved respirators and their components for testing, from the MIL–STD–105, "Sampling Procedures and Tables for Inspection by Attributes," or from MIL–STD–414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective", or from a combination of such sampling procedures.

(b) The sampling plan shall include a list of the characteristics to be tested by the applicant.

(c) The characteristics listed in accordance with paragraph (b) of this section shall be classified according to the potential effect of each defect or defective and grouped into the following classes:

(1) *Critical.* A defect or defective that judgment and experience indicate is likely to result in a condition immediately hazardous to life for individuals using or depending upon the respirator.

(2) *Major.* A defect or defective, other than critical, that is likely to result in failure, or to reduce materially the usability of the respirator for its intended purpose.

(3) *Minor.* A defect or defective that is not likely to reduce materially the usability of the respirator for its intended purpose, or is a departure from established standards having little bearing on the effective use or operation of the respirator.

(d) For each characteristic required to be tested, the test method to be used by the applicant for quality control inspection shall be described in detail.

(e) For those characteristics for which an alternate inspection level has been requested pursuant to paragraph (h) of this section, the alternate level proposed and supporting evidence for its selection shall be given.

(f) Each item manufactured shall be inspected for defects in all critical characteristics and all defective items shall be rejected.

(g) The Acceptable Quality Level (AQL) for each major or minor defect, defective, or both groups so classified by the applicant shall be as follows:

(1) Major—0.4 percent.

(2) Minor—2.5 percent.

(h) Inspection level II as described in MIL–STD–105, or in MIL–STD–414 shall be used for major and minor characteristics and 100 percent inspection for critical characteristics except when the applicant's request for an alternate inspection level has been approved by the Bureau of Mines. The request for an alternate inspection level shall include sufficient evidence that smaller sample sizes are necessary and larger sampling risks can be tolerated.

§ 11.222 Proposed quality control plans; approval by the Bureau.

(a) Each sample quality control plan submitted in accordance with this subpart shall be reviewed by the Bureau to determine its effectiveness in maintaining the quality of respiratory protection provided by the respirator for which an approval is issued.

(b) In the event the sample quality control plan submitted by the applicant will not, in the opinion of the Bureau ensure adequate quality control, the Bureau shall, as necessary, modify the procedures and testing requirements of the plan prior to approval of the plan and issuance of any certificate of approval.

(c) Approved quality control plans shall constitute a part of and be incorporated into any certificate of approval issued by the Bureau, and compliance with such plans by the applicant shall be a condition of approval.

§ 11.223 Maintenance of quality control records; review by the Bureau; rescission of approval.

(a) The applicant shall maintain quality control inspection records.

(b) The Bureau reserves the right, at reasonable times, to have its qualified representatives inspect the applicant's quality control test methods, equipment, and records, and to interview any employee or agent of the applicant who conducts quality control tests.

(c) The Bureau also reserves the right to rescind, for cause, any certificate of approval where it finds that the applicant's quality control test methods or records do not ensure effective quality control over the respirator for which the approval was issued.

[FR Doc.71–3012 Filed 3–9–71;8:45 am]

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Air Force Department
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Delaware River Basin Commission
Federal Aviation Administration
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
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Interstate Commerce Commission
Labor Department
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Maritime Administration
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Overseas Private Investment Corporation
Railroad Retirement Board
Securities and Exchange Commission
Small Business Administration
State Department
Tariff Commission
Wage and Hour Division

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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-528]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the reference to the State of Florida in the introductory portion of paragraph (e) and paragraph (e)(3) relating to the State of Florida are deleted, and paragraph (f) is amended by adding thereto the name of the State of Florida.

2. In § 76.2, in paragraph (e)(8) relating to the State of North Carolina, subdivision (iii) relating to Beaufort County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33(Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments exclude portions of Alachua, Columbia, and Escambia Counties in Florida and a portion of Beaufort County, N.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Florida remain under the quarantine.

The amendments add Florida to the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are applicable to Florida.

Insofar as the amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, they must be made effective immediately to be of maximum benefit to affected persons. Insofar as they impose restrictions, they should be made effective promptly in order to prevent the spread of hog cholera. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of March 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-3402 Filed 3-10-71;8:50 am]

[Docket No. 71-527]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(13) relating to the State of Texas is amended to read:

(13) *Texas.* (i) All of Bexar and El Paso Counties.

(ii) That portion of the State of Texas comprised of all of Bosque, Callahan, Comanche, Eastland, Erath, Freestone, Hill, McLennan, Somervell, and Tarrant Counties and portions of Bell, Brown, Coleman, Coryell, Ellis, Falls, Hamilton, Hood, Johnson, Limestone, Mills, Navarro, Palo Pinto, Parker, Shackelford, Stephens, and Taylor Counties, and bounded by a line beginning at the junction of U.S. Highway 287 and the southern boundary of Tarrant County; thence, following U.S. Highway 287 in a southeasterly direction to Interstate Highway 45 in Ellis County; thence, following Interstate Highway 45 in a southeasterly direction to State Highway 14 in Navarro County; thence, following State Highway 14 in a southwesterly direction to State Highway 7 in Limestone County; thence, following State Highway 7 in a southwesterly direction to State Highway 320 in Falls County; thence, following State Highway 320 in a southwesterly direction to State Highway 53 in Bell County; thence, following State Highway 53 in a northwesterly direction to State Highway 36 in Bell County; thence, following State Highway 36 in a northwesterly direction to U.S. Highway 84 in Coryell County; thence, following U.S. Highway 84 in a generally northwesterly direction to State Highway 351 in Taylor County; thence, following State Highway 351 in a northeasterly direction to U.S. Highway 180 in Shackelford County; thence, following U.S. Highway 180 in an easterly direction to the western boundary of Tarrant County; thence, following the western then northern, then eastern, and then southern boundary of Tarrant County to its junction with U.S. Highway 287.

(iii) That portion of Denton County bounded by a line beginning at the junction of the Denton-Collin County line and Farm-to-Market Road 720; thence, following Farm-to-Market Road 720 in a generally northwesterly direction to State Highway 24 (also U.S. Highway 377); thence, following State Highway 24 (also U.S. Highway 377); in a generally southwesterly direction to the Denton-Tarrant County line; thence, following the Denton-Tarrant County line in an easterly direction to the Denton-Dallas County line; thence, following the Denton-Dallas County line in a continuing easterly direction to the Denton-Collin County line; thence, following the Denton-Collin County line in a northerly direction to its junction with Farm-to-Market Road 720.

(iv) The adjacent portions of Wise and Parker Counties bounded by a line beginning at the junction of Farm-to-Market Road 51 and U.S. Highway 81, 287; thence, following U.S. Highway 81, 287 in a southeasterly direction to Farm-to-Market Road 730; thence, following Farm-to-Market Road 730 in a southeasterly direction to the junction of the Wise-Parker-Tarrant County lines; thence, following the Parker-Tarrant County line in a southerly direction to State Highway 199; thence, following State Highway 199 in a northwesterly direction to Farm-to-Market Road 1707; thence, following Farm-to-Market Road 1707 in a southwesterly direction to U.S. Highway 80, 180; thence, following U.S. Highway 80, 180 in a westerly direction

to Farm-to-Market Road 51; thence, following Farm-to-Market Road 51 in a northerly direction to Farm-to-Market Road 920; thence, following Farm-to-Market Road 920 in a northwesterly direction to Farm-to-Market Road 1885; thence, following Farm-to-Market Road 1885 in a generally northwesterly direction to the Parker-Palo Pinto County line; thence, following the Parker-Palo Pinto County line in a northerly direction to the Parker-Jack County line; thence, following the Parker-Jack County line in an easterly direction to the Parker-Wise County line; thence, following the Parker-Wise County line in an easterly direction to Farm-to-Market Road 51; thence, following Farm-to-Market Road 51 in a northeasterly direction to its junction with U.S. Highway 81, 287.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine all of Bosque and Somervell Counties and portions of Bexar, Callahan, Comanche, Eastland, Erath, Freestone, Hill, McLennan, Bell, Brown, Coleman, Coryell, Ellis, El Paso, Falls, Hamilton, Hood, Johnson, Limestone, Mills, Navarro, Palo Pinto, Parker, Shackelford, Stephens, and Taylor Counties in Texas because of the existence of hog cholera. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments also exclude portions of Liberty, Harris, Montgomery, Grayson, Tom Green, and Upton Counties in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine. No areas in Liberty, Harris, Montgomery, Grayson, Tom Green, and Upton Counties in Texas remain under the quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of March 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-3401 Filed 3-10-71;8:50 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

License Applications

The Atomic Energy Commission has adopted an amendment to § 2.105 of its rules of practice in 10 CFR Part 2. The amendment elminates from that section, which deals with notices of proposed action on license applications, the requirement that the notice set forth a finding that the application does or does not comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in Title 10, Chapter 1 of the Code of Federal Regulations.

The Commission intends, on appropriate occasions, to follow the practice of giving earlier notice of proposed action in nuclear power plant licensing proceedings, in order to facilitate public participation in licensing proceedings with a minimum of licensing delays. Such earlier notice will be given before the Commission's regulatory staff and the Advisory Committee on Reactor Safeguards have completed their review of the license application. Consequently, under such circumstances, the Commission will not make a finding as to compliance with the Act and Commission regulations at the time of publication of the notice of proposed action. The Commission will, of course, make the appropriate findings before the license is issued.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 2 is published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER (3-11-71).

Section 2.105(b) is amended by substituting a period for the semicolon in subparagraph (2), deleting the word "and" in subparagraph (2), and deleting subparagraph (3).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 4th day of March 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-3342 Filed 3-10-71;8:45 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 71-216]

PART 527—HOUSING OPPORTUNITY ALLOWANCE PROGRAM

MARCH 4, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend the rules and regulations for the Federal Home Loan Bank System (12 CFR Subchapter B) by adding a new Part 527 thereto to implement the authority contained in title I of Public Law 91-351, approved July 24, 1970, for the purposes set forth therein. Accordingly, on the basis of such consideration and for such purposes, the Board hereby amends said Subchapter B by adding a new Part 527 thereto to read as follows, effective March 11, 1971:

Sec.
527.1 General.
527.2 Definitions.
527.3 Housing opportunity allowance.
527.4 Credits to member institutions.
527.5 Allocation and disbursement of funds to banks.
527.6 Closing documents.

AUTHORITY: The provisions of this Part 527 issued under title I, Public Law 91-351, 84 Stat. 450, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorganization Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.

§ 527.1 General.

Title I of the Emergency Home Finance Act of 1970, Public Law 91-351, provides for the Board to make disbursement of appropriated funds to the Banks for the purpose of adjusting the effective interest rate charged by such Banks on advances. Said title authorizes the Board to prescribe terms and conditions to assure that the sums disbursed are used to assist in the provision of housing for low- and middle-income families and that such families share fully in the benefits resulting from such disbursements. This part applies to loans for the purchase of single-family dwellings by such families.

§ 527.2 Definitions.

As used in this part—

(a) *Allowance.* The term "allowance" means a Housing Opportunity Allowance to be credited against interest due on loans and Bank advances as provided in §§ 527.3 and 527.4.

(b) *Borrower.* The term "borrower" means the person or persons who are to be obligated to repay a qualifying loan.

(c) *Effective rate of interest.* The term "effective rate of interest" means the annual percentage rate of finance charge on a loan or advance determined in accordance with the provisions of § 226.5 of this title relating to extensions of credit other than open end credit.

(d) *Eligible borrower.* The term "eligible borrower" means a borrower who, at the time of making application for an allowance and at the time of the closing of a qualifying loan—(1) Is one of the following:

(i) Either spouse of a married couple living together, or both such spouses; or

(ii) A head of household with one or more dependent children;

(2) Is a citizen of the United States;

(3) Has a current annual gross income (including income of both spouses) not in excess of the Housing Opportunity Allowance Program Regular Family Income Limits published by the Board (as revised from time to time); and

(4) Does not have sufficient income, but for the Housing Opportunity Allowance, to warrant the making of a qualifying loan by a member institution.

(e) *Gross income.* The term "gross income" means the total of—(1) Gross income as defined in § 61 of the Internal Revenue Code; and (2) "tax-free" interest on State, municipal, and other governmental obligations.

(f) *Guaranteed loan.* The term "guaranteed loan" means a loan that is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended.

(g) *Insured loan.* The term "insured loan" means a loan that is insured, or as to which the mortgagee is insured, or as to which a commitment for any such insurance has been made under the provisions of either the National Housing Act or the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended.

(h) *Member institution.* The term "member institution" means (1) an institution which is a member of a Bank and whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation and (2) any other member which enters into an agreement with the Board to permit and pay the cost of such examination as the Board may from time to time deem necessary to insure compliance with the provisions of this part.

(i) *Monthly installment loan.* The term "monthly installment loan" means a loan repayable in equal, or substantially equal, monthly payments of principal and interest sufficient to amortize the principal amount of the loan in full within the term of the loan.

(j) *Qualified appraiser.* The term "qualified appraiser" means (1) a professional real estate appraiser whose regular occupation includes the valuation of residential real estate, and (2) any appraiser who is employed by a lender on a regular basis.

(k) *Qualifying loan.* The term "qualifying loan" means a loan which—

(1) Is for the purpose of financing the purchase of a single-family dwelling to be owned and occupied by an eligible borrower as a primary residence, the purchase price of which may not be in excess of 100 percent of value;

(2) Is secured or is to be secured by a first lien on such single-family dwelling;

(3) Is not an insured loan or a guaranteed loan;

(4) Is in a principal amount—

(i) Not less than an amount equal to 70 percent of the value of the security property;

(ii) Not more than the lesser of

(*a*) An amount equal to 100 percent of value of the security property;

(*b*) The purchase price of the security property; or

(*c*) $25,000.

(5) Bears an effective rate of interest which does not (and will not, for a period of 5 years from the date the loan is made) exceed by more than 150 basis points the average effective rate of interest for all outstanding advances of the member institution's Bank (as calculated and published by such Bank) for the month preceding the month in which the commitment for the loan is made;

(6) Is a monthly installment loan repayable over a period of not less than 25 years nor more than 30 years;

(7) Requires the borrower to pay, monthly, in advance, to the member institution, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the security property; and

(8) Permits the borrower to prepay the loan in full or in part at any time with no prepayment privilege fee in excess of 6 months' advance interest on that part of the aggregate amount of all prepayments made on such loan in any 12-month period which exceeds 20 percent of the original principal amount of the loan.

(l) *Single-family dwelling.* The term "single-family dwelling" means a structure designed for residential use by one family; or a unit designed for residential use by one family, the owner of which unit owns an undivided interest in the underlying real estate. The term also includes property, owned in common with others, which is necessary or contributes to the use and enjoyment of such a structure or unit.

(m) *Value.* The term "value" means the value of a property as determined by a qualified appraiser using comparable properties (when available) for such determination.

§ 527.3 Housing opportunity allowance.

(a) *General.* Subject to the provisions of this part, any eligible borrower who has obtained a qualifying loan from a member institution, and a commitment for an allowance from such member institution as provided in paragraph (c) of this section, will receive from such member institution an allowance of $20 to be credited against the interest to be charged on each of the first 60 monthly installments paid on such qualifying loan, as provided in such commitment.

(b) *Application*—(1) *Form.* The application for an allowance shall be on a form prescribed by the Board, copies of which form shall be furnished upon request by the Banks. Such form shall contain three copies of the application: one copy to be furnished to the borrower, one copy to be retained by the member institution, and one copy to be submitted to the member institution's Bank as provided in paragraph (b) of § 527.6. Such application, together with the loan application, shall provide the information necessary to enable the member institution to determine whether the applicant is an eligible borrower and whether the loan applied for will be a qualifying loan. Such application shall be signed by each applicant who is to be a borrower.

(2) *Statement of intention.* In making such application, each applicant shall sign a statement of intention that, if the qualifying loan is made, the borrower:

(i) Will be the title owner of the real estate securing the loan;

(ii) Will occupy the single-family dwelling comprising such real estate as a primary residence; and

(iii) Will not give or execute any secondary lien or charge in connection with the purchase or such real estate.

(c) *Commitment to be furnished to borrower.* At the time of closing of the qualifying loan, the member institution shall furnish to the borrower, and the borrower shall acknowledge receipt of, a commitment, signed by an officer of the member institution, stating the terms and conditions under which the borrower shall be entitled to receive an allowance from the member institution. Such commitment, which will be printed on the reverse side of the application prescribed pursuant to paragraph (b) of this section, shall be in the following form:

HOUSING OPPORTUNITY ALLOWANCE COMMITMENT

To: (Name of each person who is obligated on the loan.)

Pursuant to regulations of the Federal Home Loan Bank Board, the undersigned institution will make Housing Opportunity Allowance credits to you in connection with your loan for the purchase of the property described on the reverse side of this commitment subject to the following terms and conditions:

1. *Allowance of Credit.* $20 will be credited at the time each of the first 60 monthly installments required under the loan contract is accepted from you, except when any such $20 credit is required to be withheld as stated in item 2 below.

(NOTE: Each of your first sixty monthly installment payments should be in the amount required by your loan contract less the $20 credit herein provided for. However, the monthly installment payment should be in the full amount required by your loan contract if any of the exceptions in item 2 below are applicable.)

2. *Exceptions to Allowance of Credit.* No credit will be made—

(a) As to any monthly installment which is accepted more than 6 months before or

more than 6 months after the date such installment is due;

(b) After a sale or transfer of the property except a transfer by reason of death to a surviving tenant by the entirety or joint tenant or to your heirs or devisees;

(c) As to any monthly installment which is accepted at a time when the property is rented;

(d) If you have knowingly made a false statement in order to obtain your loan.

3. *Charge for Disallowable Credit.* Your loan account will be charged for any credit previously made but which should have been withheld under an exception set forth in item 2 above.

4. *Dispute as to Allowable Credit.* In the event of any dispute as to allowance of any credit under this commitment, the undersigned institution will rely on a determination by an Agent of the Federal Home Loan Bank Board as to whether the credit should be allowed or disallowed, and such determination will be final as to you and the undersigned institution.

Date: ----------

(Name of member institution)

Member, Federal Home Loan Bank of ------

By: ---
(Signature and title of officer)

(I) (We) acknowledge receipt of a copy of this commitment:

(Borrower)

(Borrower)

(d) *Crediting of allowance to borrower.* The Board hereby prescribes the terms and conditions contained in the commitment set forth in paragraph (c) of this section as terms and conditions applicable to the crediting of allowances on qualifying loans.

§ 527.4 Credits to member institutions.

(a) *General.* Each member institution having a commitment for allowance funds as provided in paragraph (b) of this section will, to the extent of such commitment, receive from the Bank of which it is a member a credit against interest due on advances in an amount equal to the total amount of allowances which the member institution has properly credited on qualifying loans as provided in § 527.3.

(b) *Commitments for allowance funds.* Any member institution may request in writing a commitment for allowance funds from the Bank of which it is a member. Commitments will be granted by such Bank, on such basis and for such time periods as the Bank may deem advisable, until the Bank's allocation of funds is exhausted.

(c) *Procedure.* Each member institution which has paid one or more allowances during a month shall, by the 20th day of the succeeding month, submit a report to the Bank of which it is a member, pursuant to paragraph (d) of this section. Such member shall deduct, from any subsequent bill for interest due on outstanding advances from the Bank, an amount equal to the allowances so reported, remitting only the net amount to the Bank.

(d) *Form of report.* The report required by paragraph (c) of this section shall be made on a form prescribed by the Board, copies of which form shall be furnished upon request by the Banks. Such report, to be signed by an officer of the member institution, shall state:

(1) The total number of allowances credited during the preceding month and the total dollar amount of allowances so credited; and

(2) Such other information as the Board may from time to time require.

§ 527.5 Allocation and disbursement of funds to Banks.

(a) *Allocation of funds*—(1) *Initial allocation.* Subject to the limitation contained in subparagraph (3) of this paragraph, the Board will initially allocate allowance funds to each Bank in an amount proportionate to the ratio of (i) the amount of outstanding mortgages on single-family dwellings held by all members in that Bank's district on June 30, 1970, to (ii) outstanding mortgages on single-family dwellings held by all members in all bank districts as of such date, as determined by the Board.

(2) *Remaining allowance funds.* Any remaining allowance funds not committed by the Banks to member institutions may be subsequently reallocated by the Board on such basis and at such times as it may deem desirable, subject to the limitation contained in subparagraph (3) of this paragraph.

(3) *Limitation.* No Bank will receive an allocation of allowance funds in an amount exceeding 20 percent of the total amount of sums appropriated pursuant to subsection (a) of section 101 of the Emergency Home Finance Act of 1970.

§ 527.6 Closing documents.

(a) *Required certifications.* "At the time of closing of a qualifying loan with respect to which an allowance will be credited, the following written certifications, each of which shall contain a reference to the penal provisions of section 1014 of title 18 of the United States Code, shall be required as closing documents:

(1) *By seller and borrower.* A certification jointly executed by the borrower and the seller or sellers of the security property stating (i) the purchase price thereof and the items comprising such price; and (ii) that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or to the seller or sellers or has been contracted or agreed to be so given or executed.

(2) *By appraiser.* A certification by a qualified appraiser that he has personally inspected both the interior and exterior of the security property and has determined the value thereof in accordance with paragraph (m) of § 527.2.

(3) *By borrower.* A certification by the borrower that all information provided in the application for an allowance was accurate at the time of the closing of the qualifying loan, together with the borrower's statement of intention provided for in paragraph (b)(2) of § 527.3, as container in the member institution's copy of such application.

(4) *By member institution.* A certification by the member institution that—

(i) At the time the borrower's application was approved and at the time of the closing of the qualifying loan, such borrower was, in the determination of the member institution based upon the information furnished by the borrower, an eligible borrower and did not have, but for the Housing Opportunity Allowance, sufficient income to warrant the making of a qualifying loan to such borrower;

(ii) The loan is, in the determination of the member institution, a qualifying loan; and

(iii) All certifications required by this paragraph have been obtained and are in the possession of the member institution.

(b) *Required submission to Bank.* Promptly after the closing of such qualifying loan, the member institution shall transmit to the Bank of which it is a member the Bank's copy of the borrower's application, containing the certification required to be made by the member institution pursuant to subparagraph (4) of paragraph (a) of this section, signed by an officer of the member institution, and containing the borrower's acknowledgment or receipt of the commitment respecting his allowance as required by paragraph (c) of § 527.3.

(c) *Retention of documents.* The member institution shall retain its copy of the borrower's application and the original copies of all other closing documents required by paragraph (a) of this section and shall include such documents with its records as required by applicable law or regulation.

Resolved further that, since the above amendment relates to the implementation of a benefits program, notice and public procedure on said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since it is the public interest that such benefits program be made available as soon as possible, the Board finds that publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553 (d) prior to the effective date of the amendment should not be made; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.71-3412 Filed 3-10-71;8:51 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-217]

PART 545—OPERATIONS

Loans by Federal Savings and Loan Associations

MARCH 4, 1971.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1) for the purpose of increasing the percentage-of-value limitation, on loans made under the Housing Opportunity Allowance Program, to 100 percent of the value of a single-family dwelling located within the association's regular lending area. Accordingly, the Federal Home Loan Bank Board hereby amends said section by reserving subparagraph (5) of paragraph (a) thereof and by adding a new subparagraph (6) thereto, to read as follows, effective March 11, 1971:

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(a) *Homes or combination of homes and business property.* * * *

(5) [Reserved]

(6) *Loans to 100 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 100 percent in the case of any loan which is made on the security of a single-family dwelling located within the association's regular lending area and which is made under regulations for the Housing Opportunity Allowance Program contained in Part 527 of this chapter.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that such amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since such amendment relieves restriction, publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.71-3413 Filed 3-10-71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-5; Amdt. 39-1167]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Sikorsky S61 type helicopters and revoke AD 68-23-4 and 66-6-4.

The manufacturer has completed an extensive program of evaluation of the dynamic components of S-61 helicopters, including the accumulation of additional test data and the new fatigue analysis of these components. This has resulted in the development of a new list of retirement times for S-61 components. In view of the critical character of these components of a helicopter, the new retirement times are mandatory.

Since the foregoing requires expeditious adoption of the amendment, notice and public procedure herein are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by revoking AD 68-23-4 and 66-6-4 and issuing a new airworthiness directive as follows:

SIKORSKY. Applies to S-61L and S-61N Type Helicopters certificated in all categories.

Compliance required as indicated.

As a result of the completion of a recent engineering evaluation program and the development of additional substantiating data a new schedule of replacement times has been established for the components of S-61 helicopters.

(a) Within the next 25 hours time in service after the effective date of this AD the replacement of S-61 components must be accomplished in accordance with the schedule of section 2C of Sikorsky Service Bulletin No. 61B General—1, dated January 25, 1971, or later FAA-approved revisions.

(b) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)-1. All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft Stratford, Conn. These documents may be examined at the Office of Regional Counsel, Federal Building, John F. Kennedy Airport, Jamaica, N.Y., and at FAA Headquarters, 800 Independence Avenue SW., Washington, DC. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at Eastern Region Headquarters, Jamaica, N.Y.

(This supersedes AD 68-23-4 and AD 66-6-4.)

This amendment is effective March 12, 1971.

(Secs. 318(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on February 25, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-3370 Filed 3-10-71; 8:47 am]

[Docket No. 71-EA-19; Amdt. 39-1168]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Pratt & Whitney JT4A type aircraft engines.

There have been reports of failures of 12th stage compressor discs which have resulted from material deficiencies. Since this deficiency can develop or exist in other engines of the same type design, this airworthiness directive is being issued to require removal of certain numbered discs within a given time limit.

The foregoing required immediate corrective action and, therefore, a telegram was transmitted to all owners of aircraft which incorporate the JT4A type engine on January 18, 1971. The same requirement still exists and, therefore, notice and public procedure hereon are impractical and the direction may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Applies to all Pratt & Whitney Aircraft JT4A series turbojet engines which incorporate the following serial number 12th stage compressor rotor disc part number 360112.

2G5181	2G5821	2G6445
2G5182	2G5825	2G6448
2G5183	2G5826	2G6449
2G5446	2G6027	2G6454
2G5807	2G6030	2G6581
2G5812	2G6360	2G6583
2G5818	2G6362	2G6585
2G5820	2G6363	3G0201

Compliance required as indicated.

To preclude 12th stage compressor rotor disc failure as the result of suspected material deficiency, accomplish the following:

1. For all the previously listed serial number 12th stage compressor rotor discs:

A. With 18,000 hours or more in service within the next 50 hours in service after the effective date of this AD, replace the suspect serial number disc.

B. With 18,000 hours or less in service prior to the accumulation of 18,050 hours in service, replace the suspect serial number disc.

2. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance time.

This amendment is effective March 12, 1971.

(Sec. 313(a), 601, 603 Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 25, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-3371 Filed 3-10-71;8:47 am]

[Docket No. 10714; Amdt. 39-1172]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls-Royce Dart Engine Models 506, 510, 511, 511-7E, 514, and 514-7

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring

replacement of the turbine disc retaining bolt P/N RK 33044 with P/N RK 43376 on Rolls-Royce Dart Engine Models 506, 510, 511, 511-7E, 514, and 514-7 was published in the FEDERAL REGISTER, 35 F.R. 18475.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROLLS-ROYCE. Applies to Rolls-Royce Dart engine models 506, 510, 511, 511-7E, 514, and 514-7 installed on, but not necessarily limited to British Aircraft Corp. Viscount 744 and 745D; Fairchild F-27 and F-27B; and Fokker F-27 airplanes.

Compliance is required as indicated, unless already accomplished.

(a) For all engines installed on airplanes having an average daily utilization rate of more than 3 hours flight time per day, comply with paragraph (c) within the next 4,000 hours' time in service after the effective date of this AD, or at the next engine overhaul, whichever occurs first.

(b) For all engines installed on airplanes having an average daily utilization rate of 3 hours flight time or less per day, comply with paragraph (c) within the next 2,000 hours' time in service after the effective date of this AD, or at the next engine overhaul, whichever occurs first.

(c) Replace Rolls-Royce turbine disc retaining bolt P/N RK 33044 with P/N RK 43376 in accordance with Rolls-Royce Dart Aero Engine Service Bulletin No. DA 72-347, Revision 2, dated July 24, 1970, or later ARB-approved revision, or an FAA-approved equivalent.

(d) For the purpose of complying with this AD, the average daily utilization rate shall be determined on the basis of the average daily utilization rate for the 12-month period immediately preceding the effective date of this AD.

This amendment becomes effective April 12, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 4, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-3372 Filed 3-10-71;8:47 am]

[Airspace Docket No. 71-CE-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to realign the segment of VOR Federal airway No. 193 between Pellston, Mich., and Sault Ste. Marie, Mich.

The segment of V-193 between Pellston and Sault Ste. Marie is presently aligned via the intersection of the Pellston VORTAC 003° T (006° M) and the Sault Ste. Marie VORTAC 214° T (218° M) radials.

The operational reason for the present dogleg in the airway segment no longer exists and action is taken herein to realign it via direct route between the Pellston VORTAC and the Sault Ste. Marie VORTAC. The direct route will be approximately 2 miles shorter and will be totally contained in presently designated airspace.

Since this amendment is minor in nature and relieves a burden on the public, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., May 27, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

In V-193 all after the phrase "Pellston, Mich.;" is deleted and the phrase "Sault Ste. Marie, Mich." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 2, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3374 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 19186 of the FEDERAL REGISTER for December 18, 1970 the Federal Aviation Administration published proposed regulations which would alter the Presque Isle, Maine, control zone (35 F.R. 2114) and transition area (35 F.R. 2248).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 18, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Presque Isle, Maine control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 46°41'30" N., 68°02'30" W. of Presque Isle Municipal Airport, Presque Isle, Maine; within 3.5 miles each side of the 167° bearing from the Sprague ville, Maine RBN, extending from the 5-mile-radius zone to 10 miles south of the RBN, and within 1.5 miles each side of the Presque Isle VORTAC 158° radial extending from the 5-mile-radius zone to the Presque Isle VORTAC. This control zone is effective from 0800 to 2000 hours, local time, Sunday through Friday; 0800 to 1730 hours, local time, Saturday or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Presque Isle, Maine, 700-foot transition area, all before "Caribou, Maine", and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 46°41'30" N., 68°02'30" W. of Presque Isle Municipal Airport, Presque Isle, Maine; within 3.5 miles each side of the Presque Isle VORTAC 338° radial, extending from the 8-mile-radius area to 11.5 miles north of the VORTAC; within 3.5 miles each side of the 167° bearing from the Sprague ville, Maine, RBN, extending from the 8-mile radius area to 11 miles south of the RBN; within a 5-mile radius of the center, 46°52'-20" N., 68°01'10" W. of Caribou Municipal Airport.

[FR Doc.71-3375 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-88]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 19792 of the FEDERAL REGISTER for December 30, 1970, the Federal Aviation Administration published proposed regulations which would alter the Langhorne, Pa., transition area (35 F.R. 2208).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Langhorne, Pa., transition area by deleting from the description, the words, "This transition area shall be effective from sunrise to sunset, daily."

[FR Doc.71-3376 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 19520 of the FEDERAL REGISTER for December 23, 1970, the Federal Aviation Administration published proposed regulations which would alter the Bar Harbor, Maine, transition area (35 F.R. 2144).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bar Harbor, Maine, transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center 44°26'56" N., 68°21'42" W. of Bar Harbor Airport, Bar Harbor, Maine, and within 3.5 miles each side of the 019° bearing from the Bar Harbor RBN 44°29'20" N., 68°20'39" W., extending from the 7.5-mile-radius area to 10 miles north of the RBN.

[FR Doc.71-3377 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-99]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 19793 of the FEDERAL REGISTER for December 30, 1970, the Federal Aviation Administration published proposed regulations which would designate a State of Maryland transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

1. The Maryland transition area is added as follows:

Maryland.—That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Maryland including the offshore airspace within 3 nautical miles and parallel to the shoreline, excluding that airspace within P-40 and R-4002.

2. In the Washington, D.C., transition area, all after: "at the Dulles International Airport to the Poolesville, Md., RBN;" is deleted and, "excluding the portion within P-56" is substituted therefor.

3. In the Pennsylvania transition area, all between, "to latitude 39°18'20" N., longitude 75°36'40" W.", and "thence along a 37-mile arc centered on the Imperial VORTAC, extending clockwise from the 249° radial" is deleted and, "to latitude 39°25'25" N., longitude 75°46'-05" W., thence northerly along the Delaware State line to the Pennsylvania State line; thence westerly along the Pennsylvania State line to the intersection with the West Virginia and Ohio State lines: thence westerly along the Ohio State line to latitude 39°46'00" N., longitude 80°52'10" W.; thence within a 60-mile radius of the Imperial VORTAC extending clockwise to the 249° radial;" is substituted therefor.

4. In the West Virginia transition area:

a. After "1,200 feet above the surface bounded by a line beginning at", delete, "latitude 39°50'00" N., longitude 77°30'-00" W., to latitude 39°15'10" N., longitude 77°30'00" W.", and substitute therefor, "latitude 39°46'00" N., longitude 80°52'10" W., thence easterly along the West Virginia State line to the intersection with the Maryland and Virginia State lines;".

b. All after, "latitude 39°53'15" N., longitude 81°03'15" W.," is deleted and, "thence counterclockwise via a 60-mile radius arc centered on the Imperial VORTAC to point of beginning", is substituted therefor.

[FR Doc.71-3378 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-102]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 19521 of the FEDERAL REGISTER for December 23, 1970, the Federal Aviation Administration published proposed regulations which would designate a Wakefield, Va., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wakefield, Va., transition area described as follows:

WAKEFIELD, VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 36°59'14" N., 77°00'06" W. of Wakefield Municipal Airport, Wakefield, Va., and within 3.5 miles each side of the 024° bearing, from the Wakefield RBN 36°58'59" N., 77°00'05" W., extending from the 5-mile-radius area to 11.5 miles northeast of the RBN.

[FR Doc.71-3379 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 19521 of the FEDERAL REGISTER for December 23, 1970, the Federal Aviation Administration published proposed regulations which would alter the Fremont, Ohio, transition area (35 F.R. 2183).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Fremont, Ohio, transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°20'00" N., 83°09'40" W. of Progress Field, Fremont, Ohio, and within 2.5 miles each side of the Waterville, Ohio, VORTAC 108° radial, extending from the 5-mile-radius area to 19.5 miles east of the VORTAC.

[FR Doc.71-3380 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 19793 of the FEDERAL REGISTER for December 30, 1970, the Federal Aviation Administration published proposed regulations which would alter the Albany, N.Y., transition area (35 F.R. 2136, 13642).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add the following to the description of the Albany, N.Y., transition area: "within a 6.5-mile radius of the center 43°03'00" N., 73°51'30" W., of Saratoga County Airport, Saratoga Springs, N.Y., and within 5 miles each side of the Cambridge VORTAC 278° radial, extending from 43 miles west of the Cambridge VORTAC to the 6.5-mile-radius area."

[FR Doc.71-3381 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 19795 of the FEDERAL REGISTER for December 30, 1970, the Federal Aviation Administration published proposed regulations which would alter the Chicopee Falls, Mass. transition area (35 F.R. 2159, 14449).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Chicopee Falls, Mass., 700-foot transition area as follows:

In the description of the Chicopee Falls, Mass. 700-foot transition area, following the words "thence to the point of beginning", insert "; within a 6.5-mile radius of the center 42°19'45" N., 72°-37'00" W., of La Fleur Airport, Northampton, Mass.; within 3.5 miles each side of the Chester, Mass. VOR 082° radial, extending from the 6.5-mile-radius area to the Chester, Mass. VOR".

[FR Doc.71-3382 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 19795 of the FEDERAL REGISTER for December 30, 1970, the Federal Aviation Administration published proposed regulations which would designate a Hamilton, N.Y., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Hamilton, N.Y., transition area described as follows:

Hamilton, N.Y.—That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 42°50'35" N., 75°33'40" W. of AMA Executive Airport, Hamilton, N.Y., and within 5 miles each side of the Georgetown, N.Y., VORTAC 074° and 254° radials extending from the 6.5-mile-radius area to 4.5 miles west of the Georgetown, N.Y., VORTAC.

[FR Doc.71-3383 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-AL-12]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Realignment of Jet Route Segment

On December 4, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18476) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign the segment of Jet Route No. 501 between Anchorage, Alaska, and Bethel, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

Section 75.100 (36 F.R. 2371) is amended as follows:

In Jet Route No. 501 all after the phrase "Anchorage, Alaska;" is deleted and the phrase "Sparrevolm, Alaska; to Bethel, Alaska, excluding the airspace within Canada." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 3, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3373 Filed 3-10-71;8:48 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5906]

PART 13—PROHIBITED TRADE PRACTICES

Blackstone School of Law, Inc., and Harold R. Lister

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-125 Individual or private business being: 13.125(s) Institute; 13.15-237 Professional or scientific status; § 13.55 *Demand, business or other opportunities;* § 13.205 *Scientific or other relevant facts.* Subpart—Using misleading name—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Blackstone School of Law, Inc., et al., Chicago, Ill., Docket No. 5906, Feb. 10, 1971]

In the Matter of Blackstone College of Law, Inc., a Corporation, and Harold R. Lister, Individually and as an Officer of Said Corporation

Order modifying an order of June 29, 1954, 19 F.R. 4665, which required a Chicago, Ill., correspondence school of law to cease representing that its degrees in law qualified holders to take a State's bar examination without more preparation, by further requiring it to cease failing to disclose that its courses will not qualify a student to take the bar examination unless additional educational requirements are met, using the word "college" without disclosing that the enterprise is a correspondence institution, and offering to confer any standard law degree. Enforcement of the last provision is stayed until the Commission rules on a similar question in Docket No. 5907.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Blackstone School of Law, Inc., a corporation, formerly Blackstone College of Law, Inc., and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from:

(1) Failing, in connection with respondent's courses of study in law, clearly and conspicuously to disclose; (a) in any advertisement or offer to sell; (b) on each page of any promotional material or descriptive brochure; (c) in each enrollment form, application form, sales, contract or similar document, in type as large as the largest type appearing thereon; that said courses are not recognized or accepted as sufficient education or legal training to qualify the student to become a candidate for admission to the profession of law in any of the States of the United States or the District of Columbia: *Provided,* That, respondent may qualify such disclosure by listing those States which will accept said courses if additional education and legal training requirements are met: *And provided further,* That respondent clearly and conspicuously and in immediate conjunction thereto disclose all such additional requirements.

(2) Using the word "college" or any word or words of similar import or meaning in the corporate name or in any other manner to designate or refer to respondent's school, unless, in bulletins, lesson material, textbooks, diplomas, and other promotional material, and sales presentations whenever used, it is clearly and conspicuously stated in immediate conjunction with such word or words that respondent's enterprise is a correspondence school without resident facilities or that it is "a correspondence institution" or "an institution for correspondence students."

(3) Conferring or offering to confer an LL.B., LL.M., J.D., S.J.D or any other degree in the field of law upon purchasers of respondent's courses of study and instruction in law.

It is further ordered, That enforcement of paragraph 3 of the above modified order be stayed unless and until the Commission disposes of the Order to Show Cause proceeding in Docket 5907 by a modified order containing a substantially similar proscription, or in the event that the order issued in Docket 5907 has a less strict proscription than Paragraph 3, respondent herein will be bound by a similar provision in substantially the same form.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this Order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

It is further ordered, That the June 29, 1954, order be vacated as to respondent Harold R. Lister, individually and as an officer of respondent corporation.

Issued: February 10, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-3386 Filed 3-10-71;8:49 am]

[Docket No. C-1858]

PART 13—PROHIBITED TRADE PRACTICES

Fine Arts Sterling Silver Co. and Jerry N. Ashway

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Fine Arts Sterling Silver Co. et al., Jenkintown, Pa., Docket No. C-1858, Feb. 1, 1971]

In the Matter of Fine Arts Sterling Silver Co., a Corporation, and Jerry N. Ashway, Individually and as an Officer of Said Corporation

Consent order requiring a Jenkintown, Pa., seller and distributor of sterling silver tableware to cease violating the Truth in Lending Act by failing to print more conspicuously the terms "annual percentage rate" and "finance charge," failing to use the term "periodic rate" where required, failing to disclose the annual percentage rate when imposing a minimum finance charge which exceeds 50 cents per month, failing to use the terms "previous balance," "payments" and "finance charge" when billing its debtors, and failing to properly use the terms "new balance" to indicate the data on which payments must be made to avoid additional charges.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Fine Arts Sterling Silver Co., a corporation, and its officers, and Jerry N. Ashway, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit sale of sterling silver tableware or any other merchandise or service, as "credit sale" is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. Failing to print the terms "annual percentage rate" and "finance charge", where required by Regulation Z to be used, more conspicuously than other required terminology, as set forth in § 226.6(a) of Regulation Z.

2. Failing to disclose, where one or more periodic rates may be used to compute the finance charge, each such rate, using the term "periodic rate" (or "rates"), the range of balances to which each rate is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year, as required by § 226.7(a)(4) of Regulation Z.

3. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent when imposing a minimum finance charge which exceeds 50 cents per month and is not determined by application of a periodic rate, as required by § 226.5(a)(3)(i) of Regulation Z.

4. Failing to disclose the method of determining the balance upon which a finance charge may be imposed, as required by § 226.7(a)(2) of Regulation Z.

5. Failing to disclose the minimum periodic payment required, as required by § 226.7(a)(8) of Regulation Z.

6. Failing to make all disclosures required by § 226.7(a) clearly, conspicuously and in meaningful sequence, as required by § 226.6(a) of Regulation Z.

7. Failing to employ the term "previous balance" to describe the outstanding balance in the customer's account at the beginning of the billing cycle, as required by § 226.7(b)(1) of Regulation Z.

8. Failing to employ the term "payments" to describe the amounts credited to the customer's account during the billing cycle for payments, as required by § 226.7(b)(3) of Regulation Z.

9. Failing to employ the term "finance charge" to describe the amount of any finance charge debited to the account during the billing cycle, as required by § 226.7(b)(4) of Regulation Z.

10. Failing to disclose accurately the periodic rate (or rates) that may be used to compute the finance charge (whether or not applied during the billing cycle), as required by § 226.7(b)(5) of Regulation Z.

11. Failing to disclose the balance on which the finance charge was computed as required by § 226.7(b)(8) of Regulation Z.

12. Failing to employ the term "new balance" to describe the outstanding balance in the account on the closing date of the billing cycle, and to accompany the amount of the "new balance" by statement of the date by which, or the period, if any, within which, payment must be made to avoid additional finance charges, as required by § 226.7(b)(9) of Regulation Z.

13. Engaging in any consumer credit transaction or disseminating any advertisement within the meaning of Regulation Z of the Truth in Lending Act without making all disclosures that are required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z in the amount, manner, and form therein specified.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: February 1, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-3387 Filed 3-10-71;8:49 a.m]

[Docket No. C-1852]

PART 13—PROHIBITED TRADE PRACTICES

Capitol Sewing Machine Corp. and Dennis R. Lavine

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* 13.155–10 Bait; 13.155–15 Comparative; 13.155–78 Repossession balances; 13.155–100 Usual as reduced, special, etc.; § 13.260 *Terms and conditions.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1760 *Terms and conditions;* 13.1760–50 Sales contract; Misrepresenting oneself and goods—Prices: § 13.1779 Bait; § 13.1785 *Comparative;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Capitol Sewing Machine Corp. et al., Harrisburg, Pa., Docket No. C-1852, Jan. 21, 1971]

In the Matter of Capitol Sewing Machine Corp., a Corporation, and Dennis R. Lavine, Individually and as an Officer of Said Corporation

Consent order requiring a Harrisburg, Pa., corporation which sells and services new and used sewing machines and franchises operators of similar businesses to cease misrepresenting that certain of its sewing machines offered for sale have been repossessed, using misleading statements to obtain leads to prospective purchasers, misrepresenting that any price for respondents' products is special, reduced or is a savings from the regular selling price, failing to maintain records which would support its savings claims, failing to disclose all aspects of its guarantees, placing in the hands of others means to mislead purchasers, failing to disclose to purchasers that any note may be sold to a finance company, and making any contract of sale which becomes binding prior to its third day.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Capitol Sewing Machine Corp., a corporation, and its officers, and Dennis R. LaVine, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device or through policies or practices suggested or recommended by respondents to any licensee or franchisee, in connection with the advertising, offering for sale, sale, or distribution of sewing machines, sewing machine cabinets, and related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that sewing machines or related products have been repossessed or in any manner reacquired from a former purchaser, or are being offered for sale for the unpaid balance, or any portion thereof, of the original purchase price, or for the amount or any portion of the amount owed by a former purchaser, unless said advertised products actually were of the character stated and were offered for sale on the terms and conditions represented.

2. Representing, directly or by implication, that sewing machines or related products are offered for sale when such offer is not a bona fide offer to sell said products on the terms and conditions stated; or using any sales plan or procedure involving the use of false, deceptive, or misleading statements to obtain leads or prospects for the sale of said merchandise.

3. Advertising or offering for sale any sewing machine or related product unless respondent has, makes a good faith effort to demonstrate, and offers for sale to prospective purchasers, without disparaging or in any manner discouraging its purchase, a product which conforms to the representations and descriptions contained in the advertisement or offer.

4. Using any deceptive sales scheme or device to induce the sale of the products or services offered by respondents or their franchisees.

5. Representing, directly or by implication, that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business.

6. Representing, directly or by implication, that any savings, discount, or allowance is given purchasers from respondents' selling price for specified products, unless said selling price is the amount at which such products have been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent regular course of their business.

7. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

8. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5 through 7 of this order are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5 through 7 of this order can be determined.

9. Representing, directly or by implication, that respondents' products are guaranteed unless the nature, extent, and duration of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith.

10. Placing in the hands of others any means or instrumentalities whereby they may mislead purchasers or prospective purchasers as to any of the matters or things prohibited in Paragraphs 1 through 9 hereof.

11. Failing to orally disclose prior to the time of sale, and in writing on any conditional sale contract, or other instrument of indebtedness executed by a purchaser, and with such conspicuousness and clarity as is likely to be observed and read by such purchaser, that:

Any such instrument, at respondents' option and without notice to the purchaser, may be discounted, negotiated or assigned to a finance company or other third party to which the purchaser will thereafter be indebted and against which the purchaser's claims or defenses may not be available.

12. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

13. Failing to serve a copy of this order upon each present and every future licensee or franchisee and obtaining written acknowledgement of the receipt thereof and from failing to make every reasonable effort to obtain from each present and every future licensee or franchisee an agreement in writing to abide by the terms of this order.

It is further ordered, That the respondent corporation:

(1) Shall forthwith distribute a copy of this order to each of its operating divisions.

(2) Notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 21, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-3388 Filed 3-10-71;8:49 am]

[Docket No. 8815]

PART 13—PROHIBITED TRADE PRACTICES

Universal Electronics Corp. and Wendell Coker

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.185 *Refunds, repairs, and replacements;* § 13.260 *Terms and conditions.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis;* 13.670–20 Federal Trade Commission Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1725 *Refunds;* § 13.1760 *Terms and conditions:* 13.1760–50 Sales contract. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Universal Electronics Corp. et al., St. Louis, Mo., Docket No. 8815, Jan. 28, 1971]

In the Matter of Universal Electronics Corp., a Corporation, and Wendell Coker, Individually and as an Officer of Said Corporation

Order requiring a St. Louis, Mo., distributor of radio and television tube testing devices and franchises for the sale of such products to cease representing that persons investing in respondents' franchises will receive any stated amount of income or any discounts from respondents on repeat business, that they will obtain profitable locations for their machines or can expect the sale of any certain number of tubes per day, that they will be granted exclusive territories in which to locate their machines, and that respondents will accept the return of, or aid in the resale of, the machines; respondents are also required to place in all franchise contracts a notification that such contracts may be canceled within 3 days, and that respondents will refund all monies to customers canceling contracts within this period.

The order to cease and desist, is as follows:

It is ordered, That respondents Universal Electronics Corp., a corporation, and its officers, and Wendell Coker, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of radio and television tube testing devices and the tubes, supplies or equipment for use in connection therewith, or of any other products or of any franchises or dealerships in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Persons investing in respondents' products, franchises or dealerships will receive any stated amount of income or gross or net profits or other earnings.

(b) Any stated sums of money are past earnings of investors or purchasers of respondents' products unless in fact the past earnings represented are those of a substantial number of purchasers and accurately reflect the average earnings of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

(c) Persons investing in respondents' franchises, dealerships or products will receive discounts from respondents on repeat business which assures them of an exceptional or profitable income, or are assured of an exceptional or profitable income from franchises, dealerships or products for any other reason.

(d) Persons investing in respondents' franchises, dealerships or products can expect an average sale of a certain specified number of tubes per day, or any other period of time, for each machine so purchased from respondents unless in fact the average number of tube sales during the time period as represented is that of a substantial number of franchisees, dealers, or purchasers under circumstances similar to those of persons to whom the representation is made.

(e) Respondents, their agents, representatives, or employees will obtain satisfactory or profitable locations for the machines purchased from them: *Provided, however*, That nothing herein shall be construed to prohibit respondents from truthfully and non-deceptively representing that they have obtained locations or assisted in obtaining locations if respondents clearly and conspicuously disclose, in immediate conjunction therewith, the average net or gross earnings realized by a substantial number of purchasers from machines in location obtained by respondents or through their assistance under circumstances similar to those of the purchaser to whom the representation is made.

(f) Persons investing in respondents' franchises, dealerships, machines, or other products will receive training, or other advice and assistance, in the operation of and the methods to be used in servicing respondents' said machines or any other products unless in fact the respondents afforded training, advice and assistance in the operation of and the methods to be used in servicing respondents' machines or other products to each purchaser to the extent of and in conformity with the representations being made to the investor or purchaser.

(g) Selling, soliciting, or experience is not required to establish, operate or maintain a route of respondents' machines, or other products; or misrepresenting in any manner, the amount of selling, soliciting, or experience required to establish and operate or maintain the route.

(h) Respondents or their representatives will accept return of, or will obtain or assist in obtaining a purchaser for, or will assist in the resale of machines or other products sold by them.

(i) Persons investing in respondents' franchises, dealerships, machines or other products will receive the return of their investments in 9 months, 1 year or any other specified period of time.

(j) Persons investing in respondents' franchises, dealerships, machines, or other products will be granted an exclusive territory in which to locate machines and sell products purchased from respondents unless respondents provide in all contracts or purchase agreements with dealers, franchisees or purchasers of respondents' tube testing machines, tubes and other products, to whom such exclusive territories have been granted, a description of the size and limits of the territories, and a statement that no other investor, dealer, franchisee, or purchaser of the same machines or products has been, or will be granted the same territory or any part thereof and respondents in all instances abide by such provisions.

2. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, franchises or dealerships and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

3. Failing, after the acceptance by the Commission of respondents' initial report of compliance, to submit to the Commission on June 1st of each of the succeeding 3 years a report: (1) Describing every complaint involving the acts and practices prohibited by this order received by respondents and their licensees or franchisees from or on behalf of their customers during the 12 months preceding the date of the report; (2) setting forth the facts uncovered by respondents or their licensees or franchisees in connection with the investigation made of each such complaint; and (3) stating the action taken by respondents or their licensees or franchises with respect to each such complaint.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents:

a. Inform orally all prospective customers and provide in writing in all contracts that (1) the contract may be

canceled for any reason by notification to respondents in writing within 3 days from the date of execution and (2) that the contract is not final and binding until respondents have completely performed their obligations thereunder by placing the vending machines in locations satisfactory to the customer and said customer has thereafter signed a statement indicating his satisfaction.

b. Refund immediately all monies to (1) customers who have requested contract cancellation in writing within 3 days from the execution thereof, (2) customers who have refused to sign statements indicating satisfaction with respondents' placement of the machines, and (3) customers showing that respondents' contract, solicitations or performance were attended by or involved violations of any of the provisions of this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

By "Final Order" further order requiring report of compliance, is as follows:

It is further ordered, That respondents, Universal Electronics Corp. and Wendell Coker, individually and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report, in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: January 28, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-3389 Filed 3-10-71;8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148u—DACTINOMYCIN

Recodification

Effective on publication in the FEDERAL REGISTER, Part 148u is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

Sec.
148u.1 Sterile dactinomycin.
148u.2 Dactinomycin for injection.

AUTHORITY: The provisions of this Part 148u issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148u.1 Sterile dactinomycin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Dactinomycin is a bright-red compound that is so purified and dried that:

(i) Its potency is not less than 900 micrograms of dactinomycin per milligram, calculated on an anhydrous basis.

(ii) It is sterile.

(iii) It is pyrogen-free.

(iv) Its LD_{50} in mice is not less than 0.65 and not more than 1.23 milligrams of dactinomycin per kilogram of body weight.

(v) Its loss on drying is not more than 15 percent.

(vi) Its absorptivity at 445 nanometers is not less than 0.95 and not more than 1.03 times that of the dactinomycin working standard at the same wavelength. Its absorbance at 240 nanometers is not less than 1.3 and not more than 1.5 times its absorbance at 445 nanometers.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter, and in addition each package shall bear on its label the statement "Protect from light and excessive heat."

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, LD_{50}, loss on drying, absorptivity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 40 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 40 milligrams.

(b) *Tests and methods of assay.* Dactinomycin is toxic and corrosive. It must be handled with care in the laboratory. Transfer all dry powders in a suitable hood, while wearing rubber gloves. Avoid inhaling fine particles of the powder. Do not pipette by mouth. If any of the substance contacts the skin, wash copiously with soap and water. Dispose of all waste material by dilution with large volumes of trisodium phosphate solution.

(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a stock solution of 10 milligrams of dactinomycin per milliliter (estimated). Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of dactinomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use 40 milligrams in lieu of 300 milligrams.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 0.2 milligram of dactinomycin per milliliter.

(4) LD_{50}[1]—(i) *Sample solution.* Prepare a solution containing 50 micrograms of dactinomycin per milliliter by dissolving an appropriate quantity of the sample in sufficient sterile distilled water. If the sample does not dissolve immediately, place it in an ice water bath or a refrigerator for 1 to 2 hours, and then allow to reach room temperature before use.

(ii) *Procedure.* Select 70 female mice weighing between 18 and 20 grams. Individually identify and weigh them to the nearest 0.1 gram. Use 10 mice at each of the following dose levels: 9.6, 11.52, 13.9, 16.7, 20.0, 24.0, and 28.8 milliliters of sample solution per kilogram of body weight. Calculate the volume of solution to be given to each mouse and administer the appropriate volume intravenously at the rate of 0.5 milliliter per minute. Observe the mice daily for 14 days and record any signs of drug toxicity and times of death. Estimate the LD_{50} and its 95 percent confidence limits by the method of Carrol S. Weil, published in *Biometrics*, volume 8, pages 249–263 (1952).

(5) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(6) *Absorptivity*—(i) *Procedure.* Accurately weigh approximately 15 milligrams of the sample "as is" and 15 milligrams of the working standard dried as directed in § 141.501(a) of this chapter. Transfer each weighing to separate 100-milliliter volumetric flasks. Dissolve the material and bring to volume with spectrophotometric-grade methyl alcohol. Mix well. Pipette 5.0 milliliters of each solution into separate 25-milliliter volumetric flasks, dilute to volume with spectrophotometric-grade methyl alcohol. Mix well. Using a suitable spectrophotometer and 1-centimeter absorption cells, determine the absorbance of the sample solution at the 240-nanometer and at the 445-nanometer absorption peaks (the exact position of the peaks should be determined for the particular instrument used). Determine the absorbance of the standard at the 445-nanometer absorption peak.

(ii) *Calculations.* Calculate the relative absorptivity and the ratio for the absorbances of the sample as follows:

[1] The term "LD_{50}" refers to the dosage of the drug that should be expected to kill 50 percent of the animals that receive the drug.

$$\text{Relative absorptivity at 445 nanometers} = \frac{A_1 \times \text{milligrams of standard} \times \frac{\text{potency of the standard in micrograms}}{\text{per milligram}}}{A_2 \times \text{milligrams of sample} \times (100 - M) \times 10},$$

$$\text{Ratio for the absorbances of the sample at 240 and 445 nanometers} = \frac{A_1}{A_2},$$

where:
A_1 = Absorbance at 240 nanometers for the sample.
A_2 = Absorbance at 445 nanometers for the sample.
A_3 = Absorbance at 445 nanometers for the standard.
M = Percent moisture in the sample.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148u.2 Dactinomycin for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Dactinomycin for injection is a dry mixture of dactinomycin and mannitol. Each container contains 0.5 milligram of dactinomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of dactinomycin that it is represented to contain. It is sterile. It is nonpyrogenic. The LD_{50} in mice is between 0.65 and 1.23 milligrams of dactinomycin per kilogram. Its loss on drying is not more than 4.0 percent. Its pH is not less than 5.5 and not more than 7.0. The crystalline dactinomycin used conforms to the standards prescribed by § 148u.1 (a)(1) (i), (v), and (vi).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter, and in addition each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container the statement "Protect from light and excessive heat."

(ii) On the outside wrapper or container and the immediate container the statement "For hospitalized patients only."

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The dactinomycin used in making the batch: For potency, loss on drying, absorptivity, and crystallinity.

(*b*) The batch: For microbiological potency, spectrophotometric potency, sterility, pyrogens, LD_{50}, loss on drying, and pH.

(ii) Samples required:

(*a*) The dactinomycin used in making the batch: 10 containers each containing not less than 40 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers.

(b) *Tests and methods of assay.* Dactinomycin is toxic and corrosive. It must be handled with care in the laboratory. Transfer all day powders in a suitable hood, while wearing rubber gloves. Avoid inhaling fine particles of the powder. Do not pipette by mouth. If any of the substance contacts the skin, wash copiously with soap and water. Dispose of all waste material by dilution with large volumes of trisodium phosphate solution.

(1) *Potency*—(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute the product as directed in the labeling by the addition of 1.1 milliliters of sterile water for injection. Withdraw a 1.0-milliliter aliquot, using a suitable hypodermic needle and syringe, and dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of dactinomycin per milliliter (estimated).

(ii) *Spectrophotometric assay*—(*a*) *Preparation of standard solution.* Accurately weigh approximately 15 milligrams of the working standard dried as directed in § 141.501(a) of this chapter and transfer to a 100-milliliter volumetric flask. Dissolve the standard and bring to volume with spectrophotometric-grade methyl alcohol. Mix well. Pipette 5.0 milliliters into a 25-milliliter volumetric flask and dilute to volume with spectrophotometric-grade methyl alcohol.

(*b*) *Preparation of sample solution.* Reconstitute the product as directed in the labeling by the addition of 1.1 milliliters of sterile water for injection. Withdraw a 1.0-milliliter aliquot using a suitable hypodermic needle and syringe and dilute the sample with sufficient spectrophotometric-grade methyl alcohol to obtain a concentration of 20 micrograms of dactinomycin per milliliter (estimated). Obtain a clear solution by decanting or filtering out any undissolved mannitol.

(*c*) *Procedure.* Determine the absorbance of the sample and standard solution at the 445-nanometer absorption peak as directed in § 148u.1(b)(6)(i).

(*d*) *Calculation:*

$$\text{Milligrams of dactinomycin per milliliter} = \frac{A_1 \times \text{milligrams of standard weighed} \times \text{potency of standard in micrograms per milligram} \times \text{milliliters of methyl alcohol sample solution}}{A_2 \times 500 \times 1{,}000},$$

where:
A_1 = Absorbance of the sample solution at 445 nanometers.
A_2 = Absorbance of the standard solution at 445 nanometers.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use the entire contents of each of the immediate containers tested.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, preparing the sample for test as follows: Use a sufficient number of containers to yield 3 milligrams of dactinomycin. Reconstitute by adding 1.1 milliliters of sterile water for injection to each container. Aseptically pool the resultant solutions from each container. Dilute an accurately measured portion with sufficient diluent 1 to give a concentration of 0.2 milligram of dactinomycin per milliliter.

(4) LD_{50}. Proceed as directed in § 148u.1(b)(4), except prepare the sample for test as follows: Reconstitute a sufficient number of containers to yield 2,000 micrograms of dactinomycin. Reconstitute by adding 1.1 milliliters of sterile water for injection to each container. Aseptically pool the resultant solutions from each container. Dilute an accurately measured portion with sufficient sterile distilled water to give a concentration of 50 micrograms of dactinomycin per milliliter (estimated). Use the potency value obtained in § 148u.2(b)(1) in calculating the LD_{50} value.

(5) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(6) *PH.* Reconstitute as directed in the labeling and proceed as directed in § 141.503 of this chapter.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 20, 1971.

H. E. SIMMONS, *Director, Bureau of Drugs.*

[FR Doc.71-3297 Filed 3-10-71;8:45 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.633]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Types of Nonimmigrant Visas

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to provide for the issuance of diplomatic visas to certain nonimmigrants classifiable under section 101(a)(15)(G)(iv) of the Immigration and Nationality Act.

1. Section 41.102 is amended to read as follows:

§ 41.102 Classes of aliens eligible to receive diplomatic visas.

(a) A nonimmigrant alien who is in possession of a diplomatic passport or its equivalent shall, if otherwise qualified, be eligible to receive a diplomatic visa irrespective of his classification under § 41.12 if he is within one of the following classes:

(1) Heads of States and their alternates;

(2) Members of a reigning royal family;

(3) Governors-general, governors, high commissioners, and similar high administrative or executive officers of a territorial unit, and their alternates;

(4) Cabinet ministers and their assistants holding executive or administrative positions not inferior to that of the head of a departmental division, and their alternates;

(5) Presiding officers of chambers of national legislative bodies;

(6) Justices of the highest national court of a foreign country;

(7) Ambassadors, public ministers, other officers of the diplomatic service and consular officers of career;

(8) Military officers holding a rank not inferior to that of a brigadier general in the U.S. Army or Air Force and Naval officers holding a rank not inferior to that of a rear admiral in the U.S. Navy;

(9) Military, naval, air and other attaches and assistant attaches assigned to a foreign diplomatic mission;

(10) Officers of foreign-government delegations to international organizations so designated by Executive order;

(11) Officers of foreign-government delegations to, and officers of, international bodies of an official nature, other than international organizations so designated by Executive order;

(12) Officers of a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties;

(13) Officers of foreign-government delegations proceeding to or from a specific international conference of an official nature;

(14) Members of the immediate family of a principal alien who is within one of the classes described in subparagraphs (1) to (11) inclusive, of this paragraph;

(15) Members of the immediate family accompanying or following to join the principal alien who is within one of the classes described in subparagraphs (12) and (13) of this paragraph;

(16) Diplomatic couriers proceeding to or through the United States in the performance of their official duties.

(b) A nonimmigrant alien who is classifiable under section 101(a)(15)(G)(iv) shall, if otherwise qualified, be eligible to receive a diplomatic visa if he is in possession of a United Nations Laissez-Passer and is—

(1) The Secretary General of the United Nations;

(2) An Under Secretary General of the United Nations;

(3) An Assistant Secretary General of the United Nations;

(4) The Administrator or the Deputy Administrator of the United Nations Development Program;

(5) An Assistant Administrator of the United Nations Development Program;

(6) The Executive Director of the—

(i) United Nations Children's Fund;

(ii) United Nations Institute for Training and Research;

(iii) United Nations Industrial Development Organization.

(7) The Executive Secretary of the—

(i) United Nations Economic Commission for Africa;

(ii) United Nations Economic Commission for Asia and the Far East;

(iii) United Nations Economic Commission for Latin America;

(iv) United Nations Economic Commission for Europe.

(8) The Secretary General of the United Nations Conference on Trade and Development;

(9) The Director General of the Latin American Institute for Economic and Social Planning;

(10) The United Nations High Commissioner for Refugees;

(11) The United Nations Commissioner for Technical Co-operation;

(12) The Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

(c) Any other individual alien or class of aliens shall, if otherwise qualified, be eligible to receive a diplomatic visa upon the authorization of the Department, the Chief of a United States Diplomatic Mission, the Deputy Chief of Mission, the Counselor for Consular Affairs or the principal officer of a consular post not under the jurisdiction of a diplomatic mission.

2. Section 41.104(a)(3) is amended to read as follows:

§ 41.104 Classes of aliens eligible to receive official visas.

(a) • • •

(3) Aliens, other than those described in § 41.102(b), who are classified under section 101(a)(15)(G) of the Act, except those classifiable under section 101(a)(15)(G)(iii) of the Act unless the government of which the alien is an accredited representative is recognized de jure by the United States;

• • • • •

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (3-11-71).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

FEBRUARY 26, 1971.

[FR Doc.71-3361 Filed 3-10-71;8:47 am]

Chapter VII—Overseas Private Investment Corporation

SUBCHAPTER B—PERSONNEL

PART 730—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in accordance with Executive Order 11222; 3 CFR, 1964–1965 Comp. p. 306; and 5 CFR Part 735; Chapter VII consisting of Part 730 of Subchapter B is added to Title 22 of the Code of Federal Regulations.

Sec.

730.735–101 Adoption of regulations.
730.735–102 Notice to employees.
730.735–103 Counseling service.
730.735–104 Review of statements of employment and financial interests.
730.735–105 Disciplinary and other remedial action.
730.735–106 Gifts, entertainment, and favors.
730.735–107 Outside employment and other activity.
730.735–108 Specific provisions applicable to special Government employees of the Corporation.
730.735–109 Statements of employment and financial interests.
730.735–110 Supplementary statements.

AUTHORITY: The provisions of this Part 730 issued under Executive Order 11222; 3 CFR, 1964–1965 Comp. p. 306; 5 CFR Part 735.

§ 730.735–101 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the Overseas Private Investment Corporation (referred to hereinafter as the Corporation) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: §§ 735.101, 735.102, 735.201a, 735.202 (a), (d), (e), (f), 735.203, 735.204, 735.205, 735.206, 735.207, 735.208, 735.209, 735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.403(a), 735.404, 735.405, 735.407–411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 730.735–102 Notice to employees.

Each employee, at time of entrance on duty and also at the time of the annual performance rating, shall receive a copy of this part, together with a copy of Part 735 of Title 5, Code of Federal Regulations.

§ 730.735–103 Counseling service.

The Deputy General Counsel is designated as the Counselor on Ethical Conduct and Conflicts of Interest.

§ 730.735–104 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this Part shall be reviewed by the Deputy General Counsel. When this review indicates a conflict between the interests of an employee or special Government employee of the Corporation and the performance of his services for the Government, the Deputy General Counsel shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the Deputy General Counsel shall forward a written report on the indicated conflict to the Corporate President.

§ 730.735–105 Disciplinary and other remedial action.

An employee or special Government employee of the Corporation who violates any of the regulations in this Part or adopted under § 730.735–101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee or special Government employee of his conflicting interest; or

(c) Disqualification for a particular assignment.

§ 730.735–106 Gifts, entertainment, and favors.

The Corporation authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b)(1)–(4), and, in addition, authorizes the following exception: Acceptance of gifts and decorations from foreign governments, i.e., table favors, mementos, remembrances, or other tokens bestowed at official functions, and other gifts which have a retail value not in excess of $50 in the United States, received as souvenirs or marks of courtesy from a foreign government. If a gift of more than minimal value, as described above, is offered, and the refusal of such a gift would be likely to cause offense or embarrassment to the donor, or would adversely affect the foreign relations of the United States, the Corporate President or his designee may permit the employee to accept the gift for disposal in accordance with the guidelines developed for such circumstances by the Secretary of State.

§ 730.735–107 Outside employment and other activity.

(a) A Corporation employee may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing to his supervisor, preferably prior to performance of the outside employment, but in any event no later than 7 calendar days after start of the outside employment.

(b) Employees may not discuss with persons or organizations outside the Government with whom they transact business, or with whom they may reasonably expect to transact corporate business, the possibility of their employment by such persons or organizations. This restriction applies to discussions with persons or organizations who have received invitations to submit contractual proposals or who are negotiating for contracts.

(c) Employees may not, on behalf of the Corporation, participate personally and substantially in the negotiation of contracts, the making of loans, or other financial transactions between the Corporation and any person or organization by whom they were employed within the 2 years prior to such participation.

(d) The restrictions set forth in paragraphs (a) and (b) of this section may be waived by the Corporate President. Waivers will be granted only in exceptional cases when clearly consistent with the interests of the Corporation and the Government.

§ 730.735–108 Special provision applicable to special Government employees of the Corporation.

(a) Special Government employees shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 730.735–101.

(b) Special Government employees may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the Corporation authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 730.735–105.

§ 730.735–109 Statements of employment and financial interest.

(a) In addition to the employees required to submit statements of employment and financial interest under 5 CFR 735.403(a), all special Government employees (including experts and consultants) and all Administratively Determined schedule (AD) appointees shall submit statements of employment and financial interest.

(b) Each statement of employment and financial interest required by this paragraph shall be submitted in a sealed envelop to the Counselor on Ethical Conduct and Conflicts of Interest through the Personnel Officer.

(c) An employee who believes that his position has been improperly included in this paragraph as one requiring the submission of a statement of employment and financial interests may obtain a review of his complaint under the grievance procedures (A.I. 31–771).

(d) The head of each major organizational unit, or his designee, insures that all employees required to submit employment and financial interest statements receive copies of the reporting forms and file them within the prescribed times.

§ 730.735–110 Supplementary statements.

Notwithstanding the filing of the annual supplementary statement on June 30 of each year, required by 5 CFR 735.406, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, U.S.C., or the provisions in this part or adopted under § 730.735–101. An employee's supplementary statement may be filed by a signed memorandum reporting changes or "no change from (date) report."

The Civil Service Commission approved these regulations on September 28, 1970. They will be effective as of date of publication in the FEDERAL REGISTER (3–11–71).

Dated: March 2, 1971.

BRADFORD MILLS,
President.

[FR Doc.71-3392 Filed 3-10-71;8:49 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 778—OVERTIME COMPENSATION

Benefit Plans

Part 778 of the Code of Federal Regulations is hereby amended by adding a sentence at the end of § 778.214(b) to read as follows: "Advance approval by the Department of Labor is not required."

The amendment is for the purpose of clarification only and therefore the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are interpretative rules. Such procedures would not serve a useful purpose here. Accordingly, this amendment shall become effective immediately upon publication in the FEDERAL REGISTER (3–11–71).

The amended 29 CFR Part 778.214(b) reads as follows:

§ 778.214 Benefit plans; including profit-sharing plans or trusts providing similar benefits.

• • • • • •

(b) *Scope and application of exclusion generally.* Plans for providing benefits of the kinds described in section 7(e)(4) are referred to herein as "benefit plans". It is section 7(e)(4) which governs the status for regular rate purposes of any contributions made by an employer pursuant to a plan for providing the described benefits. This is true irrespective of any other features the plan may have. Thus, it makes no difference whether or not the benefit plan is one financed out of profits or one which by matching employee contributions or otherwise encourages thrift or savings. Where such a plan or trust is combined in a single program (whether in one or more documents) with a plan or trust for providing profit-sharing payments to employees, the profit-sharing payments may be excluded from the regular rate if they meet the requirements of the Profit-Sharing Regulations, Part 549 of this chapter, and the contributions made by the employer for providing the benefits described in section 7(e)(4) of the Act may be excluded from the regular rate if they meet the tests set forth in § 778.215. Advance approval by the Department of Labor is not required.

• • • • • •

(52 Stat. 1060, as amended, 29 U.S.C. 201–219)

Signed at Washington, D.C., this 5th day of March 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71-3407 Filed 3-10-71;8:50 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 806—DISCLOSURE OF AIR FORCE RECORDS

Part 806 of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General Information

Sec.
806.1 Purpose.
806.2 Types of requests covered by this part.

Subpart B—Policies Governing Disclosure of Records

806.3 Basic policies on disclosure.
806.4 Special policies on disclosure.
806.5 Material that may be withheld from disclosure.

Subpart C—Processing Requests To Inspect or Copy Records

806.6 Persons authorized to disclose or not to disclose records requested by members of the public.
806.7 Expedited handling required.

Subpart D—Submitting Requests for Documents

806.8 Identifying material requested.
806.9 Addressing requests.
806.10 Addressing requests for records of military personnel.

Subpart E—Appeal from Refusals To Make Records Available

806.11 Filing an appeal.
806.12 Processing an appeal.

Subpart F—Disclosure of Unclassified Records of Trial After Courts-Martial

806.13 Purpose.
806.14 Basic disclosure policies.
806.15 Disclosure authority.
806.16 Submitting requests.
806.17 Processing requests.

AUTHORITY: The provisions of this Part 806 are issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 5 U.S.C. 552.

Subpart A—General Information

§ 806.1 Purpose.

This part states basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of records. It applies Air Force wide. In case of a conflict, this part takes precedence over any existing directive dealing in whole or in part with the disclosure of records.

§ 806.2 Types of requests covered by this part.

(a) This part governs the disclosure or denial of documentary material to the general public.

(b) In addition to the general policies and procedures required by this part, many types of requests for information and records are subject to specialized or limited release procedures. Some of these are shown in this paragraph. For a more complete list, see AFR 190–12 (Release of Information to the Public).

Type of request	*Governing directive*
Congressional	AFR 11–7 (Air Force Relations with Congress).
General Accounting Office	AFR 11–8 (Air Force Relations with General Accounting Office (GAO).
Litigation	Part 840—Subchapter D of this chapter, and this part.
Unclassified records of trial after courts-martial.	Subpart F of this part.
News media	AFR 190–12 (Release of Information to the public), and this part.
Military personnel records	Part 806a—Subchapter A of this chapter.
Accident/incident investigation and report.	AFR 127–4 (Investigation and Reporting U.S. Air Force Accidents and Incidents).
Procurement information on records	Armed Service Procurement Regulations.
Inspector General reports	AFR 120–3 (Administrative Inquiries and Investigations).

Subpart B—Policies Governing Disclosure of Records

§ 806.3 Basic policies on disclosure.

(a) It is the policy of the Department of Defense and the Air Force to make available to the public the maximum amount of information and records concerning their operations and activities.

(b) This basic policy is subject to the necessary exception, recognized in 5 U.S.C. 552(b) and discussed in § 806.5, that certain records and other documentary material need not be made public. However, even when nondisclosure is authorized by 5 U.S.C. 552(b) and § 806.5, requested records and other documentary material should be disclosed if no significant purpose is served by withholding them. The determination of whether a significant purpose is served by withholding information under provisions of § 806.5 is within the sole discretion of the Air Force.

(c) Determination that a record should be withheld must not be influenced by the possibility that its release might suggest administrative error or inefficiency or might embarrass the Air Force or an official of the Air Force.

§ 806.4 Specific policies on disclosure.

(a) Any identifiable documentary material in the possession of the Air Force that qualifies as a "record" according to paragraph (b) of this section and is not exempted under § 806.5 should be made available on the request of any person.

(b) (1) In determining whether documentary material qualifies as a "record," 44 U.S.C. 3301, quoted below, should be used as a guide.

(2) As used in this chapter, "records" include all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the U.S. Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operation, or other activities of the Government or because of the informational value of data in them.

(i) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value as "evidence."

(ii) Records are not limited to permanent or historical documents; they include contemporaneous ones as well.

(c) For a record to be considered "identifiable" it must exist at the time of request. There is no obligation to create a record to satisfy a request for information. When the information exists in the form of several records at several locations, the requester should be referred to those sources if gathering the information would be burdensome.

(d) A requester must be reasonably specific in identifying each record he would like made available. The Air Force is not required to permit a requester to browse through entire files or large series of records to find a record he may then "identify." The Air Force will make a reasonable effort to locate any records requested. A request for a specific record should not be denied solely because the record is maintained by computer.

(e) Requests for identifiable records may be denied only when an official designated in § 806.6 determines that such a denial is authorized by this part. Other Air Force directives may contain specific procedures for release or denial of records.

(f) Pursuant to 5 U.S.C. 522(a)(3), requesters are charged the reasonable costs to the Air Force for searching, copying, or certifying records. Charges are determined according to Parts 812 and 813 of this chapter. Except for any copies that are provided, no charge is made to the public for the use of established reading rooms or reference libraries.

(g) Official requests for records or other documentary material received directly from foreign governments, their representatives, or international commands, may be answered only by offices holding delegation of disclosure authority letters as described in AFR 200–9. Other recipients will send such correspondence to the foreign disclosure policy office within their major command, or to Hq USAF (AFCVFB).

(h) Individual requests received from foreign nationals not officially representing their government will be processed as any other request in accordance with Subpart C of this part. Charges may be waived in accordance with Part 813 of this chapter.

§ 806.5 Material that may be withheld from disclosure.

Records within the categories listed in this section are not required to be made available to a requester if, in the judgment of the disclosure authority designated under § 806.6, no significant purpose would be served by withholding it.

(a) Those containing information requiring protection in the interest of national defense or foreign policy according to the criteria established by AFR 205–1 or by Executive order.

(b) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or internal practices of the Air Force. Examples include:

(1) Operating rules, guidelines, and manuals for Air Force investigators, inspectors, auditors, or examiners that cannot be disclosed to the public without substantial prejudice to the effective performance of a significant Air Force function. Some of these materials might reveal:

(i) Negotiation and bargaining techniques,

(ii) Bargaining limitations and positions.

(iii) Inspection schedules and methods.

(iv) Audit schedules and methods.

(2) Personnel and other administrative matters, such as examination questions and answers used in training courses or in determining the qualification of candidates for employment, entrance to duty, advancement, or promotion.

(c) Those containing information authorized or required by statute to be withheld from the public. The authorization or requirement may be found in the statute itself or in Executive orders or regulations authorized by, or in implementation of, the statute. Examples include:

(1) Documentary — material referred to in 18 U.S.C. 1905—trade and financial information provided in confidence by business.

(2) 35 U.S.C. 181–88—records containing information relating to inventions that are the subject of patent applications on which Patent Secrecy orders have been issued.

(d) Those containing information the Government has received from anyone, including an individual, a foreign nation, an international organization, a state or local government, a corporation, or any other organization, with the understanding, express or implied, that the information will be retained on a privileged or confidential basis; or those containing similar commercial or financial information that the component develops internally, if the information is, in fact, the kind normally considered privileged or confidential. Examples of the types of information that may be within this exemption are:

(1) Commercial information such as research data, formulae, designs, drawings, and other technical data and reports that:

(i) Are significant as items of valuable property acquired in connection with research, grants, or contracts.

(ii) If owned by private parties would likely be held in confidence.

(2) Commercial and financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(3) Statistical data and commercial or financial information concerning such matters as contract performance, income, profits, losses, and expenditures.

(4) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, and priest-penitent privileges.

(5) Personal statements given in the course of inspections, audits, or investigations.

(6) Any other information that customarily would not be released to the public by the person from whom it was obtained.

(e) Except as provided in subparagraph (3) of this paragraph, those containing intra and interagency communications.

(1) One major purpose of this exemption is to insure that frank internal communication and a free exchange of ideas among agency personnel is not inhibited. In this sense it is primarily concerned with opinions, suggestions, recommendations, evaluations, analyses, and discussions, as opposed to records of final actions taken.

(2) Examples of the types of material that may normally be withheld under this exemption are:

(i) Staff papers that discuss a problem or contain advice, recommendations, analyses, suggestions or evaluations.

(ii) Information received or generated by a component preliminary to a decision or action, when premature disclosure would harm the authorized appropriate purpose for which the records are being used.

(iii) Draft versions of documents.

(iv) Advice, suggestions, or reports prepared on behalf of the Air Force by boards, committees, panels, conferences, councils, commissions, task forces or similar groups that are formed by the Air Force to obtain advice and recommendations.

(v) Records of conversations or communications between Air Force personnel or between such personnel and representatives of other agencies of the Executive Branch, if the conversations or communications are merely advisory or preliminary in nature and do not represent any final official action.

(vi) Advance information on such matters as proposed plans to procure, lease or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(vii) Inspector general reports, auditor general reports, or other reports of inspections, investigations, or surveys that pertain to safety or the internal management, administration, or operations of the Air Force.

(viii) Records that are exchanged among Air Force personnel or within and among Government agencies preparing for legal proceedings or anticipate proceedings before any Federal, State, or military court or regulatory body.

(ix) Records of Air Force evaluations of contractors and their products or services that, in effect, constitute advice or recommendations and could be used improperly to the advantage or detriment of private interests.

(x) Reports of proceedings to select personnel for assignment, school, promotion, retention, and similar purposes.

(3) Any such intra-agency or interagency records or other documentary material that would routinely be made available through the discovery process in the course of litigation with the agency may not be withheld. However, if the material would only be made available through the discovery process by special order of the court, based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document should not be made available to a member of the public.

(f) Those containing information from personnel and medical files.

(1) When the sole and exclusive basis for withholding such information is protection of the personal privacy of a person, the information should not be withheld from him or from his designated legal representative.

(2) An individual's personnel or medical files may be withheld from him or from his designated legal representative for reasons other than the protection of his personal privacy when Civil Service Commission regulations or other regulations so authorize.

(g) Those containing information from files similar to medical and personnel files where there would be a clearly unwarranted invasion of the personal privacy of a person if the information were disclosed.

(1) Examples of similar files are those:

(i) Compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, whether civilian, military or industrial, for security clearance.

(ii) Containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken or has been taken.

(iii) Containing information about an individual's personal or financial affairs that the individual would not normally disclose publicly. Included are: DD Form 1555, "Confidential Statement of Employment and Financial Interests DOD Personnel" and DD Form 1555 1, "Confidential Statement of Employment and Financial Interests (for use by special DOD Employees)."

(2) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given, in cases

such as those involving alleged misconduct, to: (i) The amount of time that has passed since the alleged misconduct, (ii) the degree to which the individual's privacy has already been invaded, and (iii) the relationship of the alleged misconduct to an employee's official duties. The release of information concerning alleged misconduct that is closely related to official duties, has occurred recently, and has already been exposed to the public is less likely to constitute a clearly unwarranted invasion of personal privacy.

(3) When the sole and exclusive basis for withholding information is protection of an individual's personal privacy, the information should not be withheld from him or from his designated legal representative.

(4) Information from such files may be withheld from an individual or from his legal representative for reasons other than protection of his personal privacy when authorized by Civil Service Commission regulations or other directives.

(h) Those containing information from investigatory files compiled to enforce civil, criminal, or military law, including Executive Orders or regulations validly adopted pursuant to law. Included within this exemption are:

(1) Reports, statements of witnesses, and other material based on the information developed during the course of an investigation and all materials prepared in connection with related Government litigation and adjudicative proceedings. OSI reports, for example concerning suspected violations of the Uniform Code of Military Justice and other laws come within this provision.

(2) Investigatory files compiled to enforce Executive orders or the directives of a component of the Department of Defense.

(3) Lists or identifications of firms or individuals suspended under procurement regulations when the lists are compiled in connection with investigations of irregularities.

Type of record	*Disclosure authority*
For use in litigation	The Judge Advocate General, or other authority listed in Part 840 of this chapter.
Records of trial after courts-martial	The Judge Advocate General, or other authority listed in Subpart F of this part.
Medical records	The director of base medical services or a designated medical officer, subject to the requirements of AFM 168-4 (Uniformed Services Health Benefits Program in Areas Other than the United States, Puerto Rico, Canada, Mexico, and countries within the U.S. European Command).
Inspector General reports of Investigation.	Secretary of the Air Force as outlined in AFR 120-3 (Administrative Inquiries and Investigations).
Accident/Incident Investigations (ground/explosives accidents are excluded from this requirement).	Secretary of the Air Force as outlined in AFR 127-4 (Investigating and Reporting USAF Accidents and Incidents).

Subpart C—Processing Requests To Inspect or Copy Records

§ 806.6 Persons authorized to disclose or not to disclose records requested by members of the public.

(a) Anyone having the authority to disclose and release unclassified records and other documentary material is called a disclosure authority. Except for categories of records listed in paragraph (d) of this section, or as specially authorized by other Air Force directives, the following have authority to make available unclassified records or other documentary material:

(1) Chiefs of offices at directorate or higher level at Hq USAF.

(2) Commanders at major command or comparable level. Major commands may delegate this authority to directorate or comparable level. Major commands may delegate this authority to directorate or comparable level at major command headquarters, and to the level of installation, wing or comparable commanders.

(b) In each case the authority to release records and documentary material of a routine nature which heretofore by policy or practice have been made available to the general public may be delegated to a lower level, but must be maintained high enough to insure that releases are made by a responsible authority and are in accordance with the regulations in this part. Examples of such types of records and documentary material are: Unclassified publications, photographs, local reports and statistics, etc., not designated "For Official Use Only."

(c) When appropriate under this part, a disclosure authority at the major command or comparable level or directorate or higher authority within Hq USAF is authorized to refuse to make available unclassified records or other documentary material to members of the public. Commanders of major commands may delegate this authority to directorate or comparable level at major command headquarters, and to the level of installation, wing, or comparable commanders. Such delegation must be made with sufficient restrictions to insure uniformity in release policies, and must include, as a minimum safeguard a procedure for consultation with the major command Staff Judge Advocate before denial of a request.

(d) The activities and persons listed below may either disclose, or refuse to disclose, the types of records cited when appropriate under this part.

(e) A copy of each denial made per authority of this section will be sent to Hq USAF (AF/JAC), Washington, D.C. 20314, along with a copy of the request being denied.

§ 806.7 Expedited handling required.

Activities at all echelons must expedite their handling of any request from members of the public to inspect or copy records. They should make every effort to avoid creating procedural obstacles when internal Air Force organizational problems arise, particularly where reorganization or transfer of function contributes to an improperly directed request. Air Force personnel will make all reasonable efforts to assist private persons in directing requests for records and other documentary material to the appropriate authorities.

Subpart D—How the Public Submits Requests for Documents

§ 806.8 Identifying material requested.

Request to inspect or obtain copies of records or other documentary material normally should be made in writing. It should contain at least the following information:

(a) All identification as complete as possible of the desired material, including (if known) its title or description, its date, and the issuing authority.

(b) With respect to matters of official record concerning civilian or military personnel, the first name, middle name or initial, surname, date of birth, and social security account number of the individual concerned, if known.

(c) A statement as to whether the requester wishes to inspect the record or obtain copies of it.

(d) Standard Form 180, "Request Pertaining to Military Records", is used by Federal agencies to obtain information from military service records that are in the National Personnel Records Center (Military Personnel Records). Agencies may furnish copies of SF 180 to the public to facilitate unofficial inquiries and may direct nongovernment organizations to the Superintendent of Documents to purchase quantities of the form.

§ 806.9 Addressing requests.

Requesters should address their requests as follows:

Nature of request	*Address*
For matters of official record for use in litigation.	Hq USAF (AF/JACL) Washington, D.C. 20314, or the activity where the record is located, if known.
For matters of record concerning civilian employees currently employed by the Air Force.	Civilian personnel officer of base or activity where person is employed.
For matters of record concerning civilian employees no longer employed in the Federal service.	National Personnel Records Center, GSA, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.
For matters of record concerning members and former members of the Air Force, Air Force Reserve, or Air National Guard.	See § 806.10.
For matters of record concerning standard (administrative type) publications, that is Air Force Regulations, Manuals, Pamphlets, etc.	Hq USAF (AFDADP) or Director of Chief of Administration of any Air Force Base.
For matters of record concerning Air Force technical, supply and engineering publication and data.	See § 806.10.
For matters of record concerning Major Command standard (administrative) type publications.	Director of Administration of the major command concerned.
For other records, where the location of the record is known.	Director or Chief of Administration, activity where record is located.
For records retired to record centers	AFM 12-50 and § 806.10.
For other records, where location is not known.	Hq USAF (AFDADP), Washington, D.C. 20330.

§ 806.10 Addressing requests for records of military personnel.

ADDRESSING REQUESTS FOR RECORDS OF MILITARY PERSONNEL

If the individual is presently—	And he is/was—	Then inquiry should be addressed to—
On extended active duty	A commissioned officer or warrant officer.	His organization of assignment if known, otherwise: USAFMPC (AFPMDRO) Randolph AFB TX 78148.
	An airman	His organization of assignment, if known, otherwise: USAFMPC (AFPMDRA) Randolph AFB TX 78148.
A member of the Air Force Reserve not on extended active duty.	A commissioned officer, warrant officer, or airman.	ARPC, 3800 York St., Denver, CO 80205.
A member of the Air National Guard not on active duty.	A commissioned officer or warrant officer.	Chief, National Guard Bureau, Wash., D.C. 20310
	An airman	Air Adjutant General of the appropriate State, District of Columbia, or Commonwealth of Puerto Rico.
Retired for temporary physical disability.	A commissioned officer or warrant officer.	USAFMPC (AFPMDRO) Randolph AFB TX 78148.
	An airman	USAFMPC (AFPMDRA) Randolph AFB TX 78148.
Retired (with pay)	A general officer	USAFMPC (AFPMDRO) Randolph AFB TX 78148.
	Other than a general officer	National Personnel Records Center, (Military Personnel Records), 9700 Page Blvd., St. Louis MO 63132.
Former members who no longer have an Air Force affiliation.	A commissioned officer, warrant officer or airman.	

NOTE: If member's status is unknown, address request to USAFMPC (AFPMDRF) Randolph AFB TX 78148

Subpart E—Appeals From Refusals To Make Records Available

§ 806.11 Filing an appeal.

(a) A person whose request to copy or inspect a record or other documentary material is denied may appeal this decision to the Secretary of the Air Force within 45 days of denial. A requester will not be considered to have exhausted his administrative remedies within the Department of the Air Force unless such an appeal has been filed and a Secretarial decision has been made. This decision will be the final action of the Air Force on the request.

(b) An appeal is filed when the requester sends a copy of the letter of denial to the Secretary of the Air Force together with a request that the denial be reconsidered.

(c) Any statement of reason or arguments must be submitted in writing when the appeal is filed. A personal appearance is allowed only at the discretion of the Secretary.

(d) The appeal should be addressed to Hq USAF (AF/JAC) Washington, DC 20314.

§ 806.12 Processing an appeal.

(a) A decision on the appeal must not be unnecessarily delayed. If the request to copy or inspect a record is denied on appeal, the decision must be explained to the requester in writing.

(b) A copy of this explanation is sent to the General Counsel, Department of Defense, Washington, DC 20301, in instances where the requester seeks reconsideration by the Secretary, or initiates legal action to compel release of the record.

Subpart F—Disclosure of Unclassified Records of Trial After Courts-Martial

§ 806.13 Purpose.

The policy and instructions set forth in this subpart govern disclosure of unclassified records of trial after courts-martial. It implements 5 U.S.C. 552 and DOD Directive 5400.7, June 23, 1967.

§ 806.14 Basic disclosure policies.

(a) When properly requested, unclassified records of trial by court-martial which are final under UCMJ, Article 76, should be made available by the disclosure authority responsible for final action on the case.

(b) The term "record of trial" includes the record proper and all exhibits, together with all actions taken and court-martial orders promulgated in the case. It does not include the allied papers in the record. (Requests for allied papers are submitted under Subpart D of this subchapter.) In any case governed by UCMJ, Article 65 (a) or (b), the written review of the staff judge advocate to the officer exercising general court-martial jurisdiction, add the opinion of the Court of Military Review if applicable, should be made available if the requestor specifies in his request that he desires these opinions as well as the record of trial.

(c) Normally, records of trial should be made available only after completion of the review procedures provided for by the UCMJ. However, records may be made available before completion of appellate review if it is determined that the circumstances so warrant and that disclosure will not interfere with the orderly processing of the case. This determination is made by the disclosure authority at the highest level of review within the Air Force provided by the UCMJ for a record of trial of the type requested.

(d) A requestor may not browse through entire files to find the record he desires so that he may then request it. Records or groups of records which are not individually identified in a request should not be made available.

§ 806.15 Disclosure authority.

The disclosure authority indicated below should take action to obtain the record requested from the appropriate records disposition facility when the record has been retired. The Judge Advocate General (AF/JAJ) is authorized to act as disclosure authority on any request for a record of trial, regardless of the type of court martial involved or the status of the record as active or retired.

DISCLOSURE AUTHORITY

Rule	If type of trial is—	Then disclosure authority—
1	General court-martial....	The Judge Advocate General (AF/JAG).
2	Special court-martial with bad conduct discharge approved by convening authority and by officer exercising general court-martial jurisdiction.	
3	Special court-martial other than in Rule 2.	Staff judge advocate to officer exercising general court-martial jurisdiction.
4	Summary court-martial..	

§ 806.16 Submitting requests.

(a) The request for a record of trial should contain as complete identification of the record as possible (full name, rank, and identification number of the accused, date and place of trial, and identification of the convening authority by command designation). If the requestor submits only a part of the identifying details, the Air Force will make a reasonable effort to locate the record requested. The request should state whether the requestor desires to inspect or to obtain copies of the record of trial.

(1) If the location of the record is known, the request should be addressed to the disclosure authority indicated in § 806.15.

(2) If the location of the record requested is not known, the request should be addressed to Hq USAF (AF/JAJM), Washington DC 20314.

§ 806.17 Processing requests.

(a) If a request is received by an Air Force activity other than the appropriate disclosure authority, it should be forwarded promptly to the disclosure authority indicated in § 806.15. A request for a record under Rule 3 or Rule 4 in § 806.15, should be forwarded to Hq USAF (AF/JAJM), Washington, DC 20314, when the disclosure authority cannot be readily identified by the activity receiving the request. The Air Force will make all reasonable efforts to assist private persons in directing a request for a record of trial to the appropriate disclosure authority. When such authority is identifiable, the request should be forwarded there, even though the record may have been retired.

(b) Upon receipt of a request, the disclosure authority specified in § 806.15 should arrange to make the record of trial available upon payment of the applicable fees, unless payment in advance is waived because the request is an urgent one. The disclosure authority should communicate with the requestor to inform him of the following matters, as appropriate:

(1) Tell him when and where the record of trial may be inspected. If a search fee is to be charged under Part 813 of this chapter, inform him of the cost, and tell him he must pay this amount before inspecting the record, unless the disclosure authority determines the request is an urgent one and authorizes payment after inspection.

(2) Advise him of the amount of fee required under Part 813 of this chapter for a copy of the record. Inform him that a copy will be furnished only after payment is received, unless the request is determined to be an urgent one and payment in advance is waived. (Any copies of the record to be furnished should be reproduced as expeditiously as possible without impairing the ability of Air Force activities to perform their other duties. When necessary, military reproduction facilities should assist the disclosure authority in fulfilling the request.)

(3) Advise the requestor that the record has been retired and that further information will be furnished when the record has been received by the disclosure authority. (Upon receipt of the record, follow up to inform him of the matters in paragraph (b) of this section, as appropriate.)

(c) The disclosure authority should maintain, with the original record of trial, a record of persons to whom that record of trial has been made available, with the addresses of such persons, dates of access, and information concerning any copies furnished under this part and Part 813 of this chapter.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71-3303 Filed 3-10-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

De Soto National Wildlife Refuge, Iowa-Nebraska

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

IOWA-NEBRASKA
DE SOTO NATIONAL WILDLIFE REFUGE

Public recreational activities are permitted on the De Soto National Wildlife Refuge subject to the following special conditions:

(1) *Authorized activities.* Public recreational activities are limited to fishing, picnicking, swimming, boating, water skiing, sightseeing, mushroom picking, and nature observation.

(2) *Open season.* The open season for general public recreational use is from April 15, 1971, through September 15, 1971. During this period, the public recreational use area is open daily between the hours of 6 a.m. and 9 p.m., c.d.s.t. Admittance onto the area after 8 p.m. is prohibited. Two separate mushroom picking areas are open daily to the public during the month of May; hours of use are the same as for the general use area.

(3) *Open area.* The area open for general public use comprises approximately 2,000 acres and the special mushroom areas comprise approximately 1,100 acres. These areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Maps of the open areas are also posted or available for handout at entrance points.

(4) *Access.* Entry to the open area is permitted only at gates or points of entry specifically posted for this purpose.

(5) *Entrance fees.* Entry to the public use area shall be subject to fee charging for an entrance permit, as required for all designated areas under the Land and Water Conservation Fund Act. The types of entry permits available and the fees therefor shall be as determined by the Secretary. Permits will be available at refuge headquarters and at fee collection stations located at two entrance points.

(6) *Other provisions.* (a) The use of air mattresses, innertubes, beach balls, and all other flotation devices, other than life preservers, is prohibited on refuge waters.

(b) The possession of bottles or cans is prohibited on the designated swimming beach.

(c) The use of fire is permitted in grills only.

(d) Access to refuge waters with airboats or houseboats is prohibited.

(e) Access to refuge waters with boats that have toilets that flush directly into the water is prohibited, unless such toilets are sealed from use.

(f) The possession of open alcoholic beverages is prohibited on any boat propelled by mechanical power while the craft is in operation.

(g) The lake being long and narrow requires that all boaters keep to the right and maintain a highway-type traffic pattern. Turns shall always be made to the operator's left, except when beaching or docking a boat.

(h) A portion of the refuge lake is posted as a "No Wake Zone." Boaters using this area shall travel at an idling speed sufficiently slow to prevent a wake that would rock another boat.

(i) All boats are prohibited from loading or unloading passengers from the swimming area.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through September 15, 1971.

JAMES W. SALYER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

MARCH 2, 1971.

[FR Doc.71-3345 Filed 3-10-71;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Florida, Georgia and Maryland

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

FLORIDA
MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 47,481 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except for the following special conditions:

(1) Sport fishing is permitted on the open areas year round except during the waterfowl hunting season when fishing is limited to the open waters of Mosquito Lagoon, Banana Creek, the open waters of Banana River south of NASA Causeway East, the open waters of Dummitt Creek, the Indian River lying within the refuge, and the ocean beach.

(2) Bank fishing along Banana Creek and Banana River except that portion around Canaveral Harbor is prohibited.

(3) Fishing may be prohibited at certain times in all or part of Mosquito Lagoon, Banana Creek, Banana River and along the ocean beach when safety operational factors by NASA so require. At such times the areas will be posted as closed.

(4) Fishermen may not leave fishing rods and/or poles unattended.

(5) Trot lines, set lines or bush hooks are prohibited.

(6) Air-thrust boats are prohibited. Inboard and outboard boats are permitted in the waters open to fishing except in areas specifically designated by suitable posting by the refuge officer-in-charge as closed to motor boat operation.

(7) Fishing is permitted on the open waters of Mosquito Lagoon, Banana River, Indian River lying within the Refuge, and the ocean beach 24 hours a day. Access to the other areas is permitted only during the period from 1 hour before sunrise to 1 hour after sunset.

(8) Taking of any fish with spears or bow and arrow is prohibited.

GEORGIA
OKEFENOKEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Okefenokee National Wildlife Refuge, Waycross, Ga. Certain isolated areas are closed and posted. The open areas are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) Fishing permitted during daylight hours only.

(2) Boats with motors not larger than 10 hp., canoes and rowboats permitted.

(3) Artificial and live bait (except live minnows) permitted.

(4) Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Persons entering refuge from main access points must register with the respective concessioner.

(6) Persons using the sill access ramp on the pocket are required to sign the register when they enter the swamp and again when they leave. Use of launching facilities is permitted as long as parking regulations are not violated. Parking regulations are posted at registration station.

MARYLAND
BLACKWATER NATIONAL WILDLIFE REFUGE

Sport fishing and crabbing on the Blackwater National Wildlife Refuge, Cambridge, Md., is permitted only on those areas designated by signs as open to fishing. These open areas, comprising approximately 2,700 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing and crabbing shall be in accordance with all applicable State regulations except for the following special conditions:

(1) Season: April 1–September 30. Daylight hours only.

(2) Boat launching from refuge lands prohibited.

(3) All fish and crab lines must be attended. No set tackle may be used.

(4) Use of airboats prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1971.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 4, 1971.

[FR Doc.71-3346 Filed 3-10-71;8:45 am]

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA
ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,550 acres are delineated on maps available to at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, MN 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from May 1, 1971 to September 15, 1971, daylight hours only.

(2) The use of boats, with motors is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1971.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

MARCH 3, 1971.

[FR Doc.71-3347 Filed 3-10-71;8:45 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 229]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.529 Navel Orange Regulation 229.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted

by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 12, 1971, through March 18, 1971, are hereby fixed as follows:

(i) District 1: 852,000 cartons;

(ii) District 2: 348,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 10, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3520 Filed 3-10-71;11:18 am]

[Valencia Orange Reg. 338]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.638 Valencia Orange Regulation 338.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Azrizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such-provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 12, through March 18, 1971, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 108,276 Cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 10, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3319 Filed 3-10-71;11:18 am]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 381]

CARGO PREFERENCE, U.S.-FLAG VESSELS

Notice of Proposed Rule Making

The Assistant Secretary of Commerce for Maritime Affairs has under consideration the promulgation of regulations to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954, section 901 (b) of the Merchant Marine Act, 1936, as amended (65 U.S.C. 1241(b)), in the administration of their programs with respect to that Act, as provided in section 27 of the Merchant Marine Act of 1970, Public Law 91–469. The first of such proposed regulations are set forth in F.R. Doc. 71–577 published in the FEDERAL REGISTER issue of January 15, 1971 (36 F.R. 609).

The Act provides that the appropriate agency or agencies shall take such steps as may be necessary and practicable to assure that at least 50 per centum of the gross tonnage of certain Government generated cargoes which may be transported on ocean vessels shall be transported on privately-owned U.S.-flag commercial vessels to the extent such vessels are available at fair and reasonable rates for U.S.-flag commercial vessels—

• • • in such manner as will insure a fair and reasonable participation of U.S.-flag commercial vessels in such cargoes by geographic areas: • • •

Inequities may result when the gross tonnage of liner-parcel cargoes apportioned U.S.-flag vessels under Public Law 83–664 requirements consists predominantly of the lower-rated commodities being shipped under a particular loan, grant or purchase transaction. In order to insure that the gross tonnage allocation for U.S.-flag vessels represents "fair and reasonable participation" in such cargoes being shipped, the value and the freight revenues of the cargoes must be considered.

Therefore, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 533) that the Assistant Secretary of Commerce for Maritime Affairs pursuant to sections 204(b), 212(d), and 901(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), and the authority delegated to him by the Secretary of Commerce under section 3 of Department Organization Order 10–8, 36 F.R. 1223, proposes to add the following regulations to those set forth in F.R. Doc. 71–577:

§ 381.2 Definition.

• • • • • •

(e) "Liner parcel" means any cargo, dry or liquid, normally carried under berth terms by common carriers in ocean trades.

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§ 381.4 Fair and reasonable participation.

In order to insure a fair and reasonable participation by U.S.-flag commercial vessels in liner parcel cargoes subject to the Cargo Preference Act of 1954, as required by that Act, the head of each department or agency having responsibility under that Act shall prescribe a formal procedure providing for the cargo mix of liner parcel cargoes transported on ocean vessels to be divided between privately-owned U.S.-flag vessels and foreign-flag vessels in such a manner as to yield to the U.S.-flag vessels freight revenue per long ton at least equal to the freight revenue per long ton afforded the foreign-flag vessels participating in the same grant, loan or purchase transaction. A copy of the procedure established by each department or agency shall be furnished to the Maritime Administration.

All interested persons are invited to submit their views and comments on the foregoing proposed regulations in writing to the Maritime Administration, Washington, D.C. 20235, on or before March 31, 1971. Except where it is requested that such communications not be disclosed, they will be considered to be available for public inspection.

Dated: March 5, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary, Maritime Administration.

[FR Doc.71-3503 Filed 3-10-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10896]

AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1–11 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Model BAC 1–11 200 and 400 series airplanes. It has been determined that a hazardous drift may occur in the Voltage Sensing Unit due to collector-emitter leakage current. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require replacement of the existing transistor T.1 in the Rotax Voltage Sensing Unit U.3619 or U.3619/1 with a new transistor, P/N.19723511, on British Aircraft Corp. Model BAC 1–11 200 and 400 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before April 12, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1–11 200 and 400 series airplanes.

To prevent a hazardous drift in the Voltage Sensing Unit, within the next 500 hours' time in service after the effective date of this AD incorporate Rotax Modification SP 7174 by replacing the transistor T.1 in the Rotax Voltage Sensing Unit Type U.3619 or U.3619/1 with a new transistor, P/N.19723511, in accordance with Rotax Service Bulletin No. 24–368 dated May 4, 1970, or later ARB-approved issue or an FAA-approved equivalent.

(British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin 24–PM 4641, Revision 2, dated June 15, 1970, refers to this subject.)

Issued in Washington, D.C., on March 4, 1971.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[FR Doc.71-3368 Filed 3-10-71;8:47 am]

[14 CFR Part 39]

[Docket No. 10897]

AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1–11 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corporation Model BAC 1–11 200 and 400 series airplanes.

Amendment 39–890, AD 69–25–9, as amended by Amendment 39–898 and Amendment 39–966, was issued to provide corrective action to reduce the possibility of fire in the flight deck roof panel "E" area due to electrical overheating of the regavolt dimmer switches. Subsequent to the issuance of Amendment 39–966, the manufacturer has developed additional modifications to increase the electrical and mechanical overheat protection in the panel "E" area to further reduce the possibility of fire. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require modification of the flight deck roof panel "E" installation and the flight deck panel lighting electrical system in accordance with British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM–4477, dated March 30, 1970, or later ARB-approved issue or an FAA-approved equivalent.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before April 12, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1–11 200 and 400 series airplanes.

Compliance is required within the next 750 hours' time in service after the effective date of this AD unless already accomplished.

To reduce the possibility of fire which could result from overheating of the materials in and around the flight deck center roof panel "E" area, accomplish the following:

(a) For Model BAC 1–11, 200 series airplanes, modify the flight deck roof panel "E" installation and the flight deck panel lighting electrical system in accordance with parts (b), (c), and (d), of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM–4477, dated March 30, 1970, or later ARB-approved issue or an FAA-approved equivalent.

(b) For Model BAC 1–11, 400 series airplanes, modify the flight deck roof panel "E" installation and the flight deck panel lighting electrical system in accordance with parts (a), (b), (c), (d), and (e) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM–4477, dated March 30, 1970, or later ARB-approved issue or an FAA-approved equivalent.

(British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 33–A–PM–4169, Issue 4, dated June 7, 1970, refers to this subject.)

Issued in Washington, D.C., on March 4, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71–3369 Filed 3–10–71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71–EA–18]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Latrobe, Pa., control zone (36 F.R. 2097) and transition area (36 F.R. 2218).

New LOC (BC) RWY 5 and ILS RWY 23 instrument approach procedures have been authorized for Latrobe Airport. Additionally, the NDB RWY 23 approach has been revised and the NDB (ADF) RWY 21 and LOC RWY 23 approaches have been cancelled. A review of the terminal airspace requirements for Latrobe, Pa. indicates that alteration of the control zone and 700-foot-floor transition area is required because of these actions and to provide controlled airspace protection for aircraft executing the new instrument approach procedures for Latrobe Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Latrobe, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Latrobe, Pa., control zone and insert the following in lieu thereof:

Within a 6-mile radius of the center, 40°16'39" N., 79°24'14" W. of Latrobe Airport, Latrobe, Pa.; within 2 miles each side of the Latrobe Airport localizer northeast course extending from the 5-mile-radius zone to 1.5 miles southwest of the Latrobe RBN 40°22'32" N., 79°16'19" W.; and within 1.5 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile-radius zone to 17.5 miles southwest of the Latrobe RBN. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Latrobe, Pa., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°16'39" N., 79°24'14" W., of Latrobe Airport, Latrobe, Pa.; within the arc of an 8.5-mile-radius circle centered on Latrobe Airport, extending clockwise from a 270° bearing from the center of the airport to a 360° bearing from the center of the airport; within 2 miles each side of the 226° bearing from the Latrobe RBN 40°22'32" N., 79°16'19" W., extending from the 5-mile-radius area to the RBN; within 4 miles each side of the 046° bearing from the Latrobe RBN, extending from the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of the 213° bearing from the Latrobe RBN, extending from the RBN to 3 miles southwest of the RBN; within 2 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile-radius area to 17 miles southwest of the Latrobe RBN and within 3.5 miles each side of the Latrobe Airport localizer southwest course, extending from 17 miles southwest of the Latrobe RBN to 27 miles southwest of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 18, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71–3365 Filed 3–10–71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71–WE–11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Lemoore, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The Lemoore NAS, Calif., proposes to revise the current HI–NDB–A instrument approach procedure to provide for straight-in approach capability to RWY 32L. The revised instrument procedure has been reviewed in accordance with criteria contained in U.S. Standard for Terminal Instrument Procedures (TERPs). As a result, it has been determined that an additional 700-foot-transition area is required to provide controlled airspace protection for aircraft executing the prescribed instrument procedure while operating between 1,500 feet and 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Lemoore, Calif., transition area is amended as follows:

Delete all before "* * * and that airspace extending upward from 1,200 feet * * *" and substitute "* * * That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN, and within 5 miles each side of a 156° bearing from the NAS Lemoore RBN extending from the 10-mile-radius area to 13.0 miles southeast of the RBN; * * *" therefore

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 26, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71–3367 Filed 3–10–71;8:47 am]

[14 CFR Part 75]

[Airspace Docket No. 71–CE–26]

JET ROUTE

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route between Fargo, N. Dak., and Sault Ste. Marie, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace action proposed in this docket would designate Jet Route No. 140 from the Fargo, N. Dak., VORTAC to the Sault Ste. Marie, Mich., VORTAC, via the Duluth, Minn., VORTAC.

The proposed jet route would join J–36 at Fargo with Canadian HL–500 at Sault Ste. Marie. This would provide greater utilization of the airspace in the northern portion of the Minneapolis Air Route Traffic Control Center area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 3, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–3366 Filed 3–10–71;8:47 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 13300]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 5, 1971.

The Forest Service, United States Department of Agriculture, has filed application Serial No. NM 13300, for the withdrawal of the lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundaries of the Santa Fe National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, NM 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

PARCEL 1

Beginning at the most northerly corner of the parcel from which the 5-mile corner on the northerly boundary of the Canon de San Diego Grant bears N. 69°44'58" E., 4,552.48 feet; thence, S. 51°15'00" E., 2,387.76 feet to the most easterly corner of the parcel herein described; thence, S. 38°43'39" W., 148.33 feet; thence, S. 52°12'55" W., 1,270.12 feet; thence, S. 36°28'20" W., 1,210.23 feet; thence, N. 75°22'55" W., 501.64 feet; thence, S. 62°17'46" W., 652.24 feet to the most southerly corner of the parcel herein described; thence, N. 35°28'30" W., 2,660.04 feet to the most westerly corner of the parcel herein described; thence, S. 87°10'30" E., 1,223.65 feet; thence, N. 20°19'30" E., 684.09 feet; thence, N. 45°19'30" E., 787.83 feet; thence, N. 66°19'30" E., 590.09 feet to the most northerly corner and place of beginning of the parcel herein described and containing 180.094 acres, more or less.

PARCEL 2

That portion of Parcel 2, Rio Cebolla Canyon, as prepared by Robert K. Walsh, NMLS No. 2127, under date of July 20, 1966, more particularly described as follows:

Beginning at a point which is located S. 56°21' W., 5,468.90 feet from the 5½-mile corner on the north boundary of the Canon de San Diego Grant; thence, S. 360°02' E., 342 feet along the Fish and Game Department's fence to the gate in Fenton feeding area; thence, S. 42°22'10" W., 888 feet to Corner "F" of Nevitt tract; thence, along southeast side of Nevitt tract S. 46°30'30" W., 1,268.52 feet to Corner "E" of Nevitt tract; thence S. 31°51'02" W., 733.80 feet to point on southwest boundary of Hardin tract; thence N. 38°30'00" W., 4,550 feet to point on boundary of national forest land; thence along property line N. 77°47'22" E., 872.51 feet; thence S. 77°29'46" E., 448.95 feet; thence S. 74°37'18" E., 450.22 feet; thence N. 61°16'01" E., 290.81 feet; thence N. 25°36'55" E., 647.43 feet; thence N. 54°47'34" W., 392.86 feet; thence N. 27°37'56" E., 799.49 feet; thence N. 07°35'47" W., 1,835.91 feet to north boundary of Canon de San Diego Grant; thence along Grant boundary S. 77°20'26" E., 2,156.01 feet; thence along national forest property line S. 28°23'33" W., 900.30 feet; thence N. 86°58'14" E., 976.36 feet; thence S. 20°09'20" E., 306.47 feet; thence S. 42°43'28" W., 1,025.83 feet; thence N. 80°44'57" E., 600.92 feet; thence S. 75°39'54" E., 70.54 feet to corner of national forest, Hardin and Tinnin properties; thence S. 67°30'00" W., 1,641.28 feet; thence S. 35°28'30" E., 2,179.41 feet to point of beginning; less 10 acres of land, being more particularly described by Quit-claim Deed filed for record in Vol. DR-9, Folio 179, Sandoval County, N. Mex.

The areas described aggregate 520.157 acres in Sandoval County.

MICHAEL T. SOLAN,
Land Office Manager.

[FR Doc.71-3348 Filed 3-10-71;8:45 am]

IDAHO

Notice of Restricted Snowmobile and Other Over-the-Snow Vehicle Use; Closure Order

Notice is hereby given in accordance with Title 43 CFR 6010.4 that the following described lands under the administration of the Bureau of Land Management, located within Caribou County, Idaho, are closed to snowmobiles and other over-the-snow vehicles.

The legal description of these lands is as follows:

T. 7 S., R. 46 E., Boise Meridian, Caribou County,
Sec. 8, N½NE¼;
Sec. 9, NE¼NE¼, W½W½;
Sec. 10, W½NE¼, NW¼, NW¼SE¼;
Sec. 15, all;
Sec. 22, all;
Sec. 23, lots 1, 2, 3, and 4, W½;
Sec. 26, lots 1 and 2, NW¼, NW¼SW¼;
Sec. 27, NE¼NE¼;
Containing 2,520 acres.

These lands are located approximately east and north of Stump Creek which is 10 miles northwest of Afton, Wyo., in the area bounded by the Stump Creek road on the west and south, the Wyoming-Idaho State line on the east and the Caribou National Forest on the north.

It is found that the use of snowmobiles and other over-the-snow vehicles in this area is causing big game animals wintering in the area to leave the area during their normal grazing periods because of their fear of these motorized vehicles. Continued use of the area by such vehicles will destroy the wildlife habitat for big game animals accustomed to wintering in the area.

This closure order will be posted in the FEDERAL REGISTER. Signs will be posted to identify the exterior boundaries of the closed area. Maps showing the closed area are posted in the post offices at Afton, Wyo., and Soda Springs, Idaho, in the Caribou Courthouse at Soda Springs, Idaho, and in the Burley District Office of the Bureau of Land Management located at 200 South Oakley Highway, Burley, Idaho 83318.

The cooperation and assistance of the public will be sincerely appreciated in order to protect the big game animals wintering in this area of Caribou County.

WILLIAM L. MATHEWS,
State Director.

[FR Doc.71-3390 Filed 3-10-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (36 F.R. 3205) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to sheep with respect to Grote Meat Co., Establishment 2369, is deleted. The reference to sheep with respect to Clayton Packing Co., Establishment 2373, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Raskin Packing Co.	237M	(*)						
Litvak Packing Co.	465	(*)						
Armour & Co.	579	(*)				(*)		
Coffeyville Packing Co., Inc.	583	(*)						
Western Meat Packers, Inc.	662	(*)	(*)	(*)		(*)		
Dean Sausage Co., Inc.	6621					(*)		
The Ross Abattoir Co.	6780	(*)	(*)					
Nemetz Packinghouse	6866	(*)						
Muskogee Meat & Food Lockers	7015	(*)				(*)		
Gulliot Packing Co., Inc.	7086	(*)	(*)					
Dinner Bell Meat Products, Inc.	7440	(*)						
Stanley Locker Service	7632	(*)				(*)		
New establishments reported: 12.								
Central Packing Co., Inc.	96		(*)					
Valleydale Packers, Inc.	922	(*)						
P&H Packing Co., Inc.	2211					(*)		
Rollins Packing Co.	2285					(*)		
Mount Vernon Meat Co., Inc.	6039					(*)		
Schenk Packing Co.	6056			(*)				
C. Rice Packing Co., Inc.	6545		(*)					
Millner & Swanick	7662					(*)		
Casselton Cold Storage	7611		(*)					
Dakota Meat, Inc.	7636		(*)	(*)				
City Meat & Locker	7644			(*)				
Wetsch Jack & Jill	7646			(*)				
Species Added: 13.								

Done at Washington, D.C., on March 4, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-3364 Filed 3-10-71;8:47 am]

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

On the basis of the February 22, 1971 declaration by the President of a major disaster and the consequent areas determination by the Director, Office of Emergency Preparedness, the following counties in the State of Mississippi are hereby designated for the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) as modified by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606):

MISSISSIPPI

Benton.	Tippah.
Holmes.	Warren.
Lafayette.	Washington.
Leflore.	Yalobusha.
Marshall.	Yazoo.
Pontotoc.	

Emergency loans will not be made in these counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 8th day of March 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-3403 Filed 3-10-71;8:50 am]

NEBRASKA

Designation of Areas for Emergency Loans

On the basis of the February 23, 1971, declaration by the President of a major disaster and the consequent areas determination by the Director, Office of Emergency Preparedness, the following counties in the State of Nebraska are hereby designated for the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) as modified by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606):

NEBRASKA

Burt.	Dodge.
Colfax.	Platte.
Cuming.	Thurston.
Dakota.	Washington.
Dixon.	

Emergency loans will not be made in these counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 8th day of March 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-3404 Filed 3-10-71;8:50 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. G-490]

SHERMAN R. NECAISE

Notice of Loan Application

MARCH 5, 1971.

Sherman R. Necaise, Post Office Box 55A, Lake Shore, MS 39558, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 53-foot length overall wood vessel to operate in the fishery for shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3343 Filed 3-10-71;8:45 am]

[Docket No. B-506]

GILBERT POST

Notice of Loan Application

MARCH 5, 1971.

Gilbert Post, Spruce Head, Maine 04859, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 32-foot length overall wood vessel to engage in the fishery for lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in

writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3344 Filed 3-10-71;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CONVENTIONAL MORTGAGES ELIGIBLE FOR PURCHASE BY FEDERAL NATIONAL MORTGAGE ASSOCIATION

Proposed Forms

The Federal National Mortgage Association (FNMA) is a Government-sponsored private corporation chartered by title III of the National Housing Act ("FNMA Charter Act", 12 U.S.C. 1716) to operate a secondary market for home mortgages insured or guaranteed by the Government under various acts. The Secretary of Housing and Urban Development has general regulatory power over FNMA, under section 309(h) of the Charter Act. Section 302(b)(2) of the Act (added by the Emergency Home Finance Act of 1970, 84 Stat. 450) also authorizes FNMA to deal in conventional mortgages, with the approval of the Secretary.

Preparatory to establishing a secondary market for conventional mortgages, FNMA in conjunction with the Federal Home Loan Mortgage Corporation (created by the Emergency Home Finance Act of 1970) has prepared draft forms of mortgages, deeds of trust, and promissory notes and circulated them for comment primarily with industry related groups. Because of the great diversity in state law and practice, the draft forms contain only the uniform covenants and provide for insertion of nonuniform covenants to reflect the laws and customs of each jurisdiction.

The Secretary believes that public comment concerning the draft forms will assist him in exercising his general regulatory power and his approval power with respect to the establishment by FNMA of a secondary market in conventional mortgages. The Secretary has therefore decided to publish the proposed forms to afford the public an opportunity for comment. Interested persons are invited to participate by submitting, on or before April 12, 1971, two copies of written data, views or arguments pertaining to the proposed forms to Mr. Maxwell, General Counsel of Housing and Urban Development, Room 10214, 451 Seventh Street SW., Washington, DC 20410; and one copy to Mr. Murray, General Counsel of the Federal National Mortgage Association, 1133 15th Street NW., Washington, DC 20005. All communications will be made available for public inspection in the HUD Information Center, Room 1202, 451 Seventh Street SW., upon receipt thereof.

Interested persons have also been invited to participate in a public meeting to be conducted jointly by FNMA and FHLMC on the proposed forms on a date to be announced by those organizations. All relevant comments submitted to the Secretary or expressed at the public meeting will be considered by the Secretary in acting on the forms proposed by FNMA.

The proposed forms are set out below.

Dated: March 8, 1971.

RICHARD C. VAN DUSEN,
Under Secretary of Housing and Urban Development.

NOTE

US $----------

----------, ----------,
City State

----------, 19--.

For value received, the undersigned promise to pay ----------, or order, the principal sum of ---------- ------ Dollars, with interest on the unpaid principal balance from the date of this Note, until paid, at the rate of ------ percent per annum. The principal and interest shall be payable at ----------, or such other place as the holder hereof may designate in writing, in consecutive monthly installments of ---------- Dollars (US $----------), on the ---------- day of each month beginning ----------, 19--, until the entire indebteness evidenced hereby is fully paid, except that any remaining indebtedness if not sooner paid, shall be due and payable on the ---------- day of ----------, ------.

If any monthly installment under this Note is not paid when due and if such payment is not made within 30 days thereafter, the entire principal amount outstanding hereunder and accrued interest thereon shall at once become due and payable, without notice, at the option of the holder hereof. Failure to exercise such option shall not constitute a waiver of the right to exercise such option in the event of any subsequent default. In the event of any default in the payment of this Note, and if the Note is referred to an attorney at law for collection or suit is brought hereon, the undersigned shall pay, in either case, all costs of collection, including reasonable attorney's fees.

The undersigned shall pay to the holder hereof a late charge of ------ percent of any monthly installment not received by the holder hereof within ------ days after the installment is due.

The undersigned may prepay the principal amount outstanding hereunder in whole or in part on the date monthly installments are due, provided that the holder hereof may designate that partial prepayments shall be in the amount of that part of one or more of the monthly installments next due under this Note which would be applicable to principal. The undersigned shall pay to the holder hereof ------ percent of the amount by which prepayments made in the calendar year of the date of this Note or in any of the next ------ succeeding calendar years exceed 20 percent of the original principal amount of this Note. Any partial prepayment shall be applied against the principal amount outstanding hereunder and shall not extend or postpone the due date of any subsequent monthly installments or change the amount of such installments, unless the holder hereof shall otherwise agree in writing.

Presentment, notice of dishonor, and protest are hereby waived by all makers, sureties, guarantors and endorsers hereof. This Note shall be the joint and several obligation of all makers, sureties, guarantors and endorsers, and shall be binding upon them and their successors and assigns. In the event any clause or provision of this Note conflicts with applicable law, such conflict shall not affect other provisions of this Note which can be given effect without the conflicting provision, and to this end the provisions of this Note are declared to be severable.

The indebtedness evidenced by this Note is secured by and may be also accelerated pursuant to the provisions of a Mortgage or Deed of Trust, dated of even date herewith.

---------- ----------
---------- ----------
(Name of State)
(Date)

MORTGAGE

This Mortgage is made this---------- day of ----------, 19--, between the Mortgagor, ---------- (herein "Borrower"), and the Mortgagee, ---------- ----------, a corporation organized and existing under the laws of ----------, whose address is ---------- (herein "Lender").

Whereas, Borrower is indebted to Lender in the principal sum of ---------- Dollars, which indebtedness is evidenced by a certain note of even date herewith (herein "Note"), providing for monthly installments of principal and interest, with the balance of the indebtness, if not sooner paid, due and payable on----------, ------;

To secure to Lender (a) the repayment of the indebtedness evidenced by the Note, with interest thereon, the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Mortgage, and the performance of the covenants and agreements of Borrower herein contained, and (b) the repayment of any future advances, with interest thereon, made to Borrower by Lender pursuant to paragraph 20 hereof (herein "Future Advances"), Borrower does hereby mortgage, grant and convey to Lender the following described property located in the ----------, County of ----------, (State:)

Together with all the improvements, tenements and appurtenances now or hereafter erected on the property, and all easements, rents, royalties, mineral, oil and gas rights and profits, water, water rights, and water stock, and all fixtures now or hereafter attached to or used in connection with the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Mortgage; and all of the foregoing, together with said property (or the leasehold estate in the event this Mortgage is on a leasehold) are herein referred to as the "Property".

Borrower covenants that Borrower is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant and convey the Property, and that Borrower will warrant and defend generally the title to the Property against all claims and demands, subject to easements and restrictions of record.

Uniform covenants. Borrower further covenants and agrees as follows:

1. *Payment of Principal and Interest.* Borrower shall promptly pay when due the principal of and interest on the indebtedness evidenced by the Note, prepayment and late charges as provided in the Note, and the principal and interest on any Future Advances secured by this Mortgage.

2. *Funds for Taxes and Insurance.* Borrower shall pay to Lender on the day monthly installments of principal and interest are payable under the Note, until the Note is paid in full, a sum (herein "Funds") equal to one-twelfth of the yearly taxes and assessments which may attain priority over this Mortgage, and ground rents, if any, plus one-twelfth of yearly premium installments for hazard insurance required under paragraph 5 hereof, plus one-twelfth of any yearly premiums for mortgage insurance, all as estimated initially and from time to time by Lender, to be applied by Lender to pay said taxes, assessments, insurance premiums and ground rents. The Funds are pledged as additional security for the sums secured by this Mortgage. No earnings or interest shall be payable to Borrower on the Funds. Lender shall have the right to hold the Funds in any manner Lender selects and may commingle the Funds with other monies held by Lender.

If the amount of the Funds held by Lender shall exceed at any time the amount deemed necessary by Lender to provide for the payment of taxes, assessments, insurance premiums and ground rents, as they fall due, such excess shall be either promptly repaid to Borrower or credited to Borrower on monthly installments of Funds payable over the subsequent 12 months as Lender may determine. If the amount of the Funds held by Lender shall not be sufficient at any time to pay taxes, assessments and insurance premiums and ground rents as they fall due, Borrower shall pay to Lender any amount necessary to make up the deficiency upon notice from Lender to Borrower requesting payment thereof.

Upon payment in full of all sums secured by this Mortgage, Lender shall promptly credit to Borrower any Funds held by Lender.

If under paragraph 18 hereof the Property is sold or the Property is otherwise acquired by Lender, Lender shall apply, no later than the date of sale of the Property or its acquisition by Lender, any Funds held by Lender at the time of application as a credit against the sums secured by this Mortgage.

3. *Application of Payments.* All payments received by Lender under the Note and paragraphs 1 and 2 hereof shall be applied by Lender first in payment of amounts payable to Lender by Borrower under paragraph 2 hereof, then to interest payable on the Note and on Future Advances, if any, and then to the principal of the Note and to the principal of Future Advances, if any.

4. *Charges; Liens.* Borrower shall pay all taxes, assessments and other charges, fines and impositions attributable to the Property which may attain a priority over this Mortgage, and ground rents, if any, in accordance with paragraph 2 hereof, or if Lender so designates, by Borrower making payment, when due, directly to the payee thereof. Borrower shall promptly furnish to Lender all notices of amounts due under this paragraph, and in the event Borrower shall make payment directly, Borrower shall promptly furnish to Lender receipts evidencing such payments. Borrower shall promptly discharge any lien which has priority over this Mortgage: *Provided,* That Borrower shall not be required to discharge any such lien so long as Borrower shall agree to the payment of the obligation secured by such lien in a manner acceptable to Lender, or shall, in good faith, contest such lien by appropriate legal proceedings which shall operate to prevent the enforcement of the lien or forfeiture of the Property or any part thereof.

5. *Hazard Insurance.* Borrower shall keep the improvements now existing or hereafter erected on the Property insured by insurance carriers satisfactory to Lender against loss by fire, hazards included within the term "extended coverage", and such other hazards as Lender shall designate and in such amounts and for such periods as Lender shall require. Borrower shall pay all premiums on insurance policies in accordance with paragraph 2 hereof or, if Lender so designates, by Borrower making payment, when due, directly to the insurance carriers. All insurance policies and renewals thereof shall be in form acceptable to Lender and shall include a mortgage clause in favor of and in form acceptable to Lender. Lender shall have the right to hold the policies and renewals thereof, and Borrower shall promptly furnish to Lender all renewal notices and all paid-premium receipts. In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender, and Lender may make proof of loss if not made promptly by Borrower. Lender is authorized and empowered to collect and receive insurance proceeds, and to apply the insurance proceeds or any part thereof at Lender's option to the restoration or repair of the Property damaged or to the reduction of the principal of the Note or to the reduction of the principal of Future Advances, if any. Any such application to principal shall not extend or postpone the due date of the monthly installments referred to in paragraphs 1 and 2 hereof or change the amount of such installments. If under paragraph 18 hereof the Property is acquired by Lender, all right, title and interest of Borrower in and to any insurance policies and in and to the proceeds thereof resulting from damage to the Property prior to the sale or acquisition shall pass to Lender.

6. *Preservation and Maintenance of Property and Leaseholds.* Borrower shall keep the Property in good repair and shall not permit or commit waste, impairment, or deterioration of the Property and shall comply with the provisions of any lease, if this Mortgage is on a leasehold, and with all laws, ordinances, regulations and requirements of any governmental body applicable to the Property.

7. *Protection of Lender's Security.* If Borrower fails to perform the covenants and agreements contained in this Mortgage, or if any action or proceeding is commenced which affects the Property or title thereto, or the interest of Lender therein, including, but not limited to, eminent domain, insolvency, code enforcement, and arrangements and proceedings involving a bankrupt or decedent, then Lender at Lender's option, upon notice to Borrower, may make such appearances, disburse such sums and take such action as Lender deems necessary to protect Lender's interest, including, but not limited to, disbursement of reasonable attorney's fees and entry upon the Property to make repairs. Any amounts disbursed by Lender pursuant to this paragraph 7, with interest thereon, shall become additional indebtedness of Borrower secured by this Mortgage. Unless Borrower and Lender agree to other terms of payment, such amount shall be payable upon notice from Lender to Borrower requesting payment thereof, and shall bear interest from the date of disbursement at the rate stated in the Note unless payment of interest at such rate would be contrary to applicable law, in which event such amounts shall bear interest at the highest rate permissible by applicable law: *Provided,* That Borrower shall have the right to repay such amounts in whole or in part at any time. Nothing contained in this paragraph 7 shall require Lender to incur any expense or do any act hereunder.

8. *Inspection.* Upon notice to Borrower, Lender may make or cause to be made reasonable entries upon and inspections of the Property.

9. *Condemnation.* All awards, proceeds or damages, direct or consequential, in connection with any condemnation or injury to the Property, or part thereof, or for conveyances in lieu of condemnation, are hereby assigned and shall be paid to Lender to the extent of the sums secured by this Mortgage. Lender is hereby authorized in the name of Borrower to execute and deliver valid acquittances thereof and may appeal from any such award. Lender at its option shall apply such awards, proceeds, or damages to restoration of the Property or to the reduction of the principal of the Note or to the reduction of the principal of Future Advances, if any. Any such application to principal shall not extend or postpone the due date of the monthly installments referred to in paragraphs 1 and 2 hereof, or change the amount of such installments.

10. *Borrower Not Released.* Extension of the time for payment or modification of amortization of the sums secured by this Mortgage granted by Lender to any successor in interest of Borrower shall not operate to release, in any manner, the liability of the original Borrower and Borrower's successors in interest. Lender shall not be required to commence proceedings against such successor or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Mortgage by reason of any demand made by the original Borrower and Borrower's successors in interest.

11. *Forbearance by Lender Not a Waiver.* Any delay by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any right or remedy hereunder. The failure of Lender to exercise any option to accelerate maturity of the sums secured by this Mortgage, the forbearance by Lender before or after the exercise of such option, or the withdrawal or abandonment of proceedings provided for by this Mortgage shall not be a waiver of the right to exercise such option or to accelerate the maturity of such sums by reason of any past, present or future event which would permit acceleration under paragraph 17 hereof. The procurement of insurance or the payment of taxes or other liens or charges by Lender shall not be a waiver of Lender's right to accelerate the maturity of the indebtedness hereby secured. Lender's receipt of any awards, proceeds or damages under paragraphs 5 and 9 hereof shall not operate to cure or waive default by Borrower under paragraph 17 hereof.

12. *Lender's Remedies Cumulative.* All remedies of Lender are distinct and cumulative to any other right or remedy under this Mortgage or afforded by law or equity, and may be exercised concurrently or independently.

13. *Successors and Assigns Bound; Number; Gender; Joint and Several Liability; Captions.* The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders. All covenants and agreements of Borrower shall be joint and several. The captions and headings of the paragraphs of this Mortgage are for convenience only and are not to be used to interpret or define the provisions hereof.

14. *Notice.* Any notice from Lender to Borrower under this Mortgage shall be deemed to have been given by Lender and received by Borrower, when mailed by certified mail by Lender to Borrower at the Property Address stated below or at such other address as Borrower may designate to Lender by certified mail received by Lender at Lender's address stated above, or at such other address designated by Lender to Borrower.

15. *Uniform Mortgage; Governing Law.* This form of mortgage is intended to be a uniform instrument for use in jurisdictions in which a mortgage may be used as a security instrument covering real property. This Mortgage shall be governed by the law of the jurisdiction in which the property covered by this Mortgage is located. In the event that any provision or clause of this Mortgage conflicts with applicable law, such conflict shall not affect other provisions of this Mortgage which can be given effect without the conflicting provisions, and to this end the provisions of the Mortgage are declared to be severable. In the event that any applicable law in effect on the date hereof limiting the amount of interest which may be lawfully charged is interpreted in a manner that any payment provided for in this Mortgage or in the Note, whether considered separately or together with other payments that are considered a part of this Mortgage and Note transaction, violates such law, and Borrower is entitled to the benefit of such law, such payment is hereby reduced to the extent necessary to eliminate such violation.

16. *Assumption.* In the event Lender consents in writing to a sale or transfer of the Property under paragraph 17(c) of this Mortgage and upon assumption by Borrower's successor in interest of all obligations of Borrower under this Mortgage and the Note, Lender shall release Borrower from any obligations of Borrower under this Mortgage and the Note, notwithstanding the provisions of paragaph 10 of this Mortgage.

17. *Acceleration.* Upon the occurrence of any of the following events of default, Lender may during the continuance of such event, by notice to Borrower, declare the sums secured by this Mortgage to be immediately due and payable, without demand:

(a) Failure by Borrower to pay when due any sum secured by this Mortgage and the continuance of such failure for 30 days, or

(b) Breach by Borrower of any other covenant or agreement of Borrower in this Mortgage, and the continuance of such breach for 30 days after notice from Lender to Borrower of such breach, or

(c) Without Lender's prior written consent, the sale or transfer by Borrower of the Property, or any part thereof or interest therein, not, however, including the creation of any lien or encumbrance subordinate to this Mortgage, a transfer by devise or descent, or the grant of any leasehold interest or 3 years or less not containing an option to purchase.

Nonuniform Covenants. Borrower further covenants and agrees as follows:

18. *Remedies.*

19. *Assignment of Rents; Appointment of Receiver; Lender in Possession.*

20. *Future Advances.*

21. *Waivers.* (E.g. Homestead Exemption, Redemption.)

22. *Release.*

23. (Other provisions required by State law.)

(Execution and Acknowledgment To Conform to State Law and Practice)

(Name of State)
(Date)

DEED OF TRUST

This Deed of Trust is made this _____ day of _____, 19__, among the Trustor, _____ (herein "Borrower"), _____ (herein "Trustee"), and the Beneficiary, _____, a corporation organized and existing under the laws of _____, whose address is _____ (herein "Lender").

Borrower, in consideration of the indebtedness herein recited and the trust herein created, irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the _____, County of _____, (State):

Together with all the improvements, tenements and appurtenances now or hereafter erected on the property, and all easements, rents, royalties, mineral, oil and gas rights and profits, water, water rights, and water stock, and all fixtures now or hereafter attached to or used in connection with the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Deed of Trust and all of the foregoing, together with said property (or the leasehold estate in the event this Deed of Trust is on a leasehold) are herein referred to as the "Property".

To secure to Lender (a) the repayment of the indebtedness evidenced by a certain note of even date herewith (herein "Note"), in the principal sum of _____ Dollars, with interest thereon, providing for monthly installments of principal and interest, with the balance of the indebtedness, if not sooner paid, due and payable on _____, _____; the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust; and the performance of the covenants and agreements of Borrower herein contained; and (b) the repayment of any future advances, with interest thereon, made to Borrower by Lender pursuant to paragraph 20 hereof (herein "Future Advances").

Borrower covenants that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property and that Borrower will warrant and defend generally the title to the Property against all claims and demands, subject to easements and restrictions of records.

Uniform Covenants. Borrower further covenants and agrees as follows:

1. *Payment of Principal and Interest.* Borrower shall promptly pay when due the principal of and interest on the indebtedness evidenced by the Note, prepayment and late charges as provided in the Note, and the principal and interest on any Future Advances secured by this Deed of Trust.

2. *Funds for Taxes and Insurance.* Borrower shall pay to Lender on the day monthly installments of principal and interest are payable under the Note, until the Note is paid in full, a sum (herein "Funds") equal to one-twelfth of the yearly taxes and assessments which may attain priority over the Deed of Trust, and ground rents, if any, plus one-twelfth of yearly premium installments for hazard insurance required under paragraph 5 hereof, plus one-twelfth of any yearly premiums for mortgage insurance, all as estimated initially and from time to time by Lender, to be applied by Lender to pay said taxes, assessments, insurance premiums and ground rents. The Funds are pledged as additional security for the sums secured by this Deed of Trust. No earnings or interest shall be payable to Borrower on the Funds. Lender shall have the right to hold the Funds in any manner Lender selects and may commingle the Funds with other monies held by Lender.

If the amount of the Funds held by Lender shall exceed at any time the amount deemed necessary by Lender to provide for the payment of taxes, assessments, insurance premiums and ground rents, as they fall due, such excess shall be either promptly repaid to Borrower or credited to Borrower on monthly installments of Funds payable over the subsequent 12 months as Lender may determine. If the amount of the Funds held by Lender shall not be sufficient at any time to pay taxes, assessments and insurance premiums and ground rents as they fall due, Borrower shall pay to Lender any amount necessary to make up the deficiency upon notice from Lender to Borrower requesting payment thereof.

Upon payment in full of all sums secured by this Deed of Trust, Lender shall promptly credit to Borrower any Funds held by Lender.

If under paragraph 18 hereof the Property is sold or the Property is otherwise acquired by Lender, Lender shall apply, no later than the date of sale of the Property or its acquisition by Lender, any Funds held by Lender at the time of application as a credit against the sums secured by this Deed of Trust.

3. *Application of Payments.* All payments received by Lender under the Note and paragraphs 1 and 2 hereof shall be applied by Lender first in payment of amounts payable to Lender by Borrower under paragraph 2 hereof, then to interest payable on the Note and on Future Advances, if any, and then to the principal of the Note and to the principal of Future Advances, if any.

4. *Charges; Liens.* Borrower shall pay all taxes, assessments and other charges, fines and impositions attributable to the Property which may attain a priority over this Deed of Trust, and ground rents, if any, in accordance with paragraph 2 hereof, or if Lender so designates, by Borrower making payment, when due, directly to the payee thereof. Borrower shall promptly furnish to Lender all notices of amounts due under this paragraph, and in the event Borrower shall make payment directly. Borrower shall promptly furnish to Lender receipts evidencing such payments. Borrower shall promptly discharge any lien which has priority over this Deed of Trust; provided that Borrower shall not be required to discharge any such lien so long as Borrower shall agree to the payment of the obligation secured by such lien in a manner acceptable to Lender, or shall, in good faith, contest such lien by appropriate legal proceedings which shall operate to prevent the enforcement of the lien or forfeiture of the Property or any part thereof.

5. *Hazard Insurance.* Borrower shall keep the improvements now existing or hereafter erected on the Property insured by insurance carriers satisfactory to Lender against loss by fire, hazards included within the term "extended coverage", and such other hazards as Lender shall designate and in such amounts and for such periods as Lender shall require. Borrower shall pay all premiums on insurance policies in accordance with paragraph 2 hereof or, if Lender so designates, by Borrower making payment, when due, directly to the insurance carriers. All insurance policies and renewals thereof shall be in form acceptable to Lender and shall include a mortgage clause in favor of and in form acceptable to Lender. Lender shall have the right to hold the policies and renewals thereof, and Borrower shall promptly furnish to Lender all renewal notices and all paid-premium receipts. In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender, and Lender may make proof of loss if not made promptly by Borrower. Lender is authorized and empowered to collect and receive insurance proceeds, and to apply the insurance proceeds or any part thereof at Lender's option to the restoration or repair of the Property damaged or to the reduction of the principal of the Note or to the reduction of the principal of Future Advances, if any. Any such application to principal shall not extend or postpone the due date of the monthly installments referred to in paragraphs 1 and 2 hereof or change the amount of such installments. If under paragraph 18 hereof the Property is acquired by Lender, all right, title and interest of Borrower in and to any insurance policies and in and to the proceeds thereof resulting from damage to the Property prior to the sale or acquisition shall pass to Lender.

6. *Preservation and Maintenance of Property and Leaseholds.* Borrower shall keep the Property in good repair and shall not permit or commit waste, impairment, or deterioration of the Property and shall comply with the provisions of any lease, if this Deed of Trust is on a leasehold, and with all laws, ordinances, regulations and requirements of any governmental body applicable to the Property.

7. *Protection of Lender's Security.* If Borrower fails to perform the covenants and agreements contained in this Deed of Trust, or if any action or proceeding is commenced which affects the Property or title thereto, or the interest of Lender therein, including, but not limited to, eminent domain, insolvency, code enforcement, and arrangements and proceedings involving a bankrupt or decedent, then Lender at Lender's option, upon notice to Borrower, may make such appearances, disburse such sums and take such action as Lender deems necessary to protect Lender's interest, including, but not limited to, disbursement of reasonable attorney's fees and entry upon the Property to make repairs. Any amounts disbursed by Lender pursuant to this paragraph 7, with interest thereon, shall become additional indebtedness of Borrower secured by this Deed of Trust. Unless Borrower and Lender agree to other terms of payment, such amount shall be payable upon notice from Lender to Borrower requesting payment thereof, and shall bear interest from the date of disbursement at the rate stated in the Note unless payment of interest at such rate would be contrary to applicable law, in which event such amounts shall bear interest at the highest rate permissible by applicable law; provided that Borrower shall have the right to repay such amounts in whole or in part at any time. Nothing contained in this paragraph 7 shall require Lender to incur any expense or do any act hereunder.

8. *Inspection.* Upon notice to Borrower, Lender may make or cause to be made reasonable entries upon and inspections of the Property.

9. *Condemnation.* All awards, proceeds or damages, direct or consequential, in connection with any condemnation or injury to the Property, or part thereof, or for conveyances in lieu of condemnation, are hereby assigned and shall be paid to Lender to the extent of the sums secured by this Deed of Trust. Lender is hereby authorized in the name of Borrower to execute and deliver valid acquittances thereof and may appeal from any such award. Lender at its option shall apply such awards, proceeds or damages to restoration of the Property or to the reduction of the principal of the Note or to the reduction of the principal of Future Advances, if any. Any such application to principal shall not extend or postpone the due date of the monthly installments referred to in paragraphs 1 and 2 hereof, or change the amount of such installments.

10. *Borrower Not Released.* Extension of the time for payment or modification of amortization of the sums secured by this Deed of Trust granted by Lender to any successor in interest of Borrower shall not operate to release, in any manner, the liability of the original Borrower and Borrower's successors in interest. Lender shall not be required to commence proceedings against such successor or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Deed of Trust by reason of any demand made by the original Borrower and Borrower's successors in interest.

11. *Forbearance by Lender Not a Waiver.* Any delay by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any right or remedy hereunder. The failure of Lender to exercise any option to accelerate maturity of the sums secured by this Deed of Trust, the forbearance by Lender before or after the exercise of such option, or the withdrawal or abandonment of proceedings provided for by this Deed of Trust shall not be a waiver of the right to exercise such option or to accelerate the maturity of such sums by reason of any past, present or future event which would permit acceleration under paragraph 17 hereof. The procurement of insurance or the payment of taxes or other liens or charges by Lender shall not be a waiver of Lender's right to accelerate the maturity of the indebtedness hereby secured. Lender's receipt of any awards, proceeds or damages under paragraphs 5 and 9 hereof shall not operate to cure or waive default by Borrower under paragraph 17 hereof.

12. *Lender's Remedies Cumulative.* All remedies of Lender are distinct and cumulative to any other right or remedy under this Deed of Trust or afforded by law or equity, and may be exercised concurrently or independently.

13. *Successors and Assigns Bound; Number; Gender; Joint and Several Liability; Captions.* The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower. Whenever used, the singular number shall include the plural, the plural of the singular, and the use of any gender shall be applicable to all genders. All covenants and agreements of Borrower shall be joint and several. The captions and headings of the paragraphs of this Deed of Trust are for convenience only and are not to be used to interpret or define the provisions hereof.

14. *Notice.* Any notice from Lender to Borrower under this Deed of Trust shall be deemed to have been given by Lender and received by Borrower when mailed by certified mail by Lender to Borrower at the Property Address stated below or at such other address as Borrower may designate to Lender by certified mail received by Lender at Lender's address stated above, or at such other address designated by Lender to Borrower.

15. *Uniform Deed of Trust; Governing Law.* This form of deed of trust is intended to be a uniform instrument for use in jurisdictions in which a deed of trust may be used as a security instrument covering real property. This Deed of Trust shall be governed by the law of the jurisdiction in which the property covered by this Deed of Trust is located. In the event that any provision or clause of this Deed of Trust conflicts with applicable law, such conflict shall not affect other provisions of this Deed of Trust which can be given effect without the conflicting provision, and to this end the provisions of the Deed of Trust are declared to be severable. In the event that any applicable law in effect on the date hereof limiting the amount of interest which may be lawfully charged is interpreted in a manner that any payment provided for in this Deed of Trust or in the Note, whether considered separately or together with other payments that are considered a part of this Deed of Trust and Note transaction, violates such law, and Borrower is entitled to the benefit of such law, such payment is hereby reduced to the extent necessary to eliminate such violation.

16. *Assumption.* In the event Lender consents to a sale or transfer of the Property under paragraph 17(c) of this Deed of Trust and upon assumption by Borrower's successor in interest of all obligations of Borrower under this Deed of Trust and the Note, Lender shall release Borrower from any obligations under this Deed of Trust and the Note, notwithstanding the provisions of paragraph 10 of this Deed of Trust.

17. *Acceleration.* Upon the occurrence of any of the following events of default, Lender may during the continuance of such event, by notice to Borrower, declare the sums secured by this Deed of Trust to be immediately due and payable, without demand:

(a) Failure by Borrower to pay when due any sum secured by this Deed of Trust and the continuance of such failure for 30 days, or

(b) Breach by Borrower of any other covenant or agreement of Borrower in this Deed of Trust, and the continuance of such breach for 30 days after notice from Lender to Borrower of such breach, or

(c) Without Lender's prior written consent, the sale or transfer by Borrower of the Property, or any part thereof or interest therein, not, however, including the creation of any lien or encumbrance subordinate to this Deed of Trust, a transfer by devise or descent, or the grant of any leasehold interest of 3 years or less not containing an option to purchase.

Nonuniform covenants. Borrower further covenants and agrees as follows:

18. *Remedies.*

19. *Assignment of Rents; Appointment of Receiver; Lender in Possession.*

20. *Future Advances.*

21. *Waivers.* (E.g. Homestead Exemption, Redemption.)

22. *Substitute Trustee.*

23. *Acceptance of Trust; Trustee's Duties.* (If required by State law.)

24. *Reconveyance or Release.*

25. (Other provisions required by State law.)

(Execution and Acknowledgment To Conform to State Law and Practice)

[FR Doc.71-3408 Filed 3-10-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-352, 50-353]

PHILADELPHIA ELECTRIC CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Philadelphia Electric Co., 1000 Chestnut Street, Philadelphia, PA 19105, pursuant to the Atomic Energy Act of

1954, as amended, has filed an application dated February 26, 1970, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors on the applicant's site of approximately 587 acres located on the Schuylkill River about 1.7 miles southeast of Pottstown, in Limerick Township, Montgomery County, Pa.

The proposed nuclear reactors, designated by the applicant as the Limerick Generating Station Units 1 and 2, are each designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts per unit.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 25, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Public Library, 500 High Street, Pottstown, PA.

Dated at Bethesda, Md., this 17th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2404 Filed 2-24-71;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Public Service Electric and Gas Co., 80 Park Place, Newark, NJ 07101, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated February 26, 1970, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors on the applicant's site of approximately 530 acres located in Bordentown Township, Burlington County, N.J. The proposed site is situated on Newbold Island, which is in the Delaware River approximately 5 miles south of the city limits of Trenton, N.J., and approximately 11 miles northeast of the Philadelphia city limits.

The proposed nuclear reactors, designated by the applicant as the Newbold Island Nuclear Generating Station, are each designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,088 megawatts per unit.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 25, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Offices of the Public Service Electric and Gas Co. located at 222 East State Street, Trenton, NJ, and at 437 High Street, Burlington, NJ.

Dated at Bethesda, Md., this 17th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2405 Filed 2-24-71;8:45 am]

[Docket No. 60-363]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Jersey Central Power and Light Co., 260 Cherry Hill Road, Parsippany, NJ 07054, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated June 1, 1970, for authorization to construct and operate a pressurized water nuclear reactor designated as the Forked River Nuclear Generating Station, Unit 1, on the company's site located in Ocean County, N.J.

The site is located on the Atlantic Coast, approximately 2 miles south of the community of Forked River, 1½ miles inland from the shore of Barnegat Bay, about 7 miles west-northwest of Barnegat Light, and is adjacent to the Oyster Creek Nuclear Generating Station site in Lacey Township, Ocean County, N.J.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 18, 1971.

The proposed nuclear power plant is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,129 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the office of the Mayor of Lacey Township, Frog Hill Road, Forked River, N.J.

Dated at Bethesda, Md., this 16th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2318 Filed 2-17-71;9:52 am]

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Duke Power Co., 422 South Church Street, Charlotte, NC 28201, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated September 18, 1970, for permits to construct and licenses to operate two pressurized water nuclear reactors, designated as the William B. McGuire Nuclear Station Units 1 and 2, on the applicant's site in Mecklenburg County, N.C. The site is located on the shore of Lake Norman, approximately 17 miles north-northwest of Charlotte, N.C., and is immediately east of Duke Power Co.'s Cowan Ford Hydroelectric Station.

The proposed nuclear station will consist of two pressurized water reactors, each of which is designed for initial operation at approximately 3,411 thermal megawatts with a net electrical output of approximately 1,180 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 11, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the County Manager, Mecklenburg County, 720 East Fourth Street, Charlotte, NC.

Dated at Bethesda, Md., this 25th day February 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Acting Director.
Division of Reactor Licensing.

[FR Doc.71-3286 Filed 3-10-71;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO., PALISADES PLANT

Notice of Conference and Hearing

On February 11, 1971, the Atomic Safety and Licensing Board convened a conference-at-the-bench type of hearing and considered with the parties and their attorneys methods and proposals to expedite the presentation of evidence in this proceeding. Since that time, the Board has been informed of both some progress in this regard as well as some specific proposals to resolve the contentions asserted in this proceeding.

On March 3 and March 4, 1971, the Board ascertained the availability of the parties for a conference and a hearing in further consideration of the status of this proceeding.

Wherefore, it is ordered, pursuant to the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, a public conference and hearing shall convene at 9:30 a.m. on Friday, March 19, 1971, in Room 1736, Federal Office Building, 21 South Dearborn Street, Chicago, IL, in an effort to develop an interim or initial operation at a low power level which will permit a demonstration of the quality of the construction of this nuclear power project and the development of other data which can later be presented for consideration at public hearings later to be held at Kalamazoo, Mich., after adequate public notice.

Issued: March 5, 1971, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-3360 Filed 3-10-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23080, etc.; Order 71-2-92]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION

Order Reclassifying Stations

Correction

In F.R. Doc. 71-2660 appearing on page 3542 in the issue of Friday, February 26, 1971, the following changes should be made:

1. The words "require reclassification." should be added to the last sentence of the third paragraph.

2. The second and third line of the fourth paragraph should read as follows: "formulas, which were designed to provide a".

[Docket No. 20682; Order 71-3-36]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 5, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 69-10-90, October 20, 1969, in Docket 20682, is currently in effect for the above-captioned air taxi, operating under 14 CFR, Part 298. This rate is based on six round trips per week between Spokane, Wash., and Boise, Idaho, via Lewiston, Idaho.

The Postmaster General filed a petition on January 28, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 49.83 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after January 28, 1971, to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.83 cents per great circle aircraft mile between Spokane, Wash., and Boise, Idaho, via Lewiston, Idaho.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR, Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., Hughes Air Corp., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this Order;

3. If notice of objection is not filed within 10 days after service of this Order, or if notice is filed and answer is not filed within 30 days after service of this Order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

[1] As this Order to Show Cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., Hughes Air Corp., and United Air Lines, Inc.

This Order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3399 Filed 3-10-71;8:49 am]

[Docket No. 20380; Order 71-3-37]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 5, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 69-10-90, October 20, 1969, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR, Part 298. This rate is based on six round trips per week between Medford and Portland, via Klamath Falls and Bend, Oreg.

The Postmaster General filed a petition on January 28, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 47.20 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after January 28, 1971, to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 47.20 cents per great circle aircraft mile between Medford and Portland, via Klamath Falls and Bend, Oreg.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR,

[1] As this Order to Show Cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

Part 302, 14 CFR, Part 298, and 14 CFR 385.16(g),

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., Hughes Air Corp., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this Order, or if notice is filed and answer is not filed within 30 days after service of this Order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., Hughes Air Corp., and United Air Lines, Inc.

This Order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3400 Filed 3-10-71;8:49 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, March 17, 1971. The hearing will take place in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The hearing will be on the following subjects:

A. A proposed amendment to the rules of practice and procedure by the addition thereto of a new section 2-3.5.3 as follows:

SEC. 2-3.5.3 *Siting studies for major electric generating projects.* (a) In addition to the required environmental statement, the applicant shall submit as part of an application under section 3.8 of the Compact a site selection analysis as part of any application for approval of an electric generating project.

(b) The site selection analysis shall show the relationship of the proposed project to a master siting plan describing all existing major electric generating projects which use the water resources of the basin and all such projects proposed or planned for the ensuing 20-year period. The master siting plan shall include a description with as much detail as is available, of the location, concept, capacity, fuel source, quantity and method of heat dissipation, radiological effects, and water resource requirements of all existing, proposed and planned electric generating facilities of the applicant and of other public utilities using the water resources of the basin.

(c) Prior to submitting the site selection analysis, the applicant shall circulate it for comment among all other interested public utilities and such major water users as the Commission shall designate, and such comments shall be appended to and submitted together with the application.

(d) The Commission will review each application for a major electric generating project under the requirements of the doctrine of equitable apportionment, including such priority of uses as will recognize alternative sources of power supply, the increasing demands on the water resources of the basin and the optimum beneficial use of the water resources of the basin.

(e) The requirements of this Section will apply to all electric generating projects in excess of 100,000 kilowatts capacity using Delaware Basin water resources. The Commission will receive and act upon applications for approval of preliminary stages of proposed major electric generating projects only if the project has been previously included as an identified part of the master siting plan approved by the Commission.

B. Proposals to amend the Comprehensive Plan so as to include the following projects:

1. *Mount Holly Sewerage Authority.* Expansion of the Authority's existing sewage treatment plant located in Mount Holly, Burlington County, N.J. Capacity of the treatment plant will be increased from 2 to 5 million gallons per day. Interceptor sewers and pumping stations will be constructed. Ninety percent of BOD_5 will be removed from effluent prior to discharge into Rancocas Creek.

2. *Horsham Township Sewer Authority.* A sewage interceptor in the Authority's service area in Horsham Township, Montgomery County, Pa. The interceptor will ultimately serve 8,000 persons and will connect to the sewage collection lines of the Upper Moreland-Hatboro Sewer Authority. Secondary treatment will be provided at the latter's treatment plant in Upper Moreland Township, Pa.

3. *Lake Wynonah Utilities, Inc.* A well water supply project located in Wayne and South Manheim Townships, Schuylkill County, Pa. Designated as Well Nos. 1 and 2, the two new facilities are expected to provide 10.5 million gallons per month to supply a recreational real estate development.

4. *Township of Burlington.* A well water supply project to develop public supplies in Burlington Township, Burlington County, N.J. Three new wells will be utilized to provide a ultimate groundwater withdrawal of 2.7 million gallons per day.

5. *Bethel Township Water Company.* A water supply project to augment public supplies in Brandywine Hundred New Castle County, Del. Up to 1.5 million gallons per day will be purchased by the company from the Chester Water Authority at a connection point in Concord Township, Delaware County, Pa. The water will be transported by pipeline to the Wilmington Suburban Water Corporation.

6. *Rutgers—College of Agriculture and Environmental Science.* A well water supply project to provide water for use at the College's South Jersey Research Center in Upper Deerfield Township, Cumberland County, N.J. A maximum of 2.3 million gallons per month will be withdrawn from the proposed well and used for various domestic, irrigation, and research purposes.

C. Proposed revisions to the seventh annual Water Resources Program as mandated by section 13.2 of the Delaware River Basin Compact. Revisions relate to development of water resources projects in the Basin.

Copies of the proposed revisions to the Water Resources Program may be obtained from the Commission upon request. Documents relating to the other items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

MARCH 3, 1971.

[FR Doc.71-3391 Filed 3-10-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19126; FCC 71-180]

BELK BROADCASTING CO. OF FLORIDA, INC.

Memorandum Opinion and Order Amending Order Designating Application for Hearing on Stated Issues

In regard application of Belk Broadcasting Co. of Florida, Inc. for renewal of license of Radio Station WPDQ Jacksonville, Fla., Docket No. 19126, file No. BR-1186.

1. The Commission has under consideration: (a) The Order, FCC 70-1257, released December 3, 1970, designating the above-captioned application for hearing; (b) a petition filed January 4, 1971, by Belk Broadcasting for severance of this proceeding from the case involving Star Stations of Indiana, Inc. (WIFE), et al. (FCC 70-1256, released as corrected on December 15, 1970); (c) an opposition, filed January 20, 1971, by the Chief, Broadcast Bureau; and (d) a reply, filed February 1, 1971, by Belk.

2. In designating the above-captioned application for hearing, we recognized an interrelationship between this proceeding and the renewal proceeding of Star Stations of Indiana, which we designated for hearing on the same day. This connection consists of the role of Don W. Burden, a principal in the Star proceeding, in an alleged unauthorized assumption of control of Belk's Station WPDQ. Accordingly, we ordered that Burden be made a party to this proceeding and that "the Chief Hearing Examiner assign the same Hearing Examiner to conduct this hearing who is assigned to conduct the hearing ordered this day to determine whether the licensees of Stations WIFE, WIFE-FM, KOIL, KOIL-FM, and KISN possess the requisite qualifications to be and remain licensees of the Commission, and that the said Hearing Examiner shall take cognizance, with respect to each proceeding, of any findings of fact in the other proceeding which bear upon the qualifications of the licensee or licensees in that proceeding".[1]

3. In its petition for severance,[2] Belk requests that the trial of the issues in this proceeding be disassociated from trial of the issues in the Star proceeding and that different Hearing Examiners be appointed for the two proceedings. Belk contends that our order requiring the same Hearing Examiner (Mr. Chester F. Naumowicz, Jr., has been assigned both cases by the Chief Hearing Examiner) to "take cognizance" of evidence and findings of fact in one proceeding with respect to the other, involving totally different issues, violates due process of law in that Belk will have no method of anticipating or, since it was not made a party to the Star proceeding, of challenging the matters from that proceeding upon which the Examiner places reliance in the subject hearing. Belk also argues that the assignment of the same Hearing Examiner to the two proceedings is prejudicial in that the Examiner might improperly incorporate factors from one case (such as the reliability of a witness or even actual threads of his testimony) into the other case.

4. While stressing that it does not challenge the integrity of the Examiner involved, Belk questions whether even the most careful Examiner "could wholly ignore or overlook impressions gained of a witness in one case when assessing that witness's testimony in another case even on an unrelated issue." In addition, Belk asserts that the association of the two proceedings has saddled Belk with an unfair dilemma: it can monitor the trial of the 25 issues in the Star proceeding at enormous expense to itself or it can ignore the Star proceeding at its peril if the Examiner should decide to take cognizance of something adverse to its interests.

5. In opposition, the Broadcast Bureau urges that the designation orders should be construed to permit evidence relating to Burden's activities in this proceeding to be considered in the Star proceeding, but not to allow evidence in the Star proceeding to be used against Belk here. The Bureau asserts that such an interpretation is proper, since Burden was made a party to this case, whereas Belk was not originally made a party to the Star proceeding and none of the Star proceeding issues relate to Belk in any way. The Bureau also contends that an unauthorized transfer of control issue is not required in the Star proceeding in view of the presence of that issue and Burden's status as a party in this proceeding. Thus, the Bureau concludes that no unwarranted harm can come to Belk as a result of the interrelationship of these proceedings and that no basis exists for severance or for appointment of a new examiner.

6. Belk replies that the Bureau's interpretation runs "contrary to the clear language of the ordering clauses as they now stand * * *." Belk claims that these clauses clearly permit the Examiner to take cognizance of matters in the Star proceeding which might have a bearing upon Belk's qualifications to remain a licensee of the Commission. Belk argues that, if the Bureau's interpretation of the clause is correct, the language should at the very least be changed to conform with that interpretation. Belk also submits that, even if clarification of the ordering clause or severance is granted, there still may be prejudice to Belk in having the same Examiner hear both cases, because nuances of a witness' testimony in one proceeding may affect the assessment of his credibility in the other proceeding. Accordingly, Belk renews its request that different Examiners be assigned to these proceedings.

7. While we recognize that the provisions of the designation orders concerning the interrelationship of these proceedings may possibly be somewhat ambiguous, the Bureau's interpretation of the intent of our language is correct. In order that any findings in this proceeding with respect to Burden may be considered in determining his qualifications to continue as a licensee in the Star proceeding, we ordered the same Examiner to hear both cases and to use all revelant evidence in this case in deciding the Star proceeding. Since Burden is a party to this proceeding, having the Examiner take cognizance of such evidence will permit the development of a full record without requiring the consolidation of this case with the Star proceeding—an alternative which would have needlessly delayed the final determination on Belk's renewal application until all of the complex questions in the Star proceeding had been resolved.

8. Thus, it is clear that the restricted integration of these proceedings will serve both the public and Belk's private interest and that its petition for severance should be denied. However, in view of Belk's concern about this matter, we believe that it would be appropriate to revise the language in the designation orders of this and the Star proceedings so that there is no doubt that evidence in the Star proceeding is not of be used in the disposition of this case, unless, of course, such evidence is resubmitted, accepted in evidence and made subject to cross examination and the other usual procedural safeguards in this proceeding. Under these circumstances, we are confident that the presiding Examiner will exercise care in limiting his findings and conclusions concerning Belk's renewal application to the record compiled in this proceeding. For these reasons, we are convinced that the public interest will be best served by the assignment of a single Examiner to these proceedings and that Belk's substantive and procedural rights will not be adversely affected in any way.

9. *Accordingly, it is ordered:* (a) That the petition for severance filed January 4, 1971, by Belk Broadcasting Co. of Florida, Inc. is granted to the extent reflected in this Memorandum Opinion and Order and is denied in all other respects; and

(b) That paragraph 7 of the Order, FCC 70-1257, released December 3, 1970, is revised to read as follows:

7. *It is further ordered,* That the Chief Hearing Examiner assign the same Hearing Examiner to conduct this hearing who is assigned to conduct the hearing ordered this day to determine whether the licensees of Station WIFE, WIFE-FM, KOIL, KOIL-FM, and KISN possess the requisite qualifications to be and remain licensees of the Commission, and

[1] Similarly, in the Star proceeding we ordered "That the Chief Hearing Examiner assign the same Hearing Examiner to conduct this hearing who is assigned to conduct the hearing ordered this day to determine whether the licensee of Station WPDQ possesses the requisite qualifications to be and remain a licensee of the Commission, and that the said Hearing Examiner shall take cognizance, with respect to each proceeding, of any findings of fact in the other proceeding which bear upon the qualifications of the licensee or licensees in that proceeding." Although Belk was not originally made a party to the Star proceeding, it has since filed a petition for leave to intervene in that proceeding, which was granted by the Examiner on Feb. 2, 1971.

[2] Belk's petition was directed to the Review Board, but it was informally referred to us by the Board. See Florida-Georgia Television Company, Inc., 12 FCC 2d 332 (1968). Foreseeing this possibility, Belk requests a waiver of § 1.111 of our rules concerning petitions for reconsideration of designation orders if necessary. On Feb. 3, 1971, Belk filed a petition for reconsideration and grant without hearing pursuant to § 1.111(a)(2). While the Bureau objects to waiver of § 1.111, the present petition for severance could have been included as a part of the petition for reconsideration, and the request for severance would have been entitled to full consideration, and the request for severance ritaeo erations under § 1.111(b). Since such a request should be resolved as quickly as possible, we are convinced that the public interest will be served by consideration of the merits of Belk's petition for severance at this time.

that the said Hearing Examiner shall take cognizance of any findings of fact in this proceeding which bear upon the qualifications of the licensee or licensees in the proceeding involving the renewal applications for Stations WIFE, WIFE-FM, KOIL, KOIL-FM, and KISN.

Adopted: February 24, 1971.

Released: March 2, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3410 Filed 3-10-71;8:50 am]

[Dockets Nos. 19122-19125; FCC 71-181]

STAR STATIONS OF INDIANA, INC. ET AL.

Order Amending Order Designating Applications for Hearing on Stated Issues

In regard applications of Star Stations of Indiana, Inc., for renewal of license of WIFE and WIFE-FM, Indianapolis, Ind., Docket No. 19122, File Nos. BR-1144, BRH-1276; Indianapolis Broadcasting, Inc., for a construction permit for a standard broadcast station, Indianapolis, Ind., Docket No. 19123, File No. BP-18706; Central States Broadcasting, Inc., for renewal of license of KOIL and KOIL-FM, Omaha, Nebr., Docket No. 19124, File Nos. BR-516, BRH-992; Star Broadcasting, Inc., for renewal of license of KISN, Vancouver, Wash., Docket No. 19125, File No. BR-1027.

1. The Commission has before it for consideration: (a) Its order, FCC 70-1256, released as corrected on December 15, 1970, designating the above-captioned applications for hearing; and (b) its memorandum opinion and order in the Belk Broadcasting Co. of Florida, Inc. proceeding, Docket No. 19126, adopted today.

2. *It is ordered*, That paragraph 10 of the order, FCC 70-1256, released as corrected December 15, 1970, is revised to read as follows:

10. *It is further ordered*, That the Chief Hearing Examiner assign the same Hearing Examiner to conduct this hearing who is assigned to conduct the hearing ordered this day to determine whether the licensee of Station WPDQ possesses the requisite qualifications to be and remain a licensee of the Commission, and that the said Hearing Examiner shall take cognizance of any findings of fact in the proceeding involving the renewal application for Station WPDQ which bear upon the qualifications of the licensee or licensees in this proceeding.

Adopted: February 24, 1971.

Released: March 2, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3411 Filed 3-10-71;8:50 am]

FEDERAL MARITIME COMMISSION

PORT OF OAKLAND AND SEATRAIN TERMINALS OF CALIFORNIA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-2480-1, between the Port of Oakland (Port) and Seatrain Terminals of California (Seatrain), modifies the basic agreement which provides for the lease of certain terminal area facilities and the nonexclusive preferential assignment of berthing area by the Port to Seatrain. The purpose of the modification is to preclude use of the Construction Fund (which is to be created by the sale of certain certificates of indebtedness to be issued by the Port) for the payment of rent due under said Lease and Preferential Assignment Agreement, to permit certain retentions from earnings from said Construction Fund, and to limit the amount of fire and extended coverage insurance to be maintained in accordance with the terms of the said Lease and Preferential Assignment Agreement to the value of improvements on the premises.

Dated: March 8, 1971.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3444 Filed 3-9-71;12:35 pm]

PORT OF OAKLAND AND SEATRAIN TERMINALS OF CALIFORNIA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-2479-1, between the Port of Oakland (Port) and Seatrain Terminals of California (Seatrain), modifies the basic agreement which provides for the sale of certain land, buildings, improvements, and equipment to the Port by Seatrain. The purpose of the modification is to permit the reduction in the principal amount of the certificates of indebtedness to be issued by the Port to finance the acquisition of the property sold under Agreement No. T-2479, and to authorize payment of a premium upon redemption of said certificates. The Escrow Agreement, being Exhibit 10 to the basic agreement, has been amended by Exhibit 10a to permit extension of the closing date, and Exhibit 13 to the basic agreement has been amended by Exhibit 13a to permit the Port to acquire the cranes and spreaders therein described subsequent to the closing date, upon compliance by Seatrain with the provision of Exhibit 13a.

Dated: March 8, 1971.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3443 Filed 3-9-71;12:35 pm]

FEDERAL POWER COMMISSION

[Docket No. G-8044 etc.]

RANCHO OIL CO. ET AL.

Findings and Order

MARCH 2, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, severing proceedings, terminating proceedings, making successors co-respondents, redesignating proceedings, accepting agreements for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, or add to natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Alamo Petroleum Co., applicant in Docket No. CI63-66, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Sword Co. et al., FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of applicant. The present rate under said rate schedule is in effect subject to refund in Docket No. RI64-696 and applicant has filed an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Getty Oil Co., applicant in Docket No. CI71-377, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI64-1138 to be made pursuant to Texaco, Inc. (Operator) et al., FPC Gas Rate Schedule No. 328 from the interest of The Estate of James A. Chapman, deceased, in Chapman and McFarlin Producing Co. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The present rate under Texaco's rate schedule is in effect subject to refund in Docket No. RI70-201. Therefore, applicant will be made a co-respondent in said proceeding and the proceeding will be redesignated accordingly. Applicant has heretofore filed a general undertaking to assure the refunds of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

Dugan Production Corp., applicant in Dockets Nos. CI71-426, CI71-427, CI71-428, CI71-429, CI71-430, CI71-431, and CI71-432, proposes to continue in part sales of natural gas heretofore authorized in Dockets Nos. CI70-1078, G-17559, G-5317, CI65-404, G-17460, G-10995, and G-17548, respectively, to be made pursuant to Skelly Oil Co. FPC Gas Rate Schedule No. 243, Skelly Oil Co. FPC Gas Rate Schedule No. 141, Skelly Oil Co. FPC Gas Rate Schedule No. 47, Texas Oil & Gas Corp. FPC Gas Rate Schedule No. 40, Skelly Oil Co. FPC Gas Rate Schedule No. 140, Skelly Oil Co. FPC Gas Rate Schedule No. 107, and Skelly Oil Co. FPC Gas Rate Schedule No. 144, respectively, at rates presently in effect subject to refund in Dockets Nos. RI71-177, RI69-362, RI69-389, RI70-19, RI69-362, RI69-389, and RI69-389, respectively. Applicant has filed motions to be made co-respondent in each of the latter proceedings and indicates in its certificate applications that in addition to the refund obligation required by § 154.92(d)(3) of the regulations under the Natural Gas Act it intends to be responsible for the total refunds from the dates the increased rates of the assignors became effective subject to refund. Applicant has submitted agreements and undertakings to assure its refunds. Therefore, applicant will be made a co-respondent in each of said proceedings; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

Dakota Mining & Development Corp., applicant in Docket No. CI71-450, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-4846 to be made pursuant to Alvin Wilson et al., FPC Gas Rate Schedule No. 1. The present rate under Wilson's rate schedule is in effect subject to refund in Docket No. RI70-685. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

C & K Petroleum, Inc., applicant in Docket No. CI71-478, proposes to continue in part the sale of natural gas made under the small producer certificate issued to Chambers & Kennedy in Docket No. CS67-41. The present rate for the sale by Chambers & Kennedy is in effect subject to refund in Docket No. RI70-1484 and applicant has filed a motion to be made a co-respondent in said proceeding. Therefore, applicant will be made a co-respondent; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition to intervene by Long Island Lighting Co. was filed in Docket No. CI69-1048 and petitions to intervene by The Brooklyn Union Gas Co. and Consolidated Edison Company of New York, Inc., were filed in Dockets Nos. CI69-1037 and CI69-1048, in the matter of the applications filed on May 12, 1969, and May 15, 1969, respectively. Said interventions have been withdrawn. No other petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on February 25, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and

operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate proceedings pending in Dockets Nos. G–10988, G–10989, G–16331, and G–16332 should be severed from the proceedings in Docket No. AR64–2 et al., and terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Alamo Petroleum Co. should be made a co-respondent in the proceeding pending in Docket No. RI64–696, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Alamo should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Getty Oil Co. should be made a co-respondent in the proceeding pending in Docket No. RI67–201 and that said proceeding should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dugan Production Corp. should be made a co-respondent in the proceedings pending in Dockets Nos. RI69–362, RI69–389, RI70–19, and RI71–177; that said proceedings should be redesignated accordingly; and that the agreements and undertakings submitted by Dugan in said proceedings should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dakota Mining & Development Corp. should be made a co-respondent in the proceeding pending in Docket No. RI70–685, that said proceeding should be redesignated accordingly, and that Dakota Mining & Development Corp. should be required to file an agreement and undertaking.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that C & K Petroleum, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI70–1484; that said proceeding should be redesignated accordingly; and that C & K Petroleum, Inc., should be required to file an agreement and undertaking.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rates for sales authorized in Dockets Nos. G–17113, CI70–469, CI70–961, CI71–132, CI71–305, CI71–307, CI71–454, CI71–472, and CI71–478 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, and Opinion No. 586, whichever are applicable, as adjusted for quality of gas, or the contract rates, whichever are lower.

(b) The authorization granted in Docket No. CI62–289 shall be subject to Opinion No. 586.

(c) Within 90 days from the date of initial delivery applicants in Dockets Nos. G–17113, CI70–469, CI70–961, CI71–132, and CI71–305 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586.

(d) Within 90 days from the date of this order applicants in Dockets Nos. CI71–454 and CI71–478 shall file three copies of a rate schedule quality statement in the forms prescribed in Opinion No. 586 and Opinion No. 468–A, whichever are applicable.

(e) If the quality of the gas delivered by applicants in Dockets Nos. G–17113, CI70–469, CI70–961, CI71–132, CI71–305, CI71–307, CI71–454, CI71–472, and CI71–478 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A and Opinion No. 586, whichever are applicable, so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(f) In the event that any amounts are collected in excess of the applicable area rate, as adjusted for quality of the gas, applicant in Docket No. G–17113 shall refund to the buyer, with interest at the rate of 7 percent per annum, all excess amounts so collected from the date of initial delivery.

(g) The rate for sales authorized in Dockets Nos. CI63–356, CI71–235, and CI71–329 shall be 15 cents per Mcf at 14.65 p.s.i.a.

(h) The initial rate for the sale authorized in Docket No. CI71–443 shall be 15.384 cents per Mcf at 15.025 p.s.i.a.

(i) The initial rate for the sale authorized in Docket No. CI71–446 shall be 16 cents per Mcf at 14.65 p.s.i.a.

(j) In Docket No. CI71–446 the provisions contained in paragraph 2 of article X of the subject contract providing for a rate increase to an applicable area rate or area settlement rate will only be applicable upon Commission approval of a just and reasonable rate or settlement rate in an applicable area rate proceeding.

(k) The authorization granted in Docket No. CI71–307 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(l) The acceptance for filing of the rate schedules for sales authorized in Dockets Nos. CI71–307, CI71–409, and CI71–443 are subject to any determination which may be made in the proceeding pending in Docket No. R–400 with regard to provisions in rate schedules relating to minimum take provisions.

(E) The order issuing a certificate in Docket No. G–17113 is amended by adding thereto authorization to sell natural gas as described in the tabulation herein.

(F) The order issuing a certificate in Docket No. CI70–469 is amended to include the interest of the co-owner as described in the tabulation herein.

(G) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to Delete Acreage	*New Certificates*
G–4846	CI71–450
G–5317	CI71–428
G–10995	CI71–431
G–12868	CI71–305
G–13324	CI71–132
G–17460	CI71–430
G–17548	CI71–432
G–17559	CI71–427
CI64–1138	CI71–377
CI65–404	CI71–429
CI69–535	CI71–454
CI70–1078	CI71–426

(H) The orders issuing certificates in Dockets Nos. CI62–289, CI63–66, CI63–356, and CI65–548 are amended to reflect the successors in interest as certificate holders as described in the tabulation herein.

(I) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(J) The certificates heretofore issued in Dockets Nos. G–8044, G–8065, G–10206, CI60–234, CI60–745, and CI70–587 are terminated and the related rate schedules are canceled.

(K) The rate proceedings pending in Dockets Nos. G–10988, G–10989, G–16331, and G–16332 are severed from the proceedings in Docket No. AR64–2 et al., and are terminated.

(L) Alamo Petroleum Co. is made a co-respondent in the proceeding pending in Docket No. RI64–696, said proceeding is redesignated accordingly, and the agreement and undertaking submitted by Alamo in said proceeding is accepted for filing. Alamo shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(M) Getty Oil Co. is made a co-respondent in the proceeding pending in Docket No. RI70–201 and said proceeding is redesignated accordingly. Getty shall comply with the refunding procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(N) Dugan Production Corp. is made a co-respondent in the proceedings pending in Dockets Nos. RI69–362, RI69–389, RI70–19, and RI71–177; said proceedings are redesignated accordingly; and the agreements and undertakings submitted by Dugan in said proceedings are accepted for filing. Dugan shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(O) Dakota Mining & Development Corp. is made a co-respondent in the proceeding pending in Docket No. RI70–685 and said proceeding is redesignated accordingly. Dakota shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(P) Within 30 days from the date of this order, Dakota Mining & Development Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI70–685 to assure the refund of any amounts collected by it, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(Q) C & K Petroleum, Inc., is made a co-respondent in the proceeding pending in Docket No. RI70–1484 and said proceeding is redesignated accordingly. C & K shall charge and collect the rate of 16.5 cents per Mcf at 14.65 p.s.i.a. for sales from July 1, 1969, through September 24, 1970, and the rate, including tax reimbursement, of 17.5656 cents per Mcf at 14.65 p.s.i.a. subject to refund in Docket No. RI70–1484 for sales from September 25, 1970. C & K shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(R) Within 30 days from the date of this order, C & K Petroleum, Inc., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI70–1484 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(S) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule: Description and date of document	No.	Supp.
G–8044 [1]	Rancho Oil Co	Natural Gas Pipeline Co. of America, Fairbanks Area, Harris County, Tex.	(2)	[4] 1	4
G–8065 [1]	Gem Oil Co	do	(2)	[4] 1	4
G–10206 [5]	Gem Oil Co. (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., Columbine Field, Logan County, Colo.	Notice of cancellation 10-4-61 [3] [7]	2	1
G–17113 C 9-10-70	Skelly Oil Co. [8]	Cities Service Gas Co., acreage in Texas County, Okla.	Amendatory agreement 8-28-70 [9] [10]	137	7
CI60–745 B 11-21-60 [11]	Midwest Oil Corp	United Gas Pipe Line Co., Bourg Field, Terrebonne and Lafourche Parishes, La.	Notice of cancellation 2-22-62 [3] [3]	21	3
CI60–834 [1]	Discovery Oil & Gas Co., Inc. (Operator) et al.	United Gas Pipe Line Co., Pistol Ridge Field, Forrest County, Miss.	(2)	1	
CI62–289 E 10-26-70	Shenandoah Oil Corp. (successor to James Davis, Jr., d.b.a. Solar Oil Co.).	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	James Davis, Jr. d.b.a. Solar Oil Co., FPC GRS No. 2	16	
			Supplement No. 1	16	1
			Notice of succession 10-22-70		
			Assignment 6-30-70		
CI63–66 E 12-14-70	Alamo Petroleum Co. (successor to Sword et al.).	El Paso Natural Gas Co., Man Federal No. 1 Well, San Juan County, N. Mex.	Sword Co. et al., FPC GRS No. 2	4	
			Supplements Nos. 1–6	4	1–6
			Notice of succession 12-10-70		
			Conveyance 4-21-69	4	7
			Effective date: 1-1-69		
CI63–356 C 10-12-70	Marathon Oil Co. [12]	Lone Star Gas Co., East Durant Field, Bryan County, Okla.	Amendment 7-15-70	83	1
			Letter 12-9-70	83	13
CI65–548 E 11-27-70 [13]	Beco Engineering Production Supplies, Inc., et al. (successor to Carol Daube Sutton et al.).	Lone Star Gas Co., Nellie Field, Stephens County, Okla.	Carol Daube Sutton et al., FPC GRS No. 3	1	
			Notice of succession 11-24-70		
			Assignment 6-19-70	1	1
			Effective date: 6-19-70		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule: Description and date of document	No.	Supp.
CI69-1037..... A 5-12-69 E 12-14-70	Tonkawa Gas Processing Co. (successor to Southwest Gas Producing Co., Inc.).	Transcontinental Gas Pipe Line Corp., Nancy and East Nancy Fields, Clark County, Miss.	Southwest Gas Producing Co., Inc., FPC GRS No. 24.	1	.....
			Notice of succession 12-14-70.	.....	.....
			Assignment 11-6-70.....	1	1
CI69-1048..... A 5-15-69 E 12-14-70	Tonkawa Gas Processing Co. (successor to Placid Oil Co.).	do.....	Placid Oil Co., FPC GRS No. 45.	2	.....
			Notice of succession 12-14-70.	.....	.....
			Assignment 11-6-70.....		1
CI70-469..... 9-18-70 [14]	Gulf Oil Corp.[13] (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., West Reydon Field, Roger Mills County, Okla.	Letter agreement 1-29-70 [10]...	415	6
CI70-961..... A 4-22-70 C 8-21-70 [16]	Cities Service Oil Co....	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Contract 3-26-70.....	326	.....
			Amendatory agreement 7-10-70.	326	2
CI71-132..... (G-13324) F 8-10-70 [17]	Texas Oil & Gas Corp. (Operator) et al. (successor to Mobil Oil Corp.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 8-9-57 [15].....	72	.....
			Letter agreement 7-19-57....	72	1
			Amendatory agreement 12-28-66.	72	2
			Assignment 6-17-70 [10 18]...	72	3
CI71-235..... A 9-4-70	Patrick A. Doheny, [20] et al.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Monell Unit, Patrick Draw Field, Sweetwater County, Wyo.	Ratified 6-3-70.....	7	.....
			Contract 3-29-61.....	7	1
			Amendment 2-1-62.....	7	2
			Amendment 12-17-63.....	7	3
			Letter agreement 8-4-65.....	7	4
			Amendment 9-15-65.....	7	5
CI71-305..... (G-12868) F 10-2-70 [21]	Texas Oil & Gas Corp. (Operator) et al. (successor to Pan American Petroleum Corp.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 3-9-57 [22].....	74	.....
			Assignment 6-17-70 [10 23]...	74	1
CI71-307..... A 10-7-70	Samedan Oil Corp. et al.	Panhandle Eastern Pipe Line Co., Buffalo Wallow Field, Hemphill County, Tex.	Contract 8-20-70.....	37	.....
			Compliance 12-8-70 [10 24].....	37	1
CI71-329..... A 10-8-70 [25]	E. Lyle Johnson, et al..	Arkansas Louisiana Gas Co., Kinta Field, Haskell County, Okla.	Ratified agreement 9-30-70..	7	.....
			Contract 1-13-69.....	7	1
CI71-377..... (CI64-1138) F 10-27-70	Getty Oil Co. (successor to Texaco, Inc. (Operator) et al.).	El Paso Natural Gas Co.; Fuller Gasoline Plant, Scurry County, Tex.	Contract 2-27-64 [26].....	184	.....
			Ratified 4-27-64 [27].....	184	1
			Supplemental agreement 1-4-67.	184	2
			Assignment 4-28-70 [28].....	184	3
			Assignment 9-14-70 [29].....	184	4
			Effective date: 1-1-70.....		
CI71-409..... A 11-12-70	Biglane Operating Co....	Mid Louisiana Gas Co., Majorca Field, Adams County, Miss.	Contract 10-1-70.....	1	.....
			Compliance 12-7-70 [10 30].....	1	1
CI71-410..... A 11-12-70	Rose F. Wilson.....	El Paso Natural Gas Co., Ballard Field, San Juan County, N. Mex.	Contract 12-27-62 [31].....	1	.....
			Supplemental agreement 10-28-68.	1	1
			Letter agreement 4-1-69.....	1	2
			Letter agreement 2-9-70 [10]...	1	3
CI71-426..... (CI70-1078) F 11-16-70	Dugan Production Corp. (successor to Skelly Oil Co.).	Southern Union Gathering Co., Pictured Cliffs Formation, San Juan County, N. Mex.	Contract 6-18-59 [32].....	3	.....
			Assignment 8-1-70 [33].....	3	1
			Effective date: 8-1-70.....		
CI71-427..... (G-17559) F 11-16-70	Dugan Production Corp—Continued	El Paso Natural Gas Co., San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.	Contract 1-5-59 [34].....	4	.....
			Supplemental agreement 2-9-60.	4	1
			Supplemental agreement 2-10-60.	4	2
			Supplemental agreement 6-28-60.	4	3
			Supplemental agreement 9-16-60.	4	4
			Supplemental agreement 1-6-61.	4	5
			Letter agreement 7-5-60.....	4	6
			Supplemental agreement 4-18-61.	4	7
			Supplemental agreement 6-26-61.	4	8
			Supplemental agreement 8-21-62.	4	9
			Supplemental agreement 9-10-62.	4	10
			Supplemental agreement 10-16-62.	4	11
			Supplemental agreement 3-18-63.	4	12
			Supplemental agreement 9-5-63.	4	13
			Supplemental agreement 11-5-64.	4	14
			Assignment 7-29-70 [35].....	4	15
			Assignment 8-4-70 [33].....	4	16
			Effective date: 8-1-70.....		
CI71-428..... (G-5317) F 11-16-70	do.....	El Paso Natural Gas Co., Fulcher-Kutz, Ballard, Gavilan, and South Blanco Fields, Pictured Cliffs Formation, San Juan and Rio Arriba Counties, N. Mex.	Contract 3-9-53 [34].....	5	.....
			Letter agreement 3-23-53....	5	1
			Letter agreement 4-13-53....	5	2
			Supplemental agreement 10-30-53.	5	3
			Letter agreement 11-13-53...	5	4
			Letter agreement 11-19-53...	5	5
			Letter agreement 1-8-54.....	5	6
			Supplemental agreement 4-10-56.	5	7
			Supplemental agreement 4-24-56.	5	8
			Supplemental agreement 5-1-56.	5	9
			Supplemental agreement 6-1-56.	5	10
			Supplemental agreement 9-11-56.	5	11
			Letter agreement 11-20-56...	5	12
			Supplemental agreement 2-19-57.	5	13
			Supplemental agreement 3-6-57.	5	14
			Supplemental agreement 3-18-57.	5	15
			Supplemental agreement 4-17-57.	5	16
			Supplemental agreement 7-15-57.	5	17
			Supplemental agreement 2-3-58.	5	18
			Supplemental agreement 7-25-58.	5	19
			Letter agreement 7-5-60.....	5	20
		(Turner No. 7).....	Assignment 8-1-70 [33].....	5	21
		(Turner No. 8).....	Assignment 8-1-70 [33].....	5	22
		(Turner No. 9).....	Assignment 8-1-70 [33].....	5	23
		(Farming "B" No. 1).....	Assignment 8-1-70 [33].....	5	24
		(Farming "D" No. 1).....	Assignment 8-1-70 [33].....	5	25
		(Federal No. 13 and Federal No. 19).	Assignment 8-4-70 [33].....	5	26
			Effective date: 8-1-70.....		

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule: Description and date of document	No.	Supp.
CI71-429..... (CI65-404) F 11-16-70	Dugan Production Corp. (successor to Texas Oil & Gas Corp.).	El Paso Natural Gas Co., Dakota Formation, San Juan County, N. Mex.	Contract 10-5-64 [36].....	6	.....
			Supplemental agreement 2-9-65.	6	1
			Assignment 8-19-70 [37].....	6	2
			Assignment 8-19-70 [37].....	6	3
			Effective date: 8-1-70.....		
CI71-430..... (G-17460) F 11-16-70	Dugan Production Corp. (successor to Skelly Oil Co.).	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	Contract 1-2-59 [38].....	7	.....
			Supplemental agreement 9-2-60.	7	1
			Letter agreement 7-5-60.....	7	2
			Supplemental agreement 12-7-61.	7	3
			Supplemental agreement 8-23-62.	7	4
			Supplemental agreement 11-12-62.	7	5
			Supplemental agreement 2-13-63.	7	6
			Supplemental agreement 11-5-64.	7	7
			Assignment 8-1-70 [33]..... (Bondad Unit)	7	8
			Assignment 8-1-70 [33]..... (Ignacio Unit)	7	9
			Assignment 8-5-70 [33].....	7	10
			Effective date: 8-1-70.....		
CI71-431..... (G-10995) F 11-16-70	do.....	El Paso Natural Gas Co., Ignacio-Blanco and South Blanco Fields, Rio Arriba County N. Mex., and La Plata County, Colo.	Contract 3-21-56 [39].....	8	.....
			Letter agreement 9-5-56.....	8	1
			Letter agreement 10-24-56...	8	2
			Letter agreement 9-19-56....	8	3
			Letter agreement 6-28-57....	8	4
			Letter agreement 2-6-58.....	8	5
			Letter agreement 2-19-58....	8	6
			Supplemental agreement 8-23-60.	8	7
			Letter agreement 11-30-61...	8	8
			Letter agreement 3-8-63.....	8	9
			Supplemental agreement 9-1-63.	8	10
			Assignment 8-4-70 [33].....	8	11
			Assignment 8-5-70 [33].....	8	12
			Effective date: 8-1-70.....		
CI71-432..... (G-17548) F 11-16-70	do.....	El Paso Natural Gas Co., Gavilan, South Blanco, Ballard and Aztec Fields, San Juan and Rio Arriba Counties, N. Mex.	Contract 1-5-59 [40].....	9	.....
			Supplemental agreement 5-11-59.	9	1
			Supplemental agreement 10-6-59.	9	2
			Supplemental agreement 12-8-59.	9	3
			Supplemental agreement 12-30-59.	9	4
			Supplemental agreement 2-9-60.	9	5
			Letter agreement 7-5-60.....	9	6
			Supplemental agreement 7-2-68.	9	7
			Supplemental agreement 11-8-68.	9	8
			Assignment 8-4-70 [33].....	9	9
			(Federal No. 15) Assignment 8-4-70 [33].	9	10
			(Federal No. 28) Assignment 8-4-70 [33].	9	11
			(Federal "C" No. 8) Assignment 8-4-70 [33].	9	12
			(Federal No. 11) Assignment 8-4-7 [33].	9	13
			(Federal "F" No. 22) Assignment 8-4-70 [33].	9	14
			(Fee No. 2) Assignment 8-4-70 [33].	9	15
			(Federal No. 11, 13, and 19) Effective date: 8-1-70.	.....	.....
CI71-443..... A 11-27-70	Tenneco Oil Co.[41].....	Montana-Dakota Utilities Co., Slick Creek Field, Washakie County, Wyo.	Contract 11-20-70 [10].....	265	.....
CI71-446..... A 12-1-70	Pan American [42] Petroleum Corp.	Transcontinental Gas Pipe Line Corp., Luby and Petronilla Fields, Nueces County, Tex.	Contract 11-25-70 [10].....	559	.....
CI71-450..... (G-4846) F 12-2-70	Dakota Mining & Development Corp. (successor to Alvin Wilson).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bethany Field, Panola County, Tex.	Statement 10-21-70 [43].....	1	.....
			Effective date: 2-18-70.....		
CI71-454..... (CI69-535) F 12-1-70	R. J. Patrick (successor to Shenandoah Oil Corp. (Operator) et al.).	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	Contract 9-20-68 [44].....	2	.....
			Assignment 10-1-70 [45].....	2	1
			Effective date: 10-1-70.....		
CI71-465..... (CI70-587) B 12-10-70	Gulf Oil Corp.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Nathan Tatman A-631 Survey, Tyler County, Tex.	Notice of Cancellation 12-9-70.[23]	416	1
CI71-472..... A 12-14-70	George W. Armor et al..	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Laverne Field, Harper County, Okla.	Contract 11-15-70.....	1	.....
CI71-477..... A 12-16-70	Ashland Oil, Inc.....	The Inland Gas Co., Inc., acreage in Knott County, Ky.	Contract 6-19-67 [31]..... (No. 25)	204	.....
			Letter 11-6-70.....	204	1
			Letter 11-23-70 [46 47].....	204	2
CI71-478..... (CS67-41) F 12-14-70	C & K Petroleum, Inc. (successor to Chambers & Kennedy).	El Paso Natural Gas Co., Toro Field, Reeves County, Tex.	Contract 1-5-67 [48].....	1	.....
			Assignment 8-31-70 [44].....	1	1
			Effective date: 7-1-69.....		

[1] No filing sumbitted; termination of the certificate and cancellation of the related rate schedule on the Commission's own motion, since all efforts to obtain 7(b) filings were unsuccessful and buyer states that no deliveries have been made.
[2] Source of gas depleted.
[3] Effective date: Date of this order.
[4] Rates of 15.74976 cents and 16.99 cents suspended in Dockets Nos. G-10988 and G-16332, respectively and were never placed into effect; therefore, the proceedings pending in said dockets will be severed from the proceedings in Docket No. AR64-2 et al., and terminated.
[5] Rates of 15.74976 cents and 16.99 cents suspended in Dockets Nos. G-10989 and G-16331, respectively, and were never placed into effect; therefore, the proceedings pending in said dockets will be severed from the proceedings in Docket No. AR64-2 et al., and terminated.
[6] No filing submitted; termination of the certificate and cancellation of the related rate schedule on the Commission's own motion.
[7] Letter agreement between Gem and Kansas-Nebraska canceling contract. Filing submitted Dec. 14, 1970 by Kansas-Nebraska advising that the Jan. 25, 1956, contract (Gem's FPC GRS No. 2) was canceled by Oct. 4, 1961 agreement.
[8] By letter filed Dec. 10, 1970, applicant amended its application to reflect the 20-cent rate in accordance with its contract as amended.
[9] In addition to adding acreage, applicant has renegotiated the pricing provisions of the contract.
[10] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).
[11] Notice of withdrawal of the application for a certificate being construed as an abandonment application.
[12] Contract provides for rate of 19.015 cents per Mcf, however, applicant states willingness to accept permanent authorization conditioned to an initial rate of 15 cents per Mcf.
[13] Assignment filed Dec. 7, 1970. Application also amended to correct estimated sale volume.
[14] Amendment to the certificate filed to add interest of co-owner, Lone Star Producing Co.
[15] By letter dated Nov. 9, 1970, applicant advised of willingness to accept permanent authorization in accordance with the commitment that it made in the original application.
[16] By letter dated Jan. 4, 1971, applicant expressed willingness to accept permanent authorization consistent with Opinion No. 586.
[17] By letter dated Jan. 14, 1971, applicant expressed willingness to accept a permanent certificate at the area ceiling rate of 18.5 cents consistent with Opinion No. 586.
[18] Currently on file as Mobil Oil Corp. FPC GRS No. 170.
[19] Conveys interest from Mobil Oil Corp. to applicant.

[9] By letter dated Nov. 9, 1970, applicant agreed to accept a permanent certificate at 15 cents per Mcf at 14.65 p.s.i.a. under the conditions imposed by the temporary certificate.
[21] By letter dated Jan. 14, 1971, applicant expressed willingness to accept a permanent certificate at the area ceiling rate of 18.5 cents consistent with Opinion No. 586.
[22] Concurrently on file as Pan American Petroleum Corp. FPC GRS No. 238.
[23] Conveys interest from Pan American Petroleum Corp. to applicant.
[24] Accepts temporary certificate issued Nov. 20, 1970. Applicant is willing to accept a permanent certificate conditioned similarly to the temporary certificate issued.
[25] By letter filed Dec. 21, 1970, applicant expressed willingness to accept a permanent certificate conditioned to the area ceiling rate of 15 cents.
[26] Presently on file as Texaco, Inc. (Operator) et al., FPC GRS No. 328.
[27] By Chapman and McFarlin Producing Co. The interest of Chapman and McFarlin remain covered by Texaco's rate schedule.
[28] From the Estate of James A. Chapman, Deceased (as successor to a portion of the interest of Chapman and McFarlin) to Getty Oil Co.
[29] Transfer of 50 percent of the interest acquired by Getty to Skelly Oil Co. Skelly's interest is not covered by this filing, therefore, in the absence of a filing by Skelly its interest will remain covered by the operator's rate schedule (Texaco's FPC GRS No. 328).
[30] Complies with temporary certificate dated Dec. 3, 1970. Applicant agrees to accept a permanent certificate limiting buyers take-or-pay obligations to a 1 to 7,300 reserve ratio.
[31] Sale being rendered without prior Commission authorization.
[32] Between Skelly Oil Co. and buyer; on file as Skelly Oil Co. FPC GRS No. 243.
[33] From Skelly Oil Co. to applicant.
[34] Between Skelly Oil Co. and buyer; on file as Skelly Oil Co. FPC GRS No. 141.
[35] Between Skelly Oil Co. and El Paso Natural Gas Co.; on file as Skelly Oil Co. FPC GRS No. 47.
[36] Between Tex-Star Oil & Gas Corp. (now Texas Oil & Gas Corp.) and buyer; on file as Texas Oil & Gas Corp., FPC GRS No. 40.
[37] From Texas Oil & Gas Corp. to applicant.
[38] Between Skelly Oil Co. and buyer; on file as Skelly Oil Co. FPC GRS No. 140.
[39] Between Skelly Oil Co. and Pacific Northwest Pipeline Co. (now El Paso Natural Gas Co.); on file as Skelly Oil Co. FPC GRS No. 107.
[40] Between Skelly Oil Co. and buyer; on file as Skelly Oil Co. FPC GRS No. 144.
[41] By letter filed Dec. 24, 1970, applicant agreed to accept a permanent certificate under the same conditions imposed by the temporary certificate.
[42] Contract provides for rate of 25 cents per Mcf, however, applicant agrees to accept a permanent certificate at 16 cents per Mcf.
[43] Filed as short form rate schedule pursuant to section 154.92(c) of the Regulations. Sales are under contract dated Apr. 26, 1954, on file as Alvin Wilson et al., FPC GRS No. 1.
[44] Currently on file as Shenandoah Oil Corp. (Operator) et al., FPC GRS No. 9.
[45] Conveys interest from Shenandoah et al., to applicant.
[46] Advises that gas is being commingled with gas moving in interstate commerce pursuant to order issued July 20, 1970, in Docket No. CP70-246, thus necessitating instant filing by applicant.
[47] Effective date: Date of initial delivery in interstate commerce.
[48] Between Chambers & Kennedy and El Paso. Sales under subject contract are covered under small producer certificate issued to Chambers & Kennedy in Docket No. CS67-41.
[49] From Chambers & Kennedy to applicant.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 19--.

(Name of Respondent)

By ----------

Attest:

[FR Doc.71-3218 Filed 3-10-71;8:45 am]

[Docket No. RI71-645]

CHEVRON OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

MARCH 3, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 23, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-645..	Chevron Oil Co.....	17	1-14	El Paso Natural Gas Co. (Eumont Field, Lea County) (New Mexico, Permian Basin).	$1,250	2-1-71	3-4-71	[1] Accepted	17.3908	17.9117	R170-1340.
		23	1-13	El Paso Natural Gas Co. (Langhe-Mattix Field, Lea County, N. Mex.) (Permian Basin).	186	2-1-71	3-4-71	[1] Accepted	[2] 16.880	17.9117	RI69-684.
	Chevron Oil Co. et al.....	24	1-23	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex., Permian Basin).	38,018	2-1-71	3-4-71	[1] Acceppte	16.88	17.9117	RI69-684.
		24	[3] 1-24	....do.....	1,533	2-1-71	3-4-71	[1] Accepted	15.86	16.8882	RI69-684.
		26	1-7	Transwestern Pipeline Co. (Atoka Field, Eddy County, N. Mex. Permian Basin).	56,604	2-1-71	3-4-71	[1] Accepted	18.0	21.1016	RI69-748.

* The pressure base is 14.65 p.s.i.a.
[1] Accepted, subject to the existing suspension proceeding in Docket No. RI71-645.
[2] Applicable to Warren's Monument Plant only.

Chevron has submitted corrections to its previously filed increased rates which initially were suspended in Docket No. RI71-645 until June 28, 1971, reflecting errors it had made in its original filings in computing tax reimbursement. In these circumstances we shall accept these substitute filings subject to the suspension period provided in Docket No. RI71-645 with respect to the original filings. Due to the issuance of the order issued February 18, 1971, accompanying Order No. 423 the suspension period in Docket No. RI71-645 was shortened so as to expire after March 20, 1971. Consequently, the substitute rates involved here shall be collected, subject to refund as of March 21, 1971, without any further action by Chevron or by the Commission.

Chevron's proposed increased rates and charges exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, section 2.56).

[FR Doc.71-3394 Filed 3-10-71;8:49 am]

[Docket No. E-7610]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

MARCH 5, 1971.

Take notice that on March 1, 1971, Community Public Service Co. (Community), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue $8 million principal amount of First Mortgage Bonds.

Community is incorporated in the State of Texas and is domesticated in the State of New Mexico with its principal place of business office at Fort Worth, Tex. Community is engaged primarily in the generation, purchase, distribution, and sale of electric energy and the purchase, distribution, and sale of natural gas. It provides electricity and natural gas service to a total of 116 communities in Texas and New Mexico.

Community proposes to issue $8 million principal amount of First Mortgage Bonds which will be secured by Community's Indenture of Mortgage and Deed of Trust dated as of November 1, 1944, with Continental Illinois National Bank and Trust Company of Chicago, trustee, as supplemented and to be supplemented by a 12th Supplemental Indenture creating the proposed bonds. Community proposes to issue the bonds in accordance with the competitive bidding requirements of the Commission's regulations under the Federal Power Act and expects to invite bids on or about April 28, 1971. Community indicates that the bonds will bear an issuance date of May 1, 1971, and that the date of maturity will be May 1, 2001. The interest rate of the bonds will be determined by competitive bidding.

Community states that it proposes to use the proceeds from the sale of the First Mortgage Bonds for payment of additions and improvements to its properties, including the repayment of short-term bank loans obtained for such purposes, in the aggregate principal amount of $6 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-3395 Filed 3-10-71;8:49 am]

[Docket No. E-7560]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Rate Changes

MARCH 5, 1971.

Take notice that on February 24, 1971, Delmarva Power & Light Co., Delmarva Power & Light Company of Maryland and Delmarva Power & Light Company of Virginia (Delmarva System), requested leave to withdraw its fuel adjustment clause filing of January 22, 1971, and tender for filing a substitute fuel adjustment clause. The tendered filing proposes to change existing electric tariffs and rate schedules; to amend the various tariff changes, rate schedule supplements, and proposed tariffs previously filed and suspended by Commission order issued November 27, 1970; to supplement rate schedule FPC No. 35 applying to the city of Dover, Del.: and to supplement rate schedules FPC No. 29, FPC No. 8 and FPC No. 4, as they apply to various REA Cooperatives served by the Delmarva System.

Delmarva System proposes that the tendered fuel adjustment clause became effective as of March 1, 1971, with respect to all presently effective rate schedules. Delmarva System has requested that the tendered filing be accepted as a revision of its January 22, 1971, filing which would allow the period of notice to begin as of, that date, or in the alternative, that the Commission waive the notice requirements.

The proposed changes in rates would increase charges for applicable sales by approximately $497,000 during the remainder of 1971.

Delmarva System states that its presently effective fuel adjustment clause will not reimburse the Company for increased cost of fuel used to generate electricity due to the substantial lag before increased fuel costs are reflected in its adjustment figure.

Copies of the filing have been served on customers and interested State regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-3396 Filed 3-10-71;8:49 am]

[Docket No. E-7607]

EL PASO ELECTRIC CO.

Notice of Application

MARCH 5, 1971.

Take notice that on February 25, 1971, El Paso Electric Co. (applicant), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue $16 million principal amount of First Mortgage Bonds, due 2001.

The applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Tex., and is engaged in the electric utility business in 19 communities in Texas and 22 communities in New Mexico.

The proposed bonds will be secured by the applicant's Indenture of Mortgage dated as of October 1, 1946, with State Street Trust Co. (now known as State Street Bank and Trust Co.) of Boston, Mass., as Trustee, as supplemented and modified and to be further supplemented by a 10th Supplemental Indenture.

The applicant proposes to sell the bonds at competitive bidding in accordance with the Commission's regulations. The applicant expects to invite bids on or about April 13, 1971. The bonds will not be refundable at a lower interest cost prior to April 1, 1976.

The proceeds from the sale of the bonds will be used to pay off various short-term bank loans and commercial paper of the applicant and to finance a portion of the applicant's construction program. Applicant's 1971 construction program has an estimated cost of $17,219,000. This program includes $13,719,000 for generating equipment and $2,975,000 for transmission lines and substations.

Any persons desiring to be heard or to make any protest with reference to said application should, on or before March 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed

with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3397 Filed 3-10-71;8:49 am]

[Docket No. CP71-211]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

MARCH 4, 1971.

Take notice that on February 26, 1971, Kansas-Nebraska Natural Gas Co., Inc. (applicant), 300 North St. Joseph Avenue, Hastings, NE 68901, filed in Docket No. CP71-211 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon three 40-horsepower compressor units and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of transmission facilities necessary for initial service to the community of Bladen, Nebr., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks permission and approvel to abandon three 40-horsepower compressor units from its compressor station near Clay Center, Nebr. Applicant states that the purchase of natural gas from Northern Natural Gas Co., at a point of delivery near Milligan, Nebr., heretofore authorized by the Commission in Docket No. CP62-209, eliminates the need for these compressor units. The proposed abandonment will reduce the compressor horsepower at the Clay Center station from 495 to 375 horsepower.

Applicant also seeks authorization to construct, at an approximate cost of $68,000, and operate 8.6 miles of 3-inch pipeline extending from its existing 16-inch transmission pipeline near Campbell, Nebr., to Bladen, Nebr., and a town border station to enable applicant to initiate natural gas service to the town of Bladen, Nebr.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3398 Filed 3-10-71;8:49 am]

[Docket No. E-7611]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Proposed Changes in Rates and Charges

MARCH 9, 1971.

Take notice that Virginia Electric and Power Co. (Vepco) on March 2, 1971, tendered for filing proposed changes in its FPC Electric Tariff Original Volumes Nos. 1 and 2 applicable to municipal and investor-owned utility customers, and in its rate schedules applicable to rural electric cooperative customers, to become effective July 1, 1970. Based on sales estimates for the 12 months ending March 31, 1972, the proposed rates would increase Vepco's revenues by $1,018,750 from its 19 cooperative customers and by $965,290 from its 21 municipal customers and one investor-owned utility customer. Vepco proposes that the increase in rates for service from July 1, 1970 to the date that the Commission grants the requested increase be paid on a deferred basis by adjustments to customers' future billings.

Vepco cites as principal reasons for the proposed rate increase, increases in the cost of capital and fuel.

Vepco requests waiver of section 205 (d) of the Federal Power Act, and §§ 35.2 and 35.13(4)(1) of the regulations thereunder to permit the proposed rates to become effective without suspension July 1, 1970.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3502 Filed 3-10-71;8:51 am]

FEDERAL TRADE COMMISSION

ADVISORY COUNCIL ON COMMISSION'S RULES OF PRACTICE

Resolution

Notice is hereby given that the Federal Trade Commission has approved, adopted, and entered of record the following resolution:

Whereas the Federal Trade Commission, on April 30, 1970, determined to create an Advisory Council on Rules of Practice and Procedure (the "Advisory Council") for the principal purposes of studying the Commission's rules, and making recommendations to the Commission, in order to accomplish "the elimination of delay in adjudicative proceedings while providing fairness to all parties"; and

Whereas the Commission, on May 27, 1970, issued a news release announcing the formation of the Advisory Council, and stating in part that the Commission's "goal, through the Council's efforts, is to make our rules a model of fairness, fast action, and efficiency"; and

Whereas the Commission believes that a formal resolution relating to the establishment of the Advisory Council may be required under Executive Order No. 11007:

Now, therefore, I have determined that the formation of the Advisory Council on April 30, 1970, was, and its continued employment continues to be, in the public interest in connection with the performance of duties imposed on the Federal Trade Commission by law.

MILES W. KIRKPATRICK,
Chairman.

Adopted: February 23, 1971.

By direction of the Commission dated February 23, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-3350 Filed 3-10-71;8:46 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT TAX ACT

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. section 3221(c)) as amended by section 5(a) of Public Law 91-215, the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each manhour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1971, shall be at the rate of 6 cents.

Dated: March 5, 171.

By Authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[FR Doc.71-3354 Filed 3-10-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2905]

FIRST PROVIDENT CO., INC. ET AL.

Notice of Filing of Application for Order

MARCH 4, 1971.

In the matter of The First Provident Co., Inc., 132-146 South Moore Street, Sanford, NC; State Mutual Life Assurance Company of America, 440 Lincoln Street, Worcester, MA; Charles M. Reeves, Jr., Carthage Highway, Sanford, N.C.; Loften L. Tart, Fairfield Circle, Dunn, N.C.; The George Putnam Fund of Boston, 265 Franklin Street, Boston, MA; 812-2905.

Notice is hereby given that The First Provident Co., Inc. (First Provident), the George Putnam Fund of Boston (Fund), a registered open-end investment company, and certain other stockholders of First Provident, as described below (collectively Applicants) have filed an application pursuant to section 17(d) of the Investment Company Act of 1940 (Act) and Rule 17d-1 thereunder for an order permitting Applicants to jointly sell shares of common stock of First Provident in a proposed public offering of First Provident common stock. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

The Fund owns 10 percent of the outstanding common stock of First Provident. State Mutual Life Assurance Company of America (State Mutual) owns 10 percent of the outstanding common stock of First Provident. Charles M. Reeves, Jr. is Chairman of the Board of Directors and the President of First Provident and the beneficial owner of 48.4 percent of the outstanding common stock of First Provident. Loften L. Tart is a Vice President of First Provident and the beneficial owner of 2.3 percent of the outstanding common stock of First Provident.

By reason of the fact that the Fund owns more than 5 percent of the outstanding voting securities of First Provident, First Provident is an affiliated person of the Fund. By reason of the facts that State Mutual owns more than 5 percent of the outstanding voting securities of First Provident, Reeves owns more than 5 percent of the outstanding voting securities of First Provident and is an officer and director of First Provident, and Tart is an officer of First Provident, each is an affiliated person of an affiliated person of the Fund within the meaning of section 2(a)(3) of the Act.

First Provident has filed a registration statement with the Commission under the Securities Act of 1933 with respect to a proposed public offering of common stock of First Provident. Such offering will consist of an aggregate of 200,000 shares of common stock of First Provident, of which 125,000 shares would be offered by First Provident, 30,000 shares by Reeves, 5,000 by Tart, 20,000 by State Mutual and 20,000 by the Fund. The expenses of the registration of the shares to be sold by the Fund and by State Mutual (other than underwriting discounts) will be borne by First Provident, pursuant to agreements entered into at the time such shares were purchased by the Fund and by State Mutual in 1961. The expenses of registration of the shares to be sold by the First Provident, Reeves, and Tart will be borne by each of them. First Provident has agreed with the Fund and with State Mutual that if registration of the remaining shares of First Provident owned by each should be required, First Provident will at its expense file another registration statement under the Securities Act of 1933 with respect to such shares.

The total number of shares of common stock of First Provident to be offered in the public offering was determined by agreement between First Provident and Wheat & Co., Inc., as representative of the underwriters at the recommendation of Wheat & Co., Inc. (Wheat) based on the judgment of Wheat as to the probable market for the shares of First Provident. At the time the public offering was first considered, it was not contemplated that the Fund or State Mutual would participate as selling shareholders in the public offering. It was contemplated at that time that First Provident would offer for sale 170,000 shares and that Reeves would offer for sale 30,000 shares. Subsequently, it was decided that First Provident would offer only 125,000 shares, Reeves would offer 30,000 shares and the balance of the 200,000 shares would be allocated among the Fund, State Mutual, and Tart on a mutually agreeable basis. The allocation was agreed upon voluntarily among the parties as set forth above. The Fund has at no time requested that more than 20,000 of its shares of First Provident be included in the public offering.

The Applicants have agreed with Wheat as representatives of underwriters, that after the effective date of the registration statement none of them will offer any additional shares of common stock of First Provident to the public for 120 days. The purpose of this agreement is to facilitate the sale of the shares to be offered in the public offering.

There has not heretofore been any public market for the shares of common stock of First Provident. It is the opinion of the management of the Fund that the creation of such a public market which will result from the public offering of shares herein referred to will be in the best interests of the Fund.

The Applicants state that the participation of the Fund in the proposed public offering on the basis proposed is consistent with the provisions, policies and purposes of the Act and, to the extent that such participation is on a basis different from that of other participants, it is more favorable to the Fund than to such other participants.

Rule 17d-1, adopted under section 17 (d) of the Act, provides, inter alia, that no affiliated person of any registered investment company, and no affiliated person of such affiliated person, shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered or controlled company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than March 22, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether

a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3355 Filed 3-10-71;8:46 am]

[7-3621]

SAXON INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 4, 1971.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Saxon Industries, Inc., File No. 7-3621.

Upon receipt of a request, on or before March 19, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3356 Filed 3-10-71;8:46 am]

[File Nos. 7-3622—7-3624]

BANISTER CONTINENTAL CORP., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 4, 1971.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Banister Continental Corp	7-3622
Missouri Public Service Co	7-3623
National Health Enterprises, Inc	7-3624

Upon receipt of a request, on or before March 19, 1971, from any interested person, the Commission will determine whether the applicant with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3357 Filed 3-10-71;8:46 am]

[File No. 7-3625]

UNITED STATES SMELTING AND REFINING & MINING CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 4, 1971.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

United States Smelting Refining & Mining Co., warrants (expiring Jan. 15, 1979) File No. 7-3625.

Upon receipt of a request, on or before March 19, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3358 Filed 3-10-71;8:46 am]

[File No. 7-3620]

SAXON INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 4, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Saxon Industries, Inc., File No. 7-3620.

Upon receipt of a request, on or before March 19, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3359 Filed 3-10-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 810]

ILLINOIS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in all areas affected in northwestern Illinois suffered damage or destruction resulting from floods commencing on February 19, 1971, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, IL 60604.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1971.

Dated: March 1, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-3352 Filed 3-10-71;8:46 am]

[Declaration of Disaster Loan Area 811]

MINNESOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Miracle Mile Shopping Center, Rochester, Minn., suffered damage or destruction resulting from fire occurring on February 20, 1971.

OFFICE

Small Business Administration District Office, 816 Second Avenue, South, Minneapolis, MN 55402.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1971.

Dated: March 3, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-3353 Filed 3-10-71;8:46 am]

TARIFF COMMISSION

[AA1921-67]

CAPACITORS FROM JAPAN

Determination of No Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on December 8, 1970, that aluminum electrolytic and ceramic capacitors from Japan are being, and are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted Investigation No. AA1921-67 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on January 19, 1971. Notice of the investigation and hearing was published in the FEDERAL REGISTER of December 12, 1970 (35 F.R. 18939).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission determined unanimously [1] that no industry in the United States is being, or is likely to be, injured or prevented from being established by reason of the importation of aluminum electrolytic and ceramic capacitors from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

In our opinion no industry in the United States is being, or is likely to be, injured or prevented from being established, by reason of the importation of aluminum electrolytic and ceramic capacitors from Japan sold at less than fair value (LTFV). Imports of LTFV capacitors from Japan have been extremely small in relation to the size of the domestic market and the margins of dumping (the amounts by which the capacitors were sold below the Japanese home market price) have been so small in relation to the margins of underselling by the sellers of the Japanese capacitors that they have virtually no influence on U.S. market prices for such capacitors.

The industry. The industry or industries considered in this case consist of those establishments in the United States engaged in the production and sale of either or both aluminum electrolytic and ceramic capacitors and/or the production of component materials for such capacitors.

The U.S. market. Aluminum electrolytic and ceramic capacitors are used in the United States as components in numerous electronic products. The market for the use of such products is scattered throughout the United States and there are no discernible geographical markets in which sales are concentrated or peculiarly different.

Tests for injury. The market penetration by LTFV imports of capacitors from Japan has been extremely small. An examination of the sales of domestic aluminum electrolytic and ceramic capacitors during a recent 28-month period, when sales of LTFV capacitors were at their height, revealed that the import sales amounted to less than 0.7 percent of all U.S. sales. Even had these imports of LTFV capacitors been subject to a dumping duty, moreover, the amount of such duty collected on imports of ceramic capacitors would have been trivial and that collected on imports of aluminum electrolytic capacitors, while much larger, would have been equivalent to only a small part of the difference in prices between the domestic and imported capacitors.

About 84 percent of all LTFV imports consisted of aluminum electrolytic capacitors. The prices of such imports in the U.S. market were far below the prices of comparable domestic capacitors. Weighed average prices for comparable U.S. products during the last 5 years ranged from 78 to 506 percent higher than the average prices of the imported LTFV capacitors. There is some evidence that these large differences in weighted average prices resulted partly from differences in the size of individual sales—the Japanese making mostly large sales and the domestic producers making both large and small sales. Since the prices of capacitors are generally highly responsive to the volume sold, the size of individual sales can affect prices

[1] Chairman Mize did not participate in the determination.

materially. It is clear, nevertheless, that the Japanese capacitors markedly undersold comparable domestic capacitors in the U.S. market. The amounts of price discrimination (dumping margin), moreover, averaged only about 1.6 percent of the average prices of the domestic capacitors. Under these circumstances, we conclude that the dumping margins had virtually no influence on the pricing practices of the sellers of the Japanese capacitors who clearly undersell the domestic producers in the U.S. market and can continue to do so without regard to whether the minor price discrimination practice is continued. Dumping is not a factor in the competition for sales between domestic and imported capacitors.

About 16 percent of the LTFV imports consisted of ceramic capacitors. Of five common types of these capacitors which were sold at prices significantly below the prices of comparable domestic capacitors during the last 5 years, the margins of underselling exceeded the margins of dumping by about 100 percent in two cases, more than 250 percent in one case, 350 percent in one case, and 1,100 percent in another. Some of the remaining types were sold at prices higher than the prices for the comparable domestic capacitors; the margins of dumping with respect to other types were slight. It was noted that there is a general downward price trend with respect to ceramic capacitors, a phenomenon which is occurring without regard to LTFV sales. Except for two types of the LTFV capacitors it appeared that dumping margins could have had little causal effect on prices. The volume of such imports was minuscule in relation to the size of the U.S. market.

Conclusion. As the market penetration by LTFV imports is extremely small and as the dumping margins in this case have virtually no causal effect on prices for the subject capacitors in the U.S. market, we conclude that if the industry is injured by reason of imports of aluminum electrolytic and ceramic capacitors from Japan, sold at less than fair value, such injury is de minimis. Moreover, because the dumping margins have had virtually no causal effect on prices of the subject capacitors in the U.S. market, we conclude that there is no likelihood of injury to a domestic industry as contemplated by the Antidumping Act.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3414 Filed 3-10-71;8:51 am]

DEPARTMENT OF LABOR

Office of the Secretary

NOTICE OF AVAILABILITY OF EXTENDED UNEMPLOYMENT COMPENSATION

New York

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Alfred L. Green, Executive Director, New York Division of Employment has determined that there was a State "on" indicator in New York for the week beginning December 20, 1970, and that an extended benefit period began in the State with the week beginning January 10, 1971.

Signed at Washington, D.C., this 1st day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-3349 Filed 3-10-71;8:46 am]

NOTICE OF AVAILABILITY OF EXTENDED UNEMPLOYMENT COMPENSATION

Vermont

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Stella B. Hackel, Commissioner, Vermont Department of Employment Security, has determined that there was a State "on" indicator in Vermont for the week beginning December 13, 1970, and that an extended benefit period began in the State with the week beginning January 3, 1971.

Signed at Washington, D.C., this 1st day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-3351 Filed 3-10-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 18]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 5, 1971.

The following applications are governed by Special Rule 100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 13250 (Sub-No. 109), filed February 18, 1971. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, TX 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Antipollution systems and equipment;* (2) *liquid cooling and vapor and condensing systems and equipment;* (3) *environmental control and protection systems and equipment;* (4) *parts and attachments* for the items named in (1), (2), and (3) above; and (5) *machinery, equipment, materials, and supplies* used in the construction, installation, operation and maintenance of the items named in (1), (2), and (3) above, between points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illionis, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., Oklahoma City, Okla., and Los Angeles, Calif.

No. MC 30837 (Sub-No. 425), filed February 16, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies* (except those which because of size or weight require the use of special equipment), from Oakland, Calif., to all points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 30837 (Sub-No. 426), filed February 16, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan 701 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs*, from De Witt, Iowa, to all points in the Unjted States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 31389 (Sub-No. 137), filed February 9, 1971. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughton Street, Post Office Box 213, Winston-Salem, NC 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Spring Park, Minn., as an off-route point in connection with carrier's regular-route operations from and to Minneapolis-St. Paul, Minn. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 46300 (Sub-No. 3), filed February 5, 1971. Applicant: KENNETH NARROD MOVING CO., a corporation, 1120 Glen Rock Avenue, Waukegan, IL 60085. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and hold baggage*, between North Chicago, Ill., on the one hand, and, on the other, points in Boone, Bureau, Cook, De Kalb, Du Page, Kane, Kendall, Lake, La Salle, Lee, McHenry, Ogle, Putnam, Will, and Winnebago, Counties, Ill., restricted to the transportation of traffic having a prior or subsequent movement, in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52704 (Sub-No. 83), filed February 8, 1971. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer H, LaFayette, AL 36862. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from the plantsite of J. Aron & Co., Inc., at Supreme, La., to points in Virginia and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 59194 (Sub-No. 15), filed February 16, 1971. Applicant: EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, NJ 07072. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages;* (a) between points in the commercial zones of New York, N.Y., and Philadelphia, Pa.; and (b) between points in the commercial zones of New York, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, Lawrenceville, N.J., and 5 miles thereof, restricted to the transportation of fungible commodities in containers having a prior or subsequent movement by water and which either are received or delivered by the carrier directly into or from the container but not both. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 60852 (Sub-No. 3), filed February 8, 1971. Applicant: WARCO SERVICE, INC., Route U.S. 22, Green Brook, NJ 08812. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, paper-back books, and advertising matter*, between Dunellen, N.J., and New York, N.Y., on the one hand, and, on the other, Carle Place, Hauppauge, Westbury, Spring Valley, White Plains, N.Y.; Stamford, Conn.; and points in Bergen, Union, Essex, Middlesex, Passaic, and Hudson Counties, N.J. NOTE: Applicant states that it would tack the requested authority with its existing authority at Green Brook, N.J.-Somerset County, N.J., Camden and Trenton, N.J., and Philadelphia, Pa. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 63838 (Sub-No. 5), filed February 4, 1971. Applicant: FRANK BOLUS, doing business as BOLUS MOTOR LINES, 700 North Keyser Avenue, Scranton, PA 18504. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, insulating board, and ceiling tiles*, from the plantsite of Celotex Corp. at Harding, Pa., to points in New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 64932 (Sub-No. 490), filed February 4, 1971. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl E. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Muscatine, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69492 (Sub-No. 38), filed February 16, 1971. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, KY 42301. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and related advertising materials*, from Peoria, Ill., to Jackson, Tenn.;

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

and (2) *feed and feed ingredients*, except in bulk, from Decatur, Ill., to Clinton, Ky. NOTE: Applicant states authority to deliver feed and feed ingredients at Clinton, Ky., could be tacked, but applicant does not propose to do so. Persons interested in tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville, Ky., or Memphis, Tenn.

No. MC 76032 (Sub-No. 278), filed February 10, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Guardian Industries, Inc., in Ash Township (Monroe County), Mich. (near Carleton, Mich.), as an off-route point in connection with authorized operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 76032 (Sub-No. 279), filed February 10, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, not including those requiring refrigeration, and those injurious or contaminating to other lading), between Santa Fe, N. Mex., and Espanola, N. Mex., from Santa Fe over Interstate Highway 285 to junction U.S. Highway 285 and New Mexico Highway 76, thence over New Mexico Highway 76 to Espanola, N. Mex., and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Santa Fe, N. Mex., or Denver, Colo.

No. MC 77016 (Sub-No. 11), filed February 1, 1971. Applicant: BUDIG TRUCKING CO., a corporation, 100 Gest Street, Cincinnati, OH 45203. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, OH 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Maysville, Ky., and the junction of U.S. Highway 68 and Ohio Highway 125 over U.S. Highway 68; and (2) between Maysville, Ky., and West Union, Ohio, from Maysville across the Ohio River over U.S. Highway 68 to Aberdeen, Ohio, thence over Ohio Highway 41 to West Union and return over the same route, serving no intermediate points and serving the routes, in (1) and (2) above for purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 82063 (Sub-No. 32), filed February 9, 1971. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough Avenue, St. Louis, MO 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Jefferson County, Ark., to points in Louisiana, Mississippi, Alabama, Arkansas, Missouri, Illinois, Kansas, Kentucky, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 94350 (Sub-No. 286), filed February 11, 1971. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC. Applicant's representatives: Mitchell King, Jr., Post Office Box 1628, Greenville, SC 29602, and Ames, Hill & Ames, Suite 705, McLachlen Bank Building, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Hillsboro County, N.H., to points in New York, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, & New Jersey, and Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 95540 (Sub-No. 795), filed February 8, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods and bakery goods*, from Jackson, Tenn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Michigan, Massachusetts, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Memphis, Tenn., or Washington, D.C.

No. MC 104004 (Sub-No. 184), filed February 1, 1971. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, NY 10017. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Covington, Va., and Lewisburg, W. Va., from Covington over U.S. Highway 60 to Lewisburg and return over the same route, serving no intermediate points, and serving the termini for purposes of joinder only, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 107002 (Sub-No. 400), filed February 16, 1971. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Birmingham, Ala.

No. MC 107002 (Sub-No. 401), filed February 16, 1971. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representatives: John J. Borth, Post Office Box 1123, Jackson, MS and H. D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naval stores and naval store products*, in bulk, in tank vehicles, from Mobile, Ala., to points in Michigan and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile or Montgomery, Ala.

No. MC 107295 (Sub-No. 483), filed February 8, 1971. Applicant: PRE-FAB

TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and wood panels*, from Jamaica, N.Y., to points in Alabama, Louisiana, Mississippi, Texas, Florida, Maryland, South Carolina, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107299 (Sub-No. 8), filed February 12, 1971. Applicant: ROBERTS CARTAGE COMPANY, a corporation, 3200 Archer Avenue, Chicago, IL 60608. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exhibits, exhibits materials, displays, and display materials*, between Chicago, Ill., on the one hand, and, on the other, points in the United States. NOTE: Applicant states that the requested authority would be tacked at Chicago, Ill., to serve Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Indiana, Michigan, Ohio, Pennsylvania, New York, West Virginia, Tennessee, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 735), filed February 8, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Swift & Co. at or near St. Charles, Ill., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Mississippi, Louisiana, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it proposes to tack with its Sub-No. 623 authority at Louisville, Ky., to serve the States of Arkansas, West Virginia, Maryland, Delaware, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 736), filed February 11, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, packinghouse products, and articles distributed by meat packing plant*, from San Benito, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis and points in its commercial zone), Virginia, Maryland, and the District of Columbia. NOTE: Applicant states it proposes to tack with its Sub-507 authority at Gatesville, N.C., to serve the additional States of Pennsylvania, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, and Maine. If a hearing is deemed necessary, applicant requests it be held at Brownsville or Houston, Tex.

No. MC 107818 (Sub-No. 53), filed February 8, 1971. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 603, Pompano Beach, FL 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides, and commodities in bulk, in tank vehicles), and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsites of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Alabama, Florida, Georgia, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108298 (Sub-No. 31), filed February 8, 1971. Applicant: ELLIS TRUCKING CO., INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Memphis, Tenn., on the one hand, and, on the other, Aberdeen and Prairie, Miss., and Jonesboro, Ark. NOTE: Applicant states that the requested authority will be tacked with presently held authority at Memphis, Tenn., in MC 108298. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Memphis, Tenn.

No. MC 107993 (Sub-No. 18), filed February 10, 1971. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, Post Office Box 2112, Odessa, TX 79760. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems equipment and parts; liquid cooling and vapor condensing systems equipment and parts; environmental control and protective systems equipment and parts; and equipment, materials, and supplies* used in the construction or installation of antipollution and environmental control and protective systems, and liquid cooling and vapor condensing systems; (1) between points in Arizona, Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, Utah, and Wyoming; and (2) between points named in (1) above, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City, Okla., Tulsa, Okla., Houston or Dallas, Tex.

No. MC 108449 (Sub-No. 321), filed February 8, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representatives: Wallace A. Mylienbeck (same address as applicant), and Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Dubuque, Iowa, to points in Minnesota, Wisconsin, and Illinois. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108420 (Sub-No. 628), filed February 8, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and phosphatic fertilizer solution, liquid*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Colorado, Kansas, Kentucky, Michigan, Missouri, Nebraska, and Ohio. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 110563 (Sub-No. 58), filed February 12, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, North Ohio Avenue, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen seafood, prepared seafoods, and seafood dinners including stuffed lobster*

and lobster Newburg, from Watertown and Gloucester, Mass., Portland, Maine, and West Chester, Pa., to points in California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Ohio, and Texas; (2) *frozen foods*, from the warehouse facilities of Marketers' Cold Storage, Inc., at or near Pittston, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Ohio, Minnesota, and Wisconsin; (3) *frozen foods*, from Kingston and Swoyersville, Pa., to points in Illinois, Michigan and Ohio; and (4) *canned beverages*, from Bridgeport, Pa., to points in Illinois, Indiana, Michigan, and Ohio, restricted in (1), (3), and (4) to traffic originating at the designated origin points and in (2) to traffic having a prior storage at the public warehouse facilities of Marketers' Cold Storage, Inc., at the designated origin point. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111302 (Sub-No. 65), filed February 11, 1971. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, TN 37849. Applicant's representative: George W. Clapp, Post Office Box 10188, Greenville, SC 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compounds*, industrial process water treating, and *chemicals*, in bulk, in tank vehicles, from points in Bibb County, Ga., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that tacking is intended where feasible on chemicals and liquid chemicals at Knoxville, Tenn., to the extent of authority held in MC 111302. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112304 (Sub-No. 44), filed February 22, 1971. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories and refractory products*, from points in Gasconade County, Mo., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 114087 (Sub-No. 12), filed February 5, 1971. Applicant: DECATUR PETROLEUM HAULERS, INC., 161 First Avenue NE., Decatur, AL. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, AL 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt* in bulk, in tank trailers, from Birmingham, Ala., to points in Georgia, Mississippi, and Tennessee under contract with Chevron Asphalt Co., and (2) *fuel oil*, in bulk, in tank trailers, from barge terminals at Decatur, Ala., and points within 3 miles thereof, to the plantsite of U.S. Plywood-Champion Papers, Inc., near Courtland, Ala., under contract with Plywood-Champion Papers, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 114273 (Sub-No. 78), filed February 10, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representatives: Robert E. Konchar, 2720 First Avenue, NE., Cedar Rapids, IA 52406, and Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson Beef & Lamb Co., at or near Hereford, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. The services proposed herein are restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114274 (Sub-No. 15), filed February 8, 1971. Applicant: VITALIS TRUCK LINES, INC., 137 Northeast 48th Street Place, Post Office Box 1703, Des Moines, IA 50306. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles* distributed by meat packinghouses as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins), from the plant and warehouse sites of Bookey Packing Co. at Des Moines, Iowa, and the plant and warehouse sites of Swift & Co. at Marshalltown, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plant and warehouse sites of Bookey Packing Co. at Des Moines, Iowa, and the plant and warehouse sites of Swift & Co. at Marshalltown, Iowa, and destined to points in the above-named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 114457 (Sub-No. 105), filed February 5, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meat and dairy products), from Minneapolis, Minn., to points in Iowa, Nebraska, South Dakota, North Dakota, Kansas, Missouri, Arkansas, Louisiana, Oklahoma, Texas, and Mississippi. NOTE: Applicant states it could tack its Sub 2 authority to application and handle canned goods from points in Wisconsin to Arkansas, Louisiana, Oklahoma, Texas, and Mississippi. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 114533 (Sub-No. 224), filed February 10, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, IL 60606, and Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood and blood products*, between Wichita, Kans., on the one hand, and, on the other, Kankakee, Ill. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Wichita, Kans.

No. MC 114697 (Sub-No. 3), filed February 8, 1971. Applicant: LEWISBURG CONSTRUCTION AND TRUCKING, INC., 1801 East First Street, Dayton, OH 45403. Applicant's representative: Paul R. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from points in Pendleton County, Ky., to points in Indiana, Ohio, Pennsylvania, West Virginia, Tennessee, Michigan, and Illinois. NOTE: Applicant states that there is a tacking possibility. However, it does not intend to tack and, therefore, it has not identified the territory that may be served by tacking.

Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 115113 (Sub-No. 20), filed February 12, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities utilized by Wilson Sinclair Co., at or near Monmouth, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115181 (Sub-No. 24), filed February 10, 1971. Applicant: HAROLD M. FELTY, INC., Rural Route No. 1, Pine Grove, PA 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, PA 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight slag*, from the plantsite of Arundel Corp. at Sparrows Point, Md., to the plantsite of York Building Products Co., Inc., at Harrisburg, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 115654 (Sub-No. 12) (Amendment), filed December 9, 1970, published in the FEDERAL REGISTER issue of January 7, 1971, and republished as amended this issue. Applicant: TENNESSEE CARTAGE CO., INC., 809 Ewing Avenue, Nashville, TN 37202. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), moving in vehicles equipped with mechanical refrigeration, including *advertising materials and premiums*, from Cincinnati, Ohio, to Nashville, Tenn. NOTE: Applicant states that it intends to tack the requested authority with its presently held authority in its Sub 5 certificate at Nashville, Tenn., to provide through service to numerous points in Kentucky. The authority held in said Sub 5 certificate authorizes the transportation of confectionery products, in vehicles equipped with mechanical refrigeration (except in bulk or tank vehicles), from Nashville to certain specified portions of Tennessee and Kentucky which are on and west of U.S. Highway 127. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115841 (Sub-No. 400), filed February 12, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as above), and E. Stephen Heisley, 666 11th Street, NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Cherokee, Iowa, to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, North Carolina, South Carolina, Tennessee, Georgia, Kentucky, Alabama, Arkansas, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116254 (Sub-No. 124), filed February 16, 1971. Applicant: CHEMHAULERS, INC., Post Office Drawer M, Sheffield, AL 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), from Hamilton, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Sheffield, Ala., and Barfield, Ark., and points within 10 miles thereof, in its sub 5 and sub 52 certificates respectively, wherein under these two subs it conducts operations in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Birmingham, Ala., or Nashville, Tenn.

No. MC 116763 (Sub-No. 188), filed February 11, 1971. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, FL, North West Street, Versailles, OH 45380. Applicant's Representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles, and printed materials*, from points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Harrisburg, Pa., points in Pennsylvania on and west of U.S. Highway 15, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin; and (2) *paper mill rolls*, between points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, on the one hand, and, on the other, points in Michigan, Ohio, and Wisconsin. NOTE: Applicant states that it does not intend to tack. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 116791 (Sub-No. 23), filed February 10, 1971. Applicant: FARMERS ELEVATOR OF KENSINGTON, MINNESOTA, INC., Kensington, MN 56343. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and feed ingredients*, in bags and in bulk, from New Richmond, Wis., to points in South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117765 (Sub-No. 118), filed February 10, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan, 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers and *related advertising material* in mixed loads with malt beverages; (a) from Galveston and Houston, Tex., to points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma; (b) from St. Paul, Minn., to points in Oklahoma; (c) from St. Louis, Mo., to Altus and Elk City, Okla.; and (d) from Peoria, Ill., to Kansas City and Topeka, Kans., and (2) *oats, oat products, and oat byproducts*, from Harlan, Iowa, to points in Kansas, Missouri, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed

necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117940 (Sub-No. 39), filed February 11, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 520 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from Kennett Square, Pa., to points in Colorado, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds contract carrier authority under MC 114789 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118159 (Sub-No. 111), filed February 5, 1971. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site of Ocoma Foods Co. Berryville, Ark., and storage facilities used by Ocoma Foods Co., at Springdale, Ark., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, West Virginia, Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Washington, D.C., Dallas, Tex., or Oklahoma City, Okla.

No. MC 118336 (Sub-No. 4), filed February 16, 1971. Applicant: W. B. GIBSON, Route 16, Grantsville, WV 26147. Applicant's representative: J. M. Friedman, Post Office Box 426, Hurricane, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic and/or metal pipe fittings*, from Glenville, W. Va., to Talledega, Ala.; Allendale, Ill.; Orwigsbury, Pa.; Morgan, Utah; Ottawa, Kans.; and points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., Chicago, Ill., or Columbus, Ohio.

No. MC 119302 (Sub-No. 12), filed February 16, 1971. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, 3911 State Route 183, Edinburg, OH, Post Office Box 6077, Akron, OH 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric tools and component parts*, from Hampstead, Md., to Fayetteville and Tarboro, N.C.; and (2) *electric tools and lawn and garden equipment*, from Fayetteville and Tarboro, N.C., to Hampstead, Md., under a continuing contract or contracts with the Black & Decker Manufacturing Co., at Towson, Md. NOTE: Applicant is authorized to operate as a common carrier under MC 87103 and subs, therefore, common control and dual operations may be involved. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 119741 (Sub-No. 36), filed February 11, 1971. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, IA 50501. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, and Ohio, restricted to traffic destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 123389 (Sub-No. 12), filed February 22, 1971. Applicant: CROUSE CARTAGE COMPANY, a corporation, Carroll, IA 51401. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from Storm Lake, Iowa to points in Indiana, Kansas, Maryland, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities utilized by Hygrade at or near Storm Lake, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 123639 (Sub-No. 132), filed February 8, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouse*, from Cherokee, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, Illinois Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Restriction: Restricted against service from Cherokee, Iowa, to points in Illinois and from Omaha, Nebr., to the Chicago, Ill., commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 124078 (Sub-No. 474), filed February 5, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Muscogee County, Ga., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states that tacking is possible, but not intended and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124211 (Sub-No. 175), filed February 12, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, foods, food products, and grain products*, from points in Buffalo, Lancaster, Madison, and Otoe Counties, Nebr., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin. Restriction: The authority sought herein to the extent it duplicates authority presently held by applicant shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states tacking possibilities with Sub-Nos. 14, 16, 18, 28, 36, 39, 62, 97, 105, 109, 113, 118, 119, 121, 124, 125, 127, 131, 132, 133, and 112, at named origins; although not all tacking possibilities are reasonable due to circuity involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 124236 (Sub-No. 37), filed February 9, 1971. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: Wm. E. Livingstone III, 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from Fort Worth, Tex., to points in Oklahoma and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 125433 (Sub-No. 24), filed February 1, 1971. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South, Salt Lake City, UT 84119. Applicant's representatives: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104, and David J. Lister (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and composition board*, from points in Los Angeles County, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (2) *plywood, composition board, molding, doors, wood cabinets, wood cabinet parts, and accessories* used in the installation thereof, from points in Los Angeles and Riverside Counties, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Los Angeles, Calif.

No. MC 124174 (Sub-No. 82), filed February 22, 1971. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, IA 51301. Applicant's representatives: Marshall Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106, and Karl E. Momsen, 6801 L Street, Omaha, NE 68117. Authority sought to operate as a *comon carrier*, by motor vehicle, over irregular routes, transporting: (a) *Inedible animal byproducts*, (1) between points in Colorado, Iowa, Kansas, Minnesota, Nebraska, and South Dakota on the one hand, and, on the other, St. Joseph, Mo.; and (2) between points in Colorado, Iowa, Kansas, Nebraska, and South Dakota on the one hand, and, on the other, St. Paul, Minn.; Chicago, Ill.; Omaha, Nebr.; and Sioux City and Sergeant Bluff, Iowa; (b) *cracklings, meat scraps, tankage, and feed ingredients*, from Milwaukee, Oak Creek, Green Bay, and Jefferson, Wis., to points in Dakota, Hennepin, Ramsey, and Redwood Counties, Minn. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 125777 (Sub-No. 133), filed February 16, 1971. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Leonard R. Kotkin, 39 La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metals*, in dump vehicles; (a) between points in Montana, Wyoming, Colorado, Arizona, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Arkansas, and Louisiana; (b) between points in Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana; (c) between points in Illinois, West Virginia, Maryland, Delaware, New Jersey, Virginia, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine; (d) from points in New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and Maryland, to points in Ohio; (2) *animal and poultry feed and feed ingredients*, in dump vehicles, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin; and (3) *pig iron*, in dump vehicles, from Chicago, Ill., to points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127699 (Sub-No. 5), filed January 29, 1971. Applicant: LEE CARTAGE CO., a corporation, 2026 Cleveland Avenue SW., Canton, OH 44707. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Component parts for steel buildings*, from Canton, Ohio, to points in Pennsylvania (except in that part of Pennsylvania bounded by a line beginning at Sharon and extending along U.S. Highway 62 to junction U.S. Highway 322, thence along U.S. Highway 322 to Clarion, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 136 (formerly portion Pennsylvania Highway 31), thence along Pennsylvania Highway 136 to junction Pennsylvania Highway 844 (formerly portion Pennsylvania Highway 31), thence along Pennsylvania Highway 844 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, and thence along the Pennsylvania-Ohio State line to the point of beginning), and points in Illinois, Wisconsin, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Delaware, and the District of Columbia, under contract with Macomber, Inc., Canton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 128030 (Sub-No. 24), filed January. 28, 1971. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Rural Route No. 1, Urbana, IL 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages in containers* from Milwaukee, Wis., to points in Bloomington, Ill.; and (2) *empty malt beverage containers* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 128279 (Sub-No. 14), filed Februrary 8, 1971, Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3783, Albuquerque, NM 87110. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, NM 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating units, storage units and heating and storage units combined*, between the plantsite of CEI Enterprises, Inc., at or near Albuquerque, N. Mex., on the one hand, and, on the other, points in Arizona, Colorado, Kansas, Nevada, Oklahoma, Nebraska, North Dakota, Texas, Utah, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds no duplicating authority. If a hearing is deemed necessary, applicant requests that it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 128592 (Sub-No. 1), filed February 8, 1971. Applicant: KLM DISTRIBUTING, INC., 2102 Old Brandon Road, Post Office Box 6066, Jackson, MS 39208. Applicant's representatives: Donald B. Morrison and Fred W. Johnson, Jr., Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hamburger patties and precooked, packaged meats and meat products;* and (2) *commodities*, the transportation of which falls within partial exemption of section 203(B)(6) of the Interstate Commerce Act when moving in mixed loads with any of the commodities specified in (1), in vehicles equipped with mechanical refrigeration, from the plantsite or warehouse facilities of Davmor Industries, Inc., located at Atlanta, Ga., to points in Chicago, Ill., Romulus, Mich., and St. Louis, Mo., under continuing contract with Davmor Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Atlanta, Ga.

No. MC 128675 (Sub-No. 3), filed February 16, 1971. Applicant: EDWARD T.

WALSH, doing business as WALSH CARRIAGE, 597 Harry L. Drive, Johnson City, NY 13790. Applicant's representative: Donald C. Carmien, 500 O'Neil Building, Binghamton, NY 13901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Canned food products*, from Johnson City and Binghamton, N.Y., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada and points in Iowa, Missouri, Arkansas, Minnesota, Louisiana, and Texas; (B) *frozen meats* in boxes, *rejected or returned canned food products, foodstuffs*, not frozen (except in bulk) used in the manufacture of food products, carton labels and empty cans, from the above-described destinations to Johnson City and Binghamton, N.Y. Restriction: The operations described immediately above under (A) and (B) are limited to a transportation service to be performed under a continuing contract, or contracts, with Specialty Foods Corp.; and (C) *such merchandise as is dealt in by wholesale, retail, and food business houses* (except in bulk), from points in Georgia, Virginia, Pennsylvania, Maryland, New Jersey, Delaware, Maine, Massachusetts, and Illinois, to Binghamton, N.Y. Restriction: The operations described immediately above under (C) are limited to a transportation service to be performed under a continuing contract, or contracts, with Polar Food Service, Inc. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 128981 (Sub-No. 5), filed January 29, 1971. Applicant: LAND-AIR DELIVERY, INC., 413 Lou Holland Drive, Kansas City, MO 64116. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted to transportation of traffic with a prior subsequent air haul and/or in substituted truck-for-air service, between Chicago, Ill., on the one hand, and, on the other, St. Louis, Mo., and points in Illinois, Indiana, Kentucky, Wisconsin, and Tennessee; between St. Louis, Mo., on the one hand, and on the other, points in Missouri, Illinois, Indiana, Kentucky, Wisconsin, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority at St. Louis, Mo., and Wichita, Kans. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 128981 (Sub-No. 6), filed January 29, 1971. Applicant: LAND-AIR DELIVERY, INC., 413 Lou Holland Drive, Kansas City, MO 64116. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between Kansas City, Mo.-Kans., commercial zone and Wichita, Kans., on the one hand, and, on the other, points in Oklahoma, Arkansas, and Texas; and (2) between Springfield, Mo., on the one hand, and, on the other, points in Arkansas, Missouri, Oklahoma, and Texas, restricted in (1) and (2) above to the transportation of traffic having a prior or subsequent air haul and/or in substituted truck-for-air service. NOTE: Applicant states it intends to tack at St. Louis, Mo., and Wichita, Kans., to permit a through service. Applicant now holds a pending contract carrier application in No. MC 129546 (Sub-No. 2). If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 133013 (Sub-No. 2), filed February 11, 1971. Applicant: E. P. & P. TRUCKING CO., a corporation, 3500 Walnut Street, McKeesport, PA 15130. Applicant's representative: Jon A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal awnings, metal carports and metal patio covers and component parts thereof, coated sheet metals and materials, equipment and supplies* (except in bulk), used in the production, manufacture, or distribution of the above-named commodities, between the city of Portage, Porter County, Ind., on the one hand, and, on the other, the States of Arkansas, Illinois, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin. Restriction: The operations are limited to a transportation service to be performed, under a continuing contract or contracts, with Enamel Products & Plating Co., Artcraft Awning Co., and Artcraft Industries, Inc., all of McKeesport, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 133133 (Sub-No. 2), filed February 16, 1971. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, OH 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, OH 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, between points in Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also is authorized to operate as a contract carrier under MC 74857 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Indianapolis, Ind., or Louisville, Ky.

No. MC 133583 (Sub-No. 4), filed February 5, 1971. Applicant: CENTRAL MOVING AND STORAGE, INC., 7801 North Pan Am Expressway, San Antonio, TX 78218. Applicant's representative: Jack D. Albright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between San Antonio, Tex., on the one hand, and, on the other, points in Atascosa, Bandera, Blanco, Comal, De Witt, Wilson, Frio, Gillespie, Gonzales, Guadalupe, Hays, Karnes, Kendall, Kerr, La Salle, Lavaca, McMullen, and Medina Counties, Tex., on traffic having a prior or out-of-State movement. Restriction: The authority sought herein is restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Fort Worth, Dallas, or Houston, Tex.

No. MC 133689 (Sub-No. 14), filed February 10, 1971. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, MN 55112. Applicant's representatives: James F. Sexton (same address as applicant), and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Sioux City, Iowa, commercial zone, as defined by the Commission, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 76025 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 15), filed February 10, 1971. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, MN 55112. Applicant's representatives: James F. Sexton (same address as applicant), and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fargo and West Fargo, N. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hamsphire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 76025 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No MC 134422 (Sub-No. 2), filed February 12, 1971. Applicant: WINGARD & COKER, INC., Post Office Box 121, Turbeville, SC 29162. Applicant's representative: J. D. Wingard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, from Wilmington and Regalwood, N.C., to points in Florence, Sumter and Clarendon Counties, S.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Florence or Columbia-Charleston, S.C.

No. MC 134454 (Sub-No. 3), filed February 16, 1971. Applicant: PRICE DELIVERY SERVICE, INC., 367 West Second Street. Dayton, OH 45402. Applicant's representative: Paul F. Beery, 88 East Broad Street, Suite 1660, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products, pipe fittings, and materials and supplies*, incidental to the manufacture of concrete products, between the plantsites of Price Brothers Co. in Montgomery, Wyandot, Franklin, Muskingum, Lorain, Stark, and Portage Counties, Ohio, on the one hand, and, on the other, points in Illinois, Ohio, and Tennessee and Hattiesburg, Miss., under contract with Price Brothers Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134562 (Sub-No. 1), filed February 2, 1971. Applicant: BATTLE ENTERPRISES, INC., Post Office Box 211, Nichols, SC 29581. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from points in Orangeburg County, S.C., to points in Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at (1) Columbia, S.C., (2) Charlotte, N.C., or (3) Savannah, Ga.

No. MC 135079 (Sub-No. 1), filed February 8, 1971. Applicant: R. C. HOUSLEY, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Applicant's representative: Monty Schumacher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry and ingredients*, from Chicago Heights, Ill., to points in Georgia, Alabama, Tennessee, Florida, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chicago, Ill.

No. MC 135152 (Sub-No. 2), filed January 28, 1971. Applicant: CASKET DISTRIBUTORS, INC., West Harrison, Ind., Rural Route No. 2, Harrison, OH 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, OH 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, caskets displays, funeral supplies, and crated caskets in mixed loads with uncrated caskets*, from points in Calhoun County, Ala.; Batesville, Ind.; Lancaster, Ky.; Cambridge, Mass.; Nashua, N.H.; Lodi, N.J.; Cincinnati and Columbus, Ohio; Pittsburgh and York, Pa.; Leesville, S.C.; Erwin and Nashville, Tenn.; Dallas and Waco, Tex.; and Clarksburg, W. Va.; to points in the United States (except Hawaii and Alaska). NOTE: Applicant states that the purpose of the instant application is to seek to convert the contract carrier authority acquired pursuant to MC-F-10832 to common carrier authority. Applicant further states that its president also owns all of the capital stock of Arrow Transfer, Inc., a motor contract carrier in MC 11620 and subs, therefore common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 135153 (Sub-No. 4), filed February 4, 1971. Applicant: GREAT OVERLAND, INC., Fort Dodge Road, Dodge City, KS 67801. Applicant's representative: Harley E. Laughlin, Post Office Box 1417, Dodge City, KS 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined by the Commission, between Dodge City, Kans., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Washington, D.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135217 (Amendment), filed December 28, 1970, published in FEDERAL REGISTER issue of February 4, 1971, amended and republished as amended this issue. Applicant: ELBERT STAGGS, Route 1, Unionville, MO 63565. Applicant's representative: N. William Phillips, 103 North Market, Milan, MO 63556. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, lime, and rock* in bulk and dump vehicles, between points in Putnam, Mercer, Schuyler, Adair, and Sullivan Counties, Mo., on the one hand, and, on the other, points in Davis, Appanoose, and Wayne Counties, Iowa. NOTE: The purpose of this republication is to reflect applicant's correct name as "Elbert Staggs", in lieu of Elbert Stages, and to broaden the scope of the authority sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 135232 (Correction), filed December 31, 1970, published in the FEDERAL REGISTER issue of February 4, 1971, and republished as corrected this issue. Applicant: CROWN METAL & SALVAGE CO., a corporation, Old Route 82, Brookfield, OH 44403. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New Jersey, New York, Pennsylvania, and West Virginia, under contract with Columbia Iron & Metal Co. NOTE: The purpose of this republication is to show the authority sought as a *contract carrier* operation in lieu of common carrier operation which was inadvertently shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 135311, filed February 4, 1971. Applicant: NICHOLAS T. CAPPIELLO AND ROBERT N. CAPPIELLO, a partnership, doing business as CAPPIELLO TRUCKING, 38 Cerretta Street, Stamford, CT 06907. Applicant's representative: Robert N. Cappiello, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and accessories*, between the plantsite of Toyota Motor Distributors, Inc., Lyndhurst, N.J., on the one hand, and, on the other, points in Connecticut, under contract with Toyota Motor Distributors, Inc., Lyndhurst, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 135336, filed February 11, 1971. Applicant: KENNETH E. SMITH, doing business as SMITTY'S DELIVERY SERVICE, 333 North 24th Street, Quincy, IL 62301. Applicant's representative: Delbert Loos, 510 Vermont Street, Quincy, IL 62301. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular route, transporting: *Drugs and medical supplies*, from points in St. Louis irregular routes, transporting: *Drugs and* County, Mo., to points in the Counties of Adams, Brown, Cass, Menard, Morgan, Hancock, McDonough, Henderson, Schuyler, Warren, Knox, Pike, Scott, Greene, and Sangamon, Ill., and to points in the counties of Lee and Des Moines, Iowa, and in the counties of Marion, Knox, and Lewis, Mo., all commodities so transferred will be by reason of operational necessity, routed via Quincy in the county of Adams, Ill., under contract with Drug Manufacturers in St. Louis County, Mo., and their customers in the counties listed above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Quincy or Springfield, Ill.

No. MC 135333, filed February 12, 1971. Applicant: ALAN BERNSON, Leeds Junction, ME 04263. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Leeds Junction, Maine, to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, under contract with Maine Pallet Corp., of Leeds Junction, Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

MOTOR CARRIERS OF PASSENGERS

No. MC 135254 (correction), filed January 18, 1971, published in the FEDERAL REGISTER issue of February 11, 1971, and republished this issue. Applicant: FERNANDO MIRELES, doing business as TRANSPORTERS "AZTECA", LTD., 1037 South Racine Avenue, Chicago, IL 60607. Applicant's representative: Stephen L. Jennings, 111 West Jackson Boulevard, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in 13 passenger (exclusive of drivers) busses, in special operations, between Chicago, Ill., and Laredo, Tex. NOTE: The purpose of this republication is to reflect that applicant proposes to operate in 13 passenger (*exclusive of drivers*) busses. The previous publication erroneously reflected that the proposed operations would be in "13 passenger (*inclusive* of drivers) busses." If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135339, filed February 15, 1971. Applicant: STEIGERWALD'S WESTERN TOURS, INC., 2059 Lakeland Avenue, Lakewood, OH 44107. Applicant's representative: John H. Parker, 31300 Lake Road, Bay Village, OH 44140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in all expense special operations, from points in Cuyahoga County, Ohio, to points in Montana, North Dakota, Ohio, Oregon, Washington, Indiana, Illinois, Iowa, Nebraska, Colorado, New Mexico, Arizona, Utah, Nevada California, Wyoming, Idaho, South Dakota, Michigan, Minnesota, Wisconsin, Missouri, Kansas, Texas, and Oklahoma, and return. NOTE: Applicant states the proposed operations for 1971 will be from June 26 through July 30th. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130139 filed February 11, 1971. Applicant: LEISURE, INC., 1166 Washington Street, Dorchester, MA 02109. For a license (BMC 5) to engage in operations as a *broker* at Dorchester, Mass., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, in round trip sightseeing, and pleasure tours, in special and charter operations, beginning and ending at points in the Boston, Mass., commercial zone, as defined by the Commission (31 M.C.C. 405) and extending to points in the United States, including Alaska and Hawaii.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3324 Filed 3-10-71;8:45 am]

[Notice 659]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 8, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72404. By order of February 16, 1971, the Motor Carrier Board approved the transfer to Letarte Transport Limitee, Drummondville, PQ Canada, of the operating rights in certificate No. MC-114003 (Sub-No. 1) issued October 23, 1967, to Dumont Express (1962) Limited, A Corporation, Quebec, PQ Canada, authorizing the transportation of pipe organs and parts thereof from the United States-Canada boundary line at Rouses Point, N.Y., North Troy, and Highgate Springs, Vt., and Port Huron, Mich., to points in the United States (except Alaska and Hawaii), and the District of Columbia. Jacques Gilbert, 500 Place d'Armes, Room 1063, Montreal, PQ Canada, representative for applicants.

No. MC-FC-72571. By order of February 12, 1971, Motor Carrier Board approved the transfer to Coburn Moving and Storage Co., Inc., 104 Dingess Street, Narrows, VA 24124, of the certificate in No. MC-37828 issued June 23, 1969, to Marshall A. Coburn, doing business as Coburn Moving & Storage, 104 Dingess Street, Narrows, VA 24124, authorizing transportation of scrap iron, from Narrows, Va., and points within 5 miles of Narrows, to Bluefield, Va., and Princeton, W. Va.; coal, from Bluefield, Kyle, and Keystone, W. Va., and Pocahontas, Va., to Narrows, Va., and points within 15 miles of Narrows; household goods, between Narrows, Va., and points within 10 miles of Narrows, on the one hand, and, on the other, points in West Virginia within 125 miles of Narrows, Va.; building materials and lumber, between Narrows, Va., and points within 10 miles of Narrows, on the one hand, and, on the other, points in West Virginia within 40 miles of Narrows, Va.; farm produce, between Narrows, Va., and points within 10 miles of Narrows, on the one hand, and, on the other, points in West Virginia within 50 miles of Narrows, Va.; and livestock, between Narrows and Christiansburg, Va., on the one hand, and, on the other, points in Mercer and Monroe Counties, W. Va.

No. MC-FC-72639. By order of February 12, 1971, the Motor Carrier Board approved the transfer to D. L. Landes and Helen L. Landes, a partnership, doing business as Ozark Transfer Co., Ozark, Mo. 65721, of the operating rights in certificates Nos. MC-14768 and MC-14768 (Sub-No. 1), issued October 17, 1960 and February 28, 1950, respectively, to Jack Landes, doing business as Ozark Transfer Co., Ozark, Mo. 65721, authorizing the transportation of general commodities, with specified exceptions between specified points in Missouri. Thomas P. Rose, Jefferson Building, Post Office Box 205, Jefferson City, MO 65101, attorney for applicants.

No. MC-FC-72648. By order of February 12, 1971, the Motor Carrier Board approved the transfer to Carl D. Krantz, Barronett, Wis., of the operating rights in certificates Nos. MC-74158, MC-74158 (Sub-No. 4), MC-74158 (Sub-No. 5), and MC-74158 (Sub-No. 6), issued May 4, 1955, December 3, 1958, December 8, 1961, and September 25, 1963, respectively, to Emil A. Norton, Shell Lake, Wis., authorizing the transportation of various commodities of a general commodity nature from, to, and between points in Minnesota and Wisconsin. A. R. Fowler, registered practitioner, 2288 University Avenue, St. Paul, MN 55114.

No. MC-FC-72650. By order of February 10, 1971, the Motor Carrier Board approved the transfer to Edgar J. Mason, doing business as Mason's Transfer, Inwood, W. Va., of the operating rights in certificates Nos. MC-60437 and MC-60437 (Sub-No. 4) (Corrected) issued August 19, 1960, and March 24, 1961, to Edgar Russell Mason, doing business as Mason's Transfer, Inwood, W. Va., authorizing the transportation of processed fruit products, fresh fruits, acid, and excelsior, empty carboys, machinery, and supplies, malt beverages, canned fruit, canned fruit products, sugar, and canned tomato juice and puree, from, to, and between numerous specified points in West Virginia, New York, New Jersey, Pennsylvania, Maryland, Delaware, Indiana, Kentucky, Ohio, Virginia, and the District of Columbia. Anthony C. Vance, 1111 E Street NW., Washington, DC 20004, attorney for applicants.

No. MC-FC-72667. By order of February 11, 1971, the Motor Carrier Board approved the transfer to Del Reye Van & Storage, Inc., Hawthorne, Calif., of the operating rights in certificate of registration in No. MC-99905 (Sub-No. 1) and certificate No. MC-99905 (Sub-No. 3), issued April 4, 1967 and November 2, 1970, respectively, to Clayton Miller, doing business as Del Reye Van & Storage, Hawthorne, Calif., the former evidencing a right to engage in transportation in interstate or foreign commerce solely within California pursuant to the Certificate of Public Convenience and Necessity granted in Decision No. 23611, dated April 20, 1931, as transferred by Decision No. 68804, dated March 30, 1965, and amended by Decision No. 69367, dated July 7, 1965, by the Public Utilities Commission of the State of California and the latter authorizing the transportation of used household goods between points in Kern, Los Angeles, Orange, Riverside, San Diego, San Luis Obispo, Santa Barbara, San Bernardino, and Ventura Counties, Calif. Ernest D. Salm, registered practitioner, 3846 Evans Street, Los Angeles, CA, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3405 Filed 3-10-71;8:50 am]

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[A Cumulative checklist of CFR issuances for 1971 appears in the first issue of the Federal Register each month under Title 1]

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Title 3—The President

PROCLAMATION 4036

Loyalty Day, 1971

By the President of the United States of America

A Proclamation

In this time, as throughout our history, the American nation rests fully and finally upon the loyalty of the American people.

Every day Americans around the globe bear witness to their national allegiance. In doing so, some bear final witness by giving up their lives for the life of this Nation. Not all are called to that extremity. But all are called to that degree of devotion. For that reason it is fitting that we set aside one day in the year when every citizen may pause to reflect on his own debt to the devotion of other Americans, and to bear witness in every appropriate way to his own loyalty.

To that end the Congress by a joint resolution of July 18, 1958, has designated May 1 of each year as Loyalty Day and requested the President to issue a proclamation inviting the people of the United States to observe such day with appropriate ceremonies.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do call upon the people of the United States, and upon all patriotic, civic, and educational organizations, to observe Saturday, May 1, 1971 as Loyalty Day, with appropriate ceremonies in which all of us may join in a reaffirmation of our loyalty to the United States of America.

I also call upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day as a manifestation of our loyalty to the Nation which that flag symbolizes.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred seventy-one and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-3569 Filed 3-10-71;4:35 pm]

EXECUTIVE ORDER 11586

Amending the Selective Service Regulations

By virtue of the authority vested in me by the Military Selective Service Act of 1967 (62 Stat. 604, as amended), I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders Number 10001 of September 17, 1948; Number 10008 of October 18, 1948; Number 10202 of January 12, 1951; Number 10292 of September 25, 1951; Number 10420 of December 17, 1952; Number 10659 of February 15, 1956; Number 10714 of June 13, 1957; Number 10837 of September 14, 1959; Number 10984 of January 5, 1962; Number 11350 of May 3, 1967; Number 11360 of June 30, 1967; and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

SECTION 1. Part 1632, Delivery and Induction, is amended as follows:

(a) Section 1632.1 Order to Report for Induction—is amended as follows:

The text of Section 1632.1 is redesignated as paragraph (a) thereof and new paragraphs (b) and (c) are added to Section 1632.1 to read as follows:

"(b) Any registrant who has been issued an Order to Report for Induction (SSS Form 252) and who is distant from his local board of origin, which issued the Order, must report at the time and place specified therein, unless he voluntarily submits to processing for induction at any Armed Forces Examining and Entrance Station and is actually inducted into the Armed Forces or found to be not qualified for induction into the Armed Forces on or before the third day prior to the day that he was required to report in accordance with the Order to Report for Induction (SSS Form 252).

"(c) If the registrant is inducted or if the registrant is found not qualified for induction pursuant to paragraph (b) hereof, the Armed Forces Examining and Entrance Station shall inform the local board which issued the Order to Report for Induction (SSS Form 252) of such event, and in either such event the registrant shall not be required to comply with the said Order."

(b) Section 1632.5 Preparing Records for a Group Ordered to Report for Induction—is amended by striking the letter designation "(a)" and all of paragraph (b).

(c) Section 1632.9 Certain Registrants May Request Transfer for Induction—is rescinded.

(d) Section 1632.10 Transfer for Induction Directed by Director of Selective Service—paragraph (c) is amended by substituting the words "such other action as prescribed by the Director" for the words "the other actions provided for in paragraphs (h) and (i) of Section 1632.9".

(e) Section 1632.14 Duty of Registrant to Report for and Submit to Induction—is amended as follows:

(1) Paragraph (a) is amended as follows: in the first sentence thereof the words "or an Order for Transferred Man to Report for Induction (SSS Form 253)" are deleted and in the last sentence thereof the words "and to each local board whose area he enters or in whose area he remains" are deleted.

(2) Paragraph (b) is amended by substituting the words "Upon reporting for his scheduled induction as ordered by his local board" for the words "Upon reporting for induction".

(f) Section 1632.15 Forwarding Registrants for Induction—paragraph (e) is amended by inserting after the word "group" in the first sentence the following words: "who are reporting for scheduled inductions as ordered by their local boards".

(g) Section 1632.20 Records Returned to Local Board—paragraph (b) is amended by substituting the word "section" for the words "section 1632.9 and" in the first sentence thereof.

SEC. 2. Section 1642.15 Continuous Duty of Certain Registrants to Report for Induction—is amended by deleting the words "or pursuant to an Order for Transferred Man to Report for Induction (SSS Form 253)" and the words ", and to each local board, whose area he enters or in whose area he remains".

Richard Nixon

THE WHITE HOUSE,
March 10, 1971.

[FR Doc.71-3570 Filed 3-11-71;8:56 am]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-3-AD; Amdt. 39-1170]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and 99A Airplanes

Certain conditions hereinafter described exist in Beech Models 99 and 99A airplanes which constitute a hazardous condition that adversely affects the safe operation of these airplanes in air commerce. To correct these conditions the manufacturer has issued various Service Instructions but has been unable to obtain 100 percent compliance from the owners of these model airplanes. In order to make the requirements of the Service Instructions mandatory an Airworthiness Directive is being issued requiring modification of the flap selector panel, landing gear indicator and warning device, landing gear selector, instrument static air system, and inspection of the electrical power distribution system on certain serial numbered Beech Model 99 and 99A airplanes.

The flap selector installed on these model airplanes was not provided with a full up detent position. The lack of a detent at this position has contributed to inadvertent flap operations and flaps being rigged improperly. Paragraph A of this AD requires modification of the flap selector panel in accordance with Beechcraft Service Instruction 0328-158 by adding an "up" position detent and a positive pin for the flap position plate that prevents the plate from moving.

Inservice operations of these airplanes reveal that they are being landed with power and flap settings which do not activate the landing gear warning device. Paragarph B of this AD requires compliance with Beechcraft Service Instruction 0313-158 and 0318-350. Beechcraft Service Instruction 0313-158 provides instructions needed to adjust the throttle activating mechanism in order that the gear warning device will function at a higher engine power setting. Beechcraft Service Instruction 0318-350 provides information needed to modify the gear warning system so that the gear warning light remains on when the warning horn is silenced.

The landing gear selector on these model airplanes is so located that it may be bumped accidentally by the pilot's knee when the selector is in the down position, thereby causing the gear to retract. Paragraph C of this AD requires compliance with Beechcraft Service Instruction 0299-395 which provides for the addition of a gear selector guard that affords protection for the landing gear selector thereby preventing it from being inadvertently moved to the up position.

The instrument static air system on these model airplanes includes a source identified as the source which parallels the primary source. When the primary source changes from an open to closed condition, it has been determined that the altimeter readings provided by the alternate source will be incorrect and give the pilot misleading information as to his actual altitude and airspeeds. Paragraph D of this AD requires compliance with Beechcraft Service Instruction 0291-394, Rev. 1, which provides parts and instructions necessary to modify the instrument static air system by adding a valve that isolates the primary and alternate sources.

Undetected failure of isolation diodes located on the dual electrical buses in these model airplanes can result in loss of the complete electrical system when only one bus is shorted. Paragraph E of this AD requires inspection and testing of the power distribution system for undetectable failures of this type in accordance with Beechcraft Service Instruction 0348-351.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 99 and 99A (serial numbers as applicable) airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude the occurrence of faults, failures and improper operation, accomplish the following:

(A) On Models 99 and 99A (Serial Nos. U-1 through U-95, U-97 through U-127, U-130 through U-133, U-135 and U-136) airplanes within the next 100 hours' time-in-service after the effective date of this AD, modify the flap position selector in accordance with Beechcraft Service Instruction 0328-158 or later FAA-approved revision, or by any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.

(B) On Models 99 and 99A (Serial Nos. U-1 through U-133, U-135 and U-136) airplanes within the next 100 hours' time-in-service after the effective date of this AD, modify the landing gear indicator and warning device in accordance with Beechcraft Service Instruction 0313-158 and 0318-350, or later FAA-approved revision, or by any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.

(C) On Models 99 and 99A (Serial Nos. U-2 through U-103, U-105 through U-133, U-135, and U-136) airplanes within the next 75 hours' time-in-service after the effective date of this AD, modify the gear selector panel in accordance with Beechcraft Service Instruction 0299-395 or later FAA-approved revision, or by any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.

(D) On Models 99 and 99A (Serial Nos. U-1 through U-103 and U-106 through U-135) airplanes within the next 75 hours' time-in-service after the effective date of this AD, modify the instrument static air system in accordance with Beechcraft Service Instruction 0291-394, Rev. 1, or later FAA-approved revision, or by any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.

(E) On Models 99 and 99A (Serial Nos. U-1 through U-136) airplanes within the next 100 hours' time-in-service after the effective date of this AD and thereafter at 500-hour intervals from the date of initial inspection, inspect and test the electrical power distribution system in accordance with Beechcraft Service Instruction 0348-351 or later FAA-approved revision, or by any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.

This amendment becomes effective March 16, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 3, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3474 Filed 3-11-71;8:50 am]

[Airspace Docket No. 71-WE-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1485) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fortuna, Calif., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in ~~Los~~ Angeles, Calif., on March 5, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Fortuna, Calif., transition area is amended to read as follows:

FORTUNA, CALIF.

That airspace extending upward from 700 feet above the surface within two miles each side of the Fortuna, California, VORTAC 327° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; within 2 miles northeast and 4.5 miles southwest of the Fortuna, Calif., VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC, and within 2.5 miles southwest and 3.5 miles northeast of the 309° and 129° bearings from the Rohnerville Airport, Calif. (latitude 40°33'15" N., longitude 124°07'53" W.) extending from 7.5 miles northwest to 3 miles southeast of the airport.

[FR Doc.71-3475 Filed 3-11-71;8:50 am]

[Airspace Docket No. 71-WE-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1485) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Arcata, Calif., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 5, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Arcata, Calif., transition area is amended to read as follows:

ARCATA, CALIF.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 323° bearing from the Arcata, Calif., RBN, extending from the RBN to 7.5 miles northwest of the RBN; that airspace bounded on the north by latitude 40°57'00" N., on the northeast by a line 2 miles northeast of and parallel to the ILS localizer southeast course, on the south by latitude 40°45'00" N., on the southwest by a line 2 miles southwest of and parallel to the 129° and 309° bearings from the Murray Airport latitude 40°48'18" N., longitude 124°06'52" W., on the west by a line 1 mile west of and parallel to the 219° bearing from the Arcata, Calif., RBN; that airspace extending upward from 1,200 feet above the surface, bounded on the north by latitude 41°16'00" N., on the east and south by a line 9 miles northeast of and parallel to the 333° and 153° bearings from the Arcata, Calif., RBN to latitude 40°34'00" N., thence to latitude 40°22'00" N., longitude 124°30'00" W., on the west by longitude 124°30'00" W., within 9 miles each side of the Fortuna, Calif., VORTAC 110° radial, extending from the VORTAC to 61 miles east of the VORTAC, and that airspace within an arc of a 28-mile radius circle centered on the Fortuna, Calif., VORTAC extending counterclockwise from the northeast edge of V27 to the south edge of V195.

[FR Doc.71-3476 Filed 3-11-71;8:50 am]

[Airspace Docket No. 70-WE-90]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 28, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1358) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Yakima, Wash., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t. May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 5, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Yakima, Wash., control zone is amended to read as follows:

YAKIMA, WASH.

Within a 5-mile radius of the Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), within 4 miles north and 2 miles south of the Yakima ILS localizer east course, extending from the 5-mile radius zone to 4 miles east of the Donald OM, and within 2.5 miles each side of the Yakima ILS localizer west course, extending from the 5-mile radius zone to 18.5 miles west of the Donald OM.

In § 71.181 (36 F.R. 2140) the description of the Yakima, Wash., transition area is amended to read as follows:

YAKIMA, WASH.

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 10 miles southwest of the Yakima VORTAC 115° and 295° radials, extending from 1 mile northwest to 23 miles southeast of the VORTAC, and within 3.5 miles north and 5 miles south of the ILS localizer west course, extending from 11 to 27 miles northwest of the Donald OM; that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Ellensburg, Wash., VORTAC 191° radial, extending from 9 miles south to 13 miles north of the INT of the Ellensburg VORTAC 191° and the Yakima VORTAC 305° radials, within 9 miles northeast and 8 miles southwest of the Yakima VORTAC 129° radial, extending from the VORTAC to 33 miles southeast of the VORTAC; that airspace northeast and east of Yakima within a 16-mile radius of the Yakima VORTAC, extending clockwise from the east edge of V-25 to the northeast edge of V-4, within a 21-mile radius of the Yakima VORTAC, extending clockwise from the southwest edge of V-4 to the northwest edge of V-448, and within a 23-mile radius of the Yakima VORTAC extending clockwise from the northwest edge of V-448 to the south edge of V-204; that airspace extending upward from 7,500 feet MSL within 11 miles northwest and 16 miles southeast of the Yakima VORTAC 242° radial, extending from 8 miles southwest to 52 miles southwest of the VORTAC.

[FR Doc.71-3477 Filed 3-11-71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 71-19]

PART 12B-1—GENERAL

PART 12B-50—CONTRACTS GENERAL

Distribution of Contracts

The purpose of this amendment to the Coast Guard procurement regulations is to revoke Subpart 12-1.10 and § 12B-50.104 of Subpart 12B-50.1 because they are matters of concern only to the Coast Guard and do not affect the members of the public to any extent.

Since this amendment concerns a matter relating to agency management, notice of proposed rule making and public procedure therein are not required and this amendment can be made effective less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Parts 12B-1 and 12B-50 of Title 41 of the Code of Federal Regulations are amended as follows:

1. By revoking Subpart 12B-1.10.
2. By revoking § 12B-50.104 of Subpart 12B-50.1.

(Sec. 633, 63 Stat. 545, sec. 205(c), 63 Stat. 389, as amended, secs. 2301-2314 (ch. 137), 70A Stat. 127-133, as amended, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 633, 40 U.S.C. 486(c), 10 U.S.C. 2301-2314, 49 U.S.C. 1655(b)(1); 41 CFR 12-1.008)

Effective date. This amendment shall become effective on March 12, 1971.

Dated: March 8, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-3491 Filed 3-11-71;8:51 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

RESTATEMENT OF REGULATIONS

With the exceptions noted below the following regulations supersede Part 614 of Subchapter H (as redesignated, 35 F.R. 18965); Subchapter K (Parts 811-813); Subchapter L (Parts 821-832); and Part 947 of Subchapter N.

This restatement is designed primarily to eliminate unnecessary detail in the existing regulations. To a large degree these regulations relate to agency management, organization and procedure and are not substantive rules. In other respects they are a restatement of existing regulations with no significant change in substance.

Since these regulations represent a comprehensive restatement of existing regulations with little change in substance, it is unnecessary and impracticable to publish them as proposed rules and to provide a delayed effective date. Accordingly, they are effective upon publication in the FEDERAL REGISTER (3-12-71).

The following sections of existing Part 821 of Subchapter L are not affected by this restatement and remain in full force and effect:

Sec.
821.3(c) Judicial Officer; Hearing Examiners; Board of Contract Appeals.
821.4 Executive Assistants to the Postmaster General.
821.5 Special Assistant to the Postmaster General (Public Information).
821.6 Office of International Postal Affairs.
821.9 Executive Assistant to the Deputy Postmaster General.

Delegations of authority contained in existing Part 822 of Subchapter L that have not been otherwise superseded or modified likewise remain in full force and effect.

In the daily issue of December 23, 1970 (35 F.R. 19399) the following regulations of former Subchapter A of Title 39, Code of Federal Regulations, were removed from the Code of Federal Regulations but retained in force as uncodified regulations of the Department. These uncodified regulations are hereby revoked.

Part
113 Information on postal service and records relating to operations of the Department.
116 Services performed for other agencies.
118 Cooperation with Red Cross during natural disasters.
145 Philately.

Subchapter D is set out below:

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

GENERAL PRINCIPLES OF ORGANIZATION

PART 211—DISTRIBUTION OF RESPONSIBILITY

Sec.
211.1 Postmaster General and Deputy Postmaster General.
211.2 Departments.
211.3 Postal Field Service.

AUTHORITY: The provisions of this Part 211 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 211.1 Postmaster General and Deputy Postmaster General.

(a) The Postmaster General administers the Postal Service. He operates by delegation, except on matters which he may generally or specifically reserve for his personal decision, notwithstanding formal delegations.

(b) The Deputy Postmaster General acts as Postmaster General during the absence, disability, or vacancy in the office of the Postmaster General.

(c) During any period when, by reason of absence, disability, or vacancy in office, neither the Postmaster General nor the Deputy Postmaster General is available to exercise the powers or perform the duties of the office of Postmaster General, the first official on the list in § 212.1(c) who is available to do so shall perform the functions of the Postmaster General.

§ 211.2 Departments.

(a) The Postmaster General and the Deputy Postmaster General are assisted by six Assistant Postmasters General, the General Counsel, and the Chief Postal Inspector. Functions of these officers, within assigned areas, relate mainly to:

(1) Program planning, direction, and review.

(2) Establishment of policies, procedures, and standards.

(3) Operational determinations on matters not within the full jurisdiction of field officers.

(b) Each department, as affected, shall take part in selecting key officials in the regional offices; shall review personnel actions warranting Headquarters action; and shall deal with employee organizations on matters within its jurisdiction.

§ 211.3 Postal Field Service.

(a) *Regional offices.* There are 15 regional offices, each under a Regional Director responsible for:

(1) Operation of all postal installations (except those reserved to Headquarters) in his region under prescribed delegations, policies, procedures, and standards.

(2) Referral of matters requiring higher decision, with recommendations.

(3) Reporting performance, problems, trends, and information necessary for Headquarters' planning and action.

(b) *Postal data centers.* There are six postal data centers, each under a Director who is responsible for:

(1) Accounting and data processing for assigned areas.

(2) Adjudication of claims pursuant to authority delegated to them by the Assistant Postmaster General, Finance and Administration Department.

PART 212—DELEGATIONS OF AUTHORITY

Sec.
212.1 Authority for delegation.
212.2 Media of delegation.
212.3 Contents of delegations.
212.4 Redelegation.
212.5 Authority to approve personnel actions.
212.6 Authority to administer oaths.
212.7 Authority to designate certifying officers—Headquarters.
212.8 Authority to designate certifying officers—field.
212.9 Delegation of authority to the Assistant Postmaster General, Finance and Administration Department.

AUTHORITY: The provisions of this Part 212 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 212.1 Authority for delegation.

(a) The Postmaster General can delegate to any employee or agency of the Service, any function vested by law in him or in any other service employee.

(b) The Deputy Postmaster General is the full alternate to the Postmaster General.

(c) When, by reason of absence, disability, or vacancy in office, neither can act as Postmaster General, the first available official on the following list will do so as acting Postmaster General:

(1) Assistant Postmaster General, Operations Department.

(2) Assistant Postmaster General, Finance and Administration Department.

(3) Assistant Postmaster General, Facilities Department.

(4) Assistant Postmaster General, Personnel Department.

(5) General Counsel.

(6) Assistant Postmaster General, Research and Engineering Department.

(7) Assistant Postmaster General, Planning and Marketing Department.

(d) Each Assistant Postmaster General, the General Counsel, and the Chief Postal Inspector acts for the Postmaster General on assigned matters. In their absence, their deputies or other designated officers, next in line, shall take their places and sign documents in their own names as Acting Assistant Postmaster General, Acting General Counsel, etc. The Postmaster General or Deputy Postmaster General must approve an officer below a Deputy Assistant Postmaster General to act as head of a department.

(e) Each Assistant Postmaster General, the General Counsel, and the Chief Postal Inspector, are delegated the full authority of the Postmaster General to exercise the powers and functions of the Postal Service under the Postal Reorganization Act in respect to matters within the area of responsibility of his Department, except as limited by law or by the specific terms of his assignment.

§ 212.2 Media of delegation.

(a) Issue all delegations of authority through established media such as the Postal Service Manual or other official directives.

(b) Chapter 2 of the Postal Service Manual will be used to confer authority to organization units and their heads, to perform their duties. Other official issuance series may be used as media for conveying specific, related operating authorities. Individuals memoranda of delegation, numbered serially for record purposes, may be issued when required.

(c) In addition to publication in official directives, delegations shall be published in the FEDERAL REGISTER when required.

(d) Headquarters or regional officials shall not orally authorize postmasters to

deviate from published instructions, except in emergencies. Confirm an oral authorization by a memorandum or order dated subsequent to the issuance date of the most recently published instructions on the subject. Postal inspectors shall charge as deficiencies any improperly authorized deviations observed in inspections.

§ 212.3 Contents of delegations.

(a) Make delegations ordinarily by position title rather than by name. Do not use "chief or acting chief" or similar term. The officer acting in the absence of a principal has his full authority.

(b) When authority is delegated to an officer, the officers above him have the same authority. This authority shall not extend to aides, except on an acting basis as specified in § 212.3(a) or unless specifically authorized.

(c) A delegation must be legal with specific limiting conditions outlined.

§ 212.4 Redelegation.

(a) Except as otherwise prohibited by law, or by a regulation that expressly prohibits redelegation or by the terms of the delegation:

(1) The head of a department at headquarters may redelegate any authority vested in him.

(2) A regional director may redelegate any authority vested in him subject to the following:

(i) Issuance of letters of proposed adverse action against postmasters and the making of the initial decision in an adverse action proceeding involving postmasters may not be redelegated;

(ii) Redelegation to members of a regional office staff must be consistent with the current regional organizational structure; and

(iii) Redelegation to postmasters in his region requires the prior approval of the head of the appropriate department at headquarters.

(3) A Director, Postal Data Center, may redelegate any authority vested in him.

(4) Heads of other field installations may redelegate any authority vested in them.

(b) Other subordinate officers or employees in departments at headquarters and in field installations may not delegate any authority vested in them without the prior approval of the head of the department at headquarters, or head of the field installation, as appropriate, except when power of redelegation is granted in the delegation of authority.

§ 212.5 Authority to approve personnel actions.

(a) *Delegation.* The following officials and employees can approve and sign Forms 50, Notification of Personnel Action, for appointments, employment changes, and separations of employees under their jurisdiction in the postal field service, except as limited by the Postal Service Manual or by the Regional Director:

(1) *Inspection Service Divisions.*

Chief Postal Inspector.

(2) *Regional Headquarters.*

Regional Director.
Director, Personnel Division.
Deputy Regional Director.
Chief, Personnel Operations Branch.

(3) *Postal Data Centers.*

Director, Postal Data Center.

(4) *Postal Installations.*

Postmaster.
Assistant Postmaster.
Supervisor assigned to personnel office.
Area Supply Manager and Superintendent, Supply Center.
Manager and Assistant Manager, Mail Equipment Shops.

(b) *Redelegation.* The Regional Director or the Director, Postal Data Center, can redelegate the authority to approve and sign Forms 50 to officers and supervisors under his jurisdiction.

(c) *Administrative clearances and approval.* Authority delegated here does not eliminate securing administrative clearances and approvals required by instructions implementing this section issued in other media.

§ 212.6 Authority to administer oaths.

(a) *Delegation.* The following can administer oaths of office in connection with employment:

(1) *Regional Headquarters.*

Regional Director.
Deputy Regional Director.
Director, Personnel Division.
Director, Finance Division.
Chief, Personnel Operations Branch.
Employment and Placement Officers.
Personnel Assistant.
Postal Service Officer.

(2) *Postal Data Centers.*

Director, Postal Data Center.
Director, Systems and Planning Division.

(3) *Postal Installations.*

Postmasters.
Assistant Postmasters.
Chief, Administrative Service, or Director, Office of Administrative Services, only to contractors, contract stations and branches.
Superintendent and Administrative Assistant, Mail Bag Depository.
Superintendent, Assistant, Superintendent (where authorized) and Administrative Assistant of Combined Mail Bag Depository and Mail Bag Repair Center.
Supervisor assigned to personnel office in postal installation.
Executive Secretary, Postal Board of Civil Service Examiners.
Area Supply Manager; Deputy Area Supply Manager; Superintendent and Personnel Officer, Supply Center.
Manager, Assistant Manager, and Administrative Assistant, Mail Equipment Shops.
U.S. Stamped Envelope Agent.

(4) *Inspection Service.*

Postal Inspector in Charge.
Deputy Postal Inspector in Charge.
Assistant Postal Inspector in Charge.
Postal Inspector.
Area Manager, Internal Audit Division.

(5) *Automatic Data Processing Center.*

Director, Automatic Data Processing Center.

(b) *Prohibition on redelegation.* Authority delegated to officers and supervisors specified in § 212.6(a) cannot be redelegated by them.

(c) *Administering oaths.* (1) Use Forms 61, Appointment Affidavit, and 62, Oath of Office and Appointment Affidavit. No employee shall be assigned to duty if the forms indicate he does not meet requirements. Appointing officers shall especially guard against impersonation.

(2) Administer oath of office on entrance into the Postal Service(or to a conversion to career status) without charge or fee.

(3) Postal inspectors may administer oaths on matters coming before them in their official duties.

(4) Members of the Board of Appeals and Review of the Postal Service and each person assigned to conduct a hearing of an appeal from an adverse decision, may administer oaths.

NOTE: For administration of oaths by postmasters and assistant postmasters, see § 244.2.

§ 212.7 Authority to designate certifying officers—Headquarters.

(a) *Delegation.* The following can designate certifying officers at Headquarters for items specified:

(1) Chief Postal Inspector certificates (i) payment from his special deposit account; (ii) disbursements for rewards based on Postmaster General Notices of Reward; (iii) payments from confidential funds; (iv) salary payments to office division inspectors; (v) advances of funds for confidential purpose; (vi) inspection service, travel advances, transportation of things; and (vii) payments for special analyses and services.

(2) General Counsel certifies payments relating to tort claims and claims under 39 U.S.C. 2409.

(3) Assistant Postmaster General, Finance and Administration Department certifies all payments not covered by subparagraphs (1) and (2) of this paragraph.

(b) *Redelegation.* These officials can redelegate their authority to designate certifying officers. The redelegation shall be made by letter to the appropriate postal data center disbursing officer and must bear the specimen signature of the person to whom the authority is redelegated.

(c) *Designating certifying officers—(1) Chief Inspector's Department and Law Department.* Officials authorized to designate certifying officers (see § 212.7 (a)) will complete SF 210, Signature Card for Certifying Officer, in duplicate for each postal data center disbursing officer affected, to show:

(i) Name of department for which vouchers will be certified.

(ii) Signature of certifying officer written exactly as he will sign vouchers.

(iii) Class of vouchers to be certified.

(iv) His signature and effective date.

(2) *Other departments.* Other departments requiring certifying officers will complete SF 210 in duplicate as prescribed in subparagraph (1) of this paragraph, except for signature and date. Send both copies to the Assistant Postmaster General, Finance and Administration Department.

(3) *Submitting SF 210 to postal data center disbursing officers.* The Chief Postal Inspector, General Counsel and Assistant Postmaster General, Finance and Administration Department or their designees, will send signed originals of SF 210 to each of the disbursing officers affected and retain duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

(d) *Maintaining designations.* Each department must keep current its designation of authorized certifying officers. As certifying officers die, retire, transfer, or otherwise leave, departments must inform the affected postal data center disbursing officers promptly so that signature cards may be removed from active files. When new or additional designations are made, follow procedures in § 212.7.

§ 212.8 Authority to designate certifying officers—field.

(a) *Delegation.* The following can designate certifying officers in postal data centers, inspection service divisions and internal audit areas:

(1) The Chief Postal Inspector for obligations of the Postal Inspection Service.

(2) Postal Data Center Directors for obligations of all other regional functions.

(3) The New York Postal Data Center Director for obligations for Headquarter's functions except those under § 212.7 (a) (1) and (2) and those certified by the Assistant Postmaster General, Finance and Administration Department, or his designee.

(b) *Redelegation.* These officials can redelegate their authority to designate certifying officers. Redelegate by letter to each disbursing officer affected, with the specimen signature of the person to whom authority is redelegated.

(c) *Designating certifying officers—(1) Inspectors in charge and internal audit area managers.* These officials, who are designated certifying officers, as limited by the Chief Postal Inspector, can designate certifying officers for obligations incurred by the Postal Inspection Service. They will complete SF 210, Signature Card for Certifying Officer, in duplicate to show:

(i) Inspection service division or internal audit area for which vouchers will be certified.

(ii) Signature of certifying officer written in the same manner that he will sign vouchers.

(iii) Class of vouchers to be certified.

(iv) His signature and effective date.

Inspectors in charge and internal audit area managers cannot redelegate their authority to designate authorized certifying officers.

(2) *Postal Data Center Directors.* Officers under direction of Postal Data Center Directors will complete SF 210 in duplicate as in paragraph (c)(1) of this section except for signature and date. Send both copies to him for completion.

(3) *Submitting SF 210 to disbursing officer.* The inspector in charge, internal audit area manager, and Postal Center Director (or his designees) will send the signed originals of SF 210 to each disbursing officer affected and keep the duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

(d) *Maintaining designations.* Each office under jurisdiction of the officials named in § 212.8 must keep current its designation of authorized certifying officers. As certifying officers leave the certifying activity, send notices of termination and appointment through the offices of the named officials to each disbursing officer affected.

§ 212.9 Delegation of authority to the Assistant Postmaster General, Finance and Administration Department.

(a) *Delegation.* The Assistant Postmaster General, Finance and Administration Department, may take final action in his own name, on:

(1) Claims for overpayment of pay.

(2) Relief of accountable officers of liability for loss.

(3) Relief of accountable officers of liability for illegal, improper, or incorrect payments.

(4) Certifying officers; bonds, accountability; relief by Comptroller General.

(5) Deposit to and withdrawal from Postal Service fund.

(6) Collection of debts due the Postal Service with the exception of those falling under the jurisdiction of the Chief Postal Inspector or the General Counsel. This redelegation includes the settlement of debts not exceeding $20,000 that may be compromised, terminated, suspended or referred pursuant to the provisions of Public Law 89–508, with concurrence by General Counsel in cases involving doubtful questions of law or fact.

(7) Adjustment of claims of postmasters and Armed Forces postal clerks, including the loss of funds or valuable papers from their official custody resulting from burglary, fire, or unavoidable casualty, with concurrence by General Counsel in cases involving doubtful questions of law or fact.

(8) Certification on fourth-class mail revenue—cost relationship.

(b) *Redelegation.* Except for the authority described in § 212.9(a)(8), the Assistant Postmaster General, Finance and Administration Department can redelegate all or part of the authority vested in him by § 212.9(a) to:

(1) The Deputy Assistant Postmaster General and Controller.

(2) Assistant Controller for Accounting.

(3) Director, Accounting Systems Division.

(4) Director, Accounting Services Division.

(5) Director, Money Order Division.

(6) Directors, Postal Data Centers.

PART 213—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

Sec.
213.1 Relationships.
213.2 Channels of communication.

AUTHORITY: The provisions of this Part 213 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 213.1 Relationships.

(a) *Between Headquarters departments.* Headquarters departments serve in a staff relationship to the Postmaster General and his Deputy in assigned functional areas.

(b) *Between Headquarters, regional offices and postal data centers.* Each Headquarters department shall provide guidance and policy interpretation to regional officials in its area of responsibility. Finance and Administration Department shall provide guidance and policy interpretation to postal data centers.

(c) *Between regional offices and postal installations.* The Regional Director shall provide guidance to the installation within his region with the assistance of his staff in their areas of specialization.

§ 213.2 Channels of communication.

(a) *Headquarters and regional offices.* (1) The heads of departments formulate the necessary directives to provide guidance to Regional Directors.

(2) Policy directives will be issued over the signatures of the heads of the departments, covering matters within their responsibility, except when the Postmaster General or Deputy Postmaster General may wish to personally issue such directives. Policy directives will be coordinated before issuance.

(3) Instructions and procedures not involving policy will ordinarily be issued over the signature of the bureau head having jurisdiction, and will have the same effect as though it were sent to the Regional Director by the Postmaster General or his Deputy.

(4) Field staff officers may communicate directly with the corresponding functional department in Headquarters on matters within their area of jurisdiction. In addition, where authorized, they may also directly contact supporting Headquarters offices, such as General Counsel, Chief Postal Inspector, and Office of Public Information on technical matters not requiring administrative judgment of the Regional Director.

(5) The Operations Department must be informed of communications from regional offices to Headquarters departments on policy or other important matters.

(b) *Regional offices and postal installations.* The regular channel of communication to and from the postmaster or the head of any postal installation is through the Regional Director and his staff specialists in the areas concerned. Direct communication between Headquarters' officials and the heads of postal installations will be kept to a minimum.

(c) *Headquarters, regional offices and post offices with postal data centers.* (1) The Finance and Administration Department provides the necessary directives to the postal data centers. All other Headquarters communications to and from the postal data centers will be processed through that department. The Law Department and the postal data centers shall maintain direct contact on matters

relating to professional and policy guidance on claims.

(2) Regional offices and postal data centers may communicate directly with each other. The director, regional finance division, is the coordinating point.

(3) Post offices and postal data centers may communicate directly on routine accounting matters. All other communications will be coordinated with the director, regional finance division.

ORGANIZATION STATEMENTS

PART 221—OFFICE OF THE POSTMASTER GENERAL AND DEPUTY POSTMASTER GENERAL

Sec.
221.1 Postmaster General.
221.2 Deputy Postmaster General.

AUTHORITY: The provisions of this Part 221 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 221.1 Postmaster General.

Administers the Postal Service in all its branches, the appointment of its personnel, its relationships with the Congress, and the management of its finances including the disbursement of appropriations. Determines appeals from the action of the bureau and office heads, except as delegated.

§ 221.2 Deputy Postmaster General.

Acts as full alternate to the Postmaster General. Delegates to any employee or agency of the Postal Service such of his authority as he considers appropriate. Resolves differences of opinions between departments on policies, programs, and areas of responsibility.

PART 222—DEPARTMENTS

Sec.
222.1 Chief Postal Inspector's Department.
222.2 Law Department.
222.3 Operations Department.
222.4 Finance and Administration Department.
222.5 Personnel Department.
222.6 Facilities Department.
222.7 Research and Engineering Department.
222.8 Planning and Marketing Department.

AUTHORITY: The provisions of this Part 222 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 222.1 Chief Postal Inspector's Department.

Directs the execution of policies, regulations, and procedures governing all investigations, including presentation of evidence to the Department of Justice and U.S. attorneys in those of a criminal nature, and directs operating inspections and audits for the Postal Service. Acts as security officer and defense coordinator for the Postal Establishment. Maintains liaison with other investigative and law enforcement agencies of the Government.

§ 222.2 Law Department.

(a) Serves as legal adviser to the Postmaster General, the Deputy Postmaster General and the entire Postal Service.

(b) Interprets laws in relation to the Postal Service.

(c) Administers the Contract Compliance Program, activities under the Freedom of Information Act, the Ethical Conduct Program and the Tort Claims Act and other personal injury and physical loss claims.

(d) Institutes and maintains administrative proceedings relating to mailability, false representation and similar matters.

(e) Prepares legislation and maintains liaison with the congressional committees and other agencies on legislative matters.

(f) Responsible for publication of regulations in the FEDERAL REGISTER and the regularity of their issuance.

(g) Manages the regional and field programs under jurisdiction of the General Counsel.

§ 222.3 Operations Department.

Provides direction for the execution of policies, programs, regulations, and procedures governing the operational activities of the field postal service including distribution, routing, transporting of domestic, international and military mail. Directs and coordinates with bureaus and offices the activities of the 15 regional offices.

§ 222.4 Finance and Administration Department.

Responsible for the policies and development and administration of the Postal Services financial management program, including budgeting; management information; accounting systems; automatic data processing; management studies; ratemaking; mail classification and special mail services (domestic and international); cost and statistical studies; and paperwork management.

§ 222.5 Personnel Department.

(a) Represents and acts for the Postmaster General and takes final action on all personnel management matters relating to industrial relations, compensation, administration, and employee training at professional and educational institutions.

(b) Represents and acts for the Postmaster General in dealings with employee organizations; maintains liaison with the legislative and executive branches and agencies of Government on personnel matters.

(c) Serves as Employment Policy Officer for the Postal Service. Has primary responsibility for equal employment opportunity in the Postal Establishment.

§ 222.6 Facilities Department.

(a) Directs development and execution of policies, programs, and procedures governing the acquisition, management, improvement, and disposal of postal real property.

(d) Directs development and execution of policies, programs, and procedures and exercises authority in the procurement, storage, distribution, and disposal of postal supplies and equipment.

(c) Directs development and execution of policies and procedures, and is responsible for accomplishing the Postal Services programs for all new postal facility design and construction, including management of lease construction projects; mechanization installation; and extension and modernization of existing facilities.

§ 222.7 Research and Engineering Department.

Provides leadership for and directs research, development and engineering activities of the Postal Service, using technical and professional skills and resources of other departments as required. Furnishes staff assistance to the Postmaster General and Deputy Postmaster General on research, development, and engineering matters; represents the Postal Service on such matters.

§ 222.8 Planning and Marketing Department.

Provides leadership in programs relating to long- and short-range planning; marketing of customer services; promoting public cooperation in the acceptance of improved postal service; the use of economic analysis to improve efficiency; reduce costs and upgrade the quality and variety of service; and systems analyses to evaluate methods and procedures and find ways to bring about postal excellence.

PART 223—OFFICE OF THE REGIONAL DIRECTOR

Sec.
223.1 Regional Director.
223.2 Administrative Officer.
223.3 Regional Counsel.
223.4 Deputy Regional Director, Operations.
223.5 Postal Service Officers.
223.6 Deputy Regional Director, Services.
223.7 Divisions.

AUTHORITY: The provisions of this Part 223 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 223.1 Regional Director.

(a) Directs the execution of policies, regulations and procedures and takes final action within his delegated authority on all matters relating to administration, operations and services within the region except National Headquarters field activities and other specific matters reserved to the Postmaster General and bureaus and offices of the National Headquarters.

(b) Manages, uses and controls manpower, allotted funds, facilities, and equipment within the authority delegated to the region.

(c) Directs management and operating surveys in post offices.

(d) Provides guidance and specialized assistance to post offices on mail processing, mail movement methods, and other postal operations.

(e) Exercises direct line authority over all officers and employees within the regions, except as provided in (a).

(f) Is responsible for the appraisal of performance and final rating of postmasters.

(g) Serves as Deputy Equal Employment Opportunity Officer under Executive Orders 11246 and 11375.

(h) May direct activities of individuals whose responsibilities extend into other regions.

§ 223.2 Administrative Officer.

(a) Assists and, as directed, acts for the Regional Director in matters of organization, management, budget and personnel administration, and other regional office staff activities, and performs such other duties as assigned by the Regional Director.

(b) Directs the paperwork management activity throughout the region.

§ 223.3 Regional Counsel.

Represents the General Counsel in furnishing a broad scope of legal services and counsel to the Regional Director, his staff, and postmasters within the region.

§ 223.4 Deputy Regional Director, Operations.

(a) Assists the Regional Director in the overall management of the region.

(b) Acts for the Regional Director in his absence or at his direction.

(c) Directs and coordinates all facets of mail operation within the region.

(d) Determines service approval for support projects, programs, and procedures connected with mail operation within region.

(e) Keeps the Regional Director informed of field operations as related to requirements, plans, and goals.

(f) Acts as the focal point for all communication—directives, policies, procedures, projects, surveys, and programs—between the regional office and the post offices within assigned region.

(g) Plans and directs Postal Service officer activities.

§ 223.5 Postal Service Officers.

(a) Provides to the Deputy Regional Director, Operations, a focal point of general management liaison with postmasters on a continuous basis.

(b) Guides and counsels postmasters on Postal Service matters and informs the regional office of problems and situations which require technical expertise in gaining solutions.

(c) Serves as a source of day-to-day information to the Deputy Regional Director, Operations, on needs and performance by postal installations.

(d) Contributes to the annual appraisal of postmasters.

(e) Maintains continuous observations of the Postal Service activities.

(f) Carries out special assignments of the Deputy Regional Director, Operations, and, as directed, special assignments for other regional officials.

§ 223.6 Deputy Regional Director, Services.

(a) Assists the Regional Director in overall management of the region.

(b) Acts for the Regional Director in his absence or at his direction.

(c) Interprets and translates postal operation service requirements, for both within and between communities, issued by Headquarters, into the planning guidance necessary to develop and process detail plans for the postal region.

(d) Provides policy, planning, procedure, program, and project support to the Regional Director and Deputy Regional Director, Operations, for operation of the postal system within the region on all matters relating to personnel, post office and delivery services, finance, facilities, logistics, industrial engineering and marketing.

§ 223.7 Divisions.

(a) *Personnel Division.* (1) Assists and advises the Regional Director and his deputies in all facets of personnel management to provide adequate and qualified employees to meet the postal operating requirements of the region.

(2) Controls and supervises all activities and functions necessary for a progressive personnel management program under Headquarters policies and procedures.

(3) Provides personnel services for the local regional headquarters and for such other independent installations as may be assigned for administrative support.

(4) Maintains liaison with various Federal, State, and local agencies having dealings with postal employees in the region, such as the U.S. Civil Service Commission, the Department of Labor, and the Department of Commerce.

(5) Gives technical advice and assistance to postmasters, operating officals, and employees in the region on matters of recruitment, selection, promotion, performance, training and development, position ranking, testing and examination, discipline, grievances, health, safety, awards, pay administration, benefits, labor relations, and Federal laws, regulations, and rules relating to civilian personnel.

(6) Provides professional guidance to regional and installation officials and supervisors on equal employment, civil rights, employment of the handicapped, and labor relations affecting field service personnel.

(7) Plans and directs the regional medical activities.

(8) Inspects and evaluates the performance and staffing of personnel office activities in local post offices and other installations in the region.

(9) Handles such special projects, field tests, and pilot studies as may be assigned by Headquarters.

(10) Assures the timely accomplishment of all functions and activities assigned to the personnel division.

(11) Participates with the Regional Director and other regional officials on programs and plans having personnel management implications.

(12) Serves as the principal point of contact for all communications, written and oral, with employee organizations.

(b) *Post Office and Delivery Services Division.* (1) Directs, coordinates and provides technical procedural guidance involving manpower and staffing in post offices and in all collection and delivery services, including general delivery, lock box, and window service requirements for the postal region.

(2) Develops and recommends post office and delivery service plans.

(3) Monitors, evaluates, reports, and, as directed, settles problems.

(4) Develops, coordinates and assists in implementing changes in organization and staffing postal installations under Headquarters policy and guidance.

(5) Reviews and coodinates complement and manhour allowances with appropriate regional organizational elements having a technical and functional interest; approves and releases allowances.

(6) Participates in the preparation of and recommends budget and program plans.

(7) Provides comments and operational concurrence on proposed methods improvements.

(8) Directs the regional program for plant maintenance, including the operation and maintenance of buildings and building mechanical equipment; and the maintenance of mail processing systems and customer service equipment.

(9) Directs the establishment, naming, operation, and discontinuance of classified and contract stations, branches and annexes within the postal region under Headquarters policy and guidance.

(10) Directs, coordinates and provides technical guidance on the delivery and vehicle services of the postal region.

(11) Directs the regional vehicle maintenance program, providing maintenance guidance, training, and technical direction to post offices. Directs analysis of cost reports and directs vehicle disposal program.

(12) Monitors, evaluates, reports, and as directed, settles problems in fulfilling delivery and vehicle service requirements.

(13) Reviews and provides comments on organization, staffing, complement, and man-hour allowances for carriers and vehicle services.

(14) Administers control of changes in city and rural routes, rural stations and assignment of vehicle utilization schedules.

(15) Reviews and gives service approval to proposed methods, carrier case diagrams, and plant improvement plans relating to delivery and vehicle services.

(16) Coordinates with transportation planning and distribution branch, logistics division, to provide technical guidance in scheme knowledge requirements for a well-qualified work force.

(17) Analyzes and recommends corrective action reports of delayed mail involving postal installation operating deficiencies.

(18) Develops, specifies, coordinates and approves operational requirements for postal installations.

(19) Studies, specifies, directs and coordinates the region operational plant utilization program.

(20) Approves from an operating standpoint, site size, site location, building, equipment, and equipment arrangements.

(21) Installs and reviews prescribed work measurement systems and appraises system effectiveness; determines need for expansion of work measurement systems and promotes effective manpower utilization in post offices.

(22) Establishes performance goals and monitors system effectiveness as a basis for improvement; develops controls for effective man-hour use.

(23) Identifies areas in operation when excessive manpower is evident and recommends corrective actions.

(24) Evaluates effectiveness of mail-handling systems as related to service requirements.

(25) Evaluates audit inspections of post offices by the Inspection Service and with postmaster appraisals, determines the need for adverse action and processes such actions.

(c) *Finance Division.* (1) Provides the Regional Director and his deputies advice and assistance in regional financial management matters.

(2) Advises and assists regional division directors as they develop programs and resource plans.

(3) Provides technical financial management guidance and assistance to the regional office and post offices in the three major areas of financial endeavor—accounting programs, budget programs, and costs and surveys.

(4) Conducts program and resource analyses and accummulates, interprets, and presents financial, statistical, and economic data; advises regional officials on trends for use of resources.

(5) Conducts costs and economic feasibility studies; prepares cost estimates of various sorts.

(6) Participates in developing resource plans for postal installations.

(7) Serves as regional office liaison with the postal data centers; gives technical direction and guidance to the chief accountant program through postmasters; and participates in management appraisals.

(8) Directs and installs revenue/cost analysis procedures, as well as other statistical requirements of programs of the Finance and Administration Department.

(9) Provides training necessary to carry out division functions.

(10) Directs the regional program on banking policy and procedures; authorizes post office cash reserves and establishment of inactive bank balances of less than $20,000.

(11) Develops, maintains, and operates a regional system of management information reporting, using latest techniques and all management data available.

(12) Performs review of contractors' claims for public law adjustments.

(d) *Facilities Division.* (1) Assists the Regional Director and his deputies by administering construction, leasing, procurement and supply, engineering, mechanization and developmental programs and maintains program controls within delegated authority.

(2) Develops long-range plans to meet space, supply and equipment requirements within overall postal objectives.

(3) Acquires, manages, and disposes of postal space, equipment and supplies and provides and maintains data for national related reporting systems.

(4) Develops Federal building extension and improvement requirements and develops requirements and designs leased facilities.

(e) *Logistics Division.* (1) Applies Headquarters directives pertaining to transportation service requirements and provides necessary guidance for developing, processing, implementing, and operating detailed transportation plans and programs for the postal region.

(2) Plans, directs, and coordinates regional trasnportation and mail processing services.

(3) Advises the Regional Director and and his deputies of the capability of the postal region to meet planned and assigned transportation requirements.

(4) Coordinates and recommends to the Deputy Regional Director, Services, facilities, equipment, organization, and manpower under post office management needed to meet transportation requirements.

(5) Develops and maintains an integrated regional pattern for transporting all classes of mail consistent with national patterns and plans, and coordinates with similar patterns in adjoining regions.

(6) Maintains liaison with common carriers; negotiates for the transportation of mail by railroads and highway vehicles and insures efficient use of these and air transportation, citing irregularities, and imposing penalties when warranted.

(7) Provides program and technical guidance to postmasters in planning and operating mobile units, transfer offices, airport facilities, and truck terminals and and determines the need for their establishment or discontinuance.

(8) Coordinates transportation service and cost studies and plans with the regional finance division for appropriate guidance and inputs to assure they are consistent with regional plans, budgets, and cost effectiveness analyses.

(9) Directs the preparation of schemes (incoming and outgoing) and schedules governing the distribution and dispatch of mail and issuance of instructions for labeling mail.

(10) Provides technical guidance in scheme knowledge requirements for a well-qualified work force.

(11) Develops and coordinates distribution and operating procedures to include the makeup, distribution, and dispatch of mail at all postal installations within the postal region.

(12) Issues criteria governing diagrams of letter cases and pouch- and sack-racks, with emphasis on the adequacy of makeup and effect on service.

(13) Directs the repair, storage, and distribution of mail bags; directs operation of the mail bag depositories and repair centers.

(14) Issues instructions on labeling, packing, makeup and dispatch of surplus mail equipment and makes periodic personal visits to insure that the instructions are being carried out.

(15) Directs and coordinates railway, highway, air and other transportation services for the postal region.

(16) Develops the technical aspects of the ZIP Code areas, and of ZIP Code directories.

(f) *Industrial Engineering Division.* (1) Develops and analyzes post office operational methods and procedures and recommends necessary changes.

(2) Identifies areas for improvement in physical environment, space layout, and equipment that will increase productive mail handling capacity.

(3) Participates in developing methods and techniques to insure, as applicable, orderly transition from manual to mechanized mail processing.

(4) Verifies the accuracy and reasonableness of common carrier claims for higher mail pay rates by analyzing the carriers' mail handling operations from the point of view of existence, necessity, and appropriate application and utilization of manpower, facilities, methods and procedures. Participates as necessary in such pay rate cases before Interstate Commerce Commission Hearing Examiners.

(g) *Marketing Division.* (1) Directs regional programs for promoting public cooperation in accepting new and improved mailing practices designed to reduce costs, improve mail handling, and furnish better service.

(2) Guides and coordinates the regional customer relations activities.

(3) Maintains contact with postmaster and other field units to assure effective implementation of the customer relations and public cooperation programs.

(4) Contacts large mailers, organizations and associations to promote interest in and acceptance of these programs; participates in meetings and conventions, upon invitation, to explain and promote the customer cooperation program.

(5) Investigates and recommends action on mail services complaints.

(6) Provides customer assistance in use of ZIP Code, presorting mail, NIMS, and similar efforts.

(7) Assures that services provided the public by postmasters are in keeping with effective customer relations practices and Headquarters policy.

(8) Cooperates with and participates in Headquarters programs to research and analyze current usage of postal services and the types of services needed by the users.

(9) Administers a regional program of service analysis through selective tests to determine overall quality of service; recommends areas for improvement.

PART 224—POSTAL DATA CENTERS

Sec.
224.1 Postal Data Center Director.
224.2 Disbursing Office.
224.3 Administrative Office.
224.4 Processing and Control Division.
224.5 Systems and Planning Division.
224.6 Data Operations Division.

AUTHORITY: The provisions of this Part 224 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 224.1 Postal Data Center Director.

(a) Administers the execution of policies, regulations, and procedures governing and takes action within his delegated authority on matters relating to management and operation of the postal data center.

(b) Is responsible for efficient management, use, and control of manpower, allotted funds, facilities, and equipment within the authority delegated to PDC.

(c) Directs activities and exercises overall supervision of employees of the postal data center to insure that effective performance of the activities of the postal data center is established and maintained.

(d) Maintains continuous surveillance over services provided regional offices, postal installations and other customers to insure that effective services are provided and customer relations maintained.

(e) Under technical guidance of the Finance and Administration Department and subject to policies and standards established bythe General Counsel:

(1) Adjudicates and settles personal or property damage claims less than $100;

(2) Adjusts and settles postmasters claims for losses for such amounts and types as redelegated to him;

(3) Makes determinations on behalf of the Postmaster General pursuant to section 3a of the Government Losses in Shipment Act.

§ 224.2 Disbursing Office.

Responsible for the control, signing, and disbursement of U.S. Treasury checks for all payments made by the data center. Receives and accounts for fund remittances and collections. Verifies deposits and acts as special agent for the Director, PDC for payroll savings bonds. Serves as liaison with regional distributing post offices on matters pertaining to accountable paper. Controls all other negotiable paper.

§ 224.3 Administrative Office.

Provides staff assistance to the Director, Postal Data Center, relating to administrative and service functions for the postal data center.

§ 224.4 Processing and Control Division.

(a) Reviews and certifies all input to the data operations division; processes payrolls and maintains controls over payroll deductions and receivables; prepares and certifies for payment all disbursements for which the postal data center is responsible, including but not limited to transportation claims, contract stations, torts and indemnity claims, uniform allowances, rents and leases, travel, etc. Audits financial accounts of all postmasters served by the postal data center to assure compliance with laws, regulations and Comptroller General decisions. Maintains technical liaison with postal installation being serviced by the postal data center. When technical liaison involves responsibilities of the regional finance division, new policy items of a controversial nature will be cleared through them.

(b) Maintains general ledger for the several geographical areas served and establishes controls for the data operations division, and reviews and approves all reports prior to release to consumers.

(c) Processes input data from new applications for data processing, such as transportation schemes and routing, inspection service workload data, procurement and supply transaction data, volume and performance data.

(d) Establishes and maintains accounting records for control of international money order services; provides information and reports to meet international money order service requirements (New York, Dallas, San Francisco).

(e) Branches and their functions under this Division are:

(1) *Postal Accounts Branch.* (i) Maintains general and subsidiary ledgers covering revenue, expenses, assets and liabilities.

(ii) Provides regional finance divisions with current statements of financial, operating, and statistical data.

(iii) Examines postmasters' statements of account to assure conformity with postal laws, policies, and regulations and Comptroller General decisions.

(iv) Establishes and maintains accounting records for property control; interprets and monitors application of property accounting instructions; provides information and reports to meet property management requirements.

(v) Designates and revokes post offices as U.S. savings bond issuing agents; establishes and discontinues international money order business at post offices, after coordinating with applicable post office and delivery services division.

(vi) Maintains a system of cost accounts and prepares cost and statistical reports on motor vehicle operations.

(vii) Reviews and approves postal accounts branch reports produced by data operations division before they are released to the consumer.

(viii) Reviews the accounts receivable program to determine that instructions are being followed in collection attempts and recommends to the Director, Postal Data Center, that uncollectible debts be declared "uncollectible."

(2) *Accounts Payable Branch.* (i) Examines and settles claims for payment of items such as indemnity, unpaid compensation for deceased postmasters or other employees and adjudicates physical losses of small tort claims.

(ii) Examines and settles claims for payment to railroads, airlines, contractors of vehicles, star route contractors, mail messengers, and contractors at stations and branches.

(iii) Examines and settles accounts for rents, leases, utilities, communication, supplies and equipment, and travel vouchers for postal employees.

(iv) Serves as authorized certifying officer.

(v) Reviews and approves accounts payable branch reports produced by data operations division before they are released to the consumer.

(3) *Personnel and Performance Branch.* (i) Maintains personnel pay records.

(ii) Verifies payments for personal services and related expenses.

(iii) Maintains individual and consolidated personnel pay and accounting control records for travel costs, vehicle allowance, retirement, tax, bond deductions, service leave, and performance reports and records.

(iv) Certifies as proper for payment all payrolls for the regions served.

(v) Establishes and maintains retirement accounts for all personnel in the regions served and answers inquiries; processes applications for service credits; and certifies records to the Civil Service Commission in separation cases.

(vi) Processes input data related to work performance applications as well as personnel data applications.

(vii) Reviews and approves personnel and performance branch reports produced by data operations division before they are released to the consumer.

§ 224.5 Systems and Planning Division.

Under technical guidance received from the Bureau of Finance and Administration directs the development, coordination and implementation of national integrated systems, plans and production schedules for the postal data center and participates in and performs data systems studies; keeps the Director, Postal Data Center informed of production against schedules and system activities of the division. Systems and planning division director acts for the Director, Postal Data Center in his absences. Branches and their functions under this division are:

(a) *Systems Branch.* (1) Develops and coordinates systems and procedures for internal operations of the postal data center.

(2) Participates in and performs data systems studies.

(3) Develops and provides detail specifications and analysis of problems and system components for preparation and programing data onto the computer.

(4) Prepares machines flow procedures and programs for processing data onto the computer.

(5) Maintains a system and programing surveillances over the effectiveness of the system processes of the PDC and recommends improvements.

(6) Provides consulting services to customers on source collection and preparation of data for movement to the postal data center.

(7) Maintains liaison with industry, educational institutions and other Government agencies to keep the postal data center abreast with advancing management sciences in the integration of systems, techniques and equipment for collecting, verifying and processing business data.

(8) Prepares replies to employee suggestions pertaining to the work of the postal data center where such suggestions have originated in regions or installations served by the postal data center. Refers suggestions worthy of adoption to Finance and Administration Department with detailed recommendations as to how suggestions may be implemented.

(b) *Production Scheduling Branch.* (1) Develops, coordinates and administers production schedules for the PDC.

(2) Develops and coordinates systems and production plans for new data activities to be performed by the postal data center.

(3) Develops and coordinates schedules for new system applications at PDC.

§ 224.6 Data Operations Division.

Operates the postal data center's automatic data processing facility and its associated equipment. Branches and their functions under this division are:

(a) *Data Preparation Branch.* (1) Maintain custody of magnetic tape reels, computer program documentation and input/output punch cards.

(2) Performs all keys punch operations.

(b) *Computer Operations Branch.* (1) When authorized, operates punched paper tape and communications terminal equipment.

(2) Operates electronic and electromechanical data processing equipment.

INSPECTION SERVICE REQUIREMENTS

PART 231—PROTECTION OF POST OFFICES

Sec.
231.1 Responsibility.
231.2 Security Control Officer.

AUTHORITY: The provisions of this Part 231 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 231.1 Responsibility.

(a) The protection of mail, postal funds, and property is a responsibility of every postal employee.

(b) The Chief Postal Inspector is designated as the Security Office for the U.S. Postal Service. That official is reponsible for the issuance of instructions and regulations pertaining to security requirements within the Postal Service.

§ 231.2 Security Control Officer.

The postmaster or a supervisor designated by the postmaster shall act as Security Control Office for each post office. The Security Control Officer shall be responsible for the general security of the post office, its stations and branches, in accordance with rules and regulations issued by the Chief Postal Inspector.

PART 232—POSTAL LOSSES AND OFFENSES

Sec.
232.1 Introduction.
232.2 Postal emergencies.
232.3 Serious offenses.
232.4 Routine loss or offense.
232.5 Arrest and subpena powers of postal inspectors.

AUTHORITY: The provisions of this Part 232 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 232.1 Introduction.

(a) Postmasters are required to report emergencies, serious and routine postal losses and offenses to the Inspection Service. Address reports to the inspector in charge of the division where the loss or offense took place. In emergencies, or when requested, report directly to the local postal inspector. Use the first available means of communications. Report any loss, damage, or casualty sustained. Reports of postal emergencies made by telephone should be confirmed in writing.

(b) Serious postal offenses should be reported to the postal inspector in charge by memorandum. Notify local law enforcement officers in criminal cases such as burglary, assault, and robbery.

(c) Routine losses and offenses may be reported by standard Postal Service forms.

(d) Do not discuss information concerning offenses or suspected offenses of postal employees with anyone outside the Inspection Service.

§ 232.2 Postal emergencies.

(a) Report by phone if:

(1) A fire, hurricane, flood, or other catastrophe damages a postal unit.

(2) A serious amount of Government funds, accountable paper, or property is lost.

(3) A postmaster or postal employee is assaulted or robbed while on duty or while in possession of mail, Government funds or property.

(4) A postal employee is threatened with death or serious injury.

(5) A rotary-lock pouch, valuable registered mail, or large quantity of other mail is lost.

(6) The possible location of a fugitive postal offender is discovered.

(7) A postal unit is broken into.

(8) An accident kills, injures, or causes extensive property damage to private persons. (See § 251.4 of this chapter.)

(9) An accident kills or seriously injures (loss of an eye or limb) a postal employee.

(10) Postal employees are involved in court actions, or require counsel as a result of accidents while on duty. (See § 251.5 of this chapter.)

(11) Embezzlement is indicated or suspected. (Make no further investigation or inquiry.)

(12) Explosives or blasting caps are discovered. (Use extreme caution. Keep explosive material dry, but away from flames and sparks. Call postal inspector in charge, local postal inspector, and local police for assistance. Should an explosion occur, cease all operations, exclude unauthorized persons, and collect all possible evidence.)

(13) Demonstrations, riots, or picketing are imminent or in progress. (Immediately notify the Regional Director, the local postal inspector (if absent, the inspector in charge), and the local police department or other local law enforcement body of any demonstration, riot, or picketing being staged or imminent at your installation or which might affect the Postal Service. Advise the Regional Director and the postal inspector of any of the following facts, if known:

(i) Approximate number of persons involved and their cause.

(ii) Interference with movement of mail.

(iii) Damage to post office property.

(iv) Blocking of entrances and exits.

(v) Inconvenience or criticism by customers.

(vi) Newspaper or other publicity.

(vii) Any action taken or contemplated by local, State, or Federal law enforcement officials.

(viii) Whether or not postal employees are involved and, if so, whether on or off duty.

(ix) Whether or not postal employee organizations are involved.

When individuals are not guilty of disorderly conduct, impeding postal business, or of otherwise breaking local ordinances or other laws, no action should be taken. Participants should not be permitted to remain in the post office after normal business hours. (A decision to eject participants at the conclusion of normal business hours should be cleared with the postal inspector.)

(b) Your telephone report should include:

(1) Date and nature of occurrence.

(2) Approximate loss; if none, so state.

(3) Serial numbers of blank money order forms, and whether postmarking or control amount stamps were lost or stolen.

(4) Action taken to obtain an emergency stock of items lost or stolen.

(5) Address of fugitive postal offenders and alias, if known.

(6) Remedial action taken if explosives are discovered, and whether local police were contacted.

(c) Your written confirmation should include the original information furnished plus:

(1) Serial numbers of Treasury checks, and serial numbers and denominations of U.S. savings bonds lost or stolen.

(2) Quantity and denomination of stamps and other accountable paper lost or stolen.

(3) Amount of Government funds and property lost or stolen.

(4) Nature and amount of any personal loss.

(5) Serial number of any mail keys lost or stolen.

(6) Full particulars of lost, stolen, or rifled registered mail.

(7) Additional information developed since the initial report was made.

§ 232.3 Serious offenses.

Report by memo all: (See § 114.2 of this chapter.)

(a) COD irregularities.

(b) Matters inciting to violence. (See § 123.7 of this chapter.)

(c) Attacks upon letterboxes or contents.

(d) Suspicious activities of boxholders.

(e) Willful or malicious damage or injury to Government property.

(f) Nonpostal offenses occurring in space assigned to postal activities.

(g) Forgery, or falsifications of postal records or securities.

(h) Illegal transportation of letters in violation of the Postal Service's monopoly. (See Part 152 of this chapter.)

(i) Intoxicating liquors. Withdraw from the mail, and await disposition instructions. (See § 123.3 of this chapter.)

(j) Libel, threats, extortion. Submit complaints with a statement of facts. (Promptly report by telephone and followup by memo.)

(k) Losses of Government funds, accountable paper, or property, not otherwise reported.

(l) Obscene and indecent matter. Submit complaints with a statement of facts. (See § 123.7 of this chapter.)

(m) Subversive matter. Submit complaints with a statement of facts.

(n) Concealable firearms. Withdraw concealable firearms mailed contrary to § 124.5 of this chapter, pending instructions from postal inspector in charge.

(o) Failure to pay postage, violations of the franking privilege, misuse of penalty mail, depositing of advertising material in mail boxes without payment of postage, and similar schemes to evade payment of postage.

(p) Lottery. If the matter is definitely unmailable, submit it with a statement of the facts. Also report any suspected lottery operations within the post office or on Government property. (See §§ 123.41 and 123.42 of this chapter.)

(q) Impersonation of a postal inspector, postal official or other employee.

(r) Missing keys and locks. Loss, improper possession, or finding of (1) regulation lookout keys, (2) special or stub keys for No. 91 locks, or (3) locks and keys for mail boxes and mailbags.

(s) Obstruction or desertion of mail. Report any willful obstruction of the passage of the mail as well as any case of voluntary desertion of the mail before delivery or return to the post office. (Promptly report by telephone and followup by memo.)

(t) Delay, damage, tampering, missending, and wrong delivery of registered mail; tampering with other mail; wrong or improper delivery of other mail when financial loss or criminality is involved.

(u) Accidents involving injury to a private person, or private property damage in excess of $500. See § 251.5 of this chapter when accidents result in court action against postal employees, and § 251.4 of this chapter when claim is filed by private party.

(v) Theft or mistreatment of mail. If theft, abandonment, or other mistreatment of mail by a postal employee, mail contractor, or employee of a contractor is suspected, report all known facts and make no investigation or inquiry. (Promptly report by telephone and followup by memo.)

(w) Poison and poisonous animals, insects, and reptiles. Destroy in order to protect postal employees. If there is any question that poison was mailed with the intent to kill or harm anyone, carefully retain the evidence, and report the facts. (See § 123.2 of this chapter.)

(x) Fraud. Request complainant to prepare a detailed statement of the facts and to furnish correspondence, advertising, or other literature, and envelopes in which such evidence was transmitted through the mail. Have complainant initial and date each separate piece of evidence for future identification. Transmit this material with your report (See § 123.4 of this chapter.)

(y) Illegal use of stamps, removal of stamps from wrapper (submit wrapper or other cover), unusual possession of stamps which might indicate illegal use, reuse, use by postal employees in payment of debts, over or undercharges of postage, alteration of meter stamps, tampering with meters, etc. (See §§ 142.8 and 144.3(b)(5) of this chapter.)

(z) Counterfeits and suspected counterfeits. If counterfeit postage stamps are presented by a customer, confiscate the stamps and give him a receipt. Submit the stamps with a statement of the facts. Report any knowledge of counterfeit mail locks and keys, badges, identification cards, postmarking stamps, postage meter impressions or money orders, and submit the counterfeit if available. (See § 142.8(b) of this chapter.)

§ 232.4 Routine loss or offense.

(a) For loss or rifling of domestic mail, including stamp stock and printed envelopes shipped by ordinary mail, use Form 1510.

(b) For loss and rifling of military mail, use Form 1510.

(c) For rifled parcels, use Form 673, Report of Rifled Parcel.

(d) For registered, insured, or COD mail found in supposedly empty equipment, send a report by letter to the post office of mailing, giving full mailing particulars, for check against the index record of claims.

(e) For mistreatment of Canal Zone mail, use forms required in Chapter 7, Publication 42, "International Mail."

(f) For mistreatment of international mail, use forms required in Publication 42, "International Mail."

(g) For any discrepancy (shortage or overage) of $50 or more in the official accountability of an employee or contractor handling Government funds or accountable paper, use Form 571, Discrepancy of $50 or more in Financial Responsibility (shortage or overage). Under Remarks shows results of the six previous checks of the employee's accountability, providing any overage or shortage in excess of $10 was disclosed incident to any one of those checks.

(h) For claims arising from accidents as required by § 251.4 of this chapter, use appropriate forms.

§ 232.5 Arrest and subpena powers of postal inspectors.

(a) *Authorization.* Postal Inspectors are authorized to perform the following functions in connection with any matter within their respective official duties as established by the Chief Postal Inspector.

(1) Serve warrants and subpenas issued under the authority of the United States;

(2) Make arrests without warrant for offenses against the United States committed in their presence; and

(3) Make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(b) *Limitations.* The powers granted by paragraph (a) of this section shall be exercised only in the enforcement of laws regarding property of the United States in the custody of the postal service, the use of the mails, and other postal offenses.

PART 233—INSPECTION SERVICE AUTHORITY

Sec.
233.1 Circulars and rewards
233.2 Mail covers

AUTHORITY: The provisions of this Part 233 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 233.1 Circulars and rewards.

(a) *Wanted circulars.* The Inspection Service issues wanted circulars to obtain evidence on the whereabouts of fugitive postal law violators. Post these circulars in the most conspicuous place available in the post office lobby and in other prominent places. Post near the "Notice of Reward" sign. Any information on the possible location of the person wanted must be telephoned or telegraphed immediately to the postal inspector in charge. Remove circulars immediately when notified.

(b) *Rewards.* (1) Rewards will be paid in the amounts and under the conditions stated in Sign 32, Notice of Reward, for the arrest and conviction of persons accused of the following postal offenses:

(i) Robbery or attempted robbery.

(ii) Mailing bombs or poison.

(iii) Post office burglary.

(iv) Stealing or unlawful possession of mail or money or other property of the United States.

(2) The postmaster or a designated employee should personally present reward signs to station agents, railroad detectives, police officers, sheriffs and their deputies, if practicable, and encourage their cooperation in protecting mail and Government property.

NOTE: The text of Sign 32, referred to in paragraph (b)(1) above, reads as follows:

Subject to the availability of funds, the Post Office Department pays a reward for the arrest and conviction of any person for the following offenses:

ROBBERY

1. Not to exceed $3,000 for robbery or attempted robbery of any custodian of any mail, or money or other property of the United States under the control and jurisdiction of the Post Office Department, if such custodian is wounded or his life jeopardized with a dangerous weapon; but not to exceed $1,500 if the custodian is not wounded, or his life jeopardized with a dangerous weapon.

MAILING OF BOMBS OR POISON

2. Not to exceed $3,000 for mailing or causing to be mailed any poison, bomb, device, or composition, with the intent to kill or harm another, or injure the mails or other property.

3. Not to exceed $300 for mailing or causing to be mailed any poison, bomb, device, or composition which may kill or harm another, or injure the mails or other property.

BURGLARY OF POST OFFICE

4. Not to exceed $300 for breaking into or attempting to break into a post office, station, branch, or building used wholly or partially as a post office with intent to commit a larceny or other depredation in that part used as a post office.

THEFT OF MAIL

5. Not to exceed $300 for the theft of any mail, the contents thereof, or money or any other property of the United States under the custody and control of the Post Office

Department from any custodian, postal vehicle, railroad depot, airport, or other transfer point, post office or station or receptacle or depository established, approved, or designated by the Postmaster General for the receipt of mail.

EMBEZZLEMENT OF MAIL

6. Not to exceed $300 for embezzlement of mail or the contents thereof by a mail carrier on a mail messenger or star route.

OFFENSES INVOLVING MONEY ORDERS

7. Not to exceed $300 for the altering, forging, uttering or passing of blank money order forms stolen from a post office, station, branch or postal custody.

GENERAL PROVISIONS

8. The Post Office Department also pays rewards as stated above for the arrest and conviction of any person:

(a) As an accessory to any of the above crimes;

(b) For receiving or having unlawful possession of any mail, money, or property secured through the above crimes;

(c) For conspiracy to commit any of the above crimes.

9. When a person has been adjudged a juvenile delinquent for having committed any of the above crimes the same reward may be paid as though such person had been convicted of such crime.

10. The term "custodian" as used herein includes any person having lawful charge, control, or custody of any mail matter, or any money or other property of the United States under the control and jurisdiction of the Post Office Department.

11. A reward may be paid for the conviction of a person for an offense listed above, even though arrested for committing another offense.

12. When an offender is killed while committing a crime listed above or in resisting lawful arrest, the same reward may be paid as though he had been convicted.

13. The amount of the reward to be paid will be based on the importance of services rendered, character of the offender, risks and hazards involved, time spent, and expenses incurred. Maximum rewards will be paid only when services were of the maximum value.

14. The Department will reject a claim where there has been collusion, or improper methods have been used to effect an arrest or to secure a conviction. It has the right to allow only one reward where several persons were convicted of the same offense, or one person was convicted of several offenses.

15. A written claim must be submitted to the Postal Inspector in Charge of the division in which the crime was committed within 6 months or the date of his death, if killed in committing a crime or resisting arrest. Applications for the filing of claims may be obtained from the Inspector in Charge.

PART 235—DEFENSE DEPARTMENT LIAISON

Sec.
235.1 Postal service to the Armed Forces.
235.2 Civil defense.

AUTHORITY: The provisions of this Part 235 issued under 5 U.S.C. 301; 39 U.S.C. 501, 505.

§ 235.1 Postal Service to the Armed Forces.

(a) Publication 38, Postal Agreement Between the Post Office Department and the Department of Defense, defines our responsibilities for providing postal service to the armed forces.

(b) The Chief Postal Inspector is responsible for military liaison.

(c) Postal inspectors provide liaison between postmasters and military commanders, visit military installations as required, and make any necessary recommendations.

§ 235.2 Civil Defense.

(a) *Mission.* The prime objective of postal civil defense planning is to maintain or restore essential postal service in a national emergency.

(b) *Defense Coordinator.* The Chief Postal Inspector is designated Defense Coordinator for the Postal Service. As Defense Coordinator, he provides general direction and coordination of the national civil defense and defense mobilization programs.

(c) *Postmaster General emergency line of succession.* (1) Deputy Postmaster General.

(2) Assistant Postmaster General, Operations Department.

(3) Assistant Postmaster General, Finance and Administration Department.

(4) Assistant Postmaster General, Facilities Department.

(5) Assistant Postmaster General, Personnel Department.

(6) General Counsel.

(7) Assistant Postmaster General, Planning and Marketing Department.

(8) Chief Postal Inspector.

(9) Assistant Postmaster General, Research and Engineering Department.

(d) *Department, and field lines of succession.* Each department shall establish its own internal line of succession to provide for continuity under emergency conditions. Each Regional Director, Postal Data Center Director, Inspector in Charge, and postmaster at first-class post offices will prepare a succession list of officials who will act in his stead in the event he is incapacitated or absent in an emergency. Orders of succession shall be shown by position titles; those of the inspection division by names.

(e) *Field responsibilities.* Postmasters and heads of other installations shall:

(1) Carry out civil defense assignments, programs, etc., as directed by regional officials.

(2) Comply with, and cooperate in community civil defense plans (including exercises) for evacuation, take cover, and other survival measures prescribed for local populations.

(3) Designate representatives for continuing liaison with local civil defense organizations where such activity will not interfere with normal duties.

(4) Endeavor to serve (at their own option) as members on the staff of the local civil defense director, provided such service will not interfere with their primary postal responsibility in an emergency.

(5) Authorize and encourage their employees to participate voluntarily in nonpostal preemergency training programs and exercises in cooperation with States and localities.

POST OFFICE ORGANIZATION AND ADMINISTRATION

PART 241—ESTABLISHMENT AND DISCONTINUANCE

Sec.
241.1 Post offices.
241.2 Stations and branches.
241.3 Military post offices.

AUTHORITY: The provisions of this Part 241 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 241.1 Post offices.

(a) *Establishment.* See § 113.1 of this chapter.

(b) *Classification.* As of July 1 each year, post offices are classified by the Postmaster General based on the allowable postal revenue units for the second preceding fiscal year as follows:

(1) *First Class.* Post offices having 950 or more revenue units.

(2) *Second Class.* Post offices having 190 but less than 950 revenue units.

(3) *Third Class.* Post offices having 36 but less 190 revenue units.

(4) *Fourth Class.* Post offices having less than 36 revenue units.

(c) *Discontinuance.* Post offices are discontinued only upon orders issued by the Operations Department. Form 1014, Instructions to Postmaster for Conversion or Discontinuance of Post Office, will be issued by the Regional Director for postmasters' guidance.

§ 241.2 Stations and branches.

(a) *Description.* (1) Stations are established within the corporate limits or boundary, and branches are established outside the corporate limits or boundary of the city, town, or village in which the main post office is located. Stations and branches may be designated by number, letter or name. As a general rule, branches are named.

(2) Stations and branches transact registry and money order business, sell postage supplies, and accept matter for mailing. Delivery service, post office boxes, and other services may be provided when directed by the postmaster.

(3) Stations and branches, except nonpersonnel rural stations and branches, are designated as independent when registered and other mail is received or dispatched without passing through the main office.

(b) *Classification*—(1) *Classified.* Operated by postal employees in quarters provided by the Federal Government.

(2) *Contract.* Operated under contract by persons who are not Federal Government employees. Persons operating contract stations and branches are independent contractors and neither the contractors nor any person employed by them to assist in the conduct of contract stations or branches shall be employees of the Federal Government for any purpose whatsoever.

PART 242—CHANGE IN NAME OR SITE

Sec.
242.1 Name.
242.2 Change of site—fourth-class offices.

AUTHORITY: The provisions of this Part 242 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 242.1 Name.

(a) *Place names.* The U.S. Board on Geographic Names approves names for all geographic places and features in the United States. The approved name of any locality can be changed for Federal usage only with concurrence of that Board.

(b) *Post office names.* A post office should bear the official name of the incorporated city, town, or borough in which located, as shown in its charter. A post office located in an unincorporated place should generally bear the approved name of the principal community served (generally the community in which located) or the approved name of the town or township, if it serves a number of communities within the town or township.

(c) *Requests for changes in name of post offices.* Submit requests for changes in the names of Post offices to the Regional Director for transmittal with a recommendation to the Organization and Management Division, Operations Department, for handling with the Board of Geographic Names. Report instances where the name of the post office does not now conform with the approved name of the community.

§ 242.2 Change of site—fourth-class offices.

Report by memorandum to chief, organization and management branch, when change in site is necessary. Complete Form 1021 when furnished. Retain one copy in files. If new location is one-fourth of a mile or more from existing location, furnish a statement signed by majority of customers approving change. When a change involves moving a post office from one county to another, notify the Bureau of Operations. Organization and Management Division, of the circumstances (including a sketch showing present and proposed sites), and await approval of that Division.

PART 243—CONDUCT OF OFFICES

Sec.
243.1 Hours of business.
243.2 Quarters.
243.3 Solicitation of funds.

AUTHORITY: The provisions of this Part 243 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 243.1 Hours of business.

See § 113.2 of this chapter.

§ 243.2 Quarters.

(a) *Bulletin boards*—(1) *Employee.* Bulletin boards may be placed in workroom and employees' lunchrooms for displaying notices as prescribed in this manual and Management Labor Organization Agreements.

(2) *Public.* For the convenience of customers, postmasters may allow bulletin boards to be placed in the post office or may set apart some convenient place where official Government notices, notices of public assemblies, judicial sales, official election notices issued by State or local government, and similar announcements may be displayed. These privileges shall be afforded without discrimination.

(3) *Prohibited items.* Private business advertisements, placards, cards or notices, photographs or likenesses of any member of State legislature or Congress; and political pictures, cartoons or other matter designed to influence an election may not be displayed.

(4) *Notices by Members of Congress.* Notices by Members of Congress shall be limited to public announcements of pending competitive civil service examinations and pertinent information for applicants for appointments to the U.S. service academics. Display these notices as long as they are current. They shall be displayed only within the district of the sponsoring Congressman or the State of the sponsoring Senator, and shall conform to the following specifications:

(i) They must be no more than 9 x 12 inches in size.

(ii) They must not contain a photograph, picture, or likeness of the Member of Congress.

(iii) The signature and/or printed name or the Member of Congress must be printed in no larger than one-half inch (48 point) type.

(iv) Notices must contain the closing date for submission of applications.

If, in the opinion of the postmaster, a notice does not conform to these specifications, he may display the poster pending a decision from the Regional Director. Return notices which include the Member's picture to the Member with an explanation.

(5) *Recruiting posters.* If space is available, one recruiting notice of each of the armed services may be placed on bulletin boards or displayed on "A" boards supplied by the service, Place "A" boards in lobbies or other locations where they will not interfere with the transaction of postal business or cause safety hazards. Recruiting banners may be displayed from a separate staff on the building, or below the national flag on the regular flagstaff.

(b) *Location of offices.* Postal units may not be located in, or directly connected to, a room in which intoxicating liquor is sold to be consummed on the premises.

(c) *Lost articles.* When articles are turned in to employees, the name and address of the finder shall be recorded so the article may be returned to him if not claimed by the loser. If the name of the finder cannot be obtained, and the article is not claimed within 30 days, it must be disposed of in the same manner as unidentified material found loose in the mail. Do not return postal money orders to the finder. Mail to Money Order Division, U.S. Postal Service, General Accounting Office Building, Washington, D.C. 20260, with a memorandum of explanation.

(d) *Public use of restrooms.* Restrooms off public corridors shall normally be kept open during regular hours of business for the benefit of the public. Where vandalism or loitering cannot be controlled, postmasters may lock restrooms, furnishing those agencies served by the restrooms, keys for employee use. This shall not be construed to permit access by nonpostal personnel to restrooms in restricted postal areas.

(e) *Letter drops.* At all except fourth-class post offices, provide a regulation letterbox for depositing mail in front of or next to the post office. Show collection time schedules on letterboxes. At fourth-class offices, if a letterbox is not supplied, provide a slot in the outer post office door. When messengers or star route carriers have access to lobbies, door slot deposits must lead to a locked box.

(f) *Hour signs.* Display hours of window service prominently at all first-, second-, and third-class post offices, classified stations and branches, and annexes. Use Sign 41, Hours decal set, available in supply centers.

(g) *Vending stands and vending machines*—(1) *Authorizations*—(i) *To certified blind persons.* Blind persons, when available and duly certified by a State licensing agency, designated by the Department of Health, Education, and Welfare, shall be authorized and have preference in the installation and operation of vending stands on property operated, maintained, and protected by the U.S. Postal Service: *Provided,* That in the judgment of the Postal Service, the installation and operation of the stands are considered practicable and will not unduly inconvenience the Postal Service or adversely affect the interest of the United States.

(ii) *Preparation and submission of applications.* Applications for installation and operation of vending stands, including vending machines operated in connection with the stands, to be operated by licensed blind persons, in post office lobbies or other public areas, shall be submitted by the State licensing agency in quadruplicate on the form provided by the Department of Health, Education, and Welfare to the postal official in charge of the building involved for his recommendation for approval or disapproval. If he recommends approval he shall sign all four copies on the line designated "Officer in charge of building" and transmit all copies to the director, facilities division for the region in which the building is located, for approval or disapproval. If an application by a State licensing agency for a permit to establish a vending stand under the Randolph-Sheppard Vending Stand Act is not recommended for approval by the official in charge, the transmittal shall show reasons for the disapproval. Applications submitted by postal officials will be reviewed by the director, facilities division. If approved by him, he will sign all four copies of the form on the line designated "Official of U.S. Department having jurisdiction over building" and will retain one copy. Three copies, indicating the action taken, will be returned to the official concerned. He shall retain one copy in his files and transmit the others to the State licensing agency making application. If the director, facilities division, disapproves the application, he shall advise the postmaster and applicant of the reasons.

(iii) *Appeals*—(a) *Installation, maintenance, and operation.* If an application by a State licensing agency for a permit to install and operate a vending stand is not approved by the director, facilities

division, the agency may appeal his decision. The appeal shall be made within 10 days to the Assistant Postmaster General, Facilities Department, through the Regional Director in the region denying the application. Upon appeal, the Regional Director will direct a full investigation obtaining a report from the director, facilities division and from the State licensing agency. The Regional Director will report his findings and make recommendation within 20 days after receipt of the appeal to the Assistant Postmaster General, Facilities Department, who will render a final decision for the Postal Service within 90 days of filing of the appeal. The appellate procedure is also available when the State licensing agency and the local installation's manager or the director, facilities division, fail to reach agreement concerning revocation or modification of a permit, suitability of a stand location, or method of operation of the stand. After a review of the findings, if in the judgment of the Regional Director the appeal should be allowed, he shall notify the State licensing agency without forwarding the case to the Assistant Postmaster General, Bureau of Facilities. If he determines the decision of the director, facilities division, or the local installations manager should be upheld, he must notify the Assistant Postmaster General, Facilities Department, who will make the final decision.

(b) *Services and assignment of proceeds.* If the local installation's manager and the State licensing agency fail to reach agreement concerning the assignment of proceeds or services to be rendered by the vending stand operator (including articles which may be sold), a State licensing agency may appeal the decision. The appeal shall be made within 10 days to the Assistant Postmaster General, Personnel Department, through the Regional Director in the region denying the application. Upon appeal the Regional Director will direct a full investigation, obtaining a report from the State licensing agency. The Regional Director will report his findings and make recommendation within 20 days after receipt of the appeal to the Assistant Postmaster General, Personnel Department who will render a final decision within 90 days of filing of the appeal. After a review of the findings, if in the judgment of the Regional Director the appeal should be allowed, he shall notify the State licensing agency without forwarding the case to the Assistant Postmaster General, Personnel Department.

(iv) *Approval of equipment plans.* Vending equipment shall be designed, arranged, and installed in a manner to facilitate sanitary operation. Plans of proposed vending stand equipment shall be submitted by the State licensing agency to the official in charge of the postal installation for approval prior to installation.

(b) *Installation, maintenance, and operation*—(1) *Installation and maintenance.* Installation, maintenance, repair, replacement, servicing, or removal of vending stand equipment or vending machines operated in connection with vending stands shall be without expense to the Postal Service except that the cost of utilities required to operate vending stands and vending machines under the control of blind persons authorized to operate such stands and machines will be borne by the Postal Service. In the case of vending machines operated by employees' committees, the Postal Service shall be reimbursed for utilities.

(2) *Operation*—(i) *Sanitation Standards.* Vending stands shall be operated in compliance with local health and sanitation standards and codes.

(ii) *Cleaning and Janitor Service.* The operator shall arrange for cleaning and janitor service sufficient to maintain vending areas at stands and machines in a clean and orderly condition.

(iii) *Violations.* Authorization for establishing a vending stand, with the regulations and policies established by the Postal Service and State licensing agency, shall govern the operation of each vending stand. Ordinarily, day-by-day matters concerning the operation of the stand can best be resolved on a local basis with the blind operator. Officials in charge should not confer with attorneys or others claiming to represent blind operators. Violations of regulations or policy, and other unresolved relevant matters, must be reported to the State licensing agency. If appropriate corrective action is not taken, the installation head shall notify the director, facilities division, who will resolve the matter or submit it to Headquarters with all facts so that it can in turn be resolved by Headquarters with the Department of Health, Education, and Welfare. If the matter concerns vending machines operated by postal employee committees or otherwise concerns postal employees, the director, facilities division, will coordinate with the director, personnel division, in resolving the issues.

(3) *Modification, relocation, or removal.* The Postal Service reserves the right to require State licensing agencies to arrange for modifications, removal, or relocation of vending stands established under the Randolph-Sheppard Vending Stand Act (20 U.S.C. 107–107f) when necessary because of changes in building operations or space requirements.

(4) *Articles to be sold or vended*—(i) *Approved articles.* Vending of the following at vending stands operated by licensed blind persons is approved: newspapers, periodicals, confections, tobacco products, articles in individual containers or wrappers in which they are placed before receipt by the vending stand operator, and such other suitable articles as may be approved for each location by the postal official in charge and State licensing agency. These articles may also be vended through vending machines, operated in connection with vending stands.

(ii) *Objectionable publications.* Licensed vending stand operators and State licensing agencies shall use diligence and good judgment and cooperate with postal authorities in preventing the keeping on the premises, for disposal to the public by sale or otherwise, of any so-called comic books or any other printed or written matter of an objectionable, subversive, or controversial nature which may subject the Postal Service to public criticism. Violations of this section shall be reported to the Finance and Administration Department, Office of Classification and Special Services, with a copy of the objectionable matter.

(5) *Survey of vending stand opportunities.* Postal officials shall cooperate with State licensing agencies in making surveys of vending stand opportunities for blind persons on properties under their control and in selecting locations, or relocations, for such stands and the types of stands to be provided.

§ 243.3 Solicitation of funds.

(a) *Special types.* (1) A number of established national health, welfare, and veterans' organizations engage in limited or specialized methods to solicit funds at the local community level, for worthy, humanitarian programs. The use of popples or other tokens by established veterans' organizations is an example of a specialized method of solicitation.

(2) Postmasters or installation heads, at their discretion, may authorize these organizations to solicit funds by a limited or specialized method at entrances, or in concourses or lobbies. Enter into an agreement with the local representative of the organization to specify the locations, number of solicitors, and any other necessary limitations.

(3) National Health and Joint Crusade Agencies: Discretionary authority is granted to afford privileges similar to those mentioned in § 243.3(a)(2) to the following agencies:

(i) American Cancer Society.
(ii) American Heart Association.
(iii) The Arthritis and Rheumatism Foundation.
(iv) Muscular Dystrophy Association of America.
(v) National Association for Mental Health.
(vi) National Multiple Sclerosis Society.
(vii) National Society for Crippled Children and Adults.
(viii) National Society for the Prevention of Blindness.
(ix) National Tuberculosis Association.
(x) United Cerebral Palsy Association.
(xi) CARE.
(xii) Crusade for Freedom.
(xiii) The American-Korean Foundation.

(4) *The American Red Cross.* The American Red Cross may have stands in lobbies during its annual roll calls or special fund raising campaigns, providing they do not interfere with the transaction of postal business or require the expenditure of time or equipment by the Postal Service or its employees.

(5) *Prohibitions.* Soliciting subscriptions, canvassing for the sale of any article, or making collections except as provided above are prohibited in buildings operated by the Postal Service.

PART 244—POST OFFICE FUNCTIONS

Sec.
244.1 Postmaster.
244.2 Administering oaths.

AUTHORITY: The provisions of this Part 244 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 244.1 Postmaster.

(a) *Eligibility for appointment.* Any person eligible for other Federal employment may be appointed postmaster subject to the following:

(1) In the continental United States, must be a U.S. citizen or owe allegiance to the United States.

(2) Shall not be concerned in a contract for carrying the mail either as contractor, subcontractor, or surety, nor shall any of his immediate family, except as provided in § 522.3(c)(4) of this chapter.

(3) At first-, second-, and third-class offices, must actually reside within the delivery of the office to which appointment is sought (this includes area served by office, but outside State where office is located) for 1 year immediately preceding the date of appointment, if the appointment is made by noncompetitive examination, or for 1 year preceding the date fixed for the close of receipt of applications for examination if appointment is made after competitive examination.

§ 244.2 Administering oaths.

(a) *All postmasters and assistant postmasters.* Postmasters and assistant postmasters are required, empowered, and authorized, when requested, to administer oaths with a like force and effect as officials having a seal, as follows:

(1) *Expense accounts.* Accounts for travel or other expenses against the United States.

(2) *Customs documents.* At post offices where customs officers are not stationed, any oath required to be made to statements in customs documents by importers of merchandise by mail, not exceeding $100 in value.

(3) *Recruitments for Job Corps program.* Oaths of office to prospective Job Corps enrollees.

(4) *Fees.* Do not collect fees for these services. The United States will not reimburse postal employees for fees paid for administering oaths.

(b) *Postmasters in Alaska as notaries public.* (1) Administer oaths and affirmations; take acknowledgments and make and execute certificates thereof; and perform all other functions of a notary public within Alaska whenever a certification is necessary to comply with any Act of Congress or of the Legislature of Alaska.

(2) When executing certificates of oath, affirmation, or acknowledgment, add the title "Postmaster" after your signature and give the name of the post office and date document is executed. Place legible postmark impression of the post office on the document.

(3) Keep a record of all deeds and other instruments of writing acknowledged, relating to the title to or transfer of property. This record shall be available to your successors, and shall be subject to public inspection.

(c) *Fees for notarial service.* An officer or employee who is a notary public shall not charge or receive compensation for notarial services for another officer or employee regarding Government business; nor for notarial services for any person during the hours of the notary's services to the Government, including the lunch period.

GENERAL POSTAL ADMINISTRATION

PART 253—CONTRACT COMPLIANCE PROGRAM

SEC.
253.1 Introduction.
253.2 Nondiscrimination provisions required in contracts and contract modification.
253.3 Contracts exempt from section 202, Executive Order 11246, as amended.
253.4 Nondiscrimination posters.
253.5 Reporting contracts and proposed awards.
253.6 EEO employer information report.
253.7 Compliance review.
253.8 Complaints.

AUTHORITY: The provisions of this Part 253 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 253.1 Introduction.

(a) *Basic authority and responsibilities.* (1) Executive Order 11246, amended by Executive Order 11375, requires all Government contracting agencies to include in every nonexempt Government contract, clauses which require nondiscrimination by the contractor against any employee or applicant for employment because of race, color, religion, sex, or national origin.

(2) The Secretary of Labor, responsible for administering this program, created the Office of Federal Contract Compliance within the Department of Labor. He designated this Agency as a compliance agency, responsible for obtaining compliance by certain contractors with the provisions of the Executive order and the rules, regulations and orders of the Office of Federal Contract Compliance.

(b) *Definitions.* (1) Government contract means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements. The term services includes, but is not limited to, the following services: Utility, construction, transportation, research, insurance, and fund depository. The term Government contract does not include agreement in which the parties stand in the relationship of employer and employee.

(2) Modification means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

(3) Subcontract means any agreements or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and employee):

(i) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(ii) Under which any portion of the contractors obligation under any one or more contracts is performed, undertaken, or assumed.

§ 253.2 Nondiscrimination provisions required in contracts and contract modification.

(a) All contracts or contract modifications entered into by the Postal Service, except those in paragraph (3) of this section, must include the following provisions of section 202, Executive Order 11246 as amended:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September, 24, 1965, and such order sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued to section 204 pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

(b) Each nonexempt contractor or subcontractor shall include the clauses in paragraph (a) of this section in each of its nonexempt subcontracts. The clauses may be incorporated by reference in Government bills of lading, transportation requests, contract for deposit of Government funds, contracts for issuing and paying U.S. savings bonds and notes, and contracts and subcontracts less than $50,000.

§ 253.3 Contracts exempt from section 202, Executive Order 11246, as amended.

(a) Contracts, subcontracts, purchase orders, and other transactions not exceeding $10,000, other than Government bills of lading, are exempt. (Government bills of lading in any amount are subject to the order. For star route and other term contracts, only those not exceeding $10,000 for the full term are exempt. For indefinite term contracts, such as mail messenger and rural stations, only those where the payments, in a 4-year period from the inception of the contract, do not exceed $10,000 are exempt.)

(b) Contracts and subcontracts for work performed outside the United States by employees who were not recruited within the United States are exempt.

(c) Contracts, subcontracts, or purchase orders specifically exempted by the Director, Office of Federal Contract Compliance, are not subject to the order.

(d) Notwithstanding the inclusion in any contract of the provisions in section 202 of the order, the contractor shall be exempt under any exemptions in the rules, regulations, and orders issued by the Office of Contract Compliance.

§ 253.4 Nondiscrimination posters.

(a) Each contracting officer, upon award of a contract, shall furnish the contractor with an adequate supply of posters and inform each contractor that:

(1) Copies of posters must be furnished to a subcontractor.

(2) Posters must be displayed in all employment offices, on bulletin boards and other conspicuous places available to employees and applicants for employment, and must be similarly displayed by his subcontractor.

(3) Additional copies of the posters may be obtained from the contracting officer.

(b) The posters, in English or Spanish, are available in GSA stores depots. Supplies of posters may be requisitioned through usual channels.

§ 253.5 Reporting contracts and proposed awards.

(a) Contracting officers must furnish the Contract Compliance Division, Law Department, the following information on 5" x 8" cards for each nonexempt contract within 3 business days:

(1) Name and address of contractor.

(2) Amount of contract. (Total payment for term. For indefinite term contracts, use annual payment. For construction contracts, use Form 4839.)

(3) Identification number of contract, if any.

(4) Date contract entered into.

(5) Date of expiration of contract.

(6) One sentence explanation of nature of contract.

(b) The contracting officer shall notify the Contract Compliance Division of the proposed award of any supply contract in the amount of $1 million or more at least 20 working days prior to the proposed date of award, unless time does not permit. The Contract Compliance Division will then conduct a preaward compliance review. The contracting officer will be advised of the eligibility of the proposed contractor for the award.

§ 253.6 EEO employer information report.

(a) Each contractor and subcontractor having a contract containing a nondiscrimination clause set forth in § 253.2(a) shall file SF-100, Employer Information Report EEO-1 according to instructions accompanying the form. The form must be filed within 30 days after award of the contract or at such times as may be required by the form or order of the Office of Federal Contract Compliance.

(b) Contracting officers shall furnish an adequate supply of forms to each contractor when the contract is awarded. Order forms from supply centers on regularly scheduled requisition.

§ 253.7 Compliance review.

Routine compliance reviews will be made under the supervision of the Contract Compliance Division to ascertain the extent to which contractors and subcontractors are complying with the Executive order.

§ 253.8 Complaints.

(a) Any employee of any Government contractor or subcontractor or any qualified aplicant for employment with such contractor or subcontractor may by himself or by an authorized representative, file in writing a complaint of alleged discrimination in violation of the Equal Opportunity Clause.

(b) All complaints submitted to the Postal Service shall be forwarded immediately to the Contract Compliance Division, Law Department.

(c) Complaints will be processed in accordance with the rules, regulations and orders issued pursuant to Executive Order 11246, as amended.

PART 256—EMPLOYEE'S CLAIMS

Sec.
256.1 Purpose.
256.2 Proper claimants.
256.3 Claims.
256.4 Liability of third parties.
256.5 Assignment.
256.6 Recoveries.
256.7 Allowances.
256.8 Submission of claims.
256.9 Consideration of claims.

AUTHORITY: The provisions of this Part 256 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 256.1 Purpose.

The Military Personnel and Civilian Employees' Claims Act of 1964, authorizes the head of an Agency or Department to prescribe procedure for reimbusing employees for loss of or damage to their personal property suffered in connection with or incident to their employment duties; provided that possession of the lost or damaged property was reasonable, useful or proper under the circumstances. It does not contemplate insuring an employee against ordinary losses. Losses resulting from occurrences which could reasonably have been foreseen, avoided, or insured against by the employee, will not be compensated.

§ 256.2 Proper claimants.

(a) Claims may be filed by:

(1) Postal employees.

(2) Survivors of postal employees in the following order of precedence:

(i) Spouse;

(ii) Child or children;

(iii) Father or mother, or both, or

(iv) Brothers or sisters, or both.

(b) A claim presented by other than those listed in § 256.2(a) will not be considered. A claim may not be presented by or for the benefit of a subrogee, assignee, conditional vendor, or other third party.

§ 256.3 Claims.

(a) *Cognizable claims.* (1) Claims may be presented for damage to, or loss of, personal property by employees incident to their service. However, the following provisions reflect the basic conditions which determine a cognizable claim.

(2) The loss of or damage to personal property must have occurred subsequent to August 30, 1964.

(3) The Postal Service considers claims for loss or damage only to the extent that the possession of the personal property in question is determined to be reasonable, useful, or proper under the circumstances.

(4) Present the claim in writing not later than 2 years after it accrues. A claim is considered to accrue at the time of the incident causing the loss or damage or at such time as the loss or damage is or should have been discovered by the claimant through the exercise of due diligence. If the claim accrues in time of war or armed conflict in which any armed force of the United States is engaged or if such war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier. The dates of beginning and ending of an armed conflict are established by concurrent resolution of Congress or by a determination of the President.

(5) A claim arising from one incident which is presented for an amount in excess of $6,500 may be considered, but no sum in excess of $6,500 may be allowed.

(b) *Claims payable.* Claims may be payable when the damage to or loss of the employee's personal property occurs incident to his service under any of the following or similar circumstances, provided the damage or loss was not caused in whole or in part by the negligent or wrongful act of the postal employee:

(1) *Property losses in quarters or other authorized places.* When property is damaged or lost either by fire, flood, hurricane, theft or other serious occurrence while the property is located at an assigned work station or other authorized place of employment.

(2) *Transportation losses.* When property, including baggage checked or in personal custody and including household effects, is damaged or lost incident to transportation or storage pursuant to orders, in connection with authorized travel or in the performance of duty, including property in the custody of any of the following:

(i) A common or contract carrier.

(ii) Any commercial concern under contract with the Government.

(iii) An agent or agency of the Government.

(iv) The claimant while in a private or public conveyance in which he is traveling in performance of his duty.

(3) *Enemy and belligerent action.* When property is lost, abandoned, damaged, or destroyed outside the United States by:

(i) Enemy, guerrilla, organized brigandage, or other belligerent activities.

(ii) Unjust confiscation by a foreign power or its nationals.

(4) *Property subjected to extraordinary risks.* When damage or loss is a direct result of extraordinary risks in the performance of official duties.

(5) *Property used for the benefit of the Government.* When damaged, or lost while being used, or held for use, for the benefit of the Government at the direction or request of superior authority.

(6) *Negligence of the Government.* When property is damaged or lost incident to the service of the claimant and the proximate cause was the negligent act or omission of agents or employees of the Government acting within the scope of their employment.

(7) *Theft from possession of claimant.* For stolen articles provided:

(i) Loss occurred at one of the locations specified in subparagraph (1) of this paragraph;

(ii) Claimant exercised due care in the protection of his property; and

(iii) The crime of larceny, burglary, or housebreaking, or similar offense under local law, did occur.

(8) *Clothing and articles being worn.* When lost, damaged, or destroyed under circumstances which are incidental to service, provided such loss resulted from an unusual occurrence, i.e., beyond the normal wear, tear, damage or destruction associated with day-to-day living and working. Claims include eyeglasses, hearing aids, dentures, and the like.

NOTE: Claims covered by the Federal Tort Claims Act do not come within this part.

(c) *Certain claims not payable.* Claims specified below are not allowed except as provided:

(1) *Money or currency.* (i) For damage to or loss of money or currency except when the loss results from fire, flood, hurricane, theft, or other serious occurrence. A claim for theft must conclusively show that the money or currency was in a locked container or afforded the best possible protection.

(ii) Reimbursement limited to an amount which the adjudicating authority determines reasonable for the claimant to have had in his possession at the time of the incident.

(2) *Unserviceable property.* For damage to or loss of worn out or unserviceable property.

(3) *Easily pilferable articles.* (i) For damage to or loss of easily pilferable articles of substantial value, which are usually worn or carried, when they are shipped with household goods by ordinary means or as unaccompanied baggage. Shipment includes storage. Examples are jewels, jewelry, rings, necklace, cameras and accessories, binoculars, and watches.

(ii) Subparagraph (3) (i) of this paragraph does not apply to articles shipped in baggage in the personal custody of the claimant or properly checked, provided reasonable protections or security measures have been taken.

(4) *Articles acquired for other persons.* For damage to or loss of articles intended directly or indirectly for persons other than the claimant or members of his immediate household. This includes articles acquired to be sold, given as gifts, or acquired at the request of others.

(5) *Articles of extraordinary value.* (i) Except as provided in subparagraph (3) (ii) of this paragraph, damage to or loss of expensive articles of gold, silver, other previous metal, paintings, relics authentic Oriental or similar expensive rugs, antiques which are not bulky furnishings, and other articles of extraordinary value when shipped with household effects by ordinary means or as unaccompanied baggage.

(ii) The above disallowance does not apply to such articles shipped in baggage in the personal custody of the claimant or his agent or properly checked, provided reasonable security measures have been taken.

(6) *Intangible property.* For damage to or loss of intangible property, i.e., bankbooks, checks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, and travelers' checks.

(7) *Government property.* For damage to or loss of property owned by the United States except property for which the claimant must reimburse or is financially liable.

(8) *Motor vehicles.* For damage to or loss of motor vehicles or in exceptional cases when payment would be equitable, such as extraordinary risk in performance of duty as in connection with civil disturbance, common or natural disaster, or efforts to save Government property or human life.

(9) *Losses in unassigned quarters in the United States.* For property lost or damaged in quarters occupied by the claimant within the 50 States or the District of Columbia that were not assigned to the claimant or otherwise provided in kind by the United States.

(10) *Business property.* For damage to or loss of business property which is used by the claimant in a business or for profit.

(11) *Fees for obtaining estimates of repair.* (i) Except as provided below, fees paid to obtain estimates of repair of property subject to a claim under this order.

(ii) The above disallowance does not apply to reasonable estimate fees, which the claimant was compelled to pay, provided the fee paid is not deductible from the cost of repairs by the estimator.

(12) *Violations of law or regulations.* For property acquired, possessed, or transported in violation of law or regulations of competent authority. This does not apply to limitations imposed on weight of shipments of household effects.

(13) *Negligence of claimant, etc.* Damage to or loss of property which was caused wholly or partly by the negligent or wrongful act of a claimant, his agent, or his employee.

(14) *Property leased or rented to United States.* Property leased or rented to the United States (this does not preclude payments to the extent provided by the lease or rental contract).

(15) *Claims under $20.* For damage to or loss of property less than $20.

(16) *Items fraudulently claimed.* When investigation discloses that a claimant, his agent, or employee has intentionally misrepresented an item claimed, as to

cost, condition, cost to repair, etc., the item will be disallowed in its entirety even though some actual damage has been sustained. However, if the remainder of the claim is proper, it will be paid. This does not preclude appropriate disciplinary action if warranted.

§ 256.4 Liability of third parties.

Claims are not payable for loss or damage that is recovered or recoverable from an insurer or other third party. If such insurer or other third party is liable for the loss or damage, the claimant must make timely and proper demand for compensation against the third party. Failure to do so or to make reasonable effort to collect the amount recoverable from a third party may result in a disallowance of the claim or a reduction of the amount otherwise allowable.

§ 256.5 Assignment.

A claimant shall assign to the United States, to the extent of any allowance on a claim accepted by him, all right, title, and interest in any claim he may have against an insurer or other third party based on the incident which resulted in the loss or damage. Upon request, a claimant will also furnish any evidence required to enable the United States to enforce the claim against the third party.

§ 256.6 Recoveries.

(a) When compensation for property lost or damaged has been recovered or is recoverable from a third party with the exercise of due diligence, the amount otherwise allowable is reduced by the amount recovered or recoverable. However, no reduction will be made for any part of the recovery from a third party which represents an item for which allowance is precluded under regulations or which represents an amount received for a particular item over and above the Postal Service's allowance.

(b) When a claim has been paid by the Postal Service and the claimant thereafter receives compensation for the same claim from an insurer or other third party or property which was lost or stolen and subsequently returned, the claimant shall reimburse the Government to the extent of the amount paid. However, to enable the claimant to benefit from his private insurance or other contract, the reimbursement due the Government shall be determined by applying the principle that the compensation from a third part shall first be applied to any item for which allowance is precluded under regulations of the Postal Service and to any amount received for a particular item over and above the allowance.

(c) If the above provisions would permit a recovery by claimant from the third party and the Postal Service which exceeds the amount of claimant's loss or damage, the amount of any reduction by or reimbursement to the Postal Service shall be adjusted to the extent necessary.

(d) The claimant shall furnish to the General Counsel a copy of the itemized adjudication by the insurance company or other third party.

§ 256.7 Allowances.

(a) *Compensation for property lost or destroyed.* The allowable compensation for lost or destroyed property will normally be, but in no event shall exceed, the actual value of the property at the time of loss, and will be determined from a consideration of all relevant factors, including purchase price (or value at time of acquisition), the replacement cost, and the salvage value of the property involved. When appropriate, depreciation will be applied in accordance with the type of property lost and its age and condition at the time of loss.

(b) *Compensation for damaged property.* The allowable compensation for damaged items of property will normally be the cost of repairs, but not exceeding the actual value of the property at the time of damage, as set forth in paragraph (a) of this section. If any item is determined to have been damaged to the extent it is beyond economic repair, compensation will be the actual value at the time of damage, less any salvage value.

(c) *Guides for measuring allowances.* The General Counsel may promulgate and apply in the settlement of claims under the Act, guides for determining the allowable compensation for specific articles, the rates of depreciation to be applied to various items, and the maximum amounts allowable for certain types and quantities of property.

(d) *Replacement in kind.* When considered appropriate by the General Counsel, the property lost may be replaced in kind in lieu of a cash allowance.

§ 256.8 Submission of claims.

(a) *Form.* A written claim shall be presented through the employee's immediate supervisor to the Law Department, Claims Division, U.S. Postal Service, Washington, DC 20260, as soon as possible after discovery of the damage or loss, on Form 2146, Employee's Claims for Personal Property. Any writing received within the period allowed will be treated as a proper claim if it provides necessary information to substantiate a claim within the scope of the Act.

(b) *Supporting evidence.* (1) Support a claim with the information and documents required by the claim form. Ordinarily the Postal Service will accept as proof of ownership a statement of the claimant that he owned the property on the date of the incident giving rise to the claim, or a statement of his interest in the property. However, additional evidence of ownership shall be furnished when required by the General Counsel.

(2) When damaged property has been or can be economically repaired, furnish an itemized receipt for payment of necessary repair costs, or an itemized written statement or estimate of necessary repair costs with the claim.

(3) When damaged property cannot be economically repaired, or the property is lost or destroyed, claimant shall furnish a statement listing the date of purchase, purchase price of each item, and any salvage value.

(4) When a claim is presented by the survivor of an employee, it shall be accompanied by an affidavit or other evidence establishing claimant's relationship to the deceased employee and establishing that there are no survivors listed in § 256.2(a) who have precedence over the claimant survivor.

§ 256.9 Consideration of claims.

(a) *Disposition of claim.* When the General Counsel determines an allowance is proper under the Act, a settlement check will be forwarded to the claimant. When the General Counsel disallows a claim in whole or in part, the claimant will be given a written notice of such disposition and the reasons therefor.

(b) *Reconsideration.* The action of the General Counsel in settling a claim by a full or partial allowance, or by a disallowance, is final and conclusive for all purposes. However, the General Counsel may reconsider any settlement whenever the claimant presents a request thereof and establishes an error in the settlement or presents new evidence not available to the Postal Service at the time of settlement. A request for reconsideration must be submitted in writing within 60 days after the date of mailing of the written notice mentioned in paragraph (a) of this section. The claimant will be notified of the disposition of the request, for reconsideration. If a determination is made on reconsideration that a further amount is due the claimant, a supplemental payment will be made with an appropriate notice.

PART 257—PHILATELY

Sec.
257.1 Commemorative stamps.
257.2 New stamp issues.
257.3 Inaugural covers for first flights.
257.4 Cancellations for philatelic purposes.
257.5 Philatelic sales unit.
257.6 Stamp exhibits.
257.7 Stamp publication.

AUTHORITY: The provisions of this Part 257 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 257.1 Commemorative stamps.

(a) *Purpose.* Commemorative stamps are issued in limited quantities to focus attention on historical places, events, or personages. The Postal Service encourages the widespread use of these stamps to promote our ideals, progress, and heritage reflected by the stamps. They do not replace regular stamps of the same class, but are provided upon request, when available.

(b) *Commemorative stamp supplies.* Evaluate the philatelic demand and forward a separate requisition for stock needed in addition to the automatic distribution. Accountable paper depositories shall make certain less-than-bulk quantities of stamps are supplied to post offices to permit sales the day after the official first-day sale in accordance with instructions issued in the Postal Bulletin.

(c) *Sale of commemorative stamps.* Place commemorative stamps on sale at all offices on the general release date in accordance with the following schedule:

(1) *Plate number blocks.* Plate number blocks are the stamps (usually requested in blocks of four) located on one corner of a sheet of stamps with a plate number printed on the margin. Do not remove plate number blocks in advance from a large number of sheets for the benefit of individual purchasers. Plate blocks may be laid aside, however, as sheets are broken for regular sale purposes and may be sold as an accommodation to local stamp collectors.

(2) *Regular stamp windows.* Place commemorative stamps on regular sale, holding aside only enough for the local philatelic demand. Sell all stock within 90 days if possible. Offer any remaining commemorative stamps, including those previously set aside for philatelic use, to all customers in place of other sheet stamps. An exception would be a commemorative stamp issued for a special areawide event which is being celebrated beyond the 90-day period. It is the Postal Services wish that all commemorative stamps be sold and none destroyed.

(3) *Philatelic windows.*—(i) *Time on sale.* Those offices with full- or part-time philatelic windows may keep an issue on sale until a notice of its removal from sale in the Philatelic Sales Unit is published in the Postal Bulletin. Upon notification, immediately withdraw and sell the stock for regular postage purposes.

(ii) *Plate numbers.* The sale of plate numbers and marginal markings at philatelic windows shall be restricted as follows:

Denomination	*Minimum purchase*
1¢ to 20¢ inclusive	Full panes of each.
25¢ to 50¢ inclusive	Strips of 20 stamps each.
$1 to $5 inclusive	Four stamps each.

(iii) *Availability of back-issue commemoratives.* Post offices which maintain or establish special philatelic windows should notify the Accountable Paper Branch, Office of Procurement, U.S. Postal Service, Washington, DC 20260, to keep them informed of available back-issue commemoratives.

(iv) *Outside sales of commemorative stamps.* Do not accept mail orders for postage stamps from customers outside the limits of the area served by your post office. Return any such requests to the sender calling attention to the services provided by the Philatelic Sales Unit, City Post Office, Washington DC 20013.

§ 257.2 New stamp issues.

(a) *Notification.* New stamp issues are announced by notices displayed in the post office lobbies, in the Postal Bulletin and through the press and philatelic periodicals.

(b) *First-day sale.* A post office selected because of some historical connection with the person, event, or place is authorized to have exclusive sale of a new stamp on its first day of sale. All other post offices may sell the stamp the following day.

(c) *First-day covers.*—(1) *Description.* First day covers are envelopes bearing a new stamp canceled on its first day of sale with a special die reading "First Day of Issue."

(2) *Requests.* (i) Customers who want first day cancellations of a new stamp should send addressed envelopes to the postmaster in the city where the new stamp is to be placed on sale, with remittance to cover the cost of the stamps. Remittance should preferably be made by money order, cashiers, or certified check made payable to the postmaster at the first day city. Postage stamps, personal checks, as well as foreign coins and currency, will not be accepted.

(ii) Cover envelopes should be of ordinary letter-size and each must be properly addressed. Place an enclosure of postal card thickness in each envelope, and either turn in the flap or seal it. Endorse the envelope, enclosing the covers to the postmaster, "First Day Covers." Put a pencil notation in the upper right corner of each cover to show the number of postage stamps to be placed there.

(iii) With orders for first day covers, do not include requests for uncanceled stamps.

(iv) The Philatelic Sales Unit does not service first day covers.

§ 257.3 Inaugural covers for first flights.

(a) *First flights.* (1) The Postal Service recognizes events such as new air service by applying cachets on inaugural covers. Notices of authorization for official cachets are published in the Postal Bulletin.

(2) Cachets are authorized for:

(i) Stop points on a new airmail route.

(ii) New stop points on an existing route or on an additional segment.

(iii) Events of national aviation interest.

(b) *Where cachets may be used.* (1) Use official cachets on covers actually dispatched on the inaugural flights.

(2) One or more of the following points may be authorized to use official cachets:

(i) *Terminal points.* Apply cachets to covers dispatched on the actual inaugural flight.

(ii) *Intermediate points.* Apply cachets to covers dispatched to the actual inaugural flights in each direction. If service is inaugurated in only one direction, do not use the cachet when service is established in the other direction at a later date.

(c) *Preparation of covers.* (1) Address covers individually to a post office.

(2) Covers must bear postage at the airmal letter rate.

(3) Include in each envelope a uniform enclosure of the approximate weight of a postal card to assure a good impression.

(4) Provide space on the address side; at least 4 inches to the left of the right end of the envelope and 1½ inches to the left of the innermost stamp to permit a clear impression of the postmark.

(5) Leave a clear space 2½ by 2½ inches to the left of the postmark and address area for application of the cachet. If this clear space is not provided, the cachet will not be applied.

(6) Aerogrammes and postal cards will not be accepted for inaugural international flights.

(d) *Submission of covers.* (1) Send the items for inaugural cachets under cover to the postmaster or superintendent, airport mail facility, at the point where service is to be inaugurated. Address envelopes with enclosed items for cachet to "First Flight Covers" or "Philatelic Mail."

(2) Include a letter requesting the holding of the covers for the inaugural service and stating the cachet desired.

(3) Indicate directional service desired, if applicable. (See paragraph (e) (1) of this section.)

(e) *Compliance with collectors requests.*—(1) *Directional covers.* Comply with requests for dispatch in a particular direction to the greatest extent practicable. No directional service will be accorded for events of national aviation interest.

(2) *Point-to-point covers.* Do not observe requests of collectors for point-to-point covers. Do not request that a dispatching office send one each of several covers to each stop point.

(3) *Direction not specified.* In the absence of specific requests, dispatch covers on the actual first flight, regardless of direction.

(4) *Incomplete instructions.* If the collector's request is not clear, dispatch covers in accordance with the judgment of the dispatching office.

(5) *Color of ink.* Do not comply with requests for the use of a color of ink other than that authorized by the Postal Service. Use the authorized color of ink in applying the cachet to all covers.

(6) *Position of cachet.* Apply cachets legibly and neatly to left portion of address side of cover. Do not apply cachets to:

(i) Covers for immediate return to sender; covers must receive dispatch on first flight.

(ii) Covers bearing a previous official or unofficial cachet.

(iii) Covers lacking sufficient clear space for application of cachet without obscuring the address.

(iv) Double postal or post cards intended for return reply purposes.

(v) Covers received after first flight.

(vi) Covers on which postage is not fully prepaid.

(vii) Anything other than an inaugural cover.

(7) *Backstamping.* All inaugural covers will be backstamped at a designated post office and forwarded to address destination. Do not honor requests for additional or special backstamping.

§ 257.4 Cancellations for philatelic purposes.

(a) *How stamps are canceled.* Cooperate with stamp collectors by furnishing clean and legible postmarks. Give special attention to mail bearing an endorsement that is of philatelic value or to a request for a light cancellation. Stamps must be canceled sufficiently to protect the postal revenue.

(b) *Plain cards or slips of paper.* Do not place postmarks on plain slips of paper or plain cards submitted for philatelic or other purposes.

(c) *Picture post cards (maximum cards).* Picture post cards with the stamp placed on the face of the card rather than on the address side are known as maximum cards. Postmasters may cancel these cards and hand them back to the person presenting them. Maximum cards are considered to be collectors' items and must be given special care in canceling.

(d) *Preparation requirements.* Post cards, postal cards, and envelopes submitted for philatelic or other purposes must bear complete addresses, and postage at the applicable rate, to be postmarked. (See § 257.3 of this chapter for postage on mail to be canceled with a special cancellation.) After they are postmarked they may be either dispatched or handed back to the person presenting them. This does not apply to any arrangements made by the Postal Service under §§ 257.2 and 257.3 of this chapter.

(e) *Holding the mail.* Do not hold mail to comply with customers' requests that the mail be postmarked on a particular date, except as provided under §§ 257.2 and 257.3 of this chapter.

§ 257.5 Philatelic sales unit.

The Philatelic Sales Unit sells postage stamps of selected quality to stamp collectors. Stamps sold by the unit are selected for good centering and are the best available. Customers may obtain a list of items available by sending a self-addressed stamped envelope to Philatelic Sales Unit, City Post Office, Washington, DC 20013.

§ 257.6 Stamp exhibits.

The Postal Service has a set of valuable stamp exhibit frames available for display at stamp exhibitions and conventions. Address requests to the Director, Division of Philately, U.S. Postal Service, Washington, DC 20260.

§ 257.7 Stamp publication.

The U.S. Postal Service issues a loose-leaf publication, "U.S. Postage Stamps," containing reproductions and information of interest to collectors on all U.S. stamps issued from 1847. It is sold by the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

PART 258—SPECIAL CANCELLATIONS

Sec.
258.1 Authorization.
258.2 Revocation.
258.3 Requirements for obtaining special stamp cancellation die hubs.
258.4 Disposition.
258.5 Mail submitted for special cancellations.

AUTHORITY: The provisions of this Part 258 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 258.1 Authorization.

(a) Special canceling machine die hubs may used only in first- or second-class post offices. The special die hubs are placed on canceling machines through which a large volume of letter mail is canceled.

(b) Permission is granted for advertising purposes when the event is:

(1) For a national purpose for which Congress has made an appropriation, or

(2) Of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit.

(c) Special cancellations are not authorized for:

(1) Events of interest primarily to a particular local group.

(2) Fraternal, political, religious, commercial, or trade organizations.

(3) Campaigns or events promoting the sale or use of private products or services.

(4) Idea or slogan promotion not directly connected with an event of general public interest and importance.

(5) Events which occur during a period when all canceling machines in the post office have already been scheduled for the use of other special cancellation die hubs.

(d) Do not use the special cancellation longer than 6 months, plus the duration of the event.

§ 258.2 Revocation.

Permission to use any special cancellation die hubs may be curtailed or revoked when necessary to use special postmarking dies for Government purposes.

§ 258.3 Requirements for obtaining special stamp cancellation die hubs.

(a) *Application.* (1) If the event to be advertised meets the conditions in § 258.1, submit the application in writing to the postmaster at the post office where the cancellation die hub is to be used.

(2) Application must be submitted to the postmaster at least 3 months before the date the cancellation die hub is to be placed in operation.

(3) The application must provide the following information:

(i) Complete description and schedule of the event to be advertised, including evidence that it is not being conducted for private profit.

(ii) Wording of the proposed cancellation.

(iii) Name of the post office where the cancellation is to be used.

(iv) Period of use desired.

(v) Number of die hubs desired.

(vi) Name and address of the sponsor who will be billed for the cost.

(4) Space available for the wording is shown in the illustration below. Limit wording to 3 lines of not more than 20 letters, numbers or spaces each. The wording must relate directly to the event. Do not use illustrations or designs.

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(b) *Referral by postmaster.* Forward the application to the Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260. Furnish with the application the name of the manufacturer and model of the canceling machine on which the special die hub will be used, and state whether the machine is new or old (square or round type ring die). If the canceling machine is a Model Flier, M, or G, state the correct die hub part number (1207 or 1207–G for Flier and M machines, and 218 or 218–E for G machines). The base of the ring die on parts 218 and 1207 is round. The base of the ring die on parts 218–E and 1207–G is square. No die hub part number is required for Models D, K, H.D.2, and Mark II. Also state the effect the approval would have on the use of special cancellations already approved for your office.

(c) *Approval.* The sponsor is informed through the postmaster of the approval or denial of the application. If approved, Headquarters arranges for the manufacture of the die hub, and instructs the postmaster on its use.

(d) *Cost.* The sponsor must pay the cost of manufacturing the special cancellation die hub and any costs incurred in adapting canceling machines for its use or for installing the hub. The cost of a die hub is usually $55 to $65. The organization or persons assuming the cost of manufacturing the die hub are billed by the manufacturer.

§ 258.4 Disposition.

(a) *After use.* Do not return used die hubs to sponsors. Do not transfer a die hub to another post office. Send die hubs not retained for future use to the Mail Equipment Shops, 2135 Fifth Street NE., Washington, DC 20260 immediately after use.

(b) *Unserviceable die hubs.* (1) Authorized first-class post offices shall order replacement repair parts for a die hub that is used annually, from the Western Area Supply Center, Repair Parts Section, Topeka, KS 66601, on Form 4984, Repair Parts Requisition, if the die hub can be repaired at the post office. Include the model number of the machine with all requests. All other offices will order replacement parts for such die hubs on Form 4635, Repair Parts Requisition, from their local area maintenance office. Send die hubs that cannot be repaired to the Mail Equipment Shops, 2135 Fifth Street NE., Washington, DC 20260 with a memorandum requesting their disposal. No facilities are available at the Shops for the repair of these die hubs.

(2) When the special cancellation die hub must be replaced, immediately notify the local sponsor so that he may, if he desires, apply for a replacement through the local postmaster.

§ 258.5 Mail submitted for special cancellations.

(a) *Postage.* Mailers requesting that their mail be canceled with a special cancellation must affix first-class postage to the mail. The mail must bear a complete address. Do not place stamps issued by foreign countries on the mail.

(b) *Holding the mail.* Do not hold mail to comply with customer's requests that the mail be postmarked with the special cancellation on a particular date.

PART 259—SERVICES PERFORMED FOR OTHER AGENCIES

Sec.
259.1 Government.
259.2 Red Cross.

AUTHORITY: The provisions of this Part 259 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 259.1 Government.

(a) *Policy.* The Postal Service cooperates with Federal Agencies whenever the overall costs to Government will be reduced. Assistance in a number of special projects and programs is provided when the knowledge and abilities of postal employees are helpful. Extra costs incurred are reimbursed by the agency for which the work is performed.

(b) *Approval of services.* Arrangements for Postal Service participation in special surveys, censuses and other activities must be made between the national headquarters of the requesting agencies and the Operations Department, U.S. Postal Service, Washington, DC 20260. Refer all requests to the Regional Director for forwarding to Headquarters. Authority to perform services for Government agencies is announced in the Postal Bulletin or by individual letters to the offices involved.

(c) *Unauthorized projects prohibited.* Do not conduct special surveys or otherwise participate in any cooperative projects without the authorization in paragraph (b) of this section.

§ 259.2 Red Cross.

(a) *General.* The Postal Service and the Red Cross cooperate to maintain communication between the individual and the community during times of disaster. This applies only to natural disasters such as those caused by floods, tornados, hurricanes, earthquakes, fires, explosions, etc., and not to those caused by enemy action.

(b) *Role of Postal Service.* (1) Postmasters are encouraged to participate in community and Red Cross disaster preparedness planning.

(2) Make available to the American National Red Cross, Form 3575, Change of Address Order.

(3) Maintain completed "Change of Address Order" forms following a disaster as a central locator file so mail may be promptly forwarded to individuals and families displaced by the disaster.

(4) Make the information on these "Change of Address Order" forms available to authorized Red Cross disaster workers.

(5) Regional Directors and postal inspectors in charge are responsible for seeing that post offices implement these cooperative arrangements in disaster situations.

(6) The instructions in this section serve as a broad framework within which field officials of both agencies may coordinate their facilities and resources. However, postal officials shall cooperate with Red Cross officials to the maximum feasible degree during times of natural disasters.

RELEASE OF INFORMATION

PART 261—PUBLIC INFORMATION ON POSTAL SERVICE AND RECORDS

Sec.
261.1 Policy.
261.2 Availability of records.

Authority: The provisions of this Part 261 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 261.1 Policy.

It is the policy of the Postal Service to make its records available to the public to the maximum extent consistent with the public interest and the rights of individuals. This policy requires a practice of full disclosure subject only to the specific exemptions and principles authorized by 5 U.S.C. 552(b).

§ 261.2 Availability of records.

(a) *Inquiries.* Inquiries regarding availability or location of Postal Service records, administrative manuals and other documents should be made to the head of the office at which the record is maintained, if known. In other cases, inquiries may be made to the local postmasters, Regional Directors, Directors, Postal Data Centers, or the Special Assistant to the Postmaster General for Public Information, U.S. Postal Service, Washington, DC 20260.

(b) *Office business hours.* Records may be inspected during regular business hours Monday through Friday (exclusive of legal holidays) and only at those postal installations where they are maintained, unless otherwise specifically authorized. Exception: the public will not be permitted to inspect records at the postal data centers. Records maintained at the postal data centers may, if made available, be inspected at the regional office designated by the Director, Postal Data Center.

(c) *Exemptions.* The following classes of identifiable records may be withheld from inspection or copying. Records which are:

(1) Specifically required by Executive order to be kept secret in the interest of national defense or foreign policy.

(2) Related solely to the internal personnel rules and practices of the Postal Service, for example, operating rules, guidelines, and manuals of procedure for postal inspectors.

(3) Specifically exempted from disclosure by statute. For example, contents of first-class mail.

(4) Trade secrets and commercial or financial information and other privileged or confidential information obtained from any person, for example, confidential, financial or proprietary data furnished by a prospective contractor during negotiations for a contract or to comply with a specification of an invitation for bids or a request for proposal.

(5) Interagency or internal memoranda or letters which would not be available by law to a private party in litigation with the Postal Service. For example, internal drafts and memoranda between officials of the Postal Service and legal memoranda from the General Counsel or Regional Counsel to postal officials. Civil Service Commission inspection reports or excerpts therefrom are internal memoranda.

(6) Personal in nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy or which is precluded by regulations of the Civil Service Commission or the Department of Labor. For example, official personnel folders, medical reports, Bureau of Employee Compensation case files, disciplinary files, and employee home addresses.

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party, for example, inspection service reports.

(8) The names, addresses, and telephone numbers of post office box holders shall not be disclosed except to a recognized law enforcement agency or in compliance with a subpoena or court order. However, such information may be disclosed in the following manner with respect to any post office box being used for the purpose of doing or soliciting business with the public. When the business name, address, and telephone number is shown on the Application for Post Office Box, Form 1093, the postmaster may provide this information. When Form 1093 does not disclose whether a business is involved or when there is doubt, the postmaster shall refer all disclosure requests to the Regional Counsel for decision.

(9) Data pertaining to methods of handling valuable registered mail.

(10) Technical data concerning postage meters and prototypes submitted for Postal Service approval prior to leasing to mailers.

(11) Records of money orders, except as provided in Chapter 1.

(d) *Waiver of exemption.* A waiver of exemption is usually granted by the General Counsel:

(1) When good cause is shown, except as may be prohibited by law, Executive order or regulation of another Federal agency which is charged with the responsibility for the maintenance and control of such record; or

(2) When disclosure is not inconsistent with statutory or regulatory prohibitions; or

(3) When no significant purpose is served by withholding the information.

PART 262—OPINIONS, ORDERS, ADMINISTRATIVE MANUALS, AND INSTRUCTIONS TO STAFF

Sec.
262.1 Opinions.
262.2 Administration manuals and instructions to staff.
262.3 Public index.
262.4 Other matters.
262.5 Protection of right of privacy.
262.6 Procedure for inspection.
262.7 Schedule of fees.
262.8 Compliance with subpoena duces tecum court orders and summonses.

AUTHORITY: The provisions of this Part 262 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 262.1 Opinions.

All final opinions and orders made in the adjudication of cases involving contract appeals, fraud orders, mailability

matters, revocation or denial of second-class mailing privileges, disbarment proceedings, proceedings under Executive Order 11246 (Equal Employment Opportunity), and other matter except in cases or classes of cases which are not required to be made public, are on file and available for inspection and copying in the Library, Room 6012, U.S. Postal Service, Washington, DC 20260, unless otherwise specified.

§ 262.2 Administrative manuals and instructions to staff.

Supply Catalog, Publication 24, identifies those manuals, instructions, and other publications and issuances that are used by post offices and indicates how, where, and if they may be obtained. Those which are not listed for sale and are available to the public under the Freedom of Information Act may be inspected in the Library, Room 6012, U.S. Postal Service, Washington, DC 20260. Copies may be obtained by paying a fee in accordance with § 262.7 of this chapter, unless specifically stated that they are available free of charge or the cognizant bureau, office or installation head waives the fee. See § 262.7(d).

§ 262.3 Public index.

(a) *General.* (1) Headquarters Library maintains a public index of all final opinions and orders made in the adjudication of cases. Headquarters policy statements and interpretations not published in the FEDERAL REGISTER, and administrative staff manuals and instructions that affect the public.

(2) The index does not contain any material which the General Counsel exempts from disclosure.

(3) The index mainly contains matters issued after July 4, 1967. However, the Postal Service may include prior matters.

(b) *Public availability of materials.* (1) Any matter in the public index is available to the public subject to the limitation in § 262.5.

(2) Any person may arrange for the inspection of any matter in the public index in accordance with the procedures of § 262.6 of this chapter.

(3) Copies of the public index and of matters listed in the public index may be purchased from Headquarters Library, General Reference Section, Room 6012, U.S. Postal Service, Washington, DC 20260 in accordance with the schedule of fees in § 262.7.

§ 262.4 Other matters.

(a) *Records.* Includes all records not previously mentioned and not listed in § 261.2(c). The term records does not include articles such as furniture, paintings, models, vehicles, equipment, etc., whatever their value as evidence.

(b) *Organizational statements.* See Subchapter D of this chapter for a description of organizational and functional matters.

(c) *Addresses of prospective jurors.* Honor requests from the Administrative Office of the U.S. Courts, including judges, clerks, and other court officials, relating to addresses of prospective jurors, if known. Do not disclose residential addresses of lock box holders except in accordance with § 261.2(c)(8) of this subchapter.

(d) *Change of address.* (1) Furnish the change of address of a postal customer upon request in accordance with § 262.5 and upon payment of fee stated in § 262.7.

(2) Furnish the recorded post office box address of a customer whose mail is redirected to a post office box. This information is not exempt under § 261.2(c)(8).

(3) Direct requests for change of address information of civilian or military personnel stationed at any APO or FPO to the respective military establishment.

(i) If Army:

Office of the Adjutant General,
THE PENTAGON,
Washington, DC 20310.

(ii) If Navy:

Navy Directory Unit,
c/o Chief of Naval Personnel,
Washington, DC 20370.

(iii) If Air Force:

Director, Administrative Services,
HQ, Department of Air Force,
THE PENTAGON,
Washington, DC 20330.

§ 262.5 Protection of right of privacy.

If the release of the name or other identifying details of or concerning a private party would constitute an unwarranted invasion of personal privacy, any record required to be disclosed will be published or made available with such identifying details deleted and with a notice thereon such as: Names of parties and other identifying details have been removed to prevent an unwarranted invasion of the personal privacy of the individuals involved.

§ 262.6 Procedure for inspection.

(a) *General.* To inspect or copy records follow these procedures:

(1) Submit a written request to the local postmaster, or if known, to the head of the installation at which the record is maintained, identifying the material by name, subject matter or number. If the request is for inspection, include a statement that the private party inspecting the record will not make, alter or falsify a record, conceal, destroy, mutilate or remove any record or part thereof under penalty of law (18 U.S.C. 494 and 2071).

(2) Forward requests which describe records located elsewhere to the appropriate office or agency and send the requestor a copy of such referral.

(3) Inform requestors immediately when the information provided is insufficient to identify the record and, if possible, of the necessary additional information required.

(4) Responses to requests for inspection or copies of records will include:

(i) Whether the record or copy is available and, if not, why.

(ii) The fees, if any, for retrieval of the record and any copies requested, which must be paid in advance.

(iii) When the record is available for inspection (unless purchase of copy only is requested).

(iv) The place the record is available for inspection.

(5) Monitor the inspection and copying.

(b) *Denials.* If a request to inspect or copy a record is denied, the requestor may appeal to the General Counsel, U.S. Postal Service, Washington, DC 20260. The notice of denial shall advise the requesting party of his right to appeal to the General Counsel. The decision of the General Counsel or his designee shall be made promptly and shall constitute the final decision of the Postal Service on the legal right to inspect or copy a record. In those cases in which the General Counsel or his designee makes the initial decision upon a request, such decision shall likewise constitute the final decision.

(c) *Appeal procedure.* Submit the appeal to the General Counsel in writing within 10 days from the date of denial. The letter of appeal shall include:

(1) Complete identification of the material to which access was denied.

(2) A copy of the request and any related correspondence.

(3) The date of denial and a copy thereof.

§ 262.7 Schedule of fees.

(a) *Record retrieval.* (1) For computer data, the minimum charge is $120 for the first hour or any portion thereof and $30 for each 15 minutes or portion thereof in excess of the first hour.

(2) For other records, charge a minimum of $8 for the first hour or any portion thereof and $2 for each 15 minutes or portion thereof in excess of the first hour.

(3) Do not charge the fee in paragraph (a)(2) of this section for the first 4 man-hours expended in compiling and furnishing information manually (not by computer) concerning employees to postal employee organizations.

(b) *Reproduction.* (1) For each copy of a page of any record, publication, etc., charge $0.25 per page. Charge (a minimum) of $1 for any record reproduction regardless of number of pages requested.

(2) The Postal Service reserves the right to make available coin operated copy machines at any given location. In such event, the party desiring copies will make the copies at his own expense.

(3) The Postal Service is not required to furnish more than one copy of any record, publication, etc.

(c) *Change of address record.* The fee for searching or furnishing the last recorded change of address is $1 per change of address, except as provided in Chapter 1. The $1 charge is not refundable.

(d) *Waiver of fees.* (1) The fees set forth in paragraphs (a) and (b) of this section may be waived in the interest of the Postal Service.

(2) Specifically, the fee for change of address information is waived for:

(i) Telegraph companies when the sender of the telegram is the U.S. Government;

(ii) Federal, State, and local public health officials when the persons being sought are infected with or were exposed to contagious diseases;

(iii) Federal, State, and local law enforcement officials, upon certification that the change of address is required for law enforcement purposes (see § 261.2(c)(8), and

(iv) Federal agencies, upon certification that the change of address is required for official business and all other known sources for obtaining the change of addresses have been exhausted.

(e) *Accounting for fees.* (1) Deposit fees received as postal funds. Record the amounts collected as write-in entries to A/C 49299, Reimbursements—Miscellaneous, in the cashbook and statement of account. Record the manner paid, the amount received, and the hours used to compile lists or prepare copies of other records released on the request for this information. Attach written replies to the customer's request stating the number of hours required to prepare information and the amount to be charged in lieu of the above notation. File materials chronologically.

(2) Forward fees received for information furnished by postal data centers, automatic data processing centers (ADPC), and regional offices to the disbursing officer at the appropriate postal data center for deposit, specifying the proper account number to be used for recording the amounts collected. Postal data centers, ADPC's, and Headquarters offices providing record retrieval as described in paragraph (a)(1) of this section will enter five-sixths of the fee received in A/C 49579, Reimbursements to Facilities Appropriation—Miscellaneous. Enter the remaining one-sixth of the fee, plus the fees covered in paragraphs (a)(2), (b), and (c) and 262.73 in A/C 49199, Reimbursements to Administration and Regional Operations Appropriation—Miscellaneous; ADPC complexes will enter in A/C 49299, Reimbursements to Operations Appropriation—Other than U.S. Government Agencies. Other installations will enter all fees deposited in A/C 49199.

§ 262.8 Compliance with subpoena duces tecum court orders and summonses.

(a) *Compliance with subpoena duces tecum.* (1) Except as required by Part 262, produce other records of the Postal Service only in compliance with a subpoena duces tecum or appropriate court order.

(2) Time, leave, and payroll records of postal employees are subject to production when a subpoena duces tecum or appropriate court order has been properly served. The custodian of the records may designate a postal employee to present the records. The presentation by a designee rather than the employee named in the subpoena or court order must meet with the approval of the attorneys for each side. In addition, such records may be released if authorized in writing by the employee.

(3) If the subpoena involves a job-connected injury, the records are under the exclusive jurisdiction of the Bureau of Employees' Compensation, Department of Labor. Requests for authorization to produce these records shall be addressed to: Bureau of Employees' Compensation, U.S. Department of Labor, Washington, DC 20210. Also notify the attorney responsible for the issuance of the subpoena or court order.

(4) Employee medical records are primarily under the exclusive jurisdiction of the U.S. Civil Service Commission. The Commission has delegated authority to the Postal Service and to the Commission's Regional Directors to release medical information, in response to proper requests and upon competent medical advice, in accordance with the following criteria:

(i) Except in response to a subpoena or court order, do not release any medical information about an employee to any non-Federal entity or individual without authorization from the employee.

(ii) With authorization from the employee, the Regional Directors, Postal Data Center Directors, or regional counsels will respond as follows to a request from a non-Federal source for medical information:

(a) If, in the opinion of a Federal medical officer, the medical information indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, do not release the medical information to the employee or to any individual designated by him, except to a physician, designated by the employee in writing. If a subpoena or court order was issued, the responding official shall caution the moving party as to the possible dangers involved if the medical information is divulged.

(b) If, in the opinion of a Federal medical officer, the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person of the exact nature and probable outcome of his condition, release it in response to a subpoena or court order, or to the employee or to any person, firm, or organization he authorizes in writing.

(c) If a Federal medical officer is not available, refer the request to the Civil Service Commission regional office with the medical certificates or other medical reports concerned.

(5) Do not release any records containing information as to the employee's security or loyalty.

(6) Honor subpoenas or court orders only when disclosure is authorized.

(7) When authorized to comply with a subpoena duces tecum, do not leave the original records with the court.

(b) *Compliance with summons.* (1) Comply with a summons requiring an appearance in court. Do not testify as to any matters for which an exemption under § 261.2(c) of this subchapter may be claimed. Call the Assistant General Counsel. Opinions Division Law Department, at Headquarters, for instructions relating to exemptions.

(2) Do not present inspectors' reports or Inspection Service records in either State or Federal courts in which the United States is not a party in interest, unless authorized by Headquarters. If an attempt is made to compel the production of matters, decline to produce the information or matter, and state it may be exempted and cannot be disclosed or produced without specific approval of Headquarters. The Postal Service will offer every possible assistance to the courts, but the question of disclosing information for which an exemption may be claimed is a matter of discretion.

PART 263—EMPLOYEE INFORMATION

Sec.
263.1 Policy
263.2 Fees.
263.3 Limitations.
263.4 Inquiries from taxing authorities.

AUTHORITY: The provisions of this Part 263 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 263.1 Policy.

(a) Prospective employers of a postal employee or a former postal employee may be furnished: (1) Tenure of employment; (2) Civil Service status; (3) length of service in the Postal Service and the Federal Government; and (4) when separated, the date and reason for separation. Release Standard Form 50, employee names, past and present, position titles, grades, salaries, and duty stations (which include the room number, shop designations, or other identifying information regarding the building or place of employment) in response to requests unless:

(1) The release is prohibited under law or Executive order or in the interest of national defense or foreign policy.

(2) The information is sought for purposes of commercial or other solicitation.

(3) There is reason to believe that the names would be used for purposes which may violate the political activity prohibitions in subchapter III of chapter 73 of title 5, United States Code, or which may violate other law.

(b) Release the home address of an employee to a police or court official on receipt of a proper request stating that an indictment has been returned against the employee or that a complaint, information, accusation, or other writ involving nonsupport or a criminal offense, has been filed against him and his address is needed for service of a summons, warrant, subpoena, or other legal process. Disclose social security numbers and place of actual residence to a State or local taxing authority or both, as provided in Bureau of the Budget Circular No. A-38, revised.

(c) Except as provided in paragraphs (a) and (b) of this section, information required to be included in an official personnel folder by the instructions of the Civil Service Commission is not available to the public.

(d) The Commission or other Government agency will disclose to the parties concerned any report of investigation under its control, or an extract of the

report, to the extent the report is involved in a proceeding under Part 352, 353, 771, or 772 of the Civil Service Commission regulations and the report of investigation or the written summary thereof in a proceeding under Part 713 of the Civil Service Commission regulations, except when the disclosure would violate the proscription against the disclosure of medical information in § 794.401 of the Civil Service Commission regulations. For the purpose of this paragraph, the "parties concerned" means the Government employee or former Government employee involved in the proceeding, his representative designated in writing, and the representative of the agency involved in the proceeding.

(e) Do not disclose any report of the investigation, or an extract of the report in any proceeding if it would violate a pledge of confidence.

(f) Do not make a report of investigation or information from a report available to the public, to witnesses, or except as provided in paragraph (e) of this section to the parties concerned in the investigation.

§ 263.2 Fees.

Notwithstanding the schedule of fees in § 262.7 of this chapter, employee information may be furnished to employee organizations without charge if the labor involved in the manual preparation of the list at the concerned installation does not require more than 4 man-hours. If more than 4 man-hours are required, the fee set forth in § 262.7 of this chapter is for application to all time expended beyond the first 4 man-hours in preparing the information manually. The fee in § 262.7 of this chapter is for application if the postal data center compiles the data by computer. In the discretion of the installation head, he may expend time in excess of 4 man-hours to prepare the information manually and apply the proper fee for such excess, or refer the request to the postal data center for preparation by computer.

§ 263.3 Limitations.

Do not furnish names for solicitation purposes, except as authorized by § 263.1 (a) (2) of this chapter.

§ 263.4 Inquiries from taxing authorities.

Refer any inquiries from taxing authorities concerning compensation of names of postal employees to the postal data center.

DAMAGE OR LOSS OF GOVERNMENT PROPERTY

PART 273—SETTLEMENTS

Sec.
273.1 Acceptance of payment.
273.2 Settlement of vehicle damage debt claims.

AUTHORITY: The provisions of this Part 273 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 273.1 Acceptance of payment.

(a) *Payments in full settlement.* Postmasters shall accept payments in full settlement of claims for damage or injury to property of the Postal Service including vehicle damage debt claims, execution of releases of further liability and the negotiation of checks and drafts, bearing language having the effect of releases. Releases in connection with settlements in full payment of claims cover only damage to postal property in the specific case being settled.

(b) *Adjustments to claims.* A claim may be submitted for damage to U.S. Postal Service property which was incorrectly calculated. Consider the tender of payment setting out the overstatement, if justified, as a payment in full settlement.

(c) *Compromise settlements.* Consider an offer of a lesser amount, not based on a justifiable overstatement of the damage, a compromise offer and refer it to the Regional Director for negotiation and further action, except those specified in § 273.2. Release forms and checks, or drafts, must accompany the settlement papers.

(d) *Offers in kind.* In cases of damage to Government-owned vehicles wherein the private party is responsible, he or his insurer may offer to reimburse the cost of repair of the damaged vehicle. In such cases, make the payment directly to the contractor or to the postmaster and contractor so that endorsement by the postmaster will constitute a release. If the private party or insurer insists on making payment to the postmaster only, deposit the check as postal funds and record it in the Trust Fund Account 16601 of the postmaster and draw a Treasury check in favor of the contractor who repaired the vehicle. The check issued will be recorded as a withdrawal from the Trust Fund Account 16602. Retain the repair invoice to support the details of the transaction. Refer all offers in excess of $75 to the manager, vehicle maintenance, for approval, listing in detail what is to be done, estimated repair time and recommendation of the postmaster. All offers should restore the vehicle to the condition existing immediately prior to the accident.

§ 273.2 Settlement of vehicle damage debt claims.

Refer vehicle damage debt claims to the Law Department for presentation to the Department of Justice when (a) amount of debt is $75 or more and all prior efforts to effect collection by the Director, Postal Data Center, or inspection service have failed; (b) there is an uncollectible balance of $75 or more; or (c) an offer in compromise is involved, regardless of the amount of the debt.

DAVID A. NELSON,
General counsel.

[FR Doc.71-3505 Filed 3-11-71;8:52 am]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—White-Fringed Beetle

REGULATED AREAS

Correction

In F.R. Doc. 71-3193 appearing at page 4471 in the issue for Saturday, March 6, 1971, the following changes should be made:

1. In amendment F the entry for Tunica County, Miss., should read, "*Tunica County.* Secs. 32 and 33, T. 4 S., R. 11 W.; and secs. 4 and 5, T. 5 S., R. 11 W."

2. In amendment H in the first line of the description for Pitt County, N.C., the word "is" should be deleted.

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 61; Docket No. AO-367-A2]

PART 1061—MILK IN THE SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1061.10 is revised as follows:

§ 1061.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to a distributing plant.

2. In § 1061.11, paragraph (b)(3) is revoked, and the introductory text, paragraph (a) (1) and (2), and paragraph (b)(2) are revised as follows:

§ 1061.11 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except an exempt distributing plant, the plant of a handler exempted pursuant to § 1061.60 or the plant of a producer-handler: *Provided,* That if a portion of a plant is operated separately from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section: *And provided further,* That facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a pool plant or part of a pool plant pursuant to this section.

(a) • • •

(1) Not less than 10 percent of such receipts is disposed of from such plant as Class I milk in the marketing area either as route disposition or moved as packaged fluid milk products to other plants from which it is disposed of in the marketing area as route disposition. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants; and

(2) Not less than 15 percent during the months of February–August and 20 percent during the months September–January of such receipts is disposed of as Class I milk either as route disposition or moved in the form of packaged fluid milk products to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) • • •

(2) In determining the pool plant qualifications of a cooperative association's plant, member producer milk of such association which is delivered directly to plants described in paragraph (a) of this section shall be considered for purposes of this paragraph as having been first received at the cooperative's plant subject to the following conditions:

(i) Written request is made to the market administrator by the cooperative association prior to or during the month, designating the plant to be a pool plant pursuant to this subparagraph for the month, and for each month thereafter, until such request is withdrawn or terminated pursuant to subdivision (ii) of this subparagraph;

(ii) Any such plant which in a succeeding month is pooled under the provisions of another order issued pursuant to the Act shall not be pooled under this subparagraph for the ensuing 12 months.

• • • • • •

3. Section 1061.12(c) is revised as follows:

§ 1061.12 Nonpool plant.

• • • • • •

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant or an exempt governmental plant and from which fluid milk products eligible for sale as Grade A in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

• • • • • •

4. Section 1061.13(e) is revised as follows:

§ 1061.13 Handler.

• • • • • •

(e) Any person in his capacity as the the operator of an other order plant from which during the month fluid milk products are either disposed of as route disposition in the marketing area or shipped to a pool plant; and

• • • • • •

5. Section 1061.14 is revised as follows:

§ 1061.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant from which Class I milk of his own production is disposed of as route disposition in the marketing area, and who receives no milk or fluid milk products from the farms of other dairy farmers nor from any other source, except receipts by plant transfer from pool plants and who receives no nonfluid milk products from any source for use in reconstituted fluid milk products: *Provided,* That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk and milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are wholly the personal enterprise and risk of such person.

6. In § 1061.18, paragraph (b) is revised as follows:

§ 1061.18 Other source milk.

• • • • • •

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month and any disappearance of products other than fluid milk products which are in a form in which they may be converted into fluid milk products and for which specific use cannot be verified by the market administrator.

§ 1061.22 [Amended]

7. In § 1061.22, paragraph (i) is revised as follows:

(i) On or before the 12th day after the end of each month, announce the uniform price computed pursuant to § 1061.71 and the producer butterfat differential pursuant to § 1061.81, and notify each handler of his obligations to the producer-settlement fund;

8. In § 1061.22, delete "and" at the end of paragraph (k), replace the period at the end of paragraph (l) with a semicolon, and add a new paragraph (m) as follows:

(m) On or before the 20th day of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler during the immediately preceding month from such cooperative association in its capacity as a handler pursuant to § 1061.13(c) and directly from members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in proportion to the utilization by such handler in each class remaining after allocation pursuant to § 1061.46(a) (1) through (10) and the corresponding steps of § 1061.46(b).

9. Section 1061.30(b) is revised as follows:

§ 1061.30 Monthly reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as route disposition inside and outside the marketing area that are classified as Class I; and

* * * * *

10. In § 1061.44(d), subparagraph (3) is revised as follows:

§ 1061.44 Transfers.

* * * * *

(d) * * *

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area, then any transfers from such nonpool plant to pool plants which are assigned to Class I pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b), shall be assigned first to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to such receipts from other order plants;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act, then any transfers from such nonpool plant to an other order plant which are assigned to Class I pursuant to the provisions of such other order, shall be assigned first to receipts of fluid milk products from plants fully regulated by such order, and thereafter pro rata to such receipts from pool plants and other order plants not regulated by such order.

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

§ 1061.46 [Amended]

11. In § 1061.46(a), subparagraphs (1), (3), (6), (7), (8), and the introductory text of (5)(i) are revised as follows:

(a) * * *

(1) Substract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1061.41(b)(6);

* * * * *

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

* * * * *

(5) * * *

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (1)(i) of this paragraph;

* * * * *

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (1)(i) or (5)(i) of this paragraph;

12. In subdivision (i) of paragraph (a)(9) of § 1061.46 change "1061.22(i)" to "§ 1061.22(j)".

13. Section 1061.60 is revised as follows:

§ 1061.60 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to the plant of a handler that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1061.11 and a greater volume of fluid milk products is disposed of from such plant as route disposition in this marketing area and to pool plants qualified on the basis of route disposition in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

§ 1061.61 [Amended]

14. In § 1061.61, paragraphs (a)(1) and (2) and (b)(1) and (2) are revised as follows:

(a) * * *

(1) Determine the obligation that would have been computed pursuant to § 1061.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the nonpool plant in the class to which allocated at the fully regulated plant;

(iii) Any transfers described in subdivision (ii) of this subparagraph that are classified as Class I milk shall be priced as follows:

(*a*) Such Class I transfers shall not be subject to obligation at the partially regulated distributing plant if the operator of the transferee pool plant or other order plant is not obligated under the applicable order because such transfer is treated under such order as milk received at the partially regulated distributing plant from a plant fully regulated by an order issued pursuant to the Act where it has been priced as Class I milk and not used as an offset on any other payment obligation in this or any other order; and

(*b*) Remaining Class I transfers, to the extent that such do not exceed Grade A receipts from dairy farmers at the partially regulated distributing plant and at a plant described pursuant to subdivision (v) of this subparagraph shall be priced at the uniform price of the respective order (or at the weighted average price if the order provides such price).

(iv) Unless subdivision (v) of this subparagraph applies, the obligation for the partially regulated distributing plant shall include the charge specified in § 1061.70(f) and the credit specified in § 1061.83(b)(2) with respect to receipts of Class I milk from another nonpool plant (not another order plant) which serves as a supply plant for such partially regulated distributing plant: *Provided*, That if Class I transfers to fully regulated plants pursuant to subdivision (iii) of this subparagraph remain after the application of subdivision (iii)(*b*), the charge pursuant to § 1061.70(f) and the credit pursuant to § 1061.83(b)(2) shall not apply pursuant to this paragraph to such remaining amount.

(v) If the operator of the partially regulated distributing plant so requests, the obligation for such plant shall include a similar obligation for each nonpool plant (not another order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1061.11(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to § 1061.31(c) similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The obligation for such nonpool plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(v) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(v) of this paragraph applies to such plant.

(b) * * *

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received at the plant;

(i) As Class I milk from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

15. In the introductory paragraph of § 1061.61, change "§ 1061.31(c)" to "§ 1061.31 (c) and (d)".

16. In § 1061.70, paragraph (f) is revised as follows:

§ 1061.70 Computation of the net pool obligation of each handler.

* * * * *

(f) Add the value at the Class I price with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order.

17. In § 1061.71, paragraph (a) is revised as follows:

§ 1061.71 Computation of uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1061.70 for all handlers who filed reports pursuant to §§ 1061.30 and 1061.31(b) for the month and who made payments pursuant to § 1061.83 for the preceding month;

* * * * *

18. Section 1061.90 is revised as follows:

§ 1061.90 Expense of administration.

As his pro rata share of the expense of administration, each handler shall pay to the market administrator on or before the 14th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant of another handler) with respect to his receipts of producer milk (including such handler's own-farm production, and milk received in bulk from a pool plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1061.46(a)(4) and (8) and the corresponding steps of § 1061.46(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants, cooperative associations as handlers pursuant to § 1004.10(b), and other order plants assigned to such disposition.

19. Section 1061.92 is revised as follows:

§ 1061.92 Adjustment of overdue accounts.

The unpaid obligation of a handler pursuant to §§ 1061.61, 1061.83, and 1061.85 shall be increased three-fourths of 1 percent for each month or portion thereof that such obligation is overdue: *Provided*, That,

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously made pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1971.

Signed at Washington, D.C., on March 9, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-3501 Filed 3-11-71;8:52 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-5135]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

General Registration Statements and Registration Statements for Certain Debt Securities and Real Estate Companies

The Securities and Exchange Commission has adopted certain amendments to Forms S–1 (17 CFR 239.11), S–9 (17 CFR 239.22), and S–11 (17 CFR 239.18) under the Securities Act of 1933. Form S–1 is a general form for registration of securities under the Act; Form S–9 is an optional form for registration of nonconvertible fixed interest, debt securities; and Form S–11 is used for registration of securities of certain real estate companies. Notice of the proposed amendments was published November 20, 1970, in Securities Act Release No. 5111 (35 F.R. 18477).

The amendments to Form S–1 include in the instructions as to financial statements provisions for the furnishings of source and application of funds statements for each fiscal year or other period for which a profit and loss statement is required. This amendment conforms the requirements of Form S–1 to those of revised Forms 10 (17 CFR 249.310) and 10–K (17 CFR 244.210) under the Securities Exchange Act of 1934.

The amendments to Form S–9 revise Item 3 of the form which requires the furnishing of a 5-year summary of earnings. The revision conforms the item and the instructions thereto to the corresponding item of the revised Form S–7, including a requirement for the furnishing of statements of source and application of funds. The language of General Instruction A(a)(4), rule as to use of Form S–9, has been amended to conform it to the language of Instruction 4(b) of the revised Item 3. Item 5(a) of the form has been amended to state specifically that the required balance sheets are to be prepared in accordance with Regulation S–X (17 CFR Part 210 et seq.).

The first paragraph of the instructions as to financial statements in Form S–11 has been amended to refer to "financial statements" rather than to "balance sheets and profit and loss statements," in order to include statements of source and application of funds.

The text of the amendments are set forth in Release 33-5135, copies of which have been filed as part of this document with the Office of the Federal Register. Additional copies of this release are available at the Securities and Exchange Commission, Washington, D.C. 20549.

The foregoing action, which was taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof, shall become effective March 26, 1971.

(Secs. 6, 7, 10, 19(a); 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; 15 U.S.C. 77f, 77g, 77j, 77s(a))

By the Commission, February 26, 1971.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3460 Filed 3-11-71;8:49 am]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 5—RENT SUPPLEMENT PAYMENTS

Miscellaneous Amendments

Sections 5.10, 5.15, and 5.20 are amended to implement the Housing and Urban Development Act of 1970 (Public Law 91-609) to provide for: (1) Rent supplement payments on existing structures financed by a State or local program providing assistance through loans, loan insurance or tax abatements, and on projects in which the dwelling units do not contain kitchen facilities; (2) tenant eligibility of a family whose head or spouse is a member of the Armed Forces on active duty; and (3) such preference for occupancy of lower income military personnel as the Commissioner determines is appropriate. In addition, § 5.10 is amended to provide for rent supplement payments on a limited basis on existing structures which are sold by the Secretary, and § 5.15 is amended to eliminate the necessity of a workable program for any project that has local official approval.

1. Section 5.10 is amended to read as follows:

§ 5.10 Projects eligible for benefits.

(a) Rent supplement payments shall be available in connection with multifamily projects which involve:

(1) New construction,

(2) Major rehabilitation of existing structures,

(3) The creation of standard units in structures previously containing substandard units,

(4) Existing structures financed by a state or local program providing assistance through loans, loan insurance or tax abatements,

(5) Existing structures which are sold by the Secretary, if rent supplement payments had been made in connection with the structures before acquisition by the Secretary and provided that the rent supplement assistance shall be limited to the maximum amount set forth in the original rent supplement contract, or

(6) On an experimental basis, existing structures in connection with certain housing projects for the elderly.

(b) The Commissioner may make rent supplement payments with respect to projects in which dwelling units do not contain kitchen facilities.

2. In § 5.15 paragraph (a)(2) is amended, and paragraph (d) is deleted as follows:

§ 5.15 Eligible housing owner.

(a) * * *

(2) By a state or local program providing assistance through loans, loan insurance, or tax abatements, if the project is approved by the Commissioner for receiving rent supplement payments.

* * * * *

(d) [Deleted]

3. In § 5.20 a new subdivision (vi) is added under paragraph (a)(4), and a new paragraph (c) is added as follows:

§ 5.20 Qualified tenant.

(a) * * *

(4) * * *

(vi) A family whose head, or spouse, is a member of the Armed Forces of the United States who is serving on active duty.

* * * * *

(c) Whenever the Commissioner determines that a project, because of its location or other considerations, could ordinarily be expected to substantially serve the family needs of military personnel who are serving on active duty and who meet the income requirements established by the Commissioner, such preference for occupancy shall be afforded to the family of such military personnel as the Commissioner determines is appropriate.

(Sec. 101(g), 79 Stat. 453; 12 U.S.C. 1701s)

Issued at Washington, D.C., March 8, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-3458 Filed 3-11-71;8:49 am]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
...	...	...	...	...	...	...
California	Tulare	Woodlake	E 06 107 4250 01	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City of Woodlake, 350 North Valencia Blvd., Woodlake, CA 93286.	Mar. 12, 1971.
Do	Ventura	Simi Valley	E 06 111 3641 01 through E 06 111 3641 09	...do...	Public Services Department, City of Simi Valley, 3200 Cochran St., Simi Valley, CA 93065.	Do.
Florida	Brevard	Titusville	E 12 009 3000 01 through E 12 009 3000 08	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Office of the City Engineer, City Hall, Titusville, FL 32780.	Do.
Do	Palm Beach	Lantana	I 12 099 1760 01 through I 12 099 1760 04	...do...	Lantana Town Hall, Greynolds Circle, Lantana, FL 33460.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Minnesota	Hennepin	Bloomington	E 27 053 0675 01 E 27 053 0675 02	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, MN 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, MN 55101.	Planning Department, 2215 West Shakopee Rd., Bloomington, MN 55431.	Mar. 12, 1971
South Carolina	Georgetown	Georgetown	E 45 043 0940 01 E 45 043 0940 02	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	City Hall, Front St., Georgetown, SC 29440.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969); and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: March 12, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-3499 Filed 3-11-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
California	Tulare	Woodlake	T 06 107 4250 01	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City of Woodlake, 350 North Valencia Blvd., Woodlake, CA 93286.	Mar. 12, 1971.
Do	Ventura	Simi Valley	T 06 111 3641 01 through T 06 111 3641 09	...do...	Public Services Department, City of Simi Valley, 3200 Cochran St., Simi Valley, CA 93065.	Do.
Florida	Brevard	Titusville	T 12 009 3000 01 through T 12 009 3000 08	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Office of the City Engineer, City Hall, Titusville, FL 32780.	Do.
Do	Palm Beach	Lantana	H 12 099 1760 01 through H 12 099 1760 04	...do...	Lantana Town Hall, Greynolds Circle, Lantana, FL 33460.	Do.
Minnesota	Hennepin	Bloomington	T 27 053 0675 01 T 27 053 0675 02	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, MN 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, MN 55101.	Planning Department, 2215 West Shakopee Rd., Bloomington, MN 55431.	Do.
South Carolina	Georgetown	Georgetown	T 45 043 0940 01 T 45 043 0940 02	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	City Hall, Front St., Georgetown, SC 29440.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969); and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: March 12, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-3500 Filed 3-11-71;8:45 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), I hereby amend 29 CFR 511.4 to read as set forth below. The purpose of this amendment is to increase the compensation of each member of an industry committee from $80 to $85 for each day spent in the work of the committee.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

As amended, § 511.4 reads as follows:

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $85 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

Signed at Washington, D.C., this 5th day of March 1971.

ROBERT D. MORAN,
Administrator,
Wage and Hour Division.

[FR Doc.71-3421 Filed 3-11-71;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 52—SPECIAL ASSIGNMENT POLICIES FOR FAMILY MEMBERS

Sole Surviving Sons

The following amendment to Part 52 has been approved:

Section 52.4(a), as amended, now reads as follows:

§ 52.4 Policy.

(a) *Sole surviving sons.* • • •

(2) *Discharges.* (i) Enlisted personnel who become sole surviving sons subsequent to enlistment or induction may apply for and be granted an administrative discharge, except where the individual qualifies as a sole surviving son on the basis of a captured or missing-in-action status of a father, brother, or sister (§ 52.3(a)(3)) and as precluded by subparagraph (3)(i) of this paragraph.

(ii) Enlisted personnel who qualify as sole surviving sons on the basis of the 100 percent disability status of a father, brother, or sister (§ 52.3(a)(4)) which occurred either prior to or subsequent to induction or enlistment may apply for and be granted an administrative discharge (see subparagraph (3)(i) of this paragraph, for members who have waived their status), but shall be required to complete at least six months of active duty prior to discharge in order to qualify for a veteran's exemption under the provisions of 50 App. U.S.C. 456(b)(3).

(iii) Commissioned officers (including warrant officers) will not be released from active duty based on their qualifications as sole surviving sons.

(iv) The discharge provisions of this subparagraph will not apply during the period of a war or national emergency hereafter declared by the Congress.

(3) *Waivers.* (i) Where the parent(s) of a qualified sole surviving son request application of the protective provisions of this policy on behalf of the member, the serviceman, himself, will be afforded the opportunity of waiving the parental request before a final determination is made.

(ii) A member who has waived his status as a sole surviving son may request reinstatement of that status at any time. Requests for reinstatement will be approved; however, reinstatement shall not provide a basis for discharge but will qualify an individual for the assignment limitations contained in subparagraph (1) of this paragraph.

(iii) All waivers will be in writing and will be signed by the serviceman concerned.

• • • • •

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-3456 Filed 3-11-71;8:48 am]

Chapter XVI—Selective Service System

PART 1632—DELIVERY AND INDUCTION

PART 1642—DELINQUENTS

CROSS REFERENCE: For a document amending the Selective Service Regulations in Parts 1632 and 1642, see Title 3, Executive Order 11586, F.R. Doc. 71-3570, *supra*.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.30, paragraph (f) is amended and paragraph (g-1) is added so that the amended and added material reads as follows:

§ 17.30 Definitions.

• • • • •

(f) *Period of war.* The term "period of war" means each of the Indian wars, the Spanish-American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era and the period beginning on the date of any future declaration of war by the Congress and ending on a date prescribed by Presidential proclamation or concurrent resolution of the Congress.

• • • • •

(g-1) *Mexican border period.* The term "Mexican border period" means the period beginning on May 9, 1916, and ending on April 5, 1917, in the case of a veteran who during such period served for 90 days or more in Mexico, on the borders thereof, in the waters adjacent thereto, or any combination thereof.

2. In § 17.60d, paragraph (a) is amended to read as follows:

§ 17.60d Prescriptions filled.

• • • • •

(a) The prescription is for a person who is receiving housebound benefits or who, based on the need for regular aid and attendance, is receiving additional compensation or allowance (wartime or peacetime) under 38 U.S.C. chapter 11 or increased pension as a veteran of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era (or who is receiving a greater compensation benefit rather than such aid and attendance pension to which he has been adjudicated to be presently eligible). An aid and attendance pensioner who is eligible for drugs and medicines under this section whose pension has been discontinued because of excess income may continue to be provided with drugs and medicines even though his annual income exceeds the permissible income limitations, so long as it is no more than $500 above the maximum, and

• • • • •

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective December 24, 1970.

Approved: March 8, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-3498 Filed 3-11-71;8:52 am]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

PROFESSIONAL COURSES

Section 21.4275 is revised to read as follows:

§ 21.4275 Professional courses.

(a) *Internships and residencies.* (1) Medical, osteopathic, and dental internships and residencies will be recognized as full-time institutional courses when accredited and approved by an appropriate accrediting agency as leading to certification for a recognized professional objective. The appropriate accrediting agencies are the Council on Medical Education of the American Medical Association, the American Osteopathic Association, and the Council on Dental Education of the American Dental Association. Residency programs must lead to certification by an appropriate Specialty or Subspecialty Board of the American Medical Association, the American Osteopathic Association, or the American Dental Association. Residency programs will not be approved to include a period of practice following completion of the education requirements even though the practice is required by the accrediting agency. No other medical, osteopathic, or dental internship or residency will be recognized as institutional training.

(2) Any other internship program will be recognized as an institutional course when it is accredited by a nationally recognized accrediting agency. Such a course will be measured in semester hours of credit or clock hours of attendance per week, whichever is appropriate.

(3) Any nonaccredited internship program will be recognized as other on-the-job training when it meets the requirements of § 21.4262 and when the program is required for licensure by the State in which it is offered.

(b) *Nursing courses.* (1) Courses for the objective of registered nurse or registered professional nurse will be assessed as institutional training when they are provided in autonomous schools of nursing, hospital schools of nursing, or schools of nursing established in other schools or departments of colleges and universities, if they are accredited by a nationally recognized accrediting agency or if they meet the requirements of the licensing body of the State in which the school is located. The hospital or fieldwork phase of a nursing course, including a course leading to a degree in nursing, will be assessed as an institutional course when the hospital or fieldwork phase is an integral part of the course, the completion thereof is a prerequisite to the successful completion of the requisite to the successful completion of course, the student remains enrolled in the school during the period, and the training is under the direction and supervision of the school. Measurement of these courses will be on the basis of credit hours or clock hours of attendance, whichever is appropriate. The clock hours of attendance may include academic class time, clinical training, and supervised study periods.

(2) Courses offered by schools which lead to the objective of practical nurse, practical trained nurse, or licensed practical nurse will be assessed as institutional training including both the academic subjects and the clinical training if the clinical training is offered by an affiliated or cooperating hospital and the student is enrolled in and supervised by the school during the period of such clinical training if they are accredited by a nationally recognized accrediting agency or if they meet the requirements of the licensing body of the State in which the school is located. Measurement will be on credit hours or clock hours of attendance per week, whichever is appropriate.

(3) Enrollment in an institutional course for the objective of nurse's aid or in a nonaccredited nursing course which does not meet the licensing requirements in the State where the course is offered will not be authorized.

(c) *Medical and dental specialty courses.* (1) Medical and dental specialty courses such as X-ray technician, medical technician, medical records librarian, physical therapist, and dental technician courses offered by a school will be measured on the basis of credit hours or clock hours of attendance, whichever is appropriate. Required clinical training given in an affiliated hospital, clinic, laboratory or medical center will be assessed as institutional training when it is an integral part of the course, the completion thereof is a prerequisite to the successful completion of the course, the student remains enrolled in the course during the clinical training period, and the training is under the direction and supervision of the school. Practical training or on-the-job training or experience may not be included unless the program is approved as a cooperative course.

(2) Medical and dental specialty courses offered in hospitals, clinics, laboratories or medical centers which are accredited by a nationally recognized accrediting agency will be assessed as institutional training. These courses will be measured on the basis of clock hours of attendance per week.

(3) Nonaccredited courses offered in hospitals, clinics, laboratories, or medical centers will be considered on-the-job training when the courses meet the requirements of § 21.4262.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: March 8, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-3484 Filed 3-11-71;8:50 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 70-12; Notice 7]

PART 574—TIRE IDENTIFICATION AND RECORD KEEPING

Size Code for Motor Vehicle Tires

On January 26, 1971, the National Highway Traffic Safety Administration published Docket No. 70-12, Notice No. 5, a revised version of the Tire Identification and Record Keeping regulations, 49 CFR Part 574 (36 F.R. 1196). Table I of the regulation, starting at 36 F.R. 1200, lists the size codes for tires to which the regulation is applicable.

The National Highway Traffic Safety Administration has received requests that additional tire sizes be included in the table, and, therefore, Table I of Part 574 is hereby republished to include the additional tire sizes, as set forth below.

The notice is issued under the authority of sections 103, 112, 113, 119, 201, and 206 of the National Highway Traffic Safety Administration, as amended (15 U.S.C. 1392, 1401, 1407, 1421, and 1426) and the delegation of authority at 49 CFR 1.51 (35 F.R. 4955).

Effective date: May 22, 1971.

Because this amendment does not impose any additional burden on any person it is found that notice and public procedure thereon are unnecessary and impracticable, and that, for good cause shown, an effective date earlier than 180 days is in the public interest.

Issued on March 4, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

TABLE I

SIZE CODE FOR MOTOR VEHICLE TIRES

Tire size code:	*Tire size designation*
AA	4.00-4
AB	3.50-4
AC	3.00-5
AD	4.00-5
AE	3.50-5
AF	6.90-6
AH	3.00-8
AJ	3.50-6
AK	4.10-6
AL	4.50-6
AM	5.30-6
AN	6.00-6
AP	3.25-8
AT	3.50-8
AU	3.00-7
AV	4.00-7
AW	4.80-7
AX	5.30-7
AY	5.00-8

[1] As used in this table the letters at the end of the tire size indicate the following: LT—Light Truck, ML—Mining & Logging, MH—Mobile Home, ST—Special Trailer, TR—Truck (comparable size in passenger car size).

Tire size code:	Tire size designation
A1	3.25–8
A2	4.00–8
A3	4.80–8
A4	5.70–8
A5	16.5 x 6.5–8 ST [1]
A6	18.5 x 8.5–8 ST
A7	5.00–8
A8	2.75–9
A9	4.80–9
BA	6.00–9
BB	6.90–9
BC	3.50–9
BD	4.00–10
BE	3.00–10
BF	3.50–10
BH	5.20–10
BJ	5.20 R 10
BK	5.9–10
BL	5.90–10
BM	6.50–10
BN	7.00–10
BP	7.50–10
BT	9.00–10
BU	20.5 x 8.0–10 ST
BV	145–10
BW	145 R 10
BX	145–10/5.95–10
BY	4.50–10 LT
B1	5.00–10 LT
B2	3.00–12
B3	4.00–12
B4	4.50–12
B5	4.80–12
B6	5.00–12
B7	5.00 R 12
B8	5.20–12
B9	5.20–12 LT
CA	5.20 R 12
CB	5.30–12
CC	5.50–12
CD	5.50–12 LT
CE	5.50 R 12
CF	5.60–12
CH	5.60–12 LT
CJ	5.60 R 12
CK	5.9–12
CL	5.90–12
CM	6.00–12
CN	6.00–12 LT
CP	6.2–12
CT	6.20–12
CU	6.90–12
CV	23.5 x 8.50–12 ST
CW	125–12
CX	125 R 12
CY	125–12/5.35–12
C1	135–12
C2	135 R 12
C3	135–12/5.65–12
C4	145–12
C5	145 R 12
C6	145–12/5.95–12
C7	155–12
C8	155 R 12
C9	155–12/6.15–12
DA	4.80–10
DB	3.25–12
DC	3.50–12
DD	4.50–12 LT
DE	5.00–12 LT
DF	7.00–12
DH	5.00–13
DJ	5.00–13 LT
DK	5.00 R 13
DL	5.20–13
DM	5.20 R 13
DN	5.50–13
DP	5.50–13 LT
DT	5.50 R 13
DU	5.60–13
DV	5.60–13 LT
DW	5.60 R 13
DX	5.90–13
DY	5.90–13 LT
D1	5.90 R 13
D2	6.00–13
D3	6.00–13 LT
D4	6.00 R 13
D5	6.2–13
D6	6.20–13
D7	6.40–13
D8	6.40–13 LT
D9	6.40 R 13
EA	6.50–13
EB	6.50–13 LT
EC	6.50–13 ST
ED	6.50 R 13
EE	6.70–13
EF	6.70–13 LT
EH	6.70 R 13
EJ	6.9–13
EK	6.90–13
EL	7.00–13
EM	7.00–13 LT
EN	7.00 R 13
EP	7.25–13
ET	7.25 R 13
EU	7.50–13
EV	135–13
EW	135 R 13
EX	135–13/5.65–13
EY	145–13
E1	145 R 13
E2	145–13/5.95–13
E3	150 R 13
E4	155–13
E5	155 R 13
E6	155–13/6.15–13
E7	160 R 13
E8	165–13
E9	165 R 13
FA	165–13/6.45–13
FB	165/70 R 13
FC	170 R 13
FD	175–13
FE	175 R 13
FF	175–13/6.95–13
FH	175/70 R 13
FJ	185–13
FK	185 R 13
FL	185–13/7.35–13
FM	185/70 R 13
FN	195–13
FP	195 R 13
FT	195/70 R 13
FU	D70–13
FV	B78–13
FW	BR78–13
FX	C78–13
FY	7.50–12
F1	140 R 12
F2	6.5–13
F3	185/60 R 13
F4	A70–13
F5	A78–13
F6	CR78–13
F7	2.25–14
F8	2.75–14
F9	3.00–14
HA	6.70–14 LT
HB	165–14 LT
HC	2.50–14
HD	5.00–14 LT
HE	5.20–14
HF	5.20 R 14
HH	5.50–14 LT
HJ	5.60–14
HK	5.90–14
HL	5.90–14 LT
HM	5.90 R 14
HN	6.00–14
HP	6.00–14 LT
HT	6.40–14
HU	6.40–14 LT
HV	6.45–14
HW	6.50–14
HX	6.50–14 LT
HY	6.70–14
H1	6.95–14
H2	7.00–14
H3	7.00–14 LT
H4	7.00 R 14
H5	7.35–14
H6	7.50–14
H7	7.50–14 LT
H8	7.50 R 14
H9	7.75–14
JA	7.75–14 ST
JB	8.00–14
JC	8.25–14
JD	8.50–14
JE	8.55–14
JF	8.85–14
JH	9.00–14
JJ	9.50–14
JK	135–14
JL	135 R 14
JM	135–14/5.65–14
JN	145–14
JP	145 R 14
JT	145–14/5.95–14
JU	155–14
JV	155 R 14
JW	155–14/6.15–14
JX	155/70 R 14
JY	165–14
J1	165 R 14
J2	175–14
J3	175 R 14
J4	185–14
J5	185 R 14
J6	185/70 R 14
J7	195–14
J8	195 R 14
J9	195/70 R 14
KA	205–14
KB	205 R 14
KC	215–14
KD	215 R 14
KE	225–14
KF	225 R 14
KH	620 R 14
KJ	690 R 14
KK	Not assigned
KL	195–14 LT
KM	185–14 LT
KN	A80–22.5
KP	B80–22.5
KT	C80–22.5
KU	D80–22.5
KV	E80–22.5
KW	F60–14
KX	G60–14
KY	J60–14
K1	L60–14
K2	F80–22.5
K3	G80–22.5
K4	H80–22.5
K5	J80–22.5
K6	A80–24.5
K7	B80–24.5
K8	Not assigned
K9	D70–14
LA	DR70–14
LB	E70–14
LC	ER70–14
LD	F70–14
LE	FR70–14
LF	G70–14
LH	GR70–14
LJ	H70–14
LK	HR70–14
LL	J70–14
LM	JR70–14
LN	L70–14
LP	LR70–14
LT	C80–24.5
LU	D80–24.5
LV	E80–24.5
LW	F80–24.5
LX	G77–14
LY	B78–14
L1	C78–14
L2	CR78–14
L3	D78–14
L4	DR78–14
L5	E78–14
L6	ER78–14
L7	F78–14
L8	FR78–14
L9	G78–14
MA	GR78–14

Tire size code:	Tire size designation
MB	H78–14
MC	HR78–14
MD	J78–14
ME	JR78–14
MF	205–14 LT
MH	G80–24.5
MJ	H80–24.5
MK	7–14.5
ML	8–14.5
MM	9–14.5
MN	6.60 R 15
MP	2.00–15
MT	2.25–15
MU	2.50–15
MV	3.00–15
MW	3.25–15
MX	5.0–15
MY	5.20–15
M1	5.0–15
M2	5.50–15 L
M3	5.50–15 LT
M4	5.60–15
M5	5.60 R 15
M6	5.90–15
M7	5.90–15 LT
M8	6.00–15
M9	6.00–15 L
NA	6.00–15 LT
NB	6.2–15
NC	6.40–15
ND	6.40–15 LT
NE	6.40 R 15
NF	6.50–15
NH	6.50–15 L
NJ	6.50–15 LT
NK	6.70–15
NL	6.70–15 LT
NM	6.70 R 15
NN	6.85–15
NP	6.9–15
NT	7.00–15
NU	7.00–15 L
NV	7.00–15 LT
NW	7.10–15
NX	7.10–15 LT
NY	7.35–15
N1	7.50–15
N2	7.60–15
N3	7.60 R 15
N4	7.75–15
N5	7.75–15 ST
N6	8.00–15
N7	8.15–15
N8	8.20–15
N9	8.25–15
PA	8.25–15 LT
PB	8.45–15
PC	8.55–15
PD	8.85–15
PE	8.90–15
PF	9.00–15
PH	9.00–15 LT
PJ	9.15–15
PK	10–15
PL	10.00–15
PM	7.50–15 LT
PN	7.00–15 TR
PP	8.25–15 TR
PT	9.00–15 TR
PU	7.50–15 TR
PV	125–15
PW	125 R 15
PX	125–15/5.35–15
PY	135–15
P1	135 R 15
P2	135–15/5.65–15
P3	145–15
P4	145 R 15
P5	145–15/5.95–15
P6	155–15
P7	155 R 15
P8	155–15/6.35–15
P9	165–15
TA	165–15 LT
TB	165 R 15
TC	175–15
TD	175 R 15
TE	175–15/7.15–15
TF	175/70 R 15
TH	180–15
TJ	185–15
TK	185 R 15
TL	185/70 R 15
TM	195–15
TN	195 R 15
TP	205–15
TT	205 R 15
TU	215–15
TV	215 R 15
TW	225–15
TX	225 R 15
TY	235–15
T1	235 R 15
T2	J80–24.5
T3	Not Assigned
T4	Not Assigned
T5	Not Assigned
T6	Not Assigned
T7	Not Assigned
T8	Not Assigned
T9	Not Assigned
UA	Not Assigned
UB	H60–15
UC	E60–15
UD	F60–15
UE	FR60–15
UF	G60–15
UH	GR60–15
UJ	J60–15
UK	L60–15
UL	4.60–15
UM	Not Assigned
UN	Not Assigned
UP	Not Assigned
UT	Not Assigned
UU	Not Assigned
UV	C70–15
UW	D70–15
UX	DR70–15
UY	E70–15
U1	ER70–15
U2	F70–15
U3	FR70–15
U4	G70–15
U5	GR70–15
U6	H70–15
U7	HR70–15
U8	J70–15
U9	JR70–15
VA	K70–15
VB	KR70–15
VC	L70–15
VD	LR70–15
VE	Not Assigned
VF	Not Assigned
VH	Not Assigned
VJ	Not Assigned
VK	BR78–15
VL	C78–15
VM	D78–15
VN	E78–15
VP	ER78–15
VT	F78–15
VU	FR78–15
VV	G78–15
VW	GR78–15
VX	H78–15
VY	HR78–15
V1	J78–15
V2	JR78–15
V3	L78–15
V4	LR78–15
V5	N78–15
V6	17–15 (17–380 LT)
V7	17–400 LT
V8	11–15
V9	11–16
WA	L84–15
WB	11.00–15
WC	2.25–16
WD	2.50–16
WE	3.00–16
WF	3.25–16
WH	3.50–16
WJ	5.00–16
WK	5.10–16
WL	5.50–16 LT
WM	6.00–16
WN	6.00–16 LT
WP	6.50–16
WT	6.50–16 LT
WU	6.70–16
WV	7.00–16
WW	7.00–16 LT
WX	7.50–16
WY	7.50–16 LT
W1	8.25–16
W2	9.00–16
W3	10–16
W4	8.25–16 LT
W5	9.00–16 LT
W6	11.00–16
W7	19–400 C
W8	165–400
W9	235–16
XA	185–16
XB	19–400 LT
XC	G45C–16
XD	E50C–16
XE	F50C–16
XF	7.00–16 TR
XH	7.50–16 TR
XJ	8.00–16.5
XK	8.75–16.5
XL	9.50–16.5
XM	10–16.5
XN	12–16.5
XP	Not Assigned
XT	4.50–17
XU	2.00–17
XV	2.25–17
XW	2.50–17
XX	2.75–17
XY	3.00–17
X1	3.25–17
X2	3.50–17
X3	6.50–17
X4	6.50–17 LT
X5	7.00–17
X6	7.50–17
X7	8.25–17
X8	7.50–17 LT
X9	Not Assigned
YA	G50C–17
YB	H50C–17
YC	Not Assigned
YD	Not Assigned
YE	8–17.5 LT
YF	11–17.5
YH	7–17.5
YJ	8–17.5
YK	8.5–17.5
YL	9.5–17.5
YM	10–17.5
YN	14–17.5
YP	9–17.5
YT	4.50–17
YU	2.25–18
YV	2.50–18
YW	2.75–18
YX	3.00–18
YY	3.25–18
Y1	3.50–18
Y2	4.00–18
Y3	4.50–18
Y4	6.00–18
Y5	7.00–18
Y6	7.50–18
Y7	8.25–18
Y8	9.00–18
Y9	10.00–18
1A	11.00–18
1B	6.00–18 LT
1C	6.00–20 LT
1D	L50C–18
1E	7.00–18 LT
1F	12–19.5
1H	2.00–19
1J	2.25–19
1K	2.50–19
1L	2.75–19

Tire size code:	Tire size designation
1M	3.00–19
1N	3.25–19
1P	3.50–19
1T	4.00–19
1U	11.00–19
1V	9.5–19.5
1W	10–19.5
1X	11–19.5
1Y	7–19.5
11	7.5–19.5
12	8–19.5
13	9–19.5
14	14–19.5
15	15–19.5
16	16.5–19.5
17	18–19.5
18	19.5–19.5
19	6.00–20
2A	6.50–20
2B	7.00–20
2C	7.50–20
2D	8.25–20
2E	8.5–20
2F	9.00–20
2H	9.4–20
2J	10.00–20
2K	10.3–20
2L	11.00–20
2M	11.1–20
2N	11.50–20
2P	11.9–20
2T	12.00–20
2U	12.5–20
2V	13.00–20
2W	14.00–20
2X	6.50–20 LT
2Y	7.00–20 LT
21	13/80–20
22	14/80–20
23	2.75–21
24	3.00–21
25	2.50–21
26	Not Assigned
27	10.00–22
28	11.00–22
29	11.1–22
3A	11.9–22
3B	12.00–22
3C	14.00–22
3D	11.50–22
3E	Not Assigned
3F	Not Assigned
3H	7–22.5
3J	8–22.5
3K	8.5–22.5
3L	9–22.5
3M	9.4–22.5
3N	10–22.5
3P	10.3–22.5
3T	11–22.5
3U	11.1–22.5
3V	11.5–22.5
3W	11.9–22.5
3X	12–22.5
3Y	12.5–22.5
31	15–22.5
32	16.5–22.5
33	18–22.5
34	Not Assigned
35	Not Assigned
36	Not Assigned
37	9.00–24
38	10.00–24
39	11.00–24
4A	12.00–24
4B	14.00–24
4C	Not Assigned
4D	Not Assigned
4E	12.5–24.5
4F	11–24.5
4H	12–24.5
4J	13.5–24.5
4K	7.00–20 ML
4L	7.50–20 ML
4M	8.25–20 ML
4N	9.00–20 ML
4P	10.00–20 ML
4T	10.00–22 ML
4U	10.00–24 ML
4V	11.00–20 ML
4W	11.00–22 ML
4X	11.00–24 ML
4Y	11:00–25 ML
41	12.00–20 ML
42	12.00–21 ML
43	12.00–24 ML
44	12.00–25 ML
45	13.00–20 ML
46	13.00–24 ML
47	13.00–25 ML
48	14.00–20 ML
49	14.00–21 ML
5A	14.00–24 ML
5B	14.00–25 ML
5C	10.3–20 ML
5D	11.1–20 ML
5E	12.5–20 ML
5F	9–22.5 ML
5H	9.4–22.5 ML
5J	10–22.5 ML
5K	10.3–22.5 ML
5L	11–22.5 ML
5M	11–24.5 ML
5N	14–17.5 ML
5P	15–19.5 ML
5T	15–22.5 ML
5U	16.5–19.5 ML
5V	16.5–22.5 ML
5W	18–19.5 ML
5X	18–22.5 ML
5Y	19.5–19.5 ML
51	23–23.5 ML
52	18–21 ML
53	19.5–21 ML
54	23–21 ML
55	6.00–13 ST
56	7.35–14 ST
57	8.25–14 ST
58	7.35–15 ST
59	8.25–15 ST
6A	Not Assigned
6B	Not Assigned
6C	Not Assigned
6D	Not Assigned
6E	4.25–18
6F	MP90–18
6H	3.75–19
6J	MM90–19
6K	Not Assigned
6L	Not Assigned
6M	Not Assigned
6N	Not Assigned
6P	25 x 7.50–15
6T	27 x 8.50–15
6U	27 x 9.50–15
6V	29 x 12.00–15
6W	31 x 13.50–15
6X	31 x 15.50–15
6Y	38 x 20.00–16.1
61	44 x 41.00–16.1
62	44 x 41.00–20
63	48 x 20.00–20
64	48 x 25.00–20
65	48 x 31.00–20
66	Not Assigned
67	Not Assigned
68	Not Assigned
69	Not Assigned
7A	11–14
7B	E78–14 LT
7C	G78–15 LT
7D	H78–15 LT
7E	Not Assigned
7F	Not Assigned
7H	Not Assigned
7J	Not Assigned
7K	F78–16 LT
7L	H78–16 LT
7M	L78–16 LT
7N	Not Assigned
7P	Not Assigned
7T	7–14.5 MH
7U	8–14.5 MH
7V	9–14.5 MH
7W	Not Assigned
7X	Not Assigned
7Y	Not Assigned
71	Not Assigned
72	Not Assigned
73	Not Assigned
74	Not Assigned
75	Not Assigned
76	Not Assigned
77	Not Assigned
78	Not Assigned
79	Not Assigned
8A	Not Assigned
8B	Not Assigned
8C	Not Assigned
8D	Not Assigned
8E	Not Assigned
8F	Not Assigned
8H	Not Assigned
8J	Not Assigned
8K	Not Assigned
8L	Not Assigned
8M	Not Assigned
8N	Not Assigned
8P	Not Assigned
8T	Not Assigned
8U	Not Assigned
8V	Not Assigned
8W	Not Assigned
8X	Not Assigned
8Y	Not Assigned
81	Not Assigned
82	Not Assigned
83	Not Assigned
84	Not Assigned
85	Not Assigned
86	Not Assigned
87	Not Assigned
88	Not Assigned
89	Not Assigned
9A	Not Assigned
9B	Not Assigned
9C	Not Assigned
9D	Not Assigned
9E	Not Assigned
9F	Not Assigned
9H	Not Assigned
9J	Not Assigned
9K	Not Assigned
9L	Not Assigned
9M	Not Assigned
9N	Not Assigned
9P	Not Assigned
9T	Not Assigned
9U	Not Assigned
9V	Not Assigned
9W	Not Assigned
9X	Not Assigned
9Y	Not Assigned
91	Not Assigned
92	Not Assigned
93	Not Assigned
94	Not Assigned
95	Not Assigned
96	Not Assigned
97	Not Assigned
98	Not Assigned
99	Not Assigned

[FR Doc.71-3338 Filed 3-11-71;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1065]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 5th day of March 1971.

It appearing, that an acute shortage of certain plain boxcars exists on the railroads named in paragraph (a)(1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in a severe emergency and causing grain elevators to be unable to accept grain from farmers, thus creating economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1065 Service Order No. 1065.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in subparagraphs (5) and (7) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 378, issued by E. J. McFarland, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide and bearing the identification marks shown:

The Atchison, Topeka and Santa Fe Railway Co.
Identification marks—ATSF.
Burlington Northern Inc.
Identification marks—BN, CBQ, GN, NP, SPS.
Chicago & Eastern Illinois Railroad Co.
Identification marks—CEI.
Chicago and North Western Railway Co.
Identification marks—CGW, CMO, CNW, MSTL.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Identification marks—MILW.
The Colorado and Southern Railway Co.
Identification marks—C&S.
Forth Worth and Denver Railway Co.
Identification marks—FW&D.
Missouri-Illinois Railroad Co.
Identification marks—M-I.
Missouri-Kansas-Texas Railroad Co.
Identification marks—MKT.
Missouri Pacific Railroad Co.
Identification marks—MP.
Soo Line Railroad Co.
Identification marks—DSA, SOO.
The Texas and Pacific Railway Co.
Identification marks—T&P, TP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (5), (6), (7), (8), (9), and (10) of this paragraph.

Burlington Northern Inc.
The Colorado and Southern Railway Co.
Forth Worth and Denver Railway Co.

(3) The following companies will be considered as one railroad in the application of subparagraphs (1), (5), (6), (7), (8), (9), and (10) of this paragraph.

Chicago & Eastern Illinois Railroad Co.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.
The Texas and Pacific Railway Co.

(4) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(5) Except as otherwise provided in subparagraph (7) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(6) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(7) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(8) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraph (5) or (7) of this paragraph.

(9) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(10) In using plain boxcars owned by railroads not listed in subparagraph (1) of this paragraph, the railroads named therein will restrict the use of such cars to traffic destined to a station closer to the car owner than the station at which the car was last loaded.

(11) In determining distances to the car owner from the points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(12) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (5) or (7) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 8, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3486 Filed 3-11-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

TEXTURED PROTEIN PRODUCTS

Extension of Time for Filing Comments on Proposed Standard of Identity

In the matter of establishing a definition and standard of identity for textured protein products:

The notice of proposed rule making in the above-identified matter, published in the FEDERAL REGISTER of December 5, 1970 (35 F.R. 18530), provided for the filing of comments thereon within 60 days after said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments in this matter is extended to April 4, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 2, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3420 Filed 3-11-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-CE-100]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the International Falls, Minn., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to redesignate the International Falls transition area as:

That airspace extending upward from 700 feet above the surface within 4½ miles northeast and 9½ miles southwest of the International Falls VORTAC 140°T (134°M) and 320°T (314°M) radials, extending from 6 miles southeast to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls VORTAC 129°T (123°M) and 309°T (303°M) radials extending from 6 miles northwest to 18½ miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the International Falls VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls ILS southeast localizer course extending from the 20-mile radius area to 18½ miles southeast of the outer marker, excluding the portions outside the United States.

The proposed redesignation would provide controlled airspace for aircraft conducting revised instrument approach procedures designed for the Falls International Airport utilizing the International Falls instrument landing system and the nondirectional radio beacon.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 4, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3468 Filed 3-11-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-14]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wauseon, Ohio, transition area.

The NDB (ADF) RWY 27 instrument approach procedure for Fulton County Airport, Wauseon, Ohio, requires designation of a 700-foot floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wauseon, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wauseon, Ohio, 700-foot floor transition area described as follows:

WAUSEON, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 41°36'37" N., 84°07'33" W. of Fulton County Airport, Wauseon, Ohio, and within 3 miles each side of the 088° bearing from the Fulton RBN 41°36'33" N., 84°07'58" W., extending from the 6.5-mile radius area to 8.5 miles east of the RBN, excluding the portion within the Toledo, Ohio, transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 9, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-3469 Filed 3-11-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-16]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Manchester, N.H., control zone (36 F.R. 2101).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the Manchester, N.H., control zone to provide controlled airspace protection for aircraft executing the instrument approach procedures for Grenier Field-Manchester Municipal Airport, Manchester, N.H.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Manchester, N.H., proposes the airspace action hereinafter set forth:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Manchester, N.H., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 42°56'00" N., 71°26'21" W. of Grenier Field-Manchester Municipal Airport, Manchester, N.H.; within 2.5 miles each side of the 157° bearing from the Manchester RBN, 42°52'12" N., 71°23'52" W., extending from the 5-mile radius zone to 8.5 miles south of the RBN and within 2.5 miles each side of the Manchester VORTAC 325° radial, extending from the 5-mile radius zone to 13 miles northwest of the VORTAC. This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen, which thereafter will be continuously published in the Airman's Information Manual.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 9, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-3470 Filed 3-11-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-103]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the McMinnville, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The McMinnville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Warren County Memorial Airport (lat. 35°42'00" N., long. 85°50'30" W.); within 9.5 miles northwest and 4.5 miles southeast of the 061° bearing from Warren County RBN (lat. 35°42'11" N., long. 85°50'40" W.), extending from the 13-mile radius area to 18.5 miles northeast of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Warren County Memorial Airport. Prescribed instrument approach procedures to this airport, utilizing the Warren County (private) NDB, are proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 26, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-3471 Filed 3-11-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-10]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at La Pryor, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

LA PRYOR, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chaparrosa Ranch Airport (lat. 28°52'45" N., long. 99°59'25" W.) and within 3.5 miles each side of a 330° bearing from the (Chaparrosa Ranch) RBN (lat. 28°54'35" N., long. 100°00'19" W.) extending from the radio beacon to a point 11.5 miles northwest of the radio beacon.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Chaparrosa Ranch Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348)

and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 3, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-3472 Filed 3-11-71;8:49 am]

[14 CFR Part 75]

[Airspace Docket No. 71-WA-8]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes in the United States.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER (35 F.R. 10653) which established regulatory bases for the designation of specific area high and low routes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

J-930R SAN FRANCISCO, CALIF., TO SALT LAKE CITY, UTAH

Coaldale, Nev., 322.9°M/35.9 NM, lat. 38°33'55'' N., long. 118°01'55'' W.;
Wilson Creek, Nev., 327.8°M/69.3 NM, lat. 39°21'35'' N., long. 114°48'37'' W.;
Delta, Utah, 329°M/32.5 NM, lat. 39°49'31'' N., long. 112°41'12'' W.;
Delta, Utah, 011.7°M/44.2 NM, lat. 39°57'15'' N., long. 112°03'33'' W.;
Delta, Utah, 008°M/63.9 NM, lat. 40°16'30'' N., long. 111°56'23'' W.

J-931R SALT LAKE CITY, UTAH, TO SAN FRANCISCO, CALIF.

Delta, Utah, 080°M/63.9 NM, lat. 40°16'30'' N., long. 111°56'23'' W.;
Delta, Utah, 008°M/22 NM, lat. 39°38'15'' N., long. 112°18'42'' W.;
Wilson Creek, Nev., 323.3°M/45.6 NM, lat. 38°57'44'' N., long. 114°44'17'' W.;
Coaldale, Nev., VORTAC, lat. 38°00'12'' N., long. 117°46'10'' W.

J-922R HOUSTON, TEX., TO DALLAS, TEX.

Humble, Tex., VORTAC, lat. 29°57'24'' N., long. 95°20'44'' W.;
Humble, Tex., 354°M/20 NM, lat. 30°17'26'' N., long. 95°19'55'' W.;
Greater Southwest, Tex., 113.4°M/43 NM, lat. 32°26'13'' N., long. 96°19'23'' W.

J-924R LOS ANGELES, CALIF., TO SEATTLE, WASH.

Fresno, Calif., 170.6°M/74.7 NM, lat. 35°-38'49'' N., long. 119°58'40'' W.;
Reno, Nev., 244.3°M/46.7 NM, lat. 39°25'23'' N., long. 120°39'06'' W.;
Lakeview, Oreg., 242.8°M/32.9 NM, lat. 42°-24'45'' N., long. 121°14'23'' W.;
Portland, Oreg., 346.6°M/87.1 NM, lat. 47°-11'08'' N., long. 122°18'30'' W.

J-928R DENVER, COLO., TO SEATTLE, WASH.

Meeker, Colo., 058.1°M/90.4 NM, lat. 40°29'-23'' N., long. 106°02'04'' W.;
Rock Springs, Wyo., 017.8°M/23 NM., lat. 41°-54'33'' N., long. 108°43'41'' W.;
Malad City, Idaho, 014.6°M/75.5 NM., lat. 43°16'10'' N., long. 111°32'54'' W.;
McCall, Idaho, 010°M/25.2 NM, lat. 45°08'05'' N., long. 115°55'04'' W.;
Yakima, Wash., 283.9°M/72.5 NM, lat. 47°-15'12'' N., long. 121°53'53'' W.

J-923R ALBUQUERQUE, N. MEX., TO DENVER, COLO.

Las Vegas, N. Mex., 233.5°M/90.3 NM, lat. 35°02'38'' N., long. 106°48'57'' W.;
Pueblo, Colo., 278.8°M/37.6 NM, lat. 38°31'29'' N., long. 105°10'12'' W.;
Denver, Colo., 170°M/35 NM, lat. 39°16'40'' N., long. 104°47'29'' W.

J-932R NEW ORLEANS, LA., TO MEMPHIS, TENN.

McComb, Miss., 170.6°M/76.4 NM, lat. 30°-01'47'' N., long. 90°10'20'' W.;
McComb, Miss., 357.6°M/72.2 NM, lat. 32°-30'26'' N., long. 90°10'03'' W.;
Memphis, Tenn., VORTAC, lat. 34°56'34'' N., long. 89°57'35'' W.

J-921R DALLAS, TEX., TO HOUSTON, TEX.

Greater Southwest, Tex., VORTAC, lat. 32°-49'10'' N., long. 97°02'28'' W.;
Humble, Tex., 311°M/40 NM, lat. 30°27'37'' N., long. 95°51'06'' W.;
Humble, Tex., VORTAC, lat. 29°57'24'' N., long. 95°20'44'' W.

J-936R PHOENIX, ARIZ., TO CHICAGO, ILL.

Winslow, Ariz., 195.4°M/111.8 NM, lat. 33°-25'53'' N., long. 111°53'17'' W.;
Gallup, N. Mex., 090.8°M/104.3 NM, lat. 35°-02'38'' N., long. 106°48'57'' W.;
Las Vegas, N. Mex., 313.3°M/15.9 NM., lat. 35°52'40'' N., long. 105°18'54'' W.;
Garden City, Kans., 320°M/15 NM, lat. 38°-08'16'' N., long. 100°52'42'' W.;
Pawnee City, Nebr., 147.1°M/18.4 NM, lat. 39°55'09'' N., long. 96°02'40'' W.;
Kirksville, Mo., 288.1°M/68.9 NM, lat. 40°-35'48'' N., long. 98°58'03'' W.;
Bradford, Ill., 051.7°M/71.8 NM, lat. 41°49'37'' N., long. 88°15'56'' W.

J-925R MINNEAPOLIS, MINN., TO DENVER, COLO.

Minneapolis, Minn., VORTAC, lat. 45°08'45'' N., long. 93°22'23'' W.;
Sioux Falls, S. Dak., 320.3°M/6.6 NM, lat. 43°-44'40'' N., long. 96°51'32'' W.;
O'Neil, Nebr., 318.1°M/23.3 NM, lat. 42°27'59'' N., long. 98°57'52'' W.;
Sidney, Nebr., 132.3°M/13.7 NM, lat. 40°54'30'' N., long. 102°48'39'' W.;
Sidney, Nebr., 215.1°M/109.8 NM, lat. 39°-51'39'' N., long. 104°45'08'' W.

J-934R DALLAS, TEX., TO ATLANTA, GA.

Greater Southwest, Tex., VORTAC, lat. 32°-49'10'' N., long. 97°02'28'' W.;
Shreveport, La., 336.5°M/46.4 NM, lat. 33°-30'50'' N., long. 94°04'23'' W.;
Little Rock, Ark., 172.5°M/68.9 NM, lat. 33°31'38'' N., long. 92°08'43'' W.;
Meridian, Miss., 007.4°M/67.9 NM, lat. 33°-29'07'' N., long. 88°30'49'' W.;
Atlanta, Ga., 281°M/37 NM, lat. 33°38'02'' N., long. 85°12'05'' W.

J-927R CHICAGO, ILL., TO DALLAS, TEX.

Capitol, Ill., 053.9°M/78.8 NM, lat. 40°34'54'' N., long. 88°09'51'' W.;
Springfield, Mo., 110°M/73 NM, lat. 36°47'42'' N., long. 91°59'03'' W.;
Tulsa, Okla., 128.5°M/99.3 NM, lat. 34°59'05'' N., long. 94°24'07'' W.;
Ardmore, Okla., 135.1°M/65.8 NM, lat. 33°19'-09'' N., long. 96°24'04'' W.;
Ardmore, Okla., 166.6°M/83.6 NM, lat. 32°-49'10'' N., long. 97°02'28'' W.

J-929R ATLANTA, GA., TO HOUSTON, TEX.

Birmingham, Ala., 088°M/85.1 NM, lat. 33°-38'02'' N., long. 85°12'05'' W.;
Birmingham, Ala., VORTAC, lat. 33°40'12'' N., long. 86°53'59'' W.;
Birmingham, Ala., 228.7°M/123.2 NM, lat. 32°22'42'' N., long. 88°48'15'' W.;
McComb, Miss. 332.7°M/33.3 NM, lat. 31°49'-19'' N., long. 90°29'40'' W.;
Lake Charles, La., 258.1°M/117.2 NM, lat. 29°-57'24'' N., long. 95°20'44'' W.

J-937R HAWAII TO CHICAGO, ILL.

Ukiah, Calif., 221°M/142 NM, lat. 37°48'13'' N., long. 123°49'57'' W.;
Ukiah, Calif., 144.8°M/25.9 NM, lat. 38°38'25'' N., long. 123°06'36'' W.;
Reno, Nev., VORTAC, lat. 39°31'53'' N., long. 119°39'18'' W.;
Battle Mountain, Nev., 148.1°M/28.8 NM, lat. 40°08'12'' N., long. 116°46'32'' W.;
Bonneville, Utah, VORTAC, lat. 40°43'34'' N., long. 113°45'24'' W.;
Malad City, Idaho, 150.9°M/75.5 NM, lat. 40°-58'05'' N., long. 112°06'09'' W.;
Rock Springs, Wyo., 154.4°M/10.3 NM, lat. 41°25'15'' N., long. 108°58'31'' W.;
Cheyenne, Wyo., 338.7°M/40.9 NM, lat. 41°-53'12'' N., long. 104°53'16'' W.;
Sidney, Nebr., 341°M/57.1 NM, lat. 42°02'38'' N., long. 103°07'04'' W.;
O'Neil, Nebr., 166.9°M/8.9 NM, lat. 42°19'23'' N., long. 98°40'33'' W.;
Des Moines, Iowa, 353.3°M/59.4 NM, lat. 42°-25'43'' N., long. 93°38'52'' W.;
Dubuque, Iowa, 090.9°M/13.8 NM, lat. 42°22'-53'' N., long. 90°23'60'' W.;
Dubuque, Iowa, 086.7°M/102.1 NM, lat. 42°-21'31'' N., long. 88°24'46'' W.

J-918R HOUSTON, TEX., TO NEW ORLEANS, LA.

Humble, Tex., VORTAC, lat. 29°57'24'' N., long. 95°20'44'' W.;
Alexandria, La., 172.2°M/73.8 NM, lat. 30°01'-21'' N., long. 92°28'52'' W.;
New Orleans, La., VORTAC, lat. 30°01'47'' N., long. 90°10'20'' W.

J-935R TUCSON, ARIZ., TO ALBUQUERQUE, N. MEX.

San Simon, Ariz., 271°M/30 NM, lat. 32°23'-21'' N., long. 109°50'06'' W.;
St. Johns, Ariz., 119.1°M/57.4 NM, lat. 33°45'-60'' N., long. 108°18'15'' W.;
Albuquerque, N. Mex., VORTAC, lat. 35°02'-38'' N., long. 106°48'57'' W.

J-939R CHICAGO, ILL., TO SEATTLE, WASH.

Dubuque, Iowa, 096.3°M/127.5 NM, lat. 41°-59'16'' N., long. 87°54'17'' W.;
Dubuque, Iowa, 248°M/73 NM, lat. 42°00'53'' N., long. 92°15'40'' W.;
Fort Dodge, Iowa, 314°/117.3 NM, lat. 44°07'-06'' N., long. 96°00'04'' W.;
Aberdeen, S. Dak., 187.5°M/41.9 NM, lat. 44°-45'05'' N., long. 98°39'52'' W.;
Dickinson, N. Dak., 180.6°M/74.1 NM, lat. 45°-39'50'' N., long. 103°12'58'' W.;
Billings, Mont., 353.4°M/40 NM, lat. 46°27'-51'' N., long. 108°26'58'' W.;
Helena, Mont., 349.1°M/15.1 NM, lat. 46°51'-21'' N., long. 111°54'03'' W.;
Mullen Pass, Idaho, 165.6°M/17.4 NM, lat. 47°10'05'' N., long. 115°41'12'' W.;
Spokane, Wash., 163.3°M/16.9 NM, lat. 47°17'-02'' N., long. 117°39'24'' W.;
Seattle, Wash., VORTAC, lat. 47°26'08'' N., long. 122°18'30'' W.

J-940R SEATTLE, WASH., TO CHICAGO, ILL.

Seattle, Wash., VORTAC, lat. 47°26'08'' N., long. 122°18'30'' W.;
Spokane, Wash., 163.3°M/16.9 NM, lat. 47°-17'02'' N., long. 117°39'24'' W.;
Mullan Pass, Idaho, 165.6°M/17.4 NM, lat. 47°10'05'' N., long. 115°41'12'' W.;
Helena, Mont., 349.1°M/15.1 NM, lat. 46°51'-21'' N., long. 111°54'03'' W.;
Billings, Mont., 353.4°M/40 NM, lat. 46°27'-51'' N., long. 108°26'58'' W.;
Dickinson, N. Dak., 180.6°M/74.1 NM, lat. 45°39'50'' N., long. 103°12'58'' W.;
Aberdeen, S. Dak., 187.6°M/41.9 NM, lat. 44°45'05''N., long. 98°39'52'' W.;
Aberdeen, S. Dak., 116.8°M/127.7 NM, lat. 44°07'06'' N., long. 96°00'04'' W.;
Mason City, Iowa, 012.1°M/22.9 NM, lat. 43°27'29'' N., long. 93°09'59'' W.;
Dubuque, Iowa, 096.3°M/127.5 NM, lat. 41°-59'16'' N., long. 87°54'17'' W.

J-941R DALLAS, TEX., TO LAS VEGAS, NEV.

Wichita Falls, Tex., 121.5°M/104.7 NM, lat. 32°49'10'' N., long. 97°02'28'' W.;
Wichita Falls, Tex., 269.4°M/59.1 NM., lat. 34°08'33'' N., long. 99°45'50'' W.;
Tucumcari, N. Mex., 125.5°M/55.7 NM, lat. 34°29'42'' N., long. 102°50'21'' W.;
Socorro, N. Mex., 356.9°M/46.8 NM, lat. 35°06'34'' N., long. 106°39'24'' W.;
St. Johns, Ariz., 354.5°M/60.2 NM, lat. 35°25'-02'' N., long. 108°57'43'' W.;
Prescott, Ariz., 352.6°M/65.2 NM, lat. 35°47'-03'' N., long. 112°19'38' W.;
Peach Springs, Ariz., 274.4°M/60.1 NM, lat. 35°59'45'' N., long. 114°51'46'' W.

J-942R DALLAS, TEX., TO LUBBOCK, TEX.

Greater Southwest, Tex., VORTAC, lat. 32°-49'10'' N., long. 97°02'28'' W.;
Greater Southwest, Tex., 295.6°M/44.3 NM, lat 33°14'16'' N., long. 97°45'58'' W.;
Abilene, Tex., 021.2°M/90.4 NM, lat. 33°46'13'' N., long. 98°55'41'' W.;
Abilene, Tex., 333.1°M/81.2 NM, lat. 33°46'42'' N., long. 100°20'09'' W.;
Abilene, Tex., 295.9°M/126.7 NM, lat. 33°42'-18'' N., long. 101°54'49'' W.

J-943R ALBUQUERQUE, N. MEX., TO PHOENIX, ARIZ.

Albuquerque, N. Mex., VORTAC, lat. 35°02'-38'' N., long. 106°48'57'' W.;
St. Johns, Ariz., 145.2°M/4.9 NM, lat. 34°20'-53'' N., long. 109°06'29'' W.;
Phoenix, Ariz., VORTAC, lat. 33°25'53'' N., long. 111°53'17'' W.

J-938R CHICAGO, ILL., TO HAWAII

Iowa City, Iowa, 067.6°M/85.8 NM, lat. 41°-55'53'' N., long. 89°47'00'' W.;
Omaha, Nebr., 351.6°M/52 NM, lat. 42°02'05'' N., long. 95°44'37'' W.;
Wolbach, Nebr., 347.9°M/37.1 NM, lat. 41°59'-41'' N., long. 98°22'59'' W.;
Sidney, Nebr., 342.3°M/41.6 NM, lat. 41°47'-19'' N., long. 103°03'32'' W.;
Cheyenne, Wyo., 341.1°M/27.3 NM, lat. 41°-39'48'' N., long. 104°50'04'' W.;
Rock Springs, Wyo., 155.4°M/19.4 NM, lat. 41°16'13'' N., long. 108°57'02'' W.;
Fairfield, Utah, 333.5°M/36.3 NM, lat. 40°52'-15'' N., long. 112°05'05'' W.;
Bonneville, Utah, 146.9°M/3.6 NM, lat. 40°40'-06'' N., long. 113°44'05'' W.;
Battle Mountain, Nev., 148.3°M/28.6 NM, lat. 40°06'20'' N., long. 116°46'29'' W.;
Reno, Nev., VORTAC, lat. 39°31'53'' N., long. 119°39'18'' W.;
Ukiah, Calif., 144.8°M/25.9 NM, lat. 38°38'25'' N., long. 123°06'36'' W.;
Ukiah, Calif., 221°M/142 NM, lat. 37°48'13'' N., long. 125°49'57'' W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 8, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3384 Filed 3-11-71;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 71-WA-9]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes as a part of the overall program to establish an area navigation jet route structure.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10653), which established regulatory bases for the designation of specific area high and area low routes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

J-863R NEW YORK, N.Y., TO ATLANTA, GA.

Westminster, Md., 087.9M/119.6 NM, lat. 39°49'02'' N., long. 74°25'55'' W.;
Westminster, Md., 157.1M/45.8 NM, lat. 38°50'17'' N., long. 76°28'38'' W.;
Pulaski, Va., 190.0M/33.0 NM, lat. 36°32'27'' N., long. 80°47'47'' W.;
Spartanburg, S.C., 246.4M/96.7 NM, lat. 34°-19'21'' N., long. 83°40'53'' W.

J-864R CHICAGO, ILL., TO WASHINGTON, D.C.

Indianapolis, Ind., 322.7M/108.9 NM, lat. 41°16'11'' N., long. 87°47'28'' W.;
Indianapolis, Ind., 011.6M/79.3 NM, lat. 40°06'17'' N., long. 85°59'10'' W.;
Indianapolis, Ind., 073.4M/110.8 NM, lat. 40°17'16'' N., long. 84°02'36'' W.;
Bellaire, Ohio, 195.9M/20.1 NM, lat. 39°41'18'' N., long. 80°54'27'' W.;
Casanova, Va., 335.9M/31.2 NM, lat. 39°05'26'' N., long. 78°12'02'' W.;
Casanova, Va., 045.8M/29.6 NM, lat. 39°01'10'' N., long. 77°27'42'' W.

J-865R WASHINGTON, D.C., TO CHICAGO, ILL.

Philipsburg, Pa., 182.8M/92.0 NM, lat. 39°-23'08'' N., long. 77°50'55'' W.;
Cleveland, Ohio, 139.0M/72.1 NM, lat. 40°-29'20'' N., long. 81°04'05'' W.;
Cleveland, Ohio, 218.0M/30.0 NM, lat. 40°-56'51'' N., long. 82°32'26'' W.;
Northbrook, Ill., 136.4M/45.3 NM, lat. 41°-37'29'' N., long. 87°15'57'' W.

J-866R DENVER, COLO., TO CHICAGO, ILL.

Goodland, Kans., 282.1M/117.8 NM, lat. 40°-09'57'' N., long. 104°01'47'' W.;
O'Neill, Nebr., 156.5M/69.3 NM, lat. 41°20'45'' N., long. 98°19'43'' W.;
Des Moines, Iowa, 342.8M/32.8 NM, lat. 41°-58'33'' N., long. 93°46'40'' W.;
Bradford, Ill., 329.8M/81.8 NM, lat. 42°22'53'' N., long. 90°24'00'' W.;
Bradford, Ill., 037.8M/85.1 NM, lat. 42°12'39'' N., long. 88°18'52'' W.

J-867R CHICAGO, ILL., TO DENVER, COLO.

Iowa City, Iowa, 067.6M/85.8 NM, lat. 41°-55'53'' N., long. 89°47'00'' W.;
Pawnee City, Nebr., 321.7M/49.8 NM, lat. 40°-55'26'' N., long. 96°44'30'' W.;
Hayes Center, Nebr., 159.7M/13.9 NM, lat. 40°-13'31'' N., long. 100°52'27'' W.;
Denver, Colo., 090.1M/52.0 NM, lat. 39°39'32'' N., long. 103°39'32'' W.

J-868R KANSAS CITY, MO., TO ST. LOUIS, MO.

Kirksville, Mo., 224.3M/101.2 NM, lat. 39°-02'40'' N., long. 94°15'26'' W.;
Kirksville, Mo., 131.4M/115.0 NM, lat. 38°-42'35'' N., long. 90°55'59'' W.

J-869R ATLANTA, GA., TO CHICAGO, ILL.

Knoxville, Tenn., 196.6M/98.2 NM, lat. 34°-19'29'' N., long. 84°25'39'' W.;
Bowling Green, Ky., 074.1M/101.4 NM, lat. 37°19'02'' N., long. 84°23'10'' W.;
Indianapolis, Ind., 328.0M/73.0 NM, lat. 40°-51'20'' N., long. 87°11'36'' W.;
Indianapolis, Ind., 331.0M/115.6 NM, lat. 41°-30'36'' N., long. 87°34'17'' W.

J-870R ATLANTA, GA., TO TAMPA, FLA.

Macon, Ga., 253.8M/41.6 NM, lat. 32°30'22'' N., long. 84°26'16'' W.;
Gainesville, Fla., 297.3M/70.2 NM, lat. 30°-07'24'' N., long. 83°33'01'' W.;
Gainesville, Fla., 245.6M/34.9 NM, lat. 29°-20'20'' N., long. 82°58'21'' W.

J-871R ATLANTA, GA., TO ST. LOUIS, MO.

Chattanooga, Tenn., 182.3M/78.0 NM, lat. 33°-39'32" N., long. 85°12'55" W.;
Evansville, Ind., 227.4M/76.9 NM, lat. 37°-06'17" N., long. 88°59'48" W.;
Evansville, Ind., 275.4M/123.7 NM, lat. 38°-12'05" N., long. 90°21'00" W.

J-872R ATLANTA, GA., TO COLUMBIA, S.C.

Augusta, Ga., 274.9M/74.2 NM, lat. 33°37'10" N., long. 83°36'42" W.;
Augusta, Ga., 054.9M/45.1 NM, lat. 33°59'08" N., long. 81°24'07" W.

J-873R COLUMBIA, S.C., TO ATLANTA, GA.

Augusta, Ga., 055.4M/56.0 NM, lat. 34°05'10" N., long. 81°13'10" W.;
Augusta, Ga., 302.5M/90.2 NM, lat. 34°19'21" N., long. 83°40'53" W.

J-874R MEMPHIS, TENN., TO ATLANTA, GA.

Memphis, Tenn., 344.7M/6.5 NM, lat. 35°-03'00" N., long. 89°59'00" W.;
Birmingham, Ala., 064.8M/96.8 NM, lat. 34°-16'03" N., long. 85°05'51" W.

J-875R ATLANTA, GA., TO MEMPHIS, TENN.

Birmingham, Ala., 087.0M/84.4 NM, lat. 33°39'32" N., long. 85°12'55" W.;
Birmingham, Ala., VORTAC, lat. 33°40'12" N., long. 86°53'59" W.;
Memphis, Tenn., 109.0M/25.0 NM, lat. 34°-46'20" N., long. 89°29'51" W.

J-876R ATLANTA, GA., TO SAVANNAH, GA.

Augusta, Ga., 274.9M/74.2 NM, lat. 33°37'10" N., long. 83°36'42" W.;
Augusta, Ga., 159.5M/77.2 NM, lat. 32°20'35" N., long. 81°34'35" W.

J-877R SAVANNAH, GA., TO ATLANTA, GA.

Augusta, Ga., 151.6M/96.8 NM, lat. 32°08'00" N., long. 81°12'00" W.;
Augusta, Ga., 250.4M/76.3 NM, lat. 33°05'19" N., long. 83°33'03" W.

J-878R ATLANTA, GA., TO CLEVELAND, OHIO

Chattanooga, Tenn., 135.5M/52.4 NM, lat. 34°19'29" N., long. 84°25'39" W.;
Charleston, W. Va., 352.1M/69.3 NM, lat. 39°29'06" N., long. 82°03'08" W.;
Cleveland, Ohio, 141.0M/29.0 NM, lat. 40°-59'52" N., long. 81°44'06" W.

J-879R CLEVELAND, OHIO, TO ATLANTA, GA.

Charleston, W. Va., 343.8M/114.5 NM, lat. 40°09'04" N., long. 82°35'18" W.;
Charleston, W. Va., 277.4M/46.5 NM, lat. 38°24'16" N., long. 82°45'07" W.;
Spartanburg, S.C., 318.2M/73.5 NM, lat. 35°54'52" N., long. 82°58'18" W.;
Spartanburg, S.C., 246.4M/96.7 NM, lat. 34°19'21" N., long. 83°40'53" W.

J-856R ATLANTA, GA., TO PITTSBURGH, PA.

Chattanooga, Tenn., 135.5M/52.4 NM, lat. 34°19'29" N., long. 84°25'39" W.;
Charleston, W. Va., 352.1M/69.3 NM, lat. 39°29'06" N., long. 82°03'08" W.;
Charleston, W. Va., 028.1M/117.9 NM, lat. 40°07'30" N., long. 80°40'54" W.

J-860R MEMPHIS, TENN., TO LOUISVILLE, KY.

Memphis, Tenn., 009.0M/53.0 NM, lat. 35°-48'04" N., long. 89°41'49" W.;
Evansville, Ind., 096.7M/65.6 NM, lat. 37°44'-12" N., long. 86°24'16" W.

J-862R JACKSONVILLE, FLA., TO PITTSBURGH, PA.

Alma, Ga., 130.1M/68.5 NM, lat. 30°47'43" N., long. 81°29'38" W.;
Spartanburg, S.C., 150.2M/82.7 NM, lat. 33°51'26" N., long. 81°03'15" W.;
Charleston, W. Va., 069.2M/85.5 NM, lat. 38°54'52" N., long. 80°05'58" W.;
Elwood City, Pa., 153.8M/44.2 NM, lat. 40°11'39" N., long. 79°42'49" W.

J-880R JACKSONVILLE, FLA., TO CLEVELAND, OHIO

Jacksonville, Fla., 334.0M/30.0 NM, lat. 30°-54'00" N., long. 81°49'09" W.;
Columbia, S.C., 253.2M/57.2 NM, lat. 33°32'-40" N., long. 82°08'00" W.;
Pulaski, Va., 329.7M/90.8 NM, lat. 38°20'59" N., long. 81°46'12" W.;
Appleton, Ohio, 150.0M/47.0 NM, lat. 39°29'-06" N., long. 82°03'08" W.;
Appleton, Ohio, 039.3M/64.0 NM, lat. 40°59'-52" N., long. 81°44'06" W.

J-882R ATLANTA, GA., TO DETROIT, MICH.

Knoxville, Tenn., 196.6M/98.2 NM, lat. 34°19'29" N., long. 84°25'39" W.;
Louisville, Ky., 089.7M/53.7 NM, lat. 38°05'13" N., long. 84°26'39" W.;
Rosewood, Ohio, 226.1M/23.0 NM, lat. 40°00'59" N., long. 84°23'49" W.;
Rosewood, Ohio, 008.1M/106.6 NM, lat. 42°03'05" N., long. 83°44'55" W.

J-881R DETROIT, MICH., TO ATLANTA, GA.

Rosewood, Ohio, 014.9M/108.8 NM, lat. 42°02'53" N., long. 83°27'28" W.;
Rosewood, Ohio, VORTAC, lat. 40°17'16" N., long. 84°02'36" W.;
Louisville, Ky., 085.9M/79.2 NM, lat. 38°09'-46" N., long. 83°54'23" W.;
Chattanooga, Tenn., 116.3M/82.3 NM, lat. 34°19'21" N., long. 83°40'53" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 8, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3385 Filed 3-11-71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

DIAMOND TIPS FOR PHONOGRAPH NEEDLES FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

MARCH 5, 1971.

On November 30, 1970, information was received in proper form pursuant to § 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that diamond tips for phonograph needles from the United Kingdom are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-3478 Filed 3-11-71;8:50 am]

Internal Revenue Service

RICHARD L. BIXLER

Notice of Granting of Relief

Notice is hereby given that Mr. Richard L. Bixler, Post Office Box 224, Yakima, WA 98901, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 14, 1960, in the Yakima County Superior Court of the State of Washington, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard L. Bixler because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Richard L. Bixler to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard L. Bixler's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Richard L. Bixler be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 1st day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3479 Filed 3-11-71;8:50 am]

DAVID R. FULLER

Notice of Granting of Relief

Notice is hereby given that David R. Fuller, 723 North Liberty Road, Boise, ID 83704, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 19, 1966, in the Idaho District Court, County of Bonneville, Idaho Falls, Idaho, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for David R. Fuller because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for David R. Fuller to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered David R. Fuller's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That David R. Fuller be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 3d day of March 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-3480 Filed 3-11-71;8:50 am]

KENNETH HENRY JENZEN

Notice of Granting of Relief

Notice is hereby given that Kenneth Henry Jenzen, 249 Bay 22d Street, Brooklyn, N.Y. 11214, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 23, 1960, in the Kings County Supreme Court, New York, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Kenneth Henry Jenzen because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44,

title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Kenneth Henry Jenzen to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Kenneth Henry Jenzen's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Kenneth Henry Jenzen be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 1st day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3481 Filed 3-11-71;8:50 am]

ERNEST HAMILTON JUDD

Notice of Granting of Relief

Notice is hereby given that Ernest Hamilton Judd, Route 1, Mitchell, NE 69357, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about March 19, 1960, in the District Court of Scotts Bluff County, Nebr., of a crime punishable by imprisonment for a term exceeding one year. Unless relief is granted, it will be unlawful for Ernest H. Judd, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ernest H. Judd to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ernest H. Judd's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Ernest H. Judd be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 4th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3482 Filed 3-11-71;8:50 am]

HERBERT AVERY MESSER, JR.

Notice of Granting of Relief

Notice is hereby given that Herbert Avery Messer, Jr., 3909 Keller Avenue, Alexandria, VA 22302, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 30, 1965, in the Corporation Court for the City of Alexandria in Virginia, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Herbert A. Messer, Jr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Herbert A. Messer, Jr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Herbert A. Messer, Jr.'s application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Herbert A. Messer, Jr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 1st day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3483 Filed 3-11-71;8:50 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

[DOD Directive 5129.22]

DEFENSE SCIENCE BOARD CHARTER

Statement of Organization

FEBRUARY 17, 1971.

The Deputy Secretary of Defense approved the following organizational statement.

Refs.:

(a) DOD Directive 5129.1, "Director of Defense Research and Engineering," March 13, 1970.

(b) DOD Directive 5129.22, "Defense Science Board Charter," Apr. 10, 1961 (hereby canceled).

(c) DOD Directive 5030.13, "Regulations for the Formation and Use of Advisory Committees," Apr. 20, 1962.

I. *General.* In accordance with the general provisions of references (a) and (c),[1] the Defense Science Board is continued as the senior advisory group in the Office of the Director of Defense Research and Engineering (ODDR&E). The purpose, membership, scope and mode of operation are defined below.

II. *Purpose and membership.* A. The Defense Science Board, composed of members appointed from civilian life by the Secretary of Defense upon the recommendation of the Director of Defense Research and Engineering, advises the Secretary of Defense, through the Director of Defense Research and Engineering, on scientific and technical matters of interest to the Department of Defense.

B. The Board shall consist of not more than 24 Members at Large and the Chairmen of the public advisory bodies specified below:

1. The Members at Large will be selected on the basis of their preeminence in the fields of research and engineering as necessary to cover the interests of the respective offices of the Director of Defense Research and Engineering. This class of membership may include officials of other agencies or departments of the Government with expertise desired by the Director of Defense Research and Engineering. Members at Large will serve a term of 4 years, with the term of six members expiring each December 31. Having served a full term, a Member at Large will not ordinarily be reappointed until 1 year has elapsed after the terminal date of his original appointment.

2. The Chairman of each of the following public advisory bodies to the Department of Defense:

a. Army Scientific Advisory Panel;

b. Naval Research Advisory Committee; and the

c. Air Force Scientific Advisory Board.

C. The Secretary of Defense shall designate the Chairman and Vice Chairman of the Board from the above membership upon the recommendation of the Director of Defense Research and Engineering. An Executive Secretary, with necessary supporting staff, will be provided by the Director of Defense Research and Engineering upon recommendation of or with the concurrence of the Chairman of the Defense Science Board.

III. *Scope.* A. The mission of the Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

B. In furtherance of this mission the Board shall concern itself with policy matters in the area of long-range planning. It shall render advice to the Secretary of Defense and to the Director of Defense Research and Engineering in areas useful to their offices as to specific systems and weapons only down to such details as fulfill the requirements of these offices. The Board shall be concerned with the pressing and complex problems of research management facing the Director of Defense Research and Engineering and his staff in terms of policy development and principles to be followed.

C. Specific advice will be rendered on Department of Defense research, development, engineering, test and evaluation programs, such as:

1. Preferred administrative practices and policies for the effective prosecution of these programs;

2. The desirable scope, internal balance and, where appropriate, the substance of research, development, engineering, test, and evaluation effort that should be pressed by the Department of Defense in answer to its valid interests viewed broadly from the national perspective and in full consideration of current programs in the civilian economy; and

3. The effectiveness of research and development in providing combat-worthy weapons systems, with attention to prompt and effective utilization of new knowledge; the rapid translation of new scientific opportunities into weapons; and the evaluation of the effectiveness of the projected weapons systems in meeting military requirements.

D. The Board shall be responsive to requests or assignments from the Secretary of Defense or the Director of Defense Research and Engineering.

IV. *Operations.* A. The Defense Science Board shall meet regularly three times each year and at such other times as may be called by the Chairman or the Director of Defense Research and Engineering.

B. The procedures for developing the advice and findings of the Board shall be as flexible as is consistent with the above purpose. The Board will work through the Chairman with the Director of Defense Research and Engineering by establishing ad hoc task forces to review and advise on problems which arise. Subject to the concurrence of the Director of Defense Research and Engineering, members may collaborate, as representatives of the Board, with the Military Departments and with civilian agencies in broad studies of relevance to the mission of the Board.

C. The Office of the Director of Defense Research and Engineering shall provide for such technical or administrative assistance as is needed by the Board or ad hoc task forces. In particular, the Executive Secretary shall be responsible to the Director of Defense Research and Engineering for the proper functioning of the Board in accordance with reference (c) and to the Chairman in connection with the planning, operation and coordination of the work of the Board.

V. *Cancellation.* Reference (b) is hereby superseded and cancelled.

VI. *Effective date.* This Directive is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-3457 Filed 3-11-71;8:49 am]

[1] Filed as part of original. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Code 300.

[DoD Directive 5160.61]

SECRETARY OF THE ARMY

Delegation of Authority Regarding Use of Civil Defense Communications System for Disaster Warnings

MARCH 6, 1971.

The Deputy Secretary of Defense approved the following delegation of authority:

Reference: (a) Executive Order 11575, "Providing for the Administration of the Disaster Relief Act of 1970" (Public Law 91-606), Dec. 31, 1970.

Pursuant to the authority vested in the Secretary of Defense by reference (a), there is hereby delegated to the Secretary of the Army, with authority to redelegate as appropriate, the responsibilities, functions, powers, and authorities vested in the Secretary of Defense concerning the utilization and availability of the civil defense communications system for the purpose of disaster warnings.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-3455 Filed 3-11-71;8:48 am]

POST OFFICE DEPARTMENT

ARTICLES BEING MAILED ABROAD FOR ALTERATIONS, REPAIR, OR REPLACEMENT

Certification

Section 61.5(h)(3) of Title 39, Code of Federal Regulations (36 F.R. 4117) (section 615.83, Publication 42—International Mail) states that a customer sending an article abroad for repair should submit the article to a Customs officer for issuance of a certificate of registration so that full customs duty will not be charged when the article is returned to the United States.

Due to the absence of Customs officers in many areas of the country, customers often are unable to have articles registered with the Customs Service before sending them abroad, or are able to do so only after considerable expense and inconvenience.

To alleviate this condition, the Postal Service has agreed that under certain conditions Postmasters or other designated postal employees may certify to the exportation of articles being mailed abroad for alterations, repairs, use, or replacement. The conditions under which this certification may be provided are as follows:

1. The customer must reside in an area which is outside a 20-mile radius of a Customs office. In addition to the offices listed in § 61.3(e), of Title 39 CFR, Customs officers are located at a number of additional points, and if the customer resides within a 20-mile radius of any of those Customs offices, he must continue to have the article certified to by Customs.

2. The customer presents the package containing the article to be exported at the post office in an open state, together with a set (original and duplicate) of Customs Form 4455, "Certificate of Registration," completed and signed by the owner of the article being exported. Customers may obtain the forms from any of the Customs offices listed in § 61.3(e). The customer must also present a completed postal customs declaration on

Form 2966, 2976, or 2976–A, as may be appropriate for the class of mail to be used, describing the article in the same terms as on the Customs form.

3. The Postmaster or other designated postal employee checks to see that the description of the article to be exported is the same on both the Customs and Postal Service forms, and if the description is the same he certifies to the mailing (lading) by signing the "Signature of Customs Officer" space on both copies of the Customs form. Certificate of mailing fees of 10 cents shall be charged and accounted for by affixing a 5-cent stamp to each of the two Customs forms and canceling with a legible impression of the post office date stamp.

4. Both copies of the Customs form are returned to the customer who inserts the original in the package so the foreign shipper can include it in his package and thus facilitate processing when the merchandise is returned. The customer retains the duplicate for possible use in clearing the merchandise on its return.

5. After the customer has inserted the original form he closes the package and presents it to the postal employee for mailing in the usual manner.

The changes announced in this notice relax requirements of the preexisting regulations. Accordingly, it is unnecessary and contrary to the public interest to publish these changes as proposed rules and to provide a delayed effective date. The changes announced in this notice, therefore, are effective upon publication in the FEDERAL REGISTER (3–12–71).

Regulations in Title 39 will be appropriately amended.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

DAVID A. NELSON,
General Counsel.

[FR Doc.71–3504 Filed 3–11–71;8:52 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

CEDARS-SINAI MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00115–33–46500. Applicant: Cedars-Sinai Medical Center, Medical Research Institute, Cedars of Lebanon Division, 4833 Fountain Avenue, Los Angeles, CA 90029. Article: Ultramicrotome, Model LKB.8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research on cardiac hypertrophy and the mechanism by which it is achieved. Studies will be made of banding the pulmonary artery to produce various degrees of hypertrophy and noting the biochemical and ultrastructural alterations.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00865–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 15, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's histological and ultrastructural studies of cardiac changes involving a variety of techniques and tissue consistencies. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3422 Filed 3–11–71;8:46 am]

CLEMSON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00161–33–46040. Applicant: Clemson University, College of Agriculture and Biological Sciences, Clemson, SC 29631. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi Ltd., Japan.

Intended use of article: The article will be used primarily for training graduate students and other researchers in the Biological Sciences and in the techniques and applications of electron microscopy. It will be utilized in the following courses: Biology 801, Electron Microscopy of Biological Materials, Dairy Science 801, Topical Problems, Biochemistry 810, and Biochemical Techniques.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 8, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3423 Filed 3–11–71;8:46 am]

COLUMBIA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00198–00–46040. Applicant: Columbia University Medical School, 630 West 168th Street, New York, NY 10032. Article: Universal cassette and two magazines. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used to fit an existing Elmiskop 1A electron microscope, for studies concerning human eyes removed at surgery for various diseases.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessories being manufactured in the United States, which are interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3424 Filed 3–11–71;8:46 am]

HARVARD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00154–33–46500. Applicant: Harvard Medical School, 25 Shattuck Street, Boston, Mass. 02115. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for experiments on the normal, physiological behavior of cells and tissues in regard to the transport and ingestion of macromolecules. Variations in the behavior of cells and tissues under experimental pathological conditions will be studied. The development and utilization of new ultrastructural cytochemical tracers—e.g. enzymes, dextrans, inulin and colloidal particles—of varying size, charge and shape, is being studied for transport processes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 5, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the ultrathin serial sectioning of soft tissue which is encountered in the applicant's study of the transport of macromolecules across cells and tissue at the ultrastructural level, including kidney tissue and the passage of proteins in urine. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–4650 which conforms in many particulars to the captioned application.

We therefore find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3425 Filed 3–11–71;8:46 am]

JERSEY CITY STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00020–33–46500. Applicant: Jersey City State College, 2039 Kennedy Boulevard, Jersey City, NJ 07305. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to make ultrathin sections of rat tissues and tissue fraction pellets which exhibit the greatest uptake of radio isotopically labeled catecholamines and which have been fixed, dehydrated and embedded. Instructional programs include courses in electron microscopy for undergraduate and graduate students.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 13, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies relating to tracing the uptake of labeled catecholamines which will involve sectioning soft materials, i.e., tissue fraction pellets and nervous tissue, with a wide range in consistency. HEW cites as a precedent its prior recommendation relating to Docket No. 70–00519–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3426 Filed 3–11–71;8:46 am]

LOUISIANA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00149–33–46500. Applicant: Louisiana State University Medical Center, 1542 Tulane Avenue, New Orleans, LA 70112. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article is to be used for sectioning several tissues in the study of (1) serial sections of uniform thickness of 50 angstroms or less in order to view the methods of secretion in the intestinal ameba Entamoeba histolytica in colonic lesions; (2) the relationship of fine lipid droplets to certain portions of cell membranes in the intestine of nematodes; and (3) radio isotopes which require thin sections less than 50 angstroms for maximum localization of the label in subcellular elements. These projects are involved with the elucidation of the role of the vacuolar system of individual cell types in secretion.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domesttc instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 5, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies which involve the successful production of long series of ultrathin uniform sections of ameba's vacuolar system, a soft specimen.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3427 Filed 3–11–71;8:46 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00143–33–46500. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to study rat brain in an investigation of the biological properties of nervous tissue by experiments in tracing of neutral connections. A course entitled Light and Electron Microscope Techniques in Neurobiology will use the ultramicrotome for the preparation of ultrathin sections and for the study of interneuronal connections.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 5, 1971, that cutting speeds in excess of 4mm./sec. are pertinent to the successful ultrathin sectioning of the softer specimens encountered in the applicant's study of the ultrastructure, interneuronal and neural connections of rat brain and other nervous tissues. HEW cites as a precedent its prior recommendation relating to Docket No. 70–00733–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3428 Filed 3–11–71;8:46 am]

MEDICAL UNIVERSITY OF SOUTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00147–33–46500. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, SC 29401. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to prepare blocks, thick, and thin sections of animal tissues from several organs treated with poisons or toxic doses or drugs. Graduate and medical students will learn the techniques of ultramicrotomy in courses entitled Methods in Experimental Pharmacology, Electron Microscopy in Pharmacology and Electron Microscopy in Cell and Molecular Biology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 5, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the sectioning of the softer specimens encountered in the applicant's study of ultrastructural lesions in cardiac tissue following doses of toxic drugs, which requires sectioning of tissue having a wide range of hardness. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3429 Filed 3–11–71;8:46 am]

NASSAU COMMUNITY COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00037–33–46040. Applicant: Nassau Community College, Stewart Avenue, Garden City, NY 11530. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used to improve and enhance instruction in physiology, parasitology, microbiology, histology, histochemical techniques, and in parasitology courses. Courses in electron microtomy and electron microscopy and advanced electron microtomy will be directed to producing students that are capable to go directly into hospitals and research electron microscope laboratories to work as electron microscopy technicians.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 10, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3430 Filed 3–11–71;8:46 am]

ST. LOUIS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00170–33–46500. Applicant: St. Louis University, Department of Biology, 1504 South Grand Boulevard, St. Louis, MO 63104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for the purposes of studying the tentacular and oral-disc regeneration in the sea anemone, Aiptasia diaphana. Experiments will be conducted to determine the types of cells present in the nonregenerating anemones and to find out which of these cells participate in the regeneration of the oral-disc and tentacle crown.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 8, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's study involving ultrathin sectioning of the soft tissue and cells of sea anemone for fine structural observation and three dimensional reconstruction. HEW cites as precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3431 Filed 3–11–71;8:46 am]

STATE UNIVERSITY COLLEGE, NEW PALTZ, N.Y.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00065–88–46040. Applicant: State University College, Department of Geological Sciences, New Paltz, NY 12561. Article: Electron microscope, Model HS–8–1. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used to identify various clay minerals and nannofossils and to study the ultrastructure of fungal and bacterial spores. The primary research use will be in connection with thesis research projects of graduate students following programs leading to the master of arts degree in geology, biology, chemistry, and physics. Undergraduate and graduate ccurses in the natural sciences will use the electron microscope as a teaching tool.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 20, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3432 Filed 3–11–71;8:46 am]

TULANE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00119–33–46500. Applicant: Tulane University, Dept. of Biology, 6823 St. Charles Avenue, New Orleans, LA 70118. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used to obtain thin tissues from amphibians. The two main studies are an investigation of the phenomenon of skin graft rejection of allografts in Rana pipiens at the ultrastructural level and a study of the fine structure of the lymphoid tissue associated with the kidney in the toad Bufo marinus.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 22, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the successful ultrathin serial sectioning of specimens having the different and variable mechanical characteristics encountered in the applicant's studies of skin graft rejection at the ultrastructural level and of kidney lymphoid tissue. HEW cites as a precedent its prior recommendation relating to Docket No. 70–00729–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3433 Filed 3–11–71;8:47 am]

UNIVERSITY OF CINCINNATI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00086–65–46040. Applicant: University of Cincinnati, Department of Materials Science and Metallurgical Engineering, Cincinnati, OH 45221. Article: Electron microscope, Model JEM 200. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used for teaching and research in materials science, metallurgical engineering and metallurgy, especially the high temperature refractory metals such as tungsten, tantalum, molybdenum, and columbium and their alloys. The nature and types of defects which appear in the substructure of metals and alloys as a result of plastic deformation, radiation effects, quenching and other metal thermo-mechanical processing will be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable

domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified maximum accelerating voltage of 100 kilovolts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 23, 1970, that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3434 Filed 3-11-71;8:47 am]

UNIVERSITY OF MASSACHUSETTS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00124-33-46500. Applicant: University of Massachusetts Laboratory of Experimental Biology, East Wareham, MA 02538. Article: Ultramicrotome, Model LKB 4800. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in studies where nematodes serve as models to study aging. The organisms involved are microscopic and multicellular and are reared axenically on a partially defined medium in the laboratory. Initial investigations will involve definition of changes in fine structure that occur as nematodes age.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 22, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the changes in cell fine structure and the biochemical pathways altered during aging which will utilize ultrathin serial sections of soft nematode tissue. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00448-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3435 Filed 3-11-71;8:47 am]

UNIVERSITY OF MISSOURI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00226-00-46070. Applicant: University of Missouri—Rolla, General Services Building, Purchasing Department, Rolla, MO 65401. Article: Goniometer Stage, Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan.

Intended use of article: The article is an accessory which will be used with an existing Model JSM-2 scanning electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3436 Filed 3-11-71;8:47 am]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00304-00-46040. Applicant: The University of Texas at Austin, Box 7306, University Station, Austin, TX 78712. Article: Plate Changing Device with Airlock. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory for an existing Elmiskop I electron microscope used for basic and applied research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3437 Filed 3-11-71;8:47 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00267-00-61800. Applicant: University of Wisconsin, Marathon County Campus, 518 South Seventh Avenue, Wausau, WI 54401. Article: Geocentric Earth. Manufacturer: Goto Manufacturing Co., Japan.

Intended use of article: The article is an accessory for an existing planetarium in the applicant institution.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3438 Filed 3-11-71;8:47 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00265-00-61800. Applicant: University of Wisconsin, Marathon County Campus, 518 South Seventh Avenue, Wausau, WI 54401. Article: Projection orrery. Manufacturer: Goto Manufacturing Co., Japan.

Intended use of article: The article is an accessory for an existing planetarium instrument.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which are interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHEMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3439 Filed 3-11-71;8:47 am]

VALPARAISO UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00199-00-54800. Applicant: Valparaiso University, Department of Psychology, Heritage Hall 201, Valparaiso, IN 46383. Article: Optical Bench components. Manufacturer: Precision Tool & Instrument Co., Ltd., United Kingdom.

Intended use of article: The articles will be used to replace parts of existing scientific instruments used in research on visual perception and teaching.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to components for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar components being manufactured in the United States, which are interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3440 Filed 3-11-71;8:47 am]

VETERANS ADMINISTRATION HOSPITAL, SAN FRANCISCO, CALIF.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00163–33–46500. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produckter A.B., Sweden.

Intended use of article: The article will be used in the training of individual researchers in the techniques of ultramicrotomy suitable for investigations of central nervous system, peripheral nerves, and muscle tissue. The investigations of the applicant involve a study by phase and electron microscopy of experimental virus infections in animal brain. The course of the infections and the detailed neuropathogic features are then investigated in animals perfused with fixatives for obtaining optimum preservation of cellular detail at the electron microscopic level.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purpose as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 8, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the production of long series of ultrathin uniform sections of soft tissue which will be required for the applicant's study of virus infections in animal brain including pathways by which viruses travel within nervous system tissue. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes of which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3441 Filed 3–11–71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 0084 NV]

CHLORAMPHENICOL

Drugs for Veterinary Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71–2164 appearing on page 3144 in the issue for Thursday, February 18, 1971, the figure "30" in the first complete paragraph in the third column should read "180".

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

MARCH 8, 1971.

Pursuant to Docket No. HM–1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during February 1971:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6387	Shippers registered with this Board for shipments of large quantities of fissile radioactive materials, n.o.s. in WADCO Model No. 60 shipping container.	Water, Highway, Rail, Cargo-only aircraft.
6393	Shippers registered with this Board for shipments of fissile and large quantities of radioactive materials, n.o.s. in the JMTR Shipping Cask, Model No. JMTR W–5390.	Water, Highway, Rail.
6396	Industrial Welding Supply, Inc., to ship certain compressed gases in DOT–3A, 3AA cylinders having a 10-year hydrostatic retest period.	Highway, Rail.
6397	Shippers registered with this Board for shipments of a liquid herbicide, class B poison, in DOT–34 polyethylene containers not over 6½ gallons capacity.	Highway, Rail.
6398	Shippers registered with this Board for shipments of certain flammable liquids in non-DOT specification portable tanks approximately 5,250 gallons capacity.	Water, Highway.
6401	Alamo Welding Supply Co. to ship certain compressed gases in DOT–3A, 3AA cylinders having a 10-year hydrostatic retest period.	Highway, Rail.
6402	General Welding Supply Co. to ship certain compressed gases in DOT–3A, 3AA cylinders having a 10-year hydrostatic retest period.	Highway, Rail.
6403	Ethyl Corp. to ship liquefied ethylene in non-DOT specification aluminum cargo tank insulated with foamed-in-place polyurethane covered with a ½₁₆ inch aluminum jacket.	Highway.
6405	Shippers registered with this Board for shipments of Type B quantities of radioactive materials, special form, in National Lead Company's Model No. W–5158 Special Resin Shield Container.	Highway.
6407	Shippers registered with this Board for shipments of fissile radioactive materials, n.o.s. in package identified as UKAEA Design No. 1601/1602.	Water, Highway, Rail, Cargo-only aircraft.
6411	Shippers registered with this Board for shipments of certain corrosive liquids, in DOT–37M/2U composite package.	Highway, Rail.
6413	WADCO to ship metallic sodium in three shield test sections overpacked in wooden crates mounted on skids.	Highway.
6414	Shippers registered with this Board for shipments of a dry organic phosphate compound mixture containing not more than 10% active ingredient in DOT–12B fiberboard box with inside DOT–2D paper bags not over 16½ pounds capacity each.	Highway, Rail.
6415	Olin Corporation to ship hydrazine solutions in a MC 311 stainless steel cargo tank with a molybdenum concentration of not over 0.5% for the base metal and not over 1.0% in the welded areas.	Highway.
6416	Shippers registered with this Board for shipments of monochlorodifluoromethane in DOT–105A300W tank cars having tanks equipped with safety relief valves having start-to-discharge setting of 247.5 p.s.i.g.	Rail.

ALAN I. ROBERTS,
Secretary.

[FR Doc.71–3419 Filed 3–11–71;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–373, 50–374]

COMMONWEALTH EDISON CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Commonwealth Edison Co., 1 First National Plaza, Chicago, IL 60690, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 3, 1970, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Brookfield Township, La Salle County, Ill. The proposed site is located approximately 5 miles south-southwest of Seneca, Ill.

The proposed facilities are designated by the applicant as La Salle County Nuclear Power Station, Units 1 and 2. Each reactor is designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,078 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 5, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the Chairman of the Board of Supervisors, La Salle County Courthouse, Ottawa, Ill.

Dated at Bethesda, Md., this 22d day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71–2623 Filed 3–4–71;8:45 am]

[Docket No. 50–341]

DETROIT EDISON CO.

Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter

The Detroit Edison Co., 2000 Second Avenue, Detroit, MI 84226, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated April 29, 1969, for a permit to construct and license to operate a boiling water nuclear power reactor, having a gross electrical output of approximately 1,157 megawatts derived from a thermal capacity of approximately 3,293 megawatts.

The proposed reactor, designated by the applicant as the Enrico Fermi Atomic Power Plant, Unit No. 2, is to be located at the applicant's 915-acre site on the western shore of Lake Erie in Frenchtown Township, Monroe County, Mich., about 30 miles southwest of downtown Detroit, Mich. It will be adjacent to the nuclear facility owned and operated by the Power Reactor Development Co. and designated as the Enrico Fermi Atomic Power Plant, Unit No. 1.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after February 19, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and the office of Delbert J. Hoffman, Supervisor, Frenchtown Township Hall, 2664 Vivian Road, Monroe, MI.

Dated at Bethesda, Md., this 11th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71–2205 Filed 2–18–71;8:45 am]

[Docket No. 50–367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Northern Indiana Public Service Co., 5265 Hohman Avenue, Hammond, IN 46320, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated August 24, 1970, for authorization to construct and operate a single-cycle, forced circulation, boiling water nuclear reactor at its Bailly Generating Station site, located in Westchester Township, Porter County, Ind. The proposed site is located on the south end of the shore of Lake Michigan, adjacent to the fossil-fueled Units 7 and 8 of the Bailly Generating Station, and is approximately 12 miles east-northeast of Gary, Ind.

The proposed nuclear reactor, designated by the applicant as Bailly Generating Station—Nuclear 1, is designed for initial operation at approximately 1,931 megawatts (thermal) with a net electrical output of approximately 657 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 5, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the local office of Northern Indiana Public Service Co., 141 South Calumet Street, Chesterton, IN.

Dated at Bethesda, Md., this 22d day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71–2624 Filed 3–4–71;8:45 am]

CERTAIN RADIOISOTOPES

Withdrawal From Production and Distribution

The Commission has carefully considered the commercial availability of 28 radioisotopes and is now proposing to withdraw voluntarily from routine production and distribution of these radioisotopes. The AEC will continue to meet requests for these radioisotopes to the extent that the purchaser certifies in writing that he requires material which is not reasonably available commercially.

In accordance with the Commission's Statement of Policy published on March 9, 1965, in the FEDERAL REGISTER (30 F.R. 3247), the Commission has provisionally determined that reactor produced antimony-122, barium-131, barium-133, bismuth-210, carbon-14, cesium-131, chlorine-36, copper-67, gallium-72, iodine-130, iridium-194, nickel-63, osmium-191, palladium-109, praseodymium-142, rhenium-186, rubidium-86, samarium-153, scandium-46, silver-111, tantalum-182, tellurium-125m, thallium-204, thulium-170 (processed), thulium-171, tungsten-185, tungsten-187, and tungsten-188 are reasonably available from commercial firms.

This determination was based on the following findings:

a. There exists effective competition in the marketing of all 28 radioisotopes.

b. If private production of these 28 radioisotopes were discontinued, the AEC could resume production without significant delay.

c. The commercial prices of these 28 radioisotopes are reasonable and consistent with encouragement of research and development and use.

In connection with Government requirements, the AEC will maintain the right to produce these isotopes for Government use in those circumstances where the Government is a substantial user, or the use is of special programmatic interest to the AEC, and where procurement from industry would result in significantly higher cost to the Government.

All interested persons who desire to submit written comments for consideration in connection with the Commission's proposed action on withdrawing from production and distribution of these 28 radioisotopes should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

The Commission will make a final decision on the proposed withdrawal following receipt and evaluation of public comments.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 9th day of March 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-3571 Filed 3-11-71;9:34 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23171; Order 71-3-56]

AIR OVERSEAS CORP.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of March 1971.

By tariff revisions [1] filed February 8 and marked for effectiveness March 10, 1971, Air Overseas Corp. (Overseas), an air freight forwarder, proposes, among other things, to increase its excess valuation rate from 15 to 20 cents for each $100 (or fraction thereof) by which declared value exceeds 50 cents per pound or $50 per shipment, whichever is higher; and to increase the C.O.D. collection fee from one to one and one-half cents per dollar and the minimum charge from $2 to $3.

No complaints were received by the Board.

Overseas has provided no data in support of the proposed changes which would result in excess valuation charges and C.O.D. collection fees being increased significantly above the charges and fees generally applicable in domestic tariffs of other carriers. As the Board noted in Order 70-11-84, of November 19, 1970, it has consistently suspended, pending investigation, proposed increases in such circumstances. An identical excess valuation charge proposed by Satellite Air Freight, Inc. was suspended by the Board by Order 70-10-92.

Upon consideration of all relevant factors, the Board finds that the proposals to increase excess valuation charges and C.O.D. collection fees may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be investigated. We further conclude that the proposals should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 90(B) on 1st Revised Page 7 and Rule No. 130(I)(1) on 2d Revised Page 10 of Air Overseas Corporation's CAB No. 2 and rules, regulations or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions in Rule No. 90(B) on 1st Revised Page 7 and Rule No. 130(I)(1) on 2d Revised Page 10 of Air Overseas Corporation's CAB No. 2 are suspended and their use deferred to and including June 7, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The investigation instituted herein, designated Docket 23171, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served upon Air Overseas Corporation, which is hereby made a party to this proceeding.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-3494 Filed 3-11-71;8:51 am]

[1] Revision to Air Overseas Corporation, Tariff CAB No. 2.

[Docket No. 21474]

INVESTIGATION OF PREMIUM RATES FOR LIVE ANIMALS AND BIRDS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 27, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Louis W. Sornson.

Requests for information and evidence, proposed statements of issues, and of procedural dates shall be filed by counsel for the Bureau of Economics on April 12, 1971, and by other parties to the proceeding on April 19, 1971.

Dated at Washington, D.C., March 8, 1971.

[SEAL] Thomas L. Wrenn,
Chief Examiner.

[FR Doc.71-3492 Filed 3-11-71;8:51 am]

[Docket No. 22784]

PROPOSED MILITARY RESERVATION FARE INCREASES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 29, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Requests for information and evidence, proposed statements of issues, and of procedural dates shall be filed by counsel for the Bureau of Economics on or before March 19, 1971, and similar documents shall be filed by the parties on or before March 25, 1971.

Dated at Washington, D.C., March 8, 1971.

[SEAL] Thomas L. Wrenn,
Chief Examiner.

[FR Doc.71-3493 Filed 3-11-71;8:51 am]

[Docket No. 23125; Order 71-3-53]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 8, 1971.

The Postmaster General filed a notice of intent February 22, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 47 cents per great circle aircraft mile for the transportation of mail by aircraft between Amarillo and Dallas, Tex., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 47 cents per great circle aircraft mile between Amarillo and Dallas, Tex., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1956, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Braniff Airways, Inc., Continental Air Lines, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Braniff Airways, Inc., Continental Air Lines, Inc., and Texas International Airlines, Inc.

This order will be published in the Federal Register.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-3495 Filed 3-11-71;8:51 am]

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 19792; Order 71-3-39]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 5, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-2-52, February 12, 1970, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Longview, Tyler, and Dallas, Tex.

The Postmaster General filed a petition on February 16, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 55.6 cents per great circle aircraft mile, based on five round trips per weeek. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 16, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 50 cents per great circle aircraft mile between Lufkin and Dallas, via Palestine, Tex.;

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., and Texas International Airlines, Inc.

This order will be published in the Federal Register.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-3496 Filed 3-11-71;8:51 am]

[Docket No. 19789; Order 71-3-40]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 5, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-2-52, issued February 12, 1970, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Lufkin and Dallas, via Palestine, Tex.

The Postmaster General filed a petition on February 16, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 50 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 16, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 50 cents per great circle aircraft mile between Lufkin and Dallas, via Palestine, Tex.;

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., and Texas International Airlines, Inc.

This order will be published in the Federal Register.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-3497 Filed 3-11-71;8:51 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

1. The fair and reasonable final service mail rate to be paid on and after February 16, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 55.6 cents per great circle aircraft mile between Longview, Tyler, and Dallas, Tex.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16 (f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3497 Filed 3-11-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 534]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 8, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4535-C2-P-71—Waco Communications, Inc. (KKJ453), C.P. to replace transmitter operating on frequency 152.03 MHz and change the antenna system at location No. 1: 1200 block of North 46th Street, Waco, TX.

4536-C2-MP-71—North Shore Radio-Telephone, Inc. (KSB590), Modification of C.P. to add duplexer and change the transmission line operating on 152.09 MHz at location No. 2: 1741 South O'Plane Road, Warren Township, IL.

4537-C2-P-71—Tel-Page, Inc. (KMB305), C.P. for additional facilities to operate on 43.58 MHz at location No. 1: 450 Sutter Street, San Francisco, CA.

4586-C2-P-71—Radio Telephone Communications, Inc. (KIY726), C.P. to relocate control facilities operating on 454.35 MHz at location No. 2: 316 West Tennessee Street, Tallahassee, FL.

4587-C2-P-71—Continental Telephone Co. of California (KOF901), C.P. to replace transmitters operating on 152.63 and 152.75 MHz and change the antenna system located 2.5 miles northwest of Boulder City, Nev.

4668-C2-P-(2)71—Bair's Communication, Inc. (KIY520), C.P. to change the antenna system operating on frequencies 152.21 and 454.125 MHz located at 557 southeast Avenue E, Belle Glade, FL.

4751-C2-AL-71—Telephone Answering Service, Inc. Consent to assignment of license from Telephone Answering Service, Inc., Assignor, to: Airsignal International of Pittsburgh, Pa., Inc., Assignee. Station KGA805, Pittsburgh, Pa.

4752-C2-P-(2)71—Mobilfone (KKA403), C.P. to change the antenna system for the control station operating on 454.30 MHz at location No. 1: 2.5 miles north of U.S. Highway No. 83, McAllen, Tex., and change the antenna system for the repeater station operating on 459.30 MHz at location No. 3: 4.8 miles north of Edinburg, Tex.

4753-C2-P-71—Telephone Answering Service, Inc. (KLF539), C.P. for additional facilities to operate on 152.15 MHz at station located at 60 North Division Avenue, Grand Rapids, MI.

4754-C2-P-71—Seattle Radiotelephone Service (KLF604), C.P. to relocate facilities operating on 454.100 MHz to 313 West 76th Street, Everett, WA.

Major Amendment

1046-C2-P-70—Joseph H. Wofford, doing business as Radiophone of Houston (New), Amended to change the type of transmitter, length of transmission line and the antenna radiation pattern. All other particulars remain the same as reported on Public Notice dated Sept. 2, 1969, Report No. 455.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical intereference.

Texas

1224-C2-P-(2)-70—Radio Dispatch, Inc. (KLB701).
3728-C2-P-70—Joseph H. Wofford, doing business as Radiophone of Houston (New).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

4598-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 3: C.P. for a new fixed station at 107 West Taylor Street, Griffin, GA. at latitude 33°14'46" N. and longitude 84°15'40" W. Frequencies 6226.9 and 6345.5 on azimuth 05°17', and 6226.9 and 6345.5 on azimuth 121°43'.

4599-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 4: C.P. for a new fixed station 2 miles northeast of Forsyth, Ga., at latitude 33°03'12" N. and longitude 83°53'30" W. Frequencies 6034.2 and 6152.8 MHz on azimuth 301°55', and 6004.5 and 6123.1 MHz on azimuth 122°56'.

4600-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 5: C.P. for a new fixed station 10 miles west of Gordon, Ga., at latitude 32°51'07" N. and longitude 83°31'28" W. Frequencies 6226.9 and 6345.5 MHz on azimuth 303°08', and 10,815 and 11,055 MHz on azimuth 260°44', and 6197.2 and 6315.9 MHz on azimuth 45°48', and 6226.9 and 6345.5 MHz on azimuth 171°10'.

4601-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 6: C.P. for a new fixed station, at 577 Mulberry Street, Macon, Ga., at latitude 32°50'16" N. and longitude 83°37'37" W. Frequencies 11,505 and 11,265 MHz on azimuth 80°40'.

4602-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 7: C.P. for a new fixed station at 4 miles west of Cochran, Ga., at latitude 32°23'48" N. and longitude 83°26'28" W. Frequencies 5974.8 and 6093.5 MHz on azimuth 351°13', and 6034.2 and 6152.8 on azimuth 207°39'.

4603-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 8: C.P. for a new fixed station 8 miles southeast of Vienna, Ga., at latitude 32°02'46" N. and longitude 83°39'24" W. Frequencies 6256.5 and 6375.2 MHz on azimuth 27°54', and 6286.2 and 6404.8 MHz on azimuth 192°25'.

4604-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 9: C.P. for a new fixed station 5 miles west of Ashburn, Ga., at latitude 31°42'38" N. and longitude 83°44'35" W. Frequencies 5974.8 and 6093.5 on azimuth 134°08'.

4605-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 10: C.P. for a new fixed station at 249 Pine Street, Albany, Ga., at latitude 31°34'43" N. and longitude 84°09'11" W. Frequencies 3810.0 and 3970.0 on azimuth 68°50'.

4606-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 11: C.P. for a new fixed station 3.5 miles east of Tifton, Ga., at latitude 31°27'06" N. and longitude 83°25'56" W. Frequencies 6256.5 and 6375.2 MHz on azimuth 314°18', and 6286.9 and 6875.2 MHz on azimuth 131°50'.

4607-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 12: C.P. for a new fixed station at 8.5 miles east of Nashville, Ga., at latitude 31°11'30" N. and longitude 83°05'42" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 312°01', and 3930.0 and 4090.0 MHz on azimuth 203°37', and 5945.2 and 6063.8 MHz on azimuth 113°57'.

4608-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 13: C.P. for a new fixed station 1.5 miles northeast of Homerville, Ga., at latitude 31°03'14" N. and longitude 82°43'29" W. Frequencies 6197.2 and 6315.9 MHz on azimuth 294°08', and 3730.0 and 3890.0 MHz on azimuth 63°11', and 6226.9 and 6345.5 MHz on azimuth 162°30'.

4609-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 14: C.P. for a new fixed station 0.3 mile east of Colon, Ga., at latitude 30°45'22" N. and longitude 82°36'54" W. Frequencies 5999.7 and 6108.3 MHz on azimuth 342°33', and 6019.3 and 6137.9 MHz on azimuth 132°18'.

4610-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 15: C.P. for a new fixed station 0.7 mile northwest of Eddy, Fla., at latitude 30°32'48" N. and longitude 82°20'56" W. Frequencies 6271.4 and 6390.0 MHz on azimuth 312°26', and 6212.0 and 6330.7 MHz on azimuth 93°45'.

4611-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 16: C.P. for a new fixed station 0.4 mile east of Kent, Fla., at latitude 30°31'26" N. and longitude 81°57'22" W. Frequencies 5945.2 and 6063.8 MHz on azimuth 273°55', and 5968.7 and 6108.3 MHz on azimuth 129°07'.

4612-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 17: C.P. for a new fixed station at 841 Miami Road, Jacksonville, FL, at latitude 30°19'02" N. and longitude 81°39'49" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 309°16', and 6286.2 and 6404.8 MHz on azimuth 200°07'.

RURAL RADIO SERVICE

4538-C1-P-71—Midland Telephone Co. (New), C.P. for a new rural subscriber station to be located at 5.5 miles southwest of La Sal Junction, Utah, to operate on 157.77 MHz communicating with station KOE515, Abajo Peak, Utah.

4588-C1-P-71—The Mountain States Telephone & Telegraph Co. (KSV68), C.P. to delete point of communication at Station KP165, Sullivan Ranch, Wyo., operating on 454.400 MHz. Station location: Casper Mountain, 6 miles south-southwest of Casper, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

4539-C1-P-71—Northwestern Bell Telephone Co. (New), C.P. for a new station. Frequencies 5962.8 and 11,685 MHz. Location: First NE. and Central Avenue East, Garrison, ND.

4540-C1-P-71—Northwestern Bell Telephone Co. (KBT66), C.P. to add frequencies 6204.7 and 10,715 MHz toward Garrison, N. Dak., at its station between Third and Fourth Streets and Nebraska and Iowa Avenues, Riverdale, ND.

4541-C1-P-71—Southwestern Bell Telephone Co. (KOB53), C.P. to add frequencies 4050 and 4130 MHz toward Laredo Junction, Tex., at its station at 902 San Eduardo Avenue, Laredo, TX.

4542-C1-P-71—Southwestern Bell Telephone Co. (KOB54), C.P. to add 4090 and 4170 MHz directed toward Laredo, Tex., at its station Laredo Junction, 13.8 miles east-northeast of Laredo, Tex.

4543-C1-P-71—The Chesapeake & Potomac Telephone Co. of Virginia (KJG63), C.P. to replace transmitters operating on 5937.8 and 6056.4 MHz toward Hickory, Va., at its station 120 West Bute Street, Norfolk, VA.

4544-C1-P-71—Northwestern Bell Telephone Co. (KAV68), C.P. to correct coordinates and replace transmitters operating on 6256.5 and 6375.2 MHz toward Wannaska, Minn., at its station approximately 4 miles west of Warroad, Minn.

4545-C1-P-71—Northwestern Bell Telephone Co. (KAV69), C.P. to correct coordinates and replace transmitters operating on 6034.2 and 6152.8 MHz toward Warroad and frequencies 6004.5 and 6123.1 MHz toward Middle River, Minn., at its station approximately 0.5 mile south of Wannaska, Minn.

4546-C1-P-71—Northwestern Bell Telephone Co. (KAV60), same as above, except: Frequencies 6286.2 and 6404.8 MHz toward Wannaska and 6256.5 and 6375.2 MHz toward Thief River, Minn., at its station approximately 4 miles east of Middle River, Minn.

4547-C1-P-71—Northwestern Bell Telephone Co. (KAV61), C.P. to replace transmitters operating on 6034.2 and 6152.8 MHz toward Middle River, Minn., at its station First Street, 600 feet west of Brooks Avenue, Thief River Falls, Minn.

4548-C1-P/L-71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new station. Frequencies: 3730, 3810, 3890, and 3970 MHz. Location: 5 miles southeast of Craig, Mont. (These facilities are now authorized to American Telephone & Telegraph Co.—KOV55.)

4589-C1-P-71—The Bell Telephone Co. of Pennsylvania (KGP47), C.P. to add 10,835 MHz directed toward Roxborough, Pa. (WHYY-TV), at its station at 12 South 12th Street, Philadelphia, PA.

4591-C1-P-71—American Telephone & Telegraph Co. (KQE76), C.P. to add 4010 MHz toward Skyhigh, W. Va. at its station 1.5 miles northwest of Tyler, W. Va.

4592-C1-P-71—Southwestern Bell Telephone Co. (KLO81), C.P. to add 3950 MHz toward Pyron, Tex., at its Station 209-11 East Fourth Street, Sweetwater, TX.

4783-C1-P-71—The Bell Telephone Co. of Pennsylvania (KIL37), C.P. to add frequencies 6034.15 and 6152.75 MHz toward Wilkes-Barre, Pa., a new point of communication. Station location: 4.7 miles southeast of Dupont, PA (Lookout).

4784-C1-P-71—The Bell Telephone Co. of Pennsylvania (New), C.P. for a new station to be located at 222 South Main Street, Wilkes-Barre, Pa. Frequencies: 6286.19 and 6404.79 MHz toward Lookout, Pa.

4596-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 1: C.P. for a new fixed station at 100 Peach Tree Street, Atlanta, GA, at latitude 33°45'21" N and longitude 84°23'19" W. Frequencies 10,775 and 11,095 MHz on azimuth 145°12'.

4597-C1-P-71—MCI—Southeast Communications, Inc. (New), Site 2: C.P. for a new fixed station 0.4 mile north-northeast of Stockbridge, Ga., at latitude 33°33'37" N. and longitude 84°13'35" W. Frequencies 11,565 and 11,345 on azimuth 325°18', and 6034.2 and 6152.8 on azimuth 185°18'.

POINT-TO-POINT MICROWAVE SERVICE (TELEPHONE CARRIERS)—continued

4613–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 18: C.P. for a new fixed station at 1.2 miles north-northeast of Penney Farms, Fla., at latitude 30°00'17" N. and longitude 81°47'41" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 20°00', and 6019.3 and 6137.9 MHz on azimuth 266°17'.

4614–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 19: C.P. for a new fixed station at 2.9 miles northwest of Starke, Fla., at latitude 29°59'03" N. and longitude 82°09'00" W. Frequencies 6212.0 and 6330.7 MHz on azimuth 86°07', and 6241.7 and 6360.3 MHz on azimuth 119°59'.

4615–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 20: C.P. for a new fixed station 2.9 miles west-northwest of Paradise, Fla., at latitude 29°42'49" N. and longitude 82°23'34" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 37°58', and 3730.0 and 3890.0 MHz on azimuth 119°59'.

4616–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 21: C.P. for a new fixed station 4.6 miles east-southeast of Lochloose, Fla., at latitude 29°31'44" N. and longitude 82°01'40". Frequencies 3850.0 and 4010.0 MHz on azimuth 300°10', and 3930 and 4090.0 MHz on azimuth 195°47'.

4617–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 22: C.P. for a new fixed station at 108 North Magnolia Street, Ocala, FL, at latitude 29°11'15" N. and longitude 82°08'16" W. Frequencies 3970.0 and 4130.0 MHz on azimuth 15°44', and 3950.0 and 4110.0 on azimuth 120°42'.

4618–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 23: C.P. for a new fixed station 4.9 miles northwest of Umatilla, Fla., at latitude 28°58'52" N. and longitude 81°44'37" W. Frequencies 3850.0 and 4010.0 MHz on azimuth 300°54', and 6212.0 and 6330.7 MHz on azimuth 88°20', and 4010.0 and 4170.0 azimuth 176°11'.

4619–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 24: C.P. for a new fixed station 2.3 miles northwest of Ferndale, Fla., at latitude 28°38'54" N. and longitude 81°43'54" W. Frequencies 3730.0 and 3890.0 MHz on azimuth 358°12', and 6019.3 and 6137.9 MHz on azimuth 108°08', and 3710.0 and 3870.0 on azimuth 196°25'.

4620–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 25: C.P. for a new fixed station 0.3 mile west of Eva, Fla., at latitude 28°19'34" N. and longitude 81°50'20" W. Frequencies 3990.0 and 4150.0 MHz on azimuth 16°22', and 3990.0 and 4150.0 MHz on azimuth 200°03'.

4621–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 26: C.P. for a new fixed station at 329 East Main Street, Lakeland, FL, at latitude 28°02'40" N. and longitude 81°57'17" W. Frequencies 3710.0 and 3870.0 MHz on azimuth 20°00', and 3790.0 and 3950.0 MHz on azimuth 246°38', and 11,385.0 and 11,625.0 MHz on azimuth 96°34'.

4622–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 27: C.P. for a new fixed station at 316 West Central Avenue, Winterhaven, FL, at latitude 28°01'17" N. and longitude 81°43'52" W. Frequencies 10,975 and 10,735 MHz on azimuth 276°41', and 10,975 and 10,735 on azimuth 133°36'.

4623–C1–P–71—MCI—Southeast Communications, Inc (New), Site 28: C.P. for a new fixed station at 115 north First Street, Lake Wales, FL, at latitude 27°54'07" N. and longitude 81°35'24" W. Frequencies 11,385.0 and 11,625.0 MHz on azimuth 313°40', and 11,385.0 and 11,625.0 on azimuth 157°49'.

4624–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 29: C.P. for a new fixed station 5.6 miles east-southeast of Frostproof, Fla., at latitude 27°43'56" N. and longitude 81°28'12" W. Frequencies 10,975.0 and 10,735.0 MHz on azimuth 327°52', and 3970.0 and 4130.0 MHz on azimuth 184°54'.

4625–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 30: C.P. for a new fixed station 2.1 miles west of Sebring, Fla., at latitude 27°30'24" N. and longitude 81°29'30" W. Frequencies 3770.0 and 3930.0 MHz on aizmuth 04°53' and 3850.0 and 4010.0 MHz on azimuth 113°27'.

4626–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 31: C.P. for a new fixed station 3 miles southwest of Cornwell, Fla., at latitude 27°22'07" N. and longitude 81°08'11" W. Frequencies 3890.0 and 4050.0 MHz on azimuth 293°37', and 3710.0 and 3870.0 MHz on azimuth 115°25'.

4627–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 32: C.P. for a new fixed station 5 miles west of Okeechobee, Fla., at latitude 27°14'52" N. and longitude 80°51'09" W. Frequencies 3910.0 and 4070.0 MHz on azimuth 295°32', and 3990.0 and 4150 MHz on azimuth 123°08'.

POINT-TO-POINT MICROWAVE SERVICE (TELEPHONE CARRIERS)—continued

4628–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 33: C.P. for a new fixed station 0.3 mile northwest of Indiantown, Fla., at latitude 27°02'00" N. and longitude 80°29'11" W. Frequencies 3810.0 and 3970.0 MHz on azimuth 303°18', and 5960.0 and 6078.6 MHz on azimuth 162°07'.

4629–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 34: C.P. for a new fixed station 1.5 miles northwest of Royal Palm Beach, Fla., at latitude 26°42'00" N. and longitude 80°22'00" W. Frequencies 6212.0 and 6330.7 MHz on azimuth 342°10', and 3830.0 and 3990.0 MHz on azimuth 152°37', and 3750.0 and 3910.0 MHz on azimuth 87°21'.

4630–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 35: C.P. for a new fixed station at 224 Detura Street, Palm Beach, FL, at latitude 26°42'46" N. and longitude 80°03'07" W. Frequencies 3970.0 and 4130.0 MHz on azimuth 267°29'.

4631–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 36: C.P. for a new fixed station 6 miles northwest of Boca Raton, Fla., at latitude 26°24'56" N. and longitude 80°12'11" W. Frequencies 3730.0 and 3890.0 MHz on azimuth 332°41', and 3870.0 and 4030.0 MHz on azimuth 163°50'.

4632–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 37: C.P. for a new fixed station at 2455 Sunrise Boulevard, Fort Lauderdale, FL, at latitude 26°08'16" N. and longitude 80°06'50" W. Frequencies 3930.0 and 4090.0 MHz on azimuth 343°53', and 3750.0 and 3910.0 MHz on azimuth 191°21'.

4633–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 38: C.P. for a new fixed station at 100 Biscayne Boulevard, Miami, FL, at latitude 25°50'35" N. and longitude 80°14'13" W. Frequencies 3870.0 and 4030.0 MHz on azimuth 11°19'.

4634–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 39: C.P. for a new fixed station 3.5 miles southwest of Milledgeville, Ga., at latitude 33°02'42" N. and longitude 83°17'17" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 225°56', and 5989.7 and 6108.3 MHz on azimuth 65°56'.

4635–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 40: C.P. for a new fixed station 5 miles west of Mitchell, Ga., at latitude 33°14'08" N. and longitude 82°46'42" W. Frequencies 6271.4 and 6390.0 MHz on azimuth 246°13', and 6212.0 and 6330.7 MHz on azimuth 72°03'.

4636–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 41: C.P. for a new fixed station 4.2 miles south of Harlem, Ga., at latitude 33°21'27" N. and longitude 82°19'37" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 252°18', and 5989.7 and 6108.3 MHz on azimuth 81°05'.

4637–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 42: C.P. for a new fixed station 7.9 miles west of New Ellenton, S.C., at latitude 33°25'15" N. and longitude 81°50'19" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 261°21', and 11,385.0 and 11,625.0 MHz on azimuth 297°21', and 6212.0 and 6330.7 MHz on azimuth 52°20'.

4638–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 43: C.P. for a new fixed station at 699 Broad Street, Augusta, GA, at latitude 33°26'29" N. and longitude 81°57'47" W. Frequencies 10,975.0 and 10,735.0 on azimuth 117°17'.

4639–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 44: C.P. for a new fixed station 4 miles southwest of New Holland, S.C., at latitude 33°37'55" N. and longitude 81°30'40" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 232°31', and 5989.7 and 6109.3 MHz on azimuth 63°24'.

4640–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 45: C.P. for a new fixed station 2.4 miles east of Pelion, S.C., at latitude 33°45'40" N. and longitude 81°12'05" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 243°34', and 6241.7 and 6360.3 MHz on azimuth 28°46', and 6212.0 and 6330.7 MHz on azimuth 146°19'.

4641–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 46: C.P. for a new fixed station at 1801 Main Street, Columbia, SC, at latitude 34°00'33" N. and longitude 81°02'16" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 208°52'.

4642–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 47: C.P. for a new fixed station 5.7 miles west-southwest of Orangeburg, S.C., at latitude 33°28'12" N. and longitude 80°56'12" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 326°26', and 5989.7 and 6108.3 MHz on azimuth 123°13'.

POINT-TO-POINT MICROWAVE SERVICE (TELEPHONE CARRIERS)—continued

4643–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 48: C.P. for a new fixed station 3.8 miles south-southeast of Bowman, S.C., at latiture 33°17'37" N. and longitude 80°39'00" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 303°24' and 6241.7 and 6360.3 MHz on azimuth 116°51'.

4644–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 49: C.P. for a new fixed station 3 miles northeast of Dorchester, S.C., at latitude 33°09'54" N. and longitude 80°20'56" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 297°01', and 5960.0 and 6078.6 MHz on azimuth 138°33'.

4645–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 50: C.P. for a new fixed station 0.9 mile south of Summerville, S.C., at latitude 33°00'01" N. and longitude 80°10'35" W. Frequencies 6212.0 and 6330.7 MHz on azimuth 316°39' and 6241.7 and 6360.3 MHz on azimuth 138°43'.

4646–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 51: C.P. for a new fixed station at Sgt. Jasper Apartments, West End of Broad Street, Charleston, SC, at latitude 32°46'33" N. and longitude 79°56'36" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 318°50'.

4647–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 52: C.P. for a new fixed station at 111 East Hill Avenue, Valdosta, GA, at latitude 30°49'51" N. and longitude 83°16'42" W. Frequencies 3810.0 and 3970.0 on azimuth 23°31', and 6212.0 and 6330.7 MHz on azimuth 255°35'.

4648–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 53: C.P. for a new fixed station 2.6 miles southeast of Dixie, Ga., at latitude 30°44'45" N. and longitude 83°39'31" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 75°23', and 5989.7 and 6108.3 MHz on azimuth 248°00'.

4649–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 54: C.P. for a new fixed station 4.3 miles south of Metcalf, Fla., at latitude 30°37'53" N. and longitude 83°59'60" W. Frequencies 6301.0 and 6419.6 MHz on azimuth 67°50', and 3730.0 and 3890.0 MHz on azimuth 233°26'.

4650–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 55: C.P. for a new fixed station at 201 South Monroe Street, Tallahassee, Fla., at latitude 30°26'26" N. and longitude 84°16'53" W. Frequencies 3850.0 and 4010.0 MHz on azimuth 53°17'.

4651–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 56: C.P. for a new fixed station at 513 Elizabeth Street, Waycross, GA, at latitude 31°12'34" N. and longitude 82°21'42" W. Frequencies 3850.0 and 4010.0 MHz on azimuth 243°22', and 3910.0 and 4070.0 MHz on azimuth 47°26'.

4652–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 57: C.P. for a new fixed station 0.5 mile southwest of Offerman, Ga., at latitude 31°24'20" N. and longitude 82°07'01" W. Frequencies 3790.0 and 3950.0 MHz on azimuth 227°34', and 6212.0 and 6330.7 MHz on azimuth 75°33'.

4653–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 58: C.P. for a new fixed station 1 mile northwest of Grangerville, Ga., at latitude 31°29'14" N. and longitude 81°44'41" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 255°45', and 6019.3 and 6137.9 MHz on azimuth 147°15', and 5989.7 and 6108.3 MHz on azimuth 20°29'.

4654–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 59: C.P. for a new fixed station at corner of Amherst and First Avenue, Brunswick, GA, at latitude 31°08'17" N. and longitude 81°29'02" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 327°24'.

4655–C1–P–71—MCI—Southeast Communications, Inc. (New) Site 60: C.P. for a new fixed station 1.1 miles southeast of Walthourville, Ga., at latitude 31°45'28" N. and longitude 81°37'35" W. Frequencies 6271.4 and 6390.0 MHz on azimuth 200°33', and 3850.0 and 4010.0 MHz on azimuth 55°27'.

4656–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 61: C.P. for a new fixed station 3 miles southwest of Richmond Hill, Ga., at latitude 31°55'06" N. and longitude 81°21'09" W. Frequencies 4050.0 and 3710.0 MHz on azimuth 235°36', and 3830.0 and 4010.0 MHz on azimuth 54°02'.

4657–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 62: C.P. for a new fixed station at 24 Drayton Street, Savannah, GA, at latitude 32°04'47" N. and longitude 81°05'27" W. Frequencies 3890.0 and 4050.0 MHz on azimuth 234°11'.

POINT-TO-POINT MICROWAVE SERVICE (TELEPHONE CARRIERS)—continued

4658–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 63: C.P. for a new fixed station 3 miles northwest of Lake Helen, Fla., at latitude 28°59'34" N. and longitude 81°15'15" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 288°34', and 5989.7 and 6108.3 MHz on azimuth 43°01'.

4659–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 64: C.P. for a new fixed station at 118 Volusia Avenue, Daytona Beach, FL, at latitude 29°12'43" N. and longitude 81°01'15" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 223°08'.

4660–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 65: C.P. for a new fixed station at 250 North Orange Avenue, Orlando, FL, at latitude 28°32'45" N. and longitude 81°22'44" W. Frequencies 6301.0 and 6419.6 MHz on azimuth 288°18', and 3870.0 and 4030.0 MHz on azimuth 77°24'.

4661–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 66: C.P. for a new fixed station 5.2 miles northeast of Bithlo, Fla., at latitude 28°36'37" N. and longitude 81°03'01" W. Frequencies 3910.0 and 4070.0 on azimuth 257°33', and 3850 and 4010 on azimuth 119°52'.

4662–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 67: C.P. for a new fixed station 4.3 miles north of Cocoa Beach, Fla., at latitude 28°22'57" N. and longitude 80°36'12" W. Frequencies 3890.0 and 4050.0 MHz on azimuth 300°05'.

4663–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 68: C.P. for a new fixed station 4.4 miles south-southwest of Plant City, Fla., at latitude 27°58'01" N. and longitude 82°09'23" W. Frequencies 3990.0 and 4150.0 MHz on azimuth 66°33', and 3990.0 and 4150.0 MHz on azimuth 266°49'.

4664–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 69: C.P. for a new fixed station at 905 Florida Avenue, Tampa, Fla., at latitude 27°57'06" N. and longitude 82°27'30" W. Frequencies 3710.0 and 3870.0 on azimuth 86°40', and 3710.0 and 3870.0 on azimuth 221°38'.

4665–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 70: C.P. for a new fixed station at Fourth Street at Central Avenue, St. Petersburg, FL, at latitude 27°46'17" N. and longitude 82°38'15" W. Frequencies 4010.0 and 4170.0 MHz on azimuth 41°33', and 3770.0 and 3930.0 MHz on azimuth 168°28'.

4666–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 71: C.P. for a new fixed station at corner of Sixth Avenue, and 13th Street West, Bradenton, FL, at latitude 27°29'36" N. and longitude 82°34'29" W. Frequencies 3730.0 and 3890.0 MHz on azimuth 348°30', and 3810.0 and 3970.0 MHz on azimuth 170°04'.

4667–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 72: C.P. for a new fixed station at 1330 Main Street, Sarasota, FL, at latitude 27°20'05" N. and longiude 82°32'37" W. Frequencies 3990.0 and 4150.0 MHz on azimuth 350°05'.

(INFORMATIVE: C.P.'s (72) for a specialized communications common carrier system to serve the Florida, Georgia, and South Carolina area.)

Major Amendment

1012–C1–P–71—Mountain States Telephone and Telegraph Co. (KOS52), Change frequency 11,565 MHz toward Vail, Arizona to 11,245 MHz. Station location: 120 East Pennington Street, Tucson, AR. All other particulars same as reported in Public Notice dated August 31, 1970.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4669–C1–P–71—Microwave Service Co. of Florida, Inc. (New), C.P. for a new station to be located 0.8 mile north of U.S. 41 at North Port Charlotte, Fla. Frequencies: 11,405 and 11,565 MHz toward Venice, Fla.

4778–C1–P–71—Pacific Telatronics, Inc. (KTG39), C.P. to power split frequencies 5937.8, 6056.4, 6219.5, and 6338.1 MHz on azimuth 216°35'. Location: Horse Mountain, 7 miles southwest of Willow Creek, Calif., at latitude 40°52'20" N., longitude 123°44'08" W.

(INFORMATIVE: Applicant proposes to provide the television signals of stations KGO–TV, KTVU, KBHK–TV of San Francisco and KTXL of Sacramento to Redwood Cablevision, Inc., in Fortuna and Rio Dell, Calif.)

4779–C1–P–71—Midwestern Relay Co. (New), C.P. for a new station 3.5 miles south of Austin, Minn., at latitude 43°36'12" N., longitude 92°57'01" W. Frequencies 10,815 and 11.135 MHz on azimuth 304°05'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE CARRIERS)—continued

(INFORMATIVE: Applicant is proposing to carry the ABC network television signal to Austin, Minn.)

4780–C1–P–71—United Video, Inc. (New), C.P. for a new station 1.6 miles west of Flora, Ill., at latitude 38°39'45" N., longitude 88°31'10" W. Frequency: 11,055 MHz on azimuth 77°23', and frequencies 10,775, 10,935 and 11,055 MHz on azimuth 224°26'.

4781–C1–P–71—United Video, Inc. (New), C.P. for a new station 1 mile east of Effingham, Ill. at latitude 39°07'35" N., longitude 88°31'06" W. Frequency 11,225 MHz on azimuth 18°15', and frequency 11,305 MHz on azimuth 180°06'.

(INFORMATIVE: Applicant proposes to provide television service to CATV systems in Olney, Mount Vernon, Mattoon, and Flora, all in Illinois in conjunction with their Applications 2618/2619/2621 through 2624–C1–P–66, 4898 through 4902–C1–P–66, 5199 through 5203–C1–P–66, and 6587/6588–C1–P–66.)

Major Amendment

3650–C1–P–67—American Television Relay, Inc. (KKT80), Application amended to change frequency from 6360.3 MHz to 6241.7 MHz toward Boy Scout Mountain, N. Mex., on azimuth of 291°03'. Station location: 110 South Richardson Street, Roswell, NM.

(INFORMATIVE: In addition to changing frequency, applicant is modifying pending applications, files Nos. 3650 through 3654–C1–P–67, to the extent of carrying television signal XEPM–TV, Juarez, Mexico, in lieu of XEJ–TV, Juarez.)

Major Amendment

6017–C1–P–70—Microwave Service Co. of Florida, Inc. (New). Application amended to change frequency from 11,155 MHz to 11,115 MHz toward East Immokalee, Fla., on azimuth of 293°45'. Station location: Big Cypress, 22 miles northeast of Sunniland, Fla.

6018–C1–P–70—Microwave Service Co. of Florida, Inc. (New), Application amended (a) to change frequencies from 10,715, 10,795, 10,955, 11,035, and 11,115 MHz to 10,755, 10,835, 10,995, 11,075, and 11,155 MHz toward southwest Immokalee, Fla., on azimuth of 219°15'; and (b) to change frequencies from 10,795, 10,955, and 11,115 MHz to 10,835, 10,995, and 11,155 MHz toward Lehigh Acres, Fla., on azimuth of 301°30'. Station location: 1.6 miles northwest of Immokalee, Fla.

3141–C1–P–71—Microwave Service Co. of Florida, Inc. (New), Application amended to change station location from coordinates latitude 26°33'12" N., longitude 81°39'18" W. to latitude 26°33'23" N., longitude 81°39'37" W. Station location: 4.1 miles south of Lehigh Acres, Fla.

6020–C1–P–70—Microwave Service Co. of Florida, Inc. (New), Application amended (a) to change frequencies from 10,895, 11,035, and 11,155 MHz to 10,795, 10,955, and 11,115 MHz toward North Fort Myers, Fla., on azimuth of 330°30'; and (b) to change frequencies from 11,035 and 11,155 MHz to 10,955 and 11,115 MHz toward Acline, Fla., on azimuth of 330°30'. Station location: 1529 Lee Street, Fort Myers, Fla.

6021–C1–P–70—Microwave Service Co. of Florida, Inc. (KJG39), Application amended to change frequencies from 11,035, 11,155 MHz to 11,525, and 11,685 MHz toward Fort Ogden and Port Charlotte, Fla., on azimuths of 0°47' and 325°00' respectively. Station location: 5.3 miles southeast of Acline, Fla.

6022–C1–P–70—Microwave Service Co. of Florida, Inc. (KJG38), Application amended to change frequencies from 10,955 and 11,115 MHz to 10,995 and 11,155 MHz toward Cubitis, Fla., on azimuth of 28°00'. Station location: 1.1 miles south of Fort Ogden, Fla.

6024–C1–P–70—Microwave Service Co. of Florida, Inc. (New), Application amended to change frequencies from 11,035 and 11,155 MHz to 10,715 and 10,875 MHz toward Sebring, Fla., on azimuth of 55°30'. Station location: 5.7 miles east of Buchanan, Fla.

3142–C1–P–71—Microwave Service Co. of Florida, Inc. (New), Application amended to change frequencies from 11,075 and 11,155 MHz to 10,755 and 10,835 MHz toward North Port Charlotte, Fla., on azimuth of 299°40'. Station location: Edgewater Drive West, Port Charlotte, Fla.

(Other particulars are same as reported on Public Notices dated Apr. 13, 1970; July 13, 1970; Aug. 24, 1970; and Dec. 21, 1970.)

[FR Doc.71-3409 Filed 3-11-71;8:49 am]

FEDERAL MARITIME COMMISSION

[No. 71-17]

AMERICAN MAIL LINES ET AL.

Rescheduling of Filing Dates

Violations of Sections 14 Fourth, 16 First, and 17, Shipping Act, 1916, in the nonassessment of fuel surcharges on Military Sealift Command (MSC) rates under the MSC request for rate proposals (RFP) bidding system.

At the request of counsel for American Mail Lines, American President Lines, Pacific Far East Lines, and States Steamship Co., and good cause appearing, filing dates in this proceeding are rescheduled as follows:

(1) Affidavits of fact, memoranda of law and requests for hearing shall be filed on or before April 1, 1971.

(2) Replies thereto shall be filed on or before April 8, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-3446 Filed 3-11-71;8:48 am]

[No. 70-52]

ATLANTIC CONTAINER LINE, LTD.

Publication of Discriminatory Rates; Enlargement of Time for Filing Reply

MARCH 8, 1971.

At the request of Hearing Counsel, and good cause appearing, time within which reply in this proceeding may be made is enlarged to and including March 15, 1971.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-3445 Filed 3-11-71;8:47 am]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq.,
Burlingham, Underwood, Wright, White & Lord,
25 Broadway,
New York, NY 10004.

Agreement No. 8210–11 modifies the conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order No. 7 as revised October 27, 1970.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-3447 Filed 3-11-71;8:48 am]

GERMANY-NORTH ATLANTIC PORTS RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John T. Crook, Chairman, Gulf/Scandinavian and Baltic Sea Ports Conference, Suite 927, Whitney Building, New Orleans, LA 70130.

Agreement No. 5400–11 amends the basic agreement to include the mandatory self-policing provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-3448 Filed 3-11-71;8:48 am]

GULF/SCANDINAVIAN AND BALTIC SEA PORTS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Raymond P. de Member, Esq.,
Haight, Gardner, Poor & Havens,
Federal Bar Building,
1815 H Street, NW.,
Washington, DC 20006.

Agreement No. 9427–2 modifies the Agreement's self-policing provisions to include the mandatory provisions required by the Commission's General Order No. 7 as revised October 27, 1970.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-3449 Filed 3-11-71;8:48 am]

GULF/UNITED KINGDOM CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. L. P. Kopley, Director of Pricing, European Services, Seatrain Lines, Inc., Container Division, Port Seatrain, Weehawken, NJ 07087.

Agreement 9933 provides for the interchange of containers and related equipment between Hapag-Lloyd AG and

HAPAG-LLOYD AKTIENGESELLSCHAFT AND SEATRAIN LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John T. Crook, Chairman, Gulf/United Kingdom Conference, Suite 927, Whitney Building, New Orleans, LA 70130.

Agreement No. 161–26 amends the basic agreement to include the mandatory self-policing provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-3450 Filed 3-11-71;8:48 am]

Seatrain Lines, Inc., in connection with their operations between ports in the United States and Europe.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3451 Filed 3-11-71;8:48 am]

NORTH ATLANTIC/WEST EUROPE RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733; 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Raymond P. de Member, Esq., Haight, Gardner, Poor & Havens, Federal Bar Building, 1815 H Street NW., Washington, DC 20006.

Agreement No. 9552-1 modifies the Agreement's self-policing provisions to include the mandatory provisions required by the Commission's General Order No. 7 as revised October 27, 1970.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3452 Filed 3-11-71;8:48 am]

UNITED STATES GREAT LAKES AND ST. LAWRENCE RIVER PORTS/ WEST AFRICA AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John K. Cunningham, Secretary, United States Great Lakes and St. Lawrence River Ports/West Africa Agreement, 67 Broad Street, New York, NY 10004.

Agreement No. 9420-4, among the member lines of the United States Great Lakes and St. Lawrence River Ports/ West Africa Agreement, will modify the basic agreement of the parties by updating the terms of its self-policing provisions to include language required by the Commission's General Order 7 (Revised).

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3453 Filed 3-11-71;8:48 am]

WILHELMSENS DAMPSKIBSAKTIESELSKAB ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Wilhelmsens Dampskibsaktieselskab, Leitch Transport, Ltd., and Open Bulk Carriers Limited.

Notice of agreement filed by:

Alan F. Wohlstetter, Esq., Denning & Wohlstetter, 1 Farragut Square South, Washington, DC 20008.

Agreement No. 9934 between the above parties covers the trades from United States ports to ports in the United Kingdom and the Continent and from ports in the Continent to U.S. ports. Under the Agreement, Open Bulk will not compete with Wilhelmsen from U.S. South Atlantic and gulf ports and Wilhelmsen and Leitch will perform agency services and otherwise assist Open Bulk in the operation of its services both eastbound and westbound.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3454 Filed 3-11-71;8:48 am]

FOREIGN-TRADE ZONES BOARD

SPECIAL-PURPOSE FOREIGN-TRADE SUBZONE AT LA PORTE, TEX.

Notice of Public Hearing on Application

On December 18, 1970, public notice was given (35 F.R. 19543, Dec. 23, 1970) concerning the appointment of an Examiners Committee to investigate that part of an application made by McAllen Trade Zone, Inc., a Texas corporation (applicant), filed in May 1970, which requests a grant of authority from the Foreign-Trade Zones Board (Board) to permit the establishment of a special-purpose foreign-trade subzone at La Porte, Texas. The subzone would encompass a hydrofluoric acid manufacturing facility owned and operated by E. I. duPont de Memours & Co., located on a six acre site at Brinson Point in the city of La Porte, Harris County, Texas (about 15 miles from the center of Houston, which is a designated customs port of entry).

The general-purpose zone part of the application filed in May 1970 has been processed, and was approved by the Board in October 1970 (35 F.R. 16962, Nov. 3, 1970). That part of the application presently under consideration (application) asks that the above described hydrofluoric acid facility be permitted to operate as a foreign-trade subzone so as to utilize the customs privileges of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a et seq.), and the regulations of the Foreign-Trade Zones Board (15 CFR Part 400). Generally, these privileges permit the movement of foreign dutiable merchandise into U.S. foreign-trade zones without a formal customs entry and payment of duties unless and until the merchandise, or its product, is moved from the zone into U.S. customs territory for domestic consumption. Duties are then imposed on either the products withdrawn from the zone, or on the raw materials used in their production, at the option of the person liable for the payment of duties. The hydrofluoric acid facilities under consideration use as a raw material approximately 100,000 tons of fluorspar annually, most of which is imported from Mexico. Imported fluorspar is dutiable under Items 522.21 (acid grade) and 522.24, Tariff Schedules of the United States. Hydrofluoric acid is nondutiable (Item 416.20, TSUS).

The December public notice included an invitation for written comments. Six letters were received in response to the notice. They are available for public inspection at the places described below.

Notice is hereby given, pursuant to the Foreign-Trade Zones Act and Board regulations, that a public hearing on the application under consideration will be held by the Examiners Committee beginning at 10:00 a.m., local time, Tuesday, April 13, 1971, at Room 298, U.S. Customhouse, 701 San Jacinto Street, Houston, TX. The committee, designated "Examiners Committee (La Porte)", is composed of: Milton A. Berger (Chairman), Assistant Director, Office of International Investment, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C.; Cleburne M. Maier, Regional Commissioner of Customs, Region VI, Houston, Tex.; and, Colonel Nolan C. Rhodes, District Engineer, U.S. Army Engineer District Galveston, Galveston, Tex.

The purpose of the hearing is to inform interested persons concerning the application, to give them an opportunity to express their views relative thereto, and to obtain information useful to the Examiners Committee.

Interested persons and organizations or their representatives will be afforded the opportunity of being heard at the hearing. They should indicate their intention to attend in writing by April 2, 1971, and provide a written summary (10 copies) of their planned presentation. These papers should be addressed to Milton A. Berger, Chairman of the Examiners Committee (La Porte), Foreign-Trade Zones Board (Code 816) U.S. Department of Commerce, Washington, D.C. 20230. Persons not submitting advance written notice may be heard at the hearing at the discretion of the Examiners Committee.

As soon after the hearing as the transcript thereof is available, a copy will be placed for public inspection at the two locations described below for a period of 45 days from the close of the hearing. The hearing record will remain open for this same period during which time further submissions in writing may be made by interested persons. Submissions made during the last 15 days of this period shall be limited to letters commenting on submissions received during the first 30 days.

Copies of the application under consideration and the letters referred to above are available for public inspection at each of the following locations:

Office of the Director, U.S. Department of Commerce Field Office, (Old) Federal Office Building, Room 1017, 201 Fannin Street, Houston, TX 77002 (Edward T. Fecteau, Jr., Director).

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Washington, DC 20230, Phone (202) 967-2862.

Dated: March 8, 1971.

JOHN J. DA PONTE, JR.,
Acting Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.71-3485 Filed 3-11-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2897]

CONTINENTAL CAPITAL CORP.

Notice of Filing of Application for Order Permitting Proposed Transaction

MARCH 5, 1971.

Notice is hereby given that Continental Capital Corp. (applicant), 555 California Street, San Francisco, CA 94104, a California corporation registered as a closed-end, nondiversified investment company under the Investment Company Act of 1940 (Act) and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application under section 17(d) of the Act and Rule 17d-1 thereunder. The application requests an order pursuant to Rule 17d-1 granting said application with respect to the participation of American Micro-systems, Inc. (American) and certain shareholders thereof, including the applicant, in proposed sales of common stock of American as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

American, a California corporation is engaged in the design, development and manufacture of metal-oxide-silicon semiconductor circuits. Applicant owns 155,827 shares (8.1 percent) of the outstanding common stock of American and, accordingly, American is an affiliated person of applicant under section 2(a)(3) of the Act.

American has filed with this Commission under the Securities Act of 1933 a registration statement with respect to the proposed sale to underwriters and public offering of 565,500 shares of the common stock of American. Of these shares, American proposes to issue and sell 250,000 shares and stockholders of American propose to sell 315,500 shares. Applicant is one of the selling stockholders and proposes to sell 38,327 shares pursuant to this registration statement. The other selling shareholders include The Garrett Corp. and Small Business Enterprises Co., which own, respectively, 160,000 shares (8.3 percent) and 155,827 shares (8.1 percent) of the outstanding common stock of American and propose to sell pursuant to the registration statement 160,000 shares and 80,000 shares, respectively. Each of these companies, as a result of its ownership of 5 percent or more of the common stock of American, is an affiliate of American under section 2(a)(3) of the Act. American will, in general, pay all costs and expenses of the registration and offering of said 565,500 shares, except each selling stockholder's proportionate share of the underwriting commissions and any taxes upon the sale of the shares.

Some 60 days or more after the effective date of the registration statement described above, applicant proposes to distribute to its shareholders 67,500 shares of common stock of American. The distribution of these shares will be covered by a separate registration statement filed by American under the Securities Act of 1933. Applicant has no contractual right to request such registration and has agreed to pay all costs and expenses of the registration.

Rule 17d-1, adopted under section 17 (d) of the Act, provides, inter alia, that no affiliated person of any registered investment company, and no affiliated person of such affiliated person, shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than March 16, 1971, at 5:30 p.m., submit to the Commission in writing a request for

a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3461 Filed 3-11-71;8:49 am]

[812-2893]

EVERYMAN FUND, INC.

Notice of Application and Order Granting Temporary Relief

MARCH 4, 1971.

Notice is hereby given that Everyman Fund, Inc. (Applicant), 1949 East 105th Street, Cleveland, OH 44106, a management, open-end, diversified investment company registered under the Investment Company Act of 1940 (Act) has filed an application for an order pursuant to section 22(e)(3) of the Act permitting (a) suspension of the right of redemption of its outstanding redeemable securities, and (b) suspension of payment for shares already submitted for redemption for which payment has not been made as of the date and time of the requested order, until either:

(1) 10 days after Applicant gives the Commission notice of intention to resume redemptions and payments therefor, or

(2) The Commission on its own initiative rescinds the order applied for herein.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant states that on December 1, 1970, its directors authorized the liquidation of Applicant subject to shareholder approval. Management of Applicant proposes to solicit proxies to be voted in favor of the liquidation at a Special Meeting in Lieu of Annual Meeting of Shareholders, scheduled for March 2, 1971. Applicant states that the liquidation should be completed before April 30, 1971.

Applicant states that its liquidation will involve certain expenses, including legal and accounting fees, but because these expenses of liquidation have not yet been incurred, they do not yet appear on Applicant's books as a liability. Applicant therefore asserts that any shareholder who redeems his shares would not pay a pro rata portion of the expenses of liquidation, and in effect would receive a preference over the remaining shareholders. While it might be possible to establish a reserve for the expenses of liquidation as a current liability, this would be no more than a rough estimate. Applicant states that as a matter of fairness, it is essential that all shareholders be treated alike in the liquidation, and that any delay in redemption will not be substantial.

Applicant states, in addition, if the fund is required to continue redemptions, it will result in additional expense to the fund, and therefore a reduction of the amount to be distributed to shareholders in liquidation. Applicant has not had an investment adviser since April 6, 1969, and its distributor is in liquidation. Thus there are no clerical personnel competent to compute the daily net asset value. Applicant states that if redemptions are required, its independent public accountants will have to do the computations, and this will result in additional accounting charges.

Section 22(e)(3) of the Act provides that the Commission may by order, for the protection of the security holders of the company, permit a registered investment company to suspend the right of redemptions or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designed for that purpose.

The Commission has considered the matter and hereby finds, on the basis of information stated in the application, that an immediate emergency exists as a result of which it is not reasonably practicable for Applicant to determine the value of its net assets. Furthermore, the Commission finds that it is necessary for the protection of security holders of Applicant that there be issued together with the notice of the application a temporary order permitting the suspension of the right of redemption and postponement of payment until the further order of the Commission.

Accordingly, it is ordered, Pursuant to section 22(e)(3) of the Act, that Applicant be and is hereby permitted (1) to suspend the right of redemption of its outstanding redeemable securities, effective at the opening of business this date and (2) to suspend payment for shares already submitted for redemption and on which payment has not been made prior to this date, both suspensions to continue pending further order of the Commission.

Notice is further given that any interested person may, not later than March 29, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application as described above, accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3462 Filed 3-11-71;8:49 am]

[812-2800]

LaSALLE STREET CAPITAL CORP.

Notice of and Order for Hearing on Application To Exempt Certain Transactions

MARCH 3, 1971.

Notice is hereby given that LaSalle Street Capital Corp. (LaSalle Capital), 150 South Wacker Drive, Chicago, IL 60606, a Delaware corporation registered as a closed end, nondiversified, management investment company under the Investment Company Act of 1940 (Act) and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) of the Act requesting an order exempting from the provisions of section 17(a) of the Act certain transactions incident to the proposed merger of LaSalle Capital and Atlanta/LaSalle Corp. (Atlanta/LaSalle), which is also registered as a closed end, nondiversified management investment company under the Act. The application also requests an order pursuant to section 6(c) for exemptions from certain provisions of the Act as follows:

a. From section 12(e) of the Act to permit Atlanta/LaSalle, following consummation of the proposed merger, to transfer more than 5 percent of the value of its assets to its wholly-owned subsidiary which is a registered investment company (hereinafter sometimes referred to as L.S.C.) which is permitted, within certain limits, to issue debt securities as well as common stock, and which will be the transferee of the license as a small business investment company now held by LaSalle Capital.

b. From section 17(a) of the Act to permit the proposed initial as well as any subsequent transfer by Atlanta/LaSalle, and acquisition by L.S.C., of a portion of the assets of Atlanta/LaSalle; and to permit any small business concern which may become an affiliated person of L.S.C. or of Atlanta/LaSalle to borrow from, or to sell securities issued by it, to L.S.C.

c. From section 17(d) of the Act and Rule 17d–1 thereunder to permit Atlanta/LaSalle and L.S.C. to participate in joint transactions or other joint arrangements involving third parties which are small business concerns.

All interested persons are referred to the application, which is on file with the Commission, for a statement of the representations therein, which are summarized below.

Six individuals who own approximately 49 percent (8.2 percent in the case of each individual) of the outstanding voting securities of Atlanta/LaSalle also own in the aggregate approximately 12 percent of the outstanding voting securities of LaSalle Capital. Therefore, Atlanta/LaSalle is an affiliated person of such individuals who, in turn, may be deemed to be affiliated persons of LaSalle Capital within the meaning of section 2(a)(3) of the Act.

As of August 31, 1970, LaSalle Capital, which was organized under the laws of Illinois in 1959 and reincorporated in Delaware in 1967, had assets, per books, of $8,298,709, of which $5,699,647 represented investments in small business companies and securities received in exchange for those of small business companies, less the portion of small business company investments maturing in 1 year and allowance for losses. Liabilities, including current liabilities, as of that date totaled $5,510,714, of which $5,365,000 was LaSalle Capital's long term indebtedness (less current maturities) to the U.S. Small Business Administration. LaSalle Capital has authorized 1,500,000 shares of common stock, $0.33⅓ par value, of which 1,126,750 shares were outstanding on August 31, 1970. The common stock is traded in the over-the-counter market. On December 22, 1970, LaSalle Capital had 677 stockholders of record.

Atlanta/LaSalle was originally incorporated in Illinois in 1962 under the name Milwaukee Braves Baseball Club, Inc. In 1966 its name was changed to Atlanta Braves Baseball Club, Inc.; in 1970 its name was changed to BBR Corporation; and subsequently, in July 1970, its present name was adopted in connection with its reincorporation in Delaware.

Atlanta/LaSalle owns 265,371 shares or approximately 86 percent of the outstanding shares of common stock of Atlanta Braves, Inc. (Braves, Inc.), a Delaware corporation. Braves, Inc., is the owner and operator of the Atlanta Braves baseball team of the National League. The Braves baseball team is one of the charter members of the National League of Professional Baseball Clubs which was formed in 1876. Braves, Inc., also owns all of the outstanding shares of four corporations which are engaged in operating a professional soccer team, a restaurant located in Atlanta Stadium and in producing concerts and similar theatrical activities in Atlanta Stadium.

As of August 31, 1970, Atlanta/LaSalle and its subsidiary companies had consolidated assets, per books, of $5,742,634, which includes cash of $680,434, short-term marketable securities (at cost) of $1,446,912, net receivables (including $360,000 of long-term receivables) in the amount of $1,511,890, player contracts (net of amortization) in the amount of $1,065,645, and property and equipment, less related reserves, of $492,051. Consolidated liabilities as of that date totaled $4,323,404, of which $2,350,509 was long-term debt.

Atlanta/LaSalle has authorized 5,000,000 shares of common stock $1 par value, of which 1,172,740 shares are outstanding. Atlanta/LaSalle's outstanding shares are closely held by 28 persons and there has been no public market for the stock.

The proposed merger. It is proposed that LaSalle Capital will be merged into Atlanta/LaSalle. On the effective date of the merger Atlanta/LaSalle will succeed to the rights, properties, and assets of LaSalle Capital and will be responsible for the debts and liabilities of LaSalle Capital.

Under the terms of the proposed merger each share of LaSalle Capital common stock outstanding shall be converted into one share of common stock of Atlanta/LaSalle; and each outstanding certificate which represented shares of LaSalle Capital common stock prior to the effective date of the merger shall be deemed from and after the effective date to evidence ownership of the number of shares of common stock of Atlanta/LaSalle into which the same shall have been converted. Notwithstanding the foregoing, the surviving corporation, Atlanta/LaSalle may, upon written notice to the record holders of such certificates, require that such certificates be surrendered to an agent designated by the surviving corporation in exchange for certificates of the surviving corporation.

Shares of common stock of Atlanta/LaSalle issued and outstanding on the effective date of the merger will remain issued and outstanding without change.

The merger agreement has been approved by the boards of directors of LaSalle Capital and Atlanta/LaSalle.

If the merger agreement is approved, present stockholders of Atlanta/LaSalle will own approximately 51 percent of the outstanding stock of Atlanta/LaSalle and present stockholders of LaSalle Capital will own approximately 49 percent of such stock. The affirmative vote of a majority of the total number of outstanding shares of common stock of LaSalle Capital and Atlanta/LaSalle are required for adoption of the merger.

Atlanta/LaSalle's investment in another investment company. The proposed transfer by Atlanta/LaSalle of a portion of its assets to a wholly-owned registered investment company (L.S.C.) which will also be licensed as a small business investment company is designed to enable Atlanta/LaSalle to devote a portion of its assets to the Small Business Administration program while leaving Atlanta/LaSalle in a position with respect to the major portion of its assets to seek and retain a wider range of investments than is contemplated under the small business investment company program.

Following the proposed merger and transfer of assets to L.S.C., it is contemplated that L.S.C. will engage in the business of furnishing, capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence, and reorganizing companies or similar activities.

While Atlanta/LaSalle and L.S.C. will be registered as investment companies under the Act after the proposed merger and the transfer of assets to L.S.C., Atlanta/LaSalle contemplates attempting to change the nature of its business so as to cease to be an investment company and, if successful, to seek (a) deregistration for itself as an investment company under the Act and (b) exemption of L.S.C. from all provisions of the Act.

After LaSalle Capital is merged into Atlanta/LaSalle, L.S.C. is to receive by transfer from Atlanta/LaSalle the name LaSalle Street Capital Corp., and the small business investment company license now held by that company. In addition, Atlanta/LaSalle proposes to transfer to L.S.C. certain securities and other assets obtained from LaSalle Capital in the merger which at August 31, 1970, amounted to $8,799,805 on the basis of value as determined by the directors (including small business company investments valued at $6,102,862). In this connection, L.S.C. will assume certain obligations which will become liabilities of Atlanta/LaSalle as a result of the proposed merger, including $5,497,051 of indebtedness to the Small Business Administration at August 31, 1970. On this basis, Atlanta/LaSalle's proposed investment in L.S.C. would total $3,127,692.

In connection with L.S.C.'s proposed assumption of indebtedness to the Small Business Administration, Atlanta/LaSalle contemplates that the Small Business Administration will release Atlanta/LaSalle from primary liability to

repay such indebtedness and that Atlanta/LaSalle will guarantee the payment thereof, provided that, so long as Atlanta/LaSalle shall be registered as an investment company under the Act, Atlanta/LaSalle's liability as guarantor shall not exceed $1,040,000 in principal, plus accrued interest.

The application states that any order which the Commission may issue pursuant to the application may contain specified conditions restricting the amount of Atlanta/LaSalle's investment in L.S.C.; requiring that Atlanta/LaSalle, own and hold all of the outstanding capital stock of L.S.C.; prohibiting L.S.C. from changing its fundamental policies or taking prescribed action with respect to investment advisory or principal underwriting agreements or services without a vote of a majority of Atlanta/LaSalle's outstanding voting securities; and requiring the filing with the Commission and transmission to Atlanta/LaSalle's stockholders of certain reports of Atalanta/LaSalle, including as respects filing with the Commission, reports required to be filed by L.S.C. with the Small Business Administration. It has also been agreed that the Commission's order may contain conditions requiring a certain number of common officers and directors for Atlanta/LaSalle and L.S.C.; prescribing the manner for selecting and approving any independent public accountant who signs a financial statement filed by Atlanta/ LaSalle or L.S.C.; imposing asset coverage tests with respect to senior securities of Atlanta/LaSalle, Braves, Inc., L.S.C. and other subsidiaries of Atlanta/LaSalle; and limiting Atlanta/LaSalle, Braves, Inc., L.S.C. and other subsidiaries with respect to senior securities which may be issued or remain outstanding. Additional conditions which it is agreed may be included in the Commission's order would operate (a) to deny the exemption sought for a borrowing from, or a sale of securities to, L.S.C. by a small business concern which may become an affiliated person of L.S.C. unless specified requirements of Rule 17a–6 are met, and (b) to permit Atlanta/LaSalle and L.S.C. to participate in joint transactions involving a third party which is a small business concern provided certain requirements are met.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 31st day of March 1971, at 10 a.m., in the offices of the Commission, 500 North Capitol Street NW., Washington, DC 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 26th day of March 1971, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters are presented for consideration, without prejudice to the specification of additional matters upon further examination:

1. Whether the terms of the proposed transaction involved in the merger, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

2. Whether such proposed transaction (merger) is consistent with the policy of LaSalle Capital and Atlanta/LaSalle as recited in their respective registration statements and reports filed under the Act;

3. Whether such proposed transaction (merger) is consistent with the general purposes of the Act, and whether the proposed issuance of senior securities representing indebtedness by Atlanta/LaSalle meets the requirements of section 18(a) of the Act;

4. Whether the requested exemptions from section 12(e) of the Act in order to permit Atlanta/LaSalle to invest more than 5 percent of its total assets on a corporate basis in L.S.C. is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act;

5. Whether the requested exemption from section 17(a) in order to permit the proposed initial as well as any subsequent transfer by Atlanta/LaSalle, and acquisition by L.S.C., of a portion of the assets of Atlanta/LaSalle following merger is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act;

6. Whether the requested exemption from section 17(d) of the Act and Rule 17d–1 thereunder in order to permit Atlanta/LaSalle and L.S.C. to participate in joint transactions or other joint arrangements involving third parties which are small business concerns is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act;

7. Whether, if the Commission grants the requested exemptions, such exemptions should be subject to conditions, and, if so whether the conditions should be those proposed by Atlanta/LaSalle, or whether other or different conditions are required.

It is further ordered, That at the aforesaid hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That LaSalle Capital shall cause a copy of this notice and order to be mailed to each of the stockholders of LaSalle Capital and Atlanta/LaSalle at each stockholder's last known address at least 20 days prior to the date set for the hearing.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to LaSalle Capital and Atlanta/LaSalle and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of the Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–3463 Filed 3–11–71;8:49 am]

[70–4993]

MICHIGAN WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding; Increase in Authorized Shares of Common Stock and Sale Thereof to Holding Company; and Issue and Sale of Notes to Banks

MARCH 5, 1971.

Notice is hereby given that American Natural Gas Co. (American Natural), 30 Rockefeller Plaza, Suite 4950, New York, NY 10020, a registered holding company, and one of its subsidiary companies, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9, 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of First Mortgage Pipe Line Bonds, ------ percent Series due April 15, 1991. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be received by Michigan Wisconsin (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount thereof) are to be determined by the competitive bidding. The bonds are to be issued under Michigan Wisconsin's Mortgage and Deed of Trust dated as of September 1, 1948, between Michigan Wisconsin and First National City Bank, trustee, as heretofore supplemented and as to be further supplemented by a 23d Supplemental Indenture to be dated as of April 15, 1971, and which includes a prohibition until April 15, 1976, against refunding the issue with the proceeds of funds borrowed at lower interest cost.

Michigan Wisconsin also proposes to increase its authorized shares of common stock, par value $100 per share (all of which are owned by American Natural), from 1,495,000 to 1,695,000 shares. Michigan Wisconsin further proposes to issue and sell, and American Natural proposes to acquire, the 200,000 additional shares of common stock of Michigan Wisconsin at a price of $100 per share, or for an aggregate price of $20 million. In order to purchase Michigan Wisconsin's common stock, American Natural proposes to issue and sell its promissory notes to banks in the amount of $20 million. The terms of the notes and the names of the banks will be supplied by amendment.

Michigan Wisconsin presently has outstanding $40 million of notes payable to banks for temporary financing of construction. The net proceeds from the sale of the bonds and common stock will be applied to the retirement of said notes and for Michigan Wisconsin's 1971 cash requirements, including construction and advance payments for gas, estimated for 1971 to be $55 million and $57 million, respectively.

The fees and expenses to be paid in connection with the proposed transactions are to be filed by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 30, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–3464 Filed 3–11–71;8:49 am]

[812–2563]

SCUDDER DUO-VEST, INC.

Notice of Filing of Application for Modification of Order of Exemption and for Order of Exemption

MARCH 3, 1971.

Notice is hereby given that Scudder Duo-Vest, Inc. (Applicant), 345 Park Avenue, New York, NY 10022, a Delaware corporation registered under the Investment Company Act of 1940 (Act) as a diversified, closed-end management investment company, has filed an application (i) pursuant to sections 6(c) and 18(i) for modification of an order of exemption (1967 Order) issued by the Commission on March 22, 1967 (Investment Company Act Release No. 4894), to permit Applicant to purchase its own shares on the New York Stock Exchange, and (ii) for an order pursuant to section 6(c) of the Act exempting Applicant's proposed purchases of its own shares from the provisions of section 18(a)(2)(B) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant, as authorized by its certificate of incorporation, as amended, has two classes of stock outstanding, its 7-Percent Cumulative Income Preferred shares, $9.15 par value per share (Income Shares) and its Capital Shares, $1 par value per share (Capital Shares). The holders of the Income Shares are entitled to receive all of Applicant's net investment income earned through March 31, 1982. In addition, if the dividend paid on the Income Shares with respect to any quarter does not equal at least 16 cents, the deficiency is carried forward as an arrearage to be paid, together with the then current 16 cents quarterly dividend, from future net investment income. The arrearage per Income Share through February 11, 1971, was 18.3 cents. The Income Shares will be exchangeable on March 31, 1982, at the holder's option, into Capital Shares on the basis of the respective redemption and net asset values as at the close of business on such date. The call value of an Income Share, and also its liquidation preference, is equal to $9.15 plus any accrued and unpaid dividends (including any arrearages) plus its share of undistributed net investment income. It is the stated intention of management of Applicant to call on April 1, 1982, any Income Shares not converted into Capital Shares.

The holders of the Capital Shares are credited with any appreciation on the Applicant's portfolio, subject only to the cumulative 64-cent annual dividend right of the Income Shares. The holders of the Capital Shares will not receive any dividends from net investment income through March 31, 1982, nor will they receive any dividends from long-term capital gains. With the exception of any short-term capital gains that must be distributed in order to permit Applicant to continue to qualify as a regulated investment company under the Internal Revenue Code, all capital gains are to be reinvested. Following the conversion or call of the Income Shares in 1982, each holder of Capital Shares will have the right to receive the net asset value of his shares either upon termination of Applicant on May 31, 1982, pursuant to its Certificate of Incorporation, or otherwise as provided in an amendment to its Certificate of Incorporation adopted at that time.

A condition to the 1967 Order prohibits any purchases or acquisitions by Applicant of its Income or Capital Shares so long as the Income Shares are outstanding, except upon the call of the Income Shares or upon Applicant's liquidation. The Applicant requests modification of the 1967 Order to permit it to purchase its shares on the following terms:

1. Applicant will not permit the number of outstanding shares of either class at any time to exceed by more than 1,000 the number outstanding of the other class.

2. Applicant will not permit the number of shares outstanding of either class to be out of balance with the number of shares outstanding of the other class to any extent for more than 5 consecutive trading days (except that if at the expiration of such period a purchase to redress an imbalance would be inconsistent with requirement No. 3 hereunder, Applicant will not make such a purchase until it can do so consistent with such requirement).

3. Applicant will not purchase shares of either class unless the unit (one Income Share and one Capital Share) net asset value determined at the close of business of the prior day exceeds the sum of (a) the per share purchase price of the shares being purchased (plus the applicable brokerage commission), plus (b) the higher of (i) the most recent market price or (ii) the lowest current asked price for shares of the other class

(plus in either case an assumed brokerage commision). For this purpose, unit net asset value will be determined by dividing Applicant's total net assets (not including any assets representing undistributed net investment income) by the number of Income or Capital Shares outstanding, whichever is the greater.

4. Purchases of either class will not exceed on any day 20 percent of the average daily trading volume for such shares on the New York Stock Exchange in the 4 weeks preceding the current week. Applicant states that, on the basis of trading on the New York Stock Exchange for 1970, Applicant could be expected to purchase in a year a maximum of 125,500 shares of each class of its stock, or 2.3 percent of the 5,455,465 shares of each class outstanding.

5. Applicant will notify all stockholders of its proposed purchase program by letter or report which will discuss any discount of market value from net asset value. It will also inform the stockholders as to any current arrearage on the Income Shares; the right of the holders of the Income Shares to exchange them into Capital Shares on March 31, 1982, on the basis of their respective redemption and net asset values at the close of business on such date; the intention of management to redeem, on April 1, 1982, any Income Shares not so exchanged; and the right of the holders of both classes of the Capital Shares to receive net asset value soon after April 1, 1982.

6. In its quarterly reports to stockholders, the Applicant will provide information as to the aggregate number of shares of each class purchased and the price thereof.

In addition, Applicant has agreed that its proposed purchase program will be subject to a number of other conditions, as enumerated in its application. Applicant's shareholders have approved an amendment to its Certificate of Incorporation to permit Applicant to purchase its own shares.

Section 18(a)(2)(B) requires a closed-end investment company to make provisions to prohibit the purchase of any common stock at a time when it has a class of senior securities outstanding, unless at the time of such purchase the class of senior securities has an asset coverage of at least 200 percent after deducting the amount of the purchase price.

Applicant requests an order pursuant to section 6(c) of the Act exempting its proposed purchases from the provisions of section 18(a)(2)(B) of the Act. Applicant points out that purchases of units of Income and Capital Shares at a unit price less than unit net asset value will have the effect of increasing moderately the asset coverage for the remaining Income Shares.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 29, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of any attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3465 Filed 3-11-71;8:49 am]

[812-2828]

STANDARD SHARES, INC., ET AL.

Notice of Filing of Application

MARCH 4, 1971.

Notice is hereby given that Standard Shares, Inc. (Standard), a closed-end, non-diversified, management investment company registered under the Investment Company Act of 1940 (Act), its subsidiary, Pittway Corp. (Pittway), 40 Wall Street, New York, NY 10005, and George Barr (Barr) (referred to collectively as Applicants), a vice president and director of Pittway have filed an application under section 17(d) of the Act and Rule 17d-1 for an order of the Commission allowing the exercise by Barr of options to purchase 1,803 shares of Pittway common stock. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Standard owns 1,073,503 shares, in excess of 38 percent, of the total outstanding common stock of Pittway. Pittway, which is not an investment company, is engaged in, among other things, the business of aerosol and other packaging, the manufacture of aerosol valves and burglar and fire alarm devices, the publishing of trade magazines, and certain real estate ventures.

Barr has been a vice president and director of pittway or its predecessor company since 1962 when Pittway acquired the assets and business of G. Barr & Co., of which Barr had been president for the previous 5 years. In May 1963, Barr also became a director of Standard and served in that capacity until May 1970.

In 1964, Pittway adopted, with shareholder approval, a Stock Option Plan For Salaried Employees (the Plan) which authorized Pittway to grant salaried employees options to purchase shares of Pittway common stock. The Plan was amended in 1966, 1968, and 1969 to increase the number of shares with respect to which options could be granted. As a result of various stock dividends or splits, the total number of shares subject to the grant of options under the Plan is 371,933. As of June 30, 1970 options to purchase 97,965 shares had been granted and remained outstanding under the Plan.

All options granted under the Plan are intended to qualify as "qualified stock options" under section 422 of the Internal Revenue Code as amended. All options granted under the Plan are exercisable not later than 5 years from the respective dates of grant at option prices determined by Pittway's Board of Directors at the time the options are granted to be not less than the fair market value of the common stock stock at the time of grant; are exercisable only after the expiration of 2 years from the date of grant; and are exercisable cumulatively only with respect to one-third of the shares covered by the option in each of the remaining 3 years of the option term.

In 1964, 1965, and 1966 Pittway granted to Barr under the Plan, options to purchase 2,500, 5,000, and 2,500 shares of its common stock now represented (following a stock split and stock dividends) by 21,012 such shares. Prior to January 10, 1970, Barr exercised options to purchase an aggregate of 19,260. Barr, as a result of a 3 percent stock dividend, now holds options to purchase 1,803 shares at an exercise price of $10.40 per share which became exercisable on September 21, 1970. The closing price on the American Stock Exchange of Pittway's common stock on February 16, 1971 was $33 per share.

Section 17(d)(1) of the Act and Rule 17d-1 promulgated thereunder, as here pertinent, make it unlawful, for any affiliated person of a registered investment company, or any affiliated person of such person to effect any transaction in connection with a joint enterprise or other joint arrangement in which such registered investment company, or a company controlled by such registered investment company, is a participant unless an application regarding such joint enterprise has been filed with and an appropriate order has been granted by the Commission. Rule 17d-1 provides that in passing upon such application the Commission will consider whether the participation of such registered or controlled company in such joint enterprise arrangement on the basis proposed is consistent with the provisions, policies and purpose of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Rule 17d-1 was amended, on August 10, 1970 (Investment Company Act Release No. 6154) specifically to include "any stock option or stock purchase plan." Because Barr was a director of Standard, the exemption is necessary.

Applicants state that prior to the acquisition by Pittway of Barr's business, Barr was affiliated with neither Standard nor Pittway. The options granted to Barr were granted solely in connection with his employment by Pittway. Options to purchase an equal number of shares were also granted in 1964, 1965, and 1966 to three other individuals, not affiliated with Standard, who had been and continued to be the chief operating personnel of other businesses acquired by Pittway. All options were granted at prices equal to 100 percent of the fair market value at the time the options were granted.

Applicants believe that the exercise by Barr of his option to purchase the 1,803 shares subject to such option, will be reasonable and fair, will not involve overreaching on the part of any person, will be consistent with the policy of Standard, and the general purposes of the Act and section 17(d) and Rule 17d-1 thereunder.

Notice is further given that any interested person may, not later than March 29, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3466 Filed 3-11-71;8:49 am]

[File Nos. 2-28254 (22-4895), 2-35229 (22-5779)]

UNION TANK CAR CO.

Notice of Application and Opportunity for Hearing

MARCH 8, 1971.

Notice is hereby given that Union Tank Car Co. (the applicant) has filed an application pursuant to section 310(b)(1)(ii) of the Trust Indenture Act of 1939, as amended (the Act), for a finding by the Securities and Exchange Commission (the Commission) that the trusteeship of The Bank of New York under an existing indenture and the proposed successor trusteeship of The Bank of New York under another existing indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify The Bank of New York from acting as trustee under such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section) it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the same obligor are outstanding, if the obligor shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. The Applicant desires to appoint The Bank of New York to act as successor trustee to Bank of America National Trust and Savings Association, resigning trustee, under the Series 3 Equipment Trust Agreement.

2. The Bank of New York is presently acting as trustee for the Applicant's Series 5 Equipment Trust Certificates, which is one of the Applicant's 6 presently outstanding issues of Equipment Trust Certificates. The entire original principal amount of $25 million issued under the existing trusteeship of The Bank of New York is presently outstanding.

3. The Series 5 Equipment Trust Certificates issued under the present trusteeship of The Bank of New York and the Series 3 Equipment Trust Certificates for which it is proposed the Bank of New York shall act as successor trustee, are secured by a separate lot of identified railroad tank cars, so that, should be trustee have occasion to proceed against the security under either one of the Equipment Trusts, such action would not affect the security, or the use of any security, under the other Equipment Trust. Thus, the existence of the other trusteeship should in no way inhibit or discourage the trustee's actions.

4. The Applicant is not in default under any of its Equipment Trust obligations.

The Applicant has waived notice of hearing, hearing, and any and all rights to specify procedures under the rules of practice of the Commission with respect to the application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than April 1, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3467 Filed 3-11-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 9, 1971.

Protests to the granting of an application must be prepared in accordance with

Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42146—*Liquefied carbon dioxide from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A6232), for interested rail carriers. Rates on carbon dioxide, liquefied, in tank carloads, as described in the application, from Saltville, Va., to Atlanta, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 201 to Southern Freight Association, agent, tariff ICC S–517.

FSA No. 42147—*Sodium (soda) silicate to Chickasaw and Mobile, Ala.* Filed by Southwestern Freight Bureau, agent (No. –216), for interested rail carriers. Rates on sodium (soda) silicate, other than dry, in tank carloads, as described in the application, from Dallas, Mesquite and Scottdale, Tex., to Chicasaw and Mobile, Ala.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 150 to Southwestern Freight Bureau, agent, tariff ICC 4773.

FSA No. 42148—*Grain products between points in Indiana and Illinois and points in southern territory.* Filed by O. W. South, Jr., agent (No. A6233), for interested rail carriers. Rates on grain products, in carloads, as described in the application, between L&N points in Illinois and Indiana, on the one hand, and SCL points in Alabama, Florida, and Georgia, on the other.

Grounds for relief—Short-line distance formula and grouping, and operation through higher-rated territories.

Tariff—Supplement 193 to Southern Freight Association, agent, tariff ICC S–478.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3487 Filed 3-11-71;8:51 am]

[Notice 259]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 8, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59967 (Sub-No. 6 TA), filed March 2, 1971. Applicant: LASHAM CARTAGE CO., 2331 South Wood Street, Chicago, IL 60608. Applicant's representative: Bernard C. Pestcoe, Suite 708, City National Bank Building, 25 West Flagler Street, Miami, FL 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value and classes A and B explosives, between Port Everglades and Port Laudania, Fla., on the one hand, and, on the other, points in Dade, Broward, and Palm Beach Counties, Fla., restricted to traffic having a prior or subsequent movement by water, for 180 days. Supporting shippers: Harrington & Co., Inc., Post Office Box 13028, Port Everglades Station, Fort Lauderdale, FL 33316; Blanchard Lumber Co., Port Everglades, Fort Lauderdale, FL 33316; Florida Motorships Corp., Post Office Box 13049, Port Everglades Station, Fort Lauderdale, FL 33316; Canadian Gulf Line of Florida, Inc., Post Office Box 4301, Miami, FL 33101; Strachan Shipping Co., Post Office Box 13131, Port Everglades Station, Fort Lauderdale, FL 33316; Futch Lumber Co., Box 724, Opa Locka, FL. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 61231 (Sub-No. 56 TA), filed March 1, 1971. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Granite City Steel Co. at Granite City, Ill., to points in Iowa and Nebraska, for 180 days. Supporting shipper: Granite City Steel Co., Granite City, Ill. 62040. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 88161 (Sub-No. 79 TA), filed March 1, 1971. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, WA 98108. Applicant's representative: Stephen A. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Yellowstone Pipe Line Co., located 3 miles north of Moses Lake, Wash., to points in Oregon, for 150 days. Supporting shipper: Husky Oil Co., 4040 East Louisiana Avenue, Denver, CO 80222. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

No. MC 100449 (Sub-No. 20 TA), filed March 1, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, IA 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Texas, for 180 days. Supporting shipper: Illini Beef Packers, Inc., 221 North La Salle Street, Chicago, IL 60601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 106022 (Sub-No. 10 TA), filed March 1, 1971. Applicant: V. B. MORGAN CO., 6106 Paramount Boulevard, Long Beach, CA 90805. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, in special dump transfer units, between New Discovery Mine, Beatty, Nev.; Blanco Mine, Coaldale Junction, Nev.; Vanderbilt Mine (20 miles east of Las Vegas), Lovelock, Nev.; on the one hand, and Dunn Siding at Rail Mill located 21 miles from Baker, Calif., for 180 days. Supporting shipper: Western Talc Co., Inc., Post Office Box 368, Yermo, CA 92398. Send protests to: Philp Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 107496 (Sub-No. 803 TA), filed March 1, 1971. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855 (50304), Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid foundry facing*, in bulk, in stainless steel tank vehicles, from Highland, Inc., to H. K. Porter Co., Huntington, W. Va., for 150 days. Supporting shipper: Thermium, Inc., 2550 Industrial Drive, Highland, IN 46322. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 107496 (Sub-No. 804 TA), filed March 1, 1971. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855 (50304), Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from Huntington, Ind., to points in Indiana, Illinois, Lower Michigan, and Ohio, for 180 days. Supporting shipper: American Oil Co., Post Office Box 5690, Chicago, IL 60680. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 112520 (Sub-No. 233 TA), filed March 1, 1971. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Peoctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Muscogee County, Ga., to points in Florida, for 180 days. Supporting shipper: Dixie Size and Chemical Co., Post Office Box 2335, Columbus, GA 31902. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 112822 (Sub-No. 184 TA), filed March 1, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in section A and C of appendix 1 to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) and (2) *Equipment, materials and supplies* used in the conduct of meat packing, between the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Herman C. Jacobsen, Illini Beef Packers, Inc., 221 North La Salle Street, Chicago, IL 60601. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 114273 (Sub-No. 80 TA), filed March 2, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from Omaha, Nebr., and Council Bluffs, Iowa, to points in Colorado, Connecticut, Delaware, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and Washington, D.C., for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, IA 55501. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 117815 (Sub-No. 171 TA), filed March 1, 1971. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. Supporting shipper: Illini Beef Packers, Inc., 221 North La Salle Street, Chicago, IL 60601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 120800 (Sub-No. 35 TA), filed March 3, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in specially designed vacuum jacketed trailers, from Baton Rouge or Taft, La., to Calvert City, Ky.; Decatur, Ill.; El Dorado, Ark.; Houston, Tex.; Memphis, Tenn.; Tarrant City, Ala.; Greenville, S.C.; Magnolia, Ark.; and Orangeburg, S.C., for 120 days. Supporting shipper: Enjay Chemical Co., Distribution Department, Post Office Box 201, Florham Park, NJ 07932. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 125440 (Sub-No. 10 TA), filed February 23, 1971. Applicant: JULES TISCHLER, doing business as RARITAN MOTOR EXPRESS, 129 Lincoln Boulevard, Middlesex, NJ 08846. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products, materials, supplies, and equipment* used in connection with the manufacture, delivery, installation, and erection thereof (except in bulk), from the plantsite of Concrete Systems, Inc., New Brunswick, N.J., to John F. Kennedy Airport, Stony Brook, Roslyn, East Hampton, and Purchase, N.Y., and Limerick, Pa., for 180 days. Supporting shipper: Concrete Systems, Inc., Triangle Road, Post Office Box 137, New Brunswick, NJ 08902. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 126276 (Sub-No. 44 TA), filed March 3, 1971. Applicant: EAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper cups and plates, plastic lids, cups, knives, forks, and spoons*, from the plant warehouse facilities of Continental Can Co. at Three Rivers, Mich., to Charlotte and Winston-Salem, N.C.; Atlanta and Decatur, Ga.; St. Louis and Kansas City, Mo.; Kansas City, Iola, and Topeka, Kans.; New Haven and Hartford, Conn.; Newport, Maine; Baltimore, Md.; Pittsburgh, Pa.; Buffalo, N.Y.; Erie, Pa.; Albany, N.Y.; Jersey City and Newark, N.J.; Boston, Mass.; Norfolk and Richmond, Va.; Bangor, Maine; and St. Albans, Vt., for 180 days. Supporting shipper: Continental Can Co., Inc., 150 South Wacker Drive, Chicago, IL. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 127699 (Sub-No. 6 TA), filed February 23, 1971. Applicant: LEE CARTAGE CO., 2026 Cleveland Avenue SW., Canton, OH 44707. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Component parts for steel buildings*, from Canton, Ohio, to points in Illinois, Wisconsin, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York,

New Jersey, Delaware, Maryland, the District of Columbia, and points in Pennsylvania except Sharon, Pa., and that part bounded by a line beginning at Sharon and extending along U.S. Highway 62 to junction U.S. Highway 322, thence along U.S. Highway 322 to Clarion, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 31 and thence along Pennsylvania Highway 31 to the Pennsylvania-West Virginia State line, for 180 days. Supporting shipper: Macomber, Inc., 1925 10th Street, Canton, OH 44701. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 129657 (Sub-No. 7 TA), filed March 1, 1971. Applicant: KEN McCARVILLE DISTRIBUTING COMPANY, INC., 436 Rainbow Road, Spring Green, WI 53588. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising equipment, premiums, materials, and supplies*, when shipped therewith, from Chicago, Ill., to Waupaca, Wis., Rapids, Watertown, Tomah, Wisconsin Dells, Beaver Dam, Janesville, Winneconne, Sparta, Sheboygan, Manitowoc, Green Bay, and Pewaukee, Wis., for 180 days. Supporting shipper: Meister-Brau, Inc., 1000 West North Avenue, Chicago, IL 60622. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 133574 (Sub-No. 13 TA), filed March 2, 1971. Applicant: TERRILL TRUCKING COMPANY (Iowa corporation), 1016 Geneseo Street, Storm Lake, IA 50588. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from the plantsite and storage facilities of Wilson Certified Foods, Cherokee, Iowa; to points in Tennessee, Alabama, Georgia, Florida, North Carolina, and South Carolina, for 150 days. Supporting shipper: Wilson Certified Foods, Cherokee, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, IA 51101.

No. MC 134263 (Sub-No. 2 TA), filed March 2, 1971. Applicant: E. L. WARTHEN, doing business as REDWAY CARRIERS, Route 5, Box 100, Waukegan, IL 60085. Applicant's representative: Paul J. Maton, Suite 1620, 10 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberries and cranberry products* in containers; *machinery, materials, supplies, and equipment*, incidental to or used in the processing, canning, bottling, preserving, freezing, distribution, and sale of cranberries and cranberry products, between the plantsite and warehouse of Ocean Spray Cranberries, Inc., Kenosha County, Wis., and North Chicago, Ill., to St. Louis, Mo., and points in Indiana and Ohio, for 180 days. Supporting shipper: John R. Pascoe, Traffic Manager, Ocean Spray Cranberries, Inc., Hansen, Mass. 02341. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 134922 (Sub-No. 5 TA), filed March 2, 1971. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* as described in sections A and C of appendix 1 to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Iowa Beef Processors, Inc., at Emporia, Kans., to Boston and Springfield, Mass.; Providence, R.I.; Philadelphia, Pa.; Baltimore, Md.; District of Columbia; and points in New Jersey, New York, Connecticut, Virginia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, Nebr. 68731. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135117 (Sub-No. 2 TA) (correction), filed February 16, 1971, and published FEDERAL REGISTER issue of February 25, 1971, and republished in part as corrected this issue. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, Sioux City, IA 51103. Applicant's representative: Wallace W. Huff, 314 Security Bank Building, Sioux City, IA 51101. NOTE: The purpose of this partial republication is to include an additional shipper, which was inadvertently omitted from previous publication. Supporting shipper: Phillips & Co., Inc., Post Office Box 473, Sioux City, IA 51101. The rest of the application remains the same.

No. MC 135233 (Sub-No. 1 TA) (Correction), filed February 18, 1971, published in the FEDERAL REGISTER issue of February 26, 1971, and republished in part, as corrected, this issue. Applicant: JOYCE H. MORTON AND ROYCE C. MORTON, a partnership, doing business as MORTON BROTHERS, Rural Route 1, Box 2000, Las Cruces, NM 88001. NOTE: The purpose of this partial republication is to correctly set forth the commodity description by including the underlined portion which was inadvertently omitted from previous publication to read as follows: Clay products, cinder, stone, grain, landscaping *aggregates and building materials*. The rest of the application remains the same.

No. MC 135320 TA (Correction), filed February 18, 1971, and published FEDERAL REGISTER issue of February 26, 1971, and republished in part as corrected, this issue. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delaney, 2 Nevada Drive, Lake Success, NY 11040. NOTE: The purpose of this partial republication is to correctly set forth the territorial description in (2) below as follows, in lieu of previous publication: (2) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising material* moving therewith (except motion picture film used primarily for commercial theatre and television exhibition); (a) between Dallas and San Antonio, Tex, on the one hand, and, on the other, points in Oklahoma; (b) between Dallas and San Antonio, Tex., on the one hand, and, on the other, points in Oklahoma, restricted to traffic having an immediately prior or subsequent movement by air. The rest of the application remains the same.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3489 Filed 3-11-71;8:51 am]

[Notice 260]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 9, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3094 (Sub-No. 18 TA), filed March 3, 1971. Applicant: SERVICE MOTOR FREIGHT, INC., Post Office Box 36, Barrington, NJ 08007, 133 East Atlantic Avenue, Lawnside, NJ 08045. Applicant's representative: Herbert Alan Dubin, Federal Bar Building West, 1819 H Street, NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Parkway Industrial Center, Anne Arundel County, Md., to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, and Washington, D.C., for 180 days. Supporting shipper: International Paper Co., 220 East 42d Street, New York, NY 10017. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 59800 (Sub-No. 23 TA), filed March 1, 1971. Applicant: THE WEICKER TRANSFER & STORAGE COMPANY, 2900 Brighton Boulevard, Post Office Box 5207 (80217), Denver, CO 80216. Applicant's representative: Joseph F. Nigro, 1515 Cleveland Place, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dow telone* (which is a soil fumigant), *solvents and caustic soda*, from Arvada, Colo., to points in Wyoming and Nebraska, for 180 days. Supporting shipper: The Dow Chemical Co., Midland, Mich. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, CO 80202.

No. MC 107295 (Sub-No. 486 TA), filed March 1, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems, hardwood flooring, lumber, lumber products, and accessories used in the installation thereof*, from Dollar Bay, Mich., to points in Illinois, Iowa, Missouri, Ohio, Kansas, and Oklahoma, for 180 days. Supporting shipper: Horner Flooring Co., Dollar Bay, Mich. 49922. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 107295 (Sub-No. 487 TA), filed March 1, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building construction sections, panels and component parts thereof, including wall, doors and window systems, door and window frames and sash, and parts and accessories used in the installation thereof*, from Lima, Ohio, to Bethlehem, Pa., for 90 days. Supporting shipper: Fenmark Corp., Division of the Marmon Group Inc., 39 South La Salle Street, Chicago, IL 60603. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 113828 (Sub-No. 187 TA), filed March 3, 1971. Applicant: O'BOYLE TANK LINES, INCORPORATED, Mail: Post Office Box 30006, Washington, DC 20014. Office: 5320 Mounelli Drive, Industrial Park, Rockville, MD 20852. Applicant's representative: John F. Grimm, Post Office Box 30006, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, in bulk, in tank vehicles, from Williamson, Pa., to Baltimore, Md., for 180 days. Supporting shipper: Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, NY 10022. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 120800 (Sub-No. 34 TA), filed March 3, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, in specially designed vacuum jacketed trailers, from Savannah, Ga., to points in South Carolina, Tennessee, Alabama, and Florida, for 150 days. Supporting shipper: American Cryogenics, Inc., No. 1 Embarcadero Center, San Francisco, CA 94111. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 120800 (Sub-No. 36 TA), filed March 3, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in specially designed vacuum jacketed trailers, from Clinton, Iowa and Institute, W. Va., to Whiting, Ind., for 150 days. Supporting shipper: Union Carbide Corp., Central Distribution, 1 California, San Francisco, CA 94111. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 123993 (Sub-No. 18 TA), filed March 2, 1971. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, 1724 West Mill Street, Crowley, LA 70526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bags, and packages, from the plantsite of Southdown Lands, Inc., near Houma, La., to points in Alabama and Mississippi, for 180 days. Supporting shipper: Southdown Lands, Inc., Eighth Floor, Odeco Building, Post Office Box 52378, New Orleans, LA 70150. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 124796 (Sub-No. 82 TA), filed March 3, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., Post Office Box 1257, 15045 East Salt Lake Avenue, City of Industry, CA 91747. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air-conditioning equipment, furnaces, and component parts and accesories for such items*, from the plantsites and/or warehouse facilities utilized by Carrier Corp. at or near Davidson County, Tenn., to points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk or those which, by reason of size or weight, require the use of special equipment. All shipments are to originate at the plantsites and/or warehouse facilities utilized by Carrier Corp. at or near Davidson County, Tenn., for 180 days. Supporting shipper: Carrier Air Conditioning Co., Carrier Parkway, Syracuse, N.Y. 13201. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 129653 (Sub-No. 2 TA), filed March 2, 1971. Applicant: SAM B. PAINE, doing business as PAINE BROTHERS TRUCKING COMPANY, 290 Strathmore Cl. East, Memphis, TN 38112. Applicant's representative: Sam B. Paine (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in dump vehicles, from the plantsite of Swift and Co., Memphis, Tenn., to points in Poinsett County, Ark., and Itawamba and Union Counties, Miss., for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., Post Office Box 12628, 152 North Collins, Memphis, TN 38112. Attention: Mr. H. G. Smoak, Area Sales Manager. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Building, 167 North Main Street, Memphis, TN 38103.

No. MC 134387 (Sub-No. 3 TA), filed March 3, 1971. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal cans and can ends*, on pallets, from points in Los Angeles County, Calif., to points in Maricopa County, Ariz., for 180

days. Supporting shipper: Reynolds Metals Co., Can Plant Division, 500 Crenshaw Boulevard, Torrance, CA 90503. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3490 Filed 3-11-71;8:51 am]

[Notice 660]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 9, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72466. By order of February 17, 1971, the Motor Carrier Board approved the transfer to Fleming's Express, Inc., Wrentham, Mass., of the operating rights in certificate No. MC-128401 (Sub-No. 3), issued January 3, 1969, to Rosborough Refrigerated Express Co., Inc., Wrentham, Mass., authorizing the transportation of frozen prepared foods and fish when moving at the same time and in the same vehicle with frozen prepared foods, from Gloucester and Boston, Mass., to a described area in New York. Neal Holland, 225 Franklin Street, Boston, MA 02110, attorney for applicants.

No. MC-FC-72492. By order of February 19, 1971, the Motor Carrier Board approved the transfer to Samuel Zieres, North Branch, N.Y., of the operating rights in certificates Nos. MC-93942 and MC-93942 (Sub-No. 3) issued November 4, 1958, and November 15, 1966, respectively, to William Nober, doing business as Nober's Sedan Service, Lake Huntington, N.Y., authorizing the transportation of passengers and their baggage, in special operations, subject to certain conditions, between New York, N.Y., on the one hand, and, on the other, points in Chochecton, Delaware, Mamkating, and Fallsburgh Townships, Sullivan County, and Warwarsing Township, Ulster County, N.Y. Frederick W. V. Schadt, Jeffersonville, NY 12748, attorney for applicants.

No. MC-FC-72567. By order of February 17, 1971, the Motor Carrier Board approved the transfer to Gary K. Wiggins, doing business as North Pacific Trucking & Contracting, Kodiak, Alaska, of the operating rights in certificate No. MC-126123 (Sub-No. 1) issued September 15, 1965, to Harry Felton, doing business as Felton & Tenny, Kodiak, Alaska, authorizing the transportation of general commodities, except those of unusual value, household goods as defined by the Commission. and classes A and B explosives, between points in Kodiak Island, Alaska. John M. Stern, Jr., Post Office Box 1672, Anchorage, AK 99501, attorney for applicants.

No. MC-FC-72615. By order of February 19, 1971, the Motor Carrier Board approved the transfer to Jones Transfer, Inc., Fairmont, N.C., of the operating rights in certificate No. MC-30655 issued August 27, 1965, to Mary S. Jones, doing business as Jones Transfer, Fairmont, N.C., authorizing the transportation of veneer and plywood, livestock and agricultural commodities, brick, tile, and lumber, fertilizer and fertilizer materials, leaf tobacco, and general commodities, with usual exceptions, from and to, or between points specified in North Carolina, Virginia, South Carolina, Delaware, Maryland, New Jersey, New York, and Pennsylvania, and household goods, between Fairmont, N.C., on the one hand, and, on the other, points in South Carolina. F. W. Pittman, Post Office Box 355, Fairmont, NC 28340, attorney for applicants.

No. MC-FC-72669. By order of February 18, 1971, the Motor Carrier Board approved the transfer to Russell Fleury, Ponca, Nebr. 68770, of the operating rights in certificates Nos. MC-839 and MC-839 (Sub-No. 1) issued October 20, 1961, and May 2, 1962, respectively, to Richard L. Doren and Floyd R. Doren, a partnership, doing business as Ponca Motor Express, Ponca, Nebr. 68770, authorizing the transportation of general commodities with specified exceptions between specified points in Iowa and Nebraska.

No. MC-FC-72688. By order of February 19, 1971, the Motor Carrier Board approved the transfer to Keith W. White and Keith W. White, Jr., doing business as The White Grain Co., Box 133, Second Street, Neligh, NE 68756, of the operating rights in certificate No. MC-46096 issued March 28, 1956, to Vernon L. Rader, Rural Route, Brunswick, NE 68720, authorizing the transportation of coal, salt, grain, and agricultural implements from Sioux City, Iowa, to Neligh, Nebr.; petroleum products, in containers, from Council Bluffs, Iowa, to Neligh, Nebr.; livestock and feed between Neligh, Nebr., and points within 50 miles thereof, on the one hand, and, on the other, Sioux City, Iowa.

No. MC-FC-72689. By order of February 19, 1971, the Motor Carrier Board approved the transfer to Produce Transport Dispatch, Inc., Portland, Oreg., of the operating rights in certificate No. MC-124603 issued October 1, 1962 to Frank P. Battaglia and Thomas Torchia, a partnership, doing business as Produce Transport Dispatch, Portland, Oreg., authorizing the transportation of various commodities from specified points in Oregon and Washington to specified points in California. Stephen Parker, 317 Franklin Building, Portland, OR 97204, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3488 Filed 3-11-71;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 8, 1971.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42145—*Grain and grain products from points in Iowa and Missouri.* Filed by Western Trunk Line Committee, agent (No. A-2637), for interested rail carriers. Rates on grain, grain products, and related articles, in carloads, as described in the application, from specified points in Iowa and Missouri, to specified points in Kansas, also from specified points in Iowa, to specified points in Missouri.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Western Trunk Line Committee, agent, tariff ICC A-4803.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3406 Filed 3-10-71;8:50 am]

SMALL BUSINESS ADMINISTRATION

[License No. 12/13-5027]

ALYESKA INVESTMENT CO.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) under the name of Alyeska Investment Co., 1815 South Bragaw Street, Anchorage, AK 99504, for a license to operate in the State of Alaska as a minority enterprise small business investment company (MESBIC), under the provisions of the Small Business Investment Act of 1958 (13 U.S.C. 661 et seq.) (Act), License No. 12/13-5027.

The proposed officers and directors are as follows:

A. F. Morel, President and Director, 1815 South Bragaw Street, Anchorage, AK 99504.
L. E. Levely, Vice President, 1815 South Bragaw Street, Anchorage, AK 99504.
J. D. Knodell, Jr., Secretary, 1815 South Bragaw Street, Anchorage, AK 99504.
E. C. Buettner, Treasurer and Director, 1815 South Bragaw Street, Anchorage, AK 99504.
E. L. Patton, Director, 1815 South Bragaw Street, Anchorage, AK 99504.
E. W. Wellbaum, Director, 1815 South Bragaw Street, Anchorage, AK 99504.
David Henderson, Director, 1815 South Bragaw Street, Anchorage, AK 99504.

The owners of the Trans Alaska Pipeline System own 100 percent of the license applicant's voting stock in the following percentages:

	Percent
Atlantic Pipe Line Co	28.06
BP Pipe Line Corp	28.06
Humble Pipe Line Co	25.52
Mobil Pipe Line Co	8.68
Phillips Petroleum Co	3.32
Union Oil Company of California	3.32
Amerada Hess Corp	3.0

The company proposes to commence operations with a capitalization of $1 million. As a MESBIC, the company proposes to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operation of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communications should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Anchorage, Alaska.

A. H. SINGER, *Associate Administrator for Investment.*

[FR Doc.71-3584 Filed 3-11-71;10:58 am]

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VOLUME 36 • NUMBER 49

Friday, March 12, 1971 • Washington, D.C.

PART II

SMALL BUSINESS ADMINISTRATION



SMALL BUSINESS SIZE STANDARDS

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 10]

PART 121—SMALL BUSINESS SIZE STANDARDS

Revision of Small Business Size Standards Regulation Revision 10 of Part 121 rescinds Revision 9, including Amendments 1 through 15 thereof, of the Code of Federal Regulations. In addition to incorporating the amendments to Revision 9, this revision includes procedural changes and clarifying language as described below:

1. Section 121.3–1(b)(3) has been reworded to make it clear that procedures for "product" classification also apply to classification of "services."

2. In § 121.3–1(b)(4) and following, references to field office positions have been changed to reflect organizational changes.

3. Since § 121.3–2(b) has been amended to define the term "annual receipts," size definitions formerly appearing in terms of annual sales or annual sales and receipts have been amended to conform. The method to be utilized in computing annual receipts in the case of new concerns, new affiliates, and former affiliates also has been set forth in § 121.3–2(b). The rule for computing the annual sales and receipts of a new concern which has been in business less than a year was inadvertently left out when § 121.3–2(a) was amended on December 17, 1970 (35 F.R. 19077).

4. Section 121.3–2(s) has been augmented by including an explanation of the method for computing number of employees in the case of new and former affiliates.

5. Section 121.3–5(a) has been amended to permit a contracting officer to file a timely protest at any time before or after award, and to eliminate the rule under which only the head of a procuring agency can file a timely protest after award.

6. Section 121.3–8 has been amended to make it clear that if a contracting officer questions the size status of a bidder or offeror, he cannot refuse to accept the bid or offer, but instead must file a protest with the appropriate SBA regional director. It also has been amended to make it clear that a concern cannot self-certify as a small business if SBA has determined it to be ineligible and it has not applied for recertification on the basis of new facts and had its application granted. It also has been amended to provide that the contracting officer's determination as to the appropriate industry classification and the size standard for a particular Government procurement shall be set forth in the solicitation.

7. Because the new definition of "annual receipt" makes interpretation of the old definition unnecessary, § 121.3–14(a) has been deleted and the space reserved.

8. Section 121.3–14(g) has been amended to make it clear that the Size Appeals Board has jurisdiction to consider appeals from product and service classifications made by contracting officers.

Part 121 of Chapter 1 of Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

Sec.

121.3 Statutory provisions.
121.3–1 Purpose and method of establishing size standards.
121.3–2 Definition of terms used in this part.
121.3–3 Organization—size functions.
121.3–4 Size determinations.
121.3–5 Protest of small business status.
121.3–6 Appeals.
121.3–7 Differentials.
121.3–8 Definition of small business for Government procurement.
121.3–9 Definition of small business for sales of Government property.
121.3–10 Definition of small business for SBA loans.
121.3–11 Definition of small business for assistance by small business investment companies or by development companies.
121.3–12 Definition of small business Government subcontractors.
121.3–13 Definition of small business for the purpose of lease guarantee.
121.3–14 Interpretations.

AUTHORITY: The provisions of this Part 121 issued under Public Law 85–536, sec. 5(b)6, 72 Stat. 385.

§ 121.3 Statutory provisions.

(a) *Small Business Act, as amended.*

SEC. 3. For the purpose of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others. Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * * *

SEC. 8(b). It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

* * * * * *

(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaged in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designated "small business concerns," as authorized and directed under this paragraph.

(b) *Small Business Investment Act of 1958, as amended.*

SEC. 103. As used in this Act—

* * * * * *

RULES AND REGULATIONS

(5) The term "small business concern" shall have the same meaning as in the "Small Business Act."

* * * * * *

§ 121.3–1 Purpose and method of establishing size standards.

(a) *Purpose.* This part defines "small business concerns" and establishes standards, criteria, and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act") and the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act").

(b) *Method of establishing size standards*—(1) *Use of Standard Industrial Classification Manual.* The Standard Industrial Classification (SIC) Manual, as amended, prepared and published by the Bureau of the Budget (now Office of Management and Budget), Executive Office of the President, will be used by SBA as a guide in defining industries. Its use therefore is advisory and not mandatory.

(2) *Factors in formulating size standards.* The following factors shall be considered in formulating industry size standards:

(i) Concentration of output; that is, the portion of the total output of an industry which is accounted for by a limited number of companies.

(ii) Coverage ratio; that is, the ratio of the industry's shipments of its primary products, to the total shipments by all industries of the primary products of the industry in question.

(iii) Specialization ratio; that is, the ratio of the industry's shipments of its primary products to its total shipments of primary and secondary products.

(iv) The total number of concerns in the industry.

(v) The size of industry leaders.

(vi) The SBA program for which the size standard is established.

In formulating industry size standards for the purpose of Government procurement, the additional factor of Government procurement history shall be used. The use of this additional factor may cause the size standards for the purpose of Government procurement and the size standards for the purpose of financial assistance to differ for the same industry.

(3) *Product classification.* For size standards purposes, a product or service shall be classified into only one industry, even though, for other purposes, it could be classified into more than one industry. In determining the SIC industry into which particular products shall be classified for size standard purposes, consideration shall be given to all appropriate factors including:

(i) Alphabetic indices published by the Bureau of the Budget (now Office of Management and Budget), Executive Office of the President, Bureau of the Census, and the Business and Defense Services Administration.

(ii) Description of the product under consideration.

(iii) Previous Government procurements for the same or similar products, and

(iv) Published information concerning the nature of companies which manufacture such products.

A product or service shall be classified in the industry whose definition best describes the principal nature of the product or service being procured. The end use of a product does not govern the industry into which it is to be classified. In a borderline situation the product or service shall be classified in the industry whose size standard would best serve to accomplish the purposes of the Small Business Act. When a procurement is for two or more items with different size standards a bidder must qualify as a small business under the definition of a small business applicable to any item on which it bids. If a multi-item procurement requires the successful bidder to deliver all items and/or perform all services being procured the applicable size standard is that for the industry whose products or services account for the greatest proportion of the contract price.

(4) *Product classification decision.* The SBA Regional Director or his delegatee of the SBA Region in which the principal office of the applicant, not including its affiliates, is located, shall determine the appropriate SIC classification, except that for procurement purposes the determination shall be made by the official specified in § 121.3–8, and for lease guarantee reinsurance purposes the determination shall be made by the Associate Administrator for Financial Assistance. Such determination shall be subject to appeal in the manner provided in § 121.3–6.

§ 121.3–2 Definition of terms used in this part.

(a) Affiliates: Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships: *Provided, however,* That restraints imposed on a franchise by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchise, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure.

(b) "Annual receipts" means the gross income (less returns and allowances, sales of fixed assets and interaffiliate transactions) of a concern (and its affiliates) from sales of products and services, interest, rents, fees, commissions, and/or from whatever other source derived, as entered on its regular books of account for its most recently completed fiscal year (whether on a cash, accrual, completed contracts, percentage of completion, or other acceptable accounting basis) and reported or to be reported to the U.S. Treasury Department, Internal Revenue Service, for Federal income tax purposes. If a concern has been in business less than a year its annual receipts shall be computed by determining its average weekly receipts for the period in which it has been in business and multiplying such figure by 52. Except as set forth in § 121.3–10, if a concern has acquired an affiliate during the applicable accounting period it is necessary in computing the applicant's annual receipts, to include the affiliates receipts during the entire applicable accounting period, rather than only its receipts during the period in which it has been an affiliate. The receipts of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

(c) "Appeal" means a written communication addressed to the Size Appeals Board requesting it to review a determination relating to a size matter made by a Regional Director or his delegatee, or by a Contracting Officer.

(d) "Area of substantial unemployment," for the purpose of small business size determination, means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment," or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made; or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961. If an area has been removed from the publication, "Area Labor Market Trends," or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See paragraph (v) of this section.)

(e) "Base maintenance" means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands, the Trust Territory of the Pacific Islands, or the District of Columbia, three or more services which may include but are not limited to such maintenance activities as janitorial and custodial services, protective guard services, commissary services, base housing maintenance, fire prevention services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air conditioning and refrigeration maintenance: *Provided, however,* That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

(f) "Bona fide feed stocks" means crude and any other hydrocarbon material actual charged to refinery processing units, as distinguished from materials used as components in products to be delivered after merely filtering, settling, or blending.

(g) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(h) "Certificate of competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to capacity and credit to perform a specific Government procurement or sales contract.

(i) "Concern" means any business entity organized for profit with a place of business located in the United States, including, but not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see paragraph (a) of this section) any business entity, whether organized for profit or not, and any foreign business entity shall be included.

(j) "Contracting officer" means the person executing a particular contract on behalf of the Government and any other employee who is properly designated contracting officer; the term includes the authorized representative of a contracting officer acting within the limits of his authority.

(k) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(l) "Department store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines: (1) Furniture, home furnishings, appliances, radio and tele-

vision sets; (2) a general line of apparel for the family; and (3) household linens and dry goods: *Provided, however,* That sales within any one of the preceding merchandise lines do not exceed eighty percent (80%) of the concern's total sales and the aggregate of such merchandise lines accounts for at least fifty percent (50%) of the concern's total sales.

(m) "Forest products industry" as used in § 121.3–9(b) means logging, wood preserving, and the manufacture of lumber and wood related products such as veneer, plywood, hardboard, particle board, or wood pulp, and of products of which lumber or wood related products are the principal raw material.

(n) "Gross leasable area" means the total floor area designed for tenant occupancy exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of a joint partition and from outside wall faces.

(o) "Hospital" means a health facility duly licensed as a hospital providing in-patient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefits of its owner, stockholders, or members.

(p) "Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual, as amended (SIC Manual), prepared and published by the Bureau of the Budget (now Office of Management and Budget), Executive Office of the President.

(q) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(r) "Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement.

(s) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(t) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month. If a concern has acquired an affiliate during the applicable accounting period it is necessary in computing the applicant's number of employees, to include the affiliate's number of employees during the entire applicable accounting period rather than only its employees during the period in which it has been an affiliate. The employees of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

(u) "Protest" means a statement in writing from any bidder or offeror on a particular procurement or disposal (or from any other party interested therein) alleging that another bidder or offeror on such procurement is not a small business concern. Such statement shall contain the basis for the protest, together with specific detailed evidence in support of the protestant's claim. A protest received after the time limits set forth in § 121.3–5(a) shall be acted on but such determination shall not apply to the procurement in question.

(v) "Redevelopment area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "redevelopment area" in accordance with the Public Works and Economic Development Act of 1965 (Public Law 89–136, sec. 401, 75 Stat. 48).

(w) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(x) "Size determination" means an SBA ruling, in writing, that a concern is or is not, or was or was not, a small business within the meaning of this part. An opinion rendered by SBA to a contracting officer on the basis of published or commonly known information and without the benefit of a formal SBA inquiry, is not a "size determination" as that term is used in this part.

(y) "United States" as used in this part includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia.

§ 121.3–3 Organization—size functions.

The Associate Administrator for Procurement and Management Assistance shall:

(a) Develop and recommend small business size standards to the Administrator of SBA for promulgation;

(b) Conduct industry hearings pertaining to size matters;

(c) In concert with the Office of General Counsel, issue interpretations of the Size Standards Regulation;

(d) Consider and take appropriate action on written petitions objecting to or requesting amendments or recision of a published size standard;

(e) Establish procedures for the implementation of all size programs; and

(f) Perform such other related functions as may be appropriate to administer the SBA size program.

§ 121.3–4 Size determinations.

Original size determinations shall be made by the Regional Director, or his delegatee, serving the region in which the principal office of the concern (not including its affiliates) whose size is in question is located, except that for lease guarantee reinsurance purposes such determinations shall be made by the Associate Administrator for Financial Assistance. The Regional Director, or his delegatee, or the Associate Administrator for Financial Assistance, promptly shall notify, in writing by certified mail, return receipt requested, the concern in question and other interested persons of his decision. Such determination shall be final unless appealed in the manner provided in § 121.3–6. For the purpose of Government procurements a size determination shall be made only in the event of a protest pursuant to §121.3–5, a request for a redetermination pursuant to § 121.3–14(e), a request for a Certificate of Competency, or on request by the U.S. General Accounting Office.

§ 121.3–5 Protest of small business status.

(a) How to protest: Any bidder or offeror or other interested party may challenge the small business status of any other bidder or offeror on a particular procurement or disposal. Such challenge shall be made by delivering a protest to the contracting officer responsible for the particular procurement involved. Such protest must be filed prior to the close of business on the fifth day, exclusive of Saturdays, Sundays, and legal holidays, after bid or proposal opening, except that in the case of negotiated procurements, a protest may be filed by any other offeror or other interested party within five (5) days exclusive of Saturdays, Sundays, and legal holidays after receipt from the contracting officer of notification of the identity of the offeror being protested. *Provided, however,* That a protest received after such time shall be deemed to be timely for the purpose of the procurement in question, if, in the case of mailed protest, such protest is sent by registered or certified mail and the postmark thereon indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant or, in the case of telegraphed protests, the telegram date and time line indicate that the protest would have been delivered within this time limit but for delays beyond the control of the protestant. Any contracting officer who receives a protest shall promptly forward such protest to the SBA district office serving the geographical area in which the principal office of the protested concern, not including its affiliates, is located. A contracting officer may at any time after bid opening question the small business status of any bidder or offeror for the purpose of a particular procurement by filing a protest with the SBA district office serving the area in which the principal office of the protested concern, not including its affiliates, is located. A protest by a contracting officer shall be timely for the purpose of the procurement in question whether filed before or after award.

(b) Notification of protest: Upon receipt of such protest, the SBA district director or his delegatee shall immediately notify the Contracting Officer and the protestant of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The district director or his delegatee shall also advise the protested bidder or offeror of the receipt of the protest and shall forward to the protested bidder or offeror a copy of the protest and a blank SBA Form 355, Application for Small Business Size Determination, by certified mail, return receipt requested. Such bidder must, within three (3) working days after receipt of the copy of the protest and SBA Form 355, file the completed form as directed by SBA, and must attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position. If such bidder or offeror does not submit the completed SBA Form 355 within the filing period provided above, or within any additional period of time granted by SBA for cause, SBA will rule the protested concern is other than a small business.

(c) Notification of determination: After receipt of a protest and responses thereto, SBA shall determine the small business status of the protested bidder or offeror and, by certified mail, return receipt requested, notify the Contracting Officer, the protestant, and the protested bidder or offeror of its decision within 10 working days if possible.

(d) If SBA has determined that a concern is ineligible as a small business for the purpose of a particular procurement, it cannot thereafter become eligible for the purpose of such procurement by taking affirmative acts to constitute itself a small business.

§ 121.3–6 Appeals.

(a) *Organization.* The Size Appeals Board shall review appeals from size determinations made pursuant to §§ 121.3–4 and 121.3–5 and from product classifications made pursuant to §§ 121.3–8 and 121.3–10 and shall make recommendations to the Administrator whether such determinations or classifications should be affirmed, reversed or modified. Size Appeals Board proceedings are essentially fact-finding and nonadversary in nature. The Size Appeals Board shall conduct such proceedings as it determines appropriate to enable it to discharge its duties.

(1) The Size Appeals Board shall consist of four members, to wit: The Deputy Administrator (Chairman), the Associate Administrator for Procurement and Management Assistance, the Associate Administrator for Financial Assistance, and the Assistant Administrator for Planning, Research and Analysis.

(2) Each member of the Size Appeals Board may, in writing, designate one or more alternates to serve in his stead in the event of absence or disability.

(b) *Method of appeal*—(1) *Who may appeal.* An appeal may be filed by:

(i) Any concern or other interested party which has protested the small business status of another concern pursuant to § 121.3–5 and whose protest has been denied by a Regional Director or his delegatee;

(ii) Any concern or other interested party which has been adversely affected by a decision of a Regional Director or his delegatee or by the Associate Administrator for Financial Assistance pursuant to §§ 121.3–4 and 121.3–5;

(iii) Any concern or other interested party which has been adversely affected by a decision of a Contracting Officer regarding product classification pursuant to § 121.3–8; and

(iv) The Small Business Administration Associate Administrator for the Small Business Administration program involved.

(2) *Where to appeal.* Written notices of appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Time for appeal.* (i) An appeal from a size determination or product classification by a Regional Director, or his delegatee, may be taken at any time, except that because of the urgency of pending procurements, appeals concerning the small business status of a bidder or offerer in a pending procurement may be taken within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a decision by a Regional Director or his delegatee. Unless written notice of such appeal is received by the Size Appeals Board before the close of business on the fifth day, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(ii) An appeal from a product classification determined by a Contracting Officer may be taken: (*a*) Not less than 10 days, exclusive of Saturdays, Sundays, and legal holidays, before bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is more than 30 days after the issuance of the invitation for bids or request for proposals or quotations, or (*b*) not less than five (5) days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is 30 or less days after the issuance of the invitation for bids or request for proposals or quotations, and

(iii) The timeliness of an appeal under subdivisions (i) and (ii) of this subparagraph shall be determined by the time of receipt of the appeal by the Size Appeals Board: *Provided, however,* That an appeal received after such time limits have expired shall be deemed to be timely and shall be considered if, in the case of mailed appeals, such appeal is sent by registered or certified mail and the postmark thereon indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant, or in the case of telegraphed appeals, the telegram date and time line indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant.

(4) *Notice of appeal.* No particular form is prescribed for the notice of appeal. However, the appellant shall submit to the Board an original and four legible copies of such notice and, to avoid time-consuming correspondence, the notice should include the following information:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of a Regional Director, or his delegatee, the Contracting Officer or the Associate Administrator for Financial Assistance is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the Notice of Appeal and shall send a copy of such Notice of Appeal to the appropriate Regional Director or his delegatee and to the Contracting Officer (if a pending procurement is involved). If the appellant is not the concern whose size status is in question, the Board shall also send a copy of the notice to such concern. The Board shall notify all known interested parties that the appeal has been filed. The Board in its discretion may also provide any of such interested parties with copies of applicant's Notice of Appeal, or parts thereof, when the Board determines that this would be in the interest of fairness or would assist it in the performance of its functions.

(d) *Statement of interested parties.* After an appeal has been filed, any other interested parties may file with the Board a signed statement, together with four legible copies thereof, as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration,

Washington, D.C. 20416, within five (5) days of the receipt of appropriate notification of appeal or other action in the proceeding unless an extension is for cause granted by the Chairman of the Size Appeals Board. If the appellant is the concern whose size status is in question, the Board will provide copies of such statements and appropriate evidence submitted in connection with the appeal or a reconsideration thereof to such appellant.

(e) *Consideration by the Size Appeals Board.* (1) The Size Appeals Board shall consider the appeal on the written submissions of the parties. The Board may also, in its discretion, conduct an oral inquiry. The Board shall promptly recommend in writing to the Administrator a proposed decision which shall state the reasons for the recommendation.

(2) Procedures in oral inquiries. In considering size appeals, and in reconsidering size appeals decisions, the Size Appeals Board may hold an oral inquiry to assist it in arriving at facts necessary in deciding the appeal. The following rules shall govern such oral inquiries:

(i) Oral inquiries may be held by the Size Appeals Board upon the request of any party to a size appeal or by the Board on its own motion. The Board will, in its discretion, determine whether an oral inquiry will be of assistance in its determination of a size appeal. The Board shall inform the party making a request for oral inquiry whether its request is granted. If the Board grants the request for an oral inquiry, it will so notify all other interested parties.

(ii) Oral inquiries held by the Board are investigative in nature and not adversary. Such inquiries shall be conducted informally in a manner which will facilitate the Board's factfinding function and insure fairness to all participants.

(iii) Whenever the Board permits the appearance of two or more parties before it in an oral inquiry, cross-examination shall not be permitted between or among such parties; however, any party appearing in such oral inquiry may suggest questions for the Board to direct to other parties which may assist the Board in its determination of relevant facts.

(f) *Decision of the Administrator.* The Administrator's decision shall be predicated upon the entire record after giving such weight to the recommendation of the Size Appeals Board as he shall deem appropriate: *Provided, however,* That should he not concur with the recommendation of the Size Appeals Board, he shall state in writing the basis for his finding and conclusions.

(g) *Notification of final decision.* The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Administrator's decision, together with the reasons therefor.

(h) *Reconsiderations.* (1) Following any decision in a size appeals case, an interested party, within no more than five (5) business days following the decisions, may petition the Board for reconsideration upon presentation of appropriate justification therefor. The Petition for reconsideration to the Board may be in any form, with an original and four copies. The Board will notify interested parties that a Petition for reconsideration has been received.

(2) The Board shall consider the Petition for reconsideration upon the statement and other evidence presented by the petitioners and any other evidence the Board, in its discretion, deems necessary.

(3) Grounds for reconsideration. Grounds for reconsideration shall be:

(i) A material error of fact in the original decision; or

(ii) Relevant information not previously considered by the Board or relevant information not previously available to any of the parties involved;

(iii) When a request for reconsideration is made by any of the interested parties, such requesting party must demonstrate to the Board that the grounds for reconsideration involve facts or information which were not previously presented to the Board through no fault or omission of such party.

(4) If the Administrator, upon considering the Board's recommendation, denies the request for reconsideration, the Board shall notify all parties. If the Administrator grants the request for reconsideration, the Board shall so notify all interested parties, setting forth a reasonable time within which the interested parties may, if appropriate, submit additional information. The Board, in its discretion, shall provide interested parties with copies of appropriate information submitted by other parties where it determines that this is necessary in the interests of fairness or to better assist the Board in performing its fact finding functions.

(5) Following its reconsideration of the matter, the Board will promptly make its recommendations to the Administrator for decision pursuant to paragraph (f) of this section.

§ 121.3–7 Differentials.

(a) *Alaska.* If an applicant for a size determination is a concern which has fifty percent (50%) or more of its annual sales or receipts attributable to business activity within Alaska then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Substantial or persistent unemployment areas; areas of concentrated unemployment or underemployed; certified eligible concerns; and redevelopment areas—(1) Assistance under sections 7(a) and 8(a) of the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purposes of assistance under sections 7(a) and 8(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Underemployment or Redevelopment Area as defined in § 121.3–2 (d) and (v) or is designated as a Certified Eligible concern by the Department of Labor and agrees to use the assistance within such area or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with section 501 or section 502 loan is increased by twenty-five percent (25%) whenever such concern qualifies for a similar differential under subparagraph (1) of this paragraph.

(3) *Government procurement assistance, sales of Government property and Government subcontracting.* Except as is provided in subparagraphs (1) and (2) of this paragraph, this paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property or Government subcontracting.

§ 121.3–8 Definition of small business for Government procurement.

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. When computing the size status of a bidder or offerer, the number of employees, annual receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section and which either has not been determined by SBA to be ineligible, or has been determined to be ineligible but subsequently has on the basis of a significant change in ownership, management or contractual relations, applied for recertification and had its application granted, may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the Contracting Officer shall accept the self-certification at face value for the particular procurement involved. If the contracting officer has cause to question the veracity of a self-certification and elects to do so, he shall refer the eligibility issue to SBA by filing a formal protest pursuant to § 121.3–5. If a procurement calls for more than one item and the bidder can bid on any or all items, the bidder must meet the size standard for each item for which it submits a bid. If the procurement calls for more than one item and a bidder is required to bid on all or none of such items, the bidder can qualify as small business for such procurement if it meets the size standard for the item accounting for the greatest percentage of the total contract

value. The determination of the appropriate classification of a product or service shall be made by the contracting officer. Both classification and the applicable size standard (number of employees, average annual receipts, etc.) shall be set forth in the solicitation and such determination of the contracting officer shall be final unless appealed in the manner provided in § 121.3–6. If no standard for an industry, field of operation or activity (e.g., animal specialty; fin fish; management-logistics support to be performed outside of the several States, Commonwealth of Puerto Rico, Virgin Islands, the Trust Territory of the Pacific Islands, or the District of Columbia) has been set forth in this section, a concern bidding on a Government contract is a small business, if including its affiliates, it is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and has 500 employees or less.

(a) *Construction.* Any concern bidding on a contract for work which is classified in Division C, Contract Construction of the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget (now Office of Management and Budget), Executive Office of the President, is:

(1) Small if its average annual receipts for its preceding three (3) fiscal years do not exceed $7½ million.

(2) Small if it is bidding on a contract for dredging and its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(4) As small if it is bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112: *Provided,* That (i) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture, (ii) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured worldwide during the preceding calendar year was less than five percent (5%) of the value of all such tires manufactured in the United States during said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than ten percent (10%) of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(5) As small if it is bidding on a contract for passenger cars within Census Classification Code 37171: *Provided,* That (i) the value of the passenger cars within Census Classification Code 37171 which it manufactured or otherwise produced in the United States during the preceding calendar year is more than fifty percent (50%) of the value of its total worldwide manufacture or production of such passenger cars, (ii) the value of the passenger cars within Census Classification Code 37171, which it manufactured or otherwise produced during the preceding calendar year was less than five percent (5%) of the total value of all such manufactured or produced in the United States during the said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than ten percent (10%) of the total value of such product manufactured or otherwise produced or sold in the United States during said period.

(6) Rebuilding on a factory basis or equivalent: As small if it is bidding on a contract for rebuilding machinery or equipment on a factory basis, the purpose of which is to restore such machinery or equipment to as serviceable and as like new condition as possible and its number of employees does not exceed the number of employees specified for the classification code applicable to the manufacturer of the original item.

NOTE: The size standard contained herein is not limited to concerns who are manufacturers of the original item but it is applicable to all bidders or offerers. The term "rebuilding on a factory basis" as used in this subsection does not include ordinary repair services such as those involving minor repair and/or preservation operations.

(c) *Nonmanufacturing.* Any concern which submits a bid or offer in its own name, other than on a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) Its number of employees does not exceed 500 persons, and

(2) (i) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer furnishes in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States: *Provided, however,* If the goods to be furnished are woolen, worsted, knitwear, duck, and webbing, dealers and converters shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear), and if finishing is required, by a small finisher. If the procurement is for thread, dealers and converters shall furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specifications but excluding, mercerizing, spinning, throwing or twisting operations.")

(ii) If the procurement is for a refined petroleum product, other than a product classified in Standard Industrial Classification Industries No. 2951, Paving Mixtures and Blocks; No. 2952, Asphalt Felts and Coatings; No. 2992, Lubricating Oils and Greases; or No. 2999, Products of Petroleum and Coal, Not Elsewhere Classified; paragraph (g) of this section is for application.

(d) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of paragraph (b) of this section for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of paragraph (c) of this section.

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section, is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1 million.

(1) Any concern bidding on a contract for engineering services other than marine engineering services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(2) Any concern bidding on a contract for motion picture production or motion picture services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(3) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(4) Any concern bidding on a contract for base maintenance is classified as small if its average annual receipts for its preceding three (3) fiscal year do not exceed $5 million.

(5) Any concern bidding on a contract for marine cargo handling services is classified as small if its annual receipts do not exceed $5 million for the preceding three (3) fiscal years.

(6) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual receipts for its pre-

ceding three (3) fiscal years do not exceed $6 million.

(7) Any concern bidding on a contract for food services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $4 million.

(8) (i) Any concern bidding on a contract for laundry services including linen supply, diaper services, and industrial laundering is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(ii) Any concern bidding on a contract for cleaning and dyeing including rug cleaning services is classified as small if its average annual receipts for the preceding three (3) fiscal years do not exceed $1 million.

(9) Any concern bidding on a contract for computer programming services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1 million.

(10) Any concern bidding on a contract for flight training services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(11) Any concern bidding on a contract for motorcar rental and leasing services or truck rental and leasing services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(12) Any concern bidding on a contract for tire recapping services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(13) Any concern bidding on a contract for data processing services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(14) Any concern bidding on a contract for computer maintenance services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

(1) As small if its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,000 persons.

(3) As small if it is bidding on a contract for either trucking (local and long-distance), warehousing, packing, and crating, and/or freight forwarding, and its annual receipts do not exceed $5 million.

(g) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving Mixtures and Blocks; No. 2952, Asphalt Felts and Coatings; No. 2992, Lubricating Oils and Greases; or No. 2999, Products of Petroleum and Coal, Not Elsewhere Classified; is classified as small if (1) (i) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis), or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent componets refined by the bidder from either crude oil or bona fide feed stocks: *Provided, however,* That a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii) of this subparagraph: *And, provided further,* That the exchange of products for products to be delivered to the Government, will be completed within 90 days after the expiration of the delivery period under the Government contract; and that any product furnished pursuant to a bona fide exchange agreement must be for delivery in the same Petroleum Administration for Defense (PAD) District pursuant to Schedule G of this Part 121, as that in which the small refinery is located; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph.

§ 121.3–9 Definition of small business for sales of Government property.

In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property other than timber is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field operation, and can further qualify under the following criteria.

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons: *Provided, however,* That a concern primarily engaged in SIC Industry 2911, Petroleum Refining, is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude oil or bona fide stock capacity from owned and/or leased facilities, or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis) or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its annual sales or annual receipts for its preceding three (3) fiscal years do not exceed $25 million.

(b) *Sales of Government-owned timber.* (1) In connection with sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of subparagraph (1) of this paragraph, and

(ii) It agrees that it will not sell to a concern which is not a small business within the meaning of this paragraph more than thirty percent (30%) of such timber or, in the case of timber from certain geographical areas set forth in Schedule E of this part, more than the percentage established therein for such area.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of sawlogs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in subparagraph (1) of this paragraph, and

(ii) It agrees that in manufacturing lumber or timbers from such sawlogs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

§ 121.3–10 Definition of small business for SBA loans.

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for an SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry, field of operation, or activity has been set forth in this section, a concern seeking a size determination shall submit SBA Form 355 to the Associate Administrator for Procurement and Management Assistance, Washington, D.C. 20416. If an applicant for an SBA loan has one or more affiliates primarily engaged in industries different than that of the applicant, the applicant's size status shall be determined by computing the percentage that the applicant's size is of the size standard for the industry in which it is primarily engaged and adding it to the percentage that the size of each of its affiliates is of the size standard for the industry in which each affiliate is primarily engaged. In order for the applicant to be eligible under this revision, the total of such percentages must not exceed one hundred percent (100%). A concern's primary industry is that which produced the greatest percentage of gross receipts for its past fiscal year.

(a) *Construction.* Any construction concern is small if its average annual receipts do not exceed $5 million for the preceding three (3) fiscal years.

(b) *Manufacturing.* Any manufacturing concern is classified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds 1,500 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if its number of employees exceeds 250 persons, but not more than 1,500 persons;

(4) As small if it is primarily engaged in the food canning and preserving industry and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Employment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* (1) Any retailing concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule D of this part and its annual receipts do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule D of this part and its annual sales do not exceed $1 million.

(d) *Services.* Any service concern is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the hotel and motel industry and its annual receipts do not exceed $2 million;

(3) As small if it is primarily engaged in the power laundry industry and its annual receipts do not exceed $2 million;

(4) As small if it is primarily engaged in the trailer court and parks industry and its annual receipts do not exceed $1 million: *Provided,* That a minimum of fifty percent (50%) of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of thirty (30) days.

(5) As small if it is primarily engaged in owning and operating a hospital and its capacity does not exceed 150 beds (excluding cribs and bassinets);

(6) As small if it is primarily engaged in owning and operating a convalescent or nursing home and its annual receipts do not exceed $1 million;

(7) As small if it is primarily engaged in owning and operating a medical or dental laboratory and (i) it is operated in connection with an eligible proprietary hospital or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million;

(8) As small if it is primarily engaged in the motion picture production industry and its annual receipts do not exceed $5 million;

(9) As small if it is primarily engaged in the motion picture services industry and its annual receipts do not exceed $5 million;

(10) As small if it is primarily engaged in rendering engineering services and its annual receipts do not exceed $2.5 million.

(e) *Shopping centers.* (1) Any concern primarily engaged in operating shopping centers is small if (i) it does not have assets exceeding $5 million, (ii) it does not have net worth in excess of $2½ million, (iii) it does not have an average net income, after Federal Income Taxes, for the preceding two (2) fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss), and (iv) it does not lease more than twenty-five percent (25%) of the gross leasable area to concerns which do not meet the small business definitions contained in this section.

(2) For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the air transportation industry and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in the storage of grain and it does not have more than 1 million bushels capacity in owned and leased facilities, and its annual receipts do not exceed $1 million;

(4) As small if it is primarily engaged in trucking, warehousing, packing, and crating and/or freight forwarding and its annual receipts do not exceed $5 million.

(g) *Wholesale.* (1) Any wholesaling concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule C of this part and its annual receipts do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule C of this part and its annual receipts do not exceed $5 million.

(2) Any concern primarily engaged in wholesaling, but also engaged in manufacturing, is not a "small business concern" unless it qualifies under both the manufacturing and wholesaling standards.

§ 121.3–11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5 million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal income taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3–10.

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $2,500 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $2,500 which relate to Government procurements will be considered a small business concern if it qualifies as such under § 121.3–8: *Provided, however,* That a nonmanufacturer is considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

§ 121.3–13 Definition of small business for the purpose of lease guarantee.

A small business concern for the purpose of lease guarantee is a concern

that qualifies as a small business under § 121.3–11.

§ 121.3–14 Interpretations.

(a) [Reserved]

(b) *Section 121.3–9(b) "Sales of Government-owned timber."* Any concern which self-certifies as a small business concern for the purpose of the sale of Government-owned timber is expected to maintain sufficient documentary evidence to show that it did so in good faith. This means that a concern which sells more than 30 percent (30%) of the purchased timber will have to maintain the names and addresses of the concerns to whom the timber is sold and the size status of such concerns, unless an exemption has been granted on sales of mixed stumpage of hardwood and softwood species. Further, if the timber purchased is not to be resold in the form of sawlogs, but is to be manufactured into lumber and timber by a concern other than the bidder, the bidder must maintain records to show the name, address, and size status of the concern manufacturing the timber into lumber or timbers.

(c) *Section 121.3–2(a) "Affiliates"*—(1) *Nature of control.* Every business concern is considered as having one or more parties who directly or indirectly control or have the power to control it. Control may be affirmative or negative and it is immaterial whether it is exercised so long as the power to control exists.

Example. A party owning 50 percent of the voting stock of a concern would have negative power to control such concern since he can block any action of the other stockholders. Also, the bylaws of a corporation may be drawn up in such a manner which would permit a stockholder with less than 50 percent of the voting stock to block any actions taken by the other stockholders. Affiliation exists when one or more parties have the power to control a concern while at the same time another party, or other parties, may be in control of the concern at the will of the party or parties with the power to control.

(2) *Meaning of "party or parties."* The term "party or parties" includes, but is not limited to, two or more persons with an identity of interest such as members of the same family or persons with common investments in more than one concern. In determining who controls or has the power to control a concern, persons with an identity of interest may be treated as though they were one person.

(3) *Control through stock ownership.* (i) A party is considered to control or have the power to control a concern if he controls or has the power to control 50 percent or more of its voting stock.

(ii) A party is considered to control or have the power to control a concern even though he owns, controls, or has the power to control less than 50 percent of the concern's voting stock if the block of stock he owns, controls, or has the power to control is large as compared with any other outstanding block of stock. If two or more parties each own, control or have the power to control less than 50 percent of the voting stock of a concern and such minority blocks are (*a*) equal or substantially equal in size, and (*b*) large as compared with any other block outstanding, there is a presumption that each of such parties controls or has the power to control such concern; however, such presumption may be rebutted by a showing that such control or power to control, in fact, does not exist.

(iii) If a concern's voting stock is distributed other than as described above, its management (officers and directors) is deemed to be in control of such concern.

Example. In a corporation where the officers and directors own various size blocks of stock totalling 40 percent of a concern's voting stock but no officer or director has a block sufficient to give him control or the power to control and remaining 60 percent is widely distributed with no individual stockholder having a stock interest greater than 10 percent, management has the power to control.

(4) *Stock options, convertible debentures, and agreements to merge.* Stock options and convertible debentures exercisable at the time of, or within a relatively short time after a size determination, and agreements to merge in the future, are considered as having a present effect on the power to control the concern. Therefore, in making a size determination, such options, debentures, and agreements are treated as though the rights held thereunder had been exercised prior to the date of the determination.

Example. If, on the date of the determination, Company "A" holds an option to purchase a controlling interest in Company "B" and such option can be exercised at any time by Company "A", the situation is treated as though Company "A" had exercised its rights and had become owner of a controlling interest in Company "B" prior to the determination. Further, if, as of the date of a determination, Company "A" has entered into an agreement to merge with Company "B" in the future, the situation is treated as though the merger had taken place prior to the date of the determination.

(5) *Voting trusts.* If the purpose of a voting trust or similar agreement is to separate voting power from beneficial ownership of voting stock, for the purpose of shifting control of, or the power to control a concern, in order that such concern or another concern may qualify as a small business within the size regulation, such voting trust shall not be considered valid for this purpose, regardless of whether the trust is or is not valid within the appropriate jurisdiction. However, if a voting trust is entered into for a legitimate purpose other than that described above, and it is a valid trust within the appropriate jurisdiction, it may be considered valid for the purpose of a size determination, provided such consideration is determined to be in the best interest of the small business program.

(6) *Control through common management.* A concern is considered as controlling or having the power to control another concern when one or more of the following circumstances are found to exist, and it is reasonable to conclude that under the circumstances, such concern is directing or influencing, or has the power to direct or influence the operation of such other concern.

(i) *Interlocking management.* Officers, directors, employees, or principal stockholders of one concern serve as a working majority of the board of directors or officers of another concern.

(ii) *Common facilities.* One concern shares common office space and/or employees and/or other facilities with another concern, particularly where such concerns are in the same or related industry or field of operation, or where such concerns were formerly affiliated.

(iii) *Newly organized concern.* Former officers, directors, principal stockholders, and/or key employees of one concern organize a new concern in the same or a related industry or field of operation, and serve as its officers, directors, principal stockholders, and/or key employees, and one concern is furnishing or will furnish the other concern with subcontracts, financial or technical assistance, and/or other facilities, whether for a fee or otherwise.

(7) *Control through contractual relationships*—(i) *Definition of a joint venture for size determination purposes.* A joint venture, for size determination purposes, is an association of persons or concerns with interest in any degree or proportion by way of contract, express or implied, consorting to engage in and carry out a single business venture, such as a Government contract, for joint profit, for which purpose they combine their efforts, property, money, skill, or knowledge, but without creating a corporation or partnership in the legal or technical sense of the term.

(ii) *Joint ventures—financial assistance.* For the purpose of financial assistance to a joint venture, the parties thereto are considered as controlling or having the power to control each other and are considered as being affiliated. For the purpose of financial assistance to a concern which has requested assistance for its own use, but which is incidentally a party to a joint venture, such concern is not considered as being affiliated with its joint venturer.

(iii) *Joint venture—procurement assistance.* Concerns bidding on a particular procurement as joint venturers are considered as controlling or having the power to control each other with regard to performance of the contract, and therefore are considered as being affiliated. However, a concern which is a party to one or more joint ventures, but which is bidding on a procurement as an individual concern, is not considered as being affiliated with its joint venturers since they have no power to control its performance of the contract being bid on. Where a concern is not considered as being an affiliate of a concern with which it is participating in a joint venture, it is necessary, nevertheless, in computing annual receipts, etc., for the purpose of applying size standards to include such concern's share of the joint venture receipts (as distinguished from its share of the profits of such venture).

(iv) *Franchise and license agreements.* If a concern operates or is to operate under a franchise (or a license) agreement, the following policy is applicable: In determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, the restraints imposed on a franchisee by its franchise agreement shall not be considered provided that the franchisee has the right to profit from its effort and the risk of loss or failure, commensurate with ownership. Even though a franchisee may not be controlled by the franchisor by virtue of the contractual relationship between them, the franchisee may be controlled by the franchisor or others through common ownership or common management, in which case they would be considered as affiliated.

(d) *Section 121.3–8, "Definition of small business for Government procurement*—(1) *Sawmills.* For the purpose of a size determination, a sawmill is considered as the manufacturer of treated lumber, even if it contracts out the treatment of the lumber. Therefore, a small business sawmill can deliver in the performance of a set-aside procurement lumber which has been treated by a concern which does not qualify as a small business concern.

(2) *Oxygen converters.* For the purpose of a size determination, a concern which converts liquid oxygen to gaseous oxygen with or without additives, is a nonmanufacturer of the gaseous oxygen and therefore must furnish gaseous oxygen converted from liquid oxygen manufactured by a small business concern.

(e) *Section 121.3–8.* Section 121.3–8 provides that, in the submission of a bid or proposal on a Government procurement, a concern which meets the size standards criteria provided in § 121.3–8, may represent that it is a small business: *Provided further, however,* That a concern which has been determined by SBA to be ineligible as a small business under a particular size standard: (1) Shall, if it has self-certified as a small business on a pending procurement subject to the same or lower number of employees or annual receipts size standard (whichever is applicable), immediately notify the contracting officer of such adverse size determination and, (2) shall not thereafter self-certify on a procurement subject to the same or a lower employee or annual receipts size standard (whichever is applicable) until it has applied for recertification based on a significant change in its ownership, management or contractural relations, and has been determined eligible as a small business under such size standards by either the regional office which issued the adverse determination or the Small Business Size Appeals Board.

(f) *Section 121.3–4 "Application for small business size status determination."* Contracting officers, in order to determine whether to set particular contracts aside for exclusive award to small business concerns or whether to send invitations for bids to particular concerns, may require information from SBA concerning the small business size status of such concerns and be unable to wait for a formal small business size determination. In such cases, informal advice or information may be given based on the best evidence available concerning the small business size of such a concern. However, such informal advice is not a small business size determination within the meaning of that term in the Small Business Size Standards Regulation and is not binding with respect to eligibility as a small business for the purpose of a particular Government procurement. Further, an opinion as to a concern's future small business size status, based on proposed but unexecuted changes in its organization, management or contractual relations, is not a small business size determination.

(g) *Section 121.3–6 "Appeals."* The Size Appeals Board only has jurisdiction to consider appeals from formal determinations as to a concern's small business size status and appeals from product or service classification determination made by contracting officers for the purpose of Government procurements. It has no jurisdiction to consider an appeal from an informal opinion or advice concerning a company's small business size status, an opinion as to a company's future small business size status based on proposed but unexecuted change in its organization, management or contractural relations, or an appeal based on an allegation that the small business size standard established by SBA for a particular industry or field of operation is improper for the purpose intended.

(h) *Sections 121.3–2(r) and 121.3–8 (c) "Definition of nonmanufacturer."* For size determination purposes there can only be one manufacturer of the end item being procured. The manufacturer of the end item being procured is the concern which with its own forces transforms inorganic or organic substances including raw materials and/or miscellaneous parts or components into such end item.

(i) *Section 121.3–8(g) "Refined petroleum products."* The proviso in § 121.3–8 (g) (1) (iii) that the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks, contemplates that, in accomplishing such refining, the bidder will utilize its own employees and facilities which it owns or obtains under a bona fide lease as distinguished from any other arrangement having the same effect as a lease. The proviso in § 121.3–8(g) (1) permitting a concern which meets the requirements in subdivisions (i) and (ii) of § 121.3–8(g) to furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement which meets prescribed requirements, contemplates that the product exchanged by the bidder for the product to be furnished, shall have been refined by the bidder utilizing only its own employees and its own facilities or facilities obtained through a bona fide lease.

(j) *Section 121.3–10 Definition of Small Business for SBA Loans.* Following is an example of the method to be utilized in computing a diversified concern's size status for the purpose of an SBA loan:

Concern A applies for an SBA loan. It is affiliated with Concern B. Concern A has 15 employees and $2.5 million in receipts and is primarily engaged in the retail sale of groceries (Industry No. 5411) for which the size standard is $5 million in annual receipts. Concern B has 100 employees and $3 million in receipts and is primarily engaged in the manufacture of macaroni (Industry No. 2098) for which the size standard is 250 employees. The receipts of Concern A are only 50 percent of the size standard for its industry and the employment of Concern B is only 40 percent of the size standard for its industry. Since the combined percentages are less than 100 percent, Concern A can qualify for an SBA loan.

(k) *Section 121.3–8(e)(12).* The Small Business Size Appeals Board has interpreted this section to apply only to procurements requiring the services of tire retreading and repair shops (Standard Industrial Classification Industry No. 7534, Tire Retreading and Repair Shops) and not to procurements for the repairing and/or retreading of pneumatic aircraft tires which, by reason of the extent and nature of the equipment and operations required, is considered for size standards purposes to be manufactured within the meaning of Standard Industrial Classification Industry No. 3011, Tires and Inner Tubes.

(l) *Section 121.3–8(c) "Definition of Nonmanufacturer."* The Government often purchase items in the form of kits such as, but not limited to, tool kits and survival kits, which are not manufactured items but merely assemblages of separate manufactured items. Accordingly, a concern which purchases some or all of such items and packages them into kit form is considered to be a nonmanufacturer for size determination purposes. Such a concern can qualify as a small business only if it meets all other qualifications of a small nonmanufacturer set forth in this part and if more than 50 percent of the total value of the kit and its contents is accounted for by items manufactured by small business.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER (3–12–71).

Dated: March 2, 1971.

THOMAS S. KLEPPE,
Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status of applicants for SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans, and SBIC assistance)

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
	Major Group 23—Apparel and Related Products (except men's dress shirts and nightwear)	250
2321	Men's dress shirts and nightwear	500
	Major Group 28—Chemicals and Allied Products:	
2879	Agricultural chemicals, n.e.c.	500
2873	Agricultural pesticides and other agricultural chemicals, n.e.c.	500
2812	Alkalies and chlorine	1,000
2831	Biological products	250
2895	Carbon, black	500
2823	Cellulose man-made fibers	1,000
2899	Chemicals and chemical preparations, n.e.c. (except fatty acids)	250
28151	Cyclic (coal tar) crudes	500
2815	Cyclic intermediates, dyes, organic pigments (lakes and toners) except cyclic (coal Tar) crudes	750
2892	Explosives	750
28992	Fatty acids	500
2871	Fertilizers	500
2872	Fertilizers, mixing only	500
2891	Glue and gelatin	250
2861	Gum and wood chemicals	500
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	1,000
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2851	Paints, varnishes, lacquers, enamels and allied products	250
2844	Perfumes, cosmetics, and other toilet preparations	500
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2893	Printing ink	250
2841	Soap and other detergents, except specialty cleaners	750
2842	Specialty cleaning, polishing, and sanitation preparations, except soap and detergents	500
2843	Surface active agents, finishing agents, sulfonated oils and assistants	250
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 36—Electrical Machinery, Equipment, and Supplies:	
3624	Carbon and graphite products	750
3672	Cathode ray picture tubes	750
3643	Current carrying wiring devices	500
3634	Electric housewares and fans	750
3641	Electric lamps	1,000
3611	Electric measuring instruments and test equipment	500
3694	Electrical equipment for internal combustion engines	750
3629	Electrical industrial apparatus, n.e.c.	500
3699	Electrical machinery, equipment and supplies, n.e.c.	500
3679	Electronic components and accessories, n.e.c.	500
3630	Household appliances, n.e.c.	500
3631	Household cooking equipment	750
3633	Household laundry equipment	1,000
3632	Household refrigerators and home and farm freezers	1,000
3635	Household vacuum cleaners	750
3622	Industrial controls	750
3642	Lighting fixtures	250
3621	Motors and generators	1,000
3644	Noncurrent carrying wiring devices	500
3652	Phonograph records	750
3621	Power, distribution and specialty transformers	750
3692	Primary batteries, dry and wet	1,000

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees [1]
3651	Radio and television receiving sets, except communication types	750
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3662	Radio and television transmitting-signaling, and detection equipment, and apparatus	750
3693	Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes	500
3674	Semiconductors and related devices	500
3636	Sewing machines	750
3691	Storage batteries	500
3613	Switchgear and switchboard apparatus	750
3661	Telephone and telegraph apparatus	1,000
3673	Transmitting, industrial and special purpose electron tubes	750
3623	Welding apparatus	250
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3446	Architectural and ornamental metal work	250
3452	Bolts, nuts, screws, rivets and washers	500
3479	Coating, engraving, and allied services, n.e.c.	250
3496	Collapsible tubes	250
3421	Cutlery	500
3471	Electroplating, plating, polishing, anodizing and coloring	250
3431	Enameled iron and metal sanitary ware	750
3498	Fabricate metal products, n.e.c.	250
	Fabricated pipe and fabricated pipe fittings	250
3443	Fabricated platework (boiler shops)	250
3441	Fabricated structural steel	250
3423	Hand and edge tools, except machine tools and hand saws	250
3425	Hand saws and saw blades	250
3429	Hardware, n.e.c.	250
3433	Heating equipment, except electric	500
3411	Metal cans	1,000
3442	Metal doors, sash, frames, moldings, and trim	250
3497	Metal foil and leaf	500
3491	Metal shipping barrels, drums, kegs, and pails	500
3461	Metal stampings	250
3481	Miscellaneous fabricated wire products	250
3449	Miscellaneous metal work	250
3432	Plumbing fixture fittings and trim (brass goods)	500
3492	Safes and vaults	500
3451	Screw machine products	250
3444	Sheet metal work	250
3493	Steel springs	500
3494	Valves and pipe fittings, except plumbers' brass goods	500
	Major Group 20—Food and Kindred Products:	
2094	Animal and marine fats and oils	250
2063	Beet sugar	750
2052	Biscuit, cracker, and pretzels	750
2045	Blended and prepared flour	500
2086	Bottled and canned soft drinks and carbonated waters	250
2051	Bread and other bakery products, except biscuit, cracker, and pretzels	250
2071	Candy and other confectionery products	250
2061	Cane sugar, except refining only	250
2062	Cane sugar refining	750
2031	Canned and cured seafoods	250
2033	Canned fruits, vegetables, preserves, jams and jellies	500
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2022	Cheese, natural and processed	250
2073	Chewing gum	500
2072	Chocolate and cocoa products	500
2023	Condensed and evaporated milk	500
2091	Cottonseed oil mills	250
2021	Creamery butter	250
2085	Distilled, rectified, and blended liquors	750

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees [1]
2034	Dried and dehydrated fruits and vegetables	500
2087	Flavoring extracts and flavoring syrups, n.e.c.	500
2041	Flour and other grain mill products	500
2026	Fluid milk	500
2099	Food preparations, n.e.c.	250
20991	Desserts (ready-to-mix)	500
20994	Baking powder and yeast	500
2036	Fresh or frozen packaged fish	250
2037	Frozen fruits, fruit juices, vegetables and specialities	500
2024	Ice cream and frozen desserts	500
2098	Macaroni, spaghetti, vermicelli, and noodles	250
2083	Malt	250
2082	Malt liquors	500
2097	Manufactured ice	250
2011	Meatpacking plants	500
2035	Pickled fruits and vegetables' vegetable sauces and seasonings; salad dressings	250
2015	Poultry and small game dressing and packing, wholesale	250
2042	Prepared feeds for animals and fowls	250
2044	Rice milling	250
2095	Roasted coffee	250
2013	Sausage and other prepared meat products	500
2096	Shortening, table oils, margarine, and other edible fats and oils, n.e.c.	750
2092	Soybean oil mills	500
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2046	Wet corn milling	750
2084	Wines, brandy, and brandy spirits	250
	Major Group 25—Furniture and Fixtures:	
2509	Furniture and fixtures, n.e.c.	250
2519	Household furniture, n.e.c.	250
2515	Mattresses and bedsprings	250
2514	Metal household furniture	250
2522	Metal office furniture	500
2542	Metal partitions, shelving, lockers, and office and store fixtures	250
2531	Public building and related furniture	250
2591	Venetian blinds and shades	250
2511	Wood household furniture, except upholstered	250
2512	Wood household furniture, upholstered	250
2521	Wood office furniture	250
2541	Wood partitions, shelving, lockers, and office and store fixtures	250
	Major Group 31—Leather and Leather Products:	
3131	Boot and shoe cut stock and findings	250
3141	Footwear, except house slippers and rubber footwear	500
3142	House slippers	250
3121	Industrial leather belting and packing	250
3151	Leather dress, semidress, and work gloves	250
3199	Leather goods, n.e.c.	250
3111	Leather tanning and finishing	250
3161	Luggage	250
3172	Personal leather goods, except handbags and purses	250
3171	Women's handbags and purses	250
	Major Group 24—Lumber and Wood Products, Except Furniture	250
	Major Group 35—Machinery, Except Electrical:	
3581	Automatic merchandising machines	250
3562	Ball and roller bearings	750
3564	Blowers, exhaust and ventilating fans	250
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3582	Commercial laundry, dry-cleaning and pressing machines	250
3531	Construction machinery and equipment	750
3535	Conveyors and conveying equipment	250
3573	Electronic computing equipment	1,000
3534	Elevators and moving stairways	500

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees [1]
3522	Farm machinery and equipment	500
3551	Food products machinery	250
3569	General industrial machinery and equipment, n.e.c.	250
3536	Hoists, industrial cranes and monorail systems	500
3565	Industrial patterns	250
3567	Industrial process furnaces and ovens	250
3537	Industrial trucks, tractors trailers, and stackers	750
3519	Internal combustion engines, n.e.c.	1,000
3545	Machine tool accessories and measuring devices	250
35452	Precision-measuring tools	500
3541	Machine tools, metal cutting types	500
3542	Machine tools, metal forming types	500
3586	Measuring and dispensing pumps	500
3566	Mechanical power transmission equipment, except ball and roller bearings	500
3548	Metal working machinery, except machine tools	500
3532	Mining machinery and equipment, except oilfield machinery and equipment	500
3599	Miscellaneous machinery, except electrical	250
3579	Office machines, n.e.c.	500
3533	Oilfield machinery and equipment	500
3554	Paper industries machinery	250
3555	Printing trades machinery and equipment	500
3561	Pumps, air and gas compressors, and pumping equipment	500
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
3576	Scales and balances, except laboratory	250
3589	Service industry machines, n.e.c.	250
3544	Special dies and tools, die sets, jigs, and fixtures	250
3559	Special industry machinery, n.e.c.	250
3511	Steam engines; steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units	1,000
3552	Textile machinery	250
3572	Typewriters	1,000
3553	Woodworking machinery	250
	Major Group 39—Miscellaneous Manufacturing Industries:	
3991	Brooms and brushes	250
3963	Buttons	250
3955	Carbon paper and inked ribbons	250
3943	Children's vehicles, except bicycles	250
3961	Costume jewelry and costume novelties, except precious metal	250
3942	Dolls	250
3962	Feathers, plumes and artificial flowers	250
3941	Games and toys, except dolls and children's vehicles	250
3912	Jewelers' findings and materials	250
3911	Jewelry; precious metal	250
3913	Lapidary work and cutting and polishing diamonds	250
3952	Lead pencils, crayons, and artists' materials	250
3996	Linoleum, asphalted-felt base, and other hard surface floor coverings, n.e.c.	750
3999	Manufacturing industries, n.e.c.	250
3953	Marking devices	250
39993	Matches	500
3991	Morticians' goods	250
3931	Musical instruments and parts	500
3961	Needles, pins, hooks and eyes, and similar notions	250
3951	Pens, pencils, fountain pens, ballpoint pens, mechanical pencils and parts	500
3993	Signs and advertising displays	250
3914	Silverware and plated ware	500
3949	Sporting and athletic goods, n.e.c.	250

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees [1]
	Major Group 19—Ordnance and Accessories:	
1929	Ammunition, except for small arms, n.e.c.	1,000
1955	Guided missiles and space vehicles, completely assembled	250
1911	Guns, howitzers, mortars, and related equipment	250
1999	Ordnance and accessories n.e.c.	250
1991	Sighting and fire-control equipment	250
1951	Small arms	1,000
1961	Small arms ammunition	1,000
1931	Tanks and tank components	1,000
	Major Group 26—Paper and Allied Products:	
2643	Bags, except textile bags	500
2661	Building paper and building board mills	750
2649	Converted paper and paperboard products, n.e.c.	500
2653	Corrugated and solid-fiber boxes	250
2645	Die cut paper and paperboard; and cardboard	250
2612	Envelopes	250
2655	Fiber cans, tubes, drums, and similar products	250
2651	Folding paperboard boxes	250
2641	Paper coating and glazing	500
2621	Paper mills, except building-paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
2647	Sanitary paper products	500
2652	Set-up paperboard boxes	250
2644	Wallpaper	250
	Major Group 29—Petroleum Refining and Related Industries:	
2952	Asphalt felts and coatings	750
2992	Lubricating oils and greases	500
2951	Paving mixtures and blocks	250
2911	Petroleum refining [2]	1,000
2999	Products of petroleum and coal, n.e.c.	250
	Major Group 33—Primary Metal Industries:	
3361	Aluminum castings	250
3312	Blast furnaces (including coke ovens) steel works, and rolling mills	1,000
3362	Brass, bronze, copper, copper base alloy castings	250
3316	Cold rolled sheet, strip and bars	1,000
3357	Drawing and insulating of nonferrous wire	1,000
3313	Electrometallurgical products	750
3321	Gray iron foundries	500
3391	Iron and steel forgings	500
3322	Malleable iron foundries	500
3369	Nonferrous castings, n.e.c.	250
3392	Nonferrous forgings	250
3399	Primary metal industries, n.e.c.	750
3334	Primary production of aluminum	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3333	Primary smelting and refining of zinc	750
3352	Rolling, drawing, and extruding of aluminum	750
3351	Rolling, drawing, and extruding of copper	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3341	Secondary smelting, refining, and alloying of nonferrous metals and alloys	250
3323	Steel foundries	500
3317	Steel pipe and tubes	1,000
3315	Steel wire drawing and steel nails and spikes	1,000
	Major Group 27—Printing and Publishing Industries	250
	Major Group 38—Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks:	
3822	Automatic temperature controls	500
3843	Dental equipment and supplies	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees [1]
3811	Engineering, laboratory, and scientific and research instruments and associated equipment	500
3821	Mechanical measuring and controlling instruments, except automatic temperature controls	500
3851	Ophthalmic goods	250
3831	Optical instruments and lenses	250
3842	Orthopedic, prosthetic, and surgical appliances and supplies	250
3861	Photographic equipment and supplies	500
3841	Surgical and medical instruments and apparatus	250
3872	Watchcases	250
3871	Watches, clocks, and parts except watchcases	500
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3069	Fabricated rubber products, n.e.c.	500
3079	Miscellaneous plastics products	250
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
3011	Tires and inner tubes	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3291	Abrasive products	250
3292	Asbestos products	750
3251	Brick and structural clay tile	250
3241	Cement, hydraulic	750
3253	Ceramic wall and floor tile	500
3255	Clay refractories	250
3271	Concrete block and brick	250
3272	Concrete products, except block and brick	250
3281	Cut stone and stone products	250
3263	Fine earthenware (whiteware), table and kitchen articles	500
3211	Flat glass	1,000
3221	Glass containers	750
3231	Glass products, made of purchased glass	250
3275	Gypsum products	1,000
3274	Lime	500
3296	Mineral wool	750
3295	Minerals and earths, ground or otherwise treated	250
3297	Nonclay refractories	750
3299	Nonmetallic mineral products, n.e.c.	250
3264	Porcelain electrical supplies	500
3269	Pottery products, n.e.c.	250
3229	Pressed and blown glass and glassware, n.e.c.	750
3273	Ready-mixed concrete	250
3293	Steam and other packing and pipe and boiler covering	500
3259	Structural clay products, n.e.c.	250
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3262	Vitreous china table and kitchen articles	500
	Major Group 22—Textile Mill Products:	
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	250
2211	Broad-woven fabric mills, cotton	1,000
2221	Broad-woven fabric mills, man-made fiber and silk	500
2231	Broad-woven fabric mills, wool: including dyeing and finishing	250
2279	Carpets, rugs, and mats, n.e.c.	500
2298	Cordage and twine	250
2269	Dyeing and finishing textiles, n.e.c.	250
2291	Felt goods, except woven felts and hats	250
2261	Finishers of broad-woven fabric of cotton	500
2262	Finishers of broad-woven fabrics of manmade fiber and silk	500
2251	Full-fashioned hosiery mills	250
2256	Knit fabric mills	250
2253	Knit outwear mills	250
2254	Knit underwear mills	250
2259	Knitting mills, n.e.c.	250
2292	Lace goods	250
2241	Narrow fabrics and other smallwares mills: cotton, wool, silk, and man-made fiber	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees [1])
2293	Paddings and upholstery filling	250
2294	Processed waste and recovered fibers and flock	250
2252	Seamless hosiery mills	250
2299	Textile goods, n.e.c.	250
2284	Thread mills	500
2296	Tire cord and fabric	1,000
2272	Tufted carpets and rugs	500
2297	Wool scouring, worsted combing and tow to top mills	250
2271	Woven carpets and rugs	750
2283	Yarn mills, wool, including carpet and rug yarn	250
2281	Yarn spinning mills, cotton, man-made fibers and silk	500
2282	Yarn throwing, twisting, and winding mills, cotton, man-made fibers and silk	250
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
2121	Cigars	500
2131	Tobacco (chewing and smoking) and snuff	500
2141	Tobacco stemming and redrying	500
	Major Group 37—Transportation Equipment:	
3721	Aircraft [4]	1,500
3722	Aircraft engines and engine parts [2]	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c. [2]	1,000
3723	Aircraft propellers and propeller parts	1,000
3732	Boat building and repairing	250
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [4]	1,000
3751	Motorcycles, bicycles, and parts	500
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	1,000
3791	Trailer coaches	250
3799	Transportation equipment, n.e.c.	250
3713	Truck and bus bodies	250
3715	Truck trailers	500

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[3] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned and/or leased facilities or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis) or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations "'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance. 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[5] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)

Census classification code	Industry	Employment size standard (number of employees [1])
	Major Group 19—Ordnance and Accessories:	
1925	Guided missiles and space vehicles, completely assembled	1,000

See footnotes at end of table.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Continued

Census classification code	Industry	Employment size standard (number of employees [1])
1929	Ammunition, except for small arms, n.e.c.	1,500
1931	Tanks and tank components	1,000
1951	Small Arms	1,000
1961	Small arms ammunition	1,000
	Major Group 20—Food and Kindred Products:	
2011	Meat packing plants	750
2026	Fluid milk	750
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2046	Wet corn milling	750
2052	Biscuits, cracker, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2096	Shortening, table oils, margarine and other edible fats and oils, n.e.c.	750
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
	Major Group 22—Textile Mill Products:	
2211	Broad-woven fabric mills, cotton	1,000
2261	Finishers of broad-woven fabrics of cotton	1,000
2271	Woven carpets and rugs	750
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	1,000
2296	Tire cord and fabric	1,000
	Major Group 26—Paper and Allied Products:	
2661	Building paper and building board mills	750
2621	Papermills, except building papermills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and Chlorine	1,000
2823	Cellulose man-made fibers	1,000
2815	Dyes, dya (cyclic) intermediates and organic pigments (lakes and toners)	750
2892	Explosives	750
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	1,000
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2841	Soap and other detergents, except specialty cleaners	750
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 29—Petroleum Refining and Related Industries: [2]	
2952	Asphalt felts and coatings	750
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3011	Tires and innertubes	1,000
30111	Passenger car and motorcycle pneumatic tires (casings)	(3)
30112	Truck and bus (and off-the-road) pneumatic tires	(3)
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3211	Flatglass	1,000
3221	Glass containers	750
3229	Pressed and blown glass and glassware, n.e.c	750
3241	Cement, hydraulic	750
3261	Vitreous china plumbing fixtures and china and earthenware fittins and bathroom accessoriesg	750
3275	Gypsum products	1,000
3292	Asbestos products	750
3296	Mineral wool	750
3297	Nonclay refractories	750

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Continued

Census classification code	Industry	Employment size standard (number of employees [1])
	Major Group 33—Primary Metal Industries:	
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1,000
3313	Electrometallurgical products	750
3315	Steel wire drawing and steel nails and spikes	1,000
3316	Cold rolled sheet, strip and bars	1,000
3317	Steel pipe and tubes	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3333	Primary smelting and refining of zinc	750
3334	Primary production of aluminum	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3351	Rolling, drawing, and extruding of copper	750
3352	Rolling, drawing, and extruding of aluminum	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3357	Drawing and insulating of nonferrous wire	1,000
3399	Primary metal industries; n.e.c.	750
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3411	Metal cans	1,000
3431	Enameled iron and metal sanitary ware	750
	Major Group 35—Machinery, Except Electrical:	
3511	Steam engines: steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine-generator set units	1,000
3519	Internal combustion engines, n.e.c.	1,000
3531	Construction machinery and equipment	750
3537	Industrial Trucks, Tractors, Trailers, and Stackers	750
3562	Ball and roller bearings	750
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3573	Electronic computing equipment	1,000
3572	Typewriters	1,000
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3612	Power, distribution, and specialty transformers	750
3613	Switchgear and switchboard apparatus	750
3621	Motors and generators	1,000
3622	Industrial controls	750
3624	Carbon and graphite products	750
3631	Household cooking equipment	750
3632	Household refrigerators and home and farm freezers	1,000
3633	Household laundry equipment	1,000
3634	Electric housewares and fans	750
3635	Household vacuum cleaners	750
3636	Sewing machines	750
3641	Electric lamps	1,000
3651	Radio and television receiving sets, except communication types	750
3652	Phonograph records	750
3661	Telephone and telegraph apparatus	1,000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus [5]	750
3672	Cathode ray picture tubes	750
3694	Electrical equipment for internal combustion engines	750
3692	Primary batteries, dry and wet	1,000
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3673	Transmitting, industrial, and special purpose electron tubes	

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Continued

Census classification code	Industry	Employment size standard (number of employees [1])
	Major Group 37—Transportation Equipment:	
3721	Aircraft	1,500
3722	Aircraft engines and engine parts [4] [5]	1,000
3723	Aircraft propellers and propeller parts	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c.	1,000
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [6]	1,000
37171	Passenger cars (knocked down or assembled)	(3)
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	1,000
	Major Group 39—Miscellaneous Manufacturing Industries:	
3996	Linoleum, asphalted-felt-base, and other hard surface floor coverings, n.e.c.	750

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] The size standard for SIC 2911 is set forth in Section 121.3-8(g).

[3] The size standards for SIC 30111, 30112, and 37171 are set forth in §121.3-8(b)(4) and §121.3-8(b)(5), respectively of this part.

[4] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[5] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations: "'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance. 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[6] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE C—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN WHOLESALING

(The following size standards are to be used when determining the size status of wholesaling concerns for the purpose of SBA Business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans and SBIC assistance.) (Where code is followed by letter, size standard applies only to class of product designated.)

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) (in millions)
5099a	Amusement, sporting goods	$10
5091a	Coal	10
5098b	Construction materials (excluding lumber and millwork)	10
5082	Construction and mining machinery and equipment	10
5043	Dairy products	10
5022	Drugs, drug proprietaries, druggists' sundries	10
5064	Electrical appliances, televisions and radio sets	$10
5039	Footwear	10
5053	Grain	10
5049	Groceries and related products, not elsewhere classified	10
5097b	Home furnishings, floor coverings	10
5084	Industrial machinery and equipment	10
5085	Industrial supplies	10
5054	Livestock (except horses and mules)	10
5047	Meats and meat products	10
5091b	Metal service centers	10
5034	Notions and other dry goods	10
5033	Piece goods (woven fabrics)	10
5096a	Printing and writing paper	10
5094	Tobacco and its products	10
5012	Automobiles and other motor vehicles	15
5029	Chemicals and allied products, not elsewhere classified	15
5081	Commercial machines and equipment-Cotton	15
5052	Electrical apparatus and equipment, wiring supplies and construction materials	15
5063	Farm machinery and equipment	15
5083	Frozen foods	15
5042	Groceries, general line	15
5041	Industrial and personal service paper only	15
5096b	Metal sales offices	15
5091c	Paints and varnishes	15
5028	Petroleum and petroleum products	15
5092	Tires and tubes	15
5014	Wines and distilled alcoholic spirits	15
5095b		

SCHEDULE D—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN RETAILING

(The following size standards are to be used when determining the size status of retailing concerns for the purpose of SBA loans, displaced business loans, economic opportunities loans, and as alternate standards for sections 505 and 502 loans SBIC assistance.) Where code is followed by letter size standard applies only to class of product designated.

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) (in millions)
	Major Group 56—Apparel and Accessory Stores:	
5651	Family clothing stores	$1.5
5611	Men's and boys' clothing and furnishings	1.5
5661	Shoe stores	1.5
5621	Women's ready-to-wear stores	1.5
	Major Group 55—Automotive Dealers and Gasoline Service Stations:	
5599a	Aircraft (a part of aircraft and automotive dealers, not elsewhere classified	3.0
5511	Motor vehicle dealers (new and used cars)	5.0
5521	Motor vehicle dealers (used cars only)	5.0
	Major Group 54—Food Stores:	
5411	Grocery Stores	5.0
5421a	Meat markets (a part of meat and fish (seafood) markets)	5.0
5722	Household appliance stores	$1.5
5732	Radio and Television stores	1.5
	Major Group 53—General Merchandise:	
5311	Department stores	5.0
5321	Mail order houses	5.0
5331	Variety stores	2.0
	Major Group 52—Material, Hardware and Farm Equipment Dealers:	
5252	Farm equipment dealers	3.0

SCHEDULE E—GOVERNMENT-OWNED TIMBER RESALE STANDARDS FOR SPECIFIC GEOGRAPHICAL AREAS

Area from which timber is cut	Percentage of timber purchased that may be sold to other than small business
Alaska	50 percent.

SCHEDULE F—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MINING AND MINING SERVICES

(The following size standards are to be used when determining the size status of mining and mining services concerns for the purpose of SBA business loans (or loan gurantees), displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans and Small Business Investment Company assistance.)

Census classification code	Industry or class of products	Employment size standard (number of employees)
1111	Anthracite	250
1112	Antracite Mining Services	250
1211	Bituminous Coal	500
1213	Bituminous Coal and Lignite Mining Services	250

SCHEDULE G—PETROLEUM ADMINISTRATION FOR DEFENSE (PAD) DISTRICTS AS UTILIZED BY THE DEFENSE FUEL SUPPLY CENTER IN THE PROCUREMENT OF REFINED PETROLEUM PRODUCTS

PAD District and States included in PAD District:

1. Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia and Florida.

2. North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee.

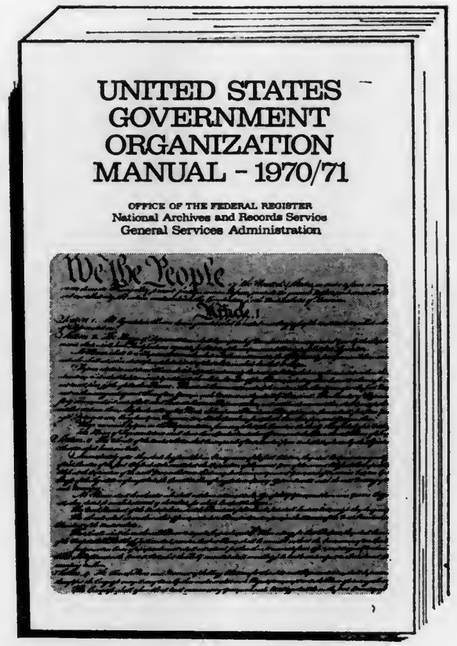
3. New Mexico, Texas, Arkansas, Louisiana, Mississippi, and Alabama.

4. Montana, Idaho, Wyoming, Utah, and Colorado.

5. Alaska, Hawaii, Washington, Oregon, Nevada, California, and Arizona.

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Farm Credit Administration
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton

The provisions of §§ 722.401 to 722.450 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). These provisions govern the establishment of base acreage allotments for the 1971 and succeeding crops of upland cotton and related program provisions under sections 344a and 350 of the act as amended by the Agricultural Act of 1970. (Public Law 91–524, 84 Stat. 1358, approved November 30, 1970.)

This subpart supersedes the regulations for Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton (33 F.R. 895, as amended). However, such superseded regulations shall remain effective with respect to the 1968, 1969, and 1970 crops of upland cotton and the establishment of the preliminary allotment for 1971.

Since farmers and local State and county ASC committees need to know the provisions of the program for the 1971 crop as soon as possible, it is essential that this subpart be made effective immediately. Accordingly, this subpart shall be effective upon filing of this document with the Director, Office of the Federal Register. The provisions of 5 U.S.C. 553 regarding rulemaking are not applicable since the base acreage allotment program for upland cotton falls within the exception in subsection (a)(2) thereof.

GENERAL

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FARM BASE ACREAGE ALLOTMENTS

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AUTHORITY: The provisions of this subpart issued under secs. 301, 344a, 350, 375, 52 Stat. 38, as amended, 79 Stat. 1197, as amended, 79 Stat. 1193, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1344b, 1350, 1375.

GENERAL

§ 722.401 Applicability.

The provisions of this subpart apply to the establishment of base acreage allotments for upland cotton for the 1971, 1972, and 1973 crops, the transfer of base acreage allotments by sale, lease, or by owner, and related program provisions.

§ 722.402 Recording base acreage allotments.

Farm base acreage allotments shall be rounded to tenths of acres in accordance with the provisions of Part 793 of this chapter.

§ 722.403 Expiration of time limitations.

The provisions of Part 720 of this chapter concerning the expiration of time limitations shall apply to this subpart.

§ 722.404 Definitions.

In determining the meaning of this subpart, unless the context indicates otherwise, words imparting the singular include and apply to several persons or things, words imparting the plural include the singular, words imparting the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present.

(a) *General terms.* Definitions in Part 719 of this chapter shall apply to this subpart.

(b) *Act.* Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.).

(c) *Conservation programs.* Programs under which acreage removed or diverted from the production of cotton is eligible for acreage history under the terms of the statute establishing such program or under the general authority granted under 7 U.S.C. 1838(g).

(d) *Extra long staple cotton.* American-Pima, Sea Island, Sealand, and all other varieties of the Barbadense species of cotton and any hybrid thereof, and any other cotton in which one or more of these varieties predominate, produced in an area designated by the Secretary.

(e) *Farm base acreage allotment.* Cotton base acreage allotment established for a farm.

(f) *History acreage of cotton on the farm.* (For use in establishing farm base acreage allotments; acreage devoted to production of extra long staple cotton shall be excluded.) History acreage of cotton on the farm for 1971, 1972, and 1973 shall be credited in the amount of the farm base acreage allotment including any portion transferred by temporary adjustment (see paragraph (i) of this section) from the farm but excluding any portion transferred by temporary adjustment to the farm. Such history acreage shall be adjusted in certain cases as follows:

(1) If less than 90 percent of the farm base acreage allotment before temporary adjustments is planted or considered as planted to cotton the history acreage shall be the acreage planted or considered as planted to cotton. Acreage planted or considered as planted to cotton shall be the sum of the following:

(i) Acreage planted to cotton on the farm in the current year. For purposes of this subdivision:

(*a*) The acreage seeded to cotton plus stub cotton acreage on the farm in the current year, excluding acreage which the county committee determines was planted or cared for in an unworkmanlike manner without the expectation of producing a normal crop under usual conditions.

(*b*) If the farm operator fails to file a certification of acreage in a certification county, the acreage planted to cotton shall be considered to be zero for history acreage purposes in lieu of the rule prescribed in item (*a*) of this subdivision.

(ii) Acreage transferred by temporary adjustment from the farm. (See paragraph (i).)

(iii) Acreage on which the planting of cotton was prevented because of a natural disaster as determined by the county committee.

(iv) Acreage considered as planted under conservation programs or practices.

(v) Allotment acreage in the eminent domain pool under Part 719 of this chapter.

(vi) Acreage not planted because of the payment limitation under Part 795 of this chapter.

(vii) Acreage not planted because of a quarantine imposed by the county, State, or Federal Government prohibiting the planting of cotton in an area.

(viii) Acreage planted to wheat in excess of the wheat allotment and acreage planted to feed grains in excess of one-half of the feed grain base when requested by the producer and approved by the county committee.

(2) No adjustment in history acreage under subparagraph (1) of this paragraph shall be made for a farm if:

(i) The farm is owned by the Federal Government with a restrictive lease prohibiting the planting of cotton, or

(ii) The cotton base acreage allotment is established in the eminent domain pool under Part 719 of this chapter.

(g) *New cotton farm.* Farm for which a cotton base acreage allotment is established in the current year and for which there is no history acreage in the 3-year farm base period.

(h) *Old cotton farm.* Farm having acreage history in any one of the 3 base years excluding history for released acreage before 1971 (but including history for acreage transferred due to a natural disaster).

(i) *Temporary adjustment of base acreage allotment.* Includes acreage temporarily transferred by owner, lease, release, and reapportionment.

(j) *Upland cotton.* Any cotton other than extra long staple cotton.

FARM BASE ACREAGE ALLOTMENTS

§ 722.405 Establishment of preliminary allotments.

(a) *Preliminary allotments for 1971.* The preliminary allotment for the 1971 crop shall be established in accordance with the regulations for acreage allotments for 1968 and succeeding crops of upland cotton (33 F.R. 895, as amended).

(b) *Acreage planted or considered planted to cotton.* For purposes of this section the acreage planted or considered planted to cotton shall be determined as provided in the second sentence of § 722.404(f)(1).

(c) *Preliminary allotments for 1972 and 1973 crops.*—(1) *When 90 percent or more of the farm base acreage allotment is planted.* The preliminary allotment shall be the preceding year's base acreage allotment after any permanent adjustment to or from the farm but before any temporary adjustment to or from the farm when 90 percent or more of such farm base acreage allotment is planted or considered planted to cotton.

(2) *When less than 90 percent of the farm base acreage allotment is planted.* The preliminary allotment shall be determined as follows:

(i) *Old cotton farm in the preceding year.* In the case of a farm that was an old cotton farm in the preceding year, the preliminary allotment shall be the larger of the acreage planted and considered planted to cotton in the preceding year or 80 percent of the base acreage allotment for the preceding year after any permanent adjustment to or from the farm but before any temporary adjustment to or from the farm.

(ii) *New cotton farm in the preceding year.* In the case of a farm that was a new cotton farm in the preceding year, the preliminary allotment shall be the acreage planted and considered planted to cotton.

§ 722.406 Establishment of farm base acreage allotments.

(a) *Factored base acreage allotments for old cotton farms.* The adjusted county base acreage allotment shall be apportioned among old cotton farms as provided in this paragraph. Factored base acreage allotments for such farms shall be determined by multiplying the preliminary allotment by the county base acreage allotment factor. Such county factor shall be determined by dividing the total of the preliminary allotments for the current year for all farms into the adjusted county allotment. The factored allotment shall not exceed the cropland on any farm.

(b) *Use of county reserve.* The county reserve shall be used by the county committee to adjust factored farm base acreage allotments. Farms covered by contracts under the conservation programs shall receive the same consideration as other comparable farm in the county. The county reserve shall not be used to reflect new cropland brought into production after November 30, 1970. The county reserve shall be used by the county committee as follows:

(1) *Determination of acreage needed for new cotton farms.* If any part of the State reserve or the county reserve is to be used for establishing base acreage allotments for new cotton farms, the county committee, with the assistance of the community committees, may estimate from county office records and other available sources of information the number of new cotton farms in the county and an estimate may be made of the cropland on new cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing base acreage allotments for new cotton farms. In determining the acreage, if any, from the county reserve which is to be used for establishing base acreage allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve for establishing base acreage allotments for new cotton farms.

(2) *Adjustments in farm base acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm base acreage allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm base acreage allotments as provided in paragraph (c) of this section and to provide fair and reasonable base acreage allotments where the county committee had insufficient information to make proper adjustments at the time the original base acreage allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve to correct inequities and prevent hardship may be used by the county committee for making adjustments in farm base acreage allotments to correct inequities and to prevent hardship. Such adjustments shall be made so as to establish base acreage allotments which are fair and reasonable in relation to the base acreage allotments established for similar farms in the community taking into consideration for the farm the acreages planted to cotton in the farm base years; the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production.

(3) *Base acreage allotments for missed farms and correction of errors.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1) and (2) of this paragraph and the acreage allocated by the State committee from the State reserve for this purpose shall be used by the county committee (i) for establishing base acreage allotments for old cotton farms for which base acreage allotments were not established at the time base acreage allotments were orignially established for old cotton farms in the county because of oversight on the part of the county committee, and (ii) for correcting errors in farm base acreage allotments.

(c) *Equitable adjustments from State reserve for all old cotton farms.* Under the conservation programs, acreage diverted from the production of cotton shall be considered acreage devoted to cotton for purposes of establishing future State, county, and farm base acreage allotments. In order to prevent inequitable allotments on farms included in such programs, the State reserve for categories other than new farms shall not be larger than that acreage required to give all old cotton farms equal consideration, whether the farm history resulted from actual seeding of cotton or from acreage history required by law.

(d) *Limitation on adjustments for farms transferring base acreage allotments.* If acreage was transferred from the farm by sale, lease, or by owner in the current or prior year, the county committee may adjust farm base acreage allotments for such farms with reserve acreage only in exceptional cases including but not limited to cases where the transferor will not benefit from the adjustment, or the transfer was temporary and allotment has been returned to the farm for the current year. Any such adjustment shall be subject to the approval of a representative of the State committee.

§ 722.407 Base acreage allotments for new cotton farms.

(a) *Closing date.* The closing date for filing an application for a new cotton farm base acreage allotment with the county committee shall be February 15 of the current year. Such closing date and the amount of reserve available in the county for new cotton farms shall be posted in the county office and, to the extent practicable, such information shall be given publicity in the county.

(b) *Eligibility of a new cotton farm for a cotton base acreage allotment.* A cotton base acreage allotment for a new cotton farm may be established by the county committee if each of the following conditions is met:

(1) An application for a cotton base acreage allotment is filed by the farm owner or operator with the county committee by the closing date.

(2) Neither the farm operator nor the farm owner owns or operates any other farm in the United States for which a cotton base acreage allotment is established for the current year.

(3) The available land, type of soil, and topography of the land is suitable for the production of cotton, and such production ordinarily will not result in an undue erosion hazard under continuous production.

(4) The farm operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water in irrigated areas) necessary to produce cotton on the farm.

(5) The farm operator (each partner where the farm operator is a partnership) expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming excluding the estimated income from the production of cotton requested for the farm. Where the farm operator is a corporation, it must have no major corporate purpose other than operation, and ownership where applicable, of such farms, and the officers and general manager of the corporation must expect to obtain during the current year more than 50 percent of their income, whether dividends or salary, from the production of agricultural commodities or products from farming, excluding the estimated income from the production of cotton requested for the farm. Where the farm operator is a trustee under a trust arrangement for a farm, the trustee and the beneficiary of the trust each must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming excluding the estimated income from the production of cotton requested for the farm. In estimating the income of the farm operator from farming, the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm shall be included. Such 50 percent of income requirement shall be applicable unless the county committee, with the approval of a representative of the State committee, determines that the income of the applicant from farming, or otherwise, will not provide a reasonable standard of living for the applicant and his family. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the applicant's ability to provide a reasonable standard of living for himself and his family.

(6) A farm which includes land acquired by an agency having the right of eminent domain for which the entire cotton base acreage allotment was pooled pursuant to Part 719 of this chapter which is subsequently returned to agricultural production shall not be eligible for a new cotton farm base acreage allotment for a period of 3 years from the date the former owner was displaced from the acquired farm.

(7) In case of transfer of the entire farm allotment under §§ 722.417 to 722.422, the farm shall not be eligible for a new farm cotton base acreage allotment for a period of 5 years.

(c) *Establishment of base acreage allotments for new cotton farms.* If the applicant's farm is eligible for a cotton base acreage allotment, such base acreage allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices: and the soil and other physical facilities affecting the production of cotton. The allotment so determined for any such farm shall not exceed the smaller of (1) the factored base acreage allotments established pursuant to § 722.406 for old cotton farms in the county which are similar except for the acreage planted to cotton during the farm base years, or (2) the base acreage allotment requested by the applicant. The sum of the base acreage allotments determined by the county committee for new cotton farms shall not exceed the reserves available for such farms in the county. The base acreage allotments for new cotton farms shall be subject to review and approval by a representative of the State committee.

(d) *Reduction or cancellation of new cotton farm base acreage allotments for misrepresentation.* If a new cotton farm base acreage allotment is established under paragraph (c) of this section and it is later determined by the county committee or State committee, or the deputy administrator, that the new farm base acreage allotment was obtained by misrepresentation by or on behalf of the farm operator or owner, the new farm base acreage allotment established for the farm shall be cancelled if the farm is not eligible for a new cotton farm base acreage allotment or reduced to the amount which would be proper on the basis of the facts and a notice of revised allotment shall be issued. Any reduction or cancellation of a new cotton base acreage allotment by the county committee shall be subject to the approval of the State committee. A cotton base acreage allotment established for a farm in any year subsequent to the establishment of a new cotton farm base acreage allotment for such farm shall be revised to reflect any reduction or cancellation of the new farm base acreage allotment and a notice of revised allotment shall be issued.

§ 722.408 Release and reapportionment of cotton base acreage allotment.

(a) *Conditions under which farm base acreage allotments cannot be released.* The following farm base acreage allotments shall not be released in whole or in part:

(1) Base acreage allotments for new cotton farms.

(2) The base acreage allotment for an old cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government as lessor on condition that no land on the farm shall be planted to cotton.

(3) The base acreage allotment for any farm for which the farm owner has filed a written objection at the office of the county committee prior to the release.

(4) Allotments pooled under Part 719 of this chapter for which an application for transfer has been filed.

(5) The base acreage allotment covered by a conservation program contract.

(b) *Base acreage allotments which may be released and reapportioned—*(1) *Release of base acreage allotments for the current year only.* Except as provided otherwise in paragraph (a) of this section, all or any part of any farm base acreage allotment for the current year for an old cotton farm, which will not be used may be voluntarily released in writing to the county committee by the farm operator by the applicable closing date, except that base acreage allotments pooled under Part 719 of this chapter may be released only by the displaced owner. Released acreage shall be deducted from the base acreage allotment and a revised notice of farm base acreage allotment shall be issued.

(2) *Permanent release of base acreage allotment.* Except as provided otherwise in paragraph (a) of this section and except for pooled base acreage allotment, all or any part of any farm base acreage allotment for the current year for an old cotton farm may be permanently released in writing to the county committee by the owner and operator by the applicable closing date. Released acreage shall be deducted from the farm base acreage allotment and a revised notice of farm base acreage allotment shall be issued.

(3) *Application for reapportioned base acreage allotment.* A written request by the farm operator or owner shall be filed with the county committee by the applicable closing date as a condition of eligibility for consideration by the county committee to have released acreage reapportioned to the farm. In any case where an oral request by the farm operator or owner is made to the county committee by the applicable closing date and the county committee finds that the applicant was prevented by conditions beyond his control from timely filing a written request, such oral request may be

considered as timely filed upon filing of a written request within a reasonable period after the closing date. As a condition for the approval of an application for reapportioned base acreage allotment, the application must contain the operator or owner's agreement that the farm will be in compliance with the set-aside requirements of the upland cotton program.

(4) *Standards and guidelines for reapportionment.* The State committee shall establish standards and guidelines to include the limitations in subdivisions (i), (ii), and (iii) of this subparagraph to assure uniform application of the basic factors of past acreages of cotton, land, labor, and equipment available for the production of cotton; crop-rotation practices; and soil and other physical facilities affecting the production of cotton. Standards and guidelines established by the State committee shall be made available to interested parties.

(i) The farm base acreage allotment for any farm to which released base acreage allotment is reapportioned shall not exceed the larger of 33 acres or 75 percent of the cropland for the farm, but in no event shall such farm base acreage allotment exceed the cropland for the farm.

(ii) Base acreage allotments reapportioned to all farms in the county owned, operated or controlled by a member of the community committee or county committee, or an employee of the county committee, for which applications are filed under subparagraph (3) of this paragraph, shall be approved on an individual basis by a representative of the State committee only upon a determination that the distribution is fair and equitable, considering acreage allocated to other farms and the acreage requested on such other farms.

(iii) Base acreage allotments may not be reapportioned to a farm from which base acreage allotment was transferred by sale, lease, or by owner in the current or prior year except in exceptional cases including but not limited to cases where the transferor will not benefit from the reapportioned base acreage allotment, or the transfer was temporary and base acreage allotment has been returned to the farm for the current year. Any such reapportionment by the county committee shall be subject to approval of a representative of the State committee.

(5) *Reapportionment by county committee.* Released base acreage allotments shall be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm base acreage allotments in the same county for which timely application is filed in amounts determined by the county committee to be fair and reasonable pursuant to the applicable standards and guidelines under subparagraph (4) of this paragraph.

(6) *Surrender of released base acreage to the State committee.* If all the released acreage in a county is not needed, the county committee may surrender, except for released acreage from pooled base acreage allotments, the unused released base acreage to the State committee for reapportionment of counties. The State committee shall reapportion such surrendered acreage to counties on the basis of abnormal conditions adversely affecting plantings or to correct inequities in farm base acreage allotments and to prevent hardships. Such surrendered acreage shall be reapportioned by the receiving county committee subject to the provisions of subparagraphs (3), (4), and (5) of this paragraph.

(7) *Closing dates.* The State committee shall establish the following closing dates for the entire State or for areas consisting of one or more counties in the State taking into consideration the normal planting dates within the State.

(i) The closing date for release of base acreage allotments shall be no later than the date on which planting of cotton normally becomes general on farms in the State, area, or county.

(ii) The closing date for requests for reapportionment of base acreage allotments shall be the same as the closing date for release of base acreage allotments established under subdivision (i) of this subparagraph.

(iii) The closing date for reapportionment of base acreage allotments to other farms shall be 1 month following the closing date for release of base acreage allotments established under subdivision (i) of this subparagraph.

(iv) In accordance with this subparagraph the following dates are established by the State committees:

State (1)	Closing date for release and requests for reapportionment (2)	Final date for reapportionment (3)
Alabama	March 15	1 month following applicable closing dates for release and requesting reapportionment.
Arizona	March 15	Do.
Arkansas	April 9	Do.
California (Imperial and Riverside Counties)	March 15	Do.
California all other counties	April 1	Do.
Florida	March 9	Do.
Georgia	March 31	Do.
Illinois	April 18	Do.
Kansas	April 1	Do.
Kentucky	April 17	Do.
Louisiana	March 31	Do.
Mississippi	March 31	Do.
Missouri	April 18	Do.
Nevada	March 1	Do:
New Mexico	March 1	Do.
North Carolina	March 22	Do.
Oklahoma	March 15	Do.
South Carolina	March 10	Do.
Tennessee	April 9	Do.
Virginia	April 9	Do.
Texas (Zone I)[1]	March 1	Do.
Texas (Zone II):		
All counties not listed in Zones I and III	April 1	Do.
Texas (Zone III)[2]	May 3	Do.

[1] Counties: Aransas, Atascosa, Austin, Bee, Bexar, Brazoria, Brooks, Caldwell, Calhoun, Cameron, Colorado Comal, DeWitt, Dimmit, Duval, Fort Bend, Frio, Galveston, Goliad, Gonzales, Guadalupe, Harris, Hays, Hidalgo, Jackson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kinney, Kleberg, LaSalle, Lavaca, Live Oak, McMullen, Matagorda, Maverick, Medina, Nueces, Refugio, San Patricio, Starr, Uvalde, Val Verde, Victoria, Waller, Webb, Wharton, Willacy, Wilson, Zapata, Zavala.

[2] Counties: Archer, Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hutchinson, Kent, King, Knox, Lamb, Lipcomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Stonewall, Swisher, Throckmorton, Wheeler Wichita, Wilbarger.

(8) *Acreage history.* For the purpose of determining future State and county base acreage allotments, released base acreage allotments will be credited to the State and county in which such base acreage allotments were released. In determining future farm base acreage allotments, the planting in the current year of reapportioned base acreage allotments shall not be considered. Any farm base acreage allotment released for the current year only shall in determining future farm cotton base acreage allotments, be regarded as having been planted on the farm from which such base acreage allotment was released.

(9) *Public notice.* The county committee shall post in the county office the applicable closing dates and the amount of released base acreage allotments available in the county for reapportionment and, to the extent practicable, such information shall be given general publicity in the county.

§ 722.409 Base acreage allotments for special farms.

(a) *Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.* Farm base acreage allotments for such acquired land and determination of other farm allotments for such owner shall be governed by Part 719 of this chapter.

(b) *Base acreage allotments for farms operated by publicly-owned agricultural experiment stations.* A farm base acreage allotment shall be established pursuant to the provisions of § 722.406 for a farm operated by a publicly-owned agricultural experiment station.

§ 722.410 Extra long staple cotton.

The provisions of this subpart relating to upland cotton shall not apply to extra long staple cotton.

NOTICES OF BASE ACREAGE ALLOTMENT

§ 722.411 Notices of farm base acreage allotment.

(a) *Initial notice of farm base acreage allotment.* (1) The county committee shall mail a written notice of farm base acreage allotment to the operator of each old cotton farm and each new cotton farm for which a farm base acreage allotment for the current year is established and approved as soon as possible after the farm base acreage allotment is established.

(2) If application for a new cotton farm base acreage allotment is made but the county committee determines that no new farm base acreage allotment shall be established, the county committee shall mail a written notice of "None" as the farm base acreage allotment to the operator of such farm.

(3) If an old cotton farm loses eligibility for a farm base acreage allotment as an old cotton farm for the current year, the county committee shall mail a written notice of "None" as the farm base acreage allotment to the operator of such farm showing the reason no farm base acreage allotment was established for the farm.

(b) *Revised notice of farm base acreage allotment.* (1) The county committee shall mail a written notice of revised farm base acreage allotment to the operator of the farm as soon as possible after the county committee determines that a revision is required (i) under this subpart or the regulations governing reconstitution of farms, allotments, and bases in Part 719 of this chapter, (ii) to correct errors commited by the county committee, or (iii) to correct errors caused by fraud or misrepresentation of facts by or on behalf of the producers on the farm.

(2) Such revised notice shall be issued prior to the date when planting of cotton normally becomes general on farms in the county if at all possible, but if not possible to do so, such revised notice shall be issued after such date.

(c) *Notice to operator constitutes notice to other persons.* (1) Each notice shall contain a statement substantially as follows: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown be interested in the upland cotton produced on the farm for which this base acreage allotment is established." Notice so given shall constitute notice to all such persons.

(2) A copy of each notice showing the date of mailing to the operator shall be kept among the records of the county committee. Upon request, a certified copy shall be furnished without charge to any person who as an operator, landlord, tenant, or sharecropper is interested in the cotton produced on the farm in the year for which the notice is issued.

(d) *Effectiveness of notice.* Each notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Farm base acreage allotments shall not become effective unless the notice is properly signed, approved, and mailed in accordance with this section.

(e) *Farm operator obligation to inform county committee of changes.* The farm operator shall immediately inform the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, and any change in the total land in the farm for a farm with a current farm base acreage allotment.

(f) *Request for reconsideration of farm base acreage allotment.* Each notice shall contain a brief statement of the procedure for filing a request for reconsideration of county committee determinations regarding farm base acreage allotments according to Part 780 of this chapter.

§ 722.412 Availability of farm base acreage allotment records.

(a) The State and county committee shall make available for inspection by owners or operators of farms receiving cotton base acreage allotments, all records pertaining to cotton base acreage allotment, including (1) the allocations to the county from the State reserve, and (2) the total amount and distribution of the county reserve.

(b) The State committee shall keep on file at the State office, available for examination by any interested cotton producers: (1) The amount of State reserve and authorized uses thereof, and (2) the formula, if any, and data developed and used to apportion State reserve for trends and abnormal conditions.

(c) The provisions of Part 798 of this chapter concerning the availability of information to the public shall be applicable to cotton program records.

MISCELLANEOUS PROVISIONS

§ 722.413 Determination of acreages.

Part 718 of this chapter shall govern the determination of acreages.

§ 722.414 No credit for overplanting the farm base acreage allotment.

Any acreage planted to cotton in the current year in excess of the farm base acreage allotment shall not be taken into account in establishing State, county, and farm base acreage allotments for subsequent crops of cotton.

§ 722.415 Approval of determinations and additional authority for determination of farm base acreage allotments.

(a) *Approval of State reserves, county base acreage allotments, and county reserves.* Determination of State reserves, county base acreage allotments, and county reserves shall be subject to review and approval by the Administrator, ASCS.

(b) *Approval of county committee determinations.* No official notice of farm base acreage allotment shall be mailed to a farm operator of an old or new cotton farm until a representative of the State committee has reviewed and approved the farm base acreage allotment. The representative of the State committee may revise or require revisions of any determination made under this subpart. Such prior review shall not be required for revised farm base acreage allotments resulting from: (1) Reconstitution of farms, (2) release of base acreage allotments, and (3) reapportionment of base acreage allotment, except as provided in § 722.408(b)(4)(ii) of this subpart, and except that the State committee may require prior approval by its representative before notices are issued.

(c) *Additional authority for determination of farm base acreage allotments.* In addition to the authority established in this subpart for determination of farm base acreage allotments for both old and new farms, including revised base acreage allotments to correct errors, such determinations may be made by the Secretary, Undersecretary, Administrator of ASCS, or the Deputy Administrator. A notice conforming to the requirements of § 722.411 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.411.

(d) *Supervisory authority of State committee.* The State committee may take any action required to be taken by the county committee which the county committee fails to take and the State committee may correct or require the county committee to correct any action taken by such committee which is not in accordance with this subpart. The State committee may also require the county committee to withhold taking any action which is not in accordance with this subpart.

NATURAL DISASTER TRANSFERS

§ 722.416 Transfer of farm cotton acreage affected by a natural disaster.

(a) *General authority.* The Deputy Administrator shall determine for any year those counties affected by a natural disaster, or a condition beyond the control of producers within the meaning of section 350(h) of the act which prevents the timely planting or replanting of a portion of the farm cotton base acreage allotments in the county. A condition beyond the control of producers is a quarantine imposed by the county, State, or Federal Government which prohibits the planting of cotton. The county committee shall post in the county office a notice of any such determination affecting the county and, to the extent practicable, shall give general publicity in the county to such determination.

(b) *Application for transfer.* The owner or operator of a farm in a county designated for any year under paragraph (a) of this section may file a written application for transfer of cotton acreage within the farm cotton base acreage allotment for such year to another farm in the same county or in an adjoining county in the same or another State if such acreage cannot be timely planted or replanted because of the natural disaster or a condition beyond the control of producers determined for such year. The application shall be filed with the county committee for the county in

which the farm affected by such disaster or condition is located. If the application involves a transfer to an adjoining county, the county committee for the adjoining county shall be consulted before action is taken by the county committee receiving the application.

(c) *Amount of transfer.* The acreage to be transferred shall not exceed the smaller of (1) the farm base acreage allotment established under this subpart less such acreage planted to cotton and not destroyed by the natural disaster, or (2) the acreage requested to be transferred.

(d) *County committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(1) All or part of the farm base acreage allotment for the farm from which the acreage is to be transferred could not be timely planted or replanted because of the natural disaster or the condition beyond the control of producers and planting was not prohibited by the lease in case of lands owned by the Federal Government.

(2) One or more producers of cotton on the farm from which the acreage is to be transferred will be a bona fide producer engaged in the production of cotton on the farm to which the acreage is to be transferred and will share in the crop or in the proceeds of the cotton. Such sharing shall be in the manner customary in the area in order to establish the status of such producer as a bona fide producer on the farm to which the acreage is to be transferred.

(e) *Cancellation of transfers.* If a transfer is approved under this section and it is later determined that the conditions in paragraph (d) of this section have not been met, the county committee, State committee or the deputy administrator may cancel such transfer. Action by the county committee to cancel a transfer shall be subject to the approval of the State committee or its representative.

(f) *Acreage history credits and eligibility as an old cotton farm.* Any acreage transferred under this section shall be deemed planted on the farm from which transferred for purposes of acreage history credit and of determining eligibility as an old cotton farm, whether or not such acreage was actually planted.

(g) *Closing dates.* The closing date for filing applications for transfers with the county committee shall be the end of the normal planting period as determined by the State committee. Notwithstanding such closing date requirement, the county committee may accept applications filed after the closing date upon a determination by the county committee that the failure to timely file an application was the result of conditions beyond the control of the applicant and a representative of the State committee approves such determination.

TRANSFER OF BASE ACREAGE ALLOTMENTS—SALES, LEASE, OR BY OWNER

§ 722.417 General explanation of transfer of base acreage allotments.

Transfers of base acreage allotments are authorized for 1971, 1972, and 1973. All or part of a farm base acreage allotment may be transferred. Transfers by sale are permanent transfers of base acreage allotment and related history from one farm to another farm. Transfers by lease are temporary transfers from one farm to another farm for the term of the lease (which may not extend beyond 1973 except for temporary transfers approved during the years 1966 through 1970 for a term of years extending beyond 1973), and the related history is maintained to support the leased base acreage allotment on the farm and in the county from which leased. Transfers by an owner to any other farm owned or controlled by him in the same State would be either permanent transfers of base acreage allotment or transfers for a term of years designated by the owner (which may not extend beyond 1973 except for temporary transfers approved during the years 1966 through 1970 for a term of years extending beyond 1973) and related history would be transferred on a permanent basis or, in case of transfer for a term of years, in a manner similar to lease transfers. Transfers by sale and lease may be made only to farms in the same county except as provided in § 722.418. Transfers by owner may be made to farms in the same State.

§ 722.418 Transfers by sale or lease across county lines.

Transfers by sale or lease across county lines within the same State may be authorized by the county committee of the county from which the allotment is to be transferred if the committee (1) finds that a demand for such base acreage allotment no longer exists in such county, and (2) approves any transfers of base acreage allotments to farms outside such county. The county committee shall make a determination whether transfers by sale or lease may be made at the time the original notices of cotton base acreage allotments are mailed to farm operators each year. If the determination is not to permit transfers by sale or lease to other counties, the determination shall be reconsidered by the county committee on a date 30 days following the original determination (except that for 1971, the date for reconsideration shall be Feb. 1, 1971) or on such later date as may be approved by the deputy administrator. To the extent practicable, the county committee shall give general publication to determinations under this section. In making its finding upon initial consideration and upon reconsideration whether a demand for base acreage allotments no longer exists in the county, the county committee should consider any factor reasonably related to such a demand. A strong indication that such demand no longer exists would be (1) that a majority of the producers voting in the last transfer referendum voted to approve transfers from the county, or (2) that released acreage was surrendered to the State committee in a recent year.

§ 722.419 Applications for transfer.

(a) *Persons eligible to file applications for transfers.*—(1) *Sale or lease.* The owner and operator of any old cotton farm for the current year for which an upland cotton base acreage allotment is or will be established for the year in which the transfer is to take effect is eligible to file an application for sale or lease of all or part of such base acreage allotment to any other owner or operator of an old cotton farm for which a current year base acreage allotment is established for transfer to such farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the application.

(2) *By owner.* The owner of any old cotton farm, for which an upland cotton base acreage allotment is or will be established for the year in which the transfer is to take effect is eligible to file an application to transfer such base acreage allotment from the farm to another farm in the same State owned or controlled by such owner. The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years for which the transfer is requested. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to, death, illness, incompetency, or bankruptcy of such person.

(b) *When applications to be filed.* Applications for transfer may be filed during the period beginning on the date original notices of base acreage allotment are mailed to farm operators and ending on the date established by the State committee as the closing date for release and requests for reapportionment of base acreage allotment according to § 722.408(b). The State committee may authorize an application for transfer to be filed after the closing date upon a finding that the producer was prevented from filing for reasons beyond his control.

(c) *Where applications to be filed.* Applications shall be filed with the county committee of the county where the farm to which the base acreage allotment is to be transferred is located, but the county office of the county where the farm from which the base acreage allotment is to be transferred is located is hereby authorized to receive applications on behalf of such county committee and shall forward a copy of each application to such county committee.

§ 722.420 Amount of base acreage allotment transferable.

(a) *General.* All or part of the upland cotton base acreage allotment established for a farm may be transferred to another farm.

(b) *Productivity adjustments.* For the purpose of the adjustments in this paragraph, the word "yield" means the finally determined payment yield (projected yield) established for the farm for the year preceding the year the transfer is to take effect. If the yield for the farm to which transfer is made differs from the yield for the farm from which transfer is made by more than 10 percent, the base acreage allotment so transferred shall be increased or decreased for differences in farm productivity. The county committee shall determine the amount of base acreage allotment to be transferred by sale, lease, and by owner, where productivity adjustment is required under this paragraph as follows:

(1) Divide the yield of the receiving farm by the yield of the transferring farm, then

(2) Divide the base acreage allotment to be transferred by the percentage quotient so obtained. The amount of base acreage allotment so transferred from a farm shall be the original amount and the amount of base acreage allotment so transferred to a farm shall be the adjusted amount. In the case of temporary transfers of base acreage allotment for 1 or more years by lease or by owner, the productivity adjustment and amount of base acreage allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

(c) *No transfer of reapportioned acreage.* No transfer of base acreage allotment under section 344a of the act shall be made of base acreage allotment reapportioned to a farm under section 350(f) of the act.

(d) *No transfer of new farm base acreage allotment.* No transfer of base acreage allotment under section 344a of the act shall be made from a farm which received a new farm base acreage allotment in the current year or within the 3 immediately preceding crop years.

(e) *Transfer of pooled allotments.* Base acreage allotments established for a farm as pooled allotment under section 378 of the act may be transferred under section 344a of the act on a permanent basis during the 3-year life of the pooled allotment or for a term of years not to exceed the remaining number of crop years of such 3-year period.

§ 722.421 Additional conditions and limitations.

(a) *Same State.* No transfer under section 344a of the act shall be made from a farm to a farm in another State or to a person for use in another State.

(b) *Consent of lienholder.* No transfer under section 344a of the act shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(c) *New farm eligibility.* Any farm from which the entire farm base acreage allotment is transferred under section 344a of the act shall not be eligible for a new cotton farm base acreage allotment during the 5 years following the year in which such transfer is made.

(d) *Farms in conservation programs.* Transfer by sale or lease from a farm covered by a conservation reserve contract, cropland conversion agreement, or other similar land utilization agreement shall be made subject to an appropriate adjustment in the rates of payment under such contract or agreements but no adjustment shall be made in such contract or agreements on the farm to which transfer by sale or lease is made.

(e) *Subleasing prohibited.* No transfer by lease shall be made from a farm receiving base acreage allotment under a transfer by lease for the term of the latter lease.

(f) *Limitation on transfers to and from a farm in the same year.* No transfer of base acreage allotment under section 344a of the act for any year shall be made (1) from a farm receiving base acreage allotment by transfer under section 344a of the act for such year, or (2) to a farm which has had base acreage allotment transferred from it under section 344a of the act for such year.

(g) *Transfer of acreage history.* Transfer of base acreage allotment under section 344a of the act shall have the effect of transferring the acreage history attributable to such base acreage allotment, except that in the case of transfer by lease, the amount of base acreage allotment so transferred shall be determined for each year of the lease on the basis of the county factor of the county from which transferred and upon the expiration of the lease the transferred base acreage allotment shall be considered for purposes of establishing future base acreage allotments to have been planted on the farm from which such base acreage allotment is transferred.

(h) *Federally-owned land.* No transfer by sale or lease under section 344a of the act shall be made from any land owned by the United States, or any agency or instrumentality wholly owned by the United States.

(i) *Set-aside requirements.* As a condition for approval of a request for transfer of base acreage allotment, the operator or owner of the farm to which the base acreage allotment is to be transferred must agree to comply with the set-aside requirements of the upland cotton program.

§ 722.422 County committee action.

(a) *Approval of transfers.* The county committee shall approve transfers of base acreage allotment only if it determines that a timely filed application has been received and that the transfer complies with the requirements of §§ 722.417 to 722.421 and this section. If the transfer is made between counties, the approval of both county committees shall be required. No transfer under section 344a of the act shall be effective until approval as provided under this paragraph is obtained.

(b) *Notice of revised base acreage allotments.* The county committee shall issue revised notice of base acreage allotment for each farm affected by the transfer of base acreage allotment.

(c) *Cancellation, withdrawal, or revision of transfer agreement.*—(1) *Cancellation.* If the county committee determines that the conditions applicable to any transfer of base acreage allotments under §§ 722.417 to 722.421 and this section have not been met, the county committee shall cancel the transfer and issue revised notices of base acreage allotment showing the reason for cancellation.

(2) *Withdrawal or minor revisions.* Where the county committee determines that it is clearly in the best interest of all the producers and that effective operation of the program will not be impaired, the county committee may permit withdrawal or minor revisions of transfers upon written request by all parties to the transfer, provided that: (i) Temporary transfers may be withdrawn or revised during any year of the agreement before cotton is planted, and (ii) permanent transfers may be withdrawn or revised only during the first year of the agreement before cotton is planted.

§§ 722.423 to 722.450 [Reserved]

The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Budget and Management in accordance with the Federal Reports Act of 1949.

Effective date: Upon filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 10, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-3550 Filed 3-10-71;3:35 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 471]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.771 Lemon Regulation 471.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon

which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 14, through March 20, 1971, are hereby fixed as follows:

(i) District 1: 9,000 cartons;

(ii) District 2: 192,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 11, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–3616 Filed 3–12–71;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subchapter D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. The entire State;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Acadia, Allen, Ascension, Assumption, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lefourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. The entire State;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gray, Grayson, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacadoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Walker, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (3–13–71).

The amendment adds the following additional areas to the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas come within the definition of § 78.1(i): Frio, Galveston, Hunt, and Walker Counties in Texas.

Vermillion Parish in Louisiana was deleted from the list of Modified Certified Brucellosis Areas on February 27, 1971. Since said date, it has been determined that such parish again comes within the definition of § 78.1(i); and, therefore, it has been redesignated as a Modified Certified Brucellosis Area.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of March 1971.

R. S. SHARMAN,
Director, Animal Health Division, Agricultural Research Service.

[FR Doc.71–3558 Filed 3–12–71;8:49 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Availability of Guides

The Atomic Energy Commission has adopted an amendment of 10 CFR Part 50 which adds to § 50.34(b)(6)(iii) the information that the Commission has developed documents entitled "Guide for the Planning of Preoperational Testing Programs" and "Guide for the Planning of Initial Startup Programs" to help applicants for facility operating licenses establish adequate plans for such programs. That subdivision requires an applicant for a license to operate a production or utilization facility to include in the Final Safety Analysis Report, the plans for preoperational testing and initial operations.

Because this amendment relates to a minor, nonsubstantive matter, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary, and for making the amendment effective upon publication in the FEDERAL REGISTER.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of 10 CFR Part 50 is published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER (3–13–71).

Section 50.34(b)(6)(iii) is revised to read as follows:

§ 50.34 Contents of application: technical information.

* * * * *

(b) *Final safety analysis report.* * * *

(6) * * *

(iii) Plans for preoperational testing and initial operations. The Commission has developed documents entitled "Guide For The Planning Of Preoperational Testing Programs" and "Guide For The Planning Of Initial Startup Programs"[1] to help applicants establish adequate plans pursuant to this subsection.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 26th day of February 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71–3534 Filed 3–12–71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71–SO–29; Amdt. 39–1169]

PART 39—AIRWORTHINESS DIRECTIVES

Maule M–4–180C and M–4–220C Series Airplanes

There have been instances of the front seats on Maule M–4–180C and M–4–220C airplanes separating from the seat track guides, allowing the seat and pilot to move aft, away from the airplane controls. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the seat track and guides on Maule M–4–180C and M–4–220C airplanes equipped with front bucket seats.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MAULE. Applies to M–4–180C Serial Nos. 3001C through 3004C and M–4–220C Serial Nos. 2044C through 2060C.

Compliance required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

To detect seat track and seat track guide spacing that could allow the seat to become free from the guides, accomplish the following:

a. Remove front bucket seats.

b. Determine the distance between the inner edges of the horizontal flanges of the seat tracks for each front seat (measure at front and rear of tracks and use maximum dimension). The seat tracks are the L-shaped flanges welded to the bottom of the seat frame.

c. Determine the distance between the outside edges of the vertical flanges of the seat track guides. The seat track guides are the L-shaped clips welded to the fuselage.

d. If the distances measured in b. and c. differ by 3/32" or less, no further action is required.

e. If the difference in these dimensions is greater than 3/32", accomplish one of the following:

1. Bend one of the seat tracks inward so that the above distance requirement is satisfied. A vertical cut must be made adjacent to the front end piece of the seat track to allow the necessary bending. After bending, secure in place and reweld on the inside of track, using at least 3/4-inch welds at the three existing tack welds attaching the track to seat frame. Also, reweld the saw cut and check for the proper dimensions.

2. Weld an extension strip to the full length of the seat track to meet the above distance requirement using 4130 steel, Condition N sheet, 0.060 inches thickness and check for proper dimensions. The minimum strip width must be one-eighth-inch.

3. Any other FAA-approved equivalent method.

f. A seat which has to be modified in accordance with (e) above is to be reported to the Chief, Engineering and Manufacturing Branch, SO–210, FAA Southern Region, Post Office Box 20636, Atlanta, GA 30320. The report should include the airplane serial number and the distances determined in (b) and (c). (Reporting approved by the Bureau of the Budget under BOB No. 04–R0174.)

The checks required by this AD in paragraphs (a), (b), (c), and (d) may be performed by the pilot.

Maule Service Letter No. 21 pertains to this same subject.

This amendment becomes effective March 16, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 2, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71–3553 Filed 3–12–71;8:49 am]

[Airworthiness Docket No. 71–WE–7–AD; Amdt. 39–1171]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

There has been leakage in the potable water system and/or waste water system malfunction which could result in ice formation and restriction of the aileron cables. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require sealing of the floor beam and the elbow retaining nut of the potable water system pressurization line bulkhead elbow after inspection of the elbow to protect the aileron control cables on Boeing 747 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good

[1] The Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., and copies may be obtained by addressing a request to the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive.

BOEING. Applies to Boeing Model 747 series airplanes certificated in all categories.

Compliance required as indicated.

To prevent possible restriction of the aileron cables due to ice accumulation, accomplish the following:

Within the next 300 hours' time in service after the effective date of this AD, unless already accomplished, seal the floor beam at LBL 57.50 and apply sealant around the elbow retaining nut of the potable water system pressurization line bulkhead elbow after a check of the elbow for proper installation, per Boeing Service Bulletin 27-2049, Revision 1, dated February 19, 1971, or later FAA-approved revision, or an equivalent procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective April 3, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 3, 1971.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[FR Doc.71-3554 Filed 3-12-71;8:49 am]

[Airspace Docket No. 70-PC-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On December 30, 1970, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (35 F.R. 19796) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kwajalein Island, Marshall Islands control zone.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055) the Kwajalein Island Control Zone is amended to read as follows:

KWAJALEIN ISLAND, MARSHALL ISLANDS

Within a 5-mile radius of the Bucholz AAF (lat. 08°43'32" N., long. 167°44'03" E.); within 2.5 miles each side of the Kwajalein TACAN 248° radial, extending from the 5-mile radius zone to 6 miles west of the TACAN; and within 3.5 miles each side of the 078° bearing from the Kwajalein RBN, extending from the 5-mile radius zone to 11 miles east of the RBN.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854, 24 F.R. 9565, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 5, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3556 Filed 3-12-71;8:49 am]

[Airspace Docket No. 71-SO-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Federal Airway Segments; Correction

On February 20, 1971, F.R. Doc. 71-2353 was published in the FEDERAL REGISTER (36 F.R. 3262) effective April 29, 1971.

This document amended Part 71 of the Federal Aviation Regulations, in part, by realigning VOR Federal airway No. 49. In the realignment of this airway segment, reference was made to Birmingham, Tenn., whereas it should have referred to Birmingham, Ala. Accordingly, action is taken herein to correct this typographical error.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon is unnecessary.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, F.R. Doc. 71-2353 is amended as hereinafter set forth.

In Item a. "Birmingham, Tenn.;" is deleted and "Birmingham, Ala.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 9, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3557 Filed 3-12-71;8:49 am]

[Airspace Docket No. 70-WE-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Restricted Area and Jet Routes, Revocation of Restricted Area, and Alteration of Continental Control Area

On February 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1911) stating that the Federal Aviation Administration was considering amendments to Parts 71, 73, and 75 of the Federal Aviation Regulations that would designate a restricted area, revoke a restricted area, designate two jet routes and alter the Continental Control Area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71, 73, and 75 of the Federal Aviation Regulations are amended as hereinafter set forth.

1. Effective 0901 G.m.t., April 15, 1971, Parts 71 and 73 are amended as follows:

a. In § 71.151 (35 F.R. 2043 and 36 F.R. 2045) "R-6411 Hanksville, Utah" is deleted and "R-6413 Green River, Utah" is added.

b. In § 73.64 (30 F.R. 4534 and 36 F.R. 2360) the Hanksville, Utah, Restricted Area, R-6411, is revoked, and the Green River, Utah, Restricted Area is designated as follows:

R-6413 GREEN RIVER, UTAH

Boundaries. Beginning at latitude 38°57'-00" N., longitude 110°09'40" W.; thence to latitude 38°46'03" N., longitude 110°06'00" W.; to latitude 38°31'30" N., longitude 109°-57'00" W.; to latitude 38°31'30" N., longitude 109°51'00" W.; to latitude 38°33'27" N., longitude 109°46'00" W.; to latitude 38°49'15" N., longitude 109°57'02" W.; to latitude 38°-58'02" N., longitude 110°05'33" W.; thence to point of beginning.

Designated altitudes: Surfaced to unlimited.

Time of designation: From April 15, 1971, to June 30, 1971, unless canceled sooner by Notices to Airmen. All subsequent firing periods would be designated by a rule published in the FEDERAL REGISTER.

Controlling agency: Federal Aviation Administration, Denver ARTC Center.

Using agency: Air Force Special Weapons Center, Air Force Systems Command, Kirtland AFB, N. Mex.

2. Effective April 29, 1971, § 75.100 (36 F.R. 2371) is amended by designating two jet routes as follows:

a. Jet Route No. 130 (Wilson Creek, Nev., to Grand Junction, Colo.) From Wilson Creek, Nev., via INT Wilson Creek 067° and Grand Junction, Colo., 274° radials to Grand Junction.

b. Jet Route No. 164 (Bryce Canyon, Utah, to Grand Junction, Colo.) From Bryce Canyon, Utah, via INT Bryce Canyon 090° and Grand Junction, Colo., 232° radials to Grand Junction.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 10, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3568 Filed 3-12-71;8:50 am]

[Docket No. 10901; Amdt. No. 746]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective April 8, 1971.

Decatur, Ala.—Pryor Field; VOR Runway 18, Amdt. 5; Revised.
Galeton, Pa.—Cherry Springs Airport; VOR-A, Amdt. 3; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 31, Amdt. 7; Revised.
Huntsville, Ala.—Huntsville-Madison County Jetport/Carl T. Jones Field; VOR-A, Amdt. 4; Revised.
Huntsville, Ala.—Huntsville-Madison County Jetport/Carl T. Jones Field; VOR-B, Amdt. 3; Revised.
Manchester, N.H.—Grenier Field/Manchester Municipal Airport; VOR Runway 35, Amdt. 6; Revised.
Muscle Shoals, Ala.—Muscle Shoals Airport; VOR Runway 29, Amdt. 20; Revised.
New Castle, Pa.—New Castle Municipal Airport; VOR Runway 4, Orig.; Established.
New Castle, Pa.—New Castle Municipal Airport; VOR Runway 22, Orig.; Established.
Pine Mountain, Ga.—Gardens-Harris County Airport; VOR-A, Amdt. 1; Revised.
Wilmington, N.C.—New Hanover County Airport; VOR-1, Amdt. 7; Canceled.

Manchester, N.H.—Grenier Field/Manchester Municipal Airport; VOR/DME Runway 17, Amdt. 4; Revised.
Muscle Shoals, Ala.—Muscle Shoals Airport; VOR/DME Runway 11, Orig.; Established.
Wilmington, N.C.—New Hanover County Airport; VORTAC-A Orig.; Established.

2. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective April 8, 1971.

Dothan, Ala.—Dothan Airport; LOC Runway 31, Orig.; Established.
Huntsville, Ala.—Huntsville-Madison County Jetport/Carl T. Jones Field; LOC (BC) Runway 36L, Amdt. 5; Revised.
Muscle Shoals, Ala.—Muscle Shoals Airport; LOC Runway 29, Orig.; Established.

3. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective April 8, 1971.

Barnwell, S.C.—Barnwell County Airport; NDB-A, Amdt. 1; Revised.
Huntsville, Ala.—Huntsville Madison County Jetport/Carl T. Jones Field; NDB Runway 18R, Amdt. 6; Revised.
Manassas, Va.—Manassas Municipal (Harry P. Davis Field); NDB-A, Amdt. 2; Revised.
Manchester, N.H.—Grenier Field/Manchester Municipal Airport; NDB Runway 35, Amdt. 4; Revised.
New York, N.Y.—LaGuardia Airport; NDB Runway 4, Amdt. 31; Revised.
New York, N.Y.—LaGuardia Airport; NDB Runway 22, Amdt. 5; Revised.
Pine Mountain, Ga.—Gardens-Harris County Airport; NDB Runway 9, Amdt. 3; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 4, 1971.

Anchorage, Alaska.—Anchorage International Airport; ILS Runway 6L, Amdt. 18; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective April 8, 1971.

Augusta, Ga.—Bush Field; ILS Runway 35, Amdt. 16; Revised.
Huntsville, Ala.—Huntsville-Madison County Jetport/Carl T. Jones Field; ILS Runway 18R, Amdt. 8; Revised.
Manchester, N.H.—Grenier Field/Manchester Municipal Airport; ILS Runway 35, Amdt. 3; Revised.

6. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective April 8, 1971.

Decatur, Ala.—Pryor Field; Radar-1, Orig.; Established.
Huntsville, Ala.—Huntsville-Madison County Jetport/Carl T. Jones Field; Radar-1, Orig.; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 4, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporated by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-3473 Filed 3-12-71;8:45 am]

[Docket No. 10905; Amdt. No. 127-24]

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

Clarification of Proving Test Requirements

The purpose of this amendment of § 127.73 of the Federal Aviation Regulations is to clarify the requirement that proving tests be performed under the observation of the Administrator.

Section 127.73 now states that in addition to aircraft certification tests, an aircraft must have a set minimum number of proving test hours under the observation of the Administrator before an air carrier may operate the aircraft. The present wording of this section, read in light of the preamble to Amendment 127-8 (issued on July 12, 1968, and published in the FEDERAL REGISTER on July 19, 1968 (33 F.R. 10329)), indicates that an FAA inspector must be on board the aircraft before the flight hours can be credited toward the proving test requirement.

However, prior to Amendment 127-8, the FAA did not actually observe every flight. In the usual proving test procedure, an operator proposing to conduct a proving test submits a program detailing the tests and procedures to be demonstrated. The inspector then reviews the program for compliance with appropriate requirements and meets with the operator's personnel to discuss establishment of a proving test program.

The nature of the factors to be evaluated govern the demonstrations comprising each program. In the case of a helicopter not before proven, the tests are primarily required to demonstrate helicopter reliability, while in the case of a helicopter having substantial air carrier service, but new to the operator concerned, the proving tests are essentially a demonstration of the operator's competence to handle the helicopter. In either event, the tests are conducted in accordance with a program submitted by the air carrier and acceptable to the Administrator. Under this procedure an FAA inspector determines which tests require his presence on board the helicopter as an observer in order for them to be acceptable to the Administrator, as well as those tests which are acceptable without being observed by the FAA.

Therefore, § 127.73 is being amended to delete the requirement that all proving flights must be observed by the Administrator, thereby making it possible for the FAA to administer the rule in a manner consistent with established procedures. To accomplish this, the words "acceptable to the Administrator" have been substituted for the words "under the Administrator's observation" in all places where they appear in the rule.

Amendment 127-8 inadvertently omitted the word "unnecessary" after the word "compliance" in § 127.73(b)(2). This amendment corrects that omission.

Since this amendment is clarifying in nature and does not impose a burden on the public, I find that notice and public procedure thereon are unnecessary and that the amendment may become effective on less than 30 days notice.

In consideration of the foregoing, § 127.73 of the Federal Aviation Regulations is amended, effective March 13, 1971, as follows:

1. By striking out the words "under the Administrator's observation" in paragraph (a) and inserting the words "acceptable to the Administrator" in place thereof.

2. By striking out the words "as determined by the Administrator" in paragraph (a).

3. By amending subparagraphs (b)(1) and (2) to read as follows:

§ 127.73 Proving tests.

* * * * *

(b) * * *

(1) The aircraft has had at least 50 hours of tests acceptable to the Administrator, including a representative number flights into en route heliports; or

(2) The Administrator specifically authorizes deviations when special circumstances make full compliance unnecessary in a particular case.

* * * * *

(Sec. 313(a), 601, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 5, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-3555 Filed 3-12-71;8:49 am]

Chapter III—National Transportation Safety Board

[NTSB Reg. PR-2 Amdt. 4]

PART 430—RULES PERTAINING TO THE NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS, INCIDENTS, AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

Miscellaneous Amendments

Concurrently herewith, Part 431 of the Board's regulations is being revised to consolidate into a single regulation all of the Board's procedures governing the conduct of aircraft accident inquiries. Since some of the provisions being incorporated into revised Part 431 derive from current Part 430, it is necessary to also revise the latter regulation to coordinate the transfer. The provisions being transferred from current Part 430 pertain to the investigation itself, and include §§ 430.11, 430.20, and 430.25. Accordingly, the revision to Part 430 involves the deletion of these sections, plus amendments to the table of contents and the "Applicability" section to reflect said deletions. In addition, the title is revised to be more descriptive of the contents of new Part 430.

Since the revision effected herein is procedural in nature, notice and public procedure thereon are unnecessary. Accordingly, the National Transportation Safety Board hereby amends Part 430 of its regulations as follows, effective 30 days after publication in the FEDERAL REGISTER:

1. The title of Part 430 is amended to read as set forth above.

2. Section 430.1 is amended by revising paragraph (b) and deleting paragraph (c):

§ 430.1 Applicability.

* * * * *

(b) Preservation of aircraft wreckage, mail, cargo, and records involving all civil aircraft in the United States, its territories or possessions.

(c) [Deleted]

3. The heading of Subpart C is revised to read, "Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records."

4. In § 430.10(a), the reference to "§ 430.11" is changed to "§ 431.14."

5. Section 430.11 is deleted.

6. Subpart E (§§ 430.20 and 430.25) is deleted.

(Sec. 5 (b) and (k) of the Department of Transportation Act of 1966, 80 Stat. 935, 49 U.S.C. 1954)

By the National Transportation Safety Board.

[SEAL] JOHN H. REED,
Chairman.

MARCH 3, 1971.

[FR Doc.71-3522 Filed 3-12-71;8:46 am]

[NTSB Reg. PR-3, Amdt. 1]

PART 431—RULES OF PRACTICE IN AIRCRAFT ACCIDENT INQUIRIES

At the present time, the Board's procedures with respect to aircraft accident inquiries (including hearings) are set forth in two regulations, Parts 430 and 431. The revision effectuated herein is designed to incorporate into Part 431 those provisions of Part 430 which pertain to the inquiry itself rather than to notification and reporting of accidents, and to preservation of wreckage.[1] In addition, Part 431 is being expanded to include provisions governing the field investigation and report phases of an inquiry which are not currently contained in any regulation. It should be emphasized, however, that these new regulatory provisions do not prescribe new procedures, but merely codify procedures which the Board has followed for some time.

In sum, the purpose of revised Part 431 is to consolidate into a single regulation, the Safety Board's rules of practice in the conduct of aircraft accident inquiries.[2] Thus, the regulation outlines the procedure followed in all stages of an inquiry, from the time a Board representative takes custody of the wreckage, through the field investigation and public hearing (if one is held), and until the Board's report is ultimately issued.

In terms of structure, the revised regulation has been divided into five subparts. The first contains background materials as well as provisions which apply to an inquiry generally rather than to any particular phase thereof. The succeeding three subparts pertain to the different phases of an inquiry—namely, the field investigation, the hearing, and the Board's report. The fifth and final subpart deals with the public record of the inquiry.

Since its inception in 1967, the Board has received a number of suggestions from a variety of sources recommending changes in the Board's procedures, particularly with respect to those provisions governing participation of parties in field investigations, hearings, and preparation of reports. After carefully examining these recommendations, the Board has concluded that the current procedures, as codified herein, provide for a degree of party participation which assures the effective utilization of all qualified non-Board personnel, promotes the overall efficiency of the inquiry, and remains consistent with our statutory mandate.

There is set forth below a summary of the provisions of revised Part 431, with particular emphasis on those procedures which constitute an amendment of, or addition to, practices contained in current regulations.

General provisions. Section 431.1 describes the scope of the regulation, while § 431.2 sets forth the responsibility of the Board with respect to aircraft accident inquiries. Section 431.3 defines the authority of the Director, Bureau of Aviation Safety; to order inquiries, special studies, and investigations. This section was derived from § 430.25, which has been altered only to remove those aspects of the Director's authority also set forth in other regulations and to limit the authority in § 431.3 to the Director, rather than also including the Deputy Director, to accord with § 400.25. Section 431.4 delineates the role and authority of the Accident Inquiry Manager in the overall direction of the inquiry. Section 431.5 describes the nature of an inquiry. The traditional restriction on party representation (i.e., against persons also representing claimants or insurers) is expanded from the hearing phase to also include field investigations, and the role of the Federal Aviation Administration as a party is specified (§ 431.6). Section 431.7, concerning requests to withhold information, is derived from current § 431.24. Section 431.8 sets forth the right of a witness to be represented while being interrogated during any phase of the inquiry. Section 431.9 is new and extends to all accident inquiries the right to submit recommendations to the Board prior to its determination of probable cause.

Field investigation. Section 431.10 delineates the scope of the field investigation, and § 431.11 describes the authority of the Investigator-in-Charge. The provision summarizing the authority of Board representatives (§ 431.12), as well as the provision governing access to and release of wreckage (§ 431.14), have been taken intact from Part 430. Section 431.13 sets forth the basis upon which parties will be designated to participate in the field investigation. Finally, § 431.15 outlines the manner in which accident information will be released to the public and disseminated within the investigative team.

Public hearings. The provisions of this section are largely taken intact from current Part 431, with the following noteworthy exceptions:

1. The determination to hold a hearing will be made by the Chairman, NTSB, rather than by the Director, Bureau of Aviation Safety. (§ 431.21)

2. If the Board Member who is acting as Chairman of the Board of Inquiry should be absent, his designee will act in his place, and not automatically the Hearing Officer. (§ 431.22)

3. Designation of parties to the hearing will be accomplished by the Chairman of the Board of Inquiry. (§ 431.27(a))

4. The fact that an organization has an employee, function, activity, or product involved in the accident will no longer, by itself, qualify that organization as a party to the hearing. Rather, parties to the hearing will be designated from those organizations which have participated in the field investigation or whose special knowledge and aeronautical skills will contribute to the development of pertinent evidence. However, participation as a party to the field investigation will not automatically warrant designation as party to the hearing. (§ 431.27(a))

5. Recommendations by interested persons may be submitted within the time specified by the presiding officer at the close of the hearing (versus 30 days after the hearing under the current procedure) and a copy of recommendations submitted by a party to the hearing shall be served on the remaining parties. (§ 431.31)

Board report. Section 431.35 briefly describes the Board aircraft accident reports, detailed narrative and otherwise, and the circumstances under which they will be issued. Section 431.36 sets forth the procedures governing petitions for reconsideration or modification of the Board's findings.

Public record. Section 431.40 describes the contents of the docket, along with when and how it becomes available to the public. Section 431.41, which is taken intact from the current regulation, provides that inquiries are always kept open, for the submission of new and pertinent evidence.

CROSS REFERENCE OF REVISION OF PART 431 TO FORMER PARTS 430 AND 431

GENERAL PROVISIONS

New	*Former regulation*
431.1	New
431.2	New
431.3	430.25
431.4	New
431.5	New
431.6	431.16(b)
431.7	431.24
431.8	New
431.9	New

FIELD INVESTIGATION

431.10	New
431.11	New
431.12	430.20
431.13	New
431.14	430.11
431.15	New

PUBLIC HEARINGS

431.20	431.2
431.21	431.5
431.22	431.9
431.23	431.15
431.24	431.6
431.25	431.8
431.26	431.7
431.27	431.16
431.28	431.17
431.29	431.18
431.30	431.19
431.31	431.20
431.32	431.21

BOARD REPORT

431.35	New
431.36	New

PUBLIC RECORD

431.40	431.22
431.41	431.23

Since the revision effected herein is procedural in nature, notice and public procedure thereon are unnecessary. Accordingly, the National Transportation Safety Board hereby revises Part 431 of its regulations (14 CFR 431) to read as follows, effective 30 days after publication in the FEDERAL REGISTER.

GENERAL PROVISIONS

Sec.
431.1 Applicability of part.
431.2 Responsibility of Board.
431.3 Authority of Director.
431.4 Accident Inquiry Manager.
431.5 Nature of inquiry.
431.6 Parties to field investigations and parties to hearings.
431.7 Request to withhold information.
431.8 Right of representation.
431.9 Recommendations.

FIELD INVESTIGATION

431.10 Scope of field investigation.
431.11 Investigator-in-Charge.
431.12 Authority of Board representatives.
431.13 Parties to the field investigation.
431.14 Access to and release of aircraft wreckage, records, mail, and cargo.
431.15 Flow and dissemination of accident information.

PUBLIC HEARINGS

431.20 Nature of hearing.
431.21 Determination to hold hearing.
431.22 Board of Inquiry.
431.23 Powers of Chairman of Board of Inquiry.
431.24 Hearing Officer.
431.25 Technical Panel.
431.26 Notice of hearing.
431.27 Parties to the hearing.
431.28 Prehearing conference.
431.29 Examination of witnesses.
431.30 Evidence.
431.31 Recommendations to the Board.
431.32 Stenographic transcript.

BOARD REPORT

431.35 Aircraft accident report.
431.36 Request for reconsideration or modification.

PUBLIC RECORD

431.40 Public docket.
431.41 Inquiry to remain open.

AUTHORITY: The provisions of this Part 431 issued under 72 Stat. 781, et seq., 49 U.S.C. 1441, et seq., and sec. 5, 80 Stat. 931, et seq., 49 U.S.C. 1651, et seq. Interpret or apply secs. 5, 6(d), and 12, 80 Stat. 931, et seq., 49 U.S.C. 1651 et seq., and secs. 407, 701, 1004, and 1104, 72 Stat. 737, et seq., 49 U.S.C. 1301, et seq.

GENERAL PROVISIONS

§ 431.1 Applicability of part.

Unless otherwise specifically ordered by the Safety Board, the provisions of this part shall govern all aircraft accident inquiries, including the field investigation, public hearing, and report phases thereof, conducted under the authority of title VII of the Federal Aviation Act of 1958, as amended, and section 5 of the Department of Transportation Act of 1966.

§ 431.2 Responsibility of Board.

(a) The Safety Board is solely responsible for the inquiries into all accidents involving civil aircraft, or civil and military aircraft, within the United States, its possessions and territories. It is also responsible for inquiries into those accidents involving U.S. civil aircraft, or civil and military aircraft, which occur outside the United States, its territories and possessions to the extent such inquiries are permitted by international policy and agreements.

(b) The organization, conduct, and control of all accident inquiries within the Board's jurisdiction shall be solely the responsibility of the Board. Certain field investigations are conducted by the Federal Aviation Administration acting under authority delegated by the Board (see § 400.45 of this chapter),[1] however, determination of the probable cause of such accidents shall be made by the Board. Under no circumstances shall inquiries conducted by the Board be considered joint inquiries in the sense of sharing responsibility. However, in the case of accidents involving civil aircraft

[1] See document amending Part 430, printed concurrently in this issue of the FEDERAL REGISTER.

[2] In accord with Annex 13 to the Convention on International Civil Aviation, the term "inquiry," rather than "investigation," is utilized in the regulation when referring to the entire process leading to determination of the probable cause of an aircraft accident.

[1] The authority of a representative of the Federal Aviation Administration during the field investigation of a delegated accident shall be the same as that of a Board investigator under this part.

of U.S. registry or manufacture where the foreign state is not bound by the provisions of Annex 13 to the Chicago Convention of ICAO, the conduct of the inquiry shall be controlled by any agreement entered into between the United States and the foreign state.

§ 431.3 Authority of Director.

The Director, Bureau of Aviation Safety, subject to the provisions of § 431.2, shall have the authority: (a) To order an inquiry into any accident involving a civil aircraft; (b) to order a special study or investigation on matters pertaining to safety in air navigation; and (c) to designate an Accident Inquiry Manager, when considered appropriate in view of the nature of the accident, and a Hearing Officer and Technical Panel, when a public hearing has been ordered.

§ 431.4 Accident Inquiry Manager.

The Accident Inquiry Manager is the Bureau of Aviation Safety project manager responsible for the overall direction of inquiries into major aircraft accidents (catastrophic air carrier accidents or other accidents involving unique public or official attention). Such inquiries will be conducted by a team of Washington-based and/or field office personnel, may include a public hearing, and will be culminated by the issuance of a detailed narrative accident report.

§ 431.5 Nature of inquiry.

Aircraft accident inquiries are conducted by the Board in order to determine the facts, conditions, and circumstances relating to each accident and the probable cause thereof and to ascertain measures which will best tend to prevent similar accidents in the future. The inquiry is the overall process leading to causal determination and shall include the field investigation, report preparation, and, where ordered, the public hearing.

§ 431.6 Parties to field investigations and parties to hearings.

(a) No party to the field investigation designated under § 431.13 or party to the hearing phase of an accident inquiry designated under § 431.27, shall be represented by any person who also represents claimants or insurers. Failure to comply with this provision shall result in loss of status as a party.

(b) Section 701(g) of the Federal Aviation Act of 1958 provides for the appropriate participation of the Administrator in Board investigations. Thus, the FAA will normally be a party to field investigations and a party to hearings conducted under this subpart and have the same rights and privileges and be subject to the same limitations as other parties.

§ 431.7 Request to withhold information.

Any person may make written objection to the public disclosure of information contained in any report or document filed, or of information obtained by the Board, pursuant to this part or the provisions of the Federal Aviation Act of 1958 or the Department of Transportation Act of 1966, stating the grounds for such objection. The Board, on its own motion or whenever such objection is made, shall order such information withheld from public disclosure when, in its judgment, a disclosure of such information would adversely affect the interests of any person and is not required in the interest of the public.

§ 431.8 Right of representation.

Any person interrogated by an authorized representative of the Board during the field investigation, or who appears to testify at a public hearing, shall be accorded the right to be accompanied, represented, or advised by counsel or by any other duly qualified representative.

§ 431.9 Recommendations.

In any accident inquiry under this subpart, any person, government agency, company, or association whose employees, functions, activities or products were involved in the accident may submit to the Board, prior to its determination of probable cause, recommendations as to the proper conclusion to be drawn from the evidence produced during the course of the accident inquiry.

FIELD INVESTIGATION

§ 431.10 Scope of field investigation.

The field investigation consists of all factfinding activities exclusive of those associated with the hearing and report phases of the inquiry or special studies conducted in connection with the inquiry.

§ 431.11 Investigator-in-Charge.

The designated Investigator-in-Charge is authorized to organize, conduct, and control the on-site investigation. He shall assume responsibility for the supervision and coordination of all resources and of the activities of all personnel, both Board and non-Board, involved in the on-site investigation.

§ 431.12 Authority of Board representatives.

Upon demand of an authorized representative of the Board and presentation of credentials issued to such representative, any government agency, air carrier, airman, or person engaged in air commerce or in any phase of aeronautics, and any other person having possession or control of any aircraft, aircraft engine, propeller, appliance, air navigation facility, equipment, or any pertinent records and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept, shall forthwith permit inspection, photographing, or copying thereof by such authorized representative for the purpose of investigating an aircraft accident, overdue aircraft, study, or investigation pertaining to safety in air navigation or the prevention of accidents. Authorized representatives of the Board may interrogate any person having knowledge relevant to an aircraft accident, overdue aircraft, study, or investigation.

§ 431.13 Parties to the field investigation.

(a) The Investigator-in-Charge may, on behalf of the Director, Bureau of Aviation Safety, designate parties to participate in the field investigation. Parties to the field investigation shall include those persons, Government agencies, companies and associations whose employees, functions, activities, or products were involved in the accident and who can provide suitably qualified personnel who will actively assist in the field investigation.

(b) Participants in the field investigation shall be responsive to the direction of the appropriate Board representative and may be relieved from participation if they do not comply with their assigned duties or if they conduct themselves in a manner prejudicial to the investigation.

§ 431.14 Access to and release of aircraft wreckage, records, mail, and cargo.

(a) Only the Board's accident investigation personnel and persons authorized by the Investigator-in-Charge or the Director, Bureau of Aviation Safety, to participate in any particular investigation, examination or testing shall be permitted access to aircraft wreckage, records, mail, or cargo which is in the Board's custody.

(b) Aircraft wreckage, records, mail, and cargo in the Board's custody shall be released by an authorized representative of the Board when it is determined that the Board has no further need of such wreckage, mail, cargo, or records.

§ 431.15 Flow and dissemination of accident information.

(a) Release of information during the field investigation, particularly at the accident scene, will be limited to factual developments, and will be made only through the Board member present at the accident scene, the Office of Public Affairs representative, or the Investigator-in-Charge.

(b) All information concerning the accident obtained by any personnel participating in the field investigation shall be passed to the Investigator-in-Charge through appropriate channels. Upon approval of the Investigator-in-Charge, parties to the investigation may relay to their respective organization information which is necessary for purposes of prevention or remedial action. Under no circumstances should accident information be released to, or discussed with, unauthorized persons whose knowledge thereof might adversely affect the investigation.

PUBLIC HEARINGS

§ 431.20 Nature of hearing.

A public hearing may be held by the Board following the field investigation for the purpose of creating a public record of the facts, conditions, and circumstances relating to the accident. Such hearings are purely factfinding proceedings, and there are no formal pleadings or issues and no adverse parties. Aircraft accident hearings are not

adjudicatory hearings and therefore are not subject to the provisions of the Administrative Procedure Act.

§ 431.21 Determination to hold hearing.

The Chairman, National Transportation Safety Board, or his designee, may order a hearing as part of an accident inquiry whenever he deems it necessary in the public interest.

§ 431.22 Board of Inquiry.

The Board of Inquiry shall consist of a Member of the Board who, when present, will be Chairman of the Board of Inquiry, the Hearing Officer, the Director of the Bureau of Aviation Safety or his designee, and the General Counsel or his designee. In the absence of the Chairman, a Member of the Board of Inquiry designated by him shall act as chairman. It shall be the duty of the Board of Inquiry to secure in the form of a public record all known facts pertaining to the accident and surrounding circumstances and conditions from which probable cause may be determined and recommendations of corrective action formulated.

§ 431.23 Powers of Chairman of Board of Inquiry.

The Board Member acting as Chairman of the Board of Inquiry, or, in the absence of the Board Member, his designee, shall have the following powers as the presiding officer:

(a) To designate parties to the hearing and to revoke such designations;

(b) To open, continue, or adjourn the hearing;

(c) To determine the admissibility of and to receive evidence and to regulate the course of the hearing;

(d) To dispose of procedural requests or similar matters; and

(e) To take any other action necessary or incident to the orderly conduct of the hearing.

§ 431.24 Hearing Officer.

The Hearing Officer, upon designation by the Director, Bureau of Aviation Safety, shall have the following powers:

(a) To give notice concerning the time and place of hearing;

(b) To administer oaths and affirmations to witnesses; and

(c) To issue subpenas requiring the attendance and testimony of witnesses and the production of documents.

§ 431.25 Technical Panel.

The Director, Bureau of Aviation Safety, shall designate members of the Board's Technical Panel who shall participate in the hearing in order to develop the testimony of the witnesses.

§ 431.26 Notice of hearing.

The Hearing Officer shall designate a time and place for the hearing which meets the needs of the Board and gives due consideration to the convenience of the witnesses. The time and place of the hearing shall be published in the Notices Section of the FEDERAL REGISTER prior to the date of the hearing, unless such notice is impractical or unnecessary.[3]

§ 431.27 Parties to the hearing.

(a) The Chairman of the Board of Inquiry may designate parties to the hearing from among those persons, Government agencies, companies, and associations who participated in the field investigation or whose special knowledge and aeronautical skills will contribute to the development of pertinent evidence. Participation as party to the field investigation shall not automatically qualify a person, agency, company, or association as a party to the hearing.

(b) Prior to the prehearing conference, provided by § 431.28, the parties to the hearing will be furnished copies of the available exhibits to be offered in evidence at the hearing, a list of the witnesses to be examined at the hearing and a statement of the areas in which each witness will be examined. At a time specified by the Hearing Officer prior to the prehearing conference, the parties may request of the Hearing Officer any amendment, correction, or addition to the exhibits that they propose be made or furnish such officer with copies of additional exhibits they proposed to have in the record, as well as a list of any additional witnesses they propose to examine and a statement of the areas in which they propose to examine such witnesses.

(c) A party who has failed to request the Hearing Officer to amend or correct proposed exhibits, or to advise him of additional exhibits he proposes to offer in evidence, or additional witnesses he proposes to examine, as required by § 431.27(b), will be precluded from having such evidence or testimony introduced at the hearing unless the presiding officer determines that for good cause shown such evidence or testimony should be admitted.

§ 431.28 Prehearing conference.

The Chairman of the Board of Inquiry or his designee will hold a prehearing conference with the Board of Inquiry, the parties to the hearing, and the Technical Panel at a convenient time and place prior to the hearing. At such conference, the conferees will review the witnesses to be called at the hearing, the areas in which they will be examined and the exhibits to which the witnesses will be referred during their examination. Parties will be precluded during the hearing from exceeding the scope of inquiry delineated for each witness at the prehearing conference, unless permission to do so is granted by the Chairman of the Board of Inquiry.

[3] The Board ordinarily gives personal notice to all known interested persons and also publicizes the hearing by a press release to aviation trade journals and local newspapers near the scene of the accident.

§ 431.29 Examination of witnesses.

(a) Each witness will be initially examined by the Technical Panel, following which the parties to the hearing will be given an opportunity to question the witness.

(b) Materiality, relevancy, and competency of witnesses' testimony, exhibits, or physical evidence will not be the subject of legal objections for record purposes by a party to the hearing or any other person. However, parties may bring to the attention of the presiding officer any line of questioning which lies outside of the designated area for questioning or which is clearly irrelevant, immaterial, or incompetent. Such matters will be controlled by rulings of the officer presiding on his own motion, or on request of any party to the hearing. If the examination of a witness by a party to the hearing is interrupted by a ruling of the officer presiding, opportunity will be given to show materiality, relevancy, or competency of the testimony sought to be elicited from the witness.

§ 431.30 Evidence.

The officer presiding shall receive all evidence which might be of aid in determining the cause of the accident. He may exclude any testimony or exhibits which are not pertinent to the inquiry or which are merely cumulative, as well as evidence which a party is precluded from introducing by § 431.27 or § 431.28, unless he determines that for good cause shown such evidence should be admitted.

§ 431.31 Recommendations to the Board.

Any person, particularly parties to the field investigation and parties to the hearing, may submit recommendations as to the proper conclusions to be drawn from the testimony and exhibits submitted at the hearing. Fifteen (15) copies of such recommendations shall be submitted within the time specified by the presiding officer at the close of the hearing, and shall be made a part of the docket. Copies of recommendations submitted to the Board by a party to the hearing shall be served upon each of the remaining parties to the hearing. The specified period for submitting recommendations will be extended by the Chairman of the Board of Inquiry only if he deems it necessary in the public interest.

§ 431.32 Stenographic transcript.

A verbatim transcript of the hearing shall be taken. Copies of the transcript may be obtained from the official reporter upon payment of the fees fixed therefor.

BOARD REPORT

§ 431.35 Aircraft accident report.

(a) The Board will issue a detailed narrative accident report in connection with the inquiry into those aircraft accidents which the Board determines to warrant such a report. The report will

set forth the facts, conditions, and circumstances relating to the accident and the probable cause thereof, along with any appropriate recommendations formulated on the basis of the inquiry,

(b) The probable cause and facts, conditions, and circumstances of all other aircraft accidents will be reported in a manner and form prescribed by the Board.

§ 431.36 Requests for reconsideration or modification.

(a) Requests for reconsideration or modification of the Board's determination of probable cause by parties to an investigation or hearing or other persons having a direct interest in the accident inquiry will be entertained only if based on the discovery of new evidence or on a showing that the Board's findings, as to the facts, conditions, and circumstances of the accident, are erroneous. Such requests shall be in writing. Requests which are repetitious of recommendations made pursuant to § 431.9 or § 431.31, or of positions previously advanced, and requests by parties to the hearing who fail to submit recommendations pursuant to § 431.31, will not be entertained. Any such requests based on the discovery of new matter shall identify the new matter; shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation of why such substantiation is unavailable; and shall state why such new matter was not available prior to the Board's adoption of its findings. Requests based on erroneous findings shall set forth in detail the grounds relied upon.

(b) If a request for reconsideration or modification is filed by a party to a hearing, designated under § 431.27, copies of such request along with any supporting documentation shall be served on all other parties similarly designated.

PUBLIC RECORD

§ 431.40 Public docket.

(a) The public docket shall include all factual information concerning the accident except information which the Board has ordered withheld from public disclosure pursuant to § 431.7. With respect to an inquiry which includes a hearing, the docket shall contain the transcript of hearing, exhibits, and all other factual information. Recommendations submitted pursuant to § 431.9 or § 431.31 by interested persons, and requests for reconsideration and modification submitted pursuant to § 431.36, and the Board's rulings thereon, shall be placed in the public docket.

(b) The docket shall be established as soon as practicable following the accident and material shall be added thereto as it becomes available. Where a hearing is held, the exhibits will be introduced into the record at the hearing.

(c) A copy of the docket shall be made available to any person for review at the Washington office of the Safety Board. Copies of the material in the docket may be obtained from the Documents Branch of the Board upon payment of the cost of reproduction.

§ 431.41 Inquiry to remain open.

Accident inquiries are never officially closed but are kept open for the submission of new and pertinent evidence by any interested person. If the Board finds that such evidence is relevant and probative, it shall be made a part of the docket and, where appropriate, parties will be given an opportunity to examine such evidence and to comment thereon unless the Board orders it to be withheld from public disclosure.

By the National Transportation Safety Board.

[SEAL] JOHN H. REED, *Chairman.*

MARCH 3, 1971.

[FR Doc.71-3523 Filed 3-12-71;8:46 am]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 4—PUBLIC INFORMATION

Miscellaneous Amendments

This amendment to Part 4 of Subtitle A of Title 15 of the Code of Federal Regulations reflects the relocation of the centralized facility in the Department of Commerce at which a revised list of participating operating units of the Department make available to the public the materials specified in 5 U.S.C. 552(a)(2), and to which the public may request and obtain identifiable records under 5 U.S.C. 552(a)(3). Citations to applicable Department Orders are also made current.

The provisions of this Part 4 are issued pursuant to 5 U.S.C. 552, 553; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950; other authorities vested by law in the Secretary of Commerce applicable to the dissemination of records and other information of the Department, including charges therefor; and Department Administrative Order 205-12 (formerly Department Order 64) 32 F.R. 9734, July 4, 1967, as amended 35 F.R. 6601, April 24, 1970.

Part 4 of Subtitle A of Title 15 of the Code of Federal Regulations is amended as follows:

1. Section 4.1 is revised as follows:

§ 4.1 Scope and purpose.

(a) This part contains the rules whereby the materials specified in 5 U.S.C. 552(a)(2), and the identifiable records requested under 5 U.S.C. 552(a)(3), are to be made publicly available by the following organizations in the Department of Commerce and organizations associated with the Department of Commerce:

(1) Organizations in the Department of Commerce:

(i) All components of the Office of the Secretary of Commerce.
(ii) The Office of Business Economics.
(iii) The U.S. Travel Service.
(iv) The National Bureau of Standards.
(v) The Bureau of Domestic Commerce.
(vi) The Bureau of International Commerce.
(vii) The Office of Administration for Domestic and International Business.
(viii) The Office of Export Control, Bureau of International Commerce.
(ix) The Office of Textiles.
(x) The Office of Import Programs.
(xi) The Office of Foreign Direct Investment.
(xii) The Office of Minority Business Enterprise.
(xiii) The Office of Telecommunications.
(xiv) The Office of Product Standards.
(xv) The National Technical Information Service.
(xvi) The National Industrial Pollution Control Council Staff.

(2) Organizations associated with the Department of Commerce:

(i) The President's Cabinet Textile Advisory Committee.
(ii) The Foreign-Trade Zones Board.

* * * * *

2. Section 4.2 is amended to read as follows:

§ 4.2 Policies.

Policies and other factors to be considered in issuing these rules are set forth in Department Administrative Order 205-12 (formerly Department Order 64) 32 F.R. 9734, July 4, 1967 as amended, 35 F.R. 6601, April 24, 1970.

3. Section 4.3(b) is amended to read as follows:

§ 4.3 Definitions.

* * * * *

(b) The terms "Office of the Secretary" and "operating unit" are defined in Department Organization Order 1-1, 35 F.R. 19704, December 29, 1970.

4. In § 4.5, paragraphs (d) and (e) are revised to read as follows:

§ 4.5 Availability of materials for inspection and copying.

* * * * *

(d) The materials described in paragraph (a) of this section may be inspected in the Central Reference and Records Inspection Facility, Room 7043, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, DC 20230. This facility is open to the public Monday through Friday of each week, except on official Federal holidays, between the hours of 8:30 a.m. and 5 p.m. There are no fees or formal requirements for such inspections. Coin-operated equipment for making copies of these materials is available for use by the public.

(e) Correspondence concerning the materials available in the facility should be sent to the above address. The telephone number of the facility is 967-5511; Area Code 202.

5. In §§ 4.7(b), 4.10(c), and 4.11, the term "Department Order 64" is deleted and in lieu thereof the term "Department Administrative Order 205-12" is inserted.

LARRY A. JOBE, *Assistant Secretary for Administration.*

[FR Doc.71-3535 Filed 3-12-71;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148y—METHACYCLINE

Effective on publication in the FEDERAL REGISTER (3-13-71), Part 148y is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

Sec.
148y.1 Methacycline hydrochloride.
148y.2 Methacycline hydrochloride capsules.
148y.3 Methacycline hydrochloride syrup.

AUTHORITY: The provisions of this Part 148y issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148y.1 Methacycline hydrochloride.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Methacycline hydrochloride is the hydrochloride salt of the 6-methylene homolog of oxytetracycline or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 832 micrograms of methacycline per milligram on an "as is" basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 2 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 nor more than 3.0.

(v) Its absorptivity at the absorption maximum of 345 nanometers is 92.4±4 percent of the methacycline standard similarly treated.

(vi) It gives a positive result to the identity test for methacycline hydrochloride.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(ii) Samples of the batch: 10 packages, each containing 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.01*N* methanolic hydrochloric acid (solution 13) to obtain a concentration of 1 milligram of methacycline per milliliter. Further dilute with 0.1*M* potassium phophate buffer, pH 4.5 (solution 4), to the reference concentration of 0.06 microgram of methacycline per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams of methacycline per milliliter.

(5) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve approximately 50 milligrams each of the sample and standard in 100 milliliters of 0.01*N* methanolic hydrochloric acid. Transfer a 10-milliliter aliquot to a 250-milliliter volumetric flask and dilute to volume with 0.01*N* methanolic hydrochloric acid. Using a suitable spectrophotometer and 0.01*N* methanolic hydrochloric acid as the blank, scan the absorption spectrum between the wavelengths of 250 and 400 nanometers. Determine the absorbance of each solution at the maxima, ca. 345 nanometers. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \frac{\text{weight in milligrams of standard}}{\text{potency of standard in micrograms per milligram}}}{\text{Absorbance of standard} \times \text{weight in milligrams of sample} \times 10}$$

(6) *Identity.* The absorption spectrum between the wavelength of 250 and 400 nanometers, determined as directed in subparagraph (5) of this paragraph, compares qualitatively with that of the methacycline standard.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148y.2 Methacycline hydrochloride capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Methacycline hydrochloride capsules are composed of methacycline hydrochloride and one or more suitable and harmless lubricants and diluents enclosed in a gelatin capsule. Each capsule contains methacycline hydrochloride equivalent to either 70 milligrams of methacycline, 140 milligrams of methacycline, or 280 milligrams of methacycline. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of methacycline that it is represented to contain. The moisture content is not more than 5.0 percent. The methacycline hydrochloride used conforms to the standards prescribed by § 148y.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The methacycline hydrochloride used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The methacycline hydrochloride use in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Blend a representative number of capsules in a high-speed glass blender with 0.01*N* methanolic hydrochloric acid (solution 13) and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.06 microgram of methacycline per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148y.3 Methacycline hydrochloride syrup.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Methacycline hydrochloride syrup contains methacycline hydrochloride and one or more suitable and harmless buffers, dispersants, diluents, colorings, flavorings, and preservatives. It contains metacycline hydrochloride equivalent to 14 milligrams of methacycline per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of methacycline that it is represented to contain. Its pH is not less than 6.5 nor more than 8.0. The methacycline hydrochloride used conforms to the standards prescribed by § 148y.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The methacycline hydrochloride used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency and pH.

(ii) Samples required.

(*a*) The methacycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Remove an appropriate

aliquot of the syrup with a suitable syringe and dissolve with 0.01*N* methanolic hydrochloric acid (solution 13). Further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.06 microgram of methacycline per milliliter (estimated).

(2) *pH.* Proceed as directed in § 141.503 of this chapter using the undiluted sample.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 2, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-3512 Filed 3-12-71;8:45 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.634]

PART 51—PASSPORTS

Subpart E—Limitation on Issuance or Extension of Passports

LIMITATION OF PASSPORTS IN EXTRADITION CASES

Section 51.70(a) is amended by adding subparagraph (4) to read as follows:

§ 51.70 **Denial of passports.**

(a) • • •

(4) The applicant is the subject of a request for extradition or provisional arrest for extradition which has been presented to the government of a foreign country.

• • • • •

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 211a, 2658, E.O. 11295; 3 CFR, 1966 Comp.)

Effective date. This revision shall be effective 60 days after publication in the FEDERAL REGISTER.

For the Secretary of State.

BARBARA M. WATSON,

Dated: March 2, 1971.

Administrator, Bureau of Security and Consular Affairs.

[FR Doc.71-3543 Filed 3-12-71;8:48 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

PART 111—REIMBURSEMENT OF THE UTE TRIBE OF THE UINTAH AND OURAY RESERVATION, UTAH

Adjudication of Claims of Former Mixed-Blood Members

MARCH 8, 1971.

This notice is published in the exercise of rule-making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13928). The authority to issue regulations on Indian affairs is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Section 3 of the Act of September 18, 1970 (84 Stat. 843) provides for payment to be made by the Secretary of the Interior, notwithstanding any other provision of law, to those persons whose names appear on the final roll of mixed-blood members that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868), or to their heirs or legatees, under such rules as the Secretary may prescribe. The authority of the Secretary of the Interior under the Act of September 18, 1970 (84 Stat. 843) was delegated to the Commissioner of Indian Affairs in section 30(a)(49) of Secretarial Order 2508, published at page 229 of the January 7, 1971, issue of the FEDERAL REGISTER (36 F.R. 229).

Subchapter J, Chapter I, of Title 25 of the Code of Federal Regulations is amended by adding a new Part 111, Reimbursement of the Ute Tribe of the Uintah and Ouray Reservation, Utah. This new part contains the rules under which payment will be made to former mixed-blood members of the Ute Tribe of the Uintah and Ouray Reservation, Utah.

Since the rules contained in this new part provide the means for conveying benefits on the former mixed-blood members of the Ute Tribe, advance notice and public procedure thereon would delay considerably the conveying of such benefits and has been deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (Supp. V, 1965–69).

Section 3 of the Act of September 18, 1970 (84 Stat. 843) provides that all claims for payment by mixed-bloods shall be filed not later than 3 years from the date of the Act. If the rules contained in this new part were published with a 30-day deferred effective date, it would decrease the amount of time available for former mixed-blood members of the Ute Tribe to file their claims. Therefore, the 30-day deferred effective date is deemed contrary to the public interest and is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (Supp. V, 1965–69).

Subchapter J, Chapter I, of Title 25 of the Code of Federal Regulations is amended by adding a new Part 111, reading as follows:

ADJUDICATION OF CLAIMS OF FORMER MIXED-BLOOD MEMBERS

Sec.
111.1 Definitions.
111.2 Purpose.
111.3 Eligibility for reimbursement.
111.4 Information required from claimant.
111.5 Burden of proof.
111.6 Appeals.
111.7 Action by the Secretary.
111.8 Special instruction.

AUTHORITY: The provisions of this Part 111 issued under sec. 3, 84 Stat. 843.

ADJUDICATION OF CLAIMS OF FORMER MIXED-BLOOD MEMBERS

§ 111.1 **Definitions.**

As used in this part—

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Financial Management Officer" means the Chief of the Division of Financial Management, Post Office Box 127, 500 Gold Avenue SW., Albuquerque, NM 87103.

(d) "Heirs" means those persons entitled to inherit under State law from a person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).

(e) "Legatee" means those persons entitled to personality or reality under a valid will of a person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).

§ 111.2 **Purpose.**

The rules in this part are to govern payment to be made by the Secretary pursuant to section 3 of the Act of September 18, 1970, to those persons whose names appear on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868) or to their heirs or legatees.

§ 111.3 **Eligibility for reimbursement.**

Each person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868) or their heirs or legatees may obtain a copy of the form for Claim for Reimbursement Due as provided by Public Law 91-403, approved September 18, 1970, by request directed to the Financial Management Officer, Bureau of Indian Affairs, Post Office Box 127, 500 Gold Avenue SW., Albuquerque, NM 87103. The completed claim must be filed with the Financial Management Officer at the same address not later than September 18, 1973.

§ 111.4 **Information required from claimant.**

Each Claim for Reimbursement shall contain the following information:

(a) The name and address of the claimant, and if the claimant is a minor or mental incompetent, the name, address, and representative capacity of the person executing the claim on behalf of the minor or mental incompetent.

(b) The roll number if the claimant is an enrollee on the roll of mixed-blood Indians prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).

(c) The name and roll number of the deceased enrollee through which a legatee is claiming and the place and date of the deceased enrollee's death. A certified copy of the decree of distribution or other final order of the probate court should be submitted with the Claim for Reimbursement.

(d) The name and roll number of the deceased enrollee through which an heir is claiming, the place and date of the deceased enrollee's death and the relationship of the claimant to the deceased enrollee accompanied by copies of birth or marriage certificates or other evidence proving the relationship.

§ 111.5 **Burden of proof.**

The burden of proof rests upon the claimant to establish that he or she is entitled to reimbursement as an enrollee, heir, or legatee.

§ 111.6 **Appeals.**

Any person whose claim for reimbursement is rejected may appeal by filing such appeal in writing with the Financial Management Officer not more than thirty (30) days from receipt of the notice of rejection. The claimant must submit with his appeal any supporting data not previously furnished. When upon review of the evidence submitted by the appellant, the Financial Management Officer is satisfied that the claimant has established his right for reimbursement, the appellant shall be so notified. In any case where the Financial Management Officer determines the claimant ineligible, the Financial Management Officer shall forward the appeal together with the complete record and his recommendation thereon to the Commissioner for transmittal to the Secretary.

§ 111.7 **Action by the Secretary.**

The decision by the Secretary on an appeal shall be final and the claimant shall be given written notice of the decision.

§ 111.8 **Special instruction.**

To facilitate the work of the Financial Management Officer, the Commissioner may issue special instruction not inconsistent with the rules of this part.

LOUIS R. BRUCE,
Commissioner.

[FR Doc.71-3548 Filed 3-12-71;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7095]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1970 and Estimated Tax for the Taxable Year 1971

Section 819 of the Internal Revenue Code of 1954 provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign corporation carrying on a life insurance business. Where this minimum figure exceeds such a corporation's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819), and the amount of the "required interest" (determined under section 809(a) without regard to section 819), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)). Accordingly, it is hereby determined that for purposes of computing the 1970 income tax for foreign corporations carrying on a life insurance business a percentage of 13.8 shall be used in determining the "minimum figure" under section 819.

It is presently anticipated that the data with respect to domestic life insurance companies for 1970 required for the computation of the percentage to be used by foreign corporations carrying on a life insurance business in computing their estimated tax for the taxable year 1971 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1971 and payments of installments thereof by such corporation a percentage of 13.8 (the percentage applicable for 1970) shall be used in determining the minimum figure under section 819. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1971 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1969, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code (Public Law 89-554, 80 Stat. 383), or subject to the effective date limitation of subsection (d) of such section.

[SEAL] EDWIN S. COHEN,
Assistant Secretary of the Treasury.

MARCH 11, 1971.

[FR Doc.71-3587 Filed 3-12-71;8:50 am]

[T.D. 7093]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Consolidated Return Regulations

On February 6, 1971, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954 to provide rules for computation of the income tax surcharge in cases where a corporation is a member of an affiliated group of corporations for less than the entire year was published in the FEDERAL REGISTER (36 F.R. 2569). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Secs. 1502 and 7805 of the Internal Revenue Code of 1954; 68 Stat. 367, 917; 26 U.S.C. 1502, 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: March 11, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

The Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954 are amended as follows to provide rules for computation of the income tax surcharge in cases where a corporation is a member of an affiliated group of corporations for less than the entire year:

§ 1.1502-2 **[Amended]**

PARAGRAPH 1. There is inserted at the end of § 1.1502-2 the following sentence: "For amount of tax surcharge, see section 51 and § 1.1502-7."

PAR. 2. There is inserted after § 1.1502-6 the following:

§ 1.1502-7 **Tax surcharge.**

(a) *Part-year affiliate.* If—

(1) A group files a consolidated return for any taxable year which includes any portion of the period beginning January 1, 1970, and ending June 30, 1970, and

(2) Any corporation (referred to in paragraph (b) of this section as a "part-year affiliate") which joins in the filing of such return is not a member of the group for each day during any such taxable year, the surcharge liability of the group under section 51 shall be determined under paragraph (b) of this section.

(b) *Amount of surcharge.* If paragraph (a) of this section applies, the surcharge liability imposed by section 51 on consolidated taxable income shall be the sum of—

(1) The surcharge which would be imposed under section 51(a)(1)(B) or (2) if that portion of the consolidated tax liability allocable to any part-year affiliate were excluded from the consolidated tax liability of the group, and

(2) The surcharge which would be imposed under section 51(a)(2) on any part-year affiliate if such part-year affiliate filed a separate return for the period for which its income was included in the consolidated return and if the tax imposed by this chapter for such period was the portion of consolidated tax liability allocable to such corporation.

Consolidated tax liability under subparagraphs (1) and (2) shall be determined under § 1.1502-2 without regard to

the tax surcharge imposed by section 51, the minimum tax imposed by section 56, any increase in tax under section 47(a), relating to early dispositions of investment credit property, or under section 614(c)(4)(C), relating to an election to aggregate certain mineral interests.

(c) *Allocation of tax liability.* For purposes of this section, the portion of consolidated tax liability allocable to a member shall be determined under the method used in allocating the tax liability of the group under the provisions of section 1552(a).

§§ 1.1502–8 to 1.1502–10 [Reserved]

[FR Doc.71–3596 Filed 3–12–71;8:50 am]

[T.D. 7094]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Extension of Time for Section 170(b)(1)(E)(ii) Organizations

The following regulations relate to the application of section 170(b)(1)(E)(ii) of the Internal Revenue Code of 1954, as added by section 201(a) of the Tax Reform Act of 1969 (83 Stat. 552) with respect to the requirements for compliance with the provisions of section 170(b)(1)(E)(ii).

The regulations set forth herein are temporary and are intended to extend the period of time during which an organization seeking classification under section 170(b)(1)(E)(ii) may meet the requirements of that section.

In order to provide such temporary regulations under section 170(b)(1)(E)(ii) of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 13.15 Extension of time for section 170(b)(1)(E)(ii) organizations.

(a) *In general.* A private foundation described in section 170(b)(1)(E)(ii), as referred to in section 170(b)(1)(A)(vii) and (e)(1)(B)(ii), is, in effect, a private nonoperating foundation which distributes an amount equal to all contributions received not later than the 15th day of the third month after the close of the foundation's taxable year in which such contributions were received and which maintains adequate records with respect to such distributions.

(b) *Extension of period.* For purposes of section 170(b)(1)(A)(vii) and (e)(1)(B)(ii), in the case of a taxable year ending in either 1970 or 1971, the period referred to in section 170(b)(1)(E)(ii) for making certain distributions shall not expire before the 30th day after final regulations under section 170(b)(1)(E)(ii) are published in the FEDERAL REGISTER.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: March 11, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[FR Doc.71–3586 Filed 3–12–71;8:50 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 262—POLICIES GOVERNING THE CONTRIBUTION OF FEDERAL FUNDS TO THE STATES UNDER CHAPTER 133, TITLE 10, UNITED STATES CODE—FACILITIES FOR RESERVE COMPONENTS

The following revision to Part 262 was approved by the Deputy Secretary of Defense on February 11, 1971:

Sec.
262.1 Purpose.
262.2 Applicability and scope.
262.3 Policies and procedures.
262.4 Authority of DOD agencies.
262.5 Background information relating to 10 U.S.C. 133.

AUTHORITY: The provisions of this Part 262 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 262.1 Purpose.

(a) This part updates and expands the policies established to implement section 2233(a)(2), (3), and (4) of chapter 133, title 10, United States Code which contains authority to provide facilities for the training of all Reserve components of the Armed Forces and authorizes contributions of Federal funds to the several States of the United States, Puerto Rico, and the District of Columbia (hereinafter referred to collectively as the States), as the Secretary of Defense shall determine to be necessary:

(1) To expand, rehabilitate, or convert facilities owned by such State to the extent required for the joint utilization of such facilities;

(2) To expand, rehabilitate, or convert facilities owned by such State to the extent made necessary, or to acquire, construct, expand, rehabilitate, or convert such additional facilities as he shall determine to have been made essential, by any conversion, redesignation, or reorganization of a unit or units of the Army National Guard of the United States or the Air National Guard of the United States, requested or authorized by the Secretary of the Army or the Secretary of the Air Force, respectively;

(3) To acquire, construct, expand, rehabilitate, or convert by such State such additional facilities that have been made essential by any increase in the strength of the Army National Guard of the United States or the Air National Guard of the United States.

(b) It establishes criteria under which Federal funds may be contributed to the States to provide training facilities for the above Reserve components.

§ 262.2 Applicability and scope.

The provisions of this part apply to the Military Departments and encompass the Army National Guard of the United States and the Air National Guard of the United States, respectively (hereinafter referred to as "Reserve components").

§ 262.3 Policies and procedures.

In carrying out the provisions of this part, the Secretaries of the Military Departments will comply with the following:

(a) Each project toward which a contribution is granted by the Federal Government under the authority contained in chapter 133, 10 U.S.C. shall be covered by an agreement between the United States and the State. The purpose of such agreement is to delineate the equities and obligations involved and assure not only a clear understanding of these obligations but definitely to establish these equities.

(b) The following policies are to be used as a guide in negotiating and executing agreements with States in the implementation of clauses (2), (3), and (4) of section 2233(a) of chapter 133, 10 U.S.C.:

(1) All work authorized pursuant to clauses (2), (3), and (4) of section 2233(a) of chapter 133, 10 U.S.C. shall be done in accordance with the laws of the State in which the project is located, and under the supervision of officials of such State, subject to inspection and approval by the Secretary of Defense or his delegate.

(i) Provisions definitive of such inspection and approval shall be included in said agreement, to accomplish the purpose of assuring that the work performed toward which the Federal contribution is made complies with the plans, specifications, criteria, and standards approved for the project by the Secretary of Defense or his delegate.

(ii) Except for supervision of a project, which function is reserved by law to State officials, the services of the Chief of Engineers or the Chief of the Naval Facilities Engineering Command may be utilized to the extent mutually agreed by the State and the Military Department concerned.

(2) A separate agreement shall be entered into between the State and the Federal Government for each project covering the terms, conditions, equities, and obligations of the parties.

(3) The State, as defined in section 2232(1) of chapter 133, 10 U.S.C. shall certify that it has the legal authority and the necessary funds to accomplish its share of the project, that it will furnish evidence satisfactory to the Department of Defense of a perfected title to, or other adequate property interest in, acceptable and suitable real estate, and that such real estate is located in an area appropriate, under local laws and ordinances relating to location and construction, to the use for which the facilities are intended.

(4) Plans, specifications and cost estimates shall be approved by the Federal Government.

(5) Unless terminated under the provisions of subparagraph (18) of this paragraph, the agreement shall remain in full force and effect for the fixed term of years which represents the estimated useful life of the facility.

(6) When a facility is to be jointly used by two (2) or more Reserve Components, the agreement shall:

(i) Identify the space, both within and outside the building or buildings, which is to be maintained and reserved for the exclusive use of those Reserve components that are designed by the Federal Government;

(ii) Identify the space, both within and outside the building or buildings, which is to be used in common by all Reserve components assigned to the facility;

(iii) Prescribe the extent of collaboration between the State and the Federal Government in the selection of the site location and the orientation of the facilities to be jointly and exclusively utilized by those Reserve components which are designated by the Federal Government;

(iv) Prescribe the costs to be borne by the Federal Government and by the State in maintaining the common use space, both within and outside the building or buildings, and in general administrative expense for janitorial and similar service. Each such agreement shall take cognizance of the net proceeds derived from leasing the facility or other arrangements and other income in accordance with section 2236(c)(2) of chapter 133, 10 U.S.C.

(v) Prescribe generally for the time and extent of the use by the various components, and prescribe the method of resolving conflicts in schedules for use of the facilities.

(7) Insofar as it is determined at the time the Federal contribution is made that it is impracticable for the State and the Federal Government to delineate the extent of the spaces to be jointly and exclusively utilized by those Reserve components designated by the Federal Government, the agreement shall contain a covenant on the part of the State substantially as follows:

To make such facility available for joint utilization to the extent that the State shall hereafter deem it to be practicable.

(8) In the event it is necessary to apply the concept of a "master agreement" contemplating future individual agreements with respect to specific projects, such "master agreement" shall contain an affirmative covenant on the part of the State in substantially the following form:

A the time each contribution is made by the Government, to negotiate concerning the extent to which the facility covered thereby will be made available for joint use by units of two or more of the Reserve components of the Armed Forces.

(9) At no time during the term of the agreement shall such State permit any disposition or use to be made of such facility which will interfere with its use for the administration and training of units of the Reserve components of the Armed Forces of the United States, or in time of war or national emergency of other units of the Armed Forces of the United States or any other use by the Federal Government.

(10) The State shall take necessary action to the extent of its power or authority, to prohibit use of the facility by outside interests (such as adjacent land owners, public utility corporations, etc.) that would interfere with its use for its intended purpose.

(11) The State shall be required to maintain and preserve the facility in a state of good repair except that the Federal Government may contribute to the cost of maintenance to an extent commensurate with the joint use of the facility by those Reserve components which are designated by the Federal Government. Each such agreement shall take cognizance of the net proceeds derived from leasing the facility or other arrangements and other income in accordance with section 2236(c)(2) of chapter 133, 10 U.S.C.

(12) Where the State accomplishes the project by contract, the State shall let such contract in accordance with the laws of such State, and under those regulations within the Armed Services Procurement Regulation which are applicable to federally assisted programs insofar as the application of such regulations by supervisory officials of the State is not precluded by nor inconsistent with the State laws. All contracts, subcontracts, and change orders shall be subject to prior approval by the Federal Government.

(13) The Federal Government shall determine what costs incurred or to be incurred by the State are allowable under the terms and conditions of the agreement. When so requested by the State, such determination shall be made prior to the execution of any contract by the State, and the State shall be advised thereof in writing, subject to conformance with applicable Department of Defense military construction policies and criteria.

(14) The State shall be required to maintain an accounting system which is acceptable to the Federal Government with respect to the construction work, as well as to the subsequent maintenance and operation of those facilities toward which the Federal Government contributes or will contribute funds for such maintenance and operation, including those facilities to be jointly used by other Reserve components.

(15) The contributions of funds by the Federal Government to the State shall be in accordance with a system whereby the Federal Government maintains adequate control of the expenditure of such funds until payment is due the contractor for work already completed. Payment, however, may be made periodically as work progresses, and the Federal share of the funds will be obligated upon the approval of the construction contract by the Federal Government, and will be made available in accordance with established fiscal procedures.

(16) The appropriate legal authority of the State shall certify that in his opinion the agreement is legal and binding and that its execution is duly authorized, and upon request of the Federal Government, the State shall furnish evidence of its authority to enter into the agreement.

(17) The agreement shall contain other clauses, which in the opinion of the cognizant Military Department and State, are required to more specifically delineate the equities and obligations of both the State and Federal Government and which are not in conflict with the policies enumerated herein.

(18) The agreement shall contain a clause and existing agreements may be amended to include a clause providing for termination of the agreement, subject to the approval of the Secretary of Defense or his designee, prior to expiration of the fixed term: *Provided*, That:

(i) The facility is replaced in kind without any further contribution by the Federal Government and the State executes an agreement on the replacement facility for the unexpired term of the agreement to be terminated, or

(ii) The State agrees to reimburse the Federal Government for its equity in the asset which shall be computed as that proportion of the Federal contribution or grant as the unexpired term of the agreement bears to the full term of the agreement.

§ 262.4 Authority of DOD agencies.

The provisions of DOD Directive 5100.10, subject: "Delegation of Authority With Respect to Reserve Forces Facilities," dated August 20, 1962 (published at 27 F.R. 8630, Aug. 29, 1962), which delegates certain authorities with respect to Reserve Forces Facilities vested in the Secretary of Defense by the Act, as amended (chapter 133 title 10, United States Code), to certain officials in the Department of Defense, apply specifically in the implementation of this Directive.

§ 262.5 Background information relating to 10 U.S.C. 133.

(a) It is recognized that many existing State-owned or State-controlled facilities contain certain types of space, such as drill halls, which were not being fully utilized because of limited support (administrative) space, locker rooms, etc. Contributions of Federal funds to the State for the expansion of these facilities to provide this additional space will insure maximum fiscal economy through the full and joint utilization of common space to the maximum extent practicable.

(b) It is also recognized that many existing State-owned or State-controlled facilities cannot physically accommodate certain equipment involved upon conversion, redesignation, or reorganization of the organizational units previously assigned to those facilities. A provision of chapter 133, 10 U.S.C. (see § 262.1(b)) will relieve the States of the inequitable burden of financing the cost of physical changes in existing facilities made necessary by such organizational changes requested or authorized by the Federal Government.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-3525 Filed 3-12-71;8:47 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-16; Notice No. 71-4]

PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

The Director of the Bureau of Motor Carrier Safety is issuing a major revision of the rules in the Motor Carrier Safety Regulations pertaining to the safe transportation of hazardous materials by carriers who engage in interstate or foreign commerce. This revision is part of a broad Federal program of increased efforts towards reducing the level of risks involved in the movement of hazardous materials. Many fatal—and sometimes catastrophic—accidents have occurred in recent years. The result has been renewed program emphasis on eliminating unsafe practices and regulations that permit them to exist. In the recent Hazardous Materials Transportation Control Act of 1970 (Public Law 91-458), Congress again made it clear that the Department of Transportation has primary responsibility for ensuring that the hazards of transporting dangerous commodities are reduced to the lowest possible level.[1] The recent adoption of revised regulations pertaining to reporting of serious accidents involving transportation of hazardous materials (35 F.R. 16836) was a step aimed at carrying out that responsibility.

This revision of Part 397 is another such step. Taken in conjunction with programed increases in enforcement and educational activities, it should result in a significant increase in the level of safety with which hazardous substances are moved over the Nation's highways.

Features of the revised rules were first proposed as long ago as 1961, however, the immediate genesis of this revision of Part 397 is a notice of proposed rule making which the Federal Highway Administrator issued on December 11, 1969 (34 F.R. 20214). In that Notice, the Administrator set forth the text of the proposed new regulations and invited interested persons to comment upon them. Twenty-five parties responded to that invitation. In addition, the views of other Federal agencies which have duties relating to hazardous materials were received and considered. As a result of the Bureau's study of the available information and views, the following actions have been taken:

1. Section 397.1(a)(1), as proposed, would have obligated every supervisory employee or officer of a motor carrier to know and obey the rules in Part 397. In response to contentions that the application of those duties was stated too broadly, the Director has limited the duties so that they apply only to carrier officers or employees who perform supervisory duties related to transportation of hazardous materials. Carrier personnel on the operating level, i.e., those who operate or are in charge of vehicles containing hazardous materials, are obligated to know and comply with the regulations under § 397.1(a)(2).

2. The issue of compliance with State and local laws dealing with transportation of hazardous materials caused considerable controversy. In § 397.3 of the proposal, the Administrator provided that motor vehicles containing hazardous materials must be operated in accordance with those laws to the extent that they impose a more affirmative obligation or restraint than applicable Department of Transportation regulations. Some persons who filed comments asked the Director to preempt all State and local laws, pointing to the benefits that would flow from uniform Federal regulations having universal application and eliminating the burdens of special local law or regulation. Some respondents argued against any reference to State and local laws at all; these persons saw the proposal as placing carriers in double jeopardy and requiring them, and their drivers to make fine jurisdictional distinctions. The Director has decided that neither of these positions is valid, and that § 397.3 should be adopted in its proposed form. The request for total Federal preemption vastly overstates the existing authority or capability of this, or any other Federal agency to establish rules governing all phases of the operation of motor vehicles, regardless of the nature of the commerce. Establishment and enforcement of those rules has historically been based on the character of the commerce, and the tradition is too far along to be broken in the context of an administrative rulemaking proceeding. Consequently, Federal regulations must continue to play a leading, but not exclusive role in the totality of law governing motor vehicle operations. Restated § 397.3 merely applies to vehicles transporting hazardous materials, a rule which has been in force for interstate carriers generally for many years. (See 49 CFR 392.3.) No undue burdens appear to have resulted from requiring those same carriers to obey local and State laws. The only novelty in restating the rule in Part 397 is that it will now apply to intrastate movements of hazardous materials by interstate carriers. The claim that this action will impose new and unbearable obligations appears to be an overstatement.

3. Under § 397.5(a) of the proposal, a motor vehicle transporting Class A or Class B explosives or Poison Class A would have been subject to a continuous attendance requirement. There were many objections to extending the requirement to Class A poisons. The Director has concluded that these objections are meritorious, particularly so because the Hazardous Materials Regulations Board has issued a notice which may result in a broad expansion of the number of substances classified as Poison Class A (Docket No. HM-51, 35 F.R. 8831). Consequently, the reference to Poison Class A has been dropped from § 397.5(a) and from a number of other rules designed to cover the more dangerous hazardous materials. However, this subject will remain open pending the final rule issued in HM-51.

4. Section 397.5(b) contains the exceptions to the general rule that vehicles containing Class A or Class B explosives must be continuously attended. The purpose of these exceptions is to permit motor carriers to develop so-called "safe havens," parking areas constructed so that, in the event the contents of a vehicle explode, the danger to the public in the vicinity will be minimized. The proposal was design-oriented in this respect. It specified that the parking area must be surrounded by hills, timber, or other natural features or by an earthen revetment. Comments indicated that, in this respect, the specification was too restrictive, and did not allow for development of new methods of assuring the protection of the public. Therefore, the Director has eliminated this feature of the proposal. Under the revised rule, the "safe haven" must be an area that has been approved by competent governmental authorities as appropriate for parking vehicles containing dangerous explosives. Other prerequisites of the "safe haven" concept, as set forth in the proposed rule, remain unchanged: except for vehicles containing small quantities of explosives at construction or survey sites, the explosive-laden vehicles must be on property of the carrier, a shipper, or consignee, and the person in charge of the cargo must be aware of its nature and of appropriate steps to follow in emergencies. Finally, it should be noted that neither § 397.5 nor any other provision of the revised Part purports to cover commodities or vehicles once the commodities have been accepted at their final destinations. This is the case because, as a jurisdictional matter, the scope of the regulations is limited to activities which occur during the flow of commerce.

5. The sole change in § 397.5(c), which deals with attendance of vehicles containing hazardous materials other than Class A or Class B explosives, is the elimination of a provision which would have limited to 15 minutes the length of time a driver may leave such a vehicle unattended on a public street or highway. The contents of several comments indicated that the 15-minute limitation would prove unduly rigid and unfeasible in many instances. It has, therefore, been deleted. However, the Director has left intact a provision that permits those vehicles to be left unattended only while the drivers are performing duties incident and necessary to their duties as vehicle operators, and this exception will be narrowly construed.

6. The major change in the rules relating to parking of motor vehicles containing hazardous materials has been deletion of vehicles carrying Poison Class A from the category of vehicles within the prohibition against on-street parking, parking on private property without the consent of the property's custodian, or long-term parking near buildings and other structures likely to be occupied by large numbers of people. Section 397.7 now subjects only vehicles containing Class A or Class B explosives to those prohibitions. Vehicles carrying other hazardous materials are also prohibited from being parked on or near a street or highway. However, in light of comments that such a ban, if absolute, would preclude loading and off-loading in areas where no off-street parking is available, the Director has added an exception to cover this situation. Several comments argued for abandoning any proscription against parking vehicles containing hazardous materials in certain locations. The argument is that these prohibitions would penalize drivers and carriers whose vehicles break down. That is not the case. Since violators of the rule may be punished only if they act "knowingly", those in charge of vehicles that come to rest in a dangerous location because of mechanical failure do not risk culpability for events beyond their control—at least if they used due care to begin the journey with sound equipment. The objective of the rule is to avoid, as much as is possible, the exposure of parked vehicles carrying dangerous cargoes to accidents when they are parked, particularly on or near high-speed highways.

7. For many years, the Motor Carrier Safety Regulations have specified that vehicles containing hazardous materials must, whenever possible, be routed so as to avoid congested places and other locations where fire, explosion, or escape of those materials could have catastrophic results. Nevertheless, recent years have seen a number of near disasters resulting from vehicles leaving safe routes for other and more hazardous ones. The Director has concluded, therefore, that the rules must be made more specific and less ambiguous. At the same time, he recognizes that routing of hazardous cargoes often requires compromises between population density in a corridor in which a highway is located and the expeditious manner with which the vehicle can pass through that corridor. Thus, § 397.9(a) is essentially unchanged from the version that appeared in the proposal. What is really necessary, to assure maximum safety, is increased attention to the matter of routing by managers and dispatchers of property motor vehicles, with routes being planned in advance for the purpose of minimizing risks and drivers being educated and required to follow the plans. The motion of a written routing plan for vehicles carrying Class A or Class B explosives is not novel, for it was proposed by the Interstate Commerce Commission in 1961 (26 F.R. 8040). It should help to eliminate unnecessary exposure of those vehicles to situations in which an otherwise run-of-the-mill accident may become a catastrophe. The concept of a written route plan has therefore, been written into § 397.9(b). It need not be burdensome, since formal guidelines and forms have not been imposed. Results are the true test of the effectiveness of compliance with the rules.

8. In response to comments, § 397.15 has been changed so that, even though someone must be in control of fueling a vehicle containing hazardous materials, he may use a fueling device having an automatic cutoff mechanism. On the other hand, the Director has declined to adopt the contention that there is no need to promulgate a special rule on fueling which includes vehicles powered by diesel fuel. It was argued that diesel fuel, in contrast to gasoline, involves a negligible risk of fire, and hence that vehicles using it ought to be exempted. The evidence does not warrant concluding that the hazards associated with fueling diesel vehicles are so low as to justify exemption them from the rule. In a notice issued in February 1970, it was noted that "accident investigations by the Bureau of Motor Carrier Safety indicate that diesel fuel, although less volatile than gasoline, creates a substantial risk of fire in some accident situations." (35 F.R. 3177). No evidence substantiating a contrary view has been received. Therefore, the Director has decided to issue a rule applicable to both gasoline-powered vehicles and those using diesel fuel.

9. Section 397.17, dealing with tires, was easily the most controversial provision in the notice of proposed rule making. It proposed mandatory, periodic, en route inspection of tires on certain vehicles equipped with dual tires and immediate replacement of tires found to be damaged or overheated. The comments addresed themselves to three issues: (1) The application of the rule to vehicles using tubeless tires; (2) the period specified for en route inspections (every two hours or 100 miles, whichever is less); and (3) the remedial action to be taken by the driver. On the first point, several comments argued that tire fires in tubeless tires are nonexistent. In looking into this matter, the Bureau of Motor Carrier Safety conducted a study of tire fire accidents that were reported to it under the requirement of Part 394. It found nine instances in which tubeless tires had caught fire. These nine cases are a relatively small proportion of the 98 tire fire accidents reported. Nevertheless, their existence refutes the allegations of the filings that such fires do not occur and further enforces the position for the need for mandatory periodic inspection of all tires while vehicles containing hazardous materials are engaged in long trips.

Comments on the specified period for en route inspections were quite diverse. Some persons argued for different timetables, others contended that no inspection at all ought to be required, while a third group said that pretrip inspection programs, coupled with improved driver education efforts, would suffice. Some comments supported the benefits of en route inspections but suggested that no precise intervals be specified, on the ground that the 100-mile/2-hour rule did not give drivers sufficient leeway in selecting a location at which to stop. Accident investigations and compliance checks by the Bureau demonstrate the need for pretrip and en route mandatory inspection requirements. The data make it abundantly clear that, at present, drivers of vehicles transporting hazardous materials are not making proper pretrip inspections of those vehicles. There appear to be several reasons why this is so. Some drivers refuse to expend the time needed to perform an adequate inspection. Others have not been trained to check their vehicles properly. Furthermore, tire manufacturers have agreed that periodic en route inspections are the best method of preventing tire fires. Their views are borne out by accident experience. For these reasons, the Director has decided, in view of the serious consequences flowing from tire fires and the risks they entail, to require inspection of tires by drivers of vehicles containing hazardous materials at the outset of each trip, whenever the vehicle is parked and, in any event, at least once during each 2 hours or 100 miles of travel. The inability of drivers to perform tire inspections precisely every 2 hours or at the 100-mile point is recognized. Therefore these two alternative criteria are written as maxima. Here again, advance planning is desirable and prudent, so that the process of route selection will include choices of preplanned stopping points for inspection of tires.

When a tire is found to be flat, leaking, or improperly inflated—though not dangerously hot—it may often be safer to move the vehicle to a position of safety than to attempt to perform on-the-spot repairs. In recognition of this consideration, which was the subject of some comments, the Director has agreed to permit such a vehicle to be driven to "the nearest safe place to perform the required repair, replacement, or inflation." Several comments asked how a driver is supposed to ascertain when a

[1] The responsibility is shared to some extent with other Federal and State agencies. The Department of Defense is the largest shipper of hazardous materials. The Interstate Commerce Commission issues certificates to for-hire carriers of those materials. In a recent decision (111 MCC 575) the Commission said that despite the transfer to the Department of Transportation of responsibility for prescribing routes over which hazardous commodities may be transported, the Commission remains empowered to prohibit authorized carriers from deviating from the routes specified in their certificates. There is, therefore, a coordinate responsibility for safety of operations among all these Federal agencies.

tire is "improperly inflated". These words were not intended to require drivers to carry gauges and to ensure that each tire's inflation pressure is precisely at the mark called for in its manufacturer's specifications. They must be read in the context of the dominant objective of the rule—prevention of tire fires. The Director expects that any well-trained and well-qualified driver will be able to tell, upon visual or physical inspection, whether a tire is so grossly underinflated as to be likely to overheat to the point of combustion.

Once an overheated tire is discovered, prudence dictates that the vehicle should not be moved at all until the tire has been removed and the cause of the overheating has been corrected. Experience demonstrates that an overheated tire frequently presents latent hazards that are difficult to predict or control. It was suggested that if an asbestos blanket were carried on a vehicle, the need for periodic en route inspection of its tires would diminish. Asbestos blankets may serve a useful purpose in controlling tire fires. However, they have their disadvantages. If a tire has become overheated, covering it with an asbestos blanket does not eliminate the heat that has built up in it and may only delay the tire's ignition. In these circumstances, the Director has decided to adhere to the rule that overheated tires must be removed from a vehicle before that vehicle is moved.

10. Section 397.19 of the proposal, dealing with instructions and documents that must be given to drivers of certain vehicles carrying hazardous materials, has been extensively modified. For reasons noted above, the application of this section has been restricted to drivers of vehicles transporting Class A or Class B explosives. Section 397.19(a)(2) of the proposal, as construed by many persons who commented, would have required a driver to be supplied with, and to carry, the text of the laws relating to the transportation of hazardous materials in every jurisdiction in which his vehicle is operated. The Director agrees with those who argued that an on-board encyclopedia of statutes, ordinances, and regulations, would have little utility. The provision has, therefore, been redrafted so that carriers can furnish drivers with summary information about the operative rules of laws written in a manner that will enable each driver readily to understand what is expected of him. Paragraph (c) has been changed to require drivers to be familiar with those documents that must be in their possession. One such document is the written route plan required under § 397.9(b). Although some persons objected to this requirement on the ground that it tended to increase paperwork, others, particularly State and local regulatory agencies, supported it. The support of those agencies was grounded in accident experience in the localities to which their jurisdiction extends. On balance, the Director has decided that the benefits of having a written route plan in the driver's possession outweigh any additional administrative burdens they might entail.

In consideration of the foregoing, Chapter III of Title 49, CFR is amended by revising Part 397 of Subchapter B to read as set forth below.

Effective date. This revision of Part 397 is effective on June 1, 1971.

This revision of Part 397 of the Motor Carrier Safety Regulations is issued under the authority of 18 U.S.C. 834, section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR 1.48 and 49 CFR 389.4.

Issued on March 5, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

Sec.

397.1 Application of the rules in this part.
397.3 State and local laws, ordinances, and regulations.
397.5 Attendance and surveillance of motor vehicles.
397.7 Parking.
397.9 Routes.
397.11 Fires.
397.13 Smoking.
397.15 Fueling.
397.17 Tires.
397.19 Instructions and documents.

AUTHORITY: The provisions of this Part 397 issued under 18 U.S.C. 834, sec. 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), sec. 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

§ 397.1 Application of the rules in this part.

(a) The rules in this part apply to each motor carrier engaged in the transportation of hazardous materials by a motor vehicle which must be marked or placarded in accordance with § 177.823 of this title and to—

(1) Each officer or employee of the carrier who performs supervisory duties related to the transportation of hazardous materials; and

(2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.

(b) Each person designated in paragraph (a) of this section must know and obey the rules in this part.

§ 397.3 State and local laws, ordinances, and regulations.

Every motor vehicle containing hazardous materials must be driven and parked in compliance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated, unless they are at variance with specific regulations of the Department of Transportation which are applicable to the operation of that vehicle and which impose a more stringent obligation or restraint.

§ 397.5 Attendance and surveillance of motor vehicles.

(a) Except as provided in paragraph (b) of this section, a motor vehicle which contains Class A or Class B explosives must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) The rules in paragraph (a) of this section do not apply to a motor vehicle which contains Class A or Class B explosives if all the following conditions exist—

(1) The vehicle is located on the property of a motor carrier, on the property of a shipper or consignee of the explosives, or, in the case of a vehicle containing 50 pounds or less of either Class A or Class B explosives, on a construction or survey site; and

(2) The lawful bailee of the explosives is aware of the nature of the explosives the vehicle contains and has been instructed in the procedures he must follow in emergencies; and

(3) The vehicle is within the bailee's unobstructed field of view, or is located in an area specifically approved in writing by local, State, or Federal governmental authorities for the parking of vehicles containing Class A or Class B explosives.

(c) A motor vehicle which contains hazardous materials other than Class A or Class B explosives and which is located on a public street or highway or the shoulder of a public highway must be attended by its driver. However, the vehicle need not be attended while its driver is performing duties which are incident and necessary to his duties as the operator of the vehicle.

(d) For purposes of this section—

(1) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within 100 feet of the vehicle and has it within his unobstructed field of view.

(2) A qualified representative of a motor carrier is a person who—

(i) Has been designated by the carrier to attend the vehicle;

(ii) Is aware of the nature of the hazardous materials contained in the vehicle he attends;

(iii) Has been instructed on the procedures he must follow in emergencies; and

(iv) Is authorized to move the vehicle and has the means and ability to do so.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on a public street or highway.

§ 397.7 Parking.

(a) A motor vehicle which contains Class A or Class B explosives must not be parked—

(1) On or within 5 feet of the traveled portion of a public street or highway;

(2) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(3) Within 300 feet of the bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

(b) A motor vehicle which contains hazardous materials other than Class A or Class B explosives must not be parked on or within five feet of the traveled portion of public street or highway except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

§ 397.9 Routes.

(a) Unless there is no practicable alternative, a motor vehicle which contains hazardous materials must be operated over routes which do not go through or near heavily populated areas, places where crowds are assembled, tunnels, narrow streets, or alleys. Operating convenience is not a basis for determining whether it is practicable to operate a motor vehicle in accordance with this paragraph.

(b) Before a motor carrier requires or permits a motor vehicle containing Class A or Class B explosives to be operated, he must prepare a written plan of a route that complies with the rules in paragraph (a) of this section for that vehicle and must furnish a copy of the written plan to the vehicle's driver.

§ 397.11 Fires.

(a) A motor vehicle containing hazardous materials must not be operated near an open fire unless its driver has first taken precautions to ascertain that the vehicle can safely pass the fire without stopping.

(b) A motor vehicle containing hazardous materials must not be parked within 300 feet of an open fire.

§ 397.13 Smoking.

No person may smoke or carry a lighted cigarette, cigar, or pipe on or within 25 feet of—

(a) A motor vehicle which contains explosives, oxidizing materials, or flammable materials; or

(b) An empty tank motor vehicle which has been used to transport flammable liquids or gases and which, when so used, was required to be marked or placarded in accordance with the rules in § 177.823 of this title.

§ 397.15 Fueling.

When a motor vehicle which contains hazardous materials is being fueled—

(a) Its engine must not be operating; and

(b) A person must be in control of the fueling process at the point where the fuel tank is filled.

§ 397.17 Tires.

(a) If a motor vehicle which contains hazardous materials is equipped with dual tires on any axle, its driver must stop the vehicle in a safe location at least once during each 2 hours or 100 miles of travel, whichever is less, and must examine its tires. The driver must also examine the vehicle's tires at the beginning of each trip and each time the vehicle is parked.

(b) If, as the result of an examination pursuant to paragraph (a) of this section, or otherwise, a tire if found to be flat, leaking, or improperly inflated, the driver must cause the tire to be repaired, replaced, or properly inflated before the vehicle is driven. However, the vehicle may be driven to the nearest safe place to perform the required repair, replacement, or inflation.

(c) If, as the result of an examination pursuant to paragraph (a) of this section, or otherwise, a tire is found to be overheated, the driver shall immediately cause the overheated tire to be removed and placed at a safe distance from the vehicle. The driver shall not operate the vehicle until the cause of the overheating is corrected.

(d) Compliance with the rules in this section does not relieve a driver from the duty to comply with the rules in §§ 397.5 and 397.7.

§ 397.19 Instructions and documents.

(a) A motor carrier that transports Class A or Class B explosives must furnish the driver of each motor vehicle in which the explosives are transported with the following documents:

(1) A copy of the rules in this part;

(2) A document containing summary information about the laws, ordinances, and regulations pertaining to transportation of explosives of each State (including the District of Columbia) in which the vehicle will be operated; and

(3) A document containing instructions on procedures to be followed in the event of accident or delay. The documents must include the names and telephone numbers of persons (including representatives of carriers or shippers) to be contacted, the nature of the explosives being transported, and the precautions to be taken in emergencies such as fires, accidents, or leakages.

(b) A driver who receives documents in accordance with paragraph (a) of this section must sign a receipt for them. The carrier must retain the receipt in its files for one year at its principal place of business or at such regional or terminal offices as the Director of the Bureau of Motor Carrier Safety may approve.

(c) A driver of a motor vehicle which contains Class A or Class B explosives must have in his possession and be familiar with—

(1) The documents specified in paragraph (a) of this section;

(2) The documents specified in § 177.817 of Chapter I of this title; and

(3) The written route plan specified in § 397.9(b).

[FR Doc.71-3515 Filed 3-12-71;8:46 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 153—ANTIDUMPING

Ferrite Cores (of the Type Use in Consumer Electronic Products) From Japan

MARCH 11, 1971.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that ferrite cores (of the type used in consumer electronic products) from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of October 29, 1970 (35 F.R. 16745, F.R. Doc. 70-14594).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on January 28, 1971, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of ferrite cores (of the type used in consumer electronic products) from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of February 3, 1971 (36 F.R. 1934, F.R. Doc. 71-1446).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to ferrite cores (of the type used in consumer electronic products) from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Ferrite Cores (of the type used in consumer electronic products).	Japan	71-84

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3648 Filed 3-12-71;9:15 am]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 29, 37, 91, 121, 123, and 135]

[Docket No. 10915; Notice No. 71–7]

EMERGENCY LOCATOR TRANSMITTERS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 25, 29, 37, and 91 of the Federal Aviation Regulations to implement Section 31 of Public Law 91–596, achieve uniformity in terminology used, and update requirements and standards for the manufacture, installation, airworthiness, and operation of emergency locator transmitters required on airplanes operated in air commerce. In addition, it is proposed to update current requirements in Part 121, which also apply to air travel clubs operating under Part 123, for emergency signaling devices required for extended overwater operations and operation over uninhabited terrain, and added to Part 135 a requirement for an emergency locator transmitter for extended overwater operation.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before May 12, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

During the past 3 years, the FAA has been concerned with the need for an emergency signaling device on aircraft to facilitate search and rescue efforts in locating downed aircraft. Accordingly, the agency issued advance notice of proposed rule making 68–4 (33 F.R. 3643) in February 1968 soliciting comments concerning the type of device needed, the power required, and the types of operations which should be covered. As a result of the information gained from that Notice, the FAA issued notice of proposed rule making 69–11 (34 F.R. 5442) on March 17, 1969, which proposed that a "crash locator beacon" be required on all aircraft in operations conducted by air taxi and commercial operators under Part 135, including air taxi operations conducted with large aircraft, and that "survival radio equipment" be carried aboard such aircraft when engaged in extended overwater operations.

Comments on these notices were voluminous and indicated a great interest in the subject. However, before the agency completed its rulemaking action, Congress in 1970, enacted a law (section 31, Public Law 91–596) which amended section 601 of the Federal Aviation Act of 1958 to require the installation of "emergency locator beacons" on U.S. registered civil airplanes used in air commerce, with certain specified exceptions.

As we construe the exceptions specified in section 31 of Public Law 91–596, the beacon requirement does not apply to turbojet engine powered (pure jet) airplanes, or to airplanes of domestic and flag air carriers certificated under Part 121 while being operated by those air carriers in other than charter flights. In addition, that law excludes military airplanes, an airplane used solely for training purposes not involving flights more than 20 miles from its base, and airplanes used for agricultural aircraft operations governed by Part 137 of the Federal Aviation Regulations.

The compliance dates established by Public Law 91–596 for U.S. registered civil airplanes subject to the beacon requirement are December 30, 1971, for those manufactured or imported after that date, and December 30, 1973, for all others. However, it will be noted that for airplanes used by air taxi operators or commercial operators in operations pursuant to Part 135, it is proposed herein to require compliance within 1 year after the effective date of the rule.

The Radio Technical Commission for Aeronautics (RTCA) has developed minimum performance standards for various types of airborne emergency locator transmitters. This notice proposes to amend Part 37 of the Federal Aviation Regulations to incorporate by reference the standards and terminology established by the RTCA for various types of emergency locator transmitters. In addition to the standards established by RTCA, it is proposed to require additional performance standards in keeping with the intent of Public Law 91–596.

It should be clearly understood that the enactment of Section 31 of Public Law 91–596, and the adoption of implementing regulations by the FAA under the authority of the Federal Aviation Act of 1958, as amended, will provide complete Federal regulation regarding emergency locator transmitter requirements for aircraft operating in air commerce, to the exclusion of any State regulation regarding such devices.

This proposal would implement Public Law 91–596 by adding to Part 91 of the Federal Aviation Regulations a new § 91.52 entitled "Emergency locator transmitters." Proposed § 91.52 sets forth those operations for which the law requires an airplane to have an emergency locator transmitter and specifies the type of transmitter required for the particular operation by reference to the provisions of § 37.200 of Part 37. In addition, it is proposed to require, in § 91.52 as well as in §§ 121.339, 121.353, and 135.163, that the transmitter battery be replaced after the transmitter has been used in an emergency and also when 50 percent of it useful life has expired. In either case, the new expiration date for the replacement battery would have to be legibly marked on the outside of the transmitter. "Useful life", as defined in proposed § 37.200(g)(2), means the length of time, after its date of manufacture, that the battery may be stored on the shelf under normal environmental conditions without losing its ability to meet the power supply requirements prescribed in the applicable performance standards of § 37.200. The FAA considers this proposal necessary to assure that the transmitter power source will be capable of effective operation when needed.

Section 37.200 is a new section that would be added to Part 37 and titled "Emergency locator transmitters—TSO–C91." As proposed, § 37.200 would establish performance standards for five types of emergency locator transmitters. Three of these consist of automatic types which are divided into three categories, namely, fixed, portable, and deployable. The other two types are categorized as a personnel type and a survival type. However, as previously indicated, it is proposed to add to the RTCA standards: (1) a requirement that personnel type transmitters be automatically operated; (2) a requirement that each transmitter (irrespective of type) be equipped with a manually operated test circuit to determine whether the transmitter is operative; (3) a requirement that the transmitter battery be marked with its date of manufacture; and (4) a requirement that the electrical connections to the battery be corrosion resistant and positive in action.

The FAA is aware that some persons affected by this notice may have already purchased, in anticipation of proposed State requirements, emergency locator transmitter equipment which may, in all respects other than the test circuit, comply with the proposals made in this notice. Accordingly, it is proposed herein to permit use of such equipment without the test circuit if the equipment

was purchased prior to the date of publication of this notice.

The basic performance standards for each of the five types of transmitter are set forth in RTCA Documents Nos. DO–138, DO–145, DO–146, and DO–147, which will be incorporated by reference in § 37.200. These documents are available for examination at each FAA Regional, District, and Area Office.

Subject to the exceptions previously mentioned, § 91.52 would require an automatic emergency locator transmitter to be attached to each airplane used in operations governed by: (1) The supplemental air carrier and commercial operator rules of Part 121; (2) the domestic and flag air carrier charter flight rules of Part 121; (3) the air travel club rules of Part 123; and (4) the air taxi rules of Part 135. The automatic transmitter could be a fixed, portable or deployable type, as specified in § 37.200. The automatic fixed type is attached to the airplane permanently. The portable type is attached in such a manner that it can be removed easily from its mounting, whereas, the deployable type is so attached to the airplane that it can be deployed either automatically or manually.

For general aviation airplane operations governed by Part 91, proposed § 91.52 would require an emergency locator transmitter, identified in § 37.200 as an automatic type or a personnel type, to be attached to the airplane. As previously indicated, this proposal would require (among other things) that the personnel type of transmitter be automatically operable.

It should be noted that RTCA standards for the emergency locator transmitters, other than the survival type, would require a peak effective radiated power of at least 75 milliwatts. This power output level has been proposed because it would provide a useful emergency signal for a range of 50 nautical miles even when conditions at the downed-aircraft site are unfavorable. An adverse antenna orientation, for example, may sharply reduce the power radiated in useful directions; the terrain may absorb power or significantly distort the radiation pattern; and the weather may weaken the signal. The FAA is aware that the weight, size, and cost of emergency locator transmitters are related to output power, and that each of these factors would decrease in some measure if the 75 milliwatt power requirement were reduced. However, a reduction in power would mean (if all other factors remained unchanged) a reduction in the range at which the signal could be picked up by search and rescue aircraft, thereby limiting the usefulness of the transmitter as a safety device. Comments are specifically requested on whether the proposed 75 milliwatt power requirement is in fact reasonable for the purpose and, if not, what value would be more appropriate, and why.

In addition to the foregoing, this notice proposes to amend Parts 25, 29, 121, and 135 to achieve uniformity in terminology and update requirements for certain signaling devices. Specifically, the current ditching certification requirement in §§ 25.1415(d) and 29.1415(d) for an "approved long range signaling device" for use in one life raft would be amended by this proposal to require a "survival type emergency locator transmitter" that meets the performance standards prescribed in new § 37.200 for that type of transmitter. These are portable, self-buoyant, water-resistant, independently powered devices (generally attached to a life raft) that transmit signals on emergency frequencies. Devices currently in use that meet the standards of current § 37.166 (TSO–C61a) would be acceptable until the effective date of the proposals made herein.

In §§ 121.339(a)(4) and 121.353(b) the requirement for an "emergency signaling device" would be replaced by a requirement for a "survival type emergency locator transmitter" that meets the performance standards prescribed in new § 37.200.

Section 135.163 does not presently require any emergency signaling device for extended overwater operations. This proposal would amend § 135.163 by adding in paragraph (b) thereof a requirement that there be attached to one of the required life rafts a "survival type emergency locator transmitter" that meets the requirements of new § 37.200.

As proposed, compliance with the new requirement for a survival type emergency locator transmitter in Parts 121 and 135 that meets the requirements of § 37.200 would be 1 year after the effective date of the amendment.

It should be noted that certain of the requirements of the Federal Communications Commission (FCC) would be applicable to the emergency locator transmitters discussed herein. Accordingly, affected persons should consult the Federal Communications Commission Regulations as part of their examination of the proposals made herein.

In consideration of the foregoing, it is proposed to amend the Federal Aviation Regulations as follows:

1. By amending § 25.1415(d) to read as follows:

§ 25.1415 Ditching equipment.

* * * * *

(d) There must be a survival type emergency locator transmitter that meets the applicable requirements of § 37.200 of this chapter for use in one life raft.

* * * * *

2. By amending § 29.1415(d) to read as follows:

§ 29.1415 Ditching equipment.

* * * * *

(d) There must be a survival type emergency locator transmitter that meets the applicable requirements of § 37.200 of this chapter for use in one life raft.

3. By adding a new section to Part 37 to read as follows:

§ 37.200 Emergency locator transmitters—TSO–C91.

(a) *Applicability.* This technical standard order prescribes the minimum performance standards that airborne emergency locator transmitters must meet in order to be identified with the applicable TSO marking. Emergency locator transmitters which are to be so identified must meet the requirements set forth in paragraphs (b) and (c) of this section.

(b) *Basic performance standards.* Basic performance standards are hereby established for the following types of emergency locator transmitters:

(1) *Type ELT(P), (Personnel type).* Personnel type emergency locator transmitters must meet the standards set forth in Radio Technical Commission for Aeronautics Document No. DO–145 titled "Minimum Performance Standards—Personnel Type Emergency Locator Transmitters, ELT(P), operating on 121.5 and 243.0 Megahertz," dated November 5, 1970.

(2) *Type ELT(AF), (Automatic fixed type).* Automatic fixed type emergency locator transmitters must meet the standards for Automatic Fixed (AF) Type equipment set forth in Radio Technical Commission for Aeronautics Document No. DO–147 titled "Minimum Performance Standards—Automatic Fixed, Automatic Portable and Automatic Deployable Type Emergency Locator Transmitters ELT(AF)(AP)(AD), operating on 121.5 and 243.0 MegaHertz," dated November 5, 1970.

(3) *Type ELT(AP), (Automatic portable type).* Automatic portable type emergency locator transmitters must meet the standards for Automatic Portable (AP) Type equipment set forth in Radio Technical Commission for Aeronautics Document No. DO–147 titled "Minimum Performance Standards—Automatic Fixed, Automatic Portable and Automatic Deployable Type Emergency Locator Transmitters, ELT(AF)(AP)(AD), operating on 121.5 and 243.0 MegaHertz," dated November 5, 1970.

(4) *Type ELT(AD), (Automatic deployable type).* Automatic deployable type emergency locator transmitters must meet the standards for Automatic Deployable (AD) Type equipment set forth in Radio Technical Commission for Aeronautics Document No. DO–147 titled "Minimum Performance Standards—Automatic Fixed, Automatic Portable and Automatic Deployable Type Emergency Locator Transmitters, ELT(AF)(AP)(AD), operating on 121.5 and 243.0 Megahertz," dated November 5, 1970.

(5) *Type ELT(S), (Survival type).* Survival type emergency locator transmitters must meet the standards set forth in Radio Technical Commission for Aeronautics Document No. DO–146 titled "Minimum Performance Standards—Survival Type Emergency Locator Transmitters, ELT(S), operating on 121.5 and 243.0 Megahertz," dated November 5, 1970.

(c) *Additional performance standards.* In addition to meeting the basic performance standards (as applicable) set forth in paragraph (b) of this section—

(1) Each personnel type emergency locator transmitter must, when installed

in accordance with the manufacturer's instructions—

(i) Be automatically activated when subjected to a force of 5.0±2.0 g and greater for a duration of 11 milliseconds and greater in the direction of the longitudinal axis of the aircraft;

(ii) Not be activated under conditions less severe than those prescribed in subparagraph (b)(1)(i); and

(iii) After activation, remain activated when subsequently subjected to shock forces in any direction of up to 50 g and having durations up to 11 milliseconds.

(2) Each personnel, automatic, and survival type emergency locator transmitter must be equipped with a manually-activated test circuit to determine whether it is operative. The test circuit must receive all its indicating energy from radiated power. However, the radiated field associated with the test circuit may not exceed 15 microvolts per meter at a distance of 1 foot, free space, irrespective of direction.

(3) Each personnel, automatic, and survival type emergency locator transmitter must have its battery permanently and legibly marked with the date (month and year) of the battery's manufacture. In addition, the electrical connections to the battery must be corrosion resistant and positive in action. Connections relying on spring force alone are not acceptable.

(d) *Environmental standards.* Unless otherwise stated in RTCA documents referenced in paragraphs (b) and (c) of this section, environmental testing must be done in accordance with RTCA Document No. DO–138 titled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments," dated June 27, 1968.

(e) *Availability of documents.* RTCA Documents Nos. DO–138, DO–145, DO–146, and DO–147 are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 of this part and are available as indicatd in § 37.23. Additionally, these RTCA documents may be examined at any FAA Regional Office of the Chief, Engineering and Manufacturing Branch (or, in the case of the Western Region, the Chief, Aircraft Engineering Division). The above documents may be obtained from the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, DC 20006.

(f) *Marking.* (1) In addition to the markings specified in § 37.7(d) of this part, the equipment must be permanently and legibly marked with its type designation as set forth in paragraph (b) of this section, and must be legibly marked with the date on, or before, which the battery must be replaced to comply with the useful life limitation prescribed in paragraph (g)(2) of this section.

(2) Each separate component of the equipment (antenna, transmitter, or other) must be permanently and legibly marked with at least the manufacturer's name and the TSO number.

(g) *Data requirements.* In accordance with § 37.5 of this part, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or, in the case of the Western Region, to the Chief, Aircraft Engineering Division), Federal Aviation Administration, in the region in whch the manufacturer is located, one copy of the following technical data, except that additional copies must be furnished upon request by the FAA:

(1) Manufacturer's operating instructions and equipment limitations, containing a statement identifying the type designation of the equipment as prescribed in paragraph (b) of this section.

(2) Installation instructions, including applicable schematic diagrams, wiring diagrams, procedures, and specifications. The specifications must set forth all limitations, restrictions, or other conditions, pertinent to the installation. The limitations must include a limitation on the use of the battery beyond 50 percent of its useful life, as established by the transmitter manufacturer. For the purpose of this subparagraph, the useful life of the battery (established by the transmitter manufacturer) is the length of time, after its date of manufacture, that the battery may be stored on the shelf under normal environmental conditions without losing its ability to meet the power supply requirements prescribed in the applicable performance standards of paragraph (b) of this section.

(3) List of components (by part number) that make up the equipment system complying with the applicable standards prescribed in this section.

(4) Manufacturer's test report.

(5) Equipment data sheets specifying the equipment's actual performance with respect to each performance factor prescribed in the applicable standard, and the ranges of environmental factors (temperature, altitude, etc.) within which that performance can be attained.

(h) *Data furnished with each manufactured unit.* A copy of the installation instructions prescribed in paragraph (g)(2) of this section, and of the equipment data sheets prescribed in paragraph (g)(5) of this section, must be furnished with each emergency locator transmitter manufactured under this TSO.

4. By adding a new section to Part 91 to read as follows:

§ 91.52 Emergency locator transmitters.

(a) Except as provided in paragraphs (e), (f), and (g) of this section:

(1) After December 30, 1971, no person may operate a U.S. registered civil airplane manufactured or imported after that date unless it meets the applicable requirements of paragraphs (b), (c), and (d) of this section.

(2) After (date one year after the effective date of this amendment) for operations (with airplanes not subject to paragraph (a)(1) of this section) governed by Part 135 of this chapter, and after December 30, 1973, for all other operations, no person may operate a U.S. registered civil airplane unless it meets the applicable requirements of paragraphs (b), (c), and (d) of this section.

(b) To comply with paragraph (a) of this section, each U.S. registered civil airplane must be equipped as follows:

(1) For operations governed by the supplemental air carrier and commercial operator rules of Part 121 of this chapter, or the air travel club rules of Part 123 of this chapter, there must be attached to the airplane an automatic type emergency locator transmitter that is in operable condition and meets the applicable requirements of § 37.200 of this chapter;

(2) For charter flights governed by the domestic and flag air carrier rules of Part 121 of this chapter, there must be attached to the airplane an automatic type emergency locator transmitter that is in operable condition and meets the applicable requirements of § 37.200 of this chapter;

(3) For operations governed by Part 135 of this chapter, there must be attached to the airplane an automatic type emergency locator transmitter that is in operable condition and meets the applicable requirements of § 37.200 of this chapter; and

(4) For operations other than those specified in subparagraphs (1), (2), and (3) of this paragraph, there must be attached to the airplane a personnel type or an automatic type emergency locator transmitter that is in operable condition and meets the applicable requirements of § 37.200 of this chapter.

(c) Each emergency locator transmitter required by paragraphs (a) and (b) of this section must be attached to the airplane in such a manner that the probability of damage to the transmitter, in the event of crash impact, is minimized. Fixed and deployable automatic type transmitters must be attached to the airplane as far aft as practicable.

(d) Batteries used in emergency locator transmitters required by paragraphs (a) and (b) of this section must be replaced after the transmitter has been used in an emergency and must also be replaced when 50 percent of their useful life (as established by the transmitter manufactured under § 37.200(g)(2) of this chapter) has expired. The new expiration date for the replacement battery must be legibly marked on the outside of the transmitter.

(e) Notwithstanding paragraphs (a) and (b) of this section, a person may—

(1) Ferry a newly acquired airplane from the place where possession of it was taken to a place where the emergency locator transmitter is to be installed; and

(2) Ferry an airplane with an inoperative emergency locator transmitter from a place where repairs or replacement cannot be made to a place where they can be made.

No persons other than required crewmembers may be carried aboard an airplane being ferried pursuant to paragraph (e) of this section.

(f) Paragraphs (a) and (b) of this section do not apply to—

(1) Turbojet engine powered airplanes;

(2) Scheduled operations (other than charter flights) conducted by a domestic or flag air carrier certificated under Part 121 of this chapter;

(3) Training flights conducted within a 20-mile radius of the airport from which the flight began; or

(4) Agricultural aircraft operations governed by Part 137 of this chapter.

(g) The emergency locator transmitter required by paragraphs (a) and (b) of this section need not meet the manually-operated test circuit requirement in § 37.200(c)(2) if the operator shows that he had purchased the transmitter prior to (date of publication of this notice in the FEDERAL REGISTER.

5. By amending § 121.339 (a)(4) and (b) to read as follows:

§ 121.339 Equipment for extended overwater operations.

(a) • • •

(4) A survival type emergency locator transmitter that after (date 1 year after the effective date of this amendment) meets the applicable requirements of § 37.200 of this chapter. The transmitter must be attached to one of the required life rafts. Batteries used in this transmitter must be replaced after the transmitter has been used in an emergency and must also be replaced when 50 percent of their useful life (as established by the transmitter manufacturer under § 37.200(g)(2) of this chapter) has expired. The new expiration date for the replacement battery must be legibly marked on the outside of the transmitter.

(b) The required life rafts, life preservers, and survival type emergency locator transmitter must be easily accessible in the event of a ditching without appreciable time for preparatory procedures. This equipment must be installed in conspicuously marked, approved locations.

6. By amending § 121.353(b) to read as follows:

§ 121.353 Equipment for operations over uninhabited terrain areas: flag and supplemental air carriers and commercial operators.

• • • • • •

(b) A survival type emergency locator transmitter that after (date 1 year after the effective date of this amendment) meets the applicable requirements of § 37.200 of this chapter. Batteries used in this transmitter must be replaced after the transmitter has been used in an emergency and must also be replaced when 50 percent of their useful life (as established by the transmitter manufacturer under § 37.200(g)(2) of this chapter) has expired. The new expiration date for the replacement battery must be legibly marked on the outside of the transmitter.

7. By amending § 135.163 to read as follows:

§ 135.163 Emergency equipment: extended overwater operations.

(a) No person may operate an aircraft in extended overwater operations unless it carries enough life rafts (with proper buoyancy) to carry all occupants of the aircraft, and unless there is attached to each life raft, and clearly marked for identification, at least—

(1) One canopy (for sail, sunshade, or for rain catcher);

(2) One radar reflector (or similar device);

(3) One life raft repair kit;

(4) One bailing bucket;

(5) One signaling mirror;

(6) One police whistle;

(7) One raft knife;

(8) One CO_2 bottle for emergency inflation;

(9) One inflation pump;

(10) Two oars;

(11) One 75-foot retaining line;

(12) One magnetic compass;

(13) One dye marker;

(14) One flashlight;

(15) At least one pyrotechnic signaling device;

(16) A two-day supply of emergency food rations supplying at least 1,000 calories a day for each person;

(17) One sea water desalting kit for each two persons the raft is rated to carry, or two pints of water for each person;

(18) One fishing kit; and

(19) One book on survival appropriate for the area in which the aircraft is operated.

(b) After (date 1 year after the effective date of this amendment) no person may operate an aircraft in extended overwater operations unless there is attached to one of the liferafts required by paragraph (a) of this section a survival type emergency locator transmitter that meets the applicable requirements of § 37.200 of this chapter. Batteries used in this transmitter must be replaced after the transmitter has been used in an emergency and must also be replaced when 50 percent of their useful life (as established by the transmitter manufacturer under § 37.200(g)(2) of this chapter) has expired. The new expiration date for the replacement battery must be legibly marked on the outside of the transmitter.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 10, 1971.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.71-3546 Filed 3-12-71;8:48 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 70–AL–5]

DESIGNATION OF RESTRICTED AREA AND ALTERATION OF FEDERAL AIRWAY AND CONTINENTAL CONTROL AREA

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a restricted area at Chatanika, Alaska, and a west alternate to VOR Federal airway No. 438 between Fairbanks, Alaska, and Fort Yukon, Alaska. Also, the Continental control area would be altered to include the proposed restricted area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage AK 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. The Chatanika, Alaska, restricted area would be designated as follows:

Boundaries. Within a 1½-mile radius circle centered at lat. 65°07'45" N., long. 147°-29'30" W., and within a line drawn from the northerly tangent of the 1½-mile radius circle to lat. 65°15'00" N., long. 146°19'00" W., thence to lat. 64°59'40" N., long. 146°-19'00" W., thence to the southerly tangent of the 1½-mile radius circle.

Designated Altitudes. Surface to unlimited.

Time of Designation. From 0930 to 1030 a.m. local time for a period of 2 years beginning July 1, 1971.

Controlling Agency. Federal Aviation Administration, Fairbanks ARTC Center.

Using Agency. U.S. Army Electronics Command, Fort Huachuca, Ariz.

2. V–438 would be altered by adding a standard west alternate between the Fairbanks, Alaska, VORTAC and the Fort Yukon, Alaska, VOR.

3. The continental control area would be altered by adding the Chatanika restricted area.

The proposed restricted area is needed as a part of a worldwide network of meteorological rocket sounding stations to

gather atmospheric data above 100,000 feet.

The proposed west alternate to V–438 would provide a bypass between Fairbanks and Fort Yukon route during periods of activation of the restricted area.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 8, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3552 Filed 3-12-71;8:49 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 239]

[Docket No. 23173; EDR-197]

REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Notice of Proposed Rule Making

MARCH 10, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration the enactment of a new part (Part 239) of the economic regulations to establish a system of reporting of freight loss and damage claims by certain air carriers and foreign route air carriers. This system is designed to enable the Board and numerous other organizations, both public and private, to be informed of current trends or problems relating to air freight loss and damage and to provide data whereby the Board may take appropriate action.

The principal features of the proposed part are described in the attached Explanatory Statement and the proposed part is set forth in the attached rule. The part is proposed under the authority of sections 204(a), 402, and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372, 1377.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 13, 1971, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. By Order 68–7–126, July 25, 1968, the Board approved, subject to conditions, an agreement (CAB 20374) between various air carriers and foreign air carriers to establish an Airport Security Council to take action against crime and pilferage at airports in the New York Metropolitan area. Also, the Board by Order 68–8–18, August 6, 1968, authorized carrier discussions of specific tariff rules and related practices on liability, valuation, and claims. These orders pertained to common problems; however, adequate data relating to these problems are not presently available to the Board. Additionally, Congress has recently shown an interest in mitigating the problem of air freight loss and damage.[1]

Moreover, the Flying Tiger Line, Inc., recently filed a petition for rule making (Docket 22661) to require the reporting of air freight loss and damage data.[2] Flying Tiger asserts that the domestic industry's claim-to-revenue ratio has risen from 0.903 percent in 1964 to 1.751 percent in 1969.[3] However, this carrier states that it decreased its claim-to-revenue ratio from 1.5 percent in 1968 to 1.1 percent in 1970, a reduction which it attributes to its ability to define problem areas and to take appropriate corrective action based upon its analysis of periodic statistical reports. These reports show, inter alia, aggregate losses in dollars classified by terminal, by shipper, and by rate-weight code, as well as dollar losses by origin terminal, by destination terminal, and by commodity.

Further progress toward resolution of this problem is reflected in two recent Board orders. In Order 70–7–116, dated July 24, 1970, the Board approved several other agreements adopted by the members of the Airport Security Council[4] which established certain procedures for recording thefts, pilferage, and losses in air cargo operations covered by the Airport Security Council. Second, various agreements filed on behalf of the domestic carriers which revised certain tariff rules concerning air freight liability and claims matters, have been approved by the Board pending an investigation of certain of these agreements.[5]

In order that more reliable data may be available with respect to air cargo losses, the Board has for some time been working informally with the domestic carriers to develop meaningful loss and damage reports. As a result, a number of domestic carriers are now providing quarterly reports showing claim payments in various categories. These reports are, however, incomplete in numerous respects, and the report forms proposed herein are intended to correct these deficiencies.

Throughout the foregoing period, the Board's staff has maintained close liaison with the staff of the Interstate Commerce Commission which has recently proposed a claims reporting system for motor carriers.[6] This coordination will be continued to insure comparability and compatibility of air and surface data reporting as to freight property loss and damage.

As noted above, the current reports are limited to domestic certificated route carriers. The Board does not have data for other classes of air carriers and is herein proposing to require such data from air freight forwarders and international air freight forwarders under Parts 296 and 297, respectively, commuter air carriers under Part 298, supplemental air carriers and foreign-flag route air carriers. Further, to enable the Board, the industry and individual carriers to utilize the developed data to the greatest extent possible, we shall require that the losses be identified by commodities as well as by causal factors. Even though a uniform commodity coding system is not available throughout the industry, there is a need for claim revenue and other statistical data by commodity.[7] Different commodities have varying transport characteristics and varying exposure to risk; in some cases this is a function of value, in others, a function of physical characteristics. Accurate and reasonable analysis is not possible without recognition and measurement of these factors.

The Board is also proposing to monitor the various types and causes of loss and damage, i.e., theft, pilferage and robbery. These data should assist the carriers in their efforts to improve cargo security. The proposed data on concealed as well as visible damage should be useful in monitoring the effectiveness of the procedures used to control such losses. Data as to claim payments vis-a-vis the actual losses to shippers will, for the first time, establish the true "cost" to the shipper for loss or damage in air transportation.

In addition, the air movement (airport-to-airport) has been separated from the ground portion to identify the respective claim experience. Similarly, international and domestic traffic have been separated to reflect the current differences in domestic and international (Warsaw) property liability limits.[8] In both of these areas, the rule asks for the same type of claim information.

This reporting system should give to the Board more adequate and complete data with respect to the problem of cargo loss. These data should be useful to law enforcement and other government authorities in recognizing problem areas and in taking corrective action where appropriate. They should give both shipper and carrier a better comprehension of their common problems and varying responsibilities. Whether the loss is due to theft or damage of goods in transit, the ultimate loss must be borne by the public. The knowledge gained from the attached reports should aid in reducing cargo loss and damage which should in turn result in reduced overall transportation costs to the public.

[1] Several bills were introduced in the 91st Congress such as S.J. Res. 929, S. 3595 and H.R. 18243, among others, which related to cargo loss and damage. For example, S. 3595 and H.R. 18243 entitled "To establish a Commission on Security and Safety of Cargo" are designed to cope with the cargo security problem. They would establish a Commission on Security and Safety of Cargo to investigate and recommend methods for achieving security and safety for cargo of all modes of transportation. The Commission's duties would include an evaluation of methods to deter cargo theft; the development of a uniform loss-reporting system by all modes of transportation; an evaluation of the adequacy of the present carrier liability limitations; and the development of physical facility security standards.

[2] The issues in Docket 22661 are embraced in this rule making proceeding. Therefore, that docket is consolidated herein.

[3] For the first quarter of 1970, the reported ratio increased to 1.96 percent.

[4] Agreements CAB 20374–A2 through A7, particularly Agreement CAB 20374–A3.

[5] Agreements CAB 19891–A4, 20746–A1, and A2 and 21288, approved by the Board subject to conditions by Order 70–7–121 dated July 24, 1970. The carriers have not, however, filed in their tariffs the major rules changes approved by the Board.

[6] Notice of proposed rule making, 49 CFR Part 1249, served Nov. 27, 1970, No. 35345, 35 F.R. 18402.

[7] See Appendix A which is filed as part of the original document.

[8] The Warsaw property liability limit is $7.52 per pound of shipment. The domestic liability limit is typically 50 cents per pound or $50 per shipment, whichever is greater. See Order 70–7–121, July 24, 1970.

Proposed rule. The Board proposes a new Part 239 of the economic regulations to read as follows:

PART 239—REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Sec.

239.1 Definitions.
239.2 Applicability and CAB Form 239 filing requirements.
239.3 Extension of filing time.
239.4 Certification.
239.5 List of commodity descriptions and codes for use in reporting on CAB Form 239.
239.6 Schedule A—Report of Freight Loss Damage Claims Paid.
239.7 Schedule B—Analysis of Theft.
239.8 Schedule C—Analysis of Claims Processed.
239.9 Schedule D—Summary of Freight Loss and Damage Claims Paid.

§ 239.1 Definitions.

As used in this part, unless the context otherwise requires—

Actual shipper loss means the total dollar amount on each claim actually suffered by claimant because of loss, damage, delay, etc., based on the invoice value (per pound, per unit, etc.) at destination, or origin invoice value plus freight charges. For claims involving shipments where no invoices exist, such as personal effects and household goods, the actual loss to the shipper shall be the negotiated settlement, or the amount claimed less reasonable depreciation based upon prior use and age, whichever is greater.

Air movement means airport-to-airport.

Concealed damage means physical damage to freight discovered after delivery of shipment to consignee in apparent good order without evidence of irregularity.

Ground movement means pickup and delivery, and/or connecting or joint motor carrier service pursuant to interline air-surface agreements.

Operations, domestic means traffic between the 50 States of the United States and the District of Columbia.

Operations, international means traffic between the 50 States of the United States and the District of Columbia, on the one hand, and all points outside the United States, on the other hand.

Other means damage not elsewhere classified.

Robbery means all stealing, including hijacking, with use of force or threat of force.

Shortage means failure to deliver all or part of shipment to consignee for unknown reasons.

Theft or pilferage means all known stealing without use of force or threat of force.

Visible damage means delivery of shipment reflecting open damage observable by consignee at time of delivery.

§ 239.2 Applicability and CAB Form 239 filing requirements.

(a) This part applies to all certificated route carriers and certificated supplemental air carriers, commuter air carriers under Part 298 of the Board's economic regulations in this chapter (14 CFR Part 298), air freight forwarders and international air freight forwarders under Parts 296 or 297 of the Board's economic regulations in this chapter, respectively (14 CFR Parts 296, 297), and foreign route air carriers.

(b) CAB Form 239 entitled "Report of Freight Loss and Damage Claims," consisting of the certification and the following schedules, shall be filed by the classes of carriers designated in paragraph (a) of this section in accordance with the filing frequency specified below:

	Filing frequency
(1) Certification	Quarterly.
(2) Schedule A—Report of Freight Loss and Damage Claims Paid	Do.
(3) Schedule B—Analysis of Theft	Do.
(4) Schedule C—Analysis of Claims Processed	Do.
(5) Schedule D—Summary of Freight Loss and Damage Claims Paid	Annually.

(c) Schedules A and C shall be filed by each certificated route air carrier whose annual scheduled gross air freight revenues exceed three million dollars ($3,000,000) for the year ending on the same date as the quarter covered by the report; by each air freight forwarder or international air freight forwarder whose total annual air forwarding revenues exceed $3 million; and by each foreign route air carrier.[9]

(d) Schedules B and D shall be filed by all certificated route air carriers, certificated supplemental air carriers, commuter air carriers, air freight forwarders and international air freight forwarders and foreign route air carriers.[10]

(e) The report shall be completed in duplicate and addressed to the Civil Aeronautics Board, Washington, D.C. 20428, Attention: Bureau of Accounts and Statistics. It shall be filed so as to be received by the Civil Aeronautics Board within 30 days after the termination of each reporting period.

(f) Dollar amounts reported on all schedules of CAB Form 239 shall be rounded to the nearest whole number, omitting cents.

§ 239.3 Extension of filing time.

If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor. Such a request must give good and sufficient reason to justify granting the extension, must set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit ample time for consideration and communication to the air carrier of the action taken. Except in cases of emergency, no such request will be entertained which is not received in sufficient time to enable the Board to pass thereon before the prescribed due date. If a request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

§ 239.4 Certification.

The certificate of an officer of the reporting carrier shall be executed in duplicate, and shall accompany each Form 239 filed with the Board. This certificate is the cover sheet of Form 239 and applies to all schedules and documents filed therewith.

§ 239.5 List of commodity descriptions and codes for use in reporting on CAB Form 239.

The list of commodity descriptions in Schedule A attached hereto shall be used in reporting on CAB Form 239. This list was derived from the Standard Transportation Commodity Code (STCC) and represents those articles which are believed to be subjected to the greatest risk of loss or damage between pickup and delivery. In the event that no claims exist during a given reporting period

[9] Only foreign route air carriers serving the United States are required to file CAB Form 239. Data called for in the report shall relate only to freight traffic from and/or to the United States and claims relating thereto.

[10] Ibid.

with respect to one or more of the particular commodities, such entry or entries may be omitted.

§ 239.6 Schedule A—Report of Freight Loss and Damage Claims Paid.

(a) This schedule shall be prepared for each quarter ending March 31, June 30, September 30 and December 31 of each calendar year.

(b) The data reported on this schedule shall relate to scheduled service only. For the purposes of this schedule, forwarders shall be considered scheduled carriers regardless of underlying transportation.

(c) Separate reports of this schedule shall be filed for domestic and international operations. Check the appropriate box provided on the form.

(d) Freight forwarders should report only those claims made by their customers against the forwarder, not claims by the forwarder against a direct air carrier.

(e) Direct air carrier interline traffic and claim data—

(1) *Domestic.* Each direct air carrier participating in an interline movement and sharing in the settlement shall separately report as to its own dollar portion of interline claims. For purposes of the "Number" columns in Schedule A, each interline carrier participating in the claim settlement shall count each claim on a percentage basis, as follows:

NUMBER OF CARRIERS PARTICIPATING IN SETTLEMENT

	2	3	4	5
Claim-paying carrier	0.50	0.34	0.25	0.20
2d carrier	.50	.33	.25	.20
3d carrier		.33	.25	.20
4th carrier			.25	.20
5th carrier				.20

(2) *International.* If all carriers participating in the interline movement are certificated route air carriers, or foreign route carriers serving the United States, each such carrier shall report its own portion of interline claims, as for Domestic in subparagraph (1) of this paragraph; if any carrier participating in the interline movement is a foreign route air carrier not serving the United States, the certificated route air carrier or foreign route air carrier which originated the shipment in the United States (outbound), or which effected delivery in the United States (inbound), shall report the entire claim settlement and other data as required by this part.

(f) Columns (1) and (2)—Show each commodity for which loss and damage claims were paid during the reporting quarter. Use the commodity codes and descriptions provided for in Appendix A.*

(g) Column (3)—For each commodity listed in column (2), show separately the amounts paid for claims relating to shipments while moving by air and while moving on the ground by inserting the letters "A" and "G", respectively, and "T" representing the total of these two modes.

(h) Columns (4) through (15) plus (18)—For each line reported in column (3), show the number of claims paid and related dollar amounts on which claims were paid, broken down among the various reasons which resulted in the payments.

(i) Columns (16) and (17)—Show in column (16) the total number of claims paid reported in columns 4, 6, 8, 10, 12, and 14 and in column (17) show the total dollar amounts reported in columns 5, 7, 9, 11, 13, and 15.

(j) Column (18)—For each total reported in column (17), show the dollar amounts of the actual losses incurred by the shipper.

(k) Column (19)—Show the gross revenue received during the reporting quarter for each commodity listed in column (2).

(l) Following the last entry made on this schedule, show the grand totals for each of columns (4) through (17). Also, immediately below the grand totals, insert data for the two lines reading: "Claims presented by forwarders" and "Claims presented by other than forwarders," and complete columns (4) through (17) for each of these lines.

§ 239.7 Schedule B—Analysis of Theft.

(a) This schedule shall be prepared for the quarters ending March 31, June 30, September 30, and December 31 of each calendar year.

(b) Separate reports of this schedule shall be filed for domestic and international operations. Check the appropriate box provided on the form.

(c) Columns (1) and (2)—List individually by commodity each claim payment during the reporting period in the amount of $100 or more as the result of theft. Use the commodity code numbers provided in Appendix A,* but the commodity descriptions inserted should be those shown on the airbill or airwaybill.

(d) Columns (3) and (4)—For each claim reported in column (2), show the dollar amounts attributable to "Theft or Pilferage" and "Robbery."

(e) Column (5)—Identify the airport where the theft occurred using the three-letter airport codes shown in the Official Airline Guide. If the airport is not known, allocate claim amount in same proportion as used to allocate to other airports involved in the transportation of the shipment. For example, if Los Angeles and Philadelphia alone were involved, a single commodity entry would show 50 percent of the claim against each * * * $_____ LAX; * * * $_____ PHL.

§ 239.8 Schedule C—Analysis of Claims Processed.

(a) This schedule shall be prepared for the quarters ending March 31, June 30, September 30 and December 31 of each calendar year.

(b) The data reported on this schedule shall relate to scheduled service only. For the purposes of this schedule, forwarders shall be considered scheduled carriers regardless of underlying transportation.

(c) Separate reports of this schedule shall be filed for domestic and international operations. Check the appropriate box provided on the form.

(d) Items 1, 2 and 3—The carrier receiving the claim shall show, respectively, the number of claims on hand at the beginning of the reporting quarter, the number of claims received during the quarter and the total number of claims to be processed during the reporting quarter, distributed according to the columnar headings. In column (4) show horizontal totals of the number of claims reported in columns (1), (2), and (3), and in column (5) show the related total dollar value of these claims.

(e) Item 4(a)—Show the number and dollar amounts of claims paid during the reporting quarter, distributed according to the columnar headings.

(f) Item 4(b)—Show the number and dollar amounts of all claims denied or otherwise closed during the reporting quarter, distributed according to the reasons specified for denial (Items 4(b), 1–4). The number of claims and dollar amounts thereof reported in Item 4 should balance both vertically and horizontally.

(g) Item 5—Amounts reported should be carried forward as Item 1 in the next quarterly report; any differences should be explained in detail under "Remarks."

(h) Items 6 through 10—Self-explanatory.

(i) Item 11—Show the gross air freight revenue received during the reporting quarter. For certificated route air carriers this figure should agree with the amounts reported separately for domestic and international operations in account 3906 on Schedules P–1.1 or P–1.2 of CAB Form 41; for air freight forwarders and international air freight forwarders this figure refers to amounts reported separately for domestic and overseas/foreign operations in Item 4 on Schedule P of CAB Form 244 (however, Schedule P of CAB Form 244 calls for a semiannual report whereas the subject item is reported quarterly).

(j) Item 12—Show as a percentage carried to two decimal places.

(k) Item 13—Retrospective insurance refunds from premiums should be offset against amounts reported in Item 13, in the quarter in which received, and a footnote to that effect should be made under "Remarks."

§ 239.9 Schedule D—Summary of Freight Loss and Damage Claims Paid.

(a) This schedule shall be prepared for each calendar year as of December 31.

(b) Data reported on this schedule shall separately cover domestic and international scheduled and nonscheduled operations, but shall exclude military contract operations.

(c) For the purposes of this schedule, forwarders shall be considered scheduled carriers regardless of underlying transportation.

(d) Freight forwarders should report only those claims made by their customers against the forwarder, not claims by the forwarder against a direct air carrier.

[FR Doc.71-3566 Filed 3-12-71;8:50 am]

* Filed as part of the original document.

* Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 74]

[Docket No. 19130]

AURAL BROADCAST STL OPERATIONS, INTERCITY RELAY STATIONS, AND CERTAIN LOW POWER BROADCAST AUXILIARY STATIONS

Order Extending Time for Filing Comments

In the matter of amendment of Parts 2 and 74 to permit Aural Broadcast STL operations in the band 2150–2160 MHz and to accommodate STL, Intercity Relay Stations and certain low power broadcast auxiliary stations within the frequency band 947–952 MHz.

1. A notice of proposed rule making and notice of inquiry (36 F.R. 1425, January 29, 1971) was adopted in the above matter on January 20, 1971, setting the dates for filing comments and reply comments as March 2, 1971, and March 12, 1971, respectively. The Commission has before it now a request by the National Association of FM Broadcasters (NAFMB) to extend the comment date to April 19, 1971, so that the matter may be taken up at its annual convention in the latter part of March.

2. In as much as the FM broadcasting industry is directly affected by the proposals herein, the views of its national association would be helpful to the Commission. We believe that good cause has been shown for the requested extension and that such extension would not unduly delay the proceeding.

3. *Accordingly, it is ordered,* Pursuant to § 0.281(b) of the rules and regulations, that the time for filing comments in this proceeding is extended to April 19, 1971, and, although not requested, the time for filing reply comments is extended to April 29, 1971.

Adopted: March 8, 1971.

Released: March 9, 1971.

[SEAL] RICHARD E. WILEY,
General Counsel.

[FR Doc.71-3559 Filed 3-12-71;8:49 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEPRECIATION ALLOWANCES USING ASSET DEPRECIATION RANGE SYSTEM

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under section 167 of the Internal Revenue Code of 1954, relating to depreciation, appear in this issue of the FEDERAL REGISTER (36 F.R. 4885).

A public hearing on the provisions of these proposed amendments to the regulations will be held on May 3, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224. If necessary the hearing will be continued through Tuesday, May 4, 1971, and Wednesday, May 5, 1971.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules will be furnished on request. Under such § 601.601(a)(3) persons who desire to present oral comments (in addition to having submitted written comments or suggestions within the time prescribed in the notice of proposed rule making) should by April 23, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines shall be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who plan to attend the hearing and persons who desire a copy (furnished only at the above address) of such written comments or suggestions or outlines should notify the Commissioner at the above address or telephone (Washington, D.C.) 202–964–3935 by April 28, 1971.

JAMES F. DRING,
Director,
Legislation and Regulations Division.

[FR Doc.71-3646 Filed 3-12-71;9:15 am]

[26 CFR Part 1]

DEPRECIATION ALLOWANCES USING ASSET DEPRECIATION RANGE SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. A public hearing will be held, and notice of the time, place, and date of the public hearing is simultaneously published herewith. The proposed regulations are to be issued under the authority contained in section 167 of the Internal Revenue Code of 1954 (26 U.S.C. 167) and section 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 7805).

RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) are amended as follows:

Paragraph 1. The following new section is added immediately after § 1.167(a)–10, to read as follows:

§ 1.167(a)–11 Depreciation based on asset depreciation ranges for property placed in service after December 31, 1970.

(a) *In general.* This section provides an asset depreciation range system for determining the reasonable allowance for depreciation of designated classes of assets placed in service after December 31, 1970. The system is designed to minimize disputes between taxpayers and the Internal Revenue Service as to the useful life of property, and as to salvage value, repairs, and other matters. The system is optional with the taxpayer. The taxpayer has an annual election. Generally, an election for a taxable year will apply to all additions of eligible property during the taxable year of election, but does not apply to additions of eligible property in any other taxable year. The taxpayer's election, made with the return for the taxable year, may not be revoked or modified for any property included in the election. Generally, the taxpayer must establish vintage accounts for all eligible property included in the election, must determine the allowance for depreciation of such property in the taxable year of election, and in subsequent taxable years, on the basis of the period of years (within the asset depreciation range) specified in the election, and must apply the first-year convention specified in the election to determine the allowance for depreciation of

such property. This section also contains special provisions for the treatment of salvage value, retirements, and the cost of the repair, maintenance, rehabilitation and improvement of such property. A taxpayer may not apply any provision of this section unless he makes an election and thereby consents to, and agrees to apply, all the provisions of this section. For the meaning of certain terms used in this section, see paragraphs (b)(2) ("eligible property"), (b)(3) ("vintage account"), (b)(4) ("asset depreciation range" and "asset guideline class"), (b)(5)(iii)(a) ("used property"), (b)(6)(i) ("public utility property"), (c)(1)(v) ("original use"), (c)(1)(vi) ("unadjusted basis" and "adjusted basis"), (c)(2)(ii) ("modified half-year convention"), (c)(2)(iii) ("half-year convention"), (d)(1)(i) ("salvage value"), (d)(2)(ii) ("repair allowance"), (d)(2)(iv) ("excluded addition"), (d)(2)(v) ("property improvement"), (d)(3)(ii) ("ordinary retirement" and "extraordinary retirement"), and (e)(1) ("first placed in service") of this section.

(b) *Reasonable allowance using asset depreciation ranges*—(1) *In general.* The allowance for depreciation of eligible property (as defined in subparagraph (2) of this paragraph) to which the taxpayer elects to apply this section will be determined as provided in paragraph (c) of this section and shall constitute the reasonable allowance for depreciation of such property under section 167(a).

(2) *Definition of eligible property.* For purposes of this section, the term "eligible property" means property which is subject to the alowance for depreciation provided by section 167(a) but only if—

(i) An asset guideline class and period are in effect for such property for the taxable year of election (see subparagraph (4) of this paragraph);

(ii) The property is tangible personal property, or is other tangible property (not including a building or its structural components) which (*a*) is used as an integral part of manufacturing, production, or extraction or of furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services, or (*b*) constitutes research or storage facilities used in connection with any of the activities described in (*a*) of this subdivision (but see subparagraph (6) of this paragraph for special rule for certain public utility property as defined in section 167(l)(3)(A));

(iii) The property is first placed in service (as described in paragraph (e)(1) of this section) by the taxpayer after December 31, 1970 (but see subparagraph (7) of this paragraph for special rule where there is a mere change in the form of conducting a trade or business);

(iv) During the taxable year of election, the property is predominantly used (within the meaning of paragraph (g)(1)(i) and (iii) of § 1.48–1) within the United States (as defined in section 7701 (a)(9)), or meets the requirements of paragraph (g)(2) of § 1.48–1 (relating to exceptions to the requirement of predominant use). See subparagrap h(5)(v) of this paragraph for special rule in the case of change in predominant use.

The language used in subdivision (ii) of this subparagraph shall have the same meaning as when used in section 1245 (a)(3)(A) and (B). The term "eligible property" includes any property which meets the requirements of this subparagraph, whether such property is new property, "used property", or is a "property improvement" (as described in paragraph (d)(2)(v) of this section). For the treatment of expenditures for the repair, maintenance, rehabilitation or improvement of property in a vintage account, see paragraph (d)(2)(v) of this section.

(3) *Requirement of vintage accounts*—(i) *In general.* For purposes of this section, a "vintage account" is a closed-end depreciation account containing eligible property to which the taxpayer elects to apply this section, first placed in service by the taxpayer during the taxable year of election. The "vintage" of an account refers to the taxable year during which the eligible property in the account is first placed in service by the taxpayer. Such an account will consist of an asset, or a group of assets, within a single asset guideline class established pursuant to subparagraph (4) of this paragraph and may include only eligible property. Each item of eligible property (except a property improvement as described in paragraph (d)(2)(v) of this section) to which the taxpayer elects to apply this section, first placed in service by the taxpayer during the taxable year of election, shall be placed in a vintage account of the taxable year of election. For special rules regarding property improvements, see paragraph (d)(2)(v) of this section. Any number of vintage accounts of a taxable year may be established. More than one account of the same vintage may be established for different assets of the same asset guideline class.

(ii) *Special vintage accounts.* Property the original use of which does not commence with the taxpayer may not be placed in a vintage account which contains property the original use of which commences with the taxpayer. Property described in section 167(f)(2) may not be placed in a vintage account with property not described in section 167(f)(2). Property described in section 179(d)(1) may not be placed in a vintage account with property not described in section 179(d)(1). Property which qualifies for treatment under section 263(e) may not be placed in a vintage account with property which does not qualify for treatment under section 263(e). For special rule for property acquired in a transaction to which section 381(a) applies, see paragraph (e)(3)(i) of this section. For additional rules with respect to accounting for eligible property, see paragraph (e) of this section.

(4) *Asset depreciation ranges*—(i) *Selection of asset depreciation period.* An election shall specify for each vintage account of the taxable year of election the period selected by the taxpayer from the asset depreciation range for the assets in such account. For purposes of this section the term "asset guideline class" means a category of assets (including any subcategory of assets) for which a separate guideline period is in effect as provided in subdivision (ii) of this subparagraph. Any period within the asset depreciation range for the assets in a vintage account which is a whole number of years, or a whole number of years plus a half year, may be selected. The lower limit of the asset depreciation range for a vintage account is 80 percent of the asset guideline period established for the assets in the account, and the upper limit of such range is 120 percent of such asset guideline period, determined in each case by rounding any fractional part of a year to the nearer of the nearest whole year or the nearest half year.

(ii) *Establishment of asset guideline classes and periods.* The asset guideline classes and periods in effect for any taxable year beginning before the effective date of the first supplemental asset guideline classes and periods established pursuant to this section are set forth in Part I of Revenue Procedure 62–21, 1962–2 C.B. 418 (as supplemented in 1963–2 C.B. 740, 1964–1 C.B. 639, and 1964–1 C.B. 640). Other asset guideline classes and periods will from time to time be established, supplemented and revised with express reference to this section. These asset guideline classes and periods will be published in the Internal Revenue Bulletin. The asset guideline classes, the asset guideline periods, and the asset depreciation ranges determined from such periods in effect on the first day of a taxable year of election shall apply to all vintage accounts of such taxable year, and the reasonable allowance for depreciation of property in such accounts shall not be changed to reflect any subsequent supplement or revision of the asset guideline classes or periods.

(iii) *Examples.* The principles of this subparagraph may be illustrated by the following examples:

Example (*1*). Corporation X purchases a bulldozer for use in its construction business. The bulldozer is first placed in service in 1972. Since the bulldozer is tangible personal property, predominantly used within the United States, for which an asset guideline class and period have been established, the bulldozer is eligible property. The bulldozer is covered under asset guideline class 2(a) of Group Two under Revenue Procedure 62–21, and the asset guideline period is 5 years. Thus, the asset depreciation range is 4–6 years.

Example (*2*). In 1972 Corporation Y first places in service a factory building. Although an asset guideline class and period are in effect for the property and it is predominantly used within the United States, it is not eligible property, since it does not meet the requirements of subparagraph (2)(ii) of this paragraph.

(5) *Requirements of election*—(i) *In general.* Except as otherwise provided in paragraph (d)(2) of this section dealing with property improvements, no provision of this section shall apply to any property other than eligible property to which the taxpayer elects, in accordance with this section, to apply this section. For the time and manner of election, see paragraph (f) of this section. Except as otherwise provided in subdivisions (iv) and (v) of this subparagraph, a taxpayer's election to apply this section may not be revoked or modified after the last day prescribed for filing the election. Thus, for example, after such day, a taxpayer may not cease to apply this section to property included in the election, establish different vintage accounts for the taxable year of election, select a different period from the asset depreciation range for any such account, or adopt a different first-year convention for any such account.

(ii) *Property required to be included in election.* Except as otherwise provided in subdivision (iii) of this subparagraph dealing with certain used property, in subdivision (iv) of this subparagraph dealing with property subject to special depreciation or amortization, and in paragraph (e)(3)(i) of this section dealing with transactions to which section 381(a) applies, if the taxpayer elects to apply this section to any eligible property first placed in service by the taxpayer during the taxable year of election, the election shall apply to all such eligible property, whether placed in service in a trade or business or held for production of income.

(iii) *Special 10 percent used property rule.* (*a*) If the unadjusted basis of eligible "used property" first placed in service by the taxpayer during the taxable year of election exceeds 10 percent of the unadjusted basis of all eligible property first placed in service during the taxable year of election, the taxpayer may exclude all (but not less than all) the eligible used property from the election to apply this section. For the purposes of this section, the term "used property" means property the original use of which does not commence with the taxpayer.

(*b*) Solely for the purpose of determining whether the 10 percent rule of this subdivision is satisfied, (*1*) used property first placed in service during the taxable year and subject to special depreciation or amortization provisions described in subdivision (iv) of this subparagraph and (2) property acquired during the taxable year in a transaction to which section 381(a) applies, shall all be treated as used property regardless of whether such property would be treated as new property under section 167(c) and the regulations thereunder.

(iv) *Property subject to special method of depreciation or amortization.* (*a*) An election to apply this section shall not include any eligible property in an asset guideline class if for the taxable year of election the taxpayer computes depreciation under the unit of production, retirement or machine hour method or any other method not described in section 167(b)(1), (2), or (3) for any eligible property first placed in service during the taxable year in such asset guideline class. In addition, an election to apply this section shall not include eligible property for which, for the taxable year of election, the taxpayer computes depreciation under section 167(k), or computes amortization under sections 169, 184, 185, 187, or paragraph (b) of § 1.162–11.

(*b*) If the taxpayer has elected to apply this section to eligible property described in section 167(k), 169, 184, 185, or 187 and the taxpayer thereafter computes depreciation or amortization for such property for any taxable year in accordance with section 167(k), 169, 184, 185, or 187, then the election to apply this section to such property shall terminate as of the beginning of the taxable year for which depreciation or amortization is computed under such section. Application of this section to such property for any period prior to the termination date will not be affected by the termination. The unadjusted basis of the property shall be removed as of the termination date from the unadjusted basis of the vintage account. The depreciation reserve established for the account shall be reduced by the depreciation allowable for the property, computed in the manner prescribed in paragraph (c)(1)(vi)(*b*) of this section for determination of the adjusted basis of the property and shall be further adjusted in the manner prescribed in paragraph (d)(3)(vi) of this section. See paragraph (d)(3)(vii)(*d*) of this section for treatment of salvage value when property is removed from a vintage account.

(v) *Change in predominant use of eligible property.* If eligible property in a vintage account ceases to meet the requirements of paragraph (g)(1) (i) and (iii) or (g)(2) of § 1.48–1 (relating to requirement of predominant use within the United States) for a taxable year, the election to apply this section to such property shall terminate as of the beginning of such taxable year. The application of this section to such property for a period prior to the termination date will not be affected. The unadjusted basis of the property shall be removed as of the termination date from the unadjusted basis of the vintage account. The depreciation reserve established for the account shall be reduced by the depreciation allowable for the property, computed in the manner prescribed in paragraph (c)(1)(vi)(*b*) of this section for determination of the adjusted basis of the property and shall be further adjusted in the manner prescribed in paragraph (d)(3)(vii) of this section. See paragraph (d)(3)(vii)(*d*) of this section for treatment of salvage value when property is removed from a vintage account.

(6) *Special rule for certain public utility property*—(i) *Requirement of normalization in certain cases.* Under section 167(l), in the case of public utility property (as defined in section 167(l)(3)(A)), if the taxpayer—

(*a*) Is entitled to use a method of depreciation other than a "subsection (l) method" of depreciation (as defined in section 167(l)(3)(F)) only if it uses the "normalization method of accounting" (as defined in section 167(l)(3)(G)) with respect to such property, or

(*b*) Is entitled to use only a "subsection (l) method" of depreciation, such property shall be eligible property (as defined in subparagraph (2) of this paragraph) only if the taxpayer normalizes the tax deferral resulting from the election to apply this section.

(ii) *Normalization.* The taxpayer will be considered to normalize the tax deferral resulting from the election to apply this section only if it computes its tax expense for purposes of establishing its cost of service for rate making purposes and for reflecting operating results in its regulated books of account using a depreciation period no less than the lesser of—

(*a*) 100 percent of the asset guideline period as described in subparagraph (4)(ii) of this paragraph, or

(*b*) The period for computing its depreciation expense to reflect operating results on its regulated books of account, and makes adjustments to a reserve to reflect the deferral of taxes resulting from an election to apply this section. A determination whether the taxpayer is considered to normalize (within the meaning of the preceding sentence) the tax deferral resulting from an election to apply this section shall be made in a manner consistent with the principles for determining whether a taxpayer is using the "normalization method of accounting" (within the meaning of section 167(l)(3)(G)).

(iii) *Failure to normalize.* If the taxpayer has elected to apply this section to any eligible public utility property in accordance with subdivision (i) of this subparagraph and the taxpayer thereafter fails to normalize the tax deferral resulting from the election to apply this section, the election to apply this section to such property shall terminate as of the beginning of the taxable year for which the taxpayer fails to normalize the tax deferral resulting from the election to apply this section. Application of this section to such property for any period prior to the termination date will not be affected by the termination. The unadjusted basis of the property shall be removed as of the termination date from the unadjusted basis of the vintage account. The depreciation reserve established for the account shall be reduced by the depreciation allowable for the property, computed in the manner prescribed in paragraph (c)(1)(vi)(*b*) of this section for determination of the adjusted basis of the property and shall be further adjusted in the manner prescribed in paragraph (d)(3)(vi) of this section. See paragraph (d)(3)(vii)(*d*) of this section for treatment of salvage

value when property is removed from a vintage account.

(7) *Mere change in form of conducting a trade or business.* Property which was first placed in service by the transferor before January 1, 1971, shall not be eligible property if such property is first placed in service by the transferee after December 31, 1970, by reason of a mere change in the form of conducting a trade or business in which such property is used. A mere change in the form of conducting a trade or business in which such property is used will be considered to have occurred if—

(i) The transferor (or in a case where the transferor is a partnership, estate, trust, or corporation, the partners, beneficiaries, or shareholders) of such property retains a substantial interest in such trade or business, or

(ii) The basis of such property in the hands of the transferee is determined in whole or in part by reference to the basis of such property in the hands of the transferor.

This subparagraph shall not apply to a transfer of property to which paragraph (e)(3)(i) (relating to transfers to which section 381(a) applies) applies. For purposes of this subparagraph, a transferor (or in a case where the transferor is a partnership, estate, trust, or corporation, the partners, beneficiaries, or shareholders) shall be considered as having retained a substantial interest in the trade or business only if, after the change in form, his (or their) interest in such trade or business is substantial in relation to the total interest of all persons in such trade or business. This subparagraph shall apply to property first placed in service prior to January 1, 1971, held for the production of income (within the meaning of section 167(a)(2)) as well as to property held in a trade or business.

(c) *Manner of determining allowance*—(1) *In general*—(i) *Computation of allowance.* The allowance for depreciation of property in a vintage account shall be determined in the manner specified in this paragraph by using the method of depreciation adopted by the taxpayer for the account and a rate based upon the period for the account selected by the taxpayer from the asset depreciation range. (For limitations on methods of depreciation permitted with respect to property, see section 167(c) and subdivision (v) of this subparagraph.) In applying the method of depreciation adopted by the taxpayer, the annual allowance for depreciation of a vintage account shall be determined without adjustment for the salvage value of the property in such account except that no account may be depreciated below the reasonable salvage value of the account. (For rules regarding estimation and treatment of salvage value, see paragraphs (d)(1) and (3)(vii) of this section.) Regardless of the method of depreciation adopted by the taxpayer, the depreciation allowable for a taxable year with respect to a vintage account may not exceed the amount by which (as of the beginning of the taxable year) the unadjusted basis of the account exceeds (*a*) the reserve for depreciation established for the account plus (*b*) the salvage value of the account. The unadjusted basis of a vintage account is defined in subdivision (vi) of this subparagraph. The adjustments to the depreciation reserve are described in subdivision (ii) of this subparagraph. The annual allowance for depreciation of a vintage account using the straight line method of depreciation shall be determined by dividing the unadjusted basis of the vintage account (without reduction for salvage value) by the number of years in the asset depreciation period selected for the account. See subdivision (iii) of this subparagraph for the manner of computing the depreciation allowance following a change from the declining balance method or the sum of the years-digits method to the straight line method. In the case of the sum of the years-digits method, the annual allowance for depreciation of a vintage account shall be computed by multiplying the unadjusted basis of the vintage account (without reduction for salvage value) by a fraction, the numerator of which changes each year to a number which corresponds to the years remaining in the asset depreciation period selected for the account (including the year for which the allowance is being computed) and the denominator of which is the sum of all the years digits corresponding to the asset depreciation period selected for the account. The annual allowance for depreciation of a vintage account using a declining balance method is determined by applying a uniform rate to the excess of the unadjusted basis of the vintage account over the depreciation reserve established for that account. The rate under the declining balance method may not exceed twice the straight line rate based upon the asset depreciation period for the vintage account. The allowance for depreciation under this paragraph (including any depreciation allowed under section 179) constitute the amount of depreciation allowable for all purposes of this section.

(ii) *Establishment of depreciation reserve.* The taxpayer must establish a depreciation reserve for each vintage account. The amount of the depreciation reserve for a vintage account must be stated on each income tax return on which depreciation with respect to such account is determined under this section. The depreciation reserve for a vintage account consists of the accumulated depreciation allowable with respect to the vintage account, increased by the adjustments for ordinary retirements prescribed by paragraph (d)(3)(iii), by the adjustments for property improvements prescribed by paragraph (d)(3)(vi), and by the adjustments for reduction of the salvage value of a vintage account prescribed by paragraph (d)(3)(vii)(c) of this section, and decreased by the adjustments for property improvements prescribed by paragraph (d)(2)(v) of this section, by the adjustments for extraordinary retirements and certain special retirements as prescribed by (d)(3)(iv) and (v) of this section, by the adjustments for the amount of the reserve in excess of the unadjusted bases of a vintage account prescribed by paragraph (d)(3)(viii)(*a*), and by the adjustments for property removed from a vintage account prescribed by paragraph (b)(5)(iv) (*b*) and (v) and paragraph (b)(6)(iii) of this section. The adjustments to the depreciation reserve for the cost of property improvements paid or incurred during the taxable year and for ordinary retirements during the taxable year shall be made as of the beginning of the taxable year. The adjustments to the depreciation reserve for extraordinary retirements shall be made as of the date the retirement is treated as having occurred in accordance with the first-year convention (described in subparagraph (2) of this paragraph) adopted by the taxpayer for the vintage account. The adjustment to the depreciation reserve for property removed from a vintage account in accordance with paragraph (b)(5)(iv) and (v) and paragraph (b)(6)(iii) of this section shall be made as of the beginning of the taxable year. The depreciation reserve of a vintage account may not be decreased below zero.

(iii) *Consent to change in method of depreciation.* During the asset depreciation period for a vintage account, the taxpayer is permitted to change under this section from a declining balance method of depreciation or the sum of the years-digits method of depreciation to the straight line method of depreciation with respect to such account. The provisions of § 1.167(e)–1 shall not apply to such change. The change in method applies to all property in the vintage account and must be adhered to for the entire taxable year of the change. When the change is made, the annual allowance for depreciation of the vintage account shall be determined by dividing the adjusted basis of the vintage account (without reduction for salvage value) by the number of years remaining (at the time as of which the change is made) in the asset depreication period selected for the account. However, the depreciation allowable for any taxable year following such a change may not exceed an amount determined by dividing the unadjusted basis of the vintage account (without reduction for salvage value) by the number of years in the asset depreciation period selected for the account. The taxpayer shall furnish a statement setting forth the vintage accounts for which the change is made with the income tax return filed for the taxable year of the change.

(iv) *Limitation of annual allowance after expiration of the asset depreciation period.* The annual allowance for depreciation for any taxable year beginning after the end of the asset depreciation period selected for the vintage account shall be determined by dividing the unadjusted basis of the vintage account (without reduction for salvage value) by the number of years in the asset depreciation period selected for the account. However, the depreciation allowable for any such taxable year may not exceed the amount by which (as of the beginning of the taxable year) the unadjusted basis of the vintage account exceeds (*a*) the reserve for depreciation established for such account plus (*b*) the salvage value of the account.

(v) *Limitations on methods.* The same method of depreciation must be adopted for all property in a single vintage account. Generally, the method of depreciation which may be adopted is subject to the limitations contained in section 167(c). In the case of a vintage account for which the taxpayer has selected an asset depreciation period of 3 years or more and which contains property the original use of which commences with the taxpayer, any method of depreciation described in section 167(b)(1), (2), or (3) may be adopted. If the vintage account contains property the original use of which does not commence with the taxpayer, or if the asset depreciation period for the account selected by the taxpayer is less than 3 years, a method of depreciation described in section 167(b)(2) or (3) may not be adopted for the account. However, the declining balance method using a rate not in excess of 150 percent of the straight line rate based upon the asset depreciation period for the vintage account may be adopted for the account even if the original use of the property does not commence with the taxpayer provided the asset depreciation period for the account selected by the taxpayer is at least 3 years. The term "original use" means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer. (See § 1.167(c)–1.)

(vi) *Unadjusted and adjusted basis.* (*a*) For purposes of this section, the unadjusted basis of an asset is its costs or other basis without any adjustment for depreciation, amortization, or a property improvement (as defined in paragraph (d)(2)(v) of this section), but with other adjustments required under section 1016 or other applicable provisions of law. The unadjusted basis of a property improvement (as defined in paragraph (d)(2)(v) of this section) is its cost or other basis without adjustment for depreciation or amortization, but with other adjustments required under section 1016 or other applicable provisions of law. The unadjusted basis of a vintage account is the total of the unadjusted bases of all the assets in the account.

(*b*) The adjusted basis of a vintage account is the amount by which the unadjusted basis of the account exceeds the reserve for depreciation established for the account. The adjusted basis of an asset (other than a property improvement the cost or other basis of which was subtracted from the depreciation reserve) in a vintage account is the amount by which the unadjusted basis of the asset exceeds the amount of depreciation allowable for the asset computed by using the method of depreciation and the rate (including any depreciation allowed under section 179 for the asset) applicable to the account. The adjusted basis of a property improvement the cost of which was subtracted from the depreciation reserve for a vintage account is the amount by which the unadjusted basis of the property improvement exceeds the amount of depreciation allowable for the property improvement computed by using the method of depreciation and the rate applicable to the account beginning with the taxable year in which the cost of the property improvement is paid or incurred. For purposes of this subdivision, the depreciation allowable for an asset shall include, to the extent identifiable, the amount of proceeds previously added to the depreciation reserve in accordance with paragraph (d)(3)(iii) of this section upon the retirement of any portion of such asset.

(vii) *Example.* Principles of this section may be illustrated by the following example:

Example. (*a*) Taxpayer A has a multiple asset vintage account with an unadjusted basis of $1,000 and an estimated salvage value of $100. (See paragraph (d)(1)(i) of this section for determination of salvage value for an account after application of section 167(f).) A adopts the straight line method of depreciation with respect to the account and selects a 10-year asset depreciation period. Assume that A does not follow a practice of reducing the salvage value for the account in the amount of salvage value attributable to each retired asset in accordance with paragraph (d)(3)(vii) of this section. The depreciation allowance for each of the first 4 years is $100, that is one-tenth multiplied by the unadjusted basis of $1,000, without reduction for salvage.

(*b*) In the fifth year of the asset depreciation period, three assets are sold in an ordinary retirement for $600. Thus, under paragraph (d)(3)(iii) of this section, the proceeds of the retirement are added to the depreciation reserve as of the beginning of the fifth year. Accordingly, the reserve, as of the beginning of the fifth year is $1,000, that is, $400 of depreciation as of the beginning of the year plus $600 from ordinary retirements. The salvage value is reduced to zero, since the proceeds of the ordinary retirement increase the depreciation reserve up to the unadjusted basis (see paragraphs (d)(1)(i) and (d)(3)(iii) of this section) and no depreciation is allowed for the fifth year.

(*c*) In the sixth year, another asset is sold in an ordinary retirement for $50. The full amount ($50) is reported as gain, without regard to the adjusted basis of the asset, and is subject to section 1245 (see paragraph (d)(3)(viii) of this section). No depreciation is allowable for the sixth year, since the depreciation reserve ($1,000) plus the salvage value (zero) equals the unadjusted basis ($1,000).

(*d*) In the seventh year the taxpayer makes a property improvement, which reduces the depreciation reserve by $300, and sells another asset in an ordinary retirement for $40. The $300 property improvement reduces the reserve as of the beginning of the year (see paragraph (c)(1)(ii) of this section) and the $40 proceeds from the ordinary retirement increase the reserve as of the beginning of the year. Thus, the reserve is reduced as of the beginning of the seventh year to $740 (that is, $1,000 minus $300 plus $40) and accordingly $100 of depreciation (that is, one-tenth multiplied by $1,000, the unadjusted basis of the account) is allowed for the seventh year. The $100 of depreciation allowed for the seventh year increases the reserve to $840 as of the close of the seventh year.

(*e*) In the eighth year, asset *X* is sold in an extraordinary retirement for $30 and gain or loss is recognized. Under the convention used by the taxpayer, the unadjusted basis of *X*, $100, is removed from the unadjusted basis of the vintage account as of the beginning of the eighth year and the depreciation reserve as of the beginning of such year is reduced to $770 by removing the depreciation applicable to asset *X*, $70 (see paragraph (d)(3)(iv)). The depreciation which is allowable under the straight line method for the eighth year is $90, that is one-tenth multiplied by $900 (the unadjusted basis of the account, $1,000, reduced by the unadjusted basis of *X*, $100). The depreciation allowed ($90) increases the depreciation reserve to $860.

(*f*) In the ninth year, an asset is sold in an ordinary retirement for $60. This increases the reserve to $920, and $20 is reported as gain without regard to the adjusted basis of the asset and is subject to section 1245. (See paragraph (d)(3)(viii) of this section.) No depreciation is allowable in the ninth year, since the sum of the depreciation reserve, $900, plus the estimated salvage value, zero, equals the unadjusted basis of the account, $900.

(*g*) In the tenth year, the taxpayer makes a $200 property improvement which decreases the reserve to $700. The depreciation allowance in the tenth and eleventh year is $90, that is, one-tenth multiplied by $900, the unadjusted basis of the account.

(*h*) At the beginning of the twelfth year, the depreciation reserve is $880. In the twelfth year, the depreciation allowable is only $20, that is, the difference between the unadjusted basis of the account ($900) and the depreciation reserve ($880), plus salvage value (zero).

(2) *Conventions applied to additions and retirements*—(i) *In general.* The allowance for depreciation of a vintage account (whether an item account or a multiple asset account) shall be determined by applying one of the conventions described in subdivision (ii) and (iii) of this subparagraph. (For the manner of applying a convention in the case of taxable years beginning before and ending after December 31, 1970, see subparagraph (3) of this paragraph.) The same convention must be adopted for all vintage accounts of a taxable year, but the same convention need not be adopted for the vintage accounts of another taxable year. An election to apply this section must specify the convention adopted. (See paragraph (f) of this section for information required in making the election.) The convention adopted by the taxpayer is a method of accounting for purposes of section 446, but the consent of the Commissioner will be deemed granted to make an annual adoption of either of the conventions described in subdivision (ii) and (iii) of this subparagraph.

(ii) *Modified half-year convention.* The depreciation allowance for a vintage account for which the taxpayer adopts the "modified half-year convention"

shall be determined by treating: (*a*) all property in such account which is placed in service during the first half of the taxable year as placed in service on the first day of the taxable year; and (*b*) all property in such account which is placed in service during the second half of the taxable year as placed in service on the first day of the second half of the taxable year. The depreciation allowance for a vintage account for a taxable year in which there is an extraordinary retirement (as defined in paragraph (d)(3)(ii) of this section) is determined by treating all extraordinary retirements from such account during the first half of the taxable year as occurring on the first day of the taxable year and all extraordinary retirements from such account during the second half of the taxable year as occurring on the first day of the last half of the taxable year. Thus, the depreciation allowance for such account for the taxable year will consist of an amount based on: the unadjusted basis of the account for the first half of the taxable year after adjustment for extraordinary retirements during the first half of the taxable year, plus the unadjusted basis of the account for the second half of the taxable year after adjustment for extraordinary retirements during the second half of the taxable year. This convention may also be applied by assuming, with respect to all vintage accounts of a taxable year, that all additions occur on the first day of the second quarter of the taxable year and that all extraordinary retirements occur on the first day of the second quarter of the taxable year.

(iii) *Half-year convention.* The depreciation allowance for a vintage account for which the taxpayer adopts the "half-year convention" shall be determined by treating all property in the account as placed in service on the first day of the second half of the taxable year and by treating all extraordinary retirements (as defined in paragraph (d)(3)(ii) of this section) from the account as occurring on the first day of the second half of the taxable year.

(iv) *Rules of application.* The first-year convention adopted for a vintage account must be consistently applied to all additions to and all extraordinary retirements from such account. See paragraph (d)(3) (ii) and (iii) for definition and treatment of ordinary retirements. For purposes of this subparagraph, the second half of a taxable year shall be deemed to commence on the beginning of the first day of a calendar month which is the closest such first day to the middle of the taxable year. The first half of the taxable year shall be deemed to expire at the close of the last day of a calendar month which is the closest such last day to the middle of the taxable year. Rules consistent with the preceding two sentences shall apply for purposes of determining the commencement of the second quarter of the taxable year and the expiration of the first quarter of the taxable year. If a taxable year consists of a period which includes only 1 calendar month, the first half of the taxable year shall be deemed to expire on the first day which is nearest to the midpoint of the month, and the second half of the taxable year shall begin the day after the expiration of the first half of the month.

Asset	Placed in service	Unadjusted basis
W	April 1, 1971	$5,000
X	June 30, 1971	8,000
Y	July 15, 1971	12,000
Z	December 29, 1971	60,000

(3) *Taxable years beginning before and ending after December 31, 1970.* In the case of a taxable year which begins before January 1, 1971, and ends after December 31, 1970, property first placed in service after December 31, 1970, but treated as first placed in service before January 1, 1971, by application of a convention described in subparagraph (2) of this paragraph shall be treated as provided in this subparagraph. The depreciation allowed (or allowable) for the taxable year shall consist of the depreciation allowed (or allowable) for the period before January 1, 1971, determined without regard to this section plus the amount allowable for the period after December 31, 1970, determined under this section. However, neither the modified half-year convention described in subparagraph 2(ii) of this paragraph, nor the half-year convention described in subparagraph 2(iii) of this paragraph may be applied with respect to property placed in service after December 31, 1970, to allow depreciation for any period prior to January 1, 1971, unless such application is consistent with the convention applied by the taxpayer with respect to property placed in service in such taxable year prior to January 1, 1971.

(4) *Examples.* The principles of this paragraph may be illustrated by the following examples:

Example (1). Taxpayer A, a calendar year taxpayer, places new property in service in a trade or business as follows:

(i) Taxpayer A adopts the modified half-year convention described in subparagraph (2)(ii) of this paragraph. Assets *W*, *X*, and *Y* are placed in a multiple asset account for which the asset depreciation range is 8 to 12 years. *A* selects 8 years, the minimum asset depreciation period with respect to such assets, and adopts the declining balance method of depreciation using a rate twice the straight line rate (computed without reduction for salvage). The annual rate under this method using a period of 8 years is 25 percent. The depreciation allowance for assets *W* and *X* for 1971 is $3,250, a full year's depreciation under the modified half-year convention (that is, basis of $13,000 (unreduced by salvage) multiplied by 25 percent). The depreciation allowance for asset *Y* is $1,500, a half year's depreciation under the modified half-year convention (that is, basis of $12,000 (unreduced by salvage) multiplied by 25 percent, then multiplied by one-half since the property is entitled to only a half year's depreciation).

(ii) The taxpayer places asset *Z* in an item account and adopts the sum of the years-digits method. The asset depreciation range for such asset is 4 to 6 years and the taxpayer selects an asset depreciation period of 5 years. The depreciation allowance for asset *Z* in 1971 is $10,000 (that is, basis of $60,000 (unreduced by salvage) multiplied by five-fifteenths, the appropriate fraction using the sum of the years-digit method, then multiplied by one-half since only one half year's depreciation is allowable under the convention).

Example (2). The facts are the same as in example (1), except that the taxpayer adopts the half-year convention described in subparagraph (2)(iii) of this paragraph. The depreciation allowances in example (1) with respect to assets *Y* and *Z* are not affected. However, assets *W* and *X* are entitled to a depreciation allowance for only a half year. Thus, the depreciation allowance for assets *W* and *X* for 1971 is $1,625 (that is, one-half of the $3,250 allowance computed in example (1)).

Example (3). The taxpayer during his taxable year which begins April 1, 1970, and ends March 31, 1971, places new property in service in a trade or business as follows:

Assets:	*Placed in service*
A	April 30, 1970.
B	December 15, 1970.
C	January 1, 1971.

The taxpayer had used a convention with respect to assets placed in service in prior taxable years whereby assets placed in service during the first half of the year are treated as placed in service on the first day of such year and assets placed in service in the second half of the year are treated as placed in service on the first day of the following year. If the taxpayer selects the modified half-year convention, 1 year's depreciation is allowable on asset *A* determined without regard to this section. No depreciation is allowable for asset *B*. No depreciation is allowable for asset *C* for the period prior to January 1, 1971, but one-fourth year's depreciation is allowable on asset *C* determined under this section.

Example (4). Assume the same facts as in Example (3) except that the taxpayer had used a convention with respect to assets placed in service in prior taxable years whereby such assets are treated as placed in service at the midpoint of the year. If the taxpayer selects the modified half-year convention, one-half year's depreciation is allowable for asset *A* determined without regard to this section. One-half year's depreciation is allowable for asset *B* determined without regard to this section. One-fourth year's depreciation is allowable for asset *C* determined without regard to this section and one-fourth year's depreciation is allowable for asset *C* determined under this section.

Example (5). The taxpayer during his taxable year which begins August 1, 1970, and ends July 31, 1971, places new property in service in a trade or business as follows:

Asset:	*Placed in Service*
A	August 1, 1970.
B	January 15, 1971.
C	June 30, 1971.

The taxpayer had used a convention with respect to assets placed in service in prior taxable years whereby assets placed in service during the first half of the year are treated as placed in service on the first day of such year and assets placed in service in the second half of the year are treated as placed in service on the first day of the following year. If the taxpayer selects the modified half-year convention, one full year's depreciation is allowable for asset *A* determined without regard to this section. Five months

depreciation is allowable for asset *B* determined without regard to this section and seven months depreciation is allowable for asset *B* determined under this section. One-half year's depreciation is allowable for asset *C* determined under this section. The taxpayer may not apply the modified half-year convention by assuming all additions occurring the first day of the second quarter of the taxable year since such application is not consistent with the convention applied with respect to assets placed in service in prior taxable years.

Example (6). Assume the same facts as in example (5) except that the taxpayer applies a convention with respect to assets placed in service prior to January 1, 1971, whereby such assets are treated as placed in service at the mid-point of the year. If the taxpayer selects the modified half-year convention and applies such convention by treating all additions as occurring on the first day of the second quarter of the taxable year, one-half year's depreciation is allowable for asset *A* determined without regard to this section, seven months depreciation is allowable for asset *B* determined under this section, and seven months depreciation is allowable for asset *C* determined under this section.

Example (7). (i) Taxpayer *B* reports income on the basis of a taxable year ending March 31. *B* adopts the declining balance method of depreciation using a rate twice the straight-line rate (computed without reduction for salvage) with respect to new property, which is first placed in service by *B* in the taxable year ending March 31, 1971, as follows:

Asset	Placed in service	Unadjusted basis
W	May 15, 1970	$8,000
X	November 1, 1970	3,000
Y	January 20, 1971	4,000
Z	March 10, 1971	16,000

(ii) B's depreciation deduction with respect to assets W and X for the taxable year ending March 31, 1971, will be determined without regard to this section, since assets W and X are not eligible property. Assume that B adopts for assets W and X a convention under § 1.167(a)–10 which treats assets placed in service during the first half of the year as placed in service on the first day of such year, and which treats assets placed in service during the second half of the year as placed in service on the first day of the following year. Using this convention, B computes a full year's depreciation for asset W and no depreciation for asset X. Assets W and X have a guideline life of 10 years and no salvage value. The depreciation allowance for asset W is $1,600 (that is, 20 percent multiplied by basis of $8,000). No depreciation is allowed for asset X in the taxable year ending March 31, 1971.

(iii) Assets Y and Z are eligible property and B makes an election under this section. B selects an asset depreciation period of 8 years from an asset depreciation range of 8 to 12 years. B adopts the modified half-year convention described in subparagraph (2)(ii) of this paragraph. Thus, assets Y and Z would be treated as placed in service on October 1, 1970 (that is, the first day of the second half of the taxable year), but for the special limitation in subparagraph (3) of this paragraph. The selection of an 8-year asset depreciation period only applies for the portion of the taxable year after December 31, 1970. Further, no depreciation is allowable for assets Y and Z for the period prior to January 1, 1971, since B selected a convention for assets W and X which treats assets placed in service during the second half of the year as placed in service on the first day of the following year. The depreciation allowance for the period from January 1, 1971, through March 31, 1971, is computed using a rate based upon the asset depreciation period of 8 years selected by the taxpayer, and the depreciation allowance for assets Y and Z for such period is $1,250 (that is, basis of $20,000, multiplied by 25 percent then multiplied by one-fourth, the portion of the taxable year to which the election under this section applies).

(d) *Special rules for salvage, repairs, and retirements*—(1) *Salvage value*—(i) *In general.* For purposes of this section the term "salvage value" means gross salvage value (that is, the amount expected to be realized, without reduction for the cost of removal, dismantling, demolition, or similar operations) less the amount, if any, by which the gross salvage value taken into account is reduced by application of section 167(f). The gross salvage value of each vintage account of the taxable year of election shall be estimated by the taxpayer at the time the election is made, upon the basis of all the facts and circumstances existing at the close of the taxable year of election. The taxpayer shall specify the amount, if any, by which gross salvage value taken into account is reduced by application of section 167(f). See paragraph (f)(2) of this section for requirement that the election specify the estimated salvage value for each vintage account of the taxable year of election. The salvage value estimated by the taxpayer will not be redetermined merely as a result of fluctuations in price levels. Salvage value for a vintage account need not be established or increased as a result of a property improvement as described in subparagraph (2)(v) of this paragraph. Generally, gross salvage value is the amount which is estimated will be realized upon a sale or other disposition of the property in the vintage account when it is no longer useful in the taxpayer's trade or business or in the production of his income and is to be retired from service. If a taxpayer customarily sells or otherwise disposes of property at a time when such property is still in good operating condition, the gross salvage value of such property is the amount expected to be realized upon such sale or disposition, and under certain circumstances, as where such propery is customarily sold at a time when it is still relatively new, the gross salvage value may constitute a relatively large proportion of the unadjusted basis of such property. In no case may a vintage account be depreciated below a reasonable salvage value after taking into account any reduction in salvage value permitted by section 167(f). Generally, as provided in section 167(f), a taxpayer may reduce the amount of gross salvage value of a vintage account by an amount which does not exceed 10 percent of the unadjusted basis of the personal property (as defined in section 167(f)(2)) in the account. See paragraph (b)(3)(ii) of this section for requirement of separate vintage accounts for personal property described in section 167(f)(2).

(ii) *Limitation on adjustment of salvage.* The taxpayer's estimate of the salvage value for a vintage account will be deemed to be reasonable and will not be adjusted unless there is a final determination of an amount of salvage value for the account which exceeds the taxpayer's estimate of salvage value for the vintage account by an amount greater than 10 percent of the unadjusted basis of the account at the close of the taxable year in which the account is established. If there is a final determination of an amount of salvage value for a vintage account which does exceed the taxpayer's estimate of the salvage value for the account by more than 10 percent, or if the taxpayer follows the practice of understating his estimates of salvage value to take advantage of this subdivision, an adjustment will be made by increasing the taxpayer's estimated salvage value of the account by an amount equal to the difference between the salvage value as finally determined and the taxpayer's estimated salvage value. For purposes of this subdivision, the Commissioner's determination of the reasonable salvage values of an account shall constitute the final determination unless there is a determination within the meaning of section 1313(a)(1).

(iii) *Examples.* The principles of this subparagraph may be illustrated by the following examples in which it is assumed that the taxpayer has not followed a practice of understating his estimates of salvage value:

Example (1). Taxpayer B elects to apply this section to assets Y and Z, which are placed in a multiple asset vintage account for which the taxpayer selects an asset depreciation period of 8 years. The unadjusted basis of asset Y is $50,000 and the unadjusted basis of asset Z is $30,000. B estimates a gross salvage value of $55,000. The property qualifies under section 167(f)(2) and B reduces the amount of gross salvage taken into account by $8,000 (that is, 10 percent of $80,000) under section 167(f). Thus, B establishea a salvage value of $47,000 for the account. There is no basis for determining a gross salvage value for the account greater than $60,000 (which would result in a salvage value for the account of $52,000 after applying section 167(f)). Since the difference between $52,000 and $47,000 does not exceed 10 percent of the unadjusted basis of the account ($8,000), no adjustment will be made in the salvage value for the account.

Example (2). The facts are the same as in Example (1) except that B estimates a gross salvage value of $50,000. The difference between the taxpayer's estimated salvage value of $42,000 (that is, estimated gross salvage value, $50,000, minus the $8,000 reduction under section 167(f)), and the salvage value as finally determined, $52,000 (that is, gross salvage $60,000, minus the $8,000 reduction under section 167(f)), is $10,000. This difference exceeds 10 percent of the unadjusted basis of the vintage account, $8,000. In this case, the salvage value will be redetermined to be $52,000 that is the gross salvage value, $60,000, minus the $8,000 reduction under section 167(f).

(2) *Treatment of repairs*—(i) *In general.* Sections 162 and 263 provide general rules for the treatment of certain expenditures for the repair, maintenance, rehabilitation, and improvement

of property. In general, under those sections, expenditures which appreciably prolong the life of an asset, or materially increase its value or adapt it to a different use are capital expenditures. If an expenditure is treated as a capital expenditure under section 162 or 263, it is subject to the allowance for depreciation. On the other hand, in general, expenditures which do not appreciably prolong the life of an asset or materially increase it value may be deducted as an expense in the taxable year in which paid or incurred. Such expenditures, or a series of such expenditures, may have characteristics both of deductible expenses and capital expenditures. This subparagraph provides a simplified procedure for determining whether such expenditures with respect to property in a vintage account are to be treated as deductible expenses or capital expenditures.

(ii) *Repair allowance for vintage accounts.* For purposes of this section, the term "repair allowance" for a vintage account means, for each taxable year, an amount determined by dividing the unadjusted basis (as of the beginning of the taxable year) of the vintage account (without reduction for salvage value) by the number of years in the asset depreciation period selected for the account.

(iii) *Application of repair allowance.* Except as otherwise provided in subdivision (vi) of this subparagraph, if the taxpayer pays or incurs any expenditures during a taxable year for the repair, maintenance, rehabilitation, or improvement of property in a vintage account (other than for an "excluded addition" as described in subdivision (iv) of this subparagraph), the taxpayer must either—

(*a*) Treat an amount of all such expenditures in such taxable year with respect to property in a vintage account which does not exceed in total the repair allowance for that account as deductible repairs, and treat the excess of such expenditures in the manner described in subdivision (v) of this subparagraph, or

(*b*) Treat each of such expenditures in such taxable year as either a capital expenditure or as deductible repair in accordance with the principles of section 162 or 263, and treat the amount which would be required to be capitalized under section 162 or 263 in the manner described in subdivision (v) of this subparagraph.

The treatment of expenditures under this subparagraph for a taxable year for the accounts of all vintages shall be specified in the tax return filed for such taxable year. The treatment specified for a taxable year may not be changed after the time prescribed under paragraph (f) of this section for filing an election under this section for such taxable year. Except as otherwise provided in subdivision (vi) of this subparagraph, if the taxpayer treats any expenditures for repair, maintenance, rehabilitation, or improvement of property in a vintage account of a particular vintage under subdivision (iii)(*a*) of this subparagraph, he must apply this treatment to all such expenditures with respect to all accounts of that vintage. However, the taxpayer may treat expenditures under subdivision (iii)(*a*) of this subparagraph with respect to accounts of one particular vintage and treat expenditures under subdivision (iii)(*b*) of this subparagraph with respect to accounts of some other vintage. In addition, the taxpayer may treat expenditures with respect to accounts of a particular vintage under subdivision (iii)(*a*) of this subparagraph in one taxable year, and treat expenditures with respect to accounts of that vintage under subdivision (iii)(*b*) of this subparagraph in another taxable year.

(iv) *Definition of excluded addition.* The term "excluded addition" generally means (*a*) an expenditure for an additional identifiable unit of property, (*b*) an expenditure which substantially increases the productivity or capacity of an existing identifiable unit of property over its productivity or capacity when first acquired by the taxpayer, or (c) an expenditure which modifies an existing identifiable unit of property for a subture is distinguished from an expenditure for replacement of a part in an existing identifiable unit of property which does not substantially increase its productivity or capacity over its productivity or capacity when first acquired by the taxpayer or modify it for a substantially different use and which is paid or incurred in connection with the repair, maintenance, rehabilitation, or improvement of such property. For example, in the case of a vintage account of five automobiles, each automobile constitutes an identifiable unit of property. If the transmission of an automobile is replaced in order to repair, maintain, or rehabilitate the automobile, the new transmission is not an excluded addition. However, the addition of an air conditioner to the automobile is an excluded addition unless the air conditioner is a replacement of an existing air conditioner in the automobile. The replacement of one of the automobiles in the vintage account is an excluded addition. Further, for example, an expenditure for the replacement of a truck body with a substantially greater capacity than the body for which it was substituted on an existing truck chassis is also an excluded addition.

(v) *Treatment of property improvements.* The term "property improvement" means the amount of any expenditure for the repair, maintenance, rehabilitation, or improvement (other than for an excluded addition) of property in a vintage account which either: (*a*) exceeds the repair allowance (if the taxpayer treats such expenditures under subdivision (iii)(*a*) of this subparagraph); or (*b*) is treated as a capital expenditure under section 162 or 263 if the taxpayer treats such expenditures under subdivision (iii)(*b*) of this subparagraph. The amount of any property improvement paid or incurred during the taxable year with respect to the property in a vintage account shall be subtracted from the reserve for depreciation established for such vintage account, but the reserve for depreciation established for the vintage account shall not thereby be reduced below zero. The amount of any property improvement which is not subtracted from the reserve for depreciation under the preceding sentence shall be capitalized and recovered through the allowance for depreciation. If the amount of any property improvement is not subtracted from the reserve for depreciation in a taxable year, such amount shall be capitalized in a vintage account of the taxable year in which paid or incurred if the taxpayer elects to apply this section for the taxable year.

(vi) *Relationship to section 263(c).* Under section 263(e), certain expenditures which would otherwise be chargeable to capital account are treated as deductible repairs. A taxpayer may, for any taxable year, treat expenditures under subdivision (iii)(*a*) of this subparagraph and exclude from such treatment expenditures with respect to property in vintage accounts to which section 263(e) applies. See paragraph (b)(3)(ii) for requirement of separate vintage accounts for property which qualifies for treatment under section 263(e). If, however, the taxpayer for any taxable year treats any expenditures with respect to property in vintage accounts to which section 263(e) would apply under subdivision (iii)(*a*) of this subparagraph, section 263(e) shall not apply for such taxable year with respect to any such expenditures with respect to any such vintage accounts. If the taxpayer for any taxable year treats any expenditures with respect to property in vintage accounts to which section 263(e) applies under subdivision (iii)(*b*) of this subparagraph, then the amount which is treated as a deductible repair under section 162 or 263 shall be determined without regard to this section and will include the amount deductible under section 263(e). The term "property improvement" does not include any amount deducted under section 263(e).

(vii) *Records required.* The taxpayer must maintain records of all expenditures in connection with the repair, maintenance, rehabilitation, or improvement of property in each vintage account. No deduction will be allowed under the repair allowance rule of subdivision (iii)(*a*) of this subparagraph unless the taxpayer maintains records containing the following information:

(*a*) The vintage of the account,

(*b*) The unadjusted basis of the account and each asset in such account,

(*c*) The depreciation reserve for the account,

(*d*) The asset depreciation period selected for the account,

(*e*) The estimated gross salvage value for the account, and if the estimated gross salvage has been reduced by application of section 167(f), the amount of such reduction,

(*f*) An enumeration of the amount of all expenditures in connection with the vintage account either individually or by some reasonable groupings or classifications, a brief indication of the nature of such expenditures or groupings or classifications and some reasonable indication of the times at which such expenditures were paid or incurred.

(viii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Taxpayer A elects to apply this section to assets X and Y which are placed in a multiple asset vintage account for which A selects an asset depreciation period of 10 years. The unadjusted basis of asset X is $55,000 and the unadjusted basis of asset Y is $65,000. A adopts the straight line method of depreciation with respect to the account. A estimates a salvage value of zero and the salvage value as finally determined is zero. A elects to treat expenditures for the repair, maintenance, rehabilitation, and improvement of such assets under subdivision (iii)(*a*) of this subparagraph. The depreciation allowance for the first year is $12,000, that is, 1/10 of the unadjusted basis of $120,000. In year two, A incurs an expenditure of $20,000 for the rehabilitation of assets X and Y. An amount of $12,000 will be deductible in year two as a repair allowance and $8,000 will be subtracted from the depreciation reserve for the account as of the beginning of year two. Accordingly, the reserve as of the close of the second year is $18,000, that is, the $12,000 reserve at the beginning of year two, minus the $8,000 subtracted from the reserve as a property improvement, plus the $12,000 of depreciation allowed in year two. Assuming no further expenditures with respect to the account, and no retirements from the account, the taxpayer will be allowed $12,000 as a depreciation deduction in each of years three through ten. The balance of the reserve at the end of year ten will be $112,000, that is, $16,000 (the balance of the reserve at the end of year two) plus $96,000 ($12,000 per year for years three through ten). A depreciation deduction of $8,000 will be allowed in year 11 and in the absence of any other facts, no depreciation will be allowed after year 11 since the sum of the reserve ($120,000) and the salvage value (zero) at that time equals the unadjusted basis.

Example (2). Assume the same facts as in Example (1) except that the expenditure in the second year of the asset depreciation period with respect to the rehabilitation of assets X and Y is $50,000. An amount of $12,000 of such expenditure is deductible in year two as a repair allowance. An amount of $38,000 of such expenditure is a property improvement. An amount of $12,000 of such property improvement is subtracted from the reserve for depreciation for the account as of the beginning of year two, reducing the reserve to zero, and an amount of $26,000 of such property improvement is required to be capitalized under subdivision (v) of this subparagraph. If A elects to apply this section for year two the property improvement will be capitalized in a vintage account of year two.

Example (3). Assume the same facts as in Example (1) except that no rehabilitation expenditure was incurred in year two and in the 10th year of the asset depreciation period, A incurs an expenditure of $50,000 with respect to the rehabilitation of assets X and Y. The depreciation allowance for each of the first 9 years of the asset depreciation period is $12,000. Accordingly, the depreciation reserve as of the beginning of the 10th year is $108,000. In year 10, $12,000 of the $50,000 rehabilitation expense will be deductible as a repair allowance, the remaining $38,000 will be subtracted as of the beginning of year 10 from the reserve as a property improvement, and $12,000 of depreciation will be allowed for the year. At the end of year 10, the reserve for depreciation will be $82,000, that is $108,000 plus $12,000 minus $38,000. In the absence of other facts, in each of years 11 through 13 the depreciation allowance will be $12,000. In the 14th year $2,000 of depreciation will be allowed. No depreciation will be allowed in the 15th year since the sum of the depreciation reserve ($120,000) and the salvage value, zero, at that time equals the unadjusted basis of the account.

(3) *Treatment of retirement*—(i) *In general.* The rules of this subparagraph specify the treatment of all retirements from vintage accounts. The rules of § 1.167(a)-8 shall not apply to any retirement from a vintage account. An asset in a vintage account is retired when such asset is permanently withdrawn from use in a trade or business or in the production of income by the taxpayer. A retirement may occur as a result of a sale or exchange, by other act of the taxpayer amounting to a permanent disposition of an asset, by physical abandonment of an asset, or by transfer of an asset to supplies (for cannibalization) or scrap. A physical abandonment occurs only if it appears that the property will neither be restored to use in the taxpayer's trade or business or in the production of income, nor retrieved for sale, exchange, or other disposition.

(ii) *Definitions of ordinary and extraordinary retirements.* The term "ordinary retirement" means any retirement from a vintage account which is not treated as an "extraordinary retirement "under this subdivision. The retirement of an asset from a vintage account in a taxable year is an "extraordinary retirement" if the asset is not a property improvement as described in subparagraph (2)(v) of this paragraph and if—

(*a*) The asset is retired as the direct result of fire, storm, shipwreck, or other casualty; or

(*b*)(*1*) The asset is retired (other than by transfer to supplies or scrap) in a taxable year as the direct result of a cessation, termination, curtailment, or disposition of a business, manufacturing, or other income producing process, operation, facility or unit, and (2) the unadjusted basis of all the assets so retired (other than a property improvement) in such taxable year from such account as a direct result of the event described in (*b*)(*1*) of this subdivision exceeds 20 percent of the unadjusted basis of such account immediately prior to such event. For this purpose, all accounts of the same vintage for which the same asset depreciation period has been selected, and from which a retirement as a direct result of such event occurs within the taxable year, shall be treated as a single vintage account.

(iii) *Treatment of ordinary retirements.* No loss shall be recognized upon an ordinary retirement. Gain shall be recognized only to the extent specified in this subparagraph. All proceeds from ordinary retirements shall be added to the depreciation reserve of the vintage account from which the retirement occurs. See subdivision (viii) of this subparagraph for recognition of gain when the depreciation reserve exceeds the unadjusted basis of the vintage account. The amount of salvage value for a vintage account shall be reduced (but not below zero) as of the beginning of the taxable year by the excess of (*a*) the depreciation reserve for the account, after adjustment for depreciation allowable for such taxable year and all other adjustments prescribed by this section (other than the adjustment prescribed by subdivision (viii) of this subparagraph), over (*b*) the unadjusted basis of the account less the amount of salvage value for the account before such reduction. Thus, in the case of a vintage account with the unadjusted basis of $1,000 and a salvage value of $100, to the extent that proceeds from ordinary retirements increase the depreciation reserve above $900, the salvage value is reduced. If the proceeds increase the depreciation reserve for the account to $1,000, the salvage value is reduced to zero. The unadjusted basis of the asset retired in an ordinary retirement is not removed from the account and the depreciation reserve for the account is not reduced by the depreciation allowable for the retired asset. The previously unrecovered basis of the retired asset will be recovered through the allowance for depreciation with respect to the vintage account. See subdivision (v) of this subparagraph for treatment of ordinary retirements on which gain or loss is not recognized in whole or in part.

(iv) *Treatment of extraordinary retirements.* Unless the transaction is governed by a special nonrecognition section of the Code such as 1031 or 337, gain or loss shall be recognized upon an extraordinary retirement in the taxable year in which such retirement occurs subject to section 1231 and all other applicable provisions of law such as section 1245. The unadjusted basis of the retired asset shall be removed from the unadjusted basis of the vintage account. The depreciation reserve established for the account shall be reduced by the depreciation allowable for the retired asset computed in the manner prescribed in paragraph (c)(1)(vi)(*b*) of this section for determination of the adjusted basis of the asset.

(v) *Special rule for certain retirements.* In the case of an ordinary retirement on which gain or loss is in whole or in part not recognized because of a special nonrecognition section of the Code, such as 1031 or 337, the unadjusted basis of the asset (other than a property improvement the cost of which was subtracted from the depreciation reserve) shall be removed from the unadjusted basis of the vintage account. The depreciation reserve for the vintage account shall be adjusted for property improvements the costs of which were subtracted from the depreciation reserve and which are the subject of such a retirement, as provided in subdivision (vi) of this subparagraph. The depreciation reserve

established for the account shall be reduced by the depreciation allowable for the asset (including depreciation allowable for any property improvement the cost of which was subtracted from the depreciation reserve) computed in the manner prescribed in paragraph (c)(1)(vi)(b) of this section for determination of the adjusted basis of the asset (or property improvement).

(vi) *Special adjustments to depreciation reserve for retirement of property improvements.* If the cost of a property improvement is subtracted from the depreciation reserve established for a vintage account, and if the property improvement is thereafter removed from the vintage account in accordance with paragraph (b)(5)(iv) or (v) or paragraph (b)(6)(iii) of this section or is retired from the vintage account in a retirement described in subdivision (v) of this subparagraph, such reserve shall be increased by the amount of the property improvement previously subtracted from the reserve.

(vii) *Reduction in the salvage value of a vintage account.* (*a*) A taxpayer may apply this section without reducing the salvage value for a vintage account in accordance with this subdivision. See subdivision (iii) of this subparagraph for reduction of salvage value in certain circumstances in the amount of proceeds from ordinary retirements. However, except in the case of a property improvement, the taxpayer may in addition follow the consistent practice of reducing, as retirements occur, the salvage value for a vintage account by the amount of salvage value attributable to the retired asset, or the taxpayer may consistently follow the practice of so reducing the salvage value for a vintage account as extraordinary retirements occur while not reducing the salvage value for the account as ordinary retirements occur. If the taxpayer does not reduce the salvage value for a vintage account as retirements occur, the taxpayer may be entitled to a loss in the taxable year in which the last asset is retired from the account in accordance with subdivision (viii)(*b*) of this subparagraph.

(*b*) For purposes of this subdivision, the portion of the salvage value for a vintage account attributable to a retired asset may be determined by multiplying the salvage value for the account by a fraction, the numerator of which is the unadjusted basis of the retired asset and the denominator of which is the unadjusted basis of the account, or by any other reasonable method which is consistently applied if such method is adequately identified in the taxpayer's books and records.

(*c*) If the taxpayer reduces the salvage value for a vintage account as ordinary retirements occur, in the case of an ordinary retirement the taxpayer may follow the consistent practice of reducing the salvage value for the account by the amount of salvage value attributable to the retired asset and considering the basis of the asset as zero. In the alternative, in the case of an ordinary retirement the taxpayer may follow the consistent practice of reducing the salvage value for the account by the amount of salvage value attributable to the retired asset and adding the same amount to the depreciation reserve for the account (up to an amount which does not increase the depreciation reserve to an amount in excess of the unadjusted basis of the account) and considering the basis of the retired asset as the amount added to the depreciation reserve for the account. Thus, for example, in the case of an ordinary retirement by transfer of an asset to supplies or scrap, the basis of the asset in the supplies of scrap account would either be zero or the amount added to the depreciation reserve of the vintage account from which the retirement occurred. When the depreciation reserve for the account equals the unadjusted basis of the account no further adjustment to salvage value for the account will be made.

(*d*) In the event of a removal of property from a vintage account in accordance with paragraph (b)(5)(iv) or (v) or paragraph (b)(6)(iii) of this section, the salvage value for the account may be reduced by the amount of salvage value attributable to the asset removed determined as provided in (*b*) of this subdivision.

(vii) *Recognition of gain or loss in certain situations.* (*a*) If at the end of any taxable year after adjustment for depreciation allowable for such taxable year and all other adjustments prescribed by this section, the depreciation reserve established for a vintage account exceeds the unadjusted basis of the account, the entire amount of such excess shall be recognized as gain in such taxable year. Such gain shall—

(*1*) Constitute gain to which section 1245 applies to the extent that it does not exceed the total amount of depreciation allowances in the depreciation reserve for all years at the end of such taxable year, reduced by gain recognized pursuant to this subdivision with respect to the account previously treated as gain to which section 1245 applies, and

(2) Constitute gain to which section 1231 applies to the extent that it exceeds such total amount as so reduced.

In such event, the depreciation reserve shall be reduced by the amount of gain recognized, so that after such reduction the amount of the depreciation reserve is equal to the unadjusted basis of the account. Thus, for example, in the case of a vintage account with an unadjusted basis of $1,000 and a depreciation reserve of $700 (of which $600 represents depreciation allowances), if $500 is realized during the taxable year from ordinary retirements of assets from the account, the reserve is increased to $1,200, gain is recognized to the extent of $200 (the amount by which the depreciation reserve before further adjustment exceeds $1,000) and the depreciation reserve is then decreased to $1,000. The $200 of gain constitutes gain to which section 1245 applies. If the amount realized from ordinary retirements during the year had been $1,100 instead of $500, the gain of $800 would have consisted of $600 of gain to which section 1245 applies and $200 of gain to which section 1231 applies.

(*b*) If at the end of the taxable year during which the last asset in a particular vintage account is retired the unadjusted basis of the account exceeds the depreciation reserve for the account (after all adjustments prescribed by this section), the entire amount of such excess shall be recognized in such taxable year as a loss subject to section 1231.

(ix) *Dismantling cost.* The cost of dismantling, demolishing, or removing an asset in the process of a retirement from a vintage account shall be treated as an expense deductible in the year paid or incurred, and such cost shall not be subtracted from the depreciation reserve for the account.

(e) *Accounting for eligible property*—(1) *Definition of first placed in service.* Property is "first placed in service" when first placed in a condition or state of readiness and availability for a specifically assigned function, whether in the taxpayer's trade or business, in the production of income, in a tax-exempt activity, or in a personal activity. The provisions of paragraphs (d)(1)(ii) and (d)(2) of § 1.46–3 shall apply for the purpose of determining the date on which property is first placed in service. A property improvement as described in paragraph (d)(2)(v) of this section is first placed in service when its cost is paid or incurred. For special rule for subtraction of the cost of a property improvement from the depreciation reserve as of the beginning of the taxable year in which paid or incurred, see paragraph (c)(1)(ii) of this section. The date on which depreciation begins under a convention used by the taxpayer or under a particular method of depreciation, such as the unit of production method or the retirement method, shall not determine the date on which the property is first placed in service. See paragraph (c)(2) of this section for application of a first-year convention to determine the allowance for depreciation of property in a vintage account.

(2) *Special rules for transferred property.* If eligible property is first placed in service by the taxpayer during a taxable year of election, and the property is disposed of before the end of the taxable year, the election for such taxable year shall include such property unless such property is excluded in accordance with paragraph (b)(5)(iii) of this section.

(3) *Special rules in the case of certain transfers*—(i) *Transaction to which section 381(a) applies.* If the distributor or transferor corporation (including any distributor or transferor corporation of any distributor or transferor corporation) has made an election to apply this section to eligible property transferred in a transaction to which section 381(a) applies, the acquiring corporation is treated as if it were the distributor or transferor corporation with respect to such property. The acquiring corporation must segregate such eligible property (to which the distributor or transferor corporation elected to apply this section) into vintage accounts as nearly coextensive as possible with the vintage accounts created by the distributor or transferor corporation identified by reference to the year the property was first placed in service by the distributor or transferor corporation. The asset depreciation period for each vintage account selected by the distributor or transferor corporation from the asset depreciation range must be used by the acquiring corporation. The method of depreciation adopted by the distributor or transferor corporation, shall be used by the acquiring corporation unless such corporation obtains the consent of the Commissioner to use another method of depreciation in accordance with paragraph (e) of § 1.446–1, changes to the straight line method of depreciation under paragraph (b) of § 1.167(e)–1 or changes to the straight line method under paragraph (c)(1)(iii) of this section. Thus, the acquiring corporation may apply this section to the property so acquired only if the distributor or transferor corporation elected to apply this section to such property.

(ii) *Partnerships, trusts, estates, donees, and corporations.* Except as provided in subdivision (i) of this subparagraph with respect to transactions to which section 381(a) applies, if eligible property is placed in service by an individual, trust, estate, partnership or corporation, the election to apply this section shall be made by the individual, trust, estate, partnership, or corporation placing such property in service. For example, if a partnership places in service property contributed to the partnership by a partner, the partnership may elect to apply this section to such property. If the partnership does not make the election, this section will not apply to such property. See paragraph (b)(7) of this section for special rule for certain property where there is a mere change in the form of conducting a trade or business.

(iii) *Leased property.* The asset depreciation range and the asset depreciation period for eligible property subject to a lease shall be determined without regard to the period for which such property is leased, including any extensions or renewals of such period. See paragraph (b)(5)(iv) of this section for exclusion of property amortized under paragraph (b) of § 1.162–11 from an election to apply this section.

(f) *Election with respect to eligible property*—(1) *Time and manner of election.* An election to apply this section to eligible property shall be with the income tax return filed for the taxable year in which the property is first placed in service (see paragraph (e)(1) of this section) by the taxpayer. An election to compute the allowance for depreciation under this section is a method of accounting but the consent of the Commissioner will be deemed granted to make an annual election. For election by a partnership see section 703(b) and paragraph (e)(3)(ii) of this section. If the taxpayer does not file a timely return (taking into account extensions of the time for filing) for the taxable year in which the property is first placed in service, the election shall be filed at the time the taxpayer files his first return for that year. The election may be made with an amended return only if such amended return is filed no later than the time prescribed by law (including extensions thereof) for filing the return for the taxable year of election. If an election is not made within the time and in the manner prescribed in this paragraph, no election may be made (by the filing of an amended return or in any other manner) with respect to any eligible property placed in service in the taxable year.

(2) *Information required.* The election under this section must specify:

(i) That the taxpayer makes such election and consents to, and agrees to apply, all the provisions of this section;

(ii) The asset depreciation range for the property and the date the property was first placed in service by the taxpayer;

(iii) The asset depreciation period selected by the taxpayer for each vintage account;

(iv) The first-year convention adopted by the taxpayer for the taxable year of election;

(v) The basis and estimated gross salvage value for each vintage account, and if such salvage value has been determined b yapplication of section 167(f), the amount by which gross salvage value was decreased under section 167(f);

(vi) Whether the special 10 percent used property rule described in paragraph (b)(5)(iii) of this section has been applied to exclude used property from the election and the separate depreciable basis of the new and used property first placed in service during the taxable year;

(vii) The amount of any property improvements (as defined in paragraph (d)(2)(v) of this section) and the date the costs of such property improvements were paid or incurred;

(viii) A reasonable description of any eligible property for which the taxpayer was not required or permitted to make an election because of the special rules of paragraph (b)(5) or (6) or paragraph (e)(3)(i) of this section; and

(ix) Such other information as may be required.

Forms will be provided for submission of the information required and an election to apply the section will not be rendered invalid under this subparagraph so long as there is substantial compliance with the requirements of this subparagraph.

(3) *Irrevocable election.* An election to apply this section to eligible property for any taxable year may not be revoked or changed after the time for filing the election prescribed under subparagraph (1) of this paragraph has expired.

(g) *Relationship to other provisions*—(1) *Useful life.* An election to apply this section to eligible property constitutes an agreement under section 167(d) and this section to treat the period selected by the taxpayer for each vintage account as the useful life of the property in such account for all purposes of the Code, including sections 46, 47, 48, 57, 163(d), 167(c), 167(f), 179, 312(m), 514(a), and 4940(c). For example, since section 167(c) requires a useful life of at least 3 years and the asset depreciation period selected is treated as the useful life for purposes of section 167(c), the taxpayer may adopt a method of depreciation described in section 167(b)(2) or (3) for an account only if the asset depreciation period selected for the account is at least 3 years.

(2) *Section 167(d) agreements.* If the taxpayer has, prior to January 1, 1971, entered into a section 167(d) agreement which applies to any eligible property, the taxpayer will be permitted to withdraw the eligible property from the agreement provided that an election is made to apply this section to such property. The statement of intent to withdraw eligible property from such an agreement must be made in an election filed for the taxable year in which the property is first placed in service. The withdrawal, in accordance with this subparagraph, of any eligible property from a section 167(d) agreement shall not affect any other property covered by such an agreement.

(3) *Relationship to the straight line method*—(i) *In general.* For purposes of determining the amount of depreciation which would be allowable under the straight line method of depreciation, such amount shall be computed with respect to any property in a vintage account using the straight line method in the manner described in paragraph (c)(1)(i) of this section and a rate based upon the period for the vintage account selected from the asset depreciation range. Thus, for example, section 57(a)(3) requires a taxpayer to compute an amount using the straight line method of depreciation if the taxpayer uses an accelerated method of depreciation. For purposes of section 57(a)(3), the amount for property in a vintage account shall be computed using the period for the vintage account selected from the asset depreciation range. In the case of property to which the taxpayer does not elect to apply this section, such amount computed by using the straight line method shall be determined under § 1.167(b)–1 without regard to this section.

(ii) *Examples.* The principles of this subparagraph may be illustrated by the following examples:

Example (1). (*a*) Corporation *X* places a new asset in service to which it elects to apply this section. The cost of the asset is $200,000 and the estimated salvage value is zero. The taxpayer selects 9 years from the applicable asset depreciation range of 8 to 12 years. Corporation *X* adopts the double declining balance method of depreciation and thus the rate of depreciation is 22.2 percent (twice the applicable straight-line rate). The depreciation allowance in the

first year would be $44,400, that is, 22.2 percent of $200,000.

(b) Assume that the provisions of section 57(a)(3) apply to the property. The amount of the tax preference would be $22,200, that is, the excess of the depreciation allowed under this section ($44,400) over the depreciation which would have been allowable if the taxpayer had used the period selected from the asset depreciation range and the straight line rate ($22,200).

Example (2). (a) The facts are the same as in example (1) except that corporation *X* does not elect to apply this section. The depreciation allowance is based on a guideline life of 10 years and thus the rate under the double declining balance method is 20 percent. The depreciation allowance is $40,000, that is, $200,000 multiplied by 20 percent.

(b) Assume that the provisions of section 57(a)(3) apply to the property. The amount of the tax preference under that section would be $20,000, that is, the excess of the amount allowed under the double declining balance method, as determined in (a) of this example, $40,000, over the amount which would have been allowable if the taxpayer had used the straight line method, $20,000.

PAR. 2. The following new section is added immediately after § 1.167(l)–4, to read as follows:

§ 1.167(l)–5 Public utility property; election to use asset depreciation range system.

(a) *Application of section 167(l) to certain property subject to asset depreciation range system.* If the taxpayer elects to compute depreciation under the asset depreciation range system described in § 1.167(a)–11 with respect to certain public utility property placed in service after December 31, 1970, see § 1.167(a)–11(b)(6).

[FR Doc.71-3647 Filed 3-12-71;9:15 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 150, 151, 152]

MANUFACTURE OF OPIUM FOR SMOKING PURPOSES; REGULATORY TAXES ON NARCOTIC DRUGS AND MARIHUANA

Proposed Rescission

CROSS REFERENCE: For a document proposing the rescission and replacement of Parts 150, 151, and 152, of Title 26, see Department of Justice, Bureau of Narcotics and Dangerous Drugs, in Part II of this issue.

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 336; Delegation of Authority No. 122]

INTERNATIONAL FISHERIES COMMISSIONS

Delegation of Authority To Approve Recommendations

By virtue of the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, I hereby delegate to the Coordinator of Ocean Affairs and Special Assistant to the Secretary for Fisheries and Wildlife the following:

1. The functions vested in the Secretary of State by section 6 of the Tuna Conventions Act of 1950 (16 U.S.C. 955);

2. The functions vested in the Secretary of State by sections 6 of the Northwest Atlantic Fisheries Act of 1950 (16 U.S.C. 985);

3. The functions vested in the Secretary of State by section 4 of the Whaling Convention Act of 1949 (16 U.S.C. 916b);

4. The authority delegated to the Secretary of State by Executive Order No. 11467 of May 1, 1969, to perform those functions vested in the President by section 6(a) of the North Pacific Fisheries Act of 1954 (16 U.S.C. 1025(a)) and to perform those functions vested in the President by Article III, paragraph 2, of the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (5 U.S.T.5; TIAS 2900).

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

MARCH 3, 1971.

[FR Doc. 71-3597 Filed 3-12-71;8:50 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ASSISTANT SECRETARY OF DEFENSE (INSTALLATIONS AND LOGISTICS)

Delegation of Authority Regarding Provision of Family Housing

The Deputy Secretary of Defense approved the following delegation of authority:

Refs.:

(a) Public Law 91-511, "Military Construction Authorization Act, 1971," Oct. 26, 1970.

(b) DOD Directive 4165.21, "Delegation of Authority for Development of Family Housing Under Title IV of the Housing Amendments of 1955," May 1, 1957 (hereby canceled).

(c) DOD Directive 4165.29, "Acquisition of Wherry Family Housing Projects," June 18, 1962 (hereby canceled).

(d) DOD Directive 4165.30, "Taxes on Wherry Housing Projects," Apr. 22, 1958 (hereby canceled).

(e) DOD Directive 5126.39, "Delegation of Authority—Provision of Family Housing," Apr. 20, 1964 (hereby canceled).

I. *Delegation of authority.* A. Pursuant to the authority vested in the Secretary of Defense by section 133(d) of title 10, United States Code, there is hereby delegated to the Assistant Secretary of Defense (Installations and Logistics) the authority of the Secretary of Defense to:

1. Construct family housing and trailer court facilities;

2. Accomplish alterations, additions, expansions or extensions of family housing;

3. Enter into rental guaranty agreements;

4. Lease housing facilities for assignment as public quarters;

5. Determine requirements for units containing more than three bedrooms;

6. Exempt inadequate quarters from the requirements for disposition;

7. Enter into agreements with the Secretary of Housing and Urban Development;

8. Perform such functions as may be authorized in connection with the acquisition of Wherry projects;

9. Perform such functions as may be authorized in connection with section 809 projects;

10. Perform such functions as may be authorized in connection with section 810 projects; and

11. Take such actions for the provision of family housing which are authorized by reference (a) and as have been previously authorized or may be hereafter authorized by annual military construction authorization acts.

B. These and other such authorities may be redelegated, with such guidance and authority to further redelegate as may be appropriate.

C. The authority to determine deductions from taxes on Wherry projects which have not been acquired and to administer Capehart projects is hereby delegated to the Secretaries of the Military Departments.

II. *Cancellation.* References (b), (c), (d), and (e) are hereby superseded and cancelled.

III. *Effective date.* This Directive is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[FR Doc.71-3524 Filed 3-12-71;8:46 am]

DEPARTMENT OF THE INTERIOR

National Park Service

ROCK CREEK PARK, NATIONAL CAPITAL PARKS

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965; (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Edgewater Riding Academy, Inc., authorizing it to provide concession facilities and services for the public within Rock Creek Park, National Capital Parks, for a period of two (2) years from January 1, 1970 through December 31, 1971.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

THOMAS FLYNN,
Director,
National Park Service.

[FR Doc.71-3513 Filed 3-12-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

ANNISTON LIVESTOCK, INC., ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181

et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, and location of stockyard, date of posting
Anniston Livestock, Inc., Oxford, Ala. May 3, 1959.
Allen Auction Company, Harrison, Ark. Mar. 31, 1970.
Mountain View Livestock Auction, Mountain View, Ark. Feb. 19, 1959.
Cornwell & Ochsner Community Sale, Yukon, Okla. Feb. 28, 1961.
Gallatin Stockyards, Gallatin, Tenn. Sept. 9, 1965.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.).

Done at Washington, D.C., this 8th day of March 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-3521 Filed 3-12-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

BROWN FIELD AIR TRAFFIC CONTROL TOWER

Notice of Commissioning

Notice is hereby given that on or about April 19, 1971, the Airport Traffic Control Tower at Brown Field Municipal Airport, Chula Vista, Calif., will be operationally commissioned. This information will be reflected in the FAA Organization Statement the next time it is reissued. Communications to the Brown Field Airport Traffic Control Tower should be addressed as follows:

Brown Field Airport Traffic Control Tower, Department of Transportation, Federal Aviation Administration, Otay Mesa Road, Chula Vista, CA 92011.

Issued in Los Angeles, Calif., on February 25, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-3551 Filed 3-12-71;8:49 am]

Federal Railroad Administration

[FRA-Petition-No. 28]

TEXAS-NEW MEXICO RAILWAY CO.

Petition Seeking Exemption From Fourteen Hours-of-Service Limitation

Petition seeking exemption from the fourteen hours-of-service-limitation in Public Law 91-169.

The hearing in this proceeding, now scheduled for March 17, 1971, is hereby postponed to a date and place to be hereinafter fixed.

A further notice will be served, publicizing the date and place of the hearing when it is rescheduled.

Dated this 8th day of March 1971 in Washington, D.C.

ROBERT P. BOYD,
Director, Office of Hearings & Proceedings and Hearing Examiner.

[FR Doc.71-3519 Filed 3-12-71;8:46 am]

OFFICE OF EMERGENCY PREPAREDNESS

NEBRASKA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Nebraska, dated February 26, 1971, and published March 5, 1971 (36 F.R. 4450) is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 23, 1971:

The counties of:

Boone.	Sarpy.
Douglas.	Saunders.

Dated: March 9, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-3551 Filed 3-12-71;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-348, AD 50-364]

ALABAMA POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matter

Alabama Power Co., 600 North 18th Street, Birmingham, AL 35203, pursuant to the Atomic Energy Act of 1954, as amended, filed an application dated October 10, 1969, and an application Amendment No. 1 dated June 26, 1970, for authorization to construct first one then a second, pressurized water nuclear reactor, designated as the Joseph M. Farley Nuclear Plant, Unit No. 1 and No. 2, respectively, on the applicant's site in Houston County, Ala.

The site is located on the west side of the Chattahoochee River located about 16½ miles east of Dothan, Ala.

The proposed nuclear plant will be comprised of two pressurized water nuclear reactors, which are each to have a net electrical capacity of about 829 megawatts electrical.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 20, 1971.

A copy of the application and Amendment No. 1 is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the Honorable A. A. Middleton, Chairman, Houston County Commission, City of Dothan, Houston County, Ala.

Dated at Bethesda, Md., this 11th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-2262 Filed 2-19-71;8:45 am]

[Docket Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC COMPANY

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Southern California Edison Co., 601 West Fifth Street, Los Angeles, CA 90053, and the San Diego Gas and Electric Co., 101 Ash Street, San Diego, CA 92112, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application, dated May 28, 1970, for authorization to construct two pressurized water nuclear reactors, designated as the San Onofre Nuclear Generating Station Units 2 and 3, on the applicants' site located at Camp Pendleton, San Diego County, Calif.

The site is located on the west coast of southern California; approximately 62 miles southeast of Los Angeles, approximately 51 miles northwest of San Diego, and is within the U.S. Marine Corps Base, Camp Pendleton.

Southern California Edison Co. (SCE) and San Diego Gas and Electric Co. (San Diego) are joint applicants for the construction permit for the San Onofre Nuclear Generating Station Units 2 and 3. The ownership for the two units will be shared in the proportion of 80 percent by SCE and 20 percent by San Diego. SCE, as project manager for the utilities, will have responsibility for the technical adequacy of the design and construction of the San Onofre plant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after 1971.

The proposed nuclear power plants which will be located adjacent to San Onofre Nuclear Generating Station, Unit 1, will consist of two pressurized water nuclear reactors, each of which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,140 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 12th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-2263 Filed 2-19-71;8:45 am]

[Docket No. 50-172]

LOCKHEED AIRCRAFT CORP.

Notice of Issuance of Amended Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 10 to Facility License No. R-86 dated July 20, 1962. The facility license as previously issued authorized Lockheed to possess and operate a heterogeneous pressurized water-type nuclear reactor in Dawson County, Ga. The amendment authorizes Lockheed to possess, but not to operate, the deactivated facility and incorporates revised Technical Specifications in the amended license.

The Radiation Effects Reactor has been shutdown and further operation is not planned. The fuel has been unloaded and is stored in the storage pool in authorized criticality-safe containers. Radiation monitoring of the facility will be maintained. The Lockheed Aircraft Corp. will submit to the Division of Reactor Licensing a plan for dismantling of the reactor.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of this amended license is not required since the amendment does not present significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amended facility license, see (1) the application dated August 14, 1970, and supplement dated January 29, 1971, and (2) the amended facility license, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 1st day of March 1971.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-3508 Filed 3-12-71;8:45 am]

[Docket No. 50-142]

REGENTS OF THE UNIVERSITY OF CALIFORNIA

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 9 to Facility License No. R-71. The license presently authorizes The Regents of the University of California to possess, use, and operate the Argonaut-type nuclear reactor located on its campus in Los Angeles, Calif., at power levels up to 100 kilowatts (thermal). The amendment incorporates Technical Specifications in the license and extends the expiration date of the license to March 30, 1980, in accordance with the University's application amendment dated February 20, 1970, as revised October 8 and December 22, 1970. The amendment also restates the license in its entirety to delete the record keeping, reporting requirements, and certain operating conditions that are now contained in the Technical Specifications, and to consolidate in current licensing form all pertinent provisions of amendments issued previously.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954 as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of proposed issuance of this amended license is not required since the operation of the facility in accordance with the terms of the amended license does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated February 20, 1970, and revisions thereto dated October 8 and December 22, 1970, and (2) the amendment to the facility license (including the Technical Specifications), both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 1st day of March 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-3507 Filed 3-12-71;8:45 am]

[Docket No. 50-202]

UNIVERSITY OF NEVADA

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 1 to Facility License No. R-91 dated September 20, 1963. The license presently authorizes the University of Nevada to possess, use and operate the L-77 solution-type nuclear reactor located on its campus in Reno, Nevada, at power levels up to 10 watts (thermal). The amendment incorporates Technical Specifications in the license for operation of the reactor in accordance with the University's application amendment dated October 20, 1969, and revision thereto dated December 17, 1970. The amendment also

restates the license in its entirety, in current license format, to delete the record-keeping, reporting requirements, and certain operating conditions which are now included in the Technical Specifications.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of proposed issuance of this amended license is not required since the operation of the facility in accordance with the terms of the amended license does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated October 20, 1969, and revision thereto dated December 17, 1970, and (2) the amendment to facility license (including the Technical Specifications), both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th day of February 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-3508 Filed 3-12-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 20227; Order 71-3-17]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority March 2, 1971.

A final service mail rate of 53.54 cents per great circle aircraft mile for the transportation of mail by aircraft, established by Order 70-10-113, October 23, 1970, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on five round trips per week between Sheldon and Des Moines, Iowa, via Spencer and Fort Dodge, Iowa.

On January 8, 1971, Sedalia filed a petition requesting that the Board fix a new final service mail rate of 54.89 cents per great circle aircraft mile for this service. On February 18, 1971, the Postmaster General filed a reply supporting Sedalia's petition. The Postmaster General stated that it was in agreement with Sedalia that the proposed rate is fair and reasonable because of increased costs experienced by Sedalia which are necessary to the performance of the service and were not known or reasonably foreseeable at the time the rate was set.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after January 8, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 54.89 cents per great circle aircraft mile between Sheldon and Des Moines, Iowa, via Spencer and Fort Dodge, Iowa.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23-250 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f).

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified in the appendix below; and

3. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-3565 Filed 3-12-71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

ENVIRONMENTAL PROTECTION AGENCY

CHEMAGRO CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued.

In accordance with § 420.8 *Withdrawal of Petitions Without Prejudice* of the pesticide procedural regulations (21 CFR 420.8), Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120 has withdrawn its petition (PP 0F0934), notice of which was published in the FEDERAL REGISTER of February 4, 1970 (35 F.R. 2539) proposing the establishment of tolerances (21 CFR Part 420) for residues of the insecticide *O,O*-diethyl-*S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate in or on the raw agricultural commodities cottonseed and potatoes at 0.1 part per million.

Dated: March 10, 1971.

R. E. JOHNSON,
Acting Commissioner, Pesticide Office.

[FR Doc.71-3540 Filed 3-12-71;8:48 am]

CITIES SERVICE CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1073) has been filed by the Cities Service Co., Post Office Drawer 8, Cranbury, NJ 08512, proposing the establishment of an exemption from requirement of a tolerance (21 CFR Part 420) for residues of copper in water resulting from use of the herbicide copper sulfate pentahydrate to control algae in impounded waters, lakes, ponds, and reservoirs.

The analytical method proposed in the petition for determining residues of the herbicide is the bathocuproine method described on pages 120-1 of "Standard Methods for the Examination of Water and Wastewater", American Public Health Association, Inc., 1960.

Dated: March 10, 1971.

R. E. JOHNSON,
Acting Commissioner, Pesticides Office.

[FR Doc.71-3541 Filed 3-12-71;8:48 am]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346(a)(d)(1)), notice is given that a petition (PP 1F1129) has been filed by Stauffer Chemical Co., 1200 47th Street, Richmond, CA 94804, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the insecticide *S*-(*p*-chlorophenylthiomethyl) *O,O*-dimethyl phosphorodithioate in or on the raw agricultural commodity cottonseed at 0.1 part per million.

The analytical method proposed in the petition for determining residues is a gas chromatographic procedure using a phosphorus-specific thermionic detector for the sulfones of the insecticide and its oxygen analog.

Dated: March 10, 1971.

R. E. JOHNSON,
Acting Commisioner, Pesticide Office.

[FR Doc.71-3542 Filed 3-12-71;8:48 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 745]

DEPUTY GOVERNOR AND DIRECTOR OF COOPERATIVE BANK SERVICE ET AL.

Authority and Order of Precedence

MARCH 9, 1971.

1. The Deputy Governor and Director of Cooperative Bank Service shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all functions, powers, authority, and duties relative to cooperative banks and to matters incidental thereto, and the administration of the provisions of law relative to banks for cooperatives.

2. In the event that the Deputy Governor and Director of Cooperative Bank Service, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is the highest on the following list and who isc available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Cooperative Bank Service:

(1) Noel G. Stocker, Deputy Director, Cooperative Bank Service.

(2) Earl R. Kittredge, Loan and Operations Officer, Cooperative Bank Service.

(3) Samuel E. Davis, Loan and Operations Officer, Cooperative Bank Service.

3. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 735 (35 F.R. 7620).

E. A. JAENKE,
Governor, Farm Credit Administration.

[FR Doc.71-3539 Filed 3-12-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-205]

LICENSEE RESPONSIBILITY TO REVIEW RECORDS BEFORE BROADCAST

MARCH 5, 1971.

A number of complaints received by the Commission concerning the lyrics of records played on broadcasting stations relate to a subject of current and pressing concern: The use of language tending to promote or glorify the use of illegal drugs such as marijuana, LSD, "speed", etc. This notice points up the licensee's long-established responsibilities in this area.

Whether a particular record depicts the dangers of drug abuse, or, to the contrary, promotes such illegal drug usage is a question for the judgment of the licensee. The thrust of this Notice is simply that the licensee must make that judgment and cannot properly follow a policy of playing such records without someone in a responsible position (i.e., a management level executive at the station) knowing the content of the lyrics. Such a pattern of operation is clearly a violation of the basic principle of the licensee's responsibility for, and duty to exercise adequate control over, the broadcast material presented over his station. It raises serious questions as to whether continued operation of the station is in the public interest, just as in the case of a failure to exercise adequate control over foreign-language programs.[1]

In short, we expect broadcast licensees to ascertain, before broadcast, the words or lyrics of recorded musical or spoken selections played on their stations. Just as in the case of the foreign-language broadcasts, this may also entail reasonable efforts to ascertain the meaning of words or phrases used in the lyrics. While this duty may be delegated by licensees to responsible employees, the licensee remains fully responsible for its fulfillment.

Thus, here as in so many other areas, it is a question of responsible, good faith action by the public trustee to whom the frequency has been licensed. No more, but certainly no less, is called for.

Action by the Commission February 24, 1971.[2]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3560 Filed 3-12-71;8:50 am]

[Dockets Nos. 19168-19170; FCC 71-237]

COWLES FLORIDA BROADCASTING, INC. AND CENTRAL FLORIDA ENTERPRISES, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Cowles Florida Broadcasting, Inc. (WESH-TV), Daytona Beach, Fla., Docket No. 19168, File No. BRCT-354; for renewal of license; Cowles Florida Broadcasting, Inc. (WESH-TV), Daytona Beach, Fla., Docket No. 19169, File No. BPCT-4158; for modification of authorized facilities; Central Florida Enterprises, Inc., Daytona Beach, Fla., Docket No. 19170, File No. BPCT-4346, for a construction permit.

1. Now under consideration are the applications of Cowles Florida Broadcasting, Inc. (Cowles), one (BRCT-354) seeking renewal of the license of television broadcast station WESH-TV, Channel 2, Daytona Beach, Fla., and the other (BPCT-4158) seeking authority to modify station WESH-TV's facilities; a competing application (BPCT-4346) for a new commercial television broadcast station to operate on Channel 2, Daytona Beach, filed by Central Flori-

[1] See Public Notice concerning Foreign Language Programs adopted Mar. 22, 1967, FCC 67-368, 9 R.R. 2d 1901.

[2] Commissioners Burch (Chairman), Wells, and Robert E. Lee with Commissioner Lee issuing a statement, Commissioners H. Rex Lee and Houser concurring and issuing statements, Commissioner Johnson dissenting and issuing a statement, and Commissioner Bartley abstaining from voting. Statement filed as part of the original document.

da Enterprises, Inc. (Central);[1] informal objections filed pursuant to section 1.587 of the Commission's rules by the Association of Maximum Service Telecasters, Inc. (AMST) directed against the latter two applications; and related pleadings.[2]

2. Station WESH–TV presently operates with an effective radiated visual power of 100 kw., with an antenna height above average terrain of 940 feet, at a site that is approximately 21 miles southwest of Daytona Beach and 25 miles north of Orlando. Section 73.610(b) of the Commission's rules specifies that cochannel stations located in Zone III, which encompasses station WESH–TV, maintain a 220-mile separation between their respective transmitter locations. However, on September 9, 1959, the Commission, upon a showing that the public interest would be served by a waiver of the rules, granted the application (BPET–215) of The Board of Public Instruction of Dade County, licensee of educational television broadcast station WTHS–TV, Channel 2, Miami, Fla. That application specified a site that is only 215 miles from the existing transmitter location of station WESH–TV, so that there now exists a short-spacing of 5 miles between the two stations. In the present application (BPCT–4158), Cowles seeks authority to change station WESH–TV's facilities so as to operate with an effective radiated visual power of 85.1 kw. (DA), an antenna height above average terrain of 1,470 feet, at a site that is approximately 22 miles south and slightly west of Daytona Beach and 21 miles northeast of Orlando. That site is approximately 205 miles from the site of station WTHS–TV, so that the stations would be 15 miles short-spaced, decreasing the existing spacing by 10 miles. Cowles also proposes to suppress radiation in the direction of station WTHS–TV, and to install precise offset frequency equipment at both stations for the purpose of providing "equivalent protection."

3. Cowles advances essentially two reasons in support of its waiver request: increasing the total coverage of station WESH–TV and improving service in its "primary service area."[3] The first reason is a plus factor to be considered. However, AMST notes that there will be some areas that will lose station WESH–TV's signal, which is prima facie inconsistent with the public interest, Hall v. FCC, 237 F. 2d 567, 14 RR 2009 (D.C. Cir. 1956). However, Cowles has made the following representation:

Cowles will purchase and install, without expense to the homeowner, an antenna cut specifically for Channel 2 in order to retain the service that is presently being received by an individual in the area affected. This program will be undertaken in advance of the construction of the new facility and before program test authority is received from the Commission. It will be widely advertised throughout the area by means of billboard, over the facilities of WESH–TV, and by personal contact throughout the area.

Specifically, Cowles will insure that no one who is presently receiving the service will loose (sic) it as a result of the move. If retention of service cannot be accomplished by the specifically designed antenna for Channel 2, then Cowles will install and operate a translator to serve any community that is involved in the area.

Thus, while we think it necessary to ascertain the gains and losses, it is appropriate to permit Cowles to submit evidence as to the extent its plans can ameliorate or eliminate any losses.[4]

4. As to improving the station's service in its "primary service area," it appears that there will be no significant improvement in the area of Daytona Beach. Cowles makes no allegations in this respect. It is apparent, therefore, that the prime consideration in Cowles' view is the improvement of the station's signal in the direction of Orlando.[5] Since the station's primary obligation is to Daytona Beach, we must consider whether, on balance, our spacing requirements should be further eroded to permit better service in the direction of Orlando.[6] We believe that our decision in balancing these considerations should be based on the full record afforded by a hearing. Accordingly, appropriate issues have been specified.

5. Central first proposed to negotiate for the use of Cowles' facilities. However, after Cowles' negative response, Central amended its application to specify an effective radiated visual power of 77.6 kw. (DA) an antenna height above average terrain of 1,470 feet, at a site that is about 23 miles south and slightly west of Daytona Beach and 21 miles northeast of Orlando. That site is about 206 miles from the transmitter site of Station WTHS–TV, a shortage of approximately 14 miles. In support of its waiver request, Central states that its choice of sites was based upon "a balance of interests," including the proposed area to be served, tower height and air navigation considerations, and locating suitable acreage. Central also states that case precedent requires a grant of its waiver request.

6. We do not believe it necessary to discuss each case cited by Central. In general, we were able to find in those cases public interest considerations warranting waiver of the rules. We do not find such considerations here. Two cases heavily relied upon by Central merit brief comment. The first, The Outlet Company, 11 FCC 2d 528, 12 RR 2d 387 (1968), involved a move of transmitter site from a location already short-spaced 4.7 miles, to another location 6 miles short. Clearly, the greater the deviation from the rules, the greater showing required to waive the particular rule. Thus, a move of 1.3 miles to a site that is 6 miles short is not "precedent" for approval of a site that is 14 miles short. The second case cited by Central, WTCN Television, Inc., 14 FCC 2d 870, 14 RR 2d 485 (Rev. Bd. 1968), was a decision issued after hearing and clearly does not stand for Central's proposition; i.e., that the applicant's balancing of conflicting interests warrants a 14-mile waiver of our spacing requirements without hearing. Accordingly, an appropriate issue will be specified. Since operating as proposed may result in a loss area, as compared with the area now served by Station WESH–TV, we will also specify an issue as to gains and losses. In the event that there is a loss area, Central will be able to submit evidence as to any plans for ameliorating or eliminating actual losses, as Cowles has been permitted to do. AMST will be made a party to the proceeding to aid in developing the record on the waiver requests.

7. In the event that Cowles, after hearing, is found not to have met its burden as to the short-spacing issue, it can continue to operate from its presently authorized facilities. Central does not have any existing facilities to fall back on, and a denial of its application solely on the spacing question would be a harsh result. To avoid this result, we will provide that in the event Central does not establish that waiver of the spacing requirements is warranted, but would otherwise be the preferred applicant, its application will be granted subject to the condition that it find a transmitter location that does not lessen the existing spacing between Stations WESH–TV and WTHS–TV. This would permit Central's negotiation for the existing facilities of Station WESH–TV.

8. AMST also alleges that a grant of an application proposing a move in the direction of Orlando would result in an adverse UHF impact. A review of the engineering affidavit submitted by AMST and the Commission's records indicate that a grant of either Cowles' application for modification of facilities or Central's application would increase or create Grade B overlap with two operating UHF Stations (WTOG–TV, Channel 44, Tampa; and WTVX–TV, Channel 34, Fort Pierce) and two authorized UHF Stations (WTSS–TV), Channel 28, Tampa, and WSUN–TV, Channel 38, St. Petersburg); that the area where there will be overlap receives a minimum of two VHF signals (WDBO–TV, Channel 6, Orlando, and WFTV, Channel 9, Orlando); and that the new or increased areas of overlap caused by a grant of either Cowles' or Central's application constitutes a relatively small percentage of the total area covered by the respective UHF stations. With these factors in mind, we must require more than unsupported conclusions to warrant an adverse UHF impact issue. See, for example, VHF Channel Assignment, Mount Vernon, Illinois, 34 F.R. 18036, 17 RR 2d 1620 (1069). Finding only unsupported allegations in AMST's pleadings, we conclude no UHF impact issue is warranted. In this regard, we think it significant that no authorized UHF station has filed petitions or objections to the present application.

9. The exact amount needed to construct and operate Central's proposed station for 3 months without revenues[7] cannot be determined on the basis of the information contained in Central's application. However, approximately $1,888,406 will be needed, as follows: Down payment on equipment, $465,750;[8] 14 interest payments on equipment, $97,808; two principal payments on equipment, $58,218; land, $16,662; building lease, $105,000; interest on bank loan, $10,000; 3-month operating expenses, $358,598; and miscellaneous expenses, $776,400. To meet this requirement, Central claims the availability of the following funds: Cash, $240,000; debentures to be purchased by stockholders, $420,000; stock subscription, $250,000; loan from the Commercial Bank of Daytona Beach of $100,000; interest on deposits, $25,000; and annual revenues of $1,900,000.

10. Central has established the availability of the $240,000 cash. However, the materials in the application do not show that all the $420,000 from the sale of debentures to stockholders will be realized. The showing that must be submitted from those proposing to provide funds to an applicant, hereby the purchase of debentures, is set forth in paragraph 4(b), section III, FCC Form 301. That paragraph provides that a person must submit a balance sheet or financial statement showing current and liquid assets in excess of current liabilities in sufficient amount to enable them to meet their commitment. If the person lacks such funds, he may submit a showing as to the manner in which nonliquid assets can be used to provide funds. He may, as has been done by several of Central's stockholders, submit a loan commitment from a financial institution or other source in sufficient amount to enable him to meet his commitment. Liquid assets include, as defined by paragraph 4(b), cash, the loan value of insurance, government bonds, and publicly traded securities. "Stocks traded on major exchanges at market" is an adequate identification as to the latter. However, such words or phrases as "stocks," "stocks and bonds," and "marketable securities" are not specific enough to determine that such securities are, in fact, liquid. Paragraph 4 (b) also requires that current liabilities and long-term liabilities be segregated. A general category of "liabilities" will be assumed to be current.

11. There follows a list of those proposing to buy debentures from the applicant. If the person has not shown that he has sufficient funds to meet his entire commitment, a brief description of the deficiency will be indicated. The amount that each person has shown available to meet his commitment is given. Those who have signed an agreement to purchase debentures are: David W. Goddard, $21,000; Jeanne M. Goddard, $21,000; W. Warren Cole, Jr., $21,000; W. J. Taylor, Jr., $21,000; Ray A. Chambers, $21,000; Robert D. May, $10,500; Donald P. Zima, $10,500; Norwood A. Lockett, $10,500; Robert C. Elston, $10,500; E. William Crotty, $10,500; James R. Stephen, $10,500; H. Clinton Dunn (no balance sheet); James W. Clower, $4,000 (stocks and bonds); O. L. White (current liabilities exceed liquid assets); Louis P. Samuels, $10,000 (stock and bonds); Jos. A. Guernsey (cash and marketable securities); J. Hyatt Brown, $3,000 (stocks and bonds); George W. Engram (no balance sheet); William H. Cleveland (no balance sheet); Arthur F. Jones, $20,000 (liquid assets do not exceed current liabilities in sufficient amount to enable him to completely meet his commitment); J. C. Adams, Jr. (current liabilities exceed liquid assets); Fletcher G. Rush (cash and marketable securities); George P. Schanck, $3,000 (stock and bonds); and Thomas Staed, $10,000 (liquid assets do not exceed current liabilities in sufficient amount to enable him to completely meet his commitment). Thus, it appears that only $218,000 will be available to Central from the sale of debentures.

12. Mr. E. William Crotty has demonstrated the availability of sufficient funds to enable him to meet his $125,000 subscription agreement. However, the balance sheet submitted by Mr. James R. Stephen, another $125,000 stock subscriber, discloses liquid assets in excess of current liabilities of $40,000. Since $10,500 of that amount has been included as available for the purchase of debentures, only $29,500 remains for the purchase of stock. Therefore, Central has shown the availability of $154,500 in stock subscriptions.

13. The $100,000 loan from the Commercial Bank of Daytona Beach requires that the loan be "endorsed by individuals now known to us to be the organizers of this corporation." We have no indication that these individuals have agreed to accept this obligation. Moreover, the bank letter does not contain the terms, conditions, or security for the loan as required by paragraph 4(e), section III, FCC Form 301. Thus, we can not determine that the loan will be available to Central. If the loan is, in fact, available, the funds required by Central will have to be adjusted to reflect the actual interest and principal payments due within the first year of operation.

14. As to the $25,000 in interest earned on deposits, since there will be a declining balance throughout the prosecution of the application, and since no showing has been submitted, we can not determine how much interest will be available

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[1] Central's application was accepted for filing by the Commission in Central Florida Enterprises, Inc., 22 FCC 2d 260, 18 RR 2d 883 (1970). Cowles, by letter dated May 4, 1970, takes the position that judicial review of the acceptance of Central's application is not ripe at this time. If it does not prevail on the merits, Cowles indicates that it may question in court the acceptance of Central's application.

[2] The pleadings associated with BPCT–4346 are: AMST's objections filed May 19, 1970; Central's opposition, filed June 4, 1970, as amended June 5, 1970; and AMST's reply, filed June 16, 1970. The pleadings associated with BPCT–4158 are: AMST's objections filed Dec. 23, 1968; Cowles' opposition filed Jan. 31, 1969; and AMST's reply, filed June 25, 1969. Cowles also filed comments on AMST's reply on July 10, 1969. This additional pleading has been neither requested nor authorized by the Commission, as required by § 1.45(c) of the Commission's rules. Consequently, it will not be considered.

[3] Cowles also offers in support of its waiver request the argument that a grant of its application, by virtue of its proposed equivalent protection, will reduce interference with station WTHS–TV. Since interference could be reduced from Cowles' present site by installing the same precise frequency offset equipment and suppressing radiation in the appropriate direction at the present site, the argument does not support a mileage waiver request. Moreover, equivalent protection, by itself, does not support requests for waiver of our spacing standards. "Equivalent protection is not a substitute for our spacing requirements. Rather, it is a means of reducing interference when other public interest considerations have been shown that warrant waiver of the spacing requirements." Carolina Broadcasting Company, 18 FCC 2d 482, 484, 18 RR 2d 801, 804 (1969).

[4] As to the use of translators, the Commission has accepted proposals to cover loss area with translators in circumtances where the area is relatively small, or the population clusters are relatively few. However, the use of translators for wide-area coverage is undesirable as an inefficient use of the spectrum, The Outlet Company, 11 FCC 2d 528, 12 RR 2d 387 (1968), and the practice is to be discouraged.

[5] In Cowles' opposition, the affidavit of Kear & Kennedy states, "* * * the basic reason for the improvement in facilities is the improvement in service to Orlando."

[6] Cowles explicitly does not rely upon a competitive disadvantages to justify a waiver of the rules. The Commission has already indirectly afforded Cowles a degree of economic aid by waiving the station identification requirements to permit a Daytona Beach-Orlando identification.

[7] Where stations with an established history of revenues are involved, a 3-month operating expense requirement is used, Orange Nine, Inc., 7 FCC 2d 788, 9 RR 2d 1157 (1967), rather than the 1-year requirement specified in Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965).

[8] Our computations indicate a total equipment cost of $1,772,000 (transmitter, $153,000; antenna system, $495,000; monitoring and testing equipment, $35,000; and studio equipment, $1,089,000), so that a one-fourth down payment of $443,000 is required. Central indicates a down payment of $465,750 or a total equipment cost of $1,863,000. The discrepancy of $91,000 may possibly represent certain auxiliary equipment ($36,000 for STL equipment; auxiliary power equipment, $30,000; and news department equipment, $25,000) described in Central's narrative description of its financial plan, but which Central has included in the $776,400 allotted for miscellaneous expenses. If that is the case, Central's down payment figure is correct, but miscellaneous expenses, which are not subject to a deferred credit plan, would have to be decreased to $685,400. Since the matter is not clear, and since the discrepancy may be due to other factors, we have used the higher figure in each case; that is, $465,750 down payment on equipment, and $776,400 miscellaneous expenses.

to the applicant. Nor can we find that there will be any revenues available during the first 3 months of operation. As noted in footnote 8, above, applicants for new facilities are required to show sufficient funds to construct and operate for one year. However, in cases where an applicant seeks the facilities of an existing station with an established pattern of revenues, the applicant need show only sufficient funds to construct and operate for three months without revenues. The 3-month requirement is retained in recognition of the fact that there will be a delay between the time advertising is broadcast and the time sufficient revenues to assure continued operation are received. Since no showing has been submitted to the contrary, we assume no significant revenues will be available to the applicant during the first 3 months of operation.

15. We also note that Central proposes to lease its studio and transmitter buildings from 749 Volusia, Inc., which will construct those buildings to order. While Central states that the annual lease expense will be $105,000, no lease or construction agreement has been submitted. In fact, a letter from the construction corporation is in terms of "expressing interest" in the project. We also lack any indication as to whether 749 Volusia, Inc., is financially qualified to meet this commitment.

16. In sum, we find that there are several areas where precise figures are unavailable to us. The applicant has demonstrated the availability of $612,500 to meet a commitment that appears to be somewhere near $1,888,136. Accordingly, appropriate financial issues have been specified.

17. Under section 1.539(a) of the Commission's rules, a renewal applicant is required to file his application at least 90 days prior to the expiration date of his license. In this case, Cowles had to be on file by November 3, 1969. This was prior to the issuance of our tentative Primer on the ascertainment of community problems by broadcast applicants, 20 FCC 2d 880, Docket No. 18774, released December 19, 1969. However, Cowles has amended its application attempting to comply with that document. Although Central generally alleges that Cowles' showing is defective, no particular aspect of that amended showing has been challenged. The only criticism we can find is that Cowles has failed to submit a study as to the composition of the community. This requirement was not clear in the tentative Primer. However, on February 23, 1971, we released the revised Primer which makes clear that a showing as to the composition of the community is required. In adopting the Primer we stated that applicants in hearing cases may amend their applications within 90 days to comply with its requirements, and that prior to designation for hearing, applicants may amend their applications as a matter of right. Cowles technically falls in the latter category. However, in view of the short period of time between the release of the Primer and our action here, and our desire to avoid further delay in designating these applications for hearing, we shall permit Cowles, on the facts presented, to amend as a matter of right after designation. If, after an amendment, Central believes that a significant group has been omitted, it may submit an appropriate showing in a petition to enlarge issues.

18. As to the remaining portions of Cowles' showing, we find that it has consulted with community leaders who are identified by name and organization. Members of the general public have been consulted on a generally random basis. The members of the general public and community leaders are geographically distributed throughout the area served by the station. The comments of those consulted have been listed and programs to meet the problems ascertained in those consultations have been proposed. Thus, we can not conclude, as Central has generally asserted, that Cowles' showing, which, except as noted, complies with the revised Primer, is defective.

19. There are several important questions raised by the Primer to be considered in reviewing an applicant's programing showing. These include: whether those community leaders consulted reflect the composition of the area to be served; whether those members of the general public who were consulted were selected on a generally random basis; and whether the consultations were designed to elicit information as to the significant problems, needs and interests of the area. Thus, if it is determined that the community leaders consulted do reflect the composition of the area, it is of little significance that one applicant has spoken to more community leaders than another, or that one applicant has used a more sophisticated procedure for selecting community leaders to be consulted. With this in mind, we note that Central has consulted with approximately 240 community leaders and 400 members of the general public. Cowles has consulted with roughly one-half that number in each category.[9] Since we are of the view that each applicant has substantially complied with the proposed Primer, we do not consider the differences in number to be significant and will raise no programing issue. Specifically, no issue as to "comparative efforts" will be raised.

20. In pleadings filed February 16, 1970, in conjunction with the acceptance of its application, Central makes several allegations concerning Cowles' operation of Station WESH–TV.[10] We need not discuss all those allegations here. In our Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, 22 FCC 2d 424, 18 RR 2d 1901 (1970), we stated:

> • • • if the applicant for renewal of license shows in a hearing with a competing applicant that its program service during the preceding license term has been substantially attuned to meeting the needs and interests of its area (footnote omitted) and that the operation of the station has not otherwise been characterized by serious deficiences, he will be preferred over the newcomer and his application for renewal will be granted. (22 FCC 2d at 425, 18 RR 2d at 1904).

Therefore, Cowles' stewardship of the frequency will undergo thorough scrutiny in determining whether its performance has been "substantially attuned", or has been characterized by "serious deficiences."

21. In addition to going to the question of being "substantially attuned," some of Central's allegations raise a different issue. Central alleges, among other things, that only 18 of Cowles' 84 employees work in the Daytona Beach studio, the remainer working in the Orlando studio; that only 25 minutes per day of the locally originated programing emanates from the Daytona Beach studio [11] and that the "key personnel of the station work in the Orlando area. These allegations raise a question as to whether Cowles has moved its main studio from Daytona Beach to Orlando [12] without prior Commission approval in violation of section 308 of the Communications Act. A main television studio is not as precisely defined as a main radio studio. See §§ 73.30, 73.210, and 73.613 of the Commission's rules. Nonetheless, the word "main" itself denotes something that is more than of secondary importance. The factors considered in determining what constitutes a main studio have been known for some time. See, for example, Gulf Television Company, KGUL–TV, 20 FCC 734, 755, 12 RR 447, 470m (1956). Furthermore, in cases of doubt, a licensee is free to request a declaratory ruling under section 1.2 of the Commission's rules. See Nationwide Communications, Inc., 18 FCC 2d 171, 16 RR 2d 544 (1969), reconsideration denied, 19 FCC 2d 861, 17 RR 2d 471 (1969).

22. If Central's allegations are true, a main studio move has occurred without prior Commission approval. Such a move would appear to constitute a "serious deficiency" under the renewal-new applicant policy statement, above. Therefore, if the Hearing Examiner finds an unauthorized studio move, and that such a move constitutes a "serious deficiency," Cowles would not be afforded the protection given the renewal applicant under that policy statement. We shall also specify an issue to determine, in the event that an unauthorized move is established, whether Cowles has the requisite qualifications to be a licensee of the Commission, or whether it should be given a comparative demerit.

23. Central has also raised questions as to two other matters which might be considered separately from the "substantially attuned" test. However, its position is so broadly and generally stated, without specific factual allegations supporting that position, that we shall not raise issues. Thus, Central has alleged that Cowles has made misrepresentations to the Commission by improperly logging certain programs. The Today Show is given as an example. However, the logs submitted by Cowles for the composite week log that program as a network commercial program, broken down into news, entertainment, public affairs, and instructional programing. Cowles states that this is the breakdown provided by the network. Since this is in keeping with the network practice,[13] and is similar to that breakdown provided by other stations, we will raise no issue on the general allegation that the program has been "misclassified." Central has also alleged that Cowles violated the fairness doctrine by permitting Governor Kirk to explain his stand on filing a brief with the U.S. Supreme Court seeking delay of desegregation of the Florida schools. However, it appears that the other side of that question has been presented, including the presentation of the opposing view of the State Education Commissioner. Lacking more specific allegations, therefore, we shall raise no issue in this regard.

24. Two of the principal factors going to the question of de facto reallocation of a channel are proximity and main studio location. Since there is a question as to where Cowles' main studio is, and since its application for changes does specify a site closer to Orlando than to Daytona Beach, we will specify an issue to determine whether a grant of Cowles' application would constitute a de facto reallocation of channel 2 from Daytona Beach to Orlando. Since Central has specified a main studio in Daytona Beach, the same question is not presented as to it.

25. Cowles' 100 percent parent, Cowles Communications, Inc., is involved in two proceedings raising questions about certain of its activities. One involves a complaint by the State of Wisconsin in which the parent is alleged to have engaged in unfair trade practices and unfair competition in violation of § 100.20(1) of the state statutes. A second proceeding involves a complaint initiated May 29, 1970, by the Federal Trade Commission in which several publishers including Cowles' parent corporation, are alleged to have used deceptive means to get long-term subscription contracts.[14] Accordingly, the grant of either of Cowles' applications will be subject to the condition that it is without prejudice to whatever action we may deem appropriate as a result of those proceedings. In addition, Cowles Communications, Inc., and five of its subsidiaries, paid $50,000 in fines and pleaded no contest to 50 criminal counts of mail fraud. We believe it is appropriate to permit evidence as to this matter to be introduced under the qualifications issue.

26. Except as indicated below, Cowles Florida Broadcasting, Inc., is qualified to own, operate, and construct the proposed changes for television broadcast station WESH–TV. Except as indicated below, Central Florida Enterprises, Inc., is qualified to construct, own and operate a new television broadcast station on channel 2, Daytona Beach, Fla. The applications are, however, mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference. We are, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and they must be designated for hearing in a consolidated proceeding on the issues set forth below. Since this is a renewal-new applicant proceeding, it will be governed by our Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, above. In this connection, pre-hearing discovery, pursuant to §§ 1.311–1.325 of the Commission's rules, for the purposes of making a comparative evaluation of the competing applications should await a determination as to whether Cowles Florida Broadcasting, Inc.'s program service has been substantially attuned to meeting the problems, needs, and interests of its area, or whether its operation of the station has been characterized by serious deficiencies.

27. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned applications of Cowles Florida Broadcasting, Inc., and Central Florida Enterprises, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, on the following issues:

(1) With respect to the application of Central Florida Enterprises, Inc., to determine:

a. The areas and populations which may be expected to gain or lose television coverage by the proposed operation, as compared to the service now provided by Station WESH–TV, and the other television broadcast services available to such areas;

b. To the extent that there may be a loss area, what plans are proposed to ameliorate or eliminate actual losses and the efficacy of those plans;

c. Whether circumstances exist that warrant a waiver of § 73.610(b) of the Commission's rules, and, if so, to determine the necessary conditions to be met to assure that equivalent protection is provided to Station WTHS–TV, channel *2, Miami, Fla;

d. Whether the following subscribers to debentures of the applicant have sufficient current and liquid assets in excess of current liabilities in sufficient amount to enable them to fully meet their commitments; H. Clinton Dunn, James W. Clower, O. L. White, Louis P. Samuels, Jos. A. Guernsey, J. Hyatt Brown, George W. Engram, William H. Cleveland, Arthur F. Jones, J. C. Adams, Jr., Fletcher G. Rush, and George P. Schanck;

e. Whether Mr. James R. Stephen has current and liquid assets in excess of current liabilities, in sufficient amount to enable him to meet his stock subscription commitment to the applicant;

f. Whether the applicant will have available a $100,000 loan from the Commercial Bank of Daytona Beach, and, if so, its terms and conditions;

g. Whether the applicant will have available studio and transmitter buildings by lease from 749 Volusia, Inc., and, if so, the terms and conditions of that lease;

h. What items will be covered by the equipment supplier's deferred credit;

i. Whether the applicant will have available, additional sources of funds to meet its requirements, and, if so, the terms and conditions under which those funds will be available;

j. In light of the evidence adduced under issues "f"–"i", what the applicant's cost of construction and 3-month operating expenses are;

k. In light of the evidence adduced under issues "d"–"j", whether the applicant is financially qualified.

(2) With respect to the applications of Cowles Florida Broadcasting, Inc., to determine:

a. The areas and populations which may be expected to gain or lose television coverage by operating as proposed in its

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[9] Under Answer 15 of the proposed Primer, consultations for use in an application should be made within 8 months of the filing of the application. Thus, Cowles' numerous consultations prior to March of 1969 are not considered in this context. Such consultations may, of course, be used in its showing on the question of being "substantially attuned."

[10] Central also raises questions concerning certain of Cowles' other activities not connected with WESH–TV. Except as indicated in paragraph 24, below, these matters are not relevant here. In Wichita-Hutchinson Company, Inc., 19 FCC 2d 433, 17 RR 2d 192 (1969), the ultimate issue was whether a transfer of control of a licensee from a company in which Cowles had interests to another corporation should be granted. There were no issues specified that would bring into question the operation of the station. The questions raised with respect to stations WCCO–AM–FM–TV have been resolved, Midwest Radio-Television, Inc., 24 FCC 2d 625, 19 RR 2d 861 (1970).

[11] The composite week submitted by Cowles in its renewal application indicates 15 hours, 28 minutes of local originations. This would give a breakdown, if Central's allegations are correct, of 2 hours, 55 minutes of local originations per week emanating from Daytona Beach as compared to 12 hours, 33 minutes from Orlando.

[12] The studios are actually in Winter Park and Holly Hill, small communities adjacent to Orlando and Daytona Beach, respectively.

[13] The licensee's reliance on the network's classification is specifically permitted by the Commission. See Instruction 8, Section IV–B, FCC Form 303.

[14] Both Cowles and Central have noted Cowles' parent corporation's involvement in a suit raising possible Clayton and Sherman Act antitrust violations. On June 1, 1970, the U.S. Court of Appeals for the Fifth Circuit resolved that case favorably to the parent corporation.

application for changes, and other television broadcast services available to such areas.

b. To the extent that there may be a loss area, the efficacy of the applicant's plans to ameliorate or eliminate actual losses;

c. Whether circumstances exist that warrant a waiver of § 73.610(b) of the Commission's rules, and, if so, to determine the necessary conditions to be met to assure that equivalent protection is provided to station WTHS–TV, Channel *2, Miami, Fla.;

d. Whether the applicant has moved its main studio without prior Commission approval;

e. The facts and circumstances surrounding the purported criminal mail fraud by the applicant's parent Corporation, Cowles Communications, Inc.;

f. In light of the evidence adduced under issues "d" and "e", whether the applicant has the requisite qualifications to be a licensee of the Commission, or whether it should be given a comparative demerit or demerits;

g. Whether a grant of the application for changes would constitute a de facto reallocation of Channel 2 from Daytona Beach to Orlando, Fla.

(3) To determine which of the proposals would better serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the above issues, which of the applications, if any, should be granted.

28. *It is further ordered,* That, in the event Central Florida Enterprises, Inc., does not establish that waiver of the spacing requirements is warranted, but does establish that it would otherwise be the preferred applicant, its application will be granted subject to the following conditions:

That the applicant shall submit within ninety (90) days an application specifying a site that does not further decrease the existing spacing to station WTHS–TV, Channel *2, Miami, Fla.

29. *It is further ordered,* That, in the event of a grant of the applications of Cowles Florida Broadcasting, Inc., its applications will be subject to the following condition: That the grant of this application is without prejudice to whatever action the Commission may deem appropriate as a result of the pending proceedings involving Cowles Communications, Inc., instituted by the Federal Trade Commission and the State of Wisconsin.

30. *It is further ordered,* That, the Association of Maximum Service Telecasters, Inc., is made a party to this proceeding.

31. *It is further ordered,* That, to avail themselves of the opportunity to be heard, pursuant to § 1.221(c) of the Commission's rules, the applicants, in person or by attorney, shall file with the Commission in triplicate, within twenty (20) days of the mailing of this order, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

32. *It is further ordered,* That, the applicants, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in that rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 3, 1971.

Released: March 10, 1971.

FEDERAL COMMNUICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–3561 Filed 3–12–71;8:50 am]

[Docket No. 19006, etc.; FCC 71R–77]

MARITIME COMMUNICATIONS SERVICE ET AL.

Memorandum Opinion and Order Amending Issues

In the matter of application of Loren R. McQueen, doing business as Maritime Communications Service for a construction permit for a new public Class III–B coast station to be located at Mount Umunhum near Almaden, Calif., Docket No. 19006, File No. 4900–M–P–48; Application of Western California Telephone Co. for a construction permit for a new public Class III–B coast station to be located near Santa Cruz, Calif., Docket No. 19008, File No. 5427–M–P–98; Application of Salinas Valley Radio Telephone Co. for a construction permit for a new public Class III–B coast station to be located near Pebble Beach, Calif., Docket No. 19009, File No. 770–M–L–40.

1. This proceeding, involving the above captioned applications for authority to operate new Class III–B public coast stations,[1] was designated for hearing by the Commission on various issues by order, FCC 70–1012, released October 7, 1970.[2] Loren R. McQueen doing business as Maritime Communications Service Point near Half Moon Bay, from a site near Almaden, Calif. Presently before the (MCS) proposes to serve boats operating in the South San Francisco Bay Area and in coastal waters of the Pacific Ocean in an area extending approximately 75 miles from Monterey north past Pidgeon Review Board is a motion to enlarge issues, filed October 29, 1970, by the Pacific Telephone and Telegraph Co. (Pacific), which requests modification and addition of issues to adduce evidence as to alleged overlap and cochannel interference between MCS's proposed station and Pacific's existing station KGW 464; and a related motion to enlarge issues, filed December 28, 1970, by MCS.[3]

2. In support of its motion, Pacific recites the following circumstances. On May 31, 1968, it filed a petition to deny the application of MCS, alleging that the proposed station would duplicate service of Pacific's station KMH 828, Oakland, Calif., within the most important portions of the latter's service area.[4] On January 6, 1969, Pacific was licensed to operate station KGW 464, Vacaville, Calif., on the distress, safety and calling frequency 156.8 MHz and on the working frequency 162.00 MHz, a public correspondence channel. By virtue of a May 29, 1968, amendment to MCS's application, Pacific alleges, MCS also proposes to operate on the public correspondence working frequency of 162.00 MHz, from a location near Almaden, Calif. Pacific alleges that if MCS's proposed 162.00 MHz operation is authorized, its reliable service area[5] would overlap the reliable service area of station KGW 464 (162.00 MHz), duplicating in part, service now

[1] This class of station provides ship-shore radiotelephone common carrier (public correspondence) service, primarily of a local character, on VHF channels. See rule 81.3.

[2] The application of Francis I. Lambert and Harry L. Brock, Jr., doing business as Advanced Communications Co., for a construction permit for a new public Class III–B coast station to be located at Mount Toro near Monterey, Calif., was designated for hearing along with the above applications; however, by Order released Jan. 25, 1971, the Examiner, at the applicant's request, dismissed this application with prejudice. By order, released Feb. 12, 1971, the Examiner accepted an amendment filed by MCS indicating that the applicant is now a partnership consisting of Loren R. McQueen, Ronald E. Matteson, and Arthur W. Brothers.

[3] Also before the Board are the following pleadings: (a) Opposition, filed Nov. 20, 1970, by MCS, (b) comments, filed Nov. 13, 1970, by the Safety and Special Radio Services Bureau; (c) reply, filed Dec. 14, 1970, by Pacific; (d) motion for leave to file further reply and further reply, filed Jan. 4, 1971, by Pacific and (e) opposition to motion to enlarge issues, filed Jan. 6, 1971, by Pacific.

[4] The Commission agreed that Pacific's petition raised substantial questions and designated, inter alia, the following issues:

d. To determine the area in which station KMH–828 can satisfactorily exchange communications with vessels, and the extent, if any, to which such area would be overlapped by the stations proposed.

e. To determine in light of the evidence adduced on issue (d), whether overlap, if any, would result in an economic climate which would adversely affect the ability of the existing station to adequately serve the public.

f. To determine the nature and extent of cochannel interference, if any, that would arise from simultaneous operation of the stations listed in paragraph 4 above with an alphabetic designator, and whether such interference would be tolerable or mutually destructive.

[5] Reliable service area is defined in the Commission's notice of proposed rule making in Docket No. 18944, adopted Aug. 26, 1970. See paragraph 14 of the designation order.

provided by station KGW 464;[6] and that mutually destructive cochannel interference would arise from simultaneous operation of the two stations. Petitioner also notes that it is currently handling through station KGW 464 a much lower volume of traffic than it is capable of handling. Accordingly, petitioner requests that a new issue (i) be added and that issues (e) and (f) be modified as follows:

3. Petitioner also alleges that MCS proposes to locate its station 3,380 feet above sea level, high enough so as to encompass a reliable service area covering many widely separated communities. Several of these communities and areas, Pacific notes, are currently serviced by station KGW 464, and by station KMH 828 located near Oakland, Calif. The effect of the high elevation and geographic location of MCS's station, petitioner asserts, would be to preclude interference-free reuse of MCS's proposed public correspondence channel frequency at the indicated communities and areas. Accordingly, Pacific requests that new issue (j) be added as follows:

To determine whether a public class III–B coast station should be located at such a high elevation and in such geographic location as to preclude reuse of its public correspondence channel frequency by other coast stations to serve other communities that require VHF maritime mobile services and that are located long distances from the first coast station.

Petitioner attaches to its pleading substantiating affidavits of two engineers.

[6] Rule 81.303 reads:

Duplication of facilities:

A public coast station shall not be authorized to provide a very high frequency maritime mobile service by the use of any frequency assignment above 100 Mc/s solely to any geographic area in which such service is already provided, or for which a valid construction permit or permits has or have been issued for the establishment of a station or stations to provide such service in that area, unless the applicant shall make an affirmative showing that the public interest, convenience or necessity would be served by such a grant, and among other things, that there is a need for such additional facilities in the area involved, that the authorized facilities in that area are not, or will not be, adequate to meet the very high frequency communication needs in the area, and that that the applicant's proposed facilities involving a frequency assignment above 100 Mc/s will serve the very high frequency communcation needs in such area.

i. To determine the area in which station KGW 464 can satisfactorily exchange communications with vessels, and the extent, if any, to which such area would be overlapped by the stations proposed.

e. To determine, in light of the evidence adduced on issues (d) and (i), whether overlap, if any, would result in an economic climate which would adversely affect the ability of the existing stations to adequately serve the public.

f. To determine the nature and extent of co-channel interference, if any, that would arise from simultaneous operation of station KGW 464 and of the stations listed in paragraph 4 above with an alphabetic designator, and whether such interference would be tolerable or mutually destructive.

4. In opposition, MCS first argues that Pacific has been aware of the possible impact of MCS's proposal for some 2½ years because the MCS application was filed prior to grant of a construction permit to station KGW 464; yet, MCS notes, in its May 31, 1968 petition to deny the MCS application, Pacific did not refer to its KGW 464 station. Moreover, MCS states, also on May 31, 1968, Pacific filed a petition to deny another application[7] on grounds of alleged duplication with both stations KMH–828 and KGW–464. Thus, MCS argues, Pacific's claim of destructive interference is undercut. Furthermore, MCS argues that Pacific's motion is defective in not supplying supporting engineering detail; thus, MCS notes, Pacific does not indicate the nature, extent or location of overlap or interference, nor other details. MCS notes that its consulting engineer cannot accurately depict the service area and interference contour of station KGW 464 because average terrain and antenna pattern data are not supplied by Pacific. However, based on aeronautical charts and topographic maps, MCS states its engineering consultant finds that Pacific's 17 dbu service area would be severely limited by mountainous terrain, and that MCS's proposed operation, because widely separated from Pacific's proposed operation, would "complement" station KGW 464. In view of the distance and terrain factors allegedly involved, MCS argues that objectionable interference is unlikely. MCS attaches to its pleading the affidavit of its consulting engineer. MCS also opposes proposed issue "(j)", on the grounds that the request is not supported by engineering data, that its wording is vague and unclear and that standards for elevation, geographic location and distances are not offered by Pacific. Furthermore, MCS argues, as stated in the attached engineering statement, the restriction in height of a VHF marine station would be contrary to good enigneering practice and would be particularly bad in light of the limitation on transmitter power of such stations to 50 watts. MCS argues that its proposal complies with rules regarding location and antenna height and was chosen to be centrally located to service the areas in question. If such an issue is added, however, MCS requests that it apply as well to Pacific's proposal and that Pacific carry the burden of proof. Finally, however, MCS submits that the request, which could apply to all such applicants, is more properly one for rule-making and not appropriate in a specific adjudicatory proceeding.

5. In its comments, the Safety and Special Radio Services Bureau also notes that Pacific was on notice for 2½ years of the MCS proposal and of its possible impact upon station KGW 464's operation; yet, at no time prior to designation for hearing did Pacific raise the issues it now requests. The Bureau argues that the Commission did not include station KGW 464 in the proceeding because it is located some 75 miles due north of the MCS proposed site and because the transmitter sites are separated by mountainous terrain. Furthermore, the Bureau notes that no supporting engineering detail is offered. However, the Bureau concludes that it would have no objection to requested issues (e), (f), and (i) if Pacific submits an engineering showing, prepared in light of the engineering stipulations agreed to at a November 6, 1970, prehearing conference, which justifies enlargement of the issues. As presently drafted, the Bureau would oppose issue (j) because it is a policy matter more properly acted on in a rule-making proceeding. However, the Bureau would not oppose the issue if it were redrafted and limited to the following:

[W]hether an applicant or applicants in this proceeding should be allowed to have their transmitter sites located at such a high elevation and in such a geographic location as to preclude reuse of its public correspondence channel frequency by other coast stations to serve other communities that require VHF maritime mobile service,

6. In reply, Pacific denies that it was aware at the time it filed its petition to deny MCS's application in May 1968, of any possible impact on station KGW 464; Pacific points out that it mailed its petition to deny on May 29, the same day the Commission gave public notice of an amendment to MCS's application changing its proposed working frequency to 162.0 MHz. Furthermore, Pacific argues, it was not until the issuance of the hearing order in this case that the Commission established standards for determining coverage of VHF class III–B public coast stations or for determination of destructive cochannel interference between such stations. Until the designation order, Pacific claims, its only knowledge of MCS's proposed coverage derived from information contained in contour maps submitted in MCS's application, which contours showed overlap within the service area of station KMH 828 and not KGW 464. Pacific argues that calculations made pursuant to the information contained in the designation order showed substantial overlap and destructive cochannel interference. The approximately 80 miles distance between MCS's proposed station and station KGW 464 would not deter a finding of interference, Pacific avers, because the Commission on its own initiative added such an issue to the hearing when greater distances were involved with two other stations.[8] Pacific also denies that its opposition to the Stockton application is significant because, it claims, it was apparent from information contained in the Stockton application that by any practical standard the Commission might choose for determination of VHF coast station coverage

[7] Stockton Mobilphone, Inc., had applied for a new public Class III–B coast station; this application was dismissed with prejudice at the applicant's request on Aug. 8, 1969.

[8] Pacific's station KGW 828 and the proposed station of Advanced Communications Co.

that the Stockton proposal would substantially duplicate the primary service area of station KGW 464. In response to the Bureau, Pacific also submits a detailed engineering statement in support of its claims of overlap and destructive cochannel interference. The station site coordinates used are those supplied to Pacific's engineer by telephone by MCS's consulting engineer. Regarding requested issue (j), Pacific makes clear that it did not propose a broad policy inquiry, but states that the issue was directed at MCS's proposed station site. Pacific argues that MCS's use of the 162.0 MHz channel frequency at the proposed location would prevent repeated use of that channel from lower elevations and different locations to serve diverse and separated boating areas. Accordingly, Pacific requests that proposed issue (j), as modified by the Bureau so as to apply only to the application of MCS, be added.

7. In the Board's opinion, petitioner's allegations adequately support addition of requested issue (i) and modification of issues (e) and (f). Evaluation of Pacific's engineering showing contained in its reply pleading[9] convinces us that substantial questions of overlap and service duplication have been raised;[10] in addition, based on the information before us, we believe that the possibility of disruptive electrical cochannel interference resulting from a grant of the MCS application warrants appropriate inquiry. The arguments in opposition regarding timeliness of the instant request are insubstantial and have been adequately rebutted by petitioner. We conclude, therefore, that the issues are warranted.[11] However, in the Board's view, the questions Pacific seeks to raise under requested issue (j) may be adequately explored within the confines of the issues already designated by the Commission. Thus, issue (a) inquiries into the areas served; issue (c) is designed to determine the needs for VHF public coast services in the area in question and how those needs can best be filled; issue (f) is directed toward determining the interference involved; and issue (g) is designed to determine whether the stations proposed in this proceeding should be established in light of existing services or services that may be established. In our view, evidence adduced under the foregoing issues would be broad enough to encompass the inquiry, as modified, which petitioner seeks to undertake; and as indicated by the Bureau and MCS, the general question of antenna height and location, which is not presently covered in the Commission's Rules, would be more appropriately raised in a rule-making proceeding. Accordingly, requested issue (j) shall be denied.

8. MCS requests, should the Board grant Pacific's motion to enlarge issues, that the following issue be added as well: To determine, in light of the above issue (i), if it would be in the public interest to order a reduction of power and/or alteration of antenna pattern of station KGW 464 should Docket No. 19006 be granted. The burden of proof for any such change to KGW 464 shall be on MCS.

Conceding that its motion is late-filed, MCS requests that it be considered nevertheless because Pacific allegedly refused informal discussions to resolve the question. MCS concludes that addition of Pacific's requested issues requires enlargement to consider compliance by the latter with rules regarding reduction of power. The Board will deny the requested issue. As pointed out by Pacific in its opposition pleading, MCS has made no effort whatever to support its request with any specificity; for example, MCS's motion does not indicate in what manner the antenna pattern of station KGW 464 should be altered nor why it should be so altered. Furthermore, Pacific avers that the transmitter RF power output of Station KGW 464 is, in fact, limited to 50 watts in compliance with § 81.134(d). Finally, apart from the above Rule, we are cited to no Commission authority to indicate that an existing public coast station could be required to alter power or antenna pattern in order to avoid possible overlap and interference resulting from proposed operation of another facility. Under these circumstances, the requested issue is unwarranted.

9. *Accordingly, it is ordered,* That the motion to enlarge issues, filed October 29, 1970, by the Pacific Telephone and Telegraph Co., is granted to the extent indicated below, and is denied in all other respects; and

10. *It is further ordered,* That existing issues e. through h. are redesignated issues f. through i. respectively; and that the issues in this proceeding are enlarged and modified as follows:

e. To determine the area in which station KGW 464 can satisfactorily exchange communications with vessels, and the extent, if any, to which such area would be overlapped by the stations proposed.

f. To determine, in light of the evidence adduced on issues d. and e., whether overlap, if any, would result in an economic climate which would adversely affect the ability of the existing stations to adequately serve the public.

g. To determine the nature and extent of cochannel interference, if any, that would arise from simultaneous operation of station KGW 464 and of the stations listed in paragraph 4 above with an alphabetic designator, and whether such interference would be tolerable or mutually destructive.

11. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof on issue e. herein added shall be on Pacific Telephone and Telegraph Co.; and

12. *It is further ordered,* That the motion to enlarge issues, filed December 28, 1970, by Loren R. McQueen doing business as Maritime Communications Service, is denied; and

13. *It is further ordered,* That the motion for leave to file further reply, filed January 4, 1971, is dismissed.

Adopted: March 5, 1971.

Released: March 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[12]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-3562 Filed 3-12-71;8:50 am]

[Dockets Nos. 19157-19159; FCC 71-189]

PETTIT BROADCASTING CO. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard application of Claud M. Pettit and Margaret E. Pettit, doing business as Pettit Broadcasting Co., Brush, Colo., Docket No. 19157, File No. BP-18125, Requests: 1190 kc., 5 kw., Day; A. V. Bamford, Colorado Springs, Colo., Docket No. 19158, File No. BP-18467, Requests: 1190 kc., 50 kw., DA, Day; Enid C. Pepperd and Dona B. West, doing business as Brocade Broadcasting Co., Boulder, Colo., Docket No. 19159, File No. BP-18470, Requests: 1190 kc., 1 kw., Day; for construction permits.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that simultaneous operation of the stations as proposed would result in prohibited overlap of contours as defined by § 73.37 of the Commission's rules.

2. According to information in the application, A. V. Bamford would require $159,350 to construct and operate his proposed station. Bamford plans to finance this amount with his own funds. Although he appears to have a sufficient net worth to do so, his balance sheet shows only $18,000 in liquid assets. Accordingly, a financial issue will be specified.

3. Boulder is located 16 miles from the northernmost city limits of Denver, Colo. The centers of the cities are approximately 25 miles apart. The 1970 census figures place Denver's population at 514,678 and Boulder's at 66,870. Since Brocade Broadcasting's proposed 5 mv/m contour pentrates the geographical limits of Denver, a presumption that Brocade Broadcasting is realistically proposing to serve the larger city is raised under the Commission's Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901. Brocade Broadcasting, however, has submitted considerable data in an effort to establish that Boulder has its own distinct community needs and is autonomous from Denver. After examination of this data, together with the Commission's own study, the Commission finds that the policy statement presumption has been effectively rebutted and that for 307(b) purposes Brocade Broadcasting should be considered as proposing a local transmission service to Boulder. Boulder is the largest city in Boulder County as well as its county seat. Boulder has its own government independent of the local government of Denver and has been operating autonomously with a city manager form of government since 1918. Moreover, it has its own school system which, again, is in no way connected with the school system of Denver. This system consists of 21 elementary, 5 junior high and 2 high schools as well as 3 parochial schools. In addition to being the home of the University of Colorado, there is a vocational and technical center for post-high school education and training. Boulder has its own municipal airport and its own transportation facilities. It is also noted that Boulder has three aural broadcast stations licensed or under construction and a daily newspaper—The Boulder Daily Camera. In addition to numerous stores, restaurants and various business establishments, major companies and institutions located in the Boulder area include Ball Brothers Research Corp., Beech Aircraft Corp., Dow Chemical Co., and International Business Machines. Thus, it appears that Boulder is both politically and economically independent of Denver.[1] Brocade Broadcasting proposes to locate its transmitter and antenna system 0.45-mile south of the Boulder city limits in a direction towards Denver. The area and population involved in the 5 mv/m contour penetration into Denver amounts to 8.36 percent and 41,300, respectively. According to Brocade Broadcasting, the pentration involved is a direct result of its inability to locate a site from which it could avoid 5 mv/m pentration of Denver and, at the same time, meet the coverage requirements for Boulder. Brocade Broadcasting has enumerated factors which restrict the site location, which are: (a) Interference considerations with respect to Environmental Sciences Services Administration (ESSA) located to the north of Boulder; (b) an airport northeast of Boulder; (c) the Rocky Mountains rise very abruptly to the west of Boulder; (d) zoning restrictions in built-up areas around Boulder; and (e) the unwillingness of landowners to the east and southeast to sell a piece of land for the transmitter site. In support of its allegations, Brocade Broadcasting has submitted letters from the local realtors describing unsuccessful efforts to obtain tracts of land suitable for a transmitter site.

4. Engineering factors have been afforded decisional significance in most of those cases in which the Commission found, prior to hearing, that the aforementioned presumption had been effectively rebutted, e.g., Clay Broadcasters, Inc., 4 FCC 2d 932, 8 RR 2d 687; Du Page County Broadcasting, Inc., 5 FCC 2d 557, 8 RR 2d 930; Donnelly C. Reeves, 6 FCC 2d 531, 9 RR 2d 448; Major Market Stations, Inc. (KREL), 8 FCC 2d 13, 9 RR 2d 1368; Woods and Watkins, FCC 68-56, released January 23, 1968, 12 RR 2d 97; KACY, INC. (KACY), 15 FCC 2d 33, 14 RR 2d 618; and Howard L. Burris, et al., FCC 2d ------, FCC 71-17, released January 12, 1971. Upon examination of the applicant's showing, the Commission finds, as alleged by Brocade, that the 5 mv/m penetration is not occasioned by a desire to serve the larger city, but is a direct result of the necessity of meeting the coverage requirements for Boulder. In this connection, Commission studies indicate that one kilowatt is needed from the proposed site to place a 25 mv/m contour over the business district of Boulder as required by § 73.188. If a transmitter site could have been acquired on any side of Boulder other than to the south, at a distance of about only 2.5 miles from the proposed site, 5 mv/m penetration could have been avoided. This fact lends convincing support to the applicant's assertions regarding the unavailability of a site to the north, east or west of Boulder and leads us to conclude, as a practical matter, that the 5 mv/m penetration is due to technical considerations beyond the applicant's control. Thus, we find that Brocade Broadcasting has effectively rebutted the aforementioned presumption and that for 307(b) purposes should be considered as proposing a local transmission service for Boulder.

5. Since no determination has yet been reached on whether the antenna proposed by A. V. Bamford would constitute a hazard to air navigation, an issue regarding this matter is required.

6. The Colorado Springs and Boulder proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the three proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the applicants and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

2. To determine with respect to the application of A. V. Bamford:

(a) How the applicant will obtain sufficient additional funds to construct and operate the proposed station for 1 year without revenue; and

(b) Whether in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by A. V. Bamford would constitute a hazard to air navigation.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

9. *It is further ordered,* That, the Federal Aviation Administration is made a party to the proceeding.

10. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

11. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in

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[9] We do not approve or condone the practice of submitting supporting engineering details in a reply pleading. However, since engineering affidavits accompanied Pacific's original general allegations, and since the Bureau supports addition of the issues as subsequently substantiated, and finally because we believe substantial questions are raised which require resolution in the public interest, we have considered the reply pleading. Finally, although MCS indicated in its opposition that it might wish to request permission to respond to a subsequent engineering elaboration contained in Pacific's reply pleading, we note that no such request has been filed and that counsel for MCS which filed its pleading in opposition has since withdrawn from the proceeding.

[10] See footnote 5 supra.

[11] In its motion for leave to file further reply and in its further reply pleading, Pacific alleges that MCS has, in a pleading before the Examiner, withdrawn opposition to issue (i) but continued in opposition to the other issues; and asserts that such opposition is illogical in light of this concession. In our view, this question and the request to receive the additional pleadings are mooted by our disposition herein; therefore, we need not rule upon the request.

[12] Review Board member Berkemeyer abstaining.

[1] Standard Rate and Data Service estimates total retail sales for Boulder and Boulder County to be approximately $150 million and $300 million, respectively. Thus, it appears there is sufficient broadcast revenue potential to support Brocade's operation without reliance on revenue from Denver.

such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 24, 1971.

Released: March 9, 1971:

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] . BEN F. WAPLE,
Secretary.

[FR Doc.71-3563 Filed 3-12-71;8:50 am]

[Docket No. 19167; FCC 71-230]

RADIO STATION WSNT, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of Radio Station WSNT, Inc., Sandersville, Ga., for renewal of license of station, Docket No. 19167, File No. BR-3268.

The Commission has before it for consideration: (1) The above-captioned application for renewal of license of station WSNT, Sandersville, Ga.; (2) a petition to deny renewal of license (Petition) filed by Arnold Hayes as an individual and as an agent for the Southern Christian Leadership Conference (SCLC), and by Richard Turner, as an individual and as an agent for the Black Youth Club of Sandersville, Ga.; (3) an opposition to the petition to deny renewal (Opposition) filed by applicant; and (4) a reply to the opposition to petition to deny renewal of license (Reply) submitted by the original Petitioners.

1. Petitioners predicate their standing as parties in interest on the grounds that they "represent the interest of a substantial portion of the listening audience of WSNT," that the Black Youth Club, an affiliate of the SCLC, has "significant roots in the community," and that the individual petitioner-affiants have personal knowledge of the facts underlying the petition.[1] In addition, the pleadings filed substantiate the fact of residency of the individual petitioners in the community of license, as well as their representation of the two petitioning organizations. The Commission is thus satisfied that Petitioners have sufficient standing to file their petition.[2]

2. Radio Station WSNT is the only broadcast facility licensed to Sandersville, Ga. Petitioners allege that of Sandersville's 5,425 citizens (1960 census) approximately 60 percent are black, and that Washington County, in which Sandersville is located, is approximately 65 percent black.

3. According to Petitioners since about September of 1969, the Movement, "a broadly based coalition of citizens and residents of Sandersville • • • spearheaded by and organized around the Black Youth Club, an affiliate of the Southern Christian Leadership Conference," has campaigned for greater opportunities and better treatment for blacks in both the public and private sectors. The Movement has employed "lawful picket-lines, parades, rallies, demonstrations and selective buying campaigns," and "there have been up to 2,500 persons (almost one-half of the city's population) involved in these activities." Petitioners further state that the efforts of the Movement have resulted in considerable violence, including shootings and bombings attempts; and that the intensity of the developing attrition between the black and white communities was sufficiently newsworthy to warrant reporting by the national media. However, "save for one isolated blurb several months ago," Petitioners claim that WSNT has carried no news whatsoever of these events. These allegations were not denied by Applicant.

4. Petitioners charge that the station's admitted policy of abstention from broadcasting any news of the Movement's activities and the consequences thereof is racially motivated, that the policy was instituted "because the Movement is a black movement." Petitioners aver that upon inquiring of James Whaley, the station manager, petitioner Turner was informed that implementation of the questioned news policy resulted from a desire to remain neutral, to avoid "taking sides."

5. Petitioners allege that the station's expressed desire to remain neutral is in no way relevant to its obligation to inform listeners of significant local events, and directly contravenes its duty to help alleviate community problems.[3] Further, it is asserted that the station has not maintained its claimed neutrality. The Department of Health, Education, and Welfare ordered the integration of the public school faculties of Washington County, Ga., by February 1, 1970. Governor Lester Maddox presented a speech in Washington County advocating resistance to the integration order, and station WSNT carried the speech live. In contrast, the station failed to broadcast news of a petition supporting the integration order signed by 106 black teachers, as well as the fact that a large number of black demonstrators opposed to Governor Maddox's position was restrained by state troopers from entering the Washington County High School auditorium where the governor was presenting his speech. In addition, in their reply, Petitioners allege that, but for one incident in which a white man was injured (having been shot on petitioner Turner's front porch) all violence has been directed toward blacks, and so the station's professed impartiality is in fact discriminatory.

7. In its Opposition, Applicant takes issue with these allegations, although, as stated above, it does not contest the factual claims of Petitioners. Applicant refers generally to the "close cooperation between the management of the radio station and the black community," and states that its policy of withholding from the air news of the local racial conflict derives from the Applicant's firm belief that it thus better serves the cause of peace and harmony. As stated in the affidavit of WSNT manager James Whaley, attached to the Opposition as Exhibit 1:

> When the Black Youth Club and Southern Christian Leadership Conference began marching and demonstrating in the city of Sandersville it was decided by the management of WSNT that news coverage of these events would not serve any good purpose but would tend to contribute to the cause of violent confrontations between the races. It was felt by the management that any announcements and news coverage of these marches and demonstrations would invite outside agitators both black and white to take part and would serve to promote discord and violence among the citizens of the community.
>
> As to the broadcast of prior notice of these events, it was my fear that the advance publicity would serve to increase the hostile opposition to the event, either black or white, and that the possibility of violence would be greatly increased. With the (sic) regard to the broadcast of the events as they were occurring, keeping in mind the length of the demonstrations and the instantaneous discrimination aspects of the broadcast media, my beliefs that persons who were not yet involved either in the demonstration or the opposition, both black and white, might be induced to participate or observe and thereby compounding the problems in increasing the possibility that a thoughtless word or deed might lead to further violence.
>
> It is my belief that rumors, inability to accurately check the facts in the hostile atmosphere and the wide dissemination of news contributes (sic) to a general atmosphere of fear, hostility, and confrontation, and there were instances of news reporting by the national media, and by some of the newspapers, that was either distored or not factual.
>
> This policy was applied equally to the blacks and to the whites, and as the station did not publicize black marches and demonstrations, so it did not publicize white counter marches, for the same reasons • • •
>
> (After describing the explosive atmosphere of fear, hatred, and inclination to violence) It is my belief that this policy helped to defuse a very tense situation, and has contributed in establishing an atmosphere for the resolution of the issues. Sandersville, while suffering violence and intimidation on both sides, was not subjected to the arson, riots, and loss of life that has characterized similar confrontations between groups of citizens in other parts of the country.

8. In support of its argument, Applicant attaches to its Opposition affidavits of J. Euree Curry, Sheriff of Washington County, and James Radney, "a member of the Police Department of Sandersville, Georgia," who was "in charge of the police force during the recent periods of violence." Both affiants refer to the seriousness of the problem, and state their opinion that publicity of the violence might well have led to more violence. Both also claim that the news reports of the national media were exaggerated.

9. As the only station licensed to serve Sandersville, WSNT has a particular responsibility to air major local problems for the benefit of the community. Applicant cannot simply refrain from taking any action, thereby effectively ignoring the situation. Further, if in fact the national media exaggerated and distorted news of the racial conflict in Sandersville, as alleged by Applicant in its Opposition, it appears to us that the station has a greater obligation to attempt to provide accurate coverage. In addition, the station's argument that broadcasting news of the racial situation would induce nonparticipants "both black and white • • • to participate or observe • • • thereby increasing the possibility that a thoughtless word or deed might lead to further violence," is dubious justification for its inaction, particularly since the gravity of the situation indicates that few residents of the station's service area could have remained unaware of the situation. We recognize that in the midst of disorder a licensee must exercise its judgment as to the advisability of broadcasting news of the event, in light of the attendant possibility of attracting crowds of curious spectators whose presence might compound the problems of the authorities. However, we are here concerned with Applicant's general practice of suppressing news of significant local events, and the question of whether Applicant's absolute silence could serve the public interest.

10. These matters raise questions both with regard to whether applicant is meeting its obligation to serve the public by presenting important local news, and whether Applicant has failed to comply with the Commission's Fairness Doctrine (as ratified by Congress in section 315 of the Communications Act of 1934, as amended) which imposes upon a licensee the obligation to afford a reasonable opportunity for the discussion of conflicting views on issues of public importance. The Federal order raised a controversial issue of public importance in the community, and the station's broadcasting only the governor's point of view raises the question of whether the station has violated the Fairness Doctrine.

11. As further indications of Applicant's alleged discriminatory practices and failure generally to serve the community, Petitioners refer to the survey of community needs and interests submitted with the above-captioned application for renewal of license. Despite the gravity of Sandersville's racial conflict, only one interviewee made any direct reference to it (Mrs. Corine Cuby advocated more jobs for Negroes); [4] and, further, according to Petitioners, the four blacks who were consulted (of a total of 26 interviewed) do not represent the views of the black community. In addition, "despite the Movement's broad base in the Community," it is stated that the licensee made no effort to interview any of its members.[5] We cannot discern from the pleadings whether in fact Applicant did make any good-faith effort to identify those leaders who truly represent the black citizens of Sandersville and the surrounding area. We are not suggesting that the licensee is bound to consult with all who claim to be the principal representatives of community groups. Obviously a licensee must have broad discretion, and the only question that could arise in this regard is whether the licensee made a good-faith effort to ascertain and consult the principal leaders of representative groups.

12. Petitioners also charge that the station at one time carried news of the Black Youth Club as a public service but that it has ceased doing so since the club became involved in the movement. Also, contrary to Applicant's representation in its renewal application that it follows a policy of making time available to local groups for discussion of important matters, and that it has notified community leaders of this fact, Petitioners aver that "it has not made time available to the movement, a group that speaks for over half of Sandersville's population." Further, it is claimed, Applicant has expressly refused to provide time requested by black leaders with the explanation that it does not want to "take sides." Petitioners conclude their argument by emphasizing that WSNT broadcasts basketball and football games of "virtually all white" Washington County High School, but that the sporting events of Thomas J. Elder Comprehensive High School, "the black high school," are not broadcast, despite the predominance of blacks in Sandersville and Washington County; and Petitioners claim that this further demonstrates the station's discriminatory policies. Applicant attaches to its Opposition a letter from C. Williams, principal of Thomas J. Elder Comprehensive High School (described as "integrated" by Applicant and "the black high school" by Petitioners) expressing appreciation for the service provided by WSNT, and stating, "Your treatment of the community activities over the past several months contributed to the calminess (sic) and rationality of community people." [6] Additional supporting documents include a statement of one Rogers Peeler, "President of the Washington County Chapter of the NAACP," who writes, "I have not been refused by WSNT to run any announcement that I have brought in"; and the affidavit of Gilbert Dean, "a [presumably black] minister and educator in Sandersville," who acknowledges the "good cooperation" of the station in providing him much air time. In support of its position Applicant also attaches to its

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[1] In its Opposition applicant challenges the timeliness of the filing of the Petition, as it was filed on Mar. 2, 1970, and the supporting affidavits were filed on Mar. 4, 1970. However, as Mar. 1, 1970, was a Sunday, the filing of the Petition on the next business day is deemed timely, in accordance with §§ 1.4(d) and 1.4(l) of the Commission's rules and regulations. The filing of the supporting affidavits to 2 days subsequent thereto in no way prejudiced the rights of Applicant.

[2] Sec. 309(d)(1) of the Communications Act of 1934, as amended; Office of Communication of the United Church of Christ et al. v. Federal Communications Commission, 359 F. 2d 994 (D.C. Cir. 1966).

[3] In Office of Communication of the United Church of Christ et al. v. F.C.C., 359 F. 2d 994, 1004 (D.C. Cir. 1966), the court states "In a community served by only one outlet, the public interest focus is perhaps sharper and the need for airing complaints often greater than where, for example, several • • • exist." Further, in Red Lion Broadcasting Co., Inc. v. Federal Communications Commission, 395 U.S. 367 (1969) the Supreme Court emphasizes the power of the Commission "to treat licensees • • • as proxies for the entire community, obligated to give suitable time and attention to matters of great public concern. To condition the granting or renewal of licenses on a willingness to present representative community views on controversial issues is consistent with [the First Amendment]. Congress need not stand idly by and permit those with licenses to ignore the problems which beset the people • • • ." The Court also refers to the "two-fold duty laid down by the FCC's decisions" that a "broadcaster must give adequate coverage to public issues • • • and coverage must be fair in that it accurately reflects the opposing views • • •. Moreover, the duty must be met by programming obtained at the licensee's own initiative if available from no other source."

[4] Apparently related references by those interviewed are: "interviewing some of those who have been intimidated," "communication," "open forums," "communications • • • by informing the people in the community of the real facts," "fuller coverage of local news," editorializing "on community affairs and problems • • • gathering and broadcasting factual information," "to cover local news more closely • • • giving more details on local stories." In its evaluation of "local and area needs" Applicant lists as seventh (and last) that there is a "need for better human relations and communications between the races in this area."

[5] The Commission requires that an applicant consult "a representative range of groups and leaders to give the applicant a better basis for determining the total needs of the community." FCC Form 303, section IV-A, page 8.

[6] Applicant also attaches to its opposition copies of two newspaper articles which describe the tense climate of Sandersville from different points of view. An article from the Swainsboro, Ga., The People's Voice of Jan. 29, 1970, refers to "the organized guerrillas of the S.C.L.C." who are part of "the Communist conspiracy," while an article from the Atlanta Journal and Constitution Magazine of Feb. 1, 1970, is milder in tone and more detailed in its description of events. Applicant states, "Neither article is used to establish any of the facts contained in the articles, and the station expressly disclaims any intent to adopt the views of the respective reporters."

Opposition a list of "Announcements Requested by and Made in Behalf of Negro Citizens" from August 1969 through March 1970.[7]

13. In their Reply Petitioners reiterate their contention that the station totally fails in its responsibility to serve its community of license by following its alleged racially discriminatory policies. Petitioners take issue with most of the particulars offered by the applicant in defense of its practices. First, Petitioners dispute the claim in James Whaley's affidavit that he and petitioner Turner had never discussed the station's news policy, contrary to information contained in the Petition. Petitioners state that, upon hearing WSNT broadcast news of the prosecution in Atlanta of Hosea Williams, a prominent SCLC official, for driving while intoxicated, Turner called Whaley to inquire why WSNT would carry a news item which presented Mr. Williams in an unfavorable light, whereas it refused to broadcast any news of the activities of local blacks. The Reply continues that Turner then requested that the station announce a forthcoming Movement meeting and mass demonstration, but was told again that the station could not take sides. Relative to this incident, Petitioners allege that the statement in the Opposition that the station has continued to serve the Black Youth Club is false. According to Petitioners WSNT refused to announce, among others, a mass meeting in December of 1969, and "because of the station's pattern of refusing to carry the news and announcements of the Movement * * * the Petitioners abandoned the futile gesture of making requests." As set out in paragraph 7 above, James Whaley, the station manager, contends that refusal to carry news of future events is justified by the possibility of intensified hostility and violence. In addition, Petitioners charge Applicant with filing false information in that its reported announcement of a Black Youth Club dance on November 14, 1969, coincides with no such function of the Club on or about that date.

14. Further, among the many announcements listed by WSNT as having been broadcast on behalf of local blacks are two "Stay in School" announcements of January 6 and 7, 1970, by Gilbert Dean. Petitioners assert that Dean is the truant officer of "black" Thomas J. Elder Comprehensive High School, that the Movement had called for a school boycott on those particular days, and that Dean's "announcements clearly represent one side of the issue," so that the station again violated its claimed neutrality.

15. In response to Petitioners' original charge with reference to the station's broadcasting athletic events of the "white" high school only, Applicant filed as an exhibit to its Opposition the aforementioned letter dated March 19, 1970, from C. Williams, principal of the "black" high school, which contains the following: "We appreciate your offer to broadcast our football and basketball games, as of the school term 1968–69, whenever we make the necessary arrangements with our sponsers."[8] In their Reply Petitioners suggest that this is further evidence of the station's pattern of racial discrimination, for presumably sponsorship of the "white" high school events was arranged by James Whaley, the station manager, while the burden of securing sponsorship for Thomas J. Elder events appears to lie with the school itself. Thus, the pleadings raise the question of whether Applicant has failed to provide service to its whole community.

16. Based on the foregoing it appears that substantial and material questions of fact have been raised relative to whether Applicant has served the public interest, convenience and necessity of its community of license. The pleadings raise substantial questions regarding Applicant's performance with reference to its obligation to keep the public informed of important local news and to promote discussion of substantial local issues, especially bearing in mind that WSNT is the only broadcast facility licensed to Sandersville. Additional issues raised include the adequacy of Applicant's survey of community needs and interests, whether Applicant has engaged in a pattern of racial discrimination in its programing, and whether Applicant has failed to meet the responsibilities imposed by the Fairness Doctrine to afford a reasonable opportunity for the discussion of conflicting views on issues of public importance. We conclude that an evidentiary hearing is required to insure the development of a full record.

17. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing to be held at Sandersville, Ga., at a time to be specified in a subsequent order, upon the following issues:

(1) To determine whether Applicant has made a meaningful effort to ascertain the needs and interests of the public served by its station;[9]

(2) To determine whether Applicant has followed a racially discriminatory policy in its overall programming, thereby failing to serve the substantial black community in its service area;

(3) To determine whether Applicant has failed to serve the needs and interests of its community of license with respect to its policy of suppressing news coverage of local events;

(4) To determine whether Applicant has complied with the Fairness Doctrine by affording a reasonable opportunity for the discussion of conflicting views on controversial issues of public importance to its community;

(5) To determine whether Applicant has afforded reasonable opportunity for the use of its broadcasting facilities by the significant groups comprising the community of its service area;

(6) To determine whether in light of all the evidence a grant of the application for renewal of license of Station WSNT would serve the public interest, convenience and necessity.

18. *It is further ordered*, That the petition of Arnold Hayes, Richard Turner, the Southern Christian Leadership Conference, and the Black Youth Club of Sandersville, Ga., insofar as it seeks a hearing on the application herein is granted.[10]

19. *It is further ordered*, That petitioners Arnold Hayes, Richard Turner, the Southern Christian Leadership Conference and the Black Youth Club of Sandersville, Ga., be made parties to the hearing.

20. *It is further ordered*, That in accordance with section 309(e) of the Act the burden of going forward with the evidence in the first instance shall be on Petioners as to issues (1), (2), (3), (4), and (5), with the Broadcast Bureau following with evidence in its possession relevant to those issues. Applicant has the ultimate burden of establishing that it possesses the requisite qualifications to be a licensee and that a grant of its application for renewal of license would serve the public interest, convenience and necessity.

21. *It is further ordered*, That to avail themselves of the opportunity to be heard, Applicant and Petitioners herein, pursuant to § 1.221(e) of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

22. *It is further ordered*, That Applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in said rule, and shall advise the Commission of the publication thereof as required by § 1.594 of the Commission's rules and regulations.

Adopted: March 3, 1971.

Released: March 11, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-3564 Filed 3-12-71;8:50 am]

[7] Applicant attaches to its opposition written requests from the Black Youth Club (for announcements regarding the movie commemorating the life of Dr. Martin Luther King, Jr.), dated Mar. 13, 1970; and from Gilbert Dean (for time to present programs dealing with children's problems), dated Mar. 11, 1970. In each case Station WSNT responded in the affirmative. In addition, as cited in paragraph 15 of this order, the principal of the Thomas J. Elder Comprehensive High School, C. Williams, submitted a letter dated Mar. 19, 1970, wherein he acknowledged the station's offer to broadcast the school's football and basketball games. Having occurred subsequent to the filing of the petition, these matters are entitled to no weight. In the Matter of Revocation of the Licenses of Asheboro Broadcasting Co. for Broadcast Stations WGWR-AM-FM, Asheboro, N.C., 20 FCC 2d 1 (1969).

[8] It is presumed that the intended dates are 1970–71, not 1968–69.

[9] The phrase "needs and interests" is deemed to be generally synonymous with "community problems."

[10] Furthermore, it is noted that on Sept. 1, 1970, petitioners filed a Supplemental Pleading to their Apr. 17, 1970, Reply to the licensee's Opposition to their petition to deny. Since the Commission's determination herein renders any ruling on the supplemental pleading unnecessary, no useful purpose would be served by setting forth in detail the arguments delineated in the supplemental pleading at this time. However, it is noted that petitioners assert that WSNT's license renewal application should be denied or designated for hearing in view of the Commission's August 5, 1970, letter to Gary Soucie, Friends of the Earth (FCC 70–862), wherein it was stated that licensees cannot ignore "burning issues." Also, pursuant to three consecutive joint motions filed by Petitioners and Applicant, the Commission withheld action in this matter to allow the parties an opportunity to negotiate their differences. However, documents filed separately by Petitioners and Applicant indicate that negotiations have been terminated and that no agreement has been reached. We also have before us an amendment to its application filed by Applicant on Feb. 16, 1971, which reflects proposed changes in its news, public service, public affairs, and employment policies.

[11] Dissenting Statement of Commissioner Robert T. Bartley and Concurring Statement of Commissioner Nicholas Johnson filed as part of the original document.

FEDERAL MARITIME COMMISSION

ASSOCIATION OF WEST COAST STEAMSHIP COMPANIES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

E. Adema, Secretary, The Association of West Coast Steamship Companies, Post Office Box 5097, Cristobal, Canal Zone.

Agreement No. 3302–9, between the member lines of The Association of West Coast Steamship Companies, modifies the self-policing system of the conference to conform to the requirements of the Commission's General Order 7 (Revised).

Dated: March 9, 1971.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-3536 Filed 3-12-71;8:48 am]

TMT TRAILER FERRY, INC., AND BERWIND LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. William C. Rebenack, Traffic Manager, TMT Trailer Ferry, Inc., 215 South Georgia Street, Post Office Box 4787, Jacksonville, FL 32201.

Agreement No. DC–51, between TMT Trailer Ferry, Inc. (TMT), and Berwind Lines, Inc (Berwind), provides for the transportation of cargo under through bills of lading between U.S. South Atlantic ports and ports in the Virgin Islands with transshipment at San Juan, Puerto Rico. The through rates and terms of transportation will be combination rates of those separately published by TMT between U.S. South Atlantic ports and Puerto Rico and those separately published by Berwind between San Juan and the Virgin Islands. All shipments moving pursuant to this agreement will be interchanged at Berwind's terminal in San Juan. Either party may terminate this agreement upon 30 days' notice to the other party. The agreement will become effective upon approval of the Commission pursuant to section 15, Shipping Act, 1916.

Dated: March 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-3537 Filed 3-12-71;8:48 am]

UNITED STATES ATLANTIC & GULF-VENEZUELA AND NETHERLANDS ANTILLES CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

C. D. Marshall, Agent, United States Atlantic & Gulf-Venezula and Netherlands Antilles Conference, 11 Broadway, New York, NY 10004.

Agreement No. 6870–13, among the member lines of the United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference (Oil Companies Contract Agreement—Proprietary Cargo), modifies (1) the self-policing provisions pursuant to General Order 7 (Revised) by cancelling the existing Articles 9 and 10 and substituting therefore Articles 9 through 12, and (2) Article 15(a) to clarify that the time and place of all meetings shall be subject to the call of the Chairman of the United States Atlantic and Gulf-Venezula and Netherlands Antilles Conference (Agreement No. 6190, as amended), as Agent for the parties.

Dated: March 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3538 Filed 3-12-71;8:48 am]

[Docket No. 71-21]

HONOLULU FREIGHT SERVICE

Order of Investigation and Suspension

Honolulu Freight Service has filed with the Federal Maritime Commission 6th Revised Page No. 32 to its Tariff FMC–F No. 1 to become effective March 15, 1971. This page increases the rate and minimum charges on Freight, All Kinds, between U.S. Pacific Coast ports and ports in the Hawaiian Islands.

Upon consideration of said tariff page, the Commission is of the opinion that the above designated tariff matter should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, 6th Revised Page 32 to Tariff FMC–F No. 1 is suspended and the use thereof deferred to and including July 14, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Honolulu Freight Service a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until July 15, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Honolulu Freight Service be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (1) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (2) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(l) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3549 Filed 3-12-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI70-892, etc.]

MARATHON OIL COMPANY, ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 5, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R170-892	Marathon Oil Co. et al	5	[1] 10	El Paso Natural Gas Co. (Blinebry-Tubb Gas Pool, Lea County, N. Mex.) (Permian Basin).	$1,376	2-8-71	3-11-71	[21] Accepted	[26] 17.6368	[26] 17.9023	R170-892.
R170-893	Marathon Oil Co	6	[1] 9	El Paso Natural Gas Co. (Jalmat Gas Pool, Lea County, N. Mex.) (Permian Basin).	273	2-8-71	3-11-71	[21] Accepted	[26] 17.6368	[26] 17.9023	R170-893.
R169-388	do	96	[1] 4	El Paso Natural Gas Co. (Argo No. 1 Well, San Juan Area, San Juan County, N. Mex.) (San Juan Basin).	22	2-8-71	3-11-71	[21] Accepted	14.0578	14.2678	R169-388.
R171-141	Phillips Petroleum Co	279	19	El Paso Natural Gas Co. (Hogsback Area, Sublette and Lincoln Counties) (Wyoming).	(8,337)	2-8-71	2-8-71	[22] Accepted	19.7925	[2] 19.6463	R171-141.
R169-432	Northern Natural Gas Producing Co.	30	6	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	117	2-8-71	3-11-71	[21] Accepted	14.0505	44.2313	R169-432.
R169-431	Mobil Oil Corp	166	10	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin).	13	2-8-71	3-11-71	[21] Accepted	15.0541	15.2510	R169-431.
R169-431	do	209	8	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin).	20	2-8-71	3-11-71	[21] Accepted	14.0578	14.2343	R169-431.
R169-431	do	369	11	El Paso Natural Gas Co. (Angel Peak and Huerfanito Area, San Juan County) (New Mexico) (San Juan Basin).	96	2-8-71	3-11-71	[21] Accepted	13.0536	13.2175	R169-431.
R169-430	Mobil Oil Corp. et al	361	11	El Paso Natural Gas Co. (Gallegos Canyon Field) (San Juan County, N. Mex.) (San Juan Basin).	45	2-8-71	3-11-71	[21] Accepted	14.0578	14.2343	R169-430.
R169-360	Marathon Oil Co	21	7	El Paso Natural Gas Co. (La Plata Area, Blanco Field; San Juan County, N. Mex.) (San Juan Basin).	428	2-8-71	3-11-71	[21] Accepted	14.0578	14.2678	R169-360.
R169-541	do	25	11	El Paso Natural Gas Co. (Jicarilla Area; Rio Arriba County, N. Mex.) (San Juan Basin).	1,104	2-8-71	3-11-71	[21] Accepted	13.0536	13.2486	R169-541.
R170-893	do	27	9	El Paso Natural Gas Co. (Enmont Field; Lea County, N. Mex.) (Permian Basin).	17	2-8-71	3-11-71	[21] Accepted	[26] 17.1896	[26] 17.4454	R170-893.
R169-462	Marathon Oil Co., et al	55	7	El Paso Natural Gas Co. (Kutz Canyon & Jicarilla Areas) (Dakota Formation) (San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	4,284	2-8-71	3-11-71	[21] Accepted	14.0578	14.2678	R169-462.
R168-647	Texaco, Inc., et al	188	16	Cimarron Transmission Co. Southwest Enville Field, Love County) (Oklahoma Other Area).	840	2-8-71	3-11-71	[21] Accepted	[26] 17.85	[26] 17.8675	R168-647.
R171-798	Phillips Petroleum Co	239	11	Mississippi River Transmission Corp. (Ilico-Knowles Field) (Lincoln Parish) (Northern Louisiana).	16,460	2-4-71	3-7-71	4-7-71	[3] [4] 14.603	[3] 22.833	
R171-799	Pennzoil Producing Co.	252 252	17 18	United Gas Pipe Line Co. (Strauch-Wilcox et al. Fields, Bee County, Tex. RR. District No. 2	15,029	2-4-71 2-4-71	3-7-71 3-27-71	[23] Accepted 4-7-71	([29]) [26] 17.2176	([29]) [26] 24.25	R170-282. R170-282.
R171-800	Suburban Propane Gas Corp.	8	5	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (LeBlanc Field, Allen Parish) (Southern Louisiana).	30,500	2-3-71	3-6-71	3-21-71	21.8	[3] [9] 22.588	R165-317.
R171-801	Humble Oil & Refining Co	17	10	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Mariposa Field, Brooks County, Tex., RR. District No. 4).		2-3-71	3-6-71	[24] Accepted	([29])	([29])	
R171-802	Continental Oil Co. et al	364 183	11 1 [10] [11] 22	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Grand Isle Block 63) (Offshore Louisiana).	69,757 53,856 [12] 3,080	2-3-71 2-8-71 2-8-71	3-6-71 3-11-71 3-11-71	4-6-71 3-26-71 3-26-71	[30] 15.0655 17.0 18.5 [13] 19.0	[26] 24.25 [9] 26.0 [9] 23.50	R170-426. R170-1629.
R171-803	Mobil Oil Corp	41	22	Trunkline Gas Co. (Clear Creek, Beauregard Parish) (Southern Louisiana).	[13] 4,196 26	2-8-71	3-11-71	3-26-71	[13] 20.67 19.7	[9] 23.50 [9] 20.5	R170-1446. R167-272.
R171-804	Mobil Oil Corp. et al	123	16	Texas Eastern Transmission Corp. (San Manuel Field, Hidalgo County, Tex., RR. District No. 4).	1,113	2-8-71	3-11-71	4-11-71	[26] 16.8735	[26] 17.0744	R171-37.
R171-805	Sun Oil Co	129	6	South Texas Natural Gas Gathering Co. (Yeary and Riviera Beach, Kleberg County, Tex., RR. District No. 4).	8,007	2-8-71	3-11-71	4-11-71	[26] 18.0675	[26] 19.07125	R165-445.
R171-806	Gas Gathering Corp	2	22	Transcontinental Gas Pipe Line Corp. (Sherburne Field, Pointe Coupee Parish) (Southern Louisiana).	141,000	2-8-71	[14] 3-11-71	3-26-71	22.0	[9] 23.5	R168-135.

See footnotes at end of document.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-807	An-Son Corp	(16)	(17)	Southern Natural Gas Co. (Bayou Postillion Field) (Iberia Parish, Southern Louisiana).	17,010	2-4-71	3- 7-71	3-22-71	19.5	23.550	
			(18)	do	6,875	2-4-71	3- 7-71	3-22-71	20.0	21.250	
R171-808	Mountain States Petroleum Corp.	(19)		Transwestern Pipeline Co. (Atoka Penn Field, Eddy County, N. Mex., Permian Basin).	109,899	2-3-71	3- 6-71	4- 6-71	[20] 16.5831	[20] 28.7942	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Applicable to gas treated as not exempt from the New Mexico Emergency School Tax prior to Apr. 1, 1963.
[2] Rate decrease reflecting recovery of Wyoming severance tax applicable to past production back to Jan. 1, 1968.
[3] Base rate subject to downward B.t.u. adjustment.
[4] Includes 1.333-cent tax reimbursement.
[5] Both buyer and seller are wholly owned subsidiaries of Pennzoil United, Inc.
[6] Agreement dated Jan. 20, 1971 provides for extension of contract term to Mar. 27, 1971, and provides for renegotiated rates specified therein.
[7] Inclusive of upward B.t.u. adjustment.
[8] Agreement dated Jan. 13, 1971, provides among other things extension of contract term until Feb. 21, 1983, and for renegotiated rates specified therein.
[9] Increase resulting from termination of moratorium in Southern Louisiana issued Oct. 27, 1970 in Order No. 413.
[10] Pertains to gas produced from the "KD" and "KJ" Sand Reservoirs and to gas previously shown to qualify for third vintage prices per Opinion No. 567.
[11] Includes well completion report and letter of concurrence from buyer as required by Opinion No. 567.
[12] Casinghead gas.
[13] Gas well gas.
[14] Or 1 day from the date of initial delivery, whichever is later.
[15] Includes letter agreement dated Jan. 10, 1971, which provides for the proposed composite rate, effective on the date of first delivery of gas to Transco from the section 28 Field, St. Martin Parish, La.
[16] Applicant issued a small producer certificate in CS69-77 covering the subject sale.
[17] Pertains to acreage acquired from California Co. and dedicated to contract dated Nov. 8, 1957, as ratified Apr. 16, 1969.
[18] Pertains to acreage dedicated to contract dated Feb. 15, 1969.
[19] Applicant issued a small producer certificate in Docket No. CS71-16.
[20] The pressure base is 14.65 p.s.i.a.
[21] Accepted, effective as of the date set forth in the "Effective Date Unless Suspended" column, subject to refund in the existing suspension proceeding.
[22] Accepted for filing to be effective as of the date of filing subject to refund in the existing rate proceeding.
[23] Accepted to become effective on the dates shown in the "Effective Date" column.
[24] Accepted as a contract amendment, effective as of the date set forth in the "Effective Date Unless Suspended" column, subject to the conditions prescribed elsewhere in this order.

Under the provisions of the Commission's order issued October 27, 1970, in Docket No. AR69-1, producers in the southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by November 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of January 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970 order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

The proposed increases of Marathon Oil Co., Northern Natural Gas Producing Co., Mobil Oil Co., and Texaco, Inc., are tax reimbursement increases from rates currently in effect subject to refund. With the exception of Texaco's rate increase these increases reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax whereas Respondents had been collecting partial reimbursement of only the 0.55 percent portion of the tax. The proposed tax reimbursement increases are accepted for filing to be effective as of the dates of expiration of the 30-day notice period subject to refund in the existing rate proceedings.

The proposed decreased rate of Phillips Petroleum Co. reflects a decrease in the reimbursement of the Wyoming severance tax. Phillips had been collecting a double amount of the contractually due tax reimbursement to provide for reimbursement of taxes on past production back to January 1, 1968, as well as on future production. Phillips now proposes to collect the tax reimbursement on future production only. The proposed decreased rate is accepted for filing to be effective as of the date of filing subject to refund in the existing rate proceeding.

The other proposed increases are suspended for a period ending 61 days from the date of filing thus according them the same treatment as will be accorded those producers filing pursuant to Order No. 423.

The agreement filed by Humble in addition to providing for a proposed increased rate also provides for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b-1), the agreement is accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage.

Certain Respondents request waiver of statutory notice and certain other Respondents have requested effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, Section 2.56).

[FR Doc.71-3393 Filed 3-12-71;8:45 am]

[Docket No. CP71-212]

CONSOLIDATED GAS SUPPLY CORP. ET AL.

Notice of Application

MARCH 8, 1971.

Take notice that on March 1, 1971, Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, WV 26301, Texas Eastern Transmission Corp. (Texas Eastern), Post Office Box 2521, Houston, TX 77001, and Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, TX 77001 (applicants) filed in Docket No. CP71-212 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the development and operation of natural gas storage fields, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Consolidated owns an undivided one-half interest, and Texas Eastern and Transco each own an undivided one-fourth interest in the properties and facilities known as the Leidy Pool and the Tamarack Pool, located in Clinton and Potter Counties, Pa. Applicants intend to develop a top storage capacity of 6,000,000 Mcf in the Tamarack Pool and, upon completion of this development, to increase Consolidated's share of top storage capacity in the Leidy and Tamarack Pools from 24,000,000 Mcf to 30,000,000 Mcf.

To develop and utilize this additional storage capacity, applicants propose to recomplete six existing wells and drill five new wells in the Tamarack Pool; to construct approximately 4 miles of 12-inch gathering line and related well lines; to add engine controls and various other equipment at the Leidy Station; and to inject approximately 4,000,000 Mcf of natural gas as base gas. Applicants state that there is 1,000,000 Mcf of native gas in the Tamarack Pool.

The estimated cost of the construction proposed herein is $5,414,500, which cost is to be shared by applicants in relation to their ownership interests. The estimated cost of the base gas is $1,116,000, which cost is to be shared equally by Texas Eastern and Transco.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules if practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3510 Filed 3-12-71;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by American Bancshares, Inc., for prior approval by the Board of Governors of action whereby applicant would become a bank-holding company through the acquisition of 80 percent or more of the voting shares of each of the following banks: The Second National Bank of North Miami, North Miami; Second National Bank of North Miami Beach, North Miami Beach; and The National Bank of St. Petersburg, St. Petersburg, all located in the State of Florida.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, March 8, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3533 Filed 3-12-71;8:47 am]

MERRILL BANKSHARES CO.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Merrill Bankshares Co., Bangor, Maine, for approval of acquisition of at least 80 percent of the voting shares of Federal Trust Co., Waterville, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Merrill Bankshares Co., Bangor, Maine, a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of Federal Trust Co., Waterville, Maine.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Bank Commissioner of the State of Maine, and requested his views and recommendation. The Commissioner responded that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 2, 1970 (35 F.R. 18347), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[2] March 8, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3532 Filed 3-12-71;8:47 am]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston. Dissenting Statement of Governors Robertson, Maisel, and Brimmer also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sherrill. Voting against this action: Governors Robertson, Maisel, and Brimmer.

COMMERCE BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Commerce Bancshares, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by Applicant of more than 80 percent of the voting shares of The Willard Bank, Willard, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the

office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, March 8, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3511 Filed 3-12-71;8:45 am]

FEDERAL TRADE COMMISSION

LAWS ADMINISTERED

Statement of Organization

Notice is hereby given that the Statement of Organization published June 30, 1970 (35 F.R. 10627) is revised to indicate amendment of the Truth in Lending Act, and addition of the Fair Credit Reporting Act.

Section 4 is revised to read as follows:

SEC. 4. *Laws administered.* The Commission exercises enforcement and administrative authority under the Federal Trade Commission Act (38 Stat. 717, as amended; 15 U.S.C. 41–58), the Clayton Act (38 Stat. 730, as amended; 15 U.S.C. 12–27), the Export Trade Act (40 Stat. 516, as amended; 15 U.S.C. 61–65), the Packers and Stockyards Act (42 Stat. 159, as amended; 7 U.S.C. 181–229), the Wool Products Labeling Act (54 Stat. 1128, as amended; 15 U.S.C. 68–68j), the Trade Mark Act (60 Stat. 427, as amended; 15 U.S.C. 1051–72), the Fur Products Labeling Act (65 Stat. 175, as amended; 15 U.S.C. 69–69j), the Flammable Fabrics Act (67 Stat. 111, as amended; 15 U.S.C. 1191–1204), the Textile Fiber Products Identification Act (72 Stat. 1717, as amended; 15 U.S.C. 70–70k), the Federal Cigarette Labeling and Advertising Act (79 Stat. 282, as amended; 15 U.S.C. 1331–39), the Fair Packaging and Labeling Act (80 Stat. 1296; 15 U.S.C. 1451–61), the Truth in Lending Act (82 Stat. 146, as amended; 15 U.S.C. 1601 et seq.), the Fair Credit Reporting Act (84 Stat. 1128, 15 U.S.C. 1681 et seq.), and other Federal statutes.

By direction of the Commission dated March 9, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-3517 Filed 3-12-71;8:46 am]

OFFICE OF THE EXECUTIVE DIRECTOR

Statement of Organization

Notice is hereby given that the Statement of Organization published June 30, 1970 (35 F.R. 10627) is revised to reflect the reorganization of the Office of the Executive Director by the establishment of three Assistant Executive Director positions in lieu of the two current positions of Deputy Executive Director for Operations and Deputy Executive Director for Management.

Section 10 is revised to read as follows:

SEC. 10. *Office of the Executive Director.* The Executive Director, under the direction of the Chairman, is the chief operating official. He exercises executive and administrative supervision over all the offices, bureaus, and staff of the Commission, and, in coordination with the Office of Policy Planning and Evaluation, resolves problems concerning priorities in case handling. Immediately under his direction are the Assistant Executive Director for Legal Coordination, the Assistant Executive Director for Field Management and the Assistant Executive Director for Administration.

(a) The Assistant Executive Director for Legal Coordination functions as advisor and principal assistant to the Executive Director on all substantive legal matters pertaining to Commission programs; assists the Executive Director in planning, coordinating, and reviewing the full range of antitrust and consumer protection functions performed by the operating bureaus and field offices; and acts for the Executive Director in coordinating the legal case work of the Bureau of Consumer Protection, Bureau of Competition, Bureau of Economics and FTC field offices.

(b) The Assistant Executive Director for Field Management functions as staff advisor to the Executive Director in the effective and efficient management of the Commission's field offices; functions as principal assistant to the Executive Director in all matters concerning supervision and line management of the eleven field offices, guides and directs the activities of the field offices in the fields of antitrust law, consumer protection and consumer education, including investigations, trial of cases and industry and consumer counseling.

(c) The Assistant Executive Director for Administration functions as staff advisor to the Executive Director in all aspects of administrative management; provides administrative policy guidance to agency management and provides general supervision to the programs of management analysis and organization, personnel, budget and finance, data processing, and administrative service activities; initiates and develops long-range plans to assure that the Commission acquires and effectively utilizes the manpower, financial resources, physical facilities and management tools necessary to accomplish its mission.

By direction of the Commission dated March 8, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-3516 Filed 3-12-71;8:46 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket S-548]

BARNEY HILL

Notice of Loan Application

MARCH 5, 1971.

Barney Hill, Box 223, South Bend, WA 98586, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchasing of a used 45-foot length overall wood vessel to engage in the fishery for salmon, albacore, and Dungeness crab off the coast of Oregon and Washington.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3509 Filed 3-12-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2900]

BOSTON CAPITAL CORP.

Notice of Filing of Application

MARCH 8, 1971.

Notice is hereby given that Boston Capital Corp. (Boston Capital), 535 Boylston Street, Boston, MA 02116, registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 (Act) has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order granting said application pursuant to Rule 17d-1 with respect to the proposed participation by Boston Capital and Sea World, Inc. (Sea World), a California corporation, in a public offering of shares of Sea World. All interested persons are referred to the application, which is on file with the Commission, for a statement of the representations therein which are summarized below.

Boston Capital owns 169,512 shares (approximately 19 percent) of the outstanding voting shares of Sea World. As a result thereof Sea World is an affiliated person as defined in section 2(a)(3) of the Act of a registered investment company (Boston Capital).

Sea World and Boston Capital (the latter as a selling shareholder) propose to offer and sell to the public through various underwriters a total of approximately 400,000 shares of Sea World common stock. Of such amount, 230,488 shares and 169,512 shares are to be offered and sold by Sea World and Boston Capital, respectively. Such offering is to be made through various underwriters, represented by E. F. Hutton & Co., Inc.

The application indicates that Boston Capital determined the portion of its holdings of Sea World stock to be included in the proposed offering pursuant to an unrestricted opportunity to offer to sell such shares.

The application states that Sea World will pay all expenses of registration except underwriting discounts, fees of Boston Capital's counsel, stock transfer taxes and Boston Capital's share of expenses, allocated on a pro rata or other basis more favorable to Boston Capital; and that Boston Capital and Sea World are paying underwriting discounts at the same rate.

Rule 17d-1, adopted under section 17(d) of the Act, provides, as here pertinent, that no affiliated person of any registered investment company shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company, or a company controlled by a registered company, is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered or controlled company in the joint enterprise or arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Boston represents that its participation in the offering is not on a basis less advantageous to it than to Sea World.

Notice is further given that any interested person may, not later than March 16, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3526 Filed 3-12-71;8:47 am]

[70-4992]

CONNECTICUT GAS CO. AND CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Issue and Sale by Subsidiary Company and Acquisition Thereof by Parent of Long-Term Unsecured Notes

MARCH 9, 1971.

Notice is hereby given that The Connecticut Light and Power Co. (CL&P), Post Office Box 2010, Hartford, CT 06117, an electric utility subsidiary company of Northeast Utilities (Northeast), a registered holding company, and its wholly owned gas utility subsidiary company, The Connecticut Gas Co. (Connecticut Gas), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, 12(b), and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions.

Connecticut Gas presently has outstanding demand notes aggregating $425,000 which were issued to and acquired by CL&P before Northeast became a registered holding company. By orders dated June 22, 1966 and June 21, 1968 (Holding Company Act Releases Nos. 15855 and 16097), the Commission authorized Connecticut Gas to issue and CL&P to acquire an aggregate amount of $475,000 long-term notes. Connecticut Gas presently has authority to issue and sell, and CL&P has authority to acquire, an additional $150,000 of long-term notes pursuant to Holding Company Act Release No. 16097. Connecticut Gas now proposes to issue and sell, and CL&P proposes to acquire, from time to time, up to an additional $550,000 of long-term notes (the Notes) to meet its capital requirements. The aggregate amount of all notes at any one time outstanding will not exceed $1,600,000.

The Notes will mature 10 years from the date the first such note is issued, will bear interest at a rate equal to the commercial bank prime rate for short-term loans in effect from time to time in Hartford, Conn., and may be repaid at any time without premium. The funds derived from the issue and sale of the Notes will be applied by Connecticut Gas for construction expenditures. Connecticut Gas' 1971 construction program contemplates gross construction expenditures of approximately $386,000 for the replacement of gas transmission lines, improvements to a gate station and miscellaneous projects.

There are no fees, commission, and expenses paid or incurred, or to be paid or incurred, directly or indirectly, in connection with the proposed issuance of the notes. Incidental services estimated to be approximately $500 will be performed at cost by Northeast Utilities Service Co., an affiliated service company.

The application-declaration states that no consent or approval of any State commission or any Federal commission, other than this Commission, is required for the proposed transactions, except approval of the Connecticut Public Utilities Commission. A copy of an application to that Commission and its order thereon will be filed by amendment.

Notice is further given that any interested person may, not later than April 5, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3527 Filed 3-12-71;8:47 am]

[70-4988]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Amendment of Certificate of Incorporation and Increase in Permitted Short-Term Unsecured Indebtedness, and Order Authorizing Solicitation of Proxies

MARCH 9, 1971.

Notice is hereby given that the Connecticut Light and Power Co. (CL&P), Selden Street, Berlin, CT 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) thereof and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

CL&P proposes to submit proposals to the holders of its outstanding preferred stock, $50 par value, at a special meeting to be held April 12, 1971. The first proposal is to amend the company's Certificate of Incorporation (Charter) to increase its authorized preferred stock from 3 million to 3,500,000 shares. Of the presently authorized shares, 2,100,000 shares, divided into nine series, are now outstanding. The declaration states that the company will require substantial additional funds during the next few years to finance its continuing construction program and expects to raise most of such funds through the sale of additional first mortgage bonds and preferred stock.

The second proposal is to permit the issuance by the company of short-term unsecured indebtedness in excess of the 10 percent limitation thereon now set forth in the Charter. The terms of the preferred stock as set forth in the Charter provide that, except as voted by said stock, the unsecured indebtedness of the company having maturities of less than 10 years shall not exceed 10 percent of the sum of the principal amount of all bonds and other secured indebtedness and the capital, premium, and surplus of the company. With respect to the proposed increase, it is provided that (i) such indebtedness shall be issued within 3 years from the date of the order of this Commission under the Act making effective this declaration, (ii) such indebtedness shall have a maturity not more than 4 years from the date of such order, and (iii) the 20 percent limitation on all unsecured indebtedness of the company shall remain in effect. The actual issue and sale of securities related to such proposed increase in short-term indebtedness will be subject to further authorization by this Commission. It is stated that adoption of the second proposal will permit greater flexibility in the timing of bond and preferred stock issues to take advantage of favorable market conditions and may also be important in permitting the company to meet the coverage requirements of its mortgage indenture and preferred stock provisions on future bond and preferred stock issues.

The first proposal requires approval of holders of at least two-thirds of the outstanding shares of preferred stock and of common stock, each voting as a separate class. The second proposal requires the approval of holders of at least a majority of the outstanding preferred stock voting as a class. The Charter further provides that if holders of one-third of said preferred stock vote against proposal 2, it will not be adopted.

It is stated that the expenses to be incurred in connection with the proposed transactions are estimated at $6,500. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

CL&P has requested that the effectiveness of its declaration with respect to the solicitation of proxies from the holders of its preferred stock be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than March 30, 1971, request in writing that a hearing be held with respect to the proposed amendment of Connecticut's Charter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3528 Filed 3-12-71;8:47 am]

[70-4987]

HARTFORD ELECTRIC LIGHT CO.

Notice of Proposed Amendment of Certificate of Incorporation and Increase in Permitted Short-Term Unsecured Indebtedness, and Order Authorizing Solicitation of Proxies

MARCH 9, 1971.

Notice is hereby given that the Hartford Electric Light Co. (Hartford), 176 Cumberland Avenue, Wethersfield, CT 06109, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) thereof and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Hartford proposes to submit proposals to the holders of its outstanding preferred stock, $50 par value, at a special meeting to be held April 12, 1971. The first proposal is to amend the company's Certificate of Incorporation (Charter) to increase its authorized preferred stock from $2 million to 2,200,000 shares. Of the authorized shares, 1,124,000 shares, divided into seven series, are now outstanding. The declaration states that the company will require substantial additional funds during the next few years to finance its continuing construction program and expects to raise most of such funds through the sale of additional first mortgage bonds and preferred stock.

The second proposal is to permit the issuance by the company of short-term unsecured indebtedness in excess of the 10 percent limitation thereon now set forth in the Charter. The terms of the preferred stock as set forth in the Charter provide that, except as voted by said stock, the unsecured indebtedness of the company having maturities of less than 10 years shall not exceed 10 percent of the sum of the principal amount of all bonds and other secured indebtedness and the capital, premium, and surplus of the company. With respect to the proposed increase, it is provided that (i) such indebtedness shall be issued within 3 years from the date of the order of this Commission under the Act making effective this declaration, (ii) such indebtedness shall have a maturity not more than 4 years from the date of such order, and (iii) the 20 percent limitation on all unsecured indebtedness of the company shall remain in effect. The actual issue and sale of securities related to such proposed increase in short-term indebtedness will be subject to further authorization by this Commission. It is stated that adoption of the second proposal will permit greater flexibility in the timing of bond and preferred stock issues to take advantage of favorable market conditions and may also be important in permitting the company to meet the coverage requirements of its mortgage indenture and preferred stock provisions on future bond and preferred stock issues.

The first proposal requires approval of holders of at least two-thirds of the outstanding shares of preferred stock and of common stock, each voting as a separate class. The second proposal requires the approval of holders of at least a majority of the outstanding preferred stock voting as a class. The Charter provides that if holders of one-third of said preferred stock vote against proposal 2, it will not be adopted.

It is stated that the expenses to be incurred in connection with the proposed transactions are estimated at $4,200. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Hartford has requested that the effectiveness of its declaration with respect to the solicitation of proxies from the holders of its preferred stock be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than March 30, 1971, request in writing that a hearing be held with respect to the proposed amendment of the Charter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3529 Filed 3-12-71;8:47 am]

[811-1925]

HIGHTEC FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 9, 1971.

Notice is hereby given that the Hightec Fund, Inc. (Applicant), 8121 Georgia Avenue, Silver Spring, MD 20910, a Delaware corporation registered as a management closed-end diversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act on August 20, 1969. Applicant subsequently determined not to proceed with a proposed public offering of its securities and its registration statement under the Securities Act of 1933 was withdrawn on March 5, 1971. Applicant also represents that its securities are held by fewer than 100 persons.

Section 3(c)(1) of the Act states, among other things, that any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 29, 1971, at 5:30 p.m., submit to the Commission in writing request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3530 Filed 3-12-71;8:47 am]

[70-4996]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Sale of Assets

MARCH 9, 1971.

Notice is hereby given that Jersey Central Power & Light Co. (JCP&L), Madison Avenue at Punch Bowl Road, Morristown, NJ 07960, a public-utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

JCP&L proposes to grant and convey to Texas Eastern Transmission Corporation (Texas), a Delaware corporation, for cash, an easement for, among other things, the construction of a 36-inch diameter subterranean pipeline for the transmission of natural gas in lands in New Jersey comprising JCP&L's Raritan-Traynor electrical transmission line right of way and to give to Texas its consent, so far as it has the right to do so, to the construction of such pipeline in lands comprising such right of way wherein JCP&L has less than a fee interest. The pipeline is to occupy JCP&L's right-of-way extending approximately 50,977 feet from a point in Piscataway Township to a point in Passaic Township. The proposed consideration for the rights to be granted and for the consent to be given

is $137,629. This amount was agreed upon following negotiations on the basis of $7 per lineal foot on fee owned land and $1 per lineal foot on easements.

The Board of Public Utility Commissioners of the State of New Jersey has jurisdiction over the proposed sale by JCP&L. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The total fees and expenses, all of which are to be paid by JCP&L, are estimated at $1,700, including $1,500 for legal fees.

Notice is further given that any interested person may, not later than March 31, 1971, request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon each declarant at the above-stated address, and proof of service (by affidavit, or in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3531 Filed 3-12-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 10, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42149—*Potatoes from points in New Brunswick, Canada.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2997), for interested rail carriers. Rates on potatoes, fresh or green, other than sweet, not cold packed or frozen, in carloads, as described in the application, from points in New Brunswick, Canada, to points in official (including Illinois) territory.

Grounds for relief—Rate relationship and grouping.

Tariff—Supplement 59 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC N-12.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3544 Filed 3-12-71;8:48 am]

[Notice 661]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72524. By order of March 3, 1971, the Motor Carrier Board approved the transfer to Pacific Inland Transport Co., a corporation, Seattle, Wash., of a portion of the operating rights in certificate No. MC-52005 issued September 21, 1949 to Oregon-Washington Transport, a corporation, Portland, Oreg., authorizing the transportation of heavy machinery, building and road contractor's equipment, and supplies, the transportation of which requires special equipment, between points in Oregon and Washington. George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101, attorney for applicants.

No. MC-FC-72561. By order of February 18, 1971, the Motor Carrier Board approved the transfer to G. R. Kirk Co., a corporation, 615 East Pioneer Avenue, Puyallup, Wash. 98371, of the operating rights in permit No. MC-128419 issued July 28, 1967, to Andy Kichinko, 2244 Sixth Avenue South, Seattle, WA 98134, authorizing the transportation of artificial flowers, artificial foliage, artificial floral designs, artificial sprays, artificial wreaths, and artificial holiday decorations, and commodities the transportation of which would otherwise be exempt from economic regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the commodities specified above, from Puyallup and Chehalis, Wash., Newport, Myrtle Point, and Port Oxford, Oreg., to Abilene, Dallas, Fort Worth, Lubbock, and San Antonio, Tex., and points in the United States (except points in Hawaii, Alaska, Washington, Oregon, Idaho, Montana, Nevada, North Dakota, South Dakota, Arizona, Maine, Vermont, New Hampshire, California, New Mexico, Louisiana, Mississippi, and Texas other than Abilene, Dallas, Fort Worth, Lubbock, and San Antonio, Tex.), with no transportation for compensation on return, except as otherwise authorized. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with G. R. Kirk Co. of Puyallup, Wash.

No. MC-FC-72583. By order of February 23, 1971, the Motor Carrier Board approved the transfer to Yellow Cab Company of Philadelphia, Inc., doing business as Yellow Cab Company of Philadelphia and Yellow Limousine Service, Inc., Philadelphia, Pa. of the operating rights in certificates Nos. 93396 and MC-93396 (Sub-No. 4) issued July 9, 1954 and September 20, 1963 respectively to Yellow Limousine Service, Inc., Philadelphia, Pa., authorizing the transportation of passengers and their baggage, subject to certain restrictions, between the Philadelphia International Airport at Philadelphia, Pa., and Atlantic City, N.J., and passengers and their baggage, in charter operations, subject to certain restrictions, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey, Delaware, and Maryland. S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C., attorney for applicants.

No. MC-FC-72621. By order of February 23, 1971, the Motor Carrier Board approved the transfer to Shorty's Express, Inc., Syracuse, N.Y., of the operating rights in certificate No. MC-52832 and certificate of registration No. MC-52832 (Sub-No. 2), issued September 29, 1949 and March 26, 1964, respectively, to John F. Klabinski, doing business as Shorty's Express, Syracuse, N.Y., authorizing the transportation of general commodities and various specified commodities between specified points in New York. John J. Caswell, 715 Low Building, Syracuse, NY 13202, attorney for applicants.

No. MC-FC-72628. By order of February 18, 1971, the Motor Carrier Board approved the transfer to F. A. Long, Inc., 1 Contact Court, Baltimore, MD 21220, of the operating rights in permit No. MC-133465 issued December 22, 1969, to Freddie A. Long, 1 Contact Court, Baltimore, MD, authorizing the transportation of such merchandise as dealt in by wholesale and other specified business houses between points in specified parts of Delaware, Pennsylvania, and Virginia.

No. MC-FC-72644. By order of February 16, 1971, the Motor Carrier Board approved the transfer to Elmsford Taxi, Inc. Elmsford, N.Y., of that portion of the operating rights in certificate No. MC-133873, issued August 14, 1970, to Thomas Walsh, doing business as Thomas Trucking, West Haverstraw, N.Y., authorizing the transportation of medical laboratory machinery and other specified commodities from Tarrytown, N.Y., to specified points in New York, New Jersey, and Connecticut, subject to certain restrictions. George A. Olsen, 69 Tonnele, Avenue, Jersey City, NJ 07306, representative of applicant.

No. MC-FC-72674. By order of February 19, 1971, the Motor Carrier Board approved the transfer to Dory Express, Ltd., Waverly, N.Y., of the operating rights in permit No. MC-123888 (Sub-No. 10) issued February 17, 1966, to Cana Transport Co., Inc., Endicott, N.Y., authorizing the transportation of glass containers between specified points in New York and those in Delaware, Maryland, New Jersey, Pennsylvania, District of Columbia, and a specified portion of West Virginia, Virginia, New York, and Ohio; empty cartons and ingredients used in the manufacture of glassware from points in Pennsylvania and New Jersey and specified portions of Ohio and New York to Olean and Elmira, N.Y.; and pallets, platforms, and skids used in the manufacture of glass containers from specified portions of New York and Ohio and those in Pennsylvania, Delaware, Maryland, New Jersey and District of Elmira and Horseheads, N.Y. Donald C. Carmien, Esq., 500 O'Neill Building, Binghamton, NY 13901, attorney for transferee.

No. MC-FC-72676. By order of February 18, 1971, the Motor Carrier Board approved the transfer to Schmidt, Inc., doing business as Hollstein Transfer, Baltimore, Md., of the operating rights in certificate No. MC-36603 issued July 5, 1941, to The Hollstein Transfer Co., a corporation, Baltimore, Md., authorizing the transportation of office equipment, building and construction equipment materials and supplies between Baltimore, Md., on the one hand, and, on the other, Washington, D.C. William J. Little, 1513 Fidelity Building, Baltimore, MD 21201, attorney for applicants.

No. MC-FC-72677. By order of February 18, 1971, the Motor Carrier Board approved the transfer to W. J. Plumby, Inc., Somerton, Ohio, of the operating rights in permits Nos. MC-101117 (Sub-No. 1) and MC-101117 (Sub-No. 2), issued July 8, 1958, and December 10, 1968, respectively, to W. J. Plumby, Somerton, Ohio, authorizing the transportation of new and used mine cars and parts thereof, between Brownsville, Ohio, on the one hand, and, on the other, points in six specified States. Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215, attorney for applicants.

No. MC-FC-72687. By order of February 23, 1971, the Motor Carrier Board approved the transfer to Mije Corp., doing business as Jerry Land and Sons Delivery Service, North Miami Beach, Fla., of the operating rights in certificate No. MC-121120 (Sub-No. 2), issued August 4, 1969, to Rapid Delivery Service, Inc., Miami, Fla., authorizing the transportation of general commodities, with the usual exceptions, between specified points in Florida. Alan B. Brody, 10800 Southwest Colonial Drive, Miami, FL 33157, attorney for applicants.

No. MC-FC-72692. By order of February 23, 1971, the Motor Carrier Board approved the transfer to Sam Lowenstein and Stanley Lowenstein, a partnership, doing business as Super M. Foods Delivery, New York, N.Y., of the operating rights in permit No. MC-7832, issued January 13, 1971, to Super M. Foods Delivery, Inc., Linden, N.J., collectively authorizing the transportation of such merchandise as dealt in by specified food business houses from, to or between specified points in New York, New Jersey, and Connecticut, restricted to the account of specified shippers. Bert Collins, 140 Cedar Street, New York, NY 10006, representative of applicants.

No. MC-FC-72694. By order of February 22, 1971, the Motor Carrier Board approved the transfer to Northways, Inc., Worcester, Mass., of the operating rights in certificate No. MC-72758, issued April 13, 1951, to Chew Express Co., a corporation, Worcester, Mass., authorizing the transportation of general commodities, with exceptions, between Monroe Bridge, Mass., and Readsboro, Vt., on the one hand, and, on the other, Albany, N.Y., and points in Massachusetts; and specified commodities between Monroe Bridge, Mass., on the one hand, and, on the other, specified points in New Hampshire, Vermont, and New Jersey and points in Connecticut and a specified area of New York. Francis P. Barrett, 60 Adams Street, Milton, MA 02187, Arthur A. Wentzell, 539 Hartford Pike, Shrewsbury, MA 02151, representatives for applicant.

No. MC-FC-72698. By order of February 23, 1971, the Motor Carrier Board approved the transfer to Stanton Farm Services, Inc., Fairbury, Nebr., of the operating rights in certificate No. MC-96441 issued December 23, 1970, to Geraldine Seifert, doing business as Seifert Trucking, Fairbury, Nebr., authorizing the transportation of brick, tile, cement, mortar, sand, and gravel, lubricating oils, in containers, binder twine, agricultural implements, farm machinery and parts, feeds, hay and fodder, livestock and emigrant movables from and to specified points in Nebraska, Iowa, Missouri, and Kansas. Einar Viren, 904 City National Bank Building, Omaha, NE 68102, and Tom Hampton, Box 207, Salina, KS 67401, attorneys for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3545 Filed 3-12-71;8:48 am]

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PART II

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

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Proposed Regulations Implementing the Comprehensive Drug Abuse Prevention and Control Act of 1970

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Parts 301, 302, 303, 304, 305, 306, 307, 308, 311, 312, 316]

REGULATIONS IMPLEMENTING THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

Notice of Proposed Rule Making

Under the authority vested in the Attorney General by sections 201(g), 202(d), 301, 302(f), 305, 306(f), 307, 308, 501(b), 704(c), 705, 1006, 1007(b), and 1008(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs, by section 0.100 of Title 28, of the Code of Federal Regulations, the Director hereby proposes that Parts 301, 302, 303, 305, 306, 307, 315, 319, and 320 of Title 21 of the Code of Federal Regulations, and Parts 150, 151, and 152 of Title 26 of the Code of Federal Regulations, be rescinded and replaced with the following:

PART 301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

GENERAL INFORMATION

§ 301.01 Scope of Part 301.

Procedures governing the registration of manufacturers, distributors, and dispensers of controlled substances pursuant to sections 301 through 304 of the Act (21 U.S.C. 821–824) are set forth generally by those sections and specifically by the sections of this part.

§ 301.02 Definitions.

As used in this part, the following terms shall have the meaning specified:

(a) The term "Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801).

(b) The term "basic class" means, as to controlled substances listed in schedules I and II:

(1) each of the opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, listed in 21 CFR 308.11(b);

(2) Each of the opium derivatives, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, listed in 21 CFR 308.11(c);

(3) Each of the hallucinogenic substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, listed in 21 CFR 308.11(d);

(4) Each of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(i) Opium, including raw opium, opium extracts, opium fluid extracts, powdered opium, granulated opium, deodorized opium and tincture of opium:
(ii) Apomorphine;
(iii) Codeine;
(iv) Ethylmorphine;
(v) Hydrocodone;
(vi) Hydromorphine;
(vii) Metopon;
(viii) Morphine;
(ix) Oxycodone;
(x) Oxymorphone;
(xi) Thebaine;
(xii) Mixed alkaloids of opium listed in § 308.12(b)(2) of this chapter;
(xiii) Cocaine; and
(xiv) Ecgonine;

(5) Each of the opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, listed in § 308.12(c) of this chapter; and

(6) Methamphetamine, including its salts, isomers, and salts of isomers, when contained in any injectable liquid.

(c) The term "Bureau" means the Bureau of Narcotics and Dangerous Drugs.

(d) The term "Director" means the Director of the Bureau. The Director has been delegated authority under the Act by the Attorney General (28 CFR 0.100).

(e) The term "hearing" means any hearing held pursuant to this Part for the granting, denial, revocation, or suspension of a registration pursuant to sections 303 and 304 of the Act (21 U.S.C. 823–824).

(f) The term "person" includes any individual, corporation, government or governmental subdivision, or agency, business trust, partnership, association, or other legal entity.

(g) The term "presiding officer" means a hearing examiner qualified and appointed as provided in the Administrative Procedure Act (5 U.S.C. 556).

(h) The terms "register" and "registration" refer only to registration required and permitted by section 303 of the Act (21 U.S.C. 823).

(i) Any term not defined in this section shall have the definition set forth in section 102 of the Act (21 U.S.C. 802).

§ 301.03 Information; special instructions.

Information regarding procedures under these rules and instructions supplementing these rules will be furnished upon request by writing to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28083, Central Station, Washington, D.C. 20005.

§ 301.04 Inspection of record.

(a) The record bearing on any registration, except for material described in subsection (b) of this section, shall be available for public inspection and copying during office hours in the office of the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, or in the office of the Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, if such record is part of a hearing in progress.

(b) The following material shall not be available for inspection as part of the record bearing on a registration:

(1) A research protocol filed with an application for registration to conduct research with controlled substances listed in schedule I, pursuant to § 301.32(a)(3), if the applicant requests that the protocol be kept confidential;

(2) An outline of a production or manufacturing process filed with an application for registration to manufacture a new narcotic controlled substance, pursuant to § 301.33, if the applicant requests that the outline be kept confidential;

(3) Any confidential and trade secret information disclosed in conjunction with an application for registration, or in reports filed while registered, or acquired in the course of an investigation, entitled to protection under subsection 402(a)(8) of the Act (21 U.S.C. 842(a)(8)) or any other law restricting public disclosure of information; and

(4) Any material contained in any investigatory report, memorandum, or file, or case report.

FEES FOR REGISTRATION AND REREGISTRATION

§ 301.11 Fee amounts.

(a) For each registration or reregistration to manufacture controlled substances, the registrant shall pay a fee of $50.

(b) For each registration or reregistration to distribute controlled substances, the registrant shall pay a fee of $25.

(c) For each registration or reregistration to dispense, or to conduct research or instructional activities with, controlled substances listed in schedules II through V, the registrant shall pay a fee of $5.

(d) For each registration or reregistration to conduct research or instructional activities with a controlled substance listed in schedule I, the registrant shall pay a fee of $5.

(e) For each registration or reregistration to conduct chemical analysis with controlled substances listed in any schedule, the registrant shall pay a fee of $5.

§ 301.12 Time of payment; refund.

Registration and reregistration fees shall be paid at the time when the application for registration or reregistration is submitted for filing. In the event that the application is not accepted for filing or is denied, the payment shall be refunded to the applicant.

§ 301.13 Persons exempt from fee.

(a) The Director shall exempt from payment of a fee for registration or reregistration the following persons:

(1) Any official of the U.S. Army, Navy, Air Force, Coast Guard, Veterans' Administration or Public Health Service who is authorized to procure or purchase controlled substances for official use; and

(2) Any official, employee or other civil officer of the United States, of any State, or any political subdivision or agency thereof, who is authorized to purchase controlled substances, to obtain such substances from official stocks, to dispense to administer such substances, to conduct research, instructional activities, or chemical analysis with such substances, or any combination thereof, in the course of his official duties or employment.

(b) In order to claim exemption from payment of a registration or reregistration fee, the registrant shall have completed the certification on the appropriate application form, wherein the registrant's superior certifies to the status and address of the registrant and to the authority of the registrant to acquire, possess, or handle controlled substances.

(c) Exemption from payment of a registration or reregistration fee does not relieve the registrant of any other requirements or duties prescribed by law.

REQUIREMENTS OF REGISTRATION

§ 301.21 Person required to register.

Every person who manufactures, distributes, or dispenses any controlled substance or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance shall obtain annually a registration unless exempted by law or pursuant to §§ 301.25–301.27. Only persons actually engaged in such activities are required to obtain a registration; related or affiliated persons who are not engaged in such activities are not required to be registered. (For example, a stockholder, or parent corporation of a corporation manufacturing controlled substances is not required to obtain a registration.)

§ 301.22 Separate registration for independent activities.

(a) The following eight groups of activities are deemed to be independent of each other:

(1) Manufacturing controlled substances;

(2) Distributing controlled substances;

(3) Dispensing narcotic and nonnarcotic, and conducting research with nonnarcotic, and conducting instructional activities with narcotic and nonnarcotic, controlled substances listed in schedules II through V;

(4) Conducting research with narcotic controlled substances listed in schedules II through V;

(5) Conducting research and instructional activities with controlled substances listed in schedule I;

(6) Conducting chemical analysis with controlled substances listed in any schedule;

(7) Importing controlled substances; and

(8) Exporting controlled substances listed in schedules I through IV.

(b) Every person who engages in more than one group of independent activities shall obtain a separate registration for each group of activities, except that registration to manufacture or import any controlled substance or basic class of substances shall include authorization to distribute that substance or class, but no other substance not authorized for manufacture or importation, and except that registration to manufacture any controlled substance shall include authorization to conduct preclinical research with narcotic and nonnarcotic controlled substances listed in those schedules which he is authorized to manufacture.

(c) One or more controlled substances listed in schedules II through V may be included in a single registration to engage in any independent activity. Only one basic class of controlled substance listed in schedule I, and no controlled substances listed in any other schedule, may be included in a single registration, except that a registration to conduct chemical analysis with basic classes of controlled substances listed in schedule I may include more than one such basic class and also controlled substances listed in any other schedule.

§ 301.23 Separate registrations for separate locations.

(a) A separate registration is required for each principal place of business or professional practice at one general physical location where controlled substances are manufactured, distributed, or dispensed by a person.

(b) The following locations shall be deemed not to be places where controlled substances are manufactured, distributed, or dispensed:

(1) A warehouse where controlled substances are stored by or on behalf of a registered person, unless such substances are distributed directly from such warehouse to registrants other than the registered person or to persons not required to register by virtue of subsection 302(c)(2) of the Act (21 U.S.C. 822(c)(2));

(2) An office used by agents of a registrant where sales of controlled substances are solicited, made, or supervised but which neither contains such substances (other than substances for display purposes or lawful distribution as samples only) nor serves as a distribution point for filing sales orders; and

(3) An office used by a practitioner (who is registered at another location) where controlled substances are prescribed but neither administered nor otherwise dispensed as a regular part of the professional practice of the practitioner at such office, and where no supplies of controlled substances are maintained.

§ 301.24 Registration of affiliated practitioners.

Every practitioner who dispenses controlled substances shall obtain annually a registration to so dispense, except that a practitioner who is an agent or employee of another practitioner who is registered to dispense may be covered by the registration for activities which he performs as such agent or employee, in lieu of being registered himself. (For example, a pharmacist employed by a pharmacy need not be registered individually to dispense controlled substances if the pharmacy is so registered.)

§ 301.25 Exemption of certain military and other personnel.

(a) The requirement of registration is waived for any official of the U.S. Army, Navy, Air Force, Coast Guard, or Public Health Service who is authorized to prescribe, dispense, or administer, but not to procure or purchase, controlled substances in the course of his official duties. Such officials shall follow procedures set forth in Part 306 of this chapter regarding prescriptions, but shall use the corps and jacket or serial number of the issuing official in lieu of the registration number required on prescription forms.

(b) If any official exempted by this section also engages as a private individual in any activity or group of activities for which registration is required, such official shall obtain a registration for such private activities.

§ 301.26 Exemption of law enforcement officials.

(a) The requirement of registration is waived for the following persons in the circumstances described in this section:

(1) Any officer or employee of the Bureau, any officer of the U.S. Bureau of Customs, any officer or employee of the United States Food and Drug Administration, and any other Federal officer who is lawfully engaged in the enforcement of any Federal law relating to controlled substances, drugs or customs, and is duly authorized to possess controlled substances in the course of his official duties; and

(2) Any officer of any State, or any political subdivision or agency thereof, who is engaged in the enforcement of any State or local law relating to controlled substances and is duly authorized to possess controlled substances in the course of his official duties.

(b) Any official exempted by this section may, when acting in the course of his official duties, possess any controlled substance and distribute any such substance to any other official who is also exempted by this section and acting in the course of his official duties.

(c) Any official exempted by this section may procure from any registered person a sample of any controlled substances. Such official shall furnish the registrant a receipt for the sample obtained. Any such receipt for the procurement of a controlled substance listed in schedule I or II shall be treated by the registrant in the same manner as an order form.

(d) For purposes of this section, the conducting of chemical analysis with controlled substances shall not be deemed to be part of the enforcement of any laws relating to controlled substances. Any official referred to in this section who desires to conduct chemical analysis with controlled substances shall be required to obtain annually a registration for such activity.

§ 301.27 Exemption of civil defense officials.

(a) The requirement of registration is waived for any official of a civil defense or disaster relief organization who, in the course of his official duties, is authorized to:

(1) Maintain, and distribute for such maintenance, controlled substances held for emergency use; or

(2) Procure controlled substances for the purpose of maintaining supplies for emergency use, provided that all of such procurement is from the U.S. General Services Administration and in accordance with the rules of the U.S. Office of Emergency Preparedness.

(b) The requirement of registration is waived for any official of a civil defense or disaster relief organization during a state of emergency or disaster within his jurisdiction proclaimed by the President or by a concurrent resolution of the Congress, which official, in the course of his official duties, during such emergency or disaster, is authorized to:

(1) Dispense controlled substances; or

(2) Procure or distribute controlled substances, provided that all such procurement is on a special "Civil Defense Emergency Order Form," as described in this section.

(c) Civil Defense Emergency Order Forms shall be furnished by the U.S. Office of Emergency Preparedness and will contain the name of the civil defense or disaster relief organization. Such forms may be used and are valid only during a state of emergency or disaster proclaimed by the President or by a concurrent resolution of the Congress for the area in which the organization using such forms has civil defense or disaster relife jurisdiction, who shall state his position and the nature and legal designation of the emergency or disaster. Such forms may be filed by any person registered under the Act. The organization shall, upon the execution of a Civil Defense Emergency Order Form, be deemed to be registered under the Act for purposes of recordkeeping pursuant to Part 304 of this chapter.

§ 301.28 Registration regarding ocean vessels.

(a) Controlled substances may be held in medicine chests and dispensaries maintained on board any vessel engaged in international trade or in trade between ocean ports of the United States (including a merchant vessel belonging to the United States) if such substances are purchased by and stored and dispensed under the supervision of:

(1) The medical officer of the owner of the vessel, which officer is (i) Either (*a*) A physician licensed in a State or (*b*) A retired commissioned medical officer of the U.S. Army, Navy, Air Force, Coast Guard, or Public Health Service, and (ii) Is registered under the Act; or

(2) If no medical officer is employed by the owner of such vessel, the master of the vessel, who shall not be registered under the Act and who shall purchase controlled substances only with the approval of, and upon special order forms provided by, a commissioned medical officer of the U.S. Public Health Service.

(b) A medical officer described in paragraph (a) of this section shall obtain registration at the location of the principal office of the owner of the vessel. If he serves as the medical officer for more than one owner of vessels, he shall obtain a separate registration at the location of the principal office of each subowner. Any medical officer shall, in addition to complying with all requirements and duties prescribed for registrants generally, prepare an annual report as of the date on which his registration expires, which report shall give in detail an accounting for any controlled substances purchased, dispensed or disposed of during the year on behalf of each owner by whom he is employed. The medical officer shall maintain this report with other records required to be kept under the Act and, upon request, deliver a copy of the report to the Director.

(c) Owners of vessels described in in this section shall not be deemed to possess or dispense any controlled substance purchased, stored and dispensed in accordance with this section.

§ 301.29 Registration regarding commercial aircraft.

(a) Controlled substances may be held for stocking, and be maintained in, medicine chests and first-aid packets on board any aircraft operated by an air carrier under a certificate or permit issued pursuant to the Federal Aviation Act of 1958 (49 U.S.C. 1301) if such substances are purchased by and are stored and dispensed under the supervision of the medical officer of the air carrier, which officer is employed by such air carrier and is registered as a dispenser under the Act. Any air carrier which has more than one principal base of operations and desires to have a medical officer at each such base may, but is not required to, designate more than one medical officer.

(b) Any medical officer described in this section shall, in addition to complying with all requirements and duties prescribed for registrants generally, prepare an annual report as of the date on which his registration expires, which report shall give in detail an accounting for any controlled substances purchased, dispensed or disposed of during the year. The medical officer shall maintain this report with other records required to be kept under the Act and, upon request, deliver a copy of the report to the Director.

(c) Air carriers operating aircraft described in this section shall not be deemed to possess or dispense any controlled substance purchased, stored and dispensed in accordance with this section.

APPLICATIONS FOR REGISTRATION

§ 301.31 Time for application for registration; expiration date.

(a) Any person who is required to be registered and who is not so registered may apply for registration at any time. No person required to be registered shall engage in any activity for which registration is required until the application for registration is granted and a certificate of registration is issued by the Director to him.

(b) Any person who is registered may apply to be reregistered not more than 60 days before the expiration date of his registration.

(c) At the time any person is first registered, he shall be assigned to one of 12 groups, which shall correspond to the months of the year. The expiration date of the registrations of all persons within any group will be the last day of the month designated for that group. In assigning any person to a group, the Bureau may select a group the expiration date of which is less than 1 year from the date such person was registered. If the person is assigned to a group which has an expiration date less than 3 months from the date on which the person is registered, the registration shall not expire until 1 year from that expiration date; in all other cases, the registration shall expire on the expiration date first following the date on which the person is registered.

§ 301.32 Application forms; contents; signature.

(a) If any person is required to be registered, and is not so registered and is applying for registration:

(1) To manufacture or distribute controlled substances, he shall apply on BND Form 225;

(2) To dispense narcotic or nonnarcotic, or to conduct research with nonnarcotic, or to conduct instructional activities with narcotic or nonnarcotic, controlled substances listed in schedules II through V, he shall apply on BND Form 224;

(3) To conduct research with narcotic controlled substances listed in schedules II through V, he shall apply on BND Form 225.

(4) To conduct research with a controlled substance listed in schedule I, he shall apply on BND Form 225, with two copies of a reseach protocol describing the research project attached to the Form;

(5) To conduct instructional activities with a controlled substance listed in schedule I, he shall apply as a researcher on BND Form 225 with two copies of a statement describing the nature, extent, and duration of such instructional activities attached to the Form;

(6) To conduct chemical analysis with controlled substances listed in any schedule, he shall apply on BND Form 225.

(b) If any person is registered and is applying for reregistration:

(1) To manufacture or distribute controlled substances, he shall apply on BND Form 227;

(2) To dispense narcotic or nonnarcotic, or to conduct research with nonnarcotic, or to conduct instructional activities with narcotic or nonnarcotic, controlled substances listed in schedules II through V, he shall apply on BND Form 226;

(3) To conduct research with narcotic controlled substances listed in schedule II through V, he shall apply on BND Form 227;

(4) To continue to conduct research with a controlled substance listed in schedule I under an approved research protocol, he shall apply on BND Form 227;

(5) To continue to conduct instructional activities with controlled substance listed in schedule I under an approved instructional statement, he shall apply as a researcher on BND, Form 227; and

(6) To conduct chemical analysis with controlled substances listed in any schedule, he shall apply on BND Form 227.

(c) BND Forms 224 and 225 may be obtained at any regional office of the Bureau or by writing to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, U.S. Department of Justice, Post Office Box 28083, Central Station, Washington, D.C. 20005. BND Forms 226 and 227 will be mailed, as applicable, to each registered person approximately 60 days before the expiration date of his registration; if any registered person does not receive such forms within 45 days before the expiration date of his registration, he must promptly give notice of such fact and request such forms by writing to the Registration Branches of the Bureau at the foregoing address.

(d) Each application for registration to handle any basic class of controlled substance listed in schedule I (except one conduct chemical analysis with such classes), and each application to manufacture, or to conduct research or instructional activities with, any controlled substance listed in schedule II, shall include the Bureau controlled substance code number for each substance to be covered by such registration.

(e) Each application shall include all information called for in the form, unless the item is not applicable, in which case this fact shall be indicated.

(f) Each application, attachment, or other document filed as part of an application, shall be signed by the applicant, if an individual; by a partner of the applicant, if a partnership; or by an officer of the applicant, if a corporation, association, trust or other entity.

§ 301.33 Application to manufacture a new narcotic controlled substance.

Any application for registration to manufacture a narcotic controlled substance subject to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) after May 1, 1971, where the manufacturing process involves chemical synthesis (whether from narcotic materials or not) shall be accompanied by an outline of the process of synthesis on BND Form 130, identifying the substances from which the substance is to be made and the substances resulting from each successive stage of the process and indicating in each instance whether the substance is isolated and weighed to measure or remains in solution in a continuing process of manufacture. The applicant need not disclose any technical detail of the process which he regards as a trade secret but must identify each substance used in or resulting from successive stages of manufacture in order to notify the Bureau of narcotic precursors and byproducts. BND Form 130 will, if requested by the applicant, be treated as confidential and subject to the protection provided in section 402(a)(8) of the Act (21 U.S.C. 842(a)(8)).

§ 301.34 Filing of application; joint filings.

(a) All applications for registration shall be submitted for filing to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, U.S. Department of Justice, Post Office Box 28083, Central Station, Washington, DC 20005. The appropriate registration fee and any required attachments must accompany the application.

(b) Any person required to obtain more than one registration should submit all applications in one package. Each application must be complete and should not refer to any accompanying application for required information.

§ 301.35 Acceptance for filing; defective applications.

(a) Applications submitted for filing are dated upon receipt. If found to be complete, the application will be accepted for filing. Applications failing to comply with the requirements of this part will not generally be accepted for filing. In the case of minor defects as to completeness, the Director may accept the application for filing with a request to the applicant for additional information. A defective application will be returned to the applicant within 10 days following its receipt with a statement of the reason for not accepting the application for filing. A defective application may be corrected and resubmitted for filing at any time; the Director shall accept for filing any application upon resubmission by the applicant, whether complete or not.

(b) Accepting an application for filing does not preclude any subsequent request for additional information pursuant to § 301.36 and has no bearing on whether the application will be granted.

§ 301.36 Additional information.

The Director may require an applicant to submit such documents or written statements of fact relevant to the application as he deems necessary to determine whether the application should be granted. The failure of the applicant to provide such documents or statements within a reasonable time after being requested to do so shall be deemed to be a waiver by the applicant of an opportunity to present such documents or facts for consideration by the Director in granting or denying the application.

§ 301.37 Amendments to and withdrawal of applications.

(a) An application may be amended or withdrawn without permission of the Director at any time before the date on which the applicant receives an order to show cause pursuant to § 301.48, or before the date on which a notice of hearing on the application is published pursuant to § 301.43, whichever is sooner. An application may be amended or withdrawn with permission of the Director at any time where good cause is shown by the applicant or where the amendment or withdrawal is in the public interest.

(b) After an application has been accepted for filing, the request by the applicant that it be returned or the failure of the applicant to respond to official correspondence regarding the application, when sent by registered or certified mail, return receipt requested, shall be deemed to be a withdrawal of the application.

ACTION ON APPLICATIONS FOR REGISTRATION: REVOCATION OR SUSPENSION OF REGISTRATION

§ 301.41 Administrative review generally.

The Director may inspect, or cause to be inspected, the establishment of an applicant or registrant, pursuant to Subpart A of Part 316, of this chapter. The director shall review the application for registration and other information gathered by the Bureau regarding an applicant in order to determine whether the applicable standards of section 303 of the Act (21 U.S.C. 823) have been met by the applicant.

§ 301.42 Applications for research in schedule I substances.

(a) In the case of an application for registration to conduct research with controlled substances in schedule I, the Director shall refer such application to the Secretary, who shall determine the qualifications and competency of the applicant as well as the merits of the research protocol. The Secretary, in determining the merits of a research protocol, shall consult with the Director as to effective procedures to safeguard adequately against diversion of such controlled substances from legitimate medical or scientific use. If the Secretary finds the applicant qualified and competent and the research protocol meritorious and adequately safeguarded, he shall so notify the Director, and the Director shall register the applicant unless he finds registration should be denied on a ground specified in section 304(a) of the Act.

(b) If the Secretary is unable to find the applicant qualified or the Director finds that grounds exist for the denial of the application, the Director shall issue an order to show cause pursuant to § 301.48 and, if requested by the applicant, hold a hearing on the application pursuant to § 301.51.

§ 301.43 Application for bulk manufacture of schedule I and II substances.

In the case of an application for registration or reregistration to manufacture in bulk a basic class of controlled substance listed in schedule I or II, the Director shall, upon the filing of such application, publish in the FEDERAL REGISTER a notice naming the applicant and stating that such applicant has applied to be registered as a bulk manufacturer of a basic class of narcotic or nonnarcotic controlled substance, which class shall be identified. A copy of said notice shall be mailed simultaneously to each person registered as a bulk manufacturer of that basic class and to any other applicant therefor. Any such person may, within 30 days from the date of publication of the notice in the FEDERAL REGISTER, file with the Director written comments on or objections to the issuance of the proposed registration, and may, at the same time, file a written request for a hearing on the application. If a hearing is requested, the Director shall hold a hearing on the application pursuant to § 301.51. Notice of the hearing shall be published in the FEDERAL REGISTER and shall be mailed simultaneously to the applicant and to all persons to whom notice of the application was mailed. Notice of the hearing shall contain a summary of all comments and objections filed regarding the application and shall state the time and place for the hearing, which shall not be less than 30 days after the date of publication of such notice in the FEDERAL REGISTER. A hearing pursuant to this section may be consolidated with a hearing held pursuant to § 301.44 or § 301.45.

(b) In order to provide adequate competition, the Director shall not be required to limit the number of manufacturers in any basic class to a number less than that consistent with maintenance of effective controls against diversion solely because a smaller number is capable of producing an adequate and uninterrupted supply.

(c) This section shall not apply to the manufacture of basic classes of controlled substances listed in schedule I as an incident to research authorized pursuant to § 301.42.

§ 301.44 Certificate of registration; denial of registration.

(a) The Director shall issue a certificate of registration (BND Form 223) to an applicant if the issuance of registration or reregistration is required under the applicable provisions of section 303 of the Act (21 U.S.C. 823). In the event that the issuance of registration or reregistration is not required, the Director shall deny the application. Before denying any application, the Director, shall issue an order to show cause pursuant to § 301.48 and, if requested by the applicant, shall hold a hearing on the application pursuant to § 301.51.

(b) The certificate of registration (BND Form 223) shall contain the name, address, and registration number of the registrant, the activity authorized by the registration, the schedules and/or controlled substances which the registrant is authorized to handle, and the expiration date of the registration. The registrant shall prominently display the certificate of registration at the registered location.

§ 301.45 Suspension or revocation of registration.

(a) The Director may suspend any registration pursuant to section 304(a) of the Act (21 U.S.C. 824(a)) for any period of time he determines.

(b) The Director may revoke any registration pursuant to section 304(a) of the Act (21 U.S.C. 824(a)).

(c) Before revoking or suspending any registration, the Director shall issue an order to show cause pursuant to § 301.48 and, if requested by the registrant, shall hold a hearing pursuant to § 301.51. Notwithstanding the requirements of this section, however, the Director may suspend any registration pending a final order pursuant to § 301.46.

(d) Upon service of the order of the Director suspending or revoking registration, the registrant shall immediately deliver his certificate of registration and any order forms in his possession to the nearest office of the Bureau. The suspension or revocation of a registration shall suspend or revoke any quota fixed for the registrant pursuant to 21 CFR Part 303. Also, upon service of the order of the Director revoking registration, the registrant shall, as instructed by the Director,

(1) Deliver all controlled substances in his possession to the nearest office of the Bureau or to authorized agents of the Bureau; or

(2) Place all controlled substances in his possession under seal as described in section 304(f) of the Act (21 U.S.C. 824(f)).

(e) In the event that revocation or suspension is limited to a particular controlled substance or substances, the registrant shall be given a new certificate of registration for all substances not affected by such revocation or suspension. The registrant shall deliver the old certificate of registration and, if appropriate, any order forms in his possession to the nearest office of the Bureau. Also, the registrant shall, as instructed by the Director,

(1) Deliver to the nearest office of the Bureau or to authorized agents of the Bureau all of the particular controlled substance or substances affected by the revocation or suspension which are in his possession; or

(2) Place all of such substances under seal as described in section 304(f) of the Act (21 U.S.C. 824(f)).

§ 301.46 Suspension of registration pending final order.

(a) The Director may suspend any registration simultaneously with or at any time subsequent to the service upon the registrant of an order to show cause why such registration should not be revoked or suspended, in any case where he finds that there is an imminent danger to the public health or safety. If the Director so suspends, he shall serve with the order to show cause pursuant to § 301.48 an order of immediate suspension which shall contain a statement of his findings regarding the danger to public health or safety.

(b) Upon service of the order of immediate suspension, the registrant shall promptly return his certificate of registration and any order forms in his possession to the nearest office of the Bureau. The suspension of any registration under this section shall suspend any quota fixed for the registrant pursuant to 21 CFR Part 303. Also, upon service of the order of the Director immediately suspending registration, the registrant shall, as instructed by the Director,

(1) Deliver all affected controlled substances in his possession to the nearest office of the Bureau or to authorized agents of the Bureau; or

(2) Place all of such substances under seal as described in section 304(f) of the Act (21 U.S.C. 824(f)).

(c) Any suspension shall continue in effect until the conclusion of all proceedings upon the revocation or suspension, including any judicial review thereof, unless sooner withdrawn by the Director or dissolved by a court of competent jurisdiction. Any registrant whose registration is suspended under this section may request a hearing on the revocation or suspension of his registration at a time earlier than specified in the order to show cause pursuant to § 301.48, which request shall be granted by the Director, who shall fix a date for such hearing as early as reasonably possible.

§ 301.47 Extension of registration pending final order.

In the event that an applicant for reregistration (who is doing business under a registration previously granted and not revoked or suspended) has applied for reregistration at least 45 days before the date on which the existing registration is due to expire, and the Director has issued no order on the application on the date on which the existing registration is due to expire, the existing registration of the applicant shall automatically be extended and continue in effect until the date on which the Director so issues his order. The Director may extend any other existing registration under the circumstances contemplated in this section even though the registrant failed to apply for reregistration at least 45 days before expiration of the existing registration, with or without request by the registrant, if the Director finds that such extension is not inconsistent with the public health and safety.

§ 301.48 Order to show cause.

(a) If, upon examination of the application for registration from any applicant and other information gathered by the Bureau regarding the applicant, the Director is unable to make the determinations required by the applicable provisions of section 303 of the Act (21 U.S.C. 823) to register the applicant, the Director shall serve upon the applicant an order to show cause why the registration should not be denied.

(b) If, upon information gathered by the Bureau regarding any registrant, the Director determines that the registration of such registrant is subject to suspension or revocation pursuant to section 304 of the Act (21 U.S.C. 824), the Director shall serve upon the registrant an order to show cause why the registration should not be revoked or suspended.

(c) The order to show cause shall call upon the applicant or registrant to appear before the Director at a time and place stated in the order, which shall not be less than 30 days after the date of receipt of the order. The order to show cause shall also contain a statement of the legal basis for such hearing and for the denial, revocation, or suspension of registration and a summary of the matters of fact and law asserted.

(d) Upon receipt of an order to show cause, the applicant or registrant must, if he desires a hearing, file a request for a hearing pursuant to § 301.55. If a hearing is requested, the Director shall hold a hearing at the time and place stated in the order, pursuant to § 301.51.

(e) When authorized by the Director, any agent of the Bureau may serve the order to show cause.

HEARINGS

§ 301.51 Hearings generally.

(a) In any case where the Director shall hold a hearing on any registration or application therefor, the procedures for such hearing shall be governed generally by the adjudication procedures set out in the Administrative Procedure Act (5 U.S.C. 551–559) and specifically by sections 303 and 304 of the Act (21 U.S.C. 823–824) and §§ 301.52–301.73.

(b) Any hearing under this part shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under the Act or any other law of the United States.

§ 301.52 Purpose of hearing.

If requested by a person entitled to a hearing, the Director shall hold a hearing for the purpose of receiving factual evidence regarding the issues involved in the denial, revocation, or suspension of any registration, and the granting of any application for registration to manufacture in bulk a basic class of controlled substance listed in schedule I or II. Extensive argument should not be offered into evidence but rather presented in opening or closing statements of counsel or in memoranda or proposed findings of fact and conclusions of law.

§ 301.53 Waiver or modification of rules.

The Director or the presiding officer (with respect to matters pending before him) may modify or waive any rule in this part by notice in advance of the hearing, if he determines that no party in the hearing will be unduly prejudiced and the ends of justice will thereby be served. Such notice of modification or waiver shall be made a part of the record of the hearing.

§ 301.54 Filings; address; hours.

Documents required or permitted to be filed in, and correspondence relating to, hearings governed by the regulations in this part shall be filed with the Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, U.S. Department of Justice, Washington, D.C. 20537. This office is open Monday through Friday from 9 a.m. to 5:30 p.m. eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time, except on national legal holidays. Documents shall be dated and deemed filed upon receipt by the Hearing Clerk.

§ 301.55 Request for hearing or appearance; waiver.

(a) Any person entitled to and desiring a hearing pursuant to §§ 301.42–301.45 shall, within 30 days after the date of receipt of the order to show cause (or the date of publication of notice of the application for registration in the FEDERAL REGISTER in the case of § 301.43), file with the Director a written request for a hearing.

(b) Any person entitled to and desiring to participate in a hearing pursuant to § 301.43 shall, within 30 days of the date of publication of notice of the hearing in the FEDERAL REGISTER, file with the Director a written notice of his intention to participate in such hearing.

(c) Any persons entitled to a hearing or to participate in a hearing pursuant to §§ 301.42–301.45 may, within the period permitted for filing a request for a hearing or a notice of appearance, file with the Director a waiver of an opportunity for a hearing or to participate in a hearing, together with a written statement regarding his position on the matters of fact and law involved in such hearing. Such statement, if admissible, shall be made a part of the record and shall be considered in light of the lack of opportunity for cross-examination in determining the weight to be attached to matters of fact asserted therein.

(d) If any person entitled to a hearing or to participate in a hearing pursuant to §§ 301.42–301.45 fails to file a request for a hearing or a notice of appearance, or if he so files and fails to appear at the hearing, he shall be deemed to have waived his opportunity for the hearing or to participate in the hearing, unless he shows good cause for such failure.

(e) If all persons entitled to a hearing or to participate in a hearing waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing, if scheduled, and issue his final order pursuant to § 301.72 without a hearing.

§ 301.56 Appearance; representation; authorization.

(a) Any applicant or registrant may appear in person or by a representative in a hearing on his registration or application and may be heard with respect to matters relevant to the issues under consideration. In the case of any application for registration to manufacture in bulk a basic class of any controlled substance listed in schedule I or II, any persons registered as a bulk manufacturer of that basic class and any other applicant therefor may appear in person or by a representative in a hearing on the application and may be heard with respect to matters relevant to the issues under consideration.

(b) A representative must be either an employee of the applicant or registrant or an attorney at law who is a member of the bar in good standing of any State and admitted to practice before the highest court of that jurisdiction. Any representative may be required by the Director or the presiding officer to present a notarized power of attorney showing his authority to act in such representative capacity and/or an affidavit or certificate of admission to practice.

§ 301.57 Burden of proof.

(a) At any hearing on an application to manufacture any controlled substance listed in schedule I or II, the applicant shall have the burden of proving that the requirements for such registration pursuant to section 303(a) of the Act (21 U.S.C. 823(a)) are satisfied. Any other person participating in the hearing pursuant to § 301.43 shall have the burden of proving any propositions of fact or law asserted by him in the hearing.

(b) At any other hearing for the denial of a registration, the Bureau shall have the burden of proving that the requirements for such registration pursuant to section 303 of the Act (21 U.S.C. 823) are not satisfied.

(c) At any hearing for the revocation or suspension of a registration, the Bureau shall have the burden of proving that the requirements for such revocation or suspension to section 304(a) of the Act (21 U.S.C. 824(a)) are satisfied.

§ 301.58 Presiding officer.

A presiding officer, designated by the Director, shall preside over all hearings. The functions of the presiding officer shall commence upon his designation and terminate upon the certification of the record to the Director. The presiding officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange and change the date, time, and place of hearings (other than the time and place prescribed in § 301.60) and prehearing conferences and issue notice thereof.

(b) Hold conferences to settle, simplify, or determine the issues in a hearing, or to consider other matters that may aid in the expeditious disposition of the hearing.

(c) Require parties to state their position in writing with respect to the various issues in the hearing and to exchange such statements with all other parties.

(d) Examine witnesses and direct witnesses to testify.

(e) Receive, rule on, exclude, or limit evidence.

(f) Rule on procedural items pending before him.

(g) Take any action permitted to the presiding officer as authorized by this Part or by the provisions of the Administrative Procedure Act (5 U.S.C. 551–559).

§ 301.59 Conduct of hearing and parties; ex parte communications.

(a) Hearings shall be conducted in an informal but orderly manner in accordance with law and the directions of the presiding officer.

(b) Participants in any hearing and their representatives, whether or not members of the bar, shall conduct themselves in accordance with judicial standards of practice and ethics and the directions of the presiding officer. Refusal to comply with this section shall constitute grounds for immediate exclusion from any hearing.

(c) If any official of the Bureau is contacted by any individual in private or public life concerning any matter which is the subject of any hearing, at any time after the date on which the applicant receives an order to show cause pursuant to § 301.48, or the date on which a notice of hearing on the application is published pursuant to § 301.43 (whichever is sooner), the official who is contacted shall prepare a memorandum setting forth the substance of the conversation and shall file this memorandum in the appropriate public docket file. The presiding officer and employees of the Bureau shall comply with the requirements of 5 U.S.C. 554(d) regarding ex parte communications and participation in any hearing.

§ 301.60 Time and place of hearing.

The hearing will commence at the place and time designated in the order to show cause or notice of hearing published in the FEDERAL REGISTER (unless expedited pursuant to § 301.46(c)) but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than announcement thereof by the presiding officer at the hearing.

§ 301.61 Prehearing conference.

The presiding officer on his own motion, or on the motion of any party for good cause shown, may direct all parties to appear at a specified time and place for a conference for:

(a) The simplification of the issues.

(b) The possibility of obtaining stipulations, admission of facts, and documents.

(c) The possibility of limiting the number of expert witnesses.

(d) The identification, and if practicable, the scheduling of all witnesses to be called.

(e) The advance submission at the prehearing conference of all documentary evidence and affidavits to be marked for identification.

(f) Such other matters as may aid in the expeditious disposition of the hearing.

§ 301.62 Prehearing ruling.

The presiding officer may have the prehearing conference report verbatim and shall make a ruling reciting the action taken at the conference, the agreements made by the parties, the schedule of witnesses, and a statement of the issues for hearing. Such ruling shall control the subsequent course of the hearing unless modified by a subsequent ruling.

§ 301.63 Submission of documentary evidence and affidavits and identification of witnesses subsequent to prehearing conference.

All documentary evidence and affidavits not submitted and all witnesses not identified at the prehearing conference shall be submitted or identified to the presiding officer as soon as possible, with a showing that the offering party had good cause for failing to so submit or identify at the prehearing conference. If the presiding officer determines that good cause does exist, the documents or affidavits shall be submitted or witnesses identified to all parties sufficiently in advance of the offer of such documents or affidavits or witnesses at the hearing to avoid prejudice or surprise to the other parties. If the presiding officer determines that good cause does not exist, he may refuse to admit as evidence such documents or affidavits or the testimony of such witnesses.

§ 301.64 Summary of testimony; affidavits.

(a) The presiding officer may direct that summaries of the direct testimony of witnesses be prepared in writing and served on all parties in advance of the hearing. Witnesses will not be permitted to read summaries of their testimony into the record and all witnesses shall be available for cross-examination. Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) Affidavits submitted at the prehearing conference or pursuant to § 301.63 with good cause may be examined by all parties and opposing affidavits may be submitted to the presiding officer within a period of time fixed by him. Affidavits admitted into evidence shall be considered in light of the lack of opportunity for cross-examination in determining the weight to be attached to statements made therein.

§ 301.65 Submission and receipt of evidence.

(a) The presiding officer shall admit only evidence that is competent, relevant material and not unduly repetitious.

(b) Opinion testimony shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(c) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer, except that a party will be permitted to challenge such authenticity at a later time upon a showing of good cause for failure to have filed such written objection.

(d) Samples, if otherwise admissible into evidence, may be displayed at the hearing and may be described for purposes of the record, or may be admitted in evidence as exhibits.

(e) Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party, on timely request, shall be afforded opportunity to controvert such fact.

(f) The presiding officer shall file as exhibits copies of the following documents:

(1) The order to show cause issued pursuant to § 301.48 or notice of hearing published pursuant to § 301.43;

(2) Any notice of waiver or modification of rules made pursuant to § 301.53;

(3) Any waiver of hearing (together with any statement filed therewith) filed pursuant to § 301.55;

(4) The prehearing ruling, if any, made pursuant to § 301.62; and

(5) Any other document necessary to show the basis for the hearing.

§ 301.66 Objections; offer of proof.

If any party in the hearing objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection without extended argument or debate thereon except as permitted by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made if a proper foundation has been laid for its admission. An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which the party contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form a copy of such evidence shall be marked for identification and shall accompany the records as the offer of proof.

§ 301.67 Exceptions to rulings.

Exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is sought, makes known the action that he desires the presiding officer to take, or his objection to an action taken, and his grounds therefor.

§ 301.68 Appeal from ruling of presiding officer.

Rulings of the presiding officer may not be appealed to the Director prior to his consideration of the entire hearing, except with the consent of the presiding officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party or substantial detriment to the public interest. If an appeal is allowed, any party in the hearing may file a brief in quintuplicate

with the Director within such period that the presiding officer directs. No oral argument will be heard unless the Director directs otherwise.

§ 301.69 Official transcript; index; corrections.

(a) Testimony given at a hearing shall be reported verbatim. The Bureau will make provision for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purpose. Any person desiring a copy of the transcript of the testimony and exhibits taken at the hearing or of any part thereof (except such materials as are described in § 301.04(b)) shall be entitled to the same upon application to the Hearing Clerk of the Bureau and upon payment of the costs thereof.

(b) At the close of the hearing, the presiding officer shall afford the parties and witnesses time (not longer than 30 days, except in unusual cases) in which to submit written proposed corrections of the transcript, pointing out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony.

§ 301.70 Proposed findings of fact and conclusions of law.

Any party in the hearing may file in quintuplicate proposed findings of fact and conclusions of law within the time fixed by the presiding officer. Any party so filing shall serve one copy of his proposed findings and conclusion upon each other party in the hearing. The party shall include a statement of supporting reasons for the proposed findings and conclusions, together with evidence of record (including specific and complete citations of the pages of the transcript and exhibits) and citations of authorities relied upon.

§ 301.71 Report and record.

As soon as practicable after the time for the parties to file proposed findings of fact and conclusions of law has expired, the presiding officer shall prepare a report containing the following:

(a) His recommended rulings on the proposed findings of fact and conclusions of law.

(b) His recommended findings of fact and conclusions of law, with the reasons therefor.

(c) His recommended decision.

The presiding officer shall certify to the Director the record, which shall contain the transcript of testimony, exhibits, the findings of fact and conclusions of law proposed by the parties, and his report. Upon receipt of the certified record, the Director shall serve one copy of the report of the presiding officer upon each party in the hearing.

§ 301.72 Final order.

As soon as practicable after the presiding officer has certified the record to the Director, the Director shall issue his order on the granting, denial, revocation, or suspension of registration. In the event that an application for registration to manufacture in bulk a basic class of any controlled substance listed in schedule I or II is granted, or any application for registration is denied, or any registration is revoked or suspended, the order shall include the findings of fact and conclusions of law upon which the order is based. The order shall specify the date on which it shall take effect. The Director shall serve one copy of his order upon each party in the hearing.

§ 301.73 Copies of petitions for judicial review.

Copies of petitions for judicial review, filed pursuant to section 507 of the Act (21 U.S.C. 877) shall be delivered to and served upon the Director in quintuplicate. The Director shall certify the record of the hearing and shall file the certified record in the appropriate U.S. Court of Appeals.

MODIFICATION, TRANSFER AND TERMINATION OF REGISTRATION

§ 301.81 Modification in registration.

Any registrant may apply to modify his registration to authorize the handling of additional controlled substances by filing an application and paying the appropriate fee in the same manner as an application for new registration.

§ 301.82 Termination of registration.

The registration of any person shall terminate if and when such person dies, ceases legal existence, discontinues business or professional practice, or changes his name or address as shown on the certificate of registration. Any registrant who ceases legal existence, discontinues business or professional practice, or changes his name or address as shown on the certificate of registration shall notify the Director promptly of such fact. In the event of a change in name or address, the person may apply for a new registration in advance of the effective date of such change.

§ 301.83 Transfer of registration.

No registration or any authority conferred thereby shall be assigned or otherwise transferred except upon such conditions as the Director may specifically designate and then only pursuant to his written consent.

SECURITY CONTROLS

§ 301.91 Purpose.

(a) All registrants shall provide security controls to guard against theft and diversion of controlled substances. The security controls shall be commensurate with the quantity of controlled substances in the possession of the registrant in normal business operations. Any substantial increase in the quantity of controlled substances in the possession of the registrant shall require a commensurate increase in security controls.

(b) All registrants who receive or ship substantial quantities of controlled substances in normal business operations shall employ safeguards necessary to guard against intransit losses.

(c) The following regulations are intended as standards for the construction and maintenance of security facilities and areas used in processing and storing controlled substances. Substantial compliance with these standards may be deemed sufficient by the Bureau after evaluation of the overall security controls.

(d) The security controls of persons presently registered under the Harrison Narcotic Act shall be deemed in compliance with the following security regulations, provided that the Bureau has previously approved them. All such registered persons shall so notify the Bureau before May 1, 1971, indicating that prior Bureau approval was given and describing the security controls, except where such description is on file with the Bureau, in which case reference to that fact will suffice.

(e) Construction of any new facilities and/or areas used in processing and/or storing controlled substances by persons included within paragraph (d) of this section must comply with the following security regulations.

§ 301.92 Manufacturers, distributors, importers and exporters; schedule I and II substances.

(a) *Vault.* All raw, bulk and in-process materials, in addition to finished products, shall be stored in a vault, the walls, floor, and ceiling of which shall be constructed of not less than eight (80 inches of concrete, reinforced vertically and horizontally with one-half (½) inch steel rods tied (6) inches on center. However, where a vault is to be constructed on an existing floor, such floor shall be deemed adequate provided that it consists of a concrete slab not less than 6 inches thick and an additional layer of concrete not less than four (4) inches, reinforced in accordance with the above criteria.

(b) *Vault entrance.* A vault door shall be installed containing a combination lock, re-locking device, and at least one-half (½) inch steel plate. A "day-gate," which is self-closing and self-locking, shall also be installed for use during the normal hours of operation in which the vault door is open.

(c) *Electrical protection.* (1) The vault perimeter shall be equipped with:

(i) An alarm, which upon unauthorized entry, shall transmit a signal directly to a central station protection company and/or a local or State police agency which has a legal duty to respond; and

(ii) Hold-up buttons at strategic points of entry to the vault's perimeter area.

(2) The vault shall be equipped with:

(i) Contact switches for the vault door; and

(ii) One of the following:

(*a*) Complete lacing of the walls, floor, and ceiling of the vault;

(*b*) Sensitive ultrasonic equipment within the vault;

(*c*) Sensitive sound accumulator system; or

(d) Any device designed to detect illegal entry as may be approved by the Bureau.

(d) *Separate manufacturing area.* Manufacturing, including bottling, labeling and packaging, shall be conducted in an area separate from the area of manufacture of noncontrolled substances, except in an area where the security requirements for schedule I or schedule II substances apply, in which case both schedule I or II substances and noncontrolled substances may be manufactured in such area.

(e) *In-process substances.* All in-process substances shall be returned to the vault at the end of each work day, except where a continuous process or other normal manufacturing operation should not be interrupted, in which case the processing area shall be securely locked, with an alarm, which upon unauthorized entry, shall transmit a signal directly to a central station protection company and/or local or State police agency which has a legal duty to respond.

(f) *Accessibility.* The vault and manufacturing areas shall be accessible only to those employees required for efficient operation.

§ 301.93 Manufacturers, distributors, importers and exporters: schedule III, IV and V substances.

(a) *Secure enclosure.* All raw, bulk, and in-process materials, in addition to finished products shall be stored in a secure enclosure. A secure enclosure may include an entire building and/or an area located therein, provided that the following requirements are met:

(1) *Electrical protection.* All enclosure entrances shall be equipped with an alarm, which upon unauthorized entry, shall transmit a signal directly to a central station protection company and/or a local or State police agency has a legal duty to respond.

(2) *Accessibility.* The secure enclosure shall be accessible only to those employees required for efficient operation.

(b) *Enclosure entrance.* Where the secure enclosure is an area located within an entire building, the entrance to such enclosure shall be equipped with a gate or door which is both self-closing and self-locking.

§ 301.94 Manufacturers, distributors, importers, and exporters: additional security control.

(a) A good faith inquiry shall be made with either the Bureau or the appropriate State drug registration agency to determine whether a person ordering controlled substances, who is unknown to the registrant, is validly registered to possess the ordered controlled substances.

(b) A system shall be designed and operated to inform the registrant, who shall in turn inform the Bureau, of suspicious orders of controlled substances. Suspicious orders may include, but are not limited to, orders of unusual size, orders which deviate substantially from a normal pattern, and orders of unusual frequency.

(c) The Bureau shall be notified by the registrant of the loss or theft of controlled substances.

(d) The registrant shall not distribute any controlled substance listed in schedule I or II, or any narcotic controlled substance listed in schedule III, IV, or V, as a sample to any potential or current customer.

§ 301.95 Practitioners: schedule I substances.

Controlled substances listed in schedule I shall be stored in a safe with an Underwriters' Laboratories Burglary Rating of at least TRTL–30 or the equivalent. If the safe weighs less than 750 pounds, it shall be bolted or cemented to the wall or floor in such a way that it cannot be removed. If the safe weighs more than 750 pounds, it shall be rendered immobile by removing all rolling equipment from the base. The safe shall be equipped with an electrical alarm device.

§ 301.96 Practitioners: schedule II substances.

Controlled substances listed in schedule II shall be stored in a securely locked, substantially constructed cabinet.

§ 301.97 Practitioners: schedules III, IV, and V substances.

Controlled substances listed in schedules III, IV, and V shall be stored in a locked cabinet. However, pharmacies may dispense such substances throughout the noncontrolled substances stock in such a manner as to obstruct the theft or diversion of the controlled substances.

PART 302—LABELING AND PACKAGING REQUIREMENTS FOR CONTROLLED SUBSTANCES

§ 302.01 Scope of Part 302.

Requirements governing the labeling and packaging of controlled substances pursuant to section 305 of the Act (21 U.S.C. 825) set forth generally be that section and specifically by the sections of this part.

§ 302.02 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term "commercial container" means any bottle, jar, tube, ampule, or other receptacle in which a substance is held for distribution or dispensing to an ultimate user, and in addition, any box or package in which the receptacle is held for distribution or dispensing to an ultimate user. The term "commercial container" does not include any package liner, package insert or other material kept with or within a commercial container, nor any carton, crate, drug, or other package in which commercial containers are stored or are used for shipment of controlled substances.

(b) The term "label" means any display of written, printed, or graphic matter placed upon the commercial container of any controlled substance by any manufacturer of such substance.

(c) The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any controlled substance or any of its commercial containers or wrappers, or (2) accompanying such controlled substance.

(d) The term "manufacture" means the producing, preparation, propagation, compounding, or processing of a drug or other substance or the packaging or repackaging of such substance, or the labeling or relabeling of the commercial container of such substance, but does not include the activities of a practitioner who, as an incident to his administration or dispensing such substance in the course of his professional practice, prepares, compounds, packages or labels such substance.

(e) Any term not defined in this section shall have the definition set forth in section 102 of the Act (21 U.S.C. 802) or § 301.02 of this chapter.

§ 302.03 Symbol required; exceptions.

(a) Each commercial container of a controlled substance (except for a controlled substance excepted by the Director pursuant to Part 308 of this chapter) shall have printed on the label the symbol designating the schedule in which such controlled substance is listed. Each such commercial container, if it otherwise has no label, must bear a label complying with the requirement of this part.

(b) Each manufacturer shall print upon the labeling of each controlled substance distributed by him the symbol designating the schedule in which such controlled substance is listed.

(c) The following symbols shall designate the schedule corresponding thereto:

Schedule	*Symbol*
Schedule I	ⓒ or C–I.
Schedule II	ⓒII or C–II.
Schedule III	ⓒIII or C–III.
Schedule IV	ⓒIV or C–IV.
Schedule V	ⓒV or C–V.

The word "schedule" need not be used. No distinction need be made between narcotic and nonnarcotic substances.

(d) The symbol is not required on a carton or wrapper in which a commercial container is held if the symbol is easily legible through such carton or wrapper.

(e) The symbol is not required on a commercial container too small or otherwise unable to accommodate a label, if the symbol is printed on the box or package from which the commercial container is removed upon dispensing to an ultimate user.

(f) The symbol is not required on a commercial container containing, or on the labeling of, a controlled substance being utilized in clinical research involving blind and double blind studies.

§ 302.04 Location and size of symbol on label.

(a) The symbol shall be prominently located on the right upper corner of the principal panel of the label of the commercial container and/or the panel of the commercial container normally displayed to dispensers of any controlled substance listed in schedules I through IV. The symbol must be at least two times as large as the largest type otherwise printed on the label.

(b) In lieu of locating the symbol in the corner of the label, as prescribed in paragraph (a) of this section, the symbol may be overprinted on the label, in which case the symbol must be printed at least one-half the size of the label and in a contrasting color to all other printing on the label. Every commercial container of any controlled substance listed in schedule V shall have the symbol overprinted on the label in accordance with this subsection.

(c) In all cases the symbol shall be clear and large enough to afford easy identification of the schedule of the controlled substance upon inspection without removal from the dispenser's shelf.

§ 302.05 Location and size of symbol on labeling.

The symbol shall be prominently located on all labeling other than labels covered by § 302.04. In all cases the symbol shall be clear and large enough to afford prompt identification of the controlled substance upon inspection of the labeling.

§ 302.06 Effective dates of labeling requirements.

(a) In the case of a controlled substance listed in any schedule on May 1, 1971, and manufactured after December 1, 1971, all labels on commercial containers of, and all labeling of, that substance shall comply with the requirements of § 302.02.

(b) In case of a controlled substance listed on a schedule on May 1, 1971, and thereafter transferred to another schedule, and in the case of a controlled substance added to any schedule after May 1, 1971, all labels on commercial containers of, and all labeling of, that substance shall comply with the requirements of § 302.02 not later than 180 days following the date on which the transfer or addition becomes effective.

(c) The Director may, in the case of any controlled substance, require compliance with the requirements of § 302.02 within a period of time shorter than required by this section if he finds that emergency conditions exist necessitating an earlier effective date.

(d) Until compliance is required under this section, the label on commercial container containing, and the labeling of, any controlled substance shall comply with any requirements under Federal law as to labels of such containers and as to labeling of such substances existing prior to the effective date prescribed in this section.

§ 302.07 Sealing of controlled substances.

(a) On each bottle, multiple dose vial, or other commercial container of any controlled substance listed in schedules I and/or II, and of any narcotic controlled substance listed in schedule III or IV, there shall be securely affixed to the stopper, cap, lid, covering, or wrapper or such container a seal to insure its integrity and to disclose upon inspection any tampering or opening of the container.

(b) Any seal accepted for use under Federal law prior to May 1, 1971, shall be deemed acceptable for use under this section.

PART 303—QUOTAS

GENERAL INFORMATION

§ 303.01 Scope of Part 303.

Procedures governing the establishment of production and manufacturing quotas on basic classes of controlled substances listed in schedules I and II pursuant to section 306 of the Act (21 U.S.C. 826) are governed generally by that section and specifically by the sections of this part.

§ 303.02 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term "inventory" means all factory and branch stocks in finished form of a basic class of controlled substance manufactured or otherwise acquired by a registrant, whether in bulk, commercial containers, or contained in pharmaceutical preparations in the possession of the registrant (including stocks held by the registrant under separate registration as a manufacturer, importer, exporter, or distributor).

(b) The term "net disposal" means the quantity of a basic class of controlled substance sold, exchanged, given away, used in the production of another substance (whether a controlled substance or not), contained in or combined with other substances or otherwise consumed by or transferred to another person by the registrant during a stated period, less the quantity returned to the registrant by any purchaser and the quantity sold or transferred by the registrant to another registered manufacturer of the same basic class of controlled substance.

(c) The term "registrant" means any person registered pursuant to section 303 of the Act (21 U.S.C. 823).

(d) Any term not defined in this section shall have the definition set forth in section 102 of the Act (21 U.S.C. 802) and § 301.02 of this chapter.

AGGREGATE PRODUCTION AND PROCUREMENT QUOTAS

§ 303.11 Aggregate production quotas.

(a) The Director shall, on or before May 1 of each year, determine the total quantity of each basic class of controlled substance listed in schedule I or II necessary to be manufactured during the following calendar year to provide for the estimated medical, scientific, research and industrial needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks.

(b) In making his determinations, the Director shall consider the following factors:

(1) Total net disposals of the class by all manufacturers during the current and 2 preceding years;

(2) Trends in the national rate of net disposal of the class;

(3) Total actual (or estimated) inventories of the class and of all substances manufactured from the class, and trends in inventory accumulation;

(4) Projected demand for such class as indicated by procurement quotas requested pursuant to § 303.12; and

(5) Other factors affecting medical, scientific, research, and industrial needs in the United States and lawful export requirements, as the Director finds relevant, including changes in the currently accepted medical use in treatment with the class or the substances which are manufactured from it, the economic and physical availability of raw materials for use in manufacturing and for inventory purposes, yield and stability problems, potential disruptions to production (including possible labor strikes), and recent unforeseen emergencies such as floods and fires.

(c) The Director shall, on or before May 1 of each year, publish in the FEDERAL REGISTER general notice of an aggregate production quota for any basic class determined by him under this section. A copy of notice shall be mailed simultaneously to each person registered as a bulk manufacturer of the basic class. Any interested person may, within 30 days from the date of publication of the notice, request a hearing on the aggregate production quota by filing a written request, and a statement of the grounds therefor, with the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. If a hearing is requested and reasonable grounds are shown, the Director shall hold a public hearing on the aggregate production quota for the basic class pursuant to the hearing procedures prescribed for hearings under section 201 of the Act (21 U.S.C. 811) in §§ 316.61–316.78 of this chapter. Notice of the hearing shall be published at least 30 days prior to the hearing and mailed simultaneously to all persons to whom the notice of the determination of the aggregate production quota was mailed.

§ 303.12 Procurement quotas.

(a) In order to determine the estimated needs for, and to insure an adequate and uninterrupted supply of, basic classes of controlled substances listed in schedules I and II, the Director shall issue procurement quotas authorizing persons to procure and use quantities of each basic class of such substances for the purpose of manufacturing such class into dosage forms or into other substances.

(b) Any person who is registered to manufacture controlled substances listed in any schedule and who desires to use during the next calendar year any basic class of controlled substances listed in schedule I or II for purposes of manufacturing, shall apply on BND Form 194 for a procurement quota for such basic class. A separate application must be

made for each basic class desired to be procured or used. The applicant shall state whether he intends to manufacture the basic class himself or purchase it from another manufacturer. The applicant shall state separately each purpose for which the basic class is desired, the quantity desired for that purpose during the next calendar year, and the quantities used and estimated to be used, if any, for that purpose during the current and preceding 2 calendar years. If the purpose is to manufacture the basic class into dosage form, the applicant shall state the official name, common or usual name, chemical name, or brand name of that form. If the purpose is to manufacture another substance, the applicant shall state the official name, common or usual name, chemical name, or brand name of the substance, and, if a controlled substance listed in any schedule, the schedule number and Bureau controlled substances code number of the substance. If the purpose is to manufacture another basic class of controlled substance listed in schedule I or II, the applicant shall also state the quantity of the other basic class which the applicant has applied to manufacture pursuant to § 303.22 and the quantity of the first basic class necessary to manufacture a specified unit of the second basic class. BND Form 194 shall be filed on or before April 1 of the year preceding the calendar year for which the procurement quota is being applied. Copies of BND Form 194 may be obtained from, and shall be filed with, the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(c) The Director shall, on or before July 1 of the year preceding the calendar year during which the quota shall be effective, issue to each applicant a procurement quota authorizing him to procure and use:

(1) All quantities of such class necessary to manufacture all quantities of other basic classes of controlled substances listed in schedules I and II which the applicant is authorized to manufacture pursuant to § 303.23; and

(2) Such other quantities of such class as the applicant has applied to procure and use and are consistent with his past use, his estimated needs, and the total quantity of such class that will be produced.

(d) Any person to whom a procurement quota has been issued may at any time request an adjustment in the quota by applying to the Director with a statement showing the need for the adjustment. The Director shall increase or decrease the procurement quota of such person as and to the extent that he finds, after considering the factors enumerated in paragraph (c) of this section and any occurrences since the issuance of the procurement quota, that the need justifies an adjustment.

(e) The following persons need not obtain a procurement quota:

(1) Any person who is registered to manufacture a basic class of controlled substance listed in schedule I or II and who uses all of the quantity he manufactures in the manufacture of a substance not controlled under the Act; and

(2) Any person who is registered to manufacture controlled substances and who manufactures annually less than 1 kilogram of all basic classes of controlled substances listed in schedules I and II.

INDIVIDUAL MANUFACTURING QUOTAS

§ 303.21 Individual manufacturing quotas.

(a) The Director shall, on or before July 1 of each year, fix for and issue to each person who is registered to manufacture a basic class of controlled substance listed in schedule I or II, and who applies for a manufacturing quota, an individual manufacturing quota authorizing that person to manufacture during the next calendar year a quantity of that basic class. Any manufacturing quota fixed and issued by the Director shall be subject to his authority to reduce or limit it at a later date pursuant to § 303.26 and to his authority to revoke or suspend it at any time pursuant to §§ 301.45 and 301.46 of this chapter.

(b) No individual manufacturing quota shall be required for registrants listed in § 303.12(e).

§ 303.22 Procedure for applying for manufacturing quotas.

Any person who is registered to manufacture any basic class of controlled substance listed in schedule I or II and who desires to manufacture a quantity of such class shall apply on BND Form 189 for a manufacturing quota for such quantity of such class. Copies of BND Form 189 may be obtained from, and shall be filed (on or before May 1 of the year preceding the calendar year for which the manufacturing quota is being applied) with, the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. A separate application must be made for each basic class desired to be manufactured. The applicant shall state:

(a) The Bureau controlled substances code number of the basic class;

(b) For the basic class in each of the current and preceding 2 calendar years,

(1) The authorized manufacturing quota, if any;

(2) The actual or estimated net disposal;

(3) The actual or estimated inventory allowance pursuant to § 305.26 of this chapter; and

(4) The actual or estimated inventory as of December 31;

(c) For the basic class in the next calendar year,

(1) The desired manufacturing quota; and

(2) Any additional factors which the applicant finds relevant to the fixing of his manufacturing quota, including the trend of (and recent changes in) his and the national rates of net disposal, his production cycle and current inventory position, the economic and physical availability of raw materials for use in manufacturing and for inventory purposes, yield and stability problems, potential disruptions to production (including possible labor strikes) and recent unforeseen emergencies such as floods and fires.

§ 303.23 Procedure for fixing individual manufacturing quotas.

(a) In fixing individual manufacturing quotas for a basic class of controlled substance listed in schedule I or II, the Director shall allocate to each applicant who is currently manufacturing such class a quota equal to 100 percent of the estimated net disposal of that applicant for the next calendar year, adjusted (1) By the amount necessary to increase or reduce the inventory of the applicant on December 31 of the current year to his inventory allowance for the next calendar year, pursuant to § 303.24, and (2) By any other factors which the Director deems relevant to the fixing of the individual manufacturing quota of the applicant, including the trend of (and recent changes in) his and the national rates of net disposal, his production cycle and current inventory position, the economic and physical availability of raw materials for use in manufacturing and for inventory purposes, yield and stability problems, potential disruptions to production (including possible labor strikes), and recent unforeseen emergencies such as floods and fires.

(b) In fixing individual manufacturing quotas for a basic class of controlled substance listed in schedule I or II, the Director shall allocate to each applicant who is not currently manufacturing such class a quota equal to 100 percent of the reasonably estimated net disposal of that applicant for the next calendar year, as determined by the Director, adjusted (1) By the amount necessary to provide the applicant his inventory allowance for the next calendar year, pursuant to § 303.24, and (2) By any other factors which the Director deems relevant to the fixing of the individual manufacturing quota of the applicant, including the trend of (and recent changes in) the national rate of net disposal, his production cycle and current inventory position, the economic and physical availability of raw materials for use in manufacturing and for inventory purposes, yield and stability problems, potential disruptions to production (including possible labor strikes), and recent unforeseen emergencies such as floods and fires.

§ 303.24 Inventory allowance.

(a) For the purpose of determining individual manufacturing quotas pursuant to § 303.23, each registered manufacturer shall be allowed as a part of such quota an amount sufficient to maintain an inventory equal to,

(1) For current manufacturers, 50 percent of his average estimated net disposal for the current calendar year and the last preceding calendar year; or

(2) For new manufacturers, 50 percent of his reasonably estimated net disposal for the next calendar year as determined by the Director.

(b) During each calendar year each registered manufacturer shall be allowed to maintain an inventory of a basic class not exceeding 65 percent of his estimated net disposal of that class for that year, as determined at the time his quota for that year was determined. At any time the inventory of a basic class held by a manufacturer exceeds 65 percent of his estimated net disposal, his quota for that class is automatically suspended and shall remain suspended until his inventory is less than 60 percent of his estimated net disposal.

(c) If, during a calendar year, a registrant has manufactured the entire quantity of a basic class allocated to him under a manufacturing quota, and his inventory of that class is less than 40 percent of his estimated net disposal of that class for that year, the Director shall, upon application pursuant to § 303.25, increase the quota of such registrant sufficiently to allow restoration of the inventory to 50 percent of the estimated net disposal for that year.

§ 303.25 Increase in individual manufacturing quotas.

(a) Any registrant who holds an individual manufacturing quota for a basic class of controlled substance listed in schedule I or II may file with the Director an application on Bureau Form 189 for an increase in such quota in order for him to meet his estimated net disposal, inventory and other requirements during the remainder of such calendar year.

(b) The Director, in passing upon a registrant's application for an increase in his individual manufacturing quota (except an application made pursuant to § 303.24(c)), shall take into consideration any occurrences since the filing of such registrant's initial quota application that may require an increased manufacturing rate by such registrant during the balance of the calendar year. In passing upon such application the Director may also take into consideration the amount, if any, by which his determination of the total quantity for the basic class of controlled substance to be manufactured under § 303.11 exceeds the aggregate of all the individual manufacturing quotas for the basic class of controlled substance, and the equitable distribution of such excess among other registrants.

§ 303.26 Reduction in individual manufacturing quotas.

The Director may at any time reduce an individual manufacturing quota for a basic class of controlled substance listed in schedule I or II which he has previously fixed in order to prevent the aggregate of the individual manufacturing quotas outstanding or to be granted from exceeding the aggregate production quota which has been established for that class pursuant to § 303.11. If a quota assigned to a new manufacturer pursuant to § 303.23(b), or if a quota assigned to any manufacturer is increased pursuant to § 303.24(c), or if an import issued to an importer pursuant to Part 312 of this chapter, causes the total quantity of a basic class to be manufactured and imported during the year to exceed the aggregate production quota which has been established for that class pursuant to § 303.11, the Director may proportionately reduce the individual manufacturing quotas of all other registrants to keep the aggregate production quota within the limits originally established, or, alternatively, the Director may reduce the individual manufacturing quota of any registrant whose quota is suspended pursuant to § 303.24(b) or § 301.45 or § 301.46 of this chapter.

§ 303.27 Abandonment of quota.

Any manufacturer assigned an individual manufacturing quota for any basic class pursuant to § 303.23 may at any time abandon his right to manufacture all or any part of such quota by filing a written notice of such abandonment, stating the Bureau controlled substances code number of the substance and the amount which he has chosen not to manufacture. The Director may, in his discretion, allocate such amount among the other manufacturers in proportion to their respective quotas.

TRANSITIONAL REGULATIONS

§ 303.41 Quota system for 1971.

For purposes of fixing aggregate production and individual manufacturing quotas for basic classes of controlled substances listed in schedules I and II pursuant to section 306 of the Act (21 U.S.C. 326) for the calendar year 1971 only, procedures prescribed in regulations in effect prior to the effect date of this part (i.e., 21 §§ 301.121–301.126 of this chapter) shall be utilized.

PART 304—RECORDS AND REPORTS OF REGISTRANTS

GENERAL INFORMATION

§ 304.01 Scope of Part 304.

Inventory and other records and reports required under section 307 or section 1008(d) of the Act (21 U.S.C. 827 and 958(d)) shall be in accordance with, and contain the information required by, those sections and by the sections of this Part.

§ 304.02 Definitions.

As used in this Part, the following terms shall have the meaning specified:

(a) The term "Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(b) The term "institutional practitioner" means a hospital or other person (other than an individual) licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which it practices, to dispense a controlled substance in the course of professional practice, but does not include a pharmacy.

(c) The term "name" means the official name, common or usual name, chemical name, or brand name of a substance.

(d) The term "practitioner" means a physician, dentist, veterinarian, or other individual licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices, to dispense a controlled substance in the course of professional practice, but does not include a pharmacist, a pharmacy, or an institutional practitioner.

(e) The term "readily retrievable" means that certain records are kept by automatic data processing systems or other electronic or mechanized record-keeping systems in such a manner that they can be separated out from all other records in a reasonable time and/or records are kept on which certain items are asterisked, redlined, or in some other manner visually identifiable apart from other items appearing on the records.

(f) The term "registrant" means any person who is registered pursuant to either section 303 or section 1007 of the Act (21 U.S.C. 823 or 957).

(g) Any term not defined in this section shall have the definition set forth in sections 102 and 1001 of the Act (21 U.S.C. 802 and 951) and in § 301.02, 302.02 and 311.02 of this chapter.

§ 304.03 Persons required to keep records and file reports.

(a) Each registrant shall maintain the records and inventories and shall file the reports required by this part, except as exempted by this section.

(b) A registered practitioner is not required to keep records with respect to narcotic controlled substances listed in schedules II through V which he prescribes or administers in the lawful course of his professional practice; he shall keep records, however, with respect to such substances that he dispenses other than by prescribing or administering.

(c) A registered practitioner is not required to keep records with respect to nonnarcotic controlled substances listed in schedules II through V which he dispenses in any manner unless he regularly charges his patients, either separately or together with charges for other professional services, for such substances so dispensed.

(d) A registered person using any controlled substance in research conducted in conformity with an exemption granted under section 505(i) or 512(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i) or 360b(j)) at a registered establishment which maintains records in accordance with either of those sections is not required to keep records if he notifies the Bureau of the name, address, and registration number of the establishment maintaining such records.

(e) A registered person using any controlled substance in preclinical research or in teaching at a registered establishment which maintains records with respect to such substances is not required to keep records if he notifies the Bureau of the name, address, and registration number of the establishment maintaining such records.

(f) Notice required by paragraphs (d) and (e) of this section shall be given at the time the person applies for registration or reregistration, shall be made in the form of an attachment to the application, and shall be filed with the application.

§ 304.04 Maintenance of records and inventories.

(a) Every inventory and other record required to be kept under the Part shall be kept by the registrant and be available, for at least 2 years from the date of such inventory or record, for inspecting and copying by authorized employees of the Bureau.

(b) Each registered manufacturer, distributor, importer, and exporter shall maintain inventories and records of controlled substances as follows:

(1) Inventories and records of controlled substances listed in schedules I and II shall be maintained separately from all of the records of the registrant; and

(2) Inventories and records of controlled substances listed in schedules III, IV, and V shall be maintained either separately from all other records of the registrant or in such form that the information required is readily retrievable from the ordinary business records of the registrant.

(c) Each registered pratitioner required to keep records and institutional practitioner shall maintain inventories and records of controlled substances in the manner prescribed in paragraph (b) of this section.

(d) Each registered pharmacy shall maintain the inventories and records of controlled substances as follows:

(1) Inventories and records of all controlled substances listed in schedules I and II shall be maintained separately from all other records of the pharmacy, and prescriptions for such substances shall be maintained in a separate prescription file; and

(2) Inventories and records of controlled substances listed in schedules III, IV, and V shall be maintained either separately from all other records of the pharmacy or in such form that the information required is readily retrievable from ordinary business records of the pharmacy, and prescriptions for such substances shall be maintained either in separate prescription file for controlled substances listed in schedules III, IV, and V only or in such form that they are readily retrievable from the other prescription records of the pharmacy. Prescriptions will be deemed readily retrievable if, at the time they are initially filed, the face of the prescription is stamped in red ink in the lower right corner with the letter "C" no less than 1-inch high and filed in the usual consecutively numbered prescription file.

INVENTORY REQUIREMENTS

§ 304.11 General requirements for inventories.

(a) Each inventory shall contain a complete and accurate record of all controlled substances on hand on the date the inventory is taken. Controlled substances shall be deemed to be "on hand" if they are in the possession of or under the control of the registrant, including substances returned by a customer, substances sold to a customer but not yet shipped, substances stored in a warehouse on behalf of the registrant, and substances in the possession of employees of the registrant and intended for distribution as samples.

(b) A separate inventory shall be made by a registrant for each registered location. In the event controlled substances in the possession or under the control of the registrant at a location for which he is not registered, the substances shall be included in the inventory of the registered location to which they are subject to control or to which the person possessing the substance is responsible. Each inventory for a registered location shall be kept at the registered location.

(c) A separate inventory shall be made by a registrant for each independent activity for which he is registered, except as provided in § 304.18.

(d) A registrant may take an inventory on a date that is within 4 days of his biennial inventory date pursuant to § 304.13 if he notifies in advance the Regional Director of the Bureau in his region of the date on which he will take the inventory. A registrant may take an inventory either as of the opening of business or as of the close of business on the inventory date. The registrant shall indicate on the inventory records whether the inventory is taken as of the opening or as of the close of business and the date the inventory is taken.

(e) An inventory must be maintained in a written, typewritten or printed form. An inventory taken by use of an oral recording device must be promptly transcribed.

§ 304.12 Initial inventory date.

(a) Every person required to keep records who is provisionally registered on May 1, 1971, shall take an inventory of all stocks of controlled substances on hand on that date in accordance with §§ 304.15–304.18, as applicable.

(b) Every person required to keep records who is registered after May 1, 1971, and who was not provisionally registered on that date, shall take an inventory of all stocks of controlled substances on hand on the date he first engages in the manufacture, distribution, or dispensing of controlled substances, in accordance with §§ 304.15–304.18, as applicable.

§ 304.13 Biennial inventory date.

Every 2 years following the date on which the initial inventory is taken by a registrant pursuant to § 304.12, the registrant shall take a new inventory of all stocks of controlled substances on hand. The biennial inventory may be taken (a) on the day of the year on which the initial inventory was taken or (b) on the registrant's regular general physical inventory date, if any, which is nearest to and does not vary by more than 6 months from the biennial date that would otherwise apply or (c) on any other fixed date which does not vary by more than six months from the biennial date that would otherwise apply. If the registrant elects to take the biennial inventory on his regular general physical inventory date or another fixed date, he shall notify the Bureau of this election and of the date on which the biennial inventory will be taken.

§ 304.14 Inventory date for newly controlled substances.

On the effective date of a rule by the Director pursuant to §§ 316.77, 316.79 or 316.80 of this chapter adding a substance to any schedule of controlled substances, which substance was, immediately prior to that date, not listed on any such schedule, every registrant required to keep records who is manufacturing, distributing or dispensing that substance shall take an inventory of all stocks of the substance on hand. Thereafter such substance shall be included in each inventory made by the registrant pursuant to § 304.13.

§ 304.15 Inventories of manufacturers.

Each registered manufacturer shall include the following information in his inventory:

(a) For each controlled substance in bulk form to be used in (or capable of use in) the manufacture of the same or other controlled or non-controlled substances in finished form;

(1) The name of the substance; and

(2) The total quantity of the substance to the nearest metric unit weight consistent with unit size.

(b) For each controlled substance in the process of manufacture on the inventory date,

(1) The name of the substance;

(2) The quantity of the substance in each batch and/or stage of manufacture, identified by the batch number or other appropriate identifying number;

(3) The physical form which the substance is to take upon completion of the manufacturing process (e.g., granulations, tablets, capsules, or solutions), identified by the batch number or other appropriate identifying number, and if possible the finished form of the substance (e.g., 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter) and the number or volume thereof; and

(c) For each controlled substance in finished form,

(1) The name of the substance;

(2) Each finished form of the substance (e.g., 10-milligram tablet or 10 milligram concentration per fluid ounce or milliliter);

(3) The number of units or volume of each finished form in each commercial container (e.g., 100-tablet bottle or 3 milliliter vial);

(4) The number of each commercial container; and

(5) The total quantity of the substance in all forms to the nearest metric unit weight.

(d) For each controlled substance not included in paragraphs (a), (b) or (c) of this section (e.g., damaged, defective or impure substances awaiting disposal or substances held for research purposes),

(1) The name of the substance;

(2) The total quantity of the substance to the nearest metric unit weight; and

(3) The reason for the substance being maintained by the registrant and whether such substance is capable of use in the manufacture of any controlled substance in finished form.

§ 304.16 Inventories of distributors.

Each registered distributor shall include in his inventory the same information required of manufacturers pursuant to § 304.15 (c) and (d).

§ 304.17 Inventories of dispensers and researchers.

Each person registered to dispense or conduct research with controlled substances and required to keep records pursuant to § 304.03 shall include in his inventory the same information required of manufacturers pursuant to § 304.15 (c) and (d). In determining the number of units of each finished form of a controlled substance in a commercial container which has been opened, the dispenser shall do as follows:

(a) If the substance is listed in schedule I or II, he shall make a tablet or capsule count; and

(b) If the substance is listed in schedule III, IV, or V, he shall make a tablet or capsule count, unless the container is graduated to reflect its content, in which case he may make an estimate based on the graduations.

§ 304.18 Inventories of importers and exporters.

Each registered importer or exporter shall include in his inventory the same information required of manufacturers pursuant to § 304.15 (a), (c), and (d). Each registered importer and exporter who is also registered as a manufacturer or as a distributor shall include in his inventory as an importer or exporter only those stocks of controlled substances that are actually separated from his stocks as a manufacturer or as a distributor (e.g., in transit or in storage for shipment).

§ 304.19 Inventories for chemical analysts.

Each analytical laboratory registered to conduct chemical analysis with controlled substances shall include in its biennial inventory, to the extent known or readily ascertainable, the same information required of manufacturers pursuant to § 305.15 (a), (c), and (d) of this chapter. Appropriate notations on a reproduction or facsimile of the records of receipt and delivery or disposal of controlled substances or suspected controlled substances required in § 304.27 will suffice for this purpose.

CONTINUING RECORDS

§ 304.21 General requirements for continuing records.

(a) On and after May 1, 1971, every registrant required to keep records pursuant to § 304.03 shall maintain on a current basis a complete and accurate record of each such substance manufactured, imported, received, sold, delivered, exported, or otherwise disposed of by him, except that no registrant shall be required to maintain a perpetual inventory.

(b) Separate records shall be maintained by a registrant for each registered location. In the event controlled substances are in the possession or under the control of a registrant at a location for which he is not registered, the substances shall be included in the records of the registered location to which they are subject to control or to which the person possessing the substance is responsible.

(c) Separate records shall be maintained by a registrant for each independent activity for which he is registered, except as provided in § 304.25.

§ 304.22 Records of manufacturers.

Each registered manufacturer shall maintain records with the following information:

(a) For each controlled substance in bulk form to be used, or capable of use in, or being used in, the manufacture of the same or other controlled or non-controlled substances in finished form,

(1) The name of the substance;

(2) The quantity manufactured in bulk form by the registrant, including the date, quantity and batch or other identifying number of each batch manufactured;

(3) The quantity received from other persons, including the date and quantity of each receipt and the name, address, and registration number of the other person from whom the substance was received;

(4) The quantity imported directly by the registrant (under a registration as an importer) for use in manufacture by him, including the date, quantity, and import permit or declaration number for each importation;

(5) The quantity used to manufacture the same substance in finished form, including:

(i) The date and batch or other identifying number of each manufacture;

(ii) The quantity used in the manufacture;

(iii) The finished form (e.g., 10-milligram tablets or 100-milligram concentration per fluid ounce or milliliter);

(iv) The number of units of finished form manufactured;

(v) The quantity used in quality control;

(vi) The quantity lost during manufacturing and the causes therefor, if known;

(vii) The total quantity of the substance contained in the finished form;

(viii) The theoretical and actual yields; and

(ix) Such other information as is necessary to account for all controlled substances used in the manufacturing process;

(6) The quantity used to manufacture other controlled and noncontrolled substances, including the name of each substance manufactured and the information required in subparagraph (5) of this paragraph;

(7) The quantity distributed in bulk form to other persons, including the date and quantity of each distribution and the name, address, and registration number of each person to whom a distribution was made;

(8) The quantity exported directly by the registrant (under a registration as an exporter), including the date, quantity, and export permit or declaration number of each exportation;

(9) The quantity disposed of in any other manner by the registrant, including the date and manner of disposal and the quantity disposed.

(b) For each controlled substance in finished form,

(1) The name of the substance;

(2) Each finished form (e.g., 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter) and the number of units or volume of finished form in each commercial container (e.g., 100-tablet bottle or 3-milliliter vial);

(3) The number of each commercial container of finished form manufactured from bulk form by the registrant, including the information required pursuant to subparagraph (5) of paragraph (a) of this section;

(4) The number of units of finished forms and/or commercial containers received from other persons, including the date of and number of units and/or commercial containers in each receipt and the name, address, and registration number of the person from whom the units were received;

(5) The number of units of finished forms and/or commercial containers imported directly by the registrant (under a registration as an importer), including the date of and the number of units and for commercial containers in each importation;

(6) The number of units and/or commercial containers manufactured by the registrant from units in finished form received from others or imported, including:

(i) The date and batch or other identifying number of each manufacture;

(ii) The operation performed (e.g., repackaging or relabeling;

(iii) The number of units of finished form used in the manufacture, the number manufactured and the number lost during manufacture, with the causes therefor, if known; and

(iv) Such other information as is necessary to account for all controlled substances used in the manufacturing process;

(7) The number of commercial containers distributed to other persons, including the date of and number of containers in each distribution, and the name, address, and registration number of the person to whom the containers were distributed;

(8) The number of commercial containers exported directly by the registrant (under a registration as an exporter), including the date, number of containers and export permit or declaration number for each exportation; and

(9) The number of units of finished forms and/or commercial containers disposed of in any other manner by the registrant, including the date and manner of disposal and the quantity of the substance in finished form disposed.

§ 304.23 Records for distributors.

Each registered distributor shall maintain records with the following information for each controlled substance:

(a) The name of the substance;

(b) Each finished form (e.g., 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter) and the number of units or volume of finished form in each commercial container (e.g., 100-tablet bottle or 3-milliliter vial);

(c) The number of each commercial container of such finished form received from other persons, including the date of and number of containers in each receipt and the name, address, and registration number of the person from whom the containers were received;

(d) The number of commercial containers of such finished form by the registrant (under a registration as an importer), including the date of and the number of containers in each importation;

(e) The number of commercial containers of such finished form distributed to other persons, including the date of and number of containers in each distribution and the name, address, and registration number of the person to whom the containers were distributed;

(f) The number of commercial containers of such finished form directly by the registrant (under a registration as an exporter), including the date of and the number of containers in each exportation; and

(g) The number of units or volume of finished forms and/or commercial containers disposed of in any other manner by the registrant, including the date and manner of disposal and the quantity of the substance in finished form disposed.

§ 304.24 Records for dispensers and researchers.

Each person registered to dispense or conduct research with controlled substances and required to keep records pursuant to § 304.03 shall maintain records with the following information for each controlled substance:

(a) The name of the substance;

(b) Each finished form (e.g., 10 milligram tablet or 10 milligram concentration per fluid ounce or milliliter) and the number of units or volume of finished form in each commercial container (e.g., 100-tablet bottle or 3-milliliter vial);

(c) The number of each commercial container of such finished form received from other persons, including the date of and number of containers in each receipt and the name, address, and registration number of the person from whom the containers were received;

(d) The number of units or volume of such finished form dispensed, including the name and address of the person to whom it was dispensed, the date of dispensing, the number of units or volume dispensed, and the written or typewritten name or initials of the individual who dispensed or administered the substance on behalf of the dispenser; and

(e) The number of units or volume of such finished forms and/or commercial containers disposed of in any other manner by the registrant, including the date and manner of disposal and the quantity of the substance in finished form disposed.

§ 304.25 Records for importers.

Each registered importer shall maintain records with the following information for each controlled substance:

(a) The name of the substance;

(b) The quantity (or number of units or volume in finished form) imported, including the date, quantity (or number of units or volume), and import permit or declaration number for each importation;

(c) The quantity (or number of units or volume in finished form) distributed to other persons, including the date and quantity (or number of units or volume) of each distribution and the name, address, and registration number of each person to whom a distribution was made; and

(d) The quantity disposed of in any other manner by the registrant (except quantities used in manufacturing by an importer under a registration as a manufacturer, which quantities are to be recorded pursuant to § 304.22 (a)(4) or (b)(5)), including the date and manner of disposal and the quantity disposed.

§ 304.26 Records of exporters.

Each registered exporter shall maintain records with the following information for each controlled substance:

(a) The name of the substance;

(b) The quantity (or number of units or volume in finished form) received from other persons, including the date and quantity (or number of units or volume) of each receipt and the name, address, and registration number of each person from whom the substance was received;

(c) The quantity (or number of units or volume in finished form) exported, including the date, quantity (or number of units or volume), and the export permit or declaration number for each exportation, but excluding all quantities (and numbers of units and volumes) manufactured by an exporter under a registration as a manufacturer, which quantities (and numbers of units and volumes) are to be recorded pursuant to § 304.22 (a)(8) or (b)(8); and

(d) The quantity disposed of in any other manner by the registrant, including the date and manner of disposal and the quantity disposed.

§ 304.27 Records for chemical analysis.

(a) Each person registered to conduct chemical analysis with controlled substances shall maintain records with the following information (to the extent known and reasonably ascertainable by him) for each controlled substance:

(1) The name of the substance;

(2) The form or forms the substance is received in (e.g., powder, granulation, tablet, capsule, or solution) and the concentration of the substance in each form (e.g., E.P., U.S.P., 10-milligram tablet or 10-milligram concentration per milliliter);

(3) The total quantity of the forms received (e.g., 100 tablets, 30 one-milliliter vials, or 10 grams of powder), including the date and quantity of each receipt and the name, address, and registration number, if any, of each person from whom the substance was received;

(4) The quantity distributed or disposed of in any manner by the registrant (except quantities used in chemical analysis or other laboratory work), including the date and manner of distribution or disposal, and the name, address and registration number, if any, of each person to whom the substance was distributed.

(b) Records of controlled substances used in chemical analysis or other laboratory work are not required.

(c) In the case of known or suspected controlled substances received for identification, analysis or evidentiary purposes, the gross weight of the sealed evidence container with its contents may be used in lieu of the detailed information required in paragraphs (a) (2) and (3) of this section. Nothing in this section shall be construed to require any analysis not otherwise needed or contemplated.

REPORTS

§ 304.31 Reports from manufacturers and importers.

(a) Each registered manufacturer and registered importer shall submit a quarterly report (BND Form 234) accounting for all stocks of narcotic controlled substances on hand at the beginning and at the end of the quarter, and for all receipts (BND Form 234a), dispositions (BND Form 234b), manufacturing (BND Form 234c) and packaging (BND Form 234d), of such substances. The returns shall be submitted to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, U.S. Department of Justice, Washington, D.C. 20537, on or before the 15th day of the month succeeding the period for which it is submitted.

(b) All narcotic controlled substances received by a manufacturer or importer, shall be recorded on Form 234a in order and at the time of receipt. Where record on Form 234a cannot, for any good and sufficient reason, be made immediately, the manufacturer or importer shall have available for inspection such invoices, delivery or duplicate sales slips, or other papers or records as may be required to evidence any unrecorded purchase or receipt.

(c) All dispositions of narcotic controlled substances by a manufacturer or importer, including exports, distributions, and losses, shall be reported on BND Form 234b. A separate sheet, properly headed in the space provided, shall be used for each different type of transaction. On each sheet separate entries shall be used to report dispositions of each substance and of each different type and size of container or unit involved. All losses reported shall be fully explained. The details of all exports and all domestic distributions of narcotic controlled substances other than (1) Methylmorphine (codeine), (2) Ethylmorphine (Dionin), and (3) Narcotic controlled substances in schedules III, IV, and V sold to practitioners, shall be reported in full on BND Form 234b. The details of distributions of (1) Methylmorphine (codeine), (2) Ethylmorphine (Dionin) and (3) Narcotic controlled substances in schedules III, IV, and V sold to practitioners, shall be included in summarized entries on BND Form 234b. For all such distributions not reported in detail the manufacturer shall have available for inspection original sales orders, delivery slips, or other papers or records sufficient to fully evidence and explain the dispositions.

(d) All narcotic controlled substances used in the production of other drugs or preparations, with the exception of transactions involving original manufacture from raw opium or coca leaves, shall be entered on BND Form 234c in the order and at the time they are placed into the process of manufacture. All narcotic controlled substances and preparations produced therefrom shall be entered on the same form, at the time of production, which entry shall be clearly identified with the entry of substances used in their production. Where record of "Used for Production" or "Production" cannot be made immediately the manufacturer shall have available such batch tags, production orders, or other papers as may be required to evidence any unrecorded quantity used or produced. Any loss in manufacture, and any recoverable wastes salvaged from the manufacture shall be reported. All such wastes shall be returned to raw stock and included in the report of raw materials on hand at the end of the month. Any narcotic controlled substances actively in process of manufacture at the end of the month shall be so reported. Where substances are placed in process during one quarter and a portion of the production is removed from process as finished goods during the same quarter, the portion thus removed from process shall be reported "Produced" and the remainder reported as "In process" at the close of the period. Narcotic controlled substances placed in process for the manufacture of narcotic controlled substances listed in schedule V shall be reported on a separate BND Form 234c, on which the kind and quantity of narcotic used and the name of the substance to be produced therefrom shall be stated.

(e) All narcotic controlled substances, either bulk finished goods or goods already packaged, which are used during the quarter for packaging or repackaging into commercial containers shall be reported as credit entries in BND Form 234d, and in each instance clearly identified with the entry of substance used in such packaging. A separate entry shall be made for each different size of package produced, but all entries representing a single packaging lot shall be grouped together. The number of packages of a given size produced, the size of the package (indicating the number of pills, tablets, ounces, etc.), the narcotic controlled contained in each unit in the package, the total narcotic controlled substance content of each package, and the aggregate narcotic controlled substance content of all packages represented by the entry shall be indicated. The recoverable wastes salvaged from the packaging operation and the losses in packaging shall be shown as credit entries on the form. All recoverable wastes reported during the quarter shall be returned to raw stock and further accounted for as raw materials. Any goods actively in process of packaging at the close of the quarter shall be so reported. Where substances are placed in process for packaging during one quarter and a portion thereof are removed as packages produced during the same quarter, the portion thus removed shall be reported at packages produced and the remainder reported as in process at the end of the quarter.

(f) Each manufacturer and importer shall submit as a part of his fourth quarterly return (BND Form 234) an inventory (BND Form 234e) of narcotic controlled substances which are in his possession on December 31 of each year. The substances shall be classified as follows:

(1) Raw materials.

(2) Goods in process.

(3) Finished bulk stock.

(4) Finished goods in marketable packages.

(5) Miscellaneous stock.

§ 304.32 Reports of distributors and exporters.

(a) Every registered distributor and registered exporter shall submit a monthly return on BND Form 235 and its supplements 235a and 235b accounting for all transactions involving narcotic controlled substances, including all receipts (BND Form 235a) and dispositions (BND Form 234b). The return shall be submitted to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, on or before the 15th day of the month succeeding that for which the return is submitted.

(b) All narcotic controlled substances received by a distributor or exporter shall be recorded on BND Form 235a in order and at the time of receipt. Where a record on BND Form 235a cannot, for any good and sufficient reason, be made immediately, the distributor or exporter shall have available for inspection such invoices, delivery or duplicate sales slips, or other papers or records as may be required to evidence any unrecorded purchase or other receipt.

(c) All dispositions of narcotic controlled substances, including distributions, exports, and losses, shall be reported on BND Form 235b. A separate sheet, properly headed in the space provided, shall be used for each different type of transaction. On each sheet separate entries shall be made of dispositions of each substance and of each different type and size of container or unit involved. All losses reported shall be fully explained. The details of all exports of narcotic controlled substances, and the details of all domestic distributions of narcotic controlled substances other than (1) Methylmorphine (codeine), (2) Ethylmorphine (Dionin), and (3) Narcotic controlled substances in schedules III, IV, and V sold to practitioners shall be reported on BND Form 235b. The details of distributions of (1) methylmorphine (codeine), (2) ethylmorphine (Dionin), and (3) narcotic substances in schedules III, IV, and V distributed to practitioners shall be included in summarized entries on BND Form 235b. For all such distributions not reported in detail the distributor shall have available for inspection original sales orders, delivery slips, or other papers or records sufficient to fully evidence and explain the dispositions.

(d) Each distributor and exporter shall submit, as part of his December return on BND Form 235 and its supplements, an inventory on BND Form 235c of schedules I through V narcotic controlled substances, which are in his possession on December 31 of each year. A separate entry shall be made for each narcotic substance as follows:

(1) the name, quantity, and narcotic content of the drug or preparation;

(2) the size of the individual container;

(3) the number of containers;

(4) the total narcotic content of all the containers covered by the entry, classified according to the narcotic substance in the drug or preparation.

(e) The distributor shall report on BND Form 235 a complete summary of transactions for the month.

§ 304.33 Reports from manufacturers importing opium.

(a) Every manufacturer importing crude opium shall submit, in addition to the report on BND Form 234 and its supplements, BND Form 163 and its supplements, 163a and 163b, accounting for the importation and for all manufacturing operations performed between importation and the production in bulk of finished marketable products, standardized in accordance with the U.S. Pharmacopeia, National Formulary, or other recognized medical standards. Subsequent manufacture from such products, including bottling or packaging operations, shall be accounted for in the quarterly returns on BND Form 234 and its supplements. BND Form 163 and its supplements shall be submitted quarterly to the Distribution Audit Branch, BNDD, Department of Justice, Washington, D.C. 20537, on or before the 15th day of the month immediately following the period for which it is submitted.

(b) The report of manufacture from crude opium shall consist of summaries (BND Forms 163 and 163a) with supporting detail sheets (on BND Form 163b) accounting for original manufacture from crude opium, production from morphine for further manufacture and production from manufacturing opium, and also accounting for stocks of crude opium, manufacturing opium, morphine for further manufacture and other crude alkaloids.

(c) The detail sheet (BND Form 163b) supporting the summary of original manufacture from crude opium shall show separately the crude opium used for the manufacture of opium tinctures and extracts, crude opium used for the extraction of alkaloids, crude opium used for the manufacture of controlled substances listed in schedule V, and crude opium used for the production of manufacturing opium; and shall show separately the medicinal opium, alkaloids and salts, opium tinctures and extracts, controlled substances listed in schedule V, and manufacturing opium produced.

(d) Importation of opium shall be reported in summarized entries in the debit summary of the quarterly report (BND Form 234) and shall be immediately reported by similar summarized entries in the credit summary of the quarterly report (BND Form 234) as transferred to importing manufacturer's report. Such importations shall further be reported in summary (BND Form 163) and supporting detail sheets (BND Form 163b). Products manufactured therefrom shall be reported as produced in accordance with paragraphs (b) and (c) of this section and, with the exception of manufacturing opium, morphine for further manufacture, and other crude or unfinished alkaloids, shall be transferred to the quarterly report (BND Form 234) when reported produced.

(e) Upon importation of crude opium, samples will be selected and assays made by the importing manufacturer in the manner and according to the method specified in the U.S. Pharmacopoeia. These assays shall be accounted for in terms of its anhydrous morphine alkaloid content. Where final assay data is not determined at the time of rendering report, the report shall be made on the basis of the best data available, subject to adjustment, and the necessary adjusting entires shall be made on the next report.

(f) Upon withdrawal of crude opium from customs custody, the importing manufacturer shall assign to each container an identification mark or number by which the opium will be associated with the lot assay and identified in reports.

(g) Where factory procedure is such that partial withdrawals of opium are made from individual containers, there shall be attached to each container a stock record card on which shall be kept a complete record of all withdrawals therefrom.

(h) Manufacturing opium shall be reported produced when it comes into existence in that form in which it is intended for exclusive use in further manufacture. Medicinal opium, morphine and its salts, or other alkaloids or derivatives produced exclusively for distribution shall be reported as produced when manufacture has actually been completed and the finished marketable product ready for packaging and distribution. Such products shall be regarded as ready for packaging and distribution as soon as all processing other than mere packaging has been completed. Medicinal opium, tinctures, extracts, or other products manufactured partly for distribution and partly for use in further manufacture will be reported produced as soon as manufacture is complete and they are ready either for use in further manufacture or for packaging for distribution.

(i) No accumulations of morphine or other narcotic controlled substances in their pure or near-pure states shall be permitted to remain inactively in process. All such products nearing completion of their respective processes and approaching a condition of purity shall be carefully protected, promptly completed, and immediately transferred to finished stocks, and reported as produced.

(j) In making conversions of opium alkaloids and their salts to anhydrous morphine the quantity of the particular alkaloid or salt in avoirdupois ounces shall be multipled by a conversion factor arrived at by ascertaining the ratio, carried to the fourth decimal place, between the respective molecular weight of such alkaloid or salt and the molecular weight of anhydrous morphine (285.16), such weights being computed to the third decimal place from the chemical formulae of the substances and the atomic weights of elements, as adopted by the International Committee on Chemical Elements and published in the latest edition of the U.S. Pharmacopoeia.

§ 304.34 Reports of manufacturers importing medicinal coca leaves.

(a) Every manufacturer importing raw coca leaves for the manufacture of medicinal products shall submit, in addition to the report on BND Form 234 and its supplements, BND Form 168 and its supplements, 168a and 168b, accounting for the importation and for all manufacturing operations performed between the importation and the manufacture of bulk or finished products standardized in accordance with U.S. Pharmacopeia, National Formulary, or other recognized standards. Subsequent manufacture from such products, including bottling or packaging operations, shall be accounted for in quarterly reports on BND Form 234 and its supplements. Reports on Form 168 and its supplements shall be submitted quarterly to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, on or before the 15th day of the month immediately following the period for which it is submitted.

(b) The report of manufacture from medicinal coca leaves shall consist of summaries (BND Forms 168 and 168a) with supporting detail sheets (BND Form 168b) accounting for original manufacture from such leaves, conversions or production from manufacturing coca extracts, and also accounting for stocks of raw coca leaves, manufacturing coca extracts, and other crude coca alkaloids.

(c) The detail sheets (BND Form 168b) supporting the summary of original manufacture from medicinal coca leaves, shall show separately the coca leaves used for the manufacture of manufacturing coca extracts, coca leaves used for the direct manufacture of marketable coca tinctures and extracts, and coca leaves used for the extraction of alkaloids, and shall show separately the coca alkaloids and salts, coca tinctures and extracts, and manufacturing coca extracts produced.

(d) Importations of medicinal coca leaves shall be reported in summarized entries in the debit summary of the quarterly report (BND Form 234) and shall be immediately reported by similar summarized entries in the credit summary of the quarterly report (BND Form 234) as transferred to importing manufacturer's report. Such importations shall further be reported in summary (BND Form 168) and supporting detail sheets (BND Form 168b). Products manufactured therefrom shall be reported as produced in accordance with paragraph (h) of this section and, with the exception of manufacturing coca extracts, residues or bases for further manufacture, and other crude or unfinished alkaloids, shall be transferred to the quarterly report (BND Form 234) when reported produced.

(e) Upon importation of medicinal coca leaves, samples will be selected and assays made by the importing manufacturer in accordance with recognized chemical procedures. These assays shall form the basis of accounting for such coca leaves, which shall be accounted for in terms of their cocaine alkaloid content or equivalency or their total anhydrous coca-alkaloid content. Where final assay data is not determined at the time of submitting the report, the report shall be made on the basis of the best data available, subject to adjustment, and the necessary adjusting entries shall be made on the next report.

(f) Upon withdrawal of medicinal coca leaves from customs custody, the importing manufacturer shall assign to each bale or container an identification mark or number by which the coca leaves will be associated with the lot assay and identified in reports.

(g) Where factory procedure is such that partial withdrawals of medicinal coca leaves are made from individual containers, there shall be attached to the container a stock record card on which shall be kept a complete record of withdrawals therefrom.

(h) Manufacturing coca extracts shall be reported as produced when they come into existence in that form in which they are intended for exclusive use in further manufacture. Cocaine and its salts, ecgonine and its salts, or other alkaloids or derivatives produced exclusively for distribution shall be reported as produced when manufacture has actually been completed and the finished marketable product is ready for packaging and distribution. Such products shall be regarded as ready for packaging and distribution as soon as all processing other than mere packaging has been completed. Tinctures, extracts, or other products manufactured partly for distribution and partly for use in further manufacture shall be reported produced as soon as manufacture is complete and they are ready either for use in further manufacture or for packaging for distribution.

(i) No accumulations of cocaine or ecgonine or other narcotic controlled substances in their pure or near-pure states shall be permitted to remain inactively in process. All such products nearing completion of their respective processes and approaching a condition of purity shall be carefully protected, promptly completed, and immediately transferred to finished stocks and reported as produced.

(j) In making conversations of coca alkaloids and their salts to cocaine alkaloid and to anhydrous ecgonine alkaloid, the quantity of the particular alkaloid or salt in avoirdupois ounces shall be multipled by a conversion factor arrived at by ascertaining the ratio, carried to the fourth decimal place, between the molecular weight of such alkaloid or salt and the molecular weight of cocaine alkaloid (303.172) or anhydrous ecgonine alkaloid (185.125), as the case may be, such weights being computed to the third decimal place from the chemical formulae of the substances and the atomic weights of elements, as adopted by the International Committee on Chemical Elements and published in the latest edition of the U.S. Pharmacopeia.

§ 304.35 Reports from manufacturers importing special coca leaves.

(a) Every manufacturer using special coca leaves imported into the United States shall submit a quarterly report (BND Form 169) accounting for all transactions involving such leaves or substances derived therefrom which contain cocaine or ecgonine, or any salts, derivatives, or preparations from which cocaine or ecgonine may be synthesized or made. This report shall be submitted to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, on or before the 15th day of the month following the period for which the report is made. Such report shall include a report of all importations of special coca leaves (BND Form 169a), a report of all materials entered into the processes of manufacture (BND Form 169b), a report of the various substances produced therefrom (BND Form 169c, 169d, and 169e), a report of all such substances destroyed (BND Form 169f), and a summary of operations (BND Form 169g).

(b) The report of importations shall provide in appropriate columns the following data as to each importation:

(1) The date of the import permit;

(2) The serial number of the import permit;

(3) The name of the foreign consignor;

(4) The address of the foreign consignor;

(5) The foreign port of export;

(6) The number of bales imported;

(7) The serial numbers of the bales imported; and

(8) The quantity imported in avoirdupois pounds.

(c) The report of materials entered into the process of manufacture shall provide in appropriate columns the following information as to each lot of leaves dumped:

(1) The lot number of specification, a specification to be assigned to each dump for identification purposes in order to avoid repeating the serial numbers of the bales when the lot is subsequently referred to;

(2) The date the leaves entered into the process of manufacture;

(3) The number of bales dumped;

(4) The serial numbers of the bales;

(5) The quantity of leaves entered into the process of manufacture, stated in avoirdupois pounds;

(6) The quantity of alcohol used for each extraction or wash of the leaves;

(7) The quantity of water used for each water extraction or dilution;

(8) The quantity of any other or additional substance introduced at any stage into the process of manufacture; and

(9) The dry weight of any filter cloth or other absorbent material to be later removed from the process after saturation.

(d) The reports of substances produced from special coca leaves shall provide in columns the following information as to each production lot or dump:

(1) The lot number;

(2) The quantity of ground leaves entered into process, in terms of avoirdupois ounces and the quantity, in ounces and grains, of alkaloid contained therein as determined by analysis;

(3) The quantity of substance in process after each distinct step in the manufacturing process and the total alkaloid contained in each, stated in ounces and grains;

(4) The quantity of exhausted or spent leaves and the quantity of each residue removed from process, and the total alkaloid contained in each, stated in ounces and grains;

(5) The weight of the used filter cloth or other absorbent material removed, after saturation; and

(6) The quantity, in gallons, of finished extract produced.

(e) The report of substances destroyed, shall provide in appropriate columns the following data as to each lot destroyed:

(1) The lot number;

(2) The quantity of spent leaves, residues, and saturated materials destroyed, stated separately for each; and

(3) The name of the Government officer witnessing the destruction.

(f) The summary shall include a complete accounting for all transactions in raw leaves, leaves in process, and residues removed from production processes.

(1) The summary of raw coca leaves shall include:

(i) The quantity of special coca leaves on hand at the beginning of the quarter;

(ii) The quantity of special coca leaves imported during the quarter;

(iii) The quantity of special coca leaves entered into the process of manufacture during the quarter;

(iv) The quantity of special coca leaves on hand at the end of the quarter; and

(v) Any other transaction during the quarter which increased or decreased the quantity of raw coca leaves on hand.

(2) The summary of coca leaves in process shall include:

(i) The quantity of special coca leaves in process at the beginning of the quarter;

(ii) The quantity of such leaves placed in the process during the quarter;

(iii) The quantity of such leaves represented by lots completed during the quarter;

(iv) The quantity of such leaves represented by lots in process at the end of the quarter; and

(v) Any other transaction during the quarter which increased or decreased the quantity of leaves in process.

(3) The summary of residues removed from production processes shall provide in appropriate columns, separately as to spent leaves, each residue and saturated material, the following information:

(i) The quantity of each, on hand at the beginning of the quarter, awaiting destruction;

(ii) The quantity of each removed from process during the quarter;

(iii) The quantity of each destroyed during the quarter;

(iv) The quantity of each on hand at the end of the quarter; and

(v) Any other transaction during the quarter affecting the quantity of such residues on hand.

PART 305—ORDER FORMS

§ 305.01 Scope of Part 305.

Procedures governing the issuance, use, and preservation of order forms pursuant to section 308 of the Act (21 U.S.C. 828) are set forth generally by that section and specifically by the sections of this part.

§ 305.02 Definitions.

As used in this part, the following terms shall have the meaning specified:

(a) The term "Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(b) The term "purchaser" means any registered person entitled to obtain and execute order forms pursuant to § 305.04 and § 305.06.

(c) The term "supplier" means any registered person entitled to fill order forms pursuant to § 305.08.

(d) Any term not defined in this section shall have the definition set forth in section 102 of the Act (21 U.S.C. 802) and §§ 301.02 and 302.02 of this chapter.

§ 305.03 Distributions requiring order forms.

An order form (BND Form 222c) is required for each distribution of a controlled substance listed in schedule I or II, except for the following:

(a) The exportation of such substances from the United States in conformity with the Act;

(b) The delivery of such substances to or by a common or contract carrier for carriage in the lawful and usual course of its business, or to or by a warehouseman for storage in the lawful and usual course of its business (but excluding such carriage or storage by the owner of the substance in connection with the distribution to a third person);

(c) The procurement of a sample of such substances by an exempt law enforcement official pursuant to § 301.26 (c) of this chapter, provided that the statement required by that section is used and is preserved in the manner prescribed in this part for order forms;

(d) The procurement of such substances by a civil defense or disaster relief organization, pursuant to § 301.27 of this chapter, provided that the civil defense emergency order form required by that section is used and is preserved with other records of the registrant; and

(e) The purchase of such substances by the master of a vessel pursuant to § 301.28(a)(3) of this chapter: *Provided*, That the special order form provided by the U.S. Public Health Service as required by that section is used and preserved in the manner prescribed on this order form.

§ 305.04 Persons entitled to obtain and execute order forms.

(a) Order forms may be obtained only by persons who are registered under section 303 of the Act (21 U.S.C. 823) to handle controlled substances listed in schedules I and II, and by persons who are registered under section 1008 of the Act (21 U.S.C. 958) to export such substances. Persons not registered to handle controlled substances listed in schedules I or II and persons registered only to import controlled substances listed in any schedule are not entitled to obtain order forms.

(b) An order form may be executed only on behalf of the registrant named thereon and only if his registration as to the substances being purchased has not expired or been revoked or suspended.

§ 305.05 Procedure to obtain order forms.

(a) Order forms are issued in books of six forms, each form containing an original, duplicate and triplicate copy (respectively, Copy 1, Copy 2, and Copy 3). A limit of three books of forms will be furnished on any requisition, unless additional books are specifically requested and a reasonable need for such additional books is shown.

(b) Any person applying for a registration which would entitle him to obtain order forms may requisition such forms by so indicating on the application form; order forms will be supplied upon the registration of the applicant. Any person holding a registration entitling him to obtain order forms may requisition such forms for the first time on BND Form 222d, which may be obtained from the Registration Branch of the Bureau. Any person already holding order forms may requisition additional forms only on BND Form 222b, which is contained in each book of order forms. All requisitions shall be submitted to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20005.

(c) Each requisition shall show the name, address, and registration number of the registrant and the number of books of order forms desired. Each requisition shall be signed and dated by the same person who signed the most recent application for registration or for reregistration, or by any person authorized to obtain and execute order forms by a power of attorney pursuant to § 305.07.

(d) Order forms will be serially numbered and issued with the name, address and registration number of the registrant, the authorized activity and schedules of the registrant and the substance in schedule I which the registrant is auhorized to handle, if any, printed thereon. In the case of order forms issued to a person registered to conduct chemical analysis with controlled substances listed in schedule I, the order forms shall not be confined to a single such substance and may be used to purchase any of such substances. This information cannot be altered or changed by the registrant; any errors must be corrected by the Registration Branch of the Bureau by returning the forms with notification of the error.

§ 305.06 Procedure to execute order forms.

(a) Order forms shall be prepared and executed by the purchaser simultaneously in triplicate by means of interleaved carbon sheets which are part of the BND Form 222c. Order forms shall be prepared by use of a typewriter, pen, or indelible pencil.

(b) Only one item shall be entered on each numbered line. There are five lines on each order form. If one order form is not sufficient to include all items in an order, additional forms shall be used. The total number of items ordered shall be noted on that form in the space provided. Attachment of extra sheets to an order form, or use of order forms for substances other than controlled substances listed in schedules I and II, is not permitted.

(c) An item shall consist of one or more containers of the same finished form and quantity of the same substance; a separate item shall be made for each container of different finished form, quantity or substance. For each item the form shall show the name of the article ordered, the finished form of the article (e.g., 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter), the number of units or volume in each commercial container (e.g., 100-tablet bottle or 3-fluid ounces), the number of commercial containers ordered, and the name and quantity per unit of the controlled substance or substances contained in the article if not in pure form. The catalogue number of the article may be included at the discretion of the purchaser.

(d) The name and address of the supplier from whom the controlled substances are being ordered shall be entered on the form. Only one supplier may be listed on any one form.

(e) Each order form shall be signed and dated by a person authorized to sign a requisition for order forms on behalf of the purchaser pursuant to § 305.05(c). The name of the purchaser, if different from the individual signing the order form, shall also be inserted in the signature space. Unexecuted order forms may be kept and may be executed at a location other than the registered location printed on the form, provided that all unexecuted forms are delivered promptly to the registered location upon an inspection of such location by any officer authorized to make inspections, or to enforce, any Federal, State, or local law regarding controlled substances.

§ 305.07 Power of attorney.

Any purchaser may authorize one or more individuals, whether or not located at the registered location of the purchaser, to obtain and execute order forms on his behalf by filing a power of attorney on BND Form 231 for each such individual with the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28083, Central Station, Washington, D.C. 20005. The power of attorney shall be signed by the same person who signed the most recent application for registration or reregistration and shall contain the signature of the individual being authorized to obtain and execute order forms, which individual shall affirm his signature. Any power of attorney may be revoked at any time by filing a notice of revocation, signed by the person who signed the power of attorney, with the Registration Branch at the foregoing address. It shall be necessary to submit a new power of attorney upon the reregistration of a purchaser only if the application for reregistration was signed by a person different from the person who signed the existing power of attorney.

§ 305.08 Persons entitled to fill order forms.

An order form may be filled only by a person registered as a manufacturer or distributor of controlled substances listed in schedules I or II under section 303 of the Act (21 U.S.C. 823) or an importer of such substances under section 1008 of the Act (21 U.S.C. 958), except for the following:

(a) A person registered to dispense such substances under section 303 of the Act, or to export such substances under section 1008 of the Act, if he is discontinuing business or if his registration is expiring without reregistration, may dispose of any controlled substances listed in schedule I or II in his possession pursuant to order forms if he has obtained the specific approval of each transaction from the Regional Director of the Bureau in his region; and

(b) A person who has obtained any controlled substance in schedule I or II by order form may return such substance, or portion thereof, to the person from whom he obtained the substance pursuant to the order form of the latter person.

§ 305.09 Procedure for filling order forms.

(a) The purchaser shall submit Copy 1 and Copy 2 of the order form to the supplier, and retain Copy 3 in his own files.

(b) The supplier shall fill the order, if possible and if he desires to do so, and record on Copies 1 and 2 the number of commercial containers furnished on each item and the date on which such containers are shipped to the purchaser. If an order cannot be filled in its entirety, it may be filled in part and the balance supplied by additional shipments within 60 days following the date of the order form. No order form shall be valid more than 60 days after its execution by the purchaser, except as specified in paragraph (f) of this section.

(c) The controlled substances order shall only be shipped to the purchaser and at the location printed by the Bureau on the order form, except as specified in paragraph (f) of this section.

(d) The supplier shall retain Copy 1 of the order form for his own files and forward Copy 2 to the Regional Director of the Bureau in the region in which the supplier is located. Copy 2 shall be forwarded at the close of the month during which the order is filled; if an order is filled by partial shipments, Copy 2 shall be forwarded at the close of the month during which the final shipment is made or during which the 60-day validity period expires.

(e) The purchaser shall record on Copy 3 of the order form the number of commercial containers furnished on each item and the dates on which such containers are received by the purchaser.

(f) Order forms submitted by registered procurement officers of the Armed Services Medical Procurement Agency for delivery to armed services establishments within the United States may be shipped to locations other than the location printed on the order form, and in partial shipments at different times not to exceed six months from the date of the order, as designated by the procurement officer when submitting the order.

§ 305.10 Procedure for endorsing order forms.

(a) An order form made out to any supplier who cannot fill all or a part of the order within the time limitation set forth in § 305.09 may be endorsed to another supplier for filling. The endorsement shall be made only by the supplier to whom the order form was first made, shall state (in the spaces provided on the reverse sides of Copies 1 and 2 of the order form) the name and address of the second supplier, and shall be signed by a person authorized to obtain and execute order forms on behalf of the first supplier. The first supplier may not fill any part of an order on an endorsed form. The second supplier shall fill the order, if possible and if he desires to do so, in accordance with § 305.09 (b), (c), and (d), including shipping all substances directly to the purchaser.

(b) Distributions made on endorsed order forms shall be reported by the second supplier in the same manner as all other distributions except that where the name of the supplier is requested on the reporting form, the second supplier shall record the name, address and registration number of the first supplier.

§ 305.11 Unaccepted and defective order forms.

(a) No order form shall be filled if it:

(1) Is not complete, legible, or properly prepared, executed or endorsed; or

(2) Shows any alteration, erasure, or change of any description.

(b) If an order form cannot be filled for any reason under this section, the supplier shall return Copies 1 and 2 to the purchaser with a statement as to the reason (e.g., illegible or altered). A supplier may for any reason refuse to accept any order and if a supplier refuses to accept the order, a statement that the order is not accepted shall be sufficient for purposes of this subsection.

(c) When received by the purchaser, Copies 1 and 2 of the order form and the statement shall be attached to Copy 3 and retained in the files of the purchaser in accordance with § 305.13. A defective order form may not be corrected; it must be replaced by a new order form in order for the order to be filled.

§ 305.12 Lost and stolen order forms.

(a) If a purchaser ascertains that an unfilled order form has been lost, he shall execute another in triplicate and a statement containing the serial number and date of the lost form, and stating that the goods covered by the first order form were not received through loss of that order form. Copy 3 of the second form and a copy of the statement shall be retained with Copy 3 of the order form first executed. If the first order form is subsequently received by the supplier to whom it was directed, the supplier shall mark upon the face thereof "Not accepted" and return Copies 1 and 2 to the purchaser, who shall attach it to Copy 3 and the statement.

(b) Whenever any used or unused order forms are stolen from or lost (otherwise than in the course of transmission) by any purchaser or supplier, he shall immediately upon discovery of such theft or loss, report the same to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28083, Central Station, Washington, D.C. 20005, stating the serial number of each form stolen or lost. If the theft or loss includes any original order forms received from purchasers and the supplier is unable to state the serial numbers of such order forms, he shall report the date or approximate date of receipt thereof and the names and addresses of the purchasers. If an entire book of order forms is lost or stolen, and the purchaser is unable to state the serial numbers of the order forms contained therein, he shall report, in lieu of the numbers of the forms contained in such book, the date or approximate date of issuance thereof. If any unused order form reported stolen or lost is subsequently recovered or found, the Registration Branch of the Bureau shall immediately be notified.

§ 305.13 Preservation of order forms.

(a) The purchaser shall retain Copy 3 of each order form which has been filled. He shall also retain in his files all copies of each unaccepted or defective order form and each statement attached thereto.

(b) The supplier shall retain Copy 1 of each order form which he has filled.

(c) Order forms must be maintained separately from all other records of the registrant. Order forms are required to be kept available for inspection for a period of 2 years. If a purchaser has several registered locations, he must retain Copy 3 of the executed order forms and any attached statements or other related documents at the registered location printed on the order form.

§ 305.14 Return of unused order forms.

If the registration of any purchaser terminates (because the purchaser dies, ceases legal existence, discontinues business or professional practice, or changes his name or address as shown on his registration) or is suspended or revoked pursuant to § 301.46 of this chapter as to any controlled substance listed in schedule I or II, he shall return all unused order forms for such substance to the nearest office of the Bureau.

§ 305.15 Interim use of IRS order forms.

Existing order forms (IRS Form 2513) will be valid until April 30, 1972, for transactions of controlled substances listed in schedule I and II. Purchasers using existing IRS Forms 2513 after April 30, 1971, must place the registration number assigned by the Bureau on the form in the block which contains the name, address, old IRS registration, and class of registration. Registrants who obtain BND Form 222c, but still possess IRS order forms, should not discard the IRS Forms, but instead draw a line thru the unused forms and print "Void" across the line. Voided forms must be maintained for at least 2 years in the manner prescribed in § 305.13.

§ 305.16 Interim use of IRS order form requisitions.

Effective May 1, 1971, only the Bureau will issue order forms. A purchaser desiring order forms (BND Form 222c) may obtain them by using IRS Form 679 found in the back of his current IRS order from book. In utilizing IRS Form 679, the registration number assigned by the Bureau must be placed in section 8 of the requisition form and the requisition forwarded to Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28083, Central Station, Washington, D.C. 20005. IRS Form 679 will not be valid after April 30, 1972.

PART 306—PRESCRIPTIONS

GENERAL INFORMATION

§ 306.01 Scope of Part 306.

Rules governing the issuance, filling and filing of prescriptions pursuant to section 309 of the Act (21 U.S.C. 829) are set forth generally in that section and specifically by the sections of this part.

§ 306.02 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term "Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801).

(b) The term "institutional practitioner" means a hospital or other person (other than an individual) licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which it practices, to dispense a controlled substance in the course of professional practice, but does not include a pharmacy.

(c) The term "pharmacist" means any pharmacist licensed by a State to dispense controlled substances, and shall include any other person authorized by a State to dispense controlled substances under the supervision of a pharmacist licensed by such State.

(d) The term "practitioner" means a physician, dentist, veterinarian, or other individual licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices, to dispense a controlled substance in the course of professional practice, but does not include a pharmacist, or an institutional practitioner.

(e) The term "register" or "registered" means a person registered under section 303 of the Act (21 U.S.C. 823).

(f) Any term not defined in this section shall have the definition set forth in section 102 of the Act (21 U.S.C. 802) or § 301.02 of this chapter.

§ 306.03 Persons entitled to issue prescriptions.

A prescription for a controlled substance may be issued only by a practitioner who is:

(a) authorized to prescribe controlled substances by the jurisdiction in which he is licensed to practice his profession; and

(b) either registered or exempted from registration pursuant to § 301.25 of this chapter.

§ 306.04 Purpose of issue of prescription.

A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by a practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act (21 U.S.C. 829) and the person filling such a prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.

§ 306.05 Manner of issuance of prescriptions.

All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, and the name, address, and registration number of the practitioner. A practitioner may sign a prescription in the same manner as he would sign a check or legal document (e.g., J. H. Smith or John H. Smith). Where an oral order is not permitted, prescriptions should be written with ink or indelible pencil or typewriter; if typewritten, they shall be signed by the practitioner. The prescriptions may be prepared by a secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the pharmacist who fills a prescription not prepared in the form prescribed by these regulations.

§ 306.06 Persons entitled to fill prescriptions.

A prescription for controlled substances may only be filled by a pharmacist acting in the usual course of his professional practice and either registered individually or employed in a registered pharmacy.

CONTROLLED SUBSTANCES LISTED IN SCHEDULE II

§ 306.11 Requirement of prescriptions.

(a) A pharmacist may dispense a controlled substance listed in schedule II only pursuant to a written prescription signed by the prescribing practitioner, except as provided in paragraph (c) of this section.

(b) A practitioner or institutional practitioner may administer or dispense such substance in the course of professional practice without a prescription.

(c) In the case of an emergency situation, as defined by the Secretary in § 1.110 of this title, a pharmacist may dispense a controlled substance listed in schedule II upon receiving oral authorization of a prescribing practitioner, provided that:

(1) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period (dispensing beyond the emergency period must be pursuant to a written prescription signed by the prescribing practitioner);

(2) The prescription shall be immediately reduced to writing by the pharmacist and shall contain all information required in § 306.05, except for the signature of the prescribing practitioner;

(3) If the prescribing practitioner is not known to the pharmacist, he must make a reasonable effort to determine that the oral authorization came from a practitioner, which may include a callback to the prescribing practitioner using his phone number as listed in the telephone directory and/or other good faith efforts to insure his identity; and

(4) Within 72 hours after authorizing an emergency oral prescription, the prescribing practitioner shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to conforming to the requirements of § 306.05, the prescription shall have written on its face "Authorization for Emergency Dispensing," and the date of the oral order. The written prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail it must be postmarked within the 72-hour period. Upon receipt, the dispensing pharmacist shall attach this prescription to the oral emergency prescription which had earlier been reduced to writing. The pharmacist shall notify the nearest office of the Bureau if the prescribing practitioner fails to deliver a written prescription to him; failure of the pharmacist to do so shall void the authority conferred by this subsection to dispense without a written prescription of a prescribing practitioner.

§ 306.12 Refilling prescriptions.

The refilling of a prescription for a controlled substance listed in schedule II is prohibited.

§ 306.13 Partial filling of prescriptions.

The partial filling of a prescription for a controlled substance listed in schedule II is permissible, if the pharmacist is unable to supply the full quantity called for in a written or emergency oral prescription and he makes a notation of the quantity supplied on the face of the written prescription (or written record of the emergency oral prescription) and so advises the authorizing practitioner. The remaining portion of the prescription may be filled within 72 hours of the first partial filling. No further quantity may be supplied beyond 72 hours without a new prescription.

§ 306.14 Labeling of substances.

The pharmacist filling a written or emergency oral prescription for a controlled substance listed in schedule II shall affix to the package a label showing date of filling, the pharmacy name and address, the serial number of the prescription, the name and address of the patient, the name and registration number of the prescribing practitioner, and directions for use and cautionary statements, if any, contained in such prescription or required by law.

§ 306.15 Filing of prescriptions.

All written prescriptions and written records of emergency oral prescriptions shall be kept in accordance with requirements of § 304.04(d) of this chapter.

CONTROLLED SUBSTANCES LISTED IN SCHEDULES III AND IV

§ 306.21 Requirement of prescription.

(a) A pharmacist may dispense a controlled substance listed in schedules III or IV only pursuant to either a written prescription signed by a prescribing practitioner or an oral prescription made by a prescribing practitioner and promptly reduced to writing by the pharmacist containing all information required in § 306.05, except for the signature of the prescribing practitioner.

(b) A practitioner or institutional practitioner may administer or dispense such substance in the course of professional practice without a prescription.

§ 306.22 Refilling of prescriptions.

No prescription for a controlled substance listed in schedule III or IV shall be filled or refilled more than 6 months after the date on which such prescription was issued and no such prescription authorized to be refilled may be refilled more than five times. Each refilling of a prescription shall be entered on the back of the prescription, initialed, and dated by the pharmacist as of the date of dispensing, and shall state the amount dispensed. If the pharmacist merely initials and dates the back of the prescription he shall be deemed to have dispensed a refill for the full face amount of the prescription. Addition quantities of controlled substances listed in schedule III or IV may only be authorized by a prescribing practitioner through issuance of a new prescription as provided in § 306.21 which shall be a new and separate prescription.

§ 306.23 Labeling of substances.

The pharmacist filling a prescription for a controlled substance listed in schedule III or IV shall affix to the package a label showing the pharmacy name and address, the serial number and date of filling, the name and address of the patient, the name and registration number of the practitioner issuing the prescription, and directions for use and cautionary statements, if any, contained in such prescription as required by law.

§ 306.24 Filing prescriptions.

All prescriptions for controlled substances listed in schedules III and IV shall be kept in accordance with § 304.04(d) of this chapter.

CONTROLLED SUBSTANCES LISTED IN SCHEDULE V

§ 306.31 Requirement of prescription.

(a) A pharmacist may dispense a controlled substance listed in schedule V pursuant to a prescription as required for controlled substances listed in schedules III and IV in § 306.21. A pharmacist dispensing such substance pursuant to a prescription shall label the substance in accordance with § 306.23 and file the prescription in accordance with § 306.24.

(b) A practitioner or institutional practitioner may administer or dispense such substance in the course of professional practice without a prescription.

§ 306.32 Distribution without prescription.

A controlled substance listed in schedule V may be distributed without a prescription to a purchaser at retail, provided that:

(a) Such distribution is made only by a pharmacist and not by a nonpharmacist employee even if under the direct supervision of a pharmacist (after the pharmacist has fulfilled his professional and legal responsibilities set forth in this section, however, the actual cash, credit transaction, or delivery, may be completed by a nonpharmacist);

(b) Not more than 240 cc. (8 ounces) of any such substance containing opium, nor more than 120 cc. (4 ounces) of any other controlled substance listed in schedule V, may be distributed at retail to the same purchaser in any given 48-hour period;

(c) The purchaser is at least 18 years of age;

(d) The pharmacist requires every purchaser of a controlled substance listed in schedule V not known to him to furnish suitable identification (including proof of age where appropriate);

(e) A bound record book for distributions of controlled substances listed in schedule V (other than by prescription) is maintained by the pharmacist, which book shall contain the name and address of the purchaser, the name and quantity of controlled substance purchased, the date of each purchase, and the name or initials of the pharmacist who distributed the substance to the purchaser (the book shall be maintained in accordance with the recordkeeping requirement of § 304.04 of this chapter); and

(f) A prescription is not required for distribution or dispensing of the substance pursuant to any other Federal, or State or local law.

PART 307—MISCELLANEOUS

GENERAL INFORMATION

§ 307.01 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term "Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(b) Any term not defined in this section shall have the definition set forth in sections 102 and 1001 of the Act (21 U.S.C. 802 and 951) and in § 301.02 of this chapter.

§ 307.02 Application of State law.

Nothing in Parts 301–308, 311, 312, 316, or 330 of this chapter shall be construed as authorizing or permitting any person to do any act which such person is not authorized or permitted to do under the law of the State in which he desires to do such act.

§ 307.03 Exceptions to regulations.

Any person may apply for an exception to the application of any provision of Parts 301–308, 311, 312, or 316 of this chapter by filing a written request stating the reasons for such exception. Requests shall be filed with the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. The Director may grant an exception in his discretion, but in no case shall he be required to grant an exception to any person which is not otherwise required by law or the regulations cited in this section.

SPECIAL EXCEPTIONS FOR MANUFACTURE AND DISTRIBUTION CONTROLLED SUBSTANCES

§ 307.11 Emergency distribution by a dispenser.

(a) In the event of an emergency, a dispenser may distribute (without being registered as a distributor) a controlled substance to a second dispenser in order for the second dispenser to dispense the substance: *Provided*, That,

(1) The amount distributed does not exceed to the amount required by the second dispenser for immediate dispensing;

(2) The distribution is recorded as a dispensing by the first dispenser, and the receipt as a distribution received by the second dispenser, and each dispenser retains a signed receipt of the distribution;

(3) The second dispenser is registered under the Act to dispense the controlled substance to be distributed to him; and

(4) If the substance is listed in schedule I, or II, an order form is used as required in Part 305 of this chapter.

(b) For purposes of this section, an emergency shall be deemed to mean a situation where a quantity of a controlled substance must be dispensed to a person who does not have an alternative source for such substance reasonably available to him and the dispenser cannot obtain such substance through normal distribution channels within the time required to meet the need of the person for such substance.

§ 307.12 Distribution upon discontinuance or transfer of business.

(a) Any registrant desiring to discontinue or transfer business activities altogether or with respect to controlled substances shall return his certificate of registration, and any order forms in his possession, to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537 for cancellation. Any controlled substances in his possession may be disposed of either in accordance with § 307.21 or transferred to another registrant. If the registrant desires to transfer the substance to another registrant, he shall take an inventory of all controlled substances which he desires to transfer and submit this inventory, together with his name, address, and registration number, and the name, address, and registration number of the proposed transferee, to the Regional Director of the Bureau in the region in which he is doing business. If the Regional Director gives written approval to the transferee, the registrant may transfer the substances to the named transferee without being registered as a distributor. All controlled substances listed in schedule I or II must be transferred pursuant to order forms in accordance to Part 305 of this chapter. Schedule III, IV, and V substances will be transferred in accordance to the inventory prepared by the registrant and ap-

proved by the Regional Director. If the Regional Director denies the registrant authority to make the proposed transfer, the registrant shall dispose of the substance in accordance with § 307.21.

(b) In the case of registrants required to make reports pursuant to Part 304 of this chapter, a report marked "Final" will be prepared and submitted by the transferor registrant showing the disposition of all the controlled substances for which a report is required; no additional report will be required from him, provided that no further transactions involving controlled substances are consummated by him. The initial report of the transferee registrant shall account for transactions beginning with the day next succeeding the date of discontinuance or transfer of business by the transferor registrant, and the substances transferred to him shall be reported as receipts in his initial report.

§ 307.13 Incidental manufacture of controlled substances.

Any registered manufacturer who, incidentally but necessarily, manufactures a controlled substance as a result of the manufacture of a controlled substance or basic class of controlled substance for which he is registered and has been issued an individual manufacturing quota pursuant to Part 303 of this chapter (if such substance or class is listed in schedule I or II) shall be exempt from the requirement of registration pursuant to Part 301 of this chapter and, if such incidentally manufactured substance is listed in schedule I or II, shall be exempt from the requirement of an individual manufacturing quota pursuant to Part 303 of this chapter, if such substances are disposed of in accordance with § 307.21.

DISPOSAL OF CONTROLLED SUBSTANCES

§ 307.21 Procedure for disposing of controlled substances.

(a) Any person lawfully in possession of any controlled substance and desiring or required to dispose of such substance may apply to the Regional Director of the Bureau in the region in which the person is located for authority and instructions to dispose of such substance. Application may be made on BND Form 41, or by a letter stating:

(1) The name, address, and registration number, if any, of the person;

(2) The name and quantity of each controlled substance to be disposed of; and

(3) How the applicant obtained the substance, if known (e.g. incidental by-product of manufacturing process; death of a patient in a nursing home; discontinuing business).

(b) The Regional Director shall authorize and instruct the applicant to dispose of the controlled substance in one of the following manners:

(1) By transfer to person registered under the Act and authorized to possess the substance;

(2) By delivery to an agent of the Bureau or to the nearest office of the Bureau;

(3) By destruction in the presence of an agent of the Bureau or other authorized person; or

(4) By such other means as the Regional Director may determine to assure that the substance does not become available to unauthorized persons.

§ 307.22 Disposal of controlled substances by the Bureau.

Any controlled substance delivered to the Bureau under § 307.21 or forfeited pursuant to section 511 of the Act (21 U.S.C. 881) may be delivered to any department, bureau, or other agency of the United States or of any State upon proper application addressed to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. The application shall show the name, address, and official title of the person or agency to whom the controlled drugs are to be delivered, including the name and quantity of the substances desired and the purpose for which intended. The delivery of such controlled drugs shall be ordered by the Director, if, in his opinion, there exists a medical or scientific need therefor.

SPECIAL EXEMPT PERSONS

§ 307.31 Native American Church.

The listing of peyote as a controlled substance in schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the Native American Church, and members of the Native American Church so using peyote are exempt from registration. Any person who manufactures peyote for or distributes peyote to the Native American Church, however, is required to obtain registration annually and to comply with all other requirements of law.

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

GENERAL INFORMATION

§ 308.01 Scope of Part 308.

Schedules of controlled substances established by section 202 of the Act (21 U.S.C. 812), as they are changed, updated, and republished from time to time, are set forth in this part.

§ 308.02 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term "Act" means the Controlled Substance Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(b) Any term not defined in this section shall have the definition set forth in section 102 and 1001 of the Act (21 U.S.C. 802 and 951) and § 301.02 of this chapter.

§ 308.03 Procedure for scheduling of controlled substances.

Procedure for the issuance, amendment, or repeal of rules pursuant to section 201 of the Act (21 U.S.C. 811), classifying substances having a potential for abuse, is set forth in §§ 316.48–316.81 of this chapter.

SCHEDULES

§ 308.11 Schedule I.

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance shall have the Bureau controlled substances code number set forth opposite it.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol	9601
(2) Allylprodine	9602
(3) Alphacetylmethadol	9603
(4) Alphameprodine	9604
(5) Alphamethadol	9605
(6) Benzethidine	9606
(7) Betacetylmethadol	9607
(8) Betameprodine	9608
(9) Betamethadol	9609
(10) Betaprodine	9611
(11) Clonitazene	9612
(12) Dextromoramide	9613
(13) Dextrorphan	9614
(14) Diampromide	9615
(15) Diethylthiambutene	9616
(16) Dimenoxadol	9617
(17) Dimepheptanol	9618
(18) Dimethylthiambutene	9619
(19) Dioxaphetyl butyrate	9621
(20) Dipipanone	9622
(21) Ethylmethylthiambutene	9623
(22) Etonitazene	9624
(23) Etoxeridine	9625
(24) Furethidine	9626
(25) Hydroxypethidine	9627
(26) Ketobemidone	9628
(27) Levomoramide	9629
(28) Levophenacylmorphan	9631
(29) Morpheridine	9632
(30) Noracymethadol	9633
(31) Norlevorphanol	9634
(32) Normethadone	9635
(33) Norpipanone	9636
(34) Phenadoxone	9637
(35) Phenampromide	9638
(36) Phenomorphan	9647
(37) Phenoperidine	9641
(38) Piritramide	9642
(39) Proheptazine	9643
(40) Properidine	9644
(41) Racemoramide	9645
(42) Trimeperidine	9646

(c) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine	9319
(2) Acetyldihydrocodeine	9051
(3) Benzylmorphine	9052
(4) Codeine methylbromide	9070
(5) Codeine-N-Oxide	9053
(6) Cyprenorphine	9054
(7) Desomorphine	9055
(8) Dihydromorphine	9145
(9) Etorphine	9056
(10) Heroin	9200
(11) Hydromorphinol	9301
(12) Methyldesorphine	9302
(13) Methylhydromorphine	9304
(14) Morphine methylbromide	9305
(15) Morphine methylsulfonate	9306
(16) Morphine-N-Oxide	9307
(17) Myrophine	9308
(18) Nicocodeine	9309
(19) Nicomorphine	9312
(20) Normorphine	9313
(21) Pholcodine	9314
(22) Thebacon	9315

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 3,4-methylenedioxy amphetamine	7400
(2) 5 - methoxy - 3,4-methylenedioxy amphetamine	7401
(3) 3,4,5-trimethoxy amphetamine	7390
(4) Bufotenine	7433
Some trade and other names: 3-(β-Dimethylaminoethyl) - 5 - hydroxyindole; 3 - (2 - dimethylaminoethyl) - 5-indolol; *N,N* - dimethylserotonin; 5-hydroxy - *N*-dimethyltryptamine; mappine.	
(5) Diethyltryptamine	7434
Some trade and other names: *N,N*-Diethyltryptamine; DET.	
(6) Dimethyltryptamine	7435
Some trade or other names: DMT	
(7) 4 - methyl - 2,5 - dimethoxyamphetamine	7395
Some trade and other names: 4 - methyl - 2,5 - dimethoxy-α - methylphenethylamine; "DOM"; and "STP".	
(8) Ibogaine	7260
Some trade and other names: 7 - Ethyl - 6,6α,7,8,9,10,12,13-octahydro - 2 - methoxy-6,9-methano-5H-pyrido (1',2':1,2 azepino 4,5-b) indole; tabernanthe iboga.	
(9) Lysergic acid diethylamide	7315
Some trade or other names: d-Lysergic acid diethylamide.	
(10) Marihuana	7360
(11) Mescaline	7381
(12) Peyote	7415
(13) N-ethyl-3-piperidyl benzilate	7482
(14) N-methyl-3-piperidyl benzilate	7484
(15) Psilocybin	7437
(16) Psilocyn	7438
(17) Tetrahydrocannabinols	7370
Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers. Δ^2 cis or trans tetrahydrocannabinol, and their optical isomers. $\Delta^{3,4}$ tetra hydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)	

§ 308.12 Schedule II.

(a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance shall have the Bureau controlled substances code number set forth opposite it.

(b) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, including the following:

(A) Raw opium	9600
(B) Opium extracts	9610
(C) Opium fluid extracts	9620
(D) Powdered opium	9639
(E) Granulated opium	9640
(F) Tincture of opium	9630
(G) Apomorphine	9039
(H) Codeine	9050
(I) Ethylmorphine	9190
(J) Hydrocodone	9193
(K) Hydromorphone	9194
(L) Metopon	9260
(M) Morphine	9300
(N) Oxycodone	9143
(O) Oxymorphone	9652
(P) Thebaine	9333

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (1) of this paragraph, except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine (9041) or ecgonine (9180).

(c) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alpharodine	9010
(2) Anileridine	9020
(3) Bezitramide	9800
(4) Dihydrocodeine	9120
(5) Diphenoxylate	9170
(6) Fentanyl	9801
(7) Isomethadone	9226
(8) Levomethorphan	9210
(9) Levorphanol	9220
(10) Metazocine	9240
(11) Methadone	9250
(12) Methadone-Intermediate, 4-cyano-2-dimethylamino - 4,4 - diphenyl butane	9254
(13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid	9802
(14) Pethidine	9230
(15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4 - phenylpiperidine	9232
(16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate	9233
(17) Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine - 4-carboxylic acid	9234
(18) Phenazocine	9715
(19) Piminodine	9730
(20) Racemethorphan	9732
(21) Racemorphan	9733

(d) Methamphetamine. Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers—1400.

§ 308.13 Schedule III.

(a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance shall have the Bureau controlled substances code number set forth opposite it.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers	1100
(2) Phenmetrazine and its salts	1630
(3) Any substance (except an injectable liquid) which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers	1105
(4) Methylphenidate	1726

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid	2100
(2) Chorhexadol	2510
(3) Glutethimide	2550
(4) Lysergic acid	7300
(5) Lysergic acid amide	7310
(6) Methyprylon	2575
(7) Phencyclidine	7471
(8) Sulfondiethylmethane	2600
(9) Sulfonethylmethane	2605
(10) Sulfonmethane	2610

(d) Nalorphine—9400.

(e) Narcotics drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium	9803
(2) Not more than 1.8 grams of codeine per 100 milliliters of not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9804
(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium	9805

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9806

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9807

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9808

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9809

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9810

§ 308.14 Schedule IV.

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance shall have the Bureau controlled substances code number set forth opposite it.

(b) Depressants.

(1) Barbital	2145
(2) Chloral betaine	2460
(3) Chloral hydrate	2465
(4) Ethchlorvynol	2540
(5) Ethinamate	2545
(6) Methohexital	2264
(7) Meprobamate	2820
(8) Methylphenobarbital	2250
(9) Paraldehyde	2585
(10) Petrichloral	2591
(11) Phenobarbital	2285

§ 308.15 Schedule V.

(a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams or not more than 10 milligrams per dosage unit.

(2) Nor more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams or not more than 5 milligrams per dosage unit.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams or not more than 5 milligrams per dosage unit.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams or not more than 5 milligrams per dosage unit.

EXCLUDED NONNARCOTIC SUBSTANCES

§ 308.21 Application for exclusion of a nonnarcotic substance.

(a) Any person seeking to have any nonnarcotic substance which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription, excluded from any schedule, pursuant to section 201(g)(1) of the Act (21 U.S.C. 811(g)(1)), may apply to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(b) An application for an exclusion under this section shall be handled by the Director, in determining whether the substance shall be excluded, in the manner prescribed for petitions to classify a substance on a schedule set forth in §§ 316.48–316.78 of this chapter.

§ 308.22 Excluded substances.

The following nonnarcotic substances which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription, are excluded from all schedules pursuant to section 201(g)(1) of the Act (21 U.S.C. 811(g)(1)):

Trade name or other designation	Composition	Manufacturer or supplier
Amodrine	Tablet: Phenobarbital, 8 mg.; aminophylline, 100 mg.; racephedrine hydrochloride, 25 mg.	G. D. Searle & Co.
Bronkaid	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl guaiacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Drew Pharmacal Co., Inc.
Bronkotab Elixir	Elixir (5 cc): Phenobarbital, 4 mg.; ephedrine sulfate, 12 mg.; glyceryl guaiacolate, 50 mg.; theophylline, 15 mg.; chlorpheniramine maleate, 1 mg.	Breon Laboratories Inc.
Bronkotabs	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl guaiacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Do.
Primatene	Tablet: Phenobarbital, ¼ gr.; ephedrine, ⅜ gr.	Whitehall Laboratories.
Tedral	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Warner-Chilcott Laboratories.
Tedral Anti-H	Tablet: Phenobarbital, 8 mg.; chlorpheniramine maleate, 2 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Tedral one-half strength	Tablet: Phenobarbital, 4 mg.; theophylline, 65 mg.; ephedrine hydrochloride, 12 mg.	Do.
Tedral Pediatric Suspension	Suspension (5 cc): Phenobarbital, 4 mg.; ephedrine hydrochloride, 12 mg.; theophylline, 65 mg.	Do.
Tedral suppositories double strength.	Suppository: Phenobarbital, 16 mg.; theophylline, 260 mg.; ephedrine hydrochloride, 48 mg.	Do.
Tedral suppositories regular strength.	Suppository: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Verequad	Tablet: Phenobarbital, 8 mg.; theophylline calcium salicylate, 130 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 100 mg.	Knoll Pharmaceutical Co.
Verequad	Suspension (5 cc): Phenobarbital, 4 mg.; theophylline calcium salicylate, 65 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 50 mg.	Do.

EXCEPTED STIMULANT OR DEPRESSANT COMPOUNDS

§ 308.31 Application for exception of a stimulant or depressant compound.

(a) Any person seeking to have any compound, mixture, or preparation containing any depressant or stimulant substance listed in § 308.13 (b) or (c), or in § 308.14, or in § 308.15, excepted from the application of all or any part of the Act, pursuant to section 202(d) of the Act, may apply to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, for such exception.

(b) An application for an exception under this section shall contain the following information:

(1) The complete quantitative composition of the dosage form.

(2) Description of the unit dosage form together with complete labeling.

(3) A summary of the pharmacology of the product including animal investigations and clinical evaluations and studies, with emphasis on the psychic and/or physiological dependence liability (this must be done for each of the active ingredients separately and for the combination product).

(4) Details of synergisms and antagonisms among ingredients.

(5) Deterrent effects of the noncontrolled ingredients.

(6) Complete copies of all literature in support of claims.

(7) Reported instances of abuse.

(8) Reported and anticipated adverse effects.

(9) Number of dosage units produced for the past 2 years.

(c) An application for an exception under this section shall be handled in the manner prescribed for petitions to classify a substance on any schedule set forth in §§ 316.48–316.78 of this chapter.

§ 308.32 Excepted compounds.

(a) Until criteria are adopted by the Bureau by which the Director may determine whether to except any compound, mixture, or preparation containing any depressant or stimulant substance listed in § 308.13 (b) or (c), or in § 308.14, or in § 308.15, from the application of all or any part of the Act pursuant to section 202(d) of the Act (21 U.S.C. 812(d)), the drugs set forth in paragraph (b) of this section have been excepted by the Director from application of the sections 305, 307, 308, and 309 of the Act (21 U.S.C. 825, 827–9) for administrative purposes only. The excepting of these drugs by the Director should not be construed as an adoption or rejection of the criteria by which these drugs were originally excepted. Any deviation from the quantitative composition of any of the listed drugs shall require a petition for exception in order for that drug to be excepted.

(b) The following drugs in dosage unit form, and any other drug of the quantitative composition shown below for one of the following drugs or which is the same except that it contains a lesser quantity of controlled substances, and which are restricted by law to dispensing on prescription, are excepted from the requirements of the Act:

Trade name or other designation	Composition	Manufacturer or supplier
A.E.A.	Tablet: Amobarbital, 25 mg.; aminophylline, 120 mg.; ephedrine hydrochloride, 25 mg.	Hauck Laboratories, Inc.
Alased	Tablet: Phenobarbital, 16.2 mg.; homatropine methylbromide, 3.6 mg.; aluminum hydroxide gel, dried, 75 gr.; magnesium trisilicate, 2½ gr.	Norgine Laboratories, Inc.
Alcter	Tablet (purple): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1037 mg.; homatropine methylbromide, 3.6 mg.; aluminum hydroxide gel, dried, 75 gr.; magnesium carbonate, 2½ gr.; calcium carbonate, 2½ gr.; magnesium carbonate, 2½ gr.; cerium oxalate, ½ gr.	Paul B. Elder Co., Inc.
Algoson	Tablet: Butabarbital sodium, 7.5 mg.; acetaminophen, 300 mg.	McNeil Laboratories Inc.
Alhydrox	Tablet: Phenobarbital, ¼ gr.; aluminum hydroxide, 5 gr.; atropine sulfate, 1/400 gr.	Physicians Supply.
Alkasans	Tablet: Phenobarbital, 8.0 mg.; atropine sulfate, 0.06 mg.; kaolin-alumina gel, 500 mg.	P. J. Noyes Co.
Alsical	Powder (60 gr.): Phenobarbital, ¼ gr.; belladonna extract, ¼ gr.; calcium carbonate, 5 gr.; magnesium trisilicate, 15 gr.; magnesium oxide, 10 gr.; aluminum hydroxide gel, dried, 10 gr.	Dorsey Laboratories.
Alubelap	Tablet: Phenobarbital, 8 mg.; aluminum hydroxide gel, dried, 300 mg.; belladonna extract, 4 mg.	Haack Laboratories, Inc.
Aludrox SA Suspension	Suspension (5 cc): Phenobarbital, 8 mg.; ambutonium bromide, 2.5 mg.	Wyeth Laboratories.
Aludrox SA Tablets	Tablet: Butalarbital, 8 mg.; ambutonium bromide, 2.5 mg.	Do.
Alu-Mag	Tablet: Phenobarbital, ¼ gr.; aluminum hydroxide gel, dried, 3 gr.; magnesium trisilicate, 2½ gr.; belladonna leaf extract, ⅛ gr.	Norsal Laboratories, Inc.
Alumazen	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; magnesium trisilicate, 500 mg.; aluminum hydroxide gel, dried, 250 mg.; saccharin sodium, 0.2 mg.	The Zemmer Co.
Aluminum hydroxide, magnesium trisilicate, and kaolin with phenobarbital and atropine sulfate.	Tablet: Phenobarbital, ¼ gr.; aluminum hydroxide, 2 gr.; magnesium trisilicate, 4 gr.; kaolin, colloidal, 2 gr.; atropine sulfate, 1/400 gr.	Buffalo Pharmaceutical Supply Corp.
Aludrox-Forte with Phenobarbital.	Tablet: Phenobarbital, 15 mg.; aminophylline, 0.1 gm.; atropine sulfate, 0.0194 mg.; aluminum hydroxide gel, dried, 0.12 gm.	The S. E. Massengill Co.
Aminodrox-Forte with Phenobarbital.	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.; aluminum hydroxide gel, dried, 250 mg.	Do.
Aminophylline and Amytal	Capsule: Amobarbital, 32 mg.; aminophylline, 0.1 gm.	Eli Lilly Co.
Aminophylline with pentobarbital.	Suppository: Pentobarbital sodium, 100 mg.; aminophylline, 500 mg.	G. D. Searle & Co.
Aminophylline and phenobarbital.	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	The Zemmer Co.
Do	Tablet: Phenobarbital, ¼ gr.; aminophylline, 100 mg.	The Blue Line Chemical Co.
Aminophylline with phenobarbital.	Tablet: Phenobarbital, 16 mg.; aminophylline, 100 mg.	H. E. Dublin Laboratories, Inc.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	G. D. Searle & Co.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.	Do.
Aminophylline with phenobarbital.	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.	Do.
Amobarbital and PETN	Capsule: Amobarbital, 30 mg.; pentaerythritol tetranitrate, 30 mg.	Meyer Laboratories, Inc.
Ampyrox with Butabarbital Sodium (AMPYROX).	Tablet: Butabarbital sodium, 15 mg.; scopolamine methylnitrate, 2 mg.	Paul B. Elder Co., Inc.
Ampyrox with Butabarbital Sodium, Forte.	Elixir (5 cc): Butabarbital sodium, 10 mg.; scopolamine methylnitrate, 1 mg.	Do.
Amsed (A.P.-87)	Tablet: Phenobarbital, ¼ gr.; hyoscine hydrobromide, 0.0072 mg.; atropine sulfate, 0.024 mg.; hyoscyamine hydrobromide, 0.128 mg.	North American Pharmacal, Inc.

Trade name or other designation	Composition	Manufacturer or supplier
Amsodyne	Tablet: Phenobarbital, ¼ gr.; extract belladonna leaves, ¼ gr.; aspirin, 5 gr.; caffeine, ¾ gr.	Paul B. Elder Co., Inc.
Antacla No. 3 with Phenobarbital and Atropine.	Tablet: Phenobarbital, ⅛ gr.; atropine sulfate, 1/200 gr.; calcium carbonate, 5 gr.; magnesium hydroxide, 5 gr.	Meyers and Co.
Antispasmodic	Tablet (purple): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1037 mg.; homatropine methylbromide, 0.567 mg.; hyoscine hydrobromide, 0.0065 mg.	Hydrex Co., Inc.
Antispasmodic-Enzyme	Tablet: Phenobarbital, 8.1 mg.; hyoscyamine sulfate, 0.0519 mg.; homatropine methylbromide, 0.2885 mg.; hyoscine hydrobromide, 0.0033 mg.; pancreatin, 100 mg.; pepsin, 130 mg.	Do.
Antrocol	Tablet or capsule: Phenobarbital, 16.2 mg.; atropine sulfate, 0.0582 mg.; papaverine hydrochloride, 32 mg.	Wm. P. Poythress & Co., Inc.
Aqualin-Plus, Children	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 1½ gr.	The Wm. A. Webster Co.
Aqualin-Plus No. 1	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 3 gr.	Do.
Aqualin-Plus No. 2	Suppository: Pentobarbital sodium, 1½ gr.; theophylline, 7½ gr.	Do.
Aqualin-Plus No. 2A	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 7½ gr.	Do.
Asmabar	Tablet: Butabarbital sodium, 20 mg.; ephedrine sulfate, 25 mg.; theophylline, 130 mg.	The Blue Line Chemical Co.
Asmacol	Tablet: Butabarbital, 15 mg.; aminophylline, 180 mg.; phenylpropanolamine hydrochloride, 25 mg.; chlorpheniramine maleate, 2 mg.; aluminum hydroxide gel, dried, 60 mg.; magnesium trisilicate, 60 mg.	The Vale Chemical Co., Inc.
Asperase, Modified with Phenobarbital.	Tablet: Phenobarbital, 0.008 gm.; acetylsalicylic acid, 0.5 gm.	P. J. Noyes Co.
Atropal	Tablet: Phenobarbital, ⅛ gr.; atropine sulfate, 1/400 gr.; magnesium trisilicate, 2½ gr.; aluminum hydroxide gel, dried, 2½ gr.	Nelsler Laboratories, Inc.
Atrosilital	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.; magnesium trisilicate, 0.5 gm.; saccharin sodium, 0.12 mg.	The Zemmer Co.
Banthine with Phenobarbital	Tablet, Phenobarbital, 15 mg.; methantheline bromide, 50 mg.	G. D. Searle & Co.
Barbatro No. 1	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.	The S. E. Massengill Co.
Barbatro No. 2	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.24 mg.	Do.
Barbeloid	Tablet: Amobarbital sodium, 20 mg.; hyoscyamine sulfate, 0.125 mg.; hyoscine hydrobromide, 0.007 mg.; homatropine methylbromide, 0.5 mg.	The Vale Chemical Co., Inc.
Barbidonna Elixir	Elixir (5 cc): Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1296 mg.; atropine sulfate, 0.0259 mg.; hyoscine hydrobromide, 0.0065 mg.; alcohol, 20% by vol.	Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Chemical Works.
Barbidonna Tablets	Tablet: Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1296 mg.; atropine sulfate, 0.0259 mg.; scopolamine hydrobromide, 0.0065 mg.	Do.
Barbona Elixir	Elixir (30 cc.): Phenobarbital, 0.4 gm.; homatropine methylbromide, 0.0074 mg.	The Blue Line Chemical Co.
Barbona Tablets	Tablet: Phenobarbital, ¼ gr.; homatropine methylbromide, ¼₀ gr.	Do.
Bardase	Tablet or elixir (4 cc.): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1 mg.; hyoscine hydrobromide, 0.0065 mg.; atropine, 0.020 mg.; Takadiastase, 162.0 mg.	Parke, Davis & Co.
Bar-Don Elixir	Elixir (30 cc.): Phenobarbital, 100 mg.; hyoscyamine hydrobromide, 0.60 mg.; hyoscine hydrobromide, 0.042 mg.; atropine sulfate, 0.12 mg.	Warren-Teed Pharmaceuticals Inc.
Bar-Don Tablets	Tablet: Phenobarbital, 15 mg.; hyoscyamine hydrobromide, 0.10 mg.; hyoscine hydrobromide, 0.007 mg.; atropine sulfate, 0.020 mg.	Do.
Belap No. 0	Tablet: Phenobarbital, 8 mg.; belladonna extract, ¼ mg.	Haack Laboratories, Inc.
Belap No. 1	Tablet: Phenobarbital, 15 mg.; belladonna extract, 8 mg.	Do.
Belap Ty-Med	Tablet: Amobarbital, 50 mg.; homatropine methylbromide, 7.5 mg.	Do.
Belladenal	Tablet: Phenobarbital, 50 mg.; belladonna, 0.25 mg.	Sandoz Pharmaceuticals.
Do	Elixir (5 cc.): Phenobarbital, 15.6 mg.; belladonna, 0.078 mg.	Do.
Bellatol Elixir	Elixir (5 cc.): Butabarbital sodium, 20 mg.; tincture belladonna, 0.88 cc.	The Zemmer Co.

Trade name or other designation	Composition	Manufacturer or supplier
Bellergal	Tablet: Phenobarbital, 20 mg.; ergotamine tartrate, 0.3 mg.; levorotatory alkaloids of belladonna, 0.1 mg.	Sandox Pharmaceuticals.
Do	Tablet: Phenobarbital, 40 mg.; ergotamine tartrate, 0.6 mg.; levorotatory alkaloids of belladonna, 0.2 mg.	Do.
Beplete with Belladonna Elixir.	Elixir (4 cc.): Phenobarbital, 15 mg.; vitamin B_1, 1.5 mg.; vitamin B_{12}, 1 mg.; vitamin B_2, 0.33 mg.; vitamin B_{12}, 1.66 mg.; niacinamide, 10 mg.; pantothenol, 0.2 mg.; belladonna alkaloids, 0.2 mg.	Wyeth Laboratories.
Bexadonna	Tablet: Phenobarbital, 16 mg.; homatropine methylbromide, 10 mg.; hyoscine hydrobromide, 0.0065 mg.; hyoscyamine sulfate, 0.1 mg.	Bexar Pharmaceuticals.
Biliamide	Tablet: Phenobarbital, ½ gr.; dried ox bile, 2 gr.; dehydrocholic acid, 2 gr.; homatropine methylbromide, ¼ gr.	Norgine Laboratories, Inc.
Binitrin	Tablet: Butabarbital sodium, 15.0 mg.; nitroglycerin, 0.3 mg.; pentaerythritol tetranitrate, 10.0 mg.	The Vale Chemical Co., Inc.
Bioxatphen	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; bismuth subnitrate, 120 mg.; cerium oxalate, 120 mg.	The Zemmer Co.
Bismuth, belladonna, and phenobarbital.	Capsule: Phenobarbital, ¼ gr.; bismuth subgallate, 5 gr.; extract belladonna leaf, ⅛ gr.	The Bernard Co.
Buffadyne A-S	Tablet: Amobarbital, 15 mg.; aspirin, 300 mg.; phenacetin, 150 mg.; caffeine, 30 mg.; homatropine methylbromide, 2.5 mg.; aluminum hydroxide gel, 75 mg.; magnesium hydroxide, 45 mg.	Lemmon Pharmacal Co.
Buffadyne with Barbiturates	Tablet: Secobarbital sodium, 8 mg.; amobarbital, 8 mg.; aspirin, 300 mg.; phenacetin, 150 mg.; caffeine, 30 mg.; aluminum hydroxide gel, 75 mg.; magnesium hydroxide, 45 mg.	Do.
Bunesia	Tablet: Butabarbital sodium, 10 mg.; homatropine methylbromide, 2.5 mg.; magnesium hydroxide, 300 mg.	McNeil Laboratories, Inc.
Buren	Tablet: Butabarbital, 15 mg.; phenazopyridine hydrochloride, 150 mg.; scopolamine hydrobromide, 0.0065 mg.; atropine sulfate, 0.0194 mg.; hyoscyamine sulfate, 0.1037 mg.	B. F. Ascher & Co., Inc.
Burrizem	Tablet: Butabarbital sodium, 10 mg.; reserpine, 0.1 mg.; rutin, 20 mg.; mannitol hexanitrate, 30 mg.	The Zemmer Co.
Butabarbital and hyoscyamine sulfate.	Tablet or elixir (5 cc.): Butabarbital, 15 mg.; hyoscyamine sulfate, 0.125 mg.	Meyer Laboratories, Inc.
Do	Capsule: Butabarbital, 45 mg.; hyoscyamine sulfate, 0.375 mg.	Do.
Butibel	Tablet or elixir (5 cc.): Butabarbital sodium, 15 mg.; belladonna extract, 15 mg. (hyoscyamine sulfate, 0.138 mg.; hyoscine hydrobromide, 0.027 mg.; atropine sulfate, 0.067 mg.).	Do.
Butibel R-A	Tablet: Butabarbital sodium, 30 mg.; belladonna extract, 30 mg.	Do.
Butibel-Gel Suspension	Suspension (15 cc.): Butabarbital sodium, 7.5 mg.; belladonna extract, 7.5 mg. (total alkaloids 0.187 mg.); activated attapulgite, 1.5 mg.; pectin, 75 mg.	Do.
Butibel-Gel Tablets	Tablet: Butabarbital sodium, 7.5 mg.; belladonna extract, 7.5 mg. (total alkaloids 0.0935 mg.); activated attapulgite, 500 mg.; pectin, 45 mg.	Do.
Butibel-Zyme	Tablet: Butabarbital sodium, 15 mg.; belladonna extract, 15 mg. (total alkaloids 0.187 mg.); proteolytic enzyme standardized, 10 mg.; amyloytic enzyme standardized, 20 mg.; cellulolytic enzyme standardized, 5 mg.; lipolytic enzyme standardized, 100 mg.; iron ox bile (45% cholic acid), 30 mg.	Do.
Butizetic	Tablet: Butabarbital sodium, 15 mg.; acetaminophen, 200 mg.; phenacetin, 150 mg.; caffeine, 30 mg.	Do.
Cafergot P-B	Tablet: Phenobarbital sodium, 30 mg.; ergotamine tartrate, 1 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.125 mg.	Sandoz Pharmaceuticals.
Do	Suppository: Pentobarbital, 60 mg.; ergotamine tartrate, 2 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.25 mg.	Do.
Cal-Ma-Phen	Tablet: Phenobarbital, ¼ gr.; calcium-carbonate, 5 gr.; magnesium hydroxide, 5 gr.; atropine sulfate, 1/200 gr.	Physicians Supply Co.
Cantil with Phenobarbital	Tablet: Phenobarbital, 16 mg.; mepenzolate bromide, 25 mg.	Lakeside Laboratories, Inc.
Carbonates No. 3 with Phenobarbital and Atropine.	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.11 mg.; calcium carbonate, 224 mg.; magnesium carbonate, 160 mg.; bismuth subcarbonate, 32 mg.	P. J. Noyes Co.
Cardalin-Phen	Tablet: Phenobarbital, ¼ gr.; aminophylline, 5 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ½ gr.	Nelsler Laboratories, Inc.
Cardilate-P	Tablet: Phenobarbital, 15 mg.; erythrityl tetranitrate, 10 mg.	Burroughs Wellcome & Co. (U.S.A.) Inc.
Cholarace	Tablet: Pentobarbital, 27.5 mg.; oxtriphylline, 200 mg.; racephedrine, 20 mg.	Warner-Chilcott Laboratories.
Co-Elorine 25	Capsule: Amobarbital, 8 mg.; tricyclamol chloride, 25 mg.	Eli Lilly and Co.
Co-Elorine 100	Capsule: Amobarbital, 16 mg.; tricyclamol chloride, 100 mg.	Do.
Cold Preparation, Special	Tablet: Phenobarbital, 8.1 mg.; chlorpheniramine maleate, 2 mg.; pseudoephedrine hydrochloride, 60 mg.; salicylamide, powder, 300 mg.	Knight Pharmacal Co.
Corenil	Tablet: Racemic methamphetamine hydrochloride, 1.25 mg.; elistin (carbinoxamine maleate), 2 mg.; belladonna extract, 8 mg.	McNeil Laboratories, Inc.
Covadil	Tablet: Butabarbital sodium, 20 mg.; pentaerythritol tetranitrate, 15 mg.	The Blue Line Chemical Co.
Dactil with Phenobarbital	Tablet: Phenobarbital, 16 mg.; piperidolate hydrochloride, 50 mg.	Lakeside Laboratories, Inc.
Dainite	Tablet: Pentobarbital sodium, ¼ gr. aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Nelsler Laboratories, Inc.
Dainite-KI	Tablet: Phenobarbital, ¼ gr.; aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; potassium iodide, 5 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Do.
Dainite Night	Tablet: Phenobarbital, ⅜ gr.; pentobarbital sodium, ½ gr.; aminophylline, 4 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Do.
Dainite Pediatric	Tablet: Phenobarbital, ¼ gr.; aminophylline, 1 gr.; ephedrine hydrochloride, 1/12 gr.; aluminum hydroxide gel, dried, ½ gr.; benzocaine, ¼ gr.	Do.
Daricon PB	Tablet: Phenobarbital, 15 mg.; oxyphencyclimine hydrochloride, 5 mg.	Pfizer Laboratories.
Diatraegus	Tablet: Diallylbarbituric acid, ¼ gr.; nitroglycerin, 1/150 gr.; sodium nitrite, 1 gr.; tincture crataegus, 2 minims.	Buffington's, Inc.
Dia-Tropine	Tablet: Diallylbarbituric acid, ¼ gr.; atropine sulfate, 1/150 gr.; magnesium carbonate, 2½ gr.; calcium carbonate, 3½ gr.; bismuth subcarbonate, 1 gr.	Do.
Dilantin with Phenobarbital	Capsule: Phenobarbital, ½ gr.; diphenylhydantoin sodium, 0.1 gm.	Parke, Davis & Co.
Do	Capsule: Phenobarbital, ½ gr.; diphenylhydantoin sodium, 0.1 gm.	Do.
Dolonil	Tablet: Butabarbital, 15 mg.; phenazopyridine hydrochloride, 150 mg.; hyoscyamine hydrobromide, 0.3 mg.	Warner-Chilcott Laboratories.
Donabarb	Tablet: Phenobarbital, ¼ gr.; powder extract belladonna, ¼ gr.	Paul B. Elder Co., Inc.
Donaphen, New Special Donaphen.	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.024 mg.; scopolamine hydrobromide, 0.0072 mg.; hyoscyamine hydrobromide, 0.128 mg.	Burt Krone Co.
Donna-Sed Elixir	Elixir (5 cc.): Phenobarbital, 16.2 mg.; hyoscyamine hydrobromide, 0.1037 mg.; atropine sulfate, 0.0191 mg.; hyoscine hydrobromide, 0.0065 mg.	North American Pharmacal, Inc.
Donnasep	Tablet: Phenobarbital, 8.1 mg.; phenazopyridine hydrochloride, 50.0 mg., methenamine mandelate, 500 mg.; hyoscyamine sulfate, 0.0519 mg.; atropine sulfate, 0.0097 mg.; hyoscine hydrobromide, 0.0033 mg.	A. H. Robins Co., Inc.
Donphen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1 mg.; atropine sulfate, 0.02 mg.; scopolamine hydrobromide, 6 μg.	Lemmon Pharmacal Co.
Dormitol-HM	Tablet: Phenobarbital, 1½ gr.; homatropine methylbromide, ¼ gr.; strontium bromide, 1 gr.	Buffington's Inc.
Dynapin with Phenobarbital	Tablet: Phenobarbital, 15 mg.; nitroglycerin, 0.5 mg.; pentaerythritol tetranitrate, 15 mg.	Key Pharmacal Co.
Edrisal	Tablet: Dextroamphetamine sulfate, 2.5 mg.; aspirin, 0.16 gm.; phenacetin 0.16 gm.	Smith Kline & French Laboratories.
Elmaloin with Phenobarbital	Capsule: Phenobarbital, 15 mg.; diphenylhydantoin, 1½ gr.	Paul B. Elder Co., Inc.
Ephedrine and sodium phenobarbital.	Tablet: Sodium phenobarbital, ¼ gr.; ephedrine sulfate, ⅛ gr.	The Vale Chemical Co., Inc.

Trade name or other designation	Composition	Manufacturer or supplier
Ephedrine sulfate and phenobarbital.	Tablet: Phenobarbital, 15 mg.; ephedrine sulfate, 25 mg.	The Zemmer Co.
Ephedrine with Phenobarbital.	Tablet: Phenobarbital, ¼ gr.; ephedrine sulfate, ⅜ gr.	P. J. Noyes Co.
Ercaltal	Tablet: Phenobarbital, 7.5 mg.; ergotamine tartrate, 0.5 mg.; caffeine, 50 mg.	The Blue Line Chemical Co.
Etbrava-trate	Tablet: Mephobarbital, 10 mg.; pentaerythrityl tetranitrate, 20 mg.; ethaverine hydrochloride, 30 mg.	North American Pharmacal, Inc.
Eu-Phed-Amin	Tablet: Phenobarbital, 30 mg.; aminophylline, 0.1 gm.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.1 gm.	Warren-Teed Pharmaceuticals Inc.
Eu-Phed-Ital	Tablet: Phenobarbital sodium, 30 mg.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.12 gm.	Do.
Fensobel	Tablet: Phenobarbital, 8.1 mg.; belladonna extract, 2.95 mg.; aluminum hydrochloride gel, dried, 63 mg.; magnesium trisilicate, 63 mg.; bismuth subcarbonate, 32.5 mg.; magnesium carbonate, 252 mg.; precipitated calcium carbonate, 203.5 mg.; malt diastase, 12.5 mg.; peppermint oil, 3 mg.	United States Vitamin & Pharmaceutical Corp.
Franol	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine hydrochloride, 32 mg.	Winthrop Laboratories.
Genegesic Capsules	Capsule: Met hamphetamine hydrochloride, 1.2 mg.; chlorp heniramine maleate, 3.8 mg.; phenacetin, 120.0 mg.; salicylamide, 180.0 mg.; caffeine, 30.0 mg.; ascorbic acid, 50.0 mg.	General Pharmaceutical Products, Inc.
Homechol	Tablet: Pentobarbital sodium, 8.0 mg.; homatropine methylbromide, 2.5 mg.; dehydrocholic acid, 60.0 mg.; ox bile extract, 150.0 mg.	Lemmon Pharmacal Co.
Homadonna	Tablet or elixir (5 cc.): Phenobarbital, 16 mg.; homatropine methybromide, 2.5 mg.	Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Chemical Works.
Homopent	Tablet: Pentobarbital sodium, 15 mg.; homatropine methylbromide, 2.5 mg.; magnesium trisilicate, 300 mg.	Lemmon Pharmacal Co.
Hovizyme	Tablet: Methamphetamine hydrochloride, 0.5 mg.; conjugated estrogen-equine, 0.125 mg.; methyl testosterone, 1.25 mg.; amylase, 10.0 mg.; protease, 5.0 mg.; cellulase, 2.0 mg.; nicotinyl alcohol tartrate, 7.5 mg.; dehydrocholic acid, 50.0 mg.; ascorbic acid, 50.0 mg.; ferrous fumarate, 6.0 mg.	Ayerst Laboratories.
H-P-A (Modified)	Tablet: Phenobarbital, ¼ gr.; aspirin, 5 gr.; extract hyoscyamus, ⅓ gr.	Paine Drug Co.
Hybephen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0094 mg.	The S. E. Massengil Co.
Hybephen Elixir	Elixir (5 cc.): Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0094 mg.	Do.
Hydrochol Plus	Tablet: Amobarbital, 15 mg.; dehydrocholic acid, 200 mg.; scopolamine methylnitrate, 0.8 mg.; ox bile desiccated, 50 mg.	Paul B. Elder Co., Inc.
Hytrona Antispasmodic Elixir	Elixir (5 cc.): Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Pitman-Moore.
Hytrona Antispasmodic Tablets.	Tablet: Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Do.
Ilocalm	Tablet: Mephobarbital, 30 mg.; methscopolamine nitrate, 2.5 mg.; d-calcium pantothenate, 25 mg.	Warren-Teed Pharmaceuticals Inc.
Isordil with Phenobarbital	Tablet: Phenobarbital, 15 mg.; isosorbide dinitrate, 10 mg.	Ives Laboratories Inc.
Isufranol	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrochloride, 10 mg.	Winthrop Laboratories.
Isufranol, Mild	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrochloride, 5 mg.	Do.
Isuprel Compound Elixir	Elixir (15 cc.): Phenobarbital, 6 mg.; isoproterenol hydrochloride, 2.5 mg.; ephedrine sulfate, 12 mg.; theophylline, 45 mg.; potassium iodide, 150 mg.	Do.
Kaphebel	Tablet: Phenobarbital, ⅛ gr.; belladonna root, ¼ gr.; kaolin colloidal, 7½ gr.	Paul B. Elder Co., Inc.
Kanumodic	Tablet: Pentobarbital, 8 mg.; methscopolamine nitrate, 2 mg.; cellulase, 9 mg.; pancrestin, 500 mg.; glutamic acid hydrochloride, 200 mg.; ox bile extract, 100 mg.; pepsin, 150 mg.	Dorsey Laboratories.
Kavatrate	Tablet: Phenobarbital sodium, ¼ gr.; veratrum veride, ¼ gr.; mistletoe, ½ gr.; hawthorn tincture, 30 minims; sodium nitrite, 1 gr.	Key Pharmacal Co.
Kle with Phenobarbital	Tablet: Phenobarbital, 16 mg.; potassium iodide, 400 mg.; ephedrine sulfate, 24 mg.	Laser Inc.
Klophyllin	Tablet: Phenobarbital, 15 mg.; aminophyllin, 150 mg.; potassium iodide, 125 mg.	G. D. Searle & Co.
Luftodil Suspension	Suspension (5 cc.): Phenobarbital, 8 mg.; theophylline, 50 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 100 mg.	Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Chemical Works.
Luftodil Tablets	Tablet: Phenobarbital, 16 mg.; theophylline, 100 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 200 mg.	Do.
Lufyllin-EP	Tablet: Phenobarbital, 16 mg.; lufyllin (dyphylline), 100 mg.; ephedrine hydrochloride; 16 mg.	Do.
Magnesium hydroxide-phenobarbital compound.	Tablet: Phenobarbital sodium, 15 mg.; magnesium hydroxide, 300 mg.; atropine sulfate with aromatics, 0.12 mg.	McNeil Laboratories, Inc.
Malglyn Compound	Tablet or suspension (5 cc.): Phenobarbital, 16.2 mg.; belladonna alkaloids, 0.162 mg.; dihydroxy aluminum aminoacetate, 0.5 gm.	Brayten Pharmaceutical Co.
Manniphen	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The Vale Chemical Co., Inc.
Manniphen with Rutin	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.; rutin, 20 mg.	Do.
Mannitol hexanitrate with phenobarbital.	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ⅓ gr.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	The Blue Line Chemical Co.
Maxitol	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 15 mg.; rutin, 15 mg.; ascorbic acid, 15 mg.	Burt Krone Co.
Mediatric	Tablet or capsule: Methamphetamine hydrochloride, 1 mg.; conjugated estrogens-equine, 0.25 mg.; methyltestosterone, 2.5. mg.	Ayerst Laboratories.
Mediatric Liquid	Solution (15 cc.): Methamphetamine hydrochloride, 1 mg.; conjugated estrogens-equine, 0.25 mg.; methyltestosterone, 2.5. mg.	Do.
Meprane Phenobarbital	Tablet: Phenobarbital, 16 mg.; promethestrol dipropionate, 1 mg.	Reed & Carnrick.
Mesopin-PB	Tablet or elixir (5 cc.): Phenobarbital, 15 mg.; homatropine methylbromide, 5 mg.	Endo Laboratories Inc.
Metamine with Butabarbital	Tablet: Butabarbital, 16.2 mg.; trolnitrate phosphate, 2 mg.	Pfizer Laboratories.
Do	Tablet: Butabarbital, 48.6 mg.; trolnitrate phosphate, 10 mg.	Do.
Mexal	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The S. E. Massengill Co.
Miliprem-200	Tablet: Meprobamate 200 mg. Conjugated Estrogens—equine 0.4 mg.	Wallace Pharmaceuticals.
Miliprem-400	Tablet: Meprobamate 400 mg. Conjugated Estrogens—equine 0.4.	Do.
Milpath-200	Tablet: Meprobamate 200 mg. Tridihexethyl Chloride, 25 mg.	Do.
Milpath-400	Tablet: Meprobamate 400 mg. Tridihexethyl Chloride, 25 mg.	Do.
Miltrate-10	Tablet: Meprobamate 200 mg. Pentaerythritol tetranitrate, 10 mg.	Do.
Miltrate-20	Tablet: Meprobamate 200 mg. Pentaerythritol tetranitrate, 20 mg.	Do.
Monomeb	Tablet: Mephobarbital, 32 mg.; penthienate bromide, 5 mg.	Winthrop Laboratories.
Mudrane	Tablet: Phenobarbital, 21 mg.; potassium iodide, 195 mg.; aminophylline, 130 mg.; ephedrine hydrochloride, 16 mg.	Wm. P. Poythress & Co., Inc.
Mudrane GG Elixir	Elixir (5 cc.): Phenobarbital, 5.4 mg.; theophylline 20 mg.; ephedrine hydrochloride, 4 mg.; glyceryl guaiacolate, 26 mg.	Do
Nactisol	Tablet: Butabarbital sodium, 15 mg.; poldine methylsulfate, 4 mg.	McNeil Laboratories, Inc.
Natrona Compound	Tablet: Phenobarbital, 15 mg.; extract hawthorn berries, 30 mg.; extract mistletoe, 15 mg.; sodium nitrite, 60 mg.; sodium bicarbonate, 0.2 gm.	The Zemmer Co.
Neocholan	Tablet: Phenobarbital, 8 mg.; dehydrocholic acid, 250 mg.; bile extract, 15 mg., homatropine methylbromide, 1.2 mg.	Pitman-Moore.
Nergestic	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.10 mg.; magnesium trisilicate, 0.5 gm.	The S. E. Massengill Co.
Nitrased	Tablet: Secobarbital, 15 mg.; nitroglycerin, 0.4 mg.; pentaerythrityl tetranitrate, 15 mg.	Lemmon Pharmacal Co.
Nophesan Tablets	Tablet: Phenobarbital, 8 mg.; acetylsalicylic acid, 300 mg.	P. J. Noyes Co.

Trade name or other designation	Composition	Manufacturer or supplier
Novalene	Tablet: Phenobarbital, 16 mg.; ephedrine sulfate, 24 mg.; potassium iodide, 162 mg; calcium lactate, 162 mg.	Lemmon Pharmacal Co.
Ozsorbil-PB	Capsule: Phenobarbital, 7.5 mg.; belladonna extract, 7.5 mg.; dehydrocholoic acid, 32 mg.; desoxycholic acid, 32 mg.; ox bile extract, 65 mg.; sorbitan monooleate, 160 mg.; oleic acid, 180 mg.	Ives Laboratories, Inc.
Paminal Elixir	Elixir (5 cc.): Phenobarbital, 8 mg.; methscopolamine bromide, 1.26 mg.	The Upjohn Co.
Pamine PB Elixir	Elixir (5 cc.): Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pamine PB, Half Strength	Tablet: Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pediatric Piptal Antipyretic	Solution (0.6 cc.): Phenobarbital, 3 mg.; pipenzolate bromide, 5 mg.; acetaminophen, 60 mg.	Lakeside Laboratories, Inc.
Pediatric Piptal with Phenobarbital.	Solution (0.5 cc.): Phenobarbital, 3 mg.; pipenzolate bromide, 2 mg.	Do.
Pencetylon	Tablet: Phenobarbital, ¼ gr.; acetylsalicylic acid, 5 gr.	Paul B. Elder Co., Inc.
Pentaerythrityl tetranitrate with phenobarbital.	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 10 mg.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Pentratrol with Phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	North American Pharmacal Co.
Pentraline	Tablet: Butabarbital sodium, 10 mg.; reserpine, 0.05 mg.; pentaerythrityl tetranitrate, 10 mg.	McNeil Laboratories, Inc.
Perbuzem	Tablet: Butabarbital sodium, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	The Zemmer Co.
Peribar L-A No. 1	Tablet: Phenobarbital, 48.6 mg.; pentaerythrityl tetranitrate, 30 mg.	Whittier Laboratories, Inc.
Peritrate with Phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	Warner-Chilcott
Do	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Peritrate with Phenobarbital SA.	Tablet: Phenobarbital, 45 mg.; pentaerythrityl tetranitrate, 80 mg.	Do.
Phedorine	Tablet: Diallylbarbituric acid, 16 mg.; extract stramonium, 8 mg. (alkaloids 0.0015 gr.); ephedrine, 8 mg.; theophyline, 100 mg.	Buffington's, Inc.
Phenaphen Plus	Tablet: Phenobarbital, 16.2 mg.; phenacetin, 194 mg.; aspirin, 162 mg.; hyoscyamine sulfate, 0.031 mg.; pheniramine maleate, 12.5 mg.; phenylephrine hydrochloride, 10 mg.	A. H. Robins Co., Inc.
Phenobarbital and atropine	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/150 gr.	The Blue Line Chemical Co.
Do	do	Meyers & Co.
Do	do	Paine Drug Co.
Do	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/150 gr.	The Vale Chemical Co., Inc.
Phenobarbital with atropine sulfate.	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.	The Zemmer Co.
Phenobarbital with atropine sulfate No. 2.	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.	Do.
Phenobarbital and atropine sulfate.	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/150 gr.	Buffington's Inc.
Phenobarbital & Atropine No. 1.	Tablet: Phenobarbital, 16 mg.; atropine sulfate, 0.13 mg.	Pitman-Moore.
Phenobarbital & Atropine No. 2.	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.65 mg.	Do.
Phenobarbital and Atropine Tablets.	Tablet: Phenobarbital, 8 mg.; atropine sulfate 1/100 gr.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, 16 mg.; atropine sulfate, 1/150 gr.	Do.
Phenobarbital and Atropine Tablets No. 2.	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/150 gr.	Do.
Phenobarbital and Atropine Tablets No. 3.	Tablet: Phenobarbital, ½ gr.; atropine sulfate, 1/150 gr.	Do.
Phenobarbital and belladonna	Tablet: Phenobarbital, ¼ gr.; belladonna leaves ½ gr. (total alkaloids 0.0015 gr.).	The Vale Chemical Co., Inc.
Do	Tablet: Phenobarbital, ¼ gr.; belladonna extract, ½ gr.	Paine Drug Co.
Do	Tablet: Phenobarbital, 16 mg.; belladonna extract, 8 mg.	Eli Lilly and Co.
Phenobarbital and Belladonna No. 2.	Tablet: Phenobarbital, ¼ gr.; belladonna extract, ¼ gr. (alkaloids 0.00156 gr.).	The Upjohn Co.
Phenobarbital with mannitol hexanitriate.	Tablet: Phenobarbital, 7.5 mg., mannitol hexanitrate 15 mg.; ascorbic acid powder, 25 mg.; rutin, 25 mg	Paul B. Elder Co., Inc. (Harold M. Harter, D.V.M.)

Trade name or other designation	Composition	Manufacturer or supplier
Phenobarbital and mannitol hexanitrate.	Tablet; Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	Meyer Drug & Surgical Supply Co.
Phenobarbital Sodium Atropine No. 1.	Tablet: Phenobarbital sodium, 8 mg.; atropine sulfate, 60 μg.	McNeil Laboratories, Inc.
Phenobarbital Sodium Atropine No. 2.	Tablet: Phenobarbital sodium, 15 mg.; atropine sulfate, 120 μg.	McNeil Laboratories, Inc.
Phenobarbital Sodium Atropine No. 3.	Tablet: Phenobarbital sodium, 20 mg.; atropine sulfate, 200 μg.	Do.
Phenobarbital and sodium nitrite.	Tablet: Phenobarbital, ¼ gr.; sodium nitrite, 1 gr.	P. J. Noyes Co.
Phenobarbital Theocalcin	Tablet: Phenobarbital, 15 mg.; theobromine calcium salicylate, 0.5 grn.	Knoll Pharmaceutical Co.
Phenodonna Tablets	Tablet: Phenobarbital, ¼ gr.; tincture belladonna, 6 minims.	Flint Medical & Surgical Supply Co.
Phenodrox	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/250 gr.; magnesium trisilicate, 4 gr.; aluminum hydroxide gel, dried, 4 gr.	North American Pharmacal Inc.
Phyldrox	Tablet: Phenobarbital, 15 mg.; neothylline, 100 mg.; ephedrine sulfate, 25 mg.	Lemmon Pharmacal Co.
Piptal PHB Elixir	Elixir (5cc.): Phenobarbital, 16 mg.; pipenzolate bromide, 5 mg.	Lakeside Laboratories, Inc.
Piptal PHB Tablets	Tablet: Phenobarbital, 16 mg.; pipenzolate bromide, 5 mg.	Do.
Prantal with Phenobarbital	Tablet: Phenobarbital, 16 mg.; diphemanil methylsulfate, 100 mg.	Schering Corp.
Premarin with Phenobarbital	Tablet: Phenobarbital, 32 mg.; conjugated estrogens-equine, 0.625 mg.	Ayerst Laboratories.
Probanthine with phenobarbital.	Tablet: Phenobarbital, 15 mg.; probanthine, 15 mg.	G. D. Searle & Co.
Probital	Tablet: Phenobarbital, 15 mg.; probanthine, 7.5 mg.	Do.
Propenite	Tablet: Phenobarbital sodium, 12 mg.; sodium nitrite, 60 mg.; hawthorn berries extract, 120 mg.; mistletoe extract, 60 mg.	The Zemmer Co.
Prydonnal Spansule	Capsule: Phenobarbital, 65 mg.; belladonna alkaloids, 0.4 mg. (hyoscyamine sulfate, 0.305 mg.; atropine sulfate, 0.06 mg., scopolamine hydrobromide, 0.035 mg.).	Smith Kline & French Laboratories.
Quadrinal	Tablet: Phenobarbital, 24 mg.; ephedrine hydrochloride 24 mg.; theophyline calcium salicylate, 130 mg.; potassium iodide, 300 mg.	Knoll Pharmaceutical Co.
Do	Suspension (5 cc.): Phenobarbital, 12 mg.; ephedrine hydrochloride, 12 mg.; theophylline calcium salicylate, 65 mg.; potassium iodide, 160 mg.	Do.
Quintrate with Nitroglycerin and Phenobarbital.	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.; nitroglycerin, 0.4 mg.	Paul B. Elder Co., Inc. (Glynn A. Beard).
Quintrate with Phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	Do.
Do	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Rheastat	Suspension (1 fluid ounce (32 cc.)): Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1286 mg.; atropine sulfate, 0.0250 mg.; scopolamine hydrobromide, 0.0074 mg.; kaolin, colloidal, 5.76 grn.; pectin, 320 mg.; sodium, (as Cl), 8 meq.; potassium (as Cl), 4 meq.	Mallinckrodt Pharmaceuticals Division of Mallinckrodt Chemical Works.
Robinul-PH	Tablet: Phenobarbital, 16.2 mg.; glycopyrrolate, 1.0 mg.	A. H. Robins Co., Inc.
Robinul-PH Forte	Tablet: Phenobarbital, 16.2 mg.; glycopyrrolate, 2.0 mg.	Do.
Ruhextal	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 30 mg.; ascorbic acid, 10 mg.; rutin, 20 mg.	Lemmon Pharmacal Co.
Rutol	Tablet: Phenobarbital, 8.0 mg.; mannitol hexanitrate, 16 mg.; rutin, 10 mg.	Pitman-Moore.
Salisil with Phenobarbital	Tablet: Phenobarbital, ¼ gr.; acetylsalicylic acid, 5 gr.; magnesium trisilicate, 2 gr.	Paul B. Elder Co., Inc.
Selbella	Tablet: Phenobarbital, ⅓ gr.; aluminum hydroxide, 5 gr.; belladonna extract, ⅓ gr.	Wyeth Laboratories.
Sed-Tens	Tablet (12 hr.): Amobarbital, 50 mg.; homatropine methylbromide, 7.5 mg.	Lemmon Pharmacal Co.
Sibena	Tablet: Butabarbital sodium, 16 mg.; simethicone, 25 mg.; belladonna extract, 16 mg. (total alkaloids 0.20 mg.).	Plough Laboratories, Inc.
Sodium nitrite with phenobarbital.	Tablet: Phenobarbital sodium, ¼ gr.; sodium nitrite, 1 gr.; sodium bicarbonate, 2 gr.; hawthorn berries, fluid extract, ¼ minim.	Paine Drug Co.
Do	Tablet: Phenobarbital, ½ gr.; sodium nitrite, 1 gr.	Buffalo Pharmaceutical Supply Corp.

Trade name or other designation	Composition	Manufacturer or supplier
Spasticol PB	Tablet: Phenobarbital, 15 mg.; homatropine methylbromide, 2.5 mg.	Key Pharmaceuticals, Inc.
Spastosed	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.13 mg.; calcium carbonate, 227 mg.; magnesium hydroxide, 162 mg.	North American Pharmacal, Inc.
Special Formula 711	Tablet: d-Amphetamine sulfate, 2.5 mg.; mephenesin, 500 mg.; salicylamide, 300 mg.	Detroit First Aid Co.
Synirin	Tablet: Pentobarbital, 8 mg.; aspirin, 324 mg.	Wm. P. Poythress & Co., Inc.
TCS	Tablet: Phenobarbital 16, mg.; theobromine salicylate, 0.4 grn.; calcium salicylate, 0.06 grn.	Do.
Tedral-25	Tablet: Butabarbital, 25 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Warner-Chilcott Laboratories.
Tedral S.A.	Tablet: Phenobarbital, 25 mg.; theophylline, 180 mg.; ephedrine hydrochloride, 48 mg.	Do.
Tensodin	Tablet: Phenobarbital, 15 mg.; ethaverine hydrochloride, 30 mg.; theophylline calcium salicylate, 200 mg.	Knoll Pharmaceutical Co.
Tensophen	Tablet: Phenobarbital, 16 mg.; nitroglycerin, 0.26 mg.; sodium nitrite, 32 mg.; podophyllin, 1 mg.; extract beef bile, 16 mg.	P. J. Noyes Co.
Tetralute I	One bottle of buffer compound containing 4.15 gm. of sodium barbital and 0.75 gm. of barbital; other drugs and components.	Miles Laboratories, Inc.
Thedrizem	Tablet: Phenobarbital, 8 mg.; theophylline, hydrous, 100 mg.; ephedrine hydrochloride, 25 mg.	The Zemmer Co.
Theobarb	Tablet: Phenobarbital, 32 mg.; theobromine, 325 mg.	Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Chemical Works.
Theobarb-R	Tablet: Phenobarbital, 10 mg.; reserpine, 0.1 mg.; theobromine, 324 mg.	Do.
Theobarb Special	Tablet: Phenobarbital, 16 mg.; theobromine, 325 mg.	Do.
Theobromine and phenobarbital.	Tablet: Phenobarbital, 16 mg.; theobromine, 0.3 gm.	P. J. Noyes Co.
Theobromine-Phenobarbital	Tablet: Phenobarbital, 30 mg.; theobromine, 0.3 gm.	The S. E. Massengill Co.
Do	Tablet: Phenobarbital, 32 mg.; theobromine, 324 mg.	The Upjohn Co.
Theobromine-Phenobarbital Compound.	Tablet: Phenobarbital, ¼ gr.; theobromine, 2½ gr.; potassium iodide, 2½ gr.; potassium bicarbonate, 2 gr.	Do.
Theobromine with Phenobarbital No. 1.	Tablet: Phenobarbital, 15 mg.; theobromine, 324 mg.	Buffington's Inc.
Theobromine and sodium acetate with phenobarbital.	Tablet: Phenobarbital, ¼ gr.; theobromine and sodium acetate, 3 gr.	Paul B. Elder Co., Inc.
Theobromine sodium salicylate with phenobarbital.	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 300 mg.	The Zemmer Co.
Theocardone No. 1	Tablet: Phenobarbital, 15 mg.; theobromine, 300 mg.	Haack Laboratories, Inc.
Theocardone No. 2	Tablet: Phenobarbital, 30 mg.; theobromine, 300 mg.	Do.
Theodide	Tablet: Phenobarbital, ¼ gr.; potassium iodide, 2½ gr.; theobromine sodium salicylate, 2½ gr.	The Vale Chemical Co., Inc.
Theoglycinate with Phenobarbital.	Tablet: Phenobarbital, 16 mg.; theophylline-sodium glycinate, 324 mg.	Brayten Pharmaceutical Co.
Theoglycinate with Racephedrine and Phenobarbital.	Tablet: Phenobarbital, 16 mg.; theophylline-sodium glycinate, 324 mg.; racephedrine hydrochloride, 24 mg.	Do.
Theoplaphen	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 0.2 grn.; calcium lactate, 0.1 grn.	The S. E. Massengill Co.
Theominal	Tablet: Phenobarbital, 32 mg.; theobromine, 320 mg.	Winthrop Laboratories.
Theominal M	Tablet: Phenobarbital, 15 mg.; theobromine, 320 mg.	Do.
Theominal R S	Tablet: Phenobarbital, 10 mg.; theobromine, 320 mg.; alseroxylon, 1.5 mg.	Do.
Theophen	Tablet: Phenobarbital, ¾ gr.; theobromine sodium salicylate, 5 gr.; calcium carbonate, 2½ gr.	The Vale Chemical Co., Inc.
Theorate	Tablet: Phenobarbital, 16.2 mg.; theobromine, 324 mg.	Whittier Laboratories, Inc.
Thora-Dex No. 1	Tablet: Dextroamphetamine sulfate, 2 mg., chlorpromazine hydrochloride, 10 mg.	Smith Kline & French Laboratories.
Thora-Dex No. 2	Tablet: Dextroamphetamine sulfate, 5 mg.; chlorpromazine hydrochloride, 25 mg.	Do.
Thymodyne	Tablet: Phenobarbital, 32 mg.; theophylline anhydrous, 130 mg.; ephedrine sulfate, 24 mg.	P. J. Noyes Co.
Trocinate with Phenobarbital	Tablet: Phenobarbital, 16 mg.; thiphenamil hydrochloride, 100 mg.	Wm. P. Poythress & Co., Inc.
Tricelold	Tablet: Phenobarbital, 16 mg.; tricyclamol chloride, 50 mg.	Burroughs Wellcome & Co.
Triophen	Tablet: Phenobarbital, ⅓ gr.; antropine sulfate, 1/150 gr.; magnesium trisilicate, 7 gr.	The Vale Chemical Co., Inc.
Unitensen-Phen	Tablet: Phenobarbital, 15 mg.; cryptenamine, 1 mg.	Neisler Laboratories, Inc.

Trade name or other designation	Composition	Manufacturer or supplier
Valpin-PB	Tablet or elixir (5 cc.): Phenobarbital, 8 mg.; anisotropine methylbromide, 10 mg.	Endo Laboratories Inc.
Vasorutin	Tablet: Diallylbarbituric acid, ¼ gr.; nitroglycerin, 1/250 gr.; sodium nitrite, 1 gr.; tincture crataegus, 2 minims; rutin, 20 mg.	Buffington's, Inc.
Veraflex	Tablet: Phenobarbital, 15 mg.; cryptenamine, 65 CSR (carotid sinus reflex) units; rutin, 20 mg.	Neisler Laboratories, Inc.
Veralzem	Tablet: Phenobarbital, 15 mg.; veratrum viride, 50 mg.; sodium nitrite, 60 mg.	The Zemmer Co.
Veratrite	Tablet: Phenobarbital, ¼ gr.; cryptenamine, 40 CSR (carotid sinus reflex) units; sodium nitrite, 1 gr.	Neisler Laboratories, Inc.
Veritag	Tablet: Phenobarbital, 16 mg.; veratrum viride, 40 mg.; sodium nitrite, 65 mg.	S. J. Tutag and Co.
Vertegus	Tablet: Phenobarbital, ¼ gr.; veratrum viride, ¾ gr.; sodium nitrite, 1 gr.; mistletoe, ½ gr.; hawthorn berries, ½ gr.	Burt Krone Co.
Veruphen	Tablet: Phenobarbital, 15 mg.; rutin, 20 mg.; veratrum viride, 15 mg.; sodium nitrite, 60 mg.	The Zemmer Co.
Viritin	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 30 mg.; veratrum viride alkaloids, 1.5 mg.; rutin, 20 mg.	Lemmon Pharmacal Co.
Weytabs No. 1	Tablet: dl-Desoxyephedrine hydrochloride, 5 mg.; thyroid, 60 mg.; atropine sulfate, 0.125 mg.; aloin, 15 mg.	The Vale Chemical Co., Inc.
Weytabs No. 2	Tablet: dl-Desoxyephedrine hydrochloride, 5 mg.; thyroid, 60 mg.; atropine sulfate, 0.125 mg.	Do.
Weytabs No. 3	Tablet: Phenobarbital, 15 mg.; dl-desoxyephedrine hydrochloride, 5 mg.; thyroid 60 mg.	Do.
W-T	Powder (4 grn.): Phenobarbital, 15 mg.; belladonna extract, 10 mg. (0.12 mg. belladonna alkaloids); benzocaine, 15 mg.; calcium carbonate, 1.55 grn.; magnesium oxide, 0.5 grn.; aluminum hydroxide gel, dried, 60 mg.	Warren-Teed Pharmaceuticals Inc.
W-T	Tablet: Phenobarbital, 1/16 gr.; belladonna extract, 1/24 gr.; benzocaine, 1/16 gr.; calcium carbonate, 6 gr.; magnesium trisilicate, 3¾ gr.; aluminum hydroxide gel, dried, 2½ gr.; chlorophyll extract, 1/2 gr.	Do.
Xanlophen	Tablet: Phenobarbital, 16.2 mg.; theobromine, 162 mg.; ethylenediamine dihydriodide, 32.4 mg.	Pitman-Moore.
Zallogen Compound	Tablet: Phenobarbital, 8 mg.; tocamphyl, 75 mg.; homatropine methylbormide, 2.5 mg.	The S. E. Massengill Co.
Zantrate	Tablet: Cyclopentenylallylbarbituric acid, ½ gr.; ephedrine sulfate, ⅓ gr.; theophylline anhydrous, 2 gr.	The Upjohn Co.
Zem-Dab	Tablet: Butabarbital sodium, 10 mg.; dehydrocholic acid, 60 mg.; ox bile desiccated, 120 mg.; homatropine methylbromide, 2.5 mg.	The Zemmer Co.
No. 23	Tablet: Phenobarbital, ½ gr.; aminophylline, 3 gr.	Stayner Corp.
No. 35	Tablet: Phenobarbital, ⅓ gr.; aminophylline, 1.5 gr.; ephedrine sulfate, 3/8 gr.	Do.
No. 36	Tablet: Pentabarbital sodium, ¾ gr.; ephedrine sulfate, ⅜ gr.; aminophylline, 3 gr.	Do.
No. 65	Tablet: Phenobarbital, ¼ gr.; extract belladonna, ¼ gr.	Do.
No. 66	Tablet: Phenobarbital, ¼ gr.; extract belladonna, ¼ gr.	Do.
No. 75	Tablet: Phenobarbital, ¼ gr.; belladonna, ¼ gr.	Bariatric Corp.
No. 88	Tablet: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.	Stayner Corp.
No. 89	Tablet: Phenobarbital, ½ gr.; aminophylline, 1½ gr.	Do.
No. 111	Tablet: Phenobarbital, ½ gr.; ephedrine sulfate, ⅜ gr.	Do.
No. 136	Tablet: Phenobarbital, 20 mg.; homatropine methylbromide, 5 mg.	Do.
No. 643	Tablet: Phenobarbital, ¼ gr.; theophylline, 2 gr.; ephedrine hydrochloride, ⅜ gr.	Do.
Rx. No. 4104	Tablet: Phenobarbital, ¼ gr.; calcium carbonate, 7½ gr.; magnesium oxide, 4 gr.; atropine sulfate, 1/300 gr.	The Zemmer Co.
Rx. No. 4105	Tablet: Phenobarbital, ¼ gr.; calcium carbonate, 10 gr.; atropine sulfate, 1/400 gr.	Do.
Rx. No. 4108	Capsule: Phenobarbital, ¼ gr.; atropine sulfate, 1/300 gr.; calcium carbonate, 6½ gr.; magnesium oxide, heavy, 2 gr.	Do.
Rx. No. 4123	Capsule: Phenobarbital, ¼ gr.; bismuth subgallate, 5 gr.; extract belladonna, 1/6 gr.	Do.

Trade name or other designation	Composition	Manufacturer or supplier
Rx. No. 4126	Capsule: Pentabarbital sodium, 15 mg.; extract belladonna, 10 mg.	The Zemmer Co.
Rx. No. 4143	Capsule: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.; potassium iodide, 1 gr.	Do.
Rx. No. 4152	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/200 gr.	Do.
Rx. No. 4155	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/1000 gr.; aluminum hydroxide gel. 3¾ gr.; kaolin, 3¾ gr.	Do.
Rx. No. 4170	Tablet: Phenobarbital, ½ gr.; atropine sulfate, 1/200 gr.; calcium carbonate, 10 gr.	Do.
Rx. No. 4184	Capsule: Sodium butabarbital, 15 mg.; belladonna extract, 15 mg.	Do.

PART 311—REGISTRATION OF IMPORTERS AND EXPORTERS OF CONTROLLED SUBSTANCES

GENERAL INFORMATION

§ 311.01 Scope of Part 311.

Procedures governing the registration of importers and exporters of controlled substances pursuant to sections 1007 and 1008 of the Act (21 U.S.C. 957–958) are set forth generally by those sections and specifically by the sections of this part.

§ 311.02 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term "Act" means the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(b) The term "Controlled Substances Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801).

(c) The term "customs territory of the United States" means the several States, the District of Columbia, and Puerto Rico.

(d) The term "export" means, with respect to any article, any taking out or removal of such article from the jurisdiction of the United States (whether or not such taking out or removal constitutes an exportation within the meaning of the customs and related laws of the United States).

(e) The term "exporter" includes every person who exports, or who acts as an export broker for exportation of, controlled substances listed in schedules I through IV.

(f) The term "hearing" means any hearing held pursuant to this part for the granting, denial, revocation or suspension of a registration pursuant to section 1008 of the Act (21 U.S.C. 958).

(g) The term "import" means, with respect to any article, any bringing in or introduction of such article into either the jurisdiction of the United States or the customs territory of the United States, and from the jurisdiction of the United States into the customs territory of the United States (whether or not such bringing in or introduction constitutes an importation within the meaning of the tariff laws of the United States).

(h) The term "importer" includes every person who imports, or who acts as an import broker for importation of, controlled substances listed in any schedule.

(i) The term "jurisdiction of the United States" means the customs territory of the United States, the Virgin Islands, the Canal Zone, Guam, American Samoa, and the Trust Territories of the Pacific Islands.

(j) The terms "register" and "registration" refer only to registration required and permitted by section 1007 of the Act (21 U.S.C. 957).

(k) Any term not defined in this section shall have the definition set forth in section 1001 of the Act (21 U.S.C. 951) or 21 CFR 301.02.

§ 311.03 Information; special instructions.

Information regarding procedures under these rules and instructions supplementing these rules will be furnished upon request by writing to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28083, Central Station, Washington, D.C. 20005.

§ 311.04 Inspection or record.

The record bearing on any registration, except for material described in § 301.04(b) (3) and (4) of this chapter, shall be available for public inspection and copying during office hours in the office of the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, or in the Office of the Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, if such report is part of a hearing in progress.

FEES FOR REGISTRATION AND REREGISTRATION

§ 311.11 Fee amounts.

(a) For each registration or reregistration to import controlled substances, the registrant shall pay a fee of $25.

(b) For each registration or reregistration to export controlled substances, the registrant shall pay a fee of $25.

§ 311.12 Time of payment; refund.

Registration and reregistration fees shall be paid at the time when the application for registration or reregistration is submitted for filing. In the event that the application is not accepted for filing or is denied, the payment shall be refunded to the applicant.

REQUIREMENTS OF REGISTRATION

§ 311.21 Person required to register.

Every person who imports any controlled substance, or who exports any controlled substance listed in schedules I through IV, or who proposes to engage in such importation or exportation, shall obtain annually a registration unless exempted by law or pursuant to §§ 311.24–28. Only persons actually engaged in such activities are required to obtain a registration; related or affiliated persons who are not engaged in such activities are not required to be registered. (For example, a stockholder or parent corporation importing controlled substances is not required to obtain a registration.)

§ 311.22 Separate registration for independent activities.

(a) Every person who engages in more than one group of independent activities, as described in § 301.22 of this chapter shall obtain a separate registration for each group of activities as required by that section.

(b) One or more controlled substances listed in schedules II through V may be included in a single registration to engage in any independent activity. Only one basic class of controlled substance listed in schedule I, and no controlled substances listed in any other schedule, may be included in a single registration.

§ 311.23 Separate registrations for separate locations.

(a) A separate registration is required for each principal place of business at one general principal location where controlled substances are imported or exported by a person.

(b) The following locations shall be deemed not to be places where controlled substances are imported or exported:

(1) A warehouse where controlled substances are stored on behalf of a registered person, unless such substances are distributed directly from such warehouse to persons other than the registered person or persons not required to register by virtue of subsection 1007(b)(1)(B) (21 U.S.C. 957(b)(1)(b)); and

(2) An office used by agents of a registrant where sales of controlled substances are solicited, made, or supervised but which neither contains such substances (other than substances for display purposes) nor serves as a distribution point for filling sales orders.

§ 311.24 Exemption of certain military personnel.

The requirement of registration is waived for any official of the U.S. Army, Navy, Air Force, Coast Guard, or Public Health Service who is authorized to import or export controlled substances in the course of his official duties.

§ 311.25 Exemption of law enforcement officials.

The requirement of registration is waived for any employee of the Bureau, any officer of the U.S. Bureau of Customs, any officer or employee of the U.S. Food and Drug Administration, and any other Federal officer who is lawfully engaged in the enforcement of any Federal law relating to controlled substances, drugs or customs, and is duly authorized to possess, import or export controlled substances in the course of his official duties.

§ 311.26 Exemption for ocean vessels.

Owners of vessels described in § 301.28 of this chapter shall not be deemed to import or export any controlled substance purchased and stored in accordance with that section.

§ 311.27 Exemption for commercial aircraft.

Air carriers operating aircraft described in § 301.29 of this chapter shall not be deemed to import or export any controlled substance purchased and stored in accordance with that section.

§ 311.28 Exemptions for personal medical use.

(a) Any individual who has in his possession a controlled substance listed in schedules II, III, IV, or V, which he has lawfully obtained for his personal medical use, or for administration to an animal accompanying him, may enter or depart the United States with such substance notwithstanding sections 1002–1005 of the Act (21 U.S.C. 952–955), providing the following conditions are met:

(1) The controlled substance is in the original container in which it was dispensed to the individual; and

(2) The individual makes a declaration to an appropriate official of the U.S. Bureau of Customs stating:

(i) That the controlled substance is possessed for his personal use, or for an animal accompanying him; and

(ii) The trade or chemical name and the symbol designating the schedule of the controlled substance if it appears on the container label, or, if such name does not appear on the label, the name, address, and prescription number of the pharmacy or practitioner who dispensed the substance.

APPLICATIONS FOR REGISTRATION

§ 311.31 Time for application for registration; expiration date.

(a) Any person who is required to be registered and who is not so registered may apply for registration at any time. No person required to be registered shall engage in any activity for which registration is required until the application for registration is granted and a registration certificate is issued by the Director.

(b) Any person who is registered may apply to be reregistered not more than 60 days before the expiration date of his registration.

(c) At the time any person is first registered, he will be assigned to one of 12 groups in the same manner and with the same effect as provided in § 301.31 of this chapter.

§ 311.32 Application forms; contents; signature.

(a) Any person who is required to be registered to import or export controlled substances, and who is not so registered, shall apply on BND Form 225.

(b) Any person who is registered to import or export controlled substances, shall apply for reregistration on BND Form 227.

(c) BND Form 225 may be obtained at any regional office of the Bureau or by writing to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, U.S. Department of Justice, Post Office Box 28083, Central Station, Washington, DC 20005. BND Form 227 will be mailed to each registered importer and exporter approximately 60 days before the expiration date of his registration; if any registered person does not receive such forms within 45 days before the expiration date of his registration, he must promptly give notice of such fact and request such forms by writing to the Registration Branch of the Bureau at the foregoing address.

(d) Each application for registration to import or export any basic class of controlled substance listed in schedule 1 shall include the Bureau Controlled Substance Code Number for the basic class to be covered by such registration.

(e) Each application shall include all information called for in the form, unless the item is not applicable, in which case this fact shall be indicated.

(f) Each application, attachment, or other document filed as part of an application, shall be signed by the applicant, if an individual; by a partner of the applicant, if a partnership; or by an officer of the applicant, if a corporation, association, trust or other entity.

§ 311.33 Filing of application; acceptance for filing; additional information; amendments to and withdrawals of applications.

Applications for registration to import or export controlled substances shall be filed, accepted for filing, supplemented, amended and withdrawn as provided in § 301.34–301.37 of this chapter.

ACTION ON APPLICATIONS FOR REGISTRATION: REVOCATION OR SUSPENSION OF REGISTRATION

§ 311.41 Administrative review generally.

The Director may inspect, or cause to be inspected, the establishment of an applicant or registrant, pursuant to § 316.01 of this chapter. The Director shall review the application for registration and other information gathered by the Bureau regarding an applicant in order to determine whether the applicable standards of section 1008 of the Act (21 U.S.C. 958) have been met by the applicant.

§ 311.42 Application for importation of schedule I and II substances.

(a) In the case of an application for registration to import a basic class of any controlled substance listed in schedule I or II, under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)), the Director shall, upon the filing of such application, publish in the FEDERAL REGISTER a notice naming the applicant and stating that such applicant has applied to be registered as an importer of a basic class of narcotic or nonnarcotic controlled substance, which class shall be identified. A copy of said notice shall be mailed simultaneously to each person registered as a bulk manufacturer of that basic class and to any other applicant therefor. Any such person may, within 30 days from the date of publication of the notice in the FEDERAL REGISTER, file written comments on or objections to the issuance of the same time, file a written request for a hearing on the application. If a hearing is requested, the Director shall hold a hearing on the application pursuant to § 311.51. Notice of the hearing shall be published in the FEDERAL REGISTER, and shall be mailed simultaneously to the applicant and to all persons to whom notice of the application was mailed. Notice of the hearing shall contain a summary of all comments and objections filed regarding the application and shall state the time and place for the hearing, which shall not be less than 30 days after the date of publication of such notice in the FEDERAL REGISTER. A hearing pursuant to this section may be consolidated with a hearing held pursuant to § 311.43 or § 311.44.

(b) In determining whether competition among the domestic manufacturers of a controlled substance is adequate within the meaning of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)), the Director shall consider among other factors:

(1) The extent of price rigidity in the light of changes in (i) raw materials and other costs and (ii) conditions of supply and demand;

(2) The extent of service and quality competition among the domestic manufacturers for shares of the domestic market;

(3) The existence of substantial differentials between (i) domestic prices and (ii) the higher of prices generally prevailing in foreign markets or the prices at which foreign manufacturers are committed to undertake to provide such products in the domestic market in conformity with the Act or the Controlled Substances Act. In determining the existence of substantial differentials hereunder, appropriate consideration should be given to any additional costs imposed on domestic manufacturers by the requirements of the Act or the Controlled Substances Act and such other factors as the Director may deem relevant. In no event shall a foreign manufacturer's offering prices in the United States be considered if they are lower than those prevailing in the foreign manufacturer's own domestic market.

(c) In considering the scope of the domestic market, consideration shall be given to substitute products which are reasonably interchangeable in terms of price, quality and use.

(d) The fact that the number of existing manufacturers is small shall not demonstrate, in and of itself, that adequate competition among them does not exist.

§ 311.43 Certificate of registration; denial of registration.

(a) The Director shall issue a certificate of registration (BND Form 223) to an applicant if the issuance of registration or reregistration is required under the applicable provisions of section 1008 of the Act (21 U.S.C. 958). In the event the issuance of registration or reregistration is not required, the Director shall deny the application. Before denying any application, the Director shall issue an order to show cause pursuant to § 311.47 and, if requested by the applicant, shall hold a hearing on the application pursuant to § 311.51.

(b) The certificate of registration (BND Form 223) shall contain the information, and shall be displayed in the manner prescribed in 21 CFR 301.44(b).

§ 311.44 Suspension or revocation of registration.

(a) The Director may suspend any registration pursuant to section 304(a) of the Controlled Substances Act (21 U.S.C. 824 (a)) for any period of time he determines.

(b) The Director may revoke any registration pursuant to section 304(a) of the Controlled Substances Act (21 U.S.C. 824(a)).

(c) Before revoking or suspending any registration, the Director shall issue an order to show cause pursuant to § 310.47 of this chapter, and if requested by the registrant, shall hold a hearing pursuant to § 311.51. Notwithstanding the requirements of this section, however, the Director may suspend any registration pending a final order pursuant to § 311.45.

(d) Upon service of the order of the Director suspending or revoking registration, the registrant shall immediately deliver his certificate of registration and any order forms or permits in his possession to the nearest office of the Bureau. The suspension or revocation of a registration shall suspend or revoke any permits issued pursuant to Part 312 of this chapter. Also, upon service of the order of the Director revoking registration, the registrant shall, as instructed by the Director:

(1) Deliver all controlled substances in his possession to the nearest office of the Bureau or to authorized agents of the Bureau; or

(2) Place all controlled substances in his possession under seal as described in section 304(f) of the Controlled Substances Act (21 U.S.C. 824(f)).

(e) In the event that revocation or suspension is limited to a particular controlled substance or substances, the registrant shall be given a new certificate of registration for all substances not affected by such revocation or suspension. The registrant shall deliver the old registration and, if appropriate, any order forms or permits in his possession to the nearest office of the Bureau. Also, the registrant shall, as instructed by the Director:

(1) Deliver to the nearest office of the Bureau or to authorized agents of the Bureau all of the particular controlled substance or substances affected by the revocation or suspension which are in his possession; or

(2) Place all of such substances under seal as described in section 304(f) of the Controlled Substances Act (21 U.S.C. 824(f)).

§ 311.45 Suspension of registration pending final order.

(a) The Director may suspend any registration simultaneously with or at any time subsequent to the service upon the registrant of an order to show cause why such registration should not be revoked or suspended, in any case where he finds that there is an imminent danger to the public health or safety. If the Director so suspends, he shall serve with the order to show cause pursuant to § 311.47 an order of immediate suspension which shall contain a statement of his findings regarding the danger to public health or safety.

(b) Upon receipt of the order of immediate suspension, the registrant shall promptly return his certificate of registration and any order forms and permits in his possession to the nearest office of the Bureau. The suspension of any registration under this section shall suspend any permits issued pursuant to Part 312 of this chapter.

(c) Any suspension shall continue in effect until the conclusion of all proceedings upon revocation or suspension, including any judicial review thereof, unless sooner withdrawn by the Director or dissolved by a court of competent jurisdiction. Any registrant whose registration is suspended under this section may request a hearing on the revocation or suspension of his registration at a time earlier than specified in the order to show cause pursuant to § 312.47 which request shall be granted by the Director, who shall fix a date for such hearing as early as reasonably possible.

§ 311.46 Extension of registration pending final order.

An applicant for reregistration who is doing business under a registration previously granted and not revoked or suspended may have the existing registration extended and continue in effect until the date on which the Director issues his order on the application for reregistration as provided in § 301.47 of this chapter.

§ 311.47 Order to show cause.

(a) If, upon examination of the application for registration from any applicant and other information gathered by the Bureau regarding the applicant, the Director is unable to make the determinations required by the applicable provisions of section 303 of the Controlled Substances Act (21 U.S.C. 823) to register the applicant, the Director shall serve upon the applicant an order to show cause why the registration should not be denied, as provided in § 301.48 of this chapter.

(b) If, upon information gathered by the Bureau regarding any registrant, the Director determines that the registration of such registrant is subject to suspension or revocation pursuant to section 304 of the Controlled Substances Act (21 U.S.C. 824), the Director shall serve upon the registrant an order to show cause why the registration should not be revoked or suspended, as provided in § 301.48 of this chapter.

HEARINGS

§ 311.51 Hearings generally.

(a) In any case where the Director shall hold a hearing on any registration or applictaion thereof, the procedures for such hearing shall be governed generally by the adjudication procedures set out in the Administrative Procedure Act (5 U.S.C. 551–559) and specifically by section 1008 of the Act (21 U.S.C. 958), by § 311.52–.53, and by the procedure for hearings pursuant to sections 303 and 304 of the Controlled Substances Act (21 U.S.C. 823–824) set forth in § 301.52–.73 of this chapter.

(b) Any hearing under this part shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under the Act or any other law of the United States.

§ 311.52 Hearings on application for importation of schedule I and II substances.

A hearing on an application for registration to import a basic class of any controlled substance in schedule I or II required by § 311.42 shall be held under the same procedures prescribed in §§ 301.51–301.73 of this chapter for a hearing on an application for registration to manufacture in bulk a basic class of any controlled substance.

§ 311.53 Burden of proof.

(a) At any hearing on the granting or denial of an applicant to be registered to import or export any controlled substance in schedule I or II, the applicant shall have the burden of proving that the requirements for each registration pursuant to section 1008(a) of the Act (21 U.S.C. 958(a)) are satisfied. Any other person participating in the hearing pursuant to § 310.42 of this chapter shall have the burden of proving any propositions of fact or law asserted by him in the hearings.

(b) At any other hearing for the denial of a registration, the Bureau shall have the burden of proving that the requirements for such registration pursuant to section 1008(c) of the Act (21 U.S.C. 958(c)) are not satisfied.

(c) At any hearing for the revocation or suspension of a registration, the Bureau shall have the burden of proving that the requirements for such revocation or suspension to section 304(a) of the Controlled Substances Act (21 U.S.C. 824(a)) are satisfied.

PART 312—IMPORTATION AND EXPORTATION OF CONTROLLED SUBSTANCES

§ 312.01 Scope of Part 312.

Procedures governing the importation, exportation, transshipment and intransit shipment of controlled substances pursuant to sections 1002, 1003, and 1004 of the Act (21 U.S.C. 952, 953, and 954) are governed generally by those sections and specifically by the sections of this part.

§ 312.02 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term "Act" means the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(b) Any term not defined in this section shall have the definition set forth in sections 1001 and 102 of the Act (21 U.S.C. 951 and 802) and § 311.02 of this chapter.

IMPORTATION OF CONTROLLED SUBSTANCES

§ 312.11 Requirement of authorization to import.

(a) No person shall import or cause to be imported any controlled substance listed in schedule I or II or any narcotic controlled substance listed in schedules III, IV, or V unless and until such person is registered under the Act (or exempt from registration) and the Director has issued him a permit to do so pursuant to § 312.13.

(b) No person shall import or cause to be imported any nonnarcotic controlled substances listed in schedules III, IV, or V unless and until such person is registered under the Act (or exempt from registration) and he has filed an import declaration to do so with the Director at least 15 days prior to importation, pursuant to § 312.18.

(c) When an import permit or declaration is required, a separate permit or declaration must be obtained for each consignment of controlled substances to be imported.

§ 312.12 Application for import permit.

(a) An application for a permit to import controlled substances shall be made on BND Form 85. BND Form 85 may be obtained from, and shall be filed with, the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. Each application shall show the date of execution, the registration number of the importer, and the name and detailed description of each of the controlled substances desired to be imported, the net quantity of each, the anhydrous alkaloid content in any narcotic controlled substance to be imported, if known, the number and size of packages or containers, the name and quantity of the controlled substance contained in any preparation, and the quantity of any solids being given in kilograms or parts thereof. The application shall also include the following:

(1) The name, address, and business of the consignor, if known at the time application is submitted, but if unknown at that time, the fact should be indicated and the name and address afterwards furnished to the Director as soon as ascertained by the importer;

(2) The foreign port of exportation (i.e.), the place where the article will begin its journey of exportation to the United States);

(3) The port of entry into the United States;

(4) The latest date said shipment will leave said foreign port;

(5) The stock on hand of the controlled substance desired to be imported;

(6) The name of the importing carrier or vessel (if known, or if unknown it should be stated whether shipment will be made by express, freight, or otherwise, imports of controlled substances in schedules I or II and narcotic drugs in schedules III, IV, or V by mail being prohibited);

(7) The total tentative allotment to the importer of such controlled substance for the current calendar year;

(8) The total number of kilograms of said allotment for which permits have previously been issued and the total quantity of controlled substance actually imported during the current year to date.

(b) If desired, alternative foreign ports of exportation within the same country may be indicated upon the application (e.g., (1) Calcutta, (2) Bombay). If a formal permit is issued pursuant to such application, it will bear the names of the two ports in the order given in the application and will authorize shipment from either port. Alternate ports in different countries will not be authorized in the same permit.

§ 312.13 Issuance of import permit.

(a) The Director may authorize importation of any controlled substance listed in schedule I or II or any narcotic drug in listed schedule III, IV, or V if he finds:

(1) That the substance is crude opium or coca leaves in such quantity as he finds necessary to provide for medical, scientific, or other legitimate purposes;

(2) That the substance is necessary to provide for medical and scientific needs or other legitimate needs of the United States during an emergency where domestic supplies of such substance or drug are found to be inadequate, or in any case in which the Director finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303 of the Controlled Substances Act (21 U.S.C. 823); or

(3) That the domestic supply of any controlled substance is inadequate for scientific studies, and that the importation of that substance for scientific purposes is only for delivery to officials of the United Nations, of the United States, or of any State, or to any person registered or exempted from registration under sections 1007 and 1008 of the Act (21 U.S.C. 957 and 958).

(b) If, after careful consideration of the application, it is found that approval cannot be given, such fact and the reasons therefor will be communicated to the applicant by the Director. If additional information is required, or other action is necessary to correct any mistake or irregularity in the application or accompanying documents, opportunity will be afforded the prospective importer by the Director to furnish such additional information or to correct such mistake or irregularity before the application is finally approved.

(c) Each import permit shall be serially numbered and all five copies shall bear the same serial number. All copies of import permits shall bear the signature of the Director or his delegate, and facsimiles of signatures shall not be used. No permit shall be altered or changed by any person after being signed by the Director or his delegate and any change or alteration upon the fact of any permit, after it shall have been signed by the Director or his delegate shall render it void and of no effect. Permits are not transferable. Each copy of the permit shall have printed or stamped thereon the disposition to be made thereof. Each permit shall be dated and shall certify that the importer named therein is thereby permitted as a registrant under the Act, to import, through the port named, one shipment of not to exceed the specified quantity of the named controlled substances, shipment to be made before a specified date. Not more than one shipment shall be made on a single import permit. The permit shall state that the Director is satisfied that the consignment proposed to be imported is required for legitimate purposes.

§ 312.14 Distribution of copies of import permit.

An import permit approved by the Director shall be prepared in quintuplicate (numbered Copy 1, Copy 2, etc., respectively), each copy being signed by the Director or his delegate. After being signed, these copies shall be distributed and serve purposes as follows:

(a) Copy 1 and Copy 5 shall be transmitted by the Bureau to the importer, who shall retain Copy 5 on file as his record of authority for the importation, and shall transmit Copy 1 to the foreign exporter. The foreign exporter will submit Copy 1 to the proper governmental authority in the exporting country, if required, as a prerequisite to the issuance of an export authorization. This copy of the permit will accompany the shipment. Upon arrival of the imported merchandise, the District Director of the U.S. Bureau of Customs, at the port of entry will, after appraising the merchandise, forward Copy 1 to the Distribution Audit Branch with a report on the reverse side of such copy, showing the name of the port of importation, date prepared, name and net quantity of each substance, and report of analysis of the merchandise entered.

(b) Copy 2 shall be forwarded by the Bureau to the proper governmental authorities of the exporting country.

(c) Copy 3 shall be forwarded by the Bureau to the District Director of the U.S. Bureau of Customs at the U.S. port of entry, which shall be the customs port of destination in the case of shipments transported under immediate transportation entries, in order that the District Director may compare it with Copy 1 and the bill of lading upon arrival of the merchandise. If a discrepancy is noted between corresponding items upon different copies of a permit bearing the same serial number when compared by the District Director, he shall refuse to permit entry of the merchandise until the facts are communicated to the Bureau and further instructions are received.

§ 312.15 Shipments in greater or less amount than authorized.

(a) If the shipment made under an import permit is greater than the maximum amount authorized to be imported under the permit, as determined at the weighing by the District Director of the U.S. Bureau of Customs, such differ-

ence shall be seized subject to forfeiture, pending an explanation; except that shipments of substances exceeding the maximum authorized amount by less than 1 percent may be released to the importer upon the filing by him of an amended import permit. If the substance is included in schedule I, it will be summarily forfeited to the Government.

(b) If the shipment made under the permit is less than the maximum amount authorized to be imported under the permit as determined at the weighing by the District Director of the U.S. Bureau of Customs, such difference, when ascertained by the Bureau, shall be recredited to the tentative allotment against which the quantity covered by the permit was charged, and the balance of any such tentative allotment with any such recredits will remain available to the importer to whom made (unless previously revoked in whole or in part), for importations pursuant to any permit or permits as are requested and issued during the remainder of the calendar year to which the allotment is applicable. No permit shall be issued for importation of a quantity of controlled substances as a charge against the tentative allotment for a given calendar year, after the close of such calendar year, unless the Director of the Bureau decides to make an exception for good cause shown.

§ 312.16 Cancellation of permit; expiration date.

(a) A permit may be canceled after being issued, at the request of the importer, provided no shipment has been made thereunder. In the event that a permit is lost, the Director may, upon the production by the importer of satisfactory proof, by affidavit or otherwise, issue a duplicate permit. Nothing in this part shall affect the right, hereby reserved by the Director, to cancel a permit at any time for proper cause.

(b) An import permit shall not be valid after the date specified therein, and in no event shall the date be subsequent to 6 months after the date the permit is issued. Any unused import permit shall be returned for cancellation by the registrant to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

§ 312.17 Special report from importers.

Whenever requested by the Director, importers shall render to him not later than 30 days after receipt of the request therefor a statement under oath of the stocks of controlled substances on hand as of the date specified by the Director in his request, and, if desired by the Director, an estimate of the probable requirements for legitimate uses of the importer for any subsequent period that may be designated by the Director. In lieu of any special statement that may be considered necessary, the Director may accept the figures given upon the reports subsequent by said importer under Part 304 of this chapter.

§ 312.18 Contents of import declaration.

(a) Any nonnarcotic substance listed in schedule III, IV, or V may be imported if that substance is needed for medical, scientific or other legitimate uses in the United States, and will be imported pursuant to controlled substances import declaration.

(b) A registrant desiring to import any nonnarcotic controlled substance in schedules III, IV, or V must furnish a controlled substances import declaration and BND Form 236 to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28083, Washington, DC 20005, not later than fifteen (15) calendar days prior to the proposed date of importation and distribute four copies of same as hereinafter directed in § 312.19.

(c) BND Form 236 must be executed in quintuplicate and will include the following information:

(1) The name, address, and registration number of the importer; and the name and address and registration number of the import broker, if any; and

(2) A complete description of the controlled substances to be imported, including name, quantity, and dosage units; and

(3) The proposed import date, the foreign port of exportation to the United States, the port of entry, and the name, address, and registration number of the recipient in the United States; and

(4) The name and address of the consignor in the foreign country of exportation, and any registration or license numbers if the consignor is required to have such numbers either by the country of exportation or under U.S. law.

(d) Notwithstanding the time limitations included in paragraph (a) of this section, a registrant may obtain a special waiver of these time limitations in emergency or unusual instances, provided that a specific confirmation is received from the Director or his delegate advising the registrant to proceed pursuant to the special waiver.

§ 312.19 Distribution of import declaration.

The required five copies of the controlled substances import declaration will be distributed as follows:

(a) Copy 1, Copy 2, and Copy 3 shall be transmitted to the foreign shipper. The foreign shipper will submit Copy 1 to the proper governmental authority in the foreign country, if required as a prerequisite to export authorization. Copy 1 will then accompany the shipment to its destination, and shall be retained on file by the importer. Copy 2 shall be detached and retained by the appropriate customs official of the foreign country. Copy 3 shall be removed by the District Director of the U.S. Bureau of Customs at the port of entry, who shall sign and date the certification of customs on Copy 3, nothing any changes from the entries made by the importer, and shall then forward that copy to the Registration Branch of the Bureau.

(b) Copy 4 shall be forwarded directly to the Distribution Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, at least 15 days prior to the proposed date of importation.

(c) Copy 5 shall be retained by the importer on file as his record of authority for the importation.

EXPORTATION OF CONTROLLED SUBSTANCES

§ 312.21 Requirement of authorization to export.

(a) No person shall in any manner export or cause to be exported from the United States any controlled substance listed in schedule I or II, and any narcotic drug listed in schedule III or IV, unless and until such person is registered under the Act (or exempted from registration) and the Director has issued him a permit to do so pursuant to § 312.23.

(b) No person shall in any manner export or cause to be exported from the United States any nonnarcotic controlled substance listed in schedule III or IV or any controlled substance listed in schedule V, unless and until such person is registered under the Act (or exempted from registration) and he has furnished a special controlled substance export invoice as provided by section 1003(e) of the Act to the Director pursuant to § 312.26.

(c) A separate authorization request is obtained for each consignment of such controlled substances to be exported.

§ 312.22 Application for export permit.

(a) An application for a permit to export controlled substances shall be made on BND Form 161 which may be obtained from, and shall be filed with, the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. Each application shall show the exporter's name, address, and registration number, the name and detailed description of each controlled substance desired to be exported, the net quantity thereof, the number and size of packages or containers, the name and quantity of the controlled substance contained in any preparation, and the quantity of any solids being given in kilograms or parts thereof. The application shall include the name, address, and business of the consignee, foreign port of entry, the port of exportation, the approximate date of exportation, the name of the exporting carrier or vessel (if known, or if unknown it should be stated whether shipment will be made by express, freight, or otherwise, exports of controlled substances by mail being prohibited), the date and number, if any, of the supporting foreign import license or permit accompanying the application, and the authority by whom such foreign license or permit was issued. The application shall also contain an affidavit that the packages are labeled in conformance with Part 302 of this chapter and that, to the best of affiant's knowledge and belief, the controlled substances therein are to be applied exclusively to medical and scientific uses within the country to which exported, will not be reexported therefrom and that there is an actual need for the controlled substance for medical or scientific uses within such country. In the case of exportation of bulk coca leaf alkaloid, the affidavit may state that to the best of knowledge and belief, the controlled substances will be processed within the country to which exported, either for medical or scientific use within that country or for reexportation in accordance with the laws of that country to another for medical or scientific use within that country. The application shall be signed and dated by the exporter and shall contain the address from which the substances will be shipped for exportation.

(b) There shall also be submitted with the application any import license or permit (and a translation thereof if in a foreign language) or a certified copy of any such license or permit issued by competent authorities in the country of destination, or other documentary evidence deemed adequate by the Director, showing that the merchandise is consigned to an authorized permittee, that it is to be applied exclusively to medical or scientific use within the country of destination, that it will not be reexported from such country, and that there is an actual need for the controlled substance for medical or scientific use within such country. (In the case of exportation of bulk coca leaf alkaloid, the submitted evidence need only show the material outlined in paragraph (a) of this section for such exportations.)

§ 312.23 Issuance of export permit.

(a) The Director may authorize exportation of any controlled substance listed in schedule I or II or any narcotic controlled substance listed in schedule III or IV if he finds that such exportation is permitted by subsections 1003 (a), (b), (c), or (d) of the Act (21 U.S.C. 953 (a), (b), (c) or (d)).

(b) If after careful consideration of the application it is found that approval cannot be given, such fact and the reasons therefor will be communicated to the applicant by the Director. If additional information is required, or other action is necessary to correct any mistake or irregularity in the application or accompanying documents, opportunity will be afforded the prospective exporter by the Director to furnish such additional information or to correct such mistake or irregularity before the application is finally disapproved.

(c) Each export permit shall be serially numbered, and shall be predicated upon a separate import certificate or other documentary evidence, and not more than one shipment shall be made thereon. All export permits shall be entered in a register kept for that purpose in the office of the Director. Export permits are not transferable.

(d) No export permit shall be issued for the exportation of any narcotic drug to any country when the Director has information to show that the estimates submitted with respect to that country for the current period, under the Narcotics Limitation Convention of 1931, or the Single Convention on Narcotic Drugs of 1961, have been, or, considering the quantity proposed to be imported, will be exceeded. If it shall appear, through subsequent advice received from the International Narcotic Control Board of the United Nations that the estimates of the country of destination have been adjusted to permit further importation of the narcotic drug, an export permit may then be issued if otherwise permissible.

§ 312.24 Distribution of copies of export permit.

An export permit shall be prepared in sextuplet (numbered Copy 1, Copy 2, etc., respectively). These copies shall be distributed and serve purposes as follows:

(a) Copy 1, Copy 2, and Copy 3 shall be transmitted by the Bureau to the exporter who will retain Copy 3 as his record of authority for the exportation. The exporter shall present to the District Director of the U.S. Bureau of Customs, at the port of export and at the time of shipment, Copy 1 and Copy 2. After endorsing the port of export on the reverse side of Copy 1 and Copy 2 the District Director shall forward the endorsed Copy 1 with the shipment, and return the endorsed Copy 2 to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(b) Copy 4 shall be forwarded by the Bureau to the District Director of the U.S. Bureau of Customs at the port of export for comparison with Copy 1 and for retention for the customs record.

(c) Copy 5 shall be forwarded by the Bureau to the officer in the country of destination who issued the import certificate, or other documentary evidence upon which the export permit is founded.

(d) Copy 6 shall be retained by the Bureau.

§ 312.25 Expiration date.

An export permit shall not be valid after the date specified therein, which date shall conform to the expiration date specified in the supporting import certificate or other documentary evidence upon which the export permit is founded, but in no event shall the date be subsequent to 6 months after the date the permit is issued. Any unused export permit shall be returned by the permittee to the Distribution Audit Branch for cancellation.

§ 312.26 Records required of exporter.

The exporter shall keep a record of any serial numbers that might appear on packages of narcotic drugs in quantities of one ounce or more in such a manner as will identify the foreign consignee, along with Copy 3 of the export permit.

§ 312.27 Contents of special controlled substances invoice.

(a) A registrant desiring to export any nonnarcotic controlled substance listed in schedule III or V or any controlled substance listed in schedule V must furnish a special controlled substances export invoice on BND Form 236 to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28083, Washington, DC 20005, not less than fifteen (15) calendar days prior to the proposed date of exportation, and distribute four copies of same as hereinafter directed in § 312.27.

(b) This invoice must be executed by the exporter in quintuplicate and include the following information.

(1) The name, address, and registration number of the exporter; and the name, address and registration number of the exporter broker, if any; and

(2) A complete description of the controlled substances to be exported, including the name, quantity and dosage units; and

(3) The proposed export date, the port of exportation, the foreign port of entry, the carriers and shippers involved, method of shipment, the name of the vessel if applicable, and the name, address, and registration number, if any, of any forwarding agent utilized; and

(4) The name and address of the consignee in the country of destination, and any registration or license numbers if the consignee is required to have such numbers either by the country of destination or under United States law. In addition, documentation must be provided to show that such consignee is authorized under the laws and regulations of the country of destination to receive the controlled substances.

(c) Notwithstanding the time limitations included in paragraph (a) of this section, a registrant may obtain a special waiver of these time limitations in emergency or unusual instances; provided that a specific confirmation is received from the Director or his delegate advising the registrant to proceed pursuant to the special waiver.

§ 312.28 Distribution of special controlled substances invoice.

The required five copies of the special controlled substances export invoice, BND Form 236, will be distributed as follows:

(a) Copy 1 shall accompany the shipment and remain with the shipment to its destination.

(b) Copy 2 shall accompany the shipment and will be detached and retained by appropriate customs officials at the foreign country of destination.

(c) Copy 3 shall accompany the shipment and will be detached by the District Director of the U.S. Bureau of Customs at the port of exportation, who shall sign and date the certification of customs on such Copy 3, noting any changes from the entries made by the exporter, and shall then promtly forward Copy 3 to the Registration Branch of the Bureau.

(d) Copy 4 shall be forwarded directly to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28083, Washington, DC 20005, at least fifteen (15) days prior to the proposed date of exportation. These must be attached to

this copy documentation (including registration numbers if required) that such consignee is authorized under the laws and regulations of the country of destination to receive the controlled substances.

(e) Copy 5 shall be retained by the exporter on file as his record of authority for the exportation.

§ 312.29 Domestic release prohibited.

An exporter or a forwarding agent acting for an exporter must either deliver the controlled substances to the port or border, or deliver the controlled substances to a bonded carrier approved by the consignor for delivery to the port or border, and may not, under any other circumstances, release a shipment of controlled substances to anyone, including the foreign consignee or his agent, within the United States.

TRANSSHIPMENT AND IN-TRANSIT SHIPMENT OF CONTROLLED SUBSTANCES

§ 312.31 Schedule I: Application for prior written approval.

(a) A controlled substance listed in schedule I may be imported into the United States for transshipment, or may be transferred or transshipped within the United States for immediate exportation, provided that:

(1) The controlled substance is necessary for scientific, medical, or other legitimate purposes in the country of destination, and

(2) Prior written approval has been granted by the Director.

(b) An application for prior written approval must be submited to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, at least 30 days, or in the case of an emergency as soon as practicable, prior to the expected date of importation, transfer or transshipment. Each application shall contain the following:

(1) The date of execution;

(2) The identification and description of the controlled substance;

(3) The net quantity thereof;

(4) The number and size of the controlled substance containers;

(5) The name, address, and business of the foreign exporter;

(6) The foreign port of exportation;

(7) The approximate date of exportation;

(8) The identification of the exporting carrier;

(9) The name, address and business of the importer, transferor, or transshipper;

(10) The registration number, if any, of the importer, transferor or transshipper;

(11) The U.S. port of entry;

(12) The approximate date of entry;

(13) The name, address and business of the consignee at the foreign port of entry;

(14) The shipping route from the U.S. port of exportation to the foreign port of entry;

(15) The approximate date of receipt by the consignee at the foreign port of entry; and

(16) The signature of the importer, transferor or transhipper, or his agent accompanied by the agent's title.

(c) An application shall be accompanied by an import license or permit or a certified copy of such license or permit issued by a competent authority of the country of destination (or other documentary evidence deemed adequate by the Director), indicating that the controlled subtance:

(1) Is to be applied exclusively to scientific, medical or other legitimate uses within the country of destination;

(2) Will not be exported from such country; and

(3) Is needed therein because there is an actual shortage thereof and a demand therefor for scientific, medical or other legitimate uses within such country.

Verification by an American consular officer of the signatures on a foreign import license or permit shall be required, if such license or permit does not bear the seal of the authority signing them.

(d) The Director shall, within 21 days from the date of receipt of the application, review it and rule thereon, either granting or denying the application. Prior to a denial, however, the Director shall notify the applicant that approval cannot be granted, stating the reasons therefor. The applicant shall be accorded an opportunity to amend the application, with the Director either granting or denying the amended application within 7 days of its receipt.

(e) If the Director does not grant or deny the application within 21 days of its receipt, or in the case of an amended application, within 7 days of its receipt, it shall be deemed approval of the application, and the applicant may proceed.

§ 312.32 Schedules II, III, IV: Advance Notice.

(a) A controlled substance listed in schedules II, III, or IV may be imported into the United States for transshipment, or may be transferred or transshipped within the United States for immediate exportation, provided that written notice is submitted to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, at least 14 days prior to the expected date of importation, transfer or transshipment.

(b) Each advance notice shall contain those items required by § 312.31(b).

PART 316—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart A—Administrative Inspections

§ 316.01 Scope of Subpart A.

Procedures regarding administrative inspections and warrants pursuant to sections 302(f), 510, and 1015 of the Act (21 U.S.C. 822(f), 880, and 965) are governed generally by those sections and specifically by the sections of this Subpart.

§ 316.02 Definitions.

As used in this Subpart, the following terms shall have the meanings specified:

(a) The term "Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(b) The term "Bureau" means the Bureau of Narcotics and Dangerous Drugs.

(c) The term "controlled premises" means—(1) Places where original or other records or documents required under the Act are kept or required to be kept, and

(2) Places, including factories, warehouses, or other establishments, and conveyances, where persons registered under the Act or exempted from registration under the Act may lawfully hold, manufacture, or distribute, dispense, administer, or otherwise dispose of controlled substances.

(d) The term "Director" means the Director of the Bureau. The Director has been delegated authority under the Act by the Attorney General (§ 0.100) of this title.

(e) The term "inspector" means an officer or employee of the Bureau authorized to make inspections under the Act.

(f) The term "register" and "registration" refer to registration required and permitted by sections 303 and 1007 of the Act (21 U.S.C. 823 and 957).

(g) Any term not defined in this section shall have the definition set forth in sections 102 and 1001 of the Act (21 U.S.C. 802 and 951).

§ 316.03 Authority to make inspections.

In carrying out his functions under the Act, the Director, through his inspectors, is authorized in accordance with sections 510 and 1015 of the Act (21 U.S.C. 880 and 965) to enter controlled premises and conduct administrative inspections thereof, for the purpose of:

(a) Inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made under the Act and the regulations promulgated under the Act, including, but not limited to, inventory and other records required to be kept pursuant to Part 304 of this chapter, order form records required to be kept pursuant to Part 305 of this chapter, prescription and distribution records required to be kept pursuant to Part 306 of this chapter, shipping records identifying the name of each carrier used and the date and quantity of each shipment, and storage records identifying the name of each warehouse used and the date and quantity of each storage;

(b) Inspecting within reasonable limits and in a reasonable manner all pertinent equipment, finished and unfinished controlled substances and other substances or materials, containers, and labeling found at the controlled premises relating to this Act;

(c) Making a physical inventory of all controlled substances on-hand at the premises;

(d) Collecting samples of controlled drugs or precursors;

(e) Checking of records and information on distribution of controlled substances by the registrant as they relate to total distribution of the registrant (i.e., has the distribution in controlled substances increased markedly within the past year, and if so why); and

(f) Except as provided in § 316.04, all other things therein (including records, files, papers, processes, controls and facilities) appropriate for verification of the records, reports, documents referred to above or otherwise bearing on the provisions of the Act and the regulations thereunder.

§ 316.04 Exclusion from inspection.

(a) Unless the owner, operator or agent in charge of the controlled premises so consents in writing, no inspection authorized by these regulations shall extend to:

(1) Financial data;

(2) Sales data other than shipping data; or

(3) Pricing data.

§ 316.05 Entry.

(a) An inspection shall be carried out by an inspector. Any such inspector, upon (1) Stating his purpose and (2) Presenting to the owner, operator or agent in charge of the premises to be inspected (i) Appropriate credentials, and (ii) Written notice of his inspection authority under § 314.06 of this chapter, and (3) Receiving informed consent under § 316.08 or through the use of administrative warrant issued under § 316.09 to § 316.14, shall have the right to enter such premises and conduct inspections at reasonable times and in a reasonable manner.

§ 316.06 Notice of inspection.

The notice of inspection (BND Form 82) shall contain:

(a) The name and title of the owner, operator, or agent in charge of the controlled premises;

(b) The controlled premises name;

(c) The address of the controlled premises to be inspected;

(d) The date and time of the inspection;

(e) A statement that a notice of inspection is given pursuant to section 510 of the Federal Controlled Substances Act (21 U.S.C. 880);

(f) A reproduction of the pertinent parts of section 510 of the Controlled Substances Act; and

(g) The signature of the inspector.

§ 316.07 Requirement for administrative inspection warrant; exceptions.

In all cases where an inspection is contemplated, an administrative inspection warrant is required pursuant to section 510 of the Act (21 U.S.C. 880), except that such warrant shall not be required for establishments applying for initial registration under the Act, for the inspection of books and records pursuant to an administrative subpoena issued in accordance with section 506 of the Act (21 U.S.C. 876) nor for entries in administrative inspections (including seizures of property):

(a) With the consent of the owner, operator, or agent in charge of the controlled premises as set forth in § 316.08;

(b) In situations presenting imminent danger to health or safety;

(c) In situations involving inspection of conveyances where there is reasonable cause to obtain a warrant;

(d) In any other exceptional or emergency circumstance or time or opportunity to apply for a warrant is lacking; or

(e) In any other situations where a warrant is not constitutionally required.

§ 316.08 Consent to inspection.

(a) An administrative inspection warrant shall not be required if informed consent is obtained from the owner, operator, or agent in charge of the controlled premises to be inspected.

(b) Wherever possible, informed consent shall consist of a written statement signed by the owner, operator, agent in charge of the premises to be inspected and witnessed by two persons. The written consent shall contain the following information:

(1) That he (the owner, operator, or agent in charge of the premises) has been informed of his constitutional right not to have an administrative inspection made without an administrative inspection warrant;

(2) Of his right to refuse to consent to such an inspection;

(3) Of the possibility that anything of an incriminating nature which may be found may be seized and used against him in a criminal prosecution;

(4) That he has been presented with a notice of inspection as set forth in § 316.06;

(5) That the consent is given by him is voluntary and without threats of any kind; and

(6) That he may withdraw his consent at any time during the course of inspection.

(c) The written consent shall be produced in duplicate be distributed as follows:

(1) The original will be retained by the inspector; and

(2) The duplicate will be given to the person inspected.

§ 316.09 Application for administrative inspection warrant.

(a) An administrative inspection warrant application shall be submitted to any judge of the United States or of a State court of record, or any United States magistrate, on BND Form 2001, or a reasonable facsimile, and shall contain the following information:

(1) The name and address of the controlled premises to be inspected;

(2) A statement of statutory authority for the administrative inspection warrant, and that the fact that the particular inspection in question is designed to insure compliance with the Controlled Substances Act or the Controlled Substances Import and Export Act and the regulations promulgated under those Acts;

(3) A statement relating to the nature and extent of the administrative inspection, including, where necessary, a request to seize specified items and/or to collect samples of finished or unfinished controlled substances;

(4) A statement that the establishment either:

(i) has not been previously inspected, or

(ii) was last inspected on a particular date.

(b) The application shall be submitted under oath to an appropriate judge or magistrate.

§ 316.10 Administrative probable cause.

If the judge or magistrate is satisfied that "administrative probable cause," as defined in section 510(d)(1) of the Act (21 U.S.C. 880(d)(1)) exists, he shall issue an administrative warrant. Administrative probable cause shall not mean criminal probable cause as defined by Federal statute or case law.

§ 316.11 Execution of Warrants.

An administrative inspection warrant shall be executed and returned as required by, and any inventory or seizure made shall comply with the requirements of, section 510(d)(3) of the Act (21 U.S.C. 880(d)(3)). The inspection shall begin as soon as is practicable after the issuance of the administrative inspection warrant and shall be completed with reasonable promptness. The inspection shall be conducted during regular business hours and shall be completed in a reasonable manner.

§ 316.12 Refusal to allow inspection with an administrative warrant.

If a registrant or any person subject to the Act refuses to permit execution of an administrative warrant or impedes the inspector in the execution of that warrant, he shall be advised that such refusal or action constitutes a violation of section 402(a)(6) of the Act (21 U.S.C. (a)(6)). If he persists and the circumstances warrant, he shall be arrested and the inspection shall commence or continue.

§ 316.13 Frequency of administrative inspections.

Except where circumstances otherwise dictate, it is the intent of the Bureau to inspect all manufacturers of controlled substances listed in schedules I and II and distributors of controlled substances listed in schedule I once each year; and to inspect all distributors of controlled substances listed in schedules II through V and manufacturers of controlled substances listed in schedules III through V once every 3 years.

Subpart B—Protection of Researchers and Research Subjects

§ 316.21 Confidentiality of research subjects.

(a) Any person registered to conduct research in controlled substances under the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801), who intends to maintain the confidentiality of those

persons who are the subjects of such research, shall, upon registration or within a reasonable time thereafter, submit to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, a separate request for each research project involving controlled substances, which shall contain the following:

(1) The researcher's registration number for that project;

(2) The location of the research project;

(3) A general description of the research or a copy of the research protocol;

(4) A specific request to withhold the names and/or any other identifying characteristics of the research subjects; and

(5) The reasons supporting the request.

(b) Within 30 days from the date of receipt of the request, the Director shall issue a letter, either granting confidentiality, requesting additional information, or denying confidentiality, in which case the reasons for the denial shall be included. A grant of confidentiality shall be limited solely to the specific research project indicated in the request.

(c) Within 30 days after the date of completion of the research project, the researcher shall so notify the Director.

§ 316.22 Exemption from prosecution for researcher.

(a) Upon registration of a practitioner to engage in research in controlled substances under the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801), the Director of the Bureau of Narcotics and Dangerous Drugs, on his own motion or upon request in writing from the Secretary or from the practitioner, exempt the registrant when acting within the scope of his registration, from prosecution under Federal, State, or local laws for offenses relating to possession, distribution or dispensing of those controlled substances within the scope of his exemption. However, this exemption does not diminish any requirement of compliance with the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301).

(b) The exemption shall consist of a letter issued by the Director, which shall include:

(1) The researcher's name and address;

(2) The researcher's registration number from the research project;

(3) The location of the research project;

(4) A concise statement of the scope of the researcher's registration; and

(5) The limits of the exemption.

(c) The exemption shall apply to all acts done in the scope of the exemption while the exemption is in effect. The exemption shall remain in effect until completion of the research project or until the registration of the researcher is either revoked or suspended or his renewal of registration is denied. Within 30 days of the date of completion of the research project, the researcher shall so notify the Director and return the letter of exemption.

Subpart C—Enforcement Proceedings

§ 316.31 Authority for enforcement proceeding.

A hearing may be ordered or granted by any Regional Director of the Bureau of Narcotics and Dangerous Drugs, at his discretion, to permit any person against whom criminal and/or civil action is contemplated under the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) or the Controlled Substances Import and Export Act (84 Stat. 1285, 21 U.S.C. 951) an opportunity to present his views and his proposals for bringing his alleged violations into compliance with the law. Such hearing will also permit him to show cause why prosecution should not be instituted, or to present his views on the contemplated proceeding.

§ 316.32 Notice of proceeding; time and place.

Appropriate notice designating the time and place for the hearing shall be given to the person. Upon request, seasonably made, by the person to whom notice has been given, the time or place of the hearing, or both, may be changed if the request states reasonable grounds for such change. Such request shall be addressed to the Regional Director who issued the notice.

§ 316.33 Conduct of proceeding.

Presentation of views at a hearing under this Subpart shall be private and informal. The views presented shall be confined to matters relevant to bringing violations into compliance with the Act or to other contemplated proceedings under the Act. These views may be presented orally or in writing by the person to whom the notice was given, or by his authorized representative.

§ 316.34 Records of proceeding.

A formal record of the hearing may be made at the request of either the Regional Director or the person for whom the hearing is being conducted. If such record is to be made at the request of the Regional Director, the person attending the hearing will be so advised prior to the start of the hearing.

All interested persons are invited to submit their comments or objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW., Washington, DC 20537, and must be received no later than 30 days after publication of this proposal in the FEDERAL REGISTER. It is the intention of the Bureau of Narcotics and Dangerous Drugs to publish final rules no later than April 15, 1971, to take effect on May 1, 1971, in order that regulations be in effect when the Comprehensive Drug Abuse Prevention and Control Act of 1970 becomes effective in its entirety.

Dated: March 8, 1971.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

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Title 3—The President

PROCLAMATION 4037

Quantitative Limitation on the Importation of Certain Meats Into the United States

By the President of the United States of America

A Proclamation

WHEREAS section 2(a) of the Act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 note) (hereinafter referred to as "the Act"), declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States (hereinafter referred to as "meat") which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereafter referred to as "adjusted base quantity"); and

WHEREAS section 2(b) of the Act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and publish quarterly the aggregate quantity of meat which in the absence of the limitations under the Act would be imported during such calendar year (hereafter referred to as "potential aggregate imports"); and

WHEREAS the Secretary of Agriculture, pursuant to sections 2(a) and (b) of the Act, estimated the adjusted base quantity of meat for the calendar year 1971 to be 1,025.0 million pounds and estimated the potential aggregate imports of meat for 1971 to be 1,160.0 million pounds; and

WHEREAS the potential aggregate imports of meat for the calendar year 1971, as estimated by the Secretary of Agriculture, exceeds 110 percent of the adjusted base quantity of meat for the calendar year 1971 estimated by the Secretary of Agriculture; and

WHEREAS no limitation under the Act is in effect with respect to the calendar year 1971; and

WHEREAS section 2(c)(1) of the Act requires the President in such circumstances to limit by proclamation the total quantity of meat which may be entered, or withdrawn from warehouse, for consumption, during

the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to section 2(b)(1) of the Act; and

WHEREAS section 2(d) of the Act provides that the President may suspend the total quantity proclaimed pursuant to section 2(c) of the Act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry; and

WHEREAS section 2(d) of the Act further provides that such suspension shall be for such period as the President determines and proclaims to be necessary to carry out the purposes of section 2(d);

NOW, THEREFORE, I, RICHARD NIXON, President of the United States, acting under and by virtue of the authority vested in me as President and pursuant to section 2 of the Act, do hereby proclaim as follows:

(1) In conformity with and as required by section 2(c)(1) of the Act, the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of part 2B, schedule 1 of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1971, is limited to 1,025.0 million pounds.

(2) It is hereby determined pursuant to section 2(d) of the Act that the suspension of the limitation proclaimed in paragraph (1) is required by overriding economic interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry.

(3) The limitation proclaimed in paragraph (1) is suspended during the calendar year 1971 unless because of changed circumstances it becomes necessary to take further action under the Act. It is hereby determined necessary that such suspension shall be for such period in order to carry out the purposes of section 2(d) of the Act.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of March, in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America, the one hundred and ninety-fifth.

Richard Nixon

[FR Doc.71-3723 Filed 3-15-71;9:58 am]

EXECUTIVE ORDER 11587

Amending Executive Order No. 11248, Placing Certain Positions in Levels IV and V of the Federal Executive Salary Schedule

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, section 2 of Executive Order No. 11248[1] of October 10, 1965, as amended, placing certain positions in level V of the Federal Executive Salary Schedule, is further amended by substituting for the words "Commissioner, Federal Water Pollution Control Administration, Department of the Interior," in item (8) thereof, the words "Commissioner, Water Quality Office, Environmental Protection Agency."

Richard Nixon

THE WHITE HOUSE,
March 15, 1971.

[FR Doc.71-3741 Filed 3-15-71;11:25 am]

[1] 30 F.R. 12999; 3 CFR, 1964-1965 Comp., p. 349.

MEMORANDUM OF MARCH 11, 1971

Labor-Management Relations in the Federal Service

Memorandum for the Honorable Robert E. Hampton, Chairman, Federal Labor Relations Council

THE WHITE HOUSE,
Washington, March 11, 1971.

I have received the Council's report which discusses Department of State recommendations that career officers and employees of the Foreign Service of the United States—Department of State, United States Information Agency, and Agency for International Development—be excluded from the provisions of Executive Order 11491 of October 29, 1969, *Labor-Management Relations in the Federal Service*, and that there be established a separate labor-management relations system for those officers and employees.

The Council considered oral and written presentations by the Department and affected employee organizations with respect to the Department's proposal before submitting its report and recommendations to me on the matter.

I have carefully considered the Council's report and recommendations and have approved the option presented by the Council which would exclude officers and employees of the Foreign Service from the provisions of Executive Order 11491, contingent however on development of a separate program for those officers and employees which is acceptable to the Council. Accordingly, the Council is directed to work with the Department of State in the development of such an acceptable program.

Meanwhile, existing rights of officers and employees of the Foreign Service under Executive Order 11491 and the existing rights and status under that Order of labor and professional organizations which represent those officers and employees shall be preserved without change pending final decision on the Department's request. Provisions of Executive Order 11491 which require action that could change the status quo directed in the foregoing shall not be effective for the period beginning with the date of this memorandum and ending on July 1, 1971.

This memorandum shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.71-3731 Filed 3-15-71;5:00 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Confidential Assistant to the Secretary (interdepartmental activities) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–16–71), subparagraph (24) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(24) One Confidential Assistant (interdepartmental activities) to the Secretary.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–3617 Filed 3–15–71;8:49 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one additional position of Special Assistant to the Director, National Park Service, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–16–71), subparagraph (3) of paragraph (h) of § 213.3312 is amended as set out below.

§ 213.3312 Department of the Interior.

• • • • • •

(h) *National Park Service.* • • •

(3) Three Special Assistants to the Director.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 71–3618 Filed 3–15–71;8:49 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 & 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

TERMINATIONS OF QUOTAS; 1971–72 MARKETING YEAR

Basis and purpose. Section 724.36 is issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim (1) that the operations of farm marketing quotas in effect on Cigar-binder (types 51 and 52) tobacco for the 1971–72 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and (2) the termination of existing marketing quotas for such kind of tobacco for the 1971–72 marketing year.

The material previously appearing in this section under centerhead "Terminations of Quotas—1970–71 Marketing Year" remain in full force and effect as to the crop to which it was applicable.

A notice that an investigation was to be made to determine the existence of the fact stated in (1) above, and if such fact was found to exist, the actions to be taken with respect to an increase in or termination of marketing quotas on Cigar-binder (types 51 and 52) tobacco for the 1971–72 marketing year was published in the FEDERAL REGISTER on February 17, 1971 (36 F.R. 3069). In such notice interested persons were given the opportunity to submit data, views, and recommendations pertaining to the investigation and action to be taken on the basis thereof. No submission was received pursuant to such notice.

The notice referred to above contained the latest available statistics of the Federal Government pertaining to the normal supply, total supply, and prospective supply of Cigar-binder (types 51 and 52) tobacco for the 1971–72 marketing year. On the basis of the investigation which has been made, it has been determined that the operation of farm marketing quotas on Cigar-binder (types 51 and 52) tobacco for the 1971–72 marketing year will cause the amount of such tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and that farm marketing quotas on such kind of tobacco for the 1971–72 marketing year should be terminated.

This document constitutes a substantive rule which relieves marketing quota restrictions, and producers of Cigar-binder tobacco, who are preparing to plant their 1971 crops, need to know immediately the provisions hereof. Accordingly, this document shall become effective upon the date of its filing with the Director, Office of the Federal Register.

§ 724.36 Cigar-binder (types 51 and 52) tobacco.

It has been determined that the operation of farm marketing quotas in effect on Cigar-binder (types 51 and 52) tobacco for the 1971–72 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and farm marketing quotas for the 1971–72 marketing year for such kind of tobacco are hereby terminated.

(Secs. 371, 375, 52 Stat. 64, as amended, 66, as amended; 7 U.S.C. 1371, 1375)

Effective date: Date of filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 12, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71–3658 Filed 3–12–71;11:12 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71–529]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of

February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Indiana and a new paragraph (e)(16) relating to the State of Indiana is added to read:

(16) *Indiana.* That portion of Delaware County comprised of Hamilton Township.

2. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Minnesota; paragraph (f) is amended by deleting the name of the State of Minnesota; and a new paragraph (e)(17) relating to the State of Minnesota is added to read:

(17) *Minnesota.* (i) That portion of Nicolett County comprised of West Newton, Lafayette, Bernadotte, and Brighton Townships.

(ii) That portion of Sibley County comprised of Severance, Cornish and Alfsborg Townships.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Delaware County, Indiana, and portions of Nicolett and Sibley Counties in Minnesota because of the existence of hog cholera. This acton is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

The amendments also delete Minnesota from the list of hog cholera eradication States in §76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to Minnesota.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. The amendments also relieve restrictions on shipments into Minnesota. Such restrictions are deemed unnecessary in view of the existence of hog cholera in that State. It does not appear that public participation in this rule making proceeding would make additional information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 11th day of March 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-3633 Filed 3-15-71;8:50 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Date for Payment of Fees

On January 6, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 145) a notice of rule making revising fees for AEC facility and materials licenses. The amendment to § 170.12(c) adopted therein requires payment of the prescribed fees for those licenses that were not subject to fees prior to the effective date of the amendments to Part 170 within thirty (30) days after the effective date. The amendment became effective February 5, 1971.

The Commission has received a number of applications for licensing actions which, if granted, would affect liability for or amount of license fees.

To provide an opportunity for licensees to file applications for amendments or other modifications of their licenses, the Commission has amended § 170.12(c) to extend the due date for payment of license fees to sixty (60) days after the effective date of the amendments of Part 170 published on January 6, 1971. When an applicaton is filed on or before April 7, 1971, to cancel a license, the Commission will waive the applicable fee upon cancellation of the license. When an application is filed on or before April 7, 1971, to amend a license and the Commission acts favorably upon the application, the fee will be assessed in the amount applicable to the license as amended.

Because the amendment relates solely to a minor procedural matter, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary. Since the amendment relieves from restrictions under regulations currently in effect, it will become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 170 is published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER (3–16–71).

Paragraph (c) of § 170.12 is amended to read as follows:

§ 170.12 Payment of fees.

* * * * *

(c) *Annual fees.* All licenses outstanding on February 5, 1971, are subject to payment of the annual fees prescribed by this Part 170, as amended, within sixty (60) days after February 5, 1971, and annually on February 5 thereafter: *Provided, however,* That in the case of licenses which have been subject to license fees prior to February 5, 1971, the next annual fee will be payable one (1) year from the due date of the last fee payment and annually thereafter.

* * * * *

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Washington, D.C., this 10th day of March 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-3592 Filed 3-15-71;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6366]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Dilution of Net Asset Value and Inappropriate Extensions of Credit in Connection With Sales, Redemptions, and Repurchases of Mutual Fund Shares

It appears to the Commission that a number of open-end investment companies (funds) do not make prompt and diligent efforts to protect their shareholders against the dilution of net asset value which usually results when orders for the sale, repurchase, or redemption of fund shares are not honored by investors, and the funds later merely cancel or reverse the transactions on their records. Also, when under these circumstances, investment companies fail to require prompt settlement of transactions in fund shares, they are, in effect, extending non-interest-bearing loans at their own risk. This release discusses the problems arising from current practices employed by many investment companies and sets forth the Commission's views as to how such situations should be properly handled.

Purchase of fund shares. Generally, orders for the purchase of fund shares are effective upon receipt of the customer's purchase order by a dealer (when shares are sold through a principal underwriter and retail broker-dealer) or by the fund or its principal underwriter (where shares are not retailed through dealers), with the understanding that the investor will forward payment promptly. Accordingly, appropriate accounting entries are made to reflect the sale of fund shares on its books at the time the orders are made effective. Subsequently, during periods of declining prices, some investors fail to make payment, and the entries recording the sale of those shares are later reversed. The mere cancellation of such orders by the fund results in inappropriate reductions in its net asset value. These losses should not be borne by the fund. Clearly, where a principal underwriter is involved, the principal underwriter should be responsible for completing the transaction with the fund, whether or not the offsetting transactions are honored. The principal underwriter, of course, may have recourse against the party with whom it has the offsetting transaction, and if the offsetting transaction is with a retailing dealer, the dealer may similarly have recourse against the investor who failed to make payment.

In those cases where a fund distributes shares directly to investors rather than through a principal underwriter and dealers, the fund should consider refusing to accept orders for fund shares unless accompanied by payment, except when a responsible person has indemnified the fund against losses resulting from the failure of investors to make payment.

Redemption or repurchase of fund shares. The cancellation of orders for redemptions or repurchases of fund shares, whether those orders were placed directly with a fund or routed through dealers and principal underwriters, can also result in inappropriate dilution of the net asset value of the fund. This would happen when, in a rising market, a fund would make such orders effective before receiving certificates in proper form (or written requests containing proper signatures in the case of uncertificated shares), and investors do not honor their commitment to later surrender the certificates or provide proper written requests. In such cases, subsequent cancellation of the orders by merely reversing the transactions on the fund's books will also cause an inappropriate reduction in net asset value of the fund. As in the case of sales of fund shares, where a principal underwriter is involved, the responsibility of the principal underwriter to honor the transaction is clear. When a fund accepts orders directly from investors, it should consider refusing to make such orders effective until it receives certificates (or written requests in the case of uncertificated shares) in proper form, unless the fund is indemnified by a responsible person against losses resulting from the failure of investors to honor the transactions.

By the Commission March 5, 1971.

ROSALIE F. SCHNEIDER,
Recording Secretary.

[SEAL]

[FR Doc.71-3605 Filed 3-15-71;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[TD 71-79]

PART 1—GENERAL PROVISIONS

Ports of Entry; New York, N.Y.

Treasury Department Order No. 165–17, Amendment 5, of January 14, 1971 (T.D. 71–19, 36 F.R. 946), created in the Customs district of New York City, N.Y., which is coextensive with Customs Region II, New York City, N.Y., three administrative areas identified as Kennedy Airport Area, Newark Area, and New York Seaport Area, each of which is to be under the jurisdiction of an area director of customs.

In order to reflect the changes thereby made in the Customs organizational structure, §§ 1.1(d) and 1.2(c) of the Customs Regulations are amended as follows:

Section 1.1(d) is amended to read:

§ 1.1 Authority of customs officers.

* * * * *

(d) Unless otherwise indicated, "district director of customs," "collector of customs," "appraiser of merchandise," and variations of those terms, such as "district director," "collector of the district," "collector," "deputy collector," or "appraiser" as used in this chapter shall mean the district director of customs at a headquarters port of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; and the port director at a port not designated as a headquarters port. Ordinarily each port director will exercise the authority delegated herein only where statute, regulation, or instruction contemplates action at the port over which he has supervision.

§ 1.2 [Amended]

The table in § 1.2(c) is amended to add at the end of the description of the area of the District of New York City, N.Y., in Region II the following:

(The district is divided into three areas, namely, Kennedy Airport Area, Newark Area, and New York Seaport Area, the limits of which are described in T.D. 71–19).

(80 Stat. 379, R. S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

These amendments are effective on and after April 1, 1971, the effective date of Amendment 5 to Treasury Department Order No. 165–17.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: March 8, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3637 Filed 3-15-71;8:50 am]

[T.D. 71-80]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Barbados

MARCH 8, 1971.

The Department of State advised the Department of the Treasury on January 14, 1971, that the Department of State has obtained from the Government of Barbados satisfactory evidence that no discriminating duties of tonnage or imposts have been imposed or levied in ports of Barbados upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Barbados in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of Barbados, and the produce, manufactures, or merchandise imported into the United States in such vessels from Barbados or from any other foreign country. This suspension and discontinuance shall take effect from January 14, 1971, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs regulations, is amended by the insertion of "Barbados" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3638 Filed 3-15-71;8:50 am]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j) and in section 12 of the act of June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. 362), §§ 239.1 of Part 239 (20 CFR 239.1), 262.12(a) of Part 262 (20 CFR 262.12), and 395.5(b)(2) of Part 395 (20 CFR 395.5(b)(2)) of the regulations under such acts are amended by Board Orders 71-25, 71-25, and 71-26, respectively, dated March 3, 1971, to read as follows:

PART 239—PROOFS REQUIRED IN SUPPORT OF CLAIMS FOR BENEFITS

§ 239.1 Proof of age.

(a) An applicant for an employee annuity shall file supporting evidence showing the date of his birth if his age is a condition of entitlement or is otherwise relevant to payment of benefits. However, if an employee applicant cannot submit acceptable supporting evidence of his age, the Board may establish the date of birth stated in the application on the basis of information in Board records, if it is satisfied that the date is correct. Such evidence shall also be required by the Board from an applicant for a spouse's annuity or from an applicant for an insurance annuity or from any other individual if such applicant's or such other individual's age is a condition of entitlement or is otherwise relevant to payment of benefits.

(b) In determining the weight to be given to evidence offered to prove age, consideration shall be given to its general probative value and to its position in the following enumeration:

(1) Civil record of birth;
(2) Church record of birth or baptism;
(3) Notification of registration of birth;
(4) Hospital birth record or certificate;
(5) Physician's or midwife's birth record;
(6) Bible or other family record;
(7) Naturalization record;
(8) Military record;
(9) Immigration record;
(10) Passport;
(11) Census age or World War I draft registration record;
(12) School record;
(13) Vaccination record;
(14) Insurance record;
(15) Labor union or fraternal record;
(16) Employer's record; or
(17) Other evidence of probative value.

In lieu of the original of any record, except a Bible or other family record, there may be submitted a copy of such record or a statement as to the date of birth shown by such record, duly certified by the custodian of such record or by an individual designated by the Board. If the proof submitted is of recent origin or is not convincing, additional proof may be required. If proof is not obtainable, the reason therefor should be stated and the applicant may submit the sworn statements of two other persons having knowledge of the age in question. A date of birth may be fixed by the Board where proof to establish age or birth date cannot be obtained.

PART 262—MISCELLANEOUS

§ 262.12 Representatives of claimants.

(a) *Power of attorney.* A claimant shall not be required to hire, retain or utilize the services of an attorney, agent, or other representative in any claim filed with the Board. In the event a claimant desires to be represented by another person, he shall file with the Board prior to the time of such representation a power of attorney signed by him and naming such other person as the person authorized to represent the claimant with respect to matters in connection with his claim. However, the Board may recognize one of the following persons as the duly authorized representative of the claimant without requiring such power of attorney when it appears that such recognition is in the interest of the claimant:

(1) A member of Congress;

(2) A person designated by the claimant's railway labor organization to act in behalf of members of that organization on such matters; or

(3) An attorney, who in the absence of information to the contrary, declares that he is representing the claimant.

* * * * *

PART 395—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

§ 395.5 Organization and functions of the Board, delegations of authority, and lines of succession.

* * * * *

(b) * * *

(2) In the absence or incapacity of the chairman of the Board, the authority of the chairman to act for the Board shall pass to the available successor highest on the following list:

Labor Member of the Board.
Management Member of the Board.
Chief Executive Officer.
Director of Retirement Claims.
Director of Unemployment and Sickness Insurance.
Director of Data Processing and Accounts.
Director of Budget and Fiscal Operations.
Director of Management Control.

The Regional Director highest on the following list:

Chicago.	New York.
Kansas City.	Dallas.
Cleveland.	San Francisco.
Atlanta.	

* * * * *

Dated: March 9, 1971.

By authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[FR Doc.71-3593 Filed 3-15-71;8:47 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

The following amendments reflect modifications to the redelegations of authority to area office personnel by the Assistant Secretary for Housing Production and Mortgage Credit and Federal Housing Commissioner.

1. In the Table of Contents under Subpart D, the title of § 200.114 is revised to read:

Sec.
200.114 Assistant Director for Single Family Mortgage Insurance, and Deputy.

2. The preliminary text of § 200.112 is revised to read:

§ 200.112 Chief, Finance and Mortgage Credit Section.

To the position of Chief, Finance and Mortgage Credit Section, in each HUD Area Office, there is delegated the following basic authority and functions:

* * * * *

3. The title and preliminary text of § 200.114 are revised to read:

§ 200.114 Assistant Director for Single Family Mortgage Insurance, and Deputy.

To the position of Assistant Director for Single Family Mortgage Insurance in each HUD Area Office and under his general supervision to the position of Deputy there is delegated the following basic authority and functions:

* * * * *

4. The preliminary text of § 200.115 is revised to read:

§ 200.115 Program Manager and Multifamily Housing Representative.

To the position of Program Manager in each HUD Area Office and under his general supervision to the position of Multifamily Housing Representative there is delegated the following basic authority and functions:

* * * * *

5. In § 200.116 the preliminary text and paragraphs (a) and (b) are revised, and paragraph (d) is added as follows:

§ 200.116 Director, Production Division, and Deputy.

To the position of Director, Production Division, in each HUD Area Office and under his general supervision to the position of Deputy there is delegated the following basic authority and functions:

(a) To direct all activities essential to the insurance of mortgages, including the approval of determinations supporting feasibility letters, commitments and insurance endorsements, and the approval of construction change orders, mortgage insurance advances during construction, cost certifications, eligibility statements, regulatory agreements, nonprofit sponsors and housing consultants, all as related to mortgages in programs other than 1- to 4-family housing; to establish and monitor adherence to related processing priorities and schedules, and to perform the functions and exercise the authorities set forth in §§ 200.113, 200.114, and 200.115.

(b) To approve preliminary loan contracts, site reports, development programs, Annual Contributions Contracts and amendments thereto and related third-party contracts, turnkey housing proposals, preliminary contracts of sale, contracts of sale, and agreements to lease, all as related to the production of low-rent public housing.

* * * * *

(d) To approve, cancel, or modify the reservations of contract authority required for subsidy payments, and the allocations of funds for Below Market Interest Rate Loans, all as related to the insuring of 1- to 4-family and multifamily housing mortgages.

6. In § 200.118 paragraphs (b) and (c) are revised, and paragraph (e) is deleted, as follows:

§ 200.118 Area Director and Deputy Area Director.

* * * * *

(b) To approve applications, feasibility letters, conditional commitments, firm commitments, initial and final endorsements for insurance pursuant to such commitments, project mortgage increases prior to or in conjunction with final endorsement, insurance fee refunds and adjustments pursuant to outstanding fiscal instructions, requests from sponsors for section 106 seed money loans or grants, and Appalachian 207 loans.

(c) To approve applications for program reservations and preliminary loans, to approve ACC (Annual Contributions Contract) Lists and amendments thereto, to approve part II of certificates of completion or consolidated certificates, and to terminate ACC's (Annual Contribution Contracts), all as related to the production of low-rent public housing.

* * * * *

(e) [Deleted]

(Secretary's delegation of authority published at 35 F.R. 2749, Feb. 7, 1970; 35 F.R. 14515, Sept. 16, 1970)

Effective date. These amendments are effective March 1, 1971.

EUGENE A. GULLEDGE,
Asistant Secretary of Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.71-3632 Filed 3-15-71;8:50 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 778—OVERTIME COMPENSATION

Clarification of Commission Payments—General

Pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and Secretary's Orders Nos. 19-70 and 20-70 (36 F.R. 304, 305), Part 778 of Title 29, Code of Federal Regulations, is amended to delete that portion of the first sentence of § 778.117 which reads "or on a fixed allowance per unit agreed upon as a measure of accomplishment."

This change, which involves only interpretative rules, is not subject to the notice, public procedure and delayed effective date provision of 5 U.S.C. 553, and accordingly shall be effective immediately upon publication in the FEDERAL REGISTER (3-16-71).

As amended, § 778.117 reads as follows:

§ 778.117 Commission payments—general.

Commissions (whether based on a percentage of total sales or of sales in excess of a specified amount, or on some other formula) are payments for hours worked and must be included in the regular rate. This is true regardless of whether the commission is the sole source of the employee's compensation or is paid in addition to a guaranteed salary or hourly rate, or on some other basis, and regardless of the method, frequency, or regularity of computing, allocating and paying the commission. It does not matter whether the commission earnings are computed daily, weekly, biweekly, semimonthly, monthly, or at some other interval. The fact that the commission is paid on a basis other than weekly, and that payment is delayed for a time past the employee's normal pay day or pay period, does not excuse the employer from including this payment in the employee's regular rate.

Signed at Washington, D.C., this 8th day of March 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71-3581 Filed 3-15-71;8:46 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 70—MANDATORY HEALTH STANDARDS — UNDERGROUND COAL MINES

Formula for Determining Respirable Dust Standard When Quartz Is Present

On September 17, 1970, notice of proposed rulemaking was published in the FEDERAL REGISTER (35 F.R. 14557) to amend Part 70 by prescribing, pursuant to section 205 of the Federal Coal Mine Health and Safety Act (30 U.S.C. 845), the formula for determining the applicable respirable dust standard where the concentration of respirable dust in the mine atmosphere of any working place contains more than 5 percent quartz.

Interested persons were given the opportunity to participate in the rule making through the submission of comments. Pursuant to the notice, a number of comments have been received from State health departments and other interested persons, and due consideration has been given to all relevant material presented.

The comments presented no evidence contrary to that developed by Public Health Service studies involving the effects of free silica on respiratory health. Accordingly, no change has been made in the formula as originally proposed.

The amendment to Part 70, as set forth below, is hereby adopted effective on the date of its publication in the FEDERAL REGISTER (3-16-71):

§ 70.101 Respirable dust standard when quartz is present.

When the concentration of respirable dust in the mine atmosphere of any working place contains more than 5 percent quartz, the operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere to which each miner in such working place is exposed at or below a concentration of respirable dust, expressed in milligrams per cubic meter of air, computed by dividing the percent of quartz into the number 10: *Provided*, That the application of this formula shall not result in a concentration in excess of any standard for respirable dust established pursuant to the Act.

EXAMPLE: Given the respirable dust in a particular working place in a mine contains quartz in the amount of 6.6 percent. The total respirable dust limit in the particular working place must, therefore, be maintained at or below 1.5 milligrams of respirable dust per cubic meter of air ($\frac{10}{6.6}=1.5$ mg/m.³).

(Sec. 205, 83 Stat. 765; 30 U.S.C. 845)

Approved: March 10, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-3602 Filed 3-15-71;8:47 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 32]

OI REG. 1—OIL IMPORT REGULATION

Quantities of Imports Under Licenses

There appeared in the FEDERAL REGISTER for November 28, 1970 (35 F.R. 18209), a proposal to promote an orderly method of importation of overseas crude and unfinished oils into Districts I–IV and V. Pending a decision on this proposal, the Administrator, Oil Import Administration, issued 1971 import licenses in accordance with the provisions therein. While many of the comments received were favorable to the general concept of the November 28 proposal, they were not conclusive. Therefore, an alternative proposal was published for comment in the FEDERAL REGISTER of February 12, 1971 (36 F.R. 2916). Comments received on each proposal are part of the public record.

Virtually all comments in response to the proposal of February 12 were opposed to the approach put forward in that proposal. Some comments recommended that the proposal of November 28, 1970, be adopted. After a detailed comparison of both groups of comments and a thorough review and analysis of the oil import situation as it has developed during the first 2 months of 1971, it was decided that the proposal of November 28, 1970, should be adopted, with one modification to take account of the difference in methods of allocation to refiners between Districts I–IV and District V. Accordingly, Oil Import Regulation 1 (Revision 5) is amended as set forth below.

As the provisions respecting the issuance of licenses under allocations for the current period should become effective promptly to permit planning by holders of allocations, the public interest would not be served by a delay in the effective date of this Amendment 32 and it shall be effective immediately.

ROGERS C. B. MORTON,
Secretary of the Interior.

I concur: March 11, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

A new paragraph (c), reading as follows, is added to section 7 of Oil Import Regulation 1 (Revision 5) (31 F.R. 7747):

Sec. 7 Licenses.

* * * * *

(c) (1) If an allocation made pursuant to section 9 or 10 of this regulation for the allocation period January 1, 1971, through December 31, 1971, is in excess of 1,300,000 barrels of imports, the Administrator shall first issue a license in the amount of 1,300,000 barrels or 35 percent of the allocation, whichever amount is greater. The Administrator shall, not later than June 1, 1971, issue a license, effective July 1, 1971, for the balance of the allocation. If the allocation is 1,300,000 barrels of imports or less, the Administrator shall issue a license for the full amount of the allocation.

(2) If an allocation made pursuant to section 11 of this regulation for the allocation period January 1, 1971, through December 31, 1971, is in excess of 2,900,000 barrels of imports, the Administrator shall first issue a license in the amount of 2,900,000 barrels or 35 percent of the allocation, whichever amount is greater. The Administrator shall, not later than June 1, 1971, issue a license, effective July 1, 1971, for the balance of the allocation. If the allocation is 2,900,000 barrels of imports or less the Administrator shall issue a license for the full amount of the allocation.

[FR Doc.71-3657 Filed 3-12-71;10:54 am]

[Oil Import Reg. 1 (Rev. 5), Amdt. 31]

OI REG. 1—OIL IMPORT REGULATION

Allocations, District V; Small Quantities

Notices of proposed rule making were published in the FEDERAL REGISTER with respect to the following sections of Oil Import Regulation 1 (Revision 5): Section 8, relating to entries of small quantities (36 F.R. 224); section 11, relating to allocations to refiners in District V (36 F.R. 1487); and section 11A, relating to allocations in District V of imports of crude oil based on production of low sulphur residual fuel oil (36 F.R. 1062). All comments upon the proposals have been carefully considered. The few comments made on the proposed amendment of section 8 were favorable, and, with an editorial change, the proposed amendment is adopted as published. With respect to the proposed amendment of section 11, a number of suggestions were made for adjustments in the graduated scale. A further review of this matter, in the light of the suggestions made, has led to a determination that, with a minor adjustment, the graduated scale which was proposed will provide for a fair distribution of imports among larger and smaller refiners in District V; because a graduated scale serves that purpose, contentions that such a scale be eliminated were not found to be persuasive. The comments received on the proposed amendment of section 11A tended to confirm the preliminary view that, as an aid to the control of air pollution in District V, the provisions for allocations of imports of crude oil based on the production of low sulphur residual fuel oil should be made effective without any limitation as to time. A suggestion that low sulphur residual fuel oil consumed by a refiner (as well as such fuel delivered to consumers) to comply with governmental regulations on air pollution should be a basis for an allocation was considered but not adopted at this time. Section 11A is designed to assist in the control of air pollution; as suggested in one of the comments it should not lend itself to dislocation of orderly patterns of the importation of crude oil into District V. Accordingly, a requirement has been added under which applications for allocations must be filed within a stated period of time following delivery to consumers of low sulphur residual fuel oil. For the same reason, a term of 6 months (as proposed) has been fixed for licenses issued under allocations made pursuant to section 11A.

As 2 months of the allocation period have elapsed, it is important that regular allocations be made to refiners in District V. The program provided for in the amendment of section 11A should be established immediately following the present expiration date of March 31, 1971. The amendment of section 8 will facilitate administration with respect to entries of small quantities. Accordingly, the amendments of section 8 and section 11 set forth below shall become effective immediately, and the amendment of section 11A shall become effective April 1, 1971.

Oil Import Regulation 1 (Revision 5) is amended as set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

I concur: March 11, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

1. Section 8 of Oil Import Regulation 1 (Revision 5) (31 F.R. 7747) is amended to read as follows:

Sec. 8 Small quantities.

(a) District Directors of Customs are authorized to permit without a license an entry for consumption of not to exceed 550 U.S. gallons of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis or which are included in shipments of machinery or equipment and are certified as intended for use in connection therewith, and baggage entries. Unless notified by the Administrator to the contrary, District Directors of Customs are authorized to permit without a license the entry for consumption of bonded fuel aboard an aircraft diverted from an international flight. In each instance in which such an entry is made, the owner of the aircraft shall promptly file with the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, a written report of the circumstances in which the entry was made and the quantity entered. Failure promptly to file such report may result in the suspension or abrogation of the privilege of making such entries.

(b) A person desiring to import small quantities of crude oil, unfinished oils, or finished products in circumstances not covered by paragraph (a) of this section shall file with the Administrator a written request for authorization for entry without a license for each shipment, describing the oil and the quantity thereof proposed to be imported and the circumstances which would justify an entry without a license, the date when the shipment is scheduled to arrive or upon which it has arrived, and the port of entry. If the Administrator determines that the entry without a license is consonant with the purposes of Proclamation 3279, as amended, he may authorize such an entry.

2. Section 11 of Oil Import Regulation 1 (Revision 5), as amended (36 F.R. 53), is amended to read as follows:

Sec. 11 Allocations; refiners; District V.

(a) For the allocation period January 1, 1971 through December 31, 1971, the Administrator shall allocate, as provided in paragraph (b) of this section, approximately 229,000 b/d of imports of crude oil into District V among eligible persons having refinery capacity in that district. Such allocations shall supersede the tentative allocations which have been made of imports of crude oil into District V for that allocation period. Licenses issued under tentative allocations shall be charged against the new allocations and shall remain in force.

(b) Each eligible applicant shall receive an allocation of imports of crude oil based on refinery inputs for the year ending September 30, 1970, and computed according to the following schedule:

Average b/d input		Percent of inputs		Number of days
0—10,000	×	60.0	×	365
10—30,000		15.0		
30,000 plus		5.0		

However, each allocation made pursuant to this paragraph (b) shall be reduced by the amount of any license issued to the applicant under an interim allocation for the allocation period.

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 25 percent of the allocation.

(d) No allocation made pursuant to this section may be sold, assigned or otherwise transferred.

3. Section 11A of Oil Import Regulation 1 (Revision 5), as amended (35 F.R. 13), is amended to read as follows:

Sec. 11A Allocations of crude oil—District V—based upon production of low sulphur residual fuel oil to be used as fuel in District V.

(a) This section provides for the making of allocations of imports into District V of crude oil based upon the production of low sulphur residual fuel oil. To the extent that the provisions of this section are inconsistent with the provisions of other sections of this regulation, the provisions of this section shall be controlling.

(b) In addition to the allocations of imports of crude oil made under section 11 of this regulation, each eligible applicant with refinery capacity in District V who produces in District V low sulphur residual fuel oil to be used as fuel which contains not more than five-tenths of one percent (0.5%) sulphur by weight and which is delivered to consumers for use as fuel, in order to comply with governmental requirements respecting air pollution shall receive an allocation of imports of crude oil equal to the amount in barrels of such low sulphur residual fuel oil to which the applicant certifies both as to production and delivery.

(c) For the purpose of computing import allocations under section 11 of this regulation, crude oil imported pursuant to an allocation under this section 11A or domestic oil received in exchange pursuant to the provisions of section 17 and processed will not qualify as refinery inputs. However, the person receiving the foreign crude oil under an exchange agreement pursuant to section 17 may count such oil as a refinery input.

(d) An application for an allocation of imports of crude oil under this section must be filed with the Administrator no later than 20 days after the last day of the calendar month during which the low sulphur residual fuel oil upon which the application is based was delivered to consumers. An application must be in such form as the Administrator may prescribe.

(e) No license issued under an allocation made pursuant to this section shall be valid for a period longer than 6 months following the day on which the license is issued.

(f) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

(g) The provisions of section 11A as amended by Amendment 18 (35 F.R. 13) will be applicable with respect to allocations made on the basis of low sulphur residual fuel oil to be used as fuel which is produced and delivered before April 1, 1971, and with respect to licenses issued under such allocations.

[FR Doc.71-3656 Filed 3-12-71;10:52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER A—GENERAL

PART 101–1—INTRODUCTION

Distribution of FPMR and Conversion of Temporary-Type FPMR to Codified Form

Part 101–1 is amended to (1) revise existing provisions concerning the use of temporary-type FPMR and to allow additional time for their conversion to codified form, (2) provide information concerning distribution of FPMR, and (3) reference the illustration of GSA Form 2053, Agency Consolidated Requirements for GSA Regulations and other External Issuances.

The table of contents for Part 101–1 is amended by the addition of the following new and revised entries:

Sec.
101–1.104 Publication and distribution of FPMR.
101–1.104–1 Publication.
101–1.104–2 Distribution.

Subpart 101–1.49—Illustrations of Forms

101–1.4900 Scope of subpart.
101–1.4901 Standard forms. [Reserved]
101–1.4902 GSA forms.
101–1.4902–2053 GSA Form 2053, Agency Consolidated Requirements for GSA Regulations and Other External Issuances.

AUTHORITY: The provisions of this Subpart 101–1.49 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–1.1—Regulation System

Sections 101–1.103 and 101–1.104 are revised, as follows:

§ 101–1.103 Temporary-type FPMR.

FPMR include a temporary type for use under the following circumstances:

(a) When the effective period is to be not more than 6 months;

(b) When time or exceptional circumstances will not permit preparation in final codified form. These will be converted to permanent form within 6 months after publication; or

(c) When delegations of authority to other agencies for a specific one-time purpose are required, as in public utility representation cases.

§ 101–1.104 Publication and distribution of FPMR.

§ 101–1.104–1 Publication.

FPMR will be published in the FEDERAL REGISTER, in looseleaf form, and in accumulated form in the Code of Federal Regulations. Temporary-type FPMR will be published in the Notices section of the FEDERAL REGISTER and in looseleaf form.

§ 101–1.104–2 Distribution.

(a) Each agency shall designate an official to serve as liaison with GSA on matters pertaining to the distribution of FPMR and other publications in the FPMR series. Agencies shall report all changes in designation of agency liaison officers to the General Services Administration (BRDV), Washington, D.C. 20405.

(b) FPMR and other publications in the FPMR series will be distributed to agencies in bulk quantities for internal agency distribution in accordance with requirements information furnished by liaison officers. FPMR and other publications in the FPMR series will not be stocked by, and cannot be obtained from, GSA regional offices.

(c) Agencies shall submit their consolidated requirements for FPMR and other publications in the FPMR series, including requirements of field activities, and changes in such requirements on GSA Form 2053, Agency Consolidated Requirements for GSA Regulations and Other External Issuances (illustrated at § 101–1.4902–2053). The mailing address is shown on the form.

Subpart 101–1.49 is added, as follows:

Subpart 101–1.49—Illustrations of Forms

§ 101–1.4900 Scope of subpart.

This subpart illustrates forms prescribed or available for use in connection with subject matter covered in other subparts of this Part 101–1.

§ 101–1.4901 Standard forms. [Reserved]

§ 101–1.4902 GSA forms.

(a) The GSA forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the GSA numbers.

(b) GSA forms illustrated in § 101–1.4902 may be obtained by addressing requests to the General Services Administration (3BRD), Washington, D.C. 20407.

§ 101–1.4902–2053 GSA Form 2053, Agency Consolidated Requirements for GSA Regulations and Other External Issuances.

NOTE: The form listed in 101–1.4902–2053 is filed as part of the original document. Copies of the form may be obtained from the General Services Administration (3BRD), Washington, D.C. 20407.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (3–16–71).

Dated: March 9, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–3594 Filed 3–15–71;8:47 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 175—COLLEGE WORK-STUDY PROGRAM

Allocation of Student Aid Funds to Institutions

Part 175 of Title 45 of the Code of Federal Regulations dealing with regulations governing the administration of the College Work Study Program (Title IV–C of the Higher Education Act of 1965, 42 U.S.C. 2751–2756) is hereby amended by adding a new section, § 175.3a setting out the method of allocating funds to applicant institutions where funds in a State's allotment (and reallotment, if any) are insufficient to honor all approved requests of institutions within a State, and by amending the Table of Contents accordingly.

In publishing this new § 175.3a, consideration has been given to comment received in connection with a tentative rule published in the FEDERAL REGISTER on February 4, 1971 (36 F.R. 2403).

1. The added § 175.3a reads as follows:

§ 175.3a Allocation of funds to institutions.

(a) Where funds are insufficient to honor all approved requests, an amount will first be allocated to each institutional applicant from the appropriate State's allotment (or reallotment) equal to the amount reasonably estimated to be needed by students whose adjusted gross income is in the $0–$2,999 bracket per annum.

(b) From such sums as still remain in a State's allotment (or reallotment), sums will then be allocated to each institutional applicant equal to the amount reasonably estimated to be needed by students whose adjusted gross income is in the $3,000–$5,999 bracket per annum. This procedure will be repeated for students whose adjusted gross income is between $6,000–$7,499, $7,500–$8,999, $9,000–$11,999, and $12,000 and over.

(c) Whenever funds available in a State's allotment (or reallotment) are not sufficient to cover the approved institutional requests in a given income bracket, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State according to the ratio that their respective approved requests in that bracket bear to the total approved requests in that bracket of all institutions in the State.

(d) The allocation of funds to any single institution for any year, however, will be no less than 80 percent of the amount allocated to it for the conduct of the work study program during fiscal year 1971, as reduced on a proportional basis to reflect decreases, if any, in the amount of such institution's approved application or in the amount of the State's allotment and reallotment.

(e) "Adjusted gross income" means the adjusted gross income of a student's parents, provided that where the income of his parents would not be relevant to a determination of such student's financial need (under the method of financial need assessment utilized by the institution concerned in accordance with Schedule A of its agreement with the U.S. Commissioner of Education covering institutional participation in programs of student financial aid), "adjusted gross income" means the adjusted gross income of the student and his spouse. Adjusted gross income has the meaning given to it in section 62 of the Internal Revenue Code, or in the case of residents of Puerto Rico, section 22(n) of the Commonwealth Tax Act.

2. The Table of Contents is hereby amended by adding

Sec.
175.3a Allocation of funds to institutions.

Section 175.3a shall become effective with respect to the allocation of funds to institutions for use during fiscal year 1972.

Dated: March 10, 1971.

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

Approved: March 13, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.71–3604 Filed 3–15–71;8:47 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

Application for Postal-Motor Carrier Certificate

Order. At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of March 1971.

It appearing, that pursuant to section 5215 of the Postal Reorganization Act (Public Law 91–375), the adoption of an application form for requesting a Postal Motor Carrier Certificate of Public Convenience and Necessity is necessary; and good cause appearing therefor:

It is ordered, That § 1003.1(a) of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding form OP–OR–10 to read as follows:

OP–OR–10.

Application for Postal Motor Carrier Certificate, adopted March 3, 1971, to be used by persons who were contractors under a star route, mail messenger, or contract motor vehicle service contract, on the effective date of Chapter 52 of the Postal Reorganization Act (Public Law 91–375).

It is further ordered, That this order shall become effective on the date hereof.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of this Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(84 Stat. 719 et seq.)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–3611 Filed 3–15–71;8:48 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7092]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Amounts Representing Taxes and Interest Paid to Cooperative Housing Corporations

Correction

In F.R. Doc. 71–3341 appearing at page 4597 in the issue for Wednesday,

March 10, 1971, the following material was inadvertently omitted and should be inserted immediately after the end of the document and preceding the file line:

Amount paid by A	1,140.00
A's proportionate share of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	900.00
A's proportionate share of total corporate expenses based on his stock ownership (1/10 of $13,800)	1,380.00
Amount of A's payment representing real estate taxes and interest (900/1380 of $1,140)	743.48
A's allowable deduction	743.48

Since the portion of A's payment allocable to real estate taxes and interest is only $743.48, that amount instead of $900 is allowable as a deduction in computing A's taxable income for 1972.

Example (3). The facts are the same as in example (1) except that the amount paid by A to the X Corporation in 1972 is $1,000 instead of $1,380. A is entitled under section 216 to a deduction of $652.17 in computing his taxable income for 1972. The deduction is computed as follows:

Amount paid by A	$1,000.00
A's proportionate share of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	900.00
A's proportionate share of total corporate expenses based on his stock ownership (1/10 of $13,800)	1,380.00
Amount of A's payment representing real estate taxes and interest (900/1380 of $1,000)	652.17
A's allowable deduction	652.17

Since the portion of A's payment allocable to real estate taxes and interest is only $652.17, that amount instead of $900 is allowable as a deduction in computing A's taxable income for 1972.

Example (4). The facts are the same as in example (1) except that X Corporation leases recreational facilities from Y Corporation for use by the tenant-stockholders of X. Under the terms of the lease, X is obligated to pay an annual rental of $5,000 plus all real estate taxes assessed against the facilities. In 1971 X paid, in addition to the $13,800 of expenses enumerated in example (1), $5,000 rent and $1,000 real estate taxes. In 1972 A pays the X Corporation $2,000, no part of which is refunded to him in 1972. A is entitled under section 216 to a deduction of $900 in computing his taxable income for 1972. The deduction is computed as follows:

Expenses to be prorated among tenant-stockholders	$19,800
Amount paid by A	2,000
A's proportionate share of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	900
A's proportionate share of total corporate expenses based on his stock ownership (1/10 of $19,800)	1,980
Amount of A's payment representing real estate taxes and interest (900/1,980 of $1,980)	900
A's allowable deduction	900

The $1,000 of real estate taxes assessed against the recreational facilities constitutes additional rent and hence is not deductible by A as taxes under section 216. A's allowable deduction is limited to his proportionate share of real estate taxes and interest based on stock ownership and cannot be increased by the payment of an amount in excess of his proportionate share.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Increase in Alternative Capital Gains Tax

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 802, 852, 857, 1201, 1222, 1375, and 1378 of the Internal Revenue Code of 1954 to section 511 of the Tax Reform Act of 1969 (83 Stat. 635), such regulations are amended as follows:

PARAGRAPH 1. Section 1.802 is amended by revising section 802(a)(2) and the historical note to read as follows:

§ 1.802 Statutory provisions; life insurance companies; tax imposed; life insurance company taxable income defined.

SEC. 802. *Tax imposed*—(a) *Tax imposed.* • • •

(2) *Alternative tax in case of capital gains.* If for any taxable year beginning after December 31, 1961, the net long-term capital gain of any life insurance company exceeds the net short-term capital loss, then, in lieu of the tax imposed by paragraph (1), there is hereby imposed a tax (if such tax is less than the tax imposed by such paragraph) which shall consist of the sum of—

(A) A partial tax, computed as provided by paragraph (1), on the life insurance company taxable income determined by reducing the taxable investment income, and the gain from operations, by the amount of such excess, and

(B) An amount determined as provided in section 1201(a) on such excess.

• • • • • •

[Sec. 802 as amended by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 38); sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 115); sec. 3(b)(1), Act of Oct. 23, 1962 (Public Law 87–858, 76 Stat. 1136); sec. 235(c)(1), Rev. Act 1964 (78 Stat. 126); sec. 511(c)(1), Tax Reform Act 1969 (83 Stat. 637)]

PAR. 2. Section 1.802–3 is amended by revising paragraph (f)(2) to read as follows:

§ 1.802–3 Tax imposed on life insurance companies.

• • • • • •

(f) *Tax imposed in case of certain capital gains.* • • •

(2) *Alternative tax in case of capital gains for taxable years beginning after December 31, 1961.* For taxable years beginning after December 31, 1961, if the net long-term capital gain (as defined in section 1222(7)) of any life insurance company exceeds its net short-term capital loss (as defined in section 1222(6)), section 802(a)(2) imposes an alternative tax in lieu of the tax imposed by section 802(a)(1), if and only if such alternative tax is less than the tax imposed by section 802(a)(1). The alternative tax is the sum of—

(i) A partial tax, computed as provided by section 802(a)(1), on the life insurance company taxable income determined by reducing the taxable investment income, and the gain from operations, by the amount of the excess of its net long-term capital gain over its net short-term capital loss, and

(ii) (*a*) In the case of a taxable year beginning before January 1, 1970, an amount equal to 25 percent of such excess, or

(*b*) In the case of a taxable year beginning after December 31, 1969, an amount determined as provided in section 1201(a) and paragraph (a)(3) of § 1.1201–1 on such excess.

In the computation of the partial tax, the deductions provided by sections 170 (as modified by section 809(a)(3)), 243, 244, 245 (as modified by sections 804(a)(5) and 809(d)(8)(B)), and the limitation provided by section 809(f), shall not be recomputed as a result of the reduction of taxable investment income, and gain from operations, by the amount of such excess. Except as modified by section 817 (rules relating to certain gains and losses), the general rules of the Code relating to gains and losses (such as the rules for determining the amount, characterization, and treatment thereof) shall apply with respect to life insurance companies.

• • • • • •

PAR. 3. Section 1.852 is amended by revising subparagraphs (A), (C), and (D) (ii) and (iii) of section 852(b)(3) and the historical note to read as follows:

§ 1.852 Statutory provisions; taxation of regulated investment companies and their shareholders.

SEC. 852. *Taxation of regulated investment companies and their shareholders.* • • •

(b) *Method of taxation of companies and shareholders.* • • •

(3) *Capital gains*—(A) *Imposition of tax.* There is hereby imposed for each taxable year in the case of every regulated investment company a tax, determined as provided in section 1201(a), on the excess, if any, of the net long-term capital gain over the sum of—

(i) The net short-term capital loss, and

(ii) The deduction for dividends paid (as defined in section 561) determined with reference to capital gains dividends only.

• • • • • •

(C) *Definition of capital gain dividend.* For purposes of this part, a capital gain dividend is any dividend, or part thereof, which is designated by the company as a capital gain dividend in a written notice mailed to its shareholders not later than 45 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including capital gains dividends paid after the close of the taxable year described in section 855) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated. For purposes of subparagraph (A)(ii), the deduction for dividends paid shall, in the case of a taxable year beginning before January 1, 1975, first be made from the amount subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount subject to tax in accordance with section 1201(a)(1)(A).

(D) *Treatment by shareholders of undistributed capital gains.* • • •

(ii) For purposes of this title, every such shareholder shall be deemed to have paid, for his taxable year under clause (i), the tax imposed by subparagraph (A) on the amounts required by this subparagraph to be included in respect of such shares in computing his long-term capital gains for that year; and such shareholder shall be allowed credit or refund, as the case may be, for the tax so deemed to have been paid by him.

(iii) The adjusted basis of such shares in the hands of the shareholder shall be increased, with respect to the amounts required by this subparagraph to be included in computing his long-term capital gains, by 75 percent of so much of such amounts as equals the amount subject to tax in accordance with section 1201(a)(1)(A) and by 70 percent (72 percent in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971) of so much of such amounts as equals the amount subject to tax in accordance with section 1201(a)(1)(B) or (2).

• • • • • •

[Sec. 852 as amended by sec. 2(a), Act of July 11, 1958 (Public Law 700, 84th Cong., 70 Stat. 530); secs. 39(a), 101 (a) and (b), Technical Amendments Act 1958 (72 Stat. 1638, 1674); sec. 10(b) (2) and (3), Act of Sept. 14, 1960 (Public Law 86–779, 74 Stat. 1009); sec. 229 (a) and (b), Rev. Act 1964 (78 Stat. 99); sec. 511(c)(2), Tax Reform Act 1969 (83 Stat. 637)]

PAR. 4. Section 1.852–2 is amended by revising paragraph (b) (1) and (2)(ii) to read as follows:

§ 1.852–2 Method of taxation of regulated investment companies.

• • • • • •

(b) *Taxation of capital gains*—(1) *In general.* Section 852(b)(3)(A) imposes (i) in the case of a taxable year beginning before January 1, 1970, a tax of 25 percent, or (ii) in the case of a taxable year beginning after December 31, 1969, a tax determined as provided in section 1201(a) and paragraph (a)(3) of § 1.1201–1, on the excess, if any, of the net long-term capital gain of a regulated investment company (subject to tax under part I, subchapter M, chapter 1 of the Code) over the sum of its net short-term capital loss and its deduction for dividends paid (as defined in section 561) determined with reference to capital gain dividends only. For the definition of capital gain dividend paid by a regulated investment company, see section 852(b)(3)(C) and paragraph (c) of § 1.852–4. In the case of a taxable year ending after December 31, 1969, and beginning before January 1, 1975, such deduction for dividends paid shall first be made from the amount subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount subject to tax in accordance with section 1201(a)(1)(A). See § 1.852–10, relating to certain distributions in redemption of interests in unit investment trusts which, for purposes of the deduction for dividends paid with reference to capital gain dividends only, are not considered preferential dividends under section 562(c). See section 855 and § 1.855–1, relating to dividends paid after the close of the taxable year.

(2) *Undistributed capital gains.* • • •

(ii) *Effect on earnings and profits of a regulated investment company.* If a regulated investment company designates an amount as undistributed capital gains for a taxable year, the earnings and profits of such regulated investment company for such taxable year shall be reduced by the total amount of the undistributed capital gains so designated. In such case, its capital account shall be increased—

(*a*) In the case of a taxable year ending before January 1, 1970, by 75 percent of the total amount designated,

(*b*) In the case of a taxable year ending after December 31, 1969, and beginning before January 1, 1975, by the total amount designated decreased by the amount of tax imposed by section 852(b)(3)(A) with respect to such amount, or

(*c*) In the case of a taxable year beginning after December 31, 1974, by 70 percent of the total amount designated.

The earnings and profits of a regulated investment company shall not be reduced by the amount of tax which is imposed by section 852(b)(3)(A) on an amount designated as undistributed capital gains and which is paid by the corporation but deemed paid by the shareholder.

PAR. 5. Section 1.852–4 is amended by revising paragraph (b) (1) and (2) and paragraph (c) to read as follows:

§ 1.852–4 Method of taxation of shareholders of regulated investment companies.

• • • • • •

(b) *Capital gains*—(1) *In general.* Under section 852(b)(3)(B), shareholders of a regulated investment company who receive capital gain dividends (as defined in paragraph (c) of this section), in respect of the capital gains of an investment company for a taxable year for which it is taxable under part I, subchapter M, chapter 1 of the Code, as a regulated investment company, shall treat such capital gain dividends as gains from the sale or exchange of capital assets held for more than 6 months and realized in the taxable year of the shareholder in which the dividend was received. In the case of dividends with respect to any taxable year of a regulated investment company ending after December 31, 1969, and beginning before January 1, 1975, the portion of a shareholder's capital gain dividend to which section 1201(d) (1) or (2) applies is the portion so designated by the regulated investment company pursuant to paragraph (c)(2) of this section.

(2) *Undistributed capital gains.* (i) A person who is a shareholder of a regulated investment company at the close of a taxable year of such company for which it is taxable under part I of subchapter M shall include in his gross income as a gain from the sale or exchange of a capital asset held for more than 6 months any amount of undistributed capital gains. The term "undistributed capital gains" means the amount designated as undistributed capital gains in accordance with paragraph (a) of § 1.852–9, but the amount so designated shall not exceed the shareholder's proportionate part of the amount subject to tax under section 852(b)(3)(A). Such amount shall be included in gross income for the taxable year of the shareholder in which falls the last day of the taxable year of the regulated investment company in respect of which the undistributed capital gains were designated. The amount of such gains designated under paragraph (a) of § 1.852–9 as gain described in section 1201(d) (1) or (2) shall be included in the shareholder's gross income as gain described in section 1201(d) (1) or (2). For certain administrative provisions relating to undistributed capital gains, see § 1.852–9.

(ii) Any shareholder required to include an amount of undistributed capital gains in gross income under section 852(b)(3)(D)(i) and subdivision (i) of this subparagraph shall be deemed to have paid for his taxable year for which such amount is so includible—

(*a*) In the case of an amount designated with respect to a taxable year of the company ending before January 1, 1970, a tax equal to 25 percent of such amount,

(*b*) In the case of a taxable year of the company ending after December 31, 1969, and beginning before January 1, 1975, a tax equal to the tax designated under paragraph (a)(1) of § 1.852–9 by the regulated investment company as his proportionate share of the capital gains tax paid with respect to such amount, or

(*c*) In the case of an amount designated with respect to a taxable year of the company beginning after December 31, 1974, a tax equal to 30 percent of such amount.

Such shareholder is entitled to a credit or refund of the tax so deemed paid in accordance with the rules provided in paragraph (c)(2) of § 1.852–9.

(iii) Any shareholder required to include an amount of undistributed capital gains in gross income under section 852(b)(3)(D)(i) and subdivision (i) of this subparagraph shall increase the adjusted basis of the shares of stock with respect to which such amount is so includible—

(*a*) In the case of an amount designated with respect to a taxable year of the company ending before January 1, 1970, by 75 percent of such amount,

(*b*) In the case of an amount designated with respect to a taxable year of the company ending after December 31, 1969, and beginning before January 1, 1975, by the amount designated under paragraph (a)(1)(iv) of § 1.852–9 by the regulated investment company, or

(*c*) In the case of an amount designated with respect to a taxable year of the company beginning after December 31, 1974, by 70 percent of such amount.

• • • • • •

(c) *Definition of capital gain dividend.* (1) A capital gain dividend, as defined in section 852(b)(3)(C), is any dividend or part thereof which is designated by a regulated investment company as a capital gain dividend in a written notice mailed to its shareholders not later than 45 days (30 days for a taxable year ending before February 26, 1964) after the close of its taxable year. If the aggregate amount so designated with respect to the taxable year (including capital gain dividends paid after the close of the taxable year pursuant to an election under section 855) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated. For example, a regulated investment company

making its return on the calendar year basis advised its shareholders by written notice mailed December 30, 1955, that $200,000 of a distribution of $500,000 made December 15, 1955, constituted a capital gain dividend, amounting to $2 per share. It was later discovered that an error had been made in determining the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, and that such excess was $100,000 instead of $200,000. In such case each shareholder would have received a capital gain dividend of $1 per share instead of $2 per share.

(2) In the case of capital gain dividends with respect to any taxable year of a regulated investment company ending after December 31, 1969, and beginning before January 1, 1975 (including capital gain dividends paid after the close of the taxable year pursuant to an election under section 855), the company must include in its written notice designating the capital gain dividend a statement showing the shareholder's proportionate share of such dividend which is gain described in section 1201(d)(1) and his proportionate share of such dividend which is gain described in section 1201(d)(2). In determining the portion of the capital gain dividend which, in the hands of a shareholder, is gain described in section 1201(d) (1) or (2), the regulated investment company shall consider that capital gain dividends for a taxable year are first made from its long-term capital gains for such year which are not described in section 1201(d) (1) or (2), to the extent thereof, and then from its long-term capital gains for such year which are described in section 1201(d) (1) or (2). A shareholder's proportionate share of gains which are described in section 1201(d)(1) is the amount which bears the same ratio to the amount paid to him as a capital gain dividend in respect of such year as (i) the aggregate amount of the company's gains which are described in section 1201(d)(1) and paid to all shareholders bears to (ii) the aggregate amount of the capital gain dividend paid to all shareholders in respect of such year. A shareholder's proportionate share of gains which are described in section 1201(d)(2) shall be determined in a similar manner. Every regulated investment company shall keep a record of the proportion of each capital gain dividend (to which this subparagraph applies) which is gain described in section 1201(d) (1) or (2).

(3) If, for his taxable year, a shareholder must include in his gross income a capital gain dividend to which subparagraph (2) of this paragraph applies, he shall attach to his income tax return for such taxable year a statement showing, with respect to the total of such dividends for such taxable year received from each regulated investment company—

(i) The name and address of the regulated investment company from which such dividends are received, and

(ii) The amount of such dividends received from such company and the portion thereof which was designated as gain described in section 1201(d)(1) and the portion thereof which was designated as gain described in section 1201(d)(2).

* * * * *

PAR. 6. Section 1.852–9 is amended by revising paragraph (a)(1) and adding subparagraph (3) to paragraph (c), as follows:

§ 1.852–9 Special procedural requirements applicable to designation under section 852(b)(3)(D).

(a) *Regulated investment company*—(1) *Notice to shareholders.* (i) A designation of undistributed capital gains under section 852(b)(3)(D) and paragraph (b)(2)(i) of § 1.852–2 shall be made by notice on Form 2439 mailed by the regulated investment company to each person who is a shareholder of record of the company at the close of the company's taxable year. The notice on Form 2439 shall show the name, address, and employer identification number of the regulated investment company; the taxable year of the company for which the designation is made; the name, address, and identifying number of the shareholder; the amount designated by the company for inclusion by the shareholder in computing his long-term capital gains; and the tax paid with respect thereto by the company which is deemed to have been paid by the shareholder.

(ii) In the case of a designation of undistributed capital gains with respect to a taxable year of the regulated investment company ending after December 31, 1969, and beginning before January 1, 1975, Form 2439 shall also show the shareholder's proportionate share of such gains which is gain described in section 1201(d)(1), his proportionate share of such gains which is gain described in section 1201(d)(2), and the amount (determined pursuant to subdivision (iv) of this subparagraph) by which the shareholder's adjusted basis in his shares shall be increased.

(iii) In determining under subdivision (ii) of this subparagraph the portion of the undistributed capital gains which, in the hands of the shareholder, is gain described in section 1201(d) (1) or (2), the company shall consider that capital gain dividends for a taxable year are made first from its long-term capital gains for such year which are not described in section 1201(d) (1) or (2), to the extent thereof, and then from its long-term capital gains for such year which are described in section 1201(d) (1) or (2). A shareholder's proportionate share of undistributed capital gains for a taxable year which is gain described in section 1201(d)(1) is the amount which bears the same ratio to the amount included in his income as designated undistributed capital gains for such year as (*a*) the aggregate amount of the company's gains for such year which are described in section 1201(d)(1) and designated as undistributed capital gains bears to (*b*) the aggregate amount of the company's gains for such year which are designated as undistributed capital gains. A shareholder's proportionate share of gains which are described in section 1201(d)(2) shall be determined in a similar manner. Every regulated investment company shall keep a record of the proportion of undistributed capital gains (to which this subdivision applies) which is gain described in section 1201(d) (1) or (2).

(iv) In the case of a designation of undistributed capital gains for any taxable year ending after December 31, 1969, and beginning before January 1, 1975, Form 2439 shall also show with respect to the undistributed capital gains of each shareholder the amount by which such shareholder's adjusted basis in his shares shall be increased under section 852(b)(3)(D)(iii). The amount by which each shareholder's adjusted basis in his shares shall be increased is the amount includible in his gross income with respect to such shares under section 852(b)(3)(D)(i) less the tax which the shareholder is deemed to have paid with respect to such shares. The tax which each shareholder is deemed to have paid with respect to such shares is the amount which bears the same ratio to the amount of the tax imposed by section 852(b)(3)(A) for such year with respect to the aggregate amount of the designated undistributed capital gains as the amount of such gains includible in the shareholder's gross income bears to the aggregate amount of such gains so designated.

(v) Form 2439 shall be prepared in triplicate, and copies B and C of the form shall be mailed to the shareholder on or before the 45th day (30th day for a taxable year ending before February 26, 1964) following the close of the company's taxable year. Copy A of each Form 2439 must be associated with the duplicate copy of the undistributed capital gains tax return of the company (Form 2438), as provided in subparagraph (2)(ii) of this paragraph.

* * * * *

(c) *Shareholders.* * * *

(3) *Records.* The shareholder is required to keep copy C of the Form 2439 furnished for the regulated investment company's taxable years ending after December 31, 1969, and beginning before January 1, 1975, as part of his records to show increases in the adjusted basis of his shares in such company.

* * * * *

PAR. 7. Section 1.857 is amended by revising section 857(b)(3)(A) and (C) and the historical note to read as follows:

§ 1.857 Statutory provisions; taxation of real estate investment trusts and their beneficiaries.

SEC. 857. *Taxation of real estate investment trusts and their beneficiaries.* * * *

(b) *Method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest.* * * *

(3) *Capital gains*—(A) *Imposition of tax.* There is hereby imposed for each taxable year in the case of every real estate investment trust a tax, determined as provided in section 1201(a), on the excess, if any, of the net long-term capital gain over the sum of—

(i) The net short-term capital loss; and

(ii) The deduction for dividends paids (as defined in section 561) determined with reference to capital gains dividends only.

* * * * *

(C) *Definition of capital gain dividend.* For purposes of this part, a capital gain dividend is any dividend, or part thereof, which is designated by the real estate investment trust as a capital gain dividend in a written notice mailed to its shareholders or holders of beneficial interests at any time before the expiration of 30 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the trust (including capital gain dividends paid after the close of the taxable year described in section 858) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated. For purposes of subparagraph (A)(ii), in the case of a taxable year beginning before January 1, 1975, the deduction for dividends paid shall first be made from the amount subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount subject to tax in accordance with section 1201(a)(1)(A).

* * * * *

[Sec. 857 as added by sec. 10(a), Act of Sept. 14, 1960 (Public Law 86–779; 74 Stat. 1006); as amended by sec. 201(d)(11), Rev. Act 1964 (78 Stat. 32); sec. 511(c)(3), Tax Reform Act 1969 (83 Stat. 637)]

PAR. 8. Section 1.857–2 is amended by revising paragraph (b) to read as follows:

§ 1.857–2 Method of taxation of real estate investment trusts.

* * * * *

(b) *Taxation of capital gains.* Section 857(b)(3)(A) imposes (1) in the case of a taxable year beginning before January 1, 1970, a tax of 25 percent, or (2) in the case of a taxable year beginning after December 31, 1969, a tax determined as provided in section 1201(a) and paragraph (a)(3) of § 1.1201–1, on the excess, if any, of the net long-term capital gain of a qualified real estate investment trust over the sum of its net short-term capital loss and its deduction for dividends paid (as defined in section 561) determined with reference to capital gain dividends only. In the case of a taxable year ending after December 31, 1969, and beginning before January 1, 1975, the deduction for dividends paid as so determined shall first be made from the amount subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount subject to tax in accordance with section 1201(a)(1)(A). For the definition of capital gain dividend paid by a real estate investment trust, see section 857(b)(3)(C) and paragraph (e) of § 1.857–4. See section 858 and § 1.858–1 for rules relating to dividends paid after the close of the taxable year.

PAR. 9. Section 1.857–4 is amended by revising paragraphs (b) and (e) to read as follows:

§ 1.857–4 Method of taxation of shareholders of real estate investment trusts.

* * * * *

(b) *Capital gains.* Under section 857(b)(3)(B), shareholders of a real estate investment trust who receive capital gain dividends (as defined in paragraph (e) of this section), in respect of the capital gains of an investment trust for a taxable year for which it is taxable under part II of subchapter M as a real estate investment trust, shall treat such capital gain dividends as gains from the sale or exchange of capital assets held for more than 6 months and realized in the taxable year of the shareholder in which the dividend was received. In the case of dividends with respect to any taxable year of a real estate investment trust ending after December 31, 1969, and beginning before January 1, 1975, the portion of a shareholder's capital gain dividend which in his hands is gain to which section 1201(d) (1) or (2) applies is the portion so designated by the real estate investment trust pursuant to paragraph (e)(2) of this section.

* * * * *

(e) *Definition of capital gain dividend.* (1) A capital gain dividend, as defined in section 857(b)(3)(C), is any dividend or part thereof which is designated by a real estate investment trust as a capital gain dividend in a written notice mailed to its shareholders not later than 30 days after the close of its taxable year. If the aggregate amount so designated with respect to the taxable year (including capital gain dividends paid after the close of the taxable year pursuant to an election under section 858) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate of the amount so designated. For example, a real estate investment trust making its return on the calendar year basis advised its shareholders by written notice mailed December 30, 1961, that $200,000 of a distribution of $500,000 made December 15, 1961, constituted a capital gain dividend, amounting to $2 per share. It was later discovered that an error had been made in determining the excess of the net long-term capital gain over the net short-term capital loss of the taxable year and that such excess was $100,000 instead of $200,000. In such case, each shareholder would have received a capital gain dividend of $1 per share instead of $2 per share.

(2) In the case of capital gain dividends designated with respect to any taxable year of a real estate investment trust ending after December 31, 1969, and beginning before January 1, 1975 (including capital gain dividends paid after the close of the taxable year pursuant to an election under section 858), the real estate investment trust must include in its written notice designating the capital gain dividend a statement showing the shareholder's proportionate share of such dividend which is gain described in section 1201(d)(1) and his proportionate share of such dividend which is gain described in section 1201(d)(2). In determining the portion of the capital gain dividend which, in the hands of a shareholder, is gain described in section 1201(d) (1) or (2), the real estate investment trust shall consider that capital gain dividends for a taxable year are first made from its long-term capital gains which are not described in section 1201(d) (1) or (2), to the extent thereof, and then from its long-term capital gains for such year which are described in section 1201(d) (1) or (2). A shareholder's proportionate share of gains which are described in section 1201(d)(1) is the amount which bears the same ratio to the amount paid to him as a capital gain dividend in respect of such year as (i) the aggregate amount of the trust's gains which are described in section 1201(d)(1) and paid to all shareholders bears to (ii) the aggregate amount of the capital gain dividend paid to all shareholders in respect of such year. A shareholder's proportionate share of gains which are described in section 1201(d)(2) shall be determined in a similar manner. Every real estate investment trust shall keep a record of the proportion of each capital dividend (to which this subparagraph applies) which is gain described in section 1201(d) (1) or (2).

PAR. 10. Section 1.1201 is amended by revising section 1201 and the historical note to read as follows:

§ 1.1201 Statutory provisions; alternative tax.

SEC. 1201. *Alternative tax*—(a) *Corporations.* If for any taxable year a corporation has a net section 1201 gain, then, in lieu of the tax imposed by sections 11, 511, 821 (a) or (c), and 831(a), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of a tax computed on the taxable income reduced by the amount of the net section 1201 gain, at the rates and in the manner as if this subsection had not been enacted, plus—

(1) In the case of a taxable year beginning before January 1, 1975—

(A) A tax of 25 percent of the lesser of—

(i) The amount of the subsection (d) gain, or

(ii) The amount of the net section 1201 gain, and

(B) A tax of 30 percent (28 percent in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971) of the excess (if any) of the net section 1201 gain over the subsection (d) gain; and

(2) In the case of a taxable year beginning after December 31, 1974, a tax of 30 percent of the net section 1201 gain.

(b) *Other taxpayers.* If for any taxable year a taxpayer other than a corporation has a net section 1201 gain, then, in lieu of the tax imposed by sections 1 and 511, there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

(1) A tax computed on the taxable income reduced by an amount equal to 50 percent of the net section 1201 gain, at the rates and in the manner as if this subsection had not been enacted,

(2) A tax of 25 percent of the lesser of—

(A) The amount of the subsection (d) gain, or

(B) The amount of the net section 1201 gain, and

(3) If the amount of the net section 1201 gain exceeds the amount of the subsection (d) gain, a tax computed as provided in subsection (c) on such excess.

(c) *Computation of tax on capital gain in excess of subsection (d) gain.*—(1) *In general.* The tax computed for purposes of subsection (b)(3) shall be the amount by which a tax determined under section 1 or 511 on an amount equal to the taxable income (but not less than 50 percent of the net section 1201 gain) for the taxable year exceeds a tax determined under section 1 or 511 on an amount equal to the sum of (A) the amount subject to tax under subsection (b)(1) plus (B) an amount equal to 50 percent of the subsection (d) gain.

(2) *Limitation.* Notwithstanding paragraph (1), the tax computed for purposes of subsection (b)(3) shall not exceed an amount equal to the following percentage of the excess of the net section 1201 gain over the subsection (d) gain:

(A) 29½ percent, in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971, or

(B) 32½ percent, in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972.

(d) *Subsection (d) gain defined.* For purposes of this section, the term "subsection (d) gain" means the sum of the long-term capital gains for the taxable year arising—

(1) In the case of amounts received before January 1, 1975, from sales or other dispositions pursuant to binding contracts (other than any gain from a transaction described in section 631 or 1235) entered into on or before October 9, 1969, including sales or other dispositions the income from which is returned on the basis and in the manner prescribed in section 453(a)(1),

(2) In respect of distributions from a corporation made prior to October 10, 1970, which are pursuant to a plan of complete liquidation adopted on or before October 9, 1969, and

(3) In the case of a taxpayer other than a corporation, from any other source, but the amount taken into account from such other sources for the purposes of this paragraph shall be limited to an amount equal to the excess (if any) of $50,000 ($25,000 in the case of a married individual filing a separate return) over the sum of the gains to which paragraphs (1) and (2) apply.

(e) *Cross references.* For computation of the alternative tax—

(1) In the case of life insurance companies, see section 802(a)(2);

(2) In the case of regulated investment companies and their shareholders, see section 852(b)(3)(A) and (D); and

(3) In the case of real estate investment trusts, see section 857(b)(3)(A).

[Sec. 1201 as amended by sec. 5(7), Life Insurance Company Tax Act 1955 (70 Stat. 49); sec. 3(f)(2), Life Insurance Company Income Tax Act 1959 (73 Stat. 140); sec. 8(g)(3), Rev. Act 1962 (76 Stat. 999); sec. 511(b), Tax Reform Act 1969 (83 Stat. 635)]

PAR. 11. Section 1.1201–1 is revised to read as follows:

§ 1.1201–1 Alternative tax.

(a) *Corporations.*—(1) *In general.* (i) If for any taxable year a corporation has net section 1201 gain (as defined in paragraph (g) of this section), section 1201(a) imposes an alternative tax in lieu of the tax imposed by sections 11 and 511, but only if such alternative tax is less than the tax imposed by sections 11 and 511. The alternative tax is not in lieu of the personal holding company tax imposed by section 541 or of any other tax not specifically set forth in section 1201(a).

(ii) In the case of an insurance company, the alternative tax imposed by section 1201(a) is also in lieu of the tax imposed by sections 821 (a) or (c) and 831(a), except that for taxable years beginning before January 1, 1963, the reference to section 821 (a) or (c) is to be read as reference to section 821 (a)(1) or (b). For taxable years beginning after December 31, 1954, and before January 1, 1958, the alternative tax imposed by section 1201(a) shall also be in lieu of the tax imposed by section 802(a), as amended by the Life Insurance Company Tax Act for 1955 (70 Stat. 38), if such alternative tax is less than the tax imposed by such section. See section 802(e), as added by the Life Insurance Company Tax Act for 1955 (70 Stat. 39). However, for taxable years beginning after December 31, 1958, and before January 1, 1962, section 802(a)(2), as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 115), imposes a separate tax equal to 25 percent of the amount by which the net long-term capital gain of any life insurance company (as defined in section 801(a) and paragraph (b) of § 1.801–3) exceeds its net short-term capital loss. See paragraph (f) of § 1.802–3. For alternative tax for life insurance companies in the case of taxable years beginning after December 31, 1961, see section 802(a)(2) and the regulations thereunder.

(iii) See section 56 and the regulations thereunder for provisions relating to the minimum tax for tax preferences.

(2) *Alternative tax.* The alternative tax is the sum of—

(i) A partial tax computed at the rates provided in sections 11, 511, 821 (a) or (c), and 831(a), on the taxable income of the taxpayer reduced by the amount of the net section 1201 gain, and

(ii) An amount equal to the tax determined under subparagraph (3) of this paragraph.

For taxable years beginning after December 31, 1954, and before January 1, 1958, the partial tax under subdivision (i) of this subparagraph shall also be computed at the rates provided in section 802(a). For taxable years beginning before January 1, 1963, the reference in such subdivision to section 821 (a) or (c) is to be read as a reference to section 821 (a) or (b).

(3) *Tax on capital gains.* For purposes of subparagraph (2)(ii) of this paragraph, the tax shall be—

(i) In the case of a taxable year beginning after December 31, 1974, a tax of 30 percent of the net section 1201 gain,

(ii) In the case of a taxable year beginning after December 31, 1969, and before January 1, 1975—

(*a*) A tax of 25 percent of the lesser of the amount of the subsection (d) gain (as defined in section 1201(d) and paragraph (f) of this section) or the amount of the net section 1201 gain, plus

(*b*) A tax of 30 percent (28 percent in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971) of the excess, if any, of the net section 1201 gain over the subsection (d) gain,

(iii) In the case of a taxable year beginning before January 1, 1970, and after March 31, 1954, a tax of 25 percent of the net section 1201 gain, or

(iv) In the case of a taxable year beginning before April 1, 1954, a tax of 26 percent of the net section 1201 gain.

(4) *Determination of special deductions.* In the computation of the partial tax described in subparagraph (2)(i) of this paragraph the special deductions provided for in sections 243, 244, 245, 247, 922, and 941 shall not be recomputed as the result of the reduction of taxable income by the net section 1201 gain.

(b) *Other taxpayers.*—(1) *In general.* If for any taxable year a taxpayer (other than a corporation) has net section 1201 gain (as defined in paragraph (g) of this section), section 1201(b) imposes an alternative tax in lieu of the tax imposed by sections 1 and 511, but only if such alternative tax is less than the tax imposed by sections 1 and 511. The alternative tax is not in lieu of any other tax not specifically set forth in section 1201(b). See section 56 and the regulations thereunder for provisions relating to the minimum tax for tax preferences.

(2) *Alternative tax.* The alternative tax is the sum of—

(i) A partial tax computed at the rates provided by sections 1 and 511 on the taxable income reduced by an amount equal to 50 percent of the net section 1201 gain, and

(ii) In the case of a taxable year beginning after December 31, 1969—

(*a*) A tax of 25 percent of the lesser of the amount of the subsection (d) gain (as defined in section 1201(d) and paragraph (f) of this section) or the amount of the net section 1201 gain, plus

(*b*) A tax computed as provided in section 1201(c) and paragraph (e) of this section on the excess, if any, of the net section 1201 gain over the subsection (d) gain, or

(iii) In the case of a taxable year beginning before January 1, 1970, a tax of 25 percent of the net section 1201 gain.

(3) *Cross references.* See § 1.1–2(a) for rule relating to the computation of the limitation on tax in cases where the alternative tax is imposed. See § 1.34–2 (a) for rule relating to the computation of the dividend received credit under section 34 (for dividends received on or before December 31, 1964), and § 1.35–1 (a) for rule relating to the computation of credit for partially tax-exempt interest under section 35 in cases where the alternative tax is imposed.

(c) *Tax-exempt trusts and organizations.* In applying section 1201 in the case of tax-exempt trusts or organizations subject to the tax imposed by section 511, the only amount which is taken into account as capital gain or loss is that which is taken into account in computing unrelated business taxable income under section 512. Under section 512, the only amount taken into account as capital gain or loss is that resulting from the application of section 631(a), relating to the election to treat the cutting of timber as a sale or exchange.

(d) *Joint returns.* In the case of a joint return, the excess of any net long-term capital gain over any net short-term capital loss is to be determined by combining the long-term capital gains and losses and the short-term capital gains and losses of the spouses.

(e) *Computation of tax on capital gain in excess of subsection (d) gain.*—(1) *In general.* The tax computed for purposes of section 1201(b)(3) and paragraph (b)(2)(ii)(*b*) of this section shall be the amount by which a tax determined under section 1 or 511 on an amount equal to the taxable income (but not less than 50 percent of the net section 1201 gain) for the taxable year exceeds a tax determined under section 1 or 511 on an amount equal to the sum of (i) the amount subject to tax under section 1201 (b)(1) and paragraph (b)(2)(i) of this section for such year plus (ii) an amount equal to 50 percent of the subsection (d) gain for such year.

(2) *Limitation.* Notwithstanding subparagraph (1) of this paragraph, the tax computed for purposes of section 1201(b)(3) and paragraph (b)(2)(ii)(*b*) of this section shall not exceed an amount equal to the following percentage of the excess of the net section 1201 gain over the subsection (d) gain for the taxable year:

(i) 29½ percent, in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971, or

(ii) 32½ percent, in the case of taxable year beginning after December 31, 1970, and before January 1, 1972.

(f) *Definition of subsection (d) gain.*—(1) *In general.* For purposes of section 1201 and this section, the term "subsection (d) gain" means the sum of the long-term capital gain for the taxable year arising—

(i) In the case of amounts received or accrued, as the case may be, before January 1, 1975 (other than any gain from a transaction described in section 631 or 1235), from—

(*a*) Sales or other dispositions on or before October 9, 1969, including sales or other dispositions the income from which is returned as provided in section 453(a)(1) or (b)(1), or

(*b*) Sales or other dispositions after October 9, 1969, pursuant to binding contracts entered into on or before that date, including sales or other dispositions the income from which is returned as provided in section 453(a)(1) or (b)(1),

(ii) From liquidating distributions made by a corporation which are made (*a*) before October 10, 1970, and (*b*) pursuant to a plan of complete liquidation adopted on or before October 9, 1969, or

(iii) In the case of a taxpayer (other than a corporation), from any other source not described in subdivision (i) or (ii) of this subparagraph, but the amount taken into account from such other sources shall be limited to the amount, if any, by which $50,000 ($25,000 in the case of a married individual filing a separate return) exceeds the sum of the gains to which subdivisions (i) and (ii) of this subparagraph apply.

(2) *Special rules.* For purposes of subparagraph (1) of this paragraph—

(i) A binding contract entered into on or before October 9, 1969, means a contract, whether written or unwritten, which on or before that date was legally enforceable against the taxpayer under applicable law. If on or before October 9, 1969, a taxpayer grants an irrevocable option or irrevocable contractual right to another party to buy certain property and such other party exercises that option or right after October 9, 1969, the sale of such property is a sale pursuant to a binding contract entered into on or before October 9, 1969. The application of this subdivision may be illustrated by the following example:

Example. During 1964, A, B, and C formed a closely held corporation, and A was appointed as president of the organization. On July 1, 1964, A received for consideration 100 shares of common stock in the corporation subject to the agreement that, if A should retire from the management of the corporation or die, A or his estate would first offer his shares of stock to the corporation for purchase and that, if the corporation did not buy the stock within 60 days, the stock could be sold to any party other than the corporation. On September 1, 1970, A retired from the management of the corporation and offered his shares to the corporation for purchase. Pursuant to the agreement, the corporation purchased A's stock on September 30, 1970. A's sale of such stock was pursuant to a binding contract entered into on or before October 9, 1969.

(ii) A contract which pursuant to subdivision (i) of this subparagraph constitutes a binding contract entered into on or before October 9, 1969, does not cease to qualify as such a contract by reason of the fact that after October 9, 1969, there is a modification of the terms of the contract, such as a change in the time of performance, or in the amount of the debt or in the terms and mode of payment, or in the rate of interest, or there is a change in the form or nature of the obligation or the character of the security, so long as the taxpayer is at all times on and after October 9, 1969, legally bound by such contract. The application of this subdivision may be illustrated by the following examples:

Example (1). On August 1, 1969, A sold certain capital assets to B on the installment plan and elected to return the gain therefrom under section 453, the agreement providing for payments over a period of 2 years. At the time of the sale these assets had been held by A for more than 6 months. On July 31, 1970, A and B agreed to a modification of the terms of payment under the sales agreement, the only change in the contract being that the installment payments due after July 31, 1970, would be paid over a 3-year period. For purposes of this paragraph the payments received by A after July 31, 1970, are considered amounts received from the sale on August 1, 1969. (See section 483 for rules with respect to interest on deferred payments.)

Example (2). On April 1, 1969, A sold certain capital assets to B on the installment plan and elected to return the gain therefrom under section 453, the agreement providing for payments over a period of 3 years. At the time of the sale these assets had been held by A for more than 6 months. On March 31, 1970, C assumed B's obligation to pay the balance of the installments which were due after that date. For purposes of this paragraph any installment payments received by A after March 31, 1970, from C are considered amounts received from a sale made on or before October 9, 1969.

Example (3). On May 1, 1969, A offers to sell certain capital assets to B if B accepts the offer within 1 year, unless it is previously withdrawn by A. B accepts the offer on November 1, 1969, and the transaction is consummated shortly thereafter. For purposes of this paragraph, any payment received by A pursuant to the sale is not considered an amount received from a sale made on or before October 9, 1969, or from a sale pursuant to a binding contract entered into on or before that date.

(iii) An amount which is considered under section 402(a)(2) or 403(a)(2) as gain of the taxpayer from the sale or exchange of a capital asset held for more than 6 months shall be treated as gain subject to the provisions of section 1201(d)(1) and subdivision (i) of such subparagraph, but only if on or before October 9, 1969, (*a*) the employee with respect to whom such amount is distributed or paid dies or is otherwise separated from the service and (*b*) there was a binding agreement or the employee had elected that total distributions or amounts payable be paid to the taxpayer within 1 taxable year.

(iv) Gain described in section 1201(d)(1) or (2) with respect to a partnership, estate, or trust, which is required to be included in the gross income of a partner in such partnership, or of a beneficiary of such estate or trust, shall be treated as such gain with respect to such partner or beneficiary. Thus, for example, if during 1974 a partnership which uses the calendar year as its taxable year receives amounts which give rise to section 1201(d)(1) gain, a partner who uses the fiscal year ending June 30 as his taxable year shall treat his distributive share of such gain as subsection (d) gain for his taxable year ending June 30, 1975, even though such share is distributed to him after December 31, 1974. See § 1.706–1.

(v) An individual shall be considered married for purposes of subdivision (iii) of such subpararaph if for the taxable year he may elect with his spouse to make a joint return under section 6013(a).

(vi) In applying such subparagraph for purposes of section 21(a)(1) long-term capital gains arising from amounts received before January 1, 1970, shall be taken into account if such amounts are received during the taxable year.

(g) *Net section 1201 gain.* For the definition of net section 1201 gain, see section 1222(11) and § 1.1222–1(h).

(h) *Illustrations.* The application of this section may be illustrated by the following examples in which the assumption is made that section 56 (relating to minimum tax for tax preferences) does not apply:

Example (1). A, a single individual, has for the calendar year 1954 taxable income (exclusive of capital gains and losses) of $99,400. He realizes in 1954 a gain of $50,000 on the sale of a capital asset held for 19 months and sustains a loss of $20,000 on the sale of a capital asset held for 5 months. He has no other capital gains or losses. Since the alternative tax is less than the tax otherwise computed under section 1, the tax payable is the alternative tax, that is $74,298. The tax is computed as follows:

Tax Under Section 1

Taxable income exclusive of capital gains and losses		$99,400
Net long-term capital gain (100 percent of $50,000)	$50,000	
Net short-term capital loss (100 percent of $20,000)	20,000	
Excess of net long-term capital gain over the net short-term capital loss		30,000
		129,400
Deduction of 50 percent of excess of net long-term capital gain over the net short-term capital loss (section 1202)		15,000
Taxable income		114,400
Tax under section 1		80,136

Alternative Tax Under Section 1201(b)

Taxable income		$114,400
Less 50 percent of excess of net long-term capital gain over net short-term capital loss (section 1201(b)(1))		15,000
Taxable income exclusive of capital gains and losses		99,400
Partial tax (tax on $99,400)		66,798
Plus 25 percent of $30,000		7,500
Alternative tax under section 1201(b)		74,298

Example (2). A husband and wife, who file a joint return for the calendar year 1970, have taxable income (exclusive of capital gains and losses) of $100,000. In 1970 they realize $200,000 of net long-term capital gain in excess of net short-term capital loss, including long-term capital gains of $100,000 arising from sales consummated in 1968 the income from which is returned on the installment method under section 453, and long-term capital gains of $50,000, arising in respect of distributions from X corporation made before October 10, 1970, which were pursuant to a plan of complete liquidation adopted on October 9, 1969. Since the alternative tax under section 1201(b) is less than the tax otherwise computed under section 1, the tax payable for 1970 is the alternative tax, that is, $97,430 plus the tax surcharge under section 51. The tax (without regard to the tax surcharge) is computed as follows:

Tax Under Section 1

Taxable income exclusive of capital gains and losses		$100,000
Net section 1201 gain (excess of net long-term capital gain over the net short-term capital loss)		200,000
Total		300,000
Deduction of 50 percent of net section 1201 gain (section 1202)		100,000
Taxable income		200,000
Tax under section 1		110,980

Alternative Tax Under Section 1201(b)

(1) Net section 1201 gain		$200,000
(2) Subsection (d) gain:		
Section 1201(d)(1)	100,000	
Section 1201(d)(2)	50,000	
Total subsection (d) gain	150,000	
(3) Net section 1201 gain in excess of subsection (d) gain ($200,000 less $150,000)		50,000
(4) Tax under section 1201(b)(1):		
(i) Taxable income	$200,000	
(ii) Less: 50% of item (1)	100,000	
(iii) Amount subject to tax under section 1201(b)(1)	100,000	
Partial tax (computed under section 1)		45,180
(5) Tax under section 1201(b)(2): (25% of item (1) or of item (2), whichever is lesser [25% of $150,000])		37,500
(6) Tax under section 1201(b)(3) on item (3):		
Tax under section 1 on taxable income ($200,000)	$110,980	
Less: Tax under section 1 on sum of item (4)(iii) ($100,000) plus 50% of item (2) ($75,000) (Total $175,000)	93,780	
Tax under section 1201(c)(1)	17,200	
Limitation under section 1201(c)(2)(A) (29½% of item (3)	14,750	14,750
(7) Alternative tax under section 1201(b)		97,430

Example (3). A husband and wife, who file a joint return for the calendar year 1971, have taxable income (exclusive of capital gains and losses) of $80,000. In 1971 they realize long-term capital gain of $30,000 arising from a sale consummated on July 1, 1969, the income from which is returned on the installment method under section 453. From securities transactions in 1971 they have long-term capital gains of $60,000 and a short-term capital loss of $10,000. Since the alternative tax under section 1201(b) is less than the tax otherwise computed under section 1, the tax payable is the alternative tax, that is, $55,140. The tax is computed as follows:

Tax Under Section 1

Taxable income exclusive of capital gains and losses		$80,000
Net long-term capital gains (100% of $90,000)	$90,000	
Net short-term capital loss (100% of $10,000)	10,000	
Net section 1201 gain		80,000
Total		160,000
Deduction of 50% of net section 1201 gain (section 1202)		40,000
Taxable income		120,000
Tax under section 1		57,580

Alternative Tax Under Section 1201(b)

(1) Net section 1201 gain		$80,000
(2) Subsection (d) gain:		
Section 1201(d)(1)	30,000	
Section 1201(d)(2)		
Section 1201(d)(3) ($50,000 less $30,000	20,000	
Total subsection (d) gain	50,000	
(3) Net section 1201 gain in excess of subsection (d) gain ($80,000 less $50,000)		30,000
(4) Tax under section 1201(b)(1):		
(i) Taxable income	$120,000	
(ii) Less: 50% of item (1)	40,000	
(iii) Amount subject to tax under section 1201(b)(1)	80,000	
Partial tax (computed under section 1)		33,340
(5) Tax under section 1201(b)(2): (25% of item (1) or of item (2), whichever is lesser [25% of $50,000])		12,500
(6) Tax under section 1201(b)(3) on item (3):		
Tax under sec. 1 on taxable income ($120,000)	$57,580	
Less: Tax under sec. 1 on sum of item (4)(iii) ($80,000) plus 50% of item (2) ($25,000) (Total $105,000)	48,280	
Tax under section 1201(c)(1)	9,300	
Limitation under section 1201(c)(2)(B) (32½% of item (3))	9,750	9,300
(7) Alternative tax under section 1201(b)		55,140

Example (4). A husband and wife, who file a joint return for the calendar year 1973, have taxable income (exclusive of capital gains and losses) of $250,000. In 1973 they realize long-term capital gains (not described in section 1201(d)(1) or (2)) of $140,000 and a short-term capital loss of $50,000. Since the alternative tax under section 1201(b) is less than the tax otherwise computed under section 1, the tax payable is the alternative tax, that is, $172,480. The tax is computed as follows:

Tax Under Section 1

Taxable income exclusive of capital gains and losses		$250,000
Net long-term capital gains (100% of $140,000)	$140,000	
Net short-term capital loss (100% of $50,000)	50,000	
Net section 1201 gain		90,000
Total		340,000
Deduction of 50% of net section 1201 gain (section 1202)		45,000
Taxable income		295,000
Tax under section 1		177,480

Alternative Tax Under Section 1201(b)

(1) Net section 1201 gain		$90,000
(2) Subsection (d) gain:		
Section 1201(d)(1)		
Section 1201(d)(2)		
Section 1201(d)(3)	50,000	
Total subsection (d) gain	50,000	
(3) Net section 1201 gain in excess of subsection (d) gain ($90,000 less $50,000)		40,000
(4) Tax under section 1201(b)(1):		
(i) Taxable income	$295,000	
(ii) Less: 50% of item (1)	45,000	
(iii) Amount subject to tax under section 1201(b)(1)	250,000	
Partial tax (computed under section 1)		145,980
(5) Tax under section 1201(b)(2): (25% of item (1) or of item (2), whichever is lesser [25% of $50,000])		12,500
(6) Tax under section 1201(b)(3) on item (3):		
Tax under section 1 on taxable income ($295,000)	$177,480	
Less: Tax under section 1 on sum of item (4)(iii) ($250,000) plus 50% of item (2) ($25,000) (Total $275,000)	163,480	14,000
(7) Alternative tax under section 1201(b)		172,480

PAR. 12. Section 1.1222 is amended by revising section 1222(9), by adding paragraph (11) to section 1222, and by revising the historical note, to read as follows:

§ 1.1222 Statutory provisions; other terms relating to capital gains and losses.

SEC. 1222. *Other terms relating to capital gains and losses.* • • •

(9) *Net capital gain.* The term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges.

• • • • • •

(11) *Net section 1201 gain.* The term "net section 1201 gain" means the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year.

[Sec. 1222 as amended by sec. 230(b), Rev. Act 1964 (78 Stat. 100); sec. 511(a) and 513(c), Tax Reform Act 1969 (83 Stat. 635, 643)]

PAR. 13. Section 1.1222–1 is amended by adding a new paragraph (h) to read as follows:

§ 1.1222–1 Other terms relating to capital gains and losses.

• • • • • •

(h) The term "net section 1201 gain" means the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year.

PAR. 14. Section 1.1375–1 is amended by redesignating paragraph (e) as (f), by adding example (5) to paragraph (f) as so redesignated, and by inserting a new paragraph (e), as follows:

§ 1.1375–1 Special rules applicable to capital gains.

• • • • • •

(e) *Shareholder's pro rata share of subsection (d) gain.* Long-term capital gains of an electing small business corporation for any taxable year which are gains described in section 1201(d) (1) or (2) with respect to such corporation shall be treated as gains which are gains described in section 1201(a) (1) or (2) with respect to a shareholder to the extent of his pro rata share of such gains. A shareholder's pro rata share of such gains is the amount which bears the same ratio to the shareholder's pro rata share of long-term capital gain (as determined under paragraph (b) of this section) for such year as the corporation's long-term capital gains for such year which are described in section 1201 (d) (1) or (2) bear to the excess of the corporation's net long-term capital gain over its net short-term capital loss for the taxable year. If such ratio is one or greater, the shareholder's pro rata share of gains described in section 1201(d) (1) or (2) shall be equal to his pro rata share of long-term capital gain for such taxable year.

(f) *Examples.* The application of this section may be illustrated by the following examples:

• • • • • •

Example (5). An electing small business corporation which has three equal shareholders has net long-term capital gains in excess of net short-term capital loss of $60,000 for its taxable year 1971. The corporation has long-term capital gain described in section 1201(d)(1) of $15,000. The corporation has taxable income and current earnings and profits of $90,000 (including such net capital gain of $60,000). During the taxable year, the corporation pays cash dividends of $90,000 ($30,000 to each shareholder). With respect to such distributions each shareholder will be deemed to have received long-term capital gain of $20,000 ($30,000/$90,000 of $60,000) and ordinary income of $10,000. In the case of such distributions, each shareholder will be deemed to have received $5,000 ($15,000/$60,000×$20,000) of gain described in section 1201(d)(1).

PAR. 15. Section 1.1378 is amended by revising section 1379 (b) and (c) (3), and the historical note, to read as follows:

§ 1.1378 Statutory provisions; tax imposed on certain capital gains.

SEC. 1378. *Tax imposed on certain capital gains.* • • •

(b) *Amount of tax.* The tax imposed by subsection (a) shall be the lower of—

(1) An amount equal to the tax, determined as provided in section 1201(a), on the amount by which the excess of the net long-term capital gain over the net short-term capital loss of the corporation for the taxable year exceeds $25,000, or

(2) An amount equal to the tax which would be imposed by section 11 on the taxable income (computed as provided in section 1373(d)) of the corporation for the taxable year if the corporation was not an electing small business corporation.

No credit shall be allowable under part IV of subchapter A of this chapter (other than under section 39) against the tax imposed by subsection (a). In applying section 1201 (a)(1) (A) and (B) for purposes of paragraph (1), the $25,000 limitation shall first be deducted from the amount (determined without regard to this subsection) subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount (determined without regard to this subsection) subject to tax in accordance with section 1201(a)(1)(A).

(c) *Exceptions.* • • •

(3) *Property with substituted basis.* If—

(A) But for paragraph (1) or (2), subsection (a) would apply for the taxable year,

(B) Any long-term capital gain is attributable to property acquired by the electing small business corporation during the period beginning 3 years before the first day of the taxable year and ending on the last day of the taxable year, and

(C) The basis of such property is determined in whole or in part by reference to the basis of any property in the hands of another corporation which was not an electing small business corporation throughout all of the period described in subparagraph (B) before the transfer by such other corporation and during which such other corporation was in existence,

then subsection (a) shall apply for the taxable year, but the amount of the tax determined under subsection (b) shall not exceed a tax, determined as provided in section 1201(a), on the excess of the net long-term capital gain over the net short-term capital loss attributable to property acquired as provided in subparagraph (B) and having a basis described in subparagraph (C).

[Sec. 1378 as added by sec. 2(a), Act of April 14, 1966 (Public Law 89–389, 80 Stat. 113); as amended by sec. 511(c)(4), Tax Reform Act 1969 (83 Stat. 638)]

PAR. 16. Section 1.1378–3 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.1378–3 Amount of tax.

(a) *In general.* If an electing small business corporation is subject to the tax imposed by section 1378 for a taxable year, the amount of such tax for such year is, except as provided in paragraph (b) of this section, the lower of—

(1) An amount equal to the tax, determined as provided in section 1201(a), on the amount (25 percent of such amount in the case of a taxable year beginning before January 1, 1970) by

which the excess of the net long-term capital gain over the net short-term capital loss of the corporation for the taxable year exceeds $25,000 or

(2) An amount equal to the amount of tax which would be imposed by section 11 on the taxable income of the corporation for the taxable year (computed under section 1373(d)) if the corporation were not an electing small business corporation.

In applying section 1201(a)(1) (A) and (B) for purposes of subparagraph (1) of this paragraph for any taxable year ending after December 31, 1969, and beginning before January 1, 1975, the $25,000 limitation shall first be deducted from the amount (determined without regard to this paragraph and section 1378(b)) subject to tax in accordance with section 1201(a)(1)(B), to the extent thereof, and then from the amount (determined without regard to this paragraph and section 1378(b)) subject to tax in accordance to section 1201(a)(1)(A).

(b) *Exception.* If an electing small business corporation is subject to the tax imposed by section 1378 for a taxable year, and

(1) The election under section 1372 (a) which is in effect with respect to such corporation for such year has been in effect for the corporation's three immediately preceding taxable years, or

(2) An election under section 1732(a) has been in effect with respect to such corporation for each of its taxable years for which it has been in existence,

the amount of such tax for such year shall not exceed a tax, determined as provided in section 1201(a), on the excess (25 percent of the excess in the case of a taxable year beginning before January 1, 1970) of the net long-term capital gain over the net short-term capital loss attributable to property with a substituted basis (see section 1378(c)(3) and paragraph (b) of § 1.1378-2).

* * * * *

[FR Doc.71-3547 Filed 3-15-71;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Electric Face Equipment

Notice is hereby given that in accordance with the provisions of sections 305(r) and 317(j) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), and pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act, it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, be amended by adding §§ 75.523-1 and 75.1710-1, as set forth below. These proposed amendments set forth requirements for installation of canopies or cabs on all electric face equipment and the installation of devices that will deenergize such in the event of an emergency.

Interested persons may submit written comments, suggestions or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

E. F. OSBORN,
Director, Bureau of Mines.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, would be amended by adding the following:

§ 75.523-1 Deenergization of electric face equipment; installation of panic bars; requirements.

On and after June 30, 1971, all electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine, shall be equipped with devices, such as "panic bars," that will permit the equipment to be deenergized quickly in the event of an emergency.

§ 75.1710-1 Canopies or cabs; electric face equipment; installation requirements.

On and after June 30, 1971, all electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine, shall be equipped with substantial canopies or cabs to protect the operator of such equipment from falls of roof, face, and ribs.

[FR Doc.71-3601 Filed 3-15-71;8:47 am]

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Protective Clothing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, be amended by adding § 75.1719, as set forth below. This proposed amendment prescribes the protective clothing which must be worn by each miner regularly employed in the active workings of an underground coal mine.

Interested persons may submit written comments, suggestions or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

E. F. OSBORN,
Director, Bureau of Mines.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, would be amended by adding the following:

§ 75.1719 Protective clothing; requirements.

On and after June 30, 1971, each miner regularly employed in the active workings of an underground coal mine shall be required to wear the following protective clothing and devices:

(a) Protective clothing or equipment and face-shields or goggles when welding, cutting, or working with molten metal or when other hazards to the eyes exist.

(b) Suitable protective clothing to cover the entire body when handling corrosive or toxic substances or other materials which might cause injury to the skin.

(c) Protective gloves when handling materials or performing work which might cause injury to the hands; however, gloves shall not be worn where they would create a greater hazard by becoming entangled in the moving parts of equipment.

(d) A suitable hard hat.

(e) Suitable protective footwear.

(f) Seat belts in a vehicle where there is a danger of overturning.

[FR Doc.71-3600 Filed 3-15-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 232]

[Docket No. PB-4; Notice 1]

POWER BRAKES

Advance Notice of Proposed Rule Making and Request for Public Advice

The Federal Railroad Administration (FRA) is considering proposing general amendments to Part 232 of the regulations issued under the Power or Train Brakes Safety Appliance Act of 1958.

By notice published February 11, 1969 (34 F.R. 1957), FRA proposed amendment of § 232.12, pertaining to requirements for brake inspections and tests at interchange and at 500-mile intermediate points.

By notice published February 11, 1969 (34 F.R. 1958), FRA also proposed amendment of § 232.11 to achieve clarification of existing requirements.

The two notices were consolidated and extensions of time for comment were granted on March 11, 1969 (34 F.R. 5338), and April 29, 1969 (34 F.R. 7289).

These matters are subsumed under this advance notice of the rulemaking. All comments which have been received in response to the preceding notices will be included in the consolidated public docket and will be considered by FRA in the development of a proposed rule.

The purpose of this advance notice is to solicit public participation and comment on the need for revision of Part 232, in whole or in part, and the nature of revisions considered necessary or desirable to resolve any difficulties arising under existing provisions. All comments and proposals received in response to this notice will also be placed in the public docket file and will be given due consideration in the development of an FRA proposal to revise the power brake regulations.

Interested persons are invited to give their views on a general revision of Part 232, to clarify and upgrade the regulations pertaining to power brakes. Comments should identify the regulatory docket and notice number and be submitted in triplicate to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Attention: Docket No. PB-4, 400 Seventh Street SW., Washington, DC 20591, prior to April 15, 1971. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5100, Nassif Building, 400 Seventh Street SW., Washington, DC 20591.

This notice is issued under the authority of section 9 of title 45, United States Code.

Issued in Washington, D.C., on March 11, 1971.

CARL V. LYON,
Acting Administrator.

[FR Doc.71-3654 Filed 3-15-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1043]

[Ex Parte No. MC-5 (Sub-No. 1)]

BROKER SECURITY FOR PROTECTION OF THE PUBLIC

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 25th day of February 1971.

This rule making proceeding is being instituted here on our own motion to examine whether the present bond or security required to be posted and maintained by brokers of motor transportation, pursuant to the regulation in 49 CFR 1043.4, is adequate in amount and coverage for proper protection of the public.

Brokers are independent of both carriers and shippers or travelers and act as intermediaries between these parties in arranging for motor transportation subject to the Interstate Commerce Act through the making of contracts or the sale of tickets. To ensure that their operations will work to the convenience of the motor carriers, as well as that of shippers and passengers who may not be sufficiently informed or so situated that they could readily locate available motor carrier service when desired, and to eliminate abuses that resulted from this relationship, the Motor Carrier Act of 1935 subjected brokers to full economic regulation by this Commission.

Section 203(a)(18) of the Act (49 U.S.C. 303(a)(18)) thus defines a broker

* * * any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who or which, as principal or agent, sells or offers for sale any transportation subject to this part, or negotiates for, or holds himself or itself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

Section 211(a) of the Act provides that no person shall engage in operation as a broker of motor transportation of passengers of property unless it has first established that the proposed service is or will be consistent with the public interest and the National Transportation Policy and has obtained a broker's license authorizing such service. Section 211(c) directs us to prescribt "reasonable rules and regulations for the protection of travelers or shippers by motor vehicle to be observed by any person holding a brokerage license," and provides that no license shall be issued or remain in force unless the licensee shall have furnished a bond or other security in such form and amount as will insure financial responsibility and the supplying of authorized transportation. When the above-quoted provisions of the act affecting brokers were before Congress, it was explained on the Senate floor that:

> This section is intended to give the Commission necessary authority to cope with the conditions which have been created by the rise of the so-called "brokerage operations." These operations are of many different types. Some are beneficial and others are conducted in a manner which has seriously demoralized the trucking business and to a lesser extent the transportation of passengers. The unreliable broker, acting as an intermediary between shipper or traveler and carrier, frequently resorts to unfair practices which exploit both the carriers employed by the brokers and the shipping or traveling public and employees of the carriers. It is believed that many of the evils of long hours, unsafe operation, and low earnings of motor carriers are attributable to this type of brokers. [Senator Wheeler, 79 Cong. Rec. 5654]

As a result of this direction, this Commission prescribed rules and regulations governing the filing and approval of security or surety bonds for brokers in the sum of $5,000 pursuant to its decision in Ex Parte No. MC-5, Motor Carrier Insurance for Protection of the Public, 1 M.C.C. 45 (Aug. 3, 1936). This requirement, promulgated at the dawn of Federal regulation of surface transportation, is now codified at 49 CFR 1043.4. Since this regulation first was implemented, there have been few, if any, serious instances of loss due to the collapse or default of a licensed broker of motor carrier transportation or the failure of such a broker to perform in accordance with its contracts, agreements, or arrangements. Nevertheless, inflation and recent reported occurrences in the air travel brokerage business involving the collapse of study-group charters and the stranding of travelers in foreign countries without adequate funds, have caused us to question whether the existing brokerage bond requirements are adequate for the protection of the public. We believe that, rather than await the actual occurrence of a serious loss as the result of inadequate financial protection to the public, we should investigate at this time the adequacy and coverage of existing brokerage bonding requirements based upon an evaluation of potential public loss in the perspective of the modern era of transportation and its cost and expense. We surmise, but are not certain, that the total cost of such an increase in amount or coverage to the brokers and the shipping public may be minimal in view of the relatively rare recoveries that have thus far been made under such bonds. We propose no new rule as to amount or coverage of such surety bonds, but rather desire to consider all factors, including those pertaining to the potential cost of the acquisition of more extensive surety bonds. The guaranteeing of the financial responsibility of brokers is a primary function of broker regulation and can only serve the best interests of the public.

In view of the general effect that this proceeding will have upon all brokers of motor carrier transportation, all such licensed brokers will be made respondents in this proceeding. An oral hearing does not appear to be necessary at this time and none is contemplated. Anyone wishing to present views and evidence as to the subject involved in this proceeding as set forth in this order may do so by the submission of written facts, views, or arguments, in the manner specified below.

It is ordered, That, based on the foregoing explanation, a proceeding be, and it is hereby, instituted under part II of the Interstate Commerce Act, and particularly sections 211(c) and 215 thereof, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purpose of investigating the adequacy and coverage of existing bonding requirements as presently set forth in 49 CFR 1043.4, and to determine whether 49 CFR 1043.4 should be amended in order to provide for an increase in the amount and coverage of the surety bond or other security required of all brokers as defined in part II of the Interstate Commerce Act, as previously discussed in this notice and order, and of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all brokers of transportation by motor vehicle in interstate or foreign commerce subject to part II of the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subject mentioned above, or any other subject pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days of the

service date of this order, the original and one copy of a statement of his intention to participate; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of this service list the Commission will fix the time within which initial statements and replies must be filed.

And it is further ordered, That a copy of this order be mailed to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over the brokerage of motor transportation of property or passengers, that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to respondents and to all other interested parties.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3608 Filed 3-15-71;8:48 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 748]

MINIMUM SECURITY DEVICES AND PROCEDURES

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 205–E of Public Law 91–468 (84 Stat. 1002), is considering the addition of a new Part 748 entitled "Minimum Security Devices and Procedures" to Title 12 of the Code of Federal Regulations.

The proposed new Part 748 would establish mandatory requirements, reporting procedures, recommendations, and educational programs pertaining to minimum security devices and procedures relative to the operation of federally insured credit unions.

This notice is published pursuant to section 553 of Title 5 of the United States Code.

To aid in the consideration of the matter by the Administrator, interested persons are invited to submit relevant data, views, or arguments.

Any such material should be submitted in writing to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than 30 days from publication of this notice in the FEDERAL REGISTER.

HERMAN NICKERSON, JR.,
Administrator.

MARCH 9, 1971.

The proposed new Part 748 would read as follows:

PART 748—MINIMUM SECURITY DEVICES AND PROCEDURES

Sec.
748.0 Scope.
748.1 Definitions.
748.2 Designation of security officer.
748.3 Security devices.
748.4 Security procedures.
748.5 Filing of reports.
748.6 Corrective action.
748.7 Storage of vital records.
748.8 Penalty provision.
748.9 Minimum standards for security devices.
748.10 Proper employee conduct during and after a robbery.

AUTHORITY: The provisions of this Part 748 issued under sec. 205–E, 84 Stat. 1002, P.L. 91–468.

§ 748.0 Scope.

(a) This part establishes minimum standards which federally insured credit unions shall comply with in respect to their actions and the installation, maintenance, and operation of security devices and procedures to discourage robberies, burglaries, and larcenies, to assist in the identification and apprehension of persons who commit such actions, and to provide standards for storing vital records; sets time limits within which insured credit unions shall comply with these standards; and provides for the submission of reports with respect to compliance.

(b) It is realized that insured credit unions will be of various sizes, from small ones that operate from an officer's home with limited assets to large ones with many millions of dollars of assets that are involved in a complex operation. It is the intent of this part to make the security requirements fit the circumstance of the credit union. Accordingly, small insured credit unions will be required to have a considerably less elaborate security program as compared to large credit unions.

§ 748.1 Definitions.

"Branch" includes any branch, business headquarters, agency, additional office, mobile facility, or any branch or place of business located in any State or territory of the United States or in the District of Columbia at which funds in insured accounts are received or payments on loans are received.

"Business hours" means the time during which an office is open for the normal transaction of business with members of insured credit unions.

"Office" includes the principal office of an insured credit union and any branch thereof.

"Regional Director" means the Regional Director of the National Credit Union Administration in the region where the insured credit union is located who is responsible for the supervision of the insured credit union's activities for insurance purposes.

"Teller station or window" means a location in a place of business in which an insured credit union's customers routinely conduct transactions with the credit union which involve the exchange of funds, including a walkup or drive-in teller's station or window.

§ 748.2 Designation of security officer.

On or before May 1, 1971, or within 30 days after the effective date of insurance of a federally insured credit union, whichever is later, the Board of Directors of each such credit union shall designate an officer or other employee of the credit union who shall be charged, subject to the supervision by the credit union's Board of Directors, with responsibility for installation, maintenance, and operation of security devices and for the development and administration of a security program which equals or exceeds the standards prescribed by this part.

§ 748.3 Security devices.

(a) *Installation, maintenance, and operation of appropriate devices.* Before August 31, 1971, or within 30 days after the effective date of insurance of funds, whichever is later, the security officer of each insured credit union, under such direction as shall be given him by the credit union Board of Directors, shall survey the needs for security devices in each of the credit union's offices and shall provide for the installation, maintenance and operation in each such office of:

(1) A lighting system for illuminating during the hours of darkness the area around the vault or safe if the vault or safe is visible from outside the office;

(2) Tamper-resistant locks on exterior doors and exterior windows designed to be opened;

(3) An alarm system or other appropriate device for promptly notifying the nearest responsible law enforcement officers, guards, or security personnel of an attempted or perpetrated robbery or burglary; and

(4) Such other devices as the security officer, after seeking the advice of law enforcement officers, shall deem to be appropriate for discouraging robberies, burglaries, and larcenies and for assisting in the identification and apprehension of persons who commit such crimes.

(b) *Considerations relevant to determining appropriateness.* For the purpose of subparagraphs (3) and (4) of paragraph (a) of this section, considerations relative to determining appropriateness include but are not limited to:

(1) The incidence of crimes against the particular office or financial institutions in the area in which the office is or will be located;

(2) The amount of currency or other valuables exposed to robbery, burglary, or larceny;

(3) The distance of the office from the nearest law enforcement offices, guards, or security personnel and the time required for such personnel to arrive at the office;

(4) The cost of security devices;

(5) Other security measures in effect at the office or within the area, such as the office being located within the compound of a military installation, within the complex of a business or factory which has security, etc.; and

(6) The physical characteristics of the office structure and its surroundings.

(c) *Implementation.* It is appropriate for officers of insured credit unions in areas with a high incidence of crime to install more devices and institute more procedures which would not be practicable because of cost for small offices in areas substantially free of crimes against financial institutions. Each credit union shall consider the appropriateness of installing, maintaining, and operating security devices and where used should give a general level of protection at least equivalent to the standards described in § 748.9. In those institutions where security devices are already installed it is not intended that they be replaced but every effort will be made to bring them up to the standards set forth in § 748.9. In any case, on the basis of the factors listed in paragraph (b) of this section or similar ones, where the use of other measures or the decison that technological change allows the use of other measures judged to give equivalent protection, it is decided not to install, maintain, and operate devices at least equivalent to these standards, the credit union shall preserve in its own records a statement of the reasons for such decision and forward a copy of that statement to the Regional Director.

§ 748.4 Security procedures.

(a) *Development and administration.* On or before August 31, 1971, or within 30 days after the effective date of insurance of the credit union, whichever is later, each insured credit union shall develop and provide for the administration a security program to protect each of its offices, branches, or places of business from robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such crimes. The security program shall be reduced to writing, approved by the credit union's Board of Directors, and retained by the credit union in such form as will readily permit determination of its adequacy and effectiveness, and a copy shall be filed with the Regional Director with the certification required by § 748.5 and with the appendix to this part.

(b) *Contents of the security program.* Such security program shall:

(1) Provide for establishing a schedule for the inspection, testing, and servicing of all security devices installed in each office; provide for designating the officer or other employee who shall be responsible for seeing that such devices are inspected, tested, serviced, and kept in good working order and require such officer or other employee to keep a record of such inspections, testings, and servicings;

(2) Require that each office's currency be kept at an absolute and reasonable minimum and provide procedures for safely removing excess currency (currency kept on hand overnight should not be in excess of any amount not covered by the surety bond);

(3) Require that the currency at each teller's station or window be kept at a reasonable minimum and provide procedures for safely removing excess currency and negotiable securities to a locked and fireproofed vault, safe, or other protected place;

(4) Require that the currency at each teller's station or window or place where funds are disbursed or received include bait money, i.e., used Federal Reserve notes, the denominations, banks of issue, serial numbers, and series years of which are recorded, verified by a second officer or employee, and kept in a safe place;

(5) Require that all currency and negotiable securities be placed in a fireproof vault or safe at the earliest time practicable after business hours; that the vault or safe be locked at the earliest practicable time after business hours and be opened at the latest time practicable before business hours. In those cases where the credit union is so small that it is determined to be economically not feasible to purchase a safe or vault, funds or securities in excess of $500 will not be kept by the credit union but deposited in a bank or other financial institution.

(6) Provide where practicable for designation of a person or persons to open each office or branch and require him or them to inspect the premises to ascertain that no unauthorized persons are present and to signal to the employees that the premises are safe before permitting them to enter;

(7) Provide for designation of a person or persons who will assure that all security devices are turned on and are operating during the periods and at such times as such devices are intended to be used and that all locks on windows, doors, and methods of ingress and egress are properly locked;

(8) Provide where practicable for a person or persons to inspect after the closing hour all areas of each office where currency and negotiable securities are normally handled or stored in order to assure that such currency and negotiable securities have been put away, that no unauthorized persons are present in such areas, and that the vault or safe and all other receptacles with locks are securely locked and secured;

(9) Securities not kept in a safe or vault shall be kept in a safe deposit box which requires two authorized signatures to open in a financial institution;

(10) Armored car service shall be used in transporting money to and from the bank or armed guards should accompany employees when they transport funds between the credit union and the bank. Funds should not be transported to the bank by less than two person;

(11) Windows and doors that are not readily observable from the outside and through which unauthorized entry may be attempted shall, where practicable, be protected by burglary-resistant bars or grills;

(12) Arrangements will be made with local police, internal security guards, or other security personnel to inspect the exterior of the office with reasonable frequency and to be present before opening and just after closing hours;

(13) The installation of an alarm system which can be activated by an employee without endangering his life, preferably a silent system connected with the police or a security agency, should be considered and installed where conditions indicate such necessity and it is economically feasible. During hours when the office is closed, an alarm should be considered that can be activated upon unauthorized or forced entry.

(14) A study will be made to determine whether a surveillance system is needed and is practicable, considering such things as photographic recording and monitoring devices. Such systems are not only helpful in identifying and apprehending the burglar or robber but also serve as a deterrent to the planning of a burglary or robbery. Notices of such devices will be prominently displayed. Installation of dummy cameras will be considered as they have proven to be a good deterrent.

(15) Employees will be fully instructed as to the procedures and actions to follow during the course of a robbery, including the importance of a good description of the robber. They will be thoroughly familiar with the importance of refraining from any action or reaction that might endanger their lives or the lives of any other employees in the office at the time. (See § 748.10.)

(16) Employees will be given initial training and periodic retraining in their responsibilities under the security program, including the proper use of any security devices.

(17) If a credit union office is located in a building owned by the employer of the members, consideration will be given to locating the office on an upper floor where practicable.

(18) Consideration will be given to using clear wired glass in doors and windows facing corridors or streets so that persons passing will have a good view of the credit union office.

(19) The Federal Bureau of Investigation has a decal which states that the FBI has jurisdiction to investigate robberies, burglaries, and larcenies committed against credit unions. Arrangements will be made through the local FBI office to acquire these decals and they will be posted in a conspicuous place.

§ 748.5 Filing of reports.

(a) Compliance reports: As of the 31st day of August 1971, each insured

credit union shall file with their Regional Director a statement certifying to its compliance with the requirements of this part. Thereafter such a statement will be presented to the Federal examiner. The statement shall be dated and signed by the President of the Credit Union or other managing officer of the credit union and may be in a form substantially as follows:

I hereby certify to the best of my knowledge and belief that this credit union has developed and administers a security program that equals or exceeds the standards prescribed by § 748.4 of the rules and regulations; that such security program has been reduced to writing, approved by this credit union's Board of Directors, and retained by this credit union in such form as will readily permit determination of its adequacy and effectiveness; and that this credit union's security officer, after seeking the advice of law enforcement officers, has provided for installation, maintenance, and operation of security devices, if appropriate, as prescribed by § 748.3 of the rules and regulations in each of the credit union's offices.

(b) External crime reports. Each time a robbery, burglary, or nonemployee larceny is committed or attempted at an office operated by a federally insured credit union, the credit union shall, within 5 working days, file a report with the Regional Director in conformity with the requirements of the appendix to this part. State-chartered credit unions shall, in addition, file one copy of such report with the appropriate State supervisory authority. Three copies of such report shall be filed by each insured credit union with the Regional Director.

(c) Each insured credit union shall file such other reports as the Administrator may from time to time require.

§ 748.6 Corrective action.

Whenever the Administrator determines that the security devices or procedures used by an insured credit union are deficient in meeting the requirements of this part or that the requirements of this part should be varied in the circumstances of a particular office, he may take or require the credit union to take the necessary corrective action. If the Administrator determines that such corrective action is appropriate or necessary, the credit union will be so notified and will be furnished a statement of what the credit union must do to comply with the requirements of this part.

§ 748.7 Storage of vital records.

Records considered vital by the credit union's Board of Directors for the continued operation of a credit union in the event of their loss (such as ledgers, etc.) must be secured in a fire-resistant container or vault prior to the securing of the office or building each day. Fire-resistant vaults used for the protection of credit union records as determined by the Board of Directors shall be constructed in accordance with specifications established by the Regional Fire Protection Association for a Class 2 hour rating and must comply with any other applicable local fire regulations. As a minimum, fire-resistant vault doors shall be listed with the Underwriters Laboratories as a 2-hour vault door and frame and equipped with an Underwriters Laboratories listed Group 2 combination lock. Fire-resistant containers used for the protection of such records shall meet the minimum specifications established by the Underwriters Laboratories for a UL 1 hour label. For the purpose of certification that fire-resistant vaults or containers meet these standards, a written certification from a contractor, manufacturer, or supplier to the credit union that the equipment exceeds the requirements established above will satisfy the credit union's compliance with this section.

§ 748.8 Penalty provision.

Pursuant to section 2053 of Public Law 91-468 of 1970, an insured credit union which violates any provision of this part shall be subject to a civil penalty not to exceed $100 for each day of the violation.

§ 748.9 Minimum standards for security devices.

General: The following minimum standards for security devices should be met if it is determined that the criteria established in this Part 748 requires that such security devices be installed.

(a) *Surveillance systems.* Surveillance systems should be equipped with one or more photographic recording, monitoring, or lighting device capable of reproducing images of persons in the credit union office with sufficient clarity to facilitate (through photographs capable of being enlarged to produce a 1-inch vertical head size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious character. The device should be reasonably solid in operation and designed and constructed so that necessary services, repairs, or inspections can be readily made. Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film, should contain enough unexposed film at all times to be capable of operating for not less than 3 minutes and the film should be at least 16mm.

(1) *Installation, maintenance, and operation of surveillance systems providing surveillance of other than walkup or drive-in teller stations or windows.* Surveillance devices for other than walkup or drive-in teller stations or windows should be located so as to produce identifiable images of persons either leaving the credit union office or in a position to transact business at each such station or window and should be capable of activation by initiating devices located at each teller's station or window.

(2) *Installation, maintenance, and operation of surveillance systems providing surveillance of walkup or drive-in teller stations or windows.* Surveillance devices for walkup or drive-in teller stations or windows should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window and area of such station or window that is vulnerable to robbery or larceny. Such devices should be capable of activation by one or more initiating devices located within or in close proximity to such station or window. Such devices could be omitted in the case of a walkup or drive-in teller's station or window in which the teller is effectively protected by bullet-resistant barrier from persons outside the station or window, but if the teller is vulnerable to larceny or robbery by members of the public who enter the credit union office the teller should have access to a device to activate a surveillance system that covers the area of vulnerability or the exits of the credit union office.

(b) *Robbery alarm systems.* A robbery alarm should be provided for each credit union office at which the police ordinarily can arrive within 5 minutes after an alarm is activated. Robbery alarm systems should be:

(1) Designed to transmit to the police, either directly or through an intermediary, a signal (not detected by unauthorized persons) indicating that a crime against the credit union office has occurred or is in progress;

(2) Capable of activation by initiating devices located at each teller's station or window (except walkup or drive-in teller's stations or windows in which the teller is effectively protected by a bullet-resistant barrier and effectively isolated from persons, other than fellow employees, inside a credit union office of which such station or window may be a part);

(3) Safeguard against accidental transmission of an alarm;

(4) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(5) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 24 hours in the event of failure of the usual source of power.

(c) *Burglar alarm systems.* Burglar alarm systems should be:

(1) Capable of detecting promptly an attack on the outer door, walls, floor, or ceiling of each vault, and each safe not stored in a vault, in which currency, negotiable securities, or similar valuables are stored when the office is closed, and any attempt to move any such safe;

(2) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that any such attempt is in progress; and in the case of a credit union office at which the police ordinarily cannot arrive within 5 minutes after an alarm is activated, designed to activate a loud sounding bell or other device that is audible inside the credit union office and for a distance of approximately 500 feet outside the credit union office;

(3) Safeguarded against accidental transmission of an alarm;

(4) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(5) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 80 hours in the event of failure of the usual source of power.

(d) *Walkup and drive-in teller's stations or windows.* Walkup and drive-in teller's stations or windows contracted for after June 30, 1971, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from robbery or larceny by persons outside such stations or windows. Such barriers should be of glass at least 1 3/16 inches thick,[1] or of material of at least equivalent bullet-resistance. Pass-through devices should be designed and constructed so as not to afford a person outside the station or window a direct line of fire at a person inside the station or window.

(e) *Vaults, safes, and night depositories.* Vaults and safes (if not to be stored in a vault) in which currency, negotiable securities, or similar valuables are to be stored when the office is closed, and night depositories, contracted for after June 30, 1971, should meet or exceed the following standards:

(1) *Vaults.* Vault walls, roof, and floor contracted for after June 30, 1971, should be made of steel-reinforced concrete, at least 18 inches thick; vault doors should be made of steel or other drill and torch-resistant material, at least 3½ inches thick, and be equipped with a dial combination lock and a time lock and a substantial, lockable daygate; or vaults and vault doors should be constructed of materials that afford at least equivalent burglary-resistance.

(2) *Safes.* Safes contracted for after June 30, 1971, should weigh at least 750 pounds empty or be securely anchored to the premises where located. The door should be equipped with a combination lock and with a relocking device that will effectively lock the door if the combination lock is punched. The body should consist of steel, at least 1 inch in thickness, with an ultimate tensile strength of 50,000 pounds per square inch, either cast or fabricated, and be fastened in a manner equal to a continuous ¼-inch penetration weld having an ultimate tensile strength of 50,000 pounds per square inch. One hole not exceeding 7/8-inch diameter may be provided in the body to permit insertion of electrical conductors but should be located so as not to permit a direct view of the door or locking mechanism. The door should be made of steel that is at least 1½ inches thick and at least equivalent in strength to that specified for the body; or safes should be constructed of materials that afford at least equivalent burglary- and fire-resistance.

(3) *Night depositories.* Night depositories (excluding envelope drops not used to receive substantial amounts of currency) contracted for after July 1, 1971, should consist of a receptacle chest having cast, or welded, steel walls, top and bottom, at least 1 inch thick; a combination locked steel door at least 1½ inches thick; and a chute, made of steel that is at least 1 inch thick, securely bolted or welded to the receptacle and to a depository entrance of strength similar to the chute; or night depositories should be constructed of materials that afford at least equivalent burglary-resistance. The depository entrance should be equipped with a lock. Night depositories should be equipped with a burglar alarm and be designed to protect against the "fishing" of a deposit from the deposit receptacle and to protect against the "trapping" of a deposit for extraction.

Each device mentioned in this section should be installed and regularly inspected, tested, and serviced by competent persons so as to assure realization of its maximum performance capabilities. Activating devices for surveillance systems and robbery alarms should be operable with the least risk of detection by unauthorized persons that can be practicably achieved.

§ 748.10 Proper employee conduct during and after a robbery.

With respect to proper employee conduct during and after a robbery, employees should be instructed—

(a) To avoid actions that might increase danger to themselves or others;

(b) To activate the robbery alarm system and the surveillance system during the robbery, if it appears that such activation can be accomplished safely;

(c) To observe the robber's physical features, voice, accent, mannerisms, dress, the kind of weapon he has, and any other characteristics that would be useful for identification purposes;

(d) That if the robber leaves evidence (such as a note) to try to put it aside and out of sight, if it appears that this can be done safely; retain the evidence, do not handle it unnecessarily, and give it to the police when they arrive; and refrain from touching, and assist in preventing others from touching, articles or places the robber may have touched or evidence he may have left, in order that fingerprints of the robber may be obtained;

(e) To give the robber no more money than the amount he demands and include "bait" money in the amount given;

(f) That if it can be done safely, to observe the direction of the robber's escape and the description and license plate number of the vehicle used, if any;

(g) To telephone the police, if they have not arrived, and the nearest office of the Federal Bureau of Investigation, or inform a designated officer or other employee who has this responsibility that a robbery has been committed;

(h) That if the robber leaves before the police arrive, to assure that a designated officer or other employee waits outside the office, if it is safe to do so, to inform the police when they arrive that the robber has left;

(i) To attempt to determine the names and addresses of other persons who witnessed the robbery or the escape and request them to record their observations or to assist a designated officer or other employee in recording their observations; and

(j) To refrain from discussing the details of the robbery with others before recording the observations respecting the robber's physical features and other characteristics as hereinabove described and the direction of escape and description of vehicle used, if any.

[1] It should be emphasized that this thickness is merely bullet-resistant and not bullet-proof.

APPENDIX

NATIONAL CREDIT UNION ADMINISTRATION
REPORT ON SECURITY MEASURES

Pursuant to the Federal Credit Union Act

Credit Union Name_____
Address _____
City _____
State_____ Zip_____
_____Federally Chartered
_____State Chartered
Does Credit Union Occupy:
(a) Own building_____
(b) Sponsor's space_____
(c) Outside rental space_____
(d) Other_____
FINANCIAL:
Assets__ Loan Balance__ Share Balance__
No. of Members__ Potential Membership__
President _____
Treasurer/Manager _____
Name of Security Officer_____
Number of Employees:
Full Time_____ Part Time_____
LOSSES: (Last 5 Years)

Type	Date	Amount	Covered by Insurance?
			Yes/No.
			Yes/No.
			Yes/No.
			Yes/No.
			Yes/No.

I. Armed Guard Protection

1. In office during office hours:
a. _____ Yes. Number _____
b. _____ No.
2. In office during nonbusiness hours:
a. _____ Yes. Number _____.
b. _____ No.

II. Surveillance System

A. Type of equipment:
1. _____ Photographic camera. Number used _____.
2. _____ Television cameras and recorders—Number of TV cameras used _____.
3. _____ Other, specify type and number _____
B. Specifications:
1. Size of film, if applicable:
a. _____ 16 mm. or larger.
b. _____ Other, specify _____
2. Photographing capabilities:
a. _____ Rapid speed for photographing at _____ frames per minute.
b. _____ Slow speed for continuous surveillance at _____ frames per hour.
C. Coverage (check all applicable categories):
a. _____ Exits. Number of devices used _____.
b. _____ Teller positions. Number of devices used _____.
D. Operation:
1. Method of activation (check all applicable items):
a. _____ Automatic and continuous.
b. _____ Activating device at each teller position.
c. _____ Other, specify _____

2. Audibility of system when in operation:
   a. ------ Relatively silent so as not to attract attention.
   b. ------ Readily audible.
3. Visible to public view?
   a. ------ Yes.
   b. ------ No.
4. Public informed through decals or other means of use of surveillance system?
   a. ------ Yes.
   b. ------ No.

E. Installation and maintenance:
1. Installation by:
   a. ------ Equipment supplier.
   b. ------ Central station alarm service.
   c. ------ Other, specify----------
2. Maintenance by:
   a. ------ Credit Union employee.
   b. ------ Installer.
   c. ------ Other, specify----------

III. Accessibility of Law Enforcement Officers

(In developing this information, it may be necessary to consult with local law enforcement officials.)

A. ---------- Distance from credit union office to nearest local law enforcement station having jurisdiction.
B. ---------- Estimate of shortest time within which enforcement officers could be expected to arrive at office after being summoned.

IV. Burglar Alarm Systems

A. Installation:
1. ------ By equipment supplier.
2. ------ By central station alarm company.
3. ------ By other, specify ----------
B. Signal transmission method:
1. ------ Wires or cables.
2. ------ Wireless equipment (for some or all signals).
3. Means to instantly indicate circuit failure, malfunction or tampering attempts in system?
   a. ------ Yes.
   b. ------ No.
4. Emergency power supply for use in case of failure of regular power supply.
   a. ------ Yes.
   b. ------ No.

C. Reporting location for alarms:
1. ------ At central station alarm company that is in service 24 hours per day.
2. ------ At local law enforcement office that is in service 24 hours per day.
3. ------ Other, specify ----------

D. Activation of robbery alarms:
1. ------ At teller stations.
2. ------ Elsewhere, specify ----------

E. Does burgular alarm system have a loud bell outside the credit union office?
1. ------ Yes.
2. ------ No.

F. Can activating devices be unobtrusively operated?
1. ------ Yes.
2. ------ No.

G. Door-type, window-type, or other intrusion detection alarms:
1. ------ Yes, specify type ----------
2. ------ No.
3. Noise-generating device audible outside office?
   a. ------ Yes.
   b. ------ No.

V. Fire Alarms Systems

A. Installation:
1. ------ By equipment supplier.
2. ------ By central station alarm company.
3. ------ By other, specify ----------

B. Signal transmission method:
1. ------ Wires or cables.
2. ------ Wireless equipment (for some or all signals):
3. Emergency power supply for use in case of failure of regular power supply.
   a. ------ Yes.
   b. ------ No.

C. Reporting location for alarms:
1. ------ At central station alarm company that is in service 24 hours per day.
2. ------ At local fire station that is in service 24 hours per day.
3. ------ Other, specify ----------

D. Activation of fire alarms:
1. ------ Specify where sensors are-------
2. ------ Specify where else can be (manually) activated ----------

E. Does fire alarm system have a loud bell outside the credit union office?
1. ------ Yes.
2. ------ No.

F. Type of sensors:
1. ------ Smoke detection.
2. ------ Rate of temperature rise.
3. ------ Products of combustion.
4. ------ Other, specify type ----------

G. Other fire protection devices:
1. ------ Extinguishers.
2. ------ Sprinkler systems.
3. ------ Insulated files and cabinets.
4. ------ Other, explain ----------

VI. Vaults and Safes

A. Vault construction:
1. Material:
   a. ------ Concrete and steel, thickness ------ (in inches).
   b. ------ Other, specify ------ and thickness ------ (in inches).
2. ------ Thickness of vault doors (in inches).

B. Vault equipment:
1. Combination dial locks:
   a. ------ Yes.
   b. ------ No.
2. "Time" lock:
   a. ------ Yes.
   b. ------ No.
3. Lockable day-gate:
   a. ------ Yes.
   b. ------ No.
4. Alarm:
   a. ------ Yes.
   b. ------ No.

C. If vault is visible from outside office, is it in illuminated area?
1. ------ Yes.
2. ------ No.

D. Safes:
1. Alarm:
   a. ------ Yes.
   b. ------ No.
2. Type:
   a. ------ Record (Fire).
   b. ------ Money (Burglar).
3. Rating:
   a. ----------

VII. Other Security Devices

A. Night depository:
1. Alarm:
   a. ------ Yes.
   b. ------ No.
2. Construction:
   a. ------ In conformance with standards in Appendix A.
   b. ------ Other, specify.

B. Safe deposit boxes:
   a. ------ Yes. Number -------.
   b. ------ No.

C. Are all exterior doors and windows that can be opened equipped with tamper-resistant locks?
   a. ------ Yes.
   b. ------ No.

D. Is a *security* lighting system used?
   a. ------ Yes, briefly describe----------
   ----
   b. ------ No.

E. Is there a program and a schedule for periodic inspection, testing, and servicing of all security devices?
   a. ------ Yes. What is the testing frequency? ----------
   b. ------ No.

F. Is there a program for training and periodic retraining regarding the security programs?
   a. ------ Yes. What is the meeting frequency? ----------
   b. ------ No.

G. Is your security program committed to writing?
   a. ------ Yes. What changes were made during the past year?

   ----
   b. ------ No.

H. Is your credit union using grating and/or steel bars on windows?
   a. ------ Yes.
   b. ------ No.

I. Is your credit union using a member identification system?
   a. ------ Yes. Please describe ----------
   b. ------ No.

J. Other than listed above, is your credit union using any security devices to protect credit union employees?
   a. ------ Yes. Please list----------
   ----
   b. ------ No.

Signature ----------
Name (type) ----------
Title ----------
Date ----------

NATIONAL CREDIT UNION ADMINISTRATION

REPORT OF CRIME OR CATASTROPHIC ACT

Pursuant to the Federal Credit Union Act

1. Name and address of head office:-------
---------- 2. If crime being reported occurred at a---------- branch office, give name and address:----------
----
3. Type of crime or catastrophic act:
   a. ------ Robbery.
   b. ------ Burglary.
   c. ------ Nonemployee larceny.
   d. ------ Embezzlement.
   e. ------ Fire.
   f. ------ Other, specify----------
4. ---------- 19__ Date of loss.
5. ---------- Day of week.
6. ---------- Time of day. (If actual not known, estimate.)
7. Amount of loss:
   a. $---------- Currency loss.
   b. $---------- Securities loss.
   c. $---------- Damage to credit union property. (May be estimate.)
   d. $---------- Other, specify ----------
   $---------- Total loss.

IF CRIME OF ROBBERY HAS BEEN PERPETRATED OR ATTEMPTED ANSWER THIS SECTION

8. ------ Number of robbers participating in crime.
9. Weapons:
   a. ------ Robbers had weapons or it appeared they may have had weapons. Specify kind ----------
   b. ------ There was no evidence of weapons.
   c. ------ Other intimidation was used. Specify ----------
10. Were robbers wearing masks or otherwise disguised?
   a. ------ No.
   b. ------ Yes. Indicate how ----------
11. Was a description of the robbers obtained and recorded?
   a. ------ Yes.
   b. ------ No. Why?----------
12. Was a description and/or license number of vehicle(s) obtained?
   a. ------ Yes.
   b. ------ No. Why?----------
13. ---------- Estimated minutes between beginning and end of robbery.
14. Modus Operandi:
   a. ------ Robber(s) passed a note to teller demanding money.
   b. ------ Robber(s) vocally demanded money.
   c. ------ Robber(s) subdued employees and took money from containers.
   d. ------ Other, specify----------
15. Harm to persons:
   a. ------ Neither employees nor members were physically harmed.
   b. ------ Persons were harmed. Give details ----------
16. A hostage or threat of holding a hostage was used:
   a. ------ No.
   b. ------ Yes. Give details----------
17. Was cash or valuables taken from other than teller drawers?
   a. ------ No.
   b. ------ Yes. Specify----------
18. Was "bait" money given out or taken during the robbery and was the identification of this money furnished to the law enforcement officers?
   a. ------ Yes.
   b. No. Why?----------
19. Was the cash contained in the teller drawer(s) within the maximum permitted by the credit union's security program?
   a. ------ Yes.
   b. No. Why?----------
20. Cameras (or other surveillance devices):
   a. ------ Camera(s) recorded useful pictures during this robbery----------
   ----
   b. ------ Camera(s) did not record useful picture during this robbery. Why?------
   ----
21. Robbery alarm:
   a. ------ Alarm was effective during this robbery. How?----------
   ----
   b. ------ Alarm was not effective during this robbery. Why?----------
   ----
22. Robber left note or other item which was retained and preserved for use of enforcement officers?
   a. ------ Yes. What?----------
   b. ------ No. Explain if necessary------
   ----
23. Was conduct and performance of employees in conformance with the credit union's security procedure?
   a. ------ Yes.
   b. ------ No. Explain----------

IF CRIME OF BURGLARY HAS BEEN PERPETRATED OR ATTEMPTED ANSWER THIS SECTION

24. How did burglars gain entrance to the premises?
   a. ------ Break-in. Where and how?----
   ----
   b. ------ Other, specify----------
25. Vault:
   a. ------ No apparent attempt was made to gain access to vault.
   b. ------ Vault wall, floor or ceiling was penetrated or attempted. How?-------
   ----
   c. ------ Vault door was opened or penetrated. How?----------
   ----
   d. ------ Other, specify----------
26. Were the lights turned on?
   a. ------ Yes.
   b. ------ No. Explain----------
27. Were safety deposit boxes broken into or opened?
   a. ------ No.
   b. ------ Yes. Indicate extent and how--
   ----
28. Money safe:
   a. ------ No apparent attempt made to gain access to contents.
   b. ------ A penetration or an attempted penetration of safe was made. How?----
   ----
   c. ------ Safe door opened or an attempt made to open. How?----------
   ----
   d. Other, specify----------
29. Night depository:
   a. ------ No attempt was made to gain access to contents.
   b. ------ Contents taken or attempted by "Fishing" or "Trapping" methods. How, if known?----------
   ----
   c. ------ Night depository penetrated or access door opened. Explain----------
   ----
   d. Other, specify----------
30. Burglary alarms:
   a. ------ Alarms were of value in connection with this crime. How? ----------
   ----
   b. ------ Alarms were not of value in connection with this crime. Why? --------
   ----
31. ---------- Estimated length of time during which burglary was being committed.

IF CRIME OF NONEMPLOYEE LARCENY HAS BEEN PERPETRATED OR ATTEMPTED ANSWER THIS SECTION

32. Modus Operandi of larceny:
   a. ------ Money or valuables left exposed where thief had access. Explain --------
   ----
   b. ------ Theft by trick or pretext. Explain
   ----
   c. ------ Other, specify ----------

IF CRIME OF EMBEZZLEMENT OR MYSTERIOUS DISAPPEARANCE HAS BEEN PERPETRATED OR ATTEMPTED ANSWER THIS SECTION

33. Modus Operandi of Act:
   a. ------ Money or valuables left exposed where thief had access. Explain -------
   ----
   b. ------ Theft by trick or pretext. Explain ----------
   c. ------ Other, specify ----------

IF LOSS BY CATASTROPHIC ACT HAS OCCURRED ANSWER THIS SECTION

34. Cause ----------
   a. Type of damage (fire, wind, smoke, water, etc.)----------
   ----
   b. Items damaged ----------

ALL CREDIT UNIONS ANSWER THIS SECTION

35. ---------- Length of time after beginning of crime/catastrophic act when call for help was transmitted to appropriate law enforcement agency.
36. ---------- Length of time after beginning of crime before first law enforcement personnel arrived at the credit union.
37. Did law enforcement personnel arrive at credit union office before violators departed?
   a. ------ Yes.
   b. ------ No.
38. Arrests of violators:
   a. ------ None have been arrested as of the date of this report.
   b. ------ Some or all arrested before they escaped from the office.
   c. ------ Some or all arrested subsequent to leaving the office.
39. Would improvements in protection facilities or employee performance be helpful in preventing or handling any future similar occurrences?
   a. ------ No.
   b. ------ Yes. Indicate what and any plans the credit union has to take corrective action ----------
   ----
40. Set forth below any information about the crime or the protection measures that is not adequately covered previously: (Use additional pages and/or furnish photographs or sketches if necessary to completely describe the crime being reported.)

Signature ----------
Name (type)----------
Title ----------
Date ----------

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Notices

DEPARTMENT OF THE INTERIOR

National Park Service

GRAND CANYON COMPLEX, ARIZ.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5, that public hearings will be held beginning at 9 a.m. on May 15, 1971, in the Upper Council Chambers, City of Phoenix, 215 West Washington Street, Phoenix, Ariz., and at 9 a.m. on May 18, 1971, in the Grand Canyon Community Building, South Rim, Grand Canyon National Park, Ariz., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 505,300 acres within the Grand Canyon National Park and Grand Canyon and Marble Canyon National Monuments. These three areas are located in Coconino and Mohave Counties, Ariz.

A packet containing a map depicting the preliminary boundaries of the proposed wilderness and providing additional information about the proposal may be obtained from the Superintendent, Grand Canyon National Park, Post Office Box 129, Grand Canyon, AZ 86023, or from the Director, Southwest Region, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices; and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, DC. The draft master plan for the Complex likewise may be inspected at these locations.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Grand Canyon National Park, Post Office Box 129, Grand Canyon, AZ 86023, by May 13, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements.

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

Date: March 9, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.71-3580 Filed 3-15-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Allocation of Fund by Family Income Level

Notice is hereby given to institutions of higher education which participate in the Educational Opportunity Grant Program (Title IV-A, Higher Education Act of 1965, 20 U.S.C. 1061 et seq.) and other interested parties that the Commissioner of Education under the authority of 20 U.S.C. 1066 is establishing the following new method of allocating funds to applicant institutions for initial year awards when funds in a State's allotment (and reallotment, if any) are insufficient to honor all approved requests of institutions within a State. In publishing this new method of allocation, consideration has been given to comment received in connection with a tentative rule published in the FEDERAL REGISTER on February 4, 1971 (36 F.R. 2403).

The method of allocation is as follows:

1. Where funds are insufficient to honor all approved requests, an amount will first be allocated to each institutional applicant from the appropriate State's allotment (or reallotment) equal to the amount reasonably estimated to be needed by students whose adjusted gross income is in the $0–$2,999 bracket per annum.

2. From such sums as still remain in a State's allotment (or reallotment), sums will then be allocated to each institutional applicant equal to the amount reasonably estimated to be needed by students whose adjusted gross income is in the $3,000–$5,999 per annum. This procedure will be repeated for students whose adjusted gross income is between $6,000–$7,499 and $7,500–$9,000.

3. Whenever funds available in a State's allotment (or reallotment) are not sufficient to cover the approved institutional requests in a given income bracket, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State according to the ratio that their respective approved requests in that bracket bear to the total approved requests in that bracket of all institutions in the State.

4. The allocation of funds to any single institution for any year, however, will be no less than 80 percent of the amount allocated to it for the conduct of the initial year educational opportunity grant during fiscal year 1971, as reduced on a proportional basis to reflect decreases, if any, in the amount of such institution's approved application or in the amount of the State's allotment and reallotment.

5. "Adjusted gross income" means the adjusted gross income of a student's parents, provided that where the income of his parents would not be relevant to a determination of such student's financial need (under the method of financial need assessment utilized by the institution concerned in accordance with Schedule A of its agreement with the U.S. Commissioner of Education covering institutional participation in programs of student financial aid), "adjusted gross income" means the adjusted gross income of the student and his spouse. Adjusted gross income has the meaning given to it in section 62 of the Internal Revenue Code, or in the case of residents of Puerto Rico, section 22(n) of the Commonwealth Tax Act.

Effective date. The foregoing method of allocating funds to institutions of higher education for the award of initial year educational opportunity grants shall be effective commencing with respect to funds allocated for use during fiscal year 1972.

Dated: March 10, 1971.

S. P. MARLAND, JR.,
U.S. Commissioner of Education.

Approved: March 13, 1971.

ELLIOT L. RICHARDSON,
Secretary of
Health, Education, and Welfare.

[FR Doc.71-3603 Filed 3-15-71; 8:47 am]

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Heath Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15961, Oct. 30, 1968) is hereby amended with regard to section 5–B, Organization as follows:

Delete the center head "Indian Health Service (2800)" and the text thereunder, and substitute the following center head and accompanying text:

INDIAN HEALTH SERVICE (3S00)

As an integral part of the Health Services and Mental Health Administration (HSMHA), the mission of the Indian Health Service is to assure a comprehensive health services delivery system for American Indians and Alaska Natives with sufficient options to provide for maximum tribal involvement in meeting their health needs. The goal for the Indian Health Service is to raise the health level of the Indian and Alaska Native people to the highest possible level.

To carry out its mission and to attain its goal, the Indian Health Service: (1) Assists Indian tribes in developing their capacity to man and manage their health programs through activities including health and management training, technical assistance, and human resource development; (2) facilitates and assists Indian tribes in coordinating health planning, in obtaining and utilizing health resources available through Federal, State, and local programs, in operation of comprehensive health programs, and in health program evaluation; (3) provides comprehensive health care services, including hospital and ambulatory medical care, preventive and rehabilitative services, and development of community sanitation facilities; (4) serves as the principal Federal advocate for Indians in the health field to assure comprehensive health services for American Indians and Alaska Natives.

Office of the Director (3S01). By specific delegation from the Administrator, provides overall direction and leadership for the Indian Health Service in: (1) Establishing goals, objectives, policies and priorities in pursuit of the IHS mission; (2) delivering high quality, comprehensive health services; (3) coordinating the Indian Health Service activities and resources internally and externally with those of other governmental and nongovernmental programs, promoting optimum utilization of all available health resources; and (4) developing and demonstrating alternative means and modalities of health services management and delivery providing Indian tribes and other Indian community groups with optional ways of participating in the Indian health program; and (5) developing individual and tribal capacities to participate in the operation commensurate with means and modalities which they deem appropriate to their needs and circumstances.

Office of Tribal Affairs (3S11). As staff resource for the Service Director: (1) Participates in the Service-wide executive policy formulation and execution; (2) coordinates the development of optimal, supportive relationships with tribal governments, intertribal governing bodies, national Indian interest groups, and other individuals and groups interested and active in Indian affairs; (3) advises on the tribal affairs implications of Service policies, plans, programs and operations.

Office of Management Policy (3S15). As staff resource to the Service Director: (1) Provides consultation and guidance in management policy coordination and promotion of effective management practices; (2) assists in the formalization and evaluation of legislation, regulations, policies and procedures.

Office of Information (3S17). As staff resource to the Service Director: (1) Develops and provides guidance on informational programs; (2) disseminates information on the health needs of Indians and Alaska Natives and on available services.

Office of Program Management Services (3S19). As staff resource to the Service Director: (1) Provides management support services for the Indian Health Service; (2) advises on the management services implications of the Service policies, plans, programs and operations.

Office of Research and Development (3S20). As staff resource for the Service Director: (1) Develops and demonstrates new methods and techniques for Indian community participation in and management of their health program; (2) provides consultation and technical assistance to all operating and management levels of the Indian Health Service and Indian tribes in the evaluation, design and implementation of health management and Services delivery systems; (3) coordinates health research and development activities within the Service directed to the improvement of the health of the Indian people.

Division of Program Formulation (3S32). (1) Coordinates formulation of Service-wide executive policy and participates in its execution; (2) coordinates the development of program strategies and innovative directions for the Service, and advises on the strategic implications of program and management policies, plans and operations; (3) provides Service-wide leadership in the development of long-range plans and planning strategies, and the evaluation of health needs and operations in relation to Service strategies, policies and long-range plans.

Division of Program Operations (3S34). (1) Participates in Service-wide executive policy formulation and execution; (2) advises on the operational implications of the Service's plans, programs and operations; (3) provides Service-wide leadership in program operations and internal coordination in relation to Service goals, objectives, policies and priorities; (4) provides direction and coordination for day-to-day operations of Area Offices.

Division of Indian Community Development (3S42). (1) Participates in Service-wide executive policy formulation and execution; (2) identifies the need for and characteristics of optional means and modalities for Indian program participation; (3) implements new methods and techniques for Indian community participation in and management of their health programs; (4) coordinates provision of technical assistance, training and consultation to tribes and other Indian communities desiring to implement local control options; (5) advises on the Indian community development implications of the Service's plans, programs and operations; (6) provides direction and coordination for day-to-day operations of special programs.

Division of Resource Coordination (3S44). (1) Participates in the Service-wide executive policy formulation and execution; (2) provides leadership in coordinating development of optimal liaison with governmental agencies and organizations within HEW and without, which have authorities, programs and resources applicable, or potentially applicable to Indian health needs; (3) advises on the resource coordination implications of Service policies, plans, programs and operations; (4) coordinates development of the Service budget; (5) coordinates the development and implementation of health services standards, quality control, evaluation of health programs, and operational planning activities.

Field Organization. The Indian Health Service mission is accomplished in the field through Indian (or Alaska Native) Health Area Offices and Subarea Offices, Special Programs, Hospitals, Medical Centers, Health Centers, Health Stations, and other facilities.

Dated: March 10, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-3585 Filed 3-15-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARIES

Delegation of Authority To Designate Acting Officials

Each Assistant Secretary is authorized, with respect to employees or positions under his respective jurisdiction, to:

1. Designate one or more employees to serve as Acting Assistant Secretary during the absence of the Assistant Secretary.

2. Designate one or more employees to serve in an acting capacity during the absence of an appointee to a position or during a vacancy in a position.

3. Authorize the head of an organizational unit to designate one or more employees of the Department to serve as an acting head of the unit during the absence of the head of the unit.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3639 Filed 3-15-71;8:51 am]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR COMMUNITY DEVELOPMENT

Delegation of Authority

SECTION A. *Authority delegated.* The Assistant Secretary for Community Development and the Deputy Assistant Secretary for Community Development each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the programs and matters listed below, except as specified under this section A and as additionally excepted under section B:

1. Slum Clearance and Urban Renewal Program under title I of the Housing Act of 1949 (42 U.S.C. 1450–1468), section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note), section 53 of the Alaska Omnibus Act (Public Law 88–451, 78 Stat. 506) and section 220(d)(1)(A) of the National Housing Act (12 U.S.C. 1715k(d)(1)(A)), except:

a. The power and authority set forth in section 106(a) of the Housing Act of 1949 (42 U.S.C. 1456(a)).

b. Power and authority to execute legends on bonds, notes, or other obligations evidencing loans made pursuant to title I, indicating acceptance of such instruments and payments therefor.

c. Determine that a workable program for community improvement meets the requirements of section 101(c) of the Housing Act of 1949 (42 U.S.C. 1451(c)), and certify that Federal assistance of the types enumerated in section 101(c) may be made available in the community.

d. The power and authority set forth in section 103(d) of the Housing Act of 1949 (42 U.S.C. 1453(d)) with respect to community renewal programs.

2. Rehabilitation Loan Program under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

3. Basic Water and Sewer Facilities Grant Program under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102).

4. Neighborhood Facilities Grant Program under section 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

5. Public Facility Loans Program under title II of the Housing Amendments of 1955 (42 U.S.C. 1491–1497).

6. Open-Space Land, Urban Beautification, and Historic Preservation Programs under title VII of the Housing Act of 1961 (42 U.S.C. 1500–1500e), except the authority to:

a. Approve the conversion of open-space land to other uses under section 704 (42 U.S.C. 1500c).

b. Undertake studies and publish information under section 708 (a) and (b) (42 U.S.C. 1500d (a) and (b)).

7. The model cities program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301–3313), except that the authority to make reservations or allocations or grant funds in connection with initial contracts and the authority to authorize initial contracts and commitments for Federal grant assistance are subject to the approval of the Secretary of Housing and Urban Development.

8. Grants for relocation payments under section 114 of the Housing Act of 1949 (42 U.S.C. 1465), section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074), sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307), and title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1895), to the extent applicable to matters delegated in section A.

9. Compensation of condemnees under sections 402 and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3072 and 3073), and under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1904), to the extent applicable to matters delegated in section A.

SEC. B. *Additional authority excepted.* There is further excepted from the authority delegated under section A the power to:

1. Establish interest rates.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749(a)).

4. Sue and be sued.

5. Issue rules and regulations.

SEC. C. *Authority to issue rules and regulations.* The Assistant Secretary for Community Development and the Deputy Assistant Secretary for Community Development each is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated herein.

SEC. D. *Authority to redelegate.* The Assistant Secretary for Community Development each is authorized to redelegate to employees of the Department any of the authority delegated under section A.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3644 Filed 3-15-71;8:51 am]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND MANAGEMENT

Delegation of Authority

SECTION A. *Authority delegated with respect to specific programs.* The Assistant Secretary for Community Planning and Management and the Deputy Assistant Secretary for Community Planning and Management each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the programs and matters listed below except as specified under this section A and as additionally excepted under section B:

1. Comprehensive Planning Assistance Program under section 701 of the Housing Act of 1954 (40 U.S.C. 461), except the authority to undertake studies, research, and demonstration projects under section 701(b).

2. Determination that a workable program for community improvement meets the requirements of section 101(c) of the Housing Act of 1949 (42 U.S.C. 1451(c)), and certification that Federal assistance of the types enumerated in, or subject to the requirements of, section 101(c) may be made available in the community.

3. Grants for technical studies under section 9 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1609), as modified by Reorganization Plan No. 2 of 1968 (49 U.S.C. 1608 note).

4. Grants for community renewal programs under section 103(d) of the Housing Act of 1949 (42 U.S.C. 1453(d)).

5. Program of Surplus Land for Community Development, including authority under section 108 of the Housing Act of 1949 (42 U.S.C. 1458), authority delegated to the Secretary of Housing and Urban Development with respect to surplus Federal property under section 203 of the Federal Property and Administrative Services Act (40 U.S.C. 484), authority under section 414 of the Housing and Urban Development Act of 1969 (83 Stat. 400; 40 U.S.C. 484b), and under such other authority relating to transfer of surplus Federal property as may be appropriate.

6. Urban systems engineering program under section 710(b) of the Housing Act of 1954 (40 U.S.C. 461).

7. Urban Information and Technical Assistance Program under title IX of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3351–3356).

8. Program of Fellowships for City Planning and Urban Studies and Community Development Training Programs under title VIII of the Housing Act of 1964 (20 U.S.C. 801–807), including technical assistance and studies under section 805.

9. Clearinghouse Service under section 3(b) of the Department of Housing and Urban Development Act (42 U.S.C. 3532 (b)) and pursuant to E.O. 11297 of August 11, 1966 (31 F.R. 10765, Aug. 13, 1966).

10. Department-wide policies, standards, procedures, and advisory materials governing relocation requirements and payments under sections 105(c) and 114 of the Housing Act of 1949 (42 U.S.C. 1465), section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074), section 107 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307), and title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1895).

11. Grants for relocation payments under section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074) and title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1895), and compensation of condemnees under sections 402 and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3072 and 3073) and title III of Public Law 91–646, to the extent applicable to matters delegated in this section A.

SEC. B. *Additional authority excepted.* There is further excepted from the authority delegated under section A the power to:

1. Establish interest rates.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)).

4. Sue and be sued.

5. Issue rules and regulations.

SEC. C. *Authority to issue rules and regulations.* The Assistant Secretary for Community Planning and Management and the Deputy Assistant Secretary for Community Planning and Management each is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated herein.

SEC. D. *Authority to redelegate.* The Assistant Secretary for Community Planning and Management and the Deputy Assistant Secretary for Community Planning and Management each is authorized to redelegate to employees of the Department any of the authority delegated under section A.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3643 Filed 3-15-71;8:51 am]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Delegation of Authority

SECTION A. *Authority delegated.* The Assistant Secretary for Housing Management and the Deputy Assistant Secretary for Housing Management each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the programs and matters listed below except as specified under this section A and as additionally excepted under section B:

1. Titles I, II, V, VI, VII, VIII, IX, X, and XI of the National Housing Act (12 U.S.C. 1701 et seq.), except the power to perform the technological aspects of experimental housing under section 233 of the National Housing Act (12 U.S.C. 1715x), including determination of the technological acceptability of proposals and evaluation and dissemination of results.

2. Sections 101(e) and 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1710w and 1701x(a)), in addition to section 237(e) of the National Housing Act (12 U.S.C. 1715z–2 (e)) as delegated above, with respect to providing household management, self-help, budgeting, money management, child care, and related conseling services.

3. Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) with respect to the rent supplement program for disadvantaged persons.

4. The low-rent public housing program under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq.), and all other power and authority of the Public Housing Administration and of the head and other officers and offices of the Public Housing Administration transferred under section 5(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3534(a)).

5. The authority vested in the President under:

a. Section 6(d) of the United States Housing Act of 1937 (42 U.S.C. 1406(d)), delegated under section 1(1) of Executive Order 11196, to approve the undertaking of any annual contribution, grant, or loan, or any contract for any annual contribution, grant, or loan.

b. Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1414), delegated under section 1(2) of Executive Order 11196, to approve the amending or superseding of any contract for annual contributions or loans, or both, so that the going Federal rate on the basis of which such annual contribution or the interest rate on the loans, or both, respectively, are fixed shall mean the going Federal rate on the date of approval of the amending or superseding contract.

6. Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), with respect to the program of loans for housing for the elderly or handicapped.

7. Title IV of the Housing Act of 1950 (12 U.S.C. 1749–1749c), with respect to the college housing program.

8. Section 207 of the Appalachian Regional Development Act of 1965 (40 U.S.C. Appendix A, section 207).

9. Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), with respect to loans to nonprofit organizations for housing for low or moderate income families under section 235 of the National Housing Act or any other federally assisted program.

10. Rehabilitation Loan Program under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

11. HUD responsibilities with respect to private market financing and refinancing (including sale of notes and bonds) for all programs of the Department.

12. To direct and coordinate, within the Department of Housing and Urban Development and with the Office of Emergency Preparedness, major-disaster relief functions assigned to the Department by the Director of the Office of Emergency Preparedness, pursuant to Public Law 91–606, 84 Stat. 1744; Executive Order 11575; and regulations of OEP codified in 32 CFR Parts 1709 and 1710, and to use the personnel and resources of the Department in major-disaster areas in the manner and to the extent directed by the Director of the Office of Emergency Preparedness.

13. To exercise the authority delegated to the Secretary of Housing and Urban Development under Article VII of the agreement between the Department of Defense and the Department of Housing and Urban Development dated June 8 and June 18, 1968, respectively (published at 34 F.R. 18031, Nov. 7, 1969) under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374): with respect to acquired properties, to acquire title to, hold, manage, sell for cash or credit by taking a purchase money mortgage in the name of the Secretary of Housing and Urban Development and, in connection therewith, to execute deeds of conveyance and all other instruments necessary to fulfill the purposes of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), and to make any or all determinations and to take any or all further actions in connection with acquired properties which the Secretary

of Defense is authorized to undertake pursuant to the provisions of the Act.

14. Section 5(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3534) with respect to the activities listed below:

a. *Disposition of certain Government-owned property at AEC Communities of Oak Ridge, Tenn.; Richland, Wash.; and Los Alamos, N. Mex.* To execute the functions, powers, and duties authorized under Executive Order 10657 of February 14, 1956 (21 F.R. 1063, Feb. 16, 1956), as amended by Executive Order 10734 of October 17, 1957 (22 F.R. 8275, Oct. 22, 1957), and Executive Order 11105 of April 18, 1963 (28 F.R. 3909, Apr. 20, 1963), with respect to the disposition of certain Government-owned property at the Atomic Energy Commission communities of Oak Ridge, Tenn., Richland, Wash., and Los Alamos, N. Mex., pursuant to the Atomic Energy Community Act of 1955 (42 U.S.C. 2301), except the Secretary's power to make the finding required under section 51 of the Act (42 U.S.C. 2341).

b. *Disposition of Greentown Projects and subsistence homesteads.* To execute the functions, powers, and duties authorized under the Act of June 29, 1936, 49 Stat. 2035; the Act of May 19, 1949, 63 Stat. 68; and section 4(b) of Reorganization Plan No. 3 of 1947, 61 Stat. 955 (5 U.S.C. 133y–133y–16 note).

c. *Disposition of emergency housing properties.* To execute the functions, powers, and duties authorized under Public Law 781, 76th Cong. (54 Stat. 883); Public Law 849, 76th Cong. (Lanham Act, 42 U.S.C. 1521), and Reorganization Plan No. 17 of 1950 (64 Stat. 1269); Public Laws 9, 73, and 353, 77th Cong. (55 Stat. 14, 198, and 818); and title II of Public Law 266, 81st Cong. (63 Stat. 659).

d. *Authority to endorse checks.* To endorse any checks or drafts in payment of insurance losses on which the United States of America, acting by and through the Housing and Home Finance Administrator or the Secretary, or the successors or assigns of either of them, is a payee (joint or otherwise) in connection with the disposition of the Government's interest in the property at such communities or lease of such property.

Any instrument or document executed in the name of the Secretary by an employee of the Department of Housing and Urban Development under the authority of this delegation purporting to relinquish or transfer any right, title, or interest in or to real or personal property shall be conclusive evidence of the authority of such employee to act for the Secretary in executing such instrument or document.

15. As contracting officer, to enter into and administer procurement contracts and make related determinations except determinations under section 302(c)(11), (12), and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c)(11), (12), and (13)), with respect to all contracts for goods and services for repair, construction, improvement, removal, demolition or alteration, maintenance, and operation of acquired properties, including properties held by HUD as mortgagee in possession and broker management services in connection with such properties, the publication of notices and advertisements in newspapers, magazines, and periodicals; contracts with public or private organizations to provide budget, debt management, and related counseling services; and contracts for credit reports.

16. Public Facilities Liquidating Programs (12 U.S.C. 1701g–5), and management of the revolving fund therefor, including programs with respect to:

a. Advance Acquisition of Land Program under section 704 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3104).

b. Program of Advances for Public Works Planning (including 1st and 2d programs) under:

i. Section 702 of the Housing Act of 1954 (40 U.S.C. 462).

ii. Title V of the War Mobilization and Reconversion Act of 1944, Public Law 458, 78th Cong. (50 U.S.C. App. 1671 note), and the Act of October 13, 1949, Public Law 352, 81st Cong. (40 U.S.C. 451), subject to section 1112 of the Housing and Urban Development Act of 1965 (40 U.S.C. 462 note).

c. Program of Assistance for Housing in Alaska under section 1004 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3371).

d. Section 5 of the Alaska Public Works Act (48 U.S.C. 486), and delegation from Secretary of Interior effective April 17, 1964 (29 F.R. 5516, Apr. 24, 1964).

e. Defense community facilities under title III of the Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592–1592n).

f. Prefabricated housing loans under Reorganization Plan No. 23 of 1950 (5 U.S.C. 133z–15 note), including section 102–102c of the Housing Act of 1948 (12 U.S.C. 1701g–1701g–3); section 104 of the Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1591c); and section 401 of the Independent Offices Appropriation Act of 1952 (12 U.S.C. 1701g–4).

g. War public works under Title II of the Lanham Act (42 U.S.C. 1531–1534).

h. Public Agency Loans (RFC) under section 108 of the Reconstruction Finance Corporation Liquidation Act (40 U.S.C. 459), and Reorganization Plan No. 1 of 1957 (5 U.S.C. 133z–15 note), including section 7 of the Reconstruction Finance Corporation Act (15 U.S.C. 606).

i. Alaska Housing Act (48 U.S.C. 484–484c).

j. Section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act (42 U.S.C. 1492(e)).

17. Compensation of condemnees under sections 402 and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3072 and 3073), and title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1904), and grants for relocation payments under section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074), and under title II of Public Law 91–646 (84 Stat. 1895), to the extent applicable to matters delegated in this section A.

18. To approve non-Federal insurance contracts and to execute endorsements on behalf of the Department of Housing and Urban Development on insurance checks on which the United States of America, Department of Housing and Urban Development or any predecessor agency of the Department of Housing and Urban Development, is a payee (joint or otherwise) with respect to programs of the Department.

SEC. B. *Additional authority excepted.* There is further excepted from the authority delegated under section A the power to:

1. Establish the rate of interest on Federal loans.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)).

4. Sue and be sued.

5. Issue rules and regulations.

SEC. C. *Authority to issue rules and regulations.* The Assistant Secretary for Housing Management and the Deputy Assistant Secretary for Housing Management each is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated under section A.

SEC. D. *Authority to redelegate.* The Assistant Secretary for Housing Management is authorized to redelegate to employees of the Department any of the authority delegated under section A, and authorize further redelegation to subordinate employees: *Provided,* That the authority redelegated under section A, 5 shall be redelegated only to Regional Administrators, Deputy Regional Administrators, Area Directors, and Deputy Area Directors.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71–3642 Filed 3–15–71;8:51 am]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT

Delegation of Authority

SECTION A. *Authority delegated.* The Assistant Secretary for Housing Production and Mortgage Credit and Federal Housing Commissioner (Assistant Secretary-Commissioner) and the Deputy Assistant Secretary for Housing Production and Mortgage Credit and Deputy Federal Housing Commissioner (Deputy Assistant Secretary-Deputy Commissioner), each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the programs and matters listed below except as specified under this section A and as additionally excepted under section B:

1. Titles I, II, V, VI, VII, VIII, IX, X, and XI of the National Housing Act (12 U.S.C. 1701 et seq.), with respect to the insurance of loans and mortgages, except the authority to:

a. Provide counseling services related to budget and debt management under section 237(e) of the National Housing Act (12 U.S.C. 1715z–2(e)).

b. Perform the technological aspects of experimental housing under section 233 of the National Housing Act (12 U.S.C. 1715x), including determination of the technological acceptability of proposals and evaluation and dissemination of results.

2. Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), with respect to the program of loans for housing for the elderly or handicapped.

3. Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), with respect to the rent supplement program for disadvantaged persons, except the authority to administer contracts and requirements for rent supplements.

4. Section 207 of the Appalachian Regional Development Act of 1965 (40 U.S.C. Appendix A, section 207), for expenses of planning and of obtaining an insured mortgage for a housing project under section 221 or 236 of the National Housing Act (12 U.S.C. 1715*l* and 1715z–1).

5. Title IV of the Housing Act of 1950 (12 U.S.C. 1749–1749c), with respect to the college housing program.

6. Section 106(b) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(b)), with respect to loans to nonprofit organizations for expenses of planning and of obtaining financing for the rehabilitation or contruction of housing for low or moderate income families under section 235 of the National Housing Act or any other federally assisted program.

7. The Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701–1720, title XIV of the Housing and Urban Development Act of 1968), except the authority to:

a. Conduct hearings in accordance with 5 U.S.C. 556 and 557.

b. Issue orders or determinations after such hearings.

c. Transmit evidence of apparent violations of the Act to the Attorney General for the institution of any appropriate criminal proceedings, under section 1415(a) of the Act (15 U.S.C. 1714(a)).

8. Low-rent public housing program under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq.) and all other power and authority of the Public Housing Administration and of the head and other officers and offices of the Public Housing Administration transferred under section 5(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3534(a)).

9. Authority vested in the President under:

a. Section 6(d) of the United States Housing Act (42 U.S.C. 1406(d)), delegated under section 1(1) of Executive Order 11196, to approve the undertaking of any annual contribution, grant, or loan, or any contract for any annual contribution, grant, or loan.

b. Section 14 of the U.S. Housing Act (42 U.S.C. 1414), delegated under section 1(2) of Executive Order 11196, to approve the amending or superseding of any contract for annual contributions or loans, or both, so that the going Federal rate on the basis of which such annual contributions or the interest rate on the loans, or both, respectively, are fixed shall mean the going Federal rate on the date of approval of the amending or superseding contract.

10. Compensation of condemnees under sections 402 and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3072 and 3073) and title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1904), and grants for relocation payments under section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074) and title II of Public Law 91–646, to the extent applicable to matters delegated in subsections 8 and 9 of this section A.

SEC. B. *Additional authority excepted.* There is further excepted from the authority delegated under section A the power to:

1. Establish the rate of interest on Federal loans.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)).

4. Sue and be sued.

5. Issue rules and regulations.

SEC. C. *Authority to issue rules and regulations.* The Assistant Secretary-Commissioner and the Deputy Assistant Secretary-Commissioner, each is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated under section A, except rules and regulations under section 1416(a) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701–1720, title XIV of the Housing and Urban Development Act of 1968) prescribing rights of appeal from the decisions of hearing examiners.

SEC. D. *Authority to redelegate.* The Assistant Secretary-Commissioner and the Deputy Assistant Secretary-Commissioner, each is further authorized to redelegate to employees of the Department and to agents any of the authority delegated under section A: *Provided,* That the authority redelegated under section A, 9 shall be redelegated only to Regional Administrators, Deputy Regional Administrators, Area Directors, and Deputy Area Directors.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71–3641 Filed 3–15–71;8:51 am]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Delegation of Authority

SECTION A. *Authority delegated.* The Assistant Secretary for Research and Technology and the Deputy Assistant Secretary for Research and Technology each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the programs and matters listed below:

1. The programs of research, studies, testing, and demonstration under: Sections 501, 502, 504, and 505 of the Housing and Urban Development Act of 1970 (Public Law 91–609); section 3(b) of the Department of Housing and Urban Development Act (42 U.S.C. 3532(b)); section 301 of the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695); and sections 6(a) and 11, and authority incidental thereto, of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1605(a) and 1607(c), as modified by Reorganization Plan No. 2 of 1968 (49 U.S.C. 1608 note).

2. Planning for and testing new technologies in housing under section 108(a)–(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701z(a)–(e)).

3. Technological aspects of experimental housing under section 233 of the National Housing Act (12 U.S.C. 1715x), including determination of the technological acceptability of proposals and evaluation and dissemination of results.

4. Technical studies concerning problems in the development of standards for property financed with mortgages or loans insured under the National Housing Act (12 U.S.C. 1702 et seq.); and, at the request of the Assistant Secretary for Housing Production and Mortgage Credit, research to enable the Assistant Secretary for Housing Production and Mortgage Credit to determine the acceptability of materials or products as suitable for use in structures approved for mortgages or loans insured under the Act, pursuant to section 521 of the Act (12 U.S.C. 1735e).

5. Comprehensive planning studies, research, and demonstrations under section 701(b) of the Housing Act of 1954 (40 U.S.C. 461(b)).

6. Management of Operation Breakthrough.

7. Until and including June 30, 1971:

(a) The programs of research, studies, testing, and demonstration under: Sections 301 (a) and (c) and 302 of the Housing Act of 1948 (12 U.S.C. 1701e (a) and (c) and 1701f); section 602 of the Housing Act of 1956 (12 U.S.C. 1701d–3);

sections 1010 and 1011 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3372 and 3373); section 207 of the Housing Act of 1961 (42 U.S.C. 1436); and sections 314 of the Housing Act of 1954 (42 U.S.C. 1452a); and

(b) Studies and publications relative to open-space land, urban beautification, and historic preservation under section 708 (a) and (b) of the Housing Act of 1961 (42 U.S.G. 1500d (a) and (b)):

Provided, however, That the limitation of this delegation shall not affect contracts, commitments, reservations, or other obligations entered into pursuant to such provisions prior to July 1, 1971.

SEC. B. *Authority to issue rules and regulations.* The Assistant Secretary and Deputy Assistant Secretary each is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated herein.

SEC. C. *Authority to redelegate.* The Assistant Secretary and Deputy Assistant Secretary each is authorized to redelegate to employees of the Department any of the power and authority delegated under section A.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 1, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3645 Filed 3-15-71;8:51 am]

REGIONAL ADMINISTRATORS ET AL.

Continuation in Effect of Existing Redelegations

Regional Administrators, Deputy Regional Administrators, Area Directors, Deputy Area Directors, and Insuring Office Directors.

Concurrently with the publication of this delegation, the Department of Housing and Urban Development is publishing revised delegations of authority to certain of its Assistant Secretaries in order to reflect reallocation of various program responsibilities. These revisions affect the respective authorities of the Assistant Secretaries who have individually redelegated them, in part, to regional, area, and insuring office personnel.

SECTION A. *Continuing effectiveness of redelegations.* All redelegations of authority by each Assistant Secretary of the Department to regional, area, or insuring office personnel in effect on the date of this document shall continue in effect as if authorized by this document, until such time and except to such extent as the redelegations are revoked or superseded in whole or in part by a redelegation of authority subsequent to the effective date of this document.

SEC. B. *Exercise of redelegated authority.* Neither existing redelegations of authority referred to in section A nor any redelegations issued subsequent to the date of this document shall be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator, Area Director, and Insuring Office Director, and their respective deputies, to whom a delegate is responsible; and these supervisers shall, in addition to any other authority delegated to them, have the same final authority redelegated to their subordinates.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3640 Filed 3-15-71;8:51 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Consideration of Issuance of Facility Operating Licenses

The Atomic Energy Commission (the Commission) will consider the issuance of facility operating licenses to the Commonwealth Edison Co. (Commonwealth Edison) and Iowa-Illinois Gas and Electric Co. (Iowa-Illinois) which would authorize Commonwealth Edison, acting for itself and as agent for Iowa-Illinois, to possess, use, and operate the Quad-Cities Nuclear Power Station Units 1 and 2 (the facilities) at steady state power levels not to exceed 2,511 megawatts (thermal) for each unit, in accordance with the provisions of the licenses and appended Technical Specifications. The licenses would also authorize Commonwealth Edison and Iowa-Illinois to acquire and possess title to the facilities as their interests appear in the applications. The facilities are single cycle, boiling water reactors, and are located in Rock Island County, Ill. Construction of these facilities was authorized by Provisional Construction Permits Nos. CPPR-23 for Unit 1 and CPPR-24 for Unit 2, both issued by the Commission on February 15, 1967.

No such operating licenses will be issued until receipt of a report on the application by the Advisory Committee on Reactor Safeguards, the issuance of a favorable safety evaluation for both facilities by the AEC Division of Reactor Licensing, and findings by the Commission that the applications for the facility licenses (as amended) comply with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I.

Prior to issuance of an operating license for either one of the facilities, that facility will be inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permits Nos. CPPR-23 and CPPR-24, as appropriate. The license for each facility will not be issued until the Commission has made the findings, reflecting its review of that application, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of any license, Commonwealth Edison and Iowa-Illinois will be required to execute an indemnity agreement, as appropriate, as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In the event that construction of either unit has not been completed to permit full power operation, the Commission may issue a facility operating license consistent with the level of construction completed to permit initial fuel loading and low power testing for that facility prior to the issuance of the full power license.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, Commonwealth Edison or Iowa-Illinois may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

Prior to issuance of an operating license for either facility, the Commission will issue a detailed environmental statement for the Quad-Cities Station. The availability of the statement will be published in the FEDERAL REGISTER. The statement will be prepared consistent with Appendix D of 10 CFR Part 50 of the Commission's regulations.

For further details with respect to matters under consideration see (1) the Commonwealth Edison Co. applications for the facility licenses dated May 31, 1966, and August 18, 1966, as amended, and as they become available, (2) the report of the Advisory Committee on Reactor Safeguards on the applications for these facilities, (3) the proposed facility operating licenses, (4) the Technical Specifications which will be attached as Appendix A to the proposed facility operating licenses, and (5) the safety evaluation prepared by the Division of Reactor Licensing, which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of items (3) and (5) may be obtained when available upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 11th day of March 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director, Division of Reactor Licensing.

[FR Doc.71-3653 Filed 3-12-71;12:35 pm]

CIVIL AERONAUTICS BOARD

[Docket No. 16978; Order 71-3-67]

RIO AIRWAYS, INC.

Order Regarding Service Mail Rates

Issued under delegated authority March 10, 1971.

On February 17, 1971, Rio Airways, Inc. (Rio) requested the Board to amend its Orders E-23613 and E-26979,[1] which fixed service mail rates currently in effect for Hood Airlines, Inc., to reflect the change in corporate name from Hood Airlines, Inc., to Rio Airways, Inc.

In support of its request, Rio has indicated that on January 1, 1971, Hood Airlines, Inc., merged with its wholly owned subsidiary, Rio Airways, Inc., and is now doing business as Rio Airways, Inc. Rio states further that the effect of this merger is a name change only. We will therefore amend Order E-23613 as requested by Rio.

Accordingly, pursuant to the Federal Aviation Act of 1958, and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.16(h):

It is ordered, That:

1. Order E-23613, April 29, 1966, be amended to reflect the change in corporate name of Hood Airlines, Inc., to Rio Airways, Inc., and

2. This order shall be served on Rio Airways, Inc., and the Postmaster General.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3635 Filed 3-15-71;8:50 am]

[1] Name in Order E-26979 has been changed in connection with a revision of the service mail rate requested by the Postmaster General in Docket 19787 (Order 71-2-123, Feb. 26, 1971).

[Docket No. 22664; Order 71-3-31]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority March 4, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-11-115, November 24, 1970, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on five round trips per week between Rolla, Columbia, Sedalia, and Kansas City, Mo., Little Rock, Batesville, and Harrison, Ark.

The Postmaster General filed a petition on February 19, 1971, stating that because of weather conditions the stop at Sedalia will be eliminated from this route and he has been authorized by the carrier to petition for a new rate of 53.4 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 19, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 53.4 cents per great circle aircraft mile between Rolla, Columbia, and Kansas City, Mo., Little Rock, Batesville, and Harrison, Ark.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3634 Filed 3-15-71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Dockets Nos. 21866, 22784; Order 71-3-62]

UNITED AIR LINES, INC.

Order Vacating Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of March 1971.

By Order 71-2-55 dated February 10, 1971, the Board suspended increases proposed by United Air Lines, Inc. (United) in selected short-haul markets[1] because the proposal was not accompanied by individual market data showing characteristics which, but for severe airport and airway congestion, could be expected to

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

result in profitable operations. On February 21, 1971, United filed a petition for reconsideration, requesting the Board to vacate the suspension of increases which had been proposed in nine of the short-haul markets: Chicago-Columbus, Chicago-Dayton, Chicago-Cedar Rapids, Chicago-Grand Rapids, Chicago-Lansing, Chicago-Muskegon, Chicago-Saginaw, Chicago-South Bend, and Columbus-Washington.

In support of its petition, United alleges that the Board erred in suspending the proposed increases in these markets, and that the increases are justified on the ground that airport and airway congestion produce higher operating costs than are experienced at other points on its system. In addition, it is alleged that similar fare increases in each of the nine markets have previously been permitted other carriers, and United has provided relevant data on a market-by-market basis to support its request.

Upon consideration of the petition and all relevant matters, the Board has concluded to vacate the suspension previously ordered in the nine markets described above. These fares will remain under investigation in the Domestic Passenger-Fare Investigation, Docket 21866.

United has now supplied information showing that it operated at a loss in seven of the markets during the year 1970, and achieved only a small profit in the other two.[2] These losses occurred in spite of load-factor levels generally well above its system average, and appear to be attributable in substantial part to atypical costs occasioned by inflight and ground delays stemming from airport and airway congestion. Accordingly, we conclude that United has adequately demonstrated that the fare increases in these eight markets are warranted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. The suspension of increased fares and provisions published in CAB No. 136 issued by Airline Tariff Publishers, Inc., Agent, between Chicago, on the one hand, and Dayton, Columbus, Ohio, Cedar Rapids, Grand Rapids, Lansing, Muskegon, Saginaw, and South Bend, on the other, and between Columbus, Ohio, and Washington, directed in Order 71-2-55 is vacated.[3]

2. A copy of this order will be filed with the aforesaid tariff and be served on United Air Lines, Inc.

[2] In these two markets, Chicago-Columbus, Ohio, and Columbus, Ohio-Washington, the Board has previously permitted the dominant carrier to increase its fares based upon a proper showing.

[3] The fares and provisions will become effective in accordance with the filing of appropriate tariffs.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3636 Filed 3-15-71;8:50 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Business Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-3620 Filed 3-15-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary (Federal-State relations).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-3623 Filed 3-15-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignments in the excepted service the positions of Assistant Commissioner (Resource Management), and Assistant Commissioner (Resource Development) in the Bureau of Reclamation.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-3624 Filed 3-15-71;8:49 am]

[4] Dissenting statement of Member Minetti filed as part of the original document.

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the positions of Assistant Commissioner (Planning and Irrigation) and Assistant Commissioner (Power and Engineering), Bureau of Reclamation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-3625 Filed 3-15-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Public Affairs, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-3621 Filed 3-15-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Associate Administrator of International Affairs, Office of International Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-3622 Filed 3-15-71;8:49 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 112]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through February 18, 1971, exclusive of those vessels that called on Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total—all flags (208 ships)	1,553,767
Cypriot (103 ships)	792,748
Aegis Banner	9,024
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Aftadelfos	8,136
Aghios Ermolaos	7,208
Aghios Nicolaos	7,254
Alda	7,292
Alfa	7,388
Alice (previous trips to Cuba—Greek)	7,189
Alitric	7,564
Alma	6,585
Alpa	9,159
Amarilis	8,959
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Anemone	7,168
Anka	7,314
Annunciation Day	8,047
Antigoni	3,174
Aragon (previous trips to Cuba—Somali)	7,248
Ardena	7,261
Arendal	7,265
Areti	8,406
Aria (previous trips to Cuba—Somali)	5,059
Arion	3,570
Armar	5,089
Arosa	7,233
Athenian	9,943
Aurora	8,380
Azalea	9,506
Begonia	6,576
Byron	8,720
*Calypso (tanker)	12,883
Camelia	8,111
Castalia	7,641
Claire (previous trips to Cuba—Lebanese)	5,411
Cleo II	7,590
Costiana	7,199
Degedo	9,000
Diamondo	7,067
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpida	8,296
Elpidoforos	4,963
Erato (previous trips to Cuba—Somali—and as the Eretria—Greek)	7,199
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gardenia	9,744
George	7,378
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Georgios T	9,646
Giannis	7,490
Gladiator	8,348
Good Luck	6,952
Happy Land	9,080
Herodemos	7,358
Ilena (previous trips to Cuba—Lebanese)	5,925
Irena (previous trips to Cuba—Lebanese)	7,232
Iris	8,479
Johnny	9,689
*June	9,357
Katerina (previous trips to Cuba—Lebanese)	9,357
Kimon	5,686
*Kitsa	9,519
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
Krios	2,915
Kypros	7,001
Lena	7,029
Marco	7,622
Marika (previous trip to Cuba—Lebanese)	7,290
Master George	7,334
*May	8,853
Mery (previous trips to Cuba—Greek)	7,258
Mimis N. Papalios	9,069
Mimosa	8,618
Miss Papalios	9,072
Mitera Irini (previous trips to Cuba as the Socivye—British and Maltese)	7,291
Nea Hellas	9,241
Nedi 2	7,679
Newgate (previous trips to Cuba—British)	6,743
Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Pantazis Caias	9,618
Petunia	7,843
Petunia	7,843
Platres	7,244
Protoklitos	6,154
Salvia	8,522
Savvas	7,230
Silver Coast	7,328
Silver Hope	5,313
Sophia (previous trips to Cuba—Greek)	7,030
Spyro	7,591
Successor	11,471
Suerte	7,267
Thios Costas (previous trips to Cuba—Somali)	7,258
Torenia	8,077
**Troyan (trips to Cuba as the Mauritanie—Moroccan)	10,392
Venturer	9,000
Venus	9,777
Zaira	8,032
Zinia	7,114
British (42 ships)	347,612
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Cheung Chau	8,566
Coral Islands	9,060
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
**Glendalough (trip to Cuba—as the Ardrossmore—British)	5,820
Golden Bridge	7,897
Green Walrus	9,443
Ho Fung	7,121
Huntsland	9,353
Hwa Chu	9,091
Hwang Ho	9,457
*Ivory Islands	9,718
Jollity	8,819
Kinross	5,388
Magister	2,239
Nancy Dee	6,597
Newheath	7,643
NOTE: Peony (now changed—Peoples Republic of China—will be deleted from future reports)	
Precious Pearl	6,921
Purple Dolphin	9,420
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Sea Moon	9,065
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Steed	8,989
Venice	8,611
Vergmont	7,381
Yellow Sea	9,998
Yunglutaton	5,414
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,085
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Yugoslav (8 ships)	53,948
Agrum	2,449
Bar	8,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Tara	7,499
Ulcinj	8,602
Greek (6 ships)	40,477
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Effythia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Pothiti (trips to Cuba as the Huntsville—British)	9,486
Italian (6 ships)	53,930
Alderamine (tanker)	12,505

See footnotes at end of document.

Italian—Continued	Gross tonnage
Elia (tanker)	11,021
Probitas	8,150
San Francesco	9,264
Santa Lucia	9,278
Somalia	3,692
Somali (5 ships)	35,555
**Atlas (trip to Cuba—Finnish)	3,916
Dimitrakis	7,829
Hemisphere (previous trips to Cuba—British)	8,718
Nebula (trips to Cuba—British)	8,907
**Oriental (trips to Cuba as the Oceantramp—British)	6,185
French (4 ships)	10,466
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Danae	3,486
Nelle	2,874
Lebanese (3 ships)	18,759
Antonis	6,259
Astir	5,324
Tony	7,176
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Panamanian (2 ships)	17,543
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
Finnish (1 ship)	4,779
Someri	4,779
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (1 ship)	3,214
Marrakech	3,214
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Singapore (1 ship)	7,638
**Pu Gor (trips to Cuba as the Azure Coast II—Cypriot)	7,638

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
Baxtergate (British)	8,813
Angeliki (Cypriot)	8,482

b. Previous reports:

Flag of registry (total)	Number of ships
	132
British	45
Cypriot	3
Danish	1
Finnish	4
French	4
German (West)	1
Greek	31
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1
Norwegian	5
Moroccan	2
Somali	1
Spanish	6
Swedish	1
Yugoslav	2

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross Tonnage
Marie (Somali)	7,174

b. Previous reports:

Flag of registry:	Broken up, sunk, or wrecked
British	24
Cypriot	36
Finnish	5
French	1
Greek	18
Italian	4
Japanese	1
Lebanese	35
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	7
Singapore	1
South Africa	2
Swedish	1
Yugoslav	6
Total	147

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through February 18, 1971.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970 Jan.–July	1970 Aug.	1970 Sept.	1970 Oct.	1970 Nov.	1970 Dec.	1971 Jan.	Total
British	133	180	126	101	78	62	45	34	2	7	4	2	4	1	779
Cypriot	3	1	17	27	42	68	115	111	19	14	20	13	22	10	479
Lebanese	64	91	58	25	16	16	4	1							275
Greek	99	27	23	27	20	7									212
Italian	16	20	24	11	11	10	15	10	2		1			1	121
Yugoslav	12	11	15	10	14	9	6	5	1			1			84
French	8	9	9	10	10	4	2	1			1	1	2		57
Finnish	1	4	5	11	12	8	2	1							44
Spanish	9	17													25
Norwegian	14	10													24
Moroccan	9	13	1												23
Maltese		2	6	1	4	8	1	2							24
Somalia					2	11	7	2			1	1			24
Netherlands			4	2											6
Sweden	3	3													6
Kuwaiti		2	1												3
Israeli			2												2
Japanese	1					1									2
Danish	1														1
German (West)	1														1
Haitian			1												1
Monaco				1											1
Subtotal	370	394	290	224	218	204	197	167	24	21	27	18	28	12	2,194
Polish	18	16	12	10	11	7	2	1		1			1		79
Grand total	388	410	302	234	229	211	199	168	24	22	27	18	29	12	2,273

See footnotes at end of document.

NOTE: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Report No. 111, appearing in the FEDERAL REGISTER issue of January 26, 1971.
**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: February 22, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.71-3567 Filed 3-15-71;8:45 am]

National Bureau of Standards

FLAME-RESISTANT PAPER AND PAPERBOARD; PACKAGE QUANTITIES OF ICE

Notice of Circulation for Acceptance of Recommended Standards

The National Bureau of Standards is giving public notice and circulating for public comment the following recommended standards (TS) for a determination of their acceptance to manufacturers, distributors, users and consumers:

TS 172c, "Flame-Resistant Paper and Paperboard".
TS 175, "Package Quantities of Cubed, Sized, Crushed, and Block Ice".

These circulations are being made in accordance with the provisions of §10.5 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as amended; 35 F.R. 8349 dated May 28, 1970).

Copies of these recommended standards may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standards should be addressed to the Office of Engineering Standards Services within 30 days following publication of this notice.

Issued: March 11, 1971.

LEWIS M. BRANSCOMB,
Director.

Approved: March 11, 1971.

JAMES H. WAKELIN, JR.,
Assistant Secretary for Science and Technology.

[FR Doc.71-3595 Filed 3-15-71;8:47 am]

Office of the Secretary

ATOMIC ENERGY COMMISSION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00110-75-46040. Applicant: U.S. Atomic Energy Commission, Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401. Article: Electron microscope, Model HU-200F. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for two specific programs, "Elevated Temperature Fatigue Tests on IMFBR Cladding and Structural Materials" and "ATR Materials Surveillance Program." The objective of the fatigue program is to provide engineering data varying temperature and extent of deformation and to determine the irradiation damage mechanism of 304, 304L, and 316 stainless steels. The purpose of the surveillance program is to evaluate irradiation effects of reactor internals (beryllium, hafnium, aluminum) of the Advanced Test Reactor with respect to their service lifetime.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified maximum accelerating voltage of 100 kilovolts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 23, 1970, that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Research.

[FR Doc.71-3577 Filed 3-15-71;8:45 am]

AUBURN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No.: 71-00138-33-46500. Applicant: Auburn University, Auburn, Ala. 36830. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used in the study of morphology of viruses and animal tissues including certain metazoan parasites. Ultrathin sections of very hard tissue, soft friable tissue, and serial sections of equal thickness in the detailed morphological study of various parasites are necessary.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle) is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 22, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies which involve ultrathin sectioning of a variety of cells and tissue including brain and other soft friable tissue. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00733-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3572 Filed 3–15–71;8:45 am]

BATTELLE MEMORIAL INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No.: 71–00200–75–46040. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, Post Office Box 999, Richland, WA 99352. Article: Electron Microscope, Model HU–200F. Manufacturer: Hitachi Ltd., Japan.

Intended use of article: The article will be used to study the microstructure of refractory elements after irradiation with neutrons and charged particles; the production of voids in metals during high temperature irradiation; and to study the effect of irradiation temperature total damage, impurities and prior thermomechanical treatment on the number density and size of voids.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU–4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified maximum accelerating voltage of 100 kilovolts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 23, 1970, that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3573 Filed 3–15–71;8:45 am]

CASE WESTERN RESERVE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00054–65–46040. Applicant: Case Western Reserve University, 10900 Euclid Avenue, Cleveland, OH 44106. Article: Electron Microscope, Model HU–650. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used to study the structure of a wide range of materials, both organic (biological, polymeric) and inorganic (metallic, ceramic, glass, rock). The investigations concern the microscopic structure and how this relates to important properties such as the mechanical strength of alloys, ceramics, bone and tooth enamel or the functional characteristics of biological cell tissues. Educational purposes include a graduate course in Electron Microscopy, and undergraduate courses in Characterization of Materials and Advance Experimental Techniques in Materials.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU–4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified maximum accelerating voltage of 100 kilovolts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated February 1, 1971, that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3574 Filed 3–15–71;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00466–65–46040. Applicant: U.S. Department of the Interior, Geological Survey, Room G318, General Services Building, 18th and F Streets NW., Washington, DC 20242. Article: Electron Microscope, Model JEM 300, and goniometer stage. Manufacturer: Japan Electron Optics Lab. Co., Japan.

Intended use of article: The article will be used in research aimed at detecting and characterizing particulate inorganic material in size ranges smaller than 1 micrometer in diameter. The materials under investigation are varied, including soils, atmospheric dust, suspended materials in water, and soil returned from the moon. The morphology of particles and their crystal structure (by electron diffraction) will be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU–4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified maximum accelerating voltage of 100 kilovolts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 24, 1970, that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3578 Filed 3–15–71;8:45 am]

TEXAS A&M UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No.: 71–00113–33–46040. Applicant: Texas A&M University, College Station, Texas 77843. Article: Electron Microscope, Model HS–8–2. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used to instruct faculty and graduate students in electron microscopy and for graduate research programs. Studies concern purified preparations of enzyme molecules; viruses (negatively-stained and shadow-cast preparations of purified viruses, sections of viruses within host cells; and internal structure of viruses); and isolated preparations of subcellular bacterial and blue-green algae structures (e.g. structured granules, polyhedral bodies, membranes, ribosomes, flagella, etc.).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 15, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3575 Filed 3–15–71;8:45 am]

UNIVERSITY OF HAWAII

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00053–91–46040. Applicant: University of Hawaii, 3190 Maile Way, Plant Science Building, 305, Honolulu, HI 96822. Article: Electron Microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for research on the ultrastructure of tropical plants and their pathogens and on vectors of pathogens and on soil clay particles, largely by graduate students as an integral part of or as an adjunct to their thesis research. Also the electron microscope will be used as a teaching instrument in courses in the departments of the College of Tropical Agriculture and the plant sciences division of the College of Arts and Sciences, requiring a simple type instrument that is easy to use and understand.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 10, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3576 Filed 3–15–71;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 93]

FIRST FINANCIAL GROUP, INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Licking County Building and Savings Co.

MARCH 10, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the

First Financial Group, Inc., Columbus, Ohio, for approval of acquisition of control of the Licking County Building and Savings Co., Newark, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash by the First Financial Group, Inc. of the shares of said Licking County Building and Savings Co. Comments on the proposed acquisition should be submitted to the Director, Office of Examination and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-3589 Filed 3-15-71;8:46 am]

[H.C. No. 92]

FORT WORTH NATIONAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Mutual Savings and Loan Association

MARCH 10, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Fort Worth National Corp., Fort Worth, Tex., for approval of acquisition of control of the Mutual Savings and Loan Association, Fort Worth, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the purchase for cash and notes by The Fort Worth National Corp., of the outstanding stock of Mutual Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, DC 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-3590 Filed 3-15-71;8:46 am]

[H.C. No. 94]

H. F. AHMANSON & CO. AND AHMANCO, INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Walnut Creek Savings and Loan Association

MARCH 10, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the H. F. Ahmanson & Co., Los Angeles, Calif., a unitary savings and loan holding company which is controlled by Ahmanco, Inc., Los Angeles, Calif., for approval of acquisition of control of the Walnut Creek Savings and Loan Association, Walnut Creek, Calif., an uninsured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the purchase for cash by Home Savings and Loan Association, an insured subsidiary of H. F. Ahmanson & Co., of the assets of said Walnut Creek Savings and Loan Association. Home Savings and Loan Association will also assume the obligations and liabilities of Walnut Creek Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-3591 Filed 3-15-71;8:46 am]

FEDERAL MARITIME COMMISSION

HOUSEHOLD GOODS CARRIER'S BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. F. L. Wyche, Executive Secretary, Household Goods Carrier's Bureau, 2425 Wilson Boulevard, Arlington, VA 22201.

Agreement No. 8490-2, between the members of the Household Goods Carrier's Bureau, modifies the basic agreement which provides for the creation of the United States-Alaska Household Goods Rate Agreement, for the establishment and maintenance of agreed rates, charges, rules, and regulations applicable to the transportation of household goods between ports in the mainland United States and ports in Alaska. The purpose of the modification is to comply with §§ 528.3 and 528.5 of the Commission's General Order 7 (Revised), which provides for self-policing systems in conference and ratemaking agreements.

Dated: March 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3628 Filed 3-15-71;8:50 am]

HOUSEHOLD GOODS CARRIER'S BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. F. L. Wyche, Executive Secretary, Household Goods Carrier's Bureau, 2425 Wilson Boulevard, Arlington, VA 22201.

Agreement No. 8480-3, between the members of the Household Goods Carrier's Bureau, modifies the basic agreement which provides for the creation of

the United States-Hawaii/Puerto Rico/Guam Household Goods Rate Agreement, for the establishment and maintenance of agreed rates, charges, rules, and regulations applicable to the transportation of household goods between ports of the United States and ports in Hawaii, Puerto Rico, and Guam. The purpose of the modification is to comply with §§ 528.5 and 528.3 of the Commission's General Order 7 (Revised), which provides for self-policing systems in conference and ratemaking agreements.

Dated: March 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3629 Filed 3-15-71;8:50 am]

INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, General Secretary, The India, Pakistan, Ceylon and Burma Outward Freight Conference, 25 Broadway, New York, NY 10004.

Agreement No. 7690-14, between the member lines of the India, Pakistan, Ceylon and Burma Outward Freight Conference, modifies the self-policing system of the conference to conform to the requirements of the Commission's General Order 7 (Revised).

Dated: March 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3631 Filed 3-15-71;8:50 am]

INTERNATIONAL HOUSEHOLD GOODS RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washinton, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

International Household Goods Rate Agreement, c/o F. L. Wyche, Executive Secretary, Household Goods Carriers' Bureau, 2425 Wilson Boulevard, Arlington, VA 22201.

Agreement No. 8470-6, among the members of the International Household Goods Rate Agreement modifies the terms of the self-policing system under the agreement to conform with the requirements of the Commission's General Order 7 (Revised).

Dated: March 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3630 Filed 3-15-71;8:50 am]

[Docket No. 69-57; Agreement T-2336]

NEW YORK SHIPPING ASSOCIATION

Cooperative Working Arrangement; Order Reopening Proceeding and Consolidation

In the report and order in this proceeding; Agreement No. T-2336—New York Shipping Association Cooperative Working Arrangement, served November 20, 1970, the Commission approved Agreement No. T-2390, as modified, effective October 1, 1969.

On December 4, 1970, the New York Shipping Association (NYSA) petitioned for reconsideration of the Commission's report and order served November 20, 1970. They sought an expedited reconsideration of the placing of Puerto Rico, Alaska, and Hawaii in excepted cargo status and additionally requested oral argument and an extension of time within which to report the methods used to make the adjustments required in the order of approval.[1]

The Commission on December 11, 1970, granted reconsideration of the treatment of the Puerto Rican trade only.[2]

The Administrative Director of NYSA contends that "the full impact of costs * * * was not known until November 1970", and that "unanticipated GAI expenses" produce a deficit of "$8,284,101 to which must be added $2,631,372 if the Puerto Rican trade is placed in the excepted cargo." The Director argues that current data, based for the first time on tonnage and man-hour reports submitted by the carriers, contradict the data which afforded the basis for excepting Puerto Rico. Thus, NYSA contends that excepted status reduces Puerto Rico's contribution from slightly over $9 million to slightly under $3 million.

The NYSA figures are sharply challenged by TTT, Sea-Land, and Seatrain. They in turn offer a different set of figures which they contend support the excepted status of Puerto Rico.

There is also a dispute over the extent or degree to which the Commission excepted Puerto Rico from certain assessments. The only support for the NYSA petition came from the breakbulk carriers.

In addition to the above arguments, the NYSA submissions advised the Commission that the Excepted Cargo Assessment was increased from $2.559 to $3.39

[1] The order provides: "That NYSA within thirty (30) days from the date of service of this order, submit, to the Commission a report containing the manner and method adopted by NYSA to accomplish such adjustments, if any, in the assessments, as are made necessary by the terms and conditions of the approval of T-2390 granted herein."

[2] The portion of petitioner's request for reconsideration of the Hawaiian and Alaskan trades was denied, and no party treated these trades in subsequent pleadings considered herein.

for the last 42.3 weeks of the contract.[3] TTT, Seatrain, and the Commonwealth of Puerto Rico all oppose this increase, with TTT claiming that the escalation constitutes unlawful action in clear violation of the filing requirements and standards of section 15 of the Shipping Act. On January 15, 1971, TTT filed a complaint with the Commission challenging this action, among other things, on the basis that the increased nullified the Commission's decision, is contrary to the terms of agreement and should be filed with the Commission under section 15 prior to effectuation.

Seatrain, like TTT, filed a complaint[4] alleging that the increase of the man-hour rate was not authorized under the Commission's order; that it was not filed with or approved by the Commission; that Seatrain is being damaged to the extent of $0.835 per man-hour which, "if permittd to continue, will result in increased costs to Seatrain of approximately $182,565.66 for the period December 7, 1970 through September 30, 1971."

The complaints filed focus mainly on the recent increase affecting excepted cargo. However, the Board of Directors of NYSA have also noted that an increase in the tonnage rate from $1.23 to $2.23 affecting the foreign trades, automobile and others, arises because of the "substantial and unanticipated rise in the GAI costs and that the current per ton increase" ($0.50 effective as of Dec. 7, 1970) was "primarily because of the Puerto Rican Trade exception."

In any event, it would appear that the calculations and figures used by the Presiding Examiner and the Commission have radically changed. The deficit is large, the current increases are disputed, and the parties have again presented the Commission with different computations.

These factors added to the arguments raised concerning shortfall, GAI, the increased tonnage rate and the issues raised in the complaints filed by TTT and Seatrain cause us to reopen this proceeding in order to reevaluate our treatment of the many and varied interests of the participants in this proceeding, including automobiles, trucks and buses.

Additionally, we will take this opportunity to reevaluate our treatment of the Puerto Rican trade. The reopening will consider the basis of the increases contested in the complaints and the current deficit and its effect upon all other interests. In reopening this proceeding it is expected that the parties will at the very least stipulate or agree upon a set of basic financial data and figures so that we are not still faced with problems posed by an inability to produce a mutual basis upon which to render a sound and fair decision. Furthermore, the parties should present alternative proposals, backed by arguments, that could provide more equitable solutions to the wide differences still apparent. Accordingly:

It is ordered, That the Commission's report and order in Docket No. 69-57, served November 20, 1970, shall remain in full force and effect pending the outcome of the proceedings in Docket 69-57 as reopened;

It is further ordered, That this proceeding is hereby reopened for the purpose of receiving evidence and further argument on the question of whether the approval of Agreement No. T-2390, as modified, should continue in effect, and whether the increases in certain assessments effectuated by the New York Shipping Association constitute modifications to Agreement No. T-2390 which require prior approval under section 15 and whether such increases are proper;

It is further ordered, That the proceeding in Docket No. 71-2 and Docket No. 71-8 are hereby consolidated for hearing in Docket No. 69-57 as reopened;

It is further ordered, That the New York Shipping Association shall continue to be respondents in this proceeding and that other persons who were previously parties to this proceeding may continue to participate therein; and

It is further ordered, That this proceeding is to be expedited and is referred for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner; that notice of this order shall be published in the FEDERAL REGISTER and copy thereof served upon the respondents and persons who were previously parties to this proceeding; and that all future notices issued by or on behalf of the Commission in this proceeding shall be mailed to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-3626 Filed 3-15-71;8:49 am]

[3] At the time of the Commission approval of the agreement, the assessment for this trade, as the "excepted" man-hour level, was $2.41 and $2.55.

[4] Seatrain's complaint was filed on January 18 and docketed as No. 71-8. On January 20, the TTT complaint (Docket No. 71-2) and 71-8 were consolidated by the Chief Examiner for hearing and issuance of an initial decision. The answers by NYSA have not as yet been filed with the Commission.

ROYAL VIKING LINE A/S

Notice of Application for Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Royal Viking Line A/S, Gabelsgate 1, B, Oslo 2, Norway.

Dated: March 11, 1971

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-3627 Filed 3-15-71;8:49 am]

FEDERAL RESERVE SYSTEM

MERCANTILE BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Mercantile Bankshares Corporation, which is a bank holding company located in Baltimore, Md., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Bank of Southern Maryland, La Plata, Md.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

By order of the Board of Governors, March 10, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-3579 Filed 3-15-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[70-4779]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Fifth Post-Effective Amendment Regarding Issue and Sale of Notes to Banks and to Dealer in Commercial Paper by Holding Company and Capital Contributions to Subsidiary Companies

MARCH 10, 1971.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway New York, NY 10004, a registered holding company, has filed a fifth post-effective amendment to its application-declaration in this proceeding pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By orders dated September 15, 1969, August 10, 1970, September 21, 1970, January 28, 1971, and February 12, 1971 (Holding Company Act Releases Nos. 16476, 16803, 16835, 16975, and 16995), the Commission authorized AEP to issue and sell, from time to time prior to June 30, 1971, short-term notes to banks and commercial paper to a dealer in an aggregate face amount of not more than $130 million to be outstanding at any one time and to make capital contributions on or before June 30, 1971, to four of its subsidiary companies.

AEP has now filed a fifth post-effective amendment to its application-declaration in which it proposes to increase the cash capital contributions to be made to Appalachian Power Co. (Appalachian) from $40 million to $75 million. It is stated that Appalachian's construction program for the first half of 1971 is estimated at more than $70 million.

It is represented that the capital contributions of AEP to Appalachian require authorization by the State Corporation Commission of Virginia and the Public Service Commission of West Virginia, such authorization to be filed by amendment, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 30, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said fifth post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER, *Recording Secretary.*

[FR Doc.71-3606 Filed 3-15-71;8:48 am]

[70-4991]

NORTHEAST UTILITIES

Notice of Proposed Increase in Common Shares and Order Authorizing Solicitation of Proxies

MARCH 10, 1971.

Notice is hereby given that Northeast Utilities (Northeast), 174 Brush Hill Avenue, West Springfield, MA 01089, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Northeast proposes to submit to its shareholders at its Annual Meeting of Shareholders to be held April 27, 1971, a proposal to increase the number of authorized common shares from 40 million to 53 million. It is contemplated that the additional authorized common shares, the issuance and sale of which are to be the subject of future filings with this Commission, will be used (a) to retire Northeast's bank notes and commercial paper, heretofore authorized and (b) to provide part of the funds for its operating subsidiary companies' construction budgets. The proposed increase in the number of authorized common shares requires the affirmative vote of the holders of at least two-thirds of the 38,376,693 outstanding common shares. Northeast intends to solicit proxies from its shareholders of record at the close of business March 1, 1971, to obtain the requisite approval. Northeast proposes, in addition to the use of the mails, to solicit proxies by personal interview, telephone and telegraph, by trustees, officers, and employees of Northeast and of its service company.

The fees, commission and expenses paid or incurred, or to be paid or incurred, directly or indirectly, in connection with the proposed transactions are the normal expenses regularly incurred by Northeast in connection with its Annual Meeting, consisting principally of the expense of printing and mailing proxy material, and the charges of the principal transfer agent for processing the material. It is expected that charges for incidental services rendered by its service company, at cost, with respect to the proposed transactions, will be approximately $1,000 and that fees and expenses for legal services will be approximately $2,000.

It is stated that no consent or approval of any State commission or any Federal commission, other than this Commission, is required for the transaction proposed herein. Northeast has requested that the effectiveness of its declaration with respect to the solicitation of proxies from the holders of its common shares be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 15, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by ceritficate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rule 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3607 Filed 3-15-71;8:48 am]

TARIFF COMMISSION

[TEA-W-81]

AMBAC INDUSTRIES, INC.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of certain workers at a plant of the American Bosch Division, AMBAC Industries, Inc., in Springfield, Mass., the U.S. Tariff Commission, on the 10th day of March 1971, instituted an investigation under section 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with fuel injection pumps for diesel engines and nozzles for such pumps produced by the aforementioned plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of that plant engaged in the production of the aforenamed articles.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: March 11, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3599 Filed 3-15-71;8:47 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

IMPLEMENTATION OF EXECUTIVE ORDER 11246 IN ATLANTA AREA

Notice of Hearing

Notice is hereby given that, pursuant to section 208(a) of Executive Order 11246 (30 F.R. 12319), a public hearing is to be held by the Office of Federal Contract Compliance, U.S. Department of Labor commencing March 31 and continuing through April 2, 1971, at Conference Room 556, Federal Building, 275 Peachtree Street NE., Atlanta, GA, in order to afford interested persons an opportunity to submit in writing and orally, data, views, or arguments to be considered by the Office of Federal Contract Compliance in implementing the requirements and objectives of Executive Order 11246 with respect to federally involved construction in the Atlanta area. The hearing will begin at 9:30 a.m., e.s.t., on Wednesday, March 31, 1971. The presentation will be made before a panel designated for this purpose by the Director of the Office of Federal Contract Compliance. Interested persons are encouraged to appear and present their views before the panel.

Executive Order 11246 prohibits discriminating against any employee or applicant for employment because of race, color, religion, sex, or national origin, and further requires that the employer or prospective employer take affirmative action to insure equal employment opportunity.

It is the responsibility of the Secretary of Labor and his Department to implement the purposes of Executive Order 11246 throughout the country on federally involved construction.

It has been the position of the Department that the objectives of Executive Order 11246 can be implemented most successfully through voluntary, areawide agreements between contractors, unions and community organizations interested in furthering equal employment opportunity, which are designed to increase the utilization of the minority workforce in the skilled construction trades in a particular area. However, where as in the Atlanta area, a voluntary agreement has not been reached, the Department must take appropriate action to insure that its obligations under Executive Order 11246 are met.

The Department recognizes that circumstances and problems in the field of equal employment opportunity vary from one area of the country to another, and that those living and working in a specific area are in the best position to evaluate the problems of their respective communities and assist the Department with facts and ideas as to the most effective way to implement the Executive order. It is this assistance which is sought at the above noticed hearing.

Therefore, all interested persons are requested to appear before the Hearing Panel or otherwise submit data on at least the following points:

(1) The current extent of minority group participation in each construction trade, and the full employee complement of each trade;

(2) A statement and evaluation of present employee recruitment methods, as well as the assistance and effectiveness of any employer or union programs to increase minority participation in the trades;

(3) The availability of qualified and qualifiable minority group persons for employment in each construction trade, including where they are now working, how they may be brought into the trades, etc.;

(4) An evaluation of existing training programs in the area, including the number of minorities and others recruited into the programs, the number who complete training, the length and extent of training, employer experience with trainees, the need for additional or expanded training programs, etc.;

(5) An analysis of the number of additional workers that could be absorbed into each trade without displacing present employees, including consideration of present employee shortages, projected growth of the trade; projected employee turnover, etc.;

(6) The desirability and extent, including the geographical scope of possible Federal action to insure equal employment opportunity in the construction trades.

All persons wishing to present their views orally, before the panel, should notify Mr. Jodie Eggers, Area Coordinator for the Office of Federal Contract Compliance, U.S. Department of Labor, Room 720, 1371 Peachtree Street NE., Atlanta, GA 30309 (telephone: (404) 526-4211) of their intention to appear on or before March 25, 1971, and of the approximate amount of time which they expect their presentations to take, so as to facilitate an orderly scheduling of witnesses. Those persons desiring to file written statements and pertinent information relative to this hearing may do so by filing the same with the Office of Federal Contract Compliance on or before April 2, 1971.

Copies of the Executive Order 11246 can be obtained from the Office of Federal Contract Compliance, Department of Labor, 14th Street and Constitution Avenue, Washington, DC 20210, or from the Area Coordinator in Atlanta.

Signed at Washington, DC, the 12th day of March 1971.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[FR Doc.71-3721 Filed 3-15-71;9:52 am]

Office of the Secretary

OREGON

Notice of Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, Title II of Public Law 91-373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Ross Morgan, Administrator, Oregon Employment Division, has determined that there was a State "on" indicator in Oregon for the week beginning December 20, 1970, and that an extended benefit period began in the State with the week beginning January 10, 1971.

Signed at Washington, D.C. this first day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-3582 Filed 3-15-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[No. 34013]

COST EVIDENCE

Rules To Govern Assembly and Presentation

FEBRUARY 19, 1971.

The report of the Commission on oral argument in this proceeding, 337 ICC 298, reached certain conclusions with respect to the nature of cost evidence presented in formal proceedings before this Commission. In addition, the report expressed the Commission's recognition of the need for additional study in many areas, including the following:

1. Possible alternative approaches to costing generally, including the forecasting of future costs as opposed to reliance solely on historical data.

2. The nature of deficiencies in the systems of accounting and reporting for regulatory costing purposes.

3. Design and implementation of probability sampling and statistical analysis for the development of cost data.

4. Development of variability factors relating to carrier costs.

5. Development of reasonable methods for allocating constant costs and of common or joint costs as between various segments of traffic.

6. The establishment of clear definitions of terms to be used in the area of transportation costing.

Because of severely limited resources, the Commission, however, stated that any specific research projects to be undertaken must be justified by the potential benefits (pp. 321-322). To that end, the Commission found (p. 327):

(7) A task force of Commission employees will be established for the purpose of conferring with shipper, carrier and other government agency representatives to consider the feasibility and practicability of additional research projects into specific areas of transportation cost ascertainment.

Such a task force has been established and its members are prepared to confer, not only with representatives of parties to this proceeding, but with any other person, firm, or agency with an interest in the subject. Persons interested in attending a conference should so advise the Commission within 60 days of the date of publication of this notice in the FEDERAL REGISTER and should suggest areas of inquiry and their priority, including the projects that the participants are prepared to undertake or to advance.

A copy of this notice will be served on each party to this proceeding, a copy will be posted in the office of the Secretary of the Commission for public inspection, and a copy will be delivered to the Director, Office of the Federal Register, for publication therein.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3609 Filed 3-15-71;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 11, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42150—*Liquefied Propylene Gas from Port Neches, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-211), for interested rail carriers. Rates on gas, propylene, liquefied, in tank-car loads, as described in the application, from Port Neches, Tex., to Charleston and South Charleston, W. Va.

Grounds for relief—Market competition.

Tariff—Suplement 7 to Southwestern Freight Bureau, agent, tariff ICC 4939.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3612 Filed 3-15-71;8:48 am]

[Ex Parte No. 270]

INVESTIGATION OF RAILROAD FREIGHT RATE STRUCTURE

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 9th Day of March 1971.

Upon consideration of the record, the petition filed on February 16, 1971, by the Tennessee Valley Authority, for additional time in which to submit supplementary views; and for good cause appearing:

It is ordered, That the petition of the Tennessee Valley Authority be, and it is hereby granted, and that the petitioner as well as all other interested parties may file statements setting forth their supplementary views in this proceeding on or before April 1, 1971.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3610 Filed 3-15-71;8:48 am]

[Notice 261]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 10, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 15371 (Sub-No. 9 TA), filed March 4, 1971. Applicant: CITY TRANSFER, INC., 458 Washington Street, St. Marys, PA 15857. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon products*, from Niagara Falls, N.Y., to St. Marys, Pa., for 150 days. Supporting shipper: Airco Speer Carbon-Graphite, a division of Air Reduction Co., Inc. St. Marys, Pa. Send Protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 50493 (Sub-No. 45 TA), filed March 4, 1971. Applicant: P. C. M. TRUCKING, INC., 1063 Main Street, Orefield, PA 18069. Applicant's representative: J. William Cain, Jr., 3034 O Street NW., Washington, DC 20007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Magnesium oxide*, in bulk, from Cape May, N.J., to Philadelphia, Pa., (2) *Bicarbonate of soda*, in bulk, from Syracuse, N.Y., to Philadelphia, Pa., (3) *Cobalt carbonate*, in bulk, from Washington, Del., to Philadelphia, Pa., (4) *Manganous oxide, and ferrous sulfate*, in containers, from Baltimore, Md., to Philadelphia, Pa., and (5) *Feed ingredients*, in containers, from Philadelphia, Pa., to points in Delaware, Maine, New Hampshire, Rhode Island, Vermont, West Virginia, and that part of Maryland on and east of a line beginning at the District of Columbia-Maryland State line and extending along U.S. Highway 1 to Baltimore, Md., and thence along U.S. Highway 40 to the Maryland-Delaware State line near Elkton, Md., for 180 days. Supporting Shipper: Sea Board Mineral Feeds, 35th and Grays Ferry Avenue, Philadelphia, PA 19146. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, room 1600, Philadelphia, PA 19102.

No. MC 76032 (Sub-No. 280 TA), filed March 4, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, hydrogen peroxide, plastic articles, electrical hair curlers, electric razors, mirrors*, not bent under 120", moving in mixed and solid truckloads requiring temperature control, from Stamford, Conn., and New York, N.Y., to Portland, Oreg., for 180 days. Supporting shipper: Clairol, 1 Blachley Road, Stamford, CT 06902. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 102567 (Sub-No. 141 TA), filed March 4, 1971. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid weed killing compounds*, in bulk, in tank vehicles, from Schriever, La., to Belle Glade, Pahokee, and Tampa, Fla., and Kingsville, Tex., for 180 days. Supporting shipper: E. E. Bracken, Manager, Truck Transportation, Diamond Shamrock Chemical Co., 610 Euclid Avenue, Cleveland, OH 44114. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 110525 (Sub-No. 996 TA), filed March 4, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine solution*, in bulk, in tank vehicles, from Lake Charles, La., to Marienette, Wis., for 180 days. Supporting shipper: Olin Chemicals, 120 Long Ridge Road, Stamford CT 06904. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 113434 (Sub-No. 42 TA), filed March 4, 1971. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49432. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the distribution center of Michigan Fruit Canners, Inc., approximately 2 miles west of Coloma, Mich., to points in Ohio, for 150 days. NOTE: No tacking nor interlining intended. Supporting shipper: Michigan Fruit Canners, Inc., Post Office Box 206, Coloma, MI 49038 (By M. W. Klintworth, manager). Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 225, Lansing, MI 48933.

No. MC 113651 (Sub-No. 139 TA), filed March 4, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) from the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Michigan, Indiana, Ohio, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; and (2) *Such commodities as are used by meat packers in the conduct of their business*, when destined to and for use by meat packers as described in section D of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Michigan, Indiana, Ohio, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and the District of Columbia to the plantsite and storage facilities of the Illini Beef Packers, Inc., at or near Joslin, Ill., for 180 days. Supporting shipper: Illini Beef Packers, Inc., Illini, Ill. Sent protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, room 204, Fort Wayne, IN 46802.

No. MC 114533 (Sub-No. 225 TA), filed March 4, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komoso (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Flint, Mich., on the one hand, and, on the other, points in Cook (except Chicago), Lake McHenry, Kane, Du Page, Kendall, and Will Counties, Ill., for 180 days. Supporting shipper: Hospital Computer Center, 1500 Genesee Towers, Flint, MI 48502. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 118039 (Sub-No. 13 TA), filed March 5, 1971. Applicant: MUSTANG TRANSPORTATION, INC., 856 Warner Street SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared, or preserved food and foodstuffs*, from Charleston, S.C., to points in Georgia, for 180 days. Supporting shipper: Bentley-Makey, Inc., Post Office Box 8076, San Francisco, CA 94128. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 118989 (Sub-No. 61 TA), filed March 4, 1971. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard boxes*, from Gurnee, Ill., to Terre Haute, and Indianapolis, Ind., for 180 days. Supporting shipper: Hoerner Waldorf Corp., Container Division, 2250 Wabash Avenue, Post Office Box 3260, St. Paul MN 55101. (R. C. Nelson—Transportation Manager.) Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 123048 (Sub-No. 187 TA), filed March 4, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEMS, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul L. Martinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings;* (2) *prefabricated building modules;* (3) *parts, attachments, and fixtures of and for prefabricated buildings and prefabricated building modules; and* (4) *advertising materials, appliances, equipment, fixtures, furnishings, furniture hardware, machinery, and paper, and plastic products and* (5) *materials, equipment and supplies used in the installation and erection of prefabricated buildings and prefabricated buildings modules*, in mixed shipments with prefabricated buildings and prefabricated building modules, from Madison, Wis., to Bay Shore, N.Y., Longmont, Colo., Jefferson City, Tenn., Worthington, and Shakopee, Minn., Patchogue, N.Y., and Branson, Mo., for 180 days. Supporting shipper: Trachte Metal Buildings Co., 102 North Dickinson Street, Madison, WI 53703 (Dennis O'Connell.) Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee WI 53203.

No. MC 124673 (Sub-No. 11 TA), filed March 4, 1971. Applicant: FEED TRANSPORTS, INC., Post Office Box 2167, Pullman Road South, Amarillo, TX 79105. Applicant's representative: L. M. Maples (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, in bulk, and bags, in trailers with special unloading devices, from points in Pratt County, Kans., to points in Curry County, N. Mex., for 150 days. NOTE: Applicant does intend to tack the authority here applied for to other authority held by it in MC-124673. Supporting shipper: Larry Foster, Assistant Manager, Wilbur-Ellis Co., Box 427, Clovis, N. Mex. 88101. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 124774 (Sub-No. 79 TA), filed March 5, 1971. Applicant: NEBRASKA-IOWA REFRIGERATED EXPRESS, INC., Post Office Box 1499, 51108, 3112 Highway 75 North, Sioux City, IA 51105. Applicant's representative: David R. Parker, 14th and J Streets, 300 NSEA Building, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, from Dakota City and West Point, Nebr., and Emporia, Kans., to Boston and Springfield, Mass., Providence, R.I., Hartford, Conn., Philadelphia, Pa., Baltimore, Md., Norfolk and Richmond, Va., District of Columbia; and all points in New York and New Jersey; for 150 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, IA 51101.

No. MC 126367 (Sub-No. 10 TA), filed March 5, 1971. Applicant: EVERGREEN TRUCKING COMPANY, Jewel Route, Box 39, Seaside, OR 97138. Applicant's representative: Fred Slanger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, and shavings*, from points in Washington County, Oreg., to points in Cowlitz County, Wash., for 180 days. Supporting shipper: Ebco Timber Products Corp., Buxton, Oreg. 97109. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

No. MC 134286 (Sub-No. 9 TA), filed March 4, 1971. Applicant ARCTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, IA 51501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Apendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Emporia, Kans., and Dakota City and West Point, Nebr., to Boston and Springfield, Mass., Providence, R.I., Hartford and New Haven, Conn., Philadelphia, Pa., Baltimore, Md., Richmond and Norfolk, Va., Charlotte, Kinston and Greensboro, N.C., Washington, D.C., and points in New York and New Jersey, restricted to traffic originating at plantsites of Iowa Beef Processors, Inc., for 180 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, NE 68731. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, NE 68102.

No. MC 134599 (Sub-No. 13 TA), filed March 4, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys; and advertising and promotional matter when moving at the same time and in the same vehicle with games and toys*, from City of Industry and Compton, Calif., and their commercial zones, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Mattel, Inc., 5150 Rosecrans Avenue, Hawthorne, CA 90250. Send protests to: District Supervisor, Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, CO 80202.

No. MC 135322 (Sub-No. 1 TA), filed March 5, 1971. Applicant: HUSBAND TRANSPORT LIMITED, 10 Center Street, London, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft engines and component parts thereof*, between ports of entry along the United States-Canada boundary line, on the one hand, and, on the other, Southington, East Hartford, and Middleton, Conn., New York, N.Y., Newark, N.J., Chicago, Ill., Seattle, Wash., San Francisco and Los Angeles, Calif., Philadelphia, Pa., Friendship International Airport, Baltimore, Md., Dulles International Airport, Herndon, Va., Logan International Airport, Boston, Mass., Hopkins International Airport, Cleveland, Ohio; O'Hara International Airport, Chicago, Ill., Minneapolis National Airport, Minneapolis, Minn., Buffalo International Airport, Buffalo, N.Y., and Detroit International Airport, Detroit, Mich., for 150 days. Supporting shipper: Air Canada, 1 Place Ville Marie, Montreal 101, Quebec, Canada. Send protests to: District Supervisor, Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 135359 TA, filed March 4, 1971. Applicant: BERNARD BAILEY, Bushwood, MD 20618. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising paraphernalia*, from Williamsburg, Va., to Leonardtown, Md., *used malt beverages containers*, from Leonardtown, Md., to Williamsburg, Va., for 180 days. Supporting shipper: Guy Distributing Co., Inc., Post Office Box 307, Leonardtown, MD 20650. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 135360 TA, filed March 4, 1971. Applicant: JAMES R. FUSTON, doing business as: METRO MOVING & STORAGE CO., 1112 Solana Street, Winter Park, FL 32789. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission and *unaccompanied baggage and personal effects*, between points in Florida south and east of the western boundary of Jefferson County and north of the northern boundaries of Lee, Hendry, and Palm Beach Counties. Restriction: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating and containerization; or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers:

Pyramid Van Lines, Inc., 479 South Airport Boulevard, South San Francisco, CA 94808; Jet Forwarding, Inc., 2945 Columbia Street, Torrance, CA 90503, and Delcher Intercontinental Moving Service, 262 Riverside Avenue, Post Office Box 507, Jacksonville, FL 32203. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations; Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MOTOR CARRIER OF PASSENGERS

No. MC 10302 (Sub-No. 5 TA), filed March 4, 1971. Applicant: THE CHIEPPO BUS COMPANY, 192 Forbes Avenue, New Haven, CT 06512. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, when moving in the same vehicle with passengers, in special, round trip operations, beginning and ending at Danbury, Conn., and extending to New York, N.Y., Aqueduct Race Track, New York, N.Y., Belmont Park, Elmont, N.Y., Roosevelt Raceway, Westbury, N.Y., Saratoga Race Track, Saratoga Springs, N.Y., Yonkers Raceway, Yonkers, N.Y., Lincoln Downs Race Track, Lincoln, R.I., Narragansett Race Track, Pawtucket, R.I., and Green Mountain Racing Park, Pownal, Vt., for 180 days. Supported by: There are approximately 50 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3613 Filed 3-15-71;8:48 am]

[Notice 662]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 11, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72530. By order of February 25, 1971, the Motor Carrier Board approved the transfer to Sigel's Hauling, Inc., Cadiz, Ohio, of the operating rights in Certificate No. MC-134029 issued December 31, 1969, to Sigel Heavy Hauling Co., a corporation, Cadiz, Ohio, authorizing the transportation of mining machinery, equipment, and supplies, between points in Washington, Allegheny, and Fayette Counties, Pa., on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 50, and those in that part of Ohio on and east of U.S. Highway 21. Paul F. Beery, 88 East Broad Street, Suite 1660, Columbus, OH 43215, attorney for applicants.

No. MC-FC-72560. By order of February 24, 1971, the Motor Carrier Board approved the transfer to Hanover Lines, Inc., Allentown, Pa., of Certificate No. MC-114679, issued August 1, 1958, as modified by the Commission in No. MC-FC-71701, approved May 15, 1970, and Certificate No. MC-114679 (Sub-No. 13), issued March 20, 1970, to Howard H. Krapf, doing business as Krapf Truck Service, Allentown, Pa., authorizing the transportation of: Such bulk commodities as are transported in dump trucks, except slag, sand, gravel, and stone; coal, and general commodities, except cement, motor vehicles, commodities in bulk, and commodities that require special equipment, having a prior or subsequent movement by rail; from, to or between specified points in Pennsylvania and New Jersey. Kenneth R. Davis, 999 Union Street, Taylor, PA 18517, applicants' practitioner.

No. MC-FC-72593. By order of February 25, 1971, the Motor Carrier Board approved the transfer to Richard Dean Wendelken, doing business as Rubber City Express, Akron, Ohio, of the operating rights in permit No. MC-76297 issued March 24, 1961, to C. T. Millbaugh and S. E. Millbaugh, a partnership, doing business as C. T. Millbaugh and Son, Barberton, Ohio, authorizing the transportation of scrap tires and tubes, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N.J., and Albany and New York, N.Y., and points on Long Island, N.Y., to Akron, Ohio; chemicals, from Naugatuck, Conn., to Akron, Ohio; tire fabric, from Fall River and New Bedford, Mass., to Akron, Ohio, and such commodities as are manufactured, processed and/or dealt in by rubber manufacturers and steel product manufacturers, and equipment, materials, and supplies used in the conduct of such business, from Akron, Ohio, to points in Rhode Island, Massachusetts, and Connecticut, and specified points in New York and New Jersey. James S. Pedler, Jr., 1 Cascade Plaza, Akron, OH 44308, attorney for applicants.

No. MC-FC-72602. By order of February 25, 1971, the Motor Carrier Board approved the transfer to Evansville & Ohio Valley Transportation Co., Inc., Evansville, Ind., of the operating rights in Certificates Nos. MC-39305 (Corrected), MC-39305 (Sub-No. 1), and MC-39305 (Sub-No. 3), issued October 17, 1968, August 29, 1955, and November 26, 1940, respectively, to Evansville & Ohio Valley Railway Co., Inc., Evansville, Ind., authorizing the transportation of passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, between Evansville, Ind., and Mount Vernon, Ind.; between Evansville, Ind., and Henderson, Ky.; between Grand View, Ind., and Cannelton, Ind., serving all intermediate and off-route points; between Evansville, Ind., and Grand View, Ind., serving the intermediate points in Rockport, Hatfield, Yankeetown, and Newburg, Ind., and between junction Indiana Highways 66 and 75 and Owensboro, Ky., serving all intermediate points. Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, IN 46204, attorney for applicants.

No. MC-FC-72679. By order of February 24, 1971, the Motor Carrier Board approved the transfer to Douglas H. Huntley, doing business as Earl F. Collins, Mover, Brattleboro, Vt., of Certificate No. MC-114205, issued to Earl F. Collins, Sr., Brattleboro, Vt., authorizing the transportation of: New furniture and household goods as defined by the Commission, between specified points and areas in Vermont, New York, New Jersey, Connecticut, Massachusetts, and Pennsylvania. Robert Grussing III, Post Office Box 76, Brattleboro, VT 05301, attorney for applicant.

No. MC-FC-72702. By order of February 25, 1971, the Motor Carrier Board approved the transfer to Saltran, Inc., East Tremonton, Utah, of Permit No. MC-117445 (Sub-No. 2), issued to Darrell Godfrey, East Tremonton, Utah, authorizing the transportation of: Salt, from Saline, Utah, to points in Colorado, Idaho, Montana, and Wyoming. Irene Warr, 419 Judge Building, Salt Lake City, UT 84111, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3614 Filed 3-15-71;8:48 am]

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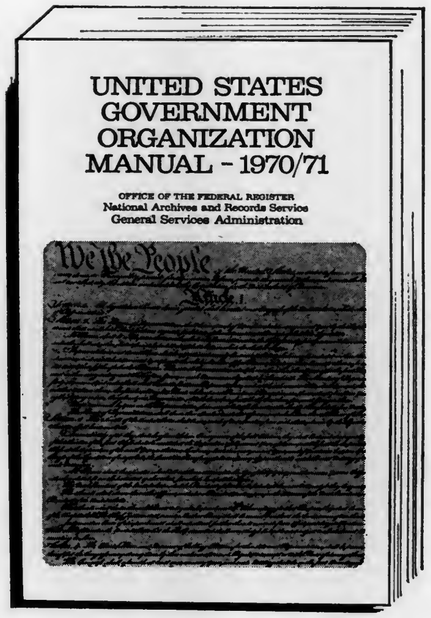
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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that the positions of the Assistant Director for Congressional Affairs and of one Congressional Liaison Representative are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–17–71), paragraphs (i) and (j) are added to § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * * *

(i) Assistant Director for Congressional Affairs.

(j) One Congressional Liaison Representative.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–3660 Filed 3–16–71;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior and Environmental Protection Agency

Sections 213.3312 and 213.3318 are amended to show that (1) the position of Executive Assistant to the Commissioner, Federal Water Pollution Control Administration, is no longer excepted under Schedule C, and (2) the position of Executive Assistant to the Commissioner, Water Quality Office, is excepted under Schedule C.

(1) Effective on publication in the FEDERAL REGISTER (3–17–71), subparagraph (2) of paragraph (n) of § 213.3312 is revoked.

§ 213.3312 Department of the Interior.

* * * * * *

(n) *Federal Water Pollution Control Administration.* * * *

(2) [Revoked]

* * * * * *

2. Paragraph (h) is added to § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * * *

(h) One Executive Assistant to the Commissioner, Water Quality Office.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–3661 Filed 3–16–71;8:46 am]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Confidential Staff Assistant to the Commissioner of Customs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–7–71), subparagraph (4) is added to paragraph (c) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

* * * * * *

(c) *Bureau of Customs.* * * *

(4) One Confidential Staff Assistant to the Commissioner of Customs.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–3761 Filed 3–16–71;8:50 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Confidential Assistant to the Commissioner, Public Buildings Service, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–17–71), subparagraph (2) of paragraph (b) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

* * * * * *

(b) *Public Buildings Service.* * * *

(2) Three Confidential Assistants to the Commissioner.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–3760 Filed 3–16–71;8:50 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 228, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* This provision in paragraph (b)(1) (i), and (ii) of § 907.528 (Navel Orange Regulation 228, 36 F.R. 4262) during the period March 5, through March 12, 1971, are hereby fixed as follows:

§ 907.528 Navel Orange Regulation 228.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 864,000 Cartons;

(ii) District 2: 336,000 Cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 11, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–3659 Filed 3–16–71;8:45 am]

[Lemon Reg. 470, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 910.770 (Lemon Regulation 470, 36 F.R. 4476) during the period March 7, through March 13, 1971, are hereby amended to read as follows:

§ 910.770 Lemon Regulation 470.

* * * * *

(b) *Order.* * * *

(i) District 1: 22,000 Cartons;

(ii) District 2: 228,000 Cartons;

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 12, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–3699 Filed 3–16–71;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10606; Amdt. 39–1177]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1–11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic inspections of the APU air delivery duct non-return valve and replacement of valves found to be cracked on British Aircraft Corp. Model BAC 1–11 200 and 400 series airplanes was published in the FEDERAL REGISTER, 35 F.R. 15228.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only comment received objected to that part of the proposal which would require removal and inspection of the nonreturn valve P/N 1398B000 or 3031B000 at intervals not to exceed 1500 hours' time in service from the last inspection. The commentator stated that his service experience with these valves would justify a greater inspection interval, and recommended that the 1500 hour time interval be changed to 3000 hours. Notwithstanding the experience of the commentator, the manufacturer has advised that a great number of valves from all variants have been viewed and some of the valves have shown flap warpage in excess of the limits with either one or both plates affected. Therefore, the FAA considers that it is necessary to retain the proposed inspection interval.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to Model BAC 1–11 200 and 400 series airplanes.

Compliance is required as indicated.

To prevent malfunction of the auxiliary power unit (APU) air delivery duct nonreturn valve, accomplish the following:

(a) For airplanes having nonreturn valve P/N 525180 installed—

(1) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished within the last 60 hours' time in service, and thereafter at intervals not to exceed 160 hours' time in service from the last inspection until a P/N 1398B000 or 3031B000 nonreturn valve is installed, visually inspect the APU air intake including the fiberglass surround for evidence of overheat discoloration.

(2) If evidence of overheat discoloration is found during the inspection required by subparagraph (1) of this paragraph, before further APU operation, replace the nonreturn valve with a serviceable valve P/N 525180, 1398B000, or 3031B000; replace or repair the overheated structural parts; and refinish the air intake area.

(3) Within the next 320 hours' time in service after the effective date of this AD, unless already accomplished within the last 320 hours' time in service, and thereafter at intervals not to exceed 640 hours' time in service from the last replacement until a nonreturn valve P/N 1398B000 or 3031B000 is installed, replace the nonreturn valve P/N 525180 with a serviceable valve of the same part number which has been inspected in accordance with British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 49–A–PM 3122, issue 2, dated September 25, 1969, or later ARB-approved issue or an FAA-approved equivalent, or replace the nonreturn valve with a serviceable P/N 1398B000 or 3031B000 nonreturn valve.

(b) For airplanes having nonreturn valve P/N 1398B000 or 3031B000 installed, within the next 500 hours' time in service after the effective date of this AD, unless already accomplished within the last 1000 hours' time in service, and thereafter at intervals not to exceed 1500 hours' time in service from the last inspection, remove the APU air delivery duct nonreturn valve and clean and inspect the valve for cracks and dimensional nonconformity in accordance with British Aircraft Corporation Model BAC 1–11 Alert Service Bulletin No. 49–A–PM 3122, Issue 2, dated September 25, 1969, or later ARB-approved issue or an FAA-approved equivalent. If a crack or dimensional nonconformity is found, before further APU operation, replace the nonreturn valve with a serviceable nonreturn valve P/N 1398B000, 3031B000, or 525180.

(c) If a nonreturn valve P/N 525180 is installed in accordance with paragraphs (a) or (b), before further flight, unless already accomplished, install a placard adjacent to the APU control panel in clear view of the pilot, or amend the Airplane Flight Manual limitations section 2, to read as follows:

"Close APU air delivery valve when starting engine from an external supply or by cross-feeding air from an operating engine. Close APU air delivery valve and shut down APU for takeoff and flight operations. Operational use of the APU in flight is prohibited."

The placard may be removed, or the amendment to the Airplane Flight Manual may be deleted, upon replacement of APU air delivery duct nonreturn valve P/N 525180 with non-return valve P/N 1398B000 or 3031B000.

This amendment becomes effective April 16, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C. on March 8, 1971.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[FR Doc. 71–3665 Filed 3–16–71;8:46 am]

[Airspace Docket No. 71–SO–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Mobile, Ala., transition area.

The Mobile transition area is described in § 71.181 (36 F.R. 2140). In the description, reference is made to "Brookley Field." Since the name of this airport has been changed to "Brookley Aerospace Airport," it is necessary to alter the transition are description to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Mobile, Ala., transition area is amended as follows: "* * * Brookley Field * * *" is deleted and "* * * Brookley Aerospace Airport * * *" is substituted therefor wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 4, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc. 71–3666 Filed 3–16–71;8:46 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

PART 367—RULES GOVERNING OFFICIAL UNITED STATES GOVERNMENT ASSISTANCE TO SPONSORS OF INTERNATIONAL EXPOSITIONS HELD IN THE UNITED STATES

CROSS REFERENCE: For a document superseding Part 367 of Chapter III, see F.R. Doc. 71–3649, *infra*.

Chapter VI—Bureau of Domestic Commerce, Department of Commerce

PART 667—OFFICIAL U.S. GOVERNMENT RECOGNITION OF AND PARTICIPATION IN INTERNATIONAL EXPOSITIONS HELD IN UNITED STATES

On November 7, 1970, a notice of proposed rule-making was published by the Department of Commerce in the FEDERAL REGISTER (35 F.R. 17189) stating that the Department was considering regulations implementing the Secretary of Commerce's responsibilities under Public Law 91–269, which establishes an orderly procedure for Federal Government recognition of, and participation in, international expositions to be held in the United States. Interested persons were afforded an opportunity to participate in the proposed rule-making through the submission of written views or comments.

No objections having been received, the Department has decided to issue the regulations, which also supersede the regulations governing U.S. Government assistance to sponsors of international expositions held in the United States found at 15 CFR Part 367, are to be effective 30 days after publication in the FEDERAL REGISTER.

Sec.

667.1 Background and purpose.
667.2 Definitions.
667.3 Application for Federal recognition.
667.4 Action on application.
667.5 Report of the Secretary on Federal recognition.
667.6 Statement for Federal participation.
667.7 Proposed plan for Federal participation.
667.8 Report of the Secretary on Federal participation.

AUTHORITY: The provisions of this Part 667 are issued pursuant to Public Law 91–269 (84 Stat. 271); Department of Commerce Organization Order 40–1A.

§ 667.1 Background and purpose.

The regulations in this part are issued under the authority of Public Law 91–269 (84 Stat. 271), which establishes an orderly procedure for Federal Government recognition of, and participation in, international expositions to be held in the United States. The Act provides, inter alia, that Federal recognition of an exposition is to be granted upon a finding by the President that such recognition will be in the national interest. In making this finding, the President is directed to consider, among other factors, a report from the Secretary of Commerce as to the purposes and reasons for an exposition and the extent of financial and other support to be provided by the State and local officials and business and community leaders where the exposition is to be held, and a report by the Secretary of State to determine whether the exposition is qualified for registration under Bureau of International Exposition (BIE) rules. The BIE is an international organization established by the Paris Convention of 1928 (T.I.A.S. 6548 as amended by T.I.A.S. 6549) to regulate the conduct and scheduling of international expositions in which foreign nations are officially invited to participate. The BIE divides international expositions into different categories and types and requires each member nation to observe specified minimum time intervals in scheduling each of these categories and types of expositions.[1] Under BIE rules, member nations may not ordinarily participate in an international exposition unless such exposition has been approved by the BIE. The United States became a member of the BIE on April 30, 1968, upon ratification of the Paris Convention by the U.S. Senate (114 Cong. Rec. 11012). Federal participation in a recognized international exposition requires a specific authorization by the Congress, upon a finding by the President that such participation would be in the national interest. The Act provides for the transmission to Congress of a participation proposal by the President. This proposal transmits to the Congress information regarding the exposition, including a statement that it has been registered by the BIE and a plan for Federal participation prepared by the Secretary of Commerce in cooperation with other interested Federal departments and agencies.

§ 667.2 Definitions.

For the purposes of this part, except where the context requires otherwise:

(a) "Act" means Public Law 91–269.

(b) "Secretary" means the Secretary of Commerce.

(c) "Director" means the Director, Domestic Trade Fairs and Expositions Staff, Office of Business Services, Bureau of Domestic Commerce, Department of Commerce, Washington, DC 20230.

(d) "Applicant" means a State, County, municipality, a political subdivision of the foregoing, private nonprofit organizations, or individuals filing an application with the Director seeking Federal recognition of an international exposition to be held in the United States.

(e) "Exposition" means an international exposition to be held in the United States for which an application has been filed with the Director seeking Federal recognition under the Act.

§ 667.3 Application for Federal recognition.

(a) Applications for Federal recognition of an exposition shall be filed with, and all official communications in connection therewith addressed to, the Director, Domestic Trade Fairs and Expositions Staff, Bureau of Domestic Commerce, Department of Commerce, Washington, DC 20230.

(b) Every application, exhibit, or enclosure, except where specifically waived

[1] The BIE defines a General Exposition of the First Category as an exposition dealing with progress achieved in a particular field applying to several branches of human activity at which the invited countries are obliged to construct national pavilions. A general Exposition of the Second Category is a similar exposition at which invited countries are not authorized to construct national pavilions, but occupy space provided by the exposition sponsors. Special Category Expositions are those dealing only with one particular technique, raw material, or basic need. The BIE frequency rules require that an interval of 15 years must elapse between General Expositions of the First Category held in the same country, and an interval of 10 years must elapse between General Expositions of the Second Category held in that country. As for Special Category Expositions an interval of 5 years must ordinarily elapse between Special Category Expositions of the same kind, or 3 months between Special Category Expositions of different kinds. These frequency intervals are computed from the date of the opening of the exposition. More detailed BIE classification and criteria and regulations are contained in the Paris Convention of 1928, as amended in 1948 and 1966. Applicants not having a copy of the text of this convention may obtain one by writing the Director.

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by the Director, shall be in quadruplicate duly authenticated and referenced.

(c) Every application shall be in letter form and shall contain the date, address, and official designation of the applicant and shall be signed by an authorized officer or individual.

(d) Every application, except where specifically waived by the Director, shall be accompanied by the following exhibits:

1. *Exhibit No. 1.* A study setting forth in detail the purposes for the exposition, including any historical, geographic, or other significance of the host city, State, or region related to the exposition.

2. *Exhibit No. 2.* An exposition plan setting forth in detail (i) the theme of the exposition and the "storyline" around which the entire exposition is to be developed; (ii) whatever preliminary architectural and design plans are available on the physical layout of the site plus existing and projected structures; (iii) the type of participation proposed in the exposition (e.g., foreign and domestic exhibits); (iv) cultural, sports, and special events planned; (v) the proposed BIE category of the event and evidence of its conformity to the regulations of the BIE, a copy of which can be obtained from the Director upon request; and (vi) the proposed steps that will be taken to protect foreign exhibitors under the BIE model rules and regulations.

3. *Exhibit No. 3.* Documentary evidence of State, regional, and local support (e.g., endorsing letters to the applicant from business and civic leadership of the region, State, and/or municipal resolutions, acts, or appropriations, referendums on bond issues, and others).

4. *Exhibit No. 4.* An organization chart of the proposed exposition management structure of the applicant, including descriptions of the functions and duties of each official position along with bibliographic material on principal officers, if available. (The principal officials should also be prepared to submit subsequent individual statements under oath of their respective financial holdings and other interests.)

5. *Exhibit No. 5.* A statement setting forth in detail (i) the availability of services in existence or projected to accommodate visitors to the exposition (e.g., number of hotel and motel units, number and type of restaurants, health facilities, etc.); and (ii) evidence of adequate transportation facilities and accessibility of the host city to large groups of national and international visitors (e.g., number and schedule of airlines, bus lines, railroads, and truck lines serving the host city).

6. *Exhibit No. 6.* A statement setting forth in detail the applicant's plans for acquiring title to, or the right to occupy and use real property, other than that owned by the applicant or by the United States, essential for implementing the project or projects covered by the application. If the applicant, at the time of filing the application has acquired title to the real property he should submit a certified copy of the deed(s). If the applicant, at the time of filing the application, has by easement, lease, franchise, or otherwise acquired the right to occupy and use real property owned by others, he should submit a certified copy of the appropriate legal instrument(s) evidencing this right.

7. *Exhibit No. 7.* A statement of the latest prevailing hourly wage rates for construction workers in the host city (e.g., carpenters, cement masons, sheet metal workers, etc.).

8. *Exhibit No. 8.* Information on attitudes of labor leaders as to "no strike" agreements during the development and operation of the exposition.

9. *Exhibit No. 9.* A statement setting forth in detail (i) proposed capital investment costs and sources of financing available to meet these costs, including but not limited to funds from State and municipal financing, bond issues, and other public or private sources; (ii) projected expenses for managing the exposition; (iii) projected operational revenues broken down to include admissions, space rental, concessions, service fees and miscellaneous income; and (iv) cost benefit projections.

10. *Exhibit No. 10.* A description of the exposition implementation time schedule and the management control system to be utilized to implement the time schedule (e.g., PERT, CPM, etc.).

11. *Exhibit No. 11.* A statement setting forth in detail the public relations, publicity and other promotional plans of the applicant. For example the statement could include: (i) An outline of the public relations/publicity program broken down by percentage allocations among the various media; (ii) public relations/publicity program budget with the various calendar target dates for completion of phases prior to the opening, the opening and post opening of the exposition; and (iii) protocol plans for United States and foreign dignitaries, as well as for special ceremonies and events and how these plans are to be financed.

12. *Exhibit No. 12.* A study setting forth in detail the economic benefits of the exposition and residual use plans for the area comprising the exposition. For example, the study might include: (i) Extent of immediate economic benefits for the city/region/nation in proportion to total investment in the exposition; (ii) extent of long-range economic benefits for the city/region/nation in proportion to total investment in the exposition; and (iii) extent of intangible (social, psychological, "good-will") benefits accruing to the city/region/nation including the solution or amelioration of any national/local problems.

§ 667.4 Action on application.

(a) Upon receipt of an application, the Director will investigate the application and accompanying exhibits for compliance with the provisions of § 667.3 and report his findings with respect thereto to the Secretary.

(b) In conducting his investigation the Director may hold a public hearing with the objective of clarifying issues that might have been raised by the application. If desired the Director may require the services of an examiner.

(c) If the Director, in his discretion, decides to hold a public hearing, notice of such hearing shall be published in the FEDERAL REGISTER, and a copy of the notice shall be furnished to local newspapers. The notice should state the subject to be considered and when and where the hearing will be held, specifically designating the date, hour, and place.

(d) The following general procedure shall govern the conduct of public hearings: (1) Minutes of the proceedings shall be made, and when advisable shall be taken stenographically; (2) The names and addresses of all parties present or represented at the hearing shall be recorded; and (3) The Director or examiner should read aloud such parts of the Act and of these regulations as bear on the application. He should also read such other important papers, or extracts therefrom, as may be necessary for a full understanding of the issues needed to be clarified. The Director or examiner should impress upon those parties in attendance at the public hearing, and shall specifically state at the commencement of the hearing, that the hearing is not adversary in nature and that the sole objective thereof is to clarify issues that might have been raised by the application.

(e) Within 6 months after receipt of a fully completed application and/or the adjournment of the public hearing, the Director shall submit his report containing his findings on the application to the Secretary.

§ 667.5 Report of the Secretary on Federal recognition.

The Secretary, within a reasonable time after receipt of the report of the Director, shall submit a report to the President. The Secretary's report shall include: (a) An evaluation of the purposes and reasons for the exposition; and (b) a determination as to whether guaranteed financial and other support has been secured by the exposition from affected State and local governments and from business and civic leaders of the region and others in amounts sufficient to assure the successful development and progress of the exposition.

§ 667.6 Statement for Federal participation.

If Federal participation in the exposition, as well as Federal recognition thereof is desired, the applicant shall in a statement to the Director outline the nature of the Federal participation envisioned, including whether construction of a Federal pavilion is contemplated. (It should be noted, however, that before Federal participation can be considered under the Act, the exposition must have (a) met the criteria for Federal recognition and be so recognized, and (b) been registered by the BIE. Accordingly, applicants need not submit such a statement until these prerequisites are satisfied.) Where the Federal participation desired includes the construction of a pavilion, the statement shall be accompanied by the following exhibits:

1. *Exhibit No. 1.* A survey drawing of the proposed Federal pavilion site, showing its area and boundaries, its grade elevations, and surface and subsoil condition.

2. *Exhibit No. 2.* An unexecuted deed evidencing the applicant's ability to convey the real property comprising the proposed Federal pavilion site in fee-simple and free of liens and other encumbrances.

3. *Exhibit No. 3.* A certified copy of the building code which would be applicable should a pavilion be constructed.

4. *Exhibit No. 4.* An engineering drawing showing the accessibility of the proposed pavilion site to utilities (e.g., sewerage, water, gas, electricity, etc.).

5. *Exhibit No. 5.* A statement setting forth the security and maintenance arrangements which the applicant would undertake (and an estimate of their cost) while a pavilion is under construction.

§ 667.7 Proposed plan for Federal participation.

(a) Upon receipt of the statement, and where applicable the exhibits referred to in § 667.6, the Director shall prepare a proposed plan in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition.

(b) In preparing the proposed plan for Federal participation in the exposition the Director may conduct a feasibility study of Federal participation and cost estimates by utilizing the services within the Federal Government and private professional consultants as required.

(c) The Director, in the proposed plan for Federal participation in the exposition, shall determine whether or not a Federal pavilion should be constructed and, if so, whether or not the Government would have need for a permanent structure in the area of the exposition.

(d) The Director shall seek the advice of the Administrator of the General Services Administration to the extent necessary in carrying out the proposed plan for Federal participation in the exposition.

(e) Upon completion of the proposed plan for Federal participation in the exposition, the Director shall submit the plan to the Secretary.

§ 667.8 Report of the Secretary on Federal participation.

Upon receipt of the Director's proposed plan for Federal participation the Secretary, within a reasonable time, shall submit a report to the President including: (a) Evidence that the exposition has met the criteria for Federal recognition and has been so recognized; (b) a statement that the exposition has been registered by the BIE; and (c) the proposed plan for the Federal participation referred to in § 667.7.

WILLIAM D. LEE,
Deputy Assistant Secretary and Director, Bureau of Domestic Commerce.

MARCH 5, 1971.

[FR Doc.71-3649 Filed 3-16-71;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Institutional Committee Review of Clinical Investigations of New Drugs in Human Beings

In the FEDERAL REGISTER of August 22, 1969 (34 F.R. 13552), a notice was published in which the Commissioner of Food and Drugs proposed that § 130.3 be amended to assure that clinical investigations of new drugs on institutionalized human subjects are appropriately supervised in and approved by such institutions and to assure adequate safeguards for the health, safety, and welfare of the human subjects during all phases of clinical studies of new drugs. The notice provided for the filing of comments within 30 days and this was extended to October 21, 1969, by a notice published September 26, 1969 (34 F.R. 14850).

Comments were received from more than 20 representatives of the drug industry and from interested individuals, principally as follows:

A. The Council of Health Organizations, a coalition of medical organizations, including the Medical Committee for Human Rights, The Physicians Forum, and Physicians for Social Responsibility, characterizes the proposal as grossly inadequate, hopelessly fragmentary, and vague. Their major objections are that: The composition of the review committee would not assure sufficient competence or independence; the responsibilities of the review committee are almost totally undefined; the authority of the review committee is undefined; and the range of the new-drug testing situations covered by the committee proposal, which is limited to phase 1 and 2 tests in institutional settings, is too restricted.

B. Representing drug manufacturers, the Pharmaceutical Manufacturers Association and several individual firms generally endorse the establishment of scientifically oriented research committees within institutions engaged in the clinical investigations of new drugs involving institutionalized human subjects to review each proposal for the investigation of new drugs in human beings. They also suggest that:

1. To help insure proper review, an educational program should be launched so that each institution, hospital, and research facility will be made aware of the ethical, moral, scientific, and legal need for research review committees.

2. The disciplines that should be represented on the "peer group committee" should be more specifically defined in the regulation. The goal of the proposal can only be accomplished if the members of the peer group committee are in fact scientific equals of the principle investigator or investigators as stipulated in the WHO principles concerning research review committees.

3. It is impractical to name the review committee membership in Form FD-1571. If this were done, every time the membership of the review committee changed either a new list or a revised Form 1571 would have to be submitted. Furthermore, it is possible that some individuals who would otherwise be willing to serve in this capacity would be unwilling to have their names included in a Government form. Should the identities of the individual members be required by the agency for any particular reason, they could be obtained from the institution concerned without the administrative necessity of having their names listed on a form routinely submitted.

4. The term "approval" as it relates to the responsibility of the peer group committee should be deleted and replaced by the phrase "review and recommend." Final responsibility for disapproval is vested in the Food and Drug Administration and cannot be delegated to other individuals.

5. The prohibition of anyone connected with the research protocol under consideration from participation on the review committee should not preclude participation by an investigator during the "fact finding" review of the proposal. He should be allowed to defend his protocol and should be allowed to discuss the kinds of safeguards he proposes to use.

6. The proposed regulation appears to require that almost any change in the review protocol be reported back to the review committee. This provision could place an unnecessary burden on review committees in busy research institutions. Each research review committee should establish for itself the guidelines to be followed with regard to changes in protocols.

7. The term "research facility" as used in the proposal should be defined as a facility established to perform research as a primary function and not as an activity incidental to patient treatment. Such a definition would exclude a practicing physician's office. The research review provisions would then extend only to those studies conducted within an institution or hospital, which is appropriate and practical.

8. The principles or research review must not be made impractical and unworkable by extending them to every instance in which an individual is being treated by his physician with an experimental drug. There are some Phase II studies involving minor illnesses where a formal research review committee would be impractical and unnecessary. In these cases, a research review committee exists in most research-oriented pharmaceutical houses. Furthermore, there is a review of each protocol by the Food and Drug Administration. Through these means the patient's welfare would be adequately safeguarded.

9. The formation and function of these review committees is a proper role for the hospital or institution concerned and their exact function should be left to the discretion of such organizations. If there is reason to believe that this is not being performed adequately, then an educational campaign should be mounted to assure that these institutions understand the function and requirements of research review so that they may be in a better position to perform that task adequately. In any event, sufficient time should be allowed before implementation of a Federal requirement in order to provide such education. An appropriate time period would be 1 year.

C. The National Academy of Sciences—National Research Council, Drug Review Board, suggest that:

1. The investigator presenting a protocol for review ought to be allowed to participate in the deliberations of the peer committee; however, he should not be permitted to take part in the decisions reached.

2. Changes in protocol are often required as a given investigation proceeds; however, the present peer group proposal does not make clear under what circumstances these changes would require a rereview by the peer group. It is clear that only substantial changes in protocol ought to require this additional review.

3. If foreign investigators conduct studies in other countries under IND's, they should be required to follow the procedure set forth for investigators in the United States.

4. The Code of Helsinki ought to be a minimum basis for the decisions reached by the peer committees.

D. An individual physician suggests that:

1. Peer group committees must not set themselves up as censoring groups except insofar as they function to safeguard patients or volunteers from irresponsible and careless investigators.

2. Some of the suggestions made for expanding the activities of these committees are not realistic in terms of how much work is involved and what the effect may be on the performance of research.

3. A 1-day meeting be held of lawyers, judges, consumer group representatives, the FDA, the drug industry, etc., to bring out all the ramifications and complexities and to develop a workable, realistic program that will protect the public without needlessly hamstringing researchers.

E. The American Society of Hospital Pharmacists, Washington, D.C., suggests that the regulation be changed to indicate that there be pharmacy representation in the peer committees and to provide for the designation of pharmacy and therapeutics committees as peer group committees.

The Commissioner of Food and Drugs, having considered the comments, finds that:

1. To achieve a balanced review of a study that will take into consideration the nature of the research as well as the acceptability of the research in terms of relevant law and community acceptance, varying backgrounds of committee members are essential. The need for broad considerations of the ethical and moral aspects of research in humans, in addition to the scientific justification, is too important to limit review of such proposals to individuals with the same areas of interests, training, and background.

2. In view of the need for committee members with varying backgrounds, referring to the review committee as a "peer committee" is inappropriate. The designation "institutional review committee" is more appropriate.

3. The approval or disapproval of a study is the committee's responsibility. The review by the Food and Drug Administration is in addition to the committee review for those studies that are approved by the committee.

4. The requirement for institutional committee review applies to all three phases of clinical studies on institutionalized human subjects and to studies conducted by an individual investigator affiliated with an institution which agrees to assume responsibility for the study to assure adequate protection of the patient's or subject's interests. The requirements of the regulation as amended below do not extend to clinical studies conducted by an individual investigator independent of any institution. There is a need for extending the protection afforded by this regulation to all human research subjects; however, because of the special problems associated with the subject of a clinical study conducted on noninstitutionalized subjects or patients by an individual investigator, it is preferable to deal with them in a separate proposal. Such a proposal is being developed and will be published in the FEDERAL REGISTER as soon as possible.

5. To obtain detailed guidance in establishing institutional review committees, and to obtain insight into the committee's function and procedures, sponsors should refer to the Grants Administration Manual of the U.S. Department of Health, Education, and Welfare. This manual has been developed by knowledgeable and experienced individuals in the problems of undertaking research in humans. This regulation, therefore, includes many of the detailed guidelines covered by the Grants Administration Manual.

6. To assure objectivity of the committee, neither the sponsor nor the investigator should have a voice in the selection of committe members.

7. It is the committee's responsibility to undertake a continuing review and to keep adequate records to document their review process.

8. The investigator should participate in the committee deliberations only to provide information to the committee members.

9. The term "research facility" is unnecessary in this regulation.

10. An educational program to assure that institutions understand their responsibility under this regulation appears to be essential. Proposals for such programs will be discussed with appropriate organizations.

11. The filing of a notice of claimed investigational exemption for a new drug for investigation abroad requires the same commitment as if the study were undertaken in this country.

12. The Declaration of Helsinki is a general statement regarding protection of the humans used as research subjects. More specific guidance is necessary and in some instances more rigid requirements are needed.

13. The prohibition of anyone connected with the research protocol under consideration from participation in the committee review is not intended to preclude participation by an investigator as a source of information to the committee. The investigator should participate in the committee deliberations to this extent.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 130.3 *New drugs for investigational use in human beings; exemptions from section 505(a)* is amended in paragraph (a):

1. Subparagraph (2), Form FD–1571, by revising the introductory statement of division 10 to read as follows:

10. An outline of any phase or phases of the planned investigations and a description of the institutional review committee, as follows:

2. Subparagraph (2), Form 1571, by adding a new unit c to division 10, as follows:

c. *Institutional review committee.* If the phases of clinical study as described under 10a and b above are conducted on institutionalized subjects or are conducted by an individual affiliated with an institution which agrees to assume responsibility for the study, assurance must be given that an institutional review committee is responsible for initial and continuing review and approval of the proposed clinical study. The membership must be comprised of sufficient members of varying background, that is, lawyers, clergymen, or laymen as well as scientists, to assure complete and adequate review of the research project. The membership must possess not only broad competence to comprehend the nature of the project, but also other competencies necessary to judge the acceptability of the project or activity in terms of institutional regulations, relevant law, standards of professional practice, and community acceptance. Assurance must be presented that neither the sponsor nor the investigator has participated in selection of committee members; that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee); that the investigator will report to the committee for review any emergent problems, serious adverse reactions, or proposed procedural changes which may affect the status of the investigation and that no such change will be made without committee approval except where necessary to eliminate apparent immediate hazards; that reviews of the study will be conducted by the review committee at intervals appropriate to the degree of risk, but not exceeding 1 year, to assure that the research project is being conducted in compliance with the committee's understanding and recommendations; that the review committee is provided all the information on the research project necessary for its complete review of the project; and that the review committee maintains adequate documentation of its activities and develops adequate procedures for reporting its findings to the institution. The documents maintained by the committee are to include the names and qualifications of committee members, records of information provided to subjects in obtaining informed consent, committee discussion on substantive issues and their resolution, committee recommendations, and dated reports of successive reviews as they are performed. Copies of all documents are to be retained for a period of 3 years past the completion or discontinuance of the study and are to be made available upon request to duly authorized representatives of the Food and Drug Administration. (Favorable recommendations by the committee are subject to further appropriate review and rejection by institution officials. Unfavorable recommendations, restrictions, or conditions may not be overruled by the institution officials.) Procedures for the organization and operation of institutional review committees are contained in guidelines issued pursuant to Chapter 140 of the Grants Administration Manual of the U.S. Department of Health, Education, and Welfare, available from the U.S. Government Printing Office. It is recommended that these guidelines be followed in establishing institutional review committees and that the committees function according to the procedures described therein. A signing of the Form FD–1571 will be regarded as providing the above necessary assurances. If the institution, however, has on file with the Department of Health, Education, and Welfare, Division of Research Grants, National Institutes of Health, an "accepted general assurance," and the same committee is to review the proposed study using the same procedures, this is acceptable in lieu of the above assurances and a statement to this effect should be provided with the signed FD–1571. (In addition to sponsor's continuing responsibility to monitor the study, the Food and Drug Administration will undertake investigations in institutions periodically to determine whether the committees are operating in accord with the assurances given by the sponsor.)

3. In subparagraph (2), Form FD–1571, division 14, by changing the period at the end to a semicolon and adding the statement "and for investigations subject to institutional review committee approval as described in item 10c above, an additional statement assuring that the investigation will not be initiated prior to approval of the study by such committee."

4. Subparagraph (12), Form FD–1572, by revising divisions 3 and 5 to read as follows:

3. If the experimental project is to be conducted on institutionalized subjects or is conducted by an individual affiliated with an institution which agrees to assume responsibility for the study, assurance must be given that an institutional review committee is responsible for initial and continuing review and approval of the proposed clinical study. The membership must be comprised of sufficient members of varying background, that is, lawyers, clergymen, or laymen as well as scientists, to assure complete and adequate review of the research project. The membership must possess not only broad competence to comprehend the nature of the project, but also other competencies necessary to judge the acceptability of the project or activity in terms of institutional regulations, relevant law, standards of professional practice, and community acceptance. Assurance must be presented that the investigator has not participated in the selection of committee members; that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee); that the investigator will report to the committee for review any emergent problems, serious adverse reactions, or proposed procedural changes which may affect the status of the investigation and that no such change will be made without committee approval except where necessary to eliminate apparent immediate hazards; that reviews of the study will be conducted by the review committee at intervals appropriate to the degree of risk, but not exceeding 1 year, to assure that the research project is being conducted in compliance with the committee's understanding and recommendations; that the review committee is provided all the information on the research project necessary for its complete review of the project; and that the review committee maintains adequate documentation of its activities and develops adequate procedures for reporting its findings to the institution. The documents maintained by the committee are to include the names and qualifications of committee members, records of information provided to subjects in obtaining informed consent, committee discussion on substantive issues and their resolution, committee recommendations, and dated reports of successive reviews as they are performed. Copies of all documents are to be retained for a period of 3 years past the completion or discontinuance of the study and are to be made available upon request to duly authorized representatives of the Food and Drug Administration. (Favorable recommendations by the committee are subject to further appropriate review and rejection by institution officials. Unfavorable recommendations, restrictions, or conditions may not be overruled by the institution officials.) Procedures for the organization and operation of institutional review committees are contained in guidelines issued pursuant to Chapter 140 of the Grants Administration Manual of the U.S. Department of Health, Education, and Welfare, available from the U.S. Government Printing Office. It is recommended that these guidelines be followed in establishing institutional review committees and that the committees function according to the procedures described therein. A signing of the Form FD–1572 will be regarded as providing the above necessary assurance; however, if the institution has on file with the Department of Health, Education, and Welfare, Division of Research Grants, National Institutes of Health, an "accepted general assurance," and the same committee is to review the proposed study using the same procedures, this is acceptable in lieu of the above assurances and a statement to this effect should be provided with the signed FD–1572. (In addition to sponsor's continuing responsibility to monitor the study, the Food and Drug Administration will undertake investigations in institutions periodically to determine whether the committees are operating in accord with the assurances given by the sponsor.)

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5. A general outline of the project to be undertaken (modification is permitted on the basis of experience gained, without advance submission of amendments to the general outline, but with the approval of the review committee and upon notification of the sponsor).

5. Subparagraph (12), Form FD–1572, by adding to Division 6 a new unit h, as follows:

h. The investigator is required to assure the sponsor that for investigations involving institutionalized subjects the studies will not be initiated until the institutional review committee has reviewed and approved the study. (The organization and procedure requirements for such a committee should be explained to the investigator by the sponsor as set forth in Form FD–1571, division 10, unit c.)

6. Subparagraph (13), Form FD–1573, by revising division 2 to read as follows:

2a. If the investigation is to be conducted on institutionalized subjects or is conducted by an individual affiliated with an institution which agrees to assume responsibility for the study, assurance must be given that an institutional review committee is responsible for initial and continuing review and approval of the proposed clinical study. The membership must be comprised of sufficient members of varying background, that is, lawyers, clergymen, or laymen as well as scientists, to assure complete and adequate review of the research project. The membership must possess not only broad competence to comprehend the nature of the project, but also other competencies necessary to judge the acceptability of the project or activity in terms of institutional regulations, relevant law, standards of professional practice and community acceptance. Assurance must be presented that the investigator has not participated in the selection of committee members; that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee) that the investigator will report to the committee for review any emergent problems, serious adverse reactions, or proposed procedural changes which may affect the status of the investigation and that no such change will be made without committee approval except where necessary to eliminate apparent immediate hazards; that reviews of the study will be conducted by the review committee at intervals appropriate to the degree of risk, but not exceeding 1 year, to assure that the research project is being conducted in compliance with the committee's understanding and recommendations; that the review committee is provided all the information on the research project necessary for its complete review of the project; and that the review committee maintains adequate documentation of its activities and develops adequate procedures for reporting its findings to the institution. The documents maintained by the committee are to include the names and qualifications of committee members, records of information provided to subjects in obtaining informed consent, committee discussion on substantive issues and their resolution, committee recommendations, and dated reports of successive reviews as they are performed. Copies of all documents are to be retained for a period of 3 years past the completion or discontinuance of the study and are to be made available upon request to duly authorized representatives of the Food and Drug Administration. (Favorable recommendations by the committee are subject to further appropriate review and rejection by institution officials. Unfavorable recommendations, restrictions, or conditions may not be overruled by the institution officials.) Procedures for the organization and operation of institutional review committees are contained in guidelines issued pursuant to Chapter 140 of the Grants Administration Manual of the U.S. Government Printing Office. It is recommended that these guidelines be followed in establishing institutional review committees and that the committees function according to the procedures described therein. A signing of the Form FD–1573 will be regarded as providing the above necessary assurances; however, if the institution has on file with the Department of Health, Education, and Welfare, Division of Research Grants, National Institutes of Health, and "accepted general assurance," and the same committee is to review the proposed study using the same procedures, this is acceptable in lieu of the above assurances and a statement to this effect should be provided with the signed FD–1573. (In addition to sponsor's continuing responsibility to monitor the study, the

Food and Drug Administration will undertake investigations in institutions periodically to determine whether the committees are operating in accord with the assurances given by the sponsor.)

b. A description of any clinical laboratory facilities that will be used. (If this information has been submitted to the sponsor and reported by him on Form FD-1571, reference to the previous submission will be adequate).

7. Subparagraph (13), Form 1573, by adding to division 4 a new item h, as follows:

h. The investigator is required to assure the sponsor that for investigations involving institutionalized subjects, the studies will not be initiated until the institutional review committee has reviewed and approved the study. (The organization and procedure requirements for such a committee should be explained to the investigator by the sponsor as set forth in form FD-1571, division 10, unit c.)

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Secs. 505, 701(a), 52 Stat. 1052-53, as amended, 1055; 21 U.S.C. 355, 371(a))

Dated: March 11, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-3686 Filed 3-16-71;8:48 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.633]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Types of Nonimmigrant Visas

Correction

In F.R. Doc. 71-3361 appearing at page 4697 in the issue for Thursday, March 11, 1971, in the second line of § 41.104(a)(3) the word "classified" should read "classifiable".

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1520—CRITERIA FOR DETERMINING WHETHER STATE WORKMEN'S COMPENSATION LAWS PROVIDE ADEQUATE COVERAGE FOR PNEUMOCONIOSIS

On October 9, 1970, it was proposed to amend 29 CFR Chapter XIII by adding thereto a new Part 1520 entitled "Criteria for Determining Whether State Workmen's Compensation Laws Provide Adequate Coverage for Pneumoconiosis" (35 F.R. 15933). Written data, views or arguments of interested persons were invited on the new Part 1520.

After consideration of all the comments received, it has been decided to make several changes and additions to clarify the proposed Part 1520 and to provide more precision in implementing Part C of Title IV of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 795). A new paragraph designated (k), which defines the term "insurer", is inserted in § 1520.2. In response to suggestions, paragraphs (c) of § 1520.3 is revised in the interest of clarity and to make more specific the time requirements for payments of benefits. A new paragraph designated (k), which requires coal mine operators to secure the payment of benefits by either qualifying as a self-insurer or insuring with an insurer, is incorporated in § 1520.3. Also, a new paragraph (o) is added to § 1520.3 requiring assumption of responsibility for the continuation of benefits in 1973 and beyond for claims filed in 1972 and affording a hearing for those mine operators who choose to dispute whether death or total disability resulted from employment for which they are responsible. In addition, a maintenance of effort requirement set forth in paragraph (p) is added at the end of § 1520.3, which prohibits the reduction of benefits previously paid. Other minor changes are also made.

Effective upon publication of this document in the FEDERAL REGISTER, Part 1520 is hereby adopted as set forth below:

Sec.
1520.1 Purpose and scope.
1520.2 Definitions.
1520.3 Provisions of State workmen's compensation laws necessary to provide adequate coverage for pneumoconiosis.

AUTHORITY: The provisions of this Part 1520 issued under secs. 421, 426, 83 Stat. 795, 798.

§ 1520.1 Purpose and scope.

(a) Section 421(a) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 795) provides that on and after January 1, 1973, any claim for benefits (see Title IV, Part B, of the Act for exceptions) for death or total disability due to pneumoconiosis shall be filed pursuant to applicable State workmen's compensation law, except that during any period when miners or their surviving widows are not covered by a State workmen's compensation law which provides adequate coverage for pneumoconiosis they shall be entitled to claim benefits under Title IV, Part C, of the Act. Section 421(b)(1) of the Act provides that a State workmen's compensation law shall not be deemed to provide adequate coverage for pneumoconiosis during any period unless it is included in the list of State laws found by the Secretary of Labor to provide adequate coverage for pneumoconiosis during such period. Section 421(b)(2) of the Act provides that the Secretary of Labor shall include a State workmen's compensation law in such list during any period only if he finds that during such period there are in effect under such law certain provisions specified in the Act, and other provisions as may be prescribed by the Secretary of Labor.

(b) The purpose of this part is to set forth the criteria which the Secretary of Labor and his delegates will use in determining whether a State workmen's compensation law will be included in the list of State workmen's compensation laws which provide adequate coverage for pneumoconiosis during any period.

§ 1520.2 Definitions.

For the purposes of this part, except where the context clearly indicates otherwise:

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742);

(b) "Benefit" means benefits under or pursuant to Title IV, Part C, of the Act for death or total disability of a miner, due to pneumoconiosis;

(c) "Miner" or "coal miner" means any individual who is working or has worked as an employee in an underground coal mine, whether he works under the surface performing functions in extracting the coal or above the surface at the mine preparing the coal so extracted;

(d) "Widow" means the wife living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of his desertion, who has not remarried;

(e) "Dependent" means—

(1) A wife, if—

(i) She is a member of the same household as the miner; or

(ii) She is receiving regular contributions from the miner for her support; or

(iii) The miner has been ordered by a court to contribute to her support; and

(2) An unmarried child, while living with the miner or receiving regular contributions from the miner toward his support, and who is—

(i) Under 18 years of age; or, if he is a student as defined by 5 U.S.C. 8101 (and as applied in 20 CFR 1.14(c)) at the time he reaches 18 years of age, for so long as he continues to be such a student or until he marries; or

(ii) Over 18 years of age and incapable of self-support because of physical or mental disability;

(f) "Coal Mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(g) "Underground coal mine" means a coal mine in which the earth and other materials which lie above the natural deposit of coal (overburden) is not removed in mining. In addition to the natural deposit of coal in the earth, the underground coal mine includes all land, buildings, and equipment appurtenant thereto;

(h) "The Nation's underground coal mines" means all underground coal mines as defined in paragraph (g) of this section, located in a State as defined in paragraph (l) of this section;

(i) "Employee" means every person, including a minor, whether lawfully or unlawfully employed, in the service of an employer under any contract of hire or apprenticeship, express or implied and any helper or assistant of a miner whether paid by the employer or miner, if employed with the knowledge, actual or constructive, of the employer;

(j) "Pneumoconiosis" means a chronic dust disease of the lung arising out of employment in the Nation's underground coal mines, and includes anthracosis, coal workers' pneumoconiosis, silicosis, or anthracosilicosis arising out of such employment;

(k) "Insurer" means any private company, corporation, mutual association, reciprocal or interinsurance exchange, or any other person or fund, including any State fund, authorized under the laws of a State to insure workmen's compensation;

(l) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(m) "State agency" means the agency or officer designated by the workmen's compensation law of a State to administer such law;

(n) "Workmen's compensation law" means a law providing for payment of compensation by employers to employees and their dependents for injury, occupational disease, or death, suffered in connection with employment.

(o) The definitions contained in this section shall not be considered to derogate from the terms of the Coal Mine Health and Safety Act of 1969.

§ 1520.3 Provisions of State workmen's compensation laws necessary to provide adequate coverage for pneumoconiosis.

The Secretary of Labor will find that a State workmen's compensation law provides adequate coverage for pneumoconiosis during any period, and will include the State law in the list of State workmen's compensation laws found to provide such coverage, only if he finds that during such period under such law:

(a) Benefits are paid for total disability or death of a miner, due to pneumoconiosis, in a cash amount equal to, or greater than, the amount of benefits prescribed by section 412(a) of the Act. Thus:

(1) In the case of total disability of a miner, due to pneumoconiosis, the disabled miner must be paid benefits during the period of the disability at a rate equal to or greater than 50 percent of the minimum monthly payment to which a Federal employee in Grade GS-2, who is totally disabled, is entitled at the time of payment under 5 U.S.C. chapter 81;

(2) In the case of death of a miner, due to pneumoconiosis, or of a miner receiving benefits under Title IV, Part C, of the Act, benefits must be paid to his widow, if any, at least at the rate the deceased miner would receive such benefits if he were totally disabled;

(3) If, in a case described in subparagraphs (1) or (2) of this paragraph, the individual entitled to benefit payments has one or more dependents (see § 1520.2(e)), the benefit payments must be increased at least at the rate of 50 percent of such benefit payments if the individual has only one dependent, 75 percent if the individual has only two dependents, and 100 percent if the individual has three or more dependents;

(b) There are in effect provisions for the appointment, for any person who is mentally incompetent, of a guardian, conservator, or similar representative to receive compensation payable to such person under the law;

(c) Provisions are made for the payment of benefits periodically, promptly, and directly to the person entitled thereto, unless liability to pay benefits is controverted by the employer or insurer, including provisions requiring, except where the State agency for reasonable cause determines otherwise,

(1) That the first installment of compensation is due and payable no later than 15 days after the employer has knowledge of the disability or death;

(2) That, after payment of the first installment, compensation becomes due and payable not less often than semimonthly; and

(3) Providing, except where compensation is payable from a State fund, penalties for failure to pay compensation with or without an award within 15 days after it becomes due;

(d) In any case in which payments of benefits are being made without an award by an employer or insurer, and in any case where the right to benefits is controverted or payments of compensation have been stopped or suspended, the State agency is required to make such investigations, to cause such medical examinations to be made, to hold such hearings, and to take such further actions as will adequately protect the rights of all parties concerned;

(e) (1) Any assignment or release of compensation or benefits due and payable under the law is declared invalid;

(2) Such compensation or benefits are exempt from all claims of creditors and from levy, execution, attachment, garnishment, or any other remedy for recovery or collection of a debt, which exemption may not be waived; and

(3) Except where compensation is payable from a State fund, any person entitled to compensation has a lien against the assets of the insurer or employer for such compensation, and, upon insolvency, bankruptcy, or reorganization in bankruptcy, of the insurer or employer, or both, is entitled to preference and priority in the distribution of the assets of the insurer or employer, or both;

(f) The standards for determining death or total disability due to pneumoconiosis are substantially equivalent to those established by section 411 of the Act, and by regulations of the Secretary of Health, Education, and Welfare promulgated thereunder (see 20 CFR Part 410, Subpart D);

(g) A claim for benefits on account of total disability or death of a miner, due to pneumoconiosis, is deemed to be timely filed if such claim is filed within 3 years of the discovery of the total disability or the date of such death, as the case may be;

(h) In any proceeding for the enforcement of a claim for compensation under the law, it is presumed, in the absence of substantial evidence to the contrary that the claim comes within the provisions of the law;

(i) If compensation liability may be discharged by payment of a lump sum, such discharge is subject to the following conditions:

(1) The lump sum is equal to or greater than, the present value of future compensation payments otherwise payable under the law, computed at no more than 4 percent true discount compounded annually. The probabilities of the death of a disabled worker or of the remarriage of a widow must be determined in accordance with the American Experience Tables of Mortality and the Remarriage Tables of the Dutch Royal Insurance Institution respectively; and

(2) The lump sum settlement is approved by the State agency on the basis of a finding that the settlement is in the interests of the claimant;

(j) Any agreement by an employee to pay any portion of the workmen's compensation insurance premium to be paid by his employer to an insurer, or to contribute to a fund maintained for the purpose of providing compensation or other benefits required by the law, or to waive his right to compensation and other benefits is prohibited and/or declared invalid;

(k) There are in effect provisions requiring each operator of an underground coal mine, where one or more miners are employed, to secure the payment of benefits by qualifying as a self-insurer or by insuring and keeping insured with an insurer as defined in this part;

(l) A coal mine operator who has acquired such mine, or substantially all of the assets thereof, from a person (prior operator) who was an operator of such mine on or after December 30, 1969, is liable for, and must secure the payment of, all benefits which would have been payable by that person with respect to miners previously employed in such mine if the acquisition had not occurred and that person had continued to operate such mine; and that person is not relieved of any liability under the law;

(m) Provisions are made for such methods of administration as are found by the Secretary of Labor, or his designee, to be reasonably calculated to insure full payment of compensation when due, including provisions—

(1) For the administration of the law by a State agency, with powers to make or cause to be made all necessary investigations, inquiries, and examinations, and to conduct hearings, in connection with claims for compensation for death or total disability due to pneumoconiosis;

(2) Requiring the State agency and State courts to approve fees for legal services rendered to a claimant in connection with such a claim;

(3) Requiring the substitution of the insurer for any coal mine operator who is not a self-insurer in order that liability for compensation be discharged, and regulating the cancellation of insurance with respect to total disability or death due to pneumoconiosis;

(4) Requiring the posting by the employer of conspicuous notices showing compliance with the provisions of the law; and

(5) Requiring that coal mine employees with pneumoconiosis be offered vocational rehabilitation in all cases, where it is feasible;

(n) (1) With respect to any claim for benefits for death or total disability due to pneumoconiosis, there must be afforded: (i) An opportunity for a fair hearing to the employer or insurer and the claimant before final administrative decision is made on such claim; and (ii) An opportunity for judicial review of such administrative decision.

(2) If a proper court determines that proceedings in respect of a claim for compensation or a compensation order have been instituted or continued without reasonable grounds, the cost of the proceedings must be assessed against the party who has instituted or continued the proceedings;

(o) There are in effect provisions for the payment, after December 31, 1972, of benefits for total disability or death due to pneumoconiosis, to claimants whose claims were filed during the calendar year 1972 under Title IV, Part B, of the Act, which provisions shall: (1) Accord recognition to the filing and any adjudication under Part B as satisfying the requirements of the State law in respect of the filing of a claim for such benefits and adjudication of the issues, if any, previously adjudicated under Part B; and (2) Provide for adjudication of any issues not so previously adjudicated and, where the issue of liability of any mine operator to pay or secure such benefits is presented for determination, afford the mine operator an opportunity to be heard on the relationship between the pneumoconiosis and employment in a mine operated by him; and

(p) Any reduction, after the date of enactment of the Act, of benefits previously paid to persons, for total disability or death due to pneumoconiosis under the State's laws which are applicable to its general work force with regard to workmen's compensation, unemployment compensation, or disability insurance, is prohibited even though the amount of the reduced benefits equals or exceeds the amount prescribed in paragraph (a) of this section.

Signed at Washington, D.C., this 12th day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-3655 Filed 3-16-71;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER A—OFFICIAL RECORDS

PART 701—AVAILABILITY OF OFFICIAL RECORDS

Miscellaneous Amendments

In Part 701, of Chapter VI of Title 32 of the Code of Federal Regulations, the following sections are deleted:

Sec.
701.2 Official records in civil court.
701.3 Production of official records in the absence of court order.
701.4 Deviations.
701.5 Certificates of full faith and credit.

These sections have been incorporated into Part 720 of Chapter VI of Title 32 of the Code of Federal Regulations, Subpart C.

[SEAL] MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

MARCH 11, 1971.

[FR Doc.71-3662 Filed 3-16-71;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 70-138A]

PART 110—ANCHORAGE REGULATIONS

Anchorage Grounds, Hampton Roads, Va., and Adjacent Waters

The purpose of this amendment to the Anchorage Regulations, Part 110 of Title 33 of the Code of Federal Regulations, is to establish two anchorage grounds for construction barges in Hampton Roads.

This amendment is based on a notice of proposed rule making (CGFR 70-138) issued on December 17, 1970, and published in the FEDERAL REGISTER on December 22, 1970 (35 F.R. 19362) and Public Notice 5-110 issued by the Commander, Fifth Coast Guard District, on October 5, 1970. No comments were received concerning the Public Notice or notice of proposed rule making.

This amendment to § 110.168(a) establishes and describes two anchorage grounds which will provide moorings for sand and gravel barges close to the construction site of the second Hampton Roads Bridge-Tunnel.

Therefore, § 110.168(a) is amended by adding new subparagraphs (8) and (9) to read as follows:

§ 110.168 Hampton Roads, Va., and adjacent waters.

(a) * * *

(8) *Anchorage T-1, Construction Barges.* Anchorage T-1, is a 300-yard diameter area with the center at latitude 37°00'30" N., longitude 76°19'07" W. (200 yards west of buoy No. 9, Phoebus Channel). This anchorage is for the exclusive use of barges used in the construction of the second Hampton Roads Bridge-Tunnel.

(9) *Anchorage T-2, Construction Barges.* Anchorage T-2 is a 200-yard diameter area with the center at latitude 36°59'10" N., longitude 76°18'15" W. (200 yards west of the present South Island of the Hampton Roads Bridge-Tunnel). This anchorage is for the exclusive use of barges used in the construction of the second Hampton Roads Bridge-Tunnel. Any barge mooring in this anchorage must be tended by a boat or boats capable of maneuvering the barge in case of emergency. No barge may moor in this anchorage for more than six (6) hours.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1) (35 F.R. 4959, 33 CFR 1.05-1(c)(1) (35 F.R. 8279))

Effective date: This amendment shall become effective on April 15, 1971.

Dated: March 11, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-3673 Filed 3-16-71;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5029]

[Colorado 1269]

COLORADO

Withdrawal for Oil Shale

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the deposits of oil shale and lands containing such deposits, owned by the United States and under the administrative jurisdiction of the Department of the Interior in the following described lands, are hereby withdrawn (1) from appropriation under the U.S. mining laws relating to metalliferous minerals, and (2) from sodium leasing except as hereafter provided, for protection of the multiple development of the minerals and other resources in the lands:

SIXTH PRINCIPAL MERIDIAN

T. 2 N., R. 104 W.,
Fractional sections 10, 15, 22, 27, 34.

The area described aggregates 780.56 acres in Rio Blanco County.

2. Any sodium prospecting permit or preference right lease that may issue on these oil shale lands will be restricted to those beds valuable for sodium which the Secretary of the Interior or his delegate determines to be workable without removal of significant amounts of organic matter and without significant damage to oil shale beds.

3. Leases or permits in effect on January 27, 1967, are not affected by this order except that in negotiations of any renewals thereof, the provisions of paragraph 2 of this order will apply.

4. This order supplements but does not otherwise affect the withdrawal for oil shale made by Executive Order 5327 of April 15, 1930, and by Public Land Order No. 4522 of September 13, 1968, and modifications thereof.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 11, 1970.

[FR Doc.71-3664 Filed 3-16-71;8:46 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Squaw Creek National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3-17-71).

§ 33.5 Special regulations; Sport fishing; for individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Mo., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Sport Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: May 1, 1971, through September 15, 1971, daylight hours only.
(2) Spearing or gigging is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through September 15, 1971.

HAROLD H. BURGESS,
Refuge Manager, Squaw Creek National Wildlife Refuge, Mound City, Mo.

MARCH 9, 1971.

[FR Doc.71-3663 Filed 3-16-71;8:46 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-384; Order 426]

ACCOUNTING FOR NATURAL GAS STORED UNDERGROUND AND LIQUEFIED NATURAL GAS STORAGE FACILITIES

MARCH 10, 1971.

On March 20, 1970, the Commission issued a notice of proposed rulemaking in this proceeding (35 F.R. 5266, Mar. 28, 1970) proposing to amend its Uniform Systems of Accounts for Class A and Class B and Class C Natural Gas Companies and FPC Form No. 2 Annual Report for Natural Gas Companies (Class A and B) consistent with amendments to the Uniform System of Accounts.

Comments were invited from interested parties to be submitted by May 4, 1970. An extension of time to June 30, 1970, was granted for filing comments (35 F.R. 7262, May 5, 1970). At the request of the Independent Natural Gas Association of America for a conference on the rulemaking, notice was given to all respondents and a conference was held on October 1, 1970.

The changes to accounts in the Uniform System of Accounts for natural gas underground storage proposed in the rulemaking arose from a review of intangible property rights (gas rights, storage rights, etc.) which was extended to include all aspects of accounting for underground storage for natural gas. The following revisions to the accounting for underground storage were proposed:

1. Based on the premise that a portion of the natural gas stored underground is needed as a pressure base and will not be recovered, it was proposed to transfer this nonrecoverable gas from inventory Account 117, Gas stored underground-noncurrent, to new Account 352.3, Nonrecoverable natural gas (under Account 101, Gas plant in service). The cost of nonrecoverable gas would then be subject to depreciation on the same basis as the related physical plant and such gas devoted to storage purposes would be permanently priced at the cost when first devoted to storage. The note to Account 117 authorizing, with Commission approval, reserves for gas losses would be deleted.

2. Since gas losses from underground storage sometimes occur without knowledge and through no fault of the natural gas companies, it was proposed to modify Account 823, Gas losses, to allow, with Commission approval, amortization over future periods to that account of substantial gas losses or adjustments.

3. Because the provisions contained in leaseholds and rights are similar in nature and because it is difficult, if not impossible, to distinguish between them, it was proposed that Accounts 350.2, Leaseholds, 350.3, Storage rights, and 350.5, Gas rights, be deleted from the Uniform Systems of Accounts and the costs formerly contained in those accounts be included in one account, new Account 352.1, Storage leaseholds and rights.

4. Addition of new Account 352.2, Reservoirs, was proposed for recording the accumulated costs of reservoir development.

5. Redesignation of "Storage Plant" as "Natural Gas Storage Plant" was proposed to distinguish the natural gas storage facilities from those used for the storage of products extracted from natural gas. Natural Gas Storage plant would be identified as a separate function and applicable to both transmission and distribution companies.

6. Revision of renumbering of certain account and functional expense classifications consistent with the above revisions was proposed.

So that liquefied natural gas storage facilities may be accommodated in the Uniform Systems of Accounts, the rulemaking proposed that "Local Storage Plant" be redesignated as "Other Storage Plant." The accounts would then be used for liquefied natural gas storage facilities by both transmission and distribution companies. In addition, new accounts were proposed for major items of equipment utilized in connection with liquefied natural gas storage and changes were proposed in the related expense accounts to accommodate expenses related to liquefied natural gas storage.

The proposed changes to FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by section 260.1 of this chapter, included modifications to reflect the changes in the Uniform Systems of Accounts and to show the inventory of natural gas in Other Storage. These modifications involved the following schedules: Comparative Balance Sheet, Assets and Other Debits, Gas Stored Underground, Gas Plant in Service, Gas Operation and Maintenance Expenses, and Underground Gas Storage.

In response to the notice of rulemaking, the Commission received comments from

seven respondents.[1] Representatives from one association and seven natural gas pipeline companies attended the conference on the rulemaking.[2]

The respondents to the rulemaking were in general agreement with the proposed revisions. Certain suggested changes were received and the conferees, in general, placed further emphasis on the suggested changes. We are adopting several of the suggested changes. We will discuss the more significant changes suggested by the respondents and conferees.

After consideration of the comments to the rulemaking, we are deleting the requirement that the cost of the liquefaction process shall be included in Account 164.2, Liquefied natural gas stored. It appears that liquefied natural gas is not the conventional type inventory in that it requires constant processing and may remain in storage for a considerable period of time depending upon its demand for peaking service. Inclusion of the processing costs in the inventory could, in some instances, result in the cost of the stored gas exceeding the selling price.

Comments were received that the use of proposed new plant Account 352.3, Nonrecoverable natural gas, should be optional for the nonrecoverable gas because the cost of such gas would be subject to depreciation and the depreciation expense may not be recovered in the cost of service because of regulatory lag. Although we believe that accounting and ratemaking principles should be uniform, we are rejecting the proposal because it is not practicable to time changes with rate filings.

Comment was received from a respondent having a reserve for estimated natural gas losses that the present note to Account 117, Natural gas stored underground—noncurrent, authorizing such reserves with Commission approval, should not be deleted. The note was proposed to be deleted because nonrecoverable natural gas used for cushion purposes would be expensed by depreciation accruals. However the respondent pointed out that there are other gas losses from what would otherwise be recoverable gas inventory due to migration of the gas or entrapment of the gas in sand or water. The respondent requests that it be permitted to continue to systematically accrue for these estimated losses. We agree that such losses should be recognized. In lieu of retaining the note to Account 117, however, we are providing herein that prior Commission authorizations to natural gas companies to currently recognize these estimated losses are not disturbed by deletion of the note. Companies presently authorized such reserves shall, on the effective date of this order, close the balances in their reserve accounts to Account 117. In the future, the estimated losses are to be credited directly to Account 117.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of title 5 of the United States Code.

(2) The amendments to Parts 201 and 204 of the Commission's Uniform System of Accounts for Natural Gas Companies and Annual Report Form No. 2 prescribed by § 260.1, in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the changes prescribed herein which were not included in the notice in this proceeding are of a minor nature, further notice thereof is unnecessary.

(4) Since the revised schedules of FPC Form No. 2 are being prescribed for the reporting year 1971, good cause exists for making the amendments to our Uniform System of Accounts effective January 1, 1971.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS A AND B)

(A) The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Chart of Balance Sheet Accounts is amended by changing account "164, Gas Stored Underground—Current" to "164.1, Gas Stored Underground—Current." Immediately following account "164.1, Gas Stored Underground—Current" a new account "164.2, Liquefied Natural Gas Stored" is added. As amended, the Chart of Balance Sheet Accounts reads:

Balance Sheet Accounts

(Chart of Accounts)

* * * * * * *

3. CURRENT AND ACCRUED ASSETS

* * * * * * *

164.1 Gas stored underground—Current.
164.2 Liquefied natural gas stored.

* * * * * * *

2. The text of the Balance Sheet Accounts is amended as follows:

(a) The second sentence of paragraph C of account "108, Accumulated Provisions for Depreciation of Gas Plant in Service" is amended.

(b) In account "117, Gas Stored Underground—Noncurrent" paragraphs A, D, F, and G are amended and the note is deleted.

(c) Change the title of account "164, Gas Stored Underground—Current" to "164.1, Gas Stored Underground—Current."

(d) Add immediately following account "164.1, Gas Stored Underground—Current" new account "164.2, Liquefied Natural Gas Stored." As amended, the text of the Balance Sheet Accounts reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * * * *

108 Accumulated provisions for depreciation of gas plant in service.

* * * * * * *

C. * * * For purposes of analysis, however, each utility shall maintain subsidiary records in which this account is segregated according to the following functional classification for gas plant: (1) Production—manufactured gas, (2) Production and gathering—natural gas, (3) Products extraction—natural gas, (4) Underground gas storage, (5) Other storage, (6) Transmission, (7) Distribution, and (8) General.

* * * * * * *

117 Gas stored underground—Noncurrent.

A. This account shall include the cost of recoverable gas purchased or produced by the utility which is stored in depleted or partially depleted gas or oil fields, or other underground reservoirs, and held for use in meeting service requirements of the utility's customers. * * *

* * * * * * *

D. If the gas of any storage project is withdrawn below the amount established as "base stock" or encroaches upon native gas of a storage reservoir, and such gas is to be replaced within 12 months, it shall be permissible to price such gas at the estimated cost of replacement with purchased gas and to record a deferred credit therefor. For the purpose of this instruction, account 808, Gas Withdrawn from Storage—Debit, shall be charged with the estimated cost of such replacement gas and account 253, Other Deferred Credits, credited. When replacement of the gas is made the amount in account 253 shall be cleared and this account credited. This accounting will not affect normal accounting for inputs and withdrawals from storage.

* * * * * * *

F. Amounts debited to this account for gas placed in storage shall be credited to account 809, Gas Delivered to Storage—Credit. Amounts credited to this account for gas withdrawn from storage shall be debited to account 808, Gas Withdrawn from Storage—Debit.

* * * * * * *

G. Adjustments for inventory losses due to cumulative inaccuracies of gas measurements, or from other causes, shall be charged to account 823, Gas Losses. In the operation of storage projects, the utility shall maintain such procedures of verification as will disclose and result in prompt accounting recognition of significant losses.

This account shall be credited with an amount equal to that debited to account 164.1, Gas Stored Underground—Current, to classify for balance sheet purposes such portion of the total inventory of gas stored underground as constitutes a current asset according to conventional rules for classification of current assets. (See account 164.1.)

* * * * * * *

3. CURRENT AND ACCRUED ASSETS

* * * * * * *

164.1 Gas stored underground—current.

* * * * * * *

164.2 Liquefied natural gas stored.

A. This account shall include the cost of liquefied natural gas stored in above or below ground facilities.

B. Natural gas purchased in a liquefied form shall be priced at the cost of such gas to the utility. Natural gas liquefied by the utility shall be priced according to generally accepted methods of cost determination consistently applied from year to year. Transmission expenses for facilities of the utility used in moving the gas to the storage facilities shall not be included in the inventory of gas except as may be authorized by the Commission.

C. Amounts debited to this account for natural gas placed in storage shall be credited to account 809, Gas Delivered to Storage—Credit. Amounts credited to this account for gas withdrawn from storage shall be debited to account 808, Gas Withdrawn from Storage—Debit.

D. Withdrawals of gas may be priced according to the first-in-first-out, last-in-first-out, or weighted average cost method provided the method adopted by the utility is used consistently from year to year and inventory records are maintained in accordance therewith. Commission approval must be obtained for any other pricing method or for any change in the pricing method adopted by the utility. Separate records shall be maintained for each storage project of the Mcf of gas delivered to storage and remaining in storage.

E. Adjustments for inventory losses shall be charged to account 842.3, Gas Losses.

* * * * * * *

3. The Chart of Gas Plant Accounts is amended as follows:

(a) Change the title of section "3. Storage Plant" to "3. Natural Gas Storage Plant" and subsection B thereof from "B. Local Storage Plant" to "B. Other Storage Plant."

(b) Delete accounts "350.2, Leaseholds, 350.3, Storage Rights" and "350.5, Gas Rights."

(c) Change the title of account "350.4, Rights-of-Way" to "350.2, Rights-of-Way."

(d) Add immediately following account "352, Wells" the following new accounts: "352.1, Storage Leaseholds and Rights, 352.2, Reservoirs" and "352.3, Nonrecoverable Natural Gas."

(e) Change the title of account "363, Other Equipment" to "363.5, Other Equipment" and add immediately following account "362, Gas Holders" the following new accounts: "363, Purification Equipment, 363.1, Liquefaction Equipment, 363.2, Vaporizing Equipment, 363.3, Compressor Equipment" and "363.4, Measuring and Regulating Equipment." As amended, the Chart of the Gas Plant Accounts reads:

Gas Plant Accounts

(Chart of Accounts)

* * * * * * *

3. NATURAL GAS STORAGE PLANT

A. UNDERGROUND STORAGE PLANT

350.1 Land.
350.2 Rights-of-way.
351 Structures and improvements.
352 Wells.
352.1 Storage leaseholds and rights.
352.2 Reservoirs.
352.3 Nonrecoverable natural gas.
353 Lines.
354 Compressor station equipment.
355 Measuring and regulating equipment.
356 Purification equipment.
357 Other equipment.

B. OTHER STORAGE PLANT

360 Land and land rights.
361 Structures and improvements.
362 Gas holders.
363 Purification equipment.
363.1 Liquefaction equipment.
363.2 Vaporizing equipment.
363.3 Compressor equipment.
363.4 Measuring and regulating equipment.
363.5 Other equipment.

* * * * * * *

4. The text of Gas Plant Accounts is amended as follows:

(a) Change the title of section "3. Storage Plant" to "3. Natural Gas Storage Plant" and insert immediately following the amended section heading a new prefatory paragraph.

(b) Delete accounts "350.2, Leaseholds, 350.3, Storage Rights" and "350.5, Gas Rights" and change the title of account "350.4, Rights-of-Way" to "350.2, Rights-of-Way."

(c) Add immediately following account "352, Wells," the following new accounts "352.1, Storage Leaseholds and Rights, 352.2, Reservoirs", and "352.3, Nonrecoverable Natural Gas."

(d) Change the title of subsection B under section 3 "B. Local Storage Plant" to "B. Other Storage Plant."

(e) Amend the first sentence in account "360, Land and Land Rights" and "361, Structures and Improvements."

(f) Amend account "362, Gas Holders."

(g) Change the title of account "363, Other Equipment" to "363.5, Other Equipment" amend the first sentence thereof and delete item "2. Compressor" from the item list thereunder and redesignate items "3. Foundation, 4. Gauges and instruments" and "5. Regulating apparatus" as "2. Foundation, 3. Gauges and instruments" and "4. Regulating apparatus."

(h) Add immediately following account "362, Gas Holders" the following new accounts "363, Purification Equipment, 363.1, Liquefaction Equipment, 363.2, Vaporizing Equipment, 363.3, Compressor Equipment" and "363.4, Measuring and Regulating Equipment." As amended, the text of the Gas Plant Accounts reads:

Gas Plant Accounts

* * * * * * *

3. NATURAL GAS STORAGE PLANT

These accounts are to be used by both transmission and distribution companies for natural gas storage facilities. If the utility operates both transmission and distribution systems, subaccounts shall be maintained classifying the storage facilities to the transmission or distribution function.

A. UNDERGROUND STORAGE PLANT

* * * * * * *

350.2 Rights-of-Way.

* * * * * * *

352.1 Storage leaseholds and rights.

A. This account shall include the cost of leaseholds, storage rights, mineral deeds, etc. on lands for the purpose of utilizing subsurface reservoirs for underground gas storage operations. (See gas plant instruction 7–G.)

B. Exclude from this account rents or other charges paid periodically for use of subsurface reservoirs for underground gas storage purposes.

NOTE: Items such as buildings, wells, lines, equipment and recoverable gas used in storage operations acquired with land or storage leaseholds and rights are to be classified in the appropriate accounts.

352.2 Reservoirs.

This account shall include costs to prepare underground reservoirs for the storage of natural gas.

ITEMS

1. geological, geophysical and seismic costs.
2. Plugging abandoned wells.
3. Fuel and power.
4. Drilling and equipping fresh water wells, disposal wells, and solution wells.
5. Leaching of salt dome caverns.
6. Rentals on storage rights and leases incurred during construction and development period.
7. Gas used during the development period.
8. Costs incident to maintaining covenants of production leaseholds during the period required to convert them to storage leaseholds.
9. Other rehabilitation work.

352.3 Nonrecoverable natural gas.

A. This account shall include the cost of gas in underground reservoirs, including depleted gas or oil fields and other underground caverns or reservoirs used for the storage of gas which will not be recoverable.

[1] The American Gas Association, Consolidated Gas Supply Corp. and Lake Shore Pipe Line Co., Consumers Power Co., Independent Natural Gas Association of America, Northern Natural Gas Co., and Texas Eastern Transmission Corp.

[2] Representatives from the Columbia Gas Corp., Consolidated Gas Supply Corp., Independent Natural Gas Association of America, Natural Gas Pipeline Corp., Northern Natural Gas Co., Tennessee Gas Pipeline Corp., a division of Tenneco, Texas Eastern Transmission Corp., and Transcontinental Gas Pipe Line Corp.

B. Such nonrecoverable gas shall be priced at the acquisition cost of native gas or, when acquired for storage by purchase or presumed to be supplied from the utility's own production, priced as outlined in Paragraph B of account 117, Gas Stored Underground—Noncurrent. After devotion to storage, the cost of the gas shall not be restated to effect subsequent price changes in purchased gas or changes in the cost of gas produced by the utility. When the utility has followed the practice of adjusting nonrecoverable gas to the weighted-average cost of gas purchased or supplied from its own production, cost shall be the weighted-average cost of such gas at the effective date of this account.

* * * * * *

B. OTHER STORAGE PLANT

360 Land and land rights.

This account shall include the cost of land and land rights used in connection with the storage of gas in holders. (See gas plant instruction 7.)

361 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with the storage of gas in holders. (See gas plant instruction 8.)

362 Gas holders.

This account shall include the cost installed of holders and associated appliances used in the storage of gas above ground, or in underground receptacles.

* * * * * *

363 Purification equipment.

This account shall include the cost installed of apparatus used for the removal of impurities from gas and apparatus for conditioning gas.

ITEMS

1. Condensers and washer coolers.
2. Dehydrators.
3. Foundations and settings, specially constructed for and not intended to outlast the equipment for which provided.
4. Other accessory equipment, such as coolers, spray ponds, pumps, platforms, railings, stairs.
5. Piping from inlet valve of first piece of apparatus to outlet valve of final piece of apparatus (or, in building from entrance to building to exit from building).
6. Scrubbers.
7. Sulphur removal apparatus.
8. Water supply system.

363.1 Liquefaction equipment.

This account shall include the cost installed of equipment used in liquefaction of natural gas.

ITEMS

1. Cold box.
2. Heat exchanger.
3. Condensers.
4. Pumps.
5. Tanks.

363.2 Vaporizing equipment.

This account shall include the cost installed of vaporizing equipment used in connection with liquefied natural gas storage.

363.3 Compressor equipment.

This account shall include the cost installed of compressor equipment and associated appliances used in connection with other storage plant.

363.4 Measuring and regulating equipment.

This account shall include the cost installed of equipment used to measure deliveries of gas to other storage and withdrawals of gas from other storage.

ITEMS

1. Automatic control equipment.
2. Boilers, heaters, etc.
3. Foundations, pits, etc.
4. Gas cleaners, scrubbers, separators, dehydrators, etc.
5. Gauges and instruments, including piping, fittings, wiring, etc., and panel boards.
6. Headers.
7. Meters, orifice or positive, including piping and connections.
8. Odorizing equipment.
9. Oil fogging equipment.
10. Regulators or governors, including controls and instruments.
11. Structures of a minor nature or portable type.

363.5 Other equipment.

This account shall include the cost installed of other equipment used in connection with the storage of gas in holders.

* * * * * *

2. Foundation.
3. Gauges and instruments.
4. Regulating apparatus.

* * * * * *

5. The Chart of Operation and Maintenance Expense Accounts is amended as follows:

(a) Change the titles of accounts "808, Gas Withdrawn from Underground Storage—Debit" and "809, Gas Delivered to Underground Storage—Credit" to "808, Gas Withdrawn from Storage—Debit" and "809, Gas Delivered to Storage—Credit."

(b) Change the title of section heading "2. Underground Storage Expenses" to "2. Natural Gas Storage Expenses" and add a new subsection heading "A. Underground Storage Expenses" immediately thereunder.

(c) Change the title of account "832, Maintenance of Wells" to "832, Maintenance of Reservoirs and Wells."

(d) Change the title of section heading "3. Local Storage Expenses" to "B. Other Storage Expenses."

(e) Add the following new accounts immediately following account "842, Rents, 842.1, Fuel, 842.2, Power," and "842.3, Gas Losses."

(f) Change the title of account "846, Maintenance of Other Equipment" to "846.3, Maintenance of Other Equipment."

(g) Add immediately following account "845, Maintenance of Gas Holders" the following new accounts "846, Maintenance of Purification Equipment, 847, Maintenance of Liquefaction Equipment, 848, Maintenance of Vaporizing Equipment, 848.1, Maintenance of Compressor Equipment," and "848.2, Maintenance of Measuring and Regulating Equipment."

(h) Change section headings "4. Transmission Expenses, 5. Distribution Expenses, 6. Customer Accounts Expenses, 7. Sales Expenses" and "8. Administrative and General Expenses" to "3. Transmission Expenses, 4. Distribution Expenses, 5. Customer Accounts Expenses, 6. Sales Expenses" and "7. Administrative and General Expenses." As amended, the Chart of the Operation and Maintenance Expense Accounts reads:

Operation and Maintenance Expense Accounts

(Chart of Accounts)

1. PRODUCTION EXPENSES

* * * * * *

D. OTHER GAS SUPPLY EXPENSES

* * * * * *

808 Gas withdrawn from storage—Debit.
809 Gas delivered to storage—Credit.

* * * * * *

2. NATURAL GAS STORAGE EXPENSES

A. UNDERGROUND STORAGE EXPENSES

* * * * * *

832 Maintenance of reservoirs and wells.

* * * * * *

B. OTHER STORAGE EXPENSES

* * * * * *

842.1 Fuel.
842.2 Power.
842.3 Gas losses.

* * * * * *

846 Maintenance of purification equipment.
847 Maintenance of liquefaction equipment.
848 Maintenance of vaporizing equipment.
848.1 Maintenance of compressor equipment.
848.2 Maintenance of measuring and regulating equipment.
848.3 Maintenance of other equipment.

3. TRANSMISSION EXPENSES

* * * * * *

3. TRANSMISSION EXPENSES

* * * * * *

4. DISTRIBUTION EXPENSES

* * * * * *

5. CUSTOMER ACCOUNTS EXPENSES

* * * * * *

6. SALES EXPENSES

* * * * * *

7. ADMINISTRATIVE AND GENERAL EXPENSES

* * * * * *

6. The text of the Operation and Maintenance Expense Accounts is amended as follows:

(a) Change the title of account "808, Gas Withdrawn from Underground Storage—Debit" to "808, Gas Withdrawn from Storage—Debit" and amend paragraph A and second and third sentences of the note thereof.

(b) Change the title of account "809, Gas Delivered to Underground Storage—Credit" to "809, Gas Delivered to Storage—Credit" and amend paragraph A of the account.

(c) Change section heading "2. Underground Storage Expenses" to "2. Natural Gas Storage Expenses" and add immediately following the section heading a prefatory paragraph and subheading "A. Underground Storage Expenses."

(d) Amend account "823, Gas Losses."

(e) Change the title of account "832, Maintenance of Wells" to "832, Maintenance of Reservoirs and Wells" and amend the first sentence thereof.

(f) Change section heading "3. Local Storage Expenses" to "B. Other Storage Expenses."

(g) Amend the first sentence of account "840, Operation Supervision and Engineering."

(h) Amend account "841, Operation and Labor Expenses" and change items "15. Steam for holder caps, including fuel to produce such steam" and "16. Variation of gas in holders" to "15. Chemicals" and "16. Refrigerants."

(i) Amend the first sentence of account "842, Rents" and add immediately following the account, the following new accounts: "842.1, Fuel, 842.2, Power" and "842.3, Gas Losses."

(j) Amend the first sentence of account "843, Maintenance Supervision and Engineering."

(k) Change the title of account "846, Maintenance of Other Equipment" to "846.3, Maintenance of Other Equipment" and amend the first sentence thereof. Add immediately following account "845, Maintenance of Gas Holders" the following new accounts: "846 Maintenance of Purification Equipment, 847, Maintenance of Liquefaction Equipment, 848, Maintenance of Vaporizing Equipment, 848.1, Maintenance of Compressor Equipment" and "848.2, Maintenance of Measuring and Regulating Equipment."

(l) Change section headings "4. Transmission Expenses, 5. Distribution Expenses, 6. Customer Accounts Expenses, 7. Sales Expenses," and "8. Administrative and General Expenses" to "3. Transmission Expenses, 4. Distribution Expenses, 5. Customer Accounts Expenses, 6. Sales Expenses" and "7. Administrative and General Expenses."

As amended, the text of the Operation and Maintenance Expense Accounts reads:

Operation and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

* * * * * *

D. OTHER GAS SUPPLY EXPENSES

* * * * * *

808 Gas withdrawn from storage—Debit.

A. This account shall include debits for the cost of gas withdrawn from storage during the year. Contra credits for entries to this account shall be made to accounts 117, Gas Stored Underground—Noncurrent or 164.2, Liquefied Natural Gas Stored, as appropriate.

* * * * * *

NOTE: Adjustments for gas inventory losses due to cumulative inaccuracies in gas measurement, or from other causes, shall be entered in account 823, Gas Losses. If, however, any adjustment is substantial, the utility may, with approval of the Commission, amortize the amount of the adjustment to account 823 over future operating periods.

809 Gas delivered to storage—Credit.

A. This account shall include credits for the cost of gas delivered to storage during the year. Contra debits for entries to this account shall be made to accounts 117, Gas Stored Underground—Noncurrent or 164.2, Liquefied Natural Gas Stored, as appropriate.

* * * * * *

2. NATURAL GAS STORAGE EXPENSES

These accounts are to be used by both transmission and distribution companies to account for natural gas storage expenses. If the utility operates both transmission and distribution systems, subaccounts shall be maintained classifying the expenses to the transmission or distribution function.

A. UNDERGROUND STORAGE EXPENSES

* * * * * *

823 Gas losses.

This account shall include the amounts of inventory adjustments representing the cost of gas lost or unaccounted for in underground storage operations due to cumulative inaccuracies of gas measurements or other causes. (See paragraph G of account 117, Gas Stored Underground—Noncurrent.) If, however, any adjustment is substantial, the utility may, with approval of the Commission, amortize the amount of the adjustment to this account over future operating periods.

* * * * * *

832 Maintenance of reservoirs and wells.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of storage wells, the book cost of which is included in account 352, Wells, and the maintenance of reservoirs, the book cost of which is included in account 352.2, Reservoirs. (See operating expense instruction 2.)

* * * * * *

B. OTHER STORAGE EXPENSES

Operation

840 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of other storage facilities. * * *

841 Operation labor and expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating storage holders and other storage equipment.

* * * * * *

15. Chemicals.
16. Refrigerants.

842 Rents.

This account shall include rents for property of others used or operated in connection with other storage operations. (See operating expense instruction 3.)

842.1 Fuel.

A. This account shall include the cost of natural gas or other fuel used in the operation of other storage plant.

B. Concurrent credits offsetting charges to this account for natural gas used for fuel shall be made to account 812, Gas Used for Other Utility Operations—Credit.

842.2 Power.

This account shall include the cost of electricity consumed for operation of facilities used in the operation of other storage plant.

842.3 Gas Losses.

This account shall include the amounts of inventory adjustments representing the cost of gas lost or unaccounted for in other storage operations due to shrinkage or other causes.

843 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of other storage facilities. * * *

* * * * * *

846 Maintenance of purification equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of purification equipment, the book cost of which is includible in account 363, Purification Equipment. (See operating expense instruction 2.)

847 Maintenance of liquefaction equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of liquefaction equipment, the book cost of which is includible in account 363.1, Liquefaction Equipment. (See operating expense instruction 2.)

848 Maintenance of vaporizing equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of vaporizing equipment, the book cost of which is includible in account 363.2, Vaporizing Equipment. (See operating expense instruction 2.)

848.1 Maintenance of compressor equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of compressor equipment, the book cost of which is includible in account 363.3, Compressor Equipment. (See operating expense instruction 2.)

848.2 Maintenance of measuring and regulating equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of measuring and regulating equipment, the book cost

of which is includible in account 363.4, Measuring and Regulating Equipment. (See operating expense instruction 2.)

818.3 Maintenance of other equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment the book cost of which is includible in account 363.5, Other Equipment. (See operating expense instruction 2.)

* * * * *

3. TRANSMISSION EXPENSES

* * * * *

4. DISTRIBUTION EXPENSES

* * * * *

5. CUSTOMER ACCOUNTS EXPENSES

* * * * *

6. SALES EXPENSES

* * * * *

7. ADMINISTRATIVE AND GENERAL EXPENSES

* * * * *

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS C)

(B) The Commission's Uniform System of Accounts for Class C Natural Gas Companies prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Chart of Balance Sheet Accounts is amended by changing the title of account "164, Gas Stored Underground" to "164.1, Gas Stored Underground" and inserting new account "164.2, Liquefied Natural Gas Stored" immediately thereunder. As amended, the Chart of the Balance Sheet Accounts reads:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

3. CURRENT AND ACCRUED ASSETS

* * * * *

164.1 Gas stored underground.
164.2 Liquefied natural gas stored.

* * * * *

2. The text of the Balance Sheet Accounts is amended by changing the title of account "164, Gas Stored Underground" to "164.1 Gas Stored Underground" and by amending paragraphs A and D of the account text, by changing "Note A" to "Note" and by deleting "Note B" and adding a new account "164.2, Liquefied Natural Gas Stored" immediately thereunder. As amended, the text of the Balance Sheet Accounts reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

3. CURRENT AND ACCRUED ASSETS

* * * * *

164.1 Gas stored underground.

A. This account shall include the cost of recoverable gas purchased or produced by the utility which is stored in depleted or partially depleted gas or oil fields, or other underground reservoirs, and held for use in meeting service requirements of the utility's customers.

* * * * *

D. Amounts debited to this account for gas placed in storage shall be credited to account 734, Gas Delivered to Storage—Credit. Amounts credited to this account for gas withdrawn from storage shall be debited to account 733, Gas Withdrawn from Storage—Debit.

* * * * *

NOTE: * * *

164.2 Liquefied natural gas stored.

A. This account shall include the cost of liquefied natural gas stored in above or below ground facilities.

B. Natural gas purchased in a liquefied form shall be priced at the cost of such gas to the utility. Natural gas liquefied by the utility shall be priced according to generally accepted methods of cost determination consistently applied from year to year. Transmission expenses for facilities of the utility used in moving the gas to the storage facilities shall not be included in the inventory of gas except as may be authorized by the Commission.

C. Amounts debited to this account for natural gas placed in storage shall be credited to account 734, Gas Delivered to Storage—Credit. Amounts credited to this account for gas withdrawn from storage shall be debited to account 733, Gas Withdrawn from Storage—Debit.

D. Withdrawals of gas may be priced according to the first-in-first-out, last-in-first-out, or weighted-average cost method provided the method adopted by the utility is used consistently from year to year and the inventory records are maintained in accordance therewith. Commission approval must be obtained for any other pricing method or for any change in the pricing method adopted by the utility. Separate records shall be maintained for each storage project of the Mcf of gas delivered to storage, and remaining in storage.

E. Adjustments for inventory losses shall be charged to account 741, Gas Losses.

* * * * *

3. The Chart of Gas Plant Accounts is amended as follows:

(a) Change section heading "3. Storage Plant" to "3. Natural Gas Storage Plant" and subheading "B. Local Storage Plant" to "B. Other Storage Plant."

(b) Delete accounts "350.2, Leaseholds, 350.3, Storage Rights" and "350.5, Gas Rights." Change the title of account "350.4, Rights-of-Way" to "350.2, Rights-of-Way."

(c) Add immediately following account "352, Wells" the following new accounts: "352.1, Storage Leaseholds and Rights, 352.2, Reservoirs" and "352.3, Nonrecoverable Natural Gas." As amended, the Chart of the Gas Plant Accounts reads:

Gas Plant Accounts

(Chart of Accounts)

* * * * *

3. NATURAL GAS STORAGE PLANT

A. UNDERGROUND STORAGE PLANT

350.1 Land.
350.2 Rights-of-Way.
351 Structures and improvements.
352 Wells.
352.1 Storage leaseholds and rights.
352.2 Reservoirs.
352.3 Non-recoverable natural gas.
353 Lines.
354 Compressor station equipment.
355 Measuring and regulating equipment.
356 Purification equipment.
357 Other equipment.

B. OTHER STORAGE PLANT

* * * * *

4. The text of the Gas Plant Acocunts is amended as follows:

(a) Change section heading "3. Storage Plant" to "3. Natural Gas Storage Plant" insert a prefatory paragraph immediately following this amended heading.

(b) Delete accounts "350.2, Lease holds, 350.3, Storage Rights" and "350.5, Gas Rights" change account "350.4, Rights-of-Way" to "350.2, Rights-of-Way."

(c) Add immediately following account "352, Wells" the following new accounts "352.1, Storage Leaseholds and Rights, 352.2, Reservoirs" and "352.3, Nonrecoverable Natural Gas."

(d) Change subsection heading "B. Local Storage Plant" to "B. Other Storage Plant."

(e) Amend accounts "360, Land and Land Rights, 361, Structures and Improvements, 362, Gas Holders" and "363, Other Equipment." As amended, the text of the Gas Plant Accounts reads:

Gas Plant Accounts

* * * * *

3. NATURAL GAS STORAGE PLANT

These accounts are to be used by both transmission and distribution companies for natural gas storage facilities. If the utility operates both transmission and distribution systems, subaccounts shall be maintained classifying the storage facilities to the transmission or distribution function.

* * * * *

350.2 Rights-of-way.

* * * * *

352.1 Storage leaseholds and rights.

A. This account shall include the cost of leaseholds, storage rights, mineral deeds, etc. on lands for the purpose of utilizing subsurface reservoirs for underground gas storage operations. (See gas plant instruction 6–G.)

B. Exclude from this account rents or other charges paid periodically for use of subsurface reservoirs for underground gas storage purposes.

NOTE: Items such as buildings, wells, lines, equipment and recoverable gas used in storage operations acquired with land or storage leaseholds and rights are to be classified in the appropriate accounts.

352.2 Reservoirs.

This account shall include costs to prepare underground reservoirs for the storage of natural gas.

ITEMS

1. Geological, geophysical and seismic costs.
2. Plugging abandoned wells.
3. Fuel and power.

4. Drilling and equipping fresh water wells, disposal wells and solution wells.
5. Leaching of salt dome caverns.
6. Rentals on storage rights and leases incurred during construction and development period.
7. Gas used during the development period.
8. Costs incident to maintaining covenants of production leaseholds during the period required to convert them to storage leaseholds.
9. Other rehabilitation work.

352.3 Nonrecoverable natural gas.

A. This account shall include the cost of gas in underground reservoirs, including depleted gas or oil fields and other underground caverns or reservoirs used for the storage of gas which will not be recoverable.

B. Such nonrecoverable gas shall be priced at the acquisition cost of native gas or, when acquired for storage by purchase or presumed to be supplied from the utility's own production, priced as outlined in paragraph B of account 164.1, Gas Stored Underground. After devotion to storage, the cost of the gas shall not be restated to effect subsequent price changes in purchased gas or changes in the cost of gas produced by the utility. When the utility has followed the practice of adjusting nonrecoverable gas to the weighted-average cost of gas purchased or supplied from its own production, cost shall be the weighted-average cost of such gas at the effective date of this account.

* * * * *

B. OTHER STORAGE PLANT

360 Land and land rights.

This account shall include the cost of land and land rights used in connection with the storage of gas in holders. (See gas plant instruction 6.)

361 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with the storage of gas in holders. (See gas plant instruction 7.)

362 Gas holders.

This account shall include the cost installed of holders and associated appliances used in the storage of gas above ground, or in underground receptacles.

* * * * *

363 Other equipment.

This account shall include the cost installed of other equipment used in connection with the storage of gas in holders.

5. The Chart of Operation and Maintenance Expense Accounts is amended as follows:

(a) Change the title of account "733, Gas Withdrawn from Underground Storage—Debit" to "733, Gas Withdrawn from Storage—Debit" account "734, Gas Delivered to Underground Storage—Credit" to "734, Gas Delivered to Storage—Credit" account "745, Maintenance of Wells" to "745, Maintenance of Reservoirs and Wells" and account "747, Maintenance of Local Storage Plant" to "747, Maintenance of Other Storage Plant." As amended, the Chart of the Operation and Maintenance Expense Accounts reads:

Operation and Maintenance Expense Accounts

(Chart of Accounts)

* * * * *

4. OTHER GAS SUPPLY EXPENSES

* * * * *

733 Gas withdrawn from storage—Dr.
734 Gas delivered to storage—Cr.

* * * * *

5. STORAGE EXPENSES

* * * * *

745 Maintenance of reservoirs and wells.

* * * * *

747 Maintenance of other storage plant.

* * * * *

6. The text of the Operation and Maintenance Expense Accounts is amended as follows:

(a) Change the title of account "733, Gas Withdrawn from Underground Storage—Debit" to "733, Gas Withdrawn from Storage—Debit" and amend the text and note thereof.

(b) Change the title of account "734, Gas Delivered to Underground Storage—Credit" to "734, Gas Delivered to Storage—Credit" and amend the text thereof.

(c) Insert a prefatory paragraph immediately following section heading "5. Storage Expenses."

(d) Amend item 1 of account "740, Operation Supervision and Labor."

(e) Amend account "741, Gas Losses."

(f) Amend item 1 of account "742, Operation Supplies and Expense."

(g) Change the title of account "745, Maintenance of Wells" to "745, Maintenance of Reservoirs and Wells" and amend the text thereof.

(h) Change the title of account "747, Maintenance of Local Storage Plant" to "747, Maintenance of Other Storage Plant." As amended, the text of the Operation and Maintenance Expense Accounts reads:

Operation and Maintenance Expense Accounts

* * * * *

4. OTHER GAS SUPPLY EXPENSES

* * * * *

733 Gas withdrawn from storage—Debit.

A. This account shall include debits for the cost of gas withdrawn from storage during the year. Contra credits for entries to this account shall be made to accounts 164.1, Gas Stored Underground or 164.2, Liquefied Natural Gas Stored, as appropriate.

* * * * *

NOTE: Adjustments for gas inventory losses due to cumulative inaccuracies in gas measurement, or from other causes, shall be entered in account 741, Gas Losses. If, however, any adjustment is substantial, the utility may, with approval of the Commission, amortize the amount of the adjustment to account 741, Gas Losses over future operating periods.

734 Gas delivered to storage—Credit.

A. This account shall include credits for the cost of gas delivered to storage during the year. Contra debits for entries to this account shall be made to accounts 164.1, Gas Stored Underground or 164.2, Liquefied Natural Gas Stored, as appropriate.

* * * * *

5. STORAGE EXPENSES

These accounts are to be used by both transmission and distribution companies to account for natural gas storage expenses. If the utility operates both transmission and distribution systems, subaccounts shall be maintained classifying the expenses to the transmission or distribution function.

740 Operation supervision and labor.

* * * * *

ITEMS

1. Operation of other storage facilities.

* * * * *

741 Gas losses.

This account shall include the amounts of inventory adjustments representing the cost of gas lost or unaccounted for in underground storage operations due to cumulative inaccuracies of gas measurements or other causes. If, however, any adjustment is substantial, the utility may, with the approval of the Commission, amortize the amount of the adjustment to this account over future operating periods.

742 Operation supplies and expenses.

* * * * *

ITEMS

1. Supplies used in operation of other storage facilities.

* * * * *

745 Maintenance of reservoirs and wells.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of gas wells and equipment the book cost of which is includible in account 352, Wells, and the maintenance of reservoirs, the book cost of which is included in account 352.2, Reservoirs. (See operating expense instruction 1.)

* * * * *

747 Maintenance of other storage plant.

* * * * *

PART 260—STATEMENT AND REPORTS (SCHEDULES)

(C) Effective for the reporting year 1971, Schedule pages 110, 207A, 502, 503, 529, 530, 531, 560 and 561 of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, in Part 260, Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations are amended as follows, all as set out in Attachment A hereto:[3]

(1) On schedule page 110, "Statement A—Comparative Balance Sheet" is amended by changing "(164)" in item 21 to "(164.1)" and by adding item "22. Liquefied Natural Gas Stored (164.2)" immediately thereunder.

(2) Schedule page 207A "Gas Stored Underground (Accounts 117 and 164)" is amended by changing the title of the

[3] Attachment A filed as part of the original document.

schedule to "Gas Stored (Accounts 117, 164.1 and 164.2)." In instruction 1 and items 2, 4, 17, and 29 the word "underground" is deleted. In column heading (c) "164" is changed to "164.1." Column heading "(d)" is changed to "(e)" and a new column (d) "LNG, (Account 164.2)" is added.

(3) Schedule pages 502 and 503 "Gas Plant in Service (continued)" are amended by changing section heading "3. Storage Plant" to "3. Natural Gas Storage Plant," items "45, 350.2, Leaseholds, 46, 350.3, Storage rights" and "48, 350.5, Gas rights" are deleted. Item 47 is changed to "350.2, Rights-of-Way." New accounts "352.1, Storage leaseholds and rights, 352.2, Reservoirs" and "352.3, Nonrecoverable natural gas" are added immediately following item 50. In item 59, change "Local" to "Other." Change item 65 to "363, Purification equipment" and add new accounts "363.1, Liquefaction equipment, 363.2, Vaporizing equipment, 363.3, Compressor equipment, 363.4, Measuring and regulating equipment" and "363.5, Other equipment" immediately thereunder.

(4) On schedule pages 529, 530 and 531, "Gas Operation and Maintenance Expenses" add a new section heading "2. Natural Gas Storage Expenses" preceding item 94 and change "2." in item 94 to "2A." Change item 113 to "833, Maintenance of reservoirs and wells." Change item 121 "3. Local Storage Expenses" to 2B. Other Storage Expenses." Add new accounts "842.1, Fuel, "842.2, Power" and "842.3, Gas losses" immediately following item 125, "842, Rents." Change item 131 to "846, Maintenance of purification equipment" and add new accounts "847, Maintenance of liquefaction equipment, 848, Maintenance of vaporizing equipment, 848.1, Maintenance of compressor equipment, 848.2, Maintenance of measuring and regulating equipment" and "848.3, Maintenance of other equipment." In item 133 change "local" to "other." Designate section headings "4" through "8" as "3" through "7."

(5) In schedule pages 560 and 561 "Underground Gas Storage" the title and instruction I are amended by deleting the word "Underground." In instruction 2, change "357" to "363.5." In instruction 4, delete "E, expansion; W, waterdrive; A, aquifer" and insert "UE, underground expanison; UW, underground waterdrive, UA, underground aquifer; L, liquefied natural gas; O, all other storage. O, all other storage may be reported lumped in one vertical column." Change item 1 to "Natural Gas Storage Plant." Add "and holders" in item 4.

(D) The amendments and revisions adopted herein are effective for the reporting year beginning January 1, 1971.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc.71-3714 Filed 3-16-71;8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 4—DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

Miscellaneous Amendments

Part 4, Chapter I, Title 12 of the Code of Federal Regulations is amended as follows:

1. Section 4.1 is revised;

2. Section 4.1a by revising subparagraphs (16) and (20) of paragraph (a) and subparagraph (1) of paragraph (b);

3. Section 4.1b is rescinded;

4. The phrase "including the gathering of information as provided in Part 5 of this chapter" is added at the end of the first sentences of §§ 4.2(b), 4.4(d), 4.5(b), and 4.6(b);

5. Section 4.10 by revising the first sentences of paragraphs (a) and (b);

6. Section 4.12 by revising paragraph (a), rescinding existing paragraphs (b) and (d), and redesignating existing paragraphs (c) and (e) as paragraphs (b) and (c);

7. By revising paragraph (a) of § 4.16 and paragraphs (a), (b), (c), and (d) of § 4.17; and

8. Paragraph (a) of § 4.18 and all of § 4.19 is revised to make it applicable to former employees as well as employees of the Comptroller of the Currency.

These amendments are issued under authority of the national banking law (12 U.S.C. 1 et seq.) and 5 U.S.C. 552. Since the amendments are for clarification and codification of the regulation describing office organization, procedure and practice, notice and public procedure are found to be unnecessary and not in the public interest. Accordingly, the amendments will become effective upon publication. "Part 5 of this chapter" referred to in these amendments was published as a notice of proposed rule making in 36 F.R. 2132, February 18, 1971, and will not become effective until 30 days from publication in final form. Changes in the text are as follows:

§ 4.1 Scope and application.

This part describes the central and field offices of the Comptroller of the Currency; the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals on requests, or obtain decisions; and the forms available or the places at which forms and instructions as to the scope and contents of all papers, reports, on examinations may be obtained.

§ 4.1a Central and field organization; delegations.

(a) *Central office.* * * *

(16) *International Director.* The Director, International Division, performs such duties as the Comptroller prescribes relating to the international activities of national banks. He supervises all examining personnel assigned to examine the foreign offices of national banks. He is aided by an Assistant Director, International Division.

* * * * * *

(20) *International Division.* The International Division is responsible for the supervision of the international activities of national banks, including the examination of national bank branch offices located outside of the geographic area covered by the 14 national bank regions.

* * * * * *

(b) *Field offices.* (1) Fourteen national bank regions cover the United States, Guam, Puerto Rico, and the Virgin Islands. The office address of and the geographical area covered by each is as follows:

Region No.	Area within region	Office address
1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.	J. F. Kennedy Federal Bldg., Room 1600, Boston, MA 02203.
2	New York, New Jersey, Puerto Rico, Virgin Islands.	33 Liberty St., Room 520, New York, NY 10005.
3	Pennsylvania, Delaware.	Three Parkway, Suite 1316, Philadelphia, PA 19102.
4	Indiana, Ohio, Kentucky.	One Erieview Plaza, Cleveland, OH 44114.
5	West Virginia, Maryland, Virginia, North Carolina, District of Columbia.	Federal Office Bldg., 400 North 8th St., Room 5215, Richmond, VA 23240.
6	South Carolina, Georgia, Florida.	1510 First National Bank Bldg., 2 Peachtree St., Northwest, Atlanta, GA 30303.
7	Illinois, Michigan.....	164 West Jackson Blvd., Room 715, Chicago, IL 60604.
8	Arkansas, Tennessee, Louisiana, Mississippi, Alabama.	165 Madison Ave., Room 1900, Memphis, TN 38103.
9	North Dakota, South Dakota, Minnesota, Wisconsin.	822 Marquette Ave., Room 300, Minneapolis, MN 55402.
10	Nebraska, Kansas, Iowa, Missouri.	911 Main St., Suite 2816, Kansas City, MO 64105.
11	Oklahoma, Texas.....	1401 Elm St., Suite 4500, Dallas, TX 75202.
12	Wyoming, Colorado, Utah, New Mexico, Arizona.	1575 Sherman St., Room 524, Denver, CO 80203.
13	Washington, Oregon, Idaho, Montana, Alaska.	707 Southwest Washington St., Room 900, Portland, OR 97205.
14	California, Nevada, Hawaii, Guam.	555 California St., Suite 3939, San Francisco, CA 94104.

§ 4.2 Organization of national bank.

* * * * * *

(b) *Investigation.* The Comptroller of the Currency may conduct such investigation as he deems necessary or proper, including the gathering of information as provided in Part 5 of this chapter. Matters investigated include:

* * * * * *

§ 4.4 Merger, consolidation, purchase, and assumption.

* * * * * *

(d) *Examination and investigation.* The Comptroller of the Currency may conduct such examination or investigation as he deems necessary or proper, including the gathering of information as provided in Part 5 of this chapter.

* * * * * *

§ 4.5 Establishment of branch banks and seasonal agencies.

* * * * * *

(b) *Investigation.* The Comptroller of the Currency may conduct such investigation as he deems necessary or proper, including the gathering of information as provided in Part 5 of this chapter.

* * * * * *

§ 4.6 Change of location of main or branch office.

* * * * * *

(b) *Investigation.* The Comptroller of the Currency may conduct such investigation as he deems necessary or proper, including the gathering of information as provided in Part 5 of this chapter.

* * * * * *

§ 4.10 Receivership and conservatorship.

(a) *Receivership.* If the Comptroller of the Currency becomes satisfied that a national bank is insolvent, he may appoint a receiver for such bank.

* * * * * *

(b) *Conservatorship.* The Comptroller of the Currency may appoint a conservator of his own choice for any national bank when he deems it necessary in order to conserve the assets of the bank for the benefit of its depositors and other creditors. The conservator acts under the direction of the Comptroller and has the powers and duties of a receiver. Since the Comptroller's conservatorship authority is exercised in emergency situations, the procedures followed depend upon the circumstances of each case which dictate the action necessary to conserve the assets of the bank.

§ 4.12 Rules of general application.

(a) *District of Columbia banks.* For purposes of §§ 4.4, 4.5, 4.6, 4.7, 4.9, 4.10, 4.11, 4.13, and 4.14, the term "national bank" includes any bank or trust company located and doing business in the District of Columbia which is not a national banking association, unless a different meaning is clearly apparent from the context.

* * * * * *

§ 4.16 Other documents available to public; exceptions.

(a) In addition to the documents referred to in § 4.15, all other documents of the Comptroller of the Currency are available to any person for inspection and copying in accordance with § 4.17, except as provided in paragraph (b) of this section.

* * * * * *

§ 4.17 Obtaining access to public documents.

(a) *Central office.* A document of the Comptroller of the Currency or a portion thereof, available under §§ 4.15 and 4.16 for public inspection and copying, may be inspected and copied during regular business hours on regular business days at the Washington Office of the Comptroller. A person requesting access to such a document, or portion thereof, shall submit such request in writing to the Special Assistant for Public Affairs, Room 4112, Main Treasury Building, Washington, DC 20220. The request shall state the full name and address of the person requesting access to a document and a description of the document sought that is sufficient to permit its identification without undue difficulty.

(b) *Field office.* If a document of the Comptroller, or a portion thereof, available under §§ 4.15 and 4.16 for public inspection and copying, is located at the office of a Regional Administrator of National Banks, the person requesting access to the same may, if he requests permission, have access at such location. Such request shall be submitted in writing to the Special Assistant for Public Affairs, Room 4112, Main Treasury Building, Washington, DC 20220. If such request is granted, the Regional Administrator will be instructed to permit access at his office.

(c) *Appeal.* Any person who is denied access to a document of the Comptroller of the Currency by any official or employee of the Comptroller's office may file within thirty days with the First Deputy Comptroller a written request for a review of such denial, stating the circumstances, reasons, or arguments advanced for insistence upon disclosure of the record.

(d) *Costs.* A person requesting access to a document of the Comptroller shall pay a fee of $5 for the cost of locating and preparing the document for inspection and copying. Additional fees of 10 cents per page will be charged for providing a copy of the document, and of $1.25 for each quarter hour spent beyond the first hour in locating, preparing, or copying the document.

§ 4.18 Other rules of disclosure.

(a) *Employees of the Comptroller.* Except as provided in this part or as otherwise authorized by the Comptroller of the Currency, no employee or former employee of the Comptroller shall in any manner disclose or permit disclosure of any confidential information to anyone other than an employee of the Comptroller properly entitled to such information for the performance of his official duties.

* * * * * *

§ 4.19 Testimony and production of documents in court.

Employees or former employees of the Comptroller of the Currency are prohibited from testifying in court or otherwise with respect to information obtained in or resulting from their official capacities and are prohibited from furnishing documents of the Comptroller or copies thereof in compliance with a subpoena, order or otherwise, without the prior written authorization of the Comptroller. If the testimony of or the production of documents by an employee or former employee of the Comptroller is desired, an affidavit by the litigant or his attorney, setting forth the interest of the litigant and the testimony or documents desired must be submitted to the Comptroller before authorization will be granted. The employee's or former employee's authorization to testify or produce is limited to the authority granted by the Comptroller. When authorization to testify or to produce documents has not been granted by the Comptroller, the employee or former employee of the Comptroller to whom a subpoena or order has been directed shall appear in court and respectfully state that he is unable to comply further with the subpoena or order by reason of this section.

Dated: March 12, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-3715 Filed 3-16-71;8:50 am]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No.71-236]

PART 556—STATEMENTS OF POLICY

Approval of Branch Offices

MARCH 11, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend its Statement of Policy relating to the establishment of branch offices by Federal savings and loan associations for the purpose of permitting approval of the maintenance of branch offices relating to supervisory mergers and the establishment of branch offices in certain inner-city locations in States where branching has not heretofore been permitted. Accordingly, upon the basis of such consideration and for such purposes, the Board hereby amends § 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5) by revising subparagraph (1) of paragraph (b) thereof to read as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

* * * * * *

(b) *Policy on approval of branch office and mobile facilities.*

(1) As a general policy, the Board permits branches and mobile facilities by Federal savings and loan associations in a particular State if the State law, or State practice in absence of statutory prohibition, permits savings and loan associations, savings banks, or commercial banks of the State to establish branches in such State or to conduct chain, group, or affiliate operations. However, the Board will make exceptions to this policy in cases where (i) an office acquired as a result of a merger instituted for supervisory reasons would be maintained as a branch office or (ii) a proposed branch office would be located in and serve, based on the criteria set forth in subparagraph (4) of this paragraph, a low-income, inner-city area which is inadequately served by existing savings and loan facilities.

* * * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71-3672 Filed 3-16-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 381]

U.S.-FLAG VESSELS

Cargo Preference

The Assistant Secretary of Commerce for Maritime Affairs has under consideration the promulgation of regulations to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954, section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), in the administration of their programs with respect to that Act, as provided in section 27 of the Merchant Marine Act of 1970, Public Law 91-469. The first of such proposed regulations are set forth in F.R. Doc. 71-577 published in the FEDERAL REGISTER issue of January 15, 1971 (36 F.R. 609).

Section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) reads in part:

Whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any equipment, materials, or commodities, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such equipment, materials, or commodities, the appropriate agency or agencies shall take such steps as may be necessary and practicable to assure that at least 50 per centum of the gross tonnage of such equipment, materials, or commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers), which may be transported on ocean vessels shall be transported on privately owned U.S.-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels, in such manner as will insure a fair and reasonable participation of U.S.-flag commercial vessels in such cargoes by geographic areas * * *.

Section 901(b)(2) of the Merchant Marine Act, 1936, as amended by section 27 of Public Law 91-469, approved October 21, 1970, provides that—

Every department or agency having responsibility under this subsection shall administer its programs with respect to this subsection under regulations issued by the Secretary of Commerce. The Secretary of Commerce shall review such administration and shall annually report to the Congress with respect thereto.

Some departments and agencies, which have responsibilities under section 901 (b) of the Merchant Marine Act, 1936, permit the charterers representing the recipient countries the option of fixing foreign flag tonnage prior to satisfying requirements of the Cargo Preference Act.

This practice can be inequitable to American flag carriers by placing them at a distinct disadvantage vis-a-vis their foreign competitors in terms of position of vessels, assurance of cargo and receipt of compensatory rates.

While it is true that, during the period of an entire fiscal year, preference cargoes are likely to be balanced between American- and foreign-flag carriers, the haphazard manner in which individual purchase authorizations are administered throughout the year can result in uncertain employment for American flag carriers and cause significant number of U.S.-flag vessels to be idled, at considerable cost, for significant periods of time.

These results contravene the purposes of section 901(b) of the Merchant Marine Act, 1936, and the practices that lead to these results constitute the types of inequities in the administration of the Cargo Preference laws that section 901 (b)(2) of the Merchant Marine Act of 1970 was designed to correct.

To eliminate these practices which are detrimental to the continued operation of an important segment of the U.S. merchant marine it is proposed that to the extent that U.S.-flag vessels are available at fair and reasonable rates, compliance with at least the minimum requirements of the Cargo Preference Act must first be achieved before foreign flag vessels can be chartered.

Therefore, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 533) that the Assistant Secretary of Commerce for Maritime Affairs pursuant to sections 204(b), 212(d), and 901(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), and the authority delegated to him by the Secretary of Commerce under section 3 of Department Organization Order 10-8, 36 F.R. 1223, proposes to add the following regulation to those set forth in F.R. Doc. 71-577:

§ 381.5 Fix American-flag tonnage first.

Each department or agency having responsibility under the Cargo Preference Act of 1954 shall cause to be fixed on U.S.-flag vessels prior to any fixture on foreign-flag vessels at least that portion of all preference cargoes that is required by that Act to be shipped on U.S.-flag vessels, unless the Maritime Administration certifies that U.S.-flag vessels are not available at fair and reasonable rates for U.S.-flag commercial vessels.

All interested persons are invited to submit their views and comments on the foregoing proposed regulation in writing to the Maritime Administration, Washington, D.C. 20235, on or before April 16, 1971. Except where it is requested that such communications not be disclosed, they will be considered to be available for public inspection.

Dated: March 5, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.71-3716 Filed 3-16-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

DRUGS FOR HUMAN USE IN FIXED COMBINATIONS

Extension of Time for Filing Comments on Proposed Policy Statement

The notice published in the FEDERAL REGISTER of February 18, 1971 (36 F.R. 3126), proposing § 3.------ *Drugs for human use in fixed combinations,* provided for the filing of comments within 30 days after said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments regarding the subject proposal is extended to April 19, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetics Act (secs. 502, 505, 507, 701(a), 52 Stat. 1050-53, as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 352, 355, 357, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 11, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3687 Filed 3-16-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[41 CFR Ch. 12]

PROCUREMENT REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Department of Transportation proposes to revise its procurement regulations (41 CFR Ch. 12) to read as set forth below.

Interested parties may submit such written data, views, or arguments as they may desire. Communications should be submitted, preferably in triplicate, to the Department of Transportation, Office of Installations and Logistics, TAD-60, Washington, DC 20590. All communications received within 45 days from date of publication of this notice in the FEDERAL REGISTER will be considered prior to adoption of the final regulation. A copy of each communication will be placed on file for public inspection in the Office of Installations and Logistics, Room 9100, 400 Seventh Street SW., Washington, DC.

The proposed regulation is to be issued under the authority of section 205(c) of the Federal Property and Administrative Services Act of 1949.

Issued in Washington, D.C., on March 10, 1971.

JAMES M. BEGGS,
Under Secretary.

Chapter 12—Department of Transportation

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Subpart 12–1.0—Regulation System

§ 12–1.001 Scope of subpart.

This subpart describes the Department of Transportation Procurement Regulations in terms of establishment, authority, applicability, issuance, arrangement, implementation, and supplementation of the Federal Procurement Regulations, exclusions, and deviation procedure.

§ 12–1.002 Purpose.

(a) This subpart establishes Chapter 12, Department of Transportation Procurement Regulations (DOTPR), implementing and supplementing the Federal Procurement Regulations (FPR), and states its relationship to the FPR.

(b) The FPR, as implemented and supplemented by Chapter 12 (DOTPR), are the authorized regulations governing the procurement of supplies and services (including construction and concessions) and the procurement of real property by lease, by the Department of Transportation.

§ 12–1.003 Authority.

The DOTPR are prescribed pursuant to the authority of section 205(c) of the Federal Property and Administrative Services Act of 1949.

§ 12–1.004 Applicability.

These regulations apply to all Department of Transportation procurements, unless otherwise specified.

§ 12–1.005 Exclusions.

(a) Certain Department of Transportation procurement policies and procedures which come within the scope of this Chapter 12 nevertheless may be excluded when there is appropriate justification, such as:

(1) Subject matter which bears a security classification.

(2) Policies or procedures which are expected to be effective for a period of less than 6 months.

(3) Policies and procedures which are effective on an experimental basis for a reasonable period.

§ 12–1.006 Issuances.

§ 12–1.006–1 Code arrangement.

DOTPR which implement, supplement or deviate from the FPR (Chapter 1 of Title 41 of the Code of Federal Regulations) and have an impact upon the public will be published as Chapter 12 of Title 41, Code of Federal Regulations.

§ 12–1.006–2 Publication.

Chapter 12 of Title 41, Code of Federal Regulations will be published in the FEDERAL REGISTER, in cumulative form in the Code of Federal Regulations, and in separate looseleaf form on blue paper. The looseleaf form is designed to permit interleaf into the FPR.

§ 12–1.006–3 Copies.

Copies of the DOTPR in the FEDERAL REGISTER and in the Code of Federal Regulations may be purchased by Federal agencies and the public, at nominal cost, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Looseleaf copies of Chapter 12 will be distributed to Department of Transportation activities as authorized by the Director of Installations and Logistics, Office of the Secretary of Transportation.

§ 12–1.007 Arrangement.

§ 12–1.007–1 General plan.

The DOTPR employ the same numbering system and nomenclature used in the FPR, and conform with FEDERAL REGISTER standards approved for the FPR, except that material published in looseleaf form which is not published in Title 41, Code of Federal Regulations, will be indicated by the letters "DOT" preceding and following the material.

§ 12–1.007–2 Numbering.

(a) Where the DOTPR implements a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section, or subsection of DOTPR will be numbered (and captioned) to correspond to the part, subpart, section, or subsection of the FPR.

(b) Where the DOTPR supplements the FPR, the number 50 and up will be assigned to the parts, subparts, or sections involved.

(c) Where the subject matter contained in a part, subpart, section, or subsection of FPR requires no implementation, the DOTPR will contain no corresponding part, subpart, section, or subsection number and the subject matter as published in the FPR governs.

§ 12–1.007–3 Citation.

DOTPR will be cited in accordance with FEDERAL REGISTER standards approved for the FPR. For example, this section, when referred to in the DOTPR, may be cited as "12–1.007–3". Any section of these regulations may be informally identified for purposes of brevity, as DOTPR, followed by the section number; i.e., "DOTPR 12–1.007–3".

§ 12–1.008 Implementation.

(a) The DOTPR implement and supplement the FPR. Implementing material is that which expands upon related FPR material. Supplementing material is that for which there is no counterpart in the FPR.

(b) The DOTPR may in turn be implemented and supplemented by regulations issued by the following, using the letter suffix indicated:

Issuing organization	
Federal Aviation Administration.	12A (i.e., 12A–1.008 (b)).
Coast Guard	12B.
Federal Highway Administration.	12C.
Federal Railroad Administration.	12D.
St. Lawrence Seaway Development Corporation.	12E.
Office of Administrative Operations, OST.	12F.
National Transportation Safety Board.	12G.
Urban Mass Transportation Administration.	12H.
Office of Supersonic Transport Development	12I.
National Highway Traffic Safety Administration.	12J.
Transportation Systems Center.	12K.

(c) The Administrations and their subordinate organizations shall not issue instructions, including directives, regulations, contract forms, contract clauses, policies, or procedures implementing the DOTPR or covering the procurement of supplies or services or the administration of contracts for such supplies or services, unless permitted by one of the following and consistent with paragraph (d) of this section:

(1) Internal procurement management instructions such as designations and delegations of authority, assignments of responsibilities; work flow procedures, and internal reporting requirements;

(2) Any special contract clause of a nonrepetitive nature designed specifically to accomplish the peculiar requirements of an individual procurement, provided a clause relating to the subject is not set forth in this Regulation;

(3) A variation of any contract clause which is set forth in this regulation but not for use verbatim, provided that such variation is not inconsistent with the intent, principle, and substance of the DOTPR clause or related coverage of the subject matter;

(4) Procurement procedures specifically identified as being essential for carrying out the peculiar needs of an Administration when authorized by the Head of the Agency, and notification is given to OST/TAD–60 prior to such authorization for the purpose of determining whether such procedures should be included in this regulation;

(5) Procurement instructions specifically identified as being essential for carrying out the peculiar needs of overseas commands of the Coast Guard, authorized by the Commandant of the Coast Guard and notification is given to OST/TAD–60 prior to such authorization for the purpose of determining whether such instructions should be included in this regulation;

(6) Material determined by OST/TAD–60 to be inappropriate for DOTPR coverage, but appropriate for inclusion in Administration publications.

(d) Instructions issued in accordance with paragraph (c) of this section shall not contain material which duplicates, is inconsistent with, or increases or restricts the use of, any authority contained in this regulation.

(e) Each Administration shall screen all existing instructions as well as those subsequently issued pursuant to paragraphs (c) and (d) of this section to assure strict compliance with this paragraph, and for the purpose of determining if the subject matter is appropriate for inclusion in this regulation.

(f) Each Administration shall furnish to OST/TAD–60 one copy of each Administration procurement instruction issued in accordance with paragraph (c) of this section.

(g) Regulations implementing and supplementing the DOTPR will not be published in the FEDERAL REGISTER. Any such regulations which are deemed to have an impact on the general public, and any regulations which establish procurement policy, will be reserved for OST publication as DOTPR, chapter 12.

(h) Those FAA Procurement Regulations which supplement the DOTPR, and which are basically instructional in nature, may be retained until they are superseded by comparable material published by the Office of the Secretary.

§ 12–1.009 Deviations.

§ 12–1.009–1 Description.

See FPR 1–1.009–1.

§ 12–1.009–2 Procedure.

(a) In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from the FPR and DOTPR will be authorized only when essential to effect necessary procurement or where special circumstances make such deviations clearly in the best interest of the Government.

(b) Requests for authority to deviate from the provisions of the FPR or the DOTPR shall be submitted as far in advance as the exigencies of the situation will permit. Each request for deviation shall contain the following:

(1) A clear statement of the deviation desired, including identification of the specific paragraph number(s) of the FPR or DOTPR,

(2) The reason why the deviation is considered necessary or would be in the best interests of the Government,

(3) If applicable, the name of the contractor and identification of the contract affected,

(4) A statement as to whether the deviation has been requested previously and, if so, circumstances of the previous request,

(5) A description of the intended effect of the deviation,

(6) A statement of the period of time for which the deviation is needed, and

(7) Any pertinent background information which will contribute to a full understanding of the desired deviation.

(c) Deviations from the FPR and DOTPR involving a single contract or procurement may be authorized by the Administrator of the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, St. Lawrence Seaway Development Corporation, Urban Mass Transportation Administration, National Highway Traffic Safety Administration, the Commandant of the Coast Guard, and the Chairman of the National Transportation Safety Board. For procurements processed by the Office of Supersonic Transport Development, Transportation Systems Center, and Office of Administrative Operations (OST), deviations may be authorized by the Assistant Secretary for Administration, with the power of redelegation. A copy of each authorized deviation shall be sent to the Director of Installations and Logistics.

(d) Request for deviations from the FPR or DOTPR affecting more than one contract or contractor shall be forwarded to the Director of Installations and Logistics. Requests involving deviations from the FPR will be considered jointly by the Department and the General Services Administration, unless, in the judgment of the Assistant Secretary for Administration, after due consideration of the objective of uniformity and program responsibility of the Department, circumstances preclude such joint effort. In such cases, the Assistant Secretary for Administration will approve such class deviations as he determines necessary and will appropriately notify the General Services Administration.

Subpart 12–1.2—Definition of Terms

§ 12–1.204 Head of the agency.

"Head of the agency" means the Secretary and the following assistant chief officials: The Under Secretary, the Assistant Secretary for Administration; and for procurements within their administrations, the Administrators of the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, Urban Mass Transportation Administration, National Highway Traffic Safety Administration, and St. Lawrence Seaway Development Corporation, the Commandant, U.S. Coast Guard, and the Chairman, National Transportation Safety Board.

§ 12–1.206 Head of the procuring activity.

The following officials have been designated as "head of the procuring activity":

(a) In the Office of the Secretary:

(1) The Director, Office of Supersonic Transport Development, Washington, D.C.

(2) The Director, Transportation Systems Center, Cambridge, Mass.

(3) The Chief, Procurement Operations Division, Washington, D.C.

(b) In the Federal Aviation Administration:

(1) The Director, Logistics Service, Washington, D.C.

(2) The Director, Bureau of National Capital Airports, Falls Church, Va.

(3) The Director, Alaskan Region, Anchorage, Alaska.

(4) The Director, Western Region, Los Angeles, Calif.

(5) The Director, Southern Region, Atlanta, Ga.

(6) The Director, Pacific Region, Honolulu, Hawaii.

(7) The Director, Central Region, Kansas City, Mo.

(8) The Director, Eastern Region, New York, N.Y.

(9) The Director, Southwest Region, Fort Worth, Tex.

(10) The Director, Aeronautical Center, Oklahoma City, Okla.

(11) The Director, National Aviation Facilities Experimental Center, Atlantic City, N.J.

(c) In the Coast Guard:

(1) Chief, Procurement Division, U.S. Coast Guard Headquarters.

(2) Commander, First Coast Guard District.

(3) Commander, Second Coast Guard District.

(4) Commander, Third Coast Guard District.

(5) Commander, Fifth Coast Guard District.

(6) Commander, Seventh Coast Guard District.

(7) Commander, Eighth Coast Guard District.

(8) Commander, Ninth Coast Guard District.

(9) Commander, Eleventh Coast Guard District.

(10) Commander, Twelfth Coast Guard District.
(11) Commander, Thirteenth Coast Guard District.
(12) Commander, Fourteenth Coast Guard District.
(13) Commander, Seventeenth Coast Guard District.
(14) Commanding Officer, U.S. Coast Guard Supply Center, Brooklyn, N.Y.
(15) Commanding Officer, U.S. Coast Guard Yard, Baltimore, Md.
(16) Commanding Officer, U.S. Coast Guard Reserve Training Center, Yorktown, Va.
(17) Commanding Officer, U.S. Coast Guard Aircraft Repair & Supply Center, Elizabeth City, N.C.
(18) Commanding Officer, U.S. Coast Guard Training Center, Cape May, N.J.
(19) Commanding Officer, U.S. Coast Guard Training/Supply Center, Alameda, Calif.
(20) Superintendent, U.S. Coast Guard Academy, New London, Conn.

(d) For the Federal Highway Administration, the Associate Administrator for Administration, Washington, D.C.

(e) For the National Highway Traffic Safety Administration, the Associate Director for Administration, Washington, D.C.

§ 12–1.250 Administration.

"Administration" means the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Urban Mass Transportation Administration, the Coast Guard, the St. Lawrence Seaway Development Corporation, and the National Highway Traffic Safety Administration. The term "Administration" also includes the Office of Supersonic Transport Development, the National Transportation Safety Board, the Transportation Systems Center, and the Office of Administrative Operations of the Office of the Secretary. The term "Administration" as used, for example, in the phrase "in accordance with Administration procedures" would include the foregoing organizations, unless the paragraph states otherwise.

§ 12–1.251 Procurement office.

"Procurement office" means an office with a designated contracting officer with authority to enter into contracts over $2,500 in value.

§ 12–1.252 Change order.

"Change order" means a unilateral written order signed by the contracting officer, and issued to a contractor pursuant to the Changes clause of the contract.

§ 12–1.253 Supplemental agreement.

"Supplemental agreement" means any contract modification or contract amendment which is accomplished by mutual action of the parties.

§ 12–1.254 Shall.

"Shall" is imperative.

§ 12–1.255 May.

"May" is permissive. However, the words "no person may * * * " means that no person is required, authorized or permitted to do the act proscribed.

Subpart 12–1.3—General Policies

§ 12–1.301 Methods of procurement.

§ 12–1.301–1 Competition.

(a) Consideration shall be given to the breakout of component items (including services) of an end product for separate procurement whenever the possibility exists that such breakout would be both economical and practicable.

(b) Breakout decisions will be based largely on the degree and significance of the probable risks to quality, performance, reliability, timely delivery of the end item, and on the estimated overall cost savings. The following factors should be considered in determining whether to procure component items of an end product separately:

(1) In the case of sole source procurement of the end product, whether there is another source capable of supplying the component.

(2) Whether breakout will result in significant net cost savings.

(3) Whether breakout would cause over-fragmentation of the end item, and thereby materially impede administration and performance of the end item contract and identification of the cause of any end item failure.

(4) Whether the design of the component (and the design of the end item insofar as it will affect the component) is sufficiently stable that further design or engineering effort by the end item contractor in respect to the component is unlikely to be required.

(5) Whether any problems of quality control and reliability of the component can be resolved without requiring effort by the end item contractor.

(6) Whether breakout can be accomplished without jeopardizing delivery requirements of the end item.

(c) Support parts which are to be stocked as separate items should be considered for separate procurement, as should such required services as installation services or contractor-conducted instruction courses. Component items of an equipment system (such as common test equipment) which are to be physically separate from the basic equipment and which will require no modification or installation as an integral part of a more complex system or component, shall be procured separately unless separate procurement is found to be not economical or practicable.

§ 12–1.302–3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

Unless a higher authority is specified within an Administration, heads of procuring activities are authorized to except individual contracts from the policy against awarding contracts to Government employees or business concerns substantially owned or controlled by Government employees. Each such exception shall be evidenced by a written determination signed by the head of the procuring activity, setting forth the facts in sufficient detail to demonstrate that the exception is being granted for the most compelling reasons, and attaching any supporting documentation. A copy of each such determination, with attachments, shall be forwarded to the Director of Installations and Logistics, OST.

§ 12–1.305 Specifications.

§ 12–1.305–3 Deviations from Federal specifications.

(a) Each Administration shall designate an official to carry out the responsibilties set forth in FPR 1–1.305–3. One copy of each such designation shall be forwarded to the Director of Installations and Logistics, OST.

(b) Whenever a notification or recommendation for a change in a Federal Specification is submitted to the General Services Administration, as provided in FPR 1–1.305–3(b)(5), an information copy shall be forwarded to the Director of Installations and Logistics, OST. Similarly, the Director of Installations and Logistics shall be advised any time the General Services Administration disapproves a deviation from a Federal Specification.

§ 12–1.305–50 Index to Federal and Department of Defense Specifications and Standards.

The "Index of Federal Specifications and Standards" and the "Department of Defense Index of Specifications and Standards" are issued annually with periodic supplements. These indexes contain general information pertaining to their use and the availability of other Government specifications.

§ 12–1.306 Standards.

§ 12–1.306–1 Mandatory use and application of Federal standards.

Whenever a request for an exception to the use of a Federal standard is submitted to the General Services Administration, an information copy of the submission and GSA's response shall be forwarded to the Director of Installations and Logistics, OST.

§ 12–1.307 Purchase descriptions.

§ 12–1.307–5 Limitations on use of "brand name or equal" purchase descriptions.

Purchase descriptions containing the phrase "or equal" shall not be used as a device to grant an advantage to particular manufacturers by favoring one product over other products, or to substantiate a determination that no other manufacturer's products are equal in quality and performance to the products specifically named. Where a proper determination has been made that only one supplier can furnish the required item or items, the procurement will be accomplished by negotiation in accordance with FPR Part 1–3.

§ 12–1.310 Responsible prospective contractor.

§ 12–1.310–4 General policy.

Purchases shall be made from, and contracts shall be awarded to, responsible prospective contractors only. A responsible prospective contractor is one who meets the standards set forth in FPR 1–1.310–5 and such special standards as may be prescribed in the solicitation. A prospective contractor must demonstrate affirmatively his responsibility, including, when necessary, that of his proposed subcontractors. The contracting officer shall make a determination of nonresponsibility if, after compliance with FPR 1–1.310–7, 1–1.310–8, 1–1.310–9, and 1–1.310–11, the information thus obtained does not indicate clearly that the prospective contractor is responsible. Recent unsatisfactory performance, in either quality or timeliness of delivery, whether or not default proceedings were instituted, is an example of a problem which the contracting officer must consider and resolve as to its impact on the current procurement prior to making an affirmative determination of responsibility. Doubt as to productive capacity or financial strength which cannot be resolved affirmatively shall require a determination of nonresponsibility.

§ 12–1.310–5 Standards.

See FPR 1–30.211 through 1–30.214 for detailed discussions concerning financial responsibility.

§ 12–1.311 Priorities, allocations and allotments.

The programs of the Coast Guard and certain programs of the Federal Aviation Administration are defense-related programs to which the priorities and allocations regulations apply. Rateable contracts and purchase orders shall contain the clause set forth in DOTPR 12–7.150–3 and the appropriate DO or DX rating (and the appropriate allotment number if the order calls for authorized controlled materials) in accordance with the provisions of DMS (Defense Materials System) Regulation 1 and BDSA Regulation 2. These regulations are available from the Business and Defense Services Administration of the Department of Commerce.

§ 12–1.313 Records of contract actions.

(a) In compliance with the requirements of FPR 1–1.313, each procurement office shall maintain for each procurement exceeding $2,500 a contract file containing a comprehensive record of all preaward and postaward actions and other data. Adherence to this policy will require the assembly of either the original or a copy of all documents pertaining to the procurement in a file consisting of one or more folders. It will also require documentation for the record of all understandings, oral agreements, and any other facts or information pertinent to the transaction. It is left to the discretion of the procurement official to determine the manner in which unwritten matters are documented. However, it would be expected, for example, that those of a complex nature would be carefully documented by typewritten "memorandum for the record," while routine data might be recorded by a handwritten notation in the file. Photographs should be employed wherever they will serve to effectively document pertinent contract matters.

(b) Complete documentation will permit ready reconstruction of all stages of the transaction in order to:

(1) Support actions taken by various personnel in the procurement cycle.

(2) Provide information for internal management review and for reviews by the General Accounting Office.

(3) Supply data for use in preparing replies to legitimate inquiries.

(4) Furnish essential facts in the event of litigation.

(c) Small purchase records shall be maintained in accordance with FPR subpart 1–3.6 and DOTPR subpart 12–3.6.

§ 12–1.315 Use of liquidated damages provisions in procurement contracts.

§ 12–1.315–2 Policy.

(a) *Criteria for use.* (1) In proposed contracts involving an item where only a portion of the quantity ordered is for immediate programs, and liquidated damages provisions are considered to be necessary, care shall be taken to have the liquidated damages provisions apply only to the urgent quantity.

(2) The use of liquidated damages provisions should never be construed as relieving procurement officials of the obligation of establishing realistic delivery or performance schedules. Realistic delivery or performance schedules should be a prerequisite to the use of liquidated damages.

(3) Liquidated damages provisions generally should not be used:

(i) In contracts for supplies or services required for routine administrative purposes.

(ii) In contracts for standard commercial or "shelf items".

(iii) In any contract where time would permit the needs of the Department to be met by termination and reprocurement if the initial contractor defaults.

(iv) In small purchases.

(v) In study, experimental, development, or research contracts, including equipment contracts requiring developmental work.

(4) Liquidated damages provisions are generally appropriate in construction contracts in accordance with the provisions of FPR 1–1.315–2(a). However inclusion of liquidated damages provisions may be inappropriate in situations such as a construction contract consisting of repairs, alteration or improvements, where any delay in the completion would still permit the user to continue its normal function in an uninterrupted manner without resulting in added expense to the Government.

(b) *Rate of assessment.* (1) Contracting officers must assure that the rate of liquidated damages stipulated for a given contract is a reasonable forecast of the Government's anticipated damages. A fixed formula, based on percentage of value, shall not be used to establish the rate of damages. The minimum amount of liquidated damages should be based on the estimated cost of inspection and superintendence for each day of delay in completion. In addition, the following factors are examples of matters to be considered in establishing the rate of damages:

(i) The importance of the item in relation to the facility or project for which it is intended.

(ii) The relative importance of the item to the facility or project in the overall programs of the Department.

(iii) Interest on the Government's investment.

(iv) Any rental of facilities necessitated by the delay in a construction completion date.

(v) Cost of additional maintenance required on structures being replaced by contract items.

(vi) Any unusual damages that can be anticipated.

(2) Unless it is clear that partial delivery will proportionately reduce the extent of probable damages, rates shall not be specified to be applicable to individual units of an item, but rather to quantities of an item or to groups of items which are required for delivery or completion at the same time. Rates should generally be expressed in terms of even dollars per day of delay.

(c) *Enforcement.* Where liquidated damages provisions are used, they shall be strictly enforced. In making partial or progress payments, deductions for damages should be made on the basis of the actual number of days of delay multiplied by the rate.

(d) *Termination.* If the contract is terminated, the contractor remains liable for liquidated damages that have accrued. Moreover, on a default termination, liquidated damages continue to accrue even after default, until the Department can reasonably obtain delivery of the supplies or performance of the service. This is in addition to any other rights of the Government to damages under default provisions for the excess costs of reprocuring the supplies or services of the terminated contract.

(e) *Remission.* An information copy of each submission to the Comptroller General of a recommendation for the remission of liquidated damages shall be forwarded to the Director of Installations and Logistics, OST.

§ 12–1.318 Disputes clause.

When a dispute cannot be settled by agreement and a decision under the Disputes clause is necessary, the contracting officer shall review the available facts pertinent to the dispute before making his final decision. When there is any doubt as to whether the issue in dispute is subject to the disputes procedure, a decision will be made pursuant to the Disputes clause. The disputes procedure shall not be invoked in cases when a dispute is clearly not subject to the procedure. The contracting officer shall obtain, from assigned legal and other advisors, such advice and assistance as is

required to render a decision. However, the decision must be that of the contracting officer.

§ 12–1.318–50 Contracting officer's decision under the Disputes clause.

The final decision should include a statement of facts sufficient to enable the contractor to understand both the decision and the basis therefor. Normally, the decision should be in the form of a statement of the claim or other description of the nature of the dispute with necessary references to pertinent contract provisions; a statement of the facts relevant to the dispute on which the parties are in agreement and, as clearly as possible, the area of disagreement; and the contracting officer's statement of his decision and the basis therefor. The decision shall include a paragraph substantially the same as that set forth in FPR 1–1.318–1(a) with the title "Secretary of Transportation" inserted in the blank space in the paragraph. The decision shall also contain the following paragraph:

The Department of Transportation Contract Appeals Board is the authorized representative of the Secretary in hearing, considering, and deciding such appeals. The rules of the Department of Transportation Contract Appeals Board are set forth in the Code of Federal Regulations (41 CFR 12–60 et seq.).

§ 12–1.318–51 Agreement after appeal is filed.

After an appeal has been filed, contracting agencies are encouraged to seek agreement as to disposition of the controversy. However, such efforts to dispose of a controversy shall not be conducted pursuant to formal board actions or hearings and shall not result in suspension of processing of an appeal, except as ordered or authorized by the Department of Transportation Contract Appeals Board.

§ 12–1.318–52 Payment after appeal is filed.

In the event of an appeal, the amount determined to be payable in the decision of the contracting officer, less any portion previously paid, normally should be paid in advance of any decision by the Board without prejudice to the rights of either party or the appeal.

§ 12–1.318–53 Implementation of decisions of the Contract Appeals Board.

(a) It is the policy of the Department of Transportation that each decision of the Contract Appeals Board adverse to the Department shall be subject to review to determine whether it is entitled to be treated as final. Recommendation as to whether or not such decisions should be treated as final in each case is made by the Administration to the DOT General Counsel. In those instances where it is determined that the decision will be treated as final, the decision of the Contract Appeals Board favorable to the appellant in whole or in part will be promptly implemented. Where the Department will not treat an adverse decision as final, payment shall not be made to the contractor, and the contractor shall be advised at once.

(b) In cases where the question of entitlement only has been decided by the Board and the matter of amount has been remanded to the parties for negotiation, if agreement is not reached the appellant will be afforded a prompt decision and an opportunity to appeal on the matter of amount.

§ 12–1.320 Subcontractor gifts and kickbacks.

Reports of suspected violations and action being taken shall be furnished the Director of Installations and Logistics, OST.

§ 12–1.350 Contract number prefixes.

All contracts, exclusive of purchase orders, issued by the Department will be identified by a number or combination of letters and numbers, in accordance with Department Order 4200.3 (set forth in DOTPR Part 12–99).

§ 12–1.351 Industrial security.

(a) Pursuant to Executive Order 10865 (3 CFR, 1959–63 Comp.) an agreement between the Department of Defense and the Department of Transportation was entered into on June 1, 1967, extending regulations prescribed by the Secretary of Defense under the Executive order to apply to protect releases of classified information relating to DOT contracts and releases of other classified information which DOT has the responsibility for safeguarding. The Office of Investigations and Security, OST, has been designated as the Department of Transportation liaison for industrial security matters. The Defense Supply Agency will perform all cognizant security office functions specified in, and will have the authority and responsibilities prescribed by, Department of Defense Industrial Security Regulations (ISR) (DOD 5220.22R) and Department of Defense Industrial Security Manual (DOD 5220.22M).

(b) Any DOT contract or prospective contract which would require access to classified information by the contractor of any of his employees in the bid, negotiation, award, performance, or termination of the contract, including clearances required for visit purposes, is considered to be a "classified contract" subject to the procedures of this section, even though the contract document itself is unclassified.

(c) All proposed procurements shall be reviewed specifically to determine if access to classified information will be required by prospective contractors during the solicitation period or by a contractor at any time in the performance of the contract. If access to classified information will be required during the solicitation period, the security staff of the headquarters of the Administration, as designated in DOT Order 1600.22, shall be advised immediately and furnished the list of firms to be solicited. Invitations for bid or requests for proposals shall not be issued until notification has been received from the appropriate security staff that the firms to be solicited have a valid facility security clearance. If access to classified information will not be required during the solicitation period but will be required during the performance of the contract, the invitation for bids or requests for proposals shall so state, and award shall only be made after the facility security clearance of the proposed contractor has been verified and approved by the appropriate security staff.

(d) Immediately upon the award of a classified contract, or in connection with precontract negotiations, if appropriate, the contracting officer shall furnish a copy of DD Form 254, Contract Security Classification Specification, to the prime contractor.

(e) Any DOT contract, the performance of which will require access to classified information by the contractor or any of his employees, shall contain a security requirements clause. For classified fixed-price supply contracts, the Military Security Requirements clause as set forth in the Armed Services Procurement Regulations, paragraph 7–104.12, shall be used, except that paragraph (d) of the clause shall be modified as follows:

Representatives of the cognizant security office and representatives of the contracting administration of the Department of Transportation shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract the Contractor shall be informed in writing by the cognizant security office of the proper action to be taken in order to effect compliance with such requirements.

(f) Other types of classified contracts shall contain the appropriate Military Security Requirements clause of section VII of ASPR, appropriately modified as in paragraph (e) of this section.

(g) The Industrial Security Progam encompassed by the publications cited in paragraph (a) of this section applies only to contracts involving access to classified information which are performed within the United States, its territories, Puerto Rico, and Canada. Offices which may wish to let classified contracts for performance outside the United States, its territories, Puerto Rico, or Canada shall consult with their appropriate security staff.

§ 12–1.352 Variation in quantity.

(a) To the extent that a variation in quantity is caused by any of the conditions specified in the Variation in Quantity clause at FPR 1–7.101–4, the varied quantity may be accepted only to the extent specified in the contract. The Extent of Quantity Variation clause in DOTPR 12–7.151–9, or a substantially similar clause, shall be used for this purpose. The acceptable variation stated in the Extent of Quantity Variation clause shall be stated as a percentage of the required quantity, and may be an increase, a decrease, or a combination of both. There should be no standard or usual percentage or variation. The variation in quantity permitted in any procurement should be based upon the normal commercial practices of the particular industry for the particular items, and the permitted percentage should be no larger than is necessary to afford a contractor reasonable protection against the conditions specified in the Variation in Quantity clause. In no event may the acceptable variation exceed plus or minus 10 percent. The clause set forth in DOTPR 12–7.151–9 may be included in the contract only when one or more of the conditions specified in the Variation in Quantity clause is foreseeable at the time of solicitation in the case of an advertised procurement, or at the time of award in the case of a negotiated procurement.

(b) Consideration shall be given to the quantity to which the percentage variation applies. For example, when it is contemplated that delivery will be made to multiple destinations and it is desired that the quantity variation extend to the item quantity for each destination, this requirement must be set forth with particularity. Similarly, when it is desired that the quantity variation extend to the total quantity of each item and not to the quantity for each destination, it may be desirable to express a percentage limitation for each destination to prevent unrealistic distribution of any increase or decrease.

§ 12–1.353 Standards of conduct.

All governmental personnel engaged in procurement and related activities shall conduct business dealings with industry in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the Government. While many Federal laws and regulations place restrictions on the actions of governmental personnel, the latter's official conduct must, in addition, be such that the individual would have no reticence about making a full public disclosure thereof. DOT regulations on Employee Responsibilities and Conduct are set forth in the Department of Transportation regulations (49 CFR Part 99).

§ 12–1.354 General procurement policy—Departmental orders.

DOT policy on the following subjects is contained in the Departmental orders listed below. The orders are set forth in DOTPR Part 12–99.

(a) Prefixes for DOT Contracts—Dot Order 4220.1.

(b) Unsolicited Contract Proposals—Dot Order 4200.4.

(c) Authority to Make Contractual Commitments—DOT Order 4200.7.

(d) Establishment of Department of Transportation Procurement Regulations—DOT Order 4400.3.

Subpart 12–1.4—Procurement Responsibility and Authority

§ 12–1.402 Authority of contracting officers.

§ 12–1.402–51 Contracting officer's representatives.

(a) A contracting officer may designate Government personnel to act as his authorized representatives for such functions as inspection, approval of shop drawings, testing, approval of samples and other functions of a technical nature not involving a change in the scope, price, terms, or conditions of the contract or order. Such designation shall be in writing and shall contain specific instructions as to the extent to which the representative may take action for the contracting officer, but will not contain authority to sign contractual documents. The responsibilities and limitations of the contracting officer's representatives may be set forth in the contract or in a separate letter, a copy of which shall be furnished to the contractor.

(b) A person assigned to and performing his primary duty within a procurement office, and who is under the supervision of a contracting officer, does not require designation as a representative to perform his assigned duties. Such a person is considered to be an employee of the contracting officer, acting in his behalf and as such has the authority to perform acts as assigned by the contracting officer. The contracting officer cannot, without delegating contracting officer authority, authorize his employees to sign any contract document or letter where the signature of a contracting officer is required.

§ 12–1.450 Responsibility of procurement personnel to question requirements and reaffirm their validity.

(a) Procurement personnel have a responsibility to question any contemplated procurement action which appears inconsistent with their knowledge of commodities, markets, prices, and normal processes of doing business, or inconsistent with the authority of the requisitioner.

(b) When the award of a proposed procurement has been prolonged over an extended period of time or when during the processing of the procurement, matters are disclosed which give rise to questioning the magnitude of or necessity for the requirement, procurement personnel should reaffirm the validity of the requirement before award of contract.

Subpart 12–1.6—Debarred, Suspended, and Ineligible Bidders

§ 12–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.

The Federal Aviation Administration is delegated authority to compile, print, and distribute on a Department-wide basis, the Department of Transportation Consolidated List of Debarred, Ineligible, and Suspended Contractors.

§ 12–1.604–1 Procedural requirements relating to the imposition of debarment.

(a) Administrative debarment by the Department shall be initiated within each Administration or OST in accordance with the procedures set forth in FPR 1–1.604–1. The written notice required by FPR 1–1.604–1 shall be signed by the head of the agency. Where no hearing on the basis of either oral testimony or a written statement is requested by the concern or individual sought to be debarred, debarment may be imposed by the head of the agency and shall be applicable to the entire Department. Where a hearing is properly requested, the debarment, if any, shall be imposed by the Secretary upon recommendation of the Chairman of the Department of Transportation Contract Appeals Board (DOTCAB), and shall be similarly applicable to the entire Department.

(b) The written notice of proposed debarment to be furnished in accordance with FPR 1–1.604–1 shall, in addition to the requirements specified therein, apprise the concern or individual that if such party desires to present information, either in person or in writing, in opposition to such action, at a hearing, (1) a request therefor is to be made to the Chairman of the DOTCAB by that party within 20 days following receipt of the notice of the proposed debarment, and (2) the request for a hearing is to be accompanied by a statement setting forth the grounds upon which the proposed debarment will be contested. In addition, the notice shall include a notification that debarment, if imposed shall be applicable throughout the Department. The notice shall be sent by registered or certified mail, return receipt requested, to the last known address of the concern or individual, but where actual or personal delivery is not effected by the Post Office, a debarment may be imposed by the head of the agency; but any such debarment shall, upon the submission of an appropriate application, be subject to reopening and in such event a hearing shall be accorded with respect to the debarment. A copy of each such notice shall be sent to TAD–60.

(c) Hearings requested in connection with debarment proceedings as provided in FPR 1–1.604–1(b) shall be conducted before the DOTCAB. An opportunity shall be afforded the concern or individual to appear with witnesses and counsel to show cause why such concern or individual should not be debarred. Where a concern or individual requests a hearing and fails to appear, the DOTCAB shall consider the case on the basis of the records and information made available to it. In any instance where a party has requested a hearing, he may elect to forego the submission of oral testimony and may submit a written statement (together with any information relating thereto) in opposition to the proposed action. Hearings shall be held by the DOTCAB within 30 days after receipt of the request for a hearing, unless the

Chairman of the DOTCAB grants additional time. The Chairman shall include in his recommendation to the Secretary whether or not debarment is warranted under the particular circumstances and, where debarment is warranted, a recommended period thereof.

(d) When debarment is imposed by the head of the agency, or by the Secretary, the concern or individual shall be notified of the decision and of the period during which such debarment shall be effective. If a proposed debarment is not upheld by the Secretary, the concern or individual shall be so notified. Notice as to the imposition of a debarment shall be furnished to the concern or individual in the same manner as provided in DOTPR 12–1.604–1(b) for a notice of proposed debarment.

§ 12–1.605 Suspension of bidders.

When a suspension is effected by the Department, it shall be invoked by the Secretary upon recommendation of the General Counsel, OST.

§ 12–1.606 Agency procedure.

(a) Each administration and OST, as applicable, shall furnish the notifications to GSA required by FPR 1–1.606(c), for debarments initiated by it, and shall concurrently forward a like copy to (1) Federal Aviation Administration, Logistics Service, Contracts Division, Management and Services Branch, LG–380 for inclusion on or removal from the Department list, and (2) the Director of Installations and Logistics, OST, for information.

(b) Requests for standard distribution and for individual copies of the Department Consolidated List shall be made to the Federal Aviation Administration, Logistics Service, Contracts Division, Management and Services Branch, LG–380, Washington, D.C. 20590.

Subpart 12–1.7—Small Business Concerns

§ 12–1.701–1 Small business concern (for Government procurement).

(a) When the solicitation is for a manufactured product classified within an inudstry set forth in FPR 1–1.701–1(h), and small business set-aside procedures are utilized, a size standard reading substantially as follows shall be included in the solicitation:

> The small business employment size standard prescribed for this procurement is not more than _____[1] employees, except when the concern is a small business nonmanufacturer in which case the employment size standard is not more than 500 employees.

(b) When the solicitation is for a manufactured product that is not classified within an industry set forth in FPR 1–1.701(h), and small business set-aside procedures are utilized, a size standard reading substantially as follows shall be included in the solicitation:

> The small business employment size standard prescribed for this procurement is not more than 500 employees.

[1] Insert "750", "1,000", or "1,500", as appropriate.

(c) Similar language shall be used to prescribe other size standard criteria.

§ 12–1.704 Agency program direction and operation.

Each administration of the Department will establish and maintain a strong and viable small business program, designed to further the small business policies as set forth in FPR 1–1.702.

§ 12–1.704–1 Small business assistance officer.

Each administration, except NTSB, will designate an individual as the administration's small business assistance officer. The small business assistance officer will be responsible, either on a full time basis or as a collateral duty, for the establishment, implementation, and execution of the small business program of his administration. He will be the central point of contact within his administration for inquiries concerning the small business program such as from industry, the Small Business Administration (SBA), the Congress, or the Office of the Secretary of Transportation. His duties shall include developing a plan of operation to increase the share of contracts awarded to small business by his administration.

§ 12–1.704–2 Small business specialists.

(a) A small business specialist shall be appointed by name, in writing, for each procurement office, to operate on either a full time or collateral duty basis. Only those individuals possessing the necessary business acumen, knowledge of the Department's procurement policies and procedures, training and background to accomplish effectively the objective of the small business program shall be considered for appointment. In any instance where the duty of a small business specialist is on a part-time basis, the appointment shall clearly indicate that the part-time nature of the assignment shall in no way relieve the individual from full responsibility for effectively accomplishing the activity's small business program requirements.

(b) In larger offices, where practical, the small business specialist shall not be the contracting officer nor an individual under the supervision of the contracting officer. He shall be given the authority to exercise independent judgment in his areas of responsibility. In small offices the assignment of the small business specialist should promote maximum effectiveness within the capabilities of the office.

(c) The small business specialist appointed pursuant to paragraph (a) of this section shall perform such of the following duties as are determined by the administration to be appropriate for his procurement office:

(1) Maintain a program designed to locate capable small business sources for current and future procurements;

(2) Coordinate inquiries and requests for advice from small business concerns on procurement matters;

(3) Review proposed solicitations for supplies and services, assuring that small business concerns will be afforded an equitable opportunity to compete, and as appropriate initiating recommendations for small business set-asides;

(4) Take action to assure the availability of adequate specifications and drawings, when necessary, to obtain small business participation in a procurement;

(5) Review proposed procurements for possible breakout of items suitable for procurement from small business concerns;

(6) Advise small business concerns with respect to the financial assistance available under existing laws and regulations and assist such concerns in applying for financial assistance;

(7) Participate in determinations concerning the responsibility of a prospective small business contractor;

(8) Participate in the evaluation of a prime contractor's small business subcontracting programs;

(9) Assure that adequate records are maintained, and accurate reports prepared, concerning small business participation in the procurement program;

(10) Make available to SBA copies of solicitations when so requested; and

(11) Act as liaison between the contracting officer and the appropriate SBA office in connection with set-asides, certificates of competency, size classification and any other matter in which the small business program may be involved.

§ 12–1.708 Certificate of competency program.

§ 12–1.708–2 Applicability and procedure.

No referrals shall be made to the SBA unless the contracting officer has determined that the bid or proposal of the small business concern is responsive. All referrals shall be in writing.

§ 12–1.750 Procurement set-asides for small business when an SBA representative is not available.

§ 12–1.750–1 General.

If no SBA representative is available, the small business specialist shall initiate recommendations to the contracting officer for a small business set-aside for an individual procurement or class or procurements or portion thereof.

§ 12–1.750–2 Review of set-aside recommendations initiated by small business specialists.

When a small business specialist has recommended that all, or a portion, of an individual procurement or class of procurements be set aside for small business, the contracting officer shall promptly either (a) concur in the recommendation or (b) disapprove the recommendation, stating in writing his reasons for disapproval. If the contracting officer disapproves the recommendation of a small business specialist, the small business specialist shall be afforded an opportunity to appeal to an official above the level of the contracting officer. The decision of this official shall be final.

§ 12–1.750–3 Withdrawal or modification of set-asides.

Withdrawal or modification of an individual or class set-aside which was originally established upon the recommendation of the small business specialist may be initiated by the contracting officer by giving notice containing the reason therefor, to the small business specialist. If the small business specialist does not agree to a withdrawal or modification, the action may be appealed to an official above the level of the contracting officer, whose decision shall be final.

§ 12–1.750–4 Contracting authority.

For purposes of determining the appropriate contract authority, set-asides initiated by the small business specialist and concurred in by the contracting officer shall be considered to be unilateral small business set-asides, and shall cite 41 U.S.C. 252(c)(1) or 10 U.S.C. 2304(a)(1), as applicable.

§ 12–1.751 Small business set-aside for proposed construction procurements.

(a) Each proposal procurement for construction services (excluding ship construction) estimated to cost between $2,500 and $500,000, shall be set aside for exclusive small business participation. Such set-asides shall be considered to be unilateral small business set-asides, and shall be withdrawn, in accordance with the procedures of FPR 1–1.706–3 and 12–1.750–3, only if found not to serve the best interest of the Government.

(b) Small business set-aside preferences should be considered for construction procurements in excess of $500,000 on a case-by-case basis.

Subpart 12–1.11—Qualified Products

§ 12–1.1150 General.

(a) It is sometimes necessary to test products in advance of any procurement action to determine if a product is available that will meet specification requirements. In such cases, the specification may require qualification of the product. Qualification is the entire process by which products are obtained from manufacturers or distributors, examined and tested for compliance with specification requirements, and then identified on a list of qualified products. Qualification is performed in advance and independent of any specific procurement action.

(b) A Qualified Products List (QPL) identifies the specification, manufacturer or distributor, item by part or model number or trade name, place of manufacture, and the test report involved. Suppliers whose products have successfully passed qualification and who furnish evidence thereof are eligible for award although not yet included on the QPL.

(c) Chapter IV of the Federal Standardization handbook (Federal Property Management Regulations 101–29) is the basic instruction concerning qualified products and qualifications procedures. Copies of this handbook may be purchased by the public from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(d) A specification is the only medium for establishing a requirement for qualification. The preparing activity identified in the specification is responsible for qualification.

§ 12–1.1151 Justification for inclusion of qualification requirements.

Subject to approval by the office as designated in Administration procedures, a qualification requirement may be included in a specification only when one or more of the following conditions exist:

(a) The time required for testing after award would unduly delay delivery of the supplies being purchased.

(b) The cost of repetitive testing would be excessive.

(c) The tests would require expensive or complicated testing apparatus not commonly available.

(d) The interest of the Government requires assurance, prior to award, that the product is satisfactory for its intended use.

(e) The determination of acceptability would require performance data to supplement technical requirements contained in the specification.

§ 12–1.1152 Prior determinations.

Prior to inclusion of qualification in a specification, the preparing activity shall determine that:

(a) There is no other practicable way to obtain evidence of availability of products meeting the requirements of the specification.

(b) Sources, sufficient in number to provide an adequate base of supply, insofar as practicable, are available and willing to submit their products for qualification.

(c) Test facilities and resources are available to establish and maintain the QPL adequately and without delay.

§ 12–1.1153 Availability of lists.

Qualified Products Lists are intended for the use of the Government and its contractors, subcontractors, prospective bidders, and suppliers. Lists may be obtained by prospective bidders or suppliers who require these Lists in furnishing supplies or services to the Government or its contractors. Lists are also available to the public upon request. When a person is provided with, or given access to, a QPL he should be advised as follows:

(a) The QPL has been prepared for use by or for the Government in the procurement of products covered by the specification and such listing of a product is not intended to and does not connote endorsement of the product by the Department of Transportation;

(b) All products listed have been qualified under the requirements for the product as specified in the latest effective issue of the applicable specification;

(c) The QPL may be revised or amended as necessary, and subject to change without notice;

(d) The listing of a product does not release the supplier from compliance with the specification requirements; and

(e) Use of the information for advertising or publicity purposes is permitted, provided that such publicity or advertising does not state or imply that the product is the only product of that type so qualified or that the Department of Transportation in any way recommends or endorses the manufacturer's product.

§ 12–1.1154 Opportunity for qualification.

Upon determination that a product is to be covered by a QPL, manufacturers shall be urged to submit their products for qualification and where possible shall be given sufficient time to arrange for qualification testing prior to issuance of the initial invitation for bids or request for proposals for the item as a qualified product. Appropriate notice of such determination shall be furnished to the U.S. Department of Commerce, Commerce Business Daily, Room 1304, 433 West Van Buren Street, Chicago, IL 60607, requesting publication of five consecutive issues of the daily "Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards". The publicity given to the requirement for qualification testing shall include the following:

(a) An intention to establish a QPL for a product;

(b) The specification number and nomenclature of the product, and the name and address of the office to which the request for qualification should be submitted; and

(c) Notice that in making future awards consideration shall be given only to such products as have been accepted for inclusion in a QPL.

Lists shall always be kept open for inclusion of products from additional suppliers.

§ 12–1.1155 Clarification of qualification requirements.

When there is any question concerning qualification requirements in a specification, the activity that prepared the specification will furnish clarification when requested by the contracting activity.

§ 12–1.1156 Procurement of qualified products.

§ 12–1.1156–1 General.

(a) Whenever qualified products are to be procured by the Government as end items, only bids or proposals offering products which are qualified for listing on the applicable QPL at the time set for opening of bids or award of negotiated contracts shall be considered in making awards.

(b) Whenever a qualified product is to be procured by a prime contractor as a component of an end item, the prime contractor shall be required to furnish a component which has been tested and qualified for inclusion in the applicable QPL by the time of award of the subcontract. Delay resulting from the prime contractor's awaiting qualification approval by the Government of a component shall not constitute excusable delay when a previously qualified com-

ponent could have been procured in time to meet the end item delivery schedule.

(c) Procurements involving qualified products shall be governed by subparagraphs (1) through (4) of this paragraph.

(1) Synopses of proposed procurements shall be published by purchasing activities, in accordance with FPR 1–1.1003, promptly upon receipt of procurement requests.

(2) The maximum time consistent with delivery requirements shall be allowed between issuance of the solicitation and the opening of bids or the award of a negotiated contract. As a minimum, however, contracting officers shall allow 30 calendar days between the dates of issuance and opening (award, in the case of negotiated contracts): *Provided*, That periods of less than 30 days may be set in cases of urgency when the justification for a shorter period is set forth in writing and made a part of the procurement file. In appropriate cases, advance notice of procurement involving qualified products may be given suppliers through the use of preinvitation notices. Such notices shall identify the specification requiring qualification.

(3) In procuring qualified products by formal advertising, invitations for bids will be distributed to suppliers in the same manner as if a qualified product were not involved, and will not be restricted to suppliers whose products have been qualified.

(4) Contracting officers shall forward requests from suppliers concerning qualification of products to the specification preparing activity.

§ 12–1.1157 Contract provisions.

(a) When qualified end products are to be procured, the provision in FPR 1–1.1101(b) shall be inserted in the solicitation, supplemented by the following:

> The offeror shall insert the item name and the test number (if known) of each qualified product in the blank spaces below.
>
> Item Name _____ Test No. _____
> Any change in location or ownership of the plant at which a previously approved product is, or was, manufactured requires reevaluation of the qualification. Such reevaluation must be accomplished prior to the bid opening date in the case of advertised procurements and prior to the date of award in the case of negotiated procurements. Failure of offerors to arrange for such reevaluation shall preclude consideration of their bid.

If the procurement is formally advertised, the following statement shall also be included:

> Any bid which does not identify the qualified product being offered, either above or elsewhere in the bid, will be rejected.

(b) When qualified products are to be procured as components of end items, insert the following provision in the solicitation:

> QUALIFIED PRODUCTS—COMPONENTS
>
> When any of the end items which are to be supplied to the Government by the Contractor will contain one or more components which are required by the applicable specification to be qualified products, such components shall have been tested and shall be qualified for inclusion in the Qualified Products List (whether or not actually included in the List) at the time of award of any subcontract by the Contractor, for such components, or, in the event the Contractor plans to manufacture such components himself, shall have been so tested to have so qualified before the Contractor begins to manufacture such components for performance of this contract (not before manufacture of the prototype, preproduction model, or first article, for qualification testing). Unless required for interchangeability or compatibility, the Contractor shall not cite brand names from any Qualified Products List in any subcontract solicitation, but shall refer to the pertinent specification so that optimum competition may be obtained. Delay resulting from the Contractor's awaiting qualification approval by the Government of a component shall not constitute excusable delay when a previously qualified component could have been procured in time to meet the end item delivery schedule.
>
> Any change in location or ownership of the plant at which a previously approved product is or was, manufactured requires reevaluation. Such re-evaluation must be accomplished prior to the award of any subcontract by the Contractor for such components or prior to the beginning of manufacture if the Contractor manufactures such components himself.

§ 12–1.1158 Effect of debarment or suspension.

The inclusion of a product on the QPL's may be denied, and the qualification of a listed product may be withdrawn, by the Administration concerned, without notification to the manufacturer, if the name of the manufacturer appears on the lists of debarred or ineligible bidders which are maintained pursuant to FPR Subpart 1–1.6.

§ 12–1.1159 Waiver of qualification requirement.

When procuring a product under a specification which includes qualification requirements either for the end item or for components of the end item, such qualification requirements can be waived only by the activity that prepared the specification. In appropriate cases, when requested by the contracting officer, the preparing activity may waive qualification requirements. A notice, issued by the preparing activity, directing a waiver of the qualification requirement, constitutes adequate authorization for waiver of product qualification requirements. Where waivers have been granted, solicitations shall specifically indicate that the qualification requirement is inapplicable. Such information shall also be included in any Synopsis of the procurement.

§ 12–1.1160 Inadequate competition.

(a) *Pre-solicitation.* In connection with procurement of a qualified product as an end item, the contracting officer shall review the applicable QPL prior to solicitation to ascertain whether the number of sources is adequate for competition. If, in the opinion of the contracting officer, the number of sources is inadequate, action shall be taken as prescribed below unless he already has the necessary information.

(1) The contracting officer shall request the activity that prepared the specification to provide information concerning the status of tests on additional products, including the anticipated dates when such tests will be completed so that opening of bids or submission of proposals may be so scheduled as to allow completion of the tests.

(2) If no tests are being conducted or contemplated, the contracting officer shall further request the preparing activity to advise whether a means of quality assurance other than qualification approval may be substituted in the procurement.

(b) *Post-solicitation.* The contracting officer shall advise the specification preparing activity of the name and address of any concern which requested copies of the solicitation but was not included on the QPL. The specification preparing activity may then attempt to interest such concerns in becoming qualified.

§ 12–1.1161 Reporting nonconformance with specification requirements.

If a supplier on the QPL repeatedly submits products not meeting specification requirements for inspection, resubmits products previously rejected without correcting the defects, or is otherwise unsatisfactory in the performance of contracts, he shall be reported to the activity that prepared the specification for a determination as to whether the supplier's product shall be removed from the list.

§ 12–1.1162 Misuse of QPL information.

Misuse of QPL information, such as for advertising or publicity purposes contrary to that permitted in DOTPR 12–1.1153(e), shall be reported promptly to the preparing activity.

Subpart 12–1.50—Options

§ 12–1.5000 Scope of subpart.

This subpart applies to contracts for supplies and services other than for construction and research and development. It does not preclude the use of appropriate option provisions in such construction and research and development contracts.

§ 12–1.5001 Definition.

As used in this subpart, an option clause is a provision in a contract under which, for a specified time, the Government may elect to purchase additional quantities of the supplies or services called for by the contract, or may elect to extend the period of performance of the contract.

§ 12–1.5002 Applicability.

(a) Option clauses may be included in contracts where increased requirements within the period of contract performance are foreseeable, or where continuing performance beyond the original period of contract performance may be in the best interest of the Government. Since options require offerors to guarantee prices for definite periods of time with no guarantee that orders will be placed, their improper use could result in prices which are unfair to either the Government or the contractor. When additional requirements are foreseeable and subsequent competition would be impracticable because of such factors as production lead time and delivery requirements, the use of options may be preferable to later negotiating a price with the contractor at a time when he is the only practical source. An option normally should not be used where it can reasonably be foreseen that (1) minimum economic production quantities will be procured at some future date, and (2) startup costs, production lead time, and probable delivery requirements would not preclude adequate future competition.

(b) Option provisions and clauses shall not be included in contracts when:

(1) The supplies or services being purchased are readily available on the open market.

(2) The contractor would be required to incur undue risks: e.g., the price or availability of necessary materials or labor is not reasonably foreseeable.

(3) An indefinite quantity contract or requirements contract is appropriate except that options for continuing performance may be used in such contracts.

(4) Market prices for the supplies or services involved are likely to change substantially.

(5) The option quantities represent known firm requirements for which procurement funds are available.

§ 12–1.5003 Procedures.

(a) When a contract is to contain an option quantity, the solicitation must contain an appropriate option provision and the contract file shall be documented with a justification for the inclusion of the option. If the contract is to be negotiated, the determination and findings shall set forth the approximate quantity to be awarded and the extent of the increase to be permitted by the option. The contract shall limit the additional quantities of supplies or services which may be procured, or the duration of the period for which performance of the contract may be extended, under the option and will fix the period within which the option may be exercised. In fixing the period within which the option may be exercised, consideration shall be given to (1) necessary lead time in order to assure continuous production and (2) the time required for additional funding and other necessary approval action. The period specified for exercising the option shall in all cases be kept to a minimum.

(b) The option clause (or the contract schedule) should cover five basic points with respect to the option arrangement: (1) Quantity of additional supplies or services which may be procured: Where the exercise of the option would result in increased quantities of supplies, the option quantity should be expressed in terms of a specified number of additional units rather than as a percentage of the base quantity. Where exercise of the option would result in an increase in the performance of services, the option may be similarly expressed in terms of the units of work contained in the contract (e.g., man hours). Where exercise of the option would result in an extension of the duration of the contract, the option may be expressed in terms of a specific date or dates or of an additional time period such as days, weeks, or months. Generally, the quantity subject to the option should not exceed the basic quantity by more than 25 percent.

(2) The period within which the option may be exercised: The contract shall fix the period within which the option may be exercised. The period specified shall in all cases be kept to a minimum (generally no longer than 6 months).

(3) Delivery terms of the option quantities.

(4) Prices for the option quantities: The clause shall provide for firm unit prices for any additional quantity that may be ordered up to the maximum quantity of the option, or for any increase in the performance of services or extension of the duration of the contract.

(5) A statement on the evaluation of bids or proposals: Solicitations containing option provisions shall state that evaluation will be on the basis of the firm quantity set forth in the schedule and the option quantity, if any, exercised at time of award.

The option clause should not contain a price control feature on the option quantities, such as a requirement that the option quantities be offered at prices no higher than those of the basic quantity. The use of price controls to avoid unreasonable offers on option quantities can be disadvantageous to the Government because the contractor may spread the cost of bona fide risks of option quantities to the basic quantity.

§ 12–1.5004 Exercise of options.

(a) The exercise of an option by the Government requires the contracting officer's written notification to the contractor within the time period specified in the contract.

(b) Where the contract provides for price escalation and the contractor requests revision of price pursuant to such provision, or the provision applies only to the option quantity, the effect of escalation on prices under the option must be ascertained before the option is exercised.

(c) Options should be exercised only if it is determined that:

(1) Funds are available,

(2) The requirement covered by the option fulfills an existing need of the Government, and

(3) The exercise of the option is most advantageous to the Government, price and other factors considered.

(d) Insofar as price is concerned, the determination under paragraph (c)(3) of this section shall be made on the basis of one of the following:

(1) A new solicitation fails to produce a better price than that offered by the option. When the contracting officer anticipates that the option price will be the best price available, he should not use this method of testing the market but should use one of the methods in subparagraphs (2), (3), or (4) of this paragraph.

(2) An informal investigation of prices, or other examination of the market, indicates clearly that a better price than that offered by the option cannot be obtained.

(3) The time between the award of the contract containing the option and the exercise of the option is so short that it indicates the option price is the lowest price obtainable, considering such factors as market stability and a comparison of the time since award with the usual duration of contracts for such supplies and services.

(4) Established prices are readily ascertainable and clearly indicate that formal advertising or informal solicitation can obviously serve no useful purpose.

(e) Insofar as the "other factors" mentioned in (c)(3) above are concerned, the determination should, among other things, take into account the Government's need for continuity of operations and potential costs to the Government of disrupting operations, including the cost of relocating necessary Government-furnished property (as, for example, in certain repair and overhaul contracts for aircraft or other complex equipment).

(f) When it has been determined that an option may properly be exercised, such determination shall be set forth in writing and included in the contract file. Written notification to the contractor of the exercise of the option and any contract modification resulting therefrom shall cite the option clause contained in the contract as authority for the procurement of the option quantity, and no citation under 41 U.S.C. 252(c) or 10 U.S.C. 2304(a) is required.

§ 12–1.5005 Examples of option provisions.

(a) A clause substantially as follows may be used where the contract expresses the option quantity as an additional quantity of a specific line item.

> OPTION FOR INCREASED QUANTITY
>
> The Government may increase the quantity of supplies called for herein by the amount stated in the Schedule and at the unit price specified therein. The Contracting Officer may exercise this option, at any time within the period specified in the Schedule, by giving written notice to the Contractor. Delivery of the items added by the exercise of this option shall continue immediately after, and at the same rate as, delivery of like items called for under this contract unless the parties otherwise agree.

(b) A clause substantially as follows may be used where it is intended to extend the services described in the schedule.

> OPTION TO EXTEND SERVICES
>
> The Government may require the Contractor to continue to perform any or all items of services under this contract within the limits stated in the Schedule. The Contracting Officer may exercise this option, at any time within the period specified in the Schedule, by giving written notice to the Contractor. The rates set forth in the Sched-

ule shall apply to any extension made pursuant to this option provision.

(c) A clause substantially as follows may be used to provide for continuing performance of the contract beyond its original term.

OPTION TO EXTEND THE TERM OF THE CONTRACT

This contract is renewable, at the option of the Government, by the Contracting Officer giving written notice of renewal to the Contractor within the period specified in the schedule: *Provided*, that the Contracting Officer shall have given preliminary notice of the Government's intention to renew at least 60 days before this contract is to expire. (Such a preliminary notice will not be deemed to commit the Government to renewals). If the Government exercises this option for renewal, the contract as renewed shall be deemed to include this option provision. However, the total duration of this contract, including the exercise of any options under this clause, shall not exceed ---------.

Subpart 12–1.51—Novation Agreements and Change of Name Agreements

§ 12–1.5100 Scope of subpart.

This subpart prescribes the policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or such part of his assets as is involved in the performance of the contracts, (b) a change of name of a contractor, and (c) single Administration execution of novation agreements and change of name agreements affecting more than one Administration of the Department of Transportation. (See also FPR 1–30.710 on assignment of claims in the case of transfer of a business or corporate mergers).

§ 12–1.5101 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract where the third party's interest is incidental to the transfer of all the assets of the contractor, or all that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

(1) Sale of such assets;

(2) Transfer of such assets pursuant to merger or consolidation of corporation; and

(3) Incorporation of a proprietorship or partnership.

(b) When a contractor requests that the Government recognize a successor in interest the contractor shall be required to provide the Administration concerned, or the Office of the Secretary of Transportation (OST), if appropriate (see § 12–1.5103(b)) with one copy of each of the following, as applicable:

(1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts and purchase orders which have not been finally settled between the Department of Transportation and the transferor, showing the contract number, the name and address of the purchasing office involved, the total dollar value of each contract as amended, the type of contract involved, and the balance remaining unpaid;

(3) A certified copy of the resolutions of the Boards of Directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of the Government contracts;

(6) Opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets;

(9) Evidence of security clearance requirements; and

(10) Consent of sureties on all contracts listed under subparagraph (2) of this paragraph where bonds are required.

(c) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the Administration concerned, or OST, if appropriate, shall execute a novation agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

(d) All agreements, prior to execution, shall be reviewed by Government counsel for legal sufficiency. A format for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth herein. This format may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

NOVATION AGREEMENT

This Agreement, entered into as of (date upon which the transfer of assets became effective pursuant to applicable State law) 19--, by and between the ABC Corp, a corporation duly organized and existing under the laws of the State of ---------- with its principal office in the city of ---------- (hereinafter referred to as the "Transferor"); the XYZ Corp., [add if appropriate] (formerly known as the LMN Corp.), a corporation duly organized and existing under the laws of the State of ---------- with its principal office in the city of ---------- (hereinafter referred to as the "Transferee"); and the United States of America (hereinafter referred to as the "Government").

WITNESSETH

1. Whereas, the Government, represented by various contracting officers of (insert appropriate administrations, and OST if appropriate) of the Department of Transportation, has entered into certain contracts and purchase orders with the Transferor [namely: ----------] (or) [as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference]; and the term "the contracts" as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, heretofore made between the Government, represented by various contracting officers within the Department of Transportation and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties or obligations thereunder), and including modifications thereto hereafter made in accordance with the terms and conditions of such contracts and purchase orders between the Government and the Transferee;

2. Whereas, as of ----------, 19--, the Transferor assigned, conveyed, and transferred to the Transferee all the assets of the Transferor by virtue of a [term descriptive of the legal transaction involved] between the Transferor and the Transferee;

3. Whereas, the Transferee, by virtue of said assignment, conveyance and transfer, has acquired all the assets of the Transferor;

4. Whereas, by virtue of said assignment, conveyance and transfer, the Transferee has assumed all the duties, obligations and liabilities of the Transferor under the contracts;

5. Whereas, the Transferee is in a position fully to perform the contracts, and such duties and obligations as may exist under the contracts;

6. Whereas, it is consistent with the Government's interest to recognize the Transferee as the successor party to the contracts;

7. Whereas, there has been filed with the Government evidence of said assignment, conveyance or transfer;

Where a change of name is also involved, such as prior or concurrent change of name of the Transferee, an appropriate recital shall be used; for example:

8. Whereas, there has been filed with the Government a certificate dated ----------, 19--, signed by the Secretary of the State of the State of ----------, to the effect that the corporate name of LMN Corp. was changed to XYZ Corp. on ----------, 19--;

Now, therefore, in consideration of the premises, the parties hereto agree as follows:

9. The Transferor hereby confirms said assignment, conveyance and transfer to the transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the contracts.

10. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, covenants, and conditions contained in the contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the contracts, in all respects as if the Transferee were the original party to the contracts.

11. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the contracts with the same force and effect as if the action had been taken by the Transferee.

12. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the contracts. The Transferee hereby becomea entitled to all right, title, and interest of the Transferor in and to the contracts in all respects as if the Transferee were the original party to the contracts. The term "Contractor" as used in the contracts shall be deemed to refer to the Transferee rather than to the Transferor.

13. Except as expressly provided herein, nothing in this Agreement shall be construed as a waiver of any rights of the Government against the Transferor.

14. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligations under any of the contracts, shall be deemed to have discharged pro tanto the Government's obligations under the contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the contracts, to the extent of the amounts so paid or reimbursed.

15. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment, conveyance and transfer, or (ii) this Agreement, other than those which the Government in the absence of said assignment, conveyance and transfer, or this Agreement, would have been obligated to pay or reimburse under the terms of the contracts.

16. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the contracts as they may hereafter be amended or modified in accordance with the terms and conditions thereof; and the Transferor hereby waives notice of and consents to any such amendment or modification.

17. Except as herein modified, the contracts shall remain in full force and effect.

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By ----------
Title ----------

ABC CORP.
[CORPORATE SEAL]
By ----------
Title ----------

XYZ CORP.
[CORPORATE SEAL]
By ----------
Title ----------

CERTIFICATE

I, ----------, certify that I am the Secretary of ABC Corp., named above; that ----------, who signed this Agreement on behalf of said corporation; was then ---------- of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this ------ day of ----------, 19--.
[CORPORATE SEAL]
By ----------

CERTIFICATE

I, ----------, certify that I am the Secretary of XYZ Corp., named above; that ----------, who signed this Agreement on behalf of said corporation, was then ---------- of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this ------ day of ----------, 19--.
[CORPORATE SEAL]
By ----------

§ 12–1.5102 Agreement to recognize change of name of contractor.

(a) Where only a change of name is involved, so that the rights and obligations of the parties remain unaffected, an agreement between the Administration concerned, or OST, if appropriate (see § 12–1.5103), and the contractor shall be executed effecting the amendment of all existing contracts between the parties so as to reflect the contractor's change of name. Prior to the execution of such agreement, one copy of each of the following shall be deposited by the contractor with the Administration concerned:

(1) A copy of the instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) Opinion of counsel for the contractor as to the effective date of the change of name and that it was properly effected in accordance with applicable law; and

(3) A list of all contracts and purchase orders which have not been finally settled between the Department of Transportation and the transferor, showing the contract number, the name and address of the purchasing office involved, the total dollar value of each contract as amended, and the balance remaining unpaid.

(b) A format for such an agreement which shall be adapted for specific cases is set forth below.

CHANGE OF NAME AGREEMENT

This Agreement, entered into as of (date upon which the change of name became effective pursuant to applicable State law) ----------, 19-- by and between the ABC Corporation (formerly the XYZ Corp., and hereinafter sometimes referred to as the "contractor"), a corporation duly organized and existing under the laws of the State of ----------, and the United States of America, represented by the Department of Transportation (hereinafter referred to as the "Government").

WITNESSETH:

1. Whereas, the Government, represented by various contracting officers of (insert appropriate administrations, and OST if appropriate) of the Department of Transportation, has entered into certain contracts and purchase orders with the XYZ Corp., [namely: ----------] (or) [as set forth in the attached list marked "Exhibit A" to this agreement and herein incorporated by reference;] and the term "the contracts" as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, entered into between the Government, represented by various contracting officers within the Department of Transportation, and the contractor (whether or not performance and payment have been completed and releases executed, if the Government or the contractor has any remaining rights, duties, or obligations thereunder);

2. Whereas, the XYZ Corp., by an amendment to its certificate of incorporation, dated ----------, 19--, has changed its corporate named to ABC Corp.;

3. Whereas, a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the contractor under the contracts are unaffected by said change; and

4. Whereas, there has been filed with the Government documentary evidence of said change in corporate name;

Now, therefore, in consideration of the premises, the parties hereto agree, that the contracts covered by this agreement are hereby amended by deleting therefrom the name "XYZ Corp." wherever it appears in the contracts and substituting therefor the name "ABC Corp.".

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By ----------
Title ----------
[CORPORATE SEAL]

ABC CORP.
By ----------
Title ----------

CERTIFICATE

I, ----------, certify that I am the Secretary of ABC Corp., named above; that ---------- who signed this Agreement on behalf of said corporation, was then ---------- of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this ---- day of ----------, 19--.
[CORPORATE SEAL]
By ----------

§ 12–1.5103 Processing novation agreements and change of name agreements.

(a) When only one Administration or the Office of the Secretary of Transportation has outstanding contracts with the contractor or contractors seeking a novation or change of name agreement, the documents pertaining thereto shall be forwarded to the appropriate addressee in paragraph (b) of this section. This addressee may authorize the procuring activity of its Administration (or OST) having the largest unsettled (unbilled plus billed but unpaid) dollar balance with the contractor or contractors to process and execute the agreement.

(b) When more than one Administration (including OST) has outstanding contracts with the contractor or contractors seeking a novation or change of name agreement, a single agreement covering all such contracts shall be executed by the Administration having the largest unsettled (unbilled plus billed but unpaid) dollar balance with the con-

tractor or contractors. Such agreements shall be executed by a duly authorized official of the appropriate office listed herein.

Federal Aviation Administration, Director, Logistics Service, 800 Independence Avenue SW., Washington, DC 20590.
Federal Highway Administration, Director, Office of Administration, 400 7th Street SW., Washington, DC 20591.
U.S. Coast Guard, Commandant (F), 400 7th Street SW., Washington, DC 20591.
Federal Railroad Administrator, Director, Office of Administration, 400 7th Street SW., Washington, DC 20591.
St. Lawrence Seaway Development Corporation, Administrative Services Officer, 800 Independence Avenue SW., Washington, DC 20590.
Office of the Secretary of Transportation, Director of Administrative Operations, 400 7th Street SW., Washington, DC 20591.
Urban Mass Transportation Administration, Director of Administrative Operations, 400 7th Street SW., Washington, DC 20591.
National Highway Traffic Safety Administration, Director of Administration, 400 7th Street SW., Washington, DC 20591.

(c) The Administration processing a proposed novation agreement shall promptly provide notice of the proposed agreement, including the list of contracts as required by § 12–1.5101(b)(2) to the other Administrations (and OST, if applicable) having contracts with the contractor or contractors concerned. Such notice shall be transmitted to the appropriate addressee listed in paragraph (b) of this section. Within 30 days after receipt of such notice, the Administration(s) may submit comments to the processing Administration, which comments shall be considered prior to execution of the proposed agreement. The absence of comment from an Administration within 30 days after its receipt of notice of a proposed novation agreement shall be construed as approval by that Administration. When only a single Administration is concerned, the procuring activity processing a proposed novation agreement shall give similar notice of it to all other interested procuring activities in that Administration.

(d) Where substantial alterations or additions to the formats set forth in §§ 12–1.5101 and 12–1.5102 are considered appropriate by the Administration processing the proposed agreement, that Administration shall coordinate the agreement with the other Administrations prior to execution. Any objection shall be resolved before the agreement is executed.

(e) A signed copy of the executed novation agreement or change of name agreement shall be forwarded to the contractor, a signed copy shall be retained in the Administration executing the agreement, and where more than one Administration is involved, two copies of the agreement shall be distributed to the appropriate addressee listed in § 12–1.5103(b).

(f) After execution and distribution of an agreement, an administrative change (Standard Form 30) shall be prepared by the processing activity incorporating a summary of the agreement and attaching thereto a complete list of the contracts affected. For single Administration agreements, three copies of the Standard Form 30 shall be furnished for each contract to the procuring activities concerned, and for multi-Administration agreements, to the appropriate addressee listed in § 12–.5103(b).

Subpart 12–1.52—Value Engineering

§ 12–1.5201 Policy.

(a) Value engineering is concerned with the elimination or modification of anything that contributes to the cost of a contract item or task but is not necessary for needed performance, quality, maintainability, reliability, or interchangeability. Specifically, value engineering as contemplated by this subpart constitutes a systematic and creative effort, not required by any other provision of the contract, directed toward analyzing each contract item or task to ensure that its essential function is provided at the lowest over-all cost. Over-all cost may include, but need not be limited to, the costs of acquiring, operating, and logistically supporting an item or system.

(b) In order to realize fully the cost reduction potential of value engineering, provisions which encourage or require value engineering shall be incorporated in all contracts, including letter contracts, of sufficient size and duration to offer reasonable likelihood for cost reduction. All such provisions shall offer the contractor a share in cost reductions ensuing from change proposals he submits under such contracts. To realize the cost reduction potential of value engineering, it is imperative that value engineering change proposals be processed by all parties as expeditiously as possible.

§ 12–1.5202 Value engineering incentives.

§ 12–1.5202–1 Description.

(a) A Value Engineering Incentive clause permits the contractor to share in cost reductions that ensue from change proposals he submits. Many types of contracts, when properly used, provide the contractor with an incentive to control and reduce costs while performing within the specifications and other contract requirements. However, the practice of reducing the contract price (or fee in the case of cost-reimbursement type contracts) under the Changes clause tends to discourage contractors from submitting cost reduction proposals requiring a change to the specification or other contract requirements even though such proposals could be beneficial to the Government. The objective of a value engineering incentive provision is to encourage the contractor to submit such cost reduction proposals. To be acceptable, a value engineering change proposal must involve some change in the contract specifications, purchase description, or statement of work; this may include the elimination or modification of any requirement found to be in excess of actual needs in the areas of, for example, design, components, materials, material processes, tolerances, packaging requirements, technical data requirements, or testing procedures and requirements, and consequent reduction in the contract cost. Furthermore, even when the contract cost may be increased, the incentive provisions encourage contractors to submit value engineering change proposals that are likely to lead to overall savings resulting from significant net reductions in collateral costs of Government-furnished property, operational requirements or logistic support requirements.

(b) Value engineering proposals which satisfy the above requirements shall not be rejected on the ground that they also involve a termination, in whole or in part, of contract line items; moreover, the cost savings resulting from such quantitative reductions shall be shared with the contractor. On the other hand, contractor proposals which concern the quantitative requirements of the Government but do not satisfy the above criteria are not within the intent of the value engineering provisions, and the contractor will not share, under the Value Engineering Incentive clause, in savings resulting solely from such quantitative proposals.

(c) In all cases, the contractor's share in overall cost savings resulting from the Government's acceptance of a cost reduction proposal shall be determined as provided in the Value Engineering Incentive clause.

§ 12–1.5202–2 Use of value engineering incentive clause.

(a) Except as provided in paragraph (b) of this section, a value engineering incentive clause as specified in § 12–1.5207, or a substantially similar clause, shall be included in all advertised and negotiated contracts in excess of $100,000 unless it is determined by the contracting officer that the value engineering offers no potential for cost reduction, as for example, where a particular contract or class of contracts is of insufficient duration to allow value engineering proposals to be processed, or where the item or class of items being procured is a commercial product whose design and cost are primarily controlled by the commercial market.

(b) Normally, a value engineering incentive clause shall not be included in contracts for architect-engineering, research, or exploratory development unless the contracting officer affirmatively determines that the contract has a clear potential for value engineering cost reductions and that a value engineering incentive clause will provide the effective stimulus to the contractor. In addition, with the exception of cost-plus-incentive fee contracts, value engineering incentive provisions shall not be included in cost-reimbursement type contracts.

§ 12–1.5202–3 Types of savings to be shared with the contractor.

(a) The value engineering incentive provisions discussed in this subpart provide for contractor participation in cost savings realized under the instant contract, i.e., the contract under which the value engineering change proposal was submitted, as a result of the contractor's value engineering change proposal and for his participation in ascertainable collateral savings. However, the greater the financial incentives afforded the contractor, the more effective his value engineering efforts are likely to be. When it is anticipated that additional requirements of an item will be procured in the future, consideration should be given for contractor participation in future acquisition savings, as described in the Armed Services Procurement Regulation 1–17.

(b) Instant contract savings:

(1) Every value engineering clause shall provide for contractor participation in cost savings realized under the instant contract as a result of the contractor's value engineering change proposal.

(2) For purposes of computing the contractor's share under the instant contract sharing provisions paragraph (d) of the basic clause (see § 12–1.5207–2), the "instant contract" shall not include any supplemental agreements to or other modifications of the instant contract, executed subsequent to the acceptance of the particular value engineering change proposal, by which the Government increases the quantity of any item or adds any item, nor shall it include any extension of the instant contract by exercise of an option subsequent to acceptance of the proposal.

(3) Where the contract involved is an estimated requirement or other indefinite quantity type contract, the "instant contract", for purposes of computing the contractor's share under the instant contract sharing provisions in paragraph (d) of the basic clause shall include only those orders actually placed by the Government up to the time the particular value engineering change proposal is accepted.

(4) With respect to orders placed by the Government pursuant to a basic ordering agreement, each order is a separate contract. Accordingly, for purposes of determining the contractor's share under the instant contract sharing provisions in paragraph (d) of the basic clause, the "instant contract" shall be the order under which the particular value engineering change proposal is submitted.

(5) Where the contract involved is a multi-year contract, the Government is contractually bound for the total multi-year quantity (subject to cancellation). Accordingly, for purposes of determining the contractor's share under the instant contract sharing provisions in paragraph (d) of the basic clause, the "instant contract" shall be the entire contract for the total multi-year quantity.

(6) The value engineering clauses provide that the contractor and the Government will share in the cost savings realized on the "instant contract" as a result of the contractor's value engineering change proposal. In general, the cost savings to be shared will be determined by subtracting from the total decrease in contract price (or target cost) the sum of (i) the contractor's costs of developing the value engineering proposal, insofar as such are properly direct charges under the contract involved and (ii) the contractor's cost of implementing the change. For purposes of the above determination, deductible development costs will normally include those incurred after the contractor has identified a specific value engineering project. Developmental costs shall not be deductible where they are otherwise reimbursable under the contract (i.e., directly pursuant to a Program Requirement clause or indirectly through overhead accounts). Implementation costs are considered to be those costs of incorporating a change which are incurred after the value engineering proposal has been accepted by the Government.

(7) Where the contract involved is a service contract, contractor proposals which eliminate, modify, or substitute new procedures for contractually required work procedures shall qualify for instant contract savings sharing. Where the service contract is a time and material or labor-hour contract, the "effect of the proposal on the contractor's cost of performance", for purposes of the instant contract sharing paragraph (d) of the basic clause, shall be determined by (i) multiplying the time per item saved by the elimination, modification, or substitution by the labor hour rate agreed upon for the workers involved, and then (ii) multiplying the result by the number of items over which the task has been deleted, and (iii) taking into account in the usual manner the contractor's cost of developing the proposal and of implementing the change.

(c) Collateral savings: In addition to contractor sharing in instant contract savings, the value engineering clause normally shall provide for contractor participation in any ascertainable net reduction in the Government's overall projected costs including but not limited to cost of operation, maintenance, logistic support, and Government-furnished property, where such collateral savings result from the change proposal submitted by the contractor. This additional incentive enables the contractor to share in collateral savings (less any increase in acquisition costs) whether or not there is any change in the acquisition cost of the item. However, when the contracting officer determines that the item or class of items being procured offers no reasonable potential for significant collateral savings, the collateral savings provision may be omitted from a contract or class of contracts.

§ 12–1.5203 Percentage of contractor sharing.

(a) The precise extent to which the contractor should share savings resulting from decreases in his cost of performance and in future acquisition costs must be tailored to the particular procurement. For advertised contracts, the percentages of contractor sharing shall be stated in the Value Engineering Incentive clause in the invitation for bids. For negotiated contracts, the percentage of contractor sharing shall be stated in the Value Engineering clause in the request for proposals, although the percentage may be a subject of negotiation prior to award. In two-step formal advertising, although discussion of the appropriate percentages of contractor sharing is permissible in connection with step one, the percentages shall be specified in the Value Engineering Incentive clause in the invitation for bids that is issued at the beginning of step two.

(b) In firm fixed-price contracts, fixed price contracts providing for escalation, and fixed-price contracts providing for prospective redetermination, the contractor's share in the cost reduction on the instant contract normally should be 50 percent and in no event shall be greater than 75 percent; however, if such contracts are not awarded on the basis of adequate price competition, a contractor's share of less than 50 percent may be appropriate. In an incentive-type contract, if it is determined that costs and savings can be estimated with reasonable accuracy, the contractor's share may be as much as 50 percent; if costs and savings cannot be estimated with reasonable accuracy, his share should be in accordance with the maximum overall cost incentive sharing rate of the contract.

(c) When a collateral savings provision is included in any contract, the contractor's percentage share of collateral savings in such areas as Government-furnished property (other than Government-furnished material under the instant contract), operations, and logistics support shall be 10 percent of projected savings which it is estimated will accrue to the Government during an average or typical year's use of the item incorporating the change. The contracting officer's determination of the amount of projected collateral savings shall be final and shall not be subject to the Disputes clause. With respect to savings due to a reduction in the amount of Government-furnished material under the instant contract, the contractor's share shall be the same as his share in instant contract savings.

§ 12–1.5204 Other considerations.

§ 12–1.5204–1 Submission of identical value engineering change proposals under more than one contract.

Contractors should be encouraged to submit cost reduction proposals under any of their contracts where the likelihood of savings is present even though an identical proposal may have been accepted under another contract with the contractor or another contractor. When identical value engineering change proposals are submitted under more than one contract for substantially the same items, either with the same contractor or with different contractors, and both are accepted, the value engineering clauses provide that (a) instant contract savings shall be paid under each contract and (b) collateral savings will be paid only to the extent provided for by the contract under which the proposal is first received by the contracting officer and not pursuant to the other contract.

§ 12–1.5204–2 Revision of performance incentive provisions.

When a value engineering clause is to be included in a contract that will also include performance incentives, the contract shall include an appropriate provision to permit equitable revisions to the performance incentive provisions in the event that a cost reduction proposal is accepted and utilized which substantially affects the basis for computing the performance incentive.

§ 12–1.5204–3 Cost allowability.

(a) *General.* Since the Value Engineering Incentive clause does not require the contractor to perform value engineering, the inclusion of such a clause should not in itself increase costs to the Government.

(b) *Cost-type contracts.* In accordance with paragraph (a) of this section, value engineering shall not be allowed as a direct charge against cost-type contracts containing the Incentive clause. The cost of value engineering is an allowable indirect charge to the extent that, under FPR Part 1–15, it is reasonable in the conduct of the contractor's business as a whole and allocable to the particular contract.

(c) *Negotiated fixed-price type contract.* With respect to negotiated fixed-price type contracts, the normal price negotiation policies and techniques in FPR Subpart 1–3.8 shall be followed in determining whether and to what extent the cost of value engineering may be included in the contract price.

(d) *Developmental costs.* Notwithstanding the provisions of paragraphs (b) and (c) of this section, developmental costs of successful value engineering proposals shall be deductible from overall cost savings in accordance with § 12–1.5202–3(b)(6), and the provisions of the applicable instant contract sharing provision in § 12–1.5207–2.

§ 12–1.5204–4 Effect of value engineering payments.

The sharing of cost savings with a contractor under a value engineering incentive constitutes payment for services rendered and does not constitute profit or fee for purposes of the statutory limitations imposed by 10 U.S.C. 2306(d) or 41 U.S.C. 254(b).

§ 12–1.5205 Evaluation and acceptance.

(a) The expeditious processing of, evaluation of, and determination as to the acceptability of any value engineering change proposal under a contract shall be the responsibility of the contracting officer, whose decision shall be final and shall not be subject to the Disputes clause of the contract.

(b) When it is determined that acceptance of a value engineering change proposal will result in overall cost reduction to the Government, the contracting officer shall accept the proposal by giving the contractor written notice thereof reciting acceptance pursuant to the value engineering clause. Where performance under the contract has not yet been completed and application of the proposed changes to the remaining performance is advisable and appropriate, the written notice of acceptance may be given by issuance of a change order.

(c) Before accepting a cost reduction proposal under a value engineering clause providing for contractor sharing in collateral savings, the contracting officer must make sure that sufficient funds are available for expenditure under the instant contract to cover any increase in the contract price which will result from such acceptance. When necessary, the contract under which the proposal was accepted shall be modified to provide funds sufficient to cover the savings sharing payments to the contractor.

§ 12–1.5206 Value engineering program requirement.

In selected instances, a Value Engineering Program Requirement clause may be considered more appropriate than a Value Engineering Incentive clause. A Value Engineering Program Requirement clause obligates the contractor to engage in value engineering of the scope and at the level of effort required by the Government as an item of work in the contract schedule. The principal reason for requiring a value engineering program is to get early results (i.e., in the initial stages of design, development, or production), so that specifications, drawings, and production methods will reflect the full benefit of value engineering. The value engineering program requirement is set forth in the contract schedule as a separately priced line item. Since under the value engineering program requirement, as contrasted to the value engineering incentive clause, the Government is obligated to pay for value engineering effort whether or not acceptable value engineering proposals result, this method should be used with discretion. Detailed procedures and an appropriate clause may be found in Armed Services Procurement Regulation 1–17.

§ 12–1.5207 Value engineering incentive clauses.

The appropriate form of the basic clause in § 12–1.5207–1 below or a substantially similar clause shall be used, with the appropriate instant contract sharing provision from § 12–1.5207–2.

§ 12–1.5207–1 The basic clause.

VALUE ENGINEERING INCENTIVE

(a) (1) This clause applies to those cost reduction proposals initiated and developed by the Contractor for changing the drawings, designs, specifications, or other requirements of this contract. This clause does not, however, apply to any such proposal unless it is identified by the Contractor, at the time of its submission to the Contracting Officer, as a proposal submitted pursuant to this clause.

(2) The cost reduction proposals contemplated are those that:

(i) Would require, in order to be applied to this contract, a change to this contract; and

(ii) Would result in savings to the Government by providing:

(A) A decrease in the cost of performance of this contract, without impairing any of the items' essential functions and characteristics such as service of life, reliability, economy of operation, ease of maintenance, and necessary standardized features, or

(B) Items, regardless of the acquisition cost, producing a net reduction in the cost of Government-furnished property, operations, maintenance, or other areas which exceeds any increased acquisition cost, without impairing any of the items' essential functions and characteristics.

(b) As a minimum, the following information shall be submitted by the Contractor with each proposal:

(i) A description of the difference between the existing contract requirement and the proposed change, and the comparative advantages and disadvantages of each;

(ii) An itemization of the requirements of the contract which must be changed if the proposal is adopted, and a recommendation as to how to make each such change (e.g., a suggested revision);

(iii) An estimate of the reduction in performance costs, if any, that will result from adoption of the proposal, taking into account the costs of development and implementation by the Contractor (including any amount attributable to subcontracts in accordance with paragraph (e) below) and the basis for the estimate;

(iv) A prediction of any effects the proposed change would have on collateral costs to the Government such as Government-furnished property costs, costs of related items, and costs of maintenance and operation;

(v) A statement of the time by which a change order adopting the proposal must be issued so as to obtain the maximum cost reduction during the remainder of this contract, noting any effect on the contract completion time or delivery schedule; and

(vi) The dates of any previous submissions of the proposal, the numbers of the Government contracts under which submitted, and the previous actions by the Government, if known.

(c) (1) Cost reduction proposals shall be submitted to the Contracting Officer. Cost reduction proposals shall be processed expeditiously; however, the Government shall not be liable for any delay in acting upon any proposal submitted pursuant to this clause. The Contractor does have the right to withdraw, in whole or in part, any value engineering change proposal not accepted by the Government within the period specified in the proposal. The decision of the Contracting Officer as to the acceptance of any such proposal under this contract shall be final and shall not be subject to the "Disputes" clause of this contract.

(2) The Contracting Officer may accept, in whole or in part, before performance has been completed under this contract, any cost reduction proposal submitted pursuant to this clause by giving the Contractor written notice thereof reciting acceptance under this clause. This written notice may be given by issuance of a change order to this contract. Unless and until a change order or other contract modification applies a value engineering change proposal to this contract, the Contractor shall remain obligated to perform in accordance with the terms of the existing contract.

(3) If a cost reduction proposal submitted pursuant to this clause is accepted by the Government, the Contractor is entitled to share in instant contract savings and collateral savings, not as alternatives, but rather to the full extent provided for in this clause.

(4) Contract modifications made as a result of this clause will state that they are made pursuant to it.

(d) [Insert the appropriate instant contract sharing provisions from § 12–1.5207–2.]

(e) The Contractor will use his best efforts to include appropriate value engineering arrangements in any subcontract which, in the judgment of the Contractor, is of such a size and nature as to offer reasonable likelihood of value engineering cost reductions. For the purpose of computing any equitable adjustment in the contract price under paragraph (d) above, the Contractor's cost of development and implementation of a cost reduction proposal which is accepted under this contract shall be deemed to include any development and implementation costs of a subcontractor and any value engineering incentive payments to a subcontractor, or cost reduction share accruing to a subcontractor, which clearly pertain to such proposal and which are incurred, paid, or accrued in the performance of a subcontract under this contract.

(f) (1) In the event that an accepted cost reduction proposal results in a projected net reduction in ascertainable costs in such areas as Government-furnished property (other than Government-furnished material under this contract), operations, or logistic support which exceeds any increase in acquisition cost, the contract price or fee, as applicable, shall be increased by ten percent (10%) of the projected net reduction in ascertainable collateral costs, i.e., collateral savings, estimated to accrue to the Government during an average or typical year of use of the item in which the change is incorporated. The determination of the amount of collateral savings, if any, will be made solely by the Government and shall not be subject to the "Disputes" clause of this contract.

(2) In the event that an accepted cost reduction proposal results in a net reduction in the amount of Government-furnished material under this contract, involving savings to the Government in excess of any increase in cost of performance of this contract, then in addition to any adjustment made pursuant to the "Changes" clause by reason of such increase, the contract price or fee, as applicable, shall be increased by ——— percent (———%)[1] of the net savings estimated to accrue to the Government in the acquisition of the items under this contract. If the proposal results in a decrease in the cost of performance as well as a net reduction in the amount of Government-furnished material under this contract, an appropriate adjustment in the contract price shall be made pursuant to paragraph (d) in addition to the adjustment provided for by this paragraph (f).

(g) (1) A cost reduction proposal identical to one submitted under any other contract with the Contractor or another contractor may also be submitted under this contract.

(2) If the Contractor submits under this clause a proposal which is identical to one previously received by the Contracting Officer under a different contract with the Contractor or another contractor for substantially the same items and both proposals are accepted by the Government, the Contractor shall share instant contract savings realized under this contract, pursuant to paragraph (d) of this clause.

(h) The Contractor may restrict the Government's right to use any sheet of a value engineering proposal or of the supporting data, submitted pursuant to this clause, in accordance with the terms of the following legend if it is marked on such sheet:

This data furnished pursuant to the Value Engineering clause of contract ——— shall not be disclosed outside the Government, or duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate a value engineering proposal submitted under said clause. This restriction does not limit the Government's right to use information contained in this data if it is or has been obtained, or is otherwise available, from the Contractor or another source, without limitations. If such a proposal is accepted by the Government under said contract after the use of this data in such an evaluation, the Government shall have the right to duplicate, use, and disclose any data reasonably necessary to the full utilization of such proposal as accepted, in any manner and for any purpose whatsoever, and have others so do.

In the event of acceptance of a value engineering proposal, the Contractor hereby grants to the Government all rights to use, duplicate or disclose, in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so, any data reasonably necessary to fully utilize such proposal.

(i) (1) For purpose of sharing under paragraph (d) above, the term "instant contract" shall not include any supplemental agreements to or other modifications of the instant contract, executed subsequent to acceptance of the particular value engineering change proposal, by which the Government increases the quantity of any item or adds any item, nor shall it include any extension of the instant contract through exercise of an option (if any) provided under this contract after acceptance of the proposal.

(2) If this contract is an estimated requirements or other indefinite quantity type contract, the term "instant contract" for purposes of sharing under paragraph (d) above shall include only those orders actually placed by the Government up to the time the particular value engineering change proposal is accepted.

(3) If this clause is included in a basic ordering agreement, the "instant contract" for purposes of sharing under paragraph (d) above shall be the order under which the particular value engineering change proposal is submitted.

(4) If this contract is a multi-year contract, the "instant contract" shall be the entire contract for the total multi-year quantity.

§ 12–1.5207–2 Instant contract sharing provisions (clause paragraph (d)).

The appropriate one of the instant contract sharing provisions in paragraphs (a) through (d) of this section shall be inserted as paragraph (d) of the Value Engineering Incentive clause.

(a) *Firm fixed-price contracts and fixed-price contracts providing for escalation.* Insert the following as paragraph (d) of the Value Engineering Incentive clause in § 12–1.5207–1.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted and applied to this contract, an equitable adjustment in the contract price and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination for Convenience," "Changes", or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, the contract price shall be reduced by the following amount: the total estimated decrease in the Contractor's cost of performance attributable to the period for which the price has been established, less ——— percent (——%)[1] of the difference between the amount of such total estimated decrease and any net increase in ascertainable collateral costs to the Government which must reasonably be incurred as a result of application of the cost reduction proposal to this contract; then in any redetermination of price, under the "Price Redetermination" clause of this contract, having an effective date subsequent to the effective date of any change order or notice of partial termination issued pursuant to this clause, the redetermination price shall not be reduced as a consequence of such change order or notice of partial termination by more than ——— percent (——%)[2] of the estimated decrease in that part of the Contractor's cost of performance which is attributable to the pertinent price redetermination period. When the cost of performance of this contract is increased as a result of the change, the equitable adjustment increasing the contract price shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause.

(b) *Fixed-price contracts providing for prospective price redetermination.* Insert the following as paragraph (d) of the Value Engineering Incentive clause in § 12–1.5207–1.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted and applied to this contract, an equitable adjustment in the contract price and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination for Convenience," "Changes", or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, the contract price shall be reduced by the following amount: the total estimated decrease in the Contractor's cost of performance less ——— percent (——%)[1] of the difference between the amount of such total estimated decrease and any net increase in ascertainable collateral costs to the Government which must reasonably be incurred as a result of application of the cost reduction proposal to this contract; then in any redetermination of price, under the "Price Redetermination" clause of this contract, having an effective date subsequent to the effective date of any change order or notice of partial termination issued pursuant to this clause, the redetermination price shall not be reduced as a consequence of such change order or notice of partial termination by more than ——— percent (——%)[2] of the estimated decrease in that part of the Contractor's cost of performance which is attributable to the pertinent price redetermination period. When the cost of performance of this contract is increased as a result of the change, the equitable adjustment increasing the contract price shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause.

(c) *Fixed-price incentive (firm target) contracts.* Insert the following as paragraph (d) of the Value Engineering Incentive clause in § 12–1.5207–1.

(d) If a cost reduction proposal submitted pursuant to this clause and affecting any of the items described in paragraph (a) of the "Incentive Price Revision (Firm Target)" clause of this contract is accepted and applied to this contract, an equitable adjust-

[1] Insert the appropriate percentage, i.e., the Contractor's share, as determined for instant contract sharing under paragraph (d).

[1] Insert the appropriate percentage, i.e., the contractor's share (see § 12–1.5203).

[2] Insert the appropriate percentage, i.e., the Government's share (see § 12–1.5203).

ment in the total target price of such items and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination for Convenience," "Changes" or other applicable clause of this contract. The equitable adjustment in such total target price shall be established by determining the effect of the proposal on the Contractor's cost of performance taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract, and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, (i) the total target cost of the affected items shall be reduced by the full amount of the total estimated decrease in the Contractor's cost of performance, (ii) the total target profit relating to such items shall be increased by ------ percent (--%)[1] of the difference between the total estimated decrease and any net increase in ascertainable collateral costs to the Government which must reasonably be incurred as a result of application of the cost reduction proposal to this contract, and (iii) the maximum dollar limit on the total final price of such items shall be decreased by ------ percent (--%)[2] of the total estimated decrease. When the cost of performance of this contract is increased as a result of the change, the equitable adjustment increasing the contract price shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification will state that it is made pursuant to this clause.

(d) *Cost-plus-incentive-fee contracts.* Insert the following as paragraph (d) of the Value Engineering Incentive clause in § 12–1.5207–1.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted and applied to this contract, an equitable adjustment in target cost and fee and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination," "Changes" or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract, and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, the target cost shall be reduced by the full amount of the total estimated decrease in the Contractor's cost of performance, and the minimum target, maximum fees shall be increased by ---------- percent (---- %)[1] of the difference between the total estimated decrease in the Contractor's cost of performance and any net increase in ascertainable collateral costs to the Government which must reasonably be incurred as a result of application of the cost reduction proposal to this contract. When the cost of performance of the contract is increased as a result of the change, the equitable adjustment shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause.

[1] Insert the appropriate percentage, i.e., the Contractor's share (see § 12–1.5203).

[2] Insert the appropriate percentage, i.e., the Government's share (see § 12–1.5203).

§ 12–1.5207–3 Exclusion of collateral savings provisions.

Where the contracting officer has determined that the item or class of items being procured offers no reasonable potential for significant collateral savings, the Value Engineering Incentive clause in § 12–1.5207–1 shall be modified by deleting subparagraph (a)(2)(ii)(B), (c)(3), and paragraph (f) thereof and the appropriate paragraph (d) thereof shall be modified by deleting the last sentence.

Subpart 12–1.53—Voluntary Refunds

§ 12–1.5301 General.

A voluntary refund is a payment or credit, not required by any contractual or other legal obligation, made to the Government by a contractor or subcontractor either as a payment or as an adjustment under one or more contracts or subcontracts. It may be unsolicited or it may be made in response to a request by the Government. Where it is desired to solicit a voluntary refund from a subcontractor, the prime contractor should be encouraged to facilitate the making of such refund. In deciding whether to solicit a voluntary refund or to accept an unsolicited refund, the contracting officer shall ask legal counsel to review the contract or contracts and all data relevant thereto to determine whether the Government rights would be jeopardized or impaired by the contracting officer's proposed action.

§ 12–1.5302 Solicited refunds.

Voluntary refunds may be requested during or after contract performance. They shall be requested only when it is considered that the Government was overcharged under a contract or was inadequately compensated for the use of Government-owned property, or in the disposition of contractor inventory, and retention by the contractor or subcontractor inventory, and retention by the contractor or subcontractor of the amount in question would be contrary to good conscience and equity. Generally, retention by the contractor or subcontractor shall not be considered contrary to good conscience and equity, and thus a voluntary refund shall not be requested unless the overcharged or inadequate compensation was due, at least in part, to the fault of the contractor or subcontractor. The decision to solicit a voluntary refund shall be made by the head of the procuring activity.

§ 12–1.5303 Disposition of voluntary refunds.

(a) If a refund is offered prior to final payment, it is preferable that the contract price be appropriately modified to reflect the refund. In such a case, the amount of the refund shall be credited to the applicable appropriation cited in the contract.

(b) In cases where the refund is to be made by check rather than by an adjustment in the contract price, the check shall made payable to the Treasurer of the United States, and shall be forwarded in accordance with the procedures of each Administration.

Subpart 12–1.54—Acquisition of Equipment by Lease, Purchase or Lease With Option To Purchase

§ 12–1.5401 General.

This subpart prescribes DOT policy and procedures with respect to determination of whether to lease, purchase, or lease with option to purchase, when acquiring equipment for Department use, where these options are available.

§ 12–1.5402 Telewriting equipment and office copying machines.

Guidelines for making lease/purchase determinations in the acquisition of telewriting equipment and office copying machines are specified in the Federal Property Management Regulations (FPMR), Subpart 101–25.5.

§ 12–1.5403 Automatic data processing equipment.

Policies on the selection and acquisition (including lease/purchase determinations) of automatic data processing equipment are prescribed in Bureau of the Budget Circular No. A–54.

§ 12–1.5404 Lease/purchase determinations.

(a) Whenever procurement is to be made of items of equipment normally available for both lease and purchase, a determination shall be made as to whether acquisition by lease, purchase, or lease with option to purchase is most advantageous to the Government. The determination shall be supported by comparisons of costs of the various acquisition alternatives. The extent of the cost comparison required to support the determination will be a matter of judgment, depending primarily on the estimated cost of the equipment.

(b) For equipments of relatively high dollar values, considerations shall be given to including the following cost elements in the cost comparison:

(1) Purchase price delivered to the point of installation.

(2) Leasing cost including delivery charges to the Department and cost of return to the vendor.

(3) Interest cost on monies paid by the Government under purchase which would be deferred under lease.

(4) Maintenance costs to the Government under lease and under purchase. When maintenance is to be performed by the Government, these costs would include:

(i) Cost of direct labor.

(ii) Cost of parts and supplies, including investment costs and warehousing and distribution costs.

(iii) Cost of additional tools and repair equipment needed for maintenance of the equipment.

(iv) Cost of training maintenance personnel.

(v) Cost of repair manuals.

(vi) Cost of any applicable overhead.

(5) Installation and dismantling costs.

(6) Residual value of equipment after expected use period, including possible continued use by the Government in another application or program.

(7) Operating costs (exclusive of maintenance costs) in those instances where, under the lease method, the vendor would perform part or all of the labor incident to the operation of the equipment.

(c) For equipments of small dollar value, the cost comparison can be limited to the cost of purchase and an estimate of installation and maintenance cost versus the cost of lease, as described in FPMR Subpart 101–25.5.

§ 12–1.5405 Selecting the method of acquisition.

§ 12–1.5405–1 Purchase method.

(a) The purchase method is preferred when all of the following conditions exist:

(1) There is little or no doubt that the equipment to be procured can be efficiently and effectively utilized, cost and other factors considered.

(2) A comparative cost analysis of the alternative methods of acquisition indicates that a cost advantage will accrue over the anticipated useful life of the equipment by using the purchase method.

(3) The capabilities of the equipment will continue to be needed and will be sufficient to satisfy the requirements of the Government, current and projected, for a period beyond the point in time at which the purchase method begins to provide a cost advantage. The possibility that future technological advances would make the selected equipment comparatively less desirable before the cost advantage point is reached should not rule out purchase if the selected equipment is expected to be able to satisfy the Government's requirements economically.

§ 12–1.5405–2 Lease-with-option-to-purchase method.

The lease-with-option-to-purchase method is preferred when it is reasonably anticipated that purchase may be justified, but it is desirable to defer this decision temporarily because the conditions necessary to indicate purchase are not fully satisfied. This situation might arise when it is determined that a short period of operational experience is desirable to prove the effectiveness of an equipment for which there is no previous experience, or where technical changes might substantially alter the requirement for the equipment.

§ 12–1.5405–3 Lease method.

The least method, without option to purchase, is indicated when it has been established that neither the conditions in § 12–1.5405–1 nor § 12–1.5405–2 prevail.

§ 12–1.5406 Periodic cost comparisons on leased equipment.

For equipment under lease, the contracting officer shall compute cost comparisons periodically (at least once a year) to revalidate the original determination that the lease method is most advantageous to the Government.

Subpart 12–1.55—Multi-Year Procurement

§ 12–1.5500 Scope of subpart.

This subpart contains the multi-year method of procurement for supplies.

§ 12–1.5501 Description of multi-year procedure.

Multi-year procurement is a method for competitive contracting for known requirements for supplies, in quantities and total cost not in excess of planned requirements for 5 years set forth in approved programs, even though the total funds ultimately to be obligated by the contract are not available to the contracting officer at the time of entering into the contract. Under this method, contract quantities are budgeted for and financed in accordance with the program year for which each quantity is authorized. This procedure provides for solicitation of prices based either on award of the current 1-year program quantity only, or in the alternative, on the total multi-year quantities. Award is made on whichever of these two alternative bases reflects the lowest unit prices to the Government. If award is made on the multi-year basis, funds are obligated only for the first year's quantity, with succeeding years' contract quantities funded annually thereafter. In the event funds are not made available to support one or more succeeding year's quantities, cancellation is effected. The contractor is protected against loss resulting from cancellation by contract provisions allowing reimbursement of unrecovered nonrecurring costs included in prices for canceled items.

§ 12–1.5502 Policy.

§ 12–1.5502–1 Principal advantages.

Multi-year procurement shall be used to the maximum extent consistent with §§ 12–1.5502–4, 12–1.5503, and 12–1.5511. Advantages of this method include, for example:

(a) Lower costs;

(b) Enhancement of standardization;

(c) Reduction of administrative burden in the placement and administration of contracts;

(d) Substantial continuity of production;

(e) Stabilization of work forces; and

(f) Broadening the competitive base with opportunity for participation by firms not otherwise willing or able to compete for lesser quantities, particularly in cases involving high startup costs.

§ 12–1.5502–1 Principal objective.

The principal objective of the multi-year procedure is to generate realistic competition by minimizing competitive disadvantage and by increasing contractor interest in participating in procurements which involve high startup costs and make-ready expense and which also may require substantial capital investment by contractors for expansion of their facilities. Under this procedure;

(a) Nonrecurring costs are distributed over a larger number of units, thus narrowing any price advantage of a firm already in production;

(b) There is greater assurance of depreciation recovery for capital investment; and

(c) The competitive base is broadened with better prospects for lower prices, where firms otherwise might be unwilling or unable to compete.

§ 12–1.5502–3 Cost savings factors to consider.

Another major objective is to obtain lower prices in those procurements which do not necessarily involve high startup cost but which do provide opportunity for substantial cost savings and other advantages through assurance of continuity of production over longer periods of time. In determining whether substantial cost savings and related advantages can be realized, consideration may be given to whether:

(a) Production or performance closeout or shut-down costs, including employee severance pay, represent a substantial cost contingency in prices quoted on only 1 year's program;

(b) Stabilization of work forces will provide greater assurance of sustaining and improving production efficiency and quality;

(c) Substantial cost and quality advantage will accrue through avoidance of the possible need for establishing and "proving out" quality control techniques and procedures for a new contract each year;

(d) Costly preproduction or pilot testing will be avoided;

(e) The ability to recruit and retain highly skilled personnel will be enhanced through assuruance to employees of longer periods of employment than would be the case in single-year procurement, thereby avoiding costs of repeated training of new personnel;

(f) The ability to vary production rates during peak and off-peak periods in each program year will result in economies; and

(g) Substantial in-house savings in maintenance and supply operations will accrue from standardization of supplies accomplished by procurement from a single source throughout the multi-year period.

§ 12–1.5502–4 Set-asides.

Total small business set-asides are compatible with the multi-year method of procurement and may be used when both procedures are appropriate. Partial set-aside procedures (both small business and labor surplus area) generally are not compatible with the multi-year procedure when high startup costs are involved because of the potential duplication of such costs by the set-aside contractor and the non-set-aside contractor. However, when the multi-year procedure is based not on high startup costs but on the opportunity for cost savings through assurance of continuity of production over longer periods of time, partial set-aside procedures are compatible with the multi-year procedure. Furthermore, even where high startup costs are involved,

use of partial set-aside procedures together with the multi-year procedure may be appropriate in exceptional circumstances, such as where criteria for partial set-asides are met under FPR 1–1.7 or 1–1.8, and it is likely that broader or more realistic competition will result from a combination of both procedures, and this broader competition is likely to more than offset any duplication of startup costs. When reviewing a proposed procurement involving possible use of this procedure, in addition to consideration of the criteria established in this subpart, the contracting officer shall invite the advice and counsel of the activity's small business specialist and the SBA representative, if one is assigned to that activity, permitting either or both to review all pertinent facts and make recommendations thereon.

§ 12–1.5502–5 Multi-year subcontracts.

The same benefits and advantages that are derived from multi-year prime contracts may frequently be increased by multi-year subcontracts thereunder. The prime contractor in the exercise of his management responsibilities must freely choose the subcontract types that best satisfy his needs. However, multi-year prime contractors should be encouraged to employ multi-year subcontracts selectively and only when:

(a) The subcontract item is of stable design and specification;

(b) The quantity required is known and firm;

(c) Effective competition is assured; and

(d) The use of multi-year subcontracts can reasonably be expected to result in reduced prices.

In such cases, the prime contractor is adequately protected against cancellation since appropriate cancellation charges for such multi-year subcontractors are included within the cancellation charge of the multi-year prime contract. Multi-year subcontracts may be particularly desirable under a sole source multi-year prime contract since effective competition at the subcontract level may thereby be enhanced and the attendant cost reductions realized by the prime contractor and the Government.

§ 12–1.5503 Application—criteria.

Except as provided in DOTPR 12–1.5511 below, the multi-year procurement method should be used when all of the following criteria are present:

(a) Reduced unit prices can reasonably be anticipated over annual buys by reason of continuity of production or elimination of repetitive substantial startup costs, including such costs as preproduction engineering, special tooling, plant rearrangement, initial rework, initial spoilage, and pilot runs;

(b) There is reasonable expectation that effective competition can be obtained;

(c) There are known requirements for the quantities to be purchased under the multi-year contract;

(d) The design and specifications of the item are not expected to change to an extent that would involve a major impact on contract price; and

(e) The items being procured are not regularly manufactured and offered for sale in substantial quantities in the commercial market, except that (1) when quantities to be procured by the Government represent a substantial portion of the total market and would require special manufacturing runs for all or substantially all of the Government's requirements and (2) significant cost savings would result from multi-year procurement, this procedure may be authorized by the head of the procuring activity or his designee with the procurement file fully documented as to reasons why the expected substantial savings are not obtainable under annual procurements.

§ 12–1.5504 Method of solicitation.

Formal advertising, including two-step formal advertising, is the preferred method for use in multi-year procurement. In cases where the period of production is such that a contingency for labor and material costs is likely otherwise to be included in the multi-year contract price, the contracting officer should normally use a provision for price escalation.

§ 12–1.5505 Procedures.

Solicitations shall include the information described in §§ 12–1.5505–1 through 12–1.5505–9, as appropriate.

§ 12–1.5505–1 Requirements.

State the requirements, separately identified by bid or proposal item in the schedule, for (a) the first program year; and (b) the multi-year procurement including the quantities for each program year thereunder.

§ 12–1.5505–2 Previous competition.

When previous production procurements of the item have been made with competition—

(a) Include a provision that a price may be submitted for the total requirements of the first program year, or for the total multi-year requirements, or both, or

(b) When competition in future procurements of the items would be impracticable after award of a contract covering the first program year quantity alone and the head of the procuring activity determines that, in order to eliminate the possibility of a first program year "buy-in," these provisions will be in the best interests of the Government—include provisions that a price may be submitted only for the total multi-year quantity and that prices on a single-year basis will not be considered for any purpose.

§ 12–1.5505–3 No previous competition.

When there has been no previous competition for the production of the item—

(a) Include provisions that a price must be submitted for the total requirements of the first program year, that a price may be submitted for the total multi-year quantity, and that a bid or offer on the multi-year quantity only will be considered nonresponsive; and a provision that if only one responsive bid or offer on the multi-year requirements is received from a responsible bidder or offeror, the Government reserves the right to disregard the bid or offer on the multi-year quantity and to make an award only for the first program year requirements; or

(b) When competition in future procurements of the items would be impractical after award of a contract covering the first program year quantity alone and the head of the procuring activity determines that, in order to eliminate the possibility of a first program year "buy-in," these provisions will be in the best interest of the Government—

(1) Include provisions that a price may be submitted only for the total multi-year quantity and that prices on a single-year basis will not be considered for any purpose, and

(2) A provision that if only one responsive bid or offer on the multi-year requirements is received from a responsible bidder or offeror, the Government reserves the right to cancel the solicitation and resolicit on a single-year basis by whatever procedures are then appropriate.

§ 12–1.5505–4 Pricing—unit price.

Include a provision that the unit price of each item in the multi-year requirement shall be the same for all program years included therein.

§ 12–1.5505–5 Comparison criteria.

Provide criteria for comparing the lowest evaluated submission on the first program year's requirement against the lowest evaluated submission on the multi-year requirements.

§ 12–1.5505–6 Single year and/or multi-year award.

When the solicitation permits bids or offers on either the first program year requirements or the multi-year requirements or both, include a provision that in the event the Government determines prior to award that only the first program year quantities are actually required, the Government may evaluate bids or offers and make award solely on the basis of prices bid or offered on the first program year requirements.

§ 12–1.5505–7 Cancellation ceiling.

Include a provision setting forth a separate cancellation ceiling (on a percentage basis) applicable to each program year subject to cancellation (see § 12–1.5506).

§ 12–1.5505–8 Schedule provision.

Include a prominently placed provision directing attention to the multi-year features of the solicitation, and to—

(a) The Limitation of Price and Contractor Obligations clause (see § 12–1.5514–1) which limits the payment obligation of the Government to the requirements of the first program year and to those of such succeeding program years as may be funded by the Government;

(b) The Cancellation of Items clause (see § 12–1.5514–2) which allows the Government to cancel, by a specified date or within a specified period, all remaining program years; and

(c) The cancellation ceiling set forth in the schedule.

§ 12–1.5505–9 Quantity obligation.

Include a statement that award will not be made on less than the quantity stated as the first program year requirements.

§ 12–1.5506 Establishment and revision of cancellation ceilings.

(a) The term "cancellation" as used in multi-year procurement refers only to the cancellation of the total requirements of all remaining program years. Such cancellation results from (1) notification from the contracting officer to the contractor of nonavailability of funds for contract performance for any subsequent program year, or (2) failure of the contracting officer to notify the contractor that funds have been made available for performance of the succeeding program year requirement. For each program year except the last, the contracting officer shall establish a cancellation ceiling applicable to the remaining program years which are subject to cancellation. Cancellation ceilings will be lower for each succeeding program years in that such ceilings must exclude all amounts allocable to items included in prior program years. Such ceilings shall be expressed in the schedule and shall apply to all bidders alike. The reduction in the cancellation ceilings percentage for each program year shall be in direct proportion to the reduction in the quantity remaining subject to cancellation. For example, if the total nonrecurring costs are estimated at 10 percent of the total multi-year price and program year quantities for 5 years are 30, 30, 20, 10, and 10; the cancellation percentage after deducting 3 percent for the first program year would be 7 percent, 4 percent, 2 percent, and 1 percent of the total multi-year price applicable to the 2d, 3d, 4th, and 5th program years respectively. In determining cancellation ceilings, the contracting officer must estimate reasonable preproduction, labor learning and other nonrecurring costs, to be incurred by an "average" prime or subcontractor which would be applicable to and which normally would be amortized in all items to be furnished under the multi-year requirements. They include such costs as plant rearrangement, special tooling, preproduction engineering, initial rework, initial spoilage, pilot runs, and unrealized labor learning. They shall not include any costs of labor or material, or other expenses (except as indicated above) which might be incurred for production of the items subject to cancellation for each program year. The total estimate must then be compared with the best estimate of the procurement cost to arrive at a reasonable percentage figure. To perform this calculation, it is essential that the contracting officer obtain in-house engineering cost estimates which will identify the detailed recurring and nonrecurring costs, and indicate labor learning implications. Cancellation dates for each program year's requirements shall be established with due regard for production lead time and the date by which funding therefor can reasonably be accomplished.

(b) Original cancellation ceilings may be revised from information developed after issuance of a solicitation discloses that such ceilings are not realistic. In the case of formal advertising, such changes shall be by amendment of the invitation for bids prior to bid opening. In two-step formal advertising, discussion conducted during the first step may indicate the need for revised ceilings in step two. Negotiations with offerors in a negotiated procurement may provide information requiring a change in cancellation ceilings for all offerors, prior to final negotiation and contract award. In order to assure that all interested sources of supply are thoroughly aware of how multi-year procurement is accomplished, use of presolicitation or prebid conferences may be advisable. During such conferences the contracting officer should ascertain whether escalation provisions are appropriate (see FPR 1–2.104–3) and whether the proposed cancellation ceiling is adequate.

§ 12–1.5507 Funds obligation—contingent liabilities.

For each program year requirement, funds shall be obligated to cover the quantities to be delivered thereunder. In addition, contingent liabilities for cancellation charges shall be carried as outstanding commitments.

§ 12–1.5508 Payment for cancellation.

In the event of a cancellation the contractor is entitled to payment as consideration therefor in accordance with the terms of the Cancellation of Items clause below in an amount not to exceed the cancellation ceiling.

§ 12–1.5509 Schedule provision limiting payment obligation.

The schedule shall contain a provision limiting the payment obligation of the Government to a monetary amount there described as being available for contract performance. Such amount for the first program year requirements shall be inserted by the contracting officer upon award of the contract and shall be modified for successive program years upon availability of funds for such years.

§ 12–1.5510 Termination for convenience.

In the event of a total termination for the convenience of the Government, including items subject to cancellation, the Government's obligation shall not exceed the amount set forth in the schedule as available for contract performance, plus the applicable amount established as the cancellation ceiling.

§ 12–1.5511 Limitations.

Multiyear procurement shall not be used:

(a) When funds covering the procurement are limited by statute for obligation during the fiscal year in which the contract is executed;

(b) For quantities or total costs in excess of the planned requirements for 5 years set forth in approved programs; or

(c) When any one of the criteria set forth in § 12–1.5503 is not present.

§ 12–1.5512 Evaluation.

(a) Evaluation of offers in a multiyear procurement involves not only the determination of the lowest overall evaluated cost to the Government for both alternatives, the multiyear procurement and the first program year procurement; it also involves the comparison of the cost of buying the total requirement under a multiyear procurement with cost of buying the total requirement in successive independent procurements. All the factors to be considered for the various evaluations involved shall be set forth in the solicitation.

(b) In the event the Government determines prior to award that only the first program year quarantities are actually required, the procurement will no longer be evaluated on a multiyear basis:

(1) When the solicitation permits bids or offers on either the first program year requirements or the multiyear requirements or both, only bids or offers on the first program year requirements will be evaluated; and

(2) When the solicitation does not permit the submission of prices on a single-year basis, the single-year requirement will be resolicited.

(c) The cancellation ceiling shall not be a factor for evaluation. Unless Government administrative costs incident to annual procurement methods and contract administration can be reasonably established and supported, they shall not be used as a factor for evaluation. When administrative costs are to be used in evaluation, the dollar amount to be used shall be stated in the solicitation.

(d) Delivery destinations may be unknown for certain quantities due to the extended duration of contract performance. In such cases, destinations shall be developed on the basis of best estimates; a definite place or places shall be designated in the solicitation as the point to which transportation costs will be computed (but only for the purpose of evaluating bids or proposals); and the solicitation shall contain the notice required by FPR 1–19.202–7.

(e) When Government production and research property is provided, the use of such property may be on a rent-free basis. In this event, the solicitation shall set forth a detailed description of the procedure to be followed and the factors to be considered for the elimination of competitive advantage. The amount added for evaluation to each offeror's unit price for the first program year requirement shall also be added to his unit price for the multiyear requirements.

(f) When the solicitation requires the submission of prices on the first program year requirements in accordance with § 12–1.5505–3(a), bids or offers which submit prices on the multiyear

requirements only shall be rejected as nonresponsive.

(g) When the solicitation provides for submission of prices only for the total multi-year quantity, submission of prices for the single-year quantity will be disregarded for any purpose but will not render the bid or offer nonresponsive as to any alternate multiyear submission by the same bidder or offeror.

(h) To determine the lowest evaluated unit price, compare the lowest evaluated bid or offer on the first program year alternative against the lowest evaluated bid or offer on the multiyear alternative as follows:

(1) Multiply the evaluated unit price for each item of the lowest evaluated bid or offer, or the first program year alternative times the total number of units of that item required by the multiyear alternative, and then

(2) Take the sum of these products for all the items, plus the dollar amount of any administrative costs of the Government which are to be used in the evaluation, and finally

(3) Compare this result against the total evaluated price of the lowest bid or offer on the multi-year alternative.

§ 12–1.5513 Award.

(a) Except as provided in paragraphs (b) and (c) of this section, award shall be made on the basis of the lowest evaluated unit price determined in accordance with § 12–1.5512, whether that price is on a single-year basis or a multiyear basis.

(b) If only one responsive bid or offer is received on the multiyear requirements from a responsible bidder or offeror, then award shall be made as follows:

(1) If the solicitation gave the bidder or offeror the choice of submitting prices on a single-year basis or multiyear basis or both, then award shall be made in accordance with paragraph (a) of this section;

(2) If the solicitation required the submission of prices on the first program year requirements in accordance with § 12–1.5505–3(a) award shall be made to the lowest evaluated bidder or offeror on the single-year basis, even though the multiyear price submission may represent the lowest evaluated price submission, except that if the multiyear price offers distinct advantages to the Government a multiyear award may be made with the advance approval of the head of the procuring activity;

(3) If the solicitation restricted the submission of prices to the multiyear basis only, the solicitation shall be cancelled and a new solicitation issued by whatever procedures are then appropriate, except that if the multiyear price offers distinct advantage to the Government a multiyear award may be made with the advance approval of the head of the procuring activity.

(c) In no event shall award be made at an unreasonable price.

§ 12–1.5514 Contract clauses.

The following clauses shall be included in all contracts under the multiyear procurement method.

§ 12–1.5514–1 Limitation of price and contractor obligations.

LIMITATION OF PRICE AND CONTRACTOR OBLIGATIONS

(a) This clause applies only in the event this contract is awarded on the alternative basis for award described in the Schedule as "Multiyear Procurement."

(b) Funds are available for performance of this contract in the amount specifically described in the Schedule, as available for contract performance. The amount of funds so described at the time of award is not considered sufficient for the contract performance required by and described in the Schedule for any Program Year other than the First Program Year. Upon availability to the Contracting Officer of additional funds sufficient for performance of the full requirements for the next succeeding Program Year, the Contracting Officer shall, not later than the date specified in the Schedule, unless a later date is agreed to by the parties, so notify the Contractor in writing and the amount of funds described in the Schedule as available for contract performance shall be modified accordingly. This procedure shall apply for each successive Program Year.

(c) The Government is not obligated to the Contractor for contract performance in any monetary amount in excess of that described in the Schedule or modifications thereto, as available for contract performance.

(d) The Contractor is not obligated to incur costs for the performance required for any Program Year after the first and until he has been notified in writing by the Contracting Officer of an increase in availability of funds in accordance with paragraph (b) of this clause. If so notified, the Contractor's obligation shall be increased only to the extent contract performance is required for the additional Program Year for which funds have been made available.

(e) In the event of termination pursuant to the "Termination for Convenience of the Government" clause of this contract, the term "total contract price" as used in that clause refers to the amount available for performance of this contract, as provided for in this clause, plus the applicable amount established as the cancellation ceiling, and the term "work under the contract" as used in that clause refers to the work under Program Year requirements for which funds have been made available. In the event of termination for default, the Government's rights under this contract shall apply to the entire multiyear requirements.

(f) Notification to the Contractor of an increase or decrease in the funds available for performance of this contract as a result of a clause other than this clause (e.g., exercise of an option for increased quantities or the "Changes" clause) shall not constitute the notification contemplated by paragraph (b) of this clause.

§ 12–1.5514–2 Cancellation of items.

CANCELLATION OF ITEMS

(a) This clause applies only in the event this contract is awarded on the alternative basis for award described in the Schedule as "Multiyear Procurement."

(b) As used herein, the term "cancellation" means that the Government is canceling, pursuant to this clause, its Program Year requirements for items set forth in the Schedule for all Program Years subsequent to that in which notice of cancellation is provided. Such cancellation shall occur only if, by the date or within the time period specified in the Schedule, or such further time as may be agreed to, the Contracting Officer (i) notifies the Contractor that funds will not be available for contract performance for any subsequent Program Year; or (ii) fails to notify the Contractor that funds have been made available for performance of the Program Year requirement for the succeeding Program Year.

(c) Except for cancellation pursuant to this clause or for termination pursuant to the "Default" clause, any reduction by the Contracting Officer in the quantities called for under this contract shall be considered a termination in accordance with the "Termination for Convenience of the Government" clause of this contract.

(d) In the event of cancellation pursuant to this clause, the Contractor will be paid, as consideration therefor, a cancellation charge not to exceed the cancellation ceiling described and separately set forth in the Schedule as being applicable at the time of cancellation.

(e) The cancellation charge is intended to cover (i) only costs reasonably necessary for production which would have been equitably amortized in the unit prices for the entire multiyear contract period, but which, because of the cancellation, are not so amortized and (ii) a reasonable profit on such costs. The cancellation charge shall be computed and claim therefor made as would be applicable under the "Termination for Convenience of the Government" clause of this contract. The Contractor shall submit the claim promptly but in no event later than one year (i) from the date of notification of the nonavailability of funds, if issued pursuant to paragraph (b) (i), or (ii) from the date specified in the Schedule by which notification of the availability of additional funds for the next succeeding program year is required to be issued, whichever is earlier, unless one or more extensions in writing are granted by the Contracting Officer, upon request of the Contractor made in writing within such 1-year period or authorized extension thereof. The claim may include reasonable preproduction and other nonrecurring costs, incurred by the prime contractor or his subcontractor, applicable to and which normally would be amortized in all items to be furnished under the multiyear requirements, such as plant rearrangement, special tooling, preproduction engineering, initial rework, initial spoilage and pilot runs, as well as costs not amortized by the level contract unit price solely because the cancellation has precluded anticipated benefits of Contractor or subcontractor learning. The claim shall not include any amount for:

(1) Any item or cost for which payment has already been made to the Contractor; or

(2) Anticipated profit on the canceled items.

(End of contract clause. Where options are otherwise authorized, multiyear contracts may include an appropriate "Option to Increase Quantities" clause in which the period for exercise of the option is limited to the date set forth in the contract Schedule for notifying the contractor that funds are available for the requirements of the next succeeding program year. If such an option is included, the following paragraph (f) should be added to the clause set forth above.)

(f) The Contractor agrees not to include in the price for option quantities any costs of a startup or nonrecurring nature, which costs have been fully provided for in the unit prices of the firm quantities of the Program Years, and further agrees that the prices offered for option quantities will reflect only those recurring costs, and a reasonable profit thereon, which are necessary to furnish the additional option quantities. Therefore, any quantities added to the original contract quantities through exercise of the Government option in the "Option to Increase Quantities" clause of this contract shall not be subtracted from what would otherwise be considered the quantity canceled for the purpose of computing allowable cancellation charges.

PART 12–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 12–2.2—Solicitation of Bids

Sec.
12–2.201 Preparation of invitations for bids.
12–2.202 Miscellaneous rules for solicitation of bids.
12–2.202–1 Bidding time.
12–2.202–2 Telegraphic bids.
12–2.202–5 Descriptive literature.
12–2.203 Methods of soliciting bids.
12–2.203–1 Mailing or delivery to prospective bidders.
12–2.203–2 Publicity in newspapers and trade journals.
12–2.205 Bidders mailing list.
12–2.205–5 Release of bidders mailing lists.

Subpart 12–2.4—Opening of Bids and Award of Contract

12–2.406 Mistakes in bids.
12–2.406–3 Other mistakes disclosed before award.
12–2.406–4 Disclosure of mistakes after award.
12–2.407 Award.
12–2.407–1 General.
12–2.407–7 Statement and certificate of award.
12–2.407–8 Protests against award.
12–2.408 Information to bidders.

Subpart 12–2.5—Two-Step Formal Advertising

12–2.503 Procedures.
12–2.503–1 Step one.
12–2.503–50 Determination of size status.

Subpart 12–2.2—Solicitation of Bids

§ 12–2.201 Preparation of invitations for bids.

In addition to the applicable information contained in FPR 1–2.201, the following shall be included in the invitation for bid if applicable to the procurement:

(a) *For supply and service contracts including construction.*

(50) In all cases where multiple awards are to be considered, the following provision:

EVALUATION OF BIDS FOR MULTIPLE AWARDS

In addition to other factors, bids will be evaluated on the basis of advantages or disadvantages to the Government that might result from making more than one award (multiple awards). For the purpose of making this evaluation, it will be assumed that the sum of $100 would be the administrative cost to the Government for issuing and administering each contract awarded under this invitation, and individual awards will be for the items and combinations of items which result in the lowest aggregate price to the Government, including such administrative costs.

(b) *For supply and service contracts excluding construction.*

(51) When the invitation involves the use of containers (drums, carboys, cylinders, reels, tanks, etc.) incident to the delivery terms, a provision substantially as follows:

(i) Cost of containers shall be included in the price quoted and containers are to remain property of the Government; or

(ii) Cost of containers shall be included in the price quoted and the contractor will allow a credit of $(to be completed by the bidder) for each container returned to point of delivery within (to be completed by the Government) days.

§ 12–2.202 Miscellaneous rules for solicitation of bids.

§ 12–2.202–1 Bidding time.

The minimum bidding times as set forth in FPR 1–2.202–1 are not less than 15 calendar days when procuring standard commercial articles and services and not less than 30 calendar days when procuring other than standard commercial articles and services. The minimum bidding times should not be construed also to be maximum or automatic bidding times. The bidding time permitted under each procurement should reflect the considered judgment of the contracting officer taking into account all of the facts surrounding the procurement, and recognizing that doubts should be resolved in favor of a longer rather than a shorter bidding time. If the bidding time for any procurement is reduced below the minimum periods of 15 or 30 days, as applicable, the reduction shall be fully justified and documented in the contract file by the contracting officer.

§ 12–2.202–2 Telegraphic bids.

When telegraphic bids are authorized, include the following provision in the Schedule of the invitation:

TELEGRAPHIC BIDS

Telegraphic bids may be submitted in response to this invitation for bids. Telegraphic bids must be received in this office prior to the time specified for opening of bids. Such bids must specifically refer to this invitation for bids, include the item or subitems, quantities and unit prices for which the bid is submitted and the time and place of delivery; and contain all the representations and other information required by the invitation for bids together with a statement that the bidder agrees to all the terms, conditions and provisions of the invitation. Failure to furnish, in the telegraphic bid, the representations and information required by the invitation for bids may necessitate rejection of the bid. Signed copies of the invitation for bids must be furnished in confirmation of the telegraphic bids.

§ 12–2.202–5 Descriptive literature.

(a) Descriptive literature shall not be required of the bidder unless all requirements of FPR 1–2.202–5 and this § 12–2.202–5 have been met.

(b) The justification required by FPR 1–2.202–5(c) must state, in sufficient detail, the reasons why acceptable products cannot be procured without the submission of descriptive literature. A justification that states little more than the conclusion that descriptive literature is required is not acceptable. Bidders shall not, except in the most unusual circumstances which can be clearly justified, be required to furnish descriptive literature when the specifications are stated in such detail that they leave nothing for the bidder to describe.

(c) Among other things, FPR 1–2.202–5(d) requires "* * * the invitation for bids shall clearly state what descriptive literature is to be furnished, the purpose for which it is required, the extent to which it will be considered in the evaluation of bids, and the rules which will apply if a bidder fails to furnish it before bid opening * * *." The asterisked note in FPR 1–2.205–5(d)(1) lists categories of general subjects which may be appropriate for inclusion in the Requirement for Descriptive Literature clause. A mere repetition of these subjects in the clause is not sufficient to establish a common basis for evaluation of bids.

(d) An invitation for bids must contain sufficient particularity to put bidders on notice (1) as to why the descriptive data is necessary, and (2) as to how much detail the bidder must furnish in his descriptive data for his bid to be considered responsive.

§ 12–2.203 Methods of soliciting bids.

§ 12–2.203–1 Mailing or delivery to prospective bidders.

(a) Copies of invitations may be furnished for informational purposes to nongovernmental organizations such as trade associations and bidding informational services, provided they lend some assistance in advertising the requirements. The extent to which supporting papers (drawings, specifications and general provisions) are furnished will depend on how the organizations intend to use the material. If they merely prepare a synopsis of bid solicitations for distribution to their members or subscribers, the invitation itself should suffice. If, however, they provide a reading room service (such as various trade associations do for construction projects), a complete set of all papers should be furnished without cost.

(b) In connection with invitations for construction, where the cost of reproduction and distribution of plans or drawings is a substantial cost item, the extent of distribution of bidding papers may be controlled by charging prospective contractors and subcontractors a flat, non-refundable deposit fee. This method is preferred over the use of a refundable deposit system. When the plan fee method is used, arrangements should be made for plans and other bidding papers to be readily available for free inspection at the originating procurement office and other appropriate procurement offices, trade association reading rooms, and similar locations. The non-refundable plan fee should be $5, $10, or $15 per set, or more as may be appropriate. The value of the project and the cost of reproduction and distribution of the plan should be considered in determining the fee to be charged. No additional charge should be made for plans which are revised or added after the invitation is issued, or for additional plans required by the successful bidder. Plan fees collected are for deposit in the "Miscellaneous Receipts" account.

§ 12–2.203–3 Publicity in newspapers and trade journals.

(a) Section 322 of title 44 of the United States Code provides that "All advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid

for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts." Section 321 of the same title prohibits advertising in any newspaper published and printed in the District of Columbia unless the supplies or labor to be secured are to be furnished or performed in the District of Columbia or in the adjoining counties in Maryland and Virginia.

(b) The head of the agency may authorize the publication of advertisements, notices, or proposals relating to the procurement and disposal of real and personal property and services. This authority may be delegated, but without power to further delegate, to subordinate officials.

(c) Standard Forms 1143 and 1143a shall be used to place orders for paid advertising.

§ 12–2.205 Bidders mailing list.

§ 12–2.205–5 Release of bidders mailing lists.

(a) Except as provided in FPR 1–1.1003–4 and 1–2.205–5(b), no information concerning the use of bidders mailing lists in a particular procurement, or identification of sources solicited, shall be made available to the public prior to award. However, information as to sources solicited may be made available to other Government agencies, at their specific request, and upon the condition that the list will not be made available for inspection prior to award to anyone outside the Government.

(b) When it is necessary to dispatch identical information by means of electrical transmission to prospective bidders or offerors, the electrically transmitted message, when released for communications handling, shall be marked "BOOK MESSAGE—TRANSMIT A SINGLE ADDRESS MESSAGE" to preclude prospective bidders or offerors from knowing the names of others solicited.

Subpart 12–2.4—Opening of Bids and Award of Contract

§ 12–2.406 Mistakes in bids.

§ 12–2.406–3 Other mistakes disclosed before award.

The authority to make the determinations under FPR 1–2.406–3 has been delegated by the Secretary to the Assistant Secretary for Administration, and, for procurements processed within their administrations, to the Federal Aviation Administrator, Federal Highway Administrator, Federal Railroad Administrator, Commandant, U.S. Coast Guard, and Administrator, St. Lawrence Seaway Development Corporation.

§ 12–2.406–4 Disclosure of mistakes after award.

The authority to make the determinations under FPR 1–2.406–4 has been delegated by the Secretary to the Assistant Secretary for Administration, and, for procurements processed within their administrations, to the Federal Aviation Administrator, Federal Highway Administrator, Federal Railroad Administrator, Commandant, U.S. Coast Guard, and Administrator, St. Lawrence Seaway Development Corporation.

§ 12–2.407 Award.

§ 12–2.407–1 General.

In the evaluation of bids, and prior to making an award, contracting officers shall ensure that the prices to be accepted are fair and reasonable on the basis of valid criteria such as, but not limited to, prices paid on past procurements, price trend information from trade or Government publications or the daily press, current market prices for comparable quantities, extent of competitive pricing, analysis of Government cost estimates for similar procurements, and current prices being paid by other purchasing offices for the same or similar items. In those cases where adequate price competition (within the meaning of FPR 1–3.807–1(b)(1)) does not exist, the contract file shall be documented to reflect the actions taken to determine the reasonableness of the bid prices.

§ 12–2.407–7 Statement and certificate of award.

Standard Form 1036 (Statement and Certificate of Award) shall be prepared in accordance with FPR 1–2.407–7 for each contract. The original SF–1036 shall be forwarded with the original contract to the cognizant accounting office and a copy retained with the file copy in the procurement office.

§ 12–2.407–8 Protests against award.

Where a protest is received after award of contract and it appears that the award may be held invalid, the contracting officer shall obtain the views and advice of legal counsel and the head of the procuring activity. If the contractor refuses to enter into a mutual agreement to "stop work" on a no-cost basis, the head of the procuring activity may direct the contracting officer to issue a unilateral "stop work" order unless the head of the procuring activity determines that receipt of the supplies or services is so urgent that such a unilateral order would be prejudicial to the interests of the Government.

§ 12–2.408 Information to bidders.

Unsuccessful bidders shall be given a written notification of award. It shall contain the name of the successful contractor(s), and the unit price(s) or the total amount of the contract, whichever is appropriate. However, when numerous unit prices apply, thereby creating an extensive workload in furnishing this information, or where the total amount of the contract would not be meaningful, price information may be omitted. In the latter instance, the location where the abstract of bids is available for inspection shall be stated.

Subpart 12–2.5—Two-Step Formal Advertising

§ 12–2.503 Procedures.

§ 12–2.503–1 Step one.

(a) In addition to the information required by FPR 1–2.503–1(a), the Late Proposals and Modifications provision in DOTPR 12–3.5008(b) shall be included in the request.

(b) Although the Government's delivery or performance requirements are not evaluation factors under Step One, information about those requirements may be of assistance to potential bidders in determining whether or not to submit a technical proposal. Accordingly, a request for technical proposals may contain a statement indicating what the Government's probable contract delivery or performance requirements will be. The statement shall also advise that such information is not binding on the Government and that the Government's actual delivery or performance requirements will be contained in the invitation for bid issued under Step Two.

§ 12–2.503–50 Determination of size status.

Where a two-step procurement is set aside for small business firms, the controlling point in time for determining the size status of a concern is, as prescribed in FPR 1–1.703–1(b), the date of award of contract. The fact that the size status of an offeror submitting a proposal in good faith changed from a "small" to a "large" business during the interval between Step One and Step Two is not sufficient to justify an exception to the rule that size status is for determination at time of award.

PART 12–3—PROCUREMENT BY NEGOTIATION

Subpart 12–3.2—Circumstances Permitting Negotiation

Sec.
12–3.200 Scope of subpart.
12–3.201 National emergency.
12–3.202 Public exigency.
12–3.203 Purchases not in excess of $2,500.
12–3.204 Personal and professional services.
12–3.205 Services of educational institutions.
12–3.206 Purchases outside the United States.
12–3.207 Medicines and Medical supplies.
12–3.208 Property purchased for authorized resale.
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12–3.211 Experimental, development, or research work.
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12–3.213 Technical equipment requiring standardization and interchangeability of parts.
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12–3.250 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.
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12–3.252 Negotiation of construction contracts.

Subpart 12–3.3—Determinations, Findings, and Authorities

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Subpart 12–3.4—Types of Contracts

12–3.305–5 Cost-plus-a-fixed-fee contract.
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Subpart 12–3.6—Small Purchases

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12–3.650 Purchase orders.
12–3.650–1 "Minimum billing" quotations.
12–3.650–2 Unpriced purchase orders.
12–3.650–3 Estimated purchase orders.
12–3.650–5 List of vendors.
12–3.652 Service Contract Act of 1965.
12–3.652–1 General.
12–3.652–2 Purchase order transactions.
12–3.652–3 Standard Form 44 transactions.
12–3.653 Fast payment procedures.
12–3.653–1 General.
12–3.653–2 Condtions for use.
12–3.653–3 Preparation of orders.
12–3.653–4 Fast payment clause.
12–3.653–5 Consignee notification of nonreceipt, damage, or nonconformance.
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12–3.700 Scope of subpart.
12–3.703 Applicability.
12–3.704 Contract clauses.
12–3.704–1 Contracts with concerns other than educational institutions.
12–3.704–2 Contracts with educational institutions.
12–3.704–50 Interim payment of indirect costs.
12–3.704–51 Audit determination—(actual)

Subpart 12–3.8—Price Negotiation Policies and Techniques

12–3.801 Basic policy.
12–3.801–2 Responsibility of contracting officers.
12–3.807–6 Refusal to provide cost or pricing data.
12–3.808 Profit or fee.
12–3.808–2 Factors for determining fee or profit.
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Subpart 12–3.50—Solicitation of Proposals and Quotations

12–3.5000 Scope of subpart.
12–3.5001 Competition.
12–3.5002 Preparation of request for proposals or request for quotations.
12–3.5003 Receipt and safeguarding of offers.
12–3.5004 Solicitation for informational or planning purposes.
12–3.5005 Bidders mailing lists.
12–3.5006 Pre-proposal conferences.
12–3.5006–1 General.
12–3.5006–2 Procedure.
12–3.5007 Amendment of request for proposals and request for quotations—prior to closing date.
12–3.5008 Late proposals and modifications.
12–3.5009 Treatment of procurement information.
12–3.5009–1 Restrictions on disclosure and use of data in proposals.
12–3.5009–2 Disclosure of information during the pre-award or pre-acceptance period.
12–3.5009–3 Pre-award notice of unacceptable offers.
12–3.5010 Protests against award.
12–3.5011 Notice of award technique.
12–3.5012 Unsolicited contract proposals.

Subpart 12–3.2—Circumstances Permitting Negotiation

§ 12–3.200 Scope of subpart.

(a) This subpart is applicable only to the Coast Guard.

(b) Procurements by the Coast Guard may be effected by negotiation under any one of the 17 exceptions contained in 10 U.S.C. 2304(a). Except as modified in this subpart 12–3.2, the regulations set out in FPR Subpart 1–3.2 shall apply to Coast Guard negotiated procurement.

§ 12–3.201 National emergency.

Section 2304(a)(1) of 10 U.S.C. shall be cited as the authority for Coast Guard procurement under this section.

§ 12–3.202 Public exigency.

Section 2304(a)(2) of 10 U.S.C. shall be cited as the authority for Coast Guard procurement under this section.

§ 12–3.203 Purchases not in excess of $2,500.

Section 2304(a)(3) of 10 U.S.C. shall be cited as the authority for Coast Guard procurement under this section.

§ 12–3.204 Personal and professional services.

Section 2304(a)(4) of 10 U.S.C. shall be cited as the authority for Coast Guard procurement under this section.

§ 12–3.205 Services of educational institutions.

Section 2304(a)(5) of 10 U.S.C. shall be cited as the authority for Coast Guard procurement under this section.

§ 12–3.206 Purchases outside the United States.

(a) *Authority.* Section 2304(a)(6) of 10 U.S.C. shall be cited as the authority for Coast Guard procurement under this section "for property or services to be procured and used outside the United States, and its territories, possessions, and Puerto Rico."

(b) *Application.* This authority shall be used only for the procurement of—

(1) Supplies to be (i) shipped from, (ii) delivered, and (iii) used, or

(2) Services to be performed outside of the United States, its possessions and Puerto Rico, irrespective of the place of negotiation or execution of the contract.

§ 12–3.207 Medicines or medical supplies.

Section 2304(a)(7) of 10 U.S.C. shall be cited as the authority for Coast Guard procurement under this section.

§ 12–3.208 Property purchased for authorized resale.

Section 2304(a)(8) of 10 U.S.C. shall be cited as the authority for Coast Guard procurement under this section.

§ 12–3.209 Subsistence supplies.

Section 2304(a)(9) of 10 U.S.C. shall be cited as the authority for Coast Guard procurement under this section.

§ 12–3.210 Impracticable to secure competition by formal advertising.

Section 2304(a)(10) of 10 U.S.C. shall be cited as the authority for Coast Guard procurement under this section.

§ 12–3.211 Experimental, development, or research work.

(a) *Authority.* Section 2304(a)(11) of 10 U.S.C. shall be cited as authority for Coast Guard procurement under this section.

(b) *Limitations.* In addition to the limitations set forth in FPR 1–3.211(b), determinations and findings for contracts negotiated under this section requiring expenditures of not more than $100,000, shall be made by the Comptroller, Coast Guard Headquarters (Commandant (F)); those in excess of $100,000 shall be made by the Commandant of the Coast Guard.

(c) *Reporting requirement.*

(1) Reports required by section 2304(e), 10 U.S.C. to be made to the Congress on May 19 and November 19 of each year shall be made by Chief, Procurement Division (Commandant (FSP)), to the Department of Transportation, Office of Installations and Logistics, TAD–60, by May 1 and November 1 of each year of the purchases and contracts made under this section since the date of last report.

(2) Reports shall contain the following information:

(i) Name of contractor;

(ii) Dollar amount of contract (including amendments); and

(iii) Brief description of the work required to be performed under the contract (when necessary, because of the national security, the word "Classified" may be used in lieu of the description).

§ 12–3.212 Purchases not to be publicly disclosed.

(a) *Authority.* Section 2304(a)(12) of 10 U.S.C. shall be cited as the authority for Coast Guard procurement under this section.

(b) *Limitations.* Determinations and findings for negotiation under this section shall be made by the Commandant.

§ 12–3.213 Technical equipment requiring standardization and interchangeability of parts.

(a) *Authority.* Section 2304(a)(13) of 10 U.S.C. shall be cited as authority for Coast Guard procurement under this section.

(b) *Limitations.* Determinations and findings for negotiation under this section shall be made by the Commandant.

§ 12–3.214 Negotiation after advertising.

(a) *Authority.* Section 2304(a)(15) of 10 U.S.C. shall be cited as authority for Coast Guard procurement under this section. Determinations and findings for negotiation under this section shall be made by the Commandant.

(b) *Limitations.* In addition to the limitations imposed in FPR 1–3.214(b), the negotiated price must be less than the lowest rejected bid of any responsible bidder, as determined by the Commandant.

§ 12–3.215 Otherwise authorized by law.

(a) *Authority.* Section 2304(a)(17) of 10 U.S.C. shall be cited as authority for Coast Guard procurement under this section.

(b) *Application.* The contract shall cite as authority to negotiate, in addition to 10 U.S.C. 2304(a)(17), the applicable statute or United States Code reference.

§ 12–3.250 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.

(a) *Authority.* Pursuant to 10 U.S.C. 2304(a)(14), purchases and contracts may be negotiated if "for technical or special property that he [the Commandant] determines to require a substantial initial investment or an extended period of preparation for manufacture and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property."

(b) *Application.* The authority of this section may be used for the procurement of technical or specialized supplies; for example, aircraft, radar, guided missiles, rockets, and similar items of equipment; major components of any of the foregoing, and any supplies of a technical or specialized nature which may be necessary for the use or operation of any of the foregoing. Such procurement generally involves:

(1) High starting costs which have already been paid for by the Government or by the supplier;

(2) Preliminary engineering and development work that would not be useful to or usable by any other supplier;

(3) Elaborate special tooling already acquired;

(4) Substantial time and effort already expended in developing a prototype or initial production model; and

(5) Important design changes which will continue to be developed by the supplier.

The authority cited in this section will, in general, be used in situations where it is preferable to place a production contract with the supplier who had developed the equipment, and thereby either assure to the Government the benefit of the techniques, tooling, and equipment already acquired by that supplier or avoid undue delay arising from a new supplier's having to acquire such techniques, tooling, and equipment. This exception should not be used to avoid duplication of private investment unless this duplication would be likely to result in additional cost to the Government.

(c) *Limitations.* The authority of this section requires a determination and findings by the Commandant which states:

(1) The supplies are of a technical or special nature requiring a substantial investment or an extended period of preparation for manufacture; and

(2) Procurement by formal advertising either—

(i) Would be likely to result in additional cost to the Government by reason of duplication of investment; or

(ii) Would result in duplication of necessary preparation which would unduly delay the procurement.

§ 12–3.251 Purchases in the interest of national defense or industrial mobilization.

(a) *Authority.* Pursuant to 10 U.S.C. 2304(a)(16), purchases and contracts may be negotiated if "he (the Commandant) determines that (1) it is in the interest of national defense to have a plant, mine, or other facility, or a producer, manufacturer or other supplier, available for furnishing property or services in case of a national emergency; or (2) the interests of industrial mobilization, in the case of such an emergency, or the interests of national defense in maintaining active engineering, research, and development, would otherwise be subserved."

(b) *Application.* The authority cited in this section may be used to effectuate such plans and programs as may be evolved under the direction of the Commandant to provide incentives to manufacturers to maintain and keep active, engineering and design staffs and manufacturing facilities available for maximum production. The following are illustrative of circumstances with respect to which this authority may be used:

(1) When procurement by negotiation is necessary to keep vital facilities or suppliers in business or to make them available in the event of national emergency.

(2) When procurement by negotiation with selected suppliers is necessary in order to train them in the furnishing of critical supplies to prevent the loss of their ability and employee skills, or to maintain active engineering, research, and development work.

(3) When procurement by negotiation is necessary to maintain properly balanced sources of supply for meeting the requirements of procurement programs in the interest of industrial mobilization. (When the quantity required is substantially larger than the quantity which must be awarded in order to meet the objectives of this authority, that portion not required to meet such objectives will ordinarily be procured by formal advertising or by negotiation under another appropriate negotiation exception.)

(c) *Limitations.* The authority cited in this section shall not be used unless and until the Commandant has determined that—

(1) It is in the interest of national defense to have a particular plant, mine, or other facility or a particular producer, manufacturer, or other supplier available for furnishing supplies or services in case of national emergency and negotiation is necessary to that end; or

(2) The interests of industrial mobilization in the case of a national emergency would be subserved by negotiation with a particular supplier; or

(3) The interest of national defense in maintaining active engineering, research, and development would be subserved by negotiation with a particular supplier.

(d) *Reporting requirements.* Reports required by section 2304(e) of 10 U.S.C. to be made to the Congress on May 19 and November 19 of each year will be made by the Chief, Procurement Division (Commandant (FSP)), by May 1 and November 1 of each year to the Department of Transportation, Director of Installations and Logistics, TAD–60, of the purchases and contracts made under 10 U.S.C. 2304(a)(16) since the date of last reporting.

(1) Reports shall contain the following information:

(i) Name of contractor.

(ii) Dollar amount of contract (including amendments).

(iii) Brief description of the work required to be performed under the contract. (When necessary, because of the national security, the word "classified" may be used in lieu of description.)

(2) Negative reports are not required.

§ 12–3.252 Negotiation of construction contracts.

See DOTPR 12–18.301–50.

Subpart 12–3.3—Determinations, Findings, and Authorities

§ 12–3.301 General.

The determinations and findings required to be made under FPR Part 1–3 by the Coast Guard shall cite the appropriate section of Chapter 137 of Title 10 of United States Code. Determinations and findings of all other Administrations shall cite the appropriate section of Title 41 of United States Code.

§ 12–3.305 Format for determinations and findings.

§ 12–3.305–50 Format for D&F for authority to negotiate a contract.

DEPARTMENT OF TRANSPORTATION
(Name of administration)

DETERMINATION AND FINDINGS

Authority to negotiate a contract under (insert authority)

FINDINGS

1. The proposed contract provides for the procurement of (describe here the nature and scope of the work to be performed, including estimated cost).

2. (In this and any subsequent paragraphs, set forth the facts and circumstances that clearly and convincingly establish that formal advertising would not be feasible and practicable for the procurement.)

DETERMINATION

Upon the basis of these findings, I hereby determine that the proposed contract may be negotiated without formal advertising pursuant to (insert authority).

Date ---------- ----------

§ 12–3.305–51 Format for D&F for use of cost reimbursable or fixed-price incentive type contracts.

DEPARTMENT OF TRANSPORTATION
(Name of Administration)

DETERMINATION AND FINDINGS

Authority to use a (insert type) contract

FINDINGS

1. The proposed contract provides for the procurement of (brief description of supplies or services) at an estimated cost of $------.

2. (In this and any subsequent paragraphs set forth the facts that show why it is impracticable to secure supplies or services of the kind or quality required without the use of such type of contract, or that such method of contracting is likely to be less costly than other methods).

DETERMINATION

Upon the basis of these findings, I hereby determine that it is impracticable to secure supplies or services of the kind or quality required without the use of (insert type of contract). [Alternate: * * * I hereby determine that the use of (insert type of contract) is likely to be less costly than other methods.] (When a cost-plus-a-fixed fee is involved, the following finding is also to be made:)

Pursuant to (insert "41 U.S.C. 254(b)" or "10 U.S.C. 2306(d)", as applicable), I hereby determine that the estimated cost of the contract, exclusive of the fee, is $----------, that the fee in the amount of $---------- is ------ percent of the estimated cost, exclusive of fee, and that the fee is within statutory and administrative limitations.

Date ---------- ----------

Subpart 12–3.4—Types of Contracts

§ 12–3.405–5 Cost-plus-a-fixed-fee contract.

In the case of a cost-plus-a-fixed-fee contract with a nonprofit or not-for-profit organization, the fee shall not exceed 5% of the estimated cost of the contract, exclusive of fee, unless approved in writing by the Director, Office of Installations and Logistics, OST.

§ 12–3.408 Letter Contract.

(a) *Request for approval.* The use of letter contracts must be approved in advance on a case-by-case basis by the head of the procuring activity. The request for approval must state: the necessity and advantage to the Government in issuing the letter contract; why no other type of contract is suitable; name and address of the proposed contractor; duration of proposed letter contract in number of days from date of execution; amount of letter contract and estimated amount of definitive contract showing source and citation of funds with statement that funds are available; the estimated delivery date or dates and the proposed type of definitive contract.

(b) *Limitations.* In addition to the limitations prescribed in FPR 1–3.408(c), the following apply to, and shall be expressly stated in, each letter contract:

(1) The period of effectiveness for the letter contract, including a specific date when definitization will be completed. This date shall not be later than the first to occur of the following:

(i) The expiration of 120 days from the date of the letter contract; or

(ii) The date by which 40 percent of the performance of the work will be completed.

(2) The maximum liability of the Government stated in the letter contract shall not exceed 50 percent of the total estimated cost of the procurement.

Amendments to letter contracts to accomplish new procurement are subject to the same limitations as new letter contracts.

(c) *Content.* In addition to the requirements in FPR 1–3.408(d), the letter contract shal also:

(1) Incorporate, by reference or otherwise, all clauses required by statute, FPR, DOTPR, and optional standard and special clauses determined to be applicable.

(2) State that the definitive contract shall contain all provisions under subparagraph (1) of this paragraph.

(3) Contain an overall price ceiling or a maximum ceiling on fee, where a quoted price has been received and it is considered appropriate to limit the Government's ultimate liability.

§ 12–3.450 Letters of intent.

Letters of intent shall not be used.

Subpart 12–3.6—Small Purchases

§ 12–3.603 Competition.

§ 12–3.603–1 Solicitation.

(a) *Purchases not in excess of $250.* Small purchases not exceeding $250 may be accomplished without securing competitive quotations whenever there exists a basis for determining that the price to be paid is reasonable. However, such purchases shall be distributed equitably among qualified suppliers.

(b) *Purchases in excess of $250 but not in excess of $2,500.* Where the estimated dollar amount of the procurement exceeds $250, the solicitation shall normally be made of at least three sources of supply. Where there are more than three names on the list of vendors for an item, the mailing list for a particular solicitation should include the vendor who received the award on the previous solicitation, if he performed satisfactorily, and two other vendors (on a rotated basis) from the list of vendors. While there may be instances where quotations should be solicited from additional sources, soliciting quotations from at least three suppliers ordinarily is sufficient. Care should be taken to prevent administrative costs from being disproportionate to the amount of the purchase. The number of quotations obtained and considered or the number of sources of supply utilized when making small purchases will depend to a large extent on what knowledge the purchasing officer has of the current availability and price of the desired item in commercial markets.

§ 12–3.650 Purchase orders.

§ 12–3.650–1 "Minimum billing" quotations.

Occasionally an item can be obtained only from a supplier who quotes a minimum order price or a minimum order quantity, which either unreasonably exceeds the agency's needs or results in an unreasonable price for the quantity required. If practicable before placing the order the requiring activity should be informed in such cases of all facts regarding the quotation and consideration should be given to increasing the quantity, consolidation of orders, or other appropriate action. The file shall be documented to show the final action taken in such cases.

§ 12–3.650–2 Unpriced purchase orders.

(a) *General.* An unpriced purchase order is an order for supplies or services the price of which is not firmly established at the time of issuance of the order. Such orders shall contain a "NOT TO EXCEED" provision. The contracting officer shall assure that suppliers receiving unpriced purchase orders are carefully selected.

(b) *Conditions for use.* An unpriced purchase order may be used only when all of the following conditions are present:

(1) The purchase will not exceed $2,500, and

(2) It is impractical to obtain pricing in advance or issuance of the purchase order, and

(3) The procurement is for (i) repairs to equipment requiring disassembly to determine the nature and extent of such repairs, (ii) sole source material for which cost cannot be readily established, or (iii) supplies or services where prices are known to be competitive but exact prices are not known.

(c) *Procedures.* A realistic "NOT TO EXCEED" limitation shall be placed on the order which shall be stated in the notice to supplier provision in the blank space provided. This amount shall be obligated subject to adjustment when the firm price is established. Each unpriced purchase order shall contain the following provision on the face of the order:

Notice to supplier: This is a firm order if the total price does not exceed the amount of $------. If the amount to be invoiced will exceed the amount stated below, or if you cannot furnish the work described in exact accordance with the description and delivery schedule set forth herein, WITHHOLD PERFORMANCE and immediately notify the Contracting Officer giving your quotation or proposed substitution or changes. In no event will the total amount paid under this order exceed the amount stated unless and until the order has been amended in writing and signed by the Contracting Officer.

The contracting officer or his designated representative shall certify that the invoiced price is fair and reasonable and process the invoice for payment. Suitable local records and controls of outstanding unpriced purchased orders shall be maintained to assure regular followup with suppliers until the order is firmly priced. These records should include any information available to support the fairness and reasonableness of the proposed monetary limitation. If the firm price exceeds the "not to exceed" price and the contracting officer determines, nevertheless, that such purchase be made

from the supplier, the order shall be amended accordingly; *provided* that in no event may the amount of the order exceed $2,500. If the firm price does not exceed the "not to exceed" price; the order should not be amended for the sole purpose of changing the estimated price to a firm price.

§ 12–3.650–3 Estimated purchase orders.

(a) *General.* An estimated purchase order is an order of $50 or less for supplies or services the price of which is not firmly established at the time of issuance of the order but which, unlike the unpriced purchase order, provides for approval and payment of billed prices without referral to the contracting officer. Such orders may be issued when it is not practical to obtain a firm price as when, for example, the need is urgent or the vendor is other than a local source and the administrative cost to secure a firm offer would be disproportionate to the value of the order.

(b) *Preparation of order.* The word ESTIMATED, the total price, and a provision reading substantially as follows shall be included on the order:

Notice to supplier: This is a firm order if the amount to be invoiced does not exceed the estimated amount stated by $5 or 25 percent, whichever is greater. In such cases, submit your invoice to the Paying Office. If the amount to be invoiced will exceed the stated limitations, WITHHOLD PERFORMANCE and immediately notify the Contracting Officer. In no event will the total amount paid under this order exceed the stated amount (plus $5 or 25 percent, whichever is greater) unless and until the order has been amended in writing and signed by the Contracting Officer.

§ 12–3.650–5 List of vendors.

Each procurement office shall establish such lists of vendors as are necessary for recurring requirements to assure access to adequate sources of supply. Where the number of firms on a list is considered excessive, the list may be reduced by any method which will promote competition commensurate with the dollar value of the purchase to be made. If a rotation method is used, the vendors known to regularly submit the lowest price shall be solicited.

§ 12–3.652 Service Contract Act of 1965.

§ 12–3.652–1 General.

The Service Contract Act of 1965 applies, with certain exceptions, to Federal contracts whose principal purpose is to furnish services through the use of service employees. The Act applies without dollar limitation, but different contract clauses are required depending upon whether the contract price exceeds $2500.

§ 12–3.652–2 Purchase order transactions.

The Act applies to contracts made through use of purchase order forms if such contracts have as their principal purpose the furnishing of services through the use of service employees and if such contracts are not otherwise exempt. The clause prescribed in FPR 1–12.904–2 shall be included in purchase orders subject to the Act's coverage.

§ 12–3.652–3 Standard Form 44 transactions.

Since the use of Standard Form 44 involves, for all practical purposes, simultaneous placing of purchase orders and delivery of the items ordered, no written terms and conditions are included on the SF–44. Therefore, the Service Contract Act clause need not be incorporated in SF–44.

§ 12–3.653 Fast payment procedures.

§ 12–3.653–1 General.

The procedure is designed to simplify the handling and payment of small purchases. It provides for payment for supplies based on the vendor's submission of an invoice which constitutes a representation that ordered supplies have been delivered in accordance with the provisions of the purchase order. The vendor agrees, by acceptance of the order, to replace, repair, or correct supplies not received by the consignee at destination, damaged in transit, or not conforming to the order.

§ 12–3.653–2 Conditions for use.

(a) Except as set forth in paragraph (b) of this section, the fast payment procedure should be used to the maximum extent practicable, provided its use is consistent with the other conditions of the procurement, when all of the conditions set forth below are present:

(1) Each order does not exceed $2,500;

(2) Title to the supplies will vest in the Government (i) upon delivery to a post office or common carrier for mailing or shipment to destination, or (ii) upon receipt by the Government when the shipment is by means other than post office or common carrier;

(3) The vendor agrees to replace, repair, or correct supplies not received at destination, damaged in transit, or not conforming to the order; and

(4) The supplies will be shipped transportation or postage prepaid. Therefore, no Government Bill of Lading (GBL) will ever be issued.

(b) Use of the fast payment procedure would not be indicated, for example, in small purchases by offices, vessels, air stations, bases, and other locations when material being purchased is destined for use at such activities and contract administration will be performed by the procurement office of such activities.

§ 12–3.653–3 Preparation of orders.

(a) Orders shall be issued on the appropriate purchase order form except that calls against blanket purchase agreements shall be issued in accordance with Administration procedures. Orders may be either priced or unpriced.

(b) Special data to be included on purchase orders or in blanket purchase agreements using fast payment procedures are:

(1) A requirement for the supplies to be shipped transportation or postage prepaid; and

(2) A requirement that invoices be submitted directly to the paying office designated in the order, or in the case of unpriced purchase orders, to the contracting officer.

§ 12–3.653–4 Fast payment clause.

The following clause shall be included in all fast payment orders:

FAST PAYMENT PROCEDURE

(a) *General.* This is a fast payment order. Invoices will be paid on the basis of the Contractor's delivery to a post office, common carrier, or, in shipment by other means, to the point of first receipt by the Government.

(b) *Responsibility for supplies.* Title to the supplies shall vest in the Government upon delivery to a post office or common carrier for shipment to the specific destination. If shipment is by means other than post office or common carrier, title to the supplies shall vest in the Government upon delivery to the point of first receipt by the Government. Notwithstanding any other provision of the purchase order, the Contractor shall assume all responsibility and risk of loss for supplies (i) not received at destination, (ii) damaged in transit, or (iii) not conforming to purchase requirements. The Contractor shall either replace, repair, or correct such supplies promptly at his expense, *Provided:* Instructions to do so are furnished by the Contracting Officer within ninety (90) days from the date title to the supplies vests in the Government.

(c) *Preparation of invoice.*

(1) Upon delivery of supplies to a post office, common carrier, or in shipments by other means, the point of first receipt by the Government, the Contractor shall prepare an invoice in accordance with the instructions in this order, except that invoices under a blanket purchase agreement shall be prepared in accordance with the provisions of the agreement. In shipments by either post office or common carrier, the Contractor shall either (A) cite on his invoice the date of shipment, name and address of carrier, bill of lading number or other shipment document number, or (B) attach copies of such documents to his invoice as evidence of shipment. In addition the invoice shall be prominently marked "Fast Pay." In case of delivery by other than post office of common carrier, a receipted copy of the Contractor's delivery document shall be attached to the invoice as evidence of delivery.

(2) If the purchase price excludes the cost of transportation, the Contractor shall enter the prepaid shipping cost on the invoice as a separate item. The cost of parcel post insurance will not be paid by the Government. If transportation charges are separately stated on the invoice, the Contractor agrees to retain related paid freight bills or other transportation billings paid separately for a period of 3 years and to furnish such bills to the Government when requested for audit purposes.

(d) *Certification of invoice.* The Contractor agrees that the submission of an invoice to the Government for payment is a certification that the supplies for which the Government is being billed have been shipped or delivered in accordance with shipping instructions issued by the ordering officer, in the quantities shown on the invoice, and that such supplies are in the quantity and of the quality designated by the cited purchase order.

§ 12–3.653–5 Consignee notification of nonreceipt, damage, or nonconformance.

The consignee shall be instructed to notify the procurement office within 30 days after the specified date of delivery in the purchase order, of supplies not received or damaged in transit, or not conforming to purchase description.

§ 12–3.653–6 Responsibility for collection of debts.

The contracting officer shall be primarily responsible for collecting debts resulting from failures of contractors to properly replace, repair, or correct supplies lost, damaged, or not conforming to purchase requirements.

Subpart 12–3.7—Negotiated Overhead Rates

§ 12–3.700 Scope of subpart.

This subpart sets forth policy and procedures governing negotiation of overhead rates for use in cost-reimbursement type contracts.

§ 12–3.703 Applicability.

Negotiated final overhead rates are authorized for use primarily in cost-reimbursement type contracts for research and development with commercial organizations and nonprofit or educational institutions. They may also be used in other cost-reimbursement type contracts, after a determination is made by the contracting officer that their use is advantageous to the Government. Where it is not apparent that any one of the major purposes enumerated in FPR 1–3.702 results or will result by the use of negotiated final overhead rates, the contracting officer will provide for settlement of overhead by audit determination.

§ 12–3.704 Contract clauses.

§ 12–3.704–1 Contracts with concerns other than educational institutions.

When the "Negotiated Overhead Rates" clause set forth in FPR 1–3.704–1 is included in the contract, the appropriate "Indirect Cost" clause set forth in DOTPR 12–3.704–50 shall also be included in the contract. When the contract is a cost-plus-incentive-fee type, delete "Allowable Cost, Fixed Fee, and Payment" from paragraph (a) of the clause in FPR 1–3.704–1 and substitute "Allowable Cost, Incentive Fee, and Payment."

§ 12–3.704–2 Contracts with educational institutions.

When either the "Postdetermined" or "Predetermined" negotiated overhead rates clauses in FPR 1–3.704–2 is included in the contract, the appropriate "Indirect Costs" clause set forth in DOTPR 12–3.704–50 shall also be included in the contract.

§ 12–3.704–50 Interim payment of indirect costs.

(a) When the contract includes a "Negotiated Overhead Rate" clause as set forth in FPR 1–3.704–1 or 1–3.704–2, one of the clauses listed below (whichever is consistent with the contractor's normal method of interim and final overhead reimbursement) shall be inserted in the contract schedule.

(1) The following clause shall be used when the contractor's normal method of interim overhead reimbursement is based on billing rates approved by the contracting officer (normally through an exchange of correspondence) rather than on formally negotiated provisional rates:

INDIRECT COSTS (BILLING RATES)

Pending the establishment of final overhead rates as provided for in the clause entitled "Negotiated Overhead Rates", the Contractor shall be reimbursed for indirect costs on the basis of billing rates mutually agreed upon by the Contracting Officer and the Contractor.

Prior to establishing or changing the billing rates, the contracting officer should seek the advice of the cognizant audit activity as to the acceptability of the billing rates proposed by the contractor.

(2) The following clause shall be used when the contractor's normal method of interim overhead reimbursement is based on negotiated provisional rates. The provisional rates will remain in effect until such time as the contract is amended. The rates shall be listed immediately below the clause along with the base of applications for each rate listed:

INDIRECT COSTS (PROVISIONAL RATES)

Pending establishment of final overhead rates as provided for in the clause entitled "Negotiated Overhead Rates", the Contractor shall be reimbursed for indirect costs on the basis of the negotiated provisional rates set forth below, which rates shall remain in effect until the contract is amended to incorporate either (a) final overhead rates for a specific period or periods or (b) revised negotiated provisional overhead rates as provided for in paragraph (e) of the clause of this contract entitled "Negotiated Overhead Rates".

Prior to establishing or revising the negotiated provisional rates, the contracting officer should request the contractor to submit for review his proposed overhead rates with supporting cost data, with a copy to the cognizant audit activity.

(b) Provisional overhead rates may be revised after the contracting officer has received advice that the Department of Defense or other Government office sponsoring overhead negotiations with the contractor has negotiated acceptable overhead rates.

§ 12–3.704–51 Audit determination—(actual).

Where it is not apparent that any of the major purposes enumerated in FPR 1–3.702 results or will result by the use of negotiated final overhead rates, the contracting officer will provide for settlement of overhead by audit determination. In these cases the following clause shall be used in lieu of the "Negotiated Overhead Rate" clause prescribed in FPR 1–3.704–1 or 1–3.704–2:

INDIRECT COSTS (ACTUAL)

In accordance with the "Allowable Cost, Fixed Fee, and Payment" clause of the contract, the contractor shall be paid his actual overhead cost. Allowable overhead cost will be determined in accordance with the principles set forth in Subpart 1–15.2 of the Federal Procurement Regulations. Any failure of the parties hereto to agree as to what constitutes actual overhead costs shall be considered a dispute covering a question of fact within the meaning of the clause of this contract entitled "Disputes".

Subpart 12–3.8—Price Negotiation Policies and Techniques

§ 12–3.801 Basic policy.

§ 12–3.801–2 Responsibility of contracting officers.

In the event a contractor insists on a price or demands a profit or fee which the contracting officer considers unreasonable, and if the contracting officer is unable to obtain a satisfactory solution after exhausting the courses of action set forth in FPR 1–3.801–2(c), the matter shall be referred for resolution to the head of the procuring activity with a statement of facts and the contracting officer's recommendations.

§ 12–3.807–6 Refusal to provide cost or pricing data.

(a) In addition to the data required by FPR 1–3.807–6, a referral to higher authority should indicate the impact on the affected procurement program if an award is not made to the refusing offeror, and include a recommended course of action. If a decision is made to waive the requirement for submission of cost or pricing data, the determination and finding required by FPR 1–3.302(e) shall be made by the head of the agency or by his authorized designee.

(b) When a waiver has been issued all offerors shall be notified that cost or pricing data furnished with the proposals will not be used to determine the reasonableness of the proposed contract price.

§ 12–3.808 Profit or fee.

§ 12–3.808–2 Factors for determining fee or profit.

In determining the fee or profit, consideration must be given to the tax posture of the organization. A fair and reasonable fee to a nonprofit or not-for-profit organization, with tax exemptions, would be considerably lower than a fee to a commercial enterprise with no tax exempt status. DOTPR 12–3.405–5 requires the approval of the Director, Office of Installations and Logistics, OST, for any proposed fee to a nonprofit or not-for-profit organization which exceeds 5 percent of the estimated cost of the contract exclusive of fee. Each request for approval of such a fee shall include a detailed analysis of the factors by which the proposed fee was determined to be fair and reasonable.

§ 12–3.809 Contract audit as a pricing aid.

(a) In establishing the due date for receipt of the auditor's report, the minimum time which will be allowed by DOT contracting officers shall normally be 30 days. Exceptions to this 30-day minimum period may be made only when program considerations require a shorter time. Urgency caused by end of year funding considerations will not be a justification for requiring a shorter period for advisory audit review.

(b) When DCAA is assigned post-award audit responsibility under cost reimbursable contracts, the contractor shall be instructed to forward the first and final vouchers to the cognizant audi-

tor for audit review. The cognizant auditor shall also be furnished a paid copy of each voucher furnished under the contract. Where contracts continue for more than 1 year, an annual report will be issued by the auditor to the contracting organizations' Office of Audit after the close of the contractor's fiscal year.

Subpart 12–3.50—Solicitation of Proposals and Quotations

§ 12–3.5000 Scope of subpart.

This subpart applies to all negotiated procurement except small purchases.

§ 12–3.5001 Competition.

Unless negotiation with a sole source is justified, competitive proposals or quotations shall be solicited from the maximum practicable number of qualified and eligible suppliers.

§ 12–3.5002 Preparation of request for proposals or request for quotations.

(a) Generally, requests for proposals or quotations shall be in writing. However, in appropriate cases, such as the procurement of perishable subsistence, proposals or quotations may be solicited orally. When the request is to be in writing, the following forms shall be used:

(1) For negotiated construction contracts, the standard forms in FPR 1–16.401.

(2) For other than construction, Standard Form 33 (Solicitation, Offer, and Award) and Standard Form 33A (Solicitation Instructions and Conditions).

(3) When an informational quotation is desired, Standard Form 18 (Request for Quotations).

(b) Requests for proposals shall indicate the type of contract contemplated by the Government. When technical proposals are required, requests for proposals shall also indicate the factors on which the Government will evaluate the proposals. The relative weight to be applied to each factor shall be indicated, or the factors shall be listed in their relative order of importance. Any other factors, excluding price, which will be given paramount consideration in making an award shall also be indicated.

(c) The guidelines established in DOTPR 12–2.202–1 for minimum bidding times are applicable to requests for proposals or requests for quotations.

§ 12–3.5003 Receipt and safeguarding of offers.

The instructions for the receipt and safeguarding of bids in FPR 1–2.401 shall also apply to the receipt and safeguarding of proposals and quotations.

§ 12–3.5004 Solicitation for informational or planning purposes.

See FPR 1–1.314.

§ 12–3.5005 Bidders mailing lists.

Bidders mailing lists for negotiated procurements shall be established, maintained, and utilized in accordance with FPR 1–2.205 and DOTPR 12–2.205–5.

§ 12–3.5006 Pre-proposal conferences.

§ 12–3.5006–1 General.

(a) The pre-proposal conference is a procedure which may be used, generally in complex negotiated procurement, as a means of briefing prospective offerors after a solicitation has been issued but before offers or proposals are prepared.

(b) Such a conference permits the Government to explain or clarify complicated specifications and requirements to interested firms. It may also be used to provide an opportunity for interested firms to examine a model of the equipment being procured, where for reasons such as security or limited quantities, such model can only be shown at a specific time and location.

§ 12–3.5006–2 Procedure.

(a) Where it is determined to be in the best interests of the Government to hold a pre-proposal conference, the contracting officer shall make the necessary arrangements and notify all those to whom solicitations have been issued as to the time, place, and general nature of the proposed conference. If time permits, prospective offerors should be asked to submit, in advance, any questions they may have.

(b) The pre-proposal conference shall be conducted by the contracting officer or his representative, with participation by technical and legal personnel as appropriate.

(c) All prospective offerors shall be furnished identical information in connection with the proposed procurement. All conferees shall be advised that remarks and explanations at the conference shall not qualify the terms of the solicitation and specifications unless the solicitation is amended in writing. A summary shall be made of the conference and copies furnished prospective offerors.

§ 12–3.5007 Amendment of request for proposals and request for quotations—prior to closing date.

(a) If after issuance of a request for proposals or quotations, but before the closing date of their receipt, it becomes necessary to make changes in quantity, specifications, delivery schedules, or closing dates, or to correct a defect or ambiguity, such changes shall be accomplished by issuance of an amendment to the request, whether or not a preproposal conference is held. SF–30 shall be used for amending requests for proposals.

(b) When it is considered necessary to issue an amendment to a request for proposals or request for quotations, the period of time remaining before closing and the need for extending this period by postponing the time set for closing must be considered. Where only a short time remains before the time set for closing, consideration should be given to notifying offerors or quoters of an extension of time by telegram or telephone. Such notification should be confirmed in the amendment.

(c) Any information given to a prospective offeror concerning a request for proposals or request for quotations shall be furnished promptly to all other prospective offerors as an amendment to the request if the lack of such information would be prejudicial to uninformed offerors or quoters. No award shall be made on request for proposals unless such amendment thereto has been issued in sufficient time to permit prospective offerors to consider such information in submitting or modifying their proposals.

§ 12–3.5008 Late proposals and modifications.

(a) Proposals which are received in the office designated in the request for proposals after the time specified for their submission are "Late Proposals." Late proposals shall not be considered for award except under the circumstances set forth in FPR 1–2.303 relating to late bids or where only one proposal is received. (For the purpose of applying the late bid rules to late proposals, unless a specified time for receipt of proposals is stated in the request for proposals, the time for such receipt shall be deemed to be the time for close of business of the office designated for receipt of proposals on the date stated in the request for proposals.) Exceptions may be authorized only by the head of the procuring activity, and only where consideration of a late proposal is of extreme importance to the Government, as for example where it offers some important technical or scientific breakthrough or a substantially lower price. To determine the possible existence of such extreme importance, all late proposals shall be opened prior to award and if not considered for award shall be returned to the offeror. Accordingly, in these cases, the procedures in FPR 1–2.303–6 and 1–2.303–7 regarding the disposition of late bids will not apply.

(b) Each request for proposals shall include the following provision in the Schedule:

LATE OFFERS AND MODIFICATIONS

The following changes are made in Paragraph 8 of Standard Form 33A:

(1) The parenthetical introduction preceding subparagraph (a) is deleted.

(2) In subparagraph (a), the words "Offers and modifications of offers (or withdrawals thereof, if this solicitation is advertised)" are deleted and the following substituted therefor: "Except as provided in paragraph 12–3.5008 of the Department of Transportation Procurement Regulations (41) CFR 12–3.5008), offers and modifications of offers".

(c) Offerors submitting late proposals or modifications shall be notified in accordance with FPR 1–2.303–6, except that the notices provided for therein shall be appropriately modified to relate to the request for proposals.

(d) The provisions of paragraph (a) of this section are also applicable to late quotations. In the case of a request for quotation, the provision set forth in DOTPR 12–3.5008(b) shall be appropriately modified.

(e) In the exceptional circumstances where the head of the procuring activity concerned authorizes an exception from paragraph (a) of this section, the contracting officer shall resolicit all firms (including late offerors) which have submitted proposals and are determined to be capable of meeting current requirements. Such resolicitation shall specify a date for submission of new proposals and include the provision set forth in DOTPR 12–3.5008(b).

(f) The normal revisions of proposals by selected offerors occurring during the usual conduct of negotiations with such offerors are not to be considered as late proposals.

(g) Modifications of proposals (other than the normal revision of proposals by selected offerors during the usual conduct of negotiations with such offerors) which are received in the office designated in the requests for proposals after the time specified for submission of proposals are "Late Modifications." Late modifications shall be subject to the rules applicable to late proposals set forth in this section. However, a modification received from an otherwise successful offeror which is favorable to the Government shall be considered at any time that such modification is received. The provisions of this section are also applicable to late modifications of quotations.

§ 12–3.5009 Treatment of procurement information.

§ 12–3.5009–1 Restrictions on disclosure and use of data in proposals.

(a) Requests for proposals may require the offeror to submit data with his proposal which may include a design or plan for accomplishing the objectives of the procurement. Such data may include information which the offeror does not want disclosed to the public or used by the Government for any purpose other than evaluation of the proposals.

(b) Contracting officers and other Government personnel shall not refuse to consider any proposal merely because it or the data submitted with it is so marked with a restrictive legend. Those portions of the proposal and data which are so marked (except for information which is also obtained from another source without restriction) shall be used only to evaluate the proposal and shall not be disclosed outside the Government without the written permission of the offeror. If it is desired to duplicate, use, or disclose the data of the offeror to whom the contract is to be awarded, for purposes other than to evaluate the proposal, the contract should so provide.

§ 12–3.5009–2 Disclosure of information during the pre-award or pre-acceptance period.

(a) *General.* See FPR 1–3.805–1(b) for restrictions regarding the disclosure of information.

(b) *Equal consideration and information to all prospective contractors.* During the interval between mailing of requests for proposals (or quotations) and the making of awards, discussion of the procurement with prospective contractors and the transmission of technical or other information shall be conducted only by or with the knowledge of the contracting officer; except that necessary technical or other information during such period may be transmited to prospective contractors by other personnel via contracting personnel, at meetings arranged by contracting personnel, or by official correspondence from the contracting officer to the originating activity or technical office seeking clarification of the matter in question. In the conduct of necessary discussion of a request for proposals (or quotations) with suppliers, no personnel shall furnish any information to a supplier which may afford him any advantage over others. However, general information which would not be prejudicial to others may be furnished upon request, e.g., explanations of a particular contract clause or a particular condition of the schedule. When necessary to clarify ambiguities, or correct mistakes or omissions, an appropirate amendment to the solicitation shall be issued.

§ 12–3.5009–3 Pre-award notice of unacceptable offers.

In any procurement in excess of $10,000 in which it appears that the period of evaluation of proposals is likely to exceed 60 days or in which a limited number of suppliers have been selected for additional negotiation, the contracting officer, upon determination that a proposal is unacceptable, shall provide prompt notice of that fact to the source submitting the proposal. Such notice need not be given where the proposed contract is to be awarded within a few days and notice pursuant to FPR 1–3.103 would suffice. In addition to stating that the proposal has been determined unacceptable, notice to the offeror shall indicate, in general terms, the basis for such determination and shall advise that, since further negotiation with him concerning this procurement is not contemplated, a revision of his proposal will not be considered.

§ 12–3.5010 Protests against award.

Protests against awards of negotiated procurements shall be processed in the same manner as prescribed in FPR 1–2.407–8.

§ 12–3.5011 Notice of award technique.

When time is of the essence, the notice of award technique may be used as an acceptance of a proposal. To assure that the notice of award will constitute a valid acceptance of the offeror's proposal, the contracting officer will insure that the proposal fully embodies the terms of the agreement between the parties. If the proposal is changed, for any reason, the contractor must set forth his understanding of any modifications or additions in a letter to the contracting officer. The notice of award shall reference the contractor's proposal and any other document modifying the proposal. The following is a sample notice of award:

NOTICE OF AWARD

Gentlemen:

The United States of America, acting through the undersigned contracting officer, hereby accepts your proposal No. ------, dated ----------, as modified by your letter(s) of ----------, to furnish (supplies, services, work) in accordance with RFP No. ------, dated ----------, for a total price of $------. This notice of award constitutes a binding contract obligation from time of mailing. All delivery dates will be computed from the date of this notice unless otherwise provided.

A document formalizing this contract will be sent to you for signature as soon as possible. This formal contract will be dated and numbered as above.

You are directed to proceed with the performance of this contract in accordance with the terms of your proposal and this acceptance.

Sincerely,

(Written Signature)
(Typed Name)
Contracting Officer ----------
[on copies only]
(Date)

Funds Citation: ----------
Negotiation Authority: ----------

§ 12–3.5012 Unsolicited contract proposals.

Department Order 4200.4 establishes the policies and procedures for processing unsolicited contract proposals.

PART 12–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 12–4.50—Utilization and Disposal of Personal Property Pursuant to Exchange/Sale Authority

Sec.
12–4.5001 General.

Subpart 12–4.51—Procurement of Tax-Free Spirits

12–4.5100 Scope of subpart.
12–4.5101 Delegation of authority.
12–4.5102 Procedure.

Subpart 12–4.50—Utilization and Disposal of Personal Property Pursuant to Exchange/Sale Authority

§ 12–4.5001 General.

The procedures governing the exchange or sale of personal property are set forth in the Federal Property Management Regulations (FPMR) Part 101–46. Prior to any disposal action, Federal agencies shall be solicited to the extent required by FPMR 101–46.301. See also FPMR 101–46.202 for restrictions and limitations, and FPMR 101–46.402 for cash and exchange (trade-in) bids.

Subpart 12–4.51—Procurement of Tax-Free Spirits

§ 12–4.5100 Scope of subpart.

This subpart covers the procurement of tax-free spirits and specially denatured spirits.

§ 12–4.5101 Delegation of authority.

The Assistant Secretary for Administration and the Administrators of the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, Urban Mass Transportation Administration, and the Commandant, U.S. Coast Guard have been delegated authority to execute Internal Revenue Service (IRS) application forms 1486 and 1444 to procure specially denatured spirits and tax-free spirits in accordance with §§ 211.231 and 213.142 respectfully, of Title 26 of the Code of Federal Regulations. The foregoing offi-

cials may redelegate this authority to one or more officials within their organizations but without power to further redelegate. Any redelegation of this authority shall be in the form of a letter addressed to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224.

§ 12–4.5102 Procedure.

(a) See § 211.233 of Title 26 for procurement of specially denatured spirits, and § 213.143 of Title 26 for procurement of tax-free spirits.

(b) If the application is to cover more than one geographical location, insert in Item 2, form 1486 or 1444: "Various locations of the (insert name of Administration) as indicated by purchase order." IRS processes the application and, on the same form, issues the permit to procure. The application form may be signed only by an official named in § 12–4.5101 or his designee. The permit remains valid until surrendered by the Administration or canceled by IRS.

(c) The permit issued on form 1444 authorizes procurement from any qualified distilled spirits plant. A listing of such plants is provided on IRS Document No. 5237. The list and revision service may be obtained upon request to IRS, Alcohol and Tobacco Tax Division, 1111 Constitution Avenue NW., Washington, DC 20224.

PART 12–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 12–5.50—Procurement Under Federal Supply Schedule Contracts

Sec.
12–5.5000 General.
12–5.5001 Use of schedules.
12–5.5002 Policy and procedures.

Subpart 12–5.51—Procurement From GSA Supply Depots

12–5.5100 General.

Subpart 12–5.52—Procurement of Prison-Made Supplies

12–5.5200 Policy.
12–5.5201 Requests for the Schedule of Products made in Federal Penal and Correctional Institutions.

Subpart 12–5.53—Procurement of Blind-Made Supplies

12–5.5300 Policy.
12–5.5301 Requests for the Schedule of Blind-Made Products.

Subpart 12–5.54—Procurement Under the Economy Act From or Through Another Federal Agency

12–5.5400 Scope of subpart.
12–5.5401 Authorization and policy relating to placing and filling orders.
12–5.5402 Execution of agreements with agency heads.

Subpart 12–5.55—Procurement of Printing and Related Supplies

12–5.5501 Printing and related supplies.

Subpart 12–5.50—Procurement Under Federal Supply Schedule Contracts

§ 12–5.5000 General.

The Federal Supply Service, General Services Administration, establishes contracts for common use classes of supplies and services. These contracts are summarized in Federal Supply Schedules which list the contractors and the supplies and services which may be purchased from them.

§ 12–5.5001 Use of schedules.

Federal Supply Schedules are mandatory to the extent specified in each Schedule. Agencies required to use Federal Supply Schedule contracts shall obtain needed items from this source in lieu of procuring similar items from other sources when the Federal Supply Schedule item will adequately serve the required functional purpose.

§ 12–5.5002 Policy and procedures.

The policy and procedures applicable to the purchase of items from Federal Supply Schedule contracts are set forth in subpart 101–26.4 of the Federal Property Management Regulations.

Subpart 12–5.51—Procurement From GSA Supply Depots

§ 12–5.5100 General.

Stock items available from General Services Administration shall be made in accordance with Subpart 101–26.3 of the Federal Property Management Regulations. That subpart "prescribes policy and procedures governing the procurement of items of supply stocked by GSA, including reporting and obtaining adjustments for overages, shortages, and damages; the return of GSA items for credit; and the issue of used, repaired, and rehabilitated items in serviceable condition."

Subpart 12–5.52—Procurement of Prison-Made Supplies

§ 12–5.5200 Policy.

Under 18 U.S.C. 4124, Federal departments and agencies are required to purchase at not-to-exceed current market prices, those products of the Federal Prison Industries, Inc., which are available and which meet the procurement agencies' requirements (also see FPMR 101–26.601).

§ 12–5.5201 Requests for the Schedule of Products made in Federal Penal and Correctional Institutions.

Copies of the Schedule of Products made in Federal Penal and Correctional Institutions may be obtained from the U.S. Department of Justice, Federal Prison Industries, Inc., Washington, D.C. 20537.

Subpart 12–5.53—Procurement of Blind-Made Supplies

§ 12–5.5300 Policy.

By the Wagner-O'Day Act of June 25, 1938 (41 U.S.C. 46–48), all Federal departments and agencies are required to purchase their requirement of brooms, mops, ballpoint pens, and other suitable commodities from nonprofit-making agencies for the blind unless such commodities are available for procurement from Federal Prison Industries, Inc. The Federal Supply Service, under the direction of the Committee on Purchase of Blind-Made-Products, issues semiannually, on January 1 and July 1, a new schedule (amendments are issued on April 1, and October 1 for interim changes) of Blind-Made-Products, listing commodities which must be procured through the National Industries for the Blind or workshops (see 41 CFR 51–1.4). This schedule includes item description, price and purchase procedures manadatory on Federal agencies. (Also see FPMR 101–26.601.)

§ 12–5.5301 Requests for the Schedule of Blind-Made-Products.

Copies of the Schedule of Blind-Made-Products may be obtained from any GSA regional office. Offices not on the mailing list to obtain this Schedule regularly should submit GSA Form 457, Request for Federal Supply Schedules and Contractor's Catalogs, which is also available from an GSA regional office.

Subpart 12–5.54—Procurement Under the Economy Act From or Through Another Federal Agency

§ 12–5.5400 Scope of subpart.

This subpart deals with orders for supplies or services placed with another Government department or agency pursuant to the authority of the Economy Act of June 30, 1932, as amended (31 U.S.C. 686), except that it does not apply to any procurement covered by other subparts of this Part 12–5.

§ 12–5.5401 Authorization and policy relating to placing and filling orders.

(a) It is the policy of the Department of Transportation not to place Government agencies in direct competition with commercial sources. Accordingly, prior to soliciting bids or proposals from commercial sources, it shall be decided whether to obtain supplies or services from Government agencies. Invitations for bids and requests for proposals shall not be sent to Government agencies. Current market prices, recent procurement prices, or prices obtained by informational bids as provided in FPR 1–1.314 may be used to ascertain whether procurement can be effected more cheaply from commercial sources.

(b) Each procuring activity, when it is in the interest of the Government to do so, may place orders with any other Government department or agency for supplies or services that any such requisitioned department or agency may be in a position to furnish or perform or to obtain by contract.

(c) Where the Department procures commercial or industrial products or services from another Government agency, any authorization required for the furnishing of such products or services, in accordance with BOB Circular No. A–76, dated August 30, 1967, shall be accomplished by the furnishing Government agency.

§ 12–5.5402 Execution of agreements with agency heads.

Execution of any interdepartmental or interagency agreement which is to be signed by the head of the other department or agency is reserved to the Secretary, as provided in section 1.44(i) of the DOT Organization Manual (DOT 1100.23).

Subpart 12–5.55—Procurement of Printing and Related Supplies

§ 12–5.5501 Printing and related supplies.

The Government Printing and Binding Regulations of the Congressional Joint Committee on Printing set forth specific prohibitions and regulations for the acquisition of printing, binding, blankwork, envelopes, paper, and related supplies.

PART 12–6—FOREIGN PURCHASES

Sec.
12–6.000 Scope.

Subpart 12–6.1—Buy American Act—Supply and Service Contracts

12–6.103 Exceptions.
12–6.103–2 Nonavailability in the United States.
12–6.104 Procedures.
12–6.104–4 Evaluation of bids and proposals.
12–6.105 Excepted articles, materials, and supplies.

Subpart 12–6.8—Balance of Payments Program

12–6.801 General.
12–6.801–50 Use of excess and near-excess foreign currencies.
12–6.806 Procedures.
12–6.806–2 Method of purchase.

Subpart 12–6.10—Omission of the Examination of Records Clause From Contracts With Foreign Contractors

12–6.1004 Determinations and findings.

Subpart 12–6.50—Purchases From Certain Communist Areas

12–6.5001 Restrictions.
12–6.5002 Contract provision.
12–6.5003 Exceptions.

§ 12–6.000 Scope.

This part includes restrictions and procedures affecting procurements of foreign-made items; and restrictions on purchases from Communist countries or areas.

Subpart 12–6.1—Buy American Act—Supply and Contracts

§ 12–6.103 Exceptions.

§ 12–6.103–2 Nonavailability in the United States.

(a) Certain items determined to be exempt under the exception in FPR 1–6.103–2 are set forth in DOTPR 12–6.105. Supplies not listed may be excepted only after a written determination has been made by the contracting officer. Each determination shall include the following information:

(1) Description of the items(s) to be procured with specific information pertaining to special features, performance, versatility, etc.

(2) Unit, quantity, estimated cost (including duty, if any, separately shown).

(3) Country of origin, and name and address of prospective contractor, if available.

(4) Brief statement as to the necessity for the procurement.

(5) Statement of effort made to procure a similar item of domestic origin or statement that there is no domestic item which can be used as a reasonable substitute.

When a determination has been made that the restrictions of the Buy American Act are inapplicable for the end products being purchased, notification to this effect shall be included in the solicitation and contract.

(b) Notwithstanding the foregoing, procurement of foreign end products on the basis of "nonavailability," whether or not listed in DOTPR 12–6.105, shall be made only after a written determination has been made by the contracting officer and approved at a higher level in accordance with Administration procedures. Before granting such approval, or making such determination, the feasibility of foregoing the requirement or providing a United States substitute shall be considered.

(c) Notwithstanding paragraph (b) of this section, approvals and determinations may be made by the contracting officer covering individual procurements of spare and replacement parts for foreign manufactured items, if the procurement must be restricted to the original manufacturer or his supplier in accordance with FPR 1–3.313.

(d) Notwithstanding paragraph (b) of this section, approval is not required for:

(1) Purchases for resale in domestic commissaries of brand name subsistence items of foreign origin for which there are no substitutes of U.S. origin. All purchases of such brand name subsistence items of foreign origin shall be made from domestic concerns.

(2) Procurement of swords and scabbards.

(3) Procurement of books, pamphlets, newspapers, magazines, periodicals, and printed briefs and films not printed in the United States and for which domestic editions are not available.

(4) Procurement of bananas, tea, coffee, spices, herbs, sugar, cocoa, cream of tartar, tapioca, and coconut.

(e) The following is a format for the determination and findings of nonavailability:

DEPARTMENT OF TRANSPORTATION

DETERMINATION AND FINDINGS OF NONAVAILABILITY UNDER THE BUY AMERICAN ACT REGARDING PURCHASE OF (ITEM DESCRIPTION)

Findings

(Set forth the information required by DOTPR 12–6.103–2(a)).

Determination

Upon the basis of these findings, I hereby determine that the above supplies are not mined, produced, or manufactured at the present time in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; and that the provisions of the Buy American Act (41 U.S.C. 10a–d) are inapplicable.

(Add appropriate approval when required by Administration procedures) ——————— *Contracting Officer*
——————— *Date*

§ 12–6.104 Procedures.

§ 12–6.104–4 Evaluation of bids and proposals.

When a proposed award is required to be submitted to the head of the agency for decision pursuant to FPR 1–6.104–4 (b) or FPR 1–6.104–4(c)(1) or (c)(2), the submission shall include a copy of each bid or offer being considered for award, the date the bids or offers expire, a copy of the abstract of bids or offers, and a statement justifying the proposed award.

§ 12–6.105 Excepted articles, materials, and supplies.

Pursuant to the Buy American Act, the Government has determined that the articles, materials, and supplies listed below are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality, or that it would be inconsistent with the public interest to apply the restrictions of the Act to such articles, materials, and supplies. When required to be incorporated into an end product or construction material manufactured in the United States, these items may be regarded as components of domestic origin for the purpose of determining the origin of such manufactured end product or construction material. However, the procurement of any of these items other than as components of domestic source end products or construction materials must be approved by the appropriate authority designated by the Administrations pursuant to DOTPR 12–6.103–2(b).

Acetylene black.
Asbestos, amosite.
Bananas.
Beef extract.
Bismuth.
Brazil nuts, unroasted.
Cadmium, ores and flue dust.
Calcium cyanamide.
Capers.
Cashew nuts.
Chestnuts.
Chicle.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Cocoa beans.
Coconut and coconut meat, unsweetened, in shredded, desiccated, or similarly prepared form.
Coffee, raw or green bean.
Cork, wood or bark and waste.
Cover Glass, Microscope Slide.
Diamonds, industrial, stones.
Emetine, bulk.
Ergot, crude.
Fair linen, altar.
Fibers of the following types: Abaca, agave, coir, flax, and palmyra.
Goat and kid skins.
Graphite, natural.
Hand Sewing Needles.
Hog bristles for brushes.
Hyoscine, bulk.
Ipecac, root.

Leather, Sheepskin, Hair Type.
Menthol, natural bulk.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as picrite).
Olive oil.
Olives (green), pitted or stuffed in bulk.
Opium, crude.
Petroleum, crude oil, unfinished oils and finished products.[1]
Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Radium salts.
Rosettes.
Rubber, crude and latex.
Rutile.
Silk, raw.
Sperm oil.
Spices and herbs in bulk.
Sugars, raw.
Talc, block, steatite.
Tapioca flour and cassava.
Tartar, crude, tartaric acid and cream of tartar in bulk.
Tea in bulk.
Thread, metallic (gold).
Vanilla beans.
Venom, cobra.
Wax, carnauba.
Woods of the following species: Angelique, balsa, ekki, greenheart, lignum vitae, mahogany and teak.

(a) Crude oil means crude petroleum as it is produced at the wellhead and liquids (under atmospheric conditions) that have been recovered from mixtures of hydrocarbons which existed in a vaporous phase in a reservoir and that are not natural gas products.

(b) Finished products means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(1) Liquefied gases—hydrocarbon gases recovered from natural gas or produced from petroleum refining and kept under pressure to maintain a liquid state at ambient temperatures;

(2) Gasoline—a refined petroleum distillate which by its composition, is suitable for use as a carburant in internal combustion engines;

(3) Jet fuel—a refined petroleum distillate used to fuel jet propulsion engines;

(4) Naphtha—a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(5) Fuel oil—a liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(6) Lubricating oil—a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(7) Residual fuel oil—a topped crude oil or viscous residuum which, as obtained in refining or after blending with other fuel oil, meets or is the equivalent of Military Specification Mil-F-859 for Navy Special Fuel Oil and any other more viscous fuel oil, such as No. 5 or Bunker C;

(8) Asphalt—a solid or semisolid cementitious material which gradually liquefies when heated, in which the predominating constituents are bitumins, and which is obtained in refining crude oil;

(9) Natural gas products—liquids (under atmospheric conditions), including natural gasoline, which are recovered by a process of absorption, absorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a vaporous phase in a reservoir and which, when recovered and without processing in a refinery, otherwise fall within any of the definitions of products contained in subparagraphs (2) through (5), inclusive, of this paragraph.

(c) Unfinished oils means one or more of the petroleum oils listed in (b) above, or a mixture or combination of such oils, which are to be further processed other than by blending by mechanical means.

[1] Petroleum Definitions, as used in this subpart.

Subpart 12–6.8—Balance of Payments Program

§ 12–6.801 General.

§ 12–6.801–50 Use of excess and near-excess foreign currencies.

Where practicable, contracts and other obligations incurred in excess and near-excess currency countries should provide for payment in foreign currencies rather than U.S. dollars notwithstanding the appropriation or fund that will be used for payment. This should include contracts with U.S. contractors to the extent that the contractor may be expected to require such currencies for necessary expenses in the country involved.

§ 12–6.806 Procedures.

§ 12–6.806–2 Method of purchase.

In lieu of the authority cited in FPR 1–6.806–2, the following is applicable to Coast Guard procurement: Contracts entered into pursuant to conventional negotiation shall cite exceptions (2) through (17) of 10 U.S.C. 2304(a), as appropriate. Where such negotiation authority is not applicable or where contracts are entered into pursuant to the Balance of Payments Restricted Advertising method of procurement, 10 U.S.C. 2304(a)(1) shall be cited as negotiation authority.

Subpart 12–6.10—Omission of the Examination of Records Clause From Contracts With Foreign Contractors

§ 12–6.1004 Determinations and findings.

A determination and finding made by the Coast Guard shall cite 10 U.S.C. 2313(c) as authority for omission of the Examination of Records clause. Determinations and findings made by other Administrations shall cite 41 U.S.C. 254(c).

Subpart 12–6.50—Purchases From Certain Communist Areas

§ 12–6.5001 Restrictions.

Supplies originating from the following countries shall not be acquired for public use except as authorized by the Secretary of the Treasury or his designee:

(a) From China (except Formosa), North Korea, and North Vietnam, the items set forth in § 500.204 of Part 500 of Title 31 of the Code of Federal Regulations.

(b) From Cuba, any merchandise that is of Cuban origin, or is or has been located in or transported from or through Cuba, or is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba (§ 515.204 of Part 515 of Title 31 of the Code of Federal Regulations).

§ 12–6.5002 Contract provision.

(a) *Instructions.* The following clause shall be included in all contracts for supplies, services, or construction, where acceptance is to take place outsde the United States, its possessions, or Puerto Rico. The clause need not be included in purchase orders for small purchases where there is reasonable assurance of compliance with § 12–6.5001.

(b) *Clause.*

PROCUREMENT FROM CERTAIN COMMUNIST AREAS

Unless he first obtains the written approval of the Contracting Officer, the Contractor shall not acquire for use in the performance of this contract any supplies, however processed, which are or were located in or transported from or through China (excluding Formosa), North Korea, North Vietnam, or Cuba, or any services originating from sources within such countries. The Contractor agrees to insert the substance of this clause in all subcontracts hereunder.

§ 12–6.5003 Exceptions.

Requests for exceptions to this subpart shall be forwarded through Administration channels to the Director of Installations and Logistics, TAD–60.

PART 12–7—CONTRACT CLAUSES

Sec.
12–7.000 Scope of part.

Subpart 12–7.1—Clauses for Fixed-Price Supply Contracts

12–7.100 Scope of subpart.
12–7.150 Required clauses.
12–7.150–1 Gratuities.
12–7.150–2 New materials.
12–7.150–3 Priorities, allocations, and allotments.
12–7.150–4 Interpretration or modification.
12–7.150–5 Notice of readiness for inspection.
12–7.150–6 Definition of delivery terms.
12–7.150–7 Evidence of delivery.
12–7.150–8 Withholding payment for nondelivery of data.
12–7.150–9 Notice of delays.
12–7.150–10 Termination for convenience of the Government.
12–7.150–11 Dissemination of contract information.
12–7.151 Clauses to be used when applicable.
12–7.151–1 Patent indemnity.
12–7.151–2 Government-furnished property.
12–7.151–3 Military security requirements.
12–7.151–4 Price redetermination (prospective).
12–7.151–5 Price redetermination (retroactive).
12–7.151–6 Required sources for jewel bearings.
12–7.151–7 Required source for aluminum ingot.
12–7.151–8 Stop work order.
12–7.151–9 Extent of quantity variation.
12–7.151–10 Value engineering.
12–7.151–11 Multi-year procurement.

Subpart 12–7.6—Clauses for Fixed-Price Construction Contracts

12–7.600 Scope
12–7.601 Required clauses.
12–7.601–50 Gratuities.
12–7.601–51 Protection of existing vegetation, structures, utilities, and improvements.
12–7.601–52 Operations and storage areas.
12–7.601–53 Modification proposals—price breakdown.
12–7.601–54 Work schedule.
12–7.601–55 Cleaning up.
12–7.601–56 Additional definitions.
12–7.601–57 Safety requirements.
12–7.601–58 Contracting officer's representative.
12–7.601–59 Contact time—notice to proceed.
12–7.601–60 Rights in shop drawings.
12–7.601–61 Notice of delays.
12–7.601–62 Priorities, allocation, and allotments.
12–7.601–63 Dissemination of contract information.
12–7.601–64 Guarantee.
12–7.601–65 General conduct of work.
12–7.601–66 Contractor inspector system.
12–7.601–67 Information regarding Buy American Act.
12–7.650 Clauses to be used when applicable.
12–7.650–1 Small business subcontracting program.
12–7.650–2 Notice and assistance regarding patent and copyright infringement.
12–7.650–3 Authorization and consent.
12–7.650–4 Use and possession prior to completion.
12–7.650–5 Military security requirements.
12–7.650–6 Performance of work by contractor.
12–7.650–7 Government-furnished property.
12–7.650–8 Shop drawings.
12–7.650–9 Physical data.
12–7.650–10 Disputes concerning labor standards.
12–7.650–11 Variations in estimated quantities contracts.
12–7.650–12 Availability and use of utility services.
12–7.650–13 Misplaced material.
12–7.650–14 Signal lights.
12–7.650–15 Time extensions for delays to elements of the work.
12–7.650–16 Progress charts and requirements for overtime work.
12–7.650–17 Special precautions for work at operating airports.
12–7.650–18 Quantity surveys.
12–7.650–19 Layout of work.
12–7.650–20 Value engineering incentive.
12–7.650–21 Aluminum.

Subpart 12–7.50—Clauses for Cost-Reimbursement Type Supply Contracts

Sec.
12–7.5000 Scope.
12–7.5001 Required clauses.
12–7.5001–1 Definitions.
12–7.5001–2 Changes.
12–7.5001–3 Limitation of cost or funds.
12–7.5001–4 Allowable cost, fee, and payment.
12–7.5001–5 Inspection of supplies and correction of defects.
12–7.5001–6 Assignment of claims.
12–7.5001–7 Examination of records.
12–7.5001–8 Subcontracts.
12–7.5001–9 Utilization of small business concerns.
12–7.5001–10 Termination.
12–7.5001–11 Excusable delays.
12–7.5001–12 Disputes.
12–7.5001–13 Convict labor.
12–7.5001–14 Contract Work Hours and Safety Standards Act—overtime compensation.
12–7.5001–15 Walsh-Healey Public Contracts Act.
12–7.5001–16 Equal opportunity.
12–7.5001–17 Officials not to benefit.
12–7.5001–18 Covenant against contingent fees.
12–7.5001–19 [Reserved.]
12–7.5001–20 Insurance—liability to third persons.
12–7.5001–21 Authorization and consent.
12–7.5001–22 Notice and assistance regarding patent and copyright infringement.
12–7.5001–23 Utilization of concerns in labor surplus areas.
12–7.5001–24 Payment for overtime premiums.
12–7.5001–25 Dissemination of contract information.
12–7.5001–26 Notice of delays.
12–7.5001–27 [Reserved.]
12–7.5001–28 Gratuities.
12–7.5001–29 Priorities, allocations, and allotments.
12–7.5001–30 New material.
12–7.5001–31 Interpretation or modification.
12–7.5002 Additional clauses.
12–7.5002–1 Buy American Act.
12–7.5002–2 [Reserved.]
12–7.5002–3 Military security requirements.
12–7.5002–4 Negotiated overhead rates.
12–7.5002–5 Changes to make-or-buy program.
12–7.5002–6 Required source for jewel bearings.
12–7.5002–7 Value engineering.
12–7.5002–8 Multi-year procurement.
12–7.5002–9 [Reserved.]
12–7.5002–10 Aluminum.
12–7.5002–11 Stop work orders.
12–7.5002–12 Competition in subcontracting.
12–7.5002–13 Audit and records.
12–7.5002–14 Price reduction for defective cost or pricing data.
12–7.5002–15 Subcontractor cost and pricing data.
12–7.5002–16 Government property.

Subpart 12–7.51—Clauses for Fixed-Price Research and Development Contracts

12–7.5100 Scope.
12–7.5101 Required clauses.
12–7.5101–1 Definitions.
12–7.5101–2 Changes.
12–7.5101–3 Payments.
12–7.5101–4 Standards of work.
12–7.5101–5 Inspection.
12–7.5101–6 Assignment of claims.
12–7.5101–8 Federal, state, and local taxes.
12–7.5101–9 Utilization of small business concerns.
12–7.5101–10 Default.
12–7.5101–11 Termination for convenience of the Government.
12–7.5101–12 Disputes.
12–7.5101–13 Convict labor.
12–7.5101–14 Walsh-Healey Public Contracts Act.
12–7.5101–15 Contract Work Hours and Safety Standards Act—overtime compensation.
12–7.5101–16 Equal opportunity.
12–7.5101–17 Officials not to benefit.
12–7.5101–18 Covenant against contingent fees.
12–7.5101–19 Gratuities.
12–7.5101–20 Authorization and consent.
12–7.5101–21 Notice and assistance regarding patent and copyright infringement.
12–7.5101–22 Withholding payment for nondelivery of data.
12–7.5101–23 Utilization of concerns in labor surplus areas.
12–7.5101–24 Dissemination of contract information.
12–7.5101–25 Priorities, allocations, and allotments.
12–7.5101–26 Notice of delays.
12–7.5101–27 New material.
12–7.5101–28 Interpretation or modification.
12–7.5102 Clauses to be used when applicable.
12–7.5102–1 Buy American Act.
12–7.5102–2 Government-furnished property.
12–7.5102–3 Price reduction for defective cost or pricing data.
12–7.5102–4 Required sources for jewel bearings.
12–7.5102–5 Competition in subcontracting.
12–7.5102–6 Audit and records.
12–7.5102–7 Subcontractor cost and pricing data.
12–7.5102–8 Value engineering.
12–7.5102–9 Aluminum.
12–7.5102–10 Military security requirements.
12–7.5102–11 Stop work orders.

Subpart 12–7.52—Clauses for Cost-Reimbursement Type Research and Development Contracts

12–7.5200 Scope.
12–7.5201 Required clauses.
12–7.5201–1 Definitions.
12–7.5201–2 Changes.
12–7.5201–3 Limitation of cost or funds.
12–7.5201–4 Allowable cost, fee, and payment.
12–7.5201–5 [Reserved]
12–7.5201–6 Inspection and correction of defects.
12–7.5201–7 Assignment of claims.
12–7.5201–8 Examination of records.
12–7.5201–9 Subcontracts.
12–7.5201–10 Utilization of small business concerns.
12–7.5201–11 Termination.
12–7.5201–12 Disputes.
12–7.5201–13 Convict labor.
12–7.5201–14 Walsh-Healey Public Contracts Act.
12–7.5201–15 Contract Work Hours and Safety Standards Act—overtime compensation.
12–7.5201–16 Equal opportunity.
12–7.5201–17 Officials not to benefit.
12–7.5201–18 Covenant against contingent fees.
12–7.5201–19 Authorization and consent.
12–7.5201–20 Notice and assistance regarding patent infringement.
12–7.5201–21 [Reserved]
12–7.5201–22 Insurance—liability to third persons.
12–7.5201–23 Utilization of concerns in labor surplus areas.
12–7.5201–24 Payment for overtime premiums.
12–7.5201–25 Dissemination of contract information.

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12-7.5201-26 Notice of delays.
12-7.5201-27 Gratuities.
12-7.5201-28 Priorities, allocations, and allotments.
12-7.5201-29 New material.
12-7.5201-30 Interpretation or modification.
12-7.5202 Clauses to be used when applicable.
12-7.5202-1 Buy American Act.
12-7.5202-2 Military security requirements.
12-7.5202-3 Negotiated overhead rates.
12-7.5202-4 Changes to make-or-buy program.
12-7.5202-5 Required sources for jewel bearings.
12-7.5202-6 Value engineering
12-7.5202-7 Multi-year procurement.
12-7.5202-8 [Reserved]
12-7.5202-9 Aluminum.
12-7.5202-10 Stop work orders.
12-7.5202-11 Competition in subcontracting.
12-7.5202-12 Audit and records.
12-7.5202-13 Price reduction for defective cost or pricing data.
12-7.5202-14 Subcontractor cost and pricing data.
12-7.5202-15 Government property.
12-7.5202-16 Excusable delays.
12-7.5202-17 General Services Administration supply sources.

Subpart 12-7.54—Clauses for Architect-Engineer Contracts

12-7.5400 Scope.
12-7.5401 Required clauses.
12-7.5401-1 Definitions.
12-7.5401-2 Architectural designs and data—Government rights (unlimited).
12-7.5401-3 Disputes.
12-7.5401-4 Changes.
12-7.5401-5 Termination for convenience of the Government.
12-7.5401-6 Covenant against contingent fees.
12-7.5401-7 Officials not to benefit.
12-7.5401-8 Assignment of claims.
12-7.5401-9 Equal opportunity.
12-7.5401-10 Convict labor.
12-7.5401-11 Contract Work Hours and Safety Standards Act—overtime compensation.
12-7.5401-12 Gratuities.
12-7.5401-13 Examination of records.
12-7.5401-14 Composition of contractor.
12-7.5401-15 Termination for default.
12-7.5401-16 Responsibility of the architect-engineer.
12-7.5401-17 Interpretation or modification.
12-7.5401-18 Dissemination of contract information.
12-7.5401-19 Inspection.
12-7.5401-20 Notice of delays.
12-7.5401-21 Certification of drawings and other documents.
12-7.5402 Clauses to be used when applicable.
12-7.5402-1 Military security requirements.
12-7.5402-2 Audit and records.
12-7.5402-3 Price reduction for decetive cost or pricing data.
12-7.5402-4 Subcontractor cost or pricing data.
12-7.5402-5 Architectural designs and data—Government rights (sole property).
12-7.5403 Additional clauses.
12-7.5403-1 Method of payment.
12-7.5403-2 Preparation of specifications.
12-7.5403-3 Agreement to redesign.

Subpart 12-7.56—Clauses for Fixed-Price Vessel Repair, Alteration or Conversion Contracts

12-7.5600 Scope of subpart.
12-7.5601 Required clauses.
12-7.5601-1 Delivery and shifting of vessel.
12-7.5601-2 Performance.
12-7.5601-3 Inspection and manner of doing work.
12-7.5601-4 Subcontracts.
12-7.5601-5 Lay days.
12-7.5601-6 Changes.
12-7.5601-7 Extras.
12-7.5601-8 Payments.
12-7.5601-9 Government-furnished property.
12-7.5601-10 Liability and insurance.
12-7.5601-11 Title.
12-7.5601-12 Discharge of liens.
12-7.5601-13 Federal, State, and local taxes.
12-7.5601-14 Default.
12-7.5601-15 Delays.
12-7.5601-16 Termination for convenience of the Government.
12-7.5601-17 Disputes.
12-7.5601-18 Patent indemnity.
12-7.5601-19 Authorization and consent.
12-7.5601-20 Notice and assistance regarding patent and copyright infringement.
12-7.5601-21 Buy American Act.
12-7.5601-22 Convict labor.
12-7.5601-23 Contract Work Hours and Safety Standards Act—overtime compensation.
12-7.5601-24 Walsh-Healey Public Contracts Act.
12-7.5601-25 Department of Labor Safety and Health Regulations for Ship Repairing.
12-7.5601-26 Equal opportunity.
12-7.5601-27 Officials not to benefit.
12-7.5601-28 Covenant against contingent fees.
12-7.5601-29 Additional bond security.
12-7.5601-30 Interpretation or modification.
12-7.5601-31 Notice of delays.
12-7.5601-32 Gratuities.
12-7.5601-33 Examination of records.
12-7.5601-34 Utilization of small business concerns.
12-7.5601-35 Utilization of labor surplus area concerns.
12-7.5601-36 Assignment of claims.
12-7.5601-37 Definitions.
12-7.5602 Clauses to be used when applicable.
12-7.5602-1 Price reduction for defective cost or pricing data.
12-7.5602-2 Audit and records.
12-7.5602-3 Subcontractor cost and pricing data.
12-7.5602-4 Military security requirements.
12-7.5602-5 Guaranty.
12-7.5602-6 Priorities, allocations, and allotments.
12-7.5602-7 Index for specifications.

§ 12-7.000 Scope of part.

This part sets forth contract clauses for use in connection with the procurement of supplies and services.

Subpart 12-7.1—Clauses for Fixed-Price Supply Contracts

§ 12-7.100 Scope of subpart.

This subpart sets forth uniform contract clauses for use in fixed-price supply contracts in addition to those prescribed in FPR subpart 1-7.1.

§ 12-7.150 Required clauses.

The following clauses shall be inserted in all fixed-price supply contracts exceeding $2,500. Additional clauses may be used which are considered by each Administration to be essential to its operations.

§ 12-7.150-1 Gratuities.

GRATUITIES

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the agency head or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending; or the making of any determinations with respect to the performing of such contract; provided, that the existence of the facts upon which the agency head or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the agency head or his duly authorized representative) which shall be not less than three or more than ten times the cost incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

§ 12-7.150-2 New materials.

NEW MATERIALS

Except as to any supplies or components which the contract specifically provides need not be new, all supplies and components to be provided under this contract shall be new (not used or reconditioned, and not of such age or so deteriorated as to impair their usefulness or safety), of current production, and of the most suitable grade for the purpose intended.

§ 12-7.150-3 Priorities, allocations, and allotments.

PRIORITIES, ALLOCATIONS, AND ALLOTMENTS

The Contractor shall follow the provisions of DMS Reg. 1 and all other applicable regulations and orders of the Business and Defense Services Administration in obtaining controlled materials and other products and materials required for the performance of this contract.

§ 12-7.150-4 Interpretation or modification.

INTERPRETATION OR MODIFICATION

No oral statement of any person, and no written statement of anyone other than the Contracting Officer, or his authorized representative, shall modify or otherwise affect any provision of the contract.

§ 12-7.150-5 Notice of readiness for inspection.

NOTICE OF READINESS FOR INSPECTION

(a) If the contract provides for inspection at the Contractor's plant, the Contractor shall give the Contracting Officer at least 5 days' (unless a longer period is specified in the Schedule) written or telegraphic notice of readiness for inspection in cases where no security clearance is required for the Government Inspector. In cases where security clearance is required for the Government Inspector to obtain access to the Contractor's plant, the Contractor shall so advise the Contracting Officer and give at least 8 days' notice of readiness for inspection.

(b) In those cases where a Government Inspector is assigned to the plant for the purpose of conducting continuous inspections of production on the contract, and he is otherwise kept informed of the progress of production, the written notices, specified in (a) above, need not be given.

§ 12-7.150-6 Definition of delivery terms.

DEFINITION OF DELIVERY TERMS

The meaning of delivery terms used in this contract such as "f.o.b. origin", "f.o.b. destination", "f.a.s. vessel, port of shipment", and other delivery terms shall be as those terms are defined in subpart 1-19.3 of the Federal Procurement Regulations.

§ 12-7.150-7 Evidence of delivery.

EVIDENCE OF DELIVERY

When the contract delivery point is "f.o.b. origin", evidence of delivery shall be submitted with invoices. In the case of freight or express shipment, this evidence shall be in the form of memorandum copies of Bills of Lading duly receipted by the carrier. In the case of parcel post shipments this evidence shall be by Post Office Certificate of Mailing, Form 3817. If the invoice submitted for payment is not accompanied by evidence of delivery, discounts for prompt payment will be computed from date of receipt of such evidence of delivery. When the contract delivery point is other than "f.o.b. origin", evidence of delivery will be obtained from the consignee.

§ 12-7.150-8 Withholding payment for nondelivery of data.

WITHHOLDING PAYMENT FOR NONDELIVERY OF DATA

(a) If technical data such as plans, drawings, reports, spare parts lists, repair parts lists, or the like, or instruction books (including manuscript or printer's copy), or any part thereof, are not delivered within the time specified by this contract or are deficient upon delivery, the Contracting Officer shall, at his discretion, withhold from each invoice a percentage of the contract price in accordance with the following table:

When total contract price is:	*Percentage to withheld is—*
Less than $250,000	10
$250,000 to $1,000,000	5
Over $1,000,000	2

(b) The withholding of any sums pursuant to this clause shall not be construed as, or constitute in any manner, a waiver by the Government of the Contractor's obligation to furnish the data required under this contract. In the event the Contractor fails to furnish these items, the Government shall have those rights and remedies provided by law and pursuant to this contract in addition to, and not in lieu of, the sums withheld in accordance with this clause.

§ 12-7.150-9 Notice of delays.

NOTICE OF DELAYS

(a) Whenever the Contractor encounters any difficulty which is delaying or threatens to delay the timely performance of this contract (including actual or potential labor disputes), the Contractor shall immediately give notice thereof in writing to the Contracting Officer, stating all relevant information with respect thereto. Such notice shall not in any way constitute a basis for an extension of the delivery schedule or be construed as a waiver by the Government of any rights or remedies to which it is entitled by law or pursuant to provisions of this contract. Failure to give such notice, however, may be grounds for denial of any request for an extension of the delivery schedule because of such delay.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in any subcontract hereunder; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay, the subcontractor shall immediately notify his next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect thereto.

§ 12-7.150-10 Termination for convenience of the Government.

The short-form termination for convenience clause set forth in FPR 1-8.705-1 shall be inserted in contracts not exceeding $100,000. The long-term termination for convenience clause set forth in FPR 1-8.701 shall be inserted in contracts exceeding $100,000.

§ 12-7.150-11 Dissemination of contract information.

DISSEMINATION OF CONTRACT INFORMATION

The Contractor shall not publish, permit to be published, or distribute for public consumption, any information, oral or written, concerning the results or conclusions made pursuant to performance of this contract, without the prior written consent of the Contracting Officer. (Two copies of any material proposed to be published or distributed shall be submitted to the Contracting Officer.)

§ 12-7.151 Clauses to be used when applicable.

The following clauses shall be included in the contract when their use is appropriate.

§ 12-7.151-1 Patent indemnity.

Insert the clause set forth in DOTPR 12-9.6107-1 in accordance with the instructions for its use.

§ 12-7.151-2 Government-furnished property.

When property will be furnished by the Government in the performance of the contract, insert the clause set forth below in the contract. When the contractor is to procure or provide property for the performance of the contract, title to which will vest in the Government, and the cost of which is to be reimbursable, insert the clause set forth in DOTPR 12-7.5002-16, entitled "Government Property", in lieu of the clause below.

GOVERNMENT-FURNISHED PROPERTY

(a) *Property administration.* The Contractor shall establish and administer a system to control, protect, preserve and maintain Government property in his possession or under his control or that of his subcontractors. Such a system must be satisfactory to the Contracting Officer, and in accordance with this clause and any other requirements of the contract.

(b) *Government-furnished property.* (1) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property").

(2) The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the time stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates.

(3) If the Schedule does not state a date when Government-furnished property will be delivered, the Contractor shall notify the Contracting Officer in writing of the date by which he requires such property to meet the contract delivery or performance dates. The Contractor shall allow a minimum of 30 days for delivery of Government-furnished property, unless a different time is specified in the Schedule. If not received 5 days before the date it is required by the Contractor, the Contracting Officer shall be so notified.

(4) If Government-furnished property is not delivered to the Contractor by the date specified in the Schedule, or by the date specified by the Contractor pursuant to (3) above, the Contracting Officer shall, upon timely request made by the Contractor, make a determination of the delay, if any, occasioned the Contractor and shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by any such delay, in accordance with the procedures of the "Changes" clause of this contract.

(5) In the event that Government-furnished property is received by the Contractor in a condition not suitable for intended use (except for such property furnished "as is" or otherwise specified), the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property, or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by the return or disposition, or the repair or modification, in accordance with the procedures of the "Changes" clause of this contract.

(6) The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(c) *Changes in Government-furnished property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property provided or to be provided by the Government under this contract, or (ii) substitute other Government-owned property for property to be provided by the Government or to be acquired by the Contractor for the Government under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to subparagraph (1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor or on his own initiative (if the substitution of prop-

erty causes a decrease in the cost of performance), shall equitably adjust such contractual provisions as may be affected by the decrease substitution, or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(d) *Title to property.* Title to all property furnished by the Government shall remain in the Government. Title to Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(e) *Use of Government-furnished property.* The Government-furnished property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) *Maintenance and repair of Government property.* The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection, and preservation of Government property, while in custody of the Contractor. In the event that any damage occurs to Government property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however,* That if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provisions affected by such repair or replacement of Government property made at the direction of the Government in accordance with the procedures provided for in the "Changes" clause of this contract. Where replacement parts are provided at the expense of the Government, the parts which are displaced remain the property of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(g) *Risk of loss.* Unless otherwise provided in this contract, the Contractor assumes the risk of, and shall be responsible for, any loss or damage to Government property provided under this contract upon its delivery to him or any of his subcontractors or upon passage of title thereto to the Government as provided in paragraph (d) hereof, except for reasonable wear and tear and except to the extent that such property is justifiably consumed in the performance of this contract. The Contractor shall not be liable for loss or destruction of or damage to Government property if such loss, destruction or damage is due to causes beyond the control and without the fault or negligence of the Contractor or any of his subcontractors.

(h) *Access.* The Government, and any persons designated by it, shall at all reasonable time have access to the premises wherein any Government property is located, for the purpose of inspecting the Government property, or inventorying the same, or removing any part or all of the same, or for determining compliance with terms of the contract.

(i) *Final accounting and disposition of Government property.* Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government property not justifiably consumed in the performance of this contract (including any resulting scrap) or not theretofore delivered to the Government, and shall prepare for shipment, deliver f.o.b. origin (unless otherwise provided in the contract), or dispose of the Government property, as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

(j) *Notification.* The Contractor shall notify the Contracting Officer as soon as Government-furnished property is no longer required for performance of the contract. All shipments of Government-furnished property not delivered as an end item of the contract shall be effected only upon receipt of shipping instructions signed by the Contracting Officer or his duly authorized representative.

(k) *Restoration of Contractor's premises.* Unless otherwise provided herein, the Government: (1) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; (2) shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of, the Contractor's plant or any portion thereof which is affected by the abandonment or removal of any Government property; (3) shall be indemnified against all suits or claims arising out of the Government's failure to restore or rehabilitate the Contractor's property or the property of subcontractors, except for such damage as may be occasioned by the negligence of the Government, its agents, its employees, or independent contractors.

(l) *Communications.* All communications issued pursuant to this clause shall be in writing.

NOTE.—If this contract is with other than a United States firm or individual, the terms "Government" or "Government-furnished", wherever they appear in the text, are defined as meaning "United States Government."

§ 12–7.151–3 Military security requirements.

Insert the Military Security Requirements clause in ASPR 7–104.12 in the contract in accordance with the instructions for its use in DOTPR 12–1.351.

§ 12–7.151–4 Price redetermination (prospective).

When it is determined, in accordance with FPR 1–3.404–5, to use a fixed-price contract providing for prospective redetermination of price, the clause set forth in ASPR 7–109.2 shall be used.

§ 12–7.151–5 Price redetermination (retroactive).

When it is determined, in accordance with FPR 1–3.404–7, to use a fixed-price contract providing for retroactive redetermination of price, the clause set forth in ASPR 7–109.3 shall be used.

§ 12–7.151–6 Required sources for jewel bearings.

In accordance with FPR 1–1.319, insert the clause contained therein.

§ 12–7.151–7 Required source for aluminum ingot.

In accordance with FPR 1–5.1001–1, insert the clause set forth in FPR 1–5.1001–2.

§ 12–7.151–8 Stop work order.

The following clause may be included in negotiated contracts when the contracting officer determines its use appropriate. Examples might include contracts under which work stoppage may be required for reasons such as advancements in the state of the art, production, or engineering breakthroughs, or realignment of programs. In no event shall the clause be used routinely.

STOP WORK ORDER

(a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the work called for by this contract for periods of no longer than ninety (90) days after the order is delivered to the Contractor, and for any further period to which the parties may agree. Any such order shall be specifically identified as a Stop Work Order issued pursuant to this clause. Upon receipt of such an order, the Contractor shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Prior to the expiration of the period of the stop work order, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either—

(1) Cancel the stop work order, or

(2) Terminate the work covered by such order as provided in the "Termination for Convenience" clause of this contract.

(b) If a stop work order issued under this clause is canceled, the Contractor shall resume work. An equitable adjustment shall be made in the delivery schedule or contract price, or both, and the contract shall be modified in writing accordingly, if—

(1) The stop work order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract, and

(2) The Contractor asserts a claim for such adjustment within thirty (30) days after the end of the period of work stoppage; provided that, without prejudicing the right to reject any claim asserted after this time, if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract.

(c) If a stop work order is not canceled and the work covered by such order is terminated for the convenience of the Government, the reasonable costs resulting from the stop work order shall be allowed in arriving at the termination settlement.

§ 12–7.151–9 Extent of quantity variation.

The following clause is prescribed for use in accordance with DOTPR 12–1.352.

EXTENT OF QUANTITY VARIATION

The permissible variation under the clause of the General Provisions entitled "Variation in Quantity" shall be limited to:

Increase (insert: ------ Percent or None).
Decrease (insert: ------ Percent or None).
This increase or decrease shall apply to ----------.

(Insert in the blank the designation(s) to which the percentages apply, such as (1) the total contract quantity; (2) item 1 only; (3) each quantity specified in the delivery schedule of the "time or Delivery" clause; (4) the total item quantity for each destination; (5) the total quantity of each item without regard to destination).

§ 12–7.151–10 Value engineering.

A value engineering incentive clause shall be included in the contract in accordance with the instructions for its use in DOTPR 12–1.5202–2.

§ 12–7.151–11 Multi-year procurement.

The clause set forth in DOTPR subpart 12–1.55 shall be included in all contracts under the multiyear procurement method.

Subpart 12–7.6—Clauses for Fixed-Price Construction Contracts

§ 12–7.600 Scope.

(a) This subpart sets forth contract clauses for use in fixed-price construction contracts.

(b) This subpart does not apply to highway construction contracts of the Federal Highway Administration.

§ 12–7.601 Required clauses.

In addition to the clauses included in the standard forms referenced in FPR subpart 1–16.4 and the clauses set forth or referenced in FPR subpart 1–7.6, the following clauses shall be included in short form construction contracts (Standard Form 19) or long form construction contracts (Standard Form 23A), as indicated by the instructions for their use.

§ 12–7.601–50 Gratuities (use with SF–19 or SF–23A).

Insert the clause set forth in DOTPR 12–7.150–1.

§ 12–7.601–51 Protection of existing vegetation, structures, utilities, and improvements (use with SF–19 or SF–23A).

PROTECTION OF EXISTING VEGETATION, STRUCTURES, UTILITIES, AND COMMUNICATION FACILITIES

(a) The Contractor will preserve and protect all existing vegetation (such as trees, shrubs, and grass) on or adjacent to the site of work which is not to be removed and which does not unreasonably interfere with the construction work. Care will be taken in removing trees authorized for removal to avoid damage to vegetation to remain in place. Any limbs or branches of trees broken during such operations or by the careless operation of equipment or by workmen, shall be trimmed with a clean cut and painted with an approved tree pruning compound, as directed by the Contracting Officer.

(b) All existing utilities, communications facilities, and other improvements, including but not limited to conduit, pipe, wiring, or cable (hereinafter referred to as "improvements"), whether above or below ground, shall be protected by the Contractor from damage or destruction. The Contractor shall ascertain from the drawings and specifications the location of any concealed improvements, at or near the site of the work. Any destruction of or damage to existing improvements, above or below ground, shall be promptly repaired, restored, or replaced at the Contractor's expense at the direction of the Contracting Officer and in a manner which, at a minimum, will restore the usefulness and life expectancy existing immediately before damage or destruction. The directions of the Contracting Officer may require complete replacement of conduits, pipes, wiring, cables, or similar improvements where original installation was made under a requirement for continuous, unspliced lengths. If the Contractor fails or refuses to repair, restore, or replace damaged or destroyed improvements in accordance with the directions of the Contracting Officer, the Contracting Officer may have the necessary work performed by others and charge the cost thereof to the Contractor. If concealed improvements are encountered and they are not shown on the drawings or specifications, the provisions of the "Differing Site Conditions" clause of this contract shall apply.

§ 12–7.601–52 Operations and storage areas (use with SF–23A).

OPERATIONS AND STORAGE AREAS

(a) All operations of the Contractor (including storage of materials) upon Government premises shall be confined to areas authorized or approved by the Contracting Officer. The Contractor shall hold and save the Government, its officers and agents, free and harmless from liability of any nature occasioned by his operations.

(b) Temporary buildings (storage sheds, shops, offices, etc.) may be erected by the Contractor only with the approval of the Contracting Officer, and shall be built with labor and materials furnished by the Contractor without expense to the Government. Such temporary buildings and utilities shall remain the property of the Contractor and shall be removed by him at his expense upon the completion of the work. With the written consent of the Contracting Officer, such buildings and utilities may be abandoned and need not be removed.

(c) The Contractor shall, under regulations prescribed by the Contracting Officer, use only established roadways or construct and use such temporary roadways as may be authorized by the Contracting Officer. Where materials are transported in the prosecution of the work, vehicles shall not be loaded beyond the loading capacity recommended by the manufacturer of the vehicle or prescribed by any Federal, State, or local law or regulation. When it is necessary to cross curbing or sidewalks, protection against damage shall be provided by the Contractor and any damaged roads, curbings, or sidewalks shall be repaired by, or at the expense of the Contractor.

§ 12–7.601–53 Modification proposals-price breakdown (use with SF–23A).

MODIFICATION PROPOSALS—PRICE BREAKDOWN

The Contractor, in connection with any proposal he makes for a contract modification, shall furnish a price breakdown, itemized as required by the Contracting Officer. Unless otherwise directed, the breakdown shall be in sufficient detail to permit an analysis of all material, labor, equipment, subcontract, and overhead costs, as well as profit, and shall cover all work involved in the modification, whether such work was deleted, added or changed. Any amount claimed for subcontracts shall be supported by a similar price breakdown. In addition, if the proposal includes a time extension, a justification therefor shall also be furnished. The proposal, together with the price breakdown and time extension justification, shall be furnished by the date specified by the Contracting Officer.

§ 12–7.601–54 Work schedule (use with SF–19).

WORK SCHEDULE

Unless otherwise specified in the contract, the Contractor shall within 7 days after receipt of notice to proceed, but before any work is performed, furnish to the Contracting Officer, in triplicate, a schedule showing the proposed dates on which the major phases of the work will be started and completed. Acceptance of the schedule by the Contracting Officer shall not excuse the Contractor for any delay in completing the work.

§ 12–7.601–55 Cleaning up (use with SF–23A).

CLEANING UP

The Contractor shall at all times keep the construction area, including storage areas used by him, free from accumulations of waste material or rubbish and prior to completion of the work remove from the premises any rubbish and all tools, scaffolding, equipment, and material not the property of the Government. Upon completion of the construction the Contractor shall leave the work and premises in a clean, neat and workmanlike condition satisfactory to the Contracting Officer.

§ 12–7.601–56 Additional definitions (use with SF–23A).

ADDITIONAL DEFINITIONS

(a) Wherever in the specifications or upon the drawings the words "directed", "required", "ordered", "designated", "prescribed", or words of like import are used, it shall be understood that the "direction", "requirement", "order", "designation", or "prescription", of the Contracting Officer is intended and similarly the words "approved", "acceptable", "satisfactory" or words of like import shall mean "approved by" or "acceptable to", or "satisfactory to" the Contracting Officer, unless otherwise expressly stated.

(b) Where "as shown", "as indicated", "as detailed", or words of similar import are used, it shall be understood that the reference is made to the drawings accompanying this contract unless stated otherwise. The word "provided" as used herein shall be understood to mean "provided complete in place", that is "furnished and installed".

§ 12–7.601–57 Safety requirements (use with SF–23A).

SAFETY REQUIREMENTS

(a) The Contractor shall provide safety controls for protection to the life and health of employees and other persons; for prevention of damage to property, materials, supplies, and equipment; and for avoidance of work interruptions in the performance of this contract; and the Contractor shall comply with any accident prevention or safety requirements included or referenced in this contract.

(b) The Contractor will maintain an accurate record of, and will report to the Contracting Officer in the manner and on the forms prescribed by the Contracting Officer, exposure data and all accidents resulting in death, traumatic injury, occupational disease, and damage to property, materials, supplies and equipment incident to work performed under this contract.

(c) The Contracting Officer will notify the Contractor of any noncompliance with the foregoing provisions and the action to be taken. The Contractor shall, after receipt of such notice, immediately take corrective action. Such notice, when delivered to the Contractor or his representaitve at the site of the work, shall be deemed sufficient for the purpose. If the Contractor fails or refuses to comply promptly, the Contracting Officer may issue an order stopping all or part of the work until satisfactory corrective action has been taken. No part of the time lost due to any such stop orders shall be made the subject of claim for extension of time or for excess costs or damages by the Contractor.

(d) Compliance with the provisions of this clause by subcontractors will be the responsibility of the Contractor.

§ 12–7.601–58 Contracting officer's representative (use with SF–19 or SF–23A).

CONTRACTING OFFICER'S REPRESENTATIVE

The Contracting Officer may designate Government personnel to act as his authorized representatives for one or more contract administration functions not involving a change in the scope, price, terms, or conditions of the contract. Such designation will be in writing, set forth elsewhere in the contract or by separate letter signed by the Contracting Officer, and will contain specific instructions as to the extent to which the representative may take action for the Contracting Officer. Such designation will not contain authority to sign contractual documents, nor will it authorize the designee to order contract changes, modify contract terms, or create any liability on the part of the Government different from that set forth in the contract.

§ 12–7.601–59 Contract time-notice to proceed (use with SF–23A).

CONTRACT TIME-NOTICE TO PROCEED

(a) Provided the contract is not terminated pursuant to paragraph 4, Standard Form 22, "Instruction to Bidders", if, in the opinion of the Contracting Officer, the Contractor's delay in executing formal contract documents or furnishing performance or payment bonds causes a delay in the issuance of the notice to proceed, the time to complete the work as specified in the contract, may be reduced to reflect such delay.

(b) The Contractor shall perform no work under this contract until the required contract documents and bonds have been furnished. Thereafter, work at other than the contract site may be undertaken. The Contractor shall perform no work at the contract site except pursuant to a notice to proceed given by the Contracting Officer.

(c) Notice to proceed may be issued by the Government at its convenience. Any right of the Contractor to a price adjustment because of unreasonable delay on the part of the Government in issuing notice to proceed shall be determined in accordance with the clause titled "Suspension of Work."

§ 12–7.601–60 Rights in shop drawings (use with SF–23A).

RIGHTS IN SHOP DRAWINGS

(a) Shop drawings for construction means drawings, submitted to the Government by the Construction Contractor, subcontractor or any lower tier subcontractor pursuant to a construction contract, showing in detail (i) the proposed fabrication and assembly of structural elements and (ii) the installation (i.e., form, fit, and attachment details) of materials or equipment. The Government may duplicate, use, and disclose in any manner and for any purpose, shop drawings delivered under this contract.

(b) This clause, including this paragraph (b), shall be included in all subcontracts hereunder at any tier.

§ 12–7.601–61 Notice of delays (use with SF–19 or SF–23A).

Insert the clause set forth in DOTPR 12–7.150–9.

§ 12–7.601–62 Priorities, allocations, and allotments (use with SF–23A).

Insert the clause set forth in DOTPR 12–7.150–3.

§ 12–7.601–63 Dissemination of contract information (use with SF–23A).

Insert the clause set forth in DOTPR 12–7.150–10.

§ 12–7.601–64 Guarantee (use with SF–19 or SF–23A).

GUARANTEE

(a) Unless otherwise provided in the contract, the Contractor guarantees all work performed and materials and equipment delivered to be in accordance with contract requirements and free from defective or inferior materials, equipment, and workmanship for one year from the date of final acceptance of the contract work by the Government. The guarantee provided for in this clause shall not extend to or apply to Government-furnished material or equipment except as to such work as may be performed thereon by the Contractor.

(b) Upon receipt of notice from the Contracting Officer that work, material, or equipment furnished under this contract has failed to meet the contract guarantee, the contractor shall promptly return to the site of the work and at his expense (1) place in satisfactory condition in every particular all such guaranteed work, correcting all defects therein, (2) restore to a satisfactory condition the building or site or any equipment or contents thereof which, in the opinion of the Contracting Officer, are affected or damaged as a result of the use of material, equipment or workmanship which are inferior, defective or not in accordance with the terms of the contract, and (3) restore to a satisfactory condition any work, materials and equipment disturbed in fulfilling the guarantee.

(c) In any case where in fulfilling the requirements of the contract or of any guarantee, embraced in or required thereby, the Contractor disturbs any work guaranteed under another contract, he shall restore such disturbed work to a condition satisfactory to the Contracting Officer and guarantee such restored work to the same extent as it was guaranteed under such other contract.

(d) Should the Contractor fail to proceed promptly to comply with the terms of a guarantee under this contract, the Contracting Officer may cause corrective action to be taken by others and the Contractor shall promptly reimburse the Government its cost incurred thereby, or in lieu of taking corrective action, the Contracting Officer may cause the Contractor to pay to the Government an amount of money commensurate with what the corrective action would cost.

§ 12–7.601–65 General conduct of work (use with SF–19).

GENERAL CONDUCT OF WORK

(a) The Contractor shall comply with any accident prevention or safety requirements included or referenced in this contract, and shall take any additional protective measures deemed necessary by the Contracting Officer.

(b) All operations of the Contractor (including storage of materials) shall be confined to areas authorized by the Contracting Officer. If the use of temporary buildings is authorized by the Contracting Officer, such buildings shall be removed by the Contractor at his expense upon completion of the work.

(c) The Contractor shall keep the construction area free from waste material or rubbish. Upon completion of the work, he shall remove his equipment, tools, and material, and leave the premises in a clean, neat, and orderly condition.

(d) The Contractor shall, under regulations prescribed by the Contracting Officer, use only established roadways or construct and use such temporary roadways as may be authorized by the Contracting Officer.

§ 12–7.601–66 Contractor inspection system (use with SF–23A).

CONTRACTOR INSPECTION SYSTEM

The Contractor shall (i) maintain an adequate inspection system and perform such inspections as will assure that the work performed under the contract conforms to contract requirements, and (ii) maintain and make available to the Government adequate records of such inspection.

§ 12–7.601–67 Information regarding Buy American Act (use with SF–23A).

INFORMATION REGARDING BUY AMERICAN ACT

(a) The Buy American Act (41 U.S.C. 10a–10d) generally requires that only domestic construction material be used in the performance of this contract. (See the clause entitled "Buy American" in Standard Form 23A, General Provisions, Construction Contract.) This requirement does not apply to the following construction material or components:

Acetylene black.
Asbestos, amosite.
Bismuth.
Cadmium, ores and flue dust.
Chrome ore or chromite.
Cork, wood, or bark and waste.
Graphite, natural.
Mica.
Rubber, crude and latex.
Wax, carnauba.

Woods of the following species: Angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.

(b) (1) Furthermore, bids or proposals offering use of additional nondomestic construction material may be acceptable for award if the Government determines that use of comparable domestic construction material is impracticable or would unreasonably increase the cost or that domestic construction material (insufficient and reasonably available commercial quantities and of a satisfactory quality) is unavailable. Reliable evidence shall be furnished justifying such use of additional nondomestic construction material.

(2) Where it is alleged that use of domestic construction material would unreasonably increase the cost:

(i) Data shall be included, based on a reasonable canvass of suppliers, demonstrating that the cost of each such domestic construction material would exceed by more than 6 percent the cost of comparable nondomestic construction material. (All costs of delivery to the construction site shall be included, as well as any applicable duty).

(ii) For evaluation purposes, 6 percent of the cost of all additional nondomestic construction material, which qualifies under paragraph (1), above, will be added to the bid or proposal.

(3) When offering additional nondomestic construction material, bids or proposals may also offer, at stated prices, any available comparable domestic construction material, so as to avoid the possibility that failure of a nondomestic construction material to be acceptable under (1), above, will cause rejection of the entire bid.

§ 12–7.650 Clauses to be used when applicable.

§ 12–7.650–1 Small business subcontracting program.

Insert the clause set forth in FPR 1–1.710–3(b) in accordance with the instructions for its use.

§ 12–7.650–2 Notice and assistance regarding patent and copyright infringement.

In accordance with DOTPR 12–9.6108, insert the clause set forth in FPR 1–7.101–13.

§ 12–7.650–3 Authorization and consent.

Insert the clause set forth in DOTPR 12–9.6106–1 in accordance with the instructions for its use.

§ 12–7.650–4 Use and possession prior to completion.

USE AND POSSESSION PRIOR TO COMPLETION

The Government shall have the right to take possession of or use any completed or partially completed part of the work. Such possession or use shall not be deemed an acceptance of any work not completed in accordance with the contract. While the Government is in such possession, the Contractor, notwithstanding the provisions of the clause of this contract entitled "Permits and Responsibilities," shall be relieved of the responsibility for loss or damage to the work other than that resulting from the Contractors fault or negligence. If such prior possession or use by the Government delays the progress of the work or causes additional expense to the Contractor, an equitable adjustment in the contract price or the time of completion will be made and the contract shall be modified in writing accordingly.

§ 12–7.650–5 Military security requirements.

Insert the Military Security Requirements clause in ASPR 7–104.12 in the contract in accordance with the instructions for its use in DOTPR 12–1.351.

§ 12–7.650–6 Performance of work by contractor.

Insert the clause set forth in FPR 1–18.104 in accordance with the instructions for its use.

§ 12–7.650–7 Government-furnished property.

When property will be furnished by the Government, insert the following clause in the contract:

GOVERNMENT-FUANISHED PROPERTY

(a) *Title, use, and quantities.* Any property to be furnished by the Government (as listed elsewhere in this contract under the heading "Government-Furnished Property List" hereafter referred to as "GFPL") is for use only in connection with the performance of the work hereunder. Title to all such property shall remain vested in the Government. The property shall be furnished in the quantities shown, with the exception of items marked "as required" which will be furnished in whatever quantities are required to complete the work. All additional quantities of the items on this list and any other property required to complete the work will be furnished by the Contractor.

(b) *Point of delivery.* The Government shall deliver this property to the Contractor at the point(s) specified in the GFPL. The Contractor shall at no expense to the Government inspect, unload, load and make further delivery of the property at the job site. The Contractor shall be responsible for payment of any demurrage and storage charges accruing more than 5 days after his receipt of notice to proceed.

(c) *Time of delivery.* Any property to be furnished by the Government shall be delivered to the Contractor in sufficient time to enable him to perform the work without delay. The Contractor will be given advance notice of expected delivery dates if they are not already shown on the GFPL. If the property is not delivered to the Contractor by the 5th day subsequent to the expected delivery date, he shall notify the Contracting Officer within 3 days thereafter. The Contractor shall acknowledge receipt thereof in writing to the Contracting Officer and if there are shortages or defective property in any shipment, the contractor shall notify the Contracting Officer within 24 hours after delivery of shipment, or in case of concealed defects and shortages, within 3 days after they are discovered. In either event, the Contracting Officer will take appropriate action to rectify the matter. In the absence of information from the Contractor to the contrary within the periods specified above, the Government will consider that all property has been delivered to the Contractor on time and in good condition and he will be held responsible thereafter for any shortages and defective property that may later be discovered, or for any damagea incurred through inadequate protection. No claim for adjustments in the time and price for performance of the contract pursuant to appropriate clauses of this contract ("Suspension of Work" and the "Termination For Default-Damages For Delay-Time Extensions" clause) shall be allowed for failure of the Government to furnish property unless the Contractor reports the delinquent deliveries within the periods specified above. Notifications to the Contracting Officer are in addition to the requirements under the above-cited clauses for making timely notifications to the Contracting Officer if time and price adjustments are desired.

(d) *Surplus.* In accordance with instructions furnished by the Contracting Officer, upon completion of the work, any unused property shall be prepared for shipment and be delivered by the Contractor to the nearest appropriate common carrier or Government storage point in the locality of the work.

§ 12–7.650–8 Shop drawings.

(a) Insert the following clause, with the appropriate addition in (b) below, in contracts requiring the submission of shop drawings for review prior to construction:

SHOP DRAWINGS

The Contractor shall submit to the Contracting Officer for approval ------ copies (four unless indicated herein) of all shop drawings as called for under the various headings of these specifications. These drawings shall be complete and detailed. If approved by the Contracting Officer, each copy of the drawings will be identified as having received such approval by being so stamped and dated. The Contractor shall make any corrections required by the Contracting Officer. If the Contractor considers any correction indicated on the drawings as constituting a change to the contract drawings or specifications, notice as required under the clause entitled "Changes" will be given to the Contracting Officer. ------ sets (three unless otherwise indicated herein) of all shop drawings will be retained by the Contracting Officer and one set will be returned to the Contractor. The approval of the drawings by the Contracting Officer shall not be construed as a complete check, but will indicate only that the general method of construction and detailing is satisfactory. Approval of such drawings will not relieve the Contractor of the responsibility for any error which may exist as the Contractor shall be responsible for the dimensions and design of adequate connections, details, and satisfactory construction of all work.

(b) "As built" shop drawings may be required for the permanent record of the using activity. When reproducible drawings are required, the following provision shall be added to the clause in paragraph (a) of this section:

Upon the provisions of the work under this contract, the Contractor shall furnish a complete set of reproducibles of all shop drawings as finally approved. These drawings shall show all changes and revisions made up to the time the equipment is completed and accepted.

If reproducible shop drawings are not required, the following provision shall be added to the clause in paragraph (a) of this section:

Upon the completion of the work under this contract, the Contractor shall furnish ------ complete sets of prints of all shop drawings as finally approved. These drawings shall show changes and revisions made up to the time the equipment is completed and accepted.

§ 12–7.650–9 Physical data.

(a) All the information concerning local conditions pertaining to the performance of the contract work, which has been made available to the contractor should be referenced into the contract by completing the clause set forth in paragraph (b) of this section. Wherever test borings, analyses, or hydrographic data are to be made available to the contractor, the wording of this special clause should be such as only to inform the contractor as to the source of the data and where it may be examined.

(b) Contract clause:

PHYSICAL DATA

Information and data furnished or referred to below are furnished for the Contractor's information. However, it is expressly understood that the Government will not be responsible for any interpretation or conclusion drawn therefrom by the Contractor.

(a) The physical conditions indicated on the drawings and in the specifications are the result of site investigations by (insert investigational methods used, such as surveys, auger borings, core borings, test pits, probings, test tunnels, etc.).

(b) *Weather Conditions.* (Insert summary of weather records and warnings.)

(c) *Transportation facilities.* (Insert the summary of transportation facilities accessible to project, availability, and limitations.)

(d) ---------- (Insert other pertinent information.)

§ 12–7.650–10 Disputes concerning labor standards.

Insert the following clause in all contracts subject to the Davis-Bacon Act.

DISPUTES CONCERNING LABOR STANDARDS

Disputes arising out of the labor standards provisions of this contract shall be subject to the Disputes clause except to the extent such disputes involve the meaning of classifications or wage rates contained in the wage determination decision of the Secretary of Labor or the applicability of the labor provisions of the contract, which questions shall be referred to the Secretary of Labor in accordance with the procedures of the Department of Labor.

§ 12–7.650–11 Variations in estimated quantities contracts.

Insert the following clause in contracts containing estimated quantity items:

VARIATION IN ESTIMATED QUANTITIES CONTRACTS

Where the quantity of a pay item in this contract is an estimated quantity and where the actual quantity of such pay item varies more than fifteen percent (15%) above or below the estimated quantity stated in this contract, an equitable adjustment in the contract price shall be made upon demand of either party. The equitable adjustment shall be based upon any increase or decrease in costs due solely to the variation above one hundred fifteen percent (115%) or below eighty-five percent (85%) of the estimated quantity. If the quantity variation is such as to cause an increase in the time necessary for completion, the Contracting Officer shall, upon receipt (10) days from the beginning of such delay, or within such further period of time which may be granted by the Contracting Officer prior to the date of final payment of the contract, ascertain the facts and make such adjustment for extending the completion date as in his judgment the findings justify.

§ 12–7.650–12 Availability and use of utility services.

Insert the following clause in contracts for performance at Government installations when it is determined that one or more utility systems and supplies are adequate for the needs and use of both the Government and the contractor and it is advantageous to the Government to furnish such utility services.

AVAILABILITY AND USE OF UTILITY SERVICES

(a) The Government will make available to the Contractor, from existing outlets and supplies, all reasonably required amounts of utilities as specified in the Schedule or specifications. Except as otherwise provided in the Schedule or specifications, each utility shall be charged to or paid for by the Contractor at prevailing rates charged to the Government or, where the utility is produced by the Government, at reasonable rates as determined by the Contracting Officer.

(b) Utilities furnished the Contractor without charge shall be carefully conserved. The Contractor, at his own expense and in a workmanlike manner satisfactory to the Contracting Officer, shall install and maintain all necessary temporary connections and distribution lines and, if necessary to determine charges, all meters required to measure the amount of each utility used; and he shall remove the same prior to final acceptance of the construction.

§ 12–7.650–13 Misplaced material.

Insert the following clause in all contracts involving work near or on navigable waterways.

MISPLACED MATERIAL

Should the Contractor, during the progress of the work, lose, dump, throw overboard, sink, or misplace any material, plant, machinery, or appliance, which in the opinion of the Contracting Officer may be dangerous to or obstruct navigation, the Contractor shall recover and remove the same with the utmost dispatch. The Contractor shall give immediate notice, with description and location of such obstructions, to the Contracting Officer or inspector, and when required shall mark or buoy such obstructions until the same are removed. Should he refuse, neglect, or delay compliance with the above requirements, such obstructions may be removed by the Contracting Officer, and the cost of such removal may be deducted from any money due or to become due the Contractor, or may be recovered under his bond. The liability of the Contractor for the removal of a vessel wrecked or sunk without fault or negligence shall be limited to that provided in sections 15, 19, and 20 of the River and Harbor Act of March 3, 1899. (33 U.S.C. 410 et seq.)

Insert the following clause in all contracts requiring the use of marine equipment.

SIGNAL LIGHTS

The Contractor shall display signal lights and conduct his operations in accordance with the General Regulations of the Department of the Army and of the Coast Guard governing lights and day signals to be displayed by towing vessels with tows on which no signals can be displayed, vessels working on wrecks, dredges, and vessels engaged in laying cables or pipe or in submarine or bank protection operations, lights to be displayed on dredge pipe lines, and day signals to be displayed by vessels of more than 65 feet in length moored or anchored in a fairway or channel, and the passing by other vessels of floating plant working in navigable channels, as approved by the Secretary of the Army (33 CFR 201.1–201.16) and the Commandant, U.S. Coast Guard (33 CFR 80.18–80.31a and 33 CFR 95.51–95.70).

§ 12–7.650–15 Time extensions for delays to elements of the work.

The following clause shall be inserted in contracts in which there are separate completion dates for various items of work and liquidated damages are provided for:

TIME EXTENSIONS

Notwithstanding any other provisions of this contract it is mutually understood that the time extensions for changes in the work will depend upon the extent, if any, by which the changes cause delay in the completion of the various elements of construction. The change order granting the time extension may provide that the contract completion date will be extended only for those specific elements so delayed and that the remaining contract completion dates for all other portions of the work will not be altered and may further provide for an equitable readjustment of liquidated damages pursuant to the new completion schedule.

§ 12–7.650–16 Progress charts and requirements for overtime work.

Insert the following clause in contracts having a performance time of 4 weeks or more.

PROGRESS CHARTS AND REQUIREMENTS FOR OVERTIME WORK

(a) The Contractor shall within 5 days or within such time as determined by the Contracting Officer, after date of commencement of work, prepare and submit to the Contracting Officer for approval a practicable schedule, showing the order in which the Contractor proposes to carry on the work, the date on which he will start the several salient features (including procurement of materials, plant and equipment) and the contemplated dates for completing the same. The schedule shall be in the form of a progress chart of suitable scale to indicate appropriately the percentage of work scheduled for completion at any time. The Contractor shall enter on the chart the actual progress at such intervals as directed by the Contracting Officer, and shall immediately deliver to the Contracting Officer three copies thereof. If the Contractor fails to submit a progress schedule within the time herein prescribed, the Contracting Officer may withhold approval of progress payment estimates until such time as the Contractor submits the required progress schedule.

(b) If, in the opinion of the Contracting Officer the Contractor falls behind the progress schedule, the Contractor shall take such steps as may be necessary to improve his progress and the Contracting Officer may require him to increase the number of shifts, or overtime operations, days of work, or the amount of construction plant, or all of them, and to submit for approval such supplementary schedule or schedules in chart form as may be deemed necessary to demonstrate the manner in which the agreed rate of progress will be regained, all without additional cost to the Government.

(c) Failure of the Contractor to comply with the requirements of the Contracting Officer under this provision shall be grounds for determination by the Contracting Officer that the Contractor is not prosecuting the work with such diligence as will insure completion within the time specified. Upon such determination the Contracting Officer may terminate the Contractor's right to proceed with the work, or any separable part thereof, in accordance with the clause of the contract entitled "Termination for Default-Damages for Delay-Time Extension."

§ 12–7.650–17 Special precautions for work at operating airports.

Insert the following clause in contracts when work is to be performed at an operating airport:

SPECIAL PRECAUTIONS FOR WORK AT OPERATING AIRPORTS

(a) When work is to be performed at an operating airport the Contractor must arrange his work schedule so as not to interfere with flight operations. Such operations will take precedence over construction convenience. Any operations of the Contractor which would otherwise interfere with or endanger the operations of aircraft shall be performed only at times and in the manner directed by the Contracting Officer. The Government will make every effort to reduce the disruption of the contractor's operation.

(b) Unless otherwise specified by local regulations, all areas in which construction operations are underway shall be marked by yellow flags during daylight hours and by red lights at other times. The red lights along the edge of the construction areas within the existing aprons shall be the electric type of not less than 100-watts intensity placed and supported as required. All other construction markings on roads and adjacent parking lots may be either electric or battery type lights. These lights and flags shall be placed so as to outline the construction areas and the distance between any two flags or lights shall not be greater than 25 feet. The Contractor shall provide adequate watch to maintain the lights in working condition at all times other than daylight hours. The hour of beginning and the hour of ending of daylight will be determined by the Contracting Officer.

(c) All equipment and materials in the construction areas or when moved outside the construction area shall be marked with airport safety flags during the day, and when directed by the Contracting Officer, with red obstruction lights at night. All equipment operating on the apron, taxiway, runway, and intermediate areas after darkness hours shall have clearance lights in conformance with instructions from the Contracting Officer. No construction equipment shall operate within 50 feet of aircraft undergoing fuel operations. Open flames are not allowed on the ramp except at times authorized by the Contracting Officer.

(d) Trucks and other motorized equipment entering the airport or construction area shall do so only over routes determined by the Contracting Officer. Use of runways, aprons, taxiways, or parking areas as truck or equipment routes will not be permitted unless specifically authorized for such use. Flagmen shall be furnished by the Contractor at points on apron and taxiway for safe guidance of his equipment over these areas to assure right of way to aircraft. Areas and routes used during the contract must be returned to their original condition by the Contractor. The maximum speed allowed on the Airport shall be as established by the airport management. Vehicles shall be operated so as to be under safe control at all times, weather and traffic conditions considered. Vehicles must be equipped with head and tail lights during the hours of darkness.

§ 12–7.650–18 Quantity surveys.

(a) Except as provided in paragraph (b) of this section, insert the following clause in contracts containing unit price items where the specifications provide for payment based on surveys.

QUANTITY SURVEYS

(a) The Government shall make original and final surveys and make computations to determine the quantities of work performed or finally in place.

(b) The Contractor shall make such surveys and computations as are necessary to determine the quantities of work performed or placed during each period for which a progress payment is to be made. All original field notes, computations and other records for the purpose of layout and progress surveys shall be recorded in duplicating field books, the original pages of which shall be furnished promptly in ring binders to the representatives of the Contracting Officer at the site of the work and shall be used by the Contracting Officer to the extent necessary in determining the proper amount of progress payments due the Contractor. Unless waived by the Contracting Officer in each specific case, quantity surveys made by the Contractor shall be made under the direction of a representative of the Contracting Officer.

(b) When Government personnel may not be available, it may be advisable to require the contractor to make original and final quantity surveys as well as progress surveys. In this case, the following clause may be used in place of the clause in paragraph (a) of this section, with the approval of the head of the procuring activity or his designee.

QUANTITY SURVEYS

(a) The Contractor shall make such surveys and computations as are necessary to determine the quantities of work performed or placed during each period for which a progress payment is to be made. The Contractor shall also make original and final surveys. The Government will make such computations as are necessary to determine the quantities of work performed or finally in place. Unless waived by the Contracting Officer in each specific case, quantity surveys made by the Contractor shall be made under the direction of a representative of the Contracting Officer.

(b) All original field notes, computations and other records of the Contractor for the purposes of layout, original, progress and final surveys shall be recorded in duplicating field books, the original pages of which shall be furnished promptly in ring binders to the representative of the Contracting Officer at the site of the work and shall be used by the Contracting Officer to the extent necessary in determining the proper amounts of progress and final payments.

§ 12–7.650–19 Layout of work.

The following clause is authorized for use in construction contracts where appropriate.

LAYOUT OF WORK

The Contractor shall lay out his work from Government established base lines and bench marks indicated on the drawings and shall be responsible for all measurements in connection therewith. The Contractor shall furnish, at his own expense, all stakes, templates, platforms, equipment, tools, and materials and labor as may be required in laying out any part of the work from the base lines and bench marks established by the Government. The Contractor will be held responsible for the execution of the work to such lines and grades as may be established or indicated by the Contracting Officer. It shall be the responsibility of the Contractor to maintain and preserve all stakes and other marks established by the Contracting Officer until authorized to remove them. If such marks are destroyed, by the Contractor or through his negligence, prior to their authorized removal, they may be replaced by the Contracting Officer at his discretion. The expense of replacement will be deducted from any amounts due or to become due the Contractor.

§ 12–7.650–20 Value engineering incentive.

When required by the instructions for its use in DOTPR 12–1.5202–2, insert the value engineering incentive clause set forth in DOTPR 12–1.5207–1.

§ 12–7.650–21 Aluminum.

In accordance with FPR 1–5.1001–1, insert the clause set forth in FPR 1–5.1001–2, modified in accordance with FPR 1–5.1001–3.

Subpart 12–7.50—Clauses for Cost-Reimbursement Type Supply Contracts

§ 12–7.5000 Scope.

This subpart sets forth uniform contract clauses for use in cost-reimbursement type supply contracts.

§ 12–7.5001 Required clauses.

The following clauses shall be inserted in all cost-reimbursement type ply contracts.

§ 12–7.5001–1 Definitions.

Insert the clause set forth in FPR 1–7.101–1.

§ 12–7.5001–2 Changes.

CHANGES

(a) The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following:

(i) Drawings, designs, or specifications, where supplies to be furnished are to be specially manufactured for the Government in accordance therewith;

(ii) Method of shipment or packing; and

(iii) Place of delivery.

(b) If any such change causes an increase or decrease in the estimated cost of, or the time required for, the performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made:

(i) In the estimated cost or delivery schedule, or both;

(ii) In the amount of any fixed fee to be paid to the contractor; and

(iii) In such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly.

Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; provided, however, without prejudicing the right to reject any claim asserted after this time, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, except as provided in paragraph (c) below, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(c) Notwithstanding the provisions of paragraphs (a) and (b) above, the estimated cost of this contract and, if this contract is incrementally funded, the funds allotted for the performance thereof, shall not be increased or deemed to be increased except by specific written modification of the contract indicating the new contract estimated cost and, if this contract is incrementally funded, the new amount allotted to the contract. Until such modification is made, the Contractor shall not be obligated to continue performance or incur costs beyond the point established in the clause of this contract entitled "Limitation or Cost" or "Limitation of Funds."

In accordance with FPR 1–3.807–3, prior to the pricing of any contract modification that is expected to exceed $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see FPR 1–3.807–4) and shall assure that the contract includes or is modified to include a defective pricing data clause (see FPR 1–3.814–1) and the audit clause required by FPR 1–3.814–2.

§ 12–7.5001–3 Limitation of cost or funds.

(a) The following clause shall be inserted in all fully funded cost-reimbursement type supply contracts.

LIMITATION OF COST

(a) It is estimated that the total cost to the Government for the performance of this contract, exclusive of any fee, will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If, at any time, the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost then set forth in the Schedule, or if, at any

time, the Contractor has reason to believe that the total cost to the Government for the performance of this contract, exclusive of any fee, will be greater or substantially less than the then estimated cost hereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving his revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be in exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost set forth in the Schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of the estimated cost prior to such increase shall be allowable to the same extent as if such costs had been incurred after the increase; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost set forth in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

(d) In the event this contract is terminated or the estimated cost not increased, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(b) The following clause shall be used in all cost-reimbursement type supply contracts which are to be incrementally funded.

LIMITATION OF FUNDS

(a) It is estimated that the cost to the Government for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost.

(b) The amount presently available for payment and allotted to this contract, the items covered thereby, and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is contemplated that from time to time additional funds will be allotted to this contract up to the full estimated cost set forth in the Schedule, exclusive of any fee. The Contractor agrees to perform or have performed work on this contract up to the point at which the total amount paid and payable by the Government pursuant to the terms of this contract approximates but does not exceed the total actually allotted to the contract.

(c) If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the total amount then allotted to the contract, the Contractor shall notify the Contracting Officer in writing to that effect. The notice shall state the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. Sixty (60) days prior to the end of the period specified in the Schedule, the Contractor will advise the Contracting Officer in writing as to the estimated amount of additional funds, if any, that will be required for the timely performance of the work under the contract or for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification additional funds are not allotted by the end of the period set forth in the Schedule or an agreed date substituted therefor, the Contracting Officer will, upon written request by the Contractor, terminate this contract pursuant to the provisions of the Termination clause on such date. If the Contractor, in the exercise of his reasonable judgment, estimates that the funds available will allow him to continue to discharge his obligations hereunder for a period extending beyond such date, he shall specify the later date in his request, and the Contracting Officer, in his discretion, may terminate this contract on that later date.

(d) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the total amount from time to time allotted to the contract, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the amount allotted to the contract, unless and until the Contracting Officer has notified the Contractor in writing that such allotment amount has been increased and has specified in such notice an increased amount constituting the total amount then allotted to the contract. To the extent the amount allotted exceeds the estimated cost set forth in the Schedule, such estimated cost shall be correspondingly increased. No notice, communication, or representation in any other form or from any person other than the Contracting Officer shall affect the amount allotted to this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the total amount then allotted to the contract, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the amount allotted to the contract has been increased, any costs incurred by the Contractor in excess of the amount previously allotted shall be allowable to the same extent as if such costs had been incurred after such increase in the amount allotted; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(e) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the amount allotted in the Schedule in the absence of a statement in the change order, or other contractual modification, increasing the amount allotted.

(f) Nothing in this clause shall affect the right of the Government to terminate this contract. In the event this contract is terminated, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(g) In the event that sufficient funds are not allotted to this contract to allow completion of the work contemplated by this contract, the Contractor shall be entitled to that percentage of the fee set forth in the Schedule equivalent to the percentage of completion of the work contemplated by this contract.

(c) In the foregoing clauses, the period of "sixty (60) days" and the percentage of "seventy-five percent (75%)" may be varied from 30 to 90 days and 75 percent to 85 percent.

§ 12–7.5001–4 Allowance cost, fee, and payment.

(a) Except as provided in paragraph (b) of this section, insert the following clause in all cost-reimbursement type supply contracts. Additional instructions for use are in paragraph (c) of this section.

ALLOWABLE COST, FIXED FEE, AND PAYMENT

(a) For the performance of this contract, the Government shall pay to the Contractor—

(i) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Subpart 1–15.2 of Part 1–15 of the Federal Procurement Regulations as in effect on the date of this contract; and

(B) the terms of this contract; and

(ii) such fixed fee, if any, as may be provided for in the Schedule.

(b) Once each month (or at more frequent intervals, if approved by the Contracting Officer), the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule; provided, however, that after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, the Contracting Officer may withhold further payment of fee until a reserve shall have been set aside in an amount which he considers necessary to protect the interest of the Government, but such reserve shall not exceed fifteen percent (15%) of the total fixed fee or one hundred thousand dollars ($100,000), whichever is less.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice", or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fixed fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver—

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided*, That such claims are not known to the Contractor on the date of the execution of the release: *And provided further*, That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

(b) When, in accordance with FPR 1–3.405–4, incentive revision of the fee in a cost-reimbursement type supply contract is to be provided, insert the following clause. Additional instructions for use of the clause are in paragraph (c) of this section.

ALLOWABLE COST, INCENTIVE FEE, AND PAYMENT

(a)(1) For the performance of this contract, the Government shall pay to the Contractor—

(i) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Subpart 1–15.2 of Part 1–15 of the Federal Procurement Regulations as in effect on the date of this contract; and

(B) The terms of this contract; and

(ii) A fee determined as provided in this contract.

(2) The target cost and target fee of this contract are set forth in the Schedule and shall be subject to adjustment in accordance with (h) and (i) below. As used throughout this contract the term—

(i) "Target cost" means the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below; and

(ii) "Target fee" means the fee which was initially negotiated on the assumption that this contract would be performed for a cost equal to the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below.

(b) Once each month (or at more frequent intervals, if approved by the Contracting Officers), the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Normally, payment of fee shall be made to the Contractor as specified in the Schedule. However, when in the opinion of the Contracting Officer, the Contractor's performance or cost indicates that target will not be achieved, the Government shall pay on the basis of such lesser fee as is appropriate. Further, when the Contractor demonstrates that his performance or cost clearly indicates that he will earn a fee significantly in excess of target fee, the Government may, in the sole discretion of the Contracting Officer, pay on the basis of such higher fee as is appropriate. After payment of eighty-five percent (85%) of the applicable fee, the Contracting Officer may withhold further payment of fee until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed fifteen percent (15%) of the total applicable fee or one hundred thousand dollars ($100,000) whichever is less.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver—

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided*, That such claims are not known to the Contractor on the date of the execution of the release; and provided further, that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

Except as provided in (j) below, payments under the assignment and claims excepted from the release shall be subject to adjustment by reason of the adjustment of fee in accordance with (i) below.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other docu-

ments incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

(h) When the work under this contract (including any supplies or services which are ordered separately under, or otherwise added to, this contract) is increased or decreased by contract modification or when any equitable adjustment in the target cost is authorized under any other clause of this contract, equitable adjustments in the target cost, target fee, minimum fee, maximum fee, or any or all of them, as appropriate, shall be set forth in an amendment or supplemental agreement to this contract.

(i) The fee payable hereunder shall be the target fee increased by (insert Contractor's participation) cents for every dollar by which the total allowable cost is less than the target cost or decreased by (insert Contractor's participation) cents for every dollar by which the total allowable cost exceeds the target cost. In no event shall the fee be greater than ------ percent, nor less than ------ percent, of the target cost; and, except as provided in (j) below, within these limits such fee shall be subject to adjustment, by reason of increase or decrease of total allowable cost, on account of payments under the assignment required by (f)(i) above, and claims excepted from the release required by (f)(ii) above. If this contract is terminated in its entirety, the portion of the target fee payable shall not be subject to an increase or decrease as provided in this paragraph. The terminations shall be otherwise accomplished pursuant to other applicable provisions of this contract.

(j) For the purpose of the adjustment of the fee in accordance with (i) above, the term "total allowable cost" shall not include allowable costs arising out of:

(i) Any of the causes covered by the clause hereof entitled "Excusable Delays" to the extent they are beyond the control and without the fault or negligence of the Contractor or any subcontractor;

(ii) The taking effect, after the negotiation of the target cost of this contract, of a statute, court decision, written ruling or regulation which results in the Contractor's being required to pay or bear the burden of any tax or duty, or increase in the rate thereof;

(iii) Any direct cost attributed to the Contractor's assistance or participation in litigation as required by the Contracting Officer pursuant to a provision of this contract, including the furnishing of evidence and information requested pursuant to the clause hereof entitled "Notice and Assistance Regarding Patent and Copyright Infringement";

(iv) The procurement and maintenance of additional insurance not included in the target cost and required by the Contracting Officer or claims for reimbursement for liabilities to third persons pursuant to the clause hereof entitled "Insurance—Liability to Third Persons";

(v) Any claim, loss or damage resulting from a risk for which the Contractor has been relieved of liability pursuant to the clause hereof entitled "Government Property".

Except as otherwise specifically provided in this contract, all other allowable costs shall be included in the term "total allowable cost" for the purpose of the adjustment of the fee in accordance with (i) above.

(In the event the contract calls for spare parts or other supplies and services which are to be ordered under a provisioning document or Government option, the following provision (k) shall be included).

(k) Compensation for supplies (including spare parts) and services which are to be furnished under this contract pursuant to a provisioning document or Government option shall be determined in accordance with the provisions of this clause notwithstanding any inconsistent provision in such provisioning document or Government option.

(c) (1) For approvals with regard to fixed-price type subcontracts providing for progress payments, pursuant to paragraph (c) of the foregoing clauses, the standards shall be the same as those governing progress payments on fixed-price type prime contracts, as provided in FPR 1-30.514.

(2) In paragraph (f)(ii)(B) of the foregoing clauses, the period of years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the contractor: *Provided*, That a corresponding increase is made in the period of retention of records required in paragraph (a)(4) of the clause set forth in DOTPR 12-7.5001-7.

(3) In respect to paragraph (c) of the clause set forth in (b) above, generally, the payment of fee provisions in the Schedule should be based on target fee.

(4) In the case of cost-sharing contracts and cost-reimbursement type supply contracts without fee—

(i) Insert the following sentence in lieu of the second sentence of paragraph (c) of the clause set forth above, except that, if the contract does not provide for cost-sharing, delete the parenthetical references to the Government's share: "After payment of an amount equal to eighty percent (80%) of (the Government's share of) the total estimated cost of performance of this contract set forth in the Schedule, the Contracting Officer may withhold further payment on account of allowable cost until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed one percent (1%) of (the Government's share of) such total estimated cost or one hundred thousand dollars ($100,000), whichever is less."

(ii) Delete the words "and any part of the fixed fee" from paragraph (e) of the clause set forth in (a) above;

(iii) In contracts which provide for cost-sharing, change paragraph (a) of the clause set forth in (a) above as follows:

(a) The allowability of costs incurred in the performance of this contract shall be determined by the Contracting Officer in accordance with—

(i) Subpart 1-15.2 of Part 1-15 of the Federal Procurement Regulations as in effect on the date of this contract; and

(ii) The terms of this contract; and

(iv) Change the title of the clause set forth in (a) above to "Allowable Cost and Payment".

(5) The contracting officer shall determine to his satisfaction that the estimated cost of the contract initially negotiated does not include amounts for the contingencies identified in paragraph (j) of the clause set forth in paragraph (b) of this section.

(6) The amount to be withheld under paragraph (c) of the clauses shall normally be the maximum authorized by the clause except that the Contracting Officer may, if he believes that such amount exceeds the amount necessary to protect the interests of the Government, review the status of all funds being withheld from the contractor under the particular contract concerned and under any other contracts with the Contractor. The Contracting Officer shall decide whether to reduce the rate of withholding or whether to release a portion of the amount already reserved under the contract, as appropriate.

§ 12-7.5001-5 Inspection of supplies and correction of defects.

INSPECTION OF SUPPLIES AND CORRECTION OF DEFECTS

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies, fabricating methods, and special tooling hereunder. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of his subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, acceptance of any supplies or lots of supplies shall be made as promptly as practicable after delivery thereof and shall be deemed to have been made no later than sixty (60) days after the date of such delivery, if acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six (6) months (or such other period as may be provided in the Schedule) after acceptance of the supplies or lots of supplies last delivered in accordance with the requirements of this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any supplies or lots of supplies which at the time of delivery thereof are defective in material or workmanship or otherwise not in conformity with the requirements of this contract. Except as otherwise provided in paragraph (c) hereof, the cost of any such replacement or correction shall be included in Allowable Cost determined as provided in the clause of this contract entitled "Allowable Cost, Fixed Fee and Payment," but no additional fee shall be payable with respect thereto. Such supplies or lots of supplies shall not be tendered thereafter for acceptance unless the former requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to replace or correct such supplies or lots of supplies, the Government (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under this contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (ii) in the case of supplies not delivered, may require the delivery of such supplies, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (iii) may terminate this contract for default as provided in the clause of this contract entitled "Termination". Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) Notwithstanding the provisions of paragraph (b) hereof, the Government may at any time require the correction or replacement by the Contractor, without cost to the Government, of supplies or lots of supplies which are defective in material or workmanship, or otherwise not in conformity with the requirements of this contract, if such defects or failures are due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require correction or replacement by the Contractor, without cost to the Government, of any such defective supplies or lots of supplies if the defects or failures are caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that such employee is habitually careless or otherwise unqualified.

(d) Corrected supplies or replaced supplies shall be subject to the provisions of this clause in the same manner and to the same extent as supplies originally delivered under this contract.

(e) The Contractor shall make his records of all inspection work available to the Government during the performance of this contract and for such longer period as may be specified in this contract.

(f) Except as provided in this clause and as may be provided in the Schedule, the Contractor shall have no obligation or liability to correct or replace supplies or lots of supplies which at the time of delivery are defective in material or workmanship or otherwise not in conformity with the requirements of this contract.

(g) Except as otherwise provided in the Schedule, the Contractor's obligation to correct or replace Government-furnished property (which is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor) shall be governed by the provisions of the clause of this contract entitled "Government Property".

§ 12-7.5001-6 Assignment of claims.

Insert the clause set forth in FPR 1-30.703 under the conditions contained therein.

§ 12-7.5001-7 Examination of records.

(a) Except as provided in paragraph (b) of this section, insert the following clause.

EXAMINATION OF RECORDS

(a) (1) The Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract (hereinafter collectively called the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract.

(2) The Contractor agrees to make available at the office of the Contractor at all reasonable times during the period set forth in subparagraph (4) below any books, documents, papers, or records of the Contractor, that directly pertain to, and involve transactions relating to this contract or subcontracts hereunder for inspection, audit or reproduction by any authorized representative of the Comptroller General.

(3) In the event the Comptroller General or any of his duly authorized representatives determine that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the Contractor, the Contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within 2 years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through the Contracting Officer, such documentary evidence in support of transportation costs as may be required by the Comptroller General or any of his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available his records: (i) Until expiration of 3 years after final payment under this contract, or of the time periods specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier; and (ii) for such longer period, if any, as is required by applicable statute, by any other clause of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available until expiration of 3 years from the date of any resulting final settlement, or of the time periods specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier.

(B) Records which relate to (1) appeals under the "Disputes" clause of this contract; (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in subparagraph (4)(B) above, the Contractor may in fulfillment of his obligation to retain his records as required by this clause substitute photographs, microphotographs, or other authentic reproductions of such records, after the expiration of 2 years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the Contracting Officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost, cost-plus-a-fixed-fee, time-and-material or labor-hour basis.

(b) The Contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in subparagraph (a)(6) above, a provision to the effect that the subcontractor agrees that the Comptroller General or any of his duly authorized representatives, shall, until the expiration of 3 years after final payment under the subcontract, or of the time periods specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of such subcontractor that directly pertain to, and involve transactions relating to the subcontract. The term "subcontract", as used in the paragraph (b) only, excludes (i) purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(b) In the case of contracts which establish separate periods of performance, the following alternate subparagraph (a)(4) may be substituted for the corresponding subparagraph of the clause prescribed by paragraph (a) of this section.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available his records: (i) Until expiration of 3 years from the date of payment of the voucher or invoice submitted by the Contractor after the completion of the work performed during any separate period of performance established by this contract or by any amendment or supplemental agreement, without regard to former or subsequent periods of performance, or of the time periods specified in Part 120 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, and (ii) for such longer period, if any, as is required by applicable statute, by any other clause of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available until expiration of 3 years from the date of any resulting final settlement, or of the time periods specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier.

(B) Records which relate to: (i) Appeals under the "Disputes" clause of this contract; (ii) litigation of the settlement of claims arising out of the performance of this contract; or (iii) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims or exceptions have been disposed of.

In the case of such contracts which do not contain the foregoing alternate subparagraph (a)(4), that subparagraph may be inserted by amendment, or in the alternative, the retention of records may be administered in accordance with the procedures set forth in the foregoing alternate subparagraph (a)(4).

§ 12-7.5001-8 Subcontracts.

SUBCONTRACTS

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which: (i) Is cost-reimbursement type, time and materials or labor-hour; or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract; or (iii) provides for the fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $1,000 or of any items of industrial facilities.

(b) In the case of a proposed subcontract which (i) is cost-reimbursement type, time and materials, or labor-hour, and would involve an estimated amount in excess of $10,000, including any fee, or (ii) is proposed to exceed $100,000, or (iii) is one of a number of subcontracts under this contract with a

single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000; the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data, when such data and certificate are required, by other provisions of this contract, to be obtained from the subcontractor; and

(5) Identification of the type of subcontract to be used.

(c) The Contractor shall obtain the written consent of the Contracting Officer prior to placing any subcontract for which advance notification is required under (a) above. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (i) and (ii) of (a) above without the consent of the Contracting Officer if the Contracting Officer has approved in writing the Contractor's procurement system and the subcontract is within the scope of the approval.

§ 12–7.5001–9 Utilization of small business concerns.

In accordance with FPR 1–1.710–3 (a) and (b), insert one or both of the clauses.

§ 12–7.5001–10 Termination.

Insert the clause set forth in FPR 1–8.702.

§ 12–7.5001–11 Excusable delays.

Insert the clause set forth in FPR 1–8.708.

§ 12–7.5001–12 Disputes.

Insert the clause set forth in FPR 1–7.101–12.

§ 12–7.5001–13 Convict labor.

In accordance with FPR 1–12.202, insert the clause in FPR 1–12.203.

§ 12–7.5001–14 Contract Work Hours and Safety Standards Act—overtime compensation.

In accordance with FPR 1–12.302, insert the clause set forth in FPR 1–12.303.

§ 12–7.5001–15 Walsh-Healey Public Contracts Act.

In accordance with FPR 1–12.602, insert the clause set forth in FPR 1–12.605.

§ 12–7.5001–16 Equal opportunity.

In accordance with FPR 1–12.803–1, insert the clause set forth in FPR 1–12.803–2.

§ 12–7.5001–17 Officials not to benefit.

Insert the clause set forth in FPR 1–7.101–19.

§ 12–7.5001–18 Covenant against contingent fees.

In accordance with FPR 1–1.501, insert the clause set forth in FPR 1–1.503.

§ 12–7.5001–19 [Reserved]

§ 12–7.5001–20 Insurance—liability to third persons.

INSURANCE—LIABILITY TO THIRD PERSONS

(a) The Contractor shall procure and thereafter maintain workmen's compensation, employer's liability, comprehensive general liability (bodily injury) and comprehensive automobile liability (bodily injury and property damage) insurance, with respect to performance under this contract, and such other insurance as the Contracting Officer may from time to time require with respect to performance under this contract: *Provided*, That the Contractor may, with the approval of the Contracting Officer, maintain a self-insurance program: And provided further, That with respect to workmen's compensation the Contractor is qualified pursuant to statutory authority. All insurance required pursuant to the provisions of this paragraph shall be in such form, in such amount, and for such periods of time, as the Contracting Officer may from time to time require or approve, and with insurers approved by the Contracting Officer.

(b) The Contractor agrees, to the extent and in the manner required by the Contracting Officer, to submit for the approval of the Contracting Officer any other insurance maintained by the Contractor in connection with the performance of this contract and for which the Contractor seeks reimbursement hereunder.

(c) The Contractor shall be reimbursed: (1) For the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and (2) for liabilities to third persons for loss of or damage to property (other than property (i) owned, occupied or used by the Contractor or rented to the Contractor, or (ii) in the care, custody, or control of the (Contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of this contract, whether or not caused by the negligence of the Contractor, his agents, servants or employees: *Provided*, Such liabilities are represented by final judgments or by settlements approved in writing by the Government and expenses incidental to such liabilities, except liabilities (a) for which the Contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the Schedule, or (b) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by the Contracting Officer or (c) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of (1) all or substantially all of the Contractor's business, or (2) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (3) a separate and complete major industrial operation in connection with the performance of this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of insurance maintained by the Contractor in connection with the performance of this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause: *Provided*, Such cost would constitute allowable cost under the clause of this contract entitled "Allowable Cost, Fixed Fee and Payment."

(d) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, and prompt notice of any claim made, against the Contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract, and the risk of which is then uninsured or in which the amount claimed exceeds the amount of coverage. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. If the amount of the liability claimed exceeds the amount of coverage, the Contractor shall authorize representatives of the Government to collaborate with counsel for the insurance carrier, if any, in settling or defending such claim. If the liability is not insured or covered by bond, the Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith: *Provided*, That the Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

§ 12–7.5001–21 Authorization and consent.

Insert the clause set forth in DOTPR 12–9.6106–1.

§ 12–7.5001–22 Notice and assistance regarding patent and copyright infringement.

In accordance with DOTPR 12–9.6108, insert the clause set forth in FPR 1–7.101–13.

§ 12–7.5001–23 Utilization of concerns in labor surplus areas.

In accordance with FPR 1–1.805, insert one or both of the clauses set forth in FPR 1–1.805–3.

§ 12–7.5001–24 Payment for overtime premiums.

PAYMENT FOR OVERTIME PREMIUMS

(a) Allowable cost shall not include any amount on account of overtime premiums except when (i) specified in (d) below or (ii) paid for work—

(A) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(B) By indirect labor employees such as those perform protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(C) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(D) Which will result in lower cost to the Government.

(b) The cost of overtime premiums otherwise allowable under (a) above shall be allowed only to the extent the amount thereof is reasonable and properly allocable to the work under this contract.

(c) Any request for overtime, in addition to any amount specified in (d) below, will be for all overtime which can be estimated with reasonable certainty shall be used for the remainder of the contract, and shall contain the following:

(i) Identification of the work unit, such as the department or section in which the requested overtime will be used, together with present workload, manning and other data of the affected unit, sufficient to permit an evaluation by the Contracting Officer of the necessity for the overtime;

(ii) The effect that denial of the request will have on the delivery or performance schedule of the contract;

(iii) Reasons why the required work cannot be performed on the basis of utilizing multishift operations or by the employment of additional personnel; and

(iv) The extent to which approval of overtime would affect the performance or payments in connection with any other Government contracts, together with any identification of such affected contracts.

(d) The Contractor is authorized to perform overtime, in addition to that performed under (a) (ii), to the extent that the overtime premium does not exceed _____.*

§ 12–7.5001–25 Dissemination of contract information.

Insert the clause set forth in DOTPR 12–7.150–10.

§ 12–7.5001–26 Notice of delays.

Insert the clause set forth in DOTPR 12–7.150–9.

§ 12–7.5001–27 [Reserved]

§ 12–7.5001–28 Gratuities.

Insert the clause set forth in DOTPR 12–7.150–1.

§ 12–7.5001–29 Priorities, allocations, and allotments.

Insert the clause set forth in DOTPR 12–7.150–3.

§ 12–7.5001–30 New material.

Insert the clause set forth in DOTPR 12–7.150–2.

§ 12–7.5001–31 Interpretation or modification.

Insert the clause set forth in DOTPR 12–7.150–4.

§ 12–7.5002 Additional clauses.

The following clauses shall be included in the contract when their use is appropriate.

*Insert the amount, in dollars, agreed to during negotiations as representing the overtime premiums applicable to overtime not reimbursable under the exceptions contained in (a) (ii) of the clause. If it was agreed that tha contract could be performed without the use of additional overtime, insert "Zero."

§ 12–7.5002–1 Buy American Act.

Insert the clause set forth in FPR 1–6.104–5 in accordance with the instructions for its use.

§ 12–7.5002–2 [Reserved]

§ 12–7.5002–3 Military security requirements.

When required by DOTPR 12–1.351, insert the Military Security Requirements clause in ASPR 7–104.12 as modified by ASPR 7–204.12 and DOTPR 12–1.351(e).

§ 12–7.5002–4 Negotiated overhead rates.

Insert the clause set forth in FPR 1–3.704–1 or the appropriate clause set forth in FPR 1–3.704–2.

§ 12–7.5002–5 Changes to make-or-buy program.

In accordance with FPR 1–3.902–3, insert the clause set forth therein.

§ 12–7.5002–6 Required source for jewel bearings.

In accordance with FPR 1–1.319, insert the clause contained therein.

§ 12–7.5002–7 Value engineering.

A value engineering incentive clause shall be included in the contract in accordance with the instructions for its use in DOTPR 12–1.5202–2.

§ 12–7.5002–8 Multiyear procurement.

The clauses set forth in DOTPR subpart 12–1.55 shall be included in all contracts under the multiyear procurement method.

§ 12–7.5002–9 [Reserved]

§ 12–7.5002–10 Aluminum.

In accordance with FPR 1–5.1001–1, insert the clause set forth in FPR 1–5.1001–2.

§ 12–7.5002–11 Stop work orders.

The clause set forth in DOTPR 12–7.151–8 may be included in any cost-reimbursement type contract under the conditions described therein: *Provided*, The clause is modified as follows:

(a) The words "the 'Termination for Convenience' clause of this contract" shall be changed to read "the 'Termination' clause of the

(b) The words "an equitable adjustment shall be made in the delivery schedule or contract price, or both" shall be changed to read "an equitable adjustment shall be made in the delivery schedule, the estimated cost, the fee, or a combination thereof, and in any other provisions of the contract that may be affected."

§ 12–7.5002–12 Competition in subcontracting.

Insert the following clause in all negotiated contracts over $10,000:

COMPETITION IN SUBCONTRACTING

The Contractor shall select subcontractors (including suppliers) on a competitive basis to the maximum practical extent consistent with the objectives and requirements of the contract.

§ 12–7.5002–13 Audit and records.

Insert the clause set forth in FPR 1–3.814–2(c) in accordance with the instructions for its use.

§ 12–7.5002–14 Price reduction for defective cost or pricing data.

Insert the clause set forth in FPR 1–3.814–1(a) in accordance with the instructions for its use.

§ 12–7.5002–15 Subcontractor cost and pricing data.

Where the clause in FPR 1–3.814–1(a) is included in the contract, the clause in FPR 1–3.814–3(a) also shall be included.

§ 12–7.5002–16 Government property.

Insert the following clause in the contract when the Contractor is to be furnished, or the contractor is to acquire, Government property:

GOVERMENT PROPERTY

(a) *Property administration.* The Contractor shall establish and administer a system to control, protect, preserve, and maintain Government property in his possession or under his control or that of his subcontractors. Such a system must be satisfactory to the Contracting Officer, and in accordance with this clause and any other requirements of the contract.

(b) *Government-furnished property.*

(1) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property").

(2) The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the time stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates.

(3) If the Schedule does not state a date when Government-furnished property will be delivered, the Contractor shall notify the Contracting Officer in writing of the date by which he requires such property to meet the contract delivery or performance dates. The Contractor shall allow a minimum of 30 days for delivery of Government-furnished property, unless a different time is specified in the Schedule. If not received 5 days before the date it is required by the Contractor, the Contracting Officer shall be so notified.

(4) If Government-furnished property is not delivered to the Contractor by the date specified in the Schedule, or by the date specified by the Contractor pursuant to (3) above, the Contracting Officer shall, upon timely request made by the Contractor, make a determination of the delay, if any, occasioned the Contractor and shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provisions affected by any such delay, in accordance with the procedures of the "Changes" clause of this contract.

(5) In the event that Government-furnished property is received by the Contractor in a condition not suitable for intended use (except for such property furnished "as is" or otherwise specified), the Contractor shall,

upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either: (i) Return such property at the Government's expense or otherwise dispose of the property; or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon requests of the Contractor shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provisions affected by the return or disposition, or the repair or modification in accordance with the procedures of the "Changes" clause of this contract.

(6) The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(c) *Changes in Government-furnished property*—(1) By notice in writing, the Contracting Officer may (i) decrease the property provided or to be provided by the Government under this contract, or (ii) substitute other Government-owned property for property to be provided by the Government or to be acquired by the Contractor for the Government under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to subparagraph (1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or on his own initiative if the substitution of property causes a decrease in the cost of performance), shall equitably adjust such contractual provisions as may be affected by the decrase, substitution, or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(d) *Title to property.* Title to the Government-furnished property shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon: (i) Issuance for use of such property in the performance of this contract; or (ii) commencement of processing or use of such property in the performance of this contract; or (iii) reimbursement of the cost thereof by the Government, whichever occurs first. All Government-furnished property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property". Title to Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(e) *Use of Government property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) *Maintenance and repair of Government property.* The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection, and preservation of Government property, while in custody of the Contractor. In the event that any damage occurs to Government property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided however*, That if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provisions affected by such repair or replacement of Government property made at the direction of the Government, in accordance with the procedures provided for in the "Changes" clause of this contract. Where replacement parts are provided at the expense of the Government, the parts which are displaced remain the property of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(g) *Risk of loss, damage*—(1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of:

(A) All or substantially all of the Contractor's business; or

(B) All or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(C) A separate and complete major industrial operation in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above—

(A) To maintain and administer, in accordance with sound industrial practice, the program for maintenance, repair, protection and preservation of Government property as required by paragraph (f) hereof, or

(B) To establish, maintain and administer, in accordance with (a) above, a system for control of Govenment property;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement;

Any failure of the Contractor to act, as provided in subparagraph (ii) above, shall be conclusively presumed to be a failure resulting from willful misconduct, or lack of good faith on the part of such directors, officers, or other representatives mentioned in subparagraph (i) above, if the Contractor is notified by the Contracting Officer by registered or certified mail addressed to one of such directors, officers, or other representatives, of the Government's disapproval, withdrawal of approval, or nonacceptance of the Contractor's program or system. In such event it shall be presumed that any loss or damage to Government property resulted from such failure. The Contractor shall be liable for such loss loss or damage unless he can establish by clear and convincing evidence that such loss or damage did not result from his failure to maintain an approved program or system, or occurred during such time as an approved program or system for control of Government property was maintained. If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(2) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(3) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has designated that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of—

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs.

(4) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government, all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(5) Except to the extent that the Contractor is relieved of liability for the loss, destruction, or damage to the property, the property shall be returned to the Government or otherwise disposed of as directed by the Government, in as good condition as when received, less ordinary wear and deterioration.

(h) *Access.* The Government, and any persons designated by it, shall at all reasonable times have access to the premises wherein any Government property is located, for the purpose of inspecting the Government property, or inventoring the same, of removing any part or all of the same, or for determining complaints with terms of the contract.

(i) *Final accounting and disposition of Government property.* Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government property not justifiably consumed in the performance of this contract (including any resulting scrap) or not theretofore delivered to the Government and shall prepare for shipment, deliver f.o.b. origin (unless otherwise provided in the contract) or dispose of the Government property, as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such other manner as the Contracting Officer may direct.

(j) *Notification.* The Contractor shall notify the Contracting Officer as soon as Government property is no longer required for performance of the contract. All shipments of Government-furnished property not delivered as an item of the contract, and residual contractor-acquired property, shall be effected only upon receipt of shipping instructions signed by the Contracting Officer, or his duly authorized representative.

(k) *Restoration of Contractor's premises and abandonment.* Unless otherwise provided herein, the Government:

(i) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease;

(ii) Shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's plant or any portion thereof which is affected by the abandonment or removal of any Government property.

(iii) Shall be indemnified against all suits or claims arising out of the Government's failure to restore or rehabilitate the Contractor's property or the property of subcontractors, except for such damage as may be occasioned by the negligence of the Government, its agents, its employees, or independent contractors.

(l) *Communications.* All communications issued pursuant to this clause shall be in writing.

(NOTE: If this contract is with other than United States firms or individuals the term "Government", or "Government-furnished", wherever it appears in the text, is defined as "United States Government".)

Subpart 12–7.51—Clauses for Fixed-Price Research and Development Contracts

§ 12–7.5100 Scope.

This subpart sets forth uniform contract clauses for use in fixed-price research and development contract. The clauses are also appropriate for use in fixed-price contracts for studies, tests, and reports.

§ 12–7.5101 Required clauses.

The following clauses shall be inserted in all fixed-price research and development contracts.

§ 12–7.5101–1 Definitions.

Insert the clause set forth in FPR 1–7.101–1.

§ 12–7.5101–2 Changes.

CHANGES

The Contracting Officer may at any time, by written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications; (ii) method of shipment of packing; and (iii) place of inspection, delivery, or acceptance. If any such change causes an increase or decrease in the cost of, or the time required for performance of, this contract, or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the contract price or time of performance, or both, and (ii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* Without prejudicing the right to reject any claim asserted after this time, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 12–7.5101–3 Payments.

PAYMENTS

The Contractor shall be paid, upon submission of proper invoices of vouchers, the prices stipulated herein for work delivered or rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made upon acceptance of any portion of the work delivered or rendered for which a price is separately stated in the contract.

§ 12–7.5101–4 Standards of work.

STANDARDS OF WORK

The Contractor agrees that the performance of work and services pursuant to the requirements of this contract shall conform to high professional standards.

§ 12–7.5101–5 Inspection.

(a) The following clause shall be used where the primary contract objective is delivery of end items other than designs, drawings, or reports, except where the contracting officer determines that the use of such clause is impracticable. Where this clause is not used, the clause in paragraph (b) of this section shall be used.

INSPECTION

(a) All work under this contract shall be subject to inspection and test by the Government, to the extent practicable, at all times (including the period of performance) and places, and in any event prior to acceptance. The Government through any authorized representative may inspect the premises of the Contractor or any subcontractor engaged in the performance of this contract.

(b) The Government may reject any work that is defective or otherwise not in conformity with the requirements of this contract. If the Contractor fails or is unable to correct or to replace such work, the Contracting Officer may accept such work at a reduction in price which is equitable under the circumstances. Failure to agree on the reduction in price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes".

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the contractor shall provide, without additional charge, all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If the Government inspection or test is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government. All inspections and tests by the Government shall be performed in such a manner as not unduly to delay the work. Final inspection and acceptance or rejection of the work shall be made as promptly as practicable after delivery except as otherwise provided in this contract; but failure to inspect and accept, or reject the work shall neither relieve the Contractor from responsibility for such of the work as is not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any work shall not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer periods as may be specified elsewhere in this contract.

(b) The following clause shall be used where the clause in paragraph (a) of this section is not used.

INSPECTION

The Government, through any authorized representatives, has the right, at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection, or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require his subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

§ 12–7.5101–6 Assignment of claims.

Insert the clause set forth in FPR 1–30.703 under the conditions contained therein.

§ 12–7.5101–7 Examination of records.

Insert the clause set forth in FPR 1–7.101–10.

§ 12–7.5101–8 Federal, State, and local taxes.

In accordance with FPR 1–11.401, insert the appropriate clause set forth therein.

§ 12–7.5101–9 Utilization of small business concerns.

In accordance with FPR 1–1.710–3 (a) and (b), insert one or both of the clauses.

§ 12–7.5101–10 Default.

In accordance with FPR 1–8.700–2(b)(3), insert the clause set forth in FPR 1–8.710.

§ 12–7.5101–11 Termination for convenience of the Government.

Insert the clause set forth in FPR 1–8.710 or FPR 1–8.704–1, as appropriate.

§ 12–7.5101–12 Disputes.

Insert the clause set forth in FPR 1–7.101–12.

§ 12–7.5101–13 Convict labor.

In accordance with FPR 1–12.202, insert the clause in FPR 1–12.203.

§ 12–7.5101–14 Walsh-Healey Public Contracts Act.

In accordance with FPR 1–12.602, insert the caluse set forth in FPR 1–12.605.

§ 12–7.5101–15 Contract Work Hours and Safety Standards Act—overtime compensation.

In accordance with FPR 1–12.302, insert the clause set forth in FPR 1–12.303.

§ 12–7.5101–16 Equal opportunity.

In accordance with FPR 1–12.803–1, insert the clause set forth in FPR 1–12.893.2.

§ 12–7.5101–17 Officials not to benefit.

Insert the clause set forth in FPR 1–7.101–19.

§ 12–7.5101–18 Covenant against contingent fees.

In accordance with FPR 1–1.501, insert the clause set forth in FPR 1–1.503.

§ 12–7.5101–19 Gratuities.

Insert the clause set forth in DOTPR 12–7.150–1.

§ 12–7.5101–20 Authorization and consent.

Insert the clause set forth in DOTPR 12–9.6106–2.

§ 12–7.5101–21 Notice and assistance regarding patent and copyright infringement.

In accordance with DOTPR 12–9.6108 insert the clause set forth in FPR 1–7.101–13.

§ 12–7.5101–22 Withholding payment for nondelivery of data.

Insert the clause set forth in DOTPR 12–7.150–8.

§ 12–7.5101–23 Utilization of concerns in labor surplus areas.

In accordance with FPR 1–1.805, insert one or both of the clauses set forth in FPR 1–1.805–3.

§ 12–7.5101–24 Dissemination of contract information.

Insert the clause set forth in DOTPR 12–7.150–11.

§ 12–7.5101–25 Priorities, allocations, and allotments.

Insert the clause set forth in DOTRP 12–7.150–3.

§ 12–7.5101–26 Notice of delays.

Insert the clause set forth in DOPTR 12–7.150–9.

§ 12–7.5101–27 New material.

Insert the clause set forth in DOTPR 12–7.150–2.

§ 12–7.5101–28 Interpretation or modification.

Insert the clause set forth in DOTPR 12–7.150–4.

§ 12–7.5102 Clauses to be used when applicable.

The following clauses shall be included in the contract when their use is appropriate.

§ 12–7.5102–1 Buy American Act.

Insert the clause set forth in FPR 1–6.104–5 in accordance with the instructions for its use.

§ 12–7.5102–2 Government-furnished property.

Insert the clause set forth in DOTPR 12–7.151–2 in accordance with the instructions for its use.

§ 12–7.5102–3 Price reduction for defective cost or pricing data.

Insert the clause set forth in FPR 1–3.814–1(a) in accordance with the instructions for its use.

§ 12–7.5102–4 Required sources for jewel bearings.

In accordance with FPR 1–1.319, insert the clause contained therein.

§ 12–7.5102–5 Competition in subcontracting.

Insert the clause set forth in DOTPR 12–7.5002–12 in accordance with the instructions for its use.

§ 12–7.5102–6 Audit and records.

Insert the clause set forth in FPR 1–3.814–2(a) in accordance with the instructions for its use.

§ 12–7.5102–7 Subcontractor cost and pricing data.

Where the clause in FPR 1–3.814–1(a) is included in the contract, the clause in FPR 1–3.814–3(a) also shall be included.

§ 12–7.5102–8 Value engineering.

A value engineering incentive clause shall be included in the contract in accordance with the instructions for its use in DOTPR 12–1.5202–2.

§ 12–7.5102–9 Aluminum.

In accordance with FPR 1–5.1001–1, insert the clause set forth in FPR 1–5.1001–2.

§ 12–7.5102–10 Military security requirements.

Insert the Military Security Requirements clause in ASPR 7–104.12 in accordance with the instructions for its use in DOTPR 12–1.351.

§ 12–7.5102–11 Stop work orders.

In accordance with DOTPR 12–7.151–8, insert the clause set forth therein.

Subpart 12–7.52—Clauses for Cost-Reimbursement Type Research and Development Contracts

§ 12–7.5200 Scope.

This subpart sets forth uniform contract clauses for use in cost-reimbursement type research and development contracts.

§ 12–7.5201 Required clauses.

The following clauses shall be inserted in all cost-reimbursement type research and development contracts.

§ 12–7.5201–1 Definitions.

Insert the clause set forth in FPR 1–7.101–1.

§ 12–7.5201–2 Changes.

CHANGES

(a) The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications; (ii) method of shipment or packing; and (iii) place of inspection, delivery or acceptance.

(b) If any such change causes an increase or decrease in the estimated cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any auch order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made:

(i) In the estimated cost or delivery schedule, or both;

(ii) In the amount of any fixed fee to be paid to the Contractor;

(iii) In such other provisions of the contract as may be affected, and the contract shall be modified in writing accordingly.

Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *Provided*, That, without prejudicing the right to reject any claim asserted after this time, if the Contracting Officer decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, except as provided in paragraph (c) below, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(c) Notwithstanding the provisions of paragraphs (a) and (b) above, the estimated cost of this contract and, if this contract is incrementally funded, the funds allotted for the performance thereof, shall not be increased or deemed to be increased except by specific written modification of the contract indicating the new contract estimated cost and, if this contract is incrementally funded, the new amount allotted to the contract. Until such modification is made, the Contractor shall not be obligated to continue performance or incur costs beyond the point established in the clause of this contract entitled "Limitation of Cost" or "Limitation of Funds."

In accordance with FPR 1–3.807–3, prior to the pricing of any contract modification that is expected to exceed $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see FPR 1–3.807–4) and shall assure that the contract includes or is modified to include a defective pricing data clause (see FPR 1–3.814–1) and the audit clause required by FPR 1–3.814–2.

§ 12–7.5201–3 Limitation of cost or funds.

(a) The following clause shall be used in fully funded cost-reimbursement type research and development contracts which do not provide for cost-sharing. The word "exclusive of any fee," occurring twice in paragraph (a) of the clause, may be deleted in any contract not providing for the payment of a fee.

LIMITATION OF COST

(a) It is estimated that the total cost to the Government for the performance of this contract, exclusive of any fee, will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If, at any time, the Contractor has reason to believe that the cost which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost set forth in the Schedule, or if, at any time, the Contractor has reason to believe that the total cost to the Government for the performance of this contract, exclusive of any fee, will be greater or substantially less than the then estimated cost hereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost set forth in the Schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of the estimated cost prior to such increase shall be allowable to the same extent as if such costs had been incurred after the increase; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost set forth in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

(d) In the event this contract is terminated or the estimated cost not increased the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(b) The following clause shall be used in fully funded cost-reimbursement type research and development contracts which provide for cost-sharing. The contract schedule shall include a cost-sharing formula agreed upon by the parties prior to execution of the contract. This formula shall provide for the ratio of cost-sharing with regard to both the originally established total estimated cost and any increase thereto, pursuant to (b) of the clause.

LIMITATION OF COST (COST-SHARING)

(a) It is estimated that the cost to the Government for the performance of this contract will not exceed the estimated cost to the Government set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost to the Government plus the share of the cost of performance agreed to be borne by the Contractor, as set forth in the Schedule. If, at any time, the Contractor has reason to believe that the costs which he expects to be incurred in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost to the Government and to the Contractor then set forth in the Schedule, or if, at any time, the Contractor has reason to believe that the total cost for the performance of this contract will be greater or substantially less than the then estimated total cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving his revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost to the Government set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the estimated total cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated total cost has been increased and shall have specified in such notice a revised estimated total cost which shall thereupon constitute the estimated total cost of performance of this contract. The increase in such estimated total cost shall be allocated in accordance with the formula set forth in the Schedule governing such increases. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost to the Government of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost to the Government set forth in the Schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated total cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of the estimated total cost prior to such increase shall be allowable to the same extent and in the same percentage as if such costs had been incurred after the increase; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost to the Government set forth in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

(d) In the event this contract is terminated or the estimated cost not increased, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(c) The following clause shall be used in incrementally funded cost-reimbursement type research and development contracts which do not provide for cost sharing.

LIMITATION OF FUNDS

(a) It is estimated that the cost to the Government for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost.

(b) The amount presently available for payment and allotted to this contract, the items covered thereby, and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is contemplated that from time to time additional funds will be allotted to this contract up to the full estimated cost set forth in the Schedule, exclusive of any fee. The Contractor agrees to perform or have performed work on this contract up to the point at which the total amount paid and payable by the Government pursuant to the terms of this contract approximates but does not exceed the total amount actually allotted to the contract.

(c) If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the total amount then allotted to the contract, the Contractor shall notify the Contracting Officer in writing to that effect The notice shall state the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. Sixty (60) days prior to the end of the period specified in the Schedule the Contractor will advise the Contracting Officer in writing as to the estimated amount of additional funds, if any, that will be required for the timely performance of the work under the contract or for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the Schedule or an agreed date substituted therefor, the Contracting Officer will, upon written request by the Contractor, terminate this contract pursuant to the provisions of the Termination clause on such date. If the Contractor, in the exercise of his reasonable judgment, estimates that the funds available will allow him to continue to discharge his obligations hereunder for a period extending beyond such date, he shall specify the later date in his request and the Contracting Officer, in his discretion, may terminate this contract on that later date.

(d) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the total amount from time to time allotted to the contract, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the amount allotted to the contract, unless and until the Contracting Officer has notified the Contractor in writing that such allotted amount has been increased and has specified in such notice an increased amount constituting the total amount then allotted to the contract. To the extent the amount allotted exceeds the estimated cost set forth in the Schedule, such estimated cost shall be correspondingly increased. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the amount allotted to this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the total amount then allotted to the contract, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the amount allotted to the contract has been increased, any costs incurred by the Contractor in excess of the amount previously allotted shall be allowable to the same extent as if such costs had been incurred after such increase in the amount allotted; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(e) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the amount allotted in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the amount allotted.

(f) Nothing in this clause shall affect the right of the Government to terminate this contract. In the event this contract is terminated, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(g) In the event that sufficient funds are not allotted to this contract to allow completion of the work contemplated by this contract, the Contractor shall be entitled to that percentage of the fee set forth in the Schedule equivalent to the percentage of completion of the work contemplated by this contract.

(d) The following clause shall be used in incrementally funded cost-reimbursement type research and development contracts which provide for cost-sharing.

LIMITATION OF FUNDS (COST-SHARING)

(a) It is estimated that the cost to the Government for the performance of this contract will not exceed the estimated cost to the Government set forth in the Schedule, and the Contractor agreea to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost to the Government plus the share of the cost of performance agreed to be borne by the Contractor, as set forth in the Schedule.

(b) The amount presently available for payment by the Government and allotted to this contract, the items covered thereby, the Government's share of the cost thereof, and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is contemplated that from time to time additional funds will be allotted to this contract up to the full estimated cost to the Government set forth in the Schedule, exclusive of any fixed fee. The Contractor agrees to perform or have performed work on this contract up to the point at which the total amount paid and payable by the Government pursuant to the terms of this contract approximates but does not exceed the total amount actually allotted by the Government to the contract.

(c) If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the total of the amount then allotted to the contract by the Government plus the Contractor's corresponding share, the Contractor shall notify the Contracting Officer in writing to that effect. The notice shall state the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. Sixty (60) days prior to the end of the period specified in the Schedule the Contractor will advise the Contracting Officer in writing as to the estimated amount of additional funds, if any, that will be required for the timely performance of the work under the contract or for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the Schedule or an agreed date substituted therefor, the Contracting Officer will, upon written request by the Contractor, terminate this contract pursuant to the provisions of the Termination clause on such date. If the Contractor, in the exercise of his reasonable judgment, estimates that the funds available will allow him to continue to discharge his obligations hereunder for a period extending beyond such date, he shall specify the later date in his request, and the Contracting Officer, in his discretion, may terminate on that later date.

(d) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the amount from time to time allotted by the Government to the contract, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the total of the amount then allotted to the contract by the Government plus the Contractor's corresponding share, unless and until the Contracting Officer has notified the Contractor in writing that the amount allotted by the Government has been increased and has specified in such notice an increased amount constituting the total amount then allotted by the Government to the contract. To the extent the total of the amount allotted by the Government plus the Contractor's corresponding share exceeds the estimated cost set forth in the Schedule, such estimated cost shall be correspondingly increased. Any increase in such estimated cost shall be allocated in accordance with the formula set forth in the Schedule governing such increases. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the amount allotted by the Government to this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the total amount then allotted by the Government to the contract, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the amount allotted by the Government to the contract has been increased, any costs incurred by the Contractor in excess of the total of the amount previously allotted by the Government plus the Contractor's corresponding share shall be allowable to the same extent and in the same percentage as if such costs had been incurred after such increase in the amount allotted; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(e) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the amount allotted by the Government in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the amount allotted.

(f) Nothing in this clause shall affect the right of the Government to terminate this contract. In the event this contract is terminated, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(g) In the event that sufficient funds are not allotted to this contract by the Government to allow completion of the work contemplated by this contract, the Contractor shall be entitled to that percentage of the fee set forth in the Schedule equivalent to the percentage of completion of the work contemplated by this contract.

(e) In the foregoing clauses, the period of "sixty (60) days" and the percentage of "seventy-five percent (75%)" may be varied from 30 to 90 days and 75 percent to 85 percent. Where a contract is of the installment type, the clauses may be appropriately modified.

§ 12–7.5201–4 Allowable cost, fee, and payment.

(a) Except as provided in paragraph (b) of this section, the clause set forth in DOTPR 12–7.5001–4(a) shall be inserted in all cost-reimbursement type research and development contracts. Additional instructions for use are in paragraph (c) of this section.

(b) When, pursuant to FPR 1–3.405–4, incentive revision of the fee in a cost-reimbursement type research and development contract is to be provided, the clause set forth in DOTPR 12–7.5001–4 (b) shall be included in the contract. Additional instructions for use of the clause are in paragraph (c) of this section.

(c) In the clauses prescribed in paragraphs (a) and (b) of this section, the following changes shall be made.

(1) For approvals with regard to fixed-price type subcontracts providing for progress payments, pursuant to paragraph (c) of the clauses, the standards shall be the same as those governing progress payments on fixed-price type prime contracts, as provided by FPR 1–30.514.

(2) In subparagraph (f)(ii)(B) the period of years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the contractor: *Provided*, That a corresponding increase is made in the period for retention of records required in paragraph (a)(4) of the clause prescribed by DOTPR 12–7.5001–7.

(3) In respect to paragraph (c) of the clause prescribed in paragraph (b) of this section, generally the payment of fee provisions in the Schedule should be based on target fee.

(4) Under some circumstances the use of a sliding scale may be appropriate in paragraph (i) of the clause prescribed in paragraph (b) of this section (for example, $0.01 for the first $100, $0.02 for the next $100, etc.), in which case necessary changes in the wording of such paragraph (i) of the clause prescribed in paragraph (b) of this section are authorized.

(5) In the case of contracts, including cost-sharing contracts, without fee—

(i) Change the title of the clause prescribed in paragraph (a) of this section to "Allowable Cost and Payment";

(ii) Insert the following sentence in lieu of the second sentence of paragraph (c) of the clause prescribed in paragraph (a) of this section except that in contracts not providing for cost-sharing, the parenthetical references to the Government's share shall be deleted—

After payment of an amount equal to eighty percent (80%) of (the Goverment's share of) the total estimated cost of performance of this contract set forth in the Schedule, the Contracting Officer may withhold further payment on account of allowable cost until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed one percent (1%) of (the Government's share of) such total estimated cost or one hundred thousand dollars ($100,000), whichever is less.

(iii) Delete "and any part of the fixed fee" from paragraph (e) of the clause prescribed in paragraph (a) of this section.

(6) In contracts without fee with nonprofit institutions, "ten thousand dollars ($10,000)" may be substituted for "one hundred thousand dollars ($100,000)" in the sentence set forth in subparagraph (5)(ii) of this paragraph.

(7) In contracts with educational institutions substitute Subpart 1–15.3 of Part 1–15 of the Federal Procurement Regulations in paragraph (a)(i)(A) of the clause prescribed in paragraph (a) of this section and in paragraph (a)(i)(A) of the clause prescribed in paragraph (b) of this section.

(8) In contracts without fee with educational institutions, the second sentence of paragraph (c) of the clause prescribed in paragraph (a) of this section and the provision of subparagraph (5)(ii) of these additional instructions in this paragraph, which pertain to withholding of fee and costs, may be omitted. If the second sentence of paragraph (c) is so omitted, in the first sentence of paragraph (e) delete "and any part of the fixed fee which has been withheld pursuant to (c) above or otherwise."

(9) In the clauses prescribed above, "Task Order" or other appropriate designation may be substituted for "Schedule."

(10) In the clause prescribed in paragraph (b) of this section, "provisioning document or" may be deleted from paragraph (k) thereof if inappropriate to the procurement.

(11) When clause paragraph (c) provides for withholding, the amount to be withheld shall normally be the maximum authorized by the clause except that the contracting officer may, if he believes that such amount exceeds the amount necessary to protect the interests of the Government, review the status of all funds being withheld from the contractor under the particular contract concerned and under any other contracts with the contractor. The contracting officer shall decide whether to reduce the rate of withholding or whether to release a portion of the amount already reserved under the contract, as appropriate.

§ 12–7.5201–5 [Reserved]

§ 12–7.5201–6 Inspection and correction of defects.

(a)(1) The following clause shall be used where the primary contract objective is the delivery of end items other than designs, drawings, or reports, except where the contracting officer determines that the use of such clause is impracticable. Where this clause, or this clause as modified by subparagraphs (2) or (3) of this paragraph, is not used, the clause in paragraph (b) of this section shall be used.

INSPECTION AND CORRECTION OF DEFECTS

(a) All work under this contract shall be subject to inspection and test by the Government (to the extent practicable) at all times (including the period of performance) and places, and in any event prior to acceptance. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of his subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, final inspection and acceptance shall be made at the place of delivery as promptly as practicable after delivery and shall be deemed to have been made no later than ninety (90) days after the date of such delivery, if acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six (6) months (or such other time as may be provided in the Schedule) after acceptance of all of the end items (other than designs, drawings, or reports) to be delivered under this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any failure by the Contractor to comply with the requirements of this contract. Any time devoted to such correction or replacement shall not be included in the computation of the period of time specified in the preceding sentence, except as provided in (d) below. Except as otherwise provided in paragraph (c) below, the allowability of the cost of any such replacement or correction shall be determined as provided in the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment," but no additional fee shall be payable with respect thereto. Corrected articles shall not be tendered again for acceptance unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to perform such replacement or correction, the Government: (i) May by contract or otherwise perform such replacement or correction and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under the contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances; or (ii) in the case of articles not delivered, may require the delivery of such articles, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances; or (iii) may terminate this contract for default. Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) Notwithstanding the provisions of paragraph (b) above, the Government may at any time require the Contractor to remedy by correction or replacement, without cost to the Government, any failure by the Contractor to comply with the requirements of this contract, if such failure is due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of: (i) All or substantially all of the Contractor's business; or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed; or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require the Contractor to remedy by correction or replacement, without cost to the Government, any such failure caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel have reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) The provisions of paragraph (b) above shall apply to any corrected or replacement end item or component until 6 months after its acceptance.

(e) The Contractor shall make his records of all inspection work available to the Government during the performance of this contract and for such longer period as may be specified in this contract.

(f) Except as provided in this clause and as may be provided in the Schedule, the Contractor shall have no obligation or liability to correct or replace articles which at the time of delivery are defective in material or workmanship or otherwise not in conformity with the requirements of this contract.

(g) Except as otherwise provided in the Schedule, the Contractor's obligation to correct or replace Government-furnished propty (which is poperty in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor) shall be governed by the provisions of the clause of this contract entitled "Government Property."

(2) In the foregoing clause, the words "Task Order" or other appropriate designation may be substituted for the word "Schedule," as appropriate.

(3) In contracts not providing for payment of a fee, insert the following in lieu of paragraph (b) of the clause set forth in subparagraph (1) of this paragraph.

(b) At any time during performance of this contract, but not later than six (6) months (or such other period as may be provided in the Schedule) after acceptance of all of the end items (other than designs, drawings or reports) to be delivered under this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any failure by the Contractor to comply with the requirements of this contract. Any time devoted to such correction or replacement shall not be included in the computation of the period of time specified in the preceding sentence except as provided in (d) below. Except as provided in paragraph (c) below, the allowability of the cost of any such replacement or correction shall be as provided in the clause of this contract entitled "Allowable Cost and Payment." Corrected articles shall not be tendered again for acceptance unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to perform such replacement or correction, the Government (i) may by contract or otherwise perform such replacement or correction and charge to the Contractor any increased cost occasioned the Government thereby, or (ii) in the case of articles not delivered, may require the delivery of such articles, or (iii) may terminate this contract for default. Failure to agree to the amount of any such increased cost to be charged to the Contractor shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(b) The following clause shall be inserted in all contracts where the clause set forth in paragraph (a)(1) of this section is not used.

INSPECTION

The Government, through any authorized representatives, has the right at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder the premises in which it is being performed. If any inspection, or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require his subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

§ 12–7.5201–7 Assignment of claims.

Insert the clause set forth in FPR 1–30.703 under the conditions contained therein.

§ 12–7.5201–8 Examination of records.

Insert the clause set forth in DOTPR 12–7.5001–7 under the conditions contained therein. In the case of research and development contracts with nonprofit institutions and subcontracts thereunder, and pursuant to procedures approved by the Comptroller General, original documentary evidence in support of costs of the transportation of things will not be required pursuant to paragraph (a)(3) of said clause.

§ 12–7.5201–9 Subcontracts.

(a) Subject to the instructions in paragraph (b) of this section, insert the following clause.

SUBCONTRACTS

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is cost-reimbursement, time and materials, or labor-hour, or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, (iii) provides for the fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $1,000 or of any items of industrial facilities; or (iv) has experimental, developmental, or research work as one of its purposes.

(b) In the case of a proposed subcontract which (i) is cost-reimbursement, time and materials, or labor-hour which would involve an estimated amount in excess of $10,000, including any fee, (ii) is proposed to exceed $100,000, or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000, the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required by other provisions of this contract to be obtained from the subcontractor; and

(5) Identification of the type of subcontract to be used.

(c) The Contractor shall obtain the written consent of the Contracting Officer prior to placing any subcontract for which advance notification is required under (a) above. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which in the opinion of the Contractor, may result in litigation related in any way to this contract, with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (i) and (ii) of (a) above, without the consent of the Contracting Officer, if the Contracting Officer has approved in writing the Contractor's procurement system and the subcontract is within the scope of such approval.

(b) In contracts without fee with educational institutions, change "(iii)" in paragraph (a) of the clause in paragraph (a) of this section to read:

(iii) Provides for (A) the construction, purchase, rental, installation, or other acquisition of nonseverable industrial facilities, or (B) the fabrication, purchase, rental, installation, or other acquisition, of any item of either (1) severable industrial facilities having a value in excess of $1,000 or the amount, if any, specified in the Schedule or Task Order, whichever is the lesser, or (2) special test equipment having a value in excess of $1,000.

In (iii)(B)(1) thereof, the $1,000 limit may, in the discretion of the contracting officer, be decreased where it is determined to be in the interest of the Government, in view of the circumstances of each particular contract, as, for example, the nature of the contractor's operations, previous experience with the contractor on comparable procurements, the contractor's accounting and procurement systems, accounting and supply systems of the procurement activity, and the capability of the procuring activity to effect close surveillance of the contractor's procurement and accounting practices. Also, in the discretion of the contracting officer, the cumulative total of acquisitions of severable industrial facilities may be limited to a stated dollar amount or an amount equal to a stated percentage of the estimated cost, beyond which amount the contractor will be required to obtain written consent of the contracting officer for any additional acquisitions of such facilities.

§ 12–7.5201–10 Utilization of small business concerns.

In accordance with FPR 1–1.710–3 (a) and (b), insert one or both of the clauses.

§ 12–7.5201–11 Termination.

Insert the appropriate clause set forth in either FPR 1–8.702 or FPR 1–8.704–1.

§ 12–7.5201–12 Disputes.

Insert the clause set forth in FPR 1–7.101–12.

§ 12–7.5201–13 Convict labor.

In accordance with FPR 1–12.202, insert the clause in FPR 1–12.203.

§ 12–7.5201–14 Walsh-Healey Public Contracts Act.

In accordance with FPR 1–12.602, insert the clause set forth in FPR 1–12.605.

§ 12–7.5201–15 Contract Work Hours and Safety Standards Act—overtime compensation.

In accordance with FPR 1–12.302, insert the clause set forth in FPR 1–12.303.

§ 12–7.5201–16 Equal opportunity.

In accordance with FPR 1–12.803–1, insert the clause set forth in FPR 1–12.803–2.

§ 12–7.5201–17 Officials not to benefit.

Insert the clause set forth in FPR 1–7.101–19.

§ 12–7.5201–18 Covenant against contingent fees.

In accordance with FPR 1–1.501, insert the clause set forth in FPR 1–1.503.

§ 12–7.5201–19 Authorization and consent.

Insert the clause set forth in DOTPR 12–9.6106–2.

§ 12–7.5201–20 Notice and assistance regarding patent infringement.

In accordance with DOTPR 12–9.6108, insert the clause set forth in FPR 1–7.101–13.

§ 12–7.5201–21 [Reserved]

§ 12–7.5201–22 Insurance—liability to third persons.

(a) Except as provided in paragraph (b) of this section, insert the clause set forth in DOTPR 12–7.5001–20. If the contractor claims partial immunity from tort liability as a State agency or as a charitable institution (as where work may be performed under the contract in a place or under conditions where the contractor is not immune from tort liability), the following may be added to the clause in DOTPR 12–7.5001–20:

(e) Notwithstanding paragraphs (a) and (c) of this clause, (i) the Government does not assume any liability to third persons, nor will the Government reimburse the Contractor for his liability to third persons, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of this contract or any subcontract hereunder; and (ii) the Contractor need not procure or maintain insurance coverage as provided in paragraph (a) of this clause; provided, the Contractor may obtain any insurance coverage he deems necessary subject to approval by the Contracting Officer as to form, amount, any duration, in which event the Contractor shall be reimbused (A) for the cost of such insurance and (B) to the extent provided in paragraph (c) above, for liabilities to third persons for which the Contractor has obtained insurance coverage as provided in this paragraph, but for which such coverage is insufficient in amount.

(b) If the contractor claims total immunity from tort liability as a State agency or as a charitable institution, the following clause may be used in lieu of the clause in DOTPR 12–7.5001–20:

LIABILITY TO THIRD PERSONS

(a) The Government does not assume any liability to third persons, nor will the Government reimburse the Contractor for his liability to third persons, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of this contract or any subcontract hereunder.

(b) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the Contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. The Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith. The Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

§ 12–7.5201–23 Utilization of concerns in labor surplus areas.

In accordance with FPR 1–1.805, insert one or both of the clauses set forth in FPR 1–1.805–3.

§ 12–7.5201–24 Payment for overtime premiums.

Insert the clause set forth in DOTPR 12–7.5001–24.

§ 12–7.5201–25 Dissemination of contract information.

Insert the clause set forth in DOTPR 12–7.150–10.

§ 12–7.5201–26 Notice of delays.

Insert the clause set forth in DOTPR 12–7.150–9.

§ 12–7.5201–27 Gratuities.

Insert the clause set forth in DOTPR 12–7.150–1.

§ 12–7.5201–28 Priorities, allocation, and allotments.

Insert the clause set forth in DOTPR 12–7.150–3.

§ 12–7.5201–29 New material.

Insert the clause set forth in DOTPR 12–7.150–2.

§ 12–7.5201–30 Interpretation or modification.

Insert the clause set forth in DOTPR 12–7.150–4.

§ 12–7.5202 Clauses to be used when applicable.

The following clauses shall be included in the contract when their use is appropriate.

§ 12–7.5202–1 Buy American Act.

Insert the clause set forth in FPR 1–6.104–5 in accordance with the instructions for its use.

§ 12–7.5202–2 Military security requirements.

(a) Except in contracts without fee with educational institutions, insert the clause set forth in ASPR 7–104.12(a), modified in accordance with ASPR 7–204.12: (*Provided*, That the reference to "fixed fee" may be deleted in any contract not providing for the payment of a fixed fee and provided further that the provisions of ASPR 7–104.12(b) shall apply with respect to contracts to be performed outside the United States, its possessions, and Puerto ico) and also modified in accordance with the instructions in DOTPR 12–1.351.

(b) In contracts without fee with educational institutions, insert the clause set forth in ASPR 7–402.24(b) in accordance with the instructions therein and the instructions in DOTPR 12–1.351.

§ 12–7.5202–3 Negotiated overhead rates.

Insert the clause set worth in FPR 1–3.704–1 or the appropriate clause set forth in FPR 1–3.704–2.

§ 12–7.5202–4 Changes to make-or-buy program.

In accordance with FPR 1–3.902–3, insert the clause set forth therein.

§ 12–7.5202–5 Required source for jewel bearings.

In accordance with FPR 1–1.319, insert the clause contained therein.

§ 12–7.5202–6 Value engineering.

A value engineering incentive clause shall be included in the contract in accordance with the instructions for its use in DOTPR 12–1.5202–2.

§ 12–7.5202–7 Multi-year procurement.

The clauses set forth in DOTPR subpart 12–1.55 shall be included in all contracts under the multi-year procurement method.

§ 12–7.5202–8 [Reserved]

§ 12–7.5202–9 Aluminum.

In accordance with FPR 1–5.1001-1, insert the clause set forth in FPR 1–5.1001–2.

§ 12–7.5202–10 Stop work orders.

The clause set forth in DOTPR 12–7.151–8 may be included under the conditions described therein, provided the clause is modified in accordance with DOTPR 12–7.5002–11.

§ 12–7.5202–11 Competition in subcontracting.

Insert the clause set forth in DOTPR 12–7.5002–12 in accordance with the instructions for its use.

§ 12–7.5202–12 Audit and records.

Insert the clause set forth in FPR 1–3.814–2(c) in accordance with the instructions for its use.

§ 12–7.5202–13 Price reduction for defective cost or pricing data.

Insert the clause set forth in FPR 1–3.814–1(a) in accordance with the instructions for its use.

§ 12–7.5202–14 Subcontractor cost and pricing data.

Where the clause in FPR 1–3.814–1(a) is included in the contract, the clause in FPR 1–3.81403(a) also shall be included.

§ 12–7.5202–15 Government property.

Insert the clause set forth in DOTPR 12–7.5002–16 in accordance with the instructions for its use.

§ 12–7.5202–16 Excusable delays.

Insert the clause set forth in FPR 1–8.708 when the termination clause set forth in FPR 1–8.702 is used.

§ 12–7.5202–17 General Services Administration supply sources.

When it is determined appropriate in accordance with Administration procedures to authorize the contractor to utilize General Services Administration supply sources in performing a cost-reimbursement type contract pursuant to FPR subpart 1–5.9, the following clause shall be inserted in the contract:

GENERAL SERVICES ADMINISTRATION SUPPLY SOURCES

The Contracting Officer may issue the Contractor an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired under such an authorization shall be in the Government. All property acquired under such an authorization shall be subject to the provisions of the clause of this contract entitled "Government Property," except (b) and (c) thereof.

Subpart 12–7.54—Clause for Architect-Engineer Contracts

§ 12–7.5400 Scope.

This subpart sets forth contract clauses for use in fixed-price architect-engineer contracts in addition to those prescribed in the August 1970 edition of Standard Form 253 (see FPR 1–16.702).

§ 12–7.5401 Required clauses.

§ 12–7.5401–1 Composition of contractor.

COMPOSITION OF CONTRACTOR

If the Contractor hereunder is comprised of more than one legal entity, each entity shall be jointly and severally liable hereunder.

§ 12–7.5401–2 Interpretation or modification.

Insert the clause set forth in DOTPR 12–7.150–4.

§ 12–7.5401–3 Dissemination of contract information.

Insert the clause set forth in DOTPR 12–7.150–10, substituting "Architect-Engineer" for "Contractor."

§ 12–7.5401–4 Inspection.

INSPECTION

The Government, through any authorized representative, may at all reasonable times, inspect or otherwise evaluate the work being performed hereunder and the premises in which it is being performed. If any inspection or evaluation is made by the Government on the premises of the Architect-Engineer or subcontractor, the Architect-Engineer shall provide and shall require his subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

§ 12–7.5401–5 Notice of delays.

Insert the clause set forth in DOTPR 12–7.150–9, substituting "Architect-Engineer" for "Contractor".

§ 12–7.5401–6 Certification of drawings and other documents.

CERTIFICATION OF DRAWINGS AND OTHER DOCUMENTS

The Architect-Engineer or his authorized representative, shall sign the original tracings of all drawings and the first page of all specifications, estimates, or similar documents under the Architect-Engineer's printed name and over the affixed replica of his professional seal or his registration certificate number, including the State or jurisdiction of issuance.

§ 12–7.5402 Clauses to be used when applicable.

The following clauses shall be included in the contract when their use is appropriate.

§ 12–7.5402–1 Military security requirements.

Insert the Military Security Requirements clause in ASPR 7–104.12 in accordance with the instructions for its use in DOTPR 12–1.351.

§ 12–7.5402–2 Audit and records.

Insert the clause set forth in FPR 1–3.814–2(a) in accordance with the instructions for its use.

§ 12–7.5402–3 Price reduction for defective cost or pricing data.

Insert the clause set forth in FPR 1–3.814–1(a) in accordance with the instructions for its use.

§ 12–7.5402–4 Subcontractor cost or pricing data.

Insert the clause set forth in FPR 1–3.814–3(a) in accordance with the instructions for its use.

§ 12–7.5402–5 Architectural designs and data—Government rights (sole property).

Where the purpose of a contract for architect-engineer services is to obtain a unique architectural design of a building, a monument, or construction of a similar nature, which for artistic, esthetic or other special reasons the Government does not want duplicated by anyone else, the Government may desire to acquire exclusive control of the data pertaining to such design. The clause set forth in FPR 1–16.703(d) shall be used only in those cases where the contracting officer determines for the foregoing reasons that it is desirable to maintain exclusive control over the design and data.

§ 12–7.5403 Additional clauses.

The following clauses shall be included in the contract when it is deemed necessary or desirable to cover the subject matter thereof. The clauses may be modified, when necessary, to adapt to special situations.

§ 12–7.5403–1 Method of payment.

METHOD OF PAYMENT

(a) Estimates shall be made monthly of the amount and value of the work and services performed by the Architect-Engineer under this contract, such estimates to be prepared by the Architect-Engineer and accompanied by such supporting data as may be required by the Contracting Officer.

(b) Upon approval of such estimate by the Contracting Officer payment upon properly certified vouchers shall be made to the Architect-Engineer as soon as practicable of 90 percent of the amount as determined above, less all previous payments, *provided*, however, that if the Contracting Officer determines that the work is substantially complete and that the amount of retained percentages is in excess of the amount considered by him to be adequate for the protection of the Government, he may at his discretion release to the Architect-Engineer such excess amount.

(c) Upon satisfactory completion by the Architect-Engineer and acceptance by the Contracting Officer of the work required by the contract, the Architect-Engineer will be paid the unpaid balance of any money due under the contract.

(d) As a precedent to final payment under the contract, the Architect-Engineer shall execute and deliver to the Contracting Officer a release of all claims against the Government arising under or by virtue of this contract, other than such claims, if any, as may be specifically excepted by the Architect-Engineer from the operation of the release in stated amounts to be set forth therein.

§ 12–7.5403–2 Preparation of specifications.

PREPARATION OF SPECIFICATIONS

The Architect-Engineer shall make reference to applicable Federal specifications, if available, for items and materials used. If Federal specifications are not available, the Architect-Engineer shall reference specifications prepared by recognized professional manufacturer or construction societies, or

furnish descriptions of the items or materials containing all the fundamental properties and all the essential requirements to be met by the items or materials. When an item or material cannot be described because of its technical construction or composition or because it is a proprietary item, the name of one, and if available, several, suitable commercial products shall be included as part of the required description, followed by the words "or equal". If it is determined that one and only one brand of item or material will meet the requirement, the Architect-Engineer shall so state and shall give full justification for that determination. Specifications will not duplicate, contradict or cover the same subject matter contained in the general and special provisions to be used with the construction contract. A complete set of construction contract general and special provisions will be furnished to the Architect-Engineer by the Contracting Officer.

§ 12–7.5403–3 Agreement to redesign.

AGREEMENT TO REDESIGN

The Architect-Engineer agrees to redesign, as necessary, at no additional cost to the Government until a satisfactory low bid for construction has been obtained that is within the amount of $_____

Subpart 12–7.56—Clauses for Fixed-Price Vessel Repair, Alteration or Conversion Contracts

§ 12–7.5600 Scope of subpart.

This subpart is applicable only to the Coast Guard. It sets forth or cites contract clauses to be used for fixed-price vessel repair, alteration or conversion contracts and where necessary provides instructions for their use.

§ 12–7.5601 Required clauses.

The clauses set forth or cited in this section shall be included in all fixed-price vessel repair, alteration or conversion contracts awarded as a result of formal advertising and to be performed within the United States, its possessions, or Puerto Rico. Unless inappropriate, clauses set forth in this section should be used in negotiated fixed-price contracts, and contracts to be performed outside the United States.

§ 12–7.5601–1 Delivery and shifting of vessel.

DELIVERY AND SHIFTING OF VESSEL

The Government shall deliver the vessel to the Contractor at his place of business. Upon completion of the work the Government shall accept delivery of the vessel at the Contractor's place of business. The Contractor shall provide, at no additional charge, upon 24 hours' advance notice, a tug or tugs and docking pilot, acceptable to the Contracting Officer, to assist in handling the vessel between (to and from) the Contractor's plant and the nearest point in a waterway regularly navigated by vessels of equal or greater draft and length. While the vessel is in the hands of the Contractor, any necessary towage, cartage, or other transportation between ship and shop or elsewhere, which may be incident to the work herein specified, shall be furnished by the Contractor without additional charge to the Government.

§ 12–7.5601–2 Performance.

PERFORMANCE

(a) The Contractor shall make the necessary arrangements for receiving the vessel on the specified date, such arrangements to be satisfactory to the Contracting Officer or his duly authorized representative.

(b) The Contractor shall promptly commence the work required by the contract and shall diligently prosecute same to completion to the satisfaction of the Contracting Officer.

(c) Except as otherwise provided in this contract, the Contractor shall furnish all necessary material, labor, services, equipment, supplies, power, accessories, facilities and such other things and services as are necessary for accomplishing the work specified in this contract subject to the right reserved in the Government under the "Government-furnished Property" clause of the contract.

(d) The Contractor shall without charge and without specific requirement therefor:

(1) Make available at the plant to personnel of the vessel, while in drydock or on a marine railway, toilet and similar facilities acceptable to the Contracting Officer as adequate in number and sanitary standards.

(2) Supply and maintain, in such condition as the Contracting Officer may reasonably require, suitable brows and gangways from the pier, drydock or marine railway to the vessel (access to vessel shall be lighted by the Contractor during all periods of darkness).

(3) Treat salvage, scrap, or other ship's material of the Government resulting from performance of work as though they were items of Government-furnished property in accordance with provisions of the "Government-furnished Property" clause of this contract.

(4) Perform, or pay the costs of, any repairs, reconditioning or replacements necessary as a result of the use by the Contractor of any of the vessel's machinery, equipment or fittings, including, but not limited to, winches, pumps, rigging, or pipe-lines.

(e) The Contractor shall conduct dock and sea trials of the vessel as required by the specifications. During such trials the vessel shall be under the control of the vessel's commander and crew with representatives of the Contractor and the Government on board to determine whether or not the work done by the Contractor has been satisfactorily performed. Dock and sea trials not specified herein which the Contractor requires for his own benefit shall not be undertaken by the Contractor without prior notice to and approval of the Contracting Officer; any such dock trials shall be conducted at the expense of the Contractor, and any such sea trials shall be conducted at the risk and expense of the Contractor.

§ 12–7.5601–3 Inspection and manner of doing work.

INSPECTION AND MANNER OF DOING WORK

(a) All work and material shall be subject to the approval of the Contracting Officer or his duly authorized representative. Work shall be performed in accordance with the plans and specifications of this contract as modified by any change order issued under the "Changes" clause in this contract.

(b) Unless otherwise specifically provided for herein, all operational practices of the Contractor and all workmanship and material, equipment, and articles used in the performance of work thereunder shall be in accordance with American Bureau of Shipping Rules for Building and Classing Steel Vessels, U.S. Coast Guard Marine Engineering Regulations and Material Specifications (Subchapter J, 46 CFR), U.S. Coast Guard Electrical Engineering Regulations (Subchapter J, 46 CFR), U.S. Coast Guard Navigation and Vessel Inspection Circular No. 4–60 (Part IV—Notes on Repair), and U.S.P.H.S., Handbook on Sanitation in Vessel Construction, in effect at the time of the Contractor's submission of bid (or acceptance of the contract, if negotiated), and the best commercial maritime practices except where Navy specifications are specified, in which case such standards of material and workmanship shall be followed. Where the detailed specifications do not require a Navy standard, and the requirements are not clearly or specifically covered by one of the aforementioned standards, the Contracting Officer or his designated representative shall prescribe a Navy or industrial standard for the work wherever applicable, and the decision shall be final, provided however, that where the requirements of the repreaentative for development of detailed drawings, selection of materials and equipment, standards of workmanship, which are not specifically required in the specifications result in a change in unit price, total contract price, quantity, quality or delivery schedule, the Contracting Officer will be advised accordingly and the Contractor will not proceed with the work until specifically directed to do so by the Contracting Officer.

(c) All material and workmanship shall be subject to inspection and test at all times during the Contractor's performance of the work to determine their quality and suitability for the purpose intended and compliance with the contract. In case any material or workmanship furnished by the Contractor is found prior to redelivery of the vessel to be defective, or not in accordance with the requirements of the contract, the Government, in addition to its rights under any "Guaranty" clause which may be contained in this contract, shall have the right prior to redelivery of the vessel to reject such material or workmanship, and to require its correction or replacement by the Contractor at the Contractor's cost and expense. If the Contractor fails to proceed promptly with the replacement or correction of such material or workmanship, as required by the Contracting Officer, the Government may, by contract or otherwise, replace or correct such material or workmanship and charge to the Contractor the excess cost occasioned the Government thereby. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work specified in the contract. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of the cpntract and for a period of 60 days after completion of all work required by the contract.

(d) No welding, including tack welding and brazing, shall be permitted in connection with repairs, completions, alterations, or addition to hulls, machinery or components of vessels, unless the welder at the time has a valid qualification record, certified by the U.S. Coast Guard, the American Bureau of Shipping, or the Department of Navy. The welder's qualifications shall be appropriate for the particular service application, filler material type, position of welding, and welding process involved in the work being undertaken. A welder who for a period of three (3) months or more has not used the process for which he was qualified, or at any time deemed necessary by the Contracting Officer because of a reasonable doubt of the welder's ability, may be required to requalify. Welder's qualification for this purpose shall be as outlined in "Marine Engineering Regulations" of the U.S. Coast Guard. Contractors or fabricators desiring, or where required by the detailed specifications or job order, to weld with a process other than manual shielded arc shall submit procedure qualification tests for approval prior to production welding. Procedure qualification tests shall be conducted in accordance with the requirements

of the "Marine Engineering Regulations" of the U.S. Coast Guard.

(e) The Contractor shall exercise reasonable care to protect the vessel from fire, and the Contractor shall maintain a reasonable system of inspection over the activities of welders, burners, riveters, painters, plumbers, and similar workers, particularly where such activities are undertaken in the vicinity of the vessel's magazines, fuel oil tanks or storerooms containing flammable materials. A reasonable number of hose lines shall be maintained by the Contractor ready for immediate use on the vessel at all times while the vessel is berthed alongside the Contractor's pier or in drydock or on a marine railway. All tanks under alteration or repair shall be cleaned, washed and steamed out or otherwise made safe by the Contractor if and to the extent necessary, and the Contracting Officer shall be furnished with a "gas-free" or "safe-for-hot-work" certificate before any hot-work is done on a tank. Unless otherwise provided in this contract, the Contractor shall at all times maintain a reasonable fire watch about the vessel, including a fire watch on the vessel while work is being performed thereon.

(f) The Contractor shall place proper safeguards and/or effect such safety precautions as necessary, including suitable and sufficient lighting, for the prevention of accidents or injury to persons or property during the prosecution of work under this contract and/or from time of receipt of the vessel until acceptance of work performed by the Government.

(g) Except as otherwise provided in this contract, when the vessel is in the custody of the Contractor or in drydock or on a marine railway and the temperature becomes as low as 35° F., the Contractor shall keep all pipe-lines, fixtures, traps, tanks, and other receptacles on the vessel drained to avoid damage from freezing, or if this is not practicable, the vessels shall be kept heated to prevent such damage. The vessel's stern tube and propeller hubs shall be protected from frost damage by applied heat through the use of a salamander or other proper means.

(h) The work shall, whenever practicable, be performed in such manner as not to interfere with the berthing and messing of civilian or military personnel attached to the vessel, and provisions shall be made so that personnel assigned shall have access to the vessel at all times, it being understood that such personnel will not interfere with the work or the Contractor's workmen.

(i) The Government does not guarantee the correctness of the dimensions, sizes, and shapes given in any sketches, drawings, plans or specifications prepared or furnished by the Government. The Contractor shall be responsible for the correctness of the shape, sizes, and dimensions of parts to be furnished hereunder, other than those furnished by the Government.

(j) The Contractor shall at all times keep the site of the work on the vessel free from accumulation of waste material or rubbish caused by his employees or the work, and at the completion of the work shall remove all rubbish from and about the site of the work and shall leave the work in its immediate vicinity "broom clean," unless more exactly specified in this contract.

(k) Any question regarding or rising out of the interpretations of plans and specifications of this contract or any discrepancies between the plans and specifications shall be determined by the Contracting Officer or his duly authorized representative, provided however, that any interpretations or determinations by the authorized representative which affect the price or delivery time specified in this contract must be approved in writing by the Contracting Officer prior to proceeding with the requirements of such interpretations or determinations.

(l) While in drydock or on a marine railway, the commanding officer of the vessel, if then in commission, shall be responsible for the proper closings of openings to the ship's bottom upon which no work is being done by the Contractor. The Contractor shall be responsible for the closing before the end of working hours, of all valves and openings upon which work is being done by its workmen when such closing is practicable. The Contractor shall keep the commanding officer cognizant of the closure status of all valves and openings upon which the Contractor's workmen have been working.

§ 12–7.5601–4 Subcontracts.

SUBCONTRACTS

(a) Nothing contained in the contract shall be construed as creating any contractual relationship between any subcontractor and the Government. The divisions or sections of the specifications are not intended to control the Contractor in dividing the work among subcontractors or to limit the work performed by any trade.

(b) The Contractor shall be responsible to the Government for acts and omissions of his own employees, and of subcontractors and their employees. He shall also be responsible for the coordination of the work of the trades, subcontractors, and material men.

(c) The Contractor shall, without additional expense to the Government, employ specialty subcontractors where required by the specifications.

(d) The Government or its representatives will not undertake to settle any differences between the Contractor and his subcontractors, or between subcontractors.

§ 12–7.5601–5 Lay days.

LAY DAYS

(a) Lay day time will be paid for by the Government at the Contractor's stipulated bid price for this item of the contract when the vessel remains on the dry dock or Marine Railway as a result of any change that involves work in addition to that required under the basic contract.

(b) No cost for lay day time shall be paid until all accepted items of the basic contract for which a price was established by the Contractor and for which docking of the vessel was required have been satisfactorily completed.

(c) Days of hauling out and floating, whatever the hour, shall not be paid as lay day time, and days when no work is performed by the Contractor shall not be paid as lay day time.

(d) Payment of lay day time shall constitute complete compensation for all cost except for the direct cost of performing the changed work.

§ 12–7.5601–6 Changes.

CHANGES

The Contracting Officer may at any time, by written change order, and without notice to the sureties, make changes within the general scope of this contract in (i) drawings, designs, plans and specifications, (ii) work to be performed under the contract, (iii) place of performance of the work, and (iv) time of commencement or completion of the work, and may otherwise vary the requirements of the contract within the general scope thereof. If any such change causes an increase or decrease in the cost of, or the time required for, performance of the contract, whether changed or not changed by any such change order, an equitable adjustment shall be made in the price or in the date of completion, or both, and the contract shall be modified in writing accordingly. The price adjustment for the change order and the adjustment in the date of completion shall be agreed upon and reduced to writing at the time the change is ordered or as soon thereafter as practicable. A request for price adjustment, together with the Contractor's written estimate of the increased cost, must be asserted within 10 days from the date of receipt by the Contractor of the notification of change or within such further time as the Contracting Officer may allow on request made by the Contractor during such period; provided that, without prejudicing the right to reject any claim asserted after this time, if the Contracting Officer decides that the facts justify such action, may receive and act upon any such request asserted at any later time prior to final payment under the contract, except that in such event no profit shall be allowed to the Contractor. Where the cost of property made obsolete or excess as result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 12–7.5601–7 Extras.

Insert the clause set forth in FPR 1–7.101–3.

§ 12–7.5601–8 Payments.

PAYMENTS

Unless otherwise specified, the Contractor shall be paid, upon the submission of proper invoice or vouchers, the prices stipulated herein for supplies delivered and accepted or services rendered and accepted, less deductions, if any, as herein provided.

§ 12–7.5601–9 Government-furnished property.

GOVERNMENT-FURNISHED PROPERTY

(a) *Government-furnished Property.* The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the contract or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"): *Provided, however,* That the vessel, its equipment, moveable stores, cargo, or other ship's material shall not be Government-furnished property. The delivery or performance dates for the supplies or services to be furnished by the Contractor under the contract are based upon the expectation that Government-furnished property suitable for use (except for such property furnished "as is") will be delivered to the Contractor at the times stated in the schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by such delay, in accordance with the procedures provided for under the "Changes" clause of this contract. Except for Government-furnished property furnished "as is", in the event the Government-furnished property is received by the Contractor in a condition not suitable for the intended use the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property, or (ii) effect repairs or modifications. Upon the completion of (i) or (ii) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by the rejection or disposition, or the repair or modification, in accordance with the procedures provided for in the "Changes" clause of this contract. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in Government-furnished Property.*

(1) By notice in writing, the Contracting Officer may (i) decrease the property provided or to be provided by the Government under this contract, or (ii) substitute other Government-owned property for property to be povided by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to subparagraph (1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of the contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution, or withdrawal, in accordance with the procedures provided for in the "changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. In order to define the obligations of the parties under this clause, title to each item of facilities, special test equipment, and special tooling (other than that subject to a "Special Tooling" clause) acquired by the Contractor for the Government pursuant to the contract shall pass to and vest in the Government when its use in the performance of the contract commences, or upon payment therefor by the Government, whichever is earlier, whether or not title previously vested. All Government-furnished property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property". Title to Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reasons of affixation to any realty.

(d) *Property Administration.* The contractor shall comply with the provisions of the "Manual for Control of Government Property in Possession of Contractors" (Appendix B, Armed Services Procurement Regulations) as in effect on the date of this contract, which Manual is hereby incorporated by reference and made a part of this contract.

(e) *Use of Government Property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer be used for the performance of the work in connection with this contract.

(f) *Maintenance and Repair of Government Property.* The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection, and preservation of Government property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs; *Provided, however,* That if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provisions affected by such repair or replacement of Government property made at the direction of the Government, in accordance with the procedures provided for in the "Changes" clause of this contract. Any repair or replacement for which the Contactor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(g) *Risk of Loss.* Unless otherwise provided in the contract, the Contractor assumes the risk of, and shall be responsible for, any loss or damage to Government property provided under this contract upon its delivery to him or upon passage of title thereto to the Government as provided in paragraph (c) to the extent and as provided in the "Liability and Insurance" clause of this contract, except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract.

(h) *Access.* The Government, and any persons designated by it, shall at all reasonable times have access to the premises wherein any Government property is located, for the purpose of inspecting the Government property.

(i) *Final Accounting and Disposition of Government Property.* Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government property not consumed in the performance of work in this contract (including any resulting scrap) or not theretofore delivered to the Government, and shall prepare for shipment, deliver f.o.b. origin, or dispose of the Government property, as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

(j) *Restoration of Contractor's Premises.* Unless otherwise provided herein, the Government:

(1) May abandon any Government property in place, and thereupon, all obligation of the Government regarding such abandoned property shall cease; and

(2) Shall not be under any duty or obligation to restore or rehabilitate or to pay the costs of the restoration or rehabilitation of, the Contractor's plant or any portion thereof which is affected by the abandonment or removal of any Government property.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing.

§ 12–7.5601–10 Liability and insurance.

LIABILITY AND INSURANCE

(a) The Contractor shall exercise reasonable care and use his best efforts to prevent accidents, injury or damage to all employees, persons, and property, in and about the work, and to the vessel or part thereof upon which work is done.

(b) The Contractor shall be responsible for and make good at his own cost and expense any and all loss of or damage of whatsoever nature to the vessel (or part thereof), its equipment, movable stores and cargo, and Government-owned material and equipment for the repair, completion, alteration of or addition to the vessel in the possession of the Contractor, whether at the plant or elsewhere, arising or growing out of the performance of the work, except where the Contractor can affirmatively show that such loss or damage was due to causes beyond the Contractor's control, was proximately caused by the fault or negligence of agents or employees of the Government acting within the scope of their authority, or which loss or damage the Contractor by exercise of reasonable care was unable to prevent: *Provided,* That the Contractor shall not be responsible for any such loss or damage discovered after redelivery of the vessel unless (i) such loss or damage is discovered within sixty (60) days after redelivery of the vessel and (ii) such loss or damage is affirmatively shown to have been the result of the fault or negligence of the Contractor. To induce the Contractor to perform the work for the compensation provided, it is specifically agreed that the Contractor's aggregate liability on account of loss of or damage to the vessel (or part thereof), its equipment, movable stores and cargo and said Government-owned materials and equipment shall in no event exceed the sum of $300,000, and the Government assumes as to the Contractor the risk of loss or damage (including, but not limited to, loss or damage from negligence of whatsoever degree of the Contractor's servants, employees, agents or subcontractors but specifically excluding loss or damage from willful misconduct or lack of good faith on the part of any of the Contractor's directors, officers and any of his managers, superintendents or other equivalent representatives who have supervision or direction of (i) all or substantally all of the Contractor's business or (ii) all or substantially all of the Contractor's operation at any one plant) to the vessel (or part thereof), its equipment, movable stores, and cargo and said Government-owned materials and equipment in excess of $300,000: *Provided, however,* That as to such risk assumed and borne by the Government, the Government shall be subrogated to any claim, demand or cause of action against third persons which exists in favor of the Contractor, and the Contractor shall, if required, execute a formal assignment or transfer of claims, demands or causes of action: *Provided, further,* That nothing contained in this paragraph shall create or give rise to any right, privilege or power in any person except the Contractor, nor shall any person (except the Contractor) be or become entitled thereby to proceed directly against the Government, or join the Government as a co-defendant in any action against the Contractor brought to determine the Contractor's liability or for any other purpose.

(c) The Contractor indemnifies and holds harmless the Government, its agencies and

instrumentalities, the vessel and its owners, against all suits, actions, claims, costs or demands (including, without limitation, suits, actions, claims, costs or demands resulting from death, personal injury and property damage) to which the Government, its agencies and instrumentalities, the vessel or its owner may be subject or put by reason of damage or injury (including death) to the property or person of any one other than the Government, its agencies, instrumentalities and personnel, the vessel or its owner, arising or resulting in whole or in part from the fault, negligence, wrongful act or wrongful omission of the Contractor, or any subcontractor, his or their servants, agents or employees: *Provided*, That the Contractor's obligation to indemnify under this paragraph (c) shall not exceed the sum of $300,000 on account of any one accident or occurrence in respect of any one vessel. Such indemnity shall include, without limitation, suits, actions, claims, costs or demands of any kind whatsoever, resulting from death, personal injury or property damage occurring during the period of performance of work on the vessel or within 60 days after redelivery of the vessel; and with respect to any such suits, actions, claims, costs, or demands resulting from death, personal injury or property damage occurring after the expiration of such period, the rights and liabilities of the Government and the Contractor shall be as determined by other provisions of this contract and by law: *Provided, however*, That such indemnity shall apply to death occurring after such period which results from any personal injury received during the period covered by the Contractor's indemnity as provided herein.

(d) The Contractor shall, at his own expense, procure, and thereafter maintain such casualty, accident and liability insurance, in such forms and amounts as may be approved by the Contracting Officer, insuring the performance of his obligations under paragraph (c) of this clause. In addition, the Contractor shall at his own expense procure and thereafter maintain such ship repairer's legal liability insurance as may be necessary to insure the Contractor against his liability as ship repairer in the amount of $300,000 or the value of the vessel as determined by the Contracting Officer, whichever is the lesser, with respect to each vessel on which work is performed: *Provided*, That, in the discretion of the Contracting Officer, no such insurance need be procured whenever the contract requires work on parts of a vessel only and such work is to be performed at a plant other than the site of the vessel. Further, the Contractor shall procure and maintain in force Workmen's Compensation Insurance (or its equivalent) covering his employees engaged on the work and shall insure the procurement and maintenance of such insurance by all subcontractors engaged on the work. The Contractor shall provide such evidence of such insurance as may be, from time to time, required by the Contracting Officer.

(e) No allowance shall be made the Contractor in the contract price for the inclusion of any premium expense or charge for any reserve made on account of self insurance for coverage against any risk assumed by the Government under this clause.

(f) As soon as practicable after the occurrence of any loss or damage the risk of which the Government has assumed, written notice of such loss or damage shall be given by the Contractor to the Contracting Officer, which notice shall contain full particulars of such loss or damage. If claim is made or suit is brought thereafter against the Contractor as the result or because of such event, the Contractor shall immediately deliver to the Government every demand, notice, summons or other process received by him or his representatives. The Contractor shall cooperate with the Government and, upon the Government's request, shall assist in effecting settlements, securing and giving evidence, obtaining the attendance of witnesses and in the conduct of suits; and the Government shall pay to the Contractor the expense, other than the cost of maintaining the Contractor's usual organization, incurred in so doing. The Contractor shall not, except at his own cost, voluntarily make any payment, assume any obligation or incur any expense other than shall be imperative for the protection of the vessel or vessels at the time of said occurrence of such event.

§ 12–7.5601–11 Title.

TITLE

Unless title to materials and equipment acquired or produced for, or allocated to, the performance of this contract shall have vested previously in the Government by virtue of other provisions of this contract, title to all materials and equipment to be incorporated in any vessel or part thereof, or to be placed upon any vessel or part thereof in accordance with the requirements of the contract, shall vest in the Government upon delivery thereof at the plant or such other location as may be specified in the contract for the performance of the work: *Provided, however*, That the provisions of this clause or other provisions of this contract shall not be construed as relieving the Contractor from the full responsibility for all such Contractor-furnished materials and equipment or the restoration of any damaged work or as a waiver of the right of the Government to require the fulfillment of all the terms of this contract, it being expressly understood and agreed that the Contractor shall assume without limitation the risk of loss for any such materials and equipment until such time as all work is completed and accepted by the Government and the vessel is redelivered to the Government. Upon completion of the contract, or with the approval of the Contracting Officer at any time during the performance of the contract, all such Contractor-furnished materials and equipment not incorporated in any vessel or part thereof, or not placed upon any vessel or part thereof, in accordance with the requirements of the contract, shall become the property of the Contractor, except those materials and equipment the cost of which has been reimbursed by the Government to the Contractor.

§ 12–7.5601–12 Discharge of liens.

DISCHARGE OF LIENS

The Contractor shall immediately discharge or cause to be discharged any lien or right in rem of any kind, other than in favor of the Goverment, which at any time exists or arises in connection with work done or materials furnished under this contract with respect to the machinery, fittings, equipment, or materials for any of the vessels. If any such lien or right in rem is not immediately discharged, the Government may discharge or cause to be discharged such lien or right at the expense of the Contractor.

§ 12–7.5601–13 Federal, State, and local taxes.

Insert the clause set forth in FPR 1–11.401–1(c).

§ 12–7.5601–14 Default.

DEFAULT

(a) The Government may, subject to the provisions of paragraph (b) below, by written Notice of Default to the Contractor, terminate the whole or any part of the contract in any one of the following circumstances:

(1) If the Contractor fails to make delivery of the supplies or to perform the services within the time specified in the contract or any extension thereof; or

(2) If the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of the contract in accordance with its terms.

(b) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if any failure to perform arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to perform the contract within the time specified therein.

(c) In the event the Government terminates the contract in whole or in part as provided in paragraph (a) of this clause, the Government may, upon such terms and in such manner as the Contracting Officer may deem appropriate, arrange for the completion of the work so terminated, at such plant or plants, including that of the Contractor, as may be designated by the Contracting Officer: *Provided*, That the Contractor shall continue the performance of the contract to the extent not terminated under the provisions of this clause. If the work is to be completed at the plant, the Government may use all tools, machinery, facilities and equipment of the Contractor determined by the Contracting Officer to be necessary for that purpose. If the cost to the Government of the work procured or completed (after adjusting such cost to exclude the effect of change in the plans and specifications made subsequent to the date of termination) exceeds the price fixed for work under the contract (after adjusting such price on account of changes in the plans and specifications made prior to the date of termination), the Contractor, or his surety, if any, shall be liable for such excess.

(d) If the contract is terminated in whole or in part as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer; (1) any completed supplies, and (2) such partially completed supplies and materials, parts, tools, dies, jigs, fixtures, plans, drawings, information and contract rights (hereinafter called "manufacturing materials") as the Contractor has specifically produced or specifically acquired for the performance of such part of the contract as has been terminated; and the Contractor shall, upon direction of the Contracting Office, protect and preserve property in possession of the Contractor in which the Government has an interest. The Government shall pay to the Contractor the contract price for completed items of work delivered to and accepted by the Government, and the amount agreed upon by the Contractor and the Contracting Officer for manufacturing materials delivered to and accepted by the Government, and for the protection and preservation of property. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes".

(e) If, after notice of termination of the contract under the provisions of paragraph (a) of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall be the same as if the notice of termination has been issued pursuant to the clause of this contract entitled "Termination for Convenience of the Government".

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

§ 12–7.5601–15 Delays.

DELAYS

When during the performance of this contract, the Contractor is required to delay work on a vessel temporarily, due to orders or actions of the Government respecting stoppage of work to permit shifting the vessel, stoppage of hot work to permit bunkering, stoppage of work due to embarking or debarking passengers and loading or discharging cargo, and the Contractor is not given sufficient advance notice or is otherwise unable to avoid the incurring of additional costs on account thereof, an equitable adjustment shall be made in the price of the contract pursuant to the "Changes" clause.

§ 12–7.5601–16 Termination for convenience of the Government.

(a) Insert the clause set forth in FPR 1–8.705–2 in contracts not exceeding $10,000.

(b) Insert the clause set forth in FPR 1–8.703 in contracts exceeding $10,000.

§ 12–7.5601–17 Disputes.

Insert the clause set forth in FPR 1–7.101–12.

§ 12–7.5601–18 Patent indemnity.

PATENT INDEMNITY

(This clause shall apply if the amount of this contract is in excess of $5,000.)

The Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of performance of this contract, or out of the use or disposal by or for the account of the Government of replacement, repair, or component parts thereof furnished under the contract. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to: (1) an infringement resulting from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; (ii) an infringement resulting from addition to, or change in, such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

§ 12–7.5601–19 Authorization and consent.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent (without prejudice to its rights of indemnification if such rights are provided for in this contract) for all use and manufacture, in the performance of this contract or any part thereof or any amendment thereto or any subcontract thereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under a contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of the contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The Contractor's entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the patent indemnity clause included in this contract and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

§ 12–7.5601–20 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in FPR 1–7.101–13 under the condition described therein.

§ 12–7.5601–21 Buy American Act.

Insert the clause set forth in FPR 1–6.104–5.

§ 12–7.5601–22 Convict labor.

Insert the clause set forth in FPR 1–12.203.

§ 12–7.5601–23 Contract Work Hours and Safety Standards Act—Overtime compensation.

Insert the clause set forth in FPR 1–12.303.

§ 12–7.5601–24 Walsh-Healey Public Contracts Act.

Insert the clause set forth in FPR 1–12.605.

§ 12–7.5601–25 Department of Labor Safety and Health Regulations for Ship Repairing.

DEPARTMENT OF LABOR SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

Attention of the Contractor is directed to Public Law 85–742, approved August 23, 1958 (72 Stat. 835, 33 U.S.C. 941), amending section 41 of the Longshoremen's and Harbor Worker's Compensation Act and to the Safety and Health Regulations for Ship Repairing promulgated thereunder by the Secretary of Labor (29 C.F.R., Subtitle A, Part 8). These regulations apply to all ship repair and related work, as defined in the regulations, performed under this contract on the navigable waters of the United States including any drydock or marine railway. Nothing contained in this contract shall be construed as relieving the Contractor from any obligations which it may have for compliance with the aforesaid regulations.

§ 12–7.5601–26 Equal opportunity.

Insert the clause set forth in FPR 1–12.803–2.

§ 12–7.5601–27 Officials not to benefit.

Insert the clause set forth in FPR 1–7.101–19.

§ 12–7.5601–28 Covenant against contingent fees.

Insert the clause set forth in FPR 1–1.503.

§ 12–7.5601–29 Additional bond security.

Insert the clause set forth in FPR 1–7.101–9.

§ 12–7.5601–30 Interpretation or modification.

Insert the clause set forth in DOTPR 12–7.150–4.

§ 12–7.5601–31 Notice of delays.

Insert the clause set forth in DOTPR 12–7.150–9.

§ 12–7.5601–32 Gratuities.

Insert the clause set forth in DOTPR 12–7.150–1.

§ 12–7.5601–33 Examination of records.

Insert the clause set forth in FPR 1–7.101–10.

§ 12–7.5601–34 Utilization of small business concerns.

Insert the clause set forth in FPR 1–1.710–3(a).

§ 12–7.5601–35 Utilization of labor surplus area concerns.

Insert the clause set forth in FPR 1–1.805–3(a) under the conditions described therein.

§ 12–7.5601–36 Assignment of claims.

Insert the clause set forth in FPR 1–30.703.

§ 12–7.5601–37 Definitions.

Insert the clause set forth in FPR 1–7.101–1.

§ 12–7.5602 Clauses to be used when applicable.

The following clauses shall be included in the contract when their use is appropriate. Other clauses may be used if considered essential and not inconsistent with or in limitation of clauses in this subpart.

§ 12–7.5602–1 Price reduction for defective cost or pricing data.

Insert the appropriate clause set forth in FPR 1–3.814–1 under the conditions described therein.

§ 12–7.5602–2 Audit and records.

Insert the appropriate clause set forth in FPR 1–3.814–2 under the conditions described therein.

§ 12–7.5602–3 Subcontractor cost and pricing data.

Insert the appropriate clause set forth in FPR 1–3.814–3 under the conditions described therein.

§ 12–7.5602–4 Military security requirements.

Insert the clause set forth in ASPR 7–104.12 under the conditions and in the manner prescribed in DOTPR 12–1.351.

§ 12–7.5602–5 Guaranty.

(a) The clause set forth below shall be used where general guaranty provisions are deemed desirable by the contracting officer (for modifications see paragraph (b) of this section).

GUARANTY

In case any work done or materials furnished by the Contractor under this contract on or for any vessel or the equipment thereof shall, within 60 days from date of delivery of the vessel by the Contractor, prove defective or deficient, such defects or deficiencies shall, as required by the Government, be corrected and repaired by the Contractor or at his expense to the satisfaction of the Contracting Officer: *Provided, however,* That with respect to any individual work item incomplete at the delivery of the vessel the guarantee period shall run from the date of completion of such item. The Government shall, if and when practicable, afford the Contractor an opportunity to effect such corrections and repairs himself, but when, because of conditions or the location of the vessel or for any other reason, it is impracticable or undesirable to return it to the Contractor, or the Contractor fails to proceed promptly with any such repairs as directed by the Contracting Officer, such corrections and repairs shall be effected at the Contractor's expense at such other locations as the Government may determine. Where corrections and repairs are to be effected by other than the Contractor, due to nonreturn of the vessel to him, the Contractor's liability may be discharged by an equitable deduction in the price of the job. The Contractor's liability under this clause shall, however, in no event extend beyond the correction of such defects or deficiencies or payment for the cost thereof: *Provided, however,* That nothing in this clause shall be deemed to limit or relieve the Contractor of his responsibilities as set forth in the clause entitled "Liability and Insurance" and the clause entitled "Inspection" of this contract. At the option of the Contracting Officer, defects and deficiencies may be left in their then condition, and an equitable deduction from the contract price, as agreed by the Contractor and Contracting Officer, shall be made therefore. If the Contractor and Contracting Officer fail to agree upon the equitable deduction from the contract price to be made, the dispute shall be determined as provided in the "Disputes" clause of this contract.

(b) When inspection and acceptance tests will afford full protection to the Government in ascertaining conformance to specification and the absence of defects and deficiencies, no guaranty provision for that purpose shall be included in the contract. In certain instances, the contracting officer may desire to include a provision in a contract for a guaranty period of more than 60 days. In such instances, where after full inquiry, it has been determined that such longer guaranty period will not involve increased costs, the longer guaranty period may be substituted for the 60 days specified in the guaranty clause. Where the full inquiry discloses that such longer guaranty period will involve, or is reasonably expected to involve, increased costs, such fact, and the reason for the need of such longer period shall be set forth in letter form to the Commandant (F), requesting approval for use of a guaranty period in excess of 60 days.

§ 12–7.506–6 Priorities, allocations, and allotments.

Insert the clause prescribed in DOTPR 12–7.150–3.

§ 12–7.5602–7 Index for specifications.

Insert the following clause, when appropriate.

INDEX FOR SPECIFICATIONS

If an index or table of contents is furnished in connection with specifications, it is understood that such index or table of contents is for convenience only. Its accuracy and completeness is not guaranteed, and it is not to be considered as part of the specifications. In case of discrepancy between the index or table of contents and the specifications, the specifications shall govern.

PART 12–9—PATENTS, DATA, COPYRIGHTS, AND RECOVERY OF DEVELOPMENTAL COSTS

Sec.
12–9.6000 Scope of part.
12–9.6001 Descriptions of terms.
12–9.6001–1 Patents.
12–9.6001–2 Data.
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Subpart 12–9.61—Patents

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12–9.6101 Introduction.
12–9.6102 Patent rights (title).
12–9.6103 Patent rights, license.
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12–9.6105–1 Contract clause.
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12–9.6107 Patent indemnification of Government by contractor.
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Subpart 12–9.62—Recovery of Developmental Costs

12–9.6200 Scope of subpart.
12–9.6201 General.
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Subpart 12–9.63—Rights in Data

12–9.6300 Scope of subpart.
12–9.6301 Rights in data.
12–9.6301–1 Selection of appropriate rights in data clause.
12–9.6301–2 Alteration of clause.
12–9.6302 Rights in data—unlimited contract clause.
12–9.6303 Rights in data—title contract clause.

§ 12–9.6000 Scope of part.

This part sets forth policies, instructions, and contract clauses pertaining to patents, data, copyrights, and the recovery of developmental costs, in connection with the procurement of supplies and services.

§ 12–9.6001 Descriptions of terms.

§ 12–9.6001–1 Patents.

Patents are rights in inventions, protected by Federal law in the case of those issued in the United States. A patent is a Government grant that lasts for 17 years. During that time it gives the inventor, or his assignee, the right to exclude anyone else from making, using, or selling the patented invention. The patent holder thus has a property right, which is, in effect, a monopoly. He may sell or assign the patent; he may grant licenses to practice the invention; and, if his patent is infringed, he is protected by law. He may obtain an injunction restraining the infringement, against anyone but the Government or persons acting on behalf of the Government, and he may also receive damages from anyone (including the Government under 28 U.S.C. 1498(a)) for the economic injury already sustained.

§ 12–9.6001–2 Data.

(a) The term "data" means recorded information, whether or not copyrighted, that may be acquired with a procurement. The term includes graphic or pictorial delineations in media such as drawings or photographs; text in specifications or related performance or design-type documents; machine forms such as punched cards, magnetic tape, computer memory printouts; and information retained in computer memory. Examples of recorded information include, but are not limited to, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information.

(b) The owner of "data" may have an economic interest in intellectual property rights such as a copyright or a trade secret. If the data is copyrighted, it is protected by law. The owner may restrain copyright infringement by obtaining an injunction against anyone but the Government or persons acting on behalf of the Government, and he may also receive damages from anyone (including the Government under 28 U.S.C. 1498(b)) for the economic injury already sustained. In the case of trade secrets, the owner's rights are governed by the contractual relationship between him and the person to whom he discloses it (28 U.S.C. 1498 does not apply to trade secrets).

§ 12–9.6002 DOT policy on data, patent rights, and recovery of developmental costs.

It is DOT policy in negotiating contracts under which the Government pays a part or all of the costs of research or development, to acquire for the benefit of the United States, rights to data and patent rights, based on the criteria set forth in the Presidential Memorandum and Statement of Government Patent Policy, and to recover the Government's contribution toward such research and development through royalties to the Government upon commercial exploitation of the products developed.

Subpart 12–9.61—Patents

§ 12–9.6100 Scope of subpart.

This subpart prescribes contract clauses and instructions for their use.

§ 12–9.6101 Introduction.

On October 10, 1963, the President promulgated a Statement of Government Patent Policy applicable to all executive departments and agencies (28 F.R. 10943–10946, October 12, 1963). This regulation implements the criteria set forth in the Presidential statement. This statement is set forth in full text below. Essentially, the goal of the Statement of Government Patent Policy is to promote the development of inventions resulting from federally sponsored research, so that the public can benefit from early use of such inventions. The statement identifies three basic categories of procurement situations in which the use of three different patent rights clauses will best serve this goal. In a first category of procurement situations, the goal of the policy will be best served by the Government's acquiring title to the inventions. In such situations, the free availability of the patent to the public is considered the best way to promote its development and use. In the second category, the policy statement calls for the contractor or grantee to obtain title to the resulting patent, subject to a license in the Government. In such a situation, the normal incentives provided by the patent system are considered to be necessary to insure that the inventions will be exploited and developed. In the third category, the decision on patent rights is deferred until the invention is disclosed. This may be necessary where the proper action is not clear at the time of contracting. The statement also provides for situations where the contractor can obtain greater rights than a nonexclusive license at the time of contracting if there are exceptional circumstances or after an invention has been identified if certain criteria are satisfied.

MEMORANDUM OF OCTOBER 10, 1963

(GOVERNMENT PATENT POLICY)

Memorandum for the Heads of Executive Departments and Agencies:

Over the years, through Executive and Legislative actions, a variety of practices has developed within the Executive Branch affecting the disposition of rights to inventions made under contracts with outside organizations. It is not feasible to have complete uniformity of practice throughout the Government in view of the differing missions and statutory responsibilities of the several departments and agencies engaged in research and development. Nevertheless, there is need for greater consistency in agency practices in order to further the governmental and public interests in promoting the utilitization of federally financed inventions and to avoid difficulties caused by different approaches by the agencies when dealing with the same class of organizations in comparable patent situations.

From the extensive and fruitful national discussions of government patent practices, significant common ground has come into view. First, a single presumption of ownership does not provide a satisfactory basis for governmentwide policy on the allocation of rights to inventions. Another common ground of understanding is that the Government has a responsibility to foster the fullest exploitation of the inventions for the public benefit.

Attached for your guidance is a statement of Government patent policy, which I have approved, identifying common objectives and criteria and setting forth the minimum rights that Government agencies should acquire with regard to inventions made under their grants and contracts. This statement of policy seeks to protect the public interest by encouraging the Government to acquire the principal rights to inventions in situations where the nature of the work to be undertaken or the Government's past investment in the field of work favors full public access to resulting inventions. On the other hand, the policy recognizes that the public interest might also be served by according exclusive commercial rights to the contractor in situations where the contractor has an established nongovernmental commercial position and where there is greater likelihood that the invention would be worked and put into civilian use than would be the case if the invention were made more freely available.

Wherever the contractor retains more than a nonexclusive license, the policy would guard against failure to practice the invention by requiring that the contractor take effective steps within 3 years after the patent issues to bring the invention to the point of practical application or to make it available for licensing on reasonable terms. The Government would also have the right to insist on the granting of a license to others to the extent that the invention is required for public use by governmental regulations or to fulfill a health need, irrespective of the purpose of the contract.

The attached statement of policy will be reviewed after a reasonable period of trial in light of the facts and experience accumulated. Accordingly, there should be continuing efforts to monitor, record, and evaluate the practices of the agencies pursuant to the policy guidelines.

This memorandum and the statement of policy shall be published in the FEDERAL REGISTER.

JOHN F. KENNEDY.

STATEMENT OF GOVERNMENT PATENT POLICY

BASIC CONSIDERATIONS

A. The Government expends large sums for the conduct of research and development which results in a considerable number of inventions and discoveries.

B. The inventions in scientific and technological fields resulting from work performed under Government contracts constitute a valuable national resource.

C. The use and practice of these inventions and discoveries should stimulate inventors, meet the needs of the Government, recognize the equities of the contractor, and serve the public interest.

D. The public interest in a dynamic and efficient economy requires that efforts be made to encourage the expeditious development and civilian use of these inventions. Both the need for incentives to draw forth private initiatives to this end, and the need to promote healthy competition in industry must be weighed in the disposition of patent rights unuer Government contracts. Where exclusive rights are acquired by the contractor, he remains subject to the provisions of the antitrust laws.

E. The public interest is also served by sharing of benefits of Government-financed research and development with foreign countries to a degree consistent with our international programs and with the objectives of U.S. foreign policy.

F. There is growing importance attaching to the acquisition of foreign patent rights in furtherance of the interests of U.S. industry and the Government.

G. The prudent administration of Government research and development calls for a governmentwide policy on the disposition of inventions made under Government contracts reflecting common principles and objectives, to the extent consistent with the missions of the respective agencies. The policy must recognize the need for flexibility to accommodate special situations.

POLICY

SECTION 1. The following basic policy is established for all Government agencies with respect to inventions or discoveries made in the course of or under any contract of any Government agency, subject to specific statutes governing the disposition of patent rights of certain government agencies.

(a) Where

(1) a principal purpose of the contract is to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations; or

(2) a principal purpose of the contract is for exploration into fields which directly concern the public health or public welfare; or

(3) the contract is in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position; or

(4) the services of the contractor are

(i) for the operation of a Government-owned research or production facility; or

(ii) for coordinating and directing the work of others, the Government shall normally acquire or reserve the right to acquire the principal or exclusive rights throughout the world in and to any inventions made in the course of or under the contract. In exceptional circumstances the contractor may acquire greater rights than a nonexclusive

license at the time of contracting, where the head of the department or agency certifies that such action will best serve the public interest. Greater rights may also be acquired by the contractor after the invention has been identified, where the invention when made in the course of or under the contract is not a primary object of the contract, provided the acquisition of such greater rights is consistent with the intent of this section 1(a) and is a necessary incentive to call forth private risk capital and expenses to bring the invention to the point of practical application.

(b) In other situations, where the purpose of the contract is to build upon existing knowledge or technology to develop information, products, processes, or methods for use by the Government, and the work called for by the contract is in a field of technology in which the contractor has acquired technical competence (demonstrated by factors such as knowhow, experience, and patent position) directly related to an area in which the contractor has an established nongovernmental commercial position, the contractor shall normally acquire the principal or exclusive rights throughout the world in and to any resulting inventions, subject to the Government's acquiring at least an irrevocable nonexclusive royalty free license throughout the world for governmental purposes.

(c) Where the commercial interests of the contractor are not sufficiently established to be covered by the criteria specified in section 1(b) above, the determination of rights shall be made by the agency after the invention has been identified, in a manner deemed most likely to serve the public interest as expressed in this policy statement, taking particularly into account the intentions of the contractor to bring the invention to the point of commercial application and the guidelines of section 1(a) hereof: *Provided*, That the agency may prescribe by regulation special situations where the public intereat in the availability of the inventions would best be served by permittting the contractor to acquire at the time of contracting greater rights than a nonexclusive license. In any case the Government shall acquire at least a nonexclusive royalty free license throughout the world for governmental purposes.

(d) In the situation specified in sections 1(b) and 1(c), when two or more potential contractors are judged to have presented proposals of equivalent merit, willingness to grant the Government principal or exclusive rights in resulting inventions will be an additional factor in the evaluation of the proposals.

(e) Where the principal or exclusive (except as against the Government) rights in an invention remain in the contractor, he should agree to provide written reports at reasonable intervals, when requested by the Government, on the commercial use that is being made or is intended to be made of inventions made under Government contracts.

(f) Where the principal or exclusive (except as against the Government) rights in an invention remain in the contractor, unless the contractor, his licensee, or his assignee has taken effective steps within 3 years after a patent issues on the invention to bring the invention to the point of practical application or has made the invention available for licensing royalty free or on terms that are reasonable in the circumstances, or can show cause why he should retain the principal or exclusive rights for a further period of time, the Government shall have the right to require the granting of a license to an applicant on a nonexclusive royalty free basis.

(g) Where the principal or exclusive (except as against the Government) rights to an invention are acquired by the contractor, the Government shall have the right to require the granting of a license to an applicant royalty free or on terms that are reasonable in the circumstances to the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill health needs, or for other public purposes stipulated in the contract.

(h) Where the Government may acquire the principal rights and does not elect to secure a patent in a foreign country, the contractor may file and retain the principal or exclusive foreign rights subject to retention by the Government of at least a royalty free license for governmental purposes and on behalf of any foreign government pursuant to any existing or future treaty or agreement with the United States.

SEC. 2. Government-owned patents shall be made available and the technological advances covered thereby brought into being in the shortest time possible through dedication of licensing and shall be listed in official Government publications or otherwise.

SEC. 3. The Federal Council for Science and Technology in consultation with the Department of Justice shall prepare at least annually a report concerning the effectiveness of this policy, including recommendations for revision or modification as necessary in light of the practices and determinations of the agencies in the disposition of patent rights under their contract. A patent advisory panel is to be established under the Federal Council for Science and Technology to

(a) develop by mutual consultation and coordination with the agencies common guidelines for the implementation of this policy, consistent with existing statutes, and to provide overall guidance as to disposition of inventions and patents in which the Government has any right or interest; and

(b) encourage the acquisition of data by Government agencies on the disposition of patent rights to inventions resulting from federally financed research and development and on the use and practice of such inventions, to serve as basis for policy review and development; and

(c) make recommendations for advancing the use and exploitation of Government-owned domestic and foreign patents.

SEC. 4. *Definitions:* As used in this policy statement, the stated terms in singular and plural are defined as follows for the purpose hereof:

(a) Government agency—include any Executive department, independent commission, board, office, agency, administration, authority, or other Government establishment of the Executive Branch of the Government of the United States of America.

(b) "Invention" or "Invention or discovery"—includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

(c) Contractor—means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to the contract.

(d) Contract—means any actual or proposed contract, agreement, grant, or other arrangement, or sub-contract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(e) "Made"—when used in relation to any invention or discovery means the conception or first actual reduction to practice of such invention in the course of or under the contract.

(f) Governmental purpose—means the right of the Government of the United States (including any agency thereof, State, or domestic municipal government) to practice and have practiced (made or have made, used or have used, sold or have sold) throughout the world by or on behalf of the Government of the United States.

(g) "To the point of practical application"—means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(F.R. Doc. 63-10868; Filed, Oct. 11, 1963; 9:21 a.m.)

§ 12-9.6102 Patent rights (title).

(a) The Government shall normally acquire or reserve the right to acquire the principal or exclusive rights throughout the world in and to any inventions made in the course of or under a contract where:

(1) A principal purpose of the contract is to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations; or

(2) A principal purpose of the contract is for exploration into fields which directly concern the public health or public welfare (e.g., safety and weather modification or control), or

(3) The contract is in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position; or

(4) The services of the contractor are

(i) for the operation of a Government-owned research or production facility; or

(ii) for coordinating and directing the work of others.

(b) The "Pre-award Patent Rights Documentation Checklist" set forth below shall be used in determining the appropriate Patent Rights clause to be incorporated in a request for proposals in procurements involving experimental, developmental, or research work. The Checklist shall be made a part of the contract file.

PRE-AWARD PATENT RIGHTS DOCUMENTATION CHECKLIST

(Authorized for Local Reproduction)

Procurement Identification:----------

Purpose of Proposed Procurement:----------

1. Is a principal purpose of the proposed contract, either by itself or as one of a series of directly related contracts, to create, develop or improve an end item intended for use in the civilian economy? * (See DOTPR 12-9.6102(a)(1).) Yes ____ No ____

* The contract or series of contracts need not necessarily require delivery of the end item. The end item may be a product, a process or data.

If "Yes," identify the end item and briefly describe its intended use in the civilian economy.

2. Is a principal purpose of the proposed contract, either by itself, or as one of a series of directly related contracts to create, develop or improve an end item which will be required for use by the general public by a Government regulation? Yes ____ No ____

If "Yes," identify the end item and cite applicable regulation. (See DOTPR 12-9.6102(a)(1).)

3. Is a principal purpose of the contract exploration into a field directly concerned with public health or public welfare (as distinguished from items predominantly of military concern? ** (See DOTPR 12-9.6102(a)(ii).) Yes ____ No ____

If "Yes", identify such principal purpose of the contract and briefly describe its relationship to the public health or public welfare.

4. Is the contract for procurement in a field of science or technology in which there has been little significant experience outside of work funded by the Government?*** (See DOTPR 12-9.6102(a)(iii).) Yes____ No____

If "Yes", briefly describe such field.

5. Is the contract for procurement in a field of science or technology in which the Government has been the principal developer of the field?*** (See DOTPR 12-9.6102(a)(iii).) Yes____ No____

If "Yes", briefly describe such field.

6. If the answer to either 4 or 5 is "Yes", would the contractor be likely to get a preferred or dominant commercial position in that field if he were permitted to acquire title to inventions made under the contract? (See DOTPR 12-9.6102(a)(iii).) Yes____ No____

Explain the answer.

7. Does the contract require that the contractor both (i) provide services for operation of a Government-owned research or production facility and (ii) perform experimental, developmental or research work at that facility? (See DOTPR 12-9.6102(a)(iv)(A).) Yes____ No____

8. Does the contract require the contractor to coordinate and direct the work of others (as distinguished from the normal contractor-subcontractor relationship) which might result in a potential organizational conflict of interest? (See DOTPR 12-9.6102(a)(iv)(B).) Yes____ No____

If "Yes", explain briefly why such a potential conflict of interest is considered to exist.

(Typed Name, Office, and Signature of Person Completing This Form)

The Patent Rights (Title) Clause, DOTPR 12-9.6102(c), will____ will not____ be used in the solicitation. (Give reasons for determination.)

(Typed Name and Signature of Contracting Officer or Representative)

(c) Insert the following clause in contracts if any one of the criteria in (a) is present. It may be included in other contracts where appropriate. There is no exemption from patent rights requirements for research or development contracts to be performed overseas. However, the clause shall be reviewed with counsel to determine whether modifications are required to meet any differences in foreign procurement.

PATENT RIGHTS (TITLE)

(a) Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived or for the first time actually reduced to practice, by the Contractor or his employees, in the course of, in connection with, or under the terms of this contract, the Contractor shall immediately give the Contracting Officer written notice thereof; and shall promptly thereafter furnish the Contracting Officer with complete information thereon; and the Secretary shall have the sole and exclusive power to determine whether or not and where a patent application shall be filed, and to determine the disposition of all rights in such invention, improvement, or discovery, including title to and rights under any patent application or patent that may issue thereon. The determination of the Secretary on all these matters shall be accepted as final and the provisions of the clause of this contract entitled "Disputes" shall not apply; and the Contractor agrees that he will, and warrants that all of his employees who may be the inventors will, execute all documents and do all things necessary or proper to the effectuation of such determination.

(b) Except as otherwise authorized in writing by the Contracting Officer, the Contractor shall obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will have no access to technical data.

(c) Except as otherwise authorized in writing by the Contracting Officer, the Contractor will insert in each subcontract having design, test, experimental, developmental, or research work as one of its purposes, provisions making this clause applicable to the subcontractor and his employees.

(d) If the Government obtains patent rights pursuant to this clause of this contract, the Contractor shall be offered license rights thereto on terms at least as favorable as those offered to any other firm.

(e) Whenever any invention, improvement, or discovery relating to the work called for or required under this contract is constructively reduced to practice by the Contractor or his employees, during the period of performance of this contract, there shall be a prima facie presumption that such invention, improvement, or discovery was conceived or first actually reduced to practice in the course of, in connection with, or under the terms of this contract, and the Contractor shall immediately notify the Contracting Officer and submit the information required in paragraph (a) above. The Contractor shall have the burden of proving to the Contracting Officer that any such invention was not conceived or first actually reduced to practice in the course of, in connection with, or under the terms of this contract. If the Contractor fails to meet this burden, such inventions will be subject to all of the provisions of this clause.

(f) In the event no inventions, improvements, or discoveries (whether or not patentable) are made or conceived, or for the first time actually reduced to practice, by the Contractor, its employees, its subcontractors, or their employees, in the course of, in connection with, or under the terms of this contract, the Contractor shall so certify to the Contracting Officer, no later than the date on which the final report of work done, is due.

(g)(1) Final payment under this contract shall not be made before the Contractor delivers to the Contracting Officer all the documents required by (a) or the certification required by (f), whichever applies.

(2) If at any time before final payment under this contract, the Contractor fails to deliver the documents required by (a) or the certification required by (f), the Contracting Officer shall withhold from payment $50,000 or five percent (5%) of the amount of this contract, whichever is less (or whatever lesser sum is available if payments have exceeded ninety-five percent (95%) of the amount of this contract) until the Contractor corrects all such failures.

(3) After payments total eighty percent (80%) of the amount of this contract, and if no amount is required to be withheld under (2) above, the Contracting Officer may, if he deems such action warranted because of the Contractor's performance under the Patent Rights clause of this contract or other known Government contracts, withhold from payment such sum as he considers appropriate not exceeding $50,000 or five percent (5%), of the amount of this contract, whichever is less, to be held as a reserve until the Contractor delivers the documents or certification specified in (1) above. Subject to the five percent (5%) or $50,000 limitation, the sum withheld under this subparagraph (3) may be increased or decreased from time to time at the discretion of the Contracting Officer.

(4) No amount shall be withheld under this paragraph (g) while the amount specified by this paragraph is being withheld under other provisions of this contract. The total amount withheld under (1), (2), and (3) above shall not exceed $50,000 or five percent (5%), of the amount of this contract, whichever is less. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract. This paragraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provision of a subcontract. As used in this paragraph (g), "this contract" means "this contract as from time to time amended." In cost-type contracts, "amount of contract" means "estimated cost of this contract."

(h) If the Contractor is permitted to file patent applications pursuant to this clause of this contract, the following statement shall be included within the first paragraph of the specification of any such patent application or patent:

"The invention described herein was made in the course of, or under, a contract (or grant) with the Department of Transportation."

§ 12-9.6103 Patent rights, license.

(a) Where all three of the following conditions exist:

(1) The contract does not fall into any of the categories specified in § 12-9.6102;

(2) The purpose of the contract is to build upon existing knowledge or technology to develop information, products, processes, or methods for use by the Government, and

(3) The work called for by the contract is in a field of technology in which the contractor has acquired technical competence (demonstrated by factors such as knowhow, experience, and patent position) directly related to an area in which the contractor has an established non-governmental commercial position—

the contractor shall normally acquire the principal or exclusive rights throughout

** Examples in the public welfare category would include safety and weather modification or control.

*** The mere fact that the Government has been or is the principal funder or developer of a specific piece of hardware does not necessarily make the Government the principal funder or developer in a field of science or technology which encompasses the piece of hardware.

the world in and to any resulting inventions, subject to the Government's acquiring at least an irrevocable nonexclusive royalty-free license throughout the world for Government purposes.

(b) *Patent rights (license) clause.* Where the contracting officer has determined that the proposed contract does not come within any of the criteria of § 12–9.6102(a), but does come within § 12–9.6103(a), he shall include the following clause in the contract. This clause provides for the contractor to retain title to "subject inventions" and for the Government to acquire a royalty-free license and the additional right to grant sublicenses.

PATENT RIGHTS (LICENSE)

(a) *Definitions Used in this Clause.*

(1) *Subject invention* means any invention or discovery, whether or not patentable, conceived or first actually reduced to practice in the course of or under this contract. The term "subject invention" includes, but is not limited to, any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

(2) *Governmental purpose* means the right of the Government of the United States (including any agency thereof, State, or domestic municipal government) to practice and have practiced (make or have made, use or have used, sell or have sold) any subject invention throughout the world by or on behalf of the Government of the United States (including any agency thereof, State, or domestic municipal government).

(3) *Contract* means any contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(4) *Subcontract and subcontractor* mean any subcontract or subcontractor of the Contractor, any lower-tier subcontract or subcontractor under this contract.

(5) *To bring to the point of practical application* means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine or system and, in each case, under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(b) *Rights granted to the Government.*

(1) The Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, and royalty-free license to practice and have practiced each subject invention (made by the Contractor) throughout the world for Government purposes, and including the practice of each such subject invention (i) in the manufacture, use, and disposition of any article or material, (ii) in the use of any method, or (iii) in the performance of any service, acquired by or for the Government or with funds derived through the Military Assistance Program of the Government or funds otherwise derived through the Government.

(2) The Contractor further agrees to grant, upon the request of the Government, a license under any subject invention (made by the Contractor) to:

(i) Any applicant on a nonexclusive, royalty-free basis, unless the Contractor, his licensee, or his assignee demonstrates to the Government, at its request, that effective steps have been taken within 3 years after a patent issues on such invention, to bring the invention to the point of practical application or that the invention has been made available for licensing royalty-free or on terms that are reasonable in the circumstances, or can show cause why the principal or exclusive rights should be retained for a further period of time;

(ii) Any applicant royalty-free or on terms that are reasonable in the circumstances to the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill health needs, or for other public purposes stipulated in the schedule of this contract.

Nothing contained in this Patent Rights clause shall be deemed to grant any rights with respect to any invention other than a subject invention.

(c) *Invention disclosures and reports.* With respect to subject inventions (made by the Contractor), except those which are obviously unpatentable under the patent laws of the United States, the Contractor shall furnish to the Contracting Officer:

(i) A written disclosure of each such invention within six (6) months after conception or first actual reduction to practice, whichever occurs first under this contract, sufficiently complete in technical detail to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, or electrical characteristics of the invention, together with a written statement making an election as to whether a United States patent application claiming the invention will be filed by or on behalf of the Contractor: *Provided,* Where the Contractor elects to file but is unable to submit a complete disclosure, the Contractor shall within said six (6) months' period submit a disclosure which includes all such technical detail then known to him and shall, within six (6) months after his election to file (or such longer period as may be authorized by the Contracting Officer under (d) (1) below), submit all other technical detail necessary to complete the disclosure or a copy of the patent application;

(ii) Interim reports at least every twelve (12) months, the initial period of which shall commence with the date of this contract, each report listing all such inventions conceived or first actually reduced to practice more than six (6) months prior to date of the report and not listed on a prior interim report, or certifying that there are no such unreported inventions;

(iii) Prior to final settlement of this contract, a final report listing all such inventions including all those previously listed in interim reports, or certifying that there are no such unreported inventions (This Final Report and any Interim Report under (ii) above shall be submitted in a format acceptable to the Contracting Officer.); and

(iv) Written reports at reasonable intervals, prior to and after final settlement, when requested by the Government as to:

(A) The commercial use that is being made or is intended to be made of such invention;

(B) The steps taken by the Contractor to bring the invention to the point of practical application, or to make the invention available for licensing.

(d) *Domestic filing.* In connection with each subject invention referred to in (c) (i) above:

(i) If the Contractor has elected to file a United States patent application claiming such invention, the Contractor shall, within six (6) months after the election (or such longer period, not to exceed one (1) year after such election, as may be authorized by the Contracting Officer), file or cause to be filed such application in due form, shall notify the Contracting Officer of such filing, and shall deliver to the Contracting Officer, within two (2) months after such filing or within two (2) months of the first written disclosure of such invention if a patent application previously has been filed, a duly executed license, in triplicate, fully confirmatory of all rights to which the Government is entitled under this clause; if the Contractor does not file or cause to be filed such application, he shall so notify the Contracting Officer within the six (6) month period or such longer period as may be authorized above.

(ii) The following statement shall be included within the first paragraph of the specification of any patent application filed and any patent issued on an invention which was made under a Government contract or subcontract thereunder: "The invention described herein was made in the course of, or under, a contract (or grant) with the Department of Transportation."

(iii) If the Contractor has elected not to file or to cause to be filed a United States patent application claiming such invention, or has made the contrary election but has not filed or caused to be filed such application within six (6) months after the election, or such longer period as may be authorized above, the Contractor shall:

(A) Inform the Contracting Officer in writing, as soon as practicable, of the date and identity of any public use, or publication of such invention made by or known to the Contractor or of any contemplated publication by the Contractor;

(B) Upon written request, convey to the Government the Contractor's entire right, title and interest in such invention by delivering to the Contracting Officer such duly executed instruments (prepared by the Government) of assignment and application, and such other papers as are deemed necessary to vest in the Government the entire right, title, and interest aforesaid, and the right to apply for and prosecute patent applications covering such invention throughout the world, subject to the reservation of a nonexclusive and royalty-free license to the Contractor (and to his existing and future associated and affiliated companies, if any, within the corporate structure of which the Contractor is a part), which license shall be assignable to the successor of that part of the Contractor's business to which such invention pertains;

(iv) The Contractor shall furnish promptly to the Contracting Officer on request an irrevocable power of attorney to inspect and make copies of each United States patent application filed by or on behalf of the Contractor covering any such invention; and

(v) In the event the Contractor, or those other than the Government deriving rights from the Contractor, elects not to continue prosecution of any such United States Patent application filed by or on behalf of the Contractor, the Contractor shall so notify the Contracting Officer not less than sixty (60) days before the expiration of the response period and, upon written requests, deliver to the Contracting Officer such duly executed instruments (prepared by the Government) as are deemed necessary to vest in the Government the entire right, title, and interest in such invention and the application, subject to the reservation as specified in paragraph (d) (iii) (B) of this clause.

(e) *Foreign filing.* The Contractor, or those other than the Government deriving rights from the Contractor, shall as between the parties hereto, have the exclusive right, subject to the rights of the Government under paragraph (b) of this clause, to file application on subject inventions (made by the Contractor) in each foreign country within:

(i) Nine (9) months from the date a corresponding United States application is filed, or nine (9) months from the date the Contractor discloses a subject invention under paragraph (c) (i) above with an election not to file a United States application;

(ii) Six (6) months from the date permission is granted to file foreign applications where such filing had been prohibited for security reasons; or

(iii) Such longer period as may be approved by the Contracting Officer.

The Contractor shall notify the Contracting Officer of each foreign application filed and, upon written request of the Contracting Officer, furnish an English translation of such foreign application, and convey to the Government the entire right, title, and interest in each such subject invention in each foreign country in which an application has not been filed within the time above specified, subject to the reservation as specified in paragraph (d) (iii) (B) of this clause.

(f) *Withholding of payment.*—(1) Final payment under this contract shall not be made before the Contractor delivers to the Contracting Officer the final report required by (c) (iii), all written invention disclosures required by (c) (i), all confirmatory licenses required by (d) (i), and all information as to subcontracts required by (g).

(2) If at any time before final payment under this contract the Contractor fails to deliver an interim report required by (c) (ii), a written invention disclosure required by (c) (i), or a confirmatory license required by (d) (i), the Contracting Officer shall withhold from payment $50,000 or five percent (5%) of the amount of this contract whichever is less (or whatever lesser sum is available if payments have exceeded ninety-five percent (95%) of the amount of this contract) until the Contractor corrects all such failures.

(3) After payments total eighty percent (80%) of the amount of this contract, and if no amount is required to be withheld under (2) above, the Contracting Officer may, if he deems such action warranted because of the Contractor's performance under the Patent Rights clause of this contract or other known Government contracts, withhold from payment such sum as he considers appropriate, not exceeding $50,000 or five percent (5%), of the amount of this contract, whichever is less, to be held as a reserve until the Contractor delivers all the reports, disclosures, licenses, and information specified in (1) above. Subject to the five percent (5%) or $50,000 limitation, the sum withheld under this subparagraph (3) may be increased or decreased from time to time at the discretion of the Contracting Officer.

(4) No amount shall be withheld under this paragraph (f) while the amount specified by this paragraph is being withheld under other provisions of this contract. The total amount withheld under (1), (2), and (3) above shall not exceed $50,000 or five percent (5%) of the amount of this contract whichever is less. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract. This paragraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provision of a subcontract. As used in this paragraph (f), "this contract" means "this contract as from time to time amended." In cost-type contracts, "amount of this contract" means "estimated cost of this contract".

(g) *Subcontracts*—(1) The Contractor shall, unless otherwise authorized or directed by the Contracting Officer, include a patent rights clause containing all of the provisions of this Patent Rights clause except provision (f) in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental, or research work. In the event of refusal by a subcontractor to accept this Patent Rights clause, the Contractor—

(i) Shall promptly submit a written report to the Contracting Officer setting forth the subcontractor's reason for such refusal or the reasons the Contractor is of the opinion that the inclusion of this clause would be so inconsistent, and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

The Contractor shall not, in any subcontract or by using such a subcontract as consideration therefor, acquire any rights to subject inventions for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Government in the performance of this contract). Reports, instruments, and other information required to be furnished by a subcontractor to the Contracting Officer under the provisions of such a patent rights clause in a subcontract hereunder may, upon mutual consent of the Contractor and subcontractor (or by direction of the Contracting Officer) be furnished to the Contractor for transmission to the Contracting Officer.

(2) The Contractor, at the earliest practicable date, shall also notify the Contracting Officer in writing of any subcontract containing a patent rights clause, furnish to the Contracting Officer a copy of such subcontract, and notify him when such subcontract is completed. It is understood that the Government is a third party beneficiary of any subcontract clause granting rights to the Government in subject inventions, and the Contractor hereby assigns to the Government all the rights that he would have to enforce the subcontractor's obligations for the benefit of the Government with respect to subject inventions. If there are no subcontracts containing patent rights clauses, a negative report is required. The Contractor shall not be obligated to enforce the agreements of any subcontractor hereunder relating to the obligations of the subcontractor to the Government in regard to subject inventions.

(h) *Licenses granted by Contractor to others subject to Government's rights.* The Contractor recognizes that the Government, or a foreign government with funds derived through the Military Assistance Program or otherwise through the United States Government, may contract for property or services with respect to which the vendor may be liable to the Contractor for royalties for the use of a subject invention on account of such a contract. The Contractor further recognizes that it is the policy of the Government not to pay in connection with its contracts, or to allow to be paid in connection with contracts made with funds derived through the Military Assistance Program or otherwise through the U.S. Government, charges for use of patents in which the Government holds a royalty-free license. In recognition of this policy, the Contractor agrees to participate in and make appropriate arrangements for the exclusion of such charges from such contracts or for the refund of amounts received by the Contractor with respect to any such charges not so excluded.

(i) *Rights to disclose subject inventions.* The Government may duplicate and disclose reports and disclosures of subject inventions required to be furnished by the Contractor or a subcontractor pursuant to his Patent Rights Clause.

(j) *Forfeiture of rights in unreported subject inventions.* The Contractor shall forfeit to the Government all rights in any subject invention which he fails to report to the Contracting Officer at or prior to the time he (i) files or causes to be filed a United States or foreign application thereon, or (ii) submits the final report required by (c) (iii) of this clause, whichever is later, *Provided,* That the Contractor shall not forfeit rights in a subject invention if (A) contending that the invention is not a subject invention, he nevertheless reports the invention and all facts pertinent to his contention to the Contracting Officer within the time specified in (i) or (ii) above, or (B) he establishes that the failure to report was due entirely to causes beyond his control and without his fault or negligence. The Contractor shall be deemed to hold any such forfeited subject invention, and the patent applications and patents pertaining thereto, in trust for the Government pending written assignment of the invention. The rights accruing to the Government under this paragraph shall be in addition to and shall not supersede any other rights which the Government may have in relation to unreported subject inventions. Nothing contained herein shall be construed to require the Contractor to report any invention which is not in fact a subject invention.

(k) *Examination of records relating to inventions.* The Contracting Officer or his authorized representative shall, until the expiration of three (3) years after final payment under this contract, have the right to examine any books, records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative shall reasonably deem directly pertinent to the discovery or identification of subject invention or to compliance by the Contractor with the requirements of this clause.

§ 12–9.6104 Patent rights, deferred.

(a) *General.* Where the commercial interests of the contractor are not sufficiently established to be covered by the criteria specified in § 12–9.6103, the final determination of rights shall be made after the invention has been identified, in a manner deemed most likely to serve the public interest, taking particularly into account the intentions of the contractor to bring the invention to a point of commercial application and the guidelines of § 12–9.6102.

(b) *Patent Rights (Deferred) clause.* Where the contracting officer has determined that the proposed contract comes within § 12–9.6104, he shall include in the contract the Patent Rights (Title) clause set forth in § 12–9.6102 above, except that the name of the clause shall be changed to "Patent Rights (Deferred)" and the following paragraph (i) shall be added. This paragraph prescribes the manner in which the Contractor can request greater rights than a nonexclusive license.

(i) *Contractor's request for greater rights.* The Contractor at the time of disclosing a subject invention pursuant to paragraph (a) of this clause, but not later than three (3) months thereafter, may submit in writing to the Contracting Officer, a request for greater rights in such invention that the license provided for in paragraph (d) of this clause. Each such request shall include, but not be limited to, information concerning the Contractor's invention and plan to bring the invention to the point of commercial application. The Contracting Officer shall review the request for greater rights, and shall forward it with such comments or additional information as he believes necessary fully to pre-

sent the request, to cognizant patent counsel. Patent counsel will review the request and the Contracting Officer's comments, and forward them with a recommendation covering whether and to what extent the request should be granted, to the Secretary or his designee. The Contracting Officer shall notify the Contractor of the Secretary's decision.

§ 12–9.6105 Background patents (license).

(a) Insert the clause in 12–9.6105–1 below in all contracts requiring the Patent Rights clause in 12–96102 or 12–9.6104.

(b) Insert the clause in supply contracts when the Department buys the product for test or evaluation purposes and where, as a result of the Government's efforts, a commercial market for the product may be created or enhanced.

(c) The clause need not be used in supply contracts:

(1) Where the product to be tested (or evaluated) is substantially complete for the commercial purpose for which it is being tested (or evaluated), or

(2) Where the prospective contractor's monetary contribution to the program resulting in the development of the hardware is substantially greater than the Government's monetary contribution, or

(3) Where the commercial market for the product existed prior to, or will not be created primarily as a result of, the Government's test or evaluation.

(d) The Contracting Officer may alter the clause to suit a particular situation. However, any such alteration must accord with DOT policy requiring, whenever investment of public funds in a program which may create or enhance the market for a product required in the interest of public health, safety, or welfare, that the Government receive assurance that the product will be available at reasonable prices, and in sufficient quantity and quality to meet the public needs. To this end, the contractor must agree to license the manufacture and sale of any such product under any patents under which he has the right to grant such licenses, such license to be restricted to use on products to which the contract relates.

§ 12–9.6105–1 Contract clause.

BACKGROUND PATENTS (LICENSE)

(a) "Product" as used herein means a process, machine, article of manufacture, or composition of matter the same as, or substantially the same as, that worked on under the contract.

(b) "Background patent" as used herein means any United States patent, under which the Contractor has the right to license others, and which covers the manufacture, use or sale of any product.

(c) When the Secretary determines:

(1) That a product is required by members of the public in the interest of the public health, safety, or welfare; and

(2) That neither the Contractor, nor any other person deriving rights from his patents, has produced the product at a reasonable price, in sufficient quantity, and at a level of quality to meet public needs;

the Contractor shall, on written application, issue appropriate licenses to others under any Background Patent on reasonable terms, such licenses to be restricted to the production, sale, and use of the product.

(d) When the Secretary has made the determination set forth in (c) above, the Contractor (or those deriving rights from the Contractor) shall not seek injunctive relief to enforce a Background Patent without:

(1) Previously advising the General Counsel, Office of the Secretary, Department of Transportation;

(2) Granting the Government the right to intervene in the injunction proceeding; and

(3) Disclosing the commitment set out in this clause to the court from which the injunction is sought.

§ 12–9.6106 Authorization and consent.

(a) Under 28 U.S.C. 1498, any suit for infringement of a U.S. patent based on the manufacture or use by or for the United States of an invention described in and covered by a patent of the United States by a contractor or by a subcontractor (including lower-tier subcontractors) can be maintained only against the Government in the Court of Claims and not against the contractor or subcontractor, in those cases where the Government has authorized or consented to the manufacture or use of the patented invention. Accordingly, to insure that work by a contractor or subcontractor under a Government contract may not be enjoined by reason of patent infringement, authorization and consent shall be given as herein provided. The liability of the Government for damages in any such suit against it may, however, ultimately be borne by the contractor or subcontractor in accordance with the terms of any patent indemnity clause also included in the contract, and an authorization and consent clause does not detract from any patent indemnification commitment by the contractor or subcontractor. Therefore, both a patent indemnity clause and an authorization and consent clause may be included in the same contract.

(b) Contracts shall not include any provision whereby the Government expressly agrees to indemnify the contractor against liability for patent infringement.

(c) An authorization and consent clause shall not be used in contracts where both complete performance and delivery are to be used outside the United States, its possessions, or Puerto Rico.

§ 12–9.6106–1 Authorization and consent in contracts for supplies or services.

The contract clause set forth below may be included in all contracts for supplies or services (including construction or architect-engineering work), except:

(a) When prohibited by § 12–9.6106(c); or

(b) In contracts for experimental developmental, or research work in which the clause of § 12–9.6106–2 is required.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent (without prejudice to any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance.

§ 12–9.6106–2 Authorization and consent in contracts for research and development.

Greater latitude in the use of patented inventions may be necessary in a contract for experimental, developmental, or research work than in a contract for supplies. Unless prohibited by § 12–9.6106(c), the clause set forth below shall be included in all contracts calling exclusively for experimental, developmental, or research work, and may be included in contracts calling for both supplies and experimental, developmental, or research work where the latter work is a primary purpose of the contract. In all other contracts for both supplies and experimental, developmental, or research work, the Authorization and Consent clause of § 12–9.6106–1 shall be used. If the clause set forth below is included in a contract, the clause in § 12–9.6106–1 shall not be included.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

§ 12–9.6107 Patent indemnification of Government by contractor.

In order that the Government may be reimbursed for liability for patent infringement arising out of or resulting from the performance of construction contracts or contracts for supplies which normally are or have been sold or offered for sale to the public in the commercial open market or which are the same as such supplies with a relatively minor modification thereof, a clause providing for indemnification of the Government is to be included in such contracts in accordance with the instructions, set forth below. A patent indemnity clause shall not be used in contracts:

(a) Where the Authorization and Consent clause of § 12–9.6106–2 applicable to research and development contracts is authorized, except that in contracts calling also for supplies of the kind described above, a patent indemnity clause may be used with respect to such supplies;

(b) Where the contract is for supplies which clearly are not or have not been sold or offered for sale to the public in the commercial open market. However, even in the foregoing instance, a patent indemnity clause may be included where: (1) In the case of contracts to be awarded by formal advertising it is desired to obtain an indemnity as to specific components or spare parts so sold or offered for sale, in which case the clause shall be modified pursuant to § 12–9.6107–1(b); or (2) in the case of contracts to be awarded either by formal advertising or negotiation, a patent owner contends that the prospective procurement would infringe his patent and the low bidder or offeror is willing to indemnify the Government as to such patent either (i) without increase in price on the basis that the patent is invalid or not infringed, or (ii) for other good reasons;

(c) Where both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possessions, or Puerto Rico, which case the instructions of § 12–9.6107–1 or 12–9.6107–3 are applicable; or

(d) Where the contract is for an amount of 5,000 or less, except that, as a matter of administrative convenience, the clause need not be deleted where it is a part of a standard form being used for contracts of $5,000 or less, since it is self-deleting as to such contracts.

§ 12–9.6107–1 Patent indemnification in formally advertised contracts—commercial status predetermined.

(a) Except as prohibited by § 12–9.6107, the clause set forth below is appropriate in formally advertised construction contracts and shall be included in formally advertised contracts for supplies when it has been determined in advance of issuing the invitation for bids that the supplies (or such supplies apart from relatively minor modifications to be made thereto) normally are or have been sold or offered for sale by any supplier to the public in the commercial open market.

PATENT INDEMNITY

If the amount of this contract is in excess of $5,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any U.S. letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government of such supplies or construction work. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to: (i) an infringement resulting from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; (ii) an infringement resulting from addition to, or change in, such supplies or components furnished or construction work performed which addition or charge was made subsequent to delivery or performance by the Contractor; or (iii) a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

(b) Where a supply contract calls in part for specific components or spare parts which normally are or have been sold or offered for sale by any supplier to the public in the commercial open market, or such items with relatively minor modifications, the Patent Indemnity clause of (a) above shall be modified by adding to the end of the clause either of the following sentences:

The foregoing shall not apply to the following: (Specifically identify the items to be excluded from the Patent Indemnity clause).

or

The foregoing shall apply only to the following: (Specifically identify the items to which the Patent Indemnity clause applies).

§ 12–9.6107–2 Patent indemnification in negotiated contracts.

A patent indemnity clause is not required to be included in negotiated contracts, but may be included (i) in negotiated construction contracts, (ii) as authorized in § 12–9.6107(b)(2), and (iii) in negotiated contracts for supplies where such supplies normally are or have been sold or offered for sale to the public in the commercial open market, or are such supplies with relatively minor modifications made thereto. Ordinarily, the contracting officer, in consultation with the contractor, should be able to determine whether the supplies being purchased normally are on sale or have been sold or offered for sale to the public in the commercial open market.

(a) Subject to the foregoing and to the prohibitions in § 12–9.6107, the clause set forth in § 12–9.6107–1(a) is approved for use in negotiated contracts for construction work or supplies.

(b) Where a supply contract calls in part for specific components or spare parts which normally are or have been sold or offered for sale to the public in the commercial open market, or such items with relatively minor modifications, the patent indemnity clause of § 12–9.6107–1(a) shall be modified by adding to the end of the clause either of the following sentences: "The foregoing shall not apply to the following: (Specifically identify the items to be excluded from the Patent Indemnity clause)."

or

"The foregoing shall apply only to the following: (Specifically identify the items to which the Patent Indemnity clause applies)."

§ 12–9.6107–3 Waiver of indemnity by the Government.

In the event that it is desired to exempt one or more specified U.S. patents from the patent indemnity clause of § 12–9.6107–1, authority shall first be obtained from the head of the agency and the following clause shall be included in the contract, in addition to the patent indemnity clause.

WAIVER OF INDEMNITY

Any provision of this contract to the contrary notwithstanding, the Government hereby authorizes and consents to the use and manufacture, solely in the performance of this contract, of any invention covered by the U.S. patents identified and listed below, and waives indemnification by the Contractor with respect to such patents: (Identify the patents by number or by other means if more appropriate).

§ 12–9.6108 Notice and assistance.

The Government should be notified by the contractor of all claims of infringement in connection with the performance of a Government contract which come to the contractor's attention. The contractor should also assist the Government, to the extent of evidence and information in the possession of the contractor, in connection with any suit against the Government, or any claims against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of or resulting from the performance of the contract. Accordingly, the clause set forth in FPR 1–7.101–13 shall be included in all contracts in excess of $10,000 for supplies, construction, or experimental, developmental, or research work: *Provided*, That the clause shall not be included in contracts:

(a) Where both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possessions, or Puerto Rico; or

(b) Of $10,000 or less, except that as a matter of administrative convenience, the clause need not be deleted when it is a part of a standard form being used for such contracts, since it is self-deleting.

§ 12–9.6109 Classified contracts.

Unauthorized disclosure of classified subject matter, whether in patent applications or resulting from the issuance of a patent, may be a violation of 18 U.S.C. 791 et seq. (Espionage and Censorship) and related statutes and may be contrary to the interests of national security. Accordingly, except as otherwise provided in § 12–9.6109–2, the following clause shall be included in every classified contract and every contract which covers or is likely to cover classified subject matter.

FILING OF PATENT APPLICATIONS

(a) Before filing or causing to be filed a patent application in the United States disclosing any subject matter of this contract, which subject matter is classified "Secret" or higher, the Contractor shall, citing the thirty (30) day provision below, transmit the proposed application to the Contracting Officer for determination whether, for reasons of national security, such application should be placed under an order of secrecy or sealed in accordance with the provisions of 35 U.S.C. 181–188 or the issuance of a patent should be otherwise delayed under pertinent U.S. statutes or regulations; and the Contractor shall observe any instructions of the Contracting Officer with respect to the manner of delivery of the patent application to the U.S. Patent Office for filing, but the Contractor shall not be denied the right to file such patent application. If the Contracting Officer shall not have given any such instructions within thirty (30) days from the date of mailing or other transmittal of the proposed application, the Contractor may file the application.

(b) The Contractor shall furnish to the Contracting Officer, at the time of or prior to the time when the Contractor files or causes to be filed a patent application in the United States disclosing any subject matter of this contract, which subject matter is classified "Confidential", a copy of such application for determination whether, for reasons of national security, such application should be placed under an order of secrecy or the issuance of a patent should be otherwise delayed under pertinent U.S. statutes or regulations.

(c) Where the subject matter of this contract is classified for reasons of security, the Contractor shall not file, or cause to be filed in any country, other than in the United States as provided in (a) and (b) of this clause, an application or registration for a

patent containing any of said subject matter without first obtaining written approval of the Contracting Officer.

(d) When filing any patent application coming within the scope of this clause, the Contractor shall observe all applicable security regulations covering the transmission of classified subject matter, and shall also promptly furnish to the Contracting Officer the serial number, filing date, and name of country of any such patent application. When transmitting the application to the U.S. Patent Office, the Contractor shall by separate letter identify by agency and number the contract or contracts which require security classification markings to be placed on the application.

(e) The substance of this clause shall be included in all subcontracts which cover or are likely to cover classified subject matter.

§ 12–9.6109–1 Classified contracts—contracting officer's duties.

(a) Upon receipt from the contractor of a patent application, not yet filed, which has been submitted by the contractor in compliance with paragraphs (a) or (b) of the clause in § 12–9.6109, the contracting officer shall ascertain the proper security classification of the patent application. Upon a determination that the application contains classified material, the contracting officer shall inform the contractor of any instructions deemed necessary or advisable relating to transmittal of the application to the U.S. Patent Office in accordance with procedures in the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information. If the material is classified "Secret" or higher, the contracting officer shall make every effort to notify the contractor of the determination within 30 days pursuant to paragraph (a) of the clause.

(b) In the case of all applications filed under the provisions of this paragraph, the contracting officer, upon receiving the application serial number, the filing date, and the information furnished by the contractor under paragraph (d) of the clause, shall promptly submit that information to personnel having cognizance of patent matters in order that necessary steps may be taken to insure the security of the application.

(c) A request for the approval referred to in paragraph (c) of the clause in § 12–9.6109 must be considered and acted upon promptly in order to avoid the loss of valuable patent rights of the Government or the contractor.

§ 12–9.6110 Register of Government rights in inventions.

(a) Licenses, assignments, or other documents evidencing any rights of the Government in inventions shall be reviewed to assure that each such document fully confirms the rights to which the Government is entitled.

(b) The original and a copy of each such document shall be forwarded to the activity designated by administration regulations for receiving such documents. This latter activity shall forward the originals of all licenses, assignments, or other documents evidencing any rights of the Government in or under any patents or applications for patents to the Commissioner of Patents for recording in accordance with Executive Order No. 9424 of February 18, 1944.

§ 12–9.6111 Reporting of royalties—anticipated or paid.

(a) (1) The term "royalties", as used in this section, refers to any costs or charges in the nature of royalties, license fees, patent or license amortization costs, or the like, for the use of or for rights in patents or patent applications.

(2) To determine whether royalties anticipated or actually paid under Government contracts are excessive, improper, or inconsistent with rights which the Government may possess in particular inventions, patents, or patent applications, the Department shall require royalty information and reports as prescribed below. See § 12–9.6113 for action to be taken to reduce or eliminate excessive or improper royalties.

(3) Royalty information should not be required in formally advertised contracts. When it is expected that work may be performed in the United States, its possessions, or Puerto Rico, any solicitation which may result in a negotiated contract for which royalty information is desired, or for which cost or pricing data are obtained, shall contain a special provision substantially as follows:

ROYALTY INFORMATION

When the response to this solicitation contains costs or charges for royalties totaling more than $250, the following information shall be furnished with the offer, proposal, or quotation on each separate item of royalty or license fee:

(i) name and address of licensor;
(ii) date of license agreement;
(iii) patent numbers, patent application serial numbers or other basis on which the royalty is payable;
(iv) brief description, including any part or model numbers of each contract item or component on which the royalty is payable;
(v) percentage or dollar rate of royalty per unit;
(vi) unit price or contract item;
(vii) number of units; and
(viii) total dollar amount of royalties.

DD Form 783, Royalty Report, is approved for use in furnishing the above information. In addition, if specifically requested by the Contracting Officer prior to execution of the contract, a copy of the current license agreement and identification of applicable claims of specific patents shall be furnished.

(b) If the work is to be performed in the United States, its possessions or Puerto Rico, then upon receipt of an offer, proposal, or quotation which includes a charge for royalties, the contracting officer shall, prior to award of the contract, forward the information called for by paragraph (a) of this section—to the office having cognizance of patent matters for the procuring activity concerned. The cognizant office shall promptly advise the contracting officer of appropriate action. The contracting officer shall then take action with respect to such royalties, with due regard to all pertinent factors relating to the proposed procurement.

(c) Where subcontract work is to be performed in the United States, its possessions, or Puerto Rico, the contracting officer, when considering approval of a subcontract, shall require the same information and take the same action with respect to such subcontracts in relation to royalties as required for prime contracts under (b) above. However, approval need not be withheld pending receipt of advice in regard to such royalties from the office having cognizance of patent matters.

(d) (1) In negotiated contracts to be performed outside the United States, its possessions and Puerto Rico, regardless of the place of delivery, the clause set forth below shall be included.

REPORTING OF ROYALTIES (FOREIGN)

(a) If this contract is in an amount which exceeds fifty thousand U.S. dollars ($50,000), the Contractor shall report in writing to the Contracting Officer during the performance of this contract the amount of royalties paid or to be paid by the contractor directly to others in the performance of this contract. The Contractor shall also (i) furnish in writing any additional information relating to such royalties as may be requested by the Contracting Officer, and (ii) insert a provision similar to this clause in any subcontract hereunder which involves an amount in excess of the equivalent of fifty thousand U.S. dollars ($50,000).

(b) The term "royalties" as used herein refers to any costs or charges in the nature of royalties, license fees, patent or license amortization costs, or the like for the use of or for rights in patents or patent applications.

(2) The contracting officer shall forward a copy of each positive royalty report received in accordance with the clause in (1) above to the office having cognizance of patent matters for the procuring activity concerned.

§ 12–9.6112 Refund of royalties.

When a fixed-price-type contract is negotiated under circumstances which make it questionable whether or not substantial amounts of royalties will have to be paid by the contractor or his subcontractors, such royalties may be included in the target or contract price, with provision made in the contract that the Government will be reimbursed the amount of such royalties if they are not paid. Such cirmcustances might include, for example, either a pending anti-trust action by the Government or pending or prospective litigation challenging the validity of a patent or patents or the enforceability of an agreement upon which the contractor or subcontractor bases the asserted obligation to pay the royalties to be included in the target or contract price. In the event the contracting officer determines that a refund of royalties clause should be included, the following clause shall be used in firm fixed-price contracts. It shall be appropriately modified for use in incentive contracts.

REFUND OF ROYALTIES

(a) The contract price includes certain amounts for royalties payable by the Contractor or subcontractors or both, which amounts have been reported to the Contracting Officer.

(b) The term "royalties" as used in this clause refers to any costs or charges in the nature of royalties, license fees, patent or license amortization costs, or the like, for the use or for rights in patents and patent applications in connection with the performsuch notice shall be sent to the Contracting Officer.

(c) The Contractor shall furnish to the Contracting Officer, before final payment under this contract, a statement of royalties paid or required to be paid in connection with the performance of this contract and subcontracts hereunder together with the reasons therefor.

(d) The Contractor will be compensated for royalties reported under paragraph (c) of this section only to the extent that such royalties were included in the contract price and are determined by the Contracting Officer to be properly chargeable to the Government and allocable to the contract. Therefore, to the extent that any royalties which are included in the contract price are not in fact paid by the Contractor or are determined by the Contracting Officer not to be properly chargeable to the Government and allocable to the contract, the contract price shall be reduced. Repayment or credit to the Government shall be made as the Contracting Officer directs.

(e) If, at any time within three (3) years subsequent to final payment under this contract, the Contractor for any reason is relieved in whole or in part from the payment of the royalties included in the final contract price as adjusted pursuant to paragraph (d) of this section, the Contractor shall promptly notify the Contracting Officer of that fact and shall reimburse the Government in a corresponding amount.

(f) The substance of this clause, including this paragraph (f), shall be included in any subcontract in which the amount of royalties reported during negotiation of the subcontract exceeds two hundred and fifty dollars ($250).

§ 12–9.6113 Adjustment of royalties.

(a) If at any time the contracing officer has reason to believe that any royalties paid, or to be paid, under an existing or prospective contract or subcontract are inconsistent with Government rights, excessive, or otherwise improper, he shall promptly report the facts to the office having cognizance of patent matters for the procuring activity concerned. The cognizant office shall review the royalties thus reported and such royalties as are reported under § 12–9.6111 and § 12–9.6112. In coordination with the contracting officer, the cognizant office shall:

(1) Take prompt action to protect the Government against payment of royalties on supplies or services (i) with respect to which the Government has a royalty-free license, or (ii) at a rate in excess of the rate at which the Government is licensed, or (iii) when the royalties in whole or in part otherwise constitute an improper charge; and

(2) In appropriate cases obtain a refund pursuant to a "Refund of Royalties" clause or enter into negotiation for a reduction of royalties.

Subpart 12–9.62—Recovery of Development Costs

§ 12–9.6200 Scope of subpart.

This subpart prescribes a Recovery of Developmental Costs clause and sets forth instructions for its use.

§ 12–9.6201 General.

(a) It is DOT policy to recover the Department's contributions toward research and development through royalties to the Government upon commercial exploitation of the products developed thereby. To carry out this policy, the contract clause set forth in § 12–9.6202 (b) shall be inserted in the contract in accordance with the instructions for its use. However, royalties are not paid unless the commercial product developed under the contract is profitably sold. Also, royalties cannot be so high as to price the product out of the market and the royalties cease when the Government gets its money back.

(b) This development cost recovery program is based, first, on the established Government policy, that, where a direct beneficiary of a Government action can be identified, that beneficiary, and not the general taxpayer, should pay the cost of providing the benefit conferred. When a product developed with Government funds is sold, there are two identifiable beneficiaries—the user and the company that makes the sale. The royalty program gets the cost back to the general taxpayer from these beneficiaries.

(c) A second justification for the program is the need to protect the developing company's competitors. When the Government provides support to the development of a commercial product, the company that gets the development contract is given an advantage over its competitors who might have to develop a competing product with their own funds. These competitors have to spread their development costs over the sales of their product. With the Government paying his development costs, the original development contractor generally has very little development costs to recover. This could put the company helped by the Government in a position to make an unconscionably high profit, to undersell his competitors, or prevent them from entering the market. None of these results seems a fair or reasonably by-product of a Government-financed development effort.

§ 12–9.6202 Recovery of developmental costs.

(a) *Instructions for use of clause.* Insert the clause set forth in paragraph (b) of this section in all contracts for design, research, development, test, or experimental work where a product (e.g., equipment or other items of hardware) is to be furnished as an end item. It may be included in other contracts as appropriate. The contracting officer may alter the clause to suit a particular situation. However, any such alterations must be in accordance with the policy set forth in § 12–9.6002.

(b) *Contract clause.*

RECOVERY OF DEVELOPMENTAL COSTS

(a) As may be determined by the Contracting Officer to be fair, reasonable and equitable, the Contractor shall pay to the Government up to 5 percent of sums hereafter received by or credited to the Contractor or its privies (including subcontractors) on sales of leases (exclusive of sales or leases to the U.S. Government, either directly or indirectly through Government prime Contractors or subcontractors) of any product which is substantially the same in design as, or which is directly derived from that developed by the Contractor or any of its subcontractors in the performance of this contract.

(b) In selling or leasing the product identified in paragraph (a) above to the Government, either directly or indirectly through Government prime Contractors or subcontractors, the Contractor or its privies (including subcontractors) shall notify the purchaser or lessee in writing that the product was developed under a Department of Transportation contract containing a Recovery of Developmental Costs clause and that the purchase or lease price of such product is less than the price of such product when sold or leased to others than the Government by an amount no less than the Government's share under the Recovery of Development Costs clause. A copy of each such notice shall be sent to the Contracting Officer.

(c) As may be determined by the Contracting Officer to be fair, reasonable, and equitable, the Contractor shall also pay to the Government up to 33 percent of all sums hereafter received by, or credited to, the Contractor or its privies (including subcontractors) as payments under technical agreements permitting others (1) to sell, lease, or manufacture the product identified in paragraph (a) of this section, or (2) to use any process which is substantially the same as, or which is directly derived from, that developed by the Contractor or any of its subcontractors in the performance of this contract.

(d) Recovery by the Government under this clause shall be limited to amounts paid and credited to the Contractor under this contract. Payments to the Government under this clause shall not be so high as to destroy the Contractor's competitive position for the product involved, provided that the product is otherwise reasonably priced and efficiently and economically produced.

(e) The Contractor shall report to the Government all sales, leases, licensing agreements, royalties and receipts, which might reasonably be considered to be subject to this clause; and the Contractor shall promptly render accurate, certified accounts thereon to the Government at reasonable intervals.

Subpart 12–9.63—Rights in Data

§ 12–9.6300 Scope of subpart.

This subpart prescribes Rights in Data clauses and sets forth instructions for their use.

§ 12–9.6301 Rights in data.

Insert the contract clause set forth in § 12–9.6302 or § 12–9.6303 below in accordance with § 12–9.6301–1.

§ 12–9.6301–1 Selection of appropriate rights in data clause.

(a) *Rights in data—unlimited.* The "Rights in Data—Unlimited" clause set forth in § 12–9.6302 shall be used where data (other than financial reports, cost analyses, and similar information incidental to contract administration) is specified to be delivered under the contract and such data is incidental to or a by-product of the contract.

(b) *Rights in data—title.* (1) The "Rights in Data—Title" clause set forth in § 12–9.6303 is recommended for use in contracts where data (other than that incidental to contract administration) is specified to be delivered under the con-

tract and the preparation of such data is the principal object or end item of the contract. Examples of contracts in which the use of this clause is recommended are contracts for: (i) the production of motion pictures with or without accompanying sound; (ii) the preparation of motion picture scripts, musical compositions, sound tracks, translations, and the like; (iii) work pertaining to training or career guidance; (iv) survey of Government establishments; (v) works pertaining to the instructions or guidance of Government officers and employees in the discharge of their official duties; and (vi) study contracts in which the principal end item is a final report.

(2) When the "Rights in Data—Title" clause is used in research contracts with academic institutions, the last sentence of paragraph (b) shall be deleted from the clause.

§ 12–9.6301–2 Alteration of clause.

In particular situations, the contracting officer may alter either of the Data clauses set forth below. In all cases, however, the contracting officer shall obtain the advice of cognizant patent counsel before approving any such alteration.

§ 12–9.6302 Rights in data—unlimited contract clause.

RIGHTS IN DATA—UNLIMITED

(a) The term "subject data" as used herein means recorded information, whether or not copyrighted, that is delivered or specified to be delivered under this contract. The term includes graphic or pictorial delineations in media such as drawings or photographs; text in specifications or related performance or design-type documents; machine forms such as punched cards, magnetic tape, or computer memory printouts; and information retained in computer memory. Examples include, but are not limited to, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. The term does not include financial reports, cost analyses, and similar information incidental to contract administration.

(b)(1) The Government may duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others to so do, all subject data delivered under this contract.

(2) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, non-exclusive, irrevocable license throughout the world, to publish, translate, deliver, perform, dispose of, and to authorize others to so do, all subject data now or hereafter covered by copyright.

(3) The Contractor shall report to the Contracting Officer promptly and in reasonably written detail, each notice or claim of copyright infringement with respect to all subject data delivered under this contract.

(c) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(d) The Contractor shall not affix any restrictive markings upon any subject data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate or ignore any such markings.

§ 12–9.6303 Rights in data-title contract clause.

RIGHTS IN DATA-TITLE

(a) The term "subject data" as used herein means recorded information, whether or not copyrighted, that is delivered or specified to be delivered under this contract. The term includes graphic or pictorial delineations in media such as drawings or photographs; text in specifications or related performance or design-type documents; machine forms such as punched cards, magnetic tape, or computer memory printouts; and information retained in computer memory. Examples include, but are not limited to, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. The term does not include financial reports, cost analyses, and similar information incidental to contract administration.

(b) All "subject data" first produced in the performance of this contract shall be the sole property of the Government. The Contractor agrees not to assert any rights at common law or equity and not to establish any claim to statutory copyright in such data. Except for his own internal use, the Contractor shall not publish or reproduce such data in whole or in part, or in any manner or form, nor authorize others so to do, without the written consent of the Government until such time as the Government may have released such data to the Public.

(c) The Contractor agrees to grant and does hereby grant to the Government and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive, and irrevocable license throughout the world (1) to publish, translate, reproduce, deliver, perform, use, and dispose of, in any manner, any and all data not first produced or composed in the performance of this contract but which is incorporated in the work furnished under this contract; and (2) to authorize others so to do.

(d) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents and employees acting within the scope of their official duties against any liability, including costs and expenses, (1) for violation of proprietary rights, copyrights or right of privacy, arising out of the publication, translation, reproduction, delivery performance, use, or disposition of any data furnished under this contract, or (2) based upon any libelous or other unlawful matter contained in such data.

(e) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) Paragraphs (c) and (d) above are not applicable to material furnished to the Contractor by the Government and incorporated in the work furnished under the contract: *Provided*, such incorporated material is identified by the Contractor at the time of delivery of such work.

PART 12–10—BONDS AND INSURANCE

Subpart 12–10.1—Bonds

Sec.
12–10.109 Execution and administration of bonds.

Subpart 12–10.2—Sureties on Bonds

12–10.205 Consent of surety.

Subpart 12–10.3—Insurance—General

12–10.305 Procedures to be followed in the event of loss or damage to Government property.

Subpart 12–10.4—Insurance Under Fixed-Price Contracts

12–10.400 Scope of subpart.
12–10.450 Contracts for lease of aircraft clause.
12–10.450–1 Loss or damage to leased aircraft clause.
12–10.450–2 Fair market value of aircraft clause.
12–10.450–3 Risks and indemnities.

Subpart 12–10.1—Bonds

§ 12–10.109 Execution and administration of bonds.

(a) *Execution.* When required by Instruction No. 2 of the standard bond forms, the evidence of authority of a principal's representative shall be a duly executed power of attorney reciting that the individual excuting the bond or consent of surety is authorized to do so. A corporation, in lieu of such power of attorney, may submit a "Certificate as to Corporate Principal" in the format prescribed in (c) of this section.

(b) *Administration.* When a contractor is performing his contract in such a manner as to lead to default, timely notification to the surety may result in action by the surety that will avoid a default. Therefore, on all such contracts, the surety shall be promptly notified of any failure by the contractor to perform (see FPR 1–8.602–4(a)).

(c) *Certificate as to Corporate Principal.* When a Certificate as to Corporate Principal is to be furnished, the following format shall be used:

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____, certify that I am
(Name printed)
the _____ of the corporation
(Office held)
named as principal in the (performance) (and) (payment) bond(s); that _____ who signed the said bond(s) on behalf of the principal was then _____
(Capacity in which bond was executed)
of said corporation; that I know his signature and that his signature thereto is genuine; and that said bond(s) was (were) duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

_____(Affix Corporate Seal)

(d) *Name of principal.* When a partnership is a principal on a bond, the names of all the members of the firm shall be listed in the bond, following the name of the firm and the phrase "a partnership composed of." If a principal is a corporation, the State of incorporation must appear.

(e) *Date of bond.* A performance or payment bond other than an annual bond shall not antedate the contract to which it pertains.

(f) *Continuation sheet.* The Standard Form 25–B (Continuation Sheet) is prescribed for use when there are more than seven sureties on a bid, performance, or payment bond. It shall also be used when there are cosureties on an annual bid or performance bond.

(g) *Recording and filing.* Bonds shall be filed with the related original contract or the contract file shall be cross-referenced to the file containing the applicable bonds.

Subpart 12–10.2—Sureties on Bonds

§ 12–10.205 Consent of surety.

The following form of Consent of Surety and Increase of Penalty is authorized for contract modifications to all types of contracts that provide for an increase in the penal sums of bonds previously given by the original surety or sureties.

CONSENT OF SURETY AND INCREASE OF PENALTY

Modification No. _____, dated _____, Contract No. _____.

The surety (cosureties) hereby consents (consent) to the foregoing contract modification and agrees (agree) that its (their) bond or bonds shall apply and extend to the contract as thereby modified or amended. The principal and the surety (cosureties) further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by _____ dollars ($_____) and the penalty of the aforementioned payment bond or bonds is hereby increased by _____ dollars ($_____): *Provided, however,* That the increase of the liability of each cosurety resulting from this consent shall not exceed the sums set forth below:

Name of surety	Increase in liability limit under performance bond	Increase in liability limit under payment bond

(SEAL) Date of Execution: _____

_____
(Signature of Individual Principal) *
_____
(Type Name of Individual Principal)
_____
(Business Address)

_____ Date of Execution: _____
(Corporate Principal) *
_____
_____
(Business Address)
By_____ (Affix) (Corporate) (Seal)
(Signature of Person Executing)
_____
(Type Name and Title of Person Executing)

*This Consent of Surety and Increase of Penalty shall be executed by the principal or his authorized representative concurrent with the execution of the attached modification to which it pertains. If the individual who signs the consent is signing in a representative capacity (e.g., attorney in fact), but is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved a Power of Attorney or Certificate as to Corporate Principal, as appropriate, shall be submitted with the consent.

_____
_____
(Corporate Surety)
_____
(Business Address)
By_____ (Affix) (Corporate) (Seal)
(Signature of Person Executing)
_____
(Type Name and Title of Person Executing)
_____
(Add similar signature blocks for cosureties.)

Subpart 12–10.3—Insurance—General

§ 12–10.305 Procedures to be followed in the event of loss or damage to Government property.

Upon the happening of loss of or damage to any Government property, concerning which the contractor is relieved of responsibility by contract provision, the procedure shall be as prescribed in the applicable "Government Property" clause of the contract.

Subpart 12–10.4—Insurance Under Fixed-Price Contracts

§ 12–10.400 Scope of subpart.

This subpart is applicable only to the Federal Aviation Administration.

§ 12–10.450 Contracts for lease of aircraft.

The clauses set forth in this § 12–10.450 shall, unless otherwise indicated by the specific instructions for their use, be inserted in any contract for the lease of aircraft (including aircraft used in out-service flight training).

§ 12–10.450–1 Loss or damage to leased aircraft clause.

(a) *Use of clause.* Insert the clause in paragraph (b) (below) except that the clause need not be inserted in the contract:

(1) When the hourly rental rate does not exceed $250 and the total rental cost for any single transaction is not in excess of $2,500, or

(2) Where the cost of hull insurance does not exceed 10 percent of the contract rate, or

(3) When the lessor's insurer does not grant a credit for uninsured hours, thereby preventing the lessor from granting the same to the Government.

(b) *Contract clause.*

LOSS OR DAMAGE TO LEASED AIRCRAFT

(a) The Government assumes all risk of loss of or damage (except normal wear and tear) to the leased aircraft during the term of this lease while the aircraft is in the possession of the Government.

(b) In the event of damage to the aircraft, the Government, at its option, shall make the necessary repairs with its own facilities or by contract, or pay the Contractor the reasonable cost of repair of the aircraft.

(c) In the event the aircraft is lost or damaged beyond repair, the Government shall pay to the Contractor a sum equal to the fair market value of the aircraft at the time of such loss or damage, which value may be specifically agreed to in the clause "Fair Market Value of Aircraft" less the salvage value of the aircraft. However, the Government may retain the damaged aircraft or dispose of it as it wishes. In that event, the Contractor will be paid the fair market value of the aircraft as stated in the clause.

(d) The Contractor certifies that the contract price does not include any cost attributable to hull insurance or to any reserve fund it has established to protect its interest in the aircraft. If, in the event of loss or damage to the leased aircraft, the Contractor receives compensation for such loss or damage in any form from any source, the amount of such compensation shall be credited to the Government in determining the amount of the Government's liability under this clause; except that this shall not apply to proceeds of insurance received (1) solely as advances on insurance pending determination of Government liability, or (2) for an increment of value of the aircraft beyond the value for which the Government is responsible.

(e) In the event of loss of or damage to the aircraft, the Government shall be subrogated to all rights of recovery by the Contractor against third parties for such loss or damage and the Contractor shall promptly assign such rights in writing to the Government. Except as the Contracting Officer may permit in writing, the Contractor shall neither release nor discharge any third party from liability for such loss or damage nor otherwise compromise or adversely affect the Government's subrogation rights hereunder. The Contractor shall cooperate with the Government in any suit or action undertaken by the Government against any such third party.

(f) Any failure to agree as to the responsibility of the Government under this clause shall, after a final finding and determination by the Contracting Officer, be considered a dispute within the meaning of the "Disputes" clause of this contract.

(g) The Contractor's rights under this clause are in addition to, and not in lieu of, any rights it may have under the Federal Tort Claims Act as amended (28 U.S.C. 2671), et seq. However, any sum for which the Government may be liable under this clause shall be reduced by the amount of any award, compromise, or settlement for loss of, or damage to, the leased aircraft, obtained by or on behalf of the Contractor under said Act as amended.

§ 12–10.450–2 Fair market value of aircraft clause.

When the fair market value of the aircraft can be determined, insert the following clause:

FAIR MARKET VALUE OF AIRCRAFT

For purposes of the clause "Loss or Damage to Leased Aircraft", it is agreed that the fair market value of the aircraft to be used in the performance of this contract shall be the lesser of the two values set out in paragraphs (a) and (b) below:

(a) $_____ or

(b) If the contractor has insured the same aircraft against loss or destruction in connection with other operations, the amount of such insurance coverage on the date of the loss or damage for which the Government may be responsible under this contract.

§ 12–10.450–3 Risks and indemnities.

(a) *Background.* Section 504 of the Federal Aviation Act of 1958 provides "—no lessor of any such aircraft * * * under a bona fide lease of 30 days or more, shall be liable * * * by reason of his interest as lessor or owner of the aircraft * * * for any injury to or death of persons, or damage to or loss of property * * * unless such aircraft * * * is

in the actual possession or control of such person at the time of such injury, death, damage or loss." On short-term or intermittent-use leases, however, the owner may be liable for damage caused by operation of the aircraft. It is usual for the aircraft owner to retain insurance covering this liability during the term of such lease. Such insurance can, often for little or no increase in premium, be made to cover the Government's exposure to liability as well. In order to take advantage of this coverage, the Risks and Indemnities clause prescribed in paragraph (b) of this section is used.

(b) *Risks and indemnities clause.* Insert the following clause in any contract for out-service flight training, or the lease of aircraft where the Government will have exclusive use of the aircraft for a period of less than 30 days.

RISKS AND INDEMNITIES

The Contractor hereby agrees to indemnify and hold harmless the Government, its officers and employees from and against all claims, demands, damages, liabilities, losses, suits, and judgments (including all costs and expenses incident thereto) which may be suffered by, accrue against, be charged to or recoverable from the Government, its officers and employees by reason of injury to or death of any person other than officers, agents, or employees of the Government or by reason of damage to property of others of whatsoever kind (other than the property of the Government, its officers, agents, or employees) arising out of the operation of the aircraft. In the event the Contractor holds or obtains insurance in support of this covenant, a Certificate of Insurance shall be delivered to the Contracting Officer.

(c) *Contract schedule provision.* Any contract for out-service flight training shall include a provision in the Schedule stating substantially that the contractor's personnel shall, at all times during the course of the training, be in command of the aircraft, and that at no time shall other personnel be permitted to take command of the aircraft.

PART 12–17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Subpart 12–17.1—General

Sec.
12–17.101 Authority.

Subpart 12–17.2—Requests for Contractual Adjustment

12–17.208 Processing cases.

Subpart 12–17.1—General

§ 12–17.101 Authority.

The Department of Transportation Contract Appeals Board has been authorized by the Secretary to exercise the authority granted by the Act of August 28, 1958 (Public Law 85–804).

Subpart 12–17.2—Requests for Contractual Adjustment

§ 12–17.208 Processing cases.

A contractor's request for adjustment shall be coordinated with legal counsel and processed within each Administration in accordance with its procedures.

PART 12–18—PROCUREMENT OF CONSTRUCTION

Sec.
12–18.000 Scope of part.

Subpart 12–18.1—General Provisions

12–18.108 Government estimate.
12–18.109 Disclosure of size of construction projects.
12–18.110 Liquidated damages.
12–18.112 Construction contracts with design architect-engineers.
12–18.150 Construction contract award notification to Bureau of Census.
12–18.151 Preconstruction conference.

Subpart 12–18.2—Formal Advertising

12–18.202 Preinvitation notices.
12–18.203 Invitations for bids.
12–18.203–50 Bid items.
12–18.203–51 Fee for plans and specifications.
12–18.203–52 Inquiries from bidders.

Subpart 12–18.3—Negotiations

12–18.301 Limitation on authority to negotiate contracts.
12–18.301–50 Coast Guard negotiation citations.

§ 12–18.000 Scope of part.

This part sets forth contracting procedures peculiar to construction contracts.

Subpart 12–18.1—General Provisions

§ 12–18.108 Government estimate.

After all bids have been read and recorded, the Government estimate shall, when required to be prepared in accordance with FPR 1–18.108, be read and recorded in the same detail as the invitation for bids. If the procurement is by negotiation, cost breakdown figures in the Government estimate may be disclosed during negotiations but only to the extent deemed necessary for arriving at a fair and reasonable price: *Provided*, That the overall amount of the Government estimate is not disclosed.

§ 12–18.109 Disclosure of size of construction projects.

For purposes of disclosing the size of construction projects, the estimated cost thereof shall be stated in ranges, such as the following:

Under $25,000.
Between $25,000 and $100,000.
Between $100,000 and $250,000.
Between $250,000 and $500,000.
Between $500,000 and $1,000,000.
Between $1,000,000 and $2,500,000.
Between $2,500,000 and $5,000,000.
Between $5,000,000 and $10,000,000.
Over $10,000,000.

§ 12–18.110 Liquidated damages.

Insert the clause set forth in FPR 1–1.315 in accordance with the instructions for its use in DOTPR 12–1.315.

§ 12–18.112 Construction contracts with design architect-engineers.

See DOTPR 12–50.203–4.

§ 12–18.150 Construction contract award notification to Bureau of Census.

For each construction contract award in excess of $25,000, the procurement office awarding the contract shall complete and Submit Census Form C–19 titled "Construction Contract Award Notification." The form is a preaddressed 5 x 8 card which shall be submitted by the contracting officer directly to the Director, Bureau of the Census, Washington, D.C. 20233 (Construction Statistics Division). Items 7a, 8, 9, 10, and 11 on the form are to be left blank. Insert "100%" in Item 12. All other items on the form are considered self-explanatory.

§ 12–18.151 Preconstruction conference.

When the contracting officer considers such action warranted, he shall arrange a preconstruction conference with the contractor and such subcontractors as the contractor may designate to assure that there is a clear understanding of the contract requirements (including labor standards provisions) and of the rights and obligations of the parties. Such a conference should ordinarily be held before construction begins.

Subpart 12–18.2—Formal Advertising

§ 12–18.202 Preinvitation notices.

Standard Form 20 may be used as a preinvitation notice providing it is clearly identified as such.

§ 12–18.203 Invitations for bids.

§ 12A–18.203–50 Bid items.

Invitations for bid shall require a lump sum price for each item of work or a total lump sum price for all contract work in those cases where the extent of the work is readily susceptible of accurate description in the drawings and specifications. Bids on a unit price basis (i.e., cubic yard, linear foot, etc.) shall be solicited in those instances where the quantity to be furnished cannot be determined with reasonable precision prior to bidding. When unit prices are used the Variation in Estimated Quantities clause set forth in DOTPR 12–7.650–12 shall be included in the contract.

§ 12–18.203–51 Fee for plans and specifications.

When a flat, nonrefundable fee is to be charged in accordance with DOTPR 12–2.203–1(b), a statement reading substantially as follows shall be included in the solicitation:

NONREFUNDABLE FEE FOR PLANS AND SPECIFICATIONS

A fee of $_____ is required for the plans and specifications referenced in this solicitation. Send check or money order to _____. The fee is not refundable. Plans and specifications need not be returned.

§ 12–18.203–52 Inquiries from bidders.

A statement similar to the following shall be included in each solicitation:

For information call (insert name, telephone number). Submit written requests in accordance with paragraph 1 of Standard Form 22.

Subpart 12–18.3—Negotiations

§ 12–18.301 Limitation on authority to negotiate contracts.

§ 12–18.301–50 Coast Guard negotiation citations.

Coast Guard contracts for construction work to be performed in the United States, its possessions and Puerto Rico, shall not be negotiated unless authorized pursuant to the following subsections of 10 U.S.C. 2304(a): (1), (2), (3), (10), (11), (12), or (15). The appropriate code provision shall be cited in the contract as authority for the negotiation. Coast Guard contracts to be performed in the possessions of the United States and Puerto Rico may not be negotiated pursuant to 10 U.S.C. 2304(a)(6).

PART 12–5—SERVICE CONTRACTS

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§ 12–50.000 Scope of part.

This Part deals generally with the obtaining of services by contract, and specifically with certain types of contracts which can properly be classified as service contracts. It does not cover the services of individuals obtained by direct appointment or through normal Civil Service employment procedures, nor does it cover the obtaining of services by grant.

Subpart 12–50.1—Service Contracts in General

§ 12–50.101 Definitions.

(a) *A service contract* is one which calls directly for a contractor's time and effort (and may include reports or other documentation incidental to such time and effort) rather than for the furnishing of supplies or materials.

(b) *A personal services contract* is a service contract which, when judged under the criteria specified in § 12–50.103 may reasonably be said to create what is tantamount to an employer-employee relationship between the Government and the Contractor or his employees.

§ 12–50.102 General.

(a) *Background.* The general policy of the Government, as set forth in Federal statutes and as evidenced by many decisions of the Comptroller General, is that personal services necessary to Government activities are for performance by regular civil service employees who are responsible to the Government and under Government supervision. While Government agencies are authorized to contract for nonpersonal services to the same extent they are authorized to contract for supplies, their authority to contract for personal services is generally limited by Civil Service laws and regulations. In addition, personnel ceilings have been established for the Department of Transportatio nwhich may not be circumvented through the contracting process.

(b) *Limitations*—(1) Personal service contracts shall not be entered into, except as authorized by express statutory authority.

(2) Contracts shall not be entered into to obtain services which require the exercise of governmental judgment by the contractor, or the performance by the contractor of the normal management functions of the Department. Illustrative of such services are those which involve:

(i) The making of policy;

(ii) The exercise of regulatory powers;

(iii) The employment, direction, supervision, and control of Department personnel; or

(iv) The performance of day-to-day administrative operations such as personnel administration, legal opinions and enforcement, budget preparation, accounting, and auditing, and procurement and supply management.

(3) Contracts shall not be entered into when the services required are available within the Department.

(c) *Considerations.* In inquiring into the propriety of a proposed service contract not expressly prohibited by paragraph (b)(2) or (b)(3) of this section, it is necessary to determine whether the substantive effect of the proposed contract is to create an employer-employee relationship. If so, the proposed contract must be supported by express statutory authorization. If the proposed contract will not have the substantive effect, when viewed as a whole, of creating an employer-employee relationship, then the Department of Transportation is authorized to contract for the services, regardless of their nature. What is prohibited is the relationship, rather than the specific type of service. While the nature of the services being contracted for is an important factor in determining whether an employer-employee relationship will be created, it is not conclusive.

§ 12–50.103 Criteria.

(a) In determining the nature of the relationship created, it is necessary to examine the entire proposed contract. Ordinarily, some of the contract provisions will tend to indicate that an employer-employee relationship is being created, while other provisions will tend

to lead to the contrary conclusion. In such cases, the determination must result from a balancing of all of the considerations to determine the net effect of the proposed contract. Care must be taken not to be persuaded by any conclusions on the question declared in the proposed contract. For example, a contract provision describing the work to be performed as "nonpersonal" is not to any extent probative of the question.

(b) The criteria which must be applied to service contracts are:

(1) *Place of performance.* Normally, an employee works at his employer's place of business, while an independent contractor would be more likely to provide his own work facilities. Therefore, the requirement, either express or implied, that the services be performed at the Government's site tends to indicate an employer-employee relationship.

(2) *Furnishing of tools and equipment.* Since employees are usually furnished their necessary work tools and equipment, an express or implied requirement that the Government furnish tools and equipment to the contractor tends to indicate an employer-employee relationship.

(3) *Usual method of obtaining similar services.* If the services to be contracted for are usually performed within the Department and other Government agencies by employees rather than by independent contractors, this tends to indicate an employer-employee relationship.

(4) *Period of need for services.* Generally, where employers have a need for a type of service which they anticipate will be a long-term need, they will employ people to perform such services rather than contract for their performance. Consequently, where the need for the type of service being contracted for can reasonably be expected to last beyond 1 year, this tends to indicate an employer-employee relationship. Note that this criterion is not related to the period of performance under the contract being examined. Rather, it is directed toward the Department's need for the type of services being contracted for.

(5) *Government supervision or direction.* Employers will generally provide close supervision or direction of their employees' work performance, but will not supervise or direct the manner in which their contractors perform their work. Consequently, where a proposed contract requires, either expressly or impliedly, Government supervision or direction of the contractor, this tends to indicate an employer-employee relationship. The requirement for supervision need not be expressly provided for nor need it be necessarily implied by any particular contract language. It need only be necessarily inherent in the nature of the services, the manner in which they are to be provided, or in some other feature of the proposed contract. For example, it is inherent in the nature of the services to be performed by a secretary that close supervision and direction are required. Other factors which should be considered in determining whether Government supervision and direction are required include:

(i) The specificity of the work statement.

(ii) The Government's right to select which of the contractor's personnel will perform the work.

(iii) Whether the contractor's obligation is stated in terms of an end product meeting clearly stated requirements.

§ 12–50.104 Advice by personnel office.

Requests for procurement of services by contract will be submitted to the personnel office for review, and advice as to the propriety of the request, except that proposed procurements of construction, architect-engineering, mortuary, and stevedoring services need not be so submitted. Other types of recurring service procurements may be exempted from personnel office review by local agreement, and the contract file shall be documented accordingly. In all instances where personnel office review and advice is required, procurement action will not commence until the advice of the personnel office is received.

§ 12–50.105 Determination by contracting officer.

Regardless of the advice of the personnel office as required by § 12–50.104, final determination as to the propriety of a proposed services contract is the responsibility of the contracting officer. In doubtful cases, and in any case where express statutory authority for the service contract is to be invoked, the contracting officer shall obtain a legal opinion. The signing of a contract shall be deemed to be a certification by the contracting officer that he has determined that the procurement of the services is proper either (a) because the services do not constitute an employer-employee relationship or (b) because of the existence of express statutory authorization. The contract file shall be documented to support the determination in marginal cases.

§ 12–50.106 Competition in service contracting.

The provisions of statute and the Federal Procurement Regulations requiring competition are fully applicable to service contracts. Therefore, unless otherwise provided by statute, contracts for services shall be awarded through formal advertising, whenever "feasible and practicable under the existing conditions and circumstances" (FPR 1–1.301–2). When formal advertising is not feasible and practicable and negotiation is authorized (41 U.S.C. 252(c)(1)–(15) or 10 U.S.C. 2304(a)(1)–(17), as applicable) competition still must be obtained to the maximum practicable extent, except as provided for small purchases in § 12–3.603–1. The method of obtaining competition will vary with the type of service being procured, and will not necessarily be limited to price comparison alone.

§ 12–50.107 Service Contract Act of 1965.

Implementation of the Service Contract Act of 1965 (Public Law 89–286), which provides for minimum wages and fringe benefits as well as other conditions of work under certain service contracts, is contained in FPR 1–12.9.

Subpart 12–50.2—Architect-Engineer Services

§ 12–50.200 Scope of subpart.

This subpart prescribes policies and procedures for the procurement of architect-engineer services.

§ 12–50.201 Definitions.

(a) *Architect-Engineer (A–E).* A firm (individual, partnership, corporation, or joint-venture) performing architectural or engineering services (or both).

(b) *Architect-Engineer services.* Professional services include those of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform. These services are limited to those functions necessary to procure the design of contemplated construction projects, the supervision of the project during construction, and operational aspects of facilities as follows:

(1) Preparation of preliminary studies, sketches, layout plans, and reports.

(2) Cost estimates of the proposed project and of all structures, utilities, and appurtenances thereto.

(3) Master planning indicating the configuration, siting and integrated arrangements of all buildings, structures, roadways, utilities, and support areas.

(4) Adaption of Government designs, drawings, specifications and standards for buildings and other structures.

(5) Preparation of final designs, working drawings, and specifications.

(6) Preparation of construction schedules.

(7) Assistance to the contracting officer in preparing solicitations for the required construction work, and in evaluating bids or offers received.

(8) Review of the adequacy of all shop and working drawings submitted by the contractor.

(9) Preparation of technical operating and maintenance manuals in connection with special and unique aspects of design project.

(10) Consultation during construction regarding the interpretation of the plans and specifications if the supervision and inspection of construction is performed by the Government.

(11) Supervision and inspection of construction and preparation of record drawings of construction as actually accomplished.

(c) *Fee.* The compensation for professional services to be paid to the A–E.

§ 12–50.202 Selection.

§ 12–50.202–1 Policy.

The selection of architect-engineers for professional services shall be accomplished in accordance with the procedures set forth in this subpart. The selection shall be based on comparative evaluations of the professional qualifications necessary for satisfactory performance of the service required, and not on the basis of competitive bidding procedures.

§ 12–50.202–2 Architect-Engineer Selection Board.

(a) *General.* The selection of an architect-engineer for A–E contracts estimated at $6,000 or more shall be accomplished by a formally constituted A–E Selection Board. The Board shall perform the functions set forth in § 12–50.202–2(c) unless accelerated selection procedures are used as provided in § 12–50.202–3. For A–E contracts estimated at less than $6,000, selection may be made without an A–E Selection Board, but the selecting official or officials shall generally perform the functions set forth in § 12–50.202–2(c), and shall specifically prepare the report required by § 12–50.202–2(c)(8).

(b) *Composition.* The A–E Selection Board shall be composed of the following members, one of whom shall be appointed as the chairman:

(1) The contracting officer.

(2) Two members with experience in the field of design, engineering, and construction, one of which shall act as chairman.

(3) A member with technical knowledge of the user requirements of the project. When the project is to be accomplished in connection with a field activity, and the A–E selection is to be accomplished at the field location, this member is not to be in addition to those in (2). If the selection is accomplished at headquarters in connection with a field activity, this member shall be in addition to (2).

(4) For those A–E contracts estimated at $60,000 or more, a member appointed by the Director, Office of Installations and Logistics, OST, unless he declines to appoint a member for any specific selection. Requests for appointment of the OST member shall be made at least 2 weeks in advance of commencement of the selection.

(5) Other members as the chairman deems necessary and useful, such as a recording secretary.

Administrations without facilities engineering capability shall utilize the A–E Selection Board established within OST. A request shall be made for assistance of the OST Selection Board to the Assistant Secretary for Administration.

(c) *Functions.* The contracting officer shall maintain a file of U.S. Government A–E Questionnaires (Standard Form 251 as set forth in FPR 1–16.803) and brochures of A–E firms that have indicated an interest in performing A–E services for the Department of Transportation. The following functions shall be accomplished by the Selection Board:

(1) Analyze the nature and scope of work requirements.

(2) Depending upon the complexity, size, and sophistication of the work, review and analyze SF 251's and other available data, and prepare a Preselection List of at least three qualified firms. This review may be delegated by the chairman.

(3) Obtain detailed information of the qualifications and performance data of each of the firms on the Preselection List. If this step (3) is undertaken, and step (4) is not, the A–E firms may be contacted for purposes of obtaining information, but shall not be informed that they are under consideration for an A–E contract award. If both step (3) and step (4) are undertaken, they may be accomplished concurrently and the A–E may be informed at any time during this period of the selection process of the project. This task may be delegated to other than Board members. The information to be obtained shall include:

(i) Contacting former clients, both in Government and private industry, to determine quality of work, ability to meet schedules, cost control, and any other pertinent factors of previous projects.

(ii) Survey of current minority employment of firms by race, national origin, and sex, according to pay scale and job types compared to nonminority employment according to pay scale and job type. Note shall be made of percentage of minorities by race and national origin in location of firm, in adjacent metropolitan areas, and in adjacent locations where mixtures would vary considerably from the immediate location of firm.

(iii) Examination of visual examples of previous work.

(iv) Organizational structure of the firm.

(v) Whenever practical, a visit to the A–E office to obtain a general idea of its capabilities.

(4) At the option of the Board, contact and inform the A–E firms on the Preselection List of the specific nature and scope of the project. The A–E will then be requested to submit in writing the following:

(i) Team members, other key personnel, previous experience, and percentage of time to be devoted to the project.

(ii) Current workload and proposed project schedule.

(iii) Narrative approach to the project and possible problems the A–E is able to foresee.

(5) Conduct interviews as required. The A–E firm is not to submit, nor be requested to prepare, any design in connection with the proposed project. If an Administration or element of OST desires project design proposals from A–E firms, written approval shall be obtained from the Assistant Secretary for Administration.

(6) Review the qualifications and data of each firm on the Preselection List and perform an evaluation of each firm based on previously agreed rating factors within previously agreed rating ranges. The information obtained prior to notification of the A–E of the nature and scope of the project shall be used to perform that portion of the evaluation which shall include, but is not limited to, the following factors:

(i) Familiarity with and proximity to the geographic location of project.

(ii) Specialized experience in projects comparable to the proposed project.

(iii) Capability to perform all aspects of design, including planning, architectural design, and mechanical, electrical, structural, and civil engineering.

(iv) Capability to meet schedules.

(v) Capability to design projects which have not exceeded the construction cost estimates of the successful construction bid.

(vi) Caliber of consultants regularly engaged.

(vii) Quality of previous designs.

(viii) Reputation and professional standing.

(ix) If branch office is being considered, its capability of performing independently of the home office.

(x) Percentage of minority employees in all pay scales and job types, noting the percentage of minorities in the immediate locality and general surrounding areas.

(7) Evaluate the following if the A–E has been informed of the nature of the project;

(i) Professional background of key personnel.

(ii) Ability to perform design in the required time.

(iii) Design approach and perception as demonstrated by problems foreseen.

(iv) Degree of interest in proposed project.

(8) Prepare a report recommending to the contracting officer in order of preference those firms (normally a minimum of three) which are considered best qualified to perform the required services. This report shall contain sufficient detail to indicate the extent of review and evaluation and the considerations upon which the recommendations were made. This report shall be forwarded to the contracting officer with any appropriate data and material developed by the selection board which might assist the contracting officer in the negotiations.

(9) Assist the contracting officer in negotiating A–E contracts by acting as his technical advisor.

§ 12–50.202–3 Accelerated selection procedures.

In those instances where program urgency does not permit the time to fully perform the functions set forth in § 12–50.202–2(b), the file shall be documented with a justification, signed by the head of the procuring activity, and accelerated selection procedures shall be employed. Under accelerated selection procedures, the A–E Selection Board shall perform such functions, and at such depths, as the exigencies of the situation permit, to arrive at a selection based on a comparative evaluation of architect-engineers.

§ 12–50.202–4 Acceptance of A–E Selection Board recommendations by contracting officer.

The contracting officer will normally accept the recommendations of the A–E Selection Board, unless the report does not adequately support the recommendations. If the contracting officer cannot accept the recommendations of the A–E

Selection Board, he shall request that the Board be reconvened, and meet with the Board until an acceptable set of recommendations has been agreed upon.

§ 12–50.203 Negotiations.

§ 12–50.203–1 Government estimate.

Prior to the initiation of negotiations, the Government shall develop an independent estimate of the cost of the required A–E services, based on a detailed analysis of the scope of the work. The estimate shall be revised as required during the negotiations to reflect changes in, or clarifications of, the scope of the work to be performed by the A–E.

§ 12–50.203–2 Sequence of negotiations.

The contracting officer will enter into negotiations with the A–E firm given first preference by the Selection Board, utilizing technical assistance as necessary to support his negotiations. If a mutually satisfactory contract cannot be negotiated with this firm, the negotiations shall be terminated, the firm so notified, and negotiations shall then be initiated with the firm given second preference by the Selection Board. This procedure shall be continued with the recommended firms in sequence until a mutually satisfactory contract has been negotiated.

§ 12–50.203–3 Scope of work.

Prior to the initiation of fee negotiations, the prospective A–E and the Government must have an initial understanding of the scope, quality and extent of services to be furnished, and of the conditions and factors affecting their responsibilities and operations. These understandings can be reached most satisfactorily through conferences conducted by the Contracting Officer.

§ 12–50.203–4 Construction contracts with design architect-engineers.

No contract for construction of a project shall be awarded to the firm which designed the project or its subsidiaries or affiliates, except with the approval of the Secretary. The A–E shall be informed of this restriction prior to the commencement of negotiations for his services.

§ 12–50.203–5 Architect-engineer's fee proposal.

When agreement has been reached on the proposed scope of work, the contracting officer shall request the A–E to submit his proposed fee and supporting detailed cost breakdown. Revisions of the proposed fee and supporting cost breakdown shall be requested as required during negotiations to reflect changes in, or clarifications of, the scope of work to be performed by the A–E.

§ 12–50.203–6 Fee negotiations.

Fee negotiations shall be based upon the cost or pricing data submitted by the A–E. The curve method of fee determination will be used, if at all, only as a secondary method to test the reasonableness of the fee negotiated.

§ 12–50.204 Record of negotiations.

A record of negotiations shall be prepared for inclusion in the contract file. The record of negotiations shall contain sufficient detail to reflect the significant considerations controlling the establishment of the fee and other terms of the contract, shall include explanations of any significant differences between the Government's cost estimate and the fee agreed upon, and shall include a determination, adequately supported, that the negotiated fee is within statutory limitations.

§ 12–50.205 Fee limitations.

(a) The total amount that may be paid to an A–E for producing and delivering the designs, plans, drawings and specifications for a public work or utility project may not exceed six percent (6%) of the estimated construction cost of the particular project, or part of a project, to which the A–E work applies. The estimated construction cost of a project is an estimate of those costs expected to be incurred in connection with actual construction, repair, or alteration. That estimated cost does not include any amount to be paid to the A–E.

(b) The six percent (6%) limitation applies to all services normally furnished by an A–E in the actual preparation of the material outlined. This includes the visual inspection of the site or facility comprising the proposed project, for familiarization with the scope; the general conditions governing the performance of the work, and the conditions under which the project will be constructed; and the coordination with using elements to develop functional relationships and special detailed requirements. This limitation, however, does not apply to the cost of making other field investigations and surveys; such as topographical surveys; soil borings; soil, chemical, mechanical, and similar factfinding surveys; and investigations. Similarly, the 6-percent fee limitation does not apply to services furnished for the supervision and inspection of construction; master planning; making technical studies, investigations, and reports; preparing technical operating or maintenance manuals; and similar services not involving the production of designs, plans, drawings, and specifications for specific projects.

(c) For cost reimbursable contracts the contract price, which includes the fixed or incentive fee plus the total reimbursable costs to be paid to the A–E, shall not exceed six percent (6%) of the estimated cost of the construction project to which such services apply. If, however, the contract also covers the types of services discussed in paragraph (b) above, to which the fee limitation does not apply, that part of the contract price for such other services shall not be subject to the 6-percent limitation.

(d) For modifications involving work not initially included in the contract, the fee limitation is applicable, as applies to the revised total estimated construction costs. Where redesign is required and the contract is modified, the following method shall be used to insure that the 6-percent statutory limitation is not exceeded:

(1) The estimated construction cost of the redesigned features will be added to the original estimated construction costs and

(2) The contract cost for the original design will be added to the contract cost for redesign.

(3) The total contract design cost obtained by (2) above will be divided by the total construction cost obtained by (1) above. The resulting percentage may not exceed the six percent (6%) statutory limitation.

(e) When the "Statement of Work" contemplates furnishing services subject to the 6-percent limitation and services not subject to that limitation, the fee negotiated for each class of service shall be separately stated in the contract.

§ 12–50.206 Release of information.

The list of qualified firms in order of preference is for the internal use of the Department, and such information shall at no time be made known to the firms under consideration or to any other nongovernmental source. Information may be released by the contracting officer, unless precluded by security considerations, identifying the A–E selected for negotiations and describing the work in general terms. If negotiations are terminated without consummating a contract, the contracting officer may release such information and state that negotiations will be undertaken with another (named) A–E. When an award has been made, the contracting officer will release this information, giving notice of the award to any firms interviewed by the Selection Board.

§ 12–50.207 Clauses.

Clauses for A–E contracts are set forth in DOTPR subpart 12–7.54.

Subpart 12–50.3—Procurement of Expert or Consultant Services

§ 12–50.300 Scope of subpart.

This subpart sets forth policy and procedures for the procurement by contract, pursuant to 5 U.S.C. 3109, of expert or consultant services from individuals and from firms. This subpart does not govern employment of individual experts or consultants by excepted appointment; the requirements for such employment are set forth in personnel regulations of the Civil Service Commission and of the Department.

§ 12–50.301 Negotiation authority.

Contracts with individuals or firms for expert and consultant services are usually negotiated, normally, under the authority of 41 U.S.C. 252(c)(4), or 10 U.S.C. 2304(a)(4), as applicable.

§ 12–50.302 Definition of experts and consultants.

(a) The term "experts" and "consultants" include those persons who are exceptionally qualified, by education or by experience, in a particular field to perform some specialized service. This term also includes firms comprised of "experts" and "consultants" meeting the foregoing definition.

(b) Stenographic reporting services are included in the term "expert or consultant services" for purposes of procurement by contract under this subpart.

§ 12–50.303 Policy.

(a) The proper use of experts and consultants is a legitimate and economical way to improve Government services and operations. Activities of the Department can be strengthened by utilizing the highly specialized knowledge and skills of such individuals. Accordingly, the services of experts and consultants may be used at all organizational levels to help managers achieve maximum effectiveness and economy in their operations.

(b) The following are examples of services which may be procured from experts or consultants by contract:

(1) Specialized opinion unavailable in the Department;

(2) Outside points of view, to avoid too limited judgment, on critical administrative or technical issues;

(3) Advice on developments in industrial and other research;

(4) For especially important projects, opinions of noted experts which are highly important to the success of an undertaking;

(5) The advisory participation of citizens to develop or implement Government programs that by their nature or by statute call for citizen participation;

(6) The services of specialists who are not needed fulltime, who cannot serve regularly of fulltime, or whose fulltime employment is uneconomical to the Government.

§ 12–50.304 Limitations on use of expert or consultant authority.

(a) Authority to employ experts or consultants, whether by contract or by appointment, is limited to Secretarial officers and heads of operating administrations. They shall not be used to perform duties which can be performed by regular employees, to fill positions which call for fulltime continuing employees, or to circumvent competitive civil service procedures and Classification Act pay limits. The prior approval of the Under Secretary is required for any expert or consultant contract or series of contracts with the same individual or firm that will reimburse him for a total of more than 10 days' work in any consecutive 12-month period.

(b) The nature of the duties to be performed must be temporary (not more than 1 year) or intermittent (not cumulatively more than 130 working days in any consecutive 12-month period), and no contract shall be entered into for longer than 1 year at a time. Contracts for intermittent services may be renewed annually in accordance with DOTPR § 12–50.310.

(c) Expert or consultant services shall not be used when existing facilities of the Department are adequate or when personnel with the necessary skills can be obtained through normal civil service appointment procedures. Procurement of expert or consultant services shall not be used as a means of circumventing manpower space ceilings or the limit on the daily rate that experts or consultants may be paid under section 9.b of the DOT Act.

§ 12–50.305 Justification to enter into contracts.

(a) All contracts to be entered into pursuant to 5 U.S.C. 3109 or other statutory authority for expert or consultant services must be justified in writing and the justification signed by the appropriate Secretarial officer or head of operating Administration. Ordinarily each contract shall be separately authorized. However, when the justification can appropriately be made with respect to a class of contracts, the appropriate forementioned official may execute a blanket authority for that class of contracts.

(b) Each justification shall authorize a contract or class of contracts to be entered into during a stated period not to exceed 1 year. A justification may be issued during 1 fiscal year to authorize a contract or class of contracts to be entered into during the following fiscal year, provided the determinations are reasonably expected to hold true at the time the contract or contracts are to be entered into.

(c) Each justification shall contain the following:

(1) A brief description of the services authorized to be procured, the estimated time of performance and the estimated cost;

(2) Determination with respect to the particular contract or class of contracts that:

(i) The duties to be performed are of a temporary or intermittent nature;

(ii) The existing facilities of this Department are inadequate to furnish the services; and

(iii) It is not feasible to obtain personnel with the necessary skills from other Federal agencies or through normal civil service appointment procedures.

§ 12–50.306 Contracts with individual experts or consultants.

§ 12–50.306–1 Method and amount of payment.

The contract may provide for compensation at rate for time actually worked (e.g., amount per day, per week, per month, etc.), or it may provide for performance of a specific task at a fixed price, or it may provide for nominal compensation. The amount or rate of payment will be determined on a case-by-case basis, taking into account (among any other relevant factors) the relative importance of the duties to be performed, the stature of the individual in his specialized field, comparable pay for positions under the Classification Act or other Federal pay systems, rates paid by private employers, and rates previously paid other experts or consultants for similar work. Compensation will be at a per diem rate of no more than permitted by statutory authority and normally no less than $55. In addition, the contract may provide for such per diem and travel expenses as would be authorized for a Government employee, including actual transportation and per diem in lieu of subsistence while the expert or consultant is traveling between his home or place of business and his official duty station.

§ 12–50.306–2 Benefits.

No benefits shall be accorded the contractor which are not specifically provided for in the written contract.

§ 12–50.306–3 Taxes.

Where the individual is to render services, the compensation generally is subject to FICA (social security), FUTA (unemployment), and Federal income withholding tax. It may also be necessary to report or withhold State income tax under 5 U.S.C. 84b. The Contracting Officer shall take appropriate steps in coordination with the cognizant personnel office to have deductions and reports made where required by law.

§ 12–50.306–4 Conflict of interest.

The contracting officer shall assure himself that individual experts or consultants who are to render services under contract, familiarize themselves with Executive Order 11222, May 8, 1965, "Standards of Conduct for Special Government Employees," 30 F.R. 6469 (1965), and that they comply with it and with Departmental regulations implementing it.

§ 12–50.306–5 Administrative treatment.

Individual experts or consultants who are to render personal services under contract are charged against personnel ceilings in the same way as experts and consultants employed by excepted appointment. Also, the cognizant personnel office must maintain certain records on individual experts and consultants who render personal services. Therefore, the contracting officer shall effect necessary coordination with the cognizant personnel office before award of a contract for expert or consultant services, and may also designate the appropriate personnel officer as his representative for the purpose of obtaining necessary data from the contractor for tax withholding purposes, for suitability investigation under E.O. 10450 and for administering applicable conflict of interests provisions.

§ 12–50.307 Contracts with firms for expert or consultant services.

Contracts with firms for expert or consultant services ordinarily need deal only with rights and obligations as between the Government and the firm, and need not deal with the question of compensation by the firm of the individuals it assigns to the work or with any other rights or obligations as between the firm and these individuals.

§ 12–50.308 Contracts for stenographic reporting services.

Stenographic reporting services normally are provided by Federal Government employees appointed under the usual civil service procedures. However, these services may be procured by contract from individuals or firms pursuant to 5 U.S.C. 3109, or other statutory authority where there are variable require-

ments or insufficient qualified personnel, and necessity or economy to the Government demands procurement by contract. Such contracts normally shall be written on an end-product basis and payment made according to delivered items (e.g., number of copies of transcript, words per page, etc.), and the contractor ordinarily shall be required to furnish the necessary material (typewriter, paper, bindings, etc.). These contracts are subject to all the provisions of this subpart.

§ 12–50.309 Modification of contracts.

When supplemental agreements or change orders are required which substantially change the basis upon which the justification was made, such as to revise substantially the scope of work or time limitations, or to apply additional funds, authorization shall be requested in the same way and is subject to the same limitations as authorization to procure the total services by contract would have required in the first place.

§ 12–50.310 Renewal of contracts.

(a) *General.* A contract may provide for renewal—for a maximum of 1 year each time—by written notification to the contractor from the contracting officer.

(b) *Applicable justification required.* A contract shall not be renewed unless either a new justification has been signed, or the justification authorizing the original contract (or a prior renewal) has not yet expired and specifically authorizes the renewal.

(c) *Other requirements.* Renewal of a contract legally creates a new contract; therefore, renewal of a contract is improper unless all the requirements and limitations of this subpart have been complied with, including the prior approval of the Under Secretary (§ 12–50.304(a)).

Subpart 12–50.4—Procurement of Mortuary Services

§ 12–50.400 Scope of subpart.

This subpart is applicable only to the Coast Guard. It sets forth procurement procedures peculiar to contracts for mortuary services (the care of remains) of Coast Guard personnel.

§ 12–50.401 Procurement by contract.

(a) Where an existing contract for the care of remains is not available for Coast Guard use, procurement of such services shall be formally advertised except where negotiation is authorized, consistent with limitations and requirements set forth in Chapter 12B of the Coast Guard Personnel Manual.

(b) The contract format, terms and conditions, and general provisions set forth in this subpart are appropriate for inclusion in a requirements type contract. They should be altered as deemed necessary by the contracting officer to fit a different contract type or procurement situation.

§ 12–50.402 Area of performance.

Each contract for care of remains shall clearly define the geographical area covered by the contract. The area shall be determined by the activity entering into the contract in accordance with the following general guidelines. It shall be an area using political boundaries, streets, and other features as demarcation lines. Generally, this should be a size roughly equivalent to the contiguous metropolitan or municipal area enlarged to include the activities served. In the event the area of performance best suited to the needs of a particular contract is not large enough to include a carrier terminal commonly used by people within such area, the contract area of performance shall specifically state that it includes such terminal as a pickup or delivery point.

§ 12–50.403 Solicitation provision.

Invitations for bids for mortuary services contracts shall contain the provision set forth below. This provision shall be appropriately modified for use in requests for proposals or quotations.

AWARD TO SINGLE BIDDER

Subject to the provisions contained herein, award shall be made to a single bidder. Bids must include unit prices for each item listed in order that bids may be properly evaluated. Failure to do this shall require rejection of the entire bid. Bids shall be evaluated on the basis of the estimated quantities shown and award shall be made to that responsive/responsible bidder whose total aggregate price is low.

§ 12–50.404 Schedule format.

Set forth below is an example of a Schedule format suitable for use in solicitations:

Item No.	Supplies, services and transportation	Estimated quantity	Unit	Unit price	Amount
1	For a Type I casket, standard size, supplies and services in accordance with specifications.	----------	Each		
2	For a Type II casket, standard size, supplies and services in accordance with specifications.	----------	Each		
3	For a Shipping Case, standard size, in accordance with specifications. (For use with Item 1 or 2 above.)	----------	Each		
4	For a Type I casket, exceeding standard size, supplies and services in accordance with specifications.	----------	Each		
5	For a Type II casket, exceeding standard size, supplies and services in accordance with specifications.	----------	Each		
6	For Shipping Case, exceeding standard size, in accordance with specifications. (To be used with Item 4 or 5 above.)	----------	Each		
7	For transportation of remains, in accordance with specifications and as provided for in paragraphs (b) and (c) of the "Area of Performance" clause of this contract.	----------	(Loaded mile)		

§ 12–50.405–1 Requirements.

REQUIREMENTS

(a) This is a requirements contract for the supplies or services specified in the Schedule, and for the period set forth in this contract. Delivery of supplies or performance of services shall be made only as authorized by orders issued in accordance with the clause entitled "Delivery Orders and Invoices". The quantities of supplies or services specified herein are estimates only and are not purchased hereby. Except as may be otherwise provided herein, in the event the Government's requirements for supplies or services set forth in the Schedule do not result in orders in the amounts or quantities described as "estimated" or "maximum" in the Schedule, such event shall not constitute the basis for an equitable price adjustment under this contract.

(b) The Government shall order from the Contractor all the supplies, services, and transportation set forth in the Schedule which are required to be purchased by the Government activity named herein, and the Contractor shall furnish to the Government such supplies, services, and transportation as may be ordered by the Contracting Officer. The Government, however, reserves the right not to order supplies and services under this contract in instances where the body is removed from the area for medical, scientific, or other cogent reason. In the event of an epidemic or other emergency, the Contractor shall not be required to provide services in excess of the capacity of his facilities.

§ 12–50.405–2 Contract period.

CONTRACT PERIOD

Any contract awarded as a result of bids submitted under this Invitation for Bids shall extend from ---------- through ----------.

§ 12–50.405 General provisions.

The following general provisions shall, if appropriate, be included in contracts for mortuary services.

§ 12–50.405–3 Area of performance.

AREA OF PERFORMANCE

(a) The area of performance is specified in Attachment 1 to this contract. This contract includes taking possession of the remains at the place where they are located, transporting them to the Contractor's place of preparation and transporting them thereafter to a place designated by the Contracting Officer. The Contractor shall not be entitled to reimbursement for transportation (see Item 5 of the Schedule) when both the place where the remains were located and the delivery point are within the area of performance.

(b) If remains are located outside the area of performance, the Government may call on the Contractor or obtain the services elsewhere. If the Government calls on the Contractor, the Contractor shall be paid the amount per mile indicated in the Schedule under Item 5 for the number of miles required to transport the remains by a reasonable route from the point where located to the boundary of the area of performance. If the Government elects to have the remains brought into the area of performance by some other means, it may require the Contractor to perform after the remains are within the area of performance.

(c) The Government may require the Contractor to deliver remains to any point within one hundred (100) miles of the area of performance. In this case the Contractor shall be paid the amount per mile indicated in the Schedule under Item 5 for the number of miles required to transport the remains by a reasonable route from the boundary of the area of performance to the delivery point.

§ 12–50.405–4 Specifications.

SPECIFICATIONS

Armed Services Specifications, Care of Remains of Deceased Personnel, hereinafter referred to as "Specifications," are attached hereto and made a part of this contract.

§ 12–50.405–5 Using activities.

USING ACTIVITIES

Contracting Officers of the following activities may order services and supplies under this contract:

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§ 12–50.405–6 Delivery orders and invoices.

DELIVERY ORDERS AND INVOICES

Delivery orders for supplies or services shall be issued by the Contracting Officer and shall set forth (i) the supplies or services being ordered, (ii) the quantities to be furnished, (iii) delivery or performance dates, (iv) place of delivery or performance, (v) packing and shipping instructions, and (vi) the address to which invoices for services rendered under this contract shall be sent. Amendments to delivery orders may be made by the Contracting Officer issuing the order. Each delivery order or change order shall cite the funds from which payment for the supplies or services ordered shall be made.

§ 12–50.405–7 Delivery and performance.

DELIVERY AND PERFORMANCE

(a) Except as otherwise herein provided, the Contractor shall furnish the material ordered and perform the services specified in each case as promptly as possible but in no event later than thirty-six (36) hours after the Contractor has received notification to remove the remains, exclusive of the time necessary for the Government to inspect and check results of preparation. The Government may, at no additional charge, require the Contractor to hold the remains for an additional period not to exceed seventy-two (72) hours from the time the remains are casketed and final inspection completed.

(b) In no case will shipment be made until the Contractor certifies that the remains will be in an acceptable state of preservation upon final delivery. The Contractor shall not be responsible for notifying the consignee of time of arrival of shipped remains.

§ 12–50.405–8 Subcontracting.

SUBCONTRACTING

No contract shall be made by the Contractor with any other party for furnishing any of the work or services herein contracted for without the written approval of the Contracting Officer. This provision does not apply to contracts of employment between the Contractor and his personnel.

§ 12–50.405–9 Additional default provision.

ADDITIONAL DEFAULT PROVISION

(a) This clause supplements the "Default" clause of this contract.

(b) This contract may be terminated for default by written notice without the ten (10) day notice specified under paragraph (a) (ii) of the "Default" clause if during the performance of this contract:

(1) The Contractor, through circumstances reasonably within his control or that of persons in his employ, performs any act or acts under or in connection with this contract, or fails in the performance of any service under this contract, and such acts or failures may reasonably be considered to reflect discredit upon the Coast Guard in fulfilling its responsibility for proper care of remains;

(2) The Contractor, either by his own act or through persons in his employ, solicits relatives or friends of the deceased to purchase supplies or services not provided for under this contract (the Contractor may furnish supplies or arrange for services not provided for under this contract, only where such other supplies or services are voluntarily requested, selected and paid for by the representatives of the deceased);

(3) The services, or any part thereof, to be performed under this contract are, without the written authorization of the Contracting Officer, performed by an individual, partnership, corporation, or other person or business association whatsoever, other than the Contractor to whom this contract is awarded, his employees and members of the firm;

(4) The Contractor refuses to perform the services required for any particular remains; or

(5) The Contractor advertises in any way that he has a contract for mortuary services with the Government.

(c) All other provisions of the "Default" clause shall apply to a termination made pursuant to this "Additional Default Provision" clause.

§ 12–50.405–10 Inspection.

INSPECTION

All services, material, and workmanship shall be subject to inspection and test by representatives of the Government. For this purpose, the Contractor shall allow inspectors and other representatives of the Contracting Officer free access to the plant and operations at all reasonable times and shall furnish such facilities, supplies, and services, as may be required.

§ 12–50.405–11 Group interment.

GROUP INTERMENT

Payments to the Contractor for supplies and services provided for remains to be interred as a group shall be made on the basis of the number of caskets furnished rather than on the basis of the number of persons in the group.

§ 12–50.405–12 Professional requirements.

PROFESSIONAL REQUIREMENTS

The Contractor shall meet all State and local licensing requirements and shall furnish the highest quality of professional services. Preparation and transportation of remains shall be performed in accordance with all applicable Federal, State, and local health laws, statutes, and regulations. The Contractor shall obtain and furnish all necessary health department and shipping permits at no additional cost to the Government and shall insure that all necessary health department permits are in order for disposition of the remains.

§ 12–50.405–13 Facility requirements.

FACILITY REQUIREMENTS

The Contractor's building shall have complete facilities for maintaining the highest standards of solemnity, reverence, and assistance to the family, and for prescribed ceremonial services. The preparation room shall be clean, sanitary, and adequately equipped. The Contractor shall have, or be able to obtain, catafalques, church trucks and equipment for Protestant, Catholic, and Jewish services. The funeral home, furnishings, grounds, and surroundings area shall be carefully maintained so as to present a clean and well-kept appearance.

§ 12–50.405–14 Preparation history.

PREPARATION HISTORY

For each body prepared, or in the case of group interment for each casket handled, the Contractor shall state briefly the results of the embalming process on a certificate furnished by the Contracting Officer.

§ 12–50.405–15 Changes.

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes in or additions to specifications, issue additional instructions, require modified or additional work or services within the scope of the contract, and change the place of delivery, method of shipment, or the amount of Government-furnished property. If any such change causes an increase or decrease in the cost, or in the time require for, the performance of this contract, an equitable adjustment shall be made in the contract price, or time of performance; or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; provided, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 12–50.405–16 Inconsistent provisions.

INCONSISTENT PROVISIONS

In the event of any inconsistency in the provisions of any of the parts of this contract, the following order shall control: Schedule (Part I); General Provisions (Part II); and Military Specification MIL–C–9876 as in effect on the date of this contract.

§ 12–50.405–17 Coordination.

COORDINATION

Necessary coordination shall be effected with the Contractor's funeral director on all funeral arrangements, which shall include the time remains will be ready for inspection, viewing and shipment, time and place of religious services, time and place of interment, and shipping schedules, and final disposition of remains.

§ 12–50.405–18 Preparation of remains at other than contractor's establishment.

PREPARATION OF REMAINS AT OTHER THAN CONTRACTOR'S ESTABLISHMENT

Preparation of remains at a place other than the Contractor's establishment shall require the concurrence of the Contracting Officer.

§ 12–50.405–19 Major restorative art.

MAJOR RESTORATIVE ART

The Contractor shall advise the Contracting Officer promptly of any need for major restorative art technique (restoration of facial contours, such as nose, ears, mouth, chin, etc.) required for any remains prepared

under this contract to permit the viewing of remains at final destination, and upon the direction of the Contracting Officer, shall perform such restoration. The cost of such restoration shall be allowed as approved by the Contracting Officer.

§ 12–50.405–20 Passenger car.

PASSENGER CAR

When a passenger car is required to transport members of the immediate family to the funeral service and, if necessary, to the selected terminal and return, the cost shall be allowed as approved by the Contracting Officer.

§ 12–50.405–21 Definitions.

Insert the clause set forth in FPR 1–7.101–1 under the conditions and in the manner prescribed therein.

§ 12–50.405–22 Payments.

Insert the clause set forth in FPR 1–7.101–7 under the conditions and in the manner prescribed therein.

§ 12–50.405–23 Assignment of claims.

Insert the clause set forth in FPR 1–30.703 under the conditions and in the manner prescribed therein.

§ 12–50.405–24 Federal, State, and local taxes.

Insert the clause set forth in FPR 1–11.401–1 under the conditions and in the manner prescribed therein.

§ 12–50.405–25 Termination for convenience of the Government.

Insert the clause set forth in FPR 1–8.705–1 under the conditions and in the manner prescribed therein.

§ 12–50.405–26 Default.

Insert the clause set forth in FPR 1–8.707 under the conditions and in the manner prescribed therein.

§ 12–50.405–27 Disputes.

Insert the clause set forth in FPR 1–7.101–12 under the conditions and in the manner prescribed therein.

§ 12–50.405–28 Convict labor.

Insert the clause set forth in FPR 1–12.203 under the conditions and in the manner prescribed therein.

§ 12–50.405–29 Contract Work Hours and Safety Standards Act—overtime compensation.

Insert the clause set forth in FPR 1–12.303 under the conditions and in the manner prescribed therein.

§ 12–50.405–30 Officials not to benefit.

Insert the clause set forth in FPR 1–7.101–19 under the conditions and in the manner prescribed therein.

§ 12–50.405–31 Covenant against contingent fees.

Insert the clause set forth in FPR 1–1.503 under the conditions and in the manner prescribed therein.

§ 12–50.405–32 Gratuities.

Insert the clause set forth in DOTPR 12–7.150–1.

§ 12–50.405–33 Equal opportunity.

Insert the clause set forth in FPR 1–12.803–2 under the conditions and in the manner prescribed therein.

§ 12–50.405–34 Examination of records.

In accordance with the instructions in FPR 1–7.101–10, insert the clause set forth therein in negotiated contracts.

§ 12–50.406 Procurement by purchase orders.

Where no contract exists and use of a purchase order is appropriate, such services shall be obtained by use of a DD Form 1155 (Order for Supplies and Services/Request for Quotations) and DD Form 1155r "General Provisions" which shall be altered by:

(a) Adding the following clauses to the Schedule:

(1) The Specification Clause in § 12–4.5005–4;

(2) The Delivery and Performance clause in § 12–5.5005–7;

(3) The Subcontracting clause in § 12–4.5005–8;

(4) The Inspection clause in § 12–4.5005–10;

(5) The Professional Requirements clause in § 12–4.5005–12;

(6) The Facility Requirements clause in § 12–4.5005–13;

(7) The Preparation History clause in § 12–4.5005–14.

(b) Adding the Additional Default Provision clause in § 12–50.405–9 in the Schedule, with the following substitution for paragraph (a) and the first sentence of paragraph (b) of that clause:

(1) This clause supplements the "Termination for Default" clause of this contract.

(2) This contract may be terminated for default by written notice if during the performance of this contract.

(c) Substituting the Changes clause in § 12–50.405–15 for paragraph 17.

PART 12–60—CONTRACT APPEALS

Sec.
12–60.000 Scope of part.

Subpart 12–60.1—Contract Appeals Board

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12–60.102 Qualification of members.
12–60.103 Authority and duties of the Board and its members.
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12–60.222 Representation of parties.
12–60.223 Settlement.
12–60.224 Decisions.

§ 12–60.000 Scope of part.

This part establishes the Department of Transportation Contract Appeals Board, prescribes its functions and procedures, provides for the appointment of a Chairman and members of the Board, and authorizes the members of the Board to act.

Subpart 12–60.1—Contract Appeals Board

§ 12–60.101 Establishment.

A Department of Transportation Contract Appeals Board (Board) is established. The Secretary of Transportation (Secretary) appoints and terminates the appointments of the members of the Board, and designates one of them as Chairman. The Board is responsible directly to the Secretary.

§ 12–60.102 Qualifications of members.

Each member of the Board must be a qualified attorney who is admitted to practice before the highest court of a State or the District of Columbia, and shall be a civilian employee or a commissioned officer of the Department.

§ 12–60.103 Authority and duties of the Board and its members.

The Board acts for the Secretary in hearing and deciding:

(a) Appeals by contractors from decisions made by contracting officers under contracts which provide for such an appeal to the Secretary; and

(b) Other matters as directed by the Secretary.

In each case, the Board shall make a final decision which is impartial, fair, and just to the parties and is supported by the record of the case and the law. The member or members assigned to hear an appeal have authority to act for the Board in all matters with respect to such appeal, except that the final decision is made by a majority of a panel of Board members designated by the Chairman for that purpose. No member may act for the Board or participate in a decision if he has participated directly in any aspect of the award or administration of the contract involved.

§ 12–60.104 Authority and duties of the Chairman.

The Chairman is delegated authority over and is responsible for:

(a) The internal organization and administration of the Board;

(b) The receipt and custody of all papers and material relating to contract appeals;

(c) The assignment of a member or members of the Board to act for the Board in each appeal and the assignment of the panel of Board members to decide each appeal;

(d) The designation of an acting Chairman during his absence, disqualification, or disability; and

(e) The promulgation of additional or supplemental rules of procedure, not inconsistent with those established by the Secretary.

Subpart 12–60.2—Contract Appeal Procedures

§ 12–60.201 General.

(a) It is the intent of the rules in this part to provide for the just and inexpensive determination of appeals without unnecessary delay. It is the objective of the Board's preliminary procedures to encourage full disclosure of relevant and material facts, and to discourage surprise. Each specified time limitation is a maximum, and should not be fully exhausted if the action described can be accomplished in a shorter period. The Board may extend any time limitation (except the time specified in the contract for filing the notice of appeal) for good cause.

(b) For the purposes of this part—

(1) "The parties" means the appellant and the Contracting Officer;

(2) "Appellant" means the Contractor who appeals; and

(3) "Contracting Officer" means the Government Contracting Officer whose decision is appealed, or his successor.

(c) Ordinarily, the appellant has the burden of proof.

§ 12–60.202 Notice of appeal.

An appeal from a decision of a Contracting Officer is made by sending a written notice of appeal to the Contracting Officer addressed to the Secretary. The notice shall be mailed or filed within 30 days after the date of receipt of the Contracting Officer's decision, unless a different time is provided in the contract. The Contractor shall sign the notice, identify the contract involved and the decision appealed from, and state that he is appealing from that decision. A general letter of complaint objecting to some action taken may be considered not to be a notice of appeal. The notice should be in triplicate, specify the part or parts of the decision from which the appeal is taken, and should state the reason why those parts are erroneous. The notice of election referred to in § 12–60.205, and the complaint referred to in § 12–60.208, may be filed with, or as part of, the notice of appeal.

§ 12–60.203 Forwarding of appeals.

Upon receiving a notice of appeal, the Contracting Officer shall endorse on the original and the copies the date of mailing, or the date of receipt if otherwise filed. He shall immediately send the notice and one copy to the Board for docketing. The Board shall promptly advise the appellant and the Contracting Officer of the receipt of the original notice of an appeal (whether received from the Contracting Officer or otherwise), and shall furnish the appellant a copy of the rules in this part and advise him of his option of procedures.

§ 12–60.204 Duties of the Contracting Officer.

Within 30 days after the first written notice to him that an appeal has been taken, the Contracting Officer shall send to the Board an appeal file, consisting of the originals or true copies of the following:

(a) The findings of fact and the decision from which the appeal is taken, and the letters or other documents of claim in response to which the decision was issued;

(b) The contract and pertinent specifications, plans, drawings, modifications, change orders, and amendments;

(c) All correspondence between the parties relating to the dispute;

(d) Transcripts of any testimony taken in connection with the dispute, and any affidavits or statements of any witnesses that were considered by the Contracting Officer in reaching his decision; and

(e) Any additional data that the contracting officer may consider pertinent.

The contracting officer shall retain a complete copy of the appeal file, except for voluminous exhibits of which the appellant has identical copies, or which the appellant has had the opportunity to inspect. At the time the file is sent to the Board he shall so notify the appellant, provide him with a listing of its contents, and advise him that he may examine it at the office of the Contracting Officer or the Board. As soon as possible the appellant should suggest to the Board any additional documentation he considers pertinent for inclusion in the appeal file. The Board may order the inclusion of the suggested material.

§ 12–60.205 Appellant's election as to procedure.

(a) The appellant may elect to have the appeal considered upon:

(1) The written record, without oral hearing (§ 12–60.206);

(2) A conference hearing (§ 12–60.207); or

(3) A hearing under the Board's regular procedure.

(b) The appellant shall notify the Chairman of the Board of his election within 30 days after the date he receives the Contracting Officer's notice of transmittal of the appeal file under § 12–60.204.

(c) For good cause, at the timely request of the Contracting Officer or on the Board's own motion, the Board may direct that the parties follow either the conference hearing procedure or the regular procedure if the appellant has elected to have the appeal considered upon the written record; or it may direct that the parties follow the regular procedure if the appellant has elected to have the appeal considered under the conference hearing procedure.

§ 12–60.206 Procedure for submission on written record.

If the appeal is considered on the written record, the pleadings specified in § 12–60.208 are not required. The appellant may submit to the Board any additional relevant material for the record within 45 days after the date he receives the Contracting Officer's notice of transmittal of the appeal file under § 12–60.204. The Contracting Officer shall submit any answering material within 30 days after the date he receives the material submitted by the appellant. Thereafter the record shall be settled as provided in § 12–60.221 after at least 15 days notice to the parties by the Board. The Board may permit the record to be supplemented by oral argument and by briefs.

§ 12–60.207 Conference hearing procedure.

(a) *General.* This procedure provides a means for hearing and deciding appeals which is more expeditious and informal than the regular procedure set forth in the rules in this part. It may be of particular value when the appellant regards only limited additional testimony and oral argument as necessary to sustain his case on the written record.

(b) *Pleadings and issues.* Under the conference hearing procedure, pleadings are not required. The issues are those raised by the appellant's claim letter and the Contracting Officer's decision or those identified at a prehearing conference.

(c) *The hearing.* The hearing consists of an informal conference at which the evidence is presented and discussed by the witnesses. The presiding Board member controls the course of the hearing. He may vary the order of presentation so that all evidence on a particular issue is received at the same time and he may refuse to receive any evidence or argument on matters not directly in issue or any repetitive, irrelevant, prejudicial, or improper material. The presiding Board member may also develop facts, obtain admissions, stipulations, and concessions through questioning parties and witnesses.

(d) *Evidence and arguments—how presented.* Evidence and argument is presented by the witnesses and the parties without regard to the formal order of proof. The technical rules of evidence do not apply, but the Board may refuse to consider any statements or documents which are not of sufficient probative weight as to be considered "substantial" evidence. Although witnesses are not separately and sequentially examined and cross-examined, questioning and cross-questioning may be permitted when needed to get relevant information on the record or to test the credibility of witnesses. Evidence and argument may be limited to matters directly in issue.

(e) *Other rules.* All of the rules in this part, except §§ 12–60.208 and 12–60.216, apply to appeals considered under the conference hearing procedure.

§ 12–60.208 Pleadings.

(a) Unless he elects to have the appeal considered on the written record or under the conference hearing procedure, the appellant shall, within 30 days after receipt of the Contracting Officer's notice of transmittal of the appeal file under § 12.60.204, file with the Board an original and two copies of a complaint setting forth a concise statement of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. If the Board orders a complaint to be filed, the complaint shall be filed within the time specified in the Board's order.

(b) Within 30 days after the date of receipt of the complaint, the Contracting Officer shall file with the Board an original and two copies of an answer, setting forth a concise statement of his defense to each claim asserted by the appellant.

(c) Although no particular form or formality is required, the complaint and answer shall fulfill the generally recognized requirements for pleading.

§ 12–60.209 Motions.

Motions are made by filing an original and two copies thereof together with any supporting papers, with the Board. Motions may also be made upon the record, in the presence of the other party, at a prehearing conference or a hearing. The Board shall consider any timely motion:

(a) For extension of time or to cure defaults;

(b) To require that a pleading be made more definite and certain, or for leave to amend a pleading;

(c) To dismiss for lack of jurisdiction; to dismiss for failure to prosecute; or to grant summary relief because a pleading does not raise a justiciable issue;

(d) For discovery, for interrogatories to a party, and for the taking of depositions;

(e) To reopen a hearing; or to reconsider a decision; or

(f) For any other appropriate order.

The Board may, on its own motion, initiate any such action by notice to the parties. Unless a longer time is allowed by the Board, a party who receives a motion shall file any answering material within 20 days after the date of receipt. The Board shall make an order on each motion that is appropriate and just to the parties, and upon conditions that will promote efficiency in disposing of the appeal. The Board may permit oral hearing or argument on motions, and may require the presentation of briefs. Motions to reconsider a decision must be made within 30 days after the date of receipt of the decision.

§ 12–60.210 Prehearing conference.

The Board may, upon the request of either party, or upon its own motion, require the parties to appear for a prehearing conference to consider—

(a) Simplification or clarification of the issues;

(b) Stipulations and admissions;

(c) Limitations on the evidence and the number of witnesses whose testimony is to be presented;

(d) Possibility of agreement on any of the issues in dispute; and

(e) Any other matter that may aid in the disposition of the appeal.

The presiding Board member shall reduce results of the conference to writing. The results are a part of the record.

§ 12–60.211 Service of papers.

Except for the appeals file, a copy of each document and each communication to the Board shall be served upon the other party at the time it is filed with or sent to the Board. Service of papers shall be made personally or by mail.

§ 12–60.211–1 Notation; copy to other party.

Except for the appeal file, each written communication to the Board from or on behalf of the Contracting Officer or the appellant shall include a notation or statement that a copy has been served on or sent to the other party. The letter to the Board transmitting the appeal file shall indicate that a copy of the letter and a list of the documents have been sent to the appellant.

§ 12–60.212 Depositions and discovery.

(a) *Depositions.* (1) After an appeal has been docketed, the Board may, for good cause, order the taking of the testimony of any person, by deposition upon oral examination or written interrogatories. A party's application for the order shall specify whether the deposition is for (i) the purpose of discovery, or (ii) use as evidence.

(2) The taking of evidentiary depositions will not ordinarily be ordered unless it appears that it is impracticable to present the witness' testimony at the hearing of the appeal, or unless a hearing has been waived and the case submitted on the written record pursuant to § 12–60.206. Testimony taken by deposition shall not be considered part of the evidence in the hearing of an appeal unless and until it is offered and received in evidence. It shall not ordinarily be received in evidence if the witness can testify personally at the hearing, except that depositions may be used to contradict or impeach the testimony of witnesses.

(b) *Inspection of documents.* For good cause, the Board may order any party to produce and permit the inspection and copying or photographing of designated documents, not privileged, regarding any matter that is relevant to the appeal.

(c) *Admission of facts.* For good cause shown, the Board may permit a party to serve upon the opposing party a request for the admission of specified facts.

(d) *Orders of the Board.* The time, place, and manner of taking depositions, producing documents, or making admissions under this section shall be governed by the order of the Board.

§ 12–60.213 Prehearing briefs.

Either party may file a prehearing brief, and the Board may require both parties to submit prehearing briefs. Such a brief should be filed at least 15 days before the date set for hearing.

§ 12–60.214 Notice of hearing; where and when held.

Hearings are held in Washington, D.C., except that upon request reasonably made and upon good cause shown, the Board in its discretion may set the hearing at another location. Hearings are scheduled by the Board with due consideration to the regular order of appeals, the desires of the parties, the requirement for just and inexpensive determination of appeals without unnecessary delay, and other pertinent factors. The parties shall be given at least 15 days' notice of the time and place set for hearings.

§ 12–60.215 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing does not delay the hearing. In such a case, the hearing proceeds and the case is considered to be submitted on the written record by the absent party, as provided in § 12–60.206.

§ 12–60.216 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Subject to the discretion of the presiding Board member as to the extent and manner of the presentation of such evidence, the appellant and the Contracting Officer may offer any relevant evidence that would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials. In general, admissibility depends on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence may be admitted in the discretion of the presiding Board member. The weight to be attached to evidence presented in any particular form is within the discretion of the Board, after considering the circumstances of the particular case. The Board may in any case require evidence in addition to that offered by the parties.

§ 12–60.217 Examination of witnesses.

Witnesses before the Board may be examined orally under oath or affirmation. If the testimony of a witness is not given under oath the Board shall warn the witness that his statements are subject to sections 287 and 1001 of title 18, United States Code, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States.

§ 12–60.218 Copies of papers.

A true copy may be substituted for any book, record, paper, or other document that has been received in evidence. If this is done, an identical copy shall be furnished to the other party.

§ 12–60.219 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties, or as may be directed by the presiding Board member.

§ 12–60.220 Transcript of proceedings.

Unless the Board otherwise orders, testimony and argument at hearings shall be reported verbatim. Any party to a hearing may buy a transcript of the proceedings at rates fixed by contract between the Board and the reporter, or equivalent rates if the proceedings are reported by an employee of the United States.

§ 12–60.221 Settling the record.

(a) A case which is heard is ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted.

(b) A case submitted on the record pursuant to § 12–60.206 is ready for decision when the parties are so notified by the Board. At any time before the date that such a case is ready for decision, either party may, upon good cause shown, supplement the record with documents and exhibits that the Board considers relevant and material.

(c) The Board may, upon its own motion, call upon either party, with appropriate notice to the other, for evidence that is considers relevant and material. The weight attached to any evidence of record is within the discretion of the Board. Either party may at any stage of the proceeding, on notice to the other party, question by objection the relevance or materiality of material in the record or offered into the record.

(d) The Board record consists of the appeal file described in § 12–60.204 and any additional material filed with or heard by the Board, except material which the Board strikes or excludes.

(e) This record is at all times available for inspection by either party, upon reasonable prior arrangement, at the office of the Board. Copies of materials in the record may, if practicable, be furnished to the appellant upon payment of the established fees for reproduction.

§ 12–60.222 Representation of parties.

An individual appellant may prosecute his appeal in person; a corporation, by an officer; a partnership or joint venture, by a member; and any appellant may be represented by an attorney. The Contracting Officer is represented by Government counsel.

§ 12–60.223 Settlement.

A dispute may be settled at any time before the decision by the filing of a written notice by the appellant withdrawing his appeal or by written stipulation between the appellant and the Contracting Officer, settling the dispute. Proceedings may be suspended while the parties are considering settlement.

§ 12–60.224 Decisions.

Written decisions of the Board shall be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions are open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board are made upon the record.

PART 12–99—DEPARTMENTAL ORDERS

Sec.
12–99.000 Scope of part.
DOT Order 4220.1.
DOT Order 4200.4.
DOT Order 4200.7.
DOT Order 4400.3.

§ 12–99.000 Scope of part.

This part contains the following Departmental orders which pertain to procurement:

(a) DOT Order 4220.1 (Subj: Prefixes for DOT contract numbers).

(b) DOT Order 4200.4 (Subj: Unsolicited contract proposals).

(c) DOT Order 4200.7 (Subj: Authority to make contractual commitments).

(d) DOT Order 4400.3 (Subj: Establishment of Department of Transportation Procurement Regulations).

[The text of the above orders follows]

DOT ORDER 4220.1, SUBJ: PREFIXES FOR DOT CONTRACT NUMBERS

1. *Purpose.* To establish prefixes for contract numbers issued by the Department of Transportation.

2. *Cancellation.* DOT 4200.3, Prefixes for Department of Transportation Contract Numbers, dated 12/22/67.

3. *Scope.* The provisions of this order apply to the Office of the Secretary and the operating administrations. In addition, pursuant to delegation by the National Transportation Safety Board (NTSB) under Section 5(m) of the Department of Transportation Act, this directive is applicable to the NTSB.

4. *Discussion.* It is desirable to have contract numbers for contracts issued by the Department prefixed by letter designations which will clearly identify the contracts by the Department, and within the Department by component, i.e., OST, operating administration or NTSB. Standardization of the numbering system to this extent will aid in the correct referral of inquiries about, or information submitted under Department contracts.

5. *Procedures.* a. All contracts, exclusive of purchase orders, issued by the Department will be identified by a number or combination of letters and numbers. This will be prefixed by the appropriate symbols from the list below:

Office of the Secretary	DOT–OS
Transportation Systems Center	DOT–TSC
U.S. Coast Guard	DOT–CG
Federal Aviation Administration	DOT–FA
Federal Highway Administration	DOT–FH
St. Lawrence Seaway Development Corporation	DOT–SL
National Transportation Safety Board	DOT–SB
Office of Supersonic Transport Development	DOT–SS
Federal Railroad Administration	DOT–FR
Urban Mass Transportation Administration	DOT–UT
National Highway Traffic Safety Administration	DOT–HS

b. Identifying contract numbers and letters, other than the above required prefixes, will be established by each component of the Department. To the extent the above prescribed prefixes interfere with established control systems they may be omitted on purely internal actions.

c. When contracts are entered into by one component for another, pursuant to a cross-servicing agreement, the contract number prefix will be that of the component for which the contract was prepared.

For the Secretary of Transportation:

ALAN L. DEAN,
Assistant Secretary for Administration.

DOT ORDER 4200.4, SUBJ: UNSOLICITED CONTRACT PROPOSALS

1. *Purpose.* To state Department of Transportation policy on unsolicited contract proposals and prescribe procedures for their processing.

2. *Scope.* The provisions of this order apply to the Office of the Secretary and the operating administrations. In addition, pursuant to delegation by the National Transportation Safety Board under Section 5(m) of the Department of Transportation Act, this directive is applicable to the National Transportation Safety Board.

3. *Definition.* An unsolicited contract proposal, hereinafter referred to as an unsolicited proposal, is an offer initiated and submitted to the Department of Transportation by a prospective contractor, without solicitation from the Government, with the objective of obtaining a contract.

4. *Discussion.* The Department of Transportation encourages prospective contractors to disclose to the Department, for purposes of evaluation, unique or novel ideas or concepts which they have originated, conceived or developed, and own, and which have application to the work of this Department. However, it must be recognized that it is normal practice for the Department to develop its own requirements, to solicit offers or bids and then to contract with the source that offers the best value. Many unsolicited proposals do not, in fact, contain ideas or concepts which are proprietary to or owned by the submitter, and acceptance of proposals by the Department for evaluation must not imply a promise to pay, a recognition of novelty or originality, or any restriction on the use of information contained therein to which the Government would otherwise be entitled, nor does the fact that a procurement follows receipt of or is based on an unsolicited proposal in and of itself justify sole source procurement.

5. *Policy.* a. All unsolicited proposals shall be processed and evaluated in an expeditious manner. Proposals shall be acknowledged as soon after receipt as possible, and submitters shall be advised promptly as to the ultimate disposition of their proposals.

b. A proposed procurement based on an unsolicited proposal is subject to the same policies, regulations, and procedures (including those relating to sole source) as any other proposed procurement, and will be processed accordingly.

6. *Procedure.* a. The head of each operating administration and the Chairman, National Transportation Safety Board, will designate a central office (hereinafter referred to as the central receiving office) for the receipt of unsolicited proposals. The Assistant Secretary for administration will designate a central receiving office for those unsolicited proposals submitted to the Office of the Secretary. Each central receiving office will serve as a clearing house for unsolicited proposals submitted to its administration.

It will: (1) Serve as the point of contact with the submitter; (2) maintain records showing the receipt and status of unsolicited proposals; and (3) coordinate with other administrations when appropriate.

b. An information copy of central office designations and any implementing instructions will be furnished to the Director of Installations and Logistics, OST.

c. To facilitate processing, prospective contractors should be urged to submit their proposals directly to the central receiving office, and to submit them whenever possible without restrictions on the use of technical data included therein. In cases where the submitter wants technical data included in the proposal to be used only for purposes of evaluation, he must specifically identify the data using the following endorsement:

"The data in this proposal listed below shall not be used or disclosed, except for evaluation purposes: *Provided*, That if a contract is awarded to this submitter as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose any technical data which is not proprietary to the submitter or is obtained from another source without restriction. List of claimed proprietary data:" (Here describe in detail the material claimed to be proprietary—mere page reference or general statements will not be acceptable).

d. Proposals submitted without a restrictive legend and those parts of proposals submitted with the above legend which are not described in detail in the "List of Claimed Proprietary Data" will be considered as free of all restrictions.

e. When unsolicited proposals are received by personnel outside of the central receiving offices, the recipient will record the date of receipt and immediately forward the proposal to the central receiving office designated by his administration. Since a prospective contractor may get certain legal rights upon the acceptance of a confidential disclosure of proprietary information, personnel should not read those proposals received prior to forwarding them to the central receiving office for processing.

f. Prior to the acceptance of an unsolicited proposal for evaluation, a letter similar to that set forth as Attachment 1 shall be sent to the submitter, stating the policies of the Department regarding the treatment of unsolicited proposals, and requesting an acknowledgement by the submitter. Pending receipt of the acknowledgement, the unsolicited proposal shall not be evaluated, but will be kept in safekeeping. If the letter forwarding the unsolicited proposal clearly indicates knowledge of the policies of the Department, an acknowledgement of receipt may be sent to the submitter, and evaluation commenced. An unsolicited proposal will not be accepted for evaluation where it contains a restrictive endorsement or proprietary notice other than that prescribed in 6c. When a submitter requests return of his unsolicited proposal without evaluation, or when for whatever reason an unsolicited proposal is not accepted for evaluation, all copies of the proposal shall be returned.

g. If a proposal accepted for evaluation does contain proprietary data, employees receiving the proposal must not disclose to parties outside the Government, without the written permission of the submitter, any proprietary information contained in it. Such information shall be safeguarded in the evaluation process and given only to those persons having an official need for the information for purposes of evaluation.

h. After acceptance of the proposal, a prompt, thorough, and completely objective evaluation is required. If final evaluation cannot be accomplished within 60 days, the submitter shall be so notified.

i. Prior to making a comprehensive evaluation of a document apparently submitted as an unsolicited proposal, a determination shall be made that the document: (1) Contains sufficient technical and cost information to enable meaningful evaluation; and (2) does not merely offer to perform standard services or to provide "off-the-shelf" articles.

j. If a document does not meet these requirements, a comprehensive evaluation need not be made, and the document may be considered and handled as correspondence or advertising. In such cases a prompt reply shall be sent to the submitter, indicating how the document is being interpreted and the reason(s) for not considering it a proposal.

k. Whenever a decision is made to reject an unsolicited proposal, the central receiving office will retain one copy in a secure file, and all other copies will be returned to the submitter. The submitter shall be informed of the reason(s) for rejection of his proposal. Consideration will be given to the possibility that the subject matter of the proposal may be of interest to another element of the Department. If this appears to be the case, the proposal should be forwarded to the central receiving office of the other element, and the submitter appropriately advised of the action.

l. If after the detailed evaluation it is determined that a contract should be negotiated on the basis of the proposal, or that competitive proposals should be solicited to attain the same or similar results as suggested by the submitter, an appropriate letter shall be sent to the submitter.

m. The processing of unsolicited proposals shall be closely coordinated with the appropriate offices of Counsel and Procurement or Contracting.

5. *Effective date.* The policies set forth in this order are effective immediately. The procedures required must be instituted no later than March 31, 1968.

ALAN S. BOYD,
Secretary of Transportation.

ATTACHMENT 1 TO ORDER 4200.4

[Text reference: paragraph 6f above]

Gentlemen: This is to acknowledge receipt of your unsolicited proposal of June 24, 1967, and to advise you of the policies of the Department of Transportation regarding the treatment accorded to unsolicited proposals.

The Department of Transportation encourages prospective contractors to disclose to the Department, for purposes of evaluation, unique or novel ideas or concepts which they have originated, conceived or developed, and own and which have application to the work of the Department. However it must be recognized that it is normal practice for the Department to develop its own requirements, to solicit offers or bids and then to contract with the source that offers the best value.

Many unsolicited proposals do not, in fact, contain ideas or concepts which are proprietary to or owned by the submitter, and acceptance of proposals by the Department for evaluation must not imply a promise to pay, a recognition of novelty or originality, or any restriction on the use of information contained therein to which the government would otherwise be entitled, nor does the fact that a procurement follows receipt of or is based on an unsolicited proposal in and of itself justify sole source procurement.

To facilitate processing prospective contractors are urged to submit their proposals without restrictions on the use of technical data included therein.

In cases where the submitter wants technical data included in the proposal to be used only for purposes of evaluation, he must specifically identify the data using the following endorsement:

"The data in this proposal listed below shall not be used or disclosed except for evaluation purposes: *Provided*, That if a contract is awarded to this submitter as a result of or in connection with the submission of this proposal the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose any technical data which is not proprietary to the submitter or is obtained from another source without restriction. List of claimed proprietary data:" (Here describe in detail the materials claimed to be proprietary—mere page references or general statements will not be acceptable).

Proposals submitted without the above restrictive legend and those parts of proposals submitted with the above legend which are not described in detail in the "List of Claimed Proprietary Data" will be considered as free of all restrictions.

You are requested to acknowledge this letter and advise whether you wish your proposal to be evaluated. If your proposal contains a restrictive endorsement or proprietary notice other than that prescribed above you must either correct such notice or remove the proprietary material prior to acceptance of the proposal by the Department. Pending a reply from you, your proposal will not be accepted for evaluation, but will be held in safekeeping.

Sincerely

ORDER 4200.7, SUBJ: AUTHORITY TO MAKE CONTRACTUAL COMMITMENTS

1. *Purpose.* This order describes the limitations on the authority of officers in the Department of Transportation (DOT) to obligate the Government in the award and administration of contracts.

2. *Does not apply.* This order does not apply to grants-in-aid to State and local governments nor to agreements with other Federal agencies, but such grants-in-aid and agreements with other Federal agencies will not be committed nor entered into without appropriate authority.

3. *Scope.* The provisions of this order apply to the office of the Secretary (OST) and the operating administrations. In addition, pursuant to delegation by the National Transportation Safety Board (NTSB) under Section 5(m) of the Department of Transportation Act, this directive is applicable to the NTSB.

4. *Authority.* a. *Written authority*—(1) Statutory officials of the Department who are specifically authorized to bind the Government contractually may act as contracting officers and may delegate the authority to act as a contracting officer to other employees of the Department.

(2) Such delegation shall be in writing and shall specify the limitations, if any, upon the authority delegated. All those acting as contracting officers will act strictly within their authority and will observe all limitations on their authority.

b. *Formal and Informal Commitments.*

(1) The contracting officer represents the Government in procurement transactions and, acting within the limitations of his authority, is the agent of the Government to enter into, modify, interpret, and administer contracts in accordance with laws and regulations.

(2) No employee of DOT, other than a contracting officer operating within the limitations of his authority, will enter into formal contracts, authorize contract modifications, give informal contractual commitments, or otherwise bind, commit or obligate the Government contractually. Informal contractual commitments include actions as:

(a) encouraging a potential contractor to incur costs prior to receiving a contract;

(b) requesting or requiring a contractor to make changes under a contract without formal contract modification;

(c) encouraging a contractor to incur costs under a cost reimbursable contract in excess of those costs contractually allowable; and,

(d) committing the Government to a course of action with regard to a potential contract, contract change, claim or dispute.

c. *Contracting Officer's Representatives.* To facilitate the conduct of business, a contracting officer may appoint personnel as his authorized representatives for specific actions, such as inspection, engineering, or expediting. Such appointments will be made in writing, and will clearly define the limits of authority.

5. *Contract Discussions.* A contracting officer or his authorized representative will be afforded the opportunity to participate in all discussions with contractors or potential contractors when it is likely that a proposed contract, official contract interpretation, or change in terms of an existing contract will be discussed.

ALAN S. BOYD,
Secretary of Transportation.

ORDER 4400.3, ESTABLISHMENT OF DEPARTMENT OF TRANSPORTATION PROCUREMENT REGULATIONS

1. *Purpose.* To establish a system of procurement regulations for the Department of Transportation (DOT).

2. *Scope.* The provisions of this order apply to the Office of the Secretary (OST) and the operating administrations. In addition, pursuant to delegation by the National Transportation Safety Board (NTSB) under Section 5(m) of the DOT Act, this directive is applicable to the NTSB.

3. *Authority.* The DOT Procurement Regulations (DOTPR) are prescribed pursuant to the authority of the Federal Property and Administrative Services Act of 1949, and Chapter 137 of Title 10 of the United States Code.

4. *Policy.* The Federal Procurement Regulations (FPR's) (Chapter 1 of Title 41 of the Code of Federal Regualtions), as implemented and supplemented by the DOTPR's (Chapter 12 of Title 41 of the Code of Federal Regulations), are the authorized regulations governing the procurement of supplies and services (including construction and concessions) and the procurement of real property by lease, by DOT. These regulations apply to all DOT procurements made within and outside the United States, unless otherwise specified therein.

5. *Description of the DOTPR System.*

a. The DOTPR's will be published for Departmental distribution in looseleaf form designed to permit interleaf into the FPR's. To facilitate usage, the DOTPR will be printed on blue paper so as to be immediately distinguishable from the FPR. Those portions of the regulations which are considered to have an impact on the public will be published as Chapter 12 of Title 41, Code of Federal Regulations, in the daily issues of the Federal Register and in cumulated form in the Code of Federal Regulations.

b. The DOTPR will employ the same numbering system and nomenclature used in the FPR, and conform with Federal Register standards approved for the FPR.

c. The DOTPR may be implemented and supplemented, as prescribed therein, by regulations issued by the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the U.S. Coast Guard, the St. Lawrence Seaway Development Corporation, the Urban Mass Transportation Administration, the National Transportation Safety Board, and the Office of the Secretary.

d. Portions of the DOTPR and changes thereto will be issued from time to time. Changes or additions which have limited duration or must be issued quickly under emergency circumstances will be identified as "Temporary DOTPR's".

6. *Issuance.*

a. The DOTPR shall be prepared by the Office of Installations and Logistics, OST, under the authority and direction of the Assistant Secretary for Administration.

(b) The Assistant Secretary for Administration shall have the authority to issue DOTPR's, subject to the limitations of authority specified in DOT 1100.23, Department of Transportation Organization Manual, of March 7, 1968.

7. *Coordination.* The views of the General Counsel, the interested administrations and other offices will be solicited in the development of the DOTPR. In commenting upon proposed provisions for the DOTPR, the administrations will indicate the nature and purpose of any additional implementing or supplementing policy guidances which they propose to issue at the administration level.

8. *Distribution.* The DOTPR will be distributed to DOT activities as authorized by the Director of Installations and Logistics, OST. Requests for copies shall be forwarded to that office. Distribution will normally be limited to holders of the FPR's.

ALAN S. BOYD,
Secretary of Transportation.

[FR Doc.71-3598 Filed 3-16-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001, 1002, 1004, 1015]

[Docket No. AO-14-A49-RO1, etc.]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A49-RO1.
1002	New York-New Jersey	AO-71-A62
1004	Middle Atlantic	AO-160-A45.
1015	Connecticut	AO-305-A28.

Notice is hereby given of a public hearing to be held in the Conference Room of the Market Administrator's office, 205 East 42d Street, New York, NY, beginning at 10:30 a.m. on March 30, 1971, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in each of the marketing areas specified as follows: Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Middle Atlantic, Connecticut.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purposes of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposals Nos. 1, 2, and 3.

This hearing represents a reopening for the limited purpose stated herein of the public hearing held for the Massachusetts-Rhode Island-New Hampshire Order No. 1 in October and in December 1970 (Docket No. AO-14-A49).

A decision issued on March 1, 1971, by the Deputy Administrator, Regulatory Programs, and based upon that hearing, recommended an expansion of the Order 1 marketing area. The following proposals relating to Order No. 1, therefore, will be considered relative to amending the current order or any expanded order which may result from the October, December hearing.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Queensboro Farm Products, Inc., Delaware Farms Inc., Amity Dairy, Inc., Local Milk Products, Inc., Trinity Dairy Co., Inc., Weissglass Gold Seal Dairy Corp., Queens Farms Dairy, Inc., and Deltown Foods, Inc.:

Proposal No. 1. Amend the appropriate classification provisions of Order 2 to provide that half and half be designated a Class II product in lieu of the Class I classification presently provided for in the order. In this connection, a revised "fluid milk product" definition is proposed, as follows:

§ 1002.15 Fluid milk product.

"Fluid milk product" means all skim milk and butterfat in the form of milk, fluid skim milk, filled milk, cultured or flavored milk drinks (except eggnog and yogurt), concentrated fluid milk disposed of in consumer packages, and any mixture of cream, milk or skim milk containing less than 10 percent butterfat (other than frozen desserts, frozen dessert mixes, whipped topping mixtures, evaporated milk, plain or sweetened condensed milk or skim milk, sterilized milk or milk products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided*, That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

Proposed by New York-New England Dairy Cooperative Coordinating Committee:

Proposal No. 2. Revise the "fluid milk product" definition in the four subject orders to read as follows:

Fluid milk product means any food product containing 6.5 percent or more

of milk-solids-not-fat (other than sodium caseinate) with less than 10 percent butterfat and 27 percent milk-solids-not-fat and more than 20 percent moisture, all computed on the basis of weight excluding additives (other than water) not derived from milk. The term includes all skim milk and butterfat in the form of milk, fluid skim milk, cultured or flavored milk, cultured or flavored skim milk or milk drinks, buttermilk, cultured buttermilk, filled milk, cultured or flavored filled milk or milk drinks, concentrated milk, concentrated filled milk, concentrated flavored filled milk or concentrated flavored filled milk drinks, and any mixture of milk, cream, or skim milk within the limits of the above definition, all in either fluid, frozen, fortified or reconstituted form. The term does not include such products as eggnog, yogurt, ice cream or frozen desserts, ice cream or frozen dessert mixes, ice milk or ice milk mixes, milk shake mixes for further processing and resale, puddings, canned liquid diet formula, canned liquid formula for infant feeding, canned milk shake, evaporated or condensed (plain or sweetened) milk or skim milk, or any filled product which contains 6 percent or more of nonmilk fat (or oil). When any fluid milk product is fortified with nonfat milk solids, the amount of skim milk to be included within the definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

Proposal No. 3. Revise the butterfat differential provisions of the Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Middle Atlantic, and Connecticut milk orders (§§ 1001.71, 1002.81, 1004.81, and 1015.71, respectively) to read as follows:

Butterfat differential. The butterfat differential for the adjustment of prices as specified in this part shall be, plus or minus for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent, an amount computed as follows: Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the month by the Department of Agriculture for Grade A (92-score) bulk creamery butter in the Chicago market.

Proposed by Lafayette Milk Co.:

Proposal No. 4. Eliminate the "Direct delivery differential" under the New York-New Jersey Order No. 2 by revoking paragraph (b) of § 1002.82.

Proposed by Tuscan Dairy Farms, Inc., North Blenheim Creamery Corp., and Lafayette Milk Co.

Proposal No. 5. Revise § 1002.42 (Shrinkage) of the New York-New Jersey order so as to conform with the shrinkage provisions of §§ 1004.41 and 1004.42 of the Middle Atlantic order.

Proposed by Bureau of Corrections, Commonwealth of Pennsylvania:

Proposal No. 6. Amend the Middle Atlantic Order No. 4 as follows:

A. In § 1004.16, add a new paragraph (h) to read as follows:

§ 1004.16 Milk and milk products.

* * * * * *

(h) "Exempt milk" means bulk fluid milk products received at a pool plant from the plant of a handler pursuant to § 1004.10(e) for processing and packaging and for which an equivalent quantity of packaged fluid milk products is returned to such handler during the month.

B. In § 1004.46, revise paragraph (a)(2) to read as follows:

§ 1004.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of certified milk in packaged form, and receipts of exempt milk pursuant to § 1004.16(h).

* * * * * *

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders at 230 Congress Street, Room 403, Boston, MA 02110; 205 East 42d Street, New York, NY 10017; 710 South Washington Street, Alexandria, VA 22314; 999 Asylum Avenue, Hartford, CT 06105; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on: March 12, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-3698 Filed 3-16-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[RM-1743]

FM BROADCAST STATIONS

Table of Assignments; Elberton, Ga.; Order Extending Time To File Responses to Petition

1. On February 4, 1971, Elberton Broadcasting Co., Inc. (Elberton), filed a petition for rule making requesting the assignment of Channel 221A to Elberton, Ga., as a first FM assignment to that community. Public notice of this filing was given on February 12, 1971. Responses to the petition are due March 12, 1971.

2. On March 9, 1971, counsel for Broadcasting Company of the Carolinas (Carolinas) filed a request for an extension of the filing date, to and including April 5, 1971. It states that the requested extension is necessary due to the fact that their engineering consultant has been unable to prepare the necessary studies to be included in their pleading because of the press of other business commitments.

3. It appears that the requested extension is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing responses to the petition for rule making is extended to and including April 5, 1971.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.281(d)(8) of the Commission's rules.

Adopted: March 11, 1971.

Released: March 12, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-3669 Filed 3-16-71;8:46 am]

[47 CFR Part 73]

[Docket No. 18476; RM-1356 etc.]

FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. Doniphan, Mo.; Princeton, W. Va.; Auburn, Nebr.; Cayce, S.C.; Sallisaw, Okla.; Heber Springs, Ark.; Preston, Minn.; Barnstable, Nantucket, and Falmouth, Mass.; Mineral Wells, Tex.; Fayette, Hartselle, and Talladega, Ala.; Mariposa, Calif.; Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky.; Flora, Ill., Jasper, Arab, and Demopolis, Ala., Docket No. 18476, RM-1356, RM-1359, RM-1360, RM-1364, RM-1368, RM-1373, RM-1374, RM-1376, RM-1377, RM-1378, RM-1379, RM-1382, RM-1383, RM-1389, RM-1390, RM-1391, RM-1414, RM-1417, RM-1496.

1. In a further notice of proposed rule making, adopted January 6, 1971 (FCC 71-22), the Commission invited comments on proposed FM channel changes for Fayette, Hartselle, Talladega, Jasper, Arab, and Demopolis, Ala. The time for filing comments and reply comments is presently March 9, 1971, and March 19, 1971, respectively.

2. On March 5, 1971, Sid McDonald and Radio South, Inc., through their attorneys, filed a request for an extension of time in which to file comments and reply comments to March 16, 1971, and March 26, 1971, respectively. They state that the requested extension is necessary because counsel for Radio South, Inc., has been absent from Washington on business, for the past week, and his calendar and the calendar of counsel for Sid McDonald precludes filing of comments by March 9, 1971. They also state that all counsel for proponents in this proceeding, who previously filed pleadings respecting the above-captioned proposals, indicated that they consent to the extension requested herein.

3. We are of the view that the additional time requested is warranted and would serve the public interest. *Accordingly, It is ordered,* That the time for filing comments and reply comments in this proceeding is extended to and including March 16, 1971, and March 26, 1971, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: March 9, 1971.

Released: March 11, 1971.

[SEAL] ROBERT J. RAWSON,
Deputy Chief, Broadcast Bureau.

[FR Doc.71-3668 Filed 3-16-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC-30]

CINCINNATI, OHIO, COMMERCIAL ZONE

Proposed Redefinition of Limits

MARCH 12, 1971.

Petitioner: Greater Cincinnati Chamber of Commerce; petitioner's representative: Norbert B. Flick, Executive Building, Cincinnati, OH 45202.

By petition filed January 27, 1971, petitioner requests the Commission to institute a proceeding for the purpose of specifically redefining the limits of the zone adjacent to and commercially a part of Cincinnati, Ohio, which are now specifically prescribed in Cincinnati, Ohio, Commercial Zone, 112 M.C.C. 112 (49 CFR 1048.7).

Specifically, petitioner requests that the Cincinnati commercial zone be defined as follows:

The zone adjacent to and commercially a part of Cincinnati, Ohio, within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuing carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), includes and is comprised of all points as follows:

Addyston, Ohio.	Mariemont, Ohio.
Cheviot, Ohio.	North Bend, Ohio.
Cincinnati, Ohio.	Norwood, Ohio.
Cleves, Ohio.	St. Bernard, Ohio.
Elmwood Place, Ohio.	Covington, Ky.
Fairfax, Ohio.	Newport, Ky.

That part of Ohio bounded by a line commencing at the intersection of the Colerain-Springfield Township line and corporate limits of Cincinnati, Ohio, and extending along said township line in a northerly direction to its intersection with the Butler-Hamilton County line, thence in an easterly direction along said county line to its intersection with Ohio Highway 4, thence in a northwesterly direction along Ohio Highway 4 to its intersection with Seward Road, thence northerly to the intersection of Port Union Road, thence east along Port Union Road to Fairfield Township line, thence northward along said township line to its intersection with the right-of-way of the Pennsylvania Railroad Co., thence southeasterly along the right-of-way of the Pennsylvania Railroad Co. to its intersection with Princeton-Glendale Road (Ohio 747), thence southward along said road to its intersection with Mulhauser Road, thence in an easterly direction along said road to the terminus thereof west of the tracks of the Pennsylvania Railroad, thence continuing in an easterly direction in a straight line to Allen Road, thence along the latter to the junction thereof with Cincinnati-Dayton Road, thence in a southerly direction along said Cincinnati-Dayton Road to the Butler-Hamilton County line, thence along the said county line to its intersection with Ohio and U.S. Routes 3 and 22, thence along Routes 3 and 22 to the junction of the Fields-Ertel Road, thence in an easterly direction along said road to the Little Miami River, thence southerly along the Little Miami River to its intersection with northern boundary of Loveland, Ohio, thence along said boundary to its eastern corporate limits, thence southerly and westerly to the Little Miami River, thence southeasterly along said river to the intersection of Interstate Highway 275 (Circle Freeway) thence southerly and westerly along said Interstate Highway 275 to Sutton Road thence south to Ohio River.

That part of Campbell County, Ky., lying on and north of a line commencing at the south corporate limits of Newport, Ky., and extending along Licking Pike (Kentucky Highway 9) to its junction with Johns Hill Road, thence along Johns Hill road to junction with Alexandria Pike (U.S. Highway 27), thence southerly, easterly and northerly around the city limits of Cold Springs, Ky., to Highland Heights, Ky., thence northerly to intersection of Kentucky Highway 1998, thence northeasterly to its junction with Kentucky Highway 8, thence westerly along Kentucky Highway 8 to its junction with Kentucky Highway 445.

That part of Kenton County, Ky., east and north of the Boone-Kenton County line at a point beginning at Devon, Ky., thence easterly along Richardson Road to its junction of Kentucky Highway 1303, thence northeasterly along said route to the southern corporate limits of Edgewood, Kenton County, Ky., thence northeasterly along the corporate limits of Crestview Hills, Lakeside, Fort Mitchell, Fort Wright, and Lakeview, Ky., to the city limits of Covington, Ky., thence around the southern limits of said city eastward to the Kenton-Campbell line at the center of the Licking River.

That part of Boone County, Ky., west of the Kenton-Boone County line, beginning at Devon, and north and east of the following described line beginning at Devon westward in a straight line to the junction with Interstate Highway 75 thence northward along Interstate Highway 75 to its intersection with Kentucky Highway 18, including communities on the described line, thence westward along Kentucky Highway 18 to its junction with Kentucky Highway 237, thence northerly along said highway to its junction with Kentucky Highway 8, thence in a straight line north to Ohio River.

No oral hearing is contemplated at this time, but anyone wishing to make representation in favor of, or against, the above-proposed specific redefinition of the limits of the Cincinnati, Ohio, commercial zone, may do so by the submission of written data, views, or arguments.

An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before April 20, 1971. Each such statement shall include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3689 Filed 3-16-71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PIG IRON FROM FINLAND

Withholding of Appraisement Notice

Information was received on February 3, 1969, that pig iron from Finland was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice," which was published in the FEDERAL REGISTER of September 6, 1969, on page 14136. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19.U.S.C. 160(b)) notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such pig iron from Finland is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Customs officers are being directed to withhold appraisement of pig iron from Finland in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37) interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views or arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(a), Customs regulations, shall become effective upon publication in the FEDERAL REGISTER (3–17–71). It shall cease to be effective at the expiration of 3 months from the date of such publication, unless previously revoked.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: March 15, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3763 Filed 3-16-71;8:51 am]

PIG IRON FROM WEST GERMANY

Withholding of Appraisement Notice

Information was received on February 3, 1969, that pig iron from West Germany was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice", which was published in the FEDERAL REGISTER of September 6, 1969, on page 14137. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

A "Notice of Tentative Negative Determination" that pig iron from West Germany is not being, nor likely to be, sold at less than fair value within the meaning of the Act was published in the FEDERAL REGISTER of May 6, 1970, on page 7134. However, information gathered subsequent to the Tentative Negative Determination indicates that pig iron from West Germany is being, or is likely to be, sold at less than its foreign market value.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such pig iron from West Germany is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Customs officers are being directed to withhold appraisement of pig iron from West Germany in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments to or prevention of establishment of an industry in the United States.

Any such written views or arguments should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(a), Customs regulations, shall become effective upon publication in the FEDERAL REGISTER (3–18–71). It shall cease to be effective at the expiration of 3 months from the date of such publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: March 15, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3764 Filed 3-16-71;8:51 am]

EGGS FROM MEXICO

Antidumping Proceeding Notice

MARCH 15, 1971.

On March 11, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that eggs from Mexico are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.71-3802 Filed 3-16-71;9:45 am]

CADMIUM FROM JAPAN

Antidumping Proceeding Notice

MARCH 11, 1971.

On January 27, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that cadmium from Japan is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or

prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to section 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-3803 Filed 3-16-71;9:45 am]

Office of the Secretary

PIG IRON FROM CANADA

Determination of Sales at Less Than Fair Value

MARCH 15, 1971.

Information was received on February 3, 1969, that pig iron from Canada was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A. "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of December 17, 1970.

I hereby determine that for the reasons stated below, pig iron from Canada is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Three manufacturers were found to be exporting pig iron to the United States.

Sales to the United States were made to unrelated parties within the meaning of section 207 of the Act (19 U.S.C. 166).

There were sufficient quantities of such or similar merchandise sold in the home market to furnish a basis of comparison.

Accordingly, purchase price was compared with the adjusted home market price of such or similar merchandise.

In the case of one exporter, less than 25 percent of its merchandise sold other than to the United States, was sold in the home market. Accordingly, in this case purchase price was compared with the price at which such or similar merchandise was sold for consumption in Canada by a Canadian exporter whose volume of sales in the home market is 25 percent or more of the quantity sold by such exporter, other than for exportation to the United States.

Purchase price was computed by deducting from the delivered, or delivered duty-paid price for exportation to the United States, the included freight charges, and United States duty and border clearance expenses where applicable. In the case of one manufacturer, an addition was made for rebated foreign import duty granted on electrodes consumed in the production of pig iron.

The adjusted home market price was computed on the basis of the delivered price at which a preponderance of the merchandise was sold less delivery expenses or at f.o.b. plant price, as appropriate. Where a clear preponderance of the merchandise was not sold at one price, a weighted-average price was used An adjustment was made for differences in selling expenses where applicable.

The comparisons indicate that purchase price was lower than adjusted home market price.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3765 Filed 3-16-71;8:51 am]

PIG IRON FROM FINLAND

Determination of Sales at Less Than Fair Value

MARCH 15, 1971.

Information was received on February 3, 1969, that pig iron from Finland was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs is being published concurrently with this notice.

I hereby determine that pig iron from Finland is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons. Sales to the United States were to parties not related within the meaning of section 207 of the Act (19 U.S.C. 166).

Basic pig iron is sold in Finland in sufficient quantities to form an adequate basis for comparison. Foundry grade pig iron is not sold in Finland in sufficient quantities to form an adequate basis for comparison.

Accordingly, purchase price of foundry grade pig iron was compared with the price at which foundry pig iron was sold for exportation to countries other than the United States. Prices for export were on conditions of f.o.b. Finnish port, stowed and trimmed, net terms. Since prices for export were arranged by contract without regard to country of destination, purchase price was not less than the price for exportation to countries other than the United States.

Purchase price of basic pig iron was compared with the home market price of basic pig iron. Prices for export were on conditions of f.o.b. Finnish port, stowed and trimmed, less 2 percent cash.

Purchase price for the two substantial shipments made in the period under consideration was determined by deducting the 2 percent cash discount from the f.o.b. Finnish port, stowed and trimmed price.

Home market price was represented by the manufacturer's average price for basic pig iron in home market sales in 1968. No adjustments were made to the home market price.

Comparison of the purchase price and the home market price of basic pig iron revealed that purchase price was lower than home market price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3767 Filed 3-16-71;8:51 am]

PIG IRON FROM WEST GERMANY

Determination of Sales at Less Than Fair Value

MARCH 15, 1971.

Information was received on February 3, 1969, that pig iron from West Germany was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act").

A "Notice of Tentative Negative Determination" that such merchandise is not being, nor likely to be, sold at less than fair value within the meaning of the Act was published in the FEDERAL REGISTER of May 6, 1970, on page 7134. However, information gathered subsequent to the Tentative Negative Determination disclosed that purchase price, for fair value purposes, should be compared with home market price rather than third country price.

I hereby determine that pig iron from West Germany is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons. Information gathered subsequent to the Tentative Negative Determination indicated that the merchandise sold in the home market is such or similar to that sold for export to the United States.

None of the parties involved in these sales was related within the meaning of section 207 of the Act.

Purchase price is, therefore, compared with home market price for fair value purposes.

Purchase price is represented by the f.o.b net price for export to the United States.

Home market price is represented by the ex-factory price for sale of such or similar merchandise in the home market of the exporters.

Comparison between purchase price and home market price revealed that purchase price was lower than home market price.

This determination is published pursuant to section 201(a) of the Act (19 U.S.C. 160(a)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3766 Filed 3-16-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6093]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, Department of Agriculture, has filed an application, Serial No. A 6093, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid rights.

The Department of Agriculture desires the withdrawal of these lands from mineral location and entry because the lands contain rare Mexican plants found in no other place in the United States. Any disturbance of the surface would also endanger uncommon species of birds and animals.

This area was designated as the Goodding Research Natural Area on July 27, 1970, and is a part of the Coronado National Forest. Formerly known as the Sycamore Canyon Scenic Area, this unusual parcel of forest land now will receive greater protection of the scientific value and natural beauty of the oak and juniper studded box canyon with its intermittent streams. Plant collecting is forbidden, and the area is fenced to control grazing livestock and prevent entry by vehicles.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, AZ 85025.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

CORONADO NATIONAL FOREST

Goodding Research Natural Area

T. 23 S., R. 11 E.,
Sec. 14, SW¼NE¼SW¼, S½NW¼NW¼SW¼, S½NW¼SW¼, SW¼SW¼, and W½SE¼SW¼;
Sec. 15, SW¼NE¼, SW¼SW¼SE¼NE¼, S½NE¼SE¼NW¼, N½SE¼SE¼NW¼, SE¼SE¼SE¼NW¼, NE¼NE¼NE¼SW¼, S½NE¼NE¼SE¼, NW¼NE¼SE¼, S½NE¼SE¼, E½NW¼SE¼, N½NW¼NW¼SE¼, SE¼NW¼NW¼SE¼, NE¼NE¼SW¼SE¼, E½SE¼SE¼, N½NW¼SE¼SE¼, and SE¼NW¼SE¼SE¼;
Sec. 22, E½NE¼NE¼, SE¼NW¼NE¼NE¼, SW¼NE¼NE¼, S½SE¼NW¼NE¼, N½NE¼SW¼NE¼, SE¼NE¼SW¼NE, NE¼SE¼SW¼NE¼, SE¼NE¼, NE¼NE¼SE¼, NE¼NW¼NE¼SE¼, and E½SE¼NE¼SE¼;
Sec. 23, W½NE¼NW¼, W½SE¼NE¼NW¼, W½NW¼, W½SE¼NW¼, W½E½SE¼NW¼, SE¼SE¼SE¼NW¼, N½NE¼NE¼SW¼, SW¼NE¼NE¼SW¼, W½NE¼SW¼, and NW¼SW¼.

The areas described aggregate 555 acres in Santa Cruz County, Ariz., and are located 15 miles northwest of Nogales and 54 air miles southwest of Tucson, Ariz.

Dated: March 9, 1971.

JOE T. FALLINI,
State Director.

[FR Doc.71-3674 Filed 3-16-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

MOHAIR COUNCIL OF AMERICA, INC.

Notice of Referendum Among Producers and Procedure for Conduct of Referendum

A referendum is being held to determine producer approval of an agreement between the Secretary of Agriculture and the Mohair Council of America, Inc., for the advertising and sales promotion of mohair and mohair products pursuant to section 708 of the National Wool Act of 1954, as amended (68 Stat. 912, 7 U.S.C. 1787). The procedure for conducting the referendum follows:

1. *Definitions.* For the purpose of this notice, the following terms shall have the following meanings:

(a) *County ASC Committee.* The group of persons elected within a county as the county committee pursuant to the regulations governing the election and functioning of the Agricultural Stabilization and Conservation County Committees.

(b) *State ASC Committee.* The group of persons designated within any State to act as the Agricultural Stabilization and Conservation State Committee.

(c) *Cooperative association.* An incorporated group of producers which (1) is operated for the mutual benefit of its members as producers; (2) markets the members' mohair; (3) does not deal in mohair for nonmembers to an amount greater in value than the amount representing the value of mohair handled by the association for members, and (4) permits every member to have only one vote irrespective of the amount of stock or membership capital he may own in the association.

(d) *Deputy Administrator.* The Deputy or Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(e) *Eligible voter.* An eligible voter is a producer who, continuously during a single period of at least 30 days during the calendar year 1970, owned in the United States, any Angora goats 6 months of age or older. Two or more producers who are required by § 1468.264 of the mohair payment program regulation (31 F.R. 5817) to apply jointly for a payment constitute one eligible voter and only one ballot may be cast for all. A cooperative association which qualifies for voting in accordance with section 6(c) of this notice is an eligible voter and may cast one ballot for eligible voters who on the date the ballot is cast are members of, stockholders in, or are under contract to sell their mohair through the association, which ballot shall be counted as votes in behalf of each such eligible voter who shall not otherwise cast a ballot.

(f) *Individual voter.* An individual voter is a producer who is an eligible voter and casts a ballot in this referendum, or two or more joint producers who constitute one eligible voter and cast one ballot in this referendum.

(g) *Producer.* A producer is any person (i.e., an individual, partnership, corporation, association, business trust, any organized unincorporated group of persons, or a State or any subdivision thereof) who has an interest in Angora goats as owner or part owner thereof or who, under a caretaking agreement with such owner, furnishes labor in connection with mohair production, in return for which he is entitled either to a share of the mohair produced or of the proceeds from the sale of such mohair.

(h) *Secretary of Agriculture.* The Secretary or Acting Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. *Agreement considered in this referendum.* The agreement being considered in this referendum would be between the Secretary of Agriculture and the Mohair Council of America, Inc., a nonprofit membership corporation organized under the laws of the State of Texas, for the purpose of developing and conducting an advertising and sales promotion program for mohair and mohair products, subject to the determination by the Secretary that the agreement has the approval of the producers as provided in section 708 of the National Wool Act of 1954, as amended. The text of the agreement follows:

AGREEMENT

Pursuant to section 708 of the National Wool Act of 1954, as amended, an agreement was entered into on March 15, 1967, between the U.S. Secretary of Agriculture (hereinafter referred to as "Secretary") and the Mohair Council of America, Inc., a nonprofit membership corporation organized under the laws of the State of Texas (hereinafter referred to as "Council"), providing for the conduct of sales and promotion programs for mohair and the products thereof, and the financing of such programs by deductions from price support payments to mohair producers. This agreement provides for continuing such sales and promotion programs pursuant to section 708, to be financed by deductions from payments made to mohair producers under the Act for the years commencing January 1, 1971, and ending December 31, 1973.

Witnesseth. Whereas, the Secretary, pursuant to the National Wool Act of 1954, as amended, 7 U.S.C. 1781–1787 (hereinafter referred to as the "Act"), has announced a price support program for mohair marketed during 1971;

Whereas, it is anticipated that similar programs may be instituted for subsequent marketing years under the Act;

Whereas, any payments under such programs will be made by the Commodity Credit Corporation to producers of mohair as soon as practicable after the end of the year in which the mohair is marketed;

Whereas, section 708 of the Act authorized the Secretary to enter into agreements with marketing cooperatives, trade associations or other organizations engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats, or the products thereof, for the purpose of developing and conducting on a national, State, or regional basis advertising and sales promotion programs for wool, mohair, sheep, goats, or the products thereof;

Whereas, such programs for mohair and the products thereof have been conducted since 1967 in accordance with an agreement between the Secretary and the Council whereby deductions were made under the Act from price support payments on mohair; and

Whereas, it is desirable that there be continued an advertising and sales promotion program conducted on a national basis for mohair and the products thereof, to be financed by pro rata deductions from price support payments to mohair producers;

Now, therefore, the parties hereto agree as follows:

1. Whenever price support payments are made to producers under the Act, the Secretary will make a pro rata deduction from such payments and pay the amount so deducted to the Council to provide the funds necessary to defray the expenses of the Council incurred pursuant to this agreement. Deductions will be made only from payments, if any, which are made to producers for marketings during the years beginning January 1, 1971, and ending December 31, 1973. Deductions from payments for marketings during 1971 shall be at the rate of 1½ cents per pound of mohair marketed; thereafter, the deductions shall be at such rates as the Secretary and Council may agree upon, but in no event shall be in excess of the rate specified for 1971.

2. For each fiscal year, beginning July 1, 1971, until all activities are completed under this agreement, the Council shall develop and submit to the Secretary for approval proposed advertising and sales promotion programs and supporting budgets for mohair and the products thereof and such amendments thereto as may be needed. Each submission shall describe the annual plan of operation, commodities to be promoted, the proposed media and methods which the Council intends to use in advertising and promoting, and the benefits to be derived by producers on a national basis. After the proposed programs and budgets, including amendments thereto, have been approved by the Secretary, the Council will enter into such agreements with advertising and promotional agencies, radio and television stations, and others, and employ such personnel, and will take such other action as the Council deems appropriate or necessary to effectuate such programs.

3. The Council shall furnish the Secretary with an annual report of its activities and a copy of an audit, prepared by a certified public accountant, of its operations during each fiscal year. The Council shall also furnish the Secretary with a statement of assets and liabilities as of June 30th of each year and with such other reports and information as he may from time to time request. The Council shall keep accurate records of all its transactions, and these records shall be subject to inspection and audit by representatives of the Secretary at all times during regular business hours after the date of this agreement until 3 years after the Council has completed performance of all contracts made and obligations incurred hereunder.

4. Either party may terminate this agreement with respect to the continuation of all programs hereunder by delivering, or mailing by registered mail, a written notice of such termination effective on the date to be specified therein, but not earlier than 30 days after giving of such notice. After any such termination, the activities of the Council hereunder shall be liquidated promptly and no deductions from payments to producers shall thereafter be made to defray expenses of the Council under this agreement except such deductions from payments made in connection with a prior marketing year as the Secretary determines necessary or desirable to effectuate such liquidation. If on or after January 1, 1972, the Secretary determines upon petition or referendum of the mohair producers or otherwise that this agreement is no longer favored by the requisite number of producers, he shall so declare. After such determination, no deductions from payments to producers shall be made to defray the expenses of the Council under this agreement except deductions from payments made in connection with a prior marketing year.

5. Funds obtained by the Council pursuant to the agreement of March 15, 1967, and unobligated on the date when this agreement becomes effective shall become subject to the terms and conditions of this agreement and be available to finance, either separately or in combination with other funds made available under this agreement, sales promotion and advertising programs established pursuant to this agreement.

6. Upon termination of all programs under this agreement, if all the funds of the Council were derived from deductions from mohair payments (including interest earned thereon), all such funds remaining unobligated in the hands of the Council shall be returned to the Secretary of Agriculture, together with a statement explaining the various items which entered into the amount returned to the Secretary. If the Council also received funds for its advertising and sales promotion programs from sources other than the Secretary acting pursuant to this agreement, the Council shall return to the Secretary the same proportion of the unobligated funds as the funds contributed by the Secretary bore to all funds received by the Council for its advertising and sales promotion programs. A statement of the assets and liabilities of the Council shall be furnished to the Secretary within 60 days after such termination becomes effective. The provision with respect to the return of unobligated funds shall also apply in case of dissolution or liquidation of the affairs of the Council.

7. Any amendments or additions to the charter or by-laws of the Council shall be subject to the approval of the Secretary.

8. The authority reserved to the Secretary under the provisions of this agreement may be exercised by an official or officials of the Department of Agriculture designated by him for such purpose.

9. During the performance of this agreement, it is further agreed that:

(1) The Council will not discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin. The Council will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Council agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The Council will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.

(3) The Council will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the Council's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Council will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Council will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Council's noncompliance with the nondiscrimination clauses of this agreement or with any of such rules, regulations, or orders, this agreement may be canceled, terminated or suspended in whole or in part and the Council may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Council will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Council will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the Council becomes involved in,

or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Council may request the United States to enter into such litigation to protect the interests of the United States.

10. This agreement shall not become effective until and unless the Secretary has determined on the basis of a producer referendum that at least two-thirds of the total number of producers or two-thirds of the volume of production represented in such referendum approve his entering into the agreement.

3. *Agencies conducting referendum.* The Deputy Administrator shall be in charge of conducting this referendum. Each State ASC Committee shall be in charge of conducting the referendum in its State and each county ASC committee shall be in charge of conducting the referendum in its county.

4. *Period of referendum.* County ASCS offices will have ballot boxes available from April 19, 1971, through April 30, 1971. Any completed ballot received by a county ASCS office before April 19, 1971, will be placed in the ballot box. Ballots reaching a county ASCS office after close of business April 30, 1971, cannot be counted.

5. *Notice of referendum.* Full and accurate public notice of the time and place of balloting in the referendum and the rules governing the eligibility to vote will be provided by the State and county ASCS offices by means of newspapers, radio, or any other method they deem desirable, without incurring advertising expense.

6. *Voting*—(a) *Mailing of ballots to eligible voters.* Each county ASCS office will mail ballots to all producers, of whom the committee has knowledge, having ranch or farm headquarters located in its county. The mailing of a ballot is not a determination of eligibility to vote and if a producer has not received a ballot, he can obtain one in the State or county ASCS office upon request. The Direct Payments Programs Division, ASCS, will mail ballots to all cooperative associations which qualify to vote on behalf of their members and others in accordance with paragraph (c) of this section.

(b) *Place and manner of voting by individuals.* The county ASCS office serving the county in which the producer's farm or ranch headquarters is located shall be his polling place. A ballot may be cast on Form CCC–1163 either by personal delivery to, or by mailing the form so that it will reach, the polling place on or before the close of business April 30, 1971.

(c) *Place and manner of voting by cooperative associations.* A cooperative association may cast only one ballot. The ballot shall be cast for all eligible voters who on the date the ballot is cast are members of, stockholders in, or are under contract to sell their mohair through the association. A cooperative association must qualify for voting by filing with the Director of the Direct Payments Programs Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 5, 1971, each of the following: (1) A certified copy of the articles of incorporation and bylaws of the association, and (2) a certified copy of the resolution adopted by the association's Board of Directors authorizing such vote. The Direct Payments Programs Division will send a ballot to each cooperative association which establishes eligibility to vote.

The cooperative association shall return the marked ballot to the Director of the Direct Payments Programs Division so that it will reach that office not later than April 23, 1971. Each ballot cast by a cooperative association shall be accompanied by the original and two copies of a listing showing the names and addresses of all producers, otherwise eligible to vote, who on the date the vote is cast are members of, stockholders in, or under contract to sell their mohair through the association. The producers' names shall be arranged alphabetically on a separate sheet for each county. The listing for each county shall be headed by the name and address of the cooperative association and show whether voting "Yes" or "No" in the referendum. In preparing the listings, the cooperative association shall show for each producer the number of Angora goats 6 months of age or older which he owned continuously in the United States during a single period of at least 30 days during 1970. After checking the ballots and lists received from cooperative associations for completeness, the lists of producers for whom cooperative associations have voted will be forwarded by the Direct Payments Programs Division to the State ASCS offices concerned for distribution to the respective county ASCS offices.

7. *Determining volume of production represented.* The volume of production represented by each producer voting or for whom a cooperative ballot is cast will be determined by the number of Angora goats, 6 months of age or older, which he owned continuously in the United States during a single period, selected by the producer, of at least 30 days during 1970.

8. *Challenge of ballots.* A ballot may be challenged on the basis of the knowledge of any State, county, or community ASC committeeman, employee of a State or county ASCS office, or any other person. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the county ASC committee in connection with such challenged ballot. The determination shall cover all questions as to the eligibility of the individual voter or any producer for whom a cooperative association has cast a ballot and the accuracy of the number of Angora goats represented. If two or more cooperative associations cast ballots for the same producer, and the ballots take the same position with reference to the agreement which is the subject of the referendum, the producer's vote will be counted only once. If they take different positions, his vote will not be counted.

9. *Canvass of ballots.* The county ASC committees will make a count of the eligible voting producers, determining (a) the number of eligible voting producers favoring the agreement and the number of Angora goats represented by them, (b) the number of eligible voting producers disapproving the agreement and the number of Angora goats represented by them, and (c) the number of voting producers found to be ineligible. All ballots shall be treated as confidential and the contents of the ballots shall not be divulged, except as provided in this notice or as the Secretary may direct.

10. *Reporting results of referendum.* Each county ASCS office will transmit a written summary of the results of the referendum in its county to its State ASCS office. Each State ASCS office will transmit a written summary of the referendum results received from the county ASCS offices within its State to the Director of the Direct Payments Programs Division, ASCS, Washington, D.C. 20250, and maintain one copy of the summary in the State ASCS office where it shall be available for public inspection for a period of 5 years following the end of the referendum period. The Director of the Direct Payments Programs Division, ASCS, shall prepare and submit to the Secretary a report as to the results of the referendum.

11. *Additional instructions and forms.* The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this notice to govern the procedure to be followed in the conduct of this referendum.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Signed at Washington, D.C., on March 12, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71–3697 Filed 3–16–71;8:49 am]

Office of the Secretary

ENVIRONMENTAL QUALITY

Policy, Procedures and Guidelines

The Department of Agriculture has many concerns about and responsibilities for the quality of our environment. I have enunciated a general environmental quality policy for the Department in a Secretary's memorandum and established procedures and guidelines to be followed in implementing that general policy in several supplements to the basic memorandum. The memorandum and supplements give particular attention to the National Environmental Policy Act of 1969, related Executive orders, and other guidelines and directives from the Executive Office of the President.

Secretary's Memorandum No. 1695 and Supplements 1 through 5[1] are included in this notice. Supplement 4 is largely based on Interim Guidelines issued by the Council on Environmental Quality. These guidelines are being modified and Supplement 4 will be revised accordingly. Comments about ways in which the basic memorandum and its supplements can be improved will be welcomed.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

MARCH 6, 1971.

[FR Doc.71–3363 Filed 3–16–71;8:51 am]

[1] Filed as part of the original document with the Office of the Federal Register and also on file with the Coordinator of Environmental Quality Activities, Office of the Secretary, Room 312E, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File: 23(67)–20]

HORST JONAS AND BRUNO K. WITTER

Order Denying Export Privileges for an Indefinite Period

In the matter of Horst Jonas, Rotdornstrasse 1, Dusseldorf 4, Federal Republic of Germany; and Bruno K. Witter, Wipperaurstrasse 21, 565 Solingen, Federal Republic of Germany, respondents.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above respondents all export privileges for an indefinite period because the said respondents, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations. (Title 15, Chapter III, Subchapter B, Code of Federal Regulations.)

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that during the year 1967 the respondents Horst Jonas and Bruno K. Witter were partners and comanagers of the firm Codi Computer Dienst GmbH (Codi) which had a place of business in Dusseldorf, West Germany; said firm was engaged in trade relating to computers and accessories; the firm was liquidated in 1970. The evidence presented further shows that during 1967 the respondents in their capacity as officials of Codi participated in transactions involving the ordering and receiving of strategic U.S.-origin electronic equipment as follows: ordering and receiving such equipment valued at approximately $22,700 manufactured by two different United States companies; ordering additional such equipment valued at approximately $12,000 manufactured by one of said U.S. companies; ordering such equipment valued at approximately $160,000 manufactured by a third U.S. company. The Investigations Division is conducting an investigation to ascertain the disposition of the above mentioned commodities received by Codi while the respondents held the aforementioned positions in said company and also to ascertain the intended disposition of other commodities that were ordered.

It is impracticable to subpoena the respondents, and relevant and material interrogatories were served on them pursuant to § 388.15 of the Export Control Regulations. The respondents, also pursuant to said section, were requested to furnish certain specific documents relating to these transactions. Said respondents have failed to respond to said interrogatories or to furnish the documents requested as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969.[1]

Accordingly, it is hereby ordered,

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be, exported from the United States, by, to, or for any respondent, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner, Washington, D.C., at the earliest convenient date.

Dated: March 12, 1971.

This order shall become effective on March 17, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71–3667 Filed 3–16–71;8:46 am]

[1] This Act is the successor to the Export Control Act of 1949. The new Act (50 U.S.C. App. sec. 2412(b), provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 • • • shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN POTATO CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2639) has been filed by American Potato Co., Post Office Box 592, Blackfoot, ID 83221, proposing that § 121.1195 *Succinylated monoglycerides* (21 CFR 121.1195) be amended to provide for the additional safe use of succinylated monoglycerides as a conditioning agent in dehydrated potato products.

Dated: March 8, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-3650 Filed 3-16-71;8:45 am]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1R2641) has been filed by Eastman Chemical Products, Inc., Kingsport, TN 37662, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of the following pigments as components of polyolefin food-contact articles: Pigment blue 15 (phthalocyanine blue), C.I. No. 74160; pigment green 7 (phthalocyanine green), C.I. No. 74260; pigment green 17 (chromium oxide green), C.I. No. 77288; pigment white 21 (barium sulfate), C.I. No. 77120; and pigment violet 19 (quinacridone red), C.I. No. 46500.

Dated: March 8, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-3651 Filed 3-16-71;8:45 am]

SALT INSTITUTE

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2642) has been filed by the Salt Institute, 206 North Washington Street, Alexandria, VA 22314, proposing that § 121.1032 *Yellow prussiate of soda* (21 CFR 121.1032) be amended to provide for the safe use of yellow prussiate of soda as an anticaking agent in all forms of dry salt for human consumption at a level not in excess of 13 parts per million expressed as anhydrous sodium ferrocyanide.

Dated: March 8, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-3652 Filed 3-16-71;8:45 am]

ATOMIC ENERGY COMMISSION

ENVIRONMENTAL REPORTS FOR NUCLEAR POWER PLANTS

Draft Guide to Preparation

Under the Atomic Energy Commission's regulations for implementing the National Environmental Policy Act of 1969 (10 CFR Part 50, Appendix D), applicants for nuclear power plant permits and licenses are required to submit an Environmental Report at the time they file an application for a construction permit; and, at the time they file an application for an operating license, they are required to update the report to the extent that environmental considerations differ significantly from those discussed in the earlier report.

To aid applicants in the preparation of Environmental Reports, the Commission's regulatory staff has prepared a draft guide for the preparation of such reports. The draft guide has been issued for comment and interim use. The information presented in the guide provides for a comprehensive discussion of the environmental impact associated with the construction and operation of a nuclear power plant.

Written comments and suggestions for improvements in the draft guide are encouraged, and all interested persons are invited to submit comments and suggestions by May 1, 1971. Comments and requests for copies of the draft guide should be sent to the Director, Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Washington, D.C. 20545. A final guide subsequently will be prepared which will take into consideration the comments and suggestions received.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., on this 12th day of March 1971.

For the Atomic Energy Commission.

HAROLD L. PRICE,
Director of Regulation.

[FR Doc.71-3712 Filed 3-16-71;8:50 am]

[Dockets Nos. 50-317, 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Availability of Draft Detailed Statement and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Draft Detailed Statement on the Environmental Considerations by the division of Reactor Licensing, U.S. Atomic Energy Commission, Related to the Proposed Operation of the Calvert Cliffs Nuclear Power Plant by the Baltimore Gas and Electric Company" is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room, 1717 H Street NW., Washington, DC; and the Office of the President of the Calvert County Board of Commissioners, Prince Frederick, Md.

The Commission hereby requests comments on the proposed action and the Draft Detailed Statement from State and local agencies of any affected State (with respect to matters within their jurisdiction), which are authorized to develop and enforce environmental standards. If the Commission is not provided with comments by any State or local agency within 60 days of the publication of this notice in the FEDERAL REGISTER, the Commission will presume that the agency has no comments to make.

A copy of the Draft Detailed Statement dated March 10, 1971, and available comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to any such State or local agency upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 11th day of March 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Acting Director,
Division of Reactor Licensing

[FR Doc.71-3740 Filed 3-16-71;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23045]

AIR NAURU

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on March 25, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Robert L. Park.

Dated at Washington, D.C., March 12, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-3700 Filed 3-16-71;8:49 am]

[Docket No. 22419; Order 71-3-47]

TEXAS INTERNATIONAL AIRLINES, INC.

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of March 1971.

On July 31, 1970, the United States and the Government of Mexico concluded amendments to a bilateral Air Transport Agreement which authorizes, interalia, air service between the coterminal points Houston and Mission/McAllen/Edinburg, Tex., and the coterminal points Monterrey and Mexico City, Mexico, by a designated U.S.-flag carrier.

On July 31, 1970, Texas International Airlines, Inc. (TXI) filed an application requesting amendment of its certificate of public convenience and necessity for route 82F so as to authorize it to engage in scheduled air transportation over the above-described route.[1] Concurrently therewith, TXI filed a motion for an immediate hearing of its certificate amendment application.

Answers in support of TXI's motion were filed by the City and Chamber of Commerce of Houston, Braniff Airways, and the City and Chamber of Commerce of McAllen, Tex. Pan American World Airways, Inc. (Pan American), filed an answer in opposition to expedited consideration of TXI's request for Houston-Mexico City nonstop authority.[2]

Upon consideration of the foregoing and all the relevant facts, the Board has decided that there is sufficient basis for setting for hearing TXI's application for authority to operate between the coterminal points Houston and Mission/McAllen/Edinburg, Tex., and the coterminal points Monterrey and Mexico City, Mexico, Docket 22419.[3] We note that Braniff, National Airlines, Inc. (National), and Eastern Air Lines, Inc. (Eastern), have filed applications in Dockets 22416, 22645, and 22467, respectively, requesting authority conforming, in part, to that requested by TXI. The applications of Braniff, Eastern and National include requests for other authority which will be heard in separate proceedings and accordingly, we will not consolidate these applications as framed. The carriers are, however, free to move for consolidation of an application conforming to the scope of this proceeding.

Accordingly, it is ordered, That:

1. The motion of Texas International Airlines, Inc., for an immediate hearing, be and it hereby is granted;

2. The application of Texas International Airlines, Inc., Docket 22419, be and it hereby is set for hearing before an examiner of the Board at a time and place to be hereafter designated;

3. Applications, motions to consolidate, and motion or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the service of this order, and answers to such pleading shall be filed within 15 days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3701 Filed 3-16-71;8:49 am]

[Docket No. 23167; Order 71-3-48]

TEXAS-MEXICO SERVICE INVESTIGATION

Order Instituting an Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of March 1971.

On July 31, 1970, the United States and the Government of Mexico concluded amendments to a bilateral Air Transport Agreement which authorizes, inter alia, U.S.-flag service over U.S. route C, between the coterminal points Dallas, Forth Worth, and San Antonio, Tex., and the coterminal points Mexico City and Acapulco, Mexico; and over U.S. route Q, between the terminal point Houston, Tex., and the terminal point Acapulco, Mexico. Braniff Airways, Inc. (Braniff) is authorized to provide service between San Antonio, Mexico City, and Acapulco on route 153. American Airlines, Inc. (American) is authorized to provide service between Dallas/Fort Worth, San Antonio, Mexico City, and Acapulco.[1]

On August 19, 1970, American filed an application, Docket 22486, requesting amendment of its certificate of public convenience and necessity for route 134 so as to authorize service between San Antonio, Tex., and Acapulco, Mexico, nonstop and via Mexico City. On July 31, 1970, Braniff filed an application, Docket 22415, requesting authority to provide service between the coterminal points Dallas and Fort Worth, Tex., and the coterminal points Mexico City and Acapulco, Mexico. On August 12, 1970, Eastern Air Lines, Inc. (Eastern) filed an application, Docket 22467, requesting, inter alia, authority to provide (1) nonstop service between San Antonio and Acapulco and (2) service betwen Dallas, Fort Worth, Mexico City, and Acapulco. Applications for authority to provide service over U.S. route Q, between Houston and Acapulco, were filed by American, Braniff, Eastern, and Texas International Airlines, Inc. (TXI) in Dockets 22485, 22416, 22467, and 21011, respectively.

Braniff filed a motion for an immediate hearing on its application in Docket 22415. The Dallas/Fort Worth parties[2] filed motions for an immediate hearing on Braniff's nonstop Dallas/Fort Worth-Mexico City-Acapulco application, and on TXI's Houston-Acapulco application. In addition, the Minneapolis-St. Paul Metropolitan Airports Commission filed a motion for immediate hearings on all applications which, if granted, would result in improved service between the Twin Cities and Mexico City/Acapulco.[3] Answers in support of Braniff's motion were filed by the Kansa City parties[4] and the Tulsa Parties.[5] American filed an answer in opposition to Braniff's motion.

Upon consideration of the foregoing and all the relevant facts, we have decided to institute an investigation to determine (1) the need for service between the coterminal points Dallas, Fort Worth, and San Antonio, Tex., and the coterminal points Mexico City and Acapulco, Mexico, and (2) the need for nonstop Houston-Acapulco service pursuant to the amended U.S.-Mexico bilateral Air Transport Agreement.

Accordingly, it is ordered, That:

1. An investigation designated the Texas-Mexico Service Investigation be and it hereby is instituted in Docket 23167 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to consider the need for authorization of U.S.-flag service between (1) the coterminal points Dallas, Fort Worth, and San Antonio, Tex., and the coterminal points Mexico City and Acapulco, Mexico; and (2) the terminal point Houston, Tex. and the terminal point Acapulco, Mexico;

2. The following applications are hereby consolidated with the above instituted investigation: American Airlines, Inc., Dockets 22485 and 22486; Braniff Airways, Inc., Docket 22415; and Texas International Airlines, Inc., Docket 21011;[6]

3. Applications, motions to consolidate, or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the service of this order, and answers to such pleadings shall be filed within 15 days thereafter;

4. The application of Braniff Airways, Inc., Docket 22416, be and it hereby is

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[1] Texas International presently has authority to operate between the terminal point Mission/McAllen/Edinburg, Tex., and the terminal point Monterrey, Mexico. In addition, Pan American World Airways has authority to provide service between Houston and Mexico City on its route 136.

[2] Pan American also urges that any grant of Houston-Mexico City authority be subject to a mandatory one-stop restriction.

[3] With respect to Pan American's request that any grant of Houston-Mexico City authority be subject to a one-stop restriction we conclude that imposition of a pretrial restriction would not be warranted. Pan American, however, can argue during the course of the proceeding that an appropriate restriction be imposed on any such award.

[1] American's authority requires that flights serving San Antonio must originate at Mexico City and terminate at Dallas/Ft. Worth or points north thereof, or originate at Dallas/Ft. Worth or a point north thereof and terminate at Mexico City.

[2] The Cities and Chambers of Commerce of Dallas and Fort Worth.

[3] The Minneapolis-Saint Paul Airports Commission also filed a petition for leave to intervene which will be disposed of at a later date.

[4] Kansas City and the Greater Kansas City Chamber of Commerce.

[5] The City of Tulsa and the Metropolitan Tulsa Chamber of Commerce.

[6] Since Eastern's application includes requests for other authority which will be heard in separate proceedings, we will not consolidate its application as framed. The carrier is free, however, to move for consolidation of an application which conforms to the scope of this proceeding, in accordance with paragraph 3 above.

consolidated insofar as it conforms to the scope of issues in this proceeding;[7]

5. This proceeding shall be set for hearing at a time and place to be hereafter designated;

6. To the extent not herein granted, the motions of Braniff Airways, the Cities and Chambers of Commerce of Dallas and Fort Worth, and the Minneapolis-Saint Paul Metropolitan Airports Commission be and they hereby are denied; and

7. A copy of this order shall be served upon American Airlines, Inc., Braniff Airways, Inc., Eastern Air Lines, Inc., Texas International Airlines, Inc., the Cities and Chambers of Commerce of Dallas, Fort Worth, Minneapolis, Saint Paul, San Antonio, Kansas City, and Houston.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3702 Filed 3-16-71;8:49 am]

[Docket No. 22908; Order 71-3-71]

TRANS WORLD AIRLINES, INC.

Order Regarding Capacity Reduction Discussion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1971.

In Order 70-11-35, dated November 6, 1970, the Board disapproved an agreement between American, TWA, and United, entered into without prior Board authorized and supervised discussions, under which each carrier would limit the capacity it offered in 15 named markets.[1] At the same time, the Board stated that it would be prepared to consider carrier applications for authority to engage in discussions, under appropriate safeguards, looking toward multilateral agreements to reduce capacity in markets in which this could be accomplished without a significant adverse impact on the traveling public. In general, the Board believed that markets which could meet this criteria were large markets, served by three or more carriers, in which current operations were being conducted at unduly low load factors.

In response to Order 70-11-35, TWA filed an application requesting, inter alia, authority for inter-carrier discussions to reach capacity agreements. Numerous parties submitted comments in response to TWA's proposal and TWA filed a reply.[2]

Upon consideration of the pleadings and other relevant facts, we have decided to authorize preliminary discussions on intercarrier agreements to reduce capacity. The authority granted will be tailored to the guidelines set forth in Order 70-11-35, supra, and in this respect the authority will differ somewhat from that requested by TWA.

Before turning to the details of the authorized discussions, it is necessary to reiterate the basic policies and guidelines discussed in Order 70-11-35. As set forth in detail in that order, we necessarily start with the consideration that agreements to restrict capacity are contrary to the competitive system established by the Federal Aviation Act and the antitrust laws—a competitive system under which air transportation has flourished in this country in contrast to countries where free competition has not prevailed. In this country the norm established by the governing statutes is that capacity should be determined by the decisions of individual air carrier managements. On the long term, a competitive environment is inherently more efficient and more responsive to the demands of the market than are decisions made by mutual agreement of competitors.

At the same time, as indicated in Order 70-11-35, the Board recognizes the current extraordinary economic problems of individual members of the air carrier industry,[3] and we are persuaded that a significant underlying cause of these problems is that excess capacity is now being operated in certain large markets. Ultimately the problems of overcapacity are likely to be resolved by normal competitive forces, and, in this regard, we note with approval that a number of carriers have recently undertaken unilateral reductions of capacity in major markets. However, in the present extraordinary circumstances it is possible that unilateral reductions may take effect too slowly to avert serious injury to air carriers and to the air transportation system as a whole.

In Order 70-11-35, we weighed the foregoing considerations and concluded that we would be prepared, as a limited short-term correctional measure, to authorize discussions to limit capacity in markets in which such limitations would not have an undue effect on the quality and quantity of service available to the public.

TWA's present request offers an opportunity for implementation of the procedures contemplated by Order 70-11-35. TWA proposes a multi-stage procedure for reaching capacity agreements. In the first stage, competing carriers in a market would agree to ask the Board for permission to hold discussions to reach capacity agreements in that market. If the Board authorized discussions any resulting agreement would be submitted to the Board for its approval.[4]

We have decided not to adopt the procedure suggested by TWA but rather will adopt the multi-stage procedure indicated below. By this order we are authorizing all air carriers to hold discussions to determine whether to seek Board approval to discuss capacity agreements in specific markets. In passing upon subsequent requests for authority to hold discussions for specific markets, the Board's basic inquiry will be whether there has been a sufficient preliminary demonstration that multilateral capacity reduction is "required by a serious transportation need, or in order to secure important public benefits."[5] The criteria which will be employed in making this determination are those set forth in Order 70-11-35, and we emphasize again that we will not authorize discussions unless a market is of substantial size, there is a showing that excessive and unneeded capacity is presently being offered and projected to continue, and unless, in most cases, the market is one which is served by three or more carriers.

It should be clearly understood that at this time we are authorizing only preliminary discussions to identify the markets in which multilateral reductions of capacity seem desirable. We have not authorized discussion of the specific terms of a prospective agreement to reduce capacity in any specific market. In addition, any discussions held will be monitored by the Board and subject to the procedural safeguards set forth in the ordering paragraphs below.[6]

At this time, it is not necessary to decide on the precise form of capacity agreement which the Board is prepared to approve. However, for the guidance of the parties we suggest that we will be most receptive to agreements which provide only for the operation of a volume of service by each party, leaving to the judgment of each party the particular schedules it will operate to implement the authorized volume. By contrast, we will not be receptive to proposals which contemplate an allocation of exclusive rights to operate schedules at particular time periods, e.g., an agreement that carrier A will fly the morning flights in a market and that carrier B will fly the evening flights.[7]

In conclusion, we reiterate that it is with extreme reluctance that we are authorizing a departure from the normal processes of competition. Our action is taken with the expectation that a limited, short-term departure from competitive scheduling can help relieve air carrier financial distress, without a significant adverse effect on the traveling public. However, we do not intend to countenance any more than a short-term departure from competitive scheduling. After a reduced pattern of service has been established through short-term agreements, we will not authorize further agreements for purposes of maintaining a reasonable level of capacity. Rather, we expect reasonable capacity to be maintained by unilateral restraint.

As a final matter, we note that in addition to requesting authority to discuss agreements to reduce capacity, TWA also requests authority to discuss agreements to restrict future capacity increases. In connection with this portion of its application, TWA sets forth the terms of the type of agreement it proposes.[8] In essence the proposal contemplates that capacity would be controlled by a load factor formula rather than by the managerial decisions of individual carriers, responding to the particularized needs of a market. TWA has failed to set forth any matters which would warrant the proposed sweeping departure from the normal processes of competition. Accordingly, we have decided to deny this portion of TWA's request.

Accordingly, it is ordered, That:

1. All certificated air carriers be and they hereby are authorized to conduct discussions to determine whether to request authority to discuss capacity reduction agreements in specific markets, subject to the following conditions:

(a) The discussions shall be held in Washington, D.C., and representatives of the Civil Aeronautics Board and of any other interested persons shall be permitted to attend the discussions as observers;

(b) The markets to be discussed shall be limited to markets in interstate and overseas air transportation;

(c) Notices of any meeting held pursuant to this order shall be served on all air carriers, and the Civil Aeronautics Board, at least 7 calendar days prior to said meeting;

(d) A full transcript shall be maintained at all meetings, at the expense of the carriers, and a copy of said transcript shall be filed with the Board;

(e) The authority granted herein shall expire within 90 days of the effective date of this order;

2. Except to the extent granted herein the request of TWA in Docket 22908 be and it hereby is denied; and

3. All outstanding motions and requests to receive late filings or otherwise unauthorized documents be and they hereby are granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3703 Filed 3-16-71;8:49 am]

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[1] Braniff's application, Docket 22416, also requested Houston-Mexico City authority, which is the subject of a separate proceeding to be set for hearing by the Board. In the order setting that case for hearing, Braniff was invited to refile an application which conformed to the scope of that proceeding. Accordingly, we will dismiss that part of Docket 22416 which requests Houston-Mexico City authority, and consolidate herewith its request for Houston-Acapulco authority.

[2] The grounds for the Board's disapproval were two-fold. First, disapproval was warranted because the agreement had been entered into without prior Board authorized and supervised discussions. In this regard, the Board found that discussions involving capacity reduction go to the heart of a competitive air transportation system and that these discussions may, of themselves, inhibit competition. Accordingly, the Board stated that it was not prepared to approve capacity-limiting agreements unless the agreements were reached after prior discussions which had been approved and monitored by the Board. In addition, the Board found in Order 70-11-35 that disapproval of the three-carrier agreement was warranted by a number of substantive problems with the agreement.

[3] Answers were filed by the Departments of Justice and Transportation; Allegheny Airlines, Inc.; American Airlines, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; National Airlines, Inc.; Northwest Airlines, Inc.; and Pan American World Airways, Inc.; the National Air Carrier Association; the Air Line Pilots Association; and various civic parties.

[4] For calendar 1970, the 11 members of the domestic trunk industry incurred an overall net loss of $49,453,000. Individual carriers incurring losses were: Trans World $64,863,000; United $39,855,000; American $26,397,000; Northeast $10,721,000; National $6,219,000; and Braniff $2,656,000.

[5] TWA appears to contemplate that decisions to authorize discussions in particular markets would be made by a member of the Board's staff and that the discussions would be authorized on the basis of a load-factor standard. As set forth below, we are adopting a different procedure for authorization of discussions for specific markets.

[6] Local Cartage Agreement Case, 15 C.A.B. 850 (1952).

[7] As indicated in Order 70-11-35, interested persons will be permitted to attend the meetings as observers. In addition, interested persons will be afforded an opportunity to present their views to the Board by filing comments on any applications or agreements resulting from carrier discussions.

[8] In Order 70-11-35, we indicated that agreements for a term of no more than 6 months appeared adequate to meet the industry's problems. TWA has suggested in its pleadings that a term of a year is desirable. We have not reached any further decision on this question but would be prepared to consider at an appropriate time evidence indicating that a term not exceeding 1 year is desirable.

[8] TWA proposes that any agreement on capacity restraint operate as follows: Agreement would be open to all carriers and all routes; agreement would specify load factor needed before a frequency might be added; such load factor criterion would vary with the number of frequencies already being operated by the carrier and by whether or not the addition would create or intensify a "lead" by that carrier; a "trailing" carrier would maintain the right to increase up to two-thirds of the frequency level of the leading carrier, without regard to the trailing carriers' own prior load factor; if agreement is reached for a 6-month or 1-year period, the load factor experienced shall be the comparable season of the preceding year; each wide-bodied schedule will count as two narrow-bodied schedules, and the seat count of each aircraft type will be standardized, regardless of individual seating configuration; frequencies will be counted in the aggregate for a given metropolitan area; and the specified limitations apply to published schedules only.

CIVIL SERVICE COMMISSION

INHALATION THERAPY TECHNICIAN, SEATTLE, WASH.

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

[TABLE No. 339]

GS-649 INHALATION THERAPY TECHNICIAN

Geographic Coverage: Seattle, Wash.
Effective Date: First day of the first pay period beginning on or after March 21, 1971.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-4	$6,823	$7,030	$7,237	$7,444	$7,651	$7,858	$8,065	$8,272	$8,479	$8,686
GS-5	7,400	7,631	7,862	8,093	8,324	8,555	8,786	9,017	9,248	9,479
GS-6	7,985	8,243	8,501	8,759	9,017	9,275	9,533	9,791	10,049	10,307

All new employees in the specified occupational level will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this

notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3–2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723 of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–3615 Filed 3–16–71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19165, 19166; FCC 71–220]

BANGOR BROADCASTING CORP. AND PENOBSCOT BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of, Bangor Broadcasting Corp., Bangor, Maine, Docket No. 19165, File No. BPH–6863, requests: 92.9 mc.s., No. 225; 15.28 kw.(H); 15.28 kw.(V); 741 feet; Penobscot Broadcasting Corporation, Bangor, Maine, Docket No. 19166, File No. BPH–6916, requests: 92.9 mc.s., No. 225; 49.6 kw.(H); 49.6 kw.(V); 317.5 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Bangor Broadcasting would require $29,550 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on cash on hand and profits from existing operations, but these items total only $18,000. Since this is $11,500 short of its needs, a financial issue will be specified.

3. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68–847, 13 R.R. 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969) and our primer, adopted February 18, 1971 (FCC 71–176), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case neither applicant appears to have contacted a representative cross-section of the area, and Bangor Broadcasting has not adequately provided the comments regarding community problems obtained from such contacts. Likewise, Bangor Broadcasting has not adequately provided a listing of specific programs responsive to specific community needs as evaluated. As a result, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

4. Originally, Melvin Stone, controlling stockholder in Bangor Broadcasting, held a substantial amount of stock in the licensee of WEMT–TV in Bangor. Although his intention to dispose of this stock was indicated to the Commission, the application was never amended to reflect his having done so. While we do not believe this matter is sufficient to warrant specification of a disqualification issue, this failure to observe in full the requirements of § 1.65 of our rules may be explored under the comparative issue.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Bangor Broadcasting has available the additional $11,500 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(2) To determine the efforts made by Penobscot Broadcasting to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the efforts made by Bangor Broadcasting to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(5) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

7. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 3, 1971.

Released: March 10, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–3670 Filed 3–16–71;8:46 am]

[Dockets Nos. 19026, 19027]

TRI COUNTY BROADCASTING CO. AND RADIO TUPELO

Memorandum Opinion and Order; Correction

In regard applications of Olvie E. Sisk, Ivous T. Sisk, and Joel E. Camp, doing business as Tri County Broadcasting Co., Eupora, Miss., Docket No. 19026, File No. BP–18016; Ralph Mathis and Aubrey Freeman, doing business as Radio Tupelo, Tupelo, Miss., Docket No. 19027, File No. BP–18220; for construction permits.

Existing second paragraph 8 of Review Board Memorandum Opinion and Order, FCC 71R–74, released March 4, 1971, is renumbered paragraph 9;

Existing paragraphs 9 and 10 are renumbered paragraphs 10 and 11;

The reference to paragraph 11 in the next-to-the-last sentence in paragraph 7 is changed to read as follows:

"* * * see par. 12, infra * * *."

Released: March 10, 1971 (36 FR 4636).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–3671 Filed 3–16–71;8:46 am]

FEDERAL MARITIME COMMISSION

FJELL LINE AND FRED OLSEN LINES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Raymond P. de Member, Esq., Haight, Gardner, Poor & Havens, Federal Bar Building, 1815 H Street NW., Washington, DC 20006.

Agreement No. 9935 establishes a joint service between Fjell Line and Fred Olsen Lines to be known as "Fjell-Fred Olsen Lines." The joint service will operate between ports of the Great Lakes of the United States, on the one hand, and ports of the United Kingdom, Eire and the Bordeaux/Hamburg range, on the other, under terms and conditions set forth in the agreement.

Dated: March 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3704 Filed 3–16–71;8:49 am]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 7100–9 amends the basic agreement to include the mandatory self-policing provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: March 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3705 Filed 3–16–71;8:49 am]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 7670–5 amends the basic agreement to include the mandatory self-policing provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: March 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3706 Filed 3–16–71;8:49 am]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, NY 10004

Agreement No. 7770–6 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7, as revised on October 27, 1970.

Dated: March 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3707 Filed 3–16–71;8:49 am]

SOUTH AND EAST AFRICA CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Secretary, South and East Africa Conference, 25 Broadway, New York, NY 10004.

Agreement No. 9502-6, among the member lines of the South and East Africa Conference, will modify the basic agreement of the parties by updating the terms of its self-policing provisions to include language required by the Commission's General Order 7 (revised).

Dated: March 12, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3708 Filed 3-16-71;8:49 am]

SOUTH AND EAST AFRICA RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Secretary, South and East Africa Rate Agreement, 25 Broadway, New York, NY 10004.

Agreement No. 8054-11, among the member lines of the South and East Africa Rate Agreement, will modify the basic agreement of the parties by updating the terms of its self-policing provisions to include language required by the Commission's General Order 7 (revised).

Dated: March 12, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3709 Filed 3-16-71;8:50 am]

TRANS-PACIFIC PASSENGER CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, NW., Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald C. Lord, General Manager, Trans-Pacific Passenger Conference, 2 Pine Street, San Francisco, CA 94111.

Agreement No. 131-253, filed by the Trans-Pacific Passenger Conference, modifies Rule E-6, section B, paragraph 4, which is concerned with rates of commission which may be paid to travel agents.

The Conference is expanding the definition, in that paragraph, of a cruise to permit a Member Line to designate a specific part or parts of a regular voyage as a cruise.

Dated: March 12, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3710 Filed 3-16-71;8:50 am]

U.S. ATLANTIC AND GULF OF MEXICO-RED SEA AND GULF OF ADEN RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Secretary, U.S. Atlantic and Gulf of Mexico-Red Sea and Gulf of Aden Rate Agreement, 25 Broadway, New York, NY 10004.

Agreement No. 8630-6, among the member lines of the U.S. Atlantic and Gulf of Mexico-Red Sea and Gulf of Aden Rate Agreement, modifies the basic agreement self-policing provisions by amending section 4 to contain specific language to conform with the requirements of the Commission's General Order 7 (revised).

Dated: March 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3711 Filed 3-16-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP70-30, RP71-92]

ALGONQUIN GAS TRANSMISSION CO.

Order Consolidating Proceedings and Authorizing Use of Liberalized Depreciation With Normalization

MARCH 10, 1971.

On November 4, 1970, in Docket No. RP71-92, Algonquin Gas Transmission Co. (Algonquin), filed a petition asking for permission to adopt normalized accounting of liberalized depreciation for book and rate purposes with respect to all of its pre-1970 property and its post-1969 nonexpansion property, effective January 1, 1971. At the time of the filing, there was pending, and there is still pending, Docket No. RP70-30, an application to increase rates filed by Algonquin. The rates in said docket became effective, subject to refund, on November 1, 1970. To support its proposed rate increase, Algonquin submitted cost of service exhibits which reflected the change from liberalized depreciation with flow-through to liberalized depreciation with normalization. The proceeding in Docket No. RP70-30 is presently before the Presiding Examiner for decision. Since the subject of the petition is contained within Docket No. RP70-30 and no further evidence beyond that already submitted in that proceeding is required to determine the issue, it is appropriate to consolidate the proceeding in Docket No. RP71-92 with the Docket No. RP70-30 proceeding for decision. However, by ordering this consolidation we are not determining the proper accounting and rate treatment to be accorded Algonquin's utilization of liberalized depreciation with normalization with respect to eligible utility property as of January 1, 1971. Our approval of such accounting and rate treatment as of January 1, 1971, is expressly subject to further Commission orders in these proceedings, in which the action here taken may be modified and refunds ordered back to November 1, 1970.

The Commission finds:

(1) It is appropriate and in the public interest for the proceedings in Dockets Nos. RP70-30 and RP71-92 to be consolidated for hearing and decision.

(2) It is appropriate and in the public interest to approve the utilization of liberalized depreciation with normalization for accounting and rate-making purposes as of January 1, 1971, subject to further Commission orders modifying and ordering refunds back to November 1, 1970.

The Commission orders:

(A) The proceedings in Dockets Nos. RP70-30 and RP71-92 are consolidated for hearing and decision.

(B) Algonquin is authorized to utilize liberalized depreciation with normalization for eligible property as of January 1, 1971 for accounting and rate-making purposes, subject to further Commission order herein modifying such authorization and ordering refunds back to November 1, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3713 Filed 3-16-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 11, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 12, 1971 through March 21, 1971.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3675 Filed 3-16-71;8:47 am]

[File No. 500-1]

ROLLS-ROYCE LTD.

Order Suspending Trading

MARCH 10, 1971.

The American Depository Receipts (ADR's) of Rolls-Royce Ltd., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Rolls-Royce Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 10, 1971, 4:30 p.m., e.s.t., through March 19, 1971.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3676 Filed 3-16-71;8:47 am]

[Files Nos. 7-3626—7-3634]

ASSOCIATED DRY GOODS CORP., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 11, 1971.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Associated Dry Goods Corp	7-3626
Clorox Co	7-3627
Equity Funding Corporation of America	7-3628
Federated Department Stores, Inc	7-3629
General Portland Cement Co	7-3630
Giddings & Lewis, Inc	7-3631
Marriot Corp	7-3632
Mattel Inc	7-3633
J. R. McDermott & Co., Inc	7-3634

Upon receipt of a request, on or before March 26, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request

should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3677 Filed 3-16-71;8:47 am]

[File Nos. 7-3635 etc.]

PENN DIXIE CEMENT CORP., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 11, 1971.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Penn Dixie Cement Corp	7-3635
Stauffer Chemical Co	7-3637
Sybron Corp	7-3638
Unitrode Corp	7-3639
Xtra, Inc	7-3640

Upon receipt of a request, on or before March 26, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3678 Filed 3-16-71;8:47 am]

[File No. 7-3636]

SONY CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 11, 1971.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Sony Corp. ADR's for American shares representing, 50 yen par common, File No. 7-3636.

Upon receipt of a request, on or before March 26, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3679 Filed 3-16-71;8:47 am]

[70-4985]

APPALACHIAN POWER CO.

Notice of Proposed Amendments of Articles of Association, Increase in Permitted Short-Term Unsecured Indebtedness, and Solicitation of Proxies in Connection Therewith

MARCH 11, 1971.

Notice is hereby given that Appalachian Power Co. (Appalachian) 40 Franklin Road, Roanoke, VA 24009, a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a)(2), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Appalachian proposes to amend its Articles of Association (Articles) to effect an increase in the number of authorized shares of its cumulative preferred stock. As of December 31, 1970, of the 700,000 authorized shares of Appalachian's cumulative preferred stock, 300,000 shares of its 4½ percent cumulative preferred stock and 38,928 shares of its 4.50 percent cumulative preferred stock were issued and outstanding. Appalachian now proposes, to provide funds with which to finance its expenditures for construction and other corporate purposes, to amend its Articles so as to increase its authorized cumulative preferred stock to 1,500,000 shares. The cost of Appalachian's construction program for the year 1971 is estimated, on the basis of presently existing conditions, to be approximately $121 million, not including expenditures in connection with a proposed 1,800,000-kw. pumped storage hydroelectric project, application for which is now pending before the Federal Power Commission.

Appalachian also proposes to amend its Articles to eliminate the provision that additional shares of cumulative preferred stock may not be sold for cash unless first offered pro rata to the holders of outstanding cumulative preferred stock. In addition, Appalachian intends to obtain the consent and approval of the holders of the outstanding cumulative preferred stock to an increase in the amount of unsecured short-term debt, which the company is authorized to incur, to exceed 10 percent, but provided that combined short-term and long-term unsecured indebtedness would be not more than 20 percent of its total capitalization for a period ending on January 1, 1975, but with no maturity later than 4 years from the date of such consent. Authorization from the Commission for such an increase in the permissable amount of short-term debt, as required by Appalachian's Debenture Agreement dated as of January 1, 1966, is requested. The actual issue and sale of securities related to such proposed increase in short-term indebtedness will be subject to further authorization by this Commission.

Appalachian intends to submit the proposed amendments of its articles and the proposed consent to its shareholders for their approval at a special meeting of shareholders to be held on May 19, 1971. In connection therewith, Appalachian proposes to solicit proxies from the holders of its preferred stock through the use of solicitation material which sets forth the proposals in detail. The declaration states that the proposed amendments require the affirmative vote of the holders of a majority of the outstanding shares of Appalachian's common stock and of the holders of two-thirds of the outstanding shares of cumulative preferred stock, voting separately as a class. Consent of the holders of a majority of the outstanding cumulative preferred stock, voting as a class, is needed to increase the amount of short-term unsecured indebtedness. American Electric Power Co., Inc., holder of all of the outstanding shares of Appalachian's common stock, has indicated that all such shares will be voted in favor of the proposed amendments.

The fees and expenses incurred and to be incurred in connection with the proposed transactions are estimated not to exceed $8,400. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 29, 1971, request in writing that a hearing be held with respect to the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, ase amended or as further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3680 Filed 3-16-71;8:47 am]

[812-2756]

BOSTON CAPITAL CORP.

Notice of Filing of Application for Order Exempting Proposed Transaction

MARCH 11, 1971.

Notice is hereby given that Boston Capital Corp. (Boston Capital, 535 Boylston Street, Boston, MA 02116), a Massachusetts corportion registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 (Act), and Seth C. Taft (Taft), a director of Boston Capital, hereinafter referred to collectively as "applicants," have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the proposed sale by Taft to Boston Capital of his entire holdings of 1,415 common stock of Ohio-Nuclear, Inc. (Ohio Nuclear) at a price of $30 a share or an aggregate price of $43,050. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Taft is and has been a director of Boston Capital since April 15, 1969. Therefore, since such date Taft has been an affiliated person of Boston Capital within the meaning of section 2(a)(3) of the Act.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliated person (Taft) of a registered investment company (Boston Capital) to sell to such registered company any security or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Ohio Nuclear, an Ohio corporation organized in 1958, produces and markets radioisotope scanners used in hospitals and clinics for the imaging of isotope distribution in human organs. These images are used in diagnosis for the identification of tumors and nonfunctioning and hyper-functioning tissues. Ohio Nuclear has outstanding 100,000 shares of capital stock without par value, of which 98,565 shares (or 98.565 percent of the total outstanding) are owned by Boston Capital; the remaining 1,435 outstanding shares of Ohio Nuclear (1.435 percent) are owned by Taft.

Boston Capital acquired its present holdings of Ohio Nuclear stock from Donald W. Steel and his wife, Gladys M. Steel (the Steels) on July 15, 1970, pursuant to the terms of a Stock Purchase Agreement (Purchase Agreement) dated as of March 19, 1970, between the Steels and Taft, as sellers, and Boston Capital, as purchaser. Prior thereto, in August 1968, Boston Capital acquired (and now holds through a wholly owned subsidiary) $500,000 principal amount of Ohio Nuclear 7 percent Subordinated Debentures, due July 1, 1975, and warrants ("debentures and warrants") to purchase 28,713 shares of Ohio Nuclear stock at $8.7069 a share. At the same time, Taft acquired his holdings of 1,435 shares of Ohio Nuclear stock for a total price of $12,500 or $8.71 a share. This compares with the proposed selling price of $43,050 or $30 a share.

The application states that at the time Taft acquired these shares of Ohio Nuclear in 1968 he knew the president of Boston Capital but had no other relationship with Boston Capital; that Taft was then counsel for Ohio Nuclear which was in need of working capital; and that Taft put Donald W. Steel, president of Ohio Nuclear, in touch with the president of Boston Capital. Thereafter, in August 1968, Boston Capital purchased the Ohio Nuclear debentures and warrants, but as a condition thereto required Taft's election as a director of Ohio Nuclear and his acquisition of an equity interest in that company. As a result, Taft acquired the 1,435 Ohio Nuclear shares which he now proposes to sell and he was elected a director of that company. Thus, it appears that Taft was not an affiliate of Boston Capital when he acquired his holdings of Ohio Nuclear stock in 1968. Moreover, it appears that the Steels were not affiliates of Boston Capital when they (and Taft) entered into the Purchase Agreement with Boston Capital dated as of March 19, 1970.

Under the terms of the Purchase Agreement each of the Steels and Taft agreed to sell, and Boston Capital agreed to purchase, the number of Ohio Nuclear shares owned by each of the sellers at $30 a share (computed on the basis of a fixed price of $25 a share plus an additional $5 a share which Boston Capital agreed to pay if, as proved to be the case, Ohio Nuclear's earnings for a stated period exceeded a specified amount). In addition, Boston Capital agreed to pay interest on $25 a share at the rate of 8 percent annually from June 9, 1970, to the date of closing. The Purchase Agreement also provided, among other things, (1) that Donald W. Steel shall serve Ohio Nuclear full time as president and chief executive officer until completion of the annual audit (then estimated at July 15, 1970), and (2) that Donald W. Steel shall during the following year, as requested by Boston Capital, devote up to 30 working days to affairs of Ohio Nuclear at a fee of $250 a day plus expenses. In addition, the purchase agreement afforded Boston Capital an opportunity, for a limited time, to elect not to purchase the Ohio Nuclear shares under certain circumstances. In the event of such an election, Donald W. Steel or his designee was given the right to purchase the Ohio Nuclear debentures and warrants from Boston Capital for $500,000 in cash. Under the purchase agreement, Donald W. Steel agreed not to compete with Ohio Nuclear for a limited period and to grant Ohio Nuclear exclusive rights on a commercially reasonable basis to use and exploit any invention or improvement to that company's rectilinear scanner discovered or acquired by him within a specified period of time.

As noted hereinabove, Boston Capital has acquired 98,565 Ohio Nuclear shares from the Steels pursuant to the purchase agreement; and Taft now proposes to sell his holdings of 1,435 Ohio Nuclear shares to Boston Capital pursuant to the terms of the same agreement.

For the fiscal year ended June 30, 1969, Ohio Nuclear had a deficit in net income of $0.48 a share on net sales of $1,133,649.

For the fiscal year ended June 30, 1970, net income of Ohio Nuclear was equal to $2.05 a share on net sales of $2,785,961.

The applicants contend that the terms of the proposed transaction are reasonable and fair; that the terms thereof were the result of armslength negotiations between Boston Capital and Mr. Steel, the dominant stockholder; and that Taft is to receive the same per share price as the Steels. The applicants also represent that the proposed transaction is consistent with the policy of Boston Capital and with the general purposes of the Act.

Notice is further given that any interested person may, not later than March 25, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the persons being served are located more than 500 miles from the point of mailing) upon Boston Capital at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said late, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission under the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3681 Filed 3-16-71;8:47 am]

[31-708]

GIRARD TRUST BANK ET AL.

Notice of Filing of Application for Order Declaring Applicants Not To Be Electric Utility Companies

MARCH 11, 1971.

Notice is hereby given that Girard Trust Bank (Girard), Edward C. Leber and Jane S. Kubiak (Trustees) 1 Girard Plaza, Philadelphia, PA 19101 of Philadelphia, PA, have filed an application for an order declaring that neither Girard nor Trustees will become "an electric utility company" within the meaning of section 2(a)(3) of the Public Utility Holding Company Act of 1935 (Act) as a result of the transactions set forth in the application. All interested persons are referred to the application, which is summarized below, for a complete statement of the facts.

Girard is a bank and trust company organized under the laws of the Commonwealth of Pennsylvania. All of its outstanding capital stock is owned by The Girard Co., a Pennsylvania corporation. Neither Girard nor its parent corporation nor the Trustees, each is an employee of Girard, is presently a holding company or a subsidiary company of a holding company, as defined in the Act. If Girard and/or the Trustees were to become an electric utility company for purposes of the Act as a result of the proposed transaction described below, Girard, its parent corporation and the Trustees would in the absence of an appropriate exemption become subject to regulation under the Act.

Pennsylvania Power & Light Co. (PP&L) is an electric utility company organized under the laws of the Commonwealth of Pennsylvania. The application states that PP&L is a "holding company" as defined in the Act, but has been exempt from the provisions of the Act applicable to it as a holding company by virtue of an order of this Commission (Holding Company Act Release No. 13203, June 18, 1956).

PP&L has heretofore entered into purchase agreements with General Electric Co. to supply to PP&L six combustion turbine generating units and accessory equipment (the Power Blocks) for an aggregate purchase price of approximately $10 million. If the proposed transaction is consummated, PP&L would assign its right to buy the Power Blocks to the Trustees, acting as trustees for the benefit of Girard and of the institutional investors referred to below. The Trustees would then purchase the Power Blocks directly from the manufacturer and lease them to PP&L under a lease (the Lease) having an initial term of approximately 25 years. PP&L would have the right to extend the lease for two terms of 5 years each at a rental equal to the fair rental value determined at the end of the Lease term and the right to buy the Power Blocks at the end of any term for their then fair market value.

The Trustees would borrow approximately 70 percent of the funds required to purchase the Power Blocks from institutional investors, who would receive Series B Equipment Trust Loan Certificates bearing a fixed rate of interest payable as to principal and interest in 14 consecutive semiannual payments of interest only followed by 36 consecutive semiannual payments of principal and interest, and maturing at the end of the initial term of the Lease. The Trustees would borrow approximately 10 percent of the funds required to purchase the Power Blocks from other institutional investors, who would receive Series A Equipment Trust Loan Certificates bearing a fixed rate of interest lower than the Series B Equipment Trust Loan Certificates, payable as to principal and interest in 14 consecutive semiannual level payments of principal and interest, and maturing at the end of the 7th year of the initial term of the Lease. The Equipment Trust Loan Certificates of both series would be obligations of the Trustees, payable solely out of the proceeds of the Lease, and would be equally and ratably secured by a security interest in the Power Blocks and the Lease. The remaining 20 percent of the purchase price would be advanced to the Trustees by Girard as an investment in the beneficial ownership of the Power Blocks.

The Lease would be a net lease under which PP&L would be responsible for maintaining, repairing and insuring the Power Blocks and for paying substantially all taxes, assessments and other costs arising from the possession and use thereof. The rentals to be paid by PP&L to the Trustees during the initial term of the Lease would be calculated to provide funds sufficient to pay the principal of and interest on both series of the Equipment Trust Loan Certificates and to return Girard's equity investment. After the initial lease term has expired and both series of Equipment Trust Loan Certificates have been paid in full, Girard would be entitled to receive any proceeds realized from leasing or selling the Power Blocks to PP&L or to others.

Girard will act as Fiscal Agent for the Trustees, pursuant to the terms of the aforesaid Trust Agreement dated as of December 30, 1970, and as such Fiscal Agent, will receive and disburse all rental payments under the Lease and all other moneys constituting part of the trust estate, and will act as agent for the Trustees with respect to certain other matters, as provided in such Trust Agreement.

Neither Girard in its individual capacity nor the Trustees nor Girard in its capacity as Fiscal Agent would receive any revenue from the sale of electric energy generated by the Power Blocks. Girard will receive no fee for acting as Fiscal Agent under the Trust Agreement and the Trustees will receive no compensation for acting as such, other than their normal salaries as employees of Girard.

The application represents that Girard and each of the Trustees are primarily engaged in one or more businesses other than the business of an electric utility and that by reason of the fact that they will neither operate the generating facilities nor be engaged in the sale of electric energy as a result of the proposed transaction, it is not necessary, in the public interest or for the protection of investors or consumers that any of them be considered an electric utility company for the purposes of the Act.

Notice is further given that any interested person may, not later than March 31, 1971, request in writing that a hearing be held in respect of the request for exemption, stating the nature of his interest and the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should

the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date the Commission may grant exemption requested, or take such other action as it deems appropriate.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3682 Filed 3-16-71;8:47 am]

[70-4994]

NEW ENGLAND ELECTRIC SYSTEM AND MASSACHUSETTS GAS SYSTEM

Notice of Filing of Application for Exception From Competitive Bidding

MARCH 10, 1971.

Notice is hereby given that New England Electric System (NEES) 20 Turnpike Road, Westborough, MA 01581, a registered holding company, and its subsidiary holding company, Massachusetts Gas Co. (Mass. Gas), have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), for an exception from competitive bidding, designating Rule 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

The Commission, by order dated March 19, 1964 (Holding Company Act Release No. 15035), which order became effective upon the entry, on April 3, 1968, of a judgment of the U.S. Court of Appeals for the First Circuit affirming the order of the Commission, directed NEES to dispose of all interests, direct or indirect, in its eight gas utility subsidiary companies. As a step in the divestment of its interests therein, NEES formed a new holding company, Mass. Gas, which sold its common shares to NEES in exchange for the securities held by NEES in these subsidiary companies (Holding Company Act Release No. 16583, January 19, 1970).

NEES and Mass. Gas propose as a further step in the divestment to dispose of their interest in four of the gas utility subsidiary companies: Central Massachusetts Gas Co., Northampton Gas Light Co., Norwood Gas Co., and Wachusett Gas Co. Except for a fraction of 1 percent of the common stock of Norwood, NEES, through Mass. Gas, owns all of the common stocks of these four companies.

NEES on September 11, 1970, mailed 56 letters announcing its intention of exploring possibilities of sale to persons and organizations who had expressed or might be expected to have an interest in the properties of these four companies. Similar statements were published in the news media. NEES received 41 responses and indicates that 15 have expressed serious interests in the purchase of the properties. NEES states that these replies have indicated expressions of interest in one or more companies or all four companies for purchase of assets or stock, for cash, or securities of the purchasing company, or by way of an exchange for electric properties capable of integration with the NEES system.

NEES states that it desires to explore all these possibilities and that an exception from competitive bidding would give NEES the necessary flexibility to negotiate with potential purchasers as to price and other terms of sale. It is stated that the competitive bidding procedure, which under Rule 50 is required, unless exempt, only in case of a sale of security, is inappropriate for exploring definitively the variety of proposals that the preliminary responses and discussions have elicited. Any such definitive agreement or agreements will be subject to Commission approval pursuant to the applicable provisions of the Act. There will be no fees and expenses incurred with respect to their application except an estimated amount of $1,000 ($500 for NEES and Mass. Gas, respectively) to be paid for services at cost to the System Service Co.

Notice is further given that any interested person may, not later than March 25, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3683 Filed 3-16-71;8:47 am]

[70-5000]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Proposed Issue and Sale of Promissory Notes to Banks

MARCH 11, 1971.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. (Vermont Yankee) 77 Grove Street, Rutland, VT 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $21 million, is estimated at $143 million. Its 10 sponsor companies are committed by capital fund requirements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

In order to obtain interim financing for construction expenditures, Vermont Yankee proposes to issue and sell its short-term promissory notes to banks of up to $15 million outstanding at any one time. The names of the banks and the terms of the loans will be filed by amendment. It is stated that Vermont Yankee intends to issue and sell bonds in the near future, for which a separate filing will be made, and that the proceeds therefrom will be used to retire any notes proposed to be issued hereunder then outstanding. It is stated that the Vermont Public Service Commission has jurisdiction over the proposed transactions and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than March 29, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission

should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER, *Recording Secretary.*

[FR Doc.71-3684 Filed 3-16-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 8]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 12, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 580) (Cancels Deviation No. 568), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 3, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes, as follows: (1) From Winston-Salem, N.C., over Interstate Highway 40 to junction Interstate Highway 77 near Statesville, N.C., thence over Interstate Highway 77 to junction U.S. Highway 21 near Cornelius, N.C., with the following access roads: (a) from Mocksville, N.C., over U.S. Highway 158 to junction Interstate Highway 40, (b) from Mocksville, N.C., over U.S. Highway 64 to junction Interstate Highway 40, (c) from Statesville, N.C., over Broad Street to junction Interstate Highway 77, (d) from Statesville, N.C., over U.S. Highway 70 to junction Interstate Highway 77, (e) from Mooresville, N.C., over North Carolina Highway 115 to junction Interstate Highway 77, (f) from Mooresville, N.C., over North Carolina Highway 150 to junction Interstate Highway 77, (g) from Mount Mourne, N.C., over access road to junction Interstate Highway 77, and (h) from Davidson, N.C., over access road to junction Interstate Highway 77, and (2) from Charlotte, N.C., over Interstate Highway 77 to junction U.S. Highway 21 at the North Carolina-South Carolina State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Sparta, N.C., over U.S. Highway 21 via Statesville, N.C., to junction North Carolina Highway 115 near Shepherd, N.C., thence over North Carolina Highway 115 via Shepherd, Mooresville, Davidson, and Huntersville to junction U.S. Highway 21, thence over U.S. Highway 21 via Charlotte, N.C., to Rock Hill, S.C., and (2) from Reedsville, N.C., over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to Statesville, N.C., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3691 Filed 3-16-71;8:48 am]

[Notice 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 12, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-263 (Deviation No. 9), GARRETT FREIGHTLINES, INC., Post Office Box 4048, Pocatello, ID 83201, filed March 5, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Reno, Nev., over U.S. Highway 395 to junction Oregon Highway 31, thence over Oregon Highway 31 to junction U.S. Highway 97, thence over U.S. Highway 97 to junction U.S. Highway 26, thence over U.S. Highway 26 to Portland, Oreg., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Reno, Nev., over U.S. Highway 40 to Winnemucca, Nev., thence over U.S. Highway 95 to Burns Junction, Oreg., thence over Oregon Highway 78 to Burns, Oreg., thence over U.S. Highway 20 to Bend, Oreg., thence over U.S. Highway 97 to junction U.S. Highway 26, thence over U.S. Highway 26 to Portland, Oreg., and (2) from Reno, Nev., over the route described in (1) above to Burns, Oreg., thence over U.S. Highway 395 to John Day, Oreg., thence over U.S. Highway 26 to junction Oregon Highway 19, thence over Oregon Highway 19 to Arlington, Oreg., thence over U.S. Highway 30 to Portland, Oreg., and return over the same routes.

No. MC-75406 (Deviation No. 5), SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, MO 63118, filed March 3, 1971. Carrier's representative: Gregory M. Rebman, 1230 Boatmen's Bank Building, St. Louis, MO 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Marianna, Ark., over U.S. Highway 79 to junction U.S. Highway 70 at Lehi, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Forrest City, Ark., over Arkansas Highway 1 to Marianna, Ark., thence over U.S. Highway 79 to Stuttgart, Ark., and (2) from St. Louis, Mo., over U.S. Highway 61 to West Memphis, Ark., thence over U.S. Highway 70 to Little Rock, Ark., and return over the same routes.

No. MC-108006 (Deviation No. 1), MAISLIN TRANSPORT LTD., 7401 Newman Boulevard, La Salle 660, PQ Canada, filed February 18, 1971, amended March 1, 1971. Carrier's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from Malone, N.Y., over New York Highway 37 to junction U.S. Highway 11 at or near Watertown, N.Y., (2) from junction U.S. Highway 11 and unnumbered Franklin County Highway approximately 2 miles west of Burke Center, N.Y., over unnumbered Franklin County Highway to junction New York Highway 37, thence over New York Highway 37 to junction U.S. Highway 11 at or near Watertown, N.Y. (or interstate Highway 81 at or near Watertown, N.Y.), and (3) from Malone, N.Y., over New York Highway 37 to junction unnumbered Jefferson County Highway approximately two miles west of Theresa, N.Y., thence along Jefferson County Highway to junction Interstate Highway 81, thence over Interstate Highway 81 to Watertown, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Buffalo, N.Y., over New York Highway 265 to junction New York Highway 384, thence over New York Highway 384 to Niagara Falls, N.Y. (also from Buffalo over U.S. Highway 62 to Niagara Falls), thence over U.S. Highway 104 via Rochester, N.Y., to junction U.S. Highway 11, thence over U.S. Highway 11 via Watertown, N.Y., to junction U.S. Highways 9 and Alternate 9 at or near Rouses Point, N.Y., thence over U.S. Highways 9 to the United States-Canada boundary line, (2) from Buffalo, N.Y., over New York Highway 5 via Batavia and Auburn, N.Y., to Syracuse, N.Y. (also from Buffalo over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 to Auburn), thence over U.S. Highway 11 to Watertown, N.Y., thence over the route described in (1) above to the United States-Canada boundary line, and (3) from Buffalo, N.Y., over New York Highway 5 to Batavia, N.Y., thence over New York Highway 33 to Rochester, N.Y., thence over U.S. Highway 104 to junction U.S. Highway 11, thence over U.S. Highway 11 to Watertown, N.Y., thence over the route described in (1) above to the United States-Canada boundary line, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3692 Filed 3-16-71;8:48 am]

[Notice 19]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 12, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 128944 (Sub-No. 8) (Clarification), filed October 26, 1970, published in FEDERAL REGISTER, issue of December 3, 1970, and republished as clarified, this issue. Applicant: RELIABLE TRUCK LINES, INC., 402 Maplewood Avenue, Nashville, TN 37210. Applicant's representative: Clarence Evans, 1800 Third National Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, dangerous explosives and commodities requiring special equipment) (1) between Memphis, Tenn., and that part of its commercial zone within Tennessee (but excluding that part of its commercial zone within any other State), and Birmingham, Ala., from Memphis over Interstate Highway 40 to intersection U.S. Highway 64, thence over U.S. Highway 64 to Savannah, Tenn., thence over Tennessee Highway 69 to the Tennessee-Alabama State line, thence over Alabama Highway 20 to Florence, Ala., thence over U.S. Highway 43 to junction Alternate of U.S. Highway 72, thence Alternate U.S. Highway 72 to junction Alabama Highway 157, thence over Alabama Highway 157 to junction Interstate Highway 65 north of Cullman, thence over Interstate Highway 65 to Birmingham, and return over the same route, with closed doors between Memphis and Birmingham; and (2) between Birmingham, Ala., and Memphis, Tenn., and that part of its commercial zone within Tennessee, (but excluding that part of its commercial zone within any other State), over U.S. Highway 78, as an alternate route, for operating convenience only, serving no intermediate points. NOTE: The purpose of this republication is to clearly set forth the proposed operations.

HEARING: This proceeding remains assigned on March 29, 1971, at 9:30 o'clock a.m., U.S. standard time, in Room 204, Federal Office Building, Memphis, Tenn.; and will be heard by Joint Board No. 110, in lieu of a hearing examiner. All special procedure rules remain in effect.

No. MC 115841 (Sub-No. 383) (Republication), filed July 6, 1970, published in the FEDERAL REGISTER issue of July 23, 1970 and republished this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, AL 35201. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated February 16, 1971, and served March 8, 1971, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) foodstuffs (except in bulk), (2) animal feeds (except in bulk), and (3) agricultural commodities the transportation of which is exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the commodities in (1) and (2) above, from the plantsite of the Holly Farms Poultry Industries, Inc., at Wilkesboro, N.C., to points in Nebraska, Iowa, Illinois, Indiana, Kansas, Missouri, Michigan, Wisconsin, and Ohio, restricted to the transportation of traffic originating at said plantsite and destined to the above-named destination points. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134387 (Republication), filed March 4, 1970, published in the FEDERAL REGISTER issue of March 26, 1970 and republished this issue. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 2, decided February 26, 1971, and served March 9, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of metal cans and can ends (a) from Fullerton, Calif., to Phoenix, Ariz., (b) points in Alameda, Los Angeles, San Bernardino, San Francisco, Stanislaus and Santa Clara Counties, Calif., to points in Maricopa, Pima, and Yuma Counties, Ariz., (c) from points in Los Angeles and San Francisco Counties, Calif., to Sparks,

Nev., and (d) from points in Los Angeles and Orange Counties, Calif., to the port of entry on the international boundary line between the United States and Mexico at or near Tecate, Calif., (2) of empty glass containers, from points in Alameda, Contra Costa, and Los Angeles Counties, Calif., to points in Maricopa, Pima, Navajo, Yuma and Graham Counties, Ariz., and Clark County, Nev., and (3) of fibreboard cans from points in Los Angeles County, Calif., to Phoenix, Ariz.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operation should be granted, subject, however, (1) to the condition that applicant shall in writing request the coincidental cancellation of its permits No. MC 127952 (Sub-No. 2), dated September 16, 1967, No. MC 127952 (Sub-No. 4) dated January 8, 1969, and No. MC 127952 (Sub-No. 6) dated May 23, 1969 and (2) because it is possible that other parties who have relied upon the notice of the grant of authority as originally published in the FEDERAL REGISTER may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES OF FILING OF PETITIONS

No. MC 113666 (Sub-No. 7) (Notice of Filing of Petition for Amendment of Certificate), filed January 20, 1971. Petitioner: FREEPORT TRANSPORT, INC., Freeport, Pa. 16229. Petitioner's representative: Andrew Smetanick (same address as above). Petitioner holds authority in No. MC 113666 (Sub-No. 7) to transport, over irregular routes: Refractory products, from Woodbridge and Fords, N.J., Irondale, New Salisbury, Wellsville, Urichsville, Oak Hill, Jackson, and South Webster, Ohio, and Vanport, Canonsburg, Zelienople, Johnstown, and Hawstone, Pa., to ports of entry on or adjacent to the United States-Canada boundary line, at points in New York and Michigan, restricted to traffic destined to points in the Province of Ontario, Canada. By the instant petition, petitioner requests the removal of this restriction to enable it to conduct operations to any destination outside the continental United States as authorized. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 118803 and No. MC 118803 (Sub-No. 5) (Notice of Filing of Petition for Reconsideration and Modification of Permits), dated February 3, 1971. Petitioner: ATLANTIC TRUCK LINES, INC., Paterson, N.J. Petitioner's representative: Arthur H. Priest, 71–23 Austin Street, Forest Hills, NY 11375. Petitioner states that it holds authority in No. MC 118803 and No. MC 118803 (Sub-No. 5) to transport roofing materials, air conditioning and heating ducts, etc., under contract with L. Bieler & Sons, Inc., of Hauppauge, N.Y., National Elbow and Fitting Corp., of Hauppauge, Bieler International Corp., of Hauppauge, N.Y., and Southern Diversified Industries, Inc., of Hauppauge, N.Y. By the instant petition, petitioner seeks to add the following contracting shipper: Bieler National Industries, Inc., of Hauppauge, Suffolk County, N.Y. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124025 (Notice of Filing of Petition to Add a Shipper), filed March 1, 1971. Petitioner: GLASS TRUCKING COMPANY, Post Office Box 276, Newkirk, OK 74647. Petitioner states that it holds authority in No. MC 124025 as a contract carrier to transport Flour and Mill Feeds, in bags and in bulk, from Arkansas City, Kans., to Cincinnati, Ohio, and Memphis, Tenn., and points in Oklahoma, Arkansas, Missouri, and Texas, over irregular routes, under a continuing contract with Dixie—Portland Flour Mills, Inc. By the instant petition, petitioner seeks authority to add the New Era Milling Co., Arkansas City, Kans., as an additional contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–11104. Authority sought for purchase by WHEELER TRANSPORT SERVICE, INC., 7722 F Street, Omaha, NE, (1) a portion of the operating rights of PARKS TRANSPORTS, INC., R.F.D. No. 2, Ashland, NE 68003, and (2) WHEELER TRANSPORT SERVICE, INC., purchase the operating rights of McCOOK TRUCK LINE, INC., 210 West Third Street, McCook, NE 69001, and for acquisition by KEITH D. WHEELER, also of Omaha, Nebr., of control of such rights through the purchase. Applicants' attorney: J. Max Harding, Box 82028, Lincoln, NE 68501. Operating rights sought to be transferred: (1) *Edible vegetable oils and blends thereof*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from the plantsite and warehouse facilities of Archer Daniels Midland Co., located at or near Lincoln, Nebr., to points in Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, North Dakota, South Dakota, Texas, Utah, Washington, and Wyoming. Authority granted pursuant to Report of Review Board No. 1, decided April 6 and served April 10, 1970, in No. MC–61396 Sub 213, which embraces No. MC–133219 Sub 4. Certificate not yet issued. (2) *Petroleum products*, in bulk, as a *common carrier*, over regular routes, from Arkansas City, Kans., to points in Nebraska, serving various intermediate points, from Argentine, Kans., to Bushnell, Anselmo, and Fremont, Nebr. serving various intermediate points; *liquid petroleum products*, from Kansas points to points in Nebraska and Iowa, serving various intermediate points, from Portsmouth, Iowa, to junction Iowa Highway 44 (formerly Iowa Highway 39) and U.S. Highway 30, serving no intermediate points; *petroleum products*, in bulk, over irregular routes, from refining and distributing points in Kansas to Auburn, Nebr.; *liquid petroleum products*, in bulk, in tank trucks, from Sugar Creek, Mo., to certain specified points in Nebraska; *liquid petroleum products*, in bulk, from refining and distributing points in Kansas to certain specified points in Nebraska; *catalogs*, from McCook, Nebr., to certain specified points in Kansas; *salt*, from Hutchinson and Kanapolis, Kans., to certain specified points in Nebraska; *fruits and vegetables*, from points in Colorado to McCook, Nebr.; *household goods*, between McCook, Nebr., and points in Nebraska within 25 miles of McCook, on the one hand, and, on the other, points in Kansas and Colorado. Vendee is authorized to operate as a *common carrier* in Kansas, Nebraska, Iowa, Minnesota, North Dakota, South Dakota, Missouri, Illinois, Colorado, Wyoming, Arkansas, Indiana, Michigan, Oklahoma, Texas, Wisconsin, Kentucky, Tennessee, Montana, New York, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11105. Authority sought for purchase by D. F. BAST, INC., Post Office Box 2288, Allentown, Pa. 18001, of the operating rights of BELBEY TRANSFER COMPANY, 520 Belleville Turnpike, Kearny, NJ 07032, and for acquisition by COMMONWEALTH INDUSTRIES, INC., 17 Morris Avenue, Bryn Mawr, PA 19010, of control of such rights through the purchase. Applicants' attorney: Bert Collins, 140 Cedar Street, New York, NY 10006. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between certain specified points in New Jersey, on the one hand, and on the other, New York, N.Y.; *commodities* requiring the use of special equipment, *household goods* as defined by the Commission, and *commodities in bulk*, between New York, N.Y., on the one hand, and, on the other, Newark and Harrison, N.J., and points within 3 miles of Harrison; *asphalt, chemicals, petroleum products, and materials* used in the manufacture of paints, in containers, and containers for the aforesaid commodities; *fiber and corrugated paper*, between Newark, N.J., and points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, certain specified points in New York; *machinery and machinery parts*, between Jersey City, N.J., on the one hand, and, on the other, certain specified points in New York; *commodities*, new, the transportation of which because of size or weight requires the use of special equipment, and

Related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between certain specified points in New Jersey, on the one hand, and, on the other, certain specified points in Massachusetts, points in Connecticut and Rhode Island, points in that part of New York on and east of New York Highway 14, and points in that part of Pennsylvania east of the Susquehanna River; *commodities*, used, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in New Jersey, on the one hand, and, on the other, certain specified points in Massachusetts, points in Connecticut and Rhode Island, points in that part of New York on and east of New York Highway 14, and points in that part of Pennsylvania east of the Susquehanna River; *sugar*, between Edgewater, N.J., on the one hand, and, on the other, certain specified points in New York, with restriction; *fencing materials, hardware, plumbing supplies, and building materials*, except liquid commodities, in bulk, in tank vehicles, between certain specified points in New Jersey, on the one hand, and, on the other, Hawleyville and Kent, Conn., Philadelphia, Pa., New York, N.Y., certain specified points in New York, and points in that part of Connecticut south of a straight line beginning at Stratford and extending northwest through Danbury to the Connecticut-New York State line, including Danbury, with restriction;

Elevators, escalators, and machinery, materials and supplies used in the manufacture, installation and maintenance of elevators and escalators, except commodities which, because of size or weight, require the use of special equipment, between plantsites, warehouses and other sources of supply of Otis Elevator Co., located at Yonkers, N.Y., and points within 5 miles thereof, and Harrison, N.J., and points within 5 miles thereof, on the one hand, and, on the other, plantsites and warehouses of Otis Elevator Co., located at Bloomington, Ind., from plantsites and warehouses of Otis Elevator Co., located at Bloomington, Ind., to points in New Jersey, Connecticut, Delaware, points in New York on and east of New York Highway 14, and points in Pennsylvania on and east of the Susquehanna River, between Yonkers, N.Y., and points within 5 miles thereof, on the one hand, and, on the other, points in New Jersey, Connecticut, Delaware, and those points in that part of New York on and east of U.S. Highway 14, and those points in that part of Pennsylvania on and east of U.S. Highway 11, between Yonkers, N.Y., and points within 5 miles thereof, and Harrison, N.J., and points within 5 miles thereof, on the one hand, and, on the other, points in Maryland, Rhode Island, Massachusetts, those in that part of Pennsylvania on and west of U.S. Highway 11, those in that part of New York on and west of U.S. Highway 14, and Washington, D.C.; (1) *elevators, escalators, and parts of elevators* and escalators, and (2) *equipment, materials, and supplies* used in the manufacture, installation, and maintenance of elevators, escalators, and parts of elevators and escalators (except commodities the transportation of which, because of size or weight, requires the use of special equipment, and except commodities in bulk), between the plantsite of Otis Elevator Co. at London, Ohio, on the one hand, and, on the other, the plantsite of Otis Elevator Co. at Bloomington, Ind., and points in New Jersey, Connecticut, Delaware, New York, Pennsylvania, Rhode Island, Massachusetts, Maryland, and Washington, D.C.;

Elevators and escalators, and machinery, materials, and supplies used in the manufacture, installation, and maintenance of elevators and escalators (except commodities which because of size or weight require the use of special equipment and petroleum, petroleum products, chemicals, and solvents in bulk, in tank vehicles), between Harrison, N.J., and points within 5 miles thereof, on the one hand, and, on the other, points in New Jersey, Connecticut, Delaware, those points in that part of New York on and east of U.S. Highway 14, and those points in that part of Pennsylvania on and east of U.S. Highway 11; and in pending docket No. MC–2567 (Sub-No. 14) electrical equipment, other than household appliances, and equipment, materials and supplies used in connection with the manufacture, installation and maintenance of said commodities (except in bulk), (1) between the plantsite of Westinghouse Electric Corp., Hillside, N.J., and certain specified points in New Jersey, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Newport News, Va., and Washington, D.C.; and (2) between the plantsite of Westinghouse Electric Corp., Hillside, N.J., and Richmond, Va., certain specified points in Ohio, and Bloomington, Ind. Vendee is authorized to operate as a *common carrier* in Delaware, Maryland, New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, New Hampshire, Rhode Island, Virginia, Illinois, Iowa, Missouri, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11106. Authority sought for purchase by ARCHIE'S MOTOR FREIGHT, INCORPORATED, Sixth and Maury Streets, (Post Office Box 4306), Richmond, VA 23224, of the operating rights of JIMMIE THOMAS BRYANT, doing business as J. T. BRYANT, Suffolk, Va. 23434, and for acquisition by J. A. THROCKMORTON, also of Richmond, Va. 23224, of control of such rights through the purchase. Applicants' representative: J. R. Farley, 10 South 10th Street, Richmond, VA 23219. Operating rights sought to be transferred: *Nuts, candy and peanut products*, as a *common carrier*, over irregular routes, from Suffolk, Va., to Chicago, Ill., Cincinnati, Ohio, and Detroit, Mich.; *nuts*, from Suffolk and Petersburg, Va., to points and places in Illinois, Indiana, Michigan, and Ohio; *canned goods*, from points and places in Michigan and Wisconsin to Richmond, Va.; *malt beverages*, from Cleveland, Ohio, to Petersburg, Va., traversing Kentucky and West Virginia for operating convenience only; *cream-filled cookies*, from Suffolk, Va., to Chicago, Ill., Cincinnati, Ohio, and Detroit, Mich.; *paper tea-bag wrappers* and *paper boxes*, when moving in mixed loads with peanuts and peanut products, from Suffolk, Va., to Chicago, Ill.; *coffee, tea, and prepared foods* (except frozen foods, meats, meat products, and meat byproducts and commodities in bulk), from the plantsites of Standard Brands, Inc., at Suffolk, Va., to points in Ohio, Indiana, those in that part of Michigan on and south of Michigan Highway 21, those in that part of Illinois within 35 miles of Chicago, and Chicago, Ill., with restriction; *foodstuffs* (except frozen foods, meats, meat products, meat byproducts and commodities in bulk), from the plantsites of Standard Brands, Inc., at Suffolk, Va., to points in Illinois (except Chicago and points in that part of Illinois within 35 miles of Chicago), and points in that part of Michigan north of Michigan Highway 21. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Virginia, Kentucky, Tennessee, West Virginia, Ohio, Maryland, District of Columbia, Alabama, Florida, Georgia, North Carolina, South Carolina, Delaware, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11107. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309, of a portion of the operating rights of COMMERCIAL FREIGHT LINES, INC., 4200 Gardner Avenue, Kansas City, MO 64120, and for acquisition by GALEN J. ROUSH, also of Akron, Ohio 44309, of

control of such rights through the purchase. Applicants' attorney: Robert S. Burk, 2001 Massachusetts Avenue NW., Washington, DC 20036; Lowell L. Knipmeyer, 28th Floor, Power & Light Building, Kansas City, MO 64105 and Douglas W. Faris, Post Office Box 471, Akron, OH 44309. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Omaha, Nebr., and Chicago, Ill., serving various intermediate and off-route points in Iowa. Vandee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11108. Authority sought for purchase by HARDER'S EXPRESS, INC., Route 9-H, Claverack, NY 12513, of a portion of the operating rights of CAMBEIS TRUCKING COMPANY, INC., 312 Third Avenue, Brooklyn, NY 11215, and for acquisition by HERBERT K. BERTHA K, and RICHARD H. HARDER, all of Route 9-H, Claverack, NY 12513, of control of such rights through the purchase. Applicants' attorneys: Martin Werner, 2 West 45th Street, New York, NY 10036, and William Biederman, 280 Broadway, New York, NY 10007. Operating rights sought to be transferred: *General commodities*, except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a common carrier, over irregular routes, between points and places in the New York, N.Y. commercial zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, points and places in Middlesex, Union, Essex, Passaic, Hudson, and Bergen Counties, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has not been filed for temporary authority under section 210(b).

No. MC-F-11109. Authority sought for merger into CONTINENTAL SOUTHERN LINES, INC., Highway 80 West, Jackson, MS 39204, of the operating rights and property of BAYSHORE BUS LINES, INC., doing business as CONTINENTAL TRAILWAYS, Highway 80 West, Jackson, MS 39204, and for acquisition by CONTINENTAL TRAILWAYS, INC., 315 Continental Avenue, Dallas, TX 75207 and in turn by, TCO INDUSTRIES, INC., 1500 Jackson Street, Dallas, TX 75201, of control of such rights and property through the transaction. Applicants' attorney: D. Paul Stafford, 315 Continental Avenue, Dallas, TX 75207. Operating rights sought to be merged: Passengers and their baggage, and newspapers, express, and mail in the same vehicle with passengers, as a *common carrier* over regular routes, between Houston, Tex., and Baytown, Tex., serving all intermediate points, between La Porte, Tex., and Baytown, Tex., serving all intermediate points, with no service at La Porte. CONTINENTAL SOUTHERN LINES, INC., is authorized to operate as a *common carrier* in Texas, Louisiana, Arkansas, Alabama, Mississippi, Tennessee, Missouri, Illinois, and Kentucky. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3696 Filed 3-16-71;8:48 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 12, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 71-30-MF/A, filed January 28, 1971. Applicant: AL RENK & SONS, INC., 2922 Commercial Drive Anchorage, AK 99501. Applicant's representative: John M. Stern, Jr., Post Office Box 1672, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods between points in zone 2 and between points in zone 2 on the one hand, and, on the other, points in zones 3, 4, 5, 6, and 7 (as zones are defined by the Alaska Transportation Commission). Applicant already possesses authority from the Interstate Commerce Commission to conduct operations in interstate commerce of general commodities, except classes A and B explosives, commodities in bulk and household goods as defined by the Commission between all of the points set forth above. Therefore, by this application applicant is seeking authority in connection with such intrastate operations to engage in transportation in interstate and foreign commerce as follows: Classes A and B explosives and commodities in bulk between points in zone 2 and between points in zone 2 on the one hand, and, on the other, points in zones 3, 4, 5, 6, and 7 (as zones are defined by the Alaska Transportation Commission). Both intrastate and interstate authority sought.

HEARING: Date, time, and place not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Alaska Department of Commerce, Alaska Transportation Commission, 750 Mackay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3690 Filed 3-16-71;8:48 am]

[Notice 262]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 11, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35807 (Sub-No. 14 TA), filed March 4, 1971. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 210 Baker Street NW., Box 4313, 30313, Atlanta, GA 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, from Washington, D.C., to points in the United States (excluding Alaska and Hawaii), for 180 days. Supporting shipper: United States of America, General Services Administration, Transportation and Communications Service, Washington, D.C. 20405. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 56679 (Sub-No. 49 TA), filed March 4, 1971. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue, SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight); (1) between Hazlehurst, Ga., and Jacksonville, Fla., over U.S. Highway 23, serving all intermediate points; (2) between Baxley and Race Pond, Ga., over Georgia Highway 15, serving all intermediate points; (3) between Savannah, Ga., and Waycross, Ga., over U.S. Highway 17 to Midway, Ga., thence U.S. Highway 82 to Waycross, Ga., serving all intermediate points; and (4) between Jessup, Ga., and Folkston, Ga., over U.S. Highway 301, serving all intermediate points. Applicant proposes to join the above routes with its present authority held in Docket MC 56679 and effective Subs thereunder, using Baxley, Hazlehurst and Savannah, Ga., as points of joinder. Applicant also proposes to combine and join all of the above routes in order to provide through service to, from, and between the above routes in order to provide through service to, from and between the above-named points and routes, on the one hand, and, on the other, Atlanta and Savannah, Ga., and Jacksonville, Fla., for the purpose of interchanging with connecting carriers at Atlanta and Savannah, Ga., and Jacksonville, Fla., for 180 days. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, NW., Atlanta, GA 30309.

No. MC 98499 (Sub-No. 11 TA), March 4, 1971. Applicant: WHITE TRUCK LINE, INC., 2545 Jonesboro Road SE., Atlanta, GA 30315. Mailing: Post Office Box 6806, Lakewood Station. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods, commodities in bulk, classes A and B explosives and those requiring special equipment); (a) between Gainesville, Ga., and Greenville, S.C., from Gainesville, over U.S. Highway 23 and U.S. Highway 123 to Greenville and return over the same route, serving all intermediate points in South Carolina; (b) between Jefferson, Ga., and Greenville, S.C., from junction U.S. Highway 129 and Interstate Highway 85 at or near Jefferson over Interstate Highway 85 to Greenville, and return over the same route, serving all intermediate points; (c) serving all other points in Greenville, Spartanburg, and Anderson Counties, S.C., as off-route points in connection with the routes specified in (a) and (b) above; (d) between Atlanta and Gainesville, Ga., through Lawrenceville and Buford, Ga., over Georgia Highways 8, 20, and 13, with the right to serve all points located within a 3-mile radius of the city limits of Gainesville, Ga.; also, with the right to serve U.S. Naval Reserve Air Training Base, Scottdale, Ga., and Clarkton, Ga., as off-route points; (e) between Atlanta and Warm Springs, Ga., through Jonesboro, Fayetteville, Senoia, Alvaton, Gay, Woodbury, and Manchester, Ga., over Georgia Highways 3, 54, 85, and 41; with the right to serve Turin, Sharpsburg, Brooks, and Woodland, Ga., as off-route points;

(f) Between Jonesboro and Woodbury, Ga., through Griffin, Zebulon, Molena, and Concord, Ga., over Georgia Highways 3 and 18, with closed doors at and between Hampton and Zebulon, Ga.; (g) between Atlanta and Buford, Ga., over Georgia Highway 13 with closed doors between Doraville and Buford, Ga., also between Atlanta and Doraville, Ga., over the following routes: From Atlanta over Georgia Highway 9 to Buckhead Community; thence over old Georgia Highway 13 and Doraville and return over the same route, with service to all intermediate points; and (h) between Manchester, Ga., and Columbus, Ga., over Georgia Highway 85 (U.S. 27) with the right to serve the Military Reservation at Fort Benning, Ga., as an off-route point over Georgia Highway 1 (U.S. 280 and 27), for 180 days. Supporting shippers: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA.

No. MC 99610 (Sub-No. 11 TA), filed March 8, 1971. Applicant: ROSS NEELY EXPRESS, INC., Post Office Drawer B, Pratt City Station, Birmingham, AL 35214. Applicant's representative: R. S. Richard, 57 Adams Avenue, Montgomery, AL 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Cherokee, Ala., and Memphis, Tenn., from Cherokee over U.S. Highway 72 to Memphis and return over the same route, serving no intermediate points; (2) between Hamilton, Ala., and Memphis, Tenn., from Hamilton over U.S. Highway 78 to Memphis and return over the same route, serving no intermediate points; (3) between Reform, Ala., and Memphis, Tenn., from Reform over U.S. Highway 82 to Columbus, Miss., thence over U.S. Highway 45 over Aberdeen, Nettleton, Shannon, and Verona to Tupelo, Miss., thence over U.S. Highway 78 to Memphis and return over the same routes, serving no intermediate points and (4) between Aliceville, Ala., and Memphis, Tenn., from Aliceville over Alabama Highway 14 to the Alabama-Mississippi State line, thence over Mississippi Highway 69 to Columbus, Miss., thence from Columbus to Memphis over the same routes described in (3) above and return over the same routes, serving no intermediate points. Restriction: Service at Memphis under Routes (1) through (4) above is restricted to points in the Mississippi and Tennessee portions of the Memphis commercial zone, and

(B) *General commodities* (except commodities in bulk, commodities requiring the use of special equipment, and commodities injurious to other lading), (5) between Cherokee, Ala., and Cullman, Ala., from Cherokee over U.S. Highway 72 to junction at U.S. Highways 72 and 43, thence over alternate U.S. Highway 72 to junction with Alabama Highway 157, thence over Alabama Highway 157 to junction with U.S. Highway 31, thence over U.S. Highway 31 to Cullman and return over the same routes, serving all intermediate points; (6) between Birmingham, Ala., and Athens, Ala., from Birmingham over U.S. Highway 31 to Athens and return over the same route, serving all intermediate points; (7) between Hamilton, Ala., and Birmingham, Ala., from Hamilton over U.S. Highways 43 and 78 to Winfield, Ala., thence over U.S. Highway 78 to Birmingham, and return over the same routes, serving all intermediate points; (8) between Reform, Ala., and Birmingham, Ala., from Reform over U.S. Highway 82 to junction with U.S. Highway 11 (south of Tuscaloosa, Ala.), thence over U.S. Highway 11 to Birmingham and return over the same routes, serving all intermediate points; (9) between Reform, Ala., and Eutaw, Ala., from Reform over Alabama Highway 17 to Aliceville, Ala., thence over Alabama Highway 14 to Eutaw and return over the same routes, serving all intermediate points; (10) between Tuscaloosa, Ala., and Mobile, Ala., from Tuscaloosa over U.S. Highways 11 and 43 to Eutaw, Ala., thence over U.S. Highway 43 to Mobile and return over the same routes, serving all intermediate points; (11) between Tuscaloosa, Ala., and Prattville, Ala., from Tuscaloosa over U.S. Highway 82 to Prattville and return over the same route, serving all intermediate points;

(12) Between the junction of U.S. Highway 11 and Alabama Highway 5 (west of Woodstock, Ala.), and the junction of Alabama Highway 5 and U.S. Highway 43 (north of Thomasville, Ala.), from the junction of U.S. Highway 11 and Alabama Highway 5 over Alabama Highway 5 to its junction with U.S. Highway 43 and return over the same route, serving all intermediate points; (13) between Birmingham, Ala., and Andalusia, Ala., from Birmingham over U.S. Highway 31 to McKenzie, Ala., thence over Alabama Highway 55 to Andalusia, and return over the same route, serving intermediate points on U.S. Highway 31, within 125 miles of Birmingham, and intermediate points on Alabama Highway 55, within 15 miles of Andalusia; (14) between Montgomery, Ala., and Mobile, Ala., from Montgomery over Interstate Highway 65 to Mobile and return over the same route, serving intermediate points within 125 miles of Birmingham or within 15 miles of Mobile; (15) between Montgomery, Ala., and Mobile, Ala., from Montgomery over Interstate Highway 65, to the junction of Interstate Highway 65 with Alabama Highway 59, thence over Highway 59 to Bay Minette, thence over U.S. Highway 31 to Mobile and return over the same route, serving intermediate points within 125 miles of Birmingham or within 15 miles of Mobile; (16) between Montgomery, Ala., and Andalusia, Ala., from Montgomery over U.S. Highway 331 to Brantley, Ala., thence over U.S. Highway 29 to Andalusia and return over the same route, serving intermediate points on U.S. Highway 331, within 125 miles of Birmingham, Ala., and intermediate points on U.S. Highway 29, within 15 miles of Andalusia; (17) between Montgomery, Ala., and Dothan, Ala., from Montgomery over U.S. Highways 82 and 231 to the junction of U.S. Highways 82 and 231 southeast of Montgomery, thence over U.S. Highway 231 to Dothan and return over the same route, serving intermediate points within 125 miles of Birmingham, Ala., or within 15 miles of Dothan;

(18) Between Montgomery, Ala., and Opelika, Ala., from Montgomery over Interstate Highway 85 to Opelika and return over the same route, serving all intermediate points; (19) between Cuba, Ala., and Eutaw, Ala., from Cuba over U.S. Highway 11 to Eutaw and return over the same route, serving all intermediate points; (20) between Montgomery, Ala., and Eutaw, Ala., from Montgomery over U.S. Highway 80 to Selma, Ala., thence over Alabama Highway 14 to Eutaw and return over the same route, serving all intermediate points; (21) between Selma, Ala., and Cuba, Ala., from Selma over U.S. Highway 80 to Cuba and return over the same route, serving all intermediate points; (22) between Florence, Ala., and Scottsboro, Ala., from Florence over U.S. Highway 72 to Scottsboro and return over the same route, serving all intermediate points; (23) between Selma, Ala., and Clanton, Ala., from Selma over Alabama Highway 22 to Clanton and return over the same route, serving all intermediate points; (24) between Selma, Ala., and Jemison, Ala., from Selma over Alabama Highway 22 to junction of Alabama Highway 22 and Alabama Highway 191, thence over Alabama Highway 191 to Jemison and return over the same route, serving all intermediate points; (25) between Huntsville, Ala., and junction U.S. Highways 43 and 72 (southeast of Tuscumbia, Ala.), from Huntsville over Alternate U.S. Highway 72 to junction of U.S. Highways 43 and 72 and return over the same route, serving all intermediate points; (26) from Selma, Ala., to Safford, Ala., from Selma over Alabama Highway 22 to Safford and return over the same route, serving all intermediate points;

(27) between junction of U.S. Highways 43 and 72 (southeast of Tuscumbia, Ala.), and junction U.S. Highway 78 and Alternate U.S. Highway 231 (near Lincoln, Ala.), from junction of U.S. Highways 43 and 72 over U.S. Highway 72 to Huntsville, Ala., thence over U.S. Highway 431 to Oxford, Ala., thence over Alabama Highway 21 to Talladega, Ala., thence over Alternate U.S. Highway 231 to its junction with U.S. Highway 78 and return over the same routes, serving all intermediate points; (28) between Guntersville, Ala., and Scottsboro, Ala., from Guntersville over Alabama Highway 79 to Scottsboro and return over the same route, serving all intermediate points; (29) between Birmingham, Ala., and Albertville, Ala., from Birmingham over Alabama Highway 75 to Albertville and return over the same route, serving all intermediate points; (30) between Birmingham, Ala., and Attalla, Ala., from Birmingham over U.S. Highway 11 to Attalla and return over the same route, serving all intermediate points; (31) between Birmingham, Ala., and the junction of U.S. Highways 78 and 431 and Alabama Highway 21 (at or near Oxford, Ala.), from Birmingham over U.S. Highway 78 to junction of U.S. Highways 78 and 431 and Alabama Highway 21 and return over the same route, serving all intermediate points; (32) between Birmingham, Ala., and Phenix City, Ala., from Birmingham over U.S. Highway 280 to Childersburg, Ala., thence over U.S. Highways 231 and 280 to Sylacauga, Ala., thence over U.S. Highway 280 to Opelika, Ala., thence over U.S. Highways 280 and 431 to Phenix City and return over the same routes, serving all intermediate points. Restriction: Service at Phenix City, Ala., under Route (32) above is restricted to service at points in the Alabama portion of the Phenix City commercial zone; and

(33) Serving as off-route points the following: (a) Points in Alabama within 125 miles of Birmingham in connection with Routes (5) through (32), inclusive; (b) all points in Choctaw and Clarke Counties, Ala., in connection with Routes (10) and (12); (c) points in Alabama within 10 miles of U.S. Highway 43 in connection with Routes (10) and (14); (d) points within 15 miles of Andalusia, Ala., in connection with Routes (13) and (16); and (e) points within 15 miles of Dothan, Ala., in connection with Route (17), for 180 days. NOTE: The authority sought in Part (B) above (paragraphs (5) through (33)) would enable Applicant to perform the same operations presently conducted under certificates of registration numbered MC 99610 and MC 98780, including subs thereunder. Authority is sought for Applicant to tack the routes applied for in Parts (A) and (B) at all common points of joinder, and to interline with other carriers at Applicant's present terminal points and at Memphis, Tenn. Supporting shippers: The application is supported by 142 supporting shippers, the statements of which may be examined, at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35202.

No. MC 105881 (Sub-No. 45 TA), filed March 8, 1971. Applicant: M. R. & R. TRUCKING COMPANY, Post Office Box 997, 715 North Ferdon Boulevard, Crestview, FL 32536. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, those requiring special equipment, and articles in bulk, in tank vehicles; (1) between Atlanta, Ga., and points within 15 miles thereof, on the one hand, and, on the other, Thomasville, Ga., serving all intermediate points between and including Butler, Ga., and Thomasville, Ga.; from Atlanta over U.S. Highway 19 to Thomasville, and return over the same route; (2) between Atlanta, Ga., and points within 15 miles thereof, on the one hand, and, on the other, Valdosta, Ga., serving all intermediate points between and including Tifton, Ga., and Valdosta, Ga., from Atlanta over Interstate Highway 75 to Valdosta, and return over the same route; (3) between Cuthbert, Ga., and Jacksonville, Fla., serving all intermediate points between and including Cuthbert, Ga., and Waycross, Ga., from Cuthbert over U.S. Highway 82 to Waycross, thence over U.S. Highway 23 to Jacksonville, and return over the same route; and (4) between Cuthbert and Waycross, Ga., serving all intermediate points; from Cuthbert over U.S. Highway 27 to Bainbridge, thence over U.S. Highway 84 to Waycross, and return over the same route, serving as off-route points in connection with routes (1) through (4) above, all points in the Georgia counties of:

Atkinson, Baker, Ben Hill, Berrien, Brooks, Calhoun, Clay, Coffee, Colquitt, Cook, Decatur, Dougerty, Early, Grady, Irwin, Lanier, Lee, Lowndes, Miller, Mitchell, Quitman, Randolph, Seminole, Terrell, Thomas, Tift, and Worth. Restriction: Said operations shall not be used separately nor shall they be combined or tacked with any of carriers presently authorized operation so as to perform any service between Atlanta, Ga., including the commercial zone thereof, on the one hand, and, on the other, Dothan or Mobile, Ala., or Fort Walton Beach, Jacksonville, or Tampa, Fla., including the commercial zones of each, or Eglin AFB, Fla., for 180 days. Supporting shippers: There are approximately 82 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 107478 (Sub-No. 14 TA), filed March 8, 1971. Applicant: Old Dominion Freight Line, Post Office Box 1189, 1761 Winchester Drive, High Point, NC 27261. Applicant's representative: Harry J. Jordon, Suite 502, Solar Building, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged fresh milk, heavy cream, half & half, ice cream, yogurt, chocolate milk, 2 percent milk, skim milk, butter milk, homogenized milk, cottage cheese, cottage cheese—flavored, sour cream, onion cream dip, eggnog, fruit drink*, between High Point, N.C., and points in Virgina, for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., 1919 Westmoreland Street (Post Office Box 6981), Richmond, VA 23230. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 107818 (Sub-No. 54 TA), filed March 8, 1971. Applicant: GREENSTEIN TRUCKING COMPANY, 280 Northwest 12th Avenue, Mailing: Post Office Box 608, Pompano Beach, FL 33061. Applicant's representative: Martin Sack, Jr., Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, C, and D of Appendix 1 to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsites of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Alabama, Florida, Georgia, South Carolina, and Tennessee, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Herman C. Jacobsen, Transportation Consultant, 221 North La Salle Street, Chicago, IL 60601. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 111401 (Sub-No. 321 TA), filed March 8, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701: Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Tulsa, Okla., to Fayetteville, and Hot Springs, Ark., Chicago, Ill., Huntington, Ind., Alexandria and Monroe, La., and Columbus, Ohio; for 180 days. Supporting shipper: J. Bolzak, Director of Traffic, Sun Chemical Corp., 631 Central Avenue, Carlstadt, NJ 07072. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 112822 (Sub-No. 185 TA), filed March 8, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Joe Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the port of Catoosa, Okla., to points in Kansas, Oklahoma, and that part of Texas on and north of U.S. Highway 82, for 150 days. Supporting shipper: Bowaters Southern Paper Corp. (C. A. Johnpeter) Calhoun, Tenn. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117865 (Sub-No. 3 TA), filed March 8, 1971. Applicant: ERIC LORENTZEN, 5 Beacon Road, Hull, MA 02045. Applicant's representative: Robert S. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., New York, N.Y., commercial zone, Port Newark, N.J., and Fall River, Mass., to Brockton, Worcester, and Cambridge, Mass., and Manchester, N.H., for 180 days. Supporting shipper: Tropical Supply Co., Inc., 24 White Avenue, Brockton, MA 02403. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, MA 02203.

No. MC 117940 (Sub-No. 42 TA), filed March 8, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses, box springs, hide-a-beds, studio couches, bed frames, headboards and roll-a-way cots*, from the plantsite or storage facilities of Simmons Co. at Kansas City, Kans., to their customers located at Des Moines, Iowa; Minneapolis, St. Paul, Minn.; St. Louis, Mo.; and Omaha, Nebr.; for 180 days. Supporting shipper: Simmons Co., 9200 Calumet Avenue, Munster, IN 46321. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134356 (Sub-No. 1 TA), filed March 8, 1971. Applicant: GALE DELIVERY, INC., 311 North Brookside Avenue, Freeport, NY 11520. Applicant's representative: Maxwell A. Howell, Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and packing houses, from points in Nassau and Suffolk Counties, N.Y., to points within the New York, N.Y., commercial zone. Restriction: The authority herein conferred is restricted to the transportation of shipments consigned to freight consolidators and packing houses, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 135302 (Sub-No. 1 TA), filed March 8, 1971. Applicant: IVES MOYER, Post Office Box 83, Broken Bow, OK 74728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in McCurtain, Pushmataha, LeFlore, and Choctaw Counties, Okla., to Ashdown, Ark., for 180 days. Supporting shippers: Burwell Lumber Co., Inc., John C. Burwell, president, Idabel, Okla.; Fry Forest Products (Willis Fry), Post Office Box 458, Hugo, OK 74743.; Peebles Lumber Co., Elmer Peebles, owner, Post Office Box 708, Idabel, OK 74745.; Thomason Lumber Co. (Art Thomason), Box 804, Broken Bow, OK. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 135324 (Sub-No. 1 TA), filed March 5, 1971. Applicant: FRANK C. DODGE, JR., 618 Maywood Avenue, Schenectady, NY 12303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed motor vehicles and component parts thereof*, from points in Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, and

Washington Counties, N.Y., to Jersey City, N.J., and Lewiston, N.Y., for 150 days. Supporting shippers: Reginald Britton Used Cars, Westerlo, N.Y.; William Bichteman, doing business as Bick's, Westerlo, N.Y.; LaRecco's Auto Parts, East Greenbush, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, NY 12207.

No. MC 135370 TA, filed March 8, 1971. Applicant: SALYER, INC., Post Office Box 842, Harrisonburg, VA 22801. Applicant's representative: Frank B. Hand, Jr., 10 West Boscawens Street, Winchester, VA 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from the plant of Concord Mobile Homes, Inc., at Mount Jackson, Va., to points in Virginia, West Virginia, North Carolina, Pennsylvania, Delaware, Maryland, New York, Tennessee, Maine, and New Hampshire, under a continuing contract with Concord Mobile Homes, Inc., for 180 days. Supporting shipper: Concord Mobile Homes, Inc., Mount Jackson, Va. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3693 Filed 3-16-71;8:48 am]

[Notice 263]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 12, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 428 TA), filed March 9, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Al Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Folding tent campers*, designed to be drawn by passenger automobiles, in truckaway service, from Granger, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Reco, 51477 Bittersweet Road, Granger, IN 26530 (J. H. Sunderlin, president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 40915 (Sub-No. 45 TA), filed March 9, 1971. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, CA 92663. Office: 1343 Logan Avenue, Costa Mesa, CA 92626. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar or petroleum based resin and vinyl primer*, from the plantsite of Thermoclad Co., Inc., in Erie, Pa., to the warehouse facilities of the Thermoclad Co., Inc., located in Orange County, Calif., for 150 days. Supporting shipper: Thermoclad Co., Inc., 4690 Iroquois Avenue, Erie, PA 16511. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 66562 (Sub-No. 2337 TA), filed March 8, 1971. Applicant: REA EXPRESS, INC., 219 East 42d Street, New York, NY 10017. Applicant's representative: John E. Robson, 1156 15th Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in express service, between points in the United States, including Alaska and Hawaii, for 180 days. Supporting shippers: Application filed with 1,355 letters of support from shippers. For convenient reference, a copy of original Form OP-95 with attachments and 100 letters of support may be examined at the Interstate Commerce Commission offices at Washington, D.C., Boston, Mass., Philadelphia, Pa., Atlanta, Ga., Chicago, Ill., Fort Worth, Tex., and San Francisco, Calif. A complete copy of the application with 1,355 supporting shippers statements may be examined at the Commission's New York, N.Y. office, named below. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, NY 10007. NOTE: Applicant states that it does intend to tack the authority here applied for to other authority held by it, or to interline with other carriers.

No. MC 76264 (Sub-No. 26 TA), filed March 8, 1971. Applicant: WEBB TRANSFER LINE, INC., Post Office Box 231, U.S. Highway 60E, Shelbyville, KY 40065. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard and fiberboard*, from the plantsite of U.S. Gypsum Corp. at or near Danville, Va., to Springfield, Ky., for 180 days. Supporting shipper: Donald Hurst, Traffic Manager, Tech-Panel Corp., Post Office Box 429, Springfield, KY 40069. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 88368 (Sub-No. 24 TA), filed March 8, 1971. Applicant: CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, MO 64030. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 812, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alaska within 25 miles of Anchorage, Alaska, including Anchorage, for 180 days. NOTE: Applicant does intend to tack with MC-88368 at Seattle, will interline at Seattle and Anchorage. Supporting shipper: Aaron's Interior Design, 10622 Main Street, Bellevue, WA 98004. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 103993 (Sub-No. 611 TA), filed March 4, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, initial movements, from Marion, Iowa to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Cardinal-Craft, Inc., 675 44th Street, Marion, IA 52302. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 109637 (Sub-No. 378 TA), filed March 8, 1971. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, from plantsite of Kentucky asphalt terminal near Louisville, Ky., to points in Indiana, Ohio, Illinois, and Kentucky, for 180 days. Supporting shipper: W. R. Grace & Co., Post Office Box 277, 100 North Maine Street, Memphis, TN 38101. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 114045 (Sub-No. 350 TA), filed March 4, 1971. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, cough candy drops, toilet preparations, soap, dental plate cleaning, and related articles*, in vehicles equipped with mechanical refrigeration, from Friendship, N.C., to Dallas and Houston, Tex., Kansas City, Mo., Denver, Colo., Oklahoma City, Okla., Los Angeles and San Francisco, Calif., Portland, Oreg., and Salt Lake City, Utah, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Vick Manufacturing Division, Richardson-Merrell, Inc., Post Office Box 8155, Philadelphia, PA 19101. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 117765 (Sub-No. 119 TA), filed March 9, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen foodstuffs*, in containers, from Stigler and Westville, Okla., to points in Alabama, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Tennessee, and Texas, for 180 days. Supporting shipper: Morris Stevenson, Sales Manager, Griffin Manufacturing Co., Post Office Box 1928, Muskogee, OK 74401. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117765 (Sub-No. 120 TA), filed March 9, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Malling: Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the port of Tulsa, Rogers County, Okla., to points in Kansas, Oklahoma, and that part of Texas on and north of U.S. Highway 82, for 180 days. Supporting shipper: C. A. Johnpeter, Bowaters Southern Paper Corp., Calhoun, TN. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 124078 (Sub-No. 479 TA), filed March 8, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, from Piqua, Ohio, to Chelsea, Mich., for 180 days. Supporting shipper: Armco Steel Corp., Middletown, OH 45042 (J. W. Sticklen, Assistant Manager — Eastern Area Transportation). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124221 (Sub-No. 178 TA), filed March 4, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, from the plantsite and storage facilities utilized by Beefland International, Inc., in the Council Bluffs, Iowa, commercial zone, to points in Connecticut, Delaware, Indiana, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee (except Memphis and the commercial zone thereof), Vermont, Wisconsin, Wyoming, and Washington, D.C., for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, NE 68102.

No. MC 128862 (Sub-No. 10 TA), filed March 4, 1971. Applicant: B. J. CECIL TRUCKING, INC., Post Office Box C, Claypool, AZ 85532. Applicant's representative: Earl Carroll, 363 North First Avenue, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded tin*, in bulk, from National Metals Co., Tucson and Phoenix, Ariz., to U.S.N.R. Mining Co., Tyrone, N. Mex., for 180 days. NOTE: Applicant does intend to tack with authority held in MC 128862. Supporting shipper: National Metals Co., Post Office Box 6656, Phoenix, AZ 85005. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3437 Federal Building, Phoenix, AZ 85025.

No. MC 135361 TA, filed March 4, 1971. Applicant: LEONARD SCHULTZ, doing business as LEONARD'S TOWING, 7433 North Interstate Street, Portland, OR 97217. Applicant's representative: Ben R. Swinford, 3076 East Burnside, Portland, OR 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, or repossessed motor vehicles*, by towaway method, between Portland, Oreg., and points in Washington, for 180 days. Supporting shippers: Fred Bauer Chevrolet, 8150 North Lombard Street, Portland, OR 97203; Bob Mackin's Garage, 8026 North Denver Avenue, Portland, OR 97217; The Hertz Corp., Truck Leasing Division, 1325 Northwest 14th Avenue, Portland, OR 97209; and Automobile Club of Oregon, 600 Southwest Market Street, Portland, OR 97201. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3694 Filed 3-16-71;8:48 am]

[Notice 663]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 12, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72642. By order of February 26, 1971, the Motor Carrier Board approved the transfer to Thomas W. King, doing business as King Truck Line, Route 1, Parker, KS 66072, of the operating rights in certificate No. MC-3422 issued July 31, 1963, to Homer Long, doing business as Long Truck Line, Parker, Kans. 66072, authorizing the transportation of agricultural commodities, empty steel drums, general commodities, with exceptions, livestock, feed, farm machinery, and building materials from and to and between specified points and areas in Kansas and Missouri, including specified intermediate and off-route points, over regular and irregular routes.

No. MC-FC-72649. By order of February 26, 1971, the Motor Carrier Board approved the transfer to Bus Express Pickup & Delivery Service, Inc., Salt Lake City, Utah, of certificate of registration No. MC-121650 issued November 17, 1969, to Frank J. Terry, doing business as Bus Express Pickup & Delivery Service Co., Salt Lake City, Utah, evidencing a right

to engage in transportation in interstate commerce as described in certificate No. 1436 Sub 2, embraced in order dated March 7, 1969, issued by the Public Service Commission of Utah. John Preston Creer, 1700 University Club Building, Salt Lake City, UT 84111, attorney for applicants.

No. MC–FC–72654. By order of February 26, 1971, the Motor Carrier Board approved the transfer to Summit-New Providence Bus Lines, Inc., New Providence, N.J., of the operating rights in certificate No. MC–14715 issued February 23, 1960, to Michael De Corso, doing business as Summit-New Providence Bus Lines, New Providence, N.J., authorizing the transportation of passengers and their baggage, with restrictions, from New Providence, N.J., and points within 25 miles thereof, to Washington, D.C., New York, N.Y, and points in Nassau, Orange, Rockland, and Westchester Counties, N.Y.; and from Summit, N.J., to Valley Forge, Scranton, and Philadelphia, Pa., and points in Monroe County, Pa. Edward F. Bowes, 744 Broad Street, Newark, NJ 07102, attorney for applicants.

No. MC–FC–72686. By order of February 25, 1971, the Motor Carrier Board approved the transfer to William T. Gibson, 1010 St. Louis Avenue, Kansas City, MO 64105, of the operating rights in certificate No. MC–71035 issued November 3, 1959, to Terminal Transfer Co., a corporation, 1701 Liberty Street, Kansas City, MO 64102, authorizing the transportation of general commodities, with usual exceptions, between points in Kansas City and North Kansas City, Mo., Kansas City, Kans., and points within 10 miles of each, and structural steel, steel plates, articles of steel plate, and erection machinery, tools, and supplies, between points in Kansas and Missouri.

No. MC–FC–72695. By order of February 26, 1971, the Motor Carrier Board approved the transfer to Kenneth Graham, Sault Ste. Marie, Mich., of permits Nos. MC–92319 and MC–92319 (Sub-No. 2), issued July 9, 1941, and November 2, 1965, respectively to Roy Otis Schnepp, Sault Ste. Marie, Mich., authorizing the transportation of: Commodities of a general commodity nature, between specified points and areas in Michigan, Illinois, and Wisconsin. Karl L. Gotting, Attorney, 1200 Bank of Lansing Building, Lansing, MI 48993.

No. MC–FC–72701. By order of February 25, 1971, the Motor Carrier Board approved the transfer to River View Marine Service, Inc., Jeffersonville, Ind., of the operating rights in certificate No. MC–127995 issued April 9, 1970, to Bernace L. Wagner and Esther L. Wagner, a partnership, doing business as River View Marine Service, Jeffersonville, Ind., authorizing the transportation of boats from Louisville, Ky., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin; and houseboats from Algonac, Mich., to Louisville, Ky. Lesow and Lesh, 3737 North Meridian Street, Indianapolis, IN 46208, attorneys for applicants.

No. MC–FC–72705. By order of February 26, 1971, the Motor Carrier Board approved the transfer to O. D. Anderson, Inc., Greenville, Pa., of the operating rights in certificates Nos. MC–111422, MC–111422 (Sub-No. 2), MC–111422 (Sub-No. 4), and MC–111422 (Sub-No. 5) issued April 15, 1954, November 26, 1958, April 28, 1965, and August 21, 1968, respectively, to Orville D. Anderson, Greenville, Pa., authorizing the transportation of passengers and their baggage, in round trip charter operations, beginning and ending at points in Mercer, Crawford, and Venango Counties, Pa., and extending to Washington, D.C., Detroit, Mich., Atlantic City, N.J., and points in New York, West Virginia, and Ohio; passengers, in round trip charter operations, beginning and ending at points in Hickory Township, Mercer County, Pa., and extending to points in Ohio within 20 miles of Sharon, Pa.; passengers and their baggage, and express, and newspapers, in the same vehicle with passengers, between Greenville, Pa., and Cleveland, Ohio, serving all intermediate points, and between Conneaut Lake, Pa., and Meadville, Pa., serving all intermediate points, and passengers and their baggage, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Mercer, Crawford, and Venango Counties, Pa., and Ashtabula, Trumbull, Geauga, and Lake Counties, Ohio, and extending to points in the United States, except Hawaii. Herman M. Rodgers, 81 East State Street, Sharon, PA 16146, attorney for applicants.

No. MC–FC–72710. By order of February 26, 1971, the Motor Carrier Board approved the transfer to G. Richard Pentoney, doing business as Pentoney Trucking, Berkeley Springs, W. Va., of the operating rights in Certificates Nos. MC–27672 and MC–27672 (Sub-No. 5) issued June 7, 1955, and March 13, 1959, respectively to Ernest LeRoy Dayhoff and Donald R. Dayhoff, a partnership, doing business as E. L. Dayhoff & Son, Hagerstown, Md., authorizing the transportation of sand and stone from, to and between specified points and areas in Pennsylvania, Maryland, and West Virginia. Spencer T. Money, 110 Park Lane Building, 2025 Eye Street NW., Washington, DC 20006, attorney for applicants.

No. MC–FC–72711. By order of February 26, 1971, the Motor Carrier Board approved the transfer to N.J. & N.Y. Airport Limousine, Inc. (a New Jersey corporation), of a portion of certificate No. MC–128823, issued May 16, 1969, to N.J. & N.Y. Airport Limousine, Inc. (a Connecticut corporation), Newark, N.J., authorizing the transportation of: Passengers and their baggage, pets, in the same vehicles, subject to certain conditions between specified Airports located in New Jersey and New York. Robert C. Bell, Jr., 528 Main Street, New Canaan, CT 06840.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3695 Filed 3-16-71;8:48 am]

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FEDERAL REGISTER

VOLUME 36 • NUMBER 52

Wednesday, March 17, 1971 • Washington, D.C.

PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

•

Inspection of Eggs and Egg Products

Notice of Proposed Rule Making



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 59]

INSPECTION OF EGGS AND EGG PRODUCTS

Notice of Proposed Rulemaking

Notice is hereby given that the U.S. Department of Agriculture is considering issuance of Regulations Governing the Inspection of Eggs and Egg Products pursuant to the provisions of the Egg Products Inspection Act (84 Stat. 1621 et seq., 21 U.S.C. 1031–1056).

STATEMENT OF CONSIDERATIONS

These proposed regulations are issued under authority of the Egg Products Inspection Act (Public Law 91–597) enacted December 29, 1970. This Act provides for the continuous inspection of the processing of egg products and the control of "restricted eggs" (i.e., loss, inedible, incubator rejects, checks, and dirties) in interstate, intrastate, and foreign commerce, and uniform standards, grades, and weight classes for eggs in interstate commerce.

The program for egg products inspection will be effective July 1, 1971, and the program for the control of restricted eggs will be effective July 1, 1972.

The present regulations (7 CFR Part 55) for the voluntary inspection of egg products were used as a basis for the equipment, facility, sanitary, and processing requirements for these proposed regulations. The proposal provides for the conversion of the voluntary program on a fee basis to a mandatory program operated from appropriated funds and adds other provisions pertaining to exemptions, Federal-State cooperation, labeling, recordkeeping requirements for restricted eggs, foreign inspection requirements, and importations.

The proposed regulations contain some provisions for the control of restricted eggs which will not become effective until July 1, 1972. The shell egg provisions are not complete, and there will be modifications and additions published prior to the effective date of July 1, 1972. These provisions have been incorporated into this proposal at this time to give interested persons the opportunity for review and comment and to provide for a better understanding of what may be required of shell egg handlers.

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than April 19, 1971.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulations are as follows:

DEFINITIONS

§ 59.1 Meaning of words.

Under the regulations in this part, words in the singular shall be deemed to mean the plural and vice verse, as the case may demand.

§ 59.5 Terms defined.

For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

"Acceptable" means suitable for the purpose intended and acceptable to the Administrator.

"Act" means the applicable provisions of the Egg Products Inspection Act of 1970 (Public Law 91–597, 84 Stat. 1620 et seq.)

"Administrator" means the Administrator of the Consumer and Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

"Adulterated" means any egg or egg product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2)(i) If it bears or contains any added poisonous or added deleterious substance (other than one which is (*a*) a pesticide chemical in or on a raw agricultural commodity; (*b*) a food additive; or (c) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(ii) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of Section 408 of the Federal Food, Drug, and Cosmetic Act;

(iii) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(iv) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under subdivision (ii), (iii), or (iv) of this subparagraph shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the Secretary in official plants;

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(4) If it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) If it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) If it has been intentionally subjected to radiation, unless the use of the radiation was in comformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(8) If any valuable constituent has been, in whole or in part, omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

"Applicant" means any person who requests any inspection service as authorized under the Act or the regulations of this part.

"Area Supervisor" means any employee of the Department in charge of inspection service in a designated geographical area.

"Capable of use as human food" means any egg or egg product, unless it is denatured, or otherwise identified, as required by these regulations to deter its use as human food.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, type, or method of processing.

"Commerce" means interstate, foreign, or intrastate commerce.

"Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability; or any condition, including but not being limited to, the processing, handling, or packaging which affects such product.

"Container" or "Package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(1) "Immediate container" means any consumer package; or any other container in which egg products, not consumer packaged, are packed.

(2) "Shipping container" means any container used in packaging a product packed in an immediate container.

"Department" means the U.S. Department of Agriculture.

"Egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea. Some of the terms applicable to shell eggs are as follows:

(1) "Check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(2) "Clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(3) "Dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(4) "Incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(5) "Inedible" means eggs of the following descriptions: Black rots, yellow rots, white rots, mixed rots, sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(6) "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(7) "Loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(8) "Restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

"Egg handler" means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any eggs products, or otherwise using any eggs in the preparation of human food.

"Eggs of current production" means shell eggs which have moved through the usual marketing channels since the time they were laid and have not been held in excess of 60 days.

"Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, have been prepared from inspected egg products or eggs containing no more restricted eggs than are allowed in the U.S. consumer grades for shell eggs, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

"Fair Packaging and Labeling Act" means the Act so entitled, approved November 3, 1966 (80 Stat. 1296), and Acts amendatory thereof or supplementary thereto.

"Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

"Inspection" means the application of such inspection methods and techniques as are deemed necessary by the responsible Secretary to carry out the provisions of the Egg Products Inspection Act and the regulations under this part.

"Inspection service" means the official service within the Department having the responsibility for carrying out the provisions of the Egg Products Inspection Act. Inspection service also means the activities performed, including official reporting by such official service.

"Inspector/Grader" means:

(1) Any employee or official of the U.S. Government authorized to inspect or grade eggs or egg products under the authority of this part; or

(2) Any employee or official of the government of any State or local jurisdiction authorized by the Secretary to inspect or grade eggs or egg products under the authority of this part, under an agreement entered into between the Secretary and the appropriate State or other agency.

"Interested party" means any person financially interested in a transaction involving any inspection or appeal inspection of any product, or the decision of an inspector.

"Label" means a display of any printed, graphic, or other method of identification upon the shipping container, if any, or upon the immediate container, including but not limited to, an individual consumer package of eggs and egg products, or accompanying such product.

"Misbranded" means any egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the Administrator under this part.

"National Supervisor" means:

(1) The officer in charge of the inspection service; and

(2) Such other employee of the Service as may be designated by him.

"Official certificate" means any certificate prescribed by regulations of the Administrator for issuance by an inspector or other person performing official functions under this part.

"Official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

"Official inspection legend" means any symbol prescribed by the regulations of the Administrator showing that egg products were inspected in accordance with this part.

"Official mark" means the official inspection legend or any other symbol prescribed by regulations of this part to identify the status of any article.

"Official standards" means the standards of quality, grades, and weight classes for eggs, as described under Part 56 of this chapter under the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C. 1621 et seq.), or as hereafter amended.

"Office of inspection" means the office of any inspector.

"Pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful viable micro-organisms by such processes as may be prescribed by these regulations.

"Person" means any individual, partnership, corporation, association, or other business unit.

"Pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" shall have the same meaning for purposes of this part as under the Federal Food, Drug, and Cosmetic Act.

"Plant" means any place of business where egg products are processed:

(1) "Exempted plant" means any plant where the Administrator has determined the facilities and operating procedures meet such sanitary standards as may be prescribed by this part, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of U.S. consumer grades for shell eggs, and where an exemption has been granted.

(2) "Official plant" means any plant in which the plant facilities, methods of operation and sanitary procedures have been found suitable and adequate by the Administrator for the continuous inspection of egg products in accordance with this part and in which inspection service is carried on.

"Potable water" means water that is safe to use as drinking water as evidenced by a certificate of potability issued by a State or local health authority.

"Processing" means manufacturing of egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing or drying, or packaging egg products at official plants.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Regulations" means the provisions in this part.

"Sampling" means the act of taking samples of any product for inspection or analyses.

"Sanitize" means the application of a bactericidal treatment which is approved as being effective in destroying micro-organisms, including pathogens.

"Secretary" means the Secretary of Agriculture or his delegate.

"Service" means the Consumer and Marketing Service (C&MS) of the Department.

"Stabilization" means the subjection of any egg product to a desugaring process.

"State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

"United States" means the States.

"White or albumen" means, for the purpose of this part, the product obtained from the egg as broken from the shell and separated from the yolk.

ADMINISTRATION

§ 59.10 Authority.

The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the Act, and this part. The Administrator may waive for a limited period any particular provisions of the regulations to permit experimentation so that new procedures, equipment, and processing techniques

may be tested to facilitate definite improvements and at the same time to maintain full compliance with the spirit and intent of the regulations.

§ 59.13 Federal and State cooperation.

The Secretary shall, whenever he determines that it would effectuate the purposes of the Act, authorize the Administrator to cooperate with appropriate State and other governmental agencies in carrying out any provisions of the Egg Products Inspection Act and the regulations in this part. In carrying out the provisions of the Act and the regulations, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any such agency commissioned by him for such purpose. The Secretary shall reimburse the States and other agencies for the services rendered by them in such cooperative programs as agreed to in the cooperative agreements as signed by the Administrator and the duly authorized agent of the State or other agency.

§ 59.16 Applicability of Act and regulations.

(a) *Egg products.* The provisions of the Act and this part with respect to egg products take effect on July 1, 1971. All egg products processed entirely prior to July 1, 1971, and which are not adulterated are hereby exempted from the requirements of this part and may be bought, sold, transported, possessed, and used until July 1, 1972; thereafter, such product shall be subject to all the provisions of the Act and the regulations of this part and shall be subject to detention, seizure, and condemnation. Products inspected pursuant to the voluntary egg products inspection program authorized by the Agricultural Marketing Act of 1946 are considered as inspected products for the purposes of this part.

(b) *Other provisions.* The other provisions of the Act and the regulations of this part take effect on July 1, 1972.

SCOPE OF INSPECTION

§ 59.20 Insfiection in accordance with methods prescribed or approved.

Inspection of eggs and egg products shall be rendered pursuant to these regulations and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 59.22 Basis of service.

These regulations provide for inspection services pursuant to the Egg products Inspection Act. Eggs and egg products shall be inspected in accordance with such standards, methods, and instructions as may be issued or approved by the Administrator. All inspection service shall be subject to supervision at all times by the applicable Federal-State supervisor(s), egg products supervisor(s), area supervisor(s), and National supervisor(s).

§ 59.24 Egg products plants requiring continuous inspection.

Every plant in which egg products processing operations are conducted shall have continuous inspection under these regulations, except as expressly exempted in § 59.100.

§ 59.26 Egg products entering or prepared in official plants.

Eggs and egg products processed in an official plant shall be inspected, processed, marked, and labeled as required by these regulations. Egg products entering an official plant shall have been inspected, processed, marked, and labeled as required by the regulations in this part.

§ 59.28 Other inspections.

(a) Periodic inspections shall be made of:

(1) Business premises, facilities, inventories, operations, and records of egg handlers, and the records of all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products. In the case of shell egg packers packing eggs for the ultimate consumers, such inspections shall be made each calendar quarter (i.e., packed for direct use of household consumer, restaurant, institution, etc.);

(2) Exempted egg products plants to determine that such plants are operating pursuant to these regulations.

(b) Inspections shall be made of imported eggs and egg products as required in this part.

RELATION TO OTHER AUTHORITIES

§ 59.30 At official plants.

Requirements within the scope of the Act with respect to premises, facilities, and operations of any official plant which are in addition to or different than those made under this part may not be imposed by any State or local jurisdiction except that any such jurisdiction may impose recordkeeping and other requirements within the scope of § 59.200, if consistent therewith, with respect to any such plant.

§ 59.35 Eggs and egg products outside official plants.

(a) For eggs which have moved or are moving in interstate or foreign commerce, no State or local jurisdiction (1) may require the use of standards of quality, condition, grade, or weight classes which are in addition to or different than the official standards or (2) other than those in noncontiguous areas of the United States may require labeling to show the State or other geographical area of production or origin. This shall not preclude a State from requiring the name, address, and license number of the person processing or packaging eggs to be shown on each container.

(b) Labeling, packaging, or ingredient requirements in addition to or different than those made under this part, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act may not be imposed by any State or local jurisdiction with respect to eggs products processed at any official plant in accordance with the requirements under this part and such Acts.

(c) Any State or local jurisdiction may exercise jurisdiction with respect to eggs and egg products for the purpose of preventing the distribution for human food purposes of any such articles which are outside of such a plant and are in violation of this part or any of said Federal Acts or any State or local law consistent therewith.

EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

§ 59.40 Continuous inspection not provided.

Continuous inspection shall not be provided under this part at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in commerce, shall be denatured or otherwise identified as prescribed by regulations in this part to prevent their use for human food. Periodic inspections shall be made of such operations and records to assure compliance with the Act and these regulations.

§ 59.45 Prohibition on eggs and egg products not intended for use as human food.

(a) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in commerce, any eggs or egg products which are not intended for use as human food unless they are denatured or otherwise identified as required by these regulations.

(b) No person shall offer for export or import or shall import or export shell eggs classified as loss, inedible, or incubator rejects or any egg products which are unwholesome, adulterated, or are otherwise unfit for human food purposes.

EXEMPTIONS

§ 59.100 Specific exemptions.

The following are exempt to the extent prescribed as to the provisions for control of restricted eggs in section 8(a) (1) and (2) of the Act and the provision for continuous inspection of processing operations in section 5(a) of the Act: *Provided,* That as to paragraph (c) through (f) of this section the exemptions do not apply to eggs classified as loss, inedible, dirty, leaker, or incubator reject, and as to paragraph (c) of this section the sale of eggs to consumers at an established place of business away from the site of production: And provided further, That the conditions for exemption and provisions of these regulations are met:

(a) The sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerances in the official standards of United States consumer grades for shell eggs;

(b) The processing of egg products without continuous inspection at any plant where the facilities, sanitation, and operating procedures are the same as are required in this part for official plants and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of U.S. consumer grades for shell eggs, and the egg products processed at such plant;

(c) The sale by any poultry producer of eggs from his own flock's production directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees and the transportation, possession, and use of such eggs;

(d) The sale of eggs by any producer with an annual egg production from a flock of 3,000 hens or less and the record requirements of § 59.200;

(e) The processing and sale of egg products by any poultry producer from eggs of his own flock's production when sold directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees;

(f) The sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs;

(g) The processing in nonofficial plants, including but not limited to bakeries, restaurants, and other food processors, without continuous inspection, of certain categories of food products which contain eggs or egg products as an ingredient, and the sale and possession of such products: *Provided,* That such products are manufactured from eggs containing no more restricted eggs than are allowed in the U.S. consumer grades;

(h) The purchase, sale, possession, or transportation of shell eggs containing more restricted eggs than allowed in the tolerances for U.S. consumer grades: *Provided,* That such eggs are handled in accordance with § 59.200 and §§ 59.700 through 59.860 to assure that only eggs fit for human food are used for such purpose. This exemption applies to the following:

(1) Egg producers, assemblers, wholesalers, and grading operations;

(2) Hatcheries;

(3) Transporters;

(4) Laboratories, pharmaceutical companies; and

(5) Processors of products not intended for use as human food.

(i) For such period of time during the initiation of operations under this Act, but not later than July 1, 1973, that it is impracticable to provide inspection, the processing without continuous inspection of egg products at any plant and the egg products processed at such plants. Egg products produced at such plants shall be identified in a manner approved by the Administrator, including the name and address of the packer or distributor and production lot number. Otherwise, the product and processing shall meet the other requirements of these regulations.

§ 59.105 Suspension or termination of exemptions.

(a) The Administrator may immediately suspend or terminate any exemption under § 59.100 (b) or (i) at any time with respect to any person, if the conditions of exemption prescribed by this section are not being met. The Administrator may modify or revoke any regulation of this part, granting exemption whenever he determines such action appropriate to effectuate the purposes of the Act.

(b) Failure to comply with the conditions of the exemptions contained in § 59.100 shall subject such person to the penalties provided for in the Act and in this part.

PERFORMANCE OF SERVICE

§ 59.110 Licensed inspectors.

(a) Any person who is a Federal or State employee, or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency and who is to perform services pursuant to this part, may be licensed by the Secretary as an inspector.

(b) Licenses issued by the Secretary are to be countersigned by the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service, or by any other designated official of such service.

(c) No person may be licensed to inspect any product in which he is financially interested.

§ 59.112 Suspension of license or authority; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform inspection services may, whenever he deems such action necessary to assure that any inspection service is properly performed, suspend any license to perform inspection services issued pursuant to this part by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by the licensee, he may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license is revoked.

§ 59.114 Surrender of license.

Upon termination of his services as an inspector or whenever his license has been suspended or revoked, the licensee shall surrender his license and other items of identification furnished by the Department immediately to the inspection service.

§ 59.116 Activities of inspectors.

Inspectors at official plants shall confine their activities to those duties necessary in the rendering of inspection service and such closely related activities as may be approved by the Administrator.

§ 59.118 Identification.

Inspectors shall have in their possession at all times while on duty, and present upon request, the means of identification furnished by the Department to such persons.

§ 59.119 Political activity.

Inspectors are forbidden during the period of their respective appointments, or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, except as authorized by law or regulation of the Department, is prohibited. This applies to all appointees, including but not being limited to temporary and cooperative employees and employees on leave of absence with or without pay. Willful violations of this section or § 59.120 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 59.120 Financial interest of inspectors.

No inspector shall inspect any product in which he is financially interested.

§ 59.122 Time of inspection.

The inspector who is to perform the inspection in an official plant shall be informed by management, in advance, of the hours when such inspection will be required.

§ 59.124 Schedule of operation of official plants.

Operating schedules of an official plant shall be subject to approval of the Administrator, and for the purpose of the regulations the normal operating schedule shall consist of a continuous 8-hour period per day (excluding not to exceed 1 hour for lunch), 5 days per week, within the period of Monday through Saturday, for each full shift required. Clock hours of daily operations need not be specified in a schedule, although as a condition of continuance of approval of a schedule, the hours of operation must be reasonably uniform from day to day.

§ 59.126 Overtime inspection service.

When operations in an official plant require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official plant shall give reasonable advance notice to the inspector in charge of any overtime service necessary and shall pay the Secretary for such overtime at an hourly rate to be established by the Administrator to cover the cost thereof.

§ 59.128 Holiday inspection service.

(a) When an official plant requires inspection service on a holiday or a day designated in lieu of a holiday, such service is considered holiday work. The official plant shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Secretary therefor at an hourly rate to be established by the Administrator to cover the cost thereof. Service in excess of 8 hours for that day is considered overtime and shall be paid for at the overtime rate.

(b) The term "holiday" shall mean the legal public holidays specified by the Congress in paragraph (b) of section 6103, title 5 of the United States Code. Information on authorized Government holidays may be obtained from the supervisor.

§ 59.130 Basis of billing plants.

Overtime and/or holiday services shall be billed to the official plant on the basis of each 15 minutes of overtime and/or holiday service performed by each inspector providing such service to the plant, except that when an official plant requires the services of an inspector after he has completed his day's assignment and left the plant or when he is called back to duty on a day outside the established normal operating schedule or on a holiday, the official plant shall pay for a minimum of 2 hours' service at the applicable established rate. Extra travel expense incurred while rendering overtime or holiday service shall be billed to the official plant. Bills are payable upon receipt and become delinquent 30 days from date of billing. Overtime or holiday inspection service will not be performed at any plant that is delinquent and processing operations shall be confined to the regular operating schedule of the plant.

§ 59.132 Access to plants.

Access shall not be refused, at any reasonable time, to any representative of the Secretary to any plant or place of business subject to inspection under the provisions of this part upon presentation of proper credentials.

§ 59.134 Accessibility of product.

Each product for which inspection service is required shall be so placed as to disclose fully its class, quality, quantity, and condition as the circumstances may warrant.

§ 59.136 Facilities to be furnished by official plants for use of inspectors in performing service.

(a) Such facilities shall include but not be limited to a sanitary room or area for sampling products, an approved candling light, a heavy duty, high speed (not less than 1,000 r.p.m. under load) drill with a 1/16 inch or larger bit of sufficient length to reach the bottom of a 30-pound can of frozen eggs, metal stem themometers, test thermometers, a stop watch, test weighing scales, and a satisfactory test kit for determining the bactericidal strength of sanitizing solutions.

(b) Furnished office space and equipment, including but not being limited to a desk (equipped with a satisfactory locking device), lockers or cabinets suitable for the protection and storage of supplies, and facilities suitable for inspectors to change clothing. Such space and equipment must meet the approval of the Federal-State supervisor.

APPLICATION FOR SERVICE

§ 59.140 How application shall be made.

The proprietor or operator of each plant processing egg products, unless exempted by § 59.100, shall make application to the Administrator for inspection service. The application shall be made in writing on forms furnished by the inspection service. In cases of change of name or ownership or change of location, a new application shall be made.

§ 59.142 Filing of application.

An application for inspection service shall be regarded as filed only when it has been filled in completely and signed by the applicant and has been received in the office of the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.144 Authority of applicant.

Proof of authority of any person applying for inspection service may be required at the discretion of the Administrator.

§ 59.146 Application for continuous inspection in official plants; approval.

Any person desiring to process egg products under continuous inspection service must receive approval of such plant and facilities as an official plant prior to the installation of such service. An application for continuous inspection service to be installed in an official plant shall be approved according to the following procedure:

(a) Initial survey: When an application for continuous inspection in a plant has been filed, a supervisory egg products inspector will make a survey and inspection of the premises and plant to determine if the facilities and methods of operation therein are suitable and adequate for service in accordance with:

(1) These regulations and

(2) Such other administrative instructions as may be issued from time to time by the service and which are in effect at the time of the aforesaid survey and inspection.

(b) Drawings and specifications to be furnished: (1) Applicants may obtain information or assistance as to the requirements before submitting prints of drawings, specifications, and supplemental information from inspection service.

(2) Three copies of each print drawing as specified in this section of the complete floor plan, plot plan, supplemental information, and specifications shall be submitted. Sheet size of the print shall not exceed 34 by 44 inches, the wording shall be legible, all lines sharp and clear, and properly drawn to scale. Each print shall show the scale used, north point of the compass, and the firm name, street, city, State, and zip code or an accurate description of the location.

(3) Plot plan of entire premises shall include location of all buildings, railroads, roadways, alleys, wells, reservoirs, drains, catch basins, nearby buildings adjoining property, drainage and slope of terrain, character and surfacing of roadways, driveways, and vehicular loading areas. The plot plan may be drawn to a scale of 1/32 inch per foot.

(4) Floor plan prints shall include all space on each floor of the official plant, accurately illustrating and describing the facilities. Detailed drawings of processing area shall be drawn to a scale of 1/4 inch per foot. Prints showing only nonprocessing areas may be drawn to a scale of 1/8 inch per foot.

(5) Floor plans shall show the locations of such features as walls, partitions, posts, doorways, windows, floor drains and channel drains, air systems, ventilation fans, principal pieces of equipment, storage tanks, hose connections for cleaning purposes, hand-washing facilities, lockers, and toilets. The prints shall show slope of floors to drains.

(6) The official plant shall include all processing rooms and other rooms used in the official plant, including but not being limited to the breaking room, equipment washing and sanitizing rooms, shell egg washing rooms, shell egg and egg products storage rooms (including coolers, freezers, hot rooms), drying rooms, toilet and dressing rooms, storerooms for supplies, and all other rooms, compartments, or passageways where products or any ingredients to be used in the preparation of products under this service will be handled or kept and may include other rooms located in the building comprising the official plant. Except in public warehouses, all rooms, compartments, etc., of the building not to be considered as part of the official plant shall not have direct access into any part of the official plant.

(7) Supplemental information may be shown as notations on the drawings or on supplemental sheets. Supplemental information shall include clarifying information such as sequence of processing edible products, handling of inedible product, shell disposal, handling of packaging material, liquid pumping systems, cleaned-in-place systems, description of pasteurizer, description of drier, type and efficiency of air filtration, hot water facilities, sewage disposal, and such other notations as may be required.

(8) Specification sheets include height of ceilings and type construction, type of floors and wall construction, wall and partition material, and number of employees who will use each toilet room and facilities.

(c) Upon approval of the prints of drawing, supplemental information, and specifications, the application for service may be approved.

(d) Changes and revisions of official plant: When changes are planned in official plant construction, facilities, and equipment covered by previously approved prints, revised prints shall be submitted for review and approval prior to making the changes by: A completely revised sheet(s) showing proposed alterations and additions or an overlay print drawn to same scale as print to be modified or revised.

A final survey of the completed alterations and additions shall be made by the supervisory egg products inspector to determine if the changes are in accordance with approved drawings and the regulations.

(e) Final survey and plant approval: Prior to the inauguration of continuous inspection service, a final survey of the plant and premises shall be made by the supervisory egg products inspector to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and these regulations. The plant may be approved only when these requirements have been met.

§ 59.148 Order of service.

Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made. The service shall not be liable in damages accruing through acts of commission or commission in the administration of this part.

INAUGURATION OF SERVICE

§ 59.150 Official plant numbers.

An official plant number shall be assigned to each plant granted inspection service. Such plant number shall be used to identify all containers of inspected products prepared in the plant which are capable of use as human food. A plant shall not have more than one plant number.

§ 59.155 Inauguration of service.

Prior to the inauguration of service, the proprietor or operator of the plant shall be knowledgeable of the requirements of these regulations. If the plant at the time service is inaugurated contains any product which has not been inspected and marked in compliance with the regulations, the product shall be segregated, its identity and inventories shall be maintained, and it shall not be represented or dealt with as a product which has been inspected.

DENIAL OF SERVICE

§ 59.160 Refusal, suspension, or withdrawal of service.

(a) The Administrator (for such period, or indefinitely, as he deems necessary to effectuate the purposes of the Act) may refuse to provide or may withdraw inspection service under this part with respect to any plant if he determines after opportunity for a hearing (in accordance with Title 7, Part 50 of the Code of Federal Regulations) is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspections under this Act or this part, because the applicant or recipient or anyone responsibly connected with such person has been convicted in any Federal or State court, within the previous 10 years, of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food, or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health.

(b) For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder, or owner of 10 percentum or more of its voting stock, or employee in a managerial or executive capacity.

(c) (1) The determination and order of the Administrator with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within 30 days after the effective date of such order in the U.S. court of appeals for the circuit in which such applicant or recipient has its principal place of business or in the U.S. Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 194) shall be applicable to appeals taken under this section.

(2) This section shall not affect in any way other provisions of the Act or these regulations for refusal of inspection services.

(d) The Administrator (for such period, or indefinitely, as he deems necessary to effectuate the purposes of the Act) may refuse to provide or may withdraw service under this part with respect to any plant not complying with the applicable environmental quality standards established by the appropriate enforcement agency such as a State or local jurisdiction when such agency certifies to USDA that the standards are not being met. Such standards may be concerned with but not limited to plant wastes, including sewage, refuse, and smoke.

(e) (1) Any applicant for inspection at an establishment where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 21(b) of the Federal Water Pollution Control Act, as amended (84 Stat. 91), to provide the Administrator with a certification as prescribed in said subsection that there is reasonable assurance that such activity will be conducted in a manner which will not violate the applicable water quality standards, unless such certification has been obtained, or is waived because of failure or refusal of the State, interstate agency, or the Secretary of the Interior to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request).

(2) However, certification is not initially required in connection with an application for inspection granted after April 3, 1970 (the date of enactment of the Water Quality Improvement Act) for facilities existing or under construction on April 3, 1970, although certification for such facilities is required to be obtained within the 3-year period immediately following April 3, 1970. Failure to obtain such certification and meet the other requirements of subsection 21(b) prior to April 3, 1973, will result in the termination of inspection at such facilities on that date.

(f) *Suspension of plant approval and withdrawal of service.* (1) Any plant approval given pursuant to these regulations may be suspended by the Administrator for (i) failure to maintain premises, facilities, and equipment in a satisfactory state of repair; (ii) the use of operating procedures or practices which are not in accordance with the regulations; (iii) the alterations of buildings, facilities, or equipment which have not been approved in accordance with the regulations; or (iv) assaulting, intimidating, impeding, obstructing, or interfering with any person engaged in or on account of the performance of his official duties.

(2) During such period of suspension, no processing of eggs or egg products for commerce shall be carried on in the official plant. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, inspection service shall be withdrawn from the official plant. Upon withdrawal of inspection service in an official plant, the plant approval for processing eggs or egg products shall also become terminated.

RECORDS AND RELATED REQUIREMENTS FOR EGGS AND EGG PRODUCTS HANDLERS AND RELATED INDUSTRIES

§ 59.200 Records and related requirements.

(a) Persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in commerce or holding such articles so received, and all egg handlers, shall maintain records showing, for a period of 2 years, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall upon the request of an authorized representative of the Secretary permit him at reasonable times to have access to and to copy all such records.

(b) Records of amounts of production, bills of sale, inventories, class and quantities of product, receipts, shipments, shippers, receivers, dates of shipment and receipt, carrier names, etc., as determined by the Administrator will need to be maintained as applicable for all shell egg handlers and egg processing operations.

§ 59.220 Information and assistance to be furnished to inspectors.

When inspection service is performed at any plant, the plant operator shall furnish the inspector such information and assistance as may be required for the performance of inspection functions, preparing certificates, reports, and for other official duties.

ADMINISTRATIVE DETENTION

§ 59.240 Detaining product.

Whenever any eggs or egg products subject to the Act are found by any authorized representative of the Secretary upon any premises and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of the Act or these regulations, or that they are in any other way in violation of the Act, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under these regulations, such articles may be detained by such representative for a period not to exceed 20 days, pending action under Judicial Seizure Proceedings as outlined in section 20 of the Act. The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of the Act, these regulations, or other laws.

APPEAL OF AN INSPECTION OR DECISION

§ 59.300 Who may request an appeal inspection or review of an inspector's decision.

Any appeal inspection may be requested by any interested party who is dissatisfied with the determination by an inspector of the class or condition of any product, and a review may be requested by the operator of an official plant with respect to an inspector's decision or on any other matter related to inspection in the official plant.

§ 59.310 Where to file an appeal.

(a) *Appeal from resident inspector's inspection or decision in an official plant.* Any interested party who is not satisfied with the determination of the class or condition of product which was inspected by an inspector in an official plant and has not left such plant and the operator of any official plant who is not satisfied with a decision by an inspector on any other matter relating to inspection in such plant may request an appeal inspection or review of the decision by the inspector by filing such request with the inspector's immediate supervisor.

(b) *All other appeal requests.* Any interested party who is not satisfied with the determination of the class, quality, quantity, or condition of product which has left the official plant where it was inspected or which was inspected other than in an official plant may request an appeal inspection by filing such request in the area where the product is located or with the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.320 How to file an appeal.

Any request for an appeal inspection or review of an inspector's decision may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service and a description of the product, or the decision which is questioned.

§ 59.340 Who shall perform the appeal.

(a) An appeal inspection or review of a decision requested under § 59.310(a) shall be made by the inspector's immediate supervisor or by a licensed inspector assigned by the immediate supervisor other than the inspector whose inspection or decision is being appealed.

(b) The assignment of the inspector(s) who will make the appeal inspection under § 59.310(b) shall be made by the Area Supervisor or the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.350 Procedures for selecting appeals samples.

(a) *Laboratory analyses.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. When the original sample containers cannot be located, the appeal sample shall consist of product taken at random from double the number of original sample containers.

(b) *Condition inspection.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. A condition appeal cannot be made unless all originally sampled containers are available.

§ 59.360 Appeal inspection certificates.

Immediately after an appeal inspection is completed, an appeal certificate shall be issued to show that the original inspection was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the product involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until any previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government. When the appeal inspector assigns a different class to the lot, the labeling shall be corrected.

§ 59.370 Cost of appeals.

(a) There shall be no cost to the appellant when the appeal inspection discloses a material error was made in the original determination.

(b) The costs of an appeal shall be borne by the appellant at the hourly rate determined by the Administrator, including travel time and expenses if the appeal was frivolous, including but not being limited to the following: The appeal inspection discloses that no material error was made in the original inspection, the condition of the product has undergone a material change since the original inspection, the original lot has changed in some manner, or the Act or these regulations have not been complied with.

CERTIFICATES

§ 59.400 Form of certificates.

All certificates shall be issued on forms approved by the Administrator.

§ 59.402 Egg products inspection certificates.

(a) Upon request of the applicant or the service, any inspector is authorized to issue an egg products inspection certificate with respect to any lot of egg products inspected by him. In addition, an inspector is authorized to issue an inspection certificate covering product inspected in part by him when the inspector has knowledge that the product is eligible for certification based on personal examination of the product or official inspection records.

(b) Each egg products inspection certificate shall show the name and address of the processor, the class and quantity of the egg products covered by such certificate, such shipping marks as are necessary to identify such products, all pertinent information concerning the wholesomeness thereof, and such other information as the Administrator may prescribe or approve.

§ 59.404 Erasures or alterations made on official certificates.

Erasures or alterations shall be initialed by the issuing inspector on the original certificate and any copy thereof. All certificates made useless through clerical error or otherwise and all certificates cancelled for whatever cause shall be voided and initialed and the original and all other copies shall be forwarded as prescribed by the Administrator.

§ 59.406 Disposition of official certificates.

The original and up to two copies of each official certificate shall be issued to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for inspection program records.

IDENTIFYING AND MARKING PRODUCT

§ 59.410 Egg products required to be labeled.

Containers of edible egg products, prior to leaving the official plant, shall bear the official inspection mark as shown in figure 2, 3, or 4 of §§ 59.412 or 59.415, except that bulk transport shipments of liquid egg product shall be officially sealed. Bulk transport shipments of liquid egg products from one official plant to another shall be accompanied by an official certificate.

§ 59.411 Approval of official identification for use in official egg products plants.

(a) No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printer's or other final proof has been approved by the Administrator. No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless finished copies or samples thereof have been approved by the Administrator. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any there be, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions;

(2) The name and address of the packer of distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products produced from shell eggs of other than current production, shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Manufactured from eggs of other than current production";

(7) Egg products produced from edible shell eggs or the egg product produced from such shell eggs of the turkey, duck, goose, or guinea shall be clearly and distinctly labeled as to the common or usual name of the product indicating the type of eggs or egg products used in the product, e.g., "Frozen whole turkey eggs." Egg products labeled without qualifying words as to the type of shell egg used in the products shall be produced only from the edible shell egg of the domesticated chicken or the egg product produced from such shell eggs.

(c) Liquid or frozen egg products identified as whole eggs and prepared other than in natural proportions, as so broken from the shell, shall have a total egg solids content of 24.70 percent or greater.

(d) If the Administrator has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to egg products at any official plant is false or misleading in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Administrator, he may request a hearing, but the use of the label shall, if the Administrator so directs, be withheld pending hearing and final determination by the Administrator. Any person so denied the approval of any label shall be notified promptly of the reasons for the denial. A written application for a hearing with respect to the denial may be filed by said person with the Administrator within 10 days after notice of the denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying approval of the label. After consideration of the facts adduced at the hearing, any determination with respect to the matter by the Administrator shall be conclusive unless, within 30 days after the recipt of notice of such final determination, the person adversely affected thereby appeals to the U.S. Court of Appeals for the Circuit in which he has his principal place of business, or to the U.S. Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

§ 59.412 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1 shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with a product shall be deemed to constitute a representation that the product has been officially inspected.

(b) The inspection mark which is to be used on containers of edible egg products shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except the plant number may be omitted from the official identification if applied elsewhere on the container.



FIGURE 1.



FIGURE 2.

§ 59.414 Products bearing the official inspection mark.

Egg products which are permitted to bear the inspection mark shall be processed in an official plant from edible shell eggs or other edible egg products and may contain other edible ingredients. The official mark shall be printed or lithographed and applied as a part of the principal display panel of the container but shall not be applied to a detachable cover.

§ 59.415 Use of other official identification.

Other official identification shall be printed or lithographed and applied as a part of the principal display panel, but shall not be applied to a detachable cover. The plant number may be omitted from the identification if applied elsewhere on the container. Such products shall meet all requirements for egg products which are permitted to bear the official inspection mark shown in § 59.412, except for pasteurization, heat treatment, or other such methods of treatment approved by the Administrator. Such products shall not be released into consuming channels until they have been subjected to pasteurization, heat treatment, or other approved methods of treatment.

(a) All nonpasteurized egg products, except as provided in paragraph (b) of this section, shipped from an official plant in packaged form shall be marked with the identification set forth in Figure 3 of this section. After pasteurization or treatment, the product may bear the official inspection mark as shown in § 59.412.

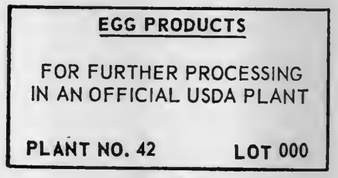


FIGURE 3.

(b) All nonpasteurized egg products, containing 10 percent or more added salt, shipped from an official plant in packaged form to an acidic dressing manufacture shall be marked with the identification set forth in Figure 4 of this section.

UNPASTEURIZED
SALTED EGG PRODUCTS

FOR USE IN
ACIDIC DRESSINGS ONLY

PLANT NO. 42 LOT 000

FIGURE 4.

§ 59.417 Unauthorized use or disposition of approved labels.

(a) Containers or labels which bear any official identification approved for use pursuant to § 59.411 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written aproval of the Administrator. Any unauthorized use or disposition of approved containers or labels which bear any official identification may result in cancellation of the approval and denial of the use of containers or labels bearing official identification and may subject such violator to the penalties and denial of the benefits of the Act;

(b) The use of simulations or limitations of any official identification by any person is prohibited;

(c) Once a year each applicant shall submit to the Administrator a list of approved labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval and the name of the product;

(d) Upon termination of inspection service in an official plant pursuant to the regulations, all labels, seals, tags, or packaging material bearing official identification shall, under the supervision of a person designated by the Service, either be destroyed or the official identification completely obliterated, or inventoried and sealed in a manner acceptable to the Service.

§ 59.418 Supervision of marking and packaging.

(a) *Evidence of label approval.* No inspector shall authorize the use of official identification on any inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 59.411.

(b) *Affixing of official identification.* No official identification shall be, or caused to be affixed to or placed on any products or container except by an inspector or under the supervision of an inspector or other person authorized by the Administrator. All such products shall have been inspected in accordance with these regulations. The inspector shall have supervision over the use and handling of all material bearing any official identification.

(c) *Labels for products sold under Government contract.* The inspector in the official plant may approve use of labels for containers of product sold under a contract specification to governmental agencies when such product is not offered for resale to the general public: *Provided,* That the contract specifications have been approved by the National Supervisor and include complete specific requirements with respect to labeling, and are made available to the inspector.

§ 59.419 Reuse of containers bearing official identification prohibited.

The reuse, by any person, of containers bearing official identification is prohibited unless such identification is applicable in all respects to product being packed therein. In such instances, the container and label may be used provided the packaging is accomplished under the supervision of an inspector and the container is in compliance with § 59.504(k).

INSPECTION, REINSPECTION, CONDEMNATION, AND RETENTION

§ 59.420 Inspection.

(a) Continuous inspection shall be made, pursuant to these regulations, of the processing of egg products in each plant processing egg products for commerce unless exempted under § 59.100.

(b) Any food manufacturing establishment, institution, or restaurant which uses any eggs that do not meet the requirements of § 59.100(a) in the preparation of any articles for human food shall be deemed to be a plant processing egg products requiring continuous inspection under this part.

(c) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems necessary in order to ascertain if the product is unadulterated, wholesome, properly labeled, and fit for human food at the time it leaves the plant. Upon any such inspection, if any product or portion thereof is found to be adulterated, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as provided in § 59.422.

§ 59.422 Condemnation.

Eggs and egg products found to be adulterated at official plants shall be condemned and, if no appeal be taken from such determination of condemnation, such articles shall be destroyed for human food purposes under the supervision of an inspector: *Provided,* That articles which may by reprocessing be made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal is requested, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection. The appeal shall be at the cost of the appellant if the Administrator determines that the appeal is frivolous, as defined in § 59.370.

§ 59.424 Reinspection.

(a) No egg product may be brought into an official plant except as provided in § 59.430(b) unless it has been prepared and inspected in accordance with these regulations, and the container of such product is marked so as to identify the article as so inspected in accordance with this part.

(b) All egg products shall be reinspected by an inspector at the time they are brought into the official plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, adulterated, or otherwise unfit for human food, such product or portion thereof, shall be condemned and shall receive such treatment as provided in § 59.422, and shall, in the case of other products be disposed of according to applicable law.

§ 59.426 Retention.

Retention tags or other devises and methods as may be approved by the Administrators shall be used for the identification and control of products which are not in compliance with the regulations or are held for further examination, and any equipment, utensils, rooms or compartments which are found to be unclean or otherwise in violation of the regulations. No product, equipment, utensil, room or compartment shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector.

ENTRY OF MATERIAL INTO OFFICIAL EGG PRODUCTS PLANTS

§ 59.430 Limitation on entry of material.

(a) The Administrator shall limit the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles will be consistent with the purposes of the Act and the regulations.

(b) Noninspected egg products processed prior to July 1, 1971, may not be brought into an official plant for processing, repackaging, or labeling, except that such products may be brought into an official plant for processing into products which are properly denatured and labeled in a manner that will clearly indicate they are not for human consumption. The processing of such inedible product in the official plant may be accomplished under the provision of Part 55 of this chapter: *Provided,* That prior approval is obtained from the Administrator and under such conditions and time limitations as the Administrator may specify. This processing must take place in separate areas or at times when no edible product is being processed and in such instances all equipment and processing areas must be thoroughly cleaned following the processing of inedible egg products. All processing equipment shall be thoroughly cleaned and sanitized prior to processing any edible product. Such inedible products or other noninspected packaged products may be brought into an official plant for storage and reshipment: *Provided,* That they are handled

in such a way that adequate segregation and inventory controls are maintained at all times.

§ 59.435 Wholesomeness and approval of materials.

(a) Substances and ingredients used in the manufacture or preparation of any egg product capable of use as human food shall be clean, wholesome, and unadulterated.

(b) The use of chemical additives in egg products shall be permitted only when they are approved by the Administrator. The Administrator may require, in addition to listing the ingredients, a declaration of the additive, and the purpose of its use.

(c) Chemical additives to be used in the preparation of egg products, will be approved only if they comply with the following criteria:

(1) The additive shall be safe under the conditions of its intended use.

(2) The additive shall not promote deception or cause the product to be otherwise adulterated or unwholesome. Scientific data acceptable to the Administrator showing that the additive meets the criteria specified in this paragraph (c) shall be submitted by the person interested in having the additive approved.

(d) Containers and packing or packaging materials in which shell eggs are received into the official plant shall be free from odors and materials which could contaminate or adulterate the eggs or egg products.

SANITARY, PROCESSING, AND FACILITY REQUIREMENTS

§ 59.500 Plant requirements.

(a) The plant shall be free from objectionable odors, dust, and smoke-laden air.

(b) The premises shall be free from refuse, rubbish, waste, and other materials and conditions which constitute a source of odors or a harbor for insects, rodents, and other vermin.

(c) The buildings shall be of sound construction and kept in good repair to prevent the entrance or harboring of vermin.

(d) Rooms shall be kept free from refuse, rubbish, waste materials, odors, insects, rodents, and from any conditions which may constitute a source of odors or engender insects and rodents. Materials and equipment not currently needed shall be handled or stored in a manner so as not to constitute a sanitary hazard.

(e) Doors and windows that open to the outside shall be protected against the entrance of flies and other insects. Doors and windows serving rooms where edible product is exposed shall be so designed and installed to prevent the entrance of dust and dirt. Doors leading into rooms where edible product is processed shall be of solid construction and such doors, other than freezer and cooler doors, shall be fitted with self-closing devices.

(f) Doors and other openings which are accessible to rodents shall be of rodent-proof construction.

(g) There shall be an efficient drainage and plumbing system for the plant and premises. Drains and gutters shall be properly installed with approved traps and vents. The sewerage system shall have adequate slope and capacity to remove readily waste from the various processing operations. Floor drains shall be equipped with traps, and constructed so as to minimize clogging. In new or remodeled construction the drainage systems from toilets and laboratories shall not be connected with other drainage systems within the plant.

(h) The water supply (both hot and cold) shall be ample, clean, and potable, with adequate facilities for its distribution throughout the plant or portion thereof utilized for egg processing and handling operations and protected against contamination and pollution. A water report, issued under the authority of a State or municipal health agency, certifying to the potability of the water supply shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator.

(i) The floors, walls, ceiling, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish to permit their ready and thorough cleaning. The floors and curbing shall be watertight.

(j) Each room and each compartment in which any shell eggs or egg products are handled or processed shall be so designed, constructed, and maintained to insure processing and operating conditions of a clean and orderly character, free from objectionable odors and vapors, and maintained in a clean and sanitary condition.

(k) Every precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the plant, or portion thereof utilized in which shell eggs or egg products are handled or stored.

(l) (1) There shall be a sufficient number of adequately lighted dressing rooms and toilet rooms, ample in size, conveniently located and separated from the rooms and compartments in which shell eggs or egg products are handled, processed, or stored. The dressing rooms and toilet rooms shall be separately ventilated, and shall meet all requirements as to sanitary construction and equipment.

(2) The following formula shall serve as a basis for determining the toilet facilities required:

Persons of same sex:	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 60, inclusive	[1] 4
For each additional 30 persons in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

(m) Lavatory accommodations (including, but not being limited to, hot and cold running water, single service towels, and soap which does not impart an odor which interferes with accurate evaluation of the product) shall be placed at such locations in the plant to assure cleanliness of each person handling any shell eggs or egg products. The handwashing facilities in the processing areas shall be operated by other than hand-operated controls and the drains shall be trapped and connected to the plumbing system.

(n) Suitable facilities for cleaning and sanitizing utensils and equipment shall be provided at convenient locations throughout the plant.

§ 59.502 Equipment and utensils.

(a) Equipment and utensils used in processing shell eggs and egg products shall be of such design, material, and construction as will:

(1) Enable the examination, segregation, and processing of such products in an efficient, clean, and satisfactory manner;

(2) Permit easy access to all parts to insure thorough cleaning and sanitizing. So far as is practicable, all such equipment shall be made of metal or other impervious material which will not affect the product by chemical action or physical contact.

(b) Except as authorized by the Administrator, in new or remodeled equipment and equipment installations, the equipment installations and the equipment shall comply with the applicable E–3–A Sanitary Standards and Accepted Practices in effect for such equipment.

§ 59.504 General operating procedures.

(a) Operations involving processing, storing, and handling of shell eggs, ingredients, and egg products shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable. Pasteurization, heat tratment, stabilization, and other processes shall be in accord with this part and as approved by the Administrator. Processing methods and temperatures in all operations shall be such as will prevent a deterioration of the egg products.

(b) Shell eggs and egg products shall be subjected to constant and continuous inspection throughout each and every processing operation. Any shell egg or egg product which was not processed in accordance with these regulations or is not fit for human food shall be removed and segregated.

(c) All loss and inedible eggs or egg products shall be placed in a clearly identified container containing a denaturant. Such containers shall be removed from the breaking room as often as necessary to maintain satisfactory operating conditions. Notwithstanding the foregoing and upon permission of the inspector, the applicant may hold inedible product in conspicuously marked containers which do not contain a denaturant if such inedible product is denatured or decharacterized prior to shipment from the official plant: *Provided,* That such product is properly packaged, labeled, segregated, and inventory controls are maintained.

(d) The inspector may, prior to receipt of laboratory results for salmonella, or for other reasons such as labeling as

to solids content, permit lots of egg products to be shipped from the official plant when he has no reason to suspect noncompliance with any of the provisions of this part. However, such shipments shall be made under circumstances which will assure the return of the product to the plant for reprocessing, relabeling, or under such other conditions as the Administrator may determine to assure compliance with this part.

(e) Pasteurizing, stabilizing, or drying operations shall start as soon as practicable after breaking to prevent deterioration of product, preferably within 72 hours from time of breaking for egg products other than whites which are to be desugared.

(f) Each person who is to handle any exposed or unpacked egg products or any utensils or container which may come into contact with egg product, shall wash his hands and maintain them in a clean condition.

(g) No product or material which creates an objectionable condition shall be processed, stored, or handled in any room, compartment, or place where any shell eggs or egg products are processed, stored, or handled.

(h) Only germicides, insecticides, rodenticides, detergents, or wetting agents or other similar compounds which will not deleteriously affect the eggs or egg products and which have been approved by the Administrator may be used in an official plant. The use of such compounds shall be in a manner satisfactory to the Administrator.

(i) Utensils and equipment which are contaminated during the course of processing any shell eggs or egg products shall be removed from use immediately and shall not be used again until cleaned and sanitized.

(j) Any substance or ingredient added in the processing of any egg products shall be clean and fit for human food.

(k) Packages or containers for egg products shall be of sanitary design and clean when being filled with any egg products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such egg products. Only new containers or used containers that are clean, in sound condition and lined with suitable inner liners shall be used for packaging edible egg products. Fiber containers used without liners require the approval of the national office.

(l) Egg products shall be inspected to determine the wholesomeness of the finished product.

(m) Egg products shall be processed in such a manner as to insure the immediate removal of meat spots, shell particles, and foreign materials.

(n) Utensils and equipment, except drying units, powder conveyors, sifters, blenders, and mechanical powder coolers shall be clean and santitized at the start of processing operations. All equipment and utensils shall be kept clean and sanitary during all processing operations.

(o) Egg products, prior to being released into consuming channels, shall be pasteurized in accordance with § 59.570 except that dried whites prepared from nonpasteurized liquid shall be heat treated in accordance with § 59.575.

(1) To assure adequate pasteurization, egg products shall be sampled and tested for the presence of salmonella. Sampling for the presence of salmonella shall be in accordance with § 59.580 and product found to be salmonella positive shall be reprocessed, pasteurized, and analyzed for the presence of salmonella, or denatured.

(2) Nonpasteurized or salmonella positive egg product may be shipped from an official plant only when it is to be pasteurized, repasteurized, or heat treated in another official plant. Shipments of products from one official plant to another for pasteurization, repasteurization, or heat treatment shall be in sealed cars or trucks with an accompanying certificate stating that the product is not pasteurized or is salmonella positive. If nonpasteurized or samonella positive products are to be stored in other than the official plant facilities, the inspector at the consignee's and consignor's plants shall be given full knowledge of the disposition of the product, including warehouse inventory receipts, until such time as product is pasteurized, repasteurized, or heat treated. The containers of such nonpasteurized or salmonella positive product shall be marked with the identification mark shown in Figure 3 of § 59.415.

(3) Notwithstanding the provisions of Paragraph (o) (2) of this section, nonpasteurized salted egg products containing 10 percent or more salt added may be shipped from an official plant directly to a manufacturer of acidic dressings only under the following provisions:

(i) Before such shipment is made, the manufacturer of the acidic dressing shall apply in writing and receive permission from the Administrator to receive and use unpasteurized egg products. The applicant shall sign a written statement containing the specification for the treatment of the nonpasteurized egg product in a manner that will insure that viable salmonella micro-organisms are destroyed, and such processing treatment shall be approved by the Administrator prior to use.

(ii) Product shall be shipped under seal from the official plant, accompanied by an official USDA certificate stating that the product is nonpasteurized and for use in acidic dressings only.

(iii) The applicant shall acknowledge receipt of each shipment by indicating on the reverse side of the USDA certificate, "The volume of nonpasteurized egg product stated on this certificate was received at ----------," the blank being filled in with the name and address of the receiving company and the date. The certificate shall be returned to the USDA inspector at the origin plant.

(iv) The acidic dressing manufacturer shall maintain processing records indicating the use of each shipment of unpasteurized salted product and the code lots of acidic dressing into which it was processed. Records of the pH and the acidity expressed as percent acetic acid of each code lot shall be maintained. The records shall also demonstrate that the acidic dressing was held 72 hours prior to shipment. These records shall be maintained for 2 years and shall be available for inspection by a representative of the Department.

(v) Each container of salted egg product shipped from the official plant shall be labeled as required in § 59.411, and shall bear the words "Caution—this egg product has not been pasteurized or otherwise treated to destroy viable salmonella micro-organisms," and shall bear the official identification shown in Figure 4 of § 59.415.

(p) Air which is to come in contact with product or with product contact surfaces shall come from approved filtered outside air sources.

§ 59.506 Candling and transfer-room facilities and equipment.

(a) The room shall be so constructed that it can be adequately darkened to assure accuracy in removal of inedible or loss eggs by candling. Equipment shall be arranged so as to facilitate cleaning and the removal of refuse and excess packing material.

(b) The construction of the floor shall allow thorough cleaning. The floors shall be of water-resistant composition and provided with proper drainage.

(c) Ventilation shall be provided by means of an approved forced air exhaust system for the room and any egg washing equipment. The room temperature shall be maintained at suitable working temperatures during operations.

(d) Candling devices of an approved type shall be provided to enable candlers to detect loss, inedible, dirty, or checked eggs, and eggs other than chicken eggs.

(e) Leaker trays shall be made of a material and of such design that is conducive to easy cleaning and sanitizing.

(f) Containers made of a material and of such design that are conducive to easy cleaning shall be provided for inedible eggs. All such containers shall be conspicuously marked.

(g) Containers made of a material and of such design that are conducive to easy cleaning shall be provided for trash unless clean, disposable containers are furnished daily.

(h) Shell egg conveyors shall be constructed so that they can be thoroughly cleaned.

§ 59.508 Candling and transfer-room operations.

(a) Candling and transfer rooms and equipment shall be kept clean, free from cobwebs, dust, objectionable odors, and excess packing materials.

(b) Containers for trash and inedible eggs shall be removed from the candling rooms as often as necessary, but at least once daily; and shall be cleaned and treated in such a manner as will prevent

off odors or objectionable conditions in the plant.

(c) Shell eggs shall be handled in a manner to minimize sweating prior to breaking.

(d) Shell eggs with extensively damaged shells, unless prohibited under § 59.510(d), shall be placed into leaker trays and shall be broken promptly.

§ 59.510 Classifications of shell eggs used in the processing of egg products.

(a) The shell eggs shall be sorted and classified into the following categories in a manner approved by the National Supervisor:

(1) Eggs listed in paragraph (d) of this section.

(2) Dirty.

(3) Leakers as described in paragraph (c) (2) of this section.

(4) Eggs from other than chickens; duck, turkey, guinea, and goose eggs.

(5) Other eggs—satisfactory for use as breaking stock.

(b) Shell eggs having strong odors or eggs received in cases having strong odors shall be candled and broken separately to determine their acceptability.

(c) Shell eggs, when presented for breaking, shall be of edible interior quality and the shell shall be sound and free of adhering dirt and foreign material, except that:

(1) Checks and eggs with a portion of the shell missing may be used when the shell is free of adhering dirt and foreign material and the shell membranes are not ruptured.

(2) Eggs with clean shells which are damaged in candling and/or transfer and have a portion of the shell and shell membranes missing may be used only when the yolk is unbroken and the contents of the egg are not exuding over the outside shell. Such eggs shall be placed in leaker trays and be broken promptly.

(3) Eggs with meat or blood spots may be used if the spots are removed in an acceptable manner.

(d) All loss or inedible eggs shall be placed in a designated container and be handled as required in § 59.504. Inedible and loss eggs for the purpose of this section and § 59.522 are defined to include black rots, white rots, mixed rots, green whites, eggs with diffused blood in the albumen or on the yolk, crusted yolks, stuck yolks, developed embryos at or beyond the blood ring state, moldy eggs, sour eggs, any eggs that are adulterated as such term is defined pursuant to this part, and any other filthy and decomposed eggs including the following:

(1) Any egg with visible foreign matter other than removable blood and meat spots in the egg meat.

(2) Any egg with a portion of the shell and shell membranes missing and with egg meat adhering to or in contact with the outside of the shell.

(3) Any egg with dirt or foreign material adhering to the shell and with cracks in the shell and shell membranes.

(4) Liquid egg recovered from shell egg containers and leaker trays.

(5) Open leakers made in the washing operation.

(6) Any egg which shows evidence that the contents are or have been exuding prior to transfer from the case.

(e) Incubator reject eggs shall not be brought into the official plant.

§ 59.515 Egg cleaning operations.

(a) The following requirements shall be met when washing shell eggs to be presented for breaking:

(1) The temperature of the wash water shall be maintained at 90° F. or higher and shall be at least 20° F. warmer than the temperature of the eggs to be washed.

(2) An approved cleaning compound shall be used in the wash water. (The use of metered equipment for dispensing the compound into solution is recommended.)

(3) The washing operation shall be continuous and eggs shall not be allowed to stand or soak in water.

(4) Wash water shall be completely changed at least every 4 hours and at the end of each shift, or more frequently, if necessary. Remedial measures shall be taken to prevent excess foaming during the egg washing operation.

(5) Replacement water shall be added continuously to the wash water of washers to maintain a continuous overflow. Chlorine sanitizing rinse water may be used as part of the replacement water.

(6) Wash water from the washing operation shall go directly to drains.

(7) Washed eggs shall be spray-rinsed with an approved sanitizing agent of not less than 100 p.p.m. nor more than 200 p.p.m. of available chlorine or its equivalent.

(8) Immersion-type washers shall not be used.

(b) Shell eggs shall not be washed in the breaking room or any room where edible products are processed.

(c) Shell eggs shall be sufficiently dry at time of breaking to prevent contamination or adulteration of the liquid egg products from free moisture on the shell.

§ 59.520 Breaking room facilities.

(a) The breaking room shall have at least 30-foot candles of light on all working surfaces except that light intensity shall be at least 50-foot candles at breaking and inspection stations. Lights shall be protected with adequate safety devices.

(b) The surface of ceiling and walls shall be smooth and made of a water-resistant material.

(c) The floor shall be of water-proof composition, reasonably free from cracks or rough surfaces, sloped for adequate drainage, and the intersections with walls and curbing shall be impervious to water.

(d) Ventilation shall provide for:

(1) A positive flow of outside filtered air through the room;

(2) Air of suitable working temperature during operations.

(e) There shall be provided adequate hand washing facilities which are easily accessible to all breaking personnel, an adequate supply of warm water, clean towels or other facilities for drying hands, odorless soap, and containers for used towels. Hand washing facilities shall be operated by other than hand operated controls.

(f) Containers for packaging egg products are not acceptable as liquid egg buckets.

(g) A suitable container conspicuously identified shall be provided for the disposal of rejected liquid.

(h) Strainers, filters, or centrifugal clarifiers of approved construction shall be provided for the effective removal of shell particles and foreign material, unless specific approval is obtained from the National Supervisor for other mechanical devices.

(i) A separate drawoff room with a filtered positive air ventilation system shall be provided for packaging liquid egg product, except product packaged by automatic, closed packaging systems.

§ 59.522 Breaking room operations.

(a) The breaking room shall be kept in a dust-free, clean condition and free from flies, insects, and rodents. The floor shall be kept clean and reasonably dry during breaking operations and free of egg meat and shells.

(b) All breaking room personnel shall wash their hands thoroughly with odorless soap and water each time they enter the breaking room and prior to receiving clean equipment after breaking an inedible egg.

(c) Paper towels or tissues shall be used at breaking tables, and shall not be reused. Cloth towels are not permitted.

(d) Breakers shall use a complete set of clean equipment when starting work and after lunch periods. All table equipment shall be rotated with clean equipment every 2½ hours.

(e) Cups shall not be filled to overflowing.

(f) Each shell egg must be broken in a satisfactory and sanitary manner and inspected for wholesomeness by smelling the shell or the egg meat and by visual examination at the time of breaking. All egg meat shall be reexamined by a person qualified to perform such functions before being emptied into the tank or churn, except as othewrise approved by the National Supervisor.

(g) Shell particles, meat, and blood spots, and other foreign material accidentally falling into the cups or trays shall be removed with a spoon or other approved instrument.

(h) Whenever an inedible egg is broken, the affected breaking equipment shall be replaced with a complete set of clean equipment, except that only the cup or Canadian tray need be exchanged when bloody whites or blood rings are encountered.

(i) Inedible and loss eggs as defined in § 59.510 apply to this section.

(j) The contents of any cup or other liquid egg receptacle containing one or more inedible or loss eggs shall be rejected.

(k) Contents of drip trays shall be emptied into a cup and smelled carefully

before pouring into liquid egg bucket. Drip trays shall be emptied at least once for each 15 dozen eggs or every 15 minutes.

(l) Edible leakers and checks which are liable to be smashed in the breaking operation shall be broken at a separate station by specially trained personnel.

(m) Ingredients and additives used in, or for, processing egg products shall be handled in a clean and sanitary manner.

(n) Liquid egg containers shall not pass through the candling room.

(o) Test kits shall be used to determine the strength of bactericidal solution. (See § 59.515(a)(7) and § 59.552.)

(p) Leaker trays shall be washed and sanitized whenever they become soiled and at the end of each shift.

(q) Shell egg containers whenever dirty shall be cleaned and drained; and shall be cleaned, sanitized, and drained at the end of each shift.

(r) Belt-type shell egg conveyors shall be cleaned and santitized approximately every 4 hours in addition to continuous cleaning during operation. When not in use, belts shall be raised to permit air drying.

(s) Cups, knives, racks, separators, trays, spoons, liquid egg pails, and other breaking equipment, except for mechanical egg breaking equipment, shall be cleaned and sanitized at least every 2½ hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized immediately prior to use.

(t) Utensils and dismantled equipment shall be drained and air dried on approved self-draining metal racks and shall not be nested.

(u) Dump tanks, drawoff tanks, and churns shall be cleaned approximately every 4 hours. All such equipment and all other liquid handling equipment, unless cleaned by acceptable cleaned in-place methods, shall be dismantled and cleaned after each shift. Pasteurization equipment shall be cleaned at the end of each day's use or more often if necessary. All such equipment shall be clean and shall be sanitized prior to placing in use.

(v) Strainers, clarifiers, filtering and other devices used for removal of shell particles and other foreign material shall be cleaned and sanitized each time it is necessary to change such equipment, but at least once each 4 hours of operation.

(w) Breaking room processing equipment shall not be stored on the floor.

(x) Metal containers and lids for other than dried products shall be thoroughly washed, rinsed, sanitized, and drained immediately prior to filling. The foregoing sequence shall not be required if equally effective measures approved by the National Supervisor in writing are followed to assure clean and sanitary containers at the time of filling.

(y) Liquid egg holding vats and containers (including tank trucks) used for transporting liquid eggs shall be cleaned after each use. Such equipment shall be clean and sanitized immediately prior to placing in use.

(z) Tables, shell conveyors, and containers for inedible egg product shall be cleaned at the end of each shift.

(aa) Mechanical egg-breaking machines shall be operated at a rate to maintain complete control and accurately inspect and segregate each egg to insure the removal of all loss and inedible eggs. The machine shall be operated in a sanitary manner.

(1) When an inedible egg is encountered on mechanical egg-breaking equipment, the inedible egg and contaminated liquid shall be removed. The machine shall be cleaned and sanitized, or contaminated parts replaced with clean ones in the manner prescribed by the National Supervisor for the type of inedible egg encountered and the kind of egg-breaking machine.

(2) Systems for pumping egg liquid directly from egg-breaking machines shall be of approved sanitary design and construction; and designed to minimize the entrance of shells into the system and be disconnected when inedible eggs are encountered. The pumping system shall be cleaned approximately every 4 hours. All egg liquid pumped directly from egg-breaking machines shall be reexamined, except as otherwise prescribed and approved by the National Supervisor.

(3) Mechanical egg-breaking equipment shall be cleaned and sanitized as often as needed to maintain it in a sanitary condition, but at least every 4 hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized within 1 hour prior to use.

§ 59.530 Liquid egg cooling.

(a) Liquid egg storage rooms, including surface coolers and holding tank rooms, shall be kept clean and free from objectionable odors and condensation. Surface coolers and all liquid holding vats containing product shall be kept covered while in use. Liquid cooling units shall be of approved construction and have sufficient capacity to cool all liquid eggs to the temperature requirements specified in this section.

(b) Compliance with temperature requirements applying to liquid eggs shall be considered as satisfactory only if the entire mass of the liquid meets the requirements.

(c) The cooling and temperature requirements for liquid egg products shall be as specified in table I of this section.

(d) Upon written request and under such conditions as may be prescribed by the National Supervisor, liquid cooling and holding temperatures not otherwise provided for in this section may be approved.

(e) Agitators shall be operated in such manner as will minimize foaming.

(f) When ice is used as an emergency refrigerant by being placed directly into the egg meat, the source of the ice must be certified by the local or State Board of Health. Such liquid shall be dried. All ice shall be handled in a sanitary manner.

TABLE I.—MINIMUM COOLING AND TEMPERATURE REQUIREMENTS FOR LIQUID EGG PRODUCTS

Product	Unpasteurized product temperature within 2 hours from time of breaking: Liquid (other than salt product) to be held 8 hours or less	Liquid (other than salt product) to be held in excess of 8 hours	Liquid salt product	Temperature within 2 hours after pasteurization	Temperature within 3 hours after stabilization
Whites (not to be stabilized).	55° F. or lower	45° F. or lower		45° F. or lower	
Whites (to be stabilized).	70° F. or lower	55° F. or lower		55° F. or lowor	(1)
All other product (except product with 10 percent or more salt added).	45° F. or lower	40° F. or lower		If to be held 8 hours or less 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.	If to be held 8 hours or less, 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.
Liquid egg product with 10 percent or more salt added.			If to be held 30 hours or less, 65° F. or lower. If to be held in excess of 30 hours, 45° F. or lower.	65° F. or lower [2]	

[1] Stabilized liquid whites shall be dried as soon as possible after removal of glucose. The storage of stabilized liquid whites shall be limited to that necessary to provide a continuous operation.

[2] The cooling process shall be continued to assure that any salt product to be held in excess of 24 hours is cooled and maintained at 45° F. or lower.

§ 59.532 Liquid egg holding.

(a) Tanks, vats, drums, or other containers used for holding liquid eggs shall be of approved construction, fitted with covers and located in rooms maintained in a sanitary condition.

(b) Liquid egg holding tanks or vats shall be equipped with suitable thermometers and agitators.

(c) Inlets to holding tanks or vats shall be such as to prevent excessive foaming.

(d) Gaskets, if used, shall be of a sanitary type.

§ 59.534 Freezing facilities.

(a) Freezing rooms, either on or off the premises, shall be capable of freezing all liquid egg products in accordance with the freezing requirements as set forth in § 59.536. Use of off-premise freezing facilities is permitted only when prior approval in writing from the National Supervisor is on file.

(b) Adequate air circulation shall be provided in all freezing rooms.

§ 59.536 Freezing operations.

(a) Freezing rooms shall be kept clean and free from objectionable odors.

(b) Requirements:

(1) Nonpasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of breaking.

(2) Pasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of pasteurization.

(3) The temperature of the product not solidly frozen shall be taken at the center of the container to determine compliance with this section.

(c) Containers shall be stacked so as to permit circulation of air around the containers.

(d) The outside of liquid egg containers shall be clean and free from evidence of liquid egg.

(e) Frozen egg products shall be examined by organoleptic examination after freezing to determine their fitness for human food. Any such products which are found to be unfit for human food shall be denatured and any official identification mark which appears on any container thereof shall be removed or completely obliterated.

§ 59.538 Defrosting facilities.

(a) Approved metal defrosting tanks or vats constructed so as to permit ready and thorough cleaning shall be provided.

(b) Frozen egg crushers, when used, shall be of approved metal construction. The crushers shall permit ready and thorough cleaning and the bearings and housing shall be fabricated in such a manner as to prevent contamination of the egg products.

(c) Service tables shall be of approved metal construction without open seams and the surfaces shall be smooth to allow thorough cleaning.

§ 59.539 Defrosting operations.

(a) Frozen egg products which are to be defrosted shall be defrosted in a sanitary manner.

(b) Each container of frozen eggs shall be checked for condition and odor just prior to being emptied into the crusher or receiving tank. Frozen eggs which have objectionable odors and are unfit for human food (e.g., sour, musty, fermented, or decomposed odors) shall be denatured.

(c) Frozen whites to be used in the production of dried albumen may be defrosted at room temperature. All other whites shall be defrosted in accordance with paragraph (d) of this section.

(d) Frozen whole eggs, whites, and yolks, and yolks may be tempered or partially defrosted for not to exceed 48 hours at a room temperature no higher than 40° F. or not to exceed 24 hours at a room temperature above 40° F.; *Provided*, That no portion of the defrosted liquid shall exceed 50° F. while in or out of the container.

(1) Frozen eggs packed in metal containers may be placed in running cold tap water without submersion to speed defrosting.

(2) The defrosted liquid shall be held at 40° F. or less, except for product to be pasteurized or stabilized by glucose removal as provided in § 59.530. Defrosted liquid shall not be held more than 16 hours prior to processing or drying.

(e) Sanitary methods shall be used in handling containers and removing egg product.

(f) Crushers and other equipment used in defrosting operations shall be dismantled at the end of each shift and shall be washed, rinsed, and sanitized.

(1) Where crushers are used intermittently, they shall be flushed after each use and again before being placed in use.

(2) Floors and work tables shall be kept clean.

§ 59.540 Spray process drying facilities.

(a) Driers shall be of a continuous discharge type and so constructed and equipped to prevent an excess accumulation of powder in the drier, bags, and powder conveyors.

(b) Driers shall be of approved construction and materials, with welded seams, and the surfaces shall be smooth to allow for thorough cleaning.

(c) Driers shall be equipped with approved air intake filters.

(d) Air shall be drawn into the drier from sources free from foul odors, dust, and dirt.

(e) Indirect heat or the use of an approved premixing device or other approved devices for securing complete combustion in direct-fired units is required. A premix-type burner, if used, shall be equipped with approved air filters at blower intake.

(f) High pressure pump heads and lines shall be of stainless steel construction or equivalent which will allow for thorough cleaning.

(g) Preheating units, if used, shall be of stainless steel construction or equivalent which will allow thorough cleaning.

(h) Powder conveying equipment shall be so constructed as will facilitate thorough cleaning.

(i) Sifters shall be constructed of an approved metal or metal lined interior. The sifting screens and frames shall be of an approved metal construction. Sifters shall be so constructed that accumulations of large particles or lumps of dried eggs can be removed continuously while the sifters are in operation.

§ 59.542 Spray process drying operations.

(a) The drying room shall be kept in a clean condition and free of flies, insects, and rodents.

(b) Low-pressure lines, high-pressure lines, high-and-low-pressure pumps, homogenizers, and pasteurizers shall be cleaned by acceptable in-place cleaning methods or dismantled and cleaned after use or as necessary when operations have been interrupted.

(1) Spray nozzles, orifices, cores, or whizzers shall be cleaned immediately after cessation of drying operations.

(2) Equipment shall be sanitized within 2 hours prior to resuming operations.

(c) Drying units, conveyors, sifters, and packaging systems shall be cleaned whenever wet powder is encountered or when other conditions occur which would adversely affect the product. The complete drying unit, including sifters, conveyors, and powder coolers shall be either wet washed or dry cleaned. A combination of wet washing and dry cleaning of the complete drying unit shall not be permitted unless that segment of the unit to be cleaned in a different manner is completely detached or disconnected from the balance of the drying unit.

(1) Sifters and conveyors used for other than dried albumen shall be cleared of powder when such equipment is not to be used for a period of 24 hours or longer.

(2) Collectors bags shall be cleaned as often as needed to maintain them in an acceptable clean condition.

(d) Powder shall be sifted and the screen shall be replaced whenever torn or worn.

(e) Accumulations or larger particles or lumps of dried eggs shall be removed from the sifter screens continuously.

(f) All openings into the drier around ports, augers, high-pressure lines, etc., shall be closed to the extent possible during the drying operation to prevent entrance of nonfiltered air.

(g) Openings into the drying unit shall be closed when the drier is not in use, except when the drying unit has been completely emptied of powder and wet washed. This includes, but is not limited to, openings for the air intake and exhaust systems, nozzle openings, ports, augers, etc.

§ 59.544 Spray process powder; definitions and requirements.

(a) *Definition of product.* (1) "Primary powder" is that powder which is continuously removed from the primary or main drying chamber while the drying unit is in operation.

(2) "Secondary powder" is that powder which is continuously and automatically removed from the secondary chamber and/or bag collector chamber while the drying unit is in operation.

(3) "Sweep-down powder" is that powder which is recovered in the brush-down process from the primary or secondary chamber and conveyors.

(4) "Brush bag powder" is that powder which is brushed from the collector bags.

(b) Secondary powder shall be continuously discharged and mixed with the primary powder by methods approved by the Administrator.

(c) Edible dried egg products, including edible ingredients which may be added to such dried products, may be dry-blended: *Provided*, That the blending is done in a room as provided in § 59.548 or in a closed blending system and in accordance with clean, sanitary practices and such procedures as may be prescribed by the Administrator.

(d) Any edible dried egg powder may be reconstituted, repasteurized, and redried when accomplished in a clean, sanitary manner and in accordance with

such procedures as may be prescribed by the Administrator.

(e) Edible dried egg powder obtained from the sweep down, screenings, brush bag (except for brush bag powder from albumen driers), and improperly dried or scorched powder shall be reconstituted, repasteurized, and redried.

(f) Approximately the first and last 175 pounds of powder from the main driers for each continuous operation shall be checked for improperly dried or scorched powder.

§ 59.546 Albumen flake process drying facilities.

(a) Drying facilities shall be constructed in such a manner as will allow thorough cleaning and be equipped with approved intake filters.

(b) The intake air source shall be free from foul odors, dust, and dirt.

(c) Premix-type burners, if used, shall be equipped with approved air filters at blower intake.

(d) Fermentation tanks, drying pans, trays or belts, scrapers, curing racks, and equipment used for pulverized pan-dried albumen shall be constructed of approved materials in such a manner as will permit through cleaning.

(e) Sifting screens shall be constructed of approved materials in such a manner as will permit thorough cleaning and be in accordance with the specifications for the type of albumen produced.

§ 59.547 Albumen flake process drying operations.

(a) The fermentation, drying, and curing rooms shall be kept in a dust-free, clean condition and free of flies, insects, and rodents.

(b) Drying units, racks, and trucks shall be kept in a clean and sanitary condition.

(c) Drying pans, trays, belts, scrapers, or curing racks, if used, shall be kept in a clean condition.

(d) Oils and waxes used in oiling drying pans or trays shall be of edible quality.

(e) Equipment used for pulverizing or sifting dried albumen shall be kept in a clean condition.

§ 59.548 Drying, blending, packaging, and heat treatment rooms and facilities.

(a) *General.* Processing rooms shall be maintained in a clean condition and free of flies, insects and rodents. The drying, blending, and packaging rooms shall be well-lighted and have ceilings and walls of a tile surface, enamel paint, or other water-resistant material.

(1) The floors shall be free from cracks or rough surfaces where water or dirt could accumulate.

(2) The intersections of the walls and floor shall be impervious to water and the floor shall be sloped for adequate drainage.

(3) Metal storage racks or cabinets shall be provided for storing of tools and accessories.

(b) Dry blending of edible egg products, including adding edible dry ingredients, and/or packaging of spray-dried products shall be done in a room separate from other processing operations. Dry blending may also be done in other areas: *Provided*, That it is accomplished in an approved closed blending system.

(1) Blending and packaging rooms for pasteurized products shall be provided with an adequate positive flow of approved outside filtered air.

(2) Blending and packaging equipment and accessories which come into contact with the dried product shall be of an approved construction without open seams and of materials that can be kept clean and which will have no deleterious effect on the product. Service tables shall be of approved metal construction without open seams and surfaces shall be smooth to permit thorough cleaning.

(3) Package liners shall be inserted in a sanitary manner, and equipment and supplies used in the operation shall be kept off the floor.

(4) Utensils used in packaging dried eggs shall be kept clean at all times and whenever contaminated shall be cleaned and sanitized. When not in use, scoops, brushes, tampers, and other similar equipment shall be stored in sanitary cabinets or racks provided for this purpose.

(5) Automatic container fillers shall be of a type that will accurately fill given quantities of product into the containers. Scales shall be provided to accurately check the weight of the filled containers. All equipment used in mechanically packaging dried egg products shall be vacuum cleaned daily.

(c) The heat treatment room shall be of an approved construction and be maintained in a clean condition. The room or rooms shall be of sufficient size so that product to be heat treated can be so spaced to assure adequate heat and air circulation. The room shall have an adequate heat supply and a continuous air circulation system.

§ 59.549 Dried egg storage.

Dried egg storage shall be sufficient to adequately handle the production of the plant and shall be kept clean, dry, and free from objectionable odors.

§ 59.550 Washing and sanitizing room or area facilities.

(a) This room or area shall be well lighted, and of sufficient size to permit operators to properly wash and sanitize all equipment at the rate required by the size of the operation. Adequate exhaust shall be provided to assure the prompt removal of odors and vapors and the air flow shall be away from the breaking room. If the washing and sanitizing is not done in a separate room, it shall be in an area well segregated from the breaking areas and be well ventilated with air movement directed away from the breaking operations so that odors and vapors do not permeate the breaking areas.

(b) Ceiling and walls shall have a surface of tile, enamel, paint, or other water-resistant material.

(c) Floors shall be adequately sloped for proper drainage, be free from cracks or rough surfaces where water and dirt could accumulate and the intersections with walls shall be impervious to water.

§ 59.552 Cleaning and sanitizing requirements.

(a) *Cleaning.* (1) Equipment used in egg processing operations which comes in contact with liquid eggs or exposed edible products shall be cleaned to eliminate organic matter and inorganic residues. This may be accomplished by any sanitary means but it is preferable (unless high pressure cleaning is used) to flush soiled equipment with clean cool water, dismantle it when possible, wash by brushing with warm water containing a detergent and followed by rinsing with water. It is essential to have the equipment surfaces thoroughly clean if effective sanitizing is to be attained.

(2) Equipment shall be cleaned with such frequency as is specified elsewhere under the sanitary requirements for the particular kind of operation and type of equipment involved.

(3) C.I.P. (cleaned-in-place) shall be considered to be acceptable only if the methods and procedures used accomplish cleaning equivalent to that obtained by thorough manual washing and sanitizing of dismantled equipment. The National Supervisor shall determine the acceptability of C.I.P. cleaning procedures and may require bacteriological tests and periodic dismantling of equipment as a basis for such determination.

(b) *Sanitizing.* (1) Sanitizing shall be accomplished by such methods as approved by the Administrator.

(i) Chemicals and compounds used for sanitizing shall have approval prior to use by the Administrator.

(ii) Sanitizing by use of hypochlorites or other approved sanitizing solutions shall be accomplished by subjecting the equipment surfaces to such sanitizing solutions containing a maximum strength of 200 p.p.m. of chlorine or its equivalent. These solutions shall be changed whenever the strength drops to 100 p.p.m. or less of available chlorine or its equivalent.

(2) Shell eggs which have been sanitized and equipment which comes in contact with edible products shall be rinsed with clean water after sanitizing if other than hypochlorites are used as sanitizing agents unless otherwise approved by the Administrator.

§ 59.560 Health and hygiene of personnel.

(a) Personnel facilities, including toilets, lavatories, lockers, and dressing rooms shall be adequate and meet State and local requirements for food processing plants.

(b) Toilets and dressing rooms shall be kept clean and adequately ventilated to eliminate odors and kept adequately supplied with soap, towels, and tissues. Toilet rooms shall be ventilated to the outside of the building.

(c) No person affected with any communicable disease in a transmissible stage or a carrier of such disease, or with boils, sores, infected wounds, or cloth bandages on hands shall be permitted to come in contact with eggs in any form or with equipment used to process such eggs.

(d) Workers coming into contact with liquid or dried eggs, containers, or equipment shall wear clean outer uniforms.

(e) Plant personnel handling exposed edible product shall wash their hands before beginning work, and upon returning to work after leaving the work room.

(f) Expectorating, or other unsanitary practices, shall not be permitted.

(g) Use of tobacco in any form or the wearing of jewelry, nail polish, or perfumes shall not be permitted in any area where edible products are exposed.

(h) Hair nets or caps shall be properly worn by all persons in breaking and packaging rooms.

§ 59.570 Pasteurization of liquid eggs.

(a) *Pasteurization facilities.* The facilities for pasteurization of egg products shall be adequate and of approved construction so that all products will be processed as provided for in this section. Pasteurization equipment for liquid egg product shall include a holding tube, an automatic flow diversion valve, thermal controls, and recording devices to determine compliance for pasteurization as set forth in paragraph (b) of this section. The temperature of the heated liquid egg product shall be continuously and automatically recorded during the process.

(b) *Pasteurizing operations.* Every particle of all products must be rapidly heated to the required temperature and held at that temperature for the required minimum holding time as set forth in this section. The temperatures and holding times listed in table I of this section are minimum. The product may be heated to higher temperatures and held for longer periods of time. Pasteurization procedures shall assure complete pasteurization and prevent contamination of the product.

TABLE I.—PASTEURIZATION REQUIREMENTS [1]

Liquid egg product	Minimum temperature requirements	Minimum holding time requirements
	°F.	*Minutes*
Albumen (without use of chemicals)	134	3.5
	132	6.2
Whole egg	140	3.5
Whole egg blends (less than 2 percent added nonegg ingredients)	142	3.5
	140	6.2
Fortified whole egg and blends (24-38 percent egg solids, 2-12 percent added nonegg ingredients)	144	3.5
	142	6.2
Salt whole egg (with 2 percent or more salt added)	146	3.5
	144	6.2
Sugar whole egg (2-12 percent sugar added)	142	3.5
	140	6.2
Plain yolk	142	3.5
	140	6.2
Sugar yolk (2 percent or more sugar added)	146	3.5
	144	6.2
Salt yolk (2-12 percent salt added)	146	3.5
	144	6.2

[1] Pasteurization of egg products not listed in this table shall be in accordance with paragraph (c) of this section.

(c) Other methods of pasteurization may be approved by the National Supervisor when such treatments give equivalent effects to those specified in paragraph (b) of this section for those products or other products and results in a salmonella negative product.

§ 59.575 Heat treatment of dried whites.

Heat treatment of dried whites is an approved method for pasteurization and the product shall be heated throughout for such times and at such temperatures as will result in salmonella negative product.

(a) The product to be heat treated shall be held in the heat treatment room in closed containers and shall be spaced to assure adequate heat penetration and air circulation. Each container shall be identified as to type of product (spray or pan dried) and with the lot number or production code number.

(b) The minimum requirements for heat treatment of spray or pan dried albumen shall be as follows:

(1) Spray dried albumen shall be heated throughout to a temperature not less than 130° F. and held continuously at such temperature not less than 7 days and until it is salmonella negative.

(2) Pan-dried albumen shall be heated throughout to a temperature of not less than 125° F. and held continuous at such temperature not less than 5 days and until it is salmonella negative.

(3) Methods of heat treatment of spray-dried or pan-dried albumen, other than listed in subparagraphs (1) and (2) of this paragraph, may be approved by the National Supervisor upon receipt of satisfactory evidence that such methods will result in salmonella negative product.

(c) Dried whites which have been heat treated in the dried form shall be sampled and analyzed for the presence of salmonella as required in § 59.580.

(d) Records shall be maintained for 1 year of the following:

(1) Types of product;

(2) Lot number;

(3) Heat treatment room temperatures;

(4) Product temperatures;

(5) Length of time product is held in heat treatment room;

(6) Results of all laboratory analyses made for the presence of salmonellae.

(e) Dried whites processed and tested in accordance with all of the applicable requirements specified in this section may be labeled "Pasteurized."

LABORATORY

§ 59.580 Laboratory tests and analyses.

The official plant, at their expense, shall make such tests and analyses to determine compliance with the Act and the regulations in this part.

(a) Samples shall be drawn from liquid, frozen, or dried egg products and analyzed for compliance with the standards of identity (if any) and with the product label.

(b) To assure adequate pasteurization, pasteurized egg products and heat-treated dried egg whites shall be sampled and analyzed for the presence of salmonella in accordance with such sequence, frequency, and approved laboratory methods as prescribed by the National Supervisor. The samples of pasteurized egg products and heat-treated dried egg whites shall be drawn from the final packaged form.

(c) Results of the analyses and tests shall be made available to the inspector.

(d) USDA will draw confirmation samples and submit them to a USDA laboratory at USDA's expense to determine the adequacy of the plant's tests and analyses.

EXEMPTED EGG PRODUCTS PLANTS

§ 59.600 Application for exemption.

An application for exemption from the continuous inspection requirements must be made in writing on forms approved by the Administrator and filed with the inspection service.

§ 59.610 Criteria for exemption.

Any plant processing egg products may qualify for exemption where:

(a) The facility, operating procedures and practices, and sanitation meet the standards required for official egg products plants as are contained in §§ 59.500–59.580, and such exempted plan shall thereafter be subject to other provisions applicable to official plants which shall include maintaining records such as pasteurization temperatures and holding times, laboratory records, egg product testing procedures, and making all such records available for review.

(b) The eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of United States consumer grades for shell eggs.

§ 59.620 Authority of applicant.

Proof of authority of any person applying for exemption from continuous inspection may be required by the Administrator.

§ 59.630 Filing of application.

An application for exemption shall be regarded as filed only when it has been filled in completely and signed by the applicant and has been received in the office of the inspection service.

§ 59.640 Application for exemption; approval.

Any person desiring to process and pack egg products pursuant to the exemption provision of the Act must receive approval of such plant, facilities, and operating procedures as an exempted plant. An application for exemption shall be according to the following:

(a) *Initial survey.* When an application for exemption of a plant has been filed, a Supervisory Egg Products Inspector will make a survey and inspection of the premises and plant to determine if

the facilities, methods of operation, and eggs received or used therein are suitable and adequate in accordance with:

(1) Section 59.610; and

(2) Such other administrative instructions as may be issued, from time to time, by the Service and which are in effect at the time of the aforesaid survey and inspection.

(b) *Final survey and exemption approval.* Upon notification by the applicant for exemption that all the criteria for exemption required in § 59.610 are in effect and an initial survey has been performed, the applicant shall:

(1) Submit drawings and specifications in accordance with the same requirements as official plants as specified in § 59.146(b);

(2) Submit labels for approval as specified in § 59.680;

(3) Request a final survey be made by a Supervisory Egg Products Inspector to determine if the plant is constructed and the facilities are installed in accordance with the approved drawings and the regulations in this part.

The plant will be approved for exemption only when all the requirements of this section have been met.

§ 59.650 Exempted plant registration number.

Each plant processing egg products which receives the Administrator's approval for exemption shall be assigned an "Exempted Registration Number" at the time the exemption approval is provided.

§ 59.660 Inspection of exempted plants.

Duly authorized representatives of the Administrator shall make such periodic inspections of exempted plants and records thereof as the Administrator may require to ascertain if any of the provisions of the Act or these regulations applicable to exempted plants have been violated. Such representatives shall be afforded access, at any reasonable time, to any plant or place of business subject to inspection under the provisions of the Act.

§ 59.670 Termination of exemption.

The Administrator may suspend or terminate any exemption if the criteria for exemption required in § 59.610 are not being met. In addition, if any violation has been committed, the applicable penalties provided in this part may be enforced as provided in the Act.

§ 59.680 Approval of labeling for egg products processed in exempted egg products processing plants.

(a) The labels for egg products which are capable for use as human food shall be submitted to the Administrator for approval. The submission and approval shall be the same as for official plants as required in § 59.411 except the labels or containers shall not bear official identification.

(b) The label or container shall legibly and conspicuously bear the statement: "Exempted-E.P.I.A. Registration No. -----". The registration number shall be that assigned to the exempted plant as provided in § 59.650.

REGISTRATION OF SHELL EGG HANDLERS

§ 59.690 Persons required to register.

Shell egg handlers, except for producers-packers with an annual egg production from a flock of 3,000 hens or less, who grade and pack eggs for the ultimate consumer (e.g., household, restaurants, institutions, food manufacturers, etc.), are required to furnish their name and place of business on forms provided by the U.S. Department of Agriculture. Completed forms shall be sent to the addressee indicated on the form.

INSPECTION AND DISPOSITION OF RESTRICTED EGGS

§ 59.700 Prohibition on disposition of restricted eggs.

(a) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation in any business in commerce any restricted eggs, except as authorized in §§ 59.100 and 59.720.

(b) No egg handler shall possess any restricted eggs, except as authorized in §§ 59.100 and 59.720.

(c) No egg handler shall use any restricted eggs in the preparation of human food, except as provided in §§ 59.100 and 59.720.

§ 59.720 Disposition of restricted eggs.

(a) Eggs classified as checks, dirty eggs, incubator rejects, inedibles, leakers, or loss shall be disposed of by one of the following methods at point of segregation:

(1) By destruction in a manner approved by the Administrator,

(2) By denaturing as described in § 59.504(c) and labeling as required in §§ 59.840 and 59.860, and

(3) By satisfactory identification as specified in §§ 59.800 and 59.860. Restricted eggs may be shipped directly or indirectly for use as other than human food. Checks and dirties may be shipped directly or indirectly to an official egg products plant for segregation and processing. Inedibles, loss, and incubator rejects shall not be intermingled in the same containers with checks or dirties.

(b) Eggs which are packed for consumer use (e.g., households, restaurants, and institutions, food manufacturers, etc.) and which have been found to exceed the tolerance for restricted eggs permitted in the official standards for U.S. consumer grades shall be identified as required in §§ 59.800 and 59.860 and shall be shipped directly or indirectly:

(1) To an official egg products plant for proper segregation and processing; or

(2) Be regraded so that they comply with the official standards; or

(3) For use as other than human food.

(c) Records shall be maintained as provided in § 59.200 to assure proper disposition.

§ 59.760 Inspection of egg handlers.

Duly authorized representatives of the Administrator shall make such periodic inspection of egg handlers and their records as the Administrator may require to ascertain if any of the provisions of the Act or these regulations applicable to such egg handlers have been violated. Such representatives shall be afforded access, at any reasonable time, to any place of business or plant subject to inspection under the provisions of the Act.

IDENTIFICATION OF EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN CONSUMPTION

§ 59.800 Identification of restricted eggs.

The shipping container of such eggs shall be determined to be satisfactorily identified if such container bears the packer's name and address, the quality of the eggs in the container (e.g., dirties, checks, inedibles, or loss), or the statement "Restricted Eggs—For Processing Only in an Official USDA Egg Products Processing Plant," for checks or dirties, or "Restricted Eggs—Not to be Used as Human Food," for inedibles, loss, and incubator rejects. The size of the letters of the identification wording shall be as required in § 59.860.

§ 59.840 Identification of inedible, unwholesome, or adulterated egg products.

All inedible, unwholesome, or adulterated egg products shall be identified with the name and address of the processor, the words "Inedible Egg Products—Not to be Used as Human Food."

§ 59.860 Size of identification wording.

The letters of the identification wording shall be legible, conspicuous and at least one inch (1") in height.

IMPORT

§ 59.900 Requirements for importation of egg products or restricted eggs into the United States.

(a) Egg products and restricted eggs may be imported into the United States from any foreign country only in accordance with these regulations. The term "United States" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia. The importation of any egg or egg product in violation of the regulations of this part is prohibited.

(b) All such imported articles shall upon entry into the United States be deemed and treated as domestic articles and be subject to the other provisions of the Act, these regulations in this part and other Federal or State requirements.

§ 59.905 Importation of restricted eggs or eggs containing more restricted eggs than permitted in the official standards for U.S. consumer grades.

(a) No containers of restricted eggs other than checks or dirties shall be imported into the United States. The shipping containers of such eggs shall be identified with the name, address, and country of origin, and the quality of the eggs (e.g., checks, or dirties) preceded by the word "Imported" or the statement "Imported Restricted Eggs—For Processing Only in an Official USDA Plant," or "Restricted Eggs—Not to be Used as Human Food." Such identification shall be legible, conspicuous, in letter at least 1 inch in height.

(b) Eggs which are imported for use as human food and upon entry are found to contain more restricted eggs than permitted in the official standards for U.S. consumer grades shall be refused entry and returned to the importing country or be conspicuously and legibly identified as "Imported Restricted Eggs" and be sent directly under official seal: (1) To a place where there they may be regraded to comply with the official U.S. standards for consumer grades; (2) to an official USDA egg products processing plant; or (3) to be used as other than human food.

§ 59.910 Eligibility of foreign countries for importation of egg products into the United States.

(a) Whenever it is determined by the Administrator that the system of egg products inspection maintained by any foreign country is such that the egg products produced in such country are processed, labeled, and packaged in accordance with, and otherwise comply with, the standards of the Act and these regulations including, but not limited to the same sanitary, processing, facility requirements, and continuous Government inspection as required in §§ 59.500 through 59.580 applicable to inspected articles produced within the United States, notice of that fact will be given by listing the name of such foreign country in paragraph (b) of this section. Thereafter, egg products from the countries so listed shall be eligible, subject to the provisions of this part and other applicable laws and regulations, for importation into the United States. Such products to be imported into the United States from these foreign countries must meet, to the extent applicable, the same standards and requirements that apply to comparable domestic products as set forth in the regulations. Egg products from foreign countries not listed herein are not eligible for importation into the United States, except as provided by § 59.960. In determining if the inspection system of a foreign country is the equivalent of the system maintained by the United States, the Administrator shall review the inspection regulations of the foreign country and make a survey to determine the manner in which the inspection system is administered within the foreign country. The survey of the foreign inspection system may be expedited by payment by the interested Government agency in the foreign country of the travel expenses incurred in making the survey. After approval of the inspection system of a foreign country, the Administrator may, as often and to the extent deemed necessary, authorize representatives of the Department to review the system to determine that it is maintained in such a manner as to be the equivalent of the system maintained by the United States.

(b) It has been determined that each of the following foreign countries maintain an egg products inspection system that is the equivalent of the system maintained by the United States:

§ 59.915 Foreign inspection certificate required.

(a) *Egg products.* (1) Except as provided in § 59.960, each consignment of egg product, as defined in this part, imported into the United States from a foreign country shall be accompanied by a foreign inspection certificate containing the following information:

FOREIGN EGG PRODUCT INSPECTION CERTIFICATE

Place ----------, ----------
City Country

Date: ----------

I hereby certify that the egg products herein described were produced from shell eggs and/or egg products which were edible, wholesome, unadulterated, and otherwise fit for human food, and that such egg products are edible, wholesome, unadulterated, and otherwise fit for human food, and have not been treated with and do not contain any ingredient or chemical not permitted by the regulations governing the inspection of egg products of the U.S. Department of Agriculture, filed with me, and that said egg products have been processed under approved continuous inspection in accordance with said regulations in this country:

Kind of product	*Number of packages*	*Weight*
----------	----------	----------
----------	----------	----------
----------	----------	----------

Identification marks on containers ----------
Consignor ----------
Address ----------
Name, address, and plant number of processing plant:

Consignee ----------
Destination ----------
Shipping marks ----------

(Signature) ----------
(Name of Government official authorized to issue inspection certificates for egg products exported to the United States)
(Official title) ----------

(b) *Shell eggs.* (1) Except as provided in § 59.960, each consignment containing shell eggs received into the United States from a foreign country shall be accompanied with a foreign inspection certificate containing the following information:

FOREIGN SHELL EGG INSPECTION CERTIFICATE

Place ----------, ----------
(City) (Country)

Date ----------

I hereby certify that the shell eggs herein described have been inspected in accordance with the official United States standards for shell eggs, filed with me, that the quality or description of such shell eggs is true and accurate, and that such shell eggs do not contain or have not been subjected to a chemical or ingredient which is not permitted by the regulations of the United States:

Quality or description	*Number of cases*
----------	----------
----------	----------
----------	----------

Identification marks on containers ----------
Consignor ----------
Address ----------
Consignee ----------
Destination ----------
Shipping marks ----------

(Signature) ----------
(Name of Government official authorized to issue inspection certificates for shell eggs exported to the United States)
(Official title) ----------

§ 59.920 Importer to make application for inspection of imported eggs and egg products.

Each person importing any eggs or egg product shall make application for inspection upon C&MS Form PY-222—Import Request,, Eggs and Egg Products, to the Chief, Grading Branch, Poultry Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or to the Poultry Division, Grading Branch office at the port where the product is to be offered for importation. Application shall be made as long as possible prior to the arrival of each consignment of product, except in the case of product exempted from inspection by § 59.960. Each application shall state the approximate date of product arrival in the United States, the name of the ship or other carrier, the country from which the product was shipped, the destination, the quantity and class of product, whether fresh, frozen, or dried, and the point of first arrival in the United States.

§ 59.925 Inspection of imported eggs and egg products.

(a) Except as provided in § 59.960, eggs and egg products offered for importation from any foreign country shall be subject to inspection in accordance with established inspection procedures, including the examination of the labeling information on the containers, by an inspector before the product shall be admitted into the United States. Importers will be advised of the point where inspection will be made, and in case of small shipments (less than carload lots), the importer may be required to move the product to the location of the nearest inspector.

(b) Inspectors may take samples, without cost to the United States, of any product offered for importation which is subject to analysis or quality determination, except that samples shall not be taken of any product offered for importation under § 59.960, unless there is reason for suspecting the presence therein of a substance in violation of that section.

§ 59.930 Imported eggs and egg products; retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities, and assistance.

(a) No eggs or egg products required by this part to be inspected shall be released from customs custody prior to inspection, but such product may be delivered to the consignee, or his agent, prior to inspection if the consignee shall furnish a bond, in the form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through customs.

(b) Notwithstanding paragraph (a) of this section, no product required by this part to be inspected shall be moved prior to inspection from the port of arrival where first unloaded, and if arriving by water from the wharf where first unloaded at such port, to any place other than the place designated in accordance with this part as the place where the same shall be inspected; and no product shall be conveyed in any manner other than in compliance with this part.

(c) Means of conveyance or packages in which any product is moved in accordance with this part, prior to inspection, from the port or wharf where first unloaded in the United States, shall be sealed with special import seals of the U.S. Department of Agriculture or otherwise identified as provided herein, unless already sealed with customs or consular seals in accordance with the customs regulations. Such special seals shall be affixed by an inspector or, if there is no inspector at such port, by a customs officer. In lieu of sealing packages, the carrier or importer may furnish and attach to each package of product a warning notice on bright yellow paper, not less than 5 x 8 inches in size, containing the following legend in black type of a conspicuous size:

(Name of Truck Line or Carrier)

NOTICE

This package of ---------- must be delivered intact to an inspector of the Poultry Division, U.S. Department of Agriculture.

WARNING

Failure to comply with these instructions will result in penalty action being taken against the holder of the customs entry bond.

If the product is found to be acceptable upon inspection, the package will be marked "Approved for Import Under E.P.I.A." and this warning notice defaced.

(d) No person shall affix, break, alter, deface, mutilate, remove, or destroy any special import seal of the U.S. Department of Agriculture, except customs officers or inspectors or as provided in paragraph (f) of this section.

(e) No product shall be removed from any means of conveyance or package sealed with a special import seal of the U.S. Department of Agriculture, except under the supervision of an inspector or a customs officer, or as provided in paragraph (f) of this section.

(f) In case of a wreck or similar extraordinary emergency, the special import seal of the U.S. Department of Agriculture on a car, truck, or other means of conveyance may be broken by the carrier and, if necessary, the articles may be reloaded into another means of conveyance for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Chief of the Grading Branch.

(g) The consignee or his agent shall provide such facilities and assistance as the inspector may require for the inspection and handling and marking of products offered for importation.

§ 59.935 Means of conveyance and equipment used in handling eggs and egg products to be maintained in sanitary condition.

Compartment of boats, railroad cars, and other means of conveyance transporting any product to the United States, and all chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling such product offered for importation, shall be maintained in a sanitary condition.

§ 59.940 Marking of eggs and egg products offered for importation.

Eggs and egg products which upon inspection are found to be acceptable for importation into the United States shall be marked "Approved for Import Under E.P.I.A." Products which are inspected and rejected shall be marked "U.S. Refused Entry." Such marks shall be applied to the shipping containers.

§ 59.945 Foreign eggs and egg products offered for importation; reporting of findings to customs handling of products refused entry.

(a) Inspectors shall report their finding to the collector of customs at the port where products are offered for entry, and shall request the collector to refuse entry to eggs or egg products which are marked or designated "U.S. Refused Entry" or otherwise are not in compliance with these regulations. Unless such products are exported by the consignee within a time specified by the collector of customs (usually 30 days), the consignee shall cause the destruction of such products for human food purposes under the supervision of an inspector. If products are destroyed for human food purposes under the supervision of an inspector, he shall give prompt notice thereof to the collector of customs.

(b) Consignees shall, at their own expense, return immediately to the collector of customs, in means of conveyance or packages sealed with the special import seal of the U.S. Department of Agriculture, any eggs or egg product received by them under this part which is marked or designated "U.S. Refused Entry," or which in any respect does not comply with this part.

(c) Except as provided in § 59.930(a), no person shall remove or cause to be removed from any place designated as the place of inspection, any eggs or egg products which the regulations require to be marked in any way, unless the same has been clearly and legibly marked in compliance with this part.

§ 59.950 Labeling of containers of eggs or egg products for importation.

(a) Immediate containers of product offered for importation shall bear a label, printed in English, showing: (1) the name of product; (2) the name of the country of origin preceded by the words "Product of," which statement shall appear immediately under the name of the product; (3) the grade and size of shell eggs; (4) for egg products, the word "Ingrediants" followed by a list of the ingredients in order of descending proportions; (5) the name and place of business of manufacturer, packer or distributor, qualified by a phrase which reveals the connection that such person has with the product; (6) an accurate statement of the quantity; (7) the inspection mark of the country of origin; and (8) the plant number of the plant at which the egg product was processed and/or packed.

(b) The labels shall not be false or misleading in any respect.

§ 59.955 Labeling of shipping containers of eggs or egg products for importation.

(a) Shipping containers of foreign product which are shipped to the United States shall bear in a prominent and legible manner the true name of the product, the name of the country of origin, the plant number of the plant in which the egg product was processed and/or packed and the inspection mark of the country of origin, the quality for shell eggs, except as required in § 59.905 of this part. Labeling on shipping containers shall be examined at the time of inspection in the United States, and if found to be false or misleading, the product shall be refused entry.

(b) In the case of products which are not in compliance solely because of misbranding, such products may be brought into compliance with the regulations only under the supervision of an authorized representative of the Administrator.

§ 59.960 Small importations for consignee's personal use, display, or laboratory analysis.

Any eggs or egg products which are offered for importation, exclusively for the consignee's personal use, display, or laboratory analysis, or not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and does not contain any substance not permitted by the Act or regulations may be admitted into the United States without a foreign inspection certificate. Such product is not required to be inspected upon arrival in the United States and may be shipped

to the consignee without further restriction under this part: *Provided*, That the Department may, with respect to any specific importation, require that the consignee certify that such product is exclusively for the consignee's personal use, display, or laboratory analysis and not for sale or distribution.

§ 59.965 Returned United States inspected and marked products; not importations.

Products which have been inspected by the United States Department of Agriculture and so marked, and which are returned from foreign countries are not importations within the meaning of this part. Such returned shipments shall be reported to the Administrator by letter.

§ 59.970 Charges for storage, cartage, and labor with respect to products imported contrary to the Act.

All charges for storage, cartage, and labor with respect to any product which is imported contrary to this part shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such product and any other product thereafter imported under the Act by or for such owner or consignee.

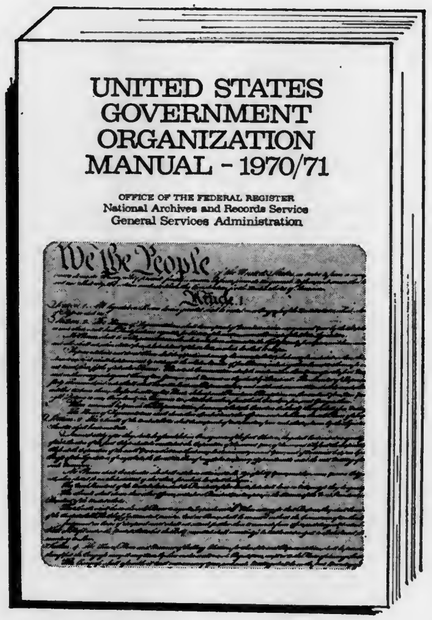
Signed at Washington, D.C., this 8th day of March 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-3459 Filed 3-16-71;8:45 am]

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NOTE: This issue contains an amendment adopted by the Administrative Committee of the Federal Register. See page 5203.



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Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
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Customs Bureau
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Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

PART 16—PREPARATION AND TRANSMITTAL OF DOCUMENTS GENERALLY

Summary Statements and Highlights Listing

The purpose of this amendment is to require that a brief summary statement written in layman's language and describing the contents, accompany each document (with certain stated exceptions) that is submitted for publication in the FEDERAL REGISTER. Selected summary statements will be used in a "Highlights" listing which will appear in a prominent place in the FEDERAL REGISTER.

This amendment is based on a notice of proposed rule making published in the FEDERAL REGISTER on December 1, 1970 (35 F.R. 18297). The vast majority of the comments received in response to the notice enthusiastically supported the proposal. In addition to indicating their support, most of the Federal agencies which responded stated that the additional requirement would not place any undue burden on their regulatory programs. Several agencies raised technical questions that will be discussed further below.

MORE THAN "HIGHLIGHTS" NEEDED

A large percentage of the non-governmental comments, as well as several of the comments from Federal agencies, recommended that the Administrative Committee should go much further than just requiring "caption" type statements for use in the highlights listing.

The gist of most of these comments was that many of the documents published in the FEDERAL REGISTER are as difficult for the legal or technical expert to comprehend as they are for the average layman. From the number of such comments received, it is apparent that President Nixon on March 12, 1970, expressed a widely held viewpoint in his response to a remark by his Special Assistant for Consumer Affairs, Mrs. Virginia Knauer. Mrs. Knauer observed that the FEDERAL REGISTER "is absolutely incomprehensible to the average consumer." The President commented "Or to anyone else."

The recommendation made most often by the commenters was that the Administrative Committee require that each document must contain a clear, concise explanation of the substance of the document and the major issues involved. Adoption of such a requirement at this time would be beyond the scope of the Administrative Committee's proposal. However, because of the large number of such comments and recommendations, the Administrative Committee is convinced that further efforts to improve the FEDERAL REGISTER necessitate actions to improve the individual documents submitted for publication therein.

In this connection, it is interesting to note that the legislative history of the provision that became section 4(a)(3) of the Administrative Procedure Act (now 5 U.S.C. 553) indicates that Congress intended that each proposed rulemaking document would clearly state the issues involved. For example, in an explanation of an earlier draft of the provision that became section 4(a)(3) the Senate Committee report states "Agency notice must be sufficient to fairly apprise interested parties of the issues involved, so that they may present responsive data or argument relating thereto." (Legislative History of the Administrative Procedure Act, 79th Congress, 2d Session, Senate Document No. 248, p. 200. See also similar explanations at pp. 18, 258 and 358.)

Therefore, while no additional requirement is being included in this rulemaking action, the Administrative Committee urges each Federal agency submitting documents for publication in the FEDERAL REGISTER to review its rulemaking program to insure that each document is written in the clearest possible manner. Further, the Committee recommends that each document contain an adequate preamble explaining the significance of the action taken or being proposed. Whenever the length of the preamble warrants, the first paragraph should be a summary of the substance of the document and the major issues involved.

As several commenters pointed out, the existence of an adequate preamble explanation would in the long run save each Federal agency much time and effort in its overall rulemaking program and could, in some cases, avoid costly litigation. Further, as many commenters pointed out, the existence of a summary paragraph in each document clearly written in layman's terms would facilitate the publication of a separate consumer oriented publication of the type recommended by the Administrative Conference of the United States in 1969.

The Administrative Committee points out that under 1 CFR 3.11 the Office of the Federal Register has for many years conducted training programs in regulatory writing and procedures for the Federal agencies. In its future programs the Office will place more emphasis on the problems and proposed solutions discussed above.

FEDERAL REGISTER users are invited to write to the Office of the Federal Register whenever they feel that a published document does not contain a clear explanatory statement. Where it appears to be warranted, the Office of the Federal Register will then work with the agency involved to improve the quality of future documents. Should it prove to be necessary, the Administrative Committee will of course consider further rulemaking action.

SPECIFIC COMMENTS ON "HIGHLIGHTS" PROPOSAL

A number of commenters (including many which were enthusiastically favorable) raised specific questions as to the proposal's effect, if adopted, on the rest of the FEDERAL REGISTER.

Several of the questions raised are easily answered. For example, there was no intent to change the basic format of the Contents pages of the daily FEDERAL REGISTER. The Table of Contents will be continued and the full text of every document will be printed as in the past.

The other questions raised and the Administrative Committee's disposition thereof are as follows:

Legal effect of highlights listing. A number of comments expressed concern that the wording of a highlight item, or the absence of a highlights listing could have some effect on the legality of a rulemaking document. Several commenters recommended that the Committee should make it clear by some sort of disclaimer that each document would stand on its own and would not be legally affected by the existence, absence, or wording of a highlights listing. The Administrative Committee concurs and appropriate language has been included in the final rule. Furthermore, a note to the same effect will be included in the daily FEDERAL REGISTER.

Editorial control. A number of commenters expressed concern that the highlights items would be no more clear or usable for the average layman than past headings if they were written by the

agency promulgating the document. As stated in the notice, the Administrative Committee believes that the initial wording of each highlights-type caption should be drafted by the agency that is most familiar with the document. The Office of the Federal Register will, however, retain final editorial control over the exact wording of each highlight item and also will finally decide what items are to be included in the highlights listing. The Office of the Federal Register will of course try to work out with the agency involved any disagreements and will resolve any differences with the public interest foremost in mind. In view of the almost unanimous endorsement of this proposal by the Federal agencies that responded and the fact that most agencies offered their complete cooperation, the Administrative Committee does not anticipate any serious problems in this regard.

Exceptions from proposed requirement. A number of the Federal agencies responding requested broader exceptions than those proposed. At least one agency recommended that submission of a highlights caption be left to the discretion of each agency. On the other hand a number of private commenters (particularly those representing consumer groups) recommended the elimination of any exceptions. Several of the latter expressed concern that by opening the door to individual agency exceptions the Administrative Committee was establishing a potential basis for rendering the requirement ineffective. The Administrative Committee believes that there are identifiable classes of documents that should routinely be exempted from this requirement so as not to impose unnecessary paperwork on Federal agencies. The rule, as adopted, limits the general exceptions and leaves further exceptions to the discretion of the Director of the Federal Register. The Committee also recognizes that any regulation can be seriously weakened by exemptions handled on an individual basis. To avoid this the regulation as adopted requires the Director of the Federal Register to publish monthly in the FEDERAL REGISTER a list of any exceptions granted, identifying the agency involved and the nature of the documents excepted.

Wording of highlight item. Several commenters recommended that each highlight item include identification of the nature of the action involved, the responsible Federal agency and, where applicable, significant dates, such as closing date for comments, hearing date, etc. It is planned to include all this information and the final rule is so stated.

Mechanics of highlights requirement. Several Federal agencies objected to the proposed requirement that each highlight item be included on a separate sheet of paper. This requirement is necessary to minimize the additional workload on the FEDERAL REGISTER staff. It should not impose any significant additional burden on each Federal agency as most agencies indicated.

As several commenters noted, the separate sheet of paper will have to be clearly identified so that it can be associated with the proper document if it becomes separated in processing. The additional workload involved can be reduced whenever the caption for the basic document is for the most part usable as a highlights item.

In consideration of the foregoing, a new § 16.25 is added to Title 1 of the Code of Federal Regulations reading as follows:

SUMMARY STATEMENTS

§ 16.25 Highlights; submission of summary statements.

(a) Except as provided in paragraph (b) of this section, each agency which submits a document for publication in the FEDERAL REGISTER shall furnish with the document two copies of a descriptive catchword or phrase and a brief statement that: (1) Names the agency issuing the document; (2) summarizes the principal subject of the document; and (3) states any important dates, such as closing date for comments, hearing date, or effective date. While this requirement is in addition to the heading requirements in Parts 17 and 18 of this chapter the language of the summary statement submitted under this section and the headings may be the same whenever appropriate. The following are examples of the types of statements intended by this requirement:

DETERGENTS—proposed FTC labeling and advertising requirements for synthetic detergents—comment period ends 4–19–71; public hearing 4–26–71.

COAL MINE SAFETY—Interior Department procedures to assess civil penalties for violations—effective 1–16–71.

(b) A summary statement need not be submitted with a document that is making nonsubstantive changes which are corrective or editorial in nature. Additional exceptions to this requirement may be granted by the Director of the Federal Register. The Director of the Federal Register will publish monthly in the FEDERAL REGISTER a list of classes of documents exempted under this section during the preceding month. The list will state the agency involved and the document or class of documents.

(c) Selected summary statements submitted under this section will be included in a highlights listing which will be printed in a prominent place in the daily FEDERAL REGISTER. The Director of the Federal Register will exercise final editorial control over the wording of each summary statement and will make the final determination as to its inclusion in the highlights listing.

(d) Neither failure to submit a summary statement under this section, nor failure to print such a statement in the highlights listing in the FEDERAL REGISTER shall affect the legal status of a document printed in the FEDERAL REGISTER. Highlights listings printed in the FEDERAL REGISTER are intended solely to serve as an aid to readers and the wording of a listed item is not intended to interpret the language of the document. FEDERAL REGISTER readers should continue to use the Table of Contents to identify the documents published in each issue and should refer to the text of a document to determine its legal effect.

(44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709, 3 CFR, 1954–1958 Comp.)

Effective date. This amendment shall become effective for documents submitted to the Office of the Federal Register after April 27, 1971.

ADMINISTRATIVE COMMITEE OF THE FEDERAL REGISTER,
JAMES B. RHOADS,
Archivist of the United States, Chairman.
A. N. SPENCE,
The Public Printer, Member.
MARY O. EASTWOOD,
Representative of the Attorney General, Member.

Approved:
JOHN N. MITCHELL,
Attorney General.
ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-3869 Filed 3-17-71;10:44 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to reflect the current title of the Assistant Secretary for Systems Development and Technology in the Schedule C listings of his Confidential Secretary and Special Assistant. Effective on publication in the FEDERAL REGISTER (3–18–71), subparagraphs (9) and (20) of paragraph (a) of § 213.3394 are amended as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(9) One Confidential Secretary to the Assistant Secretary for Systems Development and Technology.

• • • • • •

(20) One Special Assistant to the Assistant Secretary for Systems Development and Technology.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-3762 Filed 3-17-71;8:48 am]

Chapter XIV—Federal Labor Relations Council and Federal Service Impasses Panel

SUBCHAPTER B—FEDERAL LABOR RELATIONS COUNCIL

PART 2411—REVIEW FUNCTIONS OF THE COUNCIL

Subpart B—Procedures for Council Review

TIME LIMITS FOR FILING PAPERS

During public hearings held October 7–9, 1970, as announced at 35 F.R. 14279, some labor organizations recommended that the Council take action to insure that negotiability issues can be taken quickly to agency heads for prompt determination. On the basis of those recommendations and a subsequent analysis of the Council's experience to date in processing negotiability appeals, paragraph (a) of § 2411.14 is revised to read as follows:

§ 2411.14 Time limits for filing papers.

(a) The time limit for filing a petition for review is 20 days from the date the decision or award was served on the party seeking review. However, review may be requested by a labor organization without a prior decision on a negotiability issue subject to section 11(c)(4) of the Order, if the agency head or his designee has not made a decision—

(1) Within 45 days after a party to the negotiations initiates referral of the issue for decision, in writing, through prescribed agency channels; or

(2) Within 15 days after receipt by the agency head or his designee of a written request for such decision following referral through prescribed agency channels, or following direct submission if no agency channels are prescribed.

• • • • • •

This revision shall be effective 30 days after its publication in the FEDERAL REGISTER.

For the Council.

ROBERT E. HAMPTON,
Chairman.

[FR Doc.71-3785 Filed 3-17-71;8:50 am]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

PART 760—INDEMNITY PAYMENT PROGRAMS

Subpart—Dairy Indemnity Program

The regulations issued by the Department of Agriculture which set forth the terms and conditions under which indemnity payments will be made to eligible dairy farmers whose milk is removed from the market because of pesticide residue content (33 F.R. 2497), as amended (33 F.R. 17341), are hereby revised to read as follows in order to extend the effective date of the indemnity payment program and to incorporate provisions for making indemnity payments to manufacturers of dairy products who have been directed to remove their dairy products from commercial markets because of pesticide residues.

PROGRAM OPERATIONS

Sec.
760.1 Administration.
760.2 Definitions.

PAYMENTS TO DAIRY FARMERS

760.3 Indemnity payment.
760.4 Normal marketings.
760.5 Fair market value.
760.6 Information to be furnished.
760.7 Other requirements for affected farmers.
760.8 Application for payment.

PAYMENTS TO MANUFACTURERS

760.11 Payments to manufacturers of dairy products.
760.12 Application for payment.
760.13 Information to be furnished by manufacturer.
760.14 Other requirements for affected manufacturers.

GENERAL PROVISIONS

760.15 Limitation of authority.
760.16 Estates and trusts; minors.
760.17 Appeals.
760.18 Setoffs.
760.19 Overdisbursement.
760.20 Death, incompetency or disappearance.
760.21 Records and inspection thereof.
760.22 Assignment.
760.23 Instructions and forms.

AUTHORITY: The provisions of this Part 760 issued pursuant to Public Law 90–484 (82 Stat. 750), as amended, Public Law 91–524 (84 Stat. 1361).

PROGRAM OPERATIONS

§ 760.1 Administration.

This indemnity payment program will be carried out by ASCS under the direction and supervision of the Deputy Administrator. In the field, the program will be administered by the State and County Committees.

§ 760.2 Definitions.

For purposes of this subpart, the following terms shall have the meanings specified:

(a) "Secretary" means the Secretary of Agricultural of the United States or any officer or employee of the U.S. Department of Agricultural to whom he has delegated, or to whom he may hereafter delegate, authority to act in his stead.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "Deputy Administrator" means the Deputy Administrator, State and County Operations, ASCS.

(d) "State Committee" means the Agricultural Stabilization and Conservation State Committee.

(e) "County Committee" means the Agricultural Stabilization and Conservation County Committee.

(f) "Pesticide" means an economic poison which was registered pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135–135k), and recommended for use either (1) in Agriculture Handbook No. 313 or 331 "Suggested Guide for the Use of Insecticides to Control Insects Affecting Crops, Livestock, Households, Stored Products, and Forest Products," or any revision of such handbooks published by the U.S. Department of Agriculture, or (2) by any other agency of the Federal Government.

(g) "Public agency" means any Federal, State, or local public regulatory agency.

(h) "Affected farmer" means a person who produces whole milk which is removed from the commercial market any time from January 1, 1964, to June 30, 1973, pursuant to the direction of a public agency or a milk handler because of the detection of pesticide residue in such whole milk by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency.

(i) "Affected manufacturer" means a person who manufactures dairy products which are removed from the commercial market any time from November 30, 1970, to June 30, 1973, pursuant to the

direction of a public agency because of the detection of pesticide residue in such dairy products by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency.

(j) "Milk handler" means the marketing agency to or through which the affected dairy farmer marketed his whole milk at the time he was directed to remove his whole milk from the commercial market.

(k) "Person" means an individual, partnership, association, corporation, trust, estate or other legal entity.

(l) "Application period" means any period beginning not earlier than January 1, 1964, and ending not later than June 30, 1973, during which an affected farmer's whole milk is removed from the commercial market pursuant to direction of a public agency or milk handler for the reason specified in paragraph (h) of this section and for which application for payment is made.

(m) "Pay period" means (1) in the case of an affected farmer who markets his whole milk through a milk handler, the period used by the milk handler in settling with the affected farmer for his whole milk, usually biweekly or monthly, or (2) in the case of an affected farmer whose commercial market consists of direct retail sales to consumers, a calendar month.

(n) "Whole milk" means milk as it is produced by cows.

(o) "Commercial market" means (1) the market to which the affected farmer normally delivers his whole milk and from which it was removed because of detection therein of pesticide residue, or (2) the market to which the affected manufacturer normally delivers his dairy products and from which they were removed because of detection therein of pesticide residue.

(p) "Removed from the commercial market" means (1) produced and destroyed or fed to livestock, (2) produced and delivered to a handler who destroyed it or disposed of it as salvage (such as separating whole milk, destroying the fat, and drying the skim milk), or (3) produced and otherwise diverted to other than the commercial market.

(q) "Payment subject to refund" means a payment which is made by a milk handler to an affected farmer, and which such farmer is obligated to refund to the milk handler.

PAYMENT TO DAIRY FARMERS

§ 760.3 Indemnity payment.

An indemnity payment will be made to an affected farmer who is determined by the County Committee to be in compliance with all the terms and conditions of this subpart in the amount of the fair-market value of his normal marketings for the application period, as determined in accordance with §§ 760.4 and 760.5, less (a) any amount he received for whole milk marketed during the application period, and (b) any payment not subject to refund which he received from a milk handler with respect to whole milk removed from the commercial market during the application period.

§ 760.4 Normal marketings.

(a) The County Committee shall determine the affected farmer's normal marketings which, for the purposes of this subpart, shall be the sum of the quantities of whole milk which such farmer would have sold in the commercial market in each of the pay periods in the application period but for the removal of his whole milk from the commercial market because of the detection of pesticide residue.

(b) Determination of normal marketings for each pay period shall be based upon: (1) If the affected farmer or another person marketed whole milk from the farm during the period in the previous year equivalent to the pay period, the marketings of whole milk from the farm during such equivalent period, or (2) if the affected farmer or another person did not market whole milk from the farm during the period in the previous year equivalent to the pay period, the average of the affected farmer's marketings of whole milk from the farm per pay period during the 3 months immediately prior to removal of his whole milk from the commercial market.

(c) The base for normal marketings determined (1) under paragraph (b)(1) of this section shall be adjusted to reflect any change in the rate of the affected farmer's whole milk production from the production of the previous year due to factors such as changes in herd size both before and after removal of whole milk from the commercial market, and changes in management practices before such removal, or (2) under paragraph (b)(2) of this section shall be adjusted to reflect normal changes in the affected farmer's whole milk production during the pay period due to seasonal factors affecting production and changes in herd size.

(d) If only a portion of a pay period falls within the application period, normal marketings for such pay period shall be reduced so that they represent only that part of such pay period which is within the application period.

§ 760.5 Fair market value.

(a) The County Committee shall determine the fair market value of the affected farmer's normal marketings, which, for the purposes of this subpart, shall be the sum of the net proceeds such farmer would have received for his normal marketings in each of the pay periods in the application period.

(b) The County Committee shall determine the net proceeds the affected farmer would have received in each of the pay periods in the application period (1) in the case of an affected farmer who markets his whole milk through a milk handler, by multiplying the affected farmer's normal marketings for each such pay period by the average net price per hundredweight of whole milk paid during the pay period by such farmer's milk handler in the same area for whole milk similar in quality and butterfat test to that marketed by the affected farmer in the base period used to determine his normal marketings, or (2) in the case of an affected farmer whose commercial market consists of direct retail sales to consumers, by multiplying the affected farmer's normal marketings for each such pay period by the average net price per hundredweight of whole milk, as determined by the County Committee, which other producers in the same area who marketed their whole milk through milk handlers received for whole milk similar in quality and butterfat test to that marketed by the affected farmer during the base period used to determine his normal marketings.

(c) In determining the net price for whole milk, the County Committee shall deduct from the gross price therefor any transportation, administrative, and other costs of marketing which it determines are normally incurred by the affected farmer but which were not incurred because of the removal of his whole milk from the commercial market.

§ 760.6 Information to be furnished.

The affected farmer shall furnish to the County Committee complete and accurate information sufficient to enable it to make the determinations required in §§ 760.4 and 760.5. Such information shall include, but is not limited to:

(a) A copy of the notice from, or other evidence of action by, the public agency or milk handler which resulted in the removal of the affected farmer's whole milk from the commercial market.

(b) The name of the pesticide causing the removal of his whole milk from the commercial market, if not included in the notice or other evidence of action furnished under paragraph (a) of this section.

(c) A record of the quantity and butterfat test of whole milk which he produced on his farm and marketed, (1) if the affected farmer is covered by the provisions of § 760.4(b)(1), during each pay period during the 15 months immediately prior to the time the whole milk was removed from the commercial market, or (2) if the affected farmer is covered by the provision of § 760.4(b)(2), during the 3 months immediately prior to the removal of his whole milk from the commercial market. This record shall be either a certified statement furnished by the affected farmer's milk handler, or such other evidence as the County Committee determines accurately establishes the butterfat test and quantity of whole milk produced and marketed during such periods.

(d) The number of cows milked during each pay period in the application period, and during the pay periods within the 3-month period immediately prior to the application period.

(e) If the affected farmer markets his whole milk through a milk handler, a statement from the milk handler showing

for each pay period in the application period, the average price per hundredweight of whole milk paid producers in the affected farmer's area for whole milk similar in quality to that marketed by the affected farmer during the base period used to determine his normal marketings. If the milk handler has information as to the transportation, administrative, and other costs of marketing which are normally incurred by producers who market through the milk handler but which the affected farmer did not incur because of removal of his whole milk from the market, the average price stated by the milk handler shall be the average gross price paid producers less any such costs. If the milk handler does not have such information, the affected farmer shall furnish a statement setting forth such costs, if any.

(f) The amount of proceeds, if any, received by the affected farmer from the marketing of whole milk produced during the application period.

(g) The amount of any payments not subject to refund made to the affected farmer by the milk handler with respect to the whole milk produced during the application period and removed from the commercial market.

(h) To the extent that such information is available to the affected farmer, the name of any pesticide used on the farm within 24 months prior to the application period, the use made of the pesticide, the approximate date of such use, and the name of the manufacturer and the registration number, if any, on the label on the container of the pesticide.

(i) To the extent possible, the source of the pesticide that caused the contamination of the whole milk, and the results of any laboratory tests on the feed supply.

(j) Such other information as the County Committee may request to enable them to make the determinations required in this subpart.

§ 760.7 Other requirements for affected farmers.

An indemnity payment will be made under this subpart to an affected farmer only under the following conditions:

(a) If the pesticide contaminating the milk was used by the affected farmer, he establishes each of the following:

(1) That the pesticide, when used, was registered and recommended for such use as provided in § 760.2(f);

(2) That the contamination of his milk was not the result of his failure to use the pesticide according to the directions and limitations stated on the label of the pesticide; and

(3) That the contamination of his milk was not otherwise his fault.

(b) If the pesticide contaminating the milk was not used by the affected farmer:

(1) He did not know or have reason to believe that any feed which he purchased and which contaminated his milk contained a harmful level of pesticide residue;

(2) None of the milk was produced by dairy cattle which he knew, at the time he acquired them, were contaminated by pesticide residue; and

(3) The contamination of his milk was not otherwise his fault.

(c) The affected farmer has adopted practices recommended for eliminating pesticide residues from his milk as soon as practicable.

§ 760.8 Application for payment.

The affected farmer or his legal representative, as provided in §§760.16 and 760.20, must sign and file an application for payment on a form which is approved for that purpose by the Deputy Administrator. The form must be filed with the ASCS County Office for the county where the farm headquarters are located no later than August 31, 1973, or such later date as the Deputy Administrator may specify. The application for payment shall cover application periods of at least 28 days, except that, if the entire application period, or the last application period, is shorter than 28 days, applications for payments may be filed for such shorter period. The application for payment shall be accompanied by the information required by § 760.6 as well as any other information which will enable the County Committee to determine whether or not the making of an indemnity payment is precluded for any of the reasons set forth in § 760.7. Such information shall be submitted on such forms as may be approved for the purpose by the Deputy Administrator.

PAYMENTS TO MANUFACTURERS

§ 760.11 Payments to manufacturers of dairy products.

An indemnity payment will be made to the affected manufacturer who is determined by the Deputy Administrator to be in compliance with all the terms and conditions of this subpart in the amount of the fair market value of the product removed from the commercial market because of pesticide residues, less any amount the manufacturer receives for the product in the form of salvage.

§ 760.12 Application for payment.

The affected manufacturer, or his legal representative, shall file an application for payment with the Deputy Administrator, ASCS, Washington, D.C., through the county office serving the county where the contaminated product is located. The application for payment may be in the form of a letter or memorandum. Such letter or memorandum, however, must be accompanied by acceptable documentation to support such application for payment.

§ 760.13 Information to be furnished by manufacturer.

The affected manufacturer shall furnish the Deputy Administrator, through the County Committee, complete and accurate information sufficient to enable him to make the determination as to the manufacturer's eligibility to receive an indemnity payment. Such information shall include but is not limited to:

(a) A copy of the notice or other evidence of action by the public agency which resulted in the product being removed from the commercial market.

(b) The name of the pesticide causing the removal of the product from the commercial market and, to the extent possible, the source of the pesticide.

(c) A record of the quantity of milk or butterfat used to produce the product for which an indemnity payment is requested.

(d) The identity of any pesticide used by the affected manufacturer.

(e) Such other information as Deputy Administrator may request to enable him to make the determinations required in this subpart.

§ 760.14 Other requirements for affected manufacturers.

An indemnity payment will be made under this subpart to an affected manufacturer only under the following conditions:

(a) If the pesticide contaminating the product was used by the affected manufacturer, he establishes each of the following: (1) That the pesticide, when used, was registered and recommended for such use as provided in § 760.2(f); (2) that the contamination of his product was not the result of his failure to use the pesticide in accordance with the directions and limitations stated on the label of the pesticide; and (3) that the contamination of his product was not otherwise his fault.

(b) If the pesticide contaminating the product was not used by the affected manufacturer: (1) He did not know or have reason to believe that the milk from which the product was processed contained a harmful level of pesticide residue; and (2) the contamination of his product was not otherwise his fault.

GENERAL PROVISIONS

§ 760.15 Limitation of authority.

(a) County executive directors and State and County Committees do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(b) The State Committee may take any action authorized or required by the regulations in this subpart to be taken by the County Committee when such action has not been taken by the County Committee. The State Committee may also (1) correct, or require a County Committee to correct, any action taken by such County Committee which is not in accordance with the regulations in this subpart, or (2) require a County Committee to withhold taking any action which is not in accordance with the regulations in this subpart.

(c) No delegation herein to a State or County Committee shall preclude the Deputy Administrator or his designee from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or County Committee.

§ 760.16 Estates and trusts; minors.

(a) A receiver of an insolvent debtor's estate and the trustee of a trust estate shall, for the purposes of this subpart, be considered to represent an insolvent affected farmer or manufacturer and the beneficiaries of a trust, respectively, and the production of the receiver or trustee shall be considered to be the production of the person or manufacturer he represents. Program documents executed by any such person will be accepted only if they are legally valid and such person has the authority to sign the applicable documents.

(b) An affected dairy farmer or manufacturer who is a minor shall be eligible for indemnity payments only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable program documents are signed by the guardian; or (3) a bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had he been an adult.

§ 760.17 Appeals.

The Appeal Regulations issued by the Administrator, ASCS, Part 780 of this chapter, shall be applicable to appeals by dairy farmers or manufacturers from determinations made pursuant to the regulations in this subpart.

§ 760.18 Setoffs.

(a) If the affected farmer or manufacturer is indebted to any agency of the United States and such indebtedness is listed on the county debt record, indemnity payments due the affected farmer or manufacturer under the regulations in this part shall be applied, as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(b) Compliance with the provisions of this section shall not deprive the affected farmer or manufacturer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 760.19 Overdisbursement.

If the indemnity payment disbursed to an affected farmer or to manufacturer exceeds the amount authorized under the regulations in this subpart, the affected farmer or manufacturer shall be personally liable for repayment of the amount of such excess.

§ 760.20 Death, incompetency or disappearance.

In the case of the death, incompetency, or disappearance of any affected farmer or manufacturer who is entitled to an indemnity payment, such payment may be made to the person or persons specified in the regulations contained in Part 707 of this chapter. The person requesting such payment shall file Form ASCS-325, "Application For Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," as provided in that part.

§ 760.21 Records and inspection thereof.

(a) The affected farmer, as well as his milk handler and any other person who furnishes information to such farmer or to the County Committee for the purpose of enabling such farmer to receive a milk indemnity payment under this subpart, shall maintain any existing books, records and accounts supporting any information so furnished for 3 years following the end of the year during which the application for payment was filed. The affected farmer, his milk handler and any other person who furnishes such information to the affected farmer or to the County Committee, shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine and make copies of such books, records and accounts.

(b) The affected manufacturer or any other person who furnishes information to the Deputy Administrator for the purposes of enabling such manufacturer to receive an indemnity payment under this subpart shall maintain any books, records, and accounts supporting any information so furnished for 3 years following the end of the year during which the application for payment was filed. The affected manufacturer or any other person who furnishes such information to the Deputy Administrator shall permit authorized representatives of the Department of Agriculutre and the General Accounting Office, during regular business hours, to inspect, examine, and make copies of such book, records, and accounts.

§ 760.22 Assignment.

No assignment shall be made of any indemnity payment due or to come due under the regulations in this subpart.

§ 760.23 Instructions and forms.

The Deputy Administrator shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in this subpart. Affected farmers and manufacturers may obtain the forms and information necessary to make application for a milk indemnity payment from the ASCS County Office.

NOTE: The reporting and/or recordkeeping requirements contained herein has been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of publication (3-18-71).

Signed at Washington, D.C., on March 12, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-3742 Filed 3-17-71;8:47 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 230]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.530 Navel Orange Regulation 230.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Naval oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 16, 1971.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period March 19, 1971 through March 25, 1971, are hereby fixed as follows:

(i) District 1: 852,000 cartons;
(ii) District 2: 348,000 cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated:

Dated: March 17, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3875 Filed 3-17-71;11:35 am]

[Valencia Orange Reg. 339]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.639 Valencia Orange Regulation 339.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 16, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 19, 1971 through March 25, 1971, are hereby fixed as follows:

(i) District 1: Unlimited;
(ii) District 2: Unlimited;
(iii) District 3: 101,278 cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 17, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3876 Filed 3-17-71;11:35 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-12-AD; Amdt; 39-1174]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/720 Series Aircraft

Amendment 39-786 (34 F.R. 9748), AD 69-13-2, as amended by Amendment 39-800 (34 F.R. 12214), requires inspection and modification of the rudder hydraulic power actuator support fitting. After the issuance of Amendment 39-800, a failure of the upper and lower lugs of the actuator support fitting on the rudder occurred approximately 3,600 hours after the installation of the flanged bushings and 80 hours after the 1,200-hour inspection prescribed in paragraph (c) of AD 69-13-2. A visual inspection had been performed in this instance. The manufacturer has issued Revision 5 of the Service Bulletin No. 2903 in the light of this service experience. The agency has determined that, due to this service experience, the visual inspection allowed as one means of accomplishment of paragraphs (a) and (c) of AD-69-13-2, while providing a reasonable assurance as to the status of the fleet in general, is not entirely satisfactory. Therefore, for aircraft which have already been made subject to the inspection program prescribed by AD 69-13-2, a more intensive inspection program requiring ultrasonic or, with the bushings removed, an eddy current or dye penetrant inspection of the support fittings is being established. Some operators have already initiated this program as one of the means provided to accomplish paragraphs (a) and (c) of AD 69-13-2. For those aircraft that have not, since the original effective date of AD 69-13-2, received any of the inspections prescribed by that AD, and which, subsequent to the issuance of this Amendment, will be placed in service in air commerce with airworthiness certificates issued by the FAA, the agency is requiring that these aircraft receive, prior to further flight, either an ultrasonic inspection or, with the bushings removed, a dye penetrant or eddy current inspection of the support fittings and, in addition, the installation of the flanged aluminum-nickel-bronze bushings per paragraph (b) of this AD.

The terminating action of the AD is not being amended.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER (3-18-71).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-786 (34 F.R. 9748), AD 69-13-2, as amended by Amendment 39-800 (34 F.R. 12214), is further amended by adding new paragraphs d and e to the subject AD, as follows:

d. For those aircraft that have been previously inspected per paragraphs (a) and (c) above, but have not yet been modified by the replacement of the support fitting per (c) as of the effective date of this amendment to AD 69-13-2, as amended, accomplish the following in lieu of the repetitive inspections required by (a) (3) or (c) above, until a new support fitting made of 7075-T73 material is installed in accordance with (c), above:

1. Unless accomplished within the last 600 hours' time in service prior to the effective date of this amendment, within the next 600 hours' time in service after the effective date of this amendment, perform an ultrasonic inspection or, after removal of all bushings, a dye penetrant or eddy current inspection for evidence of cracks in the support fitting in accordance with Boeing Service Bulletin 2903, Revisions 5 dated February 3, 1971, or later FAA-approved revision, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

2. If no cracks are detected, repeat the inspection of the support fitting per (d) (1)

at intervals not to exceed 1,200 hours' time in service until a new support fitting as described in (c) above, is installed.

3. If cracks are detected and are beyond rework limits per (a)(1), replace the fitting prior to further flight per (a)(2), above. On fittings other than those of 7075–T73 material, reinspect per (d)(2).

e. For those aircraft which have neither been inspected per paragraphs (a) and (c) above, nor modified by the replacement of the support fitting per (c), as of the effective date of this amendment to AD 69–13–2, as amended, accomplish the following in lieu of the repetitive inspections required by (a)(3) or (c) above, until a new support fitting made of 7075–T73 material is installed in accordance with (c), above.

1. Before further flight, remove the flush steel bushings and inspect the rudder hydraulic support fitting for cracks using ultrasonic or eddy current or dye penetrant inspection techniques in accordance with Boeing Service Bulletin 2903, Revision 4, dated June 2, 1969, and Revision 5, dated February 3, 1971, or later FAA-approved revision, or an equivalent method approved by the Chief, Aircraft Engineering Division, Western Region.

2. If cracks are found, either rework the fitting per (a)(1), above, or replace the fitting per (a)(2), above, whichever is applicable, before further flight.

3. If no cracks are found, before further flight install flanged aluminum-nickel-bronze bushings in the manner described in (b) above.

4. Reinspect fittings reworked per (e)(2) or (e)(3), above, at intervals not to exceed 1,200 hours' time in service in the manner described in (e)(1), above.

This amendment becomes effective on March 18, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 5, 1971.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[FR Doc.71-3752 Filed 3-17-71;8:48 am]

[Docket No. 70-EA-105; Amdt. 39-1173]

PART 39—AIRWORTHINESS DIRECTIVES

Cleveland Aircraft Products

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Cleveland Aircraft Products brake disc assembly P/N 164–32.

There have been reports of separation of the brake disc assembly at the weld area. Since this is a deficiency which can develop in other assemblies of similar design, an airworthiness directive is being issued which will require a repetitive inspection and replacement where necessary.

Since a condition exists which requires expeditious adoption of this amendment, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

CLEVELAND AIRCRAFT PRODUCTS. Applies to Cleveland Aircraft Products, Division of Van Sickle Industries, 6.00–6 wheel/brake assembly, P/N 3080C/37–200A. Compliance required as indicated.

To prevent failure of the brake, due to separation of the brake disc assembly, P/N 164–32, at the weld area, accomplish the following:

(a) Within the next 25 hours in service, after the effective date of this AD, or within 50 hours since the last brake inspection conducted pursuant to this paragraph, whichever comes later, unless the alteration of paragraph (c)(1) has been accomplished, perform the following inspection:

Remove brake disc assembly, P/N 164–32, from the wheel and inspect the weld which attaches the disc to the cup for cracks, using a 10-power glass or other FAA approved equivalent means. If any cracks or other obvious defects are found, replace the disc assembly as indicated in paragraph (c).

(b) Until the alteration of paragraph (c)(1) is accomplished, repeat the procedure of paragraph (a) each 50 hours in service after the last inspection.

(c) At next brake overhaul or brake disc replacement,

(1) Replace brake disc, P/N 164–32, with one-piece brake disc, P/N 164–32F, in accordance with Cleveland Service Bulletin No. ESB 7000–2, Rev. (A) 251–2, dated January 15, 1971, or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, Jamaica, N.Y. or

(2) If disc, P/N 164–32F, is not available at the time replacement is necessary, replace with disc, P/N 164–32, manufactured subsequent to May 23, 1969.

(This wheel and brake assembly installed on Piper PA–23–250 airplanes among others.)

This amendment is effective March 19, 1971.

(Sec. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-3753 Filed 3-17-71;8:48 am]

[Docket No. 71-EA-37; Amdt. 39-1175]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 69–5–1 applicable to DeHavilland DHC–6 type airplanes.

As a result of fatigue data compiled by the manufacturer and reviewed by this agency, it has been determined that the 50-hour repetitive inspection of the control column subassembly may be relaxed to a 100-hour inspection.

Since the foregoing amendment is relaxatory in nature, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 69–5–1 as follows:

(1) Amend AD 69–5–1 by deleting the words and figures "not to exceed 50 hours time in service" in paragraph (a) and insert in lieu thereof the words and figures "not to exceed 100 hours time in service".

This amendment is effective March 23, 1971.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 8, 1971.

ROBERT M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-3754 Filed 3-17-71;8:48 am]

[Airspace Docket No. 71-SO-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

On February 20, 1971, F.R. Doc. 71-2352 was published in the FEDERAL REGISTER (36 F.R. 3262), amending Part 71 of the Federal Aviation Regulations by altering certain control zones, including Fort Myers, Fla., and the Miami, Fla., transition area.

In the amendment, reference was made to Fort Myers, Fla., control zone, Fort Myers RBN and Tice RBN. Subsequent to publication of the rule, it was determined that discrepancies existed in the actions pertaining to Fort Myers and Tice. It is necessary to amend the rule to delete all references to Fort Myers and Tice. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 71-2352 is amended as follows: All references to "Fort Myers, Fla., Fort Myers RBN and Tice RBN" are deleted wherever they appear.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 5, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-3755 Filed 3-17-71;8:48 am]

[Airspace Docket No. 71-SO-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fort Myers, Fla., transition area.

The Fort Myers transition area is described in § 71.181 (36 F.R. 2140 and 2965). In the description, reference is made to the Fort Myers RBN which, in compliance with agency policy, requires a name change to "Tice RBN." Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Fort Myers, Fla., transition area (36 F.R. 2965) is amended as follows: "• • •" Fort Myers RBN • • •" is deleted and "• • • Tice RBN • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 5, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-3756 Filed 3-17-71;8:48 am]

[Airspace Docket No. 70-EA-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 16595 of the FEDERAL REGISTER for October 24, 1970, the Federal Aviation Administration published proposed regulations which would alter the Saranac Lake, N.Y. transition area (35 F.R. 2262).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 26, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Saranac Lake, N.Y., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 44°23'05" N., 74°12'20" W. of Adirondack Airport, Saranac Lake, N.Y.; within 4.5 miles southeast and 9.5 miles northwest of the Saranac Lake VOR 237° radial, extending from the VOR to 18.5 miles southwest of the VOR.

[FR Doc.71-3757 Filed 3-17-71;8:48 am]

[Airspace Docket No. 71-SW-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Designation of Control Zones and Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Killeen, Tex., terminal area.

On February 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 2404) stating the Federal Aviation Administration proposed to revoke, designate, and after controlled airspace in the Killeen, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In the notice of proposed rule making, the airspace descriptions of the Killeen, Tex., control zone and transition area included the statement, "excluding that portion within R–6302A." As the Federal Aviation Administration, Houston ARTC Center, is the controlling agency, the exclusions are unnecessary and are therefore deleted from the descriptions.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Killeen, Tex. (Fort Hood AAF), and Killeen, Tex. (Robert Gray AAF), control zones are revoked.

In § 71.171 (36 F.R. 2055), the Killeen, Tex., control zone is designated as follows:

KILLEEN, TEX.

Within a 5-mile radius of Fort Hood AAF (lat. 31°08'15" N., long. 97°42'50" W.); within a 4-mile radius of Killeen Municipal Airport (lat. 31°05'10" N., long. 97°41'05" W.); within 3 miles each side of the Hood VOR 219° radial extending from the 4-mile radius zone to 8 miles southwest of the VOR; within a 5-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49'45" W.); from the Gray RBN (lat. 31°07'18" N. within 3.5 miles each side of the 341° bearing long. 97°51'02" W.) extending from the 5-mile radius zone to 11 miles north of the RBN.

In § 71.181 (36 F.R. 2140), the Killeen, Tex., transition area is amended as follows:

KILLEEN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (lat. 31°08'15" N., long. 97°42'50" W.); within a 7-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49'45" W.); within 9.5 miles west and 5 miles east of the Hood VOR 352° and 172° radials extending from 2 miles north of the VOR to 12 miles south of the VOR; within 5 miles southeast and 9.5 miles northwest of the Hood VOR 219° T (210° M) radial extending from the VOR to 19 miles southwest of the VOR; within 3.5 miles each side of the 341° bearing from Gray RBN (lat. 31°07'18" N., long. 97°51'02" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Forth Worth, Tex., on March 9, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-3759 Filed 3-17-71;8:48 am]

[Airspace Docket No. 71-SW-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airways and Jet Route Segments

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to alter VOR Federal airway and jet route segments in the vicinity of El Paso, Tex.

The El Paso VORTAC is scheduled to be relocated during June 1971 to a new site (lat. 31°48'59" N., long. 106°16'52" W.) located approximately 2 miles north of its present location. Accordingly, action is being taken herein to realign the VOR airway and jet route segments which utilize the El Paso VORTAC in their designation.

Since these amendments are minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., June 24, 1971, as hereinafter set forth.

1. Section 71.123 (36 F.R. 2010) is amended as follows:

a. In V–66 "El Paso 112° and Hudspeth. Tex., 281° radials;" is deleted and "El Paso 109° and Hudspeth 287° radials;" is substituted therefor.

b. In V–198 "El Paso 112° and Hudspeth, Tex., 281° radials;" is deleted and "El Paso 109° and Hudspeth. Tex., 287° radials;" is substituted therefor.

c. In V–280 "El Paso 069°" is deleted and "El Paso 070°" is substituted therefor.

2. In Section 75.100 (36 F.R. 2371) the text of Jet Route No. 26 is amended by deleting "El Paso 069°" and substituting "El Paso 070°" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 10, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-3758 Filed 3-17-71;8:48 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8737 o.]

PART 13—PROHIBITED TRADE PRACTICES

Golden Grain Macaroni Co. and Paskey DeDomenico

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Golden Grain Macaroni Co. et al., San Leandro, Calif., Docket No. 8737, Jan. 18, 1971]

In the Matter of Golden Grain Macaroni Co., a Corporation, and Paskey Domenico, Individually and as an Officer of Said Corporation.

Order requiring a San Leandro, Calif., manufacturer of macaroni and related paste products to divest within 1 year all assets of three previously acquired competitors in the Pacific Northwest and not to acquire for the next 10 years without prior approval of the Federal Trade Commission all or part of any firm manufacturing macaroni products in the Pacific Northwest

The order to cease and desists, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Golden Grain Macaroni Co., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within one (1) year from the date this order becomes final, divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all stock, assets, or other interests acquired by Golden Grain Macaroni Co., or its subsidiaries, in Porter-Scarpelli Macaroni Co., as a result of Golden Grain Macaroni Co.'s acquisition of Mission Macaroni Co.

It is further ordered, That respondent Golden Grain Macaroni Co., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within one (1) year from the date this order becomes final, divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all stock, assets, or other interests, including the option to purchase additional stock or other interests, in Major Italian Foods Co., Inc., as a result of Golden Grain Macaroni Co.'s acquisition of stock of Major Italian Foods Co., Inc.

It is further ordered, That respondent Golden Grain Macaroni Co., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within one (1) year from the date this order becomes final, divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all stock, assets, or other interests acquired by Golden Grain Macaroni Co., or its subsidiaries, in Oregon Macaroni Co.

It is further ordered, That none of the stock, assets, properties, rights, or privileges to be divested be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, Golden Grain Macaroni Co. or any of its subsidiaries or affiliates, or who owns or controls, directly or indirectly, more than one (1) percent of the oustanding shares of voting stock of Golden Grain Macaroni Co., or any of its subsidiaries or affiliates.

It is further ordered, That for a period of ten (10) years respondent Golden Grain Macaroni Co. shall cease and desist from acquiring, directly or indirectly, without prior approval of the Federal Trade Commission, the whole or any part of the share capital or other assets of any corporation engaged in the manufacture of dry paste products within the Pacific Northwest.

It is further ordered, That the initial decision of the hearing examiner, as modified, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondents shall, within sixty (60) days from the date of service of this order and every sixty (60) days thereafter until diverstiture is fully effected, submit to the Commission a detailed report of their actions, plans, and progress in complying with the divestiture provisions of this order, and fulfilling their objectives. All reports shall include, among other things that will be from time to time required, a summary of all contacts and negotiations with potential purchasers of the stock, assets, properties, rights or privileges to be divested under this order, the identity of all such potential purchasers, and copies of all written communications to and from such potential purchasers.

Issued: January 18, 1971.

By the Commission.[1]

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-3773 Filed 3-17-71;8:49 am]

[Docket No. C-1859]

PART 13—PROHIBITED TRADE PRACTICES

Leon Wolff and Lincoln School of Practical Nursing

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–125 Individual or private business being: 13.15–125(m) Educational or research institution; § 13.115 *Jobs and employment service;* § 13.143 *Opportunities;* § 13.170 *Qualities or properties of product or service:* 13.170–35 Educational, informative, training. Subpart—Using misleading name—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Leon Wolff et al., Los Angeles, Calif., Docket No. C-1859, Feb. 1, 1971]

In the Matter of Leon Wolff, an Individual, Trading and Doing Business as Lincoln School of Practical Nursing.

Consent order requiring a Los Angeles, Calif., individual selling a correspondence course of instruction in practical nursing to cease representing that completion of respondent's course will qualify a person to perform the functions of, or be qualified for employment as, a practical nurse, misrepresenting the training afforded or the type of employment for which a trainee will qualify, using the words "practical nursing" in any of his promotional material, and failing to clearly disclose in such material that persons completing the course need properly supervised experience.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Leon Wolff, an individual trading and doing business as Lincoln School of Practical Nursing or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of instruction in nursing or any other subject, trade or vocation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Persons completing respondent's course of instruction in practical nursing will, by virtue of having completed said course, have become and will thereby be proficient and competent in the performance of the duties and functions of a practical nurse;

2. Persons completing respondent's course of instruction in practical nursing will, by virtue of having completed said course, have become and will thereby be a practical nurse;

3. Person completing respondent's course of instruction in practical nursing will, by virtue of having completed said course, have become and will thereby be qualified for employment as a practical nurse.

B. Misrepresenting, in any manner:

1. The training afforded by any of respondent's courses;

2. The nature or type of employment for which persons completing any of respondent's courses of instruction will thereby be qualified.

C. Using the words "practical nursing" or any other words or terms of similar import or meaning as a part of a trade or corporate name, or in advertising and promotional material, form letters or other printed or written material; misrepresenting in any other manner that respondent is engaged in training persons to be practical nurses: *Provided, however,* That nothing herein shall be deemed to prevent respondent from using the terms "nurse's aide" or "nursing attendant" in a truthful and nondeceptive manner.

It is further ordered, That, in any advertisement seeking leads to prospective purchasers of his course in practical nursing, the respondent herein shall disclose clearly, and in type no smaller than the largest size type used in the body copy of the advertisement, that persons completing said course cannot consider themselves competent in the performance of nursing skills until they have had properly supervised experience, in addition to respondent's course; provided that nothing herein shall be deemed to prevent respondent from making truthful and nondeceptive representations as to the nature of such training as may be provided by his course.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: February 1, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-3774 Filed 3-17-71;8:49 am]

[1] Commissioner MacIntyre did not participate.

TABLE 2—TYLOSIN IN DRINKING WATER

Principal ingredient	Grams per gallon	Combined with—	Quantity	Limitations	Indications for use
1. Tylosin	2			For chickens: do not use in layers producing eggs for human consumption; administer from 1 to 5 days as sole source of drinking water; treated chickens should consume enough medicated drinking water to provide 60 milligrams of tylosin per pound of body weight per day; prepare a fresh solution every 3 days; do not administer within 24 hours of slaughter; as tylosin tartrate.	As an aid in the treatment of chronic respiratory disease (CRD) caused by *Mycoplasma gallisepticum* sensitive to tylosin in broiler and replacement flocks; or, at time of vaccination for control of CRD caused by *Mycoplasma gallisepticum* sensitive to tylosin.
2. Tylosin	2			For turkeys; do not use in layers producing eggs for human consumption; administer from 2 to 5 days as sole source of drinking water; treated turkeys should consume enough medicated drinking water to provide 60 milligrams of tylosin per pound of body weight per day; prepare a fresh solution every 3 days; when sinus swelling is present, inject birds with tylosin injectable simultaneously with the drinking water treatment; do not administer within 5 days of slaughter; as tylosin tartrate.	Maintaining weight gains and feed efficiency in the presence of infectious sinusitis caused by *Mycoplasma gallisepticum* sensitive to tylosin.
• • •	• • •	• • •	• • •	• • •	• • •

• • • • • • • • • • • • • • • • • • • •

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-18-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 9, 1971.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.71-3732 Filed 3-17-71;8:46 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH FOOD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2375), filed by Industrial Bio-Test Laboratories, Inc., 1810 Frontage Road, Northbrook, IL 60062, and other relevant material, concludes that § 121.2526 of the food additive regulations should be amended to provide for the safe use of acrylamide-methacrylic acid-maleic anhydride copolymers as a retention aid in the manufacture of paper and paperboard for food-contact use.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

TYLOSIN

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (13-076V) filed by Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing revised labeling regarding the safe and effective use of tylosin in the drinking water of chickens and turkeys. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by revising items 1 and 2 in table 2 of paragraph (d) in § 121.217 as follows:

§ 121.217 Tylosin.

• • • • • • • • • • • • • • • • • • • •

(d) • • •

The petition was filed proposing also that § 121.2526 be amended to provide for the safe use of acrylamide-dimethylaminoethyl methacrylate copolymer as a retention aid. The petitioner subsequently withdrew this request.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *
(5) * * *

List of substances	*Limitations*
* * *	* * *
Acrylamide - methacrylic acid-maleic anhydride copolymers containing not more than 0.2 percent of residual acrylamide monomer and having an average nitrogen content of 14.9 percent auch that a 1 percent by weight aqueous solution has a minimum viscosity of 600 centipoises at 75° F., as determined by LVG-series Brookfield viscometer (or equivalent) using a No. 2 spindle at 30 r.p.m.	For use only as a retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard in such an amount that the finished paper and paperboard will contain the additive at a level not in excess of 0.05 percent by weight of dry fibers in the finished paper and paperboard.
* * *	* * *

* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3-18-71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 9, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-3733 Filed 3-17-71;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7098]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Capitalization of Costs of Planting and Developing Citrus Groves

On November 20, 1970, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 278 of the Internal Revenue Code of 1954 (relating to capitalization of costs of planting and developing citrus groves) to reflect the changes made by section 216 of the Tax Reform Act of 1969 (83 Stat. 573) was published in the FEDERAL REGISTER (35 F.R. 17844). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Paragraph (a) § 1.278-1, as set forth in paragraph (1) of the notice of proposed rule making, is changed by revising subparagraph (1)(i), (2)(ii), and (3)(ii), and by adding a new subdivision (iii) to subparagraph (2).

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C.))

[SEAL] RANDOLPH W. THROWER,
Commissioner.

Approved: March 12, 1971.

JOHN S. NOLAN,
Acting Asistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 278 of the Internal Revenue Code of 1954 to section 216 of the Tax Return Act of 1969 (83 Stat. 573), such regulations are amended as follows:

PARAGRAPH 1. There are inserted immediately after § 1.275-1 the following new sections:

§ 1.278 Statutory provisions; capital expenditures incurred in planting and developing citrus groves.

SEC. 276. *Capital expenditures incurred in planting and developing citrus groves*—(a) *General rule.* Except as provided in subsection (b), any amount (allowable as a deduction without regard to this section), which it attributable to the planting, cultivation, maintenance, or development of any citrus grove (or part thereof), and which is incurred before the close of the fourth taxable year beginning with the taxable year in which the trees were planted, shall be charged to capital account. For purposes of the preceding sentence, the portion of a citrus grove planted in 1 taxable year shall be treated separately from the portion of such grove planted in another taxable year.

(b) *Exceptions.* Subsection (a) shall not apply to amounts allowable as deductions (without regard to this section), and attributable to a citrus grove (or part thereof) which was:

(1) Replanted after having been lost or damaged (while in the hands of the taxpayer), by reason of freeze, disease, drought, pests, or casualty, or

(2) Planted or replanted prior to the enactment of this section.

[Sec. 278 as added by sec. 216, Tax Reform Act 1969 (83 Stat. 573)]

§ 1.278-1 Capital expenditures incurred in planting and developing citrus groves.

(a) *General rule.* (1)(i) For taxable years beginning after December 31, 1969, and except as provided in subparagraph (2)(ii) of this paragraph and paragraph (b) of this section, there shall be charged to capital account any amount (allowable as a deduction without regard to section 278 of this section) which is attributable to the planting, cultivation, maintenance, or development of any citrus grove (or part thereof), and which is incurred before the close of the fourth taxable year beginning with the taxable year in which the trees were planted. For purposes of section 278 and this section, such an amount shall be considered as "incurred" in accordance with the taxpayer's regular tax accounting method used in reporting income and expenses connected with the citrus grove operation. For purposes of this paragraph, the portion of a citrus grove planted in one taxable year shall be treated separately from the portion of such grove planted in another taxable year.

(ii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). T, a fiscal year taxpayer plants a citrus grove 5 weeks before the close of his taxable year ending in 1971. T is required to capitalize any amount (allowable as a deduction without regard to section 278 or this section) attributable to the planting, cultivation, maintenance, or development of such grove until the close of his taxable year ending in 1974.

Example (2). Assume the same facts as in example (1), except that T plants one portion of such grove 5 weeks before the close of his taxable year ending in 1971 and another portion of such grove at the beginning of his taxable year ending in 1972. The required capitalization period for exapenses attributable to the first portion of such grove shall run until the close of T's taxable year ending in 1974. The required capitalization period for expenses attributable to the second portion of such grove shall run until the close of T's taxable year ending in 1975.

(2)(i) For purposes of section 278 and this section a "citrus grove" is defined as one or more trees of the rue family, often thorny and bearing large fruit with hard, usually thick peel and pulpy flesh, such as the orange, grapefruit, lemon, lime, citron, tangelo, and tangerine.

(ii) An amount attributable to the cultivation, maintenance, or development of a citrus grove (or part thereof) shall include, but shall not be limited to, the following developmental or cultural practices expenditures: Irrigation, cultivation, pruning, fertilizing, management fees, frost protection, spraying, and upkeep of the citrus grove. The provisions of section 278(a) and this paragraph shall apply to expenditures for fertilizer and related materials notwithstanding the provisions of section 180, but shall not apply to expenditures attributable to real estate taxes or interest, to soil and water conservation expenditures allowable as a deduction under section 175, or to expenditures for clearing land allowable as a deduction under section 182. Further, the provisions of section 278(a) and this paragraph apply only to expenditures allowable as deductions without regard to section 278 and have no application to expenditures otherwise chargeable to capital account, such as the cost of the land and preparatory expenditures incurred in connection with the citrus grove.

(iii) For purposes of section 278 and this section, a citrus tree shall be considered to be "planted" on the date on which the tree is placed in the permanent grove from which production is expected.

(3)(i) The period during which expenditures described in section 278(a) and this paragraph are required to be capitalized shall, once determined, be unaffected by a sale or other disposition of the citrus grove. Such period shall, in all cases, be computed by reference to the taxable years of the owner of the grove at the time that the citrus trees were planted. Therefore, if a citrus grove subject to the provisions of section 278 or this paragraph is sold or otherwise transferred by the original owner of the grove before the close of his fourth taxable year beginning with the taxable year in which the trees were planted, expenditures described in section 278(a) or this paragraph made by the purchaser or other transferee of the citrus grove from the date of his acquisition until the close of the original holder's fourth such taxable year are required to be capitalized.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. T, a fiscal year taxpayer, plants a citrus grove at the beginning of his taxable year ending in 1971. At the beginning of his taxable year ending in 1972, T sells the grove to X. The required period during which expenditures described in section 278(a) are required to be capitalized runs from the date on which T planted the grove until the end of T's taxable year ending in 1974. Therefore, X must capitalize any such expenditures incurred by him from the time he purchased the grove from T until the end of T's taxable year ending in 1974.

(b) *Exceptions.* (1) Paragraph (a) of this section shall not apply to amounts allowable as deductions (without regard to section 278 or this section) and attributable to a citrus grove (or part thereof) which is replanted by a taxpayer after having been lost or damaged (while in the hands of such taxpayer) by reason of freeze, disease, drought, pests, or casualty.

(2)(i) Paragraph (a) of this section shall not apply to amounts allowable as deductions (without regard to section 278 or this section), and attributable to a citrus grove (or part thereof) which was planted or replanted prior to December 30, 1969.

(ii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). T, a fiscal year taxpayer with a taxable year of July 1, 1969, through June 30, 1970, plants a citrus grove on August 1, 1969. Since the grove was planted prior to December 30, 1969, no expenses incurred with respect to the grove shall be subject to the provisions of paragraph (a).

Example (2). Assume the same facts as in example (1), except that T plants the grove on March 1, 1970. Since the grove was planted after December 30, 1969, all amounts allowable as deductions (without regard to section 278 or this section) and attributable to the grove shall be subject to the provisions of paragraph (a). However, since paragraph (a) applies only to taxable years beginning after December 31, 1969, T must capitalize only those amounts incurred during his taxable years ending in 1971, 1972, and 1973.

[FR Doc.71-3781 Filed 3-17-71;8:50 am]

[T.D. 7097]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953.

Election Relating to Crop Insurance Proceeds

On December 3, 1970, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 451 of the Internal Revenue Code of 1954 (pertaining to elections relating to crop insurance proceeds) to reflect the changes made by section 215 of the Tax Reform Act of 1969 (83 Stat. 573) was published in the FEDERAL REGISTER (35 F.R. 18389). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Paragraph (b) of § 1.451-6, as set forth in paragraph 2 of the notice of proposed rule making, is revised.

(Sec. 7805, Internal Revenue Code of 1954, (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: March 12, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 451(d) of the Internal Revenue Code of 1954 to section 215 of the Tax Reform Act of 1969 (83 Stat. 573), such regulations are amended as follows:

PARAGRAPH 1. Section 1.451 is amended by adding a new subsection (d) to section 451 and by revising the historical note. These amended and added provisions read as follows:

§ 1.451 Statutory provisions; general rule for taxable year of inclusion.

SEC. 451. *General rule for taxable year of inclusion.* * * *

(d) *Special rule for crop insurance proceeds.* In the case of insurance proceeds received as a result of destruction or damage to crops, a taxpayer reporting on the cash receipts and disbursements method of accounting may elect to include such proceeds in income for the taxable year following the taxable year of destruction or damage, if he establishes that, under his practice, income from such crops would have been reported in a following taxable year. An election under this subsection for any taxable year shall be made at such time and in such manner as the Secretary or his delegate prescribes.

[Sec. 451 as amended by sec. 313(b), Social Security Amendments, 1965 (79 Stat. 382); by sec. 215, Tax Reform Act, 1969 (83 Stat. 573)]

PAR. 2. There is inserted immediately after § 1.451-5 the following new section:

§ 1.451-6 Election to include crop insurance proceeds in gross income in the taxable year following the taxable year of destruction or damage.

(a) *In general.* (1) For taxable years ending after December 30, 1969, a taxpayer reporting gross income on the cash receipts and disbursements method of accounting may elect to include insurance proceeds received as a result of the destruction of, or damage to, crops in gross income for the taxable year following the taxable year of such destruction or damage, if the taxpayer establishes that, under his normal business practice, the income from such crops would have been included in gross income for any taxable year following the taxable year of such destruction or damage. However, if the taxpayer receives such insurance proceeds in the taxable year following the taxable year of such destruction or damage, then he shall include such proceeds in gross income for the taxable year of receipt without having to make an election under section 451(d) and this section.

(2) In the case of a taxpayer who receives insurance proceeds as a result of the destruction of, or damage to, two or more specific crops, if such proceeds may, under section 451(d) and this section, be included in gross income for the taxable year following the taxable year of such destruction or damage, and if such taxpayer makes an election under section 451(d) and this section with respect to any portion of such proceeds, then such election will be deemed to cover all of such proceeds which are attributable to crops representing a single trade or business under section 446(d). A separate election must be made with respect to insurance proceeds attributable to each crop which represents a separate trade or business under section 446(d).

(b)(1) *Time and manner of making election.* The election to include in gross income insurance proceeds received as a result of destruction of, or damage to, the taxpayer's crops in the taxable year following the taxable year of such destruction or damage shall be made by means of a statement attached to the taxpayer's return (or an amended return) for the taxable year of destruction or damage. The statement shall include the name and address of the taxpayer (or his duly authorized representative),

and shall set forth the following information:

(i) A declaration that the taxpayer is making an election under section 451(d) and this section;

(ii) Identification of the specific crop or crops destroyed or damaged;

(iii) A declaration that under the taxpayer's normal business practice the income derived from the crops which were destroyed or damaged would have been included in this gross income for a taxable year following the taxable year of such destruction or damage;

(iv) The cause of destruction or damage of crops and the date or dates on which such destruction or damage occurred;

(v) The total amount of payments received from insurance carriers, itemized with respect to each specific crop and with respect to the date each payment was received;

(vi) The name(s) of the insurance carrier or carriers from whom payments were received.

(2) *Scope of election.* Once made, an election under section 451(d) is binding for the taxable year for which made unless the district director consents to a revocation of such election. Requests for consent to revoke an election under section 451(d) shall be made by means of a letter to the district director for the district in which the taxpayer is required to file his return, setting forth the taxpayer's name, address, and identification number, the year for which it is desired to revoke the election, and the reasons therefor.

[FR Doc.71-3780 Filed 3-17-71;8:49 am]

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7096]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Voluntary Withholding Agreements

On January 1, 1971, notice of proposed rule making with respect to the amendment of the Employment Tax Regulations (26 CFR Part 31) under sections 3401, 3402, 6011, and 6302 of the Internal Revenue Code of 1954 to conform to the portion of section 805(g) to the Tax Reform Act of 1969 (83 Stat. 708), relating to voluntary withholding agreements under new subsection (p)(1) of section 3402 of the Code, was published in the FEDERAL REGISTER (36 F.R. 20). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (b)(1) of § 31.3402(p)-1, as set forth in paragraph 3 of the notice of proposed rule making, is revised.

PAR. 2. In lieu of the amendments to paragraph (a) of § 31.6302(c)-1, as set forth in paragraph 5 of the notice of proposed rule making, such paragraph is amended by revising subdivisions (iii) and (iv) of subparagraph (1), by revising the heading and subdivisions (ii) and (iii) of subparagraph (2), and by revising subdivision (iii) of subparagraph (3) thereof.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: March 12, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Employment Tax Regulations (26 CFR Part 31) under sections 3401, 3402, 6011, and 6302 of the Internal Revenue Code of 1954 to the portion of section 805(g) of the Tax Reform Act of 1969 (83 Stat. 708) relating to new subsection (p)(1) of section 3402 of the Code, such regulations are amended as follows:

PARAGRAPH 1. Section 31.3401(a)-2 is amended by adding a new paragraph (a)(4). This added provision reads as follows:

§ 31.3401(a)-2 Exclusions from wages.

(a) *In general.* * * *

(4) For provisions relating to payments with respect to which a voluntary withholding agreement is in effect, which are not defined as wages in section 3401(a) but which are nevertheless deemed to be wages, see §§ 31.3401(a)-3 and 31.3402(p)-1.

* * * * *

PAR. 2. The following new section is added immediately after § 31.3401(a)-2.

§ 31.3401(a)-3 Amounts deemed wages under voluntary withholding agreements.

(a) *In general.* Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, the term "wages" includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p). References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§ 31.3401(a)-3).

(b) *Remuneration for services.* (1) Except as provided in subparagraph (2) of this paragraph, the amounts referred to in paragraph (a) of this section include any remuneration for services performed by an employee for an employer which, without regard to this section, does not constitute wages under section 3401(a). For example, remuneration for services performed by an agricultural worker or a domestic worker in a private home (amounts which are specifically excluded from the definition of wages by section 3401(a) (2) and (3), respectively) are amounts with respect to which a voluntary withholding agreement may be entered into under section 3402(p). See §§ 31.3401(c)-1 and 31.3401(d)-1 for the definitions of "employee" and "employer".

(2) For purposes of this paragraph, remuneration for services shall not include amounts not subject to withholding under § 31,3401(a)-1(b)(12) (relating to remuneration for services performed by a permanent resident of the Virgin Islands), § 31.3401(a)-2(b) (relating to fees paid to a public official), section 3401(a)(5) (relating to remuneration for services for foreign government or international organization), section 3401(a)(8)(B) (relating to remuneration for services performed in a possession of the United States (other than Puerto Rico) by citizens of the United States), section 3401(a)(8)(C) (relating to remuneration for services performed in Puerto Rico by citizens of the United States), section 3401(a)(11) (relating to remuneration other than in cash for service not in the course of employer's trade or business), section 3401(a)(12) (relating to payments from or to certain tax-exempt trusts, or under or to certain annuity plans or bond purchase plans), section 3401(a)(14) (relating to group-term life insurance), section 3401(a)(15) (relating to moving expenses), or section 3401(a)(16)(A) (relating to tips paid in any medium other than cash).

PAR. 3. The following new sections are added immediately after § 31.3402(o)-1.

§ 31.3402(p) Statutory provisions; income tax collected at source; voluntary withholding agreements.

SEC. 3402. *Income tax collected at source.* * * *

(p) *Voluntary withholding agreements.* The Secretary or his delegate is authorized by regulations to provide for withholding—

(1) From remuneration for services performed by an employee for his employer which (without regard to this subsection) does not constitute wages, and

(2) From any other type of payment with respect to which the Secretary or his delegate finds that withholding would be appropriate under the provisions of this chapter, if the employer and the employee, or in the case of any other type of payment the person making and the person receiving the payment, agree to such withholding. Such agreement shall be made in such form and manner as the Secretary or his delegate may by regulations provide. For purposes of this chapter (and so much of subtitle F as relates to this chapter) remuneration or other payments with respect to which such agreement is made shall be treated as if they were wages paid by an employer to an employee to the extent that such remuneration is paid or other payments are made during the period for which the agreement is in effect.

[Sec. 3402(p) as added by sec. 805(g), Tax Reform Act of 1969 (83 Stat. 708)]

§ 31.3402(p)-1 Voluntary withholding agreements.

(a) *In general.* An employee and his employer may enter into an agreement under section 3402(p) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of § 31.3401(a)-3, made after December 31, 1970. An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee. The amount to be withheld pursuant to an agreement under section 3402(p) shall be determined under the rules contained in section 3402 and the regulations thereunder.

(b) *Form and duration of agreement.* (1)(i) Except as provided in subdivision (ii) of this subparagraph, an employee who desires to enter into an agreement under section 3402(p) shall furnish his employer with Form W-4 (withholding exemption certificate) executed in accordance with the provisions of section 3402(f) and the regulations thereunder. The furnishing of such Form W-4 shall constitute a request for withholding.

(ii) In the case of an employee who desires to enter into an agreement under section 3402(p) with his employer, if the employee performs services (in addition to those to be the subject of the agreement) the remuneration for which is subject to mandatory income tax withholding by such employer, or if the employee wishes to specify that the agreement terminate on a specific date, the employee shall furnish the employer with a request for withholding which shall be signed by the employee, and shall contain—

(*a*) The name, address, and social security number of the employee making the request,

(*b*) The name and address of the employer,

(*c*) A statement that the employee desires withholding of Federal income tax, and

(*d*) If the employee desires that the agreement terminate on a specific date, the date of termination of the agreement.

If accepted by the employer as provided in subdivision (iii) of this subparagraph, the request shall be attached to, and constitute part of, the employee's Form W-4. An employee who furnishes his employer a request for withholding under this subdivision shall also furnish such employer with Form W-4 if such employee does not already have a Form W-4 in effect with such employer.

(iii) No request for withholding under section 3402(p) shall be effective as an agreement between an employer and an employee until the employer accepts the request by commencing to withhold from the amounts with respect to which the request was made.

(2) An agreement under section 3402(p) shall be effective for such period as the employer and employee mutually agree upon. However, either the employer or the employee may terminate the agreement prior to the end of such period by furnishing a signed written notice to the other. Unless the employer and employee agree to an earlier termination date, the notice shall be effective with respect to the first payment of an amount in respect of which the agreement is in effect which is made on or after the first "status determination date" (January 1, May 1, July 1, and October 1 of each year) that occurs at least 30 days after the date on which the notice is furnished. If the employee executes a new Form W-4, the request upon which an agreement under section 3402(p) is based shall be attached to, and constitute a part of, such new Form W-4.

PAR. 4. Section 31.6011(a)-4 is amended by revising paragraph (a) thereof to read as follows:

§ 31.6011(a)-4 Returns of income tax withheld from wages.

(a) *In general.* (1) Except as otherwise provided in subparagraph (3) of this paragraph and in § 31.6011(a)-5, every person required to make a return of income tax withheld from wages pursuant to section 1622 of the Internal Revenue Code of 1939 for the calendar quarter ended December 31, 1954, shall make a return for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011(a)-6. Except as otherwise provided in subparagraph (3) of this paragraph and in § 31.6011(a)-5, every person not required to make a return for the calendar quarter ended December 31, 1954, shall make a return of income tax withheld from wages pursuant to section 3402 for the first calendar quarter thereafter in which he is required to deduct and withhold such tax and for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011(a)-6. Except as otherwise provided in subparagraph (2) or (3) of this paragraph, Form 941 is the form prescribed for making the return required under this paragraph.

(2) Form 942 is the form prescribed for making the return required under subparagraph (1) of this paragraph with respect to income tax withheld, pursuant to an agreement under section 3402(p), from wages paid for domestic service in a private home of the employer not on a farm operated for profit. The preceding sentence shall not apply in the case of an employer who has elected under paragraph (a)(3) of § 31.6011(a)-1 to use Form 941 as his return with respect to such payments for purposes of the Federal Insurance Contributions Act.

(3) Every person shall make a return of income tax withheld, pursuant to an agreement under section 3402(p), from wages paid for agricultural labor for the first calendar year in which he is required (by reason of such agreement) to deduct and withhold such tax and for each subsequent calendar year (whether or not wages for agricultural labor are paid therein) until he has filed a final return in accordance with § 31.6011(a)-6. Form 943 is the form prescribed for making the return required under this subparagraph.

* * * * *

PAR. 5. Paragraph (a) of § 31.6302(c)-1 is amended by revising subdivisions (iii) and (iv) of subparagraph (1), by revising the heading and subdivisions (ii) and (iii) of subparagraph (2), and by revising subdivision (iii) of subparagraph (3) thereof. These revised provisions read as follows:

§ 31.6302(c)-1 Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld.

(a) *Requirement*—(1) *In General.* * * *

(iii) As used in subdivisions (i) and (ii) of this subparagraph, the term "taxes" means—

(*a*) The employee tax withheld under section 3102.

(*b*) The employer tax under section 3111, and

(*c*) The income tax withheld under section 3402,

exclusive of taxes with respect to wages for domestic service in a private home of the employer or, if paid before February 1, 1971, wages for agricultural labor. In addition, with respect to wages paid after December 31, 1970, and before April 1, 1971, for agricultural labor, any taxes described in subparagraph (2)(ii) of this paragraph which are not required under such paragraph to be deposited, and any income tax withheld under section 3402 with respect to such wages, shall be deemed to be "taxes" on and after April 1, 1971.

(iv) If the aggregate amount of taxes reportable on a return (other than a return on Form 942) for a return period exceeds the total amount deposited by the employer pursuant to subdivision (i) or (ii) of this subparagraph for such return period (*a*) by $200 or more in the case of a return period which ends after December 31, 1970, or (*b*) by more than $100 in the case of a return period which ends before January 1, 1971, the employer shall, on or before the last day of the first calendar month following the return period, deposit with a Federal Reserve bank or authorized commercial bank an amount equal to the amount by which the taxes reportable on the return exceed the total deposits (if any) made pursuant to subdivision (i) or (ii) of this subparagraph for such period. As used in this subdivision, the term "taxes" shall have the meaning assigned to such term in subdivision (iii) of this subparagraph, except that the term shall include the taxes referred to in (*a*), (*b*), and (*c*) of such subdivision (iii) of this subparagraph with respect to any wages for domestic service in a private home of the employer which the employer elects to report on a quarterly return other than a quarterly return made on Form 942.

(2) *Wages paid before April 1 1971, with respect to agricultural labor.* * * *

(ii) *Requirement for taxes with respect to wages paid after December 31, 1955, and before April 1, 1971.* Except as provided in paragraph (b) of this section, if during any calendar month other than December, after December 31, 1955, and before April 1, 1971, the aggregate amount of—

(*a*) The employee tax withheld under section 3102 during such month with respect to wages for agricultural labor, plus any such employee tax which was

previously withheld in the same calendar year with respect to such wages but which was neither deposited nor required to be deposited on or before the last day of such month, and

(b) The employer tax under section 3111 for such month with respect to wages for agricultural labor, plus any such employer tax, which was neither deposited nor required to be deposited on or before the last day of such month, for any prior month of the same calendar year with respect to wages for agricultural labor,

exceeds $100 in the case of an employer, such employer shall deposit such aggregate amount within 15 days after the close of such calendar month with a Federal Reserve bank or authorized commercial bank.

(iii) *Additional requirement for 1968, 1969, and 1970.* If the aggregate amount of taxes reportable on a return on Form 943 for calendar year 1968, 1969, or 1970, exceeds by more than $100 the total amount deposited by the employer pursuant to subdivision (ii) of this subparagraph for such calendar year, the employer shall, on or before the last day of the first calendar month following the period for which the return is required to be filed, deposit with a Federal Reserve bank or authorized commercial bank an amount equal to the amount by which the taxes reportable on the return exceed the total deposits (if any) made pursuant to subdivision (ii) of this subparagraph for such calendar year.

(3) *Depositary forms.* • • •

(iii) *Deposits for 1968 and subsequent years.* Each remittance of amounts required to be deposited under subparagraph (1) of this paragraph for periods subsequent to 1967 shall be accompanied by a Federal Tax Deposit, Withheld Income and FICA Taxes, form (Form 501), or the Federal tax deposit form applicable to FICA taxes and withheld income taxes with respect to agricultural workers (Form 511), or both, as the case may be. Each remittance of amounts required to be deposited under subparagraph (2) of this paragraph for years subsequent to 1967 and before 1971 and for January, February, and March 1971 shall be accompanied by the Federal tax deposit form applicable to FICA taxes with respect to agricultural workers (Form 511). Such forms shall be prepared in accordance with the instructions applicable thereto. The remittance, together with the required form or forms, shall be forwarded to a Federal Reserve bank or, at the election of the employer, to a commercial bank authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date the deposit is received (or is deemed received under section 7502 (e)) by a Federal Reserve bank or by the authorized commercial bank, whichever is earlier. Each employer making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and pay therewith (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

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[FR Doc.71-3779 Filed 3-17-71;8:49 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Gulf of Maine, Maine

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.1a is hereby prescribed establishing and governing the use and navigation of a naval aircraft practice mining range area in the Gulf of Maine off Cape Small, Maine, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.1a Gulf of Maine off Cape Small, Maine; Naval aircraft practice mining range area.

(a) *The danger zone.* Within an area bounded as follows: Beginning at latitude 43°43'00", longitude 69°46'00"; thence to latitude 43°38'30", longitude 69°46'00"; thence to latitude 43°38'30", longitude 69°49'30"; thence to latitude 43°42'10", longitude 69°49'30"; thence to the point of beginning.

(b) *The regulations.* (1) Test drops from aircraft will be made within the area at intermittent periods from noon until sunset local time and only during periods of good visibility .

(2) Testing will not restrict any fishing, recreational, or commercial activities in the testing area.

(3) Aircraft will patrol the area prior to and during test periods to insure that no surface vessels are within the area. No test drops will be made while surface vessels are transitting the area.

(4) No live ammunition or explosives will be dropped in the area.

(5) The regulations of this section shall be enforced by the Commandant, First Naval District, Boston, Mass., or such agencies as he may designate.

[Regs., March 1, 1971, 1522-02 (Gulf of Maine, Maine)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-3720 Filed 3-17-71;8:45 am]

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Chesapeake Bay, Md., and Alligator Bayou, Fla.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 204.36 establishing and governing the use and navigation of a danger zone in the Chesapeake Bay, in the vicinity of Bloodsworth Island, Md., is hereby revised in its entirety to include a prohibited area, effective upon publication in the FEDERAL REGISTER (3-18-71), as follows:

§ 204.36 Chesapeake Bay, in vicinity of Bloodsworth Island, Md.; shore bombardment, air bombing, air strafing, and rocket firing area. U.S. Navy.

(a) *The areas*—(1) *Prohibited area.* All waters within a circle 0.5-mile in radius with its center at latitude 38°10'00", longitude 76°06'00".

(2) *The danger zone.* All waters of Chesapeake Bay and Tangier Sound within an area bounded as follows: Beginning at latitude 38°08'15", longitude 76°10'00"; thence to latitude 38°12'00", longitude 76°10'00"; thence to latitude 38°12'00", longitude 76°07'00"; thence to latitude 38°13'00", longitude 76°06'00"; thence to latitude 38°13'00", longitude 76°04'00"; thence to latitude 38°12'00", longitude 76°02'00"; thence to latitude 38°12'00", longitude 76°00'00"; thence to latitude 38°08'15", longitude 76°00'-00"; thence to the point of beginning, excluding the prohibited area described in subparagraph (1) of this paragraph.

(b) *The regulations.* (1) Vessels or other craft shall not enter or remain in the prohibited area at any time unless authorized to do so by the enforcing agency.

(2) No vessel or other craft shall enter or remain in the danger zone when notified by the enforcing authority to keep clear or when firing is or will soon be in progress, except as provided in subparagraph (5) of this paragraph.

(3) Advance notice will be given of the dates and times of all firings in the danger zone and such notice will be published in the local "Notice to Mariners." The area will be in use intermittently throughout the year. On days when firing is conducted, firing will take place normally between sunrise and sunset, except that occassional night firing may be conducted between sunset and 12 midnight.

(4) Prior to the commencement of firing each day in the danger zone, surface or air search of the entire area will be made for the purpose of locating and warning all craft and persons not connected with the firing, and a patrol will be maintained throughout the duration of firing.

(5) Warning that ships are firing or soon will be firing in the danger zone will be indicated during daylight by a red flag prominently displayed from a tower off Okahanikan Point at latitude 38°11'-45", longitude 76°05'35", and at night by a searchlight beam pointed into the sky. Warning that aircraft are firing or soon will be firing will be indicated by the aircraft patrolling the area. All persons, vessels, or other craft shall clear the area when these signals are displayed or when warned by patrol vessels or by aircraft employing the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(6) During hours when firing is in progress or is about to commence, no fishing or oystering vessels or other craft not directly connected with the firing shall navigate within the danger zone, except that deep-draft vessels proceeding in established navigation lanes and propelled by mechanical power at a speed greater than 5 knots normally will be permitted to traverse the area. When ships are firing or soon will be firing in the danger zone, permission for such deep-draft vessels to enter and traverse the area will be indicated during daylight by dipping the red warning flag to half-mast, and at night flashing the warning searchlight. When aircraft are firing or soon will be firing in the danger zone, such deep-draft vessels may proceed unless warned to stay clear of the area by the method of warning known as "buzzing."

(7) When firing is not in progress or is not about to commence, oystering and fishing boats and other craft may operate within the danger zone.

(8) All projectiles, bombs, and rockets will be fired to land on Bloodsworth Island or Pone Island, but Naval authorities will not be responsible for damage by such projectiles, bombs, or rockets, or by Navy or Coast Guard vessels, to nets, traps, buoys, pots, fish pounds, stakes, or other equipment which may be located within the danger zone.

(9) The regulations in this section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.175d is hereby prescribed establishing and governing the use and navigation of a restricted area in Alligator Bayou, Florida, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.175d Alligator Bayou, a tributary of St. Andrew Bay, Florida; restricted area.

(a) *The area.* All waters of Alligator Bayou from a line connecting points of latitude 30°10'21", longitude 85°45'07" and latitude 30°10'16", longitude 85°45'04" to State Road 392.

(b) *The regulation.* (1) No vessel shall enter the area or navigate therein without permission of the Commanding Officer, Southern Division, Naval Facilities Engineering Command, 2144 Melbourne Street, Post Office Box 10068, Charleston, SC 29411, or his authorized representative.

(2) The regulation of this section shall be enforced by the Commanding Officer, Southern Division, Naval Facilities Engineering Command, or such agencies as he may designate.

[Regs., Mar. 2, 1971, 1522-01 (Chesapeake Bay, Md.)—ENGCW-ON; Regs., Feb. 25, 1971, 1522-01 (Alligator Bayou, Fla.)—ENGCW-ON] (Sec. 7, 40 Stat. 226, 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-3722 Filed 3-17-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.7—Small Business Concerns

PART 9-51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Subpart 9-51.1—Headquarters Review and Approval of Field Office Actions

MISCELLANEOUS AMENDMENTS

Pursuant to agreement with the Small Business Administration this amendment to AEC small business policy changes the limit from $500,000 to $1 million on AEC acceptance of Small Business Administration-initiated class set-asides for formally advertised construction procurements. It also provides for consideration of small business set-aside preferences in excess of $1 million on a case-by-case basis.

1. Section 9-1.705-3, *Screening of procurements,* is revised to read as follows:

§ 9-1.705-3 Screening of procurements.

(a) *Class set-asides.* An agreement has been reached between the AEC and the SBA that AEC would accept SBA initiation of class set-asides for formally advertised construction procurements estimated to cost between $2,500 and $1 million, including new construction and repair and alteration of structures. When in the judgment of the contracting officer a particular procurement falling within these dollar limits is determined unsuitable for a set-aside for exclusive small business participation, he shall notify the appropriate SBA representative of this decision. Unless SBA appeals the decision (see FPR 1-1.706-2), the contracting officer shall proceed to process the procurement on an unrestricted basis. Small business set-aside preferences should be considered for construction procurements in excess of $1 million on a case-by-case basis, favoring such preferential participation of small business whenever appropriate.

2. In § 9-51.103 *Supporting data for contract actions requiring Headquarters advance approval,* a new § 9-51.103-6 *Determinations and findings,* is added:

§ 9-51.103 Supporting data for contract actions requiring Headquarters advance approval.

§ 9-51.103-6 Determinations and findings.

All Determinations and findings required by FPR Subparts 1-3.2 and 1-3.3 and AECPR Subparts 9-3.2 and 9-3.3, with the exception of FPR 1-3.303 and AECPR 9-3.303 shall be executed by the Contracting Officer, and a copy of such finding shall be included in the supporting data for contract actions requiring Headquarters advance approval.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (3-18-71).

Dated at Germantown, Md., this 10th day of March 1971.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.71-3717 Filed 3-17-71;8:45 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 217]

PART 1122—DISCONTINUANCE OR CHANGE OF OPERATION OR SERVICE

Operation or Service of Trains or Ferries by Carriers

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 11th day of March A.D. 1971.

It appearing, that under the provisions of section 401(a)(1) of the Rail Passenger Service Act of 1970 (45 U.S.C. 501 note), Public Law 91-518, a railroad, after May 1, 1971, upon its entering into a valid contract with the National Railroad Passenger Corp., shall be relieved of its responsibilities as a common carrier of passengers by rail in intercity rail passenger service under Part I of the Interstate Commerce Act or any State or other law relating to the provision of intercity passenger service: *Provided,* That any railroad discontinuing a train hereunder must give notice in accordance with the notice procedures contained in section 13a(1) of the Interstate Commerce Act.

It further appearing, that inasmuch as the § 1122.9 contemplated herein is directed only to the filing of notices under

section 401(a)(1) of the Rail Passenger Service Act, supra, and that the Commission has no jurisdiction or reviewability over said notices, and that the said notices may be effective as early as May 1, 1971, further notice and public procedure are unnecessary. And good cause therefor appearing:

It is ordered, That Part 1122, be and it is hereby, amended as follows:

§ 1122.9 Notice of discontinuance filed pursuant to the Rail Passenger Service Act of 1970, section 401(a)(1).

Any notice of intercity passenger train discontinuance filed by a common carrier by rail pursuant to section 401(a)(1) of the Rail Passenger Service Act of 1970 (45 U.S.C. 501 note), which, in part, provides that a railroad upon entering into a valid contract with the National Railroad Passenger Corp. shall be relieved of all its responsibilities as a common carrier of passengers by rail in intercity rail passenger service, shall be submitted in accordance with the following:

(a) The form and style of notice shall be the same as that designated in §1122.3 and shall include: (1) The information required in § 1124.4 (a), (b), and (c) of this chapter; (2) a statement advising the public that subject trains, are intercity and entitled to be discontinued by virtue of section 401(a)(1) of the Rail Passenger Service Act of 1970 (45 U.S.C. 501 note) and, therefore, the Interstate Commerce Commission cannot entertain protests since the discontinuance is not within its jurisdiction; and a statement advising that any filing of a notice of discontinuance under this section shall not, under any circumstances, invoke the Commission's jurisdiction under section 13a(1) of the Interstate Commerce Act;

(b) Three copies of said notice shall be filed with the Secretary of the Commission accompanied by three copies of an opinion of counsel that the said trains to be discontinued are intercity passenger trains subject to the said Rail Passenger Service Act of 1970 and not excepted therefrom by section 102(5) of the cited Act.

(c) Prior to the effective date of the discontinuance there shall be filed with the Commission three copies of a verified statement, executed by a responsible official of the carrier, that a valid contract has been entered into with the National Railroad Passenger Corp.

(d) The provisions of § 1122.5 et seq. and the fee for filing notice of discontinuance, as set forth in § 1002.2(d)(17) of this chapter shall not be applicable to notices filed under this section.

(e) Except for notices of discontinuance filed pursuant to section 401(a)(1) of the Rail Passenger Service Act of 1970, Public Law 91–518, all other regulations concerning train discontinuance proceedings shall remain in full force and effect.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12; sec. 5, Public Law 85–625; sec. 401(a)(1) (45 U.S.C. 501 note), Public Law 51–518)

It is further ordered, That this order become effective on the date hereof and shall continue in effect until further order of this Commission; and

It is further ordered, That as hereby amended, the order of the Commission of August 14, 1958, as amended, shall remain in full force and effect and that notice of this amendment be given to the general public by posting copies in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing with the Director of the Federal Register, Washington, D.C.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3788 Filed 3-17-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DISTRIBUTIONS OF STOCK AND STOCK RIGHTS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 305(c) (83 Stat. 614; 26 U.S.C. 305(c)) and section 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 305 of the Internal Revenue Code of 1954, as amended by section 421(a) of the Tax Reform Act of 1969 (83 Stat. 614), §§ 1.305 through 1.305–3 are deleted and the following substituted therefor:

§ 1.305 Statutory provisions; distributions of stock and stock rights.

SEC. 305. *Distributions of stock and stock rights*—(a) *General rule.* Except as otherwise provided in this section, gross income does not include the amount of any distribution of the stock of a corporation made by such corporation to its shareholders with respect to its stock.

(b) *Exceptions.* Subsection (a) shall not apply to a distribution by a corporation of its stock, and the distribution shall be treated as a distribution of property to which section 301 applies—

(1) *Distributions in lieu of money.* If the distribution is at the election of any of the shareholders (whether exercised before or after the declaration thereof), payable either—

(A) In its stock, or

(B) In property.

(2) *Disproportionate distributions.* If the distribution (or a series of distributions of which such distribution is one) has the result of—

(A) The receipt of property by some shareholders, and

(B) An increase in the proportionate interests of other shareholders in the assets or earnings and profits of the corporation.

(3) *Distributions of common and preferred stock.* If the distribution (or a series of distributions of which such distribution is one) has the result of—

(A) The receipt of preferred stock by some common shareholders, and

(B) The receipt of common stock by other common shareholders.

(4) *Distributions on preferred stock.* If the distribution is with respect to preferred stock, other than an increase in the conversion ratio of convertible preferred stock made solely to take account of a stock dividend or stock split with respect to the stock into which such convertible stock is convertible.

(5) *Distributions of convertible preferred stock.* If the distribution is of convertible preferred stock, unless it is established to the satisfaction of the Secretary or his delegate that such distribution will not have the result described in paragraph (2).

(c) *Certain transactions treated as distributions.* For purposes of this section and section 301, the Secretary or his delegate shall prescribe regulations under which a change in conversion ratio, a change in redemption price, a difference between redemption price and issue price, a redemption which is treated as a distribution to which section 301 applies, or any transaction (including a recapitalization) having a similar effect on the interest of any shareholder shall be treated as a distribution with respect to any shareholder whose proportionate interest in the earnings and profits or assets of the corporation is increased by such change, difference, redemption or similar transaction.

(d) *Definitions*—(1) *Rights to acquire stock.* For purposes of this section, the term "stock" includes rights to acquire such stock.

(2) *Shareholders.* For purposes of subsections (b) and (c), the term "shareholder" includes a holder of rights or of convertible securities.

(e) *Cross references.* For special rules—

(1) Relating to the receipt of stock and stock rights in corporate organizations and reorganizations, see part III (section 351 and following).

(2) In the case of a distribution which results in a gift, see section 2501 and following.

(3) In the case of a distribution which has the effect of the payment of compensation, see section 61(a)(1).

[Sec. 305 as amended by sec. 421(a), Tax Reform Act 1969 (83 Stat. 614)]

§ 1.305–1 Stock dividends.

(a) *In general.* Under section 305, a distribution made by a corporation to its shareholders in its stock or in rights to acquire its stock is not included in gross income except as provided in section 305 (b) and the regulations promulgated under the authority of section 305(c). A distribution made by a corporation to its shareholders in its stock or rights to acquire its stock which would not otherwise be included in gross income by reason of section 305 shall not be so treated merely because such distribution was made out of Treasury stock or consisted of rights to acquire Treasury stock. See section 307 for rules as to basis of stock and stock rights acquired in a distribution.

(b) *Amount of distribution.* (1) In general, where a distribution of stock or rights to acquire stock of a corporation is treated as a distribution of property to which section 301 applies by reason of section 305(b), the amount of the distribution, in accordance with section 301(b) and § 1.301–1, is the fair market value of such stock or rights on the date of distribution. See example (1) of § 1.305–2(b).

(2) Where a corporation which regularly distributes its earnings and profits, such as a regulated investment company, declares a dividend pursuant to which the shareholders may elect to receive either money or stock of the distributing corporation of equivalent value, the amount of the distribution of the stock received by any shareholder electing to receive stock will be considered to equal the amount of the money which could have been received instead. See example (2) of § 1.305–2(b).

(3) Where certain transactions, such as changes in conversion ratios or periodic redemptions, are treated as distributions, see examples (8) and (9) of § 1.305–3(e) for rules for determining the amount of the distribution.

(c) *Adjustment in purchase price.* A transfer of stock (or rights to acquire stock) or an increase in the conversion ratio or redemption price of stock which represents an adjustment of the price to be paid by the distributing corporation in acquiring property is not within the purview of section 305 because it is not a distribution with respect to its stock. For example, assume that on January 1, 1970, pursuant to a reorganization, corporation X acquires all the stock of corporation Y solely in exchange for its convertible preferred class B stock. Under the terms of the class B stock, its conversion ratio is to be adjusted in 1973 under a formula based upon the earnings of corporation Y over the 3-year period ending on December 31, 1972. Such an adjustment in 1973 is not covered by section 305.

(d) *Definitions.* (1) For purposes of this section and §§ 1.305–2 through 1.305–6, the term "stock" includes rights or warrants to acquire such stock.

(2) For purposes of §§ 1.305–3 through 1.305–6, the term "shareholder" includes

a holder of rights or warrants or a holder of convertible securities.

§ 1.305–2 Distributions in lieu of money.

(a) *In general.* Under section 305(b)(1), if any shareholder has the right to an election or option with respect to whether a distribution shall be made either in money or any other property, or in stock or rights to acquire stock of the distributing corporation, then, with respect to all shareholders, the distribution of stock or rights to acquire stock is treated as a distribution of property to which section 301 applies regardless of—

(1) Whether the distribution is actually made in whole or in part in stock or in stock rights;

(2) Whether the election or option is exercised or exercisable before or after the declaration of the distribution;

(3) Whether the declaration of the distribution provides that the distribution will be made in one medium unless the shareholder specifically requests payment in the other;

(4) Whether the election governing the nature of the distribution is provided in the declaration of the distribution or in the corporate charter; or

(5) Whether all or part of the shareholders have the election.

(b) *Examples.* The application of section 305(b)(1) may be illustrated by the following examples:

Example (1). (i) Corporation X declared a dividend payable in additional shares of its common stock to the holders of its outstanding common stock on the basis of two additional shares for each share held on the record date but with the provision that, at the election of any shareholder made within a specified period prior to the distribution date, he may receive one additional share for each share held on the record date plus $12 principal amount of securities of corporation Y owned by corporation X. The fair market value of the stock of corporation X on the distribution date was $10 per share. The fair market value of $12 principal amount of securities of corporation Y on the distribution date was $11 but such securities had a cost basis to corporation X of $9.

(ii) The distribution to all shareholders of one additional share of stock of corporation X (with respect to which no election applies) for each share outstanding is not a distribution to which section 301 applies.

(iii) The distribution of the second share of stock of corporation X to those shareholders who do not elect to receive securities of corporation Y is a distribution of property to which section 301 applies, whether such shareholders are individuals or corporations. The amount of the distribution to which section 301 applies is $10 per share of stock of corporation X held on the record date (the fair market value of the stock of corporation X on the distribution date).

(iv) The distribution of securities of corporation Y in lieu of the second share of stock of corporation X to the shareholders of corporation X whether individuals or corporations, who elect to receive such securities, is also a distribution of property to which section 301 applies.

(v) In the case of the individual shareholders of corporation X who elect to receive such securities, the amount of the distribution to which section 301 applies is $11 per share of stock of corporation X held on the record date (the fair market value of the $12 principal amount of securities of corporation Y on the distribution date).

(vi) In the case of the corporate shareholders of corporation X electing to receive such securities, the amount of the distribution to which section 301 applies is $9 per share of stock of corporation X held on the record date (the basis of the securities of corporation Y in the hands of corporation X).

Example (2). On January 10, 1970, corporation X, a regulated investment company, declared a dividend of $1 per share on its common stock payable on February 11, 1970, in cash or in stock of corporation X of equivalent value determined as of January 22, 1970, at the election of the shareholder made on or before January 22, 1970. The amount of the distribution to which section 301 applies is $1 per share whether the shareholder elects to take cash or stock and whether the shareholder is an individual or a corporation. Such amount will also be used in determining the dividend paid deduction of corporation X and the reduction in earnings and profits of corporation X.

§ 1.305–3 Disproportionate distributions.

(a) *In general.* Under section 305(b)(2), a distribution by a corporation of its stock or rights to acquire its stock is treated as a distribution of property to which section 301 applies if the distribution (or a series of distributions of which such distribution is one) has the result of (1) the receipt of money or other property by some shareholders, and (2) an increase in the proportionate interests of other shareholders in the assets or earnings and profits of the corporation. Thus, if a corporation has two classes of common stock outstanding and each share of stock has substantially the same rights except that cash dividends are paid on one class and stock dividends are paid on the other class, the stock dividends are treated as distributions to which section 301 applies.

(b) *Special rules.* (1) As used in section 305(b)(2), the term "a series of distributions" encompasses all distributions of stock made or deemed made by a corporation which have the result of the receipt of cash or property by some shareholders and an increase in the proportionate interests of other shareholders.

(2) In order for a distribution of stock to be considered as one of a series of distributions it is not necessary that such distribution be pursuant to a plan to distribute cash or property to some shareholders and to increase the proportionate interests of other shareholders. It is sufficient if there is an actual or deemed distribution of stock (of which such distribution is one) and as a result of such distribution or distributions some shareholders receive cash or property and other shareholders increase their proportionate interests. For example, if a corporation pays quarterly stock dividends to one class of common shareholders and annual cash dividends to another class of common shareholders the quarterly stock dividends constitute a series of distributions of stock having the result of the receipt of cash or property by some shareholders and an increase in the proportionate interests of other shareholders. This is so whether or not the stock distributions and the cash distributions are steps in an overall plan or are independent and unrelated. Accordingly, all the quarterly stock dividends are distributions to which section 301 applies.

(3) There is no requirement that both elements of section 305(b)(2) (i.e., receipt of cash or property by some shareholders and an increase in proportionate interests of other shareholders) occur in the form of a distribution or series of distributions as long as the result of a distribution or distributions of stock is that some shareholders' proportionate interests increase and other shareholders in fact receive cash or property. Thus, there is no requirement that the shareholders receiving cash or property acquire the cash or property by way of a corporate distribution with respect to their shares, so long as they receive such cash or property in their capacity as shareholders, if there is a stock distribution which results in a change in the proportionate interests of some shareholders and other shareholders receive cash or property. For example, if a corporation makes a stock distribution to its shareholders, and pursuant to a prearranged plan with such corporation, a related corporation purchases such stock in a transaction to which section 304 applies from those shareholders who want cash, the requirements of section 305(b)(2) are satisfied.

(4) Where the receipt of cash or property occurs more than 36 months following a distribution or series of distributions of stock, or where a distribution or series of distributions of stock is made more than 36 months following the receipt of cash or property, such distribution or distributions will be presumed not to result in the receipt of cash or property by some shareholders and an increase in the proportionate interest of other shareholders, unless the receipt of cash or property and the distribution or series of distributions of stock are made pursuant to a plan. For example, if, pursuant to a plan, a corporation pays cash dividends to some shareholders on January 1, 1971 and increases the proportionate interests of other shareholders on March 1, 1974, in order to reflect the earlier cash dividends, such increases in proportionate interests are distributions to which section 301 applies.

(5) In determining whether a distribution or a series of distributions has the result of a disproportionate distribution, there shall be treated as outstanding stock of the distributing corporation (i) any right to acquire such stock (whether or not exercisable during the taxable year), and (ii) any security convertible into stock of the distributing corporation (whether or not convertible during the taxable year).

(6) In cases where there is more than one class of stock outstanding, each class of stock is to be considered separately in determining whether a shareholder has

increased his proportionate interest in the assets or earnings and profits of a corporation. The individual shareholders of a class of stock will be deemed to have an increased interest if the class of stock as a whole has an increased interest in the corporation.

(c) *Distributions of cash in lieu of fractional shares.* (1) Section 305(b)(2) will not apply if a corporation declares a dividend payable in stock of the corporation and distributes cash in lieu of fractional shares to which shareholders would otherwise be entitled, provided the purpose of the distribution of cash is to save the corporation the trouble, expense, and inconvenience of issuing and transferring fractional shares (or scrip representing fractional shares), or issuing full shares representing the sum of fractional shares, and not to give any particular group of shareholders an increased interest in the assets and earnings and profits of the corporation. For purposes of the preceding sentence, if the total amount of cash distributed annually in lieu of fractional shares is 5 percent or less of the total fair market value of the stock distributed (determined as of the date of declaration), the distribution shall be considered to be for such valid purpose.

(2) In a case to which subparagraph (1) of this paragraph applies, the transaction will be treated as though the fractional shares were distributed as part of the stock distribution and then were redeemed by the corporation. The treatment of the cash received by a shareholder will be determined under section 302.

(d) *Adjustment in conversion ratio.* If a corporation has convertible stock or convertible securities outstanding and distributes a stock dividend with respect to the stock into which the convertible stock or securities are convertible, no increase in proportionate interest in the assets or earnings and profits of the corporation by reason of such stock dividend shall be considered as having occurred provided—

(1) An adjustment in the conversion ratio to reflect such stock dividend is made no later than the earlier of (i) 3 years after the date of the stock dividend, or (ii) that date as of which the aggregate stock dividends, for which adjustment of the conversion ratio has not previously been made, total at least 3 percent of the stock issued and outstanding on the date of the first such stock dividend, and

(2) The distributing corporation attaches to its income tax return for the taxable year of the distribution (i) a statement that the corporation elects to make an adjustment in accordance with the provisions of subparagraph (1) of this paragraph, and (ii) a copy of the corporate authority for such an adjustment procedure.

(e) *Examples.* The application of sections 305(b)(2) and 305(c) may be illustrated by the following examples:

Example (1). Corporation X is organized with two classes of common stock, class A and class B. Each share of stock is entitled to share equally in the assets and earnings and profits of the corporation. Dividends may be paid in stock or in cash on either class of stock without regard to the medium of payment of dividends on the other class. A dividend is declared on the class A stock payable in additional shares of class A stock and a dividend is declared on class B stock payable in cash. Since the class A shareholders as a class will have increased their proportionate interests in the assets and earnings and profits of the corporation and the class B shareholders will have received cash, the additional shares of class A stock are distributions of property to which section 301 applies. This is true even with respect to those shareholders who may own class A stock and class B stock in the same proportion.

Example (2). Corporation Y is organized with two classes of stock, class A common, and class B, which is nonconvertible and limited and preferred as to dividends. A dividend is declared upon the class A stock payable in additional shares of class A stock and a dividend is declared on the class B stock payable in cash. The distribution of class A stock is not one to which section 301 applies because the distribution does not increase the proportionate interests of the class A shareholders as a class.

Example (3). Corporation K is organized with two classes of stock, class A common, and class B, which is nonconvertible preferred stock. A dividend is declared upon the class A stock payable in shares of class B stock and a dividend is declared on the class B stock payable in cash. Since the class A shareholders as a class have an increased interest in the assets and earnings and profits of the corporation, the stock distribution is treated as a distribution to which section 301 applies. If, however, a dividend were declared upon the class A stock payable in a new class of preferred stock that is subordinated in all respects to the class B stock, the distribution would not increase the proportionate interests of the class A shareholders in the assets or earnings and profits of the corporation and would not be treated as a distribution to which section 301 applies.

Example (4). (i) Corporation W has one class of stock outstanding, class A common. The corporation also has outstanding interest paying securities convertible into class A common stock which have a fixed conversion ratio that is not subject to adjustment in the event stock dividends or rights are distributed to the class A shareholders. Corporation W distributes to the class A shareholders rights to acquire additional shares of class A stock.

(ii) The stock rights and convertible securities are considered to be outstanding stock of the corporation and the distribution increases the proportionate interests of the class A shareholders in the assets and earnings and profits of the corporation. Therefore, the distribution is treated as a distribution to which section 301 applies. The same result would follow if, instead of convertible securities, the corporation had outstanding convertible stock. If, however, the conversion ratio of the securities or stock were adjusted to reflect the distribution of rights to the class A shareholders, the rights to acquire class A stock would not increase the proportionate interests of the class A shareholders in the assets and earnings and profits of the corporation and would not be treated as a distribution to which section 301 applies.

Example (5). (i) Corporation S is organized with two classes of stock, class A common and class B convertible preferred. The class B is fully protected against dilution in the event of a stock dividend or stock split with respect to the class A stock; however, no adjustment in the conversion ratio is required to be made until the stock dividends equal 3 percent of the common stock issued and outstanding on the date of the first such stock dividend.

(ii) Corporation S pays a 1 percent stock dividend on the class A stock in 1970. In 1971, another 1 percent stock dividend is paid and in 1972 another 1 percent stock dividend is paid. The conversion ratio of the class B stock is increased in 1972 to reflect the three stock dividends paid on the class A stock. The distributions of class A stock are not distributions to which section 301 applies because they do not increase the proportionate interests of the class A shareholders in the assets and earnings and profits of the corporation provided the information required under § 1.305–3(d) is filed within within the time and manner described.

Example (6). (i) Corporation M is organized with two classes of stock outstanding, class A and class B. Each class B share may be converted, at the option of the holder, into class A shares. During the first year, the conversion ratio is one share of class A stock for each share of class B stock. At the beginning of each subsequent year, the conversion ratio is increased by 0.05 share of class A stock for each share of class B stock. Thus, during the second year, the conversion ratio would be 1.05 shares of class A stock for each share of class B stock, during the third year, the ratio would be 1.10 shares, etc.

(ii) M pays an annual cash dividend on the class A stock. At the beginning of the second year, when the conversion ratio is increased to 1.05 shares of class A stock for each share of class B stock, a distribution of 0.05 share of class A stock is considered as made on the class B stock. Since the proportionate interests of the class B shareholders in the assets and earnings and profits of M are increased, and since cash dividends were paid on the class A stock the distribution is a distribution to which section 301 applies.

Example (7). (i) Corporation N has two classes of stock outstanding, class A and class B. Each class B share is convertible, at the option of the holder, into class A stock. However, in accordance with a specified formula, this ratio is decreased each time a cash dividend is paid on the class B stock to reflect the amount of the cash dividend. The conversion ratio is also adjusted in the event that cash dividends are paid on the class A stock to increase the number of class A shares into which the class B shares are convertible to compensate the class B shareholders for the cash dividend paid on the class A stock.

(ii) A $1 cash dividend per share is declared and paid on the class B stock. On the date of payment, when the conversion ratio is decreased a distribution of stock is considered as made with respect to each share of class A stock reflecting each such share's increased proportionate interest in the assets and earnings and profits of the corporation. The distribution is a distribution to which section 301 applies.

(iii) In the following year a cash dividend is paid on the class A stock and none is paid on the class B stock. The increase in conversion rights of the class B shares constitutes an increase in the proportionate interest in the assets and earnings and profits of the corporation and is treated as a distribution to which section 301 applies.

Example (8). Corporation T has 1,000 shares of stock outstanding. C owns 100 shares. Nine other shareholders each owns 100 shares. Pursuant to a plan for periodic redemptions, T offers to redeem up to 5 percent of each shareholder's stock each year.

During the year, each of the nine other shareholders has 5 shares of his stock redeemed for cash. Thus, C's proportionate interest in the assets and earnings and profits of T is increased. Assuming that the cash received by the nine other shareholders is taxable under section 301, C is considered to have received a distribution under sections 305(b)(2) and 305(c) of 5.25 shares of T stock to which section 301 applies. The amount of C's distribution is measured by the fair market value of the number of shares which would have been distributed to C had the corporation sought to increase his interest by 0.47 percentage points (C owned 10 percent of the T stock immediately before the redemption and 10.47 percent immediately thereafter) and the other shareholders continued to hold 900 shares (i.e.,

(a) $\frac{100}{955}$=10.47% (percent of C's ownership after redemption);

(b) $\frac{100+x}{1000+x}$=10.47%; x=5.25 (additional shares considered to be distributed to C)).

Since in computing the amount of additional shares deemed to be distributed to C the redemption of shares is disregarded, the redemption of shares will be similarly disregarded in determining the value of the stock of the corporation which is considered to be distributed. Thus, in the example, 1,005.25 shares of stock are considered as outstanding after the redemption. The value of each share deemed to be distributed to C is then determined by dividing the 1,005.25 shares into the aggregate fair market value of the actual shares outstanding (955) after the redemption.

Example (9). (i) Corporation O has an optional stock redemption program under which, instead of paying out earnings and profits to its shareholders in the form of dividends, it offers to redeem the stock of its shareholders up to a stated amount which is determined by the earnings and profits of the corporation. If the stock tendered for redemption exceeds the stated amount, the corporation redeems the stock on a pro rata basis up to the stated amount.

(ii) During the year corporation O offers to distribute $10,000 in redemption of its stock. At the time of the offering, corporation O has 1,000 shares outstanding of which E and F each owns 150 shares and G and H each owns 350 shares. The corporation redeems 15 shares from E and 35 shares from G. F and H continue to hold all of their stock.

(iii) F and H have increased their proportionate interests in the assets and earnings and profits of the corporation. Assuming that the cash E and G receive is taxable under section 301, F will be considered to have received a distribution under sections 305(b)(2) and 305(c) of 16.66 shares of stock to which section 301 applies and H will be considered to have received a distribution under sections 305(b)(2) and 305(c) of 38.86 shares of stock to which section 301 applies. The amount of the distribution to F and H is measured by the number of shares which would have been distributed to F and H had the corporation sought to increase the interest of F by 0.79 percentage points (F owned 15 percent of the stock immediately before the redemption and 15.79 percent immediately thereafter) and the interest of H by 1.84 percentage points (H owned 35 percent of the stock immediately before the redemption and 36.84 percent immediately thereafter) and E and G had continued to hold 150 shares and 350 shares, respectively (i.e.,

(a) $\frac{150}{950}\times\frac{350}{950}$=52.63% (percent of F and H's ownership after redemption);

(b) $\frac{500+y}{1000+y}$=52.63%; y=55.52 (additional shares considered to be distributed to F and H);

(c) (1) $\frac{150}{500}\times 55.52$=16.66 (shares considered to be distributed to F);

(2) $\frac{350}{500}\times 55.52$=38.88 (shares considered to be distributed to H)).

Since in computing the amount of additional shares deemed to be distributed to F and H the redemption of shares is disregarded, the redemption of shares will be similarly disregarded in determining the value of the stock of the corporation which is considered to be distributed. Thus, in the example, 1,055.52 shares of stock are considered as outstanding after the redemption. The value of each share deemed to be distributed to F and H is then determined by dividing the 1,055.52 shares into the aggregate fair market value of the actual shares outstanding (950) after the redemption.

Example (10). Corporation P has 1,000 shares of stock outstanding. T owns 700 shares of the P stock and G owns 300 shares of the P stock. In a single and isolated redemption to which section 301 applies, the corporation redeems 150 shares of T's stock. Since this is an isolated redemption, G is not treated as having received a distribution to which section 301 applies even though he has an increased proportionate interest in the assets and earnings and profits of the corporation.

Example (11). Corporation Q is a large corporation whose sole class of stock is widely held. However, the four largest shareholders are officers of the corporation and each owns 8 percent of the outstanding stock. In 1970, a fire destroys one of Q's factory buildings and, rather than rebuild, Q decides to distribute the insurance proceeds to its shareholders. Accordingly, in 1970 the insurance proceeds are distributed pro rata in redemption of part of Q's stock pursuant to a plan of partial liquidation. In 1974, in a distribution to which section 301 applies, the corporation redeems 1.5 percent of the stock from each of the four largest shareholders in preparation for their retirement. Since the 1974 redemptions are not part of a plan for periodically redeeming the stock of the corporation, the remaining shareholders are not treated as having received a distribution to which section 301 applies even though they have an increased proportionate interest in the assets and earnings and profits of the corporation.

Example (12). Corporation R has 2,000 shares of class A stock outstanding. Five shareholders own 300 shares each and five shareholders own 100 shares each. In preparation for the retirement of the five major shareholders, corporation R, in a single and isolated transaction, has a recapitalization in which each share of class A stock may be exchanged either for five shares of new class B nonconvertible preferred stock plus 0.4 share of new class C common stock, or for two shares of new class C common stock. As a result of the exchanges, each of the five major shareholders receives 1,500 shares of class B nonconvertible preferred stock and 120 shares of class C common stock. The remaining shareholders each receives 200 shares of class C common stock. None of the exchanges are within the purview of section 305.

Example (13). (i) Corporation V is organized with two classes of stock, class A common and class B convertible preferred. The class B stock is issued for $100 per share and is convertible into class A at a fixed ratio that is not subject to adjustment in the event stock dividends or rights are distributed to the class A shareholders. The class B stock pays no dividends but it is redeemable in 10 years for $200. Under section 305(b)(4) (see example (6) of § 1.305–5(c)), the excess of redemption price over issue price is deemed to be a substitute for dividends and the dividends are considered to be distributed ratably over the 10-year period since there are no facts to show that such excess constitutes a reasonable call premium. During the year, the corporation declares a dividend on the class A stock payable in additional shares of class A stock.

(ii) The distribution on the class A stock is a distribution to which section 301 applies since it increases the proportionate interests of the class A shareholders in the assets and earnings and profits of the corporation and the class B stockholders have received property. If, however, the conversion ratio of the class B stock were subject to adjustment to reflect the distribution of stock to class A shareholders, the distribution of stock dividends on the class A stock would not increase the proportionate interests of the class A shareholders in the assets and earnings and profits of the corporation and such distribution would not be a distribution to which section 301 applies.

§ 1.305–4 Distributions of common and preferred stock.

(a) *In general.* Under section 305(b)(3), a distribution (or a series of distributions) by a corporation which results in the receipt of preferred stock whether or not convertible into common stock) by some common shareholders and the receipt of common stock by other common shareholders is treated as a distribution of property to which section 301 applies. For the meaning of the term "a series of distributions," see § 1.305–3(b)(1).

(b) *Examples.* The application of section 305(b)(3) may be illustrated by the following examples:

Example (1). Corporation X is organized with two classes of common stock, class A and class B. Dividends may be paid in stock or in cash paid on either class of stock without regard to the medium or payment of dividends on the other class. A dividend is declared on the class A stock payable in additional shares of class A stock and a dividend is declared on class B stock payable in newly authorized class C stock which is nonconvertible and limited and preferred as to dividends. Both the distribution of class A shares and the distribution of new class C shares are distributions to which section 301 applies.

Example (2). Corporation Y is organized with one class of stock, class A common. During the year the corporation declares a dividend on the class A stock payable in newly authorized class B preferred stock which is convertible into class A stock no later than 6 months from the date of distribution at a price that is only slightly higher than the market price of class A stock on the date of distribution. Taking into account the dividend rate, redemption provisions, the marketability of the convertible stock, and the conversion price, it is reasonable to anticipate that within a relatively short period of time some shareholders will exercise their conversion rights and some will not. Since the distribution can reasonably be expected to result in the receipt of preferred stock by some common shareholders and the receipt of common stock by other common shareholders, the distribution is a distribution of property to which section 301 applies.

§ 1.305–5 Distributions on preferred stock.

(a) *In general.* Under section 305(b)(4), a distribution by a corporation of its stock (or rights to acquire its stock) made or deemed made with respect to its preferred stock is treated as a distribution of property to which section 301 applies unless the distribution is made with respect to convertible preferred stock (or securities) to take into account a stock dividend, stock split, or any similar adjustment (such as the sale of stock of the distributing corporation to employees at less than the fair market value) which would otherwise result in the dilution of the conversion right. For purposes of the preceding sentence, an adjustment in the conversion ratio of convertible preferred stock made solely to take into account the distribution by a closed end regulated investment company of a capital gain dividend with respect to the stock into which such stock is convertible shall not be considered a "similar adjustment." The term "preferred stock" includes stock the terms of which require, in all events, periodic distributions with respect to it of stock or rights to acquire stock, provided the corporation has another class of stock outstanding.

(b) *Redemption premium.* (1) If a corporation issues preferred stock which may be redeemed after a specified period of time at a price higher than the issue price, such increase will be considered under the authority of section 305(c) to be a distribution of additional stock on preferred stock which is constructively received by the shareholder over the period of time during which the preferred stock cannot be called for redemption.

(2) Subparagraph (1) of this paragraph shall not apply to the extent that the redemption price is a reasonable call premium and is not a substitute for dividends on such stock. For purposes of the preceding sentence, a redemption premium not in excess of 10 percent of the issue price on stock which is not redeemable for 5 years from the date of issue shall be considered reasonable.

(c) *Examples.* The application of sections 305(b)(4) and 305(c) may be illustrated by the following examples:

Example (1). Corporation R is organized with two classes of stock, class A and class B. The terms of the class B stock require that a distribution of one share of class A stock be made annually with respect to each 20 shares of class B stock. The class A stock is not preferred stock. During the year, the required dividend in class A shares is declared and paid on the class B stock. The class B stock is preferred stock and the distribution of class A shares is a distribution to which section 301 applies.

Example (2). (i) Corporation S is organized with two classes of stock, class A and class B. The class A stock is not preferred as to dividends. The class B stock may be converted, at the option of the holder, into class A stock. During the first year, the conversion ratio is one share of class A stock for each share of class B stock. At the beginning of each subsequent year, the conversion ratio is increased by 0.05 share of class A stock for each share of class B stock. Thus, during the second year the conversion ratio would be 1.05 shares of class A stock for each share of class B stock; during the third year the ratio would be 1.10 shares, etc.

(ii) At the beginning of the second year, when the conversion ratio is increased to 1.05 shares of class A stock for each share of class B stock, a distribution of 0.05 share of class A stock is considered as made with respect to each share of class B stock. The class B stock is preferred stock and the distribution is a distribution to which section 301 applies.

Example (3). Corporation T has 1,000 shares of 8 percent cumulative preferred stock outstanding with a par value of $100 per share. Five hundred shares are owned by J and 500 shares by K. The corporation is 3 years in arrears on its dividends to the preferred shareholders. Pursuant to a recapitalization under section 368(a)(1)(E), each share of preferred stock is exchanged for 1.2 shares of new preferred stock having substantially the same terms as the stock exchanged. Each share of new preferred stock is equal in value to a share of old preferred stock and 0.2 of a share of new preferred stock is equal in value to the amount of dividend arrearages on the old preferred stock. J and K are each considered to have received a distribution on their preferred stock of 100 shares and the distribtuion is a distribution to which section 301 applies.

Example (4). (i) Corporation U has outstanding 1,000 shares of nonvoting, cumulative preferred stock and 10,000 shares of common stock without par value. The preferred stock is entitled to a preferential dividend of $6 per share annually. The corporation is 3 years in arrears on its dividends to the preferred shareholders. The preferred is redeemable by corporation U at any time at $110 per share and is entitled to a $100 preference on liquidation. The fair market value of the preferred and common is, respectively, $90 per share and $12 per share.

(ii) Pursuant to a recapitalization under section 368(a)(1)(E), the preferred shareholders exchange their preferred stock including their right to dividend arrearages on the basis of one old preferred share for one newly authorized class A preferred share and three common shares. The new class A preferred pays an annual preferential dividend of $4 per share noncumulative, is entitled to one vote per share, is convertible into two shares of common stock at any time, is redeemable by corporation U after 5 years from the date of issue at $55 per share, and is entitled to a $50 per share preference in liquidation. The new class A preferred immediately trades on the market after issuance at $55 per share, and the common continues to trade at $12 per share. Section 305(b) does not apply to the transaction and accordingly the stock received by the preferred shareholders is not a distribution to which section 301 applies.

(iii) Assume the same facts as in (i). Pursuant to a recapitalization under section 368(a)(1)(E), the preferred shareholders exchange their preferred stock including their right to dividend arrearages on the basis of one preferred share for 7.5 shares of common stock. The common stock continues to trade on the market for $12 per share. Section 305(b) does not apply to the transaction and accordingly the stock received by the preferred shareholders is not a distribution to which section 301 applies.

Example (5). (i) Corporation A, a publicly held company whose stock is traded on a securities exchange (or in the over-the-counter market) has two classes of stock outstanding, common and preferred. The preferred stock is nonconvertible, limited and preferred as to dividends, and has a fixed liquidation preference. There are no dividend arrearages. At the time of issue of the preferred stock, there was no plan or prearrangement by which it was to be exchanged for common stock. In order to retire the preferred stock, corporation A recapitalizes in a transaction to which section 368(a)(1)(E) applies and the preferred stock is exchanged for common stock. The transaction is not deemed to be a distribution under section 305(c) and sections 305(b) and 301 do not apply to the transaction. The same result would follow if the preferred stock was exchanged for a new preferred stock having substantially the same market value and having no greater call premium or liquidation preference than the old preferred stock but which is convertible into common stock of corporation A at a fixed ratio subject to change solely to take account of stock dividends, stock splits, or similar transactions with respect to the stock into which the preferred stock is convertible.

(ii) Assume the same facts as in (i) except that each share of preferred stock is exchanged for one share of new preferred stock which is substantially identical in all respects to the old preferred stock, plus a share of common. The exchange is deemed to be a distribution under section 305(c) to the preferred shareholders since their proportionate interests in the earnings and profits or assets of the corporation are increased and since such distribution has the effect described in section 305(b)(4). Accordingly, sections 305(b)(4) and 301 apply to the transaction.

Example (6). Corporation V is organized with two classes of stock, 1,000 shares of class A common and 1,000 shares of class B convertible preferred. Each share of class B stock may be converted into two shares of class A stock. Pursuant to a recapitalization under section 368(a)(1)(E), the 1,000 shares of class A stock are surrendered in exchange for 500 shares of new class A common and 500 shares of newly authorized class C common. The conversion right of class B stock is changed to one share of class A stock and one share of class C stock for each share of class B stock. The change in the conversion right is not considered a distribution on preferred stock to which section 301 applies.

Example (7). Corporation X issues preferred stock of $100 per share. The stock is redeemable in 5 years or any time thereafter for $110. The redemption price at no time exceeds 10 percent of the issue price. The increase in the redemption price is not considered a distribution on preferred stock under section 305(b)(4).

Example (8). Corporation W issues preferred stock for $100 per share. The stock pays no dividends but is redeemable in 5 years for $185, with yearly increases thereafter of $15. There are no facts to indicate that a call premium in excess of $10 is reasonable. Since the increase in redemption price over the issue price exceeds the reasonable call premium to the extent of $75, that amount will be deemed to be a substitute for the distribution of dividends on such stock. The shareholder is considered to receive on the last day of each year during the 5-year period, a distribution on his preferred stock in an amount equal to 15 percent of the issue price. Each $15 increase in the redemption price thereafter is considered to be a distribution on the preferred stock at the time each such increase becomes effective.

Example (9). (i) Corporation Y is organized with two classes of stock, class A common and class B convertible preferred. The class B stock is issued for $100 a share and pays no cash dividends. The class B stock may be converted into class A stock during the first year at one share of class A stock for each share of class B stock. On the last day of each year, the conversion ratio is increased by 0.05 share of class A stock for each share of class B stock. The class B stock is redeemable after ten years at a price of $150. There are no facts indicating that a call premium in excess of $10 is reasonable.

(ii) A distribution is deemed to be made on the class B stock each year equal to the greater of (*a*) the fair market value of 0.05 share of class A stock as of the last day of each such year (see example (2) of this paragraph), or (*b*) 4 percent of the issue price (see example (8) of this paragraph).

§ 1.305–6 Distributions of convertible preferred.

(a) *In general.* (1) Under section 305(b)(5), a distribution by a corporation of its convertible preferred stock or rights to acquire such stock made or considered as made with respect to its stock is treated as a distribution of property to which section 301 applies unless the corporation establishes that such distribution will not result in a disproportionate distribution as described in § 1.305–3.

(2) The distribution of convertible preferred stock is likely to result in a disproportionate distribution when both of the following conditions exist: (i) The conversion right must be exercised within a relatively short period of time after the date of distribution of the stock; and (ii) taking into account such factors as the dividend rate, the redemption provisions, the marketability of the convertible stock, and the conversion price, it may be anticipated that some shareholders will exercise their conversion rights and some will not. On the other hand, where the conversion right may be exercised over a period of many years and the dividend rate is consistent with market conditions at the time of distribution of the stock, there is no basis for predicting at what time and the extent to which the stock will be converted and it is unlikely that a disproportionate distribution will result.

(b) *Examples.* The application of section 305(b)(5) may be illustrated by the following examples:

Example (1). Corporation Z is organized with one class of stock, class A common. During the year the corporation declares a dividend on the class A stock payable in newly authorized class B preferred stock which is convertible into class A stock for a period of 20 years from the date of issuance. Assuming dividend rates are normal in light of existing conditions so that there is no basis for predicting the extent to which the stock will be converted, these circumstances will ordinarily be sufficient to establish that a disproportionate distribution will not result since it is impossible to predict the extent to which the class B stock will be converted into class A stock. Accordingly, the distribution of class B stock is not one to which section 301 applies.

Example (2). Corporation X is organized with one class of stock, class A common. During the year the corporation declares a dividend on the class A stock payable in newly authorized redeemable class C preferred stock which is convertible into class A common stock no later than 4 months from the date of distribution at a price slightly higher than the market price of class A stock on the date of distribution. By prearrangement with corporation X, corporation Y, an insurance company, agrees to purchase class C stock from any shareholder who does not wish to convert. By reason of this prearrangement, it is anticipated that the shareholders will either sell the class C stock to the insurance company (which expects to retain the shares for investment purposes) or will convert and not retain the stock. As a result, some of the shareholders exercise their conversion privilege and receive additional shares of class A stock, while other shareholders sell their class C stock to corporation Y and receive cash. The distribution is a distribution to which section 301 applies since it results in the receipt of property by some shareholders and an increase in the proportionate interests of other shareholders.

§ 1.305–7 Certain transactions treated as distributions.

Under section 305(c), a change in conversion ratio, a change in redemption price, a difference between redemption price and issue price, a redemption which is treated as a distribution to which section 301 applies, or any transaction (including a recapitalization) having a similar effect on the interest of any shareholder may be treated as a distribution with respect to any shareholder whose proportionate interest in the earnings and profits or assets of the corporation is increased by such change, difference, redemption, or similar transaction. Thus, in general, such change, difference, redemption, or similar transaction will be treated as a distribution to which sections 305(b) and 301 apply where—

(a) The proportionate interest of any shareholder in the earnings and profits or assets of the corporation deemed to have made such distribution is increased by such change, difference, redemption, or similar transaction; and

(b) The effect of such distribution has the result described in paragraph (2), (3), (4), or (5) of section 305(b).

Where such change, difference, redemption, or similar transaction is treated as a distribution under the provisions of this section, such distribution will be deemed made with respect to any shareholder whose interest in the earnings and profits or assets of the distributing corporation is increased thereby. Such distribution will be deemed to be a distribution of the stock of such corporation made by the corporation to such shareholder with respect to his stock. Depending upon the facts presented, the distribution may be deemed to be made in common or preferred stock. For example, where a redemption price in excess of a reasonable call premium exists with respect to a class of preferred stock and the other requirements of this section are also met, the distribution will be deemed made with respect to such preferred stock, in stock of the same class. Accordingly the preferred shareholders are considered under sections 305(b)(4) and 305(c) to have received a distribution of preferred stock to which section 301 applies. See the examples in §§ 1.305–3(e) and 1.305–5(c) for further illustrations of the application of section 305(c).

§ 1.305–8 Effective dates.

(a) *In general.* Section 421(b) of the Tax Reform Act of 1969 (83 Stat. 615) provides as follows:

(b) *Effective dates.* (1) Except as otherwise provided in this subsection, the amendment made by subsection (a) shall apply with respect to distributions (or deemed distributions) made after January 10, 1969, in taxable years ending after such date.

(2) (A) Section 305(b)(2) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall not apply to a distribution (or deemed distribution) of stock made before January 1, 1991, with respect to stock (i) outstanding on January 10, 1969, (ii) issued pursuant to a contract binding on January 10, 1969, on the distributing corporation, (iii) which is additional stock of that class of stock which (as of January 10, 1969) had the largest fair market value of all classes of stock of the corporation (taking into account only stock outstanding on January 10, 1969, or issued pursuant to a contract binding on January 10, 1969), (iv) described in subparagraph (C)(iii), or (v) issued in a prior distribution described in clause (i), (ii), (iii), or (iv).

(B) Subparagraph (A) shall apply only if—

(i) The stock as to which there is a receipt of property was outstanding on January 10, 1969 (or was issued pursuant to a contract binding on January 10, 1969, on the distributing corporation), and

(ii) If such stock and any stock described in subparagraph (A)(i) were also outstanding on January 10, 1968, a distribution of property was made on or before January 10, 1969, with respect to such stock, and a distribution of stock was made on or before January 10, 1969, with respect to such stock described in subparagraph (A)(i).

(C) Subparagraph (A) shall cease to apply when at any time after October 9, 1969, the distributing corporation issues any of its stock (other than in a distribution of stock with respect to stock of the same class) which is not—

(i) Nonconvertible preferred stock,

(ii) Additional stock of that class of stock which meets the requirements of subparagraph (A)(iii), or

(iii) Preferred stock which is convertible into stock which meets the requirements of subparagraph (A)(iii) at a fixed conversion ratio which takes account of all stock dividends and stock splits with respect to the stock into which such convertible stock is convertible.

(D) For purposes of this paragraph, the term "stock" includes rights to acquire such stock.

(3) In cases to which Treasury Decision 6990 (promulgated January 10, 1969) would not have applied, in applying paragraphs (1) and (2) April 22, 1969, shall be substituted for January 10, 1969.

(4) Section 305(b)(4) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall not apply to any distribution (or deemed distribution) with respect to preferred stock (including any increase in the conversation ratio of convertible stock) made before January 1, 1991, pursuant to the terms relating to the issuance of such stock which were in effect on January 10, 1969.

(5) With respect to distributions made or considered as made after January 10, 1969, in taxable years ending after such date, to the extent that the amendment made by subsection (a) does not apply by reason of paragraph (2), (3), or (4) of this subsection, section 305 of the Internal Revenue Code of 1954 (as in effect before the amendment made by subsection (a)) shall continue to apply.

(b) *Rules of application.* (1) The rules contained in section 421(b)(2) of the Tax Reform Act shall apply with respect to the application of the following sections of the Code: (i) Section 305(b)(2); and (ii) section 305(b)(5), to the extent that section requires a determination as to whether a distribution will have the result described in section 305(b)(2). For example, section 305(b)(5) of the Code will not apply to a distribution of convertible preferred stock made before January 1, 1991, with respect to stock outstanding on January 10, 1969 (or which was issued pursuant to a contract binding on the distributing corporation on January 10, 1969), provided the distribution is pursuant to the terms relating to the issuance of such stock which were in effect on January 10, 1969.

(2) Except as provided in subparagraph (3) of this paragraph, for purposes of section 421(b)(2) of the Tax Reform Act of 1969 (83 Stat. 615), stock is considered as outstanding on January 10, 1969, if it could be acquired on such date or some future date by the exercise of a right in existence on such date. For purposes of the preceding sentence, common stock will also be considered outstanding on January 10, 1969, if (i) an option to which section 422 or 423 of the Code applies was granted to acquire such stock prior to [the date of the publication of this notice in the FEDERAL REGISTER]; (ii) such option was granted pursuant to a plan which had been adopted by, and approved by the shareholders of, the granting corporation on or before January 10, 1969; and (iii) such option was not modified, extended, for renewed, within the meaning of section 425(h), subsequent to such date. In addition, stock will be considered as outstanding on January 10, 1969, if it is issued pursuant to a conversion privilege contained in stock issued, mediately or immediately, as a stock dividend with respect to stock outstanding on such date. Thus, if, on January 10, 1969, there is outstanding a class of stock ("class A") that is convertible into another class ("class B"), then all class B stock that could be acquired by exercise of the conversion privilege, as well as all class B stock issued pursuant to the exercise of conversion privileges contained in class A stock issued, mediately or immediately, as stock dividends with respect to class A stock outstanding on such date, is considered as outstanding on January 10, 1969.

(3) Subparagraph (2) of this paragraph does not apply in determining, for purposes of section 421(b)(2)(A)(iii) of the Tax Reform Act of 1969, that class of stock which as of January 10, 1969, had the largest fair market value of all classes of stock of the corporation.

(4) Stock issued after January 10, 1969, and before October 10, 1969, and stock described in section 421(b)(2)(C)(i), (ii), or (iii) of the Tax Reform Act of 1969 shall not be taken into account for purposes of applying section 421(b)(2)(B)(i) of such Act.

(5) Under section 421(b)(4) of the Tax Reform Act of 1969 (83 Stat. 616), section 305(b)(4) does not apply to any distribution (or deemed distribution) by a corporation with respect to preferred stock made before January 1, 1991, if such distribution is pursuant to the terms relating to the issuance of such stock which were in effect on January 10, 1969. For example, if as of January 10, 1969, a corporation had followed the practice of paying stock dividends on preferred stock (or of periodically increasing the conversion ratio of convertible preferred stock) or if the preferred stock provided for a redemption price in excess of the issue price, then any distribution of stock made (or which would be considered made if section 305(b)(4) applied) before January 1, 1991, pursuant to such practice is not taxable under section 301.

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[26 CFR Parts 1, 13, 31]

TREATMENT OF PAYMENTS FOR EXPENSES OF MOVING FROM ONE RESIDENCE TO ANOTHER RESIDENCE

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed in order to conform the Income Tax Regulations (26 CFR Part 1) and the Employment Tax Regulations (26 CFR Part 31) to the amendments made by section 231 of the Tax Reform Act of 1969 (83 Stat. 577) and section 2 of Public Law 91–642 (84 Stat. 1880). The regulations set forth below supersede Part 13 of the regulations in this chapter, temporary income tax regulations relating to treatment of payments of expenses of moving from one residence to another residence (26 CFR Part 13). Section 1.217–2(g) of the regulations supersedes the provisions of T.D. 7032, approved March 11, 1970 (35 F.R. 4330) as they apply to elections under section 231(d)(2) of the Tax Reform Act of 1969 (83 Stat. 580).

INCOME TAX REGULATIONS
(26 CFR PART 1)

PARAGRAPH 1. There are inserted after § 1.79–3 the following new sections:

§ 1.82 Statutory provisions; reimbursement for expenses of moving.

SEC. 82. *Reimbursement for expenses of moving.* There shall be included in gross income (as compensation for services) any amount received or accrued, directly or indirectly, by an individual as a payment for or reimbursement of expenses of moving from one residence to another residence which is attributable to employment or self-employment.

[Sec. 82 as added by sec. 231(b), Tax Reform Act 1969 (83 Stat. 579)]

§ 1.82–1 Payments for or reimbursements of expenses of moving from one residence to another residence attributable to employment or self-employment.

(a) *Reimbursements in gross income*—(1) *In general.* Any amount received or accrued, directly or indirectly, by an individual as a payment for or reimbursement of expenses of moving from one residence to another residence attributable to employment or self-employment is includible in gross income under section 82 as compensation for services in the taxable year received or accrued. For rules relating to the year a deduction may be allowed for expenses of moving from one residence to another residence, see section 217 and the regulations thereunder.

(2) *Amounts received or accrued as reimbursement or payment.* For purposes of this section, amounts are considered as being received or accrued by an individual as reimbursement or payment whether received in the form of money, property, or services. Thus, if an employer moves an employee's household goods and personal effects from the employee's old residence to his new residence using the employer's facilities, the employee is considered as having received a reimbursement in the amount of the fair market value of the services furnished at the time the services are furnished by the employer. On the other hand, if the employer pays a mover for moving the employee's household goods and personal effects, the employee is considered as having received the reimbursement at the time the employer pays the mover, rather than at the time the mover moves the employee. Also, if an employer in order to reimburse an employee for a loss on a sale of a house acquires the property from the employee at a price in excess of fair market value, the employee is considered to have received a reimbursement or payment to the extent that such reimbursement or payment exceeds the fair market value of the property. Where an employee receives a loan or advance from an employer to enable him to pay his moving expenses, the employee will not be deemed to have received a reimbursement of moving expenses until such time as he accounts to his employer if he is required to replay such loan or advance or make such accounting within a reasonable time. Such loan or advance will be deemed to be a reimbursement of moving expenses at the time of such accounting to the extent the employee accounts for such moving expenses.

(3) *Direct or indirect payments or reimbursements.* For purposes of this section amounts are considered as being received or accrued whether received directly (paid to an individual by an employer, a client, a customer, or similar person) or indirectly (paid to a third party on behalf of an individual by an employer, a client, a customer, or similar person). Thus, if an employer pays a mover for the expenses of moving an employee's household goods and personal effects from one residence to another residence, the employee has indirectly received a payment which is includible in his gross income under section 82.

(4) *Expenses of moving from one residence to another residence.* An expense of moving from one residence to another residence is any expenditure, cost, loss, or similar item paid or incurred in connection with a move from one residence to another residence. Such expenses include items described in section 217(b) (relating to the definition of moving expenses), irrespective of the dollar limitations contained in section 217(b)(3) and the conditions contained in section 217(c), as well as items not described in section 217(b), such as a loss sustained on the sale or exchange of personal property.

(5) *Attributable to employment or self-employment.* Any amount received or accrued from an employer, a client, a customer, or similar person in connection with the performance of services for such employer, client, customer, or other similar person, is attributable to employment or self-employment. Thus, for example, if an employer reimburses an employee for a loss incurred on the sale of the employee's house, reimbursement is attributable to the performance of services if made because of the employer-employee relationship.

(b) *Effective date*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, paragraph (a) of this section is applicable only to amounts received or accrued in taxable years beginning after December 31, 1969.

(2) *Election with respect to payments or reimbursements for expenses paid or incurred before July 1, 1970.* Paragraph (a) of this section does not apply with respect to moving expenses paid or incurred before July 1, 1970, in connection with the commencement of work by such taxpayer as an employee at a new principal place of work where such taxpayer had been notified by his employer on or before December 19, 1969, of such move and a taxpayer makes an election under paragraph (g) of § 1.217–2.

PAR. 2. Section 1.217 is amended by revising section 217 and by revising the historical note to read as follows:

§ 1.217 Statutory provisions; moving expenses.

SEC. 217. *Moving expenses*—(a) *Deduction allowed.* There shall be allowed as a deduction moving expenses paid or incurred during the taxable year in connection with the commencement of work by the taxpayer as an employee or as a self-employed individual at a new principal place of work.

(b) *Definition of moving expenses*—(1) *In general.* For purposes of this section, the term "moving expenses" means only the reasonable expenses—

(A) Of moving household goods and personal effects from the former residence to the new residence,

(B) Of traveling (including meals and lodging) from the former residence to the new place of residence,

(C) Of traveling (including meals and lodging), after obtaining employment, from the former residence to the general location of the new principal place of work and return, for the principal purpose of searching for a new residence,

(D) Of meals and lodging while occupying temporary quarters in the general location of the new principal place of work during any period of 30 consecutive days after obtaining employment, or

(E) Constituting qualified residence sale, purchase, or lease expenses.

(2) *Qualified residence sale, etc., expenses.* For purposes of paragraph (1)(E), the term "qualified residence sale, purchase, or lease expenses" means only reasonable expenses incident to—

(A) The sale or exchange by the taxpayer or his spouse of the taxpayer's former residence (not including expenses for work performed on such residence in order to assist in its sale) which (but for this subsection and subsection (e)) would be taken into account in determining the amount realized on the sale or exchange,

(B) The purchase by the taxpayer or his spouse of a new residence in the general location of the new principal place of work which (but for this subsection and subsection (e)) would be taken into account in determining—

(i) The adjusted basis of the new residence, or

(ii) The cost of a loan (but not including any amounts which represent payments or prepayments of interest),

(C) The settlement of an unexpired lease held by the taxpayer or his spouse on property used by the taxpayer as his former residence, or

(D) The acquisition of a lease by the taxpayer or his spouse on property used by the taxpayer as his new residence in the general location of the new principal place of work (not including amounts which are payments or prepayments of rent).

(3) *Limitations*—(A) *Dollar limits.* The aggregate amount allowable as a deduction under subsection (a) in connection with a commencement of work which is attributable to expenses described in subparagraph (C) or (D) of paragraph (1) shall not exceed $1,000. The aggregate amount allowable as a deduction under subsection (a) which is attributable to qualified residence sale, purchase, or lease expenses shall not exceed $2,500, reduced by the aggregate amount so allowable which is attributable to expenses described in subparagraph (C) or (D) of paragraph (1).

(B) *Husband and wife.* If a husband and wife both commence work at a new principal place of work within the same general location, subparagraph (A) shall be applied as if there was only one commencement of work. In the case of a husband and wife filing separate returns, subparagraph (A) shall be applied by substituting "$500" for "$1,000", and by substituting "$1,250" for "$2,500".

(C) *Individuals other than taxpayer.* In the case of any individual other than the taxpayer, expenses referred to in subparagraphs (A) through (D) of paragraph (1) shall be taken into account only if such individual has both the former residence and the new residenec as his principal place of abode and is a member of the taxpayer's household.

(c) *Conditions for allowance.* No deduction shall be allowed under this section unless—

(1) The taxpayer's new principal place of work—

(A) Is at least 50 miles farther from his former residence than was his former principal place of work, or

(B) If he had no former principal place of work, is at least 50 miles from his former residence, and

(2) Either—

(A) During the 12-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee, in such general location, during at least 39 weeks, or

(B) During the 24-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee or performs services as a self-employed individual on a full-time basis, in such general location, during at least 78 weeks, of which not less than 39 weeks are during the 12-month period referred to in subparagraph (A).

For purposes of paragraph (1), the distance between two points shall be the shortest of the more commonly traveled routes between such two points.

(d) *Rules for application of subsection (c)(2).* (1) The condition of subsection (c)(2) shall not apply if the taxpayer is unable to satisfy such condition by reason of—

(A) Death or disability, or

(B) Involuntary separation (other than for willful misconduct) from the service of, or transfer for the benefit of, an employer after obtaining full-time employment in which the taxpayer could reasonably have been expected to satisfy such condition.

(2) If a taxpayer has not satisfied the condition of subsection (c)(2) before the time prescribed by law (including extensions thereof) for filing the return for the taxable year during which he paid or incurred moving expenses which would otherwise be deductible under this section, but may still satisfy such condition, then such expenses may (at the election of the taxpayer) be deducted for such taxable year notwithstanding subsection (c)(2).

(3) If—

(A) For any taxable year moving expenses have been deducted in accordance with the rule provided in paragraph (2), and

(B) The condition of subsection (c)(2) cannot be satisfied at the close of a subsequent taxable year,

then an amount equal to the expenses which were so deducted shall be included in gross income for the first such subsequent taxable year.

(e) *Denial of double benefit.* The amount realized on the sale of the residence described in subparagraph (A) of subsection (b)(2) shall not be decreased by the amount of any expenses described in such subparagraph which are allowed as a deduction under subsection (a), and the basis of a residence described in subparagraph (B) of subsection (b)(2) shall not be increased by the amount of any expenses described in such subparagraph which are allowed as a deduction under subsection (a). This subsection shall not apply to any expenses with respect to which an amount is included in gross income under subsection (d)(3).

(f) *Rules for self-employed individuals*—(1) *Definition.* For purposes of this section, the term "self-employed individual" means an individual who performs personal services—

(A) As the owner of the entire interest in an unincorporated trade or business, or

(B) As a partner in a partnership carrying on a trade or business.

(2) *Rule for application of subsections (b)(1)(C) and (D).* For purposes of subparagraphs (C) and (D) of subsection (b)(1), an individual who commences work at a new principal place of work as a self-employed individual shall be treated as having obtained employment when he has made substantial arrangements to commence such work.

(g) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

[Sec. 217 as added by sec. 213(a)(1), Rev. Act 1964 (78 Stat. 50); as amended by sec. 231(a) Tax Reform Act 1969 (83 Stat. 577)]

PAR. 3. Section 1.217–1 is amended by revising the heading and paragraph (a)(1) thereof to read as follows:

§ 1.217–1 Deduction for moving expenses paid or incurred in taxable years beginning before January 1, 1970.

(a) *Allowance of deduction*—(1) *In general.* Section 217(a) allows a deduction from gross income for moving expenses paid or incurred by the taxpayer during the taxable year in connection with the commencement of work as an employee at a new principal place of work. Except as provided in section 217, no deduction is allowable for any expenses incurred by the taxpayer in connection with moving himself, the members of his family or household, or household goods and personal effects. The deduction allowable under this section is only for expenses incurred after December 31, 1963, in taxable years ending after such date and beginning before January 1, 1970, except in cases where a taxpayer makes an election under paragraph (g) of § 1.217–2 with respect to moving expenses paid or incurred before January 1, 1971, in connection with the commencement of work by such taxpayer as an employee at a new principal place of work of which such taxpayer has been notified by his employer on or before December 19, 1969. To qualify for the deduction the expenses must meet the definition of the term "moving expenses" provided in section 217(b); the taxpayer must meet the conditions set forth in section 217(c); and, if the taxpayer receives a reimbursement or other expense allowance for an item of expense, the deduction for the portion of the expense reimbursed is allowable only to the extent that such reimbursement or other expense allowance is included in his gross income as provided in section 217(e). The deduction is allowable only to a taxpayer who pays or incurs moving expenses in connection with his commencement of work as an employee and is not allowable to a taxpayer who pays or incurs such expenses in connection with his commencement of work as a self-employed individual. The term "employee" as used in this section has the same meaning as in § 31.3401(c)–1 of this chapter (Employment Tax Regulations). All references to section 217 in this section are to section 217 prior to the effective date of section 231 of the Tax Reform Act of 1969 (83 Stat. 577).

* * * * *

PAR. 4. There is inserted immediately after § 1.217–1 the following new section:

§ 1.217–2 Deduction for moving expenses paid or incurred in taxable years beginning after December 31, 1969.

(a) *Allowance of deduction*—(1) *In general.* Section 217(a) allows a deduction from gross income for moving expenses paid or incurred by the taxpayer during the taxable year in connection with his commencement of work as an employee or as a self-employed individual at a new principal place of work. Expenses are considered as being paid or incurred whether a reimbursement or payment is received directly (paid to the taxpayer by an employer, a client, a customer, or similar person) or indirectly (paid to a third party on behalf of the taxpayer by an employer, a client, a customer, or similar person). No deduction is allowable under section 162 for any expenses incurred by the taxpayer in connection with moving from one residence to another residence unless such expenses are deductible by reason of facts and circumstances other than a change in the principal place of work. To qualify for the deduction under section 217 the expenses must meet the definition of the term "moving expenses" provided in section 217(b) and the taxpayer must meet the conditions set forth in section 217(c). The term "employee" as used in this section has the same meaning as in § 31.3401(c)–1 of this chapter (Employment Tax Regulations). The term "self-employed individual" as used in this section is defined in paragraph (f)(1) of this section.

(2) *Expenses paid in a taxable year other than the taxable year in which reimbursement representing such expenses is received.* In general, moving expenses are deductible in the year paid or incurred. If a taxpayer who uses the cash receipts and disbursements method of accounting receives reimbursement for a moving expense in a taxable year other than the taxable year the taxpayer pays such expense, he may elect to deduct such expense in the taxable year that he receives such reimbursement, rather than the taxable year when he paid such expense in any case where—

(i) The expense is paid in a taxable year prior to the taxable year in which the reimbursement is received, or

(ii) The expense is paid in the taxable year immediately following the taxable year in which the reimbursement is received, provided that such expense is paid on or before the due date prescribed for filing the return (determined with regard to any extension of time for such filing) for the taxable year in which the reimbursement is received.

An election to deduct moving expenses in the taxable year that the reimbursement is received shall be made by claiming the deduction on the return, amended return, or claim for refund for the taxable year in which the reimbursement is received.

(3) *Commencement of work.* To be deductible, the moving expenses must be paid or incurred by the taxpayer in connection with his commencement of work at a new principal place of work (see paragraph (c)(3) of this section for a discussion of the term "principal place of work"). While it is not necessary for the taxpayer to have made arrangements to work prior to his moving to a new location, the deduction is not allowable unless employment or self-employment actually does occur. The term "commencement" includes (i) the beginning of work by a taxpayer as an employee or as a self-employed individual for the first time or after a substantial period of unemployment or part-time employment, (ii) the beginning of work by a taxpayer for a different employer or in the case of a self-employed individual in a new trade or business, or (iii) the beginning of work by a taxpayer for the same employer or in the case of a self-employed individual in the same trade or business at a new location. To qualify as being in connection with the commencement of work, the move must bear a reasonable proximity both in time and place to such commencement at the new principal place of work. In general, moving expenses incurred within 1 year of the date of the commencement of work are considered to be reasonably proximate in

time to such commencement. Moving expenses generally are not considered to be reasonably proximate in place to the commencement of work at the new principal place of work where the distance between the taxpayer's new residence and his new principal place of work exceeds the distance between his former residence and his new principal place of work. Thus, for example, assume A is transferred by his employer to a new principal place of work and the distance between his former residence and his new principal place of work is 50 miles greater than was the distance between his former residence and his former principal place of work. However, the distance between his new residence and his new principal place of work is 10 miles greater than was the distance between his former residence and his new principal place of work. Although the minimum distance requirement of section 217(c)(1) is met the expenses of moving to the new residence are not considered as incurred in connection with A's commencement of work at his new principal place of work since the new residence is not proximate in place to the new place of work. If, however, A is required to live at such residence as a condition of employment or if living at such residence will result in an actual decrease in commuting time or expense, the expenses of the move may be considered as incurred in connection with the commencement of work at the new principal place of work.

(b) *Definition of moving expenses*—(1) *In general.* Section 217(b) defines the term "moving expenses" to mean only the reasonable expenses (i) of moving household goods and personal effects from the taxpayer's former residence to his new residence, (ii) of traveling (including meals and lodging) from the taxpayer's former residence to his new place of residence, (iii) of traveling (including meals and lodging), after obtaining employment, from the taxpayer's former residence to the general location of his new principal place of work and return, for the principal purpose of searching for a new residence, (iv) of meals and lodging while occupying temporary quarters in the general location of the new principal place of work during any period of 30 consecutive days after obtaining employment, or (v) of a nature constituting qualified residence sale, purchase, or lease expenses. Thus, the test of deductibility is whether the expenses are reasonable and are incurred for the items set forth in subdivisions (i) through (v) of this subparagraph.

(2) *Reasonable expenses.* (i) The term "moving expenses" includes only those expenses which are reasonable under the circumstances of the particular move. Expenses paid or incurred in excess of a reasonable amount are not deductible. Generally, expenses paid or incurred for movement of household goods and personal effects or for travel (including meals and lodging) are reasonable only to the extent that they are paid or incurred for such movement or travel by the shortest and most direct route available from the former residence to the new residence by the conventional mode or modes of transportation actually used and in the shortest period of time commonly required to travel the distance involved by such mode. Thus, if moving or travel arrangements are made to provide a circuitous route for scenic, stopover, or other similar reasons, additional expenses resulting therefrom are not deductible since they are not reasonable nor related to the commencement of work at the new principal place of work. In addition, expenses paid or incurred for meals and lodging while traveling from the former residence to the new place of residence or to the general location of the new principal place of work and return or occupying temporary quarters in the general location of the new principal place of work are reasonable only if under the facts and circumstances involved such expenses are not lavish or extravagant.

(ii) The application of this subparagraph may be illustrated by the following example:

Example. A, an employee of the M Company works and maintains his residence in Boston, Mass. Upon receiving orders from his employer that he is to be transferred to M's Los Angeles, Calif., office, A motors to Los Angeles with his family with stopovers at various cities between Boston and Los Angeles to visit friends and relatives. In addition, A detours into Mexico for sightseeing. Because of the stopovers and tour into Mexico, A's travel time and distance are increased over what they would have been had he proceeded directly to Los Angeles. To the extent that A's route of travel between Boston and Los Angeles is in a generally southwesterly direction it may be said that he is traveling by the shortest and most direct route available by motor vehicle. Since A's excursion into Mexico is away from the usual Boston-Los Angeles route, the portion of the expenses paid or incurred attributable to such excursion is not deductible. Likewise, that portion of the expenses attributable to A's delay en route in visiting personal friends and sightseeing are not deductible.

(3) *Expenses of moving household goods and personal effects.* Expenses of moving household goods and personal effects include expenses of transporting such goods and effects from the taxpayer's former residence to his new residence, and expenses of packing, crating, and in-transit storage and insurance for such goods and effects. Expenses paid or incurred in moving household goods and personal effects to the taxpayer's new residence from a place other than his former residence are allowable, but only to the extent that such expenses do not exceed the amount which would be allowable had such goods and effects been moved from the taxpayer's former residence. Expenses of moving household goods and personal effects do not include, for example, storage charges (other than in-transit), costs incurred in the acquisition of property, costs incurred and losses sustained in the disposition of property, penalties for breaking leases, mortgage penalties, expenses of refitting rugs or draperies, expenses of connecting or disconnecting utilities, losses sustained on the disposal of memberships in clubs, tuition fees, and similar items. The above expenses may, however, be described in other provisions of section 217(b) and if so a deduction may be allowed for them.

(4) *Expenses of traveling from the former residence to the new place of residence.* Expenses of traveling from the former residence to the new place of residence include the cost of transportation and of meals and lodging en route (including the date of arrival) from the taxpayer's former residence to his new place of residence. The date of arrival is the day the taxpayer secures lodging at the new place of residence, even if on a temporary basis. Expenses of traveling from the taxpayer's former residence to his new place of residence do not include, for example, living or other expenses following the date of arrival at the new place of residence and while waiting to enter the new residence or waiting for household goods to arrive, expenses in connection with house or apartment hunting, living expenses preceding the date of departure for the new place of residence, expenses of trips for purposes of selling property, expenses of trips to the former residence by the taxpayer pending the move by his family to the new place of residence, or any allowance for depreciation. The above expenses may, however, be described in other provisions of section 217(b) and if so a deduction may be allowed for them. The deduction for traveling expenses from the former residence to the new place of residence is allowable for only one trip made by the taxpayer and members of his household; however, it is not necessary that the taxpayer and all members of his household travel together or at the same time.

(5) *Expenses of traveling for the principal purpose of looking for a new residence.* Expenses of traveling, after obtaining employment, from the former residence to the general location of the new principal place of work and return, for the principal purpose of searching for a new residence include the cost of transportation and meals and lodging during such travel and while at the general location of the new place of work for the principal purpose of searching for a new residence. However, such expenses do not include, for example, expenses of meals and lodging of the taxpayer and members of his household before departing for the new principal place of work, expenses for trips for purposes of selling property, expenses of trips to the former residence by the taxpayer pending the move by his family to the place of residence, or any allowance for depreciation. The above expenses may, however, be described in other provisions of section 217(b) and if so a deduction may be allowed for them. The deduction for expenses of traveling for the principal purpose of looking for a new residence is not limited to any number of trips by the taxpayer and by members of his household. In addition, the taxpayer and all members of his household need not travel together or at the same

time. Moreover, a trip need not result in acquisition of a lease of property or purchase of property. An employee is considered to have obtained employment in the general location of the new principal place of work after he has obtained a contract or agreement of employment. A self-employed individual is considered to have obtained employment when he has made substantial arrangements to commence work at the new principal place of work (see paragraph (f)(2) of this section for a discussion of the term "made substantial arrangements to commence to work").

(6) *Expenses of occupying temporary quarters.* Expenses of occupying temporary quarters include only the cost of meals and lodging while occupying temporary quarters in the general location of the new principal place of work during any period of 30 consecutive days after the taxpayer has obtained employment in such general location. Thus, expenses of occupying temporary quarters do not include, for example, the cost of entertainment, laundry, transportation, or other personal, living family expenses, or expenses of occupying temporary quarters in the general location of the former place of work. The 30 consecutive day period is any one period of 30 consecutive days which can begin, at the option of the taxpayer, on any day after the day the taxpayer obtains employment in the general location of the new principal place of work.

(7) *Qualified residence sale, purchase, or lease expenses.* Qualified residence sale, purchase, or lease expenses (hereinafter "qualified real estate expenses") are only reasonable amounts paid or incurred for any of the following purposes:

(i) Expenses incident to the sale or exchange by the taxpayer or his spouse of the taxpayer's former residence which, but for section 217 (b) and (e), would be taken into account in determining the amount realized on the sale or exchange of the residence. These expenses include real estate commissions, attorneys' fees, title fees, escrow fees, and similar expenses paid or incurred in connection with the sale or exchange. No deduction, however, is permitted for the cost of physical improvements intended to enhance salability by improving the condition or appearance of the residence.

(ii) Expenses incident to the purchase by the taxpayer or his spouse of a new residence in the general location of the new principal place of work which, but for section 217 (b) and (e), would be taken into account in determining either the adjusted basis of the new residence or the cost of a loan. These expenses include attorneys' fees, escrow fees, appraisal fees, title costs, so-called "points" or loan placement charges not representing payments or prepayments of interest, and similar expenses paid or incurred in connection with the purchase of the new residence. No deduction, however, is permitted under section 217 and this section for any portion of real estate taxes or insurance, so-called "points" or loan placement charges which are, in essence, prepayments of interest, or the purchase price of the residence.

(iii) Expenses incident to the settlement of an unexpired lease held by the taxpayer or his spouse on property used by the taxpayer as his former residence. These expenses include consideration paid to a lessor to obtain a release from a lease, attorneys' fees, real estate commissions, or similar expenses incident to obtaining a release from a lease or to obtaining an assignee or a sublessee such as the difference between rent paid under a primary lease and rent received under a sublease. No deduction, however, is permitted for the cost of physical improvements intended to enhance marketability of the leasehold by improving the condition or appearance of the residence.

(iv) Expenses incident to the acquisition of a lease by the taxpayer or his spouse. These expenses include the cost of fees or commissions for obtaining a lease, a sublease, or an assignment of an interest in property used by the taxpayer as his new residence in the general location of the new principal place of work. No deduction, however, is permitted for payments or prepayments of rent or payments representing the cost of a security or other similar deposit.

Qualified real estate expenses do not include losses sustained on the disposition of property or mortgage penalties.

(8) *Residence.* The term "former residence" refers to the taxpayer's principal residence before his departure for his new principal place of work. The term "new residence" refers to the taxpayer's principal residence within the general location of his new principal place of work. Thus, neither term includes other residences owned or maintained by the taxpayer or members of his family or seasonal residences such as a summer beach cottage. Whether or not property is used by the taxpayer as his principal residence depends upon all the facts and circumstances in each case. Property used by the taxpayer as his principal residence may include a houseboat, a house-trailer, or similar dwelling. The term "new place of residence" generally includes the area within which the taxpayer might reasonably be expected to commute to his new principal place of work.

(9) *Dollar limitations.* (i) Expenses described in subparagraphs (a) and (B) of section 217(b)(1) are not subject to an overall dollar limitation. Thus, assuming all other requirements of section 217 are satisfied, a taxpayer who, in connection with his commencement of work at a new principal place of work, pays or incurs reasonable expenses of moving household goods and personal effects from his former residence to his new place of residence and reasonable expenses of traveling, including meals and lodging, from his former residence to his new place of residence is permitted to deduct the entire amount of these expenses.

(ii) Expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) are subject to an overall dollar limitation for each commencement of work of $2,500 of which the expenses described in subparagraphs (C) and (D) of section 217(b)(1) cannot exceed $1,000. The dollar limitation applies to the amount of expenses paid or incurred in connection with each commencement of work and not to the amount of expenses paid or incurred in each taxable year. Thus, for example, a taxpayer who paid or incurred $2,000 of expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) in taxable year 1971 in connection with his commencement of work at a principal place of work and paid or incurred an additional $2,000 of such expenses in taxable year 1972 in connection with the same commencement of work is permitted to deduct the $2,000 of such expenses paid or incurred in taxable year 1971 and only $500 of such expenses paid or incurred in taxable year 1972.

(iii) A taxpayer who pays or incurs expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) in connection with the same commencement of work may choose to deduct any combination of such expenses within the dollar amounts specified in subdivision (ii) of this subparagraph. For example, a taxpayer who pays or incurs such expenses in connection with the same commencement of work may either choose to deduct: (*a*) Expenses described in subparagraphs (C) and (D) of section 217(b)(1) to the extent of $1,000 before deducting any of the expenses described in subparagraph (E) of such section, or (*b*) expenses described in subparagraph (E) of section 217(b)(1) to the extent of $2,500 before deducting any of the expenses described in subparagraphs (C) and (D) of such section.

(iv) For the purpose of computing the dollar limitation contained in subparagraph (A) of section 217(b)(3) a commencement of work by a taxpayer and the commencement of work by his spouse in the same general location constitute a single commencement of work.

(v) Where a husband and wife file separate returns, the expenses described in subparagraph (C), (D), or (E) of section 217(b)(1) are subject to an overall dollar limitation of $1,250 per move of which the expenses described in subparagraphs (C) and (D) of section 217(b)(1) cannot exceed $500 per move with respect to each return. Where moving expenses are paid or incurred in more than one taxable year with respect to a single commencement of work by a husband and wife they shall, for purposes of applying the dollar limitations to such move, be subject to a $2,500 and $1,000 limitation for all such years that they file a joint return and shall be subject to a separate $1,250 and $500 limitation for all such years that they file separate returns. If a joint return is filed for the first taxable year moving expenses are paid or incurred with respect to a move but separate returns are filed in a subsequent year, the unused portion of the amount which may be deducted shall be allocated equally between the husband

and wife in the later year. If separate returns are filed for the first taxable year such moving expenses are paid or incurred but a joint return is filed in a subsequent year, the deductions claimed on their separate returns shall be aggregated for purposes of determining the unused portion of the amount which may be deducted in the later year.

(vi) The application of subdivision (v) of this subparagraph may be illustrated by the following example:

Example. A, who was transferred by his employer, effective January 15, 1971, moved from Boston, Mass., to New York, N.Y. A's wife was not employed in either Boston or New York. A and his wife file separate returns for taxable year 1971. A is permitted to deduct up to $1,250 of the expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) of which the expenses described in subparagraphs (C) and (D) of such section cannot exceed $500. A's wife is not permitted to deduct any of the expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) paid or incurred by A in connection with his commencement of work at a new principal place of work.

(10) *Individuals other than taxpayer.* (i) In addition to the expenses set forth in subparagraphs (A) through (D) of section 217(b)(1) attributable to the taxpayer alone, the same type of expenses attributable to certain individuals other than the taxpayer, if paid or incurred by the taxpayer, are deductible. These other individuals must be members of the taxpayer's household, and have both the taxpayer's former residence and his new residence as their principal place of abode. A member of the taxpayer's household includes any individual residing at the taxpayer's residence who is not a tenant or an employee of the taxpayer. Thus, for example, a member of the taxpayer's household may not be an individual such as a servant, governess, chauffeur, nurse, valet, or personal attendant.

(ii) In addition to the expenses set forth in section 217(b)(2) paid or incurred by the taxpayer attributable to property sold, purchased, or leased by the taxpayer alone, the same type of expenses paid or incurred by the taxpayer attributable to property sold, purchased, or leased by the taxpayer's spouse or by the taxpayer and his spouse are deductible providing such property is used by the taxpayer as his principal place of residence.

(c) *Conditions for allowance*—(1) *In general.* Section 217(c) provides two conditions which must be satisfied in order for a deduction of moving expenses to be allowed under section 217(a). The first is a minimum distance condition prescribed by section 217(c)(1), and the second is a minimum period of employment condition prescribed by section 217(c)(2).

(2) *Minimum distance.* For purposes of applying the minimum distance condition of section 217(c)(1) all taxpayers are divided into one or the other of the following categories: Taxpayers having a former principal place of work, and taxpayers not having a former principal place of work. Included in this latter category are individuals who are seeking fulltime employment for the first time either as an employee or on a self-employed basis (for example, recent high school or college graduates), or individuals who are reentering the labor force after a substantial period of unemployment or part-time employment.

(i) In the case of a taxpayer having a former principal place of work, section 217(c)(1)(A) provides that no deduction is allowable unless the distance between the former residence and the new principal place of work exceeds by at least 50 miles the distance between the former residence and the former principal place of work.

(ii) In the case of a taxpayer not having a former principal place of work, section 217(c)(1)(B) provides that no deduction is allowable unless the distance between the former residence and the new principal place of work is at least 50 miles.

(iii) For purposes of measuring distances under section 217(c)(1) the distance between two geographic points is measured by the shortest of the more commonly traveled routes between such points. The shortest of the more commonly traveled routes refers to the line of travel and the mode or modes of transportation commonly used to go between two geographic points comprising the shortest distance between such points irrespective of the route used by the taxpayer.

(3) *Principal place of work.* (i) A taxpayer's "principal place of work" usually is the place where he spends most of his working time. The principal place of work of a taxpayer who performs services as an employee is his employer's plant, office, shop, store, or other property. The principal place of work of a taxpayer who is self-employed is the plant, office, shop, store, or other property which serves as the center of his business activities. However, a taxpayer may have a principal place of work even if there is no one place where he spends a substantial portion of his working time. In such case, the taxpayer's principal place of work is the place where his business activities are centered—for example, because he reports there for work, or is required either by his employer or the nature of his employment to "base" his employment there. Thus, while a member of a railroad crew may spend most of his working time aboard a train, his principal place of work is his home terminal, station, or other such central point where he reports in, checks out, or receives instructions. The principal place of work of a taxpayer who is employed by a number of employers on a relatively short-term basis and secures employment by means of a union hall system (such as a construction or building trades worker) would be the union hall.

(ii) Where a taxpayer has more than one employment (i.e., the taxpayer is employed by more than one employer, or is self-employed in more than one trade or business, or is an employee and is self-employed at any particular time) his principal place of work is determined with reference to his principal employment. The location of a taxpayer's principal place of work is a question of fact determined on the basis of the particular circumstances in each case. The more important factors to be considered in making this determination are (*a*) the total time ordinarily spent by the taxpayer at each place, (*b*) the degree of the taxpayer's business activity at each place, and (*c*) the relative significance of the financial return to the taxpayer from each place.

(iii) Generally, for purposes of this section, a place of work will not be considered a principal place of work where inconsistent positions are maintained with respect to deduction of expenses incurred in connection with such place of work. If the taxpayer claims a deduction for expenses of meals and lodging while away from home (incurred in the general location of the new principal place of work) under section 162 (relating to trade or business expenses) and also claims a deduction under this section for moving expenses incurred in connection with the commencement of work at such place of work, it will be a question of facts and circumstances as to which deduction, if any, he will be allowed.

(4) *Minimum period of employment.* (i) Under section 217(c)(2) no deduction is allowed unless—

(*a*) Where a taxpayer is an employee, during the 12-month period immediately following his arrival in the general location of the new principal place of work, he is a full-time employee, in such general location, during at least 39 weeks, or

(*b*) Where a taxpayer is a self-employed individual (including a taxpayer who is also an employee, but is unable to satisfy the requirements of the 39-week test of (*a*) of this subdivision (i)), during the 24-month period immediately following his arrival in the general location of the new principal place of work, he is a full-time employee or performs services as a self-employed individual on a full-time basis, in such general location, during at least 78 weeks, of which not less than 39 weeks are during the 12-month period referred to above.

Where a taxpayer works as an employee and at the same time performs services as a self-employed individual his principal employment (determined according to subdivision (i) of subparagraph (3) of this paragraph) governs whether the 39-week or 78-week test is applicable.

(ii) The 12-month period and the 39-week period set forth in subparagraph (A) of section 217(c)(2) and the 12- and 24-month periods as well as 39- and 78-week periods set forth in subparagraph (B) of such section are measured from the date of the taxpayer's arrival in the general location of the new principal place of work. Generally, date of arrival is the date of the termination of the last trip preceding the taxpayer's commencement of work on a regular basis and is not the date the taxpayer's family or household goods and effects arrive.

(iii) The taxpayer need not remain in the employ of the same employer or remain self-employed in the same trade or business for the required number of weeks. However, he must be employed in the same general location of the new principal place of work during such period. The "general location" of the new principal place of work refers to a general commutation area and is usually the same area as the "new place of residence"; see paragraph (b)(8) of this section.

(iv) Only those weeks during which the taxpayer is a full-time employee or during which he performs services as a self-employed individual on a full-time basis qualify as a week of work for purposes of the minimum period of employment condition of section 217(c)(2).

(*a*) Whether an employee is a full-time employee during any particular week depends upon the customary practices of the occupation in the geographic area in which the taxpayer works. Where employment is on a seasonable basis, weeks occurring in the off-season when no work is required or available may be counted as weeks of full-time employment only if the employee's contract or agreement of employment covers the off-season period and such period is less than 6 months. Thus, for example, a school teacher whose employment contract covers a 12-month period and who teaches on a full-time basis for more than 6 months is considered a full-time employee during the entire 12-month period. A taxpayer will be treated as a full-time employee during any week of involuntary temporary absence from work because of illness, strikes, shutouts, layoffs, natural disasters, etc.

(*b*) Whether a taxpayer performs services as a self-employed individual on a full-time basis during any particular week depends on the practices of the trade or business in the geographic area in which the taxpayer works. For example, a self-employed dentist maintaining office hours 4 days a week is considered to perform services as a self-employed individual on a full-time basis providing it is not unusual for other self-employed dentists in the geographic area in which the taxpayer works to maintain office hours only 4 days a week. Where a trade or business is seasonal, weeks occurring during the off-season when no work is required or available may be counted as weeks of performance of services on a full-time basis only if the off-season is less than 6 months and the taxpayer performs services on a full-time basis both before and after the off-season. For example, a taxpayer who owns and operates a motel at a beach resort is considered to perform services as a self-employed individual on a full-time basis if the motel is closed for a period not exceeding 6 months during the off-season and if he performs services on a full-time basis as the operator of a motel both before and after the off-season. A taxpayer will be treated as performing services as a self-employed individual on a full-time basis during any week of involuntary temporary absence from work because of illness, strikes, natural disasters, etc.

(v) Where taxpayers file a joint return, either spouse may satisfy the minimum period of employment condition. However, weeks worked by one spouse may not be added to weeks worked by the other spouse in order to satisfy such condition. The taxpayer seeking to satisfy the minimum period of employment condition must satisfy the condition applicable to him. Thus, if a taxpayer is subject to the 39-week condition and his spouse is subject to the 78-week condition and the taxpayer satisfies the 39-week condition, his spouse need not satisfy the 78-week condition. On the other hand, if the taxpayer does not satisfy the 39-week condition, his spouse in such case must satisfy the 78-week condition.

(vi) The application of this subparagraph may be illustrated by the following examples:

Example (1). A is an electrician residing in New York City. He moves himself, his family, and his household goods and personal effects, at his own expense, to Denver where he commences employment with the M Aircraft Corporation. After working full-time for 30 weeks he voluntarily leaves his job, and he subsequently moves to and commences employment in Los Angeles, Calif., which employment lasts for more than 39 weeks. Since A was not employed in the general location of his new principal place of employment in Denver for at least 39 weeks, no deduction is allowable for moving expenses paid or incurred between New York City and Denver. A will be allowed to deduct only those moving expenses attributable to his move from Denver to Los Angeles, assuming all other conditions of section 217 are met.

Example (2). Assume the same facts as in example (1), except that A's wife commences employment in Denver at the same time as A, and that she continues to work in Denver for at least 9 weeks after A's departure for Los Angeles. Since she has met the 39-week requirement in Denver, and assuming all other requirements of section 217 are met, the moving expenses paid by A attributable to the move from New York City to Denver will be allowed as a deduction, provided A and his wife file a joint return. If A and his wife file separate returns moving expenses paid by A's wife attributable to the move from New York City to Denver will be allowed as a deduction on A's wife's return.

Example (3). Assume the same facts as in example (1), except that A's wife commences employment in Denver on the same day that A departs for Los Angeles, and continues to work in Denver for 9 weeks thereafter. Since neither A (who has worked 30 weeks) nor his wife (who has worked 9 weeks) has independently satisfied the 39-week requirement, no deduction for moving expenses attributable to the move from New York City to Denver is allowable.

(d) *Rules for application of section 217(c)(2)—(1) Inapplicability of minimum period of employment condition in certain cases.* Section 217(d)(1) provides that the minimum period of employment condition of section 217(c)(2) does not apply in the case of a taxpayer who is unable to meet such condition by reason of—

(i) Death or disability, or

(ii) Involuntary separation (other than for willful misconduct) from the service of an employer or by reason of transfer for the benefit of an employer.

For purposes of subdivision (i) of this subparagraph disability shall be determined according to the rules in section 72(m)(7) and § 1.72–17(f). Subdivision (ii) of this subparagraph applies only where the taxpayer has obtained full-time employment in which he could reasonably have been expected to satisfy the minimum period of employment condition. A taxpayer could reasonably have been expected to satisfy the minimum period of employment condition if at the time he commences work at the new principal place of work he could have been expected, based upon the facts known to him at such time, to satisfy such condition. Thus, for example, if the taxpayer at the time of transfer was not advised by his employer that he planned to transfer him within 6 months to another principal place of work, the taxpayer could, in the absence of other factors, reasonably have been expected to satisfy the minimum employment period condition at the time of the first transfer.

(2) *Election of deduction before minimum period of employment condition is satisfied.* (i) Paragraph (2) of section 217(d) provides a rule which applies where a taxpayer paid or incurred, in a taxable year, moving expenses which would be deductible in that taxable year except that the minimum period of employment condition of section 217(c)(2) has not been satisfied before the time prescribed by law for filing the return for such taxable year. The rule provides that where a taxpayer has paid or incurred moving expenses and as of the date prescribed by section 6072 for filing his return for such taxable year (determined with regard to extensions of time for filing) there remains unexpired a sufficient portion of the 12-month or the 24-month period so that it is still possible for the taxpayer to satisfy the applicable period of employment condition, the taxpayer may elect to claim a deduction for such moving expenses on the return for such taxable year. The election is exercised by taking the deduction on the return.

(ii) Where a taxpayer does not elect to claim a deduction for moving expenses on the return for the taxable year in which such expenses were paid or incurred in accordance with subdivision (i) of this subparagraph and the applicable minimum period of employment condition of section 217(c)(2) (as well as all other requirements of section 217) is subsequently satisfied, the taxpayer may file an amended return or a claim for refund for the taxable year such moving expenses were paid or incurred on which he may claim a deduction under section 217.

(iii) The application of this subparagraph may be illustrated by the following examples:

Example (1). A is transferred by his employer from Boston, Massachusetts, to Cleveland, Ohio. He begins working there on November 1, 1970. Moving expenses are paid by A in 1970 in connection with this move. On April 15, 1971, when he files his income tax return for the year 1970, A has been a full-time employee in Cleveland for approximately 24 weeks. Although he has not satisfied the 39-week employment condition at this time, A may elect to claim his 1970 moving expenses on his 1970 income tax return as there is still sufficient time remaining before November 1, 1971, to satisfy such condition.

Example (2). Assume the same facts as in example (1), except that on April 15, 1971, A has voluntarily left his employer and is looking for other employment in Cleveland. A may not be sure he will be able to meet the 39-week employment condition by November 1, 1971. Thus, he may if he wishes wait until such condition is met and file an amended return claiming as a deduction the expenses paid in 1970. Instead of filing an amended return A may file a claim for refund based on a deduction for such expenses. If A fails to meet the 39-week employment condition on or before November 1, 1971, no deduction is allowable for such expenses.

Example (3). B is a self-employed accountant. He moves from Rochester, N.Y., to New York, N.Y., and begins to work there on December 1, 1970. Moving expenses are paid by B in 1970 and 1971 in connection with this move. On April 15, 1971, when he files his income tax return for the year 1970, B has been performing services as a self-employed individual on a full-time basis in New York City for approximately 20 weeks. Although he has not satisfied the 78-week employment condition at this time, A may elect to claim his 1970 moving expenses on his 1970 income tax return as there is still sufficient time remaining before December 1, 1972, to satisfy such condition. On April 15, 1972, when he files his income tax return for the year 1971, B has been performing services as a self-employed individual on a full-time basis in New York City for approximately 72 weeks. Although he has not met the 78-week employment condition at this time, B may elect to claim his 1971 moving expenses on his 1971 income tax return as there is still sufficient time remaining before December 1, 1972, to satisfy such requirement.

(3) *Recapture of deduction.* Paragraph (3) of section 217(d) provides a rule which applies where a taxpayer has deducted moving expenses under the election provided in section 217(d)(2) prior to satisfying the applicable minimum period of employment condition and such condition cannot be satisfied at the close of a subsequent taxable year. In such cases an amount equal to the expenses deducted must be included in the taxpayer's gross income for the taxable year in which the taxpayer is no longer able to satisfy such minimum period of employment condition. Where the taxpayer has deducted moving expenses under the election provided in section 217(d)(2) for the taxable year and subsequently files an amended return for such year on which he does not claim the deduction, such expenses are not treated as having been deducted for purposes of the recapture rule of the preceding sentence.

(e) *Denial of double benefit*—(1) *In general.* Section 217(e) provides a rule for computing the amount realized and the basis where qualified real estate expenses are allowed as a deduction under section 217(a).

(2) *Sale or exchange of residence.* Section 217(e) provides that the amount realized on the sale or exchange of a residence owned by the taxpayer, by the taxpayer's spouse, or by the taxpayer and his spouse and used by the taxpayer as his principal place of residence is not decreased by the amount of any expenses described in subparagraph (A) of section 217(b)(2) and deducted under section 217(a). For the purposes of section 217(e) and of this paragraph the term "amount realized" has the same meaning as under section 1001(b) and the regulations thereunder. Thus, for example, if the taxpayer sells a residence used as his principal place of residence and real estate commissions or similar expenses described in subparagraph (A) of section 217(b)(2) are deducted by him pursuant to section 217(a), the amount realized on the sale of the residence is not reduced by the amount of such real estate commissions or such similar expenses described in subparagraph (A) of section 217(b)(2).

(3) *Purchase of a residence.* Section 217(e) provides that the basis of a residence purchased or received in exchange for other property by the taxpayer, by the taxpayer's spouse, or by the taxpayer and his spouse and used by the taxpayer as his principal place of residence is not increased by the amount of any expenses described in subparagraph (B) of section 217(b)(2) and deducted under section 217(a). For the purposes of section 217(e) and of this paragraph the term "basis" has the same meaning as under section 1011 and the regulations thereunder. Thus, for example, if a taxpayer purchases a residence to be used as his principal place of residence and attorneys' fees or similar expenses described in subparagraph (B) of section 217(b)(2) are deducted pursuant to section 217(a), the basis of such residence is not increased by the amount of such attorneys' fees or such similar expenses described in subparagraph (B) or section 217(b)(2).

(4) *Inapplicability of section 217(e).* (i) Section 217(e) and paragraphs (1) through (3) of this paragraph do not apply to any expenses with respect to which an amount is included in gross income under section 217(d)(3). Thus, the amount of any expenses described in subparagraph (A) of section 217(b)(2) deducted in the year paid or incurred pursuant to the election under section 217(d)(2) and subsequently recaptured pursuant to section 217(d)(3) may be taken into account in computing the amount realized on the sale or exchange of the residence described in such subparagraph. Also, the amount of expenses described in subparagraph (B) of section 217(b)(2) deducted in the year paid or incurred pursuant to such election under section 217(d)(2) and subsequently recaptured pursuant to section 217(d)(3) may be taken into account as an adjustment to the basis of the residence described in such subparagraph.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). A was notified of his transfer effective December 15, 1972, from Seattle, Wash., to Philadelphia, Pa. In connection with the transfer A sold his house in Seattle on November 10, 1972. Expenses incident to the sale of the house of $2,500 were paid by A prior to or at the time of the closing of the contract of sale on December 10, 1972. The amount realized on the sale of the house was $47,500 and the adjusted basis of the house was $30,000. Pursuant to the election provided in section 217(d)(2), A deducted the expenses of moving from Seattle to Philadelphia including the expenses incident to the sale of his former residence in taxable year 1972. Dissatisfied with his position with his employer in Philadelphia, A took a position with an employer in Chicago, Ill., on July 15, 1973. Since A was no longer able to satisfy the minimum period employment condition at the close of taxable year 1973 he included an amount equal to the amount deducted as moving expenses including the expenses incident to the sale of his former residence in gross income for taxable year 1973. A is permitted to decrease the amount realized on the sale of the house by the amount of the expenses incident to the sale of the house deducted from gross income and subsequently included in gross income. Thus, the amount realized on the sale of the house is decreased from $47,500 to $45,000 and thus, the gain on the sale of the house is reduced from $17,500 to $15,000. A is allowed to file an amended return or a claim for refund in order to reflect the recomputation of the amount realized.

Example (2). B, who is self-employed decided to move from Washington, D.C., to Los Angeles, Calif. In connection with the commencement of work in Los Angeles on March 1, 1973, B purchased a house in a suburb of Los Angeles for $65,000. Expenses incident to the purchase of the house in the amount of $1,500 were paid by B prior to or at the time of the closing of the contract of sale on September 15, 1973. Pursuant to the election provided in section 217(d)(2), B deducted the expenses of moving from Washington to Los Angeles including the expenses incident to the purchase of his new residence in taxable year 1973. Dissatisfied with his prospects in Los Angeles, B moved back to Washington on July 1, 1974. Since B was no longer able to satisfy the minimum period of employment condition at the close of taxable year 1974 he included an amount equal to the amount deducted as moving expenses incident to the purchase of the former residence in gross income for taxable year 1974. B is permitted to increase the basis of the house by the amount of the expenses incident to the purchase of the house deducted from gross income and subsequently included in gross income. Thus, the basis of the house is increased to $66,500.

(f) *Rules for self-employed individuals*—(1) *Definition.* Section 217(f)(1) defines the term "self-employed individual" for purposes of section 217 to mean an individual who performs personal services either as the owner of the entire interest in an unincorporated trade or business or as a partner in a partnership carrying on a trade or business. The term "self-employed individual" does not include the semiretired, part-time students, or other similarly situated taxpayers who work only a few hours each week. The application of this subparagraph may be illustrated by the following example:

Example. A is the owner of the entire interest in an unincorporated construction business. A hires a manager who performs all of the daily functions of the business including the negotiation of contracts with customers, the hiring and firing of employees, the purchasing of materials used on the projects, and other similar services. A and his manager discuss the operations of the business about once a week over the telephone. Otherwise A does not perform any managerial services for the business. For the purposes of section 217, A is not considered to be a self-employed individual.

(2) *Rule for application of subsection (b)(1)(C) and (D).* Section 217(f)(2) provides that for purposes of subparagraphs (C) and (D) of section 217(b)(1) an individual who commences work at a new principal place of work as a self-employed individual is treated as having obtained employment when he has made substantial arrangements to commence such work. Whether the taxpayer has made substantial arrangements to commence work at a new principal place of work is determined on the basis of all the facts and circumstances in each case. The factors to be considered in this determination depend upon the nature of the taxpayer's trade or business and include such considerations as whether the taxpayer has: (i) Leased or purchased a plant, office, shop, store, equipment, or other property to be used in the trade or business, (ii) made arrangements to purchase inventory or supplies to be used in connection with the operation of the trade or business, (iii) entered into commitments with individuals to be employed in the trade or business, and (iv) made arrangements to contact customers or clients in order to advertise the business in the general location of the new principal place of work. The application of this subparagraph may be illustrated by the following examples:

Example (1). A, a partner in a growing chain of drug stores decided to move from Houston, Tex., to Dallas, Tex., in order to open a drug store in Dallas. A made several trips to Dallas for the purpose of looking for a site for the drug store. After the signing of a lease on a building in a shopping plaza, suppliers were contacted, equipment was purchased, and employees were hired. Shortly before the opening of the store A and his wife moved from Houston to Dallas and took up temporary quarters in a motel until the time their apartment was available. By the time he and his wife took up temporary quarters in the motel A was considered to have made substantial arrangements to commence work at the new principal place of work.

Example (2). B, who is a partner in a securities brokerage firm in New York, N.Y., decided to move to Rochester, N.Y., to become the resident partner in the firm's new Rochester office. After a lease was signed on an office in downtown Rochester B moved to Rochester and took up temporary quarters in a motel until his apartment became available. Before the opening of the office B supervised the decoration of the office, the purchase of equipment and supplies necessary for the operation of the office, the hiring of personnel for the office, as well as other similar activities. By the time B took up temporary quarters in the motel he was considered to have made substantial arrangements to commence to work at the new principal place of work.

Example (3). C, who is about to complete his residency in ophthalmology at a hospital in Pittsburgh, Pa., decided to fly to Philadelphia, Pa., for the purpose of looking into opportunities for practicing in that city. Following his arrival in Philadelphia C decided to establish his practice in that city. He leased an office and an apartment. At the time he departed Pittsburgh for Philadelphia C was not considered to have made substantial arrangements to commence work at the new principal place of work, and, therefore, is not allowed to deduct expenses described in subparagraph (C) of section 217(b)(1) (relating to expenses of traveling (including meals and lodging), after obtaining employment, from the former residence to the general location of the new principal place of work and return, for the principal purpose of searching for a new residence).

(g) *Effective date*—(1) *In general.* This section, except as provided in subparagraphs (2) and (3) of this paragraph, is applicable to items paid or incurred in taxable years beginning after December 31, 1969.

(2) *Reimbursement not included in gross income.* This section does not apply to items to the extent that the taxpayer received or accrued in a taxable year beginning before January 1, 1970, a reimbursement or other expense allowance for such items which was not included in his gross income.

(3) *Election in cases of expenses paid or incurred before January 1, 1971, in connection with certain moves*—(i) *In general.* A taxpayer who was notified by his employer on or before December 19, 1969, of a transfer to a new principal place of work and who pays or incurs moving expenses before January 1, 1971, in connection with such transfer may elect to have the rules governing moving expenses in effect prior to the effective date of section 231 of the Tax Reform Act of 1969 (83 Stat. 577) govern such expenses. If such election is made, this section and section 82 and the regulations thereunder do not apply to such expenses. A taxpayer is considered to have been notified on or before December 19, 1969, by his employer of a transfer, for example, if before such date the employer has sent a notice to all employees or a reasonably defined group of employees, which includes such taxpayer, of a relocation of the operations of such employer from one plant or facilitiy to another plant or facility. An employee who is transferred to a new principal place of work for the benefit of his employer and who makes an election under this paragraph is permitted to exclude amounts received or accrued, directly or indirectly, as payment for or reimbursement of expenses of moving household goods and personal effects from the former residence to the new residence and of traveling (including meals and lodging) from the former residence to the new place of residence. Such exclusion is limited to amounts received or accrued, directly or indirectly, as a payment for or reimbursement of the expenses described above. Amounts in excess of actual expenses paid or incurred must be included in gross income. No deduction is allowable under section 217 for expenses representing amounts excluded from gross income. Also, an employee who is transferred to a new principal place of work which is less than 50 miles but at least 20 miles farther from his former residence than was his former principal place of work and who is not reimbursed, either directly or indirectly, for the expenses described above is permitted to deduct such expenses providing all of the requirements of section 217 and the regulations thereunder prior to the effective date of section 231 of the Tax Reform Act of 1969 (83 Stat. 577) are satisfied.

(ii) *Election made before the date of publication of this notice as a Treasury decision.* An election under this subparagraph made before the date of publication of this notice as a Treasury decision shall be made pursuant to the procedure prescribed in temporary income tax regulations relating to treatment of payments of expenses of moving from one residence to another residence (Part 13 of this chapter) T.D. 7032 (35 F.R. 4330), approved March 11, 1970.

(iii) *Election made on or after the date of publication of this notice as a Treasury decision.* An election made under this subparagraph on or after the date of publication of this notice as a Treasury decision shall be made not later than the time, including extensions thereof, prescribed by law for filing the income tax return for the year in which the expenses were paid or 30 days after the date of publication of this notice as a Treasury decision, whichever occurs last. The election shall be made by a statement attached to the return (or the amended return) for the taxable year, setting forth the following information:

(*a*) The items to which the election relates;

(*b*) The amount of each item;

(*c*) The date each item was paid or incurred; and

(*d*) The date the taxpayer was informed by his employer of his transfer to the new principal place of work.

(iv) *Revocation of election.* An election made in accordance with this subparagraph is revocable upon the filing by the taxpayer of an amended return or a claim for refund with the district director, or the director of the Internal Revenue service center with whom the election was filed not later than the time prescribed by law, including extensions thereof, for the filing of a claim for refund with respect to the items to which the election relates.

PAR. 5. Section 1.1001 is amended by adding new subsections (e) and (f) to section 1001 and by revising the historical note, as follows:

§ 1.1001 Statutory provisions; determination of amount of and recognition of gain or loss.

SEC. 1001. *Determination of amount of and recognition of gain or loss.* * * *

(e) *Certain term interests*—(1) *In general.* In determining gain or loss from the sale or

other disposition of a term interest in property, that portion of the adjusted basis of such interest which is determined pursuant to section 1014 or 1015 (to the extent that such adjusted basis is a portion of the entire adjusted basis of the property) shall be disregarded.

(2) *Term interest in property defined.* For purposes of paragraph (1), the term "term interest in property" means—

(A) A life interest in property,

(B) An interest in property for a term of years, or

(C) An income interest in a trust.

(3) *Exception.* Paragraph (1) shall not apply to a sale or other disposition which is a part of a transaction in which the entire interest in property is transferred to any person or persons.

(f) *Cross reference.* For treatment of certain expenses incident to the sale of a residence which were deducted as moving expenses by the taxpayer or his spouse under section 217(a), see section 217(e).

[Sec. 1001 as amended by secs. 231(c)(2) and 516(a), Tax Reform Act 1969 (83 Stat. 579, 646)]

PAR. 6. Section 1.1016 is amended by deleting subsection (c) of section 1016, by adding immediately after subsection (b) of that section new subsection (c), and by revising the historical note. As amended § 1.1016 reads as follows:

§ 1.1016 Statutory provisions; adjustments to basis.

SEC. 1016. *Adjustments to basis.* • • •

(c) *Cross references.* (1) For treatment of certain expenses incident to the purchase of a residence which were deducted as moving expenses by the taxpayer or his spouse under section 217(a), see section 217(e).

(2) For treatment of separate mineral interests as one property, see section 614.

[Sec. 1016 as amended by sec. 4(c), Act of June 29, 1957 (Public Law 629, 84th Cong., 70 Stat. 407); secs. 2(b) and 64(d)(2), Technical Amendments Act 1958 (72 Stat. 1607, 1656); sec. 3(d)(1) and (2), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); secs. 2(f), 8(g)(2), and 12(b)(4), Rev. Act 1962 (72 Stat. 972, 998, 1031); sec. 203(a)(3)(C), Rev. Act 1964 (78 Stat. 34); sec. 227(b)(5), Rev. Act 1964 (78 Stat. 98); sec. 231(c)(3), Tax Reform Act 1969 (83 Stat. 580)]

EMPLOYMENT TAX REGULATIONS (26 CFR PART 31)

PAR. 7. Section 31.6051-1 is amended by redesignating paragraph (e) as new paragraph (f) and by adding new paragraph (e) immediately after paragraph (d). These new provisions read as follows:

§ 31.6051-1 Statement for employees.

• • • • •

(e) *Reporting of reimbursement of or payment of expenses of moving from one residence to another residence.* Every employer who makes reimbursement of, or payment to, an employee for his expenses of moving from one residence to another residence which is includible in gross income under section 82 shall furnish to such employee, on forms provided by the Internal Revenue Service, information sufficient to assist the employee in the computation of any deduction allowable under section 217 with respect to such reimbursement or payment. The information shall include the amount of the reimbursement or payment and whether the reimbursement or payment was made directly to the employee, indirectly to a third party, or furnished in-kind to the employee. In addition, information shall be furnished as to whether the reimbursement or payment represents an expense described in subparagraphs (A) through (E) of section 217(d)(1), and if so, the amount and nature of the expenses described in each such subparagraph.

(f) *Cross references.* • • •

[FR Doc.71-3784 Filed 3-17-71;8:45 am]

[26 CFR Parts 1, 301]

TAXATION OF UNRELATED BUSINESS INCOME OF CERTAIN EXEMPT ORGANIZATIONS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 511, 512(a)(1), 512(a)(2), 512(b)(12), 512(b)(16), 512(b)(17), 1504(e), and 6050 of the Internal Revenue Code of 1954 to sections 121(a), 121(b)(1), 121(b)(2)(B), 121(b)(2)(C), 121(b)(2)(D), and 121(e) of the Tax Reform Act of 1969 (83 Stat. 487), and in order to conform the Regulations on Procedure and Administration (26 CFR 301) under section 6050 of the Internal Revenue Code of 1954 to section 121(e) of the Tax Reform Act of 1969 (83 Stat. 487), such regulations are amended as follows:

INCOME TAX REGULATIONS (26 CFR PART 1)

PARAGRAPH 1. Section 1.511 is amended by revising section 511(a)(2)(A), by revising section 511(b)(2), by striking out section 511(c) and inserting in lieu thereof a new section 511(c), and by revising the historical note. These amended and added provisions read as follows:

§ 1.511 Statutory provisions; imposition of tax on unrelated business income of charitable, etc., organizations.

SEC. 511. *Imposition of tax on unrelated business income of charitable, etc., organizations*—(a) *Charitable, etc., organizations described in sections 401(a) and 501(c).* The taxes imposed by paragraph (1) shall apply in the case of any organization (other than a trust described in subsection (b) or an organization described in section 501(c)(1)) which is exempt, except as provided in this part or part II (relating to private foundations), from taxation under this subtitle by reason of section 501(a).

• • • • •

(b) *Tax on charitable, etc., trusts.*

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(2) *Charitable, etc., trusts subject to tax.* The tax imposed by paragraph (1) shall apply in the case of any trust which is exempt, except as provided in this part or part II (relating to private foundations), from taxation under this subtitle by reason of section 501(a) and which, if it were not for such exemption, would be subject to subchapter J (sec. 641 and following, relating to estates, trusts, beneficiaries, and decedents).

(c) *Special rule for section 501(c)(2) corporations.* If a corporation described in section 501(c)(2)—

(1) Pays any amount of its net income for a taxable year to an organization exempt from taxation under section 501(a) (or which would pay such an amount but for the fact that the expenses of collecting its income exceed its income), and

(2) Such corporation and such organization file a consolidated return for the taxable year,

such corporation shall be treated, for purposes of the tax imposed by subsection (a), as being organized and operated for the same purposes as such organization, in addition to the purposes described in section 501(c)(2).

[Sec. 511 as amended by sec. 3, Act of July 14, 1960 (Public Law 86-667, 74 Stat. 535); as amended by sec. 121(a), Tax Reform Act 1969 (83 Stat. 536)]

PAR. 2. Section 1.511-2 is amended by revising subparagraph (1) of paragraph (a), by revising subdivision (i) of subparagraph (3) of paragraph (a), by adding a new subdivision (iii) to subparagraph (3) of paragraph (a), by revising paragraph (b), and by adding new paragraphs (c) and (d). These amended and added provisions read as follows:

§ 1.511-2 Organizations subject to tax.

(a) *Organizations other than trusts and title holding companies.* (1)(i) The taxes imposed by section 511(a)(1) apply in the case of any organization (other than a trust described in section 511(b)(2) or an organization described in section 501(c)(1)) which is exempt from taxation under section 501(a) (except as provided in sections 507 through 515). For special rules concerning corporations described in section 501(c)(2), see paragraph (c) of this section.

(ii) In the case of an organization described in section 501(c)(4), (7), (8), (9), (10), (11), (12), (13), (14)(A), (15), (16), or (18), the taxes imposed by section 511(a)(1) apply only for taxable years beginning after December 31, 1969. In the case of an organization described in section 501(c)(14)(B) or (C), the taxes imposed by section 511(a)(1) apply only for taxable years beginning after February 2, 1966.

• • • • •

(3)(i) For taxable years beginning before January 1, 1970, churches and associations or conventions of churches are exempt from the taxes imposed by section 511. The exemption is applicable only to an organization which itself is a church or an association or convention of churches. Subject to the provisions of subdivision (ii) of this subparagraph, religious organizations, including religious orders, if not themselves churches or associations or conventions of churches, and all other organizations which are organized or operated under church auspices, are subject to the tax imposed by section 511, whether or not they engage in religious, educational, or charitable activities approved by a church.

• • • • •

(iii) For taxable years beginning after December 31, 1969, churches and conventions or associations of churches are subject to the taxes imposed by section 511, unless otherwise entitled to the benefit of the transitional rules of section 512(b)(16) and § 1.512(b)-1(j).

(b) *Trusts*—(1) *In general.* The taxes imposed by section 511(b) apply in the case of any trust which is exempt from taxation under section 501(a) (except as provided in sections 507 through 515), and which, if it were not for such exemption, would be subject to the provisions of subchapter J, Chapter 1, of the Code. An organization which is considered as "trustee" of a stock bonus, pension, or profit-sharing plan described in section 401(a), a supplemental unemployment benefit trust described in section 501(c)(17), or a pension plan described in section 501(c)(18) (regardless of the form of such organization) is subject to the taxes imposed by section 511(b)(1) on its unrelated business income. However, if such an organization conducts a business which is a separate taxable entity on the basis of all the facts and circumstances, for example, an association taxable as a corporation, the business will be taxable as a feeder organization described in section 502.

(2) *Effective dates.* In the case of a trust described in section 501(c)(3), the taxes imposed by section 511(b) apply for taxable years beginning after December 31, 1953. In the case of a trust described in section 401(a), the taxes imposed by section 511(b) apply for taxable years beginning after June 30, 1954. In the case of a trust described in section 501(c)(17), the taxes imposed by section 511(b) apply for taxable years beginning after December 31, 1959. In the case of any other trust described in subparagraph (1) of this paragraph, the taxes imposed by section 511(b) apply for taxable years beginning after December 31, 1969.

(c) *Title Holding Companies*—(1) *In general.* If a corporation described in section 501(c)(2) pays any amount of its net income for a taxable year to an organization exempt from taxation under section 501(a) (or would pay such an amount but for the fact that the expenses of collecting its income exceed its income), and if such corporation and such organization file a consolidated income tax return for such taxable year, then such corporation shall be treated, for purposes of the tax imposed by section 511(a), as being organized and operated for the same purposes as such organization, as well as for its title-holding purpose. Therefore, if an item of income of the section 501(c)(2) corporation is derived from a source which is related to the exempt function of the exempt organization to which such income is payable and with which such corporation files a consolidated return, such item is, together with all deductions directly connected therewith, excluded from the determination of unrelated business taxable income under section 512 and shall not be subject to the tax imposed by section 511(a). If, however, such item of income is derived from a source which is not so related, then such item, less all deductions directly connected therewith, is, subject to the modifications provided in section 512(b), unrelated business taxable income subject to the tax imposed by section 511(a).

(2) The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. The income of X, a section 501(c)(2) corporation, is required to be distributed to exempt organization A. During the taxable year X realizes net income of $900,000 from source M and $100,000 from source N. Source M is related to A's exempt function, while source N is not so related. X and A file a consolidated return for such taxable year. X has net unrelated business income of $100,000, subject to the modifications in section 512(b).

(3) *Cross reference.* For rules relating generally to the filing of consolidated returns by certain organizations exempt from taxation under section 501(a), see section 1504(e) of the Code and § 1.1502-100.

(4) *Effective dates.* Subparagraphs (1) through (3) of this paragraph apply with respect to taxable years beginning after December 31, 1969. For taxable years beginning before January 1, 1970, a corporation described in section 501(c)(2) and otherwise exempt from taxation under section 501(a) is taxable upon its unrelated business taxable income only if such income is payable either—

(i) To a church or convention or association of churches, or

(ii) To any organization subject, for taxable years beginning before January 1, 1970, to the tax imposed by section 511(a)(1).

(d) The fact that any class of organizations exempt from taxation under section 501(a) is subject to the unrelated business income tax under section 511 and this section does not in any way enlarge the permissible scope of business activities of such class for purposes of the continued qualification of such class under section 501(a).

PAR. 3. Section 1.512(a) is amended by revising section 512(a) and by adding at the end thereof a historical note. These amended and added provisions read as follows:

§ 1.512(a) Statutory provisions; unrelated business taxable income; definition.

SEC. 512. *Unrelated business taxable income*—(a) *Definition.* For purposes of this title—

(1) *General rule.* Except as otherwise provided in this subsection, the term "unrelated business taxable income" means the gross income derived by any organization from any unrelated trade or business (as defined in section 513) regularly carried on by it, less the deductions allowed by this chapter which are directly connected with the carrying on of such trade or business, both computed with the modifications provided in subsection (b).

(2) *Special rule for foreign organizations.* In the case of an organization described in section 511 which is a foreign organization, the unrelated business taxable income shall be—

(A) Its unrelated business taxable income which is derived from sources within the United States and which is not effectively connected with the conduct of a trade or business within the United States, plus

(B) Its unrelated business taxable income which is effectively connected with the conduct of a trade or business within the United States.

• • • • •

[Sec. 512(a) as amended by sec. 121(b)(2), Tax Reform Act 1969 (83 Stat. 537)]

PAR. 4. Section 1.512(a)-1 is amended by revising paragraph (a), by redesignating paragraph (f) as paragraph (g), and by adding a new paragraph (f). These amended and added provisions read as follows:

§ 1.512(a)-1 Definition.

(a) *In general.* Except as otherwise provided in § 1.512(a)-3 or paragraph (f) of this section, section 512(a)(1) defines "unrelated business taxable income" as the gross income derived from any unrelated trade or business regularly carried on, less those deductions allowed by chapter 1 of the Code which are directly connected with the carrying on of such trade or business, subject to certain modifications referred to in § 1.512(b)-1. To be deductible in computing unrelated business taxable income, therefore, expenses, depreciation, and similar items not only must qualify as deductions allowed by chapter 1 of the Code, but also must be directly connected with the carrying on of unrelated trade or business. Except as provided in paragraph (d)(2) of this section, to be "directly connected with" the conduct of unrelated business, for purposes of section 512, an item of deduction must have proximate and primary relationship to the carrying on of that business. In the case of an organization which derives gross income

from the regular conduct of two or more unrelated business activities, unrelated business taxable income is the aggregate of gross income from all such unrelated business activities less the aggregate of the deductions allowed with respect to all such unrelated business activities.

* * * * *

(f) *Foreign organizations*—(1) *In general.* The unrelated business taxable income of a foreign organization exempt from taxation under section 501(a) consists of:

(i) The organization's unrelated business taxable income which is derived from sources within the United States but which is not effectively connected with the conduct of a trade or business within the United States, plus

(ii) The organization's unrelated business taxable income effectively connected with the conduct of a trade or business within the United States (whether or not such income is derived from sources within the United States).

To determine whether income realized by a foreign organization is derived from sources within the United States or is effectively connected with the conduct of a trade or business within the United States, see part 1 of subchapter N (section 861 and following) and the regulations thereunder.

(2) *Effective dates.* Subparagraph (1) of this paragraph applies to taxable years beginning after December 31, 1969. For taxable years beginning on or before December 31, 1969, the unrelated business taxable income of a foreign organization exempt from taxation under section 501 (a) consists of the organization's unrelated business taxable income which—

(i) For taxable years beginning after December 31, 1966, is effectively connected with the conduct of a trade or business within the United States, whether or not such income is derived from sources within the United States;

(ii) For taxable years beginning on or before December 31, 1966, is derived from sources within the United States.

(g) *Effective date.* Paragraphs (a) through (e) of this section are applicable with respect to taxable years beginning after December 12, 1967. However, if a taxpayer wishes to rely on the rules stated therein for taxable years beginning before December 13, 1967, it may do so.

PAR. 5. Section 1.512(b) is amended by revising so much thereof that precedes paragraph (1), by revising section 512 (b)(12), by adding at the end thereof new paragraphs (16) and (17), and by revising the historical note. These amended and added provisions read as follows:

§ 1.512(b) Statutory provisions; unrelated business taxable income; modifications.

SEC. 512. *Unrelated business taxable income.*

* * * * *

(b) *Modifications.* The modifications referred to in subsection (a) are the following:

* * * * *

(12) Except for purposes of computing the net operating loss under section 172 and paragraph (6), there shall be allowed a specific deduction of $1,000. In the case of a diocese, province of a religious order, or a convention or association of churches, there shall also be allowed, with respect to each parish, individual church, district, or other local unit, a specific deduction equal to the lower of—

(A) $1,000, or

(B) The gross income derived from any unrelated trade or business regularly carried on by such local unit.

* * * * *

(16) Except as provided in paragraph (4), in the case of a church, or convention or association of churches, for taxable years beginning before January 1, 1976, there shall be excluded all gross income derived from a trade of business and all deductions directly connected with the carrying on of such trade or business if such trade or business was carried on by such organization or its predecessor before May 27, 1969.

(17) Except as provided in paragraph (4), in the case of a trade or business—

(A) Which consists of providing services under license issued by a Federal regulatory agency,

(B) Which is carried on by a religious order or by an educational institution (as defined in section 151(e)(4)) maintained by such religious order, and which was so carried on before May 27, 1969, and

(C) Less than 10 percent of the net income of which for each taxable year is used for activities which are not related to the purpose constituting the basis for the religious order's exemption,

there shall be excluded all gross income derived from such trade or business and all deductions directly connected with the carrying on of such trade or business, so long as it is established to the satisfaction of the Secretary or his delegate that the rates or other charges for such services are competitive with rates or other charges charged for similar services by persons not exempt from taxation.

[Sec. 512(b) as amended by Act of April 7, 1958 (Public Law 85-367, 72 Stat. 80); Act of July 17, 1964 (Public Law 88-380, 78 Stat. 333); sec. 121(b)(2), Tax Reform Act 1969 (83 Stat. 538)]

PAR. 6. Section 1.512(b)-1 is amended by revising so much thereof that precedes paragraph (a), by revising paragraph (h), and by adding at the end thereof new paragraphs (i) and (j). These amended and added provisions read as follows:

§ 1.512(b)-1 Modifications.

Whether a particular item of income falls within any of the modifications provided in section 512(b) shall be determined by all the facts and circumstances of each case. For example, if a payment termed "rent" by the parties is in fact a return of profits by a person operating the property for the benefit of the tax-exempt organization or is a share of the profits retained by such organization as a partner or joint venturer, such payment is not within the modification for rents. The modifications provided in section 512(b) are as follows:

* * * * *

(h) *Specific deduction*—(1) *In general.* In computing unrelated business taxable income a specific deduction from gross income of $1,000 is allowed. However, for taxable years beginning after December 31, 1969, such specific deduction is not allowed in computing the net operating loss under section 172 and paragraph (6) of section 512(b).

(2) *Special rule for a diocese, province of a religious order, or a convention or association of churches.* (i) In the case of a diocese, province of a religious order, or a convention or association of churches, there shall be allowed with respect to each parish, individual church, district, or other local unit a specific deduction equal to the lower of $1,000 or the gross income derived from an unrelated trade or business regularly conducted by such local unit. However, a diocese, province of a religious order, or a convention or association of churches shall not be entitled to a specific deduction for a local unit which, for a taxable year, files a separate return. In the case of a local unit which, for a taxable year, files a separate return, such local unit may claim a specific deduction equal to the lower of $1,000 or the gross income derived from any unrelated trade or business which it regularly conducts.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. X is an association of churches on the calendar year basis. X is divided into local units A, B, C, and D. During 1973, A, B, C, and D derive gross income of, respectively, $1,200, $800, $1,500, and $700 from unrelated businesses which they regularly conduct. Furthermore, for such taxable year, D files a separate return. X may claim a specific deduction of $1,000 with respect to A, $800 with respect to B, and $1,000 with respect to C. X may not claim a specific deduction with respect to D. D, however, may claim a specific deduction of $700 on its return.

(i) *Transitional period for churches.* (1)(i) In the case of an unrelated trade or business (as defined in section 513) carried on before May 27, 1969, by a church or convention or association of churches (as defined in § 1.511-2(a)(3)(ii)), or by the predecessor of a church or convention or association of churches which predecessor was itself a church or convention or association of churches, all gross income derived from such unrelated trade or business and all deductions directly connected with the carrying on such unrelated trade or business shall be excluded from the determination of unrelated business taxable income under section 512(a) for all taxable years beginning before January 1, 1976. Notwithstanding the preceding sentence, in the case of income from debt-financed property (and the deductions attributable thereto), as defined in section 514, of a church or convention or association of churches or by the predecessor of a church or convention or association of churches, the provisions of paragraphs (a) through (e) of section 514 and paragraph (4) of section 512(b) shall apply for taxable years beginning after December 31, 1969.

(ii) The provisions of subdivision (i) may be illustrated by the following example:

Example. X, a church as defined in §1.511-2(a)(3)(ii), realizes gross income from an unrelated business (as defined in section

513) of $100,000 for calendar year 1972. X's predecessor church, Y, began conducting such unrelated busines in January 1, 1968. Of the $100,000 realized for calendar year 1972, $40,000 is attributable to debt-financed property (as defined in section 514). Since the unrelated business was conducted by Y prior to May 27, 1969, and since X's taxable year begins before January 1, 1976, that amount of the income realized from such business (and all deductions directly connected therewith) which is not attributable to debt-financed property shall be excluded from the determination of unrelated business taxable income under section 512(a). Therefore, of the $100,000 realized, $60,000 ($100,000 less $40,000 attributable to debt-financed property), and all deductions directly connected therewith shall be excluded from the determination of such unrelated business taxable income for purposes of imposition of the tax under section 511(a). The remaining $40,000 and the deductions attributable thereto shall be subject to the provisions of paragraphs (a) through (e) of section 514 and paragraph (4) of section 512(b).

(2) This paragraph shall not apply in the case of income from property, or deductions directly connected with such income, if title to the property is held by a corporation described in section 501(c)(2) for a church or convention or association of churches. Thus, if such income is derived from an unrelated trade or business, the corporation shall be liable for tax imposed by section 511(a) on such income.

(j) *Special rule for certain unrelated trades or business carried on by a religious order or by an educational institution maintained by such order.* (1) Except as provided in subparagraph (2) of this paragraph, gross income realized by a religious order (or an educational institution (as defined in section 151(e)(4)) maintained by such order) from an unrelated trade or business, together with all deductions directly connected therewith, shall be excluded from the determination of unrelated business taxable income under section 512(a), if—

(i) The trade or business has been operated by such order or by such institution since before May 27, 1959,

(ii) The trade or business consists of providing services under a license issued by a Federal regulatory agency,

(iii) More than 90 percent of the net income from the business is, for each taxable year for which gross income from such business is so excluded by reason of section 512(b)(17) and this paragraph, devoted to religious, charitable, or educational purposes, and

(iv) It is established to the satisfaction of an officer no lower than the Regional Commissioner that the rates or other charges for such services are fully competitive with rates or other charges charged for such services by persons not exempt from taxation. Rates or other charges for such services shall be considered as fully competitive with rates or other charges charged for such services by persons not exempt from taxation if the rates charged by such unrelated trade or business are neither materially higher nor materially lower than the rates charged by similar businesses operating in the same general area.

(2) The provisions of this paragraph shall not apply with respect to income from debt-financed property (as defined in section 514) and the deductions attributable thereto. For taxable years beginning after December 31, 1969, such income and deductions are subject to the provisions of paragraphs (a) through (e) of section 514 and paragraph (4) of section 512 (b).

PAR. 7. Section 1.1504 is amended by adding at the end thereof a new subsection (e) and by revising the historical note. These amended and added provisions read as follows:

§ 1.1504 Statutory provisions; definitions.

SEC. 1504. *Definitions.*

* * * * *

(e) *Includible tax-exempt organizations.* Despite the provisions of paragraph (1) of subsection (b), two or more organizations exempt from taxation under section 501, one or more of which is described in section 501(c)(2) and the others of which derive income from such 501(c)(2) organizations, shall be considered as includible corporations for the purpose of the application of subsection (a) to such organizations alone.

[Sec. 1504 as amended by sec. 5, Act of Mar. 13, 1956 (Public Law 429, 84th Cong., 70 Stat. 49); sec. 64(d)(3), Technical Amendments Act 1958 (72 Stat. 1657); sec. 3(f)(1), Life Insurance Company Income Tax Act 1959 (73 Stat. 140); sec. 2(c), Act of Sept. 23, 1959 (Public Law 86-376, 73 Stat. 699); sec. 10(j), Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1009); sec. 121(a)(4), Tax Reform Act 1969 (83 Stat. 537)]

PAR. 8. There is inserted immediately after section 1.1502-80 the following new section:

§ 1.1502-100 Includible tax exempt organizations.

For taxable years beginning after December 31, 1969, two organizations exempt from taxation under section 501(a), one of which is described in section 501(c)(2) and the other of which derives income from such section 501(c)(2) organization, shall be considered as "includible corporations" for purposes of the application of subsection (a) of section 1504 to such organizations alone, despite the provisions of paragraph (1) of subsection (b) of section 1504. If such organizations satisfy the requirements of section 1504(a) (relating to the definition of an "affiliated group") and the other relevant provisions of chapter 6 of the Code, then such organizations may file a consolidated return.

PAR. 9. There are inserted immediately after § 1.6049-3 the following new sections:

§ 1.6050 Statutory provisions; returns relating to certain transfers to exempt organizations.

SEC. 6050. *Returns relating to certain transfers to exempt organizations*—(a) *General rule.* On or before the 90th day after the transfer of income producing property, the transferor shall make a return in compliance with the provisions of subsection (b) if the transferee is known by the transferor to be an organization referred to in section 511 (a) or (b) and the property (without regard to any lien) has a fair market value in excess of $50,000.

(b) *Form and contents of returns.* The return required by subsection (a) shall be in such form and shall set forth, in respect of the transfer, such information as the Secretary or his delegate prescribes by regulations as necessary for carrying out the provisions of the income tax laws.

[Sec. 6050 as added by sec. 121(e), Tax Reform Act 1969 (83 Stat. 548)]

§ 1.6050-1 Returns relating to certain transfers to exempt organizations.

(a) *Requirement of reporting.* Any person (individual, corporation, partnership, etc.) who, after December 31, 1969, sells, exchanges, gives, bequeaths, or otherwise transfers income producing property with a fair market value in excess of $50,000 (without regard to any lien thereon) to any organization or trust which is known by such person to be an organization or trust exempt from taxation by reason of section 501(a) (excluding organizations described in section 501(c)(1)), or to be an organization referred to in section 511(a)(2)(B), shall make a separate return on Form 4629 with respect to each such organization or trust. The return shall include the following information:

(1) Name, address, and identifying number (as defined in § 1.6109-1) of the transferor.

(2) Name and address of the transferee.

(3) Description of property transferred.

(4) Date of transfer of the property.

(5) Fair market value of the property (without regard to any lien thereon) on the date of transfer.

(6) Whether the property was transferred subject to a mortgage or other similar lien.

(7) Amount of a mortgage or other similar lien (if any) on the property immediately after the transfer.

(b) *Time and place for filing.* The return required by this section shall be filed on or before the later of [the 90th day after publication of final regulations under this section in the FEDERAL REGISTER] or the 90th day after the date of transfer of the property with the Mid-Atlantic Service Center, Philadelphia, Pa. For extensions of time for filing returns under this section, see § 1.6081-1.

(c) *Last day for filing return.* For provisions relating to the time for performance of an act when the last day prescribed for performance falls on Saturday, Sunday, or a legal holiday, see § 301.7503-1 of this chapter (Regulations on Procedure and Administration).

REGULATIONS ON PROCEDURE AND ADMINISTRATION (26 CFR PART 301)

PAR. 10. There are inserted immediately after § 301.6049-1 the following new sections:

§ 301.6050 Statutory provisions; returns relating to certain transfers to exempt organizations.

SEC. 6050. *Returns relating to certain transfers to exempt organizations*—(a) *General rule.* On or before the 90th day after the transfer of income producing property, the transferor shall make a return in compliance with the provisions of subsection (b) if the

transferee is known by the transferor to be an organization referred to in section 511 (a) or (b) and the property (without regard to any lien) has a fair market value in excess of $50,000.

(b) *Form and contents of returns.* The return required by subsection (a) shall be in such form and shall set forth, in respect of the transfer, such information as the Secretary or his delegate prescribes by regulations as necessary for carrying out the provisions of the income tax laws.

[Sec. 6050 as added by sec. 121(e), Tax Reform Act 1969 (83 Stat. 548)]

§ 301.6050–1 Returns relating to certain transfers to exempt organizations.

For provisions regarding the requirement of returns relating to certain transfers to exempt organizations, see § 1.6050–1 of this chapter (Income Tax Regulations).

[FR Doc.71–3778 Filed 3–17–71;8:49 am]

[26 CFR Part 53]

APPLICATION OF TAXES TO CERTAIN NONEXEMPT TRUSTS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative from below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

The following regulations are prescribed under section 4947 of the Internal Revenue Code of 1954, as enacted by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 517), relating to the application of taxes to certain nonexempt trusts. Except as otherwise provided in §§ 53.4947–1 and 2, such sections shall take effect on January 1, 1970.

PARAGRAPH 1. Immediately after §53.4946, insert the following sections:

§ 53.4947 Statutory provisions; application of taxes to certain nonexempt trusts.

SEC. 4947. *Application of taxes to certain nonexempt trusts*—(a) *Application of tax.* (1) *Charitable trusts.* For purposes of part II of subchapter F of chapter 1 (other than section 508 (a), (b), and (c)) and for purposes of this chapter, a trust which is not exempt from taxation under section 501(a), all of the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B), and for which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 (or the corresponding provisions of prior law), shall be treated as an organization described in section 501(c)(3). For purposes of section 509(a)(3)(A), such a trust shall be treated as if organized on the day on which it first becomes subject to this paragraph.

(2) *Split-interest trusts.* In the case of a trust which is not exempt from tax under section 501(a), not all of the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B), and which has amounts in trust for which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522, section 507 (relating to termination of private foundation status), section 508(e) (relating to governing instruments) to the extent applicable to a trust described in this paragraph, section 4941 (relating to taxes on self-dealing), section 4943 (relating to taxes on excess business holdings) except as provided in subsection (b)(3), section 4944 (relating to investments which jeopardize charitable purpose) except as provided in subsection (b)(3), and section 4945 (relating to taxes on taxable expenditures) shall apply as if such trust were a private foundation. This paragraph shall not apply with respect to—

(A) Any amounts payable under the terms of such trust to income beneficiaries, unless a deduction was allowed under section 170(f)(2)(B), 2055(e)(2)(B), or 2522(c)(2)(B),

(B) Any amounts in trust other than amounts for which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522, if such other amounts are segregated from amounts for which no deduction was allowable, or

(C) Any amounts transferred in trust before May 27, 1969.

(3) *Segregated amounts.* For purposes of paragraph (2)(B), a trust with respect to which amounts are segregated shall separately account for the various income, deduction, and other items properly attributable to each of such segregated amounts.

(b) *Special rules.*

(1) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(2) *Limit to segregated amounts.* If any amounts in the trust are segregated within the meaning of subsection (a)(2)(B) of this section, the value of the net assets for purposes of subsections (c)(2) and (g) of section 507 shall be limited to such segregated amounts.

(3) *Sections 4943 and 4944.* Sections 4943 and 4944 shall not apply to a trust which is described in subsection (a)(2) if—

(A) All the income interest (and none of the remainder interest) of such trust is devoted solely to one or more of the purposes described in section 170(c)(2)(B), and all amounts in such trust for which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 have an aggregate value not more than 60 percent of the aggregate fair market value of all amounts in such trust, or

(B) A deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for amounts payable under the terms of such trust to every remainder beneficiary but not to any income beneficiary.

[Sec. 4947, as added by sec. 101(b) Tax Reform Act 1969 (83 Stat. 517)]

§ 53.4947–1 Application of tax.

(a) *In general.* Section 4947 generally subjects trusts which are not exempt from taxation under section 501(a), and in which all or part of the unexpired interests are devoted to one or more of the purposes described in section 170(c)(2)(B), to the same requirements and restrictions as are imposed on private foundations. The basic purpose of section 4947 is to prevent such trusts from being used to avoid the requirements and restrictions applicable to private foundations. For purposes of this section and § 53.4947–2, the term "purposes described in section 170(c)(2)(B)" shall be treated as including purposes described in section 170(c)(1).

(b) *Charitable trusts*—(1) *General rule.* (i) For purposes of this section and § 53.4947–2, a "charitable trust", within the meaning of section 4947(a)(1), is a trust which is not exempt from taxation under section 501(a), all of the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B), and for which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 (or the corresponding provisions of prior law). A charitable trust (as defined in this subdivision) shall be treated as an organization described in section 501(c)(3) and, if it is determined under section 509 that such trust is a private foundation, then Part II of subchapter F of chapter 1 of the Code (other than section 508 (a), (b), and (c)) and chapter 42 shall apply to such trust.

(ii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). X creates an *inter vivos* trust under which M receives 50 percent and N receives 50 percent of the trust's income for 10 years, and upon the termination of which, at the end of such 10-year period, the corpus is to be distributed to O. M, N, and O are all organizations described in section 501(c)(3), and X is allowed a deduction under section 170 for the value of all interests placed in trust. The trust is a charitable trust within the meaning of section 4947(a)(1) from the date of its creation.

Example (2). Y creates a charitable remainder annuity trust described in section 664(d)(1) under which Z, Y's son, receives $10,000 per year for life, remainder to be held in trust for P, and organization described in section 501(c)(3). Y is allowed a deduction under section 170 for the present value of the remainder interest to P. During Z's lifetime, the trust is a split-interest trust described in section 4947(a)(2) and paragraph (c) of this section. Upon the death of Z, all unexpired interests (consisting of P's remainder interest) will be devoted to section 170(c)(2)(B) purposes and the trust will be treated as a charitable trust within the meaning of section 4947(a)(1).

(2) *Scope of application of section 4947(a)(1).* (i) Section 4947(a)(1) usually applies to trusts in which all unexpired interests consist only of charitable income and remainder interests (regardless of whether the trustee is required to distribute corpus to, or hold corpus in trust for the benefit of, any remainder beneficiary) or to trusts in which all unexpired interests consist of charitable remainder interests where the trustee is required to hold corpus in trust for the benefit of any charitable remainder beneficiary. An estate from which the executor or administrator is required to distribute all of the net assets (free of trust) to charitable beneficiaries will not be considered to be a charitable trust under section 4947(a)(1) during the period of estate administration or settlement, except as provided in subdivision (ii) of this subparagraph.

(ii) In the case of an estate from which the executor or administrator is required to distribute all of the net assets (free of trust) to charitable beneficiaries, if the estate is considered terminated for Federal income tax purposes pursuant to § 1.641(b)–3(a) of this chapter, then the estate will be treated as a charitable trust under section 4947(a)(1) between the date on which such estate is considered terminated under § 1.641(b)–3(a) of this chapter and the date on which final distribution of all of the net assets is made to the charitable beneficiaries. For example, X bequeathed his entire estate, including 100 percent of the stock of a wholly owned corporation, to M, an organization described in section 501(c)(3), under a will which gave his executor authority to hold the stock and manage the corporation for a period of up to 10 years for the benefit of M prior to its ultimate disposition. The executor was vested with a full range of powers, including the power of sale. Upon the death of X, his executor distributed X's assets to M except for the stock of the corporation, which he held for 5 years prior to its disposition. The continued holding of the stock of the corporation by the executor after the expiration of a reasonable time for performance of all the ordinary duties of administration causes the estate to be considered terminated for Federal income tax purposes pursuant to § 1.641(b)–3(a) of this chapter and thereby subjects it to the provisions of section 4947(a)(1) from the date of such termination to the date of final disposition of the business.

(iii) Similarly, in the case of a trust in which all of the unexpired interests are charitable remainder interests which have become entitled to distributions of corpus (free of trust) upon the termination of all intervening noncharitable interests, if after the termination of such intervening interests, the trust is considered terminated for federal income tax purposes pursuant to § 1.641(b)–3(b) of this chapter, then the trust will be treated as a charitable trust under section 4947(a)(1), rather than a split-interest trust under section 4947(a)(2), between the date on which such trust is considered terminated under § 1.641(b)–3(b) of this chapter and the date on which final distribution (free of trust) of all of the net assets is made to the charitable remainder beneficiaries.

(iv) Except as otherwise provided in this subdivision, section 642(c)(6) shall not apply to a trust described in section 4947(a)(1) or (2) unless such trust fails to meet the requirements of section 508(e). If—

(*a*) The status of a trust as an organization exempt from taxation under section 501(a) which is described in section 501(c)(3) is recognized on October 9, 1969, or at any time thereafter,

(*b*) Such trust is a private foundation at such time, and

(*c*) Such trust is thereafter determined not to be exempt from taxation under section 501(a) as an organization described in section 501(c)(3),

then such trust will be treated as a taxable private foundation pursuant to § 1.509(b)–1(b) of this chapter, and section 642(c)(6) will apply to such trust.

(3) *Charitable trusts described in section 509(a)(3).* For purposes of section 509(a)(3)(A), a charitable trust shall be treated as if organized on the day on which it first becomes subject to section 4947(a)(1). However, for purposes of applying § 1.509–4(d)(2)(ii)(*a*), (i)(1)(ii), and (i)(1)(iii)(*c*) of this chapter, the previous relationship between the charitable trust and the section 509(a)(1) or (2) organizations it benefits or supports may be considered. If such charitable trust otherwise meets the requirements of section 509(a)(3), it may obtain recognition of its status as a section 509(a)(3) organization by requesting a ruling from the Internal Revenue Service. For the special rules pertaining to the application of the organizational test to organizations terminating their private foundation status under the 12-month or 60-month termination period provided under section 507(b)(1)(B) by becoming "public" under section 509(a)(3), see the regulations under section 507(b)(1).

(c) *Split-interest trusts*—(1) *General rule.* (i) For purposes of this section and § 53.4947–2, a "split-interest trust", within the meaning of section 4947(a)(2), is a trust which is not exempt from taxation under section 501(a), not all of the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B), and which has amounts in trust for which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522. Section 4947(a)(1) shall apply to a trust described in this subdivision (without regard to section 4947(a)(2)(A), (B), or (C)) from the first date upon which the provisions of paragraph (b)(2)(i), (ii), or (iii) of this section are satisfied.

(ii) A split-interest trust described in subdivision (i) of this subparagraph is subject to the provisions of section 507, 508(e) (to the extent applicable to a split-interest trust), 4941, 4943 (except as provided in section 4947(b)(3)), 4944 (except as provided in section 4947(b)(3)), and 4945 in the same manner as if such trust were a private foundation.

(iii) A newly created trust shall, for purposes of section 4947(a)(2), be treated as having amounts in trust for which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, from the date of its creation, even if such a deduction is taken and allowed for such amounts only at a later date. For purposes of this subdivision, § 1.664–1(a)(3) of this chapter shall apply in determining the date of creation of a charitable remainder trust.

(2) *Amounts payable to income beneficiaries.* Under section 4947(a)(2)(A), subparagraph (1)(ii) of this paragraph is made inapplicable to any amounts payable under the terms of a split-interest trust to income beneficiaries unless a deduction was allowed under section 170(f)(2)(B), 2055(e)(2)(B), or 2522(c)(2)(B) with respect to the income interest of any such beneficiary. For example, H created a charitable remainder unitrust (described in section 664(d)(2)) which is required annually to pay W, H's wife, 5 percent of the net fair market value of the trust assets, valued annually, for her life; and to pay the remainder to Y, a section 501(c)(3) organization. A deduction under section 170(f)(2)(A) was allowed with respect to the remainder interest of Y. Pursuant to section 4947(a)(2)(A), each annual amount which becomes payable to W during her life is not subject to subparagraph (1)(ii) of this paragraph on or after the date upon which it becomes so payable, and the payment of such amount to W is not an act of self-dealing under section 4941(d)(1) and does not violate any other provision of chapter 42. However, except as provided in the preceding sentence, the trust is subject to subparagraph (1)(ii) of this paragraph in the same manner as if such trust were a private foundation.

(3) *Applicability to segregated amounts.* (i) Section 4947(a)(2)(B) makes subparagraph (1)(ii) of this paragraph inapplicable to—

(*a*) Any assets held in trust (together with the income and capital gains derived from such assets), other than

(*b*) Assets held in trust with respect to which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522,

if the assets described in (*b*) of this subdivision are segregated from the assets described in (*a*) of this subdivision.

(ii) An asset described in subdivision (i)(*b*) of this subparagraph will be considered "segregated" (within the meaning of section 4947(a)(2)(B)) from an asset described in subdivision (i)(*a*) of this subparagraph if:

(*a*) The asset described in subdivision (i)(*a*) of this subparagraph is separately accounted for (within the meaning of subparagraph (4) of this paragraph) pursuant to section 4947(a)(3) and

(*b*) No deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c),

2055, 2106(a)(2), or 2522 for any income or remainder interest in such asset.

(iii) Amounts will generally be considered segregated (within the meaning of section 4947(a)(2)(B)) if:

(*a*) Two or more assets are held in trust;

(*b*) Each asset is separately accounted for; and

(*c*) By reason of such separate accounting the trust can be treated as two separate trusts, one of which is devoted exclusively to noncharitable income and remainder interests and the other of which is a charitable trust described in section 4947(a)(1) or a split-interest trust described in section 4947(a)(2).

In any case where the requirements of (*a*), (*b*), and (*c*) of this subdivision are met, any amounts held in trust which are separately accounted for will be deemed separate trusts for purposes of this subparagraph. Under such circumstances, only the "trust" which is devoted exclusively to noncharitable income and remainder interests will be considered a segregated amount which, pursuant to section 4947(a)(2)(B), is not subject to section 4947(a)(2), except as provided in subdivision (iv) of this subparagraph.

(iv) If, pursuant to section 4947(a)(2)(B),

(*a*) An amount held in trust which is devoted exclusively to noncharitable income and remainder interests is considered to be segregated from

(*b*) An amount held in trust which is devoted exclusively to charitable income and remainder interests,

then for purposes of this section the amount described in (*b*) of this subdivision will be treated as a charitable trust which is subject to the provisions of section 4947(a)(1).

(v) If, pursuant to section 4947(a)(2)(B),

(*a*) An amount held in trust which is devoted exclusively to noncharitable income and remainder interests is considered to be segregated from

(*b*) An amount held in trust which is devoted to both charitable income or remainder interests and noncharitable income or remainder interests,

then for purposes of this section the amount described in (*b*) of this subdivision will be treated as a split-interest trust which is subject to the provisions of section 4947(a)(2).

(vi) The application of this subparagraph may be illustrated by the following examples:

Example (*1*). H creates a trust under which the trustees are required to pay over annually 5 percent of the net fair market value of M building, valued annually, to W, H's wife, for life, remainder to S, H's son. The other asset in such trust is N building, with respect to which the trustees are required to pay over annually 5 percent of the net fair market value of the building, valued annually, to X, a section 501(c)(3) organization, for a period of 15 years, remainder to S. Each asset is separately accounted for pursuant to section 4947(a)(3) and subparagraph (4) of this paragraph. H received a deduction under section 2522 for the value of X's income interest in N building. Under these circumstances, M building is considered segregated (within the meaning of section 4947(a)(2)(B)) from N building and is not subject to section 4947(a)(2). The remainder interest of S in N building is not considered segregated from the income interest of X in N building, since both are interests in the same asset. N building is deemed held in a split-interest trust which is subject to section 4947(a)(2).

Example (*2*). H transfers $50,000 in trust to pay $2,500 per year to Z, a section 501(c)(3) organization, for a term of 20 years, remainder to S, H's son. H is allowed a deduction under section 2522 for the present value of Z's income interest. The income interest of Z in the trust assets cannot be segregated (within the meaning of section 4947(a)(2)(B)) from the remainder interest of S in the same assets. Therefore, the entire trust is subject to section 4947(a)(2).

(4) *Accounting for segregated amounts.* (i) For purposes of section 4947(a)(2)(B), a trust with respect to which amounts are segregated within the meaning of subparagraph (3) of this paragraph shall separately account for the various income, deduction, and other items properly attributable to each segregated asset in the books of account and separately to each of the beneficiaries of the trust. Assets with respect to which no deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any income or remainder interest must be accounted for separately from assets for which such deduction was allowed for any income or remainder interest.

(ii) For purposes of subparagraphs (3) and (4) of this paragraph, separate accounting shall be made—

(*a*) Accordingly to the method regularly employed by the trust, if such method is reasonable, and

(*b*) In all other cases in a manner which, in the opinion of the Commissioner or his delegate, is reasonable.

A method of separate accounting will be deemed "regularly employed" (within the meaning of (*a*) of this subdivision) by a trust if the method was consistently followed in prior taxable years or if, in the case of a trust which has never before maintained segregated asset accounts, the trust initiates a reasonable method of separate accounting for its segregated assets and consistently follows such method thereafter. Such trust shall keep such permanent records and other data relating to such assets as are necessary to enable the district director to determine the correctness of the application of the rules prescribed in subparagraphs (3) and (4) of this paragraph.

(5) *Amounts transferred in trust before May 27, 1969*—(i) *General rule.* Section 4947(a)(2)(C) makes subparagraph (1)(ii) of this paragraph inapplicable to any amounts transferred in trust before May 27, 1969. Income and capital gains which are derived at any time from amounts transferred in trust before May 27, 1969, shall also be excluded from the application of subparagraph (1)(ii) of this paragraph. If an asset which was transferred in trust before May 27, 1969, is sold or exchanged after May 27, 1969, any asset received by the trust upon such sale or exchange shall be treated as an asset which was transferred in trust before May 27, 1969.

(ii) *Effect of amounts transferred in trust after May 26, 1969.* If:

(*a*) Amounts are transferred in trust after May 26, 1969, and the trust to which such amounts are transferred also contains

(*b*) Amounts transferred in trust before May 27, 1969,

the general rule of subdivision (i) of this subparagraph applicable to the amounts described in (*b*) of this subdivision will apply only if the amounts described in (*a*) of this subdivision, together with all income and capital gains derived therefrom, are separately accounted for from the amounts described in (*b*) of this subdivision, together with all income and capital gains derived therefrom. For the application of section 508(e) to a trust with respect to which amounts were transferred both before and after May 27, 1969, see section 508(e) and the regulations thereunder.

(iii) *Testamentary trusts.* For purposes of section 4947(a)(2)(C), in the case of a decedent whose will provides for the creation of a testamentary trust and who dies before May 27, 1969, amounts transferred in trust before May 27, 1969 (regardless of whether the executors or the testamentary trustees are required to execute testamentary trusts by court order under applicable local law). For example, X executed a will in 1960 which provided for the creation of a testamentary trust which meets the description of a split-interest trust under section 4947(a)(2). X died on April 15, 1969. Pursuant to the provisions of his will, the probate court permitted certain property in X's estate to be transferred to the testamentary trust at fixed intervals over a period of two years during the administration of the estate. The period of administration was not unduly prolonged. For purposes of section 4947(a)(2)(C), each such transfer will be treated as an amount transferred in trust before May 27, 1969, within the meaning of section 4947(a)(2)(C).

(iv) *Special transitional rule for amounts transferred in trust after May 26, 1969, and before August 1, 1969.* In the case of amounts transferred in trust after May 26, 1969, and before August 1, 1969, for which a deduction under section 170 was allowed with respect to any amounts payable to income beneficiaries, section 4947(a)(2)(A) makes section 4947(a)(2) inapplicable to amounts payable under the terms of such trust to charitable income beneficiaries because section 170(f)(2)(B) did not take effect until August 1, 1969. Since section 4947(a)(2) does not apply to the charitable income interest in such trust, section 4947(a)(2) will be treated as not applying to such trust in its entirety if amounts have been transferred in trust only after May 26, 1969, and before August 1, 1969, and if there are only noncharitable remainder interests in such trust.

(6) *Application of section 4947(a)(2) during period of estate administration.* An estate from which the executor or administrator is required to distribute all of the net assets (free of trust) to both charitable and noncharitable beneficiaries will generally not be considered to be a split-interest trust under section 4947(a)(2) during the period of estate administration or settlement. However, in the case of an estate from which the executor or administrator is required to distribute all of the net assets (free of trust) to both charitable and noncharitable beneficiaries, if:

(i) The period of administration or settlement is unduly prolonged, and

(ii) After the expiration of a reasonable period for the performance by the executor or administrator of all duties of administration, the estate is considered terminated for federal income tax purposes pursuant to § 1.641(b)-3(a), of this chapter.

then the estate will be treated as a split-interest trust under section 4947(a)(2) between the date on which such estate is considered terminated under § 1.641(b)-3(a) of this chapter and the date on which final distribution of assets to the last remaining charitable beneficiary is made.

(7) *Application of section 507(a) to certain split-interest trusts.* The provisions of section 507(a) will not become applicable to a split-interest trust described in section 4947(a)(2) by reason of the expiration of the last remaining charitable interest with respect to which a deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522. For example, H creates a trust under which X, a section 501(c)(3) organization, receives $20,000 per year for a period of 20 years, remainder to S, H's son. H is allowed a deduction under section 2522 for the present value of X's interest. When the final payment to X has been made at the end of the 20-year period in accordance with the terms of the trust, the provisions of section 4947(a)(2) will cease to apply to the trust since the trust no longer retains any amounts for which the deduction under section 2522 was allowed. However, such final payment to X will not be considered a termination of the trust's private foundation status within the meaning of section 507(a).

§ 53.4947-2 Special rules.

(a) *Limit to segregated amounts.* If any amounts held in trust are segregated within the meaning of § 53.4947-1(c)(3) and (4), the value of the net assets for purposes of section 507(c)(2) and (g) shall be limited to such segregated amounts with respect to which a deduction under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a), or 2522 was allowed. See the regulations under section 507(c)(2) and (g).

(b) *Applicability to sections 4943 and 4944*—(1) *General rule.* Under section 4947(b)(3), sections 4943 and 4944 shall not apply to a split-interest trust described in section 4947(a)(2) if:

(i) All the income interest (and none of the remainder interest) of such trust is devoted solely to one or more of the purposes described in section 170(c)(2)(B) and all amounts in such trust for which a deduction was allowed under section 170, 545(b)(2), 556(b)(2) 642(c), 2055, 2106(a)(2), or 2522 have an aggregate value (at the time such deduction was allowed) not more than 60 percent of the aggregate fair market value of all amounts in such trust (after the payment of estate taxes and all other liabilities), or

(ii) A deduction was allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for amounts payable under the terms of such trust to every remainder beneficiary, but not to any income beneficiary.

This subparagraph shall apply to a trust described in subdivision (ii) of this subparagraph only if all amounts payable under the terms of such trust to every remainder beneficiary are to be devoted solely to one or more of the purposes described in section 170(c)(2)(B). Upon the expiration of all income interests in a trust described in subdivision (ii) of this subparagraph, such trust shall become subject to section 4947(a)(1) pursuant to § 53.4947-1(b)(2), and section 4947(b)(3) shall no longer apply to such trust. A pooled income fund described in section 642(c)(5) will generally meet the requirements of subdivision (ii) of this subparagraph, as will a charitable remainder trust described in section 664 if it does not make payments to any income beneficiary described in section 170(c).

(2) *Definitions.* (i) For purposes of section 4947(b)(3)(A), the term "income interest" shall include an interest in property transferred in trust which is in the form of a guaranteed annuity or under which the trust instrument specifies that the interest is a fixed percentage of the fair market value of the trust property (determined and distributed annually), and the term "remainder interest" shall include an interest which succeeds an "income interest" within the meaning of this subdivision.

(ii) For purposes of section 4947(b)(3)(B), the term "income beneficiary" shall include a recipient of payments described in section 642(c)(5)(F) from a pooled income fund, payments described in section 664(d)(1)(A) from a charitable remainder annuity trust, or payments described in section 664(d)(2)(A) or (3) from a charitable remainder unitrust. The term "remainder beneficiary" shall include a beneficiary of a remainder interest described in section 642(c)(5) or 664(d)(1)(C) or (2)(C).

(c) *Effective date.* Except as otherwise provided in §§ 53.4947-1 and 2 and the regulations under sections 508 (d) and (e), §§ 53.4947-1 and 53.4947-2 shall take effect on January 1, 1970.

[FR Doc.71-3776 Filed 3-17-71;8:49 am]

[26 CFR Part 301]

SUSPENSION OF RUNNING OF PERIOD OF LIMITATION

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestion who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) under section 6503 of the Internal Revenue Code of 1954 to sections 106 (a) and (b) of the Federal Tax Lien Act of 1966 (80 Stat. 1125) and to provide regulations under section 6503(g) of such Code, as added by section 106(c) of such Act, such regulations are amended as follows:

PARAGRAPH 1. Section 301.6503(b) is amended by revising section 6503(b) and by adding a historical note. These amended and added provisions read as follows:

§ 301.6503(b) Statutory provisions; suspension of running of period of limitation; assets of taxpayer in control or custody of court.

SEC. 6503. *Suspension of running of period of limitation.* • • •

(b) *Assets of taxpayer in control or custody of court.* The period of limitations on collection after assessment prescribed in section 6502 shall be suspended for the period the assets of the taxpayer are in the control or custody of the court in any proceeding before any court of the United States or of any State or of the District of Columbia, and for 6 months thereafter.

[Sec. 6503(b) as amended by sec. 106(a), Federal Tax Lien Act 1966 (80 Stat. 1139)]

PAR. 2. Section 301.6503(b)-1 is amended to read as follows:

§ 301.6503(b)–1 Suspension of running of period of limitation; assets of taxpayer in control or custody of court.

Where all or substantially all of the assets of a taxpayer are in the control or custody of the court in any proceeding before any court of the United States, or of any State of the United States, or of the District of Columbia, the period of limitations on collection after assessment prescribed in section 6502 is suspended with respect to the outstanding amount due on the assessment for the period such assets are in the control or custody of the court, and for 6 months thereafter. In the case of an estate of a decedent or an incompetent, the period of limitations on collection is suspended only for periods begining after November 2, 1966, during which assets are in the control or custody of a court, and for 6 months thereafter.

PAR. 3. Section 301.6503(c) is amended by revising section 6503(c) and by adding a historical note. These amended and added provisions read as follows:

§ 301.6503(c) Statutory provisions; suspension of running of period of limitation; taxpayer outside United States.

SEC. 6503. *Suspension of running of period of limitation.* • • •

(c) *Taxpayer outside United States.* The running of the period of limitations on collection after assessment prescribed in section 6502 shall be suspended for the period during which the taxpayer is outside the United States if such period of absence is for a continuous period of at least 6 months. If the preceding sentence applies and at the time of the taxpayer's return to the United States the period of limitations on collection after assessment prescribed in section 6502 would expire before the expiration of 6 months from the date of his return, such period shall not expire before the expiration of such 6 months.

[Sec. 6503(c) as amended by sec. 106(b), Federal Tax Lien Act 1966 (80 Stat. 1139)]

PAR. 4. Section 301.6503(c)–1 is amended to read as follows:

§ 301.6503(c)–1 Suspension of running of period of limitation; location of property outside the United States or removal of property from the United States; taxpayer outside of United States.

(a) *Property located outside, or removed from, the United States prior to November 3, 1966.* The running of the period of limitations on collection after assessment prescribed in section 6502 is suspended for the period of time, prior to November 3, 1966, that collection is hindered or delayed because property of the taxpayer is situated or held outside the United States or is removed from the United States. The total suspension of time under this provision shall not in the aggregate exceed 6 years. In any case in which the district director determines that collection is so hindered or delayed, he shall make and retain in the files of his office a written report which shall identify the taxpayer and the tax liability, shall show what steps were taken to collect the tax liability, shall state the grounds for his determination that property of the taxpayer is situated or held outside, or is removed from, the United States, and shall show the date on which it was first determined that collection was so hindered or delayed. The term "property" includes all property or rights to property, real or personal, tangible or intangible, belonging to the taxpayer. The suspension of the running of the period of limitations on collection shall be considered to begin on the date so determined by the district director. A copy of the report shall be mailed to the taxpayer at his last known address.

(b) *Taxpayer outside United States after November 2, 1966.* The running of the period of limitations on collection after assessment prescribed in section 6502 (relating to collection after assessment) is suspended for the period after November 2, 1966, during which the taxpayer is absent from the United States if such period is a continuous period of absence from the United States extending for 6 months or more. In a case where the running of the period of limitations has been suspended under the first sentence of this paragraph and at the time of the taxpayer's return to the United States the period of limitations would expire before the expiration of 6 months from the date of his return, the period of limitations shall not expire until after 6 months from the date of the taxpayer's return. The taxpayer will be deemed to be absent from the United States for purposes of this section if he is generally and substantially absent from the United States, even though he makes casual temporary visits during the period.

PAR. 5. Immediately after § 301.6503(f) there are added new §§ 301.6503(g) and 301.6503(g)–1. These new provisions read as follows:

§ 301.6503(g) Statutory provisions; suspension of running of period of limitation; wrongful seizure of property of third party.

SEC. 6503. *Suspension of running of period of limitation.* • • •

(g) *Wrongful seizure of property of third party.* The running of the period of limitations on collection after assessment prescribed in section 6502 shall be suspended for a period equal to the period from the date property (including money) of a third party is wrongfully seized or received by the Secretary or his delegate to the date the Secretary or his delegate returns property pursuant to section 6343(b) or the date on which a judgment secured pursuant to section 7426 with respect to such property becomes final, and for 30 days thereafter. The running of the period of limitations on collection after assessment shall be suspended under this subsection only with respect to the amount of such assessment equal to the amount of money or the value of specific property returned.

[Sec. 6503(g) as added by sec. 106(c), Federal Tax Lien Act 1966 (80 Stat. 1140)]

§ 301.6503(g)–1 Suspension of running of period of limitation; wrongful seizure of property of third party.

The running of the period of limitations on collection after assessment prescribed in section 6502 (relating to collection after assessment) shall be suspended for a period equal to a period beginning on the date property (including money) is wrongfully seized or received by a district director and ending on the date 30 days after the date on which the district director returns the property pursuant to section 6343(b) (relating to authority to return property) or the date 30 days after the date on which a judgment secured pursuant to section 7426 (relating to civil actions by persons other than taxpayers) with respect to such property becomes final. The running of the period of limitations on collection after assessment shall be suspended under this section only with respect to the amount of such assessment which is equal to the amount of money or the value of specific property returned. This section applies in the case of property wrongfully seized or received after November 2, 1966.

Example. On June 1, 1968 (at which time 10 months remain before the period of limitations on collection after assessment will expire), the district director wrongfully seizes $1,000 in B's account in Bank X and properly seizes $500 in taxpayer A's account in Bank Y in an attempt to satisfy A's assessed tax liability of $1,500. The district director determines that the $1,000 seized in Bank X was not the property of taxpayer A and, on March 1, 1969, he returns the $1,000 to B. As a result of the wrongful seizure, the running of the period of limitations on collection after assessment of the amount owed by taxpayer A is suspended for the 9-month period (beginning June 1, 1968, when the money was wrongfully seized and ending March 1, 1969, when the money was returned to B), plus 30 days. Therefore, the period of limitations on collection after assessment prescribed in section 6502 will not expire until February 1, 1970, which is 10 months plus 30 days after the money was returned.

[FR Doc.71–3777 Filed 3–17–71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Electric Face Equipment

Notice is hereby given that in accordance with the provisions of sections 305(r) and 317(j) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), and pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act, it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, be amended by adding §§ 75.523–1 and 75.1710–1, as set forth below. These proposed amendments set forth requirements for installation of canopies or cabs on all electric face equipment and the installation of devices that will deenergize such equipment in the event of an emergency.

Interested persons may submit written comments, suggestions or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 10, 1971.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, would be amended by adding the following:

§ 75.523–1 Deenergization of electric face equipment; installation of panic bars; requirements.

On and after June 30, 1971, all electric face equipment, including shuttle cars which is employed in the active workings of each underground coal mine, shall be equipped with devices, such as "panic bars," that will permit the equipment to be deenergized quickly in the event of an emergency.

§ 75.1710–1 Canopies or cabs; electric face equipment; installation requirements.

On and after June 30, 1971, all electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine, shall be equipped with substantial canopies or cabs to protect the operator of such equipment from falls of roof, face, and ribs.

[FR Doc.71–3734 Filed 3–17–71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70–63]

CHICAGO RIVER, ILL.

Drawbridge Operation

1. The city of Chicago requested that the special operation regulations for several of its bridges across the main, north and south branches of the Chicago River and the North Branch Canal be revised. There has been limited use of these bridges by vessels from January through March. The present regulations for these bridges are set forth in 33 CFR 117.663 and provide for year round operation. It is proposed to revise these regulations to provide for 12 hours' advance notice for several of the city of Chicago bridges from January 1 through March 31, to add to § 117.663 the provisions of § 117.641(f) (7) and (7–a) which would consolidate all Chicago River drawbridge regulations under one section; to eliminate Saturday hours; to provide for roving tender service and to extensively revise the entire text of § 117.663.

§ 117.641 [Amended]

2. It is proposed to amend Part 117 by deleting paragraph (f) (7) and (7–a) of § 117.641. It is further proposed to amend Part 117 by revising § 117.663 to read as follows:

§ 117.663 Chicago River and its tributaries.

(a) *Prompt opening required.* The draws of each of the bridges in this section shall be opened promptly on signal except as provided for in paragraph (e) of this section.

(b) *Drawtenders and operating machinery.* The owners of or agencies controlling each bridge shall provide the necessary drawtenders and the proper machinery, maintained in serviceable condition, for the safe, prompt opening of the draw or as set forth in this section.

(c) *Posting of special operation regulations.* The owners of or agencies controlling each bridge shall conspicuously post notices both upstream and downstream of the bridge, on the bridge or elsewhere, in such a manner that they can be read from an approaching vessel. The notices shall contain statements of the special operation regulations applicable to each bridge. When applicable, information as to whom notice should be given when passage through the draw is desired and how such persons may be reached by telephone or otherwise shall be included.

(d) *Signals*—(1) *Sound signals.* Sound signals shall be used if weather conditions will permit sound signals to be heard by the drawtender or by the vessel operator. A long blast shall be of approximately 3 seconds duration and a short blast shall be of approximately 1 second duration. These blasts may be made by a whistle, horn, or by other similar devices producing sound that can be clearly heard, or by a bell, if specified. In appropriate circumstances, shouting through a megaphone may be employed instead of sounding these signals.

(i) *Signal to request opening of draw.* One long blast followed by one short blast.

(ii) *Acknowledging signal by the drawtender—(a) When the draw will be opened immediately.* One long blast followed by one short blast.

(b) *When the draw cannot be opened immediately or is open and must be closed immediately.* Four or more short blasts, sounded in rapid succession, repeated at regular intervals until acknowledged by the same signal from the vessel. As soon as the draw can be opened the drawtender shall sound the opening signal and open the draw for any vessels waiting to pass.

(2) *Visual signals.* These visual signals shall be used if weather conditions may prevent sound signals from being heard or if sound producing devices are not properly functioning. Sound signals may be used in conjunction with visual signals.

(i) *Signal to request opening of draw.* A white flag of sufficient size to be readily visible by day or a white light of sufficient intensity to be readily visible by night, raised and lowered vertically in full sight of the drawtender, repeated until acknowledged by the drawtender (Mechanical devices which produce essentially the same signal using fixed and/or flashing lights are permitted).

(ii) *Acknowledging signal by the drawtender—(a) When the draw will be opened immediately.* Same as signal to request opening.

(b) *When the draw cannot be opened immediately or is open and must be closed immediately.* A red flag of sufficient size to be readily visible by day or a red light of sufficient intensity to be readily visible by night, swung back and forth horizontally in full sight of the vessel, repeated until acknowledged by the vessel with the same signal (Mechanical devices which produce essentially the same signal using fixed and/or flashing lights are permitted). As soon as the draw can be opened, the drawtender shall give the opening signal and open the draw for any vessels waiting to pass.

(3) *Contiguous drawbridges.* When a vessel wishes to pass two or more drawbridges close together, the opening signal shall be given for the first bridge. After acknowledgement from the first bridge that it will be opened promptly, the opening signal shall be given for the secaond bridge and so on until all bridges that the vessel desires to pass have been given the opening signal and have acknowledged that they will be opened promptly.

(4) *Vessels approaching a drawbridge.* When two or more vessels are approaching the same drawbridge at nearly the same time from the same or opposite directions with the draw open or closed, each of these vessels shall signal independently for the opening of the draw, and the drawtender shall reply as prescribed and in turn to the signal of each vessel.

(e) *Bridges where openings may be delayed*—(1) *Monday through Friday delays.* (i) From 7:30 a.m. to 10 a.m. and 4 p.m. to 6:30 p.m. the draws need not be opened for the passage of vessels of the bridges across Ogden Slip at Outer Drive, main river, South Branch from its junction with the Chicago River south to and including West Roosevelt Road and North Branch at West Kinsie Street and at the Northwest Expressway Feeder bridge.

(ii) From 7 a.m. to 8 a.m. and 5 p.m. to 6 p.m. the draws need not be opened for the passage of vessels of the bridges across the North Branch of the Chicago River at Grand Avenue and at all bridges north of the Northwest Expressway Feeder bridge to and including North Halsted Street and across the South Branch of the Chicago River south of West Roosevelt Road to and including South Halsted Street.

(iii) From 7 a.m. to 8 a.m. and 5:30 p.m. to 6:30 p.m. the draws need not be opened for the passage of vessels of the bridges across the North Branch of the Chicago River north of North Halsted Street and the South Branch of the Chicago River south of South Halsted Street.

(2) *From January 1 through March 31, 12 hours' advance notice required.* Constant attendance is not required for the highway bridges across the North Branch of the Chicago River, North

Branch Canal and the South Branch of the Chicago River, North Branch Canal and the South Branch of the Chicago River from January 1 through March 31. The draws shall be opened promptly on signal provided at least 12 hours' advance notice has been given during this period, except that the Randolph Street, Cermak Road, Throop Street and Loomis Street bridges across the South Branch of the Chicago River, and the North Halsted Street bridge across the North Branch Canal bridges shall be opened promptly on signal, except as provided in subparagraph (1) of this paragraph.

(3) *Constant attendance not required.* Constant attendance is not required at the Roosevelt Road, South Canal Street, South Halsted Street, South Ashland Avenue, South Damen Avenue, West Grant Avenue, West Erie Street, North Ogden Avenue North Branch Canal, North Ogden Avenue, North Branch of the Chicago River, West Division Street, North Branch Canal, and West Division Street North Branch of the Chicago River bridges. Roving drawtenders shall open these bridges not more than 30 minutes after notification to the Port Directors Office or an authorized representative.

(4) *The Chicago and North Western railroad bridge across the north branch of the Chicago River at mile 5.06.* The draw shall be opened promptly on signal provided at least 2 hours' advance notice has been given. However the draw need not be opened for the passage of vessels Monday through Friday from 7 a.m. to 8 a.m. and 5:30 p.m. to 6:30 p.m.

(5) *The Chicago, Milwaukee, St. Paul and Pacific railroad bridge across the North Branch Canal.* The draw shall be opened promptly on signal provided at least 1 hours' advance notice has been given.

(6) *Limited vertical clearances.* The draws of bridges that have a vertical clearance of less than 16 feet above the Chicago City Datum shall be opened within 15 minutes of the sounding of the opening signal by a vessel, unless specifically exempted by other requirements set forth in this section.

(7) *Passage of emergency vessels.* The draws of any of the bridges listed in this section shall be opened as soon as possible for the passage of emergency vessels of the city of Chicago or public vessels of the United States notwithstanding any exceptions set forth elsewhere in this section.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959), 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before April 23, 1971. All submissions should be made in writing to the Commander, Ninth Coast Guard District, Federal Office Building, Cleveland, OH 44199.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, Ninth Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Chief, Office of Operations, U.S. Coast Guard, Washington, D.C. The Chief, Office of Operations will thereafter make a final determination with respect to these proposals.

Dated: March 10, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-3748 Filed 3-17-71;8:47 am]

[46 CFR Part 146]

[CGFR 71-18]

DANGEROUS CARGOES CONTAINERS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations. Labels would not be required on packages comprising shipments received and delivered in carloads or highway truckloads when such shipments are in conformity with applicable provisions of § 146.05-15. A corresponding amendment would be made to § 146.08-31. Also, inhibited acrolein would be authorized for transportation in cylinders (DOT-4B240, 4BA240, 4BW240), portable tanks (DOT-51), and tank cars complying with Department of Transportation regulations. Finally, the use of specification DOT-3A, 3AA, and 3E1800 cylinders would be approved for the transportation of certain class A poisonous liquids or gases.

Interested persons are invited to submit written data, views or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications should identify the notice number, CGFR 71-18, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on Tuesday, May 4, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. Comments received on or before May 11, 1971, or at the hearing will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

In the Saturday, January 30, 1971, issue of the FEDERAL REGISTER (36 F.R. 1472-1473), the Hazardous Materials Regulations Board published amendments to Parts 173 and 177 of Title 49, Code of Federal Regulations. The first amendment, F.R. Doc. 71-1273 (Docket No. HM-61; Amdt. 173-43), published at page 1472, concerned authorization of the transportation of inhibited acrolein, a flammable liquid, in: (a) Class 105A • • • W tank cars having a minimum test pressure of 300 p.s.i. and stenciled "105A200W"; (b) Specifications 4B240, 4BA240, and 4BW240 welded steel cylinders; and (c) Specification 51 steel portable tanks. For reasons fully stated in the document, the Board approved the amendment for inclusion in § 173.122 of Title 49, Code of Federal Regulations.

The second amendment, F.R. Doc. 71-1272 (Docket No. HM-59; Amdt. 173-42), also published at page 1472, provided for the use of specification DOT-3A, 3AA, and 3E1800 cylinders for the transportation of certain class A poisonous liquids or gases. For reasons fully stated in the document, the Board approved the amendment for inclusion in 49 CFR 173.328(a)(2) and made editorial changes to 49 CFR 173.327 for completeness and consistency with other regulations.

The third amendment, F.R. Doc. 71-1271 (Docket No. HM-28; Amdts. 173-41, 177-15), published at page 1473, removed certain exemptions from the labeling requirements of 49 CFR 173.402 and made corresponding changes in 49 CFR 173.404 and 177.815. The amendment was approved by the Board for reasons fully stated in the document.

The amendments of the hazardous materials regulations of the Department of Transportation in Title 49 would make these changes available to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make these apply to carriers by water.

In consideration of the foregoing, it is proposed to amend Part 146 of Title 46, Code of Federal Regulations, as follows:

Subpart 146.05—Shipper's Requirements Regarding Packing, Marking, Labeling and Shipping Papers

1. Subpart 146.05 is amended by revoking § 146.05-15(h).

Subpart 146.07—Railroad Vehicles, Highway Vehicles, Containers or Portable Tanks Loaded With Explosives or Other Dangerous Articles and Transported on Board Ocean Vessels

1a. Section 146.07-25(b) is amended by revoking the last sentence.

Subpart 146.08—Railroad or Highway Vehicles Loaded With Dangerous Substances and Transported on Board Ferry Vessels

2. Subpart 146.08 is amended by adding § 146.08-31 to read as follows:

§ 146.08-31 Exemptions concerning labeling requirements.

Labels are not required on packages containing explosives or other dangerous articles or substances when the packages are:

(a) Loaded and unloaded under the supervision of Department of Defense personnel and are under escort by Department of Defense personnel in a separate vehicle.

(b) Cylinders containing compressed gases classed as nonflammable, provided that the cylinders are carried by private or contract motor carriers and are not overpacked.

Subpart 146.21—Detailed Regulations Governing Inflammable Liquids

3. Subpart 146.21 is amended for the article "Acrolein (inhibited)" by adding in the 4th column ("Required conditions for transportation—Cargo vessel"), of § 146.21-100 the words reading as follows:

Cylinders (DOT-4B240, 4BA240, or 4BW240) complying with DOT regulations.
Portable tanks (DOT-51) not over 20,000 lbs. gr. wt.
Tank cars complying with DOT regulations (trainship only).

Subpart 146.25—Detailed Regulations Governing Poisonous Articles

4. Subpart 146.25 is amended by revising the 4th column of § 146.25-100 for the articles:

(a) Cyanogen chloride containing less than 0.9 percent water;
(b) Cyanogen gas;
(c) Ethyldichloroarsine;
(d) Lewisite;
(e) Methyldichlorarsine;
(f) Mustard gas;
(g) Phenylcarbylamine chloride; and
(h) Poisonous liquid or gas, N.O.S.

to read as follows:

Required conditions for transportation
Cargo vessel
...
Stowage: "On deck under cover." Outside containers: Steel cylinders (DOT-33, 3D) with valve protection cap or when without cap in nonspecification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up" and the notation "Inside packages comply with prescribed specifications." Cylinders (DOT-3A1800, 3AA1800 or 3E1800). Spec. 3A and 3AA cylinders must not exceed 125 pound water capacity (nominal) and must have valve protection or be packed in strong wooden or metal boxes as described in 49 CFR 173.327(a)(2). Spec. 3E1800 cylinders must be packed in strong wooden or metal boxes.
...

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: March 12, 1971.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.71-3685 Filed 3-17-71;8:45 am]

Federal Aviation Administration

[14 CFR Parts 61, 91]

[Docket No. 10916; Notice 71-8]

SECOND-IN-COMMAND QUALIFICATIONS AND PILOT-IN-COMMAND PROFICIENCY CHECKS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 61 and 91 of the Federal Aviation Regulations to adopt experience and qualification requirements for pilots serving as second in command, and a proficiency check for pilots in command, of U.S. registered civil aircraft type certificated for more than one required pilot. These proposals cover operations conducted under Part 91 and not pursuant to the certification or operating rules of Parts 121, 123, 127, 133, 135, or 137 of the Federal Aviation Regulations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before June 16, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

In recent years both the FAA and Part 121 certificate holders, in recognition of the need to insure that fully qualified pilots are operating the complex aircraft of today, have spent a great deal of time and effort in providing a modern system of pilot training and qualification. As a result of these efforts, the overall safety record of Part 121 certificate holders has steadily improved. However, one area of aviation has faced tremendous growth in recent years, without a concomitant improvement in pilot qualification requirements. This field is comprised of those aircraft type certificated for more than one required pilot and operated in accordance with the rules of Part 91 and not pursuant to the certification or operating rules of Parts 121, 123, 127, 133, 135, or 137. Therefore, in recognition of this large segment of aviation and the introduction to it of more sophisticated aircraft, the FAA considers the proposals herein appropriate in the interest of safety in air commerce.

Specifically, it is proposed to require the second in command of such aircraft to have at least a current private pilot certificate with appropriate category and class ratings, an appropriate instrument rating in the case of flight under IFR, and experience in certain aspects of the position held and the airplane being operated.

In addition, it is proposed to add a new § 61.103 to expressly prohibit a private pilot from acting as second in command of an aircraft type certificated for more than one required pilot if (1) that aircraft is carrying passengers or property for compensation or hire, or (2) he receives compensation for his services as second in command of the aircraft. The FAA believes this extension of a prohibition currently applied to pilots in command will insure that sufficiently qualified pilots occupy both flight crewmember positions in these aircraft.

With regard to specific qualification requirements, it is proposed in § 61.47b to require the second in command pilot of an aircraft certificated for more than one required pilot to be familiar with information concerning powerplants, major systems and components, major appliances, performance and limitations, standard and emergency operating procedures, and the contents of the approved aircraft flight manual, if any. Also, it would require that the second in command perform and log engine-out procedures by maneuvering with an engine out, and execute and log three takeoffs and three full stop landings as the sole

manipulator of the controls. These requirements are considered necessary to familiarize the second in command pilot with the operating characteristics of the type aircraft being flown. The rule as proposed permits the engine-out procedures to be performed in a simulator acceptable to the Administrator for the type of aircraft involved. The qualification requirements of § 61.47b would apply regardless of whether or not the aircraft is used for the carriage of persons or property for compensation or hire, or compensation is received by the second in command for his services.

In order to enable a pilot to meet the proposed requirements for second in command qualification, it is also proposed in § 61.47b to permit him to act as second in command of a flight under day VFR or day IFR, if the flight begins and ends at the same airport, no landings are made elsewhere, and no passengers are carried.

In addition to the foregoing proposals concerning second in command pilots, it is proposed in § 61.47a to require a proficiency check for the pilot in command of an aircraft certified for more than one required pilot. As proposed, the pilot in command of such an aircraft would be required, within the preceding 12 calendar months, to have successfully completed a proficiency check or flight check in an aircraft type certificated for more than one required pilot. He would also be required to have successfully completed, within the preceding 24 calendar months, a proficiency check or a flight check in the particular type of aircraft in which he is to serve.

It is proposed to permit the following checks or tests for either of the proficiency check requirements of § 61.47a: (1) A proficiency check given by an FAA inspector, or a pilot examiner designated by the FAA, which includes the standards, maneuvers and procedures prescribed for the original issuance of a type rating in the type aircraft used; (2) a pilot-in-command proficiency check given under Parts 121, 123, 127, or 135; (3) a flight test to add a type rating to a pilot certificate; (4) a periodic flight check necessary for appropriate pilot examiner or check pilot authority; or (5) a military proficiency check.

As in the case of a second in command pilot, for the purpose of meeting the proficiency check requirement, it is proposed to permit the pilot to act as pilot in command of a flight under day VFR or day IFR, if the flight begins and ends at the same airport, no landings are made elsewhere, and no passengers are carried.

A proficiency check requirement for pilots in command of aircraft with which this notice is concerned will insure that these aircraft will at all times be under the control of a pilot who is adequately familiar with, and qualified to operate, the particular type aircraft involved.

In order to complete the upgrading of qualification requirements for pilots in command, it is proposed to amend the recent experience requirements of § 61.47 (a) to extend the coverage therein to pilots in command of aircraft certificated for more than one required pilot flight crewmember. Again, the provision enabling pilots in command and seconds in command to comply with proposals made herein, would be applicable to paragraph (a) of § 61.47.

Finally, it is proposed to adopt a new § 91.4 to place responsibility on the operator of aircraft to which this proposal applies to assure that the pilot flight crewmembers meet, as appropriate, the requirements of proposed §§ 61.47a and 61.47b.

In addition, the pilot in command would be responsible for determining that the second in command is familiar with the aircraft and with the procedures the second in command will use.

In consideration of the foregoing, it is proposed to amend Parts 61 and 91 of the Federal Aviation Regulations as follows:

1. By amending paragraph (a) of § 61.47 to read as follows:

§ 61.47 Recent experience.

(a) No person may act as pilot in command of an aircraft carrying passengers, nor of an aircraft certificated for more than one required pilot flight crewmember, unless, within the preceding 90 days, he has made at least five takeoffs and five landings to a full stop in an aircraft of the same category, class, and type. This paragraph does not apply to operations requiring an airline transport pilot certificate, nor to operations conducted under Part 135. For the purpose of meeting the requirements of this paragraph, a person may act as pilot in command of a flight under day VFR or day IFR, if the flight begins and ends at the same airport, no landings are made elsewhere, and no passengers are carried.

* * * * *

2. By inserting a new §§ 61.47a and 61.47b immediately following § 61.47 to read as follows:

§ 61.47a Pilot in command proficiency check: operation of aircraft requiring more than one required pilot.

(a) Except as provided in paragraph (d) of this section (12 months after the effective date of this section), no person may act as pilot in command of an aircraft that is type certificated for more than one required pilot crewmember unless he has satisfactorily completed the proficiency checks or flight checks prescribed in paragraphs (b) and (c) of this section.

(b) Since the beginning of the 12th month before the month in which a person acts as pilot in command of an aircraft that is type certificated for more than one required pilot crewmember he must have completed one of the following proficiency or flight checks in an aircraft that is type certificated for more than one required pilot crewmember:

(1) A proficiency check given to him by an FAA inspector or a designated flight examiner which includes the maneuvers, procedures, and standards required for the original issuance of a type rating for the aircraft used in the check.

(2) A pilot in command proficiency check given to him in accordance with the provisions for that check under Parts 121, 123, or 135 of this chapter. However, in the case of a person acting as pilot in command of a helicopter he may also complete a proficiency check given to him in accordance with Part 127 of this chapter.

(3) A flight test required for an additional type rating for an aircraft.

(4) An initial or periodic flight check required for a pilot examiner or check pilot.

(5) A military proficiency check required for pilot in command and instrument privileges.

(c) Since the beginning of the 24th month before the month in which a person acts as pilot in command of an aircraft that is type certificated for more than one required pilot crewmember he must have completed one of the proficiency checks or flight checks prescribed in paragraph (b) (1) through (5) of this section in the particular type aircraft in which he is to serve as pilot in command.

(d) This section does not apply to persons conducting operations subject to Parts 121, 123, 127, 133, 135, and 137 of this chapter.

(e) If a pilot takes the proficiency check required by paragraph (a) of this section in the calendar month before, or the calendar month after, the month in which it is due, he is considered to have taken it in the month it is due.

§ 61.47b Second-in-command qualifications: operation of aircraft requiring more than one required pilot.

(a) Except as provided in paragraph (d) of this section, (90 days after the effective date of this section), no person may act as second in command of an aircraft type certificated for more than one required pilot flight crewmember, unless he holds—

(1) At least a current private pilot certificate with appropriate category and class ratings; and

(2) An appropriate instrument rating in the case of flight under IFR.

(b) Except as provided in paragraph (d) of this section, (90 days after the effective date of this section, no person may serve as second in command of an aircraft type certificated for more than one required pilot flight crewmember unless, since the beginning of the 12th calendar month before the month in which he serves, he has, with respect to that type aircraft:

(1) Familiarized himself with all information concerning the aircraft's powerplant, major components and systems, major appliances, performance and limitations, standard and emergency operating procedures, and the contents of the approved airplane flight manual.

(2) Performed and logged—

(i) Three takeoffs and three landings to a full stop as the sole manipulator of the flight controls; and

(ii) Engine-out procedures and maneuvering with an engine out while executing the duties of a pilot in command. This requirement may be satisfied in an aircraft simulator acceptable to the Administrator.

For the purpose of meeting the requirements of subparagraph (2) of this paragraph, a person may act as second in command of a flight under day VFR or day IFR, if the flight begins and ends at the same airport, no landings are made elsewhere, and no passengers are carried.

(c) If a pilot complies with the requirements in paragraph (b) of this section in the calendar month before, or the calendar month after, the month in which compliance with those requirements is due, he is considered to have complied with them in the month they are due.

(d) This section does not apply to a pilot who meets the pilot-in-command proficiency check requirements of § 61.47a nor to operations conducted under Parts 121, 123, 127, 133, 135, and 137 of this chapter.

2. By amending the caption of § 61.101 to read:

§ 61.101 General privileges and limitations: pilot in command.

* * * * *

3. By adding a new § 61.103 immediately following § 61.101 to read as follows:

§ 61.103 General privileges and limitations: second in command of aircraft requiring more than one required pilot.

(a) Except as provided in paragraph (b) of this section, a private pilot may not, for compensation or hire, act as second in command of an aircraft that is type certificated for more than one required pilot, nor may he act as second in command of such an aircraft that is carrying passengers or property for compensation or hire.

(b) A private pilot may act as the second in command of an aircraft that is type certificated for more than one required pilot flight crewmember if he is authorized to act as pilot in command of an aircraft under subparagraphs (1) through (5) of § 61.101(a).

4. By inserting a new § 91.4 immediately following § 91.3 to read as follows:

§ 91.4 Pilot in command and second in command of aircraft requiring more than one required pilot.

No person may operate an aircraft that is type certificated for more than one required pilot flight crewmember unless—

(a) The pilot flight crew of the aircraft consists of a pilot in command and a second in command who meet the requirements of §§ 61.47a and 61.47b of this chapter, as applicable; and

(b) The pilot in command has determined that the second in command meets the requirements of § 61.47b(b)(2) of this chapter and has adequate knowledge and familiarity with the aircraft and the procedures to be used by him.

These amendments are proposed under the authority of sections 313(a), 314, and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 11, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.71-3749 Filed 3-17-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-18]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Correction

In F.R. Doc. 71-3365 appearing on page 4708 in the issue of Thursday, March 11, 1971, the first line of the control zone description reading "Within a 6-mile radius of the center," should read "Within a 5-mile radius of the center,".

[14 CFR Part 71]

[Airspace Docket No. 71-WA-10]

POSITIVE CONTROL AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to expand the positive control area from flight level 240 to 18,000 feet MSL in the Western United States.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

Area Positive Control (APC) is presently designated throughout most of the United States as that part of the Continental Control Area between flight level 240 and flight level 600. In a rule adopted November 9, 1967 (32 F.R. 13270), the vertical limits of APC were lowered to 18,000 feet MSL in the northeast and part of the north central United States. It was stated in the notice of proposed rule making (32 F.R. 7219) that separate actions to lower the floor of positive control area in other sections of the country may be proposed as the Federal Aviation Administration attains the capability to provide positive control service therein. The FAA has determined that it now has the capability to provide positive control services in the western United States.

The action proposed herein would designate as positive control area that airspace within the continental control area from 18,000 feet MSL to flight level 240 bounded by a line beginning at:

Lat. 43°00'00" N., long. 99°00'00" W. thence to lat. 43°21'00" N., long. 100°19'00" W., lat. 44°20'00" N., long. 101°00'00" W., lat. 44°37'00" N., long. 101°00'00" W., lat. 45°07'00" N., long. 104°15'00" W., lat. 45°14'15" N., long. 106°00'00" W., lat. 46°05'00" N., long. 106°00'00" W., lat. 46°50'00" N., long. 109°35'00" W., lat. 46°15'00" N., long. 111°00'00" W., lat. 46°25'00" N., long. 115°00'00" W., thence to lat. 45°30'00" N., long. 115°00'00" W., lat. 45°30'00" N., long. 117°30'00" W., lat. 44°37'00" N., long. 119°21'00" W., lat. 44°28'00" N., long. 119°24'00" W., lat. 44°30'00" N., long. 119°35'00" W., lat. 42°40'00" N., long. 119°00'00" W., lat. 41°00'00" N., long. 119°30'00" W., lat 41°00'00" N., long. 121°15'00" W., lat. 41°20'00" N., long. 122°25'00" W., lat. 41°20'00" N., long. 123°30'00" W., lat. 41°19'30" N., long. 124°08'55" W., thence via a line three nautical miles from the coastline to lat. 32°31'00" N., long. 117°11'00" W., thence along the U.S./Mexican border to lat. 32°15'00" N., long. 114°00'00" W., lat. 34°02'00" N., long. 114°00'00" W., lat. 34°11'00" N., long. 113°30'00" W., lat. 34°58'00" N., long. 113°30'00" W., lat. 35°23'00" N., long. 112°40'00" W., lat. 35°26'00" N., long. 112°00'00" W., lat. 35°26'00" N., long. 110°00'00" W., lat. 36°43'00" N., long. 106°05'00" W., lat. 36°43'00" N., long. 105°00'00" W., lat. 37°30'00" N., long. 102°33'00" W., lat. 38°28'00" N., long. 101°50'00" W., lat. 38°36'00" N., long. 101°28'00" W., lat. 38°49'00" N., long. 100°50'00" W., lat. 38°58'00" N., long. 99°42'00" W., lat. 39°23'00" N., long. 99°04'00" W. to point of beginning, excluding the Santa Barbara Islands and Farrallon Island.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.71-3751 Filed 3-17-71;8:48 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 71-228]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Premium Adjustments Following Mergers, Consolidations, or Purchases of Bulk Assets

MARCH 11, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 563.16 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.16) for the purpose of establishing a completion date for the computation of premium payments following mergers, consolidations, or purchases of bulk assets. Accordingly, the Federal Home Loan Bank Board proposes to amend said section by revising it to read as follows:

§ 563.16 Premiums in mergers, consolidations, or purchases of bulk assets.

In the event of the purchase of bulk assets by an insured institution or of the absorption by an insured institution of another institution through merger or consolidation and the issuance of accounts of an insurable type in connection therewith, such insured institution will be billed for an additional premium based upon the aggregate of the increase of its accounts of an insurable type issued in connection with such transaction. Such premium shall be computed at the rate prescribed by law and shall be that proportion of the amount so computed which the unexpired portion of such insured institution's insurance year bears to its entire insurance year. For the purpose of computing such additional premium and as the basis for such computation, such merger, consolidation, or purchase of bulk assets shall be deemed completed upon the last day of the month in which the Board grants its approval: *Provided, however,* That if the institution which is absorbed by such insured institution by such merger, consolidation, or purchase of bulk assets is an insured institution, the insured institution which has so absorbed such other insured institution shall receive a credit upon its future premiums of the unearned portion of any premium of such absorbed institution to the extent that the same has been paid, and the unearned portion of any premium of such absorbed institution shall, to the extent the same has been paid, be canceled.

(Sec. 404, 48 Stat. 1258, as amended; 12 U.S.C. 1727. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by April 19, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71-3786 Filed 3-17-71;8:50 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

RAILWAY TRACK MAINTENANCE EQUIPMENT FROM AUSTRIA

Antidumping Proceeding Notice

MARCH 9, 1971.

On November 20, 1970, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that railway track maintenance equipment from Austria is being, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.71-3791 Filed 3-17-71;8:50 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

1969 CROP PEANUTS

Indemnification

Pursuant to the provisions of section 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found that the further amendment hereinafter set forth to the Terms and Conditions of Indemnification Applicable to 1969 Crop Peanuts (34 F.R. 11152; 35 F.R. 3765) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Prior amendment of the Terms and Conditions (35 F.R. 3765) was necessary to permit indemnification of handlers (who filed claims therefor during the period of February 27 through March 26, 1970), sustaining losses due to rejections not recognized in the original issuance. Such rejections occurred on lots of peanuts that were unwholesome due to aflatoxin and the peanuts had been custom blanched to remove the aflatoxin; and in some instances, the custom blanching apparently caused the products made from such peanuts to have an undesirable flavor. As a consequence, the manufacturer withheld the product (including any portion thereof that was returned to the manufacturer) from the market and, to cover his loss, rejected the handler invoice on the peanuts or claimed reimbursement. One handler was involved in such a loss during the early months of 1970 and his claim was covered by the prior amendment. However, since that time another handler was involved in a similar loss and filed a claim for indemnification subsequent to the prescribed filing period in the prior amendment. To effectuate the purpose of the amendment, it is necessary to extend the time for the filing of proper claims for indemnification.

Therefore, the first sentence of the eighth paragraph of the Terms and Conditions of Indemnification Applicable to 1969 Crop Peanuts (34 F.R. 11152; 35 F.R. 3765) is revised to read as follows: "Claims for indemnification on 1969 crop peanuts may be filed by December 1, 1970, by any handler sustaining a loss as a result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which had been custom blanched pursuant to these terms and conditions."

This amendment should be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with indemnification, and no useful purpose will be served by any postponement thereof. Marketing of the 1969 peanut crop is completed and one handler who sustained a loss of the type covered by the prior amendment had filed a claim for indemnification is involved. Hence, this amendment should be effective as soon as possible, i.e., on the effective date specified herein. Handlers of peanuts who will be affected by such amendment have signed the marketing agreement authorizing the issuance of such terms and conditions, they are represented on the Committee which recommended the amendment, and time does not permit prior notice of the proposed amendment to such handlers.

The foregoing amendment is hereby approved and issued this 15th day of March 1971, to become effective upon publication in the FEDERAL REGISTER (3-18-71).

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3800 Filed 3-17-71;8:51 am]

EGG PRICES AND MARKET CONDITIONS

Requests for Comments on Market News; Additional Time for Comments

On March 9, 1971, a notice of requests for comments on market news reporting egg prices and market conditions was published in the FEDERAL REGISTER (36 F.R. 4552). The notice contained a request by the United Egg Producers for USDA to consider major changes in the reporting of market prices of shell eggs.

The notice provided for interested parties to submit comments by March 20, 1971. Requests have been received to provide an additional period for submission of comments regarding market news reporting. Therefore, notice is hereby given to provide for an additional period of time until May 1, 1971, for submitting comments.

All persons who desire to submit written data, views, or arguments in connection with the request for comments on market news reporting shall file the same in triplicate with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, no later than May 1, 1971.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 15th day of March 1971.

CLAYTON YEUTTER,
Administrator, Consumer and Marketing Service.

[FR Doc.71-3801 Filed 3-17-71;8:51 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

First Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar

year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following first quarterly estimates for 1971 are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1971 is 1,160.0 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1970 is 1,025.0 million pounds.

Since the estimated quantity of imports exceeds 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1971 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are required to be imposed unless suspended by the President pursuant to section 2(d) of Public Law 88-482.

Done at Washington, D.C., this 26th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-3743 Filed 3-17-71;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-548]

GUDMUN JOHANNESSEN AND THOMAS LOVVOLD

Notice of Loan Application

MARCH 11, 1971.

Gudmun Johannessen and Thomas Lovvold, 1091 Irving Avenue, Astoria, OR 97103, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 50.4-foot registered length wood vessel to engage in the fishery for albacore and yellowfin tuna, salmon, and Dungeness crab in the Washington, Oregon, and California area.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3725 Filed 3-17-71;8:46 am]

[Docket No. S-547]

TERRY L. LEARNED

Notice of Loan Application

MARCH 11, 1971.

Terry L. Learned, Route 2, Box A-1, Cloverdale, OR 97112, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 38-foot length overall wood vessel to engage in the fishery for salmon, albacore, and bottomfish off the coasts of Oregon, Washington, and California.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3724 Filed 3-17-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Puerto Rico Water Resources Authority, General Post Office Box 4267, San Juan, PR 00936, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 28, 1970, for authorization to construct a pressurized water nuclear reactor, designated as the Aguirre Nuclear Station Unit 1, on the applicant's site in Barrio Aquirre, Salinas, P.R.

The site is located on the southern coast of Puerto Rico along the shore of Bahia De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a pressurized water nuclear reactor, which is designed for initial operation at approximately 1785 thermal megawatts with a net electrical output of approximately 583 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 18, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and in the Office of the Mayor of the Municipality of Salinas, Salinas, P.R.

Dated at Bethesda, Md., this 24th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2835 Filed 3-17-71;8:45 am]

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Duke Power Co., 422 South Church Street, Charlotte, N.C. 28201, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated September 18, 1970, for permits to construct and licenses to operate two pressurized water nuclear reactors, designated as the William B. McGuire Nuclear Station Units 1 and 2, on the applicant's site in Mecklenburg County, N.C. The site is located on the shore of Lake Norman, approximately 17 miles northnorthwest of Charlotte, N.C., and is immediately east of Duke Power Co.'s Cowan Ford Hydroelectric Station.

The proposed nuclear station will consist of two pressurized water reactors, each of which is designed for initial operation at approximately 3,411 thermal megawatts with a net electrical output of approximately 1,180 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 11, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Office of the County Manager, Mecklenburg County, 720 East 4th Street, Charlotte NC.

Dated at Bethesda, Md., this 25th day of February 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-3286 Filed 3-10-71;8:45 am]

[Dockets Nos. 50-352, 50-353]

PHILADELPHIA ELECTRIC CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Philadelphia Electric Co., 1000 Chestnut Street, Philadelphia, PA 19105, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated February 26, 1970, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors on the applicant's site of approximately 587 acres located on the Schuylkill River about 1.7 miles southeast of Pottstown, in Limerick Township, Montgomery County, Pa.

The proposed nuclear reactors, designated by the applicant as the Limerick Generating Station Units 1 and 2, are each designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts per unit.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 25, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Public Library, 500 High Street, Pottstown, PA.

Dated at Bethesda, Md., this 17th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2404 Filed 2-24-71;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Public Service Electric and Gas Co., 80 Park Place, Newark, NJ 07101, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated February 26, 1970, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors on the applicant's site of approximately 530 acres located in Bordentown Township, Burlington County, N.J. The proposed site is situated on Newbold Island, which is in the Delaware River approximately 5 miles south of the city limits of Trenton, N.J., and approximately 11 miles northeast of the Philadelphia city limits.

The proposed nuclear reactors, designated by the applicant as the Newbold Island Nuclear Generating Station, are each designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,088 megawatts per unit.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 25, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Offices of the Public Service Electric and Gas Co. located at 222 East State Street, Trenton, NJ, and at 437 High Street, Burlington, NJ.

Dated at Bethesda, Md., this 17th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2405 Filed 2-24-71;8:45 am]

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Order Extending Provisional Operating License Expiration Date

Power Reactor Development Co. has filed a request dated December 29, 1970, and supplement dated January 28, 1971, for an extension of the expiration date of Provision Operating License No. DPR-9 which authorizes the possession and operation of the Enrico Fermi Atomic Power Plant, a sodium-cooled fast breeder reactor, at thermal power levels not to exceed 200 megawatts located in Monroe County, Mich. Good cause having been shown in the application for this extension pursuant to paragraph 5 of said license and Part 50 of the Commission's regulations in 10 CFR: *It is hereby ordered*, That the expiration date of Provisional Operating License No. DPR-9 is extended from January 31, 1971, to June 30, 1971.

Dated at Bethesda, Md., this 9th day of March 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-3718 Filed 3-17-71;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Order Extending Provisional Operating License Expiration Date

By petition notarized February 2, 1971, the Rochester Gas and Electric Corporation of Rochester, N.Y., requested an extension of the expiration date of Provisional Operating License No. DPR-18 which authorizes possession, use and operation of its R. E. Ginna Nuclear Power Plant Unit No. 1 located in Wayne County, N.Y., at power levels up to a maximum of 1,300 megawatts (thermal).

Good cause having been shown in the petition for this extension pursuant to 10 CFR Part 50 and the provision of paragraph 5 of the license: *It is hereby ordered*, That the expiration date of Provisional Operating License No. DPR-18 is extended from March 19, 1971, to September 19, 1972.

Dated at Bethesda, Md., this 5th day of March 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-3719 Filed 3-17-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 23137, 21866; Order 71-3-80]

AMERICAN AIRLINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of March 1971.

By tariff revision [1] marked to become effective March 14, 1971, American Airlines, Inc. (American), proposes to establish a coach/economy lounge in its dual and triple configured B-747 aircraft. The lounge is to contain 17 seats, all of which are to be withheld from sale.

Trans World Airlines, Inc. (TWA), has filed a complaint requesting investigation and suspension. It is alleged that the proposal will necessitate removal of up to 40 seats; that this coupled with the fact that the seats would be withheld from sale will result in underutilization of B-747 capacity; and that American is attempting to gain a competitive advantage which could have a potentially adverse impact on all B-747 operators by increasing unit costs. Delta Air Lines, Inc. (Delta) has filed an answer in support of TWA's complaint, alleging essentially that seating configurations have a way of becoming "writ in stone"; and that if other carriers were forced to follow suit the B-747 could be frozen for years into wasteful underutilization of capacity, thereby preventing this aircraft's economic potential from ever being realized.

In answer to the complaint, American alleges that the B-747 has not lived up to expectations in terms of passenger appeal, and that until it becomes more attractive carriers will be reluctant to retire older aircraft and thereby alleviate airport congestion. It is further alleged that the proposed reconfiguration will result in a loss of only 13 seats available for sale; that the issue of withholding the lounge seats from sale is academic at

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 65.

today's load factors; that its lounge seats cannot be sold because they do not satisfy FAA standards for takeoff and landing; and that the lounge can be withdrawn within 48 hours and replaced by normal coach seats when demand so justifies.

Upon consideration of the tariff filing, the complaint and answer thereto, and other relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant suspension. Seating configurations are already under investigation in the Domestic Passenger-Fare Investigation, Docket 21866. If it does not prove possible to resolve the issues relating to American's present proposal in the course of the Passenger-Fare case, however, the Board intends at a subsequent time to issue an order setting down a separate investigation. In our view, it will be essential to explore the long-run implications of a possible trend toward removing substantial numbers of salable seats from this aircraft for a future period when renewed traffic growth will again begin to put pressure on capacity.

The primary issue raised by American's proposal is whether or not it should be permitted to withhold the lounge seats from sale. In the past, where lounges have been provided in coach/economy service the seats have been available for sale as necessary to accommodate traffic demand. However, in light of the current disparity between traffic and capacity, we do not believe that as a practical matter withholding the lounge seats from sale will undermine the economics of B-747 coach service at this time. We are also influenced by the fact that the lounge unit to be used by American can be replaced by normal coach seats within a relatively short period of time, should traffic demand during certain periods or on certain routes so justify.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. The complaint of Trans World Airlines, Inc., in Docket 23137 is hereby dismissed; and

2. A copy of this order be served upon American Airlines, Inc., Delta Air Lines, Inc., and Trans World Airlines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3793 Filed 3-17-71;8:50 am]

[Docket No. 19078]

NORTHEAST CORRIDOR VTOL INVESTIGATION

Notice of Prehearing Conference

Phase II (see Orders 70-9-44; 70-11-111; 71-1-74; and 71-2-45).

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned for May 11, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William H. Dapper.

Requests for information and evidence, proposed statements of issues, and procedural dates shall be filed by counsel for the Bureau of Operating Rights on or before April 26, 1971, and by other parties on or before May 5, 1971.

Dated at Washington, D.C., March 12, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-3792 Filed 3-17-71;8:50 am]

[3] Concurring statement of Member Murphy filed as part of the original document.

ENVIRONMENTAL PROTECTION AGENCY

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1101) has been filed by the Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804 proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the herbicide diquat in water at 0.01 part per million calculated as the cation and resulting from use of its dibromide salt in the control of aquatic weeds.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure in which the residues are reduced by sodium dithionite to an unstable free radical having an intense green color and strong absorption peak at 377 nanometers.

Dated: March 15, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-3744 Filed 3-17-71;8:47 am]

PPG INDUSTRIES, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1103) has been filed by PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222, proposing the establishment of an exemption from the requirement of a tolerance (21 CFR Part 420) for residues of dimethyl dialkylammonium chloride when present with silica and hydrated silica in pesticide formulations applied to raw agricultural commodities.

The analytical method proposed in the petition for determining residues of dimethyl dialkylammonium chloride is the procedure of L. D. Metcalfe, J. Am. Oil Chemists Society, *40*, 25 (1963).

Dated: March 15, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-3745 Filed 3-17-71;8:47 am]

O,O-DIETHYL S-(2-CHLORO-1-PHTHALIMIDOETHYL) PHOSPHORODITHIOATE

Notice of Establishment of Temporary Tolerance

Hercules Inc., Wilmington, DE 19899, submitted to the Food and Drug Administration a petition requesting temporary tolerances for residues of the insecticide *O,O*-diethyl *S*-(2-chloro-1-phthalimidoethyl) phosphorodithioate and its oxygen analog *O,O*-diethyl *S*-(2-chloro-1-phthalimidoethyl) phosphorothioate in or on the raw agricultural commodities grapes and pecans.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(1) of that Act (21 U.S.C. 346a(1)), and under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k) were also transferred to the Administrator.

The Fish and Wildlife Service, U.S. Department of Interior, advised that it has no objection to these temporary tolerances.

It has been determined that temporary tolerances for residues of the insecticide and its oxygen analog in or on grapes at 1.5 parts per million and in or on pecans at 0.01 part per million are safe and will protect the public health. These temporary tolerances are therefore established as requested on condition that the insecticide is used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Hercules Incorporated name. These temporary tolerances will expire March 15, 1972.

This section is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and pursuant to Reorganization Plan No. 3 of 1970 (35 F.R. 15623) and under authority delegated to the Commissioner or Acting Commissioner, Pesticides Office of the Environmental Protection Agency (36 F.R. 1228).

Dated: March 15, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-3746 Filed 3-17-71;8:47 am]

NEODECANOIC ACID

Notice of Establishment of Temporary Tolerance

Agway Inc., Box 1333, Syracuse, NY 13201, submitted to the Food and Drug Administration a petition requesting a temporary tolerance for residues of the desiccant and defoliant neodecanoic acid (a mixture of 10-carbon trialkyl acetic acids (calculated as $C_9H_{19}COOH$)) in or on the raw agricultural commodity onions (dry bulbs only).

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(1) of that Act (21 U.S.C. 346a(1)) and under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k) were also transferred to the Administrator.

The Fish and Wildlife Service, U.S. Department of Interior, advised that it has no objection to this temporary tolerance.

It has been determined that a temporary tolerance of 2 parts per million for residues of neodecanoic acid in or on onions (dry bulbs only) is safe and will protect the public health. It is therefore established as requested on condition that the desiccant and defoliant is used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Agway, Incorporated name. This temporary tolerance will expire March 15, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and pursuant to Reorganization Plan No. 3 of 1970 (35 F.R. 15623), and under authority delegated by the Administrator to the Commissioner or Acting Commissioner, Pesticides Office of the Environmental Protection Agency (36 F.R. 1228).

Dated: March 15, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-3747 Filed 3-17-71;8:47 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, CA 94108.

Agreement No. 9936 is a transshipment agreement covering the transportation of cargo from American Mail Line's ports of call in Oregon, Washington, and Alaska to American President Lines' ports of call in Vietnam with transshipment in Hong Kong or ports in Japan.

Dated: March 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3794 Filed 3-17-71;8:50 am]

CEYLON/U.S.A. CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Secretary, Ceylon/U.S.A. Conference, 25 Broadway, New York, NY 10004.

Agreement No. 8050-8, among the member lines of the Ceylon/U.S.A. Conference, modifies the basic conference agreement by adding a new paragraph 3 to Clause 7 thereof which provides that every application for conference membership shall be accompanied by agreement to pay into the conference funds a nonreimbursable admission fee of $5,000.

Dated: March 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3795 Filed 3-17-71;8:51 am]

CITY OF LONG BEACH AND KAWASAKI KISEN KAISHA, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicted hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Leonard Putnam, City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, CA 90802.

Agreement No. T-2491, between the city of Long Beach (City) and Kawasaki Kisen Kaisha, Ltd. (K Line), is a 5-year nonexclusive preferential assignment agreement that provides for the use of the wharf and contiguous wharf premises, together with improvements, located at Berth 234, Pier J, at the city of Long Beach, Calif. K Line is also granted an option for additional space on terms outlined in the agreement. K Line will use the premises to operate a proprietary or contract container terminal, including the furnishing of warehousing, rail and truck facilities for the assembly, distribution, loading and unloading, etc., of cargo both in containers and out of containers. K Line will either file a tariff of charges, or, in lieu thereof, elect to use and be bound by the Port of Long Beach tariff. In the event K Line publishes a tariff, all charges shall conform as nearly as possible with like charges enacted by the city and no changes shall be made in its tariff without the prior written approval of the city. As compensation, K Line may choose to either pay on a straight compensation basis or on a minimum-maximum basis on terms outlined in the agreement. K Line will pay city's applicable tariff charges for the use of the premises, which, will be credited toward the minimum-maximum compensation. K Line, at its own cost and expense will furnish wharf cranes on rails to be installed by the city, such cranes being the personal property of K Line. Agreement No. T-2491 is intended to supersede F.M.C. Agreement No. T-2400, which was assigned to K Line as of January 13, 1971.

Dated: March 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3797 Filed 3-17-71;8:51 am]

CITY OF LONG BEACH ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including request for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Leonard Putnam, City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, CA 90802.

Agreement No. T-2400-A, between the City of Long Beach (City), Kerr Steamship Co., Inc. (Kerr) and Kawasaki Kisen Kaisha, Ltd. (K Line), provides for the termination of lease Agreement No. T-2400, a preferential assignment agreement between the City and Kerr, which Kerr recently assigned to K Line, as allowed under the provisions of the agreement. Agreement No. T-2400-A has been filed concurrently with lease Agreement No. T-2491, between the City and K Line, and will become effective upon the approval of Agreement No. T-2491.

Dated: March 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3796 Filed 3-17-71;8:51 am]

GULF/MEDITERRANEAN PORTS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John T. Crook, Chairman, Gulf/Mediterranean Ports Conference, Suite 927, Whitney Building, New Orleans, LA 70130.

Agreement No. 134-34 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: March 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3798 Filed 3-17-71;8:51 am]

MONTSHIP LINES, LTD., AND GESTIONI ESERCIZIO NAVI SICILIA—G.E.N.S.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of application to temporarily reinstate Agreement No. 9426 filed by:

Edwin Longcope, Esq., Hill, Betts & Nash, 26 Broadway, New York, NY 10004.

Agreement No. 9426 established a joint service between the above carriers known as the "Montship-Capo Great Lakes Service" to operate in the trades between Canadian Atlantic Coast ports and Canadian and U.S. Great Lakes ports, on the one hand, and ports in the Mediterranean Sea, Iberian Peninsula and North Africa, on the other. The agreement was approved on June 1, 1965, for a period of five (5) years commencing on January 1, 1965.

Because of confusion as to the date of approval, the parties allowed the agreement to expire by its terms on January 1, 1970, but continued to operate thereunder.

Being only recently made aware of its expiration, the parties have filed an application with the Commission requesting that the agreement be reinstated for a period of 30 days within which they plan to refile it for a further period not to exceed three (3) years.

Dated: March 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3799 Filed 3-17-71;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-214]

EL PASO NATURAL GAS CO.

Notice of Application

MARCH 9, 1971.

Take notice that on March 2, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79999, filed in Docket No. CP71-214 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1971, and operation of a maximum of 45,000 compressor brake horsepower on its San Juan Basin gathering system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose for the construction of the additional compressor facilities proposed herein is to alleviate the progressive reduction in deliverability resulting from declines in reservoir pressures as experienced in the San Juan Basin gas producing formations located in Colorado and New Mexico. Applicant proposes to install, as may be necessary, at unspecified locations, additional compressor horsepower, not to exceed 45,000 brake horsepower, to maintain the required deliverability of 1,700,000 Mcf of natural gas daily from the subject area throughout the 1971-72 heating season. Applicant states that it also intends to construct certain auxiliary facilities within the contemplation of § 2.55(a) of the Commission's general policies and interpretations. Applicant further states that the additional 45,000 compressor brake horsepower, if necessary, would cost not more than $11,500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3726 Filed 3-17-71;8:46 am]

[Docket No. CP71-213]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MARCH 9, 1971.

Take notice that on March 1, 1971, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP71-213 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transfer of six 1,100 horsepower compressor units, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to transfer six 1,100 horsepower compressor units from its St. Martinville, La., compressor station to its Appleton, Wis., compressor station.

Applicant was authorized to install two 9,100 horsepower compressor units at its St. Martinville compressor station in an order issued by the Commission on December 30, 1970, in Docket No. CP70-163. Applicant states that the completion of these two 9,100 horsepower units would permit the transfer of the existing six 1,100 horsepower units. Applicant was authorized to install two 2,750 horsepower compressor units at its new Appleton compressor station in an order issued by the Commission on April 30, 1970, in Docket No. CP70-21.

Applicant states that Appleton is a low load factor station and is particularly suitable for the installation of the six 1,100 horsepower units available from the St. Martinville station. Applicant also states that these six units could be transferred to the Appleton station at a cost of $623,830, which cost is less than the $1,856,400 cost for the two 2,750 horsepower units heretofore authorized. Accordingly, applicant requests authorization to transfer the six 1,100 horsepower units from the St. Martinville station to the Appleton station.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3727 Filed 3-17-71;8:46 am]

[Docket No. CP71-216]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application

MARCH 11, 1971.

Take notice that on March 4, 1971, Mountain Fuel Supply Co. (applicant), 180 East First South, Salt Lake City, UT 84111, filed in Docket No. CP71-216 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two 3,000-horsepower compressor units, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct one 3,000-horsepower compressor unit at its existing Eakin Compressor Station in Uinta County, Wyo., and one 3,000-horsepower compressor unit at a new compressor station on its main gathering pipeline near the Canyon Creek field in Sweetwater County, Wyo. Applicant states that the deliverability of gas supply sources close to its market area are declining. In order to provide the additional gas supply necessary to compensate for this decline, distant supply sources will be employed and additional compressor facilities will be required to meet peak load requirements

Applicant estimates that the total cost of the facilities proposed herein will be about $1,385,000 which cost is to be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3770 Filed 3-17-71;8:49 am]

[Docket No. CP71-217]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 11, 1971.

Take notice that on March 8, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-217 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon 3.84 miles of 24-inch pipeline and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 3.84 miles of 42-inch pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to replace 3.84 miles of 24-inch pipeline with an equal length of 42-inch pipeline on its Crawford pipeline in Will County, Ill. Applicant states that the flow requirements of the Crawford lines now exceed the capacity of the present 24-inch line and the replacement proposed herein is part of a continuing program to replace, with 42-inch pipeline, the 35.7 miles of applicant's No. 1 Crawford line.

The estimated cost of the facilities proposed herein, including the cost of the proposed abandonment is $1,600,000 which cost applicant states will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3771 Filed 3-17-71;8:49 am]

[Docket No. CP71-215]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MARCH 11, 1971.

Take notice that on March 4, 1971, Texas Gas Transmission Corp. (applicant), 3800 Frederica Street, Owensboro, KY 42301, filed in Docket No. CP71-215 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing May 30, 1971, and operation of certain natural gas facilities to enable applicant to take into its pipeline system natural gas which will be purchased from producers in the general area of applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $7 million with no single project costing in excess of $1 million, except that a single offshore project shall not exceed 25 percent of the total budget amount.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3772 Filed 3-17-71;8:49 am]

FEDERAL RESERVE SYSTEM

FARMERS SAVINGS AND TRUST CO.

Order Approving Merger of Banks Under Bank Merger Act

In the matter of the application of The Farmers Savings and Trust Co., Mansfield, Ohio, for approval of merger with the Lucas State Bank, Lucas, Ohio.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by The Farmers Savings and Trust Co., Mansfield, Ohio (Applicant), a member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and the Lucas State Bank, Lucas, Ohio (Bank), under the charter and the name of Applicant. As an incident to the merger, the sole office of Bank would become a branch of Applicant. Notice of the proposed merger, in the form approved by the Board, has been published as required by said Act.

Pursuant to the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant (deposits $44 million), the third largest of seven banks located in Richmond County, holds about 17 percent of Richmond County commercial banking deposits. (All banking data are as of June 30, 1970.) Bank deposits $3 million) is the smallest of the seven institutions located in Richmond County. Applicant is a subsidiary of First Banc Group of Ohio, Inc., Columbus, Ohio, which is the fourth largest registered bank holding company in the State, controlling about 3 percent of deposits in the State of Ohio. Consummation of the proposed merger would not increase substantially the concentration of banking resources in any relevant area.

Applicant was instrumental in organizing Bank in 1928 and provided Bank with its initial management. Since that time Applicant and Bank have been closely associated, and each president of Bank has been either a president or senior officer of Applicant. There is no indication that this close relationship which exists between Applicant and Bank is likely to change in the foreseeable future regardless of the Board's action with respect to the present application. In view of the close relationship which has existed between Applicant and Bank, it may be reasonably concluded that present and potential competition would neither be foreclosed by approval of the application nor encouraged by its denial. It does not appear that competition with and between other banks in Richmond County would be affected in any significant way by consummation of the proposal.

The Board concludes that consummation of the proposed merger would not have an adverse effect on competition in any area. The financial and managerial resources and prospects of the merging banks and the resulting bank are satisfactory and consistent with approval of the application. Consummation of the merger would provide customers of Bank with certain additional banking services; the convenience and needs aspects of the proposal lend weight, therefore, to approval of the transaction. Based upon the foregoing, it is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved, provided that the merger so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] March 12, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3728 Filed 3-17-71;8:46 am]

[1] Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

FIRST UNION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Union, Inc., which is a bank holding company located in St. Louis, Mo., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The First National Bank of Cape Girardeau, Cape Girardeau, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of Governors, March 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3729 Filed 3-17-71;8:46 am]

MARSHALL & ILSLEY BANK STOCK CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Marshall Ilsely Bank Stock Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares of State Bank of Mayville, Mayville, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of State Bank of Mayville, Mayville, Wis. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of Wisconsin and requested his views and recommendation. The Commissioner offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 5, 1971 (36 F.R. 129), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the third largest registered bank holding company and banking organization in Wisconsin, controls twelve banks with aggregate deposits of $558 million, representing 6.4 percent of the State's total deposits. (All banking data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) Upon acquisition of Bank ($14 million in deposits), Applicant would increase its share of Statewide deposits to 6.6 percent.

Bank has its principal office in Mayville and one branch in Knowles, a few miles north of Mayville. It is the only bank in Mayville and serves an area of approximately 215 square miles in northeast Dodge County. The closest banking office of any subsidiary of Applicant to Bank is a branch office of Ripon State Bank in Brandon, approximately 25 miles northwest of Mayville in Fond du Lac County. Under Wisconsin law, no present subsidiary of Applicant may establish a branch in Bank's service area. There appears to be no significant competition between Bank and Ripon State Bank or any other subsidiary of Applicant.

Bank is the largest of five banks competing in its service area, holding 43.5 percent of area deposits. The second and third largest banks in such area hold 20 percent and 17.4 percent of area deposits, respectively. All of the banks in Bank's service area primarily serve the towns in which they are located, and Bank is not regarded as dominating such area.

Based upon the record before it, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area. Considerations relating to the financial and managerial resources and future prospects, as they related to Applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Bank's affiliation with Applicant appears to offer the prospect that expanded or improved banking services will be provided by, or made available through, Bank to the communities in Bank's service area—notably, with respect to loan, trust, and computer services—and that Bank's operations will be strengthened through special services provided by Applicant. Considerations relating to the convenience and needs of the communities in Bank's service area lend some support for approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] March 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3730 Filed 3-17-71;8:46 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (71-3)]

VARIOUS DRAFT ENVIRONMENTAL IMPACT STATEMENTS

Public Notice Regarding Availability

Notice is hereby given of the public availability of draft Environmental Impact Statements with respect to the following programs and installations of the National Aeronautics and Space Administration:

(a) *The Apollo Program.* The objective of this program is to launch and land manned spacecraft on the lunar surface for the gathering of scientific material and data and the emplacement and operation of scientific equipment followed by the ultimate return of the spacecraft, crew, material, and data to earth. As the statement relates, the principal remaining activity under this program is the launch of three more lunar landing missions from the John F. Kennedy Space Center, NASA, Kennedy Space Center, Fla.

(b) *The Skylab Program.* The objectives of this program are to increase man's knowledge of the sun and its effect on man's earthly environment, to gather data for studies of earth resources related to oceanography, water management, agriculture, geology, air, and water pollution, and meteorology, and to further understand the effects of space flight on man's performance in space. As the statement discusses, the Skylab entails the launching of four rockets. All these launch activities will take place at the John F. Kennedy Space Center, NASA, Kennedy Space Center, Fla.

(c) *The NASA installations at (1) Ames Research Center, Moffett Field, Calif.; (2) Flight Research Center, Edwards, Calif.; (3) Goddard Space Flight Center, Greenbelt, Md.; (4) Wallops Station, Wallops Island, Va.; (5) Jet Propulsion Laboratory, Pasadena, including description of activities at Edwards AFB, and Table Mountain, Calif.; and (6) Marshall Space Flight Center, Huntsville, Ala.* Each of these separate Installation Statements describe the respective installation, its mission and operations.

Comments on the draft Environmental Statements and on matters set forth therein are solicited from, and may be submitted by, State and local agencies and members of the public. Such comments should be submitted to the Associate Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments must be received within 60 calendar days of the publication of this notice in the FEDERAL REGISTER in order to be considered in the preparation of any final environmental statement and in the ultimate program or activity reassessment.

Copies of the draft statements may be purchased (price $1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, Ohio 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, Calif. 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 12th day of March 1971.

By direction of the Acting Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.71-3775 Filed 3-17-71;8:49 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Doane, Maisel, Brimmer, and Sherrill.

OFFICE OF EMERGENCY PREPAREDNESS

FLORIDA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on March 15, 1971, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Florida, adversely affected by severe freezes beginning on or about January 20, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Florida. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Robert C. Stevens to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act, and by § 1710.6, 32 CFR, for this disaster.

I do hereby determine the following area in the State of Florida to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 15, 1971:

The County of:
Dade.

Dated: March 15, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-3818 Filed 3-17-71;8:51 am]

SMALL BUSINESS ADMINISTRATION

CLEVELAND CAPITAL, INC.

Notice of License Surrender

Notice is hereby given that Cleveland Capital, Inc., 1000 Midwestern National Building, 75 Public Square, Cleveland, OH 44113, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107).

Cleveland Capital, Inc., was licensed as a small business investment company on May 2, 1962, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises derived therefrom are canceled and terminated.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 5, 1971.

[FR Doc.71-3735 Filed 3-17-71;8:47 am]

DELTA CAPITAL, INC.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of Delta Capital, Inc., 550 Pontchartrain Drive, Slidell, LA. 70458, as amended (15 U.S.C. 661 et seq.) (Act), License No. 10/10-0086.

Delta Capital was incorporated November 29, 1961, and as of December 31, 1970, had paid-in capital and paid-in surplus from private sources of $1,250,000. It has 125,000 shares of issued and outstanding stock. Delta Associates, Inc., 320 Tryon Street, Charlotte, NC 28202, proposes to purchase all of the 125,000 shares presently held by the A.V.C. Corp., 1200 North Carolina Bank Building, Charlotte, NC 28202. Delta Associates is a venture capital management company incorporated in the State of North Carolina. The proposed transaction is subject to and contingent upon approval of SBA.

The proposed officers and directors of Delta Capital are as follows:

John Chadbourne Bolles, 800 North Carolina Bank Building, Charlotte, NC 28202, Chairman of the Board.

Alexander B. Wilkins, Jr., 1526 Scotland Avenue, Charlotte, NC 28207, Executive Vice President, Director.

John L. C. Laslie, Post Office Box 703, Slidell, LA 70458, Executive Vice President, Director.

Larry J. Dagenhart, 1601 Biltmore Drive, Charlotte, NC, Secretary, Director.

John W. Robinson, Jr., 117 Spring Lawn Road, Columbia, SC 29202, Director.

The above are officers and directors of Delta Associates, Inc., and as a group own 67.3 percent of Delta Associates common stock. Only two (Mr. Bolles 30.7 percent and Mr. Wilkins 15.3 percent) of the 12 Delta Associates shareholders own in excess of 10 percent of this concern's stock.

The operations of the Licensee will use the premises presently occupied by Delta Capital at 550 Pontchartrain Drive, Slidell, LA. Licensee will also have a branch office located at 320 South Tryon Street, Charlotte, NC 28202.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management and proposed new owner(s), and the possibility of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such consideration should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in New Orleans, La., and Charlotte, N.C.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

MARCH 11, 1971.

[FR Doc.71-3736 Filed 3-17-71;8:47 am]

FIRST CUMBERLAND INVESTMENTS, INC.

Notice of Issuance of Small Business Investment Company License

On December 29, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 251) stating that First Cumberland Investments Incorporated, 19 South Jefferson, Room 204, Cookeville, TN 38501, had filed an application with the Small Business Administration (SBA) pursuant to the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) for a license to operate as a small business investment company.

Interested parties were given to the close of business January 8, 1971, to submit written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 05/05-0097 to First Cumberland Investments Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 5, 1971.

[FR Doc.71-3737 Filed 3-17-71;8:47]

SEVENTEEN INVESTMENT CORP.

Notice of Surrender of License To Operate as Small Business Investment Corporation

Notice is hereby given that Seventeen Investment Corp., Belmont, Mass., incorporated under the laws of the Commonwealth of Massachusetts on February 10, 1964, has surrendered its license (Number 01/01-0063) issued by the Small Business Administration on April 10, 1964.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Seventeen Investment Corp., is hereby accepted and it is no longer licensed to operate as a small business investment company.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 10, 1971.

[FR Doc.71-3738 Filed 3-17-71;8:47 am]

SOUTHERN BUSINESS INVESTMENT CORP.

Notice of Surrender of License To Operate as Small Business Investment Company

Notice is hereby given that Southern Business Investment Corp. (Southern) has, pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107), surrendered its license to operate as a small business investment company (SBIC).

Southern was incorporated on October 6, 1960, under the laws of the State of Texas to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), and it was issued license number 10-0031 by the Small Business Administration on November 22, 1960.

Under the authority vested by the Act, and the regulations promulgated thereunder, the surrender of the license of Southern is hereby accepted and, accordingly, it is no longer licensed to operate as an SBIC.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 10, 1971.

[FR Doc.71-3739 Filed 3-17-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 20]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 12, 1971.

The following applications are governed by Special Rule 1000.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2392 (Sub-No. 82) (Amendment), filed January 27, 1971, published in the FEDERAL REGISTER issue of February 19, 1971, amended, and republished in part as amended this issue. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, Omaha, NE 68114. Applicant's representatives: Keith D. Wheeler (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC 20036. NOTE: The purpose of this partial republication is (1) to include Leonard Jaskiewicz as applicant's representative and (2) to add Mount Clemens, Mich., as a destination point in part (a) of the application. The rest of the application remains the same.

No. MC 8989 (Sub-No. 215), filed February 12, 1971. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, MI 48904. Applicant's representative: Albert F. Beasley, 311 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from Lansing, Mich., to Memphis, Tenn., and points in Arizona, California, Colorado, Idaho, Iowa, Montana, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Utah, Washington, and Wyoming, restricted to the handling of such automobiles in mixed loads with automobiles and chassis, automobile parts, automobile accessories, and mock-ups and cutaway models of automobiles shipped for purposes of display, testing, experiment or use in special events (authorized for handling in applicant's Sub-210 certificate). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 25798 (Sub-No. 219), filed February 18, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Aristo Kansas Meat Packers, Inc., at or near Holton, Kans., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 30844 (Sub-No. 343), filed February 17, 1971. Applicant: KROBLIN REFRIGERATED X PRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and facilities used by H. J. Heinz Co., located in Franklin County, Pa., to Iowa City, Iowa. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 344), filed February 22, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and/or cold storage facilities of Missouri Beef Packers, Inc., at or near Friona, Tex., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Amarillo, Tex.

No. MC 30884 (Sub-No. 15) (Correction), filed January 11, 1971, published in the FEDERAL REGISTER issues of February 4, and February 25, 1971, and republished as corrected, this issue. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, MO 63011. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers) in initial movements, in truckaway and driveaway service, from places of manufacture and assembly located in Kansas City, Mo., except those portions of the Kansas City, Mo. commercial zone, which lie within the State of Kansas, to points in Indiana, under contract with General Motors Corp. NOTE: Common control may be involved. The purpose of this republication is to show that applicant proposes service to Indiana, in lieu of Alabama and Wisconsin, which appeared in error in previous notice of filing which appeared in the FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Detroit, Mich.

No. MC 31389 (Sub-No. 138), filed February 16, 1971. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, NC 27102. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite (or sites) of Walker Manufacturing Co. Jonesboro, Ark., as an off-route point in connection with applicant's regular routes to and from Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 35835 (Sub-No. 24), filed February 22, 1971. Applicant: JENSEN TRANSPORT, INC., 300 Ninth Avenue SE., Independence, IA 50064. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, 611 Church Street, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Cedar Rapids, Clinton, Keokuk, and Muscatine, Iowa, to points in the United States (except Hawaii and Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, or Kansas City, Mo.

No. MC 41116 (Sub-No. 44), filed February 19, 1971. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, 1724 West Mill Street, Crowley, LA 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products produced by manufactures and converts of paper and paper products;* and (2) *materials and supplies* used in the manufacture and distribution of commodities described in (1) above (except commodities in bulk and commodities which because of size or weight require the use of special equipment), between the sites of the plant or storage facilities of Boise Southern Co. in Beauregard Parish, La., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, Nebraska, and Wisconsin, under contract with Boise Cascade Corp. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 42405 (Sub-No. 29), filed February 16, 1971. Applicant: MISTLETOE EXPRESS SERVICE, doing business as MISTLETOE EXPRESS, Post Office Box 25125, 111 North Harrison, Oklahoma City, OK 73102. Applicant's representative: Max G. Morgan and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives), moving in express service, (1) between the following points in Arkansas: (a) Between Ft. Smith and Conway, Ark., over U.S. Highway 64 to Conway; (b) between Rogers and Harrison, Ark., over U.S. Highway 62 to Harrison, Ark.; (c) between Conway and Pine Bluff, Ark., over U.S. Highway 65 to Pine Bluff; (d) between Little Rock and El Dorado, Ark., over U.S. Highway 167 to El Dorado; (e) between Pine Bluff and Magnolia, Ark., over U.S. Highway 79 to Magnolia; (f) between DeQueen and Texarkana, Ark., over U.S. Highways 59 and 71 to Texarkana; (g) between Texarkana and Little Rock, Ark., over U.S. Highway 67 to Little Rock; (h) between Texarkana and El Dorado, Ark., over U.S. Highway 82 to El Dorado; (i) between Locksburg and Kirby, Ark., from Locksburg, over Arkansas Highway 24 to Nashville, thence over Arkansas Highway 27 to Kirby. (2) Between Broken Bow, Okla., and Little Rock, Ark., from Broken Bow, over U.S. Highway 70 to Little Rock; (3) between Heavener, Okla., and DeQueen, Ark.; from Heavener over U.S. Highways 59 and 270 to their junction with U.S. Highway 71 near Acorn; thence over U.S. Highways 59 and 71 to DeQueen;

(4) Between Durant, Okla., and Hugo, Okla., over U.S. Highway 70 to Hugo; and return over all the foregoing routes (1, 2, 3, and 4), serving all intermediate points; (5) between Wichita and Winfield, Kans., from Wichita over Kansas Highway 15 to its junction U.S. Highway 77; thence over U.S. Highway 77 to Winfield and return over the same route, serving no intermediate points; (6) between Texarkana, Ark.-Tex. and Idabel,

Okla., from Texarkana over U.S. Highway 82 to its junction U.S. Highway 259 near DeKalb, thence over U.S. Highway 259 to Idabel and return over the same route, as an alternate route for operating convenience only; (7) between the following points in Arkansas for operating convenience only: (a) Between Arkadelphia and Hot Springs, Ark., over Arkansas Highway 7 to Hot Springs; (b) between El Dorado and Camden, Ark., from El Dorado over Arkansas Highway 7 to Camden; (c) between junction Arkansas Highways 24 and 53 and Gurdon, Camden and Prescott; (1) from junction Arkansas Highways 24 and 53 over Arkansas Highway 53 to Gurdon; (2) from junction Arkansas Highways 24 and 53 over Arkansas Highway 24 to Camden; (3) from junction Arkansas Highways 24 and 53 over Arkansas Highway 24 to Prescott; (d) between Nashville and Prescott, Ark., over Arkansas Highway 24 to Prescott; (e) between Pine Bluff and Sheridan, Ark., over U.S. Highway 270 to Sheridan; (f) between Sheridan and Malvern, Ark., over U.S. Highway 270 to Malvern; (g) between Malvern and Hot Springs, Ark., over U.S. Highway 270 to Hot Springs; and (8) Serving the following Oklahoma points: (a) Serving Caddo, Okla., as an intermediate point on its presently certificated route Sub-No. 22;

(b) Between Davis and Ada: From Davis over Oklahoma Highway 7 to junction Oklahoma Highway 1 near Scullin, thence over Oklahoma Highway 1 to Ada, serving Sulphur and Roff; (c) between Altus and Junction U.S. Highway 283 with Oklahoma Highway 44; from Altus over U.S. Highway 283 to its junction Oklahoma Highway 44, serving Blair; (d) between Chandler and junction Oklahoma Highway 18 with Oklahoma Highway 33, from Chandler over Oklahoma Highway 18 to its junction with Oklahoma Highway 33, serving Agra; (e) between Talahini and Clayton and junction Oklahoma Highway with Oklahoma Highway 1, from Talihini over U.S. Highway 271 to Clayton, thence over Oklahoma Highway 2 to its junction Oklahoma Highway 1, serving Clayton; (f) between McAlester and Whitefield, Okla., from McAlester over Oklahoma Highway 31 to Kinta, thence over Oklahoma Highway 2 to Whitefield, serving Quinton and Kinta, and (g) between Junction U.S. Highway 60 with Oklahoma Highway 132 and junction Oklahoma Highway 45 with Oklahoma Highway 8, near Carmen, from junction U.S. Highway 60 with Oklahoma Highway 132 over Oklahoma Highway 132 to Carrier, thence over Oklahoma Highway 45 to its junction Oklahoma Highway 8 near Carmen, serving Carrier, Goltry, and Helena, and return over all the foregoing routes serving the named points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark., Tulsa, or Oklahoma City, Okla.

No. MC 52465 (Sub-No. 39), filed February 16, 1971. Applicant: RICE TRUCK LINES, a corporation, 1627 Third Street NW., Great Falls, MT 59401. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Montana to points in Idaho. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 59336 (Sub-No. 23), filed February 12, 1971. Applicant: U.S. TRUCK COMPANY, INC., 2290 24th Street, Detroit, MI 48216. Applicant's representative: Wilber M. Brucker, Jr., 3800 Penobscot Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the General Motors Truck & Coach Division of General Motors Corp. plantsite, Van Buren Township, Wayne County, Mich., as an off-route point in connection with applicant's regular route operation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 59967 (Sub-No. 7), filed February 19, 1971. Applicant: LASHAM CARTAGE COMPANY, a corporation, 2331 South Wood Street, Chicago, IL 60608. Applicant's representative: Bernard C. Pestcoe, 708 City National Bank Building, 25 West Flagler Street, Miami, FL 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and classes A and B explosives), between Port Everglades and Port Laudania, Fla., on the one hand, and, on the other, points in Dade, Broward, and Palm Beach Counties, Fla., restricted to traffic having a prior or subsequent movement by water. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. This application was accompanied with a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC60157 (Sub-No. 15), filed February 19, 1971. Applicant: C. A. WHITE TRUCKING COMPANY, a corporation, 4641 Greenville Avenue, Dallas, TX 75206. Applicant's representative: J. G. Dail, Jr., 1111 E Street, NW., Washington DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems equipment and parts; liquid cooling and vapor condensing systems equipment and parts; environmental control and protective systems equipment and parts; and equipment, materials and supplies* used in the construction or installation or antipollution and environmental control and protective systems and liquid cooling and vapor condensing systems (1) between points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Montana, New Mexico, Oklahoma, Texas, Utah, and Wyoming; and (2) between points named in (1) above, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Tulsa, Okla., or Houston or Dallas, Tex.

No. MC 63417 (Sub-No. 37), filed February 24, 1971. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Road NE., Roanoke, VA 24001. Applicant's representative: Lester M. Bridgeman and Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gabage disposal units*, from Kankakee, Ill., to points in Alabama, Delaware, Georgia, Kentucky, Maryland, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 64932 (Sub-No. 491), filed February 11, 1971. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, from the plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hamsphire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 76266 (Sub-No. 120) (Amendment), filed October 23, 1970, published in the FEDERAL REGISTER issue of February 4, 1971, and republished in part, as amended, this issue. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, MN 55114. Applicant's representative: Louis R. Cernjar (same address as applicant). The purpose of this partial republication is to delete the following words from the restriction: "moving from, to, or through Birmingham, Ala." The rest of the application remains as previously published.

No. MC 87476 (Sub-No. 7), filed February 19, 1971. Applicant: CARL SCHAEFER JR. TRUCK LINE, INC., 2600 Willowburn Avenue, Dayton, Madison Township, Montgomery County, OH 45427. Applicant's representative: W. J. Jordan, 2609 Fenwood Avenue, Terre Haute, IN 47803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, having a prior out of state movement and shipped and consigned to Carl Schaefer Jr. Truck Line, Inc., with specific delivery instructions, (a) between terminal of Carl Schaefer Jr. Truck Line, Inc., located at Dayton, Madison Township, Montgomery County, Ohio, on the one hand, and, on the other, points in Ohio (except between points within Cincinnati, Ohio, commercial zone) and (b) between terminal of Carl Schaefer Jr. Truck Line, Inc., located at Dayton, Madison Township, Montgomery County, Ohio, on the one hand, and, on the other, points in Adams, Allen, Bartholomew, Blackford, Clark, Dearborn, Decatur, Delaware, Fayette, Floyd, Franklin, Grant, Hamilton, Hancock, Henry, Huntington, Jay, Jefferson, Jennings, Johnson, Madison, Marion, Ohio, Randolph, Ripley, Rush, Scott, Shelby, Switzerland, Union, Wayne, and Wells Counties, Ind.; and points in Boone, Bourbon, Boyle, Bracken, Bullitt, Campbell, Carroll, Clark, Fayette, Fleming, Franklin, Galatin, Grant, Hardin, Harrison, Henry, Jefferson, Kenton, Lewis, Madison, Mason, Mercer, Nelson, Oldham, Owen, Pendleton, Robertson, Scott, Spencer, Trimble, Washington, and Woodford Counties, Ky.; and (2) *silica sand* in containers or in bulk in self unloading or dump vehicles, from Ottawa, Ill., on the one hand, and, on the other, points in Preble and Montgomery Counties, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 102982 (Sub-No. 22), filed February 22, 1971. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Post Office Box 6064, Akron, OH 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and cast iron fittings, parts, valves, machinery, and fire hydrants*, from Florence, N.J., to points in Maine, New Hampshire, Vermont, and the District of Columbia, and *damaged or returned shipments of cast iron pipe, cast iron fittings, parts, valves, machinery, and fire hydrants*, from points in Maine, New Hampshire, Vermont, and the District of Columbia, to Florence, N.J., under contract with Griffin Pipe Products Co. NOTE: Applicant states no duplicate authority is being sought. It holds common carrier authority under MC 125533 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104654 (Sub-No. 147), filed February 22, 1971. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, IL 62222. Applicant's representative: Edward G. Villalon, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the site of the Phillips Pipe Line terminal at or near Hickman, Ky., to points in Missouri on and south of Interstate Highway 44 and U.S. Highway 66 and on and east of U.S. Highway 63. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo., or Washington, D.C.

No. MC 106398 (Sub-No. 527), filed February 19, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as above) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems, parts and accessories* for above, from Kankakee, Ill.; Elkhorn, Wis.; and Eureka, Ill., to points in the United States in and east of Minnesota, South Dakota, Kansas, Missouri, Arkansas, and Louisiana. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 528), filed February 22, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements and *buildings* in sections, mounted on wheeled undercarriages, from Stutsman County, N. Dak., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 106400 (Sub-No. 82), filed February 22, 1971. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 8525, Sugar Creek, MO 64054. Applicant's representatives: Harold D. Holwick (same address as applicant) and Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, from Wolcott, Kans., to points in Arkansas, Illinois, Iowa, Missouri, Nebraska, Oklahoma, and South Dakota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106644 (Sub-No. 113), filed February 16, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, GA 30301. Applicant's representative: K. Edward Wolcott, Post Office Box 916, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingots, pigs, billets, blooms, and plates*, from Scottsboro, Ala., to points in the United States (except Alaska and Hawaii). NOTE: Applicant holds contract authority under MC 104724, therefore, common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing size and weight authority in its lead certificate, Sub 30, Sub 41, and Sub 106, but has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at (1) Nashville, Tenn., (2) Memphis, Tenn., or (3) Birmingham, Ala.

No. MC 107295 (Sub-No. 484), filed February 22, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing, wrought iron pipe and accessories*, from Chicago,

Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 485), filed February 25, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage meterings devices, animal waste spreader tanks, livestock feeding systems; parts and accessories* for same, from Kankakee and Eureka, Ill., and Elkhorn, Wis., to points in the United States (except Alaska, Arizona, California, Hawaii, Oregon, and Washington). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that should possible duplication be discovered later, it will be disclosed at the hearing. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 107515 (Sub-No. 737), filed February 11, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared food and bakery goods*, from Jackson, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, Vermont, West Virginia, Wisconsin, and Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought and a duplicating restriction in any authority granted is acceptable. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 739), filed February 16, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as defined by the Commission, from Suffolk, Va., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi, traversing the State of Tennessee for operating convenience only. NOTE: Applicant states no duplicate authority is sought. It further states it can (1) tack the authority sought with its Sub 507 authority, to perform a through service to Wisconsin, Minnesota, Illinois, Tennessee, Michigan, Indiana, Kentucky, West Virginia, Pennsylvania, Ohio, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, Maine, and the District of Columbia, (2) tack with its Sub 1 authority at Atlanta, Ga., to serve Louisiana, and (3) tack with its Sub 478 authority at Montgomery, Ala., and serve Texas, Oklahoma, and Arkansas. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108053 (Sub-No. 102), filed February 18, 1971. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 129, Fremont, NE 68025. Applicant's representative: Carl L. Steine, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Kansas City, Kans., to points in Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 108393 (Sub-No. 43), filed February 16, 1971. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, from Columbus, Ohio, to Pittsburgh, Pa., under continuing contract or contracts with Whirlpool Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109028 (Sub-No. 10), filed February 10, 1971. Applicant: S & W TRANSFER, INC., 2505 North Mayfair Road, 1050 East Bay Street, Milwaukee, WI 53226. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, between Gibbon, Nebr., on the one hand, and, on the other, Chicago, Ill., and Milwaukee, Wis., under a continuing contract, or contracts, with Gibbon Packing Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 110012 (Sub-No. 24), filed February 24, 1971. Applicant: G. B. C., INC., 707 North Liberty Hill Road, Post Office Box 68, Morristown, TN 37814. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Hamblen County, Tenn., to points in Colorado, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, Oregon, South Dakota, Utah, Vermont, Washington, and Wyoming. NOTE: Applicant states that the requested authority could be tacked to serve points in Carter, Greene, Hamblen, and Washington Counties, Tenn. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn., or Washington, D.C.

No. MC 110420 (Sub-No. 629), filed February 17, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent carbon*, in bulk, from points in Michigan, Indiana, Illinois, and Ohio to points in Illinois and New York. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 630), filed February 19, 1971. Applicant: QUALITY CARRIERS, INC. Mail: Post Office Box 186, Pleasant Prairie, WI 53158. Office: I-94 and Kenosha County Highway C, Bristol, WI. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products, and blends and products thereof*, in bulk, from Cedar Rapids, Clinton, and Muscatine, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states it can tack to serve other origins, but tacking is not intended to serve the shippers. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, or Milwaukee, Wis.

No. MC 110988 (Sub-No. 263), filed February 12, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: David A. Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from disabled motor vehicles, rail cars, and barges, between points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111375 (Sub-No. 43), filed February 15, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., 3567 East Barnard Avenue, Cudahy, WI 53110. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plant-site and storage facilities used by Banner Beef Co., at or near Hospers, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Restricted to traffic originating at the named origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111401 (Sub-No. 320), filed February 22, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Bogalusa, La., to those ports of entry on the United States-Mexico boundary line located in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 111812 (Sub-No. 404) (Clarification), filed August 13, 1970, published in the FEDERAL REGISTER issue of September 3, 1970, and republished in part, as clarified, this issue. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: R. H. Jinks (same address as applicant). The sole purpose of this partial republication is to reflect that applicant intends to tack the requested authority with MC 111812 (Sub-No. 11), wherein applicant is authorized to transport general commodities (with usual exceptions) between Lakefield, Minn., and points within 25 miles thereof, on the one hand, and, on the other, all points in Minnesota, Iowa, and Sioux Falls, S. Dak. The rest of the application remains as previously published.

No. MC 112304 (Sub-No. 43), filed February 22, 1971. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products; aluminum furniture; and aluminum ladders*, from Benton, Ky., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico; and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), from points in the destination territory named in (1) above, to Benton, Ky. NOTE: Applicant states tacking possibilities exists with its Sub 1, however, it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Louisville, Ky.

No. MC 112520 (Sub-No. 234), filed February 16, 1971. Applicant: MCKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Muscogee County, Ga., to points in Alabama, Florida, South Carolina, North Carolina, Tennessee, Mississippi, Louisiana, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112520 (Sub-No. 235), filed February 16, 1971. Applicant: MCKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Decatur County, Ga., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112539 (Sub-No. 8), filed February 16, 1971. Applicant: PERCHAK TRUCKING, INC., Post Office Box 811, Hazleton, Pa. 18201. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, between points in Warren, Burlington, Hunterdon, Union, Bergen, Essex, Passaic, Middlesex, Monmouth, Somerset, Camden, Mercer, Hudson, Morris Counties, N.J.; Baltimore County, Frederick County, and Baltimore, Md.; Cortland, New York, Steuben, Chemung, Onondaga, Broome, Monroe, Genessee, Niagara, Erie, and Cattaraugus Counties, N.Y.; Cuyahoga and Erie Counties, Ohio; New Castle County, Del.; Bradford, Chester, Luzerne, Lackawanna, Schuylkill, Clinton (Except Avis, Pa.; and points within 1 mile thereof), Centre (except Bellefonte, Pa.; Lycoming, Dauphin, Northumberland, Philadelphia, Blair, Lehigh, Northampton, Columbia, Allegheny, Cambria, Lancaster, Lebanon, Tioga, Montgomery, Berks, Franklin, Montour, York, Carbon, Bucks, Susquehanna, Mifflin, and Union Counties, Pa. *Mill scale, iron slag or dust, in dump vehicles*, from Avis, Pa., to points in Carroll County, Md., and Greene County, N.Y. NOTE: Applicant states that it holds authority under MC 112539 Sub-No. 2, which duplicates in part authority sought herein. If the instant application is granted request to cancel that held will be made. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 113651 (Sub-No. 135), filed February 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Charleston, S.C., to Grand Rapids, Mich. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 113651 (Sub-No. 136), filed February 19, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Kansas to points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, New Jersey, Maine, Vermont, New

Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Louisiana, Florida, Georgia, Alabama, and the District of Columbia, restricted to traffic originating at the above-named points and destined to the above points. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 113651 (Sub-No. 137), filed February 22, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold-storage facilities utilized by Wilson-Sinclair at Lafayette, Ind., to points in Connecticut, Delaware, Maine, Massachusets, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above cold-storage facilities and destined to the specified destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113651 (Sub-No. 138), filed February 18, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Michigan, Indiana, Ohio, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; and (2) *Such commodities* as are used by meat packers in the conduct of their businesses when destined to and for use by meat packers as described in section D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Michigan, Indiana, Ohio, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and the District of Columbia to the plantsite and storage facilities of the Illini Beef Packers, Inc., at or near Joslin, Ill. NOTE: Applicant states that joinder or tacking could be performed at Muncie, Ind., to practically all of the destination States involved in this application, however, joinder or tacking is not proposed. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113908 (Sub-No. 213), filed February 15, 1971. Applicant: ERICKSON TRANSPORT CORPORATION, Box 3180, Glenstone Station, 215 East Dale Street, Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegars, fruit juice and fruit juice concentrates*, in bulk, in tank vehicles, from New York City, N.Y., and its commercial zone to points in Iowa, Illinois, Minnesota, Michigan, Tennessee, Wisconsin, Ohio, Pennsylvania, South Carolina, and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 114194 (Sub-No. 162), filed February 22, 1971. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, IL 62201. Applicant's representative: Gene Kreider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy bean products and blends*, dry, in bulk, from Cedar Rapids, Iowa to points in the United States, including the District of Columbia (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Minneapolis, Minn.

No. MC 114323 (Sub-No. 17), filed February 19, 1971. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris Street, Brooklyn, NY 11231. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the storage site of Allentown Portland Cement Co. at Jersey City, N.J., to points in Connecticut and Nassau, Suffolk, Westchester, Rockland, Orange, and Putnam Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114457 (Sub-No. 106), filed February 22, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Detroit, Mount Clemens, and Traverse City, Mich., to points in Minnesota and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 114457 (Sub-No. 107), filed February 22, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, except dairy products and meat, from Bonner Springs, Kans., to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Wichita, Kans.

No. MC 114734 (Sub-No. 22), filed February 18, 1971. Applicant: D AND J TRANSFER CO., Sherburn, Minn. 56171. Applicant's representatives: Duane W. Acklie and Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68051. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by Banner Beef Co. at or near Hospers, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, restricted to traffic originating at the named origin under contract with Banner Beef Co. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115113 (Sub-No. 21), filed February 22, 1971. Applicant IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles* distributed by meat packinghouses (except hides and commodities in bulk), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities utilized by Raskin Packing Co., Inc., located at/or near Mankato, Kans., and Sioux City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restrictions: The service proposed herein is restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 115162 (Sub-No. 217), filed February 17, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick, fire clay, and bonding mortar*, from Audrain and Callaway Counties, Mo., to points in Alabama, Florida, Georgia, Mississippi, Louisiana, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115162 (Sub-No. 218), filed February 17, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Box Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit, pipe and tubing, and fittings*, therefore (except oilfield and pipeline commodities as defined by the Commission in Mercer Extension—Oilfield Commodities, 74 M.C.C. 459), from points in Upshur County, Tex., to points in Alabama, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 116110 (Sub-No. 9) (Clarification), filed February 1, 1971, published in the FEDERAL REGISTER issue of February 25, 1971, and republished in part, and clarified, this issue. Applicant: P. C. WHITE TRUCK LINE, INC., Post Office Box 1488, Dothan, AL 36301. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, Washington, DC 20004. The purpose of this partial republication is to reflect the route description to be served as follows: "Between Birmingham, Ala., and Montgomery, Ala., from Birmingham over U.S. Highway 31 to Montgomery, and return, serving no intermediate points." The rest of the application remains as previously published.

No. MC 116273 (Sub-No. 135), filed February 18, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions, liquid fertilizers, liquid fertilizer materials, and anhydrous ammonia*, in bulk, on tank vehicles, from the plantsite and facilities of the Royster Co. at or near Seneca, Ill., to points in Ohio, restricted to the transportation of shipments originating at such plantsite and facilities. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116457 (Sub-No. 9), filed February 18, 1971. Applicant: GENERAL TRANSPORTATION, INCORPORATED, Post Office Box K, Show Low, AZ 85901. Applicant's representative: Donald E. Fernaays, 4114 A North 20th Street, Phoenix, AZ 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing products*, from Dallas and Houston, Tex., to points in Arizona and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 116935 (Sub-No. 11) (Amendment), filed January 12, 1971, published in the FEDERAL REGISTER issue of February 11, 1971, amended and republished as amended, this issue. Applicant: COMMERCIAL FURNITURE DISTRIBUTORS, INC., 1000 Belleville Turnpike, Kearny, NJ 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in containers, between the facilities of Commercial Furniture Distributors, Inc., Kearny, NJ, on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, Orange, Rockland, and Putnam Counties, N.Y., and points in New York, N.Y., and New Jersey, restricted to shipments having prior movement via rail or motor carrier. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to correctly set forth the territorial description and broaden the scope of authority by adding Orange, Rockland, and Putnam Counties, D.C., or New York, N.Y. ties. If a hearing is deemed necessary, applicant requests it be held at Wash-

No. MC 117165 (Sub-No. 35), filed February 16, 1971. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, MI 48880. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards, building boards, wall fiberboard, insulating fiberboard, composition boards, panels, sheets and parts, materials and accessories* used in conjunction therewith from Tiffin, Ohio to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *materials, equipment, and supplies* used in the manufacture of boards, building boards, wall fiberboard, insulating fiberboard, composition boards, panels, sheets and parts, materials and accessories used in conjunction therewith, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (3) *boards, building boards, wall fiberboard, insulating fiberboard and parts, materials and accessories* incidental thereto, from Alpens, Mich., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Oregon, Texas, Utah, Washington, and Wyoming; and (4) *materials and supplies* used in the manufacturing of boards, building boards, wall fiberboard and insulating fiberboard, from points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, Delaware, and the District of Columbia, to Alpena, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 117568 (Sub-No. 7), filed February 4, 1971. Applicant: KEMPT TRUCK LINES, INC., West 20th Street Road, Post Office Box 1047, Joplin, MO 64801. Applicant's representative: W. Russell Kempt (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic tile, ceramic tile, metal mouldings and brick facing, and adhesives and fasteners* used in their installation, from Columbus, Ohio, to Indianapolis, Vincennes, and Evansville, Ind., Marion, Fairfield, Peoria, and East St. Louis, Ill., and points in Missouri, under contract with Miraplas Tile Co., Columbus, Ohio. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117883 (Sub-No. 149), filed February 17, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Wilson Certified Foods, Inc., located at Cherokee, Iowa, Omaha, Nebr., Kansas City, Mo., and Louisville, Ky., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above origins and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 117883 (Sub-No. 150), filed February 22, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Swift & Co. at Clinton, Glenwood, Marshalltown, Sioux City, and Des Moines, Iowa to Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to traffic originating at the above origins and destined to the named destinations. NOTE: Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117940 (Sub-No. 41) (Amendment), filed December 28, 1970, published in the FEDERAL REGISTER issue of January 28, 1971, under MC 114789 (Sub-No. 32), and republished as amended, this issue. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, tile, flooring facing and materials and supplies* used in the installation, maintenance, and repair of the commodities described above, from points in Alabama, Georgia, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, and West Virginia, to points in Minnesota, Illinois, Indiana, Iowa, Kansas, Michigan, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Applicant holds contract carrier authority under No. MC 114789 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect that applicant now seeks common carrier authority in lieu of contract carrier authority, and accordingly, the application requires republication in the FEDERAL REGISTER of the scope of the authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118263 (Sub-No. 44), filed February 15, 1971. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, IN 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except cold pack or frozen) in insulated equipment, from Croswell and Edmore, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, New York, West Virginia, Missouri, Wisconsin, and Minnesota. NOTE: Applicant states that the requested authority can be tacked with its authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Louisville, Ky.

No. MC 118831 (Sub-No. 77), filed February 11, 1971. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, NC 27262. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between Columbus, Ga., on the one hand, and, on the other, points in Alabama, Florida, Louisiana, Mississipi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states possible joinder in South Carolina, and North Carolina. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 119422 (Sub-No. 47), filed February 16, 1971. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, IL 62204. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour and blends*, in bulk, from St. Louis, Mo., to points in Illinois, Indiana, Wisconsin, Michigan, Tennessee, Arkansas, Kentucky, Kansas, Iowa, Oklahoma, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119641 (Sub-No. 99), filed February 22, 1971. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems; parts and accessories* for same, from Kankakee, and Eureka, Ill., and Elkhorn, Wis., to ports of entry on the International boundary line between the United States and Canada located at or near Detroit and Port Huron, Mich. NOTE: Applicant states that it does not propose to tack this authority with any presently existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 204), filed February 18, 1971. Applicant: LIGON SPECIALIZED HAULERS, INC., Post Office Drawer L., Madisonville, KY 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, dry in bulk, from Danville, Ill., to points in Indiana, Ohio, and Michigan. NOTE: Applicant holds contract carrier under MC 126970 and sub, therefore common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119988 (Sub-No. 39), filed February 12, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Box 1384, 811½ North Timberland Drive, Lufkin, TX 75902. Applicant's representative: Bennie W. Haskins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation pursuant to section 203 (b) (7) of the Act when transported in mixed loads with printed advertising matter, from the plantsite of Colorgraphics, Inc., Oklahoma City, Okla., to points in the United States (except Alaska, Hawaii, and Oklahoma). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 123778 (Sub-No. 17) (Amendment), filed February 3, 1971, published in the FEDERAL REGISTER issue of March 4, 1971, and republished as amended this issue. Applicant: JOSEPH BAIO, doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, NJ 07095. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Newark Airport, Newark, N.J., LaGuardia and John F. Kennedy Airports, New York, N.Y., to points in Connecticut and New Jersey, and that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State line, and on and east of U.S. Highway 11 between Syracuse, N.Y., and the New York-Pennsylvania State line, and points in Pennsylvania on and east of U.S. Highway 15, Wilmington, Del., Baltimore, Md., and the District of Columbia, under contract with U.S. News & World Report, Inc. NOTE: The purpose of this republication is to redescribe the scope of the authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124070 (Sub-No. 22) (Amendment), filed February 4, 1971, published in the FEDERAL REGISTER issue of March 4, 1971, and republished in part, as amended, this issue. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. The sole purpose of this partial republication is to reflect that applicant now desires to tack the requested authority at Chicago, Ill., with its existing authority under MC 124070 (Sub-No. 9). Applicant states that if the application is approved without a tacking restriction, it would then be able to provide service to all States in the Continental United States except North Carolina, South Carolina, Virginia, and points in that part of Tennessee on and east of U.S. Highway 27. The rest of the application remains as previously published.

No. MC 124078 (Sub-No. 475), filed February 16, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated slag*, in bulk, from Hammond, Ind., to Chattanooga, Tenn. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Nashville, Tenn.

No. MC 124078 (Sub-No. 476), filed February 16, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chrome ore, chrome products, soda ash, sodium bichromate, sodium chromate, and salt cake* (crude sodium sulphate), in bulk, from Wilmington, and points in New Hanover County, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. Applicant states tacking possibilities exists, however, it does not intend to tack at present. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 124078 (Sub-No. 477), filed February 16, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean flour*, in bulk, from Danville, Ill., to points in Indiana, Ohio, and Michigan. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 478), filed February 18, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Nashville, Tenn., to points in Alabama, Georgia, Mississippi, Kentucky, Virginia, North Carolina, and South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in a restricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124111 (Sub-No. 29), filed February 17, 1971. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, OH 44870. Applicant's representative: Earl J. Thomas, 5850 North High Street, Worthington, OH 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Noncarbonated fruit drinks, chocolate drink, cider, and frozen yogurt*, in mechanically refrigerated equipment, between points in Erie County, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in a restricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Toledo, Ohio.

No. MC 124174 (Sub-No. 83), filed February 22, 1971. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Applicant's representatives: Marshall Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106, and Karl E. Momsen, 6801 L Street, Omaha, NE 68117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, chromes*, and pieces thereof, and tannery products (except liquids in tank vehicles) (a) between Buford, Ga., on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Minnesota, Missouri (except Butler), Nebraska, North Dakota, South Dakota, Tennessee, and Wisconsin; and (b) between points in Illinois, Iowa, Minnesota, Nebraska, South Dakota, Wisconsin, St. Louis, Mo., and New Albany, Ind. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result

in an unrestricted grant of authority. Applicant presently holds authority from points in Missouri (except Butler), Illinois, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, via either the gateways of Muscatine, Iowa, or Chicago, and Waukegan, Ill. This application is in part to permit short route operations principally over newly completed Federal Interstate Highway Systems. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124174 (Sub-No. 84), filed February 22, 1971. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Applicant's representatives: Marshall Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106, and Karl E. Momsen, 6801 L Street, Omaha, NE 68117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal* and *charcoal briquets* in packages, from Meta, Mo., to points in Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Iowa, Minnesota, Wisconsin, Michigan, Indiana, and Illinois. NOTE: Common control may be involved. Applicant states that tacking or joinder does not appear feasible, but may be possible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 124199 (Sub-No. 5), filed February 10, 1971. Applicant: CHESAPEAKE BULK TERMINALS, INC., 2767 Wilkens Avenue, Baltimore, MD 21223. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour, in bulk, including corn meal and/or corn flour*, from Baltimore, Md., and Washington, D.C., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, (2) *Flour*, in bulk, from Frederick, Md., to points in Delaware, New Jersey, Pennsylvania, and West Virginia and (3) *Starch*, in bulk, from Baltimore, Md., to points in Pennsylvania, Delaware, Virginia, and New Jersey. No return for compensation unless specifically authorized. NOTE: No duplicating authority is sought. Applicant states that it holds authority in its Certificate MC 129199 (Sub-No. 1) to transport flour and prepared flour mixes, in bulk, in tank or hopper-type vehicles from Ellicott City, Md., to points in Connecticut and New York (with limited exceptions), among other States. Approval of the instant application would permit tacking at Ellicott City from named origins herein, to points in Connecticut and points in the State of New York authorized to be served. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 177), filed February 19, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Brown, Jackson, and Nemaha Counties, Kans., to points in the United States on and east of U.S. Highway 61. NOTE: Applicant states it intends to tack the requested authority with its existing authority in its Subs 30 and 104, respectively, at the origins named herein, to provide through service from Phelps City, Mo., and points in Saunders County, Mo., to the destination territory in the instant application. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 124679 (Sub-No. 41), filed February 22, 1971. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, UT 84101. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products*, from St. Louis, Mo., to points in Hillsboro County, N.H. NOTE: Applicant holds contract authority under MC 128813, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 125551 (Sub-No. 2), filed February 19, 1971. Applicant: K & W TRUCKING CO., INC., 6250 Rosewood Street, Anchorage, AK 99502. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles*, and (2) *self-propelled all terrain vehicles* (not designed for highway use), and *parts, supplies and accessories* of items described in (1) and (2), between points in Minnesota on the one hand, and, on the other, points in Alaska. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

No. MC 125777 (Sub-No. 134), filed February 16, 1971. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 64603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig iron*, in dump vehicles, from Buffalo and North Tonawanda, N.Y., to points in Ohio and Pennsylvania; (2) *fertilizer*, in dump vehicles, from the plantsite of Central Nitrogen, Inc., located at or near Terre Haute, Ind., to points in Kentucky; (3) *alloys, ores, silicon metals, scrap metals, scrap steel shapes, pig iron, coke, limestone, lime, and clay*, in dump vehicles, (a) between points in Niagara County, N.Y., on the one hand, and, on the other, points in the United States (except points in Alaska, Hawaii, Michigan, Illinois, Indiana, Kentucky, Ohio, West Virginia, Virginia, Pennsylvania, Delaware, New Jersey, Connecticut, Massachusetts, New Hampshire, Vermont, and Rhode Island); and (b) between points in Mobile County, Ala.; Charleston County, S.C.; and Marshall County, Ky., on the one hand, and, on the other, points in the United States (except points in Alaska and Hawaii); (4) *gravel, marble, granite, and stone*, in bulk, in dump vehicles, from Chicago, Ill., to points in Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, and Utah; and (5) *salt*, from Perkin, Ill., to points in Iowa and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125996 (Sub-No. 17), filed February 22, 1971. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Millard, Nebr. 68137. Applicant's representative: George Bacon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (except carcass and boxed meats), from the plantsite and storage facilities utilized by Blue Star Foods, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Pennsylvania, Ohio, Virginia, Kentucky, West Virginia, and Maryland and New York (except New York City and its commercial zone). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Kans.

No. MC 126216 (Sub-No. 5), filed February 10, 1971. Applicant: GLENN PYLES, doing business as PYLES TRUCKING CO., Deer Creek, Ill. 61733. Applicant's representative: George S. Mullins, 4707 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, rubber, polyester, fiberglass, rayon, nylon or other materials, or combinations thereof*, with or without tubes, for automobiles, trucks, trailers, motorcycles, garden tractors, scooters, lawn mowers, or tractors, farm implements, farm wagons, road building equipment, or cranes or excavators, between Des Moines, Iowa, on the one hand, and, on the other, Bloomington, Ill., under contract with Saturn Tire and Rubber Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126899 (Sub-No. 42), filed February 16, 1971. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, KY 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, and *empty malt beverage containers* on return, from Milwaukee, Wis., and Peoria, Ill., to Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Cincinnati, Ohio.

No. MC 126899 (Sub-No. 43), filed February 16, 1971. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, from Milwaukee, Wis., and Peoria, Ill., to Ironton and Portsmouth, Ohio, and points in Brown County, Ohio, and *empty malt beverage containers*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Louisville, Ky.

No. MC 127047 (Sub-No. 11), filed February 16, 1971. Applicant: ED RACETTE & SON, INC., 5409 North Broadway, Wichita, KS 67214. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Axles, wheels, axle parts, hub and drum assemblies, wheel rims and related parts and accessories*, between Newton, Kans., on the one hand, and, on the other, points in Wisconsin and (B) *Cabinets, countertops, wall panels, bi-fold doors and fixtures and parts thereof*, from Gridley, Kans., to points in North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Colorado, Illinois, Missouri, Oklahoma, Texas, Arkansas, Louisiana, Wisconsin, Tennessee, Kentucky, Mississippi, Ohio, Michigan, and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127064 (Sub-No. 4), filed February 19, 1971. Applicant: E. J. PETER TRUCKING INC., Route No. 2, Athens, WI 54411. Applicant's representative: Eugene J. Peter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Savage, Minn., to points in Wisconsin (except Marathon, Clark, Taylor, Wood, and Langlade Counties). NOTE: Applicant states that the purpose of this application is to expand its present authority. Applicant further states that the requested authority will be tacked with presently held authority under MC 127064, which applicant is authorized to serve Clark, Taylor, Wood, Marathon, and Langlade Counties, Wis. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Minneapolis, Minn.

No. MC 127099 (Sub-No. 12), filed February 10, 1971. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Post Office Box 2015, Zanesville, OH 43701. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated cardboard*, from the plantsite the Greif Bros. Corp., at Zanesville, Ohio, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, and those in that part of Pennsylvania on and east of U.S. Highway 219, under contract with Greif Bros. Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127539 (Sub-No. 19), filed February 8, 1971. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, WA 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Seattle, Wash., to points in Oregon, Washington, Idaho, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 124593, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 128272 (Sub-No. 2), filed January 25, 1971. Applicant: RIVERSIDE MOTOR LINES, INC., Post Office Box 1601, Augusta, GA 30900. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated building panels*, brick, tile, and concrete block (faced or unfaced) between points in Richmond County, Ga., and points east of the Mississippi River, excluding Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and Missouri; and (2) *cement and mortar mix*, between points in Richmond County, Ga., and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Columbia, S.C.

No. MC 129442 (Sub-No. 3), filed February 12, 1971. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Banking checks, deposit slips, accounting reports, statements, cash letters and data processing reports*, between Tulsa, Okla., and points in Jasper, Newton, McDonald, Barton, Lawrence, and Greene Counties, Mo., and Cherokee, Labette, Crawford, Montgomery, Neosho, and Bourbon Counties, Kans., under contract with banks and banking institutions. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 129645 (Sub-No. 34), filed February 18, 1971. Applicant: BASIL J. SMEESTER and JOSEPH G. SMEESTER, a partnership doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard, wood fibreboard faced and finished with decorative and protective materials* (except commodities in bulk), *and materials, accessories and supplies* used in the installation thereof, from the plant and warehouse sites of Evans Products Co., at or near Phillips, Wis., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its permit No. MC 127093 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 133333 (Sub-No. 4), filed February 16, 1971. Applicant: JACK A

HART doing business as PARTS LOCATOR SERVICE, 5501 Northwest Walnut Street, Vancouver, WA 98663. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobile and truck parts*, between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 133357 (Sub-No. 4), filed February 10, 1971. Applicant: THOMAS VINCENT MILLER, 9024 Branch Avenue, Clinton, MD 20735. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, equipment mats, and wood chips*, from points in Charles County, Md., to points in Pennsylvania, New Jersey, New York, Ohio, Delaware, Maryland, Virginia, Connecticut Massachusetts, West Virginia, Michigan, and the District of Columbia, NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 133523 (Sub-No. 4), filed February 12, 1971. Applicant: EUGENE STONE TRUCKING, INC., 5735 East 139th Street, Cleveland, OH 44125. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215: Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, in shipper-owned trailers) between points in Ohio, Pennsylvania, and Massachusetts, on the one hand, and, on the other, points in Delaware, Florida, Georgia Maryland, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia, under contract with the Standard Oil Co. of Ohio and its subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133524 (Sub-No. 2), filed February 19, 1971. Applicant: PIER SERVICE TRUCKING CORP., 17 West Ninth Street, Brooklyn, NY 11231. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in, or sold by electronics and radio stores and mail order houses, between Hauppauge and Syosset, N.Y., on the one hand, and, on the other, points in the United States (except those in Alaska and Hawaii), under contract with Lafayette Radio Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133545 (Sub-No. 3), filed February 16, 1971. Applicant: DAVID LEMONS, doing business as LEMONS HOUSE MOVING, 1250 Houston Road, Idaho Falls, ID 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New prefrabricated buildings*, set up or in sections other than knocked down flat, and not including mobile houses or buildings designed for transportation in tow-away service, from points in Idaho south of the Salmon River to points in Arizona and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 133686 (Sub-No. 6), filed February 17, 1971. Applicant: TOM SAWYER, an individual, Box 3, Kingston, ID 83839. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Bertha and Fergus Falls, Minn., to Spokane, and Seattle, Wash., and Portland, Oreg., under contract with North Star Dairy. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133788 (Sub-No. 2) (Correction) filed February 2, 1971, published in the FEDERAL REGISTER issue of February 25, 1971, and republished as corrected this issue. Applicant: E Z MESSENGER SERVICE, INC., 98–17 Horace Harding Expressway, Rego Park, NY 11368. Applicant's representative: William J. Hanlon, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile accessories and parts*, between Mahwah, N.J., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, and Hudson Counties, N.J., under contract with Ford Motor Co. NOTE: The purpose of this republication is to show the base point as "Mahwah, N.J." in lieu of "Rahway, N.J.", incorrectly shown in previous publication.

No. MC 133967 (Sub-No. 6), filed February 23, 1971. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route 1, Catawba, WI 54515. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products, reinforced plastics and reinforced plastic products*, from Ladysmith, Wis., to points in Ohio, Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin; and (2) *materials, equipment and supplies* (except in bulk), from points in Illinois, Ohio, Indiana, Iowa, Michigan, Minnesota, and Wisconsin to Ladysmith, Wis., under contract with Fiber-Strong, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Eau Claire, Wis.

No. MC 134349 (Sub-No. 2), filed February 19, 1971. Applicant: B. L. T. CORPORATION, 189 Bridge Street, Brooklyn, NY 11201. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by department stores*, between the shipping facilities and sources of supply of My Shops, Inc., at New York, N.Y., on the one hand, and, on the other, points in Nebraska, Iowa, Minnesota, Illinois, Michigan, Indiana, and Tennessee, under contract with My Shops, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134404 (Sub-No. 1), filed February 22, 1971. Applicant: AMERICAN FREIGHTWAYS, INC., 2013 Rose Lane, Broomall, PA 19008. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bathtubs and plastic bath fixtures*, from the plantsite of American Standard at Piscataway, N.J., to points in Minnesota, Iowa, Missouri, Arkansas, Texas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Indiana, Wisconsin, and Michigan and (2) *materials and supplies* (other than bulk) used in the manufacture, sale and distribution of the aforementioned commodities on return. Restrictions: The contract carrier service proposed is to be performed under contract with American Standard. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134405 (Sub-No. 3), filed February 8, 1971. Applicant: BACON TRANSPORT COMPANY, a corporation, Post Office Box 1134, Ardmore, OK 73401. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum asphalt*, in bulk, from Artesia, N. Mex., to points in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 134789 (Sub-No. 1), filed February 11, 1971. Applicant: WILBER C. SHAFFER and TYRONE FROEMKE, a partnership, doing business as TAB TRANSPORTATION COMPANY, 1631 Perrino Place, Los Angeles, CA 90023. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gratings, footwalks, scaffolds, aluminum lineal shapes, stainless steel sink frames, tables, hardware, ladders, plumbing, plumbers fittings, plastic articles, aluminum boats, floating dock and houses or buildings for the account of R. D. Werner Co.*, between points within the counties of Ventura, Santa Barbara, Kern, San Diego, Orange, San Bernardino, Riverside and Los Angeles, Calif., under contract with R. D. Werner, Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134826 (Sub-No. 1), filed January 22, 1971. Applicant: DAVID G. GWYTHER and DONALD W. GWYTHER, a partnership, doing business as WHOLE EARTH TRUCK STORE, 651 East 13th Avenue, Eugene, OR 97401. Applicant's representative: Donald Gwyther (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, paper, and paper products*, from San Francisco, and Berkeley, Calif., to Eugene, Salem, and Portland, Oreg., Longview, Olympia, Tacoma, Seattle, and Everett, Wash., and ports of entry on the international boundary line between the United States and Canada located in Washington, under contract with Rolling Stone Magazine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eugene or Portland, Oreg., or San Francisco, Calif.

No. MC 134922 (Sub-No. 6), filed February 24, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representatives: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603; and George Harris, c/o B. J. McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Huron, S. Dak., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134941 (Sub-No. 2), filed February, 22, 1971. Applicant: DUBUC TANK LINES, LTD., 11650 Metropolitan Boulevard East, Montreal, PQ Canada. Applicant's representative: Edwin W. Free, Jr., 25 Keith Avenue, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada in New York, Vermont, New Hampshire, and Maine to points in Maine, Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montpelier or Burlington, Vt.

No. MC 134997 (Sub-No. 1), filed February 8, 1971. Applicant: CASTLE TRUCKING CO., Division of Castle Sporting Goods, Inc., 498 Nepperhan Avenue, Yonkers, NY 10701. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Luggage, travelling bags, suitcases, and materials, equipment and supplies* used in manufacturing of same, between supporting shipper's plants located at Berkley Springs, W. Va., Yonkers, N.Y., and Clarksburg, Mass., under contract with Castle Sporting Goods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135042 (Sub-No. 1), filed February 12, 1971. Applicant: JIMMY C. TURNER, doing business as JIM TURNER TRACTOR & EQUIPMENT MOVING, 112 West Pepper Place, Mesa, AZ 85401. Applicant's representative: Paul D. Levie, 2333 North Central Avenue, Phoenix, AZ 85004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Specialized cooling equipment* used in cooling lettuce and produce, between points in Arizona, California, New Mexico, and Colorado, under contract with Maricopa Cooling, Inc., an Arizona corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 135174, filed December 9, 1970. Applicant: CHRISTIAN THOMPSON, doing business as PIMA COACH & TRUCK, 3801 Runway Drive, Tucson, AZ. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, in truckaway service, by use of wrecker equipment only, between points in Arizona, California, New Mexico, Colorado, Nevada, Utah, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tucson or Phoenix, Ariz.

No. MC 135208 (Sub-No. 2), filed February 16, 1971. Applicant: GEORGE L. BIGELOW, Post Office Box 421, Delavan, WI 53115. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated wood truck trailer components and laminated wood kitchen products*, from the town of Crystal Falls, Mich., and Fort Atkinson, Wis., to points in the United States (except Alaska and Hawaii), and *materials, supplies and rejected shipments*, on return; and (2) *laminated wood truck trailer components, laminated wood kitchen products, and material, equipment and supplies*, between the plantsites of Laminated Industries, Inc., located in the town of Crystal Falls, Mich., and Wild Rose and Fort Atkinson, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds contract carrier authority under its permit No. MC 124296, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 135227 (Correction), filed December 29, 1970, published in the FEDERAL REGISTER issue of February 25, 1971, corrected and republished in part, as corrected, this issue. Applicant: CHARLES CLARK, doing business as SPECIAL DISPATCH, 240 West Ohio, Post Office Box 460, Indianapolis, IN 46206. Applicant's representative: Keith F. Henley, 88 East Broad Street, Columbus, OH 43215. NOTE: The purpose of this partial republication is to reflect the proposed operation as that of a *contract carrier*, in lieu of common carrier, shown erroneously in previous publication. The rest of the application remains the same.

No. MC 135251 (Sub-No. 2), filed February 15, 1971. Applicant: WHITE CLOVER DAIRY COMPANY, INC., Route 3, Kaukauna, WI 54130. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail food businesses, between the plants and warehouses of Kaukauna Dairy Co., Inc., located at Kaukauna, Wis., and in the town of Vinland, Winnebago County, Wis., and of White Clover Dairy Co., Inc., located in the village of Hilbert, Calumet County, Wis., and in the town of Holland, Brown County, Wis., all on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with Kaukauna Dairy Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 135334, filed February 9, 1971. Applicant: LILLIAN KOPPEL, doing business as USA DRIVEAWAY, 32 North State Street, Chicago, IL 60602. Applicant's representative: Jerome Lerner, 77 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles and food vending trucks* (¾-ton capacity or less) in secondary movements, in single driveaway service between the greater metropolitan area of Chicago, Ill., on the one hand, and, on the other, points in the United States (excluding Hawaii), restricted against

the transportation of traffic (1) for or on behalf of manufacturer of automobiles, or (2) moving on U.S. Government bills of lading, to and between points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135335, filed February 9, 1971. Applicant: THE KINMAN WRECKER SERVICE, INC., 840 East Sumner Avenue, Indianapolis, IN 46227. Applicant's representative: Harry J. Harman, 1 Indiana Square, Suite 2425, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used motor vehicles*, in secondary movements, by the truckaway method, to be used as replacements for wrecked or disabled motor vehicles, and wrecked, disabled, and repossessed motor vehicles including trailers by wrecker equipment only, and (2) *Motor vehicle parts, accessories, supplies, and materials*, moving in wrecker equipment for use in connection with the requiring and reconditioning of damaged, disabled, or wrecked motor vehicles, between points in Indiana on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis or South Bend, Ind.

No. MC 135337, filed February 8, 1971. Applicant: PENINSULAR INTERMODAL TRUCKING COMPANY, a corporation, 704 Southeast 24th Street, Fort Lauderdale, FL 33316. Applicant's representative: William P. Simmons, Jr., 1000 First National Bank Building, Miami, FL 33131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except high explosives, those of unusual value and those requiring special equipment) which are loaded in containers, or palletized, or otherwise packaged for bulk shipment by water, including loaded trailers and return of a prior or subsequent movement by water, between ports located in Dade, Broward, and Palm Beach Counties, Fla., on the one hand, and all points in said counties on the other. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Lauderdale, Fla., or Miami, Fla.

No. MC 135341 (Sub-No. 1), filed February 16, 1971. Applicant: MAGOG EXPRESS, INC., Route 2, Post Office Box 265, Magog, Stanstead County, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Magazines and periodicals*, from ports of entry on the international boundary line between the United States and Canada located at or near Derby Line and Highgate Springs, Vt., to Springfield, Mass., and Bridgeport, Conn., and (2) *pallets*, from the above-described destination points, to the above-described origin points, restricted to the transportation of shipments originating at or destined to points in Stanstead County, PQ Canada. Restriction: Said operations are limited to a transportation service to be performed under a continuing contract, or contracts with Imprimerie Montreal Offset Printing, Inc., Montreal, PQ Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Boston, Mass.

No. MC 135343, filed February 11, 1971. Applicant: VAN De HOGAN CARTAGE LIMITED, Route 4, Chatham, ON, Canada. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, tile*, and *brick*, restricted to transportation on trailers equipped with self-unloading devices; and (2) *limestone*, from points in Indiana, Kentucky, Michigan, New York, Ohio, and Pennsylvania, to those ports of entry on the international boundary line between the United States and Canada located in Michigan and New York. NOTE: Applicant holds contract authority under MC 133318, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135347, filed February 22, 1971. Applicant: CHARLES DEAN FORRET, doing business as FORRET TRUCKING, 1800 East 18th Street, Des Moines, IA 50316. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from the plantsites, warehouse, and storage facilities of Needham Packing Co., Inc., at Omaha, Nebr., Sioux City, Iowa, and Fargo N. Dak. to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 135356, filed February 16, 1971. Applicant: LOUIS DIAMOND, 19 Burnage Lane, Babylon, NY 11702. Applicant's representative: Robert R. Bolton, 107 Cooper Street, Babylon, NY 11702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Racing pigeons*, from Babylon, West Babylon, Lindenhurst, Islip, Brentwood, N.Y., to Fogelsville Lebanon, Allenport, Cresson, Wilkinsburg, Blain, Quakertown, Kleinfeltersville, Carlisle, Fort Littleton, Somerset, Pittsburgh, Pa.; Tappan Lake, Plain City, Flushing, Circleville, Scipio, Ohio; and Whitehouse, Somerville, New Brunswick, and Princeton, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 668 (Sub-No. 94), filed February 22, 1971. Applicant: INTER-CITY TRANSPORTATION CO., INC., 419 Anderson Avenue, Fairview, NJ. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Fair Lawn, N.J., and New York, N.Y., from junction Fair Lawn Avenue and River Road in Fair Lawn, N.J., over Fair Lawn Avenue to junction Plaza Road in Fair Lawn, N.J. (also from junction Fair Lawn Avenue and Saddle River Road in Fair Lawn, N.J., over Fair Lawn Avenue to junction Plaza Road in Fair Lawn, N.J.), thence over Plaza Road to junction Broadway also known as New Jersey Highway 4, thence over New Jersey Highway 4 to junction Paramus Road in Paramus, N.J., thence over Paramus Road to junction Passaic Street in Rochelle Park, N.J., thence over Passaic Street to junction New Jersey Highway 17 in Rochelle Park, N.J. (also over New Jersey Highway 4 from junction of Plaza Road in Fair Lawn, N.J., to junction New Jersey Highway 17 in Paramus, N.J., thence over New Jersey Highway 17 to junction Passaic Street in Rochelle Park, N.J.), thence over New Jersey Highway 17 to junction Paterson Plank Road in East Rutherford, N.J., thence over Paterson Plank Road to junction New Jersey Highway 20 in East Rutherford, N.J., thence over New Jersey Highway 20 to junction New Jersey Highway 3 in East Rutherford, N.J. (also over New Jersey Highway 17 from junction Paterson Plank Road in East Rutherford, N.J., over New Jersey Highway 17 to junction New Jersey Highway 3 in Rutherford, N.J., thence over New Jersey Highway 3 to junction New Jersey Highway 20 in East Rutherford, N.J.), thence over New Jersey Highway 3 including the Secaucus, N.J., bypass to junction Interstate Highway 495 in North Bergen, N.J., thence over Interstate Highway 495 and through the Lincoln Tunnel to New York, N.Y., serving no intermediate points, and return over the same routes; (2) between Paramus, N.J., and Ridgewood, N.J., from junction Paramus Road and Grove Street in Paramus, N.J., over Grove Street to junction South Pleasant Avenue in Ridgewood, N.J., thence over South Pleasant Avenue to junction East Ridgewood Avenue in Ridgewood, N.J., and return over the same routes, serving all intermediate points; and (3) between Teaneck and Teaneck, N.J., from junction Fort Lee Road and Teaneck Road in Teaneck, N.J., thence via Teaneck Road to junction DeGraw Avenue, thence via DeGraw Avenue to junction Fort Lee Road, and return over the same route, serving all intermediate points. NOTE: Applicant proposes to join routes 1, 2, and 3 to its existing authorized routes in New Jersey and provide service between points on the proposed routes as well as authorized points on its existing routes and New York, N.Y. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 114755 (Sub-No. 1), filed February 22, 1971. Applicant: NEWBURGH BEACON BUS CORP., Windsor Highway, Route 32, Box 2628, Newburgh, NY 12550. Applicant's representatives: W. C. Mitchell and S. S. Eisen, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Dutchess, Orange, Putnam, and Ulster Counties, N.Y., and extending to points in the United States (excepting Hawaii but including Alaska). NOTE: If a hearing is deemed necessary, applicant requests it be held at Newburgh, N.Y.

No. MC 135331, filed February 8, 1971. Applicant: INDEPENDENT BUS GARAGE CO., INC., doing business as INDEPENDENT BUS LINES, 799 18th Avenue, Irvington, NJ 07111. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicles with passengers, between Green Village, Chatham Township, N.J., and New York, N.Y., (1) from Green Village, Chatham Township, over Green Village Road, Shunpike Road, and Green Village Road to Madison, N.J., then over city streets to Ridgedale Avenue in Madison, N.J., thence over Ridgedale Avenue to Columbia Turnpike in Florham Park to South Orange Avenue, then over South Orange Avenue through Livingston, N.J., South Orange, N.J., and Newark, N.J., to Springfield Avenue then over Springfield Avenue, Market Street (also Market Street, Raymond Plaza West, Penn Central Terminal bus lanes, and Raymond Plaza East to Market Street), Ferry Street, and Raymond Boulevard to the entrance ramp of the New Jersey Turnpike, then over the New Jersey Turnpike ramp and the Turnpike to the Lincoln Tunnel Interchange No. 16 in Secaucus, N.J., then over New Jersey Turnpike exit road to New Jersey Highway 3 and Interstate Highway 495, then over New Jersey Highway 3 and Interstate Highway 495 to the Lincoln Tunnel, and then through the Lincoln Tunnel to the Port Authority Bus Terminal at 8th Avenue and 41st Street, New York, N.Y., and return over the same highways, except in Newark, N.J., where Raymond Boulevard, Raymond Plaza East will be used to Market Street (also Raymond Plaza West and Penn Central bus lanes), and from Market Street over the above-described routes to the point or place of beginning, serving all intermediate points between Green Village, Chatham Township, N.J., and the junction of High Street and Springfield Avenue in Newark, N.J., including Green Village and the junction of High Street; and (2) from Green Village, Chatham Township, over the routes described above to junction South Orange Avenue, then over South Orange Avenue, Oraton Parkway and 14th Avenue to the junction of Garden State Parkway Interchange No. 144A, Newark, N.J., then over the Garden State Parkway to junction New Jersey Highway 3, then over New Jersey Highway 3 and Interstate Highway 495 to the Lincoln Tunnel, and then through the Lincoln Tunnel to the Port Authority Bus Terminal at 8th Avenue and 41st Street, New York, N.Y., and return over the same routes except that on return the Garden State Parkway Interchange No. 144, Irvington, N.J., will be used and Myrtle Avenue, Irvington, South Devine Street, 14th Avenue and East Speedway to junction South Orange Avenue, Newark, N.J., serving all intermediate points between Green Village, Chatham Township and Garden State Parkway Interchange No. 144, Myrtle Avenue, Irvington, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATION OF FREIGHT FORWARDER

No. FF-400 (IML SEATRANSIT, LTD. Freight Forwarder Application), filed March 4, 1971. Applicant: IML SEATRANSIT, LTD., Post Office Box 2277, Salt Lake City, UT 84110. Applicant's representative: Edward J. Hegarty, 100 Bush Street, San Francisco, CA 94104. Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit authorizing it to institute operations as a freight forwarder in interstate and foreign commerce, in the forwarding of *general commodities*, between all points in the Continental United States (except Alaska) on the one hand, and, on the other, Hawaii.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 71-3688 Filed 3-17-71; 8:45 am]

[Notice 664]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 15, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72658. By order of March 3, 1971, the Motor Carrier Board approved the transfer to Lindsey's Express, Inc., Ewansville, Mount Holly, N.J. 08060, of the operating rights in Certificates Nos. MC-107284 and MC-107284 (Sub-No. 1) issued June 20, 1955, and May 1, 1962, respectively, to Everett S. Lindsey, doing business as Lindsey's Express, Ewansville, Mount Holly, N.J. 08060, authorizing the transportation of general commodities, with usual exceptions, between Philadelphia, Pa., on the one hand, and, on the other, points in Burlington, Camden, Atlantic, Gloucester, Salem, and Cumberland Counties, N.J.; such commodities as are dealt in and sold by wholesale and retail drug houses, between Upper Dublin Township, Montgomery County, Pa., and points in Burlington and Camden Counties, N.J., except Camden, N.J.

No. MC-FC-72696. By order of March 2, 1971, the Motor Carrier Board approved the transfer to Penguin Trucking Co., Inc., Los Angeles, Calif., of the operating rights in Certificate No. MC-65115 issued August 27, 1970, to J & B Trucking Co., Inc., Los Angeles (Vernon), Calif., authorizing the transportation of agricultural commodities from points in Los Angeles and Orange Counties, Calif., to Los Angeles Harbor, Calif.; commercial fertilizer from Los Angeles Harbor, Calif., to points in Los Angeles and Riverside Counties, Calif.; general commodities, with exceptions, between Los Angeles, Calif., and Los Angeles Harbor, Calif.; and bananas from points in the Los Angeles, Calif., harbor commercial zone, as defined by the Commission, to Colton and San Diego, Calif. Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Glendale Federal Building, Beverly Hills, CA 90212, attorney for applicants.

No. MC-FC-72703. By order of March 2, 1971, the Motor Carrier Board approved the transfer to Pettis Moving Co., Inc., Binghamton, N.Y., of the operating rights in Certificate No. MC-79862 issued January 7, 1954, to Lewis D. Pettis and Floyd E. Woodruff, doing business as F. D. Pettis Trucking Co., Binghamton, N.Y., authorizing the transportation of household goods between Binghamton, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, New Jersey, Delaware, Massachusetts, and Connecticut. Robert B. Thomas, 43 Washington Avenue, Endicott, NY 13760, attorney for applicants.

No. MC-FC-72706. By order of March 1, 1971, the Motor Carrier Board approved the transfer to McCurdy Trucking, Inc., Latrobe, Pa., of the operating rights in Certificates Nos. MC-119118 (Sub-No. 11), MC-119118 (Sub-No. 17), MC-119118 (Sub-No. 18), MC-119118 (Sub-No. 19), MC-119118 (Sub-No. 20), MC-119118 (Sub-No. 21), MC-119118 (Sub-No. 22), MC-119118 (Sub-No. 23), MC-119118 (Sub-No. 24), respectively,

issued by the Commission July 8, 1966, December 8, 1967, July 15, 1966, December 7, 1966, August 25, 1967, September 29, 1967, January 13, 1967, March 5, 1969, July 24, 1969, and Permits Nos. MC–116564 (Sub-No. 17), MC–116564 (Sub-No. 18), MC–116564 (Sub-No. 21), respectively, issued by the Commission July 8, 1966, November 28, 1966, July 17, 1968, and December 19, 1969, respectively, to Lewis W. McCurdy, doing business as McCurdy Trucking Co., Latrobe, Pa., collectively authorizing the transportation of malt beverages and other specified commodities from, to, or between specified points in 13 specified States. Dual Operations Authorized. Frank C. Carrol, 33 West Beau Street; Washington, PA 15301, attorney for applicants.

No. MC–FC–72708. By order of March 1, 1971, the Motor Carrier Board approved the transfer to Ling Transfer, Inc., Dixon, Ill., of the operating rights in permit No. MC–123865, issued August 23, 1962, in the name of Herbert G. Ling, doing business as Ling Transfer, Dixon, Ill., authorizing the transportation of advertising circulars and printed advertising matter from Dixon, Ill., to points in Iowa, Missouri, and Wisconsin. James Conifield, 1100 Rockford Trust Building, Rockford, IL 61101, attorney for applicants.

No. MC–FC–72714. By order of March 2, 1971, the Motor Carrier Board approved the transfer to Romano's Bulk Carriers, Inc., Norristown, Pa., of the operating rights in certificate No. MC–102323 issued October 27, 1967, to Harold E. Trego, Inc., Lionville, Pa., authorizing the transportation of various commodities from specified points and areas in Pennsylvania to points in New Jersey, Delaware, and Maryland. James W. Patterson, 2107 Fidelity Building, Philadelphia, PA 19109, attorney for applicants.

No. MC–FC–72725. By order of March 2, 1971, the Motor Carrier Board approved the transfer to Tri-State Transit, Inc., Evansville, Ind., of the operating rights in certificate No. MC–134049, issued July 20, 1970, to Donald J. Exline, doing business as Corky Mills Trucking Service, Evansville, Ind., authorizing the transportation of general commodities with specified exceptions between specified points in Indiana and Kentucky. Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204, attorney for applicants.

No. MC–FC–72737. By order of March 12, 1971, the Motor Carrier Board approved the transfer to MGS Transportation, Inc., Alexandria, Ind., of the operating rights in permits Nos. MC–1328, MC–1328 (Sub-No. 5), MC–1328 (Sub-No. 6), and MC–1328 (Sub-No. 8), issued December 13, 1955, July 2, 1957, August 16, 1965, and August 16, 1965, respectively to J. J. Long, Inc., Alexandria, Ind., authorizing the transportation of various commodities from and to specified points and areas in Indiana, Kentucky, Iowa, West Virginia, Ohio, Illinois, Michigan, Tennessee, Pennsylvania, Missouri, and Wisconsin. David D. Wilson, 222 West Main Street, Hartford City, IN 47349, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3787 Filed 3-17-71;8:50 am]

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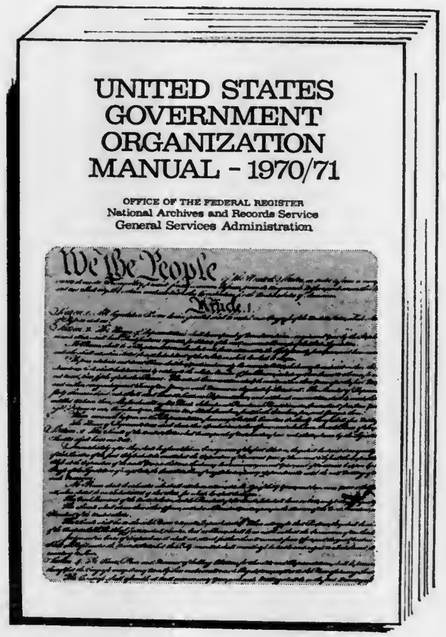
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PART 16—MILK INDEMNITY PAYMENT PROGRAM

Subpart—Regulations Governing Milk Indemnity Payments

Part 16 of Subtitle A of Title 7 of the Code of Federal Regulations governing the Milk Indemnity Payment Program is hereby transferred to Chapter VII, Subchapter C, Part 760, "Indemnity Payment Programs" of Title 7, and is redesignated as "Subpart—Dairy Indemnity Program" of that Part. Part 16 of Subtitle A is hereby vacated and reserved.

Effective date: Upon publication in the FEDERAL REGISTER (3–19–71).

Signed at Washington, D.C. on: March 6, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-3849 Filed 3-18-71;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[966.308 Amdt. 1]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice or engage in public rule marking procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of tomatoes grown in the production area.

Regulation, as amended. In § 966.308 (35 F.R. 16628) paragraph (a) is hereby amended to read as follows:

§ 966.308 **Limitation of shipments.**

* * * * *

(a) *Size classifications.* (1) No person shall handle any lot of tomatoes unless they are sized in one or more of the following ranges of diameters (expressed in terms of minimum and maximum.) Measurement of minimum and maximum diameter shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
7 x 8 and smaller--	2 2/32, and smaller.
7 x 7 ----------	Over 2 2/32 to 2 30/32, inclusive.
6 x 7 ----------	Over 2 30/32 to 2 17/32, inclusive.
6 x 6 ----------	Over 2 17/32 to 2 28/32, inclusive.
5 x 6 & larger-----	Over 2 28/32.

(2) Tomatoes of designated sizes may not be commingled unless they are 2 2/32 inches or smaller in diameter or over 2 17/32 inches in diameter and each container shall be marked to indicate the designated size.

(3) To allow for variations incident to proper sizing, not more than a total of toes in any lot may be smaller than the ten (10) percent, by count, of the toma- specified minimum diameter or larger than the maximum diameter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 16, 1971 to become effective March 16, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3819 Filed 3-18-71;8:46 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-530]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the reference to the State of North Carolina in the introductory portion of paragraph (e) and paragraph (e) (8) relating to the State of North Carolina are deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Beaufort County, N.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the guarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area. No areas in North Carolina remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog chlorea, and it must be made effective immediately to be of maximum

benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of March 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-3850 Filed 3-18-71;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-6-AD; Amdt. 39-1176]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

There have been cracks of the inboard nacelle strut upper link that could result in separation of engine from the wing. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and rework if necessary of the inboard nacelle strut upper links on Boeing 747 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Boeing Model 747 series airplanes certificated in all categories.

Compliance required as indicated.

To detect cracks of the nacelle struct upper link accomplish the following:

Within 300 hours' time in service after the effective date of this AD, unless already accomplished within the last 300 hours' time in service

(a) Visually inspect the upper end of the inboard nacelle upper strut link Part No. 65B90442-5 for cracks in accordance with Boeing Service Bulletin 54-2015, Rev. 1, dated February 23, 1971, or later FAA approved revision, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) If no cracks are found, repeat inspections prescribed by (a) at intervals not to exceed 600 hours' time in service from last inspection.

(c) If cracks are found which exceed 29 inches in length or which have propagated laterally three-sixteenths inch or more from an axial line extending from the relief slot as shown in figure 1 of Boeing Service Bulletin 54-2015, Rev. 1, dated February 23, 1971, replace with a serviceable item and repeat inspections at intervals not to exceed 600 hours' time in service from last inspection, or rework in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) If cracks are found and the crack length and direction are within the limits of (c) above, stop drill the crack per Boeing Service Bulletin 54-2015, Rev. 1, dated February 23, 1971, or later FAA approved revision, or an equivalent rework approved by the Chief, Aircraft Engineering Division, FAA Western Region. Inspect within 200 hours' time in service with repeat inspections at intervals not to exceed 200 hours' time in service since last inspection.

NOTE: Terminating action for this A.D. consists of accomplishment of the rework provisions of Part III of Service Bulletin 54-2015, Revision 1, dated February 23, 1971, or later FAA approved revision. Inspection intervals will then revert to normal.

This amendment becomes effective April 9, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 10, 1971.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.71-3820 Filed 3-18-71;8:47 am]

[Airspace Docket No. 71-CE-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Pontiac, Mich., control zone.

On March 1, 1971, the control tower serving the Pontiac, Mich., Municipal Airport will increase its hours of operation from 0700-2300 daily to 0600-2400 daily. Since this facility provides the weather and communications service which is the basis for the Pontiac control zone and since the Pontiac control zone is presently designated as effective from 0700-2300 hours daily, it is necessary to make the Pontiac control zone effective during the times that the control tower is in operation. Action is taken herein to effect this change. The new hours for the control zone will initially be published in advance by a notice to airmen. Thereafter, the effective date and time of the control zone and any changes thereto will continuously be published in the Airman's Information Manual.

Since this alteration is minor in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 27, 1971, as hereinafter set forth:

In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

PONTIAC, MICH.

Within a 5-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.), within 2 miles each side of the Pontiac VOR 116° and 271° radials, extending from the 5-mile radius zone to 8 miles west of the VOR. This control zone is effective during specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 1, 1971.

DANIEL E. BARROW,
Director, Central Region.

[FR Doc.71-3824 Filed 3-18-71;8:47 am]

[Airspace Docket No. 71-CE-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Billings, Mont., transition area.

Recent transfer of air traffic control responsibility at Billings, Mont., from the Great Falls Air Route Traffic Control Center to the Salt Lake City Air Route Traffic Control Center has afforded additional radar coverage for Logan Field, Billings, Mont., which requires a minor adjustment to the Billings 7,000-foot MSL transition area. Action is taken herein to effect this change.

Since this alteration is minor in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 27, 1971, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

BILLINGS, MONT.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within a 12-mile radius of Billings VORTAC, extending from a line 5 miles southeast of and parallel to the Billings VORTAC 212° radial clockwise to the Billings VORTAC 347° radial; and within 2 miles each side of the Billings ILS localizer east course, extending from the 8-mile radius area to 8 miles east of the Billings RBN; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC, extending from the south edge of V-2 west of Billings clockwise to the southwest edge of V-19 southeast of Billings; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 301° radial, extending from the 25-mile radius area to 49 miles northwest of the VORTAC; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 317° radial, extending from the 25-mile radius area to 45 miles northwest of the VORTAC; within 10 miles west and 7 miles east of the Billings VORTAC 347° radial, extending from the 25-mile radius area to 42 miles north of the VORTAC; within 10 miles north and 8 miles south of the Billings VORTAC 096° radial, extending from the 25-mile radius area to 38 miles east of the VORTAC; and the area southeast of Billings bounded on the northeast by V-86, on the south by latitude 45°20'00" N., and on the west by V-187; that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billings VORTAC 096° radial, extending from 38 to 99 miles east of the VORTAC; and the area northwest of Billings bounded on the northeast by V-187, on the southwest by V2-N, and on the northwest by the Lewistown, Mont., VORTAC 195° radial; and that airspace extending upward from 7,000 feet MSL within 7 miles north and 10 miles south of the Billings VORTAC 266° radial, extending from 6 to 43 miles west of the VORTAC; and within a 29-mile radius of the Billings VORTAC starting at the W edge of V-465 extending clockwise to the south edge of V-2.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 26, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3825 Filed 3-18-71;8:47 am]

[Airspace Docket No. 70-CE-107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On Pages 20012 and 20013 of the FEDERAL REGISTER dated December 31, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Waterloo, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 26, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

WATERLOO, IOWA

Within a 5-mile radius of Waterloo Municipal Airport (latitude 42°33'20" N., longitude 92°24'00" W.); within 2½ miles each side of the Waterloo, Iowa, VORTAC 078° radial extending from the 5-mile-radius zone to 6 miles east of the VORTAC; and within 2½ miles each side of the Waterloo, Iowa VORTAC 200° radial extending from the 5-mile-radius zone to 6½ miles south of the VORTAC.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

WATERLOO, IOWA

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Waterloo Municipal Airport (latitude 42°33'20" N., longitude 92°24'00" W.); within 3 miles each side of the Waterloo ILS localizer northwest course extending from the 9-mile radius area to 8 miles northwest of the OM; and within 5 miles each side of the Waterloo, Iowa, VORTAC 120° radial extending from the 9-mile radius area to 16 miles southeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within the arc of a 29-mile-radius circle centered on the Waterloo VORTAC, extending clockwise from a line 8 miles north of and parallel to the Waterloo VORTAC 096° radial to a line 8 miles east of and parallel to the Waterloo VORTAC 353° radial; within the arc of an 18-mile-radius circle centered on the Waterloo VORTAC extending clockwise from a line 8 miles east of and parallel to the Waterloo VORTAC 353° radial to a line 8 miles north of and parallel to the Waterloo VORTAC 096° radial; and within 9½ miles north and 4½ miles south of the Waterloo VORTAC 078° radial extending from the VORTAC to 18½ miles east of the VORTAC; and that airspace extending upward from 3,500 feet MSL bounded on the southeast by V-161, on the west by V-13E, on the north by V-100 and on the east by the arc of a 29-mile-radius circle centered on the Waterloo VORTAC.

[FR Doc.71-3826 Filed 3-18-71;8:47 am]

[Airspace Docket No. 70-CE-112]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 20014 of the FEDERAL REGISTER dated December 31, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Marshall, Minnesota.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 26, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

MARSHALL, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Marshall Municipal Airport (latitude 44°26'50" N., longitude 95°49'10" W.); and that airspace extending upward from 1200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 323° and 143° bearings from the Marshall Municipal Airport, extending from 1½ miles southeast of the airport to 18½ miles northwest of the airport.

[FR Doc.71-3827 Filed 3-18-71;8:47 am]

[Airspace Docket No. 70-CE-124]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

In F.R. Doc. 71-1464, on Pages 1884 and 1885 in the issue of Wednesday, February 3, 1971, delete that portion of Line 9 reading "to 18½-mile-radius area".

Issued in Kansas City, Mo., on March 2, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3828 Filed 3-18-71;8:47 am]

[Airspace Docket No. 70-CE-125]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

In F.R. Doc. 71-1465, on Page 1885 in the issue of Wednesday, February 3, 1971, Line 7 of the Yankton, S. Dak., transition area description recited as "extending from the 9-mile radius to 18½" should be corrected to read "extending from the VOR to 18½."

Issued in Kansas City, Mo., on March 2, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3829 Filed 3-18-71;8:47 am]

[Airspace Docket No. 71-SO-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Cordele, Ga., transition area.

The Cordele transition area described in § 71.181 (36 F.R. 2140) has a designated radius circle of 9 miles and an extension predicated on the Vienna, Ga., VORTAC 226° radial, extending to the VORTAC.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the description by taking the following actions:

1. Reduce the radius circle from 9 to 8 miles.

2. Revoke the extension predicated on Vienna VORTAC 226° radial.

The above actions result in a substantial decrease in controlled airspace.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Cordele, Ga., transition area is amended to read:

CORDELE, GA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cordele Airport (lat. 31°59'15" N., long. 83°46'24" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 10, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-3830 Filed 3-18-71;8:47 am]

[Airspace Docket No. 71-WE-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On February 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1910) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Palmdale, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections.

The California Department of Aeronautics objected to the proposed amendment on the basis of reserving airspace beyond that required for control purposes and forwarded the following recommendations:

1. The control zone extension described on the Palmdale VORTAC 045° radial be deleted.

2. The control zone extension based on the Palmdale ILS localizer east course be reduced from 3 to 2 miles each side of the localizer course.

An additional review of the proposed airspace designation indicated that the VOR-22 instrument approach procedure, for which the extension based on the 045° T radial had been described, has been canceled. This proposed airspace designation may be deleted and the Final Rule will so indicate. The additional airspace is the minimum required to provide controlled airspace protection for aircraft executing the prescribed instrument procedures while operating below 1,000 feet above the surface and in the interest of flying safety cannot be reduced to dimensions less than those proposed.

In consideration of the foregoing in § 71.171 (36 F.R. 1910) the description of the Palmdale, Calif., control zone is hereby adopted subject to the following change:

Delete "• • • within 2 miles each side of the Palmdale VORTAC 045° radial, extending from the 5-mile radius zone to 9 miles northeast of the VORTAC • • •."

Since this change releases additional uncontrolled airspace to the flying public and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

Effective date. This amendment shall be effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 11, 1971.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.71-3832 Filed 3-18-71;8:48 am]

[Airspace Docket No. 71-WE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Spokane, Wash., transition area.

A recent review of the description of the Spokane, Wash., transition area revealed that a portion of the airspace was described in part by a nonexistent airway. Action is taken herein to correct this discrepancy.

In consideration of the foregoing in § 71.181 (36 F.R. 2140), the description of the Spokane, Wash., transition area as amended by (35 F.R. 18192) is further amended by deleting "• • • V-281 • • •" where it appears in the text and substituting "• • • by the E edge of V-112 E • • •" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 11, 1971.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Palmdale, Calif., control zone is amended to read as follows:

PALMDALE, CALIF.

Within a 5-mile radius of Air Force Plant No. 42, Palmdale, Calif. (latitude 34°37'45" N., longitude 118°04'54" W.), within 3 miles each side of the ILS localizer east course, extending from the 5-mile radius zone to 7.5 miles east of the LOM, and within 2 miles south of and parallel to the Palmdale VORTAC 099° radial, extending from the 5-mile radius zone to 8 miles east of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.71-3831 Filed 3-18-71;8:48 am]

[Docket No. 10917; Amdt. No. 747]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising or canceling the following VOR-VOR/DME SIAPs, effective April 15, 1971.

Bismarck, N. Dak.—Bismarck Municipal Airport; VOR-A, Amdt. 12; Revised.
Charlotte, Mich.—Fitch H. Beach Airport, VOR Runway 20, Admt. 1; Revised.
Haverhill, Mass.—Haverhill Airport; VOR-A, Amdt. 1; Revised.
Hickory, N.C.—Hickory Municipal Airport; VOR Runway 24, Amdt. 13; Revised.
Lansing, Mich.—Capital Airport; VOR Runway 6, Amdt. 11; Revised.
Muncie, Ind.—Delaware County-Johnson Field; VOR Runway 14, Amdt. 5; Revised.
Pellston, Mich.—Emmett County Airport; VOR Runway 23, Amdt. 5; Revised.
Wabash, Ind.—Wabash Municipal Airport; VOR-A, Amdt. 2; Revised.
Houston, Tex.—Intercontinental Airport; VOR/DME Runway 14, Amdt. 2; Revised.
Houston, Tex.—Intercontinental Airport; VOR/DME Runway 32, Amdt. 2; Revised.
Trenton, Tenn.—Gibson County Airport; VOR/DME-A, Amdt. 1; Revised.

2. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective April 15, 1971.

Anniston, Ala.—Anniston-Calhoun Airport; LOC Runway 5, Original; Established.

3. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective March 18, 1971.

Baltimore, Md.—Friendship International Airport; LOC Runway 10, Original; Established.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDA/ADF SIAPs, effective April 15, 1971.

Bismarck, N.D.—Bismarck Municipal Airport; NDB Runway 31, Amdt. 21; Revised.
Fort Wayne, Ind.—Municipal (Baer Field); NDB Runway 31, Amdt. 14; Revised.
Wabash, Ind.—Wabash Municipal Airport; NDB Runway 27, Amdt. 2; Revised.
Winston-Salem, N.C.—Smith Reynolds Airport; NDB Runway 33, Amdt. 14; Revised.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective April 8, 1971.

Augusta, Ga.—Bush Field; NDB Runway 35, Amdt. 17; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective April 15, 1971.

Atlanta, Ga.—Atlanta Airport; ILS Runway 9L, Amdt. 38; Revised.
Atlanta, Ga.—Atlanta Airport; ILS Runway 9R, Amdt. 13; Revised.
Atlanta, Ga.—Atlanta Airport; ILS Runway 33, Amdt. 16; Revised.
Bismarck, N.D.—Bismarck Municipal Airport; ILS Runway 31, Amdt. 22; Revised.
Tallahassee, Fla.—Tallahassee Municipal Airport; ILS Runway 36, Amdt. 12; Revised.
Winston-Salem, N.C.—Smith Reynolds Airport; ILS Runway 33, Amdt. 14; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 18, 1971.

Baltimore, Md.—Friendship International Airport; ILS Runway 10, Amdt. 17; Canceled.

8. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective April 15, 1971.

Carlsbad, Calif.—Palomar Airport.; RNAV Runway 6, Amdt. 1; Revised.
Houston, Tex.—Intercontinental Airport; RNAV Runway 14, Original; Established.
Houston, Tex.—Intercontinental Airport.; RNAV Runway 32, Original; Established.
San Antonio, Tex.—Intercontinental Airport; RNAV Runway 30L, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 9, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[FR Doc.71-3750 Filed 3-18-71;8:45 am]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 462—VARIATION FROM PUBLICATION REQUIREMENTS

Certain Employee Benefit Plans Utilizing Connecticut General Life Insurance Co.

On January 21, 1971, there was published in the FEDERAL REGISTER (36 F.R. 985) notice of a proposed variation under which employee benefit plans which utilize the services of the Connecticut General Life Insurance Co., Hartford, Conn. 06115, hereinafter referred to as the carrier, and for which the carrier does not maintain separate experience records are excused from the requirement of section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act (WPPDA), 29 U.S.C. 306(d)(2)(A), that they attach a copy of the carrier's financial report to their annual reports. Interested persons were invited to submit objections to the proposed variance within 15 days of the date of publication. No objections have been received. Accordingly, in accordance with section 5(a), WPPDA, 29 U.S.C. 304(a), 29 CFR Part 462, Subpart A, and Secretary's Order No. 16-68 (33 F.R. 15574) the variation to appear as §§ 462.37 and 462.38 of 29 CFR Part 462, Subpart B, with an undesignated centerhead, is granted as follows:

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING THE CONNECTICUT GENERAL LIFE INSURANCE CO.

§ 462.37 Rule of variation.

Every employee benefit plan which utilizes the Connecticut General Life Insurance Co. (hereinafter referred to as "carrier") to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the carrier will no longer be required to do so, subject to the following conditions.

§ 462.38 Conditions of variation.

(a) The carrier shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the carrier has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the carrier, each plan administrator of an employee benefit plan to which this variation applies shall report in part III, section D of Department of Labor Annual Report Form D-2, or attachment thereto, the complete name and address of the carrier and shall place in Item 6 of said part and section the symbol "VAR" in the space provided for the code number.

(c) The carrier is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the carrier maintains separate experience records, since such plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the carrier to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and Part 461 of this chapter.

This variation shall be effective immediately upon publication in the FEDERAL REGISTER (3-19-71).

(Sec. 5, 72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304)

Signed at Washington, D.C., this 10th day of March, 1971.

W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.71-3833 Filed 3-18-71;8:48 am]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Certain Air Quality Control Regions in Montana

On January 15, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 617) to amend Part 481 by designating the Great Falls, Helena, Miles City, and Missoula Intrastate Air Quality Control Regions and by revising the boundaries of the Metropolitan Billings Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on January 26, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented, with the recommendation that the name of the Metropolitan Billings Intrastate Air Quality Control Region be changed to the Billings Intrastate Air Quality Control Region and Treasure County be designated as part of the Miles City Intrastate Air Quality Control Region rather than as proposed in the Metropolitan Billings Intrastate Air Quality Control Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 471.168, as set forth below, designating the Great Falls Intrastate Air Quality Control Region; § 481.169, as set forth below, designating the Helena Intrastate Air Quality Control Region; § 481.170, as set forth below, designating the Miles City Intrastate Air Quality Control Region; § 481.171, as set forth below, designating the Missoula Intrastate Air Quality Control Region; and § 481.88, as set forth below, revising the boundaries of the Metropolitan Billings Intrastate Air Quality Control Region, and renaming the region the Billings Intrastate Air Quality Control Region, are adopted effective on publication.

§ 481.168 Great Falls Intrastate Air Quality Control Region.

The Great Falls Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana:

Blaine County.	Liberty County.
Cascade County.	Pondera County.
Chouteau County.	Teton County.
Glacier County.	Toole County.
Hill County.	

§ 481.169 Helena Intrastate Air Quality Control Region.

The Helena Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana:

Beaverhead County.	Lewis and Clark County.
Broadwater County.	Madison County.
Deer Lodge County.	Meagher County.
Gallatin County.	Park County.
Granite County.	Powell County.
Jefferson County.	Silver Bow County.

§ 481.170 Miles City Intrastate Air Quality Control Region.

The Miles City Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana:

Carter County.	Prairie County.
Custer County.	Richland County.
Daniels County.	Roosevelt County.
Dawson County.	Rosebud County.
Fallon County.	Sheridan County.
Garfield County.	Treasure County.
McCone County.	Valley County.
Phillips County.	Wibaux County.
Powder River County.	

§ 481.171 Missoula Intrastate Air Quality Control Region.

The Missoula Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana:

Flathead County.	Missoula County.
Lake County.	Ravalli County.
Lincoln County.	Sanders County.
Mineral County.	

§ 481.88 Billings Intrastate Air Quality Control Region.

The Metropolitan Billings Intrastate Air Quality Control Region (Montana) has been renamed the Billings Intrastate Air Quality Control Region and consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana:

Big Horn County.	Musselshell County.
Carbon County.	Petroleum County.
Fergus County.	Stillwater County.
Golden Valley County.	Sweet Grass County.
Judith Basin County.	Wheatland County.
	Yellowstone County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

NOTE: For purposes of identification, the Regions are referred to by Montana authorities as follows:

Sec.
481.168 Great Falls Intrastate Air Quality Control Region: Region II.
481.169 Helena Intrastate Air Quality Control Region: Region IV.
481.170 Miles City Intrastate Air Quality Control Region: Region III.
481.171 Missoula Intrastate Air Quality Control Region: Region I.
481.88 Billings Intrastate Air Quality Control Region: Region V.

Dated: March 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-3807 Filed 3-18-71;8:45 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Certain Air Quality Control Regions in Colorado

On January 15, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 616) to amend Part 481 by designating the Comanche, Grand Mesa, Pawnee, San Isabel, San Luis, and Yampa Intrastate Air Quality Control Regions and by revising the boundaries of the Metropolitan Denver Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on January 28, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.172, as set forth below, designating the Comanche Intrastate Air Quality Control Region; § 481.173, as set forth below, designating the Grand Mesa Intrastate Air Quality Control Region; § 481.174, as set forth below, designating the Pawnee Intrastate Air Quality Control Region; § 481.175, as set forth below, designating the San Isabel Intrastate Air Quality Control Region; § 481.176, as set forth below, designating the San Luis Intrastate Air Quality Control Region; § 481.175, as set forth below, designating the Yampa Intrastate Air Quality Control Region; and § 481.16, as set forth below, revising the boundaries of the Metropolitan Denver Intrastate Air Quality Control Region, are adopted effective on publication.

§ 481.172 Comanche Intrastate Air Quality Control Region.

The Comanche Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Baca County.	Kiowa County.
Bent County.	Kit Carson County.
Cheyenne County.	Lincoln County.
Crowley County.	Otero County.
Elbert County.	Prowers County.

§ 481.173 Grand Mesa Intrastate Air Quality Control Region.

The Grand Mesa Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Delta County.	Montrose County.
Eagle County.	Ouray County.
Garfield County.	Pitkin County.
Gunnison County.	San Miguel County.
Hinsdale County.	Summit County.
Mesa County.	

§ 481.174 Pawnee Intrastate Air Quality Control Region.

The Pawnee Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Larimer County.	Sedgwick County.
Logan County.	Washington County.
Morgan County.	Weld County.
Phillips County.	Yuma County.

§ 481.175 San Isabel Intrastate Air Quality Control Region.

The San Isabel Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Chaffee County.	Lake County.
Custer County.	Las Animas County.
El Paso County.	Park County.
Fremont County.	Pueblo County.
Huerfano County.	Teller County.

§ 481.176 San Luis Intrastate Air Quality Control Region.

The San Luis Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Alamosa County.	Mineral County.
Conejos County.	Rio Grande County.
Costilla County.	Saguache County.

§ 481.177 Yampa Intrastate Air Quality Control Region.

The Yampa Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Grand County.	Rio Blanco County.
Jackson County.	Routt County.
Moffat County.	

§ 481.16 Metropolitan Denver Intrastate Air Quality Control Region.

The Metropolitan Denver Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Adams County.	Denver County.
Arapahoe County.	Douglas County.
Boulder County.	Gilpin County.
Clear Creek County.	Jefferson County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

NOTE: For purposes of identification, the Regions are referred to by Colorado authorities as follows:

Sec.
481.172 Comanche Intrastate Air Quality Control Region: Region Three.
481.173 Grand Mesa Intrastate Air Quality Control Region: Region Seven.
481.174 Pawnee Intrastate Air Quality Control Region: Region One.
481.175 San Isabel Intrastate Air Quality Control Region: Region Four.
481.176 San Luis Intrastate Air Quality Control Region: Region Five.
481.177 Yampa Intrastate Air Quality Control Region: Region Eight.
481.16 Metropolitan Denver Intrastate Air Quality Control Region: Region Two.

Dated: March 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-3808 Filed 3-18-71;8:45 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Southern Delaware Intrastate Air Quality Control Region

On January 20, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 934) to amend Part 481 by designating the Southern Delaware Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 2, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.178, as set forth below, designating the Southern Delaware Intrastate Air Quality Control Region, is adopted effective on publication.

§ 481.178 Southern Delaware Intrastate Air Quality Control Region.

The Southern Delaware Intrastate Air Quality Control Region (Delaware) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described areas (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Delaware:

Kent County.	Sussex County.

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-3809 Filed 3-18-71;8:46 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Certain Air Quality Control Regions in Maine and New Hampshire

On January 20, 1971, notice of proposed rule making was published in the

FEDERAL REGISTER (36 F.R. 933) to amend Part 481 by designating the Aroostook, Central Maine, Down East, and Northwest Maine Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 3, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91–604). Due consideration has been given to all relevant material presented with the recommendation that Kennebec, Knox, Lincoln, Waldo, and portions of Somerset Counties in Maine, originally proposed in the Central Maine Intrastate Air Quality Control Region, now be added to the designated Androscoggin Valley Interstate Air Quality Control Region (Maine-New Hampshire).

In consideration of the foregoing and in accordance with the statement in the notice of the proposed rule making, § 481.179, as set forth below, designating the Aroostook Intrastate Air Quality Control Region; § 481.181, as set forth below, designating the Down East Intrastate Air Quality Control Region; § 481.182, as set forth below, designating the Northwest Maine Intrastate Air Quality Control Region; and § 481.90, as set forth below, revising the boundaries of the designated Androscoggin Valley Interstate Air Quality Control Region, are adopted effective on publication.

§ 481.179 Aroostook Intrastate Air Quality Control Region.

The Aroostook Intrastate Air Quality Control Region (Maine) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maine:

Aroostook County—That portion of Aroostook County which lies east of a line described as follows: Beginning at the point where the Maine-Canadian international border is intersected by a line common to the western boundary of Fort Kent Township and running due south to the intersection of said line with the Aroostook-Penobscot County boundary.

§ 481.181 Down East Intrastate Air Quality Control Region.

The Down East Intrastate Air Quality Control Region (Maine) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maine:

Hancock County. Washington County.

Penobscot County—That portion of Penobscot County which lies south of a line described as follows: Beginning at the point where the Penobscot-Aroostook County boundary is intersected by a line common to the boundaries of Patten and Stacyville Townships and running due west to the intersection of said line with Penobscot-Piscataquis County boundary.

Piscataquis County—That portion of Piscataquis County which lies south and east of a line described as follows: Beginning at the point where the Somerset-Piscataquis County boundary is intersected by a line common to the northern boundary of Blanchard Plantation and running northeast along the northern boundary of Blanchard Plantation; then northwest along the western boundary of Monson Township to the northwest corner of Monson Township; then northeast along the northern boundaries of Monson, Willimantic, and Bowerbank Townships, the northern boundary of Barnard Plantation, the northern boundaries of Williamsburg and Brownville Townships, and the northern boundary of Lake View Plantation to the intersection of said line with Piscataquis-Penobscot County boundary, which is also common to the northeast corner of Lake View Plantation.

§ 481.182 Northwest Maine Intrastate Air Quality Control Region.

The Northwest Maine Intrastate Air Quality Control Region (Maine) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maine:

Aroostook County—That portion of Aroostook County which lies west of a line described as follows: Beginning at the point where the Maine-Canadian international border is intersected by a line common to the western boundary of Fort Kent Township and running due south to the intersection of the said line with Penobscot-Piscataquis County boundary.

Piscataquis County—That portion of Piscataquis County which lies south and east of a line described as follows: Beginning at the point where the Somerset-Piscataquis County boundary is intersected by a line common to the boundaries of Patten and Stacyville Townships and running due west to the intersection of said line with Penobscot-Piscataquis County boundary.

Piscataquis County—That portion of Piscataquis County which lies south and east of a line described as follows: Beginning at the point where the Penobscot-Aroostook County boundary is intersected by a line common to the northern boundary of Blanchard Plantation and running northeast along the northern boundary of Blanchard Plantation to the northeast corner of Blanchard Plantation; then northwest along the western boundary of Monson Township to the northwest corner of Monson Township; then northeast along the northern boundaries of Monson, Willimantic, and Bowerbank Townships, the northern boundary of Barnard Plantation, the northern boundaries of Williamsburg and Brownville Townships, and the northern boundary of Lake View Plantation to the intersection of said line with the Piscataquis-Penobscot County boundary, which is also common to the northeast corner of Lake View Plantation.

Somerset County—That portion of Somerset County which lies north and west of a line described as follows: Beginning at the point where the Somerset-Franklin County boundary is intersected by a line common to the northern boundary of New Portland Township and running northeast along the northern boundaries of New Portland, Embden, Solon, and Athens Townships to the intersection of said line with the Somerset-Piscataquis County boundary, which is also common to the northeast corner of Athens Township.

§ 481.90 Androscoggin Valley Interstate Air Quality Control Region.

The Androscoggin Valley Interstate Air Quality Control Region (Maine-New Hampshire) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermist boundaries of the area so delimited):

In the State of Maine:

Androscoggin County.	Knox County.
Kennebec County.	Lincoln County.
	Waldo County.

In the County of Franklin:

Avon Town.	Phillips Town.
Carthage Town.	Salem Township.
Chesterville Town.	Strong Town.
Farmington Town.	Temple Town.
Freeman Township.	Township No. 6.
Industry Town.	Washington Township.
Jay Town.	Weld Town.
New Sharron Town.	Wilton Town.
New Vineyard Town.	
Perkins Township.	

In the County of Oxford:

Albany Township.	Mason Township.
Andover Town.	Mexico Town.
Andover North Surplus.	Milton Township.
	Newry Town.
Andover West Surplus.	Norway Town.
	Oxford Town.
Batcheiders Grant.	Paris Town.
Bethel Town.	Peru Town
Buckfield Town.	Riley Township.
Byron Town.	Roxbury Town.
Canton Town.	Rumford Town.
Dixfield Town.	Stoneham Town.
Gilead Town.	Stow Town.
Grafton Township.	Sumner Town.
Greenwood Town.	Sweden Town.
Hanover Town.	Waterford Town.
Hartford Town.	West Paris Town.
Hebron Town.	Woodstock Town.
Lovell Town.	

Somerset County—That portion of Somerset County which lies south and east of a line described as follows: Beginning at the point where the Somerset-Franklin County boundary is intersected by a line common to the northern boundary of New Portland Township and running northeast along the northern boundaries of New Portland, Embden, Solon, and Athens Townships to the intersection of said line with the Somerset-Piscataquis County boundary, which is also common to the northeast corner of Athens Township.

In the State of New Hampshire:

Coos County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91–604)

Dated: March 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–3810 Filed 3–18–71;8:46 am]

PART 481—AIR QUALITY CONTROL REGIONS CRITERIA AND CONTROL TECHNIQUES

Certain Air Quality Control Regions in Virginia and Tennessee

On January 13, 1971, notice of the proposed rule making was published in the FEDERAL REGISTER (36 F.R. 436) to amend Part 481 by designating the Central Virginia, Northeastern Virginia, State Capital, and Valley of Virginia Intrastate Air Quality Control Regions, and by changing the name of the Metropolitan Norfolk Intrastate Air Quality Control Region (§ 481.93) to the Hampton Roads Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on January 12, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91–604). Due consideration has been given to all relevant material presented, and the following changes have been made: (1) Add the towns of Blackstone, Farmville, Rocky Mount, and South Hill to the Central Virginia Intrastate Air Quality Control Region; (2) Add Westmoreland County and the towns of Culpepper and Warrenton to the Northeastern Virginia Intrastate Air Quality Control Region; (3) Add the towns of Blacksburg, Christiansburg, Front Royal, Luray, Pulaski, and Vinton to the Valley of Virginia Intrastate Air Quality Control Region; (4) Change the name of the designated Bristol (Virginia)-Johnson City (Tennessee) Interstate Air Quality Control Region to the Eastern Tennessee-Southwestern Virginia Interstate Air Quality Control Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.143, as set forth below, designating the Central Virginia Intrastate Air Quality Control Region; § 481.144, as set forth below, designating the Northeastern Virginia Intrastate Air Quality Control Region; § 481.145, as set forth below, designating the State Capital Instrastate Air Quality Control Region; § 481.146, as set forth below, designating the Valley of Virginia Intrastate Air Quality Control Region; § 481.93, as set forth below, changing the name of the Metropolitan Norfolk Intrastate Air Quality Control Region; and § 481.57, as set forth below, changing the name of the Bristol-Johnson City Interstate Air Quality Control Region.

§ 481.143 Central Virginia Intrastate Air Quality Control Region.

The Central Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia:

COUNTIES

Amelia.	Franklin.
Amherst.	Halifax.
Appomattox.	Henry.
Bedford.	Lunenburg.
Brunswick.	Mecklenburg.
Buckingham.	Nottoway.
Campbell.	Patrick.
Charlotte.	Pittsylvania.
Cumberland.	Prince Edward.

CITIES

Bedford.	Martinsville.
Danville.	South Boston.
Lynchburg.	

TOWNS

Blackstone.	Rocky Mount.
Farmville.	South Hill.

§ 481.144 Northeastern Virginia Intrastate Air Quality Control Region.

The Northeastern Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia:

COUNTIES

Accomack.	Louisa.
Albermarle.	Madison.
Caroline.	Mathews.
Culpeper.	Middlesex.
Essex.	Nelson.
Fauquier.	Northampton.
Fluvanna.	Northumberland.
Gloucester.	Orange.
Greene.	Rappahannock.
King and Queen.	Richmond.
King George.	Spotsylvania.
King William.	Stafford.
Lancaster.	Westmoreland.

CITIES

Charlottesville.	Fredericksburg.

TOWNS

Culpeper.	Warrenton.

§ 481.145 State Capital Intrastate Air Quality Control Region.

The State Capital Intrastate Air Quality Control Region (Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited).

In the State of Virginia:

COUNTIES

Charles City.	Henrico.
Chesterfield.	New Kent.
Dinwiddie.	Powhatan.
Goochland.	Prince George.
Greensville.	Surry.
Hanover.	Sussex.

CITIES

Colonial Heights.	Petersburg.
Emporia.	Richmond.
Hopewell.	

§ 481.146 Valley of Virginia Intrastate Air Quality Control Region.

The Valley of Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia:

COUNTIES

Alleghany.	Highland.
Augusta.	Montgomery.
Bath.	Page.
Botetourt.	Pulaski.
Clarke.	Roanoke.
Craig.	Rockbridge.
Floyd.	Rockingham.
Frederick.	Shenandoah.
Giles.	Warren.

CITIES

Buena Vista.	Roanoke.
Clifton Forge.	Salem.
Covington.	Staunton.
Harrisonburg.	Waynesboro.
Lexington.	Winchester.
Radford.	

TOWNS

Blacksburg.	Luray.
Christiansburg.	Pulaski.
Front Royal.	Vinton.

§ 481.93 [Amended]

The Metropolitan Norfolk Intrastate Air Quality Control Region (Virginia) has been renamed the Hampton Roads Intrastate Air Quality Control Region. No changes were made in the boundaries of the Region.

§ 481.57 [Amended]

The Bristol (Virginia)-Johnson City (Tennessee) Interstate Air Quality Control Region has been renamed the Eastern Tennessee-Southwestern Virginia Intrastate Air Quality Control Region. No changes were made in the boundaries of the Virginia portion of the Region.

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91–604)

Dated: March 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–3811 Filed 3–18–71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Review Board

Order. 1. On November 6, 1970, the Commission adopted a report and order transferring from the Review Board to the presiding officer authority to act on joint requests for approval of agreements filed (in hearing proceedings) pursuant to § 1.525 of the rules and regulations. FCC 70-1193, 26 FCC 331. Section 1.291(a)(2) of the rules, which states that such joint requests are acted on by the Review Board, was inadvertently not then amended to reflect the transfer of authority. It is now appropriate to correct § 1.291 by deleting that statement.

2. Authority for the amendment set forth in the attached Appendix is set out in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended. 47 U.S.C. 154(i), 155(d), and 303(r), and in § 0.261(a) of the rules and regulations. 47 CFR 0.261(a). Because the amendment is editorial and procedural in nature, the prior notice, procedure and effective date provisions of 5 U.S.C. 553 are inapplicable.

Accordingly, it is ordered, Effective March 19, 1971, that § 1.291 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 11, 1971.

Released: March 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 1.291(a)(2) is revised to read as follows:

§ 1.291 General provisions.

(a) • • •

(2) The Review Board acts on petitions to amend, modify, enlarge, or delete issues in cases of adjudication (including mixed adjudicative and rule making proceedings). It also acts on interlocutory pleadings filed in matters or proceedings which are before the Board.

• • • • •

[FR Doc. 71-3813 Filed 3-18-71;8:46 am]

[FCC 71-240]

PART 15—RADIO FREQUENCY DEVICES

Measurement Procedure for Oscillator Radiation

Order. 1. Section 15.75(b) of the rules references two standards containing measurement procedures for measuring oscillator radiation from FM and TV broadcast receivers. These are the Institute of Electrical and Electronics Engineers (IEEE) Standard 187 and the International Electrotechnical Commission (IEC) Publication No. 106 and Supplement 106A. A new measurement procedure is published in the Electronic Industries Association (EIA) Standard RS-378.

2. The new standard for measuring the level of oscillator radiation from FM and TV broadcast receivers has been developed by the Electronics Industries Association working in conjunction with the staff engineers of the Commission's Laboratory. The new Standard RS-378, entitled "Measurement of Spurious Radiation from FM and TV Broadcast Receivers in the Frequency Range of 100 to 1000 MHz—Using the EIA—Laurel Broad-band Antenna" describes the potential sources of spurious radiation from frequency modulation and television broadcast receivers and prescribes methods of measuring the field strength of these radiations.

3. The EIA method incorporates the use of an EIA-Laurel broad-band antenna and has produced measurement results which are more repeatable than those achieved by use of the procedure prescribed by the IEEE method. The new EIA Standard specifies a measuring distance of either 100 feet (as used in the IEEE method) or 3 meters (as used in the IEC method). The EIA Standard RS-378 contains a conversion table which permits conversion of measurements made by the EIA method to equivalent measurements made by the IEEE method. The conversion factors are necessary as compliance with the limits of radiation contained in § 15.63 of the rules is based upon measurements made by the IEEE method.

4. The Commission is taking cognizance of the new measurement procedure by adding a subparagraph (5) to § 15.75 (b) as follows:

§ 15.75 Measurement procedure.

(b) • • •

(5) Electronics Industries Association Standard RS-378, dated August 1970, entitled, "Measurement of Spurious Radiation from FM and TV Broadcast Receivers in the Frequency Range of 100 to 1000 MHz—Using the EIA-Laurel Broad-Band Antenna."

• • • • •

5. No general notice of proposed rule making under the Administrative Procedure Act is required as the amendment is interpretive in nature.

6. *It is ordered,* Effective April 20, 1971, that Part 15 of the Commission's rules and regulations is amended as set forth in paragraphs 4, above. Authority for this amendment is contained in Sections 4(i), 302, 303(f), and 303(r) of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 10, 1971.

Released: March 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3814 Filed 3-18-71;8:46 am]

[Docket No. 18884; FCC 71-241]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Operating Position of Radiotelephone Station

Order. In the matter of amendment of Part 83 of the Commission's rules to permit the principal operating position of the radiotelephone station to be located in a room adjoining to and opening into the room from which the vessel is normally steered while at sea on cargo ships of 300 gross tons and upwards but less than 500 gross tons on which the keel was laid prior to January 1, 1965, RM-1598.

1. The Commission on June 17, 1970, adopted a notice of proposed rule making in the above-entitled matter (FCC 70-642) which made provisions for the filing of comments. The notice was published in the FEDERAL REGISTER on June 25, 1970 (35 F.R. 10378). The time for filing comments and reply comments has passed.

2. The notice of proposed rule making was issued in reference to a petition (RM-1598) filed jointly by 34 owner/operators of commercial fishing vessels which requested that section 83.482(d) of the rules be amended. The purpose of the amendment is to permit the principal operating position of a radiotelephone station to be located in a room adjoining to and opening into the room from which the vessel is normally steered while at sea because many small cargo vessels, constructed prior to 1965, are not designed for the most effective use of a principal operating position in the wheel house.

3. No comments were received, either during or after the close of the dates for filing comments and replies.

4. In view of the foregoing: *It is ordered,* That pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules is amended effective April 20, 1971, as set forth below.

5. *It is further ordered,* That the proceeding in Docket No. 18884 is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 10, 1971.

Released: March 12, 1971.

FEDERAL COMMUNICATIONS COMMUNICATIONS,
[SEAL] BEN F. WAPLE,
Secretary.

Section 83.482(d) is amended to read as follows:

§ 83.482 Radiotelephone station.

• • • • • •

(d) The principal operating position of the radiotelephone station shall be in the room from which the vessel is normally steered while at sea; *Provided,* That in installations on cargo ships of 300 gross tons and upwards but less than 500 gross tons, on which the keel was laid prior to January 1, 1965, the location of the principal operating controls may be in a room adjoining and opening into the room from which the vessel is normally steered while at sea. If the station can be operated from any location other than the principal operating position, except as provided in paragraph (e) of this section, a direct and positive means shall be provided at the principal operating position to take full control of the station.

• • • • • •

[FR Doc.71-3815 Filed 3-18-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Protective Clothing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations be amended by adding § 75.1719, as set forth below. This proposed amendment prescribes the protective clothing which must be worn by each miner regularly employed in the active workings of an underground coal mine.

Interested persons may submit written comments, suggestions or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 12, 1971.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations would be amended by adding the following:

§ 75.1719 Protective clothing; requirements.

On and after June 30, 1971, each miner regularly employed in the active workings of an underground coal mine shall be required to wear the following protective clothing and devices:

(a) Protective clothing or equipment and face-shields or goggles when welding, cutting, or working with molten metal or when other hazards to the eyes exist.

(b) Suitable protective clothing to cover the entire body when handling corrosive or toxic substances or other materials which might cause injury to the skin.

(c) Protective gloves when handling materials or performing work which might cause injury to the hands; however, gloves shall not be worn where they would create a greater hazard by becoming entangled in the moving parts of equipment.

(d) A suitable hard hat.

(e) Suitable protective footwear.

(f) Seat belts in a vehicle where there is a danger of overturning.

[FR Doc.71–3804 Filed 3–18–71;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 230]

WHALING

Notice of Public Hearing

On March 2, 1971, the National Marine Fisheries Service had published in the FEDERAL REGISTER notice of proposed rule making amending domestic whaling regulations (36 F.R. 3925). A request on behalf of several persons and companies has been received. In response to this request a public hearing will be held on March 29, 1971, at 10 a.m. P.s.t. in Room 15, Federal Office Building, 50 Fulton Street, San Francisco, Calif.

Any data, views, or statements pertaining thereto may be submitted in writing to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731. Interested persons will also be afforded an opportunity to comment orally on the proposed amendments. Any person who intends to present views orally at this hearing is requested to furnish in writing his name and the name of the organization he represents, if any, to the said Regional Director.

Dated at Washington, D.C., March 17, 1971.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

[FR Doc.71–3874 Filed 3–18–71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71–17]

SULFURIC ACID CONTAINERS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations by revising the requirements for sulfuric acid in 46 CFR 146.23–100. Amendments under consideration include the deletion of the following containers: Jugs in tubs (DOT–31); wooden barrels or kegs (DOT–11A, 11B); plywood drums (DOT–22A, 22B); and metal barrels or drums (DOT–5H). Also, the Coast Guard is considering authorizing DOT–33A (49 CFR 178.150) packaging for any strength sulfuric acid and limiting use of the DOT–17F (49 CFR 178.117) drum to sulfuric acid not exceeding 98 percent concentration. Furthermore, authorization of certain additional tank cars and certain editorial changes are being considered. Finally, DOT–12R (49 CFR 178.212) packaging is being considered for concentrations of sulfuric acid up to 100.5 percent, with DOT–2E (49 CFR 178.24a) bottles being added as authorized inner packaging.

Interested persons are invited to submit written data, views or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications should identify the notice number CGFR 71–17, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on Tuesday, May 4, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. Comments received on or before May 11, 1971, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

By a separate document published at page 5299 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes amendments to 49 CFR 173.272 deleting paragraphs (c)(2), (c)(3), (c)(5), (f)(1), (j), (k), and (l), authorizing DOT–33A packaging for any strength sulfuric acid, limiting the use of DOT–17F drum to sulfuric acid not exceeding 98 percent concentration, authorizing certain additional tank cars and permitting DOT–12R packaging for concentrations of sulfuric acid up to 100.5 percent, with DOT–2E bottles as authorized inner packaging. In addition, § 173.272 will be amended by certain editorial changes to paragraphs (c), (d), (e), (f), (g), (h), and (i). The proposed amendments have been issued pursuant to requests submitted by petitioners with explanations fully stated in the document.

The proposed amendment of the hazardous materials regulations of the Department of Transportation in Title 49 would make these changes apply to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make these changes apply to carriers by water.

In consideration of the foregoing, it is proposed to amend 46 CFR 146.23–100 for the article "Sulfuric acid", as follows:

1. The fourth column will be revised to read as follows:

Required conditions for transportation	
	Cargo vessel
Stowage:	
"On deck protected."	
"On deck under cover."	
"Under deck" (Steel drums containing sulfuric acid only).	
Outside containers:	
For sulfuric acid of any concentration:	
Wooden boxes (DOT–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	
Carboys, boxed, glass, earthenware, clay or stone (DOT–1X) STC, for export only, not over 6 gal. cap.	
Fiberboard boxes (DOT–12A) WIC not over 5 pint cap.	
Polystyrene cases (DOT–33A), (NRC) WIC not over 5 pint cap. ea.	
For sulfuric acid of concentrations not to exceed 100.5%:	
Carboys, boxed (DOT–1A) not over 13 gal. cap.	
Carboys in kegs (DOT–1C) not over 13 gal. cap.	
Carboys, boxed, glass (DOT 1D) not over 6½ gal. cap.	
Carboys in plywood drums, glass (DOT–1E) not over 6½ gal. cap.	
Carboys, boxed (DOT–1K) not over 13 gal. cap.	
Paper-faced expanded polystyrene board boxes (DOT–12R) with not more than six 5-pint glass bottles.	
For sulfuric acid of concentration not to exceed 95%:	
Wooden boxes:	
(DOT–16A) WIC (DOT–2U) not over 15 gal. cap.	
(DOT–16D) WIC (DOT 2T, 2TL, 2S, 2SL) not over 15 gal. cap.	
Fiberboard boxes (DOT–12P) WIC (DOT–2U polyethylene), not over 5 gal. cap.	
Fiberboard boxes (DOT–12)B WIC polyethylene not over 1 gal. cap. ea.	
Fiber drums (DOT–21P) WIC DOT–2T or 2U, not over 15 gal. cap.	
Paper-faced expanded polystyrene board boxes (DOT–12R) WIC (2E) not over one gal. cap. ea.	
Metal crate with inside polyethylene carboy (DOT–11H), not over 15 gal. cap.	
Plywood or wooden box or drum (DOT–15P, 22C) WIC (2T, 2TL) not over 15 gal. cap.	
Polyethylene container (DOT 34) not over 30 gal. cap.	
Cylindrical steel overpacks: (DOT–6D), 37M (NRC)), WIC DOT–2S or 2SL, not over 55 gal. cap.	
(DOT–6D, 37M (NRC)), WIC DOT–2T, not over 15 gal. cap.	
NOTE: Overpack of 55 gal. cap. must be constructed of at least 16 gage steel throughout when used for sulfuric acid of 93% or greater concentration.	
For sulfuric acid of concentrations 77.5% or greater with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 93.2 percent sulfuric acid.	
Steel barrels or drums:	
(DOT–5A) not over 55 gal. cap.	
(DOT–5C) stainless steel. Types 304, 316 or 347, authorized only for sulfuric acid of 93% or greater strength.	
(DOT–17F) STC, not over 55 gal. cap. authorized only for sulfuric acid concentration up to 98%.	
For sulfuric acid of concentrations 65.25% or greater provided the corrosive effect on steel measured at 100° is not greater than that of 65.25% sulfuric acid.	
Portable tanks (DOT–60) not over 20,000 lb. gr. wt.	
Tank cars complying with DOT regulations (trainships only).	
Motor vehicle tank trucks complying with DOT regulations (trailerships and trainships only).	
For sulfuric acid concentrations not to exceed 51%.	
Metal drums, rubber-lined (DOT–51D) not over 110 gal. cap.	
Portable tank, rubber-lined (DOT–60) not over 20,000 lb. gr. wt.	
Tank cars complying with DOT regulations (trainships only).	
Motor vehicle tank trucks complying with DOT regulations (trailerships and trainships only).	

2. The fifth, sixth, and seventh columns will be revised to read as follows:

Required conditions for transportation		
Passenger vessel	Ferry vessel, passenger, or vehicle	R.R. car ferry, passenger, or vehicle
Stowage: "On deck protected."	Entry is to be identical with that for cargo vessels, except that the stowage will be "Ferry Stowage AA" and tank cars will not be authorized.	Entry is to be identical with that for cargo vessels, except that the stowage will be "Ferry Stowage BB" and motor vehicle tank trucks will not be authorized.
Outside containers:		
For sulfuric acid of any concentration.		
Wooden boxes (DOT–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.		
Carboys, boxed, glass, earthenware, clay or stone (DOT–1X) STC, for export only, not over 6 gal. cap.		
Fiberboard boxes (DOT–12A) WIC, not over 5 pint cap.		
Polystyrene cases (DOT–33A), (NRC) WIC not over 5 gal. cap. ea.		
For sulfuric acid of concentrations not to exceed 100.5%:		
Carboys, boxed (DOT–1A) not over 13 gal. cap.		
Carboys in kegs (DOT–1C) not over 13 gal. cap.		
Carboys, boxed, glass (DOT–1D) not over 6½ gal. cap.		
Carboys in plywood drums, glass, (DOT–1E) not over 6½ gal. cap.		
Carboys, boxed (DOT–1K) not over 13 gal. cap.		
Paper-faced expanded polystyrene board boxes (DOT–12R) with not more than six 5 pint glass bottles.		
For sulfuric acid of concentrations 77.5% or greater with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 93.2% sulfuric acid.		
Steel barrels or drums:		
(DOT–5A) not over 55 gal. cap.		
(DOT–5C) stainless steel. Types 304, 316, or 347, authorized only for sulfuric acid of 93% or greater strength.		
For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baume)):		
Metal drums, rubber-lined (DOT–51D) not over 110 gal. cap.		

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: March 12, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-3790 Filed 3-18-71; 8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-36]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Huron, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Huron, S. Dak., a new instrument approach procedure has been developed for the W. W. Howes Municipal Airport. Accordingly, it is necessary to alter the Huron transition area to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

HURON, S. DAK.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the W. W. Howes Municipal Airport (latitude 44°23'03" N., longitude 98°13'39" W.); within 4½ miles northeast and 11 miles southwest of the Huron VORTAC 314° and 134° radials, extending from 5 miles southeast to 18½ miles northwest of the VORTAC; and within 5 miles each side of the Huron ILS localizer southeast course, extending from the 6½-mile radius area to 19½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Huron VORTAC extending from a line 5 miles west of and parallel to the 343° radial clockwise to a line 5 miles north of and parallel to the 269° radial; and within 4½ miles southwest and 9½ miles northeast of the Huron localizer southeast course extending from 6 miles southeast of the OM to 29 miles southeast of the OM.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 26, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3821 Filed 3-18-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-27]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Louisville, Ky. (Bowman Field and Standiford Field) and the Fort Knox, Ky., control zones and the Louisville, Ky., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The following control zones described in § 71.171 (36 F.R. 2055) would be redesignated as:

LOUISVILLE, KY. (BOWMAN FIELD)

Within a 5-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within 3 miles each side of Bowman VOR 064° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 1.5 miles each side of Louisville VOR 331° radial, extending from the 5-mile radius zone to the VOR; excluding the portion within Standiford Field control zone west of a line 1.5 miles east of and parallel to the ILS localizer north course and the portion south of a line 2 miles north of and parallel to Louisville VOR 301° radial.

LOUISVILLE, KY. (STANDIFORD FIELD)

Within a 5-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone ot the LOM; within 1.5 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Nabb VOR 206° radial; within 2 miles each side of Louisville VOR 301° radial, extending from the 5-mile radius zone to 1 mile northwest of the VOR; excluding the portion within Bowman Field control zone.

FOAT KNOX, KY.

Within a 5-mile radius of Godman AAF (lat. 37°54'27" N., long. 85°58'21" W.); within 3 miles each side of the 354° bearing from Fort Knox RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN; within 3 miles each side of Fort Knox VOR 001°, 052°, 172° and 324° radials, extending from the 5-mile radius zone to 8.5 miles north, northeast, south, and northwest of the VOR.

The Louisville 700-foot transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 3 miles each side of the ILS localizer north course, extending from the 11-mile radius area to 8.5 miles north of Louisville VOR 328° radial; within 3 miles each side of the ILS localizer east course, extending from the 11-mile radius area to 8.5 miles east of the LOM; within 9.5 miles west and 4.5 miles east of the ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the OM; within 3 miles each side of the ILS localizer west course, extending from the 11-mile radius area to 8.5 miles west of Nabb VOR 206° radial; within a 10-mile radius of Bowman Field (lat. 38°13'40" N, long. 85°39'47" W.); within an 8.5 mile radius of Godman AAF, Fort Knox (lat. 37°54'27" N., long. 85°58'21" W.).

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Louisville and Fort Knox terminal areas in conformance with the application of Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 9, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-3822 Filed 2-18-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-6]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Walla Walla, Wash., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

Two new instrument approach procedures are proposed for Walla Walla City-County Airport, Walla Walla, Wash. (VOR A, NDB RWY 20). In addition, an amendment to the VOR RWY 16 is proposed.

The VOR A and VOR RWY 16 will utilize the Walla Walla VOR 036° T (016° M) and 354° T (334° M) radials respectively as final approach radials. The NDB RWY 20 approach procedure will utilize a 012° T (353° M) bearing from the Spring NDB as final approach course. The control zone extension based upon the 215° T (195° M) radial is required for the current VOR RWY 2 approach procedure.

The airspace requirements for Walla Walla City-County Airport were developed in accordance with the criteria contained in the United States Standard for Terminal Instrument Procedures (TERPs). As a result, the proposed 700-foot transition area is required for aircraft executing the procedure turn for the VOR RWY 2 approach at 1,000 feet above the surface. The proposed control zone will provide controlled airspace protection for aircraft operating below 1,000 feet above the surface while executing the prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (36 F.R. 2055) the description of the Walla Walla, Wash., control zone is amended to read as follows:

WALLA WALLA, WASH.

Within a 5-mile radius of Walla Walla City-County Airport (latitude 46°05'35" N., longitude 118°17'20" W.), within 3 miles each side of the Walla Walla VOR 215° radial, extending from the 5-mile-radius zone to 8 miles southwest of the VOR and that airspace within an arc of a 14-mile-radius circle centered on the Walla Walla VOR extending clockwise from a line 4 miles west to a line 4 miles southeast of and parallel to the Walla Walla VOR 354° and 036° radials.

In § 71.181 (36 F.R. 2140) the description of the Walla Walla, Wash., transition area is amended as follows:

Delete all before " * * * that airspace extending upward from 1,200 feet * * *" and substitute therefor "that airspace extending upward from 700 feet above the surface within 5 miles southeast and 9.5 miles northwest of the Walla Walla VOR 215° radial, extending from the VOR to 18.5 miles southwest of the VOR * * *"

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on March 10, 1971.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.71-3823 Filed 3-18-71;8:47 am]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-81; Notice No. 71-8]

TRANSPORTATION OF HAZARDOUS MATERIALS

Sulfuric Acid

The Hazardous Materials Regulations Board is considering amending § 173.272 to delete subparagraphs (c) (2), (3), (5), and (f)(1), and paragraphs (j), (k), and (l). Also, the Board is considering authorizing DOT-33A packaging for any strength sulfuric acid and limiting use of the DOT-17F drum to sulfuric acid not exceeding 98 percent concentration. Certain additional tank cars would be authorized and DOT-12R packaging would be permitted for concentrations of sulfuric acid up to 100.5 percent, with DOT-2E bottles being added as authorized inner packaging. Otherwise, paragraphs (c), (d), (e), (f), (g), (h), and (i) would be changed only editorially.

The Manufacturing Chemists Association has petitioned the Board to delete subparagraphs (c) (2), (3), (5), (f)(1), and the reference to earthenware in (c)(1) in § 173.272, representing the packagings as obsolete; to extend DOT-33A packaging to any strength sulfuric acid for which the Board has accumulated satisfactory experience under special permits; to limit DOT-17F drum use to sulfuric acid not exceeding 98 percent, representing the present authorized concentrations as being too broad; to extend DOT-12R packaging to acid concentrations of 100.5 percent, representing this packaging as being equivalent or superior to DOT-15A packaging presently authorized; to delete present paragraphs (j) and (k), representing these requirements as unnecessary and obsolete; and to delete paragraph (l), representing it as unnecessary. The petition also requested a change to provide for the use of DOT-37P packaging for concentrations of sulfuric acid up to 95 percent.

Another petitioner has requested change to this section to provide for use of certain lined tank cars in 51 percent to 65 percent sulfuric acid service, on the basis of several years satisfactory special permit experience.

A petitioner has requested addition of DOT-2E inner packaging for use with the DOT-12R paper-faced expanded polystyrene board box, on the basis of improvement on inside packaging over the glass bottles now authorized.

The Board believes that while the petitions filed have merit, it does not agree that the addition of DOT-37P packaging to the section would be appropriate at this time. Currently, in connection with another project, the Board is reviewing this specification and upon reaching its conclusion will propose any changes it considers needed or for which a petition has been received.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before May 11, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

In consideration of the foregoing, the Board proposes to amend 49 CFR Part 173 as follows:

In § 173.272, paragraphs (c), (d), (e), (f), (g), (h), and (i) would be amended; paragraphs (j), (k), and (l) would be canceled as follows:

§ 173.272 Sulfuric acid.

* * * * *

(c) *Sulfuric acid concentration of 51 percent or less.* Authorized packaging is described in subparagraphs (1) through (18) and (23) through (26) of paragraph (i) of this section.

(d) *Sulfuric acid concentration of greater than 51 percent to not over 65 percent.* Authorized packaging is described in subparagraphs (1) through

(16) and (27) of paragraph (i) of this section.

(e) *Sulfuric acid concentration of greater than 65 percent to not over 77.5 percent.* Authorized packaging is described in subparagraphs (1) through (16) and (20) through (22) of paragraph (i) of this section.

(f) *Sulfuric -acid concentration of greater than 77.5 percent to not over 95 percent.* Authorized packaging is described in paragraphs (i) (1) through (22) of this section.

(g) *Sulfuric acid concentration of greater than 95 percent to not over 100.5 percent.* Authorized packaging is described in subparagraphs (1) through (4), (17), and (19) through (22) of paragraph (i) of this section.

(h) *Sulfuric acid concentration of over 100.5 percent.* Authorized packaging is described in subparagraphs (1) through (4), (17), and (19) through (22) of this section.

(i) Authorized packagings are described as follows:

(1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this chapter). Wooden boxes with glass inside containers, not over 1 gallon capacity each, except that glass inside containers up to 3 gallons capacity may be used if only one such container is packed in each outside wooden box.

(2) Specification 12A (§ 178.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 178.210–10. of this chapter.

(3) Specification 33A (§ 178.150 of this chapter). Polystyrene cases (nonreusable container) with inside glass bottles not over 5 pints capacity each. Not more than four 5-pint bottles may be packed in one outside container.

(4) Specification 1X (§ 178.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(5) Specifications 1H, 15P, or 22C (§§ 178.13, 178.182, 178.198). Metal crate with inside polyethylene carboy; or glued plywood or wooden box, or plywood drum as prescribed by § 178.198–2(a) of this chapter with inside specification 2T or 2TL (§ 178.21, 178.27 of this chapter) polyethylene container.

(6) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S, 2SL or 2T (§§ 178.35, 178.35a, 178.21 of this chapter) polyethylene container. Overpack of 55-gallon capacity must be constructed of at least 16-gage steel throughout when used for sulfuric acid of 93 percent or greater concentration.

(7) Specification 16D (§ 178.187 of this chapter). Wirebound wooden overwrap, with inside specification 2T, 2TL, 2S, or 2SL (§§ 178.21, 178.27, 178.35, 178.35a of this chapter), polyethylene container.

(8) Specification 21P (§ 178.225 of this chapter). Fiber drum overpack with inside spec. 2T or 2U (§§ 178.21, 178.24 of this chapter) polyethylene container not over 15-gallon capacity each.

(9) Specification 34 (§ 178.19 of this chapter). Polyethylene container without overpack, not over 30-gallon capacity.

(10) Specification 16A (§ 178.185 of this chapter). Wirebound wooden box (see § 178.185–22 of this chapter) with inside specification 2U (§ 178.24 of this chapter) polyethylene container. The polyethylene container must be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

(11) Specification 12P (§ 178.211 of this chapter). Fiberboard boxes with inside specification 2U (§ 178.24 of this chapter) polyethylene containers not over 5-gallon capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

(12) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with inside polyethylene containers or other containers of plastic compatible with the chemical, not over 1-gallon capacity each. Inside containers must be cushioned to prevent movement in the outside box. Not more than four 1-gallon inside containers may be packed in one outside container. Authorized gross weight not over 75 pounds.

(13) Specification 12R (§ 178.212 of this chapter). Paper-faced expanded polystyrene board boxes with inside specification 2E (§ 178.24a of this chapter) polyethylene bottles not over 1-gallon capacity each. Not more than four 1-gallon polyethylene bottles may be packed in one outside packaging.

(14) Specification 12R (§ 178.212 of this chapter). Paper-faced expanded polystyrene board boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint bottles may be packed in one outside shipping container.

(15) Specification 1A, 1C, or 1K (§§ 178.1, 178.3, 178.14 of this chapter), Carboys in boxes or kegs.

(16) Specification 1D or 1E (§ 178.4, 178.7 of this chapter). Glass carboys in boxes or plywood drums, of not over 6.5 gallons nominal capacity.

(17) Specification 5A (§ 178.81 of this chapter). Metal barrels or drums. Authorized for sulfuric acid of 77.5 percent or greater concentrations, with or without an inhibitor, provided such acid has a corrosive effect on steel no greater than 93.2 percent sulfuric acid, measured at 100° F.

NOTE 1: Tapered steel plugs, without gaskets, for standard specification 5A flanges are authorized. Threaded length must not be less than 1.5 inches. Major diameter of plug must not be over $2\frac{11}{32}$ inches, and minor diameter not less than $2\frac{3}{32}$ inches.

(18) Specification 17F (§ 178.117 of this chapter). Metal barrels or drums (single-trip only). Drums equipped with vented closures of an experimental type approved by the Bureau of Explosives are also authorized for export shipments. Authorized for sulfuric acid of 77.5 percent to 98 percent concentrations with or without an inhibitor, provided such acid has a corrosive effect on steel no greater than 93.2 percent sulfuric acid, measured at 100° F.

(19) Specification 5C (§ 178.83 of this chapter). Metal barrels or drums of Type 304, 316, or 347 stainless steel or other types of stainless steel of at least equivalent corrosion resistance and physical properties. Authorized for sulfuric acid of 93 percent or greater concentrations.

(20) Specification 60 (§ 178.255 of this chapter). Portable tank. Authorized for sulfuric acid of 65.25 percent or greater concentrations, provided the corrosive effect in steel is not greater than that of 65.25 percent sulfuric acid, measured at 100° F.

(21) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this chapter). Tank motor vehicles. Authorized for sulfuric acid of concentrations 65.25 percent of greater concentrations, provided the corrosive effect in steel is not greater than that of 65.25 percent sulfuric acid, measured at 100° F.

(22) Specification 103A,[1] 103AW, 111A100F2, or 111A100W2 (§§ 179.200, 179.201 of this chapter). Tank cars. Authorized for sulfuric acid of concentrations 65.25 percent or greater concentrations, provided the corrosive effect in steel is not greater than that of 65.25 percent sulfuric acid, measured at 100° F. Tank cars used for sulfuric acid, mixed acid (nitric and sulfuric acids) (nitrating acid), and other fuming acids, may be equipped with safety vents incorporating lead discs having a $\frac{1}{8}$-inch breather hole in their center. The $\frac{1}{8}$-inch breather hole is not permitted in lead discs of safety vents on oleum tank cars.

(23) Specification 5D (§ 178.84 of this chapter). Rubber-lined metal drums.

(24) Specification 60 (§ 178.255 of this chapter). Rubber-lined portable tanks.

(25) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this chapter). Rubber-lined tank motor vehicles.

(26) Specification 103B,[1] 103BW, or 111A100W5 (§ 179.200, 179.201 of this chapter). Tank cars.

(27) Specification 103AW, 111A100F2, or 111A100W2 (§§ 179.200, 179.201 of this chapter). Tank cars having tanks equipped with a phenolic lining impervious to the lading.

(j) [Canceled]

(k) [Canceled]

(l) [Canceled]

[1] Use of existing tank cars authorized, but new construction not authorized.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–2430 and 1472(h)).

Issued in Washington, D.C., on March 12, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, By direction of Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, For the Federal Aviation Administration.

[FR Doc.71-3789 Filed 3-18-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19172; FCC 71-261]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS, BRUNSWICK, MD.

Notice of Proposed Rule Making and Order To Show Cause

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations; (Brunswick, Md.), RM–1450.

1. Notice of proposed rule making is given in the above-captioned preceding. The Commission will also issue an order directed to Regional Broadcasting Co., licensee of Station WHAG-FM, Halfway, Md., to show cause why it should not be required to change its operation from Channel 244A to 240A, if it is concluded that Channel 244A should be added in the Table at Brunswick, Md.

2. By petition filed April 30, 1969, Elektra Broadcasting Co., licensee of Station WTRI(AM), Brunswick, Md. (daytime only), requested that the Commission institute rule making proceedings looking toward amendment of § 73.202 of Commission's rules that would result in a revision of the FM Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Williamsport, Md.	240A	----
Halfway, Md.	244A	240A
Brunswick, Md.	----	244A

Elektra also requests that the Commission issue an order to show cause directed against the licensee of WHAG–FM to require it to show why it should not be required to shift channels as proposed above. Elektra contends that the proposed changes would be consonant with the objectives of section 307(b) of the Communications Act of 1934, as amended, and that it will furnish reasonable reimbursement to Regional for any change-over costs necessary to convert operations from Channel 244A to Channel 240A.

3. Regional vigorously opposed the petition, which would require WHAG–FM to change channel. The pleadings subsequent to the petition were very voluminous and much greater in number than is permitted by the Commission's rules in a rule making proceeding. All pleadings subsequent to those permitted by the rules were accompanied by petitions for leave to file the extra pleadings. Because of certain channel assignments made subsequent to the original filings, we will consider the late-filed pleadings on their merits.

4. In support of its pleading, Elektra states that Brunswick, Md., is an incorporated city with a Mayor-Council form of government, having a 1960 population of 3,555 (advance Reports of 1970 Census figures indicate 3,566). Brunswick is situated on the banks of the Potomac and has substantial maintenance operations on the main line of the Baltimore and Ohio Railroad. The railroad industry is the predominant one in the area, but another company, a manufacturer of ladies sportswear has located in Brunswick, and an aluminum company is building a plant which will employ over 1,000 people. The City also submitted, through a letter from the Mayor, that over $1 million has been or will be spent for community facilities (water treatment and sewage) to accommodate a population of up to 20,000 people. In addition, 3,500 homes are being built within 5 air miles from Brunswick, along with a new shopping center, and a builder plans to develop 150–200 homes within its city limits. The city has its own volunteer fire department and police force, one elementary and one modern high school, and churches of nine denominations. Petitioner also asserts that the area around Brunswick abounds with outdoor recreational activity, as evidenced by the C. & O. Canal, nearby fishing, skating, and skiing facilities, etc.

5. Petitioner claims that the proposed channel would provide a first nighttime aural service to Brunswick; but we note that at least part of the city will be within the 1 mv/m contour of a station newly authorized (February 1971) at Braddock Heights, Md. (near Frederick), some 14 miles away. The argument is also put in terms of comparative broadcast outlets in Frederick County, where Brunswick is located, compared to Washington County, where Williamsport and Halfway are situated (about 7 and 3 miles from Hagerstown). As to AM stations, Frederick County has a fulltime regional station at Frederick, daytime stations at Braddock Heights and Brunswick, and a fulltime local (Class IV) station at Thurmont, which operates with 100 watts power. Washington County has two Class IV stations at Hagerstown (250 watts night, 1 kw. day) and a daytime AM station at Halfway (WHAG). As to FM, Frederick County has a Class B station at Frederick and the newly authorized Class A at Braddock Heights, mentioned above; Washington County has two Class B's at Hagerstown and WHAG–FM (Class A) at Halfway, plus the Williamsport assignment which would be deleted under the present proposal. The two counties have 1970 Census populations of 84,927 (Frederick) and 103,829 (Washington).

6. The proposal would involve deletion of the only FM assignment at the community of Williamsport (1970 population 2,270), which has no local station. Petitioner asserts that this community is and will be well served from nearby Hagerstown and Halfway stations; and also submits an affidavit from the party at whose instance the assignment to Williamsport was made in 1968, to the effect that, with a channel otherwise available in this area, it is no longer interested in applying for that assignment (Regional, the licensee of WHAG–FM, claims in opposition that this statement was made after dealings with the principals of the petitioner). Petitioner states that it will apply for the channel at Brunswick if it is assigned.

7. The opposition, the reply and all subsequent pleadings will be treated together on a topical basis. The main thrusts of the Regional opposition pleadings are that (a) the change in channels for WHAG–FM, the only station providing stereophonic service to Washington and Frederick Counties, would cause a disruption in service and thereby be a disservice to the people now receiving the signal on Channel 244A; (b) that the shift would restrict site location improvement of the facilities of WHAG–FM; (c) that Elektra has not made an adequate showing as to other available frequencies; and (d) that the proposed operation on Channel 244A will be shadowed between the site and Brunswick, and that (e) WHAG–FM operation on Channel 240A will result in second harmonic interference to the received aural signal of Station WTOP–TV, Channel 9, Washington, D.C.[1] Regional also contends that Elektra has not shown any "overriding public interest consideration" which would warrant the disruption to WHAG–FM. Finally, Regional claims that the assignment of Channel 28CA to Braddock Heights, located in Frederick County, obviates the need for additional FM service in that county and area; and that

[1] Regional also made an argument concerning possible short spacing between Channel 240A if used by it at Halfway, and Channel 241 at Red Lion, Pa. (Station WGCB–FM), based on the assumption that the WGCB–FM license might not be renewed and therefore in the future the reference point would not be its present location (which meets separation) but the center of Red Lion. The license of this station has since been renewed (running until August 1, 1972), and therefore this argument—which is speculative in any event—need not be considered further.

Elektra has not shown the removal of the only assignment at Williamsport is in the public interest as balanced against a second transmission facility for Brunswick.

8. Elektra, in reply pleadings, contends that the disruption will be minimal because the changeover can be made in one night, that the difference in frequency is so close that patrons would hardly be inconvenienced, and that, because of reimbursement to WHAG–FM, no disruption will occur. As to the shadowing and second harmonic problems, both assertedly theoretical and speculative Elektra states that they can be solved relatively easily. It is stated that either channel (240A or 244A) can be used for stereophonic transmission. It is claimed that the objection concerning improvement of the WHAG–FM facilities is not sound since it is colocated with WHAG(AM) and can increase antenna height if necessary. With respect to Regional's allegation that Elektra has not analyzed all assignment possibilities, Elektra states that its study concluded that any channel assignment to Brunswick would require a shift in channels for an existing station, and the present proposal is the only one that can reasonably be made in the circumstances, and would have the least impact on the existing allocation structure. Elektra contends that, even with the Braddock Heights assignment, there is a serious and demonstrable need for additional nighttime service in Brunswick and Frederick County.

Conclusions. 9. The proposal involved here is a difficult one, involving as it does an assignment to a rather small community which already has a local daytime AM station and receives fulltime FM service from one or more stations fairly close by, and which, on the other hand, would require the shift of an existing station and the deletion of the only FM assignment from a community which does not have an AM station. We have not reached any decision as to whether or not the assignment should ultimately be made, and the issuance of this notice is not to be taken as any indication that we have. Nevertheless, the matter of providing a first fulltime local outlet for Brunswick, a fairly substantial community, appears clearly to warrant the institution of rule making so that parties may comment. We note, in this connection, the fact that under established Commission procedure Regional will be reimbursed for the reasonable costs of the shift, the small size of Williamsport and the fact that it is quite close to Halfway and Hagerstown and their stations, and the absence of any demand for the channel at Williamsport, the party who requested its assignment earlier now disavowing any interest. As far as it appears, this proposal is the only way a channel can be provided for Brunswick, at least without changes more complicated than those involved here.

10. The matter of possible second-harmonic interference to television from WHAG–FM, if operating on Channel 240A as proposed, warrants more discussion. Washington County, Md. (Hagerstown), is an area which until early 1970 was without off-air reception of local or nearby signals (it now has UHF Station WHAG–TV, Hagerstown, which presents NBC programs), and where distant signals, including those from Washington, D.C., are extensively used. Television Factbook, 1970–71 edition, shows American Research Bureau (March 1969) survey data to the effect that all four Washington, D.C. VHF stations, and Baltimore Channel 2 (WMAR–TV, CBS), have net weekly circulation in the county of 50 percent or greater (other Baltimore stations and Lancaster, Pa. Channel 8 show lesser viewing). The second harmonic of Channel 240A (191.8 MHz) falls near the aural carrier of Station WTOP–TV, Washington Channel 9, a CBS affiliate. Thus, second harmonic interference to reception of a station which is extensively used by viewers could occur, although it is not the only signal carrying the particular network which is available in the area.

11. However, this matter has been presented in a number of cases in the past, and the Commission has indicated its view that this is a matter which can be corrected, and not a consideration warranting a limitation on the making of FM assignments. See Information Bulletin FCC 65–130 (Feb. 19, 1965) and Public Notices "Policy to Govern the Change of FM Channels to Avoid Interference to Television Reception" and "FM Interference to TV Reception," FCC 66–106 and FCC 67–1012, February 3, 1966 (2 FCC 2d 462) and Sept. 1, 1967, respectively. Where we have changed FM assignments on this basis, it has unusually been in areas where FM channels are plentiful, which is not the case here.

12. While this consideration by itself would probably not warrant denial of the proposal, it is a matter of some significance which the parties should discuss in their comments in support or in opposition. We would expect the party ultimately becoming the permittee on the Brunswick assignment, if it is made, to bear whatever expense is involved in resolving such problems, either at the WHAG–FM transmitter if it operates on Channel 240A, or in the installation of traps in receivers in the area. Comments upon this matter are requested.

13. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Television Table of Assignments in § 73.606(b) of the Commission's rules to read as follows:

City	Channel No.	
	Present	Proposed
Williamsport, Md.	240A	
Halfway, Md.	244A	240A
Brunswick, Md.		244A

14. *It is ordered,* That, Regional Broadcasting Co. is ordered to show cause, pursuant to section 316 of the Communications Act of 1934, as amended, why its license for Station WHAG–FM, Halfway, Maryland, should not be modified to specify Channel 240A instead of Channel 244A, if it is concluded in this proceeding that this change would be in the public interest in order to make possible an FM assignment at Brunswick, Md.

15. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules, interested persons may file comments on or before April 30, 1971, and reply comments on or before May 10, 1971. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings. Elektra Broadcasting Co. and Regional Broadcasting Co., which have already filed extensive material in this matter, may incorporate it by reference in their comments rather than submit the same matter again; but if so they must mention specifically the pleading which contains the material being referred to.

16. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: March 10, 1971.

Released: March 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3812 Filed 3-18-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition of Small Business for Assistance by Small Business Investment Companies or by Development Companies

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of a small business concern for the purpose of receiving assistance by small business investment companies or by development companies.

Currently for the purpose of such assistance a concern is small business if, together with its affiliates, it is independtly owned and operated, is not dominant in its field of operation, does not have assets exceeding $5 million, does not have net worth in excess of $2½ million, and does not have an average net income after Federal Income Taxes for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or it qualifies as a small business for the purpose of receiving an SBA loan.

The above standard became effective October 22, 1960 (25 F.R. 10087).

It has come to the attention of the Small Business Administration that there are now concerns which, in order to become more competitive, need equity financing available under the Small Business Investment Company Program and which, although they meet the currently effective net worth and average net income limitations, have assets in excess of the currently effective $5 million limitation and therefore are not eligible as small business for the purpose of such assistance.

It has been suggested that the currently effective $5 million asset limitation is substantially out of balance with the general increase in price levels since this standard was originally enacted in 1960 and that such imbalance must be corrected if Small Business Investment Companies are to continue as a source of equity capital for the small concerns that need it.

Accordingly, the Administrator proposes to amend the definition of a small business concern for the purpose of receiving financial assistance from a Small Business Investment Company by increasing the assets limitation from $5 million to $7½ million. It is proposed to leave the net worth and average net income limitations at their present levels.

Specifically, it is proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by revising § 121.3–11 to read as follows:

§ 121.3–11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is one which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $7½ million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal Income Taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3–10.

Interested parties may file with the Small Business Administration within 30 days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence should be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, DC 20416, Attention: Size Standards Staff.

Dated: March 11, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-3839 Filed 3-18-71;8:48 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegation of Authority; Exceptions

MARCH 12, 1971.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

This delegation is issued under the authority delegated to the Commissioner by the Secretary in section 25 of Secretarial Order 2508 (10 BIAM 2.1).

Section 3 of Part 10 of the BIA Manual was published beginning at page 637 in the January 16, 1969, issue of the FEDERAL REGISTER (34 F.R. 637). In order to provide the Billings and Portland Area Directors with requested additional authority to approve loans to individuals, section 3.3F(2) is hereby amended to read as follows:

3.3 *Exceptions.* The authorities redelegated in 3.1 above do not include the following:

* * * * * *

F. *Credit.* * * *

(2) The approval of loans and modifications of loans made to corporations, tribes, bands, credit associations, and cooperatives pursuant to 25 CFR 91 where the indebtedness to the lender exceeds $100,000 and any modifications of such loans extending repayment terms regardless of amount and approval of loans made to individual Indians where the indebtedness to the lender exceeds $50,000; except that

(a) The Billings Area Director may approve loans to individual members of the Crow Tribe where the indebtedness to the lender does not exceed $70,000; and

(b) The Portland Area Director may approve loans to individual members of the Confederated Tribes of the Warm Springs Reservation where the indebtedness to the lender does not exceed $100,000.

* * * * *

JAMES E. HAWK,
Acting Commissioner.

[FR Doc.71-3835 Filed 3-18-71;8:48 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. Sub-B-38]

AMERICAN STERN TRAWLERS, INC.

Notice of Hearing Regarding Transfer of Fishery

MARCH 17, 1971.

American Stern Trawlers, Inc., has applied for permission to transfer the operations of the 296'10'' length overall fishing vessel "Seafreeze Atlantic", constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, pollock and ocean perch), whiting, herring, squid, and mackerel to the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), whiting, herring, squid, mackerel, and calico scallops.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401 et seq.) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on April 22, 1971, at 9:30 a.m., in Hearing Room B, 11th floor, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, Interior Building, Washington, D.C. 20235, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3904 Filed 3-18-71;9:07 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT CORP.

Assignment of Functions

The Community Development Corporation shall perform the functions and duties, and exercise the power and authority, of the Secretary of Housing and Urban Development with respect to the following programs:

1. Assistance for new communities under Part B of the Urban Growth and New Community Development Act of 1970 (Title VII of the Housing and Urban Development Act of 1970, Public Law 91-609, 84 Stat. 1791).

2. Loan guarantees and supplementary grant assistance for new communities under the New Communities Act of 1968 (Title IV of the Housing and Urban Development Act of 1968, Public Law 90-448, 82 Stat. 513, 42 U.S.C. 3901).

The Community Development Corporation is authorized to use the seal of the Department of Housing and Urban Development as its corporate seal. The Corporation may assign such duties and functions to its officers, employees, and agents (who shall be officers and employees of the Department of Housing and Urban Development) as are necessary in carrying out the programs assigned herein.

Supersedure. This delegation supersedes the delegation of authority to the Assistant Secretary for Metropolitan Planning and Development, published at 35 F.R. 2745, February 7, 1970, with respect to the New Communities Act of 1968 (Sec. A,5).

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); sec. 729(c) of the Housing and Urban Development Act of 1970, 84 Stat. 1804)

Effective date. This delegation of authority is effective as of March 1, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-3840 Filed 3-18-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Northern Indiana Public Service Co., 5265 Hohman Avenue, Hammond, IN 46320, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated August 24, 1970, for authorization to construct and operate a single-cycle, forced circulation, boiling water nuclear reactor at its Bailly Generating Station site, located in Westchester Township, Porter County, Ind. The proposed site is located on the south end of the shore of Lake Michigan, adjacent to the fossil-fueled Units 7 and 8 of the Bailly Generating Station, and is approximately 12 miles east-northeast of Gary, Ind.

The proposed nuclear reactor, designated by the applicant as Bailly Generating Station—Nuclear 1, is designed for initial operation at approximately 1,931 megawatts (thermal) with a net electrical output of approximately 657 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 5, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the local office of Northern Indiana Public Service Co., 141 South Calumet Street, Chesterton, IN.

Dated at Bethesda, Md., this 22d day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2624 Filed 3-4-71;8:45 am]

[Dockets Nos. 50-373, 50-374]

COMMONWEALTH EDISON CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Commonwealth Edison Co., 1 First National Plaza, Chicago, IL 60690, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 3, 1970, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Brookfield Township, La Salle County, Ill. The proposed site is located approximately 5 miles south-southwest of Seneca, Ill.

The proposed facilities are designated by the applicant as La Salle County Nuclear Power Station, Units 1 and 2. Each reactor is designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,078 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 5, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the Chairman of the Board of Supervisors, La Salle County Courthouse, Ottawa, Ill.

Dated at Bethesda, Md., this 22nd day of February, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2623 Filed 3-4-71;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Changing Date and Place for Prehearing Conference

In the matter of Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station).

The Atomic Energy Commission by Notice of Hearing issued February 24, 1971, provided for a prehearing conference in this proceeding to be convened by the Atomic Safety and Licensing Board on Tuesday, April 13, 1971, in the Vermont National Guard Armory, 207 Main Street, Brattleboro, VT.

Since the time of the issuance of that notice, many requests have been transmitted to the Commission for a change of the location in Brattleboro of this prehearing conference so that the elderly and others who desire to attend the proceeding may have better access to the place for the prehearing conference. The Commission, in order to accommodate these requests, has received permission to hold this conference in the Brattleboro Union High School Gymnasium, Fairground Road, Brattleboro, VT, but this space is not available on April 13 but will be on April 20, 1971.

Wherefore, pursuant to the Atomic Energy Act, as amended, and the Rules of Practice of the Commission: *It is ordered,* That the date and place heretofore specified are changed and the Commission Notice of Hearing is modified to the extent that the prehearing conference in this proceeding shall convene at 10 a.m. in the Brattleboro Union High School Gymnasium, Fairground Road, Brattleboro, VT, on Tuesday, April 20, 1971.

Issued: March 17, 1971, Germantown, MD.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-3895 Filed 3-18-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-231]

CATV ANNUAL FEE

Deadline for Filing Extended; Required Computation Form Available

MARCH 5, 1971.

Sections 1.1102(c)(2) and 1.1116(b) of the Commission's rules provide, in pertinent part, that CATV systems are required to pay an annual fee of 30 cents per subscriber on or before April 1 for the preceding calendar year. Many questions have arisen concerning the method of calculation of this fee during its first year of application. Accordingly, a CATV Annual Fee Computation Form (FCC Form 326-A) has been prepared to simplify calculations of the appropriate fee for each CATV system, and is now available from the Commission. In addition, the Commission has decided to extend the time for filing the CATV annual fee due for the 1970 calendar year to May 1, 1971.

Since Commission CATV records are kept on a community basis, a separate FCC Form 326-A, with payment attached, must be filed for each separate and distinct community or municipal entity (including single, discrete, unincorporated areas) served by CATV facilities, even if there is a single head end and identical ownership of facilities extending into several communities. Fees should be paid by check or money order payable to the Federal Communications Commission. (Cash or stamps should not be sent.)

Copies of FCC Form 326-A will be sent to all known CATV system owners or operators.

Action by the Commissioner March 3, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3816 Filed 3-18-71;8:46 am]

USE OF NEW 70 CHANNEL UHF DETENT TUNING DEVICE TO MEET COMPARABLE TV TUNING REQUIREMENT

Request for Comments

MARCH 15, 1971.

Sarkes Tarzian, Inc., a television tuner manufacturer, has requested the Commission to rule that television receiver manufacturers may use a UHF detent tuning device of its design (described below), with a VHF detent memory tuning system, to meet the requirements of the Commission's comparable tuning rules. See 47 CFR 15.68. Authority is requested for a period of three years.

Sarkes Tarzian describes the device as having the following features:

(a) It has 70 detent positions, one for each UHF channel.

(b) It provides for the display of the precise UHF channel selected at each position.

(c) Sarkes Tarzian states that, "The added cost is less than one-third of the present added cost of any preset memory [device] now available on the market."

(d) The device is said to be usable in all receivers, regardless of size.

(e) The maximum variation from correct frequency at any of the 70 detent positions is ± 3 MHz (1/2 channel). (This is probably comparable to VHF tuning accuracy where the VHF tuning system is not equipped with memory tuning. If the Sarkes Tarzian device were used in combination with wide band AFC or AFT (automatic fine tuning), tuning accuracy would be comparable to that of a VHF system equipped with memory tuning.)

(f) The fine tuning range is ± 5 MHz.

(g) The fine tuning ratio is 14:1 (identical to current single speed planetary UHF drives).

(h) Detent resettability is ± 200 kHz. (This term refers to maximum frequency variation when tuning from one channel to another, and back, without change in the fine tuning adjustments.)

(i) Other electrical and mechanical characteristics are as in current use.

A receiver utilizing the Sarkes Tarzian device (without AFC) and a VHF memory tuning system does not "provide approximately the same degree of tuning accuracy with approximately the same expenditure of time and effort," and therefore would not meet all requirements of the comparable tuning rules (see § 15.68(b)). With a VHF memory

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, H. Rex Lee, Wells and Houser.

tuning system, fine tuning is rarely necessary. With the Sarkes Tarzian device, unaided by AFC, the user selecting a UHF channel would receive a picture, possibly a viewable picture, but would usually have to fine tune the channel. Fine tuning would be relatively simple and, for most persons, would probably require no more than a few seconds. Use of the Sarkes Tarzian device would appear to satisfy all other requirements of the comparable tuning rules.

If the request were granted, receiver manufacturers could use the device to meet the requirements of the comparable tuning rules. If the request were denied, manufacturers could still use the device for meeting the requirements, but only if they degraded VHF tuning accuracy (by eliminating memory) or upgraded UHF tuning accuracy (by adding AFC). The degradation of VHF tuning is intrinsically undesirable. The addition of AFC would, of course, involve additional cost.

The question presented is whether the public-interest in the full development of UHF television would best be served by granting the authority requested, either wholly or in part, or by denying the request. Comment on this question is requested from interested persons (particularly tuner and receiver manufacturers and UHF broadcasters). Comment may be submitted by letter to the Commission's Chief Engineer on or before March 26, 1971. Consideration may appropriately be given to limitations on any grant of authority relating, for example, to the duration of the grant or to the size or price of receivers to which it may apply.

Copies of this notice are being mailed to persons who filed comments in the comparable tuning rule making proceeding (Docket 18433) or who have submitted written inquiries to the Television Tuning Panel.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-3817 Filed 3-18-71;8:46 am]

[Report No. 535]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 15, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

4789-C2-P-71—Southern Radio-Phone Inc. (New), C.P. for a new 2-way station to be located off Highway, U.S. 1, Sugar Loaf Key, Fla., to operate on 152.06 MHz.

4790-C2-TC-(7)71—National Communication Systems, Inc., Consent to transfer of control from Daniel W. Cochran, Lloyd A. French, and Bruce R. Geernaert, Transferors, to: Airsignal International, Inc., Transferees, Stations: KMM703, Lake Tahoe, Calif.; KMA704, Sacramento, Calif.; KMM705, Stockton, Calif.; KMM706, Modesto, Calif.; KJU806, Vallejo, Calif.; KRM981, Sacramento, Calif.; KRM982, Stockton, Calif.

4803-C2-P-71—Airsignal International Inc. (KKG561), C.P. to relocate the (1-way) base facilities operating on 35.22 MHz to 1 Shell Plaza, Houston, TX.

4804-C2-P-71—Airsignal International Inc. (KKE964), C.P. to relocate the (2-way) base facilities operating on 152.21 MHz to 1 Shell Plaza, Houston, TX.

4805-C2-MP-71—Answer Iowa, Inc. (KRS644), Modification of C.P. to relocate the (1-way) facilities operating on 158.70 MHz to 732 18th Street, Des Moines, IA.

4827-C2-P-71—Nevada Mobile Telephone Co. (New), C.P. for a new 2-way station to be located on Elko Mountain, 8 miles northeast of Elko, Nev., to operate on frequency 152.03 MHz.

4861-C2-P-71—Mobilfone of Leoti, Inc. (New), C.P. for a new 2-way station to be located at approximately 1.5 miles east of Intersection Highways 96 and 25, Leoti, Kans., to operate on frequency 152.09 MHz.

3557-C2-R-71—New England Telephone & Telegraph Co. (KA9446), Renewal of Developmental license expiring April 25, 1971. Term: April 25, 1971 to April 25, 1972.

4868-C2-TC-(2)-71, Delta Valley Radiotelephone Co., Inc., Consent to transfer of control from Leonard W. Pores, Transferor, to: Stockton Mobilphone, Inc., Transferee. Stations: KMA743, Sacramento, Calif.; KRM983, Sacramento, Calif. (1-way).

Major Amendment

6283-C2-P-68—Mobile Telephone Service of Wheeling, W. Va. (New), Change frequency to 158.70 MHz. All other particulars same as reported on public notice dated Aug. 26, 1968.

1003-C2-P-71—Florida Telephone Corp. (KIJ360), Amend to add frequency 152.66 MHz. All other particulars same as reported on public notice dated Aug. 31, 1970.

1122-C2-P-(5)-71—Pacific Northwest Bell Telephone Co. (New), Change frequency to 152.84 MHz and change location No. 2 to: 220 Tacoma Avenue South. All other particulars same as reported on public notice dated Aug. 31, 1970.

3517-C2-P-71—Southeast Nebraska Telephone Co. (New), Change frequency to 152.78 MHz. All other particulars same as reported on public notice dated Jan. 11, 1971.

7978-C2-P-70—Pacific Northwest Bell Telephone Co. (New), Change frequency to 152.84 MHz. All other particulars same as reported on public notice dated June 8, 1970.

Correction

3962-C2-AP/AL-71—Iowa City Communications Corp., Correct entry to read: Consent to assignment of license from: Iowa City Communications Corp., Assignor, to Answer Iowa, Inc., Assignee (public notice dated Feb. 8, 1971).

RURAL RADIO SERVICE

4862-C1-P-71—The Mountain Telephone & Telegraph Co. (KPQ39), C.P. to modify transmitters operating on 454.60 MHz communicating with Station KPQ40, Lucin, Utah. Station location: 3.5 miles north-northeast of Wendover, Utah.

4863-C1-P-71—The Mountain Telephone & Telegraph Co. (KPQ40), C.P. to modify transmitters operating on 459.60 MHz communicating with station KPQ39, Wendover, Utah. Station location: 3.5 miles east-northeast of Lucin, Utah.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

4807-C1-MP-71—General Telephone Co. of Wisconsin (WBP52), Modification of C.P. to replace transmitters and change emission designator. Frequencies: 11,245 and 11,485 MHz toward Rib Mountain, Wis. Station location: 521 Fourth Street, Wausau, WI.

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

4847-C1-P-71—The Pacific Telephone & Telegraph Co. (KNK46), C.P. to add frequencies 3870, 3890, and 3970 MHz toward Sherman Oaks, Calif. and 3890 and 3970 MHz toward Mount Emma, Calif., and 3890 MHz toward Los Angeles, Calif. Station location: 13 miles northeast of Sunland, Mount Gleason, Calif.

4848-C1-P-71—The Pacific Telephone & Telegraph Co. (KNM70), C.P. to add frequencies 3930 and 4010 MHz toward Hi Vista, Calif. Station location: 8.4 miles east-southeast of Mojave, Calif.

4849-C1-P-71—The Pacific Telephone & Telegraph Co. (WBO39), C.P. to add frequencies 3930 and 4010 MHz toward Mount Gleason, Calif., and 3930 and 4010 MHz toward Hi Vista, Calif. Station location: Mount Emma, 6.3 miles west-southwest of Little Rock, Calif.

4850-C1-P-71—Pacific Northwest Bell Telephone Co. (KOQ86), C.P. to add frequency 2114.6 MHz toward Livingston Mountain, Wash., on azimuth of 268°48'. Station location: 5 miles north of Skamania, Wash.

4851-C1-P-71—Pacific Northwest Bell Telephone Co. (KOU55), C.P. to add frequency 2104.6 MHz toward Skamania, Wash. Station location: Livingston Mountain, 6.3 miles northeast of Camas, Wash.

4684-C1-P-71—American Telephone & Telegraph Co. (KQH33), C.P. to change coordinates to 38°21'02" N., and 81°37'56" W. Station location: 816 Lee Street, Charleston, WV.

4852-C1-P-71—United Video, Inc. (New), C.P. for a new fixed station, 2.3 miles southeast of Labadie, Mo., at latitude 38°31'00" N., longitude 90°48'02" W. Frequencies 6019.3 and 6137.9 MHz on azimuth of 89°29'; 6271.4 and 6390.0 MHz on azimuth of 242°00'.

4853-C1-P-71—United Video, Inc. (New), C.P. for a new fixed station, 1,500 feet north-northeast of Neier, Mo., at latitude 38°23'38.6" N., longitude 91°06'24" W. Frequencies 5960.0 and 6078.6 MHz on azimuth of 61°49'; 6019.3 and 6049.0 MHz on azimuth of 257°53'.

4854-C1-P-71—United Video, Inc. (New), C.P. for a new fixed station, 1.28 miles east-northeast of Belle, Mo., at latitude 38°17'33" N., longitude 91°41'54" W. Frequencies 6301.0 and 6390.3 MHz on azimuth of 77°31'; 6271.4 and 6330.7 MHz on azimuth of 191°44'.

4855-C1-P-71—United Video, Inc. (New), C.P. for a new fixed station, 1 mile northwest of Rola City Center, Mo., at latitude 37°57'55.5" N., longitude 91°47'02.9" W. Frequencies 6049.0 and 6108.3 MHz on azimuth of 11°41'; 5960.0 and 6019.3 MHz on azimuth 247°19'.

4856-C1-P-71—United Video, Inc. (New), C.P. for a new fixed station 0.23 mile east of Waynesville City Center, Mo., at latitude 37°49'42" N., longitude 92°11'44" W. Frequencies 6241.7 and 6390.3 MHz on azimuth of 67°4'; 6271.4 and 6330.7 MHz on azimuth of 254°10'.

4857-C1-P-71—United Video, Inc. (New), C.P. for a new fixed station, 3.27 miles northwest of Lebanon Courthouse, MO, at latitude, 37°42'39" N. longitude 92°42'43" W. Frequencies 6049.0 and 6108.3 MHz on azimuth of 73°51'; 5998.7 and 6078.6 MHz on azimuth of 200°44'.

4858-C1-P-71—United Video, Inc. (New), C.P. for a new fixed station, 1.14 miles southeast of Marshfield, MO, at latitude 37°19'32" N., longitude 92°53'40" W. Frequencies 6241.7 and 6301.0 MHz on azimuth of 20°37'; 6271.4 and 6301.0 MHz on azimuth of 243°36'.

4859-C1-P-71—United Video, Inc. (New), C.P. for a new fixed station, 6.4 miles southwest of Springfield City Center, MO, at latitude 37°08.57.8" N. longitude 93°20'08.5" W. Frequencies 6049.0 and 5960.0 MHz on azimuth of 243°36'; 6019.3 and 6078.6 MHz on azimuth of 275°43'.

4860-C1-P-71—United Video, Inc. (New), C.P. for a new fixed station, 1.28 miles west-northwest of Phelps, MO, at latitude 37°11'43" N. longitude 93°55'39" W. Frequencies 6241.7 and 6390.3 MHz on azimuth of 95°21'; 6301.0 and 6390.0 MHz on azimuth of 257°20'.

(Supplementing the carrier's previous filings for a data transmission network.)

The following Renewal Applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971 to Feb. 1, 1976.

Puerto Rico Communications Authority

WWM22—Cerro Las Pinas, Caguas, P.R.
WWM23—Cayey, P.R.
WWR68—San Juan, P.R.
WWR69—Ponce, P.R.
WWR70—Cerro de Punta, Jayuya, P.R.
WWS27—Mayaguez, P.R.
WWS28—Maricao, P.R.
WWT51—Munoz Rivera No. 28, Caguas, P.R.
WWT52—El Yunque, Luquillo, P.R.
WWT53—11 Benitez Castano St. Vieques, P.R.
WWY89—Pedro Marques, Culebra, P.R.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

4808-C1-P/ML-71—General Telephone Co. of Pennsylvania (KGP46), C.P. and modification of license to replace transmitter from Motorola, to Microwave Associates. Frequency: 5975.0 MHz toward (WQLN-TV studio). Station location: 1001 State Street, Erie, PA.

4828-C1-P-71—The Pacific Telephone & Telegraph Co. (KMA38), C.P. to add frequency 3750 MHz toward Santiago Peak, Calif. Station location: 434 South Grand Avenue, Los Angeles, CA.

4829-C1-P-71—The Pacific Telephone & Telegraph Co. (KMF44), C.P. to replace transmitter to operate on frequency 3890 MHz toward Los Angeles, Calif. Station location: Santiago Peak, Calif.

4830-C1-P-71—Southern Bell Telephone & Telegraph Co. (KIP48), C.P. to add frequency 3910 MHz toward Graves, Ga. Station location: 304 Pine Avenue, Albany, GA.

4831-C1-P-71—Southern Bell Telephone & Telegraph Co. (KRW79), C.P. to add frequency 3870 MHz toward Lumpkin, Ga., and 4110 MHz toward Albany, Ga. Station location: Approximately 3 miles southeast of Graves, Ga.

4832-C1-P-71—Southern Bell Telephone & Telegraph Co. (KIO42), C.P. to add frequency 3910 MHz toward Fort Mitchell, Ala., and 4150 MHz toward Graves, Ga. Station location: Approximately 3.5 miles southwest of Lumpkin, Ga.

4833-C1-P-71—Southern Bell Telephone & Telegraph Co. (KIO59), C.P. to add frequency 4150 MHz toward Fort Mitchell, Ala. Station location: 405 13th Street, Columbus, GA.

4834-C1-P-71—The Pacific Telephone & Telegraph Co. (KMJ95), C.P. to add frequencies 3730, 3810, 3890, and 3970 MHz toward Berryessa Peak, Calif., a new point of communication. Station location: 1407 J Street, Sacramento, CA.

4835-C1-P-71—The Pacific Telephone & Telegraph Co. (KMA39), C.P. to add frequencies 4010, 4090, and 4170 MHz toward Mount Vaca, Calif., and 4198 and 4090 MHz toward San Francisco, Calif., and 11,405 MHz toward Walpert Ridge, Calif. Station location: Mount Diablo, 3.6 miles northeast of Diablo, Calif.

4836-C1-P-71—The Pacific Telephone & Telegraph Co. (KMN91), C.P. to add frequency 11,565 MHz toward Walpert Ridge, Calif. Station location: 95 Almaden Avenue, San Jose, CA.

4837-C1-P-71—The Pacific Telephone & Telegraph Co. (KNB53), C.P. to add frequency 4050 MHz toward Mount Diablo, Calif. Station location: 99 Moultries Street, San Francisco, CA.

4838-C1-P-71—The Pacific Telephone & Telegraph Co. (KTG20), C.P. to add frequency 10,795 MHz toward Mount Diablo, Calif., and 10,835 MHz toward San Jose, Calif. Station location: Walpert Ridge, 3.7 miles east-southeast of Hayward, Calif.

4839-C1-P-71—The Pacific Telephone & Telegraph Co. (KYS41), C.P. to add frequencies 3970, 4050, and 4130 MHz toward Berryessa Peak, Calif., and 3970, 4050, and 4130 MHz toward Mount Diablo, Calif. Station location: Mount Vaca, 6 miles northwest of Vacaville, Calif.

4840-C1-P-71—The Pacific Telephone & Telegraph Co. (KYS42), C.P. to add frequencies 4010, 4090, and 4170 MHz toward Mount Vaca, Calif., and change 4198 MHz to vertical polarization, and add 3770, 3850, 3930, and 4010 MHz toward Sacramento, Calif.

4841-C1-P-71—Florida Telephone Corp. (KIO44), C.P. to change frequencies toward Mount Verde, Fla. to 11,365 and 11,605 MHz. Station location: 33 North Main Street, Winter Garden, Fl.

4842-C1-P-71—Florida Telephone Corp. (KIV81), C.P. to change frequencies toward Winter Garden, Fla. to 10,835 and 11,075 MHz. Station location: Railroad Avenue, Mount Verde, CA.

4843-C1-P/ML-71—Pacific Northwest Bell Telephone Co. (KOJ91), C.P. and modification of license to add frequency 6189.8 MHz toward (KAPP-TV near Yakima, Wash.), a new point of communication. Station location: 208 West Yakima Avenue, Yakima, WA.

4844-C1-P-71—The Pacific Telephone & Telegraph Co. (KMQ80), C.P. to add frequencies 3910, 3930, and 4010 MHz toward Mount Gleason, Calif. Station location: 14800 Ventura Boulevard, Sherman Oaks, CA.

4845-C1-P-71—The Pacific Telephone & Telegraph Co. (KMA38), C.P. to add frequency 3930 MHz toward Mount Gleason, Calif. Station location: 434 South Grand Avenue, Los Angeles, CA.

4846-C1-P-71—The Pacific Telephone & Telegraph Co. (KMW58), C.P. to add frequencies 3890 and 3970 MHz toward Mount Emma, Calif., and 3890 and 3970 MHz toward Mojave, Calif. Station location: 2 miles northwest of Hi Vista, Calif.

Major Amendments

6401–C1–P–70—Southern Pacific Communications Co. (New), East St. Louis: Application is amended to change frequencies toward Waterloo to 6286.2 MHz.

6402–C1–P–70—Southern Pacific Communications Co. (New), Waterloo: Application is amended to change frequencies toward Modoc to 6004.5 MHz, and toward East St. Louis to 6034.2 MHz.

6403–C1–P–70—Southern Pacific Communications Co. (New), Modoc: Application is amended to change frequencies toward Cora to 6315.9 MHz, and toward Waterloo to 6375.2 MHz.

6404–C1–P–70—Southern Pacific Communications Co. (New), Cora: Application is amended to change frequencies toward Oak Ridge to 6004.5 MHz, and toward Modoc to 6063.8 MHz.

6405–C1–P–70—Southern Pacific Communications Co. (New), Oak Ridge: Application is amended to change frequencies toward Chaffee to 6286.2 MHz, and toward Cora to 6256.5 MHz.

6406–C1–P–70—Southern Pacific Communications Co. (New), Chaffee, Mo.: Application is amended to change frequencies toward Dexter to 5974.8 MHz, and toward Oak Ridge to 6034.2 MHz.

6407–C1–P–70—Southern Pacific Communications Co. (New), Dexter, Mo.: Application is amended to change frequencies toward Piggott to 6256.5 MHz, and toward Chaffee to 6286.2 MHz.

6408–C1–P–70—Southern Pacific Communications Co. (New), Piggott, Ark.: Application is amended to change frequencies toward Paragould to 5945.2 MHz, and toward Dexter to 6004.5 MHz.

6409–C1–P–70—Southern Pacific Communications Co. (New), Paragould, Ark.: Application is amended to change frequencies toward Jonesboro to 6286.2 MHz, and toward Piggott to 6197.2 MHz. Change azimuth toward Jonesboro to 203°15'.

6410–C1–P–70—Southern Pacific Communications Co. (New), Jonesboro, Ark.: Application is amended to change frequencies toward Fisher to 6004.5 MHz, toward Jonesboro Station to 5945.2 and 6123.1 MHz, toward Tyronza to 5974.8 MHz, and toward Paragould to 6034.2 MHz. Change azimuth toward Fisher to 212°47', toward Jonesboro Station to 30°33', toward Tyronza to 137°16', and toward Paragould to 23°09'. Also, change station coordinates to 35°47'34'' N., 90°44'41'' W.

6411–C1–P–70—Southern Pacific Communications Co. (New), Jonesboro Station, Ark.: Application is amended to change frequencies toward Jonesboro to 6197.2 and 6375.2 MHz. Change azimuth toward Jonesboro to 210°34'.

6412–C1–P–70—Southern Pacific Communications Co. (New), Tyronza, Ark.: Application is amended to change frequencies toward Jonesboro to 6226.9 MHz, and toward Memphis to 6375.2 MHz. Change azimuth toward Jonesboro to 317°30'.

6413–C1–P–70—Southern Pacific Communications Co. (New), Memphis, Tenn.: Application is amended to change frequencies toward Tyronza to 6063.8 MHz.

6414–C1–P–70—Southern Pacific Communications Co. (New), Fisher, Ark.: Application is amended to change frequencies toward Hilleman to 6197.2 MHz, and toward Jonesboro to 6256.5 MHz. Change azimuth toward Jonesboro to 32°39'.

6415–C1–P–70—Southern Pacific Communications Co. (New), Hilleman, Ark.: Application is amended to change frequencies toward Keevil to 5974.8 MHz, and toward Fisher to 5945.2 MHz.

6416–C1–P–70—Southern Pacific Communications Co. (New), Keevil, Ark.: Application is amended to change frequencies toward Stuttgart to 6286.2 MHz, and toward Hilleman to 6404.8 MHz.

6417–C1–P–70—Southern Pacific Communications Co. (New), Stuttgart, Ark.: Application is amended to change frequencies toward Pine Bluff to 6004.5 MHz, and toward Keevil to 6034.2 MHz.

6418–C1–P–70—Southern Pacific Communications Co. (New), Pine Bluff, Ark.: Application is amended to change frequencies toward Rison to 6197.2 MHz, and toward Stuttgart to 6256.5 MHz.

6419–C1–P–70—Southern Pacific Communications Co. (New), Rison, Ark.: Application is amended to change frequencies toward Fordyce to 6034.2 MHz, and toward Pine Bluff to 5945.2 MHz.

6420–C1–P–70—Southern Pacific Communications Co. (New), Fordyce, Ark.: Application is amended to change frequencies toward Camden to 6226.9 MHz, and toward Rison to 6286.2 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6421–C1–P–70—Southern Pacific Communications Co. (New), Camden, Ark.: Application is amended to change frequencies toward Waldo to 5945.2 MHz, and toward Fordyce to 5974.8 MHz.

6422–C1–P–70—Southern Pacific Communications Co. (New), Waldo, Ark.: Application is amended to change frequencies toward Brightstar to 6256.5 MHz, and toward Camden to 6197.2 MHz.

6423–C1–P–70—Southern Pacific Communications Co. (New), Brightstar, Ark.: Application is amended to change frequencies toward Cussetta Mountain to 6034.2 MHz, toward Benton to 5974.8 MHz, toward Texarkana to 5945.2 and 6123.1 MHz, and toward Waldo to 6004.5 MHz.

6424–C1–P–70—Southern Pacific Communications Co. (New), Texarkana, Tex.: Application is amended to change frequencies toward Brightstar to 6197.2 and 6375.2 MHz.

6425–C1–P–70—Southern Pacific Communications Co. (New), Benton, La.: Application is amended to change frequencies toward Brightstar to 6226.9 MHz, and toward Shreveport to 6315.9 MHz. Change azimuth toward Shreveport to 179°09'.

6426–C1–P–70—Southern Pacific Communications Co. (New), Shreveport, La.: Application is amended to change frequencies toward Benton to 6063.8 MHz. Change azimuth toward Benton to 359°09'.

6427–C1–P–70—Southern Pacific Communications Co. (New), Cussetta Mountain, Tex.: Application is amended to change frequencies toward Mount Pleasant to 6226.9 MHz, and toward Brightstar to 6286.2 MHz.

6428–C1–P–70—Southern Pacific Communications Co. (New), Mount Pleasant, Tex.: Application is amended to change frequencies toward Sulphur Springs to 6004.5 MHz, toward Cussetta Mountain to 5974.8 MHz, and toward Latch to 6063.8 MHz.

6429–C1–P–70—Southern Pacific Communications Co. (New), Latch, Tex.: Application is amended to change frequencies toward Mount Pleasant to 6315.9 MHz, and toward Tyler to 6256.5 MHz.

6430–C1–P–70—Southern Pacific Communications Co. (New), Tyler, Tex.: Application is amended to change frequencies toward Latch to 6004.5 MHz.

6431–C1–P–70—Southern Pacific Communications Co. (New), Sulphur Springs, Tex.: Application is amended to change frequencies toward Commerce to 6375.2 MHz, and toward Mount Pleasant to 6256.5 MHz.

6432–C1–P–70—Southern Pacific Communications Co. (New), Commerce, Tex.: Application is amended to change frequencies toward Nevada to 6093.5 MHz, and toward Sulphur Springs to 6123.1 MHz.

6433–C1–P–70—Southern Pacific Communications Co. (New), Nevada, Tex.: Application is amended to change frequencies toward Dallas to 6226.9 MHz, and toward Commerce to 6345.5 MHz.

6434–C1–P–70—Southern Pacific Communications Co. (New), Dallas, Tex.: Application is amended to change frequencies toward Midlothian to 6123.1 MHz, and toward Nevada to 5974.8 MHz.

6435–C1–P–70—Southern Pacific Communications Co. (New), Midlothian, Tex.: Application is amended to change frequencies toward Ennis to 6286.2 MHz, toward Dallas to 6375.2 MHz, and toward Fort Worth to 6345.5 and 6404.8 MHz.

6436–C1–P–70—Southern Pacific Communications Co. (New), Fort Worth, Tex.: Application is amended to change frequencies toward Midlothian to 5974.8 and 6093.5 MHz.

6437–C1–P–70—Southern Pacific Communications Co. (New), Ennis, Tex.: Application is amended to change frequencies toward Corsicana to 6063.8 MHz, and toward Midlothian to 6034.2 MHz.

6438–C1–P–70—Southern Pacific Communications Co. (New), Corsicana, Tex.: Application is amended to change frequencies toward Mexia to 6315.9 MHz, and toward Ennis to 6256.5 MHz.

6439–C1–P–70—Southern Pacific Communications Co. (New), Mexia, Tex.: Application is amended to change frequencies toward Bremond to 5974.8 MHz, and toward Corsicana to 6063.8 MHz.

6440–C1–P–70—Southern Pacific Communications Co. (New), Bremond, Tex.: Application is amended to change frequencies toward Hearne to 6256.5 MHz, and toward Mexia to 6226.9 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6441–C1–P–70—Southern Pacific Communications Co. (New), Hearne, Tex.: Application is amended to change frequencies toward Bryan to 6063.8 MHz, and toward Bremond to 6004.5 MHz.

6442–C1–P–70—Southern Pacific Communications Co. (New), Bryan, Tex.: Application is amended to change frequencies toward Navasota to 6404.8 MHz, and toward Hearne to 6315.9 MHz.

6443–C1–P–70—Southern Pacific Communications Co. (New), Navasota, Tex.: Application is amended to change frequencies toward Hempstead to 6034.2 MHz, and toward Bryan to 6093.5 MHz.

6444–C1–P–70—Southern Pacific Communications Co. (New), Hempstead, Tex.: Application is amended to change frequencies toward Satsuma to 6345.5 MHz, and toward Navasota to 6286.2 MHz.

6445–C1–P–70—Southern Pacific Communications Co. (New), Satsuma, Tex.: Application is amended to change frequencies toward Rosenburg to 6063.8 MHz, toward Hempstead to 6093.5 MHz, and toward Houston to 6034.2, and add 6093.5 MHz toward Houston.

6446–C1–P–70—Southern Pacific Communications Co. (New), Houston, Tex.: Application is amended to change frequency toward Satsuma to 6286.2, and add frequency 6345.5 MHz toward Satsuma.

6447–C1–P–70—Southern Pacific Communications Co. (New), Rosenburg, Tex.: Application is amended to change frequencies toward Eagle Lake to 6256.5 MHz, and toward Satsuma to 6315.9 MHz.

6448–C1–P–70—Southern Pacific Communications Co. (New), Eagle Lake, Tex.: Application is amended to change frequencies toward Glidden to 6063.8 MHz, and toward Rosenburg to 6004.5 MHz.

6449–C1–P–70—Southern Pacific Communications Co. (New), Glidden, Tex.: Application is amended to change frequencies toward Flatonia to 6256.5 MHz, and toward Eagle Lake to 6315.9 MHz.

6450–C1–P–70—Southern Pacific Communications Co. (New), Flatonia, Tex.: Application is amended to change frequencies toward Luling to 6093.5 MHz, and toward Glidden to 6004.5 MHz.

6451–C1–P–70—Southern Pacific Communications Co. (New), Luling, Tex.: Application is amended to change frequencies toward Marion to 6256.5 MHz, and toward Flatonia to 6345.5 MHz.

6452–C1–P–70—Southern Pacific Communications Co. (New), Marion, Tex.: Application is amended to change frequencies toward San Antonio to 6152.8 MHz, and toward Luling to 6004.5 MHz.

6453–C1–P–70—Southern Pacific Communications Co. (New), San Antonio, Tex.: Application is amended to change frequencies toward Loma Alta to 6345.5 MHz, and toward Marion to 6404.5 MHz. Also, change station coordinates to 29°26'02'' N., 98°27'36'' W.

6454–C1–P–70—Southern Pacific Communications Co. (New), Loma Alta, Tex.: Application is amended to change frequencies toward Seco Siding to 6034.2 MHz, and toward San Antonio to 6093.5 MHz.

6455–C1–P–70—Southern Pacific Communications Co. (New), Seco Siding, Tex.: Application is amended to change frequencies toward Uvalde to 6256.5 MHz, and toward Loma Alta to 6286.2 MHz.

6456–C1–P–70—Southern Pacific Communications Co. (New), Uvalde, Tex.: Application is amended to change frequencies toward Cline to 5974.8 MHz, and toward Seco Siding to 6004.5 MHz.

6457–C1–P–70—Southern Pacific Communications Co. (New), Cline, Tex.: Application is amended to change frequencies toward Spofford to 6197.2 MHz, and toward Uvalde to 6226.9 MHz.

6458–C1–P–70—Southern Pacific Communications Co. (New), Spofford, Tex.: Application is amended to change frequencies toward Del Rio to 6004.5 MHz, and toward Cline to 5945.2 MHz.

6459–C1–P–70—Southern Pacific Communications Co. (New), Del Rio, Tex.:: Application is amended to change frequencies toward Comstock to 6226.9 MHz, and toward Spofford to 6256.5 MHz.

6460–C1–P–70—Southern Pacific Communications Co. (New), Comstock, Tex.: Application is amended to change frequencies toward Langtry to 6034.2 MHz, and toward Del Rio to 5974.8 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6461–C1–P–70—Southern Pacific Communications Co. (New), Langtry, Tex.: Application is amended to change frequencies toward Malvado to 6345.5 MHz, and toward Comstock to 6286.2 MHz. Change azimuth toward Comstock to 110°24'.

6462–C1–P–70—Southern Pacific Communications Co. (New), Malvado, Tex.: Application is amended to change frequencies toward Sanderson to 6004.5 MHz, and toward Langtry to 6093.5 MHz.

6463–C1–P–70—Southern Pacific Communications Co. (New), Sanderson, Tex.: Application is amended to change frequencies toward Longfellow to 6226.9 MHz, and toward Malvado to 6256.5 MHz.

6464–C1–P–70—Southern Pacific Communications Co. (New), Longfellow, Tex.: Application is amended to change frequencies toward Mount Ord to 6034.2 MHz and toward Sanderson to 5974.8 MHz.

6465–C1–P–70—Southern Pacific Communications Co. (New), Mount Ord, Tex.: Application is amended to change frequencies toward Aragon to 6345.5 MHz, and toward Longfellow to 6286.2 MHz.

6467–C1–P–70—Southern Pacific Communications Co. (New), Aragon, Tex.: Application is amended to change frequencies toward Valentine to 6004.5 MHz, and toward Mount Ord to 6093.5 MHz.

6468–C1–P–70—Southern Pacific Communications Co. (New), Valentine, Tex.: Application is amended to change frequencies toward Van Horn Mountain to 6197.2 MHz and toward Aragon to 6256.5 MHz.

6469–C1–P–70—Southern Pacific Communications Co. (New), Van Horn Mountain, Tex.: Application is amended to change frequencies toward Twin Peak to 6004.5 MHz, and toward Valentine to 5945.2 MHz.

6470–C1–P–70—Southern Pacific Communications Co. (New), Twin Peak, Tex.: Application is amended to change frequencies toward Comauche Peak to 6226.9 MHz, and toward Van Horn Mountain to 6256.5 MHz.

6471–C1–P–70—Southern Pacific Communications Co. (New), Comanche Peak, Tex.: Application is amended to change frequencies toward Adens Hill to 6093.5 MHz, toward Twin Peak to 5974.8 MHz, and toward El Paso to 11,055, and 11,135 MHz. Change azimuth toward Twin Peak to 122°51'. Also, transmitters toward El Paso changed to Model 76D3.

6472–C1–P–70—Southern Pacific Communications Co. (New), El Paso, Tex.: Application is amended to change frequencies toward Comanche Peak to 11,265 and 11,345 MHz. Also transmitters changed to Model 76D3.

6473–C1–P–70—Southern Pacific Communications Co. (New), Adens Hill, N. Mex.: Application is amended to change frequencies toward Deming to 6212.1 MHz, and toward Comanche Peak to 6345.5 MHz.

6474–C1–P–70—Southern Pacific Communications Co. (New), Deming, N. Mex.: Application is amended to change frequencies toward Gage to 6123.1 MHz, and toward Adens Hill to 6049.0 MHz.

6475–C1–P–70—Southern Pacific Communications Co. (New), Gage, N. Mex.: Application is amended to change frequencies toward Lookout Hill to 6301.0 MHz, and toward Deming to 6375.2 MHz.

6476–C1–P–70—Southern Pacific Communications Co. (New), Lookout Hill, N. Mex.: Application is amended to change frequencies toward Heliograph Peak to 5960.0 MHz, and toward Gage to 6049.0 MHz. change azimuth toward Heliograph to 290°09'.

6477–C1–P–70—Southern Pacific Communications Co. (New), Heliograph Peak, Ariz.: Application is amended to change frequencies toward Mount Lemmon to 6256.5 MHz, and toward Lookout Hill to 6419.6 MHz.

6478–C1–P–70—Southern Pacific Communications Co. (New), Mount Lemmon, Ariz.: Application is amended to change frequencies toward Pinal Peak to 6093.5 MHz, toward Heliograph Peak to 6152.8 MHz, and toward Tucson to 11,385 and 11,625 MHz. Also, transmitters toward Tucson changed to Model 76D3.

6479–C1–P–70—Southern Pacific Communications Co. (New), Tucson, Ariz.: Application is amended to change frequencies toward Mount Lemmon to 10,775 and 11,015 MHz. Also transmitters changed to Model 76D3.

6480–C1–P–70—Southern Pacific Communications Co. (New), Pinal Peak, Ariz.: Application is amended to change frequencies toward Phoenix to 6197.2 MHz, and toward Mount Lemmon to 6256.5 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

(INFORMATIVE: Applicant proposes to provide the television signals of Stations WDCA-TV of Washington, D.C., and WMPB of Baltimore, Md., to Keyser Television Co., Inc., in Keyser, W. Va.)

4901-C1-MP-71—Frank K. Spain, doing business as Microwave Service Co. (KUV91), Modification of C.P. to change frequency 6375.2 MHz to 6409.0 MHz on azimuth 114°30'. Location: West Point, 0.5 miles northwest of West Point, Miss., at latitude 33°36'44.5" N., longitude 88°39'42.6" W.

700-C1-P-71—American Microwave & Communications, Inc. (New), Application amended to change frequency from 6204.7 MHz to 6182.4 MHz toward Clarkston, Mich. on azimuth of 322°30'. Station location: Pontiac, Mich.

701-C1-P-71—American Microwave & Communications, Inc. (New), Application amended to change frequency from 6130.5 MHz to 6115.7 MHz toward Flint, Mich., on azimuth of 321°30'. Station location: 3.5 miles north-northwest of Clarkston, Mich.

Other particulars are same as reported on public notices dated August 10 and October 26, 1970.

3476-C1-MP-71—American Microwave & Communications, Inc. (KQM45), Application amended to change frequency from 6390.0 MHz to 6241.7 MHz toward Boyne City and Charlevoix, Mich., on azimuths of 307°06' and 315°51', respectively. Station location: 1.5 miles southeast of Elmira, Mich.

Other particulars are same as reported on public notice dated January 11, 1971.

7864-C1-MP-70—American Microwave & Communications, Inc. (KYO50). Major amendment: Change frequencies to 6212.0 and 6330.7 MHz on azimuth 4°06'. Location: West of Harrison, Mich. All other particulars same as reported in public notices dated June 1, 1970 and Aug. 17, 1970.

[FR Doc.71-3805 Filed 3-18-71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-68 etc.]

COLUMBIA LNG CORP. ET AL.

Order Consolidating and Phasing Proceedings, Granting Interventions, and Fixing Dates for Submission of Direct Case and Prehearing Conference

MARCH 11, 1971.

On September 22, 1970, Columbia LNG Corp. (Columbia LNG) filed in Docket No. CP71-68 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the importation of liquefied natural gas (LNG) from Algeria into the United States. Columbia seeks to import up to an annual quantity of 123,187,500 MM B.t.u.[1] for a term of 25 years. The LNG will be purchased from El Paso Algeria Corp. (El Paso Algeria) and would be transported by cryogenic tanker to Columbia LNG's proposed terminal at Cove Point, Md.

On November 25, 1970, Southern Energy Co. (Southern Energy) filed a similar application in Docket No. CP71-151 to import LNG from Algeria of up to 205,312,500 MM B.t.u.[1] of LNG annually for 25 years.[2] Southern Energy proposes to purchase the LNG from El Paso Algeria and to construct an LNG terminal at Savannah, Ga.

Also on November 25, 1970, Consolidated Gas Supply Corp. (Consolidated) filed an application in Docket No. CP71-153 to import Algerian LNG in volumes of up to 82,125,000 MM B.t.u.[1] annually for 25 years.[3] Consolidated would purchase the LNG from El Paso Algeria, and the volumes would be delivered to Columbia LNG's proposed terminal at Cove Point, Md., or to some other port in the northeastern seacoast of the United States.

Petitions seeking leave to intervene in these proceedings were timely filed (except where noted by an asterisk) as follows:

Petitioner	Dockets Nos. CP71-68	CP71-151	CP71-153
Alabama Gas Corp.		X	
Amoco International Oil Co.	X	X	X
Atlanta Gas Light Co.		X	
Atlantic Richfield Co.	X(*)		
Brooklyn Union Gas Co.	X	X	X
Carolina Pipeline Co.		X	
Chattanooga Gas Co.		X(*)	
Commonwealth Natural Gas Corp.	X		
Consolidated Edison Co. of New York, Inc.			X(*)
Consolidated Gas Supply Corp.	X		
Columbia LNG Corp.		X(*)	X(*)
El Paso Algeria Corp.		X	X
Esso LNG, Inc.		X	X
Florida Gas Transmission Co.		X	
Glover Hefner Kennedy Oil Co.		X	X
Mississippi Valley Gas Co.		X	
Mobil Oil Corp.	X(*)	X	X
New England LNG Co., Inc.	X		
Newmont Mining Corp., Newmont Overseas Petroleum Co., & Newmont Oil Co.	X(*)	X	X
Pacific Lighting Service Co. & Southern California Gas Co.		X	X
Pennsylvania Gas & Water Co.	X		
Philadelphia Gas Works, a division of UGI Corp.	X	X(*)	X(*)
Public Service Electric & Gas Co.	X	X(*)	X(*)
Rochester Gas & Electric Corp.			X
San Diego Gas & Electric Co.		X	X
Shell Oil Co.	X	X	X
Sinclair Mediterranean Petroleum Co.	X(*)		
Sonatrach	X(*)	X(*)	X(*)
South Carolina Electric & Gas Co.		X	
Southern Energy Co.	X(*)		X(*)
Superior Oil Co.	X	X	X
Tennessee Gas Pipeline Co.	X	X	X
Texas Eastern Transmission Corp.	X		
UGI Corp.	X		
United Gas Pipe Line Co.	X		
Washington Gas Light Co.	X		

Notices of intervention were filed in these proceedings by the following parties: Public Service Commission of the State of New York (in all Dockets), and in Docket No. CP71-151, the Public Service Commissions of Georgia and Tennessee.

On March 3, 1971, El Paso Algeria (the supplier of LNG to all three applicants) filed a motion to expedite these proceedings and requested, inter alia, that the applications be consolidated and an initial phase of the hearings be held on the foreign aspects of the applications. By this order we grant such motion and set forth certain procedures for the expeditious handling of these proceedings. We note that related applications pursuant to section 7 of the Natural Gas Act will be forthcoming from applicants, and that Columbia LNG has filed an application to import LNG from Venezuela in Docket No. CP71-69. These related applications will be consolidated with the above-docketed applications, but to permit the expeditious disposition of these matters, Phase I may proceed to hearing prior to such further consolidation.

A prehearing conference shall be held before an Examiner on March 23, 1971. While we envision that Phase I of the hearing will focus on the questions raised by the Algerian LNG supply and ocean transportation incident thereto, the scope of Phase I, as well as the further phasing of this proceeding, will be subject to discussion at the prehearing conference. We note that El Paso Algeria has filed testimony and exhibits relating to its part in the foreign operations involved herein. Any additional testimony and exhibits constituting applicants' direct case on Phase I shall be filed on or before March 16, 1971. At the prehearing conference, the Examiner shall set a date for the filing of answering testimony and exhibits on Phase I matters, and shall fix the date for formal hearing of Phase I at the earliest reasonable time.

At the prehearing conference, all parties should attempt to define the issues in this proceeding, to stipulate as to evidentiary matters, to resolve those issues which are capable of resolution on agreed evidence, and to use any other possible means to expeditiously dispose of this matter consistent with due process and the Natural Gas Act. Additionally, pursuant to the revisions to the practice of service contained in Order No. 424, issued February 23, 1971, all parties should submit at the conference the name or names (not to exceed two) of the persons to be served. The Secretary thereafter shall compile the official service list in this proceeding.

The Commission finds:

(1) It is desirable to allow the above-named petitioners to intervene in these proceedings.

(2) It is necessary and appropriate that the proceedings in the above-named applications be consolidated for hearing and decision, and that the hearing be phased.

The Commission orders:

(A) Each of the above-named petitioners and State Commissions is permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in these proceedings.

(B) The above-designated matters are consolidated for the purposes of hearing and disposition. Additionally, the hearing shall be phased in order to permit the expeditious handling of these proceedings.

(C) Applicants' direct case on the foreign aspects of the proposed importation shall be filed and served on all parties on or before March 18, 1971.

(D) A prehearing conference be convened in the proceedings entitled Columbia LNG Corporation et al., Docket No. CP71-68, et al., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, on March 23, 1971, at 10 a.m., e.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at the prehearing conference and at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-3768 Filed 3-18-71;8:45 am]

[1] Equivalent to approximately 108,500,000 Mcf per year or 300,000 Mcf per day of natural gas in the vapor phase at 1,125 B.t.u./cubic foot.

[2] Equivalent to approximately 182,500,000 Mcf per year or 500,000 Mcf per day of 1,125 B.t.u./cubic foot or natural gas in the vapor phase.

[3] El Paso Atlantic Co. concurrently filed notice of withdrawal of its application in Docket No. CP71-67 for the importation of these volumes of LNG.

[1] Equivalent to approximately 73,000,000 Mcf per year or 200,000 Mcf per day of natural gas at 1,125 B.t.u./cubic foot.

[2] El Paso Eastern Co. concurrently filed notice of withdrawal of its application in Docket No. CP71-66.

[Docket Nos. RP70-6, etc.]

LAWRENCEBURG GAS TRANSMISSION CORP.

Order Accepting Tracking Increase for Filing, Allowing Proposed Revised Tariff Sheets To Become Effective Subject to Further Orders and Consolidating Proceedings

MARCH 15, 1971.

Lawrenceburg Gas Transmission Corp. (Lawrenceburg), on February 18, 1970, tendered for filing in Docket No. RP71-95 proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] designed solely to track the rate increase filed by its supplier, Texas Gas Transmission Corp. (Texas Gas), on February 16, 1971, to become effective March 17, 1971. Lawrenceburg proposes that its increase become effective on March 17, 1971, but requests that if its filing is suspended, such suspension not extend beyond the date on which Texas Gas' rate filing becomes effective. Lawrenceburg's proposed rate changes would increase charges under its two jurisdictional rate schedules, CDS-1 and EX-1, by approximately $8,289 annually, based on volumes for the 12-month period ended June 30, 1969.

In support of its filing, Lawrenceburg submitted cost of service and other data substantially identical to that which it submitted in support of its rate increase filings in Dockets Nos. RP70-6, RP70-26 and RP70-44.[2]

In view of the fact that the purpose of Lawrenceburg's filing is to track its supplier's rate increase we will accept Lawrenceburg's revised tariff sheets for filing and allow them to become effective March 17, 1971, subject to further orders

[1] The proposed revised tariff sheets are Sixth Revised Sheet Nos. 4 and 12.

[2] Docket No. RP70-44 was consolidated with the previously consolidated Dockets Nos. RP70-6 and RP70-26, by order issued July 28, 1970.

of the Commission in Docket No. RP70–6, et al., as consolidated herein.

The fact that the cost and related data relied upon by Lawrenceburg in support of its filings in Dockets Nos. RP71–95, RP70–6, RP70–26, and RP70–44 are substantially the same raises issues of law and fact common to each proceeding. Under these circumstances, it is appropriate that Docket No. RP71–95 be consolidated with the latter proceedings for purposes of hearing and decision.

The Commission finds:

It is reasonable and appropriate that the proposed revised tariff sheets contained in Footnote 1, above, be accepted for filing and allowed to become effective March 17, 1971, as hereinafter ordered and conditioned.

The Commission orders:

(A) Sixth Revised Sheets Nos. 4 and 12 of Lawrenceburg's FPC Gas Tariff, Original Volume No. 1, are accepted for filing, to become effective March 17, 1971, subject to further orders of the Commission as may be issued in the proceedings in Docket No. RP70–6, et al., as consolidated herein.

(B) The proceedings in Dockets Nos. RP71–95 and RP70–6, et al., are hereby consolidated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–3844 Filed 3–18–71;8:49 am]

[Docket No. E–7612]

MINNESOTA POWER & LIGHT CO.

Notice of Application

MARCH 15, 1971.

Take notice that on March 3, 1971, Minnesota Power & Light Co. (applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $23 million principal amount of first mortgage bonds.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business office at Duluth, Minn., and is engaged in the electric utility business within the State of Minnesota.

The bonds will be sold at competitive bidding in accordance with the Commission's regulations, are to be dated April 1, 1971, and are to mature either April 1, 1977, or April 1, 2001. If the bonds have a maturity of 30 years they will not be callable for purposes of refunding with money borrowed at a lower cost for a period not to exceed 5 years from the date of issuance. If the Bonds have a maturity of 6 years they will not be callable until 12 month prior to maturity but will be callable in whole or in part during the 12 months prior to maturity.

The proceeds from the sale of the bonds will be applied to the payment of an estimated $18 million in short-term borrowings and will finance, in part, the applicant's construction program which is expected to require the expenditure of $33 million in 1971. This program includes $2.4 million for transmission lines, $2.2 million for substations and $25 million for production facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–3847 Filed 3–18–71;8:49 am]

[Docket No. CP71–218]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 15, 1971.

Take notice that on March 8, 1971, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP71–218 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation on a stand-by emergency basis of an existing side valve for deliveries of natural gas to Liberal Gas Co. (Liberal), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on January 5, 1971, it commenced emergency deliveries of natural gas to Liberal through an existing side valve on its 4-inch gathering line located in Seward County, Kans. In accordance with a contract between the parties dated February 19, 1971, Applicant will provide up to 2,500 Mcf per day during periods of emergency experienced by Liberal subject to a determination that such deliveries can be made without impairing Applicant's other service obligations. In order to provide the proposed stand-by service, Applicant requests authorization to operate, as a permanent delivery point, the aforementioned side valve.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–3848 Filed 3–18–71;8:49 am]

[Docket No. RP71–90]

SYLVANIA CORP.

Order Permitting Rate Increase Filing To Become Effective Without Suspension

MARCH 15, 1971.

The Sylvania Corp. (Sylvania) on January 19, 1971, as supplemented on February 16, 1971,[1] filed First Revised Sheet No. 6 to its FPC Gas Tariff, Original Volume No. 2, proposing to increase the rate and charge for storage service to United Natural Gas Co. (United), an affiliate, by approximately $26,000 per annum based on operations for the 12-month period ended November 30, 1970. Sylvania requested an effective date of March 1, 1971. The service is provided under Rate Schedule X–1, which contains a cost of service formula rate.

The only change in the formula rate from that reflected in the currently effective tariff sheets is to increase the rate of return component to 8¼ percent. That overall rate of return results in a 10.52-percent return on equity based on the capitalization of Sylvania's parent, National Fuel Gas Co., as of November 30, 1970.

Based on our review of the data submitted, we find that the proposed increase in rates has been supported and should be permitted to be effective 30 days following the date of completion of the filing.

The Commission orders:

(A) First Revised Sheet No. 6 to Sylvania's FPC Gas Tariff, Original Volume No. 2, is hereby accepted for filing to be effective as of March 18, 1971.

(B) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending or hereafter instituted by or against Sylvania or any other person affected by the rate hereby permitted to be effective.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–3845 Filed 3–18–71;8:49 am]

[1] By letter dated Feb. 1, 1971, the Secretary advised Sylvania that the proposed filing was considered deficient and no filing date would be assigned the submittal pending receipt of proper supporting material. Such material was received by the Commission on Feb. 16, 1971.

[Docket Nos. RP70–29, etc.]

TEXAS EASTERN TRANSMISSION CORP.

Order Permitting Tracking of Purchased Gas Increase and Consolidating Proceedings

MARCH 15, 1971.

On February 16, 1971, Texas Eastern Transmission Corp. (Texas Eastern) filed in Docket No. RP71–93 proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1,[1] to become effective March 17, 1971. The proposed rate changes would increase Texas Eastern's jurisdictional revenues by $182,672 annually, based on volumes, for the 12-month period ended December 31, 1969, as adjusted. This is in addition to the increases in jurisdictional revenues, subject to refund, in Dockets Nos. RP70–29 of $60,150,000[2] effective as of November 1, 1970, RP71–49 of $196,000 effective as of January 1, 1971, and RP71–61 of $6,931,249 effective as of January 10, 1971.

Texas Eastern in its filing states that the proposed changes in its rates are designed to recoup only the effect of an increase in the cost of gas purchased from Texas Gas Transmission Corp. (Texas Gas) resulting from the latter's rate filing in Docket No. RP70–33 on February 16, 1971.

Texas Eastern requests waiver of section 154 of the Commission's regulations to permit the proposed tariff sheets to become effective, without suspension, on March 17, 1971, the same day as Texas Gas has requested that its rate increase go into effect.

Texas Eastern served copies of its filing on its jurisdictional customers and interested State commissions. Notice was published on March 2, 1971 (36 F.R. 3949), and no petitions to intervene, protests or objections to the changes have been filed with the Commission.

Texas Eastern's filing in Docket No. RP71–61 reflects the tracking of supplier rate increases, filed by producers in Southern Louisiana as a result of Order No. 413 issued October 27, 1970, in Docket No. R–394. Since Texas Eastern's rates are presently the subject of proceedings in Dockets Nos. RP70–29, RP71–12, and RP71–49, it appears appropriate that the proceedings in Dockets Nos. RP71–61 and RP71–93 be consolidated therewith.

The Commission orders:

(A) Section 154 of the Commission's regulations under the Natural Gas Act is hereby waived to permit filing of the above listed tariff sheets, to be effective March 17, 1971, subject to any orders heretofore issued in Docket No. RP70–29 and such orders which hereafter may be issued in these consolidated proceedings.

(B) Dockets Nos. RP71–61 and RP71–93 are hereby consolidated with Dockets Nos. RP70–29, RP71–12, and RP71–49, for purposes of hearing and decision.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–3846 Filed 3–18–71;8:49 am]

[1] Fourth Revised Sheet No. 10B; Seventh Revised Sheet No. 25, 57; 11th Revised Sheet No. 12A, 65L; 14th Revised Sheet No. 28A, 44B; 17th Revised Sheet No. 65G, 65H; 18th Revised Sheet No. 14, 16, 17, 19, 23, 30, 32, 33, 35, 39, 41, 44, 46, 48, 49, 51, 55, 65B, 65F; 19th Revised Sheet No. 27, 56, 59; 20th Revised Sheet No. 24 and 21st Revised Sheet No. 61.

[2] As reduced by $4,303,586 in Docket No. RP71–12.

FEDERAL RESERVE SYSTEM

FIRST MASSACHUSETTS FINANCIAL CORP.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of First Massachusetts Financial Corp., Westwood, Mass., for approval of action to become a bank holding company through the acquisition of 51 percent or more of the voting shares of Massachusetts Bank and Trust Co., Brockton, Mass.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Massachusetts Financial Corp., Westwood, Mass., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 51 percent or more of the voting shares of Massachusetts Bank and Trust Co., Brockton, Mass.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Massachusetts Commissioner of Banks and requested her views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 19, 1971 (36 F.R. 3221), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank (deposits $8.6 million). As it has no present operations or subsidiaries, consummation of the proposal would eliminate neither existing nor potential competition. On the contrary, the acquisition would, as noted below, have a procompetitive effect by strengthening one of the three commercial banking alternatives in the city of Brockton.

Considerations relating to the financial and managerial resources of Bank lend strong support toward approval of the application. Bank suffers from a substantial capital weakness and, as part of the proposal, and in an attempt to remedy this situation, Applicant will immediately place new capital into Bank through the purchase of common stock. Applicant further proposes to provide additional capital to Bank, if needed, at the conclusion of the first year after acquisition. Applicant proposes managerial changes which should also serve to strengthen Bank and both changes should permit it to become a viable competitor in Brockton. Both the Massachusetts Commissioner of Banks and the Federal Deposit Insurance Corporation have strongly recommended approval of the application, in both cases on the basis of considerations concerning the banking factors. While there is no evidence that substantial banking needs of the Brockton community are going unserved, the proposal would benefit the convenience and needs of the community by strengthening a convenient local source of banking services. Considerations relating to the convenience and needs of the communities to be served thus lend additional weight toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[1] March 12, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3834 Filed 3-18-71;8:48 am]

UNION BANK

Order Approving Application for Merger of Banks Under Bank Merger Act

In the matter of the application of Union Bank, Los Angeles, Calif., for approval of merger with Bank of Long Beach, N.A., Long Beach, Calif.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Union Bank, Los Angeles, Calif., a member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Bank of Long Beach, N.A., Long Beach, Calif., under the charter and name of Union Bank. As an incident to the merger, the two existing offices and an approval office (not yet in operation) of Bank of Long Beach, N.A. would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published as required by said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Union Bank (deposits of $1.5 billion) is the seventh largest bank in California, having about 3.3 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1970.) It operates its main office and 16 branches in southern California; in northern California it maintains 10 offices and has recently (February 11, 1971) received approval to operate another office as an incident to a merger. Bank of Long Beach, N.A. (deposits of $16 million) operates two offices in Long Beach, Calif., and has received approval to operate an office in the downtown district of that city.

Bank of Long Beach, N.A., with about 2.5 percent of market deposits, ranks eighth among the 12 banks (total of 50 offices) operating in its market area, which includes the cities of Long Beach, Lakewood, and Signal Hill. Among the competitors of Bank of Long Beach, N.A. are five of the largest banks in the State; these five banks operate 64 percent of the offices located in the area and control about 69 percent of the deposits in the area.

The office of Union Bank located closest to the nearest office of Bank of Long Beach, N.A. is in Torrance, which is about 12 miles west of Long Beach. A large number of offices of other banks are located in the densely population areas intervening between the present offices of Union Bank and Bank of Long Beach, N.A. There is, therefore, no substantial existing competition between these two banks.

Under California law each bank could be permitted to establish de novo branch offices in the areas served by the other. Because of the small size of Bank of Long Beach, N.A., it appears unlikely that bank would in the near future establish a de novo branch outside its market. It also does not appear probable that Union Bank would establish a de novo branch office in the Long Beach area. In 1966, Union Bank withdrew an application to establish such a branch because a large scale real estate development did not progress beyond the planning stages; since that time, Union Bank indicates that the area is not sufficiently attractive for establishment of a de novo office of Union Bank. Furthermore, since Bank of Long Beach, N.A. has only a very small share of the deposits in its area, the amount of potential competition between the merging banks which would be eliminated in this market area by the proposed transaction is not significant; at the same time, Union Bank's entry into the market by acquisition of Bank of Long Beach, N.A. would likely increase competition among the large banks in the market.

On the basis of the foregoing, the Board concludes that consummation of the proposal would not eliminate significant existing or potential competition. Considerations relating to the financial and managerial resources and future prospects of the banks are consistent with approval of the application. Customers of Long Beach, N.A. would benefit by the merger because Union Bank plans to offer them an additional source of a wider range of banking services, such as computer and trust services, and through its larger lending limit would be better able to meet the needs of medium and large-sized business customers. Therefore, convenience and needs considerations lend support to approval of the application. It is the Board's judgment that consummation of the proposed merger would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved; *Provided*, That the merger so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

By order of the Board of Governors,[1] March 12, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3806 Filed 3-18-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2862]

CONSOLIDATED FINANCIAL CORP. AND BAKER, FENTRESS & CO.

Notice of Filing of Application for Order Exempting Transactions

MARCH 12, 1971.

Notice is hereby given that Consolidated Financial Corp., a Florida corporation (Consolidated), and Baker, Fentress & Co., Suite 2200, 208 South La Salle Street, Chicago, IL 60604, a Delaware corporation (Baker Fentress), have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from section 17(a) of the Act certain transactions incident to a proposed merger of Consolidated into Baker Fentress. Consolidated has been registered under the Act since 1960 as a nondiversified, closed-end investment company. Baker Fentress, which formerly claimed exemption from the Act under section 3(c)(1) thereof as a private investment company, registered under the Act on November 23, 1970, as a nondiversified, closed-end investment company in anticipation of the proposed merger. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Consolidated and Baker Fentress are each affiliated persons of the other, under section 2(a)(3) of the Act. Baker Fentress owns 176,016 shares (19.5 percent) of the outstanding shares of Consolidated, and an additional 3,200 shares of Consolidated are owned by a retirement trust for employees of Baker Fentress. The five directors of Baker Fentress are among the nine directors of Consolidated, and two of them are the highest ranking officers of both companies. At December 31, 1970, the directors and officers of Consolidated and of Baker Fentress and members of their families owned 35,420 shares (3.6 percent)) of Consolidated and 258,079 shares (11.9 percent) of Baker Fentress. In addition, directors of Baker Fentress held at that date an aggregate of 41,494 shares of Consolidated as trustee or nominee or in other fiduciary capacities.

Pursuant to the proposed agreement of merger, Consolidated would be merged into Baker Fentress, and Baker Fentress would succeed to the business and assets of, and would assume the liabilities of, Consolidated by statutory merger as the surviving corporation under the law of Delaware. It is expected that the surviving corporation would qualify as a regulated investment company for federal income tax purposes during 1971 and succeeding years. A ruling has been received from the Internal Revenue Service to the effect that the merger would be a tax-free reorganization for federal income tax purposes. Completion of the merger would be conditioned upon, among other things, the approval by the holders of a majority of the outstanding shares of each company and the issuance by the Commission of the order of exemption requested in the application.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

Under the terms of the proposed merger agreement, the outstanding shares of Consolidated (other than those owned by Baker Fentress) would be converted into shares of Baker Fentress on the basis of the respective net asset value of each company as of the day on which the merger becomes effective, except that securities for which market quotations are not readily available would be valued by the respective boards of directors as of the day preceding the day on which the merger is approved by the latter of the shareholders of the companies voting on the merger. It is expected that such valuations by the boards of directors will be set forth in an amendment to the application to be filed shortly after the meetings of the shareholders of Consolidated and Baker Fentress scheduled to be held on March 16 and 17, 1971, respectively. The net asset value of each company will be adjusted by deducting an amount equal to 10 percent of the realized and unrealized net taxable capital gain on investments, provided that no adjustment shall be made if the proportion of such gain to aggregate net asset value is larger in the case of Consolidated than it is in the case of Baker Fentress. For these computations, a prorata part of the net assets of Consolidated applicable to the shares of Consolidated owned by Baker Fentress would be treated as if it were owned directly by Baker Fentress. The outstanding whole shares of Baker Fentress would continue unchanged as outstanding shares of the surviving corporation, while the treasury shares of both companies and the shares of Consolidated owned by Baker Fentress would be canceled.

The joint proxy statement of Consolidated and Baker Fentress with respect to the proposed merger sets forth, among other things, financial information concerning each of the two companies and the fundamental policies and the policies with respect to security investments of Baker Fentress. Consolidated and Baker Fentress have similar investment objectives.

At December 31, 1970, Consolidated had total net assets of $70,688,368 and had 903,507 shares of common stock outstanding for a net asset value per share of $78.24. At the same date, Baker Fentress had total net assets of $59,821,149 and had 1,636,494 shares of common stock outstanding for a net asset value per share of $36.55 after imputed provision for federal income taxes of $6.28 per share on unrealized appreciation of investments. Based upon the above data, the computation of adjusted net asset values as provided in the agreement of merger would have resulted in a conversion of each share of Consolidated into 1.7215 shares of the surviving corporation if the merger had become effective on December 31, 1970. Fractional interests of both Baker Fentress and Consolidated shareholders in shares of the surviving corporation would be settled by cash payments at adjusted net asset value.

Section 17(a) of the Act prohibits, with certain exceptions, an affiliated person of a registered investment company or an affiliated person of such affiliated person, from selling to, or purchasing from, such registered company any security, or other property. Section 17(b) provides that the commission, upon application, may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the act.

Notice is further given that any interested person may, not later than March 29, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Consolidated and Baker Fentress at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3836 Filed 3-18-71;8:48 am]

[70-4995]

PENNSYLVANIA POWER CO. AND OHIO EDISON CO.

Notice of Proposed Issue and Sale of Common Stock to Holding Company, Proposed Increase in Authorized Number of Common Shares and Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

MARCH 12, 1971.

Notice is hereby given that Ohio Edison Co., (Ohio Edison), a registered holding company, and its electric utility subsidiary company, Pennsylvania Power Co. (Pennsylvania), 47 North Main Street, Akron, OH 44308, have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a)(2), 6(b), 9(a), 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Pennsylvania proposes to issue and sell to Ohio Edison, its sole common stockholder, 340,000 additional shares of its authorized and unissued common stock, par value $30 per share, and Ohio Edison proposes to acquire these shares for cash at par, or for a total consideration of $10,200,000. It is proposed that 170,000 of these shares be issued and sold on or before April 14, 1971, and that the remainder be issued and sold on or about July 1, 1971.

Pennsylvania further proposes to increase its authorized number of shares of common stock of the par value of $30 per share from 1 million (of which all but 50,000 shares have been issued) to 1,290,000 shares. Pennsylvania must seek the consent and approval of its sole voting stockholder Ohio Edison, and Ohio Edison proposes to give such consent and approval.

Pennsylvania also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $12 million principal amount of first mortgage Bonds, ____ percent Series due 2001. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Pennsylvania (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Indenture dated November 1, 1945, between Pennsylvania and First National City Bank, as successor Trustee, as heretofore amended and supplemented and to be further amended and supplemented by the Ninth Supplemental Indenture to be dated as of April 1, 1971, which includes a prohibition until April 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower interest cost.

The net proceeds from the sale of the common stock and the bonds will be

used by Pennsylvania to construct and acquire new facilities, for the betterment of existing facilities, to pay back loans (estimated to aggregate $5 million at the time of the sale of the bonds), and to reimburse its treasury in part for monies expended for such purposes. Pennsylvania estimates that its plant additions for 1971 will aggregate $34,296,000.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of the common stock and the bonds, and that such Commission's orders will be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the issue and sale of the bonds will be supplied by amendment. The fees and expenses to be incurred in connection with the issue and sale of the common stock are estimated at $21,000, including State Excise Tax of $20,400 and counsel fee of $500.

Notice is further given that any interested person may, not later than April 5, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3837 Filed 3-18-71;8:48 am]

[812-2769]

SMALL BUSINESS INVESTMENT COMPANY OF NEW YORK, INC.

Notice of Filing of Application for Order of Exemption

MARCH 10, 1971.

Notice is hereby given that Small Business Investment Company of New York, Inc. (Applicant), 64 Wall Street New York, NY 10005, a closed-end, nondiversified, management investment Company registered under the Investment Company Act of 1940 (Act) and licensed as a Small Business Investment Company (SBIC) under the Small Business Investment Act of 1958, has filed an application pursuant to Section 6(c) of the Act requesting an order exempting Applicant from the provisions of section 12(d)(3) of the Act so that Applicant may invest in the common stock of Willie Daniels & Co. (Daniels) a proposed broker-dealer firm that intends to purchase a seat on the New York Stock Exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Daniels, which will be organized under the laws of Delaware and have its office in New York City, will have a capitalization of $500,000, consisting of $345,000 of voting common stock and $155,000 of subordinated debentures. The subordinated debentures will be due in installments maturing 1972 through 1982. SBICNY will subscribe to $39,500, Pioneer Capital Corp. (Pioneer), $15,000; and Noel Fund, a private venture capital partnership, $100,000. Each share of common stock will have equal rights to dividends, equal liquidation preference, and the common stock will carry preemptive rights. Applicant states that it will purchase 2,333 shares for $80,488.50. Pioneer Capital Corp., a licensed SBIC which is not a registered investment company, will acquire 1,000 shares for $34,500. The remaining 6,667 shares are to be purchased by the three principals of Daniels, Mr. Willie Daniels, Mr. Milton P. Aeder, and Mr. Travers Jerome Bell,Jr., for a total of $230,011.50.

Applicant states that up to $205,000 of this $230,011.50 will be borrowed personally by the three principals from persons unrelated to Applicant on straight unsecured personal notes. Applicant states that Mr. Daniels has advised Applicant that he and his two associates expect to obtain these loans from an individual who is a stockholder in another brokerage firm and from a group of six banks; that the lenders will receive no participation in the equity of Daniels or call thereon or other consideration apart from the notes; and that the lenders will look solely to the borrowers for payment and have no claim against Daniels.

Applicant states that Daniels proposes to engage in a general securities brokerage business, seeking to attract primarily institutional and substantial individual accounts. Upon its inception, Daniels will clear its brokerage transactions on a disclosed basis through a large New York Stock Exchange member with substantial capital resources. Applicant states that accordingly in most cases Daniels will not physically handle money or securities for its customers.

Applicant states that Daniels will agree that so long as Applicant holds its stock, Daniels will not, without Applicant's consent (1) purchase or sell securities as underwriter or dealer, nor (2) open any branch office, carry any margin accounts, or otherwise extend credit to customers, execute and clear for its own account, execute or clear through any stock exchange firm not approved by Applicant. Applicant further states that it will not give consent under item (1) above, without the approval of the Small Business Administration (SBA), or under item (2) unless Daniels proves it has operated a well-run and profitable business brokerage concern. Moreover, Applicant states that in no event will it make any purchases or sales of securities from, to, or through Daniels; nor will Daniels effect transactions in shares of Applicant or of any company in which Applicant has an investment; nor will Daniels render investment advice nor engage in the investment advisory business without a further Commission order.

Applicant states it is contemplated that Applicant will commit to loan to Daniels up to $500,000 at the request of Daniels at any time during the next 5 years contingent upon Daniels obtaining an amount of additional common stock equal to the total amount to be loaned. Such loan would be represented by 10 percent notes due December 31, 1980, payable in equal quarterly installments beginning in 1976. A 1 percent per annum commitment fee would be paid for such loan commitment. Applicant states that the SBA has loaned to it $1,085,000 for investment in small businesses which qualify as socially or economically disadvantaged enterprises and its loan to Daniels will come from this amount.

Applicant states that after making its proposed stock investment, Applicant will have less than 2 percent of its assets in Daniels, and if Daniels exercised its right to borrow $500,000 from Applicant and Applicant subscribed to 24 percent of the shares being sold in connection with the borrowing, Applicant would have less than 7 percent of its present assets in Daniels.

Section 12(d)(3) of the Act makes it unlawful for any registered investment company or companies controlled by such registered company to purchase or otherwise acquire any security issued by, or any other interest in, the business of any person who is a broker, a dealer, engaged in the business of underwriting, or is either an investment adviser of an investment company or registered under the Investment Adviser Act of 1940, unless the person is (a) a corporation all the outstanding securities of which are, or will after the acquisition, be owned by one or more registered investment companies and (b) primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such persons normally is derived principally from such business or related activities.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection

of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 5, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3838 Filed 3-18-71;8:48 am]

TARIFF COMMISSION

[AA1921-72/74]

PIG IRON FROM CANADA, FINLAND, AND WEST GERMANY

Notice of Joint Investigations and Hearing

Having received advice from the Treasury Department on March 15, 1971, that pig iron from Canada, Finland, and West Germany is being, and is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted joint investigations Nos. AA1921-72 (Canada), AA1921-73 (Finland), and AA1921-74 (West Germany) under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on May 11, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: March 16, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3842 Filed 3-18-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 665]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 16, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72515. By order of March 4, 1971, the Motor Carrier Board approved the transfer to Pearson Trucking & Rigging, Inc., Los Angeles, Calif., of the operating rights in Certificate No. MC-61166 and Certificate of Registration No. MC-61166 (Sub-No. 3) issued April 8, 1955, and April 2, 1964, respectively, to A. R. Pearson Truck Co., Inc., Los Angeles, Calif., authorizing the transportation of machinery between points in the Los Angeles, Calif., commercial zone and between Los Angeles Harbor, Calif., on the one hand, and, on the other, Los Angeles, Calif., and Vernon, Calif., and general commodities, with exceptions, between points in a described area in California. R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017, attorney for applicants.

No. MC-FC-72533. By order of March 8, 1971, the Motor Carrier Board approved the transfer to A. A. Martin Transportation Co., Inc., Dedham, Mass., of Certificate No. MC-59828, issued July 8, 1957, to Augusta & Barry, Inc., Boston, Mass., authorizing the transportation of: General commodities, with the usual exceptions, between Boston, Mass., and points within 12 miles of Boston; and from Boston, Mass., to Providence and Pawtucket, R.I.; wool and wool waste, rayon, mohair, and burlap, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts and between Holyoke, Pittsfield, and Barre, Mass. and points in that part of Massachusetts on and east of Massachusetts Highway 12, on the one hand, and, on the other, points in Bristol and Providence Counties, R.I. Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-72590. By order of March 4, 1971, the Motor Carrier Board approved the transfer to Pendleton Transfer Co., Inc., Pendleton, Oreg., of the operating rights in certificate No. MC 113064 issued April 8, 1952, to Owen Helms, doing business as Pendleton Transfer Co., Pendleton, Oreg., authorizing the transportation of household goods, as defined by the Commission, between points in Umatilla, Grant, and Wallowa Counties, Oreg. Joe French, 116 Southeast Second Street, Pendleton, OR 97801, attorney for applicants.

No. MC-FC-72678. By order of March 4, 1971, the Motor Carrier Board approved the transfer to Hufford & Sons, Inc., Goshen, Ind., of the operating rights in permit No. MC 126162 issued April 27, 1965, to Max Summers and Jerry Summers, a partnership, doing business as M & J Summers Trucking, Covington, Ind., authorizing the transportation of fertilizer and fertilizer materials from Indianapolis, Ind., to points in a specified portion of Illinois, those in Kentucky, the Lower Peninsula of Michigan and Ohio, and from Streator, Ill., to points in Indiana; and shipments on return for reprocessing. Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-72712. By order of March 5, 1971, the Motor Carrier Board approved the transfer to Everett Trucking, Inc., Everett, Pa., of the operating rights in certificate No. MC-133866 issued August 13, 1970, to Samuel E. Leonard, Norman E. Wilt, Floyd R. Mearkle, Richard E. Koontz, and Richard Riley, a partnership, doing business as Everett Associates, Everett, Pa., authorizing the transportation of coal from points in Somerset County, Pa., to Winchester and Clearbrook, Va., and from points in Cambria County, Pa., to Clearbrook, Va., from points in Bedford County, Pa., to Williamsport, Md., and from points in Westmoreland County, Pa., to Lime Kiln and Baltimore, Md. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-72718. By order of March 5, 1971, the Motor Carrier Board approved the transfer to Ryals Truck Line, Inc., Albany, Oreg., of the operating rights in certificates Nos. MC-28956, MC-28956 (Sub-No. 1), MC-28956 (Sub-No. 5), MC-28956 (Sub-No. 6), MC-28956 (Sub-No. 9), MC-28956 (Sub-No. 12), MC-28956 (Sub-No. 13), issued February 24, 1941, September 30, 1958, January 10,

1964, August 31, 1964, May 10, 1967, September 30, 1968, and May 6, 1968, respectively, to G. P. Ryals, doing business as Ryals Truck Service, Albany, Oreg., collectively authorizing the transportation of general and various specified commodities from, to or between specified points in Washington and Oregon. Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210, attorney for applicants.

No. MC-FC-72720. By order of March 4, 1971, the Motor Carrier Board approved the transfer to Glen Floyd, Box 88, Beattie, KS 66046, of the operating rights in certificates Nos. MC-8182 and MC-8182 (Sub-No. 1) issued May 14, 1951, to Donald Winkler, 304 North First Street, Seneca, KS 66538, authorizing the transportation of household goods as defined by the Commission and general commodities, with usual exceptions, between Kelly, Kans., and St. Joseph, Mo.; livestock between Kelly, Kans., and points within 10 miles thereof, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.; and livestock and seeds from points in Nemaha County, Kans., and the sites of Community Sales or within 5 miles of Marysville and Frankfort, Kans., to Omaha, Nebr., and St. Joseph, North Kansas City, and Kansas City, Mo., and livestock, millfeed, and farm machinery on return.

No. MC-FC-72721. By order of March 5, 1971, the Motor Carrier Board approved the transfer to C & S Trucking, Inc., Los Angeles, Calif., of certificates Nos. MC-126327 (Sub-No. 1) and MC-126327 (Sub-No. 2) issued August 31, 1965 and July 18, 1968, to Gerald Smith and Jack Collie, a partnership, doing business as C & S Trucking, Los Angeles, Calif., authorizing the transportation of bakery products, between points in California and Arizona. Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027, representative for applicants.

No. MC-FC-72724. By order of March 5, 1971, the Motor Carrier Board approved the transfer to Gale Shellito, doing business as Shellito Ranch Trucking, Philip, S. Dak., of certificate No. MC-124755 (Sub-No. 3), issued June 12, 1967, to Hoag Trucking, Inc., Philip, S. Dak., authorizing the transportation of feed, between specified points and areas in South Dakota and Iowa.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3841 Filed 3-18-71;8:49 am]

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(Revised as of January 1, 1971)

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APPENDIX B—LISTS OF ACTS REQUIRING PUBLICATION IN THE "FEDERAL REGISTER"

Appendix B is amended by adding thereto the list of acts enacted in 1970 requiring or authorizing the publication of documents in the FEDERAL REGISTER, as follows:

1970	
Presidential Determination of Foreign Aid	84 Stat. 9; 22 U.S.C. 2370 note.
Railroad Retirement Tax	84 Stat. 71; 26 U.S.C. 3221.
Pollution abatement award	84 Stat. 111; 33 U.S.C. 1172.
Oil Dispersant or Emulsifier	84 Stat. 112; 33 U.S.C. 1155.
Pay of Federal Employees	84 Stat 196; 5 U.S.C. 5332 note.
International Expositions	84 Stat. 272; 22 U.S.C. 2804.
Retirement of Federal Home Loan Mortgage Corporation Stock.	84 Stat. 454; 12 U.S.C. 1453.
Unemployment Compensation Program	84 Stat. 709; 26 U.S.C. 3304 note.
Temporary postal rates, fees, and classification.	84 Stat. 763; 39 U.S.C. 3641.
Effective date of postal changes	84 Stat 787; 39 U.S.C. note preceding 101.
Cost-accounting standards, rules, and regulations.	84 Stat. 798; 50 App. U.S.C. 2168.
Railroad safety	84 Stat. 973; 45 U.S.C. 435.
King Range National Conservation Area	84 Stat. 1068; 16 U.S.C. 460y–3.
Sleeping Bear Dunes National Lakeshore	84 Stat. 1075; 16 U.S.C. 460x–1, 460x–2.
Cherokee Indians of North Carolina	84 Stat. 1097 (no U.S.C.).
Records and reports of financial actions	84 Stat. 1125; 31 U.S.C. 1051 note.
Solid waste disposal	84 Stat. 1232; 42 U.S.C. 3254c.
Drug abuse prevention and control	84 Stat. 1284; 21 U.S.C. 801 note.
Bicentennial Commission symbols	84 Stat. 1389 (no U.S.C.).
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Prototype housing costs	84 Stat. 1778; 42 U.S.C. 1415 and note.
Seals of United States and President	84 Stat. 1941; 18 U.S.C. 713.
Pay of Federal Employees	84 Stat. 1949; 5 U.S.C. 5305.
Voyageurs National Park	84 Stat. 1970; 16 U.S.C. 160a.
Financial Assistance to Railroads	84 Stat. 1975; 45 U.S.C. 662.

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7100]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Revision of Corporate Rates and Related Provisions Pursuant to Revenue Act of 1964 and Imposition and Extensions of Tax Surcharge

On December 5, 1970, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 11, 51, 242(a), 821 (a) and (c), 826, and 963 of the Internal Revenue Code of 1954 to reflect the changes made by sections 121, 123 (a) and (c) and 201 (d) of the Revenue Act of 1964 (78 Stat. 19), by sections 102 and 104(b) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251), by section 5 of the Act of August 7, 1969 (Public Law 91–53, 82 Stat. 252), and by sections 401(b)(2)(B) and 701 of the Tax Reform Act of 1969 (83 Stat. 487) was published in the FEDERAL REGISTER (35 F.R. 18537). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Paragraphs (a)(1), (b)(3), (d)(1)(i) and (2), (e)(1), and (i) of § 1.51–1, as set forth in paragraph 3 of the notice of proposed rule making, are revised.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: March 12, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 11, 242(a), 821 (a) and (c), and 826, of the Internal Revenue Code of 1954 to sections 121, 123 (a) and (c), and 201(d) of the Revenue Act of 1964 (78 Stat. 19), and to section 401(b)(2)(B) of the Tax Reform Act of 1969 (83 Stat. 602) and under sections 51 and 963 of the Code to sections 102 and 104(b) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251), to section 5 of the Act of August 7, 1969 (Public Law 91–53, 82 Stat. 252), and to section 701 of the Tax Reform Act of 1969 (83 Stat. 487), such regulations are amended as follows:

PARAGRAPH 1. Section 1.11 is amended by revising section 11, and the historical note to read as follows:

§ 1.11 Tax on corporations.

SEC. 11. *Tax imposed*—(a) *Corporations in general.* A tax is hereby imposed for each taxable year on the taxable income of every corporation. The tax shall consist of a normal tax computed under subsection (b) and a surtax computed under subsection (c).

(b) *Normal tax.* The normal tax is equal to the following percentage of the taxable income:

(1) 30 percent, in the case of a taxable year beginning before January 1, 1964, and

(2) 22 percent, in the case of a taxable year beginning after December 31, 1963.

(c) *Surtax.* The surtax is equal to the following percentage of the amount by which the taxable income exceeds the surtax exemption for the taxable year:

(1) 22 percent, in the case of a taxable year beginning before January 1, 1964,

(2) 28 percent, in the case of a taxable year beginning after December 31, 1963, and before January 1, 1965, and

(3) 26 percent, in the case of a taxable year beginning after December 31, 1964.

(d) *Surtax exemption.* For purposes of this subtitle, the surtax exemption for any taxable year is $25,000, except that, with respect to a corporation to which section 1561 or 1564 (relating to surtax exemptions in case of certain controlled corporations) applies for the taxable year, the surtax exemption for the taxable year is the amount determined under such section.

(e) *Exceptions.* Subsection (a) shall not apply to a corporation subject to a tax imposed by—

(1) Section 594 (relating to mutual savings banks conducting life insurance business),

(2) Subchapter L (sec. 801 and following, relating to insurance companies),

(3) Subchapter M (sec. 851 and following, relating to regulated investment companies and real estate investment trusts).

(f) *Foreign corporations.* In the case of a foreign corporation, the tax imposed by subsection (a) shall apply only as provided by section 882.

[Sec. 11 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 114); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 2, Tax Rate Extension Act 1961 (75 Stat. 193); sec. 2,

Tax Rate Extension Act 1962 (76 Stat. 114); sec. 2, Tax Rate Extension Act 1963 (77 Stat. 72); sec. 121, Rev. Act 1964 (78 Stat. 25); sec. 104(b)(2), Foreign Investor's Tax Act 1966 (80 Stat. 1557); sec. 401, Tax Reform Act 1969 (83 Stat. 602)]

PAR. 2. Section 1.11–1 is amended by revising paragraphs (c) and (d) to read as follows:

§ 1.11–1 Tax on corporations.

* * * * *

(c) The normal tax is computed by applying to the taxable income the rate of tax in effect for the taxable year. The rates of tax applicable for the respective taxable years are as follows:

	Percent
For taxable years beginning before January 1, 1964	30
For taxable years beginning after December 31, 1963	22

(d) The surtax is at the rate of: (1) 22 percent in the case of a taxable year beginning before January 1, 1964; (2) 28 percent in the case of a taxable year beginning after December 31, 1963, and before January 1, 1965; and (3) 26 percent in the case of a taxable year beginning after December 31, 1964; and is upon the taxable income (computed without regard to the deduction, if any, provided in section 242 for partially tax-exempt interest) in excess of $25,000. However, in certain circumstances the $25,000 exemption from surtax may be disallowed in whole or in part, or limited in amount. See sections 269, 1551, 1561, and 1564 and the regulations thereunder.

* * * * *

PAR. 3. There are inserted immediately after § 1.48–7 the following new sections:

TAX SURCHARGE

§ 1.51 Statutory provisions; imposition of tax surcharge.

SEC. 51. Tax surcharge—(a) *Imposition of tax*—(1) *Calendar years*—(A) *Individuals (other than estates and trusts)*. In addition to the other taxes imposed by this chapter, there is hereby imposed on the income of every individual (other than an estate or trust) whose taxable year is the calendar year a tax as follows:

CALENDAR YEAR 1968

TABLE 1.—SINGLE PERSON (OTHER THAN HEAD OF HOUSEHOLD) AND MARRIED PERSON FILING SEPARATE RETURN

If the adjusted tax is: At least	But less than	The tax is—
0	$148	0
$148	155	$1
155	162	2
162	168	3
168	175	4
175	182	5
182	188	6
188	195	7
195	202	8
202	208	9
208	215	10
215	222	11
222	228	12
228	235	13
235	242	14
242	248	15
248	255	16
255	262	17
262	268	18
268	275	19
$275	$282	$20
282	288	21
288	295	22
295	303	23
303	313	24
313	327	25
327	340	26
340	353	27
353	367	28
367	380	29
380	393	30
393	407	31
407	420	32
420	433	33
433	447	34
447	460	35
460	473	36
473	487	37
487	500	38
500	513	38
$513	$527	$39
527	540	40
540	553	41
553	567	42
567	580	43
580	593	44
593	607	45
607	620	46
620	633	47
633	647	48
647	660	49
660	673	50
673	687	51
687	700	52
700	713	53
713	727	54
727	734	55
734 and over, 7.5% of the adjusted tax.		

TABLE 2.—HEAD OF HOUSEHOLD

If the adjusted tax is: At least	But less than	The tax is—
0	$223	0
$223	230	$1
230	237	2
237	243	3
243	250	4
250	257	5
257	263	6
263	270	7
270	277	8
277	283	9
283	290	10
290	297	11
297	303	12
303	310	13
310	317	14
317	323	15
323	330	16
330	337	17
337	343	18
343	350	19
$350	$357	$20
357	363	21
363	370	22
370	377	23
377	383	24
383	390	25
390	397	26
397	403	27
403	410	28
410	417	29
417	423	30
423	430	31
430	437	32
437	447	33
447	460	34
460	473	35
473	487	36
487	500	37
500	513	38
513	527	39
$527	$540	$40
540	553	41
553	567	42
567	580	43
580	593	44
593	607	45
607	620	46
620	633	47
633	647	48
647	660	49
660	673	50
673	687	51
687	700	52
700	713	53
713	727	54
727	734	55
734 and over, 7.5% of the adjusted tax.		

TABLE 3.—MARRIED PERSONS OR SURVIVING SPOUSE FILING JOINT RETURN

If the adjusted tax is: At least	But less than	The tax is—
0	$293	0
$293	300	$1
300	307	2
307	313	3
313	320	4
320	327	5
327	333	6
333	340	7
340	347	8
347	353	9
353	360	10
360	367	11
367	373	12
373	380	13
380	387	14
387	393	15
393	400	16
400	407	17
407	413	18
413	420	19
$420	$427	$20
427	433	21
433	440	22
440	447	23
447	453	24
453	460	25
460	467	26
467	473	27
473	480	28
480	487	29
487	493	30
493	500	31
500	507	32
507	513	33
513	520	34
520	527	35
527	533	36
533	540	37
540	547	38
547	553	39
$553	$560	$40
560	567	41
567	573	42
573	580	43
580	593	44
593	607	45
607	620	46
620	633	47
633	647	48
647	660	49
660	673	50
673	687	51
687	700	52
700	713	53
713	727	54
727	734	55
734 and over, 7.5% of the adjusted tax.		

CALENDAR YEAR 1969

TABLE 1.—SINGLE PERSON (OTHER THAN HEAD OF HOUSEHOLD) AND MARRIED PERSONS FILING SEPARATE RETURN

If the adjusted tax is: At least	But less than	The tax is—
0	$148	0
$148	153	$1
153	158	2
158	163	3
163	168	4
168	173	5
173	178	6
178	183	7
183	188	8
188	193	9
193	198	10
198	203	11
203	208	12
208	213	13
213	218	14
218	223	15
223	228	16
228	233	17
233	238	18
238	243	19
243	248	20
248	253	21
253	258	22
258	263	23
263	268	24
268	273	25
$273	$278	$26
278	283	27
283	288	28
288	295	29
295	305	30
305	315	31
315	325	32
325	335	33
335	345	34
345	355	35
355	365	36
365	375	37
375	385	38
385	395	39
395	405	40
405	415	41
415	425	42
425	435	43
435	445	44
445	455	45
455	465	46
465	475	47
475	485	48
485	495	49
495	505	50
505	515	51
$515	$525	$52
525	535	53
535	545	54
545	555	55
555	565	56
565	575	57
575	585	58
585	595	59
595	605	60
605	615	61
615	625	62
625	635	63
635	645	64
645	655	65
655	665	66
665	675	67
675	685	68
685	695	69
695	705	70
705	715	71
715	725	72
725	735	73
735 and over, 10% of the adjusted tax.		

TABLE 2.—HEAD OF HOUSEHOLD

If the adjusted tax is: At least	But less than	The tax is—
0	$223	0
$223	228	$1
228	233	2
233	238	3
238	243	4
243	248	5
248	253	6
253	258	7
258	263	8
263	268	9
268	273	10
273	278	11
278	283	12
283	288	13
288	293	14
293	298	15
298	303	16
303	308	17
308	313	18
313	318	19
318	323	20
323	328	21
328	333	22
333	338	23
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353	358	27
358	363	28
363	368	29
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625	635	63
635	645	64
645	655	65
655	665	66
665	675	67
675	685	68
685	695	69
695	705	70
705	715	71
715	725	72
725	735	73
735 and over, 10% of the adjusted tax.		

TABLE 3.—MARRIED PERSONS OR SURVIVING SPOUSE FILING JOINT RETURN

If the adjusted tax is: At least	But less than	The tax is—
0	$293	0
$293	298	$1
298	303	2
303	308	3
308	313	4
313	318	5
318	323	6
323	328	7
328	333	8
333	338	9
338	343	10
343	348	11
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358	363	14
363	368	15
368	373	16
373	378	17
378	383	18
383	388	19
388	393	20
393	398	21
398	403	22
403	408	23
408	413	24
413	418	25
$418	$423	$26
423	428	27
428	433	28
433	438	29
438	443	30
443	448	31
448	453	32
453	458	33
458	463	34
463	468	35
468	473	36
473	478	37
478	483	38
483	488	39
488	493	40
493	498	41
498	503	42
503	508	43
508	513	44
513	518	45
518	523	46
523	528	47
528	533	48
533	538	49
538	543	50
543	548	51
$548	$553	$52
553	558	53
558	563	54
563	568	55
568	573	56
573	578	57
578	585	58
585	595	59
595	605	60
605	615	61
615	625	62
625	635	63
635	645	64
645	655	65
655	665	66
665	675	67
675	685	68
685	695	69
695	705	70
705	715	71
715	725	72
725	735	73
735 and over, 10% of the adjusted tax.		

CALENDAR YEAR 1970

TABLE 1.—SINGLE PERSON (OTHER THAN HEAD OF HOUSEHOLD) AND MARRIED PERSONS FILING SEPARATE RETURNS

If the adjusted tax is: At least	But less than	The tax is—
0	$155	0
$155	175	$1
175	195	2
195	215	3
215	235	4
235	255	5
255	275	6
275	300	7
300	340	8
340	380	9
380	420	10
420	460	11
460	500	12
500	540	13
540	580	14
580	620	15
620	660	16
660	700	17
$700	$740	$18
740	780	19
780	820	20
820	860	21
860	900	22
900	940	23
940	980	24
980	1,020	25
1,020	1,060	26
1,060	1,100	27
1,100	1,140	28
1,140	1,180	29
1,180	1,220	30
1,220	1,260	31
1,260	1,300	32
1,300	1,340	33
1,340	1,380	34
1,380	1,420	35
$1,420	$1,460	$36
1,460	1,500	37
1,500	1,540	38
1,540	1,580	39
1,580	1,620	40
1,620	1,660	41
1,660	1,700	42
1,700	1,740	43
1,740	1,780	44
1,780	1,820	45
1,820	1,860	46
1,860	1,900	47
1,900	1,940	48
1,940	1,980	49
1,980	2,020	50
2,020 and over, 2.5% of the adjusted tax.		

TABLE 2.—HEAD OF HOUSEHOLD

If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—
0	$230	0	$700	$740	$18	$1,420	$1,460	$36
$230	250	$1	740	780	19	1,460	1,500	37
250	270	2	780	820	20	1,500	1,540	38
270	290	3	820	860	21	1,540	1,580	39
290	310	4	860	900	22	1,580	1,620	40
310	330	5	900	940	23	1,620	1,660	41
330	350	6	940	980	24	1,660	1,700	42
350	370	7	980	1,020	25	1,700	1,740	43
370	390	8	1,020	1,060	26	1,740	1,780	44
390	410	9	1,060	1,100	27	1,780	1,820	45
410	430	10	1,100	1,140	28	1,820	1,860	46
430	460	11	1,140	1,180	29	1,860	1,900	47
460	500	12	1,180	1,220	30	1,900	1,940	48
500	540	13	1,220	1,260	31	1,940	1,980	49
540	580	14	1,260	1,300	32	1,980	2,020	50
580	620	15	1,300	1,340	33	2,020 and over, 2.5% of the adjusted tax.		
620	660	16	1,340	1,380	34			
660	700	17	1,380	1,420	35			

TABLE 3.—MARRIED PERSONS OR SURVIVING SPOUSE FILING JOINT RETURN

If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—
0	$300	0	$700	$740	$18	$1,420	$1,460	$36
$300	320	$1	740	780	19	1,460	1,500	37
320	340	2	780	820	20	1,500	1,540	38
340	360	3	820	860	21	1,540	1,580	39
360	380	4	860	900	22	1,580	1,620	40
380	400	5	900	940	23	1,620	1,660	41
400	420	6	940	980	24	1,660	1,700	42
420	440	7	980	1,020	25	1,700	1,740	43
440	460	8	1,020	1,060	26	1,740	1,780	44
460	480	9	1,060	1,100	27	1,780	1,820	45
480	500	10	1,100	1,140	28	1,820	1,860	46
500	520	11	1,140	1,180	29	1,860	1,900	47
520	540	12	1,180	1,220	30	1,900	1,940	48
540	560	13	1,220	1,260	31	1,940	1,980	49
560	580	14	1,260	1,300	32	1,980	2,020	50
580	620	15	1,300	1,340	33	2,020 and over, 2.5% of the adjusted tax.		
620	660	16	1,340	1,380	34			
660	700	17	1,380	1,420	35			

(B) *Other persons.* In addition to the other taxes imposed by this chapter, there is hereby imposed on the income of every corporation, and on the income of every estate and trust, whose taxable year is the calendar year, a tax equal to the percent of the adjusted tax (as defined in subsection (b)) for the taxable year specified in the following table:

Calendar year	Percent: Estates and trusts	Corporations
1968	7.5	10.0
1969	10.0	10.0
1970	2.5	2.5

(2) *Fiscal and short taxable years*—(A) *In general.* In addition to the other taxes imposed by this chapter and except as provided in subparagraph (B), in the case of taxable years ending on or after the effective date of the surcharge and beginning before July 1, 1970, there is hereby imposed on the income of every person whose taxable year is other than the calendar year, a tax equal to—

(i) 10 percent of the adjusted tax for the taxable year, multiplied by

(ii) A fraction, the numerator of which is the sum of the number of days in the taxable year occurring on or after the effective date of the surcharge and before January 1, 1970, plus one-half times the number of days in the taxable year occurring after December 31, 1969, and before July 1, 1970, and the denominator of which is the number of days in the entire taxable year.

(B) *Limitation.* In the case of—

(i) A husband and wife (or surviving spouse) who file a joint return under section 6013 and whose adjusted tax for the taxable year is less than $580,

(ii) An individual who is a head of a household to whom section 1(b) applies and whose adjusted tax for the taxable year is less than $440, and

(iii) Any other individual (other than an estate or trust) whose adjusted tax for the taxable year is less than $290,

the tax imposed by subparagraph (A) shall not be greater than an amount equal to twice the tax which would be imposed by subparagraph (A) if the tax were imposed on the amount by which the adjusted tax exceeds $290, $220, or $145, respectively.

(C) *Effective date defined.* For purposes of subparagraph (A), the term "effective date of the surcharge" means—

(i) January 1, 1968, in the case of a corporation, and

(ii) April 1, 1968, in the case of any other taxpayer.

(b) *Adjusted tax defined.* For purposes of this section, the term "adjusted tax" means, with respect to any taxable year, the tax imposed by this chapter for such taxable year, determined without regard to—

(1) The taxes imposed by this section, section 56, section 871(a), and section 881; and

(2) Any increases in tax under section 47(a) (relating to certain dispositions, etc., of section 38 property) or section 614(c)(4)(C) (relating to increase in tax for deductions under section 615(a) prior to aggregation),

and reduced by an amount equal to the amount of any credit which would be allowable under section 37 (relating to retirement income) if no tax were imposed by this section for such taxable year.

(c) *Estimated tax.* For purposes of applying the provisions of this title with respect to declarations, amended declarations, and payments of estimated tax the time prescribed for filing or payment of which is on or after—

(1) In the case of an individual, September 15, 1968, or

(2) In the case of a corporation, June 15, 1968,

sections 6654(d)(1) and 6655(d)(1) shall not apply with respect to any taxable year for which a tax is imposed by this section.

(d) *Western Hemisphere trade corporations and dividends on certain preferred stock.* In computing, for a taxable year of a corporation, the fraction described in—

(1) Section 244(a)(2), relating to deduction with respect to dividends received on the preferred stock of a public utility,

(2) Section 247(a)(2), relating to deduction with respect to certain dividends paid by a public utility, or

(3) Section 922(2), relating to special deduction for Western Hemisphere trade corporations,

the denominator shall, under regulations prescribed by the Secretary or his delegate, be increased to reflect the rate at which tax is imposed under subsection (a) for such taxable year.

(e) *Shareholders of regulated investment companies.* In computing the amount of tax deemed paid under section 852(b)(3)(D)(ii) and the adjustment to basis described in section 852(b)(3)(D)(iii), the percentages set forth therein shall be adjusted under regulations prescribed by the Secretary or his delegate to reflect the rate at which tax is imposed under subsection (a).

(f) *Special rule.* For purposes of this title, to the extent the tax imposed by this section is attributable (under regulations prescribed by the Secretary or his delegate) to a tax imposed by another section of this chapter, such tax shall be deemed to be imposed by such other section.

[Sec. 51 as added by sec. 102, Revenue and Expenditure Control Act 1968 (82 Stat. 251); as amended by sec. 5, Act of Aug. 7, 1969 (Public Law 91-53, 82 Stat. 252); sec. 701, Tax Reform Act 1969 (83 Stat. 657)]

§ 1.51-1 Imposition of surcharge.

(a) *Introduction*—(1) *Scope of section.* In addition to the other taxes imposed under chapter 1 of the Code, section 51 imposes a surcharge on the income of individuals, estates and trusts and corporations. The tax imposed by this section constitutes a Federal income tax. Thus, for example, for purposes of sections 275(a)(1), 535(b)(1), 545(b)(1), and 556(b)(1), the term "Federal income tax" used therein includes the proper amount of the surcharge.

(2) *Taxable years affected.* The surcharge is applicable with respect to taxpayers other than corporations for taxable years ending after March 31, 1968, and beginning before July 1, 1970, and with respect to corporations for taxable years ending after December 31, 1967,

and beginning before July 1, 1970. For purposes of this section, the term, "effective date of the surcharge" for taxpayers other than corporations is April 1, 1968, and for corporations is January 1, 1968. Although the effective date for a taxpayer other than a corporation is April 1, 1968, the adjusted tax of a taxpayer whose taxable year ends after March 31, 1968, includes the tax (with certain adjustments described in paragraph (c) of this section) for the entire taxable year. For example, the adjusted tax of a taxpayer whose taxable year is the calendar year 1968, will include the tax on such taxpayer's taxable income for his entire calendar year 1968. The surcharge is not applicable with respect to a taxable year beginning after June 30, 1970.

(b) *Computation of surcharge for calendar years*—(1) *Individuals.* The surcharge imposed on individuals whose taxable year is the calendar year is determined in accordance with the applicable table contained in section 51(a)(1)(A).

(2) *Other persons.* The surcharge on the income of corporations and estates and trusts whose taxable year is the calendar year is determined in accordance with the table contained in section 51(a)(1)(B).

(3) *Special rules for computation of surcharge.* A limitation on the amount of tax imposed by chapter 1 of the Code which is determined with reference to tax rates applicable to prior taxable years, as, for example, the limitations prescribed in sections 481, 668, 1341, 1342, and 1383, shall be applied after the computation of tax including the surcharge (determined without regard to such limitation). For example, under section 481(a) if an individual changes his method of accounting certain adjustments must be made to his income. However, an increase in tax as a result of such adjustment (the "basic" increase) is limited by section 481(b) to the increase that would have resulted if the adjustment had been spread out and added ratably to the taxable income over the year in question and the 2 preceding years. In such cases the basic increase under section 481(a) will be computed with the surcharge if the change in accounting is taken into account in a surcharge year. However, the limitation in section 481(b) will be computed as follows: The amount of tax on the income (including the ratable portion of the adjustment) in any surcharge year will be figured by taking the surcharge into account; however, the amount of tax on the incomes (including the ratable portion of the adjustment) in any nonsurcharge year will be figured only under regular rates (i.e., without the surcharge).

(4) *Illustration of principles.* The provisions of subparagraph (3) of this paragraph may be illustrated by the following examples:

Example. (a) A, an individual filing a joint return whose taxable year is a calendar year changed his method of accounting for the calendar year 1968. The change resulted in an adjustment under section 481(a) requiring a $6,000 increase in A's taxable income for 1968. Prior to the adjustment A's taxable income for 1968 was $20,000. In order to apply section 481(b)(1) it is determined that A's taxable income for 1967 and 1966 was $14,000 and $12,000 respectively, and A's tax liability for 1967 and 1966 was $2,760 and $2,260 respectively. Under section 481(a) taxable income is increased from $20,000 to $26,000. Assume the tax computed without regard to the surcharge on $20,000 is $4,380 and on $26,000 is $6,380. Assume that the amount of surcharge on an adjusted tax of $4,380 and $6,380 is $328.50 and $478.50, respectively.

(b) Under section 481(b)(1) A's 1968 tax attributable to the $6,000 increase in A's 1968 taxable income shall not be greater than the aggregate increase in taxes for 1968, 1967, and 1966 if $2,000 (⅓ of $6,000) were added to $20,000 taxable income for 1968, $14,000 taxable income for 1967 and $12,000 taxable income for 1966. Under subparagraph (3) of this paragraph, A's 1968 tax attributable to the $6,000 increase for purposes of applying section 481(b)(1) is determined after computation of the surcharge for 1968. A's 1968 tax (including surcharge) on $20,000 is $4,708.50 ($4,380+$328.50); and on $26,000 is $6,858.50 ($6,380+$478.50). Therefore, A's 1968 tax (including surcharge) attributable to such increase is $2,150 ($6,858.50—$4,708.50).

(c) For purposes of applying section 481(b)(1) the aggregate increase in taxes (including surcharge) for 1968, 1967, and 1966 resulting from a $2,000 increase in the taxable income for each year is computed as follows:

	1968	1967	1966
(1) Taxable income before adjustment	$20,000.00	$14,000	$12,000
(2) Taxable income with adjustment (item (1) plus $2,000)	22,000.00	16,000	14,000
(3) Tax without surcharge after adjustment (tax on item (2))	5,020.00	3,260	2,760
(4) 1968 surcharge after adjustment (7.5% of line 3)	376.50		
(5) Tax with surcharge after adjustment (items (3)+(4))	5,396.50	3,260	2,760
(6) Tax (with surcharge included for 1968) before adjustment	4,708.50	2,760	2,260
(7) Increase in tax (with surcharge for 1968) attributable to adjustment (item (5) minus item (6))	688.00	500	500
(8) Total increase in taxes (including surcharge) for 1968, 1967, and 1966 ($688+$500+$500)		1,688	

(d) Since this increase in tax of $1,688 is less than the increase in tax attributable to the inclusion of the entire adjustment of $6,000 in A's 1968 taxable income ($2,150), the limitation provided by section 481(b)(1) applies and the total tax (including surcharge) for 1968 if section 481(b)(2) does not apply is determined as follows:

(1) Tax (including surcharge) on $20,000	4,708.50
(2) Increase as limited by section 481(b)(1)	1,888.00
(3) Total tax (including surcharge) for 1968	6,396.50

(c) *Adjusted tax*—(1) *In general.* The term "adjusted tax" means, with respect to any taxable year, the tax imposed by chapter 1 of the Code (other than the surcharge imposed by section 51) including the tax imposed by section 1201 (relating to the alternative tax for capital gains) for such taxable year, determined without regard to,

(i) The tax imposed by section 871(a) (relating to tax on income of nonresident aliens not connected with U.S. business),

(ii) The tax imposed by section 881 (relating to tax on income of foreign corporations not connected with U.S. business),

(iii) The tax imposed by section 56 (relating to minimum tax for tax preferences),

(iv) Any increase in tax under section 47(a) (relating to certain dispositions, etc., of section 38 property),

(v) Any increase in tax under section 614(c)(4)(C) (relating to special rules as to operating mineral interests in mines in connection with section 615(a) prior to aggregation), and

(vi) The limitations on tax referred to in paragraph (b)(3) of this section,

and reduced as provided in subparagraph (2) of this subparagraph by the credit allowable under section 37 (relating to retirement income). In the computation of the adjusted tax, the alternative tax imposed by section 1201 is determined and included in adjusted tax without taking the surcharge into account. Similarly, the alternative tax determined under sections 594, 802(a)(2), 821(c), and 1304(e)(2) shall be included in adjusted tax, without taking the surcharge into account in such computation. In computing the surcharge, the surcharge percentage contained in the applicable tables is applied against the entire amount of adjusted tax, including the amount attributable to the alternative tax.

(2) *Application of tax credits.* Under section 51 adjusted tax is determined before all credits against tax, except the retirement income credit under section 37. In making the computation of the retirement income credit for purposes only of determining adjusted tax, the limitation contained in section 37(a) is determined without taking the surcharge into account. After the determination of the adjusted tax, the taxpayer's total tax liability, including the surcharge, may be offset by credits to which the taxpayer is entitled, including the retirement income credit (determined after taking the surcharge into account). In the determination of other credits similarly limited by the amount of tax imposed under chapter 1 of the Code, as, for example, the credit allowed under section 46, relating to credits on investments in certain depreciable property, the amount of tax upon which such limitation is based shall include the tax surcharge.

(d) *Computation of tax surcharge for fiscal and short taxable years*—(1) *In general.* (i) The tax surcharge attributable to the fiscal year or short taxable year of a corporation or of an estate or trust, and, except as limited by subparagraph (4) of this paragraph, of any individual (other than an estate or trust),

is determined in accordance with section 51(a)(2). Under section 51(a)(2) in the case of taxable years ending on or after the effective date of the surcharge (as defined in paragraph (a)(2) of this section) and beginning before July 1, 1970, the surcharge is determined by multiplying 10 percent of the adjusted tax for the taxable year by a fraction (hereinafter described as the proration fraction), the numerator of which is the sum of the number of days, if any, in the taxable year occurring on and after the effective date of the surcharge and before January 1, 1970, plus one-half times the number of days, if any, in the taxable year occurring after December 31, 1969, and before July 1, 1970, and the denominator of which is the number of days in the entire taxable year. Section 21, relating to computation of tax in years where there is a change in rates, is not applicable to the increase in tax attributable to the surcharge.

(ii) The following examples illustrate the application of subdivision (i) of this subparagraph:

Example (1). A, a single individual (other than a surviving spouse or head of household) reports his income on a July 1 through June 30 fiscal year. For the period of July 1, 1967, through June 30, 1968, A's adjusted tax is $36,600. Since A's taxable year is a fiscal year, A computes his tax surcharge by use of the proration fraction. Therefore, A's tax surcharge for fiscal year 1968 is $910 determined by multiplying $3,660 (10 percent of $36,600) by a fraction, the numerator of which is 91 (the number of days in the taxable year occurring on and after April 1, 1968, the effective date of the surcharge for individuals, and before January 1, 1970) and the denominator of which is 366 (the number of days in his entire taxable year)

$$\left(\$3{,}660 \times \frac{91}{366}\right).$$

Example (2). Assume the same facts in example (1) except that the facts are with respect to A's fiscal year ending June 30, 1969. Since the entire fisca. year begins after the effective date of the surcharge (Apr. 1, 1968) and is before January 1, 1970, A's surcharge is $3,660 (10 percent of $36,600).

Example (3). B, a single individual (other than a surviving spouse or head of household) reports his income on a July 1 through June 30 fiscal year. For the period of July 1, 1969 through June 30, 1970, B's adjusted tax is $36,500. Since B's taxable year is a fiscal year, B computes his tax surcharge by use of the proration fraction, the numerator of which is 274.5, which is the sum of 184, the number of days in the taxable year occurring after April 1, 1968, and before January 1, 1970; and one-half of 181, the number of days in the taxable year occurring after December 31, 1969 and before July 1, 1970

$$\left(184 + \frac{181}{2}\right).$$

Therefore, B's tax surcharge for the fiscal year ending in 1970 is $2,745, determined by multiplying $3,650 (10 percent of $36,500) by a fraction, the numerator of which is 274.5 and the denominator of which is 365 (the number of days in B's entire taxable year)

$$\left(\$3{,}650 \times \frac{274.5}{365}\right)$$

(2) *Short taxable year because of death of spouse.* If a husband and wife have different taxable years solely because of the death of a spouse, and both would have had the calendar year or the same fiscal year as the taxable year but for such death, and if a joint return is filed with respect to the taxable years of each, then for purposes of the computation of the tax surcharge on the joint return the taxable years of both spouses shall be treated as the calendar year, or the fiscal year, as the case may be. In such a case the rules contained in section 6013(c), relating to the treatment of a joint return after the death of either spouse, shall apply. Accordingly, if H dies on August 30, 1968, and a joint return is filed on April 15, 1969, for the short taxable year of H, January 1 through August 30, and the calendar year of his wife, W, their surcharge will be computed in the manner prescribed in Table 3, section 15(a)(1)(A), based upon W's calendar year.

(3) *Short taxable year due to changes of accounting period.* (i) In the case of a return for a short period due to change of annual accounting period, the computation under section 443(b)(1) shall be made to determine the adjusted tax and not to determine the surcharge. In such case, the proration fraction prescribed in section 51(a)(2) is applicable after the determination of tax (without regard to the surcharge) for the short period under section 443(b). Therefore, if the taxpayer elects to utilize the exception provided in paragraph (2) of section 443(b), the greater of the amount under clause (i) or (ii) of subparagraph (A) of such paragraph is determined without taking the surcharge into account, and such amount is then used as a basis for determining the adjusted tax for purposes of computing the surcharge.

(ii) The application of this subparagraph is illustrated by the following example:

Example. (a) A and B, individuals filing a joint return, have been granted permission under section 442 to change their annual accounting period. They file a return for the short period of 7 months ending May 31, 1968. Assume that A and B have properly annualized their taxable income and credits for the short period (Nov. 1, 1967, through May 31, 1968) and such annualized taxable income and credits is as follows:

Taxable income	$12,000
Retirement income credit	340
Other allowable credits	1,200

(b) A and B's tax before surcharge is as follows:

Tax on $12,000		$2,260
Less: Retirement income credit	$340	
Other credits	1,200	1,540
Tax for annualized period		720
Tax for 7 month period (7/12×$720)		420

(c) A and B's tax surcharge is computed as follows:

Tax determined under section 443	$420
Add: Credits other than retirement income credit (7/12×$1,200)	700
Adjusted tax	1,120
Tax Surcharge (81/113×10%×$1,120)	32.08
(d) A and B's total tax ($420+32.08)	452.08

(4) *Limitation on surcharge attributable to individuals with fiscal or short taxable years.* With respect to individuals with fiscal or short taxable years—

(i) *Joint return.* In the case of a husband and wife (or surviving spouse) who file a joint return under section 6013 and whose adjusted tax for the taxable year is less than $580, the surcharge shall not exceed twice the surcharge which would be determined under section 51(a)(2)(A) if the surcharge were imposed on the amount by which the adjusted tax exceeds $290.

(ii) *Head of household.* In the case of an individual who is a head of household to whom section 1(b) applies and whose adjusted tax for the taxable year is less than $440, the surcharge shall not exceed twice the surcharge which would be determined under section 51(a)(2)(A) if the surcharge were imposed on the amount by which the adjusted tax exceeds $220.

(iii) *Other individuals.* In the case of an individual other than an individual referred to in subdivision (i) or (ii) of this subparagraph (but not including an estate or trust) whose adjusted tax for the taxable year is less than $290, the surcharge shall not exceed twice the surcharge which would be determined under section 51(a)(2)(A) if the surcharge were imposed on the amount by which the adjusted tax exceeds $145.

(iv) *Illustration.* The provisions of this subparagraph may be illustrated by the following example:

Example: A and B file a joint return for the fiscal year July 1, 1967, through June 30, 1968. Their adjusted tax is $500. Since their adjusted tax is less than $580, the amount of the surcharge is limited as provided in subdivision (i) of this subparagraph. The limitation is computed as follows:

Adjusted tax	$500
Less: Limitation amount for taxpayers filing joint returns	290
Balance against which twice the surcharge rate is applied	210
Amount of surcharge before limitation ($500×10%×91/366)	12.43
Amount of surcharge as limited ($210×10%×91/366×2)	10.44

(e) *Western Hemisphere trade corporations and dividends on certain stock.* (1) Section 244(a)(2) (relating to deductions with respect to dividends received on the preferred stock of a public utility), section 247(a)(2) (relating to deduction with respect to certain dividends paid by a public utility) and section 922(2) (relating to special deduction for Western Hemisphere trade corporations) provide deductions which are computed, in part, by multiplying the dividends received or paid in the case of sections 244(a)(2) and 247(a)(2), and taxable income in the case of section 922(2), by a fraction, the numerator of which is 14 percent, and the denominator of which is that percentage which equals the sum of the normal tax rate prescribed in section 11(b) and the surtax rate prescribed in section 11(c), for the taxable year, for example, 48 percent for 1968 and 1969. In order to reflect the imposition of the tax surcharge in the determination of these deductions, section 51(d) provides that the denominator of such fractions must be increased to reflect the rate at which the surcharge is imposed. Under this provision, in the case of a corporation whose taxable year is a calendar year, the denominator is increased from 48 percent to 52.8 percent for 1968 and 1969, and from 48 percent to 49.2 percent for 1970. In the case of a corporation whose taxable year is other than a calendar year, the fraction prescribed in each section is adjusted by adding to the denominator of such fraction the product of 4.8 percent (10 percent of 48 percent) multiplied by a surcharge proration fraction, the numerator of which is the sum of the number of days, if any, in the taxable year occurring on and after January 1, 1968, and before January 1, 1970, plus one-half times the number of days, if any, in the taxable year occurring after December 31, 1969 and before July 1, 1970, and the denominator of which is the number of days in the entire taxable year.

(2) The application of this paragraph is illustrated by the following examples:

Example (1). A, a calendar year corporation eligible for the deduction under section 244 (relating to dividends received on certain preferred stock), receives dividends in 1968 of $10,000 from Corporation B, a public utility corporation which is subject to taxation under chapter 1 of the Code, and with respect to which the deduction provided under section 247 is allowable with respect to these dividends. The deduction allowable under section 244 for the calendar year 1968 with respect to these dividends is $6,246.21, computed as follows:

Dividends received on preferred stock	$10,000.00
Less: The product of such dividends and the fraction specified in section 244(a)(2) adjusted to reflect surcharge ($10,000×14/52.8)	2,651.52
Amount subject to 85 percent deduction	7,348.48
Deduction allowable under section 244 (85 percent of $7,348.48)	6,246.21

Example (2). (a) Corporation W which qualifies as a Western Hemisphere trade corporation has taxable income for the fiscal year February 1, 1967, through January 31, 1968 (without taking the special deduction allowed under section 922 into account) of $176,688. The number of days in W's taxable year occurring on and after January 1, 1968, is 31. The number of days in the entire taxable year is 365.

(b) The denominator of the fraction referred to in section 922(2) used in computing the special deduction is increased from 48 percent to 48.40767 percent, computed as follows:

	Percent
Product of 4.8 percent and surcharge proration fraction (4.8% of 31/365)	0.40767
Sum of 48 percent and product (48%+0.40767%)	48.40767

(c) Corporation W's special deduction under section 922 is $51,100, which is the product of W's taxable income (computed without the deduction) ($176,688) and the fraction referred to in section 922(2) adjusted to reflect the surcharge (14%/48.40767%) computed as follows:

$$\frac{(14\%)+(\$176{,}688)}{(48.40767\%)}=\$51{,}100.$$

(f) *Shareholders of regulated investment companies.*—(1) *In general.* Section 852 requires, generally, that shareholders of regulated investment companies include in their income their designated share of undistributed long-term capital gain. Under section 852(b)(3)(D)(ii) a shareholder is deemed to have paid his share of the tax required to be paid by the company under section 852(b)(3)(A) on such gain. Prior to the amendment of section 852 by the Tax Reform Act of 1969, which amendments were effective for taxable years beginning after December 31, 1969, section 852(b)(3)(A) expressly referred to a 25 percentage figure. For taxable years beginning after December 31, 1969, section 852(b)(3)(A), as amended by the Act, no longer refers to a specific percentage figure. Under section 852(b)(3)(D)(iii) the basis of the shareholder's shares is correspondingly increased with respect to his share of the capital gain on which he is deemed to have paid tax.

(2) *Adjustment for calendar year company.*—(i) *Calendar years 1968 and 1969.* In the case of a regulated investment company whose taxable year is a calendar year, the tax of 25 percent deemed paid, under former section 852(b)(3)(D)(ii), by a shareholder of a regulated investment company is increased by 2.5 percent (10 percent of 25 percent) from 25 percent to 27.5 percent. A corresponding adjustment must also be made in the percentage figure used to increase adjusted basis of the shares of the regulated investment company in the hands of the shareholder. Therefore, the applicable percentage figure is decreased from 75 percent to 72.5 percent (75 percent less 2.5 percent).

(ii) *Calendar year 1970.* The taxes deemed paid by a shareholder of a regulated investment company under section 852(b)(3)(D)(ii) include the surcharge. This has the effect of increasing the percentage figures of 25 percent and 28 percent, referred to in section 1201(a), to, respectively, 25.625 percent (25 percent plus .625 percent (the product of 2.5 percent of 25 percent)) and 28.7 percent (28 percent plus 0.7 percent (the product of 2.5 percent of 28 percent)). A corresponding adjustment for 1970 must also be made in the percentage figures prescribed under section 852(b)(3)(D)(iii) used to increase adjusted basis of the shares of the shareholder. Therefore, the percentages applicable in section 852(b)(3)(D)(iii) are decreased from 75 percent to 74.375 percent (75 percent less 0.625 percent (the product of 2.5 percent of 25 percent)) and from 72 percent to 71.3 percent (72 percent less 0.7 percent (the product of 2.5 percent of 28 percent)) for calendar year 1970.

(3) *Adjustment for a fiscal or short taxable year.*—(i) *Taxable years ending prior to January 1, 1970.* In the case of a corporation with a taxable year which is other than a calendar year and which ends prior to January 1, 1970, the tax of 25 percent deemed paid by a shareholder of a regulated investment company is increased by the product of 2.5 percent (10 percent of 25 percent) times a surcharge proration fraction, the numerator of which is the sum of the number of days in the taxable year of the regulated investment company occurring on and after January 1, 1968, and the denominator of which is the number of days in the entire taxable year. The percentage figure of 75 percent used to increase adjusted basis of the shares of the regulated investment company in the hands of the shareholder is correspondingly decreased.

(ii) *Taxable years ending after December 31, 1969.* In the case of taxable years, other than the calendar year, beginning in 1969 and ending in 1970, in applying section 852(b)(3)(D)(ii) each shareholder shall be deemed to have paid a tax on certain capital gains imposed upon the investment company by section 852(b)(3)(A) which amount shall include the amount of surcharge attributable thereto. Since the rate of tax under section 852(b)(3)(A) (without regard to the surcharge) has changed, with the effective date of change being January 1, 1970, the rules of section 21 (relating to the effect of such changes) shall be applied in computing the adjusted tax of the company. After the adjusted tax is so computed, the surcharge attributable thereto shall be determined under section 51(a)(2)(A) of the Code and paragraph (d) of this section. Similarly, a corresponding adjustment to the basis under section 852(b)(3)(D)(iii) shall be made.

(iii) Subdivisions (i) and (ii) of this subparagraph may be illustrated by the following examples. Assume that all computations are carried out to sufficient accuracy:

Example (1). (a) R, a regulated investment company as defined in section 851, has a fiscal taxable year from April 1, 1967, through March 31, 1968. The number of days in R's taxable year occurring on or after January 1, 1968, is 91. The number of days in the entire taxable year is 366.

(b) The percentage figure (25 percent before adjustment) referred to in former section 852(b)(3)(A) and, by cross reference, in section 852(b)(3)(D)(ii) applicable to R must be increased to 25.622 percent, computed as follows:

$$\frac{(2.5\%)\times(91)}{366}+25\%=25.622\%$$

(c) The percentage figure (75 percent prior to adjustment) referred to in former section 852(b)(3)(D)(iii) must be decreased to 74.378 percent, computed as follows:

$$75\%-\frac{(2.5\%)\times(91)}{366}=74.378\%$$

Example (2). (a) R, a regulated investment company as defined in section 851, has a fiscal taxable year from July 1, 1969, through June 30, 1970. The amount of undistributed long-term capital gains, during such taxable year of R, is $55,000. There are no short-term capital losses and no deductions for dividends paid (as defined in section 561). The total amount of undistributed subsection (d) gain (as defined in section 1201(d)) is $50,000. The number of days in R's taxable year occurring before January 1,

1970, is 184. The number of days in R's taxable year occurring after December 31, 1969, is 181. One-half of the number of days in R's taxable year occurring after December 31, 1969, and before July 1, 1970, is 90.5. The total number of days in R's taxable year is 365.

(b) Adjusted tax is $13,824.39, computed as follows:

(1) First tentative tax is $6,931.51

$$\left((25\% \times \$55{,}000) \times \frac{184}{365}\right)$$

(2) Second tentative tax is $6,892.88

$$\left([(25\% \times \$50{,}000) + (28\% \times \$5{,}000)] \times \frac{181}{365}\right)$$

(3) The sum of first tentative tax and second tentative tax is $13,824.39 ($6,931.51+$6,892.88).

(c) The amount of surcharge is $1,039.67, computed as follows:

$$(10\% \times \$13{,}824.39) \times \frac{184+90.5}{365} = \$1{,}039.67$$

(g) *Determinations of substractions from policyholders surplus account of life insurance company.* Section 815(c)(3)(B) provides that there shall be subtracted from the policyholder's surplus account the amount (determined without regard to section 802(a)(3)) by which the tax imposed for the taxable year by section 802(a) is increased by reason of section 802(b)(3). Section 1.815–4 provides a formula to be used to determine the amount of the subtraction referred to in section 815(c)(3). In order to take the surcharge into account the numerator (referred to in § 1.815–4(c)(2)(iii)(b)) and the denominators contained in such formulas shall be decreased to reflect the surcharge percentage. For example, § 1.815–4(c)(2)(i), which applies, in general, when a company's life insurance company taxable income exceeds $25,000, provides that the amount subtracted from the policyholders surplus account shall be determined by multiplying the amount treated as distributed out of such account by a ratio, the numerator of which is 100 percent and the denominator of which is 100 percent minus the sum of the normal tax rate and the surtax rate for the taxable year. In order to reflect the imposition of the surcharge, the denominator of the fraction must be decreased from 52 percent (100 percent−48 percent) to 47.2 percent (100 percent−(48 percent+4.8 percent)) for 1968 and 1969. For 1970, the denominator must be decreased from 52 percent to 49.2 percent (100 percent−(48 percent+1.2 percent)).

(h) *Special rule for application of surcharge*—(1) *General rule.* Except as otherwise provided in this section, to the extent the tax imposed by section 51 is attributable to a tax imposed by another section of chapter 1 of the Code, such tax shall be deemed to be imposed by such other section. For example, if the only tax (other than the surcharge) imposed under chapter 1 of the Code to which a particular corporation is subject is the tax imposed by section 11, then the surcharge imposed on such corporation shall be deemed to be imposed by section 11. However, in computing the adjusted tax under section 51(b) and paragraph (c) of this section, the taxes imposed shall be determined without regard to any amount of the surcharge, whether or not deemed imposed by a section other than section 51 by operation of this paragraph. If an amount of surcharge is deemed imposed by a section other than section 51 by application of this paragraph, this paragraph shall not be applied again with respect to the same amount of surcharge. Thus, for example, if a life insurance company is subject to the tax imposed by section 802, the rates of which are determined with reference to section 11, the surcharge attributable to such tax shall be deemed to be imposed by section 802 and not by section 11. Therefore, in applying section 815(c)(3)(B), relating to certain subtractions of amounts of tax from policyholders surplus account of a stock life insurance company, the term "tax imposed for the taxable year by section 802(a)" includes the amount of surcharge attributable thereto. (See paragraph (g) of this section for special rules for determining such term.)

(2) *Illustrations of general rule.* The application of the rules contained in subparagraph (1) of this paragraph is illustrated as follows:

(i) In general, under section 46(a) the amount of credit for investment in certain depreciable property is limited to an amount equal to a specified amount of tax other than the tax imposed by certain designated sections (such as section 531, relating to the accumulated earnings tax). Under subparagraph (1) of this paragraph, only the amount of the surcharge attributable to the tax imposed by sections other than the designated sections may be taken into account in computing the limitation on the credit under section 46.

(ii) In general, under section 72(n)(3) (relating to determination of taxable income by certain self-employed individuals) any increase in taxes imposed by section 1 or 3 by reason of section 72(n)(3) shall not be reduced by any credit under part IV of subchapter A (other than sections 31 and 39 thereof). Under the rules prescribed in subparagraph (1) of this paragraph, such resulting increase in taxes shall be deemed to include the proper amount of the surcharge, and accordingly, such amount of surcharge shall not be reduced by such credits.

(iii) In general, under section 1372(b)(1) if a small business corporation makes an election under section 1372(a), such corporation shall not be subject to the taxes imposed by chapter 1 of the Code other than the tax imposed by section 1378. Under the rules prescribed in subparagraph (1) of this paragraph, such corporation shall be deemed to be subject to the surcharge imposed by section 51 attributable to the tax imposed by section 1378.

(i) *Payment of surcharge*—(1) *In general.* (i) Except as provided in subdivision (ii) of this subparagraph, the surcharge is due and payable at the same time as the income tax imposed by Chapter 1 of the Code.

(ii) In the case of a taxable year ending before June 28, 1968, the time prescribed for payment of the surcharge shall be on September 16, 1968. If a corporation elects, under section 6152, to pay its tax in two equal installments and both installments are due before September 16, 1968, then the entire additional payment required to reflect the surcharge must be paid on or before September 16. If the first installment is due on or before September 16, but the second installment is due after that date, the corporation must pay one-half of the amount of the surcharge on or before September 16, 1968. The remaining one-half of the surcharge due must be paid as a part of the second installment on the due date for that installment. A taxpayer whose taxable year ended before June 28, 1968, and filed his return before September 16, 1968, without including the tax imposed by section 51 is required to file an amended return (or an amended fiscal year tax computation schedule) by September 16, 1968 to reflect the amount of his tax surcharge. Since an amended return (or an amended fiscal year tax computation schedule) does not constitute a return for purposes of determining the periods of limitation under section 6501 or 6511 of the Code, neither the period of limitation on assessment and collection nor the period of limitation on credit or refund, if otherwise measured from the time the return is filed, will be extended by the subsequent filing of such amended return or schedule.

(2) *Interest on underpayments.* Under section 6601 interest on an underpayment of the surcharge due on or before September 16, 1968, will be computed from such date. However, for purposes of computing interest on an underpayment of any tax, if the due date for payment of such tax (other than the surcharge) is before September 16, 1968, and if such tax is for a period, or a portion of a period, during which the surcharge applies, a payment before September 16, 1968, whether or not designated a payment of the surcharge, is applied against the underpayment of such tax to the extent thereof, and the balance, if any, is applied against any surcharge liability due on or before September 16, 1968.

(3) *Interest on overpayments.* Under sections 6611 and 6513, in general, interest on an overpayment of surcharge made before September 16, 1968, will be computed from such date. In the case of an overpayment of tax (not including surcharge) for a due date which is before the September 16, 1968, due date to the extent not designated a payment of surcharge, interest on such overpayment shall begin as of the prior due date (or payment, whichever is later) even if an amount of overpayment is subsequently credited against a subsequent tax liability (including a surcharge liability) on or after September 16, 1968. For purposes of this subparagraph an amount is treated as a payment of surcharge to the extent the payment exceeds the amount of tax computed without regard to the surcharge as shown on the return or amended return, and to the extent the payment does not exceed the amount reported on the return as surcharge.

PAR. 4. Section 1.242 is amended by revising section 242(a) and a historical note is added to read as follows:

§ 1.242 Statutory provisions; partially tax-exempt interest.

SEC. 242. *Partially tax-exempt interest*—(a) *Allowance of deduction.* There shall be allowed to a corporation as a deduction the amount received as interest on obligations of the United States or on obligations of corporations organized under Acts of Congress which are instrumentalities of the United States, but only if—

(1) Such interest is included in gross income; and

(2) Such interest is exempt from normal tax under the section authorizing the issuance of such obligations.

No deduction shall be allowed under this section for purposes of any surtax imposed by this subtitle.

* * * * *

[Sec. 242 as amended by sec. 123(c), Rev. Act 1964 (78 Stat. 30)]

PAR. 5. Section 1.242–1 is amended to read as follows:

§ 1.242–1 Deduction for partially tax-exempt interest.

A corporation is allowed a deduction under section 242(a) in an amount equal to certain interest received on obligations of the United States, or an obligation of corporations organized under Acts of Congress which are instrumentalities of the United States. The interest for which a deduction shall be allowed is interest which is included in gross income and which is exempt from normal tax under the act, as amended and supplemented, which authorized the issuance of the obligations. The deduction allowed by section 242(a) is allowed only for the purpose of computing normal tax, and therefore, no deduction is allowed for such interest in the computation of any surtax imposed by subtitle A of the Internal Revenue Code of 1954.

PAR. 6. Section 1.821 is amended by revising sections 821 (a) and (c)(1) and the historical note. These amended provisions read as follows:

§ 1.821 Statutory provisions; tax on mutual insurance companies (other than life or marine or fire insurance companies issuing perpetual policies).

SEC. 821. *Tax on mutual insurance companies to which part II applies*—(a) *Imposition of tax.* A tax is hereby imposed for each taxable year beginning after December 31, 1963, on the mutual insurance company taxable income of every mutual insurance company (other than a life insurance company and other than a fire, flood, or marine insurance company subject to the tax imposed by section 831). Such tax shall consist of—

(1) *Normal tax.* A normal tax of 22 percent of the mutual insurance company taxable income, or 44 percent of the amount by which such taxable income exceeds $6,000, whichever is the lesser; plus

(2) *Surtax.* A surtax on the mutual insurance company taxable income computed as provided in section 11(c) as though the mutual insurance company taxable income were the taxable income referred to in section 11(c).

* * * * *

(c) *Alternative tax for certain small companies*—(1) *Imposition of tax.* In the case of taxable years beginning after December 31, 1963, there is hereby imposed for each taxable year on the income of each mutual insurance company to which this subsection applies a tax (which shall be in lieu of the tax imposed by subsection (a)) computed as follows:

(A) *Normal tax.* A normal tax of 22 percent of the taxable investment income, or 44 percent of the amount by which such taxable income exceeds $3,000, whichever is the lesser; plus

(B) *Surtax.* A surtax on the taxable investment income computed as provided in section 11(c) as though the taxable investment income were the taxable income referred to in section 11(c).

* * * * *

[Sec. 821 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 14); sec. 3(a)(1) and (2), Life Insurance Company Tax Act 1955 (70 Stat. 47); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 2, Tax Rate Extension Act 1961 (75 Stat. 193); sec. 2, Tax Rate Extension Act 1962 (76 Stat. 114); sec. 8(a), Rev. Act 1962 (76 Stat. 989); sec. 2, Tax Rate Extension Act 1963 (77 Stat. 72); sec. 123(a), Rev. Act 1964 (78 Stat. 29)]

PAR. 7. Section 1.821–4 is amended by revising paragraphs (b), (d), and (e)(2). These amended provisions read as follows:

§ 1.821–4 Tax on mutual insurance companies other than life insurance companies and other than fire, flood, or marine insurance companies subject to tax imposed by section 831.

* * * * *

(b) *Rates of tax imposed by section 821(a)*—(1) *Normal tax.* For taxable years beginning before January 1, 1964, the normal tax imposed under section 821(a) is the lesser of 30 percent of mutual insurance company taxable income, or 60 percent of the amount by which mutual insurance company taxable income exceeds $6,000. In the case of taxable years beginning after December 31, 1963, the normal tax is imposed at the rate of 22 percent of mutual insurance company taxable income, or 44 percent of the amount by which mutual insurance company taxable income exceeds $6,000, whichever is the lesser. For example, a company subject to tax under section 821(a) will file a return but will pay no normal tax if mutual insurance company taxable income does not exceed $6,000. When mutual insurance company taxable income exceeds $6,000 but does not exceed $12,000, the company will pay a normal tax equal to 44 percent (60 percent in the case of taxable years beginning before Jan. 1, 1964), of the amount by which mutual insurance company taxable income exceeds $6,000. When mutual insurance company taxable income exceeds $12,000, the company will pay normal tax at the rate of 22 percent (30 percent in the case of taxable years beginning before Jan. 1, 1964), of such income.

(2) *Surtax*—(i) *Taxable years beginning before January 1, 1964.* For taxable years beginning before January 1, 1964, companies taxable under section 821(a) are subject to a surtax equal to 22 percent of so much of their mutual insurance company taxable income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) as exceeds $25,000. In the case of an interinsurer or reciprocal underwriter electing to be subject to the limitation provided in section 826(b), the surtax applies to any increase in mutual insurance company taxable income attributable to such election, without regard to the $25,000 surtax exemption otherwise provided by this subparagraph, and without regard to whether the company is liable for any normal tax under subparagraph (1) of this paragraph. See section 826(f) and § 1.826–2.

(ii) *Taxable years beginning after December 31, 1963.* For taxable years beginning after December 31, 1963, companies taxable under section 821(a) are subject to a surtax at the rates and with the exemptions provided in section 11(c) on their mutual insurance company taxable income. In the case of an interinsurer or reciprocal underwriter electing to be subject to the limitation provided in section 826(b), the surtax applies to any increase in mutual insurance company taxable income attributable to such election, without regard to the surtax exemption otherwise provided by section 11(d), and without regard to whether the company is liable for any normal tax under section 821(a)(1) and subparagraph (1) of this paragraph. See section 826(f) and § 1.826–2.

* * * * *

(d) *Examples.* The application of the tax imposed by section 821(a) may be illustrated by the following examples:

Example (1). (a) M, a mutual casualty insurance company, for the calendar year 1963 has gross receipts from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) in excess of $500,000, and therefore is subject to the tax imposed by section 821(a). M's taxable investment income, computed under section 822, is $30,000 and its statutory underwriting income, computed under section 823, is $15,000. M subtracts $3,000 from its protection against loss account in accordance with the computation made under section 824(d). M has no unused loss deduction. M received no partially tax exempt interest. If M is not subject to section 826, its mutual insurance company taxable income for the taxable year 1963 is $48,000, computed as follows:

(1) Taxable investment income	$30,000
(2) Statutory underwriting income	15,000
(3) Subtractions from protection against loss account	3,000
(4) Total income items	48,000

(5) Investment loss	0
(6) Statutory underwriting loss	0
(7) Unused loss deduction	0
(8) Total loss items	0
(9) Mutual insurance company taxable income (item (4) minus item (8))	48,000

(b) Since M's mutual insurance company taxable income is in excess of $12,000, M will pay normal tax on its mutual insurance company taxable income at a rate of 30 percent. In addition, since M's mutual insurance company taxable income exceeds $25,000, M will pay surtax on such excess at a rate of 22 percent. M's total tax liability for the taxable year 1963 is $19,460, computed as follows:

(1) Mutual insurance company taxable income as computed in item (a)(9)	$48,000
(2) Normal tax; 30 percent of mutual insurance company taxable income	14,400
(3) Surtax exemption	25,000
(4) Mutual insurance company taxable income subject to the surtax (item (1) minus item (3))	23,000
(5) Surtax: 22 percent of mutual insurance company taxable income subject to the surtax	5,060
(6) Total tax (item (2) plus item (5))	19,460

Example (2). If in example (1), M's mutual insurance company taxable income for 1963 had been in excess of $6,000 but not in excess of $12,000, M would pay normal tax in an amount equal to 60 percent of the amount by which such income exceeded $6,000. Thus, if M had mutual insurance company taxable income of $11,000, M's total tax liability for the taxable year 1963 would be $3,000, computed as follows:

(1) Mutual insurance company taxable income	$11,000
(2) Mutual insurance company taxable income in excess of $6,000 ($11,000 minus $6,000)	5,000
(3) 30 percent of item (1)	3,300
(4) 60 percent of item (2)	3,000
(5) Normal tax (lesser of items (3) or (4))	3,000
(6) Surtax exemption	25,000

Since the surtax exemption exceeds the mutual insurance company taxable income for purposes of the surtax, there is no surtax liability. Since the normal tax under section 821(a) is the lesser of 30 percent of mutual insurance company taxable income or 60 percent of the amount by which such income exceeds $6,000, M's normal tax (and total income tax liability) is $3,000. If M's mutual insurance company taxable income was not in excess of $6,000, M would be required to file a return, but would not be liable for any normal tax, since, in such a case, 60 percent of M's mutual insurance company taxable income in excess of $6,000 would be zero.

Example (3). Assume the same income as in example (1) in the 1965 calendar year and that M is not a corporation to which section 1561 (with respect to certain controlled corporations) applies. Since M's mutual insurance company taxable income is in excess of $12,000, M will pay normal tax on its mutual insurance company taxable income at a rate of 22 percent. In addition, since M's mutual insurance company taxable income exceeds the surtax exemption provided in section 11(d) of $25,000, M will pay a surtax on such excess at the rate provided in section 11(c), 26 percent. M's total liability for the taxable year 1964 is $16,540, computed as follows:

(1) Mutual insurance company taxable income as computed in example (1)	$48,000
(2) Normal tax: 22 percent of mutual insurance company taxable income for normal tax purposes	10,560
(3) Surtax exemption provided by section 11(d)	25,000
(4) Mutual insurance company taxable income subject to the surtax (item (1) minus item (3))	23,000
(5) Surtax: at rates provided in section 11(c): 26 percent of mutual insurance company taxable income subject to the surtax	5,980
(6) Total tax (item (2) plus item (7))	16,540

(e) *Alternative tax for certain small mutual insurance companies.* • • •

(2) *Rates of tax imposed by section 821* (c)— (i) *Normal tax.* The normal tax for taxable years beginning before January 1, 1964, is the lesser of 30 percent of taxable investment income or 60 percent of the amount by which taxable investment income exceeds $3,000. For taxable years beginning after December 31, 1963, the normal tax is imposed at the rate of 22 percent of taxable investment income, or 44 percent of the amount by which taxable investment income exceeds $3,000, whichever is the lesser. Thus, a company subject to tax under section 821(c) will file a return but will pay no tax if for the taxable year its taxable investment income does not exceed $3,000; or will pay a normal tax equal to 44 percent (60 percent in the case of taxable years beginning before Jan. 1, 1964), of taxable investment income in excess of $3,000 when such income exceeds $3,000 but does not exceed $6,000. When taxable investment income exceeds $6,000, the normal tax is imposed at the rate of 22 percent (30 percent in the case of taxable years beginning before Jan. 1, 1964) of such income.

(ii) *Surtax.* For taxable years beginning before January 1, 1964, a surtax is imposed at the rate of 22 percent of taxable investment income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) in excess of $25,000. For taxable years beginning after December 31, 1963, a surtax is imposed at the rate provided in section 11(c) on taxable investment income in excess of the surtax exemption provided in section 11(d).

• • • • •

PAR. 8. Paragraph (b) of § 1.826–2 is amended to read as follows:

§ 1.826–2 Special rules applicable to electing reciprocals.

• • • • •

(b) *Denial of surtax exemption.* Section 826(f) provides that the tax imposed upon any increase in the mutual insurance company taxable income of a reciprocal which is attributable to the limitation provided by section 826(b) shall be computed without regard to the surtax exemption provided by section 821(a)(2) and the regulations thereunder. Thus, a company making the election provided under section 826(a) will be subject to surtax, as well as normal tax, on the increase in its mutual insurance company taxable income for the taxable year which is attributable to such election. Similarly, any amount which was added to the protection against loss account by reason of an election under section 826(a) and § 1.826–1, and which is subtracted from such account in accordance with section 826(d) and paragraph (a) of this section, will be subject to surtax, as well as normal tax, to the extent such amount increases mutual insurance company taxable income in the year in which the subtraction is made. Furthermore, the company will be subject to surtax on such increases notwithstanding the fact that it may have no normal tax liability for the taxable year, because its mutual insurance company taxable income (after giving effect to the election provided by section 826(a)) does not exceed $6,000.

PAR. 9. Section 1.963 is amended by revising section 963(b) and by revising the historical note to read as follows:

§ 1.963 Statutory provisions; receipt of minimum distributions by domestic corporations.

SEC. 963. *Receipt of minimum distributions by domestic corporations.* • • •

(b) *Minimum distribution.* • • •

(1) *Taxable years beginning in 1963 and taxable years entirely within the surcharge period ending before January 1, 1970—*

If the effective foreign tax rate is (percentage)—	*The required minimum distribution of earnings and profits is (percentage)—*
Under 10	90
10 or over but less than 20	86
20 or over but less than 28	82
28 or over but less than 34	75
34 or over but less than 39	68
39 or over but less than 42	55
42 or over but less than 44	40
44 or over but less than 46	27
46 or over but less than 47	14
47 or over	0

• • • • •

(2) *Taxable years beginning in 1964 and taxable years beginning in 1969 and ending in 1970 to the extent subparagraph (B) applies—*

If the effective foreign tax rate is (percentage)—	*The required minimum distribution of earnings and profits is (percentage)—*
Under 10	87
10 or over but less than 19	83
19 or over but less than 27	79
27 or over but less than 33	72
33 or over but less than 37	65
37 or over but less than 40	53
40 or over but less than 42	38
42 or over but less than 44	26
44 or over but less than 45	13
45 or over	0

(3) *Taxable years beginning after 1964 (except taxable years which include any part of the surcharge period)—*

If the effective foreign tax rate is (percentage)—	*The required minimum distribution of earnings and profits is (percentage)—*
Under 9	83
9 or over but less than 18	79
18 or over but less than 26	76
26 or over but less than 32	69
32 or over but less than 36	63
36 or over but less than 39	51
39 or over but less than 41	37
41 or over but less than 42	25
42 or over but less than 43	13
43 or over	0

In the case of a taxable year beginning before the surcharge period and ending within the surcharge period, or beginning within the surcharge period and ending after the surcharge period, or beginning before January 1, 1970, and ending after December 31, 1969, the required minimum distribution shall be equal to the sum of—

(A) That portion of the minimum distribution which would be required if the provisions of paragraph (1) were applicable to the taxable year, which the number of days in such taxable year which are within the surcharge period and before January 1, 1970, bears to the total number of days in such taxable year,

(B) That portion of the minimum distribution which would be required if the provisions of paragraph (2) were applicable to such taxable year, which the number of days in such taxable year which are within the surcharge period and after December 31, 1969, bears to the total number of days in such taxable year, and

(C) That portion of the minimum distribution which would be required if the provisions of paragraph (3) were applicable to such taxable year, which the number of days in such taxable year which are not within the surcharge period bears to the total number of days in such taxable year.

As used in this subsection, the term "surcharge period" means the period beginning January 1, 1968, and ending June 30, 1970.

• • • • •

[Sec. 963 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006); amended by sec. 123(b), Rev. Act 1964 (78 Stat. 29); sec. 102, Rev. and Exp. Con. Act 1968 (82 Stat. 251); sec. 701, Tax Reform Act 1969 (83 Stat. 659)]

PAR. 10. Section 1.963–1 is amended by revising paragraph (a)(1) and by revising that part of paragraph (b) that precedes subparagraph (1) thereof. These amended and revised provisions read as follows:

§ 1.963–1 Exclusion of subpart F income upon receipt of minimum distribution.

(a) *In general*—(1) *Purpose of section 963.* Section 963 sets forth an exception to section 951(a)(1)(A)(i) by providing that a United States corporate shareholder may exclude from its gross income the subpart F income of a controlled foreign corporation if for the taxable year such shareholder elects such exclusion and, where necessary, receives a distribution of the earnings and profits of such foreign corporation sufficient to bring the aggregate U.S. and foreign income taxes on the pretax earnings and profits of that corporation to a percentage level approaching the U.S. tax rate for such year on the income of a domestic corporation. The election to secure an exclusion under section 963 may be made with respect to a "single first-tier corporation" or a "chain" or "group" of controlled foreign corporations. This section defines the terms "single first-tier corporations," "chains," "group," and certain other terms and prescribes the manner in which such an election is to be made. Section 1.963–2 describes the manner in which the amount of the minimum distribution for any taxable year is to be determined. Section 1.963–3 specifies the distributions counting toward a minimum distribution. Section 1.963–4 sets forth the requirement with respect to a minimum distribution from a chain or group that the overall U.S. and foreign income tax must equal either 90 percent of the U.S. corporate tax rate applied against consolidated pretax and predistribution earnings and profits or, with the application of the special rules set forth in that section, the total U.S. and foreign income taxes which would have been incurred in respect of a pro rata minimum distribution from the chain or group. Section 1.963–5 provides special rules for applying section 963 in certain cases in which the rate of foreign income tax incurred by a foreign corporation varies with the amount of distributions it makes for the taxable year. Section 1.963–6 outlines the deficiency distribution procedure that may be followed if for reasonable cause a U.S. corporate shareholder fails to receive a complete minimum distribution for a taxable year for which it elects the exclusion under section 963. Section 1.963–7 provides transitional rules for the application of section 963 for certain taxable years of U.S. shareholders ending on or before the 90th day after September 30, 1964. Section 1.963–8 provides rules for the determination of the required minimum distribution during the period the surcharge imposed by section 51 is in effect.

• • • • •

(b) *Definitions.* For purposes of section 963 and §§ 1.963–1 through 1.963–8—

• • • • •

PAR. 11. Section 1.963–2 is amended by revising paragraph (b) and paragraph (d)(1). These amended provisions read as follows:

§ 1.963–2 Determination of the amount of the minimum distribution.

• • • • •

(b) *Statutory percentage.* The statutory percentage (referred to in paragraph (a) of this section) for the taxable year shall be determined by applying the effective foreign tax rate (as defined in paragraph (c) of this section) for such year with respect to the single first-tier corporation, chain, or group, as the case may be, against—

(1) The table set forth in section 963(b)(1) in the case of an election to secure an exclusion under section 963 for a taxable year of the United States shareholder beginning in 1963 and a taxable year entirely within the surcharge period ending before January 1, 1970.

(2) The table set forth in section 963(b)(2) in the case of an election to secure an exclusion under section 963 for a taxable year of the U.S. shareholder beginning in 1964 or for a taxable year of such shareholder beginning in 1969 and ending in 1970 to the extent subparagraph (B) of section 963(b)(3) applies,

(3) The table set forth in section 963(b)(3) in the case of an election to secure an exclusion under section 963 for a taxable year of the U.S. shareholder beginning after December 31, 1964 except a taxable year which includes any part of the surcharge period, or

(4) The table set forth in paragraph (b) of § 1.963–8 in the case of an election to secure an exclusion under section 963 for the calendar year 1970.

Example. Domestic corporation M owns all the one class of stock in controlled foreign corporation A. Corporation M uses the calendar year as its taxable year, and A Corporation uses a fiscal year ending August 31. For 1964, M Corporation makes a first-tier election in order to exclude from gross income for such year the subpart F income of A Corporation for its taxable year ending on August 31, 1964. Although, such election applies to the taxable year of A Corporation beginning on September 1, 1963, the applicable table, for purposes of determining the statutory percentages to be used under paragraph (a) of this section for the taxable year, is that set forth in section 963(b)(2), which relates to taxable years of United States shareholders beginning in 1964. Thus, if for the taxable year of A Corporation ending August 31, 1964, the effective foreign tax rate is 30 percent, A Corporation would have to distribute 72 percent of its earnings and profits for such year in order for M Corporation to be entitled to an exclusion under section 963 for 1964.

• • • • •

(d) *Determination of proportionate share of earnings and profits and consolidated earnings and profits*—(1) *Earnings and profits of foreign corporations.* For purposes of §§ 1.963–1 through 1.963–8, the earnings and profits, or deficit in earnings and profits, for the taxable year, of a single first-tier corporation or of a foreign corporation in a chain or group shall be the amount of its earnings and profits for such year, determined under section 964(a) and § 1.964–1 but without reduction for foreign income tax or for distributions made by such corporation, less—

(i) In the case of a foreign corporation included in a chain or group, the amount of any distributions received (computed without reduction for any income tax paid or accrued by such corporation with respect to such distributions) by such corporation during its taxable year from the earnings and profits (whether or not from earnings and profits of the taxable year to which the election under section 963 applies) of another foreign corporation in the chain or group,

(ii) In the case of every foreign corporation, the amount of foreign income tax paid or accrued by such corporation

during its taxable year other than foreign income tax referred to in subdivision (i) and (iii) of this subparagraph, and

(iii) In the case of a foreign corporation included in a chain or group, the foreign income tax paid or accrued by such corporation with respect to distributions from the earnings and profits of any other foreign corporation in the chain or group for the taxable year of such other corporation to which the election under section 963 applies, but only if the U.S. shareholder chooses under this subdivision to take such tax into account in determining the effective foreign tax rate rather than count it toward the amount of the minimum distribution as provided in paragraph (b)(2) of § 1.963–3.

In the event that the foreign income tax of a corporation included in a chain or group depends upon the extent to which distributions are made by such corporation, the amount of foreign income tax referred to in subdivision (ii) of this subparagraph shall, only for purposes of determining the effective foreign tax rate, be the amount which would have been paid or accrued if no distributions had been made. For the rules in other cases involving corporations whose foreign income tax varies with distributions, see § 1.963–5. For the manner of computing the earnings and profits of a foreign branch treated as a wholly owned foreign subsidiary corporation see paragraph (f)(4)(ii) of § 1.963–1.

* * * * *

PAR. 12. Section 1.963–4 is amended by revising that part of paragraph (a)(2) that precedes subdivision (i) thereof to read as follows:

§ 1.963–4 Limitations on minimum distribution from a chain or group.

(a) *Minimum overall tax burden.* * * *.

(2) *Definitions.* For purposes of §§ 1.963–1 through 1.963.8—* * *

* * * * *

PAR. 13. The following new section is inserted immediately after § 1.963–7.

§ 1.963–8 Determination of minimum distribution during the surcharge period.

(a) *Taxable years not wholly within the surcharge period.* In the case of a taxable year beginning before the surcharge period and ending within the surcharge period, or beginning within the surcharge period and ending after the surcharge period, or beginning before January 1, 1970, and ending after December 31, 1969, section 963(b) provides the method for determining the required minimum distribution. Under the method prescribed in section 963(b) for such years, the required minimum distribution is an amount equal to the sums of:

(1) That portion of the minimum distribution which would be required if the provisions of section 963(b)(1) were applicable to the taxable year, which the number of days in such taxable year which are within the surcharge period and before January 1, 1970, bears to the total number of days in such taxable year.

(2) That portion of the minimum distribution which would be required if the provisions of section 963(b)(2) were applicable to such taxable year, which the number of days in such taxable year which are within the surcharge period and after December 31, 1969, bears to the total number of days in such taxable year, and

(3) That portion of the minimum distribution which would be required if the provisions of section 963(b)(3) were applicable to such taxable year, which the number of days in such taxable year which are not within the surcharge period bears to the total number of days in such taxable year.

(b) *Calendar year 1970.* For calendar year 1970, the required minimum distribution shall be an amount determined in accordance with the following table:

If the effective foreign tax rate is (percentage)—	*The required minimum distribution of earnings and profits is (percentage)—*
Under 9	84.983562
9 or over but less than 10	82.967123
10 or over but less than 18	80.983562
18 or over but less than 19	79.471233
19 or over but less than 26	77.487671
26 or over but less than 27	73.958904
27 or over but less than 32	70.487671
32 or over but less than 33	67.463014
33 or over but less than 36	63.991781
36 or over but less than 37	57.942466
37 or over but less than 39	51.991781
39 or over but less than 40	44.934247
40 or over but less than 41	37.495890
41 or over but less than 42	31.446575
42 or over but less than 43	19.446575
43 or over but less than 44	12.893151
44 or over but less than 45	6.446575
45 or over	0

(c) *Surcharge period.* For purposes of this section the term "surcharge period" means the period beginning January 1, 1968, and ending June 30, 1970.

(d) *Illustration of principles.* The application of the rules set forth in paragraphs (a), (b), and (c) of this section may be illustrated by the following example. It is assumed that all computations are carried to sufficient accuracy:

Example. (a) M, a domestic corporation, and A, its controlled corporation (the one class of stock of which is wholly owned by M), both have a taxable year beginning December 1, 1969, and ending November 30, 1970. For such taxable year M makes a first-tier election with respect to A corporation. The effective foreign tax rate for such year is 30 percent.

(b) Under section 963(b) and paragraph (b) of this section the surcharge period ends June 30, 1970. Therefore, of the 365 days in the taxable year, 153 days are not within the surcharge period. Of the remaining 212 days, 31 are within the surcharge period and before January 1, 1970 and 181 days are within the surcharge period and after December 31, 1969. If section 963(b)(1) were applicable to the entire taxable year, the required minimum distribution of earnings and profits would be 75 percent. If section 963(b)(2) were applicable to the entire taxable year, the required minimum distribution would be 72 percent. If section 963(b)(3) were applicable to the entire taxable year, the required minimum distribution would be 69 percent.

(c) Under section 963(b) and this section the required minimum distribution of earnings and profits is 71 percent, computed as follows:

$$\left(75\%\times\frac{31}{365}\right)+\left(72\%\times\frac{181}{365}\right)+\left(69\%\times\frac{153}{365}\right)=71\%.$$

[FR Doc.71-3782 Filed 3-19-71;8:45 am]

[T.D. 7099]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Children of Divorced or Separated Parents

On September 12, 1970, a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 152 of the Internal Revenue Code of 1954, relating to children of divorced or separated parents, was published in the FEDERAL REGISTER (35 F.R. 14403). After consideration of all the relevant matter presented by interested persons regarding the rules proposed, the amendments so proposed are adopted subject to the changes set forth below:

PARAGRAPH 1. Paragraphs (a) and (d)(2) of § 1.152–4, as set forth in paragraph 2 of the notice of proposed rule making are revised.

PAR. 2. Paragraph (a)(2)(iii) is added to § 1.152–1.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: March 12, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 152 of the Internal Revenue Code of 1954 to the Act of August 31, 1967 (Public Law 90–78, 81 Stat. 191), such regulations are amended as follows:

PARAGRAPH 1. Section 1.152 is amended by revising so much of subsection (a) of section 152 as precedes paragraph (1), by adding at the end of section 152 a new subsection (e), and by revising the historical note. The revised and added provisions read as follows:

§ 1.152 Statutory provisions; dependent defined.

SEC. 152. *Dependent defined*—(a) *General definition.* For purposes of this subtitle, the term "dependent" means any of the following individuals over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under subsection (c) or (e) as received from the taxpayer):

* * * * *

(e) *Support test in case of child of divorced parents, etc.*—(1) *General rule.*—If—

(A) A child (as defined in section 151(e)(3)) receives over half of his support during the calendar year from his parents who are divorced or legally separated under a decree of divorce or separate maintenance, or who are separated under a written separation agreement, and

(B) Such child is in the custody of one or both of his parents for more than one-half of the calendar year,

Such child shall be treated, for purposes of subsection (a), as receiving over half of his support during the calendar year from the parent having custody for a greater portion of the calendar year unless he is treated, under the provisions of paragraph (2), as having received over half of his support for such year from the other parent (referred to in this subsection as the parent not having custody).

(2) *Special rule.* The child of parents described in paragraph (1) shall be treated as having received over half of his support during the calendar year from the parent not having custody if—

(A) (i) The decree of divorce or of separate maintenance, or a written agreement between the parents applicable to the taxable year beginning in such calendar year, provides that the parent not having custody shall be entitled to any deduction allowable under section 151 for such child, and

(ii) Such parent not having custody provides at least $600 for the support of such child during the calendar year, or

(B) (i) The parent not having custody provides $1,200 or more for the support of such child (or if there is more than one such child, $1,200 or more for all of such children) for the calendar year, and

(ii) The parent having custody of such child does not clearly establish that he provided more for the support of such child during the calendar year than the parent not having custody.

For purposes of this paragraph, amounts expended for the support of a child or children shall be treated as received from the parent not having custody to the extent that such parent provided amounts for such support.

(3) *Itemized statement required.* If a taxpayer claims that paragraph (2)(B) applies with respect to a child for a calendar year and the other parent claims that paragraph (2)(B)(i) is not satisfied or claims to have provided more for the support of such child during such calendar year than the taxpayer, each parent shall be entitled to receive, under regulations to be prescribed by the Secretary or his delegate, an itemized statement of the expenditures upon which the other parent's claim of support is based.

(4) *Exception for multiple-support agreement.* The provisions of this subsection shall not apply in any case where over half of the support of the child is treated as having been received from a taxpayer under the provisions of subsection (c).

(5) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.

[Sec. 152 as amended by sec. 2, Act of Aug. 9, 1955 (Public Law 333, 84th Cong., 69 Stat. 626); sec. 4, Technical Amendments Act of 1958 (72 Stat. 1607); sec. 1, Act of Sept. 23, 1959 (Public Law 86–376, 73 Stat. 699); sec. 1, Act of Aug. 31, 1967 (Public Law 90–78, 81 Stat. 191)]

PAR. 2. Paragraph (a)(2)(iii) of § 1.152–1 is added as follows:

§ 1.152–1 General definition of a dependent.

(a) * * *

(2) * * *

(iii) (*a*) For purposes of determining the amount of support furnished for a child (or children) by a taxpayer for a given calendar year, an arrearage payment made in a year subsequent to a calendar year for which there is an unpaid liability shall not be treated as paid either during that calendar year or in the year of payment, but no amount shall be treated as an arrearage payment to the extent that there is an unpaid liability (determined without regard to such payment) with respect to the support of a child for the taxable year of payment; and

(*b*) Similarly, payments made prior to any calendar year (whether or not made in the form of a lump sum payment in settlement of the parent's liability for support) shall not be treated as made during such calendar year, but payments made during any calendar year from amounts set aside in trust by a parent in a prior year, shall be treated as made during the calendar year in which paid.

* * * * *

PAR. 3. The following new section is inserted after § 1.152–3:

§ 1.152–4 Support test in case of child of divorced or separated parents.

(a) *Applicability.* For taxable years beginning after December 31, 1966, the provisions of section 152(e) and this section relate to a determination of which of separated parents (that is, parents who are divorced or legally separated under a decree of divorce or separate maintenance, or separated under a written separation agreement) is to be treated for purposes of section 152(a) and § 1.152–1 as having provided more than half of the support of a child, as defined in section 151(e)(3) and § 1.151–3(a). For section 152(e) and this section to apply either parent or both parents combined must provide more than one-half of the child's total support, within the meaning of § 1.152–1(a)(2)(i) during the calendar year in which the taxable year of the parent who is claiming the child as a dependent begins; and such child must be in the custody of one or both of his parents for more than one-half of the calendar year. Thus, section 152(e) and this section do not apply if a person other than the parents provides one-half or more for the support of such child during the calendar year or has custody of the child for one-half or more of the calendar year. In addition, section 152(e) and this section do not apply in any case where over half of the support of the child is treated as having been received from a taxpayer pursuant to a multiple support agreement under the provisions of section 152(c) and § 1.152–3. Nor does section 152(e) and this section apply to a period for which a joint return signed by both parents is filed.

(b) *Custody.* "Custody," for purposes of this section, will be determined by the terms of the most recent decree of divorce or separate maintenance, or subsequent custody decree, or, if none, a written separation agreement. In the event of so-called "split" custody, or if neither a decree or agreement establishes who has custody, or if the validity or continuing effect of such decree or agreement is uncertain by reason of proceedings pending on the last day of the calendar year, "custody" will be deemed to be with the parent who, as between both parents, has the physical custody of the child for the greater portion of the calendar year.

(c) *General rule.* For purposes of section 152(a) and § 1.152–1, a child shall be treated as receiving over half of his support during the calendar year from the parent (hereinafter referred to as the "custodial parent") having custody within the meaning of paragraph (b) of this section for a greater portion of the calendar year unless the exceptions of paragraph (d) of this section apply. If the parents of such a child are divorced or separated for only a portion of a calendar year after having had joint custody of the child for the prior portion of the year, the parent who has custody for the greater portion of the remainder of the year after divorce or separation shall be treated as having custody for a greater portion of the calendar year. Except as provided in section 152(e)(2)(A) and paragraph (d)(2) of this section (relating to decree or agreement) parents who are unable to enter into a multiple support agreement under section 152(c) cannot enter into an agreement as to which parent is entitled to claim a child as a dependent. Therefore, in general, the custodial parent shall be allowed as a deduction the exemption for the dependent child, if the requirements of section 151(e) are met.

(d) *Exceptions*—(1) *In general.* Notwithstanding paragraph (c) of this section, a child shall be treated as receiving over half of his support during the calendar year from the parent who is not the custodial parent (hereinafter referred to as the "noncustodial parent") if the conditions of subparagraph (2) or (3) of this paragraph are met.

(2) *Decree or agreement.* A noncustodial parent who provides at least $600 for the support of a child during the calendar year shall be treated as having provided more than half the support of the child if the decree of divorce or of separate maintenance, or a written agreement between the parents applicable to the taxable year of the noncustodial parent beginning in such calendar year, provides that the noncustodial parent shall be entitled to any deduction allowable under section 151 as an exemption for the dependent child. In order for this subparagraph to apply, the noncustodial parent must provide at least $600 for the

support of each child he claims as a dependent. For taxable years beginning after December 31, 1970, in the case of a written agreement or portion of a written agreement between the parents which allocates the deduction to the noncustodial parent, the noncustodial parent must attach to his return (or amended return) a copy of such agreement or such portion of such agreement which is applicable to the calendar year in which the taxable year of the noncustodial parent begins.

(3) *Actual support.* A noncustodial parent who provides $1,200 or more support for the child (or if there is more than one child for which he claims an exemption, $1,200 or more for the combined support for all of such children) shall be treated as having provided more than half the support for the child (or children) notwithstanding any provision to the contrary contained in a decree of divorce or separation or in a written agreement, unless the custodial parent clearly establishes that the custodial parent provided, in fact, more for the support of the child during the calendar year than the noncustodial parent. Under section 152(e)(2)(B) and this subparagraph, if the noncustodial parent establishes that he has provided $1,200 or more for the support of the child, then the custodial parent has the burden of establishing by clear and convincing evidence that the custodial parent has provided more for the support of the child than has been established by the noncustodial parent in order to be treated as having provided over half of the support of the child. See paragraph (e) of this section with regard to notification and submission of itemized statements.

(4) *Amount of support.* For purposes of this paragraph, amounts expended for the support of a child shall be treated as received from the noncustodial parent to the extent that the noncustodial parent provided amounts for the support of the child, whether or not such amounts provided by the noncustodial parent are actually expended for child support. Therefore, for example, if only the parents have provided support for the child during a calendar year, only the excess of the total amount expended for the support of the child over the amount so provided by the noncustodial parent shall be treated as provided by the custodial parent for the support of the child.

(e) *Itemized statement*—(1) *Exchange.* (i) If a parent intends to claim for a taxable year a child as a dependent or a parent is uncertain whether he is entitled to claim a child and desires either to determine whether the second parent intends to or has claimed the same child as a dependent, or if the first parent desires to receive an itemized statement as provided in subparagraph (3) of this paragraph from the second parent, the first parent is entitled to receive such information from the second parent in writing upon request provided he both notifies the second parent of his intention (or possible intention) to so claim the child and sends the second parent a copy of such an itemized statement upon which the first parent's claim is based. A failure to make such a request shall not affect the right of the first parent to claim the child as a dependent. However, if the first parent makes such a request, and the second parent does not respond within a reasonable time, and it is determined that the first parent is not entitled to claim the child as a dependent, the inability of the first parent to obtain information will be taken into account in determining whether the addition to tax under section 6653, relating to failure to pay tax, is applicable.

(ii) Upon receipt of such a request accompanied by an itemized statement, if the second parent intends to claim (with respect to the calendar year in which such taxable year of the first parent begins) or has claimed the same child as a dependent, the second parent shall so inform the first parent, and if so requested shall send him a copy of the itemized statement upon which the second parent's claim is based. A notification under this subparagraph that the parent is claiming or is not claiming the child as a dependent shall not affect the rights of the parent making such notification and does not constitute a waiver.

(2) *Attachment to return.* For taxable years beginning after December 31, 1970, if a parent intends to claim a child as a dependent and, prior to the filing of his return or the time prescribed by law for filing the return (determined without regard to any extension thereof), whichever is later, such parent makes or receives a request under the procedures provided under paragraph (e)(1) of this section, then unless he is reasonably certain that the other parent will not claim the child as a dependent, such parent must attach to his return (or if the return is already filed, to a corrected or amended return) a copy of the itemized statement upon which such parent's claim is based, as provided in subparagraph (3) of this paragraph, together with a copy of the other parent's itemized statement, if available, at the time the return is filed. Failure to attach an itemized statement to the extent required by this subparagraph will be taken into account in determining whether the addition to tax under section 6653, relating to failure to pay tax, is applicable in the event it is determined that the parent is not entitled to claim the child as a dependent.

(3) *Contents.* The itemized statement referred to in subparagraphs (1) and (2) of this paragraph shall include—

(i) The name of the child (or children) being claimed as a dependent as well as the name of both parents and, if known, the address and social security number of both parents;

(ii) If known, the number of months the dependent child (or children) lived during the calendar year in the home of each parent or person other than the parents;

(iii) If known, income for the taxable year of each dependent child;

(iv) If known, the total amount of support furnished the child (or children) (including amounts furnished by persons other than the parents);

(v) A list of amounts expended during the calendar year for the child (or children) made by the parent making the statement and itemized to show the amounts expended for medical and dental care, food, shelter, clothing, education, recreation, and transportation;

(vi) Amounts actually paid by the parent making the statement during the calendar year for the support of the child (or children) pursuant to a decree of divorce or separate maintenance, or a written separation agreement; and

(vii) Other amounts paid or expended by the parent making the statement during the calendar year, for the support of the child (or children).

(4) *Requirement by officer.* Notwithstanding subparagraph (1), (2), or (3) of this paragraph, an internal revenue officer may require the submission of an itemized statement from either parent and may make it available to the other parent. Such itemized statement shall contain the information requested by the internal revenue officer and shall be filed within such reasonable time as may be designated by him. If the required statement is not furnished pursuant to the instructions of the internal revenue officer, the claim of support of the parent failing to comply with such requirement may be disallowed by the Internal Revenue Service.

(f) *Illustration of principles.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). A, a child of B and C, who were divorced June 1, 1970, received $1,000 for support during the calendar year 1970, of which $400 was provided by B and $300 was provided by C. No multiple support agreement was entered into. Prior to the divorce B and C jointly had custody of A, and for the remainder of 1970, B had custody of A for the months of October through December, while C had custody of A for the months of June through September. Since C had custody for 4 of the 7 months following the divorce, C is the custodial parent for 1970 and is treated as having provided over half of the support for A during 1970.

Example (2). Assume the same facts as in example (1) and that for the calendar year 1971, of $1,000 support expended for A during 1971, $400 was provided by B and $300 was provided by C. Furthermore, assume that in addition to having custody of A for the months of October through December 1971, B had custody for the first 5 months of 1971. Since B had custody of A for a total of 8 months in 1971, B is the custodial parent for 1971 and is treated as having provided over half of the support for A during 1971.

Example (3). D received all of his support, $1,000, during the calendar year 1970, from his parents E and F, who are separated under a written separation agreement. F had custody of D for the entire year of 1970, but under the agreement E was to provide $600 for the support of D during 1970, and E is entitled to any deduction allowable under section 151 for the years 1970 and 1971. E, in fact, provides only $550 for the support of D during 1970, but makes up the arrearage of $50 early in 1971. Nevertheless, F is treated as having provided over half of the support for D during 1970.

Example (4). Assume the same facts as in example (3) and that F had custody of D for the entire year 1971, and of $2,350 expended for the support of D during 1971, E provided $650 while F provided $1,700. Since under the written separation agreement E is entitled to any deduction allowable under section 151 for D for the year 1971 and E provided at least $600 for the support of D, E is treated as having provided over half of the support of D, for 1971.

Example (5). G and H are legally separated under a decree of separate maintenance. G has custody of I, the child of G and H, for the entire year, and G and H enter into a written agreement that G is entitled to any deduction allowable under section 151 for I for the calendar year 1970. However, during 1970, of the $2,000 provided for the support of I, H provided $1,300 while G provided only $700. H has provided more than $1,200 for the support of I, and G cannot establish that G provided more for the support of I, than did H. Therefore, notwithstanding the agreement, since H does not have custody of I, H is treated as having provided over half of the support for I for 1970.

Example (6). J and K, the children of L and M, who are divorced, received a total of $3,400 for the support of both during the calendar year 1970 from their parents, L, who has custody of J and K for the entire year 1970, provided $1,800 for the support of both, while M, the noncustodial parent, provided $1,600 for such support. Under the decree of divorce, M is entitled to any deduction allowable under section 151 for such children. Since M has provided at least $600 for the support of each child, M is treated as having provided over half the support for J and K for 1970. Furthermore, as J and K are determined under section 152(e) and § 1.152-4 to be dependents of M for purposes of section 151(e), they are also considered to be dependents of M with respect to other provisions of the Code that are dependent upon such a determination for their operation. (For example, section 213.)

[FR Doc.71-3877 Filed 3-19-71;8:47 am]

[T.D. 7097]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Election Relating to Crop Insurance Proceeds; Correction

On March 18, 1971, Treasury Decision 7097 was published in the FEDERAL REGISTER (36 F.R. 5215). The preamble for such Treasury Decision is changed to read as follows:

On December 3, 1970, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 451 of the Internal Revenue Code of 1954 (pertaining to elections relating to crop insurance proceeds) to reflect the changes made by section 215 of the Tax Reform Act of 1969 (83 Stat. 573) was published in the FEDERAL REGISTER (35 F.R. 18389). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted (subject to the changes set forth below), and Treasury Decision 7026, as published on February 17, 1970, in the FEDERAL REGISTER (35 F.R. 3067), is hereby revoked.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71-3948 Filed 3-19-71;8:50 am]

[T.D. 7101]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Brother-Sister Controlled Group

The following regulations relate to the application of section 1563 of the Internal Revenue Code of 1954, as amended by section 401(c) of the Tax Reform Act of 1969 (83 Stat. 602). The regulations set forth herein are temporary and are designed to give taxpayers guidance in determining whether two or more corporations are component members of a brother-sister controlled group. More detailed regulations under that section will be issued subsequently.

§ 13.16 Statutory provisions; definitions and special rules.

Section 1563(a) as amended by section 401(c) of the Tax Reform Act of 1969:

SEC. 1563. *Definitions and special rules*—(a) *Controlled group of corporations.* • • •

(2) *Brother-sister controlled group.* Two or more corporations if five or fewer persons who are individuals, estates, or trusts own (within the meaning of subsection (d)(2)) stock possessing—

(A) At least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock of each corporation, and

(B) More than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.

• • • • •

[Sec. 1563 as added by sec. 235(a), Rev. Act 1964 (78 Stat. 116); amended by sec. 401(c) Tax Reform Act 1969 (83 Stat. 602)]

§ 13.16-1 Definition of controlled group for taxable years ending on or after December 31, 1970.

(a) *Brother-sister controlled group.* (1) For taxable years ending on or after December 31, 1970, the term "brother-sister controlled group" means two or more corporations if the same five or fewer persons who are individuals, estates, or trusts own (directly and with the application of the rules contained in paragraph (b) of § 1.1563-3 of this chapter), singly or in combination, stock possessing—

(i) At least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock of each corporation; and

(ii) More than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.

(2) The principles of this paragraph may be illustrated by the following examples:

Example (1). The outstanding stock of corporations P, Q, R, S, and T, which have only one class of stock outstanding, is owned by the following unrelated individuals:

Individuals	Corporations					Identical ownership
	P	Q	R	S	T	
	Percent					
A	60	60	60	60	100	60
B	40					
C		40				
D			40			
E				40		
Total	100	100	100	100	100	60

Corporations P, Q, R, S, and T are members of a brother-sister controlled group.

Example (2). The outstanding stock of corporations U and V, which have only one class of stock outstanding, is owned by the following unrelated individuals:

Individuals	Corporations		Identical ownership
	U	V	
	Percent		
F	5		
G	10		
H	10		
I	20		
J	55	55	55
K		10	
L		10	
M		10	
N		10	
O		5	
Total	100	100	55

Corporations U and V are not members of a brother-sister controlled group because at least 80 percent of the stock of each corporation is not owned by the same five or fewer persons.

(b) *Overlapping brother-sister controlled groups after 1969.* If, on a December 31 after 1969, a corporation would, without application of this paragraph, be a component member of more than one brother-sister controlled group on such date, such corporation shall be treated as component member of only one such group on such date. The determination as to which group such corporation is treated as a component member shall be made by the district director with audit jurisdiction of such corporation's return for the taxable year that includes such December 31 unless such corporation files an election as provided in this paragraph. The election shall be in the form of a statement, signed by a person authorized to act on behalf of such corporation, designating the group in which the corporation has elected to be included. The statement shall provide all the information with respect to stock ownership which is reasonably necessary to satisfy the district

director that the corporation would, but for the election, be a component member of more than one controlled group. The statement shall be filed on or before the due date (including extensions of time) for the filing of the income tax return of such corporation for the taxable year. (However, in the case of an election with respect to December 31, 1970, the statement shall be considered as timely filed if filed on or before June 15, 1971.) Once filed, the election is irrevocable and effective until such time that a change in the stock ownership of the corporation results in termination of membership in the controlled group in which such corporation has been included.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 1563(b)(4) (78 Stat. 121; 26 U.S.C. 1563(b)(4)), 7805 (68A Stat. 917; 26 U.S.C. 7805), Internal Revenue Code of 1954)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: March 17, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.71-3878 Filed 3-19-71;8:47 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 472]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.772 Lemon Regulation 472.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 16, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 21 through March 27, 1971, are hereby fixed as follows:

(i) District 1: 9,000 cartons;

(ii) District 2: 191,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 17, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3907 Filed 3-19-71;8:49 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1909—GENERAL PROVISIONS

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Elimination of Emergency Flood Insurance Area Map

The following miscellaneous amendments are made to Parts 1909 and 1914, to add the term "affiliates" to the definitions in § 1909.1 and to revise §§ 1909.1, 1914.2, and 1914.3 by amending the definition of and eliminating the requirement for an Emergency Flood Insurance Area Map. Since this amendment eliminates a requirement previously imposed by the Administrator, notice and public procedure hereon are found to be unnecessary, and the amendment shall be effective upon publication in the FEDERAL REGISTER.

1. Section 1909.1 is amended by adding a definition of "affiliates" in alphabetical order, and amending the definition of "Emergency Flood Insurance Area Map" to read as follows:

§ 1909.1 General definitions.

* * * * *

"Affiliates" means two or more associated business concerns which are or can be either directly or indirectly controlled by one or more of the affiliates or by a third party.

* * * * *

"Emergency Flood Insurance Area Map" means the official map on which the Administrator has delineated the areas in which flood insurance may be sold under the emergency flood insurance program.

* * * * *

2. The title and paragraph (a) of § 1914.2 are amended to read as follows:

§ 1914.2 Eligibility under emergency program.

(a) Where a Flood Insurance Rate Map, described in § 1914.3, is not available at the time an applicant community qualifies for flood insurance under the emergency program, the Administrator may declare the entire community a flood plain area having special flood hazards. As soon as the Administrator has obtained sufficient technical information to define the special flood hazard area more precisely, he may request the local authority responsible for implementing the assurances required by § 1910.12 of this chapter, to delineate on a local map or plat (of sufficient scale to show the location of building sites for insurance purposes) the proposed boundaries of the more limited area having special flood hazards. Local maps so prepared and subsequently approved by the Administrator for official purposes are known as Flood Hazard Boundary Maps.

* * * * *

3. Paragraph (a) of § 1914.3 is amended to read as follows:

§ 1914.3 Flood Insurance Maps.

(a) Emergency Flood Insurance Area Map: Areas, under the emergency program, for which the Administrator has authorized the sale of flood insurance may be designated on an Emergency Flood Insurance Area Map.

* * * * *

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), 82 Stat. 572, as amended by secs. 408–410 of the HUD Act of 1969, 83 Stat. 396; 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Effective date. This document shall be effective upon publication in the FEDERAL REGISTER (3–20–71).

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-3870 Filed 3-19-71;8:46 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

COMMISSIONED OFFICERS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

1. In § 3.1(g), subparagraph (6) is amended to read as follows:

§ 3.1 Definitions.

* * * * *

(g) "Secretary concerned" means:

* * * * *

(6) The Secretary of Commerce, with respect to matters concerning the Coast and Geodetic Survey, the Environmental Science Services Administration, and the National Oceanic and Atmospheric Administration.

* * * * *

2. In § 3.5, paragraph (d) is amended to read as follows:

§ 3.5 Dependency and indemnity compensation.

* * * * *

(d) *Group life insurance.* No dependency and indemnity compensation of death compensation shall be paid to any widow, child, or parent based on the death of a commissioned officer of the Public Health Service, the Coast and Geodetic Survey, the Environmental Science Services Administration, or the National Oceanic and Atmospheric Administration occurring on or after May 1, 1957, if any amounts are payable under the Federal Employees' Group Life Insurance Act of 1954 (Public Law 598, 83d Cong., as amended) based on the same death. (Sec. 501(c)(2), Public Law 881, 84th Cong. (70 Stat. 857), as amended by sec. 13(u), Public Law 85–857 (72 Stat. 1266); sec. 5, Public Law 91–621 (84 Stat. 1863).)

* * * * *

3. In § 3.6(b), that portion of subparagraph (3) preceding subdivision (i) is amended to read as follows:

§ 3.6 Duty periods.

* * * * *

(b) "*Active duty.*" This means:

* * * * *

(3) Full-time duty as a commissioned officer of the Coast and Geodetic Survey or of its successor agencies, the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration:

* * * * *

4. In § 3.7, paragraph (g) is amended to read as follows:

§ 3.7 Persons included.

* * * * *

(g) *Coast and Geodetic Survey, and its successor agencies, the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration.* See § 3.6(b)(3).

* * * * *

5. In § 3.400, paragraphs (b)(2)(iii) and (c)(3)(iv) are added to read as follows:

§ 3.400 General.

* * * * *

(b) *Disability benefits.* * * *

(2) *Disability compensations.* * * *

(iii) *Disability incurred in Environmental Science Services Administration or National Oceanic and Atmospheric Administration, prior to December 31, 1970.* Date following date of discharge or release from full-time duty as a commissioned officer if application is filed on or after December 31, 1970, and prior to July 1, 1971. (Public Law 91–621, 84 Stat. 1863)

* * * * *

(c) *Death benefits.* * * *

(3) *Dependency and indemnity compensation.* * * *

(iv) *Death prior to December 31, 1970, of commissioned officer of Environmental Science Services Administration or National Oceanic and Atmospheric Administration, on full-time duty.* First day of the month in which death occurred if application is filed on or after December 31, 1970, and prior to July 1, 1971. (Public Law 91–621, 84 Stat. 1863)

* * * * *

6. In § 3.750, paragraphs (a) and (c) are amended to read as follows:

§ 3.750 Retirement pay.

(a) *General.* Except as provided in paragraph (c) of this section and § 3.751, any person entitled to receive retirement pay based on service as a member of the Armed Forces or as a commissioned officer of the Public Health Service, the Coast and Geodetic Survey, the Environmental Science Services Administration; or the National Oceanic and Atmospheric Administration may not receive such pay concurrently with benefits payable under laws administered by the Veterans Administration. The term "retirement pay" includes retired pay and retainer pay.

* * * * *

(c) *Waiver.* A person specified in paragraph (a) of this section may receive pension or compensation upon filing with the service department concerned a waiver of so much of his retirement pay as is equal in amount to the pension or compensation to which he is entitled. (38 U.S.C. 3105)

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective December 31, 1970.

Approved: March 16, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-3882 Filed 3-19-71;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5030]

[Arizona 5883]

ARIZONA

Withdrawal for National Forest Administrative Site and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

KAIBAB NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Dogtown Campground

T. 21 N., R. 2 E., Sec. 12, S½, S½NE¼.

Chalender and Williams Ranger Station Administrative Site

T. 22 N., R. 2 E.,
Sec. 27, SW¼NW¼NE¼SE¼, W½SW¼NE¼SE¼, approximately 2 acres in the S½NE¼NW¼SE¼, not in conflict with PLO 3147 Roadside Zone and E.S. 677, SE¼NW¼SE¼ (less approximately 1 acre in conflict with E.S. 677 and approximately 3 acres in R.R. exception).

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The areas described aggregate 415.5 acres in Conconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 16, 1971.

[FR Doc.71-3858 Filed 3-19-71;8:45 am]

[Public Land Order 5031]

[New Mexico 8475]

NEW MEXICO

Partial Revocation of Public Water Reserve

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, Interpretation No. 250 of February 6, 1929, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 S., R. 19 W.,
Sec. 6, SE¼SW¼.

The area described aggregates 40 acres in Hidalgo County.

The land is located 15 miles south of the small community of Animas. The terrain is slightly rolling and the soils are moderately deep sandy loam. The vegetal cover consists of tobosa and sacaton grasses and mesquite.

2. At 10 a.m. on April 21, 1971, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals. It will be open to location for nonmetalliferous minerals at 10 a.m. on April 21, 1971.

Inquiries concerning the land shall be addressed to the Land Office Manager, Bureau of Land Management, Post Office Box 1449, Santa Fe, NM 87501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 16, 1971.

[FR Doc.71-3859 Filed 3-19-71;8:45 am]

Title 45—PUBLIC WELFARE

Chapter XII—Environmental Protection Agency

PART 1201—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Miscellaneous Amendments

On November 10, 1970, regulations for the control of air pollution from new motor vehicles and new motor vehicle engines beginning with the 1972 model year were published in 45 CFR Part 85 (35 F.R. 17288). Subsequently (35 F.R. 19181), Part 85 was redesignated as Part 1201 in Chapter XII of Title 45 of the Code of Federal Regulations, and the terms "Department of Health, Education, and Welfare" and "Secretary" in the part were deemed to mean "Environmental Protection Agency" and "Administrator" respectively.

Numerous questions and comments were received by the Acting Commissioner, Air Pollution Control Office, from manufacturers concerning the interpretation and application of the provisions of the regulations. In order that Air Pollution Control Office personnel could properly respond to the industry's inquiries and observations, a technical meeting was held at the Air Pollution Control Office's headquarters at the Parklawn Building, Rockville, Md., on December 10, 1970. Notice of the meeting was mailed to vehicle manufacturers and industry associations, both domestic and foreign, together with an invitation affording them an opportunity to discuss the implementation of those regulations. In addition, an announcement of the meeting was made through a press release which invited the public to participate. In attendance at the meeting, in addition to Federal personnel, were representatives of the domestic and foreign automobile and engine manufacturers and the industry associations, research and development concerns, oil companies, and one State air pollution control agency. The amendments and corrections set forth below are the results of that meeting and of further efforts at clarification by program personnel.

The Agency finds that good cause exists for omitting as unnecessary and impracticable a notice of proposed rule making, public rule making procedure, and postponement of effective date in the issuance of these amendments, in that (1) they are designed to correct and clarify the regulations; (2) to the extent that minor substantive revisions are made they are mitigative in nature, and both industry and the public were provided opportunity to discuss the need for revision at the public technical meeting; and (3) considerations of lead time for the 1972 model year dictate immediate promulgation.

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a), as amended by sec. 15(c)(2), Public Law 91-604, 84 Stat. 1713)

Dated: March 16, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Part 1201 of Chapter XII, Title 45 of the Code of Federal Regulations is amended as follows, effective upon publication (3-20-71):

1. In § 1201.1, paragraphs (a) (1), (4), (16), and (31) are revised to read as follows:

§ 1201.1 Definitions.

(a) • • •

(1) "Act" means Part A of Title II of the Clean Air Act, 42 U.S.C. 1857 f-1 through f-7, as amended by Public Law 91-604.

• • • • • •

(4) "Gross vehicle weight" means the manufacturer's gross weight rating for the individual vehicle.

• • • • • •

(16) "Crankcase emissions" means airborne substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

• • • • • •

(31) "Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

2. Section 1201.30 is revised to read as follows:

§ 1201.30 Applicability.

The provisions of this subpart are applicable to new gasoline fueled heavy duty engines beginning with the 1972 model year.

§ 1201.51 [Amended]

3. In § 1201.51(b)(5), the comma after the word "conformity" is deleted.

4. In § 1201.55, paragraph (b)(1)(i) is revised to read as follows:

§ 1201.55 Certification.

• • • • • •

(b)(1) • • •

(i) A test vehicle selected under § 1201.89(b)(2) or (4), § 1201.110(b)(2) or (4), or § 1201.130(b)(2), as appropriate, shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-evaporative emission control system combination.

• • • • • •

§ 1201.58 [Amended]

5. In § 1201.58(a), the word "intended" is deleted.

§ 1201.64 [Amended]

6. In § 1201.64(c), the word "witnesses" is changed to "witness".

7. Section 1201.70 is revised to read as follows:

§ 1201.70 Introduction.

The procedures described in this subpart will be the test program to determine the conformity of gasoline fueled light duty vehicles with the applicable standards set forth in this part.

(a) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The fuel evaporative emissions are collected for subsequent weighing during both vehicle parking and operating events. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(b) The exhaust emission test is designed to determine hydrocarbon and carbon monoxide mass emissions while simulating an average trip in an urban area of 7.5 miles from a cold start. The test consists of engine startup and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix A to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(c) The fuel evaporative emission test is designed to determine fuel hydrocarbon evaporative emissions to the atmosphere as a consequence of urban driving, and diurnal temperature fluctuations during parking. It is associated with a series of events representative of a motor vehicle's operation, which result in fuel vapor losses directly from the fuel tank and carburetor. Activated carbon traps are employed in collecting the vaporized fuel. The test procedure is specifically aimed at collecting and weighing:

(1) Diurnal breathing losses from the fuel tank and other parts of the fuel system when the fuel tank is subjected to a temperature increase representative of the diurnal range;

(2) Running losses from the fuel tank and carburetor resulting from a simulated trip from a cold start on a chassis dynamometer; and

(3) Hot soak losses from the fuel tank and carburetor which result when the vehicle is parked and the hot engine is turned off.

§ 1201.71 [Amended]

8. In § 1201.71, the word "of" following the word "content" in paragraph (a) is changed to "or" and the listing in the table in paragraph (b) under the "Premium" column on the "Sulfur, wt. percent" line reading "0.2–0.10" is changed to read "0.02–0.10".

§ 1201.74 [Amended]

9. In § 1201.74(a), the second word "than" in subparagraph (1), is changed to "then" and a comma is inserted in subparagraph (2) after "§ 1201.71(a)".

10. In § 1201.76, the hyphen after "mm" in paragraph (e)(2)(ii), is deleted and paragraph (b) is revised to read as follows:

§ 1201.76 Dynamometer procedure.

• • • • • •

(b) During dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. The fan capacity shall normally not exceed 5,300 c.f.m. If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, the fan capacity may be increased or additional fans used if approved in advance by the Administrator. In the case of vehicles with front engine compartments, the fan(s) shall be squarely positioned between 8 and 12 inches in front of the cooling air inlets (grill). In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan(s) shall be placed in a position to provide sufficient air to maintain engine cooling.

• • • • • •

11. In § 1201.77, a comma is inserted after "m.p.h." in paragraph (f) and paragraph (e) is revised to read as follows:

• • • • • •

§ 1201.77 Three-speed manual transmissions.

(e) Acceleration modes shall be driven smoothly with the shift speeds as recommended by the manufacturer. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from first to second gear at 15 m.p.h. and from second to third gear at 25 m.p.h. The operator shall release the accelerator pedal during the shift, and accomplish the shift with minimum closed throttle time. If the vehicle cannot accelerate at the specified rates, the vehicle shall be accelerated at WOT until the vehicle speed reaches the speed at which it should be at that time during the test.

• • • • • •

12. In § 1201.78 paragraphs (a) is revised to read as follows:

§ 1201.78 Four-speed and five-speed manual transmissions.

(a) Use the same procedure as for three-speed manual transmissions for shifting from first to second gear and from second to third gear. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from third to fourth gear at 40 m.p.h. Fifth gear may be used at the manufacturer's option.

• • • • • •

13. In § 1201.79, paragraph (a) is revised to read as follows:

§ 1201.79 Automatic transmissions.

(a) All test conditions shall be run with the transmission in "Drive" (highest gear). Automatic stick-shift transmissions may be shifted as manual transmissions at the option of the manufacturer.

• • • • • •

14. In § 1201.80, paragraphs (b) (1) (2), (d), and (f)(3) are revised. As amended § 1201.80 reads as follows:

§ 1201.80 Engine starting and restarting.

• • • • • •

(b) (1) Vehicles equipped with automatic chokes shall be operated according to the instructions which will be included in the manufacturer's operating or owner's manual including "kick-down" from cold fast idle. For vehicles whose starting instructions do not specify "kick-down" from cold fast idle, the "kick-down" will not be performed. For vehicles whose starting instructions specify "kick-down" from cold fast idle, without specifying a time or for vehicles which do not have starting instructions, the "kick-down" shall be performed 13 seconds after the engine starts. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(2) Vehicles equipped with manual chokes shall be operated according to the instructions which will be included in the manufacturer's operating or owner's manual. If not specified, the choke shall be operated to maintain engine idle at 1,100±50 r.p.m. during the initial idle period and used where necessary during the remainder of the test to keep the engine running.

• • • • • •

(d) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start determined. The revolution counter on the constant volume sampler (see § 1201.85, Dynamometer test runs) shall be turned off and the sample solenoid valves placed in the "dump" position during this diagnostic period. In addition, either the positive displacement pump should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start. If failure to start is caused by vehicle malfunction, corrective action of less than 30 minutes duration may be taken and the test continued. The sampling system shall be reactivated at the same time cranking is started. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

• • • • • •

(f) • • •

(3) If the vehicle will not restart within 1 minute, the test shall be voided,

the vehicle removed from the dynamometer, corective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corerctive action taken shall be reported.

15. Section 1201.81 is revised to read as follows:

§ 1201.81 Sampling and analytical system (exhaust emissions).

(a) *Schematic drawings.* The following figures (Figs. 1a and 1b) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to coordinate the functions of the component systems. In particular, the instruments may be connected in parallel instead of in series.

(b) *Component description (exhaust gas sampling system).* The following components will be used in the exhaust gas sampling system for testing under the regulations in this part. See Figure 1a. Other types of constant volume samplers may be used if shown to yield equivalent results.

(1) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; a second particulate filter to remove charcoal particles from the air stream. The filters shall be of sufficient capacity and the duct which carries the dilution air to the point where the exhaust gas is added shall be of sufficient size so that the pressure at the mixing point is less than 3 inches of water pressure below ambient when the constant volume sampler is operating at its maximum flow rate.

(2) A flexible, leak-tight connector and tube to the vehicle tailpipe. The flexible tubing shall be of sufficient size to limit the maximum pressure at the tailpipe to less than 5 inches of water pressure above ambient during the test.

(3) A heating system to preheat the heat exchanger to within ±10° F. of its operating temperature before the test begins.

(4) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to ±10° F. as measured at a point immediately ahead of the positive displacement pump.

(5) A positive displacement pump to pump the dilute exhaust mixture. The pump capacity (300 to 350 c.f.m. is sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. See appendix C for flow calibration techniques.

(6) Temperature sensor (T1) with an accuracy of ±2° F. to allow continuous recording of the temperature of the dilute exhaust mixture entering the positive displacement pump.

(7) Gauge (G1) with an accuracy of ±1 mm. Hg to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

(8) Gauge (G2) with an accuracy of ±1 mm. Hg to measure the pressure increase across the positive displacement pump.

(9) Sample probes (S1 and S2) shall be pointed upstream to collect samples from the dilution airstream and the dilute exhaust mixture. The probes shall be sized so that the gas velocities in the probe inlet and the bulk stream are as nearly identical as practical. Additional sample probes may be used, for example, to obtain continuous concentration traces of the dilute exhaust stream. In such case the sample flow rate, in standard cubic feet per test, must be added to the calculated dilute exhaust volume. The position of the sample probe in Figure 1a is pictorial only.

(10) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples prior to entering sample collection bags.

(11) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(12) Flow control valves (N1 and N2) to regulate flows to sample collection bags, at constant flow rates. The minimum sample flow shall be 5 c.f.h.

(13) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(14) Three-way solenoid valves (V1 and V2) to direct sample streams to either their respective bags or overboard.

(15) Quick-connect leak-tight fittings (C1 and C2), with automatic shutoff on bag side, to attach sample bags to sample system.

(16) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(17) A revolution counter to count the revolutions of the positive displacement pump while the test is in progress and samples are being collected.

(c) *Component description (exhaust gas analytical system).* The following components will be used in the exhaust gas analytical system for testing under the regulations in this part. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector (FID) analysis and the determination of carbon monoxide concentrations by nondispersive infrared (NDIR) analysis in dilute exhaust samples. See Figure 1b. Other analytical principles may be employed if shown to yield equivalent results and if approved in advance by the Administrator.

(1) Filter (F3) to remove any residual particulate matter from the collected samples.

(2) Pump (P3) to transfer samples from the sample bag to the analyzers.

(3) Selector valves (V3, V4, and V5) for directing sample and calibrating gages or zeroing gas to the analyzers.

(4) Flow control valves (N3, N4, N5, and N6) to regulate flows to a constant rate of 5 c.f.h.

(5) A flame-ionization-detector type analyzer to measure HC concentrations.

(6) A carbon monoxide sensitized nondispersive infrared analyzer to measure CO concentrations.

(7) Flowmeter (FL3) to indicate sample flow rate.

(8) Recorders to provide permanent records of calibration, spanning and sample measurements.

16. In § 1201.82(d), a new subparagraph (3) is added. As amended, § 1201.82 reads as follows:

§ 1201.82 Sampling and analytical system (fuel evaporative emissions).

* * * * *

(d) * * *

(3) Other types of thermocouples and recording equipment may be used provided they record the information specified in subparagraph (1) of this paragraph with the required accuracy and are self-contained. Type J thermocouples are required to be compatible with recording instruments used in Federal certification facilities.

17. In § 1201.83, paragraphs (j) and (l) are revised to read as follows:

§ 1201.83 Information to be recorded.

* * * * *

(j) Barometric pressure, ambient temperature and humidity and the temperature of the air in front (from 6 to 12 inches from the grill) of the radiator during the test.

* * * * *

(l) The temperature and pressure of the mixture of exhaust and dilution air entering the positive displacement pump and the pressure increases across the pump. The temperature of the mixture shall be recorded continuously or digitally at a rate often enough to determine temperature variations, or it may be controlled to +5° F. of the set point of the temperature control system. In the last case only the set point need be recorded.

* * * * *

18. In § 1201.84, a new paragraph (c) is added. As amended, § 1201.84 reads as follows:

§ 1201.84 Analytical system calibration and sample handling.

* * * * *

(c) For the purposes of this paragraph the term "prepurified air" includes artificial "air" consisting of a blend of nitrogen and oxygen with concentrations between 18 and 21 mole percent.

19. In § 1201.85, paragraphs (b) (4) and (14) are revised to read as follows:

§ 1201.85 Dynamometer test runs.

* * * * *

(b) * * *

(4) Start the positive displacement pump (if not already on), the sample pumps and the temperature recorder. (The heat exchanger of the constant volume sampler should be preheated to its operating temperature before the test begins.)

* * * * *

(14) The positive displacement pump may be turned off, if desired.

§ 1201.89 [Amended]

20. In § 1201.89(a)(4), the word "subparagraph" is changed to "subparagraphs."

21. In § 1201.90(a)(1), the word "schedule" in subdivision (v) is changed to "scheduled", a new subdivision (viii) is added, and the present subdivision (viii) is renumbered as subdivision (ix). As amended, § 1201.90 is revised to read as follows:

§ 1201.90 Maintenance.

(a) * * *

(1) * * *

(v) The fuel evaporative emission control system may be serviced at 12,000-mile intervals (± 250 miles) of scheduled driving.

* * * * *

(viii) Engine idle speed may be adjusted at the 4,000-mile test point.

(ix) Any other engine or fuel system maintenance or repairs will be allowed only with the advance approval of the Administrator.

* * * * *

§ 1201.91 [Amended]

22. In § 1201.91(d), the reference "§ 1201.33" is changed to "§ 1201.53".

23. In § 1201.100, paragraphs (a) and (b) are revised to read as follows:

§ 1201.100 Introduction.

* * * * *

(a) The test consists of prescribed sequences of engine operating conditions to be conducted on an engine dynamometer. The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train. The test is applicable to engines equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems, or to uncontrolled engines.

(b) The exhaust emission test is designed to determine hydrocarbon and carbon monoxide concentrations during a truck driving pattern in a metropolitan area as simulated on an engine dynamometer. The test consists of two warm-up cycles and two hot cycles. The average concentrations for the warmup cycles and the hot cycles are combined to yield the reported values.

* * * * *

§ 1201.105 [Amended]

24. In § 1201.105(f), the phrase "number carburetors" is revised to read "number of carburetors".

25. In § 1201.110, paragraph (e) is revised to read as follows:

§ 1201.110 Test engines.

* * * * *

(e) In lieu of testing an emission data or durability data engine selected under paragraph (b) or (c) of this section and submitting data therfor, a manufacturer may, with the prior written approval of the Administrator, submit data on a similar engine for which certification has previously been obtained.

26. In § 1201.111(a)(1), a new subdivision (vii) is added and the present subdivision (vii) is renumbered as subdivision (viii). As amended § 1201.111 is revised to read as follows:

§ 1201.111 Maintenance.

(a) * * *

(1) * * *

(vii) Engine idle speed may be adjusted at the 125-hour test point.

(viii) Any other engine or fuel system maintenance or repairs will be allowed only with the advance approval of the Administrator.

* * * * *

§ 1201.122 [Amended]

27. In § 1201.122 (a) (2) (iii), the word "with" is changed to "within".

§ 1201.123 [Amended]

28. In § 1201.123(b)(2), the word "measurment" is changed to "measurement".

§ 1201.124 [Amended]

29. In § 1201.124(c)(2), the phrase "at least 15 minutes prior to testing" is enclosed in parentheses.

§ 1201.126 [Amended]

30. In § 1201.126(a)(3), the word "valve" is changed to "value".

31. In § 1201.130, paragraph (e) is revised to read as follows:

§ 1201.130 Test engines.

* * * * *

(e) In lieu of testing an emission data or durability data engine selected under paragraph (b) or (c) of this section and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit data on a similar engine for which certification has previously been obtained.

32. In § 1201.131(a)(1), subdivision (iii) is revised, a new subdivision (vi) is added, and the present subdivision (vi) is renumbered as subdivision (vii). As amended, § 1201.131 is revised to read as follows:

§ 1201.131 Maintenance.

(a) * * *

(1) * * *

(iii) Normal engine lubrication services (engine oil change and oil filter, fuel filter, and air filter servicing and adjustment of drive belt tension and engine bolt torque, as required) will be allowed at manufacturer's recommended intervals.

* * * * *

(vi) Engine low-idle speed may be adjusted at the 125-hour test point.

(vii) Any other engine or fuel system maintenance or repair will be allowed only with the advance approval of the Administrator.

* * * * *

33. In Appendix A, the speed corresponding to 613 sec. is revised and two time points are added as follows:

Time (sec.)	*Speed (m.p.h.)*
613	22.8
842	20.1
1372	0.0

34. In Appendix C, steps 5 and 6 are revised. As amended, Appendix C reads as follows:

5. The gas flow, Q, at each test point is calculated in standard cubic feet per minute from the flow device data.

6. The gas flow (at pump inlet pressure and temperature) is calculated in cubic feet per revolution from the following:

$$V_o = \frac{Q}{n} \times \frac{T_p}{528} \times \frac{760}{P_p}$$

Where:

Q = Gas flow in standard cubic feet per minute.

n = Pump speed in revolution per minute.

See § 1201.87 for remainder of definitions.

[FR Doc.71-3896 Filed 3-19-71;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16979; FCC 71-255]

PART 0—COMMISSION ORGANIZATION

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Computer and Communication Services and Facilities

Final decision and order. In the matter of regulatory and policy problems presented by the interdependence of computer and communication services and facilities; Docket No. 16979.

A. INTRODUCTION

1. The Commission's Notice of Proposed Rule Making and Tenative Decision in this proceeding was issued on April 3, 1970 (FCC 70-338).[1] Interested parties were invited to submit written comments with respect thereto by June 15, 1970, and to participate in oral argument therein. Thirty-three parties submitted written comments and 18 parties participated in oral argument on September 3, 1970. Attachment A[1a] lists those parties submitting written comments to the Tentative Decision and Notice of Proposed Rule Making and denotes, with an asterisk, those parties who appeared and participated in oral argument.

2. In the Tenative Decision, we stated that:

It is clear from the comments submitted by respondents, as well as those in the SRI Reports, that the issues which raised basic concern in both the communications and computer industries are those which relate to the nature and extent of the regulatory jurisdiction and control which we intend to exercise over the furnishing of data processing and communications services, or some

[1] Hereinafter cited as Tentative Decision.
[1a] Attachment A filed as part of original document.

combination thereof, by non-carrier data processing organizations and the furnishing of data processing services by communications common carriers. (paragraph 5)

This evaluation was further substantiated by the written comments on our Tentative Decision and the thrust of the participants' positions in oral argument.

3. Upon evaluation of the comments and oral argument held upon the findings and conclusions set forth in the Tentative Decision, we are of the opinion that certain clarifications and, in some instances, modifications of the Tentative Decision and the proposed rules are in order. Before turning our attention to these matters, however, we wish to point out that, although there were 61 respondents to the initial inquiry, only 33 parties submitted written comments to the Tenttive Decision and poposed rules: and of those 33, only 24 had been original respondents. Consequently, it is reasonable to assume that 36 of the parties to this proceeding [2] concurred, or at least acquiesced, in the Commission's tentative position. Moreover, several of the 33 written submissions indicate general agreement with, and an endorsement of, the basic findings and conclusions in the Tentative Decision as these are reflected in the proposed rules.

B. Issues and Discussion

JURISDICTION—GENERAL

4. Several parties have urged that we explicitly recognize that our common carrier regulatory jurisdiction cannot be extended to data processing services, as such.[3] Since we are not proposing, at this time, to regulate data processing, as such, a discussion of the extent of our jurisdiction with respect thereto is neither relevant nor necessary for purposes of this Decision and the rules promulgated herein. However, we wish to reiterate that:

> • • • (I)f there should develop significant changes in the structure of the data processing industry, or, if abuses emerge which require the exercise of corrective action by the Commission, we shall not hesitate to reexamine the policies set forth herein. (Tentative Decision, paragraph 23.)

SEPARATION OF CARRIERS AND DATA PROCESSING AFFILIATES

5. Several carriers contend that this Commission is without authority to affect their public offering of data processing services and that, therefore, we lack the statutory warrant for effectuating the proposed rules which require a separation of data processing activities from common carriage undertakings. We do not agree.

6. We wish to make it clear that in our Decision herein and in the rules adopted to implement this Decision we are not attempting to assert jurisdiction over common carriers as purveyors of computer services, as such. Instead, we are addressing ourselves to the obligation of common carriers, in accordance with the purposes and objectives of the Communications Act, to make available "to all the people of the United States a rapid, efficient, nationwide and worldwide wire and radio communications service with adequate facilities at reasonable charges" (47 U.S.S. sec 151), and to the duty imposed upon this Commission by the Communications Act of 1934, as amended, to execute and enforce the provisions of that Act in such manner as to achieve the purposes and objectives of the Act.

7. There is virtually unanimous agreement by all who have commented in response to our Inquiry, as well as by all those who have contributed to the rapidly expanding professional literature in the field, that the data processing industry has become a major force in the American economy, and that its importance to the economy will increase in both absolute and relative terms in the years ahead.[4] There is similar agreement that there is a close and intimate relationship between data processing and communications services and that this interdependence will continue to increase. In fact, it is clear that data processing cannot survive, much less develop further, except through reliance upon and use of communication facilities and services. Conversely, modern communication systems rely upon and make increasingly greater use of data processing. We stated in our Notice of Inquiry, and no respondent has challenged the finding, that common carriers "as part of the natural evolution of the developing communications art" were rapidly becoming equipped to enter into the data processing field, if not by design, by the fact that computers utilized for the provision of conventional communication services could be programed additionally to perform data processing services. Notice of Inquiry, 8 FCC 2d 11, 13 (1966).

8. It is our view that the total record herein, including the arguments addressed in both written and oral presentations to us, supports the conclusion that without appropriate regulatory safeguards, the provision of data processing services by common carriers could adversely affect the statutory obligation of such carriers to provide adequate communication services under reasonable terms and conditions and impair effective competition in the sale of data processing services.

9. In our Tentative Decision, we identified specifically the following areas of regulatory concern:

(a) That the sale of data processing services by carriers should not adversely affect the provision of efficient and economic common carrier services;

(b) That the costs related to the furnishing of such data processing services should not be passed on, directly or indirectly, to the users of common carrier services;

(c) That revenues derived from common carrier services should not be used to subsidize any data processing services; and

(d) That the furnishing of such data processing services by carriers should not inhibit free and fair competition between communication common carriers and data processing companies or otherwise involve practices contrary to the policies and prohibitions of the antitrust laws. (Tentative Decision, paragraph 34.)

10. As discussed in our Tentative Decision, appropriate regulatory treatment of these concerns requires "a maximum separation of activities which are subject to regulation from non-regulated activities involving data processing." (Tentative Decision, paragraph 35.) Such a degree of separation, we concluded, would enable us, as well as State regulatory agencies, to discharge regulatory responsibilities with respect to maintaining adequate and efficient communications services at reasonable and nondiscriminatory rates and practices. It would also be conducive, we stated, to removing foreseeable anticompetitive carrier practices and avoiding the necessity of taking corrective measures that might otherwise be called for. (Tentative Decision, paragraph 37.) Nothing has been brought to our attention, either by written comment or in oral argument, or in market developments, that provides us with any rational basis for abandoning our tentative conclusions in this respect.[5] Consequently, we consider the concept of "maximum separation" central to our regulatory scheme, and shall require such separation to insure that the public is offered efficient and economical communication services.

11. We turn now to the questions which have been raised as to the manner in which this concept should be implemented. Several parties have urged an outright prohibition against the furnishing of computer services by any communications common carrier, any affiliate of such a carrier, or any entity under common ownership with a carrier. Such a sanction would be extreme. It would be contrary to our policy of permitting the common carrier, directly or through affiliates, to enageg in nonregulated activities so long as such activities are not repugnant to or in derogation of the economic and social objectives of the Act. (See Tentative Decision, paragraph 24.) Furthermore, as we found in our Tentative Decision, the computer service industry is one characterized by open competition and relatively free entry. (See paragraphs 19–23.) These characteristics, in fact, provide a major basis for our conclusion that we should not, at this point, assert regulatory authority over data processing, as such. Under these circumstances, and in view of our expectation that the competition afforded by carriers in the provision of computer services could and would provide benefits in such matters as new and improved services and lower prices, we cannot find the necessary social, economic, or policy considerations which would require or even justify an outright prohibition against the furnishing of data processing services by common carriers. We shall, therefore, reaffirm our Tentative Decision in this respect and permit the data processing industry to evolve with carrier participation therein under conditions designed to obviate foreseeable abuses. At the same time, we stress our intention to reconsider this conclusion should future experience indicate that any of the premises underlying this conclusion have not materialized or that in spite of our prescribed safeguards carrier abuses are developing.

12. Having determined not to impose outright prohibitions against carrier provision of data processing services, we now turn to a consideration of the questions raised regarding those safeguards we have proposed in order to obviate any derogation of carrier communication service obligations to the public, or to prevent any abuse or limitation with respect to free competition because of the carrier's access to customers as a provider of communication services. As we stated in our Tentative Decision:

> The dangers • • • relate primarily to the alleged ability of common carriers to favor their own data processing activities by discriminatory services, cross-subsidization, improper pricing of common carrier services, and related anticompetitive practices and activities. (Paragraph 22.)

We propose that common carriers desiring to provide data processing services be permitted to do so only through affiliates utilizing separate books of account, separate officers, separate operating personnel, and separate equipment and facilities devoted exclusively to the rendition of data processing services.

13. Western Union contends that certain economies and consequential public benefits would flow from the public sale, lease, or other disposition of a common carrier's "offpeak" or "backup" computing system capacity. While it may be true that costs allocated to the sale of such capacity would reduce the revenues required from communications services, we believe that the potential abuses inherent in operations of this nature outweigh whatever benefits might be achieved. First of all, a carrier's "backup" system should be designed to meet foreseeable breakdowns of equipment dedicated to public service and it should be available instantly for that purpose without the conflicting claims of other users. With respect to "offpeak" capacity, it is clear, assuming sound systems analyses were employed by carrier personnel, that such capacity exists only during those hours when the communications flow is light, and that during peak hours, the systems' capacity approaches full utilization for communication services provision. It is characteristic of common carrier service that normal peaks shift and that abnormal or nonrecurring peaks eventuate from time to time. The use of "offpeak" capacity for data processing would derogate from the carrier's ability to accommodate these occurrences. Such arrangements could result in an unacceptable conflict with the vital public functions for which the carriers are licensed.

14. Aside from these considerations, there are also other problems inherent in joint use of facilities or personnel. Our experiences with attempting to allocate investment and costs between and among communciation services provided by fungible plant and operated by the same personnel of a common carrier convince us of the great difficulties which could be involved in allocation procedures between communications and data processing activities. The potential for abuse and the difficulty of preventing or promptly remedying improprieties convince us that we should not alter our tentative conclusions as to the desirability of the type of separation contemplated by our Tentative Decision.

15. Under these circumstances, any economic benefits that might accrue to the carrier or its customers by permitting the commingling of regulated and data processing activities are, in our judgment, more than offset by the potential adverse effects of such an arrangement. We conclude that a carrier's computer system or systems should be dedicated exclusively to its public communication services or to its "in-house" data processing requirements incidental thereto.

16. In order to implement our concept of "maximum separation", we have sought to establish requisites affecting the mode of operation of common carriers and their data processing affiliates. (See Tentative Decision, paragraph 36; § 64.702 of the Commission's rules, 47 CFR 64.702, as proposed). Several carriers contend that the extent of separation we would require therein is "unfair" and, if adopted as formulated, would place carrier data processors at a competitive disadvantage as compared to counterparts not affiliated with common carriers. We find this contention without merit. As we stated in our Tentative Decision:

> For a relatively small capital investment, a service firm can be formed, computer equipment can be leased, and programers can be hired. The factors which mark the difference between service bureau success or failure are imaginative innovation, quality programing, and useful service features, rather than the size of the staff or the computing installation (paragraph 21).

Consequently, we believe that our restrictions herein respecting corporate arrangements are neither onerous nor burdensome but reflect, rather, the market conditions confronted by those 800 or more non-carrier-related firms with whom carrier data affiliates will be competing.

17. We also take note of the fact that major carrier enterprises have already taken steps voluntarily to effect a corporate and physical separation of their communications and data processing activities. We have carefully considered the extensive record in this proceeding and have concluded that the requirements respecting the maintenance of separate books of account, separate facilities, and separate officers and operating personnel are not "unfair" but, rather, constitute a reasonable means of establishing a framework in which carriers may offer data processing services.

18. We further stated in our Tentative Decision that no carrier subject to our proposed rules shall be permitted to "engage in the sale or promotion of data processing activities on behalf of its data processing affiliate." (Paragraph 36; § 64.702(b) (3) of the Commission's rules, 47 CFR 64.702(b) (3)), as proposed. We consider such restriction consonant with our regulatory scheme of maximum separation. Several parties have indicated that, implicit in such restriction, is an extension which would prohibit the data affiliate from using the corporate name of the common carrier in its promotional activities. It is further urged that the carrier data affiliate should have a different name from the common carrier. It is argued, in essence, that if the above practices are not proscribed by Commission rule, the same coercive effect as with the carrier's solicitation of sales can be attained indirectly. Upon consideration of these contentions, we have decided to modify our rules to prohibit a data affiliate from using the name of its related common carrier in its promotions and, further, to prohibit such affiliate from using, in its corporate name, any words or symbols contained in the name of its affiliated carrier.[6] We recognize that, as a practical business matter, such improper promotions may occur in personal dealings between a data affiliate and its prospective customer. However, we admonish that we shall retain continuing jurisdiction over this matter and shall react appropriately if circumstances indicate that such wrongful promotional activity is taking place. Accordingly, we shall direct our rule against

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[2] The Department of Justice, an original party to this proceeding, did not submit written comments but requested, and was granted, permission to appear and participate in oral argument.

[3] We have defined data processing as "The use of a computer for the processing of information as distinguished from circuit or message-switching. 'Processing' involves the use of the computer for operations which include, inter alia, the functions of storing, retrieving sorting, merging and calculating data, according to programed instructions." (Tentative Decision, paragraph 15(a).)

[4] See, generally, Stanford Research Institute Reports, Policy Issues Presented by the Interdependence of Computer and Communications Services et al. (2 vols.), prepared for FCC, Contract RC–10056, February 1969.

[5] Indeed, Bunker-Ramo's formal complaint of June 5, 1970, against Western Union is, of itself, indicative of a type of problem we foresee and believe will be minimized by the implementation of the principles of maximum separation. Without seeking to evaluate herein the merits of that complaint, we nevertheless believe that it substantiates our position that potential controversy is highly probable wherever a communications supplier is also competitive with its communications customers.

[6] We note that similar restrictions were applied to IBM and its wholly owned subsidiary, Service Bureau Corp. U.S. v. IBM Corp. (Consent Judgment), Civil Action No. 72–344, So. Dist. of N.Y., Jan. 25, 1956.

the use of name and symbols of the carrier affiliate toward any holding company owning or jointly owning a common carrier and a data processing entity, and toward any common carrier with an interest, direct or indirect, in a data processing affiliate.

SERVICES TO CARRIERS BY AFFILIATE

19. It has been urged by several parties to this proceeding that the safeguards be extended to include a proviso that would prohibit a common carrier from obtaining the services of its data processing affiliate. It is contended that such arrangements between a carrier and its affiliate would be conducive to the development of the very substantive ills that our concept of maximum separation is designed to inhibit or, at least, to minimize. That is, such arrangements could result in the subsidization of the data processing affiliate, with the carrier's communications customers eventually absorbing the cost of inflated data processing charges through an extended rate base. Furthermore, it is urged that exclusive transactions between a carrier and its affiliate for data processing services would substantially impact the competitive market in which hundreds of small competing service bureau firms would be unable to obtain and retain the patronage of so significant a data processing customer. Additionally, it is contended, a significant burden would be placed upon the Commission to police the propriety of arrangements between a carrier and its data processing affiliate. Any improprieties in such dealings would be difficult to detect and rectify in view of the fact that data processing service offerings, and the charges made therefor, are neither fixed nor stable, but may vary considerably among customers.

20. The fundamental question raised by these contentions is whether the extent of required separation between a carrier and its data affiliate, as set forth in the Tentative Decision, suffices to prevent any arbitrary manipulation in the allocation of revenues and expenses between a carrier's regulated and unregulated service offerings. The specialized and variant nature of the data processing services, particularly with reference to costs and charges therefor, is conducive to improprieties which are difficult to detect. Such improprieties could translate into inflated charges to customers of a carrier's regulated services which, in turn, could lead to lengthy administrative proceedings and other litigation. At the same time, such improprieties could cause irreparable harm to a carrier affiliate's data processing competitors and, thus, to the essentially competitive market within which data processing service offerings currently exist. In other words, excessive payments by carriers to data processing affiliates would enable the affiliates to unfairly underprice their own competitors in the data processing market. Since the basic objective of our policy herein is the deterrence of foreseeable abuse from indirect carrier entry into data processing, we shall amend our rules to include a provision prohibiting a common carrier from obtaining any data processing service from its data affiliate. In so doing, we recognize that a carrier with data processing requirements has available to it the option of utilizing an "in-house" system to accommodate its particular computing needs, of turning to and bargaining with any nonaffiliated service firm for computer services, or, with respect to intercarrier arrangements (e.g., billing information, settlement data, traffic studies and other communications service-related operations data) between the Bell System Companies and various independent telephone companies, of accommodating such data processing requirements to the extent possible on a shaded cost basis. See paragraph 40, infra. We consider the above restriction a logical and necessary extension of the concept of "maximum separation," one amply supported by our regulatory experiences and by the record in this proceeding, and one which imposes no unreasonable burden upon common carriers.

SERVICES TO AFFILIATES

21. One of the more difficult policy problems we must further address in this proceeding concerns the circumstances in which a common carrier is the supplier of communication facilities and services to a competitor of its data processing affiliate. As we stated in our Tentative Decision:

> We expect that under no circumstances will carriers give any preferential treatment to their data processing affiliates and that carriers will scrupulously administer the terms and conditions of tariffs in making their facilities and services available to affiliates and nonaffiliates on a nondiscriminatory and nonpreferential basis. (Tentative Decision, paragraph 37).

It has been suggested that both the motive and opportunity are present in the above situation for a carrier to render favorable treatment to its affiliate to the expense of the latter's competitors. We are aware that such preferences may be subtle in nature and may include, among others, the provision of superior equipment, installation and maintenance, as well as more timely response to initial orders and requests for outage corrections. This is the gravamen of the pending formal complaint filed with us by Bunker-Ramo against Western Union alleging that it has suffered discriminatory treatment at the hands of its communications supplier, Western Union, through the latter's favoring its own SICOM service.

22. As previously discussed, we are not convinced that the public interest requires total preclusion of carriers from offering data processing services. At the same time, we are mindful that carriers serving their affiliates, as well as the competitors of those affiliates, may be inclined to resolve service and facility problems which arise in specific situations in favor of their own affiliates. We wish to make it clear that any such favoritism is contrary to the obligations of the carriers under the requirements of the Act. Specifically, the carriers may not give any preference to affiliates in the offering of facilities or services, in the timing of the installation of facilities, in the quality of service offered or in the charges for like services. We expect the carrier will live up to the spirit as well as the letter, of their obligations. We will, however, monitor closely the actions of the carriers in serving their affiliates and nonaffiliates and will take prompt action, including the consideration of the imposition of specific requirements by rule, should we find that our confidence in carrier compliance has been misplaced.

JURISDICTION—CONNECTING CARRIERS

23. It is contended that we lack the jurisdictional base to impose our safeguards upon connecting carriers within the meaning of section 2(b) (2), (3), and (4) of the Communications Act; that our authority over such connecting carriers is specifically limited to matters respecting regulation of interstate and foreign communications services and charges through sections 201–205 of the Act. This Commission's jurisdictional warrant extends to all communication common carriers insofar as they are participants in the provision of interstate communications services. And insofar as any connecting carrier's participation in interstate service provision may foreseeably be adversely affected by its nonregulated undertakings, we believe it is incumbent upon us to impose such rules as are necessary to preserve the integrity of those services. We have, however, exempted from our safeguards those common carriers not directly or indirectly controlled by or under common control with another carrier or carriers wherein the combined annual operating revenues of all such carriers does not exceed $1 million.[7] (See Tentative Decision, paragraph 36.) In so doing we have sought to avoid imposing the burdens of maximum separation upon smaller carriers. In balancing the public interest factors, we have concluded that the requirements of separation for these carriers would inhibit or preclude their participation in data processing and would thereby frustrate or eliminate a source of anticipated competition in the data processing market. We recognize the contention that irrespective of the size of any carrier, its influence is considerable within its operating franchise. However, we believe that both the potential and motives for abuse by these smaller carriers is minimal at this time. We shall retain jurisdiction in the matter, and upon an instance or instances wherein an exempted carrier's data processing activities derogate from its primary obligation of serving communication needs, or wherein it improperly utilizes its position to adversely influence the data processing market in its operating territory, we shall appropriately modify our rules herein.

[7] Of nearly 700 independent telephone companies, approximately one-half would be exempted from the rules herein by this cutoff provision.

SUMMARY ON SEPARATION OF CARRIERS AND AFFILIATES

24. In summation, our rules reflecting the implementation of the concept of maximum separation shall be adopted, as proposed, except for the modifications and clarifications indicated herein. In addition to those requirements delineated in the Tentative Decision, a carrier shall be precluded from disposing of any capacity on computer systems utilized by that carrier for the provision of common carrier communications services. Further, a carrier shall be prohibited from obtaining any data processing services from its data affiliate. Carrier-related data entities shall be required to employ a corporate name or symbol other than that employed by its carrier affiliate, and such entities are forbidden to promote their products or services through or by association with the carrier affiliate. Our proposed rules shall be amended accordingly.

RULE-MAKING

25. Some carriers have contended that our attempt to meet our statutory obligation through the vehicle of rulemaking is improper. They allege that we are legally constrained to remain passive and wait until what we consider to be foreseeable carrier improprieties in their offering of data processing services actually take place. It is their position that only after wrongdoing has occurred may this Commission or an injured party seek remedial action through the vehicle of a formal adjudicatory proceeding. This Commission is not so restricted either by statute or by judicial decision. We are not constrained to await the actual occurrence of evils we foresee and to take action to correct or punish through an adjudicatory proceeding. Rather, we may act instead to prevent such evils by formulating and adopting rules of general applicability with respect to anticipated improprieties. It has been held that:

> (T)he choice made between proceeding by general rule or by individual, ad hoc litigation is one that lies primarily in the informed discretion of the administrative agency. Securities and Exchange Commission v. Chenery Corp., 352 U.S. 195, 203 (1947) [8]

To insist upon one form of agency action to the exclusion of the other is to exalt form over necessity. Id., at 202.

26. In accordance with the standards laid down by the Court, we have examined and analyzed the scope and potential impact of the many facets of common carrier computer activities to determine the course of regulation most suited to the circumstances. We have determined that a case-by-case resolution of problems respecting the framework in which common carriers offer data processing services to the public is not desirable, nor would it be justified by the record in this proceeding. For we are here attempting to deal with clear-cut, reasonably foreseeable dangers which would be patently detrimental to the public interest. We have fashioned a rule designed to maintain an environment in which a communications common carrier may offer noncommunications services without adverse effects upon its public communications services or upon the competitive market in which such noncommunications services are offered. Moreover, we are acting with the knowledge that a prescriptive rule is a preventive rather than a corrective measure designed to preserve an environment so affected with the public interest, that any injury thereto cannot be adequately compensated. In so doing we are persuaded that our actions herein are reasonable in light of both the record developed in this lengthy proceeding and the statutory obligations required of us by the Congress.

27. On the other hand, we are prepared to render ad hoc evaluations with respect to "hybrid services" to determine whether a particular package service offering is essentially data processing or communication.[9] We have decided upon this particular course of regulation because our analyses disclose that we have insufficient experience with such offerings to enable us to adopt rules of general applicability sufficiently definitive to accommodate the variety of future service offerings. We recognize that such offerings may be devised which present problems we cannot reasonably foresee, or which may be so specialized or variant in nature as to be impossible of capturing within the boundaries of a single rule. In these situations we believe we must retain power to deal with these offerings and the problems presented thereby on a case-by-case basis if our process is to remain flexible and effective. (See SEC v. Chenery Corp., supra, at 202–203.)

28. So long as we comply with the mandate of the Communications Act, we have, and should have, wide discretion in determining questions both of public policy and of procedural policy, and in making and applying appropriate rules therefor. Ward v. FCC 108 F 2d 486, 491 (D.C. Cir. 1939). And as have previously indicated in our Tentative Decision:

> (A)s the expert agency, we are "entitled to latitude in coping with new developments" in the dynamic field of communications. Consequently, we are "entitled to some leeway in choosing which jurisdictional base and which regulatory tools will be most effective in advancing the Congressional objective"—the protection of the public interest.[10]

We believe we have wisely utilized the regulatory tools available to us in this proceeding in attempting to further the public interest in this era of burgeoning technological development.

29. We indicated in our Tentative Decision that:

> It is noteworthy that, in varying degrees, the safeguards * * * have already been implemented by the larger interstate common carrier systems. Western Union, General Telephone and Electronics, and United Utilities have organized or acquired separate affiliates for the promotion and sale of data processing services. (Paragraph 38.)

For whatever are the motives of these carriers in forming separate data processing affiliates—the anticipation of regulation by this Commission, the anticipation or fact of regulation by State agencies, the dictates of sound business practice, or some combination of the above—the fact remains that several carriers have voluntarily undertaken to accomplish substantially that which we shall require of them. Our safeguards, therefore, will promote uniformity of separation and operation among the larger carrier organizations seeking to offer data processing services to the public through corporate affiliates.

30. It should be made clear that we are not seeking to regulate data processing as such, nor are we attempting to regulate the substance of any carrier's offerings of data processing. Rather, we are limiting regulation to requirements respecting the framework in which a carrier may publicly offer particular nonregulated services, the nature and characteristics of which require separation before predictable abuses are given opportunity to arise. Additionally, the success of our regulatory scheme is dependent upon a uniform application of our safeguards irrespective of the technical legal status of any carrier or the particular geographic community which it serves.

THE HYBRID SERVICE OFFERING

31. It is contended by several parties in this proceeding that this Commission is obligated by statute to regulate the "hybrid service," as defined,[11] insofar as such service contains a communication component. We cannot agree. As we have indicated in our Tentative Decision:

> It is our position that where message-switching is offered as an integral part of and as an incidental feature of a package offering that is primarily data processing, there will be total regulatory forebearance with respect to the entire service whether offered by a common carrier or noncommon carrier * * *. (Tentative Decision, paragraph 41.)

We believe that we are granted discretionary latitude, under the Communications Act and relevant judicial interpretations thereof, to refrain from subjecting a marginal activity to our regulatory process where it is clear that the public interest will be served by such a course. (See paragraph 28, supra.) In this instance, we believe that the imposition of regulatory constraints over what is clearly a data processing hybrid offering, even though it contains communications elements which are an integral

[8] Although this ruling was specifically addressed to the SEC with respect to the Public Utility Holding Company Act, there is no reason for doubting it was intended to have general applicability. (See N.L.R.B. v. Majestic Weaving Co., 355 F. 2d 854, 860, n. 2 (2d Cir. 1966).)

[9] See paragraphs 31–33, infra.

[10] Tentative Decision, paragraph 18, citing Philadelphia, Television Broadcasting Co. v. F.C.C., 359 F 2d 282, 284 (D.C. Cir. 1966).

[11] "An offering of service which combines Remote Access data processing with message-switching to form a single integrated service." (Tentative Decision, paragraph 15(e).)

part of and an incidental feature thereof, would tend to inhibit flexibility in the development and dissemination of such valuable offerings and thus would be contrary to the public interest. In essence, we recognize no overriding public interest requirement at this time to regulate a service which, due to its nature, except for incidental and peripheral communications elements, is appropriately offered in the existing competitive environment.

32. On the other hand, it is urged by some parties to this proceeding that all hybrid services and their offerors be exempted from regulation even where such services are "essentially communications" under the principles enunciated in paragraphs 39–45 of the Tentative Decision. The rationale underlying this position stems from the belief that to do otherwise may retard the development of valuable hybrid communication services which, for one reason or another, common carriers might not choose to make available to the public upon a reasonable request therefor. It is true that the Courts have recognized that the Communications Act gives substantial discretion to the Commission as to how we may best administer the provisions thereof in dealing with the dynamic developments characteristic of the communications field. Nevertheless, there is a bona fide question as to whether such decisions may be construed to permit the Commission, by the exercise of administrative discretion, to exempt from the provisions of the Act applicable to interstate common carrier communication services those activities which clearly or admittedly constitute a public offering of communication services. This is because Congress has specifically ordained that all such activities are subject to regulation and has fashioned a specific scheme of regulation therefor. See title 47 U.S.C., title II. In any event, we see no need at this time to attempt a definitive resolution of this question. It is sufficient to note that in our opinion, based on the record before us, that hybrid services which are "essentially communications" under the principles enunciated in our Tentative Decision, warrant appropriate regulatory treatment as common carrier services under the Act. It also should be pointed out in this regard that, within the statutory scheme of regulation applicable to interstate common carrier services, the Commission may exercise appropriate discretion as to the methods and policies that will best serve the public interest in the regulation of hybrid communication services.

33. We note that it has been argued that the Commission should elaborate upon the guidelines set forth in its Tentative Decision by giving examples and formulating specific factual situations under which particular hybrid services would fall into either the category of hybrid communications or hybrid data services. We believe, however, that in a field as dynamic and innovative as this one, it is not possible to formulate a sufficient number of hypothetical situations which would provide meaningful guidelines. We are also troubled lest such formulation serve a purpose exactly contrary to that which is intended by inhibiting the ingenuity and responsiveness of the interested parties and causing them to limit or construct their services in accordance with the hypothetical cases we have listed rather than the actual needs of users. Instead, as we have previously indicated, we believe that guidelines for the industry and the formulation of general principles can best be accomplished by review and evaluation on an ad hoc basis of factual situations as they develop. Under such circumstances we will be reacting to demonstrated needs and will be developing precedents related to the "real world" in the data/communications field. We stress that we stand prepared to render promptly whatever assistance we can in resolving problems and removing uncertainties, particularly in the early period after the issuance of this decision, before clear-cut precedental guidelines are established.

34. We believe it essential, however, that we lay down the procedural ground rules under which the necessary guidance and rulings can be made by the Commission with respect to the status of any proposed hybrid offering. We address ourselves first to hybrid offerings which may be made directly by common carriers and which carriers themselves believe are hybrid communication rather than hybrid data processing services. We shall require by rule that, 90 days prior to the time when a carrier intends to file a tariff with respect to a service which it believes to be a hybrid communication offering, it shall submit to the Commission a complete description of the service as well as the reasons why, in its opinion, such service is a hybrid communication service. This submission would be in addition to that required under Part 61 of the Commission's rules, 47 CFR 61.01 et seq., with respect to new or revised tariff offerings. If, at the end of 60 days after notice is filed with us, we shall not have advised the carrier to the contrary, the carrier may proceed to file appropriate tariffs offering the service subject, of course, to whatever action may be taken by the Commission on such matters as the level of rates and conditions of service proposed in the tariff. If, within 60 days after considering the proposal of the carrier and whatever comments are made thereupon, we tentatively conclude that the service offering is not a hybrid communication service, we shall advise the carrier of that fact. The carrier may then seek reconsideration of the tentative conclusion, request a hearing on any disputed factual findings or pursue such other remedies as are provided by law. We recognize that there is an outstanding rule-making proposal, in Docket No. 19117, which would require carriers to obtain prior approval before filing tariffs for any new or revised class or subclass of communications service subject to regulation under the Communications Act, including, of course, any new or revised class of hybrid communications service. Accordingly, the procedures that we are adopting herein are interim in nature and are subject to modification in the context of the Commissions action on such proposed rulemaking.

35. We are not imposing the same requirements upon noncommon carriers who offer what they consider to be hybrid data processing services. The noncommon carrier generally will be using communication facilities leased from a common carrier to provide these services. We anticipate, therefore, that the communications common carrier providing the communications portion of the hybrid service will question any service that appears, in fact, to be a hybrid communications service. This is so because of the tariff provisions of the carrier that prohibit the resale of service by its customers. The carrier in such circumstances could either call this matter to the Commission's attention or, pursuant to its tariffs, treat it as an attempt for the resale of communications service, which as noted above the tariffs prohibit, and refuse to provide the facility.

36. A special concern arises in those instances where a common carrier provides its data processing affiliate with communication services and facilities to be used by the latter in offering alleged hybrid data processing services. We recognize that in these situations the carrier may be reluctant to call our attention to a hybrid service, the features of which could pose controvertible questions as to its regulatory status. Under section 218 of the Act, 47 U.S.C. section 218, we are empowered to obtain full and complete information from a carrier and its affiliates in order to enable us to discharge our statutory responsibilities. We will therefore, require that before a common carrier may provide communication services to an affiliated data processing entity, the carrier, directly or through its affiliate, must first submit a full description of the proposed hybrid service to the Commission, together with a statement of the reasons for concluding that the service is essentially data processing. The carrier may subsequently provide such service unless, within 30 days from the receipt of such notice, the Commission shall have advised the carrier of its tentative conclusion that the intended service is a communication service. If the carrier and its affiliate disagree with the Commission's conclusion, they may then seek reconsideration of the tentative conclusion, request a hearing on any disputed factual findings or pursue such other remedies as are provided by law. We wish to stress that the foregoing requirements will not affect a carrier's provision of communication facilities to its data affiliate under effective tariffs for use by the latter in furnishing any Remote Access Data Processing Service as distinguished from a Hybrid Service since, by definition, such Remote Access Service does not contain a message-switching capability.[12]

37. Another Commission concern arises from the possibility that a common carrier may properly initiate and provide a communication service, whether or not a hybrid communication service, until such time as the service becomes profitable or otherwise achieves a strong market position. At such point in time the carrier may then seek to detariff the service by purposely altering its nature to an extent sufficient to transform it into a data processing service, hybrid or otherwise. The service, as modified, would then be provided on a nonregulated basis by the carrier's data affiliate. Our concern here is that the discontinuance of a tariffed service should not deprive any segment of the public of needed common carrier communications and that terms and conditions of the transfer by the carrier to its data affiliate will be reasonable so as not to result in an economic burden or penalty upon the customers for the residual services of the carrier. Here, we wish to stress that we intend to look to the essential substance of a service in terms of its principal orientation, i.e., communication or data processing, in judging whether the service qualifies for detariffing. (See Tentative Decision, paragraphs 40–43.) In other words, the addition of certain data processing features to what is essentially the offering of a communications service will not necessarily constitute the revised offering as a data processing service. We appreciate that these matters do not lend themselves to simplistic facts or generalizations. Until we have required a greater amount of concrete experience in this area as a basis for formulating a well defined guiding policy, we intend to render the required judgments on a case-by-case approach. Accordingly, we shall require, by rule, that no common carrier providing a communication service, hybrid or otherwise, may discontinue such tariffed service, subject to the Commission's jurisdiction, until authorization to do so is obtained from the Commission. We will require that a carrier seeking to detariff and discontinue its offering must show that neither the present nor future public convenience and necessity will be adversely affected by the discontinuance. Such a showing shall include whether and to what extent there is a demand for the service, the entity or entities which would continue to provide such service if discontinued by the carrier, and the comments of existing customers on the proposed modification of the service to be detariffed and offered by the carrier's data affiliate. The carrier shall also show the nature and extent of the public demand for the modified service as proposed to be rendered. Additionally, the carrier will be required to submit full information as to the disposition of any of the facilities utilized in the service sought to be detariffed, including relevant financial arrangements, the accounting to be performed by the carrier with respect to the transaction involved, and the treatment of any losses sustained in the provision of the communication service. As we have previously indicated (paragraph 34 supra), our recently instituted rule making proceeding in Docket No. 19117 may ultimately affect the rules promulgated herein. We will, of course, review and modify as necessary our requirements in light of the determinations made in that docket.

38. In order to facilitate prompt actions on these matters, we will delegate authority to the Chief of the Common Carrier Bureau to make the initial determinations required herein above (see § 64.702 (e), (f), and (g) of the Commission's rules below) subject, of course, to reconsideration de novo by the Commission in those instances where such is requested. Accordingly, Part 0 of the Commission's rules and regulations will be amended to reflect the delegation of authority to the Chief of the Common Carrier Bureau to render such initial determinations. (See below.)

OTHER MATTERS

39. It is contended by nonaffiliated data processors that the extent to which they, as communications customers, must divulge to the carrier the purposes toward which the leased communications facilities will be employed in any service offering compromises them and their offerings with respect to a carrier's data affiliate. In effect, the fear is expressed that provision to the carrier of detailed information regarding a competitive offering is, in essence, provision of such information to the carrier's data affiliate. We believe this to be an unreasonable fear on the part of nonaffiliated data processors. In the first instance, the majority of such nonaffiliated firms will doubtless turn to companies of the Bell System for communication services and facilities since the latter provide the greater share of such services. And since these companies are legally precluded from providing anything other than regulated common carrier service,[13] they will have no data processing affiliates which could secure unfair advantage from the information supplied with requests for service. Information and data respecting the substantive nature of a data firm's service offering is indeed proprietary and need not be submitted to any carrier unless compelling reasons dictate otherwise. We will consider any attempt on the part of a carrier to secure and use such information for the benefit of its data processing affiliate as a serious breach of the policy established herein, and will not hesitate to impose appropriate sanctions as provided by law. Accordingly, we shall retain jurisdiction over this matter in order to insure that carrier suppliers of communications sevices do not exploit their position as such to the detriment of nonaffiliated data processors, and shall thus be in a position to take whatever further action may be necessary in light of future developments.

40. We turn now to the question respecting data processing services that the Bell System Companies perform for themselves and for independent telephone companies in connection with intercarrier arrangements and traffic. In view of Bell's and the independent's position in oral argument, and the fact that there was voiced no opposition to such arrangements, we find that no need presently exists to interrupt this practice. We hasten to add that the above decision is premised, in part, upon the understanding that charges to the independent telephone companies for these data processing services are designed to and are fixed at levels sufficient to compensate only for actual costs. Accordingly, so long as the data service performed by the Bell System Companies are incidental to the inter-carrier provision of communication services, and so long as costs associated therewith are shaped proportionately by the participating carriers, such practices may be continued.

41. We have reviewed the arguments of the international carriers who seek to provide data processing services that they be treated differently from domestic common carriers. There is no doubt that many of the potential abuses we foresee relate primarily to domestic carriers. However, there is a substantial potential for impact upon the communication services of the international carriers particularly in view of the rapid growth of both communication and data processing services. In addition, the international carriers maintain direct relations with many large users who could become data processing customers and are, therefore, in a position to affect adversely the free and unfettered competitive atmosphere in the provision of such services. We shall, therefore, affirm our conclusion that international carriers be fully subjected to this Decision and the Rules we are adopting.

42. It has been pointed out that the Tentative Decision requires that carrier data affiliates file reports with us, that carrier data affiliates obtain communication services and facilities under tariff rates and conditions, and that carrier data affiliates offer reasonable customer interconnection options; but that none of these measures are to be made a requirement of our rules. See Tentative Decision, paragraph 36. With respect to the filing of affiliate reports, we are of the opinion that, at this time, except as provided in paragraph 36 supra and § 64.702(f) of our rules, it would be premature to prescribe rules requiring such

[12] We have defined a Remote Access Data Processing Service as "an offering of data processing wherein communications facilities, linking a central computer to remote customer terminals, provide a vehicle for the transmission of data between such computer and customer terminal." (Tentative Decision, paragraph 15(d).)

[13] United States v. Western Electric Co., Inc. and American Telephone and Telegraph Co. (consent judgment), 13 RR 2143; 1956 Trade Cases 71, 134 filed Jan. 24, 1956, D.C.N.J.; see, also Tentative Decision, paragraphs 24 and 43.

separate affiliate reports. We feel that we should first observe developments under our policy and rules herein before addressing ourselves further to the question of what annual or other reports, if any, may be necessary from a carrier affiliate in order to enable us to perform our statutory duties. With respect to tariff dealings between a carrier and its affiliate, we find no need to regulate such dealings by additional rule. For under the Communications Act and existing Commission Rules, a carrier data affiliate which leases communication facilities from its affiliated carrier is to be treated on the same basis as any nonaffiliated leasee of like or similar communication services. Should any carrier discriminate in favor of its data affiliate, this Commission possesses extensive authority under Title II of the Act to remedy the situation. Finally, with respect to the expectation of reasonable customer interconnection options, we are of the opinion that the keen competitive forces of the market place will best resolve this problem. It appears to us that if any data processor, carrier affiliated or otherwise, refuses to interconnect a device or system at the reasonable request of the customer, the latter can obtain relief by subscribing to a like service from a more competitive data offeror. If, however, our expectation is not borne out by actual developments and serious problems result from a refusal on the part of carrier data affiliates to permit reasonable interconnection or the attachment of customer devices to their data processing networks, we shall re-examine our position herein, including our present conclusion respecting the exercise of jurisdiction over data processing (See paragraph 4, supra).

43. In paragraph 10 of the Tentative Decision, we concluded that:

> • • • (Q)uestions relating to interconnection or to the need for other improved common carrier service offerings, regulations and practices to serve computer needs, can best be handled through rate, tariff and licensing proceedings that are now pending or that may be initiated in the future, rather than through a continuation of our Inquiry in this Docket.

As has been indicated above, the primary concerns of industry participants in this proceeding involved the nature and extent of our jurisdicition over data processing and communication services, and the circumstances under which we would permit common carriers to engage in the provisions of data processing services (paragraph 2, supra). Consequently, we have addressed ourselves in this Decision primarily to these basic concerns. We recognize, however, that there are a number of other matters, as set forth in our Notice of Inquiry, that are within the comprehensive scope of this proceeding since the issues originally raised herein clearly touched upon virtually every aspect of the growing interdependence of computer and communication services and facilities.

44. We have not been persuaded that our conclusion to handle those remaining issues in other proceedings should be altered despite contentions that this proceeding ought to remain open to accommodate matters respecting interconnection and the adequacy of carrier service offerings. We have addressed these issues and others in proceedings parallel to Docket No. 16979. Paragraphs 6–13 of the Tentative Decision discusses these matters and their status as of April 1, 1970. Since the issuance of our Tentative Decision, there have been further significant developments worthy of note. The National Academy of Sciences has completed its report to us on the technical feasibilities of interconnection and we anticipate taking further action in this matter in the near future. In addition, the Commission currently has under consideration a proposal concerning the formulation of policies governing the entry and regulation of common carriers in the specialized communications market. (Notice of Inquiry to Formulate Policy; notice of proposed rule making, and order (Docket No. 18920, FCC 70–768, July 17, 1970.) In these and other docketed proceedings, we expect to resolve issues identified by our original notice of inquiry.

45. Several parties expressed concern that the definitions and concepts we adopted for purposes of this decision be neither fixed nor immutable, and that recognition be accorded the fact that they may change with developing technology. We concur. As was indicated in paragraph 15 of the Tentative Decision, the definitions therein were for purposes "of providing clarity and precision of definition and application". They were, as was pointed out, "for our immediate purposes" and consequently do not apply, nor do we necessarily urge their application, beyond this proceeding and the rules promulgated herein.

46. At this point we again call attention to the substance of paragraph 38 of the Tentative Decision which, in pertinent part, states:

> We intend to conduct a full and comprehensive review of those affiliated organizations [carrier data processing affiliates] and their operations to insure that they are in full compliance with policies promulgated herein. We shall require in this regard that each such company, within 60 days from the effective date of the final decision herein, submit in writing a full description of the organization, facilities and operations of their data processing affiliates, together with copies of all agreements and memoranda or other arrangements between carrier and affiliate. Other carriers, who may not have already established such arrangements to separate their communications activities from the sale of data processing services shall do so within 6 months from the effective date of any rules adopted to implement this policy.

Accordingly, we shall order that all common carriers currently providing data processing services, either directly or through previously established data processing affiliates, which carriers are not exempted by the $1 million cutoff provision, shall comply fully with the separations provisions of the Commission's rules (see § 64.702(c)) within 6 months from the effective date of this decision. Such carriers shall, during the 6-month period, comply fully with all other provisions of our rules, and shall submit reports every 60 days of progress made toward complete compliance with § 64.702(c). The initial report of these carriers shall contain a complete description of the existing or proposed organization, facilities and operations of the data processing affiliate, together with copies of all agreements and memoranda or other arrangements between carrier and affiliate. Any carrier not furnishing data processing services, either directly or through previously established data processing affiliates, which carrier is not exempted by the $1 million cutoff provision, shall not inaugurate data processing services except in full compliance with our rules, and shall, within 60 days after it commences such services, submit to the Commission a written report setting forth a complete description of the organization, facilities and operations of the data processing affiliate, together with copies of all agreements and memoranda or other arrangements between carrier and affiliate.

47. We wish to further emphasize paragraph 11 of the Tentative Decision in which we recognized the difficulty of projecting and quantifying the future communications requirements of computer users. In stating that we intend to monitor future developments on a continuous basis, we further stated that:

> • • • (W)e intend to establish appropriate informal procedures by which such information may be received and reviewed on a continuing and current basis by the Commission. Such procedures will be designed to afford interested parties the opportunity to participate in a discussion and evaluation of present and future communications requirements of computer users, the steps that are to be taken by carriers in order to respond to any such bona fide requirements, and the actions, if any, the Commission may be called upon to take in order to assure that the carriers are properly responsive to such requirements.

We shall institute such informal procedures through public notice and will, of course, welcome the participation of all interested parties.

C. Conclusion

48. In view of all the foregoing, and upon consideration of the entire records in this proceeding, we have concluded that the public interest requires adoption of our Tentative Decision and Proposed Rules as modified herein. As we have indicated, we shall closely observe the effects of our decision and the operation of our rules and, whenever necessary to the public interest, we shall make such reevaluation and render such modifications as may be required.

D. Order

Accordingly, it is ordered, That pursuant to section 4(i) of the Communications Act, 47 U.S.C. section 154(i), and section 5(d) of the Communications Act, 47 U.S.C. section 155(d), the rules set forth below are adopted effective April 30, 1971.

It is further ordered, That, (a) all common carriers currently providing data processing services, either directly or through previously established data processing affiliates, which carriers are not exempted from the provisions of § 64.702(c) by the application of § 64.702 (b), shall within 6 months of the effective date of this order, comply fully with the provisions of § 64.702(c) of the Commission's rules. All such carriers shall, during this 6-month period, comply fully with all other provisions of our rules, and shall submit reports every 60 days of progress made toward complete compliance with § 64.702(c). The initial report shall contain a complete description of the existing or proposed organization, facilities and operations of the data processing affiliate(s), together with copies of all agreements and memoranda or other arrangements between carrier and affiliate(s); (b) any common carrier not furnishing data processing services on the effective date of this order, either directly or through previously established data processing affiliates, which carrier is not exempted from the provisions of § 64.702(c) by the application of § 64.702 (b) of the Commission's rules, shall not inaugurate such services except in full compliance with our rules including § 64.702(c), and shall, within 60 days after it commences such services, submit to the Commission a written report setting forth a complete description of the organization facilities and operations of the data processing affiliate(s), together with copies of all agreements and memoranda or other arrangements between carrier and affiliate(s).

It is further ordered, That, ITT and RCA file, within 30 days from the effective date of this Decision, tariffs covering their ARX and AIRCON services, respectively.

It is further ordered, That, except for those issues and matters over which the Commission has retained jurisdiction, this proceeding is hereby terminated.

(Secs. 4, 5, 48 Stat., as amended 1066, 1068; 47 U.S.C. 145, 155)

Adopted: March 10, 1971.

Released: March 18, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[14]
[SEAL] BEN F. WAPLE,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended by the addition of a new § 0.308 in Subpart B to read as follows:

§ 0.308 Authority concerning hybrid services.

The Chief of the Common Carrier Bureau is delegated authority to act upon submissions filed under § 64.702 (e), (f), and (g) of this chapter with respect to proposed hybrid service offerings of common carriers and data processing affiliates of common carriers, and proposed discontinuances by common carriers of communication services.

Part 64 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new Subpart G and new § 64.702 to read as follows:

Subpart G—Participation in Data Processing by Communications Common Carriers

§ 64.702 Furnishing of data processing services.

(a) For the purpose of this subpart—

(1) "Data processing" is the use of a computer for the processing of information as distinguished from circuit or message-switching. "Processing" involves the use of the computer for operations which include, inter alia, the functions of storing, retrieving, sorting, merging and calculating data, according to programed instructions.

(2) "Message-switching" is the computer-controlled transmission of messages, between two or more points, via communications facilities, wherein the content of the message remains unaltered.

(3) "Local Data Processing Service" is an offering of data processing wherein communications facilities are not involved in serving the customer.

(4) "Remote Access Data Processing Service" is an offering of data processing wherein communications facilities, linking a central computer to remote customer terminals, provide a vehicle for the transmission of data between such computer and customer terminals.

(5) "Hybrid Service" is an offering of service which combines Remote Access data processing and message-switching to form a single integrated service.

(i) Hybrid Data Processing Service is a hybrid service offering wherein the message-switching capability is incidental to the data processing function or purpose.

(ii) Hybrid Communication Service is a hybrid service offering wherein the data processing capability is incidental to the message-switching function or purpose.

(b) Except as provided herein, no common carrier subject, in whole or in part, to the Communications Act shall engage directly or indirectly in furnishing data processing service to others except as expressly provided in paragraph (c) of this section. This prohibition shall apply to all communications common carriers, including section 2(b)(2) carriers, where any carrier itself has annual operating revenues exceeding $1 million or any such carrier is directly or indirectly controlled by, or is under common control with, another carrier or carriers, and the combined annual revenues of all such carriers exceed $1 million.

(c) Except for Companies of the Bell System, common carriers may, subject to other provisions of law, have a controlling or lesser interest in, or be under common control with, a separate corporate entity that furnishes data processing service to others provided the following conditions are met:

(1) Each such separate corporation must its own books of account, have separate officers, utilize separate operating personnel, and utilize computing equipment and facilities separate from those of the carrier for its data processing service offerings.

(2) Each such common carrier shall file with the Commission a complete statement of the terms and conditions of every written or oral contract, agreement or other arrangement entered into between such carrier and any such separate corporation with 30 days after the contract, agreement, or other arrangement is made.

(3) No such common carrier subject to the prohibition of paragraph (b) of this section shall engage in the sale or promotion of data processing services on behalf of any such separate corporation.

(4) No such common carrier, or a holding company owning or jointly owning a common carrier and any such separate corporation, shall permit the separate corporation to employ in its name any words or symbols contained in the name of the carrier, nor shall such carrier or holding company permit any such separate corporation to use the name of the carrier in the separate corporation's promotional activities or enterprises.

(5) No such common carrier shall purchase, lease, or otherwise obtain any data processing service or services from any such separate corporation.

(d) No common carrier subject in whole or in part to the Communications Act of 1934, as amended, shall sell, lease, or otherwise make available to any other entity any capacity or computer system component on its computer system or systems which that carrier uses in any way for the provision of its common carrier communications services.

(e) Any common carrier intending to file a tariff respecting a service offering which it considers to be a hybrid communication service shall, at least 90 days prior to the intended effective date of such tariff, submit to the Commission a complete description of the service, along with a statement of its reasons for concluding that the proposed service is a hybrid communication service. Whereupon:

(1) If, at the end of 60 days after such notice is filed with the Commission, the Commission has not advised the carrier of contrary findings respecting its proposed hybrid communication service, the carrier may proceed to file appropriate tariffs in accordance with applicable provisions of the Commission's rules; or

(2) If the carrier is advised within 60 days after the Commission's receipt of notice that the Commission has tentatively concluded that the proposed offering is not a hybrid communication service, the carrier may seek reconsideration of the tentative conclusion, request a hearing on any disputed factual findings or pursue such other remedies as are provided by law.

(f) Before a common carrier may provide its data processing affiliate with

[14] Concurring and dissenting statement of Chairman Burch (in which Commissioners Robert E. Lee and Wells join) and concurring statement of Commissioner Bartley filed as part of original document; Commissioner Johnson concurring in the result.

communication services and facilities which the latter desires to use for the furnishing of any hybrid data processing service, the carrier shall first submit, directly or through its affiliate, a complete description of the proposed service offering, along with a statement of the reasons for concluding that the service is a hybrid data processing service. The carrier may provide such service unless, within 30 days from the receipt of such notice, the Commission shall have advised the carrier or its affiliate of the Commission's tentative conclusion that the intended service is a communications service. If the carrier and its affiliate disagree therewith, the carrier may seek reconsideration of the tentative conclusion, request a hearing on any disputed factual findings or pursue such other remedies as are provided by law.

(g) No common carrier providing a communication service, hybrid or otherwise, may discontinue such tariffed service until authorization to do so is obtained from the Commission. In seeking authorization to discontinue a service, a carrier must:

(1) Demonstrate that neither the present nor future public convenience and necessity will be adversely affected by the discontinuance. Such demonstration shall include whether and to what extent there is a demand for the communication service, the entity or entities which would continue to provide such service if discontinued by the carrier, and the comments of existing customers on any proposed modification of the service and its offering by a carrier's data processing affiliate;

(2) Demonstrate the nature and extent of the public demand for any modified service proposed to be rendered as a hybrid data processing service; and

(3) Submit full information as to the disposition of any of the facilities used in the communication service, including relevant financial arrangements, the accounting to be performed by the carrier with respect to the transaction, and the treatment of any losses sustained in the provision of the communication service.

[FR Doc.71-3903 Filed 3-19-71;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEPRECIATION ALLOWANCES USING ASSET DEPRECIATION RANGE SYSTEM

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-3647 appearing at page 4885 in the issue of Saturday, March 13, 1971, the following changes should be made:

1. The table appearing in the center column of page 4890 should be transferred to appear after the first paragraph of example (1) in § 1.167(a)-11(c)(4).

2. The 11th and 12th lines of § 1.167(a)-11(d)(2)(iv) should read as follows: "identifiable unit of property for a substantially different use. Such an expendi-".

[26 CFR Part 53]

FOUNDATION EXCISE TAXES

Tax on Investment Income

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

The following regulations are prescribed under section 4940 of the Internal Revenue Code of 1954, as enacted by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 498), relating to taxes on investment income. Except where otherwise specifically provided, these regulations are applicable to taxable years beginning after December 31, 1969.

Subpart A—Taxes on Investment Income

§ 53.4940 Statutory provisions; imposition of excise tax on investment income.

SEC. 4940. *Excise tax based on investment income*—(a) *Tax-exempt foundations.* There is hereby imposed on each private foundation which is exempt from taxation under section 501(a) for the taxable year, with respect to the carrying on of its activities, a tax equal to 4 percent of the net investment income of such foundation for the taxable year.

(b) *Taxable foundations.* There is hereby imposed on each private foundation which is not exempt from taxation under section 501(a) for the taxable year, with respect to the carrying on of its activities, a tax equal to:

(1) The amount (if any) by which the sum of (A) the tax imposed under subsection (a) (computed as if such subsection applied to such private foundation for the taxable year), plus (B) the amount of the tax which would have been imposed under section 511 for the taxable year if such private foundation had been exempt from taxation under section 501(a), exceeds

(2) The tax imposed under subtitle A on such private foundation for the taxable year.

(c) *Net investment income defined*—(1) *In general.* For purposes of subsection (a), the net investment income is the amount by which (A) the sum of the gross investment income and the net capital gain exceeds (B) the deductions allowed by paragraph (3). Except to the extent inconsistent with the provisions of this section, net investment income shall be determined under the principles of subtitle A.

(2) *Gross investment income.* For purposes of paragraph (1), the term "gross investment income" means the gross amount of income from interest, dividends, rents, and royalties, but not including any such income to the extent included in computing the tax imposed by section 511.

(3) *Deductions*—(A) *In general.* For purposes of paragraph (1), there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred for the production or collection of gross investment income or for the management, conservation, or maintenance of property held for the production of such income, determined with the modifications set forth in subparagraph (B).

(B) *Modifications.* For purposes of subparagraph (A)—

(i) The deduction provided by section 167 shall be allowed, but only on the basis of the straight line method of depreciation.

(ii) The deduction for depletion provided by section 611 shall be allowed, but such deduction shall be determined without regard to section 613 (relating to percentage depletion).

(4) *Capital gains and losses.* For purposes of paragraph (1) in determining net capital gain—

(A) There shall be taken into account only gains and losses from the sale or other disposition of property used for the production of interest, dividends, rents, and royalties, and property used for the production of income included in computing the tax imposed by section 511 (except to the extent gain or loss from the sale or other disposition of such property is taken into account for purposes of such tax).

(B) The basis for determining gain in the case of property held by the private foundation on December 31, 1969, and continuously thereafter to the date of its disposition shall be deemed to be not less than the fair market value of such property on December 31, 1969.

(C) Losses from sales or other dispositions of property shall be allowed only to the extent of gains from such sales or other dispositions, and there shall be no capital loss carryovers.

(5) *Tax-exempt income.* For purposes of this section, net investment income shall be determined by applying section 103 (relating to interest on certain governmental obligations) and section 265 (relating to expenses and interest relating to tax-exempt income).

[Sec. 4940 as added by sec. 101(b), Tax Reform Act 1969 (83 Stat. 498)]

§ 53.4940-1 Excise tax on net investment income.

(a) *In general.* Section 4940 imposes an excise tax of 4 percent on the net investment income (as defined in section 4940(c) and paragraph (c) of this section) of a tax-exempt private foundation (as defined in section 509) for each taxable year. This tax will be reported on Form 990, "Return of Organization Exempt From Income Tax," and will be paid annually at the time prescribed for filing such annual return (determined without regard to any extension of time for filing). In addition, an excise tax is imposed in the manner prescribed in paragraph (b) of this section on certain taxable private foundations. This tax is to be paid annually at the time the organization is required to pay its income taxes imposed under subtitle A. Except as otherwise provided herein, no exclusions or deductions from gross investment income or credits against tax are allowable under this section.

(b) *Taxable foundations.* (1) The excise tax imposed under section 4940 on private foundations which are not exempt from taxation under section 501(a) is equal to:

(i) The amount (if any) by which the sum of—

(a) The tax on net investment income imposed under section 4940(a), computed as if such private foundation were exempt from taxation under section 501(a) and described in section 501(c)(3) for the taxable year, plus

(b) The amount of the tax imposed by section 511 which would have been imposed for such taxable year if such private foundation had been exempt from taxation under section 501(a), exceeds

(ii) The tax imposed under subtitle A on such private foundation for the taxable year.

(2) The provisions of this paragraph may be illustrated by the following examples:

Example (1). Assume that the tax liability under subtitle A for private foundation X, which is not exempt from taxation under section 501(a) for 1970, is $10,000. Had X been exempt under section 501(a) for 1970, the tax imposed under section 4940(a) would have been $4,000 and the tax imposed under section 511 would have been $7,000. The excess of the sum of the taxes which would have been imposed under sections 4940(a) and 511 ($11,000) over the tax that was imposed under subtitle A ($10,000) is $1,000, the amount of the tax imposed on such organization under section 4940(b).

Example (2). Assume the facts stated in Example (1), except that the tax liability under subtitle A is $15,000 rather than $10,000. Because the sum of the taxes which would have been imposed under sections 4940(a) and 511 ($11,000) does not exceed the tax that was imposed under subtitle A ($15,000), there is no tax imposed under section 4940(b) with respect to such foundation.

(c) *Net investment income defined*—(1) *In general.* For purposes of section 4940(a), "net investment income" of a private foundation is the amount by which:

(i) The sum of the gross investment income (as defined in section 4940(c)(2) and paragraph (d) of this section) and the net capital gain (within the meaning of section 4940(c)(4) and paragraph (f) of this section) exceeds

(ii) The deductions allowed by section 4940(c)(3) and paragraph (e) of this section.

In computing the income includible under this section as gross investment income and the deductions allowable under this section from such income, the principles of subtitle A shall be utilized to the extent they are applicable to the definitions contained herein.

(2) *Tax-exempt income.* For purposes of computing net investment income under section 4940, the provisions of section 103 (relating to interest on certain governmental obligations) and section 265 (relating to expenses and interest relating to tax-exempt income) and the regulations thereunder shall apply.

(d) *Gross investment income*—(1) *In general.* For purposes of paragraph (c) of this section, "gross investment income" means the gross amounts of income from interest, dividends, rents, and royalties (including overriding royalties) received by a private foundation from all sources, but does not include such income to the extent included in computing the tax imposed by section 511. Under this definition, interest, dividends, rents, and royalties derived from assets devoted to charitable activities are includible in gross investment income. Therefore, for example, interest received on a student loan would be includible in the gross investment income of a private foundation making such loan.

(2) *Certain trust disbursements.* In the case of a distribution from a trust described in section 4947(a)(1) or (2), such distribution shall not retain its character in the hands of the distributee for purposes of computing the tax under section 4940; except that, in the case of a distribution from a trust described in section 4947(a)(2), the income of such trust attributable to transfers in trust after May 26, 1969, shall retain its character in the hands of a distributee private foundation for purposes of section 4940 (unless such income is taken into account because of the application of section 671).

(3) *Treatment of certain distributions in redemption of stock.* For purposes of applying section 302(b)(1), any distribution made to a private foundation by a disqualified person (as defined in section 4946(a)), in redemption of stock held by such private foundation in a business enterprise shall be treated as not essentially equivalent to a dividend if all of the following conditions are satisfied: (i) Such redemption is of stock which was owned by a private foundation on May 26, 1969 (or which is acquired by a private foundation under the terms of a trust which was irrevocable on May 26, 1969, or under the terms of a will executed on or before such date, which are in effect on such date and at all times thereafter); (ii) such foundation is required to dispose of such property in order not to be liable for tax under section 4943 (relating to taxes on excess business holdings); and (iii) such foundation receives in return an amount which equals or exceeds the fair market value of such property at the time of such disposition or at the time a contract for such disposition was previously executed in a transaction which would not constitute a prohibited transaction (within the meaning of section 503(b) or the corresponding provisions of prior law). In the case of a disposition before January 1, 1975, section 4943 shall be applied without taking section 4943(c)(4) into account.

(e) *Deductions*—(1) *In general.* (i) For purposes of computing net investment income, there shall be allowed as a deduction from gross investment income all the ordinary and necessary expenses paid or incurred for the production or collection of gross investment income or for the management, conservation, or maintenance of property held for the production of such income, determined with the modifications set forth in subparagraph (2) of this paragraph. Such expenses include that portion of a private foundation's operating expenses which is paid or incurred for the production or collection of gross investment income. Operating expenses include compensation of officers, other salaries and wages of employees, interest, and rent and taxes upon property used in the foundation's operations. To the extent such expenses are taken into account in computing the tax imposed by section 511, they shall not be deductible for purposes of computing the tax imposed by section 4940.

(ii) Where only a portion of property produces, or is held for the production of, income subject to the section 4940 excise tax, and the remainder of the property is used for exempt purposes, the deductions allowed by section 4940(c)(3) shall be apportioned between the exempt and nonexempt uses.

(iii) No amount is allowable as a deduction under this section to the extent it is paid or incurred for purposes other than those described in subdivision (i) of this subparagraph. Thus, for example, the deductions prescribed by the following sections are not allowable: (*a*) The charitable deduction prescribed under sections 170 and 642(c); (*b*) the net operating loss deduction prescribed under section 172; and (c) the special deductions prescribed under part VIII, subchapter B, chapter 1.

(2) *Deduction modifications.* The following modifications shall be made in determining deductions otherwise allowable under this paragraph:

(i) The depreciation deduction shall be allowed, but only on the basis of the straight line method provided in section 167(b)(1).

(ii) The depletion deduction shall be allowed, but such deduction shall be determined without regard to section 613, relating to percentage depletion.

(iii) The basis to be used for purposes of the deduction allowed for depreciation or depletion shall be the basis determined under the rules of part II of subchapter O of chapter 1 and without regard to section 4940(c)(4)(B), relating to the basis for determining gain, or section 362(c).

(iv) The deduction for expenses paid or incurred in any taxable year for the production of gross investment income earned as an incident to a charitable function shall be no greater than the income earned from such function which is includible as gross investment income for such year. For example, where rental income is incidentally realized in 1971 from historic buildings held open to the public, deductions paid or incurred in 1971 for the production of such income shall be limited to the amount of rental income includible as gross investment income for 1971.

(f) *Capital gain and losses*—(1) *General rule.* In determining net capital gain for purposes of the tax imposed by section 4940, there shall be taken into account only capital gains and losses from the sale or other disposition of property held by a private foundation for investment purposes (other than program-related investments, as defined in section 4944(c)), and property used for the production of income included in computing the tax imposed by section 511 except to the extent gain or loss from the sale or other disposition of such property is taken into account for purposes of such tax. Under this subparagraph, gains and losses from the sale or other disposition of property used for the exempt purposes of the private foundation are excluded. For example, gain or loss on the sale of the buildings used for the exempt activities of a private foundation would not be subject to the section 4940 tax. Where the foundation uses property for its exempt purposes, but also incidentally derives income from such property which is subject to the tax imposed by section 4940(a), any gain or loss resulting from the sale or other disposition of such property is not subject to the tax imposed by section 4940(a). For example, if a tax-exempt private foundation maintains buildings of an historical nature and keeps them open for public inspection, but requires a number of its employees to live in these buildings and charges the employees rent, the rent would be subject to the tax imposed by section 4940(a), but any gain or loss resulting from the sale of such property would not be subject to such tax. However, where the foundation uses property for both exempt purposes and (other than incidentally) for investment purposes (for example, a building in which the foundation's charitable and investment activities are carried on), that portion of any gain or loss from the sale or other disposition of such property which is allocable to the investment use of such property must be taken into account in computing net capital gain for such taxable year. For purposes of this paragraph, a distribution of property for purposes described in section 170(c)(1) or (2)(B) shall not be treated as a sale or other disposition of property.

(2) *Basis.* (i) The basis for purposes of determining gain from the sale or other disposition of property shall be the greater of:

(*a*) Fair market value on December 31, 1969, plus or minus all adjustments after December 31, 1969, and before the date of disposition under the rules of part II of subchapter O of chapter 1, provided that the property was held by the private foundation on December 31, 1969, and continuously thereafter to the date of disposition, or

(*b*) Basis as determined under the rules of part II of subchapter O of chapter 1,

subject to the provisions of section 4940(c)(3)(B) (and without regard to section 362(c)).

(ii) For purposes of determining loss from the sale or other disposition of property, basis as determined in subdivision (i)(*b*) of this subparagraph shall apply.

(3) *Losses.* Where the sale or other disposition of property referred to in section 4940(c)(4)(A) results in a capital loss, such loss may be subtracted from capital gains from the sale or other disposition of other such property during the same taxable year, but only to the extent of such gains. Should losses from the sale or other disposition of such property exceed gains from the sale or other disposition of such property during the same taxable year, such excess may not be deducted from gross investment income under section 4940(c)(3) in any taxable year, nor may such excess be used to reduce gains in either prior or future taxable years, regardless of whether the foundation is a corporation or a trust.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A private foundation holds certain depreciable real property on December 31, 1969, having a basis of $102,000. The fair market value of such property on that date was $100,000. For its taxable year 1970 the foundation was allowed depreciation for such property of $5,100 on the straight-line method, the allowable amount computed on the $102,000 basis. The property was sold on January 1, 1971, for $100,000. Because fair market value on December 31, 1969, less straight-line depreciation of $5,100 ($94,900) is less than basis as determined by part II of subchapter O of chapter 1, $96,900 ($102,000 less $5,100), a gain of $3,100 is recognized (i.e., sales price of $100,000 less the greater of the two possible bases).

Example (2). Assume the same facts in Example (1), except that the sale price was $95,000. Because the sale price was $1,900 less than the basis for loss ($96,900 as determined by the application of subparagraph (2)(ii) of this paragraph), there is a capital loss of $1,900 which may be deducted against capital gains for 1971 (if any) in determining net capital gain.

Example (3). A private foundation holds certain depreciable real property on December 31, 1969, having a basis of $102,000. The fair market value of such property on that date was $110,000. For its taxable year 1970 the foundation was allowed depreciation for such property of $5,100 on the straight-line method, the allowable amount computed on the $102,000 basis. The property was sold on January 1, 1971, for $100,000. Fair market value on December 31, 1969, less straight-line depreciation of $5,100 ($104,900) exceeds basis as determined by part II of subchapter O of chapter 1, $96,900 ($102,000 less $5,100), and will be used for purposes of determining gain. Because basis for purposes of determining gain exceeds sale price, there is no gain. There is no loss because basis for purposes of determining loss ($96,900) is less than sale price.

[FR Doc.71-3872 Filed 3-19-71;8:46 am]

[26 CFR Parts 53, 143]

FOUNDATION EXCISE TAXES

Taxes on Taxable Expenditures

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

The following regulations are prescribed under section 4945 of the Internal Revenue Code of 1954 as enacted by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 512), relating to taxes on taxable expenditures. Temporary Treasury Regulations § 143.1, 35 F.R. 763 (1970), and (insofar as related to section 4945) § 143.8, 35 F.R. 7727 (1970), are superseded. Except where otherwise specifically provided, the following regulations take effect on January 1, 1970.

Subpart F—Taxes on Taxable Expenditures

§ 53.4945 Statutory provisions: imposition of excise taxes on taxable expenditures.

SEC. 4945. *Taxes on taxable expenditures.*

(a) *Initial taxes*—(1) *On the foundation.* There is hereby imposed on each taxable expenditure (as defined in subsection (d)) a tax equal to 10 percent of the amount thereof. The tax imposed by this paragraph shall be paid by the private foundation.

(2) *On the management.* There is hereby imposed on the agreement of any foundation manager to the making of an expenditure, knowing that it is a taxable expenditure, a tax equal to 2½ percent of the amount thereof, unless such agreement is not willful and is due to reasonable cause. The tax imposed by this paragraph shall be paid by any foundation manager who agreed to the making of the expenditure.

(b) *Additional taxes*— (1) *On the foundation.* In any case in which an initial tax is imposed by subsection (a)(1) on a taxable expenditure and such expenditure is not corrected within the correction period, there is hereby imposed a tax equal to 100 percent of the amount of the expenditure. The tax imposed by this paragraph shall be paid by the private foundation.

(2) *On the management.* In any case in which an additional tax is imposed by paragraph (1), if a foundation manager refused to agree to part or all of the correction, there is hereby imposed a tax equal to 50 percent of the amount of the taxable expenditure. The tax imposed by this paragraph shall be paid by any foundation manager who refused to agree to part or all of the correction.

(c) *Special rules.* For purposes of subsections (a) and (b)—

(1) *Joint and several liability.* If more than one person is liable under subsection

(a)(2) or (b)(2) with respect to the making of a taxable expenditure, all such persons shall be jointly and severally liable under such paragraph with respect to such expenditure.

(2) *Limit for management.* With respect to any one taxable expenditure, the maximum amount of the tax imposed by subsection (a)(2) shall not exceed $5,000, and the maximum amount of the tax imposed by subsection (b)(2) shall not exceed $10,000.

(d) *Taxable expenditure.* For purposes of this section, the term "taxable expenditure" means any amount paid or incurred by a private foundation—

(1) To carry on propaganda, or otherwise to attempt, to influence legislation, within the meaning of subsection (e),

(2) Except as provided in subsection (f), to influence the outcome of any specific public election, or to carry on, directly or indirectly, any voter registration drive,

(3) As a grant to an individual for travel, study, or other similar purposes by such individual, unless such grant satisfies the requirements of sugsection (g),

(4) As a grant to an organization (other than an organization described in paragraph (1), (2), or (3) of section 509(a)), unless the private foundation exercises expenditure responsibility with respect to such grant in accordance with subsection (h), or

(5) For any purpose other than one specified in section 170(c)(2)(B).

(e) *Activities within subsection (d)(1).* For purposes of subsection (d)(1), the term "taxable expenditure" means any amount paid or incurred by a private foundation for—

(1) Any attempt to influence any legislation through an attempt to affect the opinion of the general public or any segment thereof, and

(2) Any attempt to influence legislation through communication with any member or employee of a legislative body, or with any other government official or employee who may participate in the formulation of the legislation (except technical advice or assistance provided to a governmental body or to a committee or other subdivision thereof in response to a written request by such body or subdivision, as the case may be),

other than through making available the results of nonpartisan analysis, study, or research. Paragraph (2) of this subsection shall not apply to any amount paid or incurred in connection with an appearance before, or communication to, any legislative body with respect to a possible decision of such body which might affect the existence of the private foundation, its powers and duties, its tax-exempt status, or the deduction of contributions to such foundation.

(f) *Nonpartisan activities carried on by certain organizations.* Subsection (d)(2) shall not apply to any amount paid or incurred by an organization—

(1) Which is described in section 501(c)(3) and exempt from taxation under section 501(a),

(2) The activities of which are nonpartisan, are not confined to one specific election period, and are carried on in five or more States,

(3) Substantially all of the income of which is expended directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated.

(4) Substantially all of the support (other than gross investment income as defined in section 509(e)) of which is received from exempt organizations, the general public, governmental units described in section 170(c)(1), or any combination of the foregoing; not more than 25 percent of such support is received from any one exempt organization (for this purpose treating private foundations which are described in section 4946(a)(1)(H) with respect to each other as one exempt organization); and not more than half of the support of which is received from gross investment income, and

(5) Contributions to which for voter registration drives are not subject to conditions that they may be used only in specified States, possessions of the United States, or political subdivisions or other areas of any of the foregoing, or the District of Columbia, or that they may be used in only one specific election period.

In determining whether the organization meets the requirements of paragraph (4) for any taxable year of such organization, there shall be taken into account the support received by such organization during such taxable year and during the immediately preceding 4 taxable years of such organization (excluding therefrom any preceding taxable year which begins before January 1, 1970). Subsection (d)(4) shall not apply to any grant to an organization which meets the requirements of this subsection.

(g) *Individual grants.* Subsection (d)(3) shall not apply to an individual grant awarded on an objective and nondiscriminatory basis purauant to a procedure approved in advance by the Secretary or his delegate, if it is demonstrated to the satisfaction of the Secretary or his delegate that—

(1) The grant constitutes a scholarship or fellowship grant which is subject to the provisions of section 117(a) and is to be used for study at an educational institution described in section 151(e)(4).

(2) The grant constitutes a prize or award which is subject to the provisions of section 74(b), if the recipient of such prize or award is selected from the general public, or

(3) The purpose of the grant is to achieve a specific objective, produce a report or other similar product, or improve or enhance a literary, artistic, musical, scientific, teaching, or other similar capacity, skill, or talent of the grantee.

(h) *Expenditure responsibility.* The expenditure responsibility referred to in subsection (d)(4) means that the private foundation is responsible to exert all reasonable efforts and to establish adequate procedures—

(1) To see that the grant is spent solely for the purpose for which made,

(2) To obtain full and complete reports from the grantee on how the funds are spent, and

(3) To make full and detailed reports with respect to such expenditures to the Secretary or his delegate.

(i) *Other definitions.* For purposes of this section—

(1) *Correction.* The terms "correction" and "correct" mean, with respect to any taxable expenditure, (A) recovering part or all of the expenditure to the extent recovery is possible, and where full recovery is not possible such additional corrective action, as is prescribed by the Secretary or his delegate by regulations, or (B) in the case of a failure to comply with subsection (h)(2) or (h)(3), obtaining or making the report in question.

(2) *Correction period.* The term "correction period" means, with respect to any taxable expenditure, the period beginning with the date on which the taxable expenditure occurs and ending 90 days after the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (b)(1) under section 6212, extended by—

(A) Any period in which a deficiency cannot be assessed under section 6213(a), and

(B) Any other period which the Secretary or his delegate determines is reasonable and necessary to bring about correction of the taxable expenditure (except that such determination shall not be made with respect to any taxable expenditure within the meaning of paragraph (1), (2), (3), or (4) of subsection (d) because of any action by an appropriate State officer as defined in section 6104(c)(2)).

[Sec. 4945 as added by sec. 101(b), Tax Reform Act 1969 (83 Stat. 512)]

§ 53.4945–1 Taxes on taxable expenditures.

(a) *Imposition of initial taxes*—(1) *Tax on private foundation.* Section 4945(a)(1) of the Code imposes an excise tax on each taxable expenditure (as defined in section 4945(d)) of a private foundation. This tax is to be paid by the private foundation and is at the rate of 10 percent of the amount of each taxable expenditure.

(2) *Tax on foundation manager*—(i) *In general.* Section 4945(a)(2) of the Code imposes, under certain circumstances, an excise tax on the agreement of any foundation manager to the making of a taxable expenditure by a private foundation. This tax is imposed in any case in which a tax is imposed by section 4945(a)(1) if such foundation manager knows that the expenditure to which he agrees is a taxable expenditure, unless such agreement is not willful and is due to reasonable cause.

(ii) *Agreement.* The agreement of any foundation manager to the making of an expenditure shall consist of any manifestation of approval of the expenditure.

(iii) *Knowing.* For purposes of section 4945, a foundation manager shall be considered to have agreed to an expenditure "knowing" that it is a taxable expenditure if he knows or has reason to know that it is a taxable expenditure.

(iv) *Willful.* A foundation manager's agreement to a taxable expenditure is willful if it is voluntary, conscious, and intentional. No motive to avoid the restrictions of the law or the incurrence of any tax is necessary to make an agreement willful. However, a foundation manager's agreement to a taxable expenditure is not willful if he does not know or have reason to know that it is a taxable expenditure.

(v) *Due to reasonable cause.* A foundation manager's actions are due to reasonable cause if he has exercised ordinary business care and prudence. Thus, for example, if a foundation manager relied on the advice of counsel that an expenditure is not a taxable expenditure under section 4945 although it is subsequently held to be a taxable expenditure, or that certain proposed reporting procedures with respec to an expenditure would satisfy the tests of section 4945(h) and the procedures did not satisfy such section, the foundation manager's agreement to such expenditure would generally be considered "due to reasonable cause".

(vi) *Rate and incidence of tax.* The tax imposed under section 4945(a)(2) is at the rate of 2½ percent of the amount of each taxable expenditure to which the foundation manager has agreed. This tax shall be paid by the foundation manager.

(vii) *Cross reference.* For provisions relating to the burden of proof in cases involving the issue whether a foundation manager has knowingly agreed to the making of a taxable expenditure, see section 7454(b).

(b) *Imposition of additional taxes*—(1) *Tax on private foundation.* Section 4945(b)(1) of the Code imposes an excise tax in any case in which an initial tax is imposed under section 4945(a)(1) on a taxable expenditure of a private foundation and the expenditure is not corrected within the correction period (as defined in section 4945(i)(2)). The tax imposed under section 4945(b)(1) is to be paid by the private foundation and is at the rate of 100 percent of the amount of each taxable expenditure.

(2) *Tax on foundation manager.* Section 4945(b)(2) of the Code imposes an excise tax in any case in which a tax is imposed under section 4945(b)(1) and a foundation manager has refused to agree to part or all of the correction of the taxable expenditure. The tax imposed under section 4945(b)(2) is at the rate of 50 percent of the amount of the taxable expenditure. This tax is to be paid by any foundation manager who has refused to agree to part or all of the correction of the taxable expenditure.

(c) *Special rules*—(1) *Joint and several liability.* In any case where more than one foundation manager is liable for the tax imposed under section 4945(a)(2) or (b)(2) with respect to the making of a taxable expenditure, all such foundation managers shall be jointly and severally liable for the tax imposed under each such paragraph with respect to such taxable expenditure.

(2) *Limits on liability for management.* The maximum amount of tax imposed under section 4945(a)(2) with respect to any one taxable expenditure shall be $5,000, and the maximum amount of tax imposed under section 4945(b)(2) with respect to any one taxable expenditure shall be $10,000.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, B, and C comprise the board of directors of Foundation M. They vote unanimously in favor of a grant of $100,000 to D, a business associate of each of the directors. Each director knows that D was selected as the recipient of the grant solely because of his friendship with the directors. Initial taxes are imposed under paragraphs (1) and (2) of section 4945(a). The tax to be paid by the foundation is $10,000 (10 percent of $100,000). The tax to be paid by the board of directors is $2,500 (2½ percent of $100,000). A, B, and C are jointly and severally liable for this $2,500, and this sum may be collected by the Service from any one of them.

Example (2). *Assume the same facts as in* Example (1). Further assume that within the correction period A makes a motion to correct the taxable expenditure at a meeting of the board of directors. The motion is defeated by a 2-to-1 vote, A voting for the motion and B and C voting against it. In these circumstances an additional tax would be paid by the private foundation in the amount of $100,000 (100 percent of $100,000). The additional tax to be paid by B and C is $10,000 (5 percent of $100,000 subject to a maximum of $10,000). B and C are jointly and severally liable for the $10,000, and this sum may be collected by the Service from either of them.

(d) *Correction*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, correction of a taxable expenditure shall be accomplished by recovering part or all of the expenditure to the extent recovery is possible, and, where full recovery cannot be accomplished, by any additional corrective action which the Commissioner may prescribe. Such additional corrective action is to be determined by the circumstances of each particular case and may include the following:

(i) Requiring that any unpaid funds due the grantee be withheld;

(ii) Requiring that no further grants be made to the particular grantee;

(iii) In addition to other reports that are required, requiring periodic (e.g., quarterly) reports from the foundation with respect to all expenditures of the foundation (such reports shall be equivalent in detail to the reports required by section 4945(h)(3) and § 53.4945–5(d));

(iv) Requiring improved methods of exercising expenditure responsibility;

(v) Requiring improved methods of selecting recipients of individual grants; and

(vi) Requiring such other measures as the Commissioner may prescribe in a particular case.

(2) *Correction for inadequate reporting.* If the expenditure is taxable only because of a failure to obtain a full and complete report as required by section 4945(h)(2) or because of a failure to make a full and detailed report as required by section 4945(h)(3), correction may be accomplished by obtaining or making the report in question.

(e) *Correction period*—(1) *In general.* For purposes of section 4945, the correction period shall begin with the date on which the taxable expenditure occurs and end 90 days after the date of mailing of a notice of deficiency under section 6212 with respect to the tax imposed under section 4945(b)(1). This period shall be extended by any period in which a deficiency cannot be assessed under section 6213(a) and any other period which the Commissioner determines is reasonable and necessary to bring about correction of the taxable expenditure.

(2) *Extensions of correction period.* (i) Except as provided in subdivision (ii) of this subparagraph, the Commissioner ordinarily will not extend the correction period for a taxable expenditure unless the following factors are present:

(*a*) The foundation (or, with respect to any taxable expenditure within the meaning of section 4945(d)(5), an appropriate State officer as defined in section 6104(c)(2)) is actively in good faith seeking to correct the taxable expenditure;

(*b*) Adequate corrective action cannot reasonably be expected to result during the unextended correction period; and

(*c*) The taxable expenditure appears to have been an isolated occurrence and it appears unlikely that the foundation will pay or incur similar taxable expenditures in the future.

The Commissioner shall not make a determination extending the correction period with respect to any taxable expenditure within the meaning of section 4945(d)(1), (2), (3), or (4) because of any action by an appropriate State officer (as defined in section 6104(c)(2)), unless the expenditure is also taxable by reason of section 4945(d)(5).

(ii) If a foundation files a claim for refund with respect to a tax imposed under section 4945(a)(1) within the unextended correction period, the Commissioner shall extend the correction period during the pendency of the claim. If such claim is denied, the correction period will be extended by an additional 90 days to permit the foundation to file a suit or proceeding referred to in section 7422(b) with respect to such claim or to make the required correction. If such suit or proceeding is filed, the correction period will be extended during the pendency of such suit or proceeding.

§ 53.4945–2 Propaganda influencing legislation.

(a) *Propaganda influencing legislation, etc.*—(1) *In general.* Under section 4945(d)(1) the term "taxable expenditure" includes any amount paid or incurred by a private foundation to carry on propaganda, or otherwise to attempt, to influence legislation. Attempts to influence legislation may include communications with a member or employee of a legislative body or with an official of the executive department of a government or efforts to affect the opinion of the general public with respect to legislation being considered by, or to be submitted imminently to, a legislative body. See, however, paragraphs (b) and (d) of this section for exceptions to the general rule.

(2) *Legislation defined.* For purposes of this section, the term "legislation" includes action by the Congress, by any State legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure. Such term does not include actions by executive, judicial, or administrative bodies. The word "action" is limited to the introduction, enactment, defeat, or repeal of legislation. However, for purposes of section 4945, the term "any attempt to influence legislation" does not encompass activities by a private foundation which are directly in support of the formation or expansion of a public park or equivalent preserves (such as public recreation areas, game or forest preserves, and soil demonstration areas) established or to be established by the National Park System, or by a State, municipality, or other governmental unit described in section 170(c)(1).

(3) *Jointly funded projects.* A private foundation will not be treated as having paid or incurred any amount to attempt to influence legislation merely because it makes a grant to another organization upon the condition that the recipient obtain a matching support appropriation from a governmental body. In addition, a private foundation will not be treated as having made taxable expenditures of amounts paid or incurred in carrying on discussions with officials of governmental bodies provided that:

(i) The subject of such discussions is a program which is jointly funded by the foundation and the Government or is a new program which may be jointly funded by the foundation and the Government,

(ii) The discussions are undertaken for the purpose of exchanging data and infomation on the subject matter of the program, and

(iii) Such discussions are not undertaken by foundation managers in order to make any direct attempt to persuade governmental officials or employees to take particular positions on specific legislative issues other than such program.

(4) *Grants to public organizations*—(i) *In general.* A grant by a private foundation to an organization described in section 509(a) (1), (2), or (3) does not constitute a taxable expenditure by such foundation under section 4945(d) if the grant by the private foundation is not earmarked to be used for any activity described in section 4945(d) (1), (2), or (5), is not earmarked to be used in a manner which would violate section 4945(d) (3) or (4), and such granting foundation does not retain power to cause the grantee to engage in any such prohibited activity or to select the recipient to which the grant is to be devoted. For purposes of this subdivision, a grant by a private foundation is earmarked if such grant is given pursuant to an agreement, oral or written, that the grant will be used for specific purposes. For the expenditure responsibility requirements with respect to organizations other than those described in section 509(a) (1), (2), or (3), see § 53.4945–5.

(ii) *Certain "public" organizations.* For purposes of this section, an organization shall be considered a section 509(a)(1) organization if it is treated as such under paragraph (4) of § 53.4945–5(a).

(iii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). M, a private foundation, makes a general purpose grant to N, an organization described in section 509(a)(1). As an insubstantial portion of its activities, N makes some attempts to influence the State legislature with regard to changes in the mental health laws. The use of the grant is not earmarked by M to be used in a manner which would violate section 4945(d). In addition, M does not retain power over the choice by N of the activity or recipient to which the grant is to be devoted. Even if the grant is subsequently devoted by N to its legislative activities, the grant by M is not a taxable expenditure under section 4945(d).

Example (2). X, a private foundation, makes a grant to Y University for the purpose of conducting research on the potential environmental effects of certain pesticides. X does not earmark the grant for any purpose which would violate section 4945(d) and does not retain power to cause Y to engage in any activity described in section 4945(d) (1), (2), or (5), or to select any recipient to which the grant may be devoted. Y uses most of the funds for the research project; however, on its own volition, Y expends a portion of the grant funds to send a representative to testify at congressional hearings on a specific bill proposing certain pesticide control measures. The portion of the grant funds expended with respect to the congressional hearings is not treated as a taxable expenditure by X under section 4945(d).

(b) *Attempts to affect the opinion of the general public.* Except as provided in paragraph (d)(1) of this section (relating to the making available of nonpartisan analysis, study or research), any expenditure paid or incurred by a private foundation in an attempt to influence any legislation through an attempt to affect the opinion of the general public or any segment thereof is a taxable expenditure. For purposes of this paragraph, expenditures for examinations and discussions of broad social, economic, and similar problems are not taxable even if the problems are of the type with which government would be expected to deal ultimately. Thus, the term "any attempt to influence any legislation" does not include public discussion, the general subject of which is also the subject of legislation before a legislative body, so long as such discussion does not address itself to the merits of a specific legislative proposal. For example, a private foundation may, without incurring tax under section 4945, present a discussion of environmental pollution, a problem being considered by Congress and various State legislatures, provided the discussion is not directly addressed to specific legislation being considered.

(c) *Lobbying activities.* Except as provided in paragraph (d) of this section, any expenditure for the purpose of influencing legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of the legislation, is a taxable expenditure.

(d) *Exceptions*—(1) *Nonpartisan analysis, study, or research*—(i) *In general.* Engaging in nonpartisan analysis, study, or research and making available to the public or to governmental bodies the results of such work do not constitute carrying on propaganda, or otherwise attempting, to influence legislation.

(ii) *Nonpartisan analysis, study or research.* For purposes of section 4945(e), "nonpartisan analysis, study, or research" means an independent and objective exposition of a particular subject matter, including any activity which is "educational" within the meaning of § 1.501 (c)(3)–1, (d)(3) of this chapter. The analysis, study, or research may contain recommendations, findings, or conclusions, if there is a sufficiently full and fair exposition of the pertinent facts to enable the public or an individual to form an independent opinion or conclusion. Activities of a noncommercial educational broadcasting station (television or radio) constitute nonpartisan analysis, study or research if the station adheres to the Federal Communications Commission regulations and its "fairness doctrine" and requires balanced, fair, and objective presentation of issues.

(iii) *Presentation as part of a series.* Normally, whether a publication or broadcast qualifies as "nonpartisan analysis, study, or research" will be determined on a presentation-by-presentation basis. However, if a publication or broadcast is one of a series prepared or sponsored by a private foundation and the overall effect of the series is a balanced, fair, and nonpartisan analysis or study of the subject, then any individual publication or broadcast within the series will not result in a taxable expenditure even though such individual broadcast or publication does not meet the standards of subdivision (ii) of this subparagraph. A determination that a broadcast or publication is part of a series will ordinarily not be made on the basis of after-the-fact representations, but will ordinarily require:

(*a*) A public announcement before each broadcast or publication that it is a part of a series; and

(*b*) The existence of plans, scripts, working outlines, or similar documents for such a series that predate the actual presentations.

If a private foundation times or channels a part of a series which is described in this subdivision in a manner designed to influence the general public or the action of a legislative body with respect to a specific legislative proposal in violation of section 4945(d)(1), the expense of preparing and distributing such part of the analysis, study, or research will be a taxable expenditure under this section.

(iv) *Making available results of analysis, study, or research.* A private foundation may choose any suitable means, including oral or written presentations, to distribute the results of its nonpartisan analysis, study, or research, with or without charge. Such means include distribution of reprints of speeches, articles and reports (including the report required under section 6056); presentation of information through conferences, meetings and discussions; and dissemination to the news media, including radio, television and newspapers, and to other public forums. For purposes of this subparagraph, such presentations may not be limited to or directed toward persons who are interested solely in one side of a particular issue.

(v) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A private foundation establishes a research project to collect information on the neurotic and psychotic dangers to unwed mothers who cannot secure abortions. The research project is responsive to the keen public interest in proposed legislation pending before several State legislatures which would liberalize abortion laws. It does not include a sufficiently full and fair exposition of the pertinent facts to enable the public or an individual to form an independent opinion or conclusion. This project is not within the exception for nonpartisan analysis, study, or research because it is designed to present information merely on one side of the legislative controversy.

Example (2). Assume the same facts as Example (1), except that the research project is to collect and report fully and fairly information and conclusions as to the presence or absence of such dangers, the presence or absence of neurotic and psychotic dangers as a result of having abortions, and the social and moral considerations bearing on both sides of the issue. The project is within the exception for nonpartisan analysis, study, or research because it is designed to present information on both sides of the legislative controversy and presents a sufficiently full and fair exposition of the pertinent facts to enable the public or an individual to form an independent opinion or conclusion.

Example (3). Assume the same facts as Example (2), except that the foundation presents a two-program television series relating to the abortion issue. The first program contains information, arguments, and conclusions favoring liberalized abortion legislation. The second program contains information, arguments, and conclusions opposing liberalized abortion legislation. Before each program the foundation makes a public announcement that the program is part of a series. The foundation's programs are within the exception for nonpartisan analysis, study, or research. Although neither program individually could be regarded as nonpartisan, the series of two programs constitutes a balanced presentation.

Example (4). Assume the same facts as Example (3), except that the foundation arranged for televising the program favoring liberalized abortion legislation at 8 p.m. Thursday evening and for televising the program opposing such legislation at 7 a.m. Sunday morning. The foundation's presentation is not within the exception for nonpartisan analysis, study, or research, since the foundation disseminated its information in a manner prejudicial to one side of the legislative controversy.

(2) *Technical advice or assistance*—(i) *In general.* Amounts paid or incurred in connection with providing technical advice or assistance to a governmental body, or to a committee or subdivision thereof, in response to a written request by such body or subdivision do not constitute taxable expenditures for purposes of this section. Under this exception, the request for assistance or advice must be made in the name of the requesting governmental body, committee or subdivision rather than an individual member thereof. Similarly, the response to such request must be available to every member of the requesting body, committee or subdivision.

(ii) *Nature of technical advice or assistance.* "Technical advice or assistance" may be given as a result of knowledge or skill in a given area. Because such assistance or advice may be given only at the express request of a governmental body, committee or subdivision, the oral or written presentation of such assistance or advice need not qualify as nonpartisan analysis, study or research. The offering of opinions or recommendations will ordinarily qualify under this exception only if such opinions or recommendations are specifically requested by the governmental body, committee or subdivision.

(iii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A Congressional committee is studying the feasibility of legislation to provide funds for scholarships to U.S. students attending schools abroad. X, a private foundation which has engaged in a private scholarship program of this type, is asked, in writing, by the committee to describe the manner in which it selects candidates for its program. The organizations response disclosing its methods of selection constitutes technical advice or assistance.

Example (2). Assume the same facts as Example (1), except that the organization's response not only includes its own grantmaking procedures, but also recommends that such procedures would be more desirable than those used by another specified organization. This response would not qualify as technical advice or assistance since it was not requested by the committee. Expenditures paid or incurred with respect to such response will constitute taxable expenditures unless the presentation can qualify as the making available of nonpartisan analysis, study or research.

Example (3). Assume the same facts as Example (1), except that the organization is requested, in addition, to give its views regarding the wisdom of adopting such a program. A response to this request giving such an opinion would qualify as "technical advice or assistance", and expenditures paid or incurred with respect to such response would not constitute taxable expenditures.

(3) *Decisions affecting the powers, duties, etc., of a private foundation*—(i) *In general.* Paragraph (c) of this section does not apply to any amount paid or incurred in connection with an appearance before, or communication to, any legislative body with respect to a possible decision of such body which might affect the existence of the private foundation, its powers and duties, its tax-exempt status, or the deductibility of contributions to such foundation. Under this exception, a foundation may communicate with the entire legislative body, committees or subcommittees of such legislative body, individual congressmen or legislators, members of their staffs, or representatives of the executive branch, who are involved in the legislative process, if such communication is limited to the prescribed subjects.

(ii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A bill is being considered by Congress which would, if enacted, restrict the power of a private foundation to engage in transactions with certain related persons. Under the proposed bill a private foundation would lose its exemption from taxation if it engaged in such transactions. W, a private foundation, writes to the congressional committee considering the bill, arguing that the enactment of such a bill would not be advisable, and subsequently appears before such committee to make its arguments. Expenditures paid or incurred with respect to such submissions do not constitute taxable expenditures since they are made with respect to a possible decision of Congress which might affect the existence of the private foundation, its powers and duties, its tax-exempt status, or the deduction of contributions to such foundation.

Example (2). A bill being considered in a State legislature is designed to implement the requirements of section 508(e) of the Internal Revenue Code of 1954. Under such section, a private foundation is required to make certain amendments to its governing instrument. X, a private foundation, makes a submission to the legislature which proposes alternative measures which might be taken in lieu of the proposed bill. Expenditures paid or incurred in making such submission do not constitute taxable expenditures since they are made with respect to a possible decision of such State legislature which might affect the existence of the private foundation, its powers and duties, its tax-exempt status, or the deduction of contributions to such foundation.

Example (3). A bill is being considered by a State legislature under which the State would assume certain responsibilities for nursing care of the aged. Y, a private foundation which hiterto has engaged in such activities, appears before the State legislature and contends that such activities can be better performed by privately supported organizations. Expenditures paid or incurred with respect to such appearance are not made with respect to possible decisions of the State legislature which might affect the existence of the private foundation, its powers and duties, its tax-exempt status, or the deduction of contributions to such foundation, but rather merely affect the scope of the private foundation's future activities.

Example (4). A State legislature is considering the annual appropriations bill. Z, a private foundation which had hitherto performed contract research for the State, appears before the appropriations committee in order to attempt to persuade the committee of the advisability of continuing the program. Expenditures paid or incurred with respect to such appearance are not made with respect to possible decisions of the State legislature which might affect the existence of the private foundation, its powers and duties, its tax-exempt status, or the deduction of contributions to such foundation, but rather merely affect the scope of the private foundation's future activities.

§ 53.4945–3 Influencing elections and carrying on voter registration drives.

(a) *Expenditures to influence elections or carry on voter registration drives*—(1) *In general.* Under section 4945(d)(2), the term "taxable expenditure" includes any amount paid or incurred by a private foundation to influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive, unless such amount is paid or incurred by an organization described in section 4945(f).

(2) *Influencing the outcome of a specific public election.* For purposes of this section, an organization shall be considered to be influencing the outcome of any specific public election if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. The term "candidate for public office" means an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, State or local. Activities which constitute participation or intervention in a political

campaign on behalf of or in opposition to a candidate include, but are not limited to:

(i) Publishing or distributing written or printed statements or making oral statements on behalf of or in opposition to such a candidate;

(ii) Paying salaries or expenses of campaign workers; and

(iii) Conducting or paying the expenses of conducting a voter registration drive limited to the geographic area covered by the campaign.

(b) *Nonpartisan activities carried on by certain organizations*—(1) *In general.* If an organization meets the requirements described in section 4945(f), an amount paid or incurred by such organization shall not be considered a taxable expenditure even though the use of such amount is otherwise described in section 4945(d)(2). Such requirements are:

(i) The organization is described in section 501(c)(3) and exempt from taxation under section 501(a);

(ii) The activities of the organization are nonpartisan, are not confined to one specific election period, and are carried on in five or more States;

(iii) The organization expends at least 85 percent of its income directly for the active conduct (within the meaning of section 4942(j)(3) and the regulations thereunder) of the activities constituting the purpose or function for which it is organized and operated;

(iv) The organization receives at least 85 percent of its support (other than gross investment income as defined in section 509(e)) from exempt organizations, the general public, governmental units described in section 170(c)(1), or any combination of the foregoing; the organization does not receive more than 25 percent of its support (other than gross investment income) from any one exempt organization (for this purpose treating private foundations which are described in section 4946(a)(1)(H) with respect to each other as one exempt organization); and not more than half of the support of the organization is received from gross investment income; and

(v) Contributions to the organization for voter registration drives are not subject to conditions that they may be used only in specified States, possessions of the United States, or political subdivisions or other areas of any of the foregoing, or the District of Columbia, or that they may be used in only one specific election period.

(2) *Grants to section 4945(f) organizations.* If a private foundation makes a grant to an organization described in section 4945(f), such grant will not be treated as a taxable expenditure under section 4945(d)(2) or (4).

(3) *Period for determining support*—(i) *In general.* The determination whether an organization meets the support test in section 4945(f)(4) for any taxable year is to be made by aggregating all amounts of support received by the organization doing the taxable year and the immediately preceding 4 taxable years. However, the support received in any taxable year which begins before January 1, 1970, shall be excluded.

(ii) *New organizations and organizations with no preceding taxable years beginning after December 31, 1969.* Except as provided in subparagraph (4) of this paragraph, in the case of a new organization or an organization with no taxable years that begin after December 31, 1969, and immediately precede the taxable year in question, the requirements of the support test in section 4945(f) will be considered as met for the taxable year if such requirements are met by the end of the taxable year.

(iii) *Organization with three or fewer preceding taxable years.* In the case of an organization which has been in existence for at least one but fewer than four preceding taxable years beginning after December 31, 1969, the determination whether such organization meets the requirements of the support test in section 4945(f)(4) for the taxable year is to be made by taking into account all the support received by such organization during the taxable year and during each preceding taxable year beginning after December 31, 1969.

(4) *Advance rulings.* An organization will be given an advance ruling that it is an organization described in section 4945(f) for its first taxable year of operation beginning after December 31, 1969, if it submits evidence establishing that it can reasonably be expected to meet the tests under section 4945(f) for such taxable year. An organization which, pursuant to this subparagraph, has been treated as an organization described in section 4945(f) for a taxable year (without withdrawal of such treatment by notification from the Internal Revenue Service during such year), but actually fails to meet the requirements of section 4945(f) for such taxable year, will not be treated as an organization described in section 4945(f) as of the first day of its next taxable year for purposes of making any determination under the internal revenue laws with respect to such organization, until such time as the organization does meet the requirements of section 4945(f). For purposes of section 4945, the status of grants or contributions with respect to grantors or contributors to such organization will not be affected until notice of change of status of such organization is made to the public (such as by publication in the Internal Revenue Bulletin), unless the grantor or contributor (or any person standing in a relationship to such grantor or contributor which is described in section 4946(a)(1)(C) through (G)) was in part responsible for, or was aware of, the fact that the organization did not satisfy section 4945(f) at the end of the taxable year with respect to which the organization had obtained an advance ruling or a determination letter that it was a section 4945(f) organization, or acquired knowledge that the Internal Revenue Service had given notice to such organization that it would be deleted from classification as a section 4945(f) organization.

§ 53.4945–4 Grants to individuals.

(a) *Grants to individuals*—(1) *In general.* Under section 4945(d)(3) the term "taxable expenditure" includes any amount paid or incurred by a private foundation as a grant to an individual for travel, study, or other similar purposes by such individual unless the grant satisfies the requirements of section 4945(g). Grants to individuals which are not taxable expenditures because made in accordance with the requirements of section 4945(g) may result in the imposition of excise taxes under other provisions of chapter 42.

(2) *"Grants" defined.* For purposes of section 4945, the term "grants" shall include, but is not limited to, such expenditures as scholarships, fellowships, internships, prizes, and awards. Grants shall also include loans for purposes described in section 170(c)(2)(B) and "program related investments" (such as investments in small businesses in central cities or in businesses which assist in neighborhood renovation). Conversely, "grants" do not generally include salaries to employees or payments (including salaries, consultants' fees and reimbursement for travel expenses) to persons for personal services in assisting a foundation in planning, evaluating or developing projects or areas of program activity by consulting, by advising or by participating in conferences organized by the foundation.

(3) *Requirements for individual grants*—(i) *Grants for other than section 4945(d)(3) purposes.* A grant to an individual for purposes other than those described in section 4945(d)(3) is not a taxable expenditure within the meaning of section 4945(d)(3). For example, if a foundation makes grants to indigent individuals to enable them to purchase furniture, such grants are not taxable expenditures within the meaning of section 4945(d)(3).

(ii) *Grants for section 4945(d)(3) purposes.* Under section 4945(g), a grant to an individual for travel, study, or other similar purposes is not a "taxable expenditure" only if:

(*a*) The grant is awarded on an objective and nondiscriminatory basis (within the meaning of paragraph (b) of this section);

(*b*) The grant is made pursuant to a procedure approved in advance by the Commissioner; and

(*c*) It is demonstrated to the satisfaction of the Commissioner that:

(*1*) The grant constitutes a scholarship or fellowship grant which is excluded from gross income under section 117(a) and is to be utilized for study at an educational institution described in section 151(e)(4);

(*2*) The grant constitutes a prize or award which is excluded from gross income under section 74(b), and the recipient of such prize or award is selected from the general public within the meaning of section 4941(d)(2)(G)(i) and the regulations thereunder; or

(*3*) The purpose of the grant is to achieve a specific objective, produce a report or other similar product, or improve or enhance a literary, artistic, musical, scientific, teaching, or other similar capacity, skill, or talent of the grantee.

(4) *Certain designated grants*—(i) *In general.* A grant by a private foundation to another organization, which the grantee organization uses to make payments to an individual for purposes described in section 4945(d)(3), shall not be regarded as a grant by the private foundation to the individual grantee if the foundation does not earmark the use of the grant for any named individual and does not retain power to cause the selection of the individual grantee by the grantee organization. For purposes of this subparagraph, a grant described herein shall not be regarded as a grant by the foundation to an individual grantee even though such foundation has reason to believe that certain individuals would derive benefits from such grant so long as the grantee organization exercises control, in fact, over the selection process and actually makes the selection completely independently of the private foundation.

(ii) *Certain grants to "public charities".* A grant by a private foundation to an organization described in section 509(a)(1), (2), or (3), which the grantee uses to make payments to an individual for purposes described in section 4945(d)(3), shall not be regarded as a grant by the private foundation to the individual grantee (regardless of the application of subdivision (i) of this subparagraph) if the grant is made for a project which is to be undertaken under the supervision of the section 509(a)(1), (2), or (3) organization and such organization controls the selection of the individual grantee. This subdivision shall apply regardless of whether the name of the individual grantee was first proposed by the private foundation, but only if there is an objective manifestation of the section 509(a)(1), (2), or (3) organization's control over the selection process. For purposes of this subdivision, an organization shall be considered a section 509(a)(1) organization if it is treated as such under subparagraph (4) of § 53.4945–5(a).

(iii) *Grants to governmental agencies.* If a private foundation makes a grant to an organization described in section 170(c)(1) (regardless of whether it is described in section 501(c)(3)) and such grant is earmarked for use by an individual for purposes described in section 4945(d)(3), such grant is not subject to the requirements of section 4945(d)(3) and (g) and this section (regardless of the application of subdivision (i) of the subparagraph) if the section 170(c)(1) organization satisfies the Commissioner in advance that its grant-making program:

(*a*) Is in furtherance of a purpose described in section 170(c)(2)(B),

(*b*) Requires that the individual grantee submit reports to it which would satisfy paragraph (c)(3) of this section, and

(*c*) Requires that the organization investigate jeopardized grants in a manner substantially similar to that described in paragraph (c)(4) of this section.

(iv) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A university described in section 170(b)(1)(A)(ii) requests that a private foundation grant it $100,000 to enable the university to obtain the services of a particular scientist for a research project in a special field of biochemistry in which he has unique competence. The foundation, after determining that the project deserves support, makes the grant to the university to enable it to obtain the services of this scientist. The university is authorized to keep the funds even if it is unsuccessful in attempting to employ the scientist. Under these circumstances the foundation will not be treated as having made a grant to the individual scientist for purposes of section 4945(d)(3) and (g), since the requirements of subdivision (i) of this subparagraph have been satisfied. Even if the university were not authorized to keep the funds if it is unsuccessful in attempting to employ the scientist, the foundation would not be treated as having made a grant to the individual scientist for purposes of section 4945(d)(3) and (g), since it is clear from the facts and circumstances that the selection of the particular scientist was made by the university and thus the requirements of subdivision (ii) of this subparagraph would have been satisfied.

Example (2). Assume the same facts as Example (1), except that there are a number of scientists who are qualified to administer the research project, the foundation suggests the name of the particular scientist to be employed by the university, and the university is not authorized to keep the funds if it is unsuccessful in attempting to employ the particular scientist. For purposes of section 4945(d)(3) and (g), the foundation will be treated as having made a grant to the individual scientist whose name it suggested, since it is clear from the facts and circumstances that selection of the particular scientist was made by the foundation.

Example (3). X, a private foundation, is aware of the exceptional research facilities at Y University, an organization described in section 170(b)(1)(A)(ii). Officials of X approach officials of Y with an offer to give Y a grant of $100,000 if Y will engage an adequately qualified physicist to conduct a specific research project. Y's officials accepts this proposal, and it is agreed that Y will administer the funds. After examining the qualifications of several research physicists, the officials of Y agree that A, whose name was first suggested by officials of X, is uniquely qualified to conduct the project. X's grant letter provides that X has the right to renegotiate the terms of the grant if there is a substantial deviation from such terms, such as breakdown of Y's research facilities or termination of the conduct of the project by an adequately qualified physicist. Under these circumstances, X will not be treated as having made a grant to A for purposes of section 4945(d)(3) and (g), since the requirements of subdivision (ii) of this subparagraph have been satisfied.

(5) *Earmarked grants to individuals.* A grant by a private foundation to an individual is a taxable expenditure by such foundation under section 4945(d) if—

(i) The grant is earmarked to be used for any activity described in section 4945(d)(1), (2), or (5), or is earmarked to be used in a manner which would violate section 4945(d)(3) or (4), or

(ii) Such granting foundation retains power to cause the grantee to engage in any such prohibited activity and such grant is in fact used in a manner which violates section 4945(d).

For purposes of this subdivision, a grant by a private foundation is earmarked if such grant is given pursuant to an agreement, oral or written, that the grant will be used for specific purposes.

(6) *Certain grants for purposes described in section 4945(g)(3).* If a grant is made to an individual for a purpose described in section 4945(g)(3) and such grant otherwise meets the requirements of section 4945(g), such grant shall not be treated as a taxable expenditure even if it is a scholarship or a fellowship grant which is not excludable from income under section 117 or if it is a prize or award which is includible in income under section 74.

(b) *Selection of grantees on "an objective and nondiscriminatory basis"*—(1) *In general.* For purposes of this section, in order for a foundation to establish that its grants to individuals are made on an objective and nondiscriminatory basis, the grants must be awarded in accordance with a program which, if it were a substantial part of the foundation's activities, would be consistent with:

(i) The existence of the foundation's exempt status under section 501(c)(3);

(ii) The allowance of deductions under section 170 for contributions to the granting foundation; and

(iii) The requirements of subparagraphs (2), (3), and (4) of this paragraph.

(2) *Candidates for grants.* The group from which grantees are chosen must bear a reasonable relation to the purposes of the grant. The group must be sufficiently broad so that the giving of grants to members of such group would be considered to fulfill a purpose described in section 170(c)(2)(B). However, consistent with this requirement, the foundation may impose reasonable restrictions on the group of potential grantees. For example, selection of a qualified research scientist to work on a particular project does not violate the requirements of section 4945(d)(3) merely because the foundation selects him from a group of three scientists who are experts in that field.

(3) *Selection from within group of potential grantees.* The criteria used in selecting grant recipients from the potential grantees should be related to the purpose of the grant. Thus, for example, proper criteria for selecting scholarship recipients might include (but are not limited to) the following: Prior academic performance; performance on tests designed to measure ability and aptitude for college work; recommendations from instructors; financial need; and the conclusions which the selection committee might draw from a personal interview as to the potential recipient's motivation and character.

(4) *Persons making selections.* The person or group of persons who select recipients of grants should not be in a

position to derive a private benefit, directly or indirectly, if certain potential grantees are selected over others.

(5) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). X Company employs 100,000 people of whom 1,000 are classified by the company as executives. The company has organized the X Company Foundation which, as its sole activity, provides 100 4-year college scholarships per year for children of the company's employees. Children of all employees (other than disqualified persons with respect to the foundation) who have worked for the X Company for at least 2 years are eligible to apply for these scholarships. In previous years, the number of children eligible to apply for such scholarships has averaged 2,000 per year. Selection of scholarship recipients from among the applicants is made by three prominent educators, who have no connection (other than as members of the selection committee) with the company, the foundation or any of the employees of the Company. The selections are made on the basis of the applicants' prior academic performance, performance on certain tests designed to measure ability and aptitude for college work, and financial need. No disproportionate number of scholarships has been granted to relatives of executives of X Company. Under these circumstances, the operation of the scholarship program by the X Company Foundation: (1) is consistent with the existence of the foundation's exempt status under section 501(c)(3) and with the allowance of deductions under section 170 for contributions to the foundation; (2) utilizes objective and nondiscriminatory criteria in selecting scholarship recipients from among the applicants; and (3) utilizes a selection committee which appears likely to make objective and nondiscriminatory selections of grant recipients.

Example (2). Assume the same facts as Example (1), except that the foundation establishes a program to provide 20 college scholarships per year for members of a certain ethnic minority. All members of this minority group (other than disqualified persons with respect to the foundation) living in State Z are eligible to apply for these scholarships. It is estimated that at least 400 persons will be eligible to apply for these scholarships each year. Under these circumstances, the operation of this scholarship program by the foundation: (1) Is consistent with the existence of the foundation's exempt status under section 501(c)(3) and with the allowance of deductions under section 170 for contributions to the foundation; (2) utilizes objective and nondiscriminatory criteria in selecting scholarship recipients from among the applicants; and (3) utilizes a selection committee which appears likely to make objective and nondiscriminatory selections of grant recipients.

(c) *Requirements of a proper procedure*—(1) *In general.* Section 4945(g) requires that grants to individuals must be made pursuant to a procedure approved in advance. To secure such approval, a private foundation must demonstrate to the satisfaction of the Commissioner that—

(i) Its grant procedure includes an objective and nondiscriminatory selection process (as described in paragraph (b) of this section);

(ii) Such procedure is reasonably calculated to result in performance by grantees of the activities that the grants are intended to finance; and

(iii) The foundation plans to obtain reports to determine whether the grantees have performed the activities that the grants are intended to finance.

No single procedure or set of procedures is required. Procedures may vary depending upon such factors as the size of the foundation, the amount and purpose of the grants and whether one or more recipients are involved.

(2) *Supervision of scholarships and fellowship grants.* With respect to any scholarships or fellowship grants, a private foundation must make arrangements with the educational institution to receive a report of the grantee's courses taken (if any) and grades received (if any) in each academic period. Such a report must be obtained from the educational institution at least once a year. In cases of grantees whose study at an educational institution does not involve the taking of courses but only the preparation of research papers or projects, such as the writing of a doctoral thesis, the foundation must receive a brief report on the progress of the paper or project at least once a year. Such a report must be approved by the faculty member supervising the grantee or by another appropriate university official. Upon completion of a grantee's study at an educational institution, a final report must also be obtained.

(3) *Grants described in section 4945(g)(3).* With respect to a grant made under section 4945(g)(3), the private foundation shall require reports on the use of the funds and the progress made by the grantee toward achieving the purposes for which the grant was made. Such reports must be made at least once a year. Upon completion of the undertaking for which the grant was made, a final report must be made describing the grantee's accomplishments with respect to the grant and accounting for the funds received under such grant.

(4) *Investigation of jeopardized grants.* Where the reports submitted under this paragraph or other information indicates that all or any part of a grant is not being used in furtherance of the purposes of such grant, the foundation is under a duty to investigate. While conducting its investigation, the foundation must withhold further payments to the extent possible until it has determined that no part of the grant has been used for improper purposes and that it appears likely that no part of the grant will be so used in the future. If the foundation determines that any part of the grant has been used for improper purposes, it must withhold further payments until the diverted funds have been restored and it has received assurances that future diversions will not occur. In cases in which the diverted funds are not restored, the foundation will be treated as having made a taxable expenditure unless it takes all reasonable and appropriate steps to recover the diverted funds and withholds all future payments upon the particular grant and other grants to the same grantee. If the foundation fails to take all such steps, the amount of the taxable expenditure shall be the amount of the diversion plus the amount of any future payments to the same grantee. If the foundation does take all such steps but the diverted funds are not restored or assurances that future diversions will not occur are not made by the grantee, the amount of the taxable expenditure shall be the amount of any future payments to the same grantee.

(5) *Retention of records.* A private foundation shall retain records pertaining to all grants to individuals for purposes described in section 4945(d)(3). Such records shall include:

(i) All information the foundation secures to evaluate the qualification of potential grantees;

(ii) Identification of grantees;

(iii) Specification of the amount and purpose of each grant; and

(iv) The followup information which the foundation obtains in complying with subparagraphs (2), (3), and (4) of this paragraph.

(6) *Example.* The provisions of paragraphs (b) and (c) of this section may be illustrated by the following example:

Example. The X Foundation grants 10 scholarships each year to graduates of high schools in its area to permit the recipients to attend college. It makes the availability of its scholarships known by oral or written communications each year to the principals of three major high schools in the area. The foundation obtains information from each high school on the academic qualifications, background, and financial need of applicants. It requires that each applicant be recommended by two of his teachers or by the principal of his high school. All application forms are reviewed by the foundation officer responsible for making the awards, and scholarships are granted on the basis of the academic qualifications and financial need of the grantees. The foundation obtains annual reports on the academic performance of the scholarship recipient from the college or university which he attends. It maintains a file on each scholarship awarded, including the original application, recommendations, a record of the action taken on the application, and the reports on the recipient from the institution which he attends. The described procedures of the X Foundation for the making of grants to individuals qualify for Internal Revenue Service approval under section 4945(g).

(d) *Submission of grant procedure*—(1) *Contents of request for approval of grant procedures.* A request for advance approval of a foundation's grant procedures must fully describe the foundation's procedures for awarding grants and for ascertaining that such grants are used for the proper purposes. The approval procedure does not contemplate specific approval of particular grant programs but instead one-time approval of a system of standards, procedures, and followup designed to result in grants which meet the requirements of section 4945(g). Thus, such approval shall apply to a subsequent grant program as long as the procedures under which it is conducted do not differ materially from those described in the request to the Commissioner. The request must contain the following items:

(i) A statement describing the selection process. Such statement shall be sufficiently detailed for the Commissioner to determine whether the grants are made on an objective and nondiscriminatory basis under paragraph (b) of this section.

(ii) A description of the terms and conditions under which the foundation ordinarily makes such grants, which is sufficient to enable the Commissioner to determine whether the grants awarded under such procedures would meet the requirements of paragraph (1), (2), or (3) of section 4945(g).

(iii) A detailed description of the private foundation's procedure for exercising supervision over grants, as described in paragraph (c) (2) and (3) of this section.

(iv) A description of the foundation's procedures for review of grantee reports, for investigation where diversion of grant funds from their proper purposes is indicated, and for recovery of diverted grant funds, as described in paragraph (c)(4) of this section.

(2) *Place of submission.* Requests for approval of grant procedures shall be submitted to the District Director of the district in which the foundation's principal place of business is located.

(3) *Internal Revenue Service action on request for approval of grant procedures.* If, by the 60th day after a request for approval of grant procedures has been properly submitted to the Internal Revenue Service, the organization has not been notified that such procedures are not acceptable, such procedures shall be considered as approved from the date of submission until receipt of actual notice from the Internal Revenue Service that such procedures do not meet the requirements of this section. If an "expenditure responsibility" grant is made after notification to the organization by the Internal Revenue Service that the procedures under which the grant is made are not acceptable, such grant is a taxable expenditure under this section.

(e) *Effective dates*—(1) *In general.* This section shall apply to all grants to individuals for travel, study or other similar purposes which are made by private foundations more than 90 days after [insert date that final regulations under section 4945 are filed by the Office of the Federal Register].

(2) *Transitional rules*—(i) *Grants committed prior to January 1, 1970.* Section 4945 (d)(3) and (g) and this section shall not apply to a grant for section 170(c)(2)(B) purposes made on or after January 1, 1970, if the grant was made pursuant to a commitment entered into prior to such date, but only if such commitment was made in accordance with the foundation's usual practices and is reasonable in amount in light of the purposes of the grant. For purposes of this subdivision, a commitment will be considered entered into prior to January 1, 1970, if prior to such date, the amount and nature of the payments to be made and the name of the payee were entered on the records of the payor, or were otherwise adequately evidenced, or the notice of the payment to be received was communicated to the payee in writing.

(ii) *Grants awarded on or after January 1, 1970.* In the case of a grant awarded on or after January 1, 1970, but prior to the expiration of 90 days after [insert date that final regulations under section 4945 are filed by the Office of the Federal Register], and paid within 18 months after the award of such grant, the requirements of section 4945(g) that an indivdual grant be awarded on an objective and nondiscriminatory basis pursuant to a procedure approved in advance by the Commissioner will be deemed satisfied if the grantor utilizes any procedure in good faith in awarding a grant to an individual which, in fact, is reasonably calculated to provide objectivity and nondiscrimination in the awarding of such grant and to result in a grant which complies with the conditions of section 4945(g) (1), (2), or (3).

§ 53.4945–5 **Grants to organizations.**

(a) *Grants to nonpublic organizations*—(1) *In general.* Under section 4945(d)(4) the term "taxable expenditure" includes any amount paid or incurred by a private foundation as a grant to an organization (other than an organization described in section 509(a)(1), (2), or (3)), unless the private foundation exercises expenditure responsibility with respect to such grant in accordance with section 4945(h). However, the granting foundation does not have to exercise expenditure responsibility with respect to amounts granted to organizations described in section 4945(f).

(2) *"Grants" defined.* For a description of the term "grants", see § 53.4945–4(a)(2).

(3) *Section 509(a) (1), (2), and (3) organizations.* See section 508(b) and the regulations thereunder for rules relating to when a grantor may rely on a potential grantee's characterization of its status as set forth in the notice described in section 508(b).

(4) *Certain "public organizations.* For purposes of this section, an organization will be treated as a section 509(a)(1) organization if:

(i) It qualifies as such under paragraph (a) of § 1.509(a)–2; or

(ii) It is an organization described in section 170(c)(1) or 511(a)(2)(B), even if it is not described in section 501(c)(3).

(5) *Certain earmarked grants*—(i) *In general.* A grant by a private foundation to a grantee organization which the grantee organizations uses to make payments to another organization (the secondary grantee) shall not be regarded as a grant by the private foundation to the secondary grantee if the foundation does not earmark the use of the grant for any named secondary grantee and does not retain power to cause the selection of the secondary grantee by the organization to which it has given the grant. For purposes of this subdivision, a grant described herein shall not be regarded as a grant by the foundation to the secondary grantee even though such foundation has reason to believe that certain organizations would derive benefits from such grant so long as the original grantee organization exercises control, in fact, over the selection process and actually makes the selection completely independently of the private foundation.

(ii) *To governmental agencies.* If a private foundation makes a grant to an organization described in section 170(c)(1) and such grant is earmarked for use by another organization, the granting foundation need not exercise expenditure responsibility with respect to such grant if the section 170(c)(1) organization satisfies the Commissioner in advance that:

(*a*) Its grant-making program is in furtherance of a purpose described in section 170(c)(2)(B), and

(*b*) The section 170(c)(1) organization exercises "expenditure responsibility" in a manner that would satisfy this section if it applied to such section 170(c)(1) organization.

However, with respect to such grant, the granting foundation must make the reports required by section 4945(h)(3) and paragraph (d) of this section, unless such grant is earmarked for use by an organization described in section 509(a)(1), (2), or (3).

(b) *Expenditure responsibility*—(1) *In general.* A private foundation is not an insurer of the activity of the organization to which it makes a grant. A private foundation will be considered to be exercising "expenditure responsibility" under section 4945(h) as long as it exerts all reasonable efforts and establishes adequate procedures—

(i) To see that the grant is spent solely for the purpose for which made,

(ii) To obtain full and complete reports from the grantee on how the funds are spent, and

(iii) To make full and detailed reports with respect to such expenditures to the Commissioner.

(2) *Pregrant inquiry.* Before making a grant to an organization with respect to which expenditure responsibility must be exercised under this section, a private foundation should conduct a limited inquiry concerning the potential grantee. Such inquiry should be complete enough to give a reasonable man assurance that the grantee will use the grant for the proper purposes. The inquiry should concern itself with matters such as: (i) The identity, prior history, and experience (if any) of the grantee organization and its managers; and (ii) any knowledge which the private foundation has (based on prior experience or otherwise) of, or other information which is readily available concerning, the management, activities, and practices of the grantee organization. The scope of the inquiry might be expected to vary from case to case depending upon the size and purpose of the grant and

the period over which it is to be paid.

(3) *Terms of grants.* In order to meet the expenditure responsibility requirements of section 4945(h), a private foundation must require that each grant to an organization, with respect to which expenditure responsibility must be exercised under this section, be made subject to a written commitment signed by an appropriate officer, director or trustee of the grantee organization. Such commitment must include an agreement by the grantee—

(i) To repay any portion of the amount granted which is not used for the purposes of the grant,

(ii) To submit full and complete annual reports on the manner in which the funds are spent and the progress made in accomplishing the purposes of the grant, except as provided in paragraph (c)(2) of this section,

(iii) To maintain its books and records in a manner consistent with paragraph (c)(3) of this section, and to make such books and records available to the grantor at reasonable times, and

(iv) Not to use any of the funds—

(*a*) To carry on propaganda, or otherwise to attempt to influence legislation (within the meaning of section 4945(d)(1)),

(*b*) To influence the outcome of any specific public election, or to carry on, directly or indirectly, any voter registration drive (within the meaning of section 4945(d)(2)),

(*c*) For any grant which does not comply with the requirements of section 4945(d)(3) or (4), or

(*d*) For any purpose other than one specified in section 170(c)(2)(B).

The agreement must also clearly specify the purposes of the grant, and such purposes must be described in section 170(c)(2)(B). Such purposes may include contributing for capital endowment, for the purchase of capital equipment, or for general support provided that neither the grants nor the income therefrom may be used for purposes other than those described in section 170(c)(2)(B).

(c) *Reports from grantees*—(1) *In general.* In the case of grants described in section 4945(d)(4), except as provided in subparagraph (2) of this paragraph, the granting private foundation shall require reports on the use of the funds and the progress made by the grantee toward achieving the purposes for which the grant was made. The grantee shall make such reports at least once a year. Upon completion of the use of the grant funds, the grantee must make a final report detailing all expenditures made from such funds (including salaries, travel, and supplies) and indicating the progress made toward the goals of the grant. The grantor need not conduct any independent verification of such reports unless it has reason to doubt their accuracy or reliability.

(2) *Capital endowment grants to exempt private foundations.* If a private foundation makes a grant described in section 4945(d)(4) to a private foundation which is exempt from taxation under section 501(a) for endowment, for the purchase of capital equipment, or for other capital purposes, the grantor foundation shall require reports from the grantee on the use of the principal and the income (if any) from the grant funds. The grantee shall make such reports annually for its taxable year in which the grant was made and the immediately succeeding 2 taxable years. Unless it is reasonably apparent to the grantor before the end of such second succeeding taxable year that the principal, the income from the grant funds or the equipment purchased with the grant funds is being used for purposes which would result in liability for tax under section 4945(d), the grantor may then allow such reports to be discontinued.

(3) *Grantees' accounting and recordkeeping procedures.* Although the grantee need not segregate grant funds physically unless the grantor requires such segregation, such funds must be shown separately on the grantee's books. Expenditures made in furtherance of the grant purposes must be charged against the grant, and records of such expenditures adequate to enable the use of such funds to be checked readily must be kept. The records of expenditures, as well as copies of the reports submitted to the grantor, must be kept for at least 4 years after completion of the use of the grant funds. If physical segregation has not been required and the grantee's records are not adequate to determine when a particular grant has been fully expended, the grantor shall use a first-in, first-out method in determining the allocation of the grantee's expenditures to grants received by the grantee to the extent such method is consistent with the available records of the grantee.

(d) *Reporting to Internal Revenue Service by grantor*—(1) *In general.* To satisfy the report-making requirements of section 4945(h)(3), a granting foundation must provide the required information on its information return (Form 990) for each taxable year with respect to each grant made during the taxable year which is subject to the expenditure responsibility requirements of section 4945(h). Such information must also be provided on such return with respect to each grant subject to such requirements upon which any amount or any report is outstanding at any time during the taxable year. However, with respect to any grant made for endowment or other capital purposes, the grantor must provide the required information only for any taxable year for which the grantor must require a report from the grantee under paragraph (c)(2) of this section.

(2) *Contents of report.* The report required by this paragraph shall include the following information:

(i) The name and address of the grantee,

(ii) The date and amount of the grant,

(iii) The purpose of the grant,

(iv) The amounts expended by the grantee,

(v) Whether the grantee has diverted any portion of the funds (or the income therefrom in the case of an endowment grant) from the purpose of the grant (to the knowledge of the grantor),

(vi) The dates of any reports received from the grantee,

(vii) The relationship (if any) of the grantee to any foundation manager or substantial contributor of the grantor, and

(viii) The date and results of any verification of the grantee's reports undertaken by the grantor or by others at the direction of the grantor.

(3) *Recordkeeping requirements.* In addition to the information included on the information return, a granting foundation shall make available at its principal office each of the following items:

(i) A copy of the agreement covering each "expenditure responsibility" grant made during the taxable year,

(ii) A copy of each report received during the taxable year from each grantee on any "expenditure responsibility" grant, and

(iii) A copy of each report made by the grantor's personnel or independent auditors of any audits or other investigations made during the taxable year with respect to any "expenditure responsibility" grant.

(e) *Violations of expenditure responsibility requirements*—(1) *Failures by grantee*—(i) *Diversions.* Any diversion of grant funds (or the income therefrom in the case of an endowment grant) by the grantee to any use not in furtherance of a purpose specified in the grant may result in the diverted portion of such grant being treated as a taxable expenditure of the grantor under section 4945(d)(4). However, the amount of such diversion (for example, the income diverted in the case of an endowment grant, or the rental value of capital equipment for the period of time for which diverted) will not be considered a taxable expenditure if:

(*a*) The grant was made in accordance with the requirements of paragraph (b) of this section,

(*b*) The grantee furnished the reports required by paragraph (c) of this section and, with respect to paragraph (c)(1) of this section, such reports were furnished at least until the time of diversion,

(*c*) The grantor has fully complied with the reporting provisions of paragraph (d) of this section requiring reports to the Commissioner and has used due diligence in investigating any indications that grant funds might be diverted,

(*d*) The grantor has withheld all future payments upon the diverted grant and any other grant to the same grantee, and

(*e*) The grantor has taken all reasonable and appropriate steps to recover the amount of the diversion from the grantee.

If the foundation fails to take all steps described in (*e*) of this subdivision, the amount of the taxable expenditure shall be the amount of the diversion plus the amount of any future payments to the same grantee. If the foundation does take all such steps but the amount of

the diversion is not restored or assurances that future diversions will not occur are not made by the grantee, the amount of the taxable expenditure shall be the amount of any future payments to the same grantee.

(ii) *Failure to make reports.* A failure by the grantee to make the reports required by paragraph (c) of this section (or the making of inadequate reports) shall result in the grant's being treated as a taxable expenditure by the grantor unless the grantor:

(*a*) Has made the grant in accordance with paragraph (b) of this section,

(*b*) Has complied with the reporting requirements contained in paragraph (d) of this section,

(*c*) Makes a reasonable effort to obtain the required report, and

(*d*) Withholds all future payments on this grant and on any other grant to the same grantee until such report is furnished.

(2) *Violations by the grantor.* In addition to the situations described in subparagraph (1) of this paragraph, a grant which is subject to the expenditure responsibility requirements of section 4945(h) will be considered a taxable expenditure of the granting foundation if the grantor—

(i) Fails to make a pregrant inquiry as described in paragraph (b)(2) of this section,

(ii) Fails to make the grant in accordance with a procedure consistent with the requirements of paragraph (b)(3) of this section, or

(iii) Fails to report to the Internal Revenue Service as provided in paragraph (d) of this section.

(f) *Effective dates*—(1) *In general.* This section shall apply to all grants which are subject to the expenditure responsibility requirements of section 4945(d)(4) and (h) and which are made by private foundations more than 90 days after [insert date that final regulations under section 4945 are filed by the Office of the Federal Register].

(2) *Transitional rules*—(i) *Certain grants awarded prior to May 27, 1969.* Section 4945(d)(4) and (h) and this section shall not apply to a grant to a private foundation which is not controlled, directly or indirectly, by the grantor foundation or one or more disqualified persons (as defined in section 4946) with respect to the grantor foundation, provided that such grant—

(*a*) Is made pursuant to a written commitment which was binding on May 26, 1969, and at all times thereafter,

(*b*) Is made for one or more of the purposes described in section 170(c)(2)(B), and

(*c*) Is to be paid out to such grantee foundation on or before December 31, 1974.

(ii) *Grants or expenditures committed prior to January 1, 1970.* Except as provided in paragraph (e)(2)(i) of § 53.4945–4, section 4945 shall not apply to a grant or an expenditure for section 170(c)(2)(B) purposes made on or after January 1, 1970, if the grant or expenditure was made pursuant to a commitment entered into prior to such date, but only if (in the case of a grant or an expenditure other than an unlimited general-purpose grant to an organization) such commitment is reasonable in amount in light of the purposes of the grant. For purposes of this subdivision, a commitment will be considered entered into prior to January 1, 1970, if prior to such date, the amount and nature of the payments to be made and the name of the payee were entered on the records of the payor, or were otherwise adequately evidenced, or the notice of the payment to be received was communicated to the payee in writing.

(iii) *Grants awarded on or after January 1, 1970.* Paragraphs (b)(2), (b)(3), and (c) of this section shall not apply to grants awarded on or after January 1, 1970, but prior to the expiration of 90 days after [insert date that final regulations under section 4945 are filed by the Office of the Federal Register], if the grantor had made reasonable efforts, and has established adequate procedures such as a prudent man would adopt in managing his own property, to see that the grant is spent solely for the purpose for which made, to obtain full and complete reports from the grantee on how the funds are spent, and to make full and detailed reports with respect to such grant to the Commissioner.

§ 53.4945–6 Expenditures for noncharitable purposes.

(a) *In general.* Under section 4945(d)(5) the term "taxable expenditure" includes any amount paid or incurred by a private foundation for any purpose other than one specified in section 170(c)(2)(B). Thus, ordinarily only an expenditure for an activity which, if it were a substantial part of the organization's total activities, would cause loss of tax exemption is a taxable expenditure under section 4945(d)(5). For purposes of this section and §§ 53.4945–1 through 53.4945–5, purposes described in section 170(c)(2)(B) shall be treated as including purposes described in section 170(c)(1) or (in the case of a charitable remainder trust described in section 664) section 170(c)(3)(B), (4), or (5).

(b) *Particular expenditures.* (1) The following types of expenditures will not be treated as taxable expenditures under section 4945(d)(5):

(i) Expenditures to acquire investments entered into for the purpose of obtaining income or funds to be used in furtherance of purposes described in section 170(c)(2)(B),

(ii) Reasonable expenses with respect to investments described in subdivision (i) of this subparagraph,

(iii) Payment of taxes,

(iv) Any expenses which qualify as deductions in the computation of unrelated business income tax under section 511, or

(v) Any payment which constitutes a qualifying distribution under section 4942(g).

(2) Conversely, any expenditure for unreasonable administrative expenses, including compensation and consultant fees, is a taxable expenditure under section 4945(d)(5). The determination whether an expenditure is unreasonable shall depend upon the facts and circumstances of the particular case.

[FR Doc.71-3873 Filed 3-19-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 1840, 1850, 4110, 9230]

FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Hearings and Appeals Procedures

These amendments are proposed to conform the regulations governing hearings and appeals in grazing cases within grazing districts established under the act of June 28, 1934, as amended, 43 U.S.C. section 315 (1964), to the reorganization of the appellate structure in the Department. The Secretary has exercised supervisory authority over appeals to the Director, Bureau of Land Management, including grazing cases within grazing districts (see 35 F.R. 10012, June 18, 1970). The Secretary has also delegated authority to decide these appeals finally for the Department to the Board of Land Appeals in the Office of Hearings and Appeals (Release No. 1213 of July 17, 1970 (211 DM 13), published on July 28, 1970, 35 F.R. 12081).

The proposed regulations change the time for filing a notice of appeal from a hearing examiner's decision under the Federal Range Code for Grazing Districts from 10 days to 30 days from receipt of the decision. They provide for the application of a grace period for filing appeal documents at all stages of the appeal process under this Code. Consistent with hearings procedures in other public lands cases generally, they provide that reporter's fees will be paid by the Bureau of Land Management, with each party paying for any copies of the transcript obtained by him. Other minor additions and changes have also been made for clarity and for uniformity with appeals procedures in public lands cases generally.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amended regulations to the Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203, within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 15, 1971.

ROGERS C. B. MORTON,
Secretary of the Interior.

PART 1840—APPEALS PROCEDURES

Subpart 1840—Appeals Procedures; General

1. Paragraph (b) of § 1840.0–6 is amended to delete the last sentence. The amended paragraph reads as follows:

§ 1840.0–6 Documents.

• • • • •

(b) *Grace period for filing.* Whenever a document is required under this part to be filed within a certain time and it is not received in the proper office, as provided in paragraph (a) of this section, during that time, the delay in filing will be waived if the document is filed not later than 10 days after it was required to be filed and it is determined that the document was transmitted or probably transmitted to the office in which the filing is required before the end of the period in which it was required to be filed. Determinations under this paragraph shall be made by the officer before whom is pending the appeal in connection with which the document is required to be filed.

• • • • •

Subpart 1842—Appeals to the Board of Land Appeals

2. Section 1842.2 is amended to read as follows:

§ 1842.2 Who may appeal.

Except as otherwise provided in Group 2400 of this chapter, except to the extent that decisions of Bureau of Land Management officers must first be appealed to a hearing examiner under Subpart 1853 and Part 4110 of this chapter, and except where a decision has been approved by the Secretary, any party adversely affected by a decision of an officer of the Bureau of Land Management or of a hearing examiner shall have a right of appeal to the Board.

3. Paragraph (a) of § 1842.4 is amended to delete the last sentence. The amended paragraph reads as follows:

§ 1842.4 Appeal; how taken, mandatory time limit.

(a) A person who wishes to appeal to the Board must file in the office of the officer who made the decision (not the Board) a notice that he wishes to appeal. The notice of appeal must give the serial number or other identification of the case and must be transmitted in time to be filed in the office where it is required to be filed within 30 days after the person taking the appeal is served with the decision from which he is appealing. The notice of appeal may include a statement of the reasons for the appeal and any arguments the appellant wishes to make.

• • • • •

PART 1850—HEARINGS PROCEDURES

Subpart 1850—Hearings Procedures; General

4. The headings of the following numbered sections listed in the table of contents to Part 1850, Subpart 1853, are amended to read as follows:

Sec.
1853.5 Conduct of hearing; reporter's fees; transcript.
1853.6 Findings of fact and decision by examiner; notice; submission to Board of Land Appeals for decision.
1853.7 Appeals to the Board of Land Appeals.

5. Section 1850.0–5 is amended by adding two new paragraphs, (f) and (g), to the section, to read as follows:

§ 1850.0–5 Definitions.

• • • • •

(f) "State Director" means the supervising Bureau of Land Management officer for the State in which the particular range lies, or his authorized agent.

(g) "District manager" means the supervising Bureau of Land Management officer of the grazing district in which the particular range lies, or his authorized agent.

6. Paragraph (b) of § 1850.0–6 is amended to read as follows:

§ 1850.0–6 Documents.

• • • • •

(b) *Grace period for filing.* Whenever a document is required under this part to be filed within a certain time and it is not received in the proper office, as provided in paragraph (a) of this section, during that time, the delay in filing will be waived if the document is filed not later than 10 days after it was required to be filed and it is determined that the document was transmitted or probably transmitted to the office in which the filing is required before the end of the period in which it was required to be filed. Determinations under this paragraph shall be made by the officer before whom is pending the appeal or contest in connection with which the document is required to be filed. This paragraph does not apply to requests for postponement of hearings under §§ 1852.3–1 and 1852.3–3.

• • • • •

Subpart 1853—Grazing Proceedings (Inside Grazing Districts)

7. The heading of § 1853.5 is amended and a new paragraph (d) is added to the section, to read as follows:

§ 1853.5 Conduct of hearing; reporter's fees; transcript.

• • • • •

(d) The reporter's fees shall be borne by the Bureau. Each party shall pay for any copies of the transcript obtained by him. Unless the parties stipulate to a summary of the evidence, the Government will file the original copy of the transcript with the case record.

8. The heading of § 1853.6 is amended by changing "Director" to "Board of Land Appeals," and paragraph (b) is revised to read as follows:

§ 1853.6 Findings of fact and decision by examiner; notice; submission to Board of Land Appeals for decision.

• • • • •

(b) The Board of Land Appeals may require, in any designated case, that the examiner make only a recommended decision and that such decision and the record be submitted to the Board for consideration. The recommended decision shall meet all the requirements for a decision set forth in paragraph (a) of this section. The Board shall then make the decision in the case. This decision shall include such additional findings and conclusions as do not appear in the recommended decision and the record shall include such rulings on proposed findings and conclusions submitted by the parties as have not been made by the examiner.

9. The heading of § 1853.7 is amended, paragraphs (a), (b), and (c) are revoked, and the section is revised to read as follows:

§ 1853.7 Appeals to the Board of Land Appeals.

Any party affected by the examiner's decision, including the State Director, has the right to appeal to the Board of Land Appeals, in accordance with the procedures and rules set forth in Part 1840 of this chapter.

10. Paragraph (b) of § 1853.8 is amended to read as follows:

§ 1853.8 Effect of decision suspended during appeal.

• • • • •

(b) When the orderly administration of the range or other public interest so requires, (1) the district manager may provide initially in his decision that it shall be in full force and effect pending decision on an appeal therefrom; (2) the examiner may provide in the decision on an appeal before such officer that it shall be in full force and effect pending decision on any further appeal; (3) the Board may provide by interim order that any decision from which an appeal is taken shall be in full force and effect pending final decision on the appeal. Any action taken by the district manager pursuant to a decision shall be subject to modification or revocation by the examiner or the Board upon an appeal from the decision. In order to insure the exhaustion of administrative remedies before resort to court action, no decision which at the time of its rendition is subject to appeal to a superior authority in the Department shall be considered final so as to be agency action subject to judicial review under 5 U.S.C. section 704, unless it has been made effective pending a decision on appeal in the manner provided in this paragraph.

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

Subpart 4110—Grazing Administration (Inside Grazing Districts); General

11. Section 4110.0–5 is amended by redesignating paragraph (d) as paragraph (e); redesignating paragraph (e) as (f); redesignating paragraphs (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), and (q) as paragraphs (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), and (s), respectively; inserting new paragraphs (d) and (g); and redesignating paragraph (r) as (t) and amending that paragraph. The revised section reads as follows:

§ 4110.0–5 Definitions.

• • • • •

(d) "Board of Land Appeals" means the Board in the Office of Hearings and Appeals, Office of the Secretary, authorized to decide finally for the Department appeals to the Secertary arising under this part.

• • • • •

(g) "District manager" means the supervising Bureau of Land Management officer of the grazing district in which the particular range lies, or his authorized agent.

• • • • •

(t) "Adjudication of grazing privileges" is the determination of the qualifications for grazing privileges of the base properties, land (paragraph (m)(1) of this section) or water (paragraph (r)(1) of this section) offered in support of applications for grazing licenses or permits in a range unit or area, and the subsequent equitable apportionment among the applicants of the forage production within the proper grazing season and capacity of the particular unit or area of Federal range, and acceptance by the applicants of the grazing privileges based upon the apportionment or its subtantiation in a decision by an examiner or the Board of Land Appeals upon appeal. (Applicable provisions are Subpart 4111 and § 4115.2–3.)

Subpart 4111—Awards of Grazing Privileges

12. Paragraph (f) of § 4111.4–3 is amended to read as follows:

§ 4111.4–3 Reductions.

• • • • •

(f) Federal range lands to be used under a license or permit are subject to classification and disposition under the provisions of sections 7 and 14 of the act, and to withdrawal, appropriation, selection, or other disposal under the public land laws. Reasonable notice of a pending or proposed classification, withdrawal or other disposal which might result in a diminution of the available Federal range will be given to the licensee or permittee of such lands, consistent with Parts 2450 and 2460 of this chapter, and subject to the right of protest or appeal to the Board of Land Appeals, as may be provided in such notice and Parts 1840 and 1850 of this chapter.

Subpart 4115—Records and Administrative Procedures

13. Subparagraph (6) of § 4115.2–1(j) is amended to read as follows:

§ 4115.2–1 License and permit procedures; requirements and conditions.

• • • • •

(j) • • •

(6) Any adverse action by the District Manager on an application for suspension of a license or permit under this paragraph may be appealed by the licensee or permittee to the Board of Land Appeals, in accordance with Part 1840 of this chapter.

• • • • •

14. Section 4115.2–3 is amended to read as follows:

§ 4115.2–3 Appeals and hearings.

Any applicant whose interest is adversely affected by a final decision of the District Manager may appeal to an Examiner in accordance with § 1853.1 of this chapter. The conduct of hearings is provided for in §§ 1853.2 through 1853.6 of this chapter. Appeals from the Examiner's decision may be made to the Board of Land Appeals pursuant to § 1853.7 and in accordance with Part 1840 of this chapter.

15. Item (b) of § 4115.2–5(a)(7)(ii) is revised to read as follows:

§ 4115.2–5 Range improvements and contributions.

(a) • • •
(7) • • •
(ii) • • •

(b) The refusal or failure of the land applicant to pay the licensee, permittee, or other party entitled thereto, in accordance with the agreement or in the amount fixed by the District Manager and within the time allowed, shall be just cause for the rejection of an application or for the cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application. Such rejection or cancellation shall be subject to the right of appeal directly to the Board of Land Appeals, in accordance with Part 1840 of this chapter.

• • • • •

PART 9230—TRESPASS

Subpart 9239—Kinds of Trespass

16. Paragraph (h) of § 9239.3–2 is amended to read as follows:

§ 9239.3–2 Inside grazing districts.

• • • • •

(h) *Appeals.* Appeal from the decision of the examiner to the Board of Land Appeals of any matter under this § 9239.3–2, shall be made in accordance with § 1853.7 and Part 1840 of this chapter.

[FR Doc.71–3860 Filed 3–19–71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19144]

FM BROADCAST STATIONS

Table of Assignments, Cayce, S.C., etc.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), table of assignments, FM stations (Cayce, Columbia, and Burnettown, S.C.), Docket No. 19144; RM–1376, RM–1452.

1. This proceeding was begun by notice of proposed rule making (FCC 71–110) adopted February 3, 1971, released February 4, 1971, and published in the FEDERAL REGISTER February 10, 1971, 36 F.R. 2801. The dates for filing comments and reply comments are March 16, 1971, and March 26, 1971, respectively.

2. On March 12, 1971, Midland Valley Investment Co., Inc. (Midland Investment), filed a request to extend the time for filing comments and reply comments to April 5, 1971, and April 15, 1971, respectively. Midland Investment states that due to press of other business it is unable to prepare the necessary information in order to file a meaningful response by the deadline date.

3. We are of the view that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments and reply comments in Docket 19144 is extended to and including April 5, 1971, and April 15, 1971, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 15, 1971.

Released: March 17, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71–3902 Filed 3–19–71;8:49 am]

FEDERAL MARITIME COMMISSION

[46 CFR Parts 503, 510, 543]

[Docket No. 71–22]

SCHEDULE OF FEES AND CHARGES

Notice of Proposed Rule Making

Notice is hereby given that the Federal Maritime Commission is considering the establishment of fees for licensing and regulatory activities which are currently not subject to any charges, and the revision of existing fees.

In the provisions of title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)), hereinafter referred to as "Title V",[1] Congress has stated that "any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency • • • to or for any person • • • shall be self-sustaining to the full extent possible." In order to bring about the accomplishment of this objective, title V authorizes the head of each

[1] Title V has been found to be a constitutional delegation of authority by the Congress to the independent regulatory agencies to fix and assess fees. Aeronautical Radio, Inc. v. United States, 335 F. 2d 304 (7th Cir. 1964), cert. denied, 379 U.S. 966 (1965).

agency to prescribe by regulation such fees and charges as he shall determine "to be fair and equitable taking into consideration direct and indirect cost to the government, value to the recipient, public policy or interest served and other pertinent facts."

The enabling legislation referred to above also provides that the fees and charges shall be as uniform as practicable and subject to such policies as the President may prescribe. On September 23, 1959, the Bureau of the Budget, now the Office of Management and Budget, operating on behalf of the President, issued Circular No. A–25, which sets forth general policies for developing a fair, equitable and uniform system of charges for certain Government services and property so as to implement the applicable provisions of title V. Essentially, Circular No. A–25 requires that a reasonable charge be made to each recipient for a measurable unit or amount of Federal Government service from which he derives a benefit in order that the Government recover the full cost of rendering that service. The circular further calls for a periodical reassessment of costs, with related adjustment of fees, if necessary, and the establishment of new fees where none exist.

The Federal Maritime Commission, in conducting its regulatory activities, conveys special benefits to identifiable recipients above and beyond those which accrue to the public at large. In fairness to the general taxpayer, who bears the burden of supporting Federal agencies, the Government has, as evidenced above, adopted the policy that the recipient of special benefits conveyed by a Federal agency should pay a reasonable charge for the benefits received. In accordance with this policy, the Commission has determined that the public interest would be served by the establishment of a fair and equitable schedule of fees for its licensing and regulatory activities, thereby recouping for the Government a portion of the Commission's costs of regulating the maritime industry.

Having ascertained certain services for which heretofore no fees were prescribed and which services are of "value or utility" to the recipient, and are performed at his request, the Commission proposes to adopt a schedule which will prescribe fees for such services and also incorporate existing fees and charges, adjusted to reflect the increased costs of the Commission's operations. In arriving at the proposed schedule of fees, considerable effort has been directed toward selecting those services provided by the Commission which are readily identifiable and assigning to each a fair and equitable assessment.

In considering the amount of the individual fees, the Commission has endeavored, by balancing the staff and time involved, the value of the service to the recipient, and the public interest served, to determine the fair and equitable share of costs, which in the judgment of the Commission, should be borne by those who request the services and benefit from them.

For the sake of clarity and organization, fees and charges already promulgated by the Commission and contained in Part 503—Public Information, and Part 510—Licensing of Independent Ocean Freight Forwarders, are proposed to be amended and transferred to proposed new Part 543.

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), and title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)), as implemented by Budget Circular A–25, dated September 23, 1959, notice is hereby given that the Federal Maritime Commission proposes to amend Title 46 of the Code of Federal Regulations:

I. By adding a new Part 543—Schedule of Fees and Charges, which would read as follows:

PART 543—SCHEDULE OF FEES AND CHARGES

Sec.
543.1 Scope; authority.
543.2 General.
543.3 Independent ocean freight forwarder fees.
543.4 Passenger vessel certification fees.
543.5 Tariff filing fees.
543.6 Special permission application fee.
543.7 Agreement filing fee.
543.8 Fees for special services.

AUTHORITY: The provisions of this Part 543 issued under section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)), and Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)).

§ 543.1 Scope; authority.

(a) This part establishes the various fees and charges which will be assessed for the issuance of licenses and certificates and the performance of other regulatory services by the Federal Maritime Commission.

(b) The provisions of this part are issued pursuant to the authority contained in title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)) and in accordance with the guidelines set forth in Circular No. A–25 issued on September 23, 1959 by the Bureau of the Budget, now the Office of Management and Budget. Title V of the Independent Offices Appropriations Act of 1952 provides that any service rendered by a Federal agency to or for any person shall be performed on a self-sustaining basis to the fullest extent possible and, further, authorizes each Federal agency to prescribe by regulation such fees as it shall determine to be fair and equitable. Budget Circular No. A–25, in setting out guidelines to implement the enabling statute referred to above essentially requires that a reasonable charge be made to each recipient for a measurable unit or amount of Federal Government service from which he derives a benefit in order that the Government recover the full cost of rendering that service and, further, calls for a periodical reassessment of costs, with related adjustment of fees, if necessary.

§ 543.2 General.

(a) Every application, filing or request, for which a fee is prescribed in this part, must be accomplished by a remittance in the full amount of the fee. In no case will an application, filing or request be accepted, considered or processed prior to payment of the full amount specified. Applications and other filings for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant. In the case of multiple applications for which a single check is drawn to cover all fees for the applications, it would be of great assistance to the Commission if a transmittal letter or notice were attached stating what fees are covered by the check.

(b) Fees are payable in terms of U.S. dollars and may be paid by check, draft, or postal money order made payable to the Federal Maritime Commission. Cash will be not be accepted. All fees collected will be paid into the U.S. Treasury as miscellaneous receipts in accordance with the provisions of title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)).

(c) Except as provided in §§ 543.3(a) and 543.4(d), all fees will be charged irrespective of the Commission's disposition of the application or request. Applications or other filings returned to applicants for additional information or corrections will not require an additional fee when resubmitted.

§ 543.3 Independent ocean freight forwarder fees.

(a) *License.* Every application for licensing as an independent ocean freight forwarder, as required by § 510.5(b) of this chapter, shall be accomplished by an application fee of $300. The application fee shall be returned only when application for return is made within 1 year of denial of the license, and when on the face of the application the applicant fails to meet the requirements of section 44, Shipping Act, 1916 (46 U.S.C. 841(b)), or the regulations promulgated thereunder. In no event shall the application fee be returned where a field investigation of applicant's qualifications has been conducted, or an application has been denied on the basis of hearing pursuant to § 510.8(a) of this chapter. Applications denied prior to hearing, without prejudice, may be refiled on the basis of changed facts within 1 year of the denial.

(b) *Transfer of license.* Every request for approval of transfer of a license, as required by § 510.8(d) of this chapter, shall be accompanied by a fee of $300.

(c) *Branch office or separate establishment.* Every request for approval of a branch office or the right to operate through a separate establishment, as required by § 510.23(a) of this chapter shall be accompanied by a fee of $25.

(d) *Reissuance of license.* In any case necessitating the issuance of a new license, such as, but not limited to, a change in name or replacement of a lost license, a fee of $10 will be assessed.

§ 543.4 Passenger vessel certification fees.

(a) *Application fees.* Every application for a Passenger Vessel Financial Responsibility Certificate (Performance) and every application for a Passenger Vessel Financial Responsibility Certificate (Casualty) filed pursuant to Part 540 of this chapter shall be accompanied by an application fee of $100.

(b) *Casualty certification fee.* In addition to the $100 fee which must be remitted with each application for a Certificate of Financial Responsibility (Casualty), a vessel certification fee for each vessel listed on the application shall be paid by the applicant in accordance with the following schedule of vessel accommodations:

From 50 up to 500	$5
From 501 up to 1,000	10
From 1,001 up to 1,500	15
Over 1,500	25

(c) *Performance certification fee.* In addition to the $100 fee which must be remitted with each application for a Certificate of Financial Responsibility (Performance), a vessel certification fee for each vessel listed on the application shall be paid by the applicant in accordance with the following schedule of vessel accommodations.

From 50 up to 500	$ 5
From 501 up to 1,000	10
From 1,001 up to 1,500	15
Over 1,500	25

(d) *Refunds.* Certification fees will be refunded, on request, if (1) the application is withdrawn prior to the issuance of the Certificate or (2) the Certificate is denied pursuant to § 540.8 or § 540.26 of this chapter.

(e) *Reissuance of Certificate.* In any case necessitating the issuance of a new Casualty or Performance Certificate; such as, but not limited to, the addition of a vessel, change in name, or replacement of a lost Certificate, the individual vessel fee, based on the particular vessel's number of accommodations, shall apply.

§ 543.5 Tariff filing fees.

Temporary tariff (foreign trade): The fee for filing a "temporary tariff", pursuant to § 536.6(c) of this chapter (Commission General Order 13), is $1 per rate or other item changed subject, however, to a minimum of $5 per filing.

§ 543.6 Special permission application fee.

Every application for "special permission" to file tariff matter on less than statutory notice, as provided in section 18(b)(2) of the Shipping Act, 1916 (46 U.S.C. 817(b)), or section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), or to waive the requirements of Part 531 of this chapter (Commission Tariff Circular No. 3) or Part 536 of this chapter (Commission General Order 13) shall be accompanied by an application fee of $25.

§ 543.7 Agreement filing fee.

(a) *Agreements and dual rate systems.* Every application for approval of agreements (including amendments or modifications) under section 15 of the Shipping Act, 1916 (46 U.S.C. 814), or of exclusive patronage contract (dual rate) systems (including amendments) under section 14(b) of the Shipping Act, 1916 46 U.S.C. 813(a)), shall be accompanied by an application fee of $1,000.

(b) *Exemptions.* Every application filed pursuant to section 35 of the Shipping Act, 1916 (46 U.S.C. 833(a)), for exemption of a class of agreements or a specified activity from the requirements of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, shall be accompanied by a filing fee of $500.

(c) *Nonexclusive transshipment agreement.* Every "nonexclusive transshipment agreement" filed pursuant to Part 524 of this chapter (Commission General Order 23) must be accompanied by a fee of $25.

§ 543.8 Fees for special services.

The basic fees set forth below provide for documents to be mailed with ordinary first-class postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postage therefor will be added to the basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(a) *Copying of records and documents.* The copying of records and documents will be available at the rate of 30 cents per page (one side) by the Xerox process, limited to size 8¼" x 14" or smaller.

(b) *Certification and validation.* The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at $2 for each such certification.

(c) *Records and information search.* To the extent that time can be made available, records and information search will be performed for reimbursement at the following rates:

(1) By clerical personnel at a rate of $5 per person per hour.

(2) By professional personnel at an actual hourly cost basis to be established prior to search.

(3) Minimum charge, $5.

(d) *Subscriptions to publications.* Annual subscriptions to Commission publications for which there are regular mailing lists are available at the charges indicated below for calendar year terms. Subscriptions for periods of less than a full calendar year will be prorated on a quarterly basis. No provision is made for refund upon cancellation of subscription by a purchaser.

(1) Orders, notices, rulings, and decisions (initial and final) issued by the hearing examiners and by the Commission in all formal docketed proceedings before the Federal Maritime Commission are available at an annual subscription rate of $50.

(2) Final decisions (only) issued by the Commission in all formal docketed proceedings before the Commission are available at an annual subscription rate of $20.

(3) General Orders of the Commission, including all proposed and final rules, are available at an annual subscription rate of $10 (initial annual subscription will entitle the purchaser to a complete set of current General Orders issued to date).

(4) Request of interested persons to be placed on mailing list to receive orders, notices, decisions, etc., in a particular docketed proceeding will be accompanied by a fee of $5.

(5) Exceptions: No charge will be made by the Commission for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Commission. No charge will be made for single copies of Commission publications individually requested in person or by mail. In addition a subscription to Commission mailing lists will be entered without charge when one of the following conditions is present:

(i) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization.

(ii) The recipient is another governmental agency, Federal, State, or local, concerned with the domestic or foreign commerce by water of the United States or, having a legitimate interest in the proceedings and activities of the Commission.

(iii) The recipient is a college or university.

(iv) The recipient does not fall into subdivision (i), (ii), or (iii) of this subparagraph, but is determined by the Commission to be appropriate in the interest of its program.

(e) *Transcripts.* Transcripts of testimony and of oral argument are furnished by a nongovernmental contractor, and may be purchased directly from the reporting firm.

(f) *Automobile Manufacturers Measurements.* The Commission publication entitled "Automobile Manufacturers' Measurements" is available on a fiscal year subscription basis, including any supplements issued during the fiscal year in which purchased, for a fee of $10.

II. By transferring to proposed new Part 543, amending, and inserting into proposed new § 543.3(a) the last four sentences of existing § 510.5(b) of this chapter.

III. By transferring to proposed new Part 543, amending, and redesignating as § 543.8, the regulations currently appearing in § 503.43 of this chapter.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 19, 1971, an original and 15 copies of their views or arguments pertaining to the proposed rules. All suggestions for changes in text should be accompanied by drafts of the language thought necessary to accomplish the desired change.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-3887 Filed 3-19-71;8:47 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Addition of Land to Grazing Districts; Correction

MARCH 12, 1971.

In F.R. Doc. 64-12258 appearing on page 16084 in the issue for December 2, 1964, under Grazing District No. 5, T. 2 S., R. 54 E., line reading "Secs. 20, 22, 28, and 29" should be corrected to read "Secs. 20, 21, 28, and 29." Grazing District No. 6, T. 1 S., R. 54 E., line reading "Sec. 29, S½NW¼, SW¼NE¼" should be corrected to read "Sec. 29, S½, NW¼, SW¼NE¼."

NOLAN F. KEIL,
State Director, Nevada.

[FR Doc.71-3861 Filed 3-19-71;8:46 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Watch Quota for American Samoa for Calendar Year 1971

CROSS REFERENCE: For a document issued jointly by the Department of Commerce and the Department of the Interior regarding allocation of the duty-free watch quota for American Samoa for the calendar year 1971, see F.R. Doc. 71-3949, Department of Commerce, *infra*.

DEPARTMENT OF COMMERCE

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Watch Quota for American Samoa for Calendar Year 1971

By notice published in the FEDERAL REGISTER on January 16, 1970 (35 F.R. 603), the Departments of Commerce and the Interior invited interested parties to apply for an allocation of the 1970 calendar year quota for watches and watch movements assembled in American Samoa for duty-free entry into the customs territory of the United States under Public Law 89-805 and for a tentative allocation of such quota for calendar 1971. In the judgment of the Departments, no application received for the American Samoan watch quota was adequately responsive to the requirements of the notice of January 16, 1970, in particular to the requirements of the territorial government as stated in the appendix thereto.

The Government of American Samoa subsequently modified its requirements regarding the establishment and conduct of a watch movement assembly business in American Samoa and on August 8, 1970, the Departments published revised rules for allocation of the Samoan watch quota for calendar year 1970 and, tentatively, 1971 which incorporated the changes made in the territorial requirements as previously published (35 F.R. 12675). Interested parties were notified that no allocation of the Samoan quota had been made pursuant to the notice of January 16, 1970, and such parties were invited to apply on or before September 15, 1970, for an allocation of the 1970 calendar year Samoan watch quota and for a tentative allocation of such quota for calendar year 1971. Due to the limited time remaining between September 15 and the end of calendar year 1970, it was not possible for the Government of American Samoa to comply with certain requirements of the Departments' notice of August 8, 1970, in sufficient time for the Departments to make an allocation of the Samoan watch quota for calendar year 1970.

In determining which of the applicants responding to the notice of August 8, 1970, was best qualified to establish watch movement assembly operations in American Samoa, the Departments gave special consideration to (1) technical capability; (2) financial responsibility; (3) marketing experience; (4) number of local workers to be employed; (5) wage rates to be paid local workers; (6) ability to train unskilled workers in watch movement assembly; (7) watch movement assembly operations to be performed in Samoa; and (8) time required to establish watch movement assembly operations. After careful consideration of all factors involved, the Departments have concluded that the Bulova Watch Company, Inc., is the best qualified of the applicants to establish a viable watch movement assembly operation in American Samoa. Accordingly, the American Samoa duty-free watch quota for calendar year 1971 is allocated to the Bulova Watch Co., Inc.

This allocation is subject to satisfactory implementation by the quota recipient of all written statements of intent which were relied upon by the Departments. The quota recipient will be required to comply with all requirements of the U.S. Bureau of Customs concerning watch movement assembly operations which must be performed in American Samoa in order to qualify watch movements for duty-free entry into the customs territory of the United States under General Headnote 3(a), T.S.U.S. Furthermore, the quota recipient will be required to comply with the general requirement(s) of the territorial government regarding the establishment and conduct of a watch movement assembly business in American Samoa.

In order to establish watch movement assembly in American Samoa it will be necessary for the quota recipient to construct a plant building as well as housing for non-Samoan supervisory personnel, install equipment and tooling, acquire inventory, and train local workers. Because of the time and investment costs required to establish a watch movement assembly operation which will make a substantial and lasting contribution to the economy of American Samoa, the Departments do not intend to invite applications from new entrants for the allocable calendar year 1972 American Samoa watch quota unless (1) the recipient of the 1971 calendar year quota fails to abide substantially with the terms and conditions in its application upon which the Departments relied in making the quota allocation for calendar year 1971, or (2) the amount of the duty-free watch quota available to American Samoa for calendar year 1972 is sufficiently greater than that available for calendar year 1971 as to sustain more than one economically viable watch assembly operation in America Samoa.

Dated: March 17, 1971.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources, Department of Commerce.

HARRISON LOESCH,
Assistant Secretary for Public Land Management, Department of the Interior.

[FR Doc.71-3949 Filed 3-19-71;9:31 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

RECEIPT OF PUBLIC LAW 81-815 APPLICATIONS

Notice of Cutoff Date for Fiscal Year 1971

Pursuant to the authority vested in me by section 3 of Public Law 81-815 (20 U.S.C. 633) and 45 CFR 114.2, notice is hereby given of the following cutoff date:

For the purpose of sections 3 and 14 of Public Law 81-815, June 23, 1971, is hereby set as the second date during fiscal year 1971 on or before which completed applications for payments to which an applicant may be entitled under the Act from such funds as may be available for such purposes shall be filed.

Dated: March 15, 1971.

S. P. MARLAND, JR.,
U.S. Commissioner of Education.

[FR Doc.71-3857 Filed 3-19-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21268; Order 71-3-90]

DUNCAN AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 16, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 71-3-11, dated March 2, 1971, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six rounds trips per week between Kansas City, Mo., and Lincoln, Nebr., via Grand Island, Nebr.

The Postmaster General filed a petition on March 1, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 61.97 cents per great circle aricraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after March 1, 1971, to Duncan Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 61.97 cents per great circle aircraft mile between Kansas City, Mo., and Lincoln, Nebr., via Grand Island, Nebr.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Beech E-18S or Beech G-18S aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Duncan Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Duncan Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Duncan Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3899 Filed 3-19-71;8:48 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23072]

LUFTVERKEHRSUNTERNEHMEN ATLANTIS A. G.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 6, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 17, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-3897 Filed 3-19-71;8:48 am]

[Docket Nos. 19917, 21810; Order 71-3-89]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 16, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-4-108, April 22, 1970, in Docket 21810, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Independence and Wichita, via Fort Scott, Kans.

The Postmaster General filed a petition on March 1, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 49.5 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after March 1, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.5 cents per great circle aircraft mile between Independence and Wichita, via Fort Scott, Kans.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order,

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3900 Filed 3-19-71;8:48 am]

[Docket No. 19880; Order 71-3-84]

UPPER VALLEY AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 16, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 68-7-167, dated July 31, 1968, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between McAllen, Corpus Christi, and San Antonio, Tex.

The Postmaster General filed a petition on February 23, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 48.2 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 23, 1971, to Upper Valley Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 48.2 cents per great circle aircraft mile between McAllen, Corpus Christi, and San Antonio, Tex.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Beechcraft E18S aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Upper Valley Aviation, Inc., the Postmaster General, Braniff Airways, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Upper Valley Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Upper Valley Aviation, Inc., the Postmaster General, Braniff Airways, Inc., and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3901 Filed 3-19-71;8:49 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

CIVIL SERVICE COMMISSION

MINIMUM RATES AND RATE RANGES

Notice of Adjustment

Under the authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has adjusted the minimum rates and rate ranges for certain occupations and grade levels for which special rates were approved under 5 U.S.C. 5303. The following tables contain the basic special salary rate information for each occupation and grade level for which special rates are authorized. Only the special minimum and special maximum rate (i.e., 10th step) are shown; however, a full special rate range is authorized for each occupation and grade level specified. The full range of special rates can be prepared by successively adding the amount of the within grade increase, as shown for each grade, beginning with the special minimum to produce a rate for each step up to the special maximum rate.

The effective date of the revised rates is the pay period that begins on or after January 31, 1971.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

GS-000 MISCELLANEOUS OCCUPATIONS GROUP

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-081 Firefighter (General) Firefighter (Structural) Firefighter (Airfield) Table No. 001	Naval Training Center, Great Lakes, Ill. and Federal installations within a 22-mile radius of the center.	GS-3 GS-4 GS-5	$6,076 6,616 7,169	$7,732 8,479 9,248	$184 207 231	1-31-71
GS-081 Firefighter (General) [1] Firefighter (Structural) [1] Firefighter (Airfield) [1] Fire protection Inspector [1] Fire Chief Table No. 002	San Francisco and 35-mile radius extended to include Travis Air Force Base near Fairfield, Calif.	GS-3 GS-4 GS-5 GS-6 GS-7 GS-8	$6,812 7,461 8,093 8,801 9,154 9,809	$8,468 9,514 10,172 10,823 11,728 12,653	184 207 231 258 286 310	1-31-71

[1] NOTE: Covers both nonsupervisory and supervisory positions at applicable grade levels.

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-081 Fire Protection and Prevention Series Table No. 003	Washington, D.C. Standard Metropolitan Statistical Area, including Quantico Marine Base.	GS-3 GS-4 GS-5 GS-6	$6,628 7,030 7,400 7,985	$8,284 8,893 9,479 10,307	$184 207 231 258	1-31-71
GS-081 Fire Protection and Prevention Series Table No. 004	San Diego County, Calif.	GS-3 GS-4 GS-5 GS-6 GS-7 GS-8	6,812 7,651 8,093 8,501 9,154 9,809	8,468 9,514 10,172 10,823 11,728 12,653	184 207 231 258 286 316	1-31-71
GS-081 Fire Protection and Prevention Series Table No. 005	Ventura County, Calif.	GS-3 GS-4 GS-5 GS-6	6,444 6,823 7,400 7,985	8,100 8,686 9,479 10,307	184 207 231 258	1-31-71
GS-081 Fire Protection and Prevention Series Table No. 006	City of Stockton, Calif., including Sharpe Army Depot, and Defense Depot, Tracy, Calif.	GS-3 GS-4 GS-5	6,076 6,616 7,169	7,732 8,479 9,248	184 207 231	1-31-71
GS-083 Police Series Table No. 008	Washington, D.C. Standard Metropolitan Statistical Area, including District of Columbia Children's Center, Laurel, Md., and Quantico Marine Base.	GS-4 GS-5 GS-6	7,444 7,862 8,243	9,307 9,941 10,565	207 231 258	1-31-71
GS-085 Guard Series Table No. 007	Washington D.C. Standard Metropolitan Statistical Area including District of Columbia Children's Center, Laurel, Md., and Quantico Marine Base.	GS-2 GS-3 GS-4 GS-5 GS-6	6,038 6,812 7,444 7,862 8,243	7,505 8,468 9,307 9,941 10,565	163 184 207 231 258	1-31-71
GS-100 SOCIAL SCIENCE, PSYCHOLOGY AND WELFARE GROUP						
GS-180 Psychology Series Table No. 060	Worldwide.	GS-11	13,457	17,246	421	1-31-71
GS-300 GENERAL ADMINISTRATIVE, CLERICAL, AND OFFICE SERVICES GROUP						
GS-301 Police Cadet Table No. 150	District of Columbia Metropolitan Police Department	GS-2 GS-3	5,549 6,076	7,016 7,732	163 184	1-31-71
GS-312 Clerk-Stenographer GS-316 Clerk-Dictating Machine Transcriber GS-318 Secretary GS-322 Clerk-Typist Table No. 152	Cook County Illinois (includes city of Chicago).	GS-2 GS-3	5,060 5,708	6,527 7,364	163 184	1-31-71
GS-312 Clerk-Stenographer GS-316 Clerk-Dictating Machine Transcriber GS-318 Secretary GS-322 Clerk-Typist In addition to above series, coverage includes all positions in grades GS-2 and GS-3 with the following parenthetical titles: (Typing); or (Stenography); or (Dictating Machine Transcribing). Use of any of the parenthetical titles cited indicates that a substantial requirement for the skill identified exists in the position, and the requirement is of sufficient significance to warrant selective certification from an appropriate clerical register (or equivalent selectivity in noncompetitive actions). In all cases the position description must reflect those duties which necessitated the use of the parenthetical title. Table No. 900.	New York, N.Y. (includes the counties of Bronx, Kings, New York, Queens, and Richmond).	GS-2 GS-3	5,223 5,708	6,690 7,364	163 184	1-31-71
GS-343 GAO Management Auditor Table No. 250	Worldwide (except for New York, N.Y. Standard Metropolitan Statistical Area).	GS-7 GS-9	10,012 10,819	12,586 13,960	286 349	1-31-71
GS-343 GAO Management Auditor Table No. 251	New York, N.Y. Standard Metropolitan Statistical Area.	GS-7 GS-9	10,584 11,517	13,158 14,658	286 349	1-31-71
GS-356 Card Punch Operation Series Table No. 156	San Francisco-Oakland Standard Metropolitan Statistical Area (includes Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties); Santa Clara County; Solano County; Los Angeles County; Orange County; and Government Activities at Edwards AFB in Kern County, Calif.	GS-3	5,708	7,364	184	1-31-71
GS-359 Electric Accounting Machine Operating Series, Grade 4 Only GS-362 Electric Accounting Machine Project Planning Series Grade 7 Only Table No. 154	Juneau Election District, Alaska.	GS-4 GS-7	6,823 8,868	8,686 11,442	207 286	1-31-71
GS-400 BIOLOGICAL SCIENCES GROUP						
GS-403 Microbiology Series Table No. 220	Nationwide.	GS-5	7,400	9,479	231	1-31-71

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS–500 Accounting and Budget Group						
GS–510 Accounting Series GS–512 Internal Revenue Agent Series	Worldwide (except for New York, N.Y. Standard Metropolitan Statistical Area).	GS–5	$8,555	$10,634	$231	1–31–71
		GS–6	9,275	11,597	258	
		GS–7	10,012	12,586	286	
		GS–8	10,441	13,285	316	
Table No. 258		GS–9	10,819	13,960	349	
GS–510 Accounting Series GS–512 Internal Revenue Agent Series	New York, N.Y. Standard Metropolitan Statistical Area.	GS–5	8,555	10,634	231	1–31–71
		GS–6	9,533	11,855	258	
		GS–7	10,584	13,158	286	
		GS–8	11,073	13,917	316	
		GS–9	11,517	14,658	349	
Table No. 259		GS–10	12,285	15,741	384	
GS–602 Medical Officer Series	Worldwide.	GS–11	16,404	20,193	421	[1] 1–1–71
		GS–12	19,549	24,058	501	
		GS–13	22,497	27,825	592	
		GS–14	24,255	30,531	694	
Table No. 290		GS–15	25,867	33,139	808	
GS–610 Nurse Series	Galveston, Tex.	GS–4	7,651	9,514	207	1–31–71
		GS–5	8,093	10,172	231	
Table No. 306		GS–6	8,243	10,565	258	
GS–610 Nurse Series	State of California (Excluding San Francisco, Calif., and 35-mile radius extended to include Travis Air Force Base; San Diego County; and Division of Indian Health Nurses).	GS–4	7,651	9,514	207	1–31–71
		GS–5	8,093	10,172	231	
Table No. 301		GS–6	8,243	10,565	258	
GS–610 Nurse Series	San Francisco, Calif., and 35-mile radius extended to include Travis Air Force Base.	GS–4	8,065	9,928	207	1–31–71
		GS–5	8,555	10,634	231	
		GS–6	9,017	11,339	258	
		GS–7	9,440	12,014	286	
		GS–8	10,125	12,969	316	
Table No. 303		GS–9	10,819	13,960	349	
GS–610 Nurse Series GS–615 Public Health Nurse Series	Division of Indian Health, Public Health Service, Continental United States; Ellsworth Air Force Base, Rapid City, S. Dak.; Albuquerque, N. Mex., including Kirtland Air Force Base and Sandia Base Military Reservation; Fort Sill, Okla.; Job Corps center Box Elder, S. Dak.; State of Alaska.	GS–4	7,030	8,893	207	1–31–71
		GS–5	7,631	9,710	231	
Table No. 293						
[1] (Note: These rates originally authorized under FPM Letter 530–156.)						
GS–610 Nurse Series	Seattle and Bremerton, Wash.	GS–4	7,444	9,307	207	1–31–71
		GS–5	7,862	9,941	231	
Table No. 299		GS–6	8,243	10,565	258	
GS–610 Nurse Series Table No. 297	Philadelphia, Pa.	GS–4	7,030	8,893	207	1–31–71
		GS–5	7,631	9,710	231	
GS–610 Nurse Series Table No. 295	New Orleans, La.	GS–4	6,616	8,479	207	1–31–71
		GS–5	7,169	9,248	231	
GS–610 Nurse Series	Baltimore, Md., Standard Metropolitan Statistical Area.	GS–4	7,444	9,307	207	1–31–71
		GS–5	7,862	9,941	231	
Table No. 292		GS–6	8,243	10,565	258	
GS–610 Nurse Series	Boston, Mass., Standard Metropolitan Statistical Area.	GS–4	7,651	9,514	207	1–31–71
		GS–5	8,093	10,172	231	
Table No. 305		GS–6	8,243	10,565	258	
GS–615 Public Health Nurse Series Table No. 300	Washington, D.C., Standard Metropolitan Statistical Area.	GS–5	8,093	10,172	231	1–31–71
GS–610 Nurse Series	Washington, D.C., Standard Metropolitan Statistical Area Including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.	GS–4	7,858	9,721	207	1–31–71
		GS–5	8,324	10,403	231	
Table No. 304						
GS–610 Nurse Series GS–615 Public Health Nurse Series	New York, N.Y.	GS–4	8,065	9,928	207	1–31–71
		GS–5	9,017	11,096	231	
		GS–6	9,533	11,855	258	
		GS–7	10,012	12,586	286	
		GS–8	10,757	13,601	316	
		GS–9	11,517	14,658	349	
		GS–10	11,901	15,357	384	
Table No. 296						
GS–621 Nursing Assistant Series	City of Palo Alto and Federal Installations within a 10-mile radius, California.	GS–2	5,223	6,690	163	1–31–71
		GS–3	5,708	7,364	184	
Table No. 307						
GS–621 Nursing Assistant Series (Excluding Licensed Practical Nurse).	New York, N.Y., SMSA (Includes New York City; Nassau, Rockland, Suffolk, and Westchester Counties).	GS–2	5,223	6,690	163	1–31–71
		GS–3	5,708	7,364	184	
Table No. 333						
GS–621 Licensed Practical Nurse	New York, N.Y. Standard Metropolitan Statistical Area	GS–3	6,512	8,468	184	1–31–71
		GS–4	7,237	9,100	207	
		GS–5	7,631	9,710	231	
Table No. 334		GS–6	7,985	10,307	258	
GS–621 Licensed Practical Nurse Table No. 337	Cook County, Ill. (Including the city of Chicago).	GS–3	6,076	7,732	184	1–31–71
		GS–4	6,616	8,479	207	
GS–621 Nursing Assistant Series (Excluding Licensed Practical Nurse).	East Orange and Lyons Veterans Administration Hospitals, N.J.	GS–2	5,223	6,690	163	1–31–71
		GS–3	5,708	7,364	184	
Table No. 335						

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS–621 Licensed Practical Nurse	East Orange and Lyons Veterans Administration Hospitals, N.J.	GS–3	$6,076	$7,732	$184	1–31–71
		GS–4	6,616	8,479	207	
Table No. 336						
GS–631 Occupational Therapists GS–633 Physical Therapists	Washington, D.C., Standard Metropolitan Statistical Area.	GS–5	8,093	10,172	231	1–31–71
		GS–6	8,243	10,565	258	
Table No. 308						
GS–631 Occupational Therapist GS–633 Physical Therapist	Los Angeles-Long Beach Calif., Standard Metropolitan Statistical Area.	GS–5	8,324	10,403	231	1–31–71
		GS–6	8,759	11,061	258	
		GS–7	9,154	11,728	286	
		GS–8	9,809	12,653	316	
Table No. 309						
GS–633 Physical Therapist	Cincinnati, Ohio, Standard Metropolitan Statistical Area.	GS–6	7,862	9,941	231	1–31–71
Table No. 311		GS–6	7,985	10,307	258	
GS–631 Occupational Therapist GS–633 Physical Therapist	New York City and Suffolk County, N.Y.	GS–5	9,017	11,096	231	1–31–71
		GS–6	9,533	11,855	258	
		GS–7	10,012	12,586	286	
		GS–8	10,441	13,285	316	
Table No. 310		GS–9	10,819	13,960	349	
GS–644 Medical Technologist Series	Washington, D.C. Standard Metropolitan Statistical Area.	GS–5	8,093	10,172	231	1–31–71
Table No. 318						
GS–644 Medical Technologist Series	Omaha, Nebraska, Standard Metropolitan Statistical Area.	GS–5	7,400	9,479	231	1–31–71
Table No. 317						
GS–644 Medical Technologist Series	Ann Arbor, Mich., Standard Metropolitan Statistical Area.	GS–5	8,555	10,634	231	1–31–71
		GS–7	9,154	11,728	286	
Table No. 316						
GS–644 Medical Technologist Series Table No. 315	New Orleans, La.	GS–5	7,169	9,248	231	1–31–71
GS–644 Medical Technologist Series	Milwaukee, Wis.	GS–5	8,093	10,172	231	1–31–71
		GS–7	8,868	11,442	286	
Table No. 314						
GS–644 Medical Technologist Series Table No. 312	Baltimore, Md., Standard Metropolitan Statistical Area.	GS–5	7,631	9,710	231	1–31–71
GS–644 Medical Technologist Series	State of California	GS–5	8,555	10,634	231	1–31–71
		GS–6	9,017	11,339	258	
		GS–7	9,726	12,300	286	
		GS–8	10,125	12,969	316	
Table No. 313		GS–9	10,819	13,960	349	
GS–644 Medical Technologist Series Table No. 319	Chicago and Hines, Ill.	GS–5	7,631	9,710	231	1–31–71
GS–644 Medical Technologist Series Table No. 331	New York City, N.Y. (Includes Bronx, Kings, New York, Queens, and Richmond Counties).	GS–5	7,862	9,941	231	1–31–71
GS–647 Medical Radiology Technician	New York City.	GS–4	8,065	9,928	207	1–31–71
		GS–5	8,555	10,634	231	
		GS–6	9,017	11,339	258	
		GS–6	9,726	12,300	286	
Table No. 320		GS–8	10,125	12,969	316	
GS–647 Medical Radiology Technician	San Francisco, Calif., and Federal installations within a 35-mile radius.	GS–5	7,631	9,710	231	1–31–71
		GS–6	8,243	10,565	258	
Table No. 321		GS–7	8,868	11,442	286	
GS–649 Inhalation Therapy Technician	West Haven, Conn.	GS–4	6,823	8,686	207	1–31–71
		GS–5	7,400	9,479	231	
Table No. 330		GS–6	7,985	10,307	258	
GS–660 Pharmacist	State of California.	GS–9	11,866	15,007	349	1–31–71
		GS–10	12,669	16,125	384	
Table No. 322		GS–11	13,457	17,246	421	
GS–665 Speech Pathology and Audiology Series Table No. 324	Worldwide.	GS–11	13,457	17,246	421	1–31–71
GS–668 Podiatrist	Washington, D.C. Standard Metropolitan Statistical Area	GS–9	11,866	15,007	349	1–31–71
		GS–10	13,053	16,509	384	
Table No. 325		GS–11	14,299	18,088	421	
GS–682 Dental Hygienist Series Table No. 327	Norfolk and Newport News-Hampton, Va., Standard Metropolitan Statistical Area.	GS–4	7,651	9,514	207	1–31–71
		GS–5	8,555	10,634	231	
GS–682 Dental Hygienist Series	States of California and Nevada.	GS–4	7,237	9,100	207	1–31–71
		GS–5	8,093	10,172	231	
		GS–6	8,501	10,823	258	
Table No. 328		GS–7	9,154	11,728	286	
GS–682 Dental Hygienist Series	Denver, Colo. Standard Metropolitan Statistical Area	GS–4	7,444	9,307	207	1–31–71
		GS–5	7,862	9,941	231	
		GS–6	8,501	10,823	258	
Table No. 338		GS–7	9,154	11,728	286	
GS–682 Dental Hygienist Series Table No. 332	Boston Standard Metropolitan Statistical Area, Brockton, and Fort Devens, Mass.	GS–4	6,616	8,479	207	1–31–71
		GS–5	7,169	9,248	231	
GS–690 Industrial Hygiene Series	Worldwide.	GS–5	8,324	10,403	231	1–31–71
		GS–6	9,275	11,597	258	
		GS–7	10,298	12,872	286	
		GS–8	10,757	13,601	316	
		GS–9	11,517	14,658	349	
Table No. 329		GS–10	11,901	15,357	384	

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-700 Veterinary Medical Science Group						
GS-701 Veterinarian Series	Worldwide.	GS-9	$11,168	$14,309	$349	[1] 1-1-71
[1] (Note: These rates originally authorized under FPM Letter 530-156) Table No. 400						
GS-800 Engineering and Architecture Group						
GS-800- All Professional Series in the Engineering and Architecture Group. Professional Series in the GS-800 Group Are:	Worldwide.	GS-5	$8,555	$10,634	$231	1-31-71
		GS-6	9,533	11,855	258	
		GS-7	10,584	13,158	286	
		GS-8	11,073	13,917	316	
		GS-9	11,517	14,658	349	
		GS-10	11,901	15,357	384	
GS-801 General						
GS-803 Safety						
GS-804 Fire Prevention						
GS-806 Materials						
GS-807 Landscape Architecture						
GS-808 Architecture						
GS-810 Civil						
GS-819 Sanitary						
GS-830 Mechanical						
GS-840 Nuclear						
GS-850 Electrical						
GS-855 Electronic						
GS-861 Aerospace						
GS-870 Marine						
GS-871 Naval Architecture						
GS-880 Mining						
GS-881 Petroleum						
GS-890 Agricultural						
GS-892 Ceramic						
GS-893 Chemical						
GS-894 Welding						
GS-896 Industrial						
Table No. 410						
GS-1100 Business and Industry Group						
GS-1169 Revenue Officer	State of California.	GS-5	7,400	9,479	231	1-31-71
Table No. 550						
GS-1200 Copyright, Patent, and Trade-Mark Group						
GS-1221 Patent Adviser	Worldwide.	GS-5	8,555	10,634	231	1-31-71
GS-1223 Patent Classifying		GS-6	9,533	11,855	258	
GS-1224 Patent Examining		GS-7	10,584	13,158	286	
		GS-8	11,073	13,917	316	
		GS-9	11,517	14,658	349	
		GS-10	11,901	15,357	384	
Table No. 575						
GS-1300 Physical Sciences Group						
GS-1301.1 Physical Science Subseries	Worldwide.	GS-5	8,555	10,634	231	1-31-71
		GS-6	9,533	11,855	258	
		GS-7	10,584	13,158	286	
		GS-8	11,073	13,917	316	
		GS-9	11,517	14,658	349	
		GS-10	11,901	15,357	384	
Table No. 585						
Certain Series in the GS-1300 Group as follows:	Worldwide.	GS-5	8,324	10,403	231	1-31-71
		GS-6	9,275	11,597	258	
		GS-7	10,298	12,872	286	
		GS-8	10,757	13,601	316	
		GS-9	11,517	14,658	349	
		GS-10	11,901	15,357	384	
GS-1306 Health Physics						
GS-1310 Physics						
GS-1313 Geophysics						
GS-1315 Hydrology						
GS-1320 Chemistry						
GS-1321 Metallurgy						
GS-1330 Astronomy and Space Science						
GS-1340 Meteorology						
GS-1360 Oceanography						
GS-1372 Geodesy						
GS-1380 Forest Products Technology						
GS-1386 Photographic Technology						
Table No. 586						
GS-1350 Geology Series	Worldwide.	GS-5	8,555	10,634	231	1-31-71
Table No. 587		GS-7	9,440	12,014	286	
GS-1370 Cartographer Series	(1) Cartographer, GS-1370, in grades GS-5 through 7, in the St. Louis, Mo., Standard Metropolitan Statistical Area, and the Washington, D.C., SMSA. (2) Physical Scientists, GS-1301, in grade GS-7 at the Air Force Aeronautical Chart and Information Center in the St. Louis, Mo., SMSA. (Incumbents of these positions perform professional work in cartography in combination with professional work in at least one other recognized scientific occupation, such as geodesy. Such positions are normally filled by reassignment or promotion from positions of cartographer.)	GS-5	7,631	9,710	231	1-31-71
GS-1301 Physical Science Series		GS-6	8,501	10,823	258	
		GS-7	9,440	12,014	286	
Table No. 588						

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-1500 Mathematics and Statistics Group						
GS-1510 Actuary	Worldwide.	GS-5	$7,862	$9,941	$231	1-31-71
GS-1515 Operations Research		GS-6	8,759	11,081	258	
GS-1520 Mathematics Series		GS-7	9,726	12,300	286	
GS-1529 Mathematical Statistics		GS-8	10,441	13,286	316	
		GS-9	11,168	14,309	349	
Table No. 695						
GS-1600 Equipment, Facilities, and Service Group						
GS-1654 Printing Management Series	Nationwide.	GS-5	8,555	10,634	231	1-31-71
		GS-7	9,154	11,728	286	
(Note: Eligibility for these special rates is limited to employees who have at least a Baccalaureate Degree with a major in printing management.)						
Table No. 725						
GS-1700 Education Group						
GS-1710 Teacher	Mary G. Zeigler School, Department of Public Welfare, District of Columbia Government, Laurel, Md.	GS-5	8,324	10,403	231	1-31-71
Note: Eligibility for these special rates is limited to employees engaged in teaching students with "special needs" in the school identified.		GS-7	8,868	11,442	286	
Table No. 760						
GS-1800 Investigation Group						
GS-1811 Criminal Investigator (Limited to positions of Special Agent (Intelligence) in the Internal Revenue Service).	Nationwide (Except New York, N.Y. Standard Metropolitan Statistical Area).	GS-5	8,555	10,634	231	1-31-71
		GS-6	9,275	11,597	258	
		GS-7	10,012	12,886	286	
		GS-8	10,441	13,285	316	
		GS-9	10,819	13,960	349	
Table No. 260						
GS-1811 Criminal Investigator (Limited to positions of Special Agent (Intelligence) in the Internal Revenue Service).	New York, N.Y. Standard Metropolitan Statistical Area.	GS-5	8,555	10,634	231	1-31-71
		GS-6	9,533	11,855	258	
		GS-7	10,584	13,158	286	
		GS-8	11,073	13,917	316	
		GS-9	11,517	14,658	349	
		GS-10	12,285	15,741	384	
Table No. 261						
GS-1899 Customs Security Officer	New York, N.Y. Standard Metropolitan Statistical Area, Newark, N.J. Standard Metropolitan Statistical area.	GS-4	7,237	9,100	207	1-31-71
Note: The special rates authorized herein will be automatically terminated effective the beginning of the first pay period which commences on or after September 1, 1971, unless a specific determination is made to take other appropriate action.		GS-5	8,063	10,172	231	
		GS-7	10,012	12,586	286	
		GS-9	10,819	13,960	349	
Table No. 777						

Grade	Statutory range [1]									Extended range for special rates									Within grade increases	Grade
GS-1	$4,326	$4,470	$4,614	$4,758	$4,902	$5,046	$5,190	$5,334	$5,478	$5,622	$5,766	$5,910	$6,054	$6,198	$6,342	$6,486	$6,630	$6,774	$6,918	144	GS-1
GS-2	4,897	5,060	5,223	5,386	5,549	5,712	5,875	6,038	6,201	6,364	6,527	6,690	6,853	7,016	7,179	7,342	7,505	7,668	7,831	163	GS-2
GS-3	5,524	5,708	5,892	6,076	6,260	6,444	6,628	6,812	6,996	7,180	7,364	7,548	7,732	7,916	8,100	8,284	8,468	8,652	8,836	184	GS-3
GS-4	6,202	6,409	6,616	6,823	7,030	7,237	7,444	7,651	8,858	8,065	8,272	8,479	8,686	8,893	9,100	9,307	9,514	9,721	9,928	207	GS-4
GS-5	6,938	7,169	7,400	7,631	7,862	8,093	8,324	8,555	8,786	9,017	9,248	9,479	9,710	9,941	10,172	10,403	10,634	10,865	11,096	231	GS-5
GS-6	7,727	7,965	8,243	8,501	8,759	9,017	9,275	9,533	9,791	10,049	10,307	10,565	10,823	11,081	11,339	11,597	11,855	12,113	12,371	258	GS-6
GS-7	8,582	8,868	9,154	9,440	9,726	10,012	10,298	10,584	10,870	11,156	11,442	11,728	12,014	12,300	12,586	12,872	13,158	13,444	13,730	286	GS-7
GS-8	9,493	9,809	10,125	10,441	10,757	11,073	11,389	11,705	12,021	12,337	12,653	12,969	13,285	13,601	13,917	14,233	14,549	14,865	15,181	316	GS-8
GS-9	10,470	10,819	11,168	11,517	11,866	12,215	12,564	12,913	13,262	13,611	13,960	14,309	14,658	15,007	15,356	15,705	16,054	16,403	16,752	349	GS-9
GS-10	11,517	11,901	12,285	12,669	13,053	13,437	13,821	14,205	14,589	14,973	15,357	15,741	16,125	16,509	16,893	17,277	17,661	18,045	18,429	384	GS-10
GS-11	12,615	13,036	13,457	13,878	14,299	14,720	15,141	15,562	15,983	16,404	16,825	17,246	17,667	18,088	18,509	18,930	19,351	19,772	20,193	421	GS-11
GS-12	15,040	15,541	16,042	16,543	17,044	17,545	18,046	18,547	19,048	19,549	20,050	20,551	21,052	21,553	22,054	22,554	23,056	23,557	24,058	501	GS-12
GS-13	17,761	18,353	18,945	19,537	20,129	20,721	21,313	21,905	22,497	23,089	23,681	24,273	24,865	25,457	26,049	26,641	27,233	27,825	28,417	592	GS-13
GS-14	20,815	21,509	22,203	22,897	23,591	24,285	24,979	25,673	26,367	27,061	27,755	28,449	29,143	29,837	30,531	31,225	31,919	32,613	33,307	694	GS-14
GS-15	24,251	25,059	25,867	26,675	27,483	28,291	29,099	29,907	30,715	31,523	32,331	33,139	33,947	34,755	35,563	[2] 36,371	[2] 37,179	[2] 37,987	[2] 38,795	808	GS-15

[1] Effective as of the first day of the first pay period beginning on or after Jan. 1, 1971.
[2] Rates may not exceed the rate for Executive Level V. As of Jan. 1971 Executive Level V rate was $36,000.

[FR Doc.71-3619 Filed 3-19-71;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 95]

TAHOE FINANCIAL CO., INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Tahoe Savings and Loan Association

MARCH 17, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Tahoe Financial Co., Inc., South Lake Tahoe, Calif., for approval of acquisition of control of the Tahoe Savings and Loan Association, South Lake Tahoe, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of stock of Tahoe Financial Co., Inc., for stock of Tahoe Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-3886 Filed 3-19-71;8:47 am]

FEDERAL MARITIME COMMISSION

[No. 71-16]

JOHNSON LINES ET AL.

Postponement of Filing Dates

MARCH 15, 1971.

Johnson Lines, French Line, Hapag-Lloyd Line; violations of section 18(b)(3), Shipping Act, 1916.

This proceeding was instituted by order of the Commission dated February 24, 1971. The date by which respondents were to submit affidavits of fact and memoranda of law in response to this order was set for March 19, 1971.

Respondents have now moved the Commission to dismiss the proceeding or alternatively to make its order more definite and certain. To provide time for the disposition of this motion the abovementioned filing dates are postponed until further notice.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3888 Filed 3-19-71;8:47 am]

FAR EAST CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 17-33 is a modification of the Far East Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 17, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3889 Filed 3-19-71;8:48 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF HONG KONG

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

The second paragraph of Article 6 of the Trans-Pacific Freight Conference of Hong Kong's basic agreement, No. 14, in part prohibits absorption at loading and discharging ports of rail coastal steamer freights or other charges except as may be agreed upon by the Conference lines. Agreement No. 14-32, here, would extend this prohibition to the same degree to truck freights.

Dated: March 17, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3890 Filed 3-19-71;8:48 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

The final sentence of Article 3(a) of the Trans-Pacific Freight Conference of Japan's basic agreement, No. 150, prohibits the absorption of wharfage, storage, or other charges against cargo except as may be agreed upon by the Conference Lines and reflected in the Conference tariff. Agreement No. 150-49, here, would extend this prohibition to the same degree to "absorptions at loading and discharging ports of rail, truck, or water freights."

Dated: March 17, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3891 Filed 3-19-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-809, etc.]

TEXACO, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 10, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-809..	Texaco, Inc	435	[9]	Sea Robin Pipeline Co. (Eugene Island Block 205) (Offshore Louisiana).	(1)	2- 8-71		3-26-71	17.0	[2] 22.0	
	do	440	[3]	Transcontinental Gas Pipe Line Corp. (Eugene Island Block 208) (Offshore Louisiana).	$63,875	2- 8-71		3-26-71	17.0	[2] 22.0	
	do	441	[3]	Transcontinental Gas Pipe Line Corp. (Dog Lake Field, Terrebonne Parish, Southern Louisiana).	(1)	2- 8-71		3-26-71	18.5	[2] 22.0	
	do	442	[3]	Transcontinental Gas Pipe Line Corp. (Southern Marsh Island Block 48) (Offshore Louisiana).	63,875	2- 8-71		3-26-71	17.0	[2] 22.0	
	do	445	[2]	Texas Gas Transmission Corp. (Eugene Island Block 273) (Offshore Louisiana).	(1)	2- 8-71		3-26-71	17.0	[2] 22.0	
	do	446	[2]	United Fuel Gas Co. (Eugene Island Block 273) (Offshore Louisiana).	(1)	2- 8-71		3-26-71	17.0	[2] 22.0	
	do	447	[2]	Texas Gas Transmission Corp. (Southern Marsh Island Block 11) (Offshore Louisiana).	63,875	2- 8-71		3-26-71	17.0	[2] 22.0	
	do	448	[3]	Texas Eastern Transmission Corp. (Main Pass Block 95) (Offshore Louisiana).	(1)	2- 8-71		3-26-71	17.0	[2] 22.25	
	do	449	[4]	Sea Robin Pipeline Co. (East Cameron Block 265) (Offshore Louisiana).	(1)	2- 8-71		3-26-71	17.0	[2] 26.0	
RI71-810..	Michel T. Halbouty	11	3	Natural Gas Pipeline Co. of America (East Holly Beach Field) (Cameron Parish) (Southern Louisiana).	36,000	2- 9-71		3-27-71	[4] 21.25	[2] 22.375	
RI71-811..	Getty Oil Co	110	3	Southern Natural Gas Co. (Grange Field, Lawrence and Jefferson Davis Counties) (Mississippi).	7,234	2-16-71		4-19-71	[2] 20.6	25.4225	
RI71-812..	Pennzoil Producing Co.[12]	216	[12] 16	United Gas Pipe Line Co. (Bay Baptiste Field) (Terrebonne Parish) (Southern Louisiana).	60,000	2-16-71		4- 3-71	20.0	[2] 26.0	RI71-275.
RI71-813..	Sun Oil Co	482	[7] [13] 4	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 239) (Offshore Louisiana).	9,681	2-10-71		3-28-71	17.0	[2] 21.25	
RI71-814..	Aquitaine Oil Corp	4	[7] [13] 3	Transcontinental Gas Pipe Line Corp. (Ship Shoal 239-256) (Offshore Louisiana).	3,230	2-16-71		4- 3-71	17.0	[2] 21.25	
RI71-815..	Humble Oil & Refining Co. et al.	35	[8] [13] 21	United Gas Pipe Line Co. (Duck Lake Field, St. Mary and St. Martin Parishes) (Southern Louisiana).	5,407	2-16-71		4- 3-71	22.375	[2] [5] 24.95	RI71-700.
RI71-816..	H. H. Phillips, Jr. et al.	3	13	Natural Gas P/L Co. of America (La Gloria Field, Jim Wells and Brooks Counties, Tex., R.R. District No. 4).	2,937	[11] 2- 4-71		4- 7-71	[2] [6] 14.0525	[2] [6] 16.72945	RI70-396.
RI71-817..	Pennzoil Producing Co.	261	[14] [15] 12	Southern Natural Gas Co. (Plum Point Field, Lafourche Parish) (Southern Louisiana).	11,781	2-16-71		4- 3-71	22.375	[2] 26.0	RI71-695.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-818..	Atlantic Richfield Co	635	3	Tennessee Gas Pipe Line Co., a division of Tenneco, Inc. (Ship Shoal Area Block 198) (Offshore Louisiana).	40,688	2-18-71		4- 5-71	21.375	[1] 22.25	RI71-657.
RI68-315..	Mobil Oil Corp	366	1 to 2	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	632	2-16-71		[23] Accepted	[25] 15.5	[26] 15.616	RI68-315.
RI70-414	do	371	1 to 6	El Paso Natural Gas Co. (Tip Top Field, Sublette County, Wyo.).	182	2-16-71		[23] Accepted	17.0	17.218	RI70-414.
RI69-691..	Mobil Oil Corp. et al	447	1 to 1	Montana-Dakota Utilities Co. (Big Horn Area, Big Horn County, Wyo.).	21	2-16-71		[23] Accepted	14.6154	14.6884	RI69-691.
RI69-324..	Pan American Petroleum Corp.	411	1 to 3	El Paso Natural Gas Co. (Ute Dome Paradox Field) (San Juan County, N. Mex., San Juan Basin).	7,706	2-16-71		[24] Accepted	15.0	15.3448	RI69-324.
RI71-819..	Pennzoil United, Inc. et al	13	7	Northern Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (Permian Basin).	13,049	2-16-71		4-19-71	[25] 16.0	[26] 17.0638	
RI71-820..	Kerr-McGee Corp. et al	15	1 to7	Southern Natural Gas Co. (Spider Field, De Sota Parish) (Northern Louisiana).	32,116	2- 5-71		[16] 3-21-71	[17] 14.4855	[17 18] 18.5	
RI71-821..	An-Son Corp. et al	7	2	Lone Star Gas Co. (Sholem-Alechem Field, Carter County) (Oklahoma Other Area).	4,760	2-12-71		4-15-71	[25] 11.0	[25] 13.0	
RI71-822..	G. L. Vinson	1	3	Arkansas Louisiana Gas Co. (Arkoma Area, Le Flore County) (Oklahoma Other Area).	915	2-18-71		4-21-71	[16 25] 15.0	[16 25] 16.015	
RI71-823..	Imperial-American Management Co.	10	11	Arkansas Louisiana Gas Co. (Arkoma Area, Le Flore County et al.) (Oklahoma Other Area and Franklin County) (Arkansas).	12,890	2-18-71		4-21-71	[16 24] 15.0	[16 24] 16.015	
RI71-824..	Rudman Resources, Inc	[20]	[21]	El Paso Natural Gas Co. (Worsham-Bayer Field) (Reeves County, Tex.) (Permian Basin).	9,751	2-17-71		4-20-71	[24] 16.5	[24] 17.5656	
	do	[20]	[22]	El Paso Natural Gas Co. (Gomez Ellenburger Field) (Pecos County, Tex.) (Permian Basin).	852	2-17-71		4-20-71	[24] 16.5	[24] 17.5656	
RI71-825..	Williams Properties, Inc	[20]	[22]	do	107	2-17-71		4-20-71	[24] 16.5	[24] 17.5656	
RI71-826..	Texas American Oil Corp	[20]		Northern Natural Gas Co. (Ozona Field, Crockett County, Tex.) (Permian Basin).	518	2-16-71		4-19-71	[25] 16.0	[25] 17.0638	

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] No deliveries at present.
[2] Increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413 issued Oct. 27, 1970.
[3] Applies to casinghead gas only.
[4] Conditioned temporary certificated initial rate.
[5] Permanently certificated initial rate.
[6] Applies only to gas from the 9,400' reservoir which was inadvertently omitted in previous increased rate filing.
[7] Pertains to casinghead gas which was inadvertently omitted in previous rate increase filing.
[8] Pertains to sales from reservoirs discovered on or after Oct. 1, 1968.
[9] Includes 0.15 cent paid by buyer to seller for gathering, dehydrating and treating operations.
[10] Both buyer and seller are wholly owned subsidiaries of Pennzoil United Inc.
[11] As corrected by filing of Feb. 18, 1971.
[12] Submitted as a correction to an earlier increased rate filing and considered as an increase applicable to gas not covered by the earlier filing.
[13] Includes documents establishing the OP-4, Reservoir A as a newly discovered reservoir pursuant to Opinion No. 567.
[14] Includes documents establishing the 10,970' and 11,000' reservoirs as newly discovered reservoirs pursuant to Opinion No. 567.
[15] Pertains only to gas produced from reservoirs identified therein.
[16] Base rate subject to downward B.t.u. adjustment.
[17] Includes 1.125-cent tax reimbursement.
[18] To be substituted for rate of 17.375 cents currently suspended in Docket No. RI71-648.
[19] End of suspension period pursuant to order issued concurrently with Order No. 423.
[20] No rate schedule on file. Applicant issued a small producer certificate.
[21] Pertains to contract dated Nov. 22, 1967.
[22] Pertains to contract dated Mar. 9, 1965.
[23] Accepted, subject to the existing suspension proceedings in Docket No. RI68-315, RI70-414, and RI69-691, respectively, to be effective Feb. 16, 1971, the date of filing.
[24] Accepted, subject to the existing suspension proceeding in Docket No. RI69-324, to be effective on the date of expiration of 30 days' statutory notice, Mar. 19, 1971.
[25] The pressure base is 14.65 p.s.i.a.

The proposed increases of Mobil Oil Corp. reflect partial reimbursement for the Wyoming severance tax, and consistent with Commission action on similar filings, the proposed increases are accepted for filing subject to existing suspension proceedings to be effective on the date of filing.

Kerr-McGee Corp. previously filed a favored-nation rate increase from 14.4855 cents to 17.3750 cents exclusive of tax reimbursement which was suspended in Docket No. RI71-648 until May 21, 1971. Kerr-McGee now proposes to further increase the suspended rate to 18.5 cents to include tax reimbursement of 1.1250 cents. Consistent with prior Commission action on substitute rate increases to add tax reimbursement, the instant filing is accepted subject to the existing suspension proceeding in Docket No. RI71-648 and such filing is suspended until March 21, 1971, the date of expiration of the suspenison period in docket (as provided for by the order shortening suspension periods issued February 18, 1971, concurrently with Commission Order No. 423).

Certain Respondents request effective dates for which adequate notice has not been given. Good cause has not been shown and they are denied.

The proposed increases, except for those relating to tax increases and those relating to sales outside Southern Louisiana, are suspended for a period ending 61 days from the date of filing thus according them the same treatment as will be accorded those producers filing pursuant to Order No. 423.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-3769 Filed 3-19-71;8:45 am]

[Dockets Nos. E-7574, E-7595]

NEW ENGLAND POWER CO.

Order Suspending Proposed Increased Rate Filing, Consolidating Proceedings, Providing for Hearing, Granting Intervention, Denying Motion To Reject Filing, Granting Motion To Add a Petitioner and To Supplement Prior Filing, and Denying Application for Reconsideration

MARCH 12, 1971.

This order suspends for 5 months the operation of a proposed increased rate filing, consolidates proceedings, provides for public hearing, grants intervention, denies motion requesting rejection of rate increase filing, grants motion to add a petitioner and to supplement filing, and denies an application for reconsideration.

On January 15, 1971, New England Power Co. (NEPCO), a public utility subject to the jurisdiction of this Commission, tendered for filing in Docket No. E-7595 Rate Schedule R-5, which proposes to increase NEPCO's rates and charges to its wholesale for resale customers, together with certificates of concurrence filed by Massachusetts Electric Co., and Narragansett Electric Co.[1] The filing would increase NEPCO's revenues over its 1969 revenues by approximately $13,459,000. NEPCO requests that its filing become effective March 15, 1971.

In support of its filing, NEPCO states that the increase is necessary for it to achieve a revenue level, in a period of soaring costs, that would enable it to provide the earnings coverage needed to raise necessary debt capital and provide a fair return to its stockholders.

On February 17, 1971, the Municipal Interveners[2] filed a motion to reject NEPCO's filing on the ground, inter alia, that the proposed design of the increased rates discriminate against the nonaffiliate customers and in favor of NEPCO's affiliate, Massachusetts Electric Co. The Municipal Interveners allege that this discrimination is contrary to the public policy enunciated in the antitrust statutes enacted by Congress (15 U.S.C. 2, 13) and, consequently, violates the Federal Power Act. Further, the interveners assert that the filing should be rejected because NEPCO did not set forth an explanation of the reasons for the rate changes proposed.

On March 2, 1971, NEPCO filed an answer opposing the motion for rejection of its rate filing. In its answer, NEPCO denies that its rate design is discriminatory and asserts that, if there are any differences in charges between its affiliated and nonaffiliated customers, the difference is justified by the costs of serving those customers. NEPCO further denies that its filing letter did not explain the reasons for the filing or the changes proposed.

The filing does not warrant rejection on its face. The issue of discrimination presents a factual question that can only be resolved after a full evidentiary record is made. At that time, we will then be in a position to ascertain whether the rate differential, if any, between affiliated and nonaffiliated customers is justified on a cost basis as alleged by NEPCO. Additionally, we find that NEPCO complied with our regulations requiring an explanation of the proposed changes and the reasons therefor. Accordingly, we will deny the motion to reject filed by the Municipal Interveners. We will, however, grant their alternate request to suspend NEPCO's filing for 5 months and order a hearing thereon. Further, we will require NEPCO to file 1970 cost data as requested by the Municipal Interveners in addition to other data NEPCO may wish to file in support of its filing.

Notice of the filing was given by publication in the FEDERAL REGISTER on February 3, 1971 (36 F.R. 1924), stating that any person desiring to be heard or make protest should file his statement with the Commission on or before February 17, 1971. In response, the Commission has received numerous protests and has reviewed those protests prior to acting on NEPCO's filing. In addition, our published notice requested persons wishing to intervene to file a petition for intervention in conformity with our rules of practice and procedure. Petitions were filed by the Municipal Interveners, the Secretary of Defense, and the Rhode Island Division of Public Utilities. The petition filed by Rhode Island was not timely filed. However, it was filed in substitution of a timely filed request for a cooperative hearing. NEPCO in its response did not oppose the petitions to intervene filed by the above-named petitioners.[3]

On March 4, 1971, the Municipal Interveners filed a motion to add another petitioner, New Hampshire Electric Cooperative, Inc., to their group of petitioners. Additionally, the interveners seek permission to supplement their filing of February 17, 1971, by setting forth matters that occurred since their filing. On March 9, 1971, Nepco filed its response in which it did not oppose the motion to add a petitioner and to supplement, but did oppose the prayers of the motion to reject or condition the rate filing. We will grant the motion to add a petitioner and to supplement the prior filing.

By order issued January 28, 1971, in Docket No. E-7574, we, inter alia, suspended the operation of NEPCO's proposal to increase its generation and transmission credits to its affiliate, Narragansett Electric Co. (Narragansett), required NEPCO to account for and report to the Commission "the increased rates and charges" of the proposed change in credits and to refund any portion of the change found unjustified, and ordered a hearing on the proposed change. On February 22, 1971, NEPCO filed an application for reconsideration of that order in which it requests the Commission to eliminate suspension of the filing under section 205 of the Federal Power Act and, instead, to institute an investigation under section 206. Additionally, NEPCO, in its application, requests modification of the order to permit its filing to become effective January 1, 1971, and to eliminate the accounting and reporting requirements for the "increased rates and charges."

By its filing in Docket No. E-7574, NEPCO sought to increase its generation and transmission credits to Narragansett under its contract for primary service for resale to its affiliate. By its filing, NEPCO's costs would increase and its revenues would decrease. Thus, NEPCO states that our order obviously misspoke itself when it referred to "increased rates and charges." Our order, of course, discussed NEPCO's proposal to increase its credits to Narragansett and the accounting and reporting requirements of the order should be read in that context. Consequently, NEPCO should report and account for the difference in credit allowances under its contract prior to the proposed change and under the contract as proposed to be changed. Furthermore, our order of January 28, 1971, suspended the filing by Narragansett of its concurrence to NEPCO's filing, which concurrence is in fact "increased rates and charges" to NEPCO. We believe that the order is sufficiently clear and that no modification of our order is required on that point.

Additionally, NEPCO urges us to amend the suspension order pertaining to its credit adjustment to Narragansett by eliminating the section 205 suspension proceeding and instituting a section 206 investigation. In support of its request, NEPCO asserts that the operation prospectively of any adjustment to its proposed credit adjustment would not adversely affect the interests of any of the parties. However, as part of its justification for Rate Schedule R-5, NEPCO reflected its increased costs to Narragansett under its proposed credit adjustment. Thus, the adjustment of credits, if necessary, would affect the costs to NEPCO's jurisdictional customers to the extent that their rates are based, in part, on the increased credit adjustment. Accordingly, the application for reconsideration should be denied[4] and the proceedings in Dockets Nos. E-7574 and E-7595, since they contain common questions of law and fact, should be consolidated for purposes of hearing and decision.

[1] The rate schedule supplements are identified in appendix A below and, for purposes of convenience, all subject filings will be hereinafter referred to as Rate Schedule R-5.

[2] The Municipal Interveners consist of the Municipal Electric Association of Massachusetts, Inc. together with the electrical departments and plants of the Massachusetts towns and cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Merrimac, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shrewsbury, Sterling, Templeton, West Boylston, together with the Manchester Electric Co. On March 4, 1971, motion for leave to add New Hampshire Electric Cooperative, Inc. as a petitioner was filed with the Commission.

[3] NEPCO questioned the statutory authority of the Consumers' Council of Massachusetts to intervene herein, although not objecting to its intervention if it has such authority. However, the letter filed by Consumers' Council was treated as a protest rather than as a petition to intervene. We advised the Consumers' Council of Massachusetts, as well as for the State of Rhode Island, which filed a similar letter, that their letters did not meet the requirements of our rules of practice and procedure as petitions to intervene. We requested them to prepare proper petitions and to serve them as required by our rules. To date, those Councils have not filed new petitions.

[4] NEPCO's further argument that the suspension order in Docket No. E-7574 should be modified to permit the change to be effective Jan. 1, 1971, in order to avoid the "burden and inconvenience [of accounting for and reporting the change] arising out of the 29-day postponement" lacks merit.

The Commission further finds:

(1) The tendered Rate Schedule R–5 as further identified and designated in Appendix A below may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful under the Federal Power Act.

(2) Good cause exists for denying the motion filed by the Municipal Interveners on February 17, 1971, to reject the filing of Rate Schedule R–5, as identified in Appendix A below.

(3) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of Rate Schedule R–5, as further identified in Appendix A below, that those rate schedules be suspended and the use thereof be deferred, and that a public hearing be initiated on the lawfulness of those rate schedules in accordance with the procedures set forth below, all as hereinafter provided.

(4) Good cause exists for consolidating the proceedings in Dockets Nos. E–7574 and E–7595 for the purposes of hearing and decision.

(5) Good cause exists for granting Municipal Interveners' motion to add a petitioner to their petition to intervene and to supplement their filing of February 17, 1971.

(6) Participation by the aforementioned petitioners, the Municipal Interveners, Secretary of Defense, and Rhode Island Division of Public Utilities, for intervention in Docket No. E–7595 may be in the public interest.

(7) Good cause exists for denying NEPCO's application for reconsideration of our order issued January 28, 1971, in Docket No. E–7574.

The Commission orders:

(A) The motion filed by the Municipal Interveners to reject Rate Schedule R–5 is hereby denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened at the offices of the Federal Power Commission, Washington, D.C. 20426, at a date and time to be set by the Hearing Examiner designated to preside over this proceeding, concerning the lawfulness of Rate Schedule R–5, as further identified and designated in Appendix A below.

(C) Pending such hearing and decision thereon, Rate Schedule R–5, as further identified and designated in Appendix A below, is hereby suspended and the use thereof deferred until August 15, 1971. On that date, those rate schedules shall take effect in the manner prescribed by the Federal Power Act; and NEPCO, subject to further orders of the Commission, shall charge and collect the new rates and charges set forth in those rate schedules for all power sold and delivered thereunder.

(D) The proceedings in Dockets Nos. E–7574 and E–7595 are hereby consolidated for purposes of hearing and decision.

(E) NEPCO shall file with the Commission and serve on all parties, on or before April 30, 1971, its case-in-chief in support of its filings in Dockets Nos. E–7574 and E–7595, including testimony of witnesses and exhibits. As part of that support, NEPCO shall file 1970 cost data in the form required by Statements A through O of § 35.13 of our regulations, in addition to any other data that it deems relevant and material to its burden of establishing the propriety of its filings under the Federal Power Act. The parties may submit to the Presiding Examiner, on or before May 20, 1971, proposed dates for commencement of cross-examination of NEPCO's witnesses or, if a party believes that a prehearing conference will expedite the hearing, he may file a motion for a prehearing conference, including therein a statement of how the proceeding would be expedited thereby and a proposed agenda for the conference. All further procedural dates shall be as ordered by the Presiding Examiner.

(F) NEPCO shall refund at such times and in such amounts to the person entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in Docket No. E–7595 not justified, together with interest at the prime rate in Boston, Mass., on August 15, 1971, from the date of payment until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of August 15, 1971, for each billing period, specifying by whom and in whose behalf such amounts were paid and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, and for each purchaser the billing determinants of electric energy sold and delivered under the subject rate schedules, and the revenues resulting therefrom as computed under the rates and charges in effect immediately prior to August 15, 1971, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(G) The Municipal Interveners, the Secretary of Defense, and the Rhode Island Division of Public Utilities are hereby permitted to intervene in this proceeding subject to the rules of practice and procedure and the regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene; *And, provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(H) The motion filed by the Municipal Interveners on March 4, 1971, to add New Hampshire Electric Cooperative, Inc., as a petitioner and to supplement its February 17, 1971, filing is hereby granted.

(I) The application filed by NEPCO for reconsideration of our order issued January 28, 1971, in Docket No. E–7574 is hereby denied.

(J) Unless otherwise ordered by the Commission, NEPCO shall not change the terms or provisions of the subject rate schedules or of its presently effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(K) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 12, 1971, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

DOCKET NO. E–7595, RATE SCHEDULE DESIGNATION

New England Power Co., Third Revised Sheet No. 11 (Supersedes Second Revised Sheet No. 11).
Fourth Revised Sheet No. 12 (Supersedes Third Revised Sheet No. 12).
Second Revised Sheet No. 16 (Supersedes First Revised Sheet No. 16).

To the following Rate Schedule:

FPC No.:	*Other Party*
161	The Narragansett Electric Co.[1]
162	Massachusetts Electric Co.[1 2]
163	Granite State Electric Co.[1]
164	Green Mountain Power Co.
165	Manchester Electric Co.
166	Town of Groveland.
167	Town of Littleton (New Hampshire).[1]
169	Town of Georgetown.
170	Town of Mansfield.
171	Town of Middleton.
172	Town of Sterling.
173	Town of Hull.
174	Town of Merrimac.
175	Town of Littleton (Massachusetts).
176	Town of Groton.
177	Town of Boylston.
178	Town of Paxton.
179	Town of Danvers.
180	Town of Templeton.
181	Town of Marblehead.[1]
182	Town of Ashburnham.
183	Town of Princeton.
184	Town of Hingham.
185	Town of North Attleborough.
186	City of Peabody.[1]
187	Town of Holden.
188	Town of West Boylston.
189	Town of Ipswich.[1]
1199	Department of the Army.
200	New Hampshire Electric Cooperative, Inc.
202	Town of Hudson.
207	Town of Shrewsbury.
208	Fitchburg Gas and Electric Light Co.[1]

[1] Second Revised Sheet No. 19 (Supersedes First Revised Sheet No. 19) in lieu of Second Revised Sheet No. 16 (Supersedes First Revised Sheet No. 16).

[2] Also includes: Second Revised Sheet No. 20 (Supersedes First Revised Sheet No. 20) to reflect listing of delivery points.

DOCKET NO. E–7595—RATE SCHEDULE DESIGNATIONS

New England Power Co., Third Revised Sheet No. 22 (Superseding Second Revised Sheet No. 22).

To the following Rate Schedules:

FPC No.	*Other Party*
162	Massachusetts Electric Co.[1]

[1] Revision of Nepco's billing credits to Masselec.

Certificate of Concurrence

Massachusetts Electric Co., Supplement No. 4 to Rate Schedule FPC No. 38, (concurs in New England Power Co., Revised Sheets to FPC No. 162).
The Narragansett Electric Co., Supplement No. 5 to Rate Schedule FPC No. 24 (concurs in New England Power Co., Revised Sheets to FPC No. 161).

[FR Doc.71–3852 Filed 3–19–71;8:45 am]

[Project No. 2614]

VANCEBURG ELECTRIC LIGHT, HEAT AND POWER SYSTEM AND CITY OF VANCEBURG, KY.

Notice of Application for License for Unconstructed Project

MARCH 12, 1971.

Public notice is hereby given that application for a license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Vanceburg Electric Light, Heat and Power System and the city of Vanceburg, Ky. (correspondence to William T. Love, Chairman Utilities Commission, city of Vanceburg, Ky. 41179), for proposed Project No. 2614, known as the Greenup Project, to be located on the Ohio River at the U.S. Government's constructed Greenup dam. The hydroelectric power facilities proposed in the application would be installed on the Ohio side of the river in Scioto County, Ohio, in the region of Greenup, Ky., and Ironton and Portsmouth, Ohio; would affect lands of the United States under the supervision of the Corps of Engineers; would utilize water from the Government dam; and would include an 85-mile transmission line to Renaker, Ky.

According to the application, the proposed project would be located in the space available on the Ohio side of the river east of gate pier No. 10 and would consist of: (1) A short concrete intake canal approximately 65 feet long and 150 feet wide, connected on one end to (2) a powerplant intake structure which in turn connects to (3) a concrete powerhouse section about 185 feet long and 175 feet wide consisting of three parallel concrete conduits enclosing three horizontal-axis, bulb-type kaplan turbines each rated at 33,000 hp. (metric) connected with three generators each rated at 42,000 kv.-a. with a 0.98 power factor; (4) a tailrace canal approximately 100 feet long and 154 feet wide; (5) a single circuit, 138-kv. transmission line of wood pole, H-frame construction, except for the river crossing which would be supported by two metal towers, extending through Greenup, Lewis, Mason, Robertson, and Harrison Counties, Ky., for approximately 85 miles between a substation at the Greenup powerhouse and the Renaker substation of East Kentucky Rural Electric Cooperative Corp. (Cooperative) in Harrison County, Ky., via applicants Black Oak substation and the Cooperative's Argentum, Charters, and Murphysville substations; (6) recreational facilities consisting of fishing and observation platforms; and (7) appurtenant facilities.

Any person desiring to be heard or make any protest with reference to said application should on or before May 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or participate as a party in any hearing therein must file petitions to intervene in accordance with Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71–3853 Filed 3–19–71;8:45 am]

FEDERAL RESERVE SYSTEM

SOCIETY CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Society Corp., Cleveland, Ohio, for approval of acquisition of 80 percent or more of the voting shares of The Peoples Bank of Youngstown, Youngstown, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a), the application of Society Corp., Cleveland, Ohio ("Applicant"), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Peoples Bank of Youngstown, Youngstown, Ohio (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Ohio Superintendent of Banks and requested his views and recommendation. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in FEDERAL REGISTER on January 26, 1971 (36 F.R. 1232), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the second largest bank holding company and the fourth largest banking organization in Ohio, controls 10 banks with aggregate deposits of $1,038 million, representing 5.2 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1970, and reflect holding company acquisitions approved by the Board to date.) Upon acquisition of Bank ($32 million deposits), Applicant would control 5.3 percent of the commercial bank deposits in the State; its position relative to other banking organizations and holding companies would remain the same.

Bank is by a substantial margin the smallest of four banks headquartered in Youngstown and the sixth largest of 14 banks in the Youngstown-Warren SMSA, holding less than 4.1 percent of total area deposits. The fifth largest bank in this market has control over almost three times as many deposits as Bank. Applicant's closest subsidiary bank is located 33 miles from Youngstown and there is no meaningful competition between Bank and that bank or any other of Applicant's subsidiaries. Further, in light of the distances involved and Ohio law restricting branching, it seems unlikely on the facts of record that any significant competition would develop in the future. Based on the foregoing, the Board concludes that consummation of the proposal would have no adverse effect on competition in any relevant area and might stimulate competition in the Youngstown area.

Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application as affiliation with Applicant would facilitate loan participations and would enable Bank to provide international banking services. The banking factors are regarded as consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the

FEDERAL REGISTER, VOL. 36, NO. 55—SATURDAY, MARCH 20, 1971

Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] March 15, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3854 Filed 3-19-71;8:45 am]

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Virginia Commonwealth Bankshares, Inc., Richmond, Va., for approval of acquisition of 100 percent of the voting shares of The Bank of Virginia of Roanoke Valley, Vinton, Va., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Virginia Commonwealth Bankshares, Inc., Richmond, Va. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares of The Bank of Virginia of Roanoke Valley, Vinton, Va., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Virginia and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 14, 1971 (36 F.R. 575), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant is the fourth largest banking organization and the second largest bank holding company in Virginia, controlling 13 banks with aggregate deposits of $582.1 million. This represents 8 percent of total banking deposits in the State of Virginia. (Banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions and formations approved by the Board through February 28, 1971.) Since Bank is a proposed new bank, consummation of the proposal would not increase concentration in any market.

Bank would have a single office in the town of Vinton and would primarily serve that town, the eastern side of the city of Roanoke, and eastern Roanoke County. The three largest banks in the city of Roanoke each have branches in Vinton, with which Bank would be in competition. The relevant banking market is considered to approximate the cities of Roanoke and Salem and all of Roanoke County. Applicant has two bank subsidiaries with offices in that market. One such subsidiary, The Bank of Virginia, headquartered in Richmond, has a branch office in downtown Roanoke. The other, The Bank of Virginia of the Southwest, has four offices in Salem and its environs. These two subsidiaries of Applicant together hold approximately 11.5 percent of deposits in the relevant market. Under Virginia law, no present banking subsidiary of Applicant may establish a branch in Bank's primary service area.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area and might have a procompetitive effect through the introduction of an additional banking alternative for residents of eastern Roanoke County, presently the fastest growing area in the relevant market. The banking factors, as they relate to Applicant, its subsidiaries, and Bank, and considerations relating to the convenience and needs of the communities to be served, are regarded as consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order; and provided further that (c) The Bank of Virginia of Roanoke Valley shall be opened for business not later than 6 months after the date of this order. The time periods described in (b) and (c) above may be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By the order of the Board of Governors,[1] March 15, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3855 Filed 3-19-71;8:45 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[STS 643.3 t]

CHICKEN EGGS IN THE SHELL FROM MEXICO

Withholding of Appraisement Notice

Information was received on March 11, 1971, that chicken eggs in the shell from Mexico were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice," which was published in the FEDERAL REGISTER of March 17, 1971, on page 5144. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such chicken eggs in the shell from Mexico is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Customs officers are being directed to withhold appraisement of chicken eggs in the shell from Mexico in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37) interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views or arguments, or request should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20226, in time to be received by his office not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(a) Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (3-20-71). It shall cease to be effective at the expiration of 3 months from the date of such publication, unless previously revoked.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: March 18, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3961 Filed 3-19-71;11:35 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

Office of the Secretary

[ATS 643.3-v]

CHICKEN EGGS IN THE SHELL FROM MEXICO

Determination of Sales at Less Than Fair Value

MARCH 18, 1971.

Information was received on March 11, 1971, that chicken eggs in the shell from Mexico were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs is being published concurrently with this notice.

I hereby determine that chicken eggs in the shell from Mexico are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons. The information gathered indicates that the proper basis for comparison was between purchase price and home market price.

Purchase price was based on a duty paid, delivered to customer price. Deductions were allowed for U.S. duty, inland freight and brokerage charges.

Home market price was based on the wholesale price in Mexico.

Comparison between purchase and home market price revealed that purchase price was lower than home market price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3962 Filed 3-19-71;11:35 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-91]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Michigan Public Service Commission in a proceeding involving intrastate rates for telecommunications services provided by Michigan Bell Telephone Co. (Case No. U-3838).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 15, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-3879 Filed 3-19-71;8:47 am]

[Federal Property Management Regs.; Temporary Reg. F-92]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a water service regulatory proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Illinois Commerce Commission in a regulatory proceeding involving the East St. Louis and Interurban Water Co. (Docket No. 56230).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperaton with the responsible officers, officials, and employees thereof.

Dated: March 12, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-3856 Filed 3-19-71;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

FLORIDA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Florida, dated March 15, 1971, and as published March 18, 1971 (36 F.R. 5261), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 15, 1971:

The Counties of:

Broward.	Lee.
Collier.	Palm Beach.
Hendry.	

Dated: March 18, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-3956 Filed 3-19-71;9:59 am]

SECURITIES AND EXCHANGE COMMISSION

[70-4999; 68-183]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Amendment of Certificate of Incorporation To Increase Authorized Shares of Common Stock and Order Authorizing Solicitation of Proxies in Connection Therewith

MARCH 16, 1971.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, NY 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a)(2), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP proposes to submit to its stockholders at an annual meeting to be held April 28, 1971, a proposal to amend its Certificate of Incorporation to increase from 65 million to 70 million the aggregate number of authorized shares of common stock, par value $6.50 per share. It is contemplated that the additional shares of authorized stock, the issuance and sale of which are to be the subject of future filings with this Commission, will be used (a) to retire AEP's notes to banks and commercial paper notes, heretofore authorized, (b) for equity investments in its operating subsidiary companies, and (c) to permit the acquisition of operating properties or securities of one or more public utility companies. The proposed amendment will require the affirmative vote of the holders of the majority of the 54 million outstanding shares of common stock. AEP intends to solicit proxies, which are to be mailed on or about March 18, 1971, the date of record for voting eligibility, from its common stockholders to obtain the requisite approval of the proposed

amendment. AEP proposes to make telephonic, telegraphic, or personal solicitation to some stockholders through its officers and regular employees.

It is stated that the fees and expenses, including State taxes, of AEP to be paid in connection with the proposed amendment will not exceed $21,250, including legal fees of $5,000. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. AEP has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 15, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3867 Filed 3-19-71;8:46 am]

[70-4997]

OHIO EDISON CO.

Notice of Proposed Issue of Bonds for Sinking Fund Purposes

MARCH 15, 1971.

Notice is hereby given that Ohio Edison Co. (Ohio Edison), 47 North Main Street, Akron, OH 44308, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Ohio Edison proposes, on or about May 1 and November 1, 1971, to issue $6,159,000 principal amount of its first mortgage bonds 3¼ percent series of 1955 due 1985, under the provisions of its 12th Supplemental Indenture dated as of May 1, 1955, and to surrender such bonds to the trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on September 3, 1970 (Holding Company Act Release No. 16824), and are to be issued on the basis of unfunded property additions. Ohio Edison estimates that, after giving effect to the issuance of the sinking fund bonds, unfunded net property additions will amount to approximately $193,700,000 as of December 31, 1970.

It is stated that the issuance of the sinking fund bonds is subject to the jurisdiction of the Public Utilities Commission of Ohio and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be paid in connection with the sinking fund bonds are estimated at $1,100, including counsel fee of $500.

Notice is further given that any interested person may, not later than April 7, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3868 Filed 3-19-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

[License No. 10/10-5156]

AMERICAN INDIAN INVESTMENT OPPORTUNITIES, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et. seq.) (Act), has been filed by American Indian Investment Opportunities, Inc. (Opportunities), (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326).

The officers and directors of the applicant are as follows:

Kenneth Anquoe, 10816 East 25th Place, Tulsa, OK 74129, Director, Fourth Vice President.
J. Clayton Feaver, 900 East Boyd, Norman, OK 73069, Director.
Iola Hayden, 1820 Jefferson Place, Washington, DC 20036, Director, First Vice President.
Juanita Learned, 2840 Grand Boulevard NW., Oklahoma City, OK 73107, Director, Secretary.
Lucille McClung, Route No. 1, Cache, OK 73527, Director, Treasurer.
Margaret Poahway, Route No. 1, Cache, OK 73527, Director.
Elias Roberts, Post Office Box 16, Wright City, OK 74766, Director, Third Vice President.
James Wahpepah, Route No. 1, Jones, OK 73049, Director, Chairman of the Board, President.
Robert Whitebird, Post Office Box 677, Quapaw, OK 74363, Director, Second Vice President.
Peter L. Graff, 300 Hal Muldrow Drive, Apartment 119, Norman, OK 73069, Staff Director.
Oklahomans for Indian Opportunity, Inc., 555 Constitution Avenue, Norman, OK 73069, 51 percent shareholder.
Americans for Indian Opportunity, Inc., 1820 Jefferson Place, Washington, DC 20036, 49 percent shareholder.

Both of these corporations are nonprofit with no beneficial owners.

The applicant, an Oklahoma corporation with its principal place of business located at 555 Constitution Avenue, Norman, OK 73069, will begin operations with $150,100 of paid-in capital and surplus, consisting of 150,100 shares of common stock, issued at $1 per share to the two stockholders. The Ford Foundation has issued a commitment for a $150,000 grant to be used for most of the initial capital. The applicant intends to increase its capital to $250,000 through the purchase of additional stock by the two shareholders noted above and the purchase of $50,000 in preferred stock by the Ghetto Loan and Investment Committee of the Executive Council of the Domestic and Foreign Mission Society of the Protestant Episcopal Church in the United States of America. The preferred stock will be nonvoting and will carry a cumulative dividend rate of 5 percent.

Applicant will not concentrate its investments in any particular industry but will invest in diversified enterprises. According to the company's stated investment policy, it is to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under such management, including adequate profitability and financial soundness, in accordance with the Act and SBA Regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Norman, Okla.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

MARCH 12, 1971.

[FR Doc.71-3862 Filed 3-19-71;8:46 am]

FIRST REALTY CAPITAL FUNDS CORP.

Notice of Surrender of License To Operate as Small Business Investment Corporation

Notice is hereby given that First Realty Capital Funds Corporation, New York, N.Y., incorporated under the laws of the State of New York on April 11, 1960, has surrendered its license (Number 02/02-0037) issued by the Small Business Administration on February 14, 1961.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of First Realty Capital Funds Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

MARCH 12, 1971.

[FR Doc.71-3863 Filed 3-19-71;8:46 am]

GREAT EASTERN CAPITAL CORP.

Notice of License Surrender

Notice is hereby given that Great Eastern Captial Corp. (Great Eastern), 43 East Main Street, Norristown, PA 19401, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107).

Great Eastern was licensed as a small business investment company on May 2, 1961, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the license was accepted and all rights, privileges, and franchises derived therefrom were canceled and terminated as of February 8, 1971.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

MARCH 10, 1971.

[FR Doc.71-3864 Filed 3-19-71;8:46 am]

URBAN FUND, INC.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On February 26, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 3558) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for a license to operate as a minority enterprise small business investment company by the Urban Fund, Inc., 1525 East 53d Street, Chicago, IL 60635.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 07/07-5080 to The Urban Fund, Inc., to operate as a minority enterprise small business investment company.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

MARCH 12, 1971.

[FR Doc.71-3865 Filed 3-19-71;8:46 am]

VENTURE INVESTMENT CO.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On January 26, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 1234) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for a license to operate as a minority enterprise small business investment company by Venture Investment Co., 201 Bearinger Building, Saginaw, MI 48607.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 07/15-5026 to Venture Investment Co., to operate as a minority enterprise small business investment company.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 10, 1971.

[FR Doc.71-3866 Filed 3-19-71;8:46 am]

TARIFF COMMISSION

[TEA-I-20]

MARBLE AND TRAVERTINE PRODUCTS

Notice of Investigation and Hearing

Investigation instituted. Following receipt of a petition filed by the National Association of Marble Producers on February 25, 1971, as amended on March 11, 1971, the U.S. Tarriff Commission, on March 16, 1971, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether "marble, travertine, and articles of marble or travertine, all the foregoing provided for in items 514.65, 514.81, and 515.24 of the Tariff Schedules of the United States," are, as a result in major part of concessions granted thereon under trade agreements, being

imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on June 15, 1971, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Requests to appear must contain a careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 17, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3880 Filed 3-19-71;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

NEW JERSEY

Notice of Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Charles Serraino, Commissioner, New Jersey Department of Labor and Industry, has determined that there was a State "on" indicator in New Jersey for the week beginning November 28, 1970, and that an extended benefit period began in the State with the week beginning January 3, 1971.

Signed at Washington, D.C., this 16th day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-3883 Filed 3-19-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 17, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42151—*Rubber compounds from Evansville, Ind.* Filed by Southwestern Freight Bureau, agent (No. B-221), for interested rail carriers. Rates on rubber compounds, n.o.i.b.n., loose or in packages, in carloads, as described in the application, from Evansville, Ind., to Fort Smith, Ark.

Grounds for relief—Market competition.

Tariff—Supplement 203 to Southwestern Freight Bureau, agent, tariff ICC 4663.

FSA No. 42152—*Returned shipments of printing paper winding cores between and to official territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2998), for interested rail carriers. Rates on returned cores, printing paper winding, in carloads, as described in the application, between points in official territory (excluding Northern Illinois and Southern Wisconsin), on the one hand, also from points in southern territory to official territory, on the other.

Grounds for relief—Return movements of commodities.

Tariff—Supplement 159 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-366.

FSA No. 42153—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 647), for interested rail carriers. Rates on gelatin, starch and corn syrup, in carloads and tank carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 118 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42154—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 648), for interested rail carriers. Rates on gelatin, molasses, blackstrap, petroleum pitch, starch, and corn syrup, in carloads and tank carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 118 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3892 Filed 3-19-71;8:48 am]

[Notice 264]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 16, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2860 (Sub-No. 95 TA), filed March 10, 1971. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Addison Hand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Waxahachie, Tex., to New Orleans, La., for 150 days. Supporting shipper: Kerr Glass Manufacturing Corp., Post Office Box 4000, Lancaster, PA 17604. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 11592 (Sub-No. 12 TA), filed March 10, 1971. Applicant: BEST REFRIGERATED EXPRESS, INC., 1402 Pacific Street, Omaha, NE 68108. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Beefland International, Inc., at or near Council Bluffs, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 150 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa (Robert Young). Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, NE 68102.

No. MC 25798 (Sub-No. 220 TA), filed March 10, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from Joslin, Ill., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Attention: Herman C. Jacobsen, Transportation Consultant, 221 North La Salle Street, Chicago, IL 60601. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 25798 (Sub-No. 221 TA), filed March 10, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes, frostings, and/or icing mixes* from Chelsea, Mich., to points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, and Texas, for 180 days. Supporting shipper: Chelsea Milling Co., Chelsea, Mich. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 55885 (Sub-No. 10 TA), filed March 10, 1971. Applicant: JACKSON TRUCKING, INC., 1210 106th Avenue, Plainwell, MI 49080. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, not frozen, in refrigerated equipment, from Grand Rapids, Mich., to Valdosta, Augusta, Columbus, and Atlanta, Ga., for 180 days. NOTE: No tacking nor interlining intended. Supporting shipper: Euram Foods, Inc., 7780 South Division Avenue, Grand Rapids, MI 49508. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 225, Lansing, MI 48933.

No. MC 61955 (Sub-No. 12 TA), filed March 10, 1971. Applicant: CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Avenue, Kansas City, MO 64125. Applicant's representative: Frank W. Taylor, 1221 Baltimore Avenue, Suite 812, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Springfield, Mo., to points in Kansas, *rejected, returned, or refused shipments on return*, for 150 days. Supporting shipper: Ash Grove Cement Co., Kansas City, Mo. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 65224 (Sub-No. 6 TA), filed March 10, 1971. Applicant: HENNIS FREIGHT LINES OF CANADA LIMITED, doing business as, FLORIDA REFRIGERATED SERVICE, U.S. Highway 301 North, Post Office Box 1297, Dade City, FL 33525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, berries and vegetables*, from points in Cameron and Hidalgo Counties, Tex., to points in Louisiana, Mississippi, Georgia, North Carolina, South Carolina, Florida, Virginia, West Virginia, Arkansas, Kentucky, Tennessee, Ohio, and Alabama and from Laredo, Tex., to Louisiana, Mississippi, Georgia, Florida, Virginia, Arkansas, Kentucky, Tennessee, Ohio, and Pennsylvania, for 180 days. Supporting shipper: San Antonio Foreign Trading Co., 8622 Crownhill Boulevard, San Antonio, TX 78209. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 94842 (Sub-No. 4 TA), filed March 10, 1971. Applicant: ROBERT CROCKET, INC., 102 Crescent Avenue, Chelsea, MA 02150. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weldments*, from Fitchburg, Mass., to points in the United States (excluding Hawaii), for 150 days. Supporting shipper: Steel-Fab, Inc., 430 Crawford Street, Fitchburg, MA 01420. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2211-B John F. Kennedy Federal Building, Government Center, Boston, MA 02203.

No. MC 103191 (Sub-No. 33 TA), filed March 10, 1971. Applicant: THE GEO. A. RHEMAN CO., INC., Post Office Box 2095, Station A, Charleston, SC 29403. Applicant's representative: Harris G. Andrews, Post Office Box 4255, Greenville, SC 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blastings and*, in bulk, in self-unloading pneumatic tank trailers, from Edmunds, S.C., to Copperhill, Tenn., for 180 days. Supporting shipper: The Ralph M. Parsons Co., Post Office Box 926, Copperhill, TN 37317. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 107295 (Sub-No. 491 TA), filed March 10, 1971. Applicant: PRE-FAB TRANSIT CO. (Illinois corporation), 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Livingston, Ala., to points in Iowa and Pennsylvania, for 180 days. Supporting shipper: Custom Sheeting Corp., Post Office Box EG, Livingston, AL. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 111729 (Sub-No. 312 TA), filed March 10, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit accounting media of all kinds*; (a) between Fries, Va., on the one hand, and, on the other, Mayodan and Winston-Salem, N.C.; (b) between Roanoke, Va., on the one hand, and, on the other, Asheville, Raleigh, and Winston-Salem, N.C.; and (c) between Independence, Va., on the one hand, and, on the other, Gastonia, High Point, and Marion, N.C.; (2) *official Government papers, records, and audit and accounting media of all kinds*, between the District of Columbia (Washington, D.C.), on the one hand, and, on the other, Boyers, Pa.; (3) *proofs, cuts, copy, manuscripts, advertising poster material,*

and matter pertaining thereto; (a) between Elkhart, Ind., on the one hand, and, on the other, Chicago, Ill.; Cincinnati, Ohio; Benton Harbor, Detroit, Dowagiac, Kalamazoo, and St. Joseph, Mich.; and Louisville, Ky.; and (b) between South Bend, Ind., on the one hand, and, on the other, points in Kalamazoo, Kent, Ottawa, and St. Joseph Counties, Mich., and Chicago, Ill.; (4) *thread, cloth, and cloth samples,* restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee, on any one day, between Independence, Va., on the one hand, and, on the other, Gastonia, High Point, and Marion, N.C.: (5) *cut flowers and decorative greens,* having an immediately prior or subsequent movement by air or motor vehicle; (a) between points in North Dakota; (b) between points in South Dakota; and (c) between points in West Virginia; (6) *hospital and surgical supplies,* restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee, on any one day, between Bluefield, W. Va., on the one hand, and, on the other, points in Kentucky, North Carolina, Ohio, Tennessee, and Virginia; and (7) *business and social stationery,* between Charlotte, N.C., and Roanoke, Va., for 180 days. Supporting shippers: U.S. Civil Service Commission, Washington, D.C. 20415; Washington Mills Co., Fries, Va. 24330; J. W. Burress, Inc., Post Office Box 719, 1701 Shenandoah Avenue NW., Roanoke, VA 24004; Boger, Martin, Fairchild & Co., Inc., Rural Route 6, Box 94, West Elkhart, IN 46514; Mossberg & Co., Inc., 301 East Sample Street, South Bend, IN 46623; Anvil Brand, Inc., High Point, N.C.; Norman Cox & Co., Fort Myers, FL 33902; Skyland Hospital Supply, Division of Bluefield Supply Co., 240 Bluefield Avenue (Post Office Box 1460), Bluefield, WV 24701; Stone Printing, 116–132 North Jefferson Street (Post Office Box 1600), Roanoke, VA 24007; and Gulf Coast Farms, Inc., Fort Myers, Fla. 33902. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 112801 (Sub-No. 118 TA), filed March 10, 1971. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, 5100 West 41st Street, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Linseed oil,* in bulk, in tank vehicles, from the plantsite of Archer Daniels Midland Co. at Mankato, Minn., to Chicago, Ill., Toledo and Cleveland, Ohio, Mount Clemens, Mich., Memphis, Tenn., Wichita, Kans., Greensboro, N.C., Garland and Diboll, Tex., and Jackson, Miss., for 180 days. Supporting shipper: Archer Daniels Midland Co., Decatur, Ill. 62525. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114647 (Sub-No. 24 TA), filed March 10, 1971. Applicant: ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, Highway 69 South, Post Office Box 206, Forest City, IA 50436. Applicant's representative: Robert E. Pletcher (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Travel trailers and pickup camper coaches,* in truck-away service, from Forest City, Iowa, to points in Arizona, Nevada, Oregon, California, West Virginia, Kentucky, Virginia, Tennessee, Georgia, Florida, North Carolina, South Carolina, Alabama, Mississippi, and Louisiana, with return of *damaged defective, rejected, or returned shipments,* for 180 days. Supporting shipper: Kayot, Inc., Forester Division, 1326 South Fourth Street, Forest City, IA 50436. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 117072 (Sub-No. 2 TA), filed March 10, 1971. Applicant: ARMORED TRANSPORT, INC., 1130 South Flower Street, Los Angeles, CA 90015. Applicant's representative: Robert G. Irvin (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Business records, audit media, tabulation cards, data processing materials, checks, drafts, securities and transit items,* between Reno, Nev., on the one hand, and, on the other, points on those portions of Nevada Highway 28, U.S. Highway 50, and California Highways 89 and 28, in Nevada and California which embrace Lake Tahoe, for 180 days. Supporting shippers: Central California Federal Savings & Loan Association, 295 North Lake Tahoe Boulevard, Tahoe City, CA; Crocker-Citizens National Bank, 961 Emerald Bay Road, South Lake Tahoe, CA; First National Bank of Nevada, 1 East First Street, Box 461, Reno, NV 89504; Sears, Roebuck & Co., U.S. Highway 50, South Lake Tahoe, CA; and The Sierra Pacific Power Co., 3320 Sandy Way, South Lake Tahoe, CA. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 119180 (Sub-No. 9 TA), filed March 10, 1971. Applicant: TREGO BROS. INC., U.S. Route 40, Post Office Drawer L, North East, MD 21901. Applicant's representative: L. Agnew Myers, Jr., Suite 1122, Warner Building, E at 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions,* in bulk, in tank vehicles, from the storage facility, warehouse, or depots of Swift Agricultural Chemicals Corp. at Lewes, Del., to points in Delaware, Maryland, Virginia, New Jersey, Pennsylvania, and New York, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., Post Office Box 340, Glen Burnie, MD 21061. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Post Office Building, Post Office Box 258, 129 East Main Street, Salisbury, MD 21801.

No. MC 119443 (Sub-No. 28 TA), filed March 10, 1971. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, N.J. 08343. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chocolate products, confectioner's products, and cocoa butter,* in bulk, in tank vehicles, from Fulton, N.Y., to St. Louis, Mo., for 180 days. Supporting shipper: The Nestle Co., Inc., 100 Bloomingdale Road, White Plains, NY 10605. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Trenton, NJ 08608.

No. MC 119577 (Sub-No. 18 TA), filed March 10, 1971. Applicant: OTTAWA CARTAGE, INC., Post Office Box 458, Ottawa, IL 61350. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Silica sand,* in bulk, from Ottawa, Ill., to the plantsite of Arkansas Precast Corp. at Jacksonville, Ark., for 180 days. Supporting shipper: Arkansas Precast Corp., Post Office Box 216, North Little Rock, AR 72115. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 119741 (Sub-No. 37 TA), filed March 10, 1971. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, R.F.D. 2, Fort Dodge, IA 50501. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as defined in sections A, C, and D of appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides) from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zones to points in Connecticut, Illinois, Indiana, Maryand, Massachusetts, Michigan, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, and the District of Columbia, for 150 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, IA 55501. Send protests to: Ellise L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 119777 (Sub-No. 205 TA), filed March 10, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Fred F. Bradley, Suite 202–204, Court Square Office Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel strand, wire, cable, and spirals,* from Florida Wire and Cable Co., Jacksonville, Fla., to Noranda Aluminum Co., New Madrid, Mo., and Reynolds Aluminum Co., Malvern, Ark. Supporting shipper: William R. Boyle, Traffic Manager, Florida Wire and Cable Co., 825 North Lane Avenue, Post Office Box 6835, Jacksonville, FL 32205. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 121533 (Sub-No. 5 TA), filed March 10, 1971. Applicant: WESTERN HAULING, INC., Post Office Box 3001, Seattle, WA 98114. Applicant's representative: Gerald W. Marsland (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steeel articles, and pipe, including plastic,* between points in Washington and Oregon, for 180 days. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

No. MC 123383 (Sub-No. 53 TA), filed March 10, 1971. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, NJ 08102. Applicant's representative: Thomas E. Kiley (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building, construction materials, supplies, and equipment, and such commodities* as are dealt in by wholesale and retail hardware stores; and *accessories* used in the manufacture and furnishing of mobile homes, from points in Camden County, N.J., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, for 150 days. Supporting shipper: Evans Products Co., Post Office Box 880, Corona, CA 91720. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 124199 (Sub-No. 6 TA), filed March 10, 1971. Applicant: CHESAPEAKE BULK TERMINALS, INC., 2767 Wilkens Avenue, Baltimore, MD 21223. Applicant's representative: Donald C. Gibeau (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry starch,* in bulk, from Baltimore, Md., to Lancaster, Pa., and New Castle, Del., for 150 days. Supporting shipper: Raymond J. Hellwig, Assistant General Traffic Manager, Anheuser-Busch, Inc., St. Louis, Mo. 63118. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, MD 21201.

No. MC 128273 (Sub-No. 89 TA), filed March 10, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Applicant's representative: Harry Ross, 846 Warner Building, Washington, DC 20003. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products,* from Taylorville, Ill., Gary, Ind., and Burlington, Iowa; to points in California, Nevada, Arizona, Utah, Colorado, and New Mexico, for 180 days. Supporting shipper: Georgia-Pacific Corp., 800 Summer Street, Stamford, CT 06902. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 129486 (Sub-No. 4 TA), filed March 10, 1971. Applicant: PAGE TRUCKING COMPANY, INC., Post Office Box 14, Hines, MN 56647. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Uncanned processed fruits and vegetables,* in packages, from the plantsite of Continental "NU" Process, Inc., located at Ortonville, Minn., to points in the United States (except Alaska and Hawaii), restricted against transportation of frozen foods to Memphis, Tenn., and points in Alabama, Arizona, Arkansas, California, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shipper: Continental "NU" Process, Inc., Post Office Box 23, Crookston, MN 56716. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 133342 (Sub-No. 1 TA), filed March 10, 1971. Applicant: COLUMBIA CIFUNE TRUCKING, INC., doing business as, COLUMBIA TRUCKING, 3 Seventh Street, North Arlington NJ 07032. Applicant's representative: S. Berne Smith, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chinaware, earthenware, and glass tableware,* from the storage facilities of American Commercial, Inc., doing business as Mikasa, in Secaucus, N.J., to New Cassel, Garden City, Oceanside, and Seaford (Nassau County), N.Y., for 180 days. Supporting shipper: Mikasa, 212 Fifth Avenue, New York, NY 10010. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 134922 (Sub-No. 7 TA), filed March 10, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in Appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and *equipment, materials, and supplies* used in the conduct of meat packing businesses, between the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Oklahoma, Missouri, Texas, Kansas, Louisiana, Arkansas, Mississippi, Arizona, and New Mexico, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Post Office Box 245, Cenefel, IL 61254. Send protests to: District Supervisor, William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135376 TA, filed March 10, 1971. Applicant: WILKE ADAMS, 102 East High Street, Mount Sterling KY 40353. Applicant's representative: Caswell P. Lane, Box 384, Mount Sterling, KY 40353. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Sacked manufactured feed,* from Louisville, Ky., to Morristown, Limestone, Rogersville, Falls Branch, and Kingsport, Tenn., Pennington Gap, Duffield, Blacksburg, and Coeburn, Va., and Bristol, Va.-Tenn., for 180 days. Supporting shipper: Edward C. Aubrey, President, Aubrey Feed Mills, Inc., 932 East Chestnut Street, Louisiana, KY 40202. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, KY 40505.

MOTOR CARRIER OF PASSENGERS

No. MC 135374 TA, filed March 10, 1971. Applicant: IMPALA COACH LINES, LTD., 2219 Government Street, Penticton, BC Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, BC. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* from ports of entry on the international boundary line between the United States and Canada, located in Washington, to points in Washington, Oregon, California, Nevada, Arizona, and Idaho, returning with the same passengers, for 180 days. Supporting shippers:

There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3893 Filed 3-19-71;8:48 am]

[Notice 666]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 17, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72490. By supplemental order of March 8, 1971, the Motor Carrier Board approved the transfer to E & E Transportation, Inc., Somerville, Mass., of the operating rights in certificate No. MC-13558 and certificate of registration No. MC-13558 (Sub-No. 2), both issued December 8, 1969 to Edward J. Enright, doing business as Wellesley Freight Lines, Wellesley, Mass., authorizing the transportation of general and specified commodities between specified points and areas in Massachusetts. Frederick T. O'Sullivan, 372 Granite Avenue, Milton, MA 02186, attorney for applicants.

No. MC-FC-72690. Dual Operations Are Involved. By order of February 25, 1971, the Motor Carrier Board approved the transfer to Combs Trucking Co., Inc., Glens Falls, N.Y., of certificates Nos. MC-93900 (Sub-No. 1) and MC-93900 (Sub-No. 18) issued August 11, 1958 and February 7, 1962, and permit No. MC-123665 issued October 11, 1966, to Joseph W. Brown, Fort Edward, N.Y., authorizing the transportation of: Paper mill machinery and parts, wooden pallets, malt beverages, concrete blocks and pipe, and fabrics and laces, and materials used in the manufacture thereof, between specified points in New Jersey, Pennsylvania, Delaware, Connecticut, Massachusetts, Vermont, Indiana, Illinois, Maryland, Ohio, and New York. John C. Lemery, attorney, 11 Chester Street, Glens Falls, NY 12801; W. Norman Charles, attorney, 80 Bay Street, Glens Falls, NY 12801.

No. MC-FC-72697. By order of March 11, 1971, the Motor Carrier Board approved the transfer to Specialized Truck Service, Inc., Venice, Fla., of the operating rights in certificates Nos. MC-106644 (Sub-No. 38), MC-106644 (Sub-No. 62), MC-106644 (Sub-No. 66), MC-106644 (Sub-No. 71), MC-106644 (Sub-No. 96) and a portion of the operating rights in No. MC-106644 (Sub-No. 74) issued July 21, 1960, November 27, 1967, February 6, 1968, June 14, 1967, April 20, 1970, and June 6, 1968, respectively, to Superior Trucking Co., Inc., Atlanta, Ga., authorizing the transportation of malt beverages from specified points in Georgia and Florida to points in Tennessee, Alabama, Florida, North Carolina, South Carolina, Georgia, Arkansas, Kentucky, Louisiana, Mississippi, and Virginia and between Pabst, Ga., and points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and a specified portion of Tennessee and advertising matter from Atlanta, Ga., to points in Tennessee, Alabama, Florida, North Carolina, and South Carolina; and building, wall or insulating boards, and materials and supplies from the plantsite of the Armstrong Cork Co., at or near Macon, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and plywood and particleboard from the plantsites of the Georgia-Pacific Corp. at or near Louisville and Gloster, Miss., to points in Alabama, Florida, Georgia, Arkansas, North Carolina, South Carolina, Tennessee, Louisiana, Texas, Oklahoma, Kansas, Missouri, Iowa, Wisconsin, Michigan, Illinois, Indiana, Maine, Ohio, Kentucky, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and the District of Columbia; and composition sheets from the plantsite of Georgia-Pacific Corp., Crossett, Ark., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; and gypsum wallboard, gypsum lath, and gypsum wallboard products from the plantsite of Dierks Forests, Inc., at Briar, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia and lumber and lumber products from the plantsites of Dierks Forests, Inc., at Dierks and Mountain Pine, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin, and posts, poles, piling, and lumber from the plantsite of Dierks Forests, Inc., at Process City, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin. Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326, attorney for applicants.

No. MC-FC-72723. By order of March 5, 1971, the Motor Carrier Board approved the transfer to Lenox Carruth, Dallas, Tex., of the certificate of registration in No. MC-98649 (Sub-No. 3) issued November 5, 1970, to Road Runner Truck Lines, Inc., Dallas, Tex., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Texas, corresponding in scope to the service authorized in certificate No. 5132, dated November 7, 1958, transferred and reissued October 1, 1969, by the Railroad Commission of Texas. Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201, attorney for applicants.

No. MC-FC-72726. By order of March 5, 1971, the Motor Carrier Board approved the transfer to Joseph A. Esposito, Gennaro Esposito, and Albert Esposito, doing business as Joseph A. Esposito & Co., Boston, Mass., of the operating rights in certificate No. MC-90767, issued October 3, 1949, to Joseph A. Esposito, Gennaro Esposito, Albert Esposito and John DiFronzo, doing business as Joseph A. Esposito & Co., Boston, Mass., authorizing the transportation of used store, office and restaurant fixtures between Boston, Mass., on the one hand, and, on the other, points in Maine, Rhode Island and Connecticut. Joseph A. Kline, 31 Milk Street, Boston, MA 02109, attorney for applicants.

No. MC-FC-72735. By order of March 11, 1971, the Motor Carrier Board approved the transfer to Laber Russo Trucking Co., Inc., Johnston, R.I., of a portion of the operating rights in certificate No. MC-61394 issued August 21, 1956, to Pierce Arrow Trucking Co., of R.I., Inc., Cranston, R.I., authorizing the transportation of petroleum products and empty drums and containers for petroleum products between Providence, R.I., on the one hand, and, on the other, Fall River and Worcester, Mass. Russell B. Curnett, registered practitioner, 36 Circuit Drive, Edgewood Station, Providence, RI 02905.

No. MC-FC-72738. By order of March 11, 1971, the Motor Carrier Board approved the transfer to Zeigler's Storage & Transfer, Inc., Carlisle, Pa., of the operating rights in permit No. MC-116137 and certificate No. MC-45674 issued July 5, 1957, and April 6, 1966, respectively, to Clayton H. Zeigler, doing business as Zeigler's Storage & Transfer, Carlisle, Pa., authorizing the transportation of new office furniture, fixtures, and equipment, uncrated, for initial installation in post offices, from Carlisle, Pa., to points in Alabama, Arkansas,

Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, and household goods, from points in Cumberland, Adams, Franklin, Perry, Dauphin, and York Counties, Pa., to points in New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia, West Virginia, Ohio, Indiana, Illinois, Kansas, and the District of Columbia. Dual operations were approved. Christian V. Graf, 410 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-3894 Filed 3-19-71;8:48 am]

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PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

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DANGEROUS CARGOES

Notice of Proposed Rule Making and Public Hearing



THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 146, 147]

[CGFR 71-12]

DANGEROUS CARGOES

Notice of Proposed Rule Making and Public Hearing

1. Notification is hereby made that a public hearing will be held on Tuesday, June 8, 1971, commencing at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, concerning the proposed amendments detailed below. The hearing will be an informal one. It will not be a judicial or evidentiary type of hearing and there will be no cross-examination of persons presenting statements. Interested persons are invited to attend the hearing and present oral or written statements on the proposal.

2. In addition, interested persons are invited to submit written data, views, arguments, or comments regarding the proposals to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications received on or before June 15, 1971, will be considered before final action is taken on the proposals. Communications should refer to FEDERAL REGISTER document CGFR 71-12 and identify the section number of the regulation to which the communication is directed, the specific wording recommended, the reason for the recommended change, and the name and address of the firm, if any, making the submission. For the convenience of the public, the proposed amendments have been categorized into three groups, as detailed below.

3. Each communication received at the hearing or within the time specified will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the communications received.

4. The first group of proposals consists of certain amendments that have been made to Chapter I, Subtitle B, of Title 49, Code of Federal Regulations, after rule making procedures had been conducted by the Hazardous Materials Regulations Board, of the Department of Transportation and all of these changes are now being considered by the Commandant as amendments to 46 CFR Subchapter N. They are as follows:

a. In § 146.04-5, the shipping names, "Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine" and "Hydrazine solution containing 50 percent or less of water" will be revised to read as follows: "Calcium hypochlorite mixtures (dry containing more than 39 percent available chlorine)" and "Hydrazine solution (containing 50 percent or less of water)" respectively. It is also proposed that these new shipping names be reflected in §§ 146.22-100 and 146.23-100. Additionally, dimethylhexane dihydroperoxide will no longer be authorized to be transported by the water mode in §§ 146.04-5 and 146.22-100.

b. As indicated below, certain sections of Subpart 146.05 are being revised to reiterate more completely many of the general packaging regulations provided in 49 CFR 173:

(1) Section 146.05-3 (a) and (b) will be revised to read as follows:

§ 146.05-3 Prohibited packaging.

(a) The offering of packages of dangerous articles in outside packages containing in the same compartment interior packages, the mixture of contents of which would be liable to cause a dangerous evolution of heat or gas or produce corrosive materials, is prohibited for transportation.

(b) The offering for transportation of any package or container of any liquid, solid or gaseous material which under conditions incident to transportation may polymerize (combine or react with itself) or decompose so as to cause dangerous evolution of heat or gas, is prohibited. Such materials may be offered for transportation when properly stabilized or inhibited. Refrigeration may be used as a means of stabilization only when approved by the Commandant of the Coast Guard.

* * * * *

(2) Section 146.05-5 (b) and (c), as they relate to acceptance of DOT and ICC specification packaging, will be revised to read:

§ 146.05-5 DOT and ICC specification packaging.

* * * * *

(b) Where the regulations require Specification 6D or 37M cylindrical steel overpacks, Specification 5B, 6J, or 37A (singletrip container) metal drums manufactured before March 18, 1964, having inside Specification 2S, 2SL, 2T, or 2TL polyethylene containers, may be continued in use for the commodities and gross weights for which they were previously authorized.

(c) Reusable molded polyethylene containers for use without overpack complying with Specification 34, manufactured before September 5, 1966, may be continued in use, if they are plainly marked "DOT-34", and are embossed with the maker's name or symbol, rated capacity, and the month and year of manufacture.

* * * * *

(3) Section 146.05-10 is being completely revised and will repeat as applicable the provisions of 49 CFR 173.28 as amended in the FEDERAL REGISTER issues of July 31, 1970 (35 F.R. 12275), and December 16, 1970 (35 F.R. 19021).

(4) A new section, § 146.05-11, entitled *Standard requirements for all packages* will reiterate the provisions of 49 CFR 173.24 as applicable, in order to clarify the requirements for packages shipped by the water mode. The present sections, §§ 146.05-11 through 146.05-17 will be renumbered §§ 146.05-12 through 146.05-18, inclusive.

c. In § 146.19-12, a new paragraph (h) will be added to require that the numerical values for package assignments as fissile class I, the transport indices for fissile class II packages, and the vehicle limitations for fissile class III packages be determined in accordance with §§ 71.36 through 71.40 of Title 10 of the Code of Federal Regulations. Also, in § 146.19-100 fiberboard boxes (DOT-23F, 23H) will be authorized as additional packaging on board cargo vessels, passenger vessels, ferry vessels, and railroad car ferries for the articles "fissile radioactive materials" and "radioactive materials, n.o.s."

d. In § 146.20-300, the definition of oil well cartridge in column 2 will be revised to read as follows: "Oil well cartridges are tubular devices each containing not more than 350 grains of propellant powder and having no ignition device or element. Cartridges must be constructed and packed so that they will be incapable of functioning en masse as a result of exposure to external flames."

e. In § 146.21-100, in column 2, opposite the article "ethyl chloride" it will be stated in boldface type, "Outage for all outside containers except tank cars must be 7.5 percent or more at 70° F." Also the following additional packaging will be authorized for the indicated articles on board cargo vessels:

(1) Portable tanks (DOT-51) not over 20,000 pounds gross weight, for "on deck" and "first deck below" stowage of ethyl chloride.

(2) Cylinders (DOT-4BA240, 4BW 240), for ethylene imine, inhibited and propylene, imine, inhibited.

(3) Steel drums (DOT-37D) NRC, not over 55-gallon capacity, for paints, enamel, lacquer, etc. having a density not exceeding 10 pounds per gallon and a flash point above 20° F. These drums may also be transported on passenger vessels, ferry vessels, and railroad car ferries.

f. In § 146.22-100, the following additional packaging will be authorized for the indicated articles on board cargo vessels:

(1) Tightly closed gondola cars and boxcars, for magnesium, metallic (other than scrap), powdered, pellets, turnings, or ribbon.

(2) Portable tanks (DOT-51) not over 20,000 pounds gross weight and complying with DOT regulations in 49 CFR 173.206(c)(4), for lithium aluminum hydride, lithium ferro silicon, lithium hydride, lithium metal, lithium silicon, metallic potassium, metallic sodium, sodium aluminum hydride, sodium amide, and sodium potassium alloys.

g. In § 146.22-200, the following changes will be made to the list of outside containers:

(1) Fiber drums (DOT-21C) will no longer be authorized for lithium hypochlorite compounds, dry, on cargo vessels, passenger vessels, ferry vessels, or railroad car ferries.

(2) Wooden boxes (DOT-16A) WIC, maximum gross weight 400 pounds will be authorized as additional packaging on board cargo vessels for all liquid organic peroxides.

(3) The authorized gross weight for fiberboard boxes (DOT-12B) WIC will be increased from 50 to 65 pounds net weight for the article "benzoyl peroxide, wet".

h. In § 146.23-100, the maximum gross weight of fiberboard boxes (DOT-12A) WIC of polyethylene, carrying etching acid liquid, n.o.s. will be changed from 65 to 40 pounds. The stipulation in columns 4, 5, 6, and 7 opposite the article "electrolyte acid or alkaline corrosive battery fluid packed with battery charger, etc." which applies to fiberboard boxes (DOT-12B) will be revised to read: "Fiberboard boxes (DOT-12B) packed in compliance with DOT regulations".

Also:

(1) The following additional packaging will be authorized for the indicated articles on board cargo vessels, passenger vessels, ferry vessels, and railroad car ferries:

(i) Aluminum drums (DOT-42B, 42C, 42D), for anhydrous hydrazine.

(ii) Polyethylene containers (DOT-34), for hydrochloric (muriatic) acid and sulfuric acid (oil of vitriol), the latter having a concentration not to exceed 95 percent.

(iii) Polysyrene cases (DOT-33A) (NRC) having one inside glass bottle of not over 16-ounce capacity, for: Acids, liquid, n.o.s.; alkaline corrosive battery fluid; alkaline caustic liquids, n.o.s.; alkaline corrosive liquids, n.o.s.; antimony pentachloride solution; chromic acid solution; compounds, cleaning, liquid; compounds, iron or steel rust preventing or removing; compounds, lacquer, paint or varnish, etc. removing, reducing or thinning, liquid; compounds, vulcanizing, liquid; corrosive liquids, n.o.s.; drugs, chemicals, medicines, cosmetics, n.o.s.; formic acid; formic acid solution; hexamethylene diamine solution; and tris-(1-Aziridinyl) phosphine oxide.

(2) The following additional packaging will be authorized for the indicated articles on board cargo vessels only:

(i) Metal barrels or drums (DOT-5), for acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anyhydrous), and titanium tetrachloride.

(ii) Cylinders (DOT-4BA240, 4BW-240), for titanium tetrachloride.

(iii) Cylinders (DOT-4BW240), for bromine pentafluoride, bromine trifluoride and chlorine trifluoride.

(iv) Fiberboard boxes (DOT-12A) maximum gross weight 80 pounds, for hydrofluoric acid not over 70 percent strength.

(v) Polyethylene containers (DOT-34), 30-gallon maximum capacity, for hydrogen peroxide and hydrofluosilicic acid, the former not exceeding 52 percent strength.

(vi) Cylindrical steel overpack (DOT-6D, 37M) WIC 2S, 2SL, or 2T, for ethyl chloroformate and methyl chloroformate.

(vii) Metal drums (DOT-5B) lined with a material which is compatible with the article carried, for phosphorous oxybromide, phosphorous oxychloride, phosphorous trichloride and thiophosphoryl chloride.

(viii) Cylindrical steel overpack (DOT-37M) WIC 2S, 2SL, or 2T, for hydrofluoric acid of concentration not over 70 percent.

(ix) Carboys, glass (DOT-1K) in boxes, kegs or plywood drums, for acetyl chloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, and titanium tetrachloride.

i. In § 146.24-15, paragraph (f) will be revised to show that inside metal containers (DOT-2Q) are authorized as additional packaging for refrigerant gases only.

j. In § 146.24-20, the provisions of paragraph (c)(4) which presently place a restriction on the flash point of aerosol products packaged in "exempt" quantities will be deleted.

k. In § 146.25-100, the following additional packaging will be authorized for the indicated articles on board cargo vessels:

(1) Cylinders (DOT-4BW), for: Chloropicrin and methyl chloride mixtures; and chloropicrin and nonflammable, nonliquefied compressed gas mixtures.

(2) Cylinders (DOT-4BW240), for the following articles when they are mixed with compressed gas: Hexaethyl tetraphosphate; organic phosphate mixtures, n.o.s.; parathion; tetraethyl pyrophosphate; and tetraethyl dithio pyrophosphate.

l. In § 146.25-200, the phrase "not over 65 lb. gr. wt." following fiberboard boxes (DOT-12B, 12C) in column 4 will be revised to read "Fiberboard boxes manufactured and marked for a gr. wt. of 65 lbs. may have a gr. wt. of 70 lbs. provided net wt. of contents does not exceed 6 lbs.", for the articles: Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphate compound mixtures, n.o.s.; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, dry. Also the following additional packaging will be authorized for the indicated articles on board cargo vessels:

(1) Motor vehicles and rail cars complying with Department of Transportation regulations, for bulk shipment of arsenical dust, arsenical flue dust and other poisonous noncombustible by-product dusts, and arsenic trioxide. Motor vehicles will also be authorized on board ferry vessels. Rail cars will also be authorized on board railroad car ferries.

(2) Metal drums (DOT-17H) not over 450 pounds gross weight, for cyanides or cyanide mixtures, dry.

5. The second group of proposals consists of amendments that the Hazardous Materials Regulations Board is presently considering making to 49 CFR Subtitle B and the Commandant is also considering as amendments to 46 CFR Chapter I, Subchapter N. They are as follows:

a. Railway fusees and highway fusees will be reclassified as inflammable solids rather than Class C explosives. Accordingly, the entries "Highway fusees" and "Railway fusees" will be deleted from §§ 146.04-5 and 146.20-300. In § 146.04-5 the entry "Fusees (see: 'Railway fusees' or 'Highway fusees')" will be deleted. In its place "Fusees", classed as an inflammable solid and requiring a yellow label will be added. This new entry will also be added to § 146.22-100 in column one. In column two of this section, the following will be added:

A fusee is a device designed to burn at a controlled rate and to produce visible effects for signaling purposes. It consists of a pasteboard or fiber tube containing a colored flare mixture and with or without a means of support. The composition of the fusee must be such that spontaneous ignition does not occur when the moistened composition is exposed to a temperture of 100° F. for 72 consecutive hours. Fusees must have individual tip, head, or similar ignition point or surface entirely covered and securely protected against accidental contact or friction.

Fusees without spikes when offered for shipment may be packed in packages prescribed herein, omitting the protection required for these devices when equipped with spikes.

May be packed with nonexplosive or noninflammable articles provided the outside packages are marked as prescribed below.

Each outside package must be plainly marked in letters not less than seven-sixteenths inch in height "Fusees" and with the additional words "Handle Carefully—Keep Fire Away."

In column three the label will be required to be "Yellow". Columns 4, 5, 6, and 7 will be identical to the entries presently given for "Highway fusees" in § 146.20-300. The proposal described in this paragraph conforms with the proposal published by the Hazardous Materials Regulations Board in the April 22, 1970, issue of the FEDERAL REGISTER (35 F.R. 6439).

b. Extensive revisions to the present classification and labeling requirements of 49 CFR Parts 170-189 have been proposed by the Hazardous Materials Regulations Board in the July 22, 1970, issue of the FEDERAL REGISTER (35 F.R. 11742). In general these revisions will adopt the classification and labeling schemes developed by the United Nations. In order to reflect these changes in 46 CFR Part 146, the following changes will be made:

(1) Applicable shipping names listed in § 146.04-5 and the tables of Subparts 146.19 through 146.26 will be revised to conform with those proposed by the Hazardous Materials Regulations Board.

(2) The following new classes of articles are proposed: Spontaneously combustible liquids; Spontaneously combustible solids; Water reactive solids; and Etiological agents. These new classes

will absorb many articles presently included in other classes. In addition the following classes will be renamed: "Class C Poisons" will be renamed "Irritating agents"; "Inflammable liquids"; will be renamed "Flammable liquids"; "Inflammable solids" will be renamed "Flammable solids"; and "Inflammable compressed gases" will be renamed "Flammable compressed gases". It should be noted, however, that specific stowing, packing and handling regulations stated in columns 2, 4, 5, 6, and 7 of the tables will not be affected at this time. Column 3 will be eliminated since the required label will only be indicated in § 146.04–5.

(3) Labels described in § 146.05–17 will be changed to reflect the labels used in the United Nations system (with minor exceptions).

(4) For compatibility of stowage with other hazardous materials: Spontaneously combustible liquids will be considered to be in the same category with flammable liquids; spontaneously combustible solids and water reactive solids will be in the same category with flammable solids; etiological agents will be in the same category with Class A poisons.

(5) The changes proposed for 49 CFR Parts 170–189 do not involve combustible liquids, hazardous articles or military explosives; so, these regulations will be unaffected, with two exceptions. Many articles classed as combustible liquids are also classed as flammable liquids. If the shipping name of the flammable liquid is revised, the name of the combustible liquid will be similarly revised. Also column three of §§ 146.26–100 and 146.27–100 will be eliminated.

(6) For details concerning new labels, shipping names, or definitions of the new classifications the July 22, 1970, FEDERAL REGISTER (35 F.R. 11742) should be consulted.

c. Wherever in 46 CFR Parts 146 and 147 any of the following phrases occur they will be deleted and replaced with the phrase "harzardous materials": "Dangerous articles of cargo"; "any permitted explosives or other dangerous articles or substances"; "dangerous substances"; "explosives or other dangerous articles or substances"; "dangerous articles"; or "permitted explosives or other dangerous articles or substances". The proposal described in this paragraph conforms with the proposal published by the Hazardous Materials Regulations Board in the September 1, 1970, FEDERAL REGISTER (35 F.R. 13834).

d. The proposal published in the December 5, 1970, FEDERAL REGISTER (35 F.R. 18534) specifying use of the Tagliabue (Tag) open-cup tester (ASTM D 56–70) to determine flash points of inflammable liquids, instead of the Tagliabut (Tag) open-cup tester (ASTM D 1310–67), will be adopted. Additionally, the definition of combustible liquid would be changed to incorporate use of the closed-cup tester. Specifically, 46 CFR Part 146 will be revised as follows:

(1) The definition of "flash point" in § 146.03–14 will read: "Flash point of a liquid means the minimum temperature of the liquid at which it gives off vapor sufficient to form an ignitable mixture with air near the surface of the liquid or within the container used."

(2) A definition for "closed-cup" will be added to Subpart 146.03 to read: "'Close-cup' means the method for determining flash point as specified in the Standard Method of Test for Flash Point by the Tagliabue (Tag) Closed Tester (ASTM D 56–70) (American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa.). In determining the flash points of liquids having a viscosity of 4 centipoise or higher (at 100° F.) the prescribed 2° F./minute rate of the Tag test must be reduced to 0.5° F./minute, or the temperature differential between the sample and the bath must be maintained at 5° F. or less."

(3) The definition of "inflammable liquid" in § 146.21–1(a) will be revised to reflect that an inflammable liquid is one with a closed-cup flash point at or below 73° F. Corrections will also be made to reflect this revised definition in § 146.21–100, opposite the entry for inflammable liquid, n.o.s.

(4) The definition of "combustible liquid" in § 146.26–1 will be revised to show that a combustible liquid is one with a closed cup flash point at or below 141° F. and above 73° F.

(5) Section 146.27–5 will be revised to show that the upper flash point limit on liquids dealt with by the section is 141° F. by the closed cup method.

(e) Section 146.21–100, will be revised to authorize tank cars complying with DOT regulations (trainships only) as additional packaging for acrolein on cargo vessels. The proposal described in this paragraph conforms with the proposal published by the Hazardous Materials Regulations Board in the October 27, 1970, FEDERAL REGISTER (35 F.R. 16643).

6. The third group of amendments is being proposed to update the regulations of 46 CFR Chapter I, Subchapter N. This group of amendments is not necessarily based on proposals considered by the Hazardous Materials Regulations Board, and is proposed by the Coast Guard under the authority of 46 U.S.C. 170 and 391a. As described in the three categories listed below, some involve new requirements, some are meant to interpret and clarify existing regulations, and others involve changes of an editorial nature:

a. The following proposals involve new requirements.

(1) A modal requirement for reporting accidents or incidents involving hazardous materials was published in the October 31, 1970, FEDERAL REGISTER (35 F.R. 19835). Certain sections of 46 CFR Part 146 which would require reports that duplicate the reports required by the new regulation, were not deleted. Accordingly, §§ 146.02–14 (d) and (e), 146.20–51 (c) and (d), and 146.24–75 (a) and (b) will be amended by deleting the requirements for these duplicate reports. Section 146.02–15 will be revised by stating that the reports made in accordance with its provisions are in addition to any that may be required by § 146.02–35(a). Also, the last sentence of § 146.02–15(b) will be changed to state that the report to the District Commander covering jettisoning or similar disposition of packages found in an unsafe condition shall include a description of the location and quantity of the disposed material. In addition, § 146.02–35, the section which describes the general requirements for reporting incidents involving hazardous materials, will be revised as follows:

(i) Section 146.02–13(a) will be deleted and restated in this section.

(ii) A paragraph will be added to read, "For other reports which may be required in addition to those required by paragraph (a) of this section, see §§ 146.02–15 (a) and (b), 146.02–16, and 146.19–50(a)."

(2) Subpart 146.07 will be revised to show that its provisions are applicable to inland as well as ocean going vessels. In addition § 146.07–25 will be amended to state that highway vehicles, railroad vehicles, containers and portable tanks transported by the water mode must display labels in lieu of the placards presently required. Such a change will create consistency with the stipulations of the International Convention on the Safety of Life at Sea, 1960, Chapter VII, Regulation 4. In another change, articles packaged in such limited quantities that they are exempted from the requirements for specification packaging, labeling, and marking other than true name of product, will be exempted from the compatibility regulations stated in § 146.07–40 (b). Also, because most passenger vessels are not properly designed for below deck stowage of containers of dangerous cargo, Subpart 146.07 will be amended to show that the conversion table of § 146.07–40(c) does not apply to passenger vessels.

(3) Based on a recommendation by the National Transportation Safety Board resulting from its investigation of the collision involving the "SS African Star" and the "M/V Midwest Cities," Subpart 146.06 will be amended to require that the dangerous cargo manifest be kept in a holder located on or near the bridge. It will also be required that any special permits dealing with transport of dangerous cargo and which are required to be aboard the vessel, be kept in this holder.

(4) As has been permitted during the past 2 years by special permit, certain practices pertaining to the use of commercial explosives will be permitted by the regulations. Specifically, § 146.09–2 will be amended to state that the partition bulkhead does not need to be installed when the explosives are palletized. Also § 146.20–35 will be revised by eliminating the requirement for using cargo nets and landing mattresses when loading palletized Class A explosives.

(5) In § 146.10–2 it will be made clear that the compatibility regulations stated elsewhere in Part 146 are also applicable to barges. This will be done by deleting the phrase "and except as to stowage" in the first sentence of the section.

(6) The note in column 4 of § 146.20–300, opposite the entry for "blasting caps—1,000 or less" will be revised to read "NOTE: When stowed with other explosives, blasting caps in quantities of 1,000 or less shall be stowed in accordance with the compatibility requirements set forth in § 146.20–90 for blasting caps (Class A explosives)."

(7) Section 146.23–10(c) will be deleted because it is no longer applicable.

(8) Because of health hazards created by tolylene diisocyanate and ethylene dibromide, these two articles have been included in the list of hazardous articles. Tolylene diisocyanate is a strong sensitizer which has caused severe asthma type symptoms in personnel overcome following accidental spills. Ethylene dibromide is an article considered similar to but more toxic than two articles presently regulated as hazardous articles, chloroform and carbon tetrachloride. It is proposed that § 146.27–100 be amended to incorporate these two articles as follows:

(i) For tolylene diisocyanate:

Column 1: Tolylene diisocyanate.
Column 2:
Clear, faintly yellow liquid with strong pungent odor.
Toxic. Do not breathe fumes.
Keep away from heat and open flame. Stow away from living quarters and food stuffs.
Must be stowed in well ventilated spaces.
Do not stow with corrosive liquids, amines or alcohols.
Outside containers must be marked "Tolylene Diisocyanate".
Column 3: No label required.
Column 4:
Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck away from heat."
Outside containers:
Tight stainless steel, nickel, or aluminum drums.
Wooden boxes, nonspecification, WIC.
Fiberboard boxes, WIC.
Column 5:
Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck away from heat."
Outside containers:
Tight stainless steel, nickel, or aluminum drums.
Wooden boxes, nonspecification, WIC.
Fiberboard boxes, WIC.
Column 6:
Ferry stowage (AA).
Outside containers:
Tight stainless steel, nickel, or aluminum drums.
Wooden boxes, nonspecification, WIC.
Fiberboard boxes, WIC.
Column 7:
Ferry stowage (BB).
Outside containers:
Tight stainless steel, nickel, or aluminum drums.
Wooden boxes, nonspecification, WIC.
Fiberboard boxes, WIC.

(ii) For ethylene dibromide:

Column 1: Ethylene dibromide.
Column 2:
Colorless liquid with odor of chloroform.
Vapors 6.3 times heavier than air.
Toxic.
Do not breathe fumes and avoid prolonged contact with skin.
Boiling point 269° F.
Must be stowed in spaces capable of being ventilated.
Containers must be marked "Ethylene dibromide".
Column 3: No label required.
Column 4:
Stowage:
"On deck."
"Tween decks."
"Under deck."
Outside containers:
Any DOT specification container for liquids as shown in the Class B, less dangerous poisons table (§ 146.25–200) for cargo vessels.
Also:
Metal barrels or drums (CFC R 40) not over 55 gal. cap.
Wooden boxes, nonspecification, WIC not over 200 lb. gr. wt.
Fiberboard boxes (CFC R 41) WIC not over 90 lb. gr. wt.
Bulk as specifically approved by Commandant.
NOTE: Containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.
Column 5:
Stowage:
"On decks."
"Tween decks."
"Under deck."
Outside containers:
Any DOT specification container for liquids as shown in the Class B, less dangerous poisons table (§ 146.25–200) for passenger vessels.
Also:
Metal barrels or drums (CFC R 40) not over 55 gal. cap.
Wooden boxes, nonspecification, WIC, not over 200 lb. gr. wt.
Fiberboard boxes (CFC R 41) WIC, not over 90 lb. gr. wt.
NOTE: Containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.
Column 6:
Ferry stowage (AA).
Outside containers:
Any DOT specification container for liquids as shown in the Class B, less dangerous poisons table (§ 146.25–200) for ferry vessels.
Also:
Metal barrels or drums (CFC R 40) not not over 55 gal. cap.
Wooden boxes, nonspecification, WIC, not over 200 lb. gr. wt.
Fiberboard boxes (CFC R 41) WIC not over 90 lb. gr. wt.
Tank motor vehicles complying with DOT motor carrier regulations.
NOTE: Containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.
Column 7:
Ferry stowage (BB).
Outside containers:
Any DOT specification container for liquids as shown in the Class B, less dangerous poisons table (§ 146.25–200) for car ferries.
Also:
Metal barrels or drums (CFC R 40) not over 55 gal. cap.
Wooden boxes, nonspecification WIC, not over 200 lb. gr. wt.
Fiberboard boxes (CFC R 41) WIC, not over 90 lb. gr. wt.
Tank cars complying with DOT rail carrier regulations.
Tank motor vehicles complying with DOT motor carrier regulations.
NOTE: Containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

(9) Section 146.22–100 will be amended to exempt animal charcoal, that is not wet and not activated, from the regulations of Part 146.

(10) The provisions of Subpart 146.27 relating to stowage of motor vehicles and mechanized equipment will be clarified to provide that when these vehicles have fuel in their tanks, they cannot be stowed inside closed containers. This prohibition is being recommended to prevent the buildup of a potentially explosive atmosphere in virtually airtight containers. Also, it will be stated in column 5 of § 146.27–100 that "tanks, portable, liquid" which previously contained a combustible liquid may be carried on passenger vessels. Stowage location requirements for these tanks on passenger vessels will be the same as for cargo vessels.

(11) The military explosive regulations of Subpart 146.29 will be modified to some extent. Most notably, a new section, § 146.29–12, will be added to provide that all outside packages of military explosives must be marked with the proper Coast Guard classification of ammunition contained therein. This change is proposed because of numerous violations involving incompatible stowage. The marking will be required to be in block letters not less than ½-inch high and may be printed, stenciled or stamped on each outside package. Abbreviations of the classes such as "CG X–C" will be authorized. A new section, § 146.29–42, entitled "Containers of ammunition", will be added to provide for the increasing demand for movement of explosives in containers. This new section will recodify § 146.29–41(k), and in addition provide that explosives other than those of Coast Guard classes I and II may be transported in containers upon approval of the Commandant. The definition in § 146.29–11(c)(16) for "container" will be revised to restate that ammunition transported in containers is not limited to classes I and II. No details regarding specific design requirements for the containers will be mentioned since they are presently only in the development stage. In another change, a definition for "accessible" will be added to § 146.29–11 stating that stowage required to be accessible must be located so that a firefighting party with equipment can readily approach it. It is proposed to amend § 146.29–45(c) to make it clear that drafts of explosives cannot be handled over explosives or other dangerous articles which may have been placed on deck permanently or temporarily. Also, § 146.29–100, Class X–E, will be amended to include rockets with warheads as well as those without warheads.

(12) Section 147.01–4 will be revised to describe which articles of ships' stores and supplies are required to be certified by the Coast Guard. These articles will include: articles required by § 147.05–100 to be certified; and articles not listed in § 147.05–100 but which can be classified as either a radioactive material, class A, B, or C explosive, inflammable liquid, inflammable solid, oxidizing material, corrosive liquid, compressed gas, class A, B, or C poison, combustible liquid or hazardous article. Section 147.03–4 will be revised to detail information that is required by the Coast Guard to be on

labels of articles of ships' stores and supplies. This latter amendment will facilitate the handling of requests for certification of articles of ships' stores and supplies. The information required on the label will include the trade name of the product; the manufacturer's address; operating instructions, including step by step procedures for the proper use of the product; and first aid instructions to be followed in case of improper handling or accidental personnel contact, including antidotes for accidental ingestion.

(13) Finally several miscellaneous changes are proposed to the classification, handling and stowage requirements in §§ 146.19–100 through 146.27–100. In column four of § 146.22–200 the "on deck protected" stowage will be deleted for calcium hypochlorite due to a casualty related to this stowage location. In column two of § 146.24–100, for the article "hydrogen sulfide", the description *"Foul odor gives warning of dangerous quantities in air"* will be replaced with *"Offensive odor similar to that of rotten eggs. Do not depend on sense of smell to detect dangerous levels of concentration."* This description is changed since published data indicates dangerous levels of concentration may not be detectable by the sense of smell due to olfactory fatigue. The entry for calcium cyanamide in § 146.27–100 will be amended to show that when the commodity has a calcium carbide content between 0.1 and 0.5 percent, burlap or four-ply paper bags with waterproof liners can be used as outside containers. Also, it will be stated that when the article contains less than 0.1 percent calcium carbide it is not regulated. This change reflects the philosophy of the Intergovernmental Maritime Consultative Organization for this product. It is also proposed to amend § 146.27–100 to authorize metal borings, shavings, turnings, and cuttings to have compressed bales wrapped in burlap as the outside packaging provided the burlap shows no sign of oil.

b. The following proposals are made primarily for purposes of clarification:

(1) In 1966 the provisions authorizing gas tight holds were changed to conform with the ventilation requirements of Chapter VII, Regulation 7 of the International Convention on Safety of Life at Sea 1960 by stating that inflammable liquids have to be stowed in ventilated holds. All references to gas tight holds were not, however, deleted. This ambiguity is now being corrected by making appropriate changes to § 146.21–45.

(2) When the provisions of Subpart 146.27 as applicable to motor vehicles and mechanized equipment were revised in the October 29, 1969, issue of the FEDERAL REGISTER (34 F.R. 17478), the provision authorizing "spaces specially suitable for vehicles" to be designated by administrations of countries in which foreign vessels are registered was inadvertently deleted. This omission will be rectified by inserting the following sentence in § 146.27–32(a): "Specially suitable spaces for vehicles on foreign vessels shall be designated as such by the Administration of the country in which the vessels are registered."

(3) Subpart 146.28 will be deleted for the convenience of the public. As indicated below, packaging authorized by this subpart will be placed in sections of the regulations appropriate for the articles concerned:

(i) The provisions of §§ 146.28–1, 146.28–2, 146.28–6, and 146.28–7 are already duplicated elsewhere in 46 CFR Part 146, so no redesignations are necessary.

(ii) The provisions of § 146.28–8 will be placed as a note in column 4 of § 146.21–100, for the article "Gasoline".

(iii) The provisions of § 146.28–13 will be restated in a new section, § 146.21–17, entitled "Additional packaging".

(iv) Section 146.21–100 will be modified to reflect § 146.28–14 by indicating that inflammable liquids are authorized to be packaged in fiberboard boxes with inside containers (DOT–12B) whenever fiberboard boxes with inside containers (DOT–12D) are presently accepted.

(v) The provisions of § 146.28–15 will be placed as a note in columns 4, 5, 6, and 7 of § 146.21–100, for the article "Cement, leather".

(vi) The provisions of § 146.87–17 will be placed as a note in columns 4, 5, 6, and 7 of § 146.23–100, for the article "Chromic acid solution".

(vii) In § 146.25–200, columns 4, 5, 6, and 7, for the article "methyl bromide" will be amended by adding "Metal drums (DOT–5A) max. cap. 30 gal." to reflect packaging authorized by § 146.28–20.

(viii) The provisions of §§ 146.28–21 and 146.28–22 will be restated in a new section, § 146.25–17, entitled "Additional packaging".

c. Several changes of an editorial nature are proposed. The permit exemption of § 146.20–85(b) which states a permit is not required when loading less than 300 pounds of Class A explosives, is to be deleted to be consistent with 33 CFR 126.17. In § 146.04–5, column three, the typographical errors regarding labels for: *Aerosol products;* aircraft rocket engine (commercial); aircraft rocket engine igniters (commercial); air, compressed; and alcohol, allyl will be corrected. In another change, the title of Subpart 146.05 will be revised to read "Shippers Requirements Regarding Labeling, Packing, Marking, Classification, and Shipping Papers". This change is intended to emphasize that the shipper is responsible for article classification (cf. § 146.05–11). Column 2 of § 146.21–100, for the article "methyl methacrylate", is to be amended by adding the following: "See § 146.05–3 for prohibited shipments." In § 146.26–100, for box toe gum, the reference in column 4 to "§ 20.01–5" will be changed to read: "§ 30.01–5". Section 146.27–1(b) will be amended by adding the sentence: "(As stipulated by § 146.27–5, certain liquids are not subject to the regulations of this part.)" This is intended to clarify the fact that many combustible liquids are not hazardous articles. Section 146.29–59(g)(4) will be deleted due to the fact that radioactive materials are no longer classified as poisons but have their own classification; their compatibility requirements with military explosives remain identical but will be added in § 146.29–59(l). The title of Subpart 147.03 will be revised to read: "Use of ships' stores and supplies of a dangerous nature aboard ship." This new title is more descriptive of the text contained within § 147.03–1.

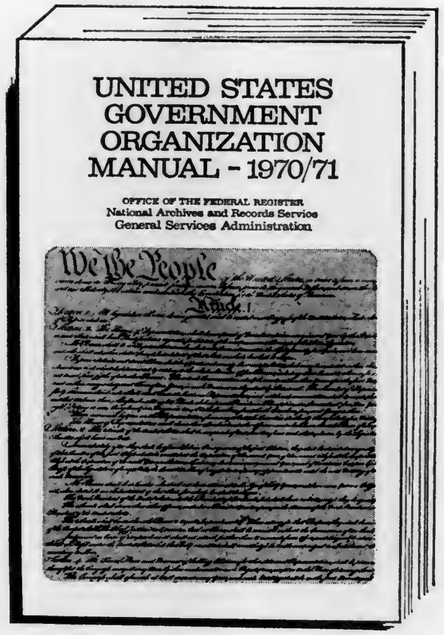
7. The proposed amendments are made under the authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, section 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: March 17, 1971.

W. M. BENKERT,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.71–3881 Filed 3–19–71;8:47 am]

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Title 3—The President

PROCLAMATION 4038

National Week of Concern for Americans Who Are Prisoners of War or Missing in Action

By the President of the United States of America

A Proclamation

The first American still being held by the enemy was captured in South Vietnam on March 26, 1964. Now, with the seventh anniversary of that event approaching, the number of Americans missing in action or known captured in the Vietnamese conflict has grown to about 1,600. Most of these men are officers and enlisted men of the Army, the Navy, the Air Force, and the Marine Corps; some are civilians. Even in captivity, they continue to serve our Nation in the highest sense of honor and duty to country. We owe them, in turn, no less than our strongest support and our firmest pledge that we will neither forget them nor abandon them.

This Government has made and will continue to make strenuous efforts in behalf of these Americans who are prisoners of war or missing in action. In the face of the enemy's callous indifference to the plight of these men and their families, we have sought to focus the attention of the world on the barbaric attitude of North Vietnam and its agents throughout Indochina. We have conducted vigorous diplomatic efforts to resolve the prisoner of war problem on a purely humane basis for the prisoners we hold as well as for our brave men held prisoner.

The Geneva Prisoner of War Convention of 1949 sets forth the minimum standards for humanitarian treatment applying to all prisoners of war. Some 125 nations including all of those involved on both sides in the Southeast Asia hostilities have acceded to the Geneva Convention and have pledged to observe its humane standards. And on a moral plane above and apart from these formal rules, all civilized peoples are subject to the basic humanitarian standards long established in international law and custom.

In view of the continuing disregard of this Convention and basic humane standards by North Vietnam and its agents—their refusal to identify all of the Americans being held, to permit impartial inspection of their camps, to release the seriously sick and wounded prisoners, to provide humane treatment, and to permit prisoners to correspond regularly with their families—and in view of their adamant refusal to consider negotiation regarding the release of prisoners, the Congress of the United States has, by House Joint Resolution 16, requested the President to designate the period beginning March 21, 1971, and ending March 27, 1971, as "National Week of Concern for Prisoners of War/Missing in Action."

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period March 21, 1971, through March 27, 1971, as National Week of Concern for Americans Who Are Prisoners of War or Missing in Action. I call upon all the people of the United States to observe this week in heartfelt prayer, and in ceremonies and activities appropriate to voice deep concern for the prisoners and missing men, to inspire their loved ones with new courage and hope, and to hasten the day when their ordeal may end.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of March, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-3993 Filed 3-19-71;2:32 pm]

Rules and Regulations

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Siting of Fuel Reprocessing Plants and Related Waste Management Facilities

On November 14, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER (35 F.R. 17530), to be effective 90 days after publication, a statement of policy, in the form of a new Appendix F to 10 CFR Part 50, concerning the siting of reactor fuel reprocessing plants and related waste management facilities. The statement of policy dealt, among other things, with the question of ultimate disposal of high-level liquid radioactive fission product wastes generated in the operation of licensed fuel reprocessing plants. The policy requires that such wastes be solidified by the fuel reprocessor and transferred to a Federal repository for disposal and perpetual surveillance.

Paragraph 6 of the statement of policy provided that "With respect to fuel reprocessing plants already licensed, the licenses will be appropriately conditioned to carry out the purposes of the policy stated above." The only fuel reprocessing plant presently licensed by the Commission for operation is located at West Valley, N.Y., about 30 miles south of Buffalo, on land owned by the State of New York. The plant has been operated since 1966 by Nuclear Fuel Services, Inc. (NFS). The high-level liquid radioactive wastes generated at the NFS plant are stored underground in steel tanks which are covered by about 8 feet of soil.

In a letter to the Commission dated January 7, 1971, NFS requested that the Commission consider—in addition to solidification and offsite shipment—three alternative methods for long-term storage or disposal. These alternatives are: (1) Continued storage of the wastes in liquid form with possible transfer of the property from New York State to the United States after closing of the plant; (2) solidification of the wastes in existing tanks with appropriate conditions concerning time of solidification, permanent marking after solidification, and such other measures as may be necessary to protect the public health and safety; and (3) conversion of the wastes to AEC-approved solid form and burial thereof, with appropriate safeguards, in the silty till at West Valley, or in the underlying shales.

The Commission agrees that the matter of ultimate disposal of existing high-level liquid wastes at the West Valley facility presents complex technical problems which may require considerable time for study and resolution. Pending ultimate disposal, the present storage method will continue to provide reasonable assurance that the health and safety of the public will be protected.

In view of the foregoing considerations, the Commission has amended paragraph 6 of the statement of policy (1) to indicate that its application to existing wastes will be the subject of a further rule making proceeding, and (2) to provide more specificity regarding its application to future high-level wastes generated at the NFS facility.

Inasmuch as the amendment is clarifying in nature the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary and for making the amendment effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to 10 CFR Part 50 is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER (3-23-71).

Paragraph 6 of Appendix F is amended to read as follows:

6. With respect to fuel reprocessing plants already licensed, the licenses will be appropriately conditioned to carry out the purposes of the policy stated above with respect to high-level radioactive fission product wastes generated after installation of new equipment for interim storage of liquid wastes, or after installation of equipment required for solidification without interim liquid storage. In either case, such equipment shall be installed at the earliest practicable date, taking into account the time required for design, procurement and installation thereof. With respect to such plants, the application of the policy stated in this appendix to existing wastes and to wastes generated prior to the installation of such equipment, will be the subject of a further rule making proceeding.

(Secs. 161, 187, 68 Stat. 948, 955; 42 U.S.C. 2201, 2237)

Dated at Washington, D.C., this 19th day of March 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-3966 Filed 3-22-71;8:50 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Delivery of the Shipper's Export Declaration to Exporting Carrier

In a notice of proposed rule making published in the FEDERAL REGISTER of September 10, 1970, it was proposed to amend §§ 30.12 and 30.42 of the Foreign Trade Statistics Regulations (15 CFR Part 30) to provide that Shipper's Export Declarations must be authenticated, where authentication is required, or presented to the carrier under the NAR procedure prior to exportation or departure instead of prior to loading the merchandise onto the exporting carrier as is presently required.

As a result of comments received pursuant to the notice of proposed rule making, it has been decided to incorporate this change in the pertinent provisions of §§ 30.12 and 30.42 of the Foreign Trade Statistics Regulations but also to put a provision in § 30.20 stating that where for reasons beyond the control of the exporting carrier, a given declaration (or declarations) has not been received and the merchandise has been laden, such carrier shall not, as a result of this circumstance be required to off-load the merchandise, or to delay its clearance (where clearance is required) or departure (if clearance is not required), subject to the provisions of § 30.24. Moreover §§ 30.12 and 30.42 are also being amended to make it clear that failure on the part of the exporter (or his agent) to deliver the Shipper's Export Declaration to the exporting carrier prior to exportation (where required) is a violation of the regulations and renders such exporter (or his agent) liable to penalties as provided in § 30.95. Accordingly §§ 30.12, 30.20, and 30.42 of the Foreign Trade Statistics Regulations are amended to read as follows:

1. The third sentence of § 30.12 is hereby deleted, and the following sentences substituted therefor:

§ 30.12 Time and place Shipper's Export Declarations required to be presented.

* * * For shipments by vessel or aid to foreign countries, except Canada, the Shipper's Export Declaration must be presented to the Customs Director for authentication in accordance with the procedure outlined in § 30.14(a), and an authenticated copy of the Shipper's Export Declaration delivered to the exporting carrier prior to exportation. With respect to such vessel or air shipments, it is the duty of the exporter (or his agent) to deliver the required number of copies of the Shipper's Export Declaration to the exporting carrier prior to exportation; failure of the exporter (or his agent) to do so constitutes a violation of the provisions of these regulations, and renders such exporter (or his agent) subject to the penalties provided for in § 30.95.

2. Section 30.20 is amended by the addition of the following sentence at the end thereof:

§ 30.20 General statement of requirement for the filing of manifests and Shipper's Export Declarations by carriers.

• • • Where for reasons beyond the control of the exporting carrier, a given declaration (or declarations) has not been received prior to exportation or departure, and the merchandise has been laden, such carrier shall not as a result of this circumstance be required to offload the merchandise, or to delay its clearance (where clearance is required) or departure (if clearance is not required). However, the provisions of § 30.24 remain applicable.

3. The first sentence of § 30.42(a)(1)(ii) is hereby deleted, and the following sentences substituted therefor:

§ 30.42 Authorization for waiver of the requirements for advance presentation and authentication of Shipper's Export Declarations.

(a) General procedure:

(1) Scope:

• • • • •

(ii) Except as otherwise required by the Export Control Regulations, only two copies of the Shipper's Export Declaration need be prepared by the exporter or his agent and delivered to the exporting carrier before the departure of the exporting carrier. With respect to those shipments covered under subdivision (i) of this subparagraph it is the duty of the exporter (or his agent) to deliver the required number of copies of the Shipper's Export Declaration to the exporting carrier prior to exportation; failure of the exporter (or his agent) to do so constitutes a violation of the provisions of these regulations, and renders such exporter (or his agent) subject to the penalties provided for in § 30.95.

These regulations are issued under the authority of title 13, United States Code, section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35-2A, April 8, 1969, 34 F.R. 6703. In accordance with administrative procedure, 5 U.S.C. 553, postponement of the effective date of these amendments is unnecessary because (1) the amendment is a change in the substantive rules which grant or recognize exmptions or relieve restrictions, and (2) is an interpretive rule and statement of policy.

Effective date. These regulations are effective on the date of publication in the FEDERAL REGISTER (3-23-71).

GEORGE H. BROWN,
Director, Bureau of the Census.

I concur:

EUGENE ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3928 Filed 3-22-71;8:47 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—LOAN GUARANTY

Recasting

Section 36.4506 is revised to read as follows:

§ 36.4506 Recasting.

In the event of default or to avoid imminent default, the Veterans' Administration may at any time enter into an agreement with the borrower which will permit the latter temporarily to repay his obligation on a basis appropriate to his apparent current ability to pay or may enter into an appropriate recasting or extension agreement: *Provided*, That no such agreement shall extend the ultimate repayment of a loan beyond the expiration of 30 years from the date of the loan, or 40 years in the case of a loan for the construction or improvement of a farmhouse. *Provided further*, That nothing in this section shall be deemed to limit the forbearance or indulgence which the Administrator may extend in an individual case pursuant to the provisions of 38 U.S.C. 1820(f).

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective upon publication in the FEDERAL REGISTER (3-23-71).

Approved: March 17, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-3910 Filed 3-22-71;8:46 am]

Title 39—POSTAL SERVICE

Chapter III—Postal Rate Commission

SUBCHAPTER A—PERSONNEL

PART 3000—STANDARDS OF CONDUCT

Pursuant to and in conformity with Executive Order No. 11570 of November 24, 1970 (35 F.R. 18183); Executive Order No. 11222 of May 8, 1965, 3 CFR 1964-1965, Comp., p. 306; Title 5, Chapter I, Part 735 of the Code of Federal Regulations; and sections 201 through 209 of title 18 of the United States Code, Title 39 of the Code of Federal Regulations is amended by adding a new Chapter III composed of Subchapter A and Part 3000. The new Part 3000 contains the Standards of Conduct regulations applicable to the Postal Rate Commission prepared and issued by the Civil Service Commission pursuant to Executive Order No. 11570.

Subpart A—Policy and Purpose

Sec.
3000.735-101 Policy.
3000.735-102 Purpose.

Subpart B—General Provisions

3000.735-201 Definitions.
3000.735-202 Special Government employees; applicability of part.
3000.735-203 Counseling and advisory services.
3000.735-204 Responsibilities of employees.
3000.735-205 Disciplinary action.

Subpart C—Conflicts of Interest and Ethical Conduct

3000.735-301 Conflicts of interest.
3000.735-302 Financial interests.
3000.735-303 Additional prohibitions—regular employees.
3000.735-304 Exemptions and exceptions from prohibitions of conflict of interest statutes.
3000.735-305 Salary payable only by United States.
3000.735-306 Gifts, entertainment, and favors.
3000.735-307 Outside employment and other activity.
3000.735-308 Use of Government services and property.
3000.735-309 Misuse of official information.
3000.735-310 Indebtedness.
3000.735-311 Gambling, betting, and lotteries.
3000.735-312 General standards of conduct; prejudicial conduct.
3000.735-313 Miscellaneous statutory provisions.
3000.735-314 Statutory provisions prescribed for the Commission.
3000.735-315 Conduct and responsibilities of special Government employees.
3000.735-316 Additional prohibitions—special Government employees.

Subpart D—Reporting Outside Employment and Financial Interests

3000.735-401 General standards.
3000.735-402 Reporting employment and financial interests—regular employees.
3000.735-403 Reporting employment and financial interests—special Government employees.
3000.735-404 Reporting employment and financial interests—detailees.
3000.735-405 Reviewing statements; remedial action.

Subpart E—Ex Parte Communications

3000.735-501 Ex parte communications prohibited.
3000.735-502 Public record of ex parte communications.

AUTHORITY: The provisions of this Part 3000 issued under Executive Order 11222 of May 8, 1965, 3 CFR 1964-1965 Comp., p. 306; Executive Order 11570 of Nov. 24, 1970, 35 F.R. 18183; and 5 CFR Part 735.

Subpart A—Policy and Purpose

§ 3000.735-101 Policy.

The Postal Reorganization Act assigns to the Postal Rate Commission the responsibility of holding fair and impartial public hearings, consistent with the requirements of the Administrative Procedure Act, and of making recommended decisions based on such hearings, as to postal rates, fees for postal services, and the classification of mail. Essential to the performance of the functions of the Postal Rate Commission and the U.S. Postal Service in the establishment of such rates, fees, and classifications under the Postal Reorganization Act, is the confidence of the American public in the honesty and integrity of the Commissioners and employees of the Postal Rate Commission. Their personal conduct must at all times be unquestionably free from taint or suspicion of partiality, favoritism, or any indicia of conflicting interests. Compliance with the legal requirements of procedural fairness in the conduct of the public hearings will not be sufficient to maintain public confidence in the rate-setting machinery authorized by the Postal Reorganization Act if doubts exist as to the personal conduct standards of the individuals who hold the hearings, and make recommended decisions based thereon, and their employees. It is, accordingly, the policy that the Commissioners and employees of the Commission shall at all times maintain the highest standards of official and personal conduct and shall scrupulously avoid every situation which may result in an actual or apparent loss of the complete independence and impartiality which is essential to command the respect and confidence of the American public. By reason of the particular trust imposed on the Commissioners and employees of the Postal Rate Commission they have a positive obligation to inform themselves of the policy in this section and the standards of conduct in this Part 3000 and to live within the letter and spirit of that policy and those standards.

§ 3000.735-102 Purpose.

(a) This Part 3000 sets forth the standards of conduct required of Commissioners, employees, and special Government employees of the Postal Rate Commission. In addition, the standards of conduct in this part are applicable to members of the uniformed services and employees of other Government agencies who are serving on assignment or detail in the Postal Rate Commission, but the applicability of this part to such members and employees does not relieve them of their responsibilities under the regulations of the service or agency from which they were assigned or detailed.

(b) This part reflects prohibitions and requirements imposed by the laws of the United States. However, the paraphrased restatements of the laws contained in this part are designed for informational purposes only and in no way constitute an interpretation or construction thereof that is binding on the Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions and requirements imposed by law, Executive order, regulation, or otherwise upon Federal officers and employees and former Federal officers and employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement and any such restriction or requirement continues to be applicable to officers and employees and former officers and employees in accordance with its terms. Furthermore, attorneys employed by the Postal Rate Commission are subject to the Code of Professional responsibility of the American Bar Association.

Subpart B—General Provisions

§ 3000.735-201 Definitions.

In this part:

(a) "Commission" means the Postal Rate Commission.

(b) "Commissioner" means a Commissioner of the Postal Rate Commission, including the Chairman of the Commission.

(c) "Employee" or "regular employee" means an employee of the Commission, including a Commissioner of the Commission, but does not include a special Government employee.

(d) "Special Government employee" means an individual who is retained, designated, appointed, or employed by the Commission to perform with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties, either on a full-time or intermittent basis.

(e) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(f) "Counselor" means the official of the Commission designated in § 3000.735-203 to carry out the responsibilities referred to in that section and in § 735.105(a) of the regulations of the Civil Service Commission (5 CFR 735.105(a)).

(g) "United States Postal Service" or "Postal Service" means the U.S. Postal Service established under title 39, United States Code, by the Postal Reorganization Act, Public Law 91-375, 84 Stat. 719, and, prior to the effective date of the commencement of operations by the U.S. Postal Service, means the Post Office Department.

(h) "Uniformed services" has the meaning given that term by 5 U.S.C. 2101.

§ 3000.735-202 Special Government employees; applicability of part.

Except where specifically provided otherwise, or where limited in terms or by the context to regular employees, all provisions of this Part relating to employees are applicable also to special Government employees.

§ 3000.735-203 Counseling and advisory services.

(a) The General Counsel of the Commission is the Counselor for the Commission. The Counselor shall advise employees as to the applicability and interpretation of this part, and laws and regulations referred to in this part, to factual situations for the purpose of aiding employees in avoiding conflicts of interest situations or acts or conduct that may reflect adversely on the Commission. The Counselor shall serve as the Commission's liaison with the Civil Service Commission on matters covered by this part and on related laws and regulations.

(b) Communications between the Counselor and an employee shall be confidential and used only for the purpose of this part, except as determined by the Chairman of the Commission.

(c) The Counselor shall notify all employees and special Government employees of the availability of counseling services, and of how and where such services are available. Such notification shall be made within 30 days after the effective date of this part and periodically thereafter. In the case of a new employee or special Government employee appointed after the date of such notification, notification shall be given at the time of his entrance on duty.

(d) The Counselor shall have copies of this Part distributed to each employee and special Government employee within 30 days after the effective date thereof. In the case of a new employee or special Government employee entering on duty after the date of such distribution, a copy shall be furnished at the time of his entrance on duty.

(e) The Counselor shall maintain copies of Executive Orders Nos. 11222 and 11570, applicable regulations of the Civil Service Commission, the statutes referred to in this Part, and necessary explanatory materials including Part 735 of the Federal Personnel Manual for examination by employees and special Government employees during regular business hours.

§ 3000.735-204 Responsibilities of employees.

(a) Each employee and special Government employee has a positive obligation to read and become familiar with this part and with House Concurrent Resolution 175, 85th Congress, second session, 72 Stat. B12, the "Code of Ethics for Government Service," which is attached to this part as Appendix A.

(b) An employee or special Government employee who is uncertain as to the application of any regulation in this part, or of any provision of law, to any particular situation in which he is or may be involved, is obligated to contact the Counselor for advice and guidance. If an employee or special Government employee believes that the application of any regulation in this part, or any provision of law, will cause him undue hardship, he should consult the Counselor as to the possibility of obtaining a waiver of other relief under § 3000.735-302(f) or § 3000.735-304.

(c) An employee or special Government employee shall report immediately to the Counselor (1) any instance in which a person either within or outside the Commission uses or attempts to use a bribe, undue influence, or coercion to induce or attempt to induce the employee to act or neglect to act in regard to his official responsibilities, and (2) any information that causes him to believe that there has been a violation of a Federal criminal statute, the regulations in this part, or any law or regulation directly or indirectly related to the

responsibilities of the Commission. A report made under this paragraph shall be prepared in triplicate and a copy shall be sent by the employee or special Government employee to (i) the Attorney General, Department of Justice, Washington, D.C. 20530, and (ii) to the Chairman, Civil Service Commission, Washington, D.C. 20415. The report shall be sent in a sealed envelope clearly marked "Administratively Confidential—To Be Opened by Addressee Only".

§ 3000.735–205 Disciplinary action.

(a) A violation of any provision of this Part by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalties prescribed by law. (As to other remedial action in cases where an employee's or special Government employee's financial interests result in a conflict or apparent conflict of interest, see § 3000.735–405(b).)

(b) Any disciplinary or remedial action taken pursuant to this part shall be effected in accordance with applicable laws, Executive orders, and regulations.

Subpart C—Conflicts of Interest and Ethical Conduct

§ 3000.735–301 Conflicts of interest.

(a) A criminal conflict of interest may exist when an employee, his spouse, minor child, partner, or person with whom he is associated or is negotiating for future employment, has a personal, private, or financial interest in a matter that involves his official duties or responsibilities.

(b) The maintenance of public confidence in the Commission clearly demands that an employee take no action which would constitute the use of his official position to advance his personal or private interests or those of his spouse, minor child, or person with whom he is associated or is negotiating for future employment. It is equally important that each employee avoid becoming involved in situations which present the possibility, or even the appearance, that his official position might be used to the private advantage of himself, his spouse, minor child, or person with whom he is associated or is negotiating for future employment.

(c) Neither the pertinent statutes nor the standards of conduct prescribed in this part are to be regarded as entirely comprehensive. Each employee must, in each instance involving a personal or private interest in a matter which also involves his duties and responsibilities as an employee, make certain that his actions do not have the effect or the appearance of the use of his official position for the furtherance of his own interests or those of his family or a person with whom he is associated or is negotiating for future employment. An employee should never act on an official matter for the Commission when there exists a personal interest incompatible with the unbiased exercise of official judgment.

(d) The principal statutory provisions relating to bribery, graft, and conflicts of interest are contained in 18 U.S.C. 201–224. Severe penalties are provided for violations, including, variously, fine, imprisonment, dismissal from office, voiding transactions, and disqualification from holding any office of honor, trust, or profit under the United States.

(e) Employees shall at all times, in both their official and private lives, conduct themselves so as to exemplify the highest standards of integrity. An employee shall avoid any action, whether or not specifically prohibited by law or regulation including this part, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Commission decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Commission.

§ 3000.735–302 Financial interests.

(a) An employee shall not, either directly or indirectly, have any financial interest (whether by ownership of any stock, bond, security, or other obligation or otherwise) in any entity or person whose interests may be significantly affected by rates of postage, fees for postal services, the classification of mail, or the operation of the Postal Service; but this paragraph does not proscribe interests in an entity or person whose use of the mails is merely an incidental or minor factor in the general conduct of its business.

(b) An employee shall not participate personally and substantially as a Government employee in a particular matter in which, to his knowledge, he has a financial interest (18 U.S.C. 208(a)), except as provided in paragraph (f) of this section.

(c) For the purposes of this section:

(1) An employee participates personally and substantially in a particular matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise;

(2) A particular matter is a judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter; and

(3) A financial interest includes the financial interest of the employee himself or of his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment.

(d) An employee may not have financial interests which:

(1) Establish a substantial personal or private interest in a particular matter which involves his duties and responsibilities as an employee, except as provided in paragraph (f) of this section or § 3000.735–304; or

(2) Are entered into in reliance upon, or as a result of, information obtained through his employment; or

(3) Result from active and continuous trading (as distinguished from the making of bona fide investments) which is conducted on such a scale as to interfere with the proper performance of his duties or as to create the appearance of speculative dealings. Frequency of trading, the use of credit, and particularly transactions to take advantage of short-term price fluctuations, are significant indications of speculative dealings.

(e) Aside from the restrictions prescribed or cited in this part, employees are free to engage in lawful financial transactions to the same extent as private citizens. Employees should be aware that the financial interests of their wives or minor children and blood relatives who are full-time residents of their households, and interest of partners or a person or entity with whom they are associated or are negotiating for future employment, may be regarded, for the purpose of this section, as financial interests of the employees themselves.

(f) An employee who has a financial interest in a particular matter which is within the scope of his official duties shall make a full disclosure of that interest to the Counselor in writing. He shall not participate in such matter unless and until he receives a written determination by the Chairman of the Commission pursuant to section 208(b)(1) of title 18, United States Code, that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him. If the Chairman of the Commission does not make such a determination, he shall direct such remedial action as may be appropriate under the provisions of § 3000.735–405(b).

(g) This section does not apply to special Government employees, who are subject to the provisions of § 3000.735–314.

§ 3000.735–303 Additional prohibitions—regular employees.

(a) In addition to the disqualifications described in § 3000.735–302, a regular employee is subject to the following major prohibitions.

(1) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

(2) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(3) He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(4) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209). (See § 3000.735–305.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances. For the method of obtaining such exemptions or exceptions, see § 3000.735–304.

§ 3000.735–304 Exemptions and exceptions from prohibitions of conflict of interest statutes.

(a) Nothing in this part prohibits an employee, if it is not otherwise inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person in a disciplinary, loyalty, or other Federal personnel administration proceeding involving such person.

(b) Nothing in this part prohibits an employee from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary, except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, as defined in section 202(b) of title 18 of the United States Code, provided the Chairman of the Commission approves.

(c) Nothing in this part prohibits an employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(d) In addition to the exemptions and exceptions described in this section and in § 3000.735–302(e), the conflict of interest statutes permit certain exemptions and exceptions in specific circumstances. The procedure for effecting such exemptions or exceptions is as follows:

(1) Any regular employee or special Government employee who desires approval or certification of his activities as provided for by section 205 of title 18, United States Code, shall make application therefor in writing to the Counselor.

(2) A former employee, including a former special Government employee, who desires certification with regard to his activities under section 207 of title 18, United States Code, shall make application therefor in writing to the Counselor.

(3) The Counselor shall report promptly to the Chairman of the Commission and the Chairman of the Civil Service Commission all matters reported to him under this part which require consideration of approvals, certifications, or determinations provided for in section 205, 207, or 208 of title 18, United States Code.

§ 3000.735–305 Salary payable only by United States.

(a) No employee, other than a special Government employee or an employee serving without compensation, shall receive any salary, or any contribution to or supplementation of salary, as compensation for his services as an employee, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality (18 U.S.C. 209).

(b) Nothing in this section prohibits an employee from continuing to participate in a bona fide pension, retirement, group life, health, or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer, nor from accepting contributions, awards, or other expenses under Chapter 41 of title 5, United States Code, relating to employee training.

§ 3000.735–306 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (c) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, honorarium, travel or accommodation expense or the like, loan, or any other thing of value from a person who:

(1) Has, or is seeking to obtain, contractual or other business of financial relations with the Commission or the Postal Service;

(2) Conducts operations or activities which are regulated or controlled by the Commission; or

(3) Has interests which may be substantially affected by the performance or nonperformance of his official duty or the duties and responsibilities of the Commission.

(b) Notwithstanding paragraph (a) of this section, an employee may:

(1) Accept a gift, gratuity, favor, entertainment, honorarium, travel or accommodation expense or the like, loan, or other thing of value from a close personal friend, parent, spouse, child, or other close relative when the circumstances make it clear that the family or personal relationships involved are the motivating factors; and

(2) Participate (together with his wife or a member of his immediate family) as a guest speaker at a conference or convention or as a guest in an inaugural flight, a ship launching, or similar event, and accept meals, accommodations, and entertainment incidental thereto, provided there is no reasonable way to ascertain the cost thereof and the invitation is addressed to the Chairman of the Commission and the employee is selected for such participation by the Chairman after a determination that his participation is in the interest of the Commission and the Government.

(3) Accept unsolicited advertising or promotional items such as a pen, pencil, note pad, or calendar of nominal value not in excess of $2 per item.

(c) In an instance in which an employee, due to circumstances beyond his control, cannot graciously and without undue embarrassment decline food or refreshment at a meeting or gathering where he is properly in attendance as a part of his official responsibilities, he shall, within 48 hours thereafter, submit a written report to the Counselor concerning the matter with a description of the incident and an explanation as to why declination was not reasonable. The Counselor shall personally review each report submitted under this paragraph and when the acceptance of the food or refreshment was not justified, or when such acceptances by one particular employee are frequent, the Counselor shall submit a written report on the matter to the Chairman of the Commission and the Chairman of the Civil Service Commission with a recommendation for corrective action.

(d) A gift to or from an official superior or a subordinate fellow employee is prohibited by 5 U.S.C. 7351. However, this provision does not prohibit a voluntary gift of nominal value or a donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(e) A gift or gratuity, the receipt of which is prohibited by paragraph (a) of this section shall be returned to the donor with a written explanation why the return is necessary. A copy of the written explanation shall be submitted to the Counselor for filing in the employee's Official Personnel Folder. When return of a gift is not possible, the gift or gratuity shall be submitted to the Counselor with a written explanation why the return is not feasible. The Counselor shall turn the gift or gratuity over to a public or private charity or charitable institution and make a record of its disposition.

(f) The Constitution (Art. 1, sec. 9, par. 8) prohibits an employee's acceptance from a foreign government, except with the consent of Congress, of any emolument, office, or title. The Congress has provided for the receipt and disposition of foreign gifts and decorations in 5 U.S.C. 7342 which applies to each employee by reason of 39 U.S.C. 410 and 3604(d). See also Executive Order 11320, 31 F.R. 15789, and the regulations pursuant thereto in 22 CFR Part 3 (as added, 32 F.R. 6569). Any such gift or thing which cannot appropriately be refused shall be submitted to the Counselor for transmittal to the State Department.

§ 3000.735–307 Outside employment and other activity.

(a) An employee whose annual rate of basic compensation from the Commission is $20,000 or more shall not engage in any outside employment or professional practice, either on a paid or unpaid basis, other than teaching, lecturing, or writing

as provided in paragraph (d) of this section.

(b) An employee shall not engage in outside employment or professional practice, either on a paid or unpaid basis, with or for a person whose business or other interests (1) are substantially dependent on, or may be significantly affected by, postal rates, fees, or classifications, or (2) are substantially dependent on providing property, a product, or service to, or for use in connection with, the Postal Service. The proscription in this paragraph applies whether the employee is employed by or associated with another person or is in business or practice by himself.

(c) An employee shall not engage in outside employment or other outside activity not clearly compatible with the full and proper discharge of the duties and responsibilities of his employment with the Commission. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest, including the receipt of any thing of value for the sale or leasing of real or personal property to the Commission or the Postal Service or for service as a consultant to a contractor or other person who has, or who the employee knows is apt to have, business with the Commission or the Postal Service;

(2) Outside employment which tends to impair the employee's mental or physical capacity to perform his Commission duties and responsibilities in an acceptable manner;

(3) Outside employment or activity that is likely to result in criticism of, or cause embarrassment to, the Commission;

(4) Contracting with the Government either directly or through an organization controlled or directed by Government employees, except when advance, express, written permission is obtained from the Counselor on the basis of a finding that the case is exceptional in that the needs of the Government cannot reasonably be otherwise obtained (see 41 CFR 1–1.302–3);

(5) Outside employment or activity including the endorsement of a commercial or business product, which involves the use or exploitation of the employee's official title, role, position, or authority, or the use of Government resources such as space, personnel, supplies, equipment, or vehicles; or

(6) Outside employment or activity involving Federal taxes if the work on such taxes extends beyond the mere preparation of a tax return or the furnishing of information to the Internal Revenue Service obtained solely from the records of a taxpayer. An employee shall not become involved either directly or indirectly in advocating a taxpayer's position, other than his own or that of his spouse.

(d) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either on a paid or unpaid basis, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, or for appointment in the U.S. Postal Service or the Commission, that is dependent on information obtained as a result of his employment with the Commission, except when that information has been made available to the general public or will be made available on request, or when the Counselor gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, a Commissioner shall not receive compensation or anything of monetary value for any consultation, lecture discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission or the U.S. Postal Service, or which draws substantially on official data or ideas which have not become part of the body of public information.

(e) Neither this section nor § 3000.735–306 precludes an employee from:

(1) Receipt of bona fide reimbursement, unless prohibited by law or given under conditions that would compromise or appear to compromise the integrity of the employee or the Commission, for actual expenses for travel and such other necessary subsistence as is compatible with this Part and for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor may an employee be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General, 46 Comp. Gen. 689. (See § 3000.735–313(q) regarding reimbursement by a private foundation.) When an employee travels on official business he should use commercial transportation at Government expense and not accept free transportation from any person. In the event commercial transportation is not reasonably available for the needed travel, an employee may accept private transportation provided the person providing such transportation is reimbursed therefor at the standard commercial rate.

(2) Participation in the activities of national or State political parties not proscribed by law.

(3) Participation, other than as an officer at a national, statewide, regional, or comparable responsible level, in the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service, or civic organization. However, an employee may accept an award from an organization described in this paragraph only when the Counselor determines in advance of the acceptance of the award that the award is in no way related to the employee's services with the Commission.

(f) An employee who wishes to engage in outside employment or activity, including teaching, lecturing, writing, or serving as an officer at a national, statewide, regional, or other responsible level of an organization described in paragraph (e)(3) of this section, shall obtain the prior written approval of the Counselor. A request for such approval shall be submitted to the Counselor in writing with sufficient description of the employment or activity to enable him to make an informed determination as to whether a conflict of interest or the appearance of a conflict of interests may be involved. A record of approval or disapproval made under this paragraph shall be filed in the employee's Official Personnel Folder. As a matter of general policy, outside or private professional work or practice (e.g., legal or accounting activities) by employees is discouraged and only in unusual circumstances will it be approved.

(g) The Commission may employ a person on extended leave of absence from a private employer when that is the way most advantageous to the Commission to obtain a needed, highly-qualified employee. When it is proposed to employ such a person, a written statement of the exact conditions of the leave of absence shall be submitted to the Counselor for an advanced determination as to employability in the light of the conflicts of interest statutes and this part. If employed, such an employee shall not be allowed to handle or have access to, either directly or indirectly, confidential business data of the private employer's competitors. The necessity for the continued employment of such an employee shall be reviewed annually by the Counselor.

(h) An employee who discusses or negotiates for outside employment with any person which has business or other interests of the type described in paragraph (b) of this section, shall report that discussion or negotiation to the Counselor within 24 hours after the discussion or negotiation.

(i) This section does not apply to special Government employees who are subject to the provisions of § 3000.735–315.

§ 3000.735–308 Use of Government services and property.

An employee shall not directly or indirectly use, or allow the use of, Government services or property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property including equipment, supplies, and other property entrusted or issued to him.

§ 3000.735–309 Misuse of official information.

(a) An employee shall not, particularly for the purpose of furthering a private interest, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public, except as provided in § 3000.735–307 (d) relating to teaching, lecturing, and writing.

(b) An employee shall not divulge restricted official information outside the Commission, except as permitted under the instructions pertaining thereto and at the time authorized for its release.

§ 3000.735–310 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee, or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Commission determines does not, under the circumstances, reflect adversely on the Commission as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Commission to determine the validity or amount of the disputed debt.

§ 3000.735–311 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Commission, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 3000.735–312 General standards of conduct; prejudicial conduct.

(a) An employee shall conduct himself on the job in such a manner that the work of the Commission is efficiently accomplished and courtesy, consideration, and promptness are observed in dealings with the Congress, the public, and other governmental agencies.

(b) An employee shall conduct himself off the job in such a manner as not to reflect adversely on the Commission or the Federal service.

(c) An employee, whether on or off the job, shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Commission or the Federal service.

(d) An employee shall not, other than as required by his official duties, recommend or suggest the use of any non-Governmental person offering services as an intermediary, consultant, agent, attorney, expediter, specialist, or the like for the purpose of assisting in any negotiations, transactions, or other business with the Commission or the U.S. Postal Service. Acceptance of a forwarding or finder's fee from such a person is deemed to be within the prohibition in this subsection.

(e) Discrimination on the basis of race, color, religion, sex, or national origin is conduct prejudicial to the Government. An employee, while acting in his official capacity, shall not directly or indirectly authorize, permit, or participate in any action, event, or course of conduct which subjects any person to discrimination, or results in any person being discriminated against, on the basis of race, color, religion, sex, or national origin.

§ 3000.735–313 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Commission and of the Government. In particular, attention of employees is directed to the following statutory prohibitions which are applicable to employees of the Commission:

(a) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriated to the employees concerned.

(b) Lobbying with appropriated funds (18 U.S.C. 1913).

(c) Striking against the Government (5 U.S.C. 7311, 18 U.S.C. 1918).

(d) Disclosure of classified information (18 U.S.C. 798) and the disclosure of confidential information (18 U.S.C. 1905).

(e) Misuse of the franking privilege (18 U.S.C. 1719).

(f) Fraud or false statements in a Government matter (18 U.S.C. 1001).

(g) Mutilating or destroying a public record (18 U.S.C. 2071).

(h) Counterfeiting and forging transportation requests (18 U.S.C. 508).

(i) The (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason or his employment (18 U.S.C. 654).

(j) Unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(k) Political activities, solicitations, and contributions (subchapter III of chapter 73 of title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608).

(l) Acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(m) Deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(n) Employment of an individual convicted of felonious rioting or a related offense (5 U.S.C. 7313).

(o) Habitual use of intoxicants to excess (5 U.S.C. 7352).

(p) A public official appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

(q) Self-dealing with a private foundation (26 U.S.C. 4941, 4946). "Self-dealing" is defined in the statute to include certain transactions involving an employee's receipt of pay, a loan, or reimbursement for travel or other expenses from, or his sale to or purchase of property from, a private foundation.

§ 3000.735–314 Statutory provisions prescribed for the Commission.

Pursuant to Executive Order No. 11570 and consistent with 39 U.S.C. 3604(d) and 410, the following regulations are prescribed for employees of the Commission on the basis of the statutory authority identified in each paragraph:

(a) Passenger motor vehicles and aircraft owned by the Commission or the Government shall be used exclusively for official purposes; and "official purposes" shall not include the transportation of employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of employees engaged in fieldwork the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the Chairman of the Commission. An employee who willfully uses or authorizes the use of any passenger motor vehicle or aircraft owned by the Commission or the Government, or of any passenger motor vehicle or aircraft leased by the Commission or the Government, for other than official purposes or otherwise violates the provisions of this paragraph shall be suspended without compensation, for not less than 1 month, and shall be suspended for a longer period or removed from the Commission if circumstances warrant. (Source: 31 U.S.C. 638a(c)(2)).

(b) It shall be unlawful for any employee to communicate in any manner or by any means, to any other person whom the employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any Communist organization as defined in 50 U.S.C. 782(5), any information of a kind which shall have been classified by the President (or the Chairman of the Commission, the Postmaster General, or the head of an executive agency as defined in 5 U.S.C. 105 with the approval of the President) as affecting the security of the United States, knowing or having reason to know that such information has been so classified, unless the employee shall have been specifically authorized by the President or the Chairman of the Commission to make such disclosure of such information. An employee who violates this paragraph is subject to the penalties provided in 50 U.S.C. 783 and legal actions under this paragraph are governed by that section. (Source: 50 U.S.C. 783).

(c) When there is in effect a final order of the Subversive Activities Control Board determining any organization to be a Communist-action organization or a Communist-front organization, it shall be unlawful for any member of such organization, with knowledge or notice of such final order of the Board in seeking, accepting, or holding any office or employment with the Commission, to conceal or fail to disclose the fact that he is a member of such organization; or to hold an office or employment with the Commission. Also, it shall be unlawful for any employee of the Commission, with

knowledge or notice of such final order of the Subversive Activities Control Board, to contribute funds or services to such organization; or to advise, counsel or urge any person, with knowledge or notice that such person is a member of such organization, to perform, or to omit to perform, any act if such act or omission would constitute a violation of any provision of this paragraph. (Source: 50 U.S.C. 784.)

§ 3000.735–315 Conduct and responsibilities of special Government employees.

(a) A special Government employee shall not use his employment with the Commission for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) A special Government employee shall not use inside information obtained as a result of his employment with the Commission for private gain for himself or another person whether by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purposes of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(c) A special Government employee who engages in teaching, lecturing, or writing, whether for or without compensation, shall not for such purposes make use of information obtained as a result of his employment with the Commission, except when that information has been made available to the general public or will be made available on request, or when the Counselor gives written authorization for the use of nonpublic information on the basis that such use is in the public interest.

(d) A special Government employee shall not use his employment with the Commission to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(e) Except as provided in paragraph (f) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Commission anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(f) Notwithstanding paragraph (e) of this section, a special Government employee shall be allowed the same latitude as is authorized for regular employees by paragraphs (b) and (c) of § 3000.735–306.

(g) Attention of special Government employees is directed to the provisions of § 3000.735–202, making the provisions of this Part generally applicable to their activities.

§ 3000.735–316 Additional prohibitions—special Government employees.

(a) In addition to the disqualification described in § 3000.735–302, a special Government employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties:

(i) Represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205), or

(ii) Represent anyone else in a matter pending before the Commission unless he served there no more than 60 days during the previous 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

(2) He may not, after his employment with the Commission has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(3) He may not, for 1 year after his employment with the Commission has ended, represent any one other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his employment with the Commission (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances; for the method of obtaining such exemptions or exceptions, see § 3000.735–304.

Subpart D—Reporting Outside Employment and Financial Interests

§ 3000.735–401 General standards.

The provisions in this Subpart D are in addition to the general standards relative to outside employment and other activity in § 3000.735–307. Regardless of whether or not a regular employee is required to file a statement of employment and financial interests under this subpart, a regular employee shall not engage in outside employment without obtaining the approval of the Counselor required by § 3000.375–307(f).

§ 3000.735–402 Reporting employment and financial interests—regular employees.

(a) Each Commissioner and the Counselor shall file a statement of employment and financial interests with the Chairman of the U.S. Civil Service Commission, Washington, D.C. 20415. The statement shall be submitted on the date of entrance on duty on a form and in a manner prescribed by the Chairman of the Civil Service Commission.

(b) (1) At the time of entrance on duty of an employee designated in paragraph (h) of this section, he shall submit a statement of employment and financial interest (referred to hereinafter in this subpart as the "statement") as provided in subparagraph (2) of this paragraph on the form "Confidential Statement of Employment and Financial Interests—Regular Employees" which shall be furnished by the Counselor. Changes in, or additions to, the information contained in an employee's statement shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the supplementary statement required by this subparagraph, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of 18 U.S.C. 208 or this part.

(2) The statement shall be submitted in duplicate, the original to the Counselor and the copy to the Chairman of the Civil Service Commission, Washington, D.C. 20415. The statement shall be submitted in an envelope marked "Administratively Restricted—To Be Opened Only By Authorized Reviewer".

(c) When completing a statement, an employee shall include both his own employment and financial interests, debts, and interests in real property and those of his spouse, minor child, and other member of his immediate household. For the purpose of this paragraph "member of his immediate household" means a full-time resident of the employee's household who is related to him by blood.

(d) Precise amounts of financial interests, indebtedness, and the value of real property need not be included on a statement; however, when the reviewer determines that such precise amounts are needed to make an adequate review, the employee shall disclose the precise amounts.

(e) If any information required to be included on a statement or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf, except when the trust is a blind, no-control trust in which case a copy of the trust shall be submitted for review.

(f) This section does not require an employee to submit any information relating to his connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement.

(g) The statements and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

(h) Each of the following designated employees shall submit a statement:

(1) An employee, other than a Commissioner and the Counselor who file separately under paragraph (a) of this section, who is paid basic compensation at a rate equivalent to or greater than the first step of grade GS–13 as adjusted under 5 U.S.C. 5305.

(2) An employee not required to submit a statement under subparagraph (1) of this paragraph whose position is listed in Appendix B to this part as a position which has been determined to have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflicts-of-interest situation and to carry out the purpose of law, Executive order, and this part.

(i) An employee who believes that his position has been improperly included as one requiring the submission of a statement is entitled to obtain a review of his complaint under the Commission's grievance procedure.

(j) The Counselor shall hold each statement of employment and financial interests in confidence. The Counselor is responsible for maintaining the statement in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this subpart. The Counselor may not disclose information from a statement outside the Commission except as the Civil Service Commission or the Chairman of the Commission may determine for good cause shown.

(k) A statement and any supplementary statements thereto shall be destroyed (1) 4 years after the employee is separated from the position which required the submission of the statement, (2) or 4 years after the employee leaves the Commission, or (3) when a position is deleted from Appendix B, 4 years after such deletion. The Counselor shall report to the Chairman of the Civil Service Commission when a statement and supplementary statements are destroyed.

§ 3000.735–403 Reporting employment and financial interests—special Government employees.

(a) At the time of appointment each special Government employee shall submit a statement as provided in § 3000.735–402(b)(2) on the form "Confidential Statement of Employment and Financial Interests—Special Government Employees" which shall be furnished by the Counselor. A special Government employee shall keep his statement current during the period of his employment and shall submit a supplementary statement at the time of any reappointment. A negative report will suffice for the supplementary statement if no changes have occurred since the submission of the statement.

(b) Paragraphs (c), (d), (e), (f), (g), (j), and (k) of § 3000.735–402 are applicable to statements submitted under this section.

§ 3000.735–404 Reporting employment and financial interests—detailees.

(a) When a member of the uniformed services or an employee of a Government agency other than the Commission is assigned or detailed to the Commission to perform duties of a type that would require the submission of a statement if performed by an employee of the Commission, the individual so assigned or retailed (referred to in this section as a "detailee") shall submit a statement as provided in § 3000.735–402(b)(2) on the form "Confidential Statement of Employment and Financial Interests—Regular Employee" which shall be furnished by the Counselor. The detailee shall submit the statement at the start of the detail and shall submit supplementary statements as required under § 3000.735–402(b)(1).

(b) Paragraphs (c), (d), (e), (f), (g), (i), (j), and (k) of § 3000.735–402 are applicable to statements submitted under this section.

§ 3000.735–405 Reviewing statements; remedial action.

(a) Each statement submitted under this subpart shall be reviewed by the Counselor and by the Chairman of the Civil Service Commission, or the designee of the Counselor or the Chairman of the Civil Service Commission. The review is for the purpose of determining whether there exists a conflict, or appearance of conflict, between the interests of the employee or special Government employee concerned and the performance of his service for the Commission. If either the Counselor or the Chairman of the Civil Service Commission, or the designee of either, believes that such a conflict or appearance of conflict exists, the Counselor shall provide the employee with an opportunity to explain the conflict or appearance of a conflict. If the Counselor concludes that remedial action should be taken, he shall refer the statement to the Chairman of the Commission through the Chairman of the Civil Service Commission, with his recommendation for such action. The Chairman of the Commission, after consideration of the employee's explanation and such investigation as he considers appropriate, shall direct appropriate remedial action if he considers it necessary. If the Counselor concludes that remedial action is not necessary he may, with the concurrence of the Chairman of the Civil Service Commission, close the matter. If the Chairman of the Civil Service Commission concludes that remedial action is necessary, he shall recommend such action to the Chairman of the Commission.

(b) Remedial action pursuant to paragraph (a) of this section, or by reason of the violation of any provision in this part, may include, but is not limited to:

(1) Changes in assigned duties.

(2) Divestment by the employee of his conflicting interest.

(3) Disqualification for a particular action.

(4) Exemption pursuant to § 3000.735–302(f).

(5) Disciplinary action. (See § 3000.735–205.)

(6) Termination of assignment or detail in the case of a detailee under § 3000.735–404.

Subpart E—Ex Parte Communications

§ 3000.735–501 Ex parte communications prohibited.

An employee shall not, either in an official or unofficial capacity, participate in any ex parte communication—either oral or written—with any person regarding (a) a particular matter (substantive or procedural) at issue in contested proceedings before the Commission or (b) the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission. A particular matter is at issue in contested proceedings before the Commission when it is a subject of controversy in a hearing held under 39 U.S.C. 3624 or 3661(c). However, this section does not prohibit participation in off-the-record proceedings conducted under regulations adopted by the Commission for hearings held under 39 U.S.C. 3624 or 3661(c).

§ 3000.735–502 Public record of ex parte communications.

As ex parte communications (either oral or written) may occur inadvertently notwithstanding § 3000.735–501, the employee who receives such a communication, shall—within 2 workdays after the receipt of such a communication—prepare a written report concerning the communication. The report shall identify the employee and the person or persons who participated in the ex parte communication; the circumstances which resulted in the communication; the substance of the communication; and the relationship of the communication to a particular matter at issue or likely to become at issue in contested proceedings before the Commission. When the ex parte communication concerns a particular matter at issue in a proceeding before the Commission, a copy of the report shall be submitted to each party to the proceeding. The report is a public record of the Commission and a copy thereof shall be available to any member of the public on request.

Effective date. This part shall be effective upon publication in the FEDERAL REGISTER (3–23–71).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

APPENDIX A—CODE OF ETHICS FOR GOVERNMENT SERVICE

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including office-holders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

Passed July 11, 1958.

[FR Doc.71-3970 Filed 3-22-71;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-184]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Availability of Frequencies for Use by Amateur Service on Shared Basis With Loran Stations

Correction

In F.R. Doc. 71-2904 appearing at page 4264 in the issue of Thursday, March 4, 1971, under § 2.106 the second line of paragraph (1) of footnote NG15 (a) should be deleted and the following substituted therefor: "Amateur Service shall not be a bar to the ".

[Docket No. 19028; FCC 71-150]

PART 73—RADIO BROADCAST SERVICES

Main Studio Location of FM and Television Broadcast Stations

Correction

In F.R. Doc. 71-2366 appearing at page 3264 in the issue of Saturday, February 20, 1971, in § 73.613(b) the 17th and 18th lines reading "the community to another, may be made without first securing a modification of" should be transferred to appear following the 12th line.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. No. 1-48]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to Railroad Safety and Hazardous Materials Control

The purpose of this amendment is to delegate certain of the Secretary's functions under the Federal Railroad Safety Act of 1970 (Title II of Public Law 91-458) and the Hazardous Materials Transportation Control Act of 1970 (Title III of Public Law 91-458) to the Federal Railroad Administrator and the Assistant Secretary for Safety and Consumer Affairs, respectively.

Since this amendment relates to departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective March 12, 1971, Part 1 of Title 49, Code of Federal Regulations is amended as follows:

a. Section 1.49 is amended by adding the following new paragraph at the end thereof:

§ 1.49 **Delegations to Federal Railroad Administrator.**

* * * * * * *

(n) Carry out the functions vested in the Secretary by the Federal Railroad Safety Act of 1970 (Title II of Public Law 91-458; 84 Stat. 971, 45 U.S.C. 421 et seq.), except section 204(b) (84 Stat. 972, 45 U.S.C. 433(b)) with respect to highway, traffic, and motor vehicle safety and highway construction.

b. Section 1.58 is amended by adding the following new paragraph at the end thereof:

§ 1.58 **Delegations to Assistant Secretary for Safety and Consumer Affairs.**

* * * * * * *

(e) Carry out the functions vested in the Secretary by the Hazardous Materials Transportation Control Act of 1970 (Title III of Public Law 91-458, 84 Stat. 977, 49 U.S.C. 1761 et seq.).

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on March 12, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-3843 Filed 3-22-71;8:45 am]

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-29; Amdts. 172-8, 173-44]

PART 172—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170-189 OF THIS CHAPTER

PART 173—SHIPPERS

Carbon Monoxide in Cylinders and Increased Filling Limitations

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize shipments of carbon monoxide in manifolded cylinders and to extend the filling limitation for carbon monoxide cylinders under specified conditions.

On July 25, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-29; Notice No. 69-21 (34 F.R. 12291), proposing to amend the regulations as stated above.

Interested parties were invited to give their views on this proposal. Although the proposed change was based on several years of experience with a number of special permits, some commenters expressed reluctance to amend the rules, preferring instead that the permits be continued in effect. No specific data was submitted. Air Products and Chemicals, Inc., however, advised they were in the midst of a test project aimed at developing specific information on the corrosive effects of carbon monoxide on certain steels. The Board delayed action to see if this project, because of its greater specificity, would develop adverse information not discovered under the special permits.

On the basis of information it now has on file, including data from Air Products, the Board is satisfied that the permit, as issued, constitute a safe method of transportation. From the data received, it appears that the charging pressure to service pressure ratio originally proposed for manifolded cylinders is quite conservative. However, on the basis of the operating pressures authorized under permits, and the pressures used in testing, charging of cylinders is being limited to five-sixths the cylinder service pressure or 2,000 p.s.i., whichever is the lesser. The Board notes that Air Products and Chemicals, Inc., has not completed testing and may develop information justifying higher filling pressures in later rule making action.

Accordingly, 49 CFR Parts 172 and 173 are amended as follows:

I. *Part 172.* In § 172.5 paragraph (a), the Commodity List is amended as follows:

§ 172.5 **List of hazardous materials.**

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change) * * *				
Carbon monoxide	F.G	173.306, 173.302(f)	Red Gas	150 pounds.
* * *				

II. *Part 173.* (A) In § 173.301, paragraph (d) (2) is amended to read as follows:

§ 173.301 **General requirements for shipment of compressed gases in cylinders.**[1]

* * * * * * *

(d) * * *

(2) Manifolding is authorized for cylinders of the following nonliquefied gases: Boron trifluoride, carbon monoxide, ethylene, hydrogen, hydrocarbon gases, and methane, provided individual cylinders are equipped with approved safety relief devices as required by § 173.34(d) or § 173.315(i): *And provided further,* That each cylinder is equipped with individual shutoff valve, or valves, that must be tightly closed while in transit. Manifold branch lines to these and individual shutoff valves must be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted in one cylinder of a manifold installation in place of the shutoff valve.

* * * * * * *

(B) In § 173.302, paragraph (f) is added to read as follows:

§ 173.302 **Charging of cylinders with nonliquefied compressed gases.**

* * * * * * *

(f) *Carbon monoxide.* Carbon monoxide must be shipped in specification 3A, 3AA, 3, or 3E (§§ 178.36, 178.37, 178.42) cylinders having minimum service pressure of 1,800 p.s.i.g. The pressure in the cylinder must not exceed 1,000 pounds per square inch gage at 70° F. except that if the gas is dry and sulfur free then cylinders may be charged up to five-sixths the cylinder service pressure or 2,000 p.s.i. whichever is the lesser.

(C) In § 173.304 paragraph (a) (2) the table is amended as follows:

§ 173.304 **Charging of cylinders with liquefied compressed gas.**

(a) * * *

(2) * * *

Kind of gas	Maximum permitted filling density (see note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.301(j) (See notes following table).
Cancel * * *	* * *	* * *
Carbon monoxide		DOT-3A1800; DOT-3AA1800, DOT-3; DOT-3E1800; The pressure in the cylinder must not exceed 1,000 pounds per square inch at 70° F.
* * *	* * *	* * *

* * * * * * *

(Secs. 831-835 of title 18, United States Code, sec. 9, Department of Transportation Act, 49 U.S.C. 1657, Title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430 and 1472(h))

This amendment is effective June 10, 1971, however, compliance with the regulations, as amended herein, is authorized immediately.

Issued in Washington, D.C., on March 17, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-3905 Filed 3-22-71;8:45 am]

[Docket No. HM-72; Amdt. 173-45]

PART 173—SHIPPERS

Phosphorus Oxychloride and Phosphorus Trichloride in Cargo Tanks

The purpose of this amendment to § 173.271 of the Department's Hazardous Materials Regulations is to authorize the use of specifications MC 310, MC 311, MC 312 cargo tanks fabricated wholly of type 316 stainless steel for the shipment of phosphorus oxychloride, to make some editorial changes, and to authorize phosphorus trichloride in these same specification tanks when clad with type 316 stainless steel.

On December 17, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-72; Notice No. 70-27 (35 F.R. 19121) proposing to amend the regulations for phosphorus oxychloride as stated above. In this proposal, the Board recommended use of tanks clad with type 316 stainless steel for phosphorus oxychloride only.

One commenter pointed out that since phosphorus oxychloride is more corrosive than phosphorus trichloride, the tank clad with type 316 stainless steel should also be adequate for phosphorus trichloride service. The Board agrees and has incorporated the change in this amendment.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

In § 173.271 paragraph (a) (8) is amended; paragraphs (a) (13), (14), and (15) are canceled as follows:

§ 173.271 **Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.**

(a) * * *

(8) Specification MC 310,[1] MC 311,[1] or MC 312 (§§ 178.340, 178.343). Tank motor vehicles, subject to the following conditions:

(i) Lead-lined or nickel-lined tanks. If nickel-lined, the lining must consist of at least one thirty-second inch of uncontaminated nickel at all points including rivets, welds and other joints, and edges of tank plates.

(ii) Tanks fabricated from type 316 stainless steel, or clad with type 316 stainless steel having a minimum thickness of 0.2 times the design thickness of the parent metal, are authorized only for phosphorus oxychloride and phosphorus trichloride.

(iii) Tanks made from type 304 or 347 stainless steel. Authorized only for phosphorus trichloride.

(iv) Specification MC 311[1] or MC 312 tank motor vehicles only. Tanks must be constructed of nickel at least 99 percent pure with all cast metal parts of the tank in contact with the lading having a minimum nickel content of approximately 96.7 percent. Authorized only for phosphorus oxychloride and phosphorus trichloride.

* * * * * * *

(13) [Canceled]

(14) [Canceled]

(15) [Canceled]

* * * * * * *

This amendment is effective June 10, 1971, however, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835 of title 18, U.S.C., sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on March 17, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc.71-3906 Filed 3-22-71;8:45 am]

[1] Use of existing cargo tanks authorized, but tanks of new construction not authorized for use

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 70–12; Notice No. 8]

PART 574—TIRE IDENTIFICATION AND RECORD KEEPING

Applicability

On January 26, 1971, the National Highway Traffic Safety Administration published Docket No. 70–12, Notice No. 5, a revised version of the Tire Identification and Recordkeeping regulations, 49 CFR Part 574 (36 F.R. 1196). Section 574.4 of Part 574 is amended as set forth below to make it clear that the regulation is not applicable to retreaders who retread tires exclusively for their own use.

§ 574.4 Applicability.

This part applies to manufacturers, brand name owners, retreaders, distributors, and dealers of new and retreaded tires for use on motor vehicles manufactured after 1948 and to manufacturers and dealers of motor vehicles manufactured after 1948. However, it does not apply to persons who retread tires solely for their own use.

(Secs. 103, 112, 113, 119, 201, and 206, National Highway Traffic Safety Administration, as amended, 15 U.S.C. 1392, 1401, 1407, 1421, and 1426; delegation of authority at 49 CFR 1.51, 35 F.R. 4955)

Effective date: May 22, 1971.

Because this amendment does not impose any additional burden on any person it is found that notice and public procedure thereon are unnecessary and impracticable, and that, for good cause shown, an effective date earlier than 180 days is in the public interest.

Issued on March 17, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-3926 Filed 3-22-71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Hagerman National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3–23–71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

The public hunting of rabbits and squirrels on the Hagerman National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,644 acres, is delineated on maps available at refuge headquarters, 15 miles northwest of Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits and squirrels subject to the following special conditions:

(1) The open season for hunting rabbits and squirrels on the refuge extends from May 1 through July 31, 1971, inclusive.

(2) Hunting with rifles or handguns is not permitted. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through July 31, 1971.

RONALD S. SULLIVAN,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Tex.

MARCH 2, 1971.

[FR Doc.71-3921 Filed 3-22-71;8:47 am]

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3–23–71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1971, inclusive, on the waters of Lake Texoma east of the north-south centerline of secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; and from April 1 through September 30, 1971, inclusive, for waters of Lake Texoma west of the north-south centerline of secs. 19, 30, and 31, T. 4 S., R. 7 E.

(2) The open season for sport fishing on the Tishomingo Management Unit extends from March 1, 1971, through September 30, 1971, inclusive. Fishing with trotlines in Lost Lake, Bobcat Gulch, and McAdams Pond is prohibitive during open season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

MARCH 1, 1971.

[FR Doc.71-3920 Filed 3-22-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Special Rules for Determining Foreign Tax Credit in the Case of Certain Interest Income

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 904(f) of the Internal Revenue Code of 1954, as added by section 10 of the Revenue Act of 1962 (76 Stat. 1002) and amended by section 106(c) of the Foreign Investors Tax Act of 1966 (80 Stat. 1570), such regulations are amended as follows:

PARAGRAPH 1. Section 1.904 is amended by redesignating subsection (f) of section 904 as subsection (g) and revising such subsection, by adding a new subsection (f) to section 904 and revising such subsection, and by revising the historical note, as follows:

§ 1.904 Statutory provisions; limitation on credit.

SEC. 904. *Limitation on credit.* * * *

(f) *Application of section in case of certain interest income*—(1) *In general.* The provisions of subsections (a), (c), (d), and (e) of this section shall be applied separately with respect to—

(A) The interest income described in paragraph (2), and

(B) Income other than the interest income described in paragraph (2).

(2) *Interest income to which applicable.* For purposes of this subsection, the interest income described in this paragraph is interest other than interest—

(A) Derived from any transaction which is directly related to the active conduct of a trade or business in a foreign country or a possession of the United States,

(B) Derived in the conduct of a banking, financing, or similar business,

(C) Received from a corporation in which the taxpayer (or one or more includible corporations in an affiliated group, as defined in section 1504, of which the taxpayer is a member) owns, directly or indirectly, at least 10 percent of the voting stock,

(D) Received on obligations acquired as a result of the disposition of a trade or business actively conducted by the taxpayer in a foreign country or possession of the United States or as a result of the disposition of stock or obligations of a corporation in which the taxpayer owned at least 10 percent of the voting stock.

For purposes of subparagraph (C), stock owned, directly or indirectly, by or for a foreign corporation shall be considered as being proportionately owned by its shareholders.

(3) *Overall limitation not to apply.* The limitation provided by subsection (a)(2) shall not apply with respect to the interest income described in paragraph (2). The Secretary or his delegate shall by regulations prescribe the manner of application of subsection (e) with respect to cases in which the limitation provided by subsection (a)(2) applies with respect to income other than the interest income described in paragraph (2).

(4) *Transitional rules for carrybacks and carryovers*—(A) *Carrybacks to years prior to Revenue Act of 1962.* Where, under the provisions of subsection (d), taxes (i) paid or accrued to any foreign country or possession of the United States in any taxable year beginning after the date of the enactment of the Revenue Act of 1962 [October 16, 1962] are deemed (ii) paid or accrued in one or more taxable years beginning on or before the date of enactment of the Revenue Act of 1962, the amount of such taxes deemed paid or accrued shall be determined without regard to the provisions of this subsection. To the extent the taxes paid or accrued to a foreign country or possession of the United States in any taxable year described in clause (i) are not, with the application of the preceding sentence, deemed paid or accrued in any taxable year described in clause (ii), such taxes shall, for purposes of applying subsection (d), be deemed paid or accrued in a taxable year beginning after the date of the enactment of the Revenue Act of 1962, with respect to interest income described in paragraph (2), and with respect to income other than interest income described in paragraph (2), in the same ratios as the amount of such taxes paid or accrued with respect to interest income described in paragraph (2), and the amount of such taxes paid or accrued with respect to income other than interest income described in paragraph (2), respectively, bear to the total amount of such taxes paid or accrued to such foreign country or possession of the United States.

(B) *Carryovers to years after Revenue Act of 1962.* Where under the provisions of subsection (d), taxes (i) paid or accrued to any foreign country or possession of the United States in any taxable year beginning on or before the date of the enactment of the Revenue Act of 1962 [October 16, 1962] are deemed (ii) paid or accrued in one or more taxable years beginning after the date of the enactment of the Revenue Act of 1962, the amount of such taxes deemed paid or accrued in any year described in clause (ii) shall, with respect to interest income described in paragraph (2), be an amount which bears the same ratio to the amount of such taxes deemed paid or accrued as the amount of the taxes paid or accrued to such foreign country or possession for such year with respect to interest income described in paragraph (2) bears to the total amount of the taxes paid or accrued to such foreign country or possession for such year; and the amount of such taxes deemed paid or accrued in any year described in clause (ii) with respect to income other than interest income described in paragraph (2) shall be an amount which bears the same ratio to the amount of such taxes deemed paid or accrued for such year as the amount of taxes paid or accrued to such foreign country or possession for such year with respect to income other than interest income described in paragraph (2) bears to the total amount of the taxes paid or accrued to such foreign country or possession for such year.

* * * * *

[Sec. 904 as amended by sec. 42(a), Technical Amendments Act 1958 (72 Stat. 1639); sec. 1, Act of Sept. 14, 1960 (Public Law 86-780, 74 Stat. 1010): secs. 10 and 12(b)(2), Rev. Act 1962 (76 Stat. 1002, 1031); sec. 234 (b)(6), Rev. Act 1964 (78 Stat. 116); sec. 106 (c), Foreign Investors Tax Act 1966 (80 Stat. 1570)]

PAR. 2. Section 1.904–1 is amended by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 1.904–1 Limitation on credit for foreign taxes.

(a) *Per-country limitation*—(1) *General.* In the case of any taxpayer who does not elect the overall limitation under section 904(a)(2), the amount allowable as a credit for income or profits taxes paid or accrued to a foreign country or a possession of the United States is subject to the per-country limitation prescribed in section 904(a)(1). Such limitation provides that the credit for such taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) to each foreign country or possession of the United States shall not exceed that proportion of the tax against which credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. For special rules regarding the application of

the per-country limitation when the taxpayer has derived section 904(f) interest, see § 1.904–4.

* * * * *

(b) *Overall limitation*—(1) *General.* In the case of any taxpayer who elects the overall limitation provided by section 904(a)(2), the total credit for taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) shall not exceed that proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. Special rules which prohibit the applicability of the overall limitation in the case of section 904(f) interest are provided in section 904(f) and § 1.904–4.

* * * * *

PAR. 3. Section 1.904–2 is amended by revising paragraph (a) to read as follows:

§ 1.904–2 Carryback and carryover of unused foreign tax.

(a) *Credit for foreign tax carryback or carryover.* A taxpayer who chooses to claim a credit under section 901 for a taxable year is allowed a credit under that section not only for taxes otherwise allowable as a credit but also for taxes deemed paid or accrued in that year as a result of a carryback or carryover of an unused foreign tax under section 904(d). However, the taxes so deemed paid or accrued shall not be allowed as a deduction under section 164(a). The following paragraphs of this section provide rules for the computation of carryovers and carrybacks under section 904(d). For special rules regarding the application of section 904(d) and this section in the case of taxes paid or accrued with respect to section 904(f) interest see section 904(f) and § 1.904–4.

* * * * *

PAR. 4. Section 1.904–3 is amended by revising paragraph (e) to read as follows:

§ 1.904–3 Carryback and carryover of unused foreign tax by husband and wife.

* * * * *

(e) *Amounts carried from or through a joint return year to or through a separate return year.* It is necessary to allocate to each spouse his share of an unused foreign tax or excess limitation for any taxable year for which the spouses filed a joint return if—

(1) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried thereto from a taxable year for which they filed a joint return;

(2) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried to such taxable year from a year for which they filed separate returns but is first carried through a year for which they filed a joint return; or

(3) The husband and wife file a joint return for the current taxable year and an unused foreign tax is carried from a taxable year for which they filed joint returns but is first carried through a year for which they filed separate returns.

In such cases, the separate carryback or carryover of each spouse to the current taxable year shall be computed in the manner described in § 1.904–2 but with the modifications set forth in paragraph (f) of this section. Where applicable, appropriate adjustments shall be made to take into account the fact that, for any taxable year involved in the computation of the carryback or the carryover, either spouse has interest income described in section 904(f)(2) with respect to which the provisions of section 904(f) and § 1.904–4 apply.

* * * * *

PAR. 5. The following new section is inserted immediately after § 1.904–3:

§ 1.904–4 Separate limitation for section 904 interest.

(a) *Separate limitation*—(1) *In general.* For taxable years beginning after October 16, 1962, but only with respect to interest resulting from transactions consummated after April 2, 1962, the provisions of subsections (a), (c), (d), and (e) of section 904 shall be applied separately with respect to the taxpayer's income consisting of—

(i) Section 904(f) interest (as defined in subparagraph (2) of this paragraph), and

(ii) Income other than section 904(f) interest.

The provisions of section 904(f) and this section do not alter the rules provided by section 904(b) and paragraph (d) of § 1.904–1 for the election of the overall limitation upon the amount of the foreign tax credit. If the taxpayer has not elected the overall limitation, the per-country limitation prescribed in section 904(a)(1) which is applicable to any foreign country or possession of the United States shall be applied separately with respect to the taxpayer's taxable income from sources within that country or possession which is attributable to the income other than the section 904(f) interest, and a separate limitation computed in the same manner shall be applied separately with respect to his taxable income from sources within that country or possession which is attributable to the section 904(f) interest. If the taxpayer has elected the overall limitation prescribed in section 904(a)(2), such limitation shall be applied with respect to all of the taxpayer's taxable income from sources without the United States other than his taxable income from such sources which is attributable to the section 904(f) interest, and, in addition, a separate limitation computed in the same manner as the per-country limitation prescribed in section 904(a)(1) shall be applied separately with respect to the taxpayer's taxable income from sources within each foreign country or possession of the United States which is attributable to the section 904(f) interest from sources within that country or possession. For such purposes, the separate limitation with respect to section 904(f) interest from sources within a foreign country or possession of the United States shall be applied only to the taxes paid or accrued to such country or possession with respect to such interest, and the separate limitation with respect to income other than section 904(f) interest, whether the per-country or overall limitation, shall be applied only with respect to the foreign income taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) with respect to the income, other than the section 904(f) interest, which is taken into account for purposes of such separate limitation. In no case may the overall limitation prescribed in section 904(a)(2) be applied with respect to section 904(f) interest or with respect to foreign income taxes paid or accrued with respect to such interest.

(2) *Section 904(f) interest defined.* For purposes of this section, section 904(f) interest shall be all interest income of the taxpayer for the taxable year other than interest—

(i) Derived from any transaction which, in accordance with paragraph (b) of this section, is directly related to the active conduct of a trade or business in a foreign country or a possession of the United States,

(ii) Derived in the conduct of a banking, financing, or similar business within the meaning of paragraph (c) of this section,

(iii) Received, before January 1, 1966, from a corporation, domestic or foreign, in which the taxpayer owns at least 10 percent of the voting stock,

(iv) Received, after December 31, 1965, in taxable years ending after such date, from a corporation, domestic or foreign, in which the taxpayer (or one or more includible corporations in an affiliated group, as defined in section 1504 and the regulations thereunder, of which the taxpayer is a member) owns, directly or indirectly, at least 10 percent of the voting stock, or

(v) Received on obligations acquired as a result of the disposition of a trade or business actively conducted by the taxpayer in a foreign country or possession of the United States or as a result of the disposition of stock or obligations of a corporation, domestic or foreign, in which the taxpayer owned at least 10 percent of the voting stock.

For purposes of subdivisions (iii) and (iv) of this subparagraph, the 10-percent ownership requirement must be satisfied only at the time the interest is received. For purposes of subdivision (iv) of this subparagraph, stock owned, directly or indirectly, by or for a foreign corporation shall be considered as being proportionately owned its shareholders. For purposes of subdivision (v) of this subparagraph, an obligation shall include any

bond, note, debenture, certificate, or other evidence or indebtedness and the 10-percent ownership requirement must be satisfied only at the time of the disposition of the stock or obligations of the corporation.

(3) *Date transaction is consummated*—(i) *In general.* The determination for purposes of subparagraph (1) of this paragraph of whether a transaction has been consummated after April 2, 1962, shall be made based upon the facts and circumstances in a particular case. A transaction shall be considered consummated on or before April 2, 1962, if it is made pursuant to an agreement all the significant terms of which have been agreed upon on or before that date by all the parties to the agreement. The mere signature after April 2, 1962, by one or more parties to an agreement, all the significant terms of which have been agreed upon on or before that date by all the parties to the agreement, shall not in and of itself prevent such transaction from being considered consummated on or before April 2, 1962. Generally, a transaction which results from an agreement for which the negotiations commenced on or before April 2, 1962, but the significant terms of which were agreed upon after such date, shall be considered consummated after April 2, 1962.

(ii) *Performance under contract.* Where there is performance on or before April 2, 1962, under any contract, or after that date under a contract all the significant terms of which have been agreed upon on or before that date, the transaction shall be considered consummated on or before April 2, 1962. Thus, for example, domestic corporation M enters into a contract with B, a resident of foreign country Z, on March 1, 1962, to deliver in the United States certain merchandise to B. M is not engaged in trade or business in country Z but agrees to finance the purchase of the merchandise by B. Delivery is made on September 1, 1962, and the final payment is due 18 months after delivery. For purposes of this section, the transaction is consummated before April 2, 1962. In further illustration, if M were to make delivery on March 1, 1962, under terms which are not finally agreed upon until June 1, 1962, the transaction shall be considered consummated before April 2, 1962.

(iii) *Options.* An option shall, for purposes of this section, be considered consummated on the date the option is exercised. Thus, for example, if domestic corporation N purchases on March 21, 1962, a 30-day option to purchase certain securities issued by a resident of foreign country X and then purchases such securities on April 5, 1962, the transaction shall be considered consummated on April 5, 1962.

(4) *Characterization of income as interest*—(i) *In general.* For purposes of section 904(f) and this section, the determination as to whether an item of income is to be treated as an item of interest shall be made based upon the applicable provisions of U.S. law and any administrative or judicial interpretations made under such law. A provision of the laws of a foreign country or possession of the United States regarding the characterization of an item of income as interest and any judicial or administrative interpretations made under such laws shall not be controlling for purposes of this section.

(ii) *Unstated interest.* Any amount which is treated as interest under section 483 and the regulations thereunder shall be considered interest for purposes of this section.

(5) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). Domestic corporation M, a calendar year taxpayer to which the per-country limitation applies, has for 1969 $50,000 of taxable income consisting of section 904(f) interest from sources within foreign country X, $100,000 of other taxable income from sources within that country, and $150,000 of taxable income (none of which is interest income) from sources within foreign country Y. M has no other income (or losses) from sources without the United States in 1969 and has total taxable income from all sources (including countries X and Y) of $2 million. M pays income tax for 1969 to country X of $15,000 with respect to section 904(f) interest and $60,000 with respect to other income; and $75,000 income tax to country Y. M's U.S. tax (before credit) is assumed to be $1 million. M's foreign tax credit limitation under section 904(a)(1) is determined as follows:

Country X:

Limitation with respect to section 904(f) interest from sources within country X

$$\left\{\$1{,}000{,}000 \times \frac{\$50{,}000}{\$2{,}000{,}000}\right\} \text{----- } \$25{,}000$$

Limitation with respect to other income from sources within country X

$$\left\{\$1{,}000{,}000 \times \frac{\$100{,}000}{\$2{,}000{,}000}\right\} \text{----- } 50{,}000$$

Country Y:

Limitation with respect to income from sources within country Y

$$\left\{\$1{,}000{,}000 \times \frac{\$150{,}000}{\$2{,}000{,}000}\right\} \text{----- } 75{,}000$$

Example (2). Assume the same facts as in example (1) except that M elects the overall limitation for 1969 and also has for that year $80,000 of taxable income consisting of section 904(f) interest from sources within country Y on which M pays to country Y $12,000 income tax. The limitation under section 904(a)(2) on M's credit for foreign taxes is determined as follows, assuming U.S. tax (before credit) of $1,040,000 and total taxable income of $2,080,000:

Country X: Limitation with respect to section 904(f) interest from sources within country X

$$\left\{\$1{,}040{,}000 \times \frac{\$50{,}000}{\$2{,}080{,}000}\right\} \text{---------- } \$25{,}000$$

Country Y: Limitation with respect to section 904(f) interest from sources within country Y

$$\left\{\$1{,}040{,}000 \times \frac{\$80{,}000}{\$2{,}080{,}000}\right\} \text{---------- } 40{,}000$$

Overall limitation with respect to other income from countries X and Y

$$\left\{\$1{,}040{,}000 \times \frac{\$250{,}000}{\$2{,}080{,}000}\right\} \text{---------- } 125{,}000$$

Example (3). Assume the same facts as in example (2) except that M does not elect the overall limitation and that during 1969 M also received a dividend of $30,000 from its wholly owned subsidiary N, a corporation organized under the laws of country Y which is not a less developed country corporation and which does not meet the tests of section 245. An income tax of $1,500 imposed by country Y is withheld by N from the dividend paid to M; in addition, on receipt of the dividend, M is deemed under section 902(a)(1) to have paid $10,000 foreign income tax to country Y. Assuming a U.S. tax (before credit) of $1,060,000 and total taxable income of $2,120,000, M's total credit for foreign income taxes for 1969 is $163,500, determined as follows:

Country X:		
Taxes paid to country X with respect to section 904(f) interest from sources within country X		$15,000
Limitation with respect to such section 904(f) interest		
$\left\{\$1{,}060{,}000 \times \frac{\$50{,}000}{\$2{,}120{,}000}\right\}$		25,000
Credit allowed under section 901(b)(1) with respect to section 904(f) interest from sources within country X		15,000
Taxes paid to country X with respect to other income from sources within country X		60,000
Limitation with respect to such other income		
$\left\{\$1{,}060{,}000 \times \frac{\$100{,}000}{\$2{,}120{,}000}\right\}$		50,000
Credit allowed under section 901(b)(1) with respect to other income from sources within country X		50,000
Country Y:		
Taxes paid to country Y with respect to section 904(f) interest from sources within country Y		12,000
Limitation with respect to such section 904(f) interest		
$\left\{\$1{,}060{,}000 \times \frac{\$80{,}000}{\$2{,}120{,}000}\right\}$		40,000
Credit allowed under section 901(b)(1) with respect to section 904(f) interest from sources within country Y		12,000
Taxable income (other than section 904(f) interest) from sources within country Y:		
Dividend	$30,000	
Gross-up under section 78	10,000	
Other income	150,000	190,000
Taxes paid (and deemed paid under section 902(a)(1) with respect to other income from sources within country Y ($75,000+$1,500+$10,000)		86,500
Limitation with respect to such other income		
$\left\{\$1{,}060{,}000 \times \frac{\$190{,}000}{\$2{,}120{,}000}\right\}$		95,000
Credit allowed under section 901 with respect to other income from sources within country Y		86,500
Summary of allowable credit:		
County X tax with respect to:		
Section 904(f) interest	$15,000	
Other income	50,000	
Country Y tax with respect to:		
Section 904(f) interest	12,000	
Other income	86,500	
Total allowable credit		163,500

(b) *Transactions directly related to the active conduct of a trade or business*—(1) *Definition of active conduct of a trade or business.* For purposes of applying section 904(f) and this section, a determination of whether a taxpayer is engaged in the active conduct of a trade or business in a foreign country or possession of the United States shall be made based upon the facts and circumstances in the particular case. However, in no case shall the mere purchasing, holding, or disposing of investment properties, such as stocks or securities, by a taxpayer for his own account be considered, for such purposes, as the active conduct of a trade or business. The fact that a taxpayer is considered or is not considered, for purposes of a section of the Code other than section 904(f), to be engaged in the active conduct of a trade or business in a foreign country or possession of the United States may be taken into account, but shall not necessarily be controlling, for purposes of this subparagraph. Thus, for example, if a corporation is considered, for purposes of section 355 and the regulations thereunder, to be engaged in the active conduct of a trade or business in a foreign country or possession of the United States, this factor may be taken into account for purposes of determining if such corporation is so engaged for purposes of this subparagraph. The period of time for which a taxpayer has conducted a trade or business in a foreign country or possession of the United States may be taken into account in determining whether the conduct of such trade or business is the active conduct of a trade or business for purposes of this subparagraph, particularly if the acquisition of such trade or business was for the principal purpose of avoiding income tax by securing the benefit of the exclusion provided by section 904(f)(2)(A) and paragraph (a)(2)(i) of this section.

(2) *Direct relationship of transaction*—(i) *In general.* A transaction shall be considered directly related to a trade or business which, in accordance with subparagraph (1) of this paragraph, constitutes the active conduct of a trade or business in a foreign country or possession of the United States if, for example, such transaction results from, or arises because of—

(*a*) The sale, exchange, or other disposition of (*1*) property which is purchased, manufactured, produced, constructed, grown, or extracted in the ordinary course of such trade or business or (2) an asset which is used in, or held for use in, the conduct of such trade or business,

(*b*) The performance in the ordinary course of such trade or business of technical, managerial, engineering, architectural, scientific, skilled, industrial, commercial, or similar services,

(*c*) The performance of any activity which is an ordinary and necessary incident to the conduct of such trade or business, or

(*d*) The satisfaction of any requirement or condition for carrying on such trade or business.

Thus, for example, if credit is extended or money is advanced by a taxpayer in the ordinary course of his trade or business in order to enable the recipient of such credit of money to purchase goods or services furnished by the taxpayer, then such extension or advance shall, for purposes of this section, be considered a transaction which is directly related to the active conduct of that trade or business. In further illustration, if, pursuant to the laws of a foreign country or possession of the United States or a judicial or administrative interpretation made under such laws, a taxpayer who is engaged in the active conduct of a trade or business in that country or possession is required, as a condition to the conduct of that trade or business, to acquire bonds issued by such country or possession, such acquisition shall, for purposes of this section, be considered a transaction which is directly related to the active conduct of that trade or business.

(ii) *Assets used in trade or business.* For purposes of subdivision (i)(*a*)(2) of this subparagraph an asset shall be treated as used in, or held for used in, the active conduct of a trade or business in a foreign country or possession of the United States if the asset is—

(*a*) Held for the principal purposes of promoting the present conduct of that trade or business,

(*b*) Acquired and held in the ordinary course of that trade or business, as, for example, in the case of an account or note receivable arising from that trade or business, or

(*c*) Otherwise held in a direct relationship to that trade or business, as determined under subdivision (iii) of this subparagraph.

(iii) *Relationship between holding of asset and trade or business.* In determining for purposes of subdivision (ii)(*c*) of this subparagraph whether an asset is held in a direct relationship to a trade or businesss actively conducted in a foreign country or possession of the United States, principal consideration shall be given to whether the asset is needed in that trade or business. An asset shall be considered needed in a trade or business, for this purpose, only if the asset is held to meet the present needs of that trade or business and not its anticipated future needs. An asset shall be considered as needed in the trade or business actively conducted in a foreign country or possession of the United States if, for example, the asset is held to meet the operating expenses of that trade or business. Conversely, an asset shall be considered as not needed in the trade or business conducted in a foreign country or possession of the United States if, for example, the asset is held for the purpose of providing for (*a*) future diversification into a new trade or business, (*b*) expansion of the taxpayer's trade or business activities conducted outside such country or possession, (c) future plant replacement, or (*d*) future business contingencies. Notwithstanding the foregoing provisions of this subdivision, an asset shall be treated as held in a direct relationship to the trade or business conducted in a foreign country or possession if the asset was acquired with funds generated by the trade or business conducted in such country or possession, the income from the asset is retained or reinvested in the trade or business conducted in such country or possession, and the asset is managed and controlled by personnel who are present in such country or possession and actively involved in the conduct of the trade or business conducted in such country or possession.

(c) *Banking, financing, or similar business*—(1) *In general.* A taxpayer will be considered to be engaged in the conduct of a banking, financing, or similar business for purposes of paragraph (a)(2)(ii) of this section if he is engaged in business, whether within the United States or in a foreign country or possession of the United States, and the activities of such business consist of any one or more of the following activities carried on in transactions with persons situated within or without the United States:

(i) Receiving deposits of money from the public,

(ii) Making personal, mortgage, industrial or other loans to the public,

(iii) Purchasing, selling, discounting, or negotiating, notes, drafts, checks, bills of exchange, acceptances, or other evidences of indebtedness,

(iv) Issuing letters of credit and negotiating drafts drawn thereunder,

(v) Providing safe deposit facilities for the public,

(vi) Accepting trust accounts from the public,

(vii) Handling foreign exchange transactions, or

(viii) Carrying on an insurance company business.

Although the fact that the taxpayer is subjected to the banking and credit laws of a foreign country or possession of the United States shall be taken into account in determining whether he is engaged in the conduct of a banking, financing, or similar business in that country or possession, the character of the business actually carried on during the taxable year shall determine whether the taxpayer is conducting a banking, financing, or similar business. This paragraph shall be applied without reference to paragraph (b) of this section.

(2) *Relation of asset to the business.* If securities are acquired as an ordinary and necessary incident to the conduct of a banking, financing, or similar business, as defined in subparagraph (1) of this paragraph, interest income from such securities shall be considered to be derived in the conduct of a banking, financing, or similar business for purposes of this section but only so long as the retention of such securities remains an ordinary and necessary incident to the conduct of such business. Thus, the acquisition of a security acquired as a result of, or in order to prevent, a loss in a banking, financing, or similar business upon a loan contracted in the ordinary course of such business shall be considered ordinary and necessary to the conduct of such business, but interest on such security shall be considered derived

in the conduct of a banking, financing, or similar business only so long as the holding of such security remains an ordinary and necessary incident to the conduct of such business. Also, for example, if cash in excess of immediate business requirements is retained as an ordinary and necessary incident to the conduct of a banking, financing, or similar business to provide for peak requirements resulting from seasonal fluctuations or similar occurences, interest from short-term securities in which such cash is invested shall be considered to be derived in the conduct of such business for purposes of this section. The term "securities", as used in this subparagraph, means any note, bond, debenture, or other evidence of indebtedness, or any evidence of an interest in or right to subscribe to or purchase any of the foreging.

(3) *Income from other business activity.* If, in addition to conducting a banking, financing, or similar business, a taxpayer carries on other business activities (for example, the business of selling or manufacturing, goods or merchandise, from which it realizes income, gain, or loss) only the interest derived in the conduct of the banking, financing, or similar business shall be excluded under section 904(f)(2)(B) and paragraph (a)(2)(ii) of this section (see, however, paragraph (a)(2)(i) of this section).

(d) *General rules for carryback and carryover of unused foreign tax applicable to section 904(f) interest*—(1) *Modifications in use of § 1.904–2.* For purposes of applying the provisions of § 1.904–2 in conjunction with this section, and except as otherwise provided in paragraph (e) of this section—

(i) The term "unused foreign tax", when used with respect to section 904(f) interest for any taxable year, means, with respect to a particular foreign country or possession of the United States, the excess of (*a*) the income, war profits, and excess profits taxes paid or accrued in such year to such foreign country or possession with respect to such interest, as determined under subparagraph (2) of this paragraph, over (*b*) the separate limitation for such year with respect to such interest. Any unused foreign tax for such year with respect to income other than section 904(f) interest shall be determined under subdivision (i) or (ii), whichever applies, of § 1.904–2(b)(2) without taking into account any amounts used in applying the preceding provisions of this subdivision.

(ii) The amount of an unused foreign tax for any taxable year with respect to section 904(f) interest, in the case of a particular foreign country or possession of the United States, which shall be deemed paid or accrued in any other taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2 shall be equal to the smaller of—

(*a*) The portion of such unused foreign tax which, under paragraph (b) of § 1.904–2, is carried to such other taxable year, or

(*b*) Any excess limitation for such other taxable year with respect to such unused foreign tax (as determined under subdivision (iii) of this subparagraph).

The amount of an unused foreign tax for any taxable year with respect to income other than section 904(f) interest which is deemed paid or accrued in such other taxable year shall be determined under subparagraph (1) or (2), whichever applies, of § 1.904–2(c) without taking into account any amounts used in applying the preceding provisions of this subdivision.

(iii) The excess limitation for any taxable year (hereinafter called the "excess limitation year") applicable to an unused foreign tax with respect to section 904(f) interest, in the case of a particular foreign country or possession of the United States, for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year in the case of that foreign country or possession with respect to section 904(f) interest exceeds the sum of—

(*a*) The income, war profits, and excess profits taxes actually paid or accrued to such foreign country or possession in the excess limitation year with respect to section 904(f) interest, and

(*b*) The portion of the unused foreign tax with respect to section 904(f) interest, in the case of such foreign country or possession for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year under subdivision (ii) of this subparagraph.

The excess limitation for such excess limitation year with respect to income other than section 904(f) interest shall be determined under subparagraph (1)(ii) or (2)(ii), whichever applies, of § 1.904–2(c) without taking into account any amounts used in applying the preceding provisions of this subdivision.

(iv) Notwithstanding section 904(e)(2) and subparagraphs (1)(iii) and (2)(iii) of § 1.904–2(c), but subject to the limitations of this subparagraph—

(*a*) An unused foreign tax with respect to section 904(f) interest for any taxable year may be deemed paid or accrued in another taxable year for which the overall limitation provided in section 904(a)(2) applies, even though the taxable year from which such tax is carried is a taxable year for which the per-country limitation provided in section 904(a)(1) applies,

(*b*) An unused foreign tax with respect to section 904(f) interest for any taxable year may be deemed paid or accrued in another taxable year for which the per-country limitation provided in section 904(a)(1) applies, even though the taxable year from which such tax is carried is a taxable year for which the overall limitation provided in section 904(a)(2) applies, and

(c) An unused foreign tax for any taxable year with respect to income other than section 904(f) interest may be deemed paid or accrued in another taxable year for which the separate limitation with respect to section 904(f) interest applies, if the same limitation applies for both of such taxable years with respect to income other than section 904(f) interest.

(v) In applying this subparagraph—

(*a*) No portion of an unused foreign tax with respect to section 904(f) interest for any taxable year may reduce the excess limitation for any other taxable year with respect to income other than section 904(f) interest,

(*b*) No portion of an unused foreign tax for any taxable year with respect to income other than section 904(f) interest may reduce the excess limitation for any other taxable year with respect to section 904(f) interest, and

(c) If an unused foreign tax with respect to section 904(f) interest for any taxable year is not deemed paid or accrued in another taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2, such other taxable year is to be counted as one of the years to which such unused foreign tax may be carried.

The application of this subdivision may be illustrated by the following example:

Example. Domestic corporation D, a calendar year taxpayer, does not elect the overall limitation for 1963, 1964, and 1965, in each of which years it chooses the benefits of section 901. For 1965 D has an unused foreign tax of $100 with respect to section 904(f) interest. For 1963 D has an excess limitation of $200, but only with respect to income other than section 904(f) interest. Since the unused foreign tax for 1965 consists only of income taxes imposed on section 904(f) interest and an excess limitation does not exist with respect to such taxes for 1963, the unused foreign tax for 1965 shall not be deemed paid or accrued under section 904(d) in 1963.

(2) *Amount of taxes paid with respect to section 904(f) interest*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, the amount of taxes paid or accrued with respect to section 904(f) interest for purposes of this section shall include only those foreign income taxes which are actually paid or accrued by a taxpayer to a foreign country or possession of the United States with respect to such interest. Thus, for such purposes, the amount of taxes a taxpayer is deemed to have paid for a taxable year under a section of the Code other than section 904(d) shall not be considered taxes paid with respect to section 904(f) interest.

(ii) *Taxes not specifically allocable to included interest.* If a taxpayer has paid or accrued for a taxable year an amount of foreign income taxes with respect to income which consists only in part of section 904(f) interest, but such taxes cannot be specifically allocated to the section 904(f) interest, the amount of such taxes which may be taken into account for purposes of subdivision (i) of this subparagraph is that amount which bears the same ratio to the total of such foreign income taxes as the section 904(f) interest bears to the total amount of such income. If, however, such an apportionment does not result in a proper allocation of the foreign income taxes to the section 904(f) interest, the apportionment of the foreign income taxes to such

interest shall be made on a reasonable basis considering the facts and circumstances in the particular case. For purposes of this section, the term "foreign income taxes" means income, war profits, and excess profits taxes, and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States.

(3) *Illustration.* The application of this paragraph may be illustrated by the following example:

Example. N, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1965. For each of the taxable years set forth below N chooses the benefits of section 901 and elects the overall limitation. N has section 904(f) interest only from foreign countries X and Y for the years involved. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to section 904(f) interest, and the foreign income taxes paid with respect to the other income from sources without the United States, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1965	1966	1967	1968	1969	1970
Separate limitation with respect to sec. 904(f) interest:						
Country X	$50	$130	$70	$90	$50	$60
Country Y	240	190	180	120	150	250
Taxes actually paid with respect to sec. 904(f) interest:						
Country X	50	100	70	90	80	40
Country Y	300	190	180	200	110	100
Overall limitation with respect to other income	150	250	200	300	500	400
Taxes actually paid with respect to other income	150	200	600	250	300	400
Unused foreign tax with respect to—						
Sec. 904(f) interest from:						
Country X					30	
Country Y	60			80		
Other income			400			
Excess limitation with respect to—						
Sec. 904(f) interest from:						
Country X		30				20
Country Y					40	150
Other income		50		50	200	
Unused foreign tax absorbed as taxes deemed paid under sec. 904 (d) with respect to—						
Sec. 904(f) interest from:						
Country X						20
Country Y and carried:						
From 1965					40	20
From 1968						80
Other income		50		50	200	

(e) *Transitional rules for carrybacks and carryovers with respect to pre-1962 years*—(1) *Carrybacks to years before Revenue Act of 1962.* (i) Where, under the provisions of section 904(d), taxes paid or accrued to any foreign country or possession of the United States in any taxable year beginning after October 16, 1962, are deemed paid or accrued in one or more taxable years beginning on or before that date, the amount of the taxes so deemed paid or accrued shall be determined without regard to the provisions of section 904(f) and this section.

(ii) To the extent the taxes paid or accrued to a foreign country or possession of the United States in any taxable year beginnning after October 16, 1962 (hereinafter referred to as the "year of origin") are not, after applying subivision (i) of this subparagraph, deemed paid or accrued in any taxable year beginning on or before that date, such taxes shall, for purposes of applying section 904(d) and this section, be deemed paid or accrued in another taxable year beginning after that date—

(*a*) With respect to section 904(f) interest, in the same ratio as the amount of taxes paid or accrued to such country or possession with respect to such interest for the year of origin (to the extent in excess of the applicable limitation for that year) bears to the total amount of taxes paid or accrued to such country or possession for the year of origin (to the extent in excess of the applicable limitation for that year), and

(*b*) With respect to other income, in the same ratio as the amount of taxes paid or accrued to such country or possession with respect to such other income for the year of origin (to the extent in excess of the applicable limitation for that year) bears to the total amount of taxes paid or accrued to such country or possession for the year of origin (to the extent in excess of the applicable limitation for that year).

(iii) The apportionment provided by subdivision (ii) of this subparagraph shall not apply if, after applying section 904 (d) and (e) and paragraph (d) of § 1.904–2 in respect of any unused foreign tax for a taxable year beginning after October 16, 1962, no taxes are in fact deemed paid or accrued in any taxable year beginning on or before that date to which such unused foreign tax may be carried back. Thus, no taxes are deemed paid or accrued in any taxable year beginning on or before October 16, 1962, and the apportionment provided by subdivision (ii) of this subparagraph shall not apply if—

(*a*) There is no excess limitation for any such taxable year beginning on or before that date;

(*b*) The per-country limitation provided by section 904(a)(1) applies to each such year, and the unused foreign tax is carried back from a taxable year beginning after October 16, 1962, for which the overall limitation provided by section 904(a)(2) applies; or

(*c*) The overall limitation provided by section 904(a)(2) applies to each such year, and the unused foreign tax is carried back from a taxable year beginning after October 16, 1962, for which the per-country limitation provided by section 904(a)(1) applies.

(iv) The application of this subparagraph may be illustrated by the following examples:

Example (1). M, a calendar year taxpayer using the cash receipts and disbursements method of accounting, chooses to claim a credit under section 901 for 1962 through 1965, foreign income taxes being paid for the first time in 1962. Based upon the taxes actually paid to foreign country X, and the use of the per-country limitation in each of such years, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1962	1963	1964	1965
Per-country limitation	$100			
Taxes actually paid to country X	90			
Limitation with respect to—				
Sec. 904(f) interest		$50	$50	$50
Other income		80	50	60
Taxes actually paid to country X with respect to—				
Sec. 904(f) interest		20	20	50
Other income		80	90	10
Unused foreign tax with respect to—				
Sec. 904(f) interest			40	
Other income				
Excess limitation with respect to—				
Sec. 904(f) interest		30	30	
Other income				50
Total income	10			
Unused foreign tax absorbed as taxes deemed paid under sec. 904(d) with respect to—				
Sec. 904(f) interest				
Other income ($30×$40/$40)				30
Total income	10			

Example (2). The facts are the same as in example (1) except for the changes in the amounts of the limitation and of the taxes actually paid. The unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1962	1963	1964	1965	1966	1967	1968
Separate limitation with respect to sec. 904(f) interest	$100	$200	$150	$300	$233	$250	
Taxes actually paid to country X with respect to sec. 904(f) interest	300	200	100	150	200	200	
Overall limitation with respect to other income	$350	300	400	195	400	490	430
Taxes actually paid with respect to other income	250	600	250	275	500	400	300
Unused foreign tax with respect to—							
Sec. 904(f) interest		200					
Other income		300		80	100		
Excess limitation with respect to—							
Sec. 904(f) interest				50	150	33	50
Other income			150			90	130
Total income	100						
Unused foreign tax for 1963 absorbed as taxed deemed paid under sec. 904(d) with respect to—							
Sec. 904(f) interest:							
($250×$200/$500; or limitation, if less)				50			
($200×$200/$500; or limitation, if less)					80		
($120×$200/$500; or limitation, if less)						33	
($15×$200/$500; or limitation, if less)							6
Other income:							
($400×$300/$500; or limitation, if less)			150				
($120×$300/$500; or limitation, if less)						72	
($15×$300/$500; or limitation, if less)							9
Total income	100						
Unused foreign tax with respect to other income absorbed as taxes deemed paid under sec. 904(d) and carried from:							
1965						18	62
1966							59

Example (3). A, a calendar year taxpayer using the cash receipts and disbursements method of accounting, chooses to claim a credit under section 901 for each of the taxable years set forth below, foreign income taxes being paid for the first time in 1962. Based upon the taxes actually paid to foreign country X, and the use of the per-country limitation in each of such years, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1962	1963	1964	1965	1966	1967	1968
Per-country limitation	$350						
Taxes actually paid to country X	250						
Per-country limitation with respect to—							
Sec. 904(f) interest		$100	$200	$150	$300	$225	$250.00
Other income		200	400	195	400	450	430.00
Taxes actually paid to country X with respect to—							
Sec. 904(f) interest		300	200	100	150	200	200.00
Other income		600	250	275	400	460	300.00
Unused foreign tax with respect to—							
Sec. 904(f) interest		200					
Other income		400		80			
Excess limitation with respect to—							
Sec. 904(f) interest				50	150	25	50.00
Other income			150			50	130.00
Total income	100						
Unused foreign tax for 1963 absorbed as taxes deemed paid under sec. 904(d) with respect to—							
Sec. 904(f) interest:							
($350×$200/$600; or limitation, if less)				50			
($300×$200/$600; or limitation, if less)					100		
($200×$200/$600; or limitation, if less)						25	
($125×$200/$600; or limitation, if less)							41.67
Other income:							
($500×$400/$600; or limitation, if less)			150				
($200×$400/$600; or limitation, if less)						50	
($125×$400/$600; or limitation, if less)							83.33
Total income	100						
Unused foreign tax for 1965 absorbed as taxes deemed paid under sec. 904(d) with respect to—							
Sec. 904(f) interest							46.67
Other income ($130−$83.33)							

Example (4). D, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. For each of the taxable years set forth below D chooses the benefits of section 901 and elects the overall limitation. D has section 904(f) interest only from foreign country X for the years indicated. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to income other than section 904(f) interest, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d) is as follows:

Example (5). N, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. N chooses the benefits of section 901 for each of the taxable years set forth below and for 1962 elects the overall limitation, which, with the Commissioner's consent, is revoked for 1966. N has section 904(f) interest only from foreign country X for the years involved. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to income other than section 904(f) interest, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	Overall				Per-country		
	1962	1963	1961	1965	1966	1967	1968
Separate limitation with respect to sec. 904(f) interest	$100	$200	$150	$300	$233	$250.00	
Taxes actually paid to country X with respect to sec. 904(f) interest	300	200	100	150	200	200.00	
Limitation with respect to other income:							
Country X					100	200	100.00
Country Y					300	200	330.00
Aggregate	$350	300	400	195			
Taxes actually paid with respect to other income to—							
Country X					100	200	100.00
Country Y					400	200	200.00
Aggregate	250	600	250	275			
Unused foreign tax with respect to—							
Sec. 904(f) interest		200					
Other income from:							
Country X					100		
Country Y							
Aggregate		300		80			
Excess limitation with respect to—							
Sec. 904(f) interest				50	150	33	50.00
Other income from:							
Country X						90	130.00
Country Y							
Aggregate	100		150				

accrued in the later year as the amount of the foreign income taxes paid or accrued to such country or possession for the later year with respect to income other than section 904(f) interest bears to the total amount of the foreign income taxes paid or accrued to such country or possession for such later year.

(ii) The apportionment provided by subdivision (i) of this subparagraph shall not apply to any taxable year beginning after October 16, 1962, if, after applying section 904 (d) and (e) and paragraph (d) of § 1.904–2 in respect of any unused foreign tax for a taxable year beginning on or before that date, no taxes are in fact deemed paid in the taxable year beginning after October 16, 1962, even though there may be an excess limitation with respect to section 904 (f) interest for that year. Thus, no taxes are deemed paid or accrued in the taxable year beginning after October 16, 1962, and the apportionment provided by subdivision (i) of this subparagraph shall not apply if—

(a) There is no excess limitation for the taxable year beginning after October 16, 1962;

Taxable years	1962	1963	1964	1965
Per-Country limitation		$100		
Taxes actually paid to country X		300		
Limitation with respect to—				
Sec. 904(f) interest		$140	$40	$100
Other income		30	85	95
Taxes actually paid to country X with respect to—				
Sec. 904(f) interest		20	40	40
Other income		30	20	40
Unused foreign tax with respect to—				
Sec. 904(f) interest				
Other income				
Total income		250		
Excess limitation with respect to—				
Sec. 904(f) interest		120	60	60
Other income			65	65
Unused foreign tax absorbed as taxes deemed paid under sec. 901(d) with respect to—				
Sec. 904(f) interest:				
($250×$20/$50)		100		50
($100×$40/$80)				
Other income:				
($150×$60/$80)			60	50
($100×$40/$80)				

(b) The per-country limitation provided by section 904(a)(1) applies to such taxable year, and the unused foreign tax is carried over from a taxable year beginning on or before October 16, 1962, for which the overall limitation provided by section 904(a)(2) applies; or

(c) The overall limitation provided by section 904(a)(2) applies to such taxable year, and the unused foreign tax is carried over from a taxable year beginning on or before October 16, 1962, for which the per-country limitation provided by section 904(a)(1) applies.

(iii) The application of this subparagraph may be illustrated by the following examples:

Example (1). N, a calendar year taxpayer using the cash receipts and disbursements method of accounting, chooses to claim a credit under section 901 for 1962 through 1965, foreign income taxes being paid for the first time in 1962. Based upon the taxes actually paid to foreign country X, and the use of the per-country limitation in each of such years, the unused foreign tax deemed paid under section 904(d) is as follows after taking into account the 5-year limit on the carryover from 1961 and the prohibition provided in subparagraph (1) (iii) of this paragraph against the apportionment of the unused foreign tax for 1963:

Taxable years	Overall			Per-country	
	1962	1963	1964	1965	1966	1967	1968
Unused foreign tax for 1963 absorbed as taxes deemed paid under sec. 904(d) with respect to—							
Sec. 904 (f) interest:							
($250×$20/$50; or limitation, if less)				50			
($300×$120/$300; or limitation, if less)					90		
($120×$120/$300; or limitation, if less)						33	
($37×$300/$300; or limitation, if less)							34.50
Other income:							
($60×$150/$300; or limitation, if less)			150				
Aggregate income			100				
Unused foreign tax with respect to other income absorbed as taxes deemed paid under sec. 904(d) and carried from:							
1965						90	10.00
1966 (country Y)							

Example (2). B, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. For each of the taxable years set forth below, B chooses the benefits of section 901 and elects the overall limitation. B has section 904(f) interest only from foreign country X for the years indicated. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to income other than section 904(f) interest, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d) is as follows, after taking into account the prohibition provided in subdivision (iii) of this subparagraph against the apportionment of the unused foreign tax for 1964:

Taxable years	1962	1963	1964	1965	1966
Separate limitation with respect to sec. 904(f) interest	$200	$100	$300	$150	
Taxes actually paid to country X with respect to sec. 904(f) interest	175	250	250	50	
Overall limitation with respect to—					
Other income	300	150	350	200	
Total income	$500				
Taxes actually paid with respect to—		270	200	330	160
Other income		500			
Total income			150		
Unused foreign tax with respect to—			50		
Sec. 904(f) interest					
Other income					
Total income					
Excess limitation with respect to—			25	50	100
Sec. 904(f) interest			30	30	40
Other income					
Total income					
Unused foreign tax for 1964 absorbed as taxes deemed paid under sec. 904(d) with respect to—					
Sec. 904(f) interest			25	50	75
Other income			30	30	0
Total income					

(2) *Carryover to years after Revenue Act of 1962.* (i) Where, under the provisions of section 904(d), taxes paid or accrued to any foreign country or possession of the United States in any taxable year beginning on or before October 16, 1962, are deemed paid or accrued in one or more taxable years beginning after that date, the amount of such taxes which shall be deemed paid or accrued in any taxable year beginning after that date (hereinafter referred to as the "later year") shall be—

(a) With respect to section 904(f) interest, an amount which bears the same ratio to the amount of such taxes deemed paid or accrued in the later year as the amount of the foreign income taxes paid or accrued to such country or possession for the later year with respect to section 904(f) interest bears to the total amount of the foreign income taxes paid or accrued to such country or possession for such later year, and

(b) With respect to other income, an amount which bears the same ratio to the amount of such taxes deemed paid or

Taxable years	1961	1962	1963	1964	1965	1966	1967	1968
Per-country limitation	$200	$350						
Taxes actually paid to country X	900	250						
Limitation with respect to—								
Sec. 904(f) interest			$100	$200	$150	$300.00	$425.00	$250
Other income			200	400	195	400.00	750.00	480
Taxes actually paid to country X with respect to—								
Sec. 904(f) interest			300	200	100	150.00	200.00	200
Other income			600	250	275	500.00	400.00	300
Unused foreign tax with respect to—								
Sec. 904(f) interest			200					
Other income			400		80	100.00		
Total income	700							
Excess limitation with respect to—								
Sec. 904(f) interest					50	150.00	225.00	50
Other income				150			350.00	180
Total income		100						
Unused foreign tax for 1961 absorbed as taxes deemed paid under sec. 904(d) with respect to—								
Sec. 904(f) interest:								
($450×$100/$375; or limitation, if less)					50			
($400×$150/$650; or limitation, if less)						92.31		
Other income:								
($600×$250/$450; or limitation, if less)				150				
Total income		100						
Unused foreign tax for 1963 with respect to sec. 904(f) interest absorbed as taxes deemed paid under sec. 904(d)						57.69	142.31	
Unused foreign tax with respect to other income absorbed as taxes deemed paid under sec. 904(d) and carried from:								
1963							350.00	50
1965								80
1966								50

Example (3). C, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962 and chooses the benefits of section 901 for each of the taxable years set forth below. For 1962, C uses the per-country limitation and in 1963 elects the overall limitation. C's only section 904(f) interest income for the years indicated is from foreign country X. Based upon the taxes actually paid for each of the taxable years with respect to income other than section 904(f) interest, and the taxes paid to country X with respect to the section 904(f) interest, no unused foreign tax is deemed paid under section 904(d), determined as follows:

Taxable years	1962	1963	1964	1965
Separate limitation with respect to sec. 904(f) interest		$100	$300	$150
Taxes actually paid with respect to sec. 904(f) interest		50	200	100
Limitation with respect to other income:				
Per-country limitation	$100			
Overall limitation		250	280	315
Taxes actually paid with respect to other income	160	200	220	280
Unused foreign tax with respect to—				
Sec. 904(f) interest				
Other income	60			
Excess limitation with respect to—				
Sec. 904(f) interest		50	100	50
Other income		50	60	35
Unused foreign tax absorbed as taxes deemed paid under sec. 904(d) with respect to—				
Sec. 904(f) interest				
Other income				

PAR. 6. Section 1.905–2 is amended by adding thereto the following new paragraph:

§ 1.905–2 Conditions of allowance of credit.

• • • • •

(c) *Special schedule.* Any taxpayer claiming the benefit of paragraph (a)(2)(iv) or (v) of § 1.904–4 must attach to the Form 1118 required by this section a schedule showing in sufficient detail the manner in which the taxpayer satisfies the requirement of owning, directly or indirectly, 10 percent of the voting stock in each corporation from which such taxpayer receives an interest payment, or in which the taxpayer owned 10 percent of the voting stock, and with respect to which such benefit is claimed.

[FR Doc.71–3871 Filed 3–22–71;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[33 CFR Part 209]

PERMITS FOR DISCHARGES OR DEPOSITS INTO NAVIGABLE WATERS

Proposed Policy, Practice and Procedure

Proposed regulations prescribing the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407) were published in the FEDERAL REGISTER of December 31, 1970 (35 F.R. 20005). Public comment received on the proposed regulations is now being considered.

The draft permit set forth below is being considered for use in the permit program being instituted pursuant to 33 U.S.C. 407 and Executive Order 11574 (35 F.R. 19627).

Comments, suggestions, or objections to the proposed permit form should be submitted in writing to the Office of Chief of Engineers, Washington, D.C. 20314, Attention: ENGCW–ON, within 30 days of publication of this notice in the FEDERAL REGISTER.

Dated: March 18, 1971.

F. P. KOISCH,
Major General, U.S. Army,
Director of Civil Works.

DEPARTMENT OF THE ARMY

PERMIT

(Discharge Only)

Referring to written request dated _____ upon the recommendation of the Chief of Engineers, and under the provisions of section 13 of the Act of Congress approved March 3, 1899 (33 U.S.C. 407), entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army—

to

(Here identify the nature of the discharge or deposit approved, including, if applicable, limitations with respect to chemical content, water temperature differentials, toxins, sewage, type and quantity of solids, amount and frequency of discharge.)

at

(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and 10ths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

In accordance with the plans and drawings attached hereto

(On drawings: give file number or other definite identification marks.)

subject to the following:

I. *General conditions.* (a) That all discharges or deposits shall be consistent with the terms and conditions of this permit; the discharge or deposit of any material or substance not specifically identified and authorized herein or the discharge or deposit of any material or substance more frequently than or at a level in excess of that identified and authorized herein shall constitute a violation of the terms and conditions of this permit; any violation of the terms and conditions of this permit shall be unlawful and may result in the institution of such legal proceedings as the Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked; a violation of any of the terms and conditions of this permit may also lead to the modification, suspension or revocation of this permit.

(b) That, except as provided in (c), below, the discharge or deposit authorized by this permit shall at all times be consistent with

applicable water quality standards (including implementing schedules adopted in connection with water quality standards or abatement proceedings) whether established pursuant to section 10(c) of the Federal Water Pollution Control Act, as amended, or pursuant to State law. In the event that two or more sets of standards are applicable to the discharge or deposit, the discharge or deposit must be consistent with the more stringent standard.

(c) That if applicable water quality standards are upgraded during the term of this permit the discharge or deposit authorized by this permit will, within 6 months of the effective date of any upgrading of water quality standards or within such other period of time as the District Engineer, in consultation with the Regional Representative of EPA, may determine, be given additional treatment or will otherwise be modified, if necessary, to be consistent with such upgraded water quality standards.

(d) That permittee shall promptly comply with any regulations, orders, or other directives affecting the discharge or deposit authorized herein which may be issued by the Administrator of the Environmental Protection Agency and with the recommendations of any enforcement conference held pursuant to the Federal Water Pollution Control Act.

(e) That the permittee shall permit authorized representatives and designees of the Army Corps of Engineers to visit such plants or facilities as may be related to the discharge or deposit atuhorized by this permit for the purpose of inspecting discharge or deposit records, taking samples of discharges or deposits or conducting such other onsite inspection as they may deem necessary to monitor compliance with the terms and conditions of this permit. Such visits as are contemplated by this provision shall be at reasonable times and within reasonable limits and shall follow the presentation of appropriate credentials to the owner, operator or agent in charge of the plants or facilities. If a sample is taken, the representative making the inspection shall, upon completion of the inspection and before leaving the premisea, give to the owner, operator, or agent in charge a receipt describing the sample obtained. Permittee shall provide such assistance as may be necessary to effectively and safely conduct such sampling or inspection.

(f) That permittee shall maintain detailed records as to the nature and frequency of all discharges or deposits from the plant or other facility identified herein and shall provide the District Engineer and the Regional Representative of the Environmental Protection Agency with periodic reports concerning such discharges or deposits. Such reports shall be provided annually unless the District Engineer, in consultation with the Regional Representative, determines that they should be provided at more frequent intervals.

(g) That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information proves to be false or inaccurate this permit may be modified, suspended or revoked and/or the Government may institute such legal proceedings as it considers to be appropriate. Attention is directed to the provisions of 18 U.S.C. 1001 which provides for possible fines and imprisonment in the case of false statements.

(h) Water quality certifications pursuant to section 21(b) of the Federal Water Pollution Control Act, the comments of all governmental agencies on a permit application, and all information and data provided by an applicant or a permittee identifying the nature and frequency of a discharge or deposit shall be available to the public without restriction. All other information or data which may be submitted by an applicant in connection with a permit application or which may be furnished by a permittee in connection with required periodic reports shall also be available to the public unless the applicant or permittee specifically identifies and is able to demonstrate to the satisfaction of the Secretary of the Army or his authorized representative that the disclosure of such information or data to the general public would divulge methods or processes entitled to protection as trade secrets.

(i) That the Federal Government shall not be precluded by the issuance of this permit from imposing in the future such taxes or other charges relating the discharge or deposit authorized herein as may be authorized or required by Federal law or regulation.

(j) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the discharge or deposit authorized.

(k) That unless specifically provided herein this permit does not authorize or approve the construction of physical structures or facilities or the undertaking of any work in any navigable waters of the United States or tributaries thereof.

(l) That this permit may not be transferred to a third party without the prior written approval of the District Engineer.

(m) That this permit may be modified, suspended or revoked if the Secretary of the Army or his authorized representative, after consultation with the Environmental Protection Agency, determines that discharges or deposits undertaken pursuant to the terms of this permit may pose an imminent hazard to public health or safety. Such modification, suspension, or revocation shall be effective upon receipt by the permittee of a notice indicating the action which has been taken and the permittee shall take immediate steps to comply with directives contained in the notice received. Following receipt of the notice and after complying with its terms, the permittee may submit to the Secretary of the Army or his authorized representative a request for a public hearing at which the permittee and other interested persons shall be afforded an opportunity to present oral and written evidence on the basis for the modification, suspension, or revocation. Following the public hearing to be held before authorized representatives of the Secretary of the Army and the Administrator of the Environmental Protection Agency, the Secretary or his authorized representative shall, after considering the record developed at the public hearing and the recommendations of the presiding officials, and after consulting with the Administrator or his authorized representative, make a final decision either affirming, rescinding, or modifying the action previously taken.

(n) That this permit may be either suspended or revoked if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit. Any such suspension or revocation will become effective 30 days after receipt by the permittee of written notice issued by the Secretary of the Army or his authorized representative unless, within the 30-day period (1) the permittee is able to demonstrate to the satisfaction of the Secretary or his authorized representative either (a) that the alleged violation of permit conditions did not, in fact, occur or that (b) the violation was accidential, that the permittee has been operating in compliance with the terms and conditions of the permit and provides assurances satisfactory to the Secretary or his authorized representative that future operations will be in full compliance with the terms and conditions of the permit, or (2) the permittee requests the holding of a public hearing at which the permittee and other interested persons will be afforded the opportunity to present oral and written evidence on the basis for suspension or revocation. Following the public hearing to be held before authorized representatives of the Secretary of the Army and the Administrator of the Environmental Protection Agency, the Secretary or his authorized representative shall, after considering the record developed at the public hearing and the recommendations of the presiding officials, and after consulting with the Administrator of his authorized representative, make findings of fact and a final determination as to whether the permit is or is not to be suspended or revoked. If the final determination is made that the permits should be suspended or revoked, such suspension or revocation will be effective upon receipt by the permittee of an appropriate notice signed by the Secretary or his authorized representative.

(o) That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

II. Special conditions.

This permit expires ------- years from the date of the permittee's signature unless revalidated or specifically extended.

By authority of the Secretary of the Army.

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(District Engineer) (Date)

Permittee hereby accepts the terms and conditions of this permit.

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(Permittee) (Date)

[FR Doc.71-3938 Filed 3-22-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

STANDARDS FOR GRADES OF SWEET CHERRIES [1]

Notice of Proposed Rule Making

Notice is hereby given that U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Sweet Cherries (7 CFR 51.2646–51.2657). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than April 25, 1971, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b).)

Statement of considerations leading to the proposed revision of the grade standards. The U.S. Standards for Sweet Cherries have been in effect since May 14, 1956.

In December 1969, the Northwest Cherry Growers, representing producers and handlers of sweet cherries in Washington, Oregon, Idaho, and Utah, requested revision of the standards to increase the tolerances for defects applicable en route or at destination. They asked that no change be made in the tolerances applicable at shipping point. They requested that the tolerance for total defects be increased from 10 percent to 15 percent, for serious damage from 5 to 7.5 percent and for decay from 1 to 3 percent. The request was supported by grower and shipper organizations in Washington, Oregon, Idaho, Utah, and California, and by State officials in Washington, Oregon, and Idaho.

During the next several months, there were numerous discussions and some correspondence between USDA staff members and industry representatives. Observations and investigations were made at points of origin and in the markets.

Subsequently, the request for changes in the tolerances was amended. The requested destination tolerance for decay was reduced from 3 percent to 2 percent. The request to increase the tolerances for total defects and serious damage was withdrawn.

In connection with the request for increased tolerances, industry spokesmen stated that since the time the present standards were put into effect, trading practices have changed. Formerly a large proportion of cherry shipments were sold at auction where terminal market buyers had the opportunity for visual inspection before purchase. A majority of the shipments are now sold on an f.o.b. basis, and final acceptance is determined by the receiver's inspection at destination. Shippers in the Pacific Northwest stated that nearly all such sales during the 1970 season were based on an informal 2 percent tolerance for decay at destination. In support of this, they presented statements and copies of sales memoranda indicating that receivers were accepting cherries showing up to 2 percent decay.

Cherries are one of the more perishable fruits on the market, chiefly grown in Western States, with a large proportion shipped to eastern markets. Shippers claim that rail freight service, the most commonly used method of transportation, has deteriorated and shipments are often en route 1 to 6 days longer than usual. This increase in transit time allows condition defects a chance to develop or increase despite the improvements in packaging and refrigeration.

Shortly after receipt of the initial request for revision of the standards, USDA began a detailed study of destination market inspection certificates on sweet cherries. The study included all certificates for 1967, 1968, and 1969 seasons and later was extended to include the 1970 season. Data on the occurrence of both permanent quality factors and various types of condition defects were gathered in order to determine whether increased tolerances were justified. The survey covered 2,650 lots of cherries inspected over the 4-year period, representing about one-fourth of the total shipments. The data obtained are necessarily biased and are not representative of the total shipments because the majority of the lots inspected were "trouble lots" which the receiver knew or suspected would not meet the specified grade. However, they do reflect some of the difficulties encountered in delivering cherries to the markets in good condition.

The study indicates the average of total defects has increased from 10 to 15 percent during the 4-year period. Of this amount, permanent defects have remained fairly constant at about 4 percent. The average for decay has also failed to increase to any great extent, fluctuating between 2¼ and 3¾ percent and averaging about 2¾ percent. The increase in total defects is mainly due to steady increases in other condition defects. The major condition defect showing a steady increase was pitting, the average of which increased more than 1 percent during this period. Other condition defects, such as bruising and soft cherries, also increased to a lesser degree.

Results of the survey became available early in 1971 and were furnished to industry representatives and discussed with them. It was pointed out that the tolerance for defects in the grade standards contained a built-in tolerance for condition defects developing in transit. An example of this is the fact that permanent grade defects, those present at time of packing, consistently averaged about 4 percent, but the available tolerance for such defects is 10 percent. Consequently, any increase in tolerances provided at destination should be accompanied by a decrease in tolerances applicable at shipping point.

Following these discussions, the Northwest Cherry Growers again revised their request for additional tolerances. They asked that tolerances for defects in the U.S. No. 1 grade, en route or at destination, be increased to 12 percent, including 6 percent serious damage and 2 percent decay. The tolerances requested appear reasonable, based on the results of USDA's survey of market inspection certificates. They are being proposed, together with corresponding increased destination tolerances for the U.S. Commercial grade. However, in both grades, tolerances applicable at shipping point would be reduced inasmuch as the survey results indicate that the average percentage of permanent defects is well below the tolerance. The policy of reducing tolerances at shipping point when destination tolerances are increased has been followed in the revision of grade standards for several perishable commodities in recent years.

These tolerances should have no adverse effect on quality to the consumer. Under present conditions, the consumer has complete freedom of choice in purchasing, since most sweet cherries are sold directly from the shipping container where visual inspection of the fruit is possible. In fact, in the self-service fruit and vegetable departments of most stores, the ultimate buyer is permitted to select, one by one, the cherries desired.

The principal changes being proposed are:

Tolerances. Following is a comparison of present tolerances and those which are proposed:

Present	*Proposed*
U.S. No. 1 grade:	U.S. No. 1 grade:
At shipping point:	At shipping point:
10 percent grade defects, including 5 percent seriously damaged, including 1 percent decay.	8 percent grade defects, including 4 percent seriously damaged, including one-half of 1 percent decay.
En route or at destination:	En route or at destination:
10 percent grade defects, including 5 percent seriously damaged, including 1 percent decay.	12 percent grade defects, including 8 percent permanent grade defects; or 6 percent seriously damaged, including 4 percent seriously damaged by permanent defects; and, 2 percent decay.
U.S. Commercial grade:	U.S. Commercial grade:
At shipping point:	At shipping point:
20 percent grade defects, including 5 percent seriously damaged, including 1 percent decay.	18 percent grade defects, including 4 percent seriously damaged, including one-half of 1 percent decay.
En route or at destination:	En route or at destination:
20 percent grade defects, including 5 percent seriously damaged, including 1 percent decay.	24 percent grade defects, including 16 percent permanent grade defects; or 6 percent seriously damaged, including 4 percent seriously damaged by permanent defects; and, 2 percent decay.

Application of tolerances. This section would be reworded and changed to permit double the tolerance specified in any package, except that at least two defective and two off-size specimens would be permitted in any package: *Provided,* That the average for the entire lot is within the specified tolerance. This change would take into consideration the increasing automation of fruit packing while continuing to provide protection against excessive defects in individual packages.

Fairly well colored. This section would be reworded and slightly changed to require each cherry to have at least 95 percent of its surface showing characteristic color for mature cherries of the variety. This would admit to the grades mature cherries having small areas of lighter shades of color due to shading by dense foliage or which are characteristic of desirable newer varieties.

Unclassified. This term, seldom used and often misunderstood, would be deleted.

Other proposed changes include an improved format, a separate section for tolerances, revised general definitions of damage and serious damage, definitions for the terms "permanent defects" "condition defects" and "shipping point" and minor changes in wording for clarification.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.2646 U.S. No. 1.
51.2647 U.S. Commercial.

TOLERANCES

51.2648 Tolerances.

APPLICATION OF TOLERANCES

51.2649 Application of tolerances.

DEFINITIONS

51.2650 Similar varietal characteristics.
51.2651 Mature.
51.2652 Fairly well colored.
51.2653 Well formed.
51.2654 Clean.
51.2655 Damage.
51.2656 Diameter.
51.2657 Serious damage.
51.2658 Permanent defects.
51.2659 Condition defects.

METRIC CONVERSION TABLE

51.2660 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GRADES

§ 51.2646 U.S. No. 1.

"U.S. No. 1" consists of sweet cherries which meet the following requirements:

(a) Similar varietal characteristics;
(b) Mature;
(c) Fairly well colored;
(d) Well formed; and
(e) Clean.
(f) Free from:
(1) Decay;
(2) Insect larvae or holes caused by them;
(3) Soft, overripe or shriveled;
(4) Undeveloped doubles; and,
(5) Sunscald.

(g) Free from damage by any other cause. (See § 51.2655.)

(h) Size: Unless otherwise specified, the minimum diameter of each cherry shall be not less than three-fourths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(i) For tolerances see § 51.2648.

§ 51.2647 U.S. Commercial.

"U.S. Commercial" consists of sweet cherries which meet the requirements for the U.S. No. 1 grade except for minimum diameter and except for increased tolerances.

(a) Size: Unless otherwise specified, the diameter of each cherry shall be not less than five-eighths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) For tolerances see § 51.2648.

TOLERANCES

§ 51.2648 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *For defects at shipping point*[3]—(1) *U.S. No. 1.* 8 percent for cherries which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cherries which are affected by decay.

(2) *U.S. Commercial.* 16 percent for cherries which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cherries affected by decay.

(b) *For defects en route or at destination*—(1) *U.S. No. 1.* 12 percent for cherries in any lot which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for cherries which fail to meet the requirements for this grade because of permanent defects; or,

(ii) 6 percent for cherries which are seriously damaged, including therein not more than 4 percent for cherries which are seriously damaged by permanent defects and not more than 2 percent for cherries which are affected by decay.

(2) *U.S. Commercial.* 24 percent for cherries in any lot which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 16 percent for cherries which fail to meet the requirements for this grade because of permanent defects; or,

(ii) 6 percent for cherries which are seriously damaged, including therein not more than 4 percent for cherries which are seriously damaged by permanent defects and not more than 2 percent for cherries which are affected by decay.

(c) *For off-size.* 5 percent for cherries which fail to meet the specified minimum diameter and 10 percent for cherries that fail to meet any specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.2649 Application of tolerances.

Individual packages shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any package: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

DEFINITIONS

§ 51.2650 Similar varietal characteristics.

"Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

§ 51.2651 Mature.

"Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

§ 51.2652 Fairly well colored.

"Fairly well colored" means that at least 95 percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

§ 51.2653 Well formed.

"Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

§ 51.2654 Clean.

"Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

§ 51.2655 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(a) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity;

[3] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing, and handling, or when materially affecting the appearance;

(c) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths inch in diameter;

(d) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;

(e) Limbrubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(f) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;

(g) Russeting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(h) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter;

(i) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,

(j) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed.

§ 51.2656 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

§ 51.2657 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, and other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Decay;
(b) Insect larvae or holes caused by them;
(c) Skin breaks which are not well healed;
(d) Cracks which are not well healed; and,
(e) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak.

§ 51.2658 Permanent defects.

"Permanent defects" means defects which are not subject to change during shipping or storage; including, but not limited to factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment.

§ 51.2659 Condition defects.

"Condition defects" means defects which may develop or change during shipment or storage; including, but not limited to decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising which is so located as to indicate that it occurred after packing.

METRIC CONVERSION TABLE

§ 51.2660 Metric conversion table.

Inches:	*Millimeters (mm)*
8/64 equals	3.2
10/64 equals	6.4
24/64 equals	9.5
32/64 equals	12.7
40/64 equals	15.9
48/64 equals	19.1
51/64 equals	20.2
52/64 equals	20.6
54/64 equals	21.4
56/64 equals	22.2
1 equals	25.4
1 8/64 equals	28.6
1 10/64 equals	31.8
1 24/64 equals	34.9

Dated: March 18, 1971.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[FR Doc.71-3908 Filed 3-22-71;8:45 am]

[7 CFR Part 59]

INSPECTION OF EGGS AND EGG PRODUCTS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-3459 appearing at page 5178 in the issue for Wednesday, March 17, 1971, the following changes should be made:

1. In § 59.136(a) the reference to "1/16 inch" in the sixth line should read "1 1/16 inch".

2. In § 59.148 the second sentence should read "The service shall not be liable in damages accruing through acts of commission or omission in the administration of this part."

3. In § 59.417(b) the word "limitations" should read "imitations".

4. In the first line of § 59.539(d) the comma should be deleted after the word "whites".

5. In the third line of § 59.546(d) the word "pulverized" should read "pulverizing".

6. In the fifth line of § 59.610(a) the word "plan" should read "plant".

[9 CFR Parts 316, 317]

MEAT INSPECTION

Use of Common or Usual Names

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service of this Department has been petitioned by a group of Texas meat packers, primarily involved in the slaughter of goats, to consider proposals to allow goat meat to be marked and/or labeled as required by Parts 316 and 317 of the Federal meat inspection regulations (9 CFR Parts 316 and 317) with the name "Mutton" and/or "Chevon."

The Federal Meat Inspection Act prohibits the distribution of meat and meat food products that are misbranded. The Act (21 U.S.C. 601(m)) provides that any meat or meat food product is misbranded, among other things, (1) if its labeling is false or misleading in any particular, (2) if it is offered for sale under the name of another food, or (3) if it is not a food for which a standard of identity or composition has been prescribed, unless its label bears (a) the common or usual name of the food, if any there be, and (b) in the case it is fabricated from two or more ingredients, the common or usual name of each such ingredient.

Review of Department policy with respect to the common or usual name for meat derived from goats reveals that the name "Goat Meat" has been required on labels identifying goat meat since 1907. Therefore, the Department assumes that the common or usual name is "Goat Meat."

The petitioners have asked the Consumer and Marketing Service of this Department to approve markings and labels to identify goat meat which bears the names "Mutton" and "Chevon." The petitioners have produced evidence that these names have been used on goat meat and meat food products containing goat meat to identify products distributed in intrastate commerce in several States in the southwestern area of the United States for several years. In addition, the petitioners have evidence, in the form of publications and personal statements, that the terms "Mutton" and "Chevon" are commonly understood by consumers and industry as common or usual names for flesh derived from goats.

The petitioners further claim that the name "Goat Meat" is discriminatory since meat from other species of animals does not have to be identified by names that include reference to the common name of the species of animals from which they are derived; for example, cattle meat, pig meat, and sheep meat.

Any person who wishes to submit written data, views, or comments pertaining to the above described subject may do so by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours in a manner convenient to public business (7 CFR 1.27 (b)). Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on March 18, 1971.

L. V. SANDERS,
Acting Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-3940 Filed 3-22-71;8:48 am]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1504]

SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Containerized Cargo; Cranes

Pursuant to authority in section 41 of the Longshoremens' and Harbor Workers' Compensation Act (33 U.S.C. 941) it is proposed to amend 29 CFR Part 1504 as set forth below. This proposal represents a substantial revision of the notice of proposed rule making to amend Part 1504 published on June 26, 1970, at 35 F.R. 10455.

Interested persons are invited to submit written data, views, or arguments regarding the proposed amendments in duplicate to the Director, Bureau of Labor Standards, U.S. Department of Labor, 400 First Street NW., Washington, DC 20210, within 20 days following the publication of this document in the FEDERAL REGISTER. Upon consideration of all relevant matter submitted and of any other information available to him, the Secretary of Labor will issue such regulations as he may deem appropriate.

It is proposed to amend Part 1504 of Title 29, Code of Federal Regulations, as follows:

1. Section 1504.6 is proposed to be revised to read as follows:

§ 1504.6 Reference specifications, standards, and codes.

(a) The standards listed below are hereby incorporated by reference in this part:

(1) American National Standard (USAS) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, § 1504.101(a).

(2) American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, § 1504.105(a).

(b) The specifications, standards and code of agencies of the U.S. Government and organizations which are not agencies of the U.S. Government, to the extent they are legally incorporated by reference in this part, have the same force and effect as other standards in this part. The locations where these specifications, standards, and codes may be examined are as follows:

(1) Offices of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, Washington, DC 20210.

(2) The Regional and Field Offices of the Bureau of Labor Standards which are listed in the U.S. Government Manual 1970–71, at page 324.

(c) Any changes in the specifications, standards and codes incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (b) of this section. All questions as to the applicability of such changes should also be referred to these offices.

2. In § 1504.74 paragraph (a)(9) is proposed to be revised to read as follows:

§ 1504.74 Cranes and derricks other than vessel's gear.

(a) * * *

(9) Unless exempted by the provisions of subdivision (viii) of this subparagraph, every crane used to load or discharge cargo into or out of a vessel shall be fitted with a load indicating device or alternative device in proper working condition which shall meet the following criteria:

(i) The type or model of any load indicating device which is used may be such as to provide (*a*) a direct indication of actual weight hoisted or a means of determining this by reference to crane ratings posted and visible to the operator, except that the use of a dynamometer or simple scale alone will not meet this requirement; or (*b*) an automatic weight-moment device or computer providing indications according to the radius and load at the moment; or alternatively (*c*) a device may be used which shall prevent an overloaded condition.

(ii) Accuracy of the load indicating device or weight-moment device shall be such that any indicated load (or limit), including the sum of actual weight hoisted and additional equipment or "add ons" such as slings, sensors, blocks, etc., is within the range from no less than 95 percent of the actual true total load (5 percent overload) to 110 percent of the actual true total load (10 percent underload). Such accuracy shall be required over the range of the daily operating variables to be expected under the conditions of use.

(iii) The device shall permit the operator to determine before making any lift that the indicating or substitute system installed is operative. In the alternative, if the device is not so mounted or attached and does not include such means of checking, it shall be certified by the manufacturer to remain operable within the limits stated in subdivision (ii) of this subparagraph for a specific period of time. Checks for accuracy, using known values of load, shall be performed at the time of every certification survey (see § 1504.13) and at such additional times as may be recommended by the manufacturer.

(iv) When the load indicating device or alternative system is so arranged in the supporting system (crane structure) that its failure could cause the load to be dropped, its strength shall not be the limiting factor of the supporting system (crane structure).

(v) Marking shall be conspicuously placed on any actual weight indicating system readout giving (*a*) units of measure in pounds or both pounds and kilograms, (*b*) capacity of the indicating system, (*c*) accuracy of the indicating system, and (*d*) operating instructions and precautions. Data providing (*a*) the means of measurement, (*b*) capacity of the system, (*c*) accuracy of the system and (*d*) operating instructions and precautions shall similarly be provided in the case of systems utilizing indications other than actual weights. If the system used provides no readout but is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, marking shall be provided giving the make and model of device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required shall be readily visible to the operator.

(vi) All load indicating devices shall be operative over the full operating radius. Overall accuracy shall be based on actual applied load and not on full scale (full capacity) load. For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus or minus 10 percent, it would accept a reading between 90,000 and 110,000 pounds, at full capacity of a machine with 100,000 pounds, maximum rating, but would also allow a reading between zero and 20,000 pounds, at that outreach (radius) at which the rating would be 10,000 pounds, capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the 100,000-pound load but becomes a figure between 9,000 and 11,000 pounds, a much different and acceptable condition, at the 10,000-pound load.

(vii) When the device uses the radius as a factor in its use or in its operating indications, the indicated radius shall be a figure which is within the range of a figure greater than the actual radius to a figure which is no less than 97 percent of the actual (true) radius.

(viii) The load indicating device requirements of this subparagraph do not apply to a crane (*a*) while handling containers known to be and identified as empty, or loaded, and in either case in compliance with the provisions of § 1504.85(b); (*b*) while handling bulk commodities or cargoes by means of clamshell bucket or magnet; (*c*) while used to handle or hold hoses in connection with transfer of bulk liquids or other hose handled products; or (*d*) while the crane is used exclusively to handle loads which have the total actual gross weight marked thereon, when such total actual gross weight never exceeds 10,000 pounds, and when 10,000 pounds, is less than the rated capacity of the crane at the maximum outreach that is possible under the conditions of use at the time.

(ix) *Effective date of subparagraph* (9). The provisions of this subparagraph (9) shall become effective on the 24th day of September 1971 or at the time of the next regular certification survey subsequent to that date.

* * * * *

3. Section 1504.85 is proposed to be revised to read as follows:

§ 1504.85 Containerized cargo.

(a) On every cargo container there shall be permanently marked in pounds (1) the weight of the container when empty, (2) the maximum cargo weight that the container is intended and designed by its manufacturer to carry, and (3) the sum of these two weights.

(b) No container shall be loaded abroad or discharged from any vessel by means of hoisting by ship's cargo handling gear or by shore crane or derrick unless the following conditions have been met:

(1) In the case of an empty container, it shall be ascertained from the carrier that such is the case and the container shall be identified before loading or discharge either by marking, in cargo stowage plans, by both means, or otherwise in such manner that every supervisor and foreman in charge of loading or discharging, and every crane or other hoisting equipment operator, and signalman if any, shall be enabled to know that such container is empty.

(2) In the case of a loaded container, either the actual gross weight shall be plainly marked so as to be visible to the crane or other hoisting equipment operator or signalman, if any, and to every supervisor and foreman in charge of loading or discharging; or the cargo stowage plan or similar document serving the same purpose shall be provided to the crane or other hoisting equipment operator and signalman if any, and to every supervisor and foreman in charge of loading or discharging, and contain the actual gross weight, the exact stowage position, and the serial number or other positive identification of that specific container.

(3) Every outbound loaded container received at a marine terminal ready to load aboard a vessel without further consolidation or loading shall be weighed to obtain a certified actual gross weight, either at the terminal or elsewhere before loading aboard a vessel. The open type vehicle carrying container and those built specifically and used solely for the carriage of compressed gases are excepted from this subparagraph and from subparagraphs (4) and (5) of this paragraph.

(4) When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal shall be weighed to obtain an actual certified gross weight before loading aboard a vessel.

(5) When there are no container weighing scales located at a marine terminal at which outbound containers are loaded with cargo, or where container loads are completed or consolidated there or elsewhere, and no weighing facility is available and located in a reasonably accessible location, the actual gross weight may be calculated, providing that accurate weights of all contents are known and a list of same, including the empty container weight, is totalled and posted on the container in a conspicuous place with identification of the source and date of calculation. Such list of contents may refer to cartons, cases, or other means of packaging but need not specifically identify the commodity or commodities involved except as otherwise required by law. Container weights so arrived at shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights arrived at by this means, the weight of containers so calculated at the source from which the inaccurate weights originated may no longer be recognized as true gross weights, in which case such containers may not be loaded aboard a vessel unless certified actual gross weights have been obtained by weighing. This procedure shall be continued until the Bureau is satisfied by reasonable experience thereunder that correct weights will be furnished.

(6) In the case of loaded inbound containers from foreign ports, they shall, if they have not been weighed, have the calculated weight posted in the manner prescribed by subparagraph (5) of this paragraph. All loaded inbound containers from foreign ports shall be subject to random sample weight checks. When such checks indicate a pattern of significant and continuing inaccuracy or when the provisions of subparagraph (7) of this paragraph are not met, such suitable means as are acceptable to the Bureau to protect the safety of the workers involved shall be taken during discharge to assure safety and such means shall be continued until the Bureau is satisfied by experience thereunder that correct weights will be furnished.

(7) The identification and documentation provisions of subparagraph (1) and (2) of this paragraph shall apply to containers originating from foreign ports.

(8) Any scale used with the United States to weigh containers for the purpose of the requirements of this section shall meet the accuracy standards of the State or local public authority in which the scale is located.

(c) No container shall be hoisted if its actual gross weight exceeds the weight marked as required in paragraph (a)(3) of this section, or if it exceeds the capacity of the crane or other hoisting device intended for use, under the conditions in which said crane or other hoisting device is used. All hoisting of containers shall be by means which will safely do so without probable damage to the container, and using the lifting fittings provided.

(d) All outbound containers shall be inspected before loading for any visible defects in structural members and fittings, which would render unsafe their handling in loading. To the extent it is practicable, inbound containers shall be similarly inspected before discharge. Any outbound container found to have such a defect shall not be loaded unless the defect is first corrected. Any inbound container found to have such a defect shall either be discharged by such special means as insure safety or shall be emptied before discharge.

(e) For the purpose of this section, the term "container" means a reusable cargo container of rigid construction and rectangular configuration, intended to contain one or more articles of cargo or bulk commodities for shipment aboard a vessel, and capable of utilization for this purpose by one or more other modes of transport without intermediate reloading. The term includes completely enclosed units, open top units, half or other fractional height units, units incorporating liquid or gas tanks, and any other variations serving the same basic purpose and fitting into the container system, demountable or with attached wheels. The terms, however, does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other of the usual forms of packaging.

(f) The provisions of paragraph (a) of this section shall become effective on the 24th day of March 1972, those of paragraph (b) on the 24th day of September 1971, and those of the remainder of this section upon publication in the FEDERAL REGISTER.

4. In § 1504.101, paragraph (a) is proposed to be revised to read as follows:

§ 1504.101 Eye protection.

(a) When, because of the nature of the cargo being handled, an eye hazard from flying particles or heavy dust exists, employees shall be protected by eye protection equipment meeting the specifications prescribed by the American National Standard (ANSI) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968).

* * * * *

5. In § 1504.105, paragraph (a) is proposed to be revised to read as follows:

§ 1504.105 Head protection.

(a) Employees shall be protected by protective hats meeting the specifications contained in the American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969).

* * * * *

(Sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941)

Signed at Washington, D.C., this 16th day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-3909 Filed 3-22-71;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 105, 141, 201, 204, 205, 260]

[Docket No. R-412]

UNIFORM SYSTEM OF ACCOUNTS AND CERTAIN ANNUAL REPORTS

Accounting Treatment To Account for Gains and Losses on the Disposition of Utility Property That Had Been Classified in Utility Service and Consolidation of Certain Depreciation Accounts; Extension of Time

MARCH 16, 1971.

On February 16, 1971, the American Gas Association filed a request for an extension of time to and including May 24, 1971, within which to file comments in the above-designated matter. On March 5, 1971, the Independent Natural Gas Association of America joined in the request of the American Gas Association. On March 10, 1971, the Edison Electric Institute requested a 60-day extension of time. On March 12, 1971, Puget Sound Power & Light Co. requested an extension of time to and including June 22, 1971.

Upon consideration, notice is hereby given that the time is extended to and including May 24, 1971, within which any interested person may submit data, views, comments, or suggestions in writing to the notice of proposed rulemaking (36 F.R. 2803), issued February 4, 1971, in the above-designated matter.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3933 Filed 3-22-71;8:48 am]

Notices

DEPARTMENT OF STATE

[Public Notice 339]

TRAVEL INTO OR THROUGH NORTH KOREA

Restriction on the Use of U.S. Passports

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), use of U.S. passports for travel into or through North Korea is restricted as unrestricted travel into or through North Korea would seriously impair the conduct of U.S. foreign affairs. In view of the dangerous tensions in the Far East, the expressed and virulent hostility of the North Korean regime toward the United States, the occurrence of incidents along the military demarcation line, the seizure by North Korea of a U.S. naval vessel and its crew, and the special position of the Government of the Republic of Korea which is recognized by resolution of the United Nations General Assembly as the only lawful government in Korea, the Department of State believes that wholly unrestricted travel by American citizens to North Korea would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall not be valid for travel into or through North Korea unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 6 months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1971.

Dated March 16, 1971.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[FR Doc.71-3946 Filed 3-22-71;8:49 am]

[Public Notice 337]

TRAVEL INTO OR THROUGH CUBA

Restriction on the Use of U.S. Passports

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), use of U.S. passports for travel into or through Cuba is restricted as unrestricted travel into or through Cuba would seriously impair the conduct of U.S. foreign affairs. To permit unrestricted travel would be incompatible with the resolutions adopted at the Ninth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, of which the United States is a member. At this meeting, held in Washington from July 21 to 26, 1964, it was resolved that the governments of the American states not maintain diplomatic, consular, trade, or shipping relations with Cuba under its present government. This resolution was reaffirmed in the Twelfth Meeting of Ministers of Foreign Affairs of the OAS held in September 1967, which adopted resolutions calling upon Member States to apply strictly the recommendations pertaining to the movement of funds and arms from Cuba to other American nations. Among other things, this policy of isolating Cuba was intended to minimize the capability of the Castro government to carry out its openly proclaimed programs of subversive activities in the Hemisphere.

U.S. passports shall not be valid for travel into or through Cuba unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 6 months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1971.

Dated March 16, 1971.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[FR Doc.71-3945 Filed 3-22-71;8:49 am]

[Public Notice 338]

TRAVEL INTO OR THROUGH NORTH VIET-NAM

Restriction on the Use of U.S. Passports

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(b), use of U.S. passports for travel into or through North Viet-Nam is restricted as this is "a country or area where armed hostilities are in progress."

U.S. passports shall not be valid for travel into or through North Viet-Nam unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 6 months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1971.

Dated: March 16, 1971.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[FR Doc.71-3947 Filed 3-22-71;8:49 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

HANSEL ANDERSON

Notice of Granting of Relief

Notice is hereby given that Hansel Anderson, 3121 Dartmouth, Detroit, MI 48217, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 10, 1940, in the Fulton Superior Court, Fulton County, Ga., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Hansel Anderson because of such conviction, to ship, transport, or receive in interstate of foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Hansel Anderson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Hansel Anderson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Hansel Anderson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of March, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3911 Filed 3-22-71;8:46 am]

WILLIAM J. DEWARS

Notice of Granting of Relief

Notice is hereby given that William J. Dewars, 3012 Aldrich South, Minneapolis, MN 55408, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 3, 1951 and March 13, 1957, in the Hennepin County District Court, Minneapolis, Minn., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William J. Dewars because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for William J. Dewars to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered William J. Dewars' application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That William J. Dewars be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 11th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3912 Filed 3-22-71;8:46 am]

NEIL LOUIS MASSIE

Notice of Granting of Relief

Notice is hereby given that Neil Louis Massie, 12 Sexton Drive, Xenia, OH 45385, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 28, 1963, in the U.S. District Court, Southern District of Ohio, Western Division, Dayton, OH, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Neil Louis Massie because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Neil Louis Massie to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Neil Louis Massie's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Neil Louis Massie be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3913 Filed 3-22-71;8:46 am]

HAROLD FREDRICK SCHULTZ

Notice of Granting of Relief

Notice is hereby given that Harold Fredrick Schultz, 20 Northwest Second Avenue, Portland, OR 97209, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about April 25, 1933, in the District Court in and for the County of Dakota, Minn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harold F. Schultz because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such conviction, it would be unlawful for Harold F. Schultz to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harold F. Schultz's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Harold F. Schultz be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of March, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3914 Filed 3-22-71;8:46 am]

NORMAN DALE SMITH

Notice of Granting of Relief

Notice is hereby given that Norman Dale Smith, 3201 East 25th Street, Des Moines, IA 50317, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 13, 1961, in the Polk County District Court, in and for Des Moines, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Norman D. Smith because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such conviction, it would be unlawful for Norman D. Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Norman D. Smith's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Norman D. Smith be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 10th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3916 Filed 3-22-71;8:46 am]

ERNEST RONALD WRIGHT

Notice of Granting of Relief

Notice is hereby given that Ernest Ronald Wright, 1018 Early Street, Lynchburg, VA 24503, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 20, 1965, in the Circuit Court of the County of Bedford, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ernest R. Wright because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ernest R. Wright to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ernest R. Wright's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Ernest R. Wright be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3917 Filed 3-22-71;8:46 am]

JAMES DANIEL THOMAS

Notice of Granting of Relief

Notice is hereby given that James Daniel Thomas, Route 1, Cooper, TX 75432, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 14, 1937, in the District Court of Delta County, Tex., of a crime punishable by imprisonment for a term exceeding one year. Unless relief is granted, it will be unlawful for James Daniel Thomas because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for James Daniel Thomas to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Daniel Thomas's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That James Daniel Thomas be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 10th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3915 Filed 3-22-71;8:46 am]

POST OFFICE DEPARTMENT

SELECTION OF POSTMASTERS

Areas of Consideration

The following is an excerpt from the Postal Service Order No. 71-3 issued by the Postmaster General on March 11, 1971, effective as to appointment made on or after April 1, 1971.

1. *Selection of postmasters at first-, second-, and third-class post offices.* (a) Consideration in the selection of postmasters at first-, second-, and third-class post offices shall be given first to employees in the post office where the vacancy occurs, regardless of residence, except for postmaster positions at salary levels of PMS-16 and above.

(b) If an employee in the post office where the vacancy occurs is not selected as postmaster, or if the postmaster position is at a salary level of PMS-16 or above, then consideration in the selection of postmasters at first-, second-, and third-class post offices shall be given to postal employees in accordance with the following guidelines as to work location, regardless of residence:

(i) An employee shall be eligible for consideration for selection as postmaster at a salary level of PMS-16 or above without regard to his work location.

(ii) An employee shall be eligible for consideration for selection as postmaster at a salary level of PMS-15 or below provided he has actually worked for 6 months immediately preceding his appointment within the applicable work location area specified in the following table:

Salary level of postmaster position:	*Work location*
PMS-14 and 15	Postal region in which post office is located.
PMS-9 through 13	State in which post office is located.
PMS-6 through 8	Postal section center in which post office is located.

(c) The work location areas provided in subsection 1(b)(ii) may be expanded whenever the Postmaster General finds that such an expansion is in the interest of the Postal Service. Such expansion shall authorize consideration of employees working within a broader work location area set forth in subsection 1(b)(ii) or consideration of employees without regard to work location, as the Postmaster General finds appropriate.

(d) Consideration of individuals not postal employees: Whenever the Postmaster General finds that consideration in the selection of postmasters of individuals who are not postal employees would be in the interest of the Postal Service, consideration shall be given to such individuals in accordance with the requirement of actual residence for 6 months immediately preceding appointment in areas of residence corresponding to the areas of work location set out in subsection 1(b) above. These residence areas may be expanded by the Postmaster General in the manner provided in subsection 1(c) for the expansion of work location areas.

2. *Selection of postmasters at fourth-class post offices.* An individual shall be eligible for consideration for selection as postmaster at a fourth-class post office provided he has actually resided for 6 months immediately preceding his appointment within the delivery of the post office or in the city or town where the post office is located. This residence area may be expanded by the Postmaster General in the manner provided in subsection 1(c) for the expansion of work location areas.

3. *Definition of "State".* As used in this order, the word "State" includes any State of the United States, the District of Columbia, Puerto Rico, and the Virgin Islands, and the Pacific Islands. If a State falls within two or more Postal Regions, only that part of the State which is within the Region in which the postmaster vacancy exists will be considered to be a "State in which post office is located" for the purposes of subsection 1(b)(ii).

4. *Military service.* No person shall be considered as not meeting these guidelines as a result of working or residing outside the specified area during military service if he actually worked or resided within the specified area during the 6 months, exclusive of the period of military service, immediately preceding his appointment.

Sections 244.1(a) (3) and (4) of Title 39, Code of Federal Regulations will be amended to conform with the Postal Service Order No. 71-3.

(5 U.S.C. 301, 39 U.S.C. 501, 1001, sec. 15(a), Public Law 91-375)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-3922 Filed 3-22-71;8:47 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION, AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Determination for Surveys

In conformity with title 13, United States Code, sections 181, 224, and 225, and due Notice of Consideration having been published on February 4, 1971 (36 F.R. 2417), I have determined that a First Quarter 1971 Survey of selected multiunit companies is needed to collect information for the 1971 County Business Patterns Report. The survey is similar to those conducted for previous County Business Patterns Reports and is designed to collect information on number of employees, taxable wages, geographic location, and kind of business for establishments of selected multiunit companies. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

GEORGE H. BROWN,
Director, Bureau of the Census.

[FR Doc.71-3928 Filed 3-22-71;8:47 am]

Bureau of International Commerce

[Case No. 415]

WOODHAM TRADING LTD. ET AL.

Order Denying Export Privileges

In the matter of Woodham Trading Ltd., Gerald M. Hammerson, 13 Upper Berkeley Street, London, W. 1, England; William R. Rumbold, 13 Upper Berkeley Street, London, W.1, England, and 56 Albert Hall Mansions, Kensington Gore, London, S.W. 7, England; Commodity Export Ltd., 27 Queen Anne Street, London, W.1, England; Politprude Ltd., 6 Stratton Street, London, W.1, England; respondents. Glovet Traders Ltd., 13 Upper Berkeley Street, London, W.1, England; J.P.M. Spares Co. Ltd., 6 Stratton Street, London, W.1, England; G.M.T. Friction Materials Ltd., 2 Doughty Street, London, W.C.1, England; Associated Electronics Buying Services Ltd., 27 Queen Anne Street, London, W.1, England; related parties.

ORDER DENYING EXPORT PRIVILEGES

The Director, Investigations Division, Office of Export Control, on June 23, 1970, issued a charging letter against the above respondents in which violations of the Export Control Act of 1949[1] and the regulations thereunder[2] are charged. It is alleged that on June 10, 1966, an order temporarily denying U.S. export privileges was issued against the respondent Woodham Trading Ltd. (Woodham) and Glovet Traders Ltd. (Glovet) and that under this order a determination was made that Commodity Export Ltd. (Commodity Export) was a related party to Glovet and that by reason of extensions the temporary denial order is to remain in effect until the completion of compliance proceedings. The restrictions of said order, as they apply to the respondents therein and to related parties, are set forth in the charging letter and are those that are customarily included in orders denying U.S. export privileges.

The allegations cover details of the transaction in which respondents participated and in which it is charged they violated the Export Control Regulations. Briefly, without reciting all the details,[3] it is alleged that respondents Hammerson and Rumbold, acting individually and on behalf of respondents Woodham, Commodity Export, and Politprude, ordered from a Dutch firm parts (more specifically gears) for Mack Trucks valued at $121,000, which the respondents knew were of U.S. origin; the Dutch firm ordered the parts from a Canadian firm and the latter firm obtained the parts from a U.S. supplier; two shipments of the parts (having a total value of $77,000) were made (January 26, 1968, and February 9, 1968) from New York to the Dutch firm in Rotterdam; on instructions from respondents the Dutch firm turned the goods over to a frieght forwarded who repacked and re-marked the goods for reexport to Cuba; the goods were then delivered to a shipping company, which, on instructions from respondents, shipped the goods to Cuba on February 22, 1968. It is alleged that these exportations were made by respondents with knowledge on their part that (1) United States law prohibits delivery to Cuba of U.S.-origin goods without prior authorization from the U.S. Government, and (2) such acts were in violation of the aforementioned order and determination.

It is charged that respondents violated the aforementioned denial order and related party determination and also violated §§ 387.2, 387.3, 387.4, 387.6, and 387.8 of the Export Control Regulations.

The charging letter was duly served on each of the respondents. The only answer filed was by Rumbold individually and in his capacity, where relevant, as a director of Commodity Export and Woodham. He did not request a hearing. No answers were filed by Hammerson, Woodham, Commodity Export, or Politprude and these respondents were held in default pursuant to § 388.4(a) of the Export Control Regulations.

There was an informal presentation of documentary evidence on behalf of the Investigations Division on January 28, 1971. The Compliance Commissioner, after considering the record in the case, submitted to the undersigned a report which summarizes the essential evidence, considers the various charges, and which includes findings of fact and conclusions. The Compliance Commissioner recommended sanctions that should be imposed.

After considering the record in the case, I adopt the findings of fact made by the Compliance Commissioner, which are as follows:

FINDINGS OF FACT

1. The respondents Woodham Trading Ltd., Commodity Export Co. Ltd., and Politprude Ltd., are all limited liability companies located in London, England. Included within the business operations of the three companies is the importing and exporting of machinery and automotive parts and equipment. The respondents Hammerson and Rumbold are directors of Woodham and Commodity Export and they control these two companies. While it does not appear that these individual respondents are directors of Politprude, they control the company and its operations. As between these two individuals, Hammerson is the more dominant in the three companies.

2. On June 10, 1966, the Director, Office of Export Control, issued an order against Woodham Trading Ltd. (Woodham) and Glovet Traders Ltd. (Glovet) also of London, temporarily denying them all U.S. export privileges. This order and subsequent extensions were published in the FEDERAL REGISTER (31 F.R. 8501, 31 F.R. 10902, 31 F.R. 13359, 31 F.R. 15708). Under the last extension the order was continued in effect until the completion of compliance proceedings and the order is still in effect. In the extension order dated August 9, 1966, that was published in the FEDERAL REGISTER (31 F.R. 10902) a determination was made that Commodity Export Ltd. was, within the meaning of § 388.1(b) of the Export Control Regulations, a related party to Glovet. This determination has been in effect to the present time and all of the restrictions of the denial order have been and are applicable to Commodity Export.

All of the respondents were aware of the denial order of June 10, 1966, and also of the determination relating to Commodity Export Ltd. They were also aware of the terms and restrictions in said order.

3. The order of June 10, 1966, among other things, prohibited respondents from participating, directly or indirectly, in any manner or capacity, in any transactions involving commodities or technical data exported or to be exported from the United States. By the terms of said order such prohibitions extended to agents and representatives of the named respondents and to any party with whom the respondents were related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

4. On December 21, 1965 Commodity Export Ltd. entered into a contract with Transimport of Havana, Cuba, to supply it with substantial quantities of gears for Mack Trucks. Mack Truck gears are manufactured only in the United States.

5. In May 1966, Woodham and another company acting for it, requested price quotations on the Mack Truck gears desired by the Cuban customer from two different suppliers in Chicago, Ill. The said suppliers furnished such quotations. No orders resulted from these quotations and the matter was not pursued because of the temporary denial order of June 10, 1966.

6. Early in June 1966, one Frank C. Beven of London, as representative of Woodham, visited one of the suppliers in Chicago and conducted negotiations on several matters including the transaction relating to the purchase of the Mack Truck gears.

7. Notwithstanding the denial order of June 10, 1966, one Jack Meerloo and another individual, both of London, England, as representatives of respondent Hammerson, acting in the name of G.M.T. Friction Materials Ltd., London, in November 1966 visited automotive parts dealers in New York and California indicating an interest to purchase large quantities of U.S. automotive spare parts for various types of machines of U.S. manufacture.

8. In May 1967, said Jack Meerloo, acting for Hammerson and the companies he controlled, visited suppliers of automotive and truck parts in Canada to negotiate for the purchase of such commodities. He visited a firm in Edmonton, Alberta, to arrange to purchase the Mack Truck gears for which price quotations had been obtained from the two Chicago suppliers in May 1966.

9. As a result of this visit a representative of the Edmonton firm visited Meerloo in London and through him met Hammerson and became acquainted with the firm Politprude.

10. On November 2, 1967, Politprude placed an order with the Edmonton firm for a long list of parts described as "Mack Gears". The list of parts ordered was substantially the same as the list submitted to the two Chicago suppliers in May 1966 (see Finding 5). The order was signed on behalf of Politprude by Beven (see Finding 6).

11. The Edmonton firm did not wish to deal directly with Politprude and in December 1967 the firm Hakru N.V., a Dutch company was established in Amsterdam, The Netherlands. In December Politprude placed the same order with Hakru as it had placed with the Edmonton firm. Hakru in turn placed the order with the Edmonton firm.

12. In the middle part of December 1967 the Edmonton firm ordered the gears from a New York supplier. The total value of the parts ordered was approximately $121,000. The order showed that shipment of the gears was to be made by the New York supplier to the Edmonton company in Canada. These instructions were later changed for shipment to be made to Hakru N.V. c/o a shipping agency in Rotterdam.

13. The Edmonton firm made two shipments of the Mack Truck gears from New York to Hakru c/o the shipping agency in Rotterdam. One shipment of 17 cases invoiced at $58,000 was made on January 26, 1968, and the other of six cases invoiced at $21,000 was made on February 9, 1968. The bills of lading bore destination control notices showing Holland as country of ultimate destination. Before additional shipments were made under the order, OEC learned of the transaction and prevented further shipments.

14. Woodham opened a letter of credit in favor of Hakru to pay for the parts. Hakru in turn opened a letter of credit in favor of the Edmonton firm.

15. Woodham gave instructions to Hakru and the shipping agency that on arrival of the goods in Rotterdam they were to be placed under control of a named freight forwarder. On February 15, 1968, Rumbold, on the letterhead of Commodity Export, instructed the freight forwarder to re-mark the goods for shipment to Cuba and to load them on a vessel scheduled to sail from Rotterdam to Cuba on February 20, 1968. The freight forwarder complied with these instructions. The goods were shipped to Cuba on February 22, 1968.

16. Hammerson and Rumbold, and through them the other respondents, had knowledge of the restrictions under the U.S. Export Control Regulations on the shipment of U.S.-origin commodities to Cuba.

17. Hammerson and Rumbold, and through them the other respondents, knew or had reason to know that the Mack Truck gears that were obtained by Politprude through Hakru were of U.S. origin.

18. The respondents knowingly participated in the purchase of U.S.-origin commodities in Canada and knowingly participated in the reexportation of such commodities from Holland to Cuba.

Based on the foregoing, I have concluded that the respondents:

(a) Violated § 387.2 of the Export Control Regulations in that without authorization from the Office of Export Control they procured another party to order and buy U.S.-origin commodities in violation of said regulations and contrary to the restrictions of the Bureau of International Commerce denial order of June 10, 1966 (31 F.R. 8501), as extended and of the related part determination made thereunder.

(b) Violated § 387.4 of said regulations and the above mentioned denial order and related party determination in that without specific authorization from the Office of Export Control they carried on negotiations with respect to and in the ordering of U.S. commodities to be exported and which were exported from the United States with knowledge that such conduct was prohibited by said regulations and the aforesaid denial order and determination.

[1] This Act has been succeeded by the Export Administration Act of 1969, Public Law 91-184, approved Dec. 30, 1969, 50 U.S.C. App. secs. 2401-2413. Section 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked remain in full force and effect, the same as if promulgated under this Act."

[2] The regulations were revised on June 1, 1969, and the sections pertinent to these proceedings were given new section numbers but no significant changes were made therein. The section references herein are to the new numbers.

[3] In general, the substantive allegations in the charging letter are supported by the evidence and essential details are included in the Findings of Fact of this order.

(c) Violated § 387.6 of said regulations in that without specific authorization from the Office of Export Control they knowingly diverted, transshipped and reexported commodities to a destination in violation of and contrary to the terms of related export control documents and of the general license under which the said goods were exported from the United States.

I also adopt the recommendation of the Compliance Commissioner that determinations be made that the following firms are related parties to one or more of the respondents for the reasons stated. All of the terms, restrictions, and prohibitions of the order against respondents are applicable to the related parties.

Glovet Traders Ltd., 13 Upper Berkeley Street, London. The respondents Hammerson and Rumbold are directors of this firm which is located at the same address as the Woodham firm. The firms are closely connected in a business sense. The Glovet firm is a related party to Hammerson, Rumbold, and Woodham.

J.P.M. Spares Ltd., 6 Stratton Street, London. This company was formed to complete certain contracts left by a firm that traded as J.P.M. Spares Co., and which was in the hands of a Receiver. Woodham Trading Ltd., was acting as Manager of J.P.M. Spares Ltd. On this basis, J.P.M. Spares Ltd. is a related party to Woodham.

G.M.T. Friction Materials Ltd., 2 Doughty Street, London. This firm was organized about November 1966. The purpose was to buy machinery equipment obtainable only in the United States. In November 1966 Hammerson/Woodham financed a trip to the United States from London by Jack Meerloo and another individual for the purpose of making inquiries about materials that could not be obtained in the U.K. Hammerson was behind G.M.T. G.M.T. is a related party to Hammerson and Woodham.

Associated Electronics Buying Services Ltd., 27 Queen Anne Street, London. Hammerson and Rumbold are directors of this firm which is located at the same address as Commodity Export Ltd. This firm is a related party to Hammerson, Rumbold, and Commodity Export.

The Compliance Commissioner stated that the evidence shows that Jack Meerloo and Frank C. Beven, both of London, have acted as agents of Hammerson and Rumbold and of companies controlled by them. He recommended that these two individuals be named in the order as such agents and representatives. I adopt this recommendation.

Concerning certain aspects of the evidence, the Compliance Commisioner stated as follows:

It is clear from the record that this transaction was directed by Hammerson and Rumbold who acted through their individual agents and through the companies they controlled, namely, Woodham, Commodity Export, and Politprude.

It is also clear from the record that Hammerson and Rumbold were fully aware of the restrictions on the shipment of U.S.-origin commodities to Cuba. All through 1967 negotiations were in progress between Woodham and Commodity Export on the one hand, and representatives of the U.S. Government on the other, to dispose of the temporary denial order. The principal point involved was the restriction on the reexportation of U.S.-origin commodities to Cuba. At the very same time that such negotiations were in progress the transaction in question regarding the purchase of the U.S.-origin Mack Truck gears was also in progress. In connection with another transaction, Politprude, in a letter to a Canadian firm dated June 16, 1967, made clear its understanding that U.S.-origin commodities could not be shipped to Cuba.

It is admitted that in December 1965 Commodity Export entered into a contract with a customer in Cuba to supply Mack Truck gears. In May 1966, the respondents obtained quotations for the gears from at least two U.S. suppliers. I do not accept the claim that these quotations were sought merely for the purpose of price checking. No order or exportation resulted from these inquiries because the denial order of June 10, 1966, prevented consummation of the transaction by U.S. suppliers.

The respondents continued their efforts to obtain the gears in order to fulfill their contract with the Cuban customer. In May 1967, Meerloo, on behalf of respondents, visited a Canadian firm. The negotiations continued for several months thereafter, first between Politprude and the Canadian firm and later between Hakru (after it received Politprude's order) and the Canadian firm. If the respondents were sincere in their desire to comply with U.S. requirements regarding reexportation of U.S.-origin commodities, they would have made some effort to learn whether the Mack Truck gears in question were of U.S. origin. They made no such inquiry.

Mack Truck gears are manufactured only in the United States. Both Rumbold and Hammerson had had extensive experience in trading in automotive and machinery parts. From their background, experience, and general knowledge of this business, they should have known, or at least strongly suspected that the gears they were purchasing were of U.S. origin. They failed to make inquiries or obtain assurances that the gears in question were not of U.S. origin. Of particular significance is the fact that the negotiations to dispose of the proceedings pending against them for violations of the Export Control Regulations were in progress concurrently with the transaction relating to the purchase of the Mack Truck gears.

In discussing the point as to whether respondents acted with knowledge that the gears were of U.S. origin, the Compliance Commissioner said:

It is well settled by numerous court decisions that to show that a person acted "knowingly" or "with knowledge" does not necessarily require proof of actual knowledge. "Knowingly", according to such decisions, "means knowing or having reason to know. A person has reason to know when he has such information as would lead a person exercising reasonable care to acquire knowledge of the fact in question or to infer its existence." U.S. v. Sweet Briar, 92 F. Supp. 777 (W.D.S.C. 1950). "The law imputes knowledge when opportunity and intent, combined with reasonable care would necessarily impart it." Ives v. Sargent, 119 U.S. 652, 661. "If a person has actual knowledge of facts which would lead an ordinary prudent man to make further investigation, the duty to make inquiry arises and the person is charged with knowledge of facts which inquiry would have disclosed." Nettles v. Childs, 100 F. 2d. 952, 957 (4th Cir. 1939). The failure to make such inquiry in these circumstances has been described as "negligent ignorance", which, it is said "frequently has the same effect as actual knowledge." Greenspan v. Seagram, 186 F. 2d. 616, 620 (2d Cir. 1951).

The principles applicable were stated in Zdunek v. Thomas, 254 N.W. 382, 385 (Wis. 1934) as follows:

It is a general rule of law sustained by the authority of many cases that whatever fairly puts a person on inquiry with respect to an existing fact is sufficient notice of that fact if the means of knowledge are at hand. If under such circumstances one omits to inquire, he is then chargeable with all the facts which, by proper inquiry, he might have ascertained.

If a person confronted with a state of facts closes his eyes in order that he may not see that which would be visible and therefore known to him if he looked, he is chargeable with "knowledge" of what he would have seen had he looked. A person by closing his eyes for the purpose of preventing knowledge by that act brings himself within the field of knowledge as that term is used in the law.

The same principles have been applied by the Privy Council in England. See The Zamora No. 2, (1921) 1 A.C. 801 (P.C.)

In considering the sanction that should be imposed the Compliance Commissioner stated:

It is apparent from the record in this case that Hammerson controls several companies. He is able to obtain the services of individuals and the assistance of other companies to further his business purposes. In the instant case he obtained the services of Meerloo and Beven. The firms Woodham, Politprude and Commodity Export participated in the transaction. Hammerson, acting through other parties, evaded the denial order that was issued against companies controlled by him. We have no assurance that through the use of other individuals or companies there will not be evasion or attempted evasion of the denial order that will be issued in this case. This should not deter us, to the extent that we can, from using the means at our disposal to enforce the law that Congress has enacted, the enforcement of which is the responsibility of the Office of Export Control.

In permitting exportations from the United States this Government has authority to impose restrictions as to their destination and it does so. Parties in foreign countries (and indeed, some in this country) may not be in accord with the policy of this Government regarding its restrictions on the shipment, directly or indirectly, of U.S.-origin goods to Cuba. However, this is U.S. policy and has been for several years. Whether or not a party agrees with this policy, if he knows of the U.S. restrictions and participates in U.S. export transactions or deals in U.S. goods, it is expected that he will abide by those restrictions. We feel that this is a reasonable requirement for an individual to meet if he desires to continue to participate in U.S. export transactions or to deal in U.S. goods.

A party who knowingly violates the restrictions on reexportation demonstrates a disdainful attitude towards our law. It is our purpose to deter violations and bring about compliance with our law. The most effective means we have of doing this is to prohibit such parties from participating in transactions involving exportations from the United States.

I recommend that respondents be denied United States export privileges for the duration of export controls. Having in mind the period that some of the respondents have been subject to a denial order, I would afford them the opportunity after 5 years to apply for restoration of export privileges. If at the time they can show that they have complied with the terms of the order and have not attempted to evade its restrictions, their export privileges may be restored under such conditions as may be considered appropriate.

I have considered the record in the case and the report and recommendation of the Compliance Commissioner. I concur in his comments as above set forth. I am of the opinion that the Compliance Commissioner's recommendation as to the sanctions that should be imposed are fair and just and calculated to achieve effective enforcement of the law. *Accordingly, it is hereby ordered*:

I. This order is effective forthwith and supersedes the order temporarily denying export privileges issued against Woodham Trading Limited and Glovet Traders Limited on June 10, 1966 (31 F.R. 8501) and extended on August 9, 1966, October 6, 1966, and December 16, 1966 (31 F.R. 10902, 13359, 15708). This order also supersedes the restrictions imposed on Commodity Export Ltd., under the related party determination of August 9, 1966 (31 F.R. 10902)

With respect to (1) the above named respondents, (2) the above named related parties, and (3) Jack Meerloo and Frank C. Beven of London, agents and representatives of one or more of the respondents, all outstanding validated licenses in which they appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Paragraph IV hereof, the respondents and the other parties subject to this order, as set forth in Paragraph III hereof for the duration of export controls are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors, representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

Determinations have been made that the following firms are related parties to one or more of the respondents. All of the terms and restrictions of this order are applicable to and with respect to such firms: Glovet Traders Ltd.; J.P.M. Spares Ltd.; G.M.T. Friction Materials Ltd.; Associated Electronics Buying Services Ltd., all of London, England.

This order is also applicable to Jack Meerloo and Frank C. Beven, both of London, who have participated in export transactions as agents of representatives of one or more of the respondents.

IV. Five years after the effective date of this order, the respondents may apply to have the effective denial of their export privileges held in abeyance while they remain on probation. Such application as may be filed by said respondents shall be supported by evidence showing their compliance with the terms of this order and such disclosure of their import and export transactions as may be necessary to determine their compliance with this order. Such application will be considered on its merits and in the light of conditions and policies existing at that time. The respondents' export privileges may be restored under such terms and conditions as appear to be appropriate.

V. During the time when any respondent or other party subject to this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: March 2, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71-3992 Filed 3-22-71;6:50 am]

National Oceanic and Atmospheric Administration

[Docket No. B-510]

HAROLD A. LOFTES

Notice of Loan Application

MARCH 17, 1971.

Harold A. Loftes, 16 Tarlton Road, Wakefield, RI 02879, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 79-foot length overall steel vessel to engage in the fishery for herring and herring-like species, mackerel, whiting, flounders, fish for industrial uses, and lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3919 Filed 3-22-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR, REGION I (BOSTON)

Designation

The officials appointed to the following positions in Region I (Boston) are designated to serve as Acting Regional Administrator, Region I (Boston), during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no official is authorized to serve as Acting Regional Administrator unless all other officials whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Assistant Regional Administrator for Administration.
3. Assistant Regional Administrator for Housing Management and Community Services.

4. Assistant Regional Administrator for Renewal Assistance.

5. Regional Counsel.

Redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969.

Effective date. This designation is effective as of October 16, 1970.

JAMES J. BARRY,
Regional Administrator,
Region I (Boston).

[FR Doc.71-3941 Filed 3-22-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71-3-61]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Adopted Relating to Fare Matters

Issued under delegated authority March 10, 1971.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to fare matters; Docket 22628, Agreement CAB 22051,[1] Agreement CAB 22122,[2] Agreement CAB 22185,[3] Agreement CAB 22222.[4]

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at Geneva meetings subsequent to the recessed Honolulu Worldwide Passenger Fare Conference. The agreements have been assigned the above-designated CAB Agreement numbers.

For the most part, the resolutions incorporated in the subject agreements relate to fares and provisions which either are not applicable or are not directly applicable in air transportation as defined by the Act and, therefore, are of primary interest to other governments. For example, the agreements, inter alia, establish fare levels to apply within the Europe/Africa/Middle East geographical area generally for a 1-year period of effectiveness beginning April 1, 1971, and the basic provisions governing their use preclude combination with other fares including those pertaining to travel to/from the United States. To the extent that certain resolutions would apply in air transportation, these involve procedural or technical provisions not affecting basic fare levels.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA number	Title	Application
22122:			
R-1	001b	North Atlantic-Special Effectiveness Resolution (Tie-in)	1/2/3 (North Atlantic).
22185:			
R-2	001b	JT23 Special Effectiveness Resolution (Tie-in)	2/3.
R-3	001b	JT123 Special Effectiveness Resolution (Tie-in)	1/2/3.
22222:			
R-1	001b	South Atlantic Special Effectiveness Resolution (Tie-in)	1/2; 1/2/3 (South Atlantic).
22185:			
R-145	011	Mileages and Routes for Tariff Purposes (Amending)	Worldwide.
R-8	011a	Mileage Manual—Non-IATA Sectors (Revalidating and Amending).	2; 2/3.
R-146	012c	Definition of South West Pacific (New)	Worldwide.
R-9	014a	Construction Rule for Passenger Fares (Revalidating and Amending).	2; 2/3.
22222:			
R-4	014a	Construction Rule for Passenger Fares (Amending)	1/2; 1/2/3 (South Atlantic).
22185:			
R-10	014c	Computer Constructed Fares (Revalidating and Amending)	2; 2/3.
22122:			
R-4	014l	Special JT123 Escape Construction Rule (Revalidating and Amending).	1/2/3 (North Atlantic).
22222:			
R-16	014l	Special JT123 Escape Construction Rule (Revalidating and Amending).	1/2; 1/2/3 (Mid & South Atlantic).
R-5	014n	JT123 Construction Rule for Fares between the South Atlantic Area and TC3 (Revalidating and Amending).	1/2/3.
22122:			
R-5	014q	Adjustment of Fares (Revalidating and Amending)	1/2/3 (North Atlantic).
22185:			
R-17	047	General Applicability Resolution (New)	2; 2/3.
R-67	076s	Form of Application for Affinity Group Fares (New)	2; 2/3.
R-112	102	Passenger Expenses En Route (Revalidating and Amending)	2; 2/3; 1/2/3.
R-116	200h	Free and Reduced Fare Transportation for Inaugural Flights (Revalidating and Amending).	2; 2/3.

2. It is not found that the following resolutions, which are incorporated in the agreement indicated and which do not directly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA number	Title	Application
22185:			
R-1	001b	TC2 Special Effectiveness Resolution (Tie-in)	2.
R-124	001b	TC2 Special Effectiveness Resolution (Tie-in)	2.
22222:			
R-2	002	Standard Revalidation-South Atlantic	1/2.
22185:			
R-4	002e	Standard Revalidation Resolution	2.
R-6	002e	Standard Revalidation Resolution	1/2/3.
22222:			
R-15	002e	Standard Revalidation Resolution	1/2; 1/2/3 (Mid and South Atlantic).
22185:			
R-7	002g	Standard Revalidation Resolution	2.
R-12	021f	Special Conversion Rates (Revalidating and Amending)	2.
R-20	052	TC2 First Class Fares	2.
22222:			
R-6	054c	South Atlantic Normal First Class Fares	1/2 (South Atlantic).
22185:			
R-27	060b	TC2 Mixed Class Aircraft Night Service (Readopting)	2.
R-29	062	TC2 Economy Class Fares	2.
22222:			
R-8	064c	South Atlantic Economy Class Fares	1/2 (South Atlantic).
22185:			
R-39	071j	TC2 10-Day Excursion Fares—TC2 to Shiraz (New)	2.
R-110	096a	TC2 Class "B" Fares, Within Europe (Readopting and Amending).	2.
R-111	096c	TC2 Middle East Class "B" Fares (Revalidating and Amending)	2.
22222:			
R-17	310	Free Baggage Allowance (Revalidating and Amending)	1/2; 1/2/3 (South Atlantic).
22185:			
R-121	311d	Charges for Golfing Equipment (Readopting)	2.
R-122	311e	Charges for Bulky Baggage (Readopting)	2.
R-123	311g	Charges for Angling Equipment—United Kingdom/Ireland (Readopting).	2.

3. It is not found that the following resolutions, incorporated in the agreement indicated, affect air transportation as defined by the Act.

[1] Agreement CAB 22051, R-8 and R-28.

[2] Agreement CAB 22122, R-1; R-4; and R-5.

[3] Agreement CAB 22185, R-1 through R-4; R-6 through R-12; R-17; R-20; R-27; R-29; R-34 through R-39; R-41 through R-62; R-65 through R-67; R-69; R-70; R-73, R-74; R-76 through R-84; R-86; R-87; R-89, R-90; R-92; R-94 through R-103; R-105 through R-112; R-115; R-116; R-119; and R-121 through R-146.

[4] Agreement CAB 22222, R-1 through R-6; R-8; and R-9 through R-17.

Agreement CAB	IATA number	Title	Application
R-61	076b	TC2 8-Day Affinity Winter Group Fares-Europe to Israel (Readopting).	2.
R-62	076bb	TC2 14-Day Affinity Winter Group Fares-Europe to Middle East (Readopting and Amending).	2.
R-65	076k	Affinity Group Fares, Ethiopia to Europe/Middle East and Within Africa (Revalidating and Amending).	2.
R-66	076LL	TC2 1-Month Affinity Group Fares-Athens/Nicosia (New)	2.
22222: R-10	076r	South Atlantic Affinity Group Fares (New)	1/2 (South Atlantic).
22185: R-69	077a	TC2 Group Fares for Seamen (Revalidating and Amending)	2.
22222: R-11	077c	South Atlantic Individual Fares for Seamen (New)	1/2 (South Atlantic).
22185: R-137	077f	TC2 Individual Fares for Seamen (New)	2.
R-127	078	TC2 45-Day Individual Inclusive Tour Fares—Europe/Middle East to West Africa (Revalidating and Amending).	2.
R-138	080a	TC2 1-Month Individual Inclusive Tours—Europe/Middle East to West Africa (Revalidating and Amending).	2.
R-73	080c	TC2 Individual Inclusive Tour Fares—Zsah European (Readopting and Amending).	2.
R-74	080g	TC2 1-Month Individual Inclusive Tour Fares—Europe to Middle East (Readopting and Amending).	2.
R-76	080j	TC2 1-Month Individual Inclusive Tour Fares, Europe to Israel (Readopting and Amending).	2.
R-77	081a	TC2 45-Day Group Inclusive Tour Fare, Israel to Europe (Readopting and Amending).	2.
R-78	081b	45-Day Group Inclusive Tour Fares—Scandinavia/Finland to TC3 (Readopting and Amending).	2.
R-79	081c	TC2 Group Inclusive Tour Fares, Europe to Israel/Iran (Readopting).	2.
R-80	081c	TC2 Group Inclusive Tour Fares, Europe to Middle East (Excluding Israel).	2.
R-81	081d	TC2 Group Inclusive Tour Fares, Europe to Israel (Readopting and Amending).	2.
R-82	081e	TC2 Group Inclusive Tour Fares, Europe to Middle East (Excluding Israel).	2.
R-83	081f	TC2 Group Inclusive Tour Fares—Within Africa (New)	2.
R-84	081g	TC2 Group Inclusive Tour Fares, Europe to Greece/Turkey (Readopting and Amending).	2.
22222: R-12	081k	South Atlantic 28-Day Group Inclusive Tour Fares	1/2 (South Atlantic).
22185: R-86	081m	TC2 Group Inclusive Tour Fares, Scandinavia/Finland to Israel	2.
R-87	081mm	TC2 Individual Inclusive Tour Fares, Scandinavia/Finland to Points in the Middle East (Excluding Israel) (Readopting and Amending).	2.
R-139	081p	TC2 1-Month Group Inclusive Tour Fares—Europe/Middle East	2.
R-140	081pp	One-Month Group Inclusive Tour Fares-Europe/Middle East to Africa (Revalidating and Amending).	2.
R-141	081q	TC2 1-Month Group Inclusive Tour Fares, Europe/Middle East to West Africa and West Central Africa (Revalidating and Amending).	2.
R-89	081r	TC2 45-Day Group Inclusive Tour Fares, Middle East to Europe (Readopting and Amending).	2.
R-90	081s	TC2 45-Day Group Inclusive Tour Fares, Iran to Europe (Readopting and Amending).	2.
R-142	081u	TC2 Group Inclusive Tour Fares, Europe/Middle East to West Africa and West Central Africa (Revalidating and Amending).	2.
22185: R-143	081v	One-Month Group Inclusive Tour Fares-Africa to Middle East (Revalidating and Amending).	2.
R-144	081w	TC2 1-Month Group Inclusive Tour Fares-Southern Africa to Europe/Middle East (Revalidating and Amending)	2.
R-92	081x	30-Day Group Inclusive Tour Fares-Afghanistan to East Africa	2/3.
R-94	083	TC2 Night Bulk Inclusive Tour Fares, Ireland and U.K. to Europe, and return (Readopting).	2.
R-95	086	Tour Operators' Package (TOP) Fares to Europe (New)	2.
R-60	076q	TC2 Common Interest Group Fares-Europe (New)	2.
R-63	076t	TC2 Common Interest Group Fares (Amending)	2.
R-64	076u	TC2 Common Interest Group Fares (Readopting)	2.
R-68	076w	TC2 Common Interest Group Fares—Africa, Sportsmen and Supporters (Revalidating and Amending).	2.
R-135	076x	East Africa-Aden Group Fares (Revalidating and Amending)	2.
R-57	078k	TC2 30-Day Group Night Fares, Nicosia to London (New)	2.
R-58	078m	TC2 Common Interest Group Fares, Ireland-Scandinavia, Finland to New York	2.
R-59	078p	JT23 45-Day Group Fares, Mauritius to Bombay (Revalidating and Amending).	2/3.
R-96	078q	TC2 Common Interest Group Fares-Europe (New)	2.

Agreement CAB	IATA number	Title	Application
22222: R-3	002a	Special Revalidation Resolution—South Atlantic (New)	1/2 (South Atlantic).
22185: R-11	014a	Special Fares to/from U.K. (Revalidating and Amending)	2.
R-34	070	TC2 Calais/Southend Air-Sea Excursion Fares (Readopting)	2.
R-35	070g	TC2 14-Day Holiday Fares, Switzerland to England (Readopting and Amending).	2.
22081: R-6	070	TC1 21-Day Excursion Fares, Canada-Bermuda/Caribbean (Revalidating and Amending).	1.
R-28	070JJ	TC1 21-Day Excursion Fares, Canada-Bermuda/Caribbean (Amending).	1.
22185: R-125	070	TC2 90-Day Excursion Fares, Southern Africa to Europe/Middle East (Revalidating and Amending).	2.
R-126	070k	TC2 90-Day Excursion Fares, U.K./Ireland to Southern Africa	2.
R-127	070m	TC2 45-Day Excursion Fares Europe/Middle East to Mozambique (Revalidating and Amending).	2.
R-36	070q	TC2 8-Day Round Trip Fares, Ireland to U.K. (Readopting)	2.
R-128	070r	TC2 45-Day Excursion Fares, Southern Africa to Europe/Middle East (Revalidating and Amending).	2.
R-129	070rr	TC2 45-Day Excursion Fares Europe/Middle East to Southern Africa (Revalidating and Amending).	2.
R-130	070s	TC2 90- and 45-Day Excursion Fares, Africa to Europe/Middle East (Revalidating and Amending).	2.
R-131	070W	TC2 90-Day Excursion Fares, U.K./Ireland-Central Africa (Revalidating and Amending).	2.
22222: R-9	070Y	South Atlantic 60-Day Economy Class Excursion Fares (Revalidating and Amending).	1/2.
22185: R-37	071a	JT23 123-Day Creative Fares from Bahrein, Basra, Dhahran, Doha, Dubai and Kuwait to India, Pakistan and Ceylon (Readopting and Amending).	2/3.
R-38	071c	JT23 90-120-Day Excursion Fares, U.K. to India/Pakistan/Ceylon/Afghanistan/Nepal (New).	2/3.
R-132	071f	TC2 30-Day Excursion Fares, Madrid/Santa Isabel (New)	2.
R-133	071h	TC2 45-Day Excursion Fares, East Africa/Mauritius to Europe (New).	2.
R-134	071k	TC2 30-Day Excursion Fares—Africa to Europe (New)	2.
R-135	071m	TC2 30-Day Excursion Fares—Africa/Middle East to Europe (New).	2.
R-41	072b	TC2 Creative Fares—Except Europe (Revalidating and Amending).	2.
R-42	072d	TC2 Creative Fares, Europe-Middle East (Readopting and Amending).	2.
R-43	072e	TC2 Creative Fares, U.K./Ireland to Israel (Readopting)	2.
R-44	072g	TC2 Creative Fare Bonus—Europe (Readopting and Amending).	2.
R-45	072i	TC2 Fly/Drive Package, United Kingdom-Ireland (Revalidating and Amending).	2.
R-46	072l	TC2 Creative and Inclusive Tour Fares to Spain/Portugal (New).	2.
R-47	072s	TC2 Night Emigrant Fares, Salisbury-Bulawayo-Johannesburg (Readopting and Amending).	2.
R-48	073b	TC2 Night Emigrant Fares, Nicosia to London (Readopting and Amending).	2.
R-49	073c	TC2 Creative Fares, U.K./Ireland-Nicosia (Readopting and Amending).	2.
R-50	073g	TC2 28-Day Individual and Group Fares, U.K. to Nicosia (Readopting and Amending).	2.
R-51	073M	TC2 Night Creative Fares, London-Amman/Beirut/Cairo/Damascus (Readopting and Amending).	2.
R-52	073n	TC2 Night Creative Fares, Nicosia-Czechoslovakia (New)	2.
R-53	073q	TC2 Common Interest Group Fares (Readopting)	2.
R-54	073r	TC2 Common Interest Group Fares (Amending)	2.
R-55	073s	TC2 Common Interest Group Fares (Readopting)	2.
R-56	073t	TC2 Common Interest Group Fares—Africa, Sportsmen and Supporters (Revalidating and Amending).	2.
R-136	073u	East Africa-Aden Group Fares (Revalidating and Amending)	2.
R-97	073x	TC2 30-Day Group Night Fares, Nicosia to London (New)	2.
R-98	073ii	TC2 Common Interest Group Fares, Ireland-Scandinavia, Finland to New York	2.
R-99	073p	JT23 45-Day Group Fares, Mauritius to Bombay (Revalidating and Amending).	2/3.
R-60	073q	TC2 Common Interest Group Fares-Europe (New)	2.

Agreement CAB	IATA number	Title	Application
R-96	086a	TC2 Inclusive Tour Arrangements from U.K. to Spain (Excluding Madrid) (New).	2.
R-97	090a	TC2 60-Day Pilgrim Fares—Middle East (Revalidating)	2.
R-98	090b	JT23 35- and 60-Day Pilgrim Fares (Revalidating and Amending)	2/3.
R-99	091b	TC2 Family Fares between Points in Middle East and between Libya and the Middle East (Revalidating and Amending).	2.
R-100	091e	TC2 Family Fares, Ireland to United Kingdom (Readopting and Amending).	2.
R-101	091g	TC2 Family Fares—Within Africa (Revalidating and Amending)	2.
R-102	091h	JT23 Family Fares—Mauritius to India (Revalidating and Amending).	2/3.
R-103	091i	TC2 Family Fares—Europe to Middle East (New)	2.
22222:			
R-13	092	Student Fares (Revalidating and Amending)	1/2; 1/2/3 (South Atlantic).
22185:			
R-105	092b	TC2 Student Fares, London-Nicosia (Readopting and Amending)	2.
R-106	092c	TC2 Youth Fares—Europe (Readopting and Amending)	2.
R-107	092d	JT23 Youth Fares, Australia/New Zealand-Europe (Revalidating and Amending).	2/3; 1/2/3.
R-108	093	TC2 Teachers Fare (Revalidating and Amending)	2.
R-109	094b	Emigrant Fares—Malta-London (Readopting and Amending)	2.
22222:			
R-14	094c	Emigrant Fares—Portugal to Brazil (Revalidating and Amending)	1/2 (South Atlantic).
22185:			
R-115	154a	Air/Surface Transportation Charges (Revalidating and Amending)	2.
R-119	311a	Charges for Specific Baggage Items (Readopting)	2.

Accordingly, it is ordered, That:

1. Action on those portions of Agreements CAB 22122, 22185, and 22222 set forth in finding paragraph 1 above be and hereby is deferred with a view toward eventual approval; and

2. Those portions of Agreements CAB 22051, 22185, and 22222 set forth in finding paragraphs 2 and 3 above be and hereby are approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3898 Filed 3-22-71;8:45 am]

[Dockets Nos. 19563, 21857; Order 71-3-83]

ROSS AVIATION, INC.

Order To Show Cause

Issued under delegated authority March 15, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-5-104, May 21, 1970, in Docket 21857, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Poteau and Oklahoma City, via McAlester, Okla.

The Postmaster General filed a petition on March 1, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 47.15 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after March 1, 1971, to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 47.15 cents per great circle aircraft mile between Poteau and Oklahoma City, via McAlester, Okla.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-30 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16 (f),

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixed and determine the final rate specified herein:

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3942 Filed 3-22-71;8:49 am]

[Dockets Nos. 19567, 21857; Order 71-3-96]

ROSS AVIATION, INC.

Order To Show Cause

Issued under delegated authority March 17, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-5-104, May 21, 1970, in Docket 21857, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Ponca City and Oklahoma City, via Enid, Okla.

The Postmaster General filed a petition on March 1, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 58 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after March 1, 1971, to Ross Aviation, Inc. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 58 cents per great circle aircraft mile between Ponca City and Oklahoma City, via Enid, Okla.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23-250 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within ten days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within ten days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3943 Filed 3-22-71;8:49 am]

[Docket 23208; Order 71-3-94]

TRANS-AIR FREIGHT SYSTEM

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of March 1971.

By tariff revision [1] filed February 16, 1971, and marked to become effective March 19, 1971, Trans-Air Freight System, Inc. (Trans-Air), an air freight forwarder, proposes to increase its domestic excess valuation charge on all commodities from 15 to 30 cents for each $100 (or fraction thereof) by which the declared value of the shipment exceeds 50 cents per pound or $50 per shipment, whichever is greater. Most major forwarders have an excess valuation charge of 15 cents per $100. The Board has consistently suspended, pending investigation, proposed increases above this level, absent a showing that excess valuation charges do not cover the losses stemming from excess valuation declarations.[2]

Trans-Air has provided no data on the relationship between revenues and losses attributable to declarations of excess valuation or otherwise supported the proposed increases.

Upon consideration of all relevant factors, the Board finds that the proposed excess valuation charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the proposed rule should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 15(E)(2) on Second Revised Page 7 of Trans-Air Freight Systems Inc.'s CAB No. 9 (Trans-Air System Inc. Series) and rules, regulations, or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions in Rule No. 15(E)(2) on Second Revised Page 7 of Trans-Air Freight System Inc.'s CAB No. 9 (Trans-Air System Inc. Series) are suspended and their use deferred to and including June 16, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated as Docket 23208, be assigned before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Trans-Air Freight Systems, Inc., who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3944 Filed 3-22-71;8:49 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] Revision to Trans-Air Freight System (Trans-Air Freight System, Inc. Series) Tariff CAB No. 9.

[2] In recent actions, the Board suspended, pending investigation, increased excess valuation charges proposed by: (1) Shulman Air Freight (Order 69-5-78, May 19, 1969, and Order 69-9-107, Sept. 18, 1969); (2) Eagle Air Dispatch, Inc. (Order 69-10-155, Oct. 31, 1969); (3) Satellite Air Freight, Inc. (Order 70-10-92, Oct. 19, 1970); (4) Hop Air Freight Forwarder, Inc. (Order 70-11-84, Nov. 19, 1970), and (5) L.T.C. Air Cargo Inc. (Order 71-2-117, Feb. 26, 1971).

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 849]

J. S. ROSS CO.

Order of Revocation

By letter dated February 10, 1971, The J. S. Ross Co., d.b.a. John S. Ross, 17 Battery Place, New York, NY 10004, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 849 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 10, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The J. S. Ross Co. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No 1 (revised) section 7.04(g) (dated 9-29-70).

It is ordered, That the Independent Ocean Freight Forwarder License of The J. S. Ross Co., John S. Ross d.b.a. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of The J. S. Ross Co. be and is hereby revoked effective March 10, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon The J. S. Ross Co.

AARON W. REESE,
Managing Director.

[FR Doc.71-3930 Filed 3-22-71;8:47 am]

[Independent Ocean Freight Forwarder License No. 1283]

NEW VISTA CORP.

Order of Revocation

By letter dated January 8, 1971, Marshall Brownfield, President, New Vista

Corp., 5967 West Madison Street, Chicago, IL 60644, advised the Commission that New Vista Corp. had suspended operations and requested that Independent Ocean Freight Forwarder License No. 1283 be terminated without prejudice. On February 8, 1971, New Vista Corp. returned its Independent Ocean Freight Forwarder License.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised) section 7.04(g) (dated 9–29–70);

It is ordered, That the Independent Ocean Freight Forwarder License No. 1283 of New Vista Corp. be and is hereby revoked effective February 8, 1971, without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon New Vista Corp., Post Office Box 1002, Santa Monica, CA 90406.

AARON W. REESE,
Managing Director.

[FR Doc.71-3931 Filed 3-22-71;8:47 am]

FEDERAL POWER COMMISSION

[Docket No. G-3732 etc.]

GETTY OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 12, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3732 ..... C 2-8-71 [2]	Getty Oil Co., Post Office Box 1404, Houston, TX 77001.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	[3] 16.48	14.65
G-3732 ..... C 2-25-71 [4]	do [5]	do	[3] 16.48	14.65
G-4637 ..... C 2-26-71 [4]	Monsanto Co., 1300 Post Oak Tower Bldg., Houston, TX 77027.	do	16.7338	14.65
G-10033 ..... C 2-18-71	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, KS 67202.	Cities Service Gas Co., Driftwood Field, Barber County, Kans.	15.0	14.65
G-11090 ..... D 2-11-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	Assigned	.....
G-11869 ..... D 2-19-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Assigned	.....
G-13828 ..... E 2-24-71	Ashland Oil, Inc. (successor to Summit Energy, Inc.[3]), Post Office Box 18695, Oklahoma City, OK 73118.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Northwest Eva Field, Texas County, Okla.	[6] 18.015	14.65
G-14359 ..... D 2-16-71	Texaco, Inc., Post Office Box 52332, Houston, TX 77052.	Northern Natural Gas Co., North Hutchinson and E. Spearman Fields, Hutchinson and Hansford Counties, Tex.	[3]	.....
G-16139 ..... C 2-22-71	Gulf Oil Corp.	Transwestern Pipeline Co., Panhandle Area, Hemphill County, Tex.	[6] 19.0 [7] [8] 20.5	14.65
G-16139 ..... D 2-22-71	do	do	[3]	.....
C161-735 ..... D 2-8-71	Mobil Oil Corp.	Texas Gas Transmission Corp., East Blackburn Field, Claiborne Parish, La.	Assigned	.....
C162-872 ..... E 12-17-70 as amended 1-22-71 [9]	Mallard Exploration, Inc. (successor to Mallard Petroleum, Inc.), 1306 V & J Tower, Midland, TX 79701.	Transwestern Pipeline Co., Atoka Field, Eddy County, N. Mex.	16.95	14.65
C163-1049 ..... D 2-12-71	Northern Natural Gas Producing Co., Post Office Box 1774, Houston, TX 77001.	El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex.	Assigned	.....
C163-1049 ..... D 2-19-71	do	do	Assigned	.....
C163-1050 ..... D 2-12-71	do	do	Assigned	.....
C163-1050 ..... D 2-19-71	do	do	Assigned	.....
C163-1051 ..... D 2-8-71	do	do	Assigned	.....
C163-1051 ..... D 2-12-71	do	do	Assigned	.....
C164-385 [10] ..... C 2-16-71 [1]	Grampian Co., Ltd., Suite 1300, 1407 Main St., Dallas, TX 75202.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	16.45	14.65
C164-783 ..... E 2-10-71	Aztec Oil & Gas Co., (successor to N. A. Steed (Operator) et al.), 2000 First National Bank Bldg., Dallas, TX 75202.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	[11] 14.0536	15.025
C164-1124 [10] ..... C 2-16-71 [1]	Ruth Phillips Bleiker, Suite 1300, 1407 Main St., Dallas, TX 75202.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	16.45	14.65
C166-438 [10] ..... D 2-18-71	Shell Oil Co., 1 Shell Plaza, Houston, TX 77002 (partial abandonment).	Michigan Wisconsin Pipe Line Co., West Gueydan Field, Vermilion Parish, La.	Depleted	.....
C166-794 ..... D 2-10-71	Texaco, Inc.	Transwestern Pipeline Co., Mendota-Cree Field, Roberts County, Tex.	[12]	.....
C167-977 ..... D 2-16-71	Mobil Oil Corp.	Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, Okla.	Assigned	.....
C167-1850 ..... E 2-4-71	Read & Stevens, Inc. (successor to Charles B. Read (Operator) et al.), Box 2126, Roswell, NM 88201.	Transwestern Pipeline Co., Atoka Penn Pool, Eddy County, N. Mex.	[13] 14.89 [14] 17.11	14.65
C170-295 ..... (G-17206) F 1-28-71 [15]	Odessa Natural Corp. [16] (successor to El Paso Products Co.), Post Office Box 3986, Odessa, TX 79760.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	[17] 14.0536	15.025
C170-655 [10] ..... 1-27-71 [18]	Ada Land Co. (Operator) et al., Post Office Box 844, Houston, TX 77001.	Southern Natural Gas Co., Kokomo Field, Walthall County, Miss.	20.6	15.025
C171-462 ..... (G-13416) F 12-4-70 [19]	Suerte Oil Co. et al. (successor to Skelly Oil Co.), 3734 South Darlington, Tulsa, OK 74135.	Northern Natural Gas Co., acreage in Meade County, Kans.	16.0	14.65
C171-573 ..... (G-6600) A&E 2-8-71	Emmett J. Rahm (successor to Franciltas Gas Co. (Operator) et al.), 714 Alamo National Bldg., San Antonio, TX 78205.	United Gas Pipe Line Co., Hordes Creek Field, Goliad County, Tex.	[20] 18.3	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C171-602 ..... B 2-19-71	American Petrofina Co. of Texas (Operator) et al., c/o Walker W. Smith, Attorney, Post Office Box 2473, Dallas, TX 75221.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth and East Tom Fields, San Patricio County, Tex.	[1]	.....
C171-603 ..... A 2-22-71	Davis Oil Co. et al.	United Fuel Gas Co., Valentine Field, Lafourche Parish, La.	27.5	15.025
C171-604 ..... B 2-25-71	Edwin L. Cox (Operator) et al., 3900 First National Bank Bldg., Dallas, TX 75202.	United Gas Pipe Line Co., South Bloomfield Field, Beauregard Parish, La.	Depleted	.....
C171-605 ..... A 2-23-71	Hanlon Oil Corp., Post Office Box 1815, Roswell, NM 88201.	El Paso Natural Gas Co., Pecos Valley (McKee) Field, Pecos County, Tex.	[2] 22.0 [3] 16.0	14.65
C171-606 ..... (C168-634) (G-18616) F 2-26-71	Jerome P. McHugh et al. (successor to Thomas A. Dugan and Occidental Petroleum Corp.), 930 Petroleum Club Bldg., Denver, CO 80202.	Tennessee Gas Pipeline Co., San Juan Basin, Rio Arriba County, N. Mex.	[2] 13.0 [3] 15.0019	15.025
C171-607 ..... A 2-24-71	The Louisiana Land and Exploration Co., Post Office Box 60350, New Orleans, LA 70160.	Transwestern Pipeline Co., acreage in Ward and Winkler Counties, Tex.	[3] 27.5	14.65
C171-608 ..... A 2-25-71	Diamond Shamrock Corp., Post Office Box 631, Amarillo, TX 79005.	Northern Natural Gas Co., acreage in Hemphill County, Tex.	[2] 20.5 [3] [4] 21.5	14.65
C171-609 ..... (C163-1388) F 2-25-71	Davis Oil Co. et al. (successor to Mobil Oil Corp.).	United Fuel Gas Co., Valentine Field, Lafourche Parish, La.	21.1	15.025
C171-610 ..... (C170-520) F 2-24-71	Oleum Inc. (Operator) et al. (successor to Nichols Drilling Co. et al.), Post Office Drawer 2232, Longview, TX 75601.	Panhandle Eastern Pipe Line Co., Rhoades Field, Barber County, Kans.	16.0	14.65
C171-611 ..... B 2-26-71	Monsanto Co. et al.	Transcontinental Gas Pipe Line Corp., La Gloria Field, Brooks and Jim Wells Counties, Tex.	(22)	.....

[1] Amendment to certificate filed to increase daily contract quantities.
[2] Includes 0.2¢ cent per Mcf dehydration charge.
[3] Successor in interest to Western Oil Fields, Inc.
[4] Rate in effect subject to refund in Docket No. R165-641.
[5] Deletes acreage due to expiration of lease.
[6] Casinghead gas.
[7] Gas-well gas.
[8] Contract provides for rate of 26.1136 cents per Mcf; however, by letter filed Mar 1, 1971, applicant agreed to accept certificate authorization conditioned to initial rates consistent with Opinion No. 586.
[9] Changes in operator.
[10] No permanent certificate issued—temporary authorization granted only.
[11] Rate in effect subject to refund in Docket No. R164-866.
[12] Old gas well; productive acreage.
[13] New gas-well gas.
[14] Partial succession and name change.
[15] Formerly El Paso Oil & Gas Co.
[16] Rate in effect subject to refund in Docket No. R164-460.
[17] Amendment to application filed to include interest of coowners.
[18] Application previously noticed Jan. 12, 1971, in Docket No. G-4616, et al. at a total initial rate of 15 cents per Mcf.
[19] Predecessor's rate is 13.1664 cents per Mcf.
[20] Rate in effect subject to refund in Docket Nos. RI71-638. Contract provides for rate of 27.5 cents per Mcf.
[21] Rate in effect subject to refund in Docket No. RI71-1000. Initiates ARK. 1, 1971, and applicant's reserves have been dedicated to a contract with Natural Gas Pipeline Company of America.
[22] Contract provides for rate of 26.5 cents per Mcf; however, Applicant states its willingness to accept certificates at 22 cents per Mcf.
[23] Subject to upward and downward B.t.u. adjustment.
[24] Subject to upward B.t.u. adjustment.
[25] Contract provides for rate of 27.5 cents per Mcf; however, applicant agrees to accept certificate at 26 cents per Mcf.
[26] Uneconomical for purchaser to operate gathering system.
[27] Gas-well gas.
[28] Casinghead gas.
[29] For acreage acquired from Occidental Petroleum Corp.
[30] For acreage acquired from Thomas A. Dugan. Rate in effect subject to refund in Docket No. R169-637.
[31] For gas delivered at the wellhead.
[32] For gas delivered at the central delivery point after gathering by applicant. Price includes 1 cent per Mcf gathering charge.

[FR Doc.71-3851 Filed 3-22-71;8:45 am]

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C171-578 ..... (G-17977) F 2-8-71	Davis Oil Co. (successor to Pan American Petroleum Corp.), 340 Oil and Gas Bldg., New Orleans, LA 70112.	Transcontinental Gas Pipe Line Corp., Thibodaux Field, Lafourche Parish, La.	[1] 22.375	15.025
C171-579 ..... (G-13233) F 2-8-71	do	do	[1] 22.375	15.025
C171-580 ..... B 2-8-71	Getty Oil Co.	Transcontinental Gas Pipe Line Corp., La Gloria Field, Brooks and Jim Wells Counties, Tex.	(2)	.....
C171-581 ..... A 2-10-71	W. A. Moncrief, Moncrief Bldg., 9th and Commerce, Fort Worth, TX 76102.	El Paso Natural Gas Co., Moncrief-Masten Devonian Field, Cochran County, Tex.	[3] 22.0	14.65
C171-582 ..... A 2-16-71	Petroleum Properties, Inc. (Operator) et al., c/o Robert E. McCormick, Attorney, Suite 102, 5963 East 31st St., Tulsa, OK 74135.	Panhandle Eastern Pipe Line Co., Northwest Ward Field, Woods County, Okla.	[3] 20.0	14.65
C171-584 ..... A 2-16-71	J. Lee Youngblood (Operator) et al., 1511 First National Bank Bldg., Dallas, TX 75202.	Northern Natural Gas Co., Tiger Ridge Field, Hill County, Mont.	15.5	14.65
C171-585 ..... A 2-16-71	Prentiss Oil & Gas Co., Post Office Box 1030, Houma, LA 70360.	United Gas Pipe Line Co., acreage in Terrebonne Parish, La.	28.0	15.025
C171-586 ..... B 2-16-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Depleted	.....
C171-587 ..... B 2-17-71	Gulf Oil Corp.	Cities Service Gas Co., North Waterloo Field, Logan County, Okla.	Depleted	.....
C171-588 ..... (C167-1668) F 2-12-71	Hall-Jones Oil Corp. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.), 1704 Liberty Bank Bldg., Oklahoma City, OK 73102.	Panhandle Eastern Pipe Line Co., Waynoka Field, Woods County, Okla.	[3] 17.0	14.65
C171-589 ..... B 2-16-71	Grampian Co., Ltd., Suite 1300, 1407 Main St., Dallas, TX 75202.	Transcontinental Gas Pipe Line Corp., La Gloria Field, Jim Wells and Brooks Counties, Tex.	(2)	.....
C171-590 ..... B 2-16-71	Ruth Phillips Bleiker, Suite 1300, 1407 Main St., Dallas, TX 75202.	do	(2)	.....
C171-591 ..... A 2-18-71	Jones & Pellow Oil Co., 101 Northeast 26th St., Oklahoma City, OK 73105.	Michigan Wisconsin Pipe Line Co., acreage in Harper County, Okla.	[4] 20.0	14.65
C171-593 ..... A 2-19-71	The California Co., a division of Chevron Oil Co. (Western Div.), 1111 Tulane Ave., New Orleans, LA 70112.	Texas Gas Transmission Corp., South Bosco Field, Lafayette, and St. Landry Parishes, La.	28.0	15.025
C171-594 ..... A 2-24-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Timbalier Block 196 Field, Offshore Louisiana.	[4] 26.0	15.025
C171-595 ..... A 2-19-71	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Cameron Block 265 Field, Offshore Louisiana.	[4] 26.0	15.025
C171-596 ..... A 2-19-71	do	Trunkline Gas Co., Block 196 Field, South Timbalier Area, Offshore Louisiana.	[4] 28.0	15.025
C171-597 ..... (G-18234) F 2-18-71	Texaco, Inc. (successor to Skelly Oil Co.).	Northern Natural Gas Co., Hugoton-Friend Field, Finney County, Kans.	10.13	14.65
C171-598 ..... (C161-1460) F 2-22-71	do	do	10.13	14.65
C171-599 ..... B 2-22-71	Freddie Morgan Field, Administratrix (Operator) et al., c/o Morgan Petroleum Co., 1st Liberty Bank Bldg., Oklahoma City, OK 73102.	Northern Natural Gas Co., Gate Lake Field, Beaver County, Okla.	Depleted	.....
C171-600 ..... A 2-22-71	Larlo Oil & Gas Co. (Operator) et al., 301 South Market St., Wichita, KS 67202.	El Paso Natural Gas Co., acreage in Pecos County, Tex.	[2] 22.0	14.65
C171-601 ..... B 2-22-71	Isaac Arnold et al., 500 Jefferson Bldg., Houston TX 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lower Mud Lake Field, Cameron Parish, La.	Depleted	.....

[Docket No. CS71-218, etc.]

PEARL G. CAMPBELL ET AL.

Notice of Applications for "Small Producer" Certificates [1]

MARCH 16, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No.	Date filed	Name of applicant
CS71-218	10-30-70	Pearl G. Campbell, Valle Verde, Apartment 1202C, 900 Calle de Los Amigos, Santa Barbara, CA 95103.
CS71-219	2-12-71	R. W. Adams & Son, 701 Amarillo Bldg., Amarillo, TX 79101.
CS71-220	2-12-71	Adams & McGahey, 701 Amarillo Bldg., Amarillo, TX 79101.
CS71-221	2-22-71	C. A. Powell and D. J. Stone d.b.a. Powell & Stone, 217 Town & Country Village, Palo Alto, CA 94301.
CS71-222	2-22-71	R. J. Bean, c/o Jerry F. Lyons, Attorney, Post Office Box 9158, Amarillo, TX 79105.
CS71-223	2-22-71	Deck Oil Co., 2702 Fourth National Bank Bldg., Tulsa, OK 74119.
CS71-224	2-26-71	E. D. Propps, 13163 Rummel Creek, Houston, TX 77024.
CS71-225	2-26-71	Haynie-Mayer, 260 Lincoln Tower Bldg., 1860 Lincoln St., Denver, CO 80203.
CS71-226	2-26-71	Betty M. Dean, 406 Wall Towers East, Midland, TX 79701.
CS71-227	2-26-71	American Gas Engineering Inc., Post Office Drawer O, San Antonio, TX 78211.
CS71-228	3- 1-71	Ferguson Oil Co., Inc., Suite 1115, 100 Park Ave. Bldg., Oklahoma City, OK 73102.
CS71-229	3- 2-71	Holt Brothers, Post Office Box 236, Pampa, TX 79065.
CS71-230	3- 2-71	Minco Oil & Gas Co., Post Office Box 2317, Pampa, TX 79065.
CS71-231	3- 2-71	Danden Petroleum, Inc., Post Office Box 5084, Borger, TX 79007.
CS71-232	3- 2-71	R. W. Lange, Post Office Box 1034, Garden City, KS 67846.
CS71-233	3- 4-71	Paul E. Plummer, Jr., Agent for Paul E. Plummer et al., Post Office Box 236, Johnson, KS 67855.
CS71-234	3- 8-71	A. E. Herrmann Corp., 301 Amarillo Bldg., Amarillo, TX 79101.
CS71-235	3- 8-71	Nomoc Oil Co., Inc., 1041 Southeast 26th St., Box 94447, Oklahoma City, OK 73109.
CS71-236	3- 9-71	Hugh A. Hawthorne, Box 52429, OCS, Lafayette, LA 70501.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[FR Doc.71-3936 Filed 3-22-71;8:48 am]

[Docket No. RP71-91]

GRANITE STATE TRANSMISSION, INC.

Order Approving Rate Increase Without Suspension

MARCH 16, 1971.

On January 26, 1971, Granite State Transmission, Inc. (Granite State), proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to become effective on March 17, 1971, without suspension. The proposed rate changes would increase jurisdictional revenues by $432,958 annually, based on sales for the 12-month period ended September 30, 1970, as adjusted.

Granite State asserts that the proposed rate increase is required to recoup an increase in the cost of purchased gas resulting from Tennessee Gas Pipeline Co.'s (Tennessee) rate filing in Docket No. RP71-6, which was suspended until March 17, 1971, by order issued October 13, 1970.

The cost of service data, filed with this application, utilizes a 7.72 percent overall rate of return, which Granite State claims is the overall return from actual operations for the 12 months ended September 30, 1970. On the capitalization as of January 15, 1971, an overall return of 7.72 percent results in a return of 8.33 percent on equity.[2]

In addition to the proposed changes in rates, Granite State has reflected certain minor changes in its proposed revised tariff sheets and has requested a waiver of the requirement of filing Statement P (testimony) and of any other requirement of section 154, which is necessary to permit the proposed increased rates to become effective on March 17, 1971.

Granite State asserts that the proposed rate increase is required to recoup an increase in the cost of purchased gas resulting from Tennessee Gas Pipeline Co.'s (Tennessee) rate filing in Docket No. RP71-6, which was suspended until March 17, 1971, by order issued October 13, 1970, and states that it will flow-through the jurisdictional portion of any refunds or rate reductions received from Tennessee as a result of further Commission action in Tennessee's rate proceedings in Dockets Nos. RP71-6 and RP71-57.

Upon analysis and review of the data contained in Granite State's filing, it has been determined that there is no basis for making any adjustment to Granite State's cost of service.

We are of the view that a 7.72 percent overall rate of return for Granite State is not unreasonable and the proposed rates should be permitted to go into effect as requested on March 17, 1971.

The Commission orders:

(A) The rates proposed by Granite State are approved, and the revised tariff sheets contained in the application are permitted to go into effect on March 17, 1971: *Provided, however*, That Granite State shall flow through the jurisdictional portion of any refunds, together with interest received thereon, and any rate reduction received from Tennessee.

(B) The requirements of section 154 are hereby waived to the extent necessary to permit the proposed revised tariff sheets to become effective as provided above.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] First Revised Sheets Nos. 2, 3, 18, 21, and 51; Second Revised Sheets Nos. 5 and 6; Third Revised Sheets Nos. 4, 7, 8, and 9.

[2] See the following table:

	Outstanding	Percent	Cost (percent)	Weighted cost (percent)
Long-term debt	$1,170,000	59.37	7.30	4.34
Common equity	800,639	40.63	8.33	3.38
Total	1,970,639	100.00	.....	7.72

[FR Doc.71-3932 Filed 3-22-71;8:48 am]

[Docket No. CP71-219]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MARCH 17, 1971.

Take notice that on March 15, 1971, Montana-Dakota Utilities Co., 400 North Fourth Street, Bismarck, ND 58501, filed in Docket No. CP71-219 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon 36.2 miles of 12¾-inch pipeline in North Dakota and 9.4 miles of 12¾-inch pipeline in Montana and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of equal lengths of 16-inch pipeline in North Dakota and Montana, the addition of one 1,100-horsepower compressor unit in Montana and two mainline regulator installations in North Dakota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to replace 36.2 miles of 12¾-inch pipeline on its Cabin Creek to Bismarck Line, located in North Dakota, with an equal length of 16-inch pipeline, and to replace 9.4 miles of 12¾-inch pipeline on its Elk Basin to Billings Line, located in Montana, with an equal length of 16-inch pipeline. Applicant also proposes the installation and operation of one 1,100-horsepower centrifugal compressor unit at the Cabin Creek Compressor Plant, Montana, and two mainline regulator installations on the aforementioned Cabin Creek to Bismarck Line.

Applicant states that the purposes of the facilities proposed herein are to reduce maintenance costs, to provide for increased operating pressures and to increase gas flow capacity to existing markets. The estimated cost of the facilities proposed herein is $1,838,600 which cost applicant states will be financed by internally generated funds and/or short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3934 Filed 3-22-71;8:48 am]

[Docket No. E-7613]

OTTER TAIL POWER CO.

Notice of Application

MARCH 17, 1971.

Take notice that on March 8, 1971, Otter Tail Power Co. (applicant) of Fergus Falls, Minn., filed an application seeking an order, pursuant to section 204 of the Federal Power Act, authorizing the issuance of $16 million principal amount of First Mortgage Bonds, Series Due 2001.

The bonds are to be issued under the applicant's Indenture of Mortgage dated July 1, 1936, as amended and supplemented and as to be supplemented by a 29th Supplemental Indenture to be dated as of May 1, 1971. The interest rate of the bonds will be determined by competitive bidding pursuant to the Commission's regulations under the Federal Power Act. The bonds will not be redeemable prior to May 1, 1976, at the option of the company through a refunding which has an interest cost to the company less than the interest cost of the bonds.

A portion of the proceeds realized from the issuance and sale of the bonds will be used for the refunding of short-term borrowings from commercial banking institutions incurred in 1970 and 1971 to pay the expense of the company's construction program, with the remaining proceeds to be used to defray a portion of the company's construction program during the balance of 1971.

Any person desiring to be heard or to make any protest with reference to such application should, on or before April 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3935 Filed 3-22-71;8:48 am]

[Docket No. CP68-208]

SOUTHWEST GAS CORP.

Notice of Petition To Amend

MARCH 16, 1971.

Take notice that on March 10, 1971, Southwest Gas Corp. (petitioner), Post Office Box 1450, Las Vegas, NV 89101, filed in Docket No. CP68-208 a petition to amend the Commission's order issued August 20, 1968 (40 FPC 321), issuing a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, in said docket by authorizing certain modifications in design to one of the compressor stations and extending the time in which to complete the authorized facilities and place them into actual operation, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The aforementioned order authorized, inter alia, the construction of a new compressor station at Paradise Valley, Nev. This station was to include two 1,100-horsepower compressor units. Petitioner proposes herein to install one 2,200-horsepower compressor unit in place of the two units heretofore authorized. Petitioner states that the operation of this 2,200-horsepower unit will increase the engine efficiency with an attendant lower horsepower unit cost. Petitioner also requests an extension of time until October 31, 1971, of the time within which to complete and place into actual operation the subject facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3937 Filed 3-22-71;8:48 am]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Citizens National Bank of Wooster, Wooster, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Banc Group of Ohio, Inc., Columbus, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of a new national bank into which would be merged The Citizens National Bank of Wooster, Wooster, Ohio (Bank). The new national bank has significance only as a means of acquiring all of the shares of the bank to be merged into it; the proposal is therefore treated as one to acquire shares of The Citizens National Bank of Wooster.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 30, 1971 (36 F.R. 1495) providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the eighth largest banking organization is Ohio, controls seven banks with deposits of approximately $584 million, representing less than 3 percent of total commercial bank deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) The acquisition of Bank, with deposits of $19.3 million, would increase applicant's control of deposits in the State less than 0.1 percent.

Bank is located 60 miles south-southwest of Cleveland, in Wayne County, and is the fourth largest bank in the county controlling about 14 percent of its deposits. Applicant's nearest subsidiary to Bank is located 32 miles to the west and one county, served by 12 offices of five banks, intervenues between the two. It appears that no present competition exists between any of applicant's subsidiaries and Bank. On the facts of record and in the light of Ohio's branching restrictions, it appears unlikely that consummation of the proposal herein would foreclose potential competition. Based upon this record, the Board concludes that consummation of the proposed acquisition would have no significant adverse effect on competition in any relevant area.

The banking factors as they pertain to Applicant and Bank are consistent with approval of the application. Considerations relating to the convenience and needs of banking customers in Wayne County lend some weight in favor of approval of the application. Although the needs of those customers are presently being served, consummation of the acquisition will enable Bank to offer an additional competitive alternative for such services as trust and credit card services. It is the Board's judgment that the proposed transaction would be in the public interest and should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] March 17, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3918 Filed 3-22-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4192]

CANADIAN JAVELIN LTD.

Order Suspending Trading

MARCH 17, 1971.

The common stock, no par value, of Canadian Javelin Ltd. being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 17, 1971, through March 26, 1971.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3923 Filed 3-22-71;8:47 am]

[812-2801]

CONNECTICUT GENERAL LIFE INSURANCE CO. ET AL.

Notice of Application for Order Granting Exemption

MARCH 17, 1971.

In the matter of Connecticut General Life Insurance Co., CG Variable Annuity Account I and CG Equity Sales Co., Hartford, Conn. 06115; 812-2801.

Notice is hereby given that Connecticut General Life Insurance Co. (CG Life), CG Variable Annuity Account I (VAA-I), and CG Equity Sales Co. (Equity Sales) (hereinafter collectively called Applicants) have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order of the Commission exempting Applicants from section 22(d) of the Act to the extent specified herein. VAA-I is a unit investment trust registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

CG Life has established VAA-I as a separate account under the laws of Connecticut in order to issue certain variable annuity contracts designed for use in connection with pension, profit-sharing or annuity purchase plans qualifying for special tax treatment under sections 401 or 403(b) of the Internal Revenue Code of 1954, as amended (Code). Equity Sales, a registered broker-dealer under the Securities Exchange Act of 1934, is the principal underwriter of the variable annuity contracts participating in VAA-I.

Under VAA-I's periodic payment individual variable annuity contracts used in connection with an annuity purchase plan adopted pursuant to section 403(b) of the Code (Individual 403(b) Contract), a combined sales and administration charge is deducted from each purchase payment. During the first contract year, the charge is 12.50 percent (11.50 percent sales and 1 percent administration expenses); during the second through fourth contract years the charge is 5.50 percent (4.50 percent sales and 1 percent administration expenses). Additional charges are made for administration expenses and for mortality and expense risks.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current public offering price described in the prospectus. Exemption is requested from section 22(d) to permit a purchaser of an Individual 403(b) Contract to pay a sales and administration charge based upon the duration of his participation under both the Individual 403(b) Contract and any previously issued group variable annuity contract participating in VAA-I and purchased in connection with an annuity plan adopted pursuant to section 403(b) (Group 403(b) Contract).

Applicants assert that participants under Group 403(b) Contracts (primarily school teachers and employees of nonprofit organizations) frequently change employment and are thereby no longer eligible to continue to have payments made under the group contract. The requested exemption would permit such participants who wish to continue to have payments allocated to VAA-I through the purchase of an Individual 403(b) Contract to avoid the higher first year charges under such contract. Applicants state that imposition of such higher charges would serve as a deterrent to the participant's continuing his retirement plan with VAA-I.

Applicants further assert that the granting of the requested exemption would neither disrupt the orderly distribution of the Individual 403(b) Contracts nor create unfair price discrimination. Applicants state that the reduction in sales charge would be appropriate in view of their expectation that expenses associated with selling the Individual 403(b) Contracts to persons who have participated under Group 403(b) Contracts would be significantly less.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction from the provisions of the Act or any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 5, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3924 Filed 3-22-71;8:47 am]

[70-5003]

POTOMAC EDISON CO.

Notice of Proposed Amendment of Charter, and Issue and Sale of First Mortgage Bonds and Cumulative Preferred Stock at Competitive Bidding

MARCH 17, 1971.

Notice is hereby given that the Potomac Edison Co. (Potomac), Downsville Pike, Hagerstown, MD 21740, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc. (Allegheny), also a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Potomac proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $20 million principal amount of First Mortgage and Collateral Trust Bonds, ------ percent series due 2001. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Potomac (which shall be not less than 100 percent or more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of October 1, 1944, between Potomac and Chemical Bank, as trustee, as supplemented and as to be further supplemented by a supplemental indenture to be dated as of May 1, 1971, which includes a 5-year prohibition against redemption with or in anticipation of moneys borrowed at lower interest costs.

Potomac also proposes to amend its charter to increase the authorized shares of its Cumulative, Preferred Stock by 50,000 shares and to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 50,000 shares of its authorized but unissued $---------- Cumulative Preferred Stock, Series F, par value $100 per share. The dividend rate (which shall be a multiple of 4 cents) and the price (exclusive of accrued dividends) to be paid to Potomac (which shall be not less than $100 or more than $102.75 per share), will be determined by the competitive bidding. The terms of the preferred stock include a 5-year prohibition against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or other preferred stock at a lower effective dividend cost.

The net proceeds from the issue and sale of the bonds and stock will be used for the construction program of Potomac and its subsidiary companies (including payment of $21,500,000 of short-term bank loans incurred therefor). Construction expenditures for the years 1971 and 1972 are currently estimated at $53 million and $50 million, respectively.

It is stated that the Maryland Public Service Commission has jurisdiction over the proposed issue and sale of the bonds and preferred stock by Potomac, and a copy of that Commission's order authorizing the same will be filed by amendment. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the transactions are estimated at $66,000 for the bonds and $26,000 for the preferred stock, including legal fees of $10,000 for the bonds and $6,000 for the preferred stock. The fees of counsel for the successful bidders, estimated at $9,500 with respect to the bonds and $5,500 with respect to the preferred stock, are to be paid by such bidders.

Notice is further given that any interested person may, not later than April 6, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3925 Filed 3-22-71;8:47 am]

TARIFF COMMISSION

[22-29]

CERTAIN CHEESES AND SUBSTITUTES FOR CHEESE

Notice of Investigation and Date of Hearing

At the request of the President (reproduced herein), the U.S. Tariff Commission, on the 17th day of March 1971, instituted an investigation under subsections (a) and (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether certain cheeses and substitutes for cheese described in the President's letter are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support programs of the U.S. Department of Agriculture for milk or to reduce substantially the amount of products processed in the United States from domestic milk, and to determine related questions as outlined in the President's letter.

The text of the President's letter of March 12, 1971, to the Commission follows:

I have been advised by the Secretary of Agriculture, and I agree with him, that there is reason to believe that certain Swiss or Emmenthaler cheese, Gruyere-process cheese, and cheese classified for tariff purposes as "Other" cheese are being imported, and are practically certain to be imported, under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support programs now conducted by the Department of Agriculture for milk, or to reduce substantially the amount of products processed in the United States from domestic milk.

Specifically, reference is made to the following articles:

1. Swiss or Emmenthaler cheese with eye formation; Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheeses; all the foregoing, if having a purchase price of 47 cents per pound or more.

2. Cheese, and substitutes for cheese, provided for in items 117.75 and 117.85, subpart C, part 4, schedule 1 of the TSUS (except cheese not containing cow's milk; cheese except cottage cheese, containing no butterfat or not over 0.5 percent by weight of butterfat; and articles within the scope of other import quotas provided for in part 3 of the appendix to the TSUS); all the foregoing, if having a purchase price of 47 cents per pound or more.

3. Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, provided for in items 117.75 and 117.85, subpart C, part 4, schedule 1 of the TSUS (except articles within the scope of other import quotas provided for in part 3 of the appendix to the TSUS); all the foregoing, if having a purchase price of 47 cents per pound or more.

("Purchase price" as used in the above descriptions refers to a price determined in accordance with headnote 3(a)(iii) of part 3 of the appendix to the Tariff Schedules of the United States.)

The U.S. Tariff Commission is therefore directed to make an immediate investigation under section 22 of the Agricultural Adjustment Act, as amended, to determine whether the above-described articles are being, or are practically certain to be, imported under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support programs now conducted by the Department of Agriculture for milk or to reduce substantially the amount of products processed in the United States from domestic milk.

It is also requested that the Commission consider the effects of imports of the above-described articles in various purchase price categories of 47 cents or more per pound. It is further requested that the Commission determine, in the event quantitative restrictions should be placed upon the importation of any such articles not now subject to quantitative limitations under section 22 of the Agricultural Adjustment Act, whether the contemplated action—

(a) Should establish separate quotas for such articles having a purchase price of 47 cents or more per pound; or

(b) Should combine the new restrictions with the existing provisions of items 950.10B through 950.10E of part 3 of the appendix to the Tariff Schedules of the United States with an increase in the existing quotas by the amounts of the quotas for any or all of the articles having a purchase price of 47 cents or more per pound; or

(c) Should adjust upward the level of any or all of the purchase prices specified in the existing provisions of items 950.10B through 950.10E with an increase in the existing quotas by the amounts of the quotas for any or all of the articles having a purchase price of 47 cents or more per pound.

In connection with (a) and (c) it is requested that the Commission determine whether the purchase prices should be derived from and fluctuate with the support price for milk rather than remain fixed as in the existing provisions.

The Commission should report its findings and recommendations on these matters to me at the earliest practicable date.

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on April 20, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: March 18, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3929 Filed 3-22-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 667]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 18, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72544. By order of March 16, 1971, the Motor Carrier Board approved the transfer to Charter Express, Inc., Akron, Ohio, of certificate No. MC-123279, issued December 11, 1962, to The Berrodin Transport, Inc., Akron, Ohio, authorizing the transportation of plastic, rubber, chemicals, scrap tires, plastic flakes, as well as certain other specified commodities, from, to, and between points in Ohio, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Connecticut, and Delaware. Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, OH 44113, attorney for applicants.

No. MC-FC-72591. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Maverick Coach Lines, Ltd., 7393 19th Street, Burnaby, 3 BC, Canada, of the operating rights in certificate No. MC-94109, issued January 15, 1965, to Mairs Charter Buses, Ltd., 7393 19th Street, Burnaby, 3 BC, Canada, collectively authorizing the transportation of passengers and their baggage in charter operations between specified points in Washington, Oregon, Nevada, Idaho, and California restricted to traffic originating in British Columbia, Canada.

No. MC-FC-72716. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Affiliated Van Lines, Inc., Lawton, Okla., of the operating rights in Certificate No. MC-14948 (Sub-No. 1) issued September 27, 1962, to Hershel Lewis and Noal Lewis, a partnership, doing business as Duncan Van & Storage, Duncan, Okla., authorizing the transportation of household goods, as defined by the Commission, between points in Carter County, Okla., on the one hand, and, on the other, points in Texas. Rufus H. Lawson, 106 Bixler Building (Post Office Box 75124), Oklahoma City, OK 73107, attorney for applicants.

No. MC-FC-72722. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Lawrence-Mayflower Moving & Storage Co., a corporation, Sacramento, Calif., of the operating rights in certificates Nos. MC-40497 and MC-40497 (Sub-No. 1) issued November 18, 1952, and October 8, 1969, respectively, to William Euart Hibbitt and David Macaulay, a partnership, doing business as Lawrence Moving & Storage Co. and Lawrence Warehouse & Distributing Co., Sacramento, Calif., authorizing the transportation of household goods, as defined by the Commission, and general commodities, with exceptions, between points in Sacramento, North Sacramento, and Broderick, Calif., and those within 1 mile of Sacramento, North Sacramento, and Broderick; used household goods between points in Sacramento, San Joaquin, Yolo, Placer, El Dorado, Yuba, Sutter, Nevada, Butte, and Colusa Counties, Calif.; and catalogues from Sacramento, Calif., to points in Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo, and Yuba Counties, Calif. Edward J. Hegarty, 10 Bush Street, 21st Floor, San Francisco, CA 94104, attorney for applicants.

No. MC-FC-72728. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Vincent Frappolli, Jr., doing business as Ro-Lynn Carrier Co., Wayne, N.J., of the operating rights in Permit No. MC-92366 issued January 18, 1954, to Samuel Vacca, doing business as Ro-Lynn Carrier Co., Wayne, N.J., authorizing the transportation of textiles and textile machinery, not requiring special handling or equipment, between Haledon, N.J., and New York, N.Y., over specified highways, serving the intermediate point of Paterson, N.J., restricted to traffic moving to and from New York, N.Y. Edward F. Bowes, 744 Broad Street, Newark, NJ 07102, attorney for applicants.

No. MC-FC-72729. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Larson and Larson, Ltd., Marinette, Wis., of permit No. MC 102915 issued to Glenn Larson, Marinette, Wis., authorizing the transportation of: Such merchandise as is dealt in by retail department stores, between points in Wisconsin and Michigan. Francis M. Boyle, Jr., attorney, Dunlap Square Building, Marinette, WI 54143.

No. MC-FC-72730. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Midwest Refrigerated Express, Inc., Sioux City, Iowa, of the operating rights in certificate No. MC-124774 and subs thereunder issued to Nebraska-Iowa Refrigerated Express, Inc., Omaha, Nebr., authorizing the transportation of various commodities from and to points in the United States except Arkansas, Louisiana, Mississippi, California, Alaska, and Hawaii. Donald E. Leonard, Box 82028, 605 South 14th Street, Lincoln, NE 68501, attorney for applicants.

No. MC-FC-72732. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Metts Trucking, Inc., Jacksonville, Fla., of the operating rights in certificates Nos. MC-117675, MC-117675 (Sub-No. 1), MC-117675 (Sub-No. 2), MC-117675 (Sub-No. 4), and MC-117675 (Sub-No. 5) issued November 19, 1959, May 15, 1964, February 26, 1965, February 28, 1966, and March 7, 1968, respectively, to Felton Metts, doing business as Metts Trucking Co., Jacksonville, Fla., authorizing the transportation of bananas, from Miami, Tampa, Fort Lauderdale, and Port Everglades, Fla., and Charleston, S.C., to Jacksonville, Fla.; bananas from Jacksonville, Fla., to Savannah, Ga., and Charleston, S.C.; fresh fruits, berries, and vegetables from Jacksonville, Fla., to Savannah, Ga., and Charleston, S.C.; bananas, fresh fruits, fresh berries, and fresh vegetables from Gulfport, Miss., to points in Florida; and bananas from Charleston, S.C., to points in Florida. Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207, attorney for applicants.

No. MC-FC-72736. By order of March 12, 1971, the Motor Carrier Board approved the transfer to H. H. Omps, Inc., Winchester, Va., of certificate No. MC-128133 (Sub-No. 2), MC-128133 (Sub-No. 3), MC-128133 (Sub-No. 4), and MC-128133 (Sub-No. 5), issued to H. Herschel Omps, doing business as H. H. Omps, Winchester, Va., authorizing the transportation of: Coal, in bulk in dump vehicles, agricultural lime, fertilizer, in bulk, and oil, between points in Virginia, West Virginia, and Maryland. S. Harrison Kahn, Attorney, Suite 733, Investment Building, Washington, DC 20005.

No. MC-FC-72748. By order of March 16, 1971, the Motor Carrier Board approved the transfer to Hugh F. Gannon Trucking, Inc., Philadelphia, Pa., of certificate No. MC-73865 issued to Hugh F. Gannon Trucking Corp., Philadelphia, Pa., authorizing the transportation of: Paper and paper products, between specified points in Pennsylvania and New Jersey. Bayard M. Graf, Attorney, 2124 Philadelphia National Bank Building, Philadelphia, PA 19107.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3939 Filed 3-22-71;8:48 am]

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FEDERAL REGISTER

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Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71–89]

PART 11—PACKING AND STAMPING; MARKING; TRADEMARKS AND TRADE NAMES; COPYRIGHTS

Country of Origin Marking; Cast Iron Soil Pipe and Fittings

There was published in the FEDERAL REGISTER for July 9, 1970 (35 F.R. 11033), a notice that the Bureau of Customs had under consideration the question of whether cast iron pipe and fittings imported into the United States should be marked to indicate the country of origin in accordance with the provisions of 19 U.S.C. 1304. These articles are encompassed within the description "Pipes, iron or steel, and pipe fittings of cast or malleable iron" listed in T.D. 49896 (1939) (4 F.R. 2509) among the articles found, pursuant to 19 U.S.C. 1304(a)(3)(J), to have been imported in substantial quantities during the 5-year period immediately preceding January 1, 1937, and not required during such period to be marked to indicate the country of their origin, which articles are now excepted from the marking requirements by § 11.10(a) of the Customs Regulations (19 CFR 11.10(a)).

The Bureau has given careful consideration to the written data, views, and arguments submitted in response to the above notice. These comments have pointed out that the original information submitted to the Bureau to justify the revocation of the exception from marking for cast iron pipe and fittings (made available to interested parties who requested it) was directed specifically to the fact that cast iron soil pipe and fittings were not imported in substantial quantities in the 5-year period immediately preceding January 1, 1937. Information has been submitted indicating that cast iron pipe and fittings, other than cast iron soil pipe and fittings, were imported in the 5-year period immediately preceding January 1, 1937.

In view of the fact that cast iron soil pipe and fittings were not imported in substantial quantities in the 5-year period immediately preceding January 1, 1937, that such pipe and fittings are large enough to be readily marked to indicate the country of origin without unusual difficulties, and the possibility that such pipe and fittings may be commingled with domestically manufactured pipe and fittings prior to the time they reach the ultimate purchaser in the United States, the Bureau has concluded that an exception from marking for imported cast iron soil pipe and fittings under 19 U.S.C. 1304(a)(3)(J) is no longer warranted.

Accordingly, the exception under 19 U.S.C. 1304(a)(3)(J) and T.D. 49896 of "Pipes, iron or steel, and pipe fittings of cast or malleable iron" is hereby amended to read as follows:

Pipes, iron or steel, and pipe fittings of cast or malleable iron (except cast iron soil pipe and fittings).

This amendment shall apply to cast iron soil pipe and fittings entered, or withdrawn from warehouse, for consumption after the expiration of 90 days after the publication of this Treasury Decision in the FEDERAL REGISTER. The Customs Regulations are amended as set forth below:

Section 11.10(a) is hereby amended by changing the fourth sentence to read as follows: "The exceptions under section 304(a)(3)(J) are set forth in T.D. 49690, T.D. 49835, T.D. 49896, T.D. 54167, and T.D. 71–89)."

(Sec. 304, 46 Stat. 687, as amended; 19 U.S.C. 1304)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: March 15, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71–3973 Filed 3–23–71;8:46 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71–263]

PART 545—OPERATIONS

Sale of Loans by Federal Savings and Loan Associations

MARCH 18, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of removing the restrictions contained in § 545.11 thereof relating to the amount of loans that may be sold by Federal savings and loan associations. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said Part 545 (1) by revoking § 545.11 thereof and (2) by deleting the undesignated center head immediately preceding such section, effective March 25, 1971.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., 1071)

Resolved further that, since the above amendment relieves restriction the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is also unnecessary; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71–4025 Filed 3–23–71;8:50 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 71–264]

PART 563—OPERATIONS

Sale of Loans by Insured Institutions

MARCH 18, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 563.23 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.23) for the purpose of removing the restrictions contained therein relating to the amount of loans that may be sold by an insured institution. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said § 563.23 by revising it to read as follows, effective March 25, 1971:

§ 563.23 Prohibition of sale with recourse.

All loans and participation interests in loans sold by an insured institution shall be sold without recourse.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943 48 Comp., p. 1071)

Resolved further that, since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is also unnecessary; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71–4024 Filed 3–23–71;8:50 am]

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRDUCTION CREDIT ASSOCIATIONS

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AUTHORITY: The provisions of this Part 640 issued under sec. 209, 42 Stat. 1459, as amended; 12 U.S.C. 1101.

Subpart A—General Provisions

§ 640.101 Management.

Each Federal intermediate credit bank operates under a board of directors which consists of the seven members of the district Farm Credit Board (12 U.S.C. 640b) who are also directors of the Federal land bank and the bank for cooperatives of the district (12 U.S.C. 1022).

§ 640.102 Supervision.

The Governor of the Farm Credit Administration, under the direction and control of the Federal Farm Credit Board, has the responsibility for supervision of the Federal intermediate credit banks and production credit associations (12 U.S.C. 636d). By order of the Governor, the exercise of this authority has been delegated to the Deputy Governor and Director of Production Credit Service. Unless otherwise indicated, all matters pertaining to these banks and associations requiring attention or action by the Farm Credit Administration are to be referred to the office of the Director of Production Credit Service.

§ 640.103 Regulations and instructions.

Officers and employees of the banks are expected to observe regulations, instructions, and procedures applicable to the Federal intermediate credit banks and production credit associations, whether set forth in this part or in other forms. To this end, special attention is directed to the applicable provisions of the following documents and publications:

(a) General Administrative Manual for the Farm Credit Districts;

(b) Bylaws of the Federal Intermediate Credit Banks;

(c) Chart and Description of Accounts for Federal Intermediate Credit Banks;

(d) Instructions for the Preparation of Financial and Statistical Reports of the Federal Intermediate Credit Banks;

(e) Bylaws of Production Credit Associations;

(f) Rules and Regulations for Production Credit Associations;

(g) Manual for Credit Examinations of Production Credit Associations;

(h) PCA Accounting Manual.

§ 640.111 Capital stock; participation certificates.

(a) Each Federal intermediate credit bank is authorized to issue two classes of capital stock. Class A stock, preferred as to assets in the event of liquidation, may be issued only to the Governor of the Farm Credit Administration on behalf of the United States and represents the investment of the United States in such bank. Class B stock may be issued to and held by production credit associations only.

(b) Other financing institutions dealing with a credit bank may not acquire capital stock in the bank but will receive participation certificates for investments in the capital of the bank, for payment of patronage refunds due them out of net earnings of the bank, and for distribution of allocations of legal reserve when not paid in cash.

(c) All capital stock and participation certificates shall have a designated issue date, which shall determine its order of retirement. An additional series designation may be used if approved by the board of directors.

§ 640.111–1 Same; class A stock.

Class A stock shall have a par value of $100 per share, shall be issued to the Governor of the Farm Credit Administration in the form prescribed therefor and shall be delivered to the Farm Credit Administration.

§ 640.111–2 Same; retirement of class A stock.

At the end of each fiscal year, any bank having such stock outstanding shall determine the amount of class A stock which shall be retired. Whenever the total of the capital stock, participation certificates, surplus and reserves of the bank is more than one-eighth of the highest month-end balance of debentures and other obligations issued by the bank, outstanding during the immediately preceding 5 years, the minimum amount of class A stock to be retired shall be the total amount of class B stock and participation certificates issued for that year. The term "preceding 5 years" shall include the fiscal year just ended. Class A stock may be retired in fractional shares, in multiples of $5. Upon retirement of a portion of the class A stock represented by any such certificates, the amount of such retirement shall be endorsed upon the certificate by the Farm Credit Administration.

§ 640.111–3 Same; class B stock.

Class B stock shall have a par value of $5 per share. Class B stock certificates shall be issued in a form prescribed by the board of directors of the bank, subject to the approval of the Farm Credit Administration. No fractional shares shall be issued. At the discretion of the bank, class B stock certificates need not be furnished unless a request therefor is made by the production credit association concerned. In the event a certificate is not issued, an "Advice of Class B Stock Issued," in form approved by the Farm Credit Administration, should be furnished to the association.

§ 640.111–4 Same; purchase of class B stock by production credit associations.

(a) When the earnings of the bank are inadequate to meet its capital needs, and when feasible to do so with due regard for the circumstances of the associations, the board of directors of the bank may, by resolution, authorize the bank, with the prior approval of the Farm Credit Administration, to require production credit associations of the district to subscribe for such additional capital as may be needed by the bank during the next several years. The amount determined shall be allotted, to the nearest full share, among the associations so that the total of all stock owned, including the additional amount to be subscribed for, will be as nearly as practicable in the same proportion to the total amount of class B stock already owned and to be subscribed for by all associations of the district as each association's average indebtedness to the bank during the immediately preceding 3 fiscal years is of the average indebtedness of all associations to the bank during such period. The "average indebtedness" may be computed on the basis of either average daily balance, or average of beginning and ending monthly balances of such indebtedness for the 3-year period. Such subscriptions shall be subject to call and payment therefor shall be made at such times and in such amounts, all as may be determined by the bank.

(b) When making such allotments the bank may transfer, retire or reissue outstanding class B stock among the associations as may be necessary to establish the proportion indicated in paragraph (a) of this section. Stock that is retired or transferred for this purpose shall be the oldest stock held by the association. The bank shall pay the association for all stock so retired or transferred and shall collect therefor from any association to which such stock is transferred or reissued, at the fair book value thereof not to exceed par.

§ 640.111–5 Same; equalization of class B stock owned by production credit associations.

Whenever at the end of any fiscal year of the bank the relative amounts of class B stock of a bank owned by the production credit associations of the district differ substantially from the proportion provided for in § 640.111–4 and additional subscriptions of class B stock through which such proportion could be reestablished are not contemplated, the board of directors of the bank may direct that such proportion be reestablished as of the end of such fiscal year, or with the prior approval of the Farm Credit Administration at such other times as the board may direct. In carrying out its purpose the bank may direct, either separately or in combination, such transfers, retirements, and reissuance of outstanding class B stock among the associations as will reestablish the aforesaid proportion as nearly as may be practicable. Stock that is retired or transferred for this purpose shall be the oldest stock held by the association. Stock may be transferred from one association to another and retain its same issue date or series designation; that is, stock owned by association A with a 1957 issue date or series may be transferred to association B and held by association B with the same 1957 issue date or series. In such event the newly acquired 1957 stock takes its place with any other 1957 stock held by association B. Stock may be retired and reissued but if this means is used for equalization the reissued stock must carry the date of such reissue. The bank shall pay the association for all stock so retired or transferred and shall collect therefor from any association to which such stock is transferred or reissued, at the fair book value thereof not to exceed par.

§ 640.111–6 Same; participation certificates.

Participation certificates issued to other financing institutions shall be in multiples of $5 and shall be in form prescribed by the board of directors of the bank, subject to the approval of the Farm Credit Administration. Ordinarily, participation certificates will be issued and delivered to the owners thereof; however, upon request of the owner an "Advice in Lieu of Participation Certificate," in form approved by the Farm Credit Administration, may be furnished.

§ 640.111–61 Same; purchase of participation certificates.

Other financing institutions which are entitled to receive participation certificates from the bank as patronage refunds may also purchase further amounts of such participation certificates with the same rights, privileges, and conditions as those issued as patronage refunds. Such purchases may be made voluntarily; upon determination of the board of directors of the bank, with approval of the Farm Credit Administration, the bank may require other financing institutions to purchase additional capital in the bank to assist the bank in meeting its capital needs. Such required purchases shall be on an equitable basis.

§ 640.111–7 Legal reserve allocations.

Allocations of legal reserve, made to production credit associations pursuant to § 640.153–2 hereof, may be adjusted and equalized at the same time and in the same manner as provided in § 640.111–5 for class B stock. Any other adjustments of legal reserve allocations may be made only after prior approval of the Farm Credit Administration.

§ 640.112–1 Retirements of class B stock, participation certificates, and allocated legal reserve; general.

After all class A stock has been retired, and under policies established by the Farm Credit Administration, the bank may retire class B stock at par and participation certificates at face amount without preference and in such order that the oldest shares of stock and participation certificates outstanding at any time shall be retired first (12 U.S.C. 1061 (a)(2)).

§ 640.112–2 Same; institutions in liquidation.

In case of liquidation or dissolution of a production credit association or other financing institution, the class B stock, participation certificates, and allocated legal reserve of the bank owned by such association or other institution may be retired if approved by the board of directors of the bank at the fair book value thereof, not exceeding par, face, or stated

amount, as the case may be (12 U.S.C. 1061(a)(2)). A financing institution holding such participation certificates and legal reserve allocations will be deemed to be in "liquidation or dissolution" if it is going out of business, liquidating its assets for the distribution of the proceeds to those entitled thereto, and taking appropriate steps to terminate its corporate existence in accordance with applicable State laws. Merely paying its indebtedness to the credit bank and suspending the making of loans will not qualify a corporation for retirement of its participation certificates and legal reserve allocations.

§ 640.112–3 Same; institutions in default.

In the event of default by the holder of class B stock, participation certificates or legal reserve allocations, the bank may retire and cancel all or any part of its holdings in total or partial liquidation of the debt of the holder to the bank; the legal reserve allocations, most recent years first, should be retired ahead of class B stock or participation certificates.

§ 640.113–1 Transfers of class B stock, participation certificates, and legal reserve allocations; class B stock—general.

Class B stock of a credit bank may be transferred to another production credit association, with the approval of the issuing bank (12 U.S.C. 1061(a)(2)).

§ 640.113–2 Same; disposition of class B stock and legal reserve allocations in merger or consolidation of associations.

In the event of the merger or consolidation of two or more production credit associations, class B stock and legal reserve allocations held by the associations involved shall be disposed of in the manner provided in the agreement of consolidation or merger.

§ 640.113–3 Same; participation certificates.

Participation certificates may be transferred only on the books of the issuing bank, and with its approval.

§ 640.113–4 Same; legal reserve allocations.

Legal reserve allocations may be transferred only with the approval of the bank.

§ 640.113–5 Same; preservation of statutory lien.

All changes in ownership of class B stock, participation certificates, and legal reserve allocations shall be subject to the statutory lien of the bank for any indebtedness of the transferor and transferee to the issuing bank (12 U.S.C. 1061(b), 1072(a)).

§ 640.114 Surrender of certificates; issuance of new certificates.

Upon retirement of any class B stock or participating interest evidenced by an outstanding certificate, the certificate involved shall be surrendered to the bank for cancellation. In case of partial retirement a new certificate shall be issued for the balance not retired, which shall bear the same issue date and series designation, if any, as the canceled certificate. In the event of a transfer of class B stock resulting from mergers or consolidations, or transfer of participation certificates from one holder to another, any new class B stock or participation certificates issued shall bear the same issue dates and series designations, if any, as the original certificates for which new certificates are substituted.

§ 640.115 Lost, destroyed, or stolen stock or participation certificates.

Whenever a class B stock certificate or participation certificate which has been issued by the bank is lost, stolen, destroyed, or so mutilated as to impair its value, the bank may issue in lieu thereof a new certificate which shall bear the same issue date and series designation, if any, upon compliance with the following requirements:

(a) The owner shall furnish an affidavit of loss, acceptable to the bank setting forth: (1) The issue date or series, number of shares, and any other information required to establish its identity; (2) a detailed statement of the circumstances surrounding the loss, theft, destruction, mutilation, or defacement of the certificate; and (3) a statement that the affidavit was made for the purpose of obtaining a new certificate. Since class B stock and participation certificates may not be transferred except with the approval of the bank, a bond of indemnity ordinarily will not be required.

(b) If a class B stock certificate or participation certificate which was reported lost, stolen, or destroyed is recovered by the owner, he should notify the bank immediately; and if a new certificate was issued, the owner shall promptly return the old certificate to the bank.

§ 640.121–1 Investments; classes and amounts.

(a) In order to provide diversification of assets, a degree of liquidity, and support for its financial operations, each Federal intermediate credit bank will maintain an investment portfolio of interest-bearing obligations of the United States, the Federal land banks, the banks for cooperatives, and, to the extent authorized by the Farm Credit Administration, obligations of any agencies of the United States. A signed copy of the Farm Credit Administration authorization should go to the registrar.

(b) Except with the approval of the Farm Credit Administration, the minimum amount of such aggregate investment shall be 10 percent of the monthly average amount of debentures sold on behalf of the bank during the preceding fiscal year. The average for each bank is to be computed on the basis of the number of sales of debentures in which it participated during such year.

(c) After a bank knows the amount of debentures that will be sold on its behalf for delivery in the last month of its fiscal year, it should review its investment position to determine its minimum requirements for the following year. If additional investments are needed to meet such minimum they should be made by or shortly after the beginning of the new fiscal year.

(d) In addition to the regular portfolio, any funds in excess of current needs may be invested in short-term Government obligations, such as Treasury bills; or after consultation with the Farm Credit Administration, such funds may be invested in obligations of other Farm Credit banks and agencies of the United States. For this purpose the following obligations are approved:

(1) Federal National Mortgage Association obligations (including participation certificates).

(2) Federal Home Loan Bank notes and bonds.

(3) Tennessee Valley Authority notes and bonds.

(4) Export-Import Bank obligations.

(5) Commodity Credit Corporation certificates of interest.

(6) Farmers Home Administration insured notes.

(7) Obligations of other Farm Credit banks.

(8) Government National Mortgage Association bonds.

§ 640.121–2 Same; custody of securities.

(a) Unless other custodial arrangements are authorized or approved by the Farm Credit Administration, all securities owned by a credit bank shall be held in safekeeping by the Federal Reserve Bank of New York for account of the registrar as property of the credit bank concerned, subject to the order of the Governor of the Farm Credit Administration.

(b) Collateral obtained in connection with investments made outside the System for a bank by the fiscal agency will be deposited in the safekeeping account of the fiscal agency maintained at the Federal Reserve Bank of New York for this purpose. This account is subject to the order of the fiscal agency. Should any bank require that its investments be used as debenture collateral, the fiscal agency should be so informed at the time the investment is made in order that the investment may be placed in the bank's own regular safekeeping account.

§ 640.121–3 Same; collateral for borrowed money.

The established fiscal and financial policies of the banks comtemplate that, ordinarily, each bank will hold its investment securities (other than securities representing temporary investments of surplus funds) as free and unpledged assets. Such securities may be pledged as collateral for short-term borrowings, and may be assigned to the farm loan registrar for temporary periods as collateral for debentures. Investments may be used as collateral for short-term borrowings from commercial banks, other Federal intermediate credit banks, Federal land banks and banks for cooperatives. Such securities also may be assigned to the

farm loan registrar of the district as collateral for debentures, for temporary periods (not to exceed 30 days), when a high rate of loan and discount closings or liquidation makes it necessary to pledge collateral in addition to the loans and discounts held by the registrar. Any pledge of investments to secure debentures for periods longer than 1 month shall be subject to the approval of the Farm Credit Administration.

§ 640.121–4 Same; investment in stock of production credit associations.

When a production credit association has outstanding class A or C stock held by the Governor and is deemed not to have resources available to retire and cancel such stock, if required or approved by the Governor, the Federal intermediate credit bank of the district shall invest a like amount in class A or C stock of such association for the purpose of providing funds to retire and cancel such capital stock held by the Governor.

§ 640.122 Depositary banks.

(a) Depositary banks shall be selected subject to the approval of the board of directors. A list of such depositaries shall be referred to the board of directors for review at least once each year.

(b) Except with the approval of the Farm Credit Administration, only national banks or State banks which are members of the Federal Reserve System shall be used as depositary banks.

§ 640.123 Federal Reserve banks.

(a) Under section 13(a) of the Federal Reserve Act, as amended, any Federal Reserve bank is authorized, subject to limitations prescribed in the Act and in regulations promulgated by the Board of Governors of the Federal Reserve System, to make funds available to any Federal intermediate credit bank as follows:

(1) By discounting agricultural and livestock paper having a maturity at the time of discount of not more than 9 months;

(2) By purchases of consolidated debentures of Federal intermediate credit banks, maturing not more than 6 months from date of purchase.

(b) In recent years no Federal intermediate credit bank has discounted any paper with a Federal Reserve bank and no debentures have been purchased by a Federal Reserve bank. Since the Federal Reserve banks are not designed to serve as primary sources of loanable funds for use by the credit banks or other eligible borrowers, the credit banks are expected to finance their lending operations principally through sales of debentures in the investment markets and by supplemental borrowing from other sources. If any credit bank should desire at any time to apply to a Federal Reserve bank for credit in any form, the matter should be referred to the Farm Credit Administration for consideration and advice to the bank concerned.

§ 640.124 Borrowings from commercial banks.

A credit bank having need for funds which cannot be readily supplied through interbank or intersystem borrowing in accordance with § 640.130, may borrow for short periods from commercial banks. Such loans ordinarily should mature on or before the next debenture delivery date, unless the need for funds arises after a debenture sale has been arranged and is expected to continue beyond such date. In the latter event, a maturity corresponding to the second succeeding debenture delivery date would be in order.

§ 640.125–1 Financial statements; requirement.

The Farm Credit Administration may require reports in such form as it may specify from any or all of the Federal intermediate credit banks whenever, in its judgment, the same are necessary for the full and complete knowledge of its or their financial condition or operations.

§ 640.125–2 Same; statements for publication.

(a) Printed or published financial statements should conform substantially to the form of combined statements published by the Farm Credit Administration or to such other form as it may specify. It will be considered to be substantial compliance if the major account classifications and presentation as to arrangement are observed. Valuation reserves should be shown as deductions from the related assets. A copy of each published statement should be forwarded to the Accounting and Reports Section and one to the Director of Production Credit Service, Farm Credit Administration.

(b) Each published statement of condition should be footnoted to indicate (1) the amount of the contingent liability of the bank for unmatured consolidated debentures outstanding for which the 12 credit banks are jointly and severally liable; and (2) the extent to which each type of asset is pledged as collateral for (i) unmatured consolidated debentures outstanding and (ii) notes payable. The totals of consolidated debentures outstanding as of December 31 and June 30 each year, and at other month-ends upon request, will be supplied by the Administration as soon after those dates as practicable, in order to minimize delays in the publication of statements by the banks.

§ 640.125–3 Same; statements for bank manuals and directories.

Requests received from publishers of bank manuals and directories concerning the financial condition or operations of the bank should be answered by the bank. Requests involving the credit bank system, or one or more of the other credit banks, should be referred to the Farm Credit Administration.

§ 640.131 Interbank and intersystem loans; general.

The Farm Credit Act of 1956 authorizes each Federal intermediate credit bank to make loans and discount paper for any Federal land bank and bank for cooperatives (12 U.S.C. 1031(3)). Federal land banks by the Federal Farm Loan Act (12 U.S.C. 781 Seventeenth), and banks for cooperatives by the Farm Credit Act of 1933 (12 U.S.C. 1134c) are authorized to make loans to other banks in the Farm Credit System. As used in this section, the term "interbank loan" refers to a loan by a bank of one of these three groups to another bank of the same group; and the term "intersystem loan" refers to a loan by a bank of one group to a bank of one of the other two groups. Ordinarily, such loans shall be made for relatively short periods of time (usually less than 30 days) for the purpose of utilizing surplus cash within the Farm Credit System.

§ 640.132 Same; policy and procedure.

Such lending and borrowing activities shall be carried out in accordance with the policy and procedure set forth in §§ 640.132–1 through 640.132–4.

§ 640.132–1 Same; precedence for use of funds.

When a bank has surplus funds, it has the option of making them available to another bank in the same district or reporting them to the fiscal agency of the Farm Credit banks so they can be made available to other banks of the same or other systems. Should there be no need for the surplus funds within the Farm Credit System, the fiscal agency will invest the funds in accordance with instructions from the bank.

§ 640.132–2 Same; rates and terms.

(a) The subcommittee of the FICB debenture committee, in cooperation with the fiscal agent, and subject to the approval of the Farm Credit Administration, shall, unless the subcommittee determines otherwise, at the time it prices the debenture offering each month, fix the rate for use on all FICB interbank and intersystem loans made outside the district. Such rate is to be effective from the following day (sale date) until changed by the subcommittee: *Provided*, That if changing conditions seem to require a change in this rate before the next subcommittee meeting, this interim rate change may be made by the chairman of the subcommittee after consultation with the fiscal agent and approval by the Farm Credit Administration.

(b) Rates and terms of intersystem loans made within the district shall be negotiated by the banks involved. Such loans will be considered as having the approval of the Farm Credit Administration if they are mutually advantageous to the borrowing and lending banks. Consideration shall be given to the rates and terms at which funds are available to the borrowing bank from other sources and the yields obtainable by the lending bank on available investments of comparable terms.

§ 640.132–3 Same; collateralization.

Interbank loans within the credit bank system as well as all intersystem loans will be either secured or unsecured depending upon the arrangements agreed upon between the participating banks: *Provided, however,* If a credit bank plans to use the note evidencing an interbank loan or an intersystem loan as collateral for outstanding debentures, the loan must be secured.

§ 640.132–4 Same; delivery and custody of collateral.

(a) When a secured intersystem loan is made by a credit bank to the Federal land bank or a bank for cooperatives of the same Farm Credit district, the note and the collateral security, with an assignment thereof, may be delivered by the borrowing bank to the lending bank, or to the farm loan registrar for the account of the lending bank, as may be agreed.

(b) When an interbank loan, or an intersystem loan to a bank in another district, is made by an intermediate credit bank, the note and any collateral, with an assignment thereof, should be delivered to the farm loan registrar of the borrowing bank's district, to be held for the account of the lending bank or the registrar of the lending bank's district, as their interests may appear.

§ 640.133 Other loans to and discounts for banks for cooperatives.

Should a bank for cooperatives desire to borrow from or discount paper with a Federal intermediate credit bank for terms longer than contemplated by this section, the transaction will be handled in accordance with the provisions of § 640.271.

§ 640.141–1 Collateral trust debentures; types authorized.

Section 203(a) of the Federal Farm Loan Act (12 U.S.C. 1041), as amended, authorizes each bank with the approval of the Farm Credit Administration to issue and sell collateral trust debentures or other similar obligations; and section 203(d) of the Act (12 U.S.C. 1044), as amended, authorizes the 12 banks jointly to issue and sell consolidated debentures or other similar obligations.

§ 640.141–2 Same; not Government obligations.

The U.S. Government assumes no liability, direct or indirect, for debentures or other similar obligations issued by the banks or issued for their account (12 U.S.C. 1043).

§ 640.141–3 Same; limitation upon amount of obligations outstanding.

The aggregate amount of all debentures and other similar obligations outstanding for the 12 Federal intermediate credit banks may not exceed 20 times the combined surplus and paid-in capital of all such banks (12 U.S.C. 1041). An individual bank may, with approval of the Farm Credit Administration, exceed 20 to 1 for temporary periods. The term "surplus and paid-in capital" as used in this section is construed as including participation certificates and legal reserves.

§ 640.142–1 Terms of debentures; denominations.

Debentures are issued in denominations of $5,000, $10,000, $50,000, $100,000, and $500,000.

§ 640.142–2 Same; maturities.

The maturity of each issue of debentures is determined upon the basis of the needs of the banks, taking into consideration prevailing conditions in the investment markets. Under the law the maximum term for which debentures may be issued is 5 years (12 U.S.C. 1041).

§ 640.142–3 Same; interest rates.

Rates of interest to be borne by consolidated debentures are fixed by the subcommittee of the debenture committee, acting for the committee, with the approval of the Farm Credit Administration.

§ 640.142–4 Same; where payable.

Debentures of the Federal intermediate credit banks are payable, upon presentation at maturity, at any Federal Reserve bank or branch, any Federal intermediate credit bank, or at the U.S. Treasury.

§ 640.143–1 Procedure for issuance of consolidated debentures.

(a) *Action by debenture committee and subcommittee.* The debenture committee of the Federal intermediate credit banks (consisting of the presidents of the 12 banks), by resolution, authorizes the issuance of consolidated debentures or other similar obligations within a specified ceiling as it may determine to be necessary to meet the needs of the banks. It also authorizes the subcommittee to determine the amount, rate, and participation of the banks, after consideration of all factors pertinent to the issue, subject to the approval of the Farm Credit Administration.

(b) *Reopening of outstanding debenture issues.* Should it become desirable, the subcommittee may authorize the reopening of outstanding debenture issues to permit a bank to adjust its maturity pattern. Reopening of issues with more than 6 months to maturity should be avoided if at all feasible. Under a regulation of the Internal Revenue Service (26 CFR 1.1232–3(f)), debentures with maturities of more than 6 months and less than 9 months, if sold at a discount, must be stamped with the date and price of issue. It is important to avoid having debentures of two portions of an issue outstanding that are not identical and not interchangeable, which would be the case if some were stamped. In such a case the two portions are quoted separately in the market with a differentiation which might be inequitable to holders of debentures of either portion.

§ 640.143–2 Same; authorization by board of directors.

The board of directors shall, by resolution, authorize the bank from time to time to participate in issues of consolidated debentures in such amounts as may be required to meet the needs of the bank. Each such resolution shall specify the maximum amount of debentures which may be issued or the maximum amount that may be outstanding at any one time and authorize the executive committee and the appropriate officers of the bank to do all things necessary and proper to participate in such debenture issues.

§ 640.143–3 Same; actions by executive committee and by officers.

To participate in an issue of debentures, pursuant to authority granted by the board of directors of the bank, (a) the executive committee shall by resolution authorize the appropriate officers to execute the necessary application, stating the amount and maturity of debentures desired to be issued; or, (b) the proper officers may be authorized directly by the board of directors to execute such an application. Such application, on Form FCA–389A–SEC or FCA–389B–SEC, shall be delivered to the farm loan registrar of the district, who will certify as to the sufficiency of the collateral he holds and transmit the completed application and certificate to the Accounting, Budget and Data Management Division of the Farm Credit Administration.

§ 640.143–4 Same; actions by Farm Credit Administration and fiscal agent.

Upon approving the application, the Farm Credit Administration will advise the bank and the registrar concerned. The fiscal agent will negotiate the sale of the debentures when advised by the Farm Credit Administration that the sale has been approved, and will instruct the Federal Reserve Bank of New York to complete the preparation of the debentures. The Farm Credit Administration will authorize the Federal Reserve Bank of New York to make delivery of the debentures to the purchasers against payment and to dispose of the proceeds in accordance with the wishes of the credit bank concerned.

§ 640.143–5 Investment in FICB debentures by PCA members.

Consistent with administrative policies approved by the bank, FICB debentures may be issued for the account of a bank and for sale to PCA members. These debentures will be held in safekeeping in the Federal Reserve Bank of New York. Activity on the part of the Federal intermediate credit bank will consist of accepting orders and payments for duly issued debentures to be held in Nw York, giving a confirmation of investments therefor to the purchasers and mailing checks in payment of the debentures plus interest at maturity. Subscriptions for individual members shall be in multiples of $5,000. No actual delivery of debentures to the purchasers ordinarily will be made. Neither the issuance of the debentures nor their retirement will entail any cash transactions at New York. The activity on the part of the production credit associations is limited to accepting from their members, and transmitting to the credit bank, orders and payments (checks from purchasers to be made payable to FICB) for the debentures. Individuals will not qualify by purchasing a share of PCA class A stock solely for investment purposes.

§ 640.144 Collateral security for debentures.

Debentures issued on behalf of any Federal intermediate credit bank are required by law to be secured by at least an equal face amount of notes or similar obligations discounted or purchased or representing loans made in accordance with the provisions of the Act, obligations in which investment is permitted under § 640.121–1, or cash, assigned to and held by the farm loan registrar of the district (12 U.S.C. 1041).

§ 640.144–1 Direct loans eligible as collateral for debentures.

The following loans are eligible as collateral for debentures:

(a) Direct loans to production credit associations made pursuant to § 640.231, whether secured or unsecured;

(b) Notes of Federal land banks, banks for cooperatives and other Federal intermediate credit banks representing secured intersystem or interbank loans under § 640.130;

(c) Secured loans to banks for cooperatives made under provisions of § 640.271; and

(d) Direct loans to other financing institutions under § 640.232.

§ 640.144–2 Exclusion of loans classified "loss" as collateral for debentures.

(a) Any loan with credit weaknesses of such character as to indicate an actual or potential loss to the financing institution for which the paper is carried by the bank shall not be used as collateral for debentures, except as hereinafter provided. For the purpose of this section a loan will be presumed to involve a potential loss if classified "loss" by a Farm Credit examiner, by an examiner designated by the Governor to make credit examinations of production credit associations, or by other employees of the bank authorized to classify such paper.

(b) If a loan which is classified "loss" and accepted by the bank under the "partial discount" procedure provided for in § 640.272–1 the paper may be assigned to the Registrar as collateral for debentures in an amount not to exceed its estimated realizable value.

(c) It is the responsibility of the bank to see that loans classified "loss" are not carried by the farm loan registrar except as provided in paragraph (b) of this section. Any loan held by the registrar which subsequently is given a "loss" classification, as provided in paragraph (a) of this section, shall be withdrawn promptly. Such paper may again be deposited as collateral if the credit weaknesses on which the estimate of loss was based are eliminated, or if the paper is handled at its estimated realizable value as provided in paragraph (b) of this section.

(d) Notes securing "loss" loans may be held by the farm loan registrar as subcollateral for a direct loan to a production credit association which encompasses the discount function as provided in § 640.231.

§ 640.145–1 Investment qualities of debentures; tax exemptions.

(a) Consolidated collateral trust debentures of the Federal intermediate credit banks and the income derived therefrom are exempt from State, municipal, and local taxation. Interest on such debentures is not exempt from taxation by the U.S. Government; and neither gain from the sale or other disposition of such debentures nor transfer of the debentures by inheritance, gift, etc., is exempt from Federal or State taxation.

(b) Under § 210 of the Federal Farm Loan Act, as amended (12 U.S.C. 1111), debentures of the credit banks were granted "the same tax exemptions as are accorded farm loan bonds." Although section 26 of the Federal Farm Loan Act (12 U.S.C. 931) provides that farm loan bonds, and the income derived therefrom, "shall be exempt from Federal, State, municipal, and local taxation," section 4 of the Public Debt Act of 1941, as amended (61 Stat. 180; 31 U.S.C. 742a), eliminated the exemption from Federal income taxes. The pertinent portion of this section reads:

SEC. 4(a). Interest upon obligations, and dividends, earnings, or other income from shares, certificates, stock, or other evidences of ownership, and gain from the sale or other disposition of such obligations and evidences of ownership issued on or after the effective date of the Public Debt Act of 1941 by the United States or any agency or instrumentality thereof shall not have any exception, as such, and loss from the sale or other disposition of such obligations or evidences of ownership shall not have any special treatment, as such, under the Internal Revenue Code, or laws amendatory or supplementary thereto; • • •

(b) The provisions of this section shall, with respect to such obligations and evidences of ownership, be considered as amendatory of and supplementary to the respective Acts or parts of Acts authorizing the issuance of such obligations and evidences of ownership, as amended and supplemented.

§ 640.145–2 Same; security for public funds.

Under section 203(e) of the Federal Farm Loan Act, as amended, all debentures issued by the credit banks are made "lawful investments, and may be accepted as security for, all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or of any officer or officers thereof" (12 U.S.C. 1045).

§ 640.145–3 Same; legal investments under State laws.

The laws of the various States, as they affect credit bank debentures, are not uniform. In some States such debentures are specifically made legal investments for insurance companies and savings banks. In others, they are lawful investments for all fiduciary and trust funds. A number of States have statutes which, in effect, authorize investments in any securities approved for that purpose by a designated public officer, such as an insurance commissioner or banking commissioner. Statutes of a number of other States, while not referring specifically to debentures of the intermediate credit banks, contain provisions relating to legal investments under which such debentures would appear to qualify. A digest of State laws relating to the eligibility of credit bank debentures for purchase by savings banks and insurance companies, and for investment of trust funds and various other funds, may be obtained from the fiscal agent.

§ 640.145–4 Same; collateral for borrowings from Federal Reserve banks.

Any Federal Reserve bank may accept debentures of the Federal intermediate credit banks, maturing within 6 months, as collateral security for 15-day borrowings by member banks under section 13 of the Federal Reserve Act. Debentures of any maturity are eligible as collateral for advances by Federal Reserve banks to member banks under section 10(b) of the Federal Reserve Act.

§ 640.146–1 Purchases of debentures before maturity.

With the approval of the Farm Credit Administration, unmatured consolidated debentures may be purchased by any credit bank. Such debentures shall be: (a) Retired as of the date of purchase to the extent they are composed of issues in which such bank has participations outstanding; or (b) held to maturity if composed of issues in which the purchasing bank has no outstanding participations (12 U.S.C. 1053).

§ 640.146–2 Retirement of matured debentures.

(a) Funds for the retirement of debentures when due are required to be deposited in the symbol account designated by the Treasurer of the United States. Such deposits are to be made through Federal Reserve banks, and shall be made as early in the day as funds will be accepted by the Federal Reserve bank for transfer on the maturity date of the debentures.

(b) The Federal Reserve bank or branch through which the deposit is made shoud be requested to furnish advice thereof on Form FCA 89 SEC (Certificate of Deposit) to the depositing credit bank, the Treasurer of the United States, and the Accounting, Budget and Data Management Division of the Farm Credit Administration. If such funds are being assigned as collateral for debentures and are to be credited to the registrar's account in the symbol account, the Reserve bank should also send a copy of the certificate of deposit to the registrar.

§ 640.147 Lost, stolen, destroyed, mutilated, or defaced consolidated collateral trust debentures or coupons.

(a) *Basis of relief.* The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation, or defacement of U.S. securities, and the regulation of the Treasury Department, now or hereafter in force, governing the payment of mutilated or defaced coupons of U.S. securities, so far as such statutes and regulations may be applicable, and as modified to relate to consolidated collateral trust debentures of the 12 Federal intermediate credit banks, and coupons of such debentures, shall govern the granting of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated collateral trust debentures of the 12 Federal intermediate credit banks, and mutilated or defaced coupons of such debentures.

(b) *Claims and proof of loss.* Claims shall be presented, and proof shall be made, by applicants for relief on account of the loss, theft, destruction, mutilation, or defacement of consolidated collateral trust debentures of the 12 Federal intermediate credit banks and the mutilation or defacement of coupons of such debentures, in accordance with the statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, with respect to securities of the United States, and coupons of such securities.

§ 640.148 Restrictive endorsements of bearer securities.

When consolidated debentures issued by the 12 Federal intermediate credit banks are being presented to Federal Reserve banks or branches, or to the Treasurer of the United States, by or through banks (including Federal intermediate credit banks) for redemption, such debentures may be restrictively endorsed. The restrictive endorsement shall be placed thereon in susbtantially the same manner and with the same effects as prescribed in U.S. Treasury Department regulations, now or hereafter in force, governing like transactions in U.S. bonds; and consolidated debentures issued by the 12 Federal intermediate credit banks so endorsed shall be prepared for shipment and shipped in the manner prescribed in such regulations for U.S. bonds. (See 31 CFR 328.1–328.6.)

§ 640.149 Loss from payment of spurious debenture.

Each of the 12 Federal intermediate credit banks agreed, by resolution adopted by its board of directors in 1963, to share in any loss resulting from the payment of counterfeit, forged, or unauthorized debentures. The agreement provides that such loss shall be shared by all of the banks in the same ratio as their respective participations in debentures issued during the 12 months preceding the date of payment of such counterfeit, forged, or unauthorized debentures.

§ 640.151 Annual application of earnings.

Pursuant to section 206 of the Farm Loan Act, as amended (12 U.S.C. 1072), the net earnings of each bank at the end of each fiscal year of the bank, after the payment of operating expenses (including provision for reasonable valuation reserves and losses in excess of reserves), shall be applied as follows:

(a) To restore the amount of impairment, if any, of capital stock and participation certificates, as determined by the board of directors;

(b) To restore the amount of impairment, if any, of the surplus account, as determined by the board of directors;

(c) After restoring impairments, if any, of capital stock participation certificates, and surplus, as provided herein, 25 percent of the remaining net earnings shall be used to create and maintain a reserve account (designated "Legal Reserve" account). The amount added to such account shall be allocated to the users of the bank in accordance with § 640.153–2;

(d) If class A stock has been outstanding during any part of the fiscal year, to pay to the United States a franchise tax equal to 25 percent of the remaining net earnings: *Provided*, That the amount of such tax shall not exceed a rate of return on such Government capital calculated at a rate equal to the computed average annual rate of interest on all public issues of public debt obligations of the United States issued during the fiscal year of the U.S. Treasury ending next before such tax is due, as certified to the Farm Credit Administration by the Secretary of the Treasury.

(e) When a bank has no class A stock outstanding, it may pay noncumulative dividends on class B stock and participation certificates in an amount not to exceed 5 percent in any year, when authorized by the board of directors;

(f) After the foregoing requirements have been met (including the payment of dividends when applicable), the net earnings remaining shall be distributed as patronage refunds to production credit associations and other financing institutions, as provided in § 640.154.

§ 640.152 Absorption of net losses.

In the event a net loss is sustained in any year, it shall be absorbed in the following manner, and in the order stated:

(a) By charges to the reserve account;

(b) By charges to the surplus account, other than that transferred from the production credit corporation;

(c) By charges to the surplus transferred from the production credit corporation;

(d) The impairment of class B stock and participation certificates; and

(e) The impairment of class A stock.

§ 640.153–1 Surplus—reserved.

The surplus established by the bank on January 1, 1957, as provided in section 103 of the Farm Credit Act of 1956, shall be maintained as a part of the permanent capital of the bank. Should the surplus become impaired through losses, it shall be restored out of future earnings as provided in § 640.151.

§ 640.153–2 Legal reserve account.

The legal reserve account of the bank shall be allocated on a patronage basis to production credit associations and other financing institutions. Allocations on a patronage basis means that such allocations shall be recorded on the books of the bank for the credit of such users (or their successors in interest) in the proportion that the amount of interest earned by the bank on loans to and discounts for each user bears to the total interest on loans to and discounts for all such users outstanding during the fiscal year. The users shall be given appropriate notice of such allocations in a form approved by the Farm Credit Administration. Allocations may be transferred only on the books of the bank and with its approval. Allocations shall be subject to a first lien as additional collateral for any indebtedness of the holder thereof to the bank, and in any case where such indebtedness is in default may be applied thereon.

§ 640.153–21 Same; distribution.

Whenever the amount in the legal reserve account exceeds 25 percent of the capital stock and participation certificates outstanding at the end of any fiscal year, such excess may be distributed, in full or in part, if the board of directors of the bank so determines, oldest allocations first, in class B stock and participation certificates issued as of the date of the allocations and, whenever the bank has no class A stock outstanding, also in money.

§ 640.153–22 Same; absorption of losses.

When net losses are charged to the legal reserve account, as provided in § 640.152, such losses shall reduce the amounts allocated to production credit associations and other financing institutions, most recent allocations first. All allocations for each year shall be fully absorbed before any losses are charged against allocations for an earlier year. Charges that are less than the full amount of all allocations issued for a specified year shall be on a pro rata basis.

§ 640.153–23 Same; disposition in the event of merger or consolidation of a production credit association or other financing institution.

In the event of a merger or consolidation of two or more production credit associations, the reserve account allocations of the respective associations shall be disposed of in the manner provided in the agreement of merger or consolidation. In the event of a merger or cosolidation of another financing institution, the reserve account allocations of such institution shall be transferred to its successors in interest.

§ 640.153–24 Same; disposition on liquidation of credit bank.

In the event of a liquidation or dissolution of a credit bank, the remaining reserve account allocations shall be paid to the owners of record or their successors in interest.

§ 640.154 Patronage refunds; general.

Patronage refunds may be paid to production credit associations and other

financing institutions only. The amount payable to each such institution shall be in the proportion that the amount of interest earned by the bank on loans to and discounts for that institution bears to the total interest on loans to and discounts for all production credit associations and other financing institutions outstanding during the fiscal year, and shall be paid as provided in §§ 640.154–1 and 640.154–2.

§ 640.154–1 Same; if there is class A stock outstanding at the end of the fiscal year.

Payments of patronage refunds shall be made in class B stock to production credit associations and in participation certificates to other financing institutions borrowing from or discounting with the bank during the fiscal year.

§ 640.154–2 Same; if there is no class A stock outstanding at the end of the fiscal year.

Payments of patronage refunds may be made in cash, or in class B stock to production credit associations and in participation certificates to other financing institutions as provided in § 640.154–1, as may be authorized by the board of directors.

§ 640.161–1 Examinations of Federal intermediate credit banks; by farm credit examiners.

The Farm Credit Administration is required by law (12 U.S.C. 1091) to examine and audit each intermediate credit bank at least once each year. Such examinations are made by Farm Credit examiners appointed pursuant to section 3 of the Federal Farm Loan Act, as amended (12 U.S.C. 656).

§ 640.161–2 Audits by General Accounting Office.

Federal intermediate credit banks are subject to audit by the General Accounting Office, as provided in the Government Corporation Control Act for any year during which any Government-owned class A stock is outstanding (31 U.S.C. 841, 856–858).

§ 640.162–1 Examinations of production credit associations; general.

(a) At least once each year each production credit association is required to be examined by examiners designated by the Governor of the Farm Credit Administration (12 U.S.C. 1138a). Such examinations ordinarily are made in two parts, as follows:

(1) The records and accounts of the associations are examined by Farm Credit examiners; and

(2) Credit examinations are made by employees of the credit bank when designated for that purpose by the Farm Credit Administration. Such credit examinations are required to be made in accordance with the principles and procedures prescribed by the Farm Credit Administration as set forth in the Manual for Credit Examinations of Production Credit Associations.

(b) Credit examinations of production credit associations and analyses of their loans also may be made by Farm Credit examiners.

§ 640.162–2 Same; verification of accounts of borrowers.

(a) Verification requests referred to the bank by the resident examiner should be followed up in the most economical and practical manner. In some cases the bank may be able to clear up exceptions on confirmed accounts through information in its files, or through its knowledge of circumstances in particular cases. When a verification request is assigned by the bank for field followup, the contact should be made in the regular course of business, unless circumstances warrant special attention.

(b) On completion of its followup, the bank will return one copy of the list of accounts submitted for verification to the resident examiner showing thereon the results of the followup, together with exceptions that were not cleared. In the event exceptions are reported which indicate the possible existence of a shortage, the circumstances should be reported as prescribed in § 640.361.

§ 640.163 Other financing institutions.

So long as an institution is indebted to the Federal intermediate credit bank, either directly or indirectly, the bank shall keep itself informed regarding the condition and operations of the institution. In the case of banks, such information ordinarily may be obtained by reviewing reports of examinations made by supervisory authorities. Each agricultural credit corporation, livestock loan company, or other similar institution, except when examined by Farm Credit examiners, should be examined periodically by the credit bank. Ordinarily, examinations of active corporations should be made not less frequently than once each year.

§ 640.171 Supervision of production credit associations.

All costs of supervision and related services furnished production credit associations by an intermediate credit bank will be borne by the bank in accordance with provisions of section 101(b) of the Farm Credit Act of 1956 (12 U.S.C. 1027(b)).

§ 640.172 Charging of fees or commissions unauthorized.

No Federal intermediate credit bank may charge or receive from any production credit association or other financing institution "any fee, commission, bonus, gift, or other consideration" not specifically authorized by law (12 U.S.C. 1129).

§ 640.173–1 Recoverable expenditures; credit examinations—production credit associations.

Section 61 of the Farm Credit Act of 1933 (12 U.S.C. 1138a) requires each production credit association to pay the cost of its examination made pursuant to the Act. The cost of credit examinations made by employees of the bank, as provided in § 640.162–1, shall be assessed to and paid by the associations examined. Since each credit examination is made in connection with the overall credit review of an association's lending and loan servicing operations, only that part of the total cost which is attributable to the credit examination itself will be charged to the association. The amount to be recovered and the basis of allocation among the associations will be determined as follows:

(a) The total costs attributable to credit examinations will be determined each year by the bank and will include the following elements:

(1) One-half of the salary cost and travel expense, including subsistence, of the examiners for the time devoted to the entire credit review, including preexamination training;

(2) The salary cost and travel expense of officers or other supervisory employees for the time devoted to supervising the credit examination work, as estimated by the bank;

(3) Salary costs incurred in typing, checking, and assembling the examination reports;

(4) Cost of forms, supplies, etc., used in making credit examinations; and

(5) A charge to cover overhead costs, which shall be computed at 6 percent of the sum of subparagraphs (1) through (4) of this paragraph.

Salary cost in subparagraphs (1), (2), and (3) of this paragraph will include a proportionate share of the cost of retirement, annual and sick leave, and other fringe benefits, as determined by the bank.

(b) The cost of making the credit examinations, determined as provided above, will be allocated among the associations upon such equitable basis as may be determined by the bank, taking into consideration such factors as the time devoted to making the examinations, the number of loans reviewed and any other elements having a bearing upon the resulting costs of the current year's credit examinations.

(c) Each bank is expected to assess and recover the full cost of each credit examination each calendar year. In the interest of economy and efficient operations the bank may defer its calculation of cost and its assessments until after the close of the calendar year involved; provided, the assessments are made within a reasonable period after the close of such year; and provided further, that the time of making the assessments shall normally follow a consistent pattern so that each association will have to include the cost of only one credit examination in its expenses each year.

A copy of each bank's plans for computing examination cost and for the allocation of such costs among the associations under a and b above shall be submitted to the Farm Credit Administration.

§ 640.173–2 Examinations of other financing institutions made by the bank.

Examinations of financing institutions other than production credit associations are made by the bank for its own account, under the terms of the General Rediscount, Loan and Pledge Agreement entered into between the borrowing institution and the bank. Such examinations are not made for the Farm Credit Administration, nor are they based upon any direct supervisory authority vested in the bank. Each bank is authorized to assess the cost of such examinations, in whole or in part, against the institutions examined, upon such basis as the bank determines to be equitable.

§ 640.173–3 Cost of performing association functions.

When, by reason of a production credit association's inability or failure to employ competent personnel, a bank finds it necessary to assign an officer or employee of the bank to perform the functions of association employees, the bank may require the association to reimburse it for salary, subsistence, and necessary travel expense incurred in the performance of such work, upon such basis as the bank determines to be equitable. In this connection, care should be exercised to differentiate between actual performance of association work and the training of association employees. The latter is regarded as a supervisory function of the bank, the cost of which will be absorbed by the bank.

§ 640.173–4 Other reimbursable expenditures.

When it is found advantageous to the production credit associations to have certain items or services provided on a group or pool basis and to have the related expense paid by the bank and allocated to them on a basis agreed upon, the bank may handle such transactions for the associations concerned and at their expense. The association may contribute to an imprest fund for the payment of such costs, or the bank may carry the expense as accounts receivable and recover from the associations concerned. Among the classes of items which may be treated in this manner are:

(a) Purchasing and carrying an inventory of forms, supplies, etc., for the associations, which may be billed at prices which provide the bank with a margin sufficient to cover estimated inventory losses through deterioration or obsolescence, etc.;

(b) Cost of meeting rooms and other expenses of association conferences;

(c) Expenses of trust committees handling association retirement plans; expenses of handling association investments; assembling data, making reports, filing claims, etc., in connection with association insurance programs; and out-of-pocket costs for procuring and distributing advertising materials, displays, building signs, etc.

The foregoing list is not intended to be all inclusive but to illustrate the types of expenditures which an intermediate credit bank may have occasion to make on behalf of and for the account of production credit associations and for which it may properly obtain reimbursement.

§ 640.174–1 Cost of examinations of financing institutions made by Farm Credit examiners; other financing institutions.

When an examination of any other financing institution is made by a Farm Credit examiner, in connection with or incident to an examination of the credit bank, the cost will be billed to the bank by the Farm Credit Administration. The bank may assess to the institution examined all or such part of the amount paid to the Farm Credit Administration as the bank determines to be equitable.

§ 640.174–2 Same; production credit associations.

The cost of each examination of a production credit association, whether regular or special, will be allocated to and assessed against the association or the bank by the Farm Credit Administration as follows:

(a) The cost of each regular periodic examination made pursuant to § 640.162–1(a), will be assessed against the association examined; and

(b) Because of wide variations in circumstances which may result in special examinations of associations (including special audits, investigations, credit analyses, or other reviews) the Farm Credit Administration will determine the allocation to be made of the resulting cost and will assess the amount involved against the bank or the association, or both, on the basis of such determination. In general, if a special examination of a production credit association is made by Farm Credit examiners because of conditions or developments in or affecting the association, the resulting cost will be chargeable to the association. On the other hand, if the primary purpose of a special examination is to develop information concerning the operations and activities of the bank, such as determining the quality of credit examinations made by bank employees, reviewing its supervisory activities, obtaining or verifying information needed to complete an examination of the bank, or other matters pertaining to the bank's affairs, the resulting cost will be borne by the bank as a part of the cost of its examination. If it appears to the Farm Credit Administration that the character, purpose, and scope of a special examination are such that the cost should be shared by both the bank and the association, it will assess each institution for the amount determined to be chargeable to it.

Subpart B—Loans and Discounts

§ 640.201 Lending powers.

In general, the lending powers of the Federal intermediate credit banks are set forth in section 202(a) of the Federal Farm Loan Act, as amended (12 U.S.C. 1031), as follows:

The Federal intermediate credit banks, when chartered and established, shall have power, subject solely to the restrictions, limitations, and conditions contained in this Act or as may be prescribed by the Farm Credit Administration not inconsistent with the provisions of this Act—

(1) To discount for, or purchase from, any production credit association organized under the Farm Credit Act of 1933, as amended, with its endorsement, any note, draft, or other such obligation presented by such association; and to make loans and advances to any such association secured by such collateral as may be approved by the Governor of the Farm Credit Administration or without collateral to the extent authorized under rules and regulations prescribed by the Farm Credit Administration;

(2) To discount for, or purchase from, any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, and any association of agricultural producers engaged in the making of loans to farmers and ranchers, with its endorsement, any note, draft, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose, including the breeding, raising, fattening, or marketing of livestock; and to make loans and advances to any such financing institution secured by such collateral as may be approved by the Governor of the Farm Credit Administration: *Provided*, That, no such loan or advance shall be made upon the security of collateral other than notes or other such obligations of farmers and ranchers eligible for discount or purchase under the provisions of this section, unless such loan or advance is made to enable the financing institution to make or carry loans for any agricultural purpose;

(3) To make loans to and discount paper for any other Federal intermediate credit bank, any Federal land bank, or any bank for cooperatives organized under the Farm Credit Act of 1933, as amended, all upon terms and at rates of interest or discount approved by the Farm Credit Administration; and

(4) To purchase for investment obligations of the Federal land banks and the banks for cooperatives and, to the extent authorized by the Farm Credit Administration, obligations of any agencies of the United States.

§ 640.201–1 Same; terms denoting different classes of borrowing and discounting institutions.

Except as indicated otherwise, the term "financing institutions" as used in this part shall be understood to include both production credit associations and all institutions of the types listed in paragraph (2) of section 202(a) of the Act, quoted in § 640.201. The term "other financing institutions" includes only those listed in such paragraph (2). The term "banks of the Farm Credit System" includes only those institutions listed in paragraph (3).

§ 640.201–2 Federal credit unions.

Following is an excerpt from the Federal Credit Union Act of June 26, 1934, as amended (12 U.S.C. 1757):

POWERS:

SEC. 7. A Federal credit union shall have succession in its corporate name during its existence and shall have power—

• • • • • •

(10) To borrow, in accordance with such rules and regulations as may be prescribed by the Director, from any source, in an aggregate amount not exceeding 50 per centum of its paid-in and unimpaired capital and surplus: *Provided*, That any Federal credit union may discount with or sell to any Federal intermediate credit bank any eligible obligations up to the amount of its paid-in and unimpaired capital;

§ 640.202 General rediscount agreement.

As a condition precedent to making loans to or discounting paper for any production credit association or other financing institution the bank will require the association or corporation desiring such credit to execute a General Rediscount, Loan and Pledge Agreement in form approved by the Farm Credit Administration.

§ 640.203 Qualifications of other financing institutions.

Except that banking institutions and credit unions are not subject to the requirement in § 640.203–1, relating to the character of business in which engaged, all other financing institutions must meet the requirements in §§ 640.203–1 through 640.203–5 in order to obtain credit from a Federal intermediate credit bank.

§ 640.203–1 Same; character of business.

It must be engaged in the business of extending short- and intermediate-term credit to farmers and ranchers for agricultural purposes, including the breeding, raising, fattening, or marketing of livestock. A concern engaged in the business of manufacturing, merchandising, real estate brokerage, real estate loans, etc., will not be classified as an institution eligible to obtain credit from a credit bank merely because it has the power to make loans to farmers and stockmen and to borrow money. On the other hand, the fact that a corporation has powers not related to agricultural credit, or receives income from other sources, will not of itself render it ineligible. Such institutions should be carefully investigated and each case decided on its merits.

§ 640.203–2 Same; incorporation and capital structure.

It must be incorporated; have a capital structure commensurate with the volume of business it expects to handle; and have prospective income sufficient to cover operating costs and establish reserves for possible losses.

§ 640.203–3 Same; compliance with statutes.

It must comply with State laws applicable to it. Violations of State laws will be cause for revocation by the bank of the borrowing and discounting rights of any institution which does not promptly rectify such conditions upon notice from the bank. Special attention should be given to the institution's articles of incorporation and bylaws; capital stock and other securities transactions; and, in the case of foreign corporations, evidence will be required that it has complied with the laws of each State in which it operates.

§ 640.203–4 Same; affiliated with other concerns.

(a) In the case of any financing institution which is affiliated with a bank, cooperative association, or other concern (through stock ownership, management, interlocking directorates, or otherwise) the bank will consider the possible effects of such relationship upon the operations and credit policies of the applicant institution. It is important that the bank keep informed concerning the management, financial condition, and operations of such affiliated concern, in order to assure itself that the practices and policies of the affiliate will not jeopardize the interests of the bank.

(b) A financing institution which is a subsidiary of or affiliated with a farmers' cooperative association, and is otherwise eligible to borrow from and to discount with a Federal intermediate credit bank, may qualify to discount, with its endorsement, or borrow on the security of notes of farmers and stockmen (as distinguished from notes of cooperative associations) evidencing loans to finance the cost of supplies, equipment or services obtained from such affiliated cooperative association, if the board of directors of the bank finds that (1) an additional source of credit is needed to facilitate financing of such transactions; and (2) the primary benefits of such credit will inure to the borrowing farmers and stockmen.

§ 640.203–5 Same; examinations, financial statements, reports, etc.

As a condition precedent to making loans to or discounting paper for any financing institution the bank will require such institution to agree to furnish the bank, the Farm Credit Administration, or any Farm Credit examiner, at any time upon call, full and current information regarding its financial condition and operations, including a detailed financial statement in such form as may be prescribed by the bank or by the Farm Credit Administration; and its agreement to submit, at its own expense, to periodic examinations by examiners of the bank, by national bank examiners, or by Farm Credit examiners: *Provided, however*, That any bank, trust company, or savings institution operating under the supervision of State or national authorities, in lieu of such agreement may submit its authorization to such supervising authority, in writing, to furnish the bank or the Farm Credit Administration upon request, any report of condition, report of examination, or other confidential information in the possession of such supervising authority. In connection with the initial application for credit submitted by an agricultural credit corporation, livestock loan company, or similiar institution, the bank should make a careful and thorough examination: *Provided, however*, That in the case of a newly organized institution having only liquid assets (such as cash and bonds) and no liabilities of consequence, the bank may waive such initial examination.

§ 640.211 Limitations upon amount of credit; ratio of total liabilities to unimpaired capital and surplus.

Within the limitations of the Act, it is the responsibility of the bank to determine the amount of credit that may be granted safely to any institution. Sound credit policy requires that careful consideration be given to the character and ability of the management of each institution; to its actual unimpaired capital and surplus; to the manner in which such capital is invested; to the nature and extent of its other liabilities; as well as to the quality of the paper offered and to the amount of general collateral pledged with the bank. Since these factors are subject to change from time to time, it is important that they be reviewed by the bank at frequent intervals.

§ 640.212 Maximum ratios permitted.

The limitations set out in §§ 640.212–1 through 640.212–4 are maximum ratios and may not be exceeded in any event.

§ 640.212–1 Same; production credit associations.

No credit may be granted to any production credit association if the amount involved, added to its other liabilities, will exceed 10 times its paid-in and unimpaired capital and surplus.

§ 640.212–2 Same; other financing institutions.

No credit may be granted to any other financial institution of the classes listed in paragraph 2 of section 202(a) of the Act, quoted in § 640.201 (other than banks and credit unions) if the amount involved, added to its other liabilities, exceeds the liabilities which the institution may incur under the laws governing its operations or, in any event, exceeds 10 times its paid-in and unimpaired capital and surplus.

§ 640.212–3 Same; banking institutions.

(a) No credit may be granted to any banking institution if the amount involved, added to its other liabilities (other than bona fide deposit liabilities), exceeds the amount of such liability permitted under the laws of the jurisdiction creating such bank, or exceeds twice its paid-in and unimpaired capital and surplus.

(b) A corporation engaged in a banking business and operating under the banking laws of a State, but having the powers of an agricultural credit corporation, livestock loan company, or similar financing institution, must be limited to the amount of credit which may be granted to a banking institution as provided in this section.

§ 640.212–4 Same; credit unions.

No credit may be granted to a credit union if the amount thereof, added to its other liabilities, exceeds the amount of such liability permitted under the laws of the jurisdiction creating such credit union, or exceeds the amount of its paid-in and unimpaired capital.

§ 640.213 Computation of debt-to-capital ratios.

In computing the debt-to-capital ratio of an institution, the credit bank will include all liabilities (other than bona fide deposit liabilities in the case of banks) whether owing to the credit bank or to others. The unimpaired capital and surplus will include the following:

(a) That portion of the institution's authorized and subscribed capital which has actually been paid in and (except in the case of production credit associations) for which stock certificates are outstanding in the names of bona fide stockholders; and

(b) Its paid-in surplus (if any) and surplus created out of net earnings or savings specifically set aside to augment its effective capital; less

(c) Any losses (whether fully realized or determined to be in prospect) which are not provided for or offset by reserves and undivided profits or otherwise.

§ 640.213–1 Character of items recognized as surplus.

(a) The actual character of a net worth item rather than the title of the account in which it is carried will determine whether it may be recognized as "surplus" within the meaning of this section. Special reserves and similar accounts which are built up and maintained for capital purposes, in a manner similar to the creation of earned surplus, may be treated as surplus regardless of the title of the account in which such reserves are carried.

(b) Valuation reserves, provisions for losses, etc., and undivided profits which have not been set aside as surplus reserves to augment capital will not be treated as surplus within the meaning of this section; however, the amount of such reserves and undivided profits will be recognized as credits against actual and estimated losses in determining whether any impairment of surplus or of capital exists.

§ 640.213–2 Revolving capital.

In the case of institutions or associations which follow the practice of revolving capital, surplus, or some other account which normally would be regarded as the equivalent of capital or surplus as defined in this section, the bank will ascertain the terms and conditions under which such capital is revolved, and will keep itself informed as to the effects which such transactions may have upon the institution's net worth position.

§ 640.221 Credit standards.

Paper offered to a credit bank by a financing institution, for discount or as collateral security for a loan, should be of such character as to assure liquidation of the obligation within a reasonable time, consistent with sound lending and agricultural practices. The integrity and financial condition of the notemaker, the collateral security offered, the productive capacity of the notemaker's farming and livestock operation, the adequacy and practicability of the plan of repayment, and other credit factors, when considered together, should afford reasonable assurance that under ordinary circumstances the income of the notemaker will be sufficient to repay the loan and discharge his other obligations.

§ 640.222 Loan purposes.

(a) Loans discounted for or purchased from a production credit association shall have been made to qualified farmers or ranchers for general agricultural purposes, and other requirements of the borrowers including the needs of their families. (See § 650.101 of this chapter.)

(b) The proceeds of loans discounted for or purchased from other financing institutions shall have been advanced to farmers or ranchers and used in the first instance for an agricultural purpose, including the breeding, raising, fattening, or marketing of livestock (12 U.S.C. 1031(2)).

(c) In determining whether the purpose of a loan offered for discount or purchase is "agricultural" the bank will apply the term on a practical and constructive basis rather than in a purely technical sense. Eligibility should be judged in line with the usually accepted requirements of farm and ranch operations, including the support and maintenance of the farm or ranch family.

§ 640.222–1 Nondiscrimination.

The Federal Farm Credit Board, in February 1969, adopted the following resolution:

> Resolved, that it is confirmed to be the policy of the Federal Farm Credit Board that there shall be no discrimination because of race, color, religion, or national origin by the banks and associations which operate under the supervision of the Farm Credit Administration, i.e., Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations, and banks for cooperatives, either as is now proscribed for the financing of housing by section 805 of the Civil Rights Act of 1968 or with respect to the availability of loans generally from such banks and associations. Each FICB should provide instruction or written communication to each PCA in its district of this policy, based on section 805 of the Civil Rights Act of 1968, and should provide each such association with a notice for posting in its office.

§ 640.223 Maturities.

(a) Notes evidencing direct loans to financing institutions, and notes or other obligations discounted or accepted as collateral for loans by an intermediate credit bank usually will be drawn with maturities coinciding with the normal marketing seasons for the crops or livestock from which liquidation is expected, ordinarily not more than 12 months. Any note evidencing an intermediate-term loan may be discounted, or accepted as collateral for direct loans, provided the period from date of discount or acceptance of the note as collateral to its maturity does not exceed 7 years.

(b) Investment securities and other obligations of the classes described in §§ 640.231 and 640.232, even though having more than 7 years to run to maturity, may be accepted as collateral security for direct loans to production credit associations and other financing institutions.

§ 640.224 Interest rates.

To be eligible for discount or as collateral for a loan to a financing institution, the rate of interest or discount charged the maker of a note offered to the bank shall not exceed the rate permitted by regulations of the Farm Credit Administration. (See §§ 640.262 through 640.262–5.)

§ 640.225 Fees and other charges.

No paper shall be eligible for discount, or as collateral for a loan by the credit bank, if the offering financing institution imposes any fee or other charge, aside from interest, at a rate higher than that approved by the bank. If, in the case of other financing institutions, the total amount of interest and other charges to the notemaker exceeds an amount calculated at the maximum interest rate allowed by the laws of the State where the note was executed, careful consideration should be given to the facts and to the exact nature of such charges in the light of usury and other applicable laws.

§ 640.226 Notes of farming corporations.

Notes of a farming corporation may be discounted for, purchased from, or accepted as a basis for a loan to, any eligible financing institution if they meet the requirements of § 640.226–1 or § 640.226–2 applicable to the financing institution concerned.

§ 640.226–1 Same; production credit associations.

To be eligible for discount notes of a corporation presented by a production credit association must meet the requirements of §§ 650.102 and 650.103 of this chapter.

§ 640.226–2 Same; other financing institutions.

Notes of a corporation may be discounted for a financing institution other than a production credit association if the borrowing corporation is engaged in actual farming operations or livestock production and meets the following requirements:

(a) Either (1) at least 75 percent in value and number of shares of its capital stock must be owned by the individuals personally actually conducting the farming or livestock operations of the corporation; or (2) the major portion of the assets of the corporation must consist of property actually devoted to farming or livestock production and at least half of its gross income must be derived from such operations; and

(b) Either the holder or holders of at least a majority of its outstanding shares of voting stock or a principal stockholder will, (1) endorse, or sign as comakers, all notes evidencing such loans or (2) execute continuing guaranties of

all indebtedness of such corporation to the payee lending institution. Requirement (2) may be met by two or more stockholders each executing a guaranty for a specified percentage of the indebtedness, with the aggregate of such guaranties affording personal liability for 100 percent of the indebtedness. If such personal liability of stockholders of the borrowing corporation cannot be obtained by reason of ownership of its capital stock by another corporation, the stockholder liability requirement may be met by like endorsement or guaranty on the part of an individual stockholder or stockholders of such parent of affiliated corporation. As an exception thereto, the payee lending institution may waive the foregoing stockholder liability requirement for loans to eligible corporations if in its judgment the soundness of the loan and continuity of management are reasonably assured without such personal liability, subject to concurrence in such waiver by the bank and the Farm Credit Administration on loans requiring their approval.

§ 640.227 Point of purchase loan programs.

(a) The bank's board of directors may approve programs for production credit associations in its district under which agreements will be entered into with private dealers or cooperatives permitting them to take applications for loans from production credit associations to purchase farm equipment, supplies, and machinery. The dealers and cooperatives will then submit such applications to the associations for acceptance or rejection.

(b) When the sales territory of a dealer or cooperative extends outside the territory of the originating association, then an agreement from all associations affected must be obtained before making such loans. Should the sales territory also extend outside that Farm Credit district then an agreement must be obtained from the affected banks and associations involved.

(c) Reasonable compensation may be paid to a cooperative or dealer for services rendered in connection with such programs whether they involve the financing of farm machinery, capital goods of other kinds, or farm supplies.

§ 640.228 Advances not supported by notes.

The general policy within the Production Credit System is that a lender shall receive a valid note from a borrower before loan funds are disbursed. A few districts have found a need for an exception to this general policy to temporarily accommodate members of PCAs whose use of bill-of-sale drafts give rise to overdrafts, or to facilitate the handling of advances by phone or by mail. Normally, only a limited number of transactions in each association will be within the exception, and they will not involve large amounts. When a district is confronted with an apparent need for an exception to this policy, the reasons therefor should be explored by the bank and if an exception is warranted then a specific written policy should be developed describing what shall be permitted, the limitations, and the required procedure. Such policy shall be made a part of the district's operating manual for associations.

§ 640.229 Drafts.

The use of drafts to facilitate loan disbursements has been practiced by associations for many years. To insure sound business practice and prevent the indiscriminate use of drafts, the following guidelines shall be adhered to:

(a) The primary use of drafts should be for bill-of-sale purposes with adequate control by associations to insure proper description of chattels, and endorsement to insure conveyance of title, before acceptance.

(b) Use of drafts for general disbursement purposes should be authorized by a Federal intermediate credit bank only after determining that such use will not impair or eventually deter the effective use of regular bill-of-sale drafts.

(c) As a general policy, notes should be required of members when they are presented with blank drafts.

(d) Each district should have a written procedure as part of its operating manual covering the use of drafts, and if a bank wishes to make an exception to its general policy this may be handled in writing on a case basis.

§ 640.231 Direct loans to production credit associations.

The bank may make direct loans to production credit associations discounting acceptable paper as provided in §§ 640.221 and 640.222(a) or in conjunction with a direct loan program which encompasses the discounting function. Except with the approval of the Farm Credit Administration, the total of all direct loans and loans discounted shall not at any time exceed the limitations outlined in § 640.231–1. Direct loans will normally be secured by pledge of loans and all other assets of the production credit association, except that where loans to members are separately discounted, direct loans may be unsecured in whole or in part, at the discretion of the bank. The amount loaned on an unsecured basis shall at all times be consistent with sound financial and credit practices.

§ 640.231–1 Same; direct loan limitation.

The total credit extended to a production credit association under a direct loan and by discounting loans may not at any time exceed the total of the following:

(a) That portion of the total loans considered acceptable and problem in accordance with the percentage as classified in the most recent official credit examination;

(b) The total of investments under CCC programs, notes insured or guaranteed by Farmers Home Administration, and in farmers' notes to co-ops and dealers, etc.; and,

(c) Capital and surplus less the total of (1) the amount of class B stock of the bank owned by the association; (2) the legal reserve of the bank allocated to the association; (3) any portion of capital and surplus invested in loans to members; and, (4) any estimated losses not protected by reserves.

§ 640.231–2 Same; form of direct loan obligation, PCA.

Direct loans and advances to a production credit association may be evidenced by a promissory note, or by a loan agreement in form approved by the Farm Credit Administration.

§ 640.232 Direct loans or advances to other financing institutions.

As provided in paragraph (2) of the Act quoted in § 640.201, a Federal intermediate credit bank is authorized to make loans and advances to any financing institution (other than a production credit association), secured by such collateral as may be approved by the Governor of the Farm Credit Administration: *Provided*, That no such loan or advance shall be made upon the security of collateral other than notes or other such obligations of farmers and ranchers eligible for discount or purchase under the provisions of the Federal Farm Loan Act, as amended, unless such loan or advance is made to enable the financing institution to make or carry loans to farmers and ranchers for agricultural purposes. (See § 640.222.) In all cases the amount of collateral required shall not be less than the principal amount of the indebtedness thereby secured.

§ 640.232–1 Same; classes of obligations approved as collateral.

The following classes of obligations are approved as collateral for direct loans and advances to other financing institutions:

(a) Obligations of farmers and stockmen which are eligible for discount or purchase under the provisions of existing laws and regulations;

(b) Bonds and other direct obligations of the United States;

(c) Consolidated Federal farm loan bonds and consolidated debentures of the banks for cooperatives; and

(d) Soil and water conservation loans and farm ownership loans made under programs administered by the Farmers Home Administration, when payment thereof is guaranteed by the United States.

§ 640.232–2 Same; purpose of direct loans or advances.

In making loans or advances to any other financing institution on the security of collateral other than that described in § 640.232–1(a), the bank will assure itself that the proceeds of such loans or advances will be used to enable the financing institution to make or carry loans to farmers and ranchers for agricultural purposes. In making examinations of such institutions, the banks' examiners should include such reviews or test checks as may be needed to satisfy the bank that this provision is complied with.

§ 640.241 General collateral; production credit associations.

Securities and other obligations pledged to the bank by a production credit association pursuant to a general pledge agreement, will be held by the bank (a) as collateral for direct loans made by the bank against such securities; (b) as general collateral to secure all paper discounted for the association; and (c) as security for all other obligations of the association to the bank. In the event it is necessary for a bank to realize on such collateral the proceeds therefrom will be applied in that order.

§ 640.242 Same; other financing institutions.

Other financing institutions (except commercial banks) as a condition precedent to borrowing from or discounting with a credit bank shall pledge as general collateral for any and all obligations to the bank, cash, U.S. Government securities, consolidated Federal farm loan bonds, consolidated debentures of the banks for cooperatives, or other readily marketable securities of high rating in an amount equal to such portion of its capital as shall be determined by the bank. At the discretion of the bank, banking institutions also may be required (unless prohibited by law or by supervisory authority) to deposit acceptable general collateral.

§ 640.242–1 Same; collateral pledge agreements.

Securities and obligations pledged with the bank shall be deposited under a collateral pledge agreement pursuant to which all securities and obligations so pledged, including all substitutions therefor and additions thereto, and the proceeds of any such collateral including all income derived therefrom, shall be available to secure any and all obligations to the bank, whether direct or contingent, present or future.

§ 640.251 Amounts of individual obligations requiring approval.

(a) An intermediate credit bank may not, except with the approval of the Farm Credit Administration, discount or make loans upon the security of obligations of any borrower whose indebtedness to the financing institution offering such paper to the bank exceeds the limitations prescribed herein.

(b) The term "obligations" as used in this section includes all paper upon which one borrower is liable, whether as maker, comaker, endorser, or guarantor, and includes the total commitment in the case of new or repeat loans, and the unpaid balance, undisbursed commitment, and any proposed additional advance in the case of all other loans.

§ 640.251–1 Same; production credit associations.

Any loan which has been approved by the Farm Credit Administration under the provisions of § 650.164 of this chapter, may be discounted or purchased if acceptable to the bank.

§ 640.251–2 Same; other financing institutions.

In addition to any limitations imposed by laws governing a financing institution, any obligation of a borrower accepted for discount or as collateral for a direct loan shall have the prior approval of the Farm Credit Administration when the total obligations of such borrower to the offering institution exceeds $50,000, or 50 percent of the paid-in and unimpaired capital and surplus of such institution, whichever is larger.

§ 640.252 Information to accompany "excess" loans submitted to the Farm Credit Administration for approval.

Requests for Farm Credit Administration approval of excess loans should be accompanied by the following information:

(a) Loan summary and copies of loan papers (including audit reports) which are pertinent to any analysis of the loan. When it is impractical to obtain sufficient copies of audit reports for both the bank and Farm Credit Administration, the bank's copy may be included for Farm Credit Administration use with a request that it be returned, provided the bank retains the audit as a part of its records.

(b) Credit bank's recommendation along with any conditions of approval, including information relative to the loan which is not covered by the loan papers.

Excluding additional advances, changes with respect to commitments previously approved by the Farm Credit Administration which will not adversely affect repayment of the total loan need not be submitted for approval.

§ 640.261 Interest and discount rates; Federal intermediate credit bank.

The interest and discount rates of each Federal intermediate credit bank shall be established and applied in accordance with §§ 640.261–1—640.261–6.

§ 640.261–1 Same; action by board of directors.

Interest and discount rates shall be determined by the board of directors of the bank, subject to the approval of the Farm Credit Administration.

§ 640.261–2 Same; approval of rates.

Two certified copies of each resolution prescribing an interest and discount rate shall be forwarded to the Farm Credit Administration for approval. If approved, one copy will be endorsed to reflect such approval and will be returned to the bank for its files. The bank shall furnish the farm loan registrar a copy of the approved resolution and shall notify all interested discounting and borrowing institutions of the approved rate and its effective date.

§ 640.261–3 Same; application of rates.

The interest and discount rates of a credit bank will be applied in the manner authorized by the board of directors and approved by the Farm Credit Administration.

§ 640.261–4 Same; discount (discounting interest, or collecting in advance).

The Federal intermediate credit banks will not collect interest in advance (deduct discount), except when the paper offered bears interest after maturity only.

§ 640.261–5 Same; interest on delinquent notes under discount.

Should a note purchased or discounted by the bank not be paid promptly at maturity the bank may, at its discretion, collect the full rate of interest specified in the note for such time as the endorsing institution permits such note to remain past due with the bank.

§ 640.261–6 Same; other interest rate provisions.

(a) Rates of interest on interbank and intersystem loans are to be fixed as provided in § 640.132–2.

(b) Interest may be charged on paper taken over by a credit bank from a financing institution in default as provided in § 640.283–2.

§ 640.262 Interest rates charged notemakers by financing institutions.

The rates of interest or discount charged farmers and stockmen on notes or other obligations that may be discounted for, or accepted as collateral for loans to, financing institutions shall not exceed by more than 4 percent per annum the interest and discount rate of the Federal intermediate credit bank in effect at the time the loan is made to the notemaker: *Provided, however*, That in the event the interest and discount rate of the bank is less than 2 percent per annum, the rate of interest or discount charged may be equal to but may not exceed 6 percent per annum.

§ 640.262–1 Same; loans made before reduction in interest rate.

A note offered to the bank after a reduction in its interest and discount rate, but representing a loan made by the financing institution prior to such change, may be accepted by the bank without adjustment of interest by the primary lender; provided, the interest rate borne by the note does not exceed the rate permitted by § 640.262 at the time the loan was made.

§ 640.262–2 Same; higher rate after maturity.

A note bearing interest at one rate to maturity and a higher rate after maturity may be accepted by the bank even though such postmaturity rate may exceed the rate permitted by this section: *Provided, however*, The bank assures itself that this privilege is not abused.

§ 640.262–3 Same; deducted in advance.

A note providing for interest after maturity only, and which does not show the rate at which it was discounted to maturity, may be accepted by the bank if an affirmative certification is made or other evidence satisfactory to the bank is furnished, showing that the rate charged does not exceed the limitations herein

set forth. In such cases the bank and farm loan registrar may accept a blanket certificate, executed by duly authorized officers of the financing institution. Although the bank may collect interest in advance (deduct discount) when paper offered by a financing institution bears interest after maturity only, institutions dealing with the bank should be urged, when making loans which are to be offered to the bank, to draw the notes to bear interest from date.

§ 640.262–4 Same; only on amounts and for time outstanding.

Interest may be charged by a financing institution on paper discounted or held by the bank only on the sums actually advanced, for the time such sums are outstanding. The charging of interest or discount on the face amount of an obligation for the entire term of the loan when the full proceeds have not been advanced, renders the paper ineligible for discount. Likewise, failure on the part of the financing institution to allow proper interest credit for repayments prior to maturity may be cause for suspension of the borrowing and discounting rights of such institution.

§ 640.262–5 Same; add-on interest.

The acceptance of notes by PCAs in connection with investment note programs on which interest is computed by the add-on method is approved, provided that the rate charged when converted to a simple per annum rate is within the limitations of the regulations in this part. Notes with add-on interest accepted in good faith that meet the foregoing provisions when executed are not rendered ineligible for investment because of unanticipated subsequent deviations in the planned date or amount of payments that would actually cause a higher rate by maturity.

§ 640.271 Loans to and discounts for banks for cooperatives.

In addition to intersystem loans provided for in § 640.130 for the purpose of utilizing surplus funds, a credit bank is authorized to extend credit to any bank for cooperatives by discounting or purchasing notes representing loans made to farmers' cooperative associations, or by making loans to such bank secured by such paper or by other collateral approved by the Governor or, at the discretion of the credit bank, on an unsecured basis. Such loans and discounts shall be subject to the provisions of §§ 640.271–1 and 640.271–2.

§ 640.271–1 Same; interest and discount rates.

Interest on loans and discounts made by a credit bank to a bank for cooperatives under this section shall be at the prevailing interest and discount rate established by the bank as provided in § 640.261.

§ 640.271–2 Same; maturities of loans and discounts.

The following principles should be followed in determining the maturities of direct loans to the bank for cooperatives, and the maturities of notes acceptable for discount or purchase:

(a) *Direct loan notes of banks for cooperatives.* Notes of a bank for cooperatives shall be drawn payable on demand, or with a maturity of not to exceed 1 year from date thereof: *Provided,* That if the lending and borrowing banks enter into an agreement under which the interest rate will be subject to adjustment from time to time (such as quarterly, semiannually, or at such other times as may be specified), notes with maturities up to but not exceeding 7 years may be taken; and

(b) *Notes of cooperative associations.* Discounts and purchases of notes of cooperative associations should be limited to obligations maturing in 1 year or less, except where the borrowing and lending banks have entered into an agreement under which the discount rate to be charged may be adjusted in a manner similar to that provided in paragraph (a) of this section with respect to interest rates on direct loans. Notes of cooperative associations with maturities exceeding 7 years may not be discounted for, purchased from, or accepted as collateral security for a direct loan to, any bank for cooperatives.

§ 640.272–1 Credit to other financing institutions in special circumstances; partial discount procedure.

When a financing institution other than a production credit association is in need of funds in excess of amounts that can be made available through normal processes and if, for credit reasons, a bank is unwilling to discount or purchase a loan offered by such institution for its face amount, it may discount or purchase less than the full amount of the loan. In such transactions the financing institution shall be required to apply all repayments on the borrower's obligations first to pay the bank the amount discounted or purchased by it. In lieu of discounting or purchasing notes which are not acceptable at face value, a credit bank may accept such paper, at a reduced value, as collateral security to a direct loan to the borrowing institution under § 640.232.

§ 640.272–2 Same; return to normal procedures.

Use of the partial discount procedure is not intended as a substitute for or as replacing the normal procedure of discounting acceptable paper, and every effort should be made to correct the underlying cause rendering such financing necessary.

§ 640.281 Filing and recording assignments of security instruments.

Assignments of security instruments by production credit associations or other financing institutions may be accepted by the bank without requiring that such assignments be recorded or filed, except where the risk involved or other circumstances surrounding the paper makes recordation or filing thereof advisable as a matter of sound credit policy. In lieu of a separate assignment of each instrument, the bank may accept from such institution a single blanket assignment and agreement to execute separate assignments to the bank whenever requested by it.

§ 640.282 Suspension of right to borrow and discount.

Should the capital and surplus of a financing institution dealing with a credit bank be reduced, or become impaired through losses (actual and prospective), to such extent that the ratio of its total liabilities to its unimpaired capital and surplus becomes unsatisfactory, or should the condition or the operations of a financing institution become otherwise unsatisfactory to the bank, its right to borrow and discount may be withdrawn or suspended by the bank until the unsatisfactory condition is corrected. In the event it is determined that the debt-to-capital ratio exceeds the legal limits prescribed in § 640.212, the right of such institution to borrow and discount shall be withdrawn or suspended forthwith, and shall remain so until necessary correction has been effected.

§ 640.282–1 Same; operations during suspension.

During any period of suspension as herein provided, no new paper will be purchased from or discounted for the institution, and no further advances will be made to it pending correction, except to the extent necessary to cover commitments on paper held by the bank or to preserve the security and protect the interests of the bank in obligations held by it. Before making additional advances to any financing institution whose right to borrow or discount has been suspended because the ratio of its total liabilities to unimpaired capital and surplus equals or exceeds the maximum permitted under § 640.212, it will be necessary for the bank to satisfy itself that the corporation will not violate any applicable law by assuming liability for such additional advances.

§ 640.283–1 Insolvency; production credit associations.

Upon default by any production credit association on any obligation, the bank shall submit a report of the facts to the Farm Credit Administration with its recommendations as to placing the association in receivership pursuant to section 65 of the Farm Credit Act of 1933 (12 U.S.C. 1138e).

§ 640.283–2 Same; other financing institutions.

In the event a financing institution other than a production credit association becomes insolvent or is in process of liquidation, particularly if it fails to service its paper properly and where supervision or orderly liquidation will be facilitated by direct handling of the obligations of the notemakers, a credit bank may, with the consent of the Farm Credit Administration, take over such paper for orderly liquidation. Notes or other obligations pledged with the bank by a financing institution, either as collateral for a direct loan or as additional

security for any and all indebtedness of the institution to the bank, also may be taken over and handled directly with the makers after title has been acquired in accordance with the provisions of applicable laws and the terms of the pledge agreements executed by the institution concerned. The bank's authority to handle such paper directly includes the authority to make additional advances, to grant renewals and extensions, and to take such other actions as may be needed to work out the problems involved. Direct liquidation of paper carried for a financing institution should be resorted to only in cases where other measures have failed and it is apparent that direct liquidation is the only practicable means available to the bank for protection of its interests.

§ 640.283–3 Same; obligations acquired for direct liquidation not eligible to secure debentures.

Paper handled for insolvent financing institutions as provided in § 640.283–2 will not be assigned to the farm loan registrar as collateral for debentures, and will be carried in a separate account as provided in the chart and description of accounts for Federal intermediate credit banks.

§ 640.283–4 Same; interest on obligations acquired for direct liquidation.

On paper which a credit bank has taken over from a defaulted financing institution for liquidation, interest will be collected according to the terms of the loans. Renewals of such notes, when taken payable directly to the bank, should bear interest at a rate not to exceed the maximum rate that may be charged by financing institutions on paper eligible for discount by the bank as provided in § 640.262.

Subpart C—Production Credit Associations

§ 640.301 Production credit association charters and bylaws.

Production credit associations are incorporated under provisions of the Farm Credit Act of 1933, their charters are granted by the Governor of the Farm Credit Administration, and their bylaws are subject to the approval of the Farm Credit Administration.

§ 640.301–1 Same; charter amendments.

Requests for charter amendments shall be submitted by the Federal intermediate credit bank to the Farm Credit Administration, accompanied by a certified copy of the resolution of the association board of directors, giving its reasons for the proposed change. The bank should also submit its recommendations concerning the proposed changes together with any additional information which it feels would be helpful to the Farm Credit Administration in acting upon the proposal.

§ 640.301–2 Same; bylaw amendments.

A production credit association may adopt any bylaw provision contained in "Standard Bylaws of the Production Credit Associations" or "Optional Bylaws of the Production Credit Associations," both designated as Form PCA–202 reissued as of July 1, 1963, and any additions thereto, the use of which is approved by the bank for the associations in its district. Certain special provisions specifically approved for individual associations, contained in "Special Bylaws of the Production Credit Associations," also designated as Form PCA–202, reissued as of July 1, 1963, may be continued in use by the association or associations for which they are approved. Proposed bylaw amendments which do not conform to those already approved by the Farm Credit Administration should be submitted to it for approval.

§ 640.302 Territory.

An association's territory should conform to county lines unless natural barriers or other circumstances make such conformance impractical.

§ 640.303 Headquarters office.

The headquarters office of an association should be located as conveniently as possible to the members and potential members of the association. Any change in the location of the headquarters office other than within the same town requires a change in the association's charter and requests therefor must be submitted to the Farm Credit Administration as provided in § 640.301–1.

§ 640.304 Field offices.

In order to provide convenient service to members, associations maintain various types of field offices and contact points. For ready reference, association field offices are classified in §§ 640.304–1—640.304–3.

§ 640.304–1 Same; full-time office.

(a) *Branch office.* An office carrying on a complete production credit service, operating on a fully decentralized basis under comprehensive delegation of authority, and maintaining its own loan files and records. Ordinarily, the function of discounting loans is handled directly with the bank, and the office is open for business each business day of the year.

(b) *Other.* An office open during regular business hours (a minimum of 4 hours) each business day of the year, or an office open during regular business hours each business day of the week during peak seasons and open part-time during the rest of the year.

§ 640.304–2 Same; part-time office.

An office maintained as production credit association office but open less than 4 hours each day, or on specified days each week.

§ 640.304–3 Same; contact point.

A designated place, not included in §§ 640.304–1 and 640.304–2, where a representative of the association may be contacted at specified times.

§ 640.305 Reorganizations and territorial adjustments.

The success of an association is dependent upon its ability to provide sufficient earnings to retain competent management and pay other operating expenses, as well as build necessary reserves. To accomplish these objectives it may be necessary for certain associations with adjoining territories to consolidate, merge, or otherwise adjust territories. While a consolidation, merger, or other territorial adjustment must be authorized by the boards of directors of the associations concerned, the bank should encourage them to take such actions as may be needed to achieve the objectives stated above. The bank will submit to the Farm Credit Administration copies of the resolutions adopted by the boards of directors of the associations, together with the bank's recommendations.

§ 640.305–1 Same; consolidation or merger.

Each consolidation or merger shall be handled in accordance with the instructions contained in the applicable special manual. In cases where two or more associations are combined into one, it should be determined whether they are to be consolidated to form a new association, in which case the separate existence of each of the constituent associations shall cease, or to be merged into one of the constituent associations, in which case there is a continuing existence of one of the constituent associations. This determination is of importance to member-owned associations from the standpoint of taxation. In either event, the territory, the assets, liabilities and net worth will be combined and the stockholders will become stockholders of the resultant association, as provided in §§ 650.401–650.403 of this chapter.

§ 640.305–2 Same; division of territory.

When it is contemplated that an association's territory will be divided between two or more existing or new associations the bank should consult with the Farm Credit Administration before making any commitments with respect thereto, since each division of territory usually involves problems unique to the individual situation.

§ 640.305–3 Same; other adjustments of territory.

When one or more counties are transferred to the territory of another association, the outstanding loans may be sold to the new association at an agreed value, or may be carried by the old association subject to the limitations prescribed in § 650.106 of this chapter.

§ 640.306 Voluntary liquidation of associations.

Ordinarily, an association will be liquidated only in the event of serious impairment of its capital stock. Any voluntary liquidation shall be subject to approval, and shall be carried out as provided in §§ 650.411–650.413 of this chapter.

§ 640.311 Election of directors.

Elections of well qualified directors are essential to the sound operation of associations and to the maintenance of genuine interest and support on the part of the members. The use of nominating

committees and democratic election procedures should be encouraged. Salaried officers and employees shall refrain from any activities which might influence the nomination or election of association directors. An association director should not participate in activities which would be likely to conflict with his impartial service to the association and its members. Information similar to that called for in a "Statement of Director" relating to other activities and business connections should be on file in the bank for each director. Any request for approval of a director by the Governor should be forwarded by the bank to the Farm Credit Administration accompanied by a copy of the "Statement of Director" and such other information as the bank deems pertinent.

§ 640.312 Approval of compensation.

The approval of compensation by the bank as required by § 431 of the bylaws of associations shall be made in such manner and on such forms as the bank may prescribe. (See § 640.330.) The bank may approve suitable salary ranges or ceilings applicable to various positions in each association, and may delegate to the association board of directors the responsibility for setting salaries within such ranges or ceilings, subject to such limitations as the bank may prescribe.

§ 640.312–1 Same; Fair Labor Standards Act, as amended.

Each association is required to comply with the applicable provisions of the Fair Labor Standards Act of 1938, as amended, and to maintain such records and conform with such regulations as may be prescribed by the Administrator of that Act. When approving compensation for association personnel, the bank should determine that no salary is fixed at a rate below the minimum prescribed by such regulations.

§ 640.313 Removal of association personnel.

Sections 654.501–654.505 of this chapter provide for the removal under certain circumstances of association personnel by the bank. When in the opinion of the bank an association director, officer, employee, or agent should be removed, a statement should be furnished to the Farm Credit Administration setting forth all pertinent circumstances which appear to warrant such action by the bank.

§ 640.314 Nepotism.

As a means of promoting better employee relationships, and to emphasize the merit system of appointment, associations should abstain from nepotism. In addition to members of the immediate family, the employment of first cousins and all those of similarly close relationship by blood or by adoption and brothers-in-law and persons of similarly close relationship by marriage should be avoided. No person should be employed in a position in which he would be under the direct or indirect supervision of a relative.

§ 640.315 Personnel training.

It is essential to the production credit system that suitable standards and procedures for training directors, officers, and employees be maintained. While this is primarily the function of the association with respect to its own personnel, assistance should be rendered by the bank to the extent of aiding in the development and promotion of training programs, including provision of suitable media for this purpose.

§ 640.316 PCA employees' retirement program.

It is the responsibility of each bank to determine that the association employees' retirement program is being properly administered and meets the needs of the associations.

§ 640.317 Provisions of the General Administrative Manual.

The bank shall inform all associations in its district concerning the provisions of the General Administrative Manual for the Farm Credit Districts which relate specifically or by implication to associations, their officers, and employees.

§ 640.318–1 Fringe benefits for association personnel; general policy.

The same general standards that are considered in deciding upon fringe benefits for bank personnel should be applied in considering fringe benefits for personnel of the associations. Such benefits should be consistent with a well considered personnel program and with benefits generally granted by the better employers in the district. Fringe benefits should be limited to those which can reasonably be expected to aid in attracting and retaining well qualified employees, and which, when added to basic salary or compensation, constitute a fair total payment for services rendered.

§ 640.318–2 Same; coverage of association directors.

The nature of service rendered by association directors and their relationship to the association do not constitute a basis for their inclusion in the fringe benefit programs applicable to employees. Therefore, in any statement of fringe benefit policy there should be a clear distinction between the status of directors and the status of employees. If, in some instances, there are circumstances which would seem to justify fringe benefits for directors and a conclusion is reached to grant such benefits to them, the following guides should be considered:

(a) Services of directors should be excluded from coverage under retirement plans;

(b) Any other fringe benefits, such as group life insurance, group hospitalization and medical benefits, and accident insurance made available to directors should terminate, insofar as any association participation is concerned, upon termination of the directors' services;

(c) Contributions by associations for the cost of any such directors' benefits should be on an equitable basis considering the portion of their time which is devoted to official duties;

(d) Additional costs for coverage of members of directors' families under any programs provided on a family basis should be paid by the directors; and

(e) In determining the nature and extent of fringe benefits for directors, consideration should be given to any such benefits they may receive as a result of services rendered other organizations. Duplication of benefits from any other Farm Credit bank or association should be avoided.

§ 640.318–3 Same; approval of policies.

General policy statements governing fringe benefits in the associations should be developed by the board of directors of the bank, subject to such approval of the Farm Credit Administration, as may be requested by the General Administrative Manual. Such statements should provide the basis and guidelines under which fringe benefit programs are to be developed, and if any such benefits are to be granted directors, there should be separate provisions showing the applicability to employees and to directors of the various types of benefits to be provided under the general policy.

§ 640.321 Fiscal and accounting; supervision.

It is the responsibility of the bank to supervise the fiscal affairs and accounting activities of the associations. It should see that appropriate safeguards and internal controls are maintained. Accounting practices and procedures should be reviewed from time to time with a view to developing improved methods, reducing workloads, and effecting operating economies.

§ 640.321–1 Same; negotiable and other collateral.

Each association, with approval of the bank, may hold in its own custody negotiable and other collateral deposited with the association by borrowers as security for loans to them. Adequate safekeeping facilities must be provided for such collateral; when in negotiable form a safety deposit box should be used. Numerical receipt forms should be used in connection with the receipt and return of collateral. Subsidiary records in detail and the related control records should be maintained for all collateral deposited with the association and to facilitate audit of such transactions. Access to a safety deposit box should be under the dual control of two or more association officers or employees designated by the association board of directors. Release of any deposited collateral should be made under the direction of association's chief executive officer.

§ 640.322 Books and records.

The books and records of associations shall be maintained in conformity with the accounting principles and account classifications set forth in the PCA Accounting Manual approved by the Farm Credit Administration. Amendments to and changes in account classifications may be prescribed by the bank with the prior approval of the Farm Credit Administration. Association accounting forms, procedures, and methods shall be prescribed or approved by the bank.

§ 640.323–1 Capital stock and surplus; authorized capital.

The authorized capital stock is specified in each association's charter. Any change in authorized capital requires an amendment to the charter, which shall be handled as provided in § 640.301–1.

§ 640.323–2 Same; stock investments by the Governor.

The revolving fund available to the Governor for investment in class A and class C stock of production credit associations is designed to enable the Farm Credit Administration to supply capital needs which cannot be met by an association from local sources. Determination as to the amount and class of stock to be purchased, if any, will be made in each instance by the Farm Credit Administration upon the basis of the pertinent facts.

(a) As a general rule, purchases of class A stock will be restricted to instances in which additional capital is needed because of adverse conditions, including actual and prospective losses of such magnitude as to impair the association's ability to serve the sound credit needs of farmers and ranchers in its territory. Since in such instances the rehabilitation of the association is an important objective, which will be facilitated by restoring tax exemption, class A stock may be purchased. In all other cases, such as an association whose ratio of loans to net worth is approaching the maximum considered sound from a financial and credit standpoint, and whose volume of loans is increasing more rapidly than supporting capital can be obtained from members or other local sources, any capital to be supplied will be through the purchase of class C stock.

(b) Before submitting the request of any production credit association for capital out of the revolving fund, the bank will make a careful analysis of the association's current and prospective net worth position, including the ability of the association to meet its needs through sales of additional class A stock to its members, the building of surplus reserve out of earnings, and the payment of dividends and patronage refunds in the form of class A stock. Operating economies, as a means of improving net earnings, also may require attention. Where capital needs are the result of unsound or faulty business or credit practices of the association, the bank will take such steps as may be necessary to bring about corrective action by the association. Government capital will not be used for the sole purpose of increasing an association's income.

(c) When the board of directors of the bank is satisfied that the investment of Government funds in the capital stock of an association is warranted, the bank should submit to the Farm Credit Administration a full report of the facts, including the association's plan for retiring such stock, together with the recommendations of the board. If the Farm Credit Administration concludes that capital should be supplied from the revolving fund the bank will be advised as to any conditions or requirements to be met and the steps to be taken by the bank and by the association to complete the transaction.

§ 640.323–21 Same; stock investments by the Federal intermediate credit bank.

When a production credit association has outstanding class A or class C stock held by the Governor and is deemed not to have resources available to retire and cancel such stock, but in the judgment of the Governor the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest;

(a) In an equivalent amount of class A stock to retire class A stock of the association held by the Governor, or

(b) In an equivalent amount of class A or class C stock to retire class C stock of the association held by the Governor.

§ 640.323–3 Same; surplus and reserves.

Earnings retained by the association in the reserved surplus account ordinarily should be maintained as a part of the permanent capital of the association. Future earnings should be added to this account whenever the balance is less than the amount required under § 640.323–31. Earnings may also be retained in an allocated surplus account which are subject to distribution to the borrowers when no longer needed by the association. As a further means of providing capital, an association may also require borrowers to invest in an equity reserve account under the terms of a plan that may be provided for in the association's bylaws. In addition to these resources, associations are required, by law, to maintain valuation reserves for losses on loan assets (Reserve for Bad Debts); though these may not be taken into account for capital purposes, nevertheless the amount of such reserves is important when considering the extent to which the surplus accounts need to be maintained. Due consideration should be given by the bank when prescribing the respective limits of the surplus accounts as provided herein to the interrelationship of all of these accounts when used by the association, and to the program followed by the association for the orderly development and distribution, when applicable, of its surplus resources.

§ 640.323–31 Same; reserved surplus.

The reserved surplus account for the association shall be not less than the amount of the reserve account allocations received from the bank for the period 1957 through June 30, 1965, and such additional amount as may be required by the bank. It would ordinarily be expected to include at least an amount equal to the balance of the association's surplus account at the close of its last fiscal year that ended before January 1, 1966.

§ 640.323–32 Same; allocated surplus.

An association may establish and maintain an allocated surplus account upon authorization by its board of directors and approval by the bank. The bank may consent to a program for the distribution of allocated surplus subject to the limitations provided in § 640.323–34, oldest allocation first, in accordance with the association bylaws.

§ 640.323–33 Same; equity reserve.

(a) When the board of directors of an association is considering means of providing additional capital and determines that the establishment of an equity reserve is warranted, it shall submit a proposed plan to the bank for its consideration. The proposal shall specify the amounts required to be invested in the equity reserve by each borrower, which shall be on an equitable basis for all borrowers; and, it shall include provision for other conditions and limitations relating to the use and disposition of the equity reserve, as required by the association's bylaws.

(b) As a general rule, investments by borrowers in equity reserve should be restricted to instances where additional capital needs exist. Establishment of an equity reserve should not be approved where capital needs are the result of unsound or faulty business or credit practices of the association; in such cases the bank will take the necessary steps to bring about corrective action by the association.

(c) When approved by the bank, the association's plan shall be submitted for consideration by the Farm Credit Administration and, if approved, the plan shall be subject to ratification by the class B stockholders of the association. A full report of the pertinent facts and the bank's recommendations shall accompany the submission to the Farm Credit Administration for consideration.

§ 640.323–34 Same; total surplus.

(a) The minimum total surplus (reserved surplus and allocated surplus) of the association shall be prescribed by the bank and it shall be not less than the amount of reserved surplus required by § 640.323–31. No transfer may be made from the reserved surplus account to the allocated surplus account.

(b) When approving distributions of allocated surplus, due consideration should be given to the total capital requirements of the association. Normally, a distribution should not be approved which would result in a ratio of maximum volume of loans outstanding during the most recent 3-year period to capital and surplus at the end of the fiscal year in excess of 7 to 1. On the other hand, whenever such loan-to-capital ratio is below 5 to 1 and the association has an adequate reserve for bad debts, normally, it is expected that allocated surplus in excess of foreseeable capital needs would be revolved. No distribution of allocated surplus in cash or its equivalent shall be approved so long as the Governor holds any stock in the association.

§ 640.324–1 Investments; general.

(a) Each association shall maintain such investments in securities as may be prescribed by the bank pursuant to § 650.201 of this chapter. The amount prescribed should be consistent with sound operating requirements of the association.

(b) In determining the amount of the association's resources to be invested, consideration should be given to the amount of its capital and surplus (reserved surplus and allocated surplus); the reserve for bad debts; the investment in FICB capital stock, allocations of FICB legal reserve, investment in office buildings, if any, and other fixed assets; and, to the working cash balances required to maintain the association's lending operations. In considering the amount needed as a working cash balance recognition should be given to the various procedures under which the association may borrow from the bank.

§ 640.324–2 Same; state and municipal bonds.

Pursuant to § 650.201 of this chapter, an association is authorized to invest in bonds issued by a State, municipality, political subdivision, or public agency or instrumentality thereof, when approved by the bank on a case basis within limitations prescribed by the Farm Credit Administration. Such investments are approved by the Farm Credit Administration when they are restricted to bonds that have been rated A or better (or the equivalent) by a recognized rating service, mature within approximately 10 years, and are readily marketable. They should be purchased only by associations that are in a financial position to hold them until maturity. When considering a request for approval the bank should compare the yield on such securities with the after-tax yield on securities referred to in § 650.201 (a) and (b) of this chapter having similar maturities. Unless there is a worthwhile difference (as determined by the bank) in such yields, the investment should normally be in Treasury or approved agency issues. Ordinarily, not more than 10 percent of an association's investment securities should be in such State and municipal bonds. Investments that do not meet the foregoing requirements may be considered by the Farm Credit Administration on a case basis.

§ 640.324–3 Same; farmers' notes given co-ops and private dealers.

In accordance with the provisions of § 650.201 of this chapter, the board of directors of the bank may approve a plan for associations to invest in conditional sales contracts, farmers' notes and similar obligations given to cooperatives and private dealers. The rates of interest on notes given to cooperatives and dealers in which an association invests may not exceed those set forth in § 640.262 when such notes are offered as collateral for a direct loan from the bank.

(a) *Eligibility of purpose.* Such notes and other obligations evidencing purchases of farm machinery, supplies, equipment, home appliances, and other items of a capital or semicapital nature handled by cooperatives and private dealers will be eligible for purchase as investments.

(b) *Maximum investment.* The total amount which an association may have invested in such farmers' notes and other obligations given to cooperatives and dealers, at any one time, shall not exceed 15 percent of the balance of loans outstanding at the close of an association's preceding fiscal year.

§ 640.325–1 Deposit insurance; FDIC regulations.

The following regulations of the Federal Deposit Insurance Corporation are of general applicability to the production credit associations:

(a) The deposit account records of the insured bank shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are deposited and on which a claim for insurance coverage is founded. Examples would be trustee, agent, custodian, or executor. No claim for insurance based on such a relationship will be recognized in the absence of such disclosure.

(b) If the deposit account records of an insured bank disclose the existence of a relationship which may provide a basis for additional insurance, the details of the relationship and the interests of other parties in the account must be ascertainable either from the records of the bank or the records of the depositor maintained in good faith and in the regular course of business.

(c) The deposit account records of an insured bank in connection with a trust account shall disclose the name of both the settlor (grantor) and the trustee of the trust and shall contain an account signature card executed by the trustee.

(d) The interests of the coowners of a joint deposit account shall be deemed equal, unless otherwise stated on the insured bank's records in the case of a tenancy in common.

§ 640.325–2 Same; designation of accounts with depositary banks.

(a) Custodial bank accounts in which funds belonging to others may be deposited from time to time in the ordinary course of business should be designated "_____ Production Credit Association, for Itself and Others."

(b) Separate deposit accounts maintained for trust funds held by an association should be designated as "_____ Production Credit Association (trustee) and _____ (trustor), Trust Funds," thus disclosing the nature of the account. In order to provide appropriate FDIC insurance coverage for "trust funds" it is necessary to so designate each trust account.

§ 640.326 Interest rates and other charges to borrowers.

In authorizing or approving interest rates and other charges to borrowers, pursuant to §§ 650.144 and 650.145 for Production Credit Associations, Part 650, due consideration should be given to the needs of the association for income necessary to enable it to operate soundly, provide appropriate service and build adequate reserves.

§ 640.326–1 Same; authorization of differential interest rates.

The bank is authorized to approve the making of loans by production credit associations to eligible borrowers at different rates of interest for different classes of loans. Such loans shall be made in accordance with a plan adopted by the association(s) with the approval of the bank and the Farm Credit Administration. The plan(s) shall include such criteria for defining the classes of loans to which the different interest rates are to apply, as may be prescribed or approved by the Farm Credit Administration.

§ 640.327 Valuation reserves.

The determination of necessary valuation reserves to be maintained by an association is the responsibility of its board of directors, provided that valuation reserves against loan assets (the reserve for bad debts) shall be determined in accordance with the association's bylaws and section 22(a) of the Farm Credit Act of 1933, as amended. The bank should counsel with the association concerning the reasonableness or adequacy of such reserves, and make such recommendations as may be deemed advisable. Valuation reserves, including the reserve for bad debts, shall not be treated as net worth of an association in statements of condition, determining ratios of loans to net worth, etc. In financial statements it is preferable that such reserves be shown as deductions from the related assets; however, with the approval of the bank the related assets may be shown on a net basis, or the reserves may be reported in the liability section (as distinguished from net worth).

§ 640.328 Taxes.

The preparation of tax returns is the responsibility of the associations. The bank should give such assistance, counsel and guidance as thought advisable for the best interest of an association and the production credit system. The bank should not assume functions normally expected to be performed by a tax accountant or consultant. In order to obtain maximum benefits throughout the system, there should be an appropriate exchange of information regarding major developments in the tax field, particularly those relating to Federal and State income taxes. In order to achieve this objective, matters of significance should be reported to the Farm Credit Administration.

§ 640.329–1 Dividends approvals.

Pursuant to § 650.211 of this chapter, all dividends on capital stock of production credit associations are subject to the approval of the bank and, under certain conditions, are subject to the further approval of the Farm Credit Administration.

§ 640.343–3 Same; association as agent or licensee.

A production credit association itself, as distinguished from its personnel, may act as agent for the insurance company (or companies) and be licensed by the State if such participation by the association is necessary or advisable to assist borrowers from the association in obtaining hail insurance on their crops.

§ 640.343–4 Same; "borrowers" defined.

As used in § 640.343 "borrowers" includes:

(a) Former borrowers who have continued to hold their capital stock in the association and may be expected to borrow from the association again, and

(b) Landlords of tenant borrowers from the association as to crops in which the association will have a security interest in connection with a loan to the tenant, provided the landlord also holds or acquires capital stock in the association.

§ 640.344 Comprehensive insurance.

Consistent with any applicable limitations in State law and under administrative policies approved by the bank, a production credit association may permit its officers and employees to assist association borrowers in obtaining comprehensive insurance on farm machinery and equipment purchased under point-of-purchase financing programs with dealers. Such insurance shall be optional with each borrower. Personnel of an association and dealers shall not receive any commissions, payments or other benefits, directly or indirectly, as a result of the program except to the extent that an officer or employee may be covered by comprehensive insurance as a bona fide borrower.

§ 640.344–1 Same; income to associations.

When permitted by State law associations are authorized to receive, as a partial or full recovery of costs when it is adequately justified to the satisfaction of the bank, a reimbursement not to exceed the equivalent of 15 cents per $100 of insurance for each full or fractional year that it is in force. The reimbursement may be received either at the "front end" or the end of the period, as may be allowed under State law.

§ 640.344–2 Same; licensing of association employees.

To the extent required under State law, an association employee may be authorized to obtain a license to write comprehensive insurance on behalf of one underwriter for association members only. All commissions or other payments shall be assigned or otherwise accrue to the benefit of the association.

§ 640.344–3 Same; association as agent or licensee.

A production credit association itself, as distinguished from its personnel, may act as agent for the insurance company and be licensed by the State if such participation by the association is necessary or advisable to assist borrowers from the association in obtaining comprehensive insurance.

§ 640.351 Business development and member relations; general.

The bank is responsible for assisting associations in devising and carrying out programs to keep members fully informed concerning the affairs of the association, and to acquaint other farmers and ranchers, and the public generally, of their credit services in order to promote the continued growth and development of the production credit system.

§ 640.361 Irregularities; personnel; general.

The Examination Division of the Farm Credit Administration will make an investigation of any case involving irregularities, including apparent criminal violations, by bank or association personnel, upon the request of proper officials or upon a determination by the Chief Examiner that an investigation of such case by Farm Credit examiners is necessary or advisable.

§ 640.362–1 Irregularity discovered by or reported to a representative of bank; notice to bank.

The bank's representative shall report any irregularity that comes to his attention to the appropriate officer of the bank and furnish such information as he has obtained or developed. The bank shall determine what further steps, if any, will be taken by its representative in the case.

§ 640.362–2 Same; notice to resident examiner and Farm Credit Administration.

The bank shall immediately notify the resident Farm Credit examiner and the Director of Production Credit Service, and furnish each of them with all available information concerning the matter.

§ 640.362–3 Same; notice to Chief Examiner.

The resident Farm Credit examiner will notify the Chief Examiner and provide him with the available facts in the case. The Chief Examiner, after consultation with the Director of Production Credit Service, will decide whether or not additional investigation is to be made by the Examination Divison or to recommend investigation by the Federal Bureau of Investigation and will advise the resident examiner.

§ 640.363 Irregularity discovered by or reported to Farm Credit examiner.

The Farm Credit examiner will report any irregularity which comes to his attention and furnish all available information to the resident Farm Credit examiner through normal supervisory channels. The resident examiner will notify the appropriate officer of the bank and the Chief Examiner who will inform the Director of Production Credit Service. The Chief Examiner will instruct the resident examiner or the Farm Credit examiner assigned to the case as to any additional investigation, and may instruct the resident examiner to notify the bank that the Examination Division recommends further investigation by the Federal Bureau of Investigation. Pertinent information developed by the Examination Division will be made available to the bank.

§ 640.364 Determination by bank attorney.

The district general counsel or designated attorney shall be responsible for reviewing the information received by the bank, including any information or other material made available by the Examination Division, to determine whether there is substantial evidence (as defined in section 97 of the General Administrative Manual for the Farm Credit Districts) of the violation of a Federal criminal statute. If the bank's attorney concludes that there is not such substantial evidence, he shall, if the Examination Division has recommended an investigation by the Federal Bureau of Investigation, or he may, if the Examination Division has not made such recommendation, discuss the need for such further investigation with the U.S. attorney for the judicial district in which the violation occurred. If the bank's attorney determines, after such consultation with the U.S. attorney as may be appropriate, that the matter is not to be referred to the U.S. attorney, he shall promptly furnish the General Counsel of the Farm Credit Administration with two copies of a written notice of such determination and the reason therefor. The notice shall include determinations made solely by the bank's attorney, determinations made by him after consultation with the U.S. attorney, and determinations not to prosecute, for whatever reason, made by the U.S. attorney. The General Counsel of the Farm Credit Administration will furnish one copy of such notice to the Department of Justice.

§ 640.365 Direct referral to U.S. attorney.

If the bank's attorney determines that there is substantial evidence of a violation of a Federal criminal statute, or if the U.S. attorney, after discussion with the bank's attorney decides that an additional investigation by the Federal Bureau of Investigation shall be undertaken, the bank's attorney shall refer the matter to the U.S. attorney for consideration of criminal action. To accomplish such referral, the bank's attorney shall furnish the U.S. attorney, in triplicate, with a report of the violation, including the criminal violation worksheet, pertinent statements and evidentiary documents, and information and reports of investigation received from the Examination Division. Two copies of the report and attachment referred to the U.S. attorney, except material received from the Examination Division, shall be forwarded by the bank's attorney to the General Counsel of the Farm Credit Administration.

§ 640.329–2 Same; payments from current earnings.

Dividends on class A and class B stock ordinarily should be paid only when current net earnings are available therefor. When a bank approves payment of a dividend where such net earnings are insufficient for that purpose it should advise the Farm Credit Administration of the circumstances which warranted the bank's approval. The class or classes of stock, amount of dividend, portion not covered by such current earnings, and the surplus (reserved surplus and allocated surplus) after dividends expressed as a percent of the association's maximum volume of loans outstanding during the immediately preceding 3 fiscal years, should also be reported.

§ 640.329–3 Same; Farm Credit Administration approval.

When, under § 650.211 of this chapter, a dividend on class B stock requires approval by the Farm Credit Administration the request shall be submitted in duplicate, one copy of which will be returned to the bank with FCA action endorsed thereon.

§ 640.330 Budgets.

Each association shall prepare a budget annually on forms prescribed by the bank. A copy of such budget shall be submitted to the bank for review and such recommendations as may be appropriate. A budget provides an important management tool for an association, as well as a supervisory instrument for the bank, and a source of information to the Farm Credit Administration. At the discretion of the bank, a schedule of salaries may be incorporated in the budget form and used as a means of approving compensation of association personnel. (See § 640.312.) One copy of the budget of each association shall be sent to the Farm Credit Administration.

§ 640.331 Contributions.

It is recognized that a production credit association is looked upon and accepted as an important part of the local business community in which it is located and is expected to make reasonable contributions to worthy causes. In making such contributions, the association's board of directors must make a determination that the association will reap a commensurate benefit. Board authorization or approval of each such contribution shall be recorded in the board minutes. Separate entry in the minutes is not necessary when "contributions", as distinguished from memberships, are authorized to be made from a lump sum item in the association's approved budget and are subsequently reported as expenditures. Approval by the board shall constitute a determination that there will be a commensurate benefit to the association.

§ 640.341 Insurance; general.

(a) Each association will maintain insurance coverage of the kinds and amounts necessary to protect it (and its employees where appropriate) against hazards involved in the conduct of its business. Policies relating to bankers blanket bonds, insurance on shipments of valuables by associations, and nonownership liability insurance for employees' automobiles used on official business are set forth in the General Administrative Manual.

(b) The bank will advise and assist associations in developing and may make arrangements for such other types of insurance as may be agreed upon between the bank and the associations. Contingent liability, workmen's compensation, and fringe benefits in the form of insurance as covered elsewhere in this Manual are illustrative of the types of coverage which might be included in such arrangements.

(c) At the request of the associations covered by any blanket policy the bank may, on their behalf, handle the payment of premiums, the allocation thereof to the participating associations, the presentation of claims, and other related matters on a basis agreed upon between the association and the bank.

§ 640.342 Credit life insurance.

Credit life insurance may be offered to members under administrative policies approved by the bank. Such insurance shall be optional with each borrower. Personnel of an association shall not receive any commissions, payments or other benefits, directly or indirectly, as a result of the program except to the extent that an officer or employee may be covered by credit life insurance as a bona fide borrower.

§ 640.342–1 Same; income to association.

An association may receive and retain income in the manner permitted to lenders and creditors generally under the State law applicable to credit life insurance, subject to the further limitations indicated herein. The income so received and retained by an association, however denominated, shall be subject to approval and periodic review by the bank. Income up to an amount equal to 25 percent of gross premiums may be received and retained at the time the insurance is written and additional income may be received and retained as the result of experience refunds. If for 3 consecutive years an association receives and retains a total amount for each of such years equal to more than half of the premiums paid for the year, whether received when the premiums are paid or by subsequent dividends or credits, the bank shall then initiate action to have the rate of such income reduced in order that the total amount received for future years will not exceed half of the premiums. If it wishes, the bank may take action to reduce the rate of such income prior to the end of such 3-year period. Any fees and charges in connection with credit life insurance that an association may collect directly from a borrower, separately from premiums, shall be included in applying the foregoing limitations.

§ 640.342–2 Same; licensing of association employees.

To the extent required under State law, an association employee may be authorized to obtain a license to write credit life insurance on behalf of one underwriter for association members only. All commissions or other payments shall be assigned or otherwise accrue to the benefit of the association.

§ 640.342–3 Same; association as agent or licensee.

A production credit association itself, as distinguished from its personnel, may act as agent for the insurance company and be licensed by the State if such participation by the association is necessary or advisable to assist borrowers from the association in obtaining credit life insurance.

§ 640.343 Hail insurance.

Consistent with any applicable limitations in the State law and under administrative policies approved by the bank, a production credit association may permit its officers or employees to assist borrowers from the association in obtaining hail insurance on their crops as hereinafter specified. Although in some instances approval of a loan by the association may be conditioned on the borrower obtaining hail insurance on his crops, in no event may the borrower be limited to obtaining the hail insurance only from or through such association personnel.

§ 640.343–1 Same; participation by association personnel.

In addition to providing clerical services, association personnel who are permitted to assist borrowers from the association in obtaining hail insurance on their crops, may act as agent for the insurance company (or companies) and be licensed by the State, if necessary or advisable, but only to obtain hail insurance for borrowers from the association. Such association personnel may not act for the insurance company in adjusting or settling a claim under such hail insurance, but may assist a borrower from the association in filing and supporting such a claim. No association officer or employee may retain for his own benefit, directly or indirectly, any commissions, fees, or other payments as a result of obtaining hail insurance for borrowers and any such income must be turned over to the association. However, an association officer or employee, who is a borrower from the association, may obtain hail insurance on his own crops on the same terms as any other borrower from the association.

§ 640.343–2 Same; association as beneficiary.

To the extent of the indebtedness of the borrower to the production credit association, the association shall be designated as the first beneficiary of such hail insurance.

§ 640.366 Direct report to FBI.

Where the circumstances of a case require an immediate report to the Federal Bureau of Investigation and do not permit reporting the case to the Farm Credit Administration for handling as provided in §§ 640.363–640.365, the following procedure is authorized: Where the association and the bank consider immediate action necessary, the bank's attorney may report the case directly to the local or regional office of the Federal Bureau of Investigation with a request for an immediate investigation. Such action shall be reported promptly in duplicate to the General Counsel of the Farm Credit Administration and to the U.S. attorney. The General Counsel will forward one copy of the report to the Department of Justice. It is expected that cases will not be referred directly to the Federal Bureau of Investigation except where the subject has disappeared or his disappearance is likely, or property in which the association has or might acquire an interest might be disposed of if action is delayed. Direct reference of such cases to field divisions of the Federal Bureau of Investigation was approved by the Director of that Bureau in a letter dated May 24, 1941.

§ 640.367 Reports to association board of directors.

The bank shall bring to the attention of the board of directors of an association concerned any irregularity found to exist, and shall keep it informed of all significant developments in order that the board may take such action as may be required to protect the association's interests.

§ 640.368 Notice to Federal land bank.

Where irregularities occur in a production credit association office which also handles transactions for a Federal land bank association, or where persons involved are jointly employed by a production credit association and a Federal land bank association, the bank shall promptly notify the Federal land bank of such irregularities so that it may determine whether its interests are affected.

§ 640.371 Criminal violations; borrowers and others.

Violations of Federal criminal statutes by borrowers from production credit associations in connection with their loans most commonly involve actions prohibited by 18 U.S.C. 658 and 18 U.S.C. 1014. Section 658 of the criminal code makes it unlawful for any person knowingly, and with intent to defraud, to conceal, remove, dispose of, convert to his own use or to that of another, property mortgaged, pledged to, or held by an association. Section 1014 of the criminal code makes it unlawful to knowingly make a false statement or report for the purpose of influencing the action of the association upon any application, advance, commitment, or loan or any change or extension of any such action by renewal, deferment of action, or otherwise, or acceptance, release, or substitution of security therefor.

§ 640.372 Substantial evidence; report to U.S. attorney.

Where there is substantial evidence (as defined in § 97 of the General Administrative Manual for the Farm Credit Districts) that a violation has been committed of any of the foregoing as well as other Federal criminal statutes, it is required that the matter be reported to the Department of Justice for consideration of prosecution. At no time after it appears to the association that a violation may have occurred shall any employee of the association threaten the borrower with criminal prosecution, whether in an effort to collect the indebtedness, recover property, or otherwise.

§ 640.373 Initial reports.

As soon as possible after it becomes known that there may be a violation of a Federal criminal statute, the association shall notify the appropriate officer of the bank who will notify the resident Farm Credit examiner for his information. Promptly after giving notification, the association shall ascertain the full details involved in the alleged violation and prepare a concise and specific report which will include each of the items listed in the criminal violations worksheet. This complete report shall be sent directly to the district general counsel or designated attorney with the association's recommendation regarding prosecution. It is the responsibility of the bank's attorney to review the material submitted, to request additional factual information necessary for him to make his determination as to whether there is substantial evidence of the violation of a Federal criminal statute or whether further investigation should be undertaken to produce additional factual evidence which may be needed in the prosecution. The bank's attorney may discuss the need for further investigation with the U.S. attorney for the judicial district in which the violation occurred who may determine that such investigation shall be undertaken by the Federal Bureau of Investigation. If the bank's attorney determines, after such consultation with the U.S. attorney as may be appropriate, that the matter is not to be referred to the U.S. attorney, he shall promptly furnish the General Counsel of the Farm Credit Administration with two copies of a written notice of such determination and the reasons therefor. The notice shall include determinations made solely by the bank's attorney, determinations made by him after consultation with the U.S. attorney, and determinations not to prosecute, for whatever reason, made by the U.S. attorney. The General Counsel will forward one copy of such notice to the Department of Justice.

§ 640.374 Direct referral to U.S. attorney.

If the bank's attorney determines that there is substantial evidence of a violation of a Federal criminal statute, or if the U.S. attorney, after discussion with the bank's attorney, decides that an additional investigation by the Federal Bureau of Investigation shall be undertaken, the bank's attorney shall promptly refer the matter to the U.S. attorney for consideration of criminal action. To accomplish such referral, the bank's attorney shall furnish the U.S. attorney, in triplicate, with a report based on the material received from the association, including the criminal violations worksheet, and all pertinent statements and other evidentiary documents. Two copies of all material referred to the U.S. attorney shall be forwarded to the General Counsel of the Farm Credit Administration who will transmit one copy to the Justice Department.

§ 640.375 Prosecution under State law.

Some actions which constitute violation of Federal criminal law may also constitute a violation of similar criminal statutes of the State. The policy of the Department of Justice is to determine whether or not there shall be a Federal criminal prosecution before a matter is referred to the prosecuting officials of the State or county for action under State criminal laws. Where a report has been made as required by § 640.373 and Federal criminal prosecution is declined, or where the U.S. attorney, after the discussion described in § 640.374, has authorized the bank or association to proceed under State criminal law, such action may be instituted and a report thereof in duplicate shall be submitted to the General Counsel of the Farm Credit Administration who will transmit one copy to the Department of Justice.

§ 640.376 Notice to local police and bonding company.

In case of burglary, robbery, holdup, or violations of other non-Federal criminal statutes, the association should immediately notify local police authorities as well as the bank. Mysterious disappearances of cash or other losses to be recovered under the bankers' blanket bond should be immediately reported to the bank, which will notify the resident Farm Credit examiner, and the procedure outlined in §§ 640.363–640.364 (including notifying the Farm Credit Administration and Chief Examiner) will be followed to the extent justified under the circumstances. Cash-short items which are determined to be properly charged to the cash-over-and-short account need not be reported to the Washington office. However, should the frequency and amount of such cash-short items or the circumstances involved indicate possible irregularity, the usual report should be made by the bank both to the resident examiner and to the Farm Credit Administration. (It is understood that each over-and-short item will be brought to the attention of the association board of directors at its next meeting.)

§ 640.377 Progress reports; final report.

Supplemental reports shall be furnished to the U.S. Attorney and the General Counsel of the Farm Credit Administration if any additional important

information becomes available to the association or bank. When a case is closed, a final report in duplicate shall be submitted by the bank's attorney advising the General Counsel of the Farm Credit Administration of its disposition. The General Counsel will inform the Chief Examiner and the Director of Production Credit Service, and will transmit a copy of the final report to the Department of Justice.

§ 640.381 Obsolete records; general.

Subject to the general limitations set forth in the General Administrative Manual for the Farm Credit Districts, §§ 68, 69, and 70, and the additional limitations in §§ 640.382 and 640.383 hereof, a production credit association may dispose of obsolete records under schedules adopted by its board of directors and approved by the Federal intermediate credit bank of the district. Automatic data processing records are treated in the same manner as other association records.

§ 640.382 Retention periods.

Retain indefinitely unless otherwise approved by FCA:

(a) Financial reports of the association (Form FCA 771 F&R) as of December 31 of each year, and as of the end of its fiscal year if that is a different date;

(b) Applications, notes, security instruments, financial statements, and any individual records pertaining to loans charged off, where the net loss exceeds $500, or such lesser amount as may be prescribed by the bank; except that, when recoveries have reduced the net to $500 (or such lesser amount as may have been prescribed by the bank), the records may be destroyed at the expiration of the period applicable to other loans;

(c) A list or lists of all obsolete records destroyed.

§ 640.383 Other provisions.

Microfilm copies may be retained in lieu of originals if the quality standards for the film meet those for Government records set forth in the General Services Administration Regulations, Subchapter B, Federal Property Management Regulations, Archives and Records, Subpart 101–11.5, and frequent use of a record is not anticipated, except that the original should be maintained until after at least one FCA examination. Before authorizing microfilm copies in lieu of originals, the bank should satisfy itself that the association will provide adequate film storage and protection. The district general counsel or other designated attorney should ascertain that microfilm copies are admissible as evidence in the courts of the State involved.

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.71-3960 Filed 3-23-71;8:46 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965_____)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

COMPENSATION OF OWNERS

On September 22, 1970, there was published in the FEDERAL REGISTER (35 F.R. 14730) a notice of proposed rule making with a proposed amendment of Subpart D, Regulations No. 5, relating to the allowance of compensation for services of owners of hospitals and other providers of services in computing allowable costs under the Hospital Insurance program. All comments submitted were considered and on the basis of the comments received, several minor changes have been made. The principal modification is an expansion of § 405.426(d)(2) to provide a definition of negotiable instrument. Although comment was received to the effect that the distinction in the proposed regulation between sole proprietorships and corporations was inappropriate, the regulation recognizes that employees owning stock in corporate providers do receive actual compensation for services rendered as distinguished from any distribution of profits received. It is appropriate that the allowance of compensation for the services of such individuals be determined on the basis of actual compensation payments received. On the other hand, owners of providers operated as sole proprietorships and partnerships generally do not receive compensation as such. Rather, the payments made are ordinarily considered for Federal income tax and other purposes to be a distribution of profits and/or capital. Consequently, the proposed amendment provides that the allowance of compensation for such individuals is not dependent upon the amount of actual payments made but rather on the basis of the value of services rendered.

With the aforementioned changes, the amendment is hereby adopted.

(Secs. 1102, 1614(b), 1861(v), 1871, 49 Stat. 647, as amended, 79 Stat. 296, 322, 331; 42 U.S.C. 1302, 1395 et seq.)

Effective date. The amendment as set forth below shall be effective upon publication in the FEDERAL REGISTER (3–24–71).

Dated: February 22, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: March 17, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Subpart D of Regulations No. 5 of the Social Security Administration (20 CFR 405.401 et seq.) is amended by adding paragraph (d) to § 405.426 to read as follows:

§ 405.426 Compensation of owners.

* * * * * *

(d) *Payment requirements*—(1) *Sole proprietorships and partnerships.* The allowance of compensation for services of sole proprietors and partners is the amount determined to be the reasonable value of the services rendered (not to exceed the amount claimed for these services on the annual cost report submitted by the provided). Such allowance is an allowable cost regardless of whether there is any actual distribution of profits or other payments to the owner. The operating profit (or loss) of the provider does not affect the allowance of compensation for the owner's services.

(2) *Corporations.* To be includable in allowable costs, compensation for services rendered as an employee, officer, or director by a person owning stock in a corporate provider, must be paid (by cash, negotiable instrument, or in kind) during the cost reporting period in which the compensation is earned or within 75 days thereafter. If payment is not made during this time period, the unpaid compensation is not included in allowable costs, either in the period earned or in the period when actually paid. For this purpose, an instrument to be negotiable must be in writing and signed, must contain an unconditional promise or order to pay a certain sum of money on demand or at a fixed and determinable future time and must be payable to order or to bearer.

[FR Doc.71-3996 Filed 3-23-71;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-531]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e)(13) relating to the State of Texas is amended to read:

(13) *Texas.* (i) All of Bexar and El Paso Counties.

(ii) That portion of the State of Texas comprised of all of Bosque, Callahan, Collin, Comanche, Eastland, Erath, Hill, Hood, McLennan, Somervell, and Tarrant Counties and portions of Bell, Brown, Coleman, Corryell, Denton, Ellis, Falls, Freestone, Hamilton, Johnson, Limestone, Mills, Navarro, Palo Pinto, Parker, Shackelford, Stephens, Taylor, and Wise Counties, and bounded by a line beginning at the junction of U.S. Highway 287 and the Tarrant–Dallas County line; thence, following U.S. Highway 287 in a southeasterly direction to Interstate Highway 45 in Ellis County; thence, following Interstate Highway 45 in a southeasterly direction to State Highway 14 in Navarro County; thence, following State Highway 14 in a southerly direction to State Highway 7 in Limestone County; thence, following State Highway 7 in a generally southwesterly direction to thence, following State Highway 320 in a southwesterly direction to State Highway 53 in Bell County; thence, following State Highway 53 in a northwesterly direction to State Highway 36 in Bell County; thence, following State Highway 36 in a northwesterly direction to U.S. Highway 84 in Coryell County; thence, following U.S. Highway 84 in a generally northwesterly direction to State Highway 351 in Taylor County; thence, following State Highway 351 in a northeasterly direction to U.S. Highway 180 in Shackelford County; thence, following U.S. Highway 180 in an easterly direction to State Highway 67 in Stephens County; thence, following State Highway 67 in a northeasterly direction to Farm to Market Road 717 in Stephens County; thence, following Farm to Market Road 717 in a southeasterly direction to U.S. Highway 180 in Stephens County; thence, following U.S. Highway 180 in an easterly direction to Farm to Market Road 920 in Parker County; thence, following Farm to Market Road 920 in a northwesterly direction to Farm to Market Road 1885; thence, following Farm to Market Road 1885 in a northwesterly direction to the Parker-Palo Pinto County line; thence, following the Parker-Palo Pinto County line in a northerly direction to the Parker Palo Pinto-Jack County lines; thence, following the Parker-Jack County line in an easterly direction to Farm to Market Road 51 in Wise County; thence, following Farm to Market Road 51 in a northeasterly direction to U.S. Highway 81, 287 in Wise County; thence, following U.S. Highway 81, 287 in a southeasterly direction to Farm to Market Road 730; thence, following Farm to Market Road 730 in a southeasterly direction to the Wise-Parker-Tarrant County lines; thence, following the Wise-Tarrant County line in an easterly direction to the Tarrant-Denton County line; thence, following the Tarrant-Denton County line in an easterly direction to U.S. Highway 377; thence, following U.S. Highway 377 in a northeasterly direction to State Highway 24 in Denton County; thence, following State Highway 24 in an easterly direction to Farm to Market Road 720; thence, following Farm to Market Road 720 in a southeasterly direction to the Denton-Collin County line; thence, following the Denton-Collin County line in a northerly direction to the Denton-Collin-Grayson County lines; thence, following the Collin-Grayson County line in an easterly direction to the Collin-Grayson-Fannin County lines; thence, following the Collin-Fannin County line in a southerly and then easterly direction to the Collin-Fannin-Hunt County lines; thence, following the Collin-Hunt County line in a southerly direction to the Collin-Hunt-Rockwall County lines; thence, following the Collin-Rockwall County line in a westerly direction to the Dallas-Denton-Collin County lines; thence, following the Denton-Dallas County line in a westerly direction to the Denton-Dallas-Tarrant County lines; thence, following the Tarrant-Dallas County line in a southerly and then westerly direction to its junction with U.S. Highway 287.

2. In § 76.2, the reference to the State of Iowa in paragraph (f) is deleted and paragraph (g) is amended by adding thereto the name of the State of Iowa.

(Secs. 4–7, 23 Stat. 32, as amended, secs, 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 32 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481 secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine all of Collin County and portions of Stephens, Parker, and Hood Counties in Texas because of the existence of hog cholera. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined county and portions of such counties.

The amendments also exclude a portion of Freestone County, Tex. from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine.

The amendments delete Iowa from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to Iowa. The amendments add Iowa to the list of hog cholera free States in § 76.2(g), and the special provisions pertaining to the interstate movement of swine and swine products from or to such free States are applicable to Iowa.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of March 1971.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[FR Doc.71-4014 Filed 3-23-71;8:49 am]

[Docket No. 71-532]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Massachusetts and a new paragraph (e)(18) relating to the State of Massachusetts is added to read:

(18) *Massachusetts.* That portion of Bristol County comprised of Norton town.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Bristol County, Mass., because of the existence of hog cholera. This action is deemed necessary to prevent further

spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of March 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71-4015 Filed 3-23-71;8:49 am]

[Docket No. 71-533]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Arkansas; paragraph (f) is amended by deleting the name of the State of Arkansas; and a new paragraph (e)(19) relating to the State of Arkansas is added to read:

(19) *Arkansas.* That portion of Mississippi County bounded by line beginning at the junction of State Highway 18 and the Mississippi-Craighead County line; thence, following State Highway 18 in an easterly direction to State Highway 18B; thence, following State Highway 18B in a southerly direction to State Highway 18; thence, following State Highway 18 in a southeasterly direction to Little River; thence, following the west bank of the Little River in a generally southwesterly direction to State Highway 77; thence, following State Highway 77 in a northerly direction to State Highway 158; thence, following State Highway 158 in a westerly direction to the Mississippi-Craighead County line; thence, following the Mississippi-Craighead County line in a northerly direction to its junction with State Highway 18.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Mississippi County, Ark., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendment also deletes Arkansas from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to Arkansas.

Insofar as the amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, it must be made effective immediately to accomplish its purpose in the public interest. The amendment also relieves restrictions on shipments into Arkansas. Such restrictions are deemed unnecessary in view of the existence of hog cholera in that State. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of March 1971.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[FR Doc.71-4016 Filed 3-23-71;8:49 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 69-23; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assemblies in Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

Correction

In F.R. Doc. 71-3257 appearing at page 4607 in the issue for Wednesday, March 10, 1971, the penultimate sentence of paragraph (d) in amendment VI should read, "The reciprocating device shall be operated for 2,500 cycles at a rate of 18 cycles per minute with a stroke length of 8 inches."

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9464; Amdts. Nos. 25-26, 27-5, 33-4]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

Fire Detectors and Engine Power Response

The purpose of these amendments is to expand the design and installation requirements for fire detector devices in transport category airplanes, to require a fire detector system in normal category rotorcraft, and to establish more specific requirements concerning engine response to throttle control movement under various load conditions.

These amendments are based on Notice 69-7, issued March 8, 1969 (34 F.R. 5020). Numerous comments were received in response to Notice 69-7 and changes have been made in the proposal based thereon. These changes are discussed hereinafter.

One of the comments stated that fire detectors should be capable of monitoring the worst fire foreseeable and suggested that this language be incorporated into § 25.1203. The FAA does not consider that such a change is necessary. The regulations now require that fire detectors be installed in each designated fire zone and in the combustion, turbine, and tailpipe sections in sufficient numbers and locations to insure prompt detection of a fire. This regulation is not limited to any particular type of fire, but applies to all fires in the designated areas. It would, therefore, include the worst fire foreseeable. The commentator also requested that the regulation be changed to prevent the fire detectors from being rendered inoperative by a type of fire, such as blowtorching. The FAA is aware that there have been instances in which detectors were rendered inoperable due to blowtorching. However, this has occurred infrequently. Under this regulation, the detector system must still function in the event the sensor or wiring is severed at one point, unless there is a means to warn the crew of the severing, whether or not the severing results from "blowtorching". Moreover, if the system does become inoperative due to a short circuit in the system, a means is required to alert the crew to this condition. The FAA, therefore, believes that the matters raised by the commentator are already adequately covered and that the suggested changes to the proposal are unnecessary.

One commentator suggested that fire detector systems should provide both visual and aural fire warning, contending that visual lights are ineffective in sunlight and that taller pilots are unable to see some warning lights from the normal sitting position. The commentator also urged that all transport category aircraft be required to have installed the newer and more reliable types of fire detection equipment as they become available, and observed that some aircraft presently in service do not provide fire extinguishing for certain combustion heaters which burn JP-1 fuel and are located in the tail compartment, inaccessible to the crew in flight. With respect to the first comment, the FAA does not believe it is necessary to require both visual and aural fire warning indicators. So long as the type of warning means selected by the manufacturer provides prompt and effective warning of fire to the crew, either visual or aural means may be used. If both visual and aural means are needed to provide effective fire warning, then both means would have to be used. Further evaluation of the proposal has revealed that the term "alert" as used in the proposed § 25.1203(b)(3) may cause some confusion. The intent of the requirement was to provide a warning for the crew and this term is consistently used throughout the regulations. Therefore, the regulation has been revised to require a means to warn the crew in the event that a short circuit occurs. With regard to the second comment, the FAA does not believe it is either necessary or feasible to require that the newer fire detection equipment be installed in the older transport category airplanes. In many instances the installation of the newer detection systems in the older airplanes would be extremely burdensome, if not impossible. Moreover, the FAA is not aware that fire detection systems on older aircraft are inadequate or that they need to be replaced with the newer equipment. In any event, if an unsafe condition were found involving the fire detector system of any airplane now in operation, appropriate action, including an airworthiness directive, would be taken to correct that condition. Regarding the commentator's observation concerning JP-1 combustion heaters, it should be noted that the current airworthiness regulations (§ 25.859) do not require fire protection for all combustion heaters. Section 25.859 requires that combustion heater fire protection must be provided for the region surrounding the heater only if this region contains any flammable fluid system components (excluding the heater fuel system) that could be damaged by heater malfunctioning or could allow flammable fluids or vapors to reach the heater in case of leakage, or if the heater fuel system has fittings that, if they leaked, would allow fuel or vapors to enter this region. Thus, in any region surrounding a heater where the conditions covered in the regulation do not exist, fire protection would not be required. This rule would apply to the situation referred to by the commentator. A change in the current requirements is not considered necessary in the interest of safety.

After further evaluation in the light of various comments received, the FAA has determined that the proposed requirement that a fire detector remain in an operable condition in the event it is severed at one point is unnecessarily restrictive. The FAA has determined that it is not necessary in the interest of safety to require that a fire detector system remain operable after it has been severed at one point or, for that matter, after a short circuit, if there is a means to warn the crew that the system has been severed or that there has been a short circuit. The proposal has, therefore, been changed to require that there be a means to warn the crew in the event that the fire detector system does not continue to function as a satisfactory detection system after the sensor or the associated wiring has been severed at one point or after there has been a short circuit in the sensor or associated wiring.

Another commentator observed that single spot detectors would not meet the proposed requirements since they do not remain operable if severed at any one point, and stated further that the regulation would dictate the use of dual loop detector systems. However, in view of the change to the proposal discussed in the preceding paragraph, single spot detectors could be used if the fire detection system provided the required warning to the crew.

One commentator suggested that the term "fire detector system" be defined to include the sensors, control means, indicating panel, and associated wiring. The commentator also suggested that § 25.1203(b)(1) be changed to refer to the severing of sensors and associated interconnecting means. However, the FAA's recent evaluation of fire detector systems failures has shown that only the fire detector sensors and associated wiring located in designated fire zones need to be protected from severing and that failures due to shorts are most likely to occur in designated fire zones. The proposal has, therefore, been revised to refer only to the "sensor or associated wiring within a designated fire zone".

The FAA has also determined on the basis of comments received, that the phrase "remain in an operable condition" does not accurately convey the intent of the proposal. Safety requires that the crew must be warned in the event that the fire detecting sensor or associated wiring in any designated fire zone is severed unless the system "continues to function as a satisfactory detection system." The proposal has been changed accordingly.

It was proposed to require a means to alert the pilot in the event of a short circuit in the detector system. However, after further consideration the FAA believes that it is not appropriate in the interest of safety to restrict the warning to the pilot and the regulation now provides for a means to warn the crew in the event of a short circuit.

Two of the comments pointed out that the proposal would require an alert in the event of a short circuit even though in a given case the short circuit might not impair the performance of the fire detector system. The FAA agrees that the proposal is not clear in that respect, and that it is not necessary in the interest of safety to require that the system provide an alert to the crew of any short circuit which does not render the detector system incapable of detecting a fire. The proposal has been changed accordingly.

Several comments objected to the proposed requirement that the fire detector be constructed or protected so that when it is in the configuration for installation it would withstand mechanical damage that might occur as a result of routine maintenance performed on the powerplant. The comments indicated difficulty with the scope of routine maintenance and with the requirement that the detector withstand mechanical damage. However, in view of the changes being made to the proposal permitting a warning to the crew in the event that a fire detector sensor or associated wiring is severed at one point, the FAA considers that the subject requirement is no longer necessary. Section 25.1203(g), as proposed in Notice 69-7, has been revised accordingly.

Some commenators contended that the present fire detector TSO (TSO-C11d) should be changed so that the required response time test will allow more than the presently prescribed 5 seconds for high alarm temperature sensors. One of the commentators also suggested that TSO-C11d allow for the effect of airframe structure on response time, and that a preflight check be required in order to verify the performance of the detector system if the system is not demonstrated to be unaffected by damage or age. With respect to the first comment, the FAA believes that the 5-second response time now permitted by TSO-C11d is the maximum that can be allowed consistent with safety. However, the TSO does provide for a higher initial temperature for high alarm temperature sensor tests, provided those sensors are used only in the corresponding high alarm temperature installation. Regarding the effect of airframe structure on detector response time, the TSO requirements pertain to the performance of the detectors separate from the many types of aircraft in which they may be installed. However, with respect to the commentator's suggestion, the FAA does not agree that the detector response time in the TSO should be increased to take into consideration the effect of airframe structure. Safety dictates that the TSO detector response time must be met with the detectors in

the installed configuration and the proposal is unchanged in this respect. In regard to the last comment, while § 25.1203 (d) presently requires that there must be a means to check the functioning of each fire detector circuit in flight, service experience has not indicated that there is a need to require a preflight check to verify performance of the detector system.

There was also a comment which recommended that the system remain in an operable condition or, in the alternative, that there be a means to warn the crew in the event of a break or short in a fire detector element. As previously pointed out, the proposal has been changed to provide for a crew warning unless the system continues to function as a satisfactory detection system after the severing or short circuit.

Upon further review of the proposed amendments to § 25.1203, and in view of some of the above comments, the arrangement of the section is being changed slightly in the interest of clarity. Therefore, that part of the proposed § 25.1203(g) requiring that fire detectors withstand vibration, inertia, and other loads is being incorporated into § 25.1203 (b), where it is logically associated with the requirements concerning severing and shorting of the fire detectors.

In regard to the proposed new § 27.1195, one comment was received which urged that the proposed regulation be omitted from the final amendment. The commentator contended that the lower rate of engine failures, including engine fires, for turbine engine powered rotorcraft as compared to the rate for reciprocating engine powered rotorcraft shows that there is no need for the proposed requirement for fire detectors. The commentator also stated that the provisions in Part 27 requiring that the flammable fluid line and fitting in any area subject to engine fire conditions must be located or shielded to prevent fluid leakage on surfaces hot enough to ignite the fluid, provide a level of safety equivalent to that provided by the present § 29.1203, which requires fire detectors in transport category rotorcraft. Further, the commentator questioned whether the greater fuel load of turbine engine powered rotorcraft was a valid factor in requiring fire detectors, and maintained that engine fires can be detected by the pilot via normal engine instruments. The FAA does not agree that the proposed § 27.1195 is unnecessary. The FAA is not aware that the rate of engine failures, including fires is lower for turbine engine powered rotorcraft and the commentator has submitted no data to substantiate this claim. In any event, the FAA does not agree that the present § 27.1183(a)(3) provides a level of safety equivalent to that provided by § 29.1203. Although § 27.1183(a)(3) does prescribe standards of safety for flammable fluid line and fitting leakage which are not now provided for Transport Category Rotorcraft, Part 29 is currently being amended in conjunction with other airworthiness parts and the FAA is updating the standards for flammable fluid lines, fittings, and other components. Further, the additional hot surface area of turbine engines poses a hazardous source for the ignition of leaking flammable fluids on turbine engine powered rotorcraft. It should be noted that § 27.1195 will apply only to turbine engine powered rotorcraft. The FAA does not agree that engine fires on Part 27 rotorcraft are detectable by the pilot through normal engine instruments and the commentator has submitted no data in support of this contention. Finally, the FAA notes that turbine engine powered rotorcraft have higher altitude performance capability than do reciprocating engine powered rotorcraft. The time required for an emergency descent and landing following an engine fire may thus be appreciably greater for turbine engine powered rotorcraft and could exceed the 5-minute period provided by § 27.861 for the protection of the rotorcraft structure, controls, rotor mechanism, and other essential parts in the event of powerplant fires. The immediate detection of turbine engine fires by means of a fire detector system is therefore required in the interest of safety.

A number of comments were received in regard to the proposed §§ 33.73 and 33.89. Two commentators questioned whether the maximum rated power or thrust specified in § 33.73 would include the augmented thrust resulting from afterburning. The intention of the proposal was that the takeoff power or thrust rating used in showing compliance with that section be a rating selected by the applicant for the certification of its engine. However, if the applicant elects to use augmented thrust in establishing the rated thrust of the engine for certification, the augmented thrust need not be used in showing compliance with § 33.73. The manufacturer will have the option of using either augmented thrust or unaugmented thrust in demonstrating compliance with § 33.73, and proposed § 33.73 (b) has been revised to make this clear. In addition, after further study it has been determined that the word "maximum" as used in the proposed § 33.73 is not necessary and may cause confusion. The definitions in Part 1 of the FAR's refer to "rated takeoff power" and "rated takeoff thrust", and in the interest of consistency, the phrases "maximum rated power or thrust" and "maximum rated takeoff power or thrust" in § 33.73 have been changed to "rated takeoff power" and "rated takeoff thrust".

Various changes to the wording of proposed § 33.73(b) were recommended to make provision for the differences in power management of the primary propulsion systems of fixed wing and rotary wing aircraft, and to improve compatability between Part 33 requirements and the landing climb requirements of Part 25. The FAA does not agree that the suggested changes are necessary. The language of proposed § 33.73(b) was selected to represent the minimum power setting to be used in the certification of all engines. Furthermore, § 33.73(b) is a design requirement for a specific engine thrust response capability without relation to the many power management systems that may be used. Insofar as compatibility of the new regulation with Part 25 is concerned, the FAA sees no conflict. Section 25.119 allows 8 seconds between the movement of the power lever from minimum flight idle to maximum takeoff position and demonstration of the required minimum climb gradient capability. The extra 3 seconds provided by § 25.119 over the 5 seconds provided by § 33.73(b) should be adequate to provide for any engine power losses due to engine installation, accessory loads, and air bleed. In any event, it is the airframe manufacturer's responsibility to select an engine having adequate thrust response characteristics to match the expected performance characteristics of the airplane and to comply with the regulations, including § 25.119. The intent of § 33.73(b) is to establish minimum engine thrust response characteristics, and not to deal with airplane performance requirements.

Several comments were received in response to the proposed § 33.89. One commentator suggested that § 33.89(c) be reworded to incorporate the more precise definition of idle power and the 5-second response time provided in § 33.73(b). The agency does not agree with the suggested change. Section 33.73(b) prescribes design requirements, whereas § 33.89 is concerned with operational test requirements. From the standpoint of engine operation, the precise idle power setting used to demonstrate design power or thrust response time is not appropriate, since the variables introduced during the operational test may cause the power or thrust produced by the engine when the power level is at the specified idle power setting to be somewhat different from the design idle power or thrust. Requiring this test to be run with prescribed power lever positions will result in more realistic test times. The commentator also suggested that a new paragraph (d) be added to include engine operation with variable geometry inlet and exhaust nozzles, and with thrust augmentation. However, this comment is beyond the scope of Notice 69-7 and will be considered in future revisions to Part 33. Another commentator suggested that the requirements of § 33.89(c) be deleted, except for paragraph (c)(1), and be transferred to Subpart E of Part 33 as design and construction standards since the test facilities necessary to make the determinations required under § 33.89 are not widely available. The FAA does not agree that the requirements of § 33.89 should be transferred to Subpart E. However, the FAA is aware that the necessary test facilities for power extraction may not be available, and analytical means could be used in lieu of the test prescribed for power extraction by § 33.89(c) (2) and (3). Therefore, a new paragraph (d) has been added to permit the use of analytical means for the tests prescribed by § 33.89(c) (2) and (3) for power extraction if necessary test facilities are not available.

Interested persons have been given an opportunity to participate in the making of these amendments. All relevant material submitted has been fully considered.

In consideration of the foregoing, Parts 25, 27, and 33 of the Federal Aviation Regulations are amended as follows, effective April 23, 1971:

1. Part 25 is amended by paragraph (b) and by adding a new paragraph (g) to § 25.1203 to read as follows:

§ 25.1203 Fire-detector system.

* * * * *

(b) Each fire detector system must be constructed and installed so that—

(1) It will withstand the vibration, inertia, and other loads to which it may be subjected in operation;

(2) There is a means to warn the crew in the event that the sensor or associated wiring within a designated fire zone is severed at one point, unless the system continues to function as a satisfactory detection system after the severing; and

(3) There is a means to warn the crew in the event of a short circuit in the sensor or associated wiring within a designated fire zone, unless the system continues to function as a satisfactory detection system after the short circuit.

* * * * *

(g) Each fire detector system must be constructed so that when it is in the configuration for installation it will not exceed the alarm activation time approved for the detectors using the response time criteria specified in the appropriate Technical Standard Order for the detector.

2. Part 27 is amended by adding a new § 27.1195 titled "Fire Detector Systems" following § 27.1194 to read as follows:

§ 27.1195 Fire detector systems.

Each turbine engine powered rotorcraft must have approved quick-acting fire detectors in numbers and locations insuring prompt detection of fire in the engine compartment which cannot be readily observed in flight by the pilot in the cockpit.

3. Part 33 is amended as follows:

a. By amending § 33.73 to read as follows:

§ 33.73 Power or thrust response.

The design and construction of the engine must enable an increase—

(a) From minimum to rated takeoff power or thrust with the maximum bleed air and power extraction to be permitted in an aircraft, without overtemperature, surge, stall, or other detrimental factors occurring to the engine whenever the power control lever is moved from the minimum to the maximum position in not more than 1 second, except that the Administrator may allow additional time increments for different regimes of control operation requiring control scheduling; and

(b) From the fixed minimum flight idle power lever position when provided, or if not provided, from not more than 15 percent of the rated takeoff power or thrust available to 95 percent rated takeoff power or thrust in not over 5 seconds. The 5-second power or thrust response must occur from a stabilized static condition using only the bleed air and accessories loads necessary to run the engine. This takeoff rating is specified by the applicant and need not include thrust augmentation.

b. By amending § 33.89 to read as follows:

§ 33.89 Operation test.

The operation test must include testing found necessary by the Administrator to demonstrate—

(a) Starting, idling, acceleration, overspeeding, ignition, functioning of the propeller (if the engine is designated to operate with a propeller);

(b) Compliance with the engine response requirements of § 33.73; and

(c) The minimum power or thrust response time to 95 percent rated takeoff power or thrust, from power lever positions representative of minimum idle and of minimum flight idle, starting from stabilized idle operation, under the following engine load conditions:

(1) No bleed air and power extraction for aircraft use.

(2) Maximum allowable bleed air and power extraction for aircraft use.

(3) An intermediate value for bleed air and power extraction representative of that which might be used as a maximum for aircraft during approach to a landing.

(d) If testing facilities are not available, the determination of power extraction required in subparagraphs (2) and (3) of paragraph (c) of this section may be accomplished through appropriate analytical means.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 16, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-3983 Filed 3-23-71;8:47 am]

[Airspace Docket No. 70-SO-106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 5, 1971, F.R. Doc. 71-3092 was published in the FEDERAL REGISTER (36 F.R. 4374), amending Part 71 of the Federal Aviation Regulations by designating the Louisville, Miss., transition area.

In the amendment, an extension was predicated on the 357° bearing from Louisville RBN. Subsequent to publication of the rule, it was determined that this bearing was in error and should have been published as "353°." Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 71-3092 is amended as follows: In line five of the Louisville, Miss., transition area description "* * * 357° * * *" is deleted and "* * * 353° * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 11, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-3984 Filed 3-23-71;8:47 am]

[Airspace Docket No. 71-WE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On February 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 2404) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Battle Mountain, Nev., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 15, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Battle Mountain, Nev., transition area is amended to read as follows:

BATTLE MOUNTAIN, NEV.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lander County Airport (latitude 40°36'03" N., longitude 116°52'25" W.) and within 5 miles each side of the Battle Mountain VORTAC 218° radial, extending from the VORTAC to 16 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southeast and 9.5 miles northwest of the Battle Mountain 218° radial, extending from the VORTAC to 23 miles southwest of the VORTAC, and within 6.5 miles south and 9 miles north of the Battle Mountain VORTAC 077° and 257° radials, extending from 8 miles west to 18.5 miles east of the VORTAC.

[FR Doc.71-3985 Filed 3-23-71;8:47 am]

[Airspace Docket No. 71-WE-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke several domestic low altitude reporting points.

There is no longer a need for the following compulsory low altitude reporting points: Barstow INT, Calif.; Bay Point INT, Calif.; Doby INT, Nev.; Hidden Hills INT, Calif.; Ilwaco INT, Wash.; and Stansbury INT, Utah. Accordingly, action is taken herein to revoke them.

Since these amendments are minor in nature and relieve a burden on the public, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (3-24-71), as hereinafter set forth.

In § 71.203 (36 F.R. 2301) the following low altitude reporting points are revoked: Barstow INT, Bay Point INT, Doby INT, Hidden Hills INT, Ilwaco INT, and Stansbury INT.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 16, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Traffic Rules Division.

[FR Doc.71-3986 Filed 3-23-71;8:47 am]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Third Apportionment of Special Milk Program Funds, Pursuant to Child Nutrition Act of 1966, Fiscal Year 1970

Amendments of reapportionment for the State and total as listed below.

A third apportionment pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 885-6 milk assistance funds available for fiscal year ending June 30, 1970, was published in the FEDERAL REGISTER on September 15, 1970 (35 F.R. 179). The third apportionment is amended for the State and total listed as follows:

State	Total apportionment	State agency	Withheld for private schools
New Mexico	$670,760	$398,240	$272,520
Total	101,607,317	95,170,418	6,436,899

(Secs. 2, 3, 6, 8-16, 80 Stat. 885-890, 42 U.S.C. 1771, 1772, 1775, 1777-1785)

Dated: March 18, 1971.

HOWARD P. DAVIS,
Acting Administrator.

[FR Doc.71-4017 Filed 3-23-71;8:50 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 67, Amdt. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Temple and Murcott Honey oranges grown in Florida.

Order. In § 905.529 (Orange Reg. 67; 35 F.R. 18741, 19245, 19246; 36 F.R. 1522, 2860, 3194, 3460, and 3884), the provisions of paragraph (a)(2) (v), (vi) and (viii) are amended to read as follows:

§ 905.529 Orange Regulation 67.

(a) • • •

(2) • • •

(v) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2;

(vi) Any Temple oranges, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos;

• • • • •

(viii) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

• • • • •

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, March 19, 1971, to become effective March 22, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-4018 Filed 3-23-71;8:50 am]

[Navel Orange Reg. 229, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), and (ii) of § 907.529 (Navel Orange Regulation 229, 36 F.R. 4705) during the period March 12, through March 18, 1971, are hereby fixed as follows:

§ 907.529 Navel Orange Regulation 229.

• • • • •

(b) *Order.* (1) • • •

(i) District 1: 923,000 cartons;

(ii) District 2: 377,000 cartons.

• • • • •

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated: March 18, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3964 Filed 3-23-71;8:46 am]

[Lemon Reg. 471, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 910.771 (Lemon Regulation 471, 36 F.R. 4859) during the period March 14, through March 20, 1971, are hereby amended to read as follows:

§ 910.771 Lemon Regulation 471.

• • • • •

(b) *Order.* (1) • • •

(i) District 1: 10,000 cartons;

(ii) District 2: 215,000 cartons.

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(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated: March 18, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-3965 Filed 3-23-71;8:46 am]

[966.308 Amdt. 1]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Correction

In F.R. Doc. 71-3819 appearing on page 5285 in the issue of Friday, March 19, 1971, the fourth line of § 966.308(a)(3) should be transposed to appear following the second line of the subparagraph.

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7103]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accounting for Advanced Payments

On August 7, 1970, notice of proposed rule making with respect to promulgation of regulations which relate to accounting for advance payments for goods was published in the FEDERAL REGISTER (35 F.R. 12612). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. There is inserted immediately after § 1.451-4 the following new section:

§ 1.451-5 Advance payments for goods and long-term contracts.

(a) *Advance payment defined.* (1) For purposes of this section, the term "advance payment" means any amount which is received in a taxable year by a taxpayer using an accrual method of accounting for purchases and sales or a long-term contract method of accounting (described in § 1.451-3), pursuant to, and to be applied against, an agreement:

(i) For the sale or other disposition in a future taxable year of goods held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or

(ii) For the building, installing, constructing or manufacturing by the taxpayer of items where the agreement is not completed within such taxable year.

(2) For purposes of subparagraph (1) of this paragraph:

(i) The term "agreement" includes (*a*) a gift certificate that can be redeemed for goods, and (*b*) an agreement which obligates a taxpayer to perform activities described in subparagraph (1) (i) or (ii) of this paragraph and which also contains an obligation to perform services that are to be performed as an integral part of such activities; and

(ii) Amounts due and payable are considered "received".

(3) If a taypayer (described in subparagraph (1) of this paragraph) receives an amount pursuant to, and to be applied against, an agreement that not only obligates the taxpayer to perform the activities described in subparagraph (1) (i) and (ii) of this paragraph, but also obligates the taxpayer to perform services that are not to be performed as an integral part of such activities, such amount will be treated as an "advance payment" (as defined in subparagraph (1) of this paragraph) only to the extent such amount is properly allocable to the obligation to perform the activities described in subparagraph (1) (i) and (ii) of this paragraph. The portion of the amount not so allocable will not be considered an "advance payment" to which this section applies. If, however, the amount not so allocable is less than 5 percent of the total contract price, such amount will be treated as so allocable except that such treatment can not result in delaying the time at which the taxpayer would otherwise accrue the amounts attributable to the activities described in subparagraph (1) (i) and (ii) of this paragraph.

(b) *Taxable year of inclusion.* Advance payments may be included in income:

(1) In the taxable year of receipt; or

(2) Except as provided in paragraph (c) of this section, in the taxable year in which properly accruable under the taxpayer's method of accounting if the method used is not at variance with the method used by the taxpayer for purposes of all reports (including consolidated financial statements) to shareholders, partners, other proprietors, beneficiaries, and for credit purposes.

For example, if a taxpayer in the business of selling goods normally would account for his sales under his accrual method of accounting when goods are shipped, the advance payments received with respect to such goods may be included in income in the taxable year of such shipment (except as provided in paragraph (c) of this section) if such treatment is not at variance with the method used by the taxpayer for purposes of all reports referred to in subparagraph (2) of this paragraph. See subdivision (ii) of § 1.466-1(c)(1).

(c) *Exception for inventoriable goods.* (1) (i) If a taxpayer receives an advance payment in a taxable year with respect to an agreement for the sale of goods properly includable in his inventory (or with respect to an agreement for the sale of good which are inventoriable but for the fact that the taxpayer is using

the completed contract method described in § 1.451–3), or with respect to an agreement (such as a gift certificate) which can be satisfied with goods or a type of goods that cannot be identified in such taxable year, and on the last day of such taxable year the taxpayer—

(*a*) Is using the method prescribed in paragraph (b)(2) of this section (other than the percentage of completion method described in § 1.451–3),

(*b*) Has received "substantial advance payments" (as defined in subparagraph (3) of this paragraph) with respect to such agreement, and

(*c*) Has on hand (or available to him in such year through his normal source of supply) goods of substantially similar kind and in sufficient quantity to satisfy the agreement in such year,

then all advance payments received with respect to such agreement by the last day of the second taxable year following the year in which such substantial advance payments are received, and not previously included in income in accordance with the taxpayer's accrual method of accounting, must be included in income in such second taxable year.

(ii) If advance payments are required to be included in income in a taxable year solely by reason of subdivision (i) of this subparagraph, the taxpayer must take into account in such taxable year the costs and expenditures included in inventory at the end of such year with respect to such goods (or substantially similar goods) on hand (or, in the case of a taxpayer using the completed contract method, the costs and expenditures incurred with respect to such goods which have not been deducted from gross income in prior years) or, if no such goods are on hand by the last day of such second taxable year, the estimated cost of goods necessary to satisfy the agreement.

(iii) Subdivision (ii) of this subparagraph does not apply if the goods or type of goods with respect to which the advance payment is received are not identifiable in the year the advance payments are required to be included in income by reason of subdivision (i) of this subparagraph (for example, where an amount is received for a gift certificate).

(2) If subparagraph (1)(i) of this paragraph is applicable to advance payments received with respect to an agreement, any advance payments received with respect to such agreement subsequent to such second taxable year must be included in gross income in the taxable year of receipt. To the extent estimated costs of goods are taken into account in a taxable year pursuant to subparagraph (1)(ii) of this paragraph, such costs may not again be taken into account in another year. In addition, any variances between the costs or estimated costs taken into account pursuant to subparagraph (1)(ii) of this paragraph and the costs actually incurred in fulfilling the taxpayer's obligations under the agreement must be taken into account as an adjustment to the cost of goods sold (or, in the case of a taxpayer using the completed contract method, as an item of income or deduction) in the year the taxpayer completes his obligations under such agreement.

(3) For purposes of subparagraph (1) of this paragraph, a taxpayer will be considered to have received "substantial advance payments" with respect to an agreement by the last day of a taxable year if the advance payments received with respect to such agreement during such taxable year plus the advance payments received prior to such taxable year pursuant to such agreement, equal or exceed the total costs and expenditures reasonably estimated as includible in inventory with respect to such agreement (or in the case of a taxpayer using the completed contract method, the total costs and expenditures reasonably estimated as necessary to satisfy such agreement). Advance payments received in a taxable year with respect to an agreement (such as a gift certificate) under which the goods or type of goods to be sold are not identifiable in such year shall be treated as "substantial advance payments" when received.

(4) The application of this paragraph is illustrated by the following example:

Example. In 1971, X, a calendar year accrual method taxpayer, enters into a contract for the sale of goods (properly includible in X's inventory) with a total contract price of $100. X estimates that his total inventoriable costs and expenditures for the goods will be $50. X receives the following advance payments with respect to the contract:

1971	$35
1972	20
1973	15
1974	10
1975	10
1976	10

The goods are delivered pursuant to the customer's request in 1977. X's closing inventory for 1972 of the type of goods involved in the contract is sufficient to satisfy the contract. Since advance payments received by the end of 1972 exceed the inventoriable costs X estimates that he will incur, such payments constitute "substantial advance payments". Accordingly, all paymenta received by the end of 1974, the end of the second taxable year following the taxable year during which "substantial advance payments" are received, are includible in gross income for 1974. Therefore, for taxable year 1974 X must include $80 in his gross income. X must include in his cost of goods sold for 1974 the cost of such goods (or similar goods) on hand or, if no such goods are on hand, the estimated inventoriable costs necessary to satisfy the contract. Since no further deferral is allowable for such contract, X must include in his gross income for the remaining years of the contract, the advance payment received each year. Any variance between estimated costs and the costs actually incurred in fulfilling the contract is to be taken into account in 1977, when the goods are delivered. See paragraph (c)(2) of this section.

(d) *Information schedule.* If a taxpayer uses the accounting method for advance payments prescribed in paragraph (b)(2) of this section, he must attach to his income tax return for each taxable year such method is used an annual information schedule reflecting the total amount of advance payments received in the taxable year, the total amount of advance payments received in prior taxable years which has not been included in gross income before the current taxable year, and the total amount of such payments received in prior taxable years which has been included in gross income for the current taxable year.

(e) *Adoption of method.* (1) For taxable years ending on or after December 31, 1969, and before January 1, 1971, a taxpayer (even if he has already filed an income tax return for a taxable year ending within such period) may secure the consent of the Commissioner to change his method of accounting for such year to the method prescribed in paragraph (b)(2) of this section in the manner prescribed in section 446 and the regulations thereunder, if an application to secure such consent is filed on Form 3115 within 180 days after March 23, 1971.

(2) A taxpayer who is already reporting his income in accordance with the method prescribed in paragraph (b)(2) of this section need not secure the consent of the Commissioner to continue to utilize this method. However, such a taxpayer for all taxable years ending after March 23, 1971, must comply with the requirements of paragraphs (b)(2) (including the financial reporting requirement) and (d) (relating to an annual information schedule) of this section.

(f) *Cessation of taxpayer's liability.* If a taxpayer has adopted the method prescribed in paragraph (b)(2) of this section, and if in a taxable year the taxpayer dies, ceases to exist in a transaction other than one to which section 381(a) applies, or his liability under the agreement otherwise ends, then so much of the advance payment as was not includible in his gross income in preceding taxable years shall be included in his gross income for such taxable year.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: March 19, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.71-3969 Filed 3-23-71;8:46 am]

[T.D. 7102]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 301—PROCEDURE AND ADMINISTRATION

Computation of Tax by Internal Revenue Service

On December 30, 1970, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 6013, 6014, and 6151 of the Internal Revenue Code of 1954, and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6014, 6211, and 6402 of such Code to conform to amendments made by sections 803(d)(1) and 942 of the Tax Reform Act of 1969 (83 Stat. 684, 726) was published in the FEDERAL REGISTER (35 F.R. 19755). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment as proposed is hereby adopted. The amendment does not reflect the provisions of Public Law 91–679, 84 Stat. 2063 (January 12, 1971), relating to the liability of a spouse for tax with respect to a joint return.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: March 18, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

In order to conform to amendments made by sections 803(d)(1) and 942 of the Tax Reform Act of 1969 (83 Stat. 684, 726), the Income Tax Regulations (26 CFR Part 1) under sections 6013, 6014, and 6151 of the Internal Revenue Code of 1954, and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6014, 6211, and 6402 of such Code, are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 1.6013–4 is amended to read as follows:

§ 1.6013–4 Applicable rules.

* * * * *

(b) *Computation of income, deductions, and tax.* If a joint return is made, the gross income and adjusted gross income of husband and wife on the joint return are computed in an aggregate amount and the deductions allowed and the taxable income are likewise computed on an aggregate basis. Deductions limited to a percentage of the adjusted gross income, such as the deduction for charitable, etc., contributions and gifts, under section 170, will be allowed with reference to such aggregate adjusted gross income. A similar rule is applied in the case of the limitation of section 1211(b) on the allowance of losses resulting from the sale or exchange of capital assets (see § 1.1211–1). Although there are two taxpayers on a joint return, there is only one taxable income. The tax on the joint return shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several. For computation of tax in the case of a joint return, see § 1.2–1. For tax in the case of a joint return of husband and wife electing to pay the optional tax under section 3, see § 1.3–1. For the election not to show on a joint return the amount of tax due in connection therewith, see paragraph (c) of § 1.6014–1 and paragraph (d) of § 1.6014–2. For separate computations of the self-employment tax of each spouse on a joint return, see paragraph (b) of § 1.6017–1.

* * * * *

PAR. 2. Section 1.6014 is amended to read as follows:

§ 1.6014 Statutory provisions; income tax return—tax not computed by taxpayer.

SEC. 6014. *Income tax return—tax not computed by taxpayer*—(a) *Election by taxpayer.* An individual entitled to elect to pay the tax imposed by section 3 whose gross income is less than $10,000 and includes no income other than remuneration for services performed by him as an employee, dividends or interest, and whose gross income other than wages, as defined in section 3401(a), does not exceed $100, shall at his election not be required to show on the return the tax imposed by section 1. Such election shall be made by using the form prescribed for purposes of this section and shall constitute an election to pay the tax imposed by section 3. In such case the tax shall be computed by the Secretary or his delegate who shall mail to the taxpayer a notice stating the amount determined as payable. In determining the amount payable, the credit against such tax provided for by section 37 shall not be allowed.

(b) *Regulations.* The Secretary or his delegate shall prescribe regulations for carrying out this section, and such regulations may provide for the application of the rules of this section—

(1) To cases where the gross income includes items other than those enumerated by subsection (a),

(2) To cases where the gross income from sources other than wages on which the tax has been withheld at the source is more than $100,

(3) To cases where the gross income is $10,000 or more,

(4) To cases where the taxpayer is entitled to the credit provided by section 37 (relating to retirement income credit), or

(5) To cases where the taxpayer does not elect the standard deduction.

Such regulations shall provide for the application of this section in the case of husband and wife, including provisions determining when a joint return under this section may be permitted or required, whether the liability shall be joint and several, and whether one spouse may make return under this section and the other without regard to this section.

[Sec. 6014 as amended by secs. 201(d)(14) and 301(b)(2), Rev. Act 1964 (78 Stat. 32, 140); secs. 803(d)(1) and 942(a), Tax Reform Act 1969 (83 Stat. 684, 726)]

PAR. 3. Section 1.6014–1 is amended by revising the heading and adding a new paragraph (e) at the end thereof, to read as follows:

§ 1.6014–1 Tax not computed by taxpayer for taxable years beginning before January 1, 1970.

* * * * *

(e) This section shall apply to taxable years beginning before January 1, 1970.

PAR. 4. Immediately after § 1.6014–1 the following new section is added:

§ 1.6014–2 Tax not computed by taxpayer for taxable years beginning after December 31, 1969.

(a) *In general.* An individual subject to the tax imposed by section 1 of the Code may elect, for any taxable year beginning after December 31, 1969, not to show on his income tax return for such year the amount of tax due in connection with such return, if none of the restrictions in paragraph (b) of this section is applicable and his adjusted gross income for such year—

(1) Does not exceed $20,000, and

(2) Consists entirely of remuneration for personal services performed as an employee (including tips), dividends, interest, pensions, or annuities.

Such election shall be made in accordance with the instructions applicable to such income tax return.

(b) *Restrictions on making an election.* An election pursuant to this section shall not be made by an individual—

(1) Who does not make a valid election under section 144 to take the standard deduction (see section 142); or

(2) Who does not file his return (or amended return) making such election on or before the date prescribed in section 6072(a) for the filing of the original return (determined without regard to any extension of time).

(c) *Effects of election.* (1) A taxpayer who, in accordance with the provisions of this section, elects not to show the tax on his income tax return is not required to pay the unpaid balance of such tax at the time he files the return. In such case, the tax will be computed for the taxpayer by the Internal Revenue Service, and a notice will be mailed to the taxpayer stating the amount of tax due. Where it is determined that a refund of tax is due, the Internal Revenue Service will send such refund to the taxpayer. See paragraph (c) of § 301.6402–3 of this chapter (Regulations on Procedure and Administration). The computation of tax by the Internal Revenue Service shall be treated for purposes of this chapter as if made by the taxpayer, and such computation or the issuance of a notice or refund pursuant thereto shall not relieve the taxpayer of liability for any deficiency (although the deficiency is based upon an amount of tax different from that computed for the taxpayer by the Internal Revenue Service) or affect the rights of the Internal Revenue Service with respect to any subsequent audit or other review of the taxpayer's return.

(2) In the case of a taxpayer whose adjusted gross income is less than $10,000, an election under section 6014 also constitutes an election to pay the tax imposed by section 3.

(3) A taxpayer who makes an election under section 6014 shall not be precluded from claiming—

(i) Status as a head of household or a surviving spouse;

(ii) The credit under section 31 (relating to tax withheld on wages);

(iii) The credit under section 37 (relating to retirement income);

(iv) The credit under section 38 (relating to investment in certain depreciable property);

(v) The credit under section 39 (relating to certain uses of gasoline and lubricating oil); or

(vi) The credit under section 40 (relating to overpayments of tax).

(d) *Joint return.* (1) A husband and wife who file a joint return may elect not to show the tax on such return in accordance with the rules prescribed in paragraphs (a) and (b) of this section if their aggregate adjusted gross income does not exceed $20,000.

(2) The tax computed for a husband and wife who elect pursuant to this section not to show their tax on their joint income tax return shall be the lesser of the following amounts:

(i) A tax computed as though the return of income constituted a joint return, or

(ii) If sufficient information is provided for the taxable income of each spouse to be determined, a tax computed as though the return of income constituted the separate returns of the spouses.

(e) *Married individuals filing separate returns.* In the case of a married individual who files a separate return and who elects pursuant to this section not to show the tax thereon, his tax shall be computed on the basis of the percentage standard deduction rather than with regard to the low income allowance provided in section 141(c). The preceding sentence shall not apply if he attaches to such return a statement on which he declares that the tax of his spouse was not determined with regard to the percentage standard deduction.

(f) *Revocation of election.* An election pursuant to this section may be revoked on an amended return (whether such return is filed before or after the date prescribed in section 6072(a) for filing the original return).

PAR. 5. Paragraph (b) of § 1.6151–1 is amended to read as follows:

§ 1.6151–1 Time and place for paying tax shown on returns.

* * * * * *

(b) *Returns on which tax is not shown.* If a taxpayer files a return and, in accordance with section 6014 and the regulations thereunder, elects not to show the tax on the return, the amount of tax determined to be due shall be paid within 30 days after the date of mailing to the taxpayer a notice stating the amount payable and making demand upon the taxpayer therefor. However, if the notice is mailed to the taxpayer more than 30 days before the due date of the return, payment of the tax shall not be required prior to such due date.

* * * * * *

PAR. 6. Section 301.6014 is amended to read as follows:

§ 301.6014 Statutory provisions; income tax return—tax not computed by taxpayer.

SEC. 6014. *Income tax return—tax not computed by taxpayer*—(a) *Election by taxpayer.* An individual entitled to elect to pay the tax imposed by section 3 whose gross income is less than $10,000 and includes no income other than remuneration for services performed by him as an employee, dividends or interest, and whose gross income from other than wages, as defined in section 3401 (a), does not exceed $100, shall at his election not be required to show on the return the tax imposed by section 1. Such election shall be made by using the form prescribed for purposes of this section and shall constitute an election to pay the tax imposed by section 3. In such case the tax shall be computed by the Secretary or his delegate who shall mail to the taxpayer a notice stating the amount determined as payable. In determining the amount payable, the credit against such tax provided for by section 37 shall not be allowed.

(b) *Regulations.* The Secretary or his delegate shall prescribe regulations for carrying out this section, and such regulations may provide for the application of the rules of this section—

(1) To cases where the gross income includes items other than those enumerated by subsection (a),

(2) To cases where the gross income from sources other than wages on which the tax has been withheld at the source is more than $100,

(3) To cases where the gross income is $10,000 or more,

(4) To cases where the taxpayer is entitled to the credit provided by section 37 (relating to retirement income credit), or

(5) To cases where the taxpayer does not elect the standard deduction.

Such regulations shall provide for the application of this section in the case of husband and wife, including provisions determining when a joint return under this section may be permitted or required, whether the liability shall be joint and several, and whether one spouse may make return under this section and the other without regard to this section.

[Sec. 6014 as amended by secs. 201(d)(14) and 301(b)(2), Rev. Act 1964 (78 Stat. 32, 140); secs. 803(d)(1) and 942(a), Tax Reform Act 1969 (83 Stat. 684, 726)]

PAR. 7. Section 301.6014–1 is amended to read as follows:

§ 301.6014–1 Income tax return—tax not computed by taxpayer.

For provisions relating to the election not to show on an income tax return the amount of tax due in connection therewith, see §§ 1.6014–1 and 1.6014–2 of this chapter (Income Tax Regulations).

PAR. 8. Section 301.6211–1 is amended by revising paragraphs (a) and (c) thereof to read as follows:

§ 301.6211–1 Deficiency defined.

(a) In the case of the income tax imposed by subtitle A of the Code, the estate tax imposed by chapter 11, subtitle B of the Code, or the gift tax imposed by chapter 12, subtitle B of the Code, the term "deficiency" means the excess of the tax (income, estate, or gift tax, as the case may be) over the sum of the amount shown as such tax by the taxpayer upon his return and the amounts previously assessed (or collected without assessment) as a deficiency; but such sum shall first be reduced by the amount of rebates made. If no return is made, or if the return (except a return of income tax pursuant to sec. 6014) does not show any tax, for the purpose of the definition "the amount shown as the tax by the taxpayer upon his return" shall be considered as zero. Accordingly, in any such case, if no deficiencies with respect to the tax have been assessed, or collected without assessment, and no rebates with respect to the tax have been made, the deficiency is the amount of the tax imposed by subtitle A, chapter 11, or chapter 12. Additional tax shown on an "amended return", so-called, filed after the due date of the return, is a deficiency within the meaning of the Code.

* * * * * *

(c) The computation by the Internal Revenue Service, pursuant to section 6014, of the income tax imposed by subtitle A shall be considered as having been made by the taxpayer and the tax so computed shall be considered as the tax shown by the taxpayer upon his return.

* * * * * *

PAR. 9. Paragraph (c) of § 301.6402–3 is amended to read as follows:

§ 301.6402–3 Special rules applicable to income tax.

* * * * * *

(c) The filing of a properly executed income tax return shall, in any case in which the taxpayer is not required to show his tax on such form (see section 6014 and the regulations thereunder), constitute an election by the taxpayer to have the return treated as a claim for refund, and such return shall constitute a claim for refund within the meaning of section 6402 and section 6511 for the amount of the overpayment shown by the computation of the tax made by the district director or the director of the regional service center on the basis of the return. For purposes of section 6511, such claim shall be considered as filed on the date on which suth return is considered as filed, except that if the requirements of § 301.7502–1, relating to timely mailing treated as timely filing, are met the claim shall be considered to be filed on the date of the postmark stamped on the cover in which the return was mailed.

* * * * * *

[FR Doc.71–3968 Filed 3–23–71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A–73.1—Production and Maintenance

REQUIREMENTS IN EXCESS OF MAXIMUM ORDER LIMITATIONS

Clarification of instructions concerning addresses to which agencies shall direct requisitions for their requirements which exceed contract maximum order limitations.

Section 5A–73.113 is amended as follows:

§ 5A–73.113 Requirements in excess of maximum order limitations.

(a) *Federal Supply Schedule provisions.* (1) Whenever a Maximum Order Limitation provision is contained in a Federal Supply Schedule solicitation, the resultant Schedule shall include both the Maximum Order Limitation provision (see § 5A–73.112) and the applicable Requirements in Excess of Maximum Order Limitations provision as set forth in this subparagraph (1) and in subparagraph (2) of this paragraph. However, the following provision is not applicable to procurements of FSC Group 65, Part I, Sections A and B, Drugs and Pharmaceutical Products, and FSC Group 89, Part I, Subsistence; which are assigned to the Veterans Administration.

REQUIREMENTS IN EXCESS OF MAXIMUM ORDER LIMITATIONS

(a) Except as provided below, agencies included under (a) of the "Scope of Contract" provision, including the Department of Defense where the requirement falls within DOD–GSA Interagency Purchase Assignments, shall forward purchase requests for items included herein which exceed the applicable maximum order limitation *to the GSA regional office which serves the consignee.* Agencies included under (b) of the "Scope of Contract" provision may, at their option, forward such purchase requests to the GSA regional office which serves the consignee for purchase action.

(b) Whenever feasible, agencies should consolidate their requirements so as to take advantage of price savings available through separate procurement of quantities which exceed the maximum order limitation. Agencies which periodically consolidate requirements for one or more items included in this Schedule at an agency headquarters office (national, regional, State, bureau, etc.) and the total requirement exceeds the maximum order limitation, may either:

(1) Arrange for the office executing the Schedule to make a separate contract for use by the agency in placing delivery ordera (direct order/expediting/payment by requiring agency), or

(2) Submit requisitions for the total requirement to the GSA regional office serving the agency headquarters office.

(2) The following provision shall be used in Schedules for FSC Group 58, Part V, Section A–EDP Tape, and FSC Group 75, Part VIII, Sections A and B, Tabulating Cards. (See FPMR 101–26.–508–2 and 509–2.)

REQUIREMENTS IN EXCESS OF MAXIMUM ORDER LIMITATIONS

(a) Except as provided below, agencies included under (a) of the "Scope of Contract" provision, including the Department of Defense where the requirement falls within DOD–GSA Interagency Purchase Assignments, shall forward purchase requests for items included herein which exceed the applicable maximum order limitation to *General Services Administration, Federal Supply Service, Procurement Operations Division—FPN, Washington, DC 20406.* Agencies included under (b) of the "Scope of Contract" provision may, at their option, forward such purchase requests to the above office.

(b) Whenever feasible, agencies should consolidate their requirements so as to take advantage of price savings available through separate procurement of quantities which exceed the maximum order limitation. Agencies which periodically consolidate requirements for one or more items included in this Schedule at an agency headquarters office (national, regional, State, bureau, etc.) shall, when the total requirement exceeds the maximum order limitation, forward such purchase requests to the office referred to in (a), above.

(b) *Procurement procedure.* Requirements which exceed the maximum order limitation of Federal Supply Schedules (except the two Schedules identified in paragraph (a) of this section) shall be procured in accordance with this paragraph (b).

* * * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. This regulation is effective 30 days after the date shown below.

Dated: March 9, 1971.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[FR Doc.71–3951 Filed 3–23–71;8:45 am]

Chapter 9—Atomic Energy Commission

PART 9–1—GENERAL

Subpart 9–1.7—Small Business Concerns

PART 9–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9–5.10—Use of Excess Aluminum

MISCELLANEOUS AMENDMENTS

This revision of § 9–1.709, "Records and Reports," amends the semiannual small business reporting requirements to provide for including the number and dollar value of prime actions under construction set asides in reports made by AEC Field Offices.

1. In § 9–1.709, *Records and reports,* subparagraph (5) of paragraph (b) is revised to read as follows:

§ 9–1.709 Records and reports.

* * * * * *

(b) * * *

(5) Number and dollar value of set-asides to small business. For field offices only, number and dollar value of prime construction set-asides shall be reported separately.

§ 9–5.1001 [Amended]

2. In § 9–5.1001, *Policy,* delete paragraph (c).

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (3–24–71).

Dated at Germantown, Md., this 17th day of March 1971.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.71–3978 Filed 3–23–71;8:47 am]

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 71–19]

PART 12B–1—GENERAL

PART 12B–50—CONTRACTS GENERAL

Distribution of Contracts

Correction

In F.R. Doc. 71–3491 appearing on page 4754 in the issue for Friday, March 12, 1971, the reference to "Subpart 12–1.10" in the third line of the first paragraph should read "Subpart 12B–1.10".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18425; FCC 71–285]

PART 73—RADIO BROADCAST SERVICES

Remote Control of Television Broadcast Stations

First report and order. In the matter of amendment of Part 73, Subpart E of the Commission's rules and regulations governing television broadcast stations concerning the operation of VHF and UHF television broadcast stations by remote control, RM–1340.

1. This proceeding was initiated by a notice of proposed rule making on January 15, 1969, in response to a petition filed by the National Association of Broadcasters (NAB) on August 14, 1968, seeking rule amendments which would permit the operation of VHF television stations by remote control. In support of its petition, NAB submitted reports of the results of remote control operations conducted experimentally at WNEW–TV, New York, N.Y., KMBC–TV, Kansas City, Mo., and KTTV, Los Angeles, Calif., which it alleges demonstrates that VHF television stations can feasibly be operated by remote control in full compliance with the Commission's technical standards.[1]

[1] On March 29, 1967, the Commission adopted a Report and Order in Docket No. 16208 (FCC 67–409) denying a petition by NAB seeking rule amendments which would permit VHF television broadcast stations to be operated by remote control. The denial was based in part on a failure of NAB and other parties commenting in the proceeding to show that an operator stationed at a remote control point could exercise adequate technical surveillance over the distant transmitter. The Commission did not close the door to further consideration of this matter should a more convincing showing be submitted.

2. The notice proposed and invited comments on rule amendments which, if adopted, would sanction VHF remote control. The deadlines for the filing of comments and reply comments were set in the notice as March 28, 1969, and April 11, 1969. By subsequent orders, the final date for the submission of comments was extended until April 25, 1969, and reply comments until May 23, 1969.[2]

3. Eighty-five comments, reply comments, and further comments were filed. A list of the parties filing these pleadings is contained in Appendix A.[2a] All parties, save National Association of Broadcast Employees and Technicians (NABET) and International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of United States and Canada (IATSE),[3] unions which represent broadcast station operators, favored the objective of the proposed rules. Many accepted the rules uncritically, but many others took exception to one or more of the specific requirements of the rules, and suggested certain additions, deletions or changes. All pleadings have been fully considered in arriving at a decision in this proceeding.

4. NABET and IATSE hold the NAB has failed to demonstrate the manner in which the public interest will be directly served by the remote control of VHF television broadcast stations—there is no indication that transmissions will be of higher technical quality, or that increased profits resulting from lower operating costs will be funneled into the production of better programs. No urgent economic need for remote control has been claimed.

5. On the other hand, they say, removal of operators from the immediate supervision of the transmitter, particularly in instances where the transmitter location is not quickly accessible from the remote control point, cannot but detract from the reliability of transmitter operation. NABET questions the conclusiveness of the tests conducted for NAB in support of its petition, stating that they fail to reveal how long it would have taken to correct faults had an operator not been stationed at the transmitter, or the effects of adverse weather conditions, such as blizzards and electrical storms, on the ability of stations to continue operating by remote control. Data and comments are submitted in support of a thesis that many television transmitter sites are inaccessible for extensive periods of time, and that failures and malfunctions quite frequently occur even in the more reliable transmitting installations.

6. Finally, it is alleged that the Commission and the industry should be concerned with the depressing effect which actions aimed at the reduction in the requirements for operators at broadcast stations has on the potential pool of qualified radio operators, not only for the broadcasting industry, but as a source of skilled technicians in time of national emergency.

7. The shortage of qualified radio operators, which NABET says may be created by policies sanctioning remote control, in the opinion of many broadcasters commenting in this proceeding, now exists, has existed for some time, and is one of the principal reasons why authority to operate by remote control is sought.[4]

8. It is particularly difficult, say broadcasters, to attract and retain operators for service at transmitter sites which are not easily accessible, or are remote from populated areas. Moreover, the stationing of operators at the transmitter, where, for a good part of the time, they have little to do, is a waste of the talents of highly qualified technicians, which could be more usefully employed at the studio location in improving the technical quality of the station's programing, with a resulting benefit to the viewing public.

9. NAB states that there are numerous techniques which can be employed to increase the reliability of service, including the installation of duplicate facilities, standby units and auxiliary antennas, and that the inherent reliability of the newer transmitters is very high. It urges that licensees undertaking to operate by remote control, particularly those whose transmitters are in isolated or inaccessible locations, can be expected, in their own interest, to utilize transmitting apparatus designed to provide uninterrupted service over long periods. Storer and Taft have supplied data intended to demonstrate the degree of reliability which can be achieved by well-run stations.

10. It is also suggested that the upgrading of facilities required for successful remote control operation may, in some cases, result in improvements in an existing degree of reliability and better transmitter surveillance. One party points out that the use of remote control in certain instances can make possible increased on-the-air time, and cites circumstances where stations remain silent beyond the regular time for commencement of operation because adverse weather conditions delay the arrival of station operators at their transmitters.

11. We hold that to the extent remote control operation of stations makes possible the more efficient and economical use of the services of qualified technical personnel, which broadcasters almost unanimously contend is scarce, the overall operation of such stations may be enhanced, and the public interest thereby served.

12. The interposition of the remote control circuits between the operator and the transmitter inevitably presents an additional element in the transmitting system which may malfunction, and it is axiomatic that a transmitter fault may not be as quickly corrected as it otherwise might be if it occurs while an operator is not stationed at the transmitter. At remote and inaccessible locations, NAB suggests that we can expect licensees to install transmitting apparatus designed for extreme reliability, and capable of continued operation despite major equipment malfunctions. While we believe that the employment of such apparatus is necessary to insure satisfactory remote control operation of isolated transmitters, we do not believe we should rely entirely on the broadcaster voluntarily installing such apparatus, and in some circumstances we would require that this be done, as later discussed.

13. We will now consider the comments made on specific rules, and the amendments which we are adopting in the light of these comments.

14. Understandably, it is station licensees with transmitter sites in isolated or inaccessible locations who are the more enthusiastic supporters of the proposition that remote control of VHF television stations should be authorized. However, such licensees, with considerable degree of unanimity, are in the forefront of a number of those parties who oppose adoption of paragraphs (c) and (e) of proposed § 73.676, as presently written.

15. The portion of paragraph (c) to which exception is taken, reads as follows:

> • • • and any fault or failure which results in loss of essential control or any essential telemetry function, will cause the television transmitter to cease radiating signals from the antenna.

Paragraph (e) reads, in pertinent part:

> The remote control equipment shall be calibrated and tested and the television broadcast transmitter shall be inspected as often as is necessary to insure proper operation and in any event at least five days each week • • •

16. It is the consensus of those criticizing paragraph (c) that the loss of telemetry should not be the occasion for immediate automatic transmitter shut down. (There are one or two suggestions that this should not occur, even when the control function is lost.) Rather, it is suggested that a period of time be afforded (the suggested periods range from 30 minutes to 2 hours, with most parties favoring 1 hour) in which to reestablish telemetry (or control), or to effect direct monitoring and control of the transmitter. NAB suggests that the requirement for automatic shut down be deleted entirely. It is urged that implementation of the proposed requirement will result in unnecessary loss in service to the public, and that the hazard of improper operation is not great during the suggested interim period if the transmitter has been functioning normally up to the time of the remote circuit malfunction. Moreover, they point out, the operator at the remote control point is not left entirely without means for transmitter surveillance. The proposed rules require the maintenance of apparatus at the remote control point for monitoring the wave form of the visual signal, a function whose performance requires the interception of the signal radiated by the transmitter. The operator thus has a depiction, independent of the remote control system, of the general performance of the transmitter, including an approximate indication of relative visual transmitter power.[5]

17. Finally, it is argued that the rules governing remote control of standard and FM broadcast stations, and the rules now applying to remote control of UHF television stations do not require automatic transmitter shut down upon the loss of telemetry (although they do require the licensee to revert to direct operation under such circumstances) and there is no persuasive reason to impose different requirements in the present case.[6]

18. We will leave undisturbed the requirement that a loss of transmitter control will automatically result in the removal of the transmitter from the air. This is a basic requirement in the remote control rules for each of the broadcast services. We think it essential that the transmitter be under full control at all times that it is on the air, both to minimize the possibility that degraded service and interference to other stations may develop and continue unchecked, and to fully comply with the statutory requirement that a broadcasting station be under the continuous control of a licensed operator.

19. As pointed out in comments, there are no rules in the other broadcasting services requiring that loss of telemetry result in cessation of transmitter operation. However, our experience in these services has demonstrated that without the threat of complete loss of service there have been too many occasions on which station licensees have tolerated partial or complete loss of the telemetry function over extensive periods of time without taking corrective action or instituting manual control of their transmitters. We believe that such laxity, inexcusable in any case, is particularly dangerous in the television broadcasting service, and we are reluctant to adopt rules which might encourage it.

20. On the other hand, we are persuaded that if adequate off-the-air monitoring facilities are maintained at the remote control point, immediate cessation of operation need not occur with a loss of telemetry over the regular circuits between the transmitter and the remote control point, and a reasonable amount of time should be afforded in which to restore the telemetry circuit to proper operation, or to effect manual control of the transmitter. We consider 1 hour to be sufficient for this purpose in most cases, and are unwilling to grant the much longer periods which might be sought in instances where transmitters are distant and not easily accessible from their remote control points. Off-the-air monitoring facilities in every case will be required. These must include, as a minimum, a visual wave form monitor, a picture monitor (which, as a practical matter, must be fed an off-the-air signal in nearly every case), a loudspeaker, and an aural modulation monitor, with necessary auxiliary apparatus. Where any portion of a station's transmissions are in color a color picture monitor also will be required, as well as a vectorscope or other instrument capable of depicting the instantaneous phase and amplitude relationships of color test signals.

21. To the calibration, testing, and inspection requirements of proposed § 73.676(c) which, in effect, would make mandatory the presence of an operator at the transmitter site on portions of at least five of every seven days, the majority of those filing comments raised no objection. However, many parties do object, including several licensees of UHF stations, which would become subject to the requirement for the first time (the present rule specifies only a weekly transmitter visit). Not only are such frequent transmitter inspections unnecessary to maintain reliable and efficient operation, they hold, but the burdens imposed would be so great, in some instances, as to negate any advantages gained through the institution of remote control. As might be expected, the most vigorous opposition comes from those licensees whose transmitter sites, located in many instances on mountain tops, are least accessible. For example, Frontier Broadcasting Co. estimates a travel time of 3½ hours from the base to the top of Elk Mountain, the proposed transmitter site for KVRW–TV, Rawlings, Wyo. The Post Co., licensee of KIFI–TV, Idaho Falls, states that its transmitter is at the top of a 6,000-foot mountain, and for 6 months of the year the access road is blocked by heavy snow. Operators man the transmitter on 7 day shifts. "A bulldozer is kept on the mountain top. After a snowfall, the road is plowed and the bulldozer then driven back to the mountain top • • •. The bulldozer must be kept at the mountain top because it can only plow going down the mountain side."

22. Admittedly, in such circumstances, a 5-days-per-week inspection schedule may be undertaken only with considerable hardship. However, it should be observed that to the extent a transmitter site is inaccessible for daily inspection it is equally inaccessible for the correction of any transmitter malfunctions which may occur. The inspection schedule which we adopt is intended to minimize the likelihood of gross malfunctions by permitting early detection of faults while they are still incipient. Thus, the cases where frequent inspections are difficult are those in which it would seem most desirable to minimize the possibility of partial or total failures, which, because of transmitter inaccessibility, are not susceptible to easy or early correction.

23. On consideration of this whole problem, we have decided to adhere to our original proposal for 5-days-per-week inspection and calibration. However, the rules which we adopt will permit the institution of a 1-day-per-week schedule if a licensee has taken specific measures to insure continuity of service in the event of main transmitter malfunctioning by the installation of such additional facilities as may be necessary to insure continued operation with output power at least 20 percent of the authorized transmitter power. These facilities can be brought into operation either automatically, or by manual switching from the remote control point.

24. We proposed to permit multiplexing of the aural carrier for the transmission of telemetry signals from the television transmitter to its remote control location. The rules applying to such operation were set forth in a proposed new subparagraph (22) to paragraph (a) of § 73.682.[7] Among the conditions specified was one limiting multiplexing to the use of a single subcarrier. Comments were invited, however, on the need of more than one subcarrier for remote control operation, and the feasibility of employing more than one subcarrier without degradation of the broadcast service.

25. The six parties who responded to this invitation were all of the opinion that more than one subcarrier should be permitted. NBC suggested, also, that an ability to multiplex the visual carrier would contribute to reliable operation by permitting continued telemetry in the event of aural carrier loss.

26. These opinions are completely unsupported by facts or data. We have, at this point, no description of the circumstances in which more than one aural subcarrier would be required, or any demonstration of the feasibility of employing multiple subcarriers without adverse effect on the aural or visual signals.

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[2] Subsequently, on February 9, 1970, the Commission released an order affording an opportunity for further comments on a report, filed in the instant Docket, of tests conducted at KTTV, Los Angeles, Calif., late in 1969. These tests were designed to explore the feasibility of multiplexing the aural subcarrier for the purpose of providing telemetry signals to a remote control point. EIA and NAB filed timely comments.

[2a] Appendix A filed as part of the original document.

[3] IATSE's "statement" was filed on May 7, 1969, and, of course, is late. However, as representative of a group whose interests, it is alleged, will be adversely affected by affirmative action in this proceeding, its position will be considered herein.

[4] One reason given by some of those commenting for this shortage is the greater opportunities offered for technically trained persons in the manufacturing and defense industries. If this is the case, such persons obviously are as much a part of a pool of skilled technicians, available in a national emergency, as if they were in the ranks of the radio operators.

[5] If frequency and aural modulation monitors are located at the remote control point and activated by off-the-air signals, the operator has further information, independent of the remote control circuits, on other important aspects of transmitter performance.

[6] Mosely points out that where the telemetry is multiplexed on the aural carrier, some delay in the actuation of the fail-safe mechanism is necessary. Otherwise, when the transmitter is shut down the fail-safe interlock prevents immediate restarting of the transmitter.

[7] These provisions are included in subparagraph (23) in the rules which we adopt. Subparagraph (22) now includes the provisions applying to electronic program identification.

Therefore, we will adhere to the single subcarrier limitation set forth in the proposed rules. Similarly, NBC's suggestion that visual carrier multiplexing be permitted remains just that, and without technical support does not merit serious consideration at this stage of the instant proceeding.

27. The last aspect of the rules which engendered widespread comment and opposition is found in proposed § 73.676, which stipulates that, prior to the issuance of a remote control authorization to a VHF television station, the station must engage, for a period of 6 months, in simulated remote control operation, with its licensed operators stationed at its transmitter. The purpose of such operation is to demonstrate that the station can function reliably, and remote control can be effectively maintained.

28. Ten parties hold that such a "shake down" period is unnecessary, or is too long. Others accept it with obvious reluctance, and some skepticism, as a necessary price to pay for a remote control authorization, and suggest that the requirement may be subsequently relaxed after experience is gained with VHF remote control. Those who consider the shake down period excessively long generally suggest 2 or 3 months as an adequate period for such operation. Cullum and King Broadcasting Co. point out that we have furnished no guidelines as to what level of demonstrated performance will be considered acceptable. Consequently, a licensee who has invested a substantial sum in the installation of a remote control system faces the hazard that, at the end of the shake down period, it may be denied an authorization for regular operation of this system for failure to meet standards of which he had no foreknowledge.

29. Questions were raised as to various aspects of the procedures specified in proposed § 73.676(a) for operation during the shake down period. However, in the light of the action we take in this matter it is unnecessary to consider these questions.

30. On full consideration of the comments, and a review of our previous position in this matter, we have decided not to require a period of simulated remote control operation prior to the issuance of an authorization for remote control operation.

31. We make this decision, not because we believe that extensive prior testing is not desirable to insure reliable and effective operation by remote control, but in recognition of the fact that the stakes in television are so high, and the economic consequences of frequent and extended outages are so great that a licensee, in its own best interest, cannot be content with a system of questionable reliability. Thus, we would expect that the licensee would not request a remote control authorization without having fully satisfied himself that such operation may be effectively conducted.

32. Presumably, a report of the results of a 6 months period of simulated operation, such as we proposed to require, would not be submitted to the Commission unless, in the licensee's opinion, it fully demonstrated the feasibility of remote control operation of its station. Even then, as pointed out in the comments, a licensee would face the hazard that the criteria employed by the Commission in evaluating the report might be more stringent than the licensee's. Nevertheless, we find it impractical to attempt to formulate specific standards of performance to be used in such an evaluation. Thus, we conclude that a mandatory period of simulated operation would not substantially enhance the possibility that remote control operations by VHF stations will be more efficient and reliable, and its imposition may impose unnecessary burdens on station licensees and on the Commission. We will therefore not require it.

Miscellaneous matters. 33. WSAU–TV and WKBH Television, Inc., both suggest that the rules permit the employment of TV cameras to take meter readings and to pan the transmitter room for security purposes. WKBH further suggests that the microwave link or coaxial cable which must be used to relay the camera information to a remote control point could also be used to supply waveform samples from various test points in the transmitter.

34. The rules we adopt do not specifically preclude the adoption of any accurate and reliable method of obtaining information on the essential functions of the transmitter for display at the remote control point. However, if a system such as proposed by these parties is to be used, information transmittal must be by coaxial cable. Subpart F of Part 74 of the rules, governing television auxiliary broadcast stations, does not permit the use of a microwave link for this purpose, and we are unwilling to amend the rules to permit such use. Most of the essential telemetry information can be transmitted by other methods with a necessary bandwidth of a few hundred cycles/second. The transmitter video waveform can be observed off-the-air, and aural modulation in the same way. However, the employment of a radio channel with a bandwidth of 3 Mc/s or more, to transmit information which can be accommodated satisfactorily in a far narrower channel, can only be considered as an unjustifiably inefficient use of the radio spectrum.[8]

35. Group W requests that the proposed subparagraph (2) of § 73.677(a) be modified to permit instrument indications which do not "show the position of the decimal point" providing that appropriate information as to its location is provided at the operating position or on an automatically printed log. It also requests it be made clear that automatic logging may be employed.

36. Kear and Kennedy notes that the condition of antenna tower lighting is usually observed at a remote control point on an instrument whose indication is proportional to the current flow through the obstruction lamps—the failure of one or more lamps being reflected in a lower than normal reading. The absolute value of the indication has no significance. Accordingly, it is urged that the requirement of § 73.676(a)(2) that indicating instruments at the remote control point be direct reading should not apply to the tower light condition indicator.

37. We have modified § 73.676(a)(2) to incorporate the substance of the changes suggested by Group W and Kear and Kennedy. Kear and Kennedy also suggest that during the period the remote telemetering circuits are being switched to read other parameters, or adjustments are being made, it may be impossible to "continuously" monitor the percentage of modulation of the aural signal pursuant to § 73.676(a)(5)) and that this requirement be modified to recognize that hiatuses in modulation observation may occur.

38. As we indicated in paragraph 20, above, we are requiring that the aural modulation monitor be located at the remote control point, to be activated by an off-the-air signal from the transmitter. With the monitor so located, the operator will have available for observation not only the peak flasher (whose indications are not normally transmitted over conventional telemetry circuits) but the carrier level meter, which can be used as an approximate indication of the relative power level of the aural transmitter, should a temporary failure of the regular telemetry circuit occur. Since its indications are available regardless of the condition and use of the regular telemetry circuit a means for continuously monitoring the percentage of modulation of the aural signal is provided, as the rule requires.

39. Cullum is of the opinion that the requirement for the logging at 30-minute intervals of indications from which the input and output power of the transmitter may be determined is unnecessary and out-dated. The average television transmitter has little capability for operation at levels above its rated power, and the rules permit operation below this level for limited periods, where necessary, without specific authority. On the other hand, he states, we do not require the logging of parameters of far more importance to proper television operation, such as the setting of black, white, and synchronizing pulse levels.

40. Walt W. Bundy, Jr., suggests that we establish by rule the specific parameters which must be controlled and monitored at the remote point. He believes that, besides visual and aural power and sync level, blanking, video, chroma and audio level should be subject to control at the remote point. He states such control should be exercised

[8] A licensee may desire to include in his telemetry system facilities for providing warnings of fire or illegal entry at the transmitter site, even though such facilities are not required. While television surveillance may be an effective way of providing such protection, other less elegant methods not requiring wide band radio transmissions are available. Heat and smoke sensors and entry alarms can provide remote indications over conventional circuits utilizing far less bandwidth than would television transmission.

at the transmitter, even where it is feasible to apply it at the input of the program circuits, since such circuits may have insufficient amplitude range to provide for the compensation necessary without distortion or degradation of the signal-to-noise ratio.

41. The mandatory logging requirements for remotely controlled television transmitters are no different than those which apply to directly controlled transmitters. The burden of complying with these requirements should not appreciably increase because a station operates by remote control. Accordingly, the question of whether these requirements should be modified is a general one, and, without passing on the merits of Cullum's position, we find it is not appropriate for consideration in this proceeding. This is also our view concerning a proposal by Bundy that the requirement for daily frequency checks be eliminated.

42. In the proposed rules we have required that the remote control system include "A sufficient number of control circuits to perform all transmitter adjustments normally required to insure strict compliance with the technical requirements of the rules." We think that it is quite clear that we are concerned not only with adjustments necessary to insure that the station does not cause undue interference to other stations, but those required to maintain the quality of the visual and aural service provided by the station. Since the rules we adopt, subject to stated conditions, could permit a licensee to visit his transmitter as infrequently as once a week, we believe it essential that there be at the remote control point facilities for making any transmitter adjustments normally required before or during each day's operation.

43. The Journal Co. (WTMJ–TV), states that its master control room is about 100 feet from its transmitter building, and the most feasible and reliable way to effect remote control is to employ a separate cable circuit for each control and metering function. It states that if "telemetering" were required in all cases, it "would be compelled to install complicated encoding and decoding equipment", which seems unnecessary in its case. The rules we are adopting offer considerable flexibility in the means by which control and supervision is established at the remote point. In any event, "telemetering" involves only the measuring of a quantity at some point distant from the place the quantity is sampled. Switching, encoding, and decoding and other operations in telemetry systems are employed principally because the distance between the transmitter and remote control point is so great, in the usual case, as to make infeasible or uneconomical the use of a separate circuit or channel for each control function or quantity measured. Where this is not the case, a system using separate circuits may offer the maximum of simplicity and reliability. Our rules are not intended to preclude such systems.[9]

44. Cullum suggests that certain licensees may wish to have the capability for remote control operation, to be exercised perhaps only when there is a shortage of operators because of illness or vacations. An authorization for remote control operations therefore should not require the holder to operate in this manner at all times—rather, he should be free to choose the periods of operation during which either remote or direct control is utilized.

45. With respect to remote control operation in the other broadcast services the Commission has taken the position that an authorization therefor does not impose an obligation, but, rather, confers a privilege, to be exercised to the extent a holder sees fit. We see no reason why television remote control authorizations should be viewed in any different light. Accordingly, no specific rule is required to afford the flexibility which Cullum seeks.

46. We believe that a licensee operating by remote control, where all technical facilities are not under direct supervision, has a particular obligation to insure that the visual and aural signals delivered to its audience are of high quality; especially is this true for transmissions in color. The rules dealing with the installation and use of equipment to be employed for off-the-air monitoring of the transmitted signal require that this equipment be capable of accurate indications. For such monitoring, the received signal must be amplified, and in the case of the visual signal, demodulated before being fed to the waveform monitor and vectorscope. Unless these functions are performed adequately, serious errors in indication may result. Accordingly, we expect extreme care will be used in the design and operation of the necessary equipment, and, where manufactured amplifiers and demodulators are installed, only state-of-the-art apparatus will be used. We are also requiring calibration of the remote waveform monitor at at least weekly intervals, and the maintenance of equipment at the remote control point capable of generating suitable test signals for this purpose, as well as for other tests necessary to ascertain that the entire transmission system (studio equipment, STL, transmitter and antenna) is capable of performance in full accordance with the Commission's rules.

[9] Earlier in this document, we have stated that certain monitoring facilities utilizing an off-the-air signal pickup must be installed. Where, as in this other-than-usual case, the transmitter and remote control point are very closely located, it may not be feasible to obtain the signal in this manner. To take care of this situation, the pertinent rules permit, as an alternative to off-the-air pickup, the signal to be brought to the monitoring facilities by a coaxial link coupled to the antenna circuit.

47. The rules set forth below require that test signals be transmitted in the vertical interval during periods of program transmission, and that visual monitoring facilities be provided for the observation of these signals. It is well recognized that the transmission of test signals of suitable characteristics simultaneously with program material offers an effective and practical means by which transmission deficiencies which adversely affect picture quality may be identified and localized. We think the employment of such signals will be particularly beneficial in remotely controlled station operation, and we have therefore decided to require their use.

48. For a number of years vertical interval test (VIT) signals have been transmitted with network programs primarily for use in maintaining the performance of network lines. At the present time, an industry committee is investigating the feasibility of employing a special vertical interval reference (VIR) signal which would accompany each color program from its point of origination and provide a ready means by which certain significant distortions occurring at any point in the transmission system can be detected and corrected.

49. Where the VIT signals are available at a station their transmission and observation with the off-the-air monitoring facilities may provide a useful check on station performance. However, such signals suffer some degradation in traversing even well maintained lines, and they cannot be used for the detection of deficiencies produced by station equipment unless allowance is made for the condition of the signals when they are taken from the network lines. Furthermore, the VIT signals may not be, in all cases, those most useful in determining the performance of the station itself.

50. Accordingly, we have concluded that the vertical interval test signals regularly employed by each station should be generated at the station. We believe, however, that for the maximum benefit to be derived from such signals, our rules should provide some guidance as to their characteristics. We do not now have sufficient information on which to base rules which would prescribe the specific nature of the test signals. Therefore, a note has been added to § 73.676(f) of the rules set forth below, which requires the employment of locally generated signals, to suspend the applicability of this requirement until the specifications of these signals can be decided. In a separate action, taken today, we are issuing a further notice of proposed rule making in this proceeding, designed to elicit information and data on which the formulation of appropriate rules may be based.

51. It should be noted that the rules which we hereby adopt and which we believe embody the minimum requirements which are necessary to insure adequately supervised and reliable remote

control operation, apply to both VHF and UHF television broadcast stations. In a number of respects, the new rules impose requirements beyond those now set forth in § 73.676 for remote control of UHF stations, and it is to be expected that certain UHF stations now operating by remote control may fail to fully comply with the new rules. Equitable considerations require that noncomplying existing operations be granted a period of time in which to achieve compliance. Accordingly, UHF stations now operating by remote control will be afforded a period of 1 year from the effective date of these rules to file modified applications for remote control, supplying the information necessary to demonstrate compliance with the amended rules.

52. The rules governing the remote control of television broadcasting stations formulated in the light of the comments received, and as discussed herein, are set forth in Appendix B below.[10]

53. *Accordingly, it is ordered,* Effective April 30, 1971, that Part 73 of the rules and regulations is amended in accordance with Appendix B.

54. Authority for the adoption of these rule amendments is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

55. *It is further ordered,* That this proceeding be kept open for the receipt of comments and reply comments on matters presented in the Further Notice of Proposed Rule Making, adopted March 17, 1971.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 17, 1971.

Released: March 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[11]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX B

1. Section 73.676 is revised to read as follows:

§ 73.676 Remote control operation.

(a) Television broadcast stations authorized to operate by remote control shall provide, as a minimum, the following telemetry, control, and test functions at the control point:

(1) Means for turning the transmitter on and off at will.

(2) Suitable instruments for indicating the operating parameters which are required by § 73.671 to be entered in the operating log. The indicating instruments shall show the actual values of such parameters, or decimal multiples of those parameters with no less accuracy than that specified in § 73.688 for the indicating instruments employed at the transmitter. Any decimal multipliers applicable must be set forth in a tabulation posted at the operating position if manual logging is employed; on an automatically printed log the tabulation must be imprinted at least once for each calendar day. These requirements do not apply to instruments which show the values of operating parameters (e.g., grid drive, plate current and voltage of intermediate stages) which the rules do not require be logged, and instruments that indicate the condition of obstruction lighting.

(3) A sufficient number of control circuits to perform all transmitter adjustments normally required on a daily basis to insure strict compliance with the technical requirements of the rules.

(4) Apparatus designed to use the signal radiated from the antenna, or fed from the antenna circuit by a coaxial link, and suitable for continuously and accurately monitoring the waveform and other characteristics of the transmitted visual signal including the percentage of modulation of the signal (a vectorscope or other instrument designed to depict the instantaneous phase and amplitude relationships of color components shall be provided, if any portion of the transmissions are in color). The apparatus shall be capable of providing both full field displays, and displays of test signals inserted on selected lines in the vertical blanking interval (See § 73.682(a)(22)); appropriate switching shall be provided so that either mode of presentation can be selected by the operator.

(5) A type approved aural modulation monitor, equipped, where necessary, with a properly designed signal frequency amplifier, which utilizes the signal radiated from the antenna, or obtained from the antenna circuit by a coaxial link, and is capable of continuously and accurately indicating the peak and quasi-peak percentages of modulation of the aural signal.

(6) Suitable instruments for generating special signals for the testing and adjustment of the entire transmission system from studio to antenna and the calibration of monitoring equipment, in accordance with paragraphs (f) and (g) of this section.

(7) Means for determining that any required obstruction lighting of the antenna and supporting tower is functioning properly.

(8) All stations, whether operating by remote control or direct control, shall be so equipped as to be able to follow the Emergency Action Notification procedures described in § 73.932.

(b) The control point shall be under the immediate supervision and control of one or more operators meeting the requirements of § 73.661 at all times when the station is operating by remote control. Such operators may perform other tasks which do not require absence from the remote control position, and do not otherwise impair necessary supervision of the TV transmitter.

(c) The control circuits from the control point to the transmitter and the return telemetry circuit shall be so designed and installed that open circuits, short circuits, accidental grounding or other line faults, where wire lines are used, or equipment failures, casual signals or random noise impulses, if other means are used, will not activate the transmitter. Any fault or failure which results in loss of control must cause the transmitter to cease operation. The loss of any telemetry function which provides information necessary to comply with the logging requirements of § 73.671 shall result in the actuation of automatic circuitry which, not more than 1 hour from the time of telemetry failure, will terminate operation of the transmitter.

(d) The equipment at the control point and at the transmitter shall be so installed and protected as not to be accessible to or capable of being operated by persons other than those duly authorized to do so by the licensee.

(e) The waveform monitor at the remote control point shall be calibrated against a waveform monitor maintained at the transmitter during each inspection required by paragraph (g) of this section. Any calibration data found necessary to permit accurate interpretation of the indications of the remote monitor shall be posted at the remote control point in a position adjacent to the monitor.

(f) Suitable test signals generated at the remote control point shall be transmitted in the vertical interval pursuant to § 73.682(a)(21). These signals shall be received and observed at the remote control point for the purpose of verifying that the entire system is so adjusted and operated that the visual modulation envelope meets the requirements of the Commission's rules.

NOTE: The characteristics of locally generated test signals, and the manner of their use vis-a-vis such signals as accompany p ograms which are not locally originated, have not been determined. Until such time as a decision is made in this matter, stations authorized to operate by remote control will not be required to insert locally generated signals in the vertical interval.

(g) The remote control and monitoring equipment shall be calibrated and tested and the television broadcast transmitter shall be inspected as often as is necessary to insure operation in accordance with the rules in this Subpart E; in any event at least 5 days each week, with an interval of not less than 12 hours elapsing between successive inspections, provided, however, that the required calibration, testing and inspection may be made at successive times no longer than 1 week apart if the station is equipped with such additional transmitting and/or switching facilities as may be necessary to insure that malfunctioning of the main visual or aural transmitters shall not preclude continued operation at a transmitter power output level of not less than 20 percent of the authorized output power of the malfunctioning transmitter. The facilities required for such continued operation shall be activated automatically by the malfunctioning of the main transmitter, or manually from the remote control point.

(h) Upon completion of the calibration, testing, and inspection required by paragraphs (e) and (g) of this section, the inspecting operator shall enter a signed statement in the maintenance log that the required tests and inspection have been made, noting in detail the tests, adjustments, and repairs which were made to insure proper operation, and shall specify the amount of time, exclusive of travel time to and from the transmitter, which was devoted to this task. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the nature of the defect and the reasons for failure to make the needed repairs.

NOTE: Television broadcast stations on Channels 14–70 authorized to operate by remote control prior to April 30, 1971, and not meeting all of the requirements of this section, are afforded a period of 1 year in which to achieve full compliance. On or before April 30, 1972, all such stations shall file new remote control applications on FCC Form 301–A, supplying all information required by § 73.677, and upon a grant thereof operate in accordance with the requirements of this section.

2. New § 73.677 is added to read as follows:

§ 73.677 Remote control authorization.

(a) An application to operate a television broadcasting station by remote control, to add a remote control point, or to change the location of a remote control point shall be made on FCC Form 301–A. The application shall include the following information:

(1) The location of the control point, the reason for its choice if at other than the main studio, and the approximate airline distance from the control point to the television broadcast transmitter site.

(2) The number and purpose of the control and telemetry functions that will be provided at the control point.

(3) The method by which control functions will be transmitted to the television transmitter.

(4) The method by which telemetry data required by the rules will be transmitted from the television transmitter to the control point.

(5) A description of the fail-safe features of the remote control system which will insure that loss of either required control or telemetry will place the television transmitter in a nonradiating condition, pursuant to § 73.676(c).

(6) Measures taken to prevent tampering with or activation of transmitting and remote control equipment by unauthorized persons.

(7) A description of all apparatus maintained for off-the-air monitoring, with particular attention to features intended to insure that the demodulated visual signal is free from noise, interference, or from distortion introduced at the receiving point.

(8) A description of apparatus which will be maintained at the control point for the generation and reception of test signals, and of the apparatus employed for their insertion in and extraction from the vertical blanking interval.

(9) A description of any features of the transmitting plant intended to insure continuity of operation in the event of malfunctioning or failure of the main transmitter, and of the automatic or remote control switching arrangements to be utilized in connection therewith.

(10) A description of means employed or procedures which will be followed to make the daily frequency check required by § 73.690(c).

(11) The method of determining, at the control point, that tower obstruction lighting is functioning properly.

(12) A description of the facilities maintained at the control point to permit compliance with the Emergency Action Notification Procedures of § 73.932.

3. Section 73.681 is amended by adding the following definition in proper alphabetical order:

§ 73.681 Definitions.

* * * * *

Multiplex Transmission (Aural). A subchannel added to the regular aural carrier of a television broadcast station by means of frequency modulated subcarriers.

* * * * *

4. Section 73.682(a) is amended by adding the following new subparagraph:

§ 73.682 Transmission standards and changes.

(a) *Transmission standards.* * * *

(23) Multiplexing of the aural carrier may be employed for the purpose of transmitting telemetry and alerting signals from the transmitter site to the control point of a television broadcast station authorized to operate by remote control, subject to the following conditions:

(i) No observable degradation shall be caused to either the visual or aural signals.

(ii) The use of multiplexing shall not produce emissions outside the authorized television channel.

(iii) Multiplexing is limited to the use of a single subcarrier.

(iv) The maximum modulation of the aural carrier by the subcarrier shall not exceed 10 percent of the maximum permissible degree of modulation.

(v) The total modulation of the aural carrier, including that caused by the subcarrier, shall comply with the requirements of § 73.687(b)(7).

(vi) The transmitter output noise level (frequency modulation) resulting from frequency modulation of the main carrier by the subcarrier and other sources shall, in the frequency range 50 to 15,000 cycles be at least 60 decibels below the level corresponding to 100 percent modulation of the main carrier.

(vii) The instantaneous frequency of the subcarrier used to modulate the aural carrier shall fall within the range 20 to 50 kc./s.

* * * * *

[FR Doc.71–3999 Filed 3–23–71;8:48 am]

[Docket No. 18307]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Acceptability of Transmitters for Licensing

In the matter of amendment of Parts 2, 81, and 83 to establish a schedule of dates, technical standards, frequencies and other requirements for the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services, and to make other incidental rule changes, except in Alaska and the Great Lakes, Docket No. 18307, RM–1286.

Section 83.139 of Part 83 of the rules was amended by the Third Report and Order in Docket No. 18271, released December 22, 1969, the First Report and Order in Docket No. 18307, released June 16, 1970, and by the Report and Order in Docket No. 18577, released November 9, 1970. During the processing of these changes one of the provisions of § 83.139 was inadvertently omitted. To include the omitted paragraph, paragraphs (c), (d), and (e) of that section have been redesignated. Section 83.139 is corrected to read as set forth below.

Released: March 17, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 83, Stations on Shipboard in the Maritime Services is amended to read as follows:

In § 83.139, the paragraphs are redesignated to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

(a) Except as provided by paragraphs (c) and (d) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.[1]

(b) Each survival craft station transmitter which has not been type approved pursuant to § 83.469 or § 83.472 shall be type accepted for licensing.

(c) Effective January 1, 1972, DSB transmitters operating in the band 2000–2850 kc/s will not be authorized in new

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[10] Section 73.677(a) of the new rules requires all applications for authority to operate television broadcast stations by remote control be filed on FCC Form 301–A. This form is presently being revised for that purpose.

[11] Commissioner Johnson concurring in the result.

[1] Effective Jan. 1, 1971, in the bands below 27.5 Mc/s, the Commission will discontinue the granting of type acceptance of radiotelephone transmitters employing double sideband emission.

ship radio stations: *Provided, however,* That DSB transmitters authorized for use prior to January 1, 1972, may continue to be used by the same licensee until January 1, 1977, subject to the following:

(1) Aboard the same or another vessel, where a license:

(i) Was granted prior to January 1, 1972; and

(ii) Has not expired due to failure to renew; or

(iii) Has not been canceled at the request of the licensee; or

(iv) Has not been revoked by order of the Commission.

(2) In the case of transfer of DSB equipment to another vessel, the outstanding license which is to be superseded must be submitted with the application for new station license.

(d) Effective January 1, 1972, DSB transmitters operating in the band 4000–27,500 kc/s will not be authorized for installations made aboard ship stations after that date: *Provided, however,* That in a ship radio station authorized to operate on frequencies in the band 4000–27,500 kc/s, DSB equipment may continue to be authorized for operation on frequencies in this band for a period not to extend beyond January 1, 1974, where a license:

(1) Was granted prior to January 1, 1972, and

(2) Has not expired due to failure to renew; or

(3) Has not been canceled at the request of the licensee; or

(4) Has not been revoked by order of the Commission.

(e) Each radiotelegraph transmitter first authorized to operate in the band 535–27,500 kc/s after January 1, 1971, for use in a ship station (other than transmitters authorized solely for developmental stations), and, after January 1, 1973, all radiotelegraph transmitters operating in the band 535–27,500 kc/s shall be of a type which has been type accepted by the Commission.

[FR Doc.71-3998 Filed 3-23-71;8:48 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
...	...	...	...	...	...	...
California	Solano	Vallejo	E 06 095 4020 01 through E 06 095 4020 05	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Engineer, City Hall, Vallejo, CA 94590.	Mar. 19, 1971.
Do	San Mateo	Burlingame				Do.
Do	San Bernardino	Fontana				Do.
Do	do	Loma Linda				Do.
Do	Marin	Unincorporated areas.				Do.
Do	Contra Costa	Pleasant Hill				Do.
Florida	Brevard	Cape Canaveral				Do.
Georgia	Chatham	Vernonburg				Do.
Kansas	Finney	Garden City				Do.
Minnesota	Carver	Chaska	E 27 019 1180 01 E 27 019 1180 02	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, MN 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, MN 55101.	Chaska City Hall, 205 East 4th St., Chaska, MN 55318.	Do.
Do	Clay	Moorhead	E 27 027 4880 01	do	Office of the City Engineer, Box 779, Moorhead, MN 56560.	Do.
Do	Washington	Afton	E 27 163 0040 01	do	Afton Village Hall, Afton, Minn. 55001.	Do.
Do	do	Lake St. Croix Beach.				Do.
Do	do	St. Mary's Point				Do.
Do	Blue Earth	Unincorporated areas.				Do.
Missouri	Audrain	Mexico				Do.
New Jersey	Essex	Fairfield Borough	E 34 013 0938 01	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Municipal Clerk's Office, Borough of Fairfield, Fairfield, N.J. 07006.	Do.
Do	Monmouth	Manasquan Borough.	E 34 025 1800 01 E 34 025 1800 02	do	Office of the Borough Clerk, Borough Hall, 15 Taylor Ave., Manasquan, NJ 08736.	Do.
Do	do	Belmar Borough				Do.
North Carolina	Brunswick	Holden Beach				Do.
Do	Forsyth	Unincorporated areas.				Do.
Do	do	Winston-Salem				Do.
North Dakota	Cass	Unincorporated areas.				Do.
Do	Grand Forks	Grand Forks				Do.
Do	Stutsman	Jamestown				Do.
Oklahoma	Oklahoma	Oklahoma City				Do.
Oregon	Curry	Unincorporated areas.				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
...	...	...	...	...	...	...
Pennsylvania	Allegheny	Neville Township				Mar. 19, 1971.
South Carolina	Charleston	Edisto Beach				June 30, 1970.
Texas	Calhoun	Unincorporated areas.	I 48 057 0000 04 through I 48 057 0000 07	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	County Clerk of Calhoun County, Calhoun County Courthouse, 211 South Ann St., Port Lavaca, TX 77979.	Mar. 19, 1971.
Do	Lavaca	Hallettsville				Do.
Wisconsin	Eau Claire	Eau Claire	E 55 035 1470 01 through E 55 035 1470 04	Department of Natural Resources, Post Office 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081.	Office of the City Clerk, City Hall, Eau Claire, WI 54701.	Do.
Do	Buffalo	Buffalo				Do.
Do	do	Cochrane				Do.
Do	Crawford	Unincorporated areas.				Do.
Do	Richland	Richland Center				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: March 23, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-3884 Filed 3-23-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
California	Solano	Vallejo	T 06 095 4020 01 through T 06 095 4020 05	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103	Office of the City Engineer, City Hall, Vallejo, CA 94590	Mar. 23, 1971.
Do	San Mateo	Burlingame				Do.
Do	San Bernardino	Fontana				Do.
Do	do	Loma Linda				Do.
Do	Marin	Unincorporated areas				Do.
Do	Contra Costa	Pleasant Hill				Do.
Florida	Brevard	Cape Canaveral				Do.
Georgia	Chatham	Vernonburg				Do.
Kansas	Finney	Garden City				Do.
Minnesota	Carver	Chaska	T 27 019 1180 01 T 27 019 1180 02	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, MN 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, MN 55101.	Chaska City Hall, 205 East 4th St., Chaska, MN 55318.	Do.
Do	Clay	Moorhead	T 27 027 4880 01	do	Office of the City Engineer, Box 779, Moorhead, MN 56560.	Do.
Do	Washington	Afton	T 27 163 0040 01	do	Afton Village Hall, Afton, Minn. 55001.	Do.
Do	do	Lake St. Croix Beach.				Do.
Do	do	St. Mary's Point				Do.
Do	Blue Earth	Unincorporated areas.				Do.
Missouri	Audrain	Mexico				Do.
New Jersey	Essex	Fairfield Borough	T 34 013 0938 01	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Municipal Clerk's Office, Borough of Fairfield, Fairfield, NJ 07006.	Do.
Do	Monmouth	Manasquan Borough.	T 34 025 1800 01 T 34 025 1800 02	do	Office of the Borough Clerk, Borough Hall, 15 Taylor Ave., Manasquan, NJ 08736.	Do.
Do	do	Belmar Borough				Do.

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
North Carolina	Brunswick	Holden Beach				Mar. 23, 1971.
Do	Forsyth	Unincorporated areas.				Do.
Do	do	Winston-Salem				Do.
North Dakota	Cass	Unincorporated areas.				Do.
Do	Grand Forks	Grand Forks				Do.
Do	Stutsman	Jamestown				Do.
Oklahoma	Oklahoma	Oklahoma City				Do.
Oregon	Curry	Unincorporated areas.				Do.
Do	Grand Forks	Grand Forks				Do.
Pennsylvania	Allegheny	Neville Township				Mar. 23, 1971.
South Carolina	Charleston	Edisto Beach				June 30, 1970.
Texas	Calhoun	Unincorporated areas.	11 48 057 0000 04 through 11 48 057 0000 07	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	County Clerk of Calhoun County, Calhoun County Courthouse, 211 South Ann St., Port Lavaca, TX 77979.	June 10, 1970.
Do	Lavaca	Hallettsville				Mar. 23, 1971.
Wisconsin	Eau Claire	Eau Claire	T 55 035 1470 01 through T 55 035 1170 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081.	Office of the City Clerk, City Hall, Eau Claire, WI 54701.	Do.
Do	Buffalo	Buffalo				Do.
Do	do	Cochrane				Do.
Do	Crawford	Unincorporated areas.				Do.
Do	Richland	Richland Center				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: March 23, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-3885 Filed 3-23-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Accounting for Long-Term Contracts

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideraton will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to clarify the Income Tax Regulations (26 CFR Part 1) under sections 451 and 471 of the Internal Revenue Code of 1954, such regulations are amended as follows:

PARAGRAPH 1. Section 1.451–3 is amended to read as follows:

§ 1.451–3 Long-term contracts.

(a) *In general.* (1) Income from long-term contracts (as defined in paragraph (b)(1) of this section) may be included in gross income in accordance with one of the two long-term contract methods, namely, the percentage of completion method (as prescribed in paragraph (c) of this section) or the completed contract method (as prescribed in paragraph (d) of this section), provided such method clearly reflects income and subject to the exceptions set forth in paragraph (e) of this section. Whichever method is chosen, it must be applied consistently to long-term contracts within the same trade or business except that a taxpayer who has long-term contracts of substantial duration and long-term contracts of less than substantial duration in the same trade or business may report the income from the contracts of substantial duration on the percentage of completion method or the completed contract method and report the income from the contracts of less than substantial duration pursuant to a proper method of accounting. For example, if a manufacturer of heavy machinery has contracts of a type that generally take 9 months to complete and also has contracts of a type that generally take 3 months to complete, the manufacturer may use the percentage of completion method for the 9-month contracts and use a proper inventory method pursuant to section 471 and the regulations thereunder for the 3-month contracts.

(2) When a taxpayer reports income under the percentage of completion method or the completed contract method, a statement to that effect shall be attached to his income tax return.

(3) The percentage of completion method and the completed contract method apply only to the accounting for income and expenses attributable to long-term contracts. Other income and expense items, such as investment income or expenses not attributable to such contracts, shall be accounted for under a proper method of accounting. See section 446(c) and paragraph (c) of § 1.446–1.

(b) *Definitions.* (1) The term "long-term contracts" means building, installation, construction or manufacturing contracts which are not completed within the taxable year in which they are entered into.

(2) For purposes of the completed contract method, the term "completed" means finished at least to the point where the remaining costs required to entirely finish the contract are insignificant in comparison with the amounts already expended with respect to such contract and no substantial dispute exists as to the acceptability of the work performed on the portion finished. Remaining costs will not be considered insignificant if they exceed a sum equal to 5 percent of the total costs already expended plus such remaining costs. Where the remaining costs are 5 percent or less, the determination of whether such costs are insignificant will depend on all the facts and circumstances, including whether the contract has been completed in all respects which are essential for the basic utility of the subject matter of the contract.

(c) *Percentage of completion method.* (1) Under the percentage of completion method, the portion of the gross contract price which corresponds to the percentage of the entire contract which has been completed during the taxable year must be included in gross income for such taxable year. There must then be deducted all expenditures made during the taxable year in connection with the contract, account being taken of the material and supplies on hand at the beginning and the end of the taxable year for use in such contract.

(2) The determination of the percentage of completion of a contract generally may be made on either of the following methods: (i) By comparing the costs incurred with respect to the contract prior to the end of the taxable year with the estimated total cost, or (ii) by comparing the work performed on the contract prior to the end of the taxable year with the estimated total work to be performed. However, if in the taxpayer's trade or business it is normal to incur a substantially greater percentage of total costs in the first stages of a contract than the work performed during such stages bears to the total work to be performed on the contract, the method described in subdivision (i) of this subparagraph of determining the percentage of completion will more clearly reflect income, and therefore must be used. If the method described in subdivision (i) of this subparagraph of determining the percentage of completion is used, the taxpayer must, in determining the costs incurred prior to the end of the taxable year and the estimated total costs, include in each of such figures all expenses which are properly allocable to the contract, whether direct or fixed or variable indirect expenses, including such items as depreciation, taxes, and pension and profit-sharing contributions. If the method described in subdivision (ii) of this subparagraph is used, certificates (if any) of architects or engineers showing the percentage of completion of each contract during the taxable year must be available at the principal place of business of the taxpayer for inspection in connection with an examination of the income tax return.

(3) Whichever method of determining the percentage of completion is chosen it must be used consistently.

(d) *Completed contract method.* Under the completed contract method gross income derived from long-term contracts must be reported by including the gross contract price in gross income for the taxable year in which the contract is completed (as defined in paragraph (b)(2) of this section). There must be deducted from gross income for such year (rather than in a prior year) all expenses which are properly allocable to the contract, whether direct or fixed or variable indirect expenses, including such items as depreciation, taxes, and pension and profit-sharing contributions. In addition, account must be taken of any

material and supplies charged to the contract but remaining on hand at the time of completion. The estimated expenses, if any, necessary to entirely finish the contract must also be deducted in such year. Such deduction, however, may not include the estimated expenses to be incurred with respect to any guaranty, warranty, maintenance, or other service agreement relating to the subject matter of the long-term contract. Any variance between the estimated and actual expenses should be taken into account, as an item of income or deduction, in the year such variance is determined.

(e) *Exceptions.* (1) Income from long-term contracts entered into in taxable years beginning after (insert the date these regulations are filed by the Office of the Federal Register) may be reported on the completed contract method only if the income reported from each such contract is reported on a completed contract method for purposes of all reports (including consolidated financial statements) to shareholders, partners, other proprietors, beneficiaries, and for credit purposes.

(2) Income from a cost-plus-fixed-fee contract or from any other type of cost-plus contract may not be reported on the completed contract method.

(f) *Severing and aggregating contracts.* (1) For the purpose of clearly reflecting income, it may be necessary in some instances either to treat one agreement as several contracts, or to treat several agreements as one contract. Whether an agreement should be so severed or several agreements so aggregated will depend on all the facts and circumstances.

(2) The application of this paragraph may be illustrated by the following examples:

Example (1). X, a calendar year taxpayer engaged in the construction business and using a long-term contract method, enters into one contract in 1970 with A, a real estate developer, to build three houses in a suburb. The houses are to be completed, accepted, and put into service in 1971, 1972, and 1973. The portion of the total contract price attributable to each house can reasonably be determined. In these circumstances, the contract should be severed and treated as if the agreement to build each house were a separate contract for purposes of applying X's long-term contract method.

Example (2). Y, a calendar year shipbuilder using a long-term contract method, enters into two contracts at about the same time during 1970 with M. These contracts are the product of a single negotiation. Under each contract, the taxpayer is to construct for M a submarine of the same class. Although the specifications for each submarine are similar, it is anticipated that, since the taxpayer has never constructed this class of submarine before, the costs incurred in constructing the first submarine (to be delivered in 1971) will be substantially greater than the costs incurred in constructing the second submarine (to be delivered in 1972). If the contracts are treated as separate contracts, it is estimated that the first contract would result in little or no gain, while the second contract would result in substantial profits. In these circumstances, the two contracts must be treated as one contract for purposes of applying Y's long-term contract method.

Example (3). Z, a calendar year manufacturer using the completed contract method for his long-term contracts, enters into a contract with N Company in June of 1973. This contract provides that Z will ship 1,000 folding chairs per month to N for 36 months beginning in July 1973 and ending in June 1976. Under these circumstances the contract should be severed and treated as at least four separate contracts—the first for the months July 1973 through December 1973, the second for the months January 1974 through December 1974, the third for the months January 1975 through December 1975, and the fourth for the months January 1976 through June 1976.

(g) *Changing to or from a long-term method of accounting.* (1) A taxpayer may change to or from the percentage of completion method or the completed contract method only with the consent of the Commissioner. See section 446(e) and paragraph (e) of § 1.446–1.

(2) If a taxpayer has used the completed contract method of accounting for long-term contracts entered into in taxable years ending on or before (the date of adoption of these regulations) and such taxpayer wishes to use the percentage of completion method for long-term contracts entered into in taxpayer's first taxable year beginning after (the date of adoption of these regulations), he may change to the percentage of completion method for all long-term contracts entered into in such taxable year and subsequent taxable years, and continue to use the completed contract method for long-term contracts entered into in prior taxable years. Because adoption of the percentage of completion method pursuant to this subparagraph will result in neither a duplication nor an omission of income or deductions, no section 481 adjustments shall be made. In the case of a taxpayer who wishes to change to the percentage of completion method pursuant to this subparagraph and during the year of the change proposes no other changes in his method of accounting, the Commissioner shall consent to the change if the taxpayer's application for such change is filed within the first 180 days of the taxpayer's first taxable year beginning after (the date of adoption of these regulations). In such a case, the Commissioner's consent will be evidenced by an acknowledgment of the application, which will be sent to the taxpayer.

PAR. 2. There is inserted immediately after § 1.471–9 the following new section:

§ 1.471–10 Applicability of long-term contract methods.

For optional rules providing for application of the long-term contract methods to certain manufacturing contracts, see § 1.451–3.

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DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 231]

OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Act of February 25, 1920, as amended (41 Stat. 437; 30 U.S.C. 181 et seq.), the Act of August 7, 1947 (61 Stat. 913; 30 U.S.C. 351–359), sec. 402, Reorganization Plan No. 3 of 1946 (60 Stat. 1099); 5 U.S.C. 301; and various statutes relating to mining on Indian lands, it is proposed to revise 30 CFR Part 231, as set forth below.

The primary purpose of the proposed revision is to up-date the regulations governing operations conducted under mineral permits and leases on public and acquired lands of the United States and on Indian lands administered by the Department of the Interior by deleting obsolete material and including new provisions and requirements consistent with modern mining practices. The revision would add provisions (1) relating to the protection and conservation of nonmineral resources during operations for the discovery, testing, development, mining, and processing of minerals and to the reclamation of lands affected by such operations; and (2) revising the procedure for appeals from decisions of the Regional Mining Supervisors.

This revision would also remove from 30 CFR Part 231 regulations pertaining to health and safety of miners since health and safety standards for metal and nonmetallic mines, including such mines on Federal and Indian lands, are now contained in 30 CFR Parts 55, 56, and 57.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed revision of 30 CFR Part 231, to the Director, U.S. Geological Survey, Washington, D.C. 20242, within 60 days of the date of publication of this notice in the FEDERAL REGISTER

Part 231 of Title 30, Code of Federal Regulations, is revised to read as follows:

PART 231—OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

ADMINISTRATION OF REGULATIONS AND DEFINITIONS

Sec.
231.1 Scope and purpose.
231.2 Definitions.
231.3 Responsibilities.
231.4 General obligations of lessees and permittees.
231.5 Public inspection of records.

MAPS AND PLANS

231.10 Operating plans.
231.11 Maps of underground workings and surface operations and equipment.
231.12 Other maps.

BOREHOLES AND SAMPLES

231.20 Core or test hole, cores, samples, cutting, mill products.

WELFARE AND SAFETY

231.25 Sanitary, welfare, and safety arrangements.

MINING METHODS

231.30 Good practice to be observed.
231.31 Ultimate maximum recovery; information regarding mineral deposits.
231.32 Pillars left for support.
231.33 Boundary pillars and isolated blocks.
231.34 Development on leased tracts through adjoining mines as part of a mining unit.
231.35 Minerals soluble in water; brines; minerals taken in solution.

PROTECTION AGAINST MINE HAZARDS

231.40 Surface openings.
231.41 Abandonment of underground workings.
231.42 Flammable gas and dust.
231.43 Fire protection.

MILLING; WASTE FROM MINING OR MILLING

231.50 Milling.
231.51 Disposal of waste.

PRODUCTION RECORDS AND AUDIT

231.60 Books of account.
231.61 Royalty basis.
231.62 Audits.

INSPECTION, ISSUANCE OF ORDERS AND ENFORCEMENT OF ORDERS

231.70 Inspection of underground and surface conditions; surveying, estimating, and study.
231.71 Issuance of orders.
231.72 Service of notices, instructions, and orders.
231.73 Enforcement of orders.
231.74 Appeals.

AUTHORITY: The provisions of this Part 231 issued under 35 Stat. 312; 35 Stat. 781, as amended; secs. 32, 6, 26, 41 Stat. 450, 753, 1248; secs. 1, 2, 3, 44 Stat. 301, as amended; secs. 6, 3, 44 Stat. 659, 710; secs. 1, 2, 3, 44 Stat. 1057; 47 Stat. 1487; 49 Stat. 1482, 1250, 1967, 2026; 52 Stat. 347; sec. 10, 53 Stat. 1196, as amended; 56 Stat. 273; sec. 10, 61 Stat. 915; sec. 3, 63 Stat. 683; 64 Stat. 311; 25 U.S.C. 396, 398 a–f, 30 U.S.C. 189, 271, 281, 293, 359. Interpret or apply secs. 5, 5, 44 Stat. 302, 1058, as amended; 58 Stat. 483–485; 5 U.S.C. 301, 16 U.S.C. 508b, 30 U.S.C. 189, 192c, 271, 281, 293, 359, 43 U.S.C. 387.

ADMINISTRATION OF REGULATIONS AND DEFINITIONS

§ 231.1 Scope and purpose.

(a) The regulations in this part shall govern operations for the discovery, testing, development, mining, and processing of potash, sodium, phosphate, sulphur, asphalt, and oil shale (except for operations for the extraction of oil shale by in situ retorting methods utilizing bore holes or wells) under leases or permits issued for public domain lands pursuant to the regulations in 43 CFR Group 3500. These regulations shall also apply to operations for the discovery, testing, development, mining and processing of minerals (except coal, oil, and gas) in acquired lands under leases or permits issued pursuant to the regulations in 43 CFR Group 3500 and minerals (except coal, oil, and gas) in tribal and allotted Indian lands leased under the regulations in 25 CFR Parts 171, 172, 173, 174, and 176.

(b) The purpose of the regulations in this part is to promote orderly and efficient prospecting, exploration, testing, development, mining and processing operations and production practices without waste or avoidable loss of minerals or damage to deposits; to promote the safety, health and welfare of workmen; to encourage maximum recovery and use of all known mineral resources; to promote operating practices which will avoid, minimize or correct damage to the environment—land, water, and air—and avoid, minimize or correct hazards to public health and safety; and to obtain a proper record and accounting of all minerals produced.

(c) When the regulations in this part relate to matters included in the regulations in 43 CFR Part 23—Surface Exploration, Mining and Reclamation of Lands—pertaining to public domain and acquired lands, or 25 CFR Part 177—Surface Exploration, Mining and Reclamation of Lands—pertaining to Indian lands, the regulations in this part shall be considered as supplemental to the regulations in those parts, and the regulations in those parts shall govern to the extent of any inconsistencies.

CROSS REFERENCE: See Part 211 of this chapter for regulations governing operations under coal permits and leases.

See Part 221 of this chapter for regulations governing operations under oil and gas leases and operations for the extraction of oil shale by in situ retorting or other methods utilizing bore holes or wells.

§ 231.2 Definitions.

The terms used in this part shall have the following meanings:

(a) *Secretary.* The Secretary of the Interior.

(b) *Director.* The Director of the Geological Survey, Washington, D.C.

(c) *Chief, Branch of Mining Operations.* A registered professional engineer under the administrative direction of the Director through the Chief, Conservation Division.

(d) *Mining supervisor.* The Regional Mining Supervisor (a registered professional engineer), the representative of the Secretary, under the administrative direction of the Director through the Chief, Conservation Division, and the Chief, Branch of Mining Operations, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or any subordinate of the Regional Mining Supervisor acting under his direction.

(e) *Lessee.* Any person or persons, partnership, association, corporation or municipality to whom a mineral lease is issued subject to the regulations in this part, or an assignee of such lease under an approved assignment.

(f) *Permittee.* Any person or persons, partnership, association, corporation or municipality to whom a mineral prospecting permit is issued subject to the regulations in this part, or an assignee of such permit under an approved assignment.

(g) *Leased lands, leased premises, or leased tract.* Any lands or deposits under a mineral lease and subject to the regulations in this part.

(h) *Permit lands.* Any lands or deposit under a mineral prospecting permit and subject to the regulations in this part.

(i) *Operator.* A lessee or permittee or one conducting operations on the leased or permit lands under the authority of the lessee or permittee.

(j) *Reclamation.* The measures undertaken to bring about the necessary reconditioning or restoration of land or water that has been affected by exploration, testing, mineral development, mining or onsite processing operations, or waste disposal, in ways which will prevent or control onsite and offsite damage to the environment.

§ 231.3 Responsibilities.

(a) Subject to the supervisory authority of the Secretary, the regulations in this part shall be administered by the Director through the Chief, Conservation Division, and the Chief, Branch of Mining Operations, of the Geological Survey.

(b) The responsibility for health and safety inspections of mines subject to the regulations in this part is vested in the Bureau of Mines in accordance with section 4 of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 773; 30 U.S.C. 723) and the Health and Safety Standards contained in Parts 55, 56, and 57 of this article.

(c) The mining supervisor, individually, or through his subordinates is empowered to regulate prospecting, exploration, testing, development, mining, and processing operations under the regulations in this part. The duties of the mining supervisor or his subordinates include the following:

(1) *Inspections; supervision of operations to prevent waste or damage.* Examine frequently leased or permit lands where operations for the discovery, testing, development, mining, or processing of minerals are conducted or are to be conducted; inspect and regulate such operations, including operations at accessory plants, for the purpose of preventing waste of mineral substances or damage to formations and deposits containing them, or damage to other formations, deposits, or nonmineral resources affected by the operations, and insuring that the terms and conditions of the permit or lease and the requirements of the exploration or mining plans are being complied with.

(2) *Compliance with regulations, lease or permit terms, and approved plans.* Require operators to conduct their operations in compliance with the provisions of applicable regulations, the terms and conditions of the leases or permits, and the requirements of approved exploration or mining plans.

(3) *Reports on condition of lands and manner of operations; recommendations for protection of property.* Make reports to the Chief, Branch of Mining Operations, as to the general condition of lands under permit or lease and the manner in which operations are being conducted and orders or instructions are being complied with, and to submit information and recommendations for protecting the minerals, the mineral-bearing formations and the nonmineral resources.

(4) *Manner and form of records, reports and notices.* Prescribe, subject to

the approval of the Chief, Branch of Mining Operations, the manner and form in which records of operations, reports and notices shall be made.

(5) *Records of production; rentals and royalties.* Obtain and check the records of production of minerals; determine rental and royalty liability of lessees and permittees; collect and deposit rental and royalty payments; and maintain rental and royalty accounts.

(6) *Suspension of operations and production.* Act on applications for suspension of operations or production or both filed pursuant to 43 CFR 3503.3–2(e), and terminate such suspensions which have been granted; and transmit to the Bureau of Indian Affairs for appropriate action applications for suspension of operations or production or both under leases on Indian lands.

(7) *Cessation and abandonment of operations.* Upon receipt of a report of cessation or abandonment of operations, inspect and determine whether the terms and conditions of the permit or lease and the exploration or mining plans have been complied with; and determine and report to the agency having administrative jurisdiction over the lands when the lands have been properly conditioned for abandonment. The mining supervisor, in accordance with applicable regulations, will consult with, or obtain the concurrence of, the authorized officer of the agency having administrative jurisdiction over the lands with respect to compliance by the operator with the surface protection and reclamation requirements of the lease or permit and the exploration or mining plan.

(8) *Trespass involving removal of mineral deposits.* Report to the agency having administrative jurisdiction over the lands any trespass that involves removal of mineral deposits.

(d) Prior to the approval of an exploration or mining plan, the mining supervisor shall consult with the authorized officer of the agency having administrative jurisdiction over the lands with respect to the surface protection and reclamation aspects of the plan, and shall receive and, when in his judgment it is necessary, consult with or solicit advice from the Environmental Protection Agency with respect to water pollution problems and the measures proposed to prevent and correct them.

(e) The inspection of exploratory and mining operations to determine the adequacy of water management and pollution control measures for the protection and control of the quality of surface and ground water resources is the responsibility of the mining supervisor in consultation with the authorized officer of the Environmental Protection Agency.

(f) The mining supervisor shall issue such orders and instructions not in conflict with the laws of the State in which the leased or permit lands are situated as necessary to assure compliance with the purposes of the regulations in this part.

§ 231.4 General obligations of lessees and permittees.

(a) Operations for the discovery, testing, development, mining, or processing of minerals shall conform to the provisions of applicable regulations, the terms and conditions of the lease or permit, the requirements of approved exploration or mining plans, and the orders and instructions issued by the mining supervisor or his subordinates under the regulations in this part. Lessees and permittees shall take precautions to prevent waste and damage to mineral-bearing formations, and shall take such steps as may be needed to prevent injury to life or health and to provide for the health and welfare of employees.

(b) Lessees and permittees shall take such action as may be needed to prevent or control soil erosion; pollution of air; pollution of surface or ground water; damage to vegetative growth, crops, including privately owned forage, or timber; injury or destruction of fish and wildlife and their habitat; the creation of unsafe or hazardous conditions; and damage to improvements, whether owned by the United States, its permittees, licensees or lessees, or by others; and they shall take such other steps as may be needed to protect and preserve the recreational, scenic, historical, and ecological values of the land. The surface of leased or permit lands shall be reclaimed in accordance with the terms and conditions prescribed in the lease or permit and the provisions of the approved exploration or mining plan. Where any question arises as to the necessity for or the adequacy of an action to meet the requirements of this paragraph, the determination of the mining supervisor shall be final.

(c) All operations conducted under the regulations in this part must be consistent with the objectives of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.) and Executive Order No. 11288 (31 F.R. 9261) and in compliance with the appropriate interstate water quality standards and implementation plans when such standards and plans have been adopted by the Secretary and with the appropriate intrastate water quality standards.

(d) When the mining supervisor determines, either with or without consultation with the Environmental Protection Agency, that a water pollution problem exists, the mining supervisor may require that a lessee or permittee maintain records of the use of water, quantity and quality of waste water produced, and the quantity and quality of waste water disposal, including mine drainage discharge, process wastes and associated wastes. In order to obtain this information, the lessee or permittee may be required to install a suitable monitoring system.

(e) Full reports of accidents, inundations, or fires shall be promptly mailed to the mining supervisor by the operator or his representative. Fatal accidents, accidents threatening damage to the mine, the lands, or the deposits, or accidents which could cause water pollution shall be reported promptly to the mining supervisor by telegram or telephone. The reports required by this section shall be in addition to those required by part 55, 56, or 57, Chapter I, of this title or other applicable regulations.

(f) Lessees and permittees shall submit the reports required by 25 CFR Part 177; Part 200 of this chapter; and 43 CFR Part 23.

§ 231.5 Public inspection of records.

Geological and geophysical interpretations, maps, and data and commercial and financial information required to be submitted under this part shall not be available for public inspection without the consent of the permittee or lessee so long as the permittee or lessee furnishing such data, or his successors or assignees, continues to hold a permit or lease of the lands involved.

Maps and Plans

§ 231.10 Operating plans.

(a) *General.* Before conducting any operations under a permit or lease, the operator shall submit, in triplicate, to the mining supervisor for approval an exploration or mining plan which shall show in detail the proposed exploration, prospecting, testing, development or mining operations to be conducted. Exploration and mining plans shall be consistent with and responsive to the requirements of the lease or permit for the protection of non-mineral resources and for the reclamation of the surface of the lands affected by the operations. The mining supervisor shall consult with the other agencies involved, and shall promptly approve the plans or indicate what modifications of the plans are necessary to conform to the provisions of the applicable regulations and the terms and conditions of the permit or lease. No operations shall be conducted except under an approved plan.

(b) *Permits.* Depending on the size and nature of the operation and the terms and conditions of the permit, the mining supervisor may require that an exploration plan include any or all of the following:

(1) A description of the area within which exploration is to be conducted;

(2) Two copies of a suitable map or aerial photograph showing topographic, cultural and drainage features;

(3) A statement of proposed exploration methods, i.e., drilling, trenching, etc., and the location of primary support roads and facilities;

(4) A description of measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or other natural resources, and hazards to public health and safety both during and upon abandonment of exploration activities.

(c) *Leases.* Depending on the size and nature of the operation and the terms and conditions of the lease the mining supervisor may require that a mining plan include any or all of the following:

(1) A description of the location and area to be affected by the operations;

(2) Two copies of a suitable map, or aerial photograph showing the topography, the area covered by the permit or lease, the name and location of major topographic and cultural features, and the drainage plan away from the area affected;

(3) A statement of proposed methods of operating, including a description of the surface or underground mining methods; the proposed roads or vehicular trails; the size and location of structures and facilities to be built;

(4) An estimate of the quantity of water to be used and pollutants that are expected to enter any receiving waters;

(5) A design for the necessary impoundment, treatment or control of all runoff water and drainage from workings so as to reduce soil erosion and sedimentation and to prevent the pollution of receiving waters;

(6) A description of measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or other natural resources, and hazards to public health and safety;

(7) A statement of the proposed manner and time of performance of work to reclaim areas disturbed by the operations.

(d) *Revegetation; regrading; backfilling.* In those instances in which the permit or lease requires the revegetation of an area to be affected by operations the exploration or mining plan shall show:

(1) Proposed methods of preparation and fertilizing the soil prior to replanting;

(2) Types and mixtures of shrubs, trees or tree seedlings, grasses or legumes to be planted; and

(3) Types and methods of planting, including the amount of grasses or legumes per acre, or the number and spacing of trees, or tree seedlings, or combinations of grasses and trees.

If the permit or lease requires regrading and backfilling, the exploration or mining plan shall show the proposed methods and the timing of grading and backfilling of areas of lands affected by the operations.

(e) *Changes in plans.* Exploration and mining plans may be changed by mutual consent of the mining supervisor and the operator at any time to adjust to changed conditions or to correct an oversight. To obtain approval of a changed or supplemental plan the operator shall submit a written statement of the proposed changes or supplement and the justification for the changes proposed.

(f) *Partial plan.* If circumstances warrant, or if development of an exploration or mining plan for the entire operation is dependent upon unknown factors which cannot or will not be determined except during the progress of the operations, a partial plan may be approved and supplemented from time to time. The operator shall not, however, perform any operation except under an approved plan.

§ 231.11 Maps of underground workings and surface operations and equipment.

Maps of underground workings and surface operations shall be drawn to a scale acceptable to the mining supervisor. All maps shall be appropriately marked with reference to Government land marks or lines and elevations with reference to sea level. When required by the mining supervisor vertical projections and cross sections shall accompany plan views. Maps shall be based on accurate surveys made at least annually and as may be necessary at other times. Accurate copies of such maps on tracing cloth or prints thereof shall be furnished the mining supervisor when and as required. The maps shall be posted to date and submitted to the mining supervisor at least once each year. The accuracy of maps furnished shall be certified by a professional engineer, professional land surveyor, or other qualified person.

§ 231.12 Other maps.

(a) The operator shall prepare such maps of the leased lands as in the judgment of the mining supervisor are necessary to show the surface boundaries, improvements, and topography, including subsidence resulting from mining, and the geological conditions so far as determined from outcrops, drill holes, exploration or mining. All excavations in each separate bed or deposit shall be shown in such manner that the production of minerals for any royalty period can be accurately ascertained.

(b) In the event of the failure of the operator to furnish the maps required, the mining supervisor shall employ a competent mine surveyor to make a survey and maps of the mine, and the cost thereof shall be charged to and promptly paid by the operator.

(c) If any map submitted by an operator is believed to be incorrect, the mining supervisor may cause a survey to be made, and if the survey shows the map submitted by the operator to be substantially incorrect in whole or in part, the cost of making the survey and preparing the map shall be charged to and promptly paid by the operator.

Bore Holes and Samples

§ 231.20 Core or test hole, cores, samples, cuttings, mill products.

(a) The operator shall submit promptly to the mining supervisor signed copies, in duplicate, of records of all core or test holes made on the leased or permit lands, the records to be in such form that the position and direction of the holes can be accurately located on a map. The records shall include a log of all strata penetrated and conditions encountered, such as water, quicksand, gas, or unusual conditions, and copies of analyses of all samples analyzed from strata penetrated shall be transmitted to the mining supervisor as soon as obtained or at such time as specified by the mining supervisor. All drill holes will be logged by competent geologists or engineers, and the lessees will furnish to the mining supervisor a detailed lithologic log of each drill hole and all other in-hole surveys, such as electric logs, gamma ray neutron logs, sonic logs or any other logs produced. The core from test holes shall be available for inspection at the convenience of the mining supervisor, and he shall be privileged to cut such cores and receive samples of such parts as he may deem advisable, or on request of the mining supervisor the operator shall furnish such samples of strata, drill cuttings, and mill products as may be required.

(b) Drill holes for development or holes for prospecting shall be cemented and/or cased to the satisfaction of the mining supervisor and in a manner to protect the surface and not to endanger any present or future underground operation or any deposit of oil, gas, other mineral substances, or water strata.

(c) At the option of the mining supervisor or the operator drill holes may be converted to surveillance wells for the purpose of determining the effect of subsequent operations upon the quantity, quality, or pressure of ground water or mine gases.

(d) In lands valuable or potentially valuable for geothermal resources drill holes shall be equipped with blowout control devices acceptable to the mining supervisor before they penetrate more than 100 feet of consolidated sediments unless a greater depth is approved in advance by the mining supervisor.

Welfare and Safety

§ 231.25 Sanitary, welfare, and safety arrangements.

The underground and surface sanitary, welfare, health and safety arrangements shall be in accordance with the recommendations of the United States Public Health Service and the applicable standards in Parts 55, 56, and 57, Chapter I, of this title.

Cross Reference: For regulations of the United States Public Health Service, Department of Health, Education and Welfare, see 42 CFR Chapter I.

Mining Methods

§ 231.30 Good practice to be observed.

The operator shall observe the highest standards in prospecting, exploration, testing, development and mining, sinking wells, shafts, and winzes, driving drifts and tunnels, stopping, blasting, transporting ore and materials, hoisting, the use of explosives, timbering, pumping, and other activities on the leased or permit lands.

§ 231.31 Ultimate maximum recovery; information regarding mineral deposits.

(a) Mining operations shall be conducted in a manner to yield the ultimate maximum recovery of the mineral deposits, consistent with the protection and use of other natural resources and the protection and preservation of the

environment—land, water, and air. All shafts, main exits, and passageways, as well as overlying beds or mineral deposits that at a future date may be of economic importance, shall be protected by adequate pillars in the deposit being worked.

(b) Information obtained regarding the mineral deposit being worked and other mineral deposits on the leased or permit lands shall be fully recorded and a copy of the record furnished to the mining supervisor.

§ 231.32 Pillars left for support.

Sufficient pillars shall be left in first mining to insure the ultimate maximum recovery of mineral deposits when the time arrives for the removal of pillars. Boundary pillars shall in no case be less than 50 feet thick unless otherwise specified in writing by the mining supervisor. Boundary and other main pillars shall be mined only with the written consent or by order of the mining supervisor or his authorized subordinates.

§ 231.33 Boundary pillars and isolated blocks.

(a) If the ore on adjacent lands subject to these regulations has been worked out beyond any boundary pillar, if the water level beyond the pillar is below the lessee's adjacent operations, and if no other hazards exists, the lessee shall, on the written demand of the mining supervisor, mine out and remove all available ore in such boundary pillar, both in the lands covered by the lease and in the adjoining premises, when the mining supervisor determines that it can be mined without undue hardship to the lessee.

(b) If the mining rights in adjoining premises are privately owned or controlled, an agreement may be made with such interests for the extraction of the ore in the boundary pillars.

(c) Narrow strips of ore between leased lands and the outcrop on other lands subject to these regulations and small blocks of ore adjacent to leased lands that would otherwise be isolated or lost may be mined under the provisions specified in paragraphs (a) and (b) of this section.

§ 231.34 Development on leased tract through adjoining mines as part of a mining unit.

A lessee may mine his leased tract from an adjoining mine on land privately owned or controlled or from adjacent leased lands, under the following conditions:

(a) A mine that is on the land privately owned or controlled shall conform to all sections in the regulations in this part.

(b) The only connections between the mine on land privately owned or controlled and the mine on leased land shall be the main haulageways, the ventilationways, and the escapeways. Substantial concrete frames and fireproof doors that may be closed in an emergency and opened from either side shall be installed in each such connection. Other connections through the boundary pillars shall not be made until both mines are about to be exhausted and abandoned. The mining supervisor may waive any of the requirements in this paragraph when, in his judgment, such a waiver would not conflict with the regulations in Part 57 of this title and would not entail substantial loss of ore.

(c) Free access for inspection of said connecting mine on land privately owned or controlled shall be given at all hours to the mining supervisor or other representative of the Secretary of the Interior.

(d) If a lessee operating on a lease through a mine on land privately owned or controlled does not maintain the mine in accordance with the operating regulations, operations on the leased land may be ordered stopped or Departmental seals applied by the mining supervisor, and the operations on leased lands shall be stopped.

§ 231.35 Minerals soluble in water; brines; mineral taken in solution.

In mining or prospecting deposits of potassium or other minerals soluble in water, all wells, shafts, prospect holes, and other openings shall be adequately protected with neat cement or other suitable materials against the coursing or entrance of water; and the operator shall, on orders of the mining supervisor, back fill with rock or other suitable material to protect the roof from breakage when there is a danger of the entrance of water. On leased or permit lands containing brines, due precaution shall be exercised to prevent the deposits becoming diluted or contaminated by the mixture of water or valueless solution. Where minerals are taken from the earth in solution, such extraction shall not be within 500 feet of the boundary line of the leased lands without the written permission of the mining supervisor.

PROTECTION AGAINST MINE HAZARDS

§ 231.40 Surface openings.

(a) The operator shall substantially fill in, fence, protect or close all surface openings, subsidence holes, surface excavations or workings which are a hazard to people or animals. Such protective measures shall be maintained in a secure condition during the term of the permit or lease. Before abandonment of operations all openings, including water discharge points, shall be closed to the satisfaction of the mining supervisor.

(b) Reclamation or protection of surface areas no longer needed for operations should commence without delay. The mining supervisor shall designate such areas where restoration or protective measures, or both, must be taken.

§ 231.41 Abandonment of underground workings.

No underground workings or part thereof shall be permanently abandoned and rendered inaccessible without the advance and written approval of the mining supervisor.

§ 231.42 Flammable gas and dust.

Mines in which flammable gas is found or explosive dust produced shall be subject to the coal-mining operating regulations in Part 211 of this chapter. An "explosive dust" is a combustible solid in airborne dispersion capable of propagating flame when ignited.

§ 231.43 Fire protection.

All structures within 100 feet of any mine opening shall be protected against fire. Flammable material shall not be stored within 100 feet of a mine exit. All shafts shall be fireproof, or adequate fire-control devices, satisfactory to the mining supervisor, shall be installed. All underground offices, stations, shops, magazines, and stores shall be so constructed, equipped, and maintained as to reduce the fire hazard to a minimum. Sufficient firefighting apparatus shall be maintained in working condition at the mine exits and at convenient points in the mine workings for fire emergencies. An adequate water supply shall be held in storage tanks or reservoirs for fire emergencies and shall be available for immediate use through connecting pipelines for either surface or underground fires.

MILLING; WASTE FROM MINING OR MILLING

§ 231.50 Milling.

It shall be the duty of the operator to conduct milling operations pursuant to the terms of the lease, the approved mining plan, and the regulations in this part and to use due diligence in the reduction, concentration, or separation of mineral substances by mechanical or chemical processes, by distillation, by evaporation, or other means so that the percentage of salts, concentrates, oil, or other mineral substances recovered shall be in accordance with approved practices.

§ 231.51 Disposal of waste.

The operator shall dispose of all wastes resulting from the mining, reduction, concentration, or separation of mineral substances in accordance with the terms of the lease, approved mining plan, the regulations in this part, and the directions of the mining supervisor.

PRODUCTION RECORDS AND AUDIT

§ 231.60 Books of account.

Operators shall maintain books in which will be kept a correct account of all ore and rock mined, of all ore put through the mill, of all mineral products produced, and of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, base price, dates, penalties, and price received, and the percentage of the mineral products recovered and lost shall be shown.

CROSS REFERENCE: See Part 200 of this chapter for reports required to be filed and the forms to be used.

§ 231.61 Royalty basis.

The sale price basis for the determination of the rates and amount of royalty shall not be less than the highest and best obtainable market price of the ore and mineral products, at the usual and customary place of disposing of them at the time of sale, and the right is reserved to the Secretary of the Interior to determine and declare such market price, if it is deemed necessary by him to do so for the protection of the interests of the lessor.

§ 231.62 Audits.

An audit of the lessee's accounts and books may be made annually or at such other times as may be directed by the mining supervisor, by certified public accountants, and at the expense of the lessee. The lessee shall furnish free of cost duplicate copies of such annual or other audits to the mining supervisor, within 30 days after the completion of each auditing.

INSPECTION, ISSUANCE OR ORDERS AND ENFORCEMENT OF ORDERS

§ 231.70 Inspection of underground and surface conditions; surveying, estimating, and study.

Operators shall provide means at all reasonable hours, either day or night, for the mining supervisor or his representative to inspect or investigate the underground and surface conditions; to conduct surveys; to estimate the amount of ore or mineral product mined; to study the methods of prospecting, exploration, testing, development, processing, and handling that are followed; to determine the volumes, types, and composition of wastes generated, the adequacy of measures for minimizing the amount of such wastes, and the measures for treatment and disposal of such wastes; and to determine whether the terms and conditions of the permit or lease and the requirements of the exploration or mining plan have been complied with.

§ 231.71 Issuance of orders.

Before beginning operations the operator shall inform the mining supervisor in writing of the designation and post office address of the exploration or mining operation, the operator's temporary and permanent post office address, and the name and post office address of the superintendent or other agent who will be in charge of the operations and who will act as the local representative of the operator. The mining supervisor shall also be informed of each change thereafter in the address of the mine office or in the name or address of the local representative.

§ 231.72 Service of notices, instructions, and orders.

The operator shall be considered to have received all notices, instructions, and orders that are mailed to or posted at the mine or mine office, or mailed or handed to the superintendent, the mine foreman, the mine clerk, or higher officials connected with the mine, for transmittal to the operator or his local representative.

§ 231.73 Enforcement of orders.

If an operator fails to comply with the regulations in this part, other applicable departmental regulations, the terms and conditions of the permit or lease, the requirements of an approved exploration or mining plan, or with the orders or instructions of the mining supervisor, the mining supervisor shall have authority to require him by written order to suspend any or all operations on the leased or permit lands. This suspension shall remain in force until the lessee or permittee complies with such regulations, terms and conditions, requirements, orders or instructions that have been violated or until such orders of suspension have been revoked. However, if the continuance of any such operation required to be suspended does not threaten immediate, serious, or irreparable damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the mining supervisor, on petition in writing made by the operator within 10 days from the issuance of the order of suspension, may temporarily waive compliance with the order of suspension pending a decision on appeal to the Director, or from the Director's decision to the Director, Office of Hearings and Appeals, filed in accordance with § 231.74.

CROSS REFERENCE: See 25 CFR 177.10 and 43 CFR 23.11 for regulations governing the failure of operator to comply with requirements for surface exploration, mining, and reclamation of land.

§ 231.74 Appeals.

(a) A party adversely affected by an order of the mining supervisor may appeal to the Director and from the Director's decision to the Director, Office of Hearings and Appeals.

(b) An appeal to the Director may be taken by filing a notice of appeals with the mining supervisor within 30 days from service of the mining supervisor's order. The notice of appeal shall incorporate or be accompanied by such written showing and argument on the facts and laws as the appellant may deem adequate to justify reversal or modification of the order.

(c) The mining supervisor shall transmit the appeal and accompanying papers to the Director who will review the record and render such a decision in the case as he deems proper.

(d) An appeal from a decision of the Director may be taken to the Director, Office of Hearings and Appeals by filing a notice of appeal in the Office of the Director within 30 days after service of the Director's decision. The notice of appeal shall be accompanied by such written showing and argument on the facts and law as appellant may deem adequate to justify reversal or modification of the decision.

(e) Oral argument in any case pending before the Director or the Director, Office of Hearings and Appeals will be allowed on motion in the discretion of such officer and at a time to be fixed by him.

(f) The procedure for appeals under this part shall be followed for permits and leases on Indian land except that the Commissioner of Indian Affairs will exercise the functions vested in the Director.

(g) With the exception of the time fixed for filing a notice of appeal, the time for filing any document in connection with an appeal may be extended by the officer to whom the appeal is taken. A request for an extension of time must be filed within the time allowed for the filihg of the document and must be filed in the same office in which the document in connection with which the extension is requested must be filed.

CROSS REFERENCE: See 43 CFR 23.12 for appeals under 43 CFR Part 23—Surface Exploration, Mining, and Reclamation of Lands.

Dated: March 18, 1971.

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.71-3974 Filed 3-23-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-50]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Missoula, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Missoula, Mont., a new instrument approach procedure has been developed for the Johnson Bell Field Airport utilizing a new ILS. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Missoula, Mont., control zone and transition area to adequately protect aircraft executing the new approach procedure and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

MISSOULA, MONT.

Within a 5-mile radius of Johnson Bell Airport (latitude 46°54'54" N., longitude 114°-05'14" W.); within 3 miles each side of the northwest localizer course extending from the 5-mile radius to 2 miles northwest of the Kona OM; and within 5 miles each side of the 302° radial of the Missoula VORTAC extending from the VORTAC to 11 miles northwest of the VORTAC.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

MISSOULA, MONT.

That airspace extending upward from 700 feet above the surface within a 35-mile radius of the Missoula VORTAC extending from a line 5 miles southwest of and parallel to the 298° radial of the VORTAC clockwise to a line 5 miles east of and parallel to the 354° radial of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 11 miles southwest of the 302° and 122° radials of the Missoula VORTAC extending from 6 miles southeast of the VORTAC to 26 miles northwest of the VORTAC; and within 7 miles east of the Missoula 354° radial extending from the VORTAC to the south edge of V–120; and within 9½ miles southwest and 4½ miles northeast of 311° bearing from the Kona OM extending from the OM to 18½ miles northwest of the OM.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on March 17, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71–3979 Filed 3–23–71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71–WE–12]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Ellensburg, Wash., transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

A new VOR instrument approach is proposed for Bowers Field, Ellensburg, Wash. The new approach procedure will incorporate a 10 NM DME ARC transition clockwise from the 063° T (042° M) radial and counterclockwise from the 191° T (170° M) radial to the intermediate radial of 131° T (110° M). In addition, the procedure turn will be conducted on the 131° T (110° M) radial.

The airspace requirements have been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS) and it has been determined that an additional 700-foot and 1,200-foot transition area will be required. The additional 700-foot portion of the transition area will provide controlled airspace protection for the procedure turn area, the additional 1,200-foot portion will provide controlled airspace protection for aircraft executing the clockwise 10 NM DME ARC transition.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Ellensburg, Wash. transition area is amended to read as follows:

ELLENSBURG, WASH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowers Field (latitude 47°02'10" N., longitude 120°31'50" W.) and within 5 miles northeast and 9.5 miles southwest of the Ellensburg VORTAC 131° radial, extending from the VORTAC to 18.5 miles southeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 7 miles northwest and 10 miles southeast of the Ellensburg VORTAC 064° and 244° radials extending from 9 miles southwest to 20 miles northeast of the VORTAC, and that airspace southeast of Ellensburg within an ARC of 16.5-mile-radius circle extending clockwise from the south edge of V–2 to the Ellensburg VORTAC 114° radial; that airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V–25, on the east by the west edge of V–25 west and on the southwest by the northeast edge of V–4.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on March 15, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71–3980 Filed 3–23–71;8:47 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1–3; Notice 2]

BRAKE SYSTEMS ON MOTORCYCLES

Proposed Motor Vehicle Safety Standard

The purpose of this notice is to propose a motor vehicle safety standard which would establish performance requirements for motorcycle brake systems. An advance notice of proposed rule making (32 F.R. 14270) established Docket No. 1–3 to receive comments on extending the applicability of Motor Vehicle Safety Standard No. 105, Hydraulic Service Brake, Emergency Brake and Parking Brake Systems—Passenger Cars, to motorcycles. Because motorcycles differ significantly in configuration from other motor vehicles it is more appropriate to issue a separate brake standard applicable only to this vehicle category; however, many of the test procedures are similar to those proposed for passenger cars in Docket No. 70–27 (35 F.R. 17345).

A motorcycle under the Safety Standards may be either a two-wheeled or three-wheeled vehicle (49 CFR 571.3 (b)). For purposes of this rule making action, however, a two-wheeled motorcycle with sidecar attached is considered a two-wheeled motorcycle. A motorcycle, under this proposal, would be equipped with either a split hydraulic service brake system or two independently actuated service brake systems. Motorcycles equipped with a split hydraulic service brake system would be required to have a brake failure indicator. Three-wheeled motorcycles, in addition, would have to be provided with a parking brake system, and a parking brake indicator. These requirements and applicable test procedures are also virtually identical to those proposed in Docket No. 70–27.

As this agency has previously noted, "The safety afforded by a vehicle's braking system is determined by several factors, including stopping distance, linear stability while stopping, fade resistance and fade recovery." Compliance with the requirements would be determined by subjecting a motorcycle to a series of road tests. Since "the most important indication of brake performance is the distance in which a brake system can stop a vehicle from a given speed," requirements for stopping distances within given braking force ranges are proposed from speeds of 30 m.p.h., 60 m.p.h., 80 m.p.h., and a speed divisible by 5 m.p.h. that is 4 m.p.h. to 8 m.p.h. less than the maximum speed attainable in 5 miles (if such exceeds 95 m.p.h.). A second important characteristic is the stability of the vehicle while stopping. The proposed rule would require a two-wheeled motorcycle to stop on all stops without locking any wheel and to stay within 6-foot-wide lane. The roadway lane would be vehicle width plus 5 feet for three-wheeled motorcycles. Brake fade characteristics are critical from the standpoint of retaining adequate stopping power despite the high temperatures created by prolonged use. Motorcycles would initiate fade stops from 60 m.p.h. every 0.4 mile, as in the fade test procedures for passenger cars presently specified in Standard No. 105. Brakes would also have to demonstrate acceptable recovery when subjected to water.

Partial failure braking features are necessary in the event of hydraulic pressure loss in the normal service system. It is proposed that three-wheeled motorcycles with hydraulic brake systems have a split service brake system. Stopping distance requirements are proposed with either part of the system rendered inoperable. Failure indicators would indicate a brake system failure due to pressure loss or low brake fluid level. A parallel proposed requirement is that two-wheeled motorcycles demonstrate braking ability using each system, front and rear individually.

Also under the proposal, the parking brake system proposed for three-wheeled motorcycles would be required to hold these vehicles on a 30-percent grade, and a parking brake indicator lamp would also have to be provided.

The proposed standard would comprise, in addition, a durability test, since motorcycles would be required to be able to pass all specified tests performed in sequence, without structural deformation or detachment of brake linings at the end of the sequence.

Proposed effective date: September 1, 1972.

In consideration of the foregoing it is proposed that 49 CFR 571.21, Federal Motor Vehicle Safety Standards, be amended by adding a new Standard, Brake Systems—Motorcycles, as set forth below. Comments are invited on the proposal, particularly on the brake pedal and hand lever actuation forces, which are based on forces specified in SAE Recommended Practice J109, "Service Brake System Performance Requirements, Motorcycles and Motor-Driven Cycles," July 1969. While it is proposed that all stops be made with the clutch disengaged, it is recognized that engine retardation is advantageous in making a full stop of a two-wheeled motorcycle. Comments are therefore invited as to a suggested numerical gear which could be utilized down to a suggested specified speed to increase performance in both effectiveness and fade stops, as well as a method for determining that the specified gear is engaged. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 4223, 400 Seventh Street SW., Washington, DC 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on June 22, 1971, will be considered, and will be available in the docket at the above address for examination before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. Relevant material will continue to be filed, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on March 8, 1971.

RODOLFO DIAZ,
Acting Associate Administrator, Motor Vehicle Programs.

§ 571.21 Federal Motor Vehicle Safety Standards.

* * * * * *

BRAKE SYSTEMS—MOTORCYCLES

S1. *Scope.* This standard specifies performance requirements for motorcycle brake systems.

S2. *Purpose.* The purpose of this standard is to insure safe motorcycle braking performance under normal and emergency conditions.

S3. *Application.* This standard applies to motorcycles.

S4. *Definitions.*

"Braking interval" means the distance measured from the start of one brake application to the start of the next brake application.

"Initial brake temperature" means the temperature of the hottest service brake of the vehicle 0.2 mile before any brake application.

"Skid number" means the frictional resistance of a pavement measured in accordance with American Society for Testing and Materials Method E–274–65T at 40 m.p.h. omitting water delivery as specified in paragraph 7.1 of that method.

"Speed attainable in 5 miles" means the speed attainable by accelerating at maximum rate from a standing start for 5 miles.

"Stopping distance" means the distance traveled by a vehicle from the start of the brake application to the point where the vehicle stops.

S5. *Requirements.* Each motorcycle shall meet the following requirements under the conditions specified in S6, when tested according to the procedures and in the sequence specified in S7. Corresponding test procedures of S7 are indicated in parentheses. Except as noted, stopping distance requirements shall be met with braking actuation forces within the limits of S6.10. If a motorcycle is incapable of attaining a specified speed, its service brakes shall be capable of stopping the vehicle, from the multiple of 5 m.p.h. that is 4 m.p.h. to 8 m.p.h. less than the speed attainable in 5 miles, within stopping distances that do not exceed the stopping distances specified in Table 1.

S5.1 *Required equipment-split service brake system.* Each motorcycle shall have either a split hydraulic service brake system or two independently actuated service brake systems.

S5.1.1 *Mechanical service brake system.* Failure of any component in a mechanical service brake system shall not result in a loss of braking ability in any other service brake system on the vehicle.

S5.1.2 *Hydraulic service brake system.* Each motorcycle equipped with a hydraulic brake system shall have the equipment specified in S5.1.2.1 through S5.1.2.3.

S5.1.2.1 *Master cylinder reservoirs.* Each master cylinder shall have a separate reservoir for each brake circuit, with each reservoir filler opening having its own cover, seal, and cover retention device. Each reservoir shall have a minimum capacity equivalent to one and one-half times the total fluid displacement resulting when all the wheel cylinder or caliper pistons serviced by the reservoir move from a new lining, fully retracted position to a fully worn, fully applied position. Where adjustment is a factor, the worst condition of adjustment shall be used for this measurement.

S5.1.2.2 *Master cylinder label.* Each motorcycle shall have the following information, located so as to be visible by direct view, permanently affixed, stamped or embossed, either on or within 4 inches of the brake fluid master cylinder filler plug or cap, in lettering at least one-eighth of an inch high on a contrasting background:

WARNING

Use only DOT _____ brake fluid from a sealed container

Clean filler cap before removing.

(Complete to indicate fluid used in complying with S5.1.2.3.)

S5.1.2.3 *Brake fluid.* Each motorcycle shall be equipped with brake fluid conforming to Motor Vehicle Safety Standard No. 116, as in effect on the date of manufacture of the motorcycle.

S5.1.3 *Split hydraulic service brake system.* In addition to the equipment required by S5.1.2, each motorcycle equipped with a split hydraulic service brake system shall have a failure indicator lamp as specified in S5.1.4 and shall meet the requirements of S5.1.7.

S5.1.4 *Failure indicator lamp.*

(a) One or more electrically operated service brake system failure indicator lamps that is mounted in front of and in clear view of the driver, and that is activated—

(1) In the event of pressure failure in any part of the service brake system, other than a structural failure of either a brake master cylinder body in a split integral body type master cylinder system or a service brake system failure indicator body, before or upon application of not more than 20 pounds of pedal force upon the service brake.

(2) Without the application of pedal force, when the level of brake fluid in a master cylinder reservoir drops to less than the recommended safe level specified by the manufacturer, or to less than one-half the fluid reservoir capacity, whichever is the greater.

(b) All failure indicator lamps shall be activated when the ignition switch is turned from the "off" to the "on" or to the "start" position.

(c) Except for the momentary activation required by S5.1.4(b), each indicator lamp, once activated, shall remain activated as long as the condition exists, whenever the ignition switch is in the "on" position. An indicator lamp activated when the ignition is turned to the "start" position shall be deactivated upon return of the switch to the "on" position unless a failure exists in the service brake system.

(d) Each indicator lamp shall have a red lens labeled "Brake Failure" in letters not less than one-eighth of an inch high that shall be legible to the driver in daylight when lighted.

S5.1.5 *Parking brake.* Each three-wheeled motorcycle shall be equipped with a parking brake of a friction type with a solely mechanical means to retain engagement, and a parking brake indicator lamp which meets the requirements of S5.1.6.

S5.1.6 *Parking brake indicator.*

(a) An electrically operated lamp that is mounted in front of and in clear view of the driver, and that is activated whenever—

(1) The parking brake is applied and the ignition switch is in the "on" position; or

(2) The ignition switch is in the "start" position.

(b) An indicator lamp, once activated, shall remain activated when the ignition switch is in the "on" position as long as the parking brake remains applied. It shall be deactivated when the parking brake is released and the ignition switch is in the "on" or "off" position.

(c) The indicator lamp shall have a red lens labeled "Parking Brake" in letters not less than one-eighth of an inch high, which shall be legible to the driver in daylight when lighted.

S5.1.7 *Other requirements.* Failure (other than failure of a master cylinder body or failure indicator body) of any pressure component in one part of the system shall not impair the operation of the other parts of the system. The system shall be installed so that the lining thickness of drum brake shoes may be visually inspected, either directly or by use of a mirror, without removing the drums, and so that disc brake friction pads may be visually inspected without removing the pads.

S5.2 *Service brake system—first (preburnished) effectiveness.*

S5.2.1 *Service brake system.* The service brakes shall be capable of stopping the motorcycle from 30 m.p.h. and 60 m.p.h. within stopping distances which do not exceed the stopping distances specified in Column I of Table I (S7.3.1).

S5.2.2 *Partial service brake system.* Each service brake system on each two-wheeled motorcycle shall be capable of stopping the motorcycle from 30 m.p.h. and 60 m.p.h within stopping distances which do not exceed the stopping distances specified in Column II of Table I (S7.3.2).

S5.3 *Parking brake system.* The parking brake system shall be capable of holding the motorcycle, for not less than 5 minutes, in both forward and reverse directions, on a 30 percent grade, with an applied force of not more than 75 pounds for a foot operated system, 50 pounds for a hand-pull operated system, or 35 pounds for a hand-squeeze operated system (S7.5).

S5.4 *Service brake system—second effectiveness.* The service brakes shall be capable of stopping the motorcycle from 30 m.p.h., 60 m.p.h., 80 m.p.h., and the multiple of 5 m.p.h. that is 4 m.p.h. to 8 m.p.h. less than the speed attainable in 5 miles if this speed is 95 m.p.h. or greater, within stopping distances that do not exceed the stopping distances specified in Column III of Table I (S7.6).

S5.5 *Service brake system—fade and recovery.*

S5.5.1 *Baseline check—minimum and maximum pedal forces.* The pedal and lever forces used in establishing the fade baseline check average shall be within the limits specified in S6.10 (S7.7.1).

S5.5.2 *Fade.* Each motorcycle shall be capable of making 10 fade stops from 60 m.p.h. at not less than 15 f.p.s.p.s. for each stop (S7.7.2).

S5.5.3 *Fade recovery.* Each motorcycle shall be capable of making five recovery stops with a pedal force that does not exceed 90 pounds, and a hand lever force that does not exceed 55 pounds, for any of the first four recovery stops, and that for the fifth recovery stop is within plus 10 pounds or plus 20 percent, whichever is less, and minus 20 percent, of the fade test baseline check average force (S7.7.3).

S5.6 *Service brake system—maximum speed fade and recovery.*

S5.6.1 *Baseline check.* The pedal and lever forces used in establishing the baseline check average for this test shall be within the limits specified in S6.10 (S7.9.1).

S5.6.2 *Maximum speed fade.* Each motorcycle shall be capable of making two fade stops from the multiple of 5 m.p.h. that is 4 m.p.h. to 8 m.p.h. less than the speed attainable in 5 miles, if this speed is 95 m.p.h. or greater, at not less than 15 f.p.s.p.s. for each stop (S7.9.2).

S5.6.3 *Maximum speed fade recovery.* Each motorcycle shall be capable of making five recovery stops with a pedal force that does not exceed 90 pounds, and a hand lever force that does not exceed 55 pounds, for any of the first four recovery stops, and that for the fifth recovery stop is within plus 10 pounds or plus 20 percent, whichever is less, and minus 20 percent, of the baseline check average force (S7.9.3).

S5.7 *Service brake system—final effectiveness.*

S5.7.1 *Service brake system.* The service brakes shall be capable of stopping the motorcycle in a manner that complies with S5.4 (S7.11.1).

S5.7.2 *Hydraulic service brake system—partial failure.* In the event of a pressure component leakage failure, other than a structural failure of either a brake master cylinder body in a split integral body type master cylinder system or a service brake system failure indicator body, the remaining portion of the service brake system shall continue to operate, and shall be capable of stopping the motorcycle from 30 m.p.h. and 60 m.p.h. within stopping distances that do not exceed the stopping distances specified in Column IV of Table I (S7.11.2).

S5.8 *Service brake system—water recovery.*

S5.8.1 *Baseline check.* The pedal and lever forces used in establishing the water recovery baseline check average shall be within the limits specified in S6.10 (S7.12.1).

S5.8.2 *Water recovery test.* Each motorcycle shall be capable of making five recovery stops with a pedal force that does not exceed 90 pounds, and a hand lever force that does not exceed 55 pounds, for any of the first four recovery stops, and that, for the fifth recovery stop, is within plus 10 pounds or plus 20 percent, whichever is less, and minus 20 percent, of the baseline check average force (S7.12.2).

S5.9 *Service brake system design durability.* Each motorcycle shall be capable of completing all braking requirements of S5 without detachment of brake linings from the shoes or pad, detachment or fracture of any brake system components, or leakage of fluid or lubricant at the wheel cylinder, and master cylinder reservoir cover, seal, or retention device (S7.13).

S.6 *Test conditions.* The requirements of S5 shall be met under the following conditions. Where a range of conditions is specified, the motorcycle shall be capable of meeting the requirements at all points within the range.

S6.1 *Vehicle weight.* Motorcycle weight is empty vehicle weight, plus maximum capacity of all fluids necessary for operation of the vehicle, plus 200 pounds (including driver and instrumentation), with the added weight distributed in the saddle or carrier if so equipped.

S6.2 *Tire inflation pressure.* Tire inflation pressure is the pressure recommended by the manufacturer for the maximum recommended weight.

S6.3 *Transmission.* Unless otherwise specified, all stops are made with the clutch disengaged.

S6.4 *Engine.* Engine idle speed and ignition timing settings are according to the manufacturer's recommendations. If the vehicle is equipped with an adjustable engine speed governor, it is adjusted according to the manufacturer's recommendation.

S6.5 *Ambient temperature.* The ambient temperature is between 32° and 100° F.

S6.6 *Wind velocity.* The wind velocity is zero.

S6.7 *Road surface.* Road tests are conducted on level roadway having a skid number of 75. The roadway is 6 feet wide for two-wheeled motorcycles, and overall vehicle width plus 5 feet for three-wheeled motorcycles.

S6.8 *Vehicle position.* The motorcycle is aligned in the center of the roadway at the start of each brake application. Stops are made without any part of the motorcycle leaving the roadway and without lockup of any wheel.

S6.9 *Thermocouples.* The brake temperature is measured by plug-type thermocouples installed in the approximate center of the facing length and width of the most heavily loaded shoe or disc pad, one per brake, as shown in Figure 1. Thermocouples are installed on the outer disc pad of disc brakes.

S6.10 *Brake actuation forces.* Except for the requirements of the fifth recovery stop in S5.5.3, S5.6.3, and S5.8.2 (S7.7.3 and S7.12.2), the hand lever force is not less than five and not more than 55 pounds and the foot pedal force is not less than 10 and not more than 90 pounds. The point of application of the lever forces is 1.2 inches from the end of the brake lever grip. The direction of the force is perpendicular to the handle grip on the plane along which the brake lever rotates, and the point of application of the pedal force is the center of the foot contact pad of the brake pedal. The direction of the force is perpendicular to the foot contact pad on the plane along which the brake pedal rotates, as shown in Figure 2.

S7. *Test procedures and sequence.* Each motorcycle shall be capable of meeting all the requirements of this standard when tested according to the procedures, and in the sequence set forth below without replacing any brake system part, or making any adjustments to the brake system other than as permitted in S7.4. A motorcycle shall be deemed to comply with S5.2, S5.4, and S5.7 if at least one of the stops specified in S7.3, S7.6, and S7.11 is made within the stopping distances specified in Table I.

S7.1 *Braking warming.* If the initial brake temperature for the first stop in a test procedure (other than S7.12) has not been reached, heat the brakes to the initial brake temperature by making up to 10 stops from 30 m.p.h. at a deceleration of not more than 10 f.p.s.p.s. On independently operated brake systems, the coldest brake shall be within 10° F. of the hottest brake.

S7.2 *Pretest instrumentation check.* Conduct a general check of test instrumentation by making not more than 10 stops from a speed of not more than 30 m.p.h. at a deceleration of not more than 10 f.p.s.p.s. If test instrument repair, replacement, or adjustment is necessary, make not more than 10 additional stops after such repair, replacement or adjustment.

S7.3 *Service brake system—first (preburnished) effectiveness test.*

S7.3.1 *Service brake system.* Make six stops from 30 m.p.h. and then six stops from 60 m.p.h. with an initial brake temperature between 130° F. and 150° F.

S7.3.2 *Partial service brake system.* For two-wheeled motorcycles, repeat S7.3.1 using each service brake system individually.

S7.4 *Service brake system—burnish procedure.* Burnish the brakes by making 200 stops from 30 m.p.h. at 12 f.p.s.p.s. The braking interval shall be either the distance necessary to reduce the initial brake temperature to between 130° F. and 150° F. or 1 mile, whichever occurs first. Accelerate at maximum rate to 30 m.p.h. immediately after each stop and maintain that speed until making the next stop. After burnishing, adjust the brakes in accordance with the manufacturer's recommendation.

S7.5 *Parking brake test.* Use a roadway surface grade of 30 percent. Starting with an initial brake temperature of not more than 150° F., drive the motorcycle downhill on the roadway surface with the longitudinal axis of the motorcycle in the direction of the grade. Apply the service brakes with a force not exceeding 90 pounds to stop the motorcycle and place the transmission in neutral. Apply the parking brake by exerting a force not exceeding 75 pounds for a foot operated system, 50 pounds for a hand-pull operated system, or 35 pounds for a hand-squeeze operated system. Release the service brake and allow the motorcycle to remain at rest for at least 5 minutes. Repeat the test with the motorcycle parked in the reversed (uphill) position on the grade. Check parking brake indicator operation.

S7.6 *Service brake system—second effectiveness test.* Repeat S7.3.1. Then, make four stops from 80 m.p.h. and four stops from the multiple of 5 m.p.h. that is 4 m.p.h. to 8 m.p.h. less than the speed attainable in 5 miles if that speed is 95 m.p.h. or greater.

S7.7 *Service brake system—fade and recovery test.*

S7.7.1 *Baseline check stops.* Make three stops from 30 m.p.h. at 10 to 11 f.p.s.p.s. for each stop. Compute the average of the maximum brake pedal forces and of the maximum brake lever forces required for the three stops.

S7.7.2 *Fade stops.* Make 10 stops from 60 m.p.h. at not less than 15 f.p.s.p.s. for each stop. The initial brake temperature before the first brake application shall be between 130° F. and 150° F. Initial brake temperatures before brake applications for subsequent stops shall be those occurring at the distance intervals. Attain the required deceleration as quickly as possible and maintain at least this rate for not less than three-fourths of the total stopping distance for each stop. The interval between the starts of service brake applications shall be 0.4 mile. Drive 1 mile at 30 m.p.h. after the last fade stop and immediately conduct the recovery test specified in S7.7.3.

S7.7.3 *Recovery test.* Make five stops from 30 m.p.h. at 10 to 11 f.p.s.p.s. for each stop. The braking interval shall not be more than 1 mile. Immediately after each stop accelerate at maximum rate to 30 m.p.h. and maintain that speed until making the next stop.

S7.8 *Service brake system—first reburnish.* Repeat S7.4 except make 35 burnish stops instead of 200 stops. Do not adjust brakes after reburnish.

S7.9 *Service brake system—maximum speed fade and recovery test.* Perform this test only if the speed attainable in 5 miles is 95 m.p.h. or greater.

S7.9.1 *Baseline check stops.* Repeat S7.7.1.

S7.9.2 *Fade stops.* Make two stops from the multiple of 5 m.p.h. that is 4 m.p.h. to 8 m.p.h. less than the speed attainable in 5 miles at not less than 15 f.p.s.p.s. for each stop. Attain the required deceleration as quickly as possible and maintain at least this rate for not less than three-fourths of the total stopping distance for each stop. The initial brake temperature before the first brake application shall be between 130° F. and 150° F. The initial brake temperature before brake application for the second stop shall be that occurring in the braking interval. The braking interval between the first and second stops shall be the minimum distance as determined by the vehicle's acceleration ability. Between the first and second stop, accelerate at maximum rate to the test speed, then stop. After the second stop, accelerate to 30 m.p.h., maintain that speed for 1 mile, then immediately conduct recovery test specified in S7.9.3.

S7.9.3 *Recovery test.* Repeat S7.7.3.

S7.10 *Final reburnish.* Repeat S7.8 if S7.9 has been run.

S7.11 *Service brake system—final effectiveness test.*

S7.11.1 *Service brake system.* Repeat S7.6, including S7.3.1.

S7.11.2 *Partial service brake system test.* Alter the service brake system on three-wheeled motorcycles to induce a complete loss of braking in any one subsystem. Determine the line pressure or pedal force necessary to cause the brake system failure indicator to operate. Make six stops from 30 m.p.h. and then six stops from 60 m.p.h. with an initial brake temperature between 130° F. and 150° F. Repeat for each subsystem. Determine that the brake failure indicator is operating when the master cylinder fluid level is less than the level specified in S5.1.4.1(a)(2), and that it complies with S5.1.4.1(c). Check for proper operation with each reservoir in turn at a low level. Restore the service brake system to normal at completion of this test.

S7.12 *Service brake system—water recovery test.*

S7.12.1 *Baseline check stops.* Make three stops from 30 m.p.h. at 10 to 11 f.p.s.p.s. for each stop. Complete the average of the maximum brake pedal forces, and of the maximum brake lever forces required for the three stops.

S7.12.2 *Wet brake recovery stops.* Completely immerse the brake assemblies of the mortorcycle in water for 5 minutes with the brakes fully released. Immediately after removal from the water accelerate at a maximum rate to 30 m.p.h. without a brake application. Immediately upon reaching that speed make five stops, each from 30 m.p.h. at 10 to 11 f.p.s.p.s. for each stop. After each stop (except the last) accelerate the vehicle immediately at a maximum rate to 30 m.p.h. and begin the next stop.

S7.13 *Final inspection.* Upon completion requirements. Disassemble all brakes system, in an assembled condition, for compliance with the brake lining inspection requirements. Disassemble all brakes and inspect:

(a) The entire brake system for detachment or fracture of any component.

(b) Brake linings for detachment from the shoe or pad.

(c) Wheel cylinder, master cylinder, and axle seals for fluid or lubricant leakage.

(d) Master cylinder for reservoir capacity and retention device.

(e) Master cylinder label for compliance with S5.1.2.2.

TABLE I

STOPPING DISTANCES FOR EFFECTIVENESS, FADE AND PARTIAL SYSTEM TESTS

Vehicle test speed, m.p.h.	Stopping distance, feet			
	Effectiveness tests			
	Preburnish effectiveness total system (S5.2.1)	Preburnish effectiveness partial mechanical systems (S5.2.2)	Effectiveness total system (S5.4) (S5.7.1)	Effectiveness partial hydraulic systems (S5.7.2)
	I	II	III	IV
30	54	121	43	97
35	74	165	58	132
40	96	216	75	173
45	121	273	95	218
50	150	337	128	264
55	181	407	155	326
60	216	484	185	388
65	----------	----------	217	455
70	----------	----------	264	527
75	----------	----------	303	605
80	----------	----------	345	689
85	----------	----------	389	778
90	----------	----------	484	872
95	----------	----------	540	971
100	----------	----------	598	1076
105	----------	----------	659	1186
110	----------	----------	723	1302
115	----------	----------	791	1423
120	----------	----------	861	1549

TABLE II

BRAKE TEST SEQUENCE AND REQUIREMENTS

Sequence	Test procedure	Requirements
1. Instrumentation check	S7.2	
2. First (Preburnished) effectiveness test:		
(a) Service brake system	S7.3.1	S5.2.1
(b) Partial service brake system (two-wheeled motorcycles only)	S7.3.2	S5.2.2
3. Burnish procedure	S7.4	
4. Parking brake test (three-wheeled motorcycles only)	S7.5	S5.3
5. Second effectiveness test	S7.6	S5.4
6. First fade and recovery test	S7.7	S5.5

TABLE II—Continued

BRAKE TEST SEQUENCE AND REQUIREMENTS

Sequence	Test procedure	Requirements
7. First reburnish	S7.8	
8. Maximum speed fade and recovery test	S7.9	S5.6
9. Final reburnish	S7.10	
10. Final effectiveness test:		
(a) Service brake system	S7.11.1	S5.7.1
(b) Partial service brake system (three-wheeled motorcycles only)	S7.11.2	S5.7.2
11. Water recovery test	S7.12	S5.8
12. Design durability	S7.13	S5.9

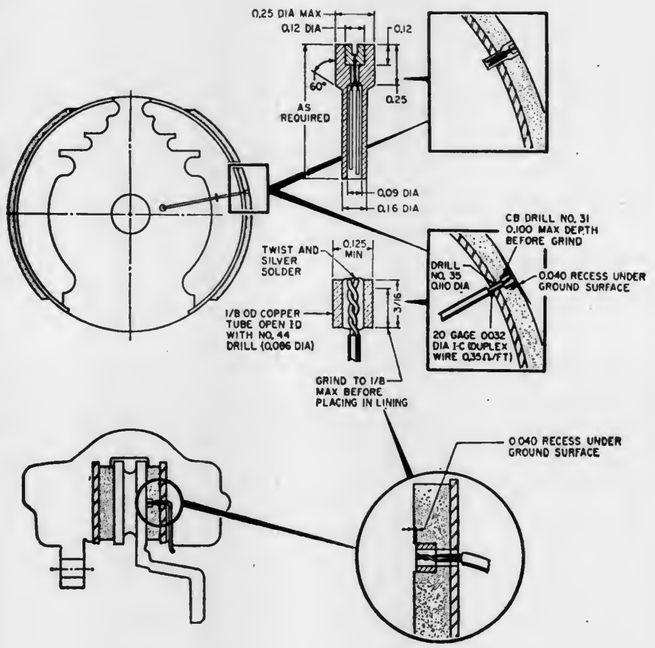
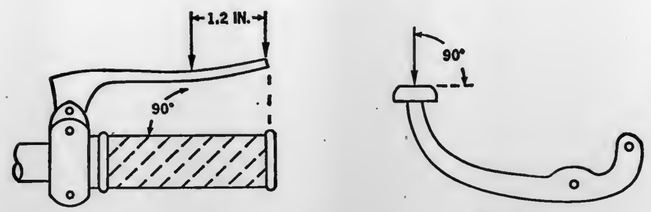


FIGURE 1 - TYPICAL PLUG TYPE THERMOCOUPLE INSTALLATIONS

FIG. 2 DIRECTION OF FORCE



(BRAKE LEVER) (BRAKE PEDAL)

[FR Doc.71-3583 Filed 3-23-71;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[21 CFR Part 420]

HYDROGEN CYANIDE

Proposed Reduction of Tolerances in or on Raw Agricultural Commodities

As a result of petitions filed pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, tolerances were established for residues of the insecticide hydrogen cyanide from postharvest fumigation in or on various commodities, including 100 parts per million in or on barley, buckwheat, corn (including popcorn), milo (grain sorghum), oats, rice, rye, and wheat.

It is the policy of the Environmental Protection Agency to review its pesticide tolerances with respect to new scientific data and to reduce existing tolerances to levels no higher than those found to be necessary to accomplish their intended effect. A review of the hydrogen cyanide tolerances has been made and it has been found that a reduction to the level of the Codex Alimentarius recommended international tolerance for residues of hydrogen cyanide in raw cereals is appropriate.

Part 120, Chapter I, Title 21, was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

The U.S. Department of Agriculture concurs in the proposed reductions of tolerances for residues of hydrogen cyanide.

Based on consideration given available data and other relevant material, it is concluded that the proposed reductions of tolerances for residues of hydrogen cyanide will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 1228), it is proposed that § 420.130 be amended by revising the item "100 parts per million * * *" to read "75 parts per million in or on barley, buckwheat, corn (including popcorn), milo (grain sorghum), oats, rice, rye, wheat".

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 18, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-3990 Filed 3-23-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18425; FCC 71-286]

REMOTE CONTROL OF TELEVISION BROADCAST STATIONS

Further Notice of Proposed Rule Making

In the matter of amendment of Part 73, Subpart E, of the Commission's rules and regulations governing television broadcast stations concerning the operation of VHF and UHF television broadcast stations by remote control; Docket No. 18425, RM-1340.

1. The Commission has today adopted a First Report and Order in this proceeding (Docket No. 18425), promulgating amendments to its rules governing the remote control of television broadcast stations. Pursuant to the amended rules, VHF television broadcast stations may for the first time operate by remote control. These rules will also apply to the remote control operation of UHF television broadcast stations, which have heretofore conducted such operation under rules which were less definitive, and lacked some of the requirements of the new rules.

2. Paragraph (f) of § 73.676 of the amended rules reads as follows:

> Suitable test signals generated at the remote control point shall be transmitted in the vertical interval pursuant to § 73.682 (a)(21). These signals shall be received and observed at the remote control point for the purpose of verifying that the entire system is so adjusted and operated that the visual modulation envelope meets the requirements of the Commission's rules.

A note appended to this paragraph suspends its effectiveness pending a determination of the characteristics and manner of use of such signals pending the outcome of this proceeding.

3. Apparatus is available, of course, for generating a rather large variety of test signals for the evaluation of the quality of transmission in television broadcast systems, and most television stations regularly employ such signals intermittently for testing and maintaining their transmitters and other equipment. However, these signals are usually used during maintenance periods in lieu of other modulation of the visual carrier, and observed in full-field displays on the waveform monitor and vectorscope.

4. The rule cited above contemplates the transmission of test signals on lines in the vertical interval, simultaneously with program material. Subparagraph (4) of § 73.677 requires that off-the-air monitoring equipment be capable of monitoring these transmissions, thus making possible a continuous check on the performance of the transmitter and other station equipment. However, it appears if the maximum benefit is to be obtained from such transmissions, the manner of their use and the particular characteristics of these signals should be set, to a large extent, by rule. It is the purpose of the instant proceeding to examine this question, and to obtain comments and information on which appropriate rules may be based.

5. While it is, of course, possible to provide automatic switching so that a number of separate test signals can be consecutively transmitted and displayed, each for an appreciable period of time, it would seem to be more efficient and effective to employ a composite signal, consisting of selected standard test signals displayed on a single line. Such a composite signal might be produced by a single generator. Since the levels of certain kinds of distortion under actual operating conditions depend on the average picture level (APL) of the program material, it may be desirable to set, by rule, the level or levels at which the test signals are transmitted, or to exercise continuous control of such levels by the APL.

6. The most useful of presently employed test signals would appear to be

the multiburst with flag, sine squared 2T with window, and the stairstep. For color testing, the stairstep is modulated coherent with the color burst, and color bars are employed. The Vertical Interval Reference Signal (VIR), presently under development, holds particular promise for color testing in the future.

7. We desire comment on the following:

(1) Which of the generally employed test signals should be used for vertical interval transmission, and what are the advantages or disadvantages in using particular signals or combinations of signals?

(2) Should the rules require that each of the selected signals be transmitted for a fixed period of time for individual display, or require that a composite of the selected signals be generated for display on a single line? Should the manner of use be left to the individual licensee?

(3) Should the rules specify the levels at which particular test signals are transmitted?

(4) During what periods of station operation should the test signals be transmitted?

(5) Should different test signals, or a modified composite signal be transmitted during periods when picture transmissions are in color, than when they are in monochrome?

(6) Should the rules specify which line, or lines shall be occupied by the test signals?

8. Comments need not be limited to the particular questions presented above. Rather, we desire the fullest discussion of all aspects of this matter, with documentation of any proposals for the use of particular vertical interval test signals.

9. Authority for adoption of rule amendments of the nature proposed herein is found in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before April 30, 1971, and reply comments on or before May 10, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching a decision herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: March 17, 1971.

Released: March 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-4000 Filed 3-23-71;8:48 am]

[1] Commissioner Johnson concurring in the result.

[47 CFR Parts 87, 89, 91, 93]

[Docket No. 19174; FCC 71-273]

RECIPROCAL SHARING OF OPERATIONAL FIXED STATIONS

Notice of Proposed Rule Making

In the matter of amendment of Parts 87, 89, 91, and 93 of the Commission's rules to make provision for reciprocal sharing of operational fixed stations; Docket No. 19174, RM-1681.

1. Notice of proposed rule making is hereby given in the above-entitled matter.

2. The rules governing the Safety and Special Radio Services permit sharing of private microwave (and other fixed) systems among persons eligible in the same radio service and to a limited extent among persons eligible in different radio services. See, for example, § 91.9 (a) and (b) of the Commission's rules. Sharing is permitted on two bases: (a) Without charge to the participants [see § 91.9(d)(1)], and (b) on a nonprofit, cost-sharing basis [see § 91.9(d)(2)]. Under § 91.9(d)(2) and other comparable sections in other parts of the rules,[1] a licensee of a system may accept from persons sharing his system a pro rata contribution to his capital and operating costs. The rules further require, among other things, the filings of an annual report showing the cost of operating the shared system and the breakdown of the pro rata contribution of each participant in its use. See § 91.9(h).

3. Since the adoption of the current rules,[2] licensees of private microwave systems have found it advantageous to enter into agreements under which one permits the use of communications channels in his system in exchange for the use of comparable communications channels in the microwave system of the other. These mutual sharing arrangements have obvious merits, both in terms of spectrum economy and fuller utilization of private systems and in terms of economy and convenience on the part of the parties. However, there are no provisions in the existing rules specifically permitting such mutual sharing of microwave systems. Thus, if these arrangements are permissible, they come under the cost-sharing provisions of the rules, because under them sharing is not without charge in that each participant is under a contractual obligation to give the other valuable consideration; namely, the use of communications channels in its own system. Therefore, to comply with these cost-sharing provisions of the rules, a licensee proposing to enter into a mutual sharing arrangement with others will have to show initially [see, for example § 91.9(f)] and each year thereafter [§ 91.9(h)] that the monetary worth of the use of microwave channels it would receive does not exceed that of the microwave channels it would furnish. But such showing is inherently difficult, if not impossible to make and, in view of the nature of these arrangements, it appears that no useful purpose would be served by requiring strict compliance with the cost-sharing provision of our rules. In fact, in the past, the Commission has considered a limited number of proposals for mutual sharing of private microwave systems and has waived its rules to exempt them from the cost-sharing provisions of the rules.

4. In this connection, the Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee) has filed a petition (RM-1681) asking for amendments of the rules governing the Industrial Radio Services to make specific provisions for mutual (reciprocal) sharing of microwave systems on a regular basis. As we have indicated, these arrangements are desirable, and, although the most immediate need for them has been manifested in the petroleum industry, we believe that they should be permitted in all of the private services. Accordingly, we propose to grant the Central Committee's petition, but we proposed to include the same provisions in Parts 87, 89, 91, and 93 of the rules, so as to maintain uniformity in the provisions governing cooperative sharing of fixed systems in the private radio services.

5. It should be emphasized that the proposed amendments would apply only when the consideration given a licensee of a microwave (or other fixed system) by a prospective share user is the reciprocal use of the latter's facilities by the licensee. If additional consideration is involved, such as contributions to a licensee's capital and operating costs, the provisions of the existing rules relating to the sharing of costs would apply. However, where the prospective sharing user is to supply, at its own expense, the equipment necessary to implement the sharing arrangement, such as multiplexing, receiving equipment, connecting lines, etc., this would not be considered as additional consideration and the cost-sharing provision would not apply.

6. The proposed amendment to § 91.9 of the rules is set forth below. Identical rules will be included in Parts 87, 89 and 93.

7. Authority for the amendments is contained in sections (4)(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before April 30, 1971, and reply comments on or before May 10, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 17, 1971.

Released: March 19, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Parts 87, 89, 91 and 93 of the Commission's rules are amended in substantial accord with the amendment of § 91.9 of the rules as set forth below.

In § 91.9 paragraphs (d) and (i) are amended to read as follows:

§ 91.9 Cooperative use of operational fixed radio stations.

* * * * *

(d) Licensed facilities may be cooperatively used under this section only (1) without charge to any of the participants in its use, or (2) on a nonprofit, cost sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost sharing nonprofit basis, prorated equitably, among all participants using the facilities, or (3) on a reciprocal basis without charge for either capital or operating expense, pursuant to a written contract between the licensees involved.

* * * * *

(i) When radio facilities are shared under the provisions of this section without charge and without any other consideration from any other participants, or on a reciprocal basis, or when the facilities are shared solely by governmental entities, in lieu of the statements required to be filed by paragraph (h) of this section, the licensee shall file with the Commission within 90 days after the close of his fiscal year a statement advising the Commission of that fact.

* * * * *

[FR Doc.71-4001 Filed 3-23-71;8:48 am]

[1] The same basic provisions are included in the Aviation Services (§ 87.487); the Public Safety Radio Services (§ 89.14); and the Land Transportation Radio Services (§ 93.4).

[2] Cooperative Sharing of Operational Fixed Stations, 4 FCC 2d 406 (1966).

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 9]

WESTFIELD INSURANCE COMPANY

Change of Name

Superior Risk Insurance Company, LeRoy, Ohio, an Ohio corporation, has formally changed its name to Westfield Insurance Company, effective December 15, 1970. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated December 15, 1970, has been issued by the Secretary of the Treasury to the Westfield Insurance Company, LeRoy, Ohio, under sections 6 to 13 of title 6 of the United States Code, to replace the Certificate issued July 1, 1970 to the Company under its former name, Superior Risk Insurance Company. The underwriting limitation of $1,068,000 previously established for the Company remains unchanged.

The change in name of Superior Risk Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sonner revoked, and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 18, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-3972 Filed 3-23-71;8:46 am]

Office of Foreign Assets Control

PAINT BRUSHES

Importations Directly From Singapore; Available Certifications

Notice is hereby given that certificates of origin issued by the Trade Division, Ministry of Finance of the Government of Singapore under procedures agreed upon between that government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Singapore of the following additional commodity:

Paint brushes made with hog bristles.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[FR Doc.71-4105 Filed 3-23-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNEAPOLIS GRAIN EXCHANGE

Designation as Contract Market for Frozen Pork Bellies

Pursuant to the authorization and direction contained in the Commodity Exchange Act as amended (7 U.S.C. 1 et seq., Supp. IV, 1969), I hereby designate the Minneapolis Grain Exchange of Minneapolis, Minn., as a contract market for frozen pork bellies effective on this date, as shown below. The said exchange has applied for and has otherwise complied with the requirements imposed by the said Act as a condition precedent to such designation.

The designation is subject to suspension or revocation in accordance with the provisions of the said Act. For the purpose of any such suspension or revocation this designation and the orders issued by the Secretary of Agriculture on May 21, 1923, and September 11, 1950, designating the said exchange as a contract market for the commodities specified in such orders, may constitute either a single designation or several designations.

Issued this 19th day of March 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-3963 Filed 3-23-71;8:46 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-550]

FRED BAUMGARTNER

Notice of Loan Application

MARCH 18, 1971.

Fred Baumgartner, Post Office Box 2432, Harbor, OR 97415, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 42-foot, length overall wood vessel to engage in the fishery for salmon, albacore, Dungeness crab, sablefish, lingcod, and rockfish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-4006 Filed 3-23-71;8:49 am]

[Docket No. G-492]

WARREN G. McQUAGGE

Notice of Loan Application

MARCH 18, 1971.

Warren G. McQuagge, 415 57th Street, West Palm Beach, FL 33407, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 26-foot length overall fiber glass vessel to engage in the fishery for king mackerel, snappers, and pompano.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-4007 Filed 3-23-71;8:49 am]

[Docket No. S-551]

LEE DEAN MYERS

Notice of Loan Application

MARCH 17, 1971.

Lee Dean Myers, Box 631, Forks, WA 98331, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used, 34.5-foot registered length wood vessel, to engage in the fishery for salmon and albacore in the Washington and Oregon area.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plant No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3975 Filed 3-23-71;8:47 am]

[Docket No. B-509]

HOWARD J. URQUHART

Notice of Loan Application

MARCH 17, 1971.

Howard J. Urquhart, Corea, Maine 04624, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 30-foot length overall fiber glass vessel to engage in the fishery for lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3976 Filed 3-23-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-297]

NORTH CAROLINA STATE UNIVERSITY

Order Extending Construction Permit Completion Date

North Carolina State University having filed a request dated January 27, 1971, for an extension of the latest completion date specified in Construction Permit No. CPRR-106 which authorizes construction of the PULSTAR nuclear research reactor facility on the University's campus at Raleigh, N.C., and good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.55(b) of the Commission's regulations: *It is hereby ordered*, That the latest completion date of Construction Permit No. CPRR-106 is extended from April 1, 1971, to November 1, 1971.

Dated at Bethesda, Md., this 12th day of March 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-3950 Filed 3-23-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23213; Order 71-3-114]

ABC AIR FREIGHT

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1971.

Reduced time limit for reporting concealed loss or damage claims proposed by Midland Forwarding Corporation doing business as ABC Air Freight.

By tariff revision[1] filed February 17 and marked to become effective March 21, 1971, Midland Forwarding Corp. doing business as ABC Air Freight (Midland) proposes to reduce from 12 days to 72 hours the time limit for reporting, in writing, concealed loss or damage claims. Midland does not support its proposal in any way and no complaints have been filed.

Upon consideration of all relevant factors, the Board finds that Midland's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be suspended pending investigation.

Numerous instances may occur where a consignee would not have an opportunity to examine or open a shipment, much less submit a written report to the forwarder of forthcoming claims on concealed loss or damage. For example, a shipment could be delivered on the Friday afternoon of a 3-day weekned, and the 72d hour would fall in the afternoon of the Monday holiday.

Furthermore, Midland's proposed time limit is excessively stringent as compared to the time limits currently in effect for the direct carriers or other forwarders.[2] Direct carriers provide a 15-day time limit for reporting concealed loss and damage claims and the shortest time limit provided by forwarders is generally 7 days.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule No. 120(b) on 8th Revised Page 11 of Midland Forwarding Corp. doing business as ABC Air Freight's CAB No. 8 (ABC Air Freight Co., Inc. Series), and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions in Rule No. 120(b) on 8th Revised Page 11 of Midland Forwarding Corp. doing business as ABC Air Freight's CAB No. 8 (ABC Air Freight Co., Inc. Series), are suspended and their use deferred to and including June 18, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Midland Forwarding Corp. doing business as ABC Air Freight, who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4023 Filed 3-23-71;8:50 am]

[1] Revision to Midland Forwarding Corporation doing business as ABC Air Freight's CAB No. 8 (ABC Air Freight Co., Inc. Series).

[2] The Board by Order 70-10-92 dated Oct. 19, 1970, suspended a proposal by Satellite Air Freight (an air freight forwarder) to reduce the time limit to 2 days for reporting claims on concealed loss or damage.

[Docket No. 22435]

ALOHA-HAWAIIAN MERGER CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on April 14, 1971, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Ave. NW., Washington, D.C., before the Board.

Dated at Washington, DC, March 19, 1971.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[FR Doc.71-4020 Filed 3-23-71;8:50 am]

[Dockets Nos. 23209, 19923; Order 71-3-108]

AMERICAN AIRLINES, INC., AND EASTERN AIR LINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of March 1971.

Increased excess valuation charges proposed by American Airlines, Inc., and Eastern Air Lines, Inc., Docket 23209; liability and claim rules and practices investigation, Docket 19923.

By tariff revisions[1] bearing a posted date of February 1 by American Airlines, Inc. (American), and an issue date of February 12 by Easter Air Lines, Inc. (Eastern), both marked to become effective April 1, 1971, American proposes to increase its charge from 10 to 15 cents per $100 (or fraction thereof) of excess declared value and Eastern proposes to increase its charge from 10 to 20 cents.

Complaints requesting suspension and investigation of American's proposal have been filed jointly by the Society of American Florists and National Fisheries Institute, Inc. and by the Raytheon Co. No complaints have been filed against Eastern's proposal. The complaints assert, inter alia, that American did not sufficiently justify its proposal; that it made no showing determining whether its overall claims experience has been extraordinary due to the increased amount of theft and pilferage being experienced by carriers generally, or due to other causes; that shippers should not be expected to pay for claims costs that result from lack of protection or planning by the carriers; that the carriers are proposing to increase charges but not liability, and that excess value charges are currently under investigation in Docket 19923.

In justification of its proposal, American points out that higher excess valuation charges are assessed by the carrier members of the International Air Transport Association and by other forms of transportation. American further provides various data consisting of a 10-percent sample of claims paid during a 6-month period for shipments having excess declared value, from which it deducted the amount of claims paid under its basic tariff liability of 50 cents per pound but not less than $50, leaving the net amount paid out stemming solely from the excess valuation declarations. The revenue from excess valuation declarations were compared to the net payout. This comparison indicated that the excess valuation revenues would have to be increased by approximately 50 percent to equal the net payout. Eastern's justification used essentially the same methodology, however, the sample contained the data for only the month of November, 1970, and reflected insurance premiums and recoveries.

American's and Eastern's proposals to increase their excess declared value charges come within the scope of the Liability and Claim Rules and Practices Investigation in Docket 19923 and the lawfulness of these charges will be determined in that proceeding. The issue now before us is whether to permit to become effective or suspend the proposed charges pending a final determination of their lawfulness in that investigation.

The Board concludes that American's justification, based upon a 6-month sample, makes a prima facie showing that its excess valuation revenues are not meeting its net payouts. The complaints have not set forth facts or other bases to persuade the Board that increase of 5 cents per $100 of excess valuation should not be permitted to become effective pending investigation and accordingly the Board will deny the complainant's request for suspension. This action, of course, is without prejudice to the opportunity of the complainants or other parties to Docket 19923 to test the validity of any data submitted therein in support of the increased charges, or to present any relevant considerations upon this issue.

The Board finds, however, that the very limited data submitted by Eastern are not adequate to permit an increase of 100 percent in the excess valuation charges to become effective pending the investigation in Docket 19923. While the matter of carrier liability and excess valuation charges have been under question for a long time,[2] Eastern's justification is limited to data reflecting payouts for only 1 month and there is no showing to indicate whether this is representative of Eastern's experience over a longer period. While not accepting the limited sample as representative, the Board further notes that the higher payout ratio indicated underscores the issue as to adequate protection of traffic by the carrier.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 52(A)(3) and Rule No. 52(D)(2)(c) and the addition of "EA" in Rule No. 52(A)(1) and Rule No. 52(D)(2)(a) on 32d Revised Page 19 of Airline Tariff Publishers, Inc., Agent's CAB No. 96, and rules, regulations or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions in Rule No. 52(A)(3) and Rule No. 52(D)(2)(c) and the addition of "EA" in Rule No. 52(A)(1) and Rule No. 52(D)(2)(a) on 32d Revised Page 19 of Airline Tariff Publishers, Inc., Agent's CAB No. 96 are suspended and their use deferred to and including June 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints by the Society of American Florists and the National Fisheries Institute, Inc., in Docket 23113 and the Raytheon Co. in Docket 23124 are dismissed;

4. The proceeding herein designated as Docket 23209 be assigned to hearing before an examiner of the Board at a time and place hereafter to be designated;

5. The Society of American Florists, National Fisheries Institute, Inc. and Raytheon Co. are made parties to Docket 19923 and Eastern Air Lines, Inc. is hereby made a party to Docket 23209 and

6. Copies of this order shall be filed with the appropriate tariff and served upon the parties set forth in paragraph 5 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4021 Filed 3-23-71;8:50 am]

[Docket No. 23156; Order 71-3-109]

BRANIFF AIRWAYS, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of March 1971.

Fare revisions proposed by Braniff Airways, Inc.; Docket 23156.

By tariff revisions[1] marked to become effective March 21, 1971, Braniff Airways, Inc. (Braniff, proposes to eliminate most restrictions now applicable to certain of its GIT fares[2] and to add Discover America fares between Hawaii and selected points in the continental U.S. Braniff also proposes to establish proportional fares between Dallas and various points to be used in combination with existing Dallas-Hawaii group fares, effective April 1, 1971.

The present GIT fares to Hawaii require, in addition to a minimum group size, a prepaid tour add-on of at least $175, and that return travel be undertaken between 13 and 21 days after departure. Braniff's new group fares contain no such requirements. In addition, reservations must now be confirmed and tickets paid for at least 30 days prior to departure for the GIT fares. These requirements would be lowered to 7 and 5 days, respectively, for Braniff's new group fares. The same fare levels would prevail, and depending on the market and size of the group the discounts range from 12.5 to 42.5 percent.

The proportional fares Braniff is proposing between Dallas and eight interior U.S. points would be used in conjunction with group fares between Dallas and Honolulu, and would permit individual travel to Dallas for consolidation into groups of sufficient size to qualify for the fares. In the 10 markets where Braniff is proposing offpeak Discover America fares for midweek application, it presently publishes peak Discover America fares which apply on weekends only.

Northwest Airlines, Inc. (Northwest), has filed a complaint requesting suspension and investigation of the group-fare revisions and Discover America additions. Northwest alleges that the group-fare proposal should be rejected because it is totally devoid of justification; and that the changes proposed are extreme and will cause further revenue dilution in the Hawaiian market. With regard for the Discover America revisions, Northwest alleges that Braniff does not show the competitive fares they are purportedly meeting and that Braniff was never intended to be a major factor in some of the markets.

Braniff has answered Northwest's complaint alleging that the revised group fares apply only between cities where Braniff is the only carrier authorized to provide direct service to Hawaii; that the fares are comparable to those widely available in the contiguous 48 States; that its Hawaiian services must compete with the attraction of Caribbean destinations which are closer and less expensive to reach; that many vacationers visit the Caribbean for relatively short periods of time and if Braniff charges substantially higher transportation charges and requires a longer minimum stay to Hawaii it prices itself out of the group-travel market. Braniff also alleges that the existing fares are nonproductive, that it vigorously promoted them for more than a year and only one group utilized the fares from the points here involved.

On the basis of the facts and information before us, the Board finds that Northwest's complaint does not set forth sufficient facts to warrant investigation, and the request therefore and, accordingly, the request for suspension will be denied and the complaint dismissed.

While the proposed revisions will most likely result in some additional diversion from higher-fare services, the less restrictive fares should also prove to be more attractive and thus be more generative. Braniff asserts that despite a vigorous promotional campaign it has not been able to develop GIT traffic from the points involved to Hawaii. Moreover, despite the fact that Braniff now operates a minimum pattern of service to Hawaii, it has substantial unused space available. The carrier clearly needs to stimulate traffic in these markets, even if its present minimum service pattern is to be profitable. We note that Braniff is not proposing these revisions in the more competitive markets where it has less direct service authority and in which it has a very limited share of market such as Chicago and New York.

We recognize that by Order 70-5-139, the Board suspended a proposal by Braniff to reduce the minimum-stay requirements of its GIT fares from 13 to 7 days, concluding that the change might result in significant diversion from higher-fared services of Braniff and other carriers, since a considerable amount of additional traffic would qualify for GIT travel. However, that proposal applied to all GIT fares, whereas the instant proposal is limited to fares in selected markets in which Braniff has had no success in developing GIT-type traffic, and in which substantial unused capacity exists.

Since the proposed proportional fares between Dallas and selected points are similar to those the Board has permitted other carriers to use for consolidating groups at Chicago, and the proposed new offpeak Discover America fares match existing fares of other carriers, we will dismiss the complaint against these proposals.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. The complaint of Northwest Airlines, Inc., in Docket 23156 is dismissed; and

2. A copy of this order be served upon Braniff Airways, Inc., and Northwest Airlines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4022 Filed 3-23-71;8:50 am]

[Docket No. 22628; Order 71-3-87]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares Over North Atlantic Ocean

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of March 1971.

Agreements adopted by Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association relating to fares to apply over the North Atlantic, Docket 22628; Agreement CAB 22036,[1] Agreement CAB 22068,[2] Agreement CAB 22095,[3] Agreement CAB 22122.[4]

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA). The agreements, which have been assigned the above-designated CAB agreement numbers, were adopted at meetings held in Honolulu in September and October of 1970.

The agreements embrace fare resolutions to apply via the North Atlantic routes from April 1, 1971, through March 31, 1972. By Order 70-12-62, dated December 11, 1970, the Board established procedural dates for the receipt of documentation, comments, and answers, relating to these agreements.[5]

The most significant changes proposed for the North Atlantic fare structure provide for a general increase in fares; an elimination of the contract bulk inclusive tour and certain affinity group fares; an increase from 14 to 17 days in the minimum-stay requirements attached to the use of the existing 14-28-day excursion fare; a restructuring of the seasonal periods so as to generally eliminate shoulder-season periods and to standardize for all fare categories the peak-travel season; the establishment of individual fares for U.S. military personnel and dependents; and the imposition of a $15 one-way weekend surcharge for all promotional fare travel.[6] Part of the increase in fares includes a charge of $1 for one-way trips ($2 for round trip) to cover passenger service charges, presently collected separately at the airport of departure. Effective April 1, 1971, passenger service charges will no longer

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[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 96.

[2] The inquiry into carrier liability and claim rules and practices was initiated as an informal matter by a letter to the industry dated Aug. 3, 1967. Carrier discussions were authorized by Order 68-8-18, dated Aug. 6, 1968, and formal investigation was instituted by Order 70-7-121, dated July 24, 1970.

[3] Joint partial dissent of Members Minetti and Murphy filed as part of original document.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB Nos. 136 and 142.

[2] Amarillo, Atlanta, Austin, Houston, Lubbock, Miami, New Orleans, San Antonio, and Tampa.

[1] R-65.

[2] R-13, R-14, R-19, R-20, and R-24 through R-26.

[3] R-3 through R-6, R-8, R-10, R-12 through R-14, and R-16 through R-29.

[4] R-2, R-3, and R-6 through R-18.

[5] Comments to be received Jan. 15, 1971, replies to comments on Jan. 25, 1971.

[6] The present surcharge, applicable only to the 14-28-day excursion fare, is $30 each way.

be collected at various European airports [7] directly from the individual passengers—the airlines will be billed directly. As such, these increases are not fare increases but reflect amounts that individual passengers would otherwise have to remit directly to foreign authorities. The overall effect of the agreement, as indicated in the comparison of present vs. proposed fares set forth in Appendix A,[7a] is to reduce from 24 to 14 the number of fare levels available for transatlantic travel.

In support of the fare package presented, the U.S. carrier members of IATA serving the North Atlantic indicate that it comports with the Board's policy statement issued prior to the Honolulu Conference, in that it reduces the number of fare categories and provides for upward adjustment of those fares which remain. The carriers cite the decline in yields associated with a reduced percentage of traffic moving at normal fares. They also cite poor earnings associated with increasing costs and a bleak outlook if the requested relief is not forthcoming.[8] Pan American projects revenue increases of $16 million or 6.4 percent, while TWA indicates that the proposed fare package will provide a revenue improvement of 9.1 percent, representing $22.3 million.

Comments on the proposed fare structure have been received from a number of interested persons. On the whole, comments from individuals indicate opposition to the fare package as it reflects increases during the summer months. The Department of Transportation recommends approval of the agreement, although it has some problems with the economics of the fare structure, since it represents a step in the right direction. The American Society of Travel Agents (ASTA), cites the insufficient time for effective marketing action which stems from a 1-year agreement and the fact that the April 1 effectiveness date provides too short a leadtime. American Express Co. (AMEXCO), suggests the Board condition its approval of the GIT fares to permit the same promotional peak period as presently exists. By so doing, AMEXCO indicates an additional 38 summer days would be available to travelers who would each pay approximately $65 less for this transportation than would otherwise be the case. The National Air Carrier Association (NACA) suggests approval of the fare package subject to the condition that the Board withdraw approval of affinity, incentive, and group fare agreements between the United States and any government which denies landing and uplift rights and that the Board undertake an expedited evidentiary investigation. NACA has also made more detailed allegations which we relate below.

[7] All points west and north of Switzerland and Austria (including Finland but excluding Italy, Greece, Turkey, Middle East etc.)

[7a] Appendix A filed as part of original document.

[8] TWA indicates that in the absence of a fare increase, in 1971 it would have its first unprofitable transatlantic operation in 10 years.

A year ago, in Orders 70–2–123, 70–2–124, and 70–2–125, we approved, with some conditions, IATA fare resolutions establishing passenger fares across the North Atlantic which are currently in effect. The fares had been established at IATA conferences in Dallas, and after the Dallas fares terminated, by fares agreed to at Caracas. We held evidentiary hearings on a number of the Dallas fares and issues and we received written statements and heard oral arguments on the Caracas fares. The Caracas resolutions embodied many of the Dallas fares and the hearing record on the Dallas fares was available and used in connection with our Caracas determinations.

In the orders referred to above we reviewed in detail the issues raised by NACA which, in substance, are again being raised by NACA here. All of the significant issues were determined against NACA. We found that the promotional fares were not unreasonably low, that although not meeting fully allocated costs they met the profit impact test and, considering the relationship of the various fares to each other and the relative value of the services provided as well as the percentage of traffic moving at each of the fares, that all the fares were reasonable. We found further that the increase in the regular fares occasioned by the elimination of the round-trip discount was justified by the average returns of the U.S. carriers, declining fare yields, spiraling costs, and offsetting decreases provided by individual promotional fares. We rejected the contention that the increases in normal fares and decreases in promotional fares were designed to drive the supplemental carriers off the North Atlantic. Rather, we concluded that the supplementals had no significant volume of inclusive tours that were in jeopardy and that their charter rates provided a sufficient margin of lower prices and other conveniences to prevent any disastrous diversion of traffic. It was our view that the supplemental carriers would maintain or improve their position as North Atlantic competitors. NACA's attacks on other fares as unjustly discriminatory, either because of the affinity requirement or the requirement to purchase land accommodations, as well as its challenge to the California promotional fares as unduly prejudicial or preferential, were all rejected on the basis of our findings that the fares were justified, at least by competition.

We have set forth above an analysis of the changes in the current fares, which we approved last year, reflected in the Honolulu fares now presented for our approval. It is readily apparent that, based on our past observations, and the present factual situation, the Honolulu fares should be approved.[9] The structure of the transatlantic fares is improved, particularly from the viewpoint of the ability of the supplemental carriers to compete and grow. The U.S.-flag carriers have demonstrated a need for the additional revenues which it is estimated this agreement would produce. Under these circumstances, a repetition of our elaborate analysis of last year is not required. Nor is an in-depth investigation of the transatlantic market fare structure called for at this time. We held a hearing only last year, and within a space of less than 2 years we have received comments on three occasions and heard three oral arguments. The issues remain repetitive. The Honolulu fares expire on March 31, 1972. The time for hearing complex issues is short. Other pressing tasks of significance confront us. We therefore conclude that a further investigation is not warranted. Suffice it to say here that the standards applied in our decisions of last year, when applied here, clearly require approval of the agreements before us, and we shall grant such approval. Notwithstanding our reliance on the standards and our analysis in our earlier orders, there are additional comments which it is appropriate to make here and now.[10]

The profit position of the U.S. transatlantic carriers declined quite sharply in the second half of 1970 despite relatively strong traffic growth. As shown in Appendix B,[10a] Pan American and TWA reported a combined operating profit of about $13 million for transatlantic services in the 12 months ended June 1970, but this declined to $9 million by September and became a loss of nearly $13 million by yearend. The carriers' rate of return on investment [11] similarly dropped from 4.85 percent in the 12 months ended June 1970 to 2.62 percent for calendar year 1970.

Traffic growth was relatively favorable in 1970, with passenger-miles showing an increase of 23 percent over 1969. Although strong traffic growth would often be expected to produce higher earnings, this did not occur in transatlantic services last year. Traffic growth was not translated into higher load factors due to a comparable increase in seat-miles. Passenger load factors remained in the 52–53-percent range for the two carriers combined. It may be noted that the domestic trunklines' load factor in 1970 was 49.3 percent. Considering the number of carriers providing transatlantic services and the characteristics of this market, we do not find such load factors unreasonable at this time.

The carriers' strong traffic growth was not reflected in lower unit costs of operations either. Operating expenses per revenue ton-mile showed only a small decline in the September period followed by a slight increase for the calendar year. Moreover, the most recent IATA Cost

[9] ASTA's objections with respect to the effective date and 1 year duration of the agreement do not afford a basis for disapproval of the agreement.

[10] The Board's determination in these respects was affirmed by the U.S. Court of Appeals for the District of Columbia Circuit on Mar. 9, 1971. National Air Carrier Association v. Civil Aeronautics Board, No. 23,988 ------ F. 2d ------) (1917).

[10a] Appendix B filed as part of original document.

[11] Before interest and inclusive of investment tax credits.

Committee report states that unit cost benefits heretofore expected from capacity increases and the introduction of high-capacity aircraft are largely being offset by inflationary pressures and wage increases. Revenue yields also declined, but to a slightly greater degree, reflecting the fare structure which became effective April 1, 1970. Pan American and TWA showed a combined passenger yield of 5.1 cents in the 12 months ended June 30, 1970, which declined 4 percent to 4.9 cents in the 1970 calendar year. A further drop could be anticipated since the 1970 figure does not reflect the current fare structure on a full annual basis.

The proposed fare increases and other changes are estimated by Pan American and TWA to increase transatlantic revenues by about $38 million. A revenue increase of this magnitude would convert the $13 million 1970 operating loss reported by the two carriers to a profit of $25 million before interest and taxes. It is apparent that a profit of that magnitude is not excessive since it would amount to only 7.4 percent of investment, and that the fare and revenue increases inherent in the agreed fare structure are justified.[12]

From a fare-structure standpoint, the normal economy fares are modified by the imposition of add-ons which represent increases of peak-season fares between New York and London of 8.2 percent (7.6 percent in the basic season) while fares between New York and Athens are increased by 2.5 percent (1.5 percent during the basic season). As such, these fare increases tend to reduce the severe upward taper which presently exists beyond European gateways and result in a step in the right direction to a more logical fare structure based on distance.

The proposed restructuring of the promotional fares would eliminate substantial discounts in the heart of the peak season which are a contributing factor to the economic problems of the carriers. The promotional-fare structure we are approving eliminates some of the low-yield fares and simplifies the entire structure by creating uniform basic and peak periods. The proposed fare structure should also help to mitigate traffic peaking through the weekend surcharge and the application of peak-season fares throughout the summer. Further, the new fare structure narrows the discounts to some extent. Based on New York-London, discounts from normal economy fares would range from 29 to 56 percent, compared with the present structure which provides discounts from 29 to 60 percent. On the basis of weekend travel when surcharges would apply, the discounts from normal economy fares would range from 22 to 50 percent compared with 14 to 60 percent presently in effect. In addition, the change in the minimum-stay requirement in the 14–28-day excursion fare to 17 days will help counter diversion of normal-fare passengers. We will not condition the agreement as urged by AMEXCO since such action would merely perpetuate the diseconomies inherent in offering sharp discounts in the peak travel season.

NACA again contends the promotional fares are unreasonably low, citing the differentials between normal and promotional fares which are claimed to place an excessive burden on normal-fare passengers. NACA indicates that the proposed promotional-fare structure will perpetuate self-diversion by the scheduled carriers and that these fares are likely adversely to effect the charter traffic of the supplementals. NACA reiterates its earlier contention that GIT, incentive, and affinity fares are discriminatory, and that the proportional fares added to New York fares for the purpose of establishing through fares from California are unduly preferential since they are lower than proportional fares applicable to cities closer to New York. Finally, NACA takes the position that if promotional fares are designed to compete with the supplementals' charter services, then steps should be taken, by conditioning the IATA resolutions, to assure that the supplementals' ability to compete is not hampered by unilateral action on the part of foreign governments denying landing and uplift rights.

The instant fare agreement would not only eliminate certain of the low-yield fares, including the CBIT fares previously opposed by NACA, but should assist in reducing the self-diversion from normal economy fares. As a result of the elimination of these low-yield fares, and the restructuring of the promotional fares, we believe that the fares we are approving should reduce self-diversion and enhance the competitive posture of the NACA carriers. NACA suggests that the spread between its estimated charter prices for 1971, which reflect a 5-percent increase, and fares on scheduled services would be too narrow. However, this spread represents differentials of from 10 to 28 percent from offpeak scheduled fares which, considering the nature of the market, should be quite attractive to the price-conscious passenger. Further, the differences increase substantially when comparing scheduled service fares during the peak season and for weekend travel. As regards the new military fares for individual travel, the fares are 40 percent higher than the charter prices estimated by NACA for 1971. For weekend travel at the IATA fare, the differential would be even greater. On this basis, we conclude no undue or unreasonable impact would be sustained by the supplemental carriers from the establishment of these fares.

The Board has found in the past that differentiated pricing is fully justified where the total market is composed of several segments with different travel characteristics and elasticities of demand (Order 70–2–123). The North Atlantic market has been found to require a highly differentiated fare structure responsive to the substantial proportion of discretionary travel, variations in elasticity of demand, and extremes of directional and seasonal peaking. As regards NACA's contentions concerning the discriminatory aspects of the promotional fare structure, we have previously considered similar contentions and found such discrimination not to be unjust and unlawful.[13] The alleged discriminatory nature of the GIT fare because of its tour-basing feature is not substantially different from the CBIT fare. In Order 70–2–123, the Board found that the inclusive-tour requirement of the CBIT fare does not constitute an unjust discrimination and that this applies equally with respect to GIT fares. After formal investigation (Order 70–2–124, Feb. 27, 1970), we found that the California proportional fares were not unjustly discriminatory. Nothing has been presented here to require different conclusions.

Regarding NACA's request that the Board condition its approval of certain resolutions to help guard against unilateral actions by foreign governments denying landing and uplift rights to supplemental carriers, the Board on December 15, 1970, by Order 70–12–84, dealt with a similar request by NACA. In that order the Board denied the request, stating that the conditioning or withdrawal of approval of certain group fares would not necessarily insure advancement of the interests of the supplemental carriers. We continue to believe that such actions on the part of the Board could generate a fare dispute, heighten international differences, and impair efforts to resolve the present difficulties.

Finally, we are not persuaded of the usefulness of developing detailed ratemaking criteria through formal investigation, to be applied in this complex area which involves more than 20 carriers and governments reflecting widely differing economic structures and interests. The Board normally expresses policy guidelines prior to each IATA traffic conference after review of the existing fare structure, proposed changes, and the views of the U.S.-flag carriers and other interested parties. We believe these procedures and the general policies emerging therefrom provide an adequate basis upon which to review IATA agreements subsequently filed, particularly in light of the degree of flexibility which should properly be maintained to accommodate differing views of other governments and their carriers.[14]

[12] It may be noted by way of comparison that domestic air fares have increased in excess of 10 percent during the past 2 years whereas the level of North Atlantic fares has been relatively constant during this period.

[13] Consistent with Order 71–2–59, we are disapproving Resolutions 077l and 077j which would establish special fares for the transportation of ships' crews since no justification has been advanced for the discrimination inherent in so limiting the availability of the fares.

[14] In Order 70–2–124 we noted that we had recently ordered an investigation to determine the standards that should be employed with respect to the costing methodology for domestic discount fares (Order 70–1–147), and suggested that "the criteria developed in that proceeding may prove useful in our consideration of discount fares in international air transportation as well." The hearing has been concluded and the initial decision rendered in the domestic case (Domestic Passenger-Fare Investigation (Discount Phase)) but, although we have taken review of that decision, we have not yet had an opportunity to consider it.

Agreement CAB	IATA No.	Title	Application
22095: R-19	075l	North Atlantic Group Fares—Israel (Revalidating and Amending).	1/2.
R-20	075r	North Atlantic 21 Day Group Fares—Israel (Revalidating and Amending).	1/2.
R-21	075t	North Atlantic 21 Day Group Fares—Amman, Beirut, Cairo, Damascus, Jerusalem, Nicosia (Revalidating and Amending).	1/2.
R-22	076e	North Atlantic Affinity Group Fares (Revalidating and Amending).	1/2.
22122: R-13	076l	JT 123 Affinity Group Fares (Revalidating and Amending).	1/2/3.
22095: R-23	076m	North Atlantic Bulk Affinity and Incentive Group Prices—Portugal/Spain (Revalidating and Amending).	1/2.
22095: R-24	076p	North Atlantic 14 Day Incentive Group Fares (Revalidating and Amending).	1/2.
22122: R-14	076p	North Atlantic 14 Day Incentive Group Fares (Revalidating and Amending).	1/2/3.
R-16	084a	North Atlantic 21 and 28 Day Group Inclusive Tour Fares (Revalidating and Amending).	1/2/3.
22095: R-26	084a	North Atlantic 21 and 28 Day Group Inclusive Tour Fares (Revalidating and Amending).	1/2.
R-27	084c	North Atlantic Winter Group Inclusive Tour Fares to Israel (Revalidating and Amending).	1/2.
22095: R-28	084cc	North Atlantic Winter Group Inclusive Tour Fares to Middle East (Revalidating and Amending).	1/2
22122: R-17	084b	North Atlantic 21 Day Group Inclusive Tour Fares to India/Pakistan (Revalidating and Amending).	1/2/3
R-18	086a	45 Day Excursion Fares for U.S. Military Personnel—North Atlantic (Revalidating and Amending).	1/2/3
22095: R-29	095b	North Atlantic Fares for U.S. and Canadian Military Personnel and Dependents (NEW).	1/2

2. The following resolutions, which are incorporated in the agreement indicated, are found to be adverse to the public interest or in violation of the Act insofar as air transportation is concerned:

Agreement CAB	IATA No.	Title	Application
22068: R-19	150a	Fares for Round Trip (Revalidating)	1/2; 1/2/3
R-20	151a	Circle Trip Discount (Revalidating and Amending)	1/2; 1/2/3
R-24	310	Free Baggage Allowance (Revalidating and Amending)	1/2 North and Mid Atlantic; 1/2/3 North and Mid Atlantic.
R-25	311	Baggage Excess Weight Charges (Revalidating and Amending)	1/2; 1/2/3.
R-26	311b	Charges for Snow Skiing Equipment (Revalidating and Amending).	1/2; 1/2/3.
22036: R-65	314	Special Rates for Personal Effects (Revalidating and Amending)	1/2/3.
22095: R-25	071l	North Atlantic Individual Fares for Ships' Crews (NEW)	1/2.
22122: R-15	071j	JT 123 Individual Fares for Ships' Crews (NEW)	1/2/3.

Accordingly, it is ordered, That:

1. Those portions of Agreements CAB 22036, CAB 22068, CAB 22095, and CAB 22122 described in finding paragraph 1 are approved, subject to conditions which have applied in the past;

2. Those portions of Agreements CAB 22095 and CAB 22122 as described in finding paragraph 2 are disapproved insofar as air transportation is concerned:

3. The complaint of the National Air Carrier Association, expressed as part of its comments in Docket 22628 concerning the transatlantic fare agreements here at issue, is hereby dismissed; and

4. Insofar as air transportation as defined by the Act is concerned, tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[*]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4019 Filed 3-23-71;8:50 am]

For the reasons heretofore set forth we find that the complaint of the National Air Carrier Association does not state facts which warrant an investigation and should therefore be dismissed.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The following resolutions, which are incorporated in the agreement indicated, are not adverse to the public interest or in violation of the Act, subject to conditions which have been applied in the past:

Agreement CAB	IATA No.	Title	Application
22122: R-2	002e	Standard Revalidation Resolution	1/2/3 North Atlantic.
22095: R-3	002e	Standard Revalidation Resolution	1/2 North Atlantic.
22122: R-3	002f	Special Adoption Resolution	1/2/3 North Atlantic.
R-4	015	North Atlantic Proportional Fares—North American (NEW)	1/2/3.
22095: R-4	015	North Atlantic Proportional Fares—North American (NEW)	1/2.
R-5	030	First Class Conditions of Service (Revalidating and Amending).	1/2 North Atlantic.
22068: R-13	050	First Class Conditions of Service (Revalidating and Amending).	1/2 Except North Atlantic, 1/2/3.
22095: R-6	054a	North Atlantic First Class Fares (Revalidating)	1/2.
22122: R-7	057a	North and Mid Atlantic First Class Fares—JT 123 (Revalidating and Amending).	1/2/3.
R-8	060	Economy Class Conditions of Service (Revalidating and Amending).	1/2/3 North Atlantic.
22095: R-8	060	Economy Class Conditions of Service (Revalidating and Amending).	1/2 North Atlantic.
22068: R-14	060a	Mixed Class Aircraft (Revalidating and Amending)	1/2 North Atlantic, 1/2/3 North Atlantic.
22095: R-10	064a	North Atlantic Economy Class Fares (Revalidating and Amending).	1/2.
22122: R-9	067a	North Atlantic Economy Class Fares—JT 123 (Revalidating and Amending).	1/2/3.
22095: R-12	070d	North Atlantic 28 and 45 Day Excursion Fares (Revalidating and Amending).	1/2.
22122: R-10	070e	North Atlantic 35 Day Excursion Fares to India/Pakistan Ceylon/Afghanistan/Nepal (Revalidating and Amending).	1/2/3.
22095: R-13	070f	North Atlantic 28 Day $35/$575 Excursion Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Teheran (Revalidating and Amending).	1/2.
R-14	070t	North Atlantic 28 Day $35/$575 Excursion Fares to Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Teheran (Revalidating and Amending).	1/2.
R-16	071d	North Atlantic 45 Day Excursion Fares (Revalidating and Amending).	1/2.
22122: R-11	071d	North Atlantic 45 Day Excursion Fares (Revalidating and Amending).	1/2/3.
R-12	071l	JT 123 60 Day Excursion Fares to India/Pakistan/Ceylon/Afghanistan/Nepal (NEW)	1/2/3.
22095: R-17	075h	North Atlantic 30 Day Winter Group Fares—Israel (Revalidating and Amending).	1/2.
R-18	075hh	North Atlantic 30 Day Winter Group Fares—Middle East (Revalidating and Amending).	1/2.

[*] Partial dissent of Members Murphy and Minetti filed as part of original document.

ENVIRONMENTAL PROTECTION AGENCY

BENOMYL

Notice of Establishment of Temporary Tolerances

E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, submitted a petition requesting temporary tolerances for residues of the fungicide benomyl (methyl - 1-(butylcarbamoyl)-2-benzimidazole-carbamate) in or on the raw agricultural commodities apples, apricots, cherries, crabapples, grapes, nectarines, peaches, pears, plums, prunes, and quinces.

The Fish and Wildlife Service, U.S. Department of Interior, advised that it has no objection to these temporary tolerances.

It has been determined that these temporary tolerances for apricots, cherries, nectarines, peaches, plums and prunes at 15 parts per million; (from preharvest or postharvest uses or combinations of such uses); grapes at 10 parts per million; and apples, crabapples, pears, and quinces at 7 parts per million (from preharvest or post-harvest uses or combinations of such uses) are safe and will protect the public health. They are therefore established as requested on condition that the fungicide is used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under E. I. du Pont de Nemours & Co. name. These temporary tolerances will expire February 26, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and pursuant to Reorganization Plan No. 3 of 1970 (35 F.R. 15623) and under authority delegated to the Commissioner or Acting Commissioner, Pesticides Office of the Environmental Protection Agency (36 F.R. 1228).

Dated: March 18, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-3987 Filed 3-23-71;8:48 am]

2,4-DICHLOROPHENYL p-NITROPHENYL ETHER

Notice of Reextension of Temporary Tolerances

The Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, was granted temporary tolerances for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on rice straw at 0.5 part per million and rice at 0.1 part per million on May 20, 1968, and a 1-year extension of these temporary tolerances. The firm has requested a 1-year reextension to obtain additional experimental data.

It has been determined that such reextension will protect the public health. These tolerances are therefore reextended as requested on condition that the herbicide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Rohm & Haas Co. name. These temporary tolerances will expire March 18, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 1228).

Dated: March 18, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-3988 Filed 3-23-71;8:48 am]

GIBBERELLIC ACID

Notice of Extension of Temporary Tolerance

Amdal Co., Division of Abbott Laboratories, North Chicago, Ill. 60064, was granted a temporary tolerance of 0.15 part per million for negligible residues of the plant regulator gibberellic acid in or on the raw agricultural commodity sugarcane on October 31, 1969. The firm has requested extension of this temporary tolerance to obtain additional experimental data.

It has been determined that extension of the temporary tolerance of 0.15 part per million for negligible residues of gibberellic acid in or on sugarcane is safe and will protect the public health. It is therefore extended to October 31, 1971, on condition that the plant regulator is used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Amdal Company name.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), and pursuant to Reorganization Plan No. 3 of 1970 (35 F.R. 15623), and under authority delegated to the Commissioner or Acting Commissioner, Pesticides Office of the Environmental Protection Agency (36 F.R. 1228).

Dated: March 18, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-3989 Filed 3-23-71;8:48 am]

McLAUGHLIN GORMLEY KING CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1112) has been filed by the McLaughlin Gormley King Co., 1715 Southeast Fifth Street, Minneapolis, MN 55414, proposing the establishment of tolerances (21 CFR Part 420) for negligible residues of the insecticide di-*n*-propyl isocinchomeronate in the raw agricultural commodities milk fat and the meat, fat and meat byproducts of cattle, goats, hogs, horses and sheep at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using an electron capture detector.

Dated: March 18, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-3991 Filed 3-23-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-253]

AMERICAN BROADCASTING CO., INC.

Memorandum Opinion and Order Regarding Partial Waiver of Prime Time Access Rules for ABC Affiliates

1. The American Broadcasting Companies, Inc. has petitioned the Commission for waiver of § 73.658(k)(1) of the Commission's rules to the extent necessary to permit affiliates of ABC television network to exhibit on Tuesday evenings each week during the first year of operation of the rule (October 1, 1971 to September 30, 1972) 3½ hours of network programing between 7 p.m. and 11 p.m. (6 p.m. to 10 p.m in the central time zone) with a corresponding reduction to 2½ hours per evening on another day of the same week Section 73.658 (k)(1) provides generally that after October 1, 1971, no television station in the top 50 markets may broadcast more than 3 hours of network programing during prime time.

2. ABC states that its most successful program evening is Tuesday, when it offers 7:30–8:30 p.m. Mod Squad; 8:30–10 p.m. Movie of the Week; and 10–11 p.m. Marcus Welby, M.D. This schedule

"builds from a younger audience to a mature audience, with programs dealing with contemporary themes in a constructive manner."

3. ABC says that because these programs are an hour or longer in length and because they have developed a continuity of interest and audience flow, ABC could not come into precise compliance with the rule without dropping entirely from that evening one of these popular programs and substituting for it a shorter program—thereby disrupting audience interest and audience flow.

4. ABC further says that because of the soft economy and the loss of cigarette advertising it may well suffer losses in its network operations even greater than the substantial losses amounting to more than $75 million it sustained between 1963 and 1969.[1] If not "otherwise essential to the public interest" ABC is "extremely reluctant" to disrupt its Tuesday night schedule "during a year of severe economic stress." Also, ABC asserts the Commission's grant of waiver for NBC with regard to Sunday night shows a "wise flexibility" in the administration of the rule during the transitional period.

5. We do not favor waiver of these rules as a general matter. Their applicability and the results in terms of opportunity for diverse program sources has been carefully considered. But as ABC quite correctly points out, during the first year of the Prime Time Access Rule (October 1971 through September 1972) the top 50 markets may fill the nonnetwork prime time periods made available under the rule with off-network and feature film programs. Beginning in the 1972–73 season, the prime time freed under the rule will be more readily available to new program sources. We assume that in the interim there will be a transitional period while new program sources are getting under way. During this period the grant of the waiver which ABC states to be of serious consequence to it from a financial and economic point of view will not interfere unduly with the objectives of the rules. The waiver granted herein and that granted to NBC's affiliates in our order of February 18, 1971, are limited to October 1, 1972. We will not look with favor on similar waivers extending beyond that date. We suggest that networks and their affiliates so arrange their schedules and affairs as to conform to the exact provisions of the rule as of October 1, 1972.

6. Therefore, for the reasons stated herein: *It is ordered*, That § 73.658(k)(1) be and is hereby waived to the extent necessary to permit ABC's television affiliates in the top 50 markets as defined in the rule to broadcast 3½ hours of network programing between 7 and 11 p.m. (6 and 10 p.m., c.s.t.) on Tuesday each week provided that each such affiliate shall broadcast not more than 2½ hours of network programs as defined by the rule between such hours on another day of the same week. *It is further ordered*, That this waiver shall terminate on September 30, 1972.

Adopted: March 10, 1971.

Released: March 15, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2a]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-4002 Filed 3-23-71;8:48 am]

[Docket No. 18528; FCC 71R-85]

DEWITT RADIO

Memorandum Opinion and Order Enlarging Issues

In regard application of Don Renault and Edwin Zaiontz, doing business as DeWitt Radio, Yorktown, Tex., for construction permit, File No. BP-17138.

1. The application of Don Renault and Edwin Zaiontz, doing business as DeWitt Radio (DeWitt) for authority to construct and operate a new standard broadcast station at Yorktown, Tex., was designated for hearing by Commission Memorandum Opinion and Order; FCC 69-423, 17 FCC 2d 385, 34 F.R. 7189, published, May 1, 1969. Presently before the Review Board is a petition to enlarge issues, filed November 27, 1970, by the Broadcast Bureau, requesting the addition of a character qualifications issue against the applicant.[1]

2. The Broadcast Bureau contends that Don Renault, the majority (75 percent) partner in DeWitt, has held himself out as qualified legal counsel in applications filed with the Commission and that these representations by an individual who, admittedly is not a member of the bar,[2] contravene § 1.23 of the Commission's rules which, in pertinent part, provides:

(a) Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any state, territory or of the District of Columbia * * * may represent others before the Commission.

(b) When such member of the bar acting in a representative capacity appears in person or signs a paper in practice before the Commission, his personal appearance or signature shall constitute a representation to the Commission that * * * he is authorized and qualified to represent the particular party in whose behalf he acts.

In support of its request, the Broadcast Bureau points out that, as indicated from the attachments submitted with its petition, "D. Gardner Renault" with an address of Box 1034, Del Rio, Tex., is listed as "Legal Counsel" for the Maverick Radio partnership, the applicant for a new FM station at Eagle Pass, Tex.,[3] and that the letter, which accompanied the required filing fee for the Maverick application, is signed by Don Renault of the same address.[4] The bureau further notes that in an application for a new standard broadcast station at Las Cruces, Tex., "D G Renault" of the above address is identified as legal counsel for the partnership applicant, Desert Broadcasting Co.[5] In the Bureau's view, the representations set forth above warrant the addition of the requested character issue.

3. It is the judgment of the Review Board that a serious question has been raised concerning Don Renault's compliance with Rule 1.23. While Don Renault has not personally appeared before the Commission on behalf of a partnership in which he was not a member, he apparently signed the letter transmitting to the Commission the required filing fee for the Maverick application. This fact, coupled with the specification of Don Renault as legal counsel in both the Maverick and Desert Broadcasting applications, raises a substantial question—to which Don Renault has chosen not to respond—as to whether Renault directly or indirectly has erroneously represented himself before the Commission as a legal counsel, qualified under the rules to act in a legal capacity on behalf of others. An appropriate issue will, therefore, be added by the Board to explore this matter at the hearing.

4. *Accordingly, it is ordered*, That the petition to enlarge issues, filed November 27, 1970, by the Broadcast Bureau is granted; and that the issues in this proceeding are enlarged to include the following: To determine if Don Renault, a partner in DeWitt Radio, has violated § 1.23 of the Commission's rules and, if so, the effect thereof upon the qualifications of DeWitt Radio to be a Commission licensee.

5. *It is further ordered*, That, under the above-added issue, the burden of proceeding with the introduction of evidence shall be on the Broadcast Bureau, and the burden of proof shall be on Don Renault and Edwin Zaiontz doing business as DeWitt Radio.

Adopted: March 12, 1971.

Released: March 17, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-4003 Filed 3-23-71;8:48 am]

[1] These losses are attributed to network operations alone. Each year ABC's overall operations including O&O stations have been profitable.

[2a] Commissioners Bartley, Johnson, and H. Rex Lee dissenting.

[1] No opposition to the instant petition has been submitted by DeWitt. Notwithstanding the conceded untimeliness of the petition, the Board believes that serious public interest questions are therein raised and, therefore, the late-filed petition has been considered on the merits. See Athens Broadcasting Company, Inc., 27 FCC 2d 7, 20 RR 2d 1115 (1971).

[2] At the Jan. 27, 1970, hearing session in this proceeding, Don Renault disclosed that, while he had received a law degree from a Texas law school, he is not a member of the bar. (Tr. 73-74)

[3] The application of this partnership, in which Don Renault had no disclosed ownership interest, was dismissed by the Commission on Sept. 8, 1970.

[4] The letterhead of this communication describes Don Renault as a "Broadcast Consultant" with "Complete Engineering & Legal Service for AM, FM and TV Stations."

[5] The DeWitt application reveals that Don Renault holds a 40 percent partnership interest in Desert Broadcasting Co.

[6] Review Board Member Slone absent.

[Docket Nos. 18782, 18783; FCC 71R-86]

MARTIN LAKE BROADCASTING CO. AND CLANTON BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Martin Lake Broadcasting Co., Alexander City, Ala., File No. BP-17280; and Clanton Broadcasting Corp., Clanton, Ala., File No. BP-17687; for construction permits.

1. The mutually exclusive applications of Martin Lake Broadcasting Co. (Martin Lake) and Clanton Broadcasting Corp. (Clanton) were designated for hearing by Order, FCC 70-54, released January 26, 1970, under issues which include, inter alia, a financial qualifications issue directed against Clanton. On January 11, 1971, Martin Lake filed a motion to enlarge issues,[1] seeking the addition of misrepresentation and legal qualifications issues against Clanton.[2]

2. Section III of Clanton's application, filed March 31, 1967, reflects that the applicant had $5,000 in existing capital deposited in the Talladega National Bank; this sum was similarly reflected in the corporate balance sheet filed with the Commission. According to Clanton's Articles of Incorporation and the attached Agent's statement, signed by W. Royce Faulkner on March 21, 1967, three subscribers, W. Royce Faulkner, George L. Faulkner and Henry D. Waites, had purchased the stock of the corporation, thereby accounting for the $5,000 of paid-in subscribed stock. Additionally, the three stockholders agreed, in the aggregate, to lend the applicant $30,000,[3] and accordingly each submitted a bank letter giving assurance that a bank would lend the respective stockholder the agreed-upon amount, a written promise to lend, dated March 21, 1967, and a current balance sheet.

3. George L. Faulkner was questioned about his March 21, 1967, balance sheet at a deposition hearing held on August 19, 1970. At this session, according to both Martin Lake and the Broadcast Bureau, it developed that George Faulkner was unable to give clear and concise responses to questions concerning his assets and liabilities as represented on the balance sheet,[4] and Clanton offered to submit a corrected balance sheet as of the date of the original.[5] Martin Lake alleges that George L. Faulkner admitted that his balance sheet contained incorrect information only after the testimony of bankers revealed the discrepancies. Further, Martin Lake continues, upon disclosure of the fact that George Faulkner did not have $2,500 deposited in the bank on March 21, 1967, he attempted to conceal his misstatement by claiming that he had this money "on hand" in an envelope. W. Royce Faulkner was questioned at a deposition session held on August 17, 1970, at which time, both Martin Lake and the Bureau note, he admitted that Clanton did not actually have $5,000 on deposit at the time its application was filed, and that the Agent's Statement (made before a county judge) and the corporate balance sheet, which were submitted to the Commission, were accordingly incorrect. W. Royce Faulkner, moreover, failed to give any satisfactory explanation for the discrepancies, the Bureau alleges.[6] Both Martin Lake and the Bureau note that at the deposition held on August 17, 1970, Henry Waites revealed that he owed $2,134.95 on a bank loan as of the date of his balance sheet (March 18, 1967), at which time he had represented that he had only one liability, namely a mortgage on real property in the amount of $11,580. Mr. Waites also represented, petitioner continues, that he owned real estate holdings valued at $63,000; however, his deposition reveals that over $28,000 worth of this property is owned by his mother, rather than by him.

Entry	Balance sheet submitted to commission in BP-17687	Actual balance sheet as of Mar. 21, 1967
Assets		
Cash in banks	$2,500.00	$333.37
Cash value of life insurance	4,000.00	2,306.50
Retirement fund	7,500.00	5,554.83
Liabilities		
Loans payable	4,100.00	5,579.00
Notes payable secured by real estate		4,031.00

4. In opposition, Clanton contends that since the depositions relied upon by Martin Lake have neither been offered nor received in evidence, they should not provide the sole basis for enlargement of issues. With respect to the substantive allegations, Clanton offers several explanations. At the time George L. Faulkner was deposed, he was under great emotional stress (due to illness in the immediate family), Clanton explains, and consequently was unable to understand the questions as posed to him; thus, in order to cooperate with counsel for Martin Lake, Clanton agreed to submit the reconstituted balance sheet. In any event, the inaccuracies contained in the balance sheet were not the product of intentional misrepresentation, Clanton continues, but were approximate figures obtained during a telephone conversation. Furthermore, Clanton notes, during the entire time period involved, George Faulkner's net worth was greater than he originally approximated. With respect to the allegations concerning W. Royce Faulkner, Clanton contends that "for all practical purposes" the corporation did have $5,000 at the time this sum was represented to the Commission to be on deposit. However, Clanton explains, W. Royce Faulkner had not deposited $4,000 of this sum; rather, this $4,000 constituted his obligation which was readily available at all times to the corporation. Moreover, Clanton continues, W. Royce Faulkner acted without benefit of counsel and without any motivation to deceive.[7]

With respect to Henry Waites, Clanton states that he has a remainder interest in the property which Martin Lake alleges belongs to his mother; and that, in any event, a statement from Mr. Waites' mother was submitted with his deposition in which she states that she would be willing to join with her son in order to mortgage their joint property if necessary.

5. The Review Board is persuaded that serious and substantial questions have been raised as to whether Clanton fulfilled its obligation to insure that its application was subtsantially accurate and complete.[8] Martin Lake alleges, and Clanton concedes, that, at the time Clanton's application was filed, it did not have $5,000 in existing corporate capital deposited, as it had represented; consequently, its application, the corporate balance sheet, and the Agent's Statement attested to by W. Royce Faulkner were erroneous. W. Royce Faulkner's explanation that $4,000 of this amount was his obligation which he was able and willing to deposit at any time is clearly unsatisfactory, since, in actual fact, the corporation had only $1,000 in existing corporate capital at that time. Serious questions have also been raised about the accuracy of the representations made by George L. Faulkner and Henry Waites concerning their respective balance sheets. Examination of the reconstituted

[1] Other related pleadings before the Board for consideration are: (a) Opposition, filed Jan. 25, 1971, by Clanton; and (b) Broadcast Bureau's comments, filed Jan. 25, 1971.

[2] Specifically, Martin Lake requests an issue inquiring into whether or not Clanton filed false and fraudulent statements with the State of Alabama, its counties or officials, and if so, the effect of such statements on the existence of the corporation.

[3] According to the Certificate of Incorporation, Clanton has $5,000 worth of capital stock, divided into 5,000 shares which is subscribed for in the following amounts: W. Royce Faulkner—4,000 shares, George L. Faulkner—500 shares, and Henry D. Waites—500 shares. Each agreed to lend the applicant the following amounts: W. Royce Faulkner—$10,000, George L. Faulkner—$8,000, Henry D. Waites—$12,000.

[4] Clanton admits this fact in a motion in opposition to notice to take depositions, filed Oct. 2, 1970.

[5] The following is a comparison of the original and reconstituted balance sheets of George Faulkner:

[6] The Bureau directs the Board's attention to the Aug. 17, 1970, deposition of Winston Legge, President and Chairman of the Board of the Talladega National Bank. Martin Lake alleges that W. Royce Faulkner corrected the errors in the application only after the depositions of two bankers, including Winston Legge, were taken.

[7] Clanton contends that W. Royce Faulkner was not deposed subsequent to the bankers, as alleged by Martin Lake.

[8] Petitioner has adequately demonstrated good cause for the late filing of the instant request.

balance sheet of George Faulkner reveals that there were several material discrepancies contained in his original balance sheet, which served to place the Commission under a misapprehension as to his actual financial posture. See note 5, supra. Henry Waites failed, inter alia, to report an outstanding liability; additionally, he represented that he owned considerably more land than he actually possessed and which could be used as collateral for purposes of financing the instant proposal. In the Board's view, therefore, a substantial question has been raised concerning whether Clanton and its principals have filed false information in its application herein. An evidentiary inquiry is therefore clearly warranted, and an issue regarding this matter will be specified.[9]

6. *Accordingly, it is ordered,* That the motion to enlarge issues, filed January 11, 1971, by Martin Lake Broadcasting Co., is granted to the extent indicated herein, and is denied in all other respects; and

7. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues: To determine whether Clanton Broadcasting Corporation and/or its principals have submitted complete and accurate information in response to the Commission's application form, Form 301, as required by § 1.514 of the Commission's rules, and, if not, to determine whether Clanton Broadcasting Corp., and/or its principals possess the requisite or comparative qualifications to be a Commission licensee.

8. *It is further ordered,* That the burden of proceeding under the issue added herein shall be on Martin Lake Broadcasting Co., and the burden of proof shall be on Clanton Broadcasting Corp.

Adopted: March 12, 1971.

Released: March 17, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-4004 Filed 3-23-71;8:48 am]

[Dockets Nos. 18975, 18976; FCC 71R-83]

WNER RADIO, INC., AND LIVE OAK BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of WNER Radio, Inc., Live Oak, Fla., File No. BPH-6858; and Live Oak Broadcasting Co., Live Oak, Fla., File No. BPH-6941; for construction permits.

1. This proceeding, designated for hearing by Commission Order, FCC 70-932, 35 F.R. 14351, published September 11, 1970, involves the mutually exclusive applications of WNER Radio, Inc. (WNER) and Live Oak Broadcasting Co. (Live Oak), for authority to construct a new FM broadcast station to operate on Channel 251 at Live Oak, Fla. Presently before the Review Board is a motion to enlarge issues, filed September 28, 1970, by WNER, seeking the addition of various issues relating to the financial and character qualifications of Live Oak.[1]

Financial issue. 2. To meet an estimated cash requirement of $53,095 for construction and first-year operation of the proposed station, the Live Oak application reflects that the applicant will principally rely upon a $50,000 bank loan, which is to be secured by, inter alia, a first mortgage on a 637-acre tract identified as the "Curtis Harrell farm".[2] WNER questions the availability of the $50,000 bank loan, alleging that various sections of the "Curtis Harrell farm" are encumbered by several existing mortgages. In support of its contention, movant submits copies of these mortgages, indicating that Curtis L. Harrell and his wife, LaNettye, mortgaged parts of their property for $2,500 on May 19, 1967 and for $16,000 on December 1, 1969. Live Oak's apparent inability to satisfy the security requirements of the lending bank warrants, in WNER's view, the addition of the requested financial issue.[3]

3. In opposition, Live Oak argues that the outstanding mortgages have not impaired its ability to make the "Curtis Harrell farm" available to the bank on a first mortgage basis. Disclosing that the "Curtis Harrell farm" is owned not by Robert Harrell and his wife, but by Robert Harrell's parents, Curtis L. and LaNettye Harrell,[4] Live Oak contends that as evidenced by a verified letter of October 15, 1970, and a September 30, 1970, financial statement, which reflects a net worth of nearly $242,000, Curtis L. Harrell is willing and able both to satisfy the existing mortgage indebtedness and to permit the property to be used as collateral for the applicant's $50,000 bank loan. Also submitted with Live Oak's opposition pleading is a 2-year extension of the bank's commitment, wherein the bank's executive vice president states that at the time the bank agreed to lend $50,000 to the applicant, it was aware of the outstanding $2,500 encumbrance on the proposed collateral since it was the mortgagee in that earlier transaction.

4. Subsequent to the filing of WNER's reply pleading, Live Oak petitioned the Hearing Examiner for leave to amend the financial portion of its application. The amendment, which was accepted by the Hearing Examiner, FCC 70M-1753, released December 23, 1970, provides for an additional $75,000 line of credit from Robert Harrell's uncle, C. B. Warner, whose financial statement reflects as of November 27, 1970, net current assets of nearly $110,000. The terms of repayment and the security required by Mr. Warner, i.e., the personal endorsements of the Live Oak principals, are also set forth in the amendment and are assented to by the applicant's principals. Since WNER's request to add a financial qualifications issue is predicated upon Live Oak's original financial showing, which has been substantially changed by its recent amendment, no useful purpose would be served by a further consideration of this aspect of the instant motion, and the Review Board will, therefore, dismiss the motion in this regard.[5] See WRBN, Inc., 10 FCC 2d 488, 11 RR 2d 427 (1967). We will, however, permit on our own motion an inquiry concerning Robert Harrell's unequivocal representations that he and his wife owned, without encumbrances, the property securing the applicant's proposed bank loan. See note 2, supra. It appears that at the time the Live Oak application was filed with the Commission, Robert Harrell was not the owner of record of the "Curtis Harrell farm" and that said property was subject to a $2,500 mortgage debt. These facts raise a serious question as to the accuracy and completeness of the representations in question and, together with Robert Harrell's reticence in this regard,[6] warrant a full exploration of the matter at the hearing. See Martin Lake Broadcasting Co., 23

[9] The Board finds no adequate basis, however, for the addition of an issue inquiring into Clanton's existence as a corporation. It is not disputed that Clanton had $1,000 of paid-in capital at the time of incorporation or that that amount is the minimum required by Alabama law.

[10] Review Board Member Slone absent.

[1] Other related pleadings before the Board for consideration are: (a) Opposition, filed Oct. 27, 1970, by Live Oak; (b) comments, filed Oct. 27, 1970, by the Broadcast Bureau; and (c) reply, filed Nov. 20, 1970, by WNER.

[2] In exhibit number 2 to the Live Oak application, which was filed with the Commission on Nov. 13, 1969, Curtis W. Robert Harrell (hereinafter Robert Harrell), the applicant's secretary-treasurer, director and 33⅓ percent stockholder, stated that he and his wife, Alice, own the aforementioned property; that the property is free of any restrictions which would affect their ability to make it available on a first mortgage basis; and that the property is not encumbered.

[3] While the requested issue also seeks to determine Live Oak's total construction and first-year operating expenses, no allegations concerning the sufficiency or reasonableness of the applicant's cost estimates are set forth in the instant motion. Accordingly, we will limit our consideration herein to the matters properly raised in the manner prescribed by § 1.229(c).

[4] It appears that sometime after July of 1967, Curtis L. Harrell placed his real estate holdings at the disposal of his son "with the understanding that [Robert] would not sell this land but, with my full cooperation, [Robert] could use any of these assets to assist him in any business venture he might decide to undertake".

[5] Of course, if the financial amendments do not establish, in WNER's judgment, that Live Oak is financially qualified, our action herein would not foreclose WNER from seeking the addition of appropriate financial qualifications issues.

[6] No adequate explanation of his representations concerning the "Curtis Harrell farm" has been proffered by Robert Harrell, who merely affirms the accuracy of the factual allegations set forth in the applicant's opposition pleading.

FCC 2d 721, 19 RR 2d 277 (1970); Orange County Broadcasting Company, 15 FCC 2d 991, 15 RR 2d 306 (1969).

Character issues. 5. The character issues requested by WNER primarily stem from the alleged misconduct of Robert Harrell, the aforementioned Live Oak principal who is the corporate applicant's secretary-treasurer. WNER contends that Robert Harrell, while employed as a licensed insurance agent in the State of Florida, was charged by that state's Treasurer and Insurance Commissioner with multiple violations of state law for executing and delivering insurance bonds without the authorization, knowledge or consent of the insurer, for charging premiums therefor in excess of the authorized rate and for withholding from the insurer the premiums derived from his unauthorized actions; that Robert Harrell admitted his guilt to these charges; and that on August 9, 1967, the insurance licenses of Robert Harrell were revoked by the above State official.[7] WNER submits that the gravity of the charges directed against Harrell and his admitted guilt thereto, raise a serious question concerning this individual's fitness to be a Commission licensee and that the matter should be made the subject of an appropriate hearing issue. Alleging that legal proceedings based upon Robert Harrell's misconduct have been instituted,[8] WNER posits that Live Oak's negative responses to paragraph 10 of section II, FCC Form 301,[9] may be incorrect and that the applicant may have been remiss in reporting, as required by § 1.65, all substantial and significant changes affecting the information set forth in its application. In WNER's view, the addition of issues herein to permit the resolution of these questions is warranted.

6. Live Oak opposes the addition of the requested character issues, contending that the Insurance Commission's action arose out of charges stemming from "an unfortunate family situation" and that the violations in question did not involve fraud, but rather were only "technical" in nature. The applicant also submits that there is no reason to question the character of its principal, since Robert Harrell is presently in good standing with the Florida Insurance Department and, as indicated by the attached letter from two local citizens, enjoys a favorable reputation in his community. With respect to the $7,300 judgment in favor of Robert Harrell's former employee,[10] which admittedly was not actually satisfied until April 4, 1970, Live Oak maintains that its response to paragraph 10 (g) of section II (see note 9, supra) was correct because funds sufficient to satisfy the outstanding judgment had already been deposited with the court pending Robert Harrell's appeal from the adverse decision. Live Oak claims that the judgment so secured was, in effect, satisfied prior to the filing of its application and, thus, not reportable pursuant to paragraph 10(g).[11]

7. Where an applicant has been involved in unlawful practices, be they civil or criminal in nature, finally adjudicated or otherwise, an examination of the substance of these practices may be required in order to assess their relevance and weight with respect to the applicant's ability to be a responsible Commission licensee. See Report on Uniform Policy as to Violations by Applicants of Laws of the United States, 16 F.R. 3187, 1 RR (Part 3) 91:495, published April 11, 1951; Rockland Broadcasting Company, FCC 62R-152, 24 RR 739 (1962) and the cases cited therein. This is especially so where, as here, the unlawful practices involve misappropriation of funds received by one acting in a fiduciary capacity. See Fidelity Radio, Inc., 1 FCC 2d 1145, 6 RR 2d 271 (1965). Admittedly, Robert Harrell unlawfully withheld moneys belonging to others which he had received in a fiduciary capacity in the conduct of his insurance business,[12] and these violations of the Florida Insurance Code (Sections 626.611(10) and 626.561) constituted, in part, the grounds upon which the Florida State Treasurer and Insurance Commissioner predicated his order revoking Robert Harrell's insurance licenses.[13] While the applicant labels these violations of State law as "technical" in nature, no explanation of its cryptic characterization is advanced before the Board. Compare Kittyhawk Broadcasting Corporation, 8 FCC 2d 342, 10 RR 2d 189 (1967). Nor have we the benefit of an affidavit from Robert Harrell, explaining in full the circumstances surrounding the loss of his State insurance licenses in August of 1967. The present standing of Robert Harrell, both in his community and before the Florida State Insurance Department, is not particularly illuminative of Harrell's prior conduct, which occasioned the revocation of his insurance licenses. In view of the foregoing, the Review Board can only conclude that an inquiry concerning this matter is warranted and an appropriate issue will, therefore, be added to this proceeding. See Fidelity Radio, Inc., supra; cf. Indianapolis Broadcasting, Inc., 22 FCC 421, 512-13, 12 RR 883, 946-47 (1957); Page Boy, Inc., 8 RR 1108 (1954).

8. With respect to the other character issues requested by WNER, the Review Board is of the opinion that the allegations concerning a possible violation of § 1.65 are speculative and conjectural and, thus, do not comport with the requirements of § 1.229(c). This request will, therefore, be denied. See North American Broadcasting Co., Inc., 15 FCC 2d 979, 15 RR 2d 311 (1969). We do believe, however, that an inquiry pertaining to the accuracy and completeness of Live Oak's response to paragraph 10(g), section II, of its application is warranted. The Board is not persuaded that the outstanding civil judgment was "satisfied" prior to the filing of the Live Oak application. See Fidelity Radio, Inc., supra. Also see Fred Kaysbier, 19 FCC 2d 636, 17 RR 2d 389 (1969). The scope of paragraph 10(g) is not limited to those outstanding judgments or decrees, whose satisfaction would impair the applicant's financial qualifications (see 1400 Corp. (KBMI), 14 FCC 2d 281, 13 RR 2d 1178 (1968)); it also includes outstanding judgments and decrees involving serious misconduct by the applicant or its principals, which may bear upon the applicant's character qualifications.[14] See Azalea Corporation, 10 FCC 2d 364, 11 RR 2d 541 (1967); Fidelity Radio, Inc., supra.

[7] On June 28, 1968, the Florida State Treasurer and Insurance Commissioner vacated the revocation order, reinstated the insurance licenses of Robert Harrell and placed that individual on probation for 2 years. As indicated from the certified copy of the order of vacation attached to the instant motion, Robert Harrell was directed to fully comply with the state laws and regulations governing the sale of insurance and to report and render monthly accounts of his business activities to the local representative of the Florida State Insurance Department lest his reinstated insurance licenses be suspended forthwith for a period of 1 year.

[8] On Jan. 9, 1969, final judgment in a civil action commenced by the insurance corporation that formerly employed Robert Harrell was entered in favor of the plaintiff for the sum of $7,300. A certified copy of the final judgment is tendered with WNER's motion.

[9] Specifically, subsections (d)(1), (e) and (g) of paragraph 10, respectively, seek to ascertain whether the applicant or any party to the application has been found guilty by any court of a crime, not a felony, involving moral turpitude; whether in any court or administrative body there is pending against the applicant or any party to the application any action involving the matters referred to in subsections (b) to (d) of paragraph 10; and whether there are outstanding any unsatisfied judgments or decrees against the applicant or any party to the application.

[10] Noting that Robert Harrell's ex-wife was an officer-director of the plaintiff insurance corporation, Live Oak asserts that the $7,300 award "consisted almost entirely of attorney fees arising out of a contested divorce".

[11] In reply, WNER again maintains that the outstanding judgment should have been disclosed in paragraph 10, sec. II, of the Live Oak application, and argues that the proceeding involving Robert Harrell, which was conducted by the Florida State Treasurer and Insurance Commissioner, should have been reported by Live Oak in response to either subsection (d) or subsection (e) of paragraph 10. See note 9, supra.

[12] It is noteworthy that as secretary-treasurer of the Live Oak corporation, Robert Harrell is the corporate official responsible for the custody of the corporate funds and entrusted to maintain the corporate records and to keep full and accurate accounts of receipts and disbursements, rendering account thereof as required by the corporation's bylaws.

[13] Among the other grounds cited by the Insurance Commissioner as support for his action were Harrell's "demonstrated lack of fitness or trustworthiness to engage in the business of insurance" (§ 626.611(7)) and his "fraudulent or dishonest practices in the conduct of business under the license or permit" (§ 626.611(9)).

[14] The Board regards as implausible Live Oak's implication that the insurance corporation had sued, in its own name, to recover legal fees stemming from a divorce proceeding, which involved one of its directors. See note 10, supra.

In this latter regard, the Board also notes that a question exists as to whether, at the time Live Oak filed its application, the Florida State Treasurer and Insurance Commissioner's decree placing Robert Harrell on probation was outstanding and, thus, also reportable pursuant to paragraph 10(g). See note 7, supra.

9. *Accordingly, it is ordered,* That the Motion to Enlarge Issues, filed September 28, 1970, by WNER Radio, Inc., is granted to the extent indicated below, is dismissed to the extent indicated in paragraph 4 herein, and is denied in all other respects; and

10. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine all of the facts and circumstances surrounding the insurance license revocation of Curtis W. Robert Harrell, a principal of the applicant, and whether he misappropriated funds and failed to properly discharge the fiduciary duties required of him as a licensed insurance agent.

(b) To determine whether Live Oak Broadcasting Co. submitted complete and accurate information in response to paragraph 10(g), section II, of the Commission's application form, FCC Form 301.

(c) To determine whether Curtis W. Robert Harrell, a principal of the applicant, has misrepresented to or concealed facts from the Commission in the Live Oak Broadcasting Co. application.

(d) To determine whether, in light of the evidence adduced with respect to the foregoing issue, Live Oak Broadcasting Co. possesses the requisite and/or comparative qualifications to be a Commission licensee.

11. *It is further ordered,* That the burden of proceeding with the introduction of evidence on issues (a) and (b) shall be on WNER Radio, Inc., the burden of proceeding with the evidence on issue (c) shall be on Live Oak Broadcasting Co., and the burden of proof under all of the issues added herein shall be on Live Oak Broadcasting Co.

Adopted: March 11, 1971.

Released: March 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[15]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-4005 Filed 3-23-71;8:48 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-23]

PACIFIC HAWAIIAN TERMINALS, INC.

Order of Investigation and Suspension

Pacific Hawaiian Terminals, Inc., has filed with the Federal Maritime Commission 7th Revised Page No. 39 to its Tariff FMC-F No. 2 to become effective March 22, 1971. This page increases the rate and minimum charges on Freight, all kinds, between U.S. Pacific Coast ports and ports in the Hawaiian Islands.

Upon consideration of said tariff page, the Commission is of the opinion that the above designated tariff matter should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, 7th Revised Page 39 to Tariff FMC-F No. 2 is suspended and the use thereof deferred to and including July 21, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Pacific Hawaiian Terminals, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until July 22, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Pacific Hawaiian Terminals, Inc. be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4026 Filed 3-23-71;8:50 am]

INGE & CO., INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Gerald H. Ullman, Esq., 120 Broadway, New York, NY 10005.

Agreement No. FF 71-1 between Inge & Co. Inc. (Inge), Alfred Schechter and Erskine Freight Forwarding Co., Inc. (Erskine) is intended to secure Federal Maritime Commission approval for an agreement whereby Inge and its President Alfred Schechter will transfer Inge's ocean freight forwarder customer accounts and the goodwill pertaining thereto to Erskine. Erskine will seek the association of certain officers and employees of Inge who will then be absorbed into the Erskine organization. Erskine agrees to pay Mr. Schechter 18 percent of the net profits accruing to Erskine from the accounts assigned by Inge to Erskine and any other new business accounts acquired by Erskine which are acquired through the efforts of Inge, for a period of 5 years from the effective date of the agreement.

Inge and Schechter agree that they will not, during the term of the agreement, engage in the business of ocean freight forwarding, however, Inge will continue in its business of air freight forwarding and acting as an I.A.T.A. agent. Upon approval by the Commission of the agreement Inge will surrender its independent ocean freight forwarder license and will not apply for a new license for at least 7 years from the effective date of the agreement. The effective date of the agreement shall be 21 days after approval thereof.

Dated: March 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4027 Filed 3-23-71;8:51 am]

THAILAND PACIFIC. FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. S. S. Marr, Secretary, Thailand Pacific Freight Conference, c/o The Borneo Co., Ltd., 1/1041, Silom Road, Bangkok, Thailand.

Agreement No. 9474-1 is a modification of the Thailand Pacific Freight Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4028 Filed 3-23-71;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. RP71-16]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Proposed Change in Rate Filing

MARCH 19, 1971.

Take notice that on March 16, 1971, Midwestern Gas Transmission Co. (Midwestern) filed a stipulation and agreement proposing a settlement of this proceeding which relates to proposed increased rates and charges for its Northern System. Such rates were contained in Midwestern's filing of September 30, 1970, which by order issued herein on November 13, 1970, were suspended until April 15, 1971. Those rates reflect an increase in the rates on the Northern System of approximately $2,600,000 per annum, of which approximately $1,300,000 represents the increased cost of gas purchased from Trans-Canada Pipe Lines Limited. By order issued December 22, 1970, the Commission authorized Midwestern to track, as of January 1, 1971, the Trans-Canada increase subject to orders issued in this proceeding.

Midwestern states that it has conferred with the intervenors to this proceeding, and as a result of such conference has filed this stipulation and agreement. Midwestern proposes therein (1) to withdraw its aforementioned filing of September 30, 1970; (2) to file substitute sheets therefore which contain rates at levels set out in the tariff sheets made effective as of January 1, 1971; (3) that such substitute filed sheets be effective as of April 15, 1971, without suspension; (4) that Midwestern be entitled to retain all revenues at the increased rates which became effective as of January 1, 1971, without refund; and (5) that Midwestern be authorized to use liberalized depreciation with normalization for accounting and rate making purposes.

Copies of the tendered stipulation and agreement were served on all parties to this proceeding. Answers and comments relating to the stipulation and Agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 8, 1971.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4043 Filed 3-23-71;8:51 am]

FEDERAL RESERVE SYSTEM

TEXAS COMMERCE BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Texas Commerce Bancshares, Inc., Houston, Tex., which presently owns 100 percent (less directors' qualifying shares) of the voting shares of Commerce Bank National Association, Houston, Tex., a nonoperating national bank, for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the merger of Texas Commerce Bank National Association, Houston, Tex., with applicant's nonoperating bank. As an incident to the merger, applicant would also acquire the beneficial interest in all of the voting shares of Texas Commerce Shareholders Co., Houston, Tex., which owns more than 5 percent of the voting shares of the following seven banks, all located in Texas:

Bank	Percentage of voting shares owned
Texas Commerce Bank National Association, Houston	5.2
Airline Bank, Houston	24.9
North Freeway Bank, Houston	24.9
Reagan State Bank of Houston	24.9
First National Bank of Stafford	24.7
Chemical Bank and Trust Co., Houston	21.1
Lockwood National Bank of Houston	20.4

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly,

[15] Review Board Member Slone absent.

or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

By order of the Board of Governors, March 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3977 Filed 3-23-71;8:47 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 71-4]

DENVER RESEARCH INSTITUTE

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to the Denver Research Institute of the University of Denver an exclusive commercial license to practice the invention described in U.S. Patent No. 3,143,321 for "Frangible Tube Energy Dissipation," issued August 4, 1964, in the three fields of use (1) as an energy absorber for a trailer support wheel, (2) as an energy absorber for bumpers for passenger automobiles, and (3) as an energy absorber for elevators. The proposed license will be exclusive, revocable, and royalty-free for a term of 7 years in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.205(c). Interested parties should submit written inquiries or comments within 30 days to the Assistant General Counsel for Patent Matters (Code GP) National Aeronautics and Space Administration, Washington, D.C. 20546.

SPENCER M. BERESFORD,
Acting Administrator.

[FR Doc.71-3997 Filed 3-23-71;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2898]

NUVEEN TAX-EXEMPT BOND FUND

Notice of Filing of Application for Order Granting Confidential Treatment

MARCH 18, 1971.

Notice is hereby given that Nuveen Tax-Exempt Bond Fund (Applicant), c/o John Nuveen & Co. (Inc.), Attention James T. Stewart, 209 South La Salle Street, Chicago, IL 60604, which consists of a series of 35 investment companies each registered as a unit investment trust under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 45(a) of the Act for an order granting confidential treatment to the profit and loss statements of John Nuveen & Co., Inc. (Nuveen), the sponsor of each series, which statements are submitted with registration statements filed under the Securities Act of 1933 (1933 Act). All interested persons are referred to the application on file with the Commission for a statement of the representation contained therein which are summarized below.

Applicant states that each existing series, which is governed by the provision of a trust indenture and agreement (Indenture) entered into by Nuveen and the United States Trust Company of New York as Trustee (Trustee), consists of a diversified portfolio of interest bearing obligations issued by or on behalf of states, counties, municipalities, and territories of the United States, and authorities and political subdivision thereof, the interest from which is exempt, in the opinion of counsel, under existing law from all Federal income taxes.

When an Indenture is entered into between Nuveen and the Trustee, tax-exempt bonds in the amount subsequently described in the prospectus are deposited with the Trustee by Nuveen and the Trustee simultaneously issues certificates in the name of Nuveen evidencing ownership of all the undivided interests in the series of Applicant. After the registration statement filed under the 1933 Act becomes effective, units are offered for sale to the public by Nuveen.

Applicant states that on the date of deposit the maximum number of units of a particular series and the bonds which comprise its portfolio are determined. No additional units can be issued although the number of units outstanding may be reduced by redemptions. No additional bonds can be deposited during the life of the trust except that under certain circumstances refunding bonds issued in exchange and substituted for outstanding bonds can be deposited with the Trustee. The Trustee may dispose of bonds when events occur which may affect their investment stability and distribute the proceeds thereof in partial liquidation to unit holders, and the Trustee must sell bonds if necessary for the payment of the redemption price. The Trustee is responsible for keeping the bonds in its custody and for making collections and disbursements in respect thereof. Applicant states that at no time after the deposit is made can Nuveen obtain possession of the bonds or any other assets or propery belonging to the Applicant.

Applicant states that Nuveen will submit its financial data in connection with future filings. Applicant further states that Nuveen will include in the 1933 Act prospectus its balance sheet prepared in compliance with the requirements of Form S-6. Applicant requests, however, confidential treatment for its income statement or the statement of profit and loss which Nuveen will file with the Commission as required from time to time on the ground that public disclosure thereof is neither necessary nor appropriate in the public interest or for the protection of investors.

Section 45(a) of the Act provides, in pertinent part, that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission * * * by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Applicant states that investors in any of its series are not offered any opportunity to acquire any interest in Nuveen and that although Nuveen has certain limited functions under the Indenture, it serves basically as a distributor of securities representing undivided interests in a series of Applicant. Applicant states that Nuveen's financial statements in no way enhance or diminish the investment value of any series and have no bearing upon Nuveen's maintenance of a secondary market in the publicly distributed units as Nuveen is not required to maintain such a market and may discontinue any such activities at any time. Applicant further states that in such event, unit holders will not be harmed but are protected by their rights under the Indenture to redeem their units upon presentation of such units properly endorsed to the trustee, and to receive the redemption value of the units computed on the basis of the underlying assets to which the particular units relate.

Notice is further given that any interested person may, not later than April 8, 1971, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he

may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personnally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3957 Filed 3-23-71;8:45 am]

[812-2903]

SCRIPPS-HOWARD INVESTMENT CO. ET AL.

Notice of Filing of Application for Order Permitting Proposed Transaction

MARCH 18, 1971.

Notice is hereby given that Scripps-Howard Investment Co. (Fund), E. W. Scripps Co. (Scripps-Howard), 1100 Central Trust Tower, Cincinnati, OH 45202, and Jack R. Howard (Howard), 200 Park Avenue, New York, NY 10017 (collectively hereinafter referred to as "Applicants"), have filed an application pursuant to section 17(d) of the Investment Company Act of 1940, as amended (Act), and Rule 17d-1 thereunder for an order permitting joint participation by Fund, Scripps-Howard, and Howard, individually, in the sale of an aggregate of 501,986 common shares of the Cincinnati Enquirer, Inc. (the "Enquirer") to American Financial Corp. (American). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fund, organized under Ohio law in 1941, is a closed-end nondiversified management investment company registered under the Act. Fund's current investment policy is to invest at least 80 percent of its assets in companies publishing Scripps-Howard newspapers, former Scripps-Howard newspapers, and in companies which are allied enterprises of Scripps-Howard.

Scripps-Howard, an Ohio corporation, owns 8.68 percent of Fund's voting shares. Howard is the president and a director of Scripps-Howard. It appears, therefore, that Scripps-Howard and Fund are affiliated persons of each other under section 2(a)(3)(A) of the Act and Howard, an affiliated person of Scripps-Howard under section 2(a)(3)(D) of the Act, is, therefore, an affiliated person of an affiliated person of the Fund.

Fund owns Voting Trust Certificates for 9,500 common shares of the Enquirer, whose principal business is to publish a daily and Sunday morning newspaper in Cincinnati, Ohio. Scripps-Howard also holds Voting Trust Certificates for 491,436 common shares of the Enquirer, these shares constituting about 58.87 percent of the Enquirer's total outstanding shares. Howard owns 1,050 shares of the Enquirer which are not subject to the Voting Trust.

As a consequence of civil antitrust litigation filed against Scripps-Howard on May 27, 1964, by the United States of America, Scripps-Howard consented to the entry of a Final Judgment (Consent Decree) which was entered by the U.S. District Court for the Southern District of Ohio, Western Division, on November 12, 1968. The Consent Decree, as amended, requires divestiture by Scripps-Howard, its subsidiaries and affiliates and their respective directors, officers, and employees of their respective equity interests in the Enquirer. Although the term "affiliate" as used in the Consent Decree is not defined therein, Fund's board of directors have concluded that since at the time of entry of the Consent Decree Scripps-Howard owned more than 10 percent of the outstanding stock of Fund and since they have actual knowledge of the Consent Decree, Fund could be construed to be an "affiliate" of Scripps-Howard and therefore bound by the Consent Decree. Accordingly, they have recommended that Fund dispose of its interest in the Enquirer in collaboration with Scripps-Howard and Howard.

On February 18, 1971, Applicants entered into an Agreement with American (the "Agreement"), under which Applicants agreed to sell American 501,986 common shares of the Enquirer for a total cash consideration of $20,079,440. The closing date of the transaction is May 7, 1971, subject to certain conditions precedent. The terms of the Agreement provide that Applicants will receive $40 in cash for each Enquirer share sold by them to American. The following table sets forth for each Applicant the number of shares of the Enquirer to be disposed of, the cash to be received, and each Applicant's percentage of both the total number of shares to be sold and the total cash consideration to be received.

Applicants	Number of Enquirer shares	Cash	Percentage
1. Scripps-Howard	491,436	$19,657,440	97.898348
2. Fund	9,500	380,000	1.892483
3. Howard	1,050	42,000	.209169
Total	501,986	20,079,440	100.000000

None of the Applicants will pay a finder's fee or broker's commission in connection with the sale of shares. Fund and Howard will pay selling expenses attributable to their stock not in excess of the aggregate expenses estimated to be payable by each in separate sales of such stock made without regard to the Consent Decree, but such selling expenses payable by the Fund and by Howard will not exceed their respective pro rata shares of the total selling expenses. Scripps-Howard will pay the remainder of the Applicants' selling expenses. American will pay all stock transfers taxes attributable to the transfer of the Enquirer shares.

The parties to the Agreement may refuse to perform if on the Closing Date the proposed transaction has not been approved by the Federal Reserve Board, and by the United States of America or by the Court, or if litigation is threatened or pending which seeks to prevent the consummation of the Agreement. If, by the Closing Date, an order has not been issued by the Securities and Exchange Commission allowing Scripps-Howard and Howard to participate with Fund in the transaction, the 9,500 common shares of the Enquirer to be sold by the Fund pursuant to the Agreement will not be sold and purchased at such time but will be sold and purchased thereafter if such an order is forthcoming within 60 days after the closing.

Section 17(d) of the Act and Rule 17d-1 thereunder provides, among other things, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to effect any transactions in which such registered company or a company controlled by such registered company is a joint and several participant with such person unless an application regarding such transaction pursuant to Rule 17d-1 has been granted by the Commission. In passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants asserts that the purchase price of $40 per share to be received by

Fund is reasonable and fair since it represents the highest "Asked" price for Enquirer common shares in the over-the-counter market for the period from January 1970 through late February in 1971. Applicants also claim that the proposed transaction involves no over-reaching by Scripps-Howard and Howard since all three Applicants will receive the same purchase price per share. Further, Applicants state that the proposed transaction is consistent with Fund's investment policy because Fund's sale of its 9,500 Enquirer shares would not cause it to fall below the 80 percent level of concentration in Scripps-Howard related enterprises required by its statement of investment policy.

Notice is further given that any interested person may, not later than April 9, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–3958 Filed 3–23–71;8:45 am]

[70–5001]

WESTERN MASSACHUSETTS ELECTRIC CO. AND HUNTINGTON ELECTRIC LIGHT CO.

Notice of Proposed Transactions Related to Merger of Subsidiary Companies and Order Authorizing Solicitation of Proxies

MARCH 18, 1971.

Notice is hereby given that Western Massachusetts Electric Co. (WMECO) and Huntington Electric Light Co. (Huntington), 174 Brush Hill Avenue, West Springfield, MA 01089, both electric utility subsidiary companies of Northeast Utilities (Northeast), a registered holding company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 11(g), 12(g), and 12(e) of the Act and Rule 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

It is proposed that Huntington be merged into WMECO. Northeast owns all of the common stock of WMECO and all of the outstanding securities of Huntington, consisting of common stock and $312,000 of notes. It is stated that the proposed merger will lead to the simplification of the Northeast holding-company system. Huntington sells electricity at retail in Massachusetts to approximately 1,150 customers in the towns of Huntington, Chester, Montgomery, and Russell. Its distribution system is interconnected with and entirely surrounded by that of WMECO which operates solely in Massachusetts, and WMECO supplies to Huntington, at wholesale, its entire requirements of electricity. In addition, WMECO and Huntington are parties to an agreement dated December 31, 1959, whereby WMECO supplies all the management and operating personnel for Huntington. With the addition of Huntington's retail customers to WMECO's system in place of Huntington as a wholesale customer, WMECO anticipates in the first year a net increase in operating revenues of approximately $110,000 and an increase in operating costs of approximately $110,000 and an increase in operating costs of approximately $100,000.

Upon the consummation of the merger, all the common stock of Huntington will be canceled. The authorized and issued capital stock of WMECO will remain unchanged. The holders of WMECO's first mortgage bonds will obtain additional security by reason of the merger, since all the bondable property to be vested in WMECO by reason of the merger will be subjected to the lien of WMECO's bond indenture. The assets and liabilities of Huntington will be entered on the books of WMECO exactly as they stand on the books of Huntington at the time when the merger becomes effective, except that all intercompany items will be eliminated. The common equity of Huntington in the amount of $192,000, including earned surplus of $148,000, will be recorded by WMECO as capital surplus. The utility plant of Huntington had an original book cost of $588,231 and a depreciated cost of $482,838 as of December 31, 1970.

WMECO intends to submit the proposed merger to its stockholders for their approval at a special meeting of stockholders to be held on April 12, 1971. In connection therewith, WMECO proposes to solicit proxies from the holders of its preferred stock. WMECO has requested that the effectiveness of its declaration with respect to the solicitation of proxies be accelerated as provided in Rule 62.

It is stated that the proposed merger is subject to the approval of the Massachusetts Department of Public Utilities and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than April 14, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–3959 Filed 3–23–71;8:45 am]

TARIFF COMMISSION

BILLIARD BALLS

Report to the President; Domestic Producer Ineligible for Tariff or Other Assistance

MARCH 19, 1971.

The U.S. Tariff Commission today reported to the President that the domestic industry producing cast-resin billiard balls did not meet the requirements of the Trade Expansion Act to qualify for tariff or other assistance.

In the investigation, the Commission found unanimously that billiard balls are not, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive products.

The investigation (TEA–I–19) was instituted by the Commisison in October 1970 on petition of the Albany Billiard Ball Co., Albany, N.Y. It was conducted under the provisions of section 301(b) of the Trade Expansion Act of 1962, which establishes the criteria for determining whether a domestic industry is qualified for tariff or other assistance.

A part of the material contained in the report may not be made public since it includes information that would disclose the operations of an individual firm. The Commission, therefore, is releasing to the public only those portions of the report that do not contain business confidential information.

Copies of the public report (TC Publication 374), which contains statements of the reasons for the Commissioners' findings, will be released as soon as possible. Copies will be available on request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436.

By direction of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71–4029 Filed 3–23–71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOLE CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Dole Co., Post Office Box 3380, Honolulu, HI 96801, has withdrawn its petition (FAP OH2493), notice of which was published in the FEDERAL REGISTER of January 13, 1970 (35 F.R. 440), proposing that § 121.1117 *Diethyl pyrocarbonate* (21 CFR 121.1117) be amended to provide for the safe use of diethyl pyrocarbonate as a fermentation inhibitor in hermetically sealed, chilled pineapple.

Dated: March 12, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71–3952 Filed 3–23–71;8:45 am]

STEIN, HALL & CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2607) has been filed by Stein, Hall & Co., Inc., 605 Third Avenue, New York, NY 10016, proposing that § 121.1029 *Sorbitan monostearate* (21 CFR 121.1029) be amended to provide for the safe use of sorbitan monostearate as a stabilizer in starches or modified food starches for use in starch-based foods.

Dated: March 12, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71–3953 Filed 3–23–71;8:45 am]

[Docket No. FDC–D–301; NDA 9–097, etc.]

ORAL COMBINATION DRUGS CONTAINING: HEXAMETHONIUM CHLORIDE WITH RESERPINE OR ALSEROXYLON; AND MEPROBAMATE WITH PENTOLINIUM TARTRATE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Applications

In a Drug Efficacy Study Implementation announcement (DESI 9097) published in the FEDERAL REGISTER of October 15, 1970 (35 F.R. 16196), the holders of new-drug applications listed below and any interested person who might be adversely affected by the removal of the drugs from the market were invited to submit, within 30 days, pertinent data bearing on the Commissioner's announced intention to initiate proceedings to withdraw approval of the applications in the absence of substantial evidence that the drugs are effective for their labeled indications and that each component of the combinations contributes to the total effects claimed. No such data were submitted.

Rauwiloid and Hexamethonium Tablets; containing alseroxylon and hexamethonium chloride; Riker Laboratories, Inc., 19901 Nordhoff Street, Northridge, CA 91326 (NDA 9–097).

Equalysen Tablets; containing meprobamate and pentolinium tartrate; Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, PA 19101 (NDA 11–326).

Reserthonium Tablets; containing reserpine and hexamethonium chloride; Nysco Laboratories, Inc., 34–24 Vernon Boulevard, Long Island City, NY 11106 (NDA 9–924).

In addition to the drugs listed above, the following preparation, although not submitted for review by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, is affected by the announcement of October 15, 1970.

Hexatina Tablets; containing hexamethonium chloride and reserpine; Fellows-Testagar Division Fellows Medical Manufacturing Co., Inc., 12741 Capital Avenue, Oak Park, MI 48237 (NDA 10–236).

Therefore, notice is given to all of the above firms, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new-drug applications and all amendments and supplements applying thereto, on the grounds that new information before the Commissioner with respect to each of the drugs, evaluated together with the evidence available to him when the applications were approved, shows that there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug applications should not be withdrawn. Such withdrawal of approval may cause any related drug for human use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–65, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove

in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 2, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3955 Filed 3-23-71;8:45 am]

[Docket No. FDC-D-276; NDA 6-682, etc.]

PREPARATIONS CONTAINING CHOLINE SALTS

Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of January 10, 1970 (35 F.R. 396), the Commissioner of Food and Drugs announced (DESI 5597) his conclusions pursuant to evaluating reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the efficacy of preparations containing choline salts.

The announcement stated that the drugs are regarded as possibly effective for their labeled indications, and holders of new-drug applications and persons marketing the drugs without approval were allowed 6 months to obtain and submit data to provide substantial evidence of effectiveness of the drug as adjunctive therapy for liver disorders, principally cirrhosis, where accumulation of fat is a factor. The first drug listed below was named in the announcement and the other firms were advised that their drugs are similarly affected by the terms of the announcement:

1. Monichol Liquid, containing 500 milligrams choline dihydrogen citrate, 500 milligrams polysorbate 80, and 250 milligrams inositol per 5 milliliters; Ives Laboratories, Inc., 685 Third Avenue, New York, NY 10017 (NDA 8-597).

2. Winoline Syrup, containing 7 grains choline chloride per 100 cc.; Sterling Drug Inc., 90 Park Avenue, New York, NY 10016 (NDA 6-964).

3. Lipinel Capsules, containing 0.25 gram choline dihydrogen citrate and 0.05 gram extract of fresh beef pancreas; Cutter Laboratories, Fourth and Parker Streets, Berkeley, CA 94710 (NDA 6-682).

4. Solution No. 68, containing 46 grams choline citrate and 3 grams inositol per 100 cc.; Eli Lilly & Co., Post Office Box 618, Indianapolis, IN 46206 (NDA 8-029).

All of the above firms have advised that these drugs are either no longer marketed or have never been marketed and have waived opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: March 3, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3954 Filed 3-23-71;8:45 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration), formerly part 5, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education and Welfare (33 F.R. 15953, October 30, 1968), is hereby amended with regard to section 3-C, formerly 5-C, "Delegations of Authority," as follows:

After the subparagraph numbered (8) of the paragraph entitled "Specific delegations," add a new subparagraph reading:

(9) The functions under Title IX (except section 905) of the Public Health Service Act, as amended, relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, kidney disease, and related diseases.

ELLIOT L. RICHARDSON,
Secretary.

MARCH 15, 1971.

[FR Doc.71-3994 Filed 3-23-71;8:48 am]

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration), formerly part 5, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968), is hereby amended with regard to section 3-C, formerly 5-C, "Delegations of Authority," as follows:

After the subparagraph numbered (9) of the paragraph entitled "Specific delegations," add a new subparagraph reading:

(10) The functions under section 317 of the Public Health Service Act (Public Law 91-464) relating to communicable disease control and vaccination assistance.

ELLIOT L. RICHARDSON,
Secretary.

MARCH 2, 1971.

[FR Doc.71-3995 Filed 3-23-71;8:48 am]

Public Health Service

CLINICAL LABORATORIES

Licenses and Letters of Exemption

Notice is hereby given that as of October 5, 1970, licenses for the solicitation and acceptance in interstate commerce of specimens for laboratory examination and letters of exemption based upon accreditation by the College of American Pathologists have been issued, as follows, pursuant to the provisions of section 353 of the Public Health Service Act, 42 U.S.C. 263a, and Part 74 of Title 42, Code of Federal Regulations.

LICENSES

ALABAMA

Dr. Hazel Gore, 4313 Corinth Dr., Mount Brook, AL 35213.	Pathology.
Mobile General Hospital Laboratory, Drs. Brown & Fonde, Pathologists, 2451 Fillingim St., Mobile, AL 36617.	Pathology.
Pathology & Cytology Laboratory, Southeast Alabama General Hospital, Dothan, AL 36301.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Toxicology, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.
Pathology Laboratory Associates of Dothan, 1914 Fairview Ave., Dothan, AL 36301.	Pathology.
Tuscaloosa Pathology Laboratories, 902 5th Ave. East, Tuscaloosa, AL 35401.	Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.

CALIFORNIA—continued

Isotopes, Inc., A Teledyne Co., 4062 Fabian St., Palo Alto, CA 94303.	Radiobioassay
J. Wesley Fletcher Laboratories, 1127 Fair Oaks Ave., South Pasadena, CA 91030.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Laboratory of Pathology, 1618 El Monte Ave., Sacramento, CA 95815.	Pathology.
Laboratory Procedures, Division of the Upjohn Co., 6330 Variel Ave., Woodland Hills, CA 91364.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
La Jolla Clinical Laboratory, 7847 Fay Ave., La Jolla, CA 92037.	Exfoliative Cytology.
Lambda Laboratories, Inc., 864 West Arbor Vitae St., Inglewood, CA 90301.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Toxicology.
Malkin Medical Laboratory, 711 Colorado Ave., Palo Alto, CA 94303.	Exfoliative Cytology.
Medical Park Laboratory, 340 4th Ave., Chula Vista, CA 92010.	Exfoliative Cytology.
Pap Smear Center, 4232 University Ave., San Diego, CA 92105.	Blood and Cerebrospinal Fluid Chemistry.
Physicians Laboratory, 220 Meridian Ave., San Jose, CA 95126.	Bacteriology, Mycology, Parasitology, (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology.
Physicians Medical Laboratory, 1109 Sonoma Ave., Santa Rosa, CA 95405.	Toxicology, Urinalysis; Radiobioassay.
Radiation Detection Co., 385 Logue Ave., Mountain View, CA 94040.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Reference Laboratory, 12936 Ralicoy, North Hollywood, CA 91609.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Solano Laboratories, Inc., 2113 Dwight Way, Berkeley, CA 94704.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Sumerlin Memorial Laboratory, D. N. Sharp Memorial Community Hospital, 7901 Frost St., San Diego, CA 92123.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
The Western Clinical Laboratory, Inc., 201 Sunrise Ave., Roseville, CA 95678.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Toxicology; Exfoliative Cytology; Radiobioassay.
Walnut Creek-Lafayette Laboratories, 1351 East Newel Ave., Walnut Creek, CA 94596.	Serology (Syphilis), Serology (non-Syphilis); Urinalysis; Hematology.
Wilshire Medical Laboratories, Inc., 633 South Westlake Ave., Los Angeles, CA 90057.	Bacteriology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry; Pathology; Radiobioassay.

COLORADO

Colorado Pathologists Reference Lab, 1634 Downing St., Denver, CO 80218.	Clinical Chemistry; Radiobioassay.
DCL Biomedical, Inc., 1567 Marion St., Denver, CO 80209.	Bacteriology, Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.
	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.

ARIZONA

Thomas Laboratories, Inc., 406 West 16th St., Yuma, AZ 85364.	Bacteriology; Blood and Cerebrospinal Fluid Chemistry; Hematology.

CALIFORNIA

Arrowhead Clinical Laboratories, 2107 Van Ness Ave., San Francisco, CA 94109.	Serology (Syphilis); Clinical Chemistry; Radiobioassay.
Automated Analytical Laboratories, 2981 Loma Vista, Ventura, CA 93003.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology.
Automated Bio-Chemistry, Inc., 3680 Clairemont Dr., San Diego, CA 92117.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Toxicology, Urinalysis; Hematology; Pathology.
Bay Area Central Laboratories, Inc., 2847 California St., San Francisco, CA 94115.	Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology.
Bio-Analysis, 1701 Berkeley St., Santa Monica, CA 90404.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Biochemical Procedures, 12020 Chandler Blvd., North Hollywood, CA 91607.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Bio-Laboratories, 23345 Washington Ave., Colton, CA 92324.	Bacteriology, Mycology; Toxicology; Pathology.
Bio-Research Laboratories, 2437 6th St., Berkeley, CA 94710.	Clinical Chemistry.
Bio-Science Laboratories, 7600 Tyrone Ave., Van Nuys, CA 91405.	Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology-Limited; Radiobioassay.
Bio-Technics Laboratories, Inc., 1133 Crenshaw Blvd., Los Angeles, CA 90019.	Clinical Chemistry; Radiobioassay.
Burbank Medical Laboratory, 303 North Glenoaks Blvd., Burbank, CA 91502.	Blood and Cerebrospinal Fluid Chemistry, Urinalysis.
California Toxicology Service, 2333 West 3rd St., Los Angeles, CA 90057.	Toxicology.
Cal-Med Laboratory, 301 East Regent St., Inglewood, CA 90301.	Exfoliative Cytology (Cytochemical only).
Cancer Control Center, Inc., 11311 Camarillo St., North Hollywood, CA 91602.	Pathology.
Chem-Tech Laboratories, 236½ South Robertson Blvd., Beverly Hills, CA 90211.	Clinical Chemistry.
Continental Testing Laboratory, 7116 Melrose Ave., Los Angeles, CA 90046.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Immunohematology; Hematology.
Cyto-Biological Laboratories, 825 Hawthorn St., San Diego, CA 92101.	Exfoliative Cytology.
Cytohistological Laboratory, 81 Casa Buena Dr., Corte Madera, CA 94925.	Exfoliative Cytology.
Empire Medical Laboratory, 1166 Montgomery Dr., Santa Rosa, CA 95405.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Hematology; Radiobioassay.
Harkness Community Hospital & Medical Center, 1400 Fell St., San Francisco, CA 94117.	Mycology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Pathology.

COLORADO—continued

Laplata Community Hospital, Box 1429, Durango, CO 81301.	ogy (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Pathology.
Mercy Hospital Laboratory, 1905 East 3rd Ave., Durango, CO 81301.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.
Saint Mary's Hospital, 7th and Patterson, Grand Junction, CO 81501.	Bacteriology; Endocrinology, Blood and Cerebrospinal Fluid Chemistry; Pathology.
The Denver—Laboratory Section, 701 East Colfax Ave., Denver, CO 80203.	Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Hematology; Pathology.

CONNECTICUT

Canberra Laboratory Services, Inc., 45 Gracey Ave., Meriden, CT 06450.	Bacteriology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Exfoliative Cytology; Radiobioassay.
Hartford Hospital, Clinical Chemistry Laboratory, 80 Seymour St., Hartford, CT 06115.	Clinical Chemistry.
Hartford Hospital, Department of Pathology, 80 Seymour St., Hartford, CT 06115.	Exfoliative Cytology.
New Milford Hospital, 21 Elm St., New Milford, CT 06776.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood & Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.
The Sharon Hospital, West Main St., Sharon, CT 06069.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood & Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Pathology.
Valley Medical Laboratories, Inc., Stafford Rd., Rural Delivery 1, Somers, CT 06071.	Bacteriology; Blood & Cerebrospinal Fluid Chemistry, Endocrinology.

DELAWARE

Claymont Medical Laboratory, 1320 Philadelphia Pike, Wilmington, DE 19809.	Blood & Cerebrospinal Fluid Chemistry, Urinalysis.
Haskell Lab for Toxicology and Industrial Medicine, Elkton Rd., Newark, DE 19711.	Toxicology; Exfoliative Cytology.
Professional Clinical Labs, Inc., Professional Building No. 4, Suite 202, Augustine Cutoff, Wilmington, DE 19803.	Serology (Syphilis), Serology (non-Syphilis); Blood & Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Histopathology, Oral Pathology; Radiobioassay.

DISTRICT OF COLUMBIA

Bureau of Laboratories, 6th Floor, 300 Indiana Ave. NW., Washington, DC 20001.	Parasitology, Virology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology, Pathology.
Clinical Laboratories, Children's Hospital of the D.C., 21215 13th St. NW., Washington, DC 20009.	Bacteriology, Parasitology, Serology (non-Syphilis); Clinical Chemistry; Hematology; Histopathology; Radiobioassay.
Clinical Laboratories, Freedman's Hospital, 6th and Bryants St. NW., Washington, DC 20001.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.

DISTRICT OF COLUMBIA—continued

Columbia Hospital for Women, 2425 L St., NW., Washington, DC 20037.	Bacteriology, Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Histopathology; Radiobioassay.
D.C. General Hospital (Main Lab), Division of Pathology, 19th and Massachusetts Ave. SE., Building 11, Washington, DC 20003.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
Department of Nuclear Medicine, 110 Irving St. NW., Washington, DC 20010.	Radiobioassay.
Ethical Laboratories, 820 Quincy St. NW., Washington, DC 20011.	Bacteriology, Parasitology, Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunoheratology; Hematology; Exfoliative Cytology.
Georgetown University Hospital, 3800 Reservoir Rd. NW., Washington, DC 20007.	Microbiology and Serology; Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Georgetown University Hospital, 3800 Reservoir Rd. NW., Washington, DC 20007.	Pathology.
Group Health Association, Inc., 2121 Pennsynvania Ave. NW., Washington, DC 20037.	Bacteriology, Parasitology; Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Exfoliative Cytology.
Ladson Cytological Laboratories, Inc., 915 19th St. NW., Washington, DC 20006.	Exfoliative Cytology.
Marian Mann, M.D., 408 North St. SW., Washington, DC 20024.	Pathology.
Washington Internal Medical Group Lab., 2400 H St., Washington, DC 20037.	Urinalysis.
Washington Medical Laboratory, 1834 Eye St. NW., Washington, DC 20006.	Urinalysis, Toxicology; Pathology.
Washington Medical Laboratory, Inc., 412 5th St. NW., Washington, DC 20001.	Serology (Syphilis).
Washington Medical Laboratory, Inc., 2141 K St. NW., Washington, DC 20037.	Bacteriology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Radiobioassay.
Washington Reference Laboratory, 4380 MacArthur Blvd. NW., Washington, DC 20007.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Toxicology; Radiobioassay.

FLORIDA

Associated Pathologist's Cytology Center, 401 Coral Way, Coral Gables, FL 33134.	Exfoliative Cytology.
Ayre Cytodiagnostic Center, 6200 Northwest Miami Ct., Miami, FL 33150.	Exfoliative Cytology.
Biochemistry Associates International, 1150 Northwest 14th St., Miami, FL 33136.	Clinical Chemistry; Radiobioassay.
Clinical Laboratory Systems, Inc., 540 Northeast Eighth St., Fort Lauderdale FL 33304.	Exfoliative Cytology.
Dermatopathology Laboratory, 1680 Meridan Ave., Miami Beach, FL 33139.	Histopathology (Dermatopathology).
General Consultants, Inc., 4400 Central Ave., St. Petersburg, FL 33733.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Pathology.
Lahuis Clinical Laboratories, 168 Southeast 1st St., Miami, FL 33131.	Serology (Syphilis); Clinical Chemistry; Radiobioassay.
Louis C. Herring & Co., 15 West Underwood St., Orlando, FL 32806.	Urinalysis (Bio-Crystallography).
Miami Cytology Center, 2627 Biscayne Blvd., Miami, FL 33137.	Exfoliative Cytology.

FLORIDA—continued

Papanicolaou Cancer Research Institute, 1155 Northwest 14th St., Miami, FL 33136.	Exfoliative Cytology.
Penbay Biological Analytical Labs, Inc., 10 East Jordan St., Pensacola, FL 32501.	Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Hematology; Radiobioassay.
Universal Medical Lab Service, Inc., 3290 Northeast 12th Ave., Oakland Park, FL 33308.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Radiobioassay.

GEORGIA

Agatha M. Thrash, M.D., 2039 Warm Springs Rd., Columbus, GA 31904.	Exfoliative Cytology.
Americus & Sumter County Hospital, 712 Forsyth St., Americus, GA 31709.	Pathology.
Atlanta Diagnostic Laboratories, 609 Church St., Decatur, GA 30030.	Serology (non-Syphilis) (Rubella HI test only).
Doctors Laboratory, Suite 201, Doctors Bldg., Valdosta, GA 31601.	Bacteriology, Parasitology, Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.
Drs. Ihnen, Murphy & Mitchener, 1421 Gwinnett St., Augusta, GA 30902.	Exfoliative Cytology.
Leo A. Erbele, M.D., 700 Spring St., Macon, GA 31208.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.
Linden Laboratories, Inc., 731 West Peachtree St. NW., Atlanta, GA 30308.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Medical Diagnostic & Research Lab., 499 Peachtree St. NE., Atlanta, GA 30308.	Clinical Chemistry; Pathology.

HAWAII

Hilo Hospital, 1190 Waianuenue Ave., Hilo, HI 96720.	Hematology; Pathology.

ILLINOIS

Burnham City Hospital, 407 South 4th, Champaign, IL 61820.	Blood and Cerebrospinal Fluid Chemistry-Limited.
Degraff Clinical Laboratory, 3341 Ridge Rd., Lansing, IL 60438.	Hematology.
DeGraffenried & Fisher Medical, Consulting Service, 1638 Sycamore Rd., De Kalb, IL 60115.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Hematology; Pathology.
Gyne-Cytology Laboratory, Inc., 636 Church St., Evanston, IL 60201.	Exfoliative Cytology.
Industrial Bio-Test Laboratories, Inc., 1810 Frontage Rd., Northbrook, IL 60062.	Toxicology.
International Harvester Co., Industrial Hygiene Laboratory, 7 South 600 County Line, Hinsdale, IL 60527.	Toxicology.
Lake View Memorial Hospital, Department of Pathology, 812 North Logan Ave., Danville, IL 61832.	Pathology.

ILLINOIS—continued

Lombard Chiropractic Clinic Lab, 200 East Roosevelt Rd., Lombard, IL 60148.	Blood and Cerebrospinal Fluid Chemistry, Urinalysis.
Martin Clinical Laboratory, 1520 7th St., Moline, IL 61265.	Pathology.
Medical Center Clinical Labs, 3528 North Ashland Ave., Chicago, IL 60657.	Clinical Chemistry; Radiobioassay.
Saint Elizabeth Hospital, 600 Sager St., Danville, IL 61832.	Hematology; Exfoliative Cytology.
Stromsdorfer Medical Laboratory, 604 East Broadway, Alton, IL 62002.	Pathology.
Thompson X-Ray & Clinical Laboratory, 1150 North State St., Chicago, IL 60610.	Endocrinology-Limited; Radiobioassay.
United Medical Laboratory, Inc., 8 South Michigan Ave., Chicago, IL 60603.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Hematology; Exfoliative Cytology.

INDIANA

Bureau of Protective Analysis, Inc., 475 Broadway, Gary, IN 46402.	Urinalysis (Qualitative only).
Chem-Tech Laboratories, Inc., 2907 Parnell Ave., Fort Wayne, IN 46805.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Radiobioassay.
DeGraffenried & Fisher Medical Consulting Service, Parkview Hospital, Plymouth, IN 46563.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Hematology; Pathology.
Drs. Porro & Shively Clinical Lab., 3700 Bellemeade Ave., Evansville, IN 47715.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Pathology; Radiobioassay.
Fort Wayne Medical Laboratory, 347 West Berry, Fort Wayne, IN 46802.	Bacteriology, Seroloy (Syphilis), Serology (non-Syphilis); Blood and Cerebospinal Fluid Chemistry, Urinalysis; Hematology; Pathology.
Frost, McBride Associates, Inc., 1701 Buffalo St., Michigan City, IN 46360.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Exfoliative Cytology; Radiobioassay.
King's Daughters' Hospital, 112 Presbyterian Ave., Madison, IN 47250.	Histopathology.
Munster Medical Laboratory, Inc., 601 Ridge Rd., Munster, IN 46321.	Blood and Cerebrospinal Fluid Chemistry, Urinalysis.
Physicians Laboratory, 5246 Hohman Ave., Hammond, IN 46320.	Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry.
Physicians Precision Auto. Labs., Inc., 1919 State St., New Albany, IN 47150.	Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry; Radiobioassay.
South Bend Osteopathic Hospital Lab., 2515 East Jefferson Blvd., South Bend, IN 46615.	Blood and Cerebrospinal Fluid Chemistry; Pathology.
W. J. Pierce, M.D., Bruceville, IN 47516.	Pathology.

IOWA

Davenport Osteopathic Hospital, 1111 West Kimberly Rd., Davenport, IA 52806.	Pathology.
Gyn-Cyto-Lab., 117 South 35th St., Council Bluffs, IA 51501.	Exfoliative Cytology.
Medical Services Laboratory, 543 West 8th St., Dubuque, IA 52001.	Clinical Chemistry; Radiobioassay.
Xavier Hospital, Davis & Windsor, Dubuque, IA 52001.	Blood and Cerebrospinal Fluid Chemistry-Limited.

KANSAS

Associated Laboratories, 5111 East 21st St., Wichita, KS 67201.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis Hematology; Pathology; Radiobioassay.
Clinical Laboratory, Mercy Hospital, 821 Burke St., Fort Scott, KS 66701.	Blood and Cerebrospinal Fluid Chemistry.
University of Kansas Medical Center, Department of Pathology and Oncology, 39th and Rainbow, Kansas City, KS 66103.	Pathology.
Wesley Medical Center, 550 North Hillside, Wichita, KS 67214.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Immunohematology.

KENTUCKY

Clincal Diagnostic Laboratories, 634 South Floyd St., Louisville, KY 40202.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
Hiland Laboratory, 1805 Monmouth St., Newport, KY 41071.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology.
Lourdes Hospital Laboratory, 600 North 4th St., Paducah, KY 42001.	Pathology.
Methodist Hospital of Kentucky, 219 High St., Pikeville, KY 41501.	Pathology.
Parker Cytology Laboratory, 515 East Chestnut St., Louisville, KY 40202.	Exfoliative Cytology.
William Booth Memorial Hospital, 323 East 2d St., Covington, KY 41012.	Pathology.

LOUISIANA

Dermal Pathology, 1430 Tulane Ave., New Orleans, LA 70112.	Histopathology.
The Pathology Laboratory, 4740 Veterans Highway, Metairie, LA 70002.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.

MAINE

MacNeil Laboratory, 36 Dion Ave., Kettery, ME 03904.	Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Hematology.
Rheumatic Disease Laboratory, Maine Medical Center, 22 Bramhall St., Portland, ME 04102.	Blood and Cerebrospinal Fluid, Chemistry (Immunochemistry).

MARYLAND

Baltimore Rh Typing Laboratory, Inc., 513 West Lombard St., Baltimore, MD 21201.	Immunohematology.
Benedict Skitarelic, M.D., Laboratory, Baltimore Pike, Route No. 9, Cumberland, MD 21530.	Pathology.
Children's Hospital Laboratory, 3825 Greenspring Ave., Baltimore, MD 21211.	Histopathology.
Cytology Services, Post Office Box 1126, Silver Spring, MD 20910.	Exfoliative Cytology.
Drs. McCoy, Morales, Garcia & Lopez, Laboratory Medicine, 4400 Stamp Rd. SE., Marlow Heights, MD 20031.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.

MARYLAND—continued

Drs. McCoy, Morales, Garcia & Matta, Laboratory Medicine, 1015 University Blvd. East, Silver Spring, MD 20903.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Flow Laboratories, 12601 Twinbrook Parkway, Rockville, MD 20852.	Serology (non-Syphilis).
Microbiological Associates, Inc., 4733 Bethesda Ave., Bethesda, MD 20014.	Serology (non-Syphilis).
Mycological Lab of Maryland, Inc., 10620 Georgia Ave., Silver Spring, MD 20902.	Bacteriology, Mycology.
Northern Avenue Medical Laboratory, 580 Northern Ave., Hagerstown, MD 21740.	Exfoliative Cytology.
Pharmacopathics Clinical Laboratories, 1261 Baltimore-Washington Blvd., Laurel, MD 20810.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Physicians Service Laboratory, 516 Virginia Ave., Baltimore, MD 21204.	Exfoliative Cytology.
Union Hospital of Cecil County, 106 Singerly Ave., Elkton, MD 21921.	Exfoliative Cytology.

MASSACHUSETTS

Bay State Medical Laboratory, 1031 Beacon St., Brookline, MA 02146.	Radiobioassay.
Beacon Cytology Laboratory, 1162 Beacon St., Brookline, MA 02146.	Exfoliative Cytology.
Biomedical Assay Laboratories, Division of New England Nuclear Corp., 15 Harvard St., Worcester, MA 01608.	Blood & Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Radiobioassay.
Boston Medical Laboratory, Inc., 15 Lunda St., Waltham, MA 02154.	Endocrinology; Radiobioassay.
Boston Medical Laboratory, Inc., 19 Bay State Rd., Boston, MA 02215.	Clinical Chemistry; Radiobioassay.
Clin-Chem Laboratories, Inc., 1106 Commonwealth Ave., Boston, MA 02215.	Clinical Chemistry; Radiobioassay.
Dermatopathology Laboratory, 893 Harrison Ave., Boston, MA 02118.	Histopathology (Dermatopathology).
George W. Boylen, Jr., B.S., 77 Massachusetts Ave., Cambridge, MA 02139.	Toxicology.
Kane Medical Laboratory, Inc., 9 Walnut St., Suite 250, Worcester, MA 01608.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Radiobioassay.
Laboratory for Stone Research, 2000 Washington St., Newton, MA 02162.	Urinalysis (Urinary Calculi).
Lahey Clinic Foundation, 605 Commonwealth Ave., Boston, MA 02215.	Endocrinology.
Lawrence Medical & Testing Lab, 11 Bradford St., Lawrence, MA 01840.	Serology (Syphilis); Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry; Urinalysis; Immunohematology; Hematology; Radiobioassay.
Moran Research Laboratory, DBA Bioran Research, 9 Columbia St., Cambridge, MA 02139.	Serology (Syphilis); Serology (non-syphilis); Blood and Cerebrospinal Fluid Chemistry; Immunohematology; Hematology; Radiobioassay.
National Laboratories, 114 Waltham St., Lexington, MA 02173.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology Radiobioassay.
New England Nuclear Corp., Assay Labs, 615 Albany St., Boston, MA 02118.	Radiobioassay.
Quinn Medical Laboratory, 1038 Beacon St., Brookline, MA 02146.	Clinical Chemistry; Immunohematology; Radiobioassay.

MASSACHUSETTS—continued

Robert B. Brigham Hospital, Clinical Laboratory, 125 Parker Hill Ave., Roxbury, MA 02120.	Serology (non-Syphilis) (Immunochemistry Latex procedures).
Skin Pathology & Mycology Laboratory, University Hospital, Talbot Bldg., 55 Stoughton St., Boston, MA 02118.	Mycology; Histopathology.
The Charles River Laboratories, Inc., 251 Ballardville St., Wilmington, MA 01887.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Hematology; Radiobioassay.
Tracerlab Technical Products, 1601 Trapelo Rd., Waltham, MA 02154.	Radiobioassay.

MICHIGAN

Advance Laboratories, Inc., 21755 Michigan Ave., Dearborn, MI 48123.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Hematology.
Ann Arbor Clinical Laboratories, 2355 East Stadium Blvd., Ann Arbor, MI 48106.	Exfoliative Cytology.
Central Laboratories, Inc., 17731 East Warren Ave., Detroit, MI 48226.	Serology (Syphilis), Serology (non-Syphilis); Urinalysis; Radiobioassay.
Chrysler Corp., Medical Services Department Laboratory, 12220 Oakland Ave., Highland Park, MI 48231.	Blood and Cerebrospinal Fluid Chemistry (Lead only).
Continental Bio-Clin Lab Service, Inc., 2823 Clydon SW., Grand Rapids, MI 49509.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Exfoliative Cytology; Radiobioassay.
Environmental Health Laboratories, Inc., 32740 Northwestern Highway, Farmington, MI 48024.	Toxicology.
George D. Clayton & Associates, Inc., 25711 Southfield Rd., Southfield, MI 48075.	Toxicology.
Krainz Woods Clinical & Research Laboratory, 4327 East Seven Mile Rd., Detroit, MI 48234.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Radiobioassay.
Laboratory of Clinical Medicine, 1322 East Michigan Ave., Lansing, MI 48912.	Clinical Chemistry; Pathology.
Medical Pathfinder Laboratories, Inc., Medical Center Bldg., Fennville, MI 49408.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Pathology.
Nationwide Clinical Laboratory, 1442 Free Press Bldg., Detroit, MI 48226.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology.
Pinkus Dermatopathology Laboratory, 415 South Monroe St., Monroe, MI 48161.	Histophathology (Dermatopathology).
Providence Hospital Laboratories, 16001 West Nine Mile Rd., Southfield, MI 48075.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
Regional Medical Laboratories, 175 College St., Battle Creek, MI 49017.	Bacteriology, Mycology, Parasitology; Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Immunohematology; Hematology; Pathology; Radiobioassay.
Upper Peninsula Cytology Laboratory, 205 First St., Menominee, MI 49858.	Pathology.

MISSISSIPPI

Coahoma County Hospital Laboratory, Clarksdale, MS 38614.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry; Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.

MISSOURI

Cooper Medical Laboratory, 141 North Meramec, Clayton, MO 63105.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Ferguson's Medical Laboratories, Medical Arts Bldg., Room 104, Joplin, MO 64801.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Pathology; Radiobioassay.
Glencoe Research, Inc., 11715 Westline Industrial Dr., St. Louis, MO 63141.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Radiobioassay.
Kansas City Cytological Screening Center, 6400 Prospect Ave., Kansas City, MO 64132.	Exfoliative Cytology.
Kansas City Diagnostic Laboratory, 516 12th and Walnut St. Bldg., Kansas City, MO 64106.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis.
McPhee, Allen, Wright, Inc., 5140 Northeast Antioch Rd., Kansas City, MO 64119.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Immunohematology; Hematology; Pathology; Radiobioassay.
Midwestern Cytology Laboratory, Inc., 7933 Clayton Rd., St. Louis, MO 63117.	Exfoliative Cytology.
Missouri Clinical & Biochemical Laboratory, Inc., 4910 Forest Park, St. Louis, MO 63108.	Blood and Cerebrospinal Fluid Chemistry.
Research Hospital & Medical Center, Department of Laboratories, Meyer Bd., at Prospect, Kansas City, MO 64132.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Imunohematology; Hematology; Pathology.
Scientific Associates, Inc., 6200 South Lindbergh Bd., St. Louis, MO 63123.	Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Hematology; Radiobioassay.
Smith, Ost & Scales Laboratory, Suite 404, 6700 Troost, Kansas City, MO 64131.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology, Pathology.
Snodgrass Laboratory, St. Louis City Hospital, 1606 Grattan St., St. Louis, MO 63104.	Pathology.
Trinity Lutheran Hospital, 31st and Wyandotte Sts., Kansas City, MO 64108.	Pathology.
U. Laboratory Service, Inc., Independence, MO 64050.	Urinalysis.
Upsher Laboratories, 20 East 14th St., Kansas City, MO 64142.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Pathology; Radiobioassay.
Washington University School of Dentistry, 4559 Scott Ave., St. Louis, MO 63110.	Exfoliative Cytology, Oral Pathology.

MONTANA

Billings Deaconess Hospital Laboratory, Billings, MT 59103.	Pathology.

NEBRASKA	
Pathology Services, Memorial Hospital, Post Office Box 274, North Platte, NE 69101.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Pathology; Radiobioassay.
NEVADA	
Associated Pathologists, 2300 South Rancho Dr., Las Vegas, NV 89102.	Bacteriology, Mycology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Hematology; Pathology.
Western Pathology Associates, 1225 Westfield Ave., Reno, NV 89502.	Pathology.
NEW HAMPSHIRE	
Beatrice D. Weeks Memorial, Hospital Laboratory, Middle St., Lancaster, NH 03584.	Histopathology.
Frisbie Medical Hospital, Whitehall Rd., Rochester, NH 03867.	Pathology.
Laboratory of the Littleton Hospital, 107 Cottage St., Littleton, NH 03561.	Exfoliative Cytology.
Mary Hitchock Memorial Hospital, 2 maynard St., Hanover, NH 03755.	Exfoliative Cytology.
NEW JERSEY	
Biochemical Procedures, Eastern Division, 1350 Liberty Ave., Hillside, NJ 07205.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Center for Laboratory Medicine, 16 Pearl St., Metuchen, NJ 08340.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Clinical Laboratories, Inc., 79 North Franklin Turnpike, Ramsey, NJ 07446.	Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Diagnostic Sciences, Inc., 36 Elm St., Morristown, NJ 07960.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Toxicology; Radiobioassay.
Elizabeth Bio-Chemical Laboratory, 53 Jefferson Ave., Elizabeth, NJ 07201.	Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Endocrin & Clinical Laboratories, Inc., 2130 Millburn Ave., Maplewood, NJ 07040.	Endocrinology.
Fungus Diagnostic Services, 9 Watchung Ave., Plainfield, NJ 07060.	Mycology (Dermatophytes only).
Gibraltar Laboratories, 213 Washington St., Newark, NJ 07102.	Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Hematology.
GYN Cytology & Pathology Associates, 740 Carroll Pl., Teaneck, NJ 07666.	Pathology.
Harold J. Sobel, M.D., 70 Parker Ave., Passaic, NJ 07470.	Histopathology.
Isotopes, A Teledyne Co., 50 Van Buren, Westwood, NJ 07675.	Radiobioassay.
Metropolitan Pathology Lab., Inc., 185 West Englewood Ave., Teaneck, NJ 07666.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
National Clinical Services, Laboratories of New Jersey, 2115 Millburn Ave., Maplewood, NJ 07040.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Exfoliative Cytology; Radiobioassay.
Ortho Diagnostics, U.S. Highway 202, Raritan, NJ 08869.	Immunohematology.
Skin & Mucous Membrane Biopsy Lab., 625 Main Ave., Passaic, NJ 07055.	Histopathology, Oral Pathology.
NEW JERSEY—continued	
The Hospital Center at Orange Lab., 188 South Essex Ave., Orange, NJ 07051.	Serology (Syphilis); Hematology; Pathology.
Warren Hospital Laboratory, 185 North Roseberry St., Phillipsburg, NJ 08865.	Blood and Cerebrospinal Fluid Chemistry; Exfoliative Cytology.
NEW MEXICO	
Controls for Environment, Pollution, Inc., Post Office Box 5351, 1505 Llano, Santa Fe, NM 87501.	Radiobioassay.
Eberline Inst. Corp.'s Department of Nuclear Science, Corner of Chama and Rosina Sts., Santa Fe, NM 87501.	Radiobioassay.
McKinley General Hospital Laboratory, 1901 Red Rock Dr., Gallup, NM 87301.	Pathology.
San Juan Hospital, Inc., 801 West Maple St., Farmington, NM 87401.	Pathology.
University of New Mexico Cytopathology Lab, 930 Stanford NE., Albuquerque, NM 87106.	Exfoliative Cytology.
NEW YORK	
Bendiner & Schlesinger Laboratory, 47 3d Ave., New York, NY 10003.	Bacteriology, Mycology; Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Hematology; Pathology.
Biochemex Laboratories, Inc., 1271 Hempstead Turnpike, Elmont, NY 11003.	Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Toxicology; Radiobioassay.
Blood Group Research Unit, State University of N.Y. at Buffalo, 233 Sherman Hall, Buffalo, NY 14214.	Immunohematology.
CA Detection Laboratories, 12 Nevada Dr., New Hyde Park, NY 11040.	Exfoliative Cytology.
Central Bioanalytical Laboratories, Inc., 636 Wantagh Ave., Levittown, NY 11756.	Bacteriology, Mycology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Urinalysis; Immunohematology; Hematology; Pathology Radiobioassay.
Clarendon Laboratory & Surgical Supply Co., 1123–29 Flatbush Ave., Brooklyn, NY 11226.	Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Clinical Laboratories of Metropolitan Life Insurance, 25 East 24th St., New York, NY 10010.	Blood and Cerebrospinal Fluid Chemistry, Urinalysis.
Cytology Screening Laboratory, 255 Lark, St., Albany, NY 12210.	Pathology.
Doctors Laboratory, 435 Fort Washington Ave., New York, NY 10033.	Blood and Cerebrospinal Fluid Chemistry; Hematology.
Drs. Gorstein & Finkel Clinical Laboratory, 139 East 23d St., New York, NY 10010.	Pathology.
Endocrine Research Laboratories, Inc., 245 East 35th St., New York, NY 10016.	Endocrinology, Urinalysis; Hematology; Exfoliative Cytology; Radiobioassay.
Exfoliative Cytology, 4 East 95th St., New York, NY 10028.	Exfoliative Cytology.
Good Samaritan Hospital Laboratory, Lafayette Ave., Suffern, NY 10901.	Bacteriology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis, Immunohematology; Hematology; Pathology.
Heyman Laboratory, 74 Linwood Ave., Buffalo, NY 14209.	Exfoliative Cytology.
Jacob Taub, M.D., Laboratory, 2503 St. Raymond Ave., Bronx, NY 10461.	Pathology.

NEW YORK—continued	
Jamison Laboratories, 1260 Broadway, Brooklyn, NY 11221.	Serology (Syphilis), Serology (non-Syphilis); Urinalysis; Pathology; Radiobioassay.
Kings County Research Labs, Inc., 705 6th Ave., Brooklyn, NY 11215.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Knickerbocker Hospital, 70 Convent Ave., New York, NY 10027.	Pathology.
Laboratories of Dr. L. E. Marshall, 140 South Middle Neck Rd., Great Neck, NY 11022.	Pathology.
Laboratory of Edmund R. Marino, M.D., 80 8th Ave., Brooklyn, NY 11217.	Pathology.
Laboratory of Harold L. Mamelok, M.D., 141 Monhagen Ave., Middletown, NY 10940.	Pathology.
Laboratory of Irving Rudolph, M.D., 2151 Ocean Ave., Brooklyn, NY 11229.	Exfoliative Cytology.
Long Island Laboratories, Inc., Subsidiary of Cybertek, Inc., 35–22 Linden Pl., Flushing, NY 11354.	Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Hematology; Exfoliative Cytology.
Manhattan Clinical & Pathological Laboratories, 1155 Park Ave., New York, NY 10028.	Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry.
Mobil Oil Corp., Medical Department Clinical Laboratory, 150 East 42d St., New York, NY 10017.	Toxicology, Urinalysis; Hematology.
National Cancer Cytology Center, 113 South Service Rd., Jericho, NY 11753.	Exfoliative Cytology.
Park Madison Laboratories, Inc., 47 East 67th St., New York, NY 10021.	Pathology.
Pathology Laboratory, Memorial Hospital, 444 East 68th St., New York, NY 10021.	Pathology.
Pathology Laboratory of Louis Winkelman, M.D., 705 6th Ave., Brooklyn, NY 11215.	Pathology.
Pioneer Blood Service, Inc., 2804 3d Ave., Bronx, NY 10455.	Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry-Limited; Immunohematology; Hematology-Limited.
Professional Services, Pfizer Diagnostics, 300 West 43d St., New York NY 10036.	Immunohematology.
R.I.S.T. Laboratories, Inc., 315 Walt Whitman Rd., Huntington Station, NY 11746.	Exfoliative Cytology.
Saint Francis Hospital Laboratory, 2021 West State St., Olean, NY 14760.	Pathology.
The Continental Research Institute, 25 Cedar St., New York, NY 10038.	Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Hematology; Exfoliative Cytology.
The Laboratory for Chromatography, 8 Muriel Ave., Lawrence, NY 11559.	Toxicology, Urinalysis.
The New York Blood Center, 310 East 67th St., New York, NY 10021.	Serology (non-Syphilis); Immunohematology.
The New York Institute of Clinical Oral Pathology, Inc., 101 East 79th St., New York, NY 10021.	Oral Pathology.
Universal Diagnostic Laboratories, 700 Ocean Ave., Brooklyn, NY 11226.	Endocrinology; Exfoliative Cytology.
York-Regency Medical Laboratory, Inc., 1010 3d Ave., New York, NY 10021.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis.
NORTH CAROLINA	
Biomedical Laboratories, Inc., 1308 Rainey St., Burlington, NC 27215.	Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
NORTH CAROLINA—continued	
Diagnostic Laboratories, Inc., 905 Doctors Bldg., 1012 Kings Dr., Charlotte, NC 28207.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
K. A. Latourette, M.D., 715 Fleming St., Hendersonville, NC 28739.	Exfoliative Cytology.
Laboratories of Extramural Pathology, 300 South Hawthorne Rd., Winston-Salem, NC 27103.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
Robert S. Boatwright, M.D., Drawer 538, Waynesville, NC 28786.	Hematology; Pathology.
Southeast Pathology Laboratory, 1321 North Elm St., Greensboro, NC 27401.	Exfoliative Cytology.
NORTH DAKOTA	
Dakota Clinic Laboratory, 1702 South University Dr., Fargo, NC 58102.	Pathology.
The University of North Dakota, Department of Pathology, University Station, Grand Forks, ND 58201.	Pathology.
University of North Dakota Medical School, Clinical Chemistry, Grand Forks, ND 58201.	Clinical Chemistry.
OHIO	
American Bureau of Analysis, Inc., 1062 Hanna Bldg., Cleveland, OH 44101.	Urinalysis.
Automated Medical Services of Ohio, 666 Park Ave. West, Mansfield, OH 44906.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Toxicology; Pathology; Radiobioassay.
Automated Medical Services of Ohio, 1466 South High St., Columbus, OH 43207.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Urinalysis; Immunohematology; Hematology; Radiobioassay.
Bethesda Hospital Laboratory, Oak St. and Reading Rd., Cincinnati, OH 45206.	Pathology.
Brown Laboratories, Inc., 41 South Grant Ave., Columbus, OH 43215.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.
Consolidated Biomedical Labs., Inc., 6370 Wilcox Rd., Dublin, OH 43017.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Dr. Rhoden's Diagnostic Laboratory, 3132 Sylvania Ave., Toledo, OH 43613.	Exfoliative Cytology.
Eastern Hills Laboratories, Inc., 7201 Beechmont Ave., Cincinnati, OH 45230.	Blood and Cerebrospinal Fluid Chemistry.
Flower Hospital, 3350 Collingwood Blvd., Toledo, OH 43610.	Exfoliative Cytology.
Harsham Clinical Laboratory, 3927 North Bend Rd., Cincinnati, OH 45211.	Serology (Syphilis).
Hilltop Laboratories, Inc., 250 William H. Taft Rd., Cincinnati, OH 45219.	Bacteriology, Mycology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.

OHIO—continued

Laboratory for Analytical Blood Studies, Inc., 3600 Olentangy River Rd., Columbus, OH 43214.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis.
Medical Laboratory Service, Inc., 5889 Colerain Ave., Cincinnati, OH 45239.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Toxicology; Hematology; Pathology; Radiobioassay.
Northeast Clinical Laboratory, 34792 Roberts Rd., Eastlake, OH 44094.	Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Radiobioassay.
Ohio Medical Laboratories, 821 Jefferson Ave., Toledo, OH 43624.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Physicians & Surgeons Laboratory, 210 Scott St. NE., Warren, OH 44483.	Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry; Exfoliative Cytology.
Searle Reference Laboratory, 2775 Home Rd., Powell, OH 43065.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Radiobioassay.
St. John Hospital, Department of Pathology, St. John Heights, Steubenville, OH 43952.	Bacteriology, Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry; Immunohematology; Hematology; Pathology.
St. Luke's Hospital Laboratory, 2517 Robinwood Ave., Toledo, OH 43610.	Histopathology.
St. Vincent Hospital & Medical Center, 2213 Cherry St., Toledo, OH 43608.	Exfoliative Cytology.
The B. F. Goodrich Co., Akron Medical Center Clinical Laboratory, 500 South Main St., Akron, OH 44318.	Blood and Cerebrospinal Fluid Chemistry.
The B. F. Goodrich Co., Industrial Hygiene Laboratory, 500 South Main St., Akron, OH 44318.	Toxicology.
The Van Wert County Hospital, 1250 South Washington St., Van Wert, OH 45891.	Pathology; Radiobioassay.

OKLAHOMA

Clinical & Surgical Pathology, Price Tower, Bartlesville, OK 74003.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Medical Arts Laboratory, 254 Pasteur Medical Bldg., 1111 North Lee, Oklahoma City, OK 73103.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Northwest Pathology Laboratory, 3141 Northwest Expressway, Oklahoma City, OK 73112.	Pathology.

OREGON

Alphaomega Laboratories, Inc., 818 West 6th, The Dalles, OR 97058.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry, Immunohematology; Hematology; Radiobioassay.
Blue Mountain Laboratory, Box 1208 Pendleton, OR 97801.	Bacteriology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Laboratory of Josephine General Hospital, 715 Northwest Dimmick, Grants Pass, OR 97526.	Pathology.
Microlaboratories, 4720 Southwest Washington St., Beaverton, OR 97005.	Bacteriology, Serology (Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.

OREGON—continued

Oregon City Cytology Laboratory, 1415 Windsor Dr., Gladstone, OR 97027.	Exfoliative Cytology.
Reese-James Pathology Laboratory, 10734 Northeast Sandy Blvd., Portland, OR 97220. 97220.	Pathology.
United Medical Laboratories, Inc., Main Lab, 6060 Northeast 112th St., Portland, OR 97220.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Radiobioassay.
United Medical Laboratories, Inc., Sandy Annex, 10700 Northeast Sandy Blvd., Portland, OR 97220.	Bacteriology, Mycology, Parasitology; Endocrinology, Urinalysis; Exfoliative Cytology; Radiobioassay.
United Medical Laboratories, Inc., Lipid Laboratory, 10504 Northeast Sandy Blvd., Portland, OR 97220.	Blood & Cerebrospinal Fluid Chemistry Ultracentrifugation methods).
United Medical Laboratories, Inc., Toxicology Laboratory, 10005 Northeast Sandy Blvd., Portland, OR 97220.	Toxicology.

PENNSYLVANIA

Alpha Medical Laboratories, 4536 Newportville Rd., Levittown, PA 19057.	Bacteriology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Bernville Biological Laboratory, Bernville, PA 19506.	Clinical Chemistry; Radiobioassay.
Biomedical Laboratories, Inc., Division of Biomedical Laboratories, 491 Allendale Rd., King of Prussia, PA 19406.	Bacteriology, Serology (non-Syphilis); Blood & Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Radiobioassay.
Bio-Science Laboratories, Philadelphia Branch, 1619 Spruce St., Philadelphia, PA 19103.	Serology (Syphilis); Clinical Chemistry; Radiobioassay.
Biozyme Laboratories, Inc., Maple and Southeast Sts., Coudersport, PA 16915.	Blood & Cerebrospinal Fluid Chemistry; Radiobioassay.
Central Blood Bank of Pittsburgh, 812 5th Ave., Pittsburgh, PA 15219.	Immunohematology.
Clinical & Pathological Laboratory, Alpha Building, Room 319–20, Easton, PA 18042.	Exfoliative Cytology.
Dermal Pathology Laboratory, The Skin & Cancer Hospital of Philadelphia, 3322 North Broad St., Philadelphia PA 19111.	Histopathology (Dermatopathology).
Doctors Osteopathic Hospital, 239 West 10th St., Erie, PA 16501.	Pathology.
Eastern Cytology Laboratory, Inc., 37 South 20th St., Philadelphia, PA 19103.	Exfoliative Cytology.
Environmental Quality Control Laboratory, Industrial Relations Department, Bethlehem Steel Corp., Bethlehem, PA 18016.	Toxicology.
Grace Laboratories, 5909 Ridge Ave., Philadelphia, PA 19128.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Radiobioassay.
Laboratory Procedures, Division of the Upjohn Co., 1075 1st Ave., King of Prussia, PA 19406.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Mayfair Laboratory, 2834 Cottman Ave., Philadelphia, PA 19149.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Radiobioassay.
North Wales Medical Laboratory, Sunneytown Pike, North Wales, Rural Delivery 1, PA 19454.	Pathology.

PENNSYLVANIA—continued

Oral Pathology Laboratory, Temple University School of Dentistry, 3223 North Broad St., Philadelphia, PA 19140.	Exfoliative Cytology, Oral Pathology.
Pathologists Laboratories, Inc., 4901 Stenton Ave., Philadelphia, PA 19144.	Bacteriology, Mycology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Hematology; Radiobioassay.
Pharmacology Laboratories, Inc., 4901 Stenton Ave., Philadelphia, PA 19144.	Bacteriology, Mycology, Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Hematology; Exfoliative Cytology; Radiobioassay.
Philadelphia Medical Laboratory, Inc., 2300 Stratford Ave., Willow Grove, PA 19090.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Philadelphia Medical Laboratory, Inc., 6190 Rising Sun Ave., Philadelphia, PA 19111.	Pathology.
Shenango Valley Osteopathic Hospital, 2200 Memorial Dr., Farrell, PA 16121.	Blood and Cerebrospinal Fluid Chemistry; Hematology; Pathology.
The Philadelphia Blood Center, 2630 B St., Philadelphia, PA 19125.	Immunohematology.
Universal Medical Services, Inc., 781 3d Ave., King of Prussia, PA 19406.	Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Yardley Laboratory, 62 South Main St., Yardley, PA 19067.	Exfoliative Cytology.

RHODE ISLAND

Congregation of Jesus Crucified, Inc., Laboratory Department, 61 Narragansett Ave., Newport, RI 02840.	Exfoliative Cytology.
Evelyn S. Dakin Cytology Laboratory, 221 Willett Ave., Riverside, RI 02915.	Exfoliative Cytology.

SOUTH CAROLINA

Macaulay Medical Laboratory, 207 East Front St., Mullins, SC 29574.	Pathology.
Physicians Clinical Laboratory, 1919 Hampton St., Columbia, SC 39202.	Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.

SOUTH DAKOTA

Laboratory of Clinical Medicine, 1212 South Euclid Ave., Sioux Falls, SD 57105.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.
Physicians Laboratory, 900 East 22d St., Sioux Falls, SD 57105.	Pathology.

TENNESSEE

Baptist Memorial Hospital Labs, 899 Madison Ave., Memphis, TN 38103.	Pathology.
Memorial Hospital Medical Lab, Boone and Fairview, Johnson City, TN 37601.	Hematology; Pathology.
Mid South Pathology Laboratory, 81 North Tillman St., Memphis, TN 38111.	Bacteriology, Mycology (Dermatophytes only), Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Hematology; Pathology; Radiobioassay.

TENNESSEE—continued

Moss-Farrow Pathology Laboratory, 257 South Bellevue, Memphis, TN 38104.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.
Pathologists' Laboratory, 2010 Church St., Nashville, TN 37203.	Exfoliative Cytology.
Vanderbilt University Hospital, 21st Ave. South, Nashville, TN 37203.	Endocrinology; Exfoliative Cytology.
William Harrison, M.D., Sevier Medical Bldg., Powers St., Kingsport, TN 37662.	Exfoliative Cytology.

TEXAS

Bio-Assay Laboratory, 7035 Carpenter Freeway, Dallas, TX 75222.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Exfoliative Cytology; Radiobioassay.
Central Medical Laboratories, 123 Wynnewood Professional Bldg., Dallas, TX 75224.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Radiobioassay.
Complete Clinical Laboratory, Inc., 3707 Gaston Ave., Dallas, TX 75246.	Bacteriology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Hematology; Radiobioassay.
Drs. Irvine & Ramsey Laboratory, 1505 10th St., Wichita Falls, TX 76301.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Pathology.
Duncan Pathology Clinic, 315½ West 7th, Texarkana, TX 75501.	Serology (Syphilis); Pathology; Radiobioassay.
First's Clinical Laboratory, 2209 West 7th, Amarillo, TX 79106.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology-Limited, Toxicology, Urinalysis; Hematology; Radiobioassay.
Industrial Hygiene Laboratory, Baytown, TX 77520.	Toxicology
Joe Morrison Laboratory, 210 North La Fayette, Marshall, TX 75670.	Urinalysis.
John V. Denko, M.D., 620 Rusk, Amarillo, TX 79106.	Pathology.
Medical Control Laboratories, Inc., Post Office Box 9606, 1318 Federal Rd., Houston, TX 77015.	Blood and Cerebrospinal Fluid Chimistry; Exfoliative Cytology; Radiobioassay.
Orange Clinical Laboratory, 811 North 9th St., Orange, TX 77630.	Endocrinology.
Radiology & Pathology Consultants, 415 East Yandell, El Paso, TX 79902.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Pathology.
Spring Branch Memorial Hospital Laboratory, 8850 Long Point, Houston, TX 77055.	Pathology.
Western Clinical Laboratory, 909 North Oak St., Arlington, TX 76010.	Pathology.

UTAH

American Smelting & Refining Co., 3422 South 700 West, Salt Lake City, UT 84119.	Toxicology.
Industrial Hygiene Service, 3422 South 700 West, Salt Lake City, UT 84119.	Toxicology.
Intermountain Cytological Laboratories, Inc., 166 East 5900 South, Murray, UT 84107.	Pathology.

VERMONT

Brightlook Hospital Laboratory, 10 Summer St., St. Johnsbury, VT 05819.	Serology (Syphilis), Serology (non-Syphilis).
Henry W. Putnam Memorial Hospital Laboratory, Dewey St., Bennington, VT 05201.	Serology (Syphilis), Serology (non-Syphilis); Pathology.

VIRGINIA

Baker Histology Laboratory, Great Falls, VA 22066.	Histopathology (Tissue Processing).
Bionetics Research Laboratories, Inc., 101 West Jefferson St., Falls Church, VA 22046.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Chesapeake & Ohio Hospital, 720 Ridgeway St., Clifton Forge, VA 24422.	Exfoliative Cytology.
Columbia Medical Laboratory, 3543 West Braddock Rd., Alexandria, VA 22302.	Serology (non-Syphilis); Clinical Chemistry; Immunohematology.
National Clinical Services Labs, Inc., 3900 North Fairfax Dr., Arlington, VA 22203.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Northern Virginia Pathology Laboratories, 10100 Main St., Fairfax, VA 20230.	Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Hematology; Pathology; Radiobioassay.
Rockingham Hospital Laboratory, 738 South Mason St., Harrisonburg, VA 22801.	Histopathology.

WASHINGTON

Bio-Medical Laboratories, Inc., 701 Mohawk Bldg., Spokane, WA 99201.	Parasitology, Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Hematology; Pathology; Radiobioassay.
Frederic Davis, M.D., 120 East Birch, Suite 12, Walla Walla, WA 99362.	Exfoliative Cytology.
Laboratory of Clinical Medicine—Cobb, 67 Cobb Bldg., Seattle, WA 98101.	Hematology; Pathology.
Laboratory of Clinical Medicine, Maynard Hospital, 1309 Summit, Seattle, WA 98101.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry.
Laboratory of Gynecologic Cytology, 1320 Madison, Seattle, WA 98104.	Exfoliative Cytology.
Medical Laboratory, 1020 Fir St., Longview, WA 98632.	Exfoliative Cytology.
Pathologists Central Laboratory, 1115 East Pike St., Seattle, WA 98122.	Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Hematology.
Tacoma General Hospital, 315 South K St., Tacoma, WA 98405.	Pathology.
The Bio-Assay Laboratory, 10212 5th Ave. NE., Seattle, WA 98125.	Clinical Chemistry; Hematology; Radiobioassay.
The Mason-Busteed Medical Laboratory, 1001 Broadway, Seattle, WA 98122.	Pathology.
The Mason Clinic, Virginia Mason Hospital Laboratories, 1118 9th Ave., Seattle, WA 98101.	Bacteriology, Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry; Hematology; Pathology.
United States Testing Co., Inc., 2800 George Washington Way, Richland, WA 99352.	Radiobioassay.
Western Laboratories, 1104 West Spruce St., Yakima, WA 98902.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.

WEST VIRGINIA

Cabell Huntington Hospital Laboratories, 1340 16th St., Huntington, WV 25701.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Toxicology; Hematology; Pathology.
General Consultants, Inc., 1217 Ann St., Parkersburg, WV 26101.	Blood and Cerebrospinal Fluid Chemistry; Pathology.
McClure Pathological-Wheeling Hospital, 109 North Main St., Wheeling, WV 26003.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Pathology.
Ohio Valley General Hospital, Department of Pathology, 2000 Eoff St., Wheeling, WV 26003.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Immunohematology; Hematology; Pathology; Radiobioassay.

WISCONSIN

Bio-Med Laboratories, Inc., 811 East Wisconsin Ave., Milwaukee, WI 53202.	Bacteriology, Mycology, Parasitology; Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Hematology; hematology; Hematology; Exfoliative Cytology; Radiobioassay.
Gundersen Clinic Laboratory, 1836 South Ave., La Crosse, WI 54601.	Pathology.
Kenosha Memorial Hospital, 6308 8th Ave., Kenosha, WI 53140.	Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Hematology; Histopathology; Radiobioassay.
St. Catherine's Hospital Laboratory, 3556 7th Ave., Kenosha, WI 53140.	Histopathology.
St. Mary's Hospital Laboratory, 1726 Shawano Ave., Green Bay, WI 54303.	Exfoliative Cytology.

LETTERS OF EXEMPTION

ALABAMA

Medical Laboratory Associates, 1025 South 18th St., Birmingham, AL 35205.	Bacteriology, Mycology, Parasitology Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Pathology Laboratory, 750 Washington Ave., Montgomery, AL 36104.	Bacteriology; Blood and Cerebrospinal Fluid Chemistry.

ARIZONA

Affiliated Pathologists, 6031 North 19th Ave., Phoenix, AZ 85016.	Blood and Cerebrospinal Fluid Chemistry; Immunohematology; Pathology.
The Diagnostic Laboratory, 1901 East Thomas Rd., Phoenix, AZ 85016.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.

ARKANSAS

Community Methodist Hospital Laboratory, 900 West Kingshighway, Paragould, AR 72450.	Endocrinology.

CALIFORNIA

Clinical Chemistry Reference Division, Drs. Brown, Curtis, Hoxie, & Harder, Clinical Labs., 1461 East Chevy Chase Dr., Glendale, CA 91206.	Blood and Cerebrospinal Fluid Chemistry; Endocrinology.
Gerson R. Biskind, M.D., Medical Laboratory, 2245 Post St., San Francisco, CA 94115.	Blood and Cerebrospinal Fluid Chemistry; Endrocrinology, Urinalysis.

COLORADO

Drs. Freshman, Kurland, Herrman, Menger & Johnson, 234 Metropolitan Bldg., Denver, CO 80202.	Endocrinology.
Drs. Hawley, Poulsom, Doucette, Vincent, M.D.'s, 1633 Fillmore St., Denver, CO 80206.	Endocrinology; Exfoliative Cytology.
Saint Luke's Hospital, 601 East 19th Ave., Denver, CO 80203.	Histopathology.
Weld County General Hospital Laboratory, 16th St. and 17th Ave., Greeley, CO 80631.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.

DISTRICT OF COLUMBIA

Central Laboratory, Doctors Hospital, 1815 I St. NW., Washington, DC 20006.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Hadley Memorial Hospital, 4601 Nichols Ave. SW., Washington, DC 20032.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Oscar B. Hunter Memorial Laboratory, 915 19th St. NW., Washington, DC 20006.	Microbiology and Serology; Clinical Chemistry; Immunohematology; Hematology, Pathology; Radiobioassay.
Oscar B. Hunter Memorial Laboratory, Sibley Memorial Hospital, 5255 Loughboro Rd. NW., Washington, DC 20016.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Pathology; Radiobioassay.
Pathology Laboratory, George Washington Hospital, 901 23d St. NW., Washington, DC 20037.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
Providence Hospital, Department of Pathology, 1150 Varnum St. NE., Washington, DC 20017.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Rogers Memorial Hospital, 708 Massachusetts Ave. NE., Washington, DC 20002.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Hematology; Pathology.
The Morris Cafritz Memorial Hospital, 1310 Southern Ave. SE., Washington, DC 20032.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
Washington Hospital Center Laboratory, 110 Irving St. NW., Washington, DC 20021.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.

FLORIDA

Dade Division American Hospital Supply Corp., 1851 Delaware Parkway, Miami, FL 33152.	Clinical Chemistry; Immunohematology; Hematology.

GEORGIA

Mullins Pathology & Cytology Laboratory, 1467 Harper St., Augusta, GA 30902.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Hematology; Pathology; Radiobioassay.

IDAHO

Pathologists Regional Laboratory, St. Joseph's Hospital, Lewiston, ID 83501.	Bacteriology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Pathologists' Treasure Valley Laboratory, 623 West Hays St., Boise, ID 83702.	Blood and Cerebrospinal Fluid Chemistry; Endocrinology.
St. Alphonsus Hospital Laboratory, 506 North 5th St., Boise, ID 83702.	Blood and Cerebrospinal Fluid Chemistry; Pathology.

ILLINOIS

Clinical Laboratories, 4601 State St., East St. Louis, IL 62201.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Mason Barron Pathology Labs., S.C., 2056 North Clark St., Chicago, IL 60614.	Bacteriology, Clinical Chemistry; Immunohematology; Hematology; Pathology.
The Dr. Israel Davidsohn Dept. of Pathology, Mt. Sinai Hospital Medical Center, 2750 West 15th Pl., Chicago, IL 60608.	Microbiology and Serology; Clinical Chemistry, Hematology.

INDIANA

Good Samaritan Hospital Laboratory, 410 South 7th St., Vincennes, IN 47591.	Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Hematology; Pathology.
Mid-America Pathology Service, Inc., 3700 Bellemeade, Evansville, IN 47715.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
South Bend Medical Foundation, 531 North Main St., South Bend, IN 46601.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Hematology; Pathology, Radiobioassay.

IOWA

Black Hawk Medical Laboratories, 616½ Allen St., Waterloo, IA 50704.	Pathology.
Burlington Hospital Laboratory, 602 North 3d St., Post Office Box 1066, Burlington, IA 52601.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Davenport Medical Laboratory, Quad Cities Pathologists Group, 125 Kirkwood Blvd., Davenport, IA 52803.	Clinical Chemistry; Exfoliative Cytology.
Norman Lowe, M.D. Medical Laboratory, Post Office Box 429, Burlington, IA 52601.	Pathology.

KANSAS

Medical Laboratory Associates, Post Office Box 1166, Mission, KS 66222.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
The A.T. & S.F. Memorial Hospital, 417 East 6th St., Topeka, KS 66607.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
The Lattimore-Fink Laboratories, 105 Medical Arts Bldg., 10th and Horne, Topeka, KS 66601.	Pathology.
Wichita Clinical Laboratories, 3333 East Central, Wichita, KS 67208.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.

KENTUCKY

Appalachian Regional Hospital Laboratory, Harlan, KY 40831.	Hematology; Pathology.
Barnes Medical Laboratories, 612 Heyburn Bldg., Louisville, KY 40202.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
Clinical Pathology Laboratory, 2134 Nicholsville, Rd., Lexington, KY 40503.	Clinical Chemistry; Hematology; Pathology.
Western Baptist Hospital, 2501 Kentucky Ave., Paducah, KY 42001	Pathology.

LOUISIANA

Monroe Medical Diagnostic Laboratories, 500 Hall St., Monroe, LA 71201.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.

MARYLAND

Col. J. E. Ash, M.D. Laboratory, 809 Viers Mills Rd., Rockville, MD 20851.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Drs. Kime & Sherrer, Maryland Regional Laboratory Center, Inc., 1010 Saint Paul St., Baltimore, MD 21202.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Henry L. Wollenweber, M.D., Robert Howard Wright, M.D., 1114 Cathedral St., Baltimore, MD 21201.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Memorial Hospital Laboratory, Memorial Ave., Cumberland, MD 21502.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Suburban Hospital Clinical & Pathological Laboratory, 8600 Old Georgetown Rd., Bethesda, MD 20014.	Pathology.

MASSACHUSETTS

Berkshire Medical Center, 725 North St., Pittafield, MA 01201.	Bacteriology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Hematology; Pathology.

MASSACHUSETTS—continued

Lawrence General Hospital, Pathology Department, 1 Garden St., Lawrence, MA 08140.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Leary Laboratory, 43 Bay State Rd., Boston, MA 02215.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Pathology; Radiobioassay.
New England Deaconess Hospital, 185 Pilgrim Rd., Boston, MA 02215.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Union Hospital Laboratory, Highland Ave. and New Boston Rd., Fall River, MA 02720.	Baoteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Immunohematology; Hematology; Pathology; Radiobioassay.

MICHIGAN

Clinical Research Laboratory (The Upjohn Co.), Pharmaceutical Research and Development, 301 Henrietta St., Kalamazoo, MI 49001.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Henry Ford Hospital, Department of Pathology, 2799 West Grand Blvd., Detroit, MI 48202.	Pathology.

MINNESOTA

Lufkin Medical Laboratories, 450 Medical Arts Bldg., Minneapolis, MN 55402.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Medical Laboratory of St. Luke's Hospital, 915 East 1st St., Duluth, MN 55805.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
St. Ansgar Hospital Laboratory, 715 North 11th, Moorhead, MN 56560.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
St. Joseph's Hospital Clinical Laboratory, 69 West Exchange, St. Paul, MN 55102.	Bacteriology; Blood and Cerebrospinal Fluid Chemistry; Immunohematology; Histopathology.

MISSISSIPPI

Pathology Laboratory, 715 Ariedge St., Hattiesburg, MS 39401.	Clinical Chemistry; Radiobioassay.

MISSOURI

Allen Medical Laboratories, Ltd., 634 North Grand, St. Louis, MO 63103.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Buhler Laboratories, Inc., 330 West 47th St., Kansas City, MO 64112.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology, (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
Clinical Laboratories, 100 North Euclid, St. Louis, MO 63108.	Baoteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.

MISSOURI—continued

Clinical Laboratories of St. Louis, Inc., 3720 Washington Blvd., St. Louis, MO 63108.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Immunohematology; Hematology.
Midwest Medical Laboratory, Inc., 4910 Forest Park Blvd., St. Louis, MO 63108.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Springfield Medical Laboratory, 609 Cherry St., Springfield, MO 65806.	Pathology.
St. Joseph Hospital Laboratory, 2510 East Linwood Blvd., Kansas City, MO 64128.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
St. Luke's Hospital Medical Laboratory, 44th and Wornall Rd., Kansas City, MO 64111.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.

NEBRASKA

Bishop Clarkson Memorial Hospital, Clinical Laboratory, 44th and Dewey Ave., Omaha, NE 68105.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Children's Memorial Hospital Laboratory, 44th and Dewey Sts., Omaha, NE 68105.	Bacteriology, Mycology, Parastitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Physicians Laboratory, 701 Doctors Bldg., 4239 Farnam St., Omaha, NE 68131.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Mematology; Pathology; Radiobioassay.
The Pathology Center, 8303 Dodge St., Omaha, NE 68111.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.

NEVADA

Physicians' Consulting Laboratories, 235 6th St., Reno, NV 89503.	Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Immunohematology; Pathology.

NEW HAMPSHIRE

Exeter Hospital Laboratory, 10 Buzwell Ave., Exeter, NH 03833.	Clinical Chemistry; Immunohematology; Pathology; Radiobioassay.

NEW JERSEY

Wm. V. McDonnell, M.D. & Assoc., P.A., Blackwood Medical Center, Black Horse Pike, Blackwood, NJ 08012.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Exfoliative Cytology.
Wm. V. McDonnel, M.D. & Assoc., P.A., South Jersey Medical Center, Cherry Hill, NJ 08034.	Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology; Exfoliative Cytology.

NEW YORK

Beth Israel Medical Center, 10 Nathan D. Perlman Pl., New York, NY 10003.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Pathology
International Business Machines Corp., 75 South Broadway, White Plains, NY 10601.	Blood and Crebrospinal Fluid Chemistry.

NORTH CAROLINA

Presbyterian Hospital, Department of Pathology and Clinical Laboratories, 200 Hawthorne Lane, Charlotte, NC 28204.	Pathology.
Scotland Memorial Hospital Laboratory, West McLean St., Laurinburg, NC 28352.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Pathology.
The Moses H. Cone Memorial Hospital, 1200 North Elm St., Greensboro, NC 27405.	Pathology.

NORTH DAKOTA

Fargo Clinic Laboratory, 737 Broadway, Fargo, ND 58102.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.

OHIO

Horance B. Davidson, M.D., Laboratory, 267 East Broad St., Columbus, OH 43215.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Kettering Memorial Hospital, Clinical Laboratories, 3535 Southern Blvd., Kettering, OH 45429.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology.
Ohio Valley Hospital Laboratory, 380 Summit Ave., Steubenville, OH 43952.	Clinical Chemistry; Hematology.
Westgate Laboratory of Pathology, Inc., 3301 West Central Ave., Toledo, OH 43606.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Hematology; Pathology.

OREGON

Pathologists Central Laboratory, 1406 Southeast Stark St., Portland, OR 97214.	Clinical Chemistry.
Physicians Medical Laboratory, 419 Northwest 23d, Portland, OR 97210.	Pathology.

PENNSYLVANIA

Ayer Clinical Laboratory, 8th and Spruce Sts., Philadelphia, PA 19107.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis), Clinical Chemistry, Immunohematology; Hematology; Pathology; Radiobioassay.
Claude P. Brown, M.D. Laboratories, 1930 Chestnut St., Philadelphia, PA 19103.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry Endocrinology, Urinalysis; Hematology; Pathology.

RHODE ISLAND

The Woonsocket Hospital Laboratory, 115 Cass Avenue., Woonsocket, RI 02895.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.

SOUTH CAROLINA

Anderson Pathology Laboratory, 801-A North Fant St., Anderson, SC 29621.	Bacteriology, Parasitology, Serology (Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Urinalysis; Hematology; Pathology; Radiobioassay.
Marlboro General Hospital Laboratory, Market St., Bennettsville, SC 29512.	Blood and Cerebrospinal Fluid Chemistry, Endocrinology; Immunohematology.

TENNESSEE	
Doctors Browne, Thomison, & Miale, West End Ave., Nashville, TN 37203.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
TEXAS	
Anderson Hospital & Tumor Institute, 6723 Bertner Ave., Houston, TX 77025.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Dr. Preuss Pathology Laboratory, 3607 Gaston Ave., Dallas, TX 75246.	Pathology.
Laboratory Medicine Data, Inc., 2909 Hillcroft Ave., Houston, TX 77027.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Laboratory of R. H. Chappell, M.D., Post Office Box 1288, 912 Olive, Texarkana, TX 75501.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
North Texas Medical Laboartory, 1519 7th St., Wichita Falls, TX 76301.	Bacteriology, Mycology, Parasitology, Serology (Syphilis); Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Terrell's Laboratories, Medical Arts Bldg., 10th and Cherry Sts., Fort Worth, TX 76102.	Pathology.
UTAH	
St. Mark's Hospital Laboratory, 803 North 2d West, Salt Lake City, UT 84103.	Bacteriology, Mycology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Endocrinology, Toxicology; Pathology.
Wasatch Pathologic Laboratories, Medical Arts Bldg., 54 East South Temple, Salt Lake City, UT 84111.	Bacteriology, Parasitology, Virology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
VIRGINIA	
Fairfax Hospital Laboratory, 3300 Gallows Rd., Falls Church, VA 22191.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Louise Obici Memorial Hospital, Route 4, Suffolk, VA 23434.	Pathology.
Medical College of Virginia, Department of Pathology, 1200 East Broad St., Richmond, VA 23219.	Microbiology and Serology; Pathology.
National Orthopaedic & Rehabilitation Hospital, 2455 Army-Navy Dr., Arlington, VA 22206.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Blood and Cerebrospinal Fluid Chemistry, Urinalysis; Immunohematology; Hematology.
WASHINGTON	
Pathologist's Regional Laboratory, 1225 Highland Ave., Clarkston, WA 99403.	Pathology.
Pathology Associates, 204 Paulsen Bldg., Spokane, WA 99201.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Radiobioassay.
Pathology Associates, Inc., P.S., 204 Paulsen Bldg., Spokane, WA 99201.	Pathology.
The Swedish Hospital Medical Center, 1212 Columbia St., Seattle, WA 98104.	Bacteriology, Mycology, Parasitology, Serology (Syphilis), Serology (non-Syphilis); Clinical Chemistry; Immunohematology; Hematology; Pathology; Radiobioassay.
Vancouver Memorial Hospital, 3400 Main St., Post Office Box 1657, Vancouver, WA 98663.	Pathology.

Date: February 25, 1971.

DAVID J. SENCER,
Director, Center for Disease Control,
Health Services and Mental Health Administration.

[FR Doc.71-3971 Filed 3-23-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 19, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 2844 (Deviation No. 1), CHICAGO & CALUMET DISTRICT TRANSIT COMPANY, INC., 4932 Columbia Avenue, Hammond, IN 46327, filed March 12, 1971. Carrier's representative: Gregory M. Rebman, 1230 Boatmen's Bank Building, St. Louis, MO 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction Ridge Road and Fifth Street, in Highland, Ind., over Fifth Street, to junction Highway Avenue, thence over Highway Avenue, to junction Ridge Road, in Highland, Ind. (a distance of 0.8 mile), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From the junction of Fifth Avenue, and Ridge Road, in Highland, Ind., over Ridge Road to junction Highway Avenue, in Highland, Ind., and return over the same route.

No. MC 13300 (Deviation No. 19), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, NC 27602, filed March 8, 1971. Carrier's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Snow Hill, Md., and Salisbury, Md., over Maryland Highway 12, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Baltimore, Md., over Maryland Highway 2 to Annapolis, Md., thence over combined U.S. Highways 50 and 301 to Queenstown, Md., thence over U.S. Highway 50 via Easton, Cambridge, and Salisbury, Md., to Ocean City, Md., and (2) from Pocomoke City, Md., over U.S. Highway 113 to Dover, Del., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-4010 Filed 3-23-71;8:49 am]

[Notice 10]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 19, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 29910 (Deviation No. 14), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901, filed March 11, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 50 and Interstate Highway 57 at or near Salem, Ill., over Interstate Highway 57 to junction Illinois Highway 3 at or near Urbandale, Ill., thence over Illinois Highway 3 to junction Illinois Highway 146 approximately 2 miles south of McClure, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over Illinois Highway 50 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Business Route U.S. Highway 54 (formerly portion U.S. Highway 54), thence over Business Route U.S. Highway 54 to Kankakee, Ill., thence over U.S. Highway 45 to junction Illinois Highway 37, thence over Illinois Highway 37 to Salem, Ill., thence over U.S. Highway 50 to Sandoval, Ill., thence over U.S. Highway 51 to DuQuoin, Ill., thence over Illinois Highway 152 to Pyatts, Ill., thence over Illinois Highway 13 to Murphysboro, Ill., thence over Illinois Highway 149 (formerly Illinois Highway 144) to junction Illinois Highway 3, thence over Illinois Highway 3 to McClure, Ill., thence over Illinois Highway 146 to the Mississippi River, and thence across the Mississippi River to Cape Girardeau, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD.
Secretary.

[FR Doc.71-4011 Filed 3-23-71;8:49 am]

[Notice 21]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 19, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 36918 (Sub-No. 3) (Republication), filed September 28, 1970, published in the FEDERAL REGISTER issue of October 22, 1970, and republished this issue. Applicant: BECKER'S MOTOR TRANSPORTATION, INC., 528 Michigan Avenue, Kenilworth, NJ 07033. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated February 26, 1971, and served March 15, 1971, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of glass containers, from Salem, N.J., to New York, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate should be issued, subject as follows: (1) That the holding by applicant of the certificate authorized to be issued in this proceeding and the holding by applicant of the permit heretofore issued in No. MC-128890 (Sub-No. 1) will be consistent with the public interest and the national transportation policy, subject to the condition that the certificate granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that applicant's operations conform to the provisions of section 210 of the Interstate Commerce Act, and (2) That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 97357 (Sub-No. 33) Republication), filed August 4, 1970, published in the FEDERAL REGISTER issue of August 27, 1970, and republished this issue. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, CA 90059. Applicant's representative: Charles T. Schneider (same address as applicant). The modified procedure has been followed in this proceeding and a corrected Order of the Commission, Operating Rights Board, dated January 28, 1971, and served March 16, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of asphalt, emulsions, and road oils, from points in Los Angeles County, Calif., to points in Grant, Cation, Sierra, Luma, and Hidalgo Counties, N. Mex.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings

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herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 113855 (Sub-No. 207) (Republication), filed September 8, 1969, published in the FEDERAL REGISTER issue of October 2, 1969, and republished this issue. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. A decision and order of the Commission, dated March 5, 1971, and served March 11, 1971, upon consideration of the record in this proceeding, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of electrical transformers, voltage regulators, circuit breakers, switch gears, insulators, and parts of the foregoing commodities; and (2) of transformer oil, in drums, when moving in mixed loads with the commodities in (1) above, from Zanesville, Ohio, to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; *Provided*, That to the extent the authority herein granted duplicates any other authority held by applicant, it shall not be construed as conferring more than an single operating right. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 123475 (Sub-No. 6) (Republication), filed May 27, 1970, published in the FEDERAL REGISTER issue of June 18, 1970, and republished this issue. Applicant: LIGHTNING SUPPLY, INC., Highway 50 West, Salem, Ill. 62881. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, IN 46204. The modified procedure has been followed and a report and order of the Commission, Review Board No. 1, decided March 3, 1971, and served March 11, 1971 finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of anhydrous ammonia, in bulk, in tank vehicles, from the plantsite of Central Nitrogen, Inc., near Terre Haute, Ind., to points in Illinois; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who may have relied upon notice of the application as published, may have an interest in and would be prejudiced by lack of proper notice of the authority actually granted herein, a notice of the authority actually granted to applicant will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been prejudiced.

No. MC 128701 (Sub-No. 6) (Republication), filed June 8, 1970, published in the FEDERAL REGISTER issue of July 2, 1970, and republished this issue. Applicant: R. MARTEL EXPRESS LIMITED, a corporation, 700 Main Street West, Farnham, PQ, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. The modified procedure has been followed and an order of the Commission, Operating Rights Board, dated February 16, 1971, and served, March 11, 1971, finds; that operation by applicant, in foreign commerce only, as a contract carrier by motor vehicle, over irregular routes, (1) of limestone, in bags, from Florence, Rutland, West Rutland, Middlebury, East Middlebury, and New Haven Junction, Vt., to ports of entry on the international boundary line between the United States and Canada under a continuing contract with St. Lawrence Chemical Co. (Sales), Ltd., and (2) of Snowmobiles from ports of entry on the international boundary line between the United States and Canada to points in Maine, Vermont, New Hampshire, Ohio, Michigan, Indiana, Illinois, Iowa, Missouri, Kansas, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Oklahoma, New Mexico, Colorado, Wyoming, Utah, Idaho, Montana, California, Oregon, Washington, Alaska, Connecticut, and Massachusetts, under continuing contracts with Featherweight Corp., Northways Snowmobile, Ltd., Autotechnic, Inc., and Eskimo Division of McKee Brothers, Ltd., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate permit should be issued; subject (1) to the coincidental cancellation at applicant's written request of its permit No. MC-128701 (Sub-No. 1), dated February 14, 1968, and (2) that since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 134511 (Republication), filed April 3, 1970, published in the FEDERAL REGISTER issue of May 14, 1970, and republished this issue. Applicant: BEASLEY TRANSPORT, INC., Colerain, N.C. 27924. Applicant's representative: W. L. Cooke, South King Street, Windsor, NC 27983. The modified procedure has been followed and an order of the Commission, Operating Rights Board, dated February 8, 1971, and served March 16, 1971, finds; that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of gasoline, kerosene, No. 2 fuel oil, and diesel fuel, in bulk, in tank vehicles, (a) from Williamston, N.C., to Ahoskie, Winton, Windsor, and Colerain, N.C., and (b) from Norfolk, Va., to points in Bertie and Hertford Counties, N.C., under continuing contracts with C. W. Beasley Oil Co., Inc., and Windsor Oil Co., Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 134859 (Sub-No. 2) (Republication), filed October 8, 1970, published in the FEDERAL REGISTER issue of November 5, 1970, and republished this issue. Applicant: DONALD RUSSELL, doing business as FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, IL 62896. Applicant's representative: Donald Russell (same address as above). The modified procedure has been followed and a Report and Order of the Commission, Operating Rights Board, dated February 25, 1971, and served

March 15, 1971, finds: That operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of magnetite, in bulk, in shipper-owner trailers, from the facilities of Meramec Mining Co., near Sullivan, Mo., to points in Illinois, Indiana, and Kentucky, under a continuing contract with Reiss Viking Corp. of Bristol, Tenn., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate permit should be issued; subject as follows: (1) That the holding by applicant of the permit authorized to be issued in this proceeding and of the certificate issued in No. MC-13845, will be consistent with the public interest and the national transportation policy, subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitation in the future as it may find necessary to insure that applicant's operations shall conform to the provisions of section 210 of the Interstate Commerce Act; (2) that since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11110. Authority sought for control by (TOM B. KRETSINGER, Executor and Testamentary Trustee of the Estate), MAURICE E. GJOVIG, 450 Professional Building, Kansas City, MO 64106, of the operating rights and property of GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Exchange Building, Kansas City, MO 64102. Applicants' attorneys: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, Kansas City, MO 64106. Operating rights and property sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Kansas City, Mo., and Cawker City, Kans., serving various intermediate and off-route points of Missouri and Kansas with and without restrictions, between Overland Park, Kans., and Kansas City, Mo., serving various intermediate and off-route points of Kansas, from Kansas City, Mo., to Lindsborg, Kans., serving various intermediate points of Kansas, with restriction; *hides and wool*, from Beloit, Kans., to Lincoln, Nebr., serving intermediate and off-route points within 20 miles of Beloit, Kans., with restriction; *malt beverages*, from Crete, Nebr., to Beloit, Kans., serving no intermediate points, and return with empty malt-beverage containers, over the same route: *livestock*, from Lindsborg, Kans., to Kansas City, Mo., serving various intermediate points of Kansas, with restriction; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, between points in Kansas, on the one hand, and, on the other, points in Nebraska;

General commodities, except those of unusual value, classes A and B explosives, perishable commodities, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, between Hollenberg, Kans., and points in Kansas and Nebraska within 20 miles thereof, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and St. Joseph, Mo., Gage and Jefferson Counties, Nebr.; *salt*, from Kanapolis, Kans., to described portions of Nebraska and Colorado; *scrap* iron, metal, and rags, from points in Kansas, to Kansas City, Kans., and Kansas City, Mo.; *such merchandise* as dealt in by retail and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Kansas City, Mo., to certain specified points in Kansas; *chemicals and insecticides*, from Kansas City, Mo., to Stockton and Woodston, Kans.; *antifreeze solutions*, from Kansas City, Mo., to Glasco, Kans.; *seeds*, between Beloit, Kans., and points within 20 miles thereof on the one hand, and, on the other, Kansas City, Kans., Kansas City and St. Joseph, Mo., and Omaha, Nebr.; *livestock*, between points in Kansas, on the one hand, and, on the other, the described portions of Nebraska, between Lanham, Nebr., and points in Nebraska and Kansas within 15 miles thereof, on the one hand, and, on the other, St. Joseph and Kansas City, Mo., between Erie, Kans., and points within 20 miles of Erie, on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans., from Burden, Kans., and points within 40 miles of Burden, to St. Joseph, Mo., and points in Missouri in the Kansas City, Mo.-Kansas City, Kans. Commercial Zone, as defined by the Commission;

Livestock in truckloads, between points in that part of Kansas on and east of U.S. Highway 75, and points in that part of Missouri on and west of U.S. Highway 65, on the one hand, and, on the other, points in Kansas; *farm implements and machinery, contractors and equipment, and emigrant movables*, in truckloads, between points in that part of Kansas on and east of U.S. Highway 75, and points in that part of Missouri on and west of U.S. Highway 65, on the one hand, and, on the other, points in Kansas; *building materials*, including road building materials, *structural steel, and tanks*, in truckloads, between Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, points in Kansas; *oil field supplies, construction iron metal and steel articles and supplies, heavy machinery and iron and steel pipe*, in truckload lots only, between Kansas City, Kans., and Kansas City, Mo., on the one hand, and, on the other, points in Kansas; *grain, feed, emigrant movables, agricultural implements, farm supplies, and seed*, between points in that part of Missouri north of and including Kansas City, Mo., and west of U.S. Highway 69 on the one hand, and, on the other, points in Kansas; *combines and parts thereof* between Independence, Mo., on the one hand, and, on the other, points in the described portions of Illinois, Iowa, Kansas, Nebraska, Montana, North Dakota, South Dakota, Wyoming, Texas, and Oklahoma; *windrowers* and parts thereof, between Independence, Mo., on the one hand, and, on the other, points in Iowa, North Dakota, and South Dakota; *feed coal, tankage, grain, and building materials*, from St. Joseph, Mo., to Lanham, Nebr., and points in Nebraska and Kansas within 15 miles thereof; *undertaker's supplies*, between Overland Park, Kans., on the one hand, and, on the other, certain specified points in Missouri;

Livestock and seeds, from Iola, Kans., and points within 15 miles of Iola, to Kansas City, Kans., and points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission; *livestock, seeds, feed, hardware, agricultural machinery and parts, and binder twine*, from Kansas City, Kans., and points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to Iola, Kans., and points within 15 miles of Iola; *agricultural machinery, building and fencing material, feed, grain, twine, and seed*, from points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to Burden, Kans., and points within 40 miles of Burden; *feed*, from St. Joseph, Mo., to Burden, Kans., and points within 40 miles of Burden; *salt*, in truckload lots, from Lyons and Hutchinson, Kans., to points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission; *waste paper and junk*, from Winfield, Kans., to points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission; *furniture*, from points in Missouri in the Kansas City, Mo.-Kansas City, Kans.,

Commercial Zone, as defined by the Commission, to Winfield, Kans.; *eggs*, from Fall River, Kans., and certain specified points in Kansas and Missouri, as defined by the Commission Commercial Zone, and return with empty egg containers and egg case materials, over the same routes;

Petroleum products, fiberboard boxes, brooders, chicken hatchery supplies, compressed gas, building materials, automobile tires and tubes, and gasoline tanks and pumps, from Kansas City, Kans., and points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to Iola, Kans.; *junk, gasoline tanks and pumps, and empty containers* for compressed gas and petroleum products, from Iola, Kans., to Kansas City, Kans., and points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission; *paper, and paper products, and such commodities* as are dealt in by retail grocery and food business houses, from points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to certain specified points in Kansas; *binder twine, fencing material, bale ties, and baling wire and iron roofing*, from points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to points in Kansas; *binder twine*, from Jefferson City, Mo., to points in Kansas; *junk*, from Iola, Kans., to St. Louis, Mo.; *general commodities*, from points in Missouri to the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to certain specified points in Kansas; *canned goods and groceries*, from points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to Winfield, Kans.; *butcher shop equipment, farm machinery and parts, and road building machinery and parts*, from points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to Wichita, Kans.;

Farm machinery and parts, and road building machinery and parts, between Wichita, Kans., on the one hand, and, on the other, points in the described portions of Oklahoma; *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, from Kansas City, Mo., to points in Kansas and Oklahoma; *salt*, in bulk and in bags, from Kanopolis, Kans., to points in Missouri on and south of U.S. Highway 50; *combines*, from Independence, Mo., to points in Arkansas, Louisiana, and Mississippi, with restriction; *agricultural combines*, between Kansas City, Mo., on the one hand, and, on the other, points in Tennessee; *dry fertilizer, dry fertilizer materials, dry fertilizer ingredients, dry urea, and dry urea products*, in bulk or in packages, from Kansas City, Mo., to points in Iowa and Oklahoma, with restriction; from Kansas City, Mo., to points in Iowa and Oklahoma, with restriction; *fertilizer and corrugated roofing*, from Kansas City, Mo., to South Mound, Kans.; *cheese*, from Erie, Kans., to Springfield, Mo., and return with empty cheddar boxes and processed cheese, over the same route; *seed, feed, wire, roofing material, moulding, and nails and creamery supplies*, viz.:

Neutralizers, washing powder, tubs, barrels and fiber boxes, from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission in 31 M.C.C. 5, to Erie, Kans.; *prefabricated buildings*, knocked down or in sections, from points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission, to points in Nebraska, Iowa, Missouri, Oklahoma, Texas, and Colorado. MAURICE E. GJOVIG, holds no authority from this Commission. However, he is affiliated with TRI-D TRUCK LINE, INC., 1620 Bower, Kansas City, KS 66103, which is authorized to operate as a *common carrier* in Kansas and Missouri and CIRCLE CARTAGE COMPANY, 1821 Bedford North, Kansas City, MO 64116, which is authorized to operate as a *common carrier* in Kansas and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11111. Authority sought for control by a noncarrier BENTON–SPRY, INC., 2225 Wachovia Building, Winston-Salem, NC 27102, of the operating rights and property of (1) M & M TANK LINES, INC., and its subsidiary M & M TANK LINES OF VIRGINIA, INC., both of Post Office Box 612, Winston-Salem, NC 27102, and (2) HENNIS FREIGHT LINES OF CANADA, LIMITED, doing business as FLORIDA REFRIGERATED SERVICE, INC., and its subsidiary FLORIDA REFRIGERATED SERVICE, INC., both of Post Office Box 1297, U.S. Highway 301 North Dade City, FL 33525, and for acquisition by M. C. BENTON, 2903 Country Club Road, Winston-Salem, NC, and W. DENNIE SPRY, 2401 Reynolds Drive, Winston-Salem, NC, through the transaction. Applicants' attorneys and representative: James E. Wilson, Suite 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004; A. W. Flynn, Jr., Post Office Box 180, Greensboro, NC 27402; and George E. Doughton, Jr., 2225 Wachovia Building, Winston-Salem, NC 27102. Operating rights sought to be controlled: (1) Numerous specified commodities, as a *common carrier*, over irregular routes, from to, and between specified points in the States of South Carolina, Virginia, North Carolina, Pennsylvania, Georgia, Tennessee, New Jersey, Florida, West Virginia, Kentucky, New York, Maryland, Ohio, Indiana, Illinois, Michigan, Missouri, Texas, Alabama, Arkansas, Indiana, Louisiana, Mississippi, Kansas, Minnesota, Nebraska, Oklahoma, Wisconsin, Iowa, Delaware and South Dakota, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC–123067 and sub-numbers thereunder, and MC–117548.

(2) *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over irregular routes, from to and between specified points in the States of Alabama, Georgia, Florida, Arizona, California, New Mexico, North Carolina, Mississippi, South Carolina, Ohio, Colorado, Nevada, Oregon, Utah, Idaho, Wyoming, Montana, Washington, Texas, Tennessee, Virginia, Nebraska, Kansas, Oklahoma, Arkansas, Michigan, Wisconsin, Illinois, Missouri, North Dakota, Indiana, Kentucky, West Virginia, Pennsylvania, Maryland, Delaware, South Dakota, New Jersey, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, Iowa, Minnesota, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC–65224 and sub-numbers and MC–120543 and sub-numbers thereunder. BENTON–SPRY, INC., holds no authority from this Commission. However, it is affiliated with HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, NC 27102, which is temporarily operating under MC–F–10339. Application has not been filed for temporary authority under section 210a(b). NOTE: Applicant moves to dismiss application for lack of jurisdiction.

No. MC–F–11112. Authority sought for control by PEERLESS TRANSPORT CORP., 15 Yost Boulevard, Pittsburgh, PA 15221, of STANDARD MOTOR FREIGHT, INC., 2700 Smallman Street, Pittsburgh, PA 15222, and for acquisition by FOURMEN, INC., 15 Yost Boulevard, Pittsburgh, PA 15221, of control of STANDARD MOTOR FREIGHT, INC., through the acquisition by PEERLESS TRANSPORT CORP. Applicants' attorneys: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219 and Jerome Solomon, 704 Grant Building, Pittsburgh, PA 15219. Operating rights sought to be controlled: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk as a *common carrier* over regular routes, between Pittsburgh, Pa., and New York, N.Y., serving all intermediate points and certain off-route points in Pennsylvania, Butler, N.J., New York and New Jersey, between Newark, N.J., and Bristol, Conn., serving the intermediate point of New York, N.Y., and all intermediate points in Connecticut, between New Haven, Conn., and Bristol, Conn., serving all intermediate points, with restriction; between Wheeling, W. Va., and Pennsylvania, serving to and from all intermediate points, between Pittsburgh, Pa., Ohio, and West Virginia, serving to and from all intermediate points, and the off-route points of Yukon and Herminie, Pa.; *general commodities*, excepting among others, classes A and B explosives, household goods commodities in bulk, over irregular routes; between certain specified points in Pennsylvania and West Virginia, on the one hand, and, on the other, certain specified points in Ohio and Pennsylvania. PEERLESS TRANSPORT CORP., is authorized to operate as a *common carrier* in Pennsylvania, West Virginia, Ohio, Kentucky, Illinois, Michigan, Indiana, Wisconsin, Minnesota, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Virginia, Maryland, North Carolina, Tennessee, Mississippi, Missouri, Alabama, Florida, Georgia, Maine, New Hampshire, Ohio, South Carolina, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11114. Authority sought for purchase by W. S. THOMAS TRANSFER, INC., Post Office Box 507, 404 Auburn Street, Fairmont, WV 26554, of the operating rights and certain property of the CARL M. BOWERS, ADMINISTRATOR, ESTATE OF CHARLIE McROY BOWERS, R.F.D. No. 2, Post Office Box 21, Landes, WV 26832, and for acquisition by ROBERT H. THOMPSON, Erwin Lane, Fairmont, W. Va. 26554, of control of such rights and property through the purchase. Applicant's attorney: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, from Baltimore, Md., to Parkersburg and Elkins, W. Va., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in West Virginia, Ohio, Maryland, Pennsylvania, Michigan, Indiana, Illinois, Virginia, Kentucky, New Jersey, Missouri, New York, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11115. Authority sought for purchase by N & N TRANSPORTATION CO., INC., 827 Ridgewood Avenue, North Brunswick, NJ 08902, of the operating rights of FERACO, INC., 21 North Ormond Avenue, Havertown, PA 19083, and for acquisition by CARMINE LUIZZA, also of North Brunswick, N.J., of control of such rights through the purchase. Applicants' attorney: William J. Augello, Jr., 103 Fort Salonga Road, Northport, NY 11768. Operating rights sought to be transferred: *Building materials* as described in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid commodities, in bulk, in tank vehicles), as a *common carrier* over irregular routes, from the plant site of the Bestwall Gypsum Co. at Wilmington, Del., to points in Massachusetts and Rhode Island, from the plantsite of the Bestwall Gypsum Co., at Wilmington, Del., to points in Connecticut, Maryland, Virginia, West Virginia, Pennsylvania, and New York, with restrictions; *building and construction materials, and supplies* (other than in liquid bulk, in tank vehicles), *machinery and equipment*, between points in New Jersey, Delaware and the District of Columbia, and that part of Pennsylvania and Maryland within 125 miles of Philadelphia, Pa., including Philadelphia; *copper shot*, from Philadelphia, Pa., to Perth Amboy, N.J.; *ferro manganese*, in dump vehicles, from Sheridan, Pa., to certain specified points in New Jersey; *electrolytic copper ingots, bars, plates, and cathodes*, in dump vehicles, from Carteret and Perth Amboy, N.J., to points in Delaware, and certain specified points in Pennsylvania; *fluospar and ore*, in dump vehicles, from Philadelphia, Pa., to Exton, Pa.; and

Prefabricated and precut houses and buildings, complete, knocked down or in sections, and transported in connection therewith component parts thereof and equipment and materials incidental to the construction, erection, and completion of such houses and buildings, from the plantsite of Hilco Homes Corp. located on 70th Street near Essington Avenue, Philadelphia, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, North Carolina, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Vendee is authorized to operate as a *contract carrier* in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Maine, New Hampshire, Ohio, Virginia, North Carolina, Vermont, West Virginia, Texas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, Wisconsin and the District of Columbia, and as a *common carrier* in Ohio, West Virginia, Maryland, Pennsylvania, New York and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.4012 Filed 3-23-71;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 19, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 2339, filed February 22, 1971. Applicant: ALAMO EXPRESS, INC., 51 Essex Street, San Antonio, TX. Applicant's attorney: Dan Felts, The 904 Lavaca Building, Austin, TX 78701. Certificate of public convenience and necessity sought to operate a freight service so as to amend Common Carrier Certificate No. 2339 to authorize the service in intrastate, interstate and foreign commerce in the following transportation, to wit: *General commodities*, between the intersection of U.S. Highway 181 and FM Road 791, thence in a southwesterly direction over FM Road 791 to a point approximately 8 miles southwest of Falls City, Tex., to the plantsite of Conquista project (a uranium mill jointly owned by Pioneer Nuclear, Inc., and Continental Oil Co.), using all access roads to such plant, serving all intermediate points and coordinating the proposed service with the existing service presently rendered by Alamo Express, Inc., under its existing certificates. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after notice in the FEDERAL REGISTER, starting at 9 a.m. in the hearing rooms of the Railroad Commission of Texas, Ernest O. Thompson State Office Building, Austin, Tex. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Ernest O. Thompson State Office Building, Austin, Tex., and should not be directed to the Interstate Commerce Commission.

State Docket No. 2674, filed February 22, 1971. Applicant: TEXAS TEX-PACK EXPRESS, INC., 150 East Zavalla Street, San Antonio, TX 78205. Applicant's representatives: Lanham and Hatchell, 1102 Perry Brooks Building, Austin, TX 78701, and Johnnie B. Rogers. Certificate of public convenience and necessity sought to operate a freight service so as to amend limited Common Carrier certificate No. 2674 to authorize the additional transportation of: *General commodities*, subject to the restrictions set forth below, to, from, and between all points along the following highways: (1) State Highway 6 between Waco and Hearne, over Marlin and Calvert; (2) State Highway 164 between Waco and Groesbeck, over Mart; (3) State Highway 14 between Groesbeck and Bremond; (4) F.M. Road 107 between Moody and Eddy; and (5) U.S. Highway 77 between Waco and Victoria serving all intermediate points on said route, except as indicated below, and coordinating such service with that being rendered under existing certificates and interlining with other carriers at appropriate points. Restrictions: (1) The holder of this authority is prohibited from serving La Grange, Tex., Hallettsville, Tex., or any

intermediate point on U.S. Highway 77 between Schulenburg and Victoria; (2) no service shall be rendered in the transportation of any package or article weighing more than 50 pounds; (3) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds, from one consignor at one location to one consignee at one location on any one day; (4) the Commission retains jurisdiction over this certificate, under the provisions of section 12(b), Article 911(b), V.C.S., so that if the Commission, in the future, determines that the holder hereof is not performing the service authorized by the Commisison, it may amend, revoke or suspend the authority herein granted, if conditions so justify;

(5) The holder of this certificate is required to keep such records and accounts to enable the law enforcement division of the Commission to ascertain if the holder hereof is complying with the restriction as to the type of commodities, and weight thereof, authorized herein; (6) the holder hereof shall file with the Commission each January 1, April 1, July 1, and October 1, a current, accurate list of its local representatives and agents and their addresses; and (7) On July 1 of each year, the holder of this certificate shall file a "performance report" with the Commission with respect to the operations conducted under the certificate here issued, which report shall show the tonnage handled, the towns served, and any other information which the Commission may request. (a) (2) Applicant also proposes to operate over the following alternate routes without service to any intermediate point thereon except as otherwise authorized: (1) State Highway 9, between its intersection with U.S. Highway 281 north of Three Rivers and Corpus Christi, Tex.; and (2) State Highway 123 between Stockdale and Karnes City. (a) (3) Applicant also seeks to amend Limited Common Carrier Certificate No. 2674 so as to authorize the transportation of *Motion picture films, theater supplies, magazines, flowers, and potted plants,* to from and between all points listed in (1) above, unrestricted as to weight, in coordinating such service with that presently being rendered under existing certificates and interlining with other carriers at appropriate points; and (a) (4) applicant also proposed to operate over the above named routes, transporting the commodities above described in interstate or foreign commerce under the provisions of section 206(a)(6) of part II of the Interstate Commerce Act, and requests this Commission to notify the Interstate Commerce Commission of such proposal as provided in the general rules of practice of the Interstate Commerce Commission, Rule 1.245. Applicant proposes that evidence will be offered at the hearing of this application showing a need for both interstate and intrastate transportation of the commodities sought herein over the routes herein set out both in single-line service and in interline service. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after notice in the FEDERAL REGISTER, starting at 9 a.m. in the hearing rooms of the Railroad Commission of Texas, Ernest O. Thompson State Office Building, Austin, Tex. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Ernest O. Thompson State Office Building, Austin, Tex. and should not be directed to the Interstate Commerce Commission.

State Docket No. 6302, filed December 2, 1970. Applicant: SKI UTAH TRANSPORTATION, INC. Applicant's representatives: C. Richard Henriksen, 320 South Fifth East Street, Salt Lake City, Utah, and Raymond W. Gee, 336 South Third East Street, Salt Lake City, Utah. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *passengers, together with ski equipment, clothing and personal belongings,* over irregular routes from all points and places in Salt Lake County on the one hand, to all points and places in Alta, Park City, and Brighton, respectively, on the other hand. On return movements applicant proposes to engage in the same operation. Intermediate and off-route points to be served are all intermediate ski resorts. Both intrastate and interstate authority sought.

HEARING: April 20, 1970; 10 a.m.; at Public Service Commission of Utah Hearing Room, 330 East Fourth South Street, Salt Lake City, Utah. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Utah Department of Business Regulation, 330 East Fourth South Street, Salt Lake City, Utah 84111 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4009 Filed 3-23-71;8:49 am]

[Notice 265]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 19, 1971.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act, provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7156 (Sub-No. 6 TA), filed March 11, 1971. Applicant: WILLIAMS TRANSFER CO., 135 North Cleveland, Eugene, OR 97402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* restricted to shipments in excess of 10,000 pounds, from Eugene, Oreg., to points in Humboldt, Del Norte, Siskiyou, Modoc, and Shasta Counties, Calif., for 180 days. Supporting shipper: Farwest Steel Corp., Post Office Box 632, Eugene, OR 97401. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 9325 (Sub-No. 52 TA), filed March 11, 1971. Applicant: K LINES, INC., Post Office Box 187, Lebanon, OR 97355. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, OR 97205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* in bulk, between points in Idaho, having a prior movement by rail carrier, for 180 days. Supporting shipper: Kaiser Cement & Gypsum Corp., IBM Building, 130 Neill Avenue, Helena, MT 59601. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 52704 (Sub-No. 84 TA), filed March 12, 1971. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer H, Opelika Highway, LaFayette, AL 36862. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products,* from the plantsite and warehouse facilities of Union Camp Corp. at or near Savannah, Ga., to points in Arkansas, Louisiana, Mississippi, and Texas, for 180 days. Supporting shipper: Union Camp Corp., 1600 Valley Road, Wayne, N.J. 07470. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 63417 (Sub-No. 36 TA) (Correction), filed February 25, 1971, and published FEDERAL REGISTER issue of March 9, 1971, and republished in part as corrected this issue. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2888, Roanoke, VA 24001.

NOTE: The purpose of this partial republication is to reflect the correct docket number as MC 63417 (Sub-No. 36) in lieu of that shown in previous publication. The rest of the application remains the same.

No. MC 109294 (Sub-No. 16 TA), filed March 12, 1971. Applicant: COMMERCIAL TRUCK CO., LTD., 230 Brunette Street, New Westminster, BC Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* in cargo vans and/or containers, and *empty cargo vans and/or containers,* between ports of entry on the international boundary line between the United States and Canada at or near Blaine and Sumas, Wash., and, on the other, points in Oregon and Washington, restricted to shipments having a prior or subsequent movement by water, for 180 days. Supporting shippers: Kerr Steamship Co., Inc., Suite 2900, 1 California Street, San Francisco, CA 94111; Kingsley Navigation (1970) Ltd., 744 West Hastings Street, Vancouver 1, BC; N.Y.K. Line, Greer Shipping Ltd. (as Agents) 1619 Marine Building, Vancouver 1, BC; Trans-Pacific Steamship Agencies, Ltd., 1033 West Pender Street, Vancouver 1, BC; Westward Shipping Ltd., 1250 1055 West Hastings Street, Vancouver 1, BC. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 111717 (Sub-No. 24 TA), filed March 11, 1971. Applicant: TRACTOR TRANSPORT, INC., 535 South 84th Street, Milwaukee, WI 53214. Applicant's representative: Frank M. Coyne (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *Attachments and parts* designed for use with the tractors described in (1), from Port Washington, Wis., to points in the United States (except points in Montana, Wyoming, Idaho, Washington, Oregon, California, Nevada, Utah, New Mexico, Arizona, Alaska, and Hawaii), restricted to movement originating at the plantsite and warehouse facilities of the Simplicity Manufacturing Co. and to a transportation service to be performed under a continuing contract, or contracts with the Simplicity Manufacturing Company of Port Washington, Wis., for 180 days. Supporting shipper: Simplicity Manufacturing Co., Inc., Port Washington, Wis. 53074 (Andrew P. Schneider, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 112520 (Sub-No. 236 TA), filed March 12, 1971. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Rosin solution,* in bulk, from points in Appling County, Ga., to El Dorado, Ark., for 180 days. Supporting shipper: FRP Co., Post Office Box 349, Baxley, GA 31513. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 113828 (Sub-No. 188 TA), filed March 10, 1971. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014, Office: 5320 Marinelli Drive, Industrial Park, Rockville, MD 20852. Applicant's representative: John F. Grimm, Post Office Box 30006, Washington, DC 20014. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Amines,* in bulk, from Portsmouth, Va., to Lemoyne, Ala.; and (2) *Lacquer solvents,* in bulk, from Boutte, La., to Portsmouth, Va., for 180 days. Supporting shipper: Virginia Chemicals Inc., 3340 West Norfolk Road, Portsmouth, VA 23703. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 116427 (Sub-No. 8 TA) (Correction), filed February 24, 1971, and published FEDERAL REGISTER issue of March 6, 1971, and republished in part as corrected this issue. Applicant: LAS VEGAS TANK LINES, INC., doing business as LAS VEGAS TRUCK LINE, 1901 South Industrial Avenue, Post Office Box 15295 (89114), Las Vegas, NV 89102. Applicant's representative: Ron Davis, 841 Folger Avenue, Berkeley, CA 94710. NOTE: The purpose of this partial republication is to reflect the correct docket number as MC 116427 (Sub-No. 8) in lieu of that shown in previous publication. The rest of the application remains the same.

No. MC 118263 (Sub-No. 45 TA), filed March 10, 1971. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway No. 131, Clarksville, IN 47130. Applicant's representatives: Watkins & Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses,* from the plantsite of Illini Beef Packers, Inc., at Joslin, Ill., to points in Indiana, Kentucky, Ohio, Michigan, and West Virginia, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 119765 (Sub-No. 21 TA), filed March 12, 1971. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, IA 51521. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), from Council Bluffs, Iowa; and Omaha, Nebr., to points in Illinois and Indiana, for 150 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, NE 68102.

No. MC 124839 (Sub-No. 7 TA), filed March 11, 1971. Applicant: BUILDERS TRANSPORT, INC., Post Office Box 7057, 4800 Augusta Road, Savannah, GA 31408. Applicant's representative: Herbert Alan Dubin, Federal Bar Building West, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products,* from Brunswick, Ga., to points in Alabama, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, under continuing contract or contracts with Georgia-Pacific Corp., for 150 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 909, Augusta, GA 30903. Send protests to: District Supervisor G. H. Fauss, Jr. Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 125132 (Sub-No. 1 TA), filed March 15, 1971. Applicant: HARLAND WILCOX, 206 Charles, Elk Rapids, MI 49629. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Frozen fruit,* from Elk Rapids, Mich., to points in Ohio, New York, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: Robert A. Shaw, President, Elk Rapids Packing Co., Post Office Box 128, Elk Rapids, MI 49629. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bluilding, Room 225, Lansing, MI 48933.

No. MC 126899 (Sub-No. 44 TA) (Correction), filed February 25, 1971, published in the FEDERAL REGISTER issue of March 9, 1971, corrected in part, and republished as corrected, this issue. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, KY 42001. Applicant's representative: William A. Usher (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages* and incidental advertising material when shipped with malt beverages, (1) from Newport, Ky., to LaCrosse, Milwaukee, and Sheboygan, Wis.; (2) from LaCrosse and Sheboygan, Wis., to Newport, Ky.; (3) from Newport, Ky., to Nashville, Tenn., and (4) from Newport, Ky., to points in New Jersey, and *empty, used beer containers* used in

the transportation of malt beverages, on return. NOTE: The purpose of this partial republication is to correctly set forth the territorial scope by adding (2) above, which was inadvertently omitted from previous publication. The rest of the application remains the same.

No. MC 128831 (Sub-No. 3 TA), filed March 10, 1971. Applicant: DIXON TRANSFER, INC., East River Road, Dixon, IL 61021. Applicant's representative: James Canfield, 1100 Rockford Trust Building, Rockford, IL 61101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter, and empty malt beverage containers*, from South Bend, Ind., to Sterling, Ill., and East Dubuque, Ill., for 180 days. Supporting shippers: Murph's Beverage Co., 300 East Third Street, Dubuque, IA 52001; Vock's Distributing Co., 2528 East Lincoln Way, Sterling, IL 61081. Send protests to: Andrew J. Montgomery, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128998 (Sub-No. 2 TA) (Amendment), filed February 22, 1971, published in the FEDERAL REGISTER, issue of March 4, 1971, amended and republished as amended, this issue. Applicant: VANWAYS, INC., 1230 West River Road, Oscoda, MI 48753. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (a) between points in Michigan; (b) between points in Florence, Forest, Marinette, Oneida, Vilas, and Iron Counties, Wis.; and (c) between points in Michigan, on the one hand, and, on the other, points in Florence, Forest, Marinette, Oneida, Vilas, and Iron Counties, Wis., restricted to the transportation of traffic having a prior or subsequent movement beyond said points, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Continental Forwarders, Inc., 105 Leonard Street, New York, NY 10013; Davidson Forwarding Co., 3180 V Street NE., Washington, DC 20018; DeWitt Freight Forwarding, 6060 North Fugueroa Street, Los Angeles, CA 90042; Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, NY 11378; International Export Packers, Inc., 5360 Wheeler Avenue, Alexandria, VA 22304; Jet Forwarding, Inc., 2945 Columbia Street, Torrance, CA 90503; Karevan, Inc., Post Office Box 9240 Queen Anne Station, Seattle, WA 98109; Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA 98109; Smyth Worldwide Movers, Inc., 1161 Aurora Avenue North, Seattle, WA 98133; Vanpac Carriers, Inc., 21114 MacDonald Avenue, Richmond, CA 94801, and Door to Door International, Inc., 308 Northeast 72d Street, Seattle, WA 98115. Send protests to: C. R. Fleming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 225, Lansing, MI 48933. NOTE: The purpose of this republication is to broaden the territorial scope.

No. MC 129445 (Sub-No. 6 TA), filed March 15, 1971. Applicant: DIXIE TRANSPORT CO. of Texas, 3840 Interstate 10 South, Post Office Box 5447, Beaumont, TX 77706. Applicant's representative: Archie L. Wilson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials and urea*, in bags, from Liberty, Tex., to points in Louisiana, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Coastal Chemical Corp. (James A. Pierce, Director of Transportation), Post Office Box 388, Yazoo City, MS 39194. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 133229 (Sub-No. 8 TA), filed March 12, 1971. Applicant: COATS FREIGHTWAYS, INC., 601 32d Avenue, Post Office Box 415, Council Bluffs, IA 51501. Applicant's representative: Marshall D. Becker 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A, C, and D of appendix 1 to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except skins, hides, and commodities in bulk) from the plantsite and storage facilities utilized by Beefland International, Inc., at Omaha, Nebr., and Council Bluffs, Iowa; to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Rhode Island, and Washington, D.C., for 150 days. Supporting shipper: Beefland International Inc., Council Bluffs, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 135007 (Sub-No. 3 TA), filed March 12, 1971. Applicant: AMERICAN TRANSPORT, INC., Post Office Box 37406, Millard, NE 68137. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New finished furniture*, from Taylor and San Marcos, Tex., to points in Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Mississippi, Alabama, Tennessee, Kentucky, Indiana, Michigan, Ohio, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, Pennsylvania, Washington, D.C., Oklahoma, Colorado, Kansas, and Nebraska, for 180 days. Supporting shipper: Kerr-Ban Furniture Manufacturing Co., Inc., a division of William Volker & Co., 920 West Seventh Street, Taylor, TX 76574. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 135022 (Sub-No. 3 TA), filed March 12, 1971. Applicant: LAWRENCE C. ARTHUR, Post Office Box 601, Warsaw, VA 22572. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from the plantsite of Koppers Co., Inc., on Charles City Road in Richmond, Va., to P. H. Glatfelter Paper Co., Spring Grove, Pa., for 180 days. Supporting shipper: Koppers Co., Inc., Pittsburgh, Pa. 15219. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, VA 23240.

No. MC 135281 (Sub-No. 1 TA) (Correction), filed February 25, 1971, published in the FEDERAL REGISTER issue of March 9, 1971, corrected in part, and republished as corrected, this issue. Applicant: RAYMOND LANGLEY, doing business as LANGLEY TRUCKING, Route No. 4, Post Office Box 61, Elizabethtown, KY 42701. Applicant's representative: George Catlett, Suite 703–706, McClure Building, Frankfort, KY 40601. NOTE: The purpose of this partial republication is to include the duration of authority for 180 days. The rest of the application remains the same.

No. MC 135341 TA (Correction), filed February 24, 1971, published in the FEDERAL REGISTER issue of March 6, 1971, corrected in part, and republished as corrected, this issue. Applicant: MAGOG EXPRESS, INC., Route 2, Post Office Box 265, Magog (Steanstead Co.) PQ, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. NOTE: The purpose of this partial republication is to correctly set forth the restriction as follows: Restricted to the transportation of shipments originating at *or destined to* points in Stanstead County, Quebec, Canada. The rest of the application remains the same.

No. MC 135378 TA, filed March 12, 1971. Applicant: LOREN DAVENPORT, doing business as DAVENPORT WRECKER SERVICE, 1600 B Street, South Sioux City, NE 68776. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled vehicles*, by use of wrecker equipment only, *repair parts*, for the vehicles specified above, and *replacement vehicles*, between points in Dakota County, Nebr., and points in Iowa, Minnesota, and South Dakota, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, IA 51101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-4013 Filed 3-23-71;8:49 am]

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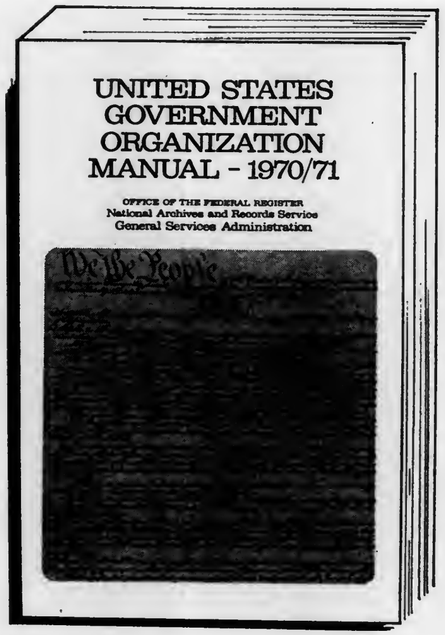
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Chapter II—Food and Nutrition Service, Department of Agriculture

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

[Amdt. 13]

PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

Operating Expense Funds

The regulations for the operation of the Commodity Distribution Program (31 F.R. 14297), as amended, are further amended for the purpose of providing for the payment of funds by means of Letters of Credit, as follows:

1. In § 250.15, paragraph (e) is revised to read as follows:

§ 250.15 Operating expense funds for expanding and improving distribution to households.

* * * * *

(e) *Payment of funds.* Upon receiving notification of the amount of funds available to it, each State distributing agency shall advise FNS of the amount estimated to be required for the fiscal year. FNS will, upon concurrence, issue a Letter of Credit to the appropriate Federal Reserve Bank in favor of the State distributing agency. The State distributing agency shall obtain funds needed through presentation by designated State officials of a Payment Voucher on Letter of Credit to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department. The State distributing agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims. State distributing agencies shall report information on the status of program funds on a monthly basis to FNS on Form FNS–60.

* * * * *

2. In § 250.15, the third sentence of paragraph (g) is deleted.

Effective date. This amendment shall be effective on publication in the FEDERAL REGISTER (3–25–71).

Dated: March 18, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–4054 Filed 3–24–71;8:47 am]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

REVOCATION OF QUARANTINE AND REGULATIONS

The European chafer quarantine and regulations thereunder, in 7 CFR 301.77, 301.77–1 through 301.77–10, are hereby revoked effective June 30, 1971. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

Pesticides used to combat other insects also are effective in controlling the European chafer; therefore, it is unnecessary in many situations to apply a specific treatment to control this pest. Based on a review of the economic impact of pests subject to Federal quarantines, it has been determined that other programs have higher priorities. In view of this information, it has been decided that Federal funding for this program should be discontinued and, therefore, the quarantine is to be revoked.

It does not appear that public participation in rulemaking procedures concerning this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such procedures are impracticable and unnecessary.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This revocation of quarantine and regulations thereunder shall become effective June 30, 1971.

Done at Washington, D.C., this 22d day of March 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71–4111 Filed 3–24–71;2:51 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

REVOCATION OF QUARANTINE AND REGULATIONS

The soybean cyst nematode quarantine and regulations thereunder, in 7 CFR 301.79, 301.79–1 through 301.79–10, are hereby revoked effective June 30, 1971. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

The soybean cyst nematode has now spread throughout most of the area where monocultural practices are followed in soybean production. This nematode can be controlled through a crop rotation system and in some areas through the use of resistant varieties. In view of this information and the fact that other programs have a higher priority, it has been decided that Federal funding for this program should be discontinued; therefore, the soybean cyst nematode quarantine is to be revoked.

It does not appear that public participation in rulemaking procedures concerning this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such procedures are impracticable and unnecessary.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This revocation of quarantine and regulations thereunder shall become effective June 30, 1971.

Done at Washington, D.C., this 22d day of March 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71–4110 Filed 3–24–71;8:51 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 231]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.531 Navel Orange Regulation 231.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted

by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1971.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period March 26, 1971, through April 1, 1971, are hereby fixed as follows:

(i) District 1: 887,000 Cartons;

(ii) District 2: 363,000 Cartons;

(ii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 24, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-4272 Filed 3-24-71;11:23 am]

[Valencia Orange Reg. 340]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.640 Valencia Orange Regulation 340.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 26, 1971, through April 1, 1971, are hereby fixed as follows:

(i) District 1: 523 Cartons;

(ii) District 2: Unlimited;

(iii) District 3: 123,227 Cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 24, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7473 Filed 3-24-71;11:23 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 11]

PART 1011—MILK IN THE APPALACHIAN MARKETING AREA

Order Terminating Certain Provisions

This termination order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Appalachian marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (36 F.R. 3527) concerning a proposed termination of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None was filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. Sections 1011.16 and 1011.17.

2. In § 1011.22(k) (2) ", or the uniform prices for base milk and excess milk".

3. In § 1011.30(a) (1) "and the aggregate quantities of base milk and excess milk".

4. In § 1011.32(a) (2) delete: ", including, for the months of April through July, the total pounds of base and excess milk".

5. In the preliminary text preceding paragraph (a) of § 1011.71 "for each of the months of August through March".

6. In § 1011.71(f) "in each of the months of August through March".

7. Section 1011.72.

8. In § 1011.73 paragraph (b).

9. In § 1011.73(c) "and 1011.72".

10. The subheading "Base Rating" following § 1011.73 and §§ 1011.80, 1011.81, 1011.82, and 1011.83.

11. In § 1011.90(d) (2) delete: ", including, for the months in which base milk, or who are producers of mohair under a caretaking agreement pursuant to which one producer owns the goats and the other producer furnishes labor in connection with mohair production in return for which he is entitled to share either in the mohair produced or in the proceeds from the sale of such mohair.

(d) "Joint owners" means two or more persons who own the mohair in question, regardless of the special nature of their relationship or how it came into being, and shall include owners in common.

(e) "Local shipping point" means the point at which the producer delivers his mohair to a common carrier for further transportation or, if his mohair is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser. The term "common carrier" includes any carrier that serves the public in transporting goods for hire whether or not he is required to be licensed by some Government authority to do so.

(f) "Marketing agency" with reference to mohair means a person who sells a producer's mohair for his account.

(g) "Marketing year" means the period beginning January 1 and ending the following December 31, both dates inclusive.

(h) "Mohair" means the hair of the Angora goat and also includes the hair of a kid of an Angora goat.

(i) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a State and any subdivision thereof.

(j) "Producer" of mohair means a person who either owns, individually or jointly, the goats from which the mohair is shorn or is a joint producer of the mohair under a caretaking agreement described in paragraph (c) of this section.

(k) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of mohair.

(l) "Specified marketing year" is the marketing year as to which the Department of Agriculture has announced that marketings of mohair by a producer during that year will entitle him to a payment under this program.

§ 1468.5 Price support payments.

Price support on mohair will be furnished for each specified marketing year in accordance with the provisions of this subpart by means of payments to the producer on the mohair he markets in that specified marketing year. Payments will not be made on marketings of the pelts of goats or on the marketings of mohair removed from such pelts.

§ 1468.6 Eligibility for payments.

Before payments under this subpart can be approved pursuant to any application for payment covering any lot or lots of mohair, the following requirements must be satisfied:

(a) Except as provided in § 1468.15, the applicant must be the producer, and

12. In § 1011.92(a) delete: "and the uniform price to be paid for base milk."

13. In § 1011.94(b) (1) "and 1011.72".

Statement of consideration. This termination of specified provisions will eliminate the base and excess plan used in paying producers for their milk in the Appalachian marketing area. The termination was requested by a cooperative association which represents 99 percent of the producers on the Appalachian market. The cooperative association recently adopted a base and excess method of paying producer members which differs considerably from the base and excess provisions currently in the order. To keep the present base-excess plan in the order would not contribute to the orderly marketing of milk in the area.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This termination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this termination.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER (3–25–71).

Signed at Washington, D.C., on March 19, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-4053 Filed 3-24-71;8:47 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1468—MOHAIR

Subpart—Payment Program for Mohair (1971–1973)

Sec.
1468.1 General.
1468.2 Administration.
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1468.20 Requests for reconsideration and appeals.
1468.21 Assignments.
1468.22 Records and inspection thereof.
1468.23 Violations of program.
1468.24 Forms.
1468.25 Authorization by Executive Vice President, CCC, or other official.
1468.26 Expiration of time limitations.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188, 82 Stat. 996, sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781–1787, as amended.

§ 1468.1 General.

This subpart sets forth the policies, procedures, and requirements governing price support payments by the Commodity Credit Corporation (referred to in this subpart as "CCC") for mohair for the 1971, 1972, and 1973 marketing years.

§ 1468.2 Administration.

The program will be carried out by the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS") under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the ASCS State and county offices. ASCS State and county offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto unless the power to modify or waive is expressly included in the pertinent provision.

§ 1468.3 Support price.

In accordance with section 703 of the National Wool Act of 1954, as amended by the Agricultural Act of 1970 (Public Law 91–524), for each of the 3 marketing years 1971, 1972, and 1973, the support price for mohair shall be 80.2 cents a pound, grease basis. The Department of Agriculture will, to the extent practicable, give publicity to the support price for mohair sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year.

§ 1468.4 Definitions.

As used in the regulations in this subpart and in the forms and documents related thereto, the following terms shall have the meanings assigned to them in this section:

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of goats or mohair.

(b) "Goats" means an Angora goat and the term also includes a kid of an Angora goat.

(c) "Joint producers" means two or more producers who are joint owners of

in the case of a joint application each applicant must be a producer, of the mohair which must have been marketed during the specified marketing year.

(b) The mohair must have been shorn in the United States.

(c) The producer, or in the case of joint producers at least one of the producers, must have owned the mohair at the time of shearing and must have owned in the United States the goats from which the mohair was shorn for not less than 30 days at any time prior to the filing of the application. Ownership of mohair or goats as used in this paragraph does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien.

(d) Beneficial interest in the mohair must always have been in the producer from the time the mohair was shorn up to the time of its sale. A producer has beneficial interest in mohair (1) when he owns it and has not authorized any other person to sell or otherwise dispose of it, or (2) when he has, by transfer of legal title to such other person or otherwise, authorized another person to sell or otherwise dispose of the mohair but continues to be entitled to the proceeds from any such sale or other disposition thereof. Such beneficial interest is not changed by a mortgage or other lien on the mohair.

§ 1468.7 Marketing within a specified marketing year.

(a) Marketing shall be deemed to have taken place in a specified marketing year if, pursuant to a sale or contract to sell in the process of marketing, the last of the following three events, in whatever order they occur, was completed in that marketing year: (1) Title passed to the buyer; (2) the mohair was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer is known to the applicant's marketing agency, if he markets through a marketing agency, or is known to the applicant, if he markets directly.

(b) Payments under this subpart shall only be made on bona fide marketings in a specified marketing year. A sale by one producer to another shall not constitute such a marketing unless (1) the selling producer usually markets his mohair in that way, or (2) the buying producer is also engaged in the business of buying and selling mohair and buys the mohair in the course of that business. An exchange of mohair between the producers thereof or a sale of mohair conditioned on the acquisition by the selling producer from the buyer of the same mohair or other mohair shall not constitute a bona fide marketing. A sale of mohair by a producer to a person not previously engaged in the business of buying mohair also shall not constitute such a marketing unless evidence is submitted to the satisfaction of CCC that there was a bona fide sale. Any document representing a sale, transfer, or other arrangement with respect to the mohair which is fictitious or not legally binding or solely a scheme or device for obtaining a price support payment shall not constitute such evidence.

(c) Delivery of mohair on consignment to a marketing agency to be sold for the producer's account does not constitute a marketing, whether or not a minimum sales price is guaranteed or an advance against the prospective sales price is given by the consignee, except that the mohair is deemed marketed if the marketing agency has guaranteed a minimum sales price, is unable to sell the mohair for more, and with the producer's consent takes it over at the minimum sales price. The producer shall be deemed to have consigned the mohair when the transfers to a marketing agency title to his mohair and provides that such agency shall market the mohair and that he shall be entitled to the proceeds of such marketing.

(d) The exchange of mohair for merchandise or services (for instance, shearing) will be considered a marketing, provided a definite price for the mohair is established by the parties to the exchange. Such price, or whatever other price the ASC county committee establishes as a fair market price for such mohair, whichever is lower, shall be utilized for the purpose of computing the net sales proceeds pursuant to § 1468.9 upon which payment under this subpart is based.

§ 1468.8 Rate of payment.

At the end of a specified marketing year and after the Department of Agriculture has determined the national average price for mohair received by producers in that marketing year, the Department will announce the rate of the payment under this subpart. The rate of payment will be the percentage of the national average price per pound received by producers in a specified marketing year which is required to bring such national average price up to the support price for mohair.

§ 1468.9 Computation of payment.

(a) The amount of the payment due to a producer shall be computed by applying the rate of payment to the net sales proceeds for the mohair marketed during the specified marketing year.

(b) Except as provided in § 1468.11 (a)(6) with respect to a guaranteed minimum sales price, the net sales proceeds shall be determined by deducting from the gross sales proceeds of the mohair all marketing expenses, such as any charges paid by or for the account of the producer for transportation, handling (including commissions), grading, scouring, or carbonizing. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point. Charges for furnishing bags or storing the mohair, as well as any other charges not directly related to the marketing of the mohair, such as interest on advances, shall not be considered marketing charges.

(c) All applications filed by a producer in the same county office for payments due on mohair marketed during the specified marketing year shall be considered together for the purpose of determining the total amount of payment due him.

§ 1468.10 Preparation of application.

(a) *Preparation.* The application for payment on the sale of mohair shall be prepared on Form CCC–1155, "Application for Payment (National Wool Act)". Marketing agencies may assist producers in filling out applications by inserting the information on sales of mohair and sending the sales documents to the appropriate ASCS county office, but the producer must sign the application and is responsible for the requirements as to the time and manner of filing his application. If the producer paid marketing charges not shown on the sales document, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) *Supporting documents.* The application shall be supported by the original sales documents covering the mohair sold.

(c) *Original sales document retained.* If the applicant does not wish the original sales document to remain with the ASCS county office, he may submit a photostat, carbon or other copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant, who shall retain it in accordance with § 1468.22.

(d) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm preparing the sales document to furnish a carbon or other copy to the seller in the place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 1468.11(a)(10), of the person or of the representative of the firm preparing the original sales document. Such copy shall be treated as an original for the purposes mentioned in this section.

(e) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated as an original for the purposes mentioned in this section.

§ 1468.11 Contents of sales documents.

The sales documents attached to each application for payment must contain a final accounting and meet the requirements of paragraph (a) or (b) of this section, for the mohair covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirements. Except as provided in § 1468.15, sales documents must cover mohair sold by the producer.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except a document covering an outright sale at the producer's farm, ranch, or local shipping point, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale. In case the producer's shipment to a marketing agency is sold in parts within a marketing year, the date when final settlement is made within that marketing year for the mohair that was sold within that marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of mohair sold. If the mohair was sold as scoured mohair, the original grease weight must be shown as well as the scoured weight.

(4) Except as otherwise provided in subparagraph (5) of this paragraph, the gross sales proceeds or sufficient information from which the gross sales proceeds can be determined.

(5) Marketing deductions, if any (see § 1468.9(b)), except as otherwise provided in this subparagraph. The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketing services: _____. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and will thus diminish the net proceeds on which the payment is computed. Association dues are to be considered marketing deductions if they include compensation for marketing services.

(6) Net proceeds after marketing deductions. If a sales document contains a figure for net proceeds after marketing deductions, computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed. If a marketing agency has guaranteed a minimum sales price for the mohair, is unable to sell the mohair for a higher price, and therefore settles with the producer on the basis of such guaranteed minimum price, the sales document should be on the basis of such guaranteed minimum price, regardless of a lower price at which the agency may sell the mohair. In such a case, the marketing agency may indicate on the sales document that the price is the guaranteed minimum sales price.

(7) Additional deductions, such as charges for bags, storage, interest, association dues which do not include compensation for marketing services, or other charges not directly related to the marketing of the mohair.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency, whichever issues the sales document.

(10) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within a specified marketing year shall contain a statement that the mohair was marketed during that marketing year.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document covering an outright sale at the producer's farm, ranch, or local shipping point, and attached to an application for payment shall be prepared by the purchaser and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale.

(3) Net weight of mohair sold.

(4) Net amount received by the seller for the mohair at his farm, ranch, or local shipping point.

(5) Any applicable nonmarketing deductions, such as charges for bags, storage, interest, association dues which do not include compensation for marketing services, or other charges not directly related to the marketing of the mohair.

(6) Name and address of the purchaser.

(7) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

§ 1468.12 Filing application for payment.

(a) *Place of filing.* Applications for payment shall be filed by the applicant with the ASCS county office serving the county where the headquarters of the producer's farm or ranch, as the case may be, is located. If the producer has more than one farm or ranch, with headquarters in more than one county, separate applications for payment shall be filed with the ASCS county office serving each such headquarters covering only the mohair produced at each such farm or ranch, except that if the producer sells his entire clip of mohair in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on mohair in any one of those ASCS county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his office or residence may be considered the farm or ranch headquarters.

(b) *Time of filing.* An application for payment shall be filed as soon as possible after completion of the producer's sales of mohair in a specified marketing year, but in no event shall an application be filed later than 3 years after the end of that specified marketing year.

§ 1468.13 Signature of applicant.

No payment will be made unless an application for payment on mohair is signed. Each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., must be properly authorized to sign in such capacity.

§ 1468.14 Joint applicants.

When the applicant for a mohair payment is a joint producer of the mohair, all of the joint producers (except those who sign a release as provided below in this section) must sign an application based on the sale of such mohair regardless of whether the mohair was divided among such producers prior to sale or was sold without division. CCC will not be responsible for a division among the applicants of a payment made to all of them jointly. When the application shows such joint production, and one or more of the joint producers refuses to join in the application, if each such joint producer signs a form prescribed by CCC releasing CCC from any obligation to make a payment to him, CCC shall make payment of the amount due the remaining joint producers who sign the application. Such release(s) shall be attached to the application. When any joint producer is entitled to join in an application but fails to do so, and the application does not show his interest as a joint producer, he shall have no claim against CCC for any portion of the payment made pursuant to the application.

§ 1468.15 Disability.

(a) If a producer who is otherwise eligible to receive a payment under this subpart dies, disappears, or is declared incompetent, before marketing the mohair or before filing an application, his successors or representatives authorized to receive payment in the order of precedence set forth in Part 707 of this title may complete the eligibility requirements and make application for such

payment on Form CCC–1155. The applicant shall also file Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," in accordance with Part 707 of this title.

(b) If a producer who earned a payment under this subpart and filed an application therefor dies, disappears, or is declared incompetent, either before CCC has issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title may apply therefor on Form ASCS–325, in accordance with Part 707 of this title.

(c) If an Indian who is incompetent earned a payment under this subpart, an application therefor may be filed on his behalf by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. Such application for payment will be filed in the ASCS county office where the headquarters of the Indian's farm or ranch is located.

(d) In all other cases of disability, including bankruptcy and dissolution, payments will be made to a representative only in accordance with specific directions issued by CCC.

§ 1468.16 Payment.

(a) Payment will be made under this subpart after the ASCS county office has reviewed the application and attached supporting documents and has approved payment in whole or in part, and after the appropriate rate of payment for the specified marketing year has been announced by the Department of Agriculture.

(b) Payments under this subpart shall be made only on the basis of the net sales proceeds received for mohair. No payment shall be made on that part of any sale which has been canceled or on the basis of prices or weights which have been fraudulently increased for the purpose of obtaining higher payments. No payment shall be made on sales to a mohair growers association (as distinguished from a cooperative marketing association) by its producer-members on the basis of net sales proceeds in excess of the fair market value of the mohair (grease basis) as determined by CCC.

(c) If it is determined by the ASCS State or county office that an applicant knowlingly made a false statement in his application, no payment shall be made to him with respect to such application.

(d) If CCC subsequently determines that available evidence does not sustain the applicant's right to all or any part of the payment made, the amount of the payment not so sustained shall immediately become due and repayable to CCC, and CCC may, without limitation upon any of the Government's rights in the matter, deduct such amount from any other payment due the applicant under this subpart. If the right to such amount becomes involved in a lawsuit between the Government and the applicant or his assignee, he or his assignee shall have the burden of proving that he was entitled to such amount.

(e) If the ASCS county office rejects in whole or in part an application for payment on mohair, or, after a payment has been made, determines that the available evidence does not sustain the applicant's right to the payment or any part thereof, the ASCS county office shall mail a notice to the applicant, or, in the case of a joint application, to each applicant, that the application has been rejected, specifying the reason therefor, or that the available evidence does not sustain the applicant's right to the payment or any part thereof, as the case may be.

§ 1468.17 Deductions for promotion.

If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, as amended, the rate of such deductions for the specified marketing year will be announced and the appropriate deduction will be made from each payment due under this subpart for such specified marketing year.

§ 1468.18 Set off.

If the county office records show that the producer is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the producer in accordance with Part 13 of this title.

§ 1468.19 Liens on goats or mohair.

If a producer grants a lien on his goats or mohair, such lien shall not be deemed to extend to payments made to the producer pursuant to this subpart.

§ 1468.20 Requests for reconsideration and appeals.

Any applicant who is notified that his application has been rejected in whole or in part or that any other action has been taken by the ASCS county office which unfavorably affects a payment to him may obtain reconsideration and review of the determination in accordance with Part 780 of this title. In the request for reconsideration, the applicant shall identify the application by number and date. When a joint application is involved, the request for reconsideration and review may be filed by all applicants jointly or by any of the applicants, in which case it shall be considered a request in behalf of all the joint applicants.

§ 1468.21 Assignments.

(a) *Form.* An assignment of a payment due or to become due under this subpart on mohair may be given to a financing agency or a mohair marketing agency as security for cash advanced or to be advanced on goats or mohair. The assignee shall not reassign such payment. An assignment may only include payments due or to become due on the sale of mohair for a specified marketing year and must include all such payments due and to become due for that specified marketing year. The assignment shall be executed by the producer, or in the case of joint producers by all such producers, on Form CCC–1157 "Assignment of Payment Under the National Wool Act of 1954," and shall be null and void unless it is freely made and is either executed in the presence of an attesting witness, who shall not be an employee or agent of, or by consanguinity or marriage related to, the assignee, or acknowledged before a notary public, a member of the ASC county committee, the ASCS county executive director, or a designated employee of such committee.

(b) *Payment.* CCC will make payment pursuant to an accepted assignment unless the ASCS county office is furnished evidence that the assignment is released by the assignee.

§ 1468.22 Records and inspection thereof.

(a) The applicant for a payment under this subpart, as well as his marketing agency and any other person who furnishes evidence to such applicant for use in connection with the application, shall maintain books, records, and accounts pertaining to the marketing of the mohair on which the application is based, for 3 years following the end of the specified marketing year during which the marketing took place. The applicant shall maintain books, records, and accounts pertaining to the production and shearing of mohair, with respect to which he applies for payment, for 3 years following the end of the specified marketing year during which the marketing took place.

(b) With respect to any application for payment filed after the end of the specified marketing year, instead of maintaining the books, records, and accounts for the time specified in paragraph (a) of this section, such books, records, and accounts shall be maintained for 3 years following the date on which the application is filed.

(c) At all times during regular business hours, CCC shall have access to the premises of the applicant, of his marketing agency, and of the person who furnished evidence to an applicant for use in connection with the application, in order to inspect, examine and make copies of the books, records, and accounts, and other written data as specified in paragraphs (a) and (b) of this section.

§ 1468.23 Violations of program.

(a) Whoever issues a false sales document or otherwise acts in violation of the provisions of this program so as to enable an applicant to obtain a payment to which he is not entitled, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action.

(b) The issuance of a false sales document or the making of a false statement in an application for payment or other document, for the purpose of enabling the applicant to obtain a payment to which he is not entitled, will subject the person issuing such document or making such statement to liability under applicable Federal civil and criminal statutes.

§ 1468.24 Forms.

Form CCC–1155, "Application for Payment (National Wool Act)", Form CCC–1157, "Assignment of Payment Under the National Wool Act of 1954," Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," and other forms issued by the U.S. Department of Agriculture for use in connection with this program may be obtained from ASCS county offices.

§ 1468.25 Authorization by Executive Vice President, CCC, or other official.

If the applicant is unable to furnish the documentary evidence of sale required by this subpart, the Executive Vice President, CCC, or the Deputy Administrator, State and County Operations, ASCS, may authorize the submission of any other evidence which establishes to the satisfaction of the authorizing official the information required by § 1468.11.

§ 1468.26 Expiration of time limitations.

Whenever the final date for filing an application falls on a Saturday, Sunday, national holiday, or State holiday, or on any other day on which the appropriate ASCS State or county office is not open for the transaction of business during normal working hours, the time for filing the application shall be extended to the close of business on the next working day. If the filing is by mail, it shall be considered timely if it is postmarked by midnight of such next working day.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This subpart shall become effective on the date of publication in the FEDERAL REGISTER (3–25–71).

Signed at Washington, D.C., on March 19, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71–4112 Filed 3–24–71;8:52 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Nonbanking Acquisitions by Certain One-Bank Holding Companies

1. Effective immediately, § 222.4 of Regulation Y is amended by adding a new paragraph as follows:

§ 222.4 Interests in nonbanking organizations.

* * * * *

(d) *Certain acquisitions by companies that became bank holding companies on December 31, 1970, as a result of the 1970 amendments.* Except as provided in this paragraph, no bank holding company may acquire, directly or indirectly, any shares or commence to engage in any activities on the basis of section 4(c)(12) of the Act. A company may file with the Board an irrevocable declaration, in the form approved by the Board, that it will cease to be a bank holding company by January 1, 1981, unless it is granted an exemption under section 4(d) of the Act. A company that has filed such a declaration may (1) commence new activities de novo, either directly or through a subsidiary, without further action under this paragraph, until such time as the Board notifies the company to the contrary, and (2) make an acquisition of a going concern 45 days after the company has informed its Reserve Bank of the proposed acquisition, unless the company is notified to the contrary within that time or unless it is permitted to make the acquisition at an earlier date, based on exigent circumstances of a particular case. If the company has not filed such a declaration, no acquisition may be made, or activity commenced, on the basis of section 4(c)(12) except with prior approval of the Board. Normally only requests with respect to acquisitions or expansion of activities that the company demonstrates to the satisfaction of the Board are necessary to enable it more efficiently to market its assets subject to divestiture will be approved. This paragraph does not apply to acquisitions made pursuant to a binding commitment entered into March 23, 1971.

* * * * *

2a. This amendment implements the Board's authority to impose conditions upon holding company acquisitions and expansions on the basis of section 4(c)(12) of the Bank Holding Company Act. Under the amendment, acquisitions of going concerns by a company that became a bank holding company as a result of the 1970 amendments and elects to divest itself of its bank may normally be made following a simple notification procedure, and de novo expansion may be undertaken without further action. Acquisitions by other such companies require the Board's approval. That approval will normally be limited to acquisitions a holding company demonstrates are necessary to assure that the company's required divestitures can be made as quickly as possible, as efficiently as possible, and with as little economic loss to the divesting company as possible.

b. A form for use in filing an irrevocable declaration under this amendment has been adopted by the Board. Copies are available at the Federal Reserve Banks.

c. Notice of proposed rule making with respect to this amendment was published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1432). The effective date was deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code, because the Board found that making its action effective immediately is necessary in the public interest. Permitting unrestricted acquisitions by companies that became bank holding companies as a result of the enactment of the 1970 amendments to the Holding Company Act is inconsistent with the purposes of the Act and its equitable application between such companies and holding companies that were registered with the Board before the recent amendments or those that might be formed in the future.

By order of the Board of Governors, March 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71–4205 Filed 3–24–71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–SO–35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Laurel, Miss., transition area.

The Laurel transition area described in § 71.181 (36 F.R. 2140) has an extension predicated on the Laurel VOR 330° radial, a designated width of 14 miles and length of 18.5 miles. Effective May 27, 1971, the final approach radial for VOR RWY 13 Instrument Approach Procedure will be changed to Laurel VOR 325° radial. Additionally, the procedure turn altitude has been raised from 1,700 to 2,000 feet MSL. Because of these changes, it is necessary to alter the transition area description to redesignate the extension predicated on the 330° radial to the 325° radial and reduce the width and length to 6 and 8.5 miles, respectively. Since these amendments are minor in nature and lessen the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Laurel, Miss., transition area is amended to read:

LAUREL, MISS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Laurel Municipal Airport (lat. 31°40'10" N., long. 89°10'20" W.); within 3 miles each side of Laurel VOR 325° radial, extending from the 7-mile-radius area to 8.5 miles northwest of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 17, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-4077 Filed 3-24-71;8:49 am]

[Airspace Docket No. 71-SO-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Washington, N.C., transition area.

The Washington transition area described in § 71.181 (36 F.R. 2140) was designated to provide controlled airspace protection for IFR operations at Warren Field. The prescribed special instrument approach procedure to this airport, utilizing WITN Commercial Broadcast Station, was canceled March 9, 1971. It is necessary to revoke this transition area as IFR operations are no longer authorized. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Washington, N.C., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 17, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-4078 Filed 3-24-71;8:49 am]

[Airspace Docket No. 71-SW-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment is to alter the description of the Brownsville, Tex., control zone and transition area.

The present control zone and transition area descriptions include specific reference to the Rio Grande Valley International Airport; however, the name of this airport has now been changed to Brownsville International Airport.

As this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as inafter set forth.

In § 71.171 (36 F.R. 2055) and in § 71.181 (36 F.R. 2140), the Brownsville, Tex., control zone and transition area are amended by deleting "Rio Grande Valley International Airport" and substituting "Brownsville International Airport" therefor wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 17, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-4079 Filed 3-24-71;8:49 am]

[Airspace Docket No. 70-PC-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On March 2, 1971, F.R. Doc. 71-2823 (36 F.R. 3892) was published in the FEDERAL REGISTER which adopted an amendment to Part 71 of the Federal Aviation Regulations altering the Kahului, Hawaii, transition area. It has been noted that an error was made in the description of the north and northeast boundary of the transition area. Action is taken herein to correct the discrepancy.

Since this action is minor in nature and imposes no additional burden on any person, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, F.R. Doc. 71-2823 (36 F.R. 3892) is amended by deleting "V-23" and substituting "V-22" therefor. The effective date as originally published may be retained.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 19, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4080 Filed 3-24-71;8:49 am]

[Airspace Docket No. 70-SW-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Federal Airways and Designation and Revocation of Reporting Points; Correction

On March 2, 1971, F.R. Doc. 71-2874 was published in the FEDERAL REGISTER (36 F.R. 3892) effective April 29, 1971.

This document amended Part 71 in part by realigning VOR Federal airway No. 54. Inadvertently the segment of V-54 proposed in the notice between Scurry, Tex., and Quitman, Tex., was omitted. Accordingly, action is taken herein to correct this omission.

Since this amendment is minor in nature and no substantive change in the regulation than that proposed in the notice is effected, notice and public procedure thereon is unnecessary.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (3-25-71), F.R. Doc. 71-2874 is amended as hereinafter set forth.

In Item e. "Scurry, Tex.;" is deleted and "Scurry, Tex.; Quitman, Tex.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 19, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4081 Filed 3-24-71;8:49 am]

[Airspace Docket No. 71-CE-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway Segments

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke segments of VOR Federal airway Nos. 53, 128, and 144 in the vicinity of Chicago, Ill.

The segments of V-53, V-128, and V-144 between the Chicago O'Hare VORTAC and City Intersection are based on the Chicago O'Hare VORTAC 153° T (151° M) radial. This radial is unusable at all altitudes. Accordingly, action is taken herein to revoke the segments of V-53, V-128, and V-144 between the Chicago O'Hare VORTAC and City Intersection by deleting reference to the Chicago O'Hare VORTAC and adding reference to the Naperville, Ill., VOR. Aircraft may be handled by radar vectors between these two points.

Since a situation exists that requires immediate action, notice and public procedure thereon are impracticable, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (3-25-71), as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

1. In V-53 all after the phrase "INT Peotohe 003°" is deleted and the phrase "and Naperville, Ill., 089° radials." is substituted therefor.

2. In V-128 all preceding the phrase "and Peotone, Ill., 003° radials;" and the phrase "From INT Naperville, Ill., 089°" is substituted therefor.

3. In V-144 all preceding the phrase "and Peotone, Ill., 003° radials;" is deleted and the phrase "From INT Naperville, Ill., 089°" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 19, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4082 Filed 3-24-71;8:49 am]

[Airspace Docket No. 71-WA-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Revision of Citations

The purpose of these amendments to the Federal Aviation Regulations is to correct and add FEDERAL REGISTER citations.

On February 3, 1971, F.R. Doc. 71-914, comprising a compilation of Parts 71, 73, and 75 of the Federal Aviation Regulations was published as Part II of the FEDERAL REGISTER of that date. All amendments to those parts which had been published prior to January 7, 1971, were included.

Subsequent to January 7, 1971, additional amendments to Parts 71 and 75 were published which either incorrectly cited FEDERAL REGISTER volumes and page numbers or omitted them entirely. This action will correct those errors.

Since these corrections are editorial in nature and no substantive changes in the regulations are effected, notice and public procedure are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, the F.R. Docs. listed below are amended, effective upon publication in the FEDERAL REGISTER (3-25-71), as follows:

1. Change the citation "(34 F.R. 20419; 35 F.R. 2009, 4256, 5465, 6274, 7051)" to "(36 F.R. 2010)" in F.R. Docket 71-743 (36 F.R. 494).

2. Change the citation "(35 F.R. 2054)" to "(36 F.R. 2055)" in the following F.R. Docs: 71-205 (36 F.R. 215), 71-206 (36 F.R. 215), 71-207 (36 F.R. 216), and 71-286 (36 F.R. 215), 71-207 (36 F.R. 216), 71-286 (36 F.R. 319), and 71-287 (36 F.R. 319).

3. Change the citation "(35 F.R. 2134)" to "(36 F.R. 2140)" in the following F.R. Docs: 71-203 (36 F.R. 214), 71-204 (36 F.R. 214), 71-205 (36 F.R. 215), 71-206 (36 F.R. 215), 71-207 (36 F.R. 216), 71-286 (36 F.R. 319), and 71-287 (36 F.R. 319).

4. Change the citation "(35 F.R. 19171)" to "(35 F.R. 19171, 36 F.R. 2140)" in the penultimate paragraph of F.R. Doc. 71-630 (36 F.R. 773).

5. Change the citation "(35 F.R. 2359)" to "(36 F.R. 2371)" in F.R. Doc. 71-743 (36 F.R. 494).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C. on March 19, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4083 Filed 3-24-71;8:49 am]

[Airspace Docket No. 71-EA-46]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area R-2801, Bethany Beach, Del.

The Department of the Army has advised that Restricted Area R-2801 is no longer required for its designated purpose and requested that it be revoked. Accordingly, action is taken herein to revoke R-2801.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (3-25-71), as hereinafter set forth.

In § 73.28 (36 F.R. 2333) R-2801 Bethany Beach, Del., is revoked.

(Sec. 307(a), Aviation Act of 1959, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 19, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4085 Filed 3-24-71;8:50 am]

[Docket No. 10940; Amdt. No. 748]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising, or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective April 22, 1971.

Wenatchee, Wash.—Pangborn Field; VOR Runway 29, Amdt. 7; Canceled.

2. Section 97.15 as amended by establishing, revising, or canceling the following VOR/DME SIAPs, effective April 22, 1971.

Palmdale, Calif.—Palmdale AF Plant No. 42 Airport; VOR/DME No. 1, Amdt. 2; Canceled.

St. Marys, Pa.—St. Marys Municipal Airport; VOR/DME Runway 27, Original; Canceled.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective April 22, 1971.

Bishop, Calif.—Bishop Airport; VOR-A, Original; Established.

Danville, Va.—Danville Municipal Airport; VOR Runway 2, Amdt. 9; Revised.

Danville, Va.—Danville Municipal Airport; VOR Runway 24, Amdt. 5; Revised.

Escanaba, Mich.—Escanaba Municipal Airport; VOR Runway 9, Amdt. 7; Revised.

Escanaba, Mich.—Escanaba Municipal Airport; VOR Runway 18, Original; Established.

Escanaba, Mich.—Escanaba Municipal Airport; VOR Runway 27, Amdt. 5; Revised.

Fort Stockton, Tex.—Pecos County Airport; VOR Runway 11R, Amdt. 4; Revised.

Fort Wayne, Ind.—Smith Field; VOR Runway 13, Amdt. 1; Revised.

Franklin, Pa.—Chess-Lamberton Airport; VOR Runway 20, Amdt. 3; Revised.

Gordonsville, Va.—Gordonsville Municipal Airport; VOR-A, Amdt. 1; Revised.

Lubbock, Tex.—Lubbock Regional Airport; VOR Runway 12, Amdt. 2; Revised.

Newburyport, Mass.—Plum Island Airport; VOR Runway 10, Amdt. 1; Revised.

Palmdale, Calif.—Palmdale Production FLTY Test INSTLN AF Plant NR 42 Airport; VOR-A, Original; Established.

Ravenna, Ohio—Portage County Airport; VOR–A, Original; Established.
Redding, Calif.—Redding Municipal Airport; VOR Runway 34, Amdt. 3; Revised.
St. Marys, Pa.—St. Marys Municipal Airport; VOR Runway 27, Original; Established.
State College, Pa.—University Park Airport; VOR–A, Amdt. 2; Revised.
Wellsville, N.Y.—Wellsville Municipal Airport; VOR–A, Original; Established.
Wenatchee, Wash.—Pangborn Field; VOR–A, Original; Established.
Wenatchee, Wash.—Pangborn Field; VOR–B, Original; Established.
Fort Stockton, Tex.—Pecos County Airport; VOR/DME–A, Amdt. 2, Revised.
Lubbock, Tex.—Lubbock Regional Airport; VOR/DME Runway 26R, Amdt. 3; Revised.
Palmdale, Calif.—Palmdale Production FLT/Test INSTLN AF Plant No. 42 Airport; VORTAC Runway 25, Original; Established.
Redding, Calif.—Redding Municipal Airport; VOR/DME Runway 34, Amdt. 1; Revised.
Willard, Ohio—Willard Airport; VOR/DME–A, Original; Established.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective April 22, 1971.

Lubbock, Tex.—Lubbock Regional Airport; LOC (BC) Runway 35L, Amdt. 6; Revised.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective April 22, 1971.

Franklin, Pa.—Chess-Lamberton Airport; NDB Runway 29, Amdt. 5; Revised.
Lubbock, Tex.—Lubbock Regional Airport; NDB Runway 17R, Amdt. 11; Revised.
Morrisville, Vt.—Morrisville-Stowe State Airport; NDB–A, Amdt. 2; Revised.
Newport, Ark.—Newport Municipal Airport; NDB Runway 35, Original; Established.
Santa Barbara, Calif.—Municipal Airport; NDB (ADF) Runway 7, Amdt. 4; Canceled.
Santa Barbara, Calif.—Santa Barbara Municipal Airport; NDB–A, Original; Established.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective April 22, 1971.

Alexandria, La.—Esler Field; ILS Runaway 26, Amdt. 1; Revised.
Lubbock, Tex.—Lubbock Regional Airport; ILS Runway 17R, Amdt. 11; Revised.
Palmdale, Calif.—Palmdale Production FLT/Test INSTLN AF Plant No. 42 Airport; ILS Runway 25, Original; Established.
Santa Barbara, Calif.—Santa Barbara Municipal Airport; ILS Runway 7, Amdt. 15, Revised.

7. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective April 22, 1971.

Lubbock, Tex.—Lubbock Regional Airport; Radar-1, Amdt. 2; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 522(a)(1))

Issued in Washington, D.C., on March 18, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[FR Doc.71–3891 Filed 3–24–71;8:45 am]

[Docket No. 10942; Amdt. No. 749]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective March 19, 1971.

Baltimore, Md.—Friendship International Airport; LOC Runway 10, Original; Canceled.

2. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective April 1, 1971.

Huntington, W. Va.—Tri-State (Walker-Long Field); LOC Runway 11, Amdt. 9; Canceled.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective April 1, 1971.

Huntington, W. Va.—Tri-State (Walker-Long Field); NDB Runway 11, Amdt. 8; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 19, 1971.

Baltimore, Md.—Friendship International Airport; ILS Runway 10, Original; Established.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective April 1, 1971.

Huntington, W. Va.—Tri-State (Walker-Long Field); ILS Runway 11, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 18, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[FR Doc.71–3982 Filed 3–24–71;8:45 am]

[Docket No. 10939; Amdt. No. 171–8]

PART 171—NON-FEDERAL NAVIGATION FACILITIES

Materials Incorporated by Reference

The purpose of this amendment to Part 171 of the Federal Aviation Regulations is to establish a central repository for documents incorporated by reference in the part.

Since this amendment is procedural in nature and imposes no burden on the public, I find that public notice and procedure thereon are not necessary and that it may become effective in less than 30 days.

In consideration of the foregoing, § 171.71 of the Federal Aviation Regulations is amended as follows, effective April 24, 1971:

§ 171.71 Materials incorporated by reference.

Copies of standards, recommended practices and documents incorporated by reference in this part are available for the use of interested persons at any FAA Regional Office and FAA Headquarters. An historical file of these materials is maintained at Headquarters, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590.

(Sec. 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.4(b)(1) of the regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on March 17, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71–4084 Filed 3–24–71;8:49 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

FOREIGN DIRECT INVESTMENT RULES OF PRACTICE AND GENERAL PROCEDURES

On January 14, 1971, notice by the Office of Foreign Direct Investments (the Office) of proposed amendment and reissuance of the Foreign Direct Investment Rules of Practice and General Procedures (the Rules; 15 CFR, Chap. X, Parts 1020–1050) was published in the FEDERAL REGISTER (36 F.R. 547). After consideration of all relevant comment by interested persons, the Rules are hereby adopted, with the liberalizing and clarifying modifications embodied herein, pursuant to the authority of section 5, Act of October 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, January 1, 1968, 33 F.R. 47; and Department Organization Order 25–3A (formerly Department Order 184–A), January 1, 1968, 33 F.R. 54.

Effective date. The rules shall be effective as of the date of publication in the FEDERAL REGISTER and shall govern all proceedings commenced after the effective date and all pending proceedings except to the extent that the Director of the Office determines, in his discretion, that application of the amendments or any portion thereof in a pending proceeding would not be feasible or would work injustice, in which case the appropriate former rule or rules shall apply.

The text of the Foreign Direct Investment Rules of Practice and General Procedures, Parts 1020, 1025, 1030, 1035, 1040, and 1050, as amended, is set forth below.

DONALD P. KATZ,
Director, Office of Foreign Direct Investments.

MARCH 22, 1971.

PART 1020—INVESTIGATIVE PROCEDURES

Sec.

1020.111 Investigations.
1020.112 Investigative policy.
1020.113 By whom conducted.
1020.114 Notification of purpose.
1020.121 Orders to furnish information.
1020.122 Authority to initiate investigations and to issue or modify agency process.
1020.123 Motions relating to agency process.
1020.124 Review; finality.
1020.131 Investigative hearings.
1020.132 Rights of witnesses in investigations.
1020.141 Noncompliance with orders or directions.
1020.151 Termination of investigations.

AUTHORITY: The provisions of this Part 1020 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25–3A (formerly Department Order 184–A), Jan. 1, 1968, 33 F.R. 54.

§ 1020.111 Investigations.

The Office[1] may, in its discretion, initiate investigations relating to compliance by any person[2] with the Foreign Direct Investments Program (hereinafter referred to as the Program) as embodied in E.O. 11387 and Part 1000 of this chapter, any rule, regulation, or order thereunder, term or condition of any authorization or exemption issued thereunder, any decree of court relating thereto, or any other agency action thereunder.

§ 1020.112 Investigative policy.

The Office encourages voluntary cooperation with its investigations. Where the circumstances appear so to require, however, the Office may invoke compulsory process as authorized by law.

§ 1020.113 By whom conducted.

Investigations will be conducted by representatives of the Office duly designated and authorized for the purpose. Such representatives are authorized, among other things, to administer oaths and receive affirmations in any matter under investigation by the Office.

§ 1020.114 Notification of purpose.

Any person under investigation who is compelled or requested to furnish information or documentary evidence shall be advised with respect to the general purpose for which such information or evidence is sought.

§ 1020.121 Orders to furnish information.

(a) The Office may issue orders requiring any person or persons named therein:

(1) To appear before a designated representative at a designated time and place to testify, produce documentary evidence, and/or produce other information relating to any transaction involving foreign direct investment; and/or

(2) To file (whether on a continuing basis, at stated intervals, upon the occurrence of specified acts or omissions, or otherwise) reports or answers in writing to specified questions, relating to any matter that is or has been under investigation or inquiry, or is likely to lead to the production of information relating to any such matter.

(b) Any person required to submit any report, whether under this section or under § 1000.602(b) of this chapter, shall preserve, or cause to be preserved, for at least 3 years after the date of filing of such report all working papers, irrespective of by whom prepared, used in the preparation of such report; all exhibits, all schedules, and all attachments to such papers; and all books and all records related to such report or to such other papers, that were prepared in the ordinary course of business.

§ 1020.122 Authority to initiate investigations and to issue or modify agency process.

The Director of the Compliance Division is hereby delegated, without power of redelegation, the authority to initiate investigations under § 1020.111 and to issue orders under § 1020.121 and, for good cause shown, to limit, quash, modify, or withdraw such orders or to extend the time prescribed therein for compliance.

§ 1020.123 Motions relating to agency process.

Any motion to limit,, quash, modify, or withdraw any order issued under § 1020.121 or to extend the time prescribed for compliance must be filed with the Office (to the attention of the person issuing said order) within seven (7) days after service of such order, or, if the return date is less than seven (7) days after service of the order, within such other time prior to the return date as may be designated in such order. Any allegation of undue burden must be accompanied by an affidavit setting forth with particularity the supporting facts.

§ 1020.124 Review; finality.

(a) Upon denial of a motion made under § 1020.123, the moving party may appeal to the decision officer pursuant to the procedure set out in § 1030.514 of this chapter. The determination of the decision officer shall constitute final agency action.

(b) The Director of the Compliance Division may extend the return date specified in an order issued pursuant to § 1020.121 by up to twenty (20) days later than the date of denial of relief under paragraph (a) of this section where:

(1) Such relief is requested by motion under § 1020.123 for the purpose of seeking judicial review of the order without first committing a willful violation thereof, and

(2) The public interest in effective enforcement and administration of the Program will not be compromised thereby.

§ 1020.131 Investigative hearings.

(a) The Office may conduct investigative hearings in the course of any investigation or inquiry relating to the administration or enforcement of the Program, as described in § 1020.111, including inquiries initiated for the purpose of determining whether to institute a proceeding under Part 1030 of this chapter.

(b) Investigative hearings shall be nonadjudicative proceedings, presided over by a representative of the Office (hereinafter referred to as the "presiding official") designated in the order issued pursuant to § 1020.121.

(c) Investigative hearings shall be stenographically recorded unless the presiding official, in his discretion upon the request of a witness, otherwise orders.

[1] As used in Parts 1020–1050 of this chapter, the "Office" means the Office of Foreign Direct Investments, U.S. Department of Commerce.

[2] As used in Parts 1020–1050 of the chapter, "person" means any individual, corporation, partnership, business venture, trust, or estate.

(d) Unless otherwise ordered by the Director of the Office, investigative hearings shall not be public.

§ 1020.132 Rights of witnesses in investigations.

Any person compelled or requested to submit information to the Office, or to testify in an investigative hearing, shall be entitled to be accompanied, represented, and advised by counsel or another person who has entered an appearance under § 1050.101 of this chapter (referred to hereafter in this section as "counsel") as follows:

(a) Counsel for a witness may advise his client, in confidence, and upon the initiative of either himself or the witness, with respect to any question asked of his client. If it appears that counsel is prompting the witness under color of this paragraph, the presiding official will so note and take appropriate action in respect thereto under paragraph (f) of this section. If, upon advice of counsel, the witness refuses to answer a question, counsel may briefly state that he has advised his client not to answer the question and the legal grounds for such refusal.

(b) Where it is claimed that the testimony or other evidence sought is outside the scope of the investigation, or that the witness is privileged to refuse to to answer a question or to produce other evidence, counsel for the witness may object and briefly and precisely state the grounds therefor.

(c) Cumulative objections are unnecessary. Repetition of the grounds for any objection will not be allowed. At the request of counsel and/or when directed by the presiding official, any objections will be treated as continuing objections and preserved throughout the further course of the hearings as to any related line of inquiry.

(d) Any motion challenging the Office's authority to conduct the investigation or the sufficiency or legality of the order to testify or produce documents or other information must have been addressed to the Office prior to the hearing (see § 1020.123). Additional copies of such motions may be filed with the presiding official as part of the record of the investigation and may be incorporated by reference into counsel's statements or objections, but no arguments in support thereof will be allowed at the hearing.

(e) After the presiding official and/or counsel for the Compliance Division have completed the examination of a witness, counsel for the witness may request the presiding official to permit the witness to clarify any of his answers in order that they may not remain equivocal or incomplete. The granting or denial of such request shall be within the sole discretion of the presiding official, and any grant may be withdrawn if counsel attempts to lead the witness or suggest answers.

(f) The presiding official shall take all necessary and appropriate actions to avoid delay, to prevent or restrain disorderly, dilatory, obstructive, or contumacious conduct and/or otherwise to regulate the course of the hearing.

§ 1020.141 Noncompliance with orders or directions.

(a) In cases of failure to comply fully with any compulsory process, including an order issued under § 1020.121, or refusal to obey a direction by a presiding official to answer a specific question, the Office may initiate or recommend appropriate action. The fact tha, an order is partially defective, or that a person may so believe, will not excuse compliance with the remainder of the order.

(b) Honest mistakes or isolated oversights, made in a good faith attempt to comply with an order of the Office or the direction of a presiding official, will normally not lead to an enforcement action.

§ 1020.151 Termination of investigations.

When the facts disclosed by an investigation indicate that further action is not necessary or warranted in the public interest, the investigative file will be closed, without prejudice to further investigation by the Office at any time if circumstances so warrant.

PART 1025—SETTLEMENT PROCEDURES

Sec.
1025.111 General policy.
1025.211 Informal, voluntary settlement.
1025.311 Consent agreement policy and procedures.

AUTHORITY: The provisions of this Part 1025 issued pursuant to Sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25–3A (formerly Department Order 184–A), Jan. 1, 1968, 33 F.R. 54.

§ 1025.111 General policy.

When the Office has reason to believe that any person subject to the jurisdiction of the Office (referred to hereinafter in this part as a "party") has violated any requirement of the Program, the Office may initiate enforcement action. Sections 5(b)(3) and 17 (as amended) of the Act of October 6, 1917 (50 U.S.C. App. 5(b)(3) 17), permit either criminal or civil sanctions, and Part 1030 of this chapter provides for formal administrative proceedings. Ordinarily, in the absence of willful violation or flagrant disregard of Program requirements, the Office will utilize one of the settlement procedures described in this part when such resolution is deemed to be in the public interest.

§ 1025.211 Informal, voluntary settlement.

(a) *Policy.* In determining whether to afford a party the opportunity for informal, voluntary settlement, the Office will consider the following:

(1) Whether the party acted in good faith;

(2) Whether the alleged noncompliance was unintentional or unforeseeable and whether the party took steps to avoid the alleged noncompliance;

(3) Whether the party cooperated with the office in ascertaining the facts and did not attempt to conceal or falsify information;

(4) The nature of the alleged noncompliance;

(5) The prior conduct of the party with respect to Program requirements; and

(6) Other relevant factors, including whether the Office believes that the party's assurances of future compliance with the Program will be adequate to ensure such compliance.

(b) *Investigation.* In addition to any investigation the Office may conduct into the substantive nature of the noncompliance, the Office may conduct an independent inquiry regarding any or all of the items enumerated in paragraph (a) of this section.

(c) *Conference policy.* It is the policy of the Office to give any party the opportunity to discuss with the staff, on an informal basis, the possible settlement of any compliance investigation involving such party. Ordinarily, any request for such discussion should be directed, in the first instance, to the staff member responsible for conducting the investigation.

(d) *Form.* (1) Disposition of a matter by an informal settlement will be in the form of an exchange of agreed-upon letters passing between the party and the Office. The letter from the Office will be signed by the Director of the Office.

(2) The letter from the party to the Office will set forth the pertinent circumstances relating to and constituting the alleged noncompliance, the steps taken to undo, correct, and prevent its recurrence and other matters agreed upon by the party and Office. The letter from the Office to the party will state the intention of the Office, based on the representations in the party's letter, to close the matter; however, the Office will expressly reserve the power to reopen the matter should the public interest so require.

§ 1025.311 Consent agreement policy and procedures.

(a) *Preliminary Notice.* If the Office, in its discretion, determines that informal, voluntary settlement is inappropriate, it will, where time, the nature of the matter involved, and the public interest permit, notify the party (i) of its intention to institute a formal proceeding against the party and (ii) that the party will be afforded an opportunity to confer with the Office staff and to submit an appropriate consent agreement proposal for consideration by the Office. Such notice may be in the form specified in § 1030.211 of this chapter or, in the discretion of the Office, in such other form sufficient to appraise the party of the nature of the alleged noncompliance. The party may appear personally or he may be represented by a person who has entered an appearance under § 1050.101 of this chapter.

(b) *Conditions.* The Office will consider each such case individually, on the basis of all relevant facts and circumstances, including any mitigating or extenuating factors. Depending upon the circumstances of the case, administrative settlement of compliance matters by a consent agreement may entail one or more of the remedies set forth in § 1030.472 of this chapter.

(c) *Form of agreement.* (1) Every consent agreement tendered by a party shall contain ar. appropriate form of order or judgment to be entered, an admission of all jurisdictional facts, and express waivers of further procedural steps, of any requirement of findings, and of rights to seek any form of judicial or appellate review or otherwise to challenge or contest the content, validity, or finality of the order. In addition, such proposed agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by the party that the law has been violated.

(2) The Office will determine whether the public interest would be better served by an agreement providing for an administrative consent order or a judicial consent judgment. Among the factors that the Office will ordinarily consider in making such determination are: (i) The nature and gravity of the alleged noncompliance, (ii) the prior conduct of the party with respect to Program requirements and (iii) the likelihood that subsequent enforcement proceedings against the party will be necessary.

PART 1030—PROCEDURES AND RULES OF PRACTICE FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Subpart A—General Policies and Procedures; Scope of Rules

Sec.
1030.111 Formal administrative proceedings.
1030.112 Scope of the rules in this part.

Subpart B—Notice; Answer; Other Pleadings

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Subpart E—Decision and Review

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1030.515 Petition for reconsideration.

AUTHORITY: The provisions of this Part 1030 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25–3A (formerly Department Order 184–A), Jan. 1, 1968, 33 F.R. 54.

Subpart A—General Policies and Procedures; Scope of Rules

§ 1030.111 Formal administrative proceedings.

The Office may institute a formal administrative proceeding when, on the basis of facts known to the Office, there is reason to believe that any person (hereinafter referred to as "respondent") has violated any requirement of the Program. Such proceedings may include, but are not limited to, allegations that the respondent has failed to comply with or is in violation, willfully or otherwise, of any such agency action; or that the respondent has made a transaction with intent to evade any requirement of the Program. Such proceedings shall be conducted in accordance with procedures that will assure due process of law to any party who may be adversely affected because of the determination therein.

§ 1030.112 Scope of the rules in this part.

(a) The rules in this part govern procedure in formal administrative proceedings described in § 1030.111.

(b) Except as specifically provided, the rules in this part do not govern any other proceedings, such as negotiations for the entry of consent orders, investigative hearings pursuant to § 1020.131 of this chapter, applications for specific authorizations or exemptions, or promulgation of substantive rules and regulations, general bulletins, interpretative opinions, or other rule making procedures.

Subpart B—Notice; Answer; Other Pleadings

§ 1030.211 Commencement of proceedings.

A formal administrative proceeding is commenced by the issuance and service of a notice, signed by the Director of the Office, containing the following:

(a) A clear and concise statement of facts sufficient to inform the respondent with reasonable definiteness of the type of acts or practices alleged to constitute a violation;

(b) Designation of specific requirements of the Program actions alleged to have been violated;

(c) A statement that the notice has been issued upon representations of the Director of the Compliance Division as summarized in the notice, and that respondent will have the opportunity to controvert the same;

(d) The substance of §§ 1030.212 and 1030.213;

(e) Specification of the time and place for hearing, such time to be at least twenty (20) days after service of the notice unless it is found and so stated in the notice that the public interest requires a shorter period;

(f) Identification of the person who will preside over the hearing and/or prehearing matters (hereinafter referred to as the "hearing examiner") and of the representative or representatives of the Compliance Division designated to prosecute the matter;

(g) A form of order which the Office has reason to believe should issue if the facts are found to be as alleged in the notice; and

(h) Recital of the legal authority and jurisdiction for institution of the proceeding.

§ 1030.212 Answer.

(a) A respondent shall, except as provided otherwise pursuant to § 1030.211 (e), have twenty (20) days after service of such notice within which to file an answer.

(b) Each answer shall contain a specific admission, denial, or explanation of each fact alleged in the notice or, if the respondent is without knowledge thereof, a statement to that effect. Allegations of a notice not specifically answered pursuant to this paragraph shall be deemed to have been admitted.

(c) Each answer shall contain a concise statement of each defense or affirmative matter that respondent will present, including a concise statement of the facts upon which it is founded. No defense or affirmative matter of which the respondent was aware at the time of filing his answer but did not include therein may be added by way of amendment or supplemental pleading under §§ 1030.221–1030.223, unless the hearing examiner, in his discretion, is convinced that respondent's failure was justifiable and that the interests of justice require its later admission.

§ 1030.213 Default.

Failure of the respondent to file an answer within the time provided or to appear as ordered shall constitute a waiver of his right to appear and contest the allegations of the notice and shall authorize the Office, without further notice, to find the facts to be as alleged in the notice and to enter findings and an order thereon.

§ 1030.221 Amendments, by leave.

The hearing examiner may, in his discretion, in the interests of justice, to facilitate the determination of a controversy, and upon such terms as are just, allow amendments to the notice or answer at any time prior to the filing of his decision.

§ 1030.222 Amendments conforming pleadings to evidence.

When issues not raised by the notice or answer but reasonably within the scope thereof are tried by express or implied consent of the parties, they shall be treated in all respects as though they had been timely raised. Amendments necessary to make the notice or answer conform to the evidence and the raising of such issues shall be allowed at any time.

§ 1030.223 Supplemental pleadings.

The hearing examiner may, in his discretion, in the interests of justice, to facilitate the determination of a controversy, and upon such terms as are just, allow service of a supplemental notice or answer setting forth transactions, occurrences, or events which occurred or were discovered since the date of the notice or answer sought to be supplemented and which are relevant to any of the issues involved in the proceeding.

Subpart C—Prehearing Procedures; Motions; Discovery

§ 1030.311 Prehearing conferences.

(a) The hearing examiner may direct any or all parties to meet with him for a conference to consider any or all of the following:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to pleadings;

(3) Stipulations or admissions of fact and of the contents, authenticity, and admissibility of documents; and

(4) Such other matters as may aid in the orderly and expeditious disposition of the proceeding, including disclosure of documents or other physical exhibits which will be offered in evidence in the course of the proceeding and of the names of witnesses.

(b) Prehearing conferences shall not be public unless all parties so agree.

(c) The hearing examiner, at his discretion, may direct that the prehearing conference be stenographically reported.

(d) When, as a result of a prehearing conference, it appears to the hearing examiner that the orderly, fair, and expeditious disposition of the proceeding will be aided thereby, he shall enter upon the record an order reciting any and all actions taken as a result of the conference. Insofar as such order states the issues to be resolved in the proceeding or the facts or documents which have been admitted to or stipulated by the parties, such order shall take precedence over any prior pleading or portion of the proceeding.

§ 1030.321 Motions.

(a) While a proceeding is before a hearing examiner all motions must be addressed to him. Copies of all written motions must be served upon each party.

(b) Motions should, if practicable, be in writing and shall state the particular order, ruling, or action desired and the grounds therefor. However, the hearing examiner may allow oral motions to be made before him, in appropriate cases, when each party affected or to be affected by such motion is present. Oral motions must be made upon the record.

(c) Within ten (10) days after service of any written motion, or within such longer or shorter time as may be fixed by the hearing examiner, the opposing party shall answer. Failure to answer shall constitute consent to the granting of the relief or sanction requested in the motion. The moving party will ordinarily have no right to reply.

(d) As a matter of discretion, the hearing examiner may waive the requirements of paragraphs (a) through (c) of this section as to motions for extensions of time and he may rule upon such motions ex parte.

(e) The hearing examiner shall rule, either in writing or upon the record, upon all motions presented to him. No formal opinion or findings are required on any motion.

§ 1030.326 Interlocutory appeals.

No interlocutory appeal to the decision officer (see § 1030.510) will be allowed from any decision of the hearing examiner unless the hearing examiner certifies that the ruling involves an important question of law that should be resolved at that time.

§ 1030.331 Discovery.

(a) The Federal Rules of Civil Procedure shall apply to discovery proceedings. There will be no fixed rule on priority of discovery.

(b) Discovery (including requests for admission) and compulsory process for discovery shall be available to the parties to a formal administrative proceeding under this part. Upon written motion pursuant to § 1030.321, the hearing examiner shall promptly rule upon any objection to discovery action initiated pursuant to this section. The hearing examiner shall also have the power to grant a protective order or relief to any party or third party subjected to discovery or compulsory process for discovery.

Subpart D—Hearings

§ 1030.411 Public hearings.

All hearings in formal administrative proceedings shall be public unless otherwise ordered by the hearing examiner.

§ 1030.412 Expedition of hearings.

Hearings shall proceed with all reasonable expedition, be held at one place, and continue without suspension until concluded, unless the hearing examiner specifically provides otherwise. The hearing examiner may, in the interests of justice, in order to assure full and fair presentation of the issues, and consistent with the public interest in the expeditious administration and enforcement of the Program, order brief intervals in any proceeding. In unusual and exceptional circumstances, for good cause stated on the record, he shall have the authority to order hearings at more than one place and to order brief intervals to permit discovery necessarily deferred during the prehearing procedures.

§ 1030.413 Rights of parties.

Every party shall have the right of representation by counsel, due notice, presentation of evidence, objection, cross-examination, motion argument, determination upon a record, and all other rights essential to a fair hearing.

§ 1030.414 Examination of witnesses.

An adverse party, or an officer, agent, or employee thereof, and any witness determined by the hearing examiner to be hostile, unwilling, or evasive, may be interrogated by leading questions. Any witness may be contradicted and impeached by any party, including the party calling him.

§ 1030.415 Admissibility of evidence.

Technical rules of evidence shall not apply in proceedings under this part. Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of admissible documents shall be segregated and excluded so far as practicable.

§ 1030.416 Objections.

Objections to evidence shall be timely and shall briefly state the grounds relied upon but the transcript shall not include argument or debate thereon except as ordered by the hearing examiner. The hearing examiner shall, when requested by a party, rule upon the record on any properly presented objection, or specifically defer such ruling. Any objection not ruled upon shall be deemed overruled. The substance of any overruled objection shall be deemed preserved without formal exception.

§ 1030.417 Burden of proof.

Counsel representing the Compliance Division shall have the burden of persuasion and the burden of going forward with evidence to show, prima facie, that respondent failed to comply with a requirement of the Program, but the proponent of any proposition shall be required to sustain the burden of persuasion and the burden of going forward with evidence with respect thereto.

§ 1030.418 Use of information obtained in investigations.

Any documents, papers, books, physical exhibits, or other materials or information obtained by the Office under any of its powers may be disclosed by counsel representing the Compliance Division when necessary in connection with formal administrative proceedings and may be offered in evidence by such counsel in any such proceeding.

§ 1030.421 Transcript.

Hearings shall be stenographically recorded and transcribed by a reporter under the supervision of the hearing examiner. The original transcript shall be a part of the record and the sole official transcript.

§ 1030.422 Record.

The record shall include the pleadings, all motions, all orders of the hearing examiner, the original transcript, all exhibits offered in evidence by any party, all proposed findings of fact, conclusions, and orders, and the recommended decision and proposed order of the hearing examiner. Except as provided under § 1030.451, the record shall be open to public inspection during business hours at the Department of Commerce, Office of Foreign Direct Investments, upon application therefor to the Clerk.

§ 1030.423 Excluded evidence.

When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer on the record of what he expected to prove by the answer of the witness, or the hearing examiner may, in his discretion, hear and record the evidence in full. Rejected exhibits, adequately marked for identification, and other rejected evidence shall be retained in the record and be available for consideration by any reviewing authority.

§ 1030.431 Hearing examiners.

(a) Hearings and prehearing matters in formal administrative proceedings shall be presided over by a hearing examiner appointed or designated pursuant to section 3105 or section 3344 of title 5, United States Code.

(b) The hearing examiner for prehearing matters may differ from the hearing examiner presiding over the hearing. A hearing examiner who opens the hearings under a particular notice shall, in the ordinary course, be the sole hearing examiner for such hearings, but, in the event of the death, illness, or other unavailability of a hearing examiner, or other extenuating and unusual circumstances, another hearing examiner may be appointed as provided in paragraph (a) of this section.

(c) In the event of the substitution of a new hearing examiner for the one originally designated, any motion predicated upon such substitution shall be made within five (5) days following notice of such substitution.

§ 1030.433 Powers and duties.

Hearing examiners shall conduct fair and impartial hearings, take all necessary action to avoid delay in the disposition of proceedings, and maintain order. They shall have all powers necessary and appropriate to that end, including, but not limited to, the following:

(a) To administer oaths and receive affirmations;

(b) To issue compulsory process;

(c) To take depositions or to order depositions or other discovery procedures as provided in § 1030.331;

(d) To rule upon offers of proof and receive evidence;

(e) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(f) To hold conferences for stipulations, simplification of issues, settlement, or any other proper purpose;

(g) To consider and rule upon, as justice may require, all procedural and other motions;

(h) To make findings of fact and conclusions of law and to issue recommended decisions and proposed orders and

(i) To take any action authorized by the rules in this part or in conformance with law.

§ 1030.434 Suspension of attorneys.

(a) The hearing examiner shall have the authority, for good cause stated on the record, to suspend or bar from participation in a particular proceeding any attorney who shall refuse to comply with his direction, or who shall be guilty of disorderly, dilatory, obstructive, or contumacious conduct in the course of such proceeding.

(b) Any attorney so suspended or barred may appeal to the decision officer. Appeals shall be in the form of a brief, not to exceed ten (10) pages in length and shall be filed within five (5) days after notice of the hearing examiner's action. Answer thereto may be filed within five (5) days after service of the appeal brief and may not exceed ten (10) pages. The decision of the decision officer shall constitute final agency action. The appeal shall not operate to suspend the hearing unless otherwise ordered by the decision officer. In the event the hearing is not suspended, the attorney may continue to participate therein pending disposition of the appeal.

§ 1030.451 In camera policy.

(a) Hearing examiners shall have the authority, for good cause stated on the record, to order any documents, or oral testimony, or other matter offered in evidence, whether admitted or rejected, to be placed in camera.

(b) Except as provided in paragraph (c) of this section, matter placed in camera is kept confidential and is not part of the public record. Only the respondent, his counsel, authorized personnel of the Office and court personnel concerned with judicial review shall have access to such matter. Where it is appropriate, in order to protect a trade secret or other confidential business information, the hearing examiner may enter other orders necessary and appropriate to protect such information from misuse.

(c) The power of the hearing examiner, the Office and reviewing courts to disclose in camera matter to the extent necessary for the proper disposition of a proceeding is specifically reserved.

§ 1030.461 Submission by the parties of proposed findings, conclusions, and order.

(a) Within such time after the close of the reception of the evidence as the hearing examiner may fix, each party to a proceeding under this part shall file with the hearing examiner for his consideration all proposed findings of fact, conclusions of law, and forms of order, together with briefs in support thereof. Answering briefs may be filed within a reasonable time thereafter, as fixed by the hearing examiner. The hearing examiner, in his discretion, may vary the sequence of filing documents following the close of reception of evidence.

(b) Such proposed findings, conclusions, and orders and any briefs or other papers shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. "Passim" references to the record may not be used.

(c) If a party fails to file a proposed finding as to any fact involved in the proceeding, or a proposed conclusion of law as to any legal question raised by the proceeding, he shall be deemed to have waived any objections or contentions with regard to that fact or that question of law.

§ 1030.471 Hearing examiner's findings, conclusions, recommended decision and proposed order.

(a) Within a reasonable time after receipt of all briefs and/or other papers pursuant to § 1030.461, the hearing examiner who presided, unless he shall become unavailable to the Office, shall make findings of fact and conclusions of law and issue a recommended decision and proposed order. The findings, conclusions, recommended decision and proposed order shall be served upon the parties and shall be included in the record.

(b) The findings of fact and conclusions of law shall be numbered and shall contain appropriate references to the record.

§ 1030.472 Form of proposed order.

(a) If the hearing examiner determines that the respondent has not violated any requirement of the Program, he shall in his proposed order dismiss the notice.

(b) If the hearing examiner determines that the respondent has violated any requirement of the Program, he shall issue a proposed order taking into account, in fashioning said proposed order, the nature and circumstances of the violation as well as the importance of encouraging future good faith efforts to comply with the Program. Where appropriate (including, but not limited to, cases where the respondent's violation involves positive direct investment or the holding of liquid foreign balances under circumstances where such is prohibited or in excess of the amount generally and/or specifically authorized or failure to comply with conditions of specific authorizations, and/or willful failure to or delay in filing required reports) the proposed order may include in addition to any other appropriate remedies:

(1) Reduction during any year or years in the amount of positive direct investment and/or liquid foreign balances that would have been authorized to the respondent under Part 1000 of this chapter;

(2) A requirement that the respondent repatriate all or part of its share in the earnings of incorporated affiliated foreign nationals, which repatriation shall be disregarded for the purpose of measuring compliance with the provisions of Part 1000 of this chapter;

(3) A requirement that the respondent cause its affiliated foreign nationals to make transfers of capital to the respondent, which transfers shall be disregarded for the purpose of measuring compliance with the provisions of Part 1000 of this chapter;

(4) A requirement that the respondent repatriate available proceeds of long-term foreign borrowing, which proceeds may not be held thereafter in the form of foreign balances or other foreign property;

(5) A requirement that quarterly or other special reports be filed with the Office containing such information as may be appropriate.

Subpart E—Decision and Review

§ 1030.510 Decision officer: designation and disqualification.

(a) The Director of the Office shall be the decision officer unless he is unavailable by reason of disqualification or otherwise, in which case the Deputy Director of the Office shall be the decision officer.

(b) The decision officer shall withdraw from any case when he is disqualified by reason of personal relationship or interest or other just cause. If the decision officer has not withdrawn from the case and respondent believes that grounds for disqualification exist, respondent shall submit, with its first brief submitted pursuant to § 1030.511, a motion supported by an affidavit or affidavits specifying such grounds with particularity. In such case, the decision officer shall himself rule upon the motion in writing and his decision shall become part of the record of the case.

(c) If both the Director and the Deputy Director of the Office are disqualified or otherwise unavailable, the Appeals Board for the Department of Commerce shall perform the functions of the decision officer under the rules contained in this subpart, and the decision and order of the Appeals Board shall constitute the final agency action.

§ 1030.511 Objections.

(a) Any party in a proceeding under this part may file specific objections to the hearing examiner's findings of fact, conclusions of law, recommended decision and/or proposed order, provided that notice of intent to file such objections is filed with the Office within ten (10) days after service upon the parties of the hearing examiner's recommended decision and proposed order.

(b) Objections shall be in the form of a brief, not to exceed thirty (30) pages, filed no later than thirty (30) days after service of the hearing examiner's recommended decision and proposed order. Answering briefs, not to exceed thirty (30) pages, shall be filed not later than thirty (30) days after the closing date for submission of each objections. Reply briefs, not to exceed fifteen (15) pages, shall be filed not later than seven (7) days after the closing date for submission of answering briefs. Briefs shall be printed on one side only, if typewritten, shall be double spaced.

(c) The briefs shall be made a part of the record and the entire record shall then be certified promptly to the decision officer.

(d) If no notice of intent to file objections to the hearing examiner's findings of fact, conclusions of law, recommended decision or proposed order are filed within the time provided in paragraph (a) of this section, the record shall be certified at the conclusion of such time to the decision officer who shall decide the case in the manner provided in § 1030.513 (b). The decision officer may, at his discretion, request the parties to submit briefs on any or all of the issues raised by the record.

§ 1030.513 Decision.

(a) If objections are filed pursuant to § 1030.511, unless all parties have stipulated otherwise in writing, there shall be oral argument before the decision officer at a date and time set by him in writing and served on all parties, which argument shall be reported stenographically. The original transcript shall be made a part of the record. Each party shall be limited to thirty (30) minutes for presentation of oral argument, unless the decision officer shall determine that the circumstances of the case require more lengthy presentation.

(b) The decision officer, in deciding a matter, shall not be limited to consideration of the issues raised by the parties, but may consider all issues raised by the record.

(c) Within a reasonable time after receipt and consideration of the record and oral argument, if any, the decision officer shall do one of the following:

(1) Remand the case to the hearing examiner for the reception of additional evidence;

(2) Issue an interlocutory decision, either orally or in writing, with respect to the issues of fact and questions of law involved in the proceeding. Thereafter, in his discretion, he may direct the hearing examiner to conduct a separate hearing on relief and form of order. The decision officer may permit the filing of additional briefs and may request that the prevailing party or parties propose a form of order and the other party or parties comment thereon, or that all parties present their views concurrently. Any failure to object to any part of a form of order proposed by a prevailing party will constitute a waiver of objection to it. The decision officer shall then render a decision as specified in subparagraph (3) of this paragraph;

(3) Issue findings of fact and conclusions of law and render a decision that adopts, modifies or sets aside the hearing examiner's findings, conclusions and recommended decision and states the reasons for his action, and enter an order which shall be served on each party to the proceeding.

(d) The order entered by the decision officer shall become effective ten (10) days after service thereof, unless the respondent appeals to the Appeals Board for the Department of Commerce, pursuant to the procedure set out in Part 1035 of this chapter or files a petition for reconsideration under § 1030.515.

§ 1030.514 Appeals from orders under Part 1020 of this chapter.

Any party appealing from the denial of a motion under § 1020.123 of this chapter, shall file an appeal brief, not to exceed thirty (30) pages, within seven (7) days after service of the order denying said motion. The answering brief, not to exceed thirty (30) pages, shall be filed within seven (7) days thereafter. Oral argument will not be allowed. Within a reasonable time after receipt of the briefs, the decision officer shall render an appropriate decision.

§ 1030.515 Petition for reconsideration.

Any party may petition for reconsideration of a final decision or order of the decision officer by filing a written brief with the Office stating succinctly and with particularity the grounds upon which reconsideration is being sought within five (5) days after the date of service of the decision officer's order. The decision officer shall thereafter enter as promptly as possible an order either granting or denying the petition.

PART 1035—RULES OF PRACTICE FOR APPEALS IN PROCEEDINGS ORIGINATING UNDER PART 1030

Sec.
1035.101 Scope of rules.
1035.102 Board.
1035.103 Appeals.
1035.104 Certification of the record.
1035.105 Briefs.
1035.107 Oral Argument.
1035.108 Disposition of appeals by Board.
1035.109 Content of orders.

AUTHORITY: The provisions of this Part 1035 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-3A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

§ 1035.101 Scope of rules.

The rules of practice in this part shall govern appeals from final decisions of the decision officer in proceedings originating under Part 1030 of this chapter. Appeals in proceedings originating under Part 1000 of this chapter shall be governed by § 1000.802 of this chapter.

§ 1035.102 Board.

(a) The Appeals Board for the Department of Commerce (referred to in this part as the "Board") shall have sole and exclusive jurisdiction to hear administrative appeals from final decisions of decision officers in proceedings under Part 1030 of this chapter. The decision of the Board shall constitute final agency action.

(b) The Chairman of the Board shall designate a panel of three Board members, from time to time, to pass upon such appeals.

(c) All communications to the Board shall be addressed to: Chairman, Department of Commerce Appeals Board, Department of Commerce, Washington, D.C. 20230, and shall be in writing.

§ 1035.103 Appeals.

(a) The respondent in a proceeding under Part 1030 of this chapter may appeal to the Board from the decision and order of the decision officer, provided that notice of intent to appeal is filed with the Board within ten (10) days after service of the decision officer's decision and order or, if the respondent files a petition for reconsideration of the decision officer's order (pursuant to § 1030.515 of this chapter), notice of intent to appeal shall be filed with the Board within ten (10) days after the date of service of the decision officer's order either denying the petition for reconsideration or disposing of a petition that had been granted.

(b) The respondent, in a proceeding under Part 1030 of this chapter, may appeal on the following grounds: that prejudicial error of law was committed; that the findings were clearly erroneous or were not supported by substantial evidence; or that the provisions of the order are arbitrary, capricious or an abuse of discretion.

§ 1035.104 Certification of the record.

Promptly after the filing of notice of intent to appeal, the record including the decision and order of the decision officer, and any petition for reconsideration and order relating thereto, shall be certified to the Board.

§ 1035.105 Briefs.

(a) The appeal brief shall be served and filed no later than thirty (30) days after service of the appropriate order of the decision officer (determined pursuant to § 1035.103(a)); the answering brief shall be served and filed no later than thirty (30) days after service of the appeal brief; and the reply brief shall be served and filed no later than seven (7) days after service of the answering brief. The appeal and answering briefs shall not exceed thirty (30) pages (if typewritten, double spaced) exclusive of appendices, and the reply brief shall not exceed fifteen (15) pages.

(b) An original and five (5) copies of each brief shall be filed with the Board and three (3) copies shall be served upon each party to the proceeding, including the Office.

(c) The appeal and answering briefs shall contain in the following order:

(1) Index, table of cases, statutes, and other authorities—and page references thereto;

(2) Concise, nonargumentative statement of facts, with specific page references to the record to support each assertion;

(3) Argument, with specific page references to the record to support each assertion;

(4) Conclusion;

(5) Appendix (optional), any record material or exhibits on which the party places particular reliance.

(d) The appeal brief shall, in addition, include in the argument section a specific explanation of how the grounds for appeal fall within the standards of § 1035.103(b), and, following the conclusion, any form of order that the respondent proposes be issued in lieu of the order issued by the decision officer.

§ 1035.107 Oral argument.

The Board will ordinarily determine an appeal on the basis of the briefs. The Board will allow oral argument only in exceptional cases when it deems it necessary, upon its own motion.

§ 1035.108 Disposition of appeals by Board.

(a) The appeal shall be determined upon the basis of the record and the briefs and argument, and shall not constitute a hearing de novo. The Board shall not substitute its discretion for that of the decision officer in any matter involving expertise in interpreting, defining, administering, or effectuating the policies and purposes of the regulations or other agency actions under the Program. The Board shall not consider facts or arguments affecting the merits of the policies embodied in the regulations or other agency actions alleged to have been violated.

(b) Unless two members of the Board are of the opinion, and so advise the Chairman of the Board in writing within 20 days after the date of the filing of the appeal brief, that they desire to grant the appeal or consider further briefs or arguments, the Chairman of the Board shall, on the 20th day after the date of the filing of the appeal brief, enter an order pursuant to § 1035.109(b).

§ 1035.109 Content of orders.

(a) The grant of an appeal may be by an order remanding the matter to the decision officer, accompanied with a brief statement of reasons therefor.

(b) The denial of an appeal ordinarily will be in the form of an order signed by the Chairman of the Board, stating that the appeal was denied by the Board on a particular date, and ordinarily will not be accompanied by an explanatory statement. Such denial without an explanatory statement shall be deemed equivalent to adoption by the Board of the decision officer's decision.

(c) Where the Board grants an appeal in part and denies it in part, it ordinarily will remand the matter to the decision officer, as specified in paragraph (a) of this section. Where the Board can appropriately dispose of such a matter by entering its own order, rather than by remanding the matter, it may do so.

(d) Entry of an order by the Board shall be effective ten (10) days after service thereof.

PART 1040—COMPLIANCE PROCEDURES; REPORTS, ADVISORY OPINIONS, AND ENFORCEMENT

Subpart A—Compliance Reports

Sec.
1040.111 Compliance reports following Parts 1030 or 1035 orders.
1040.114 Noncompliance with reporting requirements.
1040.121 Comment on report.

Subpart B—Advisory Opinions on Compliance

Sec.
1040.211 Request for opinion.
1040.212 Response by Office.
1040.213 Form of advisory opinion.
1040.214 Advisory opinion during compliance investigation.
1040.221 Revocation.
1040.222 Reliance.

Subpart C—Enforcement

1040.311 Enforcement.

AUTHORITY: The provisions of this Part 1040 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-3A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

Subpart A—Compliance Reports

§ 1040.111 Compliance reports following Parts 1030 or 1035 orders.

(a) Whenever, in a proceeding under Parts 1030 or 1035, an order is entered requiring the respondent to refrain from or to undertake any future act or practice, the Office will further require the respondent to file a compliance report with the Office. Such requirement will be by action of the Director of the Compliance Division pursuant to § 1020.121(a)(2) of this chapter.

(b) Such report shall be in writing, signed by the respondent or an officer thereof, be made under oath or affirmation, and be filed with the Office, Attention: Director of Compliance Division.

(c) Such report shall set forth in detail the manner and form of the respondent's compliance with each of the provisions of the order.

(d) Such report shall be filed within twenty (20) days after the order becomes effective unless the Director of the Compliance Division, upon timely request, extends such time. Further and subsequent reports may also be required by the Director of the Compliance Division.

§ 1040.114 Noncompliance with reporting requirements.

In cases of failure to comply with compliance report requirements, the Office may initiate appropriate action pursuant to § 1020.141 of this chapter.

§ 1040.121 Comment on report.

The Office will review compliance reports. The Director of the Compliance Division may comment in writing to the respondent in respect to whether the actions set forth in such a report evidence compliance with the order.

Subpart B—Advisory Opinions on Compliance

§ 1040.211 Request for opinion.

Any respondent subject to an order issued under Parts 1030 or 1035 of this chapter may request advice from the Office as to whether a proposed course of action, if pursued by it, will constitute compliance with such order. The request for advice should be submitted in writing and should include full information regarding the proposed course of action.

§ 1040.212 Response by Office.

On the basis of the facts submitted as well as other information properly available to it, the Office will, where it is practicable and otherwise appropriate, by letter signed by the Director of the Compliance Division, inform the respondent whether the proposed course of action, if pursued, would constitute compliance with the order. The Office expressly reserves the power to take such other and/or additional action as the public interest may require.

§ 1040.214 Advisory opinion during compliance investigation.

Once the Office has instituted an investigation to determine whether a respondent is in violation of an outstanding order issued against it, the Office will ordinarily consider it inappropriate to give the respondent an advisory opinion on the subject. No request for an advisory opinion, in such circumstances, will ordinarily cause the Office to discontinue such investigation.

§ 1040.221 Revocation.

The Office may, at any time, reconsider any advice or comment made under § 1040.121 or § 1040.212, and rescind, alter, or revoke the same. If it does so, the Office will, whenever possible, give prompt notice to the respondent.

§ 1040.222 Reliance.

(a) When the Office believes that a respondent has violated an order issued against it under Parts 1030 or 1035 of this chapter but the respondent establishes to the Office that it acted in actual, properly warranted, and good faith reliance upon written advice to it under § 1040.121 or § 1040.212, then the Office will not proceed or recommend any proceeding against such respondent in respect to such possible violation without first giving respondent notice under § 1040.221 and an opportunity to discontinue the questioned practice or transaction and to correct the effects thereof.

(b) If the respondent effects such discontinuance and correction promptly and fully, and satisfies the Office that it is complying with the requirements of the Program in regard to the matter, then the Office will take no further action.

Subpart C—Enforcement

§ 1040.311 Enforcement.

When the Office has information indicating that a respondent has failed or is failing to comply with the provisions of an order entered against the respondent under Part 1030, the Office may institute or recommend a civil or criminal enforcement proceeding (see, e.g., 50 U.S.C. App. 5(b)(3), 17) or a further administrative proceeding under Part 1030 of this chapter.

PART 1050—MISCELLANEOUS RULES

Sec.
1050.101 Appearances.
1050.102 Standards of conduct.
1050.103 Requirements as to form and filing of documents.
1050.104 Clerk.
1050.105 Time computation.
1050.106 Service.
1050.107 Fees.
1050.108 Ex parte communications.
1050.111 Freedom of information.

AUTHORITY: The provisions of this Part 1050 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25–3A (formerly Department Order 184–A), Jan. 1, 1968, 33 F.R. 54.

§ 1050.101 Appearances.

(a) *Qualifications.* (1) Members of the bar of a Federal Court or of the highest court of any State or territory of the United States are eligible to practice before the Office and the Appeals Board for the Department of Commerce in any proceeding under Parts 1020–1050 of this chapter.

(2) Any individual or member of a partnership involved in any such proceeding may appear on behalf of himself or of such partnership, upon adequate identification. A corporation or association may be represented by an officer thereof.

(b) *Notice of appearance.* Any person desiring to appear before the Office on behalf of a person or party shall file a written notice of his appearance, stating the basis of his eligibility under this section. No other application shall be required for admission to practice, and no register of attorneys will be maintained.

§ 1050.102 Standards of conduct.

(a) All persons practicing before the Office shall conform to the standards of ethical conduct required of practitioners in the courts of the United States. Accountants who prepare reports or other documents for submittal to the Office shall conform to the standards of ethical conduct prescribed by the State Board of Accountancy or other licensing authority for the State in which such accountant maintains his principal place of business.

(b) If the Office has reason to believe that any person is not conforming to such standards, or that he has been otherwise guilty of conduct warranting disciplinary action, the Office may issue an order requiring such person to show cause why he should not be suspended or disbarred from practice before, or from the preparation of reports or other documents for submittal to, the Office. The alleged offender shall be granted due opportunity to be heard and may be represented by counsel. Thereafter, if warranted by the facts, the Office may issue against the person an order of reprimand, suspension, disbarment, or other appropriate sanction.

§ 1050.103 Requirements as to form and filing of documents.

(a) *Filing.* In formal administrative proceedings under Part 1030 of this chapter, except as otherwise provided, all documents submitted to the Office shall be addressed to the hearing examiner. Where practicable, such documents shall be filed with him; otherwise, they shall be filed with the Clerk (see § 1050.104). Informational applications or requests, however, may be submitted directly to the official in charge thereof or to the Director of the appropriate Division.

(b) *Title.* Documents shall clearly show the file or docket number and title of the matter in connection with which they are filed.

(c) *Copies.* Five copies of all formal documents shall be filed, unless otherwise specified. Informal applications and correspondence should be submitted in the form of an original and two copies thereof.

(d) *Form.* (1) Documents shall be printed, typewritten (double spaced) or otherwise processed in permanent form.

(2) Wherever practicable, documents shall be on paper approximately 8½ inches by 11 inches, bound or stapled on the left side.

(e) *Signature.* One copy of each document filed shall be signed by a person who has entered an appearance (or in informal matters by a person qualified to do so).

§ 1050.104 Clerk.

The Director of the Office shall designate an employee of the Office to serve as Clerk of the Office. The Clerk shall, in general, perform the functions of the Clerk of a district court, in respect to the proceedings under Part 1030 of this chapter and where otherwise appropriate. Papers may be filed with him; he shall accept and record receipt of formal papers; he shall enter the orders of hearing examiners and cause them to be served upon parties. Where it is appropriate, the Clerk shall sign documents and other papers in the name of the Office. Nothing contained in this section shall be deemed to preclude the Clerk from performing any other functions within the Office.

§ 1050.105 Time computation.

Computation of any period of time prescribed or allowed under Parts 1020–1040 of this chapter shall begin with the first business day following that on which the act, event, or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the Office is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, is 5 days or less, each Saturday, Sunday, and any such holiday shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, exceeds 5 days, each of the Saturdays, Sundays, and such holidays shall be included in the computation.

§ 1050.106 Service.

(a) *By the Office.* (1) Service of notices, orders, and other processes of the Office or a hearing examiner may be effected as follows:

(i) *By registered or certified mail.* A copy of the document shall be addressed to the person to be served, at its residence, office, or place of business, and sent thereto by registered or certified mail; or

(ii) *By delivery to an individual.* A copy thereof may be delivered to the natural person to be served, or to a member of the partnership to be served, or to any officer or director of the corporation or unincorporated association to be served; or

(iii) *By delivery to an address.* A copy thereof may be left at the office or place of business of the person, or it may be left at the residence of the person or of a member of the partnership or of an officer or director of the corporation or unincorporated association to be served.

(2) All other documents may be similarly served, or they may be served by ordinary first-class mail.

(b) *By other parties.* Service of documents by parties other than the Office shall be by delivering copies thereof as follows: Upon the Office, by personal delivery or delivery by first-class mail to the Clerk; upon any other party, by delivery to the party, as specified in paragraph (a) of this section.

(c) *Service on attorney of party.* When a party is represented by a person qualified pursuant to § 1050.101(a), and such representative has filed a notice of appearance as required by § 1050.101(b), or has filed any pleading or other document on behalf of the party, any notice, order, or other process or communication required or permitted to be served upon a person or party may be served upon such representative in lieu of any other service.

(d) *Proof of service.* (1) When service is by registered, certified, or ordinary first class, it is complete upon delivery of the document by the post office to the person served.

(2) The return post office receipt for a document registered or certified and mailed, or the verified return or certificate by the person serving the document by personal delivery, shall be proof of the service of the document. All documents served by ordinary mail shall have appended thereto a certificate of service, setting forth the manner of said service, including the address of any person so served.

§ 1050.107 Fees.

(a) *Witnesses.* Any person compelled to appear in person in response to compulsory process shall, upon his application therefor, be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) *Responsibility.* The fees and mileage referred to in this section shall be paid by the party at whose instance the witness appears.

§ 1050.108 Ex parte communications.

(a) In a formal administrative proceeding, no person not employed by the Office and no employee or agent of the Office who performs any investigative or prosecuting function in connection with the proceeding, shall communicate ex parte, directly or indirectly, with any person involved in the decisional process in such proceeding, with respect to the merits of that or a factually related proceeding.

(b) In a formal administrative proceeding, no person involved in the decisional process of such proceeding shall communicate ex parte, directly or indirectly, with any person not employed by the Office, or with any employee or agent of the Office who performs any investigative or prosecuting function in connection with the proceedings, with respect to the merits of that or a factually related proceeding.

(c) In a formal administrative proceeding, if an ex parte communication is made to or by any employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such employee shall promptly inform the Office of the substance of such communication and the circumstances thereof. The Office will take such action thereon as it may consider appropriate.

§ 1050.111 Freedom of information.

(a) All documents (including transcripts) filed in formal administrative proceedings conducted under Part 1030 of this chapter (except those documents placed in camera pursuant to § 1030.451 (b) of this chapter), and such other documents as the Office may from time to time designate, shall be made part of the public records of the Office. Copies thereof are maintained for public inspection and copying in the office of the Clerk (see § 1050.104).

(b) For good cause shown and upon application by any party submitting a document that is to be placed on the public record, pursuant to paragraph (a) of this section, the Office may excise trade secrets and customarily privileged commercial or financial information obtained from any person. Requests for such excision may be made by timely submittal to the Office of a written request specifying with particularity each item sought to be excised and setting forth in each instance a full statement of the party's business reasons for requesting excision. Mere conclusory allegations and requests that an entire document be omitted from the public record will not be deemed to satisfy the requirements of this paragraph.

(c) All documents of any description received by the Office from any person in connection with an investigation of possible noncompliance with the Program, and not described in paragraph (a) of this section, are considered part of the investigatory files of the Office, compiled for law enforcement purposes, and will not be disclosed to any person except pursuant to law.

(d) Terms used in this section shall have the meanings ascribed thereto in 5 U.S.C. §§ 551–553.

Effective date. The amendments to Parts 1020–1050 shall be effective as of the date of publication in final form in the FEDERAL REGISTER, and shall govern all proceedings commenced after the effective date and all pending proceedings except to the extent that the Director of the Office determines, in his discretion, that application of the amendments or any portion thereof in a pending proceeding would not be feasible or would work injustice, in which case the appropriate former rule or rules shall apply.

[FR Doc.71-4091 Filed 3-24-71;8:50 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-408; Order No. 427]

SCHEDULES OF FEES FOR PUBLIC UTILITIES AND NATURAL GAS COMPANIES

MARCH 18, 1971.

On November 25, 1970, the Commission issued a notice of proposed rulemaking in this proceeding (35 F.R. 18324, Dec. 2, 1970) proposing to amend its general rules and regulations under the Federal Power Act and the Natural Gas Act to revise the schedules of fees at present imposed in connection with the filing of certain applications by natural gas companies and to establish new schedules of fees and annual charges to be applicable to electric utility companies and natural gas companies.

Responses were received (exclusive of requests for additional time within which to submit comments[1]) on behalf of 62[2] companies and two industry associations raising questions as to the meaning of certain provisions, suggesting modifications for clarification or on the merits, objecting to the amounts proposed for certain of the services in the noticed schedules of fees and generally questioning the propriety of imposing annual assessments for services rendered in the administration of both Acts or the basis upon which they would be computed. A number of these comments have provided the basis for clarifying this rulemaking and others which have been called to our attention have resulted in revisions incorporating recommendations that will avoid inequities that might otherwise have occurred. The remaining comments and recommendations were considered and those which have been found lacking in merit or not necessary are not discussed in the order herein adopted.

Section 36.1 as proposed clearly stated the Commission's aim that annual assessments covering the balance of the expenses incurred in the administration in

[1] The notice invited the submission of data, views, comments, and suggestions in writing by no later than Dec. 18, 1970; however, by notices issued Dec. 16, 1970 (35 F.R. 19641, Dec. 25, 1970) and Jan. 22, 1971 (36 F.R. 1487, Jan. 30, 1971), the time to do so was extended ultimately to Feb. 5, 1971.

[2] Those responding to the invitation for comments are listed in an appendix which is filed as part of the original document.

each fiscal year of Parts II and III of the Federal Power Act above those recovered by the proposed fees for specified filings be based on gross electric revenues. We proposed that the allocations be based on gross rather than jurisdictional (electric) revenues because of the benefits deriving from our services (both regulatory and involving reliability) since both have direct and substantial impact on the stability and operations of public utilities regardless of the amount of their revenues derived from jurisdictional sales. However, we recognize the jurisdictional sales for resale of many public utilities are relatively small compared to their total revenues and that inequities would result if assessments covering all programs under Parts II and III of the Federal Power Act were based entirely on gross revenues. Accordingly, we have revised this section to provide that the residual costs of administration of our regulatory programs should be allocated on the basis of jurisdictional business but that the costs relating to our coordination and reliability programs which have impact on the total business of the utilities, whether or not jurisdictional, should be allocated on the basis of gross revenues. For the reason above stated, similar revision has been made in section 159.2a regarding the allocation of assessments among natural gas companies. As revised, such companies will be required to pay annual charges covering the residual costs of those programs on the basis of their jurisdictional business whether stemming from sales for resale, transportation of natural gas for others, or both. Other changes in §§ 36.1 and 158.2a have been made for purposes of clarification based on the numerous comments we have received.

We have adopted suggestions that the fees prescribed in connection with the merger or consolidation of facilities be based on a sliding scale instead of a fixed fee. Our design of the fee schedule contemplated a charge of $10,000 for mergers of Class A, Class B utilities, or both Class A and B utilities; the mere acquisition of facilities not constituting a merger or consolidation of such utilities, such as the acquisition of a transmission line having a value in excess of $50,000, would have been covered under § 36.2(c), as proposed, involving a fee of $500. But this amount would have been payable not only by the applicant disposing of the property but also by the one acquiring it. Instead, we are removing possible ambiguity and providing a more equitable schedule by requiring payment of a fee, not to exceed $10,000, based on the value of property transferred, as has been proposed. We are also adopting the suggestion that the requisite fee payable upon the filing of applications for the acquisition and disposition of facilities which involve several jurisdictional utilities should be split among them on the theory both the acquiring and disposing utility derive benefit from the transaction. In order to avoid any imposition of charges upon nonjurisdictional companies, however, the charges applicable to jurisdictional companies shall be at the rate of one-half percent of the value of facilities acquired and disposed of but not exceeding $5,000 as to each. A nonjurisdictional company acquiring facilities from or disposing of assets to a jurisdictional company will neither be charged nor the costs of such services be borne by the utilities subject to our jurisdiction.

Some filings for rate increases are very small. In such cases a fee of $500 would be inequitable. However, administrative analysis is required regardless of the amount of the increase and it is conceded that a reasonable fee should be imposed for these services. We have accordingly revised proposed § 36.2(g) to provide for payment of a flat fee of $100 for increases of less than $5,000, if in sum they constitute no more than one percent of the total charges then in effect with respect to the purchasers affected by such filing. The second requirement is based on our experience that a rate increase though small will necessitate a more thorough evaluation if it constitutes more than a very minor part of the total charges to the customers involved. Where both requirements for the minimum fee are not met, the filing fee will remain at $500 which will also apply to increases from $5,000 to $50,000. Objections to a scaled fee for increases of $50,000 or more are not well taken, since generally our input of services varies directly with the amount of the increases we are required to review. These changes have been made in § 36.2 (g).

The suggestion that filings for rate increases made under multiparty agreements involving several utilities should be exempt from fee requirements is without merit. The Commission's staff is obligated to evaluate such agreements where filing is required and if they involve rate increases Commission services should not be rendered without charge.

Several responding parties suggested the incorporation of provisions for refunds of various dimensions. The underlying purpose in adopting these fee schedules is to provide for the recoupment to the Treasury for the value of services rendered. Applications which may ultimately be denied in whole or in part after staff review and analysis involve the services of the Commission which should be subject to fee charges within the intent of our underlying authority. There is no valid basis for refund in those circumstances. Similarly, the payment of a fee based upon a filing of a rate increase which is ultimately found or conceded to be excessive should not justify a partial refund.

We adopt the suggestion that if an application or filing is withdrawn or rejected as insufficient or for some other reason not involving the input of substantial staff services, the fee should be refunded. If rejection occurs after considerable expenditure of staff time, there is no justification for refund. Accordingly, we have provided for refund in those cases if the filing has been withdrawn or found deficient and rejected. Under our procedures rejection must occur within 30 or 60 days depending on the type of filing; in that time staff effort will not have been cumulatively large. We have also clarified the status of amended filings in regard to fee requirements and filings for which more than one fee might be payable under these regulations. See section 36.3.

Two recurrent objections to the proposed regulations require comment. The first, that the Commission does not have authority to charge fees except for and to the extent of the actual cost of specific services rendered has already been considered and was covered by our discussion in the notice of rulemaking issued in this docket. Congress has by statute vested authority in all agencies of the Federal Government to prescribe fees or charges for services conferring benefits on persons subject to their jurisdiction so as to render such agencies as fully self-sustaining as possible. The pertinent provision which is included in title V of the Independent Offices Appropriations Act for the year ending June 30, 1952 (65 Stat. 290, 31 U.S.C. 483a), reads as follows:

It is the sense of the Congress that any work, service publication, report document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of any existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts: *Provied*, That nothing contained in this section shall repeal or modify existing statutes prohibiting the collecting, fixing the amount, or directing the disposition of any fee, charge, or price: *Provided further*, That nothing contained in this section shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge, or price, but this proviso shall not restrict the redetermination or recalculation in accordance with the prescribed bases of

the amount of any such fee, charge, or price.

Pursuant to such statute and to recommendations made at hearings before congressional appropriation committees, we established by order our first schedule of fees (apart from those under part I of the Federal Power Act) which were payable in connection with applications filed by natural gas pipeline companies for certificates of public convenience and necessity and for other authorizations as especially beneficial to the recipients of the services rendered in their processing. Order 317, 31 F.R. 430, January 13, 1966, as amended by FPC Order 317-A, 31 F.R. 4890, March 24, 1966, Part 159 of the Commission's regulations under the Natural Gas Act, 18 CFR Part 159.

Congressional appropriation committees have since requested further review of our fee schedules with a view to making increases or adjustments to offset in part the increasing needs for direct appropriations for agency operating expenses. S. Rept. No. 1375, 90th Cong., second session; H. Rept. No. 1348, 90th Cong., second session. More recently, the Chairman of the Subcommittee on Independent Offices and Department of Housing and Urban Development of the Committee on Appropriations of the House of Representatives requested us to review our rate and fee structures with a view to charging gas and utility companies enough to sustain our administrative operations. Hearings, Independent Offices and Department of Housing and Urban Development Appropriations for 1971, 91st Cong., second session, part 2, p. 951.

Moreover, we noted that in developing these schedules we have endeavored to adhere to the guidelines contained in Budget Circular No. A-25 by the imposition of charges "to each identifiable recipient for a measurable unit or amount of Government service * * * from which he derives a special benefit." These services include agency action which "provides special benefits * * * above and beyond those which accrue to the public at large * * *" or provides "more immediate or substantial gains or values * * * than those which accrue to the general public * * *" or provides "business stability or assures public confidence in the business activity of the beneficiary * * *" or is "performed at the request of the recipient and is above and beyond the services regularly received by other members of the same industry or group, or of the general public * * *".

Costs directly allocable to a specific type of service rendered to specifically identifiable persons would be effected by charges directly related to that specific service. In determining the amount thereof we are not required to keep cost records on a case-by-case basis but are authorized to average the costs involved in a particular service. Aeronautical Radio, Inc. v. United States, 335 F. 2d 304 (CA7, 1964), certiorari denied, 379 U.S. 966 (1965). Our remaining proposed charges being of benefit overall to the members of both industries would be assessed on a measure of size against those within the ambit of our jurisdictional activities. We deem the allocation formulas we adopt herein to be both reasonable and a practical alternative to the development of a complex, extensive and costly accounting system whereby actual costs involved in each matter would be charged to the parties involved. Even such a system for basing charges would not in all circumstances be equitable since policies developed in prolonged proceedings involving one utility often become applicable to others at a minimum of additional administrative costs. We do not, after considering the content of the responses in this respect, find the comments sufficiently persuasive to require a change in the schedules for annual fees proposed and adopted herein.

We reject the contention that the proposed fees would constitute an illegal imposition of a tax inasmuch as we hold that the proposed charges constitute fees rather than taxes. The distinction between a tax and a fee has been clearly defined by the courts. The cases hold that:

A tax is an enforced contribution exacted pursuant to legislative authority for the purpose of raising revenue to be used for public or governmental purposes, and not as payment for a special privilege or a service rendered. United States v. Butler, 297 U.S. 1, 61 (1936); Gumby v. Yates, 214 Ga. 17, 102 S.E. 2d 548, 550–551 (1958). A fee is a charge fixed by law for services of public officers or for use of a privilege under control of the Government. Fort Smith Gas Co. v. Wiseman, 189 Ark. 675, 74 S.W. 2d 789, 790 (1934). A tax is imposed upon the party paying it by mandate of the public authorities, without his being consulted in regard to its necessity, or having any option as to its payment. The amount is not determined by any reference to the service which he receives from the Government, but by his ability to pay, based on property or income. On the other hand, a fee is always voluntary, in the sense that the party who pays it originally has, of his own volition, asked a public officer to perform certain services for him, which presumably bestow upon him a benefit not shared by other members of society. Stewart v. Verde River Irrigation & Power Dist. 49 Ariz. 531, 68 P. 2d 329, 334, 335.

While it may possibly be argued that the provision of title V calling for the payment of the amounts collected in fees into the Treasury as miscellaneous receipts is descriptive of a tax, we believe that an overall reading of title V firmly supports the contention that the fees are not intended for the support of the Government as a whole, but rather as a means of sustaining to the fullest extent feasible those agencies of the Government which bestow special privileges and services upon certain individuals who may apply for those privileges and services.

The question whether the proposed schedules constitute a tax is not affected by the method used in their assessment, i.e., whether in fixed amounts or varying in accordance with specified formulae. The proposed charges were not authorized to impose exactions in the support of government in the general understanding of the term "tax", United States v. Butler, 297 U.S. 1, 61; New Jersey Bell Telephone Co. v. State Board of Taxes, 280 U.S. 338, 347, but would be in the nature of impositions "levied to reimburse the State or a subdivision thereof for services rendered rather than to provide public revenue * * *" 51 Am. Jur., Taxation section 20.[3]

The second objection made by a number of the responding parties is to the amounts projected to be recovered under the proposed fee schedules. In essence, those who have raised this contention state that the benefits of regulation should be borne in part by those who also benefit from the services rendered by the administration of both Acts who are not subject to regulation. These comments have merit. While we do not exercise jurisdiction over REA or municipally operated utilities, they do derive benefits from the services we provide under parts II and III of the Federal Power Act. In this light it would be inequitable to have the privately owned utilities bear the cost of such services and we have accordingly revised § 36.1 to reflect this change. (We had already excluded from our formula the costs associated with services rendered to other (including Federal) agencies since we have not incorporated in the costs to be assessed our expenses incurred in programs directed to servicing other agencies and the public.)

However, we do not agree that recoupment of part of the costs of all other services rendered to jurisdictional companies should be absorbed by the taxpayers generally since they primarily benefit the public utilities. The extension of the Commission's jurisdiction in 1935 to public utilities was prompted in substantial part by the deplorable practices of management which resulted in the collapse of the financial structures upon which the electric utility industry had been erected. The creation of regulatory agencies at the Federal[4] level and the exercise of the powers delegated by the Congress to them have provided the foundation for the sound financial condition which public utilities and natural

[3] State statutes designed to recover in part the costs of administration of their public service commissions either on a fixed-fee basis for specific services or as a percentage of some measure of size or value are not infrequent. See compilation in Committee Print prepared by the Subcommittee on Intergovernmental Relations of the Senate Committee on Operations, dated Sept. 11, 1967, entitled, State Utility Commissions, 90th Cong., first session, p. 22.

[4] Investigation of both the electric and gas industries by the Federal Trade Commission resulted in the grant of regulatory powers over public utilities. See title II of the Public Utility Holding Company Act of 1935, 49 Stat. 838. Regulation of natural gas companies, though considered at the time that Act was adopted, was not authorized until 1938. 52 Stat. 821.

gas companies have achieved.[5] We recog-

"A great measure of the improvement in the financial position of the electric utilities has been due to the strengthening of regulatory controls by the Federal Power Commission, and particularly to the enforcement of the new uniform system of accounts."

A trade publication editorialized that

"At no time in the past twenty years has the electric utility industry of this country been in as sound a position financially as it is today."

Report on the Reclassification and Original Cost of Electric Plant of Public Utilities and Licensees, Federal Power Commission, 1950, pp. 19–20.

nize that the exercise of our responsibilities in preventing the imposition of rates and charges which are unjust and unreasonable or preferential and prejudicial has provided continuing benefit to consumers, but our actions in this respect have redounded to the benefit of both industries by creating the economic climate for greater usage of the services of the regulated companies which in turn have further strengthened their financial stability and their ability to sell debt and equity securities required for capital additions to meet ever-increasing demands. In these circumstances we believe that our proposal which would make our operations as self sustaining as reasonably possible is consistent with statutory directives and is equitable, particularly since the charges involved can ultimately be passed on by these companies to their customers as expenses properly includable among items upon which their respective costs of service are based.

The view that the imposition of fees destroys the budgetary restrictions imposed upon agencies like the Federal Power Commission is misplaced since all receipts are payable into the U.S. Treasury and not available for our use. The Commission's spending power, whether or not such charges are imposed, is predicated on appropriations authorized by the Congress and is dependent solely on the determination of that body as to the funds needed for administration of the power delegated to us.

These regulations will become effective July 1, 1971. The filing fees will become payable on all applicable filings made after that date and assessments for the costs of administration of the Commission's programs will be made as soon after the close of its fiscal year ending June 30, 1971, as is practicable, except that annual charges relating to the Commission's public utility and natural gas pipeline regulatory programs will be computed and assessed for the first time for the Commission's fiscal year ending June 30, 1972.

[5] A report issued by the Commission in 1950 discussed industrywide recognition of the benefits accruing from only one facet of the Commission's activities—the adoption of a uniform accounting system. Typical of the comments made was the following in a publication issued by a prominent member of the New York Stock Exchange:

The Commission finds:

(1) That the notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner as described above, are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of title 5 of the United States Code.

(2) That the revisions herein made to the amendments proposed in the notice of rulemaking do not impose a further burden on persons subject to these regulations, do not constitute a substantial departure from the original proposal, and are consistent with the prime purpose of this rulemaking; therefore further notice and opportunity for comment is unnecessary.

(3) Upon consideration of all relevant matters presented, including the arguments, contentions, suggestions and other views expressed in the comments received and having determined that a conference to discuss the proposed amendments was not required, we further find that the amendments to the Commission's regulations adopted herein are necessary and appropriate for carrying out the provisions of the Federal Power Act, the Natural Gas Act, and the Independent Offices Appropriations Act for the year ending June 30, 1952.

The Commission, acting pursuant to the provisions of the Federal Power Act, particularly section 309 (49 Stat. 858, 16 U.S.C. 825h), the Natural Gas Act, particularly section 16 (52 Stat. 830, 15 U.S.C. 717o), and the Independent Offices Appropriations Act for the Year Ending June 30, 1952 (65 Stat. 290, 31 U.S.C. 483a), orders:

SUBCHAPTER A—GENERAL RULES

PART 3—ORGANIZATION: OPERATION: INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

(A) Part 3, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The title of Part 3 is amended by inserting the words "Miscellaneous Charges," immediately preceding the words "Ethical Standards". As so amended the title of Part 3 reads as set forth above.

2. Section 3.102, *Public information, requests, and assistance*, is amended by revising the section title and by revising paragraph (b) to read as follows:

§ 3.102 Public information requests, and assistance; miscellaneous charges.

* * * * *

(b) During the Commission's regular business hours, the public may examine in the Office of Public Information in Washington, D.C., copies of public information filed with the Commission. Photo copies of public material may be obtained through the public reference room. Fees charged for such copies are established by an annual contract between the Commission and a private company which does the work. Current schedules of fees for copying work are available from the Office of Public Information. Except for requests made by Government agencies certification of copies of any official Commission record shall be accompanied by a fee of $2. Inquiries and orders may be made to that office personally, by telephone, or by mail.

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

(B) Subchapter B—Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

PART 11—ANNUAL CHARGES UNDER PART I OF THE FEDERAL POWER ACT

1. The title of "Part 11—Annual Charges" is revised to read as set forth above.

PART 32—INTERCONNECTION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRY

2. In "Part 32—Interconnection of Facilities; Emergencies; Transmission to Foreign Country.", the section titles and introductory clauses of §§ 32.1 and 32.51 and § 32.22 are revised to read as follows:

§ 32.1 Contents of application; filing fee.

Every application under section 202(b) of the Act shall be accompanied by the fee prescribed in Part 36 of this subchapter and shall set forth the following information:

* * * * *

§ 32.22 Application for permanent connection for emergency use; contents; form and style; filing fee; number of copies.

Application for Commission approval of a permanent connection for emergency use only shall be acocmpanied by the fee prescribed in Part 36 of this subchapter and shall conform with the requirements of §§ 32.1 to 32.4, inclusive, and, in addition, shall state in full the reasons why such permanent connection for emergency use is necessary in the public interest.

§ 32.51 Contents of application; filing fee.

Every application shall be accompanied by the fee prescribed in Part 36 of this subchapter and shall set forth in the order indicated, the following:

* * * * *

PART 33—APPLICATION FOR SALE, LEASE, OR OTHER DISPOSITION, MERGER OR CONSOLIDATION OF FACILITIES, OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY

3. In "Part 33—Application for Sale, Lease, or Other Disposition, Merger or Consolidation of Facilities, or for Purchase or Acquisition of Securities of a Public Utility", the title and introductory clause of § 33.2 are revised to read as follows:

§ 33.2 Contents of application; filing fee.

Each such applicant shall set forth in its application to the Commission, which shall be accompanied by the fee prescribed in Part 36 of this subchapter, in the manner and form and in the order indicated, the following information which should insofar as possible, be furnished as to said applicant and each company whose facilities or securities are involved:

* * * * *

PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

4. In "Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities", the title and introductory clause of § 34.2 are revised to read as follows:

§ 34.2 Contents of application; filing fee.

Every such applicant shall set forth in its application to the Commission, which shall be accompanied by the fee prescribed in Part 36 of this subchapter, in the manner and form and in the order indicated, the following information which, in the case of the assumption of a liability, shall be furnished as to both the issuer and the person assuming liability:

* * * * *

PART 35—FILING OF RATE SCHEDULES

5. In "Part 35—Filing of Rate Schedules", between the heading "Application" and the section title "§ 35.1 Application; obligation to file rate schedules", a new "§ 35.0 Filing fees", is added which reads as follows:

§ 35.0 Filing fees.

Every filing made under this part shall be accompanied by the fee described in Part 36 of this Subchapter.

PART 36—ANNUAL CHARGES AND FEES UNDER PARTS II AND III OF THE FEDERAL POWER ACT

6. Immediately following Part 35, a new "Part 36—Annual Charges and Fees" is added which reads as follows:

Sec.

36.1 Annual charges.
36.2 Filing fees.
36.3 Miscellaneous.
36.4 Accounting for fees paid pursuant to this part.

AUTHORITY: The provisions of this Part 36 issued under sec. 309, Federal Power Act, 49 Stat. 858, 16 U.S.C. 825h; sec. 16, Natural Gas Act, 52 Stat. 830, 15 U.S.C. 717o; Independent Offices Appropriations Act for year ending June 30, 1952, 65 Stat. 290, 31 U.S.C. 483a.

§ 36.1 Annual charges.

Reasonable annual charges shall be assessed by the Commission against each public utility to reimburse the United States for such costs of administration of parts II and III of the Federal Power Act as hereinafter provided:

(a) A determination shall be made for each fiscal year of the costs of administration of the Commission's public utility regulatory programs (other than those associated with coordination and reliability) from which shall be deducted the allocable costs associated with services primarily rendered to or for the benefit of electric systems which are not public utilities as defined in the Federal Power Act and the amounts received during the same period pursuant to the provisions of § 36.2. The difference shall constitute the adjusted costs of administration of such programs for such period.

(1) The adjusted costs of administration determined under this paragraph (a) shall be assessed against each public utility in the proportion that the gross jurisdictional kilowatt hours sold and kilowatt hours delivered under interchange power agreements by such public utility in the calendar year terminating in such fiscal period bear to the sum of the gross jurisdictional kilowatt hours sold and kilowatt hours delivered under interchange power agreements by all public utilities for the like period.

(b) A determination shall be made for each fiscal year of the costs of administration of the Commission's coordination and reliability programs from which shall be deducted the allocable costs associated with services primarily rendered to or for the benefit of electric systems which are not public utilities as defined in the Federal Power Act. The difference shall constitute the adjusted costs of administration of such programs for such period.

(1) The adjusted costs of administration determined under paragraph (b) of this section shall be assessed against each public utility in the proportion that the gross electric revenues of such public utility in the calendar year terminating in such fiscal period bear to the sum of the gross electric revenues of all public utilities for the like period.

(c) Annual charges assessed under this section shall be paid within 60 days of the rendition of a bill therefor by the Commission.

§ 36.2 Filing fees.

A filing fee in the amounts set forth below shall accompany each of the following:

(a) Applications for physical connections	$150
(b) Applications for the construction of border facilities	$150
(c) Other corporate applications authorized by these regulations under the Federal Power Act	$500

The provisions of this paragraph shall not apply to:

(1) Applications under part I of the Federal Power Act which are subject to the fees prescribed in part 11 of these regulations,

(2) applications for the acquisition by merger or consolidation or the disposition by sale, lease, or otherwise of electric facilities which are subject to the fees prescribed in paragraph (d) of this section, and

(3) applications for authority to hold interlocking positions which are subject to the fees prescribed in paragraph (h) of this section.

(d) Applications by a public utility for the acquisition by merger or consolidation, directly or indirectly, of electric facilities of another person or for disposition by sale, lease or otherwise of electric facilities to another person.	½ percent of the value of such facilities, but not exceeding $5,000.

(1) The fee prescribed by this paragraph (d) shall be shared by the public utilities acquiring and disposing of such facilities proportionately to the value of such facilities acquired or disposed of; the entire fee shall be paid by a public utility acquiring or disposing of such facilities from or to a person not a public utility.

(e) Nominal rate schedule filings voluntarily filed other than those involving rate increases	$100

(1) Examples of such filings include schedule changes having minimal impact on the operations of a public utility such as those providing service to an additional delivery point, changes in maximum obligation to serve, changes in minimum billing demand not affecting billings, changes in service rules or regulations not affecting billings, extensions of terms of contracts or continuation of service, cancellation of rate schedules where service is no longer needed, changes in delivery voltages or metering voltages, changes in contract provisions not affecting service, rates or billings, and adoption of initial rate schedules containing rates identical to rates applicable to the same customer class previously accepted for filing.

(f) Moderately complex rate schedule filings voluntarily filed	$500

(1) Examples of such filings include schedule changes presenting more complex administrative problems such as those involving interconnection agreements, pooling agreements and additional large-scale sales.

(g) Rate schedule filings involving rate increases (computed on an annual basis) in excess of charges for the 12-month period preceding the proposed effective date thereof, as follows:

(1) Nominal rate increases:	
(i) Schedule changes involving increases in rates totaling less than $5,000 and 1 percent of the total charges to the persons to be affected thereby	$100
(ii) Schedule changes involving increases in rates totaling less than $5,000 but not subject to the filing fee provided in subdivision (i) of this subparagraph and those involving increases in rates of $5,000 or more but not less than $50,000	$500
(2) Rate increases other than those covered under subparagraph (1) of this paragraph:	
(i) One percent of the amount of such increases up to but not exceeding $1 million;	
(ii) $10,000 plus one-half percent of the amount of such increases in excess of $1 million and not exceeding $10 million;	
(iii) $55,000 plus one quarter percent of the amount of such increases in excess of $10 million.	
(h) Applications to hold interlocking positions	$100

§ 36.3 Miscellaneous.

(a) Annual assessments and fee payments shall be made by check or money order to the Treasurer of the United States. No fees will be refunded unless within 60 days of the filing of an application or rate schedule filing in connection with which such fees have been paid such application or rate schedule filing has been voluntarily withdrawn by the applicant or rejected by the Commission as incomplete or for some other reason.

(b) An application or rate schedule filing submitted for the sole purpose of amending a pending application or rate schedule filing need not be accompanied by a fee in addition to that which accompanied the original submission, provided that if the later application or rate schedule filing would have upon initial filing required payment of a larger fee, such refiling shall be accompanied by an amount equal to the difference between both fees.

(c) Where an application or filing seeks Commission authorization in the alternative or would otherwise be subject to the payment of more than one filing fee, only the highest fee shall be required.

§ 36.4 Accounting for fees paid pursuant to this part.

A public utility subject to the provisions of this Part shall account for the assessments and fees paid by charging the amounts thereof to Account 928, Regulatory commission expenses.

PART 45—APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS

7. In "Part 45—Application for Authority to Hold Interlocking Positions", the title and introductory clause of § 45.8 are revised to read as follows:

§ 45.8 Contents of application; filing fee.

Each application shall be accompanied by the fee prescribed in Part 36 of this subchapter and shall state the following:

* * * * *

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

PART 159—FEES AND ANNUAL CHARGES UNDER THE NATURAL GAS ACT

(C) Part 159, Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The title of "Part 159—Fees for Certain Applications Filed Pursuant to the Natural Gas Act" is revised to read as set forth above.

2. In § 159.2 Applications involving construction or acquisition of facilities, paragraphs (a), (b), and (d) are revised to read as follows:

§ 159.2 Applications involving construction or acquisition of facilities.

* * * * *

(a) Within 30 days following issuance of notice of application, an amount equal to sixty-five one-thousandths of 1 percent (0.0065) of the estimated cost of construction of new facilities or of facilities to be acquired;

(b) Within 30 days following grant of the certificate, an amount equal to one hundred and thirty one-thousandths of 1 percent (0.00130) of the estimated cost of construction of new facilities or of facilities to be acquired, unless applicant does not accept the certificate.

* * * * *

(d) If the actual cost of construction of new facilities or of facilities to be acquired exceeds the estimated cost thereof, the statement of actual cost, required to be submitted by § 157.20 (c)(4) and (d)(3) of this chapter, shall be accompanied by an amount equal to one-hundred and ninety-five one-thousandths of 1 percent (0.00195) of the excess of actual cost (plus estimated cost of facilities for which actual cost is not then recorded on the books of applicant) above estimated cost.

* * * * *

3. Immediately following § 159.2, a new "§ 159.2a "Annual charges" is inserted which reads as follows:

§ 159.2a Annual charges.

Reasonable annual charges will be assessed by the Commission against natural gas companies to reimburse the United States for costs of administration of the Natural Gas Act, as hereinafter provided:

(a) A determination shall be made for each fiscal year of the costs of administration of the Commission's natural gas pipeline programs from which shall be deducted the amounts received during the same period pursuant to the provisions of §§ 159.1 and 159.2. The difference shall constitute the adjusted costs of administration of such programs for such period.

(1) The adjusted costs of administration determined under this paragraph (a) shall be assessed against each Class A and Class B natural gas company in the proportion that the total jurisdictional gas deliveries of such natural gas company in the calendar year terminating in such fiscal period bear to the sum of the jurisdictional gas deliveries of all Class A and Class B natural gas companies for the like period.

(b) In addition to the annual charges prescribed in paragraph (a) of this section, each natural gas company required to file an Annual Report—Total Gas Supply on FPC Form No. 15 shall be assessed one-tenth (1/10) of a mill for each Mcf of new reserves certificated during the year covered by said report as shown for item 14 of such form.

(c) Annual charges assessed under this section shall be paid within 60 days of the rendition of a bill therefor by the Commission.

4. In "§ 159.3 Miscellaneous", paragraph (a) is revised to read as follows:

§ 159.3 Miscellaneous.

(a) *Method of payment.* Annual assessments and fee payments shall be made by check or money order payable to the Treasurer of the United States. No fees will be refunded.

* * * * *

(D) The amendments herein adopted shall become effective July 1, 1971, except that annual assessments required to be paid under §§ 36.1(a) and 159.2a(a) of these regulations shall first be assessed for the calendar year terminating in the fiscal year of the Commission ending June 30, 1972.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[4]

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-4045 Filed 3-24-71;8:46 am]

[Docket No. R-393; Order 428]

BLANKET CERTIFICATE PROCEDURE FOR SMALL PRODUCER SALES AND RELIEF FROM DETAILED FILING REQUIREMENTS

MARCH 18, 1971.

The Commission on July 23, 1970 issued a notice of proposed rulemaking in this proceeding (35 F.R. 12220, July 30, 1970) proposing prospectively to exempt from regulation under the Natural Gas Act all existing and all future jurisdictional sales made by small producers as defined therein. The proposal did not cover either percentage sales made by small producers pursuant to percentage sales contracts or sales to interstate pipeline companies by their affiliates.

In response to the notice comments were filed by 73 parties, including producers, pipeline and distribution companies, associations representing producer and distributor interests, and the California and New York State Commissions. A conference was also held in this case on December 8, 1970. The small producers support the exemption as originally proposed, while the large producers either oppose such exemption or question its advisability. Pipeline and distribution companies are divided on the issue, wth one expressing outright opposition and some of the others suggesting extensive modifications. The American Public Gas Association and the California and New York State Commissions also oppose the proposal.

The small producers argue that traditionally they have been very aggressive in searching for new gas reserves but that such activity has been greatly curtailed in recent years, largely because of restrictive regulation. They further state that their drilling efforts often prove or disprove the presence of gas bearing

[4] Commissioner Carver concurring in part and dissenting in part filed a separate statement which is filed as part of the original document.

structures, and that the information gained is useful to all producers, large and small, in their search for new gas supplies. Because of uncertainties in regulated prices, they claim that discontinuation of regulation, rather than higher ceiling prices alone, is necessary to provide the incentive required to encourage a substantial increase in exploratory drilling.

Opponents of the proposed exemption, on the other hand, contend that the proposal will lead to higher natural gas prices for small producer sales resulting ultimately in higher consumer rates. They also disagree with the view that the impact on the consumer will be minimal. In addition, they question the Commission's authority to exempt small producers.

We disagree with the argument that the provisions of sections 4, 5, and 7 of the Act, which speak in terms of all sales in interstate commerce for resale by any natural gas company, are mandatory and leave no room for administrative judgment and discretion. Mr. Justice Clark, speaking for the Court in F.P.C. v. Hunt, 376 U.S. 515 (1964) recommended that the Commission consider procedures for the exemption of small producers. And, in Permian Basin Area Rate Cases, 390 U.S. 747 (1968), the Court, while recognizing that the language of sections 5 and 7 is without exception or qualification, noted the power of the Commission under section 16, for purposes of its rules and regulations, to "classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters."

One of the important Commission responsibilities under the Natural Gas Act is to assure maintenance of an adequate gas supply for the interstate market. By our action herein, we are taking an important step forward to meet this responsibility. Upon review of the contentions made by the various parties, we have decided that both existing and future sales of small producers shall be regulated in the manner hereinafter provided.

Such action should encourage small producers to increase their exploratory efforts which are so important to the discovery of new sources of gas. Our purpose in taking action here is not to increase contract prices, but to facilitate the entry of the small producer into the interstate market and to stimulate competition among producers to sell gas in interstate commerce. We seek to assure the small producer that when he enters into a new contract for the interstate sale of gas, the provisions of his contract will not be subject to change. We also want to relieve the small producer of the expenses and burdens relating to regulatory matters. Our action should also ease the administrative burdens connected with processing small producer filings.

We have reviewed the impact of our action on 96 pipelines that purchase gas, based on 1969 statistics in Forms 2 and 2-A. This shows, for example, that Kansas-Nebraska's purchases from small producers amount to 21.63 percent of its total gas supply including purchases from all producers, pipelines and its own production. Comparable percentages for many of the small gather-type pipelines were quite high. However, many of the major pipelines show less than 10 percent. Others show no purchases at all from small producers. The overall weighted average for the 96 companies was 7.54 percent (or 10.52 percent after eliminating all pipeline to pipeline sales).[1]

The action taken here in our view does not constitute deregulation of sales by small producers. We will continue to regulate such sales but will do so at the pipeline level by reviewing the purchased gas costs of each pipeline with respect to small producer sales. We shall also provide certain other safeguards against unreasonably high small producer prices, as hereinafter discussed, to assure adequate protection for the consumer.

We are concerned that favored nation, price redetermination and spiral escalation provisions in small producer contracts may have an adverse impact on consumers. The filing of contracts containing such clauses executed on or after April 2, 1962, has previously been proscribed by the Commission as contrary to the public interest.[2] There is, of course, no objection to the use of these provisions to the extent the resulting rate does not exceed the applicable area just and reasonable rate ceiling, as provided in our Permian opinion, 34 FPC 159, 236, or, where none is available, the applicable area guideline initial rate ceiling. But these provisions should not be permitted to increase the contract price above such level. To do otherwise would clearly be contrary to the public interest. Consequently, this order will limit the use of these indefinite price escalation provisions by small producers.

The New York Commission contends that the proposed exemption may open the way for large producers to sell their gas in interstate commerce free from Commission regulation by selling their reserves in place to small producers, who would in turn resell the reserves under a conventional (exempt) sales contract to an interstate pipeline. To forestall this possibility, we shall provide that the exemption authorized here for small producers shall not apply to jurisdictional sales made by them where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer. In such circumstances the small producer will be required to obtain separate certificate authorization.

Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), in its comments inquired as to whether a pipeline will be assured of recouping its cost of purchased gas if it pays the "going" field price to a small producer. Any question as to the propriety of the price paid by a pipeline to a small producer will be subject to review in certificate and rate cases involving that pipeline to make sure it is justified. The Commission has ample authority to inquire in these cases into the reasonableness of all items of operating expense, including the cost of purchased gas, and to disallow items of cost which are imprudent. We shall also require pipeline purchasers to file, within 60 days of the execution thereof, every new contract or contract amendment for the purchase of natural gas from a small producer whose sale is regulated by the terms of this order.

The exemption proposed in the July 23 notice was applicable, inter alia, to sales made by a small producer to a large producer, but not to the resale of such gas by the large producer. A number of large producers argue that if sales by small producers to them are regulated by this order, there is no justification for not also applying consistent treatment to the resale of such gas. They warn that if large producers in these circumstances are not exempt they will be forced to sell gas purchased from small producers under new contracts intrastate commerce in the future or to forego such small producers' supplies, thus limiting the usefulness of their existing gathered and plant facilities. They also point out that if these small producer sales are made directly to an interstate pipeline purchaser under new contracts, it will be necessary for the purchaser to construct new facilities to take such gas which would duplicate existing facilities of large producers. With regard to existing sales, they claim that it would be discriminatory to prevent large producers from increasing their resale rates to account for higher rates paid to small producers.

We think it important to encourage large producers to continue to utilize their existing facilities for the resale in interstate commerce of gas purchased from small producers. For this reason we shall permit large producers with respect to the resale of gas sold to them by small producers pursuant to the subject exemption to file rate increases authorized by contract, thus permitting them to maintain the contract price differential between their purchase and resale prices. These filings shall be accepted, without refund obligation, as long as the price differential is consistent with prevailing price differentials in the area and as long as the small producer prices for new gas are not unreasonably high, considering appropriate comparisons with highest contract prices for by large producers or the prevailing market price for intrastate sales in the same producing area. We shall require large producer purchasers, like pipeline purchasers, to file any new contracts or contract amendments with small producers.

Some of the large producers contend that royalty interests should be excluded specifically from any exemption granted

[1] These statistics do not include resales to pipelines by large producers of gas purchased from small producers.

[2] Order No. 242, 27 FPC 339; F.P.C. v Texaco Inc., 377 U.S. 33.

to small producers.[3] We disagree. The royalty interests stand in the same shoes as the working interest owners. Consequently, if a royalty interest relates to a small producer sale, such interest shall be exempt, but if it applies to any other sale it will not be exempt.

Consolidated Gas Supply Corp. (Consolidated) urges that small producers be exempt from compliance with section 7(b) with respect to the abandonment of their small producer sales only when they have obtained the written consent of the pipeline purchaser to such abandonment. Consolidated points out that the vast majority of these are routine matters occurring either because of depletion of production or because continuance of the sale is uneconomic, and in these situations the purchaser routinely consents to the abandonment. But, Consolidated claims that in the rare situation where there is a dispute as to whether a small producer sale should be discontinued there should be some Commission procedure available for the resolution of such dispute.

We think it important to retain control over all abandonments of jurisdictional sales. For this reason, small producers shall be required to comply with section 7(b) of the Act with respect to every small producer sale exempted herein.[4] We shall also require purchasers to notify us of the cessation of deliveries by a small producer regulated by the terms of this order within 60 days of such cessation.

Austral Oil Co., Inc. (Austral), suggests that the definition of "affiliated producers" be clarified to make it clear that such term does not include small producers who have participated in joint ventures, nominee agreements and similar contractual arrangements in order to spread the risk of exploration and development and for operating convenience, unless such agreements otherwise establish the power to direct or cause the direction of the management policy of a person. The suggestion is a good one and we shall adopt it.

Tennessee has raised a question as to the applicability of the small producer exemption to a sale by a nonsignatory small producer under a large producer's rate schedule. The exemption is applicable to such sale by a small producer.

The Commission proposed in the July 23 notice to waive the provisions of § 154.63 of the Commission's regulations to permit the tracking by pipeline purchasers of rate increases resulting from the exemption of small producers in those situations where a purchaser did not otherwise have the right to make a tracking filing. Consolidated claims that the collection of a tracking increase by a pipeline should not be subject to reduction and refund, as provided in the July 23 notice, inasmuch as the small producers will have no potential refund obligation with respect to their increased rates.

Small producers will have no refund obligations with respect to increased rates, if any, collected for sales regulated hereunder to pipelines, and, as a result, pipelines will receive no refunds from small producers to flow through. However, the pipeline's rates will be subject to reduction and refund, with respect to new small producer sales, but only as to that part of the rate which is unreasonably high considering appropriate comparisons with highest contract prices for sales by large producers or the prevailing market price for intrastate sales in the same producing area. Tracking increases to the extent they reflect small producer prices for new sales above the standard set forth above may be suspended, and if so, will be collected subject to reduction and refund. The issue will be resolved either in (1) a pipeline rate case or (2) a proceeding involving only the tracking increase. Pipelines must state the grounds for claiming that the rate at which gas is purchased from a small producer is required by the present or future public convenience and necessity. The Commission shall consider all relevant factors. See Permian Basin Area Rate Cases, 390 U.S. 747 (1968); Austral Oil Co. v. F.P.C., —— F. 2d —— (Fifth Circuit 1970, slip opinion dated March 19, 1970, No. 27492, et al.) In this manner the market mechanism in the light of regulation of pipeline rates will be protective of consumer interests.

Sales from small producers to large producers will likewise carry no refund obligations. However, if the resales by large producers to pipelines reflect new small producer sales at prices in excess of the previously discussed standard, the large producers' rates will be subject to suspension and refund.

Accordingly, the provisions of § 154.63 are hereby waived to permit pipeline purchasers or pipelines purchasing from such pipeline purchasers to file rate increase applications to track small producer rate increases resulting from the exemption of small producers pursuant to the provisions of this order: *Provided*, That pipelines filing such an adjustment submit supporting schedules showing the computation and provided further that such filing may be made only if the small producer rate increases, or such increases together with other increases authorized for tracking by applicable Commission rules or orders, affect the pipelines average cost of purchased gas by 1 mill or more. The Commission reserves the right to require a pipeline to file all information required by § 154.63 if it deems such information to be necessary.

Many of the small producers urge us to relieve them of any potential refund obligations they have under increased rates collected in section 4(e) rate suspension proceedings or under initial rates collected under temporary certificates issued pursuant to section 7. These matters more properly should be disposed of in appropriate area proceedings after the refund obligations are determined.

In view of the foregoing, we shall revise § 157.40 so as to establish a blanket certificate procedure for small producers, applicable to all small producer sales made nationwide under existing and future contracts.[5] Small producers under this procedure shall be relieved of all filing requirements under the Natural Gas Act and the Commission's regulations, except for the annual statement required by § 154.104 of the regulations and except for compliance with the abandonment provisions of section 7(b) of the Act. By subsequent order we shall amend § 250.11 to provide for a revised annual statement to be filed by small producers regulated hereunder commencing in 1972.

Producers who have received small producer certificates prior to the issuance of this order, or who have applied and qualify but have not yet received such a certificate, will not be required to file new applications seeking exemption, unless otherwise directed. Commission orders relating to those small producers who have applied and qualify for a certificate will be issued without any further action on the part of the producers involved. Such certificates, regardless of the date of issuance, will be effective as of 45 days from the date of issuance of this order. Similarly, all of those small producers who file applications for a blanket certificate within 45 days from the date of issuance of this order and who are entitled to coverage thereunder will also receive certificates which will be effective as of 45 days from the date of issuance of this order, regardless of the date of issuance of such certificate. With regard to those producers who have small producer certificates, the existing certificates, without further order of the Commission, shall be deemed to cover, as of 45 days from the issuance of this order, all small producer sales of those producers which are exempt under the provisions of this order. The 45-day period will give the pipeline purchasers and their distribution customers time to track any increases resulting from this action.

We intend to review the prices established in new contracts or contract amendments relating to sales by small producers to assure the reasonableness of the rates charged by such producers pursuant to the action we are taking herein. In the event we determine that this approach is inimical to the interests of consumers, we shall take further action to protect the consumers.

The Commission finds:

(1) The notice and opportunity to participate in this rule-making proceeding through the submission, in writing, of data, views, comments and suggestions are in accordance with all procedural requirements therefor as prescribed in section 553, title 5 of the United States Code.

(2) The action taken herein is necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the modifications adopted herein to the amendments proposed in the notice of this proceeding are consistent with the prime purpose of the proposed rule-making herein, further notice thereof is unnecessary.

The Commission, acting pursuant to the provisions of the Natural Gas Act, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72, 15 U.S.C. 717c, 717d, 717f, and 717o, orders:

(A) Parts 154 and 157 of Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, are amended as follows:

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

PART 154—RATE SCHEDULES AND TARIFFS

1. Part 154 is amended by revising paragraph (f) of §§ 154.91, 154.104, and 154.110 to read:

§ 154.91 Applicability.

* * * * *

(f) *Filings by certain nonsignatories.* Where the operator and the signatory coowners in a particular sale are exempt with respect to such sale pursuant to § 157.40, and where any nonsignatory coowner's interests are not covered by such exemption, such coowner may file rate schedules, rate changes, or certificate applications with respect to such interests notwithstanding the provisions of paragraph (d) of this section.

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§ 154.104 Annual statements by small producers.

Annual statements certifying to the matters enumerated in the form set out in § 250.11 of this chapter shall be filed by all producers, either individually or by groups, who have been exempted under the provisions of § 157.40. The statements shall be submitted by April 1 of each year for the preceding calendar year.

§ 154.110 Applicability of §§ 154.92 through 154.102.

Sections 154.92 through 154.102 shall apply only to those persons specified in § 154.91 and shall not apply to small producer sales which are exempted under § 157.40 of this chapter.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

2. Part 157 is amended by revising § 157.40 to read:

§ 157.40 Exemption of small producers from certain filing requirements.

(a) *Definitions.* (1) A "Small Producer" is an independent producer of natural gas as defined in § 154.91 of this chapter, who is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with such sales of "affiliated producers" are not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during any calendar year. As used in this section, the term "jurisdictional sales" includes volumes of gas paid for but not taken under prepayment clauses or otherwise, and volumes of gas sold under other independent producer rate schedules in the proportion that the independent producers seeking to come within this section has an interest in such sales, but does not include sales made pursuant to percentage sales contracts.

(2) "Affiliated producers" are persons who, directly or indirectly, control, or are controlled by, or are under common control with, the applicant producer. Such control exists if the producer has the power to direct or cause the direction of, or as a matter of actual practice does direct, the management and policies of another producer, whether such power is exercised alone or through one or more intermediary companies, or pursuant to an agreement, and whether such power or practice is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, relationship of blood or marriage, or any other direct or indirect means. For the further purposes of this section, the term "agreement" shall not include any agreement for the operation of a natural gas producing property or a plant processing natural gas or any joint venture, partnership, nominee, or other type of agreement pertaining to the joint exploration for and development and operation of oil and gas properties, unless such agreement otherwise establishes the power of one producer to direct or cause the direction of the management and policy of another producer.

(3) "Small producer sales" are (i) sales by a small producer of his own interests under his own contracts; (ii) sales of all interests under a small producer's contract if producers not qualifying as small producers have interests which in the aggregate are no greater than 12½ percent; and (iii) sales of a small producer's interests under another producer's contract.

(b) *Procedure for securing blanket small producer certificate.* (1) Small producers may apply for a blanket certificate to cover all existing and all future jurisdictional sales that do not raise the producer's total jurisdictional sales on a nationwide basis above 10,000,000 Mcf during any calendar year. Applications by these producers shall include the following information: (i) Total jurisdictional sales on a nationwide basis for the year preceding the application; (ii) a list of outstanding certificates and rate schedules together with names and percentage of interest of other interest owners under such rate schedules; (iii) a list of outstanding rate schedules of others in which applicant owns an interest together with applicant's percentage of interest; and (iv) the names of all owners (stockholders, partners, joint venturers, etc.) of the applicant with an interest of 10 percent or more, their percentage of ownership in the applicant and in any other natural gas company, and any positions such owners may hold with another natural gas company.

(2) An applicant for a blanket certificate who has no outstanding certificate issued by, or rate schedule filed with, this Commission for the sale of natural gas shall include the following information in his application:

(i) A list of all contracts to sell natural gas in interstate commerce,

(ii) Source of production, total rate and the annual volume delivery obligations of the producer under each such contract, together with names and percentage of interest of other interest owners under each such contract, and

(iii) A list of owners of the applicant with an interest of 10 percent or more, their percentage of ownership in the applicant and in any other natural gas company and any position such owners may hold with another natural gas company.

(3) The application shall contain the information required by the form set out in § 250.10 of this chapter. A conformed copy shall be served upon each of the applicant's purchasers.

(c) *Exemption under blanket certificate.* Small producers certificated hereunder shall be authorized to make small producer sales nationwide pursuant to existing and future contracts at the price specified in each such contract. However, no small producer shall be relieved from compliance with section 7(b) of the Natural Gas Act with respect to any small producer sale exempted hereunder. The exemption authorized herein shall not apply to any jurisdictional sale made by a small producer where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer.

(d) *Duration of the exemption.* The exemption authorized hereunder shall remain in effect for each small producer until the Commission on its own motion or on application terminates such certificate because the producer no longer qualifies as a small producer or fails to comply with the terms of the exemption. Upon such termination the producer will

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[3] The question of this Commission's jurisdiction over royalty interests is now pending before the United State Court of Appeals for the District of Columbia in Mobil Oil Corporation, et al. v. F.P.C., Nos. 23463, et al.

[4] If a contract for an exempted sale of gas expires and is not extended or replaced by a new contract, the small producer must continue the sale of such gas unless the pipeline consents to abandonment or the producer obtains abandonment authorization. Moreover, in such circumstances the small producer is not entitled to collect any rate in excess of the highest rate permitted under the expired contract for the sale of such gas unless it files a notice of change in rate in accordance with section 4(d) of the Act.

[5] Notwithstanding the provisions of this order, a small producer may file for the minimum rate authorized by the Commission for any area.

be required to file separate certificate applications and individual rate schedules for future sales but the exemption will still be effective as to those made under contracts dated prior to such termination.

(e) *Limitation on contractual provisions.* No Small Producer granted exemption under paragraph (c) of this section shall charge or collect any rate for a small producer sale of natural gas in excess of the applicable area just and reasonable base rate ceiling, or, where none is available, the applicable area guideline initial rate ceiling, where the contractual right to such rate is based upon any contractual provision which would not be permitted by paragraphs (a), (b), (b–1), and (c) of § 154.93 of this chapter. For the purposes of this limitation, it shall make no difference whether the contract was executed prior to or subsequent to April 3, 1962.

(f) *Filings by large producers with respect to related resales.* A large producer may file for the price specified in its related contract for the resale of any natural gas sold to it by a small producer pursuant to the exemption authorized hereunder. Any such rate filing shall be accepted if the price differential between the purchase and resale prices does not exceed the prevailing price differential in the area, and if the small producer prices for new gas are not unreasonably high, considering appropriate comparisons with highest contract prices for sales by large producers or the prevailing market price for intrastate sales in the same producing area.

(g) *Filing of contracts and notification of abandonment.* Pipeline purchasers and large producer purchasers shall file, within 60 days of the execution thereof, each new contract and each contract amendment dated on or after March 18, 1971, for the sale of natural gas to them by a small producer pursuant to the exemption authorized hereunder and shall notify this Commission of the cessation of deliveries made by a small producer pursuant to the exemption authorized hereunder within 60 days of such cessation.

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

PART 250—FORMS

(B) Part 250 of Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising § 250.10 as follows:

The title of § 250.10 is revised to read:

§ 250.10 Application for small producer exemption.

* * * * *

The text of § 250.10 is revised by substituting therefor the form entitled "Application for Small Producer Exemption" as set out in Attachment A hereto.*

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*Attachment A filed as part of the original document.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(D) The amendments adopted herein shall be effective 45 days from the date of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-4044 Filed 3-24-71;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Triamcinolone

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12–392V) filed by American Cyanamid Co. proposing revised labeling regarding the use of triamcinolone injection for use in dogs and cats. The supplemental application is approved.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding the following new section:

§ 135b.29 Triamcinolone injection veterinary.

(a) *Chemical name.* 9-Flouro-11β,16α, 17,21 - tetrahydroxypregna - 1,4 - diene-3,20-dione.

(b) *Specifications.* Each cubic centimeter of triamcinolone injection veterinary contains: 2.5 milligrams of triamcinolone and 10 milligrams of procaine hydrochloride with 0.1 percent of sodium bisulfite and 84.4 percent of polyethylene glycol 400.

(c) *Sponsor.* American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

(d) *Conditions of use.* (1) The drug is indicated for use in dogs and cats for its anti-inflammatory activity.

(2) (i) In dogs, the drug may be given by intramuscular or subcutaneous injection at 0.625 milligram for each 10 pounds of body weight, and if only one or two injections are anticipated, the dosage may be doubled. It may also be given to dogs by intra-articular administration at from 0.625 milligram to 1.25 milligrams per dose. Repeat dosage as indicated.

(ii) In cats, the drug may be given by intramuscular or subcutaneous injection at 0.625 milligram for each 10 pounds of body weight. It may also be given by intra-articular administration at from 0.31 milligram to 0.625 milligram per dose. Repeat dosage as indicated.

(iii) Since requirements vary with the individual animal, recommended dosage is approximate and must be adjusted to the response of the individual animal. Generally, initial dosages are at a higher range. When response is satisfactory, gradually reduce dosage until a minimum dose is obtained. This is particularly important for long-term medication. If additional treatment or a long-term treatment is necessary, triamcinolone tablets may be used as a maintenance dosage.

(3) For use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 9, 1971.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.71-4059 Filed 3-24-71;8:47 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Triamcinolone Acetonide Tablets

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (13–624V) filed by E. R. Squibb & Sons, Inc., proposing revised labeling regarding the oral use of triamcinolone acetonide tablets for use in dogs and cats. The supplemental application is approved.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding the following new section:

§ 135c.40 Triamcinolone acetonide tablets.

(a) *Chemical name.* 9-Flouro-11β,16α, 17,21 - tetrahydroxypregna-1,4-diene - 3, 20-dione cyclic 16,17-acetal with acetone.

(b) *Specifications.* Each tablet contains either 0.5 milligram or 1.5 milligrams of the drug.

(c) *Sponsor.* E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08902.

(d) *Conditions of use.* (1) The drug is indicated for use in dogs and cats for its anti-inflammatory activity.

(2) An initial daily dosage of 0.05 milligram per pound of body weight is usually sufficient to control symptoms, although up to 0.1 milligram per pound of body weight may be given daily if response to the smaller dose is inadequate. As soon as feasible, and in any case within 2 weeks, dosage should be reduced gradually to maintenance levels of 0.0125 to 0.025 milligram per pound of body weight per day. Therapy should be discontinued by a gradual reduction in dosage after the condition has been controlled for several days. Therapy may be initiated with a single dose of sterile triamcinolone acetonide suspension veterinary in which case the tablet dosage should be administered beginning 5 to 7 days after the injection or when symptoms reappear.

(3) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 12, 1971.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.71-4063 Filed 3-24-71;8:48 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7104]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Installment Method

On December 3, 1970, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 453 of the Internal Revenue Code of 1954 (relating to installment method income reporting) to reflect the changes made by section 916 of the Tax Reform Act of 1969 (83 Stat. 723) was published in the FEDERAL REGISTER (35 F.R. 18391). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

Approved: March 20, 1971.

JOHN S. NOLEN, *Acting Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 453 of the Internal Revenue Code of 1954, to section 916 of the Tax Reform Act of 1969 (83 Stat. 723), Temporary Treasury Regulations § 13.11, 35 F.R. 8823 (1970), are withdrawn, and the Income Tax Regulations under section 453 of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Section 1.453 is amended by adding paragraphs (4) and (5) to section 453(c) and by revising the historical note. The amended and added provisions read as follows:

§ 1.453 Statutory provisions; installment method.

SEC. 453. *Installment method.* * * *

(c) *Change from accrual to installment basis.* * * *

(4) *Revocation of Election.* An election under paragraph (1) to report taxable income on the installment basis may be revoked by filing a notice of revocation, in such manner as the Secretary or his delegate prescribes by regulations, at any time before the expiration of 3 years following the date of the filing of the tax return for the year of change. If such notice of revocation is timely filed—

(A) The provisions of paragraph (1) and subsection (a) shall not apply to the year of change or for any subsequent year;

(B) The statutory period for the assessment of any deficiency for any taxable year ending before the filing of such notice, which is attributable to the revocation of the election to use the installment basis, shall not expire before the expiration of 2 years from the date of the filing of such notice, and such deficiency may be assessed before the expiration of such 2-year period notwithstanding the provisions of any law, or rule of law, which would otherwise prevent such assessment; and

(C) If refund or credit of any overpayment, resulting from the revocation of the election to use the installment basis, for any taxable year ending before the date of the filing of the notice of revocation is prevented on the date of such filing, or within 1 year from such date, by the operation of any law or rule of law (other than section 7121 or 7122), refund or credit of such overpayment may nevertheless be made or allowed if claim therefor is filed within 1 year from such date. No interest shall be allowed on the refund or credit of such overpayment for any period prior to the date of the filing of the notice of revocation.

(5) *Election after revocation.* If the taxpayer revokes under paragraph (4) an election under paragraph (1) to report taxable income on the installment basis, no election under paragraph (1) may be made, except with the consent of the Secretary or his delegate, for any subsequent taxable year before the fifth taxable year following the year of change with respect to which such revocation is made.

* * * * *

[Sec. 453 as amended by section 27, Technical Amendments Act 1958 (72 Stat. 1624); sec. 13(f)(5), Rev. Act 1962 (76 Stat. 1035); secs. 222(a) and 231(b)(5), Rev. Act 1964 (78 Stat. 75, 105); sec. 1(b)(2), Act of August 22, 1969 (Pub. Law 88–484, 78 Stat. 597); sec. 3, Act of August 31, 1964 (Pub. Law 88–539, 78 Stat. 746); sec. 916, Tax Reform Act 1969 (83 Stat. 723)]

PAR. 2. Section 1.453–8 is amended by revising paragraph (c) and by adding a new paragraph (d). These amended and added provisions read as follows:

§ 1.453–8 Requirements for adoption of or change to installment method.

* * * * *

(c) *Installment method and other accounting methods.* Notwithstanding the fact that, in general, a dealer in personal property may change to the installment method of accounting without permission, a dealer may not change from the installment method of accounting for sales on the installment plan to an accrual method of accounting or to any other method of accounting without the permission of the Commissioner, except as provided in paragraph (d) of this section.

(d) *Revocation of election to report income on the installment basis—*(1) *In general.* Under section 453(c)(4) taxpayers who are dealers in personal property and who have elected installment basis income reporting subject to the provisions of section 453(c)(1) (relating to change from accrual to installment basis) may revoke their previously made election.

(2) *Years to which applicable.* Under this paragraph a taxpayer may revoke an election to report income on the installment basis for any year of change (the first year for which income was computed using the installment basis) ending on or after December 30, 1969, and for any year of change which ended before such date if the 3-year statutory period under section 6501 (relating to limitation on assessment or collection), including extensions, for such years has not expired on December 30, 1969.

(3) *Time and manner of revoking election.* The revocation by a taxpayer may be made by filing an amended return on an appropriate form or forms, such as Form 1040X for an individual taxpayer, for the year of change (the first year for which income was computed using the installment basis) and for each subsequent year for which a return was filed using the installment basis. The taxpayer should indicate on such amended returns that he is revoking an election to report income on the installment basis. Such revocation must be made within 3 years from the last date prescribed for the filing of the return for the year of change including any extension of time granted the taxpayer. In reporting income on the amended returns described in this paragraph, the taxpayer shall use the accrual method of accounting.

(4) *Period for assessment of deficiency and for refund or credit.* (i) The statutory period for the assessment of any deficiency for any taxable year ending before the filing of a notice of revocation under this paragraph, which is attributable to the revocation of the election to use the installment basis, shall not expire before the expiration of 2 years from the date of the filing of such notice, and such deficiency may be assessed before the expiration of such 2-year period notwithstanding the provisions of any law or rule of law which would otherwise prevent such assessment.

(ii) If refund or credit of any overpayment, resulting from a revocation of an election to use the installment basis, for any taxable year ending before the date of the filing of the notice of revocation is prevented on the date of such filing, or within 1 year from such date, by the operation of any law or rule of law (other than section 7121 (relating to closing agreements) or section 7122 (relating to compromises)), refund or credit of such overpayment may nevertheless be made or allowed if a claim for such credit or refund is filed within 1 year from the date the notice of revocation is filed. No interest shall be allowed on the refund or credit of such overpayment for any period prior to the date of the filing of the notice of revocation.

(5) *Elections after revocation.* If a taxpayer, pursuant to the provisions of

section 453(c)(4) and this paragraph, revokes an election to report income on the installment basis, a subsequent election to report income on the installment basis under section 453(c)(1) may not be made, except with the consent of the Commissioner, with respect to any taxable year beginning before the fifth taxable year following the year of change with respect to which the revocation was made. A taxpayer who wishes to make a subsequent election to report income under section 453(a) with respect to any taxable year before the fifth taxable year following the year of change for the revoked election, must file an application to do so on Form 3115 with the Commissioner of Internal Revenue, Washington, D.C. 20224.

[FR Doc.71-4106 Filed 3-24-71;8:51 am]

[T.D. 7098]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Capitalization of Costs of Planting and Developing Citrus Groves

Correction

In F.R. Doc. 71-3781 appearing at page 5214 in the issue of Thursday, March 18, 1971, the following changes should be made in § 1.278:

1. The designation "Sec. 276" in the first line of the first paragraph should read "Sec. 278".

2. The first word in the sixth line of the first paragraph reading "it" should read "is".

[T.D. 7101]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Brother-Sister Controlled Group

Correction

In F.R. Doc. 71-3878 appearing at page 5339 in the issue of Saturday, March 20, 1971, in the 12th line of § 13.16-1(b) insert the word "of" preceding the word "shall".

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7096]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Voluntary Withholding Agreements; Correction

On March 18, 1971, T.D. 7096 was published in the FEDERAL REGISTER (36 F.R. 5216). The month "February" appearing at the end of the 12th line and the beginning of the 13th line in paragraph (a)(1)(iii) of § 31.6302(c)-1 of the Employment Tax Regulations (26 CFR Part 31), as prescribed by T.D. 7096, should have been "April". Accordingly, replace the month "February" with the month "April". Also, the word "paragraph" on the 19th line in paragraph (a)(1)(iii) of § 31.6302(c)-1 of such regulations, as prescribed by T.D. 7096, should have been "subparagraph". Accordingly, replace the word "paragraph" with the word "subparagraph".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71-4152 Filed 3-24-71;8:52 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5) Amdt. 33]

OI REG. 1—OIL IMPORT REGULATION

Imports of No. 2 Fuel Oil, District I

Section 30 of Oil Import Regulation 1 (Revision 5) as amended, provides for allocations in District I of 40,000 barrels per day of imports of No. 2 fuel oil for the period January 1, 1971 through December 31, 1971. Subparagraph (2) of paragraph (e) of section 30 sets forth an importing schedule which reflects a policy of ensuring that adequate supplies of No. 2 fuel oil would be made available for the 1970-71 heating season. A review of imports and inventories to date has demonstrated that this objective has been achieved. There is no reason, therefore, to retain the importing schedule referred to.

Accordingly, subparagraph (2) of paragraph (e) of section 30 of Oil Import Regulation 1 (Revision 5) as amended (36 F.R. 54) is amended to read as follows:

Sec. 30 Allocations of No. 2 Fuel Oil—District I.

* * * * * * *

(e) * * *

(2) The Administrator shall provide that each license issued under an allocation made pursuant to this paragraph (e) shall expire on December 31, 1971.

* * * * * * *

As this Amendment 33 relieves a restriction, it shall become effective immediately.

ROGERS C. B. MORTON,
Secretary of the Interior.

I concur: March 23, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-4241 Filed 3-24-71;10:44 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 70-114A]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

BLOCK ISLAND SOUND, N.Y.

1. The Chief, Office of Operations, U.S. Coast Guard Headquarters, has decided to grant a request from the Commander, Submarine Flotilla Two, U.S. Navy, to establish a Submarine Anchorage Ground in Block Island Sound approximately 3 miles east of Gardiners Island. The new regulations will prohibit any vessel or person from approaching or remaining within 500 yards of a U.S. Navy Submarine anchored in this anchorage ground.

2. A public notice dated July 20, 1970, was issued by the Commander, Third Coast Guard District. In addition, a notice of proposed rule making was published in the FEDERAL REGISTER of September 12, 1970 (35 F.R. 14407). Eight objections to the establishment of the anchorage ground were received. The basis of these objections was that the anchorage would interfere with recreational boating and commercial fishing in the area. These objections overlook the fact that the Navy could anchor a submarine there even if this anchorage ground was not established and that the purpose of this anchorage ground is to reduce the likelihood of a collision between an anchored submarine and another vessel passing through the area. In addition, since no bottom appendages will be placed, this will not prevent fishermen from dragging the bottom. The Navy's original request was for an anchorage ground of approximately 1 by 3 miles in size; however, the size of the anchorage has been reduced to three-quarters of a mile by 2 miles.

3. In consideration of the foregoing, Part 110 is amended by adding § 110.150 to read as follows:

§ 110.150 Block Island Sound, N.Y.

(a) *The anchorage ground.* A ¾- by 2-mile rectangular area approximately 3 miles east-northeast of Gardiners Island with the following coordinates: latitude 41°06'12" N., longitude 72°00'05" W., latitude 41°07'40" N., longitude 72°-01'54" W.; latitude 41°08'12" N., longitude 72°01'10" W.; latitude 41°06'46" N., longitude 71°59'18" W.

(b) *The regulations.* This anchorage ground is for use of U.S. Navy submarines. No vessel or person may approach or remain within 500 yards of a U.S. Navy submarine anchored in this anchorage ground.

(Sec. 1, 63 Stat. 503, sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 14 U.S.C. 91, 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46 (b) and (c)(1) (35 F.R. 4959); 33 CFR 1.05-1(c)(1) (35 F.R. 8279))

Effective date. This amendment shall become effective 30 days following the date of its publication in the FEDERAL REGISTER.

Dated: March 19, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-4107 Filed 3-24-71;8:51 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 125—SECOND-CLASS BULK MAILINGS

Dispatching Second-Class Mail Matter in Bundles Outside of Sacks

Part 125 is amended to codify the Department's regulations which permit publishers of newspapers or periodicals to ship such matter in bundles, or use pallets, in lieu of using mail sacks.

In the daily issue of December 23, 1970 (35 F.R. 19399), regulations formerly appearing in Subchapter A of Title 39, Code of Federal Regulations, were republished as Subchapter C of that title. However, § 126.13 of Subchapter A, relating to second-class matter in bundles, was retained in force as uncodified regulations of the Department. The regulations set out below supersede those regulations previously retained.

Since the regulations below state existing regulations without change in substance, rulemaking procedures and delay in effective date are not required. Accordingly, this document is effective upon publication in the FEDERAL REGISTER (3-25-71).

In Part 125 new § 125.13 is added, reading as follows:

§ 125.13 Dispatching second-class matter in bundles outside of mail sacks.

(a) *Bundling restrictions.* To promote efficient processing of bundled mail through post office facilities, publishers will be required to observe the following procedures if they wish to bundle their publications:

(1) Mailers will be required to presort publications for post offices, stations and branches, using 3- and 5-digit ZIP Code separations as required by existing regulations on the makeup of second-class mail.

(2) Bundles may be developed on the same basis as sacks, and individual separations within a bundle must be appropriately wrapped or tied to maintain the identity of the separation.

(3) The weight of the bundle should not exceed 40 pounds and the minimum number of copies in a bundle should be no less than it takes to fill one third of a sack. Lesser quantities are to be included in residue sacks using ZIP Code or states separations.

(4) All bundles must be appropriately labeled on top to show destination and contents as is currently done with sacks. Similarly, each separation within a bundle must be identified.

(5) Bundles must be securely bound to withstand handling without breakage or damage in transit, and in such a manner as to prevent injury to postal personnel or damage to mechanized sorting systems. If wire is used, it must have rounded edges and flat ends. Binding material is to be applied once around the girth and once around the length.

(b) *Initiating request.* Publishers who wish to dispatch their mailings in bundles outside of mail sacks must submit application to the postmaster at the office where it is to be entered. The following information must be furnished with the application:

(1) Name of publication and frequency of mailing.

(2) Identity of post offices to which direct or combination load shipments will be made (additional entry or exceptional dispatch offices).

(3) Approximate quantity of publications and number of bundles.

(4) Whether the mailer proposes to use pallets in the shipments.

(5) Mode of transportation to be used.

Postmasters will forward applications to their Regional Directors for review and approval.

(c) *Authorization.* Subsequent to the review of the operational feasibility of accepting mailings in bundles outside of mail sacks the postmaster, at the office where it is to be entered, will be informed by the Regional Director whether an application has been approved or disapproved. Notice of the decision will be sent to the publisher by the postmaster with any special instructions or comments deemed necessary.

(5 U.S.C. 301, 39 U.S.C. 501, 4351-4370)

DAVID A. NELSON,
General Counsel.

MARCH 19, 1971.

[FR Doc.71-4042 Filed 3-25-71;8:46 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

Child Care Services: Referrals to Work Incentive Program

Effective on date of publication (3-25-71), Part 220 of Title 45 of the Code of Federal Regulations is amended to make clear that:

1. The caretaker relative must participate in the selection of the method of providing child care, but if there is only one source available, he may not refuse it unless he can show that it is unsuitable for the child; and

2. It is the State's responsibility to determine what other groups of individuals, in addition to those specified in the regulation, are appropriate for referral.

Notice of proposed rule making has been dispensed with since the regulations simply clarify existing policy and the State agencies concerned were previously informed of this clarification by State letter.

1. Paragraph (a) of § 220.18 is revised to read as follows:

§ 220.18 Child care services.

(a) Child care services, including in-home and out-of-home services, must be available or provided to all persons referred to and enrolled in the Work Incentive Program and to other persons for whom the agency has required training or employment. Such care must be suitable for the individual child; and the caretaker relatives must be involved in the selection of the child care source to be used if there is more than one source available. However, when there is only one source available, the caretaker relatives must accept it unless they can show that it is unsuitable for their child. The child care services must be maintained until the caretaker relatives are reasonably able to make other satisfactory child care arrangements.

* * * * * * *

2. Paragraph (a)(1)(iv) of § 220.35 is revised to read as follows:

§ 220.35 Work incentive program.

(a) * * *

(1) * * *

(iv) Except as qualified in subparagraph (2) of this paragraph (a), appropriate individuals, under subdivision (i) of this subparagraph (1) must include (*a*) unemployed fathers, and (*b*) dependent children and essential persons age 16 or over who are not in school, at work, or in training, and for whom there are no educational plans under consideration for implementation within the next 3 months. The decision as to what other individuals are appropriate for referral is the responsibility of the State. The State plan must specify any such individuals and describe criteria, consistent with the provisions of this section, for their referral.

* * * * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Dated: February 18, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: March 19, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc. 71-4092 Filed 3-24-71;8:50 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 70-143]

MISCELLANEOUS AMENDMENTS TO CHAPTER

In F.R. Doc. 70-17423, commencing at page 19902 in the issue of Wednesday, December 30, 1970, the following corrections were made:

PART 97—OPERATIONS

1. Section 97.15-30(c), appearing on page 19906, is corrected in the second line by changing the word "system" to "systems".

PART 110—GENERAL PROVISIONS

2. Section 110.10-1, appearing on page 19907, is corrected in the fifth line by changing "ANS1" to "ANSI".

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

3. Section 111.05-5(b)(4)(iii), appearing on page 19908, is corrected in the third line by changing "CA" to "Calif.".

4. Section 111.05-5(b)(4)(iv), appearing on page 19908, is corrected in the third line by changing "OH" to "O".

5. Section 111.05-10(c)(14), appearing on page 19909, is corrected in the fourth line by changing "matter" to "meter".

6. Section 111.10-5(e)(2), appearing on page 19911, is corrected in the fifth line by adding the word "shall" to follow the word "also" and precede the word "be".

7. In Table 111.10-30(a2), appearing on page 19912, the center reference heading reading "Limits of temperature rises, degrees centigrade 3" is corrected by changing the reference note from "2" to "3". The item "Bearings" is corrected by changing the reference note from "3" to "2" in each column headed "Class H insulation".

8. In Table 111.25-35(a), apppearing on page 19915, the first entry in the column headed "Motor horsepower" is corrected by changing "½" to "⅛". The 11th entry in that column, "2½", is corrected by changing "8.3" to "8.8" in the column headed "Wound-rotor-220 volts".

9. Section 111.30-1(g), appearing on page 19916, is corrected in the fifth line by changing "contractors" to "contactors".

10. Section 111.30-15(b)(4), appearing on page 19917, is corrected by changing the first sentence to read as follows: "For each 3-wire generator, a voltmeter with voltmeter switch for connecting the voltmeter to indicate generator voltage, positive to negative, and bus voltage positive to negative, positive to neutral, and neutral to negative."

11. Section 111.50-5(a)(3), appearing on page 19919, is corrected by changing in the last line "111.61-1(e)(1)(ii)" to "111.60-1(e)-(1)(ii)".

12. Section 111.50-20(c), appearing on page 19920, is corrected by redesignating subdivisions (i), (ii), and (iii) as subparagraphs (1), (2), and (3), respectively.

13. Table 111.60-1(e)(1)(i), appearing on page 19921, is corrected by changing for the last entry for conductor size area (circular mils), 4,110, in the column "MI" under the center heading "1-Conductor", the figure "34" to "24".

14. Section 111.60-1(h), appearing on page 19922, is corrected by changing in the seventh line the word "or" to "for".

15. Section 111.60-25(k)(5), appearing on page 19925, is corrected in the second line by changing the third word from "tapes" to "taps".

16. Section 111.70-20(b)(4), appearing on page 19930, is corrected by changing the first sentence to read: "A branch-circuit circuit breaker, rated in amperes only, may be used as a controller."

17. Section 111.80-5(e)(5)(iv), appearing on page 19939, is corrected by changing in the ninth line the word "market" to "marked".

18. Table 111.80-55(d)(2), appearing on page 19947, is corrected in the column headed "Potential involved in volts—301-600" by changing the first entry reading "2⅝" to "3⅜".

19. Section 111.80-55(h)(2), appearing on page 19950, is corrected in the third line by adding the word "with" to follow the first word "comply".

20. Section 111.85-5(d), appearing on page 19952, is corrected by changing the second sentence to read: "Combustible liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25-10 and 146.25-15 of this chapter."

21. Section 111.85-90(d)(1), appearing on page 19954, is corrected by changing in the sixth and seventh lines, the words "all on" to "on all".

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

22. Section 146.27-25(d)(2), appearing on page 19958, is corrected in the 15th line by changing the word "seal" to "steel".

23. Section 146.27(e)(7), appearing on page 19959, is corrected in the seventh line by changing the word "with" to "and".

24. Section 146.29-99, Chart A, appearing on page 19960, is corrected for "DOT Class A—BD fuzes; PD fuzes with booster; bomb fuzes with booster; rocket fuzes with booster; and like items—Coast Guard Class VI" by changing in column II-B the "square" to "J".

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

25. Section 147.04-1(a)(7), appearing on page 19962, is corrected in the third line by changing "CO" to "CO_2".

PART 164—MATERIALS

26. Section 164.016-4(f)(3), appearing on page 19968, is corrected by changing the formula, which is located in line 13, to read as follows:

$$\text{Compression set (percent)} = \frac{\text{ho—hi}}{\text{ho—hs}} \times 100$$

27. Section 164.016-4(i), appearing on page 19969, is corrected in the second line by adding the word "square" after the dimension "4'' x 4''".

Dated: March 18, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-4109 Filed 3-24-71;8:51 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1067]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of March 1971.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer and less than 70 feet, exists throughout the United States; that shippers are being deprived of such cars required for loading, creating great economic loss and resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange interchange, and return of such boxcars to the owning railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1067 Service Order No. 1067.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in paragraphs (3) and (5) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 378, issued by E. J. McFarland, or successive issues thereof as having mechanical designation XM, with inside length 50 feet or longer and less than 70 feet, which bear the identification marks shown:

Chicago and North Western Railway Co., Identification marks—CGW, CMO, CNW, MStL.
Illinois Central Railroad Co., Identification marks—IC.

(2) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Except as otherwise provided in subparagraph (5) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction; either loaded or empty.

(4) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(5) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(6) The return to the owner of a boxcar described in paragraph (1) herein shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraphs (3) or (5) of this paragraph.

(7) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(8) Railroads named in subparagraph (1) of this paragraph shall restrict their use of plain boxcars of the type described in this order, which are owned by any railroad not listed therein, to traffic destined to a station closer to the car owner than the station at which the car is loaded.

Exception: For the purpose of securing utilization of cars for which the owners have no immediate need, car owners, other than those named in subparagraph (1) of this paragraph, may remove their cars from the provisions of this paragraph by written notice to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(9) In determining distances to the car owner from points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(10) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (3), (5), or (8) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 15, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10-17); 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-4100 Filed 3-24-71;8:51 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Tamarac National Wildlife Refuge, Minn.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (3-25-71):

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted from January 1, 1971, through December 31, 1971, and shall be in accordance with all applicable State fishing laws and refuge regulations. Areas open for fishing comprise 13,675 acres and are designated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Refuge waters open to fishing include Wauboose, Two Island, Lost and Upper Egg Lakes plus all lakes south of the "Governor's Consent Line." Fishing in the Ottertail River at the bridge on County road 26 is limited, as posted by signs, to 50 yards upstream and 100 yards downstream from the bridge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Part 33, and are effective through December 31, 1971.

CLAUDE R. ALEXANDER,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

MARCH 19, 1971.

[FR Doc.71-4037 Filed 3-24-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

TAXATION OF UNRELATED BUSINESS INCOME OF CERTAIN EXEMPTED ORGANIZATIONS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-3778 appearing at page 5236 in the issue of Thursday, March 18, 1971, in § 1.512(b) the date in the last line of section 512(b)(17)(B) now reading "May 27, 1969" should read "May 27, 1959".

[26 CFR Part 1]

LIMITATION ON TAX ATTRIBUTABLE TO CERTAIN TOTAL DISTRIBUTIONS FROM QUALIFIED PLANS

Notice of Extension of Time for Comments

The proposed amendment to the regulations under section 72(n)(4) of the Internal Revenue Code of 1954, relating to limitation on tax attributable to certain total distributions from qualified plans, appears in the FEDERAL REGISTER for February 27, 1971 (36 F.R. 3822).

Written comments or suggestions pertaining to the proposed amendment and requests for a public hearing by persons submitting written comments or suggestions were required to be submitted by March 29, 1971. The time for submission of written comments or suggestions pertaining to the proposed amendment and for requesting a public hearing is hereby extended to April 28, 1971.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-4218 Filed 3-24-71;9:49 am]

[26 CFR Parts 1, 13, 301]

65-DAY RULE; ACCUMULATION TRUSTS; CREDIT FOR TAXES PAID BY THE TRUST

Notice of Hearing

The proposed amendment to the regulations under sections 643, 652, 665 through 669, and 6401 of the Internal Revenue Code of 1954, relating to the 65-day rule and accumulation trusts, appears in the FEDERAL REGISTER for February 9, 1971 (36 F.R. 2607).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, April 27, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The hearing is to be conducted under the rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601), which appeared in the FEDERAL REGISTER for October 24, 1970 (35 F.R. 16593). Copies of these rules will be furnished on request.

Under such § 601.601(a)(3), persons who desire to present oral comments (in addition to having submitted written comments or suggestions within the time prescribed in the notice of proposed rulemaking) should submit by April 13, 1971, an outline of the topics and the time they wish to devote to each topic. The outline should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who plan to attend the hearings and persons who desire a copy (furnished only at the above address) of such written comments, suggestions, or outlines should notify the Commissioner at the above address or telephone 202-964-3935 by April 20, 1971.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-4151 Filed 3-24-71;8:52 am]

[26 CFR Part 53]

APPLICATION OF TAXES TO CERTAIN NONEXEMPT TRUSTS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-3776 appearing at page 5240 in the issue of Thursday, March 18, 1971, the following changes should be made in § 53.4947-1:

1. In paragraph (b)(2)(iii), the comma following the phrase "intervening interests" in the eighth line should be deleted.

2. In paragraph (c)(3)(v)(b), the period at the end of the fourth line should be a comma.

3. In paragraph (c)(5)(iii), the phrase "in trust before May 27, 1969" appearing in the sixth and seventh lines should be deleted and the following substituted therefor: "to such trust on or after May 27, 1969, pursuant to the provisions of such will shall be treated as amounts transferred in trust before May 27, 1969".

POST OFFICE DEPARTMENT

[39 CFR Part 124]

SEXUALLY ORIENTED ADVERTISEMENTS

Notice of Proposed Rule Making

Section 3010(a) of Title 39, United States Code, which became effective on February 1, 1971, provides in substance that any person who mails any sexually oriented advertisement must place on the envelope his name and address as sender and such mark or notice as the Postal Service may prescribe. By notice of proposed rule making published on October 10, 1970 (35 F.R. 15999), the Post Office Department invited the submission of comments concerning proposed implementing regulations which provided in substance that each envelope containing any sexually oriented advertisement bears on its face the sender's name and address and the words, "Sexually Oriented Ad". No comments having been submitted, the Post Office Department adopted the proposed regulations without change on December 10, 1970 (35 F.R. 18743-44). On January 30, 1971, these regulations were republished without substantial change as a part of the adoption of regulations implementing and interpreting 39 U.S.C. 3010 and 3011 as a whole (36 F.R. 1468).

In pending litigation the Post Office Department has been temporarily enjoined from requiring the use of the notice prescribed in § 124.9(e) on the outside of an envelope containing a sexually oriented advertisement if the notice appears on an inner envelope in which the advertisement has been sealed. See notice published in today's issue at page 5623. For reasons indicated below, the Department considers that it may be appropriate to modify the notice requirement even if this injunction is dissolved.

It has been suggested that the requirement that the words "Sexually Oriented Ad" appear on the outside of all such envelopes may work an inconvenience on those persons who may wish to receive sexually oriented advertisements. The Department considers that it may be appropriate to modify the requirement in the light of that suggestion. Accordingly, the Department proposes to adopt the regulation set forth below as a revision of § 124.9(e) of Title 39, Code of Federal Regulations.

Interested persons may submit written data, views and arguments concerning the proposed regulations to the Assistant General Counsel, Mailability Division, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

The following revision of 39 CFR § 124.9(e) is hereby proposed:

Amend subparagraph (1) of paragraph (e) by adding at the end thereof a new last sentence and amend subparagraphs (2) and (4) of paragraph (e) to make conforming changes so that § 124.9(e) (1), (2), (3), and (4) as amended will read as follows:

§ 124.9 Sexually oriented advertisements.

* * * * * *

(e) * * *

(1) Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the address designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed "Sexually Oriented Ad". The words "Sexually Oriented Ad," however, need not be placed on the exterior envelope or cover of a mail piece containing such an advertisement, if the contents of the mail piece are enclosed in a sealed envelope, inside the exterior envelope or cover, which sealed envelope bears conspicuously the words "Sexually Oriented Ad."

(2) The name and address of the sender and the legend required by subparagraph (1) of this paragraph, if the latter is placed on the exterior face of the mail piece, shall be printed in a size type no smaller than that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.

(3) The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other wrapper.

(4) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the prescribed notice, separating each from any other matter appearing on the same envelope or cover.

* * * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 3010)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-4188 Filed 3-24-71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 910]

[Docket No. AO-144-A12]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Decision and Referendum Order With Respect to Proposed Further Amendment of the Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., on May 13-16, 1970, after notice thereof published in the FEDERAL REGISTER (35 F.R. 5588) on proposed further amendment of the marketing agreement and order (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on October 28, 1970, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto was published in the FEDERAL REGISTER (F.R. Doc. 70-14693; 35 F.R. 16850) on October 31, 1970.

The material issues, findings, and conclusions, rulings and the general findings of the recommended decision, as hereinafter modified, are hereby approved and adopted as the material issues, findings, and conclusions, rulings and the general findings of this decision as if set forth in full herein.

Rulings on exceptions. Exceptions to the recommended decision were filed within the prescribed time. Such exceptions were carefully and fully considered in conjunction with the record evidence and the recommended decision (including the rulings), in arriving at the findings and conclusions set forth herein. To the extent that any exception is not specifically ruled upon and is at variance with the findings, conclusions, and actions decided upon in this decision, such exception is denied for the reasons and on the basis of the findings and conclusions and rulings relating thereto or to the issues to which the exception refers.

Exception was taken to the provision set forth in paragraph (f)(1) of § 910.53 which provides that at the request of any handler of lemons produced in Districts 1 or 3 the committee shall adjust the average weekly pick of a handler by increasing it in the amount requested by the handler, but not exceeding 50 percent of such average. Such paragraph further states that such adjustment may be requested for not to exceed 8 consecutive weeks during the period beginning not later than the third week of the initial prorate base of a season for which such handler's average weekly pick is computed, and ending not later than the middle week of such handler's picking season, as determined by the committee, based upon the historical picking performance of such handler. Subsequent provisions of such paragraph provide that any such adjustment shall be subject to a compensating downward adjustment in the latter half of such handler's season.

Specifically, the exception objects to the fact that, as written, the right to adjustments is conditional upon the handler taking adjustments each week during the 8-week period beginning not later than the third week as specified, or the handler may take adjustments in a period of 8 consecutive weeks beginning not later than the third week as specified.

The exception stresses that limiting the upward adjustment as indicated is unnecessarily restrictive and could result in a handler receiving allotment which he does not need and is unable to use. The principal reasons cited for this was that a number of circumstances such as inclement weather, unavailability of picking labor, or mechanical difficulties may develop which interfere with or prevent picking and delivery of lemons to the packinghouses. While the testimony uses the word "consecutive" in explaining the procedure to be followed in administering the provisions of § 910.53(f)(1), the exception indicates that such use was intended to explain that all of the weeks, beginning with the first week of a handler's picks and ending with the midweek, were to be included as his upward adjustment period even though he had no picks in one or more of those weeks and that the intent was to permit a handler to request the adjustment in any eight weeks up to his midseason. Hence, a handler in any such district could select any combination of the weeks in the first half of his season.

In connection with the foregoing, the recommended decision indicates that any handler in Districts 1 or 3 should be afforded the opportunity for an upward adjustment, upon request, to receive allotments during the first half of his season on an accelerated basis. Further, the average weekly pick of such a handler "shall be adjusted in such manner and such precautions taken in granting such adjustments as may be necessary to assure repayment of the additional allotment be received as a result of any such upward adjustment." Consistent therewith, it would be appropriate to provide for repayment of adjustments to begin in the week following the aforesaid middle week, with the balance of the repayments to be made in the successive weeks regardless of the particular weeks in the first half of the season in which the upward adjustments were made.

Indications are that handlers likely will find it most advantageous to use the upward adjustment privilege in the early part of the first half of their seasons as their average weekly picks at that time would be relatively small as compared with picks later in the season. Upward adjustments based upon an average weekly pick computed from low volume pick weeks in the early part of the first half of a season should not result in a handler receiving an adjustment in excess of that which he could easily repay by a deduction from his average weekly pick in the relatively high volume pick weeks following the middle week of such season. If, however, a handler elects to take an upward adjustment in the later weeks of the first half of his season when his average weekly pick is likely to be computed from his high volume pick weeks, it may well be that repayment by way of a downward adjustment of his

average weekly pick in the weeks following the midweek in the same amount and order would not be sufficient to effect total repayment. Therefore, it is concluded that provision should be made for downward adjustments to commence in the week immediately following the handler's midweek, and continue for a number of successive weeks equal to the number of weeks for which upward adjustments were made so that repayments are made when the handler's average weekly picks generally are large enough to offset the upward adjustments. To the extent practicable, the amounts and sequences of repayments should conform to amounts and sequences in which upward adjustments were made. However, if the committee determines that an accelerated rate of repayment is necessary to effect total repayment or the handler requests an accelerated rate of repayment, such repayment should be in accordance with appropriate rules and regulations prescribed by the committee with approval of the Secretary.

On the basis of the foregoing, the provisions of § 910.53(f)(1) are revised as hereinafter set forth.

Exception was taken also to the provision set forth in the proposed amendment which specifies that a borrowing handler who has insufficient allotment to repay an allotment loan on the specified repayment date shall repay it as soon thereafter as he has allotment available to him for that purpose. The exceptor states that any Districts 1 and 3 loans outstanding at the end of the crop year should be canceled. Current provisions of the order provide for issuance of volume limitation regulations separately by district, authorize loans only between handlers of lemons grown in the same district, and require that each loan agreement provide a repayment date within 1 year of the date of the loan. Thus, the order provides for repayment of allotment loans, and the amendment would not change this. However, currently a provision under the rules and regulations under the order provides that if no volume limitation is effective with respect to lemons of a particular district when a loan applicable to such lemons falls due such loan shall be deemed repaid. Under such provision, by setting a repayment date falling in the period when few or no lemons are available in Districts 1 and 3, particularly, and when unlimited shipments generally are permitted, a borrowing handler could in effect provide for cancellation of the loan. During periods of unlimited movement in a district, handlers can ship lemons without restriction and allotment is not issued to handlers in that district. Hence, a borrowing handler would have no allotment to repay a loan, nor does the lending handler need any to ship his available lemons in such period.

The amendment does not provide for issuance of volume limitations separately by district; therefore no periods of unlimited movement separately by district are contemplated. Except for lemons exempt from regulation, handlers will need allotment to ship lemons from any district at any time except when unlimited shipments are established for the production area as a whole. Moreover, under the amendment, loans will be permitted between handlers of lemons grown in different districts. Under the order a borrowing handler incurs an obligation to repay allotment loans. Under the order, as proposed to be changed by the amendment, lending handlers generally will need the allotment to ship lemons. The evidence of record supports the provision for repayment of loans as provided in the proposed amendment. The exception is therefore denied.

For purposes of correcting inadvertent errors and for clarification, minor revisions are made in specified amendatory provisions as hereinafter set forth.

Further Amendment of the Marketing Agreement and Order. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement, As Amended, Regulating the Handling of Lemons Grown in California and Arizona", and "Order Amending the Order, As Amended, Regulating the Handling of Lemons Grown in California and Arizona", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted:

(1) Among the producers who, during the period August 1, 1969, through July 31, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR Part 910) in the production of lemons for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of such lemons.

Warren C. Noland and Edmund J. Blaine, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 1733, 312 North Spring Street, Los Angeles, CA 90012, are hereby designated referendum agents to conduct said referendum.

The procedure applicable to such referendum shall be the "Procedure for the Conduct to Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agriculture Marketing Agreement Act of 1937, as amended." (7 CFR 900.400 et seq.).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the office of the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order as further amended by the annexed order which will be published with this decision.

Dated: March 19, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order [1] Amending the Order, as amended, Regulating the Handling of Lemons Grown in California and Arizona.

§ 910.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., on May 13–16, 1970, upon proposed amendments to the marketing agreement, as amended, and to Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of lemons grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of lemons; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Sections 910.9 and 910.10 are revised to read as follows:

§ 910.9 Carton.

"Carton" means standard container number 58 as defined in section 43615 of the Agricultural Code of California, as amended, of a capacity of approximately 38 pounds of lemons, or such other container and capacity as may be established by the committee, with the approval of the Secretary, or the equivalent thereof.

§ 910.10 Fiscal year.

"Fiscal year" means the twelve-month period beginning on August 1 of each year and ending July 31 of the following year, except that the fiscal year ending July 31, 1971, shall begin on November 1, 1970.

§ 910.12 [Deleted]

2. Section 910.12 *Lemons available for current shipment* is deleted.

3. Sections 910.20, 910.21, 910.22, and 910.23 are revised to read as follows:

§ 910.20 Establishment and membership.

(a) There is hereby established a Lemon Administrative Committee consisting of 13 members. For each member there shall be an alternate member, and for each grower member an additional alternate, and the provisions of §§ 910.20 through 910.26, unless they specifically provide otherwise, shall apply to members and alternate members and additional alternates in like manner. Further, references to "member" therein shall be deemed to include alternates and additional alternates unless the context indicates otherwise. Eight of the members shall be growers and shall be referred to in this part as "grower" members; four of the members shall be handlers or employees of handlers or employees of central marketing organizations and shall be referred to in this part as "handler" members. One member of the committee shall be a person who shall not be a grower or handler, or an employee, agent, or representative of a grower or handler (other than an educational institution which is a grower or handler), or of a central marketing organization. Such person shall be referred to in this part as a "nonindustry" member.

(b) Except as otherwise provided pursuant to § 910.22(h), the grower members of the committee shall be nominated, by prorate district and group, in accordance with the following schedule:

	Co-op more than 60 percent	Other co-ops	Independents
District 1 (1)	1	0	0
District 2 (4)	2	2	0
District 3 (3)	1	1	1

(c) Each alternate grower member and each additional alternate grower member shall be from the same group as the member but need not be from the same district.

§ 910.21 Term of office.

The term of office of committee members shall be a period of 2 years beginning on August 1 of each even-numbered year, except that the term ending on July 31, 1972, shall begin on the date designated by the Secretary. Members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 910.22 Nominations.

(a) The time and manner of nominating members of the Lemon Administrative Committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization or the growers affiliated therewith which markets more than 60 percent of the total volume of lemons during the fiscal year during which nominations for members are submitted shall nominate, in conformity with § 910.20, four grower members and two handler members.

(c) All cooperative marketing organizations or the growers affiliated therewith which market lemons and which are not qualified under paragraph (b) of this section shall nominate, in conformity with § 910.20, three grower members and one handler member.

(d) All growers of the group identified as independents in § 910.20 who are not affiliated with a cooperative marketing organization which markets lemons shall nominate, in conformity with § 910.20, one grower member and one handler member.

(e) When voting for nominees each grower shall be entitled to one vote only which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. Votes of marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of lemons handled during the current fiscal year to the end of the month preceding the month in which such nominations are made.

(f) The members of the Lemon Administrative Committee selected by the Secretary pursuant to § 910.23 shall, by concurring vote of at least seven members, nominate the nonindustry member.

(g) The grower members nominated under paragraphs (b), (c), and (d) of this section shall be in such number and from such districts and groups as provided pursuant to § 910.20.

(h) The Secretary, upon recommendation of the Lemon Administrative Committee, or other information, may reapportion the number of grower members or handler members, or both, to be nominated pursuant to § 910.22 and may realign the number of grower members in any district. Any such change shall be based, insofar as practicable, upon the proportionate amounts of lemons handled by the respective groups and production within any district: *Provided,* That each district shall be entitled to at least one grower member and each marketing group described in § 910.22 shall be entitled to at least one handler member and one grower member, and no district shall have more than four grower members.

§ 910.23 Selection.

The Secretary shall select members of the Lemon Administrative Committee from persons nominated pursuant to § 910.22 or, at his discretion, from other qualified persons.

§ 910.27 [Amended]

4. Section 910.27 *Alternate members* is amended by inserting at the end of the first sentence, the following: "If another alternate member is not so designated by a grower member, his alternate shall act for the member and, in the absence of such alternate, the additional alternate shall so act."

§ 910.28 [Amended].

5. Paragraph (a) of § 910.28 *Procedure* is amended by deleting the second sentence thereof.

6. Section 910.29 *Expenses and compensation* is revised to read as follows:

§ 910.29 Expenses and compensation.

The members of the committee, and their respective alternates when acting as members, or when in attendance pursuant to committee authorization, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under § 910.30, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $25 for each day, or portion thereof, spent in attending meetings of the committee.

7. Paragraph (k) of § 910.31 *Duties* is revised to read as follows:

§ 910.31 Duties.

• • • • •

(k) With the approval of the Secretary, to reapportion pursuant to § 910.22 (h) the number of members on the Lemon Administrative Committee who are nominated pursuant to § 910.22.

8. Section 910.40 *Expenses* is revised to read as follows:

§ 910.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as provided in § 910.41.

§ 910.41 [Amended]

9. Paragraph (a) of § 910.41 *Assessments* is amended as follows:

A. The first sentence is revised to read: "Each handler who first handles lemons shall, with respect to the lemons so handled by him, pay to the committee upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning, during each fiscal year, including the accumulation and maintenance of a reserve fund equal to approximately one-half of a fiscal year's expenses."

B. The following sentence is added at the end thereof: "If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be subject to an interest charge at a rate prescribed by the committee with the approval of the Secretary.

10. Paragraph (a) of § 910.42 *Accounting* is revised to read as follows:

§ 910.42 Accounting.

(a) If, at the end of the fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, or used to defray necessary expenses of liquidation, it shall be refunded proportionately to the persons from whom it was collected: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operational monetary reserve in an amount not to exceed approximately one-half of a fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee (i) for all expenses authorized pursuant to § 910.40 and (ii) to cover necessary expenses of liquidation in the event of termination of this part. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

• • • • •

11. Section 910.53 *Prorate bases* is revised to read as follows:

§ 910.53 Prorate bases.

(a) As used in this section, "handler" means the person who is, or proposes to be, the person who handles lemons as the first handler thereof; and each such handler shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 910.56, such application to be substantiated by such information as the committee may require.

(b) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and may make such compensating adjustments as are appropriate or necessary, and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(c) Each week the committee shall compute a prorate base or bases for each handler who has made application in accordance with the provisions of this section.

(d) Each prorate base for a handler of lemons shall be computed as follows:

(1) Compute the total quantity of lemons grown in a particular prorate district which has been picked and delivered to the handler, hereinafter at times referred to as "pick," during the applicable prorate base period immediately preceding the week in which the prorate base is computed. The applicable number of weeks in the prorate base period for a prorate district shall be as provided in paragraph (e) of this section. Such quantities of lemons picked and so delivered in such period shall then be divided by the number of weeks in the applicable prorate base period for the purpose of arriving at an average weekly pick.

(2) For any handler of lemons produced in District 1 or 3, for the initial number of consecutive weeks after the beginning of such handler's new season, equal to the number of weeks in the applicable prorate base period, the average weekly pick computed for the first week of picks and succeeding weeks shall be computed as follows:

(i) The total quantity picked and delivered to the handler in the first week;

(ii) The total quantity picked and delivered to the handler in the first and second weeks divided by 2.

(iii) The total quantity picked and delivered to the handler in the first 3 weeks and succeeding weeks (until such number of weeks equals the total weeks in such handler's applicable prorate base period) divided by the total weeks so included.

On the basis of the computation of the handler's average weekly pick, the committee shall fix a prorate base for each handler who is entitled thereto. Each such prorate base shall represent the ratio between the average weekly pick for each applicant handler and the total of such average weekly picks for all applicant handlers.

(e) In recognition of the differences between the several prorate districts in production and marketing conditions, the number of weeks in a prorate base period shall be specified by district and such respective base periods shall apply to lemons produced in such district, even though packed or handled in another district. Until changed in the manner provided in paragraph (h) of this section, the prorate base periods for the several districts shall be: District 1, 8 weeks; District 2, 16 weeks; and District 3, 4 weeks.

(f) (1) At the request of any handler of lemons produced in Districts 1 or 3, the committee shall adjust the average weekly pick of such handler by increasing it in the amount requested by the handler, but not exceeding 50 percent of such average. Such adjustment may be requested for any one or more weeks, not to exceed 8 weeks, during the period beginning with the first week of the initial prorate base period of a season for which such handler's average weekly pick is computed and ending not later than the middle week of such handler's picking season, as determined by the committee, based upon the historical picking performance of such handler. Any adjustment so added shall be deducted from such handler's average weekly picks as computed for subsequent weeks beginning in the week following such middle week and continuing in successive weeks to assure full repayment of all prior upward adjustments. To the extent practicable, the amounts and sequences of repayments shall conform to the amounts and sequences in which upward adjustments were effected: *Provided, however,* That if the committee determines that an accelerated rate of repayment is necessary to effect full repayment, or the handler requests an accelerated rate of repayment, actions to effect repayment on such basis shall be in accordance with rules and regulations prescribed by the committee with the approval of the Secretary. Adjusted average weekly picks shall be used in lieu of the average weekly picks in computing the handler's prorate base as provided in paragraph (d) of this section. If the handler fails to receive sufficient allotment during the balance of the season to offset the upward adjustment, deductions from allotment received in the following season shall not be required to effect such repayment.

(2) Any handler of lemons produced in District 2 whose picks are interrupted for a period of 8 successive weeks or more, may upon application to the committee begin a new prorate base period with the initial week of picks after such interruption, and with the average weekly picks being computed in accordance with the applicable provisions of paragraph (d) of this section for the initial number of consecutive weeks in such new prorate base period. Any such handler upon application to the committee shall also receive adjustments of a character similar to those described in subparagraph (1) of this paragraph (f), subject to such conditions with respect to dates and periods of upward adjustment and payback as may be necessary or appropriate to avoid or mitigate undue hardship and to preserve equity among handlers.

(3) During the first 2 consecutive weeks beginning with the first picks of a new season for handlers of lemons produced in District 1 and for handlers of lemons produced in District 3 and with the first week of picks for a handler of lemons produced in District 2 authorized to begin a new prorate base period as provided in subparagraph (2) of this paragraph, a handler may upon application to the committee be granted allotment to handle such lemons in anticipation of future allotments based on such picks, subject to such future allotments being reduced by the amount equal to such allotment.

(g) Any handler of lemons produced in any district under production or marketing conditions substantially differing from those generally prevailing in the same district, may apply to the committee for a different prorate base period, shorter or longer, than that specified for the district, but in no event less than 4 weeks nor more than 16 weeks. Such application shall be granted to the extent necessary or appropriate to give due recognition to such differences.

(h) The committee, with the approval of the Secretary, may change the number of weeks in the several time periods, the dates referred to in this § 910.53, and the percentage of adjustment specified in subparagraph (1) of paragraph (f) of this section; and in like manner may establish rules and regulations to effectuate the provisions of this section and may modify the method or manner of making the prescribed computations.

12. Section 910.50 *Marketing policy* is amended to read as follows:

§ 910.50 Marketing policy.

Each year not later than August 15 of the fiscal year (or such later date as the committee may establish with the approval of the Secretary) the committee shall hold a marketing policy meeting and shall thereafter submit to the Secretary its marketing policy for such fiscal year, to continue in force until revised, or superseded by the adoption of a new marketing policy. The marketing policy shall contain the following information: (a) The available supplies of lemons in each prorate district, including estimated quality and composition of sizes; (b) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and byproduct channels, together with quantities otherwise to be disposed of; (c) a schedule of estimated weekly shipments to be recommended to the Secretary during the fiscal year; (d) level and trend of consumer income; (e) estimated supplies of competitive citrus commodities; and (f) any other pertinent factors bearing on the marketing of lemons. In the event that it becomes advisable to substantially modify the marketing policy the committee shall submit to the Secretary a revised marketing policy or a new marketing policy setting forth the information as required in this section.

§ 910.51 [Amended]

13. Section 910.51 *Recommendations for regulations* is amended by deleting from the end of the second sentence of § 910.51(a) the words "in each district defined in § 910.64."

§ 910.52 [Amended]

14. Section 910.52 *Issuance of regulations* is amended by deleting "in each district, as aforesaid" and "in each such district" in the first sentence of the section.

§ 910.56 [Amended]

15. Section 910.56 *Allotments* is amended by deleting the phrase "in a district" from the first sentence, and deleting the phrase "in such district" from the second sentence.

§ 910.57 [Amended]

16. Section 910.57 *Overshipments* is amended as follows:

A. By inserting the following after the first proviso of such section: "*And provided further,* That if allotment is forfeited with respect to lemons grown in any prorate district during such week, such forfeiture shall be used to reduce the amount of maximum permissible overshipments made during such week unless the forfeiting handler shall have made a bona fide and timely offer to the committee to lend his undershipment, and such forfeitures shall be first applied to permissible overshipments of handlers of lemons grown in the district with respect to which the forfeiture occurred and second to permissible overshipments of handlers of lemons grown in the other districts. Allocation of forfeiture credit to handlers who have overshipped shall be made in proportion to, but not in excess of, the quantity overshipped by each such handler. However, no handler who has overshipped more than the maximum permissible under this section shall participate in the credits allowed by this provision."

B. By adding the following at the end of such section: "*Provided,* That any overshipments outstanding at the end of a season in District 1 or 3 shall not be required to be offset by deductions from allotments issued in the following season. The committee, with the approval of the Secretary, shall adopt procedural rules and regulations to effectuate the provisions of this section."

17. Section 910.59 *Allotment loans* is revised to read as follows:

§ 910.59 Allotment loans.

(a) A handler for whom a prorate base has been established may lend allotment to other handlers: *Provided,* That such loan is reported to the committee not later than 48 hours after the loan agreement has been entered into, and provides for repayment within 1 year of the date of the loan. If on the date of repayment specified in the loan agreement the borrower has insufficient allotment to repay such loan, he shall repay such loan as soon after such date as he has allotment available to him for that purpose.

(b) Allotments shall be loaned only during the week in which such allotments are issued and can be used by the borrower only during the week in which the loan is secured. Handlers securing repayment of allotment loans shall use such allotments only during the week in which the repayment is made.

(c) A handler desiring to loan all or part of his allotment to other handlers of lemons produced within the same district may do so direct or may request the committee to act in his behalf. A handler desiring to loan allotment to handlers of lemons produced in another district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to handlers of lemons grown within the same district who have previously filed requests for such loans; and failing to so arrange may then offer the loan to handlers of lemons grown in other districts in an equitable manner.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after repayment thereof.

(e) The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 910.59.

18. Section 910.61a *Early availability allotments* is deleted and a new section is inserted in lieu thereof reading as follows:

§ 910.61a Off-bloom allotment.

Notwithstanding the provisions in § 910.53 and elsewhere in this part applicable to allotments, the committee may, prior to the time lemons generally are available in District 1 or District 3, issue special allotments to handlers for handling lemons which result from an off-bloom condition existing in such district or districts. Such handlers may apply to the committee, not later than 30 days prior to the anticipated picking of such off-bloom lemons, on forms prescribed by the committee, and shall furnish to the committee such information as it may require to certify the off-bloom condition. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b),

the committee shall certify the quantity of each handler's off-bloom lemons and determine the extent to which off-bloom allotment shall be granted. Such allotments shall be allocated to all handlers who have certified off-bloom in proportion to the respective quantities so certified. Any off-boom allotment may be loaned only to other handlers to whom off-bloom allotments have been allocated. The total quantity of a handler's certified off-bloom lemons picked for handling pursuant to off-bloom allotment shall not be used in the computation of such handler's average weekly pick pursuant to § 910.53(d)(1). The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this section.

19. Section 910.64 *Districts* is revised to read as follows:

§ 910.64 Districts.

For the purpose of administration of this part and in recognition of the fact that there are general differences in maturity and keeping quality of lemons produced in different geographical sections of the production area, the production area is divided into three prorate districts as follows:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the present post office in Turlock, Calif., and north of a line drawn due east and west through the present post office in Gorman, Calif., and west of the extension of a line drawn due north and south through the present post office in White Water, Calif., but excluding San Luis Obispo and Santa Barbara Counties.

(b) "District 2" shall include that part of the State of California west of a line drawn due north and south through the present post office in White Water, Calif., and south of a line drawn due east and west through the present post office in Gorman, Calif., but including San Luis Obispo and Santa Barbara Counties.

(c) "District 3" shall include the State of Arizona and that part of the State of California east of a line drawn due north and south through the present post office in White Water, Calif.

[FR Doc.71-4049 Filed 3-24-71;8:46 am]

[7 CFR Part 917]

[Docket No. AO-90-A5]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Decision (Partial) and Referendum Order With Respect to Proposed Amendment of the Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fresno, Calif., on January 13, 1971, after notice thereof published in the FEDERAL REGISTER (35 F.R. 19579), on proposed further amendment of the marketing agreement and Order No. 917 (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing and the record thereof, the Deputy Administrator, Consumer and Marketing Service, on February 26, 1971, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 71-2916; 36 F.R. 4056). No exception was filed.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals to:

(1) Change the definition of fruit to extend the regulatory provisions to all varieties of peaches.

(2) Change the definition of fruit to extend the regulatory provisions to additional varieties of pears.

(3) Change the definition of grower as it applies to peaches.

(4) Realign the boundaries of certain districts.

(5) Change the provisions as to qualifications of nominees to represent the Peach Commodity Committee as grower members on the Control Committee.

(6) Change the provisions as to qualifications of nominees to represent the Pear and Plum Commodity Committees as grower members on the Control Committee.

(7) Increase the number of members on the Peach Commodity Committee, and increase the term of office of such members from 1 to 2 years.

(8) Increase the term of office of the Pear and Plum Commodity Committees from 1 to 2 years.

(9) Change the representation areas for peaches and reallocate representation on the Peach Commodity Committee among such areas.

(10) Change the quorum requirement for the Peach Commodity Committee; and increase the number of affirmative votes necessary by such committee to approve actions with respect to research and regulations.

(11) Add authority for production research for peaches.

(12) Add authority for production research for pears and plums, and for paid advertising for plums.

(13) Change the provisions on termination, with respect to peaches, to delay for 2 years the next scheduled referendum on continuance.

(14) Change the provisions on termination, with respect to pears and plums, to delay for 2 years the next scheduled referendum on continuance.

This is a partial recommended decision dealing only with issues applicable to peaches. The issues pertaining to pears and plums are reserved for a later decision.

(1) The term "fruit" should be redefined in the order as hereinafter set forth to extend the regulatory provisions of the order to all varieties of peaches.

Current provisions of the order define the term "fruit" with respect to peaches as the edible product from the trees of the peach varieties Elberta (Regular Elberta), Early Elberta (Gleason, Early Fay, Golden Elberta), Fay Elberta (Gold Medal, Golden Elberta), Burbank July Elberta (Early Elberta, Burbank Elberta, Burbank Jewel, Kim Elberta, July Elberta, and Socala). Regulation has been limited to Elberta-type peaches since the order was first made effective in 1939. Initially, such peaches constituted the major volume of shipments of fresh peaches shipped from the production area. By 1969, however, Elberta-type peaches constituted only about 25 percent of the volume of fresh peaches shipped in interstate channels. The other 75 percent was made up of about 50 non-Elberta varieties. Such varieties are grown throughout the production area and are marketed in the same markets competitively with Elberta.

All varieties of peaches grown in the production area and shipped to markets within such area are subject to regulation under a California State Marketing Order. Hence, the State order and the order complement each other in the regulation of Elberta peaches, but since no regulations may be made to apply under the order to out-of-State shipments of varieties other than Elberta, only the intrastate shipments of such varieties are regulated.

In recent years when mandatory size, grade, and inspection requirements were in effect for intrastate shipments of peaches, shipments of the varieties of peaches other than Elberta were uncontrolled and sizable quantities of small size and off-grade peaches of such varieties were dumped in out-of-State markets. Actually, the institution of grade and size regulations applicable to intrastate shipments apparently results in the shipment to interstate markets of greater quantities of the lower grade and smaller sized fruit which do not meet the requirements of the State regulations than when no such regulations are instituted. In 1969 no size or quality controls were instituted under the State order. In 1970 regulations were so instituted, small sizes could not legally be distributed to markets within the State. Such sizes were shunted to out-of-State markets. Moreover, it was testified that handlers pack peaches of the smaller sizes even though demand is marginal for such sizes, and accumulate quantities of such peaches in the packinghouses when sales decline or fail to materialize. When prices fail to strengthen, the peaches are sold at any price that can be obtained without regard to the detrimental effect on the prices of the more desirable sizes, and overall returns to producers. It is therefore concluded that all varieties of peaches grown in the production area and shipped in interstate marketing channels should be made subject to the provisions of the order. Such provisions, including the regulatory provisions, which provide for regulation by variety or varieties, contain the necessary flexibility to recognize differences in varieties in the establishment and application of appropriate regulations. Persons familiar with peaches, including inspectors, can distinguish one variety of peaches from another. Hence, the issuance of regulation recognizing differences in such characteristics as size, color, or season of ripening is appropriate and practical, and would tend to effectuate the purposes of the order and the act.

(3) The term "grower" is defined in the order to identify the persons who are eligible to vote as "growers" in referenda in connection with the order, to vote for nominees to fill positions on the respective committees under the order and to serve in such positions. Currently, "grower" is defined with respect to peaches as any person who produces such for market in fresh form in the current of interstate or foreign commerce, and who has a proprietary interest therein.

The order should be amended as hereinafter set forth to redefine the term "grower" as it applies to peaches to mean any person who produces peaches for market in fresh form and who has a proprietary interest therein.

This amended definition would make all growers of peaches eligible to vote for nominees to fill positions on the Peach Commodity Committee, irrespective of the markets (intrastate or interstate), to which their peaches are shipped. It is the intent of the peach industry to provide for the selection of identical persons on the Peach Commodity Committee administering the order and the Fresh Peach Advisory Board which administers the marketing order for California fresh peaches. It likewise is the intent to arrange for the two orders to be managed by the same management staff so that complementary and supplementary activities of the two programs may be appropriately coordinated. The objective is increased efficiency of operations. Since the current definition of "grower" as it applies to peaches provides that only growers of interstate shipments may vote for nominees to fill position on the Peach Commodity Committee or to serve in such position, the definition should be changed as indicated to remove such limitation. This would facilitate the objectives of better coordination of program activities and improved efficiency of operations, and this, in turn, would tend to effectuate the objectives of the order and the declared policy of the act.

(4), (5), (7), and (9) In addition to redefinition of "grower", as previously discussed, the order should be amended, as hereinafter set forth, to establish a 2-year term of office for the Peach Commodity Committee, to effect a realignment of districts, change the peach representation areas, increase the number of members on the Peach Commodity Committee, and allocate such members among the peach representation areas in such manner as will facilitate the coordination of activities under the order, the marketing order for California fresh peaches, and other jointly managed programs.

Districts and representation areas are established in the order to provide a basis for geographic representation on the commodity committees under the order. The districts are comprised of combinations of specified delineated portions of the production area. The representation areas consist of specified districts or combinations thereof. Representation on the Peach Commodity Committee is allocated among the representation areas principally on the basis of the relative volume of production. Currently the order prescribes a seven-member Peach Commodity Committee allocated among four described representation areas. The provisions of §§ 917.4, 917.20, and 917.22 should be amended as hereinafter set forth to realign the districts to place Los Angeles County entirely within the South Coast District, increase the membership of the Peach Commodity Committee from seven to 13, and the number of representation areas for peach growers from four to six, and to allocate the enlarged membership of the committee among such areas as hereinafter specified. Such action is necessary to provide appropriate representation for all varieties of peaches, and to provide for staffing the Peach Commodity Committee, under the order, and the Peach Advisory Board, under the State order, with the same persons. The grower membership of the Board is comprised of 13 members and the geographic allocation of membership is essentially the same as that set forth in the order, as proposed to be amended.

The evidence indicates that while the realignment of districts as specified would not result in identical districts under the two orders, the differences involve counties in which there is no plantings of peaches.

The order should be amended to specify a 2-year term of office for the Peach Commodity Committee members instead of a 1-year term as currently provided. Such 2-year term should end on the last day of February of odd numbered years. The evidence indicates that there is little change in the membership of the commodity committee from year to year, hence it appears that the longer term is desirable. Nomination meetings do make demands on growers' time, and to the extent such meetings are unnecessary they should not be required. The evidence further indicates that the industry desires to arrange terms of office so such terms and nomination meetings under the State and Federal Marketing Orders under the same management coincide. At the time of the hearing on January 13, 1971, nomination meetings to fill positions on the Peach Commodity Committee had been held but appointments had not been made. It is likely that such appointments will have been made, prior to the effective time of this amendment, under current provisions of the order. However, the evidence indicates that, with respect to the Peach Commodity Committee, it is desirable that provision be made for selection of a committee of 13 members who are the same persons as those chosen to serve on the Peach Advisory Board. In this connection it was advanced that at the effective time of the amendment it would be agreeable to terminate the appointments of those serving on the Peach Commodity Committee and to appoint, as a new Peach Commodity Committee, those who are serving on the Board. For reference purposes the names and addresses of the Board members and alternates were introduced into the record for consideration as the nominees for the Peach Commodity Committee, if and when the amendment becomes effective. It is likely that the amendment would not become effective until the beginning of the 1971 peach season. The order as amended would cover additional varieties of peaches, and such varieties should have representation on the Peach Commodity Committee, hence a new committee with the enlarged membership should be selected promptly. The procedure suggested would provide nominees having the necessary qualifications on a timely basis. It is concluded therefore that the order should provide for selection of a Peach Commodity Committee in the manner heretofore indicated.

In addition to the three commodity committees representing the three fruits under the order, the order provides for a Control Committee, comprised of 12 shipper members and 13 grower members. The Control Committee performs local administration of the program in all intercommodity matters under the order, while each respective commodity committee deals with matters related specifically to its fruit. The grower members of the Control Committee are nominated by the commodity committees on the basis of an allocation to each as specified under the order. The order provides that each such grower so nominated shall be an individual person who produced fruit during the previous season. Except in rare instances, each commodity committee, including the Peach Commodity Committee, has nominated persons for its positions on the Control Committee from among its own membership. The order should be amended, as hereinafter set forth, to require that each person nominated by the Peach Commodity Committee to fill a grower position on the Control Committee shall be a member or alternate member of the Peach Commodity Committee. Such requirement would assure that there will be among the grower membership of the Control Committee persons who are familiar with the problems of peaches.

(10) Currently, based on a seven-member committee the quorum requirement for the Peach Commodity Committee is five members. The order should be

amended to increase the quorum requirement for the Peach Commodity Committee to nine members. Such increased requirement is consistent with the increased size of such committee, which would be effected by this amendment. Such number would be adequate to secure a wide representation of views within the industry, and would not be so large as to be difficult to secure. The evidence indicates that it is desirable to require an affirmative vote equal to the quorum requirement of the committee on actions relative to research and recommendations for regulations. To effect this, § 917.35(a) should be changed to specify that approval of actions of the Peach Commodity Committee pursuant to § 917.39 *Market research and development and recommendations* under § 917.40 *Recommendations for regulations*, § 917.42 *Modification, suspension, or termination of regulations*, and § 917.43 *Special purpose shipments* shall require an affirmative vote of at least nine members. The order now requires a vote equal to the quorum requirement for recommendations pursuant to §§ 917.40 through 917.43. The modification which would add such requirement for recommendations pursuant to § 917.39 is related to the fact that, as hereinafter discussed, it is proposed to add authority in the order for the committee to establish production research projects in addition to marketing research and development projects. Such projects which are designed to assist, improve, or promote the marketing, distribution, and consumption, or efficient production of peaches may involve substantial expenditures. It is highly desirable that the recommendations with respect to any such projects, as well as recommendations on regulations under the sections previously cited, have a high degree of support by the committee and the industry. It is therefore concluded that the order should be amended, as hereinafter set forth, to increase the quorum requirement for the Peach Commodity Committee, and to require an affirmative vote for the approval of actions and recommendations pursuant to the specified sections as indicated.

(11) The order should be amended as hereinafter set forth to authorize the Peach Commodity Committee to establish production research projects for peaches.

The evidence indicates that there is a number of problem areas related to the production of peaches on which research may prove to be beneficial. Many problems which affect the fruit in the orchard affect the quality and shelf-life manifested by the fruit in marketing channels. Hence, many marketing research projects cannot be of maximum effectiveness unless the scope of study concerns itself not only with what happens to the fruit after it is picked from the tree but also how it develops prior to harvest.

The control of decay in peaches has become increasingly difficult in recent years, due largely to buildup of brown rot in the orchards and subsequent spread of infection in the packinghouses. The reduction of losses from decay in the market requires integrated control measures that reduce infections in the orchard, in packinghouses, during transit, and during marketing. Research on methods of preventing infection in the orchard, and sanitation measures in the packinghouses are appropriate areas for investigation.

The foregoing are examples of the kinds of problems on which the committee may wish to undertake studies. They should not be viewed as limiting the committee's production research authority which should include any such research that is permitted under the act.

(13) Current provisions of the order require quadrennial referenda to ascertain whether continuance of the order as to any fruit covered thereunder is favored by growers. The next such referenda would be required during the period December 1, 1972–February 15, 1973. The order also provides that the Control Committee may, upon the basis of a petition from growers received prior to October 1 of any year, recommend to the Secretary that such a referendum be held. It further provides that if the Secretary receives such a recommendation not later than December 1 of the then current fiscal period, he shall conduct such referendum prior to February 15. Based on this and the fact that a referendum will be conducted to ascertain if the peach growers favor this amendment, it was advanced without opposition that the next regularly scheduled referendum on continuance should be rescheduled to be required during the period beginning December 1, 1974, and ending February 15, 1975. Since ample opportunity otherwise exists for peach growers to express their sentiments with respect to continuance between the present time and foregoing period, it is concluded that the order should be amended as hereinafter set forth to reschedule said referendum as it applies to peaches.

Except as heretofore discussed conforming changes are not required.

Rulings on proposed findings and conclusions. February 8, 1970, was fixed as the latest date for filing proposed findings and conclusions, written arguments or briefs based upon the evidence received at the hearing. One brief was filed. Each point in such brief was fully and carefully considered along with the evidence in the record, in making the findings and conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of the evidence adduced at such hearing, and the record thereof it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Further amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Fresh Pears, Plums, and Peaches Grown in California" and "Amended Order Regulating the Handling of Fresh Pears, Plums, and Peaches Grown in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period March 1, 1970, through October 31, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California in the production of peaches for shipment in fresh form to ascertain whether such producers favor the issuance of the said annexed order amending Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California.

W. B. Blackburn and G. P. Muck, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended," (7 CFR 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with these contained in the annexed order which will be published with this decision.

Dated: March 19, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating Handling of Fresh Pears, Plums, and Peaches Grown in California.

§ 917.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the issuance of the order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., on January 13, 1971, upon a proposed further amendment of the marketing agreement and order (7 CFR Part 917) regulating the handling of fresh pears, plums, and peaches grown in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions hereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of fresh pears, plums, and peaches grown in California shall be in conformity to and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 917.4 *Fruit* is revised to read as follows:

§ 917.4 Fruit.

"Fruit" means the edible product of the following three kinds of trees (a) all varieties of plums, (b) all varieties of peaches, and (c) the varieties of pears set forth below together with all mutations thereof which are grown in the production area and shipped in fresh form:

Pears. Bartlett, Dr. Jules Guyot (Guyot, Early Bartlett), Clapps Favorite (Hill Bartlett), Max-Red (Max-Red Bartlett, Red Bartlett), Rosired (Rosired Bartlett), Winter Bartlett, Gorham (Late Bartlett).

3. Section 917.5 *Grower* is revised to read as follows:

§ 917.5 Grower.

"Grower" is synonymous with producer and means (a) with respect to plums and peaches any person who produces such for market in fresh form, and who has a proprietary interest therein, and (b) with respect to pears any person who produces such for market in fresh form in the current of interstate or foreign commerce, and who has a proprietary interest therein.

4. Paragraphs (k), (q), and (r) of § 917.14 *District* are amended to read as follows:

§ 917.14 District.

* * * * *

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, Ventura County, and that portion of Los Angeles County south of the Tehachapi Mountains and west of a straight line running from the town of Saugus to Point Fermin; except as to peaches "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, and Ventura County.

* * * * *

(q) "Tehachapi District" includes and consists of that portion of Los Angeles County north of the San Gabriel Mountains and north of that portion of Kern County not included in Kern District, and Inyo County; except as to peaches "Tehachapi District" includes and consists of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and that portion of Los Angeles County not included in the South Coast District and the Tehachapi District; except as to peaches "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and Los Angeles County.

5. Paragraph (b) of § 917.18 *Nomination of grower members of the Control Committee* is revised to read as follows:

§ 917.18 Nomination of grower members of the Control Committee.

* * * * *

(b) A person nominated by any commodity committee for membership on the Control Committee shall be a member who produced fruit during the previous season: *Provided*, That Peach Commodity Committee nominees shall be members or alternate members of that committee: *And provided further*, That a person nominated by any commodity committee for membership on the Control Committee shall have the qualifications specified in § 917.24(c). Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

7. Section 917.20 *Designation of members of commodity committees* is amended to read as follows:

§ 917.20 Designation of members of commodity committees.

There are hereby established a Pear Commodity Committee and a Plum Commodity Committee each consisting of 12 members, and a Peach Commodity Committee consisting of 13 members. The members of each commodity committee, except the Peach Commodity Committee, shall be selected annually for a term ending on the last day of February, and such members shall serve until their respective successors are selected and have qualified. The members of the Peach Commodity Committee shall be selected biennially for a term ending on the last day of February of odd numbered years, and such members shall serve until the respective successors are selected and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

have qualified. The members of each commodity committee shall be selected in accordance with the provisions of Section 917.25.

9. Section 917.22 *Nomination of Peach Commodity Committee members* is revised to read as follows:

§ 917.22 Nomination of Peach Commodity Committee members.

(a) Nominations for membership on the Peach Commodity Committee shall be made by growers of peaches in the respective representation area, as follows:

(1) South Coast District and Southern California District one nominee.

(2) Tehachapi District and Kern District one nominee.

(3) Tulare District one nominee.

(4) Fresno District eight nominees.

(5) Stanislaus District and Stockton District one nominee.

(6) All of the production area not included in the Southern California District, Tehachapi District, Kern District, Tulare District, Fresno District, Stanislaus District, Stockton District, and the South Coast District one nominee.

(b) Notwithstanding the provisions of paragraph (a) of this section and of § 917.24 with respect to time and manner of nomination, on the effective date of this section, § 917.22, the appointment of members and alternates of the Peach Commodity Committee previously selected for a term ending the last day of February 1972 shall be terminated, and a new committee selected in conformance with the representation areas specified in said paragraph (a). The grower members and alternates of the Fresh Peach Advisory Board under the California State "Marketing Order for Fresh Peaches" shall then be considered as nominated and eligible for selection by the Secretary to positions on such new Peach Commodity Committee without further action as to nominations by the Control Committee.

10. Paragraph (b) of § 917.20 *Organization of committees* is amended to read as follows:

§ 917.29 Organization of committees.

* * * * *

(b) A quorum of the Pear Commodity Committee and of the Plum Commodity Committee shall each consist of eight members; and a quorum of the Peach Commodity Committee shall consist of nine members.

10a. The introductory language and paragraph (a) of § 917.35 *Powers and duties of each commodity committee* are amended to read as follows:

§ 917.35 Powers and duties of each commodity committee.

Each commodity committee shall have the following powers and duties:

(a) With regard to the respective fruit for which it was established, to establish production research and marketing research and development projects as authorized under § 917.39, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purpose of this part: *Provided, however*, That the Pear and Plum Commodity Committees shall each make said recommendation pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than eight members of each said committee: *Provided further*, That the Peach Commodity Committee shall approve such actions pursuant to § 971.39 or make said recommendations pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than nine members of said committee.

11. Section 917.39 *Market research and development* is amended to read as follows:

§ 917.39 Market research and development.

The committees with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. Also, the Peach Commodity Committee with the approval of the Secretary may establish or provide for the establishment of production research projects designed to assist, improve, or promote the marketing, distribution, and consumption, or efficient production of peaches. The expenses of such projects shall be paid from funds collected pursuant to § 917.37.

12. Paragraph (e) of § 917.61 *Termination* is revised to read as follows:

§ 917.61 Termination.

* * * * *

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1968, and ending February 15, 1969, to ascertain whether continuance of this part as to any fruit, included in this part is favored by the growers. Except as to peaches, the Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter. The Secretary shall conduct a referendum within the period beginning December 1, 1974, and ending February 15, 1975, to ascertain whether continuance of this part as to peaches included in this part is favored by the growers. The Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter.

* * * * *

[FR Doc.71-4050 Filed 3-24-71;8:46 am]

[7 CFR Part 1133]

MILK IN THE INLAND EMPIRE MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be terminated are as follows:

1. In § 1133.71(f), "except for the months specified below, shall be".

2. Paragraphs (g) through (k) of § 1133.71 in their entirety.

The proposed action would terminate the "take out-pay back" plan for paying producers which provides for withholding from the pool 30 cents per hundredweight of producer deliveries in April, May, and June for distribution to producers in September, October, and November according to their deliveries in these latter months.

Termination of the take out-pay back plan was requested by cooperatives representing a substantial majority of the Inland Empire order producers. The basis for the cooperatives' request is that since production throughout the year is now substantially in excess of the market's needs, the plan no longer serves any useful purpose and that its continuance would impede the orderly marketing of the increased production for the market.

Signed at Washington, D.C., on March 22, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-4052 Filed 3-24-71;8:47 am]

[7 CFR Part 1136]

[Docket No. AO-309-A17]

MILK IN GREAT BASIN MARKETING AREA

Notice of Extension of Time for Filing Briefs

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held January 20-22, 1971, at Salt Lake City, Utah, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area pursuant to notices issued December 2, 1970 (35 F.R. 18621) and December 9, 1970 (35 F.R. 18975), is hereby extended to March 26, 1971.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on March 22, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-4113 Filed 3-24-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 144]

PYRIMETHAMINE, SULFAQUINOXALINE

Proposal To Revoke Exemption From Certification

On the basis of grounds set forth in a notice of opportunity for hearing (Docket No. FDC-D-315) published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs proposes to revoke the exemptions from certification of animal feeds and containing antibiotics with pyrimethamine (2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine) and sulfaquinoxaline.

The Commissioner, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to him (21 CFR 2.120), proposes to amend § 144.26 *Animal feed containing certifiable antibiotic drugs:*

1. By deleting from paragraph (b)(18)(i) the words "or 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine in a quantity, by weight of feed, of 0.00075 percent and sulfaquinoxaline in a quantity, by weight of feed, of 0.0075 percent;".

2. By deleting paragraph (b)(22).

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 9, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-4061 Filed 3-24-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-11]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

Correction

In F.R. Doc. 71-3171 appearing on page 4510 in the issue of Saturday, March 6, 1971, the fourth line in paragraph 5 reading "lat. 37°23'00" N., long. 82°11'-39" W.;" should read "lat. 37°23'00" N., long. 82°11'30" W.;".

[14 CFR Part 71]

[Airspace Docket No. 71-EA-20]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Bloomsburg, Pa., transition area.

A new VOR Runway 8 instrument approach procedure for Bloomsburg Municipal Airport, Bloomsburg, Pa., will require designation of a 700-foot-floor transition area to provide protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bloomsburg, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Bloomsburg, Pa., transition area as follows:

BLOOMSBURG, PA.

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center of Bloomsburg Municipal Airport, Bloomsburg, Pa., 40°59'45" N., 76°26'30" W., and within 3 miles each side of the Milton, Pa., VORTAC 099° radial extending from the 7.5-mile-radius area to the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 9, 1971.

ROBERT M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-4086 Filed 3-24-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Butler, Pa., transition area (35 F.R. 2161).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures for Butler-Graham Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Butler, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Butler, Pa., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, 40°46'45" N., 75°57'15" W. of Butler-Graham Airport, Butler, Pa., and within 3.5 miles each side of the 181° bearing from the Butler RBN, 40°41'54" N., 79°57'14" W., extending from the 7.5-mile-radius area to 11.5 miles south of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 9, 1971.

ROBERT M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-4087 Filed 3-24-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-23]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Utica, N.Y., control zone (36 F.R. 2134) and transition area (36 F.R. 2286).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the control zone and 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures for Oneida County Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Utica, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Utica, N.Y., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 43°08'45" N., 75°22'55" W. of Oneida County Airport, Utica, N.Y.; within 2 miles each side of the 317° bearing from the Utica RBN, extending from the 5-mile-radius zone to 3 miles northwest of the RBN; within 2 miles each side of the Utica VORTAC 306° radial, extending from the 5-mile-radius zone to 1 mile northwest of the VORTAC, excluding the portion within the Rome, N.Y., control zone.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Utica, N.Y. 700-foot floor transition area; "and within 2 miles each side of the Utica VOR 306° radial extending from the 12-mile radius to the VOR; within 2 miles each side of a bearing 137° from the Utica radio beacon extending from the 12-mile radius to 8 miles southeast of the radio beacon; within 2 miles each side of a bearing 132° from the Utica radio beacon extending from the 12-mile radius to 9 miles southwest of the radio beacon", and insert the following in lieu thereof; "and within 3.5 miles each side of the 137° bearing from the Utica RBN, extending from the 12-mile-radius area to 11.5 miles southeast of the RBN".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on March 10, 1971.

ROBERT M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-4088 Filed 3-24-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-28]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Memphis, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Memphis transition area described in § 71.181 (36 F.R. 2140) would be amended as follows:

" * * south of the RNB * * * would be deleted and * * * south of the RNB; within an 8.5-mile radius of Olive Branch Municipal Airport (lat. 34°58'44" N., long 89°47'33" W.) * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Olive Branch Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Memphis VORTAC, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 16, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-4089 Filed 3-24-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-30]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Vernon, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Vernon transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lamar County Airport (lat. 33°50'30" N., long. 88°07'10" W.); within 2.5 miles each side of Hamilton VORTAC 195° radial, extending from the 6.5-mile-radius area to 17 miles south of the VORTAC, excluding the portion within Columbus, Miss., transition area.

The proposed designation is required to provide controlled airspace protection for IFR operations at Lamar County Airport. A prescribed instrument approach procedure to this airport, utilizing the Hamilton VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 16, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-4090 Filed 3-24-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19141]

SUMMARY DECISION PROCEDURES

Extension of Time for Filing Comments

Order. 1. In its notice of proposed rule making in this proceeding, the Commission invited interested persons to file comments on summary decision procedures on or before March 16, 1971, and reply comments on or before March 26, 1971. FCC 71-105, released February 4, 1971, 36 F.R. 2799.

2. On March 16, 1971, the Communications Committee of the Section of Administrative Law of the American Bar Association (Committee) filed a request for extension of the time for filing comments to March 31, 1971. In support of its request, the Committee states that additional time is required for consultation by mail with members of the Council of the Section of Administrative Law, who reside in various locations throughout the United States and whose approval of the Committee's comments is required by the rules of the American Bar Association.

3. We note that the time for filing comments has expired and that other interested persons have filed timely comments, without notice that the time for filing comments would be extended. We would nevertheless like to hear the views of the Committee; and in view of the nature of this proceeding, it does not appear that the interests of persons who have filed timely comments will be adversely affected by a grant of the extension.

In view of the foregoing: *It is ordered,* Pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.251(b) of the rules and regulations, 47 CFR 0.251(b), that the time for filing comments in this proceeding is extended to March 31, 1971, and that the time for filing reply comments is extended to April 12, 1971.

Adopted: March 19, 1971.

Released: March 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] RICHARD E. WILEY,
General Counsel.

[FR Doc.71-4115 Filed 3-24-71;8:52 am]

[47 CFR Part 25]

[Docket No. 16495]

ESTABLISHMENT OF DOMESTIC COMMUNICATIONS-SATELLITE FACILITIES BY NONGOVERNMENTAL ENTITIES

Extension of Time for Filing Comments

Order. 1. On March 5, 1971, the State of Alaska filed a motion for an extension of time to file comments and reply comments on the applications and rule making issues in this proceeding. Comments are presently due on April 13, 1971, and reply comments on May 10, 1971. The State seeks a 1 month extension for comments and an additional 2 weeks for reply comments. As grounds for this request, the State urges that it has a great deal of interest in the establishment of a domestic satellite system which will adequately serve the needs of the entire State and, because of its location, does not receive copies of the applications until some time after they are filed.

2. In light of the foregoing and paragraph 34 of the "Report and Order" herein, 22 FCC 2d 86, 100-101: *It is hereby ordered,* Pursuant to § 0.303 of the Commission's rules and regulations, that the State of Alaska is granted leave to file comments and reply comments in this proceeding on or before May 12, 1971.

Adopted: March 18, 1971.

Released: March 19, 1971.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.71-4116 Filed 3-24-71;8:52 am]

[47 CFR Part 63]

[Docket No. 19117]

AUTHORIZATION OF NEW OR REVISED CLASSIFICATIONS OF COMMUNICATIONS ON INTERSTATE OR FOREIGN COMMON CARRIER FACILITIES

Extension of Time for Filing Comments

Order. Upon consideration of the motion for extension of time filed on March 18, 1971, by RCA Alaska Communications, Inc.,

It is hereby ordered, Pursuant to § 0.303 of the Commission's rules and regulations, that the time for filing comments in this proceeding is extended until March 29, 1971, and the time for filing reply comments is also extended by 1 week.

Adopted: March 19, 1971.

Released: March 22, 1971.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.71-4117 Filed 3-24-71;8:52 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Notice of Hearing Regarding Proposed Implementation of Bank Holding Company Act

By notice published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1430), the Board of Governors proposed to implement its regulatory authority governing acquisition by holding companies of interests in nonbanking organizations engaged in activities that are "so closely related to banking or managing or controlling banks as to be a proper incident thereto."

In view of comments received and requests for a hearing, the Board has decided to conduct a hearing on this matter before available members of the Board in the Board Room of its building at 20th Street and Constitution Avenue, Washington, DC, on Wednesday, April 14, 1971, beginning at 10 a.m.

Interested persons are invited to participate by presenting their views on all issues raised by the pending proposal, except the extent to which data processing and insurance agency activities are closely related to banking. Separate hearings will be conducted on those issues.

Persons interested in the proposal are not required to participate in the hearing. All views expressed in written comments on the pending proposal are under consideration by the Board.

Persons interested in participating in the hearing should inform the Secretary of the Board in writing not later than March 31, 1971. Each person admitted as

a party to the proceeding will be given up to 30 minutes to present his views.

By order of the Board of Governors, March 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4202 Filed 3-24-71;8:52 am]

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Notice of Hearing Regarding Data Processing Services

By notice published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1430), the Board of Governors proposed to implement its regulatory authority governing acquisition by holding companies of interests in nonbanking organizations engaged in activities that are "so closely related to banking or managing or controlling banks as to be a proper incident thereto."

One of the activities the Board proposed as meeting that test is data processing, subject to certain limitations on the extent to which the services may be performed for persons other than the holding company involved, its subsidiaries, and other financial institutions.

In view of comments received and requests for a hearing, the Board has has decided to conduct a hearing on this matter before available members of the Board in the Board Room of its building at 20th Street and Constitution Avenue, Washington, D.C., on Friday, April 16, 1971, beginning at 10 a.m.

Interested persons are invited to participate by presenting their views on the following issues:

(1) What, if any, limitations should apply to a holding company performing (itself or through a nonbank subsidiary) payroll, accounts receivable and payable, and billing services?

(2) To what extent, if any, and by what measure, should the holding company be limited in the other data processing services that it may perform for persons other than itself, its subsidiaries, and other financial institutions?

Several letters of comment suggest alternative language for consideration by the Board in describing data processing services that are closely related to banking. Some of the alternatives are:

A. "(9) Providing bookkeeping or data processing services (i) for the holding company and its subsidiaries, (ii) for other financial institutions, (iii) of a financially related nature (such as, but not limited to payroll, accounts receivable and payable and billing services and financial analyses and reports) and (iv) other bookkeeping and data processing services for others, *Provided*, That the operating revenues derived from services performed by the company and not authorized under (i), (ii), or (iii) hereof shall not exceed 50 percent of the total operating revenues of such company;".

NOTE: A possible alternative proviso would be that the operating revenues derived from services performed under (iv) shall not become a significant amount of the holding company's consolidated revenues from data processing services.

B. "(9) Providing bookkeeping or data processing services for the holding company and its subsidiaries and other financial institutions (including bank holding companies, banks, savings banks, savings and loan associations, leasing companies, insurance companies, loan, finance and mortgage companies, factors, credit unions, real estate investment trusts, investment companies, companies managing such trusts or companies, trustees of pension and profit sharing plans, and other similar institutions or persons engaged in similar activities), and for others, *Provided*, That at the time of acquisition of such company the value of all bookkeeping and data processing services performed by the group consisting of it and the holding company and all its other subsidiaries for persons other than such group and such financial institutions shall not be more than one half the total value of such services performed by such group;".

C. "(9) Providing bookkeeping or data processing services for (i) the holding company and its subsidiaries, (ii) other financial institutions, and (iii) others, *Provided*, That such services performed for others are banking-related, as, for example, the performance of payroll accounting, accounts receivable accounting, accounts payable accounting and inventory accounting;".

Persons interested in presenting their views on these issues should inform the Secretary of the Board in writing not later than April 2, 1971. Each person admitted as a party to the proceeding will be given up to 30 minutes to present his views.

Anyone wishing to submit written comments on the issues on which the hearing will be held may do so at any time before the close of business on Monday, April 26, 1971.

By order of the Board of Governors, March 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4203 Filed 3-24-71;8:52 am]

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Notice of Hearing Regarding Insurance Agency Activities

By notice published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1430), the Board of Governors proposed to implement its regulatory authority governing acquisition by holding companies of interests in nonbanking organizations engaged in activities that are "so closely related to banking or managing or controlling banks as to be a proper incident thereto."

One of the activities the Board proposed as meeting the test is acting as insurance agent or broker principally in connection with extensions of credit by the holding company or any of its subsidiaries.

In view of comments received and requests for a hearing, the Board has decided to conduct a hearing on this matter before available members of the Board. Because of the number of issues raised and the number of persons who may wish to participate, the Board has adopted the following schedule of preliminary procedures:

(1) A person interested in participating as a party in the hearing must file with the Secretary of the Board by March 31, 1971, a request to be permitted to do so, and a list of the issues he intends to raise.

(2) All persons admitted as parties in the proceeding (a) will be notified by the Secretary of the identity of the other parties and of all issues raised by them and (b) will be invited to submit written material by April 14, 1971, and (c) must send copies of any such material to all other parties.

(3) Any party may submit by April 28, 1971, written comments on material submitted by other parties and must send copies thereof to all other parties.

(4) Each party will be given a specified time, not to exceed 30 minutes, to present his views orally at the hearing to be held in the Board Room of the Federal Reserve Building, 20th Street and Constitution Avenue, Washington, DC, beginning at 10 a.m. on Wednesday, May 12, 1971.

By order of the Board of Governors, March 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4204 Filed 3-24-71;8:52 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

FEDERAL HOME LOAN MORTGAGE CORPORATION

Designation of Instruments for Exemption

Paragraph 12 of section 3(a) of the Securities Exchange Act of 1934, as amended, provides in part that when used in title I thereof, unless the context otherwise requires, the term "exempted security" or "exempted securities" shall include such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors.

Notice is hereby given that under that authority I have today designated for exemption securities guaranteed by the Federal Home Loan Mortgage Corporation pursuant to the Federal Home Loan Mortgage Corporation Act, 84 Stat. 455–456, Public Law 91–351, July 24, 1970.

That designation for exemption may be revoked, modified or amended at any time by the Secretary of the Treasury with respect to securities not guaranteed prior to such time.

Dated: March 19, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[FR Doc.71-4048 Filed 3-24-71;8:46 am]

POST OFFICE DEPARTMENT

SEXUALLY ORIENTED ADVERTISEMENTS

Identification on Envelope

Regulations of the Post Office Department published in the daily issue of January 30, 1971 (36 F.R. 1468), and codified as 39 CFR § 124.9(e)(1) provide pursuant to 39 USC 3010 that:

> Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the addressee designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed 'Sexually Oriented Ad.'

Pursuant to 39 U.S.C. 3010, § 124.9 of Title 39 Code of Federal Regulations further provides for making available to mailers of sexually oriented advertisements wishing to subscribe thereto a list of persons who desire not to receive sexually oriented advertisements.

On March 17, 1971, a three-judge U.S. District Court in the Eastern District of New York enjoined the Post Office Department, until further order of the Court, from:

1. Requiring that any mailer of sexually oriented advertisements as defined in 39 U.S.C. section 3010(a) place any mark or notice except his name and address on the outer envelope or cover of such advertisements, if a legend otherwise complying with the regulations of the Post Office is placed on a sealed inner envelope or cover; or

2. Requiring the purchase or use of the Post Office list by any person who mails sexually oriented advertisements only to persons who have specifically requested to receive the same; or

3. Enforcing the statute or the regulations in any manner inconsistent with the foregoing directions or treating any acts permitted by this temporary injunction as a violation of the statute or regulations.

In accordance with the foregoing order, the Department hereby gives notice that no person who mails sexually oriented advertisements only to persons who have specifically requested to receive the same will be deemed to have violated the statute or regulations, provided he is otherwise in compliance with the law, regardless of whether he has purchased and used the Post Office Department list. During the continuance of the foregoing court order, no mailer of sexually oriented advertisements as defined in 39 U.S.C. section 3010(a) shall be required to place any mark or notice except his name and address on the outer envelope or cover of any such advertisement, if a legend otherwise complying with the regulations in 39 CFR § 124.9 is placed on an inner envelope in which the advertisement has been sealed.

(5 U.S.C. 301, 39 U.S.C. 501, 3010)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-4187 Filed 3-24-71;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., April 15, 1971.

COPPER RIVER MERIDIAN, ALASKA

T. 2 S., R. 2 E.,
- Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
- Sec. 2, lots 1 through 8, S½N½, N½S½;
- Sec. 3, lots 1 through 5, S½N½, SW¼, N½SE¼, SW¼SE¼;
- Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
- Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
- Sec. 6, lots 1 through 7, S½NE¼, SE¼ NW¼, E½SW¼, SE¼;
- Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
- Sec. 8, all;
- Sec. 9, lots 1, 2, 3, N½, N½SW¼, SW¼ SW¼, NW¼SE¼;
- Sec. 10, lots 1 through 5, N½NW¼, SW¼ NW¼;
- Sec. 11, lot 1;
- Sec. 12, lots 1, 2, 3, 4, N½NE¼;
- Sec. 16, lots 1 and 2;
- Sec. 17, lots 1 through 6, NW¼NE¼, NW¼, N½SW¼;
- Sec. 18, lots 1, 2, 3, 4, E½W½, E½;
- Sec. 19, lots 1 through 8, NW¼NE¼, NE¼ NW¼;
- Sec. 20, lot 1.

Containing 7,287.18 acres.

2. The land is situated along the Edgerton Highway, extending 1 to 7 miles easterly from the junction of the Richardson and Edgerton Highways toward Chitina, Alaska.

The land, which is north of the left bank of the Tonsina River, is nearly level with a mean elevation of 1,500 feet above sea level. Vegetation consists of dense stands of spruce and aspen interspersed with moderate young spruce and willow brush. Edgerton Highway traverses sections 2, 3, 4, 5, 7, and 8.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582 dated January 17, 1969, as modified and amended by Public Land Order 4962 dated December 11, 1970, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, AK 99501.

NEIL R. BASSETT,
Acting Manager, Land Office.

[FR Doc.71-4067 Filed 3-24-71;8:48 am]

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., April 15, 1971.

COPPER RIVER MERIDIAN, ALASKA

T. 1 S., R. 1 E.,
- Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
- Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
- Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
- Sec. 10, lots 1 through 6, N½NE¼, SW¼ NE¼, SW¼, NW¼SE¼, S½SE¼;
- Sec. 11, lots 1 through 5, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼ SE¼;
- Sec. 12, all;
- Sec. 13, lots 1 through 8, NE¼, NE¼NW¼, E½SE¼;
- Sec. 14, lots 1 through 9, W½SW¼;
- Sec. 15, all;
- Sec. 22, all;
- Sec. 23, all;
- Sec. 24, all;
- Sec. 25, all;
- Sec. 26, all;
- Sec. 27, all;
- Sec. 34, all;
- Sec. 35, all;
- Sec. 36, all.

Containing 10,924.54 acres.

2. The land is situated in the Copper River Valley, approximately 84 miles north of Valdez and 24 miles south of Glennallen, Alaska. The land is gently sloping northeasterly with areas of sections 1, 2, 3, and 12 nearly level and swampy. Willow Mountain, 3,200 feet above sea level, is situated in sections 15 and 22, and slopes to the shores of Willow Lake, situated in sections 11, 13, and 14.

The land is generally a sandy loam, interspersed with black muck in the low swampy areas. The slopes of Willow Mountain are generally rocky with loose shale slides on the northeast face. Vegetation consists of dense spruce stands, aspen, and willow brush. The Richardson Highway traverses sections 3, 10, 11, 14, 15, 23, 24, 25, and 36.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582 dated January 17, 1969, as modified and amended by Public Land Order 4962 dated December 11, 1970, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, AK 99501.

NEIL R. BASSETT,
Acting Manager, Land Office.

[FR Doc.71-4068 Filed 3-24-71;8:48 am]

NEVADA

Notice of Proposed Classification

MARCH 17, 1971.

The lands described in this notice have been examined pursuant to petitions for classification under the Desert Land Act (19 Stat. 377, 43 U.S.C. 321-323) as amended, 43 CFR 2520. The examinations revealed that the majority of the lands meet the requirements for disposal under the Desert Land Act. These lands are listed in Group I. The lands in Group II do not meet the requirements for the reasons stated below:

GROUP I

The lands listed herein are considered to be suitable for disposal under the Desert Land Act if adequate irrigation water can be developed for each entry. With adequate irrigation water these lands are chiefly valuable for agricultural purposes; water needed for their reclamation will not endanger the supply of adequate water for existing users or cause the dissipation of water reserves, water rights are available under State law, disposal is consistent with local government plans, and disposal is consistent with Federal programs and local government plans. Thus, these lands are hereby classified for Desert Land Entry subject to the following conditions:

Before the entries are allowed and the land cleared for crop production, each applicant must have one or more irrigation wells drilled on his entry that will pump water at the minimum rate of 2,000 g.p.m. on a sustained yield basis (if two wells are used, each must pump at least 1,000 g.p.m.).

MT. DIABLO MERIDIAN
LANDER COUNTY, NEV.

Description	*Application No. and applicant*
T. 19 N., R. 47 E.	Nevada.
Sec. 2, S½SE¼;	062101—R. G. Henderson, Jr.
Sec. 11, NW¼NE¼, S½NW¼, N½SW¼, NE¼NW¼.	062102—Alva L. Henderson.
Sec. 10, S½SE¼;	
Sec. 15, N½NE¼;	
Sec. 14, S½NW¼, N½SW¼.	
Sec. 16, S½N½;	062106—Elmer A. Herbert.
Sec. 21, N½N½.	
Sec. 15, S½.	062107—Adeline E. Herbert.
Sec. 22, NE¼;	062149—William B. Hucks.
Sec. 23, NW¼.	
Sec. 23, NE¼;	062150—Lois Pauline Hucks.
Sec. 24, NW¼.	
Sec. 23, W½SE¼, SW¼;	062151—Baxter B. Pierce.
Sec. 22, S½SE¼.	
Sec. 24, W½SE¼, SW¼;	062152—Izona Pierce.
Sec. 23, E½SE¼.	
Sec. 22, W½.	062245—Willie G. Bizzell.
Sec. 21, S½N½, N½S½.	062246—Mabel M. Bizzell.
Total acres 3,200	

GROUP II

The lands listed herein are unsuitable for disposal under the Desert Land Act for the following reasons:

1. The lands are not chiefly valuable for crop production. They have gravelly soils and/or are best suited for range land livestock grazing.

2. Allowance of these lands to agricultural development would result in irrigation water requirements that would cause dissipation of water reserves and endanger the supply of adequate water needed for lands that are chiefly valuable for agricultural purposes.

MT. DIABLO MERIDIAN
LANDER COUNTY, NEV.

Description	*Application No. and applicant*
T. 19 N., R. 47 E.	Nevada.
Sec. 25, N½.	062153—Arthur B. Cheves.
Sec. 26, NE¼;	062154—Julia Louise Cheves.
Sec. 25, SW¼.	
Sec. 32, SW¼, E½NW¼, W½NE¼.	062247—Bill Hill.
Sec. 36, SW¼;	062248—Evelyn H. Hill.
Sec. 35, SE¼.	
Sec. 34, SE¼;	062249—Lauis H. Hair.
Sec. 35, SW¼.	
Total acres 1,600	

Accordingly, Group I petitions are approved and those in Group II are denied.

Publication of this notice segregates the lands in Group I from all appropriations including the Mining and Mineral Leasing Laws except for disposal under the Desert Land Act to the applicants.

This proposal has been discussed with the local government officials and other interested parties. Information derived from discussions and other sources indicate that this classification proposal meets the criterion of 43 CFR 2430.5, which authorized classification of lands for agricultural purposes when they meet the requirements discussed above. Information concerning the lands including the filed report is available for inspection and study at the Battle Mountain, Bureau of Land Management, District Office located in Battle Mountain, Nev.

For a period of sixty (60) days from the date of this publication interested parties may submit comments to the District Manager of the Battle Mountain District.

For the State Director.

HARRY R. FINLAYSON,
District Manager.

[FR Doc.71-4032 Filed 3-24-71;8:45 am]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 15, 1971.

The Forest Service, Department of Agriculture, has filed an application, serial No. AA-5964, for withdrawal of the lands described herein from location and entry under the public mining laws. The Forest Service desires that these areas be maintained in a near-natural state for the recreation and scenic enjoyment of the traveling public. Entry on this land under the general mining laws would be incompatible with the highly desirable recreational use of the land. Mineral reports have concluded that the subject lands are largely nonmineral in character.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

The Department's regulation, 43 CFR 2351.4(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

KENAI RIVER AREA

T. 5 N., R. 4 W., S.M., within sections 27, 28, 33, 34, 35, and 36, a strip of land from the forest boundary on the west to the Cooper Creek Campground withdrawal (Public Land Order 829) on the east, lying between Sterling Highway (Alaska State Highway No. 1) and Kenai River; and a roadside zone 400 feet in width on the northside of the highway west of the Schooner Bend Bridge, to the forest boundary and 400 feet on the southside of the highway east of said bridge to the Cooper Creek Campground withdrawal (Public Land Order 829), containing 350 acres more or less.

SIXMILE CREEK AREA

A strip of land lying between the east bank of Sixmile Creek and a line 200 feet west of the centerline of the Hope Highway and between the east bank of the east fork of Sixmile Creek and a line 200 feet west of the centerline of the Seward-Anchorage Highway extending from the center of the east fork bridge at approximately mile 61.6 on the Seward-Anchorage Highway to the south boundary of the Sunrise Townsite elimination at approximately mile 7.0 on the Hope Highway; excluding the area withdrawn under Public Land Order 1094, dated March 15, 1955.

BURTON W. SILCOCK,
State Director.

[FR Doc.71-4033 Filed 3-24-71;8:45 am]

[OR 7292]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

MARCH 17, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 7292, for the withdrawal of public land described below. Said land is to be withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, nor the disposal of materials under the act of July 31, 1947, and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964.

This proposal for the Coon Johnson Road (Road No. 1987) will provide a means by which the Secretary of Agriculture can grant easements for road rights-of-way to private parties.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WILLAMETTE MERIDIAN

COON JOHNSON ROAD

T. 20 S., R. 9 W.,
Sec. 8, SE¼NW¼.

A strip of land 100 feet in width, being 50 feet in width on both sides of the centerline of the Coon Johnson Road (No. 1987).

The area described contains about 2 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71-4034 Filed 3-24-71;8:45 am]

[OR 7602]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 17, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 7602, for the withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for use as the Phillips Lake Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WHITMAN NATIONAL FOREST

WILLAMETTE MERIDIAN

Phillips Lake Recreation Area

T. 10 S., R. 38 E.,
Sec. 26, NW¼NE¼, S½NE¼, NW¼;
Sec. 27, NE¼, NE¼NW¼, S½NW¼;
Sec. 28, S½NE¼, SE¼NW¼.
T. 10 S., R. 39 E.,
Sec. 30, lots 1, 2, S½NE¼, E½NW¼.

The area described aggregates approximately 921 acres in Baker County, Oreg.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71-4035 Filed 3-24-71;8:45 am]

[OR 7256 (Wash)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

MARCH 17, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 7256 (Wash), for the

withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as the Wind River Research Natural Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

GIFFORD PINCHOT NATIONAL FOREST

WILLAMETTE MERIDIAN

Wind River Research National Area

T. 4 N., R. 7 E.,
Sec. 8, E½SW¼, SW¼SE¼;
Sec. 17, E½, E½W½;
Sec. 20, NE¼, and those portions of the E½NW¼ and N½SE¼ lying north and east of a line located 300 feet north and east of Trout Creek;
Sec. 21, N½NE¼, SW¼NE¼, NW¼.

The area described contains approximately 1,180 acres in Skamania County, Wash.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71-4036 Filed 3-24-71;8:48 am]

Geological Survey

GEOTHERMAL STEAM ACT 1970

Known Geothermal Resources Areas, Partical List

Partial List of Lands, Determined To Be Included

Publication pursuant to sec. 21(a) of the Geothermal Steam Act of 1970 of partial list of lands determined to be included within known geothermal resources areas on the effective date of that Act.

The "Geothermal Steam Act of 1970" (84 Stat. 1566) approved December 24, 1970, provides in sec. 21(a) that "within 128 days after the effective date of this Act, the Secretary shall cause to be published in the FEDERAL REGISTER a determination of all lands which were included within any known geothermal resources area on the effective date of the Act".

In accordance with this statutory direction and pursuant to the authority under the Act of March 3, 1879 (43 U.S.C. 31) as supplemented by the Reorganization Plan No. 3 of 1950 (5 U.S.C. 481, note) and Order No. 2563 of the Secretary of the Interior (15 F.R. 3193), for the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, the Director of the Geological Survey established, on March 9, 1971, the mineral land classification standards necessary to determine those lands that are within any Known Geothermal Resources Area (KGRA). The standards for classification of the KGRA's will be disseminted to the public through publication as a U.S. Geological Survey Circular at an early date.

The following partial list of lands is published herein in response to the publication requirements of sec. 21(a) of the Geothermal Steam Act of 1970. Additional determinations of lands that were included within any KGRA on the effective date of that Act will be published as required under sec. 21(a) from time to time, as such determinations are made, during the 120-day period ending April 23, 1971.

(5) CALIFORNIA

SALTON SEA KNOWN GEOTHERMAL RESOURCES AREA

T. 10 S., R. 12 E., SBM,
Secs. 1, 2, 10 through 16, 21 through 28, and 33 through 36.
T. 11 S., R. 12 E.,
Secs. 1 through 3, 10 through 14, 23 through 26, 35, and 36.
T. 12 S., R. 12 E.,
Secs. 1, 2, and 11 through 14.
T. 9 S., R. 13 E.,
Secs. 33 through 36.
T. 10 S., R. 13 E.,
Secs. 1 through 36.
T. 11 S., R. 13 E.,
Secs. 1 through 36.
T. 12 S., R. 13 E.,
Secs. 1 through 18.
T. 11 S., R. 14 E.,
Secs. 7, 18, 19, and 29 through 32.
T. 12 S., R. 14 E.,
Secs. 5 through 8, 17, and 18.

The area described aggregates 95,824 acres, more or less.

THE GEYSERS KNOWN GEOTHERMAL RESOURCES AREA

T. 10 N., R. 7 W., MDM.,
Secs. 6 and 7.
T. 11 N., R. 7 W.,
Secs. 5 through 7, 18, 19, 30, and 31.
T. 12 N., R. 7 W.,
Secs. 1 through 11, 14 through 23, and 27 through 33.
T. 13 N., R. 7 W.,
Secs. 4 through 10, 15 through 23, and 26 through 36.
T. 14 N., R. 7 W.,
Secs. 31 and 32.
T. 10 N., R. 8 W.,
Secs. 1 through 6, and 8 through 12.
T. 11 N., R. 8 W.,
Secs. 1 through 36.
T. 12 N., R. 8 W.,
Secs. 1 through 36.
T. 13 N., R. 8 W.,
Secs. 1 through 36.
T. 14 N., R. 8 W.,
Secs. 31 through 36.
T. 10 N., R. 9 W.,
Sec. 1.
T. 11 N., R. 9 W.,
Secs. 1 through 4, 9 through 16, 22 through 27, and 34 through 36. (Excluding lands within the Caslamayomi Land Grant.)
T. 12 N., R. 9 W.,
Secs. 1 through 4, 9 through 16, 21 through 28, and 33 through 36.
T. 13 N., R. 9 W.,
Secs. 1, 10 through 15, 21 through 28, and 33 through 36.

The area described aggregates 163,428 acres, more or less.

(28) NEVADA

BEOWAWE KNOWN GEOTHERMAL RESOURCES AREA

T. 31 N., R. 47 E., MDM,
Secs. 13 and 24.
T. 31 N., R. 48 E.,
Secs. 1 through 5, 7 through 12, and 15 through 20.
T. 31 N., R. 49 E.,
Sec. 6.

The area described aggregates 12,712 acres, more or less.

BRADY HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 22 N., R. 26 E., MDM,
Secs. 1 through 4, 9 through 16, and 21 through 27.
T. 23 N., R. 26 E.,
Secs. 34 through 36.
T. 22 N., R. 27 E.,
Secs. 6 through 8, 17 through 19, and 30.
T. 23 N., R. 27 E.,
Sec. 31.

The area described aggregates 19,020 acres, more or less.

DARROUGH HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 11 N., R. 42 E., MDM,
Secs. 1, 12 and 13.
T. 11 N., R. 43 E.,
Secs. 5 through 9, and 16 through 20.

The area described aggregates 8,398 acres, more or less.

DOUBLE HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 36 N., R. 26 E., MDM,
Secs. 3 through 5, 8 through 10, 15, 16, 21 through 23, 26, 27, and 34.
T. 37 N., R. 26 E.,
Secs. 32, and 33.

The area described aggregates 10,816 acres, more or less.

ELKO HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 34 N., R. 55 E., MDM,
Secs. 14 through 17, 20 through 23, 26 through 29, 33, and 34.

The area described aggregates 8,960 acres, more or less.

FLY RANCH KNOWN GEOTHERMAL RESOURCES AREA

T. 34 N., R. 23 E., MDM,
Secs. 1, 2, 11 through 14, 23, and 24.

The area described aggregates 5,125 acres, more or less.

GERLACH KNOWN GEOTHERMAL RESOURCES AREA

T. 32 N., R. 23 E., MDM,
Secs. 3, 4, 8 through 11, 14 through 17, and 20 through 23.

The area described aggregates 8,972 acres, more or less.

LEACH HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 31 N., R. 38 E., MDM,
Secs. 1, 2, and 12.
T. 32 N., R. 38 E.,
Secs. 25, 26, 35, and 36.
T. 31 N., R. 39 E.,
Secs. 5 through 7.
T. 32 N., R. 39 E.,
Secs. 32 and 33.

The area described aggregates 8,957 acres, more or less.

MOANA SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 19 N., R. 19 E., MDM,
Secs. 13, 22 through 26, 35, and 36.

The area described aggregates 5,120 acres, more or less.

MONTE NEVA KNOWN GEOTHERMAL RESOURCES AREA

T. 21 N., R. 63 E., MDM,
Secs. 13 through 15, 22 through 27, and 34 through 36.
T. 21 N., R. 64 E.,
Secs. 18, 19, 30, and 31.

The area described aggregates 10,302 acres, more or less.

STEAMBOAT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 17 N., R. 20 E., MDM.,
Secs. 4 through 6.
T. 18 N., R. 20 E.,
Secs. 20, 21, 27 through 29, and 31 through 34.
T. 17 N., R. 21 E.,
Sec. 1.
T. 18 N., R. 21 E,
Sec. 36.

The area described aggregates 8,914 acres, more or less.

STILLWATER-SODA LAKE KNOWN GEOTHERMAL RESOURCES AREA

T. 19 N., R. 27 E., MDM,
Secs. 1 through 3, 10 through 15, and 22 through 27.
T. 20 N., R. 27 E.,
Secs. 24 through 26, and 34 through 36.
T. 19 N., R. 28 E.,
Secs. 1 through 30, and 32 through 36.
T. 20 N., R. 28 E,
Secs 1 through 5, and 7 through 36.
T. 21 N., R. 28 E.,
Secs. 13, 14, 22 through 28, and 33 through 36.
T. 19 N., R. 29 E.,
Secs. 1 through 36.
T. 20 N., R. 29 E.,
Secs. 1 through 36.
T. 21 N., R. 29 E.,
Secs. 13 through 36.
T. 19 N., R. 30 E.,
Secs. 1 through 36.
T. 20 N., R. 30 E.,
Secs. 1 through 36.
T. 21 N., R. 30 E.,
Secs. 13 through 36.
T. 19 N., R. 31 E.,
Secs. 3 through 10, 15 through 21, 29, and 30.
T. 20 N., R. 31 E.,
Secs. 3 through 10, 15 through 22, and 27 through 34.
T. 21 N., R. 31 E.,
Secs. 16 through 22, and 27 through 34.

The area described aggregates 225,211 acres, more or less.

WABUSKA KNOWN GEOTHERMAL RESOURCES AREA

T. 15 N., R. 25 E., MDM,
Secs. 9 through 17, 20 through 24, and 26 through 29.

The area described aggregates 11,520 acres, more or less.

(37) OREGON

BREITENBUSH HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 9 S., R. 7 E., WM,
Secs. 7 through 9, 15 through 22, and 28 through 30.

The area described aggregates 8,960 acres, more or less.

CAREY HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 6 S., R. 6 E., WM,
Secs. 24, 25, and 26.
T. 6 S., R. 7 E.,
Secs. 19 through 21, and 28 through 33.

The area described aggregates 7,579 acres, more or less.

CRUMP GEYSER KNOWN GEOTHERMAL RESOURCES AREA

T. 38 S., R. 24 E., WM,
Secs. 13 through 15, 22 through 28, and 33 through 36.
T. 39 S., R. 24 E.,
Secs. 1 through 4, 9 through 16, 21 through 28, and 33 through 36.

The area described aggregates 21,304 acres, more or less.

LAKEVIEW KNOWN GEOTHERMAL RESOURCES AREA

T. 38 S., R. 20 E., WM,
Secs. 32 and 33.
T. 39 S., R. 20 E.,
Secs. 3 through 5, 8 through 10, 15 through 17, 20 through 22, 27 through 29, 33 and 34.

The area described aggregates 12,165 acres, more or less.

MOUNT HOOD KNOWN GEOTHERMAL RESOURCES AREA

T. 2 S., R. 9 E., WM,
Secs. 16 through 22, and 27 through 33.

The area described aggregates 8,671 acres, more or less.

VALE HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 18 S., R. 45 E., WM,
Secs. 15 through 22, 27 through 30, 32, and 33.

The area described aggregates 8,940 acres, more or less.

(47) WASHINGTON

MOUNT ST. HELENS KNOWN GEOTHERMAL RESOURCES AREA

T. 8 N., R. 5 E., WM,
Secs. 1 through 18.
T. 9 N., R. 5 E.,
Secs. 21, 22, 26 through 29, and 31 through 35.

The area described aggregates 17,622 acres, more or less.

W. T. PECORA,
Director.

MARCH 16, 1971.

[FR Doc.71-4118 Filed 3-24-71;8:52 am]

National Park Service

[Order No. 58]

DIRECTORS OF NATIONAL PARK SERVICE REGIONS

Delegation of Authority

SECTION 1. *Delegation.* The Directors of National Park Service Regions, in the administration, operation, and development of areas and offices under their supervision, are authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

(2) Authority to approve construction, land acquisition, professional services and operating programs, and major changes therein.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities with respect to historic preservation set forth in section 4(f) of the Department of Transportation Act of October 15, 1966 (80 Stat. 931), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to accept donations of lands and water rights, to exchange lands and water rights, to purchase lands and water rights, and to dispose of lands and water rights.

(8) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1935 (49 Stat. 666), as amended.

(9) Authority to execute concessions contracts and over all matters which fall within the functions of the Office of Concessions Management, Washington Office, and for executing, amending, assigning and terminating concessions permits in excess of 5 years' duration or when anticipated annual gross receipts will amount to $100,000 or more.

(10) Authority to issue general travel authorizations as defined in 347 DM 2.2C.

(11) Authority to approve the payment of actual subsistence expenses for travel.

(12) Authority to approve attendance at meetings of societies and associations.

(13) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(14) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(15) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(16) Authority to approve Standard Form 1151, Non-Expenditure Transfer Authorization, in connection with internal transfer of funds.

(17) Authority to conduct archeological investigations and salvage activities.

(18) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(19) Authority to approve payment of dues for library memberships in societies or associations.

(20) Authority to approve rates for quarters and related services.

(21) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

SEC. 2. *Redelegation.* Except as to master plan approval authority, the Directors of the Regions may, in writing, redelegate to their officers and employees the authority delegated in this order, and may authorize written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* This order supersedes National Park Service Delegation of Authority Order No. 34, as amended.

(205 DM .2; .5; .6; .9; 245 DM .1; 5 U.S.C. sec. 22; sec. 2 of Reorganiaztion Plan No. 3 of 1950)

Dated: February 24, 1971.

GEORGE B. HARTZOG, JR.,
Director, National Park Service.

[FR Doc.71-4069 Filed 3-24-71;8:48 am]

[Order No. 59]

DIRECTOR, OFFICE OF NATIONAL CAPITAL AND URBAN PARK AFFAIRS

Delegation of Authority

SECTION 1. *Delegation.* The Director, Office of National Capital and Urban Park Affairs, in the administration, operation and development of officers and areas under his supervision, is authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

(2) Authority to approve construction, land acquisition, professional services and operating programs, and major changes therein.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities with respect to historic preservation set forth in section 4(f) of the Department of Transportation Act of October 15, 1966 (80 Stat. 931), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to accept donations of lands and water rights, to exchange lands and water rights, to purchase lands and water rights, and to dispose of lands and water rights: *Provided*, That this exception shall not apply when jurisdiction over properties administered by other agencies within the District of Columbia is being transferred to the National Park Service, or when jurisdiction over properties administered by the National Park Service within the District of Columbia is being transferred to other agencies, under authority of the Act of May 20, 1932, as amended (40 U.S.C., sec. 122).

(8) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1935 (49 Stat. 666), as amended.

(9) Authority to execute concessions contracts and over all matters which fall within the functions of the Office of Concessions Management, Washington Office, and for executing, amending, assigning, and terminating concessions permits in excess of 5 years duration or when anticipated annual gross receipts will amount to $100,000 or more.

(10) Authority to issue general travel authorizations as defined in 347 DM .2.2C.

(11) Authority to approve the payment of actual subsistence expenses for travel.

(12) Authority to approve attendance at meetings of societies and associations.

(13) Authority to approve acceptance of payment of travel, subsistence, and other expenses incident to attendance at meetings by an organization which is tax exempt.

(14) Authority to issue rules or regulations for the Government, conduct, and discipline of the U.S. Park Police, as provided under the Act of October 11, 1962 (76 Stat. 907).

(15) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(16) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(17) Authority to conduct archeological investigations and salvage activities.

(18) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(19) Authority to approve payment of dues for library memberships in societies or associations.

(20) Authority to approve rates for quarters and related services.

(21) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

SEC. 2. *Redelegation.* Except as to authority to approve master plans, the Director, Office of National Capital and Urban Park Affairs, may redelegate in writing the authority delegated in this order to any officer or employee under his supervision, and may authorize written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

(205 DM .2, .5, .6, .9; 245 DM .1, .2; 5 U.S.C. 22, sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: February 24, 1971.

GEORGE B. HARTZOG, JR.,
Director,
National Park Service.

[FR Doc.71-4070 Filed 3-24-71;8:48 am]

[Order No. 60]

DIRECTORS OF SERVICE CENTERS

Delegation of Authority

SECTION 1. *Delegation.* The Directors, Eastern and Western Service Centers, may exercise all the authority now or hereafter vested in the Director, National Park Service, in administering and operating the Centers and in serving the Regional Offices and Parks, except as to the following:

(1) Approval of changes in policies and establishment of new policies.

(2) Authority to approve construction, land acquisition, professional services and operating programs, and major changes therein.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1935 (49 Stat. 666), as amended.

(8) Authority to execute and approve concessions contracts and permits, or to perform any of the functions of the Office of Concessions Management, Washington Office, as described in 145 DM.

(9) Authority to issue general travel authorizations as defined in 347 DM 2.2C.

(10) Authority to approve the payment of actual subsistence expenses for travel.

(11) Authority to approve attendance at meetings of societies and associations.

(12) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(13) Authority to designate areas at which recreation fees will be charged, as specified by sections 1, 2, and 3 of Executive Order 11200.

(14) Authority to select from the fees established by 43 CFR Part 18 (30 F.R. 3265) the specific fees to be charged at the designated areas, in accordance with section 5(a) of Executive Order 11200.

(15) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(16) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(17) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(18) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(19) Authority to sell timber.

(20) Authority to accept an offer in settlement of a timber trespass.

(21) Authority to approve programs for the destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(22) Authority to approve payment of dues for library memberships in societies or associations.

(23) Authority to approve rates for quarters and related services.

(24) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

(25) Authority to approve master plans.

SEC. 2. *Redelegation.* The Directors, Eastern and Western Service Centers, may redelegate in writing the authority delegated by this Order to any officer or employee under their supervision and may authorize further written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Orders No. 35 (31 F.R. 2870), as amended; Order No. 36 (31 F.R. 8245), as amended; and Order No. 54 (34 F.R. 19518).

(205 DM .2, .5, .6, .9, .11; 245 DM .1, .2; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: February 24, 1971.

GEORGE B. HARTZOG, JR.,
Director,
National Park Service.

[FR Doc.71-4071 Filed 3-24-71;8:48 am]

[Order No. 61]

DEPUTY DIRECTOR, OPERATIONS, AND ASSISTANT DIRECTOR, ADMINISTRATION

Delegation of Authority

SECTION 1. *Delegation.* The Deputy Director, Operations, and the Assistant Director, Administration, National Park Service, may approve the payment of actual subsistence expenses in connection with travel for official purposes, in accordance with 347 DM 4.

SEC. 2. *Redelegation.* The authority delegated herein may not be redelegated.

SEC. 3. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 47 (33 F.R. 542).

(205 DM .15.5B)

Dated: December 21, 1970.

GEORGE B. HARTZOG, JR.,
Director,
National Park Service.

[FR Doc.71-4072 Filed 3-24-71;8:48 am]

[Order No. 62]

CHIEF, DIVISION OF PROPERTY MANAGEMENT AND GENERAL SERVICES

Delegation of Authority

SECTION 1. *Delegation.* The Chief, Division of Property Management and General Services, Washington Office, is authorized to:

(1) Execute, approve, and administer contracts for construction, equipment, supplies, and services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

SEC. 2. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 43 (32 F.R. 12567), as amended.

(205 DM .11.1; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: December 22, 1970.

GEORGE B. HARTZOG, JR.,
Director,
National Park Service.

[FR Doc.71-4073 Filed 3-24-71;8:48 am]

[Order No. 63]

CHIEFS, ARCHEOLOGICAL CENTERS

Delegation of Authority

SECTION 1. *Delegation.* The Chiefs of the National Park Service Archeological Centers may execute, approve and administer contracts and issue purchase orders in amounts less than $2,000 for equipment, supplies and services, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations.

SEC. 2. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 37 (31 F.R. 11771), and Order No. 41 (32 F.R. 11172).

(205 DM .11.1; 245 DM .1; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: December 22, 1970.

GEORGE B. HARTZOG, JR.,
Director,
National Park Service.

[FR Doc.71-4074 Filed 3-24-71;8:49 am]

[Order No. 64]

CHIEF, DIVISION OF LAND ACQUISITION

Delegation of Authority

SECTION 1. *Delegation.* The Chief, Division of Land Acquisition, Washington Office, is authorized to:

(1) Approve and accept options and offers to sell to, or exchange with the United States, lands or interests in lands within areas under the jurisdiction or control of the National Park Service, and to execute all necessary agreements and conveyances incident thereto.

(2) Accept deeds conveying to the United States lands or interests in lands within areas under the jurisdiction or control of the National Park Service.

(3) Contract for and accept bills of sale or other evidence of title to personal property related to the acquisition of lands which is authorized to be acquired for the purposes of the areas under the jurisdiction or control of the National Park Service.

SEC. 2. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 29 (28 F.R. 10306).

(205 DM .11.1; 245 DM .1; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: January 5, 1971.

GEORGE B. HARTZOG, JR.,
Director,
National Park Service.

[FR Doc.71-4075 Filed 3-24-71;8:49 am]

[Order No. 65]

DIRECTOR, HARPERS FERRY CENTER

Delegation of Authority

SECTION. 1. *Delegation.* The Director, Harpers Ferry Center, in the administration, operation, and development of the units comprising the Center, is authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

(2) Authority to approve construction, land acquisition, professional services and operating programs, and major changes therein.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities with respect to historic preservation set forth in section 4(f) of the Department of Transportation Act of October 15, 1966 (80 Stat. 931), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to execute, approve and administer contracts and to issue purchase orders for equipment, supplies and services in the amount of $2,000 or more.

(8) Authority to accept donations of lands and water rights, to exchange lands and water rights, to purchase lands and water rights, and to dispose of lands and water rights.

(9) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1934 (49 Stat. 666), as amended.

(10) Authority to execute concessions contracts and over all matters which fall within the functions of the Office of Concessions Management, Washington Office, and for executing, amending, assigning and terminating concessions permits in excess of 5 years duration or when anticipated annual gross receipts will amount to $100,000 or more.

(11) Authority to issue general travel authorizations as defined in 347 DM .2.2C.

(12) Authority to approve the payment of actual subsistence expenses for travel.

(13) Authority to approve attendance at meetings of societies and associations.

(14) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(15) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(16) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(17) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(18) Authority to conduct archeological investigations and salvage activities.

(19) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(20) Authority to approve payment of dues for library memberships in societies or associations.

(21) Authority to approve rates for quarters and related services.

(22) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

SEC. 2. *Redelegation.* The Director, Harpers Ferry Center, may redelegate in writing the authority delegated by this Order to any officer or employee under his supervision, and may authorize further written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Orders No. 38 (32 F.R. 5960) and No. 46 (32 F.R. 14788).

(205 DM .2, .5, .6, .9, .11; 245 DM .1, .2; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: December 21, 1970.

GEORGE B. HARTZOG, Jr.,
Director,
National Park Service.

[FR Doc. 71-4076 Filed 3-24-71;8:49 am]

SLEEPING BEAR DUNES NATIONAL LAKESHORE, MICH.

Maps

Publication of maps delineating lands in Category II and Category III to be acquired in fee, and lands in Category II to be acquired in less than fee.

The Act of October 21, 1970 (84 Stat. 1075), provides for establishment in the State of Michigan of the Sleeping Bear Dunes National Lakeshore, to be administered by the Secretary of the Interior.

Section 3(c) of the Act requires publication of a map or other description of the lands to be acquired in fee within Category II, environmental conservation areas, and within Category III, private use and development areas.

Therefore, in accordance with section 3(c) of the Act of October 21, 1970, and 245 DM1 (34 F.R. 13879), the following series of five maps, each numbered 634–40,002 and dated March 1971, is published.

Section 3(d) of the Act of October 21, 1970, states that except as provided for in subsection 3(f), after publication required by section 3(c), the Secretary may acquire interests in lands designated as Category II other than those to be acquired in fee simple, for the purpose of insuring the continued conservation and preservation of the environmental quality of the lakeshore.

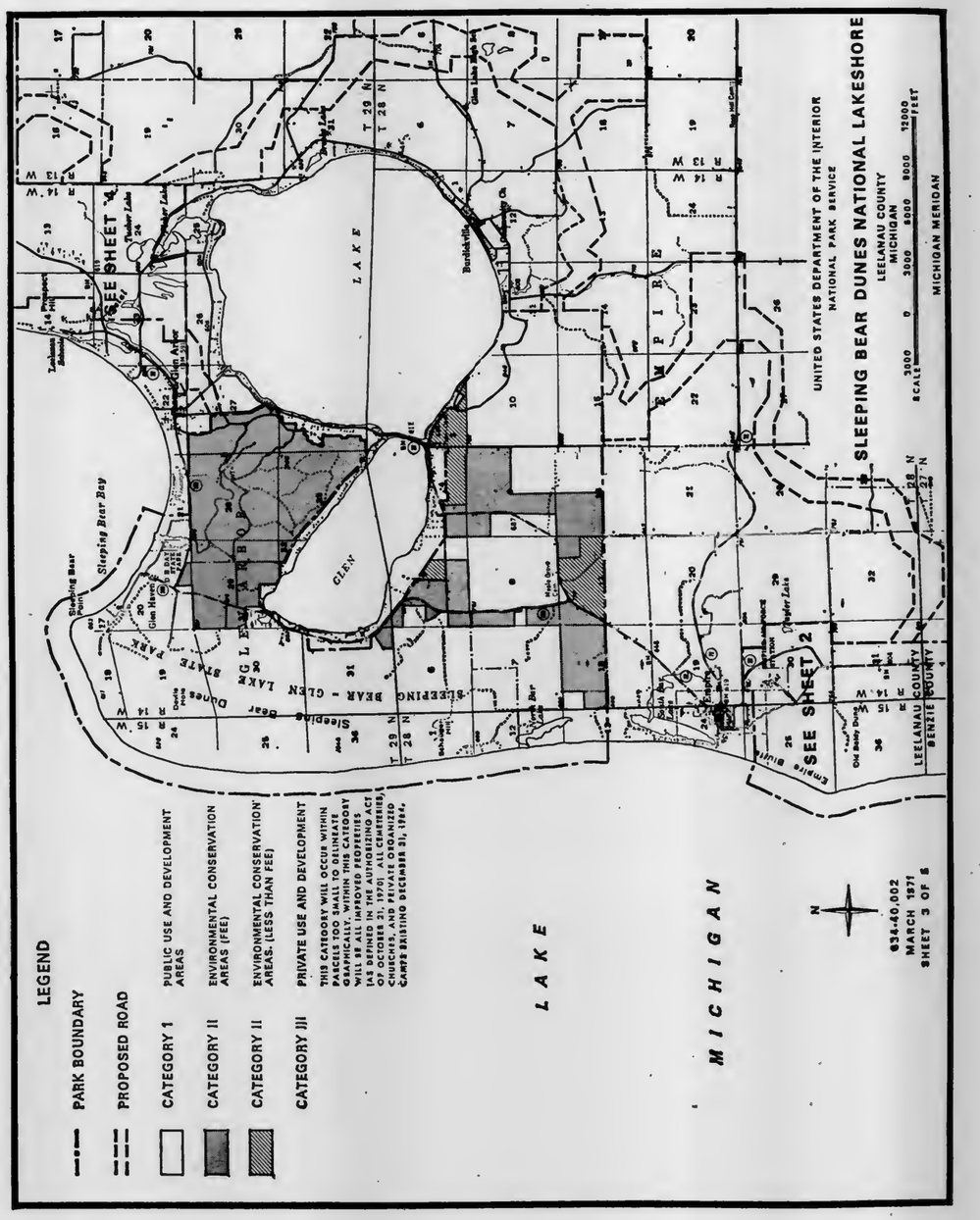
Section 3(f) of the Act provides that compliance with Secretarial restrictions by owners of real property in Category II and Category III notwithstanding, the Secretary may acquire property or interests therein, when such property is needed for public use development.

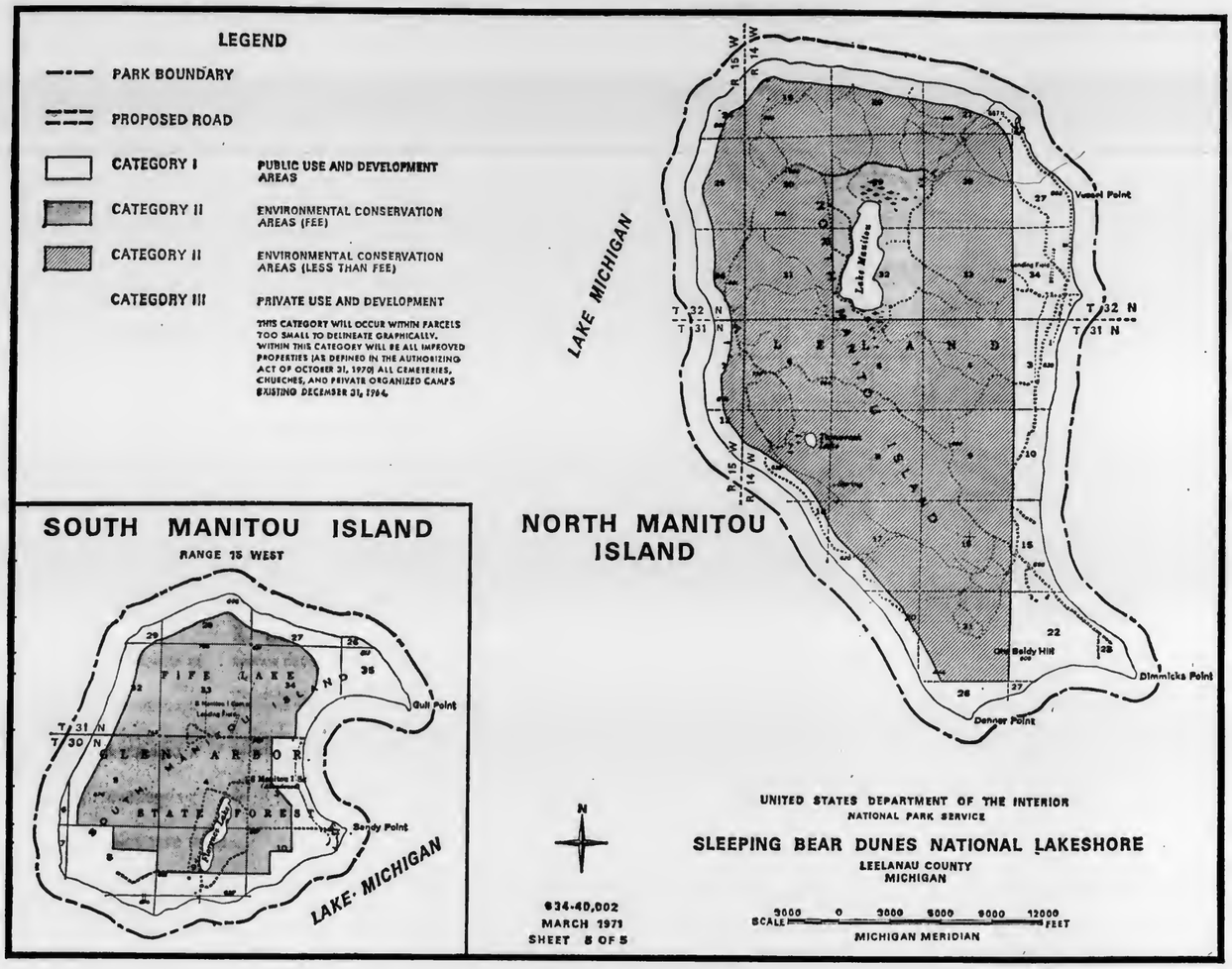
The areas within Category II which may be acquired in less than fee are delineated on the second, third, fourth, and fifth sheets of the following series of maps, numbered 634–40,002 and dated March 1971, and are designated as within Category II, environmental conservation areas (less than fee).

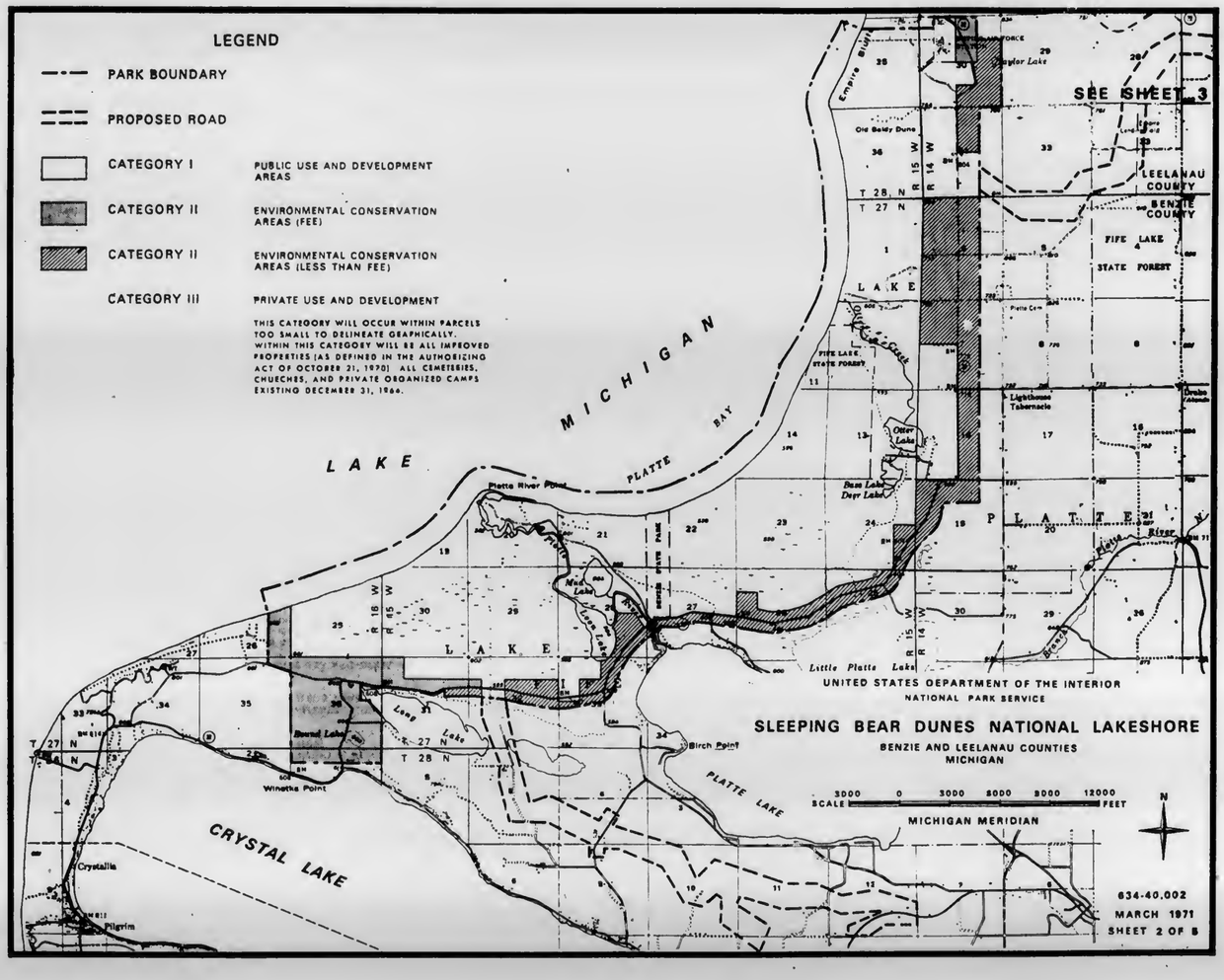
Copies of the series of five maps, numbered 634–40,002 and dated March 1971, sheets 1 through 5 are available in the office of the National Park Service in Washington, D.C.

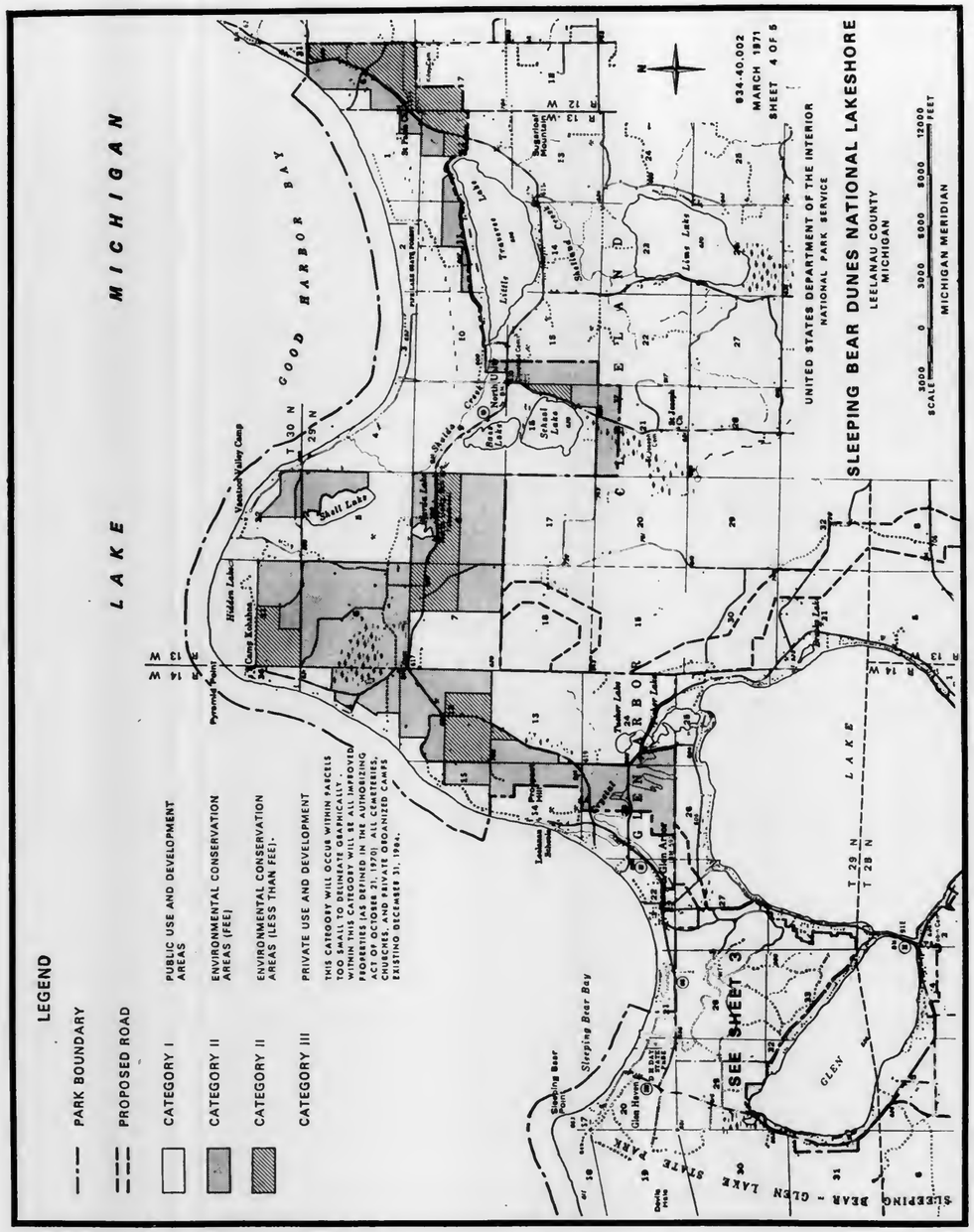
Dated: March 19, 1971.

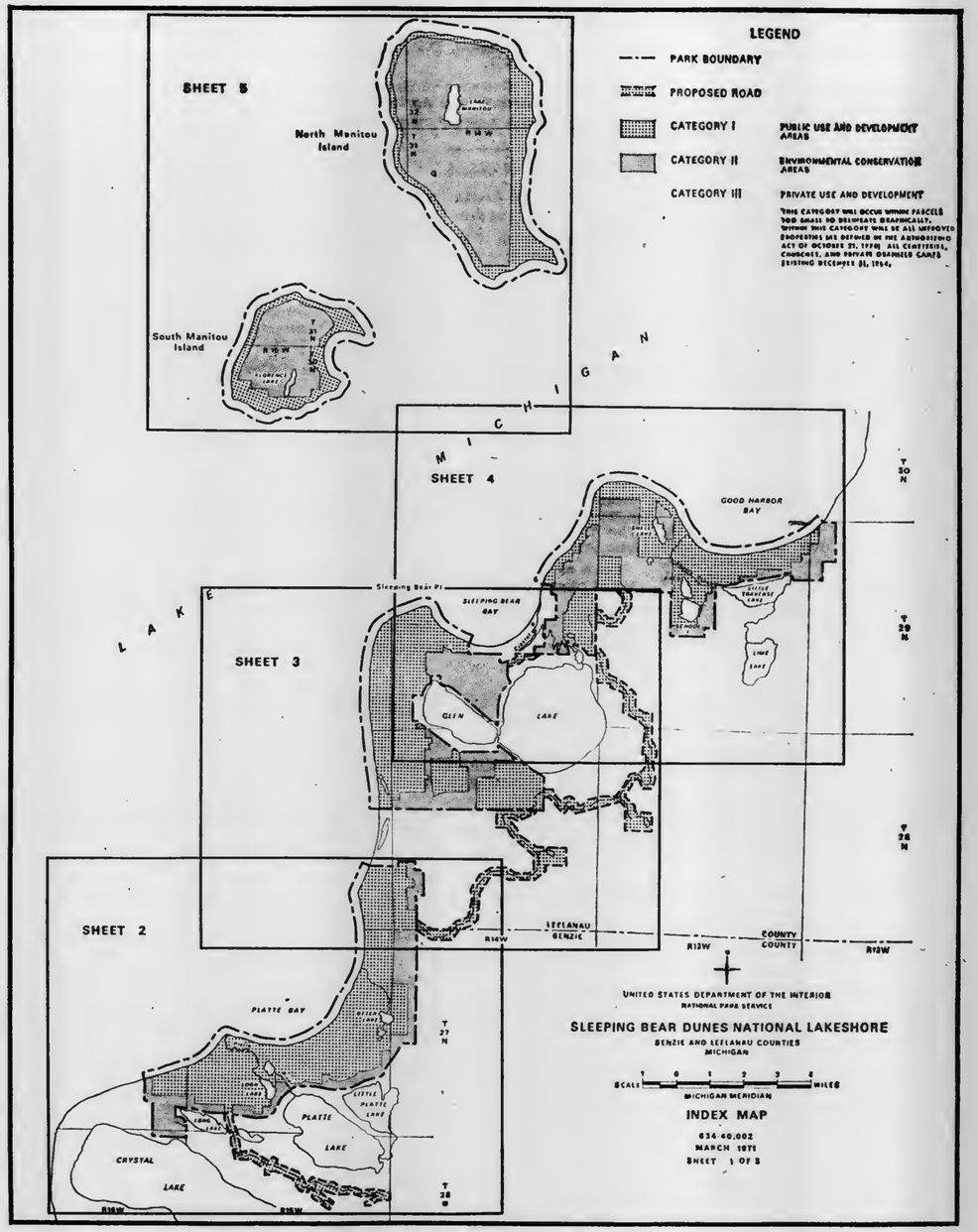
GEORGE B. HARTZOG, Jr.,
Director,
National Park Service.




LEGEND
PARK BOUNDARY
PROPOSED ROAD
CATEGORY I
PUBLIC USE AND DEVELOPMENT AREAS
CATEGORY II
ENVIRONMENTAL CONSERVATION AREAS (FEE)
CATEGORY II
ENVIRONMENTAL CONSERVATION AREAS (LESS THAN FEE)
CATEGORY III
PRIVATE USE AND DEVELOPMENT
THIS CATEGORY WILL OCCUR WITHIN PARCELS TOO SMALL TO DELINEATE GRAPHICALLY. WITHIN THIS CATEGORY WILL BE ALL IMPROVED PROPERTIES (AS DEFINED IN THE AUTHORIZING ACT OF OCTOBER 21, 1970) ALL CEMETERIES, CHURCHES, AND PRIVATE ORGANIZED CAMPS EXISTING DECEMBER 31, 1966.
SOUTH MANITOU ISLAND
RANGE 15 WEST
FIFE LAKE
GLEN ARBOR
STATE FOREST
Gull Point
Sandy Point
LAKE MICHIGAN
NORTH MANITOU ISLAND
LAKE MICHIGAN
Vessel Point
Lake Manitou
Old Baldy Hill
Dimmicks Point
Donner Point
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SLEEPING BEAR DUNES NATIONAL LAKESHORE
LEELANAU COUNTY
MICHIGAN
SCALE 3000 0 3000 6000 9000 12000 FEET
MICHIGAN MERIDIAN
634-40,002
MARCH 1971
SHEET 5 OF 5


LEGEND
PARK BOUNDARY
PROPOSED ROAD
CATEGORY I
PUBLIC USE AND DEVELOPMENT AREAS
CATEGORY II
ENVIRONMENTAL CONSERVATION AREAS (FEE)
CATEGORY II
ENVIRONMENTAL CONSERVATION AREAS (LESS THAN FEE)
CATEGORY III
PRIVATE USE AND DEVELOPMENT
THIS CATEGORY WILL OCCUR WITHIN PARCELS TOO SMALL TO DELINEATE GRAPHICALLY. WITHIN THIS CATEGORY WILL BE ALL IMPROVED PROPERTIES (AS DEFINED IN THE AUTHORIZING ACT OF OCTOBER 21, 1970) ALL CEMETERIES, CHURCHES, AND PRIVATE ORGANIZED CAMPS EXISTING DECEMBER 31, 1966.
SEE SHEET 3
LAKE MICHIGAN
PLATTE BAY
Platte River Point
Otter Lake
Bass Lake
Deer Lake
Mud Lake
Little Platte Lake
Birch Point
Winona Point
Crystalia
Pilgrim
CRYSTAL LAKE
PLATTE LAKE
LEELANAU COUNTY
BENZIE COUNTY
FIFE LAKE STATE FOREST
Lighthouse Tabernacle
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SLEEPING BEAR DUNES NATIONAL LAKESHORE
BENZIE AND LEELANAU COUNTIES
MICHIGAN
SCALE 3000 0 3000 6000 9000 12000 FEET
MICHIGAN MERIDIAN
634-40,002
MARCH 1971
SHEET 2 OF 5





[FR Doc.71-4098 Filed 3-24-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Consumers and Marketing Service

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Findings and Determination With Respect to the Continuation in Effect of the Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 132, as amended, and Order No. 922, as amended (7 CFR Part 922), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), notice was given in the FEDERAL REGISTER (36 F.R. 3074) that a referendum would be conducted among the growers who, during the period January 1, 1970, through December 31, 1970 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in designated counties in Washington, in the production of apricots for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period February 20 to March 1, 1971, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of apricots grown in designated counties in Washington, is not favored by the requisite majority of such growers.

Dated: March 19, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-4051 Filed 3-24-71;8:47 am]

Office of the Secretary

NEBRASKA

Designation of Areas for Emergency Loans

On the basis of the February 23, 1971 declaration by the President of a major disaster and the consequent areas determination by the Director, Office of Emergency Preparedness, the following counties in the State of Nebraska are hereby designated for the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) as modified by section 232 of the Disaster Relief Act of 1970 (Public Law 91–606):

NEBRASKA

Douglas. Saunders.
Sarpy.

Emergency loans will not be made in these counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 19th day of March 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-4114 Filed 3-24-71;8:52 am]

KANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following counties in the State of Kansas natural disasters have caused a general need for agricultural credit:

KANSAS

Brown. Jefferson.
Jackson.

Emergency loans will not be made in the above-named counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 19th day of March 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-4055 Filed 3-24-71;8:47 am]

DEPARTMENT OF COMMERCE

Maritime Administration

BANK OF CALIFORNIA, NATIONAL ASSOCIATION

Notice of Approval of Applicant as Trustee

Notice is hereby given that the Bank of California, National Association, a national banking association, with offices at San Francisco, Calif., has been approved as a trustee pursuant to Public Law 89–346 and 46 CFR 221.21–221.30.

Dated: March 22, 1971.

BURT KYLE,
Acting Chief,
Office of Ship Operations.

[FR Doc.71-4119 Filed 3-24-71;8:52 am]

GREAT LAKES AND ST. LAWRENCE SEAWAY

Study of Insurance Rates

Notice is hereby given that section 107(c) of Public Law 91–611 directs the Secretary of Commerce, acting through the Martime Administration, in consultation with other interested Federal agencies, representatives of the merchant marine, insurance companies, industry, and other interested organizations, to conduct a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and St. Lawrence Seaway beyond the present navigation season, and to submit a report, together with any legislative recommendations, to Congress by June 30, 1971.

The above-named parties are requested to submit their comments in writing, for inclusion in said study, to the Chief, Office of Ship Operations, Room 1023, General Accounting Office Building, 441 G Street NW., Washington, DC 20235.

In order to meet the deadline of June 30, 1971, all comments should be received by close of business on April 19, 1971.

Dated: March 23, 1971.

By Order of the Deputy Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary,
Maritime Administration.

[FR Doc.71-4182 Filed 3-24-71;8:52 am]

Office of the Secretary

UNIVERSITY OF PITTSBURGH ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: § 602.5(e) of the Regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. • • • If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

• • • the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 70–00447–33–46500. Applicant: University of Pittsburgh, Department of Cell Biology and Anatomy, 863B Scaife Hall, Terrace and De Sota Streets, Pittsburgh, PA 15213. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: April 27, 1970.

Docket No. 70–00288–00–80000. Applicant: Stamford Museum and Nature Center, Inc., Stamford, CT 06903. Article: Ground lens blank. Date of denial without prejudice to resubmission: October 26, 1970.

Docket No. 70–00296–65–44700. Applicant: University of California, Purchasing Department, Post Office Box 1500, Berkeley, CA 94701. Article: Area meter. Date of denial without prejudice to resubmission: October 7, 1970.

Docket No. 70–00620–33–46040. Applicant: Kensington Hospital, 2136 Locust Street, Philadelphia, PA 19103. Article: Operation microscope. Date of denial without prejudice to resubmission: October 14, 1970.

Docket No. 70–00635–01–77040. Applicant: The University of Michigan, School of Public Health, 109 Observatory Street, Ann Arbor, MI 48104. Article: Mass spectrometer, Model MS 30. Date of denial without prejudice to resubmission: October 15, 1970.

Docket No. 70–00647–33–43780. Applicant: University of California at San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, CA 94803. Article: Stereotaxic headholder and spinal frame. Date of denial without prejudice to resubmission: October 14, 1970.

Docket No. 70–00651–33–42200. Applicant: University of Mississippi, School of Pharmacy, University, MS 38677. Article: Liquid filling machine. Date of denial without prejudice to resubmission: October 15, 1970.

Docket No. 70–00667–00–00500. Applicant: University of Chicago, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: RF separator deflector structure. Date of denial without prejudice to resubmission: October 15, 1970.

Docket No. 70–00706–79–50600. Applicant: Texas A & M University, Radiological Safety Office, College Station, TX 77843. Article: Foot monitor and hand monitor. Date of denial without prejudice to resubmission: November 25, 1970.

Docket No. 70–00730–33–46500. Applicant: California State Polytechnic College, 3801 West Temple, Pomona, CA 91766. Article: Ultramicrotome, Model "Om U2". Date of denial without prejudice to resubmission: November 18, 1970.

Docket No. 70–00774–63–46500. Applicant: North Carolina State University, Raleigh, N.C. 27607. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: November 18, 1970.

Docket No. 71–00167–65–09530. Applicant: Youngstown State University, 410 Wick Avenue, Youngstown, OH 44503. Article: Laboratory hydrocyclone test set. Date of denial without prejudice to resubmission: November 10, 1970.

Docket No. 71–00303–33–46040. Applicant: Mayo Foundation, 200 First Street SW., Rochester, MN 55901. Article: Electron microscope, HU–12. Date of denial without prejudice to resubmission: February 24, 1971.

STANLEY NEHMER,
Deputy Assistant Secretary
for Resources.

[FR Doc.71-4056 Filed 3-24-71;8:47 am]

JERSEY CITY STATE COLLEGE AND HERBERT H. LEHMAN COLLEGE

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The consolidated notice of decision as published in Volume 36, No. 25 (page 2528) of the FEDERAL REGISTER dated Friday February 5, 1971 pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80, Stat. 897) is hereby amended to delete the following:

Docket No. 70–00165–33–46500. Applicant: Jersey City State College, Department of Biology, 2039 Kennedy Boulevard, Jersey City, NJ 07305. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: March 18, 1970.

Docket No. 70–00171–63–46500. Applicant: Herbert H. Lehman College, Bedford Park Boulevard West, Bronx, NY 10468. Article: Ultramicrotome, LKB 8800. Date of denial without prejudice to resubmission: May 15, 1970.

STANLEY NEHMER,
Deputy Assistant Secretary
for Resources.

[FR Doc.71-4057 Filed 3-24-71;8:47 am]

UNIVERSITY OF SOUTHWESTERN LOUISIANA ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The consolidated notice of decision as published in Volume 36, No. 31 (pages 3020–3021) of the FEDERAL REGISTER dated Saturday, February 13, 1971, pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) is hereby amended to delete the following:

Docket No. 70–00361–33–46040. Applicant: University of Southwestern Louisiana, Department of Microbiology, Lafayette, LA 70501. Article: Electron microscope, EM6B. Date of denial without prejudice to resubmission: May 12, 1970.

Docket No. 70–00365–33–46500. Applicant: Harvard University, 75 Mount Auburn Street, Purchasing Department, Cambridge, MA 02138. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: April 6, 1970.

Docket No. 70–00624–33–46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: September 4, 1970.

STANLEY NEHMER,
Deputy Assistant Secretary
for Resources.

[FR Doc.71-4058 Filed 3-24-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–161; NADA No. 12–392V]

AMERICAN CYANAMID CO.

Aristovet Parenteral; Order Vacating Opportunity for Hearing

A notice of opportunity for hearing proposing to withdraw approval of the new animal drug application for Aristovet Parenteral (NADA No. 12–392V) was published in the FEDERAL REGISTER of June 10, 1970 (35 F.R. 8953).

American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton,

NJ 08540, holder of new animal drug application No. 12-392V, has submitted a supplemental new animal drug application with revised labeling, and the Commissioner of Food and Drugs concludes that the labeling, evaluated together with the evidence available when the application was approved, shows that said drug is safe and effective for animals under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), the notice of opportunity for hearing proposing to withdraw approval of new animal drug application No. 12-392V for Aristovet Parenteral is vacated.

Dated: March 11, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4060 Filed 3-24-71;8:47 am]

[Docket No. FDC-D-315; NADA No. 9-302V]

PYRIMETHAMINE, SULFAQUINOXALINE

Notice of Opportunity for Hearing

Notice is hereby given to Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, PA 17067, and to any interested persons who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA (new animal drug application) No. 9-302V. This application provides for the use of a combination drug containing pyrimethamine (2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine) and sulfaquinoxaline (a coccidiostat) used in the feed or drinking water for the treatment of chickens and turkeys.

The Commissioner, on the basis of an evaluation of new information before him with respect to such drug together with the evidence available to him when the application was approved, concludes that the drug is not shown to be safe under the conditions of use upon the basis of which the application was approved. The information available to the Commissioner establishes that the drug component pyrimethamine when administered to laboratory animals has been shown to produce both embryotoxic and teratogenic effects. Because of these effects and since there are no appropriately sensitive methods of analysis to establish the absence of pyrimethamine from food derived from treated animals, the drug is considered not to be shown safe under its intended conditions of use.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicant, and any interested persons who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 9-302V should not be withdrawn. Promulgation of the order will cause all such drugs to be new animal drugs for which no approved application is in effect. Any such drug then on the market would be subject to regulatory proceedings. Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug application. Failure of such persons to file a written appearance of election within 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing concerning a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file within 30 days after the publication of this notice in the FEDERAL REGISTER a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no geniune and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. This time shall be not more than 90 days after the expiration of said 30 days unless the hearing examiner and the persons requesting the hearing otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 9, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4062 Filed 3-24-71;8:48 am]

[Docket No. FDC-D-295; NADA No. 8-747V]

PITMAN-MOORE, INC.

Cadmium Salts; Notice of Withdrawal of Approval of New Animal Drug Application

An announcement concerning Aska-Rid, which contains cadmium salts, was published in the FEDERAL REGISTER of February 1, 1969 (34 F.R. 1609). The announcement set forth the findings of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and the Food and Drug Administration that available information fails to provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034, holder of new animal drug application No. 8-747V, covering the drug Aska-Rid, has requested that the Commissioner of Food and Drugs enter a final order withdrawing the application's approval.

The Commissioner of Food and Drugs, based on the evaluation of new information before him with respect to said drug, together with the evidence available to him when the application was approved, finds there is a lack of substantial evidence that said drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Based on the foregoing request and finding, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 8-747V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: March 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4064 Filed 3-24-71;8:48 am]

[Docket No. FDC-D-320; NDA's Nos. 5-597, 7-406]

IVES LABORATORIES, INC., AND BROEMMEL PHARMACEUTICALS, SAHYUN LABORATORIES

Methionine: Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of January 10, 1970 (35 F.R. 396), the Commissioner of Food and Drugs announced (DESI 5597) his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning Meonine (methionine) Tablets (NDA 5-597), stating that this drug is regarded as possibly effective for its labeled indications. Six months from the date of that publication were allowed for the holders of approved applications for such drug and any person marketing the drug without approval to obtain and submit data providing substantial evidence of effectiveness of the drug. No data concerning effectiveness have been received.

Ives Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017, holder of NDA No. 5-597, by letter of November 25, 1970, stated that production of Meonine has been discontinued and requested withdrawal of approval of the application, thereby waiving the opportunity for a hearing.

Sahyun Laboratories, Post Office Box 996, Santa Barbara, Calif. 93102, is the holder of new-drug application No. 7-406 for Methionine Tablets. Although not submitted for Academy review, that preparation is affected by the January 10, 1970, announcement. Sahyun Laboratories, by letter of February 9, 1970, requested withdrawal of approval of NDA 7-406 and waived opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: March 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4065 Filed 3-24-71;8:48 am]

[Docket No. FDC-D-253; NDA No. 7-877 etc.]

AYERST LABORATORIES, INC.

Certain Sulfonamide Ophthalmic and Nasal Solutions; Notice of Withdrawal of Approval of New-Drug Applications

On December 4, 1970, there was published in the FEDERAL REGISTER (35 F.R. 18484) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new-drug applications in the absence of substantial evidence that the drugs are effective for certain indications for which such drugs are regarded as possibly effective or ineffective as published in the FEDERAL REGISTER of September 10, 1969 (34 F.R. 14248). The firms named in the December 4, 1970, notice had not satisfactorily supplemented their applications in accord with the September 10, 1969, announcement.

Ayerst Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017, holder of new-drug application No. 9-496 for Thiosulfil Solution, has discontinued marketing of the product and has waived opportunity for a hearing.

Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, Calif. 94109, holder of new-drug application No. 7-877 for Actilamide Ophthalmic Solution (sulfanilamide and chloramine-T), has waived opportunity for a hearing on the proposed withdrawal of that portion of said new-drug application pertaining to the ophthalmic solution, in that no response has been received to the notice of opportunity for a hearing. The other portions of NDA 7-877 have previously been withdrawn (34 F.R. 20441).

Also named in the December 4, 1970, notice of opportunity for hearing were NDA's Nos. 5-963 and 8-605 held by Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003. Those NDA's have now been satisfactorily supplemented and therefore they are not included in this order.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, that there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: March 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4066 Filed 3-24-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71-23]

ELLIOT BAY-WEST WATERWAY, SEATTLE, WASH.

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to Chief, Office of Operations, U.S. Coast Guard, as contained in the FEDERAL REGISTER of May 27, 1970 (35 F.R. 8279), I hereby affirm for publication in the FEDERAL REGISTER the order of D. M. Alger, Captain, U.S. Coast Guard, Acting Commander, Thirteenth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

ELLIOT BAY-WEST WATERWAY, SEATTLE, WASH.

SECURITY ZONE

Under the present authority of Section 1 of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 1630 Pacific Standard Time on Saturday, April 24, 1971, until 1715 P.s.t. on Saturday, April 24, 1971, the following area is a security zone and I order it to be closed to any person or vessel due to the launching of the USS BAGLEY (DE-1069).

The waters of the West Waterway, Seattle, Wash., within the coordinates of latitude 47°35' N., longitude 122°21'25" W., at the shoreline of Harbor Island, Seattle, Wash., south to latitude 47°34'22" N., longitude 122°21'25" W., west to latitude 47°34'22" N., longitude 122°21'37" W., at the shoreline of West Seattle, Seattle, Wash., north to latitude 47°35' N., longitude 122°21'37" W.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port.

The Captain of the Port, Seattle, Wash., shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any State or political subdivision thereof.

For violation of this order, section 2 of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulations or rule issued or order given under the provisions of this chapter, or

obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years, and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: March 19, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-4108 Filed 3-24-71;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, PR 00936, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 28, 1970, for authorization to construct a pressurized water nuclear reactor, designated as the Aguirre Nuclear Station Unit 1, on the applicant's site in Barrio Aguirre, Salinas, P.R.

The site is located on the southern coast of Puerto Rico along the shore of Bahia De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a presurized water nuclear reactor, which is designed for initial operation at approximately 1,785 thermal megawatts with a net electrical output of approximately 583 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 18, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the Mayor of the Municipality of Salinas, Salinas, P.R.

Dated at Bethesda, Md., this 24th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2835 Filed 3-17-71;8:45 am]

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Duke Power Co., 422 South Church Street, Charlotte, NC 28201, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated September 18, 1970, for permits to construct and licenses to operate two pressurized water nuclear reactors, designated as the William B. McGuire Nuclear Station Units 1 and 2, on the applicant's site in Mecklenburg County, N.C. The site is located on the shore of Lake Norman, approximately 17 miles north-northwest of Charlotte, N.C., and is immediately east of Duke Power Co.'s Cowan Ford Hydroelectric Station.

The proposed nuclear station will consist of two pressurized water reactors, each of which is designed for initial operation at approximately 3,411 thermal megawatts with a net electrical output of approximately 1,180 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 11, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and the office of the County Manager, Mecklenburg County, 720 East Fourth Street, Charlotte, NC.

Dated at Bethesda, Md., this 25th day of February 1971.

For the Atomic Energy Commission..

R. C. DEYOUNG,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-3286 Filed 3-10-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20350; Order 71-3-110]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 18, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 68-12-71, December 13, 1968, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Liberal, Kans., and Oklahoma City, Okla., via Woodward, Okla.

The Postmaster General filed a petition on March 1, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 49.55 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after March 1, 1971, to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.55 cents per great circle aircraft mile between Liberal, Kans., and Oklahoma City, Okla., via Woodward, Okla.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23-250 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16 (f),

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4104 Filed 3-24-71;8:51 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

FEDERAL POWER COMMISSION

[Dockets Nos. RI71-655 etc.]

L. H. PUCKETT ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

MARCH 4, 1971.

Amarex, Inc., et al. Docket No. RI71-656.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to be come effective subject to refund, issued January 28, 1971, and published in the FEDERAL REGISTER February 6, 1971, 36 F.R. 2577, Appendix A, Docket No. RI71-656, Amarex, Inc., et al. under column headed "Effective Date Unless Suspended" change 10-1-70 to read 10-13-70. Under column headed "Date Suspended Until" change 10-2-70 to read 10-14-70.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4047 Filed 3-24-71;8:46 am]

[Dockets Nos. G-4820 etc.]

TEXACO, INC. ET AL.

Findings and Order After Statutory Hearing; Correction

FEBRUARY 3, 1971.

Howard E. Berry (successor to Gulf Oil Corp.), Docket No. CI71-321.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, severing and terminating proceedings, substituting respondent, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued December 21, 1970, and published in the FEDERAL REGISTER January 5, 1971, 36 F.R. 121, change subparagraph (k) under paragraph (D) to read as follows:

(k) The initial rate for the sale authorized in Docket No. CI71-321 shall be 25.45 cents per Mcf at 15.025 p.s.i.a. subject to refund in Docket No. RI70-938. The refund obligation for gas produced from the newly discovered reservoir (Eutaw, U.T. Pool "A") is limited to a floor of 20.6 cents.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4046 Filed 3-24-71;8:46 am]

FEDERAL RESERVE SYSTEM

TORONTO-DOMINION BANK

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Toronto-Dominion Bank, Toronto, Ontario, Canada, for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of Toronto Dominion Bank of California, San Francisco, Calif. (a proposed new bank).

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of San Francisco.

By order of the Board of Governors, March 19, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4030 Filed 3-24-71;8:45 am]

FEDERAL TRADE COMMISSION

GENERAL COUNSEL

Delegation of Functions

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961 (26 F.R. 6191), the Federal Trade Commission has made the following Delegation of Authority:

In re: Compliance with the Financial Reporting Program:

The Commission delegates to the General Counsel, without power of redelegation, the authority to approve and have prepared and issued in the name of the Commission all Special Orders and Notices of Default under the Commission's financial reporting program.

The Commission further delegates to the General Counsel, without power of redelegation, the authority to request on behalf of the Commission the institution of civil actions pursuant to sections 9 and 10 of the Federal Trade Commission Act, 15 U.S.C. sections 49 and 50, as appropriate, in conjunction with the Commission's financial reporting program.

By direction of the Commission dated March 16, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-4031 Filed 3-24-71;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. F-93]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Chairman, Atomic Energy Commission, to represent the consumer interests of the Federal Government in an electric and gas service rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Chairman, Atomic Energy Commission, to represent the consumer interests of the executive agencies of the Federal Government before the Colorado Public Utilities Commission in a proceeding (Application No. 24810) involving electric and gas service rate increases proposed by the Public Service Company of Colorado.

b. The Chairman, Atomic Energy Commission, may redelegate this authority to any officer, official or employee of the Atomic Energy Commission.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT L. KUNZIG,
Administrator of General Services.

MARCH 19, 1971.

[FR Doc.71-4099 Filed 3-24-71;8:51 am]

TARIFF COMMISSION

[TEA-F-21]

ROYAL SILVER MANUFACTURING CO., INC.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act in 1962, filed by Royal Silver Manufacturing Co., Inc., Norfolk, Va., the U.S. Tariff Commission, on March 19, 1971, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with stainless steel flatware produced by the aforementioned firm, is being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 22, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-4096 Filed 3-24-71;8:50 am]

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Determination of Apparent U.S. Consumption in 1970 and of Quotas for Duty-Free Entry in 1971

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the Tariff Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1970 was 45,481,000 units, and that the number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during the calendar year 1971 under headnote 6(b) of said subpart E of the TSUS is as follows:

	Units
Virgin Islands	4,421,375
Guam	420,915
American Samoa	210,710

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

MARCH 17, 1971.

[FR Doc.71-4150 Filed 3-24-71;8:52 am]

INTERSTATE COMMERCE COMMISSION

[Notice 22]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 19, 1971.

The following applications are governed by Special Rule 1000.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure reasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its the special rules, and shall include the certification required therein.

application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 19778 (Sub-No. 73), filed February 16, 1971. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago, IL 60606. Applicant's representative: Thomas H. Ploss, 888 Union Station Building., Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities;* (1) between Miles City, and Billings, Mont., from Miles City over Interstate Highway 94 and U.S. Highway 10 to Billings, Mont.; (2) between Harlowton and Billings, Mont., from Harlowton over U.S. Highway 12 to its junction with Montana Highway 3, thence over Montana Highway 3 to Billings, Mont.; and (3) between Three Forks and Billings, Mont.; from Three Forks over Interstate Highway 90 and U.S. Highway 10 to Billings, Mont., and over the same routes, and serving the intermediate point of Bozeman, Mont., in connection with (1), (2), and (3) above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 30844 (Sub-No. 345), filed February 23, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant) and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glassware*, from Columbus, Ohio, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Common control may be involved. Applicant

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, DC 20423.

states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 30844 (Sub-No. 346), filed February 26, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, from the plantsite and storage facilities used by Banner Beef Co. at or near Hospers, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the named origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 348), filed March 3, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant), and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Wilson Beef & Lamb Co. at or near Hereford, Tex., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Amarillo, Tex.

No. MC 35320 (Sub-No. 123), filed March 3, 1971. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant representatives: W. D. Benson, Suite 1120, 1500 Broadway, Lubbock, TX 79401, and Frank M. Garrison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Bus bar systems, electric switches, iron and steel hardware, copper bars, plastic articles, and plastic granules*, serving the plantsite of General Electric Co. at or near Selmer, Tenn., as an off-route point in connection with applicant's regular route serving Jackson, Tenn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Memphis, Tenn.

No. MC 39167 (Sub-No. 10), filed February 11, 1971. Applicant: CHARLES J. ROGERS TRANSPORTATION COMPANY, a corporation, 2947 Greenfield Road, Melvindale, MI 48122. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel electrical conduit pipe and fittings* therefor, unloaded by mechanical devices furnished by the carrier, from plantsite and warehouse facilities of Republic Steel Corp. at Detroit, Mich., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 41064 (Sub-No. 3), filed January 28, 1971. Applicant: KENT EXPRESS, INC., 246 Railroad Street, Aurora, IN 47001. Applicant's representatives: R. A. Ellison, 6423 Iris Avenue, Cincinnati, OH 45213, and N. B. Flick, Room 715, Executive Building, 37 East Seventh Street, Cincinnati, OH 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and household furnishings* as are sold by retail specialty shops and department stores, between such retail speciality shops and department stores, branches and warehouses thereof, in Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, Aurora or Indianapolis, Ind.

No. MC 55885 (Sub-No. 11), filed March 3, 1971. Applicant: JACKSON TRUCKING, INC., 1210 106th Avenue, Plainwell, MI 49080. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, unfrozen, in refrigerated equipment, from Grand Rapids, Mich., to points in Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 61231 (Sub-No. 57), filed February 25, 1971. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of Northwestern Steel & Wire Co. located at Rock Falls and Sterling, Ill., to points in Kansas, Missouri, and Nebraska, restricted to traffic originating at the described plantsites. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61231 (Sub-No. 58), filed February 25, 1971. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Granite City, Ill., to points in Iowa and Nebraska, restricted to traffic originating at the plantsite and storage facilities of Granite City Steel Co. located at Granite City, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 64373 (Sub-No. 6), filed February 26, 1971. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., Post Office Box 25, Cowpens, SC 29330. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Charlotte and Aberdeen, N.C., to points in South Carolina, Virginia, and those in Tennessee on and east of Interstate Highway 65. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Charlotte, N.C., or Columbia, S.C.

No. MC 71642 (Sub-No. 13), filed February 19, 1971. Applicant: N. S. DE SHONG, 3201 Mill Creek Road, Wilmington, DE 19808. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber*, in rolls, from Yorklyn, Del., to Troy, N.Y., under contract with NVF Co., Wilmington, Del. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 82080 (Sub-No. 4) (Amendment), filed January 4, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, and republished this issue. Applicant: BIVIN TRANSFER COMPANY, INC., 2908 East New York Street, Indianapolis, IN 46201. Applicant's representative: Ralph S. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except explosives, those items of unusual value, household goods as defined by the Commission,

commodities in bulk, and those requiring special equipment, between Indianapolis, Ind., and points within a radius up to and including, but not beyond the boundary counties listed: Case, White, Benton, Warren, Vermillion, Vigo, Sullivan, Greene, Martin, Lawrence, Washington, Scott, Jefferson, Dearborn, Franklin, Union, Wayne, Randolph, Jay, Wells, Huntington, Wabash, and Miami, Ind. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is (1) to correct name of applicant and (2) include the exceptions. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 85465 (Sub-No. 34), filed February 18, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, NE 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Scottsbluff and Gering, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 87717 (Sub-No. 6), filed February 19, 1971. Applicant: FANELLI BROTHERS TRUCKING COMPANY, a corporation, Centre and Nichols Streets, Pottsville, PA 17901. Applicant's representatives: Robert H. Griswold and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap steel*, from the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa., to Little Rock, Ark., Atlanta, Ga., Chicago, Ill., Miami, Fla., Kansas City, Kans., New Orleans, La., Detroit, Mich., St. Louis, Mo., Wallington, N.J., Newburgh, N.Y., Henderson, N.C., Cincinnati and Newark, Ohio, and Dallas and Houston, Tex.; (2) *aluminum sheets*, from Sheffield, Ala., Terre Haute, Ind., and Oswego, N.Y., to the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa.; (3) *plastic compound material*, in bags, from the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa., to Terre Haute, Ind.; (4) *steel*, from Philadelphia, Pa., to the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa.; and (5) *electric motors, and electric motor parts*, between the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa., and Medfield, Mass. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 92983 (Sub-No. 542), filed February 16, 1971. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, MO 64142. Applicant's representative: Eldon Miller (same address as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fats and oils*, including blends and products thereof, in bulk, from points in California to points in Arizona, Minnesota, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 93641 (Sub-No. 3), filed March 5, 1971. Applicant: DUNCAN TRANSFER, INC., 400–410 North Columbus Street, Alexandria, VA 22300. Applicant's representative: Harold G. Hernly, Jr., 711 14th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and unaccompanied baggage*, between Alexandria, Va., and Dover, Del. restricted to traffic having a prior or subsequent movement by air or water in containers beyond the points authorized and to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization. NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 796), filed February 26, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representatives: Lyle Welch, Post Office Box 4409, Fort Worth, TX 76106, and Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anti-acid mints, gum, cough drops, and foodstuffs*, from points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania to points in Arkansas, Arizona, California, Louisiana, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the authority sought could be tacked. However, it has no intention to tack as only the authority would be from Maine and which authority applicant is presently tacking with at points in Tennessee. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 95540 (Sub-No. 797), filed March 1, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, in vehicles equipped with mechanical refrigeration, from at or near, Holton, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis and its commercial zone). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Omaha, Nebr.

No. MC 95540 (Sub-No. 798), filed March 1, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(B)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from Wilmington, Del., to points in Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Tampa, Fla.

No. MC 100666 (Sub-No. 183), filed February 26, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, National Foundation Life Center, Suite 280, 3535 Northwest 58th Street, Oklahoma City, OK 73112, and Paul Caplinger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Trumann, Ark., to points in Alabama, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that tacking is possible but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Shreveport, La.

No. MC 103993 (Sub-No. 613), filed February 24, 1971. Applicant: MORGAN DRIVE–AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Wilson County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 106400 (Sub-No. 81), filed February 22, 1971. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 8525, Sugar Creek, MO 64054. Applicant's representatives: Harold D. Holwick (same address as applicant) and Robert L. Hawkins, 312 East Capitol Avenue, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from St. Louis, Mo., to Kansas City, Kans. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106497 (Sub-No. 57), filed February 25, 1971. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers for air, gas, or liquids; machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and *parts, attachments and accessories* for use in the installation and operation of the above-named items, between the plantsite of the Chrysler Corp. at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the named plantsite. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 106644 (Sub-No. 114), filed March 1, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, GA 30301. Applicant's representative: K. Edward Wolcott, Post Office Box 916, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers* for air, gas, or liquids, *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, *and parts, attachments, and accessories* for use in the installation or operation of the above-named commodities, between the plantsite of the Chrysler Corp., at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the named plantsite. NOTE: Applicant has pending an application in No. MC 104724 (Sub-No. 13) for contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 107295 (Sub-No. 490), filed March 4, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Mack Stephenson and Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, finished or unfinished, and *paneling*, from Camden, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 251), filed February 25, 1971. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representatives: A. N. Jacobs (same address as applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile cleaning machinery and parts*, between Monrovia, Calif., and points in the United States (except California, Hawaii, and Alaska). NOTE: Applicant states that the requested authority can be tacked with its Sub 229 if "size or weight" commodities are involved. However, applicant does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 128814 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 109994 (Sub-No. 39) (Amendment), filed January 25, 1971, published in the FEDERAL REGISTER issue of March 4, 1971, and republished in part, as amended, this issue. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MI 55901. Applicant's representatives: Kenneth O. Petrick (same address as applicant) and Val M. Higgins, 1000 First National Bank Building, Minneapolis, MI 55402. The purpose of this partial republication is to include the following addition to Part 2 of the application: Transporting: *Materials, supplies, and machinery* used in processing cranberries and cranberry products when destined for use by cranberry manufacturing companies in the conduct of their business, from points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming to Hanson, Onset, and Middlebourgh, Mass.; Bordentown, N.J.; Babcock and Kenosha, Wis.; Centralia and Markham, Wash.; and Eugene, Oreg. The rest of the application remains as previously published.

No. MC 111375 (Sub-No. 44), filed February 18, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Cudahy, Wis., to San Jose, Calif., restricted to traffic originating at the plant or warehouse facilities utilized by Patrick Cudahy, Inc., and destined to San Jose, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 113362 (Sub-No. 204), filed February 18, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James R. Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) from the plantsite and/or cold storage facilities of Missouri Beef Packers, Inc., at or near Fiona, Tex., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Lubbock, Tex.

No. MC 114191 (Sub-No. 161), filed February 10, 1971. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, MO 62201. Applicant's representative: Gene Kreider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*, in bulk, from points in New York to St. Louis, Mo.; (2) *vinegar and cider stock*, in bulk, from Olney and Alton, Ill., and St. Louis, Mo., and Evansville, Ind., to points in Illinois, Missouri, Indiana, Kentucky, and Tennessee; (3) (a) *flour and blends*, in bulk, from Indianapolis, Evansville, and Mount Vernon, Ind., to Millstadt, Ill., and points in Madison and St. Clair Counties, Ill.; St. Louis County, Mo., and St. Louis, Mo.; (b) *corn grits and blends, corn meal and blends*, in bulk, from Mount Vernon, Ind., to Millstadt, Ill., and points in Madison and St. Clair Counties, Ill.; St. Louis County, Mo., and St. Louis, Mo.; and (c) *starch and blends*, in bulk, from Indianapolis, Ind., to Millstadt, Ill., and points in Madison and St. Clair Counties, Ill.; St. Louis County, Mo., and St. Louis, Mo.; and (4) *moulding sand and blends; foundry sand and blends; foundry moulding sand treating compounds and blends*, in bulk, from Madison County, Ill., to points in Missouri, Iowa, Indiana, and Kentucky. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114273 (Sub-No. 81), filed February 15, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and/or storage facilities of John Morrell & Co., located at or near Ottumwa, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114725 (Sub-No. 47), filed February 25, 1971. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Applicant's representative: Donald L. Stern, 530 Univac Building, 71 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplement*, in bulk, from Omaha, Nebr., to points in Colorado, Kansas, Missouri, Nebraska, and North Dakota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115495 (Sub-No. 19), filed February 18, 1971. Applicant: UNITED PARCEL SERVICE, INC., 300 North Second Street, St. Charles, IL 60174. Applicant's representatives: S. Harrison Kahn, 733 Investment Building, Washington, DC 20005, and Irving R. Segal, 1719 Packard Building, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas and that part of Mississippi on and north of U.S. Highway 80, subject to the following restrictions: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (b) no service shall be rendered between department stores, specialty shops, retail shops, and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores; and (c) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. All duplicating authority shall be eliminated. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 13426 and Subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115841 (Sub-No. 401), filed February 26, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as above) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from points in Jackson County, Kans., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, the District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Georgia, Florida, Alabama, Mississippi, Tennessee, and Louisiana. NOTE: Applicant states that tacking is possible but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 116063 (Sub-No. 123), filed February 25, 1971. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, TX 76101. Applicant's representative: W. H. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal blood*, in bulk, in tank vehicles, from Kansas City, Kans., to Omaha, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Oklahoma City, Okla.

No. MC 116073 (Sub-No. 159), filed February 26, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings and sections of buildings*, and *frames and undercarriages*, from points in Lea County, N. Mex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 116073 (Sub-No. 161), filed February 26, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from Franklin County, N.C., and Natchitoches Parish, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116173 (Sub-No. 136), filed February 25, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant and warehouse sites of Philadelphia Quartz Co. at LaSalle, Ill., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee (west of Highway 27), Texas, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack, and therefore does not identify the territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119443 (Sub-No. 27), filed February 18, 1971. Applicant: P. E. KRAMME, INC., Monroeville, N.J. 08343. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate liquor, chocolate products, confectioner's products, and cocoa butter*, in bulk, in tank vehicles, from Fulton, N.Y., to points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 119493 (Sub-No. 66), filed February 5, 1971. Applicant: MONKEM COMPANY, INC., Post Office Box 1196 (West 20th Street Road), Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal and charcoal briquets*, from Meta, Mo., to points in Alabama, Arkansas, Georgia, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Tennessee, Texas, Minnesota, South Dakota, Idaho, Utah, Colorado, New Mexico, Arizona, Nevada, and California; (2) *hardwood flooring and hardwood products*, from Pierce City, Mo., to points in Indiana, Illinois, Nebraska, Ohio, Wisconsin, Colorado, and Minnesota; (3) *wood moldings, doors and accessories and wood trim*, from Pierce City, Mo., to points in Ohio, Illinois, Iowa, and Minnesota, and *damaged, returned or rejected shipments*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119619 (Sub-No. 43), filed March 4, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Illinois, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New York, New Jersey, Virginia, West Virginia, Maryland, Delaware, Ohio, Indiana, Louisville, Ky., and the District of Columbia, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 44), filed March 4, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Pikens, 1 Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Maryland, Delaware, and the District of Columbia, to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Minnesota, Kansas, Nebraska, Ohio, Missouri, and Louisville, Ky., and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 119774 (Sub-No. 22), filed February 26, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, INEZ MANKINS AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe or tubing*, except as authorized in T. E. Mercer and G. E. Mercer, Ext. 74 M.C.C. 459, from Houston, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 119774 (Sub-No. 23), filed March 2, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, INEZ MANKINS AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer frames*, vehicular, from Houston, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 119774 (Sub-No. 24), filed March 2, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, INEZ MANKINS AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kolgore, TX 75662. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe or tubing* except as authorized in T. E. Mercer and G. E. Mercer, Ext. 74 M.C.C. 459, from Houston, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 119774 (Sub-No. 62), filed February 24, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, washing, polishing, and waxing products and compounds;* (2) *starch;* (3) *air freshners, deodorants, and disinfectants;* (4) *mops, dusters, waxers, brooms, and parts thereof;* (5) *plastic bags; and* (6) *diet and nutritional foods* (except frozen) from Franklin, Ky., and Urbana, Ohio, to Dallas, Irving, and Lubbock, Tex., Denver, Colo., Salt Lake City, Utah, La Mirado and Los Angeles, Calif., and, Milwaukee, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it

be held at Cincinnati, Ohio, or Dallas, Tex.

No. MC 121060 (Sub-No. 8), filed February 24, 1971. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 19th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials and supplies* (except commodities in bulk), between points in Alabama, Georgia, Mississippi, Louisiana, Tennessee, Kentucky, Arkansas, Florida, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 123613 (Sub-No. 9), filed February 24, 1971. Applicant: CLAREMONT MOTOR LINES, INC., Post Office Box 296, Claremont, NC 28610. Applicant's representative: Bill R. Davis, Suite 1208, Gas Light Tower, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Alexander, Buncombe, Burke, Caldwell, Catawba, Cleveland, Davie, Iredell, Lincoln, McDowell, and Rutherford Counties, N.C., to points in Michigan and points in New York and Pennsylvania on and west of U.S. Highway 11. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 123640 (Sub-No. 3), filed February 16, 1971. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, IN 46803. Applicant's representative: Irving Klein, 280 Broadway, New York, NY 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are usually sold, dealt in, or used by chain or department stores, (a) between Fort Wayne, Ind., on the one hand, and, on the other, Jersey City, N.J., and points in Missouri, Nebraska, Iowa, and points in Kansas on and east of U.S. Highway 281, and (b) from points in Ohio, Indiana, Kentucky, Illinois, and points in Pennsylvania on and west of U.S. Highway 219 to Jersey City, N.J., under contract with W. T. Grant Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124078 (Sub-No. 480), filed February 25, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Murray, Ky., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that tacking is possible but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 124211 (Sub-No. 176), filed February 16, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Muscatine and Iowa City, Iowa, to Lincoln, Omaha, Millard, Norfolk, and Grand Island, Nebr. NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 124211 Sub-Nos. 62, 105, 18, 109, 118, 119, 121, 127, and 133, at named destinations involved in instant application, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests that it be held at Lincoln or Omaha, Nebr.

No. MC 124511 (Sub-No. 8), filed February 24, 1971. Applicant: JOHN F. OLIVER, Highway 54 East, Box 223, Mexico, MO 65265. Applicant's representative: Paul J. Maton, 10 South La Salle, Suite 1620, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials, cement and asbestos products, conduit and pipe, asbestos cement and supplies* used for the installation thereof (except commodities in bulk), from Waukegan, Ill., to points in Kansas City, Kans., East St. Louis, Ill., points in Missouri and Iowa (except Davenport and Clinton, Iowa). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124692 (Sub-No. 77), filed February 22, 1971. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representatives: J. David Douglas (same address as above) and Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products and millwork;* (a) from points in Idaho, Oregon, and Washington to points in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Utah, Wisconsin, and Wyoming; and (b) from points in Montana to points in California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 124813 (Sub-No. 80), filed February 23, 1971. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, in bulk; (1) from the plantsites and storage facilities of Farmland Industries, Inc., located at Fremont, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wyoming; and (2) from the plantsites and storage facilities of Farmland Industries, Inc., located at Humboldt, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Applicant also holds contract carrier authority under MC 118468 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 125915 (Sub-No. 5), filed February 22, 1971. Applicant: WAYNE INGERSOLL, an individual, doing business as INGERSOLL TRANSFER, Rural Route No. 1, Waverly, IA 50677. Applicant's representative: William B. Mooney, 116 West Bremer Avenue, Waverly, IA 50677. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk or cream substitutes*, from Waverly, Iowa, to Jacksonville, Ill., under contract with Carnation Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 125996 (Sub-No. 18), filed February 17, 1971. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Millard, NE 68137. Applicant's representative: Duane Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by Banner Beef Co., at or near Hosper, Iowa to

points in Connecticut, Delaware, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, District of Columbia. Restricted to traffic originating at the named origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126276 (Sub-No. 46), filed February 26, 1971. Applicant: FAST MOTOR SERVICE, INC., 6150 South East Avenue, Hodgkins, IL 60527. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, closures and accessories, paper and paper articles, and plastic articles and materials, equipment, and supplies* used in the manufacture, distribution and sale of the foregoing specified commodities (except commodities in bulk or those which because of size or weight require the use of special equipment), between points in Colorado, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Ohio, Michigan, West Virginia, Massachusetts, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Vermont, New Hampshire, Rhode Island, Maine, and the District of Columbia, under contract with Continental Can Co., Inc. NOTE: Applicant has pending an application in No. MC 134612, for common carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 126288 (Sub-No. 3), filed February 12, 1971. Applicant: ROY WILLIAM KASARI, 200 Northeast Seventh Street, Hermiston, OR 97838. Applicant's representative: Robert E. O'Rourke, Post Office Box 490, Pendleton, OR 97801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed supplements*, between points in Umatilla, Union, and Morrow Counties, Oreg., and points in Oregon, Washington, Idaho, Montana, and California under contract with C & B Livestock Co., Inc., Pendleton Grain Growers, and Peavey Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hermiston or Pendleton, Oreg.

No. MC 127028 (Sub-No. 5), filed February 25, 1971. Applicant: BREDEHOEFT PRODUCE COMPANY, INC., Decatur, AR 72722. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen pies and frozen bakery goods*, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the production of the commodities named in part (1) above, from points in Arkansas, California, Indiana, Michigan, Minnesota, and New Jersey, to Tulsa, Okla. Restriction: Restricted to the transportation of traffic originating at or destined to the plantsite and storage facilities of Bama Pie, Inc., at Tulsa, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Oklahoma City, Okla.

No. MC 128117 (Sub-No. 14), filed February 17, 1971. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 896, Catawba Avenue, Hickory, NC 28601, Post Office Box 477, Old Fort, NC. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Campbell and Franklin Counties, Va., to points in Arkansas, Louisiana, Oklahoma, Texas, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 128878 (Sub-No. 23), filed February 19, 1971. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 3904, Shreveport, LA 71103. Applicant's representatives: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, TX 78701, and Wade Shemwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, including plywood and particle board*, from the plantsites of Georgia-Pacific Corp., at or near Corrigan and New Waverly, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex., or Shreveport, La.

No. MC 129442 (Sub-No. 4), filed February 24, 1971. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency, coins, bullion, and negotiable instruments), as are used in the business of banks and banking institutions, between Dallas, Fort Worth, and Wichita Falls, Tex., on the one hand, and, on the other, points in Oklahoma. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 129557 (Sub-No. 4), filed March 1, 1971. Applicant: PAONE TRUCKING, INC., 88 Briggs Street, Cranston, RI 02920. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumice*, crushed, in bulk, in dump vehicles, from Boston, Mass., Portsmouth, N.H., and Providence, R.I., to Cranston, R.I. NOTE: Applicant also holds a contract carrier authority under MC 126467, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 129612 (Sub-No. 4), filed February 23, 1971. Applicant: I. BOWIE HALL, doing business as BOWIE HALL TRUCKING, Post Office Box 1, Upper Marlboro, MD 20870. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW, Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Williamsburg, Va., to points in Maryland restricted to a transportation service to be performed under contracts with Bob Hall, Inc., Winner Distributing Co., Katceff Brothers, Inc., The Bees Distributing Co., Inc., Birely Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133189 (Sub-No. 2), filed February 22, 1971. Applicant: VANT TRANSFER, INC., 5075 Mulcare Drive, Minneapolis, MN 55421. Applicant's representative: James S. Holmes, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* originating at the plantsite and warehouse of North Star Steel Co. at Newport, Minn., to points in the United States (except Colorado, Hawaii, Idaho, Illinois, Montana, Nebraska, North Dakota, South Dakota, Utah, Washington, Wisconsin, and Wyoming); and (2) *plant materials, equipment and supplies* used in the manufacturing of iron and steel articles, to the plantsite and warehouse of North Star Steel Co. near Newport, Minn., on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 13), filed February 10, 1971. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, MN 55112. Applicant's representatives: James F. Sexton (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and other*

commodities distributed by dairies, from Browerville, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 76026 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134775 (Sub-No. 1), filed February 22, 1971. Applicant: TECH TRANSPORTATION, INC., 1424 Washington Building, Seattle, WA 98101, 10221 13th Avenue, Seattle, WA 98168. Applicant's representative: George R. LaBissoniere (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cargo containers, main landing gear, fuselage fairing components and interior furnishings*, from Kent, Wash., to Burbank, Palmdale, and San Francisco, Calif., for the account of Heath Techna Corp. only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134819 (Sub-No. 1), filed February 26, 1971. Applicant: RALPH W. KING, doing business as R. W. KING TRUCKING, 306 North Helm Avenue, Fresno, CA 93727. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, CA 93721. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shingles, shakes, and ridge*, from points in Lane and Linn Counties, Oreg., to points in the following counties in California: Shasta, Tehama, Sutter, Yuba, Sacramento, Yolo, San Joaquin, Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, Kern, Santa Cruz, Monterey, San Benito, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, San Diego, and Imperial; and *returned, refused or rejected shipments of the above-named commodities*, on return, under contract with Meile Shake, Inc., and Three Pack Shingle Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eugene or Portland, Oreg.

No. MC 134838 (Sub-No. 1), filed February 10, 1971. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2567 Plant Atkinson Road NW., Post Office Box 39236, Bolton Station, Atlanta, GA 30318. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structual and reinforcing steel*, between Scottdale, Ga., and points in Alabama, Florida, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134839 (Sub-No. 2), filed February 19, 1971. Applicant: JEROME M. HAACK, Route No. 1, Deerfield, WI 53531. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feeds, feed supplements, feed ingedients, and related insecticides and medications* for treating animals and poultry, in mixed shipments with feeds, feed supplements or feed ingredients, between Howard Lake, Minn., on the one hand, and, on the other, points in Illinois, Iowa, and Wisconsin, limited to a transportation service to be performed under a continuing contract, or contracts, with Paul W. Brandt and Morris J. Kraut, copartners doing business as American Feeds & Livestock Co., restricted against the transportation of the described commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 135100 (Sub-No. 2), filed February 25, 1971. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, LaPorte, IN 46350. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and caps and covers relating thereto*, from St. Louis, Mo., to Fort Wayne, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 2310, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135119 (Sub-No. 2), filed February 25, 1971. Applicant: BULLDOG TRUCKING, INC., Post Office Box 5702, Athens, GA 30601. Old Danielsville Road, Athens, GA 30604. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street, NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile mill waste*, between points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 135124 (Sub-No. 1), filed February 19, 1971. Applicant: CHARLES MURRAY, 1058 Garfield Street, Fremont, OH 43420. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, NY 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressings* (including mayonnaise and tarter sauce), from Wilson, N.Y., to points in New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Ohio, Michigan, Illinois, Florida, Georgia, South Carolina, Maine, Vermont, Rhode Island, West Virginia, Virginia, Kentucky, Wisconsin, North Carolina, and the District of Columbia; and *materials, supplies, and equipment* used or useful in the manufacture or distribution of salad dressings (including mayonnaise and tarter sauce) from the above-named States to Wilson, N.Y., on return, under contract with Pfeiffer's Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 135126 (Sub-No. 1), filed February 10, 1971. Applicant: KENNETH R. COOPER, doing business as C & H BODY SHOP, West Highway 20, South Sioux City, NE 68776. Applicant's representative: Kenneth R. Cooper (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled trucks, wrecked or disabled truck tractors, and wrecked or disabled trailers*, from points in Missouri, Oklahoma, Kansas, Wyoming, Colorado, Montana, South Dakota, Illinois, Indiana, Iowa, North Dakota, Minnesota, Wisconsin, and Nebraska to Omaha and South Sioux City, Nebr., and Sioux City, Iowa, under contract with Great West Casualty Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 135168, filed December 7, 1970. Applicant: COLUMBUS EXPRESS CORP., 1158 Southern Boulevard, New York (Bronx), NY 10459. Applicant's representative: Arthur R. Rosenbaum, 350 Broadway, Suite 1101, New York, NY 10013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household furniture and effects; automobiles; dry goods and suitcases*, between points in New York, N.Y., commercial zone as defined by the Commission in the 5th Supplemental Report 53 M.C.C. 451 and points in Puerto Rico. NOTE: If a hearing is deemed necessary, applicant requests it be held in New York, N.Y.

No. MC 135185 (Sub-No. 1), filed February 19, 1971. Applicant: COLUMBINE CARRIERS, INC., 2700 23d Avenue, Council Bluffs, IA 51501. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Beefland International, Inc., at or near Council Bluffs, Iowa, and Omaha, Nebr., to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia,

and the District of Columbia, under contract with Beefland International, Inc., restricted to traffic originating at the named origin points and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135187 (Sub-No. 2), filed February 11, 1971. Applicant: ALLAN L. WHITCOMB, Route 1, Box 1, Deary, ID 83823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap automobiles and parts and used automobile parts*, from points in Montana, West of the Continental Divide, points in Idaho and points in Asotin County, Wash., to Spokane, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 135218, filed December 28, 1970. Applicant: MONTI MOVING & STORAGE, INC., 209 MacDougal Street, New York (Brooklyn), NY 11233. Applicant's representative: Arthur R. Rosenbaum, 350 Broadway, Suite 1101, New York, NY 10013. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Household furniture and personal effects and automobiles*, between points in New York, N.Y., commercial zone as defined by the Interstate Commerce Commission in the 5th Supplemental Report 53 MCC 451 and Puerto Rico. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 135239 (Sub-No. 1), filed March 3, 1971. Applicant: SAM H. WILLIAMS, doing business as WILLIAMS TRANSFER & STORAGE, Post Office Box 6, Leesville, LA 71446. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to shipments having a prior or subsequent movement beyond points named below in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, between points as follows: Points in Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Lafayette, Natchitoches, Sabine, St. Landry, Vermilion, and Vernon Parishes in Louisiana, and points in Angelina, Jasper, Nacogdoches, Newton, Orange, Sabine, San Augustine, and Shelby Counties, in Texas. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135281 (Sub-No. 2), filed February 24, 1971. Applicant: RAYMOND LANGLEY, doing business as LANGLEY TRUCKING, Route No. 4, Post Office Box 61, Elizabethtown, KY 42701. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum shot*, in bulk, in dump vehicles, from the site of the plant of the National Aluminum Corp. in Hancock County, Ky., to points in Detroit, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Evansville, Ind.

No. MC 135320 (Sub-No. 1), filed February 26, 1971. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* of all kinds, between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma; (2) *exposed and processed film and prints complimentary replacement film, incidental dealer handling supplies and advertising material* moving therewith (except motion picture film used primarily for commercial theater and television exhibition), between Dallas and San Antonio, Tex., on the one hand, and, on the other, points in Oklahoma; and (3) *radiopharmaceuticals, radioactive drugs, and medical isotopes*, between Dallas and Houston, Tex., on the one hand, and, on the other, points in Oklahoma. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 135351 (Sub-No. 1), filed February 16, 1971. Applicant: GRONDIN TRANSPORT, INC., St. Frederic, Beauce County, QP Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos*, from ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, and Rouses Point, N.Y., to points in Massachusetts, Connecticut, and Rhode Island. Restriction: Restricted to traffic originating in Beauce County, Province of Quebec, Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authoriy. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Boston, Mass.

No. MC 135360 (Sub-No. 1), filed February 17, 1971. Applicant: JAMES R. FUSTON, doing business as METRO MOVING & STORAGE CO., 1112 Solana Street, Winter Park, FL 32789. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission and unaccompanied baggage and peronal effects, between points in Florida south and east of the western boundary of Jefferson County and north of the northern boundaries of Lee, Henry, and Palm Beach Counties. Restriction: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization; or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Orlando, Fla.

No. MC 135364, filed February 17, 1971. Applicant: MORWALL TRUCKING, INC., Post Office Box 152, Dunmore, PA. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating, cooling, and/or air conditioning machinery, and accessories and/or related parts;* loose, unpackaged on skids or packaged, from the Trane Co. facilities located in Lackawanna County, Pa., to points in New York, New Jersey, Delaware, Maryland, Massachusetts, Rhode Island, Vermont, New Hampshire, and the District of Columbia, under contract with the Trane Co., La Crosse, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135366, filed February 16, 1971. Applicant: CHARLES E. POSTLE, an individual, doing business as ROSAMOND VAN & STORAGE, 2828 Sierra Highway, Rosamond, CA 93560. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135367, filed February 17, 1971. Applicant: LEONARD J. MICKAVICZ, 999 Union Street, Taylor, PA 18517. Applicant's representative: Kenneth R. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorescent and incandescent lamp fixtures, new furniture and materials and supplies* used in the manufacture of same, from plantsite of Quartite Creative Corp., Nesquehoning, Pa., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia,

Maryland, New Jersey, New York, Connecticut, and Massachusetts, and *parts, materials, and supplies* used in the manufacture of same on return; (2) *lamps and lampshades, wall plaques and parts, materials, and supplies* used in the installation thereof, from Grossinger Industries, Old Forge, Pa., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, New Jersey, New York, Connecticut, and Massachusetts, and *parts, materials, and supplies* used in the manufacture of same on return; (3) *Lampshades, parts, materials, and supplies* used in the installation thereof, from the plantsite of Hillcrest Shades, Inc., Old Forge, Pa., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, New Jersey, New York, Connecticut, and Massachusetts, and *materials and supplies* used in the manufacture of lampshades on return; (4) *light bulbs, incandescent*, from the plantsite of Pennsylvania Illuminating Corp., Scranton, Pa., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, New Jersey, New York, Connecticut, and Massachusetts, *parts, materials, and supplies* used in the manufacture of same on return; and (5) *fluorescent and incandescent lamp fixtures, parts, materials, and supplies* used in the installation thereof, from plantsite of Globe Lighting Products, Inc., West Hazleton, Pa.; plantsite of Allegheny Lamp Manufacturing, Inc., Wilkes-Barre, Pa.; plantsite of Hy-Art Lamp Manufacturing, Inc., Wilkes-Barre, Pa.; plantsite of Fulton Lamp Manufacturing Co., Inc., Berwick, Pa., and plantsite of Scott Manufacturing Co., Wilkes-Barre, Pa., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Maryland, New Jersey, New York, Connecticut, and Massachusetts, and *parts, materials, and supplies* used in the manufacture of fluorescent and incandescent lamp fixtures on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135368, filed February 18, 1971. Applicant: BLUFF SPRINGS FARMERS ELEVATOR CO., a corporation, Bluff Springs, IL 62622. Applicant's representatives: Melvin N. Routman and Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and animal and poultry feed ingredients*, between Beardstown, Ill., on the one hand, and, on the other, points in Iowa, under contract with Kent Feeds Division of Grain Processing Corp., Muscatine, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Chicago, Ill.

No. MC 135372, filed February 22, 1971. Applicant: REGIONAL TRANSPORTATION, INC., 101 Reserve Road, Hartford, CT 06114. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plants and facilities of Rath Packing Co. of Waterloo, Iowa, Dubuque Packing Co. of Dubuque, Iowa, and John Morrell & Co. of Ottumwa, Iowa, to the plant and facilities of Regional Beef Co., Inc., in Hartford, Conn., under contract with Regional Beef Co., Inc., of Hartford, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Boston, Mass.

MOTOR CARRIER OF PASSENGERS

No. MC 228 (Sub-No. 70), filed January 19, 1971. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, NJ. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, NY 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in sightseeing and pleasure tours, beginning and ending at points in Pike and Wayne Counties, Pa., and extending to points in the United States, including Alaska but except Hawaii. NOTE: Common control may be involved. Applicant states no duplicate authority is being sought. It further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 135369, filed February 18, 1971. Applicant: JACK H. BALDWIN, doing business as CLEVELAND-DALTON BUS LINES, Route 5, Box 502, Cleveland, TN 37311. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Regular routes: Passengers and their baggage, and express and newspapers* in the same vehicle with passengers between Cleveland, Tenn., and Dalton, Ga; (a) from Cleveland, Tenn., over Tennessee Highway 60 to the Tennessee-Georgia State line; thence over Georgia Highway 71 from the Tennessee-Georgia State line to Dalton, Ga.; (b) from junction of Georgia Highway 71 and Georgia Highway 2, thence over Georgia Highway 2 to Varnell, Ga., and return over the same routes, serving all intermediate points, and serving Varnell, Ga., for purpose of joinder in (a) and (b) above; and (2) *Over Irregular Routes: Passengers and their baggage* in special and charter operations beginning and ending at points described in (1) above and extending to points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Cleveland, Tenn.

No. MC 135011 (Sub-No. 1), filed February 25, 1971. Applicant: DONALD J. HORN AND LARRY WILSON, a partnership, doing business as H & W ENTERPRISES, Route 2, Mitchell, NE 69357. Applicant's representative: Loren G. Olsson, Box 276, Scottsbluff, NE 69361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter and special sightseeing operations, beginning and ending at Scottsbluff, Nebr., and extending to points in Colorado, Nebraska, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scottsbluff or Gering, Nebr.

APPLICATION OF FREIGHT FORWARDER

No. FF-401 (ASSOCIATED AIR FREIGHT, INC., Freight Forwarder Application), filed March 10, 1971. Applicant: ASSOCIATED AIR FREIGHT, INC., 167-16 14th Avenue, Jamaica, NY 11434. Applicant's representative: Leonard M. Frackman, 14 Maiden Lane, New York, NY 10038. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to institute operation as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by motor vehicle in the transportation of: *Freight* having a prior or subsequent movement by air, from points in the United States, picking up from consignor and delivering to consignee at any place in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 109821 (Sub-No. 29), filed February 23, 1971. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, PA 16901. Applicant's representative: Robert DeKroyft, 24 Branford Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities and supplies* used in the manufacture of *glass, including glass cullet, limestone, soda ash, sand, potash, nepheline syenite, barium carbonate, litharge, strontium carbonate and mixed batch material*, in bulk, in dump trucks, between Dale Summit, Pa., on the one hand, and, on the other, Albion, Mich. and the plantsite of Corning Glass Works located at Airport and Meridian Roads near Bluffton, Wells County, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved.

No. MC 133401 (Sub-No. 2), filed February 22, 1971. Applicant: DONALD G. BEACHLER, doing business as B & B TRUCKING, 2949 Standiford, Modesto, CA 95350. Applicant's representative: J. Wilmer Jensen, 1514 H Street, Modesto, CA 95354. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured dry fertilizer*, in bulk, from Helm, Fresno County, Calif., to points in Klamath, Lake, and Jackson Counties, Oreg., under contract with Collier Carbon and Chemical Corp. and Simplot Soilbuilders.

MOTOR CARRIER OF PASSENGERS

No. MC 124989 (Sub-No. 6), filed February 24, 1971. Applicant: ALASKAN COACHWAYS LIMITED, a corporation, 222 First Avenue Southwest, Calgary 1, AB, Canada. Applicant's representative: Robert J. Bernard, 10 South Riverside Plaza, Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) between Clear and McKinley Park, Alaska, from Clear, over Alaska State Highway 3 to McKinley Park and return over the same route, and serving all intermediate points; and (2) between Cantwell and Montana, Alaska, from Cantwell over Alaska State Highway 3 to Montana, Alaska, and return over the same route, and serving all intermediate points, and the off-route point of Talkeetna. NOTE: Applicant states that the authority sought will be tacked with authority presently held in the area involved.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4008 Filed 3-24-71;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 22, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42155 — *Chlorine from Charleston, Tenn.* Filed by O. W. South, Jr., agent (No. A6234), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Charleston, Tenn., to Westvaco, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 304 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 42156—*Chlorine from points in Louisiana.* Filed by O. W. South, Jr., agent (No. A6235), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from St. Gabriel, Baton Rouge, Geismar, and Gramercy, La., to Jacksonville and South Jacksonville, Fla.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 175 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4103 Filed 3-24-71;8:51 am]

[Notice 668]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 22, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72673. By order of March 19, 1971, the Motor Carrier Board approved the transfer to Wilber E. Ast, Gerald Halman, Gene Ast, and Donald R. Ast, a partnership, doing business as Miller Bros. Truck Line, Salmon, Idaho, of the operating rights in certificate No. MC-84759, issued March 18, 1970, to William E. Goodman, doing business as Miller Bros. Truck Line, Salmon, Idaho, authorizing the transportation of general commodities with specified exceptions between specified points in Idaho and Montana. Fredrick Hughes Snook, Snook Building, Salmon, ID, attorney for applicants.

No. MC-FC-72743. By order of March 18, 1971, the Motor Carrier Board approved the transfer to Roger G. Bellows and Charles A. Bellows, a partnership, doing business as Bellows & Bellows, Cameron, Wis., of the operating rights in certificate No. MC-115804 issued May 31, 1957 to Vern Bellows, doing business as Bellows and Bellows, Cameron, Wis., authorizing the transportation of specified commodities from Cameron, Wis. to points in a specified area of Wisconsin. Edward M. Conley, 3 South Main Street, Rice Lake, WI 54868, attorney for applicants.

No. MC-FC-72744. By order of March 19, 1971, the Motor Carrier Board approved the transfer to Bailey Bros., Inc., 8 Boardman Street, Cambridge, MA 02139, of the operating rights in certificate No. MC-43171 issued April 2, 1956, to Willard L. Bailey, doing business as Bailey Bros., Cambridge, Mass. 02139, authorizing the transportation of household goods between points in Massachusetts, on the one hand, and, on the other, points in Connecticut, Maine, New York, New Jersey, New Hampshire, Rhode Island, and Pennsylvania.

No. MC-FC-72747. By order of March 19, 1971, the Motor Carrier Board approved the transfer to William Millar, doing business as Millar Trucking, Bricktown, N.J., of the operating rights in permit No. MC-129692 issued September 25, 1968, to Roosevelt Thomas, Neptune, N.J., authorizing the transportation of canned animal food, from Farmingdale, N.J., to points in Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia; and commodities used in the manufacture and distribution of canned animal food, except in bulk, and returned shipments of canned animal food, from the above described destination points to Farmingdale, N.J. Morton E. Kiel, Registered Practitioner, 140 Cedar Street, New York, NY 10006, representative for applicants.

No. MC-FC-72749. By order of March 18, 1971, the Motor Carrier Board approved the transfer to Currier's Express, Inc., Andover, Mass., of certificate of registration No. MC-99443 (Sub-No. 1) issued January 15, 1964 to Ray A. York, doing business as Currier's Express, Wilmington, Mass., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 472 issued by the Massachusetts Department of Public Utilities. Domenico J. Alfano, 25 Meridian Street, Boston, MA 02128, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4102 Filed 3-24-71;8:51 am]

[No. 35342]

NEBRASKA INTRASTATE FREIGHT RATES AND CHARGES, 1970

In the matter of the assignment for hearing and directing special procedure.

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated January 4, 1971, the Commission, Division 2, instituted an investigation pursuant to section 13 of the Interstate Commerce Act into the matters and things presented in the petition filed November 2, 1970, by the common carriers by railroad operating within the State of Nebraska, wherein it is alleged that the Nebraska State Railway Commission has refused to authorize or to permit increases in rates and charges on sugar, beet or cane, and sugar beets moving in intrastate commerce corresponding to increases authorized by this Commission on interstate commerce in Ex Parte No. 262, Increased Freight Rates, 1969, 337 ICC 436;

And it further appearing, that upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to a hearing examiner for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to a hearing examiner for hearing and for recommendation of an appropriate

order thereon, accompanied by the reasons therefor.

It is further ordered, That on or before April 22, 1971, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing, with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in Appendix A below and any additional persons who make known their desire to actively participate in the proceeding on or before April 12, 1971.

It is further ordered, That on or before May 24, 1971, protestants shall file with the Commission, three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all persons listed in Appendix A below and any additional persons who make known their desire to actively participate on or before April 12, 1971. Set forth below as Appendix A is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before April 12, 1971, as well as all persons listed in Appendix A below. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before June 1, 1971, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on June 9, 1971, 9:30 a.m. d.s.t. (or 9:30 a.m., U.S. s.t., if that time is observed), at the Nebraska State Railway Commission Hearing Room, Third Floor, 1342 M Street, Lincoln, NE, for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of Nebraska be notified of the proceeding by sending a copy of this order by certified mail to the Governor of Nebraska, Lincoln, Nebr., and a copy to the Nebraska State Railway Commission, Lincoln, Nebr.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 16th day of March 1971.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD, *Secretary*.

APPENDIX A

Robert B. Batchelder, 15th and Dodge Streets, Omaha, NE 68102.
Louis T. Duerinck, 400 West Madison Street, Chicago, IL 60606.
Gordon E. Ganka, Director, Rates and Services Department, Nebraska State Railway Commission, Third Floor, 1342 M Street, Lincoln, NE 68508.
J. M. Holt, Transportation Manager, Great Western Sugar Co., Post Office Box 5308, Terminal Annex, Denver, CO 80217.
Don McDevitt, La Salle Street Station, Chicago, IL 60605.
Richard J. Schreiber, 547 West Jackson Boulevard, Chicago, IL 60606.
R. H. Stahlheber, 210 North 13th Street, St. Louis, MO 63103.

[FR Doc.71-4101 Filed 3-24-71;8:51 am]

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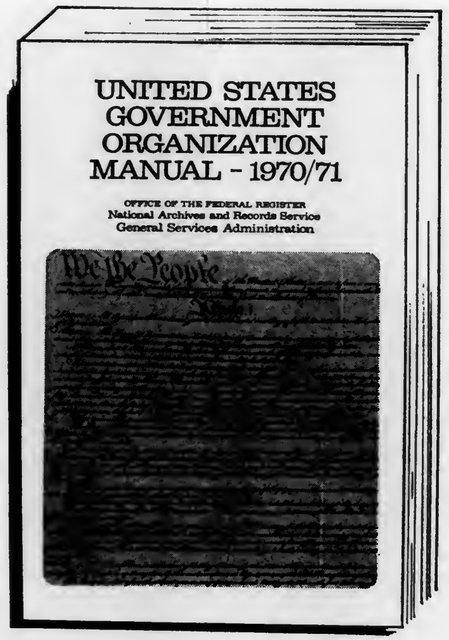
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Section 213.3316 is amended to show that the Schedule C position of Assistant to the Director of Public Information has been retitled Assistant to the Assistant Secretary for Public Affairs. Effective on publication in the FEDERAL REGISTER (3–26–71), subparagraph (17) of paragraph (a) of § 213.3316 is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(17) Assistant to the Assistant Secretary for Public Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–4141 Filed 3–25–71;8:47 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that the position of Staff Assistant to the Director, Office of Congressional Affairs, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–26–71), paragraph (k) is added to § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * *

(k) One Staff Assistant to the Director, Office of Congressional Affairs.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–4140 Filed 3–25–71;8:47 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 of Schedule C is amended to reflect the change in organizational title from Office of the Associate Director for Congressional and Governmental Relations to Office of the Associate Director for Congressional Relations. Effective on publication in the FEDERAL REGISTER (3–26–71), the headnote to paragraph (e) of § 213.3373 is amended as set out below.

§ 213.3373 Office of Economic Opportunity.

* * * * *

(e) *Office of the Associate Director for Congressional Relations.* * * *

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(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–4142 Filed 3–25–71;8:47 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices) Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

OFFICIAL STANDARDS FOR CONNECTICUT VALLEY SHADE-GROWN CIGAR-WRAPPER

On February 3, 1971, notice of proposed rule making regarding the issuance of Official Standard Grades for Connecticut Valley Shade-grown Cigar-wrapper Tobacco, U.S. Type 61, was published in the FEDERAL REGISTER (36 F.R. 1904).

Statement of consideration. Grade standards for tobacco are issued under the authority of The Tobacco Inspection Act of 1935 which provides for the issuance of official U.S. grades to designate different levels of quality for the use of producers and buyers. Official grading service is also provided under the Act on both a mandatory and a permissive basis.

The current tentative standards for type 61 have been in effect since December 1956. They contain 24 basic grades and eight special factors for natural or air-cured tobacco.

Since 1956 methods of sorting have become less stringent due to changes in the manufacturing process. Also, many producers of type 61 are resorting to a quick curing process known as candela-curing. This method exposes tobacco to artificial atmospheric conditions controlled by regulating heat and humidity. The traditionally used natural or air-cured method subjects tobacco to natural atmospheric conditions with heat being used only to prevent pole-burn in damp weather.

The grade structure of the official standards is designed to reflect current sorting and curing practices. It provides 22 grades for natural or air-cured tobacco and 10 grades for candela-cured tobacco. Broadened grade specifications for natural or air-cured tobacco describe the tobacco without the use of special factors, thus eliminating the potential for additional grades. Definitions and rules are added, revised, or deleted to implement accurate application of the official grades.

Favorable response to the official standards was received during discussions of the proposed grades with producer and industry representatives.

Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposed standards. No data have been received. After consideration of all relevant facts, the standards as so proposed are hereby adopted without change and are set forth below.

Effective date. These standards shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of March 1971.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

1. Subpart C of Part 29 is amended by adding the new issuance immediately after § 29.6161 to read as follows:

OFFICIAL STANDARD GRADES FOR CONNECTICUT VALLEY SHADE-GROWN CIGAR-WRAPPER TOBACCO (U.S. TYPE 61)[1]

DEFINITIONS

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29.6251 Definitions.
29.6252 Air-cured.
29.6253 Body.
29.6254 Brown colors.
29.6255 Candela-cured.
29.6256 Candela-cured green colors.
29.6257 Class.
29.6258 Color.
29.6259 Color shade.
29.6260 Color symbols.
29.6261 Condition.
29.6262 Crude.
29.6263 Cured.
29.6264 Damage.
29.6265 Dirty.
29.6266 Elasticity.
29.6267 Elements of quality.
29.6268 Fibers.
29.6269 Fleck (FL).
29.6270 Foreign matter.
29.6271 Form.
29.6272 Grade.
29.6273 Grademark.
29.6274 Green (G).
29.6275 Greenish (V).
29.6276 Group.

[1] These standards provide grades for both air-cured and candela-cured tobacco.

Sec.
29.6277 Injury.
29.6278 Leaf scrap.
29.6279 Leaf structure.
29.6280 Length.
29.6281 Lot.
29.6282 Maturity.
29.6283 Mixed color (M).
29.6284 Nested.
29.6285 Offtype.
29.6286 Order (case).
29.6287 Package.
29.6288 Packing.
29.6289 Quality.
29.6290 Semicured.
29.6291 Side.
29.6292 Sound.
29.6293 Special factor.
29.6294 Stained.
29.6295 Stem.
29.6296 Stemmed.
29.6297 Strips.
29.6298 Subgrade.
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29.6300 Sweating.
29.6301 Tobacco.
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RULES

29.6336 Rules.
29.6337 Rule 1.
29.6338 Rule 2.
29.6339 Rule 3.
29.6340 Rule 4.
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29.6342 Rule 6.
29.6343 Rule 7.
29.6344 Rule 8.
29.6345 Rule 9.
29.6346 Rule 10.
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29.6348 Rule 12.
29.6349 Rule 13.
29.6350 Rule 14.
29.6351 Rule 15.
29.6352 Rule 16.
29.6353 Rule 17.
29.6354 Rule 18.
29.6355 Rule 19.
29.6356 Rule 20.

ELEMENTS OF QUALITY

29.6371 Elements of quality.

GRADES FOR NATURAL (AIR-CURED) TOBACCO

29.6386 Wrappers (A Group).
29.6387 Stained (S Group).
29.6388 Brokes (X Group).
29.6389 Nondescript (N Group).

GRADES FOR CANDELA-CURED TOBACCO

29.6396 Wrappers (A Group).
29.6397 Brokes (X Group).
29.6398 Nondescript (N Group).

SUMMARY OF STANDARD GRADES

29.6406 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.6411 Key to standard grademarks.

DEFINITIONS

§ 29.6251 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.6252 Air-cured.

Tobacco cured under natural atmospheric conditions without the use of artificial heat except to prevent poleburn in damp weather.

§ 29.6253 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.6371.)

§ 29.6254 Brown colors.

A group of natural wrapper colors ranging from a golden brown to reddish brown. The range is expressed as golden brown (L), light brown (F), and reddish brown (R).

§ 29.6255 Candela-cured.

Tobacco cured under controlled artificial atmospheric conditions by regulating the heat and humidity. This process produces a green or greenish color in the cured leaves.

§ 29.6256 Candela-cured green colors.

A group of candela-cured wrapper colors ranging from a yellowish green to dark green. The range is expressed as yellowish green (YG), light green (LG), green (G), and dark green (KG).

§ 29.6257 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.6258 Color.

The third factor of a grademark based on the relative hues, saturation or chroma, and color values common to the type.

§ 29.6259 Color shade.

The varying strength or weakness of a color or hue.

§ 29.6260 Color symbols.

In this type the color symbols used for naturally cured tobacco are L—golden brown, F—light brown, M—mixed color, V—greenish, FL—fleck, R—reddish brown, K—variegated, and G—green. Color symbols used for candela-cured tobacco are LG—light green, G—green, YG—yellowish green, FL—fleck, and KG—dark green or dark green and variegated mixed.

§ 29.6261 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.6262 Crude.

A subdegree of maturity. (See rule 19, § 29.6355.)

§ 29.6263 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.6264 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 20, § 29.6356.)

§ 29.6265 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand. (See rule 20, § 29.6356.)

§ 29.6266 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched.

§ 29.6267 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in § 29.6371.

§ 29.6268 Fibers.

Lateral and cross veins in a tobacco leaf. (See chart, § 29.6371.)

§ 29.6269 Fleck (FL).

Spots or dapples on the surface of the tobacco leaf. (See rule 14, § 29.6350.)

§ 29.6270 Foreign matter.

Any extraneous substance or material. (See rule 20, § 29.6356.)

§ 29.6271 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.6272 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.6273 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. Color symbols are used only in the A group.

§ 29.6274 Green (G).

Green color. In natural wrappers any leaf which has a green color affecting 10 percent or more of its surface may be described as green. (See rule 17, § 29.6353.)

§ 29.6275 Greenish (V).

A color term applied to greenish-tinged air-cured tobacco. Any leaf of natural wrapper tobacco which has a greenish tinge or a pale green color affecting 10 percent or more of its surface may be described as greenish. (See rule 16, § 29.6352.)

§ 29.6276 Group.

A division of a type covering closely related grades. Groups in this type are Wrappers (A), Stained (S), Brokes (X), and Nondescript (N).

§ 29.6277 Injury.

Hurt or impairment. (See rule 13, § 29.6349.)

§ 29.6278 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.6279 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See chart, § 29.6371.)

§ 29.6280 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See chart, § 29.6371.)

§ 29.6281 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.6282 Maturity.

The degree of ripeness. (See chart, § 29.6371.)

§ 29.6283 Mixed color (M).

Normal colors of air-cured type 61 mixed in various proportions. Golden brown, light brown, reddish brown, and greenish hues may be included.

§ 29.6284 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. (See rule 20, § 29.6356.)

§ 29.6285 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as type 61. (See rule 20, § 29.6356.)

§ 29.6286 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.6287 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.6288 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.6289 Quality.

A division of a group or the second factor of a grademark based on the relative degree of one or more elements of quality in tobacco.

§ 29.6290 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, or stems that have not been thoroughly dried in the curing process. (See rule 20, § 29.6356.)

§ 29.6291 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.6292 Sound.

Free of damage.

§ 29.6293 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rule 9, § 29.6345.)

§ 29.6294 Stained.

A term applied to tobacco that has been blackened, bruised, or discolored by excessive moisture. (See rules 18 and 20, §§ 29.6354 and 29.6356.)

§ 29.6295 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.6296 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.6297 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.6298 Subgrade.

Any grade modified by a special factor symbol.

§ 29.6299 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.6300 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.6301 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.6302 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.6303 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.6304 Type 61.

That type of shade-grown tobacco known as Connecticut Valley Shade-grown, produced principally in the Connecticut Valley section of Connecticut and Massachusetts.

§ 29.6305 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.6306 Uniformity.

An element of quality which describes the consistency of a lot of tobacco. (See rule 12, § 29.6348.)

§ 29.6307 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.6308 Variegated.

Two or more contrasting colors or tints within a leaf. (See rule 15, § 29.6351.)

§ 29.6309 Wet.

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 20, § 29.6356.)

RULES

§ 29.6336 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.6337 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.6338 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot or packing of tobacco or of an official sample of the lot or packing.

§ 29.6339 Rule 3.

The grade assigned to any lot or packing of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot or packing of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.6340 Rule 4.

Tobacco of the A, X, or S groups shall be placed straight in boxes or bales of normal size, weight, and shape with the butts out and tips overlapping sufficiently to make a level, solid, and uniform pack. All sides of the bales shall be completely covered with paper or other suitable protective material.

§ 29.6341 Rule 5.

A lot or packing of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.6342 Rule 6.

Any lot or packing of tobacco which meets the specifications of two grades shall be placed in the higher grade.

§ 29.6343 Rule 7.

A lot or packing of tobacco meets the specifications of a grade when it is not lower in any element of quality than the degree stated in grade specifications and does not exceed the tolerance(s) of such grade.

§ 29.6344 Rule 8.

In determining the grade of a lot or packing of tobacco, the lot or packing as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

§ 29.6345 Rule 9.

Any special factor approved by the Director of the Tobacco Division, Consumer and Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.6346 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch, and approved by the Director.

§ 29.6347 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.6348 Rule 12.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot or packing which must meet each specification of the grade; the remaining portion must be closely related. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.6349 Rule 13.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected wrapper cutting area or the degree of injury.

§ 29.6350 Rule 14.

Fleck shall be included only in A2FL, A3FL, N1, and N2.

§ 29.6351 Rule 15.

Any lot or packing of tobacco containing over 10 percent of variegated leaves shall be designated by the color symbol "K" in natural wrappers and "KG" in candela wrappers.

§ 29.6352 Rule 16.

Any lot or packing of L- or F-colored natural wrapper tobacco containing over 10 percent of greenish leaves shall be designated by the color symbol "V".

§ 29.6353 Rule 17.

Any lot or packing of natural wrapper tobacco containing over 10 percent of green leaves shall be designated by the color symbol "G".

§ 29.6354 Rule 18.

Stained tobacco shall be included only in grades of the S and N groups.

§ 29.6355 Rule 19.

Crude leaves shall be included only in N2.

§ 29.6356 Rule 20.

Tobacco shall be designated "N2" when it is crude, damaged, dirty, improperly packed, nested, offtype, semicured, wet, or when it contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

ELEMENTS OF QUALITY

§ 29.6371 Elements of quality and degrees of each element.

These words or terms are used to determine tobacco quality. Characteristics which constitute general quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees.

Elements	Degrees		
Body	Thin	Medium	Heavy.
Color shade	True	Dusky	Dull.
Maturity	Ripe	Unripe	Immature.
Leaf structure	Open	Firm	Close.
Fiber size	Small	Medium	Large.
Fiber color	Blending	Contrasting	Clashing.
Injury tolerance.	Expressed in percentages.		
Uniformity	do		
Length	Expressed in inches.		

GRADES FOR NATURAL (AIR-CURED) TOBACCO

§ 29.6386 Wrappers (A Group).

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	Grade names, minimum specifications, and tolerances
A1L	Choice Golden Brown Natural Wrappers Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2L	Fine Golden Brown Natural Wrappers Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity 90 percent; injury tolerance, 10 percent.
A3L	Good Short Golden Brown Natural Wrappers Thin to medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1F	Choice Light Brown Natural Wrappers Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2F	Fine Light Brown Natural Wrappers Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3F	Good Short Light Brown Natural Wrappers Thin to medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1M	Choice Mixed-color Natural Wrappers Thin, true color shades, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2M	Fine Mixed-color Natural Wrappers Medium body, true color shades, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3M	Good Short Mixed-color Natural Wrappers Thin to medium body, true color shades, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2V	Fine Greenish Natural Wrappers Thin to medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3V	Good Greenish Short Natural Wrappers Medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A2FL	Fine Fleck Natural Wrappers Thin to medium body, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Short Natural Wrappers Heavy, ripe, firm, 14 inches or under in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3R	Good Reddish Brown Natural Wrappers Heavy, ripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3K	Good Variegated Natural Wrappers Medium body, unripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3G	Good Green Natural Wrappers Heavy, immature, close. Uniformity, 90 percent; injury tolerance, 10 percent.

§ 29.6387 Stained (S Group).

This group consists of tied, stained tobacco from the A group.

U.S. grades	Grade names, minimum specifications, and tolerances
S1	Choice Stained Natural Wrappers Thin, true color shades, ripe, open, over 14 inches in length. Uniformity, 85 percent. Tolerances: 5 percent injury, 10 percent stain parallel to the midrib.
S2	Fine Stained Natural Wrappers Medium body, ripe, open, over 14 inches in length. Uniformity, 70 percent. Tolerances: 10 percent injury, 20 percent stain.

§ 29.6388 Brokes (S Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	Grade names, minimum specifications, and tolerances
X1	Choice Natural Brokes Medium body, true color shades, ripe, open. Minimum wrapper yield, 50 percent.
X2	Fine Natural Brokes Medium body, ripe, open. Minimum wrapper yield, 25 percent.

§ 29.6389 Nondescript (N Group).

Tobacco which does not meet the specifications of the lowest grade in any other group. This tobacco may be tied in hands or packed loose.

U.S. grades	Grade names and specifications
N1	Best Natural Nondescript Any tobacco except N2 which does not meet the specifications of the lowest grade in the A, S, or X groups.
N2	Lowest Natural Nondescript Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

GRADES FOR CANDELA-CURED TOBACCO

§ 29.6396 Wrappers (A Group).

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	Grade names, minimum specifications, and tolerances
A1LG	Choice Light Green Candela Wrappers Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1G	Choice Green Candela Wrappers Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2G	Fine Green Short Candela Wrappers Medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A3YG	Good Yellowish Green Candela Wrappers Thin to medium body, ripe, open, medium-sized and contrasting fibers. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Candela Wrappers Thin to medium body, ripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3KG	Good Dark Green and Variegated Candela Wrappers Heavy, unripe, close. Uniformity, 90 percent; injury tolerance, 10 percent.

§ 29.6397 Brokes (X Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	Grade names and minimum specifications
X1	Choice Candela Brokes Medium body, true color shades, ripe, open. Minimum wrapper yield, 50 percent.
X2	Fine Candela Brokes Medium body, ripe, firm. Minimum wrapper yield, 25 percent.

§ 29.6398 Nondescript (N Group).

Tobacco which does not meet the specifications of the lowest grade in any other group. This tobacco may be tied in hands or packed loose.

U.S. grades	Grade names and specifications
N1	Best Candela Nondescript Any tobacco except N2 which does not meet the specifications of the lowest grades in the A or X groups.
N2	Lowest Candela Nondescript Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type.

SUMMARY OF STANDARD GRADES

§ 29.6406 Summary of standard grades.

NATURAL (AIR-CURED)

Wrappers

A1L	A2F	A3M	A3FL
A2L	A3F	A2V	A3R
A3L	A1M	A3V	A3K
A1F	A2M	A2FL	A3G

Stained

S1 S2

Brokes

X1 X2

Nondescript

N1 N2

CANDELA-CURED

Wrappers

A1LG	A3YG
A1G	A3FL
A2G	A3KG

Brokes

X1 X2

Nondescript

N1 N2

KEY TO STANDARD GRADEMARKS

§ 29.6411 Key to standard grademarks.

Groups	Qualities
A—Wrappers.	1—Choice.
S—Stained.	2—Fine.
X—Brokes.	3—Good.
N—Nondescript.	

Colors

L—Golden brown.	LG—Light green.
F—Light brown.	YG—Yellowish green.
M—Mixed color.	
V—Greenish.	KG—Dark green, or dark green and variegated mixed.
FL—Fleck.	
R—Reddish brown.	
K—Variegated.	
G—Green.	

(49 Stat. 734; 7 U.S.C. 511m)

[FR Doc.71-4213 Filed 3-25-71;8:52 am]

PART 29—TOBACCO INSPECTION

Subpart C—Standards

OFFICIAL STANDARDS FOR GEORGIA AND FLORIDA SHADE-GROWN CIGAR-WRAPPER

On February 3, 1971, notice of proposed rule making regarding the issuance of Official Standard Grades for Georgia and Florida Shade-grown Cigar-wrapper Tobacco, U.S. Type 62, was published in the FEDERAL REGISTER (36 F.R. 1901).

Statement of consideration. Grade standards for tobacco are issued under the authority of the Tobacco Inspection Act of 1935 which provides for the issuance of official U.S. grades to designate different levels of quality for the use of producers and buyers. Official grading service is also provided under the Act on both a mandatory and a permissive basis.

The notice of proposed rule making provided recommendations to update the existing tentative grades for natural or air-cured tobacco, establish grades for candela-cured tobacco, and issue the grades as official standards.

Present-day market preparation and usage require fewer quality and color distinctions for cigar-wrapper tobacco. Studies reveal that the 12 proposed official grades adequately describe type 62 natural or air-cured tobacco and that special factor application is no longer necessary. The existing standards, which have been in effect since December 1956, contain 35 grades and seven special factors.

Ten grades for candela-cured tobacco are required to describe the portion of type 62 tobacco cured by this process. Increasing numbers of producers are using this relatively new curing practice. Candela-curing exposes tobacco to artificial atmospheric conditions controlled by regulating heat and humidity.

Favorable response to the official standards was received during discussions of the proposed grades with producer and industry representatives.

Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposed standards. No data have been received. After consideration of all relevant facts, the standards as so proposed are hereby adopted without change and are set forth below.

Effective date. These standards shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of March 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

1. Subpart C of Part 29 is amended by adding the new issuance, immediately after § 29.6411, to read as follows:

OFFICIAL STANDARD GRADES FOR GEORGIA AND FLORIDA SHADE-GROWN CIGAR-WRAPPER TOBACCO[1] (U.S. TYPE 62)

DEFINITIONS

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29.6504 Candela-cured.
29.6505 Candela-cured green colors.
29.6506 Class.
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[1] These standards provide grades for both air-cured and candela-cured tobacco.

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ELEMENTS OF QUALITY

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GRADES FOR NATURAL (AIR-CURED) TOBACCO

29.6636 Wrappers (A Group).
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29.6638 Brokes (X Group).
29.6639 Nondescript (N Group).

GRADES FOR CANDELA-CURED TOBACCO

Sec.
29.6646 Wrappers (A Group).
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29.6648 Nondescript (N Group).

SUMMARY OF STANDARD GRADES

29.6656 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.6661 Key to standard grademarks.

DEFINITIONS

§ 29.6501 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.6502 Air-cured.

Tobacco cured under natural atmospheric conditions without the use of artificial heat except to prevent pole-burn in damp weather.

§ 29.6503 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.6616.)

§ 29.6504 Candela-cured.

Tobacco cured under controlled artificial atmospheric conditions by regulating the heat and humidity. This process produces a green or greenish color in the cured leaves.

§ 29.6505 Candela-cured green colors.

A group of candela-cured wrapper colors ranging from a yellowish green to dark green. The range is expressed as yellowish green (YG), light green (LG), green (G), and dark green (KG).

§ 29.6506 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.6507 Color.

The third factor of a grademark based on the relative hues, saturation or chroma, and color values common to the type.

§ 29.6508 Color shade.

The varying strength or weakness of a color or hue.

§ 29.6509 Color symbols.

In this type the color symbols used for naturally cured tobacco are M—mixed color, FL—fleck, K—variegated, and G—green. Color symbols used for candela-cured tobacco are LG—light green, G—green, YG—yellowish green, FL—fleck, and KG—dark green or dark green and variegated mixed.

§ 29.6510 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.6511 Crude.

A subdegree of maturity. (See rule 18, § 29.6599.)

§ 29.6512 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.6513 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 19, § 29.6600.)

§ 29.6514 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand. (See rule 19, § 29.6600.)

§ 29.6515 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched.

§ 29.6516 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in § 29.6616.

§ 29.6517 Fibers.

Lateral and cross veins in a tobacco leaf. (See chart, § 29.6616.)

§ 29.6518 Fleck (FL).

Spots or dapples on the surface of the tobacco leaf. (See rule 14, § 29.6595.)

§ 29.6519 Foreign matter.

Any extraneous substance or material. (See rule 19, § 29.6600.)

§ 29.6520 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.6521 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.6522 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. Color symbols are used only in the A group.

§ 29.6523 Green (G).

Green color. In natural wrappers any leaf which has a green color affecting 10 percent or more of its surface may be described as green. (See rule 16, § 29.6597.)

§ 29.6524 Greenish.

A term applied to greenish-tinged air-cured tobacco. Any leaf of natural wrapper tobacco which has a greenish tinge or a pale green color affecting 10 percent or more of its surface may be described as greenish.

§ 29.6525 Group.

A division of a type covering closely related grades. Groups in this type are Wrappers (A), Stained (S), Brokes (X), and Nondescript (N).

§ 29.6526 Injury.

Hurt or impairment. (See rule 13, § 29.6594.)

§ 29.6527 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.6528 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See chart, § 29.6616.)

§ 29.6529 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See chart, § 29.6616.)

§ 29.6530 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.6531 Maturity.

The degree of ripeness. (See chart, § 29.6616.)

§ 29.6532 Mixed color (M).

Normal colors of air-cured type 62 mixed in various proportions. Golden brown, light brown, reddish brown, and greenish hues may be included.

§ 29.6533 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. (See rule 19, § 29.6600.)

§ 29.6534 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as type 62. (See rule 19, § 29.6600.)

§ 29.6535 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.6536 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.6537 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.6538 Quality.

A division of a group or the second factor of a grademark based on the relative degree of one or more elements of quality in tobacco.

§ 29.6539 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, or stems that have not been thoroughly dried in the curing process. (See rule 19, § 29.6600.)

§ 29.6540 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.6541 Sound.

Free of damage.

§ 29.6542 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rule 9, § 29.6590.)

§ 29.6543 Stained.

A term applied to tobacco that has been blackened, bruised, or discolored by excessive moisture. (See rules 17 and 19, §§ 29.6598 and 29.6600.)

§ 29.6544 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.6545 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.6546 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.6547 Subgrade.

Any grade modified by a special factor symbol.

§ 29.6548 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.6549 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.6550 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.6551 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.6552 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.6553 Type 62.

That type of shade-grown tobacco known as Georgia and Florida Shade-grown, produced principally in southwestern Georgia and in the central part of northern Florida.

§ 29.6554 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.6555 Uniformity.

An element of quality which describes the consistency of a lot of tobacco. (See rule 12, § 29.6593.)

§ 29.6556 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.6557 Variegated.

Two or more contrasting colors or tints within a leaf. (See rule 15, § 29.6596.)

§ 29.6558 Wet.

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 19, § 29.6600.)

RULES

§ 29.6581 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.6582 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.6583 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot or packing of tobacco or of an official sample of the lot or packing.

§ 29.6584 Rule 3.

The grade assigned to any lot or packing of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot or packing of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.6585 Rule 4.

Tobacco of the A, X, or S groups shall be placed straight in boxes or bales of normal size, weight, and shape with the butts out and tips overlapping sufficiently to make a level, solid, and uniform pack.

All sides of the bales shall be completely covered with paper or other suitable protective material.

§ 29.6586 Rule 5.

A lot or packing of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.6587 Rule 6.

Any lot or packing of tobacco which meets the specifications of two grades shall be placed in the higher grade.

§ 29.6588 Rule 7.

A lot or packing of tobacco meets the specifications of a grade when it is not lower in any element of quality than the degree stated in grade specifications and does not exceed the tolerance(s) of such grade.

§ 29.6589 Rule 8.

In determining the grade of a lot or packing of tobacco, the lot or packing as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.6590 Rule 9.

Any special factor approved by the Director of the Tobacco Division, Consumer and Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.6591 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.6592 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.6593 Rule 12.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot or packing which must meet each specification of the grade; the remaining portion must be closely related. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.6594 Rule 13.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected wrapper cutting area or the degree of injury.

§ 29.6595 Rule 14.

Fleck shall be included only in A3FL, N1, and N2.

§ 29.6596 Rule 15.

Any lot or packing of tobacco containing over 10 percent of variegated leaves shall be designated by the color symbol "K" in natural wrappers and "KG" in candela wrappers.

§ 29.6597 Rule 16.

Any lot or packing of natura. wrapper tobacco containing over 10 percent of green leaves shall be designated by the color symbol "G."

§ 29.6598 Rule 17.

Stained tobacco shall be included only in grades of the S and N groups.

§ 29.6599 Rule 18.

Crude leaves shall be included only in N2.

§ 29.6600 Rule 19.

Tobacco shall be designated "N2" when it is crude, damaged, dirty, improperly packed, nested, offtype, semicured, wet, or when it contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

ELEMENTS OF QUALITY

§ 29.6616 Elements of quality and degrees of each element.

These words or terms are used to determine tobacco quality. Characteristics which constitute general quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees.

Elements	Degrees			
Body	Thin	Medium	Heavy.	
Color shade	True	Dusky	Dull.	
Maturity	Ripe	Unripe	Immature.	
Leaf structure.	Open	Firm	Close.	
Fiber size	Small	Medium	Large.	
Fiber color	Blending	Contrasting.	Clashing.	
Injury tolerance.	Expressed in percentages.			
Uniformity	do			
Length	Expressed in inches.			

GRADES FOR NATURAL (AIR-CURED) TOBACCO

§ 29.6636 Wrappers (A Group).

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	*Grade names, minimum specifications, and tolerances*
A1M	Choice Mixed-color Natural Wrappers Thin, true color shades, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2M	Fine Short Mixed-color Natural Wrappers Thin, true color shades, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A3M	Good Mixed-color Natural Wrappers Medium body, true color shades, ripe, open, medium-sized and contrasting fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Natural Wrappers Medium body, ripe, firm, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3K	Good Variegated Natural Wrappers Medium body, unripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3G	Good Green Natural Wrappers Heavy body, immature, close. Uniformity, 90 percent; injury tolerance, 10 percent.

§ 29.6637 Stained (S Group).

This group consists of tied, stained tobacco from the A group.

U.S. grades	*Grade names, minimum specifications, and tolerances*
S1	Choice Stained Natural Wrappers Thin, true color shades, ripe, open, over 14 inches in length. Uniformity, 85 percent. Tolerances: 5 percent injury, 10 percent stain parallel to the midrib.
S2	Fine Stained Natural Wrappers Medium body, ripe, open, over 14 inches in length. Uniformity, 70 percent. Tolerances: 10 percent injury, 20 percent stain.

§ 29.6638 Brokes (X Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	*Grade names and minimum specifications*
X1	Choice Natural Brokes Medium body, true color shades, ripe, open. Minimum wrapper yield, 50 percent.
X2	Fine Natural Brokes Medium body, ripe, open. Minimum wrapper yield, 25 percent.

§ 29.6639 Nondescript (N Group).

Tobacco which does not meet the specifications of the lowest grade in any other group. This tobacco may be tied in hands or packed loose.

U.S. grades	*Grade names and specifications*
N1	Best Natural Nondescript Any tobacco except N2 which does not meet the specifications of the lowest grade in the A, S, or X groups.
N2	Lowest Natural Nondescript Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

GRADES FOR CANDELA-CURED TOBACCO

§ 29.6646 Wrappers (A Group).

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	*Grade names, minimum specifications, and tolerances*
A1LG	Choice Light Green Candela Wrappers Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1G	Choice Green Candela Wrappers Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2G	Fine Green Short Candela Wrappers Medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A3YG	Good Yellowish Green Candela Wrappers Thin to medium body, ripe, open, medium-sized and contrasting fibers. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Candela Wrappers Thin to medium body, ripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3KG	Good Dark Green and Variegated Candela Wrappers Heavy, unripe, close. Uniformity, 90 percent; injury tolerance, 10 percent.

§ 29.6647 Brokes (X Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	*Grade names and minimum specifications*
X1	Choice Candela Brokes Medium body, true color shades, ripe, open. Minimum wrapper yield, 50 percent.
X2	Fine Candela Brokes Medium body, ripe, firm. Minimum wrapper yield, 25 percent.

§ 29.6648 Nondescript (N Group).

Tobacco which does not meet the specifications of the lowest grade in any other group. This tobacco may be tied in hands or packed loose.

U.S. grades	*Grade names and specifications*
N1	Best Candela Nondescript Any tobacco except N2 which does not meet the specifications of the lowest grades in the A or X groups.
N2	Lowest Candela Nondescript Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type.

SUMMARY OF STANDARD GRADES

§ 29.6656 Summary of standard grades.

NATURAL (AIR-CURED)

Wrappers

A1M	A3FL
A2M	A3K
A3M	A3G

Stained

S1 S2

Brokes

X1 X2

Nondescript

N1 N2

CANDELA-CURED

Wrappers

A1LG	A3YG
A1G	A3FL
A2G	A3KG

Brokes

X1 X2

Nondescript

N1 N2

KEY TO STANDARD GRADEMARKS

§ 29.6661 Key to standard grademarks.

Groups	*Qualities*
A—Wrappers.	1—Choice.
S—Stained.	2—Fine.
X—Brokes.	3—Good.
N—Nondescript.	

Colors

M—Mixed color.	YG—Yellowish green.
FL—Fleck.	
K—Variegated.	KG—Dark green, or dark green and variegated mixed.
G—Green.	
LG—Light green.	

(49 Stat. 734; 7 U.S.C. 511m)

[FR Doc.71-4212 Filed 3-25-71;8:52 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 250—MISCELLANEOUS INTERPRETATIONS

Undivided Profits

Effective immediately, § 250.162 is revised to read as follows:

§ 250.162 Undivided profits as "capital stock and surplus".

(a) The Board of Governors has reexamined the question whether a member bank's undivided profits may be considered as part of its "capital stock and surplus", as that or a similar term is used in provisions of the Federal Reserve Act that limit member banks with respect to the following: loans to affiliates (12 U.S.C. 371c), purchases of investment securities (12 U.S.C. 335), loans on stock or bond collateral (12 U.S.C. 248(m)), deposits with nonmember banks (12 U.S.C. 463), bank acceptances (12 U.S.C. 372, 373), investments in and by Edge and Agreement corporations (12 U.S.C. 601, 615, 618), and the amount of paper of one borrower that may be discounted or accepted as collateral for an advance by a Federal Reserve Bank (12 U.S.C. 330, 345, 347).

(b) Upon such reexamination the Board concludes that its negative view expressed in 1964 is unnecessarily restrictive in the light of the Congressional purpose in establishing limitations on bank activities in terms of a bank's capital structure. Accordingly, the Board has decided that, for the purposes of the limitations set forth above, undivided profits may be included as part of "capital stock and surplus".

(c) As used herein, the term "undivided profits" includes paid-in or earned profits (unearned income must be deducted); reserves for loan losses or bad debts, less the amount of tax which would become payable with respect to the tax-free portion of the reserve if such portion were transferred from the reserve; valuation reserves for securities; and reserves for contingencies. It does not include reserves for dividends declared or reserves for taxes, interest and expenses.

(Interprets and applies 12 U.S.C. 24, 84, 248(m), 330, 335, 345, 347, 371c, 372, 373, 463, 601, 615, 618)

By order of the Board of Governors, March 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4206 Filed 3-25-71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-5-AD; Amdt. 39-1180]

PART 39—AIRWORTHINESS DIRECTIVES

Certain AiResearch Engines

Amendment 39-1166 (36 F.R. 4478), AD 71-5-7, requires a repetitive 50-hour oil filter inspection. In addition, a revision to the Airplane Flight Manuals is required to advise the pilot to shut down the engine if torque fluctuation or loss of torque pressure occurs on AiResearch Model TPE331-1, -2, -25, -29, -43, -45, -47, -49, -51, -55, -57, -61, and -71 series engines.

After issuing this Amendment 39-1166, due to additional service experience, the agency determined that extending the oil filter inspection interval from 50 to 100 hours based on the use of a chip detector continuity check is not appropriate for engines other than the TPE-331-1 and -2. Therefore, the AD is being amended to restrict the use of a chip detector continuity check as a basis for extending the oil filter inspections to the Model TPE331-1 and -2 only.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1166 (36 F.R. 4478), AD 71-5-7, is amended by revising paragraph (a)(2), in pertinent part, to read: "* * * oil filter inspections may be increased to 100 hours for only

Model TPE331-1 and -2 engines if a suitable means of checking continuity of the engine chip * * *"

This amendment becomes effective on April 6, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 16, 1971.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[FR Doc.71-4174 Filed 3-25-71;8:49 am]

[Docket No. 71-EA-24; Amdt. 39-1178]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an amendment to AD 66-22-5 which will increase the life limit of the main rotor blades of Sikorsky S-61 type helicopters.

As a result of an engineering review of the specifications of the main rotor blades by Sikorsky aircraft, it is found that the life limit of the blades may be increased from 7,000 hours to 9,400 hours in service.

Since the foregoing is a relaxation of a rule and will not burden any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding an amendment to AD 66-22-5 as follows:

Amend AD 66-22-5 by deleting in paragraph (d) the figures "7000" and insert in lieu thereof "9400".

This amendment is effective March 26, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 9, 1971.

ROBERT M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-4175 Filed 3-25-71;8:49 am]

[Airspace Docket No. 70-WE-100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On February 10, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 2789) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Corvallis, Oreg., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No valid aeronautical objections have been received and the proposed amendments are hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 17, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Corvallis, Oregon, control zone is amended to read as follows:

CORVALLIS, OREG.

Within a 5-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.), within 3 miles each side of the Corvallis VOR 090° radial, extending from the 5-mile-radius zone to 8 miles east of the VOR and within 3.5 miles each side of the Corvallis VOR 180° radial extending from the 5-mile-radius zone to 10 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140) the description of the Corvallis, Oreg., transition area is amended to read as follows:

CORVALLIS, OREG.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.) within 4.5 miles each side of the Corvallis VOR 029° radial, extending from the 7-mile-radius area to 14 miles northeast of the VOR, within 5 miles each side of the Eugene, Oreg., VORTAC 345° radial, extending from 10 to 17 miles north of the VORTAC, and within 5 miles each side of the Corvallis VOR 180° radial, extending from the 7-mile-radius area to 11 miles south of the VOR excluding that portion overlying the Eugene, Oreg., transition area; that airspace extending upward from 1,200 feet above the surface within 6 miles northwest and 8 miles southeast of the Corvallis VOR 029° and 209° radials, extending from 6 miles southwest to 17 miles northeast of the VOR.

[FR Doc.71-4160 Filed 3-25-71;8:48 am]

[Airspace Docket No. 70-CE-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 14936 of the FEDERAL REGISTER dated September 25, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Phillipsburg, Kans.

Interested persons were given 45 days to submit written comments, suggestions, and objections concerning the proposed amendment. Two comments were received. The Air Transport Association offered no objection to the proposed designation. The Department of the Air Force objected to the proposal unless the instrument approach procedure at the Phillipsburg, Kans., Municipal Airport was revised to permit simultaneous operation with oil burner route "OB-21". The Federal Aviation Administration has reviewed the proposal in light of the Air Force's comments and has made a slight revision to the transition area designation which will permit this simultaneous operation.

In view of the foregoing, the proposed amendment is hereby adopted subject to the following change: "126°" recited in lines 5 and 11 of the Phillipsburg, Kans., transition area designation is changed to read "142°".

This amendment becomes effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 10, 1971.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is added:

PHILLIPSBURG, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Phillipsburg Municipal Airport (latitude 39°44'15" N., longitude 99°19'00" W.); and within 3 miles each side of the 142° bearing from Phillipsburg Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 142° bearing from the Phillipsburg Municipal Airport, extending from the airport to 21 miles southeast of the airport.

[FR Doc.71-4177 Filed 3-25-71;8:50 am]

[Airspace Docket No. 70-CE-113]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 224 and 225 of the FEDERAL REGISTER dated January 7, 1971 (36 F.R. 224, 225), the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Creve Coeur, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections concerning the proposed amendment. Two comments were received. The Air Transport Association offered no objection to the proposal. The President of the Creve Coeur Airport objected to the proposal unless an instrument approach procedure would be provided for the Creve Coeur Airport. The FAA has reviewed the proposal in light of this objection and has determined that a VOR public use instrument approach procedure can be provided for the Creve Coeur Airport. This procedure is currently under development.

In view of the foregoing, the proposed amendment is hereby adopted without change and is set forth below.

This amendment becomes effective 0901 G.m.t. May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 12, 1971.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is added:

CREVE COEUR, MO.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the St. Louis, Mo., VORTAC 190° radial, extending from 12 miles south to 25½ miles south of the VORTAC, excluding the portions which overlie the Chesterfield, Mo., and St. Louis, Mo., 700-foot floor transition areas.

[FR Doc.71-4178 Filed 3-25-71;8:50 am]

[Airspace Docket No. 70-CE-118]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 932 of the FEDERAL REGISTER dated January 20, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at La Crosse, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 12, 1971.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

LA CROSSE, WIS.

That airspace within a 5-mile raidus of La Crosse Municipal Airport (latitude 43°-52'38" N., longitude 91°15'21" W.); within 3 miles each side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 11½ miles northwest of the VOR; within 3 miles each side of the 305° and the 146° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 6½ miles northwest of the RBN; and within 1½ miles each side of the La Crosse VOR 185° radial extending from the 5-mile radius zone to 5½ miles south of the VOR.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

LA CROSSE, WIS.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the La Crosse VOR 322° radial extending from the VOR to 24½ miles northwest of the VOR; within 9½ miles east and 4½ miles west of the La Crosse VOR 185° radial extending from the 14-mile radius to 24 miles south of the VOR; and within 9½ miles southwest and 4½ miles northeast of the La Crosse RBN 305° bearing extending from the 14-mile radius to 18½ miles northwest of the RBN.

[FR Doc.71-4179 Filed 3-25-71;8:50 am]

[Airspace Docket No. 68-WA-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Positive Control Area and Revocation of Jet Advisory Areas

On April 4, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 5366) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would expand the positive control area (PCA) from flight level 600 to 18,000 feet MSL in the north central part of the United States, from flight level 240 to 18,000 feet MSL in the north central and northwest portion of the United States and would revoke Jet Advisory Area Nos. 32, 36, 38, 107, 500, 515, 532, 533, and 538.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Five comments were received. One commentator concurred with the proposal. Several comments received in response to the notice contended that expansion of the PCA at that time would place an undue burden on the work force and that additional qualified air traffic controllers and additional equipment should be acquired prior to expanding the airspace to be controlled. The Department of the Air Force objected to the expansion of the positive control area on the grounds that procedural separation of aircraft without radar and the loss of prerogative to revert to VFR flight operations when delays are encountered, would have an undesirable impact on military operations. In view of the objections, issuance of the rule was deferred indefinitely.

On January 6, 1971, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 165) stating that the Federal Aviation Administration had determined that it now had sufficient equipment and personnel to provide positive control services in the north central and northwest portions of the United States as envisaged in the notice (33 F.R. 5366).

Interested persons were again afforded opportunity to participate in the proposed rule making through submission of comments. Twelve comments were received. Two comments concurred with the proposal, several concurred with the concept of positive controlled airspace but questioned the need for implementation in the proposed areas. Two objected on the grounds that implementation of area positive control constituted an encroachment upon the liberties and prerogatives of the pilot, that the air traffic control system is inadequate for the present volume of traffic. The lack of radar was cited in several instances.

The Federal Aviation Administration has consistently maintained that the risk of mid-air collision is less likely in a positive control environment than anywhere else in the system. Further, as stated in the notice and the supplemental notice the Federal Aviation Administration has determined that it now has sufficient equipment and personnel to provide the expanded positive control services.

The area defined in the notice was designed to encompass entire air route traffic control center areas. Since issuance of the notice, several alterations to center boundaries have been effected. As the changes are not of great significance to the user and relate primarily to the internal operation of the air traffic control system, the changes are reflected herein.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

Section 71.193 (36 F.R. 2300) is amended by deleting all after "Continental Control Area" and substituting therefor:

That airspace within the continental control area from flight level 240 to and including flight level 600 bounded by a line beginning at lat. 38°00'00" N., long. 75°11'00" W., thence via a line 3 nautical miles from the coastline to the United States/Mexican

border, thence along the United States/Mexican border to lat. 32°31'00" N., long. 117°11'00" W., thence via a line 3 nautical miles from the coastline to:

Lat. 41°19'30" N., long. 124°08'55" W.; thence to lat. 41°20'00" N., long. 123°30'00" W.; thence to lat. 41°20'00" N., long. 122°25'00" W.; thence to lat. 41°00'00" N., long. 121°15'00" W.; thence to lat. 41°00'00" N., long. 119°30'00" W.; thence to lat. 42°40'00" N., long. 119°00'00" W.; thence to lat. 43°30'00" N., long. 119°35'00" W.; thence to lat. 44°28'00" N., long. 119°24'00" W.; thence to lat. 44°37'00" N., long. 119°21'00" W.; thence to lat. 45°30'00" N., long. 117°30'00" W.; thence to lat. 45°30'00" N., long. 115°00'00" W.; thence to lat. 48°25'00" N., long. 115°00'00" W.; thence to lat. 48°15'00" N., long. 111°00'00" W.; thence to lat. 48°50'00" N., long. 109°35'00" W.; thence to lat. 46°05'00" N., long. 106°00'00" W.; thence to lat. 45°14'15" N., long. 106°00'00" W.; thence to lat. 45°07'00" N., long. 104°15'00" W.; thence to lat. 44°37'00" N., long. 101°00'00" W.; thence to lat. 44°20'00" N., long. 101°00'00" W.; thence to lat. 43°21'00" N., long. 100°19'00" W.; thence to lat. 43°00'00" N., long. 99°00'00" W.; thence to lat. 39°23'00" N., long. 99°04'00" W.; thence to lat. 38°47'00" N., long. 99°04'00" W.; thence to lat. 38°22'00" N., long. 98°24'00" W.; thence to lat. 38°22'00" N., long. 96°22'00 W.; thence to lat. 38°04'00" N., long. 96°00'00" W.; thence to lat. 36°42'00" N., long. 95°53'00" W.; thence to lat. 36°55'00" N., long. 95°05'00" W.; thence to lat. 37°09'00" N., long. 90°34'00" W.; thence to lat. 37°32'00" N., long. 88°50'00" W.; thence to lat. 37°43'30" N., long. 88°19'00" W.; thence to lat. 37°16'30" N., long. 87°23'50" W.; thence to lat. 37°18'00" N., long. 86°09'00" W.; thence to lat. 36°54'00" N., long. 85°35'00" W.; thence to lat. 36°11'00" N., long. 85°24'00" W.; thence to lat. 36°12'30" N., long. 85°10'30" W.; thence to lat. 36°30'00" N., long. 84°45'00" W.; thence to lat. 36°34'00" N., long. 84°01'00" W.; thence to lat. 37°11'30" N., long. 81°09'00" W.; thence to lat. 37°16'00" N., long. 80°53'00" W.; thence to lat. 37°18'15" N., long. 80°44'45" W.; thence to lat. 37°12'15" N., long. 80°25'45" W.; thence to lat. 37°00'00" N., long. 80°25'10" W.; thence to lat. 36°19'00" N., long. 79°16'00" W.; thence to lat. 37°01'00" N., long. 77°55'00" W.; thence to lat. 38°26'20" N., long. 77°03'15" W.; thence to lat. 38°53'40" N., long. 75°51'20" W.; thence to lat. 38°20'30" N., long. 75°36'40" W.; thence to lat. 38°13'30" N., long. 75°41'00" W.; thence to point of beginning, excluding the Santa Barbara Islands, Farallon Island and the portion south of lat. 25°04'00" N.

That airspace within the continental control area from 18,000 feet MSL to and including flight level 600 bounded by a line beginning at:

Lat. 38°00'00" N., long. 75°11'00" W.; thence to lat. 38°13'30" N., long. 75°41'00" W.; thence to lat. 38°20'30" N., long. 75°36'40" W.; thence to lat. 38°53' 40" N., long. 75°51'20" W.; thence to lat. 38°26'20" N., long. 77°03'15" W.; thence to lat. 37°01'00" N., long. 77°55'00" W.; thence to lat. 36°19'00" N., long. 79°16'00" W.; thence to lat. 37°00'00" N., long. 80°25'10" W.; thence to lat. 37°12'15" N., long. 80°25'45" W.; thence to lat. 37°18'15" N., long. 80°44'45" W.; thence to lat. 37°16'00" N., long. 80°53'00" W.; thence to lat. 37°11'30" N., long. 81°09'00" W.; thence to lat. 36°34'00" N., long. 84°01'00" W.; thence to lat. 36°30'00" N., long. 84°45'00" W.; thence to lat. 36°12'30" N., long. 85°10'30" W.; thence to lat. 36°11'00" N., long. 85°24'00" W.; thence to lat. 36°54'00" N., long. 85°35'00" W.; thence to lat. 37°18'00" N., long. 86°09'00" W.; thence to lat. 37°16'30" N., long. 87°23'50" W.; thence to lat. 37°43'30" N., long. 88°19'00" W.; thence to lat. 37°32'00" N., long. 88°50'00" W.; thence to lat. 37°09'00" N., long. 90°34'00" W.; thence to lat. 36°26'00" N., long. 94°41'00" W.; thence to lat. 36°55'00" N., long. 95°05'00" W.; thence to lat. 36°42'00" N., long. 95°53'00" W.; thence to lat. 38°04'00" N., long. 96°00'00" W.; thence to lat. 38°22'00" N., long. 96°22'00" W.; thence to lat. 38°22'00" N., long. 98°24'00" W.; thence to lat. 38°47'00" N., long. 99°04'00" W.; thence to lat. 39°23'00" N., long. 99°04'00" W.; thence to lat. 43°00'00" N., long. 99°00'00" W.; thence to lat. 43°21'00" N., long. 100°19'00" W.; thence to lat. 44°20'00" N., long. 101°00'00" W.; thence to lat. 44°37'00" N., long. 101°00'00" W.; thence to lat. 45°07'00" N., long. 104°15'00" W.; thence to lat. 45°14'15" N., long. 106°00'00" W.; thence to lat. 46°05'00" N., long. 106°00'00" W.; thence to lat. 46°50'00" N., long. 109°35'00" W.; thence to lat. 46°15'00" N., long. 111°00'00" W.; thence to lat. 46°25'00" N., long. 115°00'00" W.; thence to lat. 45°30'00" N., long. 115°00'00" W.; thence to lat. 45°30'00" N., long. 117°30'00" W.; thence to lat. 44°37'00" N., long. 119°21'00" W.; thence to lat. 44°28'00" N., long. 119°24'00" W.; thence to lat. 43°30'00" N., long. 119°35'00" W.; thence to lat. 42°40'00" N., long. 119°00'00" W.; thence to lat. 41°00'00" N., long. 119°30'00" W.; thence to lat. 41°00'00" N., long. 121°15'00" W.; thence to lat. 41°20'00" N., long. 122°25'00" W.; thence to lat. 41°20'00" N., long. 123°30'00" W.; thence to lat. 41°19'30" N., long. 124°08'55" W.; thence to a line 3 nautical miles from the coastline to lat. 48°30'00" N., long. 124°45'00" W.; thence along border to lat. 45°01'00" N., long. 71°29'00" W.; thence to lat. 45°17'00" N., long. 71°20'10" W.; thence to lat. 45°17'20" N., long. 71°16'00" W.; thence along the United States/Canadian border to lat. 45°18'10" N., long. 71°05'40" W.; thence to lat. 45°19'00" N., long. 70°56'00" W.; thence along the United States/Canadian border to lat. 45°19'55" N., long. 70°49'00" W.; thence to lat. 45°20'40" N., long. 70°39'30" W.; thence to lat. 45°40'40" N., long. 70°30'30" W.; thence along the United States/Canadian border to lat. 45°40'20" N., long. 67°46'30" W.; thence to lat. 45°37'30" N., long. 67°46'30" W.; thence to lat. 45°27'00" N., long. 67°29'00" W.; thence along United States/Canadian border to lat. 44°48'00" N., long. 66°53'00" W.; thence via a line 3 nautical miles from the coastline to lat. 44°01'00" N., long. 69°01'00" W.; thence to lat. 43°47'48" N., long. 69°23'20" W.; thence via a line 3 nautical miles from the coastline to lat. 43°09'31" N., long. 70°31'24" W.; thence to lat. 43°07'40" N., long. 70°32'45" W.; thence to lat. 43°03'16" N., long. 70°36'17" W.; thence to lat. 42°57'43" N., long. 70°41'49" W.; thence via a line 3 nautical miles from the coastline to lat. 41°59'10" N., long. 70°32'10" W.; thence to lat. 42°05'45" N., long. 70°17'50" W.; thence via a line 3 nautical miles from the coastline to lat. 41°29'54" N., long. 70°30'26" W.; thence to lat. 41°26'24" N., long. 71°05'36" W.; thence via a line 3 nautical miles from the coastline to lat. 41°16'30" N., long. 71°47'35" W.; thence to lat. 41°04'50" N., long. 71°47'25" W.; thence to lat. 41°01'20" N., long. 71°50'45" W.; thence via a line 3 nautical miles from the coastline to point of beginning.

Section 75.200 (36 F.R. 2389) is amended by deleting Jet Advisory Areas Nos. 32, 36, 38, 107, 500, 515, 532, 533, and 538.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 22, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4176 Filed 3-25-71;8:49 am]

[Airspace Docket No. 70-EA-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Extension of Federal Airway and Jet Route, Designation of Control Area, and Alteration of Transition Area

On December 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19364) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter VOR Federal airway No. 139 and Jet Route No. 573; designate a control area; and alter the Portland, Maine, transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Air Transport Association of America (ATA) and the Department of the Air Force.

The ATA concurred with the proposed realignment of V-139 from Skipper Intersection to Kennebunk, Maine, but did not express an opinion regarding the proposals to designate a control area associated with J-573 or the alteration of the Portland transition area. The ATA requested consideration be given to realigning J-581 from Hampton, N.Y.; direct Boston, Mass.; direct Bangor, Maine; and realign J-55 from Presque Isle, Maine; direct to Kennebunk, in lieu of extending J-573 as proposed in the notice.

The FAA finds the ATA counterproposal unacceptable since routing traffic over Boston precludes the intent of the proposal published in the notice to provide segregated departure and arrival routes in order to relieve traffic congestion at the Ipswich Intersection and provide a bypass route east of the Boston terminal area.

The Department of the Air Force commented objected to the proposed realignment of V-139 airway. They contend that this proposal would effect the operations being conducted at Pease AFB, unless the Boston Air Route Traffic Control Center can resolve certain procedural requirements. The Boston Center through coordination with the Pease AFB Air Traffic representative is developing a revised letter of agreement which will incorporate procedure changes to insure expeditious handling of mission aircraft at Pease AFB. The Boston Center will delegate to the Pease AFB RAPCON additional airspace within which control will be exercised for the mission aircraft. In addition, new standard instrument departure and jet approach landing procedures are being developed for Pease AFB. Through the development of these new procedures and the assignment of additional controlled airspace, the FAA is of the opinion the mission requirements at Pease AFB will not be derogated.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

1. In § 71.123 (36 F.R. 2010) V-139 is amended by deleting "INT Manchester 117° and Boston 015° radials." and substituting "Kennebunk, Maine." therefor.

2. Section 71.161 (36 F.R. 2046) is amended by adding:

J-573 FROM PROVIDENCE, R.I., TO KENNEBUNK, MAINE

3. In § 71.181 (36 F.R. 2140) Portland, Maine, is amended by deleting "thence SW via the W boundary of Warning Area W-103 to lat. 42°45'00" N., long. 70°37'00" W.," and substituting "thence SW via the W boundary of Warning Area W-103 to long. 70°25'00" W., thence S via long. 70°25'00" W. to the NW boundary of Control 1141, thence SW via NW boundary Control 1141 to long. 70°30'15" W., thence N via long. 70°30'15" W., to lat. 42°41'15" N., long. 70°30'15" W., thence 3 NM from and parallel to the United States shoreline to lat. 42°45'00" N., long. 70°37'00" W.," therefore, and at the end of the text all after "thence to the point of beginning." is deleted and "excluding the airspace below 2,000 feet MSL and the airspace above FL 450 within W-103 west of long. 70°25'00" W." is substituted therefor.

4. Section 75.100 (36 F.R. 2371) is amended as follows: In the caption Jet Route No. 573 "Kennebunk, Maine," is deleted and "Providence, R.I.," is substituted therefor, and in the text "From Kennebunk, Maine, is deleted and "From Providence, R.I., via INT Providence 045° and Kennebunk, Maine, 180° radials; Kennebunk;" is substituted therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 22, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4180 Filed 3-25-71;8:50 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-672; Amdt. 17]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1971.

In ER-660[1] the Board extended the amended charter regulations set forth in Part 208 of this subchapter to Part 207.[1a] However, it permitted petitions for reconsideration of § 207.13(b) concerning full payment of split charters 30 days prior to commencement of the transportation and of § 207.13(c) concerning additional intermingling authority.

In ER-671, issued contemporaneously herewith, the Board took action on petitions for reconsideration filed by interested persons, and for the reasons there stated is revising § 207.13 (b) and (c) with implementing amendment of §§ 207.41 and 207.46. In addition, certain editorial corrections are being made.[2]

In order to make the revisions herein effective on the same date as ER-660, and to avoid possible confusion, the amendments will be made effective on April 6, 1971.

Accordingly, the Civil Aeronautics Board hereby amends Part 207 of the Economic Regulations (14 CFR Part 207), effective April 6, 1971, as follows:

1. Amend § 207.1 to read in part as follows:

§ 207.1 Definitions.

* * * * * *

"On-route" shall refer to service performed by an air carrier between points between which said carrier is authorized to provide service pursuant to either its certificate of public convenience and necessity or exemption authority: *Provided, however,* That passenger charter trips by any all-cargo carrier are not considered to be on-route whether or not they are performed between points designated to receive service by such carrier in its certificate of public convenience and necessity, except that in the event services are performed pursuant to a contract with the Department of Defense or an agency thereof, by an all-cargo carrier between points designated to receive service by such carrier in its certificate of public convenience and necessity which (1) involves cargo transportation in one direction and passenger transportation in the other direction or (2) involves a charter trip in which passengers and cargo are carried on the same flight, the passenger charter leg or the mileage operated in such charter, as the case may be, will be considered on-route.

NOTE: Charter services * * *

* * * * * *

2. Amend § 207.13 (b) and (c) to read as follows:

§ 207.13 Terms of service.

* * * * * *

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided, however,* That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 207.11(c), the carrier shall require full payment of the total charter price not less than 30 days prior to the commencement of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded.

(c) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid. Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 207.11(c)), shall move as a unit in both directions, except as provided in § 207.14.

3. Amend § 207.41 to read as follows:

§ 207.41 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 207.42) may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[3] Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, intermingling between flights or reforming of planeload groups, or less than planeload groups (see § 207.11(c)), shall not be permitted, and each group must move as a unit in both directions, except as provided in § 207.14.

4. Amend § 207.46 to read as follows:

§ 207.46 Application for a charter.

A chartering organization shall make written application to the air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, the dates of departure for each one-way or round-trip flight, and the number of round-trip flights which have been conducted for the organization by any carrier or carriers during the calendar year.

5. Amend § 207.53 to read as follows:

[1] Adopted Jan. 29 and effective Apr. 6, 1971 (36 F.R. 2482).

[1a] NOTE: The Board intends to reissue this part shortly so that it will be available from the Superintendent of Documents, Washington, D.C. 20402. In the meantime, copies of the part, with amendments, are available at the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[2] See §§ 207.1 and 207.53.

[3] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements.

§ 207.53 Statement of supporting information.

Part I of the statement of supporting information attached hereto shall be applicable in the case of single entity charters.

(Secs. 204(a), 401, 403, 404(b), 407, and 416 (b) of the Federal Aviation Act of 1958 as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143), 758 (as amended by 74 Stat. 445), 760, 766, 771; 49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

STATEMENT OF SUPPORTING INFORMATION [1]

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: ----------

2. Commencement date(s) of proposed flight(s): ----------
(a) Going----------
(b) Returning----------

3. Points to be included in proposed flight(s) ----------
(a) From---------- to----------
(b) Returning from---------- to----------
(c) Other stops required by charterer: ---

4. (a) Type of aircraft to be used: --------
(b) Seating capacity: ----------
(c) Number of persons to be transported: ----------

5. (a) Total charter price: ----------
(b) Does the charter price conform to tariff on file with the Board? ----------
(c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.)----------

6. Has the carrier paid, or does it contemplate payment of any commissions, direct or indirect, in connection with the proposed flight? Yes [ ] No [ ]
(b) If "yes" give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation.

7. (a) Will the carrier or any affiliate provide any services or perform any functions in addition to the actual air transportation? Yes [ ] No [ ]
(b) If "yes" describe services or functions:

8. Name and address of charterer: --------

9. If charter is single entity, indicate purpose of flight: ----------

10. On what date was the charter contract executed? ----------

11. If the charter is pro rata, has a copy of Part 207 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes [ ] No [ ]

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis? ----------

2. What specific services have been or will be provided by agent to individual participants in the proposed charter? ----------

3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any members of the chartering organization in relation either to the proposed charter flight or any land tour? Yes [ ] No [ ]

4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes [ ] No [ ] If answer is "yes" explain:

WARRANTY [2]

I, ---------- represent and
(Name)
warrant that I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 207 of the Board's economic regulations.

---------- ----------
(Date) (Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objectives and purposes:

2. What activities are sponsored by the chartering organization?

3. When was the organization founded?

4. Qualification or requirements for membership in organization and memership fee, if any: ----------

5. Has there been any reference to prospective charter flights in soliciting new members for the charter organization? Yes [ ] No [ ]

6. State where a list of members is available for inspection.

7. Attach list of prospective passengers (including "standbys" and one-way passengers designated as such), showing for each: (a) Name and address; (b) relationship of such person to chartering organization, i.e., member, spouse, dependent child, parent or "special" (a person whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver); (c) if such person is related to a member who is not a prospective passenger, the member's name and address; and (d) date member joined or last renewed a lapsed membership. (NOTE: This is a list of prospective passengers and does not necessarily have to represent the passengers actually to be carried. The list is to be amended, if passengers are dropped or added before flights and the certification required by § 207.45 must be attached to the list.)

8. What are requirements for participation in charter? ----------

9. How were prospective participants for charter solicited (attach any solicitation material)? ----------

10. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group residing in the same household with the member? Yes [ ] No [ ]

11. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than 6 months prior to flight date? [3] Yes [ ] No [ ] If answer is "yes", give names of participants who will not have been members for 6 months: ----------

12. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration, and scope of activity: ----------

13. Estimated receipts:
---------- × ---------- =
(Pro rata charge) (Number of passengers)
$----------
(Estimated receipts from charter)

Estimated receipts from other sources, if any: ----------
Explain: ----------

[1] This must be retained by the air carrier for 2 years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

[2] Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse * * * to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board * * *, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum * * * shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000. Title 49 U.S.C., sec. 1472(e).

Whoever, in any manner within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., sec. 1001.

[3] Not applicable to school or study-group charters, not to charters limited to employees of a single Government agency, industrial plant, or mercantile company.

(a) Total receipts: $------
Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses):

Item	*Amount*	*Payable to*
----------	----------	----------
----------	----------	----------
----------	----------	----------

(b) Total expenditures: $------
Explain any difference between (a) and (b): ----------

14. Are any of the expenses included in Item 13 above, to be paid to any members of the chartering organization? Yes [ ] No [ ] If "yes" state how much, to whom and for what services: ----------

15. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes [ ] No [ ] If "yes" explain fully: ----------

16. Will any person in the group (except children under 2 years) be transported without charge? Yes [ ] No [ ]

17. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under 12 years old? Yes [ ] No [ ]

18. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction:

19. If four or more round trips are contracted for, will each group move as a unit in both directions? Yes [ ] No [ ]

20. If charters have been performed for organization during past 5 years, give dates and name of carrier performing charters:

21. Has a copy of Part 207 "Charter Trips and Special Services" of the Economic Regulations of the Civil Aeronautics Board been received by the charterer? Yes [ ] No [ ]

22. Attach copies of all announcements of the chartering organization in connection with the charter issued after the charter contract is signed.

WARRANTY OF CHARTERER [4]

I, ---------- and ----------
(Name)
---------- represent and warrant that
(Name)
the charterer has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operations, in a manner consistent with Part 207 of the Board's economic regulations. I (we) further represent and warrant that the charterer has not offered charter flights simultaneously with the solicitation of membership in the chartering organization in any mass media advertising or notice or through direct mailing or public posters. I (we) further represent and warrant that all charter participants have been informed of eligibility and cost requirements of Part 207 and that a flight may be canceled if ineligible participants are included.

---------- ----------
(Date) (Signature—person within organization in charge of charter arrangements)

(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by school official not directly involved in charter.)

WARRANTY OF AIR CARRIER [5]

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts warranted by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 207 of the Board's economic regulations.

---------- ----------
(Date) (Signature and title of authorized official of air carrier)

[4] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18 U.S.C., sec. 1001.

[5] Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse * * * to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board * * *, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum * * * shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000. Title 49 U.S.C., sec. 1472(e).

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18 U.S.C., sec. 1001.

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[Reg. ER-671; Amdt. 10]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1971.

In ER-659 [1] the Board, inter alia, amended § 208.32 (e) and (f) of Part 208 [1a] in the following particulars. In order to prevent last minute cancellations of split charters, § 208.32(e) was amended to require that in the case of a split charter, the carrier shall require full and nonrefundable payment of the charter price not less than 30 days prior to the commencement of the transportation. In addition, § 208.32(f) was amended to provide additional intermingling authority. Specifically, the provision reads: "In the case of a charter contract calling for four or more round trips per calendar year, one-way passengers shall not be carried, there shall be no intermingling of passengers, and each planeload group or less than planeload group, * * * shall move as a unit in both directions * * *."

ER-659 permitted petitions for reconsideration to be filed with respect to the amendments to § 208.32 (e) and (f). Likewise, ER-660, ER-661, and ER-662, amending Parts 207, 212, and 214 respectively, permitted petitions for reconsideration to be filed concerning the equivalent rules contained in those parts.[2] Such petitions have been filed by certain trunkline carriers,[3] by member carriers of the National Air Carrier Association (NACA), and by Lufthansa and ATTS, Inc.[4] An answer to the trunkline carriers' petition has been filed by member carriers of NACA. Upon consideration, the Board has determined to modify § 208.32 (e) and (f)[5] and the equivalent sections in Parts 207, 212, and 214 to the extent indicated below.[6] Otherwise the petitions are denied.

1. As noted previously, the Board amended § 208.32(e) to require that in

[1] Adopted Jan. 29 and effective Apr. 6, 1971 (36 F.R. 2486).

[1a] NOTE: The Board intends to reissue this part shortly so that it will be available from the Superintendent of Documents, Washington, D.C. 20402. In the meantime, copies of the part, with amendments, are available at the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[2] Secs. 207.13 (b) and (c), 212.10 (b) and (c), and 214.14 (b) and (c).

[3] American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, National Airlines, Northwest Airlines, Pan American World Airways, United Air Lines, and Western Air Lines.

[4] In addition, Caledonian has filed a petition concerning the matter discussed hereafter. Its petition also includes a request that "the Board issue an order whose effect would be to waive the planeload ITC requirement contained in existing foreign air carrier permits so as to permit foreign originating split ITC's consistent with the requirements established for the supplemental carriers." This request is manifestly beyond the permissible scope of matters to be included in petitions for reconsideration and is dismissed without prejudice.

[5] With implementing amendment of §§ 208.211 (passenger on charter flights) and 208.216 (application for a charter).

[6] The changes in Parts 207, 212, and 214 are being effected by ER-672, ER-673, and ER-674, respectively, being issued contemporaneously.

the case of a split charter, the carrier shall require full and nonrefundable payment of the charter price not less than 30 days prior to commencement of the transportation. The NACA carriers state that the new rule can arguably be construed as precluding carriers from contracting for split charters within 30 days of departure. They further assert that split charters often result when two charter groups find at a late date that they will be unable to fill the planeload capacity for which they have previously contracted. They further content that if two such groups wish to join in a split charter within the 30-day period, there is no reason why they should not be able to do so—the alternative would be that neither group could fly—as long as full and nonrefundable payment of the total charter price is made at the time the split charter contracts are signed.

The NACA carriers' suggestion will not be adopted.[7] The example cited by the NACA carriers is but one illustration of what could occur under their proposal and would require two charter groups to fill the entire capacity of an aircraft. More likely to occur is an organization or organizations contracting for a charter within the 30-day period with the entire aircraft being unengaged, but with the hope that before the commencement of the transportation other splits will turn up to fill the aircraft. If they do not turn up, the flight must be canceled at the last minute, which is the situation we intend to avoid to the extent feasible. Accordingly, while the NACA proposal might benefit certain charters, it would lead to frustration and disappointment for many others.

We are, however, making two changes in the rule, the first as a result of a comment offered by a member of the traveling public. The rule literally would make the charter price nonrefundable even if the charter is canceled by the carrier by reason of equipment failure, weather, etc., whereas the intent was to deter last minute cancellations by charterers. In addition, where a charterer does cancel a flight within 30 days of departure, but a substitute charterer is acceptable to the carrier, we believe that the carrier should be permitted to accept the substitute charter, rather than perform the charter flight with unused but wanted space. In such case, the canceling charterer shall receive a refund. Accordingly, to cover the two situations described above, the rule will be revised to read that "the carrier shall require full payment of the total charter price not less than 30 days prior to the commencement of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded."

2. The NACA carriers note that in ER–659 the Board determined to eliminate the intermingling and one-way passenger restrictions only in cases where the charter contract calls for fewer than four round trips. Where four or more round trips are contracted for, the intermingling and one-way restrictions will remain in effect. However, they add, notwithstanding that the Board's rules have for years provided for a 5-percent one-way passenger allowance without regard to the number of round trips, § 208.32(f) eliminates this allowance involving contracts for four or more round trips. The NACA carriers ask the Board to reconsider its elimination of the 5-percent one-way passenger allowance in cases where four or more round trips are contracted for and, upon reconsideration, to reinstate the 5-percent allowance in all such cases.

We have determined to reinstate the 5-percent one-way passenger allowance.[8] Although the present rule could be construed as prohibiting one-way passengers where a charter contract calls for two or more round trips,[9] we understand that the supplemental carriers have, with staff concurrence, interpreted it for years in the manner set forth in the NACA carriers' petition. Accordingly, since our intent was to expand, not contract, intermingling authority, we shall restore the one-way passenger rule.

With respect to the rule providing additional intermingling authority, the trunkline carriers note that the Board stated in ER–659 that "by precluding intermingling where a charter contract calls for four or more round trips, we are persuaded that the new rule will not invite abuse by unauthorized indirect air carriers." The trunkline carriers dispute this conclusion, pointing out that intermingling is prohibited only when four or more round trips are covered by a single charter contract and that all a charterer and carrier need do is sign a number of contracts, making sure that each covers only three round trips.

We agree that precluding intermingling where a "charter contract" calls for four or more round trips would not deter abuse by unauthorized indirect air carriers and that the rule would permit unlimited intermingling simply by entering into multiple contracts calling for three round trips. While it is our intention to grant additional intermingling authority to charterers, we do not intend that the expanded authority be easily susceptible of being used as a device for unlimited intermingling, which would result in a climate favorable to the development of indirect air carriers who would, in effect, be able to offer passengers all the freedom for individual variations permitted by the scheduled individual fare service.[10] We shall, therefore, revise the rule to provide that where "four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers" there shall be no intermingling of passengers, etc.[11] This rule will add desired flexibility without being subject to the abuses referred to by the trunkline carriers.

3. Caledonian asks the Board to reconsider its "apparent determination" to prohibit foreign air carriers possessing permit authority to perform inclusive tour services from undertaking such services on a split ITC or split ITC/affinity charter basis. The Board did not intend such a prohibition, and Caledonian's concern evidently stems from the fact that the Board did not amend Part 214 to authorize split ITC's for such carriers.

The authority of foreign charter carriers to perform ITC's originating in the United States is subject to Part 378, not 214, by the terms of their permits, and amendment only of Part 378 is required to effectuate split ITC authority with respect to such carriers. The amended definition of "inclusive tour charter" in § 378.2(a) does refer to the charter "of less than the entire capacity of an aircraft (provided that the remaining capacity of the aircraft is under charter by a person or persons authorized to charter aircraft under § 208.6(c) of Part 208 of this chapter) by a tour operator" etc. However, the reference to § 208.6(c) was intended only to indicate that split ITC's are authorized if the remaining capacity of the aircraft is engaged by one or more of the persons listed in § 208.6(c), which include tour operators or foreign tour operators. Accordingly, it was not intended to prohibit—nor will it have the effect of prohibiting—split ITC's originating in the United States with respect to foreign charter carriers whose permits contain such authority and to confine split ITC authority to U.S. supplementals.

4. We are also making certain editorial changes to correct inadvertent errors in ER–659.[12] These include the addition of a new section (§ 208.303) to require carriers to complete a statement of supporting information with respect to single entity charters since the statement attached to ER–659 so provides.[13]

In order to make the revisions herein effective on the same date as ER–659, and to avoid possible confusion, the amendments will be made effective on April 6, 1971.

Accordingly, the Civil Aeronautics Board hereby amends Part 208 of its Economic Regulations (14 CFR Part 208) effective April 6, 1971, as follows:

1. Amend the Table of Contents adding new § 208.303 as follows:

Sec.
208.303 Statement of supporting information.

2. Add § 208.7 entitled "Unused space" which reads as follows:

§ 208.7 Unused space.

A supplemental air carrier may, with the written consent of the charterer(s), utilize any unused space for the transportation of

(a) The carrier's own personnel and property and/or

(b) The directors, officers, and employees of a foreign air carrier or another air carrier traveling pursuant to a pass interchange arrangement.

3. Amend paragraphs (e) and (f) of § 208.32 to read as follows:

§ 208.32 Tariffs and terms of service.

* * * * *

(e) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided, however,* That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 208.6(c) the carrier shall require full payment of the total charter price not less than 30 days prior to the commencement of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded.

(f) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid. Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 208.6(c)) shall move as a unit in both directions, except as provided in § 208.36.

4. Amend § 208.201(a) to read as follows:

§ 208.201 Pretrip notification and charter contract.

(a) Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 208.[14] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 208.215. The carrier shall also require that the charterer and any travel agent involved shall furnish it at least 30 days prior to departure of the first flight the statements of supporting information required in §§ 208.217 and 208.204, respectively, unless the charter has been contracted for within 30 days before the date of departure, in which event the statement and attachments shall be filed with the carrier on the date the charter contract is executed. In the event of a substitution of carriers, the carrier with whom the statements and attachments have been filed may forward them to the substitute carrier, in which case new statements need not be executed.

* * * * *

5. Amend §208.211 to read as follows:

§ 208.211 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 208.212), may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[15] Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, intermingling between flights or reforming of planeload groups, or less than planeload groups (see § 208.6(c)), shall not be permitted, and each group must move as a unit in both directions, except as provided in § 208.36.

6. Amend § 208.216 to read as follows:

§ 208.216 Application for a charter.

A chartering organization shall make written application to the air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, the dates of departure for each one-way or round-trip flight, and the number of round-trip flights which have been conducted for the organization by any carrier or carriers during the calendar year.

7. Add new § 208.303 to read as follows:

§ 208.303 Statement of supporting information.

Part I of the statement of supporting information attached hereto shall be applicable in the case of single entity charters.

(Secs. 204(a), 401, 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143), 766; 49 U.S.C. 1324, 1371, 1377)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

STATEMENT OF SUPPORTING INFORMATION [1]

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: _____

2. Commencement date(s) of proposed flight(s): _____

(a) Going _____
(b) Returning _____

3. Points to be included in proposed flight(s): _____

(a) From _____ to _____
(b) Returning from _____ to _____
(c) Other stops required by charterer: _____

4. (a) Type of aircraft to be used: _____
(b) Seating capacity: _____
(c) Number of persons to be transported: _____

5. (a) Total charter price: _____
(b) Does the charter price conform to tariff on file with the Board? _____
(c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.) _____

6. (a) Has the carrier paid, or does it contemplate payment of any commissions, direct or indirect, in connection with the proposed flight? Yes [ ] No [ ]
(b) If "yes" give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation. _____

7. (a) Will the carrier or any affiliate provide any services or perform and functions in

[1] This must be retained by the air carrier for 2 years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

[7] We shall also not adopt the suggestion of AITS to eliminate the payment provision and instead permit split charters "if a binding contract with the organization and/or tour operator exists which guarantees full payment for their commitment prior to departure." The insertion of such a clause could not guarantee payment in the event of a breach.

[8] We shall not, however, adopt the NACA carriers' further suggestion to revise the rule to provide "that the charterer may at the time of the execution of the contract designate up to three round-trip flights as to which intermingling of passengers is allowed." The petition is silent as to whom the designation is to run, there could be utter confusion on the part of carriers and charter participants as to which round-trip flights intermingling is permitted or prohibited, and the rule would be virtually impossible to enforce.

[9] Thus the rule recites: "in the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each planeload group * * * shall move as a unit in both directions." See §§ 208.32(f) and 295.14(f).

[10] See The 1955 Transatlantic Charter Policy, 20 CAB 782, 786 (1955).

[11] In addition, § 208.216 (application for a charter) is being revised to include information as to the number of round-trip flights per calendar year.

[12] See §§ 208.7, 208.201, and 208.303.

[13] The statement attached to present Part 295 contains the same provision.

[14] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written request to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[15] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements.

addition to the actual air transportation? Yes [ ] No [ ]

(b) If "yes" describe services or functions:

---

8. Name and address of charterer:

9. If charter is single entity, indicate purpose of flight:

10. On what date was the charter contract executed?

11. If the charter is pro rata, has a copy of Part 208 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes [ ] No [ ]

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis?

2. What specific services have been or will be provided by agent to individual participants in the proposed charter?

3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation either to the proposed charter flight or any land tour? Yes [ ] No [ ]

4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes [ ] No [ ] If answer is "yes" explain:

WARRANTY [2]

I, _____ represent and warrant
(Name)

that I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 208 of the Board's economic regulations.

_____ _____
(Date) (Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objectives and purposes:

2. What activities are sponsored by the chartering organization?

3. When was the organization founded?

4. Qualification or requirements for membership in organization and membership fee, if any:

5. Has there been any reference to prospective charter flights in soliciting new members for the charter organization? Yes [ ] No [ ]

6. State where a list of members is available for inspection.

7. Attach list of prospective passengers (including "standbys" and one-way passengers designated as such), showing for each: (a) Name and address; (b) relationship of such person to chartering organization, i.e., member, spouse, dependent child, parent or "special" (a person whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver); (c) if such person is related to a member who is not a prospective passenger, the member's name and address; and (d) date member joined or last renewed a lapsed membership. (NOTE: This is a list of prospective passengers and does not necessarily have to represent the passengers actually to be carried. The list is to be amended, if passengers are dropepd or added before flights and the certification required by § 208.215 must be attached to the list.)

8. What are requirements for participation in charter?

9. How were prospective participants for charter solicited (attach any solicitation material)?

10. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group residing in the same household with the member? Yes [ ] No [ ]

11. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than 6 months prior to flight date?[3] Yes [ ] No [ ] If answer is "yes", give names of participants who will not have been members for 6 months:

12. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration, and scope of activity:

13. Estimated receipts:

_____ × _____ =
(Pro rata charge) (No. of passengers)

$ _____
(Estimated receipts from charter)

Estimated receipts from other sources, if any:

Explain:

(a) Total receipts: $

Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses):

Item	Amount	Payable to

(b) Total expenditures: $

Explain any difference between (a) and (b):

14. Are any of the expenses included in Item 13 above, to be paid to any members of the chartering organization? Yes [ ] No [ ] If "yes" state how much, to whom and for what services:

15. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes [ ] No [ ] If "yes" explain fully:

16. Will any person in the group (except children under 2 years) be transported without charge? Yes [ ] No [ ]

17. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under 12 years old? Yes [ ] No [ ]

18. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction:

19. If four or more round trips are contracted for, will each group move as a unit in both directions? Yes [ ] No [ ]

[2] Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse • • • to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board • • •, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum • • • shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000. Title 49 U.S.C., sec. 1472(e).

Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., sec. 1001.

[3] Not applicable to school or study-group charters, nor to charters limited to employees of a single Government agency, industrial plant or mercantile company.

20. If charters have been performed for organization during past 5 years, give dates and name of carrier performing charters:

21. Has a copy of Part 208 "Terms, Conditions and Limitations of Certificates to engage in Supplemental Air Transportation," of the Economic Regulations of the Civil Aeronautics Board been reeceived by the charterer? Yes [ ] No [ ]

22. Attach copies of all announcements of the chartering organization in connection with the charter issued after the charter contract is signed.

WARRANTY OF CHARTERER [4]

I, _____ and _____
(Name)

_____ represent and warrant that
(Name)

the charterer has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operation, in a manner consistent with Part 208 of the Board's economic regulations. I (we) further represent and warrant that the charterer has not offered charter flights simultaneously with the solicitation of membership in the chartering organization in any mass media advertising or notice or through direct mailing or public posters. I (we) further represent and warrant that all charter participants have been informed of eligibility and cost requirements of Part 208 and that a flight may be canceled if ineligible participants are included.

_____ _____
(Date) (Signature—person within organization in charge of charter arrangements)

(Signature and title of officer.

This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by school official not directly involved in charter.)

WARRANTY OF AIR CARRIER [5]

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts warranted by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 208 of the Board's economic regulations.

_____ _____
(Date) (Signature and title of authorized official of air carrier)

[FR Doc.71-4039 Filed 3-25-71;8:45 am]

[4] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., sec. 1001.

[5] Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse • • • to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board • • •, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum • • • shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000. Title 49 U.S.C. sec. 1472(e).

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. sec. 1001.

[Reg. ER–673; Amdt. 9]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1971.

In ER–661 [1] the Board extended the amended charter regulations set forth in Part 208 of this subchapter to Part 212.[1a] However, it permitted petitions for reconsideration of § 212.10(b) concerning full payment of split charters 30 days prior to commencement of the transportation and of § 212.10(c) concerning additional intermingling authority.

In ER–671, issued contemporaneously herewith, the Board acted on petitions for reconsideration filed by interested persons, and for the reasons there stated is revising § 212.10 (b) and (c) with implementing amendment of §§ 212.41 and 212.46. In addition, certain editorial corrections are being made.[2] Further, § 212.8 entitled "Charter flight limitations" is being amended to include authority to transport company personnel or emergency commercial passenger traffic on split charters which authority was inadvertently omitted in ER–661, supra. This will conform this provision to the comparable provision in Part 207.

In order to make the revision herein effective on the same date as ER–659, and to avoid possible confusion, the amendments will be made effective on April 6, 1971.

Accordingly, the Civil Aeronautics Board hereby amends Part 212 of the Economic Regulations (14 CFR Part 212), effective April 6, 1971, as follows:

1. Amend the Table of Contents as follows:

REQUIREMENTS RELATING TO FOREIGN AIR CARRIERS

Sec.

212.21 Solicitation and formation of a chartering group.

2. Amend § 212.1 to read in part as follows:

§ 212.1 Definitions.

• • • • • •

"Charter flight" means air transportation performed pursuant to § 212.8.

• • • • • •

"Charter trip" means air transportation performed pursuant to § 212.8.

• • • • • •

3. Amend § 212.8(b)(1) and the provisos following § 212.8(b)(2) to read as follows:

§ 212.8 Charter flight limitations.

• • • • • •

(b) Where less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage, on a time, mileage or trip basis by two or more of the following persons: *Provided,* That such persons in the aggregate engage the entire capacity of the aircraft—

(1) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic);

(2) By a person (no part of this business • • •

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided, further,* That paragraph (b) of this section shall not be construed to apply to movements of property.

4. Amend § 212.9 to read as follows:

§ 212.9 Unused space.

A foreign air carrier may, with the written consent of the charterer(s), utilize any unused space for the transportation of (a) the carrier's own personnel and property and/or (b) the directors, officers, and employees of another foreign air carrier or an air carrier traveling pursuant to a pass interchange arrangement.

5. Amend § 212.10 (a), (b), and (c) to read as follows:

§ 212.10 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity, or for less than the entire capacity (see

[1] Adopted Jan. 29 and effective Apr. 6, 1971 (36 F.R. 2498).

[1a] NOTE: The Board intends to reissue this part shortly so that it will be available from the Superintendent of Documents, Washington, D.C. 20402. In the meantime, copies of the part, with amendments, are available at the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[2] See §§ 212.1, 212.8, 212.9, 212.10(a), 212.13, 212.30, 212.31, 212.40 (a)(1) and (c), 212.43 (c), 212.46, 212.47, 212.52, 212.53. Also, a statutory reference in the statement of supporting information has been deleted.

§ 212.8(b)) of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 212.8(b) the carrier shall require full payment of the total charter price not less than 30 days prior to the commencement of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded.

(c) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5 percent limitation aforesaid. Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 212.8(b)), shall move as a unit in both directions, except as provided in § 212.11.

6. Amend § 212.13 to read as follows:

§ 212.13 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by a foreign air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

7. Amend the heading following § 212.20 to read as follows:

REQUIREMENTS RELATING TO FOREIGN AIR CARRIERS

8. Amend §§ 212.30 and 212.31 to read as follows:

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 212.30 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct foreign air carrier and the charterer for the same service.

§ 212.31 Statement of supporting information.

Travel agents shall execute, and furnish to foreign air carriers, Section A of Part II of the statement of supporting information attached hereto and made a part hereof, at such time as required by the carrier to afford it due time for review thereof.

9. Amend § 212.40(a)(1) in part and § 212.40(c) to read as follows:

§ 212.40 Solicitation of charter participants.

(a) As used in this section, "solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by a foreign air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

* * * * *

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the carrier as the charterer.

* * * * *

10. Amend § 212.41 to read as follows:

§ 212.41 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 212.42), may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[3] Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, intermingling between flights or reforming of planeload groups, or less than planeload groups (see § 212.8(b)), shall not be permitted, and each group must move as a unit in both directions, except as provided in § 212.11.

11. Amend § 212.43(c) to read as follows:

§ 212.43 Charter costs.

* * * * *

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 212.23), or prevent any member of the charter group from accepting such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

12. Amend § 212.46 to read as follows:

§ 212.46 Application for a charter.

A chartering organization shall make written application to the foreign air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, the dates of departure for each one-way or round-trip flight, and the number of round-trip flights which have been conducted for the organization by any carrier or carriers during the calendar year.

13. Amend § 212.47 to read as follows:

§ 212.47 Statement of supporting information.

Charterers shall execute and file with the carrier section B of Part II of the statement of supporting information attached hereto and made a part hereof at such time as required by the carrier to afford it due time for review thereof.

14. Amend § 212.52 to read as follows:

§ 212.52 Commissions paid to travel agents.

No direct foreign air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

[3] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements.

15. Amend § 212.53 to read as follows:

§ 212.53 Statement of supporting information.

Part I of the statement of supporting information attached hereto shall be applicable in the case of single entity charters.

16. Delete from the statement of supporting information attached to SR–661, supra, the reference in the footnotes to "title 49 U.S.C. section 1472(e)."

(Secs. 204(a), 402, 403, 404(b), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760; 49 U.S.C. 1324, 1372, 1373, 1374)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

STATEMENT OF SUPPORTING INFORMATION [1]

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: _____

2. Commencement date(s) of proposed flight(s):
(a) Going _____
(b) Returning _____

3. Points to be included in proposed flight(s):
(a) From _____ to _____
(b) Returning from _____ to _____
(c) Other stops required by charterer: _____

4. (a) Type of aircraft to be used: _____
(b) Seating capacity: _____
(c) Number of persons to be transported: _____

(5) (a) Total charter price: _____
(b) Does the charter price conform to tariff on file with the Board? _____
(c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.) _____

6. (a) Has the carrier paid, or does it contemplate payment of any commissions, direct or indirect, in connection with the proposed flight? Yes [ ] No [ ]
(b) If "yes" give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation.

7. (a) Will the carrier or any affiliate provide any services or perform any functions in addition to the actual air transportation? Yes [ ] No [ ]
(b) If "yes" describe services or functions: _____

8. Name and address of charterer: _____

9. If charter is single entity, indicate purpose of flight: _____

10. On what date was the charter contract executed? _____

11. If the charter is pro rata, has a copy of Part 212 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes [ ] No [ ]

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charter on a group basis? _____

2. What specific services have been or will be provided by agent to individual participants in the proposed charter? _____

3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation either to the proposed charter flight or any land tour? Yes [ ] No [ ]

4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes [ ] No [ ] If answer is "yes" explain: _____

WARRANTY [2]

I, _____ represent and (Name)

warrant that I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 212 of the Board's Economic Regulations.

_____ _____
(Date) (Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objectives and purposes: _____

2. What activities are sponsored by the chartering organization? _____

3. When was the organization founded? _____

4. Qualification or requirements for membership in organization and membership fee, if any: _____

5. Has there been any reference to prospective charter flights in soliciting new members for the charter organization? Yes [ ] No [ ]

6. State where a list of members is available for inspection. _____

7. Attach list of prospective passengers (including "standbys" and one-way passengers designated as such), showing for each: (a) Name and address; (b) relationship of such person to chartering organization, i.e., member, spouse, dependent child, parent or "special" (a person whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver); (c) if such person is related to a member who is not a prospective passenger, the member's name and address; and (d) date member joined or last renewed a lapsed membership. (NOTE: This is a list of prospective passengers and does not necessarily have to represent the passengers actually to be carried. The list is to be amended, if passengers are dropped or added before flights and the certification required by § 212.45 must be attached to the list.)

8. What are requirements for participation in charter? _____

9. How were prospective participants for charter solicited (attach any solicitation material)? _____

10. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group residing in the same household with the member? Yes [ ] No [ ]

11. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than 6 months prior to flight date? [3] Yes [ ] No [ ] If answer is "yes", give names of participants who will not have been members for 6 months: _____

12. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration, and scope of activity: _____

13. Estimated receipts:
_____ × _____ =
(Pro rata charge) (Number passengers)
$_____
(Estimated receipts from charter)
Estimated receipts from other sources, if

[1] This must be retained by the air carrier for 2 years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

[2] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or cover up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., sec. 1001.

[3] Not applicable to school or study-group charters, nor to charters limited to employees of a single Government agency, industrial plant, or mercantile company.

any: ----------
Explain: ----------

(a) Total receipts: $----------
Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses):

Item	Amount	Payable to
----------	----------	----------
----------	----------	----------
----------	----------	----------

(b) Total expenditures: $----------
Explain any difference between (a) and (b): ----------

14. Are any of the expenses included in Item 13 above, to be paid to any members of the chartering organization? Yes [ ] No [ ] If "yes" state how much, to whom and for what services: ----------

15. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes [ ] No [ ] If "yes" explain fully: ----------

16. Will any person in the group (except children under 2 years) be transported without charge? Yes [ ] No [ ]

17. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under 12 years old? Yes [ ] No [ ]

18. Seperately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction:
---

19. If four or more round trips are contracted for, will each group move as a unit in both directions? Yes [ ] No [ ]

20. If charters have been performed for organization during past 5 years, give dates and name of carrier performing charters:
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21. Has a copy of Part 212 "Charter Trips by Foreign Air Carriers" of the Economic Regulations of the Civil Aeronautics Board been received by the charter? Yes [ ] No [ ]

22. Attach copies of all announcements of the chartering organization in connection with the charter issued after the charter contract is signed.

WARRANTY OF CHARTERER [4]

I, ---------- and ----------
(Name)
---------- represent and warrant that
(Name)
the charter has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operation, in a manner consistent with Part 212 of the Board's economic regulations. I (we) further represent and warrant that the charterer has not offered charter flights simultaneously with the solicitation of membership in the chartering organization in any mass media advertising or notice or through direct mailing or public posters. I (we) further represent and warrant that all charter participants have been informed of eligibility and cost requirements of Part 212 and that a flight may be canceled if ineligible participants are included.

---------- ----------
(Date) (Signature—person within organization in charge of charter arrangements)

(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by school official not directly involved in charter)

WARRANTY OF AIR CARRIER [5]

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts warranted by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 212 of the Board's economic regulations.

---------- ----------
(Date) (Signature and title of authorized official of air carrier)

[FR Doc.71-4040 Filed 3-25-71;8:45 am]

[4] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., sec. 1001.

[5] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. sec. 1001.

[Reg. ER-674; Amdt. 7]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1971.

In ER-662 [1] the Board extended the amended charter regulations set forth in Part 208 of this subchapter to Part 214.[1a] However, it permitted petitions for reconsideration of § 214.14(b) concerning full payment of split charters 30 days prior to commencement of the transportation and of § 214.14(c) concerning additional intermingling authority.

In ER-671, issued contemporaneously herewith, the Board acted on petitions for reconsideration filed by interested persons, and for the reasons there stated is revising § 214.14 (b) and (c) with implementing amendment of §§ 214.31 and 214.36. In addition certain editorial corrections are being made.[2] These include the addition of a new section (§ 214.43) to require carriers to complete a statement of supporting information with respect to single entity charters since such statement attached to ER-662 so provides.[3]

In order to make the revisions herein effective on the same date as ER-662, and to avoid possible confusion, the amendments will be made effective on April 6, 1971.

Accordingly, the Civil Aeronautics Board hereby amends Part 214 of the Economic Regulations (14 CFR Part 214), effective April 6, 1971, as follows:

1. Amend the Table of Contents by adding a title to new § 214.43 as follows:

Sec.
214.43 Statement of supporting information.

2. Amend § 214.8 to read as follows:

§ 214.8 Unused space.

A direct foreign air carrier may, with the written consent of the charterer(s), utilize any unused space for the transportation of (a) the carrier's own personnel and property and/or (b) the directors, officers, and employees of an air carrier or another foreign air carrier traveling pursuant to a pass interchange arrangement.

3. Amend § 214.14(b) and (c) to read as follows:

§ 214.14 Terms of service.

* * * * *

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided, however,* That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 214.7(b) the carrier shall require full payment of the total charter price not less than 30 days prior to the commencement of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded.

(c) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid. Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 214.7 (b)) shall move as a unit in both directions, except as provided in § 214.9.

4. Amend § 214.30(a)(1) in part and § 214.30(c) to read as follows:

§ 214.30 Solicitation of charter participants.

(a) As used in this section, "solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by a foreign air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

* * * * *

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the carrier as the charterer.

* * * * *

5. Amend § 214.31 to read as follows:

§ 214.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 214.32), may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[4] Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, intermingling between flights or reforming of planeload groups, or less than planeload groups (see § 214.7(b)), shall not be permitted, and each group must move as a unit in both directions, except as provided in § 214.9.

6. Amend § 214.35 (a) and (d) to read as follows:

§ 214.35 Passenger lists.

(a) Prior to each one-way or round-trip flight, a list shall be filed by the charterer with the foreign air carrier showing the names and addresses of the persons to be transported, including standbys who may be transported, specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described), the date the person joined or last renewed a lapsed membership in the charter organization, and the designation "one-way" in the case of one-way passengers. The list shall be amended if passengers are added or dropped before flight.

* * * * *

(d) Attached to such list must be a certification, signed by a duly authorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and employees of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a study group charter.[5]

(Signature)

7. Amend §§ 214.36 and 214.37 to read as follows:

§ 214.36 Application for a charter.

A chartering organization shall make written application to the foreign air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, the dates of departure for each one-way or round-trip flight, and the number of round-trip flights which have been conducted for the organization by any carrier or carriers during the calendar year.

§ 214.37 Statement of supporting information.

Charterers shall execute and file with the foreign air carrier Section B of Part II of the statement of supporting information attached hereto and made a part hereof at such time as required by the carrier to afford it due time for review thereof.

8. Add new § 214.43 to read as follows:

§ 214.43 Statement of supporting information.

Part I of the statement of supporting information attached to the part shall be applicable in the case of single entity charters.

9. Amend the statement of supporting information attached to ER-662 by deleting all reference to "title 49 U.S.C. § 1472(e)" in the footnotes therein.

(Secs. 204(a), 402, 403, 404(b), Federal Aviation Act, as amended, 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760; 49 U.S.C. 1324, 1372, 1373, 1374)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

STATEMENT OF SUPPORTING INFORMATION [1]

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: ----------
---
2. Commencement date(s) of proposed flight(s): ----------

(a) Going ----------
(b) Returning ----------
3. Points to be included in proposed flight(s): ----------

(a) From ---------- to ----------
(b) Returning from ---------- to ----------

(c) Other stops required by charter: ----
---
4. (a) Type of aircraft to be used: ----------
(b) Seating capacity: ----------
(c) Number of persons to be transported:
---
5. (a) Total charter price: ----------
(b) Does the charter price conform to tariff on file with the Board? ----------
(c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.) ----------
---
6. (a) Has the carrier paid, or does it contemplate payment of any commissions, direct or indirect, in connection with the proposed flight? Yes [ ] No [ ]
(b) If "yes" give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the

[1] This must be retained by the air carrier for 2 years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

[1] NOTE: The Board intends to reissue this part shortly so that it will be available from the Superintendent of Documents, Washington, D.C. 20402. In the meantime copies of the part, with amendments, are available at the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[2] See §§ 214.8, 214.30 (a)(1) and (c), 214.35 (a) and (d), 214.36, 214.37, and 214.43. Also, statement of supporting information.

[3] The same provision is in the statement of supporting information in Part 295.

[4] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements.

[5] Whoever, in any matter * * *

total charter price, attach a statement justifying the higher amount under this regulation.

---

7. (a) Will the carrier or any affiliate provide any services or perform any functions in addition to the actual air transportation? Yes [ ] No [ ]

(b) If "yes" describe services or functions:

---

8. Name and address of charterer:---

---

9. If charter is a single entity, indicate purpose of flight:---

---

10. On what date was the charter contract executed? ---

11. If the charter is pro rata, has a copy of Part 214 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes [ ] No [ ]

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis? ---

---

---

2. What specific services have been or will be provided by agent to individual participants in the proposed charter?---

---

3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation either to the proposed charter flight or any land tour? Yes [ ] No [ ]

4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes [ ] No [ ] If answer is "yes" explain:

WARRANTY [2]

I, ---
(Name)

warrant that I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 214 of the Board's economic regulations.

(Date)

(Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objectives and purposes:

---

2. What activities are sponsored by the chartering organization?

---

3. When was the organization founded?

---

4. Qualification or requirements for membership in organization and membership fee, if any: ---

---

5. Has there been any reference to prospective charter flights in soliciting new members for the charter organization? Yes [ ] No [ ]

6. State where a list of members is available for inspection. ---

---

7. Attach list of prospective passengers (including "standbys" and one-way passengers designated as such), showing for each: (a) Name and address; (b) relationship of such person to chartering organization, i.e., member, spouse, dependent child, parent or "special" (a person whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver); (c) if such person is related to a member who is not a prospective passenger, the member's name and address; and (d) date member joined or last renewed a lapsed membership. (NOTE: This is a list of prospective passengers and does not necessarily have to represent the passengers actually to be carried. The list is to be amended, if passengers are dropped or added before flights and the certification required by § 214.35 must be attached to the list.)

8. What are requirements for participation in charter? ---

---

9. How were prospective participants for charter solicited (attach any solicitation material)? ---

---

10. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group residing in the same household with the member? Yes [ ] No [ ]

11. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than 6 months prior to flight date? [3] Yes [ ] No [ ]

[ ] If answer is "yes", give names of participants who will not have been members for 6 months: ---

---

12. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration, and scope of activity: ---

---

---

13. Estimated receipts:

--- × --- =
(Pro rata charge) (Number of passengers)

$---
(Estimated receipts from charter)

Estimated receipts from other sources, if any: ---

Explain: ---

(a) Total receipts: $---

Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses):

Item	Amount	Payable to
---	---	---
---	---	---
---	---	---

(b) Total expenditures: $---

Explain any difference between (a) and (b): ---

---

14. Are any of the expenses included in Item 13 above, to be paid to any members of the chartering organization? Yes [ ] No [ ] If "yes" state how much, to whom and for what services: ---

---

15. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes [ ] No [ ] If "yes" explain fully: ---

---

---

16. Will any person in the group (except children under 2 years) be transported without charge? Yes [ ] No [ ]

17. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under 12 years old? Yes [ ] No [ ]

18. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction:

---

19. If four or more round trips are contracted for, will each group move as a unit in both directions? Yes [ ] No [ ]

---

20. If charters have been performed for organization during past 5 years, give dates and name of carrier performing charters:

---

21. Has a copy of Part 214 "Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only" of the Economic Regulations of the Civic Aeronautics Board been received by the charterer? Yes [ ] No [ ]

22. Attach copies of all announcements of the chartering organization in connection with the charter issued after the charter contract is signed.

WARRANTY OF CHARTERER [4]

I, --- and ---
(Name)

--- represent and warrant that
(Name)

the charter has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operation, in a manner consistent with Part 214 of the Board's economic regulations. I (we) further represent and warrant that the charterer has not offered charter flights simultaneously with the solicitation of membership in the chartering organization in any mass media advertising or notice or through direct mailing or public posters. I (we) further represent and warrant that all charter participants have been informed of eligibility and cost requirements of Part 214 and that a flight may be canceled if ineligible participants are included.

(Date)

(Signature—person within organization in charge of charter arrangements)

(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by school official not directly involved in charter.)

WARRANTY OF AIR CARRIER [5]

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts warranted by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 214 of the Board's economic regulations.

(Date)

(Signature and title of authorized official of air carrier)

[FR Doc.71-4041 Filed 3-25-71;8:45 am]

[2] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., sec. 1001.

[3] Not applicable to school or study-group charters, nor to charters limited to employees of a single Government agency, industrial plant or mercantile company.

[4] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., sec. 1001.

[5] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fradulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fradulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. sec. 1001.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 301—RULES AND REGULATIONS UNDER FUR PRODUCTS LABELING ACT

Pointing, Dyeing, Bleaching, or Otherwise Artificially Coloring

Pursuant to authority given to the Federal Trade Commission under section 8(b) of the Fur Products Labeling Act (65 Stat. 179; 15 U.S.C. sec. 69f) "to prescribe rules and regulations governing the manner and form of disclosing information required by this Act, and such further rules and regulations as may be necessary and proper for purposes of administration and enforcement of this Act," the Commission amended paragraph (i) of § 301.19 (Rule 19) of the rules and regulations under the Fur Products Labeling Act (65 Stat. 175, 15 U.S.C. 69) to provide for an alternative method of marking dressed, treated or processed fur pelts to disclose the appropriate designation of such fur pelts as "dyed", "color altered", "color added", or "natural".

It is determined that notice and public procedure prior to promulgation of such amendment to § 301.19 would be impracticable and not in the public interest in that substantial amounts of pelts subject to the marking requirements of paragraph (i) of § 301.19 (Rule 19) were sold at auction during the preceding 2 months and other auctions of pelts will be held in the immediate future. Shortly after sale at auction many of the pelts will be dressed and processed so as to become subject to the marking requirements of such provision. In many instances the present stamping or marking requirements are not complied with because of asserted difficulties in complying with the present requirements of paragraph (i) and because of alleged damage to furs from certain types of inks. If such pelts are not appropriately marked at the time of processing, effective enforcement of such marking requirements and consequently of appropriate labeling and invoicing disclosures to the consumer can be delayed for as much as a year because of the seasonal periods for processing and manufacturing.

The amended marking requirements are such that they may be more easily complied with by affected segments of the industry and consequently relieve a restriction. It is in the public interest that the amended regulation be promulgated and become effective upon publication in the FEDERAL REGISTER.

Paragraph (i) of § 301.19 (Rule 19) of the rules and regulations under the Fur Products Labeling Act is accordingly amended by substituting the following subparagraphs (4) and (5) for present subparagraph (4). Subparagraphs (4) and (5) of paragraph (i) of § 301.19 (Rule 19) shall hereinafter read as follows:

§ 301.19 Pointing, dyeing, bleaching or otherwise artificially coloring.

* * * * *

(i) * * *

(4) In lieu of the marking or stamping otherwise required by subparagraphs (1), (2), and (3) of this paragraph, any person dressing, processing or treating a fur pelt so as to be subject to the stamping or marking requirements of this paragraph may stamp the leather side of the pelt with the appropriate truthful designation "dyed", "color altered", "color added", or "natural", as the case may be, in such manner that the stamp will not be obliterated or mutilated by further processing and will remain clearly legible until the finished fur product reaches the ultimate consumer.

(5) Where, after assembling, fur garment shells, mats, plates or other assembled furs are processed or treated in such a manner as to fall within the stamping or marking provisions of this paragraph, such assembled furs, in lieu of the stamping or marking of each individual pelt or piece, may be appropriately stamped on the leather side as provided in this paragraph in such a manner that the stamp will remain on the finished fur product and clearly legible until it reaches the ultimate consumer and will not be mutilated or obliterated by further processing.

* * * * *

(Sec. 8(b), Fur Products Labeling Act, 65 Stat. 179; 15 U.S.C. 69f)

Effective date: Date of publication in FEDERAL REGISTER (3-26-71).

Issued: March 23, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-4191 Filed 3-25-71;8:51 am]

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 501—EXEMPTIONS FROM REQUIREMENTS AND PROHIBITIONS UNDER PART 500

Candles

The Federal Trade Commission, on January 20, 1971 (36 F.R. 945) proposed § 501.7 of the Fair Packaging and Labeling Act regulations which would exempt candles from certain requirements of § 500.7 of the regulations. As proposed, the net quantity declaration for tapered candles which are either hand dipped or molded would not be required to contain an expression of diameter provided the declaration contained an expression of count and length in inches.

In response to the invitation for interested parties to comment, two State regulatory agencies and one member of industry favored the proposal. Two of these comments favored the addition of irregularly shaped decorative candles to

the exemption because of the difficulty of expressing an accurate and meaningful diameter of the many shapes employed.

Having considered all the comments, the Commission has concluded that the proposed exemption should be adopted with the addition and inclusion of irregularly shaped decorative candles.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), Part 501 of Subchapter E is amended by adding the following new section:

§ 501.7 Candles.

Tapered candles and irregularly shaped decorative candles which are either hand dipped or molded are exempt from the requirements of § 500.7 of this chapter which specifies that the net quantity of contents shall be expressed in terms of count and measure (e.g., length and diameter), to the extent that diameter of such candles need not be expressed. The requirements of § 500.7 of this chapter for these candles will be met by an expression of count and length or height in inches.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written objections thereto, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Objections will be deemed sufficient to warrant the holding of a public hearing only: (1) If they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which if valid and factually supported may be adequate to justify the relief sought. Anyone who files objections which are not deemed by the Commission sufficient to warrant the holding of a public hearing will be promptly notified of that determination.

As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the FEDERAL REGISTER specifying those parts of the order which have been stayed by the filing of objections, or if no objections sufficient to warrant the holding of a public hearing have been filed, stating the fact. This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of valid objections.

Issued: March 19, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc. 71-4194 Filed 3-25-71;8:51 am]

Title 21—FOOD AND DRUGS

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

N-(Mercaptomethyl)Phthalimide S-(O,O-Dimethyl Phosphorodithioate)

A petition (PP 0F0937) was filed with the Food and Drug Administration, DHEW, by Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, proposing the establishment of tolerances for the combined residues of the insecticide *N*-(mercaptomethyl)-phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) and its oxygen analyog *N*-(mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosporodithioate) in or on the raw agricultural commodities grapes at 10 parts per million; cherries, plums, and prunes at 7 parts per million; and apricots and nectarines at 5 parts per million.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerances for apricots, cherries, nectarines, plums, and prunes.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623) transferred to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(1) of the Act were also transferred to the Administrator. Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which the tolerance is being established and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to this tolerance.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed use is not reasonably excepted to result in residues in excess of the established tolerance of 0.2 part per million for meat and there is no reasonable expectancy of residues in eggs, milk, and poultry. The use is in the category specified in § 420.6(a)(3) with regard to eggs, milk, and poultry.

2. The tolerance established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 424), § 420.261 is amended by revising the paragraph "10 parts per million * * *" to read as follows:

§ 420.261 *N*-(mercaptomethyl)phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) and its oxygen analog; tolerances for residues.

* * * * *

Ten parts per million in or on apples, grapes, peaches, and pears.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3-26-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 23, 1971.

R. E. JOHNSON, *Acting Commissioner, Pesticides Office.*

[FR Doc.71-4189 Filed 3-25-71;8:50 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.635]

PART 51—PASSPORTS

Persons Who May Be Included in One Passport

Section 51.5 of Subpart A, General, is amended to read as follows:

§ 51.5 Persons who may be included in one passport.

(a) The following persons may be included in one passport:

(1) The spouse of the bearer.

(2) Unmarried minor children of the bearer including stepchildren and adopted children.

(3) Unmarried minor brothers and sisters of the bearer.

(b) A person included in the passport of another may not use the passport for travel unless he is accompanied by the bearer.

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 211a, 2658, E.O. 11295; 3 CFR, 1966 Comp.)

Effective date. This amendment shall be effective 60 days after publication in the FEDERAL REGISTER.

For the Secretary of State.

BARBARA M. WATSON, *Administrator, Bureau of Security and Consular Affairs.*

MARCH 11, 1971.

[FR Doc.71-4149 Filed 3-25-71;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 29—Department of Labor

PART 29-60—PROCEDURES FOR SETTLING CONTRACT DISPUTE APPEALS

The Department of Labor finds that it is necessary to revise its regulations which provide procedures for settling contract dispute appeals by reason of the delegation by the Secretary of Labor to the General Services Administration Board of Contract Appeals of the authority to hear and decide all appeals by contractors under Department of Labor contracts. Accordingly, Chapter 29 of Title 41 of the Code of Federal Regulations, Part 29-60, is amended to read as follows:

Sec.
29-60.0 Scope of part.
29-60.1 Designation.
29-60.2 Rules regarding contract dispute appeals.
29-60.2.01 Notice of appeal.
29-60.2.01-1 Filing.
29-60.2.01-2 Forwarding of appeals.
29-60.2.02 Appeal file.
29-60.2.02-1 Preparation and submission.
29-60.2.02-2 Notification to appellant.
29-60.3 Department of Labor representation before General Services Administration Board of Contract Appeals.
29-60.4 Effective date.

AUTHORITY: The provisions of this Part 29-60 issued under 63 Stat. 390, 40 U.S.C. 486(c); 5 U.S.C. 301.

§ 29-60.0 Scope of part.

This part relates to disputes arising under Department of Labor contracts and to the transfer of certain appellate and review functions of the Department of Labor to the General Services Administration Board of Contract Appeals (referred to in this part as the Board) and to the delegation of authority to the Board to hear and decide appeals of contractors from formal decisions of contracting officers arising under disputes provisions of contracts awarded by the Department of Labor.

§ 29-60.1 Designation.

The General Services Administration Board of Contract Appeals, with the prior approval of the Administrator of General Services, is designated the authorized representative of the Secretary of Labor to hear and determine as fully and as finally might the Secretary, all appeals by contractors from final decisions of contracting officers on disputed questions arising under Department of Labor contracts pursuant to provisions of the contracts requiring the determination of such appeals by the Secretary of Labor or his duly authorized representative.

§ 29-60.2 Rules regarding contract dispute appeals.

(a) The rules and regulations relating to the appeal of General Services Administration contract disputes prescribed in or pursuant to Part 5-60 of this title and this part shall govern the appeal of all contract disputes with the Department of Labor, or with any administration, office, division, or other agency or subdivision of the Department of Labor, except for the rules entitled "Notice of Appeal" (Rule 1, Part 5-60 of this title), "Contents of Notices of Appeal" (Rule 2, Part 5-60 of this title), "Forwarding of Appeals" (Rule 3, Part 5-60 of this title), "Acknowledgment of Appeal and Distribution" (Rule 4, Part 5-60 of this title), "Appeal File" (Rule 5, Part 5-60 of this title) and "Representation of Government" (Rule 18(2), Part 5-60 of this title).

(b) Wherever the rules of the Board in Part 5-60 of this title refer to the General Services Administration (or GSA) or the Administrator or the General Counsel, GSA, there shall be substituted the terms Labor Department, the Secretary of Labor or the Solicitor of Labor, respectively.

§ 29-60.2.01 Notice of appeal.

§ 29-60.2.01-1 Filing.

A notice of appeal must be in writing, and shall be filed with the office of the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed with the contracting officer within the time specified therefor in the contract, or as allowed by applicable provisions of directives or law.

§ 29-60.2.01-2 Forwarding of appeals.

When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing and the date of receipt (or the date of receipt only, if otherwise conveyed) and within 20 days shall forward said notice of appeal, together with the envelope in which the same was enclosed, to the Board with a copy to the Solicitor of Labor, Department of Labor, Washington, D.C. 20210. Following receipt by the Board of the original notice of appeal (whether through the contracting officer or otherwise), the contractor, the contracting officer, and the Solicitor of Labor, Department of Labor, will be advised promptly thereof, and the contractor will be furnished a copy of the Board's rules.

§ 29-60.2.02 Appeal file.

§ 29-60.2.02-1 Preparation and submission.

Following receipt of a notice of appeal, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Solicitor of Labor, Department of Labor, two (2) copies of the appeal file as prescribed in Rule 5(1), Part 5-60 of this title. The contracting officer shall retain the original file at the contracting office and make it available to the appellant for inspection if he desires. The Solicitor of Labor will submit the appeal file to the Board as promptly as possible after receipt by him, and in any event so as to reach the Board within 45 days after such receipt.

§ 29-60.2.02-2 Notification to appellant.

Upon receipt of the aforesaid appeal file, the Board shall notify the appellant, provide him with a listing of its contents, and shall afford him an opportunity to examine the complete compilation at the office of the contracting officer, or at the office of the Board, for the purpose of satisfying himself as to its contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. The Board also will promptly advise the parties regarding any later documentation of the appeal file.

§ 29-60.3 Department of Labor representation before General Services Administration Board of Contract Appeals.

The Solicitor of Labor, Department of Labor, will assure representation of the interests of the Government in proceedings before the General Services Administration Board of Contract Appeals. All officers and employees of the Department of Labor will appear and give testimony as required and will cooperate with the General Services Administration Board of Contract Appeals and Government counsel in the processing of appeals so as to assure their speedy and just determination.

§ 29-60.4 Effective date.

The regulations in this part shall become effective on the date of publication in the FEDERAL REGISTER (3-26-71): *Provided*, That they shall apply to all appeals pending on that date for which a Department of Labor Board of Contract Appeals has not been established on such date, as well as to appeals from a contracting officer's decision taken on or after such date. All appeals pending before such DOL Board of Contract Appeals on the effective date hereof shall be processed in accordance with Department of Labor Board of Contract Appeals procedures heretofore in effect.

Signed at Washington, D.C., this 19th day of March 1971.

J. D. HODGSON, *Secretary of Labor.*

[FR Doc.71-4143 Filed 3-25-71;8:47 am]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Certain Regions in North Carolina and South Carolina

On January 13, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 436) to amend Part 481 by designating the Eastern Mountain, Eastern Piedmont, Northern Coastal Plain, Northern Piedmont, Sandhills, Southern Coastal Plain, and Western Mountain Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on January 13, 1971, with appropriate State and local authorities pursuant to Section 107 of the Clean Air Act, as amended) Public Law 91–604). Due consideration has been given to all relevant material presented, with the recommendation that Catawba and Lincoln Counties be deleted from the designated Metropolitan Charlotte Interstate Air Quality Control Region and added to the proposed Eastern Mountain Intrastate Air Quality Control Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.147, as set forth below, designating the Eastern Mountain Intrastate Air Quality Control Region; § 481.148, as set forth below, designating the Eastern Piedmont Intrastate Air Quality Control Region; § 481.149, as set forth below, designating the Northern Coastal Plain Intrastate Air Quality Control Region; § 481.150, as set forth below, designating the Northern Piedmont Intrastate Air Quality Control Region; § 481.151, as set forth below, designating the Sandhills Intrastate Air Quality Control Region; § 481.152, as set forth below, designating the Southern Coastal Plain Intrastate Air Quality Control Region; § 481.153, as set forth below, designating the Western Mountain Intrastate Air Quality Control Region; and § 481.75, as set forth below, revising the boundaries of the Metropolitan Charlotte Interstate Air Quality Control Region, are adopted effective on publication (3–26–71).

§ 481.147 Eastern Mountain Intrastate Air Quality Control Region.

The Eastern Mountain Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Alexander County.	McDowell County.
Alleghany County.	Mitchell County.
Ashe County.	Polk County.
Avery County.	Rutherford County.
Burke County.	Watauga County.
Caldwell County.	Wilkes County.
Catawba County.	Yancey County.
Cleveland County.	

§ 481.148 Eastern Piedmont Intrastate Air Quality Control Region.

The Eastern Piedmont Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Chatham County.	Northampton County.
Durham County.	Orange County.
Edgecombe County.	Person County.
Franklin County.	Vance County.
Granville County.	Wake County.
Halifax County.	Warren County.
Johnston County.	Wilson County.
Lee County.	
Nash County.	

§ 481.149 Northern Coastal Plain Intrastate Air Quality Control Region.

The Northern Coastal Plain Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Beaufort County.	Hyde County.
Bertie County.	Martin County.
Camden County.	Pasquotank County.
Chowan County.	Perquimans County.
Currituck County.	Pitt County.
Dare County.	Tyrrell County.
Gates County.	Washington County.
Hertford County.	

§ 481.150 Northern Piedmont Intrastate Air Quality Control Region.

The Northern Piedmont Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Alamance County.	Randolph County.
Caswell County.	Rockingham County.
Davidson County.	Stokes County.
Davie County.	Surry County.
Forsyth County.	Yadkin County.
Guilford County.	

§ 481.151 Sandhills Intrastate Air Quality Control Region.

The Sandhills Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Anson County.	Moore County.
Bladen County.	Richmond County.
Cumberland County.	Robeson County.
Harnett County	Sampson County.
Hoke County.	Scotland County.
Montgomery County.	

§ 481.152 Southern Coastal Plain Intrastate Air Quality Control Region.

The Southern Coastal Plain Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Brunswick County.	Lenoir County.
Carteret County.	New Hanover County
Columbus County.	Onslow County.
Craven County.	Pamlico County.
Duplin County.	Pender County.
Greene County.	Wayne County.
Jones County.	

§ 481.153 Western Mountain Intrastate Air Quality Control Region.

The Western Mountain Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located with the outermost boundaries of the area so delimited):

In the State of North Carolina:

Buncombe County.	Jackson County.
Cherokee County.	Macon County.
Clay County.	Madison County.
Graham County.	Swain County.
Haywood County.	Transylvania County.
Henderson County.	

§ 481.75 Metropolitan Charlotte Interstate Air Quality Control Region.

The Metropolitan Charlotte Interstate Air Quality Control Region (North Carolina–South Carolina) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Cabarrus County.	Mecklenburg County.
Gaston County.	Rowan County.
Iredell County.	Stanly County.
Lincoln County.	Union County.

In the State of South Carolina:

Chester County.	Union County.
Lancaster County.	York County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91–604)

Dated: March 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–4253 Filed 3–25–71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Casper Intrastate Region

On February 4, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 2406) to amend Part 481 by designating the Casper Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 17, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91–604). Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.213, as set forth below, designating the Casper Intrastate Air Quality Control Region, is adopted effective on publication (3–26–71).

§ 481.213 Casper Intrastate Air Quality Control Region.

The Casper Intrastate Air Quality Control Region (Wyoming) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Wyoming:

Converse County.	Natrona County.
Freemont County.	

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91–604)

Dated: March 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–4256 Filed 3–25–71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Black Hills-Rapid City Intrastate Region

On February 4, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 2407) to amend Part 481 by designating the Rapid City Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 18, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91–604). Due consideration has been given to all relevant material presented, with the recommendation that Fall River and Custer Counties be included within the Region, and the Region be renamed the Black Hills-Rapid City Intrastate Air Quality Control Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.214, as set forth below, designating the Black Hills-Rapid City Intrastate Air Quality Control Region, is adopted effective on publication (3–26–71).

§ 481.214 Black Hills-Rapid City Intrastate Air Quality Control Region.

The Rapid City Intrastate Air Quality Control Region (South Dakota) has been renamed the Black Hills-Rapid City Intrastate Air Quality Control Region (South Dakota) and consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Dakota:

Butte County.	Lawrence County.
Custer County.	Meade County.
Fall River County.	Pennington County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91–604)

Dated: March 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–4255 Filed 3–25–71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Certain Regions in Indiana

On February 2, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1545) to amend Part 481 by designating the East Central Indiana, Northeast Indiana, Southern Indiana, and Wabash Valley Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 10, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91–604). Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.215, as set forth below, designating the East Central Indiana Intrastate Air Quality Control Region; § 481.216, as set forth below, designating the Northeast Indiana Intrastate Air Quality Control Region; § 481.217, as set forth below, designating the Southern Indiana Intrastate Air Quality Control Region; and § 481.218, as set forth below, designating the Wabash Valley Intrastate Air Quality Control Region, are adopted effective on publication (3–26–71).

§ 481.215 East Central Indiana Intrastate Air Quality Control Region.

The East Central Indiana Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana:

Blackford County.	Jay County.
Delaware County.	Madison County.
Grant County.	Randolph County.
Henry County.	Wayne County.

§ 481.216 Northeast Indiana Intrastate Air Quality Control Region.

The Northeast Indiana Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana:

Adams County.	Noble County.
Allen County.	Steuben County.
De Kalb County.	Wells County.
Huntington County.	Whitley County.
Lagrange County.	

§ 481.217 Southern Indiana Intrastate Air Quality Control Region.

The Southern Indiana Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana:

Bartholomew County.	Jennings County.
Brown County.	Lawrence County.
Crawford County.	Martin County.
Daviess County.	Monroe County.
Decatur County.	Orange County.
Fayette County.	Owen County.
Franklin County.	Ripley County.
Green County.	Rush County.
Harrison County.	Scott County.
Jackson County.	Switzerland County.
Jefferson County.	Union County.
	Washington County.

§ 481.218 Wabash Valley Intrastate Air Quality Control Region.

The Wabash Valley Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana:

Benton County.	Parke County.
Carroll County.	Pulaski County.
Cass County.	Putnam County.
Clay County.	Starke County.
Clinton County.	Sullivan County.
Fountain County.	Tippecanoe County.
Fulton County.	Tipton County.
Howard County.	Vermillion County.
Jasper County.	Vigo County.
Knox County.	Wabash County.
Miami County.	Warren County.
Montgomery County.	White County.
Newton County.	

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4252 Filed 3-25-71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Certain Regions in Oregon

On February 11, 1971, notice of proposed rule making was published in the FEDERAL REGISTER, (36 F.R. 2872) to amend Part 481 by designating the Central Oregon, Eastern Oregon, and Southwest Oregon Intrastate Air Quality Control Regions and by revising the boundaries of the Portland Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 19, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented, with the recommendation that Clatsop, Lincoln, and Tillamook Counties, in Oregon, originally proposed to be added to the Oregon portion of the Portland Interstate Air Quality Control Region, now be designated as the Northwest Oregon Intrastate Air Quality Control Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.219, as set forth below, designating the Central Oregon Intrastate Air Quality Control Region; § 481.220, as set forth below, designating the Eastern Oregon Intrastate Air Quality Control Region; § 481.221, as set forth below, designating the Southwest Oregon Intrastate Air Quality Control Region; and § 481.249, as set forth below, designating the Northwest Oregon Intrastate Air Quality Control Region, are adopted effective on publication (3-26-71).

§ 481.219 Central Oregon Intrastate Air Quality Control Region.

The Central Oregon Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon

Crook County.	Klamath County.
Deschutes County.	Lake County.
Hood River County	Sherman County.
Jefferson County.	Wasco County.

§ 481.220 Eastern Oregon Intrastate Air Quality Control Region.

The Eastern Oregon Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon

Baker County.	Morrow County.
Gilliam County.	Umatilla County.
Grant County.	Union County.
Harney County.	Wallowa County.
Malheur County.	Wheeler County.

§ 481.221 Southwest Oregon Intrastate Air Quality Control Region.

The Southwest Oregon Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon:

Coos County.	Jackson County.
Curry County.	Josephine County.
Douglas County.	

§ 481.249 Northwest Oregon Intrastate Air Quality Control Region.

The Northwest Oregon Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon:

Clatsop County.	Tillamook County.
Lincoln County.	

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4254 Filed 3-25-71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Certain Regions in Alaska

On February 25, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3474) to amend Part 481 by designating the Northern Alaska, South Central Alaska, and Southeastern Alaska Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on March 10, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented with the recommendation that the boundaries proposed for the Northern Alaska Intrastate Air Quality Control Region be revised by excluding those portions of the presently designated Cook Inlet Intrastate Air Quality Control Region that extend into the 1956 State Election Districts that were proposed to form the new Northern Alaska Intrastate Air Quality Control Region.

In consideration of the foregoing the regulations set forth below, designating certain air quality control regions in the State of Alaska, are adopted effective on publication (3-26-71).

§ 481.246 Northern Alaska Intrastate Air Quality Control Region.

The Northern Alaska Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1875h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alaska:
Those portions of the 1956 Election Districts 18-23, inclusive, as described in Article XIV, § 3 of the Constitution of the State of Alaska, which are not included in the designated Cook Inlet Intrastate Air Quality Control Region as designated August 12, 1970 (35 F.R. 12757).

§ 481.247 South Central Alaska Intrastate Air Quality Control Region.

The South Central Alaska Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alaska:
Those portions of the 1956 Election Districts 7-17, inclusive, and Election District 24 as described in Article XIV, Section 3 of the Constitution of the State of Alaska, which are not included in the designated Cook Inlet Intrastate Air Quality Control Region as designated August 12, 1970 (35 F.R. 12757).

§ 481.248 Southeastern Alaska Intrastate Air Quality Control Region.

The Southeastern Alaska Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alaska:
1956 Election Districts 1-6, inclusive, as described in Article XIV, Section 3 of the Constitution of the State of Alaska.
(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4251 Filed 3-25-71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Certain Regions in Kansas

On February 18, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3132) to amend Part 481 by designating the Southeastern Kansas, Metropolitan Topeka, and Wichita-Hutchinson-Salina Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 25, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). At that consultation, the State of Kansas submitted an alternate boundary recommendation that would divide those portions of the State not previously designated into six air quality control regions coterminous with the health planning districts established by the State Department of Health. This division was proposed to permit a more effective administration of the air resources throughout the entire State. After evaluation, the Air Pollution Control Office concurred with the State's recommendation because it would satisfy the administrative needs of the State while meeting the requirements of the Clean Air Amendments.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.250, as set forth below, designating the North Central Kansas Intrastate Air Quality Control Region; § 481.251, as set forth below, designating the Northeast Kansas Intrastate Air Quality Control Region; § 481.252, as set forth below, designating the Northwest Kansas Intrastate Air Quality Control Region; Section 481.253, as set forth below, designating the South Central Kansas Intrastate Air Quality Control Region; § 481.254, as set forth below, designating the Southeast Kansas Intrastate Air Quality Control Region; and § 481.255, as set forth below, designating the Southwest Kansas Intrastate Air Quality Control Region, are adopted effective on publication (3-26-71).

§ 481.250 North Central Kansas Intrastate Air Quality Control Region.

The North Central Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas:

Clay County.	Mitchell County.
Cloud County.	Morris County.
Dickinson County.	Ottawa County.
Ellsworth County.	Republic County.
Geary County.	Rice County.
Jewell County.	Riley County.
Lincoln County.	Saline County.
McPherson County.	Washington County.

§ 481.251 Northeast Kansas Intrastate Air Quality Control Region.

The Northeast Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas:

Atchison County.	Miami County.
Brown County.	Nemaha County.
Doniphan County.	Osage County.
Douglas County.	Pottawatomie County.
Franklin County.	Shawnee County.
Jackson County.	Wabunsee County.
Jefferson County.	
Marshall County.	

§ 481.252 Northwest Kansas Intrastate Air Quality Control Region.

The Northwest Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas:

Barton County.	Rawlins County.
Cheyenne County.	Rooks County.
Decatur County.	Rush County.
Ellis County.	Russell County.
Gove County.	Sheridan County.
Graham County.	Sherman County.
Logan County.	Smith County.
Ness County.	Thomas County.
Norton County.	Trego County.
Osborne County.	Wallace County.
Phillips County.	

§ 481.253 South Central Kansas Intrastate Air Quality Control Region.

The South Central Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas:

Butler County.	Kingman County.
Chase County.	Marion County.
Cowley County.	Reno County.
Harper County.	Sedgwick County.
Harvey County.	Sumner County.

§ 481.254 Southeast Kansas Intrastate Air Quality Control Region.

The Southeast Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas:

Allen County.	Greenwood County.
Anderson County.	Labette County.
Bourbon County.	Linn County.
Chautauqua County.	Lyon County.
Cherokee County.	Montgomery County.
Coffey County.	Neosho County.
Crawford County.	Wilson County.
Elk County.	Woodson County.

§ 481.255 Southwest Kansas Intrastate Air Quality Control Region.

The Southwest Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas:

Barber County.	Kiowa County.
Clark County.	Lane County.
Comanche County.	Meade County.
Edwards County.	Morton County.
Finney County.	Pawnee County.
Ford County.	Pratt County.
Grant County.	Scott County.
Gray County.	Seward County.
Greeley County.	Stafford County.
Hamilton County.	Stanton County.
Haskell County.	Stevens County.
Hodgeman County.	Wichita County.
Kearney County.	

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4250 Filed 3-25-71;8:54 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL REGIONS

Certain Regions in Iowa

On February 20, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3268) to amend Part 481 by designating the Cedar Rapids, Fort Dodge, Metropolitan Des Moines, and Waterloo-Mason City Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 23, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). At the consultation, the State of Iowa submitted an alternate recommendation which would divide those portions of the State, not previously designated, into six air quality control regions. This division was recommended to permit a more effective administration of the air resources throughout the entire State. After evaluation, the Air Pollution Control Office concurred with this alternate recommendation because it would satisfy the administrative needs of the State, while meeting the requirements of the Clean Air Amendments of 1970.

In consideration of the foregoing, the regulations set forth below, designating certain air quality control regions in the State of Iowa, are adopted effective on publication (3-26-71).

§ 481.256 Northeast Iowa Intrastate Air Quality Control Region.

The Northeast Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Allamakee County.	Delaware County.
Benton County.	Fayette County.
Black Hawk County.	Howard County.
Bremer County.	Jones County.
Buchanan County.	Linn County.
Chickasaw County.	Winneshiek County.

§ 481.257 North Central Iowa Intrastate Air Quality Control Region.

The North Central Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Butler County.	Humboldt County.
Cerro Gordo County.	Kossuth County.
Floyd County.	Mitchell County.
Franklin County.	Webster County.
Grundy County.	Winnebago County.
Hamilton County.	Worth County.
Hancock County.	Wright County.
Hardin County.	

§ 481.258 Northwest Iowa Intrastate Air Quality Control Region.

The Northwest Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Buena Vista County.	Ida County.
Calhoun County.	O'Brien County.
Cherokee County.	Osceola County.
Clay County.	Palo Alto County.
Dickinson County.	Pocahontas County.
Emmet County.	Sac County.

§ 481.259 Southwest Iowa Intrastate Air Quality Control Region.

The Southwest Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Adair County.	Harrison County.
Adams County.	Mills County.
Audubon County.	Monona County.
Carroll County.	Montgomery County.
Cass County.	Page County.
Crawford County.	Ringgold County.
Fremont County.	Shelby County.
Greene County.	Taylor County.
Guthrie County.	Union County.

§ 481.260 South Central Iowa Intrastate Air Quality Control Region.

The South Central Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Appanoose County.	Marion County.
Boone County.	Marshall County.
Clarke County.	Monroe County.
Dallas County.	Polk County.
Decatur County.	Poweshiek County.
Jasper County.	Story County.
Lucas County.	Tama County.
Madison County.	Warren County.
Mahaska County.	Wayne County.

§ 481.261 Southeast Iowa Intrastate Air Quality Control Region.

The Southeast Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Cedar County.	Johnson County.
Davis County.	Keokuk County.
Henry County.	Van Buren County.
Iowa County.	Wapello County.
Jefferson County.	Washington County.

NOTE: For purposes of identification, the Regions are referred to by Iowa authorities as follows:

Sec.	
481.256	Northeast Iowa Intrastate Air Quality Control Region: Region 1.
481.257	North Central Iowa Intrastate Air Quality Control Region: Region 2.
481.258	Northwest Iowa Intrastate Air Quality Control Region: Region 3.
481.259	Southwest Iowa Intrastate Air Quality Control Region: Region 4.
481.260	South Central Iowa Intrastate Air Quality Control Region: Region 5.
481.261	Southeast Iowa Intrastate Air Quality Control Region: Region 6.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4249 Filed 3-25-71;8:53 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 121—GRANTS TO STATES FOR THE EDUCATION OF HANDICAPPED CHILDREN

Miscellaneous Amendments

A comprehensive revision of the current regulations in 45 CFR Part 121 is in preparation. Until such time as the revised regulation takes effect, the current regulations in 45 CFR Part 121 (as amended by this document and the document published in the FEDERAL REGISTER on Sept. 2, 1970, at 35 F.R. 13885-86) will govern the program to be carried out under Part B of the Education of the Handicapped Act (Title VI of Public Law 91-230). Part 121 is amended as follows:

1. Section 121.4(a) is revised to read as follows:

§ 121.4 Needs of handicapped children.

(a) A State plan submitted in accordance with this part shall set forth such policies and procedures as will provide satisfactory assurance that funds paid to the State under this part will be expended—

(1) Either directly or through individual, or combinations of, local educational agencies (including interdistrict, intercommunity, regional, State-local and interstate arrangements), solely to initiate, expand or improve programs and projects (including preschool programs and projects)—

(i) Which are designed to meet the special educational and related needs of handicapped children throughout the State, and

(ii) Which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and

(2) (i) For the proper and efficient administration of the State plan (including State leadership activities and consultative services), and

(ii) For planning on the State and local level.

(20 U.S.C. 1413)

§ 121.11 [Amended]

2. Section 121.11(b) is amended by inserting before the period at the end of the first sentence thereof, the following: "and proper disbursements of Federal funds under Part B of the Act".

(20 U.S.C. 1413)

§ 121.13 [Amended]

3. Section 121.13(a) is amended by adding at the end thereof the following new sentence: "The Commissioner shall not approve any State plan or amendment thereof unless the requirements in this section 121.13(a) have been satisfied."

(20 U.S.C. 1413)

4. Section 121.21 is revised to read as follows:

§ 121.21 General.

Funds allotted to a State pursuant to section 612 of the Act may be used only for the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels by State educational agencies pursuant to § 121.22(a)(1) and local educational agencies pursuant to § 121.22(b)(1), except that not more than 5 percent of the amount allotted to a State for any fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, may be expended by the State educational agency for planning and for proper and efficient administration of the State plan (including State leadership activities and consultative services) pursuant to § 121.22(a)(2) and by local educational agencies for planning at the local level pursuant to § 121.22(b)(2).

(20 U.S.C. 1413)

5. Section 121.25 is revised to read as follows:

§ 121.25 State-supported or State-operated schools for handicapped children.

The State plan shall provide satisfactory assurance that funds paid to the State under Part B of the Act will not be made available for handicapped children eligible for assistance under section 103(a)(5) of Title I of the Elementary and Secondary Education Act of 1965.

(20 U.S.C. 1412, 1413)

§ 121.26 [Amended]

6. The first sentence of § 121.26(a) is amended to read as follows: "Federal funds under Part B of the Act made available to State and local educational agencies for programs and projects during a fiscal year shall remain available for use by such State and local educational agencies in accordance with paragraph (c) of this section only during such fiscal year."

(20 U.S.C. 1412, 1226)

7. The first sentence of § 121.26(b) is amended to read as follows: "Federal funds under Part B of the Act made available to State and local educational agencies for administration of the State plan and for planning at the State and local levels will remain available for use only during such fiscal year."

(20 U.S.C. 1412, 1226)

8. A new paragraph (f) is added to § 121.26 as follows:

* * * * * *

(f) Notwithstanding paragraphs (a) and (b) of this section, any Federal funds under Part B of the Act made available to State and local educational agencies, which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were made available, shall remain available for obligation and expenditure during such succeeding fiscal year.

(20 U.S.C. 1225)

9. Section 121.27(a) is revised to read as follows:

§ 121.27 State fiscal control and audit.

(a) Each State plan shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under Part B of the Act, including any such funds paid by the State to local educational agencies.

* * * * * *

(20 U.S.C. 1413)

Effective date. The amendments hereby made to Part 121 will not become effective before 30 days after publication in the FEDERAL REGISTER.

Dated: February 18, 1971.

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

Approved: March 19, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.71-4207 Filed 3-25-71;8:52 am]

PART 141—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN ACADEMIC SUBJECTS IN PUBLIC SCHOOLS

Part 141 of Title 45 of the Code of Federal Regulations, dealing with regulations for the administration of sections 301-304, inclusive, of Part A of Title III of the National Defense Education Act of 1958, 72 Stat. 1580 (20 U.S.C. Ch. 17) is revised for purposes of simplification and to reflect the provisions of Public Law 91-230 to read as set forth below.

Grants made pursuant to the regulations set forth below are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 (42 U.S.C. 2000d) of the Civil Rights Act of 1964 (Public Law 88-352).

Part 141 reads as follows:

Subpart A—Definitions

Sec.
141.1 Definitions.

Subpart B—State or Department Conditions

141.2 State plan or Department conditions.
141.3 State plan assurances.

Subpart C—State Administration

141.5 Administrative review and evaluation.
141.6 Advisory committees.
141.7 Continuing review by Commissioner of State administration.
141.8 Requirements with respect to minor remodeling.

Subpart D—Federal Financial Participation

141.11 Federal participation in general.
141.12 Eligible costs.
141.13 Proration of costs.
141.14 Accounting basis for expenditures.
141.15 Liquidation of obligations.
141.16 Transfer of funds to local agencies.
141.17 Retention of records.
141.18 Adjustments.

Subpart E—Federal Payment Procedures

141.21 Federal payments.
141.22 Effect of Federal payments.
141.23 Obligation of Federal appropriations.

Subpart F—Acquisition of Equipment and Minor Remodeling

141.26 Purchase of materials for making equipment.
141.27 Use of equipment in other subject areas.

Sec.

141.28 Equipment and minor remodeling eligible for Federal financial participation.

Subpart G—Supervision and Administration

141.31 Programs for supervision and related services.
141.32 Expansion or improvement.
141.33 Time basis for measurement of activities.

AUTHORITY: The provisions of this Part 141 issued under 20 U.S.C. 441–444. Interpret or apply 20 U.S.C. 441–444, 581–588.

Subpart A—Definitions

§ 141.1 Definitions.

As used in this part:

(a) "Academic subjects" means the following elementary and secondary school subjects: The arts, civics, economics, English, geography, history, the humanities, industrial arts, mathematics, modern foreign languages, reading, and science.

(b) "Act" means the National Defense Education Act of 1958, 20 U.S.C. Ch. 17.

(c) "Audiovisual library" means a facility used for the collection, custody, cataloging, maintenance, and distribution of audiovisual materials for education in academic subjects in public elementary and secondary schools, and controlled and operated by a State or local educational agency or other public school authority below the State level.

(d) "Class" means a group of students assembled for instruction for a given period of time under a teacher or teachers.

(e) "Commissioner" means the U.S. Commissioner of Education.

(f) "Elementary school" means a school which provides elementary education, as determined under State law or, if such school is not in a State, as determined by the Commissioner.

(g) "Equipment" eligible for purchase through approved projects means laboratory and other special equipment as defined in paragraph (i) of this section, including materials as defined in paragraph (k) of this section.

(h) "Fiscal year" as used with respect to reporting and accounting requirements means the period beginning on the first day of July and ending on the following June 30. The calendar year of the ending date is used to designate the fiscal year.

(i) "Laboratory and other special equipment" means (1) fixed or movable articles, which are particularly appropriate for use in providing education in academic subjects in a public elementary or secondary school and which are to be used either by teachers in connection with teaching or by students in learning in such subjects; (2) audiovisual equipment (including projectors, recorders, television cameras, television receivers, closed-circuit television distribution systems, and ancillary television projection and reception equipment to be used primarily for nonbroadcast purposes, except where broadcast takes the place of closed-circuit cable systems), to be used, either by teachers in connection with teaching or by students in connection with learning, primarily in providing education in academic subjects in a public elementary or secondary school; (3) "materials" as defined in paragraph (k) of this section and devices (other than those used for printing, such as printing presses and offset printing machines) to be used for preparation of audiovisual and instructional materials for academic subjects; (4) storage equipment to be used solely for the care and protection of the foregoing items when used in laboratories or classrooms; (5) testgrading equipment to be used primarily in providing education in academic subjects in a public elementary or secondary school; and (6) specialized equipment for audiovisual libraries serving public elementary or secondary schools when such equipment is to be used primarily in providing education in academic subjects. (The term excludes such items as general-purpose furniture, radio or television broadcasting apparatus, school public address systems, or items for the maintenance and repair of equipment. However, the term does include equipment for maintenance, repair, and storage of materials in audiovisual libraries.)

(j) "Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or any other political subdivision in a State, or any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(k) "Materials" means those items which with reasonable care and use may be expected to last for more than 1 year and are suitable for and are to be used in providing education in academic subjects in an elementary or secondary school. The term includes such items as tapes and discs; slides and transparencies; films and filmstrips; books pamphlets, and periodicals; and other printed and published materials such as maps, globes, and charts. The term does not include such items as textbooks (as defined in paragraph (t) of this section) or chemicals and other supplies which are consumed in use.

(l) "Minor remodeling" means those minor alterations in a previously completed building in space used or to be used as a laboratory or classroom for education in academic subjects which are needed to make effective use of equipment in providing education in such subjects. The term also includes those minor alterations in a previously completed building which are needed to make effective use of the items referred to in subparagraphs (5) and (6) of paragraph (i) of this section. The term may also include the extension of utility lines, such as for water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of such previously completed building, to the extent needed to make effective use of equipment. The term does not include building construction, structural alterations to buildings, building maintenance, repair, or renovation.

(m) "Project" as applied to the acquisition of laboratory or other special equipment or minor remodeling means (1) a proposal submitted by a local educational agency, or agencies, or other public school authority below the State level, or (2) in cases where the State educational agency operates one or more public elementary or secondary schools or audiovisual libraries, a proposal submitted by the highest administrative officer of such school or audiovisual library. Such a proposal shall contain: (i) Description and current cost estimates of the equipment to be acquired or minor remodeling to be performed; (ii) certification that the equipment is to be used primarily for providing education in academic subjects, except that in the case of storage equipment the certification shall be to the effect that the storage equipment will be used solely for the care and protection of equipment and materials used in providing such education; and (iii) information showing the direct relationship of the proposed expenditures to the overall design for enriching the planned educational program and the achievement of desired curriculum goals in academic subjects.

(n) "Public" as applied to any school or institution includes a school or institution of any agency of the United States, except that no such school or institution shall be eligible to receive any grant, loan, or other payment under the Act.

(o) "School" means a division of instructional organization consisting of a group of pupils comprised of one or more grade groups, organized on a class basis as one unit with one or more teachers to give instruction of a defined type, and housed in a school plant of one or more buildings. More than one school may be housed in one school plant as when elementary and secondary schools are so housed.

(p) "Secondary school" means a school which provides secondary education, as determined under State law or, if such school is not in a State, as determined by the Commissioner. The term does not include any education provided beyond grade 12 except that it may include a public junior college when it is a part of or an extension of the secondary school system of the State as determined under State law.

(q) "Services": (1) "Supervisory services" means the services rendered by a qualified person in the promotion, maintenance, and improvement of instruction in one or more of the academic subjects; (2) "Related services" means those technical activities which support supervisory services in academic subjects.

(r) "State" means a State of the Union, the District of Columbia, Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(s) "State educational agency" or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(t) "Textbook" means a book or workbook, or manual, which is used as the principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each pupil in such a class or group of students.

(20 U.S.C. 403)

Subpart B—State or Department Conditions

§ 141.2 State plan or Department conditions.

(a) *Purpose*—(1) *State plan.* A basic condition for the payment of Federal funds to a State under sections 301–304 of the Act is a State plan meeting the requirements of sections 303(a) and 1004 (a) of the Act in providing a program under which funds paid to the State under its allotment under section 302(a) will be expended solely for projects approved by the State educational agency for the acquisition of laboratory and other special equipment suitable for use in providing education in academic subjects, and minor remodeling.

(2) *Department plan or memorandum of understanding.* A basic condition for the payment of funds under Title III–A of the Act to the Department of the Interior or the Department of Defense is a plan or a memorandum of understanding which describes the projects to be carried out with funds paid thereunder, together with such other information and assurances as the Commissioner may require.

(b) *Effect of State plan.* The State plan, when approved by the Commissioner, shall constitute the basis on which Federal grants will be made, as well as a basis for determining the propriety of State and local expenditures in which Federal participation is requested.

(c) *Effect of Department plan or memorandum of understanding.* A plan or memorandum of understanding from the Department of the Interior or the Department of Defense, when approved by the Commissioner, shall constitute the basis on which payments will be made to those Departments under Title III–A of the Act and the basis for determining the propriety of the expenditures of those funds by those Departments.

(d) *Program and operational procedures.* The administration of the program shall be kept in conformity with the approved plan or memorandum of understanding, the regulations in this part, and Title III–A of the Act. A description of the program and operational procedures shall be recorded and made available to the public upon request. Whenever there is any material change in the content or administration of the program, or when there has been any material change in pertinent State law or in the organization, policies, or operations of the State agency affecting the program under the plan, the procedures shall be appropriately amended.

(e) *Submission.* The State plan shall be submitted to the Commissioner by a duly authorized officer of the State agency or a plan or memorandum of understanding shall be submitted by an officer of the Department of the Interior or the Department of Defense. A State plan shall give the official name of the agency which will administer the plan and shall indicate that such agency meets the criteria for a State educational agency. The State plan shall designate the officer who will receive and provide for the custody of all funds to be expended under applicable State laws and regulations on requisition or order of the State agency.

(f) *Certificate of the State Attorney General or other appropriate State legal officer.* The State plan shall also include as an attachment a certificate by the appropriate State legal officer to the effect that the State educational agency named in the plan is the agency having authority to administer the State plan or to supervise the administration of the State plan; that the State educational agency has authority under State law to develop, submit, and administer or supervise the administration of the plan; and that the State has authority under State law to carry out the State plan.

(g) *Approval by the Commissioner.* The Commissioner will approve each plan which he determines meets the applicable requirements of Title III–A of the Act and regulations in this part, and will notify the applicant of the granting or withholding of approval in each such case. However, no final action with respect thereto, other than one of approval, will be taken by the Commissioner unless he first notifies the applicant of his proposed action and in connection therewith affords the applicant a reasonable opportunity for a hearing on whether the affected plan meets such requirements.

(h) *Ineligibility to participate.* Whenever the Commissioner, after reasonable notice and opportunity for a hearing, finds: (1) That the plan fails to comply with the requirements of Title III–A of the Act and the regulations in this part; or (2) that in the administration of the plan there is a failure to comply substantially with any such provisions, the Commissioner will notify the applicant that said applicant will not be regarded as eligible to participate in the program under Title III–A of the Act until the Commissioner is satisfied that there is no longer any such failure to comply.

(20 U.S.C. 443, 584; 42 U.S.C. 4214)

§ 141.3 State plan assurances.

Each State plan shall contain assurances:

(a) *Authority.* That the State agency will administer the plan and has adequate authority to do so under State law.

(b) *Fiscal procedures.* That the State agency has provided for such fiscal control and fund accounting procedures as will assure proper disbursement of and accounting for Federal funds paid to the State under the plan, including such funds paid by the State to local educational agencies. Subject to the provisions of § 141.14, such administration shall be conducted in accordance with applicable State laws, policies, and procedures.

(c) *Reports.* That the State agency will participate in such periodic consultations and will make such reports to the Commissioner, at such time, in such form, and containing such information, as the Commissioner may consider reasonably necessary to enable him to perform his duties under the Act and will keep such records and afford such access thereto, and will comply with such other requirements as the Commissioner may find necessary to assure the correctness and verification of such reports.

(d) *Description of program.* That the State agency has developed a program under which funds paid to the State from its allotment under Title III–A of the Act will be expended solely (1) for projects approved by the State agency for the acquisition of laboratory and other special equipment (other than supplies consumed in use), including audiovisual materials and equipment, and printed and published materials (other than textbooks), suitable for use in providing education in academic subjects in public elementary and secondary schools, and of testgrading equipment for such schools and specialized equipment for audiovisual libraries serving such schools, and projects approved by the State agency for minor remodeling of laboratory or other space used for such materials or equipment; and (2) for expansion or improvement of supervisory and related services in public elementary and secondary schools, including leadership and services to local educational agencies to improve instruction in academic subjects, and for the administration of the State plan. Such program must either be set forth in the State plan itself or be incorporated therein by reference as a separate existing and identified document available for inspection by the Commissioner.

(e) *Principles for determining priority of projects.* That the State agency has established the principles that will be applied in determining the priority of and order of undertaking of projects for assistance under the provisions of Title III–A of the Act. Such principles must either be set forth in the State plan itself or be incorporated therein by reference as a separate existing and identified document available for inspection by the Commissioner.

(f) *Opportunity for hearing.* That the State agency has provided for an opportunity for a hearing to any applicant for a project under Title III–A of the Act.

(g) *Standards.* That the State agency has established standards for laboratory and other special equipment to be acquired with assistance furnished under Title III–A of the Act and will advise the Commissioner of those standards. Such standards are to be related to the State's program for improving instruction in academic subjects and shall be applied

by the State in approving projects for the acquisition of equipment.

(h) *Financial participation.* That the State agency has established requirements imposed upon applicants for finanical participation in projects assisted under Title III–A of the Act, including any provision for taking into account the resources available to any applicant for such participation relative to the resources for such participation available to all other applicants. Such requirements must either be set forth in the State plan itself or be incorporated therein by reference as a separate existing and identified document available for inspection by the Commissioner.

(i) *Independent audit.* That the State agency has provided for adequate State or approved independent audit of the program administered by local educational agencies to assure that funds thereunder are expended solely for State plan purposes.

(20 U.S.C. 443, 584)

Subpart C—State Administration

§ 141.5 Administrative review and evaluation.

The State agency and the Department of the Interior and the Department of Defense shall provide for the administration and supervision of all plan programs. Program and administrative review and evaluation shall be conducted by the State agency or the Department of the Interior or the Department of Defense, as the case may be, at least annually to appraise the status of the programs and their administration in terms of plan provisions and program objectives. The State agency shall include a report of such administrative review and evaluation in the annual report of the State agency.

(20 U.S.C. 443, 584)

§ 141.6 Advisory committees.

If State advisory committees are used with respect to one or more aspects of the State plan, the State agency shall establish policies for the establishment thereof, for the qualification and selection of members, for the establishment of the duties of members and of the committee, and for the payment of committee expenses, if any.

(20 U.S.C. 443, 584)

§ 141.7 Continuing review by Commissioner of State administration.

In order to assist the State agency in adhering to statutory requirements and to the provisions of its approved State plan, the Commissioner will conduct periodic reviews of the administration of programs under Title III–A of the Act. The Commissioner will be responsible for conducting periodic onsite reviews in State agencies to carry out his responsibilities. Such reviews will involve an analysis of activities and procedures used by State agencies to conduct the program, including the development and monitoring of management activities.

(20 U.S.C. 584)

§ 141.8 Requirements with respect to minor remodeling.

In a case of a project involving minor remodeling, the application of a local educational agency for a grant shall provide assurances that all laborers and mechanics employed by contractors or subcontractors on such minor remodeling will be paid wages at rates not less than those prevailing on similar minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5); that such contractors and subcontractors will comply with the regulations in 29 CFR Part 3 (see 29 F.R. 97), and include all clauses required by 29 CFR 5.5 (a) and (c) (see 29 F.R. 100, 101, 13463, and 29 CFR Part 3, Subpart B—Interpretations of the Fringe Benefits Provisions of the Davis-Bacon Act—published at 29 F.R. 13465); and that the nondiscrimination clause prescribed by Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), will be incorporated in any contract for minor remodeling as defined in said Executive order.

(20 U.S.C. 1232b)

Subpart D—Federal Financial Participation

§ 141.11 Federal participation in general.

(a) *Equipment and minor remodeling.* The Federal Government will pay from each State's allotment an amount equal to one-half of the sums expended for the purchase of equipment and for minor remodeling, when expended for an approved project under an approved State plan. There can be no Federal financial participation in the expenditures for a project if the project, including any amendments thereto, had not been approved by the State agency prior to the incurrence of the expenditure.

(b) *Supervision and administration.* The Federal Government will pay from each State's allotment for Title III–A of the Act one-half of the total sum expended by the State for supervision, related services, and administration in programs established under the approved State plan.

(c) *Public nature of funds.* The expenditures to be used in computing Federal financial participation must be made from public funds. Public funds do not include contributions by private organizations or individuals unless such contributions are deposited in accordance with State law to the account of the unit or agency of State or local government without such conditions or restrictions as would negate their public character.

(d) *Reallotment.* (1) If the Commissioner determines that any part of the amount allotted to any State for any fiscal year under section 302(a) of the Act will not be required for that year, that part will be available on such dates during that year as the Commissioner may fix for reallotment to other States in proportion to the amounts originally allotted to other States for that year, except that the total amount available to each State will be reduced to the extent it exceeds the sum the Commissioner determines that that State needs and will be able to use for that year, and the total of such reductions shall be similarly reallotted among the States whose allotments were not so reduced.

(2) The amounts to be so reallotted will be determined by the Commissioner on the basis of (i) reports filed by the States of the amounts required to carry out the State plan approved by the Commissioner, and (ii) such other information as he may have available. Each State agency shall, if requested, submit to the Commissioner, on such date or dates as he may specify, a report or reports showing the anticipated need during the current fiscal year for the amount previously allotted or any amount needed in addition thereto, and such other information as the Commissioner may request.

(3) If the Commissioner determines that any amount reserved for any fiscal year for making loans under section 305 of the Act will not be required for that purpose for such year, such part shall be available for allotment to the States in the manner provided for reallotment of Title III–A funds under subparagraph (1) of this paragraph.

(4) No allotment or reallotment of funds may be carried over for use during the subsequent fiscal year, except as otherwise provided by law.

(e) *Allotment to the Department of the Interior and the Department of Defense.* The Commissioner will make allotments, according to their respective needs for the types of programs authorized under Title III–A of the Act, to the Secretary of the Interior for elementary and secondary schools operated for Indian children by the Department of the Interior, and to the Secretary of Defense for elementary and secondary schools operated for overseas dependents by the Department of Defense.

(20 U.S.C. 442, 444, 445, 584, 588)

§ 141.12 Eligible costs.

(a) *Types.* Federal financial participation under Title III–A of the Act may be claimed for the direct costs of administration and of supervisory and related services to the extent that the items of cost are attributable to the program approved under the State plan and includes such categories as the following:

(1) Salaries of the staff, both clerical and professional;

(2) Consultants' fees;

(3) Expenses of committees, workshops and conferences, including the travel of those representing the State agency or acting in an advisory capacity to it;

(4) Contractual services consistent with State laws and regulations and the State plan, provided such services do not result in the relinquishing by the State agency of any part of its responsibility for the supervisory and related services program;

(5) Office equipment and equipment necessary for State programs of supervision of instruction in academic subjects;

(6) Communications;

(7) Utilities;

(8) Supplies, printing, and printed materials;

(9) Rental of office space as provided in paragraph (b) of this section;

(10) Employer's contributions to retirement, workmen's compensation, and other welfare funds maintained for one or more general classes of employees of the State agency; and

(11) Travel of staff and consultants.

Federal financial participation under Title III–A of the Act may also be claimed for that share of the indirect costs incurred for administration and supervisory and related services that is commensurate with the benefits accruing to such activities in accordance with a predetermined method of allocating costs that is accepted by the Commissioner.

(b) *Office space.* Federal financial participation will be available for expenditures for office space (including the cost of utilities and janitorial services) in privately or publicly owned buildings if: (1) The expenditures for the space are necessary, reasonable, and properly related to the efficient administration of the plan or for supervisory or related services covered by the plan; (2) the State agency will receive benefits during the period of occupancy commensurate with such expenditures; and (3) the amounts paid by the State agency are not in excess of comparable rental in the particular locality.

(c) *Administration of Department of the Interior and Department of Defense plans.* Funds available to the Department of the Interior and the Department of Defense shall be available for the administration of the plans or memoranda of understanding of the respective Departments, in a manner consistent with the provisions of this section.

(20 U.S.C. 443, 584, 588)

§ 141.13 Proration of costs.

Federal financial participation under Title III–A of the Act is available for that share of the costs incurred for administration and supervisory and related services that is commensurate with the benefits accruing to activities under Title III–A of the Act in accordance with a predetermined method of allocating costs that is accepted by the Commissioner.

(20 U.S.C. 584)

§ 141.14 Accounting basis for expenditures.

Federal funds made available under Title III–A of the Act shall be available only for expenditures which are made during the fiscal year for which such funds are made available, except as otherwise provided by law. The expenditure of funds under Title III–A of the Act will be determined on the basis of documentary evidence of binding commitments for the acquisition of goods or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of equipment and facilities shall be considered to have been expended as of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively.

(20 U.S.C. 584)

§ 141.15 Liquidation of obligations.

Obligations entered into by a grantee and payable out of funds under Title III–A of the Act shall be liquidated during the fiscal year following the fiscal year for which such funds are made available for use by such grantee unless: (a) In case the grantee is a local or other participating educational agency, such agency, prior to the end of that fiscal year, reports to the State educational agency the reasons why such obligations cannot be timely liquidated and, on the basis thereof, the State agency extends the time for so liquidating obligations; or (b) in case the grantee is a State agency, the Department of the Interior or the Department of Defense, the Commissioner extends the time for liquidation at the request of such grantee.

(20 U.S.C. 584, 1225)

§ 141.16 Transfer of funds to local agencies.

State agencies shall establish policies and procedures to be used in the payment of funds to local or other participating educational agencies or other school authorities pursuant to an approved project either: (a) As a reimbursement for actual expenditures; or (b) as an advance prior to expenditures. Advances shall not be eligible for inclusion as expenditures for the purposes of earning Federal financial participation until adequate evidence of actual expenditures for approved projects has been received and verified by the State agency. (See §§ 141.11 and 141.14.) Reimbursement or payment need not be uniform to all local agencies; i.e., the State agency may provide a method by which the ratio of reimbursement to expenditures in particular cases may be adjusted on the basis of comparative local needs.

(20 U.S.C. 584, 1232d)

§ 141.17 Retention of records.

(a) *General rule.* The State agency shall provide for keeping intact and accessible to the Secretary of Health, Education, and Welfare and the Comptroller General of the United States all records supporting claims for funds under Title III–A of the Act or relating to the accountability of the grantee or funded agency for expenditure of such grants and relating to the expenditure of matching funds for 3 years after the end of the period for which such funds were made available for expenditure unless, by that time an audit by or on behalf of the Department of Health, Education, and Welfare has not occurred, in which case the records must be retained until audit or until 5 years following the end of the period for which such funds were made available, whichever is earlier.

(b) *Questioned expenditure.* The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been reviewed and approved by the Department of Health, Education, and Welfare.

(c) *Inventories of equipment for administration of the State plan.* Where nonconsumable equipment which costs $300 or more per unit is purchased by the State agency with Federal funds for use in programs for supervisory or related services or administration of the State plan, continuing inventories and other records supporting accountability for such equipment shall be maintained until it is determined by the acquiring agency that such equipment is no longer useful, until it is determined to have a residual value of less than $100, until it has been disposed of, or until accountability to the United States has been waived. The records of such inventories shall be retained for the period for which the inventory is required to be maintained. The maintenance of such inventories is not required for equipment acquired under section 303(a) of the Act by local educational agencies.

(20 U.S.C. 584, 42 U.S.C. 4212)

§ 141.18 Adjustments.

The State educational agency, in its maintenance of program expenditure accounts, records, and reports, shall make promptly any necessary adjustments in its records to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from State or Federal administrative reviews and audits. Such adjustments shall be set forth in the financial reports filed with the Commissioner.

(20 U.S.C. 584)

Subpart E—Federal Payment Procedures

§ 141.21 Federal payments.

Funds allotted to a State under Title III–A of the Act will be made available to that State in amounts necessary to meet current cash needs for expenditures by a State in carrying out its State plan, in accordance with procedures prescribed by the Commissioner.

(20 U.S.C. 444, 1232d)

§ 141.22 Effect of Federal payments.

(a) *No waiver.* Neither the approval of the State plan nor any payment to the State pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the State to observe, before or after such administrative action, any Federal requirements.

(b) *Settlement of accounts.* The final amount to which the State is entitled for any period is determined on the basis of expenditures under the State plan with

respect to which Federal financial participation is authorized.

(20 U.S.C. 584)

§ 141.23 Obligation of Federal appropriations.

The notification by the Commissioner to State agencies and the Department of the Interior and the Department of Defense of the amounts made available for approval by those agencies and those Departments will be regarded as obligating the Government of the United States in the amounts specified. Federal appropriations so obligated will remain available for use as prescribed in §§ 141.14 and 141.15.

(20 U.S.C. 444, 588; 31 U.S.C. 200)

Subpart F—Acquisition of Equipment and Minor Remodeling

§ 141.26 Purchase of materials for making equipment.

Expenditures in which Federal participation is claimed may include the cost of raw or processed materials or component parts to be made into finished products or complete equipment units for instruction in academic subjects, including the cost of making and assembling such equipment.

(20 U.S.C. 443)

§ 141.27 Use of equipment in other subject areas.

Equipment acquired under an approved project for academic subjects may be used when available and suitable in providing education in other subjects, if there exists a critical need therefor in the judgment of local school authorities. Equipment shall be deemed available only when it is not needed for the time being for use in academic subjects.

(20 U.S.C. 443, 1232e)

§ 141.28 Equipment and minor remodeling eligible for Federal financial participation.

A State educational agency may approve projects for the acquisition, with Federal financial participation, of items of equipment, or for minor remodeling, for education in academic subjects only to the extent that equipment or minor remodeling for such academic subjects are covered by the State plan current at the time of project approval.

(20 U.S.C. 443, 1232e)

Subpart G—Supervision and Administration

§ 141.31 Programs for supervision and related services.

The State agency shall establish policies or procedures for programs for the expansion or improvement of the State agency's supervisory and related services to public elementary and secondary schools in academic subjects. The policies and procedures shall set forth (a) how and to what extent the programs provide a new service or are improvements or expansions of existing services in the nature of supervision or instruction or services which effectively contribute to the supervisory services to be rendered; and (b) the scope of the agency's activities and arrangements to be undertaken in carrying out such programs.

(20 U.S.C. 443)

§ 141.32 Expansion or improvement.

An expansion or improvement of an existing program of supervisory or related services is a program which involves additional expenditures by the State agency for such services to public elementary or secondary schools in academic subjects over and above those theretofore expended for like services and does one or more of the following: (a) Provide for the employment of additional qualified personnel to render such services; (b) provide for rendering additional or improved services to local educational agencies; (c) extend the services already being rendered to more local educational agencies.

(20 U.S.C. 443)

§ 141.33 Time basis for measurement of activities.

Whether a program is an "expansion" or "improvement" of an existing program will be measured against the activities being carried on by the State agency prior to the first day of the fiscal year in which the initial State plan of the State agency was submitted for approval.

(20 U.S.C. 443)

In accordance with section 421 of the General Education Provisions Act (20 U.S.C. 1232) these regulations shall become effective 30 days after the date of their publication in the FEDERAL REGISTER.

Dated: February 24, 1971.

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

Approved: March 19, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.71-4208 Filed 3-25-71;8:52 am]

Chapter VII—Commission on Civil Rights

PART 702—RULES ON HEARINGS AND REPORTS OF THE COMMISSION

Miscellaneous Amendments

Part 702 of Chapter VII of the Code of Federal Regulations is amended as follows:

1. The heading of Part 702 is revised to read as set forth above.

2. Section 702.1 is amended by adding new paragraphs (g) and (h). As amended § 702.1 reads as follows:

§ 702.1 Definitions.

* * * * *

(g) "Report" refers to statutory reports or portions thereof issued pursuant to section 104(b) of the Civil Rights Act of 1957, as amended.

(h) "Verified answer" refers to an answer the truth of which is substantiated by oath or affirmation attested to by a notary public or other person who has legal authority to administer oaths.

3. New § 702.18 is added, reading as follows:

§ 702.18 Commission reports.

(a) If a Commission report tends to defame, degrade, or incriminate any person, the report or relevant portions thereof shall be delivered to such person at least thirty (30) days before the report shall be made public in order that such person may make a timely verified answer to the report. The Commission shall afford such person an opportunity to file with the Commission a verified answer to the report or relevant portions thereof not later than twenty (20) days after service of the report or relevant portions thereof upon such person as provided by the regulations in this part.

(1) Such person shall be served with a copy of the report or relevant portions thereof, with an indication of the section(s) that the Commission has determined tend to defame, degrade, or incriminate him, a copy of the Act and a copy of the regulations in this part.

(2) The report or relevant portions thereof, the Act, and regulations in this part shall be served by depositing the same in the U.S. mail via certified mail, return receipt requested, or by leaving a copy thereof at the last known residence or business address of such person.

(3) The date of service for the purposes of this section shall be the day the material is delivered either by the post office or otherwise, to such person or his agent or at the last known residence or business address of such person. The acknowledgement of the party served, or the verified return of the one making service shall be proof of service except that when service is made by certified mail, the return post office receipt may also constitute proof of same.

(b) If a person receiving a Commission report or relevant portions thereof under this part requests an extension of time from the Commission within 7 days of service of such report, the Commission may, upon a showing of good cause, grant the person additional time within which to file a verified answer.

(c) A verified answer shall plainly and concisely state the facts and law constituting the person's reply or defense to the charges or allegations contained in the report.

(d) Such verified answer shall be published as an appendix to the report: *Provided, however,* That the Commission may except from the answer such matter as it determines to be scandalous, prejudicial or unnecessary.

(Secs. 102 and 105, 71 Stat. 634 and 636, as amended; 42 U.S.C. 1975a and 1975d)

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER (3-26-71).

THEODORE M. HESBURGH,
Chairman.

[FR Doc.71-4157 Filed 3-25-71;8:48 am]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 27, Amdt. 4;
Docket No. 71-14]

PART 542—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Provision for Issuance of Master Certificates and Other Changes

Section 11(p)(1) of the Federal Water Pollution Control Act, as amended (84 Stat. 97), requires that, effective April 3, 1971, the owner or operator of every ship over 300 gross tons, including certain barges of equivalent size, using the waters of the United States (Panama Canal included) must have evidenced financial responsibility for potential oil pollution cleanup costs. Administration of this section was delegated to the Federal Maritime Commission, which has promulgated implementing rules and regulations. These regulations (Commission General Order 27) generally establish the procedures and qualifications for the certification of vessels, provide for the issuance of a Certificate to a complying vessel, and set forth the basis for the denial, revocation, modification or suspension of such Certificate.

By order of rule making published in the FEDERAL REGISTER on February 23, 1971 (35 F.R. 3381), the Commission served notice that it was considering the amendment of General Order 27 in several respects and invited comments thereon from interested parties. The Commission's primary purpose in entering into this rule making proceeding was to provide for the issuance of a master Certificate to persons engaged in the construction, sale, or scrapping of vessels. As we explained in our notice:

> Section 542.6(a) of General Order 27 [presently] provides for the issuance of separate Certificates to cover specific vessels of every owner or operator subject to the General Order. In order to obtain separate Certificates it is necessary for an applicant desiring such Certificates to file with the Commission specific information with respect to each vessel, including evidence of the applicant's financial responsibility, e.g., acceptable evidence of insurance. The time required for the applicant to obtain, prepare, and file such information and evidence, and the time required by the Commission to process the data and issue Certificates may work an unnecessary burden on those applicants who acquire vessels for purposes of construction, scrapping or sale.

"In view of the equities involved," the Commission proposed a rule which would allow a person owning or operating vessels as a builder, scrapper, or seller to apply for and be issued a master Certificate covering all of his vessels, up to a specified maximum gross tonnage, which he may from time to time hold for the purposes of construction, sale or scrapping.[1]

For the purpose of making the other sections of General Order 27 compatible with the proposed new rule, a number of additional rule changes were proposed. These changes are mechanical in nature and would merely amend those segments of the rules relating to the procedure and methods of establishing financial responsibility to allow for the issuance of a master Certificate.

In addition to the proposed changes relating to the issuance of master Certificates, certain other unrelated but nonetheless important amendments to General Order 27 were proposed. One of these amendments would relax the requirement, presently embodied in § 542.6 of the rules, that Certificates must be maintained on the certificated vessel, while at the same time provide a means of identifying certificated vessels for the purpose of determining compliance with section 11(p)(1) of the Act and the Commission's General Order 27. Thus, it was proposed, inter alia, that where it is physically impossible, because of the type of vessel or barge involved, for the Certificate to be actually carried aboard, the Commission Certificate number be displayed on both bows of the particular vessel or barge.

Only two comments, one by the American Commercial Barge Line Co. (American Barge) and the other by the Sioux City and New Orleans Barge Lines, Inc. (SCNO), were filed in response to the Commission's notice of proposed rule making. Both these comments addressed themselves solely to that proposed amendment which would require that the Commission Certificate number be marked on the bows of a certificated vessel when it would be otherwise physically impossible for the Certificate itself to be maintained aboard.

SCNO is of the opinion that display of a document number on a bow is unnecessary as an identifying device because of "the automatic data processing equipment today." American Barge objects to the number marking requirement on the grounds that such a requirement would not only be unnecessary but confusing and economically burdensome as well. First, it is pointed out that the marking of the bow would lead to confusion "as the vessel's name is usually somewhere in this area." The Commission's bow marking proposal is unsatisfactory to American Barge for another reason. Thus, it is argued that:

> * * * to properly mark * * * barges capable of carrying oil, * * * will require gas freeing, a gas for certificate, bead welding or punch marking of the numbers to make them stay "readily discernible", tug time for shifting, lost time of the barge, plus in some instances, standby time of boats. These cost elements would average somewhere in the neighborhood of approximately $1,000 per barge.

Recognizing the problem created, however, by the impossibility of physically maintaining the Certificate aboard the certificated vessel, American Barge offers an alternative to marking the bows. Where it is physically "impossible or impractical" for a Certificate to be carried on a certificated vessel, they would require the Commission Certificate number to be imprinted on the Coast Guard Certificate of Inspection if carried aboard and, if not, require the Certificate number to be marked on the vessel's "main beam".

The Commission, after having given due and careful consideration to the comments received and the suggestions proposed, concludes that they fail to present any feasible alternatives to the Commission's requirement that, where a Certificate cannot be maintained aboard, the certificated vessel's bows must carry the Commission certification number.

What we are concerned with here is an unmanned vessel or barge with no suitable place to maintain a Certificate. If it is physically impossible for a Commission Certificate to be maintained on such a vessel or barge, it would be equally impossible for a Coast Guard Certificate of Inspection to be kept aboard. Thus, the suggestion that the Commission number be imprinted on the Coast Guard Certificate fails of its own weight and must be rejected.

Likewise, marking the Certification number on the main beam would not be a viable alternative since, due to the location of the main beam, it would require actually boarding the vessel to ascertain compliance. The Commission number must, we believe, be readily identifiable from without the vessel. It must be remembered that the purpose of requesting the marking of the bow in lieu of maintaining the Commission Certificate aboard a certificated vessel would not only facilitate the Coast Guard's determination of a vessel's compliance with General Order 27 but also avoid unnecessarily delaying a vessel in United States internal or territorial waters pending an oil poilution certification check. Thus, the proposed bow marking requirement is intended to benefit vessel owners or operators as well as U.S. enforcement officers.

Furthermore, we fail to see any merit to the argument that the cost of marking a vessel would be unduly burdensome. There is no requirement in the proposed rule that the certification numbers be marked on the vessel in any particular manner, except as regards the size of the letters. Since the proposed rule allows for the painting of the numbers on the bow, by use of stencil or otherwise, there is no reason to incur the expense of gas freeing the vessel.

[1] Consistent with the provisions of the proposed new rule providing for the issuance of master Certificates, a new certificate of insurance form (Form FMC-225A) and a new guaranty form (Form FMC-227A), were designed to be used exclusively in connection with obtaining master Certificates. Both of the proposed new forms retain all of the language of Forms FMC-225 and FMC-227 insofar as such language is compatible with the coverage required for master Certificates.

Until such time at least as the computerizing of certificated vessel lists is accomplished and the accumulation of such data is made instantaneously available to the agency or agencies enforcing the certification requirements, we believe that the display of the Certificate numbers on vessels and barges that do not carry a Certificate is absolutely necessary for effective enforcement. Therefore, the Commission will require that the bow of a vessel be marked with its certification number if it is "physically impossible" for the Certificate to be actually carried aboard.[2] While we are cognizant of the fact that the vessel's name is usually in the bow area, we are also well aware that that particular area on a vessel or barge is normally large enough to accommodate both the ship's name and the Commission Certification number, without any resultant confusion.

We have incorporated one small change in our final rules, as they relate to the marking of vessels. Considering the type of vessel here involved and the location of the required markings, we are requiring a letter size of no less than 3 inches, rather than the 4 inches proposed.

Finally, we would request that those potential applicants for master Certificates who, in anticipation of the completion of this proceeding, have to date failed to file any application for a Certificate of financial responsibility or submit the required evidence of financial responsibility, do so as promptly as possible. In view of the requirement in section 11(p)(2) of the Act that all vessels covered by the Act have evidenced financial responsibility by April 3, 1971, it is extremely important that the filing of applications for master Certificates be expedited in order to enable the Commission to process all applications and issue the required Certificates by the statutory deadline. Further, since applicants for master Certificates will be executing the Commission's standard Application Form FMC–224, they are asked to designate thereon, preferably under Item 5(a), the fact that they are applying for a master Certificate pursuant to new § 542.6(d) promulgated herein, rather than individual Certificates for each of their vessels.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552), and sections 11(p)(1) and 11(p)(2) of the Federal Water Pollution Control Act, as amended (84 Stat. 97), Part 542 of Title 46 CFR is hereby amended as follows:

1. Paragraph (a) of § 542.2 is changed to read as follows:

§ 542.2 Definitions.

* * * * *

(a) "Act" means the Federal Water Pollution Control Act, as amended.

* * * * *

[2] We wish to make it absolutely clear that the "physical impossibility" of compliance, provided for in our final rule, refers solely to the type or particular construction of the vessel involved and to no other consideration.

§ 542.4 [Amended]

2. Paragraph (a) of § 542.4 is amended by changing the colon in the second sentence of the paragraph to a period, and deleting the following wording: "*Provided, however,* That the Certificate will be issued only upon receipt by the Commission of advice that the vessel or vessels have been acquired."

§ 542.5 [Amended]

3. New subparagraphs (5), (6), and (7) are added to paragraph (a) of § 542.5 to read as follows:

(5) Filing with the Commission on Certificate of Insurance Form FMC–225A evidence of insurance, issued by an acceptable insurer or insurance broker for purposes of obtaining a master Certificate as provided in § 542.6(d).

(6) Filing with the Commission a guaranty on Form FMC–227A, issued by a guarantor acceptable to the Commission, for the purpose of obtaining a master Certificate as provided in § 542.6(d). An acceptable guarantor is defined in subparagraph (4) of this paragraph.

(7) Filing with the Commission such other evidence of financial responsibility as the Commission shall, in its discretion, deem proper and acceptable: *Provided, however,* That such other evidence of financial responsibility shall in no way constitute an alteration or modification of the methods of establishing financial responsibility prescribed in this paragraph (a).

4. The first sentence of paragraph (b) of § 542.5 is amended by changing the words "certificate of insurance Form FMC–225" and the words "guaranty Form FMC–227" to read "certificate of insurance Forms FMC–225 and FMC–225A" and "guaranty Forms FMC–227 and FMC–227A", respectively.

5. Paragraph (d) of § 542.5 is amended by changing the comma appearing after the word "issued" to a period, and deleting the following wording "and in case of a partnership, all partners shall be named."

§ 542.6 [Amended]

6. The first sentence of paragraph (a) of § 542.6 is amended by adding the following words at the beginning thereof: "Except as set forth in paragraph (d) of this section,".

7. Paragraph (a) of § 542.6 is further amended by adding at the end thereof, the following: "Where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, it must be retained at a location in the United States and kept readily accessible for inspection by U.S. Government officials: *Provided, however,* That where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, the Federal Maritime Commission Certificate number, preceded by the letters "FMC", must be marked upon each bow of such vessel in such manner as to be readily discernible, but in no event shall the letters and numbers used be smaller than three inches in size."

8. Paragraph (b) of § 542.6 is amended by adding at the beginning of the first sentence thereof the following words: "Except in the case of a master Certificate as provided for in paragraph (d) of this section."

9. Finally, new paragraph (d) is added to § 542.6 as follows:

(d) In lieu of separate Certificates for each vessel, a person owning or operating vessels as a builder, scrapper, or seller may apply for a master Certificate to cover all vessels up to a specified, individual vessel, maximum gross tonnage, which such applicant may from time to time hold for the purposes of construction, scrapping or sale. The maximum gross tonnage to be specified on a particular master Certificate shall be that number of gross tons for which the applicant has evidenced acceptable financial responsibility. For purposes of obtaining a master Certificate, acceptable evidence of financial responsibility shall be established by the methods set forth in § 542.5(a), with the exceptions of certificate of insurance Form FMC–225 and guaranty Form FMC–227. Persons who have been issued master Certificates must submit to the Secretary of the Commission, every 6 months beginning with the month in which the master Certificate is issued, reports indicating the name, previous name, or other identifying information and gross tonnage of every vessel covered by the master Certificate during the reporting period. Before any certificant, already holding a master Certificate, acquires a new vessel which is of a gross tonnage greater than the gross tonnage specified on his master Certificate, and such new vessel is to be acquired for purposes of construction, scrapping or sale, said certificant shall submit to the Commission new or amended evidence of financial responsibility in an amount necessary to cover such new, larger vessel. Failure to do so may result in the master Certificate being suspended or revoked, which would require the certificant to apply for separate Certificates for each of his vessels in accordance with the other provisions of this part.

Effective date. The Commission believes good cause exists for the rule promulgated herein to become effective on less than 30 days' notice, first, to enable the Commission to process applications and accomplish certification of financial responsibility for oil pollution cleanup by April 3, 1971, as required by section 11(p)(2) of the Act, and secondly, because the above promulgated amendments merely result in a relaxation of restrictive rules. Accordingly, these amendments shall become effective upon publication in the FEDERAL REGISTER (3–26–71).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–4196 Filed 3–25–71;8:51 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM–66; Amdt. 174–9]

PART 174—CARRIERS BY RAIL FREIGHT

Location of Placard Holders on Tank Cars

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to make clear that there is no restriction on the placement of placards on tank cars.

On December 2, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM–66; Notice No. 70–22 (35 F.R. 18323) which proposed to cancel paragraph (d) of § 174.549 dealing with placement of placards.

Interested persons were afforded an opportunity to participate in this rule making. All relevant matter presented by the one commenter has been carefully considered. The Board concludes that the display of warning placards at any location on the side of a tank car accomplishes the intent of the regulation.

Accordingly, 49 CFR Part 174 is amended as follows:

In § 174.549, paragraph (d) is canceled as follows:

§ 174.549 Application of placards.

* * * * *

(d) [Canceled]

* * * * *

This amendment is effective June 10, 1971; however, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831–835, Title 18, U.S.C.; sec. 9, Department of Transporation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on March 22, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administrator.

[FR Doc.71–4154 Filed 3–25–71;8:48 am]

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–7; Notice 71–5]

PART 391—QUALIFICATIONS OF DRIVERS

Loss of Driving Privileges; Correction

On November 2, 1970, the Director of the Bureau of Motor Carrier Safety issued a number of miscellaneous amendments to Part 391 of the Motor Carrier Safety Regulations (35 F.R. 17419). At that time, he revised § 391.15(b) in order to make it clear that drivers are disqualified only for conviction of certain offenses committed after January 1, 1971, the effective date of the new driver qualification regulations. In the course of that revision, certain words were inadvertently omitted from the revised version of § 391.15(b)(2). As a result, the Bureau has, on a number of occasions, been asked whether the loss of driving privileges under circumstances which do not involve the formal suspension, revocation, withdrawal, or denial of a motor vehicle operator's license or permit constitutes cause for disqualification. As the Administrator made clear when § 391.15 was originally issued (35 F.R. 6461), disqualification of a driver flows from the revocation, suspension, withdrawal, or denial of any license, permit, or privilege to operate a motor vehicle. In the preamble to the amended rules, the Director reiterated the Bureau's intention to disqualify "a driver whose driving privileges have been suspended or revoked by any State authority" (35 F.R. 17420).

In order to clarify this point and to avoid confusion among persons subject to the regulations, the Director is amending § 391.15(b)(2) to insert the language that was inadvertently omitted.

In consideration of the foregoing, paragraph (b)(2) of § 391.15 in Subchapter B of Chapter III of Title 49 CFR is amended to read as follows:

§ 391.15 Disqualification of drivers.

* * * * *

(b) A driver is disqualified—

* * * * *

(2) For the duration of the driver's loss of his privilege to operate a commercial vehicle on public highways, either temporarily or permanently, by reason of the suspension, revocation, withdrawal, or denial of any operator's license, permit, or privilege until that operator's license, permit, or privilege is restored by the authority that suspended, revoked, withdrew, or denied it.

Since this amendment merely removes an ambiguity and does not change the substance of the rule or alter pre-existing rights or liabilities, notice and public procedure are unnecessary and it is effective upon publication in the FEDERAL REGISTER (3–26–71).

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority at 49 CFR 1.48 and 389.4)

Issued on March 16, 1971.

ROBERT A. KAYE,
Director, Bureau
of Motor Carrier Safety.

[FR Doc.71–4097 Filed 3–25–71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 53]

FOUNDATION EXCISE TAXES

Taxes on Taxable Expenditures

Correction

In F.R. Doc. 71-3873 appearing at page 5357 in the issue of Saturday, March 20, 1971, the word "doing" in the sixth line of § 53.4945-3(b)(3)(i) should read "during".

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

[Docket No. AO 201-A7]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Hearing on Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Customs Court, Room 421, Appraisers Building, 630 Sansome Street, San Francisco, California, beginning at 9:30 a.m., local time, April 21, 1971, with respect to a proposed amendment of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendment, hereinafter set forth, and to any appropriate modifications thereof.

The Prune Administrative Committee, the administrative agency established pursuant to the amended marketing agreement and order, submitted the following amendatory proposals and requested a hearing thereon.

1. Section 993.19 *Size* is revised to read as follows:

§ 993.19a Size.

"Size" means (a) the number of prunes contained in a pound and may be referred to in terms of size ranges, or (b) the diameter of a round opening, expressed in multiples of $\frac{1}{32}$ of an inch, through which prunes pass freely.

2. A new § 993.19b *Undersized prunes* is added reading as follows:

§ 993.19b Undersized prunes.

"Undersized prunes" means prunes which pass freely through a round opening of a specified diameter, and shall not be classified as either standard prunes pursuant to § 993.10 or substandard prunes pursuant to § 993.12.

3. Section 993.21c *Salable prunes* is revised by inserting "other than undersized prunes" after "all prunes."

4. Section 993.36(h) is amended by revising "monthly statements" to "quarterly statements."

5. Section 993.41(a) is amended by revising "fourth Tuesday" to "first Tuesday."

6. Section 993.41(b) is revised by redesignating subparagraphs (9) through (14), inclusive, as (10) through (15), inclusive, and inserting a new subparagraph (9) reading as follows:

(9) The quantity of prunes in the crop, based on § 993.49(c), classified as undersized prunes;

7. Section 993.49(a) is revised by inserting "and undersized prunes" after "other than substandard prunes".

8. Section 993.49 is amended by deleting paragraph (c), including the provisions suspended from operation for the 1968-69 crop year and subsequent crop years by action published in the FEDERAL REGISTER August 24, 1968 (33 F.R. 12032).

9. A new paragraph (c) is added to § 993.49 reading as follows:

§ 993.49 Incoming regulation.

* * * * *

(c) The Secretary may establish a size regulation with respect to undersized prunes for any crop year pursuant to paragraph (b) of this section. Whenever such size regulation is in effect, no handler shall receive undersized prunes from producers and dehydrators except in accordance with such regulation. Any such size regulation shall specify the diameter of the round opening to be used in determining the quantity of undersized prunes in each lot of prunes received from producers and dehydrators: *Provided*, That for French prunes, the diameter of such round opening shall not be less than $\frac{23}{32}$ inch, and for non-French prunes, the diameter of such round opening shall not be less than $\frac{28}{32}$ inch. Whenever such size regulation is in effect, the inspection service shall determine the quantity of undersized prunes in each lot of prunes received by a handler from a producer or dehydrator.

10. Paragraph (a) of § 993.50 is revised by inserting "of undersized prunes or" after "final disposition."

11. Consider evidence relating to authority to establish size regulations pursuant to § 993.50(b), or modify any size regulation established pursuant to that paragraph, for standard prunes, substandard prunes, and undersized prunes.

12. Paragraphs (c) and (d) of § 993.50 are revised and a new paragraph (g) is added to read as follows:

§ 993.50 Outgoing regulation.

* * * * *

(c) Non-French prunes: No handler shall ship or otherwise make final disposition of any lot of non-French prunes for human consumption as prunes, or of any lot which includes non-French prunes in excess of a tolerance to be prescribed by the Secretary on recommendation of the Committee, or of any lot of mixed dried fruit containing non-French prunes for human consumption as mixed dried fruit, unless the average count of such non-French prunes contained in any such lot is 40 or less per pound. However, under safeguards to be established by the Committee, any lot containing non-French prunes with an average size count of more than 40 prunes per pound may be shipped to or disposed of in prune product outlets in which they lose their form and character as prunes by conversion prior to consumption. A tolerance as to the permitted deviation of sizes about the average count shall be prescribed by the Secretary, upon recommendation of the Committee.

(d) French prunes: No handler shall ship or otherwise make final disposition of any lot of French prunes for human consumption as prunes, or of any lot of mixed dried fruit containing French prunes for human consumption as mixed dried fruit, unless the average count of French prunes contained in any such lot is 100 or less per pound. However, under safeguards to be established by the Committee, any lot containing French prunes with an average size count of more than 100 prunes per pound may be shipped to or disposed of in prune product outlets in which they lose their form and character as prunes by conversion prior to consumption. In determining whether any such lot conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of the recommendation and information submitted by the Committee and other available information, modify this tolerance for uniformity of size.

* * * * *

(g) Whenever the inspection service has determined pursuant to § 993.49(c)

that a lot of prunes received by a handler from a producer or dehydrator contains undersized prunes, the handler shall dispose of a like quantity of prunes in nonhuman consumption outlets, at the direction and under the supervision of the committee. The inspection service shall determine whether the prunes so disposed of comply with the handler's obligation incurred pursuant to § 993.49(c). In making such determination, the inspection service shall apply the applicable tolerance permitting a deviation from the size of the applicable opening specified pursuant to § 993.49(c) whereby the obligation was determined. Any such tolerance, together with any other rules and regulations to insure proper disposition of the prunes and that such prunes are reasonably comparable to the undersized prunes so received, shall be established by the committee with the approval of the Secretary.

13. In the second sentence of § 993.54, the phrase "the weight obligation of § 993.49(c)" is deleted, and "undersized prunes" inserted in lieu thereof.

14. In the first sentence of § 993.56, the phrase "the weight obligation of § 993.49(c)" is deleted, and "undersized prunes" inserted in lieu thereof.

15. Section 993.75 is revised to read as follows:

§ 993.75 Verification of reports.

For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this subpart, the Secretary, and the committee through its duly authorized agents, shall have access to any premises where prunes may be held by any handler and at any time during reasonable business hours, shall be permitted to inspect any prunes so held by such handler and any and all records of such handler with respect to the holding or disposition of all prunes which may be held or which may have been disposed of by him.

16. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendment which may result from this hearing.

Copies of this notice may be obtained from the San Francisco Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, 630 Sansome Street, Room 835, San Francisco, CA 94111, or from the Prune Administrative Committee, World Trade Center, San Francisco, CA 94111.

Dated: March 23, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-4211 Filed 3-25-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

FRUIT JELLY

Identity Standard; Boysenberry Fruit

The Commissioner of Food and Drugs is in receipt of requests for inclusion of boysenberry juice as an optional fruit ingredient in the jelly identity standard. The Commissioner considers the requests reasonable and proposes on his own initiative that § 29.2 *Fruit jelly; identity; label statement of optional ingredients* be amended by alphabetically adding "Boysenberry" with a factor of "10.0" to the list of fruit ingredients and their factors set forth in paragraph (c).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: March 16, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-4136 Filed 3-25-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 66]

[CGFR 70-159a]

PRIVATE RADIO AIDS TO NAVIGATION

Extension of Time for Comments

The Coast Guard published a notice of proposed rule making (CGFR 70-159) in the FEDERAL REGISTER on January 20, 1971 (35 F.R. 928) that proposed rules for the authorization of private radio aids to navigation.

The response to this notice of proposed rule making has been such that an extension of time is desirable to assure that all interested parties receive full and adequate opportunity to comment.

Therefore, the time for submitting written data, views, arguments, and comments on CGFR 70-159 is extended to April 20, 1971.

(Sec. 1, 63 Stat. 500, 501, 545, as amended, sec. 501, 65 Stat. 290, sec. 4, 67 Stat. 462, sec. 6(b), 80 Stat. 938, 14 U.S.C. 81, 83, 84, 85, 86, 633, 31 U.S.C. 483a, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.46(b) (35 F.R. 4959))

Dated: March 22, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.71-4192 Filed 3-25-71;8:51 am]

Federal Aviation Administration

[14 CFR Part 61]

[Docket No. 10954; Notice 71-9]

PRACTICAL TEST FOR GLIDER RATING

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 61 of the Federal Aviation Regulations to provide that an applicant for a private, commercial, or flight instructor certificate with a glider rating may, in his practical test, perform either ground tow or aircraft tow, subject to having an appropriate corresponding endorsement placed on his certificate.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before June 29, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

By letter dated November 15, 1970, the Soaring Society of America, Inc., petitioned to the Federal Aviation Administration to eliminate the requirement for any winch, auto, or pulley tow demonstration by an applicant for a commercial glider license, stating that:

1. The use of ground tows on active airports presents difficulties, as runways are tied up during the time glider launch operations are in progress, and the presence of tow vehicles, winches, cables,

and personnel on the runway present a hazard to or a burden on other aircraft.

2. To require glider pilots who have use for only one type of glider tow (air or ground) to be tested on both types is a burden since two sets of equipment are required for the test.

The practical test for a private pilot certificate (glider) currently requires in § 61.95(b)(1)(iii) the performance competently of an auto, pulley, or winch tow; or airplane tow. The practical test for a commercial pilot certificate (glider) currently requires in § 61.125(b)(1) (iii) and (iv) the performance competently of both an auto, pulley or winch tow, and an airplane tow above, below, and to one side of slipstream. An applicant for a flight instructor certificate with a glider rating also must perform both an aircraft tow, and an auto or winch tow, under § 61.173(b)(4) (ii) and (iii).

The burden of the current requirements in the practical test for the latter two situations can be removed without adverse effect on safety, by issuing airman certificates with glider ratings that are limited to the type of glider tow performed competently in the practical test, and without limitation if both tows are so performed satisfactorily. At the same time, consistent changes can be made in the provisions affecting private pilot certificates (glider).

It is therefore proposed that appropriate changes be made in the regulations to accomplish these objectives. It also is proposed that passenger-carrying privileges with a private pilot certificate (glider) should be limited to the kind of tow so demonstrated; that passenger-carrying in, or operations for compensation or hire with, a glider with a commercial pilot certificate (glider) should be limited in the same manner; and that the privileges of a flight instructor certificate with a glider rating should also be limited to the operation with the authorized kind of tow. In each case, if the applicant performs with both kinds of tows, no limitation would be placed on his certificate, and an endorsement would be removed from his certificate when he later performs the remaining tow not already performed. Sections 61.95, 61.101, 61.125, 61.131, 61.173, and 61.180 would be amended accordingly.

The proposed provisions would refer to only two kinds of glider tows—"ground tows" and "aircraft tows". The similarity of the principles involved in all types of launches by tow line from the ground, whether by auto, pulley, or winch, makes it appropriate to accept a performance with any one of these as qualification for all ground tows. Thus, for the purpose of clarity and simplicity, the terms "auto, pulley, or winch tow" would be stricken out where they appear in these provisions and the term "ground tow" substituted therefor. The phrase "above, below, and to one side of slipstream" in § 61.125 would be stricken out as unnecessary.

In consideration of the foregoing, it is proposed to amend Part 61 of the Federal Aviation Regulations as follows:

1. By amending paragraph (b)(1)(iii) of § 61.95 to read as follows:

§ 61.95 Glider rating: aeronautical skill.

* * * * *

(b) * * *

(1) * * *

(iii) Ground tow and aircraft tow. However, if only one kind of tow is performed the pilot certificate is endorsed "ground tow only" or "aircraft tow only," as appropriate. This endorsement is removed when the certificate holder performs the other kind of tow competently.

* * * * *

2. By adding a new paragraph (c) in § 61.101 to read as follows:

§ 61.101 General privileges and limitations.

* * * * *

(c) *Glider.* The holder of a private pilot certificate (glider) endorsed "ground tow only" or "aircraft tow only" may not act as pilot in command of a glider that is carrying passengers unless that kind of tow is used for the flight.

3. By amending paragraph (b)(1) of § 61.125 to read as follows:

§ 61.125 Glider rating: aeronautical skill.

* * * * *

(b) * * *

(1) Phase I—basic techniques:

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Ground tow and aircraft tow. However, if only one kind of tow is performed the pilot certificate is endorsed "ground tow only" or "aircraft tow only" as appropriate. This endorsement is removed when the certificate holder performs the other kind of tow competently.

(iv) 180° approaches to landings in the direction of the prescribed traffic pattern flow, landing within 100 feet beyond a designated line or mark.

* * * * *

4. By amending paragraph (a) and adding new paragraph (d) in § 61.131 to read as follows:

§ 61.131 General privileges and limitations.

(a) Subject to § 61.16 and paragraphs (b), (c), and (d) of this section, a commercial pilot may act as pilot in command of an aircraft that is carrying passengers or property for compensation or hire, and may for compensation or hire act as pilot in command of an aircraft.

* * * * *

(d) The holder of a commercial pilot certificate (glider) endorsed "ground tow only" or "aircraft tow only" may not act as pilot in command of a glider that is carrying passengers or being operated for compensation or hire unless that kind of tow is used for the flight.

5. By amending paragraph (b)(4) in § 61.173, to read as follows:

§ 61.173 Aeronautical skill.

* * * * *

(b) * * *

(4) *Glider.* (i) Preflight operations.

(ii) Ground tow and aircraft tow. However, if only one kind of tow is performed the flight instructor certificate is endorsed "ground tow only" or "aircraft tow only," as appropriate. This endorsement is removed when the certificate holder performs the other kind of tow competently.

(iii) Stalls and slow flight.

(iv) Accuracy 180° approaches and landings.

(v) Spins. (The inspector may accept a logbook record of spin flight instruction in gliders or light airplanes in lieu of a demonstration. Such a record must indicate that the applicant has demonstrated satisfactory entries and recoveries from spins in both directions, and shall be certified by the flight instructor who conducted the flight instruction.)

(vi) Spirals.

* * * * *

6. By adding a new paragraph (g) in § 61.180 to read as follows:

§ 61.180 Limitations.

* * * * *

(g) The holder of a flight instructor certificate with a glider rating that is endorsed "ground tow only" or "aircraft tow only" may not exercise the privileges of that certificate in the operation of a glider unless that kind of tow is used for the flight.

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 22, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-4170 Filed 3-25-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-19]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Hanksville, Utah, transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All comunications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The controlled airspace requirements for Hanksville, Utah, have been reviewed in accordance with criteria contained in United States Standard for Terminal Instrument Procedures. As a result of the review it has been determined that the 1,200-foot portion of the transition area should be realigned on the 286° T (271° M) radial to provide controlled airspace protection for the procedure turn and holding airspace. The proposed 700-foot portion of the transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach and departure procedures while operating between 700 feet and 1,200 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Hanksville, Utah, transition area is amended to read as follows:

HANKSVILLE, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hanksville (FAA Site 54) Airport (latitude 38°25'01" N., longitude 110°41'57" W.,) and within 3.5 miles each side of the Hanksville VORTAC 106° radial, extending from the 5-mile radius area to 11.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9.5 miles south of the Hanksville VORTAC 286° and 106° radials, extending from 7.5 miles west to 18.5 miles east of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on March 17, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-4159 Filed 3-25-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-5]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Tuskegee, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Tuskegee transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Moton Field (lat. 32°27'50" N., long. 85°40'45" W.); within 3 miles each side of Tuskegee VOR 025° radial, extending from the 5.5-mile radius area to 8.5 miles northeast of the VOR.

The proposed designation is required to provide controlled airspace protection for IFR operations at Moton Field. A prescribed instrument approach procedure to this airport, utilizing the Tuskegee VOR, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 18, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-4171 Filed 3-25-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-42]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Rome, Ga., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Rome transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Richard B. Russell Airport (lat. 34°20'57" N., long. 85°09'31" W.); within 5 miles each side of Rome VOR 350° radial, extending from the 12-mile radius area to the VOR.

The proposed alteration is required to provide controlled airspace protection for IFR operations in the Rome terminal in conformance with the application of Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 18, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-4172 Filed 3-25-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-43]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Cedartown, Ga., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20638, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views,

or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Cedartown transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Cornelius Moore Field (lat. 34°01'20" N., long. 85°08'50" W.); within 3 miles each side of Rome, Ga., VOR 009° and 189° radials, extending from the 8.5-mile radius area to 8.5 miles N. of the VOR; excluding the portion within Rome, Ga., transition area.

The proposed alteration is required to provide controlled airspace protection for IFR operations in the Cedartown terminal in conformance with the application of Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 18, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-4173 Filed 3-25-71;8:49 am]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-81; Notice No. 71-8]

TRANSPORTATION OF HAZARDOUS MATERIALS

Sulfuric Acid

Correction

In F.R. Doc. 71-3789 appearing at page 5299 in the issue for Friday, March 19, 1971, paragraphs (g) and (h) of § 173.272 should read as follows:

(g) *Sulfuric acid concentration of greater than 95 percent to not over 100.5 percent.* Authorized packaging is described in subparagraphs (1) through (4) and (14) through (22) of paragraph (i) of this section.

(h) *Sulfuric acid concentration of over 100.5 percent.* Authorized packaging is described in subparagraphs (1) through (4), (17), and (19) through (22) of paragraph (i) of this section.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[No. 71-265]

FEDERAL SAVINGS AND LOAN SYSTEM

Loan Transactions

MARCH 18, 1971.

Resolved, that the Federal Home Loan Bank Board considers it advisable to amend Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541, 545) for the following purposes:

1. To delete the definition of the term "without recourse" since the same subject matter is covered by the Rules and Regulations for Insurance of Accounts (12 CFR Chapter V, Subchapter D) which are also applicable to Federal savings and loan associations.

2. To broaden the authority of Federal savings and loan associations to participate in mortgage loan transactions within their regular lending area.

3. To restate the regulatory requirements relating to certain statutory percentage-of-assets limitations applicable to Federal savings and loan associations.

4. To effect certain other technical changes for purposes of clarification.

Accordingly, the Federal Home Loan Bank Board proposes to amend said Parts 541 and 545, as follows:

§ 541.7 [Revoked]

A. Amend Part 541 by revoking § 541.7 thereof.

B. Amend Part 545 by revising § 545.6-4 thereof to read as follows:

§ 545.6-4 Participation loans.

(a) *General.* Any Federal association may, to the extent it has legal authority to do so, participate with any other approved lender or lenders in the making of any loan of a type that it may make under this part on the security of a first lien on real estate; and it may purchase from or sell to any other approved lender a participation interest in any such loan; but it shall comply with the provisions of Part 563 of this chapter with respect to the making of participation loans and the purchase and sale of participation interests in loans.

(b) *Board approval for other transactions.* A Federal association may engage in a participation transaction other than one permitted by paragraph (a) of this section only if it has obtained the prior written approval of the Board with respect to such transaction. Any loan in which a Federal association participates or in which it purchases a participation interest pursuant to such approval may be repayable on such basis and within such period as the Board may authorize in such approval, without regard to any other provision of this part.

(c) *Percentage-of-assets limitation*—(1) *General limitation.* No Federal association may engage in a participation transaction under this section, if, as a result of such transaction, the aggregate amount of its investment in participation interests in loans of the following types (except as otherwise provided in subparagraph (2) of this paragraph) would exceed an amount equal to 20 percent of its assets:

(i) Loans secured by (*a*) single-family dwellings or (*b*) homes, if such real estate is located beyond the association's regular lending area; and

(ii) Loans secured by (*a*) other dwelling units or (*b*) combinations of dwelling units, including homes, and business property involving only minor or incidental business use, wherever such real estate is located.

(2) *Exclusions from limitation.* Participation interests in any of the following types of loans shall not be counted toward the 20-percent-of-assets limitation of subparagraph (1) of this paragraph:

(i) Insured loans;

(ii) Guaranteed loans;

(iii) Loans which (*a*) meet the requirements of § 545.6-1 (b) (4) and (*b*) are counted toward the 20-percent-of-assets limitation of that section;

(iv) Loans which are counted toward the 20-percent-of-assets limitation of § 545.6-7; and

(v) Loans which are counted toward the 5-percent-of-assets limitation of § 545.6-18.

(3) *Applicability of other provisions.* Participation interests which are counted toward the 20-percent-of-assets limitation of subparagraph (1) of this paragraph shall not be counted toward the 20-percent-of-assets limitation of § 545.6-7.

(d) *Definition of approved lender.* For the purposes of this section, the term "approved lender" means:

(1) Any lending institution whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation;

(2) Any agency or instrumentality of the United States or of any State, including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, regularly engaged in the making, purchasing, or selling of loans on the security of real estate or in the purchasing or selling of participation interests in such loans;

(3) Any approved Federal Housing Administration mortgagee meeting the requirements specified in subparagraph (4) of paragraph (a) of § 563.9 of this chapter; and

(4) Any service corporation which meets the requirements of § 545.9-1 and in which any Federal association has an investment pursuant to that section.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further, that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Washington, D.C. 20552, by April 12, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71-4162 Filed 3-25-71;8:48 am]

[12 CFR Part 545]

[No. 71-267]

FEDERAL SAVINGS AND LOAN SYSTEM

Sale of Loans and Participation Interests in Loans; Withdrawal of Proposed Rule Making

MARCH 18, 1971.

Whereas, by Resolution No. 24,051, dated April 30, 1970, and duly published in the FEDERAL REGISTER on May 6, 1970 (35 F.R. 7130), this Board resolved to propose that Federal savings and loan associations be permitted to sell packages of loans, or participation interests in loans, in amounts not less than $100,000, on a "with recourse" basis, by amending Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) as set out in said publication; and

Whereas, careful consideration has been given to such proposed amendment:

It is hereby resolved, that this Board determines not to adopt the amendment proposed by said Resolution No. 24,051.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71-4161 Filed 3-25-71;8:48 am]

[12 CFR Parts 561, 563]

[No. 71-266]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Loan Transactions

MARCH 18, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 561 and 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 561, 563) for the following purposes:

1. To make a technical change in the definition of the term "without recourse" as it relates to the sale of loans or participation interests in loans by insured institutions.

2. To increase the authority of insured institutions with respect to participations in mortgage loan transactions in the following respects:

(a) Authorizing participation in mortgage loan transactions with additional classes of lenders;

(b) Broadening the types of real estate security for mortgage loans which may be the subject of participation transactions; and

(c) Decreasing the percentage of the participation in a mortgage loan transaction required to be retained by the institution which will service the mortgage loan, when the security is "residential real estate".

3. To effect certain other technical changes for purposes of clarification.

Accordingly, the Federal Home Loan Bank Board proposes to amend said Parts 561 and 563, as follows:

A. Amend Part 561 by revising § 561.8 thereof to read as follows:

§ 561.8 Without recourse.

The term "without recourse" means, in connection with the sale of a loan or a participation interest in a loan, without any agreement or arrangement under which the purchaser is to be entitled to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan or mortgage involved or any part thereof or two withhold or to have withheld from the seller any sum of money or any such thing of value by way of security against any such default.

B. Amend Part 563 as follows:

1. By revising § 563.9-1 thereof to read as follows:

§ 563.9-1 Participation loans.

(a) *Loans on real estate located within normal lending territory.* Any insured institution may, to the extent it has legal power to do so, participate with others in making any loan on the security of real estate located within its normal lending territory and purchase from or sell to others participation interests in such loans.

(b) *Loans on real estate located beyond normal lending territory*—(1) *General.* Subject to the provisions of this section, any insured institution, to the extent it has legal power to do so, may purchase from or sell to any other approved lender a participation interest in any loan secured by a first lien upon real estate located outside its normal lending territory, and may participate with any other approved lender or lenders in the making of any such loan, if:

(i) The loan is an insured loan or a guaranteed loan; or

(ii) The loan is secured by property located within 100 miles of an office of any other approved lender, which (*a*) services such loan and (*b*) at the close of the participation transaction has an interest in the loan of at least

(*1*) 10 percent, if the loan is secured by residential real estate.

(*2*) 50 percent, if the loan is secured by real estate other than residential real estate.

(2) *Scheduled items limitation.* (i) No insured institution may, pursuant to subdivision (ii) of subparagraph (1) of this paragraph, purchase a participation interest from, or enter into a participation with, any insured institution which had, at the close of its immediately preceding semiannual period, scheduled items (other than assets acquired in a merger instituted for supervisory reasons) in excess of 4 percent of its specified assets, unless the prior written approval of the Corporation has been obtained as provided in subdivision (ii) of this subparagraph.

(ii) An insured institution having scheduled items in excess of 4 percent of its specified assets may request Corporation approval for other insured institutions to purchase from it participation interests in loans and to participate with it in the making of loans pursuant to subparagraph (1) of this paragraph. Any such request by the institution for Corporation approval shall be transmitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C., 20552, with a copy thereof to the Supervisory Agent.

(3) *Requirements as to servicer.* An insured institution may maintain a participation interest in a loan, other than an insured loan or a guaranteed loan, purchased or jointly originated pursuant to subdivision (ii) of subparagraph (1) of this paragraph, only if the loan is serviced by another approved lender having (*1*) an office located within 100 miles of the real estate securing the loan and (*ii*) an interest in such loan of at least (*a*) 10 percent, if the loan is secured by residential real estate, or (*b*) 50 percent, if the loan is secured by other than residential real estate. In event that the requirements set forth in the preceding sentence cease to be met with respect to a loan in which an insured institution has a participation interest, such institution shall dispose of such participation interest within 90 days from the date that such requirements ceased to be met, unless it has, prior to the expiration of such 90-day period, obtained the written approval of the Corporation to maintain such investment for such longer period as the Corporation may provide.

(4) *Percentage-of-assets limitation.* No insured institution shall engage in a participation transaction under this paragraph (b), except a transaction involving an insured loan or a guaranteed loan, if, as a result of such transaction, the aggregate amount of its investment in participation interests in loans on the security of real estate located beyond its normal lending territory, other than insured loans or guaranteed loans, would exceed

an amount equal to 40 percent of its assets.

(c) *Applicability of other provisions.* The participation by an insured institution in the making of a loan pursuant to the approval granted by this section, or the purchase by an insured institution of a participation interest in a loan pursuant to such approval, shall not be subject to the provisions of § 563.10.

(d) *Definitions.* As used in this section—

(1) The term "approved lender" means:

(i) Any lending institution whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation;

(ii) Any agency or instrumentality of the United States or of any State, including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, engaged in the making, purchasing, or selling of loans on the security of real estate or in the purchasing or selling of participation interests in such loans;

(iii) Any approved Federal Housing Administration mortgagee meeting the requirements specified in subparagraph (4) of paragraph (a) of § 563.9; and

(iv) Any service corporation which meets the requirements of § 545.9–1 of this subchapter and in which any Federal savings and loan association has an investment pursuant to that section.

(2) The term "residential real estate" means real estate (i) improved by a structure or structures designed primarily for residential use and (ii) having at least 80 percent of its total value comprised of the land and improvements attributable to such residential use.

(3) The term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the insured institution is located or any other officer or employee of such bank designated by the Board as agent of the Corporation as provided in § 501.11 of this chapter.

§ 563.9–2 [Revoked]

2. By revoking § 563.9–2 thereof.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Washington, D.C. 20552, by April 12, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71–4164 Filed 3–25–71;8:49 am]

[12 CFR Part 563]

[No. 71–268]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Sale of Loans and Participation Interests in Loans; Withdrawal of Proposed Rule Making

MARCH 18, 1971.

Whereas, by Resolution No. 24,052, dated April 30, 1970, and duly published in the FEDERAL REGISTER on May 6, 1970 (35 F.R. 7131), this Board resolved to propose that insured institutions be permitted to sell packages of loans, or participation interests in loans, in amounts of not less than $100,000, on a "with recourse" basis, by amending Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) as set out in said publication; and

Whereas, careful consideration has been given to such proposed amendment:

It is hereby resolved, that this Board determines not to adopt the amendment proposed by said Resolution No. 24,052.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71–4163 Filed 3–25–71;8:48 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 703]

INVESTMENTS AND DEPOSITS

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, is considering the addition of a new Part 703 entitled "Investments and Deposits" to Title 12 of the Code of Federal Regulations.

The proposed new Part 703 would establish mandatory procedures, requirements, and recommendations pertaining to investments and deposits by Federal credit unions.

This notice is published pursuant to section 553 of Title 5 of the United States Code.

To aid in the consideration of the matter by the Administrator, interested persons are invited to submit relevant data, views, or arguments.

Any such material should be submitted in writing to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than 30 days from publication of this notice in the FEDERAL REGISTER.

HERMAN NICKERSON, JR.,
Administrator.

MARCH 19, 1971.

The proposed new Part 703 would read as follows:

PART 703—INVESTMENTS AND DEPOSITS

§ 703.1 Certificates of deposit.

(a) Basic requirements: A deposit evidenced by a time certificate of deposit is within the power of a Federal credit union under sections 107 (8) and (9) of the Federal Credit Union Act: *Provided:* (1) That such credit union itself makes the deposit for which the certificate is issued; (2) that no consideration is received from a third party in connection with the making of the deposit; and (3) that the certificate contains a provision which will authorize the bank to pay a time deposit or a portion thereof before maturity in those instances where the depositor-credit union indicates a need of the money represented by such time deposit. The model wording of this provision is indicated in paragraph (b) of this section.

(b) Model language: The provision referred to in subparagraph (3) of paragraph (a) of this section shall: (1) In the case of member banks of the Federal Reserve System read substantially as follows: "Payment in emergency before maturity—It is understood and agreed that if before maturity of this certificate the depositor signs an application describing the emergency pursuant to 12 CFR 217.4(d), the bank shall pay forthwith to the depositor the portion of the deposit applied for."; and (2) in the case of nonmember insured banks read substantially as follows: "Payment in emergency before maturity—It is understood and agreed that if before maturity of this certificate the depositor signs a written statement pursuant to 12 CFR 329.4(d), the bank shall pay forthwith to the depositor the portion of the deposit stated to be needed." If the bank does not fall within these two classifications, it should provide evidence of authority to pay before maturity in an emergency, and the certificate of deposit should contain an appropriate commitment to do so.

(c) Separate written agreement: If it is more convenient not to incorporate the provision referred to in paragraphs (a) and (b) of this section on the face of the certificate, there shall be a separate written agreement between the bank and the credit union evidencing the provision referred to in these subsections. This separate written agreement may be made to apply to specific certificates or to all certificates then or thereafter issued by that bank to the credit union.

(d) Payment of interest: The credit union shall negotiate with the bank in advance of making the deposit and incorporate in a written agreement provision for the payment of interest both during the term of deposit and in the event that emergency payment is needed before maturity. The terms of this agreement shall conform with the appropriate regulations governing the payment of interest by the particular bank involved.

(e) Deposits in State financial institutions: Certificates of deposit in State-chartered financial institutions may be obtained by a Federal credit union only from those State-chartered financial institutions located in the State in which the Federal credit union is geographically situated.

(f) The purchase of certificates of deposit that do not meet the above provisions are not authorized for Federal credit unions.

(Sec. 120, 73 Stat. 635; 12 U.S.C. 1766)

[FR Doc.71–4144 Filed 3–25–71;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[18 CFR Part 601]

GRANTS FOR WATER POLLUTION CONTROL

Allotments to States

Notice is hereby given that the Administrator, Environmental Protection Agency, proposes to amend Part 601, Subpart B, § 601.22 *Allotments to States.* The purpose of this amendment is to establish regulations for the Administrator, EPA, to reallot funds appropriated for grants for construction of waste treatment facilities. The proposed revision is set forth below.

§ 601.22 Allotments to States.

(a) The first $100 million appropriated for any fiscal year shall be allotted as soon as practicable as follows:

(1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all States, and

(2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States.

(b) Funds in excess of $100 million appropriated for any fiscal year, except as otherwise provided by law, shall be allotted as soon as practicable in the ratio that the population of each State bears to the population of all the States.

(c) Sums available for allocation to States based on eligibility for reimbursement or severe local and basinwide water pollution problems shall be divided between such purposes in such proportions as the Administrator may determine and shall be allotted among the States in accordance with the procedures and provisions set forth for reallotment of unobligated funds under paragraph (c) of this section. Allocation shall be made at such time or times as may be practicable.

(d) Except as provided in § 601.25(h), sums allotted to a State under paragraphs (a) and (b) of this section which are not obligated within the time period specified by law shall be reallotted in accordance with paragraph (e) of this section.

(e) Reallotment of unobligated funds under paragraph (d) of this section will be made within 90 days following their availability for reallotment as follows:

(1) Unobligated funds under paragraph (d) of this section, subject to subparagraph (3) of this paragraph shall be reallotted among the States having projects eligible for reimbursement under the provisions of section 8(c) of the Act; such reallotment shall be based on the ratio which each State's reimbursement eligibility for work in place as of the end of the most recent quarter for which information is available bears to the total of such reimbursement eligibility for all the States: *Provided,* That each State to receive any such reallotment shall first provide such assurances as the Administrator deems appropriate to assure that such funds shall be applied on an equitable pro rata basis with respect to such work in place.

(2) If any funds remain unobligated, such funds shall be reallotted among the States based on the ratio that its remaining eligibility for reimbursement pursuant to section 8(c) of the Act bears to the total remaining reimbursement eligibility for all the States; provided that each State to be entitled to any such reallotment shall, within 30 days following the date on which funds become available for reallotment, provide a statement satisfactory to the Administrator listing projects eligible for reimbursement and certified as entitled to priority over other projects eligible for reimbursement, which statement shall also specify the manner in which any reallotted funds should be applied towards the projects so listed.

(3) Prior to making any reallotment under subparagraphs (1) and (2) of this paragraph, the Administrator may determine whether any part of the unobligated funds under paragraph (d) of this section should be applied in situations of special need to meet severe local and basinwide pollution problems in order to promote the purposes of the Act most effectively. In making such determination, the Administrator shall apply the following criteria:

(i) The extent of degradation of water quality;

(ii) The extent of the financial need;

(iii) The extent to which degradation is attributed to untreated or inadequately treated waters of municipalities;

(iv) The extent to which facilities to be constructed will contribute to the enhancement of the environment;

(v) Such other factors as the Administrator considers relevant.

The Administrator shall reallot such funds to the States in which such special needs exist on such basis as he may deem most advisable, provided that each State to receive any such reallotment shall first provide such assurances as the Administrator may require that such funds should be applied to eligible projects selected by the Administrator to meet such needs.

(Secs. 4, 10, 70 Stat. 499, 506, as amended; 33 U.S.C. 466c, 466i)

Interested persons may submit, in triplicate, written data, views, or arguments in regard to the proposed regulations to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All relevant material received not later than 30 days after publication of this revised regulation will be considered.

Dated: March 24, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–4313 Filed 3–25–71;9:21 am]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

FIRE ISLAND NATIONAL SEASHORE

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Howard T. Rose Co., Inc., authorizing it to provide concession facilities and services for the public at Sailors Haven Site, Fire Island National Seashore, for a period of five (5) years from January 1, 1971 through December 31, 1975.

The foregoing concessioner has performed its obligations under the expired concession authorization to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of a contract or permit and in the negotiation of a new contract or permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: March 15, 1971.

THOMAS F. FLYNN, Jr.,
Deputy Director,
National Park Service.

[FR Doc.71-4138 Filed 3-25-71;8:47 am]

[Order 2]

ADMINISTRATIVE OFFICER, FORT DAVIS NATIONAL HISTORIC SITE

Delegation of Authority Regarding Purchasing

The Administrative Officer may issue purchase orders not in excess of $300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

Revocation: This order supersedes Order No. 1, Fort Davis National Historic Site.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2. Southwest Region Order No. 4 (31 F.R. 8134))

Dated: February 26, 1971.

NICHOLAS J. BLESER,
Acting Superintendent, Fort Davis National Historic Site.

[FR Doc.71-4137 Filed 3-25-71;8:47 am]

CIVIL SERVICE COMMISSION

DIRECTOR, NUTRITION AND TECHNICAL SERVICE STAFF, FOOD AND NUTRITION SERVICE

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on February 16, 1971, for the single position of Director, Nutrition and Technical Service Staff, GS-301-15, Food and Nutrition Service, Department of Agriculture, Washington, D.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4139 Filed 3-25-71;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1116) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899 proposing the establishment of an exemption from requirement of tolerances (21 CFR Part 420) for residues of xylene and toluene sulfonic acids (and their ammonium, calcium, magnesium, potassium, sodium, and zinc salts) when used as inert ingredients in pesticide formulations applied to growing crops.

The analytical method proposed in the petition for determining residues of the adjuvants is the method of S. Siggia and L. R. Whitlock, Analyt. Chem. *42*:1719-24 (1970).

Dated: March 23, 1971.

R. E. JOHNSON,
Acting Commissioner, Pesticides Office.

[FR Doc.71-4190 Filed 3-25-71;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL COUNSEL, REGION X (SEATTLE)

Designation

The officials appointed to the following listed positions in Region X (Seattle) are hereby designated to serve as Acting Regional Counsel, Region X, during the absence of the Regional Counsel with all the powers, functions, and duties redelegated or assigned to the Regional Counsel: *Provided*, That no official is authorized to serve as Acting Regional Counsel unless all other officials whose titles precede his in this designation are unable to act by reason of absence:

1. Associate Regional Counsel for Private Market Financing.

2. Associate Regional Counsel for Area Support.

This designation supersedes the designation effective September 1, 1970 (35 F.R. 18301, 12/1/70).

(Redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective as of the 14th day of December 1970.

OSCAR PEDERSON,
Regional Administrator.

[FR Doc.71-4215 Filed 3-25-71;8:53 am]

POSTAL RATE COMMISSION

[Docket No. R71-1]

CHANGES IN RATES OF POSTAGE AND FEES FOR POSTAL SERVICES

Notice of Location for Prehearing Conference

MARCH 23, 1971.

Request of the U.S. Post Office Department for recommended decision on changes in rates of postage and fees for postal services.

By notice issued March 5, 1971, the Commission stated that a prehearing conference will be held on March 29, 1971, at 10 a.m., e.s.t., in the main hearing room of the U.S. Tariff Commission, E Street entrance, between 7th and 8th Streets, NW., Washington, D.C.

All interested parties should note that the hearing room is accessible only from the E Street entrance.

GORDON M. GRANT,
Secretary.

[FR Doc.71-4193 Filed 3-25-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

REVISED LIST OF WAREHOUSES AND WAREHOUSEMEN LICENSED UNDER THE U.S. WAREHOUSE ACT

Pursuant to section 26 of the United States Warehouse Act (7 U.S.C. 266), notice is hereby given as follows: As of December 31, 1970, the following warehouses and warehousemen were licensed and bonded under the United States Warehouse Act. This list of warehouses and warehousemen licensed and bonded under the United States Warehouse Act (7 U.S.C. 241 et seq.) supersedes the list published in the FEDERAL REGISTER of February 28, 1970 (35 F.R. 3928).

Cotton

A. For the storage of cotton:

ALABAMA

Town, Warehouse, and Warehouseman

Atmore; Farmers and Merchants Warehouse; Dan A. Currie, Jack A. Currie and J. Floyd Currie, copartners trading as Atmore Milling and Elevator Company.

Attalla; North Alabama Warehouse; North Alabama Warehouse Company.

Birmingham; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Decatur; State Bonded Warehouse; State Bonded Warehouse & Storage Company.

Decatur; Union Compress Warehouse; Union Service Industries, Inc.

Geraldine; Geraldine Warehouse; Geraldine Warehouse and Storage Company, Inc.

Greenbrier; Elliott Bonded Warehouse; J. D. Elliott and George R. Elliott, copartners trading as J. D. Elliott and Son.

Haleyville; Haleyville Cotton Warehouse; Haleyville Mill and Gin Company.

Huntsville; Huntsville Warehouse; Huntsville Warehouse Company.

Huntsville; Madison Bonded Warehouse; Madison Bonded Warehouse, Inc.

Huntsville; Planters Warehouse; Planters Warehouse and Storage Company.

McCullough; McCullough Bonded Warehouse; Frank P. Currie.

Mobile; Alabama State Docks Bonded Warehouse; Alabama State Docks Department.

Montgomery; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Panola; Panola Bonded Warehouse; E. A. Parker, and Merle Walker Parker and W. O. Parker, Jr., Executrix and Executor of the Trust Estate of W. O. Parker, Deceased, Trading as Panola Bonded Warehouse.

Scottsboro; Gladish Bonded Warehouse; W. L. Gladish, Jr.

Selma; Dallas Bonded Warehouse; Dallas Compress Company.

Selma; Selma Compress Warehouse; Selma Compress Company.

Sylacauga; Sylacauga Bonded Warehouse; Parker Fertilizer Company, Incorporated.

ARIZONA

Phoenix; Arizona Compress and Warehouse Company; Arizona Compress and Warehouse Company.

Phoenix; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Picacho; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Yuma; Federal Compress Warehouse; Federal Compress & Warehouse Company.

ARKANSAS

Arkadelphia; Golden Cotton Warehouse; Benton Taylor.

Batesville; Batesville Compress Warehouse; Southern Warehouse Co.

Blytheville; Blytheville Compress Warehouse; Blytheville Compress Company.

Blytheville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Bradley; Bradley Bonded Warehouse; Bradley Warehouse, Inc.

Brinkley; Southern Compress Warehouse; Southern Compress Company.

Clarendon; Clarendon Warehouse; Southern Compress Company.

Cotton Plant; Cotton Plant Warehouse; Cotton Plant Warehouse Company.

Dardanelle; Dardanelle Compress Warehouse; Planters Compress Company.

Dell; Dell Compress Warehouse; Dell Compress Company of Dell, Arkansas.

Dumas; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Earle; Federal Compress Warehouse; Federal Compress & Warehouse Company.

England; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Eudora; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Evadale (P.O. Wilson); Wilson Compress Warehouse; Memphis Compress & Storage Company.

Forrest City; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Fort Smith; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Helena; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Helena; Helena Compress Warehouse; Helena Compress Company.

Hope; Union Compress Warehouse; Union Service Industries, Inc.

Hughes; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Jonesboro; Jonesboro Compress Company's Warehouse; B. C. Land Company.

Leachville; Arkansas Compress Warehouse; Arkansas Compress Company, Inc.

Lepanto; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Lonoke; Lonoke Bonded Warehouse; Southern Compress Company.

Marianna; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Marked Tree; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Marvell; Federal Compress Warehouse; Federal Compress & Warehouse Company.

McCrory; Federal Compress Warehouse; Federal Compress & Warehouse Company.

McGehee; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Newport; Federal Compress Warehouse; Federal Compress & Warehouse Co.

North Little Rock; Federal Compress Warehouse; Federal Compress & Warehouse Company.

North Little Rock; Southern Compress Warehouse; Southern Warehouse Co.

Osceola; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Pine Bluff; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Portland; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Searcy; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Sparkman; P. H. Taylor Cotton Warehouse; Benton Taylor.

Trumann; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Waldo; Waldo Bonded Warehouse; Waldo Bonded Warehouse Company.

Walnut Ridge; Federal Compress Warehouse; Federal Compress & Warehouse Company.

West Memphis; Federal Compress Warehouse; Federal Compress & Warehouse Company.

West Memphis; Planters Compress Warehouse; Planters Compress Company, Inc.

Wynne; Federal Compress Warehouse; Federal Compress & Warehouse Company.

CALIFORNIA

Bakersfield; San Joaquin Compress and Warehouse Company; Arizona Compress and Warehouse Company d.b.a. San Joaquin Compress and Warehouse Company.

Fresno; Allen Warehouse; Allen Warehouse Company of California.

Fresno; Fresno Warehouse; Bayside Warehouse Company (California Compress Division).

GEORGIA

Albany; Albany Warehouse; Albany Warehouse Company.

Arlington; Ward's Bonded Warehouse; Mrs. Carol Clements Ward.

Athens; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Atlanta; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Atlanta; Palmer and Gibbons Bonded Warehouse; Erma W. Palmer and Mary P. Gibbons, copartners, trading as Palmer and Gibbons Bonded Warehouse Company.

Augusta; S. M. Whitney Warehouse; S. M. Whitney Company, Incorporated

Augusta; Georgia-Carolina Warehouse; Georgia-Carolina Warehouse & Compress Company.

Augusta; Wienges & Company Warehouse; Wienges & Company.

Augusta; Lyon & Lyon Cotton Warehouse; Lyon, Lyon & Company, Inc.

Bartow; Bryant's Bonded Warehouse; Bryant's Incorporated.

Blakely; Farmers Warehouse; The Maddox Corporation.

Brooklet; Farmers' Bonded Warehouse Farmers Bonded Warehouse, Inc.

Camilla; Camilla Cotton Oil Company Bonded Warehouse; Camilla Cotton Oil Company.

Camilla; Walker Gin Bonded Warehouse; Walkers, Inc.

Carrollton; Martin Bonded Warehouse; J. E. Martin & Son, Inc.

Cedartown; Cedartown Bonded Warehouse; Cedartown Cotton Warehouse Company.

Cochran; Cochran Bonded Warehouse; William Carlton Lawson.

Columbus; W. C. Bradley Co. Warehouse; W. C. Bradley Co.

Cordele; Nesbitt Bonded Warehouse; Nesbitt Bonded Warehouse, Inc.

Cordele; McCay Bonded Warehouse; McCay Gin and Warehouse Company, Inc.

Cuthbert; Walker & Daniel Bonded Warehouse; N. M. Walker and G. W. Daniel, copartners, trading as Walker & Daniel.

Davisboro; Taylor Bonded Warehouse; Taylor Bonded Warehouse, Inc.

Dawson; Dawson Compress Bonded Warehouse; Dawson Compress and Storage Company.

Dawson; Terrell County Bonded Warehouse; Stevens Industries, Inc.

DeSoto; DeSoto Bonded Warehouse; DeSoto Gin and Peanut Co.

Donalsonville; Planters Products Company's Warehouse; Planters Products Company.

Dublin; Dublin Bonded Warehouse; Cecil E. Carroll.

Dublin; Lovett and Brinson Bonded Warehouse; Lovett and Brinson, Incorporated.

Dudley; Farmers Warehouse; Mrs. Effie B. Chappell, Roy James Chappell and, John Warthen Chappell, Executors of the Last Will and Testament of Warthen T. Chappell, deceased, and The First National Bank and

Trust Company in Macon, and Gladys Combs Hogan, as Executors of the Last Will and Testament of Rubert L. Hogan deceased, partners, d.b.a. Chappell and Hogan.

Fitzgerald; Ben Hill Bonded Warehouse; Fitzgerald Oil & Fertilizer Company.

Fitzgerald; Planters Warehouse and Loan Company's Warehouse; Planters Warehouse and Loan Company.

Gay; Gay Bonded Warehouse; Arthur G. Estes, Jr.

Glennville; Tattnall Bonded Warehouse; Tattnall Bonded Warehouse, Inc.

Hawkinsville; Hawkinsville Bonded Warehouse; L. H. Blount.

Kingston; Kingston Bonded Warehouse; J. W. Martin.

Leslie; Sumter-Lee Warehouse; Leslie Peanut & Gin Co., Inc.

Louisville; Planters Bonded Warehouse; Hardeman Seed Co., Inc.

Lyons; Stanley and Pughsley Bonded Warehouse; Stanley & Pughsley Gin and Warehouse Company, Incorporated.

Madison; Farmers Trading Company Bonded Warehouse; Farmers Trading Company, Madison, Georgia.

Madison; Godfrey Bonded Warehouse; Godfrey's Warehouse, Inc.

McDonough; The Planters Warehouse; The Planters Warehouse and Lumber Company.

Meigs; Meigs Bonded Warehouse; B & J Company, Inc.

Metter; Farmers Union Warehouse; Farmers Union Warehouse of Metter.

Midville; Midville Bonded Warehouse; Midville Cotton Warehouse Company.

Millen; Millen Warehouse; The Millen Warehouse Company, Inc.

Monroe; Launius Bonded Warehouse; J. William Dickinson and Dan M. Briscoe, copartners, trading as Launius Bonded Warehouse Co.

Moultrie; C. O. Smith Warehouse; Columbia Nitrogen Corporation.

Moultrie; Taylor's Bonded Cotton Warehouse; Floyd M. Taylor, Jr., T. Elkin Taylor and Anna T. Brewer, copartners, trading as Taylor Gin and Warehouse.

Ocilla; Murray Bonded Warehouse; Guy Murray.

Parrott; W. M. Dunn's Warehouse; W. G. Dunn.

Pineview; Pineview Bonded Warehouse; C. R. McLeod and Sons, Inc.

Pitts; Shell's Bonded Warehouse; A. C. Shell, Jr.

Plains; Carter's Bonded Warehouse; James E. Carter, Jr. and Mrs. Lillian G. Carter, copartners, trading as Carter's Warehouse.

Portal; Planters Bonded Warehouse; Planters Cotton Warehouse Company.

Rome; Georgia and Alabama Warehouse; Georgia and Alabama Warehouse Company.

Rome; Floyd County Bonded Warehouse; Floyd County Bonded Warehouse, Inc.

Rome; Rome Warehouse; Ledbetter Trucks, Inc.

Rutledge; Hollis Bonded Warehouse; J. W. Hollis.

Sandersville; Tarbutton Bonded Warehouse; Tarbutton Realty Company, Inc.

Senoia; Daniel's Bonded Warehouse; Arthur G. Estes, Jr.

Senoia; The Brick Bonded Warehouse; Paul R. McKnight, Sr. and Paul R. McKnight Jr., copartners, trading as P. R. McKnight & Son.

Social Circle; Social Circle Bonded Warehouse; Duval and Co.

Social Circle; Malcom's Bonded Warehouse; B. A. Malcom.

Soperton; Waller's Bonded Warehouse; J. Treutlen Waller.

Statesboro; Farmers Union Warehouse; Smith Trading Co.

Statesboro; Planters Cotton Warehouse; Planters Bonded Cotton Warehouse, Inc.

Sylvania; Farmers Bonded Warehouse; J. P. Evans, David W. Reed, and H. A. Williams, Jr., copartners trading as Evans, Reed & Williams.

Sylvania; Sylvania Bonded Warehouse; Screven Oil Mill.

Sylvester; Houston Bonded Warehouse; Houston Gin & Warehouse Co.

Tennille; Planters Bonded Warehouse; W. B. Smith.

Tennille; Tennille Bonded Warehouse; Washington Ginning Company.

Twin City; Twin City Bonded Warehouse; Twin City Gin Company.

Vienna; J. A. Whitehead & Co. Bonded Warehouse; J. A. Whitehead.

Warrenton; Warrenton Bonded Warehouse; H. D. O'Neal.

Warrenton; Johnson Cotton Warehouse; W. D. Johnson, an individual, trading as Johnson Cotton Warehouse.

Waynesboro; Planters Warehouse; Planters Warehouse Company of Waynesboro.

Waynesboro; Neely Bonded Cotton Warehouse; Neely Bonded Cotton Warehouse, Inc.

Waynesboro; Burke County Bonded Warehouse; Burke County Gin & Fertilizer Company.

Winder; Smith Bonded Warehouse; Smith Bonded Warehouse, Inc.

Wrightsville; City Warehouse; T. L. Lovett and L. L. Lovett, Executors of the Estate of Mrs. E. A. Lovett, deceased, and Mrs. H. G. Hatcher, W. H. Lovett, W. E. Lovett and L. L. Lovett, partners d.b.a. City Warehouse.

Wrightsville; Union Warehouse; J. F. Jordan.

Wrightsville; Lovett's Bonded Warehouse; Lovett & Company, Incorporated.

Wrightsville; Rowland's Bonded Warehouse; Rowland's Gin and Bonded Warehouse of Wrightsville, Georgia, Inc.

Youth; Byrd Bonded Warehouse; J. T. Byrd.

LOUISIANA

Alexandria; American Compress Warehouse; Frost-Whited Company, Inc.

Bernice; Lindsey Bonded Warehouse; James D. Lindsey, Mrs. Rosalind Lindsey Albritton, et al., copartners, trading as Lindsey Bonded Warehouse Company.

Delhi; Union Compress Warehouse; Union Service Industries, Inc.

Ferriday; Union Compress Warehouse; Union Service Industries, Inc.

Franklinton; Pearl River Warehouse; Willie S. Pettit.

Haynesville; Haynesville Cotton Warehouse; Haynesville Cotton Warehouse Company, Incorporated.

Lake Providence; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Mansfield; Mansfield Bonded Warehouse; Aileen D. Morgan.

Monroe; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Natchitoches; American Compress Warehouse; Frost-Whited Company, Inc.

New Orleans; Shippers Compress Warehouse; Meta Davis Atkinson, Clifford Atkinson, Jr., and Eugene Atkinson, Jr., trading as Atkinson & Company.

Oak Grove; Union Compress Warehouse; Union Service Industries, Inc.

Opelousas; American Compress Warehouse; Frost-Whited Company, Inc.

Rayville; Union Compress Warehouse; Union Service Industries, Inc.

Shreveport; American Compress Warehouse; Frost-Whited Company, Inc.

Tallulah; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Winnsboro; Union Compress Warehouse; Union Service Industries, Inc.

MISSISSIPPI

Aberdeen; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Batesville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Belzoni; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Booneville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Brookhaven; Brookhaven Compress Warehouse; MFC Services (A.A.L.).

Canton; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Carthage; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Clarksdale; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Clarksdale; North Delta Compress Warehouse; North Delta Compress & Warehouse Co.

Cleveland; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Columbia; Columbia Compress Warehouse; Hattiesburg Compress Company.

Columbus; Columbus Compress Warehouse; Columbus Compress & Warehouse Company.

Como; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Corinth; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Drew; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Drew; National Compress Warehouse; MFC Services (A.A.L.).

Flora (Kearney Park); Flora Compress Warehouse; Flora Compress and Warehouse Company, Inc.

Greenville; Delta Cooperative Compress Warehouse; Delta Cooperative Compress.

Greenville; Greenville Compress Warehouse; Greenville Compress Company.

Greenville; Paxton Bonded Warehouse; Paxton Bonded Warehouse, Inc.

Greenwood; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Greenwood; Staplservice Compress Warehouse; Staple Cotton Services Association (A.A.L.).

Grenada; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Gulfport; Mississippi Gulfport Warehouses; Mississippi-Gulfport Compress & Warehouses, Inc.

Hattiesburg; Hattiesburg Compress Warehouse; Hattiesburg Compress Company.

Hollandale; Deer Creek Compress Warehouse; Deer Creek Compress Company.

Holly Springs; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Houston; Houston Compress Warehouse; Houston Compress Co., Inc.

Indianola; Sunflower Compress Warehouse; The Sunflower Compress Company.

Inverness; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Itta Bena; Itta Bena Cooperative Warehouse; Itta Bena Cooperative Compress Company.

Jackson; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Kosciusko; United Warehouse; United Warehouses, Inc.

Leland; Leland Compress Warehouse; Leland Compress Company.

Macon; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Magee; Cooperative Cotton Warehouse; Magee Cooperative (AAL).

Magnolia; Magnolia Compress Warehouse; Hattiesburg Compress Company.

Marks; Federal Compress Warehouse; Federal Compress & Warehouse Company.

New Albany; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Newton; Newton Bonded Warehouse; Compress of Union.

Okolona; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Philadelphia; The Philadelphia Compress Warehouse; Compress of Union.

Pontotoc; Pontotoc Compress Warehouse; Pontotoc Warehouse Company.

Prentiss; Prentiss Bonded Warehouse; MFC Services (A.A.L.).

Quitman; Quitman Bonded Warehouse; Daniel Marston Bonney.

Ripley; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Rolling Fork; Rolling Fork Compress Warehouse; Deer Creek Compress Company.

Rosedale; Union Compress Warehouse; Union Service Industries, Inc.

Ruleville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Shaw; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Shelby; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Shuqualak; Shuqualak Bonded Warehouse; Harrison Evans, an individual trading as E. F. Nunn & Company.

Sledge; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Summit; Federal Champion Cotton Warehouse; Federal Champion Cotton Warehouse, Incorporated.

Tunica; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Tupelo; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Tutwiler; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Tylertown; Tylertown Compress Warehouse; The Kramertown Company Inc.

Union; Union Bonded Warehouse; Compress of Union.

Vicksburg; Union Compress Warehouse; Union Service Industries, Inc.

West Point; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Yazoo City; Federal Compress Warehouse; Federal Compress & Warehouse Company.

MISSOURI

Arbyrd; Arbyrd Compress Warehouse; Arbyrd Compress Company.

Caruthersville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Charleston; National Compress Warehouse; National Compress & Warehouse Company.

Gideon; Gideon Compress Warehouse; Regenold & Earls Company.

Hayti; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Kennett; Dunklin County Compress Warehouse; Dunklin County Compress and Warehous. Company.

Lilbourn; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Malden; Dunklin County Compress Warehouse; Dunklin County Compress and Warehouse Company.

Portageville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Sikeston; Federal Compress Warehouse; Federal Compress & Warehouse Company.

NEW MEXICO

Artesia; Artesia Compress Warehouse; Alma Sanders Francis, Leslie Paul Francis, William Kavanaugh Francis and Christine Francis Jones, copartners, trading as Artesia Compress Company.

NORTH CAROLINA

Charlotte; Charlotte Bonded Warehouse; Charlotte Bonded Warehouse Company.

Charlotte; Standard Warehouse; Standard Warehouse, Inc.

Charlotte; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Charlotte; Merchants Bonded Warehouse; Merchants Bonded Warehouse Company.

Charlotte; Standard Bonded Warehouse; Standard Bonded Warehouse Company.

Elizabeth City; Elizabeth City Bonded Warehouse; Robinson Manufacturing Company.

Gastonia; Gastonia Bonded Warehouse; Chavis Enterprises, Inc.

Gastonia; Avon Bonded Warehouse; Avon Bonded Warehouse, Incorporated.

Gastonia; Peoples Bonded Warehouse; Peoples Bonded Warehouse, Incorporated.

Gastonia; Broad Street Bonded Warehouse; Broad Street Bonded Warehouse, Inc.

Gastonia; Central Bonded Warehouse Division of Bayside Warehouse Company; Bayside Warehouse Company.

Shelby; Planters and Merchants Warehouse; Planters and Merchants Warehouse Company.

Battleboro; Braswell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Butner; Hancock Bonded Warehouse, Butner Unit; Warehouse Superintendent of the State of North Carolina.

Candor; Candor Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Cherryville; Gaston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Clinton; Sampson Cotton Storage Warehouse; Warehouse Superintendent of the State of North Carolina.

Conway; Conway Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Dunn; General Utility Company's Warehouse; Warehouse Superintendent of the State of North Carolina.

Durham; Central Carolina Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Edenton; Edenton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Enfield; Halifax Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Enfield; Enfield Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Fayetteville; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Gibson; Gibson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Goldsboro; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Henderson; Greenway Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Jackson; Northampton Warehouse; Warehouse Superintendent of the State of North Carolina.

Laurel Hill; Laurel Hill Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Laurinburg; Laurinburg Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.

Laurinburg; Dickson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lewiston; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lincolnton; Lincoln Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lumberton; National Warehouse; Warehouse Superintendent of the State of North Carolina.

Lumberton; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Mooresville; Iredell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Morven; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Murfreesboro; Revelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Nashville; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Newton; Newton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Parkton; Parkton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Pembroke; Pembroke Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Pinetops; Pinetops Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Raeford; Hoke Cotton Warehouse and Storage Company's Warehouse; Warehouse Superintendent of the State of North Carolina.

Rich Square; Rich Square Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Roanoke Rapids; Farmers Warehouse of Roanoke Rapids; Warehouse Superintendent of the State of North Carolina.

Roanoke Rapids; Rosemary Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Rowland; Barrow Warehouse; Warehouse Superintendent of the State of North Carolina.

Salisbury; Salisbury Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Scotland Neck; Edwards Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Scotland Neck; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Seaboard; Seaboard Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Selma; Price Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Severn; Meherrin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Shelby; Shelby Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Smithfield; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Statesville; Statesville Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

St. Pauls; McColl Cotton Warehouses; Warehouse Superintendent of the State of North Carolina.

Tarboro; Edgecombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Wagram; Farmers Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Wake Forest; Wake Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Washington; Beaufort County Warehouse; Warehouse Superintendent of the State of North Carolina.

Weldon; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Weldon; Jenkins Warehouse; Warehouse Superintendent of the State of North Carolina.

Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Wilson; Wilson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Woodland; Woodland Cooperative Bonded Warehouse: Warehouse Superintendent of the State of North Carolina.

SOUTH CAROLINA

Anderson; The Standard Warehouse; Standard Corporation.

Bennettsville; Marlboro Warehouses; Marlboro Warehouse Company.

Bishopville; Cotton Growers Warehouses; Cotton Growers Warehouses, Inc.

Bishopville; Farmers Bonded Warehouse; Wiley B. King.

Bishopville; King and Jordan Bonded Warehouse; W. Brent King and B. P. Jordan, copartners trading as King and Jordan Bonded Warehouse.

Branchville; Judy-Moorer Bonded Warehouse; Judy-Moorer Warehouse, Inc.

Clio; Clio Bonded Warehouse; B. H. Martin.

Columbia; Palmetto Compress Warehouse; Palmetto Compress and Warehouse Company.

Columbia; The Standard Warehouse; Standard Corporation.

Denmark; Denmark Bonded Warehouse; J. W. Williamson, Jr., H. M. Williamson, J. A. Williamson and J. S. Williamson, copartners trading as J. W. Williamson Co.

Edgefield; Hart Bonded Warehouse; John Rainsford, Jr.

Greenville; Merchants Cotton Warehouse; W. A. Austin.

Greenville; Black Hawk Warehouse; The Black Hawk Corporation.

Greenville; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Greenville; Commodity Warehouse; Commodity Warehouse Company, Inc.

Greenville; Industrial Storage Corporation Warehouse; Industrial Storage Corporation.

Greenwood; Alliance Warehouse; Alliance Warehouse Co., Inc.

Greenwood; Textile Bonded Storage; Textile Bonded Storage, Inc.

Hartsville; Hartsville Bonded Warehouse; G. S. Jones.

Manning; United Bonded Warehouse; United Bonded Warehouse, Inc.

Newberry; Farmers Bonded Warehouse; Evelyn M. Brooks, d.b.a. Farmers Bonded Warehouse.

Newberry; The Standard Warehouse; Standard Corporation.

North Charleston; Oakdene Compress Warehouse; Oakdene Compress and Warehouse Company.

Norway; Norway Bonded Warehouse; J. W. Williamson, Jr., H. M. Williamson, J. A. Williamson and J. S. Williamson, copartners trading as J. W. Williamson Co.

Orangeburg; The Standard Warehouse; Standard Corporation.

Spartanburg; Spartanburg Bonded Warehouses; Spartanburg Bonded Warehouses, Incorporated.

Summerton; Sumter Bonded Warehouse No. 2; Sumter Storage Company, Incorporated.

Sumter; Rowland Warehouse; Rowland Warehouse Company.

Turbeville; East Clarendon Bonded Warehouse; East Clarendon Storage Company.

Union; Union Bonded Warehouse; H. B. Richardson, Jr.

TENNESSEE

Brownsville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Chattanooga; The Cotton Warehouse; Alford Warehouse & Storage Co., Inc.

Covington; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Dyersburg; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Five Points; Hammond Bonded Warehouse; Laura Mae Hammond.

Henderson; Henderson Compress Warehouse; Henderson Compress Company, Inc.

Jackson; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Kingsport; Borden Warehouse; The Black Hawk Corporation.

Lawrenceburg; Gladish Bonded Warehouse; Martha E. Gladish:

Lawrenceburg; Augustin Bonded Warehouse; J. B. Augustin.

Memphis; Gulf Atlantic Warehouse (Tri-State Plant); Gulf Atlantic Warehouse Co.

Memphis; Memphis Compress Warehouse; Memphis Compress & Storage Company.

Memphis; Federal Compress Warehouse (Bodley Avenue Plant); Federal Compress & Warehouse Company.

Memphis; Federal Compress Warehouse (South Memphis Plant); Federal Compress & Warehouse Company.

Memphis; Federal Compress Warehouse (Riverside Plant); Federal Compress & Warehouse Company.

Milan; Milan Compress Warehouse; Milan Compress Company.

Ripley; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Tiptonville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

TEXAS

Abilene; Abilene Cotton Warehouse; National-Western Compress & Warehouse Co.

Ballinger; Ballinger Compress Warehouse; Ballinger Compress & Warehouse Co.

Brady; Brady Cotton Warehouse; Central Texas Compress Company.

Brownsville; Gulfside Warehouse; Bayside Warehouse Company.

Brownwood; Brownwood Compress Warehouse; Brownwood Compress & Warehouse Co.

Bryan; Bryan Compress Warehouse; Hearne Cotton Compress Company, Inc.

Cameron; Cameron Compress Warehouse; Central Texas Compress Company.

Corsicana; Corsicana Compress Warehouse; Exporters & Traders Compress & Warehouse Company.

Ennis; Ennis Compress & Warehouse Co.'s Warehouse; Ennis Compress & Warehouse Co.

Fort Stockton; Comanche Warehouse; Comanche Warehouse, Inc.

Hamlin; Hamlin Compress Warehouse; Hamlin Farmers Compress Co.

Hearne; Hearne Cotton Warehouse; Hearne Cotton Compress Company, Inc.

Hillsboro; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.

Houston; Ship Channel Compress Warehouse; Petty Terminal Corporation.

Hubbard; Hubbard Compress Warehouse; Exporters & Traders Compress & Warehouse Company.

Knox City; Knox City Cotton Warehouse; Farmers Compress Company.

Marlin; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.

Mexia; Mexia Cotton Warehouse; Exporters & Traders Compress & Warehouse Company.

Rosebud; Rosebud Cotton Warehouse; Central Texas Compress Company.

Rule; Rule Compress Warehouse; Farmers Compress Company.

San Angelo; Angelo Compress Warehouse; Ballinger Compress & Warehouse Co.

Snyder; Snyder Cotton Warehouse; National-Western Compress & Warehouse Company.

Sweetwater; Sweetwater Compress Warehouse; National-Western Compress & Warehouse Co.

Temple; Temple Compress Warehouse; Temple Compress Warehouse Co.

Texarkana; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Waco; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.

Waxahachie; Waxahachie Compress Warehouse; Waxahachie Compress Warehouse Co.

VIRGINIA

Brodnax; Dugger and Dugger Cotton Storage; Richmond H. Dugger, Jr., trading as Dugger and Dugger Cotton Storage.

Grain

B. For the storage of grain:

ALABAMA

Town, Warehouse, and Warehouseman

Decatur; AFC Grain Elevator; AFC Marketing Service, Inc.

Decatur; Alabama Flour Mills Elevator; Nebraska Consolidated Mills Company.

Guntersville; Guntersville Plant; Allied Mills, Inc.

Guntersville; Cargill Guntersville Elevator; Cargill, Incorporated.

ARKANSAS

Altheimer; Altheimer Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Augusta; Lockhart-Thompson Elevator; Murray L. Lockhart, d.b.a. Murray L. Lockhart Warehouse Co.

Bradford; White County Grain Warehouse; Riceland Foods, Inc.

Brinkley; Brinkley Warehouse; Riviana Foods, Inc.

Blytheville; Farmers Grain Elevator; Farmers Soybean Corporation.

Carlisle; Carlisle Warehouse; Riviana Foods, Inc.

Corning; Corning Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Dardanelle; Keenan Grain Elevator; Robert Keenan, d.b.a. Keenan Grain Elevator.

Delaplaine; Delaplaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Des Arc; Des Arc Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

DeWitt; C & L Rice Mill Warehouse; C & L Rice Mill, Inc.

DeWitt; Farmers Coop. Elevator; The Farmers Co-operative Elevator Company.

DeWitt; Pioneer DeWitt Elevator; Pioneer Food Industries, Inc.

DeWitt; Growers Elevator; Growers Elevators, Inc.

DeWitt; Rollison Seed Company Elevator; O. G. Rollison and Robert C. Rollison copartners, trading as Rollison Seed Company.

DeWitt; Troy Mitchell Elevator; Troy Mitchell, DBA Troy Mitchell Elevator.

Dumas; Dumas Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Elaine; Elaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

England; Federal Drier; Federal Drier and Storage Company.

Eudora; Eudora Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Eudora; Pioneer Eudora Elevator; Pioneer Food Industries, Inc.

Evadale (P.O. Wilson); Delta Products Warehouse; Delta Products Company.

Fair Oaks; Fair Oaks Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Gibson Switch (P.O. Jonesboro); Craighead Rice Milling Company's Warehouse; Crain Company.

Gillett; Gillett Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Hazen; Hazen Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Hazen; Bogard Seed Company Elevator; Bogard Seed Company.

Helena; Helena Cotton Oil Company's Warehouse; Helena Cotton Oil Company.

Helena; Helena Grain Warehouse; Riceland Foods, Inc.

Helena; Targca Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Hickory Ridge; Hickory Ridge Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Holly Grove; Holly Grove Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Indiana Switch (P.O. DeWitt); Dixie Dryer Elevator; Pioneer Food Industries, Inc.

Jonesboro; Jonesboro Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Jonesboro; Kiech Elevator; Earl C. Kiech Elevator Company.

Lonoke; Lonoke Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Marianna; Lee County Grain Warehouse; Riceland Foods, Inc.

Marked Tree; St. Francis Valley Grain Warehouse; St. Francis Valley Seed Company.

Marvell; Marvell Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

McGehee; McGehee Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Mellwood; Mellwood Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Morrilton; Stallings Brothers Elevator; Joe H. Stallings and Alan E. Stallings, copartners trading as Stallings Brothers Feed Mills.

Needham (P.O. Jonesboro), Kiech-Crafton Elevator; Kiech-Crafton Elevator Company.

North Little Rock; North Little Rock Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Osceola; Osceola Products Warehouse; Osceola Products Co.

Parkin; East Arkansas Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Patterson; MAC Warehouse Company; G. L. Morris, trading as MAC Warehouse Company.

Penjur (P.O. Hughes); Hughes Granary Elevator; Hughes Grain Corporation.

Pine Bluff; Pioneer Pine Bluff Elevator; Pioneer Food Industries, Inc.

Proctor; Craft Elevator; Robert Craft & Son, Inc.

Rector; Graves Elevator; Graves Enterprises, Inc.

Stuttgart; Acme Warehouse; Riviana Foods, Inc.

Stuttgart; Bogard Elevator; Bogard Grain and Seed Company, Inc.

Stuttgart; Stuttgart Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Stuttgart; Stuttgart Grain Warehouse; Riceland Foods, Inc.

Stuttgart; Hartz Elevators; Jacob Hartz Seed Co., Inc.

Stuttgart; Producers Warehouse; Producers Rice Mill, Inc.

Tichnor; Tichnor Drier; Tichnor Drier and Storage, Inc.

Tuckerman; Tuckerman Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Van Buren; Van Buren Soybean Processing Plant; Farmland Industries, Inc.

Waldenburg; Waldenburg Warehouse; Riviana Foods Inc.

Weiner; Weiner Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Wheatley; Wheatley Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Wilmot; Pioneer Wilmot Elevator; Pioneer Food Industries, Inc.

Wynne; Gibbs & Harris Rice Drier; Gibbs & Harris Rice Drier, Inc.

CALIFORNIA

Berenda; Valley Grain Drier Warehouse; Valley Grain Drier, Inc.

Colton; Producera Elevator; Producers Grain Corporation.

East Los Angeles; Pillsbury-Globe Elevator; The Pillsbury Company.

French Camp; Continental Elevator; Continental Grain Company.

Lemoore; Continental Elevator; Continental Grain Company.

Long Beach; Koppel Bulk Terminal; Koppel Bulk Terminal.

Saco Siding (P.O. Bakersfield); Continental Elevator; Continental Grain Company.

Stockton; Stockton Elevators; Stockton Elevators.

West Sacramento; Port of West Sacramento Grain Terminal; Cargill of California, Inc.

Williams; De Pue Warehouse; De Pue Warehouse Company.

Willows; Willows Rice Drier & Storage Company Warehouse; Pacific International Rice Mills, Inc.

Woodland; Sunset Rice Dryer Warehouse; Pacific International Rice Mills, Inc.

COLORADO

Akron; Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-operative Company of Yuma, Colorado.

Amherst; Farmers Elevator; Amherst Co-operative Elevator, Inc.

Burlington; Equity Elevator; Equity Co-operative Exchange.

Burlington; Mueller-Reid Grain Elevator; Mueller-Reid Grain Co., Inc.

Bristol; Bristol Elevator; South Eastern Colorado Coop.

Byers; Farmers Marketing Elevator; Farmers Marketing Association.

Campo; Stafford Elevator; Van Stafford.

Denver; Cargill Denver Elevator; Cargill, Incorporated.

Denver; Far-Mar-Co Denver Elevator; Far-Mar-Co., Inc.

Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.

Dove Creek; Romer Warehouse; David L. Corlett and Jean R. Corlett, copartners trading as Romer Mercantile and Grain Co.

Flagler; Flagler Equity Elevator; The Flagler Equity Co-Operative Company.

Greeley; Eisenman Grain Elevator; Eisenman Chemical Co.

Holly; Southeastern Colorado Co-op Elevator; South Eastern Colorado Coop.

Holyoke; Holyoke Cooperative Elevator; Holyoke Cooperative Association.

Hyde (P.O. Otis); Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Co. of Yuma, Colorado.

Lamar; Southeastern Colorado Co-op Elevator; South Eastern Colorado Coop.

Otis; Washington County Grain Company, Division Elevator; Rickel, Inc.

Peetz; Farmers Co-op. Elevators; The Peetz Farmers Co-operative Company.

Roggen; Roggen Farmer's Elevator; Roggen Farmer's Elevator Association.

Schramm (P.O. Yuma); Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-operative Company of Yuma, Colorado.

Seibert; Co-op Elevator; The Seibert Equity Co-operative Association.

Stratton; Co-op Elevator; The Stratton Equity Cooperative Company.

Vilas; Vilas Elevator; Vilas Grain Company.

Watkins; Watkins Elevator; Watkins Elevator, Inc.

Wray; Farmers Union Elevator; The Farmers Union Cooperative Elevator Company.

Yuma; Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Company of Yuma, Colorado.

DELAWARE

Seaford; Cargill Seaford Elevator; Cargill, Incorporated.

FLORIDA

Live Oak; Gold Kist Grain Elevator; The Cotton Producers Association.

GEORGIA

Gainesville; Cargill Gainesville Elevator; Cargill, Incorporated.

IDAHO

American Falls; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.

Bancroft; Grain Growers Warehouse; Bancroft Grain Growers, Inc.

Buhl; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".

Cottonwood; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.

Craigmont; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.

Downey; Grain Growers Warehouse; Farmers Grain Cooperative.

Drummond; Grain Growers Warehouse; Farmers Grain Cooperative.

Fairfield; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.

Grace; Grain Growers Warehouse; Farmers Grain Cooperative.

Grangeville; Union Warehouse & Supply Company's Warehouse; Union Warehouse & Supply Co.

Greer; Nezperce Rochdale Warehouse; Nezperce Rochdale Company.

Jerome; Marshall Warehouse; Marshall Warehouses, Inc.

Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.

Kennedy Ford; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.

Lamont; Grain Growers Warehouse; Farmers Grain Cooperative.

Lewiston; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.

McCammon; Grain Growers Warehouse; Farmers Grain Cooperative.

Malad; Grain Growers Warehouse; Oneida County Grain Growers, Inc.

Michaud; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.

Moreland; Shields of Blackfoot Warehouse; Shields of Blackfoot, Inc.

Moscow; Dumas Seed Company, Warehouse; Dumas Seed Company.

Moscow; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.

Nampa; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".

Nezperce; Nezperce Rochdale Warehouse; Nezperce Rochdale Company.

Nezperce; Nezperce Storage Co.; Nezperce Storage Co.

Ririe; Grain Growers Warehouse; Ririe Grain and Feed Cooperative, Inc.

Soda Springs; Soda Springs Elevator; Soda Springs Elevator, Inc.

Soda Springs; Grain Growers Warehouse; Farmers Grain Cooperative.

Talmage; Grain Growers Warehouse; Farmers Grain Cooperative.

Tetonia; Grain Growers Warehouse; Farmers Grain Cooperative.

Twin Falls; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, doing business as "Shields".

Weston; Grain Growers Warehouse; Farmers Grain Cooperative.
Worley; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.

ILLINOIS

Albany; Bunge Corporation Albany Grain Terminal; Bunge Corporation.
Alhambra; Alhambra & Marine Elevators; Madison Service Company.
Adrian; Adrian Elevator; Hancock Grain Company.
Alton; Terminal Operations; Peavey Company.
Alvin; Alvin Elevator; Jack Conard, trading as Conard Grain Company.
Amboy; Amboy Elevators; Lee FS Inc.
Anchor; Anchor Elevator; Anchor Grain Company.
Andres (P.O. Peotone); Andres Elevator; Andres & Wilton Farmers Grain & Supply Co.
Argenta; Dewein Grain Company Argenta Elevator; Dewein Grain Company.
Ashland; Ashland Elevator; Ashland Farmers Elevator Co.
Ashton; M. L. Ewing Grain Co.; M. L. Ewing, trading as M. L. Ewing Grain Co.
Assumption; Assumption Elevators; Assumption Cooperative Grain Company.
Atkinson; Atkinson Elevator; Atkinson Grain & Fertilizer, Inc.
Atlanta; Atlanta Elevator; Forrest L. Douglas, trading as Douglas Co.
Atwood; Atwood Elevator; Atwood Grain and Supply Co.
Auburn; W. E. Shutt Elevator; Girard Elevator, Inc.
Ballard Station; Ballard Elevator; Leonard Grain Co., Inc.
Barr Station (P.O. Athens); Amac Barr Elevator; Amac, Inc.
Bartonville; Allied Mills Peoria Elevator; Allied Mills, Inc.
Beardstown; Farmers Terminal Elevator; Farmers Terminal Grain Co.
Bellflower; Bellflower Elevator; Foosland Grain Co.
Bement; Farmers Elevator; Bement Grain Company.
Bethany; The Bethany Grain Company, Elevator; The Bethany Grain Company.
Bismarck; Bismarck Grain Co. Elevator; Bismarck Grain Co., Inc.
Blandinsville; King Feed Company Elevator; King Feed Company.
Bloomington; Hasenwinkle Elevator; Hasenwinkle Grain Co.
Bondville; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Bourbon; Ulirich Grain Co. Elevator; Harvey C. Ulirich, trading as Ulirich Grain Co.
Brocton; Brocton Elevator; Agre Grain Company.
Broughton; L. S. Harper Grain Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Bushnell; Bushnell O. K. Elevator; O. K. Grain Company.
Cairo; Mikco Grain Co. Elevator; Bunge Corporation trading as Mikco Grain Co.
Campus; Hamilton Elevator; Hamilton Elevator Company.
Carthage; Hancock Pellets Elevator; Hancock Pellets, Inc.
Cayuga (R.R. No. 3, Pontiac); Cayuga Elevator; Jacobson Grain Co.
Centerville Township; Cargill E. St. Louis Elevator "R"; Cargill, Incorporated.
Chatsworth; Chatsworth and Stoddard Siding Warehouses; The Livingston of Chatsworth, Inc.
Chebanse; Hansen Bros. Grain Elevator; Arthur L. Hansen, Orval Hansen, Louie V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, Copartners, trading as Clifton Grain Co. at Clifton, Illinois, and Hansen Bros. Grain Elevator at Chebanse, Illinois.
Chenoa; Chenoa Elevator; Leonard Grain Co., Inc.
Chestnut; Chestnut Elevator; The Farmers Grain Company of Chestnut.
Chicago; Calumet Elevators; ADM Grain Co.
Chicago; The Cargill Elevator; Cargill, Incorporated.
Chicago; Continental Elevator C; Continental Grain Company.
Chicago; Continental Elevators; Continental Grain Company.
Chicago; Rialto Elevator; General Mills, Inc.
Chicago; Garvey Elevator; Garvey Grain, Inc.
Chicago; Garvey Rock Island Elevator; Garvey Grain, Inc.
Chicago; Belt Elevator; Carey Grain Corporation.
Chicago; Gateway Elevator; Indiana Farm Bureau Cooperative Association, Inc.
Chicago; Santa Fe Elevator; Garvey Grain, Inc.
Chrisman; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Cisco; Cisco Grain Elevator; Cisco Cooperative Grain Co.
Clifton; Clifton Grain Elevator; Arthur L. Hansen, Orval Hansen, Louie V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, copartners, trading as Clifton Grain Co. at Clifton, Illinois, and Hansen Bros. Grain Elevator at Chebanse, Illinois.
Compton; Torri Grain Company Elevator; A. J. Torri, Joseph A. Torri, and Q. J. Torri, copartners, trading as Torri Grain Company.
Creve Coeur; Illinois Grain Corporation. Creve Coeur Elevator; Illinois Grain Corporation.
Cruger (R.R. 1, Eureka); Farmers Elevators; Farmers Grain Cooperative of Eureka.
Culver Station (P.O. Athens); Culver Elevator; Culver-Fancy Prairie Cooperative Co.
Dalton City; Farmers Co-op Grain Co. Elevator; Farmers Co-operative Grain Company of Dalton City.
Danville; Lauhoff Elevator; Lauhoff Grain Company.
Darrow (P. O. Sheldon); Darrow Elevator; Darrow Farmers Co-operative Grain Company.
Deer Grove (R.R. No. 1); Hahnaman Station Elevator; Hahnaman Elevator, Inc.
DeLand; DeLand Farmer's Elevators; DeLand Farmer's Cooperative Grain Company.
Delavan; Delavan Elevator; Delavan Cooperative Elevator Co.
De Soto; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Dewey; Dewey Elevator; Fisher Farmers Grain and Coal Company.
Dorans (P.O. Mattoon); Dorans Elevator; Farmers Grain Company of Dorans.
Downs; Hasenwinkle Elevator; Hasenwinkle Grain Co.
Dwight; Jacobson Elevator; John E. Jacobson, trading as John Jacobson Grain.
Dwight Township (P.O. Dwight); Jacobson Terminal; Jacobson Seaway Grain Terminal Company.
Earlville; Earlville Farmers' Co-operative Elevator; Earlville Farmers' Co-operative Elevator Company.
East Hannibal (P.O. Hannibal, Mo.) Bunge Corporation East Hannibal Grain Terminal; Bunge Corporation.
East Peoria; East Peoria Elevator, Tabor & Co.; Tabor & Co.
East St. Louis; Continental Elevator; Continental Grain Company.
East St. Louis; National Oats Elevator; National Oats Company, Inc.
Edinburg; Rink & Scheib Elevator; Rink & Scheib, Inc.
Edwardsville; Edwardsville Elevator; Madison Service Company.
Edwardsville; Dippold Elevator; H. B. Stubbs, trading as Dippold Bros.
Effingham; Effingham Equity Elevator; Effingham Equity.
Emery (P.O. Maroa); Emery Elevator; Dewein Grain Company.
Emington; Emington O. K. Elevator; O. K. Grain Company.
Esmond; Esmond Elevator; Farmers' Grain Company of Esmond.
Fairbury; Farmers Grain Elevator; Farmers Grain Co. of Fairbury.
Fancy Prairie; Fancy Prairie Elevator; Culver-Fancy Prairie Cooperative Co.
Farmer City; Mitsui Elevator; Pacific Grain Co.
Fisher; Fisher Elevator; Fisher Farmers Grain and Coal Company.
Fithian; Fithian Elevator; Harold P. Izard, Kenneth W. Stotler and Howard A. Stotler, copartners, trading as Fithian Grain Company.
Foosland; Foosland Elevator; Foosland Grain Co.
Galva; Galva Elevator; Galva Co-operative Grain and Supply Company.
Georgetown; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Gibson City; Farmers Elevator; The Farmers Grain Co. of Gibson City.
Gilman; Continental Elevator; Continental Grain Company.
Girard; Girard Elevator; Girard Elevator, Inc.
Gladstone; Gulfport River Terminal & Gladstone Warehouses; Gladstone Grain Co.
Grant Park; Grant Park Elevator; Grant Park Co-operative Grain Co.
Gridley; Gridley Elevator; Garvey Grain, Inc.
Griggsville; Pike King Elevator; Pike King Feed Company.
Hammond; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Hampshire; Hampshire Elevator; Gerstenberg and Tucker, Inc.
Hardin; Hardin Elevator; Jersey County Grain Company.
Harmon; Albrecht Elevator; Albrecht Grain Company.
Harpster (P.O. Foosland); Harpster Elevator; Harpster Grain Co.

Henkel (P.O. Mendota); Henkel Grain Co.; Henkel Grain Co., Inc.
Heyworth; Hasenwinkle Elevator; Hasenwinkle Grain Co.
Homer; Homer Elevators; Homer Grain Company.
Honegger (P.O. Fairbury); Fairbury Elevator; Honeggers' & Co., Inc.
Illiopolis; Mansfield-Ford Illiopolis Elevator; Mansfield-Ford Grain Company.
Illiopolis; Illiopolis Grain Co. Elevator; Illiopolis Grain Co.
Iroquois; Iroquois Farmers Elevator; Iroquois Farmers Elevator.
Ivesdale; Ivesdale Elevator; Ivesdale Co-op Grain Company.
Jamaica (R.R. 1, Fairmount); Farmers Elevator; Farmers Elevator Company of Jamaica, Illinois.
Jerseyville; Jerseyville Elevators; Jersey County Grain Company.
Kane; Kane Elevator; Jersey County Grain Company.
Kaneville; Kaneville Elevator; Kaneville Grain and Supply Company.
Kankakee; Kankakee Elevator; A. L. Book, trading as A. L. Book & Co.
Kansas; Rardin Elevator; Rardin Grain Company. Kenney; Kenney Elevator; Forrest L. Douglas, trading as Douglas Co.
Kerrick (R.F.D. 1 Normal); Kerrick Elevator; Kerrick Grain, Inc.
Ladd; Ladd Elevator; The Ladd Elevator Company.
Lanesville; Mansfield-Ford Lanesville Elevator; Mansfield-Ford Grain Company.
Lee; Schaefer Elevator; H. R. Schaefer Grain Co., Inc.
Leroy; Hasenwinkle Elevator; Hasenwinkle Grain Co.
Leverett (R.R. 4 Champaign) Leverett Elevator; Lewis P. Burtis, Kenneth W. Stotler, each individually, and Sue Stotler and Kenneth W. Stotler as trustees of the Estate of Howard A. Stotler, copartners, trading as Leverett Grain Company.
Lexington; Kemp Elevator; Kemp Grain Co.
Lisbon Center (P.O. Newark); Lisbon Center Elevator; Farmers Cooperative Grain & Supply Co. of Lisbon Center.
Loami; Loami Elevator; Loami Grain Company, Inc.
Lostant; Tabor Elevator; Tabor & Co.
Ludlow; Ludlow Elevators; Ludlow Cooperative Elevator Company.
Macon; Macon Elevator; Macon Grain Company.
Mahomet; James F. Parker Co. Elevator; James F. Parker Co.
Manteno; Farmers Elevator; Farmers Elevator Company of Manteno.
Maroa; Maroa Farmers Coop. Elevator; Maroa Farmers Cooperative Elevator Company.
McNabb; McNabb Elevator; McNabb Grain Company.
McNulta (P.O. Foosland); McNulta Elevator; Foosland Grain Co.
Meadows; Meadows Elevator; Meadowa Cooperative Company.
Mechanicsburg; Mechanicsburg Elevator; Mechanicsburg Farmers Grain Co.
Mendota; Fasco Elevator; Fasco Mills Company.
Meriden (P.O. Mendota); Meriden Elevator; Henkel Grain Co., Inc.
Metcalf; Metcalf Elevator; Agre Grain Company.
Milmine; Milmine Farmers Elevator; Milmine Grain Company.
Minier; Minier Cooperative Elevator; Minier Cooperative Grain Company.
Minooka; Minooka Elevator; The Minooka Grain, Lumber and Supply Company.
Monticello; Monticello Elevator; Monticello Grain Company.
Moweaqua; Moweaqua Elevator; Elocay, Inc.
Mulkeytown; Southern Grain Co.; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Murphysboro; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Myra Station (R.R. 3, Urbana); B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Mt. Auburn; Mt. Auburn Elevator; Blue Mound Grain and Fertilizer Co., Inc.
Mt. Carroll; Johnston Feed Service; Johnston Feed Service, Inc.
Mt. Vernon; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Newman; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Niantic; Niantic Farmers Elevators; Niantic Farmers Grain Company.
Oakland; Miller Grain Co. Elevator; Miller Grain Co.
Ogden; Ogden Grain Co. Elevator; E. Z. Spread Fertilizer Company, trading as Ogden Grain Company.
Old Shawneetown (RR1, Shawneetown); Bunge Corporation Shawneetown Grain Terminal; Bunge Corporation.
Olive Branch; B. C. Christopher & Company Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Paris; Adams Elevator; Agre Grain Company.
Paris; Paris Elevator; Illinois Cereal Mills, Inc.
Paris; Paris Grain Warehouses; Paris Warehouses, Inc.
Parnell (R.R. 2, Farmer City); Walsh Grain Elevator; Walsh Grain Elevator, Inc.
Peoria; Riverside Elevator; Riverside Elevator Co.
Perdueville (P.O. Paxton); Perdueville Elevator; Ludlow Cooperative Elevator Company.
Pesotum; Pesotum Elevator; Janet Horton Boyer, Fred G. Boyer and Mary Martha Messamore copartnera trading as Pesotum Grain Company.
Petersburg; Amac Petersburg Elevator; Amac, Inc.
Pittsfield; King Elevator; M. D. King Milling Company.
Polo; Olsen Elevator; Axel Olsen, Jr. and Edward Olsen, copartners, trading as Olsen's Elevator and Feeds.
Pontiac; Pontiac Elevator; Jacobson Grain Co.
Poplar Grove; McLay Elevator; McLay Grain Company.
Redmon; English Elevator; Edward English, trading as English Grain Company.
Ridge Farm; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Roberts; Hicks Grain Terminals; Hicks Grain Terminals, Inc.
Rochelle (R.R. 1); Maplehurst Farms Elevator; L. D. Carmichael, trading as Maplehurst Farms.
Rowe (R.R. No. 3, Pontiac); Rowe-Cornell Elevator; Jacobson Grain Co.
Sadorus; Sadorus Co-op Elevators; Sadorus Co-operative Elevator Co.
St. Jacob; St. Jacob Elevator; Toberman Grain Company.
Saunemin; Saunemin O. K. Elevator; O. K. Grain Company.
Savoy; Savoy Elevator; Savoy Grain Company.
Serena; Serena Elevator; La Salle County Farm Supply Company.
Seymour; Farmers Grain Co. Elevator; Farmers Grain Co. of Seymour, Illinois.
Shawneetown; T. Y. Williams Grain & Seed Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Sheldon; Sheldon Export Elevator; Tidewater International Corporation Ltd.
Shipman; Shipman Elevator; Shipman Elevator Company.
Sibley; Sibley Grain Company Elevator; The Sibley Grain Company.
Sibley; Sibley Complete Feed & Grain Service Elevator; The Sibley Farms Service Corporation.
Sidell; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
South Beloit; Elevator B; Beloit Grain Company.
State Line; [1] State Line Elevator; State Line Elevator, Inc.
Sterling; Galt Site Elevator; Sterling-Rock Falls Co-operative Marketing Association.
Steward; Steward Elevators; Lee FS Inc.
Stillman Valley; Griffith Lumber Co. Stillman Valley Elevator; Stanwood C. Griffith, trading as Griffith Lumber Co.
Stockland; Stockland Elevator; Stockland Grain Company, Inc.
Stonington; Stonington Cooperative Grain Company Elevator; Stonington Cooperative Grain Company.
Strawn; Strawn Warehouses; The Livingston of Chatsworth, Inc.
Sullivan; Sullivan Elevator; Sullivan Grain Company.
Symerton (P.O. Wilmington) Symerton Elevator; Will-DuPage Service Company.
Taylorville; Allied Mills Taylorville Elevator; Allied Mills, Inc.
Taylorville; Wayne Feed Supply Co. Elevator; Allied Mills, Inc.
Thomasville (P.O. Farmersville); Thomasville Elevator; Girard Elevator, Inc.
Tolono, R.R. 2; Apex Terminal Warehouses; Apex Terminal Warehouses, Inc.

[1] In Illinois and Indiana.

Tolono; Tolono Elevator; Savoy Grain Company.

Tomlinson (P.O. Rantoul); B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward C. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Trenton; Trenton Farmers Elevator; Trenton Cooperative Equity Exchange.

Union (P.O. Emden); Union Elevator; Forrest L. Douglas, trading as Douglas Co.

Ursa; Ursa Elevator; Ursa Farmers Co-operative Company.

Voorhies (R.R. 1, Bement); Voorhies Elevator; Voorhies Cooperative Grain Company.

Waggoner; Waggoner Elevator; Girard Elevator, Inc.

Walton (R.R. 4, Dixon); Walton Elevator; Walton Elevator Company.

Wapella; Hasenwinkle Elevator; Hasenwinkle Grain Co.

Ware (R.R. 2, Jonesboro); Ware Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Warsaw; Warsaw Elevator; Hancock Grain Company.

Watkins (P.O. Farmer City); Watkins Elevator; Weedman Grain and Coal Company.

Weedman (R.R. 1, Farmer City); Weedman Elevator; Weedman Grain and Coal Company.

Weldon; Weldon Grain Co. Elevator; Weldon Co-operative Grain Company.

Wenona; Tabor & Co.—Wenona; Tabor & Co.

West Brooklyn; West Brooklyn Elevator; West Brooklyn Farmers Co-operative Co.

White Heath; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Wilton (P.O. Manhattan) Wilton Elevator; Andres & Wilton Farmers Grain & Supply Co.

Windsor; Neal-Cooper Grain Co. Elevator; Neal-Cooper Grain Co.

Winnebago; W. T. Berg Elevator; Beloit Grain Company.

Woodford (P.O. Minonk); Woodford Elevator; Garvey Grain, Inc.

Wyanet; Wyanet Elevator; Carl Lavern Barker, trading as Barker Milling and Grain Co.

INDIANA

Brookston; Brookston Elevators; Brookston Elevators, Inc.

Burlington; Star Elevator; Star Roller Mills Corporation.

Burnettsville; Burnettsville Elevator; Allison, Steinhart & Zook, Inc.

Camden; Camden Elevator; Allison, Steinhart & Zook, Inc.

Camden (R.R. No. 1); Triangle Feeds, Inc. Elevator; Triangle Feeds, Inc.

Carlisle; Sprinkle Elevator; Ralph Sprinkle trading as Sprinkle Elevator.

Dunn (R.R. No. 2 Fowler); Dunn Grain Elevator; Dunn Grain Elevators, Inc.

East Chicago (Indiana Harbor); The New York Central Elevator; Farmers Grain Dealers Association of Iowa (Cooperative).

Edinburg (R.R. No. 1); Durham Road Elevator; Community Grain, Inc.

Emporia (R.R. 1, Markleville); Emporia Elevator; Edwin O. Pasko and Elmer G. Pasko, copartners trading as Emporia Elevator Company.

Falmouth; Falmouth Elevator; Falmouth Farm Supply, Inc.

Flora; Flora Elevator; Allison, Steinhart & Zook, Inc.

Fowler (R.R. 1); Lochiel Elevator; Lochiel Elevator Co., Inc.

Franklin; R.R. 2; Norton Grain Elevator; Crystal Springs Grain Corporation.

Free (R.R. 2, Fowler); Free Grain Elevator; Watland Farms, Inc., trading as Free Grain Company.

Graham Siding (R.D. No. 1, Washington); Graham Elevator; Graham Brothers, Inc.

Hedrick; Hedrick Elevator; Jack Conard, trading as Conard Grain Company.

Indianapolis; Acme-Evans Elevator; General Grain, Inc.

Indianapolis; Beech Grove Elevator; The Early and Daniel Company.

Kempton; Kempton Elevator; Kempton Grain & Supply Corp.

Kirklin; Moore-Costlow Elevator; Moore-Costlow, Inc.

Kokomo; Kokomo Elevator; Kokomo Grain and Feed Co., Inc.

Ligonier; Lyon & Greenleaf Elevator; Lyon and Greenleaf Company, Incorporated.

Lyons; Sprinkle Elevator; Ralph Sprinkle, trading as Sprinkle Elevator.

Manilla; Manilla Grain Co. Elevator; Manilla Grain Co., Inc.

Marshfield; Marshfield Elevator; Jack Conard, trading as Conard Grain Company.

Morristown; Morristown Elevator; Morristown Elevator Co., Inc.

Mount Ayr; Grow Elevator; Grow Farms Grain Corporation.

New Market; Layne & Myers Elevator; Priscilla Opal Layne, Leland Eugene Layne, David L. Myers, and Lorinda Jane Myers, Copartners, trading as Layne & Myers Grain Co.

Noblesville; General Grain Elevator; General Grain, Inc.

Orleans; Orleans Grain Elevator; Orleans Grain, Inc.

Peru; Canal Elevator; Allison, Steinhart & Zook, Inc.

Portland; Haynes Soy Elevator; Haynes Milling Co., Inc.

Raub; Raub Elevator; Raub Grain, Inc.

Reynolds; Reynolds Elevator; National Grain Storage, Inc.

Schneider; Indiana Grain Exporters; Mid-West Land and Cattle Corporation.

Shideler (R.R. 1, Eaton); Shideler Grain Co. Elevator; Fritz G. Schnepf, Jr., trading as Shideler Grain Co.

State Line;[1] State Line Elevator; State Line Elevator, Inc.

Sullivan; Johnson Mill & Elevator; Sherell W. Johnson, Sr. and Sherell W. Johnson, Jr., copartners, trading as Johnson Feed & Supply Company.

Thorntown; Sugar Creek Elevator; Allison, Steinhart & Zook, Inc.

Vincennes; Baltic Mills, Inc. Elevator; Baltic Mills, Inc.

IOWA

Algona; Cargill Algona Elevator; Cargill, Incorporated.

Alta; Alta Cooperative Elevator; Alta Co-operative Elevator.

Alton; Farmers Cooperative Elevator; Farmers Mutual Cooperative Company.

Altoona; Farmers Elevator; Farmers Elevator Company.

Aurelia; Farmers Elevator; Farmers Co-operative Company.

Barnum; Barnum Elevator; Wieston Grain Company, Incorporated.

Blencoe; Farmers Elevators; Blencoe Cooperative Company.

[1] In Illinois and Indiana.

Blockton; MFA Exchange Elevator; Missouri Farmers Association, Inc.

Bondurant; Farmers Elevator "B"; Farmers Elevator Company.

Burlington; Burlington & Mississippi Elevator; ADM Grain Co.

California Junction (P.G. Missouri Valley); Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Carnes; Farmers Cooperative Elevator; Farmers Mutual Cooperative Company.

Cedar Rapids; Cargill Cedar Rapids Elevator; Cargill, Incorporated.

Cedar Rapids; Cargill Cedar Rapids East Elevator; Cargill, Incorporated.

Chariton; Farmers Elevator; Farmers Co-operative Association.

Clarion; Farmers Elevators; Clarion Farmers Elevator Cooperative.

Clearfield; MFA Exchange Elevator; Missouri Farmers Association, Inc.

Cooper; Milligan Elevators; Milligan Bros. Grain Co.

Council Bluffs; Scoular-Welsh Council Bluffs Elevator; Scoular-Welsh Grain Co.

Council Bluffs; Bartlett Elevator; Bartlett and Company Grain.

Council Bluffs; Pillsbury Company Elevator; The Pillsbury Company.

Council Bluffs; Peavey Elevator; Peavey Company.

Cushing; Continental Elevator; Continental Grain Company.

Dedham; Farmers Elevators; Dedham Co-operative Association.

Des Moines; F–G–D–A Des Moines Terminals; Farmers Grain Dealers Association of Iowa (Cooperative).

Des Moines; Cargill Des Moines Elevator; Cargill, Incorporated.

Dike; Farmers Cooperative Elevator; Farmers Cooperative Company.

Essex; Essex Elevator; Essex Elevator, Inc.

Farragut; Farragut Elevator; Farragut Elevator Co.

Fontanelle; Farmers Coop Co. Elevator; Farmers Cooperative Company.

Fort Dodge; Cargill Fort Dodge Elevator; Cargill, Incorporated.

Fort Dodge; Fort Dodge Elevator; Wieston Grain Company, Incorporated.

Gilman; Farmers Coop Warehouse; Farmers Cooperative.

Glidden; Farmers Elevator; Farmers Co-operative Company.

Granville; Granville Farmers Elevators; Farmers Cooperative Company.

Gray; Conklin Elevator; Edith Conklin, trading as Conklin Grain Co.

Hamburg; Reid Elevator; Reid Grain Co., Inc.

Harlan; Squealer Grain Elevator; Squealer Grain Company.

Ireton; Farmers Elevator; Farmers Cooperative Society.

Jefferson; Milligan Elevators; Milligan Bros. Grain Co.

Jefferson; Farmers Elevator; Farmers Co-operative Association.

Jordan (P.O. Boone); Peavey Producer Service Elevator; Peavey Company.

Kingsley; Farmers Elevators; The Farmers Elevator Company.

Lamoni; Farmers Co-op Grain & Seed Elevator; Farmers Cooperative Grain & Seed Company.

Lanesboro; Farmers Elevator; Farmers Co-operative Company.

Laurel; Farmers Coop Warehouse; Farmers Cooperative.

Lenox; Country Boys Elevator; Robert L. Bentley and Andrew J. Ettleman, Copartners, trading as Country Boys Lumber and Concrete at Bedford and Mount Ayr, Iowa, and Country Boys Elevator and Lumber Co. at Lenox, Iowa.

Lidderdale; Farmers Elevator; Farmers Co-operative Company.

Loveland; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Lytton; Lytton Elevator; Lytton Cooperative Elevator Company.

Malcom; Malcom Farmers Cooperative Elevator; Malcom Farmers Cooperative Elevator.

Manson; Manson Elevator; Wieston Grain Company, Incorporated.

Marcus; Farmers Elevators; Farmers Co-operative Elevator

Matlock; Farmers Elevators; Farmers Coop Elevator Association of Sheldon, Iowa.

McGregor; Mississippi River Terminal No. 2; Farmers Grain Dealers Association of Iowa (Cooperative).

Meekers Landing (Rt. 2, Burlington); Mississippi River Terminal; Farmers Grain Dealers Association of Iowa (Cooperative).

Missouri Valley; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Modale; Farmers Elevators; Modale Cooperative Association.

Modale; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Mondamin; Farmers Elevators; Farmers Co-operative Co.

Muscatine; Mississippi River Terminal No. 3; Farmers Grain Dealers Association of Iowa (Cooperative).

Newburg; Farmers Coop Warehouse; Farmers Cooperative.

New Hartford; Farmers Cooperative Elevator; Farmers Cooperative Co.

Osceola; Farmers Cooperative Association; Farmers Cooperative Association of Osceola.

Pacific Junction; Lincoln Grain Elevator; Lincoln Grain, Inc.

Palmer; Farmers Elevator; Farmers Co-operative Company.

Paullina; Paullina Farmers Elevators; Farmers Cooperative Company.

Pella; Farmers Co-operative Exchange Elevator; Farmers' Co-operative Exchange.

Portsmouth; G & R Elevator; G & R Feed and Grain Co., Inc.

Radcliffe; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.

Ralston; Farmers Elevators; Farmers Co-operative Association.

Redfield; Cargill Redfield Elevator; Cargill, Incorporated.

Red Oak; Farmers Mercantile Elevator; Farmers Mercantile Company, A Cooperative.

Remsen; Farmers Cooperative Elevator; Farmers Cooperative Company.

Remsen; Remsen Roller Mill; Remsen Roller Mill, Inc.

River Sioux; Farmers Elevator; Farmers Co-operative Co.

Sexton; Cargill Sexton Elevator; Cargill, Incorporated.

Shelby; Shelby Elevator; Farmers Elevator.

Sheldon; Big 4 Elevator; Land O'Lakes, Inc.

Sheldon; Farmers Elevators; Farmers Co-operative Elevator Association of Sheldon, Iowa.

Sherman (P. O. Hubbard); Farmers Co-operative Elevator; Farmers Cooperative Elevator Company.

Sioux City; Bartlett Elevator; Bartlett and Company Grain.

Sioux City; Cargill Sioux City Elevator "A"; Cargill, Incorporated.

Sioux Center; Farmers Elevator; Farmers Cooperative Society.

Sioux City; Farmers Union Elevator; Farmers Union Grain Terminal Association.

Sioux City; Terminal Grain Corporation Elevator; Terminal Grain Corporation.

Sioux City; Elevator "B"; Harley G. Hall, trading as Hall Grain Company.

Sloan; Farmers Elevator; Farmers Cereal Company (Coopcrative).

Superior; Superior Cooperative Elevator; Superior Cooperative Elevator Company.

Templeton; Farmers Elevator; Farmers Cooperative Company.

Villisca; Villisca Elevator; Villisca Elevator, Inc.

Walnut; Continental Elevator; Continental Grain Company.

Washington; Cargill Washington Elevator; Cargill, Incorporated.

Westfield; Westfield Feed and Grain Co.; Westfield Feed and Grain Co.

Wieston (P.O. Manson); Wieston Elevator; Wieston Grain Company, Incorporated.

Wightman (P.O. Lohrville); Farmers Elevator; Farmers Cooperative Company.

Williams; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.

KANSAS

Abbyville; Abbyville Coop Elevator; The Farmers Cooperative Grain Company.

Abilene; ADM Elevator; ADM Milling Co.

Akron (P.O. Rock); Akron Elevator; Quentin F. Waples, d.b.a. The Rock Grain Co.

Alamota; Alamota Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Albert; Pawnee Elevator; Pawnee County Cooperative Association.

Alden; Alden Elevator; The Farmers Co-operative Union.

Amy; Amy Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Andale; Farmers Elevator; The Andale Farmers Cooperative Company.

Anthony; Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.

Argonia; Danville Coop. Elevator; Danville Cooperative Association.

Arkanaaa City; Ark City Elevator; Dixie Portland Flour Mills, Inc.

Arkansas City; New Era Mill; The New Era Milling Company.

Atchison; Lincoln Grain, Inc. Elevator; Lincoln Grain, Inc.

Atlanta; Atlanta Co-op Elevator; The Atlanta Cooperative Association.

Atwood; Equity Elevator; The Atwood Equity Co-Operative Exchange.

Baileyville; Coop Elevator; The Nemaha County Co-operative Association.

Bavaria; Farmers Elevator; The Farmers Elevator Cooperative Company.

Bazine; Co-op Elevator; The Co-operative Grain & Supply Company.

Beaver; Beaver Grain Elevator; Beaver Grain Corporation, Inc.

Beeler; Beeler Coop; The Beeler Cooperative Exchange.

Bosse Siding (P.O. Jetmore); Bosse Elevator; Bosse Grains, Inc.

Brenham (P.O. Haviland); Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa Co., Kans.

Brewster; Coffey-Reid Elevator; Coffey-Reid Elevator, Inc.

Brewster; Coop Elevator; Farmers Co-operative Association.

Bucklin; Bucklin Grain Co.; Bucklin Grain Co., Inc.

Bucklin; The Bucklin Co-op Exchange Elevator; The Bucklin Cooperative Exchange.

Bunker Hill; Bunker Hill Elevator; Agco, Inc.

Cambridge; Holt Grain Company Elevator; E. H. Holt, d.b.a. Holt Grain Company.

Carlton; Carlton Elevator; Farm Co-op Association.

Castleton; Farmers Grain Co. Castleton Elevator; The Farmers Cooperative Grain Company.

Charleston (P.O. Ingalls); Farmers Elevators; The Garden City Co-Operative Equity Exchange

Chase; Chase Co-operative Elevator; The Chase Co-operative Elevator, Mill and Mercantile Union.

Cheney; Cheney Co-op Elevator; The Cheney Co-operative Elevator Ass'n.

Cimarron; The Cimarron Co-operative Elevators; The Cimarron Co-operative Equity Exchange.

Cimarron; Southwestern Grain Elevator; Southwestern Grain, Inc.

Claflin; Coop Elevator; The Claflin Cooperative Association.

Claudell; Kensington Coop Elevators; The Kensington Cooperative Association.

Clearwater; Clearwater Coop Elevator; Clearwater Cooperative Association.

Coffeyville; Coop Elevator; Farmland Industries, Inc.

Colby; Cooper Terminal; Cooper Grain, Inc.

Colby; Hi-Plains Co-op Elevator; The Hi-Plains Co-operative Association.

Coldwater; Farmers Elevator; The Protection Cooperative Supply Company.

Colwich; Farmers Elevator; The Andale Farmers Cooperative Company.

Conway Springs; Conway Springs Elevator; Charles P. Garretson, trading as Garretson Grain Company.

Conway Springs; The Farmers Cooperative Grain Association Elevator; The Farmers Co-operative Grain Association.

Coolidge; Coolidge Co-op. Elevator; South Eastern Colorado Co-op.

Coolidge; Sullivan Inc. Elevator; Sullivan, Inc.

Corning; Coop Elevator; The Nemaha County Co-operative Association.

Corwin; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.

Cullison (P.O. Pratt); Farmers Grain Elevator; The Farmers Grain and Mercantile Company.

Culver; Culver Coop Elevator; Cooperative Sales and Services, Incorporated.

Danville; Danville Coop Elevator; Danville Cooperative Association.

Deerfield; Farmers Elevators; The Garden City Co-operative Equity Exchange.

Delphos; Delphos Coop Elevator; The Delphos Cooperative Association.

Dighton; Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Dillon (P.O. Hope); Dillon Elevator; Farm Co-op Association.

Dillwyn (P.O. Macksville); Coop Elevator; The Dillwyn Grain and Supply Company.

Dodge City; Dodge City Terminal Elevator; The Dodge City Terminal Elevator Company.

Dodge City; Casterline Elevator; Casterline Grain & Seed, Inc.

Dodge City; Grain Products Terminal Elevator; Grain Products, Inc.

Dorrance; Dorrance Elevator; Agco, Inc.

Douglass; Douglass Grain Co. Elevator; James L. Taylor, trading as Douglass Grain Company.

Edgerton; Coop Elevator in Edgerton; The Farmers Cooperative Association.

El Dorado; Taylor Elevators; James L. Taylor and Robert D. Haaga, copartners, trading as Taylor Grain Company.

Ellsworth; Salina Terminal Elevators; The Salina Terminal Elevator Company.
Emporia; Kansas Soya Products Co. Elevator; Archer-Daniels-Midland Company.
Feterita (P.O. Hugoton); Feterita Co-op Elevator; The Farmers Co-Operative Grain and Supply Company.
Florence; Coop Elevator; The Burns Farmers Co-operative Union.
Fowler; Fowler Equity Elevator "B"; The Fowler Equity Exchange.
Fredonia; ADM Elevator; Archer-Daniels-Midland Company.
Galva; Galva Grain Elevator; Western Grain, Inc.
Garden City; Farmers Elevators; The Garden City Co-operative Equity Exchange.
Garden City; Lawrence Warehouse No. 8; Lawrence Warehouse Company.
Garden Plain; Farmers Cooperative Elevator; The Farmers Cooperative Elevator Company.
Garfield; Garfield Co-operative Elevator; The Garfield Co-operative Company.
Garnett; Garnett Elevator; Western Grain, Inc.
Goodland; Mueller-Reid Grain Elevator; Mueller-Reid Grain Co., Inc.
Goodland; Monfort Elevator; Monfort Feeds Lots, Inc.
Grainfield; Farmers Elevator; The Gove County Cooperative Association.
Great Bend; Great Bend Elevators; The Great Bend Cooperative Association.
Green; Lippert Elevator; Maxine Friedrich, trading as Lippert Grain Co.
Greensburg; Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa Co., Kans.
Gypsum; Moore Elevator; Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.
Hamlin; Lincoln Grain, Inc., Elevator; Lincoln Grain, Inc.
Hardtner; O. K. Elevators; The O. K. Cooperative Grain & Mercantile Company.
Harper; Farmers Cooperative Elevator; Anthony Farmer'a Cooperative Elevator Co.
Haven; Farmera Grain Co.; The Farmera Co-operative Grain Company.
Hazelton; Farmera Co-operative Elevators; The Farmers Co-operative Business Association.
Hickok (P.O. Ulysses); Sullivan, Inc., Elevator; Sullivan, Inc.
Hickok (P.O. Ulysses); Co-op Elevator; The Ulysses Co-Operative Oil and Supply Company.
Hoxie; Cooper Terminal; Cooper Grain, Inc.
Hugoton; Parker Elevator; Earl Bryan, trading as Parker Grain Co.
Hugoton; Hugoton Co-op Elevator; The Farmers Co-Operative Grain and Supply Company.
Hutchinson; Kelly Elevator; The William Kelly Milling Company.
Hutchinson; Continental Elevator; Continental Grain Company.
Hutchinson; Grain Belt Elevator; The Salina Terminal Elevator Company.
Ingalls; Ingalls Grain Elevator; Ingalls Cooperative.
Inman; Chase Elevator; The Chase Grain Co., Inc.
Joy; Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa Co., Kans.
Junction City; Mid-Continent Elevator; Western Grain, Inc.
Kalvesta; Bosse Elevator; Bosse Grains, Inc.
Kanorado; Coffey-Reid, Inc. Elevator; Coffey-Reid, Inc.
Kanorado; Kanorado Co-op Elevator; The Kanorado Co-operative Association.
Kansas City; Turnpike Elevator; Seaboard Allied Milling Corporation.
Kansas City; Bunge Elevator; Bunge Corporation.
Kansas City; Far-Mar-Co Fairfax Elevator; Far-Mar-Co., Inc.
Kansas City; River-Rail Elevator; Bartlett and Company Grain.
Kellogg (Route 2, Winfield); Kellogg Coop Elevator; Kellogg Farmers Union Cooperative Association.
Kensington; Kensington Coop Elevators; The Kensington Cooperative Association.
Kiowa; O. K. Elevators; The O. K. Cooperative Grain & Mercantile Company.
Kismet; Equity Elevator; The Plains Equity Exchange and Co-Operative Union.
LaCygne; Farmera Coop Elevator; The Linn County Farmera Cooperative Association.
Larned; Pawnee Elevators; The Pawnee County Cooperative Association.
Lawrence; Farmera Coop Elevator; The Farmers Cooperative Association.
Liberal; Perryton Equity Elevator; Perryton Equity Exchange.
Lowe (P.O. Holcomb); Farmers Elevators; The Garden City Co-operative Equity Exchange.
Lyons; Central Kansas Elevator; The Salina Terminal Elevator Company.
Lyons; Lyons Co-op Elevator; Lyons Co-operative Association.
Macksville; English Bros. Elevator; Robert H. English and William T. English, copartners, trading as English Grain Company.
Macksville; Farmers Co-op Assn. Elevator; Farmers Co-operative Association.
Maize; Maize Mills Elevator; Maize Mills, Inc.
Marienthal; West Plains Elevator; West Plains Grain, Inc.
Mayfield; Farmers' Co-op Elevator; Farmers' Cooperative Grain Association of Wellington, Kansas.
McPherson; Chase Elevator; The Chase Grain Co., Inc.
Meade; The Co-operative Elevators; The Co-Operative Elevator and Supply Company.
Milepost (P.O. Ulysses); Co-Op Elevator; The Ulysses Co-Operative Oil and Supply Company.
Morrowville; Continental Elevator; Continental Grain Company.
Moscow; Thurow Elevator; Carl M. Thurow, trading as Carl G. Thurow & Sons.
Moscow; Broilier'a C & D Elevator; C & D Grain, Inc.
Moscow; Moscow Elevator; Moscow Elevator Company, E. L. Gaskill, Inc.
Moscow; Moscow Co-op Elevator; The Farmers Co-Operative Grain and Supply Company.
Mullinville; Equity Exchange Elevator; The Equity Grain and General Merchandise Exchange.
Mulvane; Mulvane Co-op Elevator; The Mulvane Cooperative Union.
Nashville; Farmers Co-op Elevator; The Zenda Grain and Supply Company.
Neodesha; Neodesha Co-op Elevator; The Neodesha Cooperative Association.
Ness City; Co-op Elevator; The Right Cooperative Association.
Newton; Ross Elevator; Ross Industries, Inc.
Oberlin; Decatur Co-op Elevator; The Decatur Cooperative Association.
Ottawa; Ottawa Co-op Elevator; The Ottawa Cooperative Association.
Overbrook; Overbrook Farmers Co-Op Elevator; The Overbrook Farmer's Union Co-Operative Association.
Oxford; Parity Elevator; Parity Mills, Inc.
Park; Farmers Elevator; The Gove County Cooperative Association.
Peabody; Peabody Co-op Elevator; The Peabody Cooperative Equity Exchange.
Pierceville; Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Pierceville; Christensen Elevator; Christensen Grain, Inc.
Plains; Equity Elevator; The Plains Equity Exchange and Co-operative Union.
Preston; Farmers Elevator; The Preston Cooperative Grain & Mercantile Company.
Protection; Farmera Elevator; The Protection Cooperative Supply Company.
Putnam (P.O. Sedgwick); Galmeister Elevators; Frank Galmeister, trading as Galmeister Grain & Elevator.
Rock; Rock Elevator; Quentin F. Waples, d.b.a. The Rock Grain Co.
Rome (P.O. Wellington); Rome Elevator; McDaniel-Waples, Inc.
Roxbury; Moore Elevator; Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.
Russell; Russell Elevator; Agco, Inc.
Salina; International Elevator; International Multifoods Corporation.
Satanta; Satanta Coop Elevator; The Satanta Cooperative Grain Company.
Scott City; Coop Elevator; The Scott Cooperative Association.
Scott City; Scott City Elevator; The Scott City Grain Company, Inc.
Sedgwick; Farmers Elevator; The Andale Farmers Cooperative Company.
Sedgwick; The Sedgwick Alfalfa Mills; Sedgwick Alfalfa Mills, Inc.
Selkirk; Farmco Selkirk Elevator; Farmco, Inc.
Sharon; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.
Shields; Shields Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.
Shook (P.O. Anthony); Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.
South Haven; The Howell Elevator; Ray E. Howell, d.b.a. Howell Grain & Insurance.
St. Francis; Equity Elevator; The St. Francis Mercantile Equity Exchange.
St. John; Coop Elevator; The Dillwyn Grain and Supply Company.
Stafford; Stafford Coop; Stafford Coop.
Sterling; Farmers Elevator; The Farmers Cooperative Union.
Sublette; Haskell County Elevator; Haskell County Grain Company, Inc.
Sublette; Sublette Coop Elevator; The Co-operative Grain Dealers Union.
Syracuse; Jackson Elevator; Jackson Grain Co., Inc.
Tennis (P.O. Friend); Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Timken; Timken Coop Elevator; The Timken Cooperative Association.
Topeka; Far-Mar-Co Topeka Elevator; Far-Mar-Co., Inc.
Tribune; Farmco Tribune Elevator; Farmco, Inc.
Turon; Farmers Elevator; The Preston Co-operative Grain & Mercantile Company.
Ulysses; Co-Op Elevator; The Ulysses Co-Operative Oil and Supply Company.
Ulysses; Sullivan Inc. Elevator; Sullivan, Inc.
Valley Center; Valley Center Farmers Elevator, Inc.; Valley Center Farmers Elevator, Inc.
Wellington; Farmers' Co-op Elevator; Farmers' Cooperative Grain Association of Wellington, Kansas.
Wellington; Hunter Elevators; Ross Industries, Inc.
White City; Mor-Kan Elevator; Western Grain, Inc.
White Cloud; White Cloud Elevator; The White Cloud Grain Company, Inc.
Whitewater; Whitewater Elevator; The Whitewater Flour Mills Company.
Wichita; Public Terminal Elevator; Sam P. Wallingford, Inc.

Wichita; Western Grain Elevator; Western Grain, Inc.
Wilroads; Co-op Elevator; The Right Cooperative Association.
Wilson; Kyner Elevator; Kyner Elevators, Inc.
Wilson; Soukup Elevator; Arthur C. Soukup, trading as Soukup Grain Co.
Wolf (P.O. Deerfield); Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Wright; Co-op Elevators; The Right Cooperative Association.
Zenda; Farmers Co-op Elevator; The Zenda Grain and Supply Company.
Zenith; Farmers Elevator; Zenith Cooperative Grain Company.

KENTUCKY

Fulton; [1] Fulton Elevator; Browder Milling Company, Incorporated.
Livermore; Bunge Corporation Livermore Grain Terminal; Bunge Corporation.
Louisville; Kentucky Public Elevator; The Early and Daniel Company.
Louisville; Cargill Louisville Elevator; Cargill, Incorporated.
Louisville; Distillers' Grain Company Elevator; Distillers' Grain Company, Inc.
Mayfield; Mayfield Milling Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

LOUISIANA

Abbeville; Planters Warehouse; Riviana Foods Inc.
Ama; Farmers Export Elevator; Farmers Export Co.
Crowley; Acadia Warehouse; Riviana Foods Inc.
Crowley; Farmers' Warehouse; MFC Services (A.A.L.).
Delhi; Terrick Elevator; Lake Providence Port Elevator, Inc.
Destrehan; Bunge Corporation Elevator; Bunge Corporation.
Destrehan; St. Charles Grain Elevator; Archer-Daniels-Midland Company, a corporation, and Garnac Grain Co., Inc., a joint venture, trading and doing business under the firm name and style of The St. Charles Grain Elevator Company.
Egan; Egan Warehouse; Riviana Foods, Inc.
Gueydan; Gueydan Warehouse; Riviana Foods Inc.
Kaplan; Agnes Warehouse; Riviana Foods Inc.
Jennings; Northern Warehouse; Riviana Foods Inc.
Lake Charles; Lake Charles Warehouse; Riviana Foods Inc.
Lake Providence; Lake Providence Port Elevator; Lake Providence Port Elevator, Inc.
Myrtle Grove (P.O. Belle Chasse); Mississippi River Grain Elevator; Mississippi River Grain Elevator, Inc.
New Orleans; Public Grain Elevator of New Orleans; Public Grain Elevator of New Orleans, Inc.
Port Allen; Port of Baton Rouge Grain Elevator; Cargill, Incorporated.
Rayne; Rayne Warehouse; Riviana Foods, Inc.
Reserve; Bayside Elevator Co., a division of Bayside Warehouse Company; Bayside Warehouse Company.
Tallulah; Omega Grain Co.; Omega River Export Terminal, Inc.
Westwego; Continental Grain Elevator, Port of New Orleans; Continental Grain Company.

MARYLAND

Williamsburg; Whiteley Elevator; W. O. Whiteley & Son, Inc.

MICHIGAN

Adrian; Adrian Elevator; Adrian Grain Company.
Augusta; Knappen Elevator; Knappen Milling Company.
Dowagiac; Dowagiac Milling Company Elevator; The Dowagiac Milling Company.
Hillsdale; Stock Elevator; DCA Food Industries Inc.
Lowell; King Milling Company Elevator; King Milling Company.

MINNESOTA

Breckenridge; Cargill Elevator; Cargill, Incorporated.
Columbia Heights; Cargill Minneapolis Flax Plant; Cargill, Incorporated.
Crookston; Cargill Elevator; Cargill, Incorporated.
Duluth; Cargill Duluth Elevator; Cargill, Incorporated.
Duluth; Elevator A; General Mills, Inc.
Duluth; Capitol Elevator; International Multifoods Corporation.
Marshall; Cargill Elevator; Cargill, Incorporated.
Minneapolis; Elevator K; ADM Grain Co.
Minneapolis; Belco Elevator; Burdick Grain Company.
Minneapolis; Great Northern Elevator; Farmers Union Grain Terminal Association.
Minneapolis; Union Elevator; Farmers Union Grain Terminal Association.
Minneapolis; Searle Elevator; Searle Grain Company.
Minneapolis; Soo Elevator; ADM Grain Co.
Minneapolis; Pillsbury "A" Elevator; The Pillsbury Company.
Minneapolis; Pioneer Steel Elevator; Peavey Company.
Minneapolis; Washburn Elevator; General Mills, Inc.
Minneapolis; Consolidated A; North Star Barge & Warehouse Corporation.
Minneapolis; Calumet Elevator; North Star Barge & Warehouse Corporation.
Minneapolis; Elevator "R"; Victoria Elevator Company of Minneapolis.
Minneapolis; Shoreham Elevator; The McMillan Company.
Minneapolis; The Continental Elevator; Continental Grain Company.
Minneapolis; Electric Steel Elevator; Peavey Company.
Minneapolis; Republic Elevator; Victoria Elevator Company of Minneapolis.
New Ulm; Burdick Elevator; Burdick Grain Company.
Port Cargill (P.O. Savage); Port Cargill Elevator C; Cargill, Incorporated.
Red Wing; Central Elevator; Central Soya of Minnesota, Inc.
Savage; Port Bunge; Bunge Corporation.
Savage; Port Cargill Elevator "A"; Cargill, Incorporated.
Savage; Port Continental Elevator; Continental Grain Company.
Shakopee; Peavey River Concrete Terminal; Peavey Company.
Sleepy Eye; Cargill Elevator; Cargill, Incorporated.
St. Louis Park; Belco Elevator; Burdick Grain Company.
St. Paul; Capital B Elevator; International Multifoods Corporation.
St. Paul; Farmers Union Elevator; Farmers Union Grain Terminal Association.
St. Paul; Walsh River Terminal; Walsh River Terminal Corporation.
St. Paul; Elevator D; ADM Grain Co.
Thief River Falls; The McMillan Elevator at Thief River Falls; The McMillan Company.
Wesota; (P.O. Gluek); Cargill Elevator; Cargill, Incorporated.
Winona; Elevator "F"; Victoria Elevator Company of Minneapolis.

MISSISSIPPI

Clarksdale; Clarksdale Grain Elevator; MFC Services (A.A.L.).
Cleveland; Central Delta Warehousing Corporation Warehouse; Central Delta Warehousing Corporation.
Greenville; Greenville Warehouse; Riviana Foods Inc.
Greenville; Farmers Grain Warehouse; Farmers Grain Marketing Terminal (A.A.L.).
Hollandale; Stapiservice Hollandale Elevator; Staple Cotton Services Association (A.A.L.).
Indianola; Grain Storage Company, Division of Archer-Daniels-Midland Company; Archer-Daniels-Midland Company.
Inverness; Stapiservice Inverness Elevator; Staple Cotton Services Association (A.A.L.).
Marks; Riverside Industries Warehouse; Riverside Industries, Inc.
Natchez; Cargill Natchez Elevator; Cargill, Incorporated.
Pascagoula; Jackson County Terminal Elevator; Louis Dreyfus Corporation.
Webb; Stapiservice Webb Elevator; Staple Cotton Services Association (A.A.L.).

MISSOURI

Advance; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Albany; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Armstrong; Coop Elevator; Mid-Missouri Farmers Cooperative.
Bernie; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Bethany; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Bethany; Bethany Elevator; Bethany Mill and Implement Company.
Boonville; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Brookfield; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Brunswick; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Butler; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Callao; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Carrollton; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Caruthersville; MFA Elevator; Missouri Farmers Association, Inc.
Center; Slater & Fowles Center Elevator; Slater and Fowles, Incorporated.
Centralia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Chillicothe; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Chillicothe; Reed Elevator; Reeds Seeds, Inc.
Clinton; Larabee Elevator; Archer-Daniels-Midland Company.
Columbia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Conception Junction; M.F.A. Elevator; Missouri Farmers Association, Inc.
Corning; Corning Elevator; Rickel, Inc.
Craig; Community Elevator; Rickel, Inc.
Dalton; Dalton Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

[1] In Kentucky and Tennessee.

Dearborn; Halferty Bros. Elevator; Halferty Bros., Inc.
Dudley; Dudley Grain Warehouse; The Arkansas Rice Growers Cooperative Association trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.
Elmo; M.F.A. Elevator; Missouri Farmers Association, Inc.
Elsberry; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Essex; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Fayette; Coop Elevator; Mid-Missouri Farmers Cooperative.
Forest City; Cargill Elevator; Cargill, Incorporated.
Fortescue; Forteacue Elevator; The White Cloud Grain Company, Inc.
Gallatin; Froman Elevator; K. C. Froman, trading as Farmers Grain and Fertilizer.
Gallatin; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Gower; G.F.S. Elevator; Frederick L. Schuster, trading as Gower Feeders Supply.
Grant City; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Gregory Landing (P.O. Canton); Gregory Elevator; Gabe Logsdon & Sons, Inc.
Hamilton; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Hannibal; Hannibal Terminal Elevator; Hannibal Grain Terminal, Inc.
Hardin; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Hayti; MFA Elevator; Missouri Farmers Association, Inc.
Higginsville; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Kansas City; Cargill Milwaukee Elevator; Cargill, Incorporated.
Kansas City; General Mills Elevator; General Mills, Inc.
Kansas City; Chouteau Elevator; Simonds-Shields-Theis Grain Co.
Kansas City; Boulevard Elevator; Seaboard Allied Milling Corporation.
Kansas City; K.C.T. Elevator; Kansas City Terminal Elevator Company.
Kansas City; Purina Soybean Elevator; Ralston Purina Company.
Kennett; Kennett Soybean Elevator; E. M. Regenold d.b.a. Kennett Soybean Co.
La Belle; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Laddonia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Laddonia; Slater & Fowles Laddonia Elevator; Slater and Fowles, Incorporated.
Lamar; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Langdon; Langdon Elevator; Mildred Duval Bentley, Executrix of the Estate of Jay Temple Bentley, deceased, trading as Bentley Grain Company.
Lexington; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Linneus; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Louisiana; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Macon; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Maitland; Rother Grain and Feed Co. Elevator; Irvin Rother and Helen Bammer, copartners, trading as Rother Grain and Feed Co.
Marshall; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Marston; E. B. Gee Cotton & Grain Co. Warehouse; E. B. Gee Cotton & Grain Co., Inc.
Marthasville; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Martinsburg; Slater & Fowlea Martinsburg Elevator; Slater and Fowles, Incorporated.
Maryville; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Mexico; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Mexico; M-F-A Exchange Elevator; Missouri Farmers Association, Inc.
Moberly; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Napton; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Nelson; Nelson Elevator; Nelson Elevator, Inc.
New Franklin; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Norborne; B. F. Knipschild & Brothers Elevator; B. F. Knipschild, A. L. Knipschild, E. O. Knipschild and J. T. Knipschild, copartners, trading as B. F. Knipschild and Brothers.
Norborne; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
North Kansas City; Monarch Elevator; ADM Milling Co.
North Kansas City; Checkerboard Elevator; Ralston Purina Company, trading as Checkerboard Grain Company.
North Kansas City; International Elevator; International Multifoods Corporation.
North Kansas City; NCM Elevator; Nebraska Consolidated Mills.
Odessa; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Orrick; Arnold Bros. Produce Warehouse; Paul Arnold and Wilbur Arnold, copartners, trading as Arnold Bros. Produce.
Orrick; Orrick Farm Service Elevator; Orrick Farm Service, Inc.
Osage City; Osage City Elevator; W. A. Rootes and Company.
Palmyra; Farmers Coop Elevator; Farmers Cooperative Services, Inc. of Palmyra, Missouri.
Pattonsburg; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Perry; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Phelps City (P.O. Rock Port); Stanton Elevator; Stanton Grain Co.
Poplar Bluff; Butler County Grain Warehouse; The Arkansas Rice Growers Cooperative Association, trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.
Ravenwood; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Rea; Rea Elevator; Rea Grain & Feed Co.
Richmond; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Ristine (P.O. New Madrid); Checkerboard Elevator; Ralston Purina Company, trading as Checkerboard Grain Company.
Salisbury; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Senath; Senath Grain Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Sedalia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Shelbina; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Sheridan; MFA Exchange Elevator; Missouri Farmers Association, Inc.
St. Joseph; Far-Mar-Co St. Joseph Elevator; Far-Mar-Co., Inc.
St. Joseph; Bartlett Elevator; Bartlett and Co. Grain.
St. Joseph; Krause St. Joseph Elevator; Krause Milling Company.
St. Joseph; Mo-Kan Elevator; Mo-Kan Grain, Inc.
St. Joseph; Burlington Elevator; The Pillsbury Company.
St. Joseph; B. & E. Elevator; The B. & E. Grain Company.
St. Louis; Missouri Pacific Elevator; Jerry W. Fowles, Trading as Fowles Grain Company.
St. Louis; Pillsbury St. Louis Elevator; The Pillsbury Company.
St. Louis; St. Louis Grain Corporation Elevator; St. Louis Grain Corporation.
St. Marys; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Stanberry; Alldredge Grain & Storage Elevator; Alldredge Grain & Storage, Inc.
Sumner; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Tebbetts; Rootes Elevator; W. A. Rootes and Company.
Trenton; Hoffman & Reed Elevator; Hoffman and Reed, Inc.
Trenton; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Triplett; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Vandalia; Wasson Grain Elevator; Jack Wasson Grain Incorporated.
Vandalia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Wakenda; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Watson; Stanton Elevator; Stanton Grain Co.
Wayland; Logsdon's Elevator; Gabe Logsdon & Sons, Inc.

NEBRASKA

Ashland; Kuhl-Reece Company's Elevator; Kuhl-Reece Company.
Aurora; Dowd Elevator; Dowd Grain Company, Inc.
Bancroft; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Beatrice; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.
Beaver Crossing; Farmers Elevators; Farmers Cooperative Company.
Bellwood; Farmers Elevator; Farmers Cooperative Grain Company.
Benedict; Farmers Grain Association Elevator; Farmers Co-Operative Grain Association of Benedict, Nebraska.
Benkelman; Benkelman Elevators; Independent Elevators, Inc.
Berea (P.O. Alliance); Deaver Elevator; Deaver Grain Co., Inc.
Bertrand; Bertrand Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Bixby; Bixby Cooperative Elevator; Bixby Cooperative Company.
Blair; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Bloomfield; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Brownville; Continental Elevator; Continental Grain Company.
Cambridge; Urling Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Central City; Levitt Elevator; Merrick County Grain Co.
Chappell; Farmers Elevators; Farmers Elevator Company, A Cooperative.
Coleridge; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Columbus; Farmers Grain Terminal; Foreman-Gammel Grain Co., Inc.
Cornlea; Continental Elevator; Continental Grain Company.
Craig; Farmers Union Elevator; Farmers Union Co-Operative Association.

Crete; Crete Mills Division Elevator; Lauhoff Grain Company.
Doane; Doane Elevators; Independent Elevators, Inc.
Dorchester; Farmers' Elevators; The Dorchester Farmers Cooperative Grain and Livestock Company.
Durant; Richters Elevator; Elmer H. Richters, trading as Durant Grain Company.
Elmwood; Farmers Elevator; Farmers Cooperative Association of Elmwood, Nebraska.
Elsie; Kellogg Elevator; O. M. Kellogg Grain Company.
Enders; Farmers Elevator; Farmers Co-operative Exchange.
Fairbury; Farmers Union Co-op Elevator; Farmers Union Co-operative Association of Fairbury, Nebraska.
Farwell; Loup Valley Elevators; Scoular-Bishop Grain Company.
Fremont; Fremont Cake & Meal Elevator; Archer-Daniels-Midland Company.
Fremont; Far-Mar-Co., Fremont Elevator; Far-Mar-Co., Inc.
Fremont; Nebraska Consolidated Mills Elevator; Nebraska Consolidated Mills Company.
Friend; Friend Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Geneva; Koehler Elevator; A. Koehler Company.
Gibbon; Fox Elevator; Scoular-Bishop Grain Company.
Grand Island; Nebraska Consolidated Mills Elevator; Nebraska Consolidated Mills Company.
Grand Island; Grand Island Grain Division Elevator; Eisenman Chemical Co.
Grant; Co-Operative Elevator; The Grant Co-Operative Exchange.
Grant; Perkins County Elevator; Scoular-Bishop Grain Company.
Hartington; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Hartington; Hartington Elevator; Hartington Elevator Company.
Harvard; Farmers Elevators; The Farmers Union Co-operative Elevator Company.
Hastings; Garvey Elevator; Garvey Elevators, Inc.
Hemingford; Farmers Co-Operative Elevator; Farmers Co-operative Elevator Company.
Herman; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Imperial; Farmers Elevator; Frenchman Valley Farmers Cooperative, Inc.
Indianola; Urling Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Jacinto (P.O. Dix); Point of Rocks Elevator; Point of Rocks Elevatora, Inc.
Laurel; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Lincoln; Lincoln Grain, Inc. Elevator; Lincoln Grain, Inc.
Lincoln; Far-Mar-Co Lincoln Elevator; Far-Mar-Co., Inc.
Lincoln; Fairchild Division Elevator; Honeggers' & Co., Inc.
Lincoln; Gooch Mill Elevators; ADM Milling Co.
Lincoln; ADM Elevator; Archer-Daniels-Midland Company.
Lyons; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Maywood; Farmers Elevators; Maywood Cooperative Association.
Nebraska City; Bartlett Elevator; Bartlett and Company Grain.
North Bend; North Bend Elevator; North Bend Grain Company, Inc.
Oakland; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Ogallala; Cogil Elevators; Ogallala Grain, Inc.
Omaha; Allied Mills Elevator; Allied Mills, Inc.
Omaha; Far-Mar-Co Omaha Elevator; Far-Mar-Co., Inc.
Omaha; Illinois Central Elevator; ADM Grain Co.
Omaha; Nebraska Consolidated Mills Elevator; Nebraska Consolidated Mills Co.
Omaha; The Pillsbury Company Elevator "B"; The Pillsbury Company.
Omaha; Scoular-Welsh Omaha Elevator; Scoular-Welsh Grain Co.
O'Neill; Dowd Elevator; Dowd Grain Company, Inc.
Osceola; Farmers Grain Elevator; Farmers Cooperative Grain Co.
Osceola; Smith Elevator; Smith Grain Company.
Parks; Parks Elevator; Independent Elevatora, Inc.
Potter; Point of Rocks Elevator; Point of Rocks Elevatora, Inc.
Potter; Farmers Elevators; Potter Cooperative Grain Company.
Ranch Spur (P. O. Herman); Ranch Spur Elevator; H. C. Fankhouser and V. R. Fankhouser, copartners trading as Fankhouser Bros.
Red Willow (P. O. McCook); Urling Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Rock Bluff (P.O. Plattsmouth); Far-Mar-Co Rock Bluff Elevator; Far-Mar-Co., Inc.
Rogers; Golden West Grain Company's Rogers Elevator; Golden West Grain Company.
Rosalie; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Roscoe; Roscoe Elevator; John L. Gordon and Jeanette D. Gordon, copartners, d.b.a. Roscoe Grain Company.
Schuyler; Golden West Grain Company's Elevator; Golden West Grain Company.
Scribner; Farmera Elevator; Farmers Cooperative Mercantile Company, Non-Stock.
Scribner; Scribner Elevator; Scribner Grain & Lumber Company.
Seward; Allied Mills Elevator; Allied Mills, Inc.
Silver Creek; Farmers Grain Elevators; Farmers Cooperative Grain Co.
Shelton; Continental Elevator; Continental Grain Company.
St. Paul; Loup Valley Elevators; Scoular-Bishop Grain Company.
Staplehurst; Continental Elevator; Continental Grain Company.
Strang; Strang Grain Elevator; Strang Lumber and Grain Company.
Stromsburg; Farmera Elevators; Farmera Cooperative Grain Association of Stromsburg.
Superior; Scoular-Bishop Elevator; Scoular-Bishop Grain Company.
Tekamah; Farmers Elevator; Farmers Non-Stock Cooperative Grain Association.
Tekamah; Holmquist Elevator; The Holmquist Grain and Lumber Co.
Thurston; Merry Elevator; Darrel Merry, trading as Merry Grain & Lumber Co.
Ulysses; Farmera Cooperative Elevators; Farmers Cooperative Grain & Supply Co.
Utica; Utica Co-operative Grain Company's Elevators; Utica Co-operative Grain Company.
Venango; Dudden Elevator; Dudden Elevator, Inc.
Venango; Farmers' Elevators; Farmera Union Cooperative Grain Co. of Venango, Nebraska.
Verdel; Allied Mills Elevator; Allied Mills, Inc.
Wallace; Kellogg Elevator; O. M. Kellogg Grain Company.
Walthill; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Wauneta; Farmers Elevator; Farmers Cooperative Exchange.
Winnebago; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Winnebago; Merry Grain Company Elevator; Holmquist Elevator Company.
Winnetoon; Allied Mills Elevator; Allied Mills, Inc.
Winslow; Farmers Elevator; Farmers Cooperative Mercantile Company, Non-stock.

NEW MEXICO

Clovis; El Rancho Elevator; El Rancho Milling Co. (no stockholders' liability).
Clovis; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.
Clovis; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholders' liability).
Clovis; Worley Mills Elevator; Worley Mills, Inc. (no stockholders' liability).
Grier; Farmers Cooperative Elevators; Farmers Cooperative Elevatora, Inc.
Melrose; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.
Melrose; Melrose Elevator; Melrose Grain & Elevator Co., Inc.
Portales; Worley Mills Elevator; Worley Mills, Inc. (no stockholders' liability).
Texico; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholders' liability).
Texico; State Line Elevator; State Line Grain, Inc.
Tucumcari; Worley Mills Elevator; Worley Mills, Inc. (no stockholder's liability).

NEW YORK

Albany; Port of Albany Elevator No. 1; Cargill, Incorporated.
Buffalo; Continental Concrete Central Elevator; Continental Grain Company.
Buffalo; Standard Elevator; Standard Milling Company, d.b.a. Standard Milling Company, Inc., in New York State.

NORTH CAROLINA

Battleboro; E-B Grain Company, Inc.; Warehouse Superintendent of the State of North Carolina.
Camden; Wood Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Fayetteville; Cargill Fayetteville Elevator; Cargill, Incorporated.
Greenville; Fred Webb Elevator; James Fred Webb.
Monroe; Producers Feed Mill Warehouse; Warehouse Superintendent of the State of North Carolina.
Mooresville; Mooreaville Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Newton Grove, R.F.D. 2; House Grain Elevators; Warehouse Superintendent of the State of North Carolina.
Selma; Gurley Milling Co. Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Washington; Cargill Washington, N.C. Elevator; Cargill, Incorporated.
Wilson; Cargill Elevator; Cargill, Incorporated.

NORTH DAKOTA

Grand Forks; Garvey Elevator; Garvey Elevators, Inc.
Jamestown; Garvey Elevator; Garvey Elevators, Inc.

OHIO

Arcanum; Continental Elevator; Continental Grain Company.
Chillicothe; Standard Elevator; The Standard Elevator and Supply Company.
Cincinnati; Fairmount and Riverside Elevators; The Early and Daniel Company.
Columbus; Farm Bureau Columbus Elevator; The Farm Bureau Cooperative Association, Inc.
Columbus; Continental Elevator; Continental Grain Company.
Columbus; Eshelman Grain Company Elevator; International Multifoods Corporation.
Coshocton; Coshocton Elevator; Coshocton Grain Co.
Elgin; Elgin Elevator; Elgin Grain Company.
Fletcher; Fletcher Elevator; Shepard Grain Company, Inc.
Fostoria; Fostoria Elevator; The Ohio Farmers' Grain Corporation.
Fostoria; Mennel Elevator; The Mennel Milling Company.
Glandorf; Glandorf Elevator; Glandorf Feed Company.
Green Camp; Green Camp Co-operative Elevator; The Green Camp Co-operative Elevator Company.
Harrison (Route 4); J. A. Cornelius Grain Elevator; J. A. Cornelius.
Hume (R.R. No. 4, Lima); Hume Elevator; The Welker Grain Company.
Kileville (P.O. R.R. No. 3, Plain City); Kileville Elevator; The Ohio Grain Company.
Lima; Cargill Lima Elevator; Cargill, Incorporated.
Mansfield; General Grain Elevator; General Grain, Inc.
Marysville; Marysville Elevator; The Ohio Grain Company.
Maumee; Cargill Toledo Elevator; Cargill, Incorporated.
Mechanicsburg; Mechanicsburg Elevator; The Ohio Grain Company.
Pitsburg; Pitsburg Grain Elevator; Pitsburg Feed and Grain, Inc.
Shelby; Shelby Equity Elevator; The Shelby Equity Exchange Company.
Spencerville; Farmers Union Company Elevator; The Spencerville Farmers Union Company.
Thackery; Thackery Elevator; Shepard Grain Company, Inc.
Toledo; Cargill East Side Elevator; Cargill, Incorporated.
Troy; Troy Elevator; The Early and Daniel Company.
Van Wert; Welker Elevator; The Welker Grain Company.

OKLAHOMA

Afton; Afton Co-op Elevator; Afton Cooperative Association.
Apache; Apache Farmers Co-operative; Apache Farmers Co-operative.
Beaver; Perryton Equity Elevator; Perryton Equity Exchange.
Bison; Farmers Elevator; Bison Cooperative Association.
Blackwell; Blackwell Co-op Elevator; Blackwell Co-operative Elevator Association.
Boise City; Consumers Elevator; Boise City Farmers Cooperative.
Braman; Braman Co-op Elevator; Blackwell Co-operative Elevator Association.
Broken Arrow; Farmers Co-op Elevator; Farmers Cooperative.
Buffalo; Buffalo Farmers Elevator; The Buffalo Farmers' Co-operative Elevator Company.
Cashion; Farmers Exchange Elevator; Farmers Exchange of Cashion.
Cherokee; Farmers Elevator; Farmers Co-operative Elevator Association.
Clinton; Farmers Elevator; Farmers Co-operative Association.
Clyde; Clyde Elevator; Clyde Co-operative Association.
Cordell; Farmers Elevator; Farmers Co-operative Association.
Crescent; Crescent Cooperative Elevator; Crescent Cooperative Association.
Custer City; Farmers Elevator; Custer City Farmers Cooperative Exchange.
Deer Creek; Deer Creek Elevator; Clyde Co-operative Association.
Douglas; Farmers Elevators; Farmers Co-Operative Elevator Company of Douglas.
Enid; Continental Elevator; Continental Grain Company.
Enid; Union Equity Co-operative Exchange Elevator; Union Equity Co-operative Exchange.
Enid; Enid Terminal Elevators; Interstate Grain Corporation.
Fairview; Sooner Co-op Elevator; Sooner Cooperative, Incorporated.
Fargo; Farmers Elevator; Farmers Co-Operative Association.
Garber; Cooperative Elevator; Garber Co-operative Association.
Goodwell; Farmers Elevator; Farmers Elevator of Goodwell, Oklahoma, Inc.
Grandfield; Union Equity Elevator; Union Equity Co-operative Exchange.
Guymon; Knutson Elevator; Knutson Elevators, Inc.
Hardesty; Perryton Equity Elevator; Perryton Equity Exchange.
Helena; Farmers Elevator; Farmers Cooperative Association.
Hennessey; Farmers Co-operative Elevator; Farmers Elevator and Co-operative Association.
Homestead; Sooner Co-op Elevator; Sooner Cooperative, Incorporated.
Hooker; Equity Exchange Elevator; The Hooker Equity Exchange.
Hough (P.O. Guymon); Hough Elevator; Knutson Elevators, Inc.
Hunter; Hunter Farmers Elevator; Farmers Grain Company.
Hydro; Farmers Elevator; Hydro Cooperative Association.
Imo; Imo Farmers Elevators; Farmers Co-operative Elevator Company.
Kingfisher; Kingfisher Cooperative Elevator; Kingfisher Cooperative Elevator Association.
Knowles; Perryton Equity Elevator; Perryton Equity Exchange.
Kremlin; Farmers Elevator; Farmers Grain Company.
Lamont; Lamont Elevator; Clyde Co-operative Association.
Lawton; Cooperative Elevator A; Lawton Cooperative Association.
Marshall; United Co-op Elevator; United Cooperative, Inc.
May; May Elevator; Woodward Cooperative Elevator Association.
Medford; Medford Elevator; Clyde Co-operative Association.
Miami; Miami Co-op Elevator; The Miami Cooperative Association.
Midway (P.O. Hooker); Midway Elevator; Knutson Elevators, Inc.
Mooreland; Farmers Co-Op Elevator; Farmers Co-operative Trading Company.
Nardin; Cooperative Elevator; Clyde Co-operative Association.
Okeene; Sooner Co-op Elevator; Sooner Cooperative, Incorporated.
Oklahoma City; Garrison Elevator; Garrison Milling Company, Inc.
Perry; Farmers Cooperative Elevator; Farmers Cooperative Exchange.
Pond Creek; Farmers Elevator; Farmers Grain Company.
Ranch Drive (P.O. Ponca City); Ranch Drive Elevator; Farmers Cooperative Association.
Red Rock; Farmers Co-Op. Elevator; Red Rock Farmers Co-Operative.
Renfrow; Renfrow Elevator; Clyde Co-operative Association.
Saltfork; (P.O. Hunter) Saltfork Elevator; Clyde Co-operative Association.
Selman; Selman Farmers Elevator; The Buffalo Farmers' Co-Operative Elevator Company.
Shawnee; Shawnee Elevator; Shawnee Milling Company.
Tonkawa; Tonkawa Elevator; Farmers Co-operative Association.
Tuttle; MFC Elevator; Mid-Continent Farmers Co-op.
Vici; Farmer's Co-op. Ass'n Elevator; Farmers Cooperative Association of Vici.
Wakita; Farmers Co-operative Elevators; Farmers Co-operative Elevator Company of Wakita.
Weatherford; Co-Op. Elevator; Farmers Co-operative Exchange.
Woodward; Woodward Elevator; Woodward Cooperative Elevator Association.
Yukon; MFC Elevator; Mid-Continent Farmers Co-op.

OREGON

Athena; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Biggs (P.O. Wasco); Sherman Co-operative Grain Growers Warehouse; Sherman Co-operative Grain Growers.
Biggs; Moro Grain Growers Warehouse; Moro Grain Growers Association.
Condon; Condon Grain Growers Warehouse; Condon Grain Growers, Inc.
Dufur; Dufur Elevator; Dufur Elevator Company.
Eakin's Siding; Eakin Elevator; Eakin Co-operative Grain Growers.
Echo; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Elgin; The Elgin Flouring Mill Warehouse; The Elgin Flouring Mill Co.
Enterprise; Wallowa County Grain Growers Warehouse; Wallowa County Grain Growers.
Grass Valley; Grass Valley Grain Growers Warehouse; Grass Valley Grain Growers, Inc.
Haines; Haines Elevator; Haines Grain and Feed Company, Inc.
Helix; Farmers Mutual Warehouse Co-op; Farmers Mutual Warehouse Cooperative.
Heppner; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Hogue-Warner; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Hoidman; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Imbler; Grande Ronde Grain Warehouse; Grande Ronde Grain Co.
Ione; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Island City; Pioneer Flouring Mill Warehouse; Pioneer Flouring Mill Co.
Jordan; Jordan Elevator Company's Warehouse; Jordan Elevator Company.
LaGrande; LaGrande Milling Warehouse; LaGrande Milling Company.
Lakeview; Interstate Cooperative Elevator; Interstate Cooperative.
Lexington; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Maupin; Blue Line Exchange Warehouse; Blue Line Exchange.
McNab; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Milton-Freewater; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Morgan; Morgan Elevator; John Eubanks.
Moro; Moro Grain Growers Warehouse; Moro Grain Growers Association.
North Lexington; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.

North Powder; North Powder Milling and Mercantile Company's Warehouse; North Powder Milling and Mercantile Company.
Pendleton; Pendleton Grain Growers Warehouse No. 2; Pendleton Grain Growers, Inc.
Portland; Blue Line Exchange Warehouse; Blue Line Exchange.
Ruggs; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Umatilla; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Union; The Union Flouring Mill Warehouse; The Union Flouring Mill Company.

PENNSYLVANIA

Erie; Continental Erie Elevator; Continental Grain Company.
High Spire; Highspire Flour Mills Elevator; Standard Milling Company.
Philadelphia; Girard Point Elevator; Tidewater Grain Company.

SOUTH DAKOTA

Aberdeen; Cargill Elevator; Cargill, Incorporated.
Beardsley; Terminal Grain Elevator; Terminal Grain Corporation.
Centerville; Centerville Grain Elevator; McMaster Grain Company.
Colome; Colome Elevator—Dallas Branch; Farmers Co-operative Association of Dallas, South Dakota.
Cresbard; Eichinger Elevator, Cresbard Grain Company.
Dallas; Farmers Elevators; Farmers Cooperative Association of Dallas, South Dakota.
Marion; Terminal Grain Elevator; Terminal Grain Corporation.
Milbank; Cargill Elevator; Cargill, Incorporated.
Monroe; Terminal Grain Elevator; Terminal Grain Corporation.
Onida; Oahe Elevator; Oahe Grain Corporation.
Parker; Terminal Grain Elevator; Terminal Grain Corporation.
Roscoe; Roscoe Grain and Feed Company Elevator; Roscoe Grain and Feed Company, Inc.
Trent; Cargill Elevator; Cargill, Incorporated.
Vermillion; Terminal Farm Service Elevator; Terminal Grain Corporation.
Wagner; Terminal Grain Elevator; Terminal Grain Corporation.
Winner; Deaver-Meyer Elevator; Deaver-Meyer Grain Company.

TENNESSEE

Chattanooga; Cargill Chattanooga Elevator; Cargill, Incorporated.
Memphis; ADM Elevator; ADM Grain Co.
Memphis; Riverside Elevator No. 1, Cook Industries, Inc.
Memphis; Port of Memphis Grain Elevator; Cargill, Incorporated.
Memphis; Cargill President Island Oil Plant; Cargill, Incorporated.
Memphis; Continental Memphis Elevator; Continental Grain Company.
South Fulton; [1] Fulton Elevator; Browder Milling Company, Incorporated.
Trenton: Boyd Price Grain Co., Warehouse; Boyd Price, trading as Boyd Price Grain Co.
Union City; Farmers Grain Elevator; Farmers Grain & Fertilizer Company, Inc.
Union City; Warterfield Elevator; Warterfield Grain Company.

TEXAS

Adrian; Wheat Growers Elevator; Adrian Wheat Growers, Inc.
Amarillo; Interstate Grain Co. Warehouse; The Kearns Grain & Seed Co., Inc.
Amarillo; Producers Elevator; Producers Grain Corporation.
Anna; Sherley Elevator; Norman E. Jones, trading as N. E. Jones Grain.
Beaumont; Beaumont Elevator; Continental Grain Company.
Black; Black Grain Co. Elevator; Friona Feed Yard, Inc.
Black; Tri-County Elevator; Tri-County Elevator Company, Inc.
Booker; Booker Equity Elevator: Booker Equity Union Exchange.
Bovina; Wheat Growers Elevator; Bovina Wheat Growers, Inc.
Bovina; Sherley Elevator; Sherley Grain Company.
Brownfield; Goodpasture, Inc.-Brownfield Elevator; Goodpasture, Inc.
Bushland; Neely Elevator; H. T. Neely and Wm. K. Irwin, copartners, doing business as Neely Elevator.
Canadian; Co-op Elevator; Canadian Grain Co-op.
Capps Switch (P.O. Sunray); Continental Elevator; Continental Grain Company.
Channelview; Cargill Houston Elevator; Cargill, Incorporated.
Comyn (P.O. Dublin); Harvest Queen Elevators; L. R. Stringer.
Conway; Coop Elevator; Conway Wheat Growers Inc.
Dalhart; Consumers Elevator; Dalhart Consumers Fuel Association, Inc.
Dalhart; Welch Elevator; T. I. Welch and Thompson Irwin Welch, copartners, trading as Welch Grain Company.
Darrouzett; Farmers Elevators; Darrouzett Cooperative Association.
Dawn; Dawn Co-op Elevator; Dawn Co-op.
Deer Park; Union Equity Export Elevator; Union Equity Co-operative Exchange.
Dimmitt; Farmers Elevator; Dimmitt Wheat Growers, Inc.
Dumas; Co-op Elevator; Dumas Co-op.
Etter (P.O. Dumas); Continental Elevator; Continental Grain Company.
Etter (P.O. Dumas); Etter Grain Company Elevator; Etter Grain Company, Inc.
Farnsworth; Batman Elevator; Batman Grain, Inc.
Farnsworth; Perryton Equity Elevator; Perryton Equity Exchange.
Farwell; Worley Grain Company Elevator; Worley Grain Co. (no stockholder's liability).
Farwell; Sherley-Anderson-Pitman Elevator; Sherley-Anderson-Pitman, Inc.
Follett; Farmers Grain & Supply Co. Elevator; Farmers Grain and Supply Company of Follett.
Fort Worth; Katy Elevator; Bunge Corporation.
Fort Worth; Producers Elevator Section B; Producers Grain Corporation.
Friona; Sante Fe Elevator; Continental Grain Company.
Friona; Farmers Cooperative Elevator; Friona Wheat Growers, Inc.
Frisco; Frisco Elevator; Continental Grain Company.
Galena Park; Goodpasture Elevator; Goodpasture, Inc.
Galveston; Galveston "B" Elevator; Galveston Elevator Company, Inc.
Groom; Wheat Growers Elevator; Groom Wheat Growers, Inc.
Groom; Wheeler-Evans Elevator; Wheeler-Evans Grain, Inc.
Gruver; Continental Elevator; Continental Grain Company.
Hamlin; Moore Elevator; Moore Elevator, Inc.
Hart; Farmers Grain Elevator; The Farmers Grain Company of Hart, Texas.
Hartley; Farmers Supply Company Elevators; Farmers Supply Company of Hartley, Texas.
Happy; Wheat Growers Elevator; Happy Wheat Growers, Inc.
Hereford; Farmers Co-op Elevator; Hereford Grain Corp.
Hereford; Pitman-Easley Elevator; Pitman-Easley Industries, Inc.
Hereford; Hereford Elevator; Continental Grain Company.
Higgins; Wheat Growers Elevator; Higgins Wheat Growers, Inc.
Holden Spur (P.O. Mexia); Harvest Queen Elevators; L. R. Stringer.
Huntoon; Perryton Equity Elevator; Perryton Equity Exchange.
Kress; Kress Farmers Elevator; Kress Farmers Elevator Co. of Kress, Texas.
Kress; Hipp Elevator; Geo D. Hipp, Joe F. Hipp, Harold D. Hipp, James P. Hipp, Hipp Brothers Grain Company, Incorporated, and The Star Grain Company of Tulia, Texas, copartners, trading as Hipp Grain Company.
Lariat; Sherley-Anderson Elevator; Sherley-Anderson Grain Company.
Lockney; Patterson Elevator; Patterson Grain Company, Inc.
Lockney; Lockney Co-op Elevator; Lockney Cooperative Gin.
Lubbock; Goodpasture, Inc.-Lubbock Elevator; Goodpasture, Inc.
Lubbock; Producers Elevator; Producers Grain Corporation.
Mathis; Mathis Elevator; Mathis Grain & Elevator Corp.
McKibben (P.O. Spearman); Perryton Equity Elevator; Perryton Equity Exchange.
Morse; Perryton Equity Elevator; Perryton Equity Exchange.
Muleshoe; Muleshoe Elevator; The Kearns Grain & Seed Co., Inc.
Muleshoe; Farmers Cooperative Elevator; Farmers Cooperative Elevator of Muleshoe, Texas.
O'Donnell; Farmers Co-op Elevator; Farmers Co-Operative Association of O'Donnell, Texas.
Perryton; Perryton Equity Elevators; Perryton Equity Exchange.
Plainview; Harvest Queen Elevator; L. R. Stringer.
Plainview; Plainsman Elevator; Plainsman Elevators, Inc.
Plainview; Producers Elevator; Producers Grain Corporation.
Plainview; Southwestern Grain Elevator; Southwestern Grain, Inc.
Plainview; Cargill Plainview Elevator; Cargill, Incorporated.
Port Arthur; Cargill Port Arthur Elevator; Cargill, Incorporated.
Pringle; Perryton Equity Elevator; Perryton Equity Exchange.
Saginaw; Continental Elevator; Continental Grain Company.
Saginaw; Union Equity Ft. Worth Elevator; Union Equity Co-operative Exchange.
Silverton; Silverton Elevator; Silverton Elevators, Inc.
Spearman; Perryton Equity Elevator; Perryton Equity Exchange.
Sudan; Feeders Elevator; Feeders Grain, Inc.
Suman Switch (P.O. Hearne); Harvest Queen Elevators; L. R. Stringer.
Sunray; Sunray Co-Op Elevator; Sunray Co-Op.
Sunray; Continental Elevators; Continental Grain Company.
Texarkana; Pioneer of Texarkana Elevator; Pioneer Food Industries, Inc.
Texhoma; Wheat Growers Elevator; Texhoma Wheat Growers, Inc.
Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc.
Tulia; Wheat Growers Elevator; Tulia Wheat Growers, Inc.
Tulia; Prairie Elevator; Prairie Cattle and Grain Co.
Tulia; Star Grain Co. Elevator; The Star Grain Company of Tulia, Tex.
Tulia; Harvest Queen Elevators; L. R. Stringer.

[1] In Kentucky and Tennessee.

Twitchell; Perryton Equity Elevator; Perryton Equity Exchange.

Vega; Wheat Growers Elevator; Vega Wheat Growers, Inc.

Waka; Perryton Equity Elevator; Perryton Equity Exchange.

Wichita Falls; Berend Bros. Elevator, Berend Brothers Feed Stores, Inc.

Wildorado; Wildorado Producers Elevator; Wildorado Producers Ass'n.

UTAH

Cache Junction; West Cache Growers Warehouse; West Cache Growers, Inc.

Murray; Brookfield Elevator; Brookfield Products, Inc.

Richmond; Gilt Edge Flour Mills Warehouse; Gilt Edge Flour Mills, Inc.

VIRGINIA

Chesapeake; Cargill Norfolk Elevator; Cargill, Incorporated.

Norfolk; N. & W. Grain Elevator; Continental Grain Company.

Roanoke; City Mills Elevator; Roanoke City Mills, Incorporated.

WASHINGTON

Albion; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.

Asotin; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.

Centerville; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.

Colfax; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.

Connell; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.

Dayton; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.

Endicott; Wheat Growers of Endicott Warehouse; Wheat Growers of Endicott, Inc.

Fallon; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.

Goldendale; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.

Huntsville; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.

Johnson (P.O. Star Route, Pullman); Johnson Union Warehouse; Johnson Union Warehouse Company.

Kahlotus; Kahlotus Cooperative Elevator; Kahlotus Coopertive Elevator Company.

McKay; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.

Mockonema; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.

Oakesdale; Oakesdale Grain Growers Warehouse; Oakesdale Grain Growers, Inc.

Pomeroy; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc.

Prescott; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.

Pullman; Dumas Seed Company Warehouse; Dumas Seed Company.

Pullman; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.

Rockford; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.

Roosevelt; Farmers Warehouse & Commission Co.; Farmers Warehouse Commission Company.

Starbuck; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.

Thornton; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.

Uniontown; Uniontown Co-Operative Warehouse; Uniontown Co-Operative Association.

Waitsburg; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.

Washtucna; Washtucna Grain Growers Warehouse; Washtucna Grain Growers, Inc.

WISCONSIN

Green Bay; Strid Grain Company Elevator; T. A. Strid and Roland G. Strid, copartners trading as Strid Grain Company.

La Crosse; Cargill La Crosse Elevator; Cargill, Incorporated.

Superior; Great Northern Elevators S–X; ADM Grain Co.

Superior; Continental Elevator, Superior; Continental Grain Company.

Superior; Farmers Union Elevator; Farmers Union Grain Terminal Association.

Superior; M & O Elevators; M & O Elevators, Inc.

WYOMING

Egbert; Point of Rocks Elevator; Point of Rocks Elevators, Inc.

Beans

C. For the storage of beans:

COLORADO

Town, Warehouse, and Warehouseman

Dove Creek; Romer Warehouse; David L. Corlett and Jean R. Corlett, copartners, trading as Romer Mercantile and Grain Co.

Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.

Eaton; Co-Op Bean Warehouse; Agland, Incorporated.

Fowler; Fowler Warehouse; Fowler Cooperative Association.

Olathe; Co-op Warehouse; The Olathe Potato Growers' Cooperative Association.

Roggen; Roggen Farmer's Bean Warehouse; Roggen Farmer's Elevator Association.

IDAHO

Buhl; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".

Filer; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls.

Hansen; L. W. Moore Warehouse; L. W. Moore.

Jerome; Marshall Warehouse; Marshall Warehouses, Inc.

Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.

Nampa; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".

Twin Falls; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls.

Twin Falls; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, doing business as "Shields".

KANSAS

Leoti; Western Seed & Supply Warehouse; Charles R. Whitham, trading as Western Seed & Supply.

Marienthal; Webster Warehouse; Webster Seed and Supply Inc.

TEXAS

Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc.

Sirup

D. For the storage of sirup:

CALIFORNIA

Town, Warehouse, and Warehouseman

Anaheim; Anaheim Warehouse; Sioux Honey Association, Cooperative.

Stockton; Valley Honey Warehouse; Valley Honey Cooperative.

FLORIDA

Sunset Harbor (P.O. Summerfield); Sunset Harbor Warehouse; Sioux Honey Association, Cooperative.

Umatilla; Umatilla Warehouse; Sioux Honey Association, Cooperative.

GEORGIA

Waycross; Waycross Warehouse; Sioux Honey Association, Cooperative.

IDAHO

Wendell; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

IOWA

Sioux City; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

TEXAS

Temple; Temple Honey Warehouse, Sioux Honey Association, Cooperative.

Wool

E. For the storage of wool:

IDAHO

Town, Warehouse, and Warehouseman

Nampa; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".

MISSOURI

North Kansas City; Midwest Wool Warehouse; Midwest Wool Marketing Cooperative.

OHIO

Columbus; Ohio Wool Warehouse; The Ohio Wool Growers Cooperative Association.

SOUTH CAROLINA

Greenville; Black Hawk Warehouse; The Black Hawk Corporation.

Cottonseed

F. For the storage of cottonseed:

Town, Warehouse, and Warehouseman

ALABAMA

Decatur; Tennessee Valley Cotton Oil Mills; Tennessee Valley Cotton Oil Mill.

ARKANSAS

Evadale (P.O. Wilson); Delta Products Warehouse; Delta Products Company.

Forrest City; Forrest City Cotton Oil Mill Warehouse; Forrest City Cotton Oil Mill, Inc.

Helena; Helena Cotton Oil Company's Warehouse; Helena Cotton Oil Company, Inc.

Osceola; Osceola Products Warehouse; Osceola Products Company.

LOUISIANA

West Monroe; Union Oil Mill Warehouse; The Union Oil Mill, Inc.

MISSISSIPPI

Marks; Riverside Industries Warehouse; Riverside Industries, Inc.

Nuts

G. For the storage of nuts:

NORTH CAROLINA

Town, Warehouse, and Warehouseman

Lewiston; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Murfreesboro; Revelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Tarboro; Edgecombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

List of Warehouses Canceled or Terminated Since December 31, 1969

Cotton

A. For the storage of cotton.

ALABAMA

Anniston; Robinson Brothers Warehouse; Robinson Brothers Compress & Warehouse Co., Inc. Canceled at warehouseman's request.

Cullman; Ponder's Bonded Warehouse; Elbert E. Ponder and George W. Ponder, Jr., Trustees of Trust Estate B, under the Last Will of the late George W. Ponder. Canceled at warehouseman's request.

Fort Deposit; Norman Bonded Warehouse; Norman Trading and Milling Company, Inc. Canceled at warehouseman's request.

Huntsville; Cummings Bonded Warehouse; Charles H. Cummings. Canceled at warehouseman's request.

Monroeville; Monroe Bonded Warehouse; Monroe Bond and Mortgage Co. Canceled at warehouseman's request.

Panola; Panola Bonded Warehouse; W. O. Parker and E. A. Parker, copartners, trading as Panola Bonded Warehouse. Teminated, death of partner.

Talladega; Robinson Brothers Warehouse; Robinson Brothers Compress & Warehouse Co., Inc. Canceled at warehouseman's request.

Troy; Thompson Company Warehouse; Thompson Co., Inc. Canceled at warehouseman's request.

GEORGIA

Americus; Farmers Bonded Warehouse; Farmers Bonded Warehouse of Sumter, Inc. Canceled at warehouseman's request.

Augusta; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co. Canceled at warehouseman's request.

Monroe; Launius Bonded Warehouse; P. N. Briscoe, J. William Dickinson and Dan M. Briscoe, copartners, trading as Launius Bonded Warehouse Co. Terminated, death of partner.

Sparta; Moate's Bonded Warehouse; Marvin E. Moate. Canceled at warehouseman's request.

LOUISIANA

Homer; The Peoples Cotton Warehouse; C. G. Dowies. Canceled at warehouseman's request.

Newellton; Federal Compress Warehouse; Federal Compress & Warehouse Co. Canceled at warehouseman's request.

MISSISSIPPI

Amory; Federal Compress Warehouse; Federal Compress & Warehouse Co. Canceled at warehouseman's request.

Quitman; Quitman Bonded Warehouse; Daniel Marston Bonney; Executor of the Last Will and Testament of Robert Bonney, Deceased. Canceled at warehouseman's request.

NORTH CAROLINA

Bladenboro; Bridger Corporation Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Dunn; Tart Estate Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Gibson; Southern Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Kings Mountain; Kings Mountain Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Louisburg; J. S. Howell Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Louisburg; L. H. Dickens Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Maxton; Maxton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Monroe; Union County Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Mt. Olive; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Raleigh; Capital Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Rockingham; Rockingham Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Sanford; W. S. W. Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Smithfield; Farmers Cotton Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

Weldon; Long Cotton Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

SOUTH CAROLINA

Laurens; Merchants and Farmers Bonded Warehouse; Merchants and Farmers Bonded Warehouse. Terminated warehouseman elected not furnish bond.

Lynchburg; Lee Bonded Warehouse; Lee Bonded Warehouse, Inc. Canceled at warehouseman's request.

TENNESSEE

Memphis; Navy Yard Compress, Division of the Bayside Warehouse Co.; Bayside Warehouse Co. Canceled at warehouseman's request.

TEXAS

Brenham; Seidel Bros. Warehouse; Grace G. Seidel, Fred Wm. Seidel, Lathel S. Schroeder and Dorothy S. Meacham, copartners, trading as Seidel Bros. Terminated, warehouseman elected not furnish bond.

Galveston; Bayside Warehouse Company; Bayside Warehouse Company. Canceled at warehouseman's request.

Houston; Turning Basin Compress Warehouse; Turning Basin Compress Co. Canceled at warehouseman's request.

Mart; Exporters & Traders Compress & Warehouse Co.'s Warehouse; Exporters & Traders Compress & Warehouse Co. Canceled at warehouseman's request.

Grain

B. For the storage of grain:

ARKANSAS

Cherry Valley; Carwell Elevator Co. Warehouse; Carwell Elevator Co. J. L. Carwell, Jr. Leased out Warehouse.

DeWitt; DeWitt Rice Warehouse; L. A. Black Rice Milling Association, Inc. Failed to furnish bond.

DeWitt; Rollison Seed Company Elevator; O. G. Rollison, Rose Rollison and Robert C. Rollison, Copartners, trading as Rollison Seed Company. Death of partner.

Newport; Newport Rice Warehouse; Empire Rice Mills, Incorporated. Lease not renewed.

Parkdale, Route No. 1; Bayou Grain Elevator; Bayou Grain & Chemical Corporation. Failed to furnish bond.

Proctor; Craft Elevator; Continental Grain Company. Lease not renewed.

CALIFORNIA

Long Beach; Cerritos Elevator; Koppel Bulk Terminal. Relicensed as part of Koppel Bulk Terminal, Long Beach, Cal.

San Joaquin; Cargill San Joaquin Elevator; Cargill of California Inc. Lease not renewed.

COLORADO

Burlington; Mueller Grain Co. Elevator; Mueller Grain Co., Inc. Leased out warehouse.

IDAHO

Corral; Grain Growers Warehouse; Camas Prairie Grain Growers Inc. Relicensed as part of Grain Growers Warehouse, Fairfield, Idaho.

Hill City; Grain Growers Warehouse; Camas Prairie Grain Growers Inc. Relicensed as part of Grain Growers Warehouse, Fairfield, Idaho.

Rands; Grain Growers Warehouse; Camas Prairie Grain Growers Inc. Relicensed as part of Grain Growers Warehouse, Fairfield, Idaho.

ILLINOIS

Amboy; Amboy Elevators; Lee County Grain Association. Merger of corporations.

Ashmore; See's Grain Elevator; L. W. See, trading as See's Grain Elevator. Discontinued business.

Brownwood; Brownwood Elevator; Delavan Cooperative Elevator Co. Relicensed as part of Delavan Elevator, Delavan, Ill.

Buckingham; Buckingham O. K. Elevator; O. K. Grain Company. Destroyed by fire.

Edinburg; Edinburg Grain Elevator; Edinburg Grain, Inc. Merger of corporations.

Genoa; Merriman & Sons Elevator; Frank Merriman, James Merriman and Robert Merriman copartners, trading as Merriman & Sons. Failed to furnish bond.

Goodfield; Lawrence Warehouse Company Goodfield Elevators; Lawrence Warehouse Company. Lease not renewed.

LeRoy; LeRoy Elevator; LeRoy Elevator Co., Inc. Leased out warehouse.

Myra (R.R. #3, Urbana); Myra Grain Elevator; Richard Reeser, trading as Myra Grain Elevator Leased out warehouse.

Parnell (P.O. Farmer City R. #2); Walsh Grain Elevator; Robert E. Walsh and Elizabeth Walsh, copartners trading as Walsh Grain Elevator. Failed to furnish bond.

Pinckneyville; B. C. Christopher & Co. Elevator; partnership under laws of Missouri B. C. Christopher & Company, a limited. Lease not renewed.

Sheldon; Sheldon Elevator; ADM Grain Co. Warehouse sold.

Staley (R.F.D. #1, Champaign); Staley Elevator; Staley Grain And Supply Company. Warehouse closed.

Steward; Steward Elevators; Lee County Grain Association. Merger of corporations.

INDIANA

Bicknell; Barr Elevator; O. L. Barr Grain Co., Inc. Warehouse closed.

Millersburg; Millersburg Elevator; Lyon and Greenleaf Company, Incorporated. Warehouse sold.

IOWA

Blockton; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Clearfield; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Sheldon; Big 4 Elevator; Farmers Regional Cooperative, trading as Farmers Regional Cooperative, Inc. in the State of Iowa. Merger of corporations.

KANSAS

Abilene; ADM Elevator; Archer-Daniels-Midland Company. Warehouse sold.

Concordia; Concordia Mill Elevator; W. Bennett, Jr., and J. D. Bennett, Copartners trading as Concordia Milling Company. Warehouse sold.

Furley; Furley Grain Elevator; The Furley Grain, Incorporated. Warehouseman's request.

Green; Lippert Elevator; Maxine Lippert Friederich as an Individual and Executrix of the Estate of Warren R. Lippert, trading as Lippert Grain Co. Estate settled.

Laird (P.O. Ness City); Co-op Elevator; The Right Cooperative Association. Relicensed as part of Co-op Elevator, Ness City, Kansas.

Saliana; International Milling Company Elevator; International Milling Company Inc. Merger of corporations.

Wilmore; Wilmore Elevator; The Bowersock Mills & Power Company. Warehouseman's request.

LOUISIANA

Eunice; St. Landry Warehouse; Riviana Foods, Inc. Warehouse closed.

MARYLAND

Baltimore; Baltimore Terminal Elevator; Peavey Company. Warehouse sold.

MINNESOTA

Duluth; Capitol Elevator; International Milling Company Inc. Merger of corporations.

Duluth; Peavey-Occident Elevator; Peavey Company. Warehouse sold.

Minneapolis; Republic Elevator; Peavey Company. Warehouse sold.

St. Paul; Capital B. Elevator; International Milling Company Inc. Merger of corporations.

Winona; Peavey Company Terminal Operations—Winona; Peavey Company Warehouse sold.

MISSISSIPPI

Marks; Riverside Oil Mill; Riverside Oil Mill. Warehouse sold.

MISSOURI

Advance; Advance MFA Elevator; MFA Central Cooperative. Warehouse sold.

Albany; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Bernie; Bernie MFA Elevator; MFA Central Cooperative. Warehouse sold.

Bethany; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Boonville; Boonville MFA Elevator; MFA Central Cooperative. Warehouse sold.

Brookfield; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Brunswick; MFA Central Cooperative Elevator; MFA Central Cooperative. Warehouse sold.

Butler; Butler MFA Elevator; MFA Central Cooperative. Warehouse sold.

Callao; Callao Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welch, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert W. Wilson, General Partners B. C. Christopher & Company. Gave up lease.

Centralia; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Chillicothe; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Columbia; Boone County MFA Elevator; MFA Central Cooperative. Warehouse sold.

Dearborn; Halferty Bros. Elevator; J. B. Halferty and Carl Halferty Copartners, doing business as Halferty Brothers. Warehouse sold.

Elsberry; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Essex; Essex MFA Elevator; MFA Central Cooperative. Warehouse sold.

Gallatin; Gallatin MFA Elevator; MFA Central Cooperative. Warehouse sold.

Grant City; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Hamilton; Farmers Elevator; Farmers Produce and Grain Co. Warehouse sold.

La Belle; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Laddonia; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Lexington; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Linneus; MFA Central Cooperative Elevator; MFA Central Cooperative. Warehouse sold.

Macon; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Marshall; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Marthasville; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Moberly; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Napton; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Netherlands; MFA Elevator; Missouri Farmers Association, Inc. Lease not renewed.

New Franklin; New Franklin MFA Elevator; MFA Central Cooperative. Warehouse sold.

North Kansas City; Monarch Elevator; Archer-Daniels-Midland Company. Warehouse sold.

North Kansas City; International Milling Company Elevator; International Milling Company, Inc. Merger of corporations.

Pattonsburg; Pattonsburg MFA Elevator; MFA Central Cooperative. Warehouse sold.

Perry; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Salisbury; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Sedalia; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Shelbina; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Sheridan; MFA Elevator; MFA Central Cooperative. Warehouse sold.

St. Marys; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Trenton; MFA Elevator; MFA Central Cooperative. Warehouse sold.

Vandalia; MFA Elevator; MFA Central Cooperative. Warehouse sold.

NEBRASKA

Grant; Continental Elevator; Continental Grain Company. Lease not renewed.

Lincoln; Gooch Mill Elevators; Gooch Milling & Elevator Company. Warehouse sold.

Scribner; Scribner Elevator; Scribner Grain & Lumber Company. Warehouse sold.

NEW MEXICO

Tucumcari; Farmers Elevator; Farmers Cooperative Association. Failed to furnish bond.

NEW YORK

Buffalo; Cargill Electric Elevator; Cargill, Incorporated. Warehouseman's request.

Buffalo; Cargill Superior Elevator; Cargill, Incorporated. Warehouseman's request.

NORTH CAROLINA

Elizabeth City; Continental Grain Elevator; Continental Grain Company. Warehouseman's request.

Engelhard; R. L. Gibbs and Company Grain Elevator; Warehouse Supt. of the State of North Carolina. Warehouseman's request.

Warsaw; Farmers Grain Elevator; Warehouse Supt. of the State of North Carolina. Warehouseman's request.

NORTH DAKOTA

Grand Forks; G-F Elevator; G-F Grain Co. Warehouse sold.

OHIO

Columbus; Eshelman Grain Company Elevator; International Milling Company. Merger of corporation.

OKLAHOMA

Cherokee; Cherokee Mills Elevator; Flour Mills of America, Inc. Warehouse sold.

Hitchcock; Sooner Coop Elevator; Sooner Cooperative, Incorporated. Relicensed as part of Sooner Coop Elevator, Okeene, Oklahoma.

OREGON

Mikkalo; Condon Grain Growers Warehouse; Condon Grain Growers, Inc. Relicensed as part of Condon Grain Growers Warehouse, Condon, Oregon.

SOUTH CAROLINA

Anderson; Anderson Grain Elevator; South Carolina Farm Bureau Marketing Association. Warehouseman's request.

Easley; Easley Grain Elevator; South Carolina Farm Bureau Marketing Association. Warehouseman's request.

North Charleston; S.C. Farm Bureau Elevator; South Carolina Farm Bureau Marketing Association. Warehouseman's request.

SOUTH DAKOTA

Redfield; Western Grain Elevator; Western Grain, Inc. Warehouse sold.

Woonsocket; Woonsocket Elevator; Roscoe Grain and Feed Company, Inc. Warehouse sold.

TENNESSEE

Franklin; Lillie Mills Elevator; Lillie Mills Elevators, Inc. Warehouse sold.

TEXAS

Deer Park; Equity Export Elevator; Equity Export Corporation, Inc. Warehouse sold.

Fort Worth; Boys Town of the Desert Elevator; Boys Town of the Desert. Failed to furnish bond.

Hale Center; Wheat Growers Elevator; Hale Center Wheat Growera Inc. Warehouseman's request.

Hamlin; Moore Elevator; Fred B. Moore, Sr., and F. Barry Moore III, Independent Executors of the Estate of Fred B. Moore, Jr., deceased, trading as Moore Elevator. Estate closed.

Hart; Hart Grain Co. Elevator; Hart Grain Co., Inc. Leased out warehouse.

Kaffir (P.O. Tulia); Wheat Growers Elevator; Tulia Wheat Growers Inc. Relicensed as part of Wheat Growers Elevator, Tulia, Texas.

Kress; Hipp Elevator; Geo. D. Hipp, Harold D. Hipp, Joe F. Hipp, and James P. Hipp, Copartners, trading as Hipp Grain Company. Warehouse sold.

Sterley; Sterley Co-op Elevator; Lockney Cooperative Gin. Relicensed as part of Lockney Co-op Elevator, Lockney, Texas.

Tulia; Farmers Elevator; The Farmers Grain Company of Tulia, Texas. Leased out warehouse.

WASHINGTON

Glenwood; Colfax Grain Growers Warehouse; Colfax Grain Growers Inc. Relicensd as part of Colfax Grain Growers Warehouse, Colfax, Wash.

Manning; Colfax Grain Growers Warehouse; Colfax Grain Growers Inc. Relicensed as part of Colfax Grain Growers Warehouse, Thomton, Wash.

Steptoe; Colfax Grain Growers Warehouse; Colfax Grain Growers Inc. Relicensed as part of Colfax Grain Growers Warehouse, Thomton, Wash.

Peyton; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc. Ware house sold.

Sirup

C. For the storage of sirup.

OHIO

Lima; Lima Warehouse; Sioux Honey Association, Cooperative. Warehouse closed.

Done at Washington, D.C., March 17, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-4214 Filed 3-25-71;8:52 am]

Forest Service

SAWTOOTH WILDERNESS PROPOSAL

Notice of Public Hearing

Notice is hereby given in accordance with the provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890–892; 16 U.S.C. 1131–1132), that public hearings will be held, beginning at 9 a.m. on May 3, 1971, in the Opera House, Sun Valley, Idaho, and 9 a.m. on May 4, 1971, in the Rodeway Inn, 29th Street and Chinden Boulevard, Boise, ID, on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States that a recommendation be submitted to the Congress for the establishment of the Sawtooth Wilderness, comprised of approximately 199,270 acres within and contiguous to the Sawtooth Primitive Area. The proposed Sawtooth Wilderness is located in the Boise, Challis, and Sawtooth National Forests in the counties of Blaine, Boise, Custer, and Elmore, in the State of Idaho.

A brochure containing a map and information about the proposed Wilderness may be obtained from the respective Forest Supervisors or the Regional Forester:

Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, ID 83706.
Forest Supervisor, Challis National Forest, Forest Service Building, Challis, ID 83226.
Regional Forester, Federal Building, 324 25th Street, Ogden, UT 84401.
Forest Supervisor, Sawtooth National Forest, 1525 Addison Avenue, East Twin Falls, ID 83301.

Individuals and organizations may express their views by appearing at these hearings or may submit written comments for inclusion in the official record to the Regional Forester, Federal Building, 324 25th Street, Ogden, UT 84401, by June 3, 1971.

EDWARD P. CLIFF,
Chief, Forest Service.

[FR Doc.71-4210 Filed 3-25-71;8:52 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-341]

FRANK PAUL LaGAMMA

Notice of Loan Application

MARCH 22, 1971.

Frank Paul LaGamma, 7644 Circle Drive, Lemon Grove, CA 92045 has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 63-foot length overall steel vessel to engage in the fishery for tuna (yellowfin, bluefin, skipjack, albacore) and bonito.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief, Division of
Financial Assistance.

[FR Doc.71-4158 Filed 3-25-71;8:48 am]

Office of the Secretary

ALBERT EINSTEIN COLLEGE OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Nocket No. 71–00160–33–46040. Applicant: Albert Einstein College of Medicine, Yeshiva University, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Electron Microscope, Model HU–12. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be utilized to survey a large and highly varied number of materials. It will be necessary to scan tissue sections at low power both to select cells for high-magnification analysis and for the information to be fed into the computer in case of morphometry. The microscope will also be applied to the molecular analysis of cellular components such as alveolar surface film, molecular organization of phospholipids, and DNA and RNA of human and animal tissues.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated January 8, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary
for Resources.

[FR Doc.71-4121 Filed 3-25-71;8:45 am]

CHILDREN'S HOSPITAL OF PHILADELPHIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No.: 71-00139-33-46040. Applicant: The Children's Hospital of Philadelphia, 1740 Bainbridge Street, Philadelphia, PA 19146. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in the following research.

(1) The study of host-virus interactions; recognition and behavior of oncogenic viruses; structure, development and function of antibody producing cells, and studies of biochemical storage diseases.

(2) Organs, tissue culture cells, blood cells, and biochemical substances accumulating in body cells.

(3) The investigation of attachment and entry of infecting virus, structural changes in cells during latent period.

(4) Human leukemia and lymphoma viruses, oncogenic viruses of animals have been investigated in detail as to their structure and influence on permissive cells.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated December 22, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-4122 Filed 3-25-71;8:45 am]

EMORY UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00722-01-77030. Applicant: Emory University, Department of Chemistry, Atlanta, Ga. 30322. Article: NMR Spectrometer, Model HF-90S. Manufacturer: Bruker Scientific, Inc., West Germany.

Intended use of article: The article will be used in the study of a wide variety of organic, biological, and pharmacological materials, for the purposes of identification, structural characterization, and the elucidation of their physical and biological properties. One investigation concerns the structure-activity relations and the metabolic behavior of several important drug systems, and the possibility of developing new labeled drugs tagged with stable isotopes. As a training instrument, the article will be used in chemistry courses for undergraduate and graduate students.

Comments: Comments have been received from Varian Associates (Varian) dated July 13, 1970, which alleges inter alia that the Model HA-100-15 was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the article was ordered (Aug. 9, 1968).

Reasons: The captioned application is a resubmission of Docket No. 69-00250-01-77030 which was denied without prejudice to resubmission due to informational deficiencies described therein. The foreign article provides a sweep width of 1,000 parts per million (p.p.m.) for carbon-13 spectroscopy. The new Varian Model XL100-15 which became available in September 1969, provides a sweep width of 1,400 p.p.m. for carbon-13 spectroscopy. However, at the time the foreign article was ordered the most closely comparable domestic instrument was the Varian Model HA-100-15 which provided a sweep width of 400 p.p.m. for carbon-13 spectroscopy.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 16, 1970, that the difference in sweep width is pertinent to the purposes for which the foreign article is intended to be used.

For this reason, we find that the Varian Model HA-100-15 was not of equivalent scientific value to the foreign article for those purposes for which the foreign article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-4123 Filed 3-25-71;8:45 am]

HARVARD MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 70-00583-33-46070. Applicant: Harvard Medical School, Howe Lab. of Ophthalmology, 243 Charles Street, Boston, MA 02114. Article: Scanning electron microscope, Model JSM-2, and television scan, Model JSM-TVS. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used in ophthalmic research. The three major projects concern corneal wound healing, glaucoma study, and blood vessel study. Human and experimental animal eyes will be examined. The information obtained will be used teaching courses of anatomy, pathology, and clinical ophthalmology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (prior to November 1968).

Reasons: The foreign article is equipped with a rapid TV scan attachment which allows the scanning of specimen surface rapidly, giving a readout on a cathode ray tube similar to a television set. The rapid scan TV attachment provides a picture having a continuous motion instead of the interrupted motion provided by the conventional mode of presentation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 14, 1970, that the rapid scan TV provided by the foreign article is pertinent to the purposes for which that article is intended to be used. HEW further advised that it knew of no comparable domestic instrument which provided this pertinent capability at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-4124 Filed 3-25-71;8:45 am]

LANKENAU HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00108-33-46040. Applicant: The Lankenau Hospital, Division of Research, Lancaster and City Line Avenues, Philadelphia, PA 19151. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic NVD, The Netherlands.

Intended use of article: The article will be used by the Division of Pathology in diagnostic work and by the Division of Research. Projects concern the study of ultrastructural changes in virus-infected cells (both in vivo and in vitro) a continuing study of abortive virus infection of cells, and the identification of viral precursor units made possible by this system; and a continuing project on the definition of the mechanism of a recently discovered antiviral drug effective against Herpes hominis virus, acting on a late stage of virus synthesis.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 15, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-4125 Filed 3-25-71;8:45 am]

LUTHERAN GENERAL AND DEACONESS HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No.: 71-00151-33-46040. Applicant: Lutheran General and Deaconess Hospital, Department of Pathology, 1775 Dempster Street, Park Ridge, IL 60068. Article: Electron Microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for research to evaluate the possible therapeutic hyperbaric oxygen effect on early acute myocardial infarction in man. The aim of this study is to reproduce a myocardial infarct in dog heart which would be treated by hyperbaric oxygen following occlusion simulating the clinical conditions as they occur in patients with acute myocardial infarctions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare, in its memorandum dated January 5, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-4126 Filed 3-25-71;8:45 am]

STANFORD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00155-33-46040. Applicant: Stanford University, Purchasing Department, 820 Quarry Road, Palo Alto, CA 94304. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used for research on the identification of the arrangement of the proteinaceous microfibrils and their subunits in microtubules, which play a pivotal role in cell division (mitosis). This study is of great importance for the understanding of the action of more effective mitotic inhibitory chemicals, specifically vinblastine, one of the few compounds which are successful in cancer therapy. Another study related to membranes will include the elucidation of the different steps of fusion of certain viruses (Sendai type) with the outer cell wall of tissue culture cells.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by

the Department of Health, Education, and Welfare in its memorandum dated January 5, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–4127 Filed 3–25–71;8:46 am]

TEXAS A&M UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00112–33–46040. Applicant: Texas A&M University, College Station, Tex. 77843. Article: Electron Microscope, Model HU–11E–1. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used in an advanced research program designed to investigate the fine structure of biological organisms. The studies concern the isolated mitochondria from plant and animal tissue to determine ultrastructural changes due to different energized states; isolated fungal walls which have undergone various degrees of extractions will be for analysis to determine cell wall skeletal structure; research on viruses; and isolated preparations of subcellular bacterial and blue-green algae structures.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 15, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–4128 Filed 3–25–71;8:46 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 70–00631–33–46070. Applicant: University of California, Santa Barbara, Santa Barbara, Calif. 93106. Article: Scanning Electron Microscope, Model JSM–2, and accessories. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used for instruction and thesis research for students and as a research instrument for geology faculty. The areas of studies include the ultrastructure of pre-Paleozoic nannofossils to attempt to differentiate them morphologically from similar living and more recent fossil microbiota; morphological relationships of these fossil organisms with presently living genera and families; a search for fossil remains of still smaller unknown life forms (viruses, rickettsias) that may have inhabited the primitive earth; study of lunar and Martian rock and debris samples as they become available; and for special application in mineralogical, microbiological, and microstructure studies.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (prior to June 1969).

Reasons: The foreign article is equipped with a rapid TV scan attachment which allows the scanning of specimen surface rapidly, giving a readout on a cathode ray tube similar to a television set. The rapid scan TV attachment provides a picture having a continuous motion instead of the interrupted motion provided by the conventional mode of presentation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 14, 1970, that the rapid scan TV provided by the foreign article is pertinent to the purposes for which that article is intended to be used. HEW further advised that it knew of no comparable domestic instrument which provided this pertinent capability at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–4129 Filed 3–25–71;8:46 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No.: 71–00118–33–46040. Applicant: University of California at San Diego, La Jolla, Calif. 92037. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronics NVD, the Netherlands.

Intended use of article: The article will be used for research concerning a program to use ferritin-antibody conjugates to localize different blood group antigens on human red blood cells; the localization of various forms of nucleic acids by the use of specific antibodies; an investigation of the differentiation of myelin; and for investigations of membrane structures, especially with the membranes of a new type bacteriophage, PM–2.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 22, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–4130 Filed 3–25–71;8:46 am]

UNIVERSITY OF CONNECTICUT ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 71–00315–33–46500. Applicant: University of Connecticut, Storrs Conn. 06268. Article: Three ultramicrotomes, Model LKB 8800A, and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic studies dealing with the fine structure of nervous tissue from the cerebellum of developing and adult animals, normal and operated. One of the major projects is the study of the maturation of intercellular contacts and synaptic membranes, as well as their reaction to axonal degeneration at different stages of maturation. Application received by Commissioner of Customs: December 21, 1970.

Docket No. 71–00324–16–61800. Applicant: Western School Corp., Russiaville, Ind. 46979. Article: Planetarium, Model Mercury. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article will be used for precision sky and apparent sky motions simulation for educational and public programs including astronomy and navigation instruction. Application received by Commissioner of Customs: December 31, 1970.

Docket No. 71–00325–33–46040. Applicant: Cornell University Medical College, 1300 York Avenue, New York, NY 10021. Article: Electron Microscope, Model EM–300. Manufacturer: Philips Electronics, NVD, The Netherlands. Intended use of article: The article will be used in a number of research projects aimed at defining the secretory nature of bat thyroid follicular and parafollicular cells; determining the interrelationships between parafollicular cells, parathyroid gland, and bone secretory states; determining changes in the secretory state of these tissues at different times of the annual life cycle of the bat; and defining the nature of bat thyroid cell to cell contacts and intracellular crystalloid inclusions. Application received by Commissioner of Customs: December 31, 1970.

Docket No. 71–00326–33–46500. Applicant. University of Minnesota Hospitals, Department of Obstetrics and Gynecology, Box 395, Mayo Memorial Hospital, Minneapolis, MN 55455. Article: Ultramicrotome, LKB 4800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The purposes of the research project for which the article will be used are to clarify the histogenesis of the human ovarian neoplasms and to identify the intercellular location of steroidgenesis in the ovaries by morphological methods. Application received by Commissioner of Customs: December 31, 1970.

Docket No. 71–00327–33–00–46040. Applicant: Duke University Medical Center, Durham, N.C. 27706. Article: Accessories for AEI EM 801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The articles are accessories for an existing electron microscope. Application received by Commissioner of Customs: December 31, 1970.

Docket No. 71–00328–65–46070. Applicant: North Carolina State University, Raleigh, N.C. 27607. Article: Scanning electron microscope, Model JSM–2. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used in a wide variety of research and teaching applications concerned with asphalts and concretes, ceramics, composites, metals, minerals and rocks, polymers, solid state electronic devices, textiles, wood and wood products, and a broad range of biological specimens. Application received by Commissioner of Customs: December 31, 1970.

Docket No. 71–00329–00–46040. Applicant: Duke University, Durham, N.C. 27706. Article: Image intensifier. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory for an existing Elmiskop 101 electron microscope. Application received by Commissioner of Customs: December 31, 1970.

Docket No. 71–00330–33–46040. Applicant: Children's Hospital of San Francisco, 3700 California Street, San Francisco, CA 94119. Article: Electron microscope, EM 9S–2. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used in the study of biologic fixed tissue. This includes tumors excised from the human body at surgery, experimental animal tissues before and after experimental alterations, and tissue fluids to be studied for the presence of virus particles. The Department of Pathology will train post-doctoral fellows, students, and coworkers in the use of the microscope. Application received by Commissioner of Customs: December 31, 1970.

Docket No. 71–00331–65–25300. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Electrical discharge machine, Model D1–S. Manufacturer: Charmilles Eng. Works, Ltd., Switzerland. Intended use of article: The article will be used for programs to produce monocrystalline metal foils for experiments on polarization of channeled particles, a study of plasma contamination and wall erosion by secondary particle emission, and for the development of electron adder and stripper foils for particle accelerators. Other programs concern the fabrication of EBR–II fuel hardware and the basic metallurgical research related to the controlled thermonuclear reactor experiments. Application received by Commissioner of Customs: December 31, 1970.

Docket No. 71–00332–33–46500. Applicant: University of Rochester, River Campus, Rochester, NY 14627. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research concerning the ultrastructure of nerve tissue, particularly axonal and synaptic membrane ultrastructure.

Another project involves fixation techniques for electron microscopy of different vertebrate tissues such as skeletal muscle, heart, central and peripheral nervous system, liver, kidney, bone, etc., as well as in invertebrate nervous tissue. Application received by Commissioner of Customs: December 31, 1970.

Docket No. 71–00333–00–54600. Applicant: Hope College, Holland, Mich. 49423. Article: Monocrystal of quartz. Manufacturer: Dr. Steeg & Reuter, West Germany. Intended use of article: The article will be used to construct a curved-crystal diffractometer in the transmission geometry. This diffractometer will be used to detect changes in the charge

distribution of high-Z elements by measuring the shift in the binding energy of K-shell electrons under change in the number of neutrons. Application received by Commissioner of Customs: December 31, 1970.

Docket No. 71-00334-88-43000. Applicant: University of Colorado, Purchasing Department, Regent Hall, Room 122, Boulder, CO 80302. Article: Magnetometer, Model MF2-100. Manufacturer: Edgar Sharpe & Associates, Ltd., Canada. Intended use of article: The article will be used in the Geological Sciences Building for instruction in geophysics at all levels. A freshman course, Physical Science—Introduction to Geophysics, and a senior level course, Geophysical Prospecting, will use the instrument as a teaching tool, for laboratory work, and for individual research. Application received by Commissioner of Customs: December 31, 1970.

Docket No. 71-00335-33-43780. Applicant: Sequoia Hospital District, Whipple & Alameda de las Pulgas, Redwood City, CA 94026. Article: Surgical instruments and appliances. Manufacturer: Chas. F. Thackary Ltd., United Kingdom. Intended use of article: The article will be used for surgical total hip replacement in a series of surgical hip operations. Application received by Commissioner of Customs: January 6, 1971.

Docket No. 71-00336-33-28500. Applicant: University of Iowa, Biochemistry Department, Medical Research Center, Iowa City, Iowa 52240. Article: Electrophoresis Equipment. Manufacturer: Locarte Co., United Kingdom.

Intended use of article: The article will be used to study the migration of large and small aggregates of charged molecules under the influence of an electrical field which is applied to a medium in which the molecules are suspended. Amino acids, peptides from enzyme digestions, proteins, nucleic acids, viruses, and colloidal particles of biological importance that carry charges will be separated. Also, the article will be used in four biochemistry courses for the training of students of pharmacy, dentistry, and chemistry. Application received by Commissioner of Customs: January 6, 1971.

Docket No. 71-00337-33-21095. Applicant: University of California, San Francisco, Purchasing Department, 1438 South Tenth Street, Richmond, CA 94804. Article: Dichrograph, Model CD 185. Manufacturer: Jouan, France.

Intended use of article: The article will be used in pharmaceutical chemistry courses and for research to determine the configuration of a wide range of biologically active substances, including synthetic drugs, steroids, amino acids, natural alkaloids, phospholipids, peptides, and proteins over the wavelength range from 185 to 615 nm., and for carrying out conformational studies in solution on these substances. Application received by Commissioner of Customs: January 7, 1971.

Docket No. 71-00338-33-46040. Applicant: Sinai Hospital of Baltimore, Inc. Belvedere at Greenspring Avenue, Baltimore, Md. 21215. Article: Electron Microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for the training of M.D. Pathologists in the use of microscopic techniques as applicable to human tissues such as kidney biopsies, liver biopsies, cancer, and other pertinent specimens. The second use is for investigative purposes pertaining to research programs on human and experimental cancer. Research concerns carcinogenesis in the urinary bladder of the rat and the behavior of the Golgi apparatus in various tissues during carcinogenesis. Application received by Commissioner of Customs: January 7, 1971.

Docket No. 71-00339-01-777030. Applicant: Southwest Minnesota State College, Marshall, Minn. 56258. Article: NMR Spectrometer, Model R-20. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used parimarily for educational purposes although in many cases this includes problems which are research oriented in nature, by involving students in research in whatever courses possible at a very early date. The courses include Organic Chemistry, Physical Chemistry, Advanced Analytical Chemistry, Advanced Inorganic Chemistry, Advanced Organic Chemistry, Biochemistry, and Directed Studies. Application received by Commissioner of Customs: January 11, 1971.

Docket No. 71-00340-33-46040. Applicant: University of Colorado, Department of Molecular, Cellular and Developmental Biology, Boulder, Colo. 80302. Article: Electron Microscope, Model EM9S-2. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used for educational purposes. Cell and Tissue Biology, a course for undergraduates, will introduce the students at the laboratory level to the techniques and instrumentation of electron microscopy, the procedures of cell fractionation, cytochemistry, histochemistry and autoradiography, and the isolation and examination of macromolecules from cells and tissues. Techniques of Biological Research, a course for graduate students, is designed to provide rigorous training in the techniques of cell biology. Application received by Commission of Customs: January 11, 1971.

Docket No.: 71-00341-33-46040. Applicant: University of Southern California, School of Medicine, Department of Pathology, 2025 Zonal Avenue, Los Angeles, CA 90033. Article: Electron Microscope, Model HS-8F. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used primarily for educational purposes and secondarily in the study of diseases of the human central nervous system. Human brain tissues obtained at surgery or at autopsy will be studied. Ultrastructural Pathology and Neuropathology courses for graduate students, residents and fellows, will teach electron microscopy and the pathology of the central nervous system. Application received by Commissioner of Customs: January 12, 1971.

Docket No.: 71-00342-33-46500. Applicant: The University of Connecticut, Health Center, Hartford Plaza, Hartford, Connecticut 06105. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter, AB, Sweden. Intended use of article: The article will be used to produce thin sections for electron microscopy. The research involves ultrastructural study of nervous tissue and subcellular fractions of nervous tissue. Projects include the effects of psychoactive drugs on ultrastructural distribution of glycogen in mouse brain, study of synaptic structure in the cerebellum of the dogfish shark, and attempts to isolate and ultrastructurally characterize pre- and postsynaptic membranes from brain functions. Application received by Commissioner of Customs: January 13, 1971.

Docket No.: 71-00343-33-46500. Applicant: Naval Medical Research Unit No. 4, Great Lakes, Ill. 60088. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter, AB, Sweden.

Intended use of article: The article will be used to section virus infected tissues and organs as well as tissue cultures from animal and human sources. Visualization and identification of the virus particles in situ by electron microscopy of ultrathin sections will be employed for disease diagnosis and research on the pathogenesis of viral infections. Application received by Commissioner of Customs: January 13, 1971.

Docket No.: 71-00344-33-46500. Applicant: Division State Medical Examination, 150 Cabinet Street, Newark, NJ 07107. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter, AB, Sweden.

Intended use of article: The article will be used to study biologic material, mainly various mammalian tissues, including human biopsy material (kidney, heart, liver, and gastrointestinal tract). Projects concern human biopsy and animal experiments in acute and chronic drug states, including acute chronic alcoholism and heavy metal intoxication. Application received by Commissioner of Customs: January 13, 1971.

Docket No.: 71-00345-33-46500. Applicant: University of Cincinnati, College of Medicine, Department of Laboratory Animal Medicine, Eden and Bethesda Avenue, Cincinnati, OH 45219. Article: Ultramicrotome, Model LKB 8800A, and Knifemaker Combination. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used to study animal tissue from mice, rats, rabbits, dogs, cats, goats, monkeys, and several additional species of animals that fall in the category of laboratory animals. The research concerns an investigation of spontaneous diseases of laboratory animals and studies of the morphological changes. Application received by Commissioner of Customs: January 13, 1971.

Docket No.: 71-00346-33-46500. Applicant: Rutger's The State University, Rutger's Medical School, 7 College Avenue, New Brunswick, NJ 08903. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used to study kidney tissue and blood platelets of normal and diseased rats and mice, and kidney tissue of diseased patients. Research concerns the effects of chronic renal failure on the blood platelets and the effects of a reduced kidney mass on the ultrastructive of the glomerulus. Application received by Commissioner of Customs: January 13, 1971.

Docket No.: 71-00347-00-61800. Applicant: Foothill Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022. Article: Planetarium Projector, Model MS-15. Manufacturer: Minolta Camera Co., Ltd., Japan.

Intended use of article: The article will be used by local community colleges for teaching courses in Astronomy (Introductory Astronomy), Astronomy (Observational and Constellation Study Laboratory), Biology (Fundamental Biological Concepts), and Celestial Navigation. Community services courses for the general public will be offered and the article will serve to supplement the astronomy, space science and general science curriculum of the elementary and secondary public and private schools. Application received by Commissioner of Customs: January 13, 1971.

Docket No.: 71-00348-33-46500. Applicant: The University of Texas, M.D. Anderson Hospital and Tumor Institute at Houston, Texas Medical Center, Houston, Tex. 77025. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter, AB, Sweden.

Intended use of article: The article will be used for research involving the quantitative studies of number and distributions of microtubles in various motile systems such as the mitotic spindle, spermatozoan flagellum, cilia and centrioles. In addition, an attempt will be made to localize various enzymes by ultracytochemical techniques. Application received by Commissioner of Customs: January 15, 1971.

Docket No.: 71-00349-33-46040. Applicant: The Rockefeller University, York Avenue and 66th Street, New York NY 10021. Article: Electron Microscope, Model EM-300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used in the Department of Biochemical Cytology for studies at all levels of resolution, including very high resolution, of different cytological phenomena occuring in normal and pathologically altered cells. The major problems to be studied include combined morphological and biochemical studies on lysosomes and peroxisomes in mammalian liver and other tissues and in the protozoan Tetrahymena pyriformis. Application received by Commissioner of Customs: January 15, 1971.

Docket No.: 71-00350-32-46040. Applicant: Trustees of Health and Hospitals of the City of Boston, Inc., 909 Massachusetts Avenue, Boston, MA 02118. Article: Electron Microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used at the Mallory Institute of Pathology for postgraduate training in pathology. House officers in pathology (interns, residents, and fellows) will be given instruction in normal and pathologic fine structure. Electron microscopy, tissue preparations, and studies of normal and abnormal fine structure will be taught to the present twenty-one trainees. Application received by Commissioner of Customs: January 15, 1971.

Docket number: 71-00371-33-46500. Applicant: Mayo Foundation, 200 First Street SW., Rochester, MN 55901. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used to study the ultrastructure of human peripheral blood and bone marrow cells. The central research objective is the ultrastructural evaluation of these cells in patients with preleukemia and myelomonocytic leukemia. Application received by Commissioner of Customs: January 29, 1971.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-4133 Filed 3-25-71;8:46 am]

UNIVERSITY OF PENNSYLVANIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Imporation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 71-00351-33-46040. Applicant: University of Pennsylvania, School of Medicine, 36th and Spruce Streets, Philadelphia, PA 19104. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in the Department of Pathology for the training of pathologists in the techniques and application of electron microscopy, for research diagnostic health services, and for the support of research by members of the department. Biopsies will be performed on selected diseases of kidney and liver and the area of research includes cancer research, virology, and immunology. Application received by Commissioner of Customs: January 18, 1971.

Docket No. 71-00352-33-46040. Applicant: University of Maryland, Baltimore County, 5401 Wilkins Avenue, Baltimore, MD 21228. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research on ultrastructural aspects of nuclear development in ciliated protozoa and on production of surface membrane in the same organisms. Advanced undergraduate and graduate students will be trained in the basics of electron microscopic techniques and applications. Application received by Commissioner of Customs: January 18, 1971.

Docket No. 71-00353-33-46040. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, CT 06520. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan: Intended use of article: The article will be used mainly for the training of postdoctoral fellows, medical students and graduate students from the Department of Anatomy and other departments. The Anatomy courses include Relationship of Fine Structure to Function of Cytoplasmic Organelles, Methods in Anatomy, and Research. The experiments combine the use of electron microscopy and cytochemistry related to biological problems. Application received by Commissioner of Customers: January 18, 1971.

Docket No. 71-00354-33-46040. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, CT 06520. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article wil be used for research combining cytochemistry and electron microscopy, inquiring into the relationship of biochemical activity to the fine structural elements of cells. Investigations concern the fine structural localization of enzymes, lipoprotein lipase, hormone sensitive lipase, and synthesized gold ligands adenosine monophosphate. Application received by Commissioner of Customs: January 18, 1971.

Docket No. 71-00355-33-46500. Applicant: Health Research, Inc., Roswell Park Division, 666 Elm Street, Buffalo, NY 14203. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of

article: The article will be used in studies of fixed and embedded specimens of tumor tissue from experimental model animal systems, e.g. murine leukemia, avian leukosis, also tissue culture preparations of cells infected with viruses with oncogenic potential such as Friend virus, Viper virus, and Epstein-Burkitt Herpes-type virus. Application received by Commissioner of Customs: January 18, 1971.

Docket No. 71–00356–16–61800. Applicant: Norwood City School District, 2132 Williams Avenue, Norwood, OH 45212. Article: Planetarium, Model Venus, and auxiliaries. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article will be used for precision sky and apparent sky motion simulation for educational and public programs including astronomy and navigation instruction. Application received by Commissioner of Customs: January 19, 1971.

Docket No. 71–00357–33–46040. Applicant: Harbor General Hospital, 1000 West Carson Street, Torrance, CA 90509. Article: Electron microscope, Model HU–11E, with 125 KV option. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study isolated spermatozoa and ova of mouse, rabbit, hamster, monkey, and woman; biopsies of kidneys, livers, brains, muscles, skin, and bone marrows of patients affected by a variety of diseases; and developing organs of embryos from mouse, rabbit, and woman. Application received by Commissioner of Customs: January 19, 1971.

Docket No. 71–00358–33–46040. Applicant: University of California, San Diego, University Hospital of San Diego County, 225 West Dickinson Street, San Diego, CA 92103. Article: Electron microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for basic medical research projects using fresh human tissue from the surgical pathology laboratory for ultrastructural study. Specific projects concern various aspects of human tumors, emphasizing a study of tumors whose cell of origin is in question; a study of endocrine and nonendocrine tumors that have endocrine-like function; and for the study of pulmonary disease such as various forms of interstitial pneumonia. Application received by Commissioner of Customs: January 19, 1971.

Docket No. 71–00359–33–46040. Applicant: Institute for Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, NY 10314. Article: Electron microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to examine tissue from mentally retarded children and also from patients with diseases known to be associated with mental retardation. Similar diseases induced in experimental animals will also be studied. The effects of various agents on tissue cultures of the nervous system will be examined at the fine structural level. Metabolic and genetic abnormalities will be studied. Application received by Commissioner of Customs: January 20, 1971.

Docket No. 71–00360–99–25100. Applicant: Lighthouse for the Blind, Houston, 3530 West Dallas, Post Office Box 13435, Houston TX 77019. Article: Esto automatic drilling and filling machine, Model No. AH65, and accessories. Manufacturer: E. Steinebrunner & Co., West Germany. Intended use of article: The article will be used for vocational education, working with legally blind and visually impaired individuals. With this equipment, handicapped people will be trained to take their place in competitive industry. Trainees will be instructed in producing tapes required for various type brushes, and will after installing tapes, produce brushes as required. Application received by Commissioner of Customs: January 20, 1971.

Docket No. 71–00361–00–07795. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Four each lenses, Model 1060–217. Manufacturer: Rodenstock Inc., West Germany. Intended use of article: The lenses will be used for image transfer in a nanosecond framing camera to examine results of diagnostic tests of nuclear detonation. Application received by Commissioner of Customs: January 21, 1971.

Docket No. 71–00362–00–07700. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Lens, Kinoptik, with barrel mount in carrying case. Manufacturer: Karl Heitz, Inc., France. Intended use of article: The article will be used in a 35 mm. camera for studies of the aurorae. Application received by Commissioner of Customs: January 21, 1971.

Docket No. 71–00364–01–90000. Applicant: University of Pennsylvania, School of Medicine, Department of Anesthesia, 3400 Spruce Street, Philadelphia, PA 19104. Article: Electrical stimulator, syringe injectors, transducer mount, and solenoid valves automating drug assay by guinea pig smooth muscle preparation. Manufacturer: Oxford University, Department of Pharmacology, United Kingdom. Intended use of article: The article will be used for the observation of the response of an injected dose of stimulating drug. It is specifically designed to automate the study of synaptic pharmacology of the isolated innervated guinea pig smooth ileal muscle preparation. Application received by Commissioner of Customs: January 25, 1971.

Docket No. 71–00364–01–90000. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, CT 06520. Article: Rotating anode X-ray generator, Model GX–6. Manufacturer: Elliot Automation Radar Systems, Inc., United Kingdom. Intended use of article: The article will be used for research concerning purified enzyme including hexokinase and alkaline phosphatase and membranes, detailed structure of pure material and complexes with substrate analogs, and for X-ray diffraction of crystals of pure materials and complexes. Educational purposes include courses in Molecular Biophysics and Biochemistry. Application received by Commissioner of Customs: January 25, 1971.

Docket No. 71–00366–33–46040. Applicant: University of Minnesota, Saint Paul, Minn. 55101. Article: Electron microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used primarily as a teaching instrument for the training of professional staff and graduate students in the College of Veterinary Medicine. Emphasis will be placed on specimen preparation, microtomy, and interpretation of electron micrographs. Application received by Commissioner of Customs: January 26, 1971.

Docket No. 71–00367–33–46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used as a research tool to study the fine structure of the nervous system. Typical projects include a study of electroreceptor ultrastructure in fish and electron microscopy of the adrenergic fibers of the pacinian corpuscle. Application received by Commissioner of Customs: January 27, 1971.

Docket No. 71–00368–00–20700. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, CA 94720. Article: Glass block for Cerenkov Counter—two each. Manufacturer: Ohara Glass, Japan. Intended use of article: The lead-loaded glass (two blocks 54 x 54 x 23 cm. and 12 small blocks) will be used to construct a detector for 100 MeV gamma rays. Application received by Commissioner of Customs: January 29, 1971.

Docket No. 71–00369–98–07000. Applicant: University of Miami, Post Office Box 8184, Coral Gables, FL 33124. Article: Special low inductance cable. Manufacturer: Sterling Cable Co. Ltd., United Kingdom. Intended use of article: The article will be used in studying the containment of a thermalnuclear plasma. The research could lead to a potential power source of unequal utility combined with a minimum amount of contamination of the environment. Research physicists will be trained in Plasma Physics and Magneto-hydrodynamics courses. Application received by Commissioner of Customs: January 29, 1971.

Docket No. 71–00370–33–46500. Applicant: State University of New York at Buffalo, Purchasing Department, 1803 Elmwood Avenue, Buffalo, NY 14207. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to thin section fragments of renal tissues obtained from patients or from experimental animals with glomerulonephritis or kidney transplants. The aim of the studies is to gain information on morphology and immunology of human and experimental renal diseases. Application received by Commissioner of Customs: January 29, 1971.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–4131 Filed 3–25–71;8:46 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00210–65–46070. Applicant: University of Wisconsin, Milwaukee, 1900 East Kenwood Boulevard, Room 350, Milwaukee, WI 53201. Article: Scanning electron microscope, Model JSM–U3. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used for surface studies investigating the microdynamics of the braze joining process; for examination of field electron emission tips; for studies of vapor deposited thin films and integrated circuits produced by vapor depositions; and for high vacuum surface physics research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with supplementary deflection coils to allow the generation of pseudo-Kikuchi patterns. We are advised by the National Bureau of Standards (NBS in its memorandum dated January 21, 1971, that the ability to produce pseudo-Kikuchi patterns is pertinent to the applicant's intended purposes. NBS further advises that it knows of no comparable domestically manufactured instrument that can be used for all of the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes of which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–4132 Filed 3–25–71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6, formerly part 10 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685–92 dated February 25, 1970) is amended to reflect reorganization of the Bureau of Foods, Pesticides and Product Safety and the redesignation of this Bureau as the Bureau of Foods approved by the Secretary on February 10, 1971.

Section 6B is amended as follows:

SEC. 6B *Organization.* * * *

(k) *Bureau of Foods.* Conducts research and develops standards and policy on the composition, quality, nutrition, and safety of foods, food additives, colors, and cosmetics.

Conducts research designed to improve the detection, prevention and control of contamination that may be responsible for illness or injury conveyed by foods, colors and cosmetics.

Plans, coordinates and evaluates FDA's surveillance and compliance programs relating to foods, colors and cosmetics.

Reviews industry petitions and recommends the promulgation of regulations for food standards and to permit the safe use of color additives, and food additives.

Collects and interprets data on nutrition, food additives and environmental factors affecting the total chemical insult posed by food additives. These factors include other direct and indirect additives, normal food components, atmospheric components and pollutants, and natural contaminants which may become a part of food and/or interact with food additives.

Performs analyses of regulatory samples as may be necessary to support FDA's compliance programs relating to foods and cosmetics industries.

(k–1) *Office of the Assistant Director for Management.* Assists the Director by providing strategic and operational planning, financial and general resource management; analysis and recommendations on policy development; solutions to operational problems and related system demands; development and operation of appropriate scientific and program management support systems; identification and evaluation of program priorities.

Develops and applies effectiveness measures to Bureau programs, both with regard to internal effectiveness as well as with regard to impact upon the regulated industries and the various other professional and consumer clientele.

Identifies operational goals and designs program management and control systems relevant to both short and long range objectives.

Develops Bureau planning, programing and budgeting systems.

Advises and assists the Director and other key Bureau officials by providing overall planning, analytical and management support to mobilize resources to accomplish primary and secondary management objectives.

Provides guidance and direction for the Bureau's scientific and management information systems and monitors the Bureau's utilization of electronic and other data processing practices.

Provides guidance and direction for the Bureau's general administrative management support activities and insures the responsiveness of these activities to line management's needs.

Represents the Bureau in matters related to planning and management support with the other Bureaus and the Office of the Commissioner, the Department, other Federal executive agencies and the regulated industries.

(k–2) *Office of Assistant Director for Scientific Coordination.* Coordinates Bureau scientific research programs both within FDA and with private and other governmental agencies both nationally (EPA, USDA, NIH, AEC, NIEHS, PHS, etc.) and internationally (WHO, FAO, etc.) to facilitate collaboration in attacking common problems and preventing duplication of effort.

Advises the Bureau Director on scientific matters which come within the Bureau's mission and may impact on FDA policy and direction of short range objectives which are in concert with long range program goals.

Prepares staff paper reviews and analytical reports on scientific projects to guide Bureau Director and the Associate Commissioner for Science in policy decisions.

Monitors and serves as a focal point for the Bureau's extramural contracts and grants program and evaluates and recommends to the Bureau Director approvals and terminations of such extramurally supported projects. Maintains close liaison with the Office of Associate Commissioner for Science in this program.

Initiates, develops and provides guidance for an epidemiology program with the Bureau. Advises the Bureau Director of the impact and significance of health hazards affecting the public. Supplies the Assistant Director for Management with summaries of the impact and significance of health hazards for resource planning purposes.

Coordinates with the Associate Commissioner for Science in developing international research projects of mutual interest to the Bureau and FDA and foreign countries relevant to foreign currency awards based on PL–480 funding.

Represents the Bureau on the Science Advisory Committee and is chairman of the Bureau's Committee on Scientific Affairs.

Manages library facilities and services to provide for the collection of scientific information appropriate to the Bureau's mission.

(k–3) *Office of Sciences.* Conducts research relating to the composition, quality, nutrition, and safety of foods.

Performs analysis of regulatory samples as may be necessary to support FDA's compliance programs.

Provides scientific evaluation of food additive and color additive petitions.

Provides guidance and direction for the Bureau's methods research activities.

Develops mathematical methods and models and provides statistical analysis of the Bureau's research, extramural and regulatory programs.

Provides scientific, technical and editorial review and arranges for the publication and issuance of Bureau project and research status reports.

(i) *Division of Chemistry and Physics.* Originates, plans, and conducts research applying advanced spectroscopic chromatographic, instrumental, and physicochemical, and radiochemical and tracer techniques, to elucidate the chemical composition and properties of significant substances in foods and related commodities; develops analytical methodology as new hazards to man are uncovered.

Devises new methods for analysis of foods and related commodities; investigates the mechanism of the underlying chemical reactions.

Provides scientific evaluation of food additive petitions.

Studies the chemical effects of processes applied to food and food products and establishes radiological safety practices in the handling and disposal of radioactive materials.

Initiates plans and executes studies in specialized fields of advanced analytical instrumentation and design or adapts such instrumentation when necessary.

Performs chemical analyses of regulatory samples as may be necessary to support FDA's compliance programs.

(ii) *Division of Mathematics.* Originates, plans, and conducts research with regard to the mathematical design, analysis and interpretation of health, sanitation and economic studies.

Develops mathematical methods and models and provides statistical analysis of the Bureau's research, extramural and regulatory programs.

Reviews and evaluates experimental design and statistical data submitted in support of petitions for food additive, food standard and color additive regulations.

Provides statistical support to the offices and operating divisions. Investigates mathematical and statistical techniques for incorporation into the data analysis systems and for translating and interpretating technical information for Bureau use.

(iii) *Division of Nutrition.* Originates, plans, and conducts research to elucidate nature and properties of nutritionally significant substances in foods and related commodities and factors affecting the action of these substances; to determine the effects of these substances on reproduction, growth, and development in biological and microbiological systems; and to study the metabolic fate of these substances and their interaction with other food components such as food additives.

Devises new methods for the analysis of nutritionally significant substances in foods (including special dietary foods), investigates the mechanisms of the underlying biochemical reactions as potential approaches to the development of suitable analytical methods. Develops and recommends plans and policy Examines surveillance and compliance regarding nutritional reliability and improvement of the food supply. Evaluates nutritional aspects of labeling of foods. samples of foods for vitamins and other nutritional factors.

(iv) *Division of Pathology.* Investigates the nature and significance of the gross and microscopic changes which occur in animal tissues and organs as the result of short-term exposure to food additives and to toxic contaminants of chemical, microbiological or natural origin.

Reviews and evaluates pathological data submitted in support of petitions for food additives, and color additive regulations. Provides pathological support to other elements of the Bureau of Foods, as necessary for the complete evaluation of toxicological experiments, including the performance of autopsies on experimental animals, and the preparation and examination of histological material. Maintains a complete registry of pathological information and material to serve as a repository of information concerning the pathological effects of toxic stress on animals.

Develops new methods of anatomical and histochemical examination of organs and tissues from animals subjected to treatment with pesticides, food additives, natural toxins, and other environmental contaminants.

Studies the metabolic fate, the physiological, and pathological response from additives and contaminants in various substrates. Performs pathological analyses of regulatory samples as may be necessary to support FDA's compliance programs.

(v) *Division of Toxicology.* Originates, plans, and conducts research with regard to the toxic effects of substances occurring in foods, cosmetics, colorants, and related commodities through direct addition, inadvertent adulteration, or arising out of the use of pesticides.

Investigates the mechanism of the underlying toxicological reactions which may directly or indirectly lead to diseases in man.

Establishes for toxic substances the quantitative aspects of the dose response relationship in a variety of animal species for various toxicological manifestations with particular relevance to applicability to man.

Investigates and develops new, standardized, or improved bases for establishing and evaluating toxicological injury to animals from chemicals permitted in foods, cosmetics or from metabolites of these chemicals.

Conducts toxicological studies on various classes of food additives, colorants and cosmetics to provide data for evaluation of new proposals and petitions for their industrial use as well as for the review of current tolerances, modified tolerances, and applications.

Plans and conducts toxicological research in basic cell growth and reproduction.

Performs toxicological analyses of regulatory samples as may be necessary to support FDA's compliance programs.

Provides toxicological evaluation of food additive and color additive petitions.

(k-4) *Office of Product Technology.* Maintains an awareness of processing and handling procedures which may affect or alter food; conducts research into the technological and engineering aspects of food processing and handling procedures designed to eliminate contamination that may be responsible for food-borne illnesses.

Conducts research into the sources, transmission and concentration of chemical pollutants in all environmental media which may contaminate the food supply.

Originates, plans, and conducts research to elucidate chemical composition of cosmetics, color additives, color additive diluents, and related commodities and to identify compounds formed by reactions between colors and foods and cosmetic material.

Administers the color certification programs.

Furnishes the Office of Compliance with technical information as a basis for formulating and evaluating standards of identity, quality, nutrition, safety and fill of container; assists the Office of Compliance in developing the substantive content and evaluating the impact of Current Good Manufacturing Practices.

Evaluates the technical effect of food and color additives.

(i) *Division of Food Technology.* Develops, collects, coordinates, and interprets technical information regarding the composition, quality, manufacture and marketing of foods.

Acts as the prime mover in developing and evaluating proposals for food standards; provides the Office of Compliance with the necessary technological information required to promulgate new or amend existing food standards.

Assists the Office of Compliance in developing the substantive content of and evaluating the impact of Current Good Manufacturing Practices. Investigates the currently developing food preservation processes with particular emphasis upon their impact on established indices of decomposition.

Investigates concomitant food additives, their reaction products and their impurities and advises on practicable methods for limiting the presence of such substances in food and the total diet.

Develops and interprets data on the molecular structure, degradation products and potentially hazardous components of indirect food additives, such as packaging material.

Investigates and advises on the impact of food processing and storage on food components and on the amount and nature of natural poisons of foods.

Evaluates the technical effect of food additives.

(ii) *Division of Chemical Technology.* Originates, plans, and conducts research into the industrial practices of chemical processing and chemical uses in regard to the disposition, behavior, and fate of industrial chemicals, by-products, and process wastes and pollutants into the environment.

Assesses and investigates the nature and magnitude of these chemicals and related substances in the environment and the factors which influence the uptake and persistence of the resulting residues in foods and in other parts of the ecosystem which contribute to the human organism.

Maintains a complete registry of chemical manufacturing and processing information and material to serve as a source of information for existing and potential chemical contamination of foods.

Recommends and assists in the development of regulatory and research programs associated with indirect chemical contaminants which may concentrate in foods.

(ii) *Division of Colors and Cosmetics Technology.* Provides expert technical advice on problems relating to the chemistry and technology of colors and cosmetics to other units of the Food and Drug Administration and other Government agencies as it may affect their programs.

Evaluates and advises on color additive petitions for the adequacy and reliability of chemical data (identity, composition, purity, stability), manufacturing controls and methodology in proposals for listing color additives and color additive diluents.

Maintains liaison with technical personnel of manufacturers of certifiable color additives to provide early awareness of new techniques, process changes, and other technical matters.

Develops and maintains internationally recognized competence in the composition, functions, and analysis of cosmetics. Keeps informed of new developments in cosmetic technology and products for introduction of new and potentially harmful ingredients such as primary irritants, sensitizers, carcinogens, etc.

(k-5) *Office of Compliance (Foods).* Advises the Bureau Director and other FDA officials on legal administrative problems, regulatory problems, and administrative policies concerning FDA's compliance responsibilities relating to foods, colors and cosmetics.

Develops compliance and surveillance programs covering the regulated food and cosmetics industries.

Administers the development of Current Good Manufacturing Practices.

Drafts and processes proposals for the establishment of standards for foods and related commodities.

Develops or coordinates the development of regulations and other standards covering industry practices with respect to the control of health hazards.

Develops and carries out programs designed to improve compliance by industry through problem prevention.

Provides technical assistance to the public and public service institutions and agencies for control of hazards to health associated with interstate shipment of food, as well as foods served on interstate carriers.

Provides support and guidance, upon request, to the district offices in the handling of legal actions and provides headquarters case development, coordination, and contested case assistance.

Develops and coordinates studies to measure degree of compliance by regulated industries with statutes and regulations enforced by FDA.

Operates a petition control system for color additive, food standard and food additive petitions submitted to FDA for review and evalution.

Administers the interstate travel sanitation program designed to protect the health of travelers and of crews on commercial transportation conveyances.

(i) *Division of Regulatory Guidance.* Provides support and guidance upon request to the district offices in the handling of legal actions concerning foods, pesticides, and cosmetics.

Provides headquarters case development, coordination, and contested case assistance.

Collaborates with various FDA components to provide technical information relevant to such matters as policy and enforcement of legal requirements relating to food standards.

Develops and maintains legal guidelines.

Reviews and approves actions in cases of national scope requiring headquarters coordination.

Issues advisory opinions resulting from specific requests from industry, trade associations, Government agencies, and Congress.

Manages and coordinates headquarters activities associated with recalls and seizures; provides advice and assistance to recall staff; correlates recall actions with other regulatory activities.

Develops and maintains a codified system for compiling and issuing regulatory policies and procedures on foods, cosmetics, and pesticide matters for the guidance of FDA headquarters and field personnel.

(ii) *Division of Compliance Programs (Foods).* Develops mutually complementary regulatory compliance and voluntary compliance programs insuring the the proper integration and compatibility of these programs.

Develops and issues surveillance and compliance programs relating to the food industry and other industries which may be associated with cosmetics and industrial chemicals; coordinates the establishment of priorities for compliance activities involved in such programs.

Serves as the focal point of information concerning the compliance status of specific food firms and their facilities.

Identifies needs for new and revised standards and Current Good Manufacturing Practices to be met by industry and to support ongoing and contemplated compliance programs.

Cooperates in the development of and issues Current Good Manufacturing Practices.

Identifies needs and is responsible for the development of new and revised programs, including special programs directed toward unique problem areas.

Identifies and recommends research needed to develop better monitoring and compliance methods and techniques. Develops programs to support FDA research activities.

Plans and develops an appraisal system for each compliance program; assists in the development of reporting systems designed to furnish information on compliance programs.

Plans, develops, and directs FDA programs designed to carry out Public Health Service responsibilities in interstate travel sanitation, under the Public Health Service Act of 1944 (Public Law 410, as amended), including enforcement of applicable provisions of the Interstate Quarantine Regulations.

Promotes a better understanding in the food, cosmetic, and pesticide area of the requirements and objectives of the laws and regulations enforced by the FDA and encourages compliance on a voluntary basis.

Plans and assists in the implementation of industry quality assurance programs designed to prevent compliance failures.

Plans and conducts national seminars, symposia, and conferences on specific industry compliance problems.

Assists FDA field offices, upon request, in planning and conducting industry workshops and seminars on Current Good Manufacturing Practices and other types of problem-oriented workshops and conferences.

(iii) *Division of Petitions Processing.* Interprets news legislation, drafts regulations for implementation and develops guidelines setting forth administrative-legal procedures for applying the new or changed authority in petition processing area.

Cooperates with the Office of Product Technology in planning and conducting an orderly program for the development of food standards or amendments to be proposed on the initiative of the Commissioner and in using the technical information developed by that Office as a basis for formulating and drafting proposals for publication.

Initiates and recommends changes in legislation and prepares Bureau position on proposed legislation referred from the Department through the Office of Legislative Services in petition processing area.

Operates a petition control system for all color additives, food standards, pesticide and food additive petitions submitted to FDA or review and evaluation.

Reviews and evaluates the comments received following publication of proposals, confers with members of the interested industry either singly or in group meeting, consults further with other units of FDA, and drafts a final order promulgating the standard, together with supporting briefs and explanatory material for the Commissioner's action.

Prepares briefing memorandum and regulations to be submitted via supervisory channels for approval on all petitions deemed acceptable for publication in the FEDERAL REGISTER.

(k-6) *Office of Food Sanitation.* Plans and administers a sanitation program designed to minimize public health problems associated with the production, processing, and distribution of products prepared by the food service, milk, and shellfish industries.

Conducts research (involving laboratory and field studies) to identify,

evaluate, and resolve problems of food hygiene and sanitation; provides microbiological research and technical support to other components of the Bureau of Foods.

Prepares, revises, and interprets model ordinances, codes, technical manuals, standards, and related guides pertaining to the sanitation of milk, shellfish, and other foods.

Provides advice and technical assistance to other Federal, State, and local agencies, to international organizations and foreign governments, and to concerned industries as well as interested consumers in regard to food service sanitation, milk sanitation, shellfish sanitation and related aspects of food sanitation.

Identifies training needs in the fields of food hygiene and microbiology; cooperates with the FDA Training Institute, DHEW Regional Offices, and nongovernmental organizations in presenting specialized courses for employees of government, industry, and others who are concerned with these fields.

Administers the cooperative interstate milk shippers program designed to maintain a high sanitary quality of milk shipped in interstate commerce.

Administers the national shellfish sanitation program for the maintenance and improvement of the sanitary quality of commercial shellfish including agreements with foreign governments.

Encourages the adoption and implementation of adequate sanitation standards by States and municipalities; provides technical assistance to governmental agencies and industries on sanitation problems and new developments which have public health significance.

Participates with industry, health related organizations and others in the development of sanitation standards for the design of dairy and other food equipment; evaluates milk, shellfish, and food service equipment, including vending machines, to determine compliance with design, construction, and performance criteria recommended by FDA.

Conducts reviews, with the assistance of the DHEW Regional Offices, for standardization and certification of State and local food service, milk, and laboratory survey officers and evaluates milk and food laboratories; issues certificates of proficiency.

(i) *Division of Food Service and Milk Sanitation.* Plans, develops, and directs FDA activities relating to food preparation and service (including commissaries, delicatessens, restaurants, and vending machines) and to the sanitary quality of milk, milk products, and frozen desserts.

Develops, revises, and interprets model food and milk protection ordinances, codes, criteria, standards, and related program guides.

Administers, in cooperation with the National Conference of Interstate Milk Shippers, a nationwide voluntary, cooperative State-Federal interstate milk shippers' certification program.

Provides technical direction and support to, and sets priorities for FDA regional food and milk sanitation programs, including standardization and certification of State food service and milk survey and rating officers.

Provides technical and consultative assistance on food and milk sanitation to other Federal agencies, educational institutions, health-related organizations and to food service, vending, and milk industries, including development of sanitary standards for food and milk equipment.

Evaluates food and milk equipment, including vending machines, to determine compliance with FDA recommended ordinances and codes, criteria, and standards.

Cooperates with the Training Institute, DHEW Regional Offices and others in development and conduct of food and milk sanitation training programs for FDA, other Federal, State, local, and industry personnel.

Promotes the adoption and uniform application of model food and milk laws and regulations by State and communities.

Maintains pasteurized milk and total-diet radiation surveillance networks.

Provides technical support to the Office of Compliance in the development, revision, and field application of FDA food service sanitation requirements for interstate conveyances and support facilities, including revision of the Interstate Quarantine Regulations.

Evaluates public health aspects of new food and milk processing, preparation and serving methods and practices.

Promotes and coordinates Regional activities relating to the inspection of food service establishments in Federal buildings under reimbursable agreements with the General Services Administration.

(ii) *Division of Shellfish Sanitation.* Plans, develops, and directs FDA programs relating to the production, processing, and interstate shipment of fresh or frozen molluscs and crustaceans. Administers cooperative Federal-State-Industry shellfish certification program, including review of annual evaluation of State shellfish program, to determine compliance with National Program requirements.

Publishes semimonthly list of certified interstate shellfish shippers.

Provides technical direction and support to and establishes priorities for FDA regional programs.

Provides technical, consultative, and liaison assistance to participating States, foreign countries, and the industry, including development of shellfish sanitation agreements with foreign countries, when requested by the Department of State.

Plans and coordinates intramural and extramural shellfish sanitation research needs with other governmental agencies and with other FDA components.

Develops and conducts National Workshops and in coordination with Training Institute conducts training programs in shellfish sanitation for Federal, State, industry personnel, and foreign scientists.

Cooperates with other Federal agencies engaged in estuarine management, pollution abatement, and in development of water quality standards, criteria, and classification of estuarine waters.

(iii) *Division of Microbiology.* Originates, plans, and conducts research and field investigations on the nature, extent, and significance of microbial and physical contaminants of foods and cosmetics.

Provides analytical support, technical and consultative services, training and assistance to public health and food control agencies of the States and municipalities to other Federal agencies, to the food service and cosmetic industries and to other operating programs of the FDA.

Develops and evaluates microbiological methods for detecting harmful microorganisms, toxins, decomposition, adulteration with extraneous matter, and other naturally occurring and biological hazards in processed and restaurant prepared foods and in cosmetics.

Develops the basis for microbiological criteria in the food processing and food service industries; participates in the development of surveys to provide the technical and scientific bases for recommended limits and guidelines applied to foods and cosmetics by the FDA, State, and municipal public health and control agencies, and the industries.

Evaluates the microbiological, and other biological hazards associated with food processing and food service practices through laboratory investigations.

Conducts a certification program for central State milk and food laboratories and officials.

Approved: March 15, 1971.

RODNEY H. BRADY,
Assistant Secretary for Administration.

[FR Doc.71-4209 Filed 3-25-71;8:52 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-373, 50-374]

COMMONWEALTH EDISON CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Commonwealth Edison Co., 1 First National Plaza, Chicago, IL 60690, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 3, 1970, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Brookfield Township, La Salle County, Ill. The proposed site is located approximately 5 miles south-southwest of Seneca, Ill.

The proposed facilities are designated by the applicant as La Salle County Nuclear Power Station, Units 1 and 2. Each reactor is designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,078 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 5, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the Chairman of the Board of Supervisors, La Salle County Courthouse, Ottawa, Ill.

Dated at Bethesda, Md., this 22d day of February, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2623 Filed 3-4-71;8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Northern Indiana Public Service Co., 5265 Hohman Avenue, Hammond, IN 46320, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated August 24, 1970, for authorization to construct and operate a single-cycle, forced circulation, boiling water nuclear reactor at its Bailly Generating Station site, located in Westchester Township, Porter County, Ind. The proposed site is located on the south end of the shore of Lake Michigan, adjacent to the fossil-fueled Units 7 and 8 of the Bailly Generating Station, and is approximately 12 miles east-northeast of Gary, Ind.

The proposed nuclear reactor, designated by the applicant as Bailly Generating Station—Nuclear 1, is designed for initial operation at approximately 1,931 megawatts (thermal) with a net electrical output of approximately 657 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 5, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the local office of Northern Indiana Public Service Co., 141 South Calumet Street, Chesterton, IN.

Dated at Bethesda, Md., this 22d day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2624 Filed 3-4-71;8:45 am]

[Docket No. 50-332]

ALLIED-GULF NUCLEAR SERVICES ET AL.

Notice of Issuance of Amendment to Construction Permit

Allied-Gulf Nuclear Services, Allied Chemical Nuclear Products, Inc., and Gulf Oil Corp. (Barwell Nuclear Fuel Plant).

Notice is hereby given that the Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Construction Permit No. CPCSF-4 which was issued to Allied-Gulf Nuclear Services, Allied Chemical Nuclear Products, Inc., and Gulf Energy & Environmental Systems, Inc., on December 18, 1970.

The amendment reflects the merger of Gulf Energy & Environmental Systems, Inc., into its parent corporation, Gulf Oil Corp. In addition, subparagraph D to paragraph 2 has been modified in accordance with the "Memorandum and Order" of the Atomic Safety and Licensing Appeal Board, dated January 22, 1971, in the matter of Allied-Gulf Nuclear Services, Allied Chemical Nuclear Products, Inc., and Gulf Energy & Environmental Systems, Inc.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, Allied-Gulf Nuclear Services, Allied Chemical Nuclear Products, Inc., or Gulf Oil Corp. may file a request for a hearing in connection with issuance of the amendment dealing with the merger, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for hearing or a petition for leave to intervene is filed within the time specified in this notice, the Commission will issue a notice of hearing or appropriate order.

For further details with respect to these amendments, see a copy of the application amendment dated February 10, 1971, and the "Memorandum and Order" of the Atomic Safety and Licensing Appeal Board, dated January 22, 1971, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 18th day of March 1971.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[FR Doc.71-4120 Filed 3-25-71;8:45 am]

[Docket No. 50-341]

DETROIT EDISON CO.

Notice of Hearing on Application for Construction Permit

In the matter of the Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit No. 2).

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Code of Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by the atomic safety and licensing board designated herein, in the vicinity of Monroe, Mich., to consider the application filed under the Act by the Detroit Edison Co. (the Applicant), for a construction permit for a boiling water reactor (the facility), known as the Enrico Fermi Atomic Power Plant, Unit No. 2, having a gross electrical output of approximately 1,157 megawatts, and a thermal capacity of approximately 3,293 megawatts to be located at the Applicant's 1,088-acre site on the western shore of Lake Erie in Frenchtown Township, Monroe County, Mich., about 30 miles southwest of downtown Detroit, Mich.

The hearing will be conducted by the atomic safety and licensing board designated by the Commission, consisting of Warren E. Nyer of Idaho Falls, Idaho, Dr. Thomas Pigford of Berkeley, Calif., and Robert M. Lazo, Esquire, of Oak Brook, Ill., Chairman. Dr. Richard L. Doan of Tucson, Ariz., has been designated as a technically qualified alternate, and Nathaniel H. Goodrich, Esquire, of Chevy Chase, Md., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the board in the Michigan National Guard Armory, 15483 South Dixie Highway, Monroe, Mich., on May 11, 1971 at 10 a.m. local time, to consider pertinent matters in accordance with the Commission's rules of practice, 10 CFR Part 2 including section 2 of Appendix A. The date and place of the hearing will be set at or after the prehearing conference and notice thereof will be published in the FEDERAL REGISTER.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of a construction permit to the Applicant.

1. Whether in accordance with the provision of 10 CFR 50.35(a):

(a) The Applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the Applicant and the Applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions

associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the Applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for a construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4 of the Commission's rules of practice, the board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the board will consider and initially decide, as the issues in this proceeding, Items Nos. 1 through 4 above as the basis for determining whether a construction permit should be issued to the Applicant.

In addition, any party may, in accordance with paragraph 11 of Appendix D of 10 CFR Part 50, raise as an issue in the proceeding whether the issuance of the permit would be likely to result in a significant, adverse effect on the environment. If such a result were indicated, in accordance with the declaration of national policy expressed in the National Environmental Policy Act of 1969, the atomic safety and licensing board will give consideration to the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need to meet on a timely basis requirements for electrical power in the affected region. These additional issues do not include (i) radiological effects (since such effects are within the four numbered items set forth above) or (ii) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act. If any party raises any such issue, the board will make findings of fact on, and resolve, the matters in controversy among the parties with regard to those issues. With respect to those aspects of environmental quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the Applicant is equipped to observe and agrees to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the Applicant for the permit or license will observe such standards and requirements will be considered dispositive for this purpose.

As they become available, the application, the proposed construction permit, the Applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), and the Safety Evaluation by the Commission's regulatory staff, the Applicant's Environmental Report, the AEC's Detailed Statement on Environmental Considerations, and the transcripts of the prehearing conference and of the hearing, will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public. Copies of those documents will also be made available at Monroe County Library System, 3700 South Custer Road, Monroe, Mich., for inspection by members of the public between the hours of 12 p.m. and 9 p.m. Monday through Wednesday, 12 p.m. and 5:30 p.m. Thursday and Friday and 9 a.m. and 5:30 p.m. Saturday. Copies of the proposed construction permit, the ACRS report, the regulatory staff's Safety Evaluation and the AEC's Detailed Statement on Environmental Considerations may be obtained, when available, by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, by May 6, 1971.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than May 6, 1971. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR 2.714, the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the Applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the Applicant on or before April 5, 1971.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence R. Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia as this third member.

A "Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter" was published in the FEDERAL REGISTER on February 19, 1971 (36 F.R. 3213). The notice afforded an opportunity for any person wishing to have his views on the antitrust aspects of the application presented to the Attorney General for consideration to submit such views to the Commission within 60 days after February 19, 1971.

Dated at Washington, D.C., this 24th day of March 1971.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-4240 Filed 3-25-71;8:53 am]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Schedule and Procedures for Hearing

In the matter of Long Island Lighting Co. (Shoreham Nuclear Power Station); Docket No. 50-322.

The Hearing in the captioned matter will be continued on Tuesday, April 13, 1971, at 10 a.m., local time, at the Holiday Inn, 4089 Nesconset, Port Jefferson Highway, Centereach, Long Island, NY 11720.

If required, the Hearing will continue through Friday, April 23, 1971. A session will be scheduled on Saturday, April 17, if it is necessary to accommodate witnesses. On Tuesday and Wednesday, April 13-14, Intervenor, The Lloyd Harbor Study Group, Inc., will present their direct testimony. On Thursday, April 15, Intervenor, Suffolk Scientists, will present rebuttal testimony. On Friday, April 16, Intervenors, James S. Turner, and Connecticut Action, Now, Inc., and Fairfield County Citizens for Environmental Control, Inc., will present their direct testimony.

The order for presentation of rebuttal testimony, if any, will be as follows: Suffolk Scientists, The Lloyd Harbor Study Group, Inc., the Applicant, and finally the AEC Regulatory Staff. The other parties have advised they will not present rebuttal testimony.

Dated at Washington, D.C., this 24th day of March 1971.

ATOMIC SAFETY AND LICENSING BOARD,
JAMES R. YORE,
Chairman.

[FR Doc.71-4301 Filed 3-25-71;8:54 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19171; FCC 71-248]

OLYMPIAN BROADCASTING CORP. (WKIP)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Olympian Broadcasting Corp. (WKIP), Poughkeepsie, N.Y., Docket No. 19171, File No. BP-18122; Has: 1450 kc., 250 w., 1 kw.-LS, DA-D, U; Requests: Change daytime mode of operation from directional to nondirectional; for construction permit.

1. The Commission has under consideration (i) the above-captioned and described application;[1] (ii) a petition to deny the application filed by WNAB, Inc., licensee of standard broadcast station WNAB, Bridgeport, Conn., (iii) a supplement to petition to deny; and (iv) pleadings and opposition and reply thereto.

2. In its petition to deny, filed prior to the June 17, 1969, amendment,[2] petitioner makes several contentions. Its first argument, alleging a violation of nighttime separation requirements contained in § 73.182(a)(4) of the rules, need not be seriously considered since the WKIP application before us does not propose any change in the presently licensed nighttime operation. Secondly, petitioner claims a violation of § 73.24(b)(2) of the rules which requires that a proposed change in station facilities "not involve overlap of contours prohibited by § 73.37 with any other stations in any area where there is not already such overlap between the two stations." In support of this contention, petitioner attaches a statement from its engineer attesting to such interference caused WNAB. Thirdly, petitioner asserts that the exception in the rules regarding prohibited overlap for a Class IV station increasing daytime power does not apply in this situation since WKIP proposes a change in antenna system rather than an increase in power. Finally, petitioner requests a hearing on the grounds that the proposal would result in a modification of its license within the meaning of section 316 of the Act.

3. In its opposition, also filed before the June 17, 1969 amendment, WKIP alleges that WNAB has no standing to object to its application. In support of this, WKIP cites an agreement between the parties dating back to February of 1961, and the condition on WNAB's license requiring it to accept interference resulting from other Class IV stations increasing power. This agreement provides that WNAB would not oppose an application of WKIP to increase power or antenna efficiency for a period of 5 years.[3] While the agreement has expired, WKIP maintains that it is "a valuable historical document" to be utilized for the purpose of defining the technical aspects of the Commission-imposed condition concerning Class IV power increases. WKIP maintains that the imposed condition requiring WNAB to accept interference from other Class IV stations increasing daytime power from 250 watts to 1 kilowatt, coupled with this agreement, deprives WNAB of its standtem rather than an increase in power, the Commission has heretofore regarded such a change as "falling within the ing. WKIP further contends that while it is asking for a change in antenna systent of its rules and policy favoring increase in power for Class IV stations." North Shore Broadcasting Corp. (WESX), 8 FCC 2d 741, 10 RR 2d 560 (1967). With respect to petitioner's charge of a violation of § 73.24(b)(2), WKIP relies on the condition in the WNAB license requiring it to accept this type interference.

4. In a supplement to its petition to deny, filed after the June 17, 1969 amendment, WNAB claims that the operation as now proposed[4] would result in prohibited overlap, as defined by § 73.37(a) of the Commission's rules, within its normally protected 0.5 mv/m contour in contravention of § 73.24(b)(2). Petitioner also contends that since the aforementioned agreement has expired, it in no way constitutes a waiver by WNAB of its right to operate free of objectionable interference.

5. In opposition to this supplementary petition, WKIP renews its claim that the condition on WNAB's license deprives it of standing and that a grant would result in a modification of petitioner's license.

6. Initially, we find petitioner's reliance on North Shore Broadcasting, supra, is misplaced.[5] Although the Commission chose to view WESX's proposal to go from 1 kilowatt directional to 1 kilowatt nondirectional operation in the same light as a power increase for multiple-ownership purposes, it nonetheless acknowledged an objecting Class IV station's section 316 rights and designated the application for hearing. Likewise, we find in this instance that since WNAB's license would be modified by WKIP's proposed operation, the petitioner must be afforded the opportunity of showing why such modification should not take place. F.C.C. v. National Broadcasting Company (KOA), 319 U.S. 239 (1943). The amendment to the Commission's rules to permit, with certain restrictions, Class IV stations to increase daytime power to 1 kw was based on the assumption that the power increases would be on a uniform basis. As a result,

[1] When filed on Mar. 8, 1968, the applicant here was Star Broadcasting Corp. On Nov. 5, 1970, the license of WKIP was assigned, pursuant to Commission consent, to Olympian Broadcasting Corp., the present applicant.

[2] This amendment proposes to change the WKIP daytime operation from directional to nondirectional.

[3] On Sept. 2, 1962, the Commission granted WKIP's application to operate with 1 kilowatt nondirectionally from a new site with an antenna efficiency of 270 mv/m/kw. In granting the proposal the Commission rejected a petition to deny by Hudson Valley Broadcasting Corp., licensee of station WEOK, Poughkeepsie, N.Y., alleging, inter alia, that the new operation would violate the multiple-ownership rules. WEOK appealed and the Court of Appeals remanded the case to the Commission for further proceedings. WKIP was then permitted to directionalize its radiation pattern, thus avoiding the prohibited multiple-ownership overlap. Subsequently, in 1967, the license of WKIP was assigned to its present owners. As a result, the previous multiple-ownership prohibitions no longer apply.

[4] Namely nondirectional operation radiating 270 mv/m/kw.

[5] Section 73.35(a) prohibits 1 mv/m overlap of commonly owned stations, but Commission policy had exempted Class IV power increases.

no population receiving service from a Class IV facility would be deprived of such service, and, in addition, the signal strength of the Class IV service area would be improved due to the higher intensity of the signal. Obviously, however, if some Class IV stations are permitted to install new antenna systems with greatly increased efficiency, in addition to being authorized a power increase, a uniform power increase basis cannot be achieved.[6] From data on file, it is clear that the proposed WKIP daytime omnidirectional operation, utilizing the highly efficient radiator, will result in an increase in overlap to the co-channel Class IV operation of WNAB in excess of that caused by either the present 1 kw daytime directional operation or by omnidirectional operation with 1 kw utilizing the originally authorized WKIP antenna system which radiated 150 mv/m/kw. Moreover, on the basis of the information on file, it has not been established that the proposed operation of WKIP would not cause objectionable interference within the service areas of WCTC, New Brunswick, N.J., and WMAS, Springfield, Mass. Therefore, it would be inappropriate to take final action on the WKIP application without fully considering the impact of the proposed operation on these stations as well. Accordingly, the Commission will, on its own motion, also name the licensees of stations WCTC and WMAS parties to the proceeding.

7. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. In view of the foregoing, however, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

8. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of station WKIP and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

2. To determine whether the proposal of WKIP would cause objectionable interference to stations WNAB, Bridgeport, Conn.; WCTC, New Brunswick, N.J.; WHAS, Springfield, Mass.; or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

9. *It is further ordered*, That, the petition to deny, as supplemented, by WNAB, Inc., is granted to the extent indicated above and is denied in all other respects.

10. *It is further ordered*, That, WNAB, Inc.; Raritan Valley Broadcasting Co., Inc.; and Masscom Broadcasting Corp., licensees of stations WNAB, WCTC, and WMAS, respectively, are made parties to the proceeding.

11. *It is further ordered*, That, in the event of a grant of the application, the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by existing 250-watt Class IV stations in the event they are subsequently authorized to increase daytime power to 1 kilowatt.

Before program tests are authorized the unused WKIP antenna tower shall be dismantled. In the alternative, sufficient field intensity measurement data shall be submitted to establish that the radiation pattern is essentially omnidirectional.

12. *It is further ordered*, That, to avail itself of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

13. *It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and §1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 10, 1971.

Released: March 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-4184 Filed 3-25-71;8:50 am]

[Dockets Nos. 19095-19097; FCC 71R-91]

PAYNE OF VIRGINIA, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Payne of Virginia, Inc., Virginia Beach, Va., Docket No. 19095, File No. BPH-6754; Virginia Seashore Broadcasting Corp., Virginia Beach, Va., Docket No. 19096, File No. BPH-6901; Sea Broadcasting Corp., Virginia Beach, Va., Docket No. 19097, File No. BPH-6902; for construction permits.

1. This proceeding involves the mutually exclusive applications of Payne of Virginia, Inc., Virginia Seashore Broadcasting Corp. (Virginia Seashore) and Sea Broadcasting Corp. (Sea Broadcasting) for authorization to construct a new FM broadcast station in Virginia Beach, Va. The applications were designated for hearing by Memorandum Opinion and Order, FCC 70-1210, 35 F.R. 17967, published November 21, 1970. Presently before the Review Board is a petition to enlarge issues,[1] filed December 7, 1970, by Sea Broadcasting.

MULTIPLE OWNERSHIP QUESTION

2. Although Sea Broadcasting entitles its pleading a "Petition to Enlarge Issues," the first part of its pleading seeks another type of relief. Petitioner points out that Daniel E. Hydrick, Vice President, General Manager, and 20 percent owner of Virginia Seashore is also the President and sole owner of Virginia Peninsula Broadcasting Corp., on behalf of which an application (File No. BP-18659) was filed on October 27, 1969, for authorization to construct a new daytime-only standard broadcast station at Newport News, Va. Sea Broadcasting contends that the Commission's multiple ownership rules, as set out in the Report and Order released April 6, 1970 (22 FCC 2d 306, 18 RR 2d 1735), forbid an applicant from applying for an AM station within the same community in which it already holds an interest in an FM station; that a review of the proposed contours of Virginia Seashore's FM application and Virginia Peninsula Corp.'s AM application indicates that the proposed 0.5 mv./m. contour of the standard broadcast station almost duplicates the proposed 1.0 mv./m. contour of the FM station; that, therefore, it would not be possible, consistent with Commission rules, to grant both applications; and that, since the AM application was filed 3 weeks after the FM application, "it would appear that Mr. Hydrick has already chosen to continue to pursue his AM application." In any case, Sea Broadcasting argues that the Commission's rules "would be prostituted" and used for "a gambling venture" if both Hydrick applications were to remain in a pending status. Therefore, petitioner requests the Review Board to require Virginia Seashore to indicate before commencement of the hearing in this proceeding which application, that for the proposed AM station in Newport News or that for the FM facility in Virginia Beach, it will elect to pursue.

3. Before dealing with Sea Broadcasting's request that Virginia Seashore elect prior to hearing whether it will prosecute its Newport News application or its application for Virginia Beach, we note first our agreement with the Broadcast Bureau's contention, expressed in footnote 1 of its comments, that, given the fact that Mr. Hydrick is the only tie between the two applications, petitioner "is actually seeking a directive that Hydrick give up his 20 percent interest in Virginia Seashore or his Newport News application." However, Commission rules, as recently amended, do not support petitioner's basic contention that the simultaneous prosecution of the FM application for Virginia Beach and the AM application for Newport News raises a conflict under the Commission's multiple ownership rules. By Memorandum Opinion and Order, released March 2, 1971 (FCC 71-211, ____ FCC 2d ____, ____ RR 2d ____), the Commission amended the multiple ownership rules to delete the restrictions on the ownership of an AM-FM combination in the same market. Thus, a grant of the FM and AM applications in this case would not now violate Commission rules, and, therefore, petitioner's request that Virginia Seashore (through Mr. Hydrick) choose between pursuit of either the Virginia Beach application or the Newport News application is without basis and will be denied.

SECTION 1.65 ISSUE

4. In support of its request for a § 1.65 issue, petitioner first notes that Mr. Hydrick is listed both as full-time general manager of Virginia Seashore's proposed FM station and as full-time general manager of a new AM station proposed for Charlottesville, Va., in an application (File No. BP-18064) designated for hearing by the Commission on July 1, 1970, and filed by Charlottesville-Albemarle Broadcasting Co. of which Mr. Hydrick is a 50 percent owner, officer and director. Sea Broadcasting argues that this situation presents "at worst a question of misrepresentation or, at least, a failure to keep application in a current status, as required by Rule 1.65 • • •." Petitioner notes that although both the Virginia Beach FM and Charlottesville AM applications have been amended several times, no attempt has been made to correct the inconsistency involved. Moreover, petitioner asserts that it has reason to believe that Virginia Seashore has failed, in response to Question 19 of its application, to fully inform the Commission of Hydrick's past broadcast associations. Petitioner contends that although it is difficult "to ascertain the full scope of Mr. Hydrick's past relations with broadcast facilities, there are strong indications" that he failed to disclose associations with a number of broadcast stations and a broadcast corporation. In addition, Sea Broadcasting asserts that Mr. Hydrick has failed to mention his stock ownership in Metromedia, Inc., which was noted in the financial statement in the Charlottesville AM application, and his wife's position as officer and director of Charlottesville-Albemarle Broadcasting Corp.

5. In its comments, the Broadcast Bureau agrees with Sea Broadcasting that Hydrick's proposal to be the full-time general manager of both the proposed Virginia Beach and Charlottesville stations calls for an enlargement of the issues, but argues that a § 1.65 issue is not the appropriate vehicle, since the problem here is not Virginia Seashore's failure to keep its application current, but stems from a failing in its original application. Therefore, the Bureau recommends the addition of a staffing issue. As for Sea Broadcasting's allegations concerning Virginia Seashore's failure to totally report the information required by Question 19 of the application form, the Bureau argues that petitioner's allegations "fall far short of the specificity requirement of § 1.229 of the rules."

6. In opposition, Virginia Seashore contends that it did not expect the Commission to believe that Mr. Hydrick would be full-time general manager for two stations, but, rather, that its two proposals were intended to be alternatives. It further argues that there "could not have been an attempt to gain comparative advantage in both hearings, since the Charlottesville proceeding would obviously be based primarily, if not exclusively, upon 307(b) considerations." Finally, Virginia Seashore asserts that "it would be quite possible to devote substantially full-time to both stations since they are only approximately 100 miles apart." As for Sea Broadcasting's contention that Mr. Hydrick has failed to completely disclose his past associations with broadcast stations, Virginia Seashore argues that: (1) At the time the application was filed, Mr. Hydrick's only financial interest in a broadcast station or application was his disclosed 50 percent interest in Charlottesville-Albemarle and he has never been an officer, director or stockholder of any other broadcast station or applicant; (2) broadcast stations at which Mr. Hydrick was only an employee were generally not set forth in response to paragraph 19 because it was the applicant's interpretation that "the response was to be limited to ownership interests in other stations or applications, or official connections • • •", a reasonable interpretation in view of the fact that Table II of FCC Form 301 requests information with respect to "interest, official relationship, employment or associations" in business or financial ventures for the 5 years preceding the application, whereas paragraph 19 refers only to "interest in or connection with" broadcast stations or applications; (3) the applicant's disclosure of Mr. Hydrick's former employment at Stations WFAA and KIXL, both in Dallas, was the result of a clerical error and unnecessary; and (4) neither the applicant nor Mr. Hydrick had any motive to withhold the information in question and none has been suggested. Nevertheless, Virginia Seashore states that to remedy any possible defects it has filed a petition to amend its application to set forth all of Mr. Hydrick's past broadcast associations, and contends that "if it should be determined that its response to paragraph 19 of its application was incomplete, the defect was de minimis and no issue is warranted."

7. The Review Board agrees with petitioner that the designation of Mr. Hydrick as the full-time general manager of both the facilities proposed by Virginia Seashore and Charlottesville-Albemarle Broadcasting, Inc., which would be located over 100 miles apart, requires enlargement of the issues.[2] Virginia Seashore is correct in stating, in its opposition, that it is apparent that Mr. Hydrick "could not be in both places at once." However, it does not at all follow that, as the applicant contends, "the only reasonable implication is that he [Mr. Hydrick] is proposing to be the manager of one of the stations, but which one would depend on the outcome of the Charlottesville hearing," and that no motive to mislead the Commission can be inferred. The applicant's belated statement in its opposition that Mr. Hydrick has now decided, in fact, that he will work at the Virginia Beach station even if the Charlottesville application is granted and that the Charlottesville application will shortly be amended to reflect this fact, does not resolve the questions these apparently conflicting representations raise. However, since § 1.65 requires applicants to keep their applications current, and the problem here stems, not from a failure to keep Virginia Seashore's application current, but rather a possible failure to disclose complete information in the original application, the § 1.65 issue proposed by Sea Broadcasting is not the proper vehicle for the required evidentiary investigation. Therefore, the Review Board will add an issue regarding compliance with § 1.514 of the rules, which requires each application to include all information called for by the particular form.

8. Petitioner's other allegations in support of its requested § 1.65 issue do not form an adequate basis for enlargement of the issues.[3] Virginia Seashore concedes in its opposition that it failed to report all of Mr. Hydrick's broadcast employment relationships in response to paragraph 19 of FCC Form 301. It is our conclusion that the language of that pargraph requires such a response. However, in light of the circumstances here (i.e., Virginia Seashore's explanation for failure to supply the information in question is not unreasonable; no motivation for deception of the Commission in this matter has been suggested or is apparent; the associations in question date back more than 5 years; the applicant has filed a petition for leave to amend to correct the defects), Virginia Seashore's failures in this regard are de minimis and not of sufficient magnitude to require

[6] On May 28, 1958, the Commission rules were amended to provide that Class IV stations may be authorized a daytime power of 1 kilowatt (17 RR 1541). Previously the power for this class station had been limited to 250 watts. Subsequently it was determined that, in the absence of a showing that objectionable interference would not result, the normal benefits which would accrue from power increases to 1 kilowatt would not be achieved unless the power increases were accomplished without any increase in antenna efficiency. The 1962 omnidirectional increase in daytime power and antenna efficiency authorized for WKIP was made prior to our determination that Class IV power increases should be accomplished without an increase in antenna efficiency.

[1] Also before the Review Board are: (a) Comments of the Broadcast Bureau, filed Dec. 22, 1970; (b) opposition of Virginia Seashore, filed Dec. 24, 1970; and (c) affidavit, filed Jan. 7, 1971, by Virginia Seashore.

[2] We note, as does the Broadcast Bureau in its comments, that, while the Virginia Beach application specifically lists Mr. Hydrick as full-time general manager, the Charlottesville applicant indicates that he will work at the station full-time and will be responsible for day-to-day operations, which, we believe, is comparable to acting in the role of full-time general manager.

[3] In the case of these allegations, as well, a § 1.65 issue would not be the proper vehicle of inquiry.

an evidentiary inquiry. Cf. Sunset Broadcasting Corp., 15 FCC 2d 276, 14 RR 2d 705 (1968). Of even more minimal significance is Virginia Seashore's failure to disclose Mr. Hydrick's 10 shares in Metromedia Corp., a publicly held corporation with 5,759,971 issued and outstanding shares of common voting stock, especially since this stockholding is disclosed in the Charlottesville application.[4] As for the alleged failure to disclose that Mr. Hydrick's wife is an officer and director of the Charlottesville applicant, an examination of the application in question reveals that Mrs. Hydrick has no association with Charlottesville-Albemarle Broadcasting Corp., as alleged by Sea Broadcasting in its opposition.[5] Therefore, for the above reasons, the issue being added herein will deal only with the questions raised by Mr. Hydrick's designation as full-time general manager in both the Charlottesville and Virginia Beach applications.

9. *Accordingly, it is ordered,* That the petition of Sea Broadcasting Corp., filed December 7, 1970, is granted to the extent indicated below, and is denied in all other respects; and

10. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue: To determine whether Virginia Seashore Broadcasting Corp. has failed to completely disclose material information to the Commission in its application, as required by § 1.514 of the Commission's rules, and, if so, the effect of such conduct on its requisite and/or comparative qualifications to be a Commission licensee; and

11. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Sea Broadcasting Corp., and that the burden of proof shall be on Virginia Seashore Broadcasting Corp.

Adopted: March 18, 1971.

Released: March 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-4185 Filed 3-25-71;8:50 am]

[4] In its opposition, Virginia Seashore reveals that Mr. Hydrick also failed to disclose his 46 shares in Reeves Television Corp., in which there are almost 1,300,000 common voting shares issued and outstanding. This failure to disclose must also be regarded as de minimis.

[5] Virginia Seashore reveals in its opposition that when the instant application was amended on Dec. 23, 1969, the fact that Mrs. Hydrick is an officer and director of Virginia Peninsula Broadcasting Corp., the applicant for an AM station at Newport News, was inadvertently omitted. An amendment has now been tendered to include this information; there is no basis to doubt the applicant's explanation that the designation of Mr. Hydrick as the sole stockholder of the Newport News application was an oversight; and there is again no apparent reason to suppose that Virginia Seashore deliberately sought to deceive the Commission in this matter.

[Dockets Nos. 18813, 18814; FCC 71R-94]

SENCLand BROADCASTING SYSTEMS, INC., AND SEABOARD BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In re applications of SENCLand Broadcasting Systems, Inc., Jacksonville, N.C., Docket No. 18813, File No. BP-18649, for construction permit; and Seaboard Broadcasting Corp., Jacksonville, N.C., Docket No. 18814, File No. BR-2961, for renewal of license of Station WLAS.

1. This proceeding involves the mutually exclusive applications of SENCLand Broadcasting Systems, Inc. (SENCLand) for authorization to construct a new standard broadcast station in Jacksonville, N.C., and of Seaboard Broadcasting Corp. (Seaboard) for renewal of its license for Station WLAS in the same community. The proceeding was designated for hearing by Commission memorandum opinion and order (FCC 70-272, 35 F.R. 5503, published April 2, 1970) and hearing sessions were held on October 13-16 and 19-22, 1970. At a hearing conference on January 19, 1971, the Examiner postponed the resumption of the hearing until April 19, 1971, with the exchange of all exhibits to take place on April 5, 1971. Presently before the Review Board is a petition to enlarge issues, filed December 23, 1970, by Seaboard, requesting the addition of a lack of candor, misrepresentation, and failure to disclose issue, and abuse of process and §§ 1.514 (a) and 1.65 issues against SENCLand.[1]

2. Seaboard bases its first requested issue on four alleged actions of SENCLand principals, any one of which, petitioner contends, justifies the addition of the issue. The first action stems from the failure of Leon Leder, SENCLand's vice-president and 24 percent stockholder, to appear for the taking of his deposition on December 1, 1970, in a deposition proceeding brought by Seaboard to take the testimony of SENCLand's principals in regard to an issue added by the Review Board on July 8, 1970 (FCC 70R-240, FCC 2d 259, 19 RR 2d 538), and directed to the financial qualifications of those principals. Petitioner specifically accuses SENCLand of engaging in misrepresentation and gross lack of candor by representing at the deposition proceeding, through its counsel, that Mr. Leder was in the hospital undergoing an examination for a numbness in his right arm and that he would be available in 2 or 3 days when he was released, whereas evidence obtained by Seaboard indicates that Mr. Leder was working at his store and showed no sign of illness. As a second ground for its issue, petitioner contends that the testimony of the executive vice-president of the First National Bank of Eastern North Carolina at the deposition proceeding indicates that SENCLand obtained a $150,000 loan from the bank by falsely stating that it was only interested in filing for a new frequency. Seaboard maintains that the Bank would not have made the loan in question if it knew that SENCLand was going to file on top of the WLAS (Seaboard) renewal application. Next, petitioner contends that neither section II, Tables I and II, of the SENCLand application nor SENCLand's May 15, 1970, opposition to Seaboard's petition to enlarge issues of April 27, 1970, reveals various significant business interests and consequent liabilities for corporate indebtedness of SENCLand principals which were revealed at the deposition proceeding. Finally, Seaboard maintains that SENCLand failed to disclose that is was endeavoring to sell its construction permit for UHF television Station WLNS-TV, Jacksonville, N.C., while at the same time repeatedly representing to the Commission that it would build the facility.

3. Seaboard's request for an abuse of process issue is based on Leon Leder's failure to appear at the December 1, 1970, deposition hearing; petitioner's contention that Morris Leder (treasurer, director and 24 percent stockholder of SENCLand) and Julius J. Segerman (president, director and 24 percent stockholder) failed to produce multiple documents specified in the subpoenas duces tecum directed to them; and Seaboard's allegation that both Morris Leder and Julius Segerman deliberately refused to answer a number of questions at the deposition hearing, in contravention of § 1.319(b) of the Commission's rules. Petitioner's request for an issue to determine whether SENCLand failed to report in its application the requisite information required by § 1.514(a) of the Commission's rules and/or failed to amend its application as required by § 1.65 is based on contentions in regard to unreported business involvements of SENCLand principals, most of which have already been noted in connection with Seaboard's first requested issue. Since Seaboard argues that it "has no way of knowing whether these interests predated or were subsequent to the SENCLand application", the requested issue is framed in terms of both §§ 1.514 (a) and 1.65 of the rules.[2]

4. In its petition, Seaboard notes that on December 1, 1970, its counsel received a copy of the transcript of the deposition hearing here involved and on the same date sent it to counsel for SENCLand for review by the witnesses and for attestation, but that it has not yet received it back for filing. Petitioner states that as of January 21, 1971, the day Seaboard filed its reply to SENCLand's opposition and the Broadcast Bureau's comments, the transcript had not yet left SENCLand's hands. On February 10, 1971, counsel for Seaboard wrote SENCLand's counsel, stating that if the transcript were not received by February 24, 1971, 78 days from the day on which it was sent to SENCLand, Seaboard would be obliged to seek an Order from the Hearing Examiner seeking its return. On February 25, 1971, Seaboard filed a petition for special relief, requesting the Examiner to issue an order requiring SENCLand to return the transcript for filing.[3]

5. Seaboard's petition raises serious questions involving SENCLand's qualifications to be a Commission licensee. Most of the basic contentions underlying the requested issues relate to testimony and events at the deposition hearings of December 1 and 2, 1970. SENCLand's opposition disputes the petitioner's interpretation of that testimony and those events. However, since SENCLand has failed for over three months to return the official copies of the deposition transcript for filing, without any attempt at explanation and despite repeated requests to do so,[4] the validity of SENCLand's opposition cannot be properly evaluated by the Review Board. Therefore, the serious allegations made by petitioner have not been adequately rebutted and must be explored at hearing. Seaboard's petition will be granted.

6. *Accordingly, it is ordered,* That the petition to enlarge issues, filed December 23, 1970, by Seaboard Broadcasting Corp. is granted; and

7. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether SENCLand Broadcasting Systems, Inc. has made false and misleading statements, been lacking in candor or failed to disclose material facts to the Commission, and, if so, to determine the effect thereof upon the applicant's qualifications to be a Commission licensee.

(b) To determine whether SENCLand Broadcasting Systems, Inc. has abused the Commission's processes, and, if so, to determine the effect thereof upon the applicant's qualifications to be a Commission licensee.

(c) To determine whether SENCLand Broadcasting Systems, Inc. has failed to report requisite information in its application as required by § 1.514(a) of the Commission's rules and/or failed to amend its application as required by § 1.65 of the Commission's rules; and, if so, to determine the effect thereof upon the applicant's qualifications to be a Commission licensee.

8. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issues added herein shall be on Seaboard Broadcasting Corp., and the burden of proof under the issues shall be on SENCLand Broadcasting Systems, Inc.

Adopted: March 19, 1971.

Released: March 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-4186 Filed 3-25-71;8:50 am]

[1] Also before the Review Board are: (a) Broadcast Bureau's comments, filed Jan. 11, 1971; (b) opposition of SENCLand, filed Jan. 11, 1971; (c) reply of Seaboard, filed Jan. 21, 1971; (d) letter, filed Jan. 28, 1971, by Seaboard; and (e) letter, dated Feb. 10, 1971, by Seaboard.

[2] The Broadcast Bureau, in its comments, supports the addition of the requested abuse of process and § 1.65 issues. With regard to the requested misrepresentation, lack of candor and failure to disclose issue, the Bureau supports only the failure to disclose portion of the issue, based on Seaboard's allegations concerning the unreported business interests of SENCLand principals.

[3] On Mar. 12, 1971, the Examiner released an Order (FCC 71M-386) requiring SENCLand to return, within 10 days of the release date of the order, the depositions signed by the witnesses deposed. The Examiner ordered that SENCLand's failure to comply would result in the dismissal of its application for failure to prosecute.

[4] The Broadcast Bureau states in its comments that Seaboard made an unofficial copy of the transcript informally available to it, making it possible for the Bureau to check transcript references.

FEDERAL MARITIME COMMISSION

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS AND PUBLIC GRAIN ELEVATOR OF NEW ORLEANS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, LA 70160.

Agreement No. T-590-3, between the Board of Commissioners of the Port of New Orleans (Board) and Public Grain Elevator of New Orleans, Inc. (Elevator), modifies the basic agreement which provides for the lease of the Public Grain Elevator at New Orleans. The purpose of the modification is to provide for the installation of a new master dust pickup system, the cost of which is to be reimbursed by Elevator through the remission of a portion of the rental for the facility.

Dated: March 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4246 Filed 3-25-71;8:53 am]

[General Order 27]

FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Notice of Substantial Compliance

Pending further notice, any vessel, subject to the financial responsibility provisions of section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and the provisions of Part 542 of 46 CFR (Commission General Order 27), for which an application for a Certificate of Financial Responsibility (Oil Pollution) has been filed and required evidence of financial responsibility submitted, but which does not have its Certificate aboard, will be deemed to be in substantial compliance with section 11 (p)(1) of the Act and the Commission's implementing regulations.

Masters of vessels which do not have Certificates aboard are asked to have available the following information: (1) Registered name of the vessel; (2) name of owner or operator having applied for the Certificate; and (3) control or Certificate number which has been assigned to each application or Certificate by the Federal Maritime Commission.

By order of the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4195 Filed 3-25-71;8:51 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEES ON GENERATION, TRANSMISSION, DISTRIBUTION, AND LOAD FORECASTING METHODOLOGY

Continuation

MARCH 19, 1971.

Pursuant to section 8 of Executive Order No. 11007, issued February 26, 1962

(27 F.R. 1875, 3 CFR 1959–1963 Comp., p. 573), paragraph 8 of the Commission's order establishing the National Power Survey Technical Advisory Committees on Generation, Transmission, Distribution, and Load Forecasting Methodology, issued April 11, 1968 (33 F.R. 5969, April 18, 1968) and the Commission's determination of March 23, 1970 continuing these committees for an additional 1-year period through April 10, 1971 (35 F.R. 5292, March 28, 1970), the Commission hereby determines that the continued existence of these four National Power Survey Technical Advisory Committees for an additional 6 months period from April 11, 1971, through October 10, 1971, is in the public interest.

The Acting Secretary shall cause prompt publication of this determination to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–4165 Filed 3–25–71;8:49 am]

[Docket No. CS66–101, etc.]

COQUINA OIL CORP. ET AL.

Findings and Order

MARCH 18, 1971.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, amending orders issuing certificates, terminating certificates, canceling FPC gas rate schedules, canceling docket number, substituting respondent, redesignating proceeding, terminating rate proceedings, and accepting agreement and undertaking for filing.

On May 9, 1968, Bert Fields, Jr., et al., filed in Docket No. CS66–122, on October 16, 1970, Northern Pump Co. (Operator) et al., filed in Docket No. CS71–22, on November 16, 1970, W. R. Yinger filed in Docket No. CS71–123, on November 30, 1970, Coquina Oil Corp. filed in Docket No. CS71–147, on January 11, 1971, D.D.I., Inc., filed in Docket No. CS71–182, on January 14, 1971, J. Keith Somerville filed in Docket No. CS71–186, and on January 18, 1971, Gifford & Mitchell filed in Docket No. CS71–190, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications.

Applicants, W. R. Yinger, D.D.I., Inc., J. Keith Somerville, and Gifford & Mitchell, do not presently have any certificate or rate schedule on file with the Commission for sales from any area for which just and reasonable rates have been established.

Applicant, Northern Pump Co. (Operator) et al., is presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. Certain sales by Northern Pump Co. (Operator) et al., have been made at rates in effect subject to refund. The certificates authorizing said sales will be terminated and the related rate schedules will be cancelled. The proceedings in which increased rates collected by Northern Pump Co. (Operator) et al., were equal to or below area ceiling rates will be terminated.

Coquina Oil Corp., applicant in Docket No. CS71–147, proposes to continue, in toto, sales of natural gas heretofore authorized to be made by McGrath & Smith, Inc. (Operator) et al., small producer certificate holder in Docket No. CS66–101. McGrath & Smith is authorized to make a sale to El Paso Natural Gas Co. from Crockett County, Tex., at a rate effective subject to refund in Docket No. RI70–1150 pursuant to a contract dated November 9, 1966, and ratified by McGrath & Smith on October 11, 1967. Coquina has submitted an agreement and undertaking to assure the total refund from the date the change in rate was made effective subject to refund. Therefore, the order issuing the certificate in Docket No. CS66–101 will be amended by substituting Coquina in lieu of McGrath & Smith as certificate holder; Docket No. CS71–147 will be canceled; Coquina will be substituted in lieu of McGrath & Smith as respondent in the proceeding pending in Docket No. RI70–1150; said proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Bert Fields, Jr., et al., applicant in Docket No. CS66–122, proposes to continue, in toto, sales of natural gas heretofore authorized to be made by Bert Fields Estate et al., the small producer certificate holder in Docket No. CS66–122. Therefore, the order issuing the certificate in Docket No. CS66–122 will be amended by substituting Bert Fields, Jr., et al., in lieu of Bert Fields Estate et al., as certificate holder.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications has been filed.

At a hearing held on March 11, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant is or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and is, therefore, a "natural gas company" or will be when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10 million Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. CS66–101 and CS66–122 should be amended as hereinafter ordered and that Docket No. CS71–147 should be canceled.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Coquina Oil Corp. should be substituted in lieu of McGrath & Smith, Inc. (Operator), et al., as respondent in the proceeding pending in Docket No. RI70–1150; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by Coquina in said proceeding should be accepted for filing.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued for sales from areas for which just and reasonable rates have been established should be terminated and that the related FPC gas rate schedules should be canceled.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by applicants from areas for which just and reasonable rates have been established, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to sales already included thereunder.

(D) The grant of the certificates in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon the termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The following certificates and rate proceedings are terminated and the related FPC gas rate schedules are canceled:

NORTHERN PUMP COMPANY (OPERATOR), ET AL.

Certificate dockets Nos.	FPC gas rate schedules	Rate increase dockets Nos.
G–8378	1	RI62–267.
G–8476	2	RI72–267.
G–3290	5	
	9	RI62–24.
	10	
	12	RI62–24.
	13	
	14	RI62–267.
	15	RI62–24.
	22	RI63–425, RI66–66, RI66–234, RI70–10001.
	23	RI67–420.
	24	
G–11225	27	
G–3290	28	RI62–317, RI67–119.
	36	
	37	RI68–685.
G–8379	38	
G–9528	39	G–18105.

GAYLORD S. DAVIDSON TRUST NO. 1

G–6580	1	

JOHN B. HAWLEY, JR., AND G. S. DAVIDSON, TRUSTEES UNDER JOHN B. HAWLEY, JR., TRUST NO. 1

G–8294	1	
G–9143	1	
G–9288	2	RI62–268, RI68–128.
G–9477	3	G–18101.
G–13570[1]	4	
CI71–176	5	RI69–130.[2]

JOHN B. HAWLEY, JR., TRUSTEE

G–15339	1	

[1] This certificate is terminated only insofar as it pertains to sales made pursuant to John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1, FPC Gas Rate Schedule No. 4.

[2] This rate proceeding is terminated only insofar as it pertains to co-respondent John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1, and sales made pursuant to John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1, FPC Gas Rate Schedule No. 5.

(F) The rate proceeding pending in Docket No. RI69–130 is terminated only with respect to sales made pursuant to John B. Hawley, Jr., and G. S. Davidson, trustees under John B. Hawley, Jr., Trust No. 1, FPC Gas Rate Schedule No. 5.

(G) The order issuing a certificate of public convenience and necessity in Docket No. G–13570 is amended by deleting therefrom authorization to make sales pursuant to John B. Hawley, Jr., and G. S. Davidson, trustees under John B. Hawley, Jr., Trust No. 1, FPC Gas Rate Schedule No. 4. In all other respects, said order shall remain in full force and effect.

(H) The orders issuing small producer certificates in Dockets Nos. CS66–101 and CS66–122 are amended by substituting Coquina Oil Corp. in lieu of McGrath & Smith, Inc. (Operator), et al., and Bert Fields, Jr., et al., in lieu of Bert Fields Estate et al., respectively, as certificate holders. In all other respects, said orders shall remain in full force and effect.

(I) Docket No. CS71–147 is canceled.

(J) Coquina Oil Corp. is substituted in lieu of McGrath & Smith, Inc. (Operator), et al., as respondent in the proceeding pending in Docket No. RI70–1150; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by Coquina in said proceeding is accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–4166 Filed 3–25–71;8:49 am]

[Project No. 67]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Issuance of Annual License

MARCH 19, 1971.

On February 12, 1970, Southern California Edison Co., Licensee for Big Creek No. 2A and No. 8, Project No. 67 located in the vicinity of Fresno, Calif., on the San Joaquin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on August 21, 1970.

The License for Project No. 67 was issued effective March 3, 1921 for a period ending March 2, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Co. for continued operation and maintenance of Project No. 67.

Take notice than an annual license is issued to Southern California Edison Co. (licensee) under section 15 of the Federal Power Act for the period March 3, 1971, to March 2, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Big Creek No. 2A and No. 8 Project No. 67, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–4167 Filed 3–25–71;8:49 am]

[Project No. 120]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Issuance of Annual License

MARCH 19, 1971.

On February 12, 1970, Southern California Edison Co., licensee for Big Creek No. 3, Project No. 120, located in the vicinity of Fresno, Kern, Madera, Los Angeles, and Tulare Counties, Calif., on the San Joaquin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on August 20, 1970.

The license for Project No. 120 was issued effective June 8, 1922, for a period ending March 3, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the

Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Co. for continued operation and maintenance of Project No. 120.

Take notice that an annual license is issued to Southern California Edison Co. (licensee) under section 15 of the Federal Power Act for the period March 4, 1971, to March 3, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Big Creek No. 3, Project No. 120, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4168 Filed 3-25-71;8:49 am]

[Docket No. G-4820 etc.]

TEXACO, INC. ET AL.

Findings and Order; Correction

MARCH 11, 1971.

John B. Hawley, Jr., and G. S. Davidson, trustees under John B. Hawley, Jr. Trust No. 1, Docket No. CI71-176.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, serving and terminating proceedings, substituting respondent, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued December 21, 1970, and published in the FEDERAL REGISTER January 5, 1971. (36 F.R. 121), change FPC Gas Rate Schedule "No. 51" to read FPC Gas Rate Schedule "No. 5" related to Docket No. CI71-176.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4169 Filed 3-25-71;8:49 am]

FEDERAL RESERVE SYSTEM

SOUTHWEST BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Southwest Bancshares, Inc., which is a bank holding company located in Houston, Tex., for prior approval by the Board of Governors of the acquisition by applicant of more than 51 percent of the voting shares of The Village National Bank, Houston, Tex., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

By order of the Board of Governors, March 22, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4134 Filed 3-25-71;8:46 am]

TRUST COMPANY OF GEORGIA

Stay of Order Approving Application for Acquisition of Assets and Assumption of Liabilities Under Bank Merger Act

In the matter of the application of Trust Company of Georgia, Atlanta, Ga., for approval of acquisition of assets and assumption of liabilities of Peachtree Bank and Trust Co., Chamblee, Ga.

On February 22, 1971, the Board of Governors issued an Order pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), approving an application by Trust Company of Georgia, Atlanta, Ga., for prior approval of the merger of Trust Company with Peachtree Bank and Trust Co., Chamblee, Ga., by means of Trust Company's purchase of assets and assumption of liabilities of Peachtree Bank.

There has come before the Board pursuant to § 262.2(f)(6) of the Board's rules of procedure (12 CFR 262.2(f)(6)) a petition by the U.S. Department of Justice for (1) reconsideration of the Board's order of February 22, 1971, and (2) a stay in the operation of its order of February 22, 1971, until such time as the Board rules on the petition for reconsideration, and if reconsideration is granted, until such reconsideration is completed and the application is either re-approved or disapproved.

The petition appears to raise complex issues of a procedural and substantive nature. In order that the Board may give appropriate consideration to these issues, a stay of the Board's approval order of February 22, 1971, appears to be in the interests of all parties as well as in the public interest. Accordingly:

It is hereby ordered, That the Board's order of February 22, 1971, in this matter be and hereby is stayed until further order of the Board.

By order of the Board of Governors,[1] March 19, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4135 Filed 3-25-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 19, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 22, 1971, through March 31, 1971.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4145 Filed 3-25-71;8:47 am]

[70-4952]

EASTERN UTILITIES ASSOCIATES

Notice of Proposed Issue and Sale of Note to Bank by Holding Company

MARCH 19, 1971.

Notice is hereby given that Eastern Utilities Associates (EUA), Post Office Box 2333, Boston, MA 02107, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

EUA proposes to issue and sell to The Chase Manhattan Bank (National Association) (Chase Manhattan) its 5-year unsecured promissory note in the principal amount of $17 million. The note will be dated the day of issue, will carry a sinking fund designed to retire 20 percent of the initial principal amount of the note annually and will bear interest, payable quarterly, on the unpaid principal amount outstanding at the rate of 1 percent per annum over the then current prime commercial rate in effect at Chase Manhattan. EUA will maintain with Chase Manhattan compensating balances of not less than 15 percent, will pay to the bank a closing fee in the amount of $170,000, and pay a commitment fee at the rate of one-half of 1 percent from December 18, 1970, until the date the loan is made. The note will be prepayable in whole or in part at any time without penalty, except that a penalty of 10 percent of the prepayment shall apply when funds therefor are obtained from the proceeds of any borrowing from any commercial bank for a term comparable to that of the note and at a lower rate of interest. Prior to entering into the arrangement for the issue and sale of the note to Chase Manhattan, EUA held discussions with six commercial banks. It is stated that only two of the six banks indicated an interest in the loan and that only Chase Manhattan was interested in lending the full amount.

The proceeds from the sale of the note will be added to the general funds of EUA and made available from time to time to subsidiary companies, through advances on open account, to provide funds for the construction programs or other capitalizable expenditures of its subsidiary companies or the reduction of their short-term bank loans previously incurred for such purposes. No authorization for such advances is being sought in this present declaration. EUA estimates that the total of construction expenditures for the 6-year period 1970 through 1975 is $104,148,000.

The declaration states that the indenture provisions for the EUA subsidiary companies concerning property additions and interest coverage test, do not at this time permit the subsidiary companies to sell a sufficient amount of bonds to meet the needs of these companies. The declaration further states that a sale of common stock by EUA on a 1 to 12 basis, which would dilute earnings per share and raise EUA's dividend payout ratio to 93.3 percent, would only produce approximately one-third of EUA's present financial requirements. It is stated that if the proposed note is issued, EUA will offer and sell common stock during 1971 in an amount at least sufficient to meet the net cash requirements for the 1971 sinking fund payment.

The fees and expenses incident to the proposed transaction will be furnished by amendment. The declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transaction.

Notice is further given that any interested person may, not later than April 5, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4146 Filed 3-25-71;8:47 am]

[812-2892]

FIDELITY FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Shares at Other Than Public Offering Price

MARCH 19, 1971.

Notice is hereby given that Fidelity Fund, Inc. (applicant), 35 Congress Street, Boston, MA 02109, a Massachusetts corporation registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for the assets of Staley Investment Company (Staley). All interested persons are referred to the application on file with the Commission for a statement of applicant's representation which are summarized below.

Staley, a Missouri corporation all of whose outstanding stock is owned by not more than five persons is primarily engaged in investing, reinvesting and trading in securities. Applicant asserts that Staley is excepted from the definition of an investment company by reason of the provisions of section 3(c)(1) of the Act. Pursuant to an agreement between applicant and Staley, substantially all of the cash and securities owned by Staley, with a value of approximately $980,980 as of December 31, 1970, will be transferred to applicant in exchange for shares of its capital stock. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in the application) of the assets of Staley to be transferred to applicant as of valuation time, as defined in the agreement.

Since the exchange is expected to be tax free for Staley and its stockholders, applicant's cost-basis for tax purposes for the assets acquired from Staley will be the same as Staley's cost-basis, rather than the price actually paid by applicant for the assets. If the valuation under the agreement had taken place on December 31, 1970, Staley would have received 65,009 shares of applicant's stock.

When received by Staley, the shares of applicant, which are registered under the Securities Act of 1933, are to be distributed to the stockholders on the liquidation of Staley. Applicant has been advised by the management of Staley that the stockholders of Staley have no present intention of redeeming or otherwise transferring any of applicant's shares following the proposed transaction.

The applicant represents that no affiliation exists between Staley or its officers, directors, or stockholders and applicant, its officers, directors, and the agreement was negotiated at arm's length by the two companies. Applicant's board of directors approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among other things, the fact that the securities will be obtained without the payment of brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governor Sherrill.

such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and appropriate in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 2, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4147 Filed 3-25-71;8:47 am]

[812-2890]

PENN-PACIFIC CORP.

Notice of Application for Order of Temporary Exemption

MARCH 19, 1971.

Notice is hereby given that Penn-Pacific Corp. (applicant), 441 Friendship Road, Harrisburg, PA 17111, a Pennsylvania corporation, has applied pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission temporarily exempting it from the provisions of section 7 of the Act. Applicant, in requesting such temporary exemption, has agreed that applicant and other persons in their transactions and relations with it shall be subject to all other provisions of the Act and the respective rules and regulations promulgated under each of such provisions as though applicant were a registered investment company, other than the following: Section 8; subsections (f), (g), (h), and (i) of section 17; section 18 (except subsection (d) thereof); section 23; section 30 (except subsection (f) thereof); and section 31 of the Act and the rules and regulations thereunder. All interested persons are referred to the application which is on file with the Commission for a statement of applicant's representations, which are summarized below:

This request has been made as an amendment to an application filed by applicant on January 29, 1970, pursuant to section 3(b)(2) of the Act for an order of the Commission declaring that it is not an investment company or, in the alternative, an order pursuant to section 6(c) of the Act exempting applicant, subject to certain appropriate terms and conditions, from the provisions of section 7 of the Act for a period of at least 1 year from the date of the order. Section 3(b)(2) provides that the filing of an application thereunder shall exempt the applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such.

The 60-day period of exemption provided in section 3(b)(2) will expire in applicant's case on March 30, 1971. Applicant, which has not registered as an investment company under the Act, has asked that it be exempted as requested until the Commission has acted upon the application under sections 3(b)(2) and 6(c) of the Act.

Notice is further given that, in respect to the application pursuant to section 6(c) of the Act for an order of temporary exemption, any interested person may, not later than March 29, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application for an order of temporary exemption may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4148 Filed 3-25-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 23, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42157—*Anhydrous ammonia to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A–2640), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, as described in the application, from Conway, Kans., and Hill Spur, Iowa, to points in western trunkline territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 37 to Western Trunk Line Committee, agent, tariff ICC A–4749.

FSA No. 42158—*Liquid caustic soda from Evans City, Ala.* Filed by O. W. South, Jr., agent (No. A6237), for and on behalf of the Southern Railway Co. Rates on sodium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from Evans City, Ala., to Graniteville, S.C.

Grounds for relief—Rate relationship.

Tariff—Supplement 30 to Southern Freight Association, agent, tariff ICC S–938.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-4197 Filed 3-25-71;8:51 am]

[Docket No. 34971]

INCREASED RATES AND CHARGES, FROM, TO AND BETWEEN MIDDLEWEST TERRITORY

The Commission has received numerous inquiries concerning the status of the refund order in the above proceeding.

This is to advise the parties to this proceeding and the general public that upon expiration of the District Court's injunction, the refund order became fully effective on March 11, 1971. The refund order has remained fully in effect since that date, although the litigation continues with the filing by the motor carriers of their appeals from the decision of the District Court sustaining the order. If any further or other restraint is issued, the Commission will advise the parties.

The parties and the general public are further advised that the refunds in issue are payable by the motor carriers which are participants in the increases made effective from April 1, 1968 through August 31, 1969, in the following tariffs:

Middlewest Motor Freight Bureau, Agent:
MF–ICC 509:
In supplement 71, Item GI–68 except insofar as it would apply in connection with Item 10380 series;
MF–ICC 512:
In supplement 49, Item GI–68 except insofar as it would apply in connection with Item 7700 series;
MF–ICC 541:
Supplement 2;
Supplement 6;
MF–ICC 55:
Supplement 42.

It is further unclear whether any statute of limitations applies to the payment of refunds under the Commission's order. In an abundance of caution, the attention of shippers and receivers of freight is called to section 16(3)(c) of the Interstate Commerce Act, 49 U.S.C. 16(3)(c), which provides:

For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers subject to this part within 3 years from the time the cause of action accrues, and not after, subject to subdivision (d), except that if claim for the overcharge has been presented in writing to the carrier within the 3-year period of limitation said period shall be extended to include 6 months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

If such section applies, then the statute will begin to foreclose refunds on May 1, 1971.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-4198 Filed 3-25-71;8:51 am]

[Notice 266]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 22, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 347 TA), filed March 10, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, 50704, Waterloo, IA 50702. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk, in tank vehicles), and (2) *equipment, materials and supplies* used in the meat packing business, between the plantsite and facilities of Illini Beef-Packers, Inc. at or near Joslin, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, for 180 days. Supporting shipper: Illini Beef-Packers, Inc. (Herman C. Jacobsen, Transportation Consultant), 221 North La Salle Street, Chicago, IL 60601. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 82492 (Sub-No. 49 TA), filed March 12, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, MI 49003. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix 1 sections A, C, and D to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., and Council Bluffs, Iowa; to points in Indiana, Michigan, and Ohio; Restricted to traffic originating at the plantsite and warehouse facilities utilized by Beefland International, Inc., in Omaha, Nebr., and Council Bluffs, Iowa; for 180 days. Supporting shipper: Robert Young, General Traffic Manager, Beefland International, Inc., 2700 23d Avenue, Council Bluffs, IA 55501. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 225, Lansing, MI 48933.

No. MC 82492 (Sub-No. 52 TA), filed March 15, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, MI 49003. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix 1, sections A, C, and D to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and (2) *equipment, materials, and supplies* used in the conduct of meat packing businesses, between the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Herman C. Jacobsen, Transportation Consultant for Illini Beef Packers, Inc. (Illini), 221 North La Salle Street, Chicago, IL 60601. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 225, Lansing, MI 48933.

No. MC 107295 (Sub-No. 492 TA), filed March 15, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets, related items, and accessories and materials used in the installation thereof*, from Union City, Ind., to Connecticut, Delaware, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin (except Superior), and the District of Columbia, for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge, Hamilton, Ohio 45011. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 119767 (Sub-No. 262 TA), filed March 10, 1971. Applicant: BEAVER TRANSPORT CO., Post Office Box 188, Pleasant Prairie, WI 53158, Office: I–94 and County Highway Co., Bristol, WI. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix 1, sections A, C, and D to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and

766 and (2) *equipment, materials and supplies* used in the conduct of meat packing businesses, from the plantsite of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. (Herman C. Jacobsen, Transportation Consultant). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 125951 (Sub-No. 15 TA), filed March 12, 1971. Applicant: SILVEY & COMPANY, South Omaha Bridge Road, Council Bluffs, IA 51501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from plantsite and storage facilities of Beefland International, Inc., at or near Council Bluffs, Iowa, to Boston, Mass; Philadelphia, Pa.; New York, N.Y., and points in New Jersey within 5 miles of New York City, for 150 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa. Send protests to: Carroll Russell, District Supervisor, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 126276 (Sub. No. 44 TA) (Correction), filed March 3, 1971, published FEDERAL REGISTER issue March 12, 1971, corrected and republished in part as corrected this issue. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert Andrin, 29 South La Salle Street, Chicago, IL 60603. NOTE: The purpose of this partial republication is to correct applicant's correct name as "Fast Motor Service, Inc.," in lieu of East Motor Service, Inc. The rest of the application remains the same.

No. MC 126585 (Sub-No. 3 TA), filed March 15, 1971. Applicant: L. BRETON TRANSPORT, LTD., Lime Ridge, Quebec, Canada. Applicant's representative: Edwin W. Free, Jr., 25 Keith Avenue, Barre, VT 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk and in bags, from ports of entry on the international boundary between the United States and Canada in Maine and New Hampshire to points in Maine, New Hampshire, Vermont, and Massachusetts, restricted to a transportation service to be performed under a continuing contract with Dominion Lime, Ltd., of Lime Ridge, Quebec; for 150 days. Supporting shipper: Dominion Lime, Ltd., Lime Ridge, Quebec. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, NH 03301.

No. MC 126860 (Sub-No. 8 TA), filed March 15, 1971. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and advertising materials, premiums and malt beverage dispensing equipment*, when moving at the same time and in the same vehicle with malt beverages, from Detroit, Mich., to points in Iowa, Minnesota, and Wisconsin. Restriction: Limited to a transportation service to be performed under a continuing contract, or contracts with the National Brewing Co., Detroit, Mich., for 180 days. Supporting shipper: The National Brewing Co. Mid-Western Division, 3765 Hurlbut Avenue, Detroit, MI 48214. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 133655 (Sub-No. 46 TA), filed March 15, 1971. Applicant: TRANSNATIONAL TRUCK, INC., Post Office Box 1468, Amarillo, TX 79105. Applicant's representative: Harold H. Pike (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as defined by the (same address as applicant). Authority Commission, from Beefland International plantsite at Council Bluffs, Iowa, and storage facilities, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Robert D. Young, General Traffic Manager, Beefland International, Inc., 2700 23d Avenue, Council Bluffs, IA 55501. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 135304 (Sub-No. 1 TA), filed March 15, 1971. Applicant: DOMAN MARPOLE TRANSPORT LTD., 1216 West 73d Avenue, Vancouver 14, BC Canada. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate*, from port of entry on the international boundary line between Blaine, Wash., to Everett, Wash., restricted to traffic moving in equipment exclusively assigned and identified in the service of Electric Reduction Company of Canada Ltd. for 150 days. Supporting shipper: Electric Reduction Company of Canada, Ltd., 2 Gibbs Road (Toronto) Islington 678, ON Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135346 (Sub-No. 1 TA), filed March 15, 1971. Applicant: CITIZEN AUTO STAGE COMPANY, doing business as CITIZEN EXPRESS LINES, 454 Grand Avenue, Nogales, AZ 85621. Applicant's representative: Robert J. Corber, 1250 Connecticut Avenue, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials for manufacture and/or assembly of electronic and/or data processing equipment or subassemblies and manufactured or assembled electronic or data processing equipment or subassemblies*, between Santa Clara, Calif., on the one hand, and, on the other, the international border between the United States and Mexico located at Nogales, Ariz., for 180 days. Supporting shipper: Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, AZ 85025.

No. MC 135359 (Sub-No. 1 TA), filed March 13, 1971. Applicant: BERNARD BAILEY, Bushwood, Md. 20618. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages and advertising paraphernalia*, from Washington, D.C., to Leonardtown, Md., and (2) *used beverage containers, crates, cartons, pallets, and empty bottles*, from Leonardtown, Md., to Washington, D.C., for 180 days. Supporting shipper: Tennison Distributing Co., Leonardtown, Md. 20650. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 135375 TA, filed March 10, 1971. Applicant: QUINCIE GIBSON, doing business as GIBSON TRANSFER CO., 404 East 21st Street, Wichita, KS 67214. Applicant's representative: Edward F. Arn, 330 R. H. Garvey Building, Wichita, KS 67202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products and supplies*, with store-door delivery in less than truckload lots, from and to Wichita, Kans., to and from the stores of Dold Packing Co. customers at points in Oklahoma and Texas, and to return or *backhaul packinghouse supplies* from the aforesaid points and places to Dold Packing Co., Wichita, Kans., for 180 days. Supporting shipper: Dold Packing Co., Inc., 421 East 21st Street, Wichita, KS 67214. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, KS 67202.

No. MC 135379 (Sub-No. 1 TA), filed March 15, 1971. Applicant: EASTERN TRANSPORT, INC., 320 Stiles Street, Linden, NJ 07036. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses (except commodities in bulk), and in connection therewith *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk) for the account of Food Fair Stores, Inc., between Linden, N.J., on the one hand, and, on the other, points in Connecticut (except New Haven and Fairfield Counties), Rhode Island, Massachusetts, Hillsboro County, N.H., Sullivan, Delaware, Onondaga, Monroe, Schoharie, Montgomery, Fulton, Schenectady, Saratoga, Warren, and Washington Counties, N.Y., and Philadelphia, Pa., (2) *such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses (except commodities in bulk), and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between Linden, N.J., on the one hand, and, on the other, points in Putnam, Westchester, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, and Rockland Counties, N.Y. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts with Food Fair Stores, Inc., of Linden, N.J. Supporting shipper: Food Fair Stores, Inc., 320 South Stiles Street, Linden, NJ 07036. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135395 TA, filed March 15, 1971. Applicant: WAREHOUSE & TERMINAL CARTAGE CO., 7401 South Cicero Avenue, Chicago, IL 60629. Applicant's representative: J. Edward Clair, 135 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, bleaches, glues, cleaners, inks, colors, starch, steel strapping, tape, scrap paper, or waste paper, boxes, fiberboard, paper, paperboard, or pulpboard, NOI not corrugated; boxes fiberboard, paper, paperboard, or pulpboard NOI corrugated* except commodities of an unusual or extraordinary value, (1) from Chicago, Ill., and Forest View, Ill., on the one hand, to the States of Iowa, Michigan, Ohio, Tennessee, Mississippi, and West Virginia on the other, and (2) from the States of Iowa, Michigan, Ohio, Tennessee, Mississippi, and West Virginia on the one hand, to Chicago, Ill., and Forest View, Ill., on the other, for 180 days. Supporting shipper: Consolidated Packaging Corp., 72 West Adams Street, Suite 800, Chicago, IL 60603. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 135396 TA, filed March 15, 1971. Applicant: WESTERN TANK LINES, INC., 19059 15th Avenue NW., Seattle, WA 98160. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk petroleum products*, from points in Grant County, Wash., to points in Umatilla and Baker Counties, Oreg., for 180 days. Supporting shipper: Humble Oil & Refining Co., 1800 Avenue of the Stars, Los Angeles, CA 90067. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 431 TA), filed March 15, 1971. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: Richard Fryling (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip special operations, beginning and ending at Brooklyn and Staten Island, N.Y., and extending to Delaware Park Race Track, Stanton, Del., for 180 days. Supporting shipper: John W. Rooney, Assistant Treasurer, Delaware Racing Association, Delaware Park Race Track, Stanton, Del., and 30 additional prospective passengers whose letters of support are on file in the Newark, N.J., field office. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 128758 (Sub-No. 2 TA), filed March 10, 1971. Applicant: BLUE LINES, INC., 2001 New York Avenue NE., Washington, DC 20002. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Brunswick, Md., and Charlestown, W. Va., serving all intermediate points from Brunswick, Md., over Maryland Highway 464 to junction U.S. Highway 340, thence over U.S. Highway 340 to Charles Town, W. Va., and return over the same route, for 180 days. NOTE: Applicant does intend to tack with certificate MC-128758 at Brunswick, Md. Supporting shippers: Henry M. Snyder, Jr., County Court of Jefferson County, W. Va. Charles Town, W. Va.; G. E. Vickers, Jefferson County Chamber of Commerce, Charles Town, W. Va.; Mrs. Joyce A. Mann, Old Charles Town Library, Inc., Charles Town W. Va.; James M. Davis, Supertane Gas Corp., Charles Town, W. Va. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4200 Filed 3-25-71;8:51 am]

[Notice 267]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 23, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25869 (Sub-No. 104 TA), filed March 18, 1971. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, 4734 South 27th Street, Omaha, NE 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Beefland International, Inc., at or near Council Bluffs, Iowa, to points in Colorado, Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, and Wisconsin, for 150 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 30837 (Sub-No. 429 TA), filed March 18, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway and driveaway service, between points in Minnesota, North Dakota, and South Dakota, for 180 days. Supporting shipper: Southern Service Co., Inc., Post Office Box 15184, New Orleans, LA 70115; (Delores Rodman, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135

West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 62499 (Sub-No. 10 TA) (Correction), filed February 12, 1971, published FEDERAL REGISTER issue, February 24, 1971, and republished in part as corrected this issue. Applicant: HAGERSTOWN MOTOR EXPRESS CO., INC., Post Office Box 1946, Middleburg Pike, Hagerstown, MD 21740. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. NOTE: The purpose of this partial republication is to include the tacking information as follows: Applicant states it intends to tack with MC 62449, at Hagerstown, Md., which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 103993 (Sub-No. 621 TA), filed March 18, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, from points in Tippah County, Miss., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Tidwell Industries, Inc., Post Office Box 518, Ripley, MS 38663. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 109533 (Sub-No. 46 TA), filed March 18, 1971. Applicant: OVERNITE TRANSPORTATION COMPANY (a corporation), 1100 Commerce Road, Richmond, VA 23224. Applicant's representative: Clarence H. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) between Denmark, S.C., and Jacksonville, Fla., from Denmark over U.S. Highway 321 to junction U.S. Highway 17, thence over U.S. Highway 17 to Jacksonville, and return over the same route, serving no intermediate points; (2) between Augusta, Ga., and Fairfax, S.C., over U.S. Highway 278, serving no intermediate points; (3) between Macon, Ga., and Jacksonville, Fla., from Macon over U.S. Highway 23 to Jacksonville and return over the same route, serving no intermediate points, from Macon over Interstate Highway 75 to junction with Interstate Highway 10, thence over Interstate Highway 10 to Jacksonville and return over the same route, serving no intermediate points; and (4) also commercial zone of Jacksonville, Fla., for 180 days. NOTE: Applicant does intend to tack the authority in MC 109533 at Macon, Ga., and Denmark, S.C. Supporting shipper: There are approximately 40 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, VA 23240.

No. MC 111401 (Sub-No. 323 TA), filed March 18, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed, liquid animal feed ingredients and liquid animal feed supplements*, in bulk, from Oklahoma City, Okla., to Allison, Blue Ridge, Chillicothe, Childress, Darrouzette, Higgins, Iowa Park, Jacksboro, Justin, McLean, Mansfield, Memphis, Mineral Wells, Pampa, Paris, Shamrock, Weatherford, Wellington, and Wheeler, Tex., for 180 days. Supporting shipper: Eddie Boydstun, Taylor-Evans Seed Co., 2701 East Third, Post Office Box 4008, Amarillo, TX 79107. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 110420 (Sub-No. 632 TA), filed March 18, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Also: Bristol Kenosha County, Wis. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products and blends*, dry, in bulk, from Cedar Rapids, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Cargill, Inc., Minneapolis, Minn. (Harold L. Karr, General Truck Coordinator). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 114734 (Sub-No. 23 TA), filed March 18, 1971. Applicant: D AND J TRANSFER CO., a corporation, Sherburn, MN 56171. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, from Hospers, Iowa, to Minneapolis, Minn., Chicago, Ill., and Milwaukee, Wis., and points in their commercial zones, for 180 days. Supporting shipper: Banner Beef Co., Highway 60, Hospers, IA 51238. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 114789 (Sub-No. 33 TA), filed March 18, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: B. R. Veach (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment because of size or weight); (a) from the plantsite and other facilities of Minnesota Mining & Manufacturing Co. at St. Paul, Minn., and Ames, Iowa; to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia; and (b) from the plantsites and other facilities of Minnesota Mining & Manufacturing Co. at Bristol, Pa., Freehold, N.J., Middleway, W. Va., and Newark, N.J., to the plantsites and other facilities of Minnesota Mining & Manufacturing Co. at St. Paul, Minn., and Ames, Iowa, all under contract with 3M Co. Service under (a) restricted against delivery at sales branch warehouses of 3M Co., for 180 days. Supporting shipper: Minnesota Mining & Manufacturing Co., St. Paul, Minn. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 123383 (Sub-No. 55 TA), filed March 18, 1971. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, NJ 08103. Applicant's representative: Thomas E. Kiley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, constuction materials, supplies, and equipment, and such commodities as are dealt in by wholesale and retail hardware stores, and accessories used in manufacture and furnishing of mobile homes*, from Norfolk, Va., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia, for 150 days. Supporting shipper: Evans Products Co., Post Office Box 880, Corona, CA 91720. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 124170 (Sub-No. 20 TA), filed March 18, 1971. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, MI 48209. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, in vehicles equipped with mechanical refrigeration, from the plantsite of Awrey Bakeries, Inc., at Livonia, Mich., to points in Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, Virginia, Washington, and Washington, D.C., for 150 days. Supporting shipper: Awrey Bakeries, Inc., 12301 Farmington Road, Livonia, MI 48150. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 125777 (Sub-No. 135 TA), filed March 18, 1971. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roasted dolmite*, from the plantsites of the J. E. Baker Co. at Millersville, Ohio and York, Pa., to Chicago, Ill., for 180 days. Supporting shipper: F. Garrety, Traffic Manager, The J. E. Baker Co., York, Pa. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 125952 (Sub-No. 13 TA), filed March 18, 1971. Applicant: INTERSTATE DISTRIBUTOR CO. (a Corp.), 8311 Durango Southwest, Tacoma, WA 98499. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate, sodium sulphate, soda ash, methylene chloride, copper sulphate, carbon disulphide and carbon tetrachloride mixtures, boric acid, pentachlorophenol, metasilicates, trichloroethylene, nitric, phosphoric, acetic and hydrofluoric acids, plating and buffing compounds, detergents, and filtering agents*, all moving in containers (except in bulk), from points in California, and Reno, Calado, Gabbs, and Luning, Nev., to points in Washington, for 180 days. Supporting shipper: Van Waters & Rogers, 4000 First Avenue South, Seattle, WA 98134. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

No. MC 127834 (Sub-No. 62 TA), filed March 18, 1971. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: Bryan Stanley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New crated office furniture*, from Henderson, Tex., to points in Oklahoma, Kansas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Illinois, Wisconsin, Michigan, Indiana, Kentucky, Alabama, Ohio, Georgia, Florida, South Carolina, North Carolina, West Virginia, Virginia, Maryland, Pennsylvania, New York, New Jersey, and Washington, D.C., for 180 days. Supporting shipper: B. C. Black, Sales Office Manager, Anderson Hickey Co., Henderson, Tex. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 803, 1808 West End Building, Nashville, TN 37203.

No. MC 135232 (Sub-No. 1 TA) (Correction), filed February 25, 1971, and published FEDERAL REGISTER issue March 9, 1971 and republished in part as corrected this issue. Applicant: CROWN METAL & SALVAGE CO., Old Route 82, Brookfield, OH 44403. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. NOTE: The purpose of this partial republication is to correctly set forth the correct name of the Shipper as "Columbia Iron & Metal Co."; in lieu of Columbus Iron & Metal Co. shown erroneously in previous publication. The rest of the application remains the same.

No. MC 135283 (Sub. No. 1 TA), filed March 18, 1971. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., East Highway 30, Grand Island, Nebr. 68801. Applicant's representative: John K. Walker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities of Swift & Co. at or near Grand Island, Nebr., to points in Iowa, Illinois, Missouri, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Swift Fresh Meats Co., Division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and U.S. Courthouse, Lincoln, NE 68508.

No. MC 135402 TA, filed March 18, 1971. Applicant: FREEWAY TRANSPORT, INC., 803 West Nickerson, Seattle, WA 98119. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Long Beach, Calif., and Seattle, Wash., to Portland, Oreg., for 180 days. Supporting shipper: United Salad Co., 636 Southeast 10th Avenue, Portland, OR 97214. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4201 Filed 3-25-71;8:51 am]

[Notice 669]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 23, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72489. By order of March 19, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to Young Transport, Inc., Logansport, Ind., of the operating rights in corrected certificate No. MC–119991 and certificate No. MC–119991 (Sub-No. 1) issued July 28, 1969, July 28, 1965, respectively, to Roscoe Hufford, doing business as Roscoe Hufford Trucking, Lake Cicott, Ind., authorizing the transportation of green hides and skins, salted, from points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Minnesota, Missouri, New York, except points in the New York, N.Y., commercial zone, Ohio, Tennessee, and Wisconsin, to Philadelphia, Pa.; and from Philadelphia, Pa., to points in Illinois, Maine, Massachusetts, New York, except points in the New York, N.Y., commercial zone, Ohio, and Wisconsin. Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204, attorney for applicants.

No. MC–FC–72727. By order of March 18, 1971, the Motor Carrier Board approved the transfer to K B M Transport, Inc., Hudson, Mass., of the certificate of registration in No. MC–121370 (Sub-No. 1) issued April 9, 1964, Wallace D. Pollard, doing business as Poliard Transportation Co., Marlboro, Mass., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts, corresponding in scope to the service authorized by irregular route common carrier certificate No. 2301, dated December 15, 1950, issued by the Massachusetts Department of Public Utilities. Arthur A. Wentzell, registered practitioner, Post Office Box 764, Worcester, MA 01613.

No. MC–FC–72739. By order of March 19, 1971, the Motor Carrier Board approved the transfer to American Freight Line, Inc., Kansas City, Mo., of the operating rights in certificate No. MC–1607 issued June 24, 1970, to Ronald R. Barth, doing business as Barth Truck Line, Braymer, Mo., authorizing

the transportation of general commodities, with usual exceptions, between Ludlow, Kingston, Polo, Mo., and Kansas City, Kans., over regular routes, serving certain intermediate and off-route points in Missouri and Kansas and household goods between Polo, Mo., and points within 20 miles of Polo., Mo., on the one hand, and, on the other, points in Iowa and Kansas. Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105, attorney for applicants.

No. MC-FC-72741. By order of March 16, 1971, the Motor Carrier Board approved the transfer to Elmer O. Rosemann, Jr., doing business as Appliance Delivery, St. Louis, Mo., of certificate No. MC-117300, issued to Elmer O. Rosemann, Sr., St. Louis, Mo., authorizing the transportation of: Electrical refrigerators and electrical appliances, between specified points in Illinois and Missouri. Robert A. Cedarburg, attorney, 706 Chestnut, St. Louis, MO 63101.

No. MC-FC-72746. By order of March 19, 1971, the Motor Carrier Board approved the transfer to Borden Trucking, Inc., Mira Loma, Calif., of the certificate of registration in No. MC-120898 (Sub-No. 1) issued May 1, 1964, to James P. Maugh, doing business as Able Transportation Co., Santa Fe Springs, Calif., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in decision No. 14404 dated December 27, 1924, and transferred in decision No. 61593 dated February 28, 1961, issued by the Public Utilities Commission of California. Donald Murchison, Suite 400, Glendale Federal Building, 9454 Wilshire Boulevard, Beverly Hills, CA 90212, attorney for applicants.

No. MC-FC-72750. By order of March 19, 1971, the Motor Carrier Board approved the transfer to Cal-Hawaiian Freight, Inc., Orange, Calif., of the certificate and the corrected certificate of registration in Nos. MC-31689 and MC-31689 (Sub-No. 2) issued July 25, 1967, and July 25, 1967, respectively, to LTL Delivery, a corporation, Los Angeles, Calif., the certificate authorizing the transportation of general commodities, with usual exceptions, between Los Angeles, Calif., on the one hand, and, on the other, Los Angeles Harbor and Long Beach, Calif., and chemicals, chemical byproducts, antifreeze liquids, and alcohol, between Anaheim, Calif., on the one hand, and, on the other, Long Beach and Los Angeles Harbor, Calif., and the certificate of registration evidencing a right to engage in transportation in interstate or foreign commerce corresponding to the authority granted in decision No. 61235 dated December 20, 1960, as amended by decision No. 63060 and transferred pursuant to decision No. 71274 dated September 13, 1966, issued by the Public Utilities Commission of California. Milton W. Flack, 1813 Wilshire Boulevard, Los Angeles, CA 90057, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4199 Filed 3-25-71;8:51 am]

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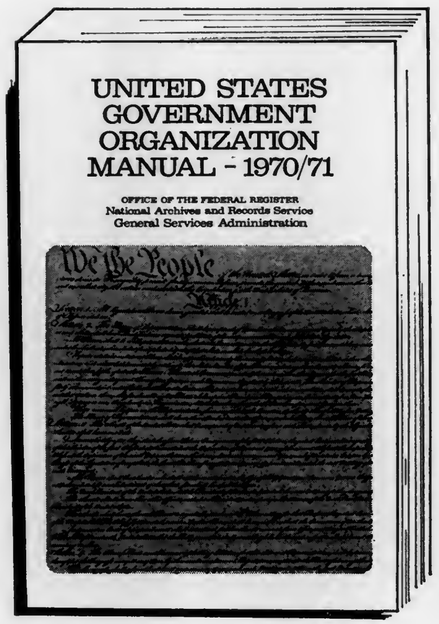
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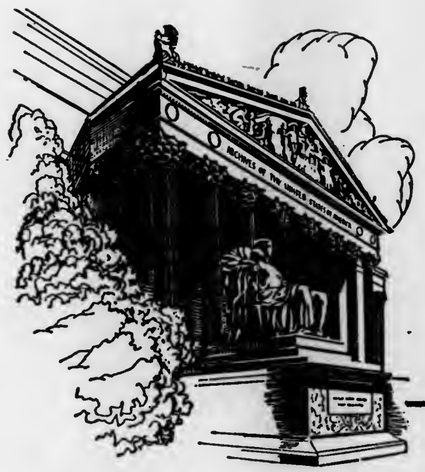
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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Inauguration Charge for Egg Products Plants

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the U.S. Department of Agriculture hereby amends the provision containing the inauguration charges set forth in the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55).

Statement of considerations. The egg products provisions of the Egg Products Inspection Act (Public Law 91–597) become effective on July 1, 1971. The Act will require mandatory inspection of egg products plants, unless exempted. This applies to all plants, including those presently under the USDA voluntary program.

Any plant which is surveyed and approved for mandatory service pursuant to the Egg Products Inspection Act, and any plant which is operating on June 30, 1971, under the voluntary program pursuant to this part (7 CFR Part 55), may operate under the provisions of the Egg Products Inspection Act on July 1, 1971.

The provision of this part (7 CFR Part 55) which requires the payment of an inauguration charge when an application for service is signed, is being amended to provide that no inauguration charge be made when an application has been signed for egg products inspection service under the Egg Products Inspection Act (84 Stat. 1621 et seq. 21 U.S.C. 1031–1056).

Since the surveys and other related items would be made under the Egg Products Inspection Act, there would be no additional costs to the Department to furnish service under this part (7 CFR Part 55) and an inauguration charge would not be applicable.

In addition, by deleting the inauguration charge at this time, the Department believes this may encourage some plants to apply for the voluntary inspection service prior to July 1, 1971. This would be of advantage to the plants, consumers, and the Department. The plants would benefit from the experience gained prior to July 1, 1971, and such experience will afford an orderly transition of the plants from the voluntary to the mandatory program on that date with no disruption in the orderly marketing of egg products; consumers will be assured that the egg products produced in these plants are wholesome, unadulterated, and properly labeled; and the Department will benefit from not having to perform an excessive number of surveys and related functions in a short period before July 1, 1971, which would result in a concentrated workload and excessive costs.

The amendment is as follows:

In § 55.68, subparagraph (1) of paragraph (a) is revised to read:

§ 55.68 Continuous inspection performed on a resident basis.

* * * * * * *

(a) * * *

(1) An inauguration charge of $200 will be made at the time an application for service under this part is signed except when an application for service has been signed for egg products inspection service under the Egg Products Inspection Act (84 Stat. 1621, et seq., 21 U.S.C. 1031–1056), or when an application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) or inspector(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. There will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location within 12 months from the date of the inauguration of service.

* * * * * * *

Public rulemaking would not result in the Department receiving additional information on this matter. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 23d day of March, 1971, to become effective April 1, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-4275 Filed 3-26-71;8:50 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 473]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.773 Lemon Regulation 473.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to

effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 28, 1971, through April 3, 1971, are hereby fixed as follows:

(i) District 1: 9,000 Cartons;
(ii) District 2: 191,000 Cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 25, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-4361 Filed 3-26-71;8:53 am]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-675; Amdt. 33]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Civil Aircraft Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of March 1971.

The instructions for Schedule T-6—Summary of Civil Aircraft Charters—in sections 25 and 35 of Part 241 refer to "mixed charters, as defined in Part 207" (paragraphs (c) (1) and (2), respectively). In addition, the instructions for Schedule T-6 in paragraph b(3) of section 35 refer to "split charter, as defined in § 208.3(s)(2)(ii) or § 295.2(b)(2) of the Board's Economic Regulations."

In ER-660 and ER-659, the Board amended Parts 207 and 208, respectively, and in ER-664 it deleted Part 295 of the economic regulations.[1] The amendments included elimination of "mixed charters" as presently defined in Part 207[2] and substitution of the definition of the term contained in Part 208. In addition, the reference to a split charter was removed from the definitions section of Part 208 (§ 208.3(s)(2)(ii)) and split charters now fall under new § 208.6(c). Accordingly, sections 25 and 35 require editorial amendments reflecting these recent changes in Parts 207 and 208 and deletion of Part 295.[3]

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on April 16, 1971. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 and 385.54).

Accordingly, the Board hereby amends Part 241 of the economic regulations (14 CFR Part 241 effective April 16, 1971 as follows:

1. Amend section 03 by revising the definition of air carrier, supplemental to read as follows:

Section 03—Definitions for Purposes of This System of Accounts and Reports

* * * * * * *

Air carrier, supplemental—An air carrier holding a certificate issued under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Act.

* * * * * * *

2. Amend section 25 by revising subparagraph (1) of paragraph (c) of the instructions for Schedule T-6 to read as follows:

Section 25—Traffic and Capacity Elements

* * * * * * *

Schedule T-6—Summary of Civil Aircraft Charters

* * * * * * *

(c) * * *

(1) Single entity charter, as defined in Part 208 of the Board's economic regulations. Charters in which passengers and cargo are carried on the same aircraft are to be reported as single entity charters.

* * * * * * *

3. Amend section 35 by revising subparagraphs (2) and (3) of paragraph (b) of the instructions for Schedule T-6 to read as follows:

Section 35—Traffic and Capacity Elements

* * * * * * *

Schedule T-6—Summary of Civil Aircraft Charters

* * * * * * *

(b) * * *

(2) Single entity charter, as defined in Part 208 of the Board's economic regulations. Charters in which passengers and cargo are carried on the same aircraft are to be reported as single entity charters.

(3) Split charter, as specified in § 208.6(c) of the Board's economic regulations. For reporting purposes, a split charter is to be listed as one flight and listed only on the split charter report, even though a portion of the split charter may be pro rata and the other portion single entity.

* * * * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON,
General Counsel.

[FR Doc.71-4307 Filed 3-26-71;8:53 am]

[1] Adopted Jan. 29, 1971, and effective Apr. 6, 1971.

[2] I.e., "a charter trip in which passengers and cargo are carried on the same flight."

[3] In addition, the definition of "air carrier, supplemental" in section 03 is being revised to delete "operating authority pursuant to section 7 or 9 of Public Law 87-528."

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1860]

PART 13—PROHIBITED TRADE PRACTICES

United Industrial Syndicate, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, United Industrial Syndicate, Inc., New York, N.Y., Docket C-1860, Feb. 12, 1971]

In the Matter of United Industrial Syndicate, Inc., a Corporation

Consent order requiring a New York City manufacturer of automotive fuel pumps to divest within 1 year the fuel pump business of an acquired competitor located in Fond du Lac, Wis., to an FTC-approved firm, and refrain from acquiring any other fuel pump business for a period of 10 years without Commission approval.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

For the purposes of this order, "respondent" shall mean United Industrial Syndicate, Inc. and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns.

I. *It is ordered,* That respondent within twelve (12) months from the effective date of this order, shall divest, subject to the approval of the Federal Trade Commission, all assets, properties, rights and privileges, tangible and intangible, of Wells Manufacturing Corp. (formerly Wells Manufacturing Corp.) relating to the manufacture and sale of fuel pumps. Among other things such divestiture shall include:

(a) All the equipment and machinery relating to the manufacture and sale of fuel pumps;

(b) At the option of the acquirer, Plant No. 3, located at 305 Taylor Street, Fond du Lac, WI, said plant to be outfitted with the aforesaid equipment and machinery promptly after acquirer has signed a contract of acquisition and in substantial conformity with plant layout

blueprints submitted with respondent's settlement proposal, dated October 16, 1970, provided the Commission may determine that an acquirer's decision to not acquire Plant No. 3 would adversely affect the competitive viability and effectiveness of the business to be divested;

(c) all inventories, customer lists, trademarks and trade names, including "Capac" and "AMPCO," it being understood that a license to use "AMPCO" in connection with ignition parts will be reserved by respondent, and that respondent will make accessible to the acquirer such records and its employed personnel as may facilitate the acquirer's initial operations of the acquired operations.

II. *It is further ordered,* That respondent will do all in its power to assure that the business operations to be divested will be properly staffed and, in particular, that all available means will be employed by respondent to assist the acquirer in retaining present management, personnel, and sales representatives of Wells Manufacturing Corp. whom the acquirer wishes to employ and engage and that respondent will terminate its own employment of any such persons at the earliest date permitted by any employment contract in effect July 24, 1970, and will refrain from inducing such persons to leave the acquired operations for employment with respondent. The foregoing divestiture shall be achieved in a manner insuring the operation of the divested business by the acquirer as a going concern in the manufacture and sale of fuel pumps.

III. *It is further ordered,* That such divestiture shall be made to an acquirer approved in advance by the Federal Trade Commission, and in any event shall not be made directly or indirectly: (a) To any concern engaged in the manufacture, sale or distribution of new automotive fuel pumps; or (b) to any concern whose new automotive parts aftermarket sales (excluding sales to the automotive vehicle manufacturers) exceeded $20 million in 1967; or (c) to any person who is at the time of the divestiture or has been at any time during the 1-year period preceding the effective date of this order, an officer, director, employee, or agent of, or under the control or direction of, respondent or any of respondent's subsidiary or affiliate corporations, or anyone who owns or controls, or has owned or controlled, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of respondent.

IV. *It is further ordered,* That pending divestiture, respondent shall not make or permit any deterioration in any of the plants, machinery, buildings, equipment, or other property or assets of the company to be divested which may impair their present capacity or market value.

V. *It is further ordered,* That commencing on the effective date of this order and continuing for a period of ten (10) years from and after the date of completing the divestiture required by this order, respondent shall cease and desist from entering into any arrangement by which respondent acquires, directly or indirectly, through subsidiaries, joint ventures or otherwise, without prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital or assets of any concern engaged in the manufacture, sale or distribution of automotive fuel pumps, nor shall respondent enter into any arrangement with any such concern by which respondent obtains the market share, in whole or in part, of such concern in the above-mentioned product line (a) through such concern discontinuing the manufacturing, distribution or sale of automotive fuel pumps under its own trade name or labels and thereafter distributing such products under respondent's trade name or labels or (b) by reasons of such concern discontinuing the manufacture, distribution or sale of such products and thereafter transferring to respondent customer lists or in any other way making available to respondent access to customers or customer accounts, or (c) by any other means.

VI. *It is further ordered,* That regarding paragraphs I–IV of this order, respondent shall periodically, within sixty (60) days from the effective date of this order and every sixty (60) days thereafter until respondent has fully complied with the provisions of this order, submit to the Federal Trade Commission a detailed written report of its actions, plans, and progress in complying with the provisions of this order and fulfilling its objectives, including such documentation as may be required. Regarding paragraph V of this order, respondent shall file a report of compliance within sixty (60) days after the effective date of this order and annually thereafter on the anniversary date of this order.

VII. *It is further ordered,* That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any change in the corporation which may affect compliance obligations arising out of the order.

VIII. *It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

Issued: February 12, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-4225 Filed 3-26-71;8:46 am]

[Docket No. C-1861]

PART 13—PROHIBITED TRADE PRACTICES

White Industries, Inc., et al.

Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.* Subpart—Shipping, for payment demand, goods in excess of or without order: § 13.2195 *Shipping, for payment, demand, good in excess of or without order.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45) [Cease and desist order, White Industries, Inc., et al., Westfield, Mass., Docket No. C-1861, Feb. 16, 1971]

In the Matter of White Industries, Inc., a Corporation, and Arthur T. White and K. Stanley Zolyn, Individually and as Officers of Said Corporation

Consent order requiring a Westfield, Mass., mail-order seller of greeting cards and stationery to cease using order forms with spaces for making checks to automatically request forwarding of further merchandise, using order forms which purport to be effective prior to being signed by purchaser, using such forms unless they have separate paragraphs setting forth that future shipments are authorized and describing the merchandise to be sent, shipping merchandise without disclosing that it is sent unsolicited and may be treated as a gift, seeking to collect for such shipments, except that the last two provisions of this order shall not be effective until 6 months after the date of the order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents White Industries, Inc., a corporation, t/a "Quaint Shop Folks," "White's Quaint Shop," "White, The Magazine Bargain Man," "Thomas Terry Studios," and "Friendlycraft Studios," or under any other name or names, and its officers, and Arthur T. White and K. Stanley Zolyn, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of greeting cards or other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any kind of order or payment form, wherein by the making of a single check or other mark indicating the placing of an order or the making of a payment for present known merchandise, a purchaser simultaneously or automatically makes a request for the forwarding of merchandising at a later date for "advance examination," "advance preview" or for any other reason.

2. Using any form of communication by which purchasers authorize or purport to authorize respondent to send merchandise at a future date which purports to be effective prior to being signed and returned by the recipient.

3. Using any such form of authorization set forth in paragraph 2 unless such authorization is set forth in a completely separate and distinct paragraph (or, at respondents' option, a completely separate and distinct document) which separate paragraph (or separate document) contains no words, statement, or

information not necessary to such authorization and which does not clearly and conspicuously state the following:

a. That the document is an authorization for respondents to send merchandise at a future date; and

b. The period of time for which the authorization will be operative shall not exceed 1 year, or one offering whichever is less; and

c. The description of the merchandise contemplated by the authorization form.

4. Misrepresenting, directly or by implication, the legal relationship or legal obligation, if any, that exists between respondents and the mailees to whom respondents send merchandise.

5. Shipping merchandise without a prior express written authorization as described in paragraphs 2 and 3 above, unless attached to said merchandise there is a clear and conspicuous statement informing the recipient of the following:

a. That the merchandise is being sent to the recipient unsolicited; and

b. That the recipient is not obligated to return the merchandise; and

c. That the recipient may treat the merchandise as a gift, that he may use, discard, or dispose of it in any manner that he sees fit without any obligation whatsoever to the sender.

6. Sending any communication or making any demands or requests that seek to obtain payment for or the return of any merchandise sent without a prior express written authorization as described in paragraphs two and three above.

Provided, however, That paragraphs five and six shall not become effective until six (6) months after the Commission's entry of this order to cease and desist.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 16, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-4226 Filed 3-26-71;8:46 am]

[Docket No. C-1862]

PART 13—PROHIBITED TRADE PRACTICES

Irma Shorell, Inc., and H. Allen Lightman

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–24 Cosmetic or beautifying: 13.170–76 Rejuvenating.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Irma Shorell, Inc., et al., New York, N.Y., Docket No. C–1862, Feb. 16, 1971]

In the Matter of Irma Shorell, Inc., a Corporation, and H. Allen Lightman, Individually and as Officer of Said Corporation

Consent order requiring a New York City distributor of a skin-conditioning cosmetic to cease misrepresenting that its facial cream will rejuvenate and restore youth to the skin, is equivalent to and may be used instead of surgical face-lifting, and will have a permanent or lasting effect.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Irma Shorell, Inc., a corporation, and H. Allen Lightman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or any other devices in connection with the offering for sale, sale or distribution of Irma Shorell's Contour/35 or any other preparation possessing substantially similar properties. Do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act which represents directly or by implication.

(a) That said cosmetic preparation will rejuvenate the skin of the user thereof or restore youth to the skin of the user;

(b) That said cosmetic preparation can be used in lieu of surgical face-lifting and is equivalent thereto; and,

(c) That said cosmetic preparation will have a permanent or lasting effect.

2. Disseminating, or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce directly or indirectly the purchase of respondent's preparation in commerce as "commerce" is defined in the Federal Trade Commission Act which contains any of the representations prohibited in Paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order file with the Commission a written report setting forth in detail the manner and form of their compliance with the order.

It is further ordered, That the respondents shall, forthwith distribute a copy of this order, to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of the successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: February 16, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-4227 Filed 3-26-71;8:46 am]

[Docket No. C–1863]

PART 13—PROHIBITED TRADE PRACTICES

Everest & Jennings, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.725 *Cumulative quantity discounts and schedules;* Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d); § 13.825 *Allowances for services or facilities;* Discriminating in price under section 2, Clayton Act—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.843 *Promotional enterprises.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Everest & Jennings, Inc., Los Angeles, Calif., Docket No. C–1863, Feb. 16, 1971]

In the Matter of Everest & Jennings, Inc., a Corporation

Consent order requiring a Los Angeles, Calif., manufacturer and distributor of medical and surgical apparatus to cease discriminating in price between competing customers, and failing to pay for or to make services and facilities available to all competing customers on a proportionally equal basis.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Everest & Jennings, Inc., a corporation, and its officers, employees, agents, and representatives, directly or through corporate or other devices, in or in connection with the offering for sale, sale or distribution of any of its products in commerce as "commerce" is defined in the Clayton Act, as amended do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality:

By selling such products to any purchaser at net prices higher than the net prices charged any other purchaser who competes in the resale or distribution of such products with the purchaser paying the higher price.

It is further ordered, That respondent Everest & Jennings, Inc., a corporation, and its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" as defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products;

2. Furnishing, contracting to furnish, or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's products to any purchaser from respondent of such products bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other purchasers from respondent who resell such products in competition with such purchasers who receive such services or facilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form of its compliance with this order.

Issued: February 16, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-4228 Filed 3-26-71;8:46 am]

[Docket No. C–1864]

PART 13—PROHIBITED TRADE PRACTICES

Metromedia, Inc.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–200 Non-profit character. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1495 *Non-profit character.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Metromedia, Inc., New York, N.Y., Docket No. C–1864, Feb. 17, 1971]

In the Matter of Metromedia, Inc., a Corporation

Consent order requiring a New York City compiler of mailing lists used by direct-mail advertisers and merchandisers to cease misrepresenting the purpose or use of information sought by its questionnaires, offering for sale or using its "Metromail Elites" mailing list or other list derived therefrom, provided that the term "questionnaire" as used herein shall mean any solicitation of information to be used in a mailing list.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Metromedia, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the construction, development, maintenance, advertising, offering for sale, sale or use of respondent's "Metromail Elites" mailing list, or any other of respondent's mailing lists, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any information sought by respondent by any questionnaire, in connection with the compilation or construction of mailing lists used by respondent in connection with the advertising or sale of merchandise or services is for any purpose other than the compilation of mailing lists to be so used; or misrepresenting, in any manner, the purpose or intent or the use of any information sought by any questionnaire.

2. Falsely representing that addressees of any questionnaire will not be importuned to purchase merchandise or services.

3. Failing, clearly and conspicuously, and at the outset, to state in each oral or written questionnaire of respondent to persons who are or may be prospective addressees for inclusion on or in any mailing list or other compilation of addressees, the following: "We are in the business of compiling mailing lists which we may use ourselves, or which may be used by direct mail advertisers. The information which you furnish us by filling out this questionnaire may be used, together with your name and address, in compiling such lists."

4. Advertising, offering for sale, sale or use by respondent or others of respondent's "Metromail Elites" mailing list, or any other mailing list derived directly therefrom.

Provided, however, That the term "questionnaire," as used in this order, shall mean any inquiry for or solicitation of information, whether written, oral or by information, whether written, oral or by any other means, from addressees or prospective addressees for inclusion on or in any mailing lists or other compilation of addressees, by any division or subsidiary of respondent which is, or hereafter may be, in the business of compiling mailing lists for direct-mail advertisers, for the purpose or with the result of constructing or developing for respondent any mailing list or other compilation of addressees.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it, of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 17, 1971.

By the Commisison.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-4229 Filed 3-26-71;8:47 am]

[Docket No. C–1865]

PART 13—PROHIBITED TRADE PRACTICES

Seattle Mobile Homes, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.115–95 Terms and conditions: 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.-1823–20 Truth in Lending Act. Subpart—Neglecting unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and

desist order, Seattle Mobile Homes, Inc., et al., Edmonds, Wash., Docket No. C–1865, Feb. 18, 1971]

In the Matter of Seattle Mobile Homes, Inc., Doing Business as Pacific Mobile Homes and Cost Trailer Sales Co., Doing Business as Cost Mobile Homes and Felix V. Costanzo, Individually and as an Officer of Seattle Mobile Homes, Inc., and Cost Trailer Sales Co.

Consent order requiring two sellers of mobile homes with headquarters in Edmonds, Wash., and Portland, Oreg., to cease violating the Truth in Lending Act by failing to disclose to their credit customers the cash price, downpayment, value of trade-in, unpaid balance of cash price, unpaid balance, amount financed, finance charge, deferred finance charge, and number of payments; respondents have also failed to disclose the method of computing penalties for default, the type of security interest held to secure credit, and engaging in consumer credit transactions without making all disclosures required by said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Seattle Mobile Homes, Inc., and Cost Trailer Sales Co., corporations, and their officers, and Felix V. Costanzo, individually and as an officer of Seattle Mobile Homes, Inc., and Cost Trailer Sales Co., and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit sale, as "consumer credit" and "credit sale" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

(1) Failing in any credit sale to disclose accurately the price at which respondents, in the regular course of business, offer to sell for cash the property or services which are the subject of the credit sale, and to describe that price as the "cash price," as required by § 226.8 (c)(1) of Regulation Z.

(2) Failing to disclose the amount of any downpayment in money made in connection with any credit sale, and to describe that amount as the "cash downpayment", as required by § 226.8(c)(2) of Regulation Z.

(3) Failing to describe the sum of the "cash downpayment" and the "trade-in" made in connection with any credit sale as the "total downpayment", as required by § 226.8(c)(2) of Regulation Z.

(4) Failing in any credit sale to disclose the difference between the "cash price" and the "total downpayment", and to describe that difference as the "unpaid balance of cash price", as required by § 226.8(c)(3) of Regulation Z.

(5) Failing in any credit sale to disclose all charges which are not part of the "cash price" or the "finance charge" but are included in the amount financed, and to itemize each such charge individually as required by § 226.8(c)(4) of Regulation Z.

(6) Failing to disclose the sum of the charges referred to in paragraph (5) above and the "unpaid balance of cash price" and to describe that sum as the "unpaid balance", as required by § 226.8 (c)(5) of Regulation Z.

(7) Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed" as required by § 226.8(c)(7) of Regulation Z.

(8) Failing to disclose the sum of all charges made to the customer which are required by § 226.4 of Regulation Z to be included in the finance charge, and to describe that sum as the "finance charge", as required by § 226.8(c)(8)(i) of Regulation Z.

(9) Failing in any credit sale to disclose accurately the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

(10) Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

(11) Failing to disclose the number, amount, and due dates or period of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

(12) Failing to disclose the sum of the payments scheduled to repay the indebtedness, and to describe the sum as the "total of payments" as required by § 226.8(b)(3) of Regulation Z.

(13) Failing to disclose the amount or method of computing the amount of any default delinquency, or similar charges payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z.

(14) Failing to describe the type of any security interest in property held, or to be retained or acquired in connection with any extension of credit, as required by § 226.8(b)(5) of Regulation Z.

(15) Failing to identify the method of computing any unearned portion of the finance charge in the event of repayment of the obligation, as required by § 226.8(b)(7) of Regulation Z.

(16) Engaging in a consumer credit transaction or disseminating any advertising within the meaning of Regulation Z of the Truth in Lending Act without making all disclosures that are required by §§ 226.6, 226.8, and 226.10 of Regulation Z in the amount, manner and form specified therein.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: February 18, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71–4230 Filed 3–26–71;8:47 am]

[Docket No. C–1867]

PART 13—PROHIBITED TRADE PRACTICES

Matsushita Electric of Hawaii, Inc.

Subpart—Advertising falsely or misleadingly: § 13.192 *Retraction advertisement;* [1] § 13.195 *Safety:* 13.195–60 Product; § 13.245 *Specifications or standards conformance.* Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements or testimonials falsely or misleadingly:* 13.330–60 National organizations.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Matsushita Electric of Hawaii, Inc., Honolulu, Hawaii, Docket No. C–1867, Feb. 19, 1971]

In the Matter of Matsushita Electric of Hawaii, Inc., a Corporation

Consent order requiring a Honolulu, Hawaii, seller and distributor of "Panasonic" television sets and other electronic products to cease representing that its television sets have passed tests for fire and explosion hazards and publish a retraction of such claims in the Honolulu Star-Bulletin.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Matsushita Electric of Hawaii, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce of any television sets do forthwith cease and desist from representing that said product or products have been tested, and have passed such tests, for fire and explosion hazards, or for any other safety characteristic related to said product or products, or that tests have demonstrated that its products are superior to other products tested for fire and explosion hazards, or for any other safety characteristic related to said product or products, unless and in fact, tests have actually been performed and the results establish that such representations are true.

It is further ordered, That respondent shall publish a half-page retraction in the Saturday Honolulu Star-Bulletin, on or at approximately the same page, and in print of equal size and prominence to that of the original false, misleading and deceptive advertisement.

Said retraction shall include a statement indicating that neither Panasonic's color television sets, nor those of any other manufacturer, had been tested by The National Commission on Product Safety for fire and explosion hazards.

It is further ordered, That respondent, within 60 days after the effective date of this order, shall notify each of its customers of this cease and desist order by mailing them a copy thereof, and shall forthwith distribute a copy of this order to each of its operating divisions, if any.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 19, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71–4231 Filed 3–26–71;8:47 am]

[Docket No. C–1868]

PART 13—PROHIBITED TRADE PRACTICES

International Chinchillas, Inc., and Hal G. Ward

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.71 *Financing:* 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; § 13.1715 *Quality;* § 13.1823 *Terms and conditions:* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, International Chinchillas, Inc., et al., Virginia Beach, Va., Docket No. C–1868, Feb. 19, 1971]

In the Matter of International Chinchillas, Inc., a Corporation, and Hal G. Ward, Individually and as an Officer of Said Corporation

Consent order requiring Virginia Beach, Va., sellers and distributors of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of their stock, deceptively guaranteeing the fertility of their stock, and misrepresenting their services to purchasers; respondents are also required to refrain from making any sales contract or note in the buyer's home which shall become effective prior to the end of 3 days, to notify the buyer of his option to rescind the contract, and that a notice be printed on the sales contract that it may be sold to a third party who will not be obligated to perform the contract; respondents, if doing business on consumer credit, are required to conform to the provisions of Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondents International Chinchillas, Inc., a corporation, and its officers, and Hal G. Ward, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing directly or by implication that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, spare rooms, or garages, or other quarters or buildings, unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

2. Breeding chinchillas purchased from respondents as a commercial profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for and raising of such animals.

3. Each female chinchilla purchased from respondents and each female offspring will usually litter successively several times annually producing one to five offspring per litter, or an average of four offspring annually.

4. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla of purchasers of respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

5. Offspring of respondents' chinchilla breeding stock sell for as much as $1,000 each and will have pelts that sell for an average of $30 per pelt; or that pelts from the offspring of the respondents' breeding stock generally sell for $40 to $60 each.

6. Chinchilla pelts and offspring from respondents' breeding stock will sell for any price, average price or range of prices; or representing in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the pruchaser to whom the representation is made.

7. A purchaser starting with six females and one male of respondents' chinchilla breeding stock will earn $13,000 over a 5-year period from the sale of the offspring or their pelts.

8. Purchasers of respondents' chinchilla breeding stock earn $13,000 over a 5-year period, or realize earnings, profits or income in any amount or range of amounts; or representing, in any manner the past earnings, profits or income of purchasers of respondents' breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of those purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Chinchilla breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

10. Respondents' chinchillas are guaranteed unless respondents do in fact promptly fulfill all obligations and requirements set forth in or represented,

[1] New.

directly or by implication, to be contained in any guarantee or warranty applicable to each and every chinchilla.

11. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

12. Respondents will purchase all or any offspring raised by purchasers of respondents' chinchilla breeding stock unless respondents do in fact purchase all of the offspring offered by said purchasers at the price and on the terms and conditions represented.

13. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

14. Respondents have an expert staff to assist purchasers of respondents' chinchilla breeding stock in the care and maintenance of said animals unless they have such staff as represented.

15. Respondents' chinchilla breeding stock is of top quality as rated by a worldwide fur grading system, or misrepresenting in any manner the quality of respondents' chinchilla breeding stock.

16. More profit can be realized by breeding beige chinchillas, as opposed to any other color and there is a large market demand for beige chinchillas and their pelts.

17. Chinchillas are hardy animals or are not susceptible to ailments.

B. 1. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits to purchasers or reproduction capacity of any chinchilla breeding stock.

3. Misrepresenting, in any manner, the market demand for the pelts or offspring of respondents' chinchillas.

It is further ordered, That the respondents herein shall, in connection with the offering for sale, the sale or distribution of chinchilla breeding stock or any other products, when the offer for sale or sale is made in the buyers home, forthwith cease and desist from:

1. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

2. Failing to disclose orally prior to the time of sale and in writing on any trade acceptance, conditional sales contract, promissory note or other instrument executed by the buyer with such conspicuousness and clarity as likely to be observed and read by such buyer, that the buyer may rescind or cancel by directing or mailing a notice of cancellation to respondents prior to midnight of the third day, excluding Sundays and legal holidays, after the date of sale. Upon such cancellation the burden shall be on respondents to collect any goods left in the buyers home and to return any payments received from the buyer. Nothing contained in this right-to-cancel provision shall relieve buyers of the responsibility of taking reasonable care of the goods prior to cancellation and during a reasonable period following cancellation.

3. Failing to provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

4. Provided, however, that nothing contained in this part of the order shall relieve respondents of any additional obligations respecting contracts made in the home required by Federal law or the law of the State in which the contract is made. When such obligations are inconsistent respondents can apply to the Commission for relief from this provision with respect to contracts executed in the State in which such different obligations are required. The Commission, upon proper showing, shall make such modifications as may be warranted in the premises.

It is further ordered, That the respondents will incorporate the following statement on the face of all contracts executed by respondents' customers with such conspicuousness and clarity as is likely to be observed, read and understood by the purchaser:

IMPORTANT NOTICE

If you are obtaining credit in connection with this contract you will be required to sign a promissory note. This note may be purchased by a bank, finance company or any other third party. If it is purchased by another party, you will be required to make your payments to the purchaser of the note. You should be aware that if this happens you may be required to pay the note in full to the new owner of the note even if this contract is not fulfilled.

II. *It is ordered,* That respondents International Chinchillas, Inc., a corporation and its officers, and Hal G. Ward, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, assist directly or indirectly any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to designate the amount of the cash price as "cash price", in accordance with § 226.8(c)(1) of Regulation Z.

2. Failing to designate the amount of the downpayment in money as "cash downpayment", in accordance with § 226.8(c)(3) of Regulation Z.

3. Failing to disclose the amount of the difference between the cash price and the cash downpayment and to designate it as "unpaid balance of cash price", in accordance with § 226.8(c)(3) of Regulation Z.

4. Failing to disclose the amount of the amount financed, and to designate it as "amount financed", as required by § 226.8(c)(7) of Regulation Z.

5. Failing to disclose the date on which the finance charge begins to accrue when the date the finance charge begins to accrue is different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

6. Failing to disclose the dollar amount of the finance charge, and to designate it as "finance charge", in accordance with § 226.8(c)(8)(i).

7. Failing to disclose the amount of the sum of the payments scheduled to repay the indebtedness, and to designate it as "total of payments", in accordance with § 226.8(b)(3) of Regulation Z.

8. Failing to disclose the amount of the deferred payment price, and to designate it as "deferred payment price", in accordance with § 226.8(c)(8)(ii) of Regulation Z.

9. Failing to disclose the annual percentage rate, accurate to the nearest quarter of 1 percent, in accordance with the provisions of § 226.5 of Regulation Z as required by § 226.8(b)(2) thereof.

10. Failing to employ the term "annual percentage rate" and to print the term more conspicuously than other terminology, as required by § 226.6(a) of Regulation Z.

11. Failing to make all the required disclosures in one of the following three ways, in accordance with § 226.8(a) or § 226.801 of Regulation Z.

(a) Together on the contract evidencing the obligation on the same side of the page and above or adjacent to the place for the customer's signature; or

(b) On one side of a separate statement which identifies the transaction; or

(c) On both sides of a single document containing on each side thereof the statement "NOTICE: See other side for important information", with the place for the customer's signature following the full content of the document.

12. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with § 226.4 and § 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 223.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, or sale of any products or in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 19, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-4232 Filed 3-26-71;8:47 am]

[Docket No. C-1869]

PART 13—PROHIBITED TRADE PRACTICES

A.B.C. Carpet Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, A.B.C. Carpet Co., Inc., et al., New York, N.Y., Docket No. C-1869, Feb. 21, 1971]

In the Matter of A.B.C. Carpet Co., Inc., Marcey Carpet Corp., Cameron Carpet Corp., and Krayton Carpet Corp., Corporations, and Jerome Weinrib, Individually and as an Officer of Said Corporations, Abraham Renko, Individually and as General Manager of A.B.C. Carpet Co., Inc., Marcey H. Shore, Individually and as an Officer of Marcey Carpet Corp., Herbert Mack Greenberg, Individually and as an Officer of Cameron Carpet Corp., and Julius Fish and Solomon Fisher, Individually and as Officers of Krayton Carpet Corp.

Consent order requiring New York City sellers and installers of carpeting and floor coverings to cease and desist from misbranding their textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents A.B.C. Carpet Co., Inc., Marcey Carpet Corp., Cameron Carpet Corp., and Krayton Carpet Corp., corporations, and their officers, and Jerome Weinrib, individually and as an officer of said corporations, Abraham Renko, individually and as General Manager of A.B.C. Carpet Co., Inc., Marcey H. Shore, individually and as an officer of Marcey Carpet Corp., Herbert Mack Greenberg, individually and as an officer of Cameron Carpet Corp., and Julius Fish and Solomon Fisher, individually and as officers of Krayton Carpet Corp., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying any textile fiber product as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to label samples, swatches, or specimens of textile fiber products subject to the Act which are used to promote or effect sales of such textile fiber products, in such a manner as to show their respective fiber contents and other required information.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may effect compliance obligations arising out of the order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 22, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-4233 Filed 3-26-71;8:47 am]

[Docket No. C-1870]

PART 13—PROHIBITED TRADE PRACTICES

Berkshire Hathaway Inc.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Berkshire Hathaway Inc., New Bedford, Mass., Docket No. C-1870, Feb. 22, 1971]

In the Matter of Berkshire Hathaway, Inc., a Corporation

Consent order requiring a New Bedford, Mass., manufacturer, seller, and distributor of various fabrics and materials to cease violating the Flammable Fabrics Act by importing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Berkshire Hathaway Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric, product or related material as the terms "commerce", "fabric", "product" and "related material" are defined in the Flammable Fabrics Act, as amended, which fabric, product or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon it of this order, file with the Commission an interim special report in writing setting forth the respondent's intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which give rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof, and (3) any disposition of such product since September 3, 1969. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of silk, rayon, and acetate, nylon and acetate, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or with a raised fiber surface and made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related

material shall be of no less than one square yard of material.

It is further ordered, That the respondent herein either destroy the fabrics which gave rise to the complaint or process them so as to bring them within the applicable flammability standards for wearing apparel under the Flammable Fabrics Act, as amended, if said fabrics are to be re-introduced into commerce in such a way as to cause them to be used for wearing apparel.

It is further ordered, That each cut, piece, or bolt of any fabric which has been tested and failed the flammability test for wearing apparel under the Flammable Fabrics Act, as amended, which is sold for a legitimate use, as for example, use in curtains, drapes or other nonwearing apparel, shall carry a label showing boldly and conspicuously a legend reading as follows:

CAUTION: THIS FABRIC DOES NOT MEET GOVERNMENT FLAMMABILITY STANDARDS FOR WEARING APPAREL AND MUST NOT BE USED IN ANY WEARING APPAREL.

and each invoice covering the sale of distribution of said fabric shall carry the same legend.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: February 22, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-4234 Filed 3-26-71;8:47 am]

[Docket No. C-1871]

PART 13—PROHIBITED TRADE PRACTICES

Joy Time, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Joy Time, Inc., et al., New York, N.Y., Docket No. C-1871, Feb. 22, 1971]

In the Matter of Joy Time, Inc., a Corporation, and Abe Shapiro, Bernard Shapiro, Arnold Shapiro and Marvin Shapiro, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer and seller of wearing apparel, including wedding, bridesmaid, and flower girl dresses, to cease violating the Flammable Fabric Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Joy Time, Inc., a corporation, and its officers, and Abe Shapiro, Bernard Shapiro, Arnold Shapiro, and Marvin Shapiro, individually and as officers of said corporation, and respondents' representatives, through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since March 13, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the corporate respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 22, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-4235 Filed 3-26-71;8:47 am]

[Docket No. C-1872]

PART 13—PROHIBITED TRADE PRACTICES

Weller Fabrics, Inc., and Ira S. Weller

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Weller Fabrics, Inc., et al., New York, N.Y., Docket No. C-1872, Feb. 22, 1971]

In the Matter of Weller Fabrics, Inc., a Corporation, and Ira S. Weller, Individually and as an Officer of Said Corporation

Consent order requiring a New York City retailer and wholesaler of fabrics to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Weller Fabrics, Inc., a corporation, and its officers, and Ira S. Weller, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment, in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the fabrics which gave rise to this complaint of the flammable nature of such fabrics and effect the recall of such fabrics from said customers.

It is further ordered, That the respondents herein either process the fabrics which gave rise to this complaint so as to bring them within the applicable standard of flammability of the Flammable Fabrics Act, as amended, or destroy said fabrics.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabrics which gave rise to the complaint, (2) the amount of said fabrics in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabrics and effect the recall of said fabrics, and of the results thereof, (4) any disposition of said fabrics since April 1970 and (5) any action taken or proposed to be taken to bring said fabrics into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabrics, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric or related material with this report.

It is further ordered, That respondents shall maintain full and adequate records concerning all products, fabrics or related materials subject to the Flammable Fabrics Act, as amended, which are sold at wholesale.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 22, 1971

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-4236 Filed 3-26-71;8:47 am]

[Docket No. C-1873]

PART 13—PROHIBITED TRADE PRACTICES

Barbara A. Vitale and Harp's Coins & Hobbies

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Barbara A. Vitale et al., Canton, Ohio, Docket No. C-1873, Feb. 22, 1971]

In the Matter of Barbara A. Vitale, Individually and Doing Business as Harp's Coins & Hobbies

Consent order requiring a Canton, Ohio, individual operating a coin and hobby shop to cease violating the Flammable Fabrics Act by importing or selling any fabric, including wood fiber chips used for making corsages, which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Barbara A. Vitale, individually and trading as Harp's Coins & Hobbies or under any other name or names, and respondent's representatives, agents and employees, directly or through any coporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product, made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect under the provisions of the aforesaid Act.

It is further ordered, That respondent notify all of her customers who have purchased or to whom has been delivered the fabric which gave rise to the complaint, of the flammable nature of said fabric and effect the recall of said fabric from such customers.

It is further ordered, That the respondent herein either process the fabric which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon her of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabric which gave rise to the complaint, (2) the amount of said fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabric, and effect the recall of said fabric from customers, and of the results thereof, (4) any disposition of said fabric since May 14, 1970, and (5) any action taken or proposed to be taken to bring said fabric into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric, and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any product, fabric or related material having a plain surface and made of paper, silk, rayon, and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondent shall submit samples of not less than one square yard in size of any such product, fabric and related material with this report.

It is further ordered, That the respondent herein shall, within 60 days after service upon her of this order file with the Commission a report in writing setting forth in detail the manner and form of her compliance with this order.

Issued: February 22, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-4237 Filed 3-26-71;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-9100]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Notice to Commission of Suspension of Duty To File Reports

The Securities and Exchange Commission has adopted a new rule under section 15(d) of the Securities Exchange Act of 1934 which requires the filing of reports notifying the Commission whenever the duty to file reports under that section has been suspended. The Commission has also adopted a short form for the filing of such reports. Notice of the proposed action was published November 27, 1970, in Securities Exchange Act Release 9025 (35 F.R. 18750).

Section 15(d) requires issuers which have registered securities under the Securities Act of 1933 to file annual and other reports with the Commission. That section provides, among other things, that if the number of record holders of securities of each class registered is reduced to less than 300 persons at the beginning of any fiscal year, the duty to file reports shall be suspended for such year.

The new reporting requirement is necessary in order that the Commission may know whether an issuer's failure to file reports is due to delinquency or to a suspension of the duty to file reports. The notice to the Commission will enable it to keep its records up to date and will avoid the sending of delinquency notices in cases where the issuer's duty to file reports has been suspended.

Commission Action:

I. Sections 240.15d–6 and 249.333 of Chapter II of Title 17 of the Code of Federal Regulations are hereby adopted and read as follows:

§ 240.15d–6 Notice of suspension of duty to file reports.

If the duty of any issuer to file reports pursuant to section 15(d) of the Act as to any fiscal year is suspended because at the beginning of such fiscal year all securities of each class registered under the Securities Act of 1933 are held of record by less than 300 persons, such issuer shall, within 30 days after the beginning of the first such fiscal year, file a notice on Form 15d–6 [17 CFR 249.333] informing the Commission of such suspension. If the suspension resulted from the issuer's merger into, or consolidation with, another issuer or issuers, the notice shall be filed by the successor issuer. The notice shall be filed in addition to any other report required to be filed with the Commission in connection with the transaction or event giving rise to such suspension.

§ 249.333 Form 15d–6, for suspension of duty to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934.

This form shall be filed by each issuer required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934, as a notification that the duty to file such reports is suspended because at the beginning of the fiscal year in which such reports would be required all securities of each class of such issuer registered under the Securities Act of 1933 are held of record by less than 300 persons. This form shall be filed within 30 days after the beginning of such fiscal year to which it pertains.

Copies of Form 15d–6 have been filed as part of this document with the Office of the Federal Register and may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

The foregoing action was taken pursuant to the Securities Exchange Act of 1934, particularly sections 15(d) and 23(a) thereof. Such action shall be effective with respect to fiscal years beginning on or after January 1, 1971, provided that reports required by Rule 15d–6 for any fiscal year beginning on or before April 15, 1971, may be filed within 30 days after that date.

(Sec. 15(d), 48 Stat. 895; sec. 3, 49 Stat. 1377; sec. 6, 78 Stat. 570, 15 U.S.C. 78o(d); sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379, 15 U.S.C. 78w)

By the Commission, March 15, 1971.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4277 Filed 3-26-71;8:50 am]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 81—REGULATIONS GOVERNING OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION

Corporation Stock

Notice of a proposed amendment to § 81.2, which would reflect statutory changes and otherwise provide for sale of common stock of FNMA, was published at 36 F.R. 4427, March 5, 1971. A comment clarifying the proposed language was submitted by the General Counsel of FNMA, and has been incorporated in the final rule.

In order to permit consideration of a shareholder resolution relating to preemptive rights in the common stock of the corporation at the next annual meeting of the corporation, notice must be given on or before March 31 to shareholders of record of March 26, 1971. These circumstances, together with the lack of substantive objections to the proposed rule, constitute good cause for making the amendment effective immediately.

Accordingly, § 81.2 is revised to read:

§ 81.2 Common stock.

(a) The corporation is authorized to issue shares of its common stock to each seller or borrower who makes capital contributions authorized by section 303(b) of the Charter Act. The corporation is further authorized to issue and sell additional shares of its common stock to the servicers of its mortgages, in consideration for payments by such servicers into the corporation's capital or capital and surplus for each share of an amount equal to the then current issue price of the common stock authorized to be issued by the first sentence hereof; but no such stock shall be issued to any servicer at any time in excess of its reasonably foreseeable need at such time in connection with the amount of stock required to be held pursuant to section 303(c) of the Charter Act. The authorizations of this paragraph are granted on the condition that the Secretary of Housing and Urban Development be given written notice at least 15 days in advance of any change by the corporation in the issue price of its stock issued pursuant to this paragraph.

(b) For any and all stock or convertible debt issues other than stock issued pursuant to paragraph (a) of this section, the corporation is authorized to adopt a shareholder resolution, governing all such issues and sales of shares of its common stock, or other securities convertible into the corporation's common stock, which permits the corporation to provide for or limit or deny to shareholders pre-emptive rights in all purchases of issues of such stock or securities. Such resolution shall be effective with respect to each such issue from and after the date of adoption thereof and until expressly repealed or amended by a subsequent resolution duly adopted in accordance with the procedures set forth in paragraph (c) of this section.

(c) The shareholder resolution authorized by paragraph (b) of this section shall be made in the following manner:

(1) The Board of Directors of the corporation shall adopt the proposed resolution setting forth the language thereof and directing that it be submitted to a vote at a meeting of shareholders of the corporation, which may be either an annual or a special meeting.

(2) Written notice setting forth the proposed resolution or a summary of it shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided for notices of meetings of shareholders in the bylaws of the corporation.

(3) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed resolution. The proposed resolution shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the shares of the corporation which are outstanding and entitled to vote thereon.

(d) For any issues other than stock issued as authorized by paragraph (a) of this section, the approval of the Secretary is required prior to the issuance by the corporation of any stock, obligation, security, or similar instrument.

(Secs. 309(h) and 311 of the Federal National Mortgage Association Charter Act, 12 U.S.C. 1723a(h), 1723c)

Effective date. This amendment is effective March 22, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-4288 Filed 3-26-71;8:51 am]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Arizona	Maricopa	Scottsdale				Mar. 26, 1971
California	Los Angeles	San Marino				Do.
Minnesota	Olmsted	Rochester	I 27 109 5960 02 through I 27 109 5960 05	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, MN 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, MN 55101.	Office of the City Clerk, City Hall, Rochester, MN 55901.	Do.
Do	Wilkin	Breckenridge	I 27 167 0790 02	do	Office of the City Clerk, City of Breckenridge, City Hall, Breckenridge, MN. 56520.	Do.
New Jersey	Ocean	Long Beach Township.	I 34 029 1755 05 through I 34 029 1755 08	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the Municipal Clerk, Township of Long Beach, 6805 Long Beach Blvd., Brant Beach, NJ 08008.	Do.
North Carolina	Mecklenburg	Long Beach	I 37 019 2696 02 through I 37 019 2696 05	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, NC 27603. North Carolina Insurance Department, Post Office Box 351, Raleigh, NC 27602.	Town Hall, East Ocean Highway, Long Beach, N.C. 28461.	Do.
Pennsylvania	Montgomery	Springfield Township.				Do.
Tennessee	Sevier	Sevierville	I 47 155 2170 02	Office of Federal and Urban Affairs, 321 7th Ave., North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	City Recorder, Post Office Box 328, Sevierville, TN 37862.	Do.
Texas	Nueces	Agua Dulce	I 48 355 0040 02	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary Nueces County Bldg., 1514 2d St., Agua Dulce, TX 78330.	Do.
Do	San Patricio	Sinton	I 48 409 6400 02	do	City Hall, 301 East Market St., Sinton, TX 78387.	Do.
Wisconsin	Chippewa	Unincorporated areas.				Do.
Do	Dunn	do				Do.
Do	Buffalo	Fountain City				Do.
Do	Grant	Unincorporated areas.				Do.
Do	Rock	Janesville				Do.
Do	La Crosse	Unincorporated areas.				Do.
Do	Racine	Racine				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: March 27, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-4216 Filed 3-26-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

• • • • • • •

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Arizona	Maricopa	Scottsdale				Mar. 26, 1971.
California	Los Angeles	San Marino				Do.
Minnesota	Olmsted	Rochester	H 27 109 5960 02 through H 27 109 5960 05	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St., Paul, MN 55101. Minnesota Insurance Department. R-210 State Office Bldg., St. Paul, MN 55101.	Office of the City Clerk, City Hall, Rochester, MN 55901.	Mar. 31, 1970.
Do	Wilkin	Breckenridge	H 27 167 0790 02	do	Office of the City Clerk, City of Breckenridge, City Hall, Breckenridge, MN 56520	Sept. 1, 1970.
New Jersey	Ocean	Long Beach Township.	H 34 029 1755 05 through H 34 029 1755 08	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Municipal Clerk, Township of Long Beach, 6805 Long Beach Blvd., Brant Beach, NJ 08008.	May 26, 1970.
North Carolina	Mecklenburg	Long Beach	H 37 019 2696 02 through H 37 019 2696 05	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, NC 27603. North Carolina Insurance Department, Post Office Box 351, Raleigh, NC 27602.	Town Hall, East Ocean Highway, Long Beach, N.C. 28461.	Sept. 18, 1970.
Pennsylvania	Montgomery	Springfield Township.				Mar. 26, 1971.
Tennessee	Sevier	Sevierville	H 47 155 2170 02	Office of Federal and Urban Affairs, 321 7th Ave. North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-206, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	City Recorder, Post Office Box 328, Sevierville, TN 37862.	Oct. 23, 1970.
Texas	Nueces	Agua Dulce	H 48 355 0040 02	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Nueces County Bldg., 1514 2d St., Agua Dulce, TX 78330.	June 16, 1970.
Do	San Patricio	Sinton	H 48 409 6400 02	do	City Hall, 301 East Market St., Sinton, TX 78387.	Do.
Wisconsin	Chippewa	Unincorporated areas.				Mar. 26, 1971.
Do	Dunn	do				Do.
Do	Buffalo	Fountain City				Do.
Do	Grant	Unincorprated areas.				Do.
Do	Rock	Janesville				Do.
Do	La Crosse	Unincorporated areas.				Do.
Do	Racine	Racine				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: March 27, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-4217 Filed 3-26-71;8:45 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Memo No. 736]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Administrative Division

RESCINDING ADMINISTRATIVE DIVISION MEMO NOS. 524 AND 644

MARCH 19, 1971.

Under and by virtue of the authority vested in me by § 0.76(k) of Title 28 Code of Federal Regulations, Administrative Division Memo No. 524, Delegation of Authority Regarding Personnel and Administrative Matters, and Administrative Division Memo No. 644, Delegating Certain Training Authority to the Director of Personnel, Administrative Division, are hereby rescinded.

L. M. PELLERZI,
Assistant Attorney General for Administration.

[FR Doc.71-4267 Filed 3-26-71;8:49 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 525—EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

Change in Conditions for Renewal of Special Certificates

On January 5, 1971, a proposal was published in the FEDERAL REGISTER at page 69 to amend Part 525 of Title 29 of the Code of Federal Regulations to provide for a simplified procedure for the renewal of special certificates for the employment of handicapped clients in sheltered workshops at special minimum wages by eliminating the requirement in § 525.10(a) that an application for renewal of a special certificate be filed in the same manner as an original application.

Interested parties were given 30 days in which to submit written data, views or arguments regarding the proposed amendment. Numerous responses have been received, unanimously in favor of the change. The proposal is hereby adopted without change.

The amendment shall become effective on the date of its publication in the FEDERAL REGISTER (3–27–71).

As amended, § 525.10(a) reads as follows:

§ 525.10 Renewal of special certificates.

(a) Application may be filed for renewal of any special certificate.

• • • • • •

(Sec. 14, 52 Stat. 1068 as amended; 29 U.S.C. 214)

Signed at Washington, D.C., this 19th day of March 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division.

[FR Doc.71-4268 Filed 3-26-71;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 806—DISCLOSURE OF AIR FORCE RECORDS

Material That May Be Withheld From Disclosure

The introductory text to § 806.5 as appears in 36 F.R. 4700, March 11, 1971, is amended to read as follows:

§ 806.5 Material that may be withheld from disclosure.

Records within the categories listed in this section are not required to be made available to members of the public. Nevertheless, any record that falls under one of these exempted categories should be made available to a requester if, in the judgment of the disclosure authority designated under § 806.6, no significant purpose would be served by withholding it.

• • • • • •

ALEXANDER J. PALENSCAR, JR.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71-4222 Filed 3-26-71;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—St. Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Miscellaneous Amendments

On pages 2518–2520 of the FEDERAL REGISTER of February 5, 1971, and page 3829 of the FEDERAL REGISTER of February 27, 1971, there were published notices of proposed rule making by the St. Lawrence Seaway Development Corporation to amend Subpart B—Rules of 33 CFR Part 401. In amending the Rules, the Corporation is acting jointly and in coordination with the St. Lawrence Seaway Authority of Canada pursuant to the provisions of its enabling act (33 U.S.C. 981, et seq.).

Interested parties were invited to submit written comments and suggestions with respect to the proposed amendments. The written comments received do not require a revision of the proposal; therefore, the proposed regulations are hereby adopted without change.

Because these amendments were developed jointly with the St. Lawrence Seaway Authority of Canada and will be adopted by that agency at the beginning of the 1971 navigation season, I find that good cause exists for making the amendments effective in less than 30 days. Accordingly, they shall become effective on the date of their publication in the FEDERAL REGISTER (3–27–71).

D. W. OBERLIN,
Administrator.

I. Amend § 401.102–10 by deleting the words "in excess of 40 feet in overall length", and inserting the word "self-propelled" after the word "All". All self-propelled vessels other than pleasure craft of less than 65 feet are now required to be equipped with VHF (very high frequency) radiotelephone equipment. The revised section reads as follows:

§ 401.102–10 Radiotelephone equipment.

All self-propelled vessels, other than pleasure craft of less than 65 feet, must be equipped with VHF (very high frequency) radiotelephone equipment. The radio transmitters must have sufficient power output to enable the vessel to communicate with Authority stations from a distance of 30 miles and must be fitted to operate from the wheelhouse and to communicate on 156.55, 156.6, 156.7, and 156.8 MHz.

II. Amend the rules on Radio Communications to provide a more readable and workable procedure and to require communications necessary to implement the new positive system of traffic control. A new section is added after § 401.103–3 and present sections 401.103–4 and 401.103–5 are renumbered and revised, as follows:

§ 401.103–4 VHF Radio coverage and procedure.

(a) Vessels must use the channels of communication in each Control Sector as listed below:

Station	Control sector No. and limits	Call in	Work	Listening watch
Seaway Beauharnois	1 C.I.P. No. 2 to C.I.P. No. 6–7	Ch. 14	Ch. 14	Ch. 14.
Seaway Eisenhower	2 C.I.P. No. 6–7 to C.I.P. No. 10–11	Ch. 12	Ch. 12	Ch. 12.
Seaway Iroquois	3 C.I.P. No. 10–11 to Whaleback Shoal	Ch. 14	Ch. 14	Ch. 14.
WAG Clayton	4 Whaleback Shoal to Tibbetts Point	Ch. 16	Ch. 12	Ch. 16.
Seaway Picton	5 Tibbetts Point to Mid Lake Ontario	Ch. 11	Ch. 11	Ch. 16.
Seaway Oshawa	5 Mid Lake Ontario to C.I.P. No. 15	Ch. 11	Ch. 11	Ch. 16.
Seaway Welland	6 C.I.P. No. 15 to C.I.P. No. 16	Ch. 14	Ch. 14	Ch. 14.
Seaway Long Point	7 C.I.P. No. 16 to Long Point	Ch. 11	Ch. 11	Ch. 16.
Seaway Sault	8 C.I.P. No. 17 to C.I.P. No. 18	Ch. 14	Ch. 14	Ch. 16.

(b) Initial calls originating from Seaway Stations to vessels in Sectors 4, 5, 7 and 8 will be on Channel 16, switching to the working channel for conversation.

(c) Vessels arriving at either Call-in-Point 15 or 16 should call "Seaway Welland" on Channel 14. If the vessel is called directly into the canal, it will remain on Channel 14. If the vessel is not to come directly into the canal, it will be sent to anchorage and instructed to guard Channel 16 until called in.

§ 401.103–5 Calling-in.

(a) • • •

C.I.P. and check point	Station to call	Message content
UPBOUND VESSELS		
• • •	• • •	• • •
C.I.P. 7—Entering Sector 2.	Seaway Eisenhower Ch. 12.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Snell Lock (if pilot required).
C.I.P. 8—(Order of passing through established).	.....do.....	1. Name of Vessel. 2. Location.
C.I.P. 8A	.....do.....	1. Name of Vessel. 2. Location.
• • •	• • •	• • •
Whaleback Shoal—Entering Sector 4.	WAG Clayton (Call Ch. 16; Work Ch. 12).	1. Name of Vessel. 2. Location. 3. ETA Cape Vincent. 4. Confirmation pilot requirement—Lake Ontario.
Tibbetts Point—Leaving Sector 4.	.....do.....	1. Name of Vessel. 2. Location.
Tibbetts Point—Entering Sector 5.	Seaway Picton Channel 11.	1. Name of Vessel. 2. Location. 3. ETA Point Petre. 4. ETA Port Weller. (C.I.P. 15) or Lake Ontario Port. 5. Pilot requirement—Port Weller.
• • •	• • •	• • •
Newcastle.....	Seaway Oshawa Channel 11.	1. Name of Vessel. 2. Location. 3. Updated ETA Port Weller (C.I.P. 15). 4. Confirmation pilot requirement—Port Weller.
• • •	• • •	• • •
Long Point—Leaving Sector 7.	Seaway Long Point Ch. 11.	1. Name of Vessel. 2. Location.
• • •	• • •	• • •
DOWNBOUND VESSELS		
• • •	• • •	• • •
Long Point—Entering Sector 7.	Seaway Long Point Ch. 11.	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 16.
• • •	• • •	• • •
• • •	• • •	• • •
Point Petre.....	Seaway Picton Ch. 11.	1. Name of Vessel. 2. Location. 3. Updated ETA Tibbetts Point or Lake Ontario Port. 4. Confirmation pilot requirement—Cape Vincent.
• • •	• • •	• • •
Tibbetts Point Entering Sector 4.	WAG Clayton (Call Ch. 16; Work Ch. 12).	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
Whaleback Shoal Leaving Sector 4.	.....do.....	1. Name of Vessel. 2. Location.
Whaleback Shoal Entering Sector 3.	Seaway Iroquois Ch. 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 14	.....do.....	1. Name of Vessel. 2. Location.
• • •	• • •	• • •
C.I.P. 10—Entering Sector 2.	Seaway Eisenhower Ch. 12.	1. Name of Vessel. 2. Location.
C.I.P. 9	.....do.....	1. Name of Vessel. 2. Location. 3. ETA Snell Lock (if pilot required).
• • •	• • •	• • •
St. Lambert to C.I.P. 2—Leaving Sector 1.	Seaway Beauharnois Ch. 14.	1. Name of Vessel. 2. Location. 3. See paragraph (b) of this section.

(b) A downbound vessel in St. Lambert Lock wishing to communicate with Montreal Marine Control will switch to Channel 13 (156.65 MHz) for a Montreal Harbor situation report. After completing the call, the vessel will return to guarding Channel 14 (156.7 MHz) before exiting the lock. When the vessel has cleared the downstream end of the lower approach wall of St. Lambert Lock, the master or pilot will call "Seaway Beauharnois" and request permission to switch to Channel 13 (156.65 MHz). Seaway Beauharnois will concur and advise the vessel of any upbound traffic cleared for Seaway entry but not yet at C.I.P. 2. In the event of expected vessel meeting(s) between the downstream end of the lower approach wall and C.I.P. 2, the downbound vessel will be told to remain on Channel 14 (156.7 MHz) until the meet has been completed. After the meeting, the downbound vessel will call back before going to Channel 13 (156.65 MHz).

• • • • • •

(d) Changes in information provided under paragraph (a) of this section shall be reported to the appropriate Seaway Station.

§ 401.103–6 Communication—ports, docks and anchorages.

• • • • • •

(b) Vessels entering or leaving a lake port shall report to the appropriate Seaway Station as follows:

Toronto and Hamilton—1 mile outside of harbor limits.
Other lake ports—When crossing the harbor entrance.

III. Amend the rules on Transit Instructions as follows:

1. Section 401.104–1 is amended to reflect the present agreement as to the duration of the navigation season and reads as follows:

§ 401.104–1 Navigation season.

Unless in the opinion of the Authority weather and ice conditions do not allow navigation on the Seaway will open and will close on the following dates in each year:

	Open	Close
Welland Canal	Apr. 1	Dec. 22
Sault Ste. Marie Canal (Canada)	Apr. 4	Dec. 12
South Shore, Beauharnois, Wiley-Dondero, and Iroquois Canals	Apr. 1	Dec. 12

NOTE: The Seaway Entities are presently carrying out extensive studies directed towards the possible extension of the navigation season. Accordingly, where conditions warrant and other circumstances permit, the above dates may be modified in a Seaway Notice.

2. Section 401.104–12 is amended to clarify the restriction on the speed at which a vessel may travel when passing a moored vessel or equipment working in a canal. The revised section reads as follows:

§ 401.104–12 Speed passing moored vessel or working equipment.

A vessel passing a moored vessel or equipment working in a canal shall proceed at such a speed so as not to endanger the vessel or the occupants thereof.

§ 401.104–25 [Amended]

3. The Mooring Table in § 401.104–25 is amended under Lock 8 of the Welland Canal by striking the letter "S" for the upbound tieup walls and inserting the letters "P or S" in the place thereof. This permits an upbound vessel to tie up to either starboard or portside in that lock.

§ 401.104–32 [Amended]

4. Section 401.104–32 is amended by striking the word "Prescott" and inserting the words "Prescott and Union Park" in place thereof to reflect the present designation of Union Park as an anchorage area.

§ 401.104–34 [Amended]

5. Section 401.104–34 is amended by striking the words "one thousand, six hundred feet" and inserting the words "two thousand, two hundred feet" to properly state the existing distances for the "Whistle" signs.

6. A new § 401.104–50 is added to require reporting of certain deficiencies to navigation aids in order to provide more timely information on such problems. The new section reads as follows:

§ 401.104–50 Reporting navigation aid deficiencies.

Any aid to navigation that is extinguished, damaged, out of position, or missing shall be reported to the nearest Seaway Station.

IV. Amend the rules on Dangerous Cargo as follows:

1. Section 401.105–7 is amended to provide an exception to the requirement that a vessel carrying hazardous cargo shall be equipped with nonmetallic fenders. The exception resulted from a recent study and applies to a vessel that is carrying Bunker C oil or its equivalent and is equipped with gas free ballast wing tanks. The revised section reads as follows:

§ 401.105–7 Nonmetallic fenders.

An explosive vessel and a hazardous cargo vessel, other than one carrying the equivalent of Bunker C oil in the center tanks and which is equipped with gas free ballast wing tanks, must be equipped with a sufficient number of nonmetallic fenders to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

2. Section 401.105–10 is amended to require the reporting of flashpoint for hazardous cargo when calling-in and to renumber the references to § 401.103–3 and § 401.103–4 to § 401.103–5. This will provide information which will facilitate the handling of vessels while transiting the locks. The revised section reads as follows:

§ 401.105–10 Calling-in.

An explosive vessel shall report the Seaway Explosive Permit number, and both explosive and hazardous cargo vessels shall report the nature of their cargo and its flashpoint (hazardous cargo), in addition to the other required information, when calling-in as provided by § 401.103–5.

(68 Stat. 93–97, 33 U.S.C. 981–990, as amended)

[FR Doc.71–4280 Filed 3–26–71;8:50 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Information Reporting Requirements, Internal Revenue Code

Interim policy was published in the FEDERAL REGISTER on February 28, 1970 (35 F.R. 3898) relating to information reporting requirements and to verification of services by providers in the medical assistance programs authorized under title XIX of the Social Security Act.

After consideration of comments received, the regulations are hereby republished with the following change: Section 250.71(c), requiring a system for verification of services provided, has been redesignated as § 250.80(f) and thereby incorporated in the State plan requirements relating to fraud in the medical assistance program, a more appropriate location. Accordingly, a new § 250.71 is added to Part 250 of Chapter II, Title 45, of the Code of Federal Regulations, as set forth below.

§ 250.71 Information reporting requirements, Internal Revenue Code.

State plan requirements: A State plan for medical assistance under title XIX of the Social Security Act must provide for:

(a) Identification of providers of service by social security number or by employer identification number. When the provider is in solo practice, identification shall be by social security number. When the provider is in other than solo practice, identification shall depend upon the group's billing practices; where billing is by the individual, then identification shall be by social security number; where billing is by a partnership or a corporation, then identification shall be by employer identification number.

(b) Compliance with the information reporting requirements of the Internal Revenue Code (26 U.S.C. 6041). With respect to payments for services under the plan, the Internal Revenue Code requires that annual information returns be filed showing aggregate amounts paid to providers of service identified by name, address, and social security number or employer identification number.

Effective date. These regulations are effective on the date of publication in the FEDERAL REGISTER (3–25–71).

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Dated: January 15, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: March 17, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71–4094 Filed 3–26–71;8:45 am]

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Fraud in the Medical Assistance Program

Interim policy which sets forth regulations to implement section 1902(a)(4)(A) of the Social Security Act with respect to fraud in the Medical Assistance Program was published in the FEDERAL REGISTER of December 17, 1969 (34 F.R. 19775). After consideration of views presented by interested persons, the following changes in the regulations were made:

1. Interim policy 250.80(a)(4) has been revised to indicate that States, in reporting each case of suspected fraud by a provider which has been referred to law enforcement officials, shall identify the provider by a numbering system which does not disclose the identity of the provider, unless the Social and Rehabilitation Service specifically requests such disclosure. (See § 250.80(d)(1).)

2. Interim policy § 250.80(a)(5) has been amended to allow an alternative method for certification by providers regarding payments of their claims. A statement similar to the one required on the claims forms can instead be printed above the claimant's endorsement on the reverse of checks or warrants payable to all providers. (See § 250.80(e)(2).)

3. A requirement for a system to verify that services billed were received by clients, published February 28, 1970 (35 F.R. 3898) as part of the interim policy on information reporting requirements, is incorporated in this regulation (§ 250.80(f)) as a more appropriate location.

Accordingly, the regulations as so amended and set forth below are hereby codified as § 250.80 of Chapter II of Title 45 of the Code of Federal Regulations.

§ 250.80 Fraud in the medical assistance program.

State plan requirements: A State plan for medical assistance under title XIX of the Social Security Act must:

(a) Provide that the State agency will establish and maintain (1) methods and criteria for identifying situations in which a question of fraud in the program may exist, and (2) procedures developed in cooperation with State legal authorities for referring to law enforcement officials situations in which there is valid reason to suspect that fraud has been practiced. The definition of fraud for purposes of this section will be determined in accordance with State law.

(b) Provide for methods of investigation of situations in which there is a question of fraud that do not infringe on the legal rights of persons involved and are consistent with principles recognized as affording due process of law.

(c) Provide that the State agency will designate positions that are responsible for referring situations involving suspected fraud to the proper authorities.

(d) Provide that the State agency will establish and maintain procedures for reporting promptly to the Social and Rehabilitation Service (1) by a numbering system which does not disclose identity of the provider (unless the Social and Rehabilitation Service specifically requests such disclosure) each case of suspected fraud by a provider which has been referred by the State or local agency to law enforcement officials for appropriate action and subsequently (2) the disposition thereof by such law enforcement officials.

(e) (1) Provide for the following statements (or alternate wording approved by the Social and Rehabilitation Service Regional Commissioner) to be imprinted in boldface type on all provider claims forms above the claimant's signature:

(i) "This is to certify that the foregoing information is true, accurate, and complete."

(ii) "I understand that payment and satisfaction of this claim will be from Federal and State funds, and that any false claims, statements, or documents, or concealment of a material fact, may be prosecuted under applicable Federal or State laws"; or alternatively,

(2) Provide for the following wording to appear on the reverse of checks (or warrants) payable to all providers above the claimant's endorsement:

I understand that endorsement hereon or deposit to the accounts of the within named payee is done with the understanding that payment will be from Federal and State funds and that any false claims, statements, or documents, or concealment of a material fact, may be prosecuted under applicable Federal or State laws.

(f) Provide for establishing a basis for verifying with recipients whether services billed by providers were actually received. Such basis may be by random sample of patients for each provider who is paid significant amounts under the program and for groups of providers, none of whom receive a significant amount.

Effective date. The regulations set forth above shall be effective on date of publication in the FEDERAL REGISTER (3-25-71), except for § 250.80 (d) and (e) which shall become effective 120 days after date of publication.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Dated: February 16, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: March 17, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-4093 Filed 3-26-71;8:45 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 84, 2d Rev.]

PART 360—TRANSFER OF MARINE EQUIPMENT TO SHIP OPERATORS AND SHIPYARDS

Part 360 of this title and chapter is hereby revised to read as follows:

Sec.
360.1 Purpose.
360.2 Definitions.
360.3 Policy.
360.4 Procedure.

AUTHORITY: The provisions of this Part 360 issued under section 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 360.1 Purpose.

To set forth the policy and procedures governing the transfer of marine equipment by the Maritime Administration to operators of merchant ships and to shipyards for the construction or repair of merchant ships, on the basis of replacement at the earliest possible date.

§ 360.2 Definitions.

(a) The term "transfer," as used herein, shall be deemed to be a transfer of possession with passage of title upon delivery of the equipment to the operator or shipyard, and with obligation for replacement of the equipment by the transferee.

(b) The terms "marine equipment" and "equipment," as used herein, shall be deemed to include machinery, spare parts, and equipment required for the operation, construction, or repair of merchant ships.

§ 360.3 Policy.

(a) Transfers of marine equipment owned by the Maritime Administration will be made, upon request, only in cases of emergency under the following conditions:

(1) There must be a need which cannot be filled within a reasonable time by a manufacturer or other source;

(2) The transferee shall agree to stand all costs incurred in connection with the transfer;

(3) The transferee shall agree to take possession and custody of the equipment at a time and place designated by the Maritime Administration, and there shall be no liability on the part of the Maritime Administration for any failure of the equipment thereafter; and

(4) The equipment transferred shall be replaced by the transferee, at his expense, at the earliest practicable date and at a point designated by the Maritime Administration to be suitable for ment of the same type and design or with equipment determined by the Maritime Administratio nto be suitable for the same use as the equipment transferred, in a condition satisfactory to the Maritime Administration and in compliance with American Bureau of Shipping and U.S. Coast Guard standards.

(b) Transfers which meet the above requirements may be made (1) to operators of U.S.-flag merchant ships and shipyards for the construction or repair of U.S.-flag merchant ships, and (2) to foreign-flag merchant ships and U.S. shipyards for the construction or repair of foreign-flag merchant ships, when it is determined by the Maritime Administration, in consultation with other Government agencies, as appropriate, that the transfer would be beneficial to the American merchant marine, the defense effort, or otherwise in the national interest.

(c) The transferee shall furnish a deposit to the Maritime Administration in the amount of the current acquisition value (new) of the equipment, as determined by the Maritime Administration, plus 10 percent of such amount to cover expenses which may be incurred by the Maritime Administration in connection with the transaction, including possible damages to Maritime Administration properties, and, where applicable, an additional amount equal to the estimated cost of closing any openings or reassembling any machinery made necessary by the transfer. This deposit, less the amount of any expenses or damages incurred by the Maritime Administration in connection with the transfer, will be returned to the transferee upon satisfactory replacement of the equipment.

(d) The transferee shall pay to the Maritime Administration a service charge in the amount of $200 to cover administrative and operating expenses incurred in processing the transfer. This amount is to be deposited to the credit of the Government, and will not be returned to the transferee.

§ 360.4 Procedure.

(a) Requests for the transfer of marine equipment shall be submitted, in writing, to the Chief, Division of Reserve Fleet, Maritime Administration, Washington, D.C. 20235, or to the appropriate Region Director in the field, and shall include the following information:

(1) Name and address of organization requesting the transfer;

(2) Description of the equipment required;

(3) Time and method of replacement of equipment;

(4) Name, type, and flag of ship involved, port at which installation is to be made, and trade route and type of trade in which ship is engaged; and

(5) A detailed explanation of the need, establishing that an emergency exists and that the equipment cannot be obtained elsewhere in time for the ship to sail on schedule or to continue a voyage.

(b) Upon determination by the Maritime Administration that the justification for the transfer meets the policy requirements of § 360.3 and that the equipment is available for transfer, the authorized transfer official shall obtain from the applicant, in writing, an agreement to the conditions of the transfer, including the conditions set forth in § 360.3 and such other conditions as may be appropriate, including the foregoing definition of the term "transfer."

(c) The transferee shall transmit to the Maritime Administration, Washington, D.C., or the appropriate Region Director a certified or cashier's check payable to "Maritime Adm.-Commerce" in the amount of the required deposit and the service charge, as determined under § 360.3 (c) and (d).

(d) Upon approval of the transfer, the Chief, Division of Supply Management or appropriate Region Director shall authorize the issuance of appropriate shipping and other necessary instructions for the transfer of the equipment to the ship operator or shipyard.

(e) Upon determination that the equipment transferred has been satisfactorily replaced and all conditions of the transfer have been complied with, the Maritime Administration will refund to the transferee the amount of his deposit less such deductions as are determined by the Maritime Administration to be appropriate.

Dated: March 22, 1971.

By order of the Deputy Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-4183 Filed 3-26-71;8:45 am]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

PART 251—LOANS AND GUARANTEE OF LOANS UNDER RAIL PASSENGER SERVICE ACT OF 1970

The purpose of this amendment is to establish a new Part 251 setting forth the procedures and requirements for the filing of applications for loans or guarantee of loans by the Federal Railroad Administrator under the Rail Passenger Service Act of 1970 (Public Law 91-518).

Since this amendement relates to loans and the guarantee of loans, notice and public procedure are not required and it may be made effective in less than 30 days.

In consideration of the foregoing, effective immediately, Chapter II of Subtitle B of Title 49, Code of Federal Regulations, is amended by adding a new Part 251, as set forth below.

Issued in Washington, D.C., on March 22, 1971.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

Sec.
251.1 Applicability.
251.3 Definitions.
251.5 Contents of application.
251.7 Required exhibits.
251.9 Additional information.
251.11 Fees for loan guarantees.
251.13 Execution and filing of application.
251.15 General instructions.

Appendix A—Required exhibits, documents, and certificates.
Appendix B—Forms.

AUTHORITY: The provisions of this Part 251 issued under secs. 602 and 701 of the Rail Passenger Service Act of 1970, Public Law 91-518; § 1.49(1), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(1).

§ 251.1 Applicability.

This part prescribes the procedures governing applications for loans or the guarantee of loans to railroads, the National Railroad Passenger Corporation or regional transportation agencies under section 602 or 701 of the Rail Passenger Service Act of 1970 (45 U.S.C. 501 et seq: 84 Stat. 1327).

§ 251.3 Definitions.

As used in this part—

"Act" means the Rail Passenger Service Act of 1970.

"Administrator" means the Federal Railroad Administrator.

"Commission" means the Interstate Commerce Commission.

"Railroad" means a common carrier by railroad as defined in section 1(3) of Part 1 of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)).

§ 251.5 Contents of application.

(a) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information as to the Applicant (or Trustee, if applicable) and the transaction:

(1) Full and correct name and principal business address.

(2) Name, title, and address of the person to whom correspondence regarding the application should be addressed.

(3) Brief description of the loan and its purpose or purposes, including statements of—

(i) The total amount of the loan;

(ii) The purpose or purposes for which the loan proceeds will be used;

(iii) The maturity date or dates;

(iv) Description of the security, if any, for the loan, including applicants' opinion of the value of any collateral and the basis for such opinion;

(v) The date or dates on which the applicant desires the funds to be made available;

(vi) The rate of interest;

(vii) Estimated total expenses in connection with the loan, including detail as to expenses estimated for legal and accounting services, printing and engraving, trustees' fees, State and Federal taxes, and commissions and discounts; and

(viii) If a guarantee, the portion of the loan concerning which guarantee by the Administrator is sought, description of the security for the loan and the guarantee, together with an opinion of the value of such collateral and the basis for such opinion.

(4) Statement, in summary form showing the Applicant's financial obligations to, or claims against, the United States, if any, as of date of application, or latest available date, listed as to—

(i) Balance on any direct loans;

(ii) Balance on any loans under which the United States is guarantor;

(iii) Status of any claims under litigation; and

(vi) Any other debits or credits existing between the Applicant and the United States, showing the department or agency involved in such loans, claims and other debts.

(b) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information as to the lender or lenders:

(1) Full and correct name and principal business address.

(2) Names and addresses of principal executive officers and directors, or partners.

(3) Reference to applicable provisions of law and the charter or other governing instruments conferring authority to the lender to make the loan and to accept the mortgage or other obligation securing the loan.

(4) Brief statement of the circumstances and negotiations leading to the agreement by the lender to make the proposed loan, including the name and address of any person or persons, other than directors, officers, partners, or employees of the Applicant, representing or purporting to represent the Applicant in connection with such negotiations.

(5) Brief statement of the nature and extent of any affiliation or business relationship between the lender and any of its directors, partners, or principal executive officers, on the one hand, and, on the other, the Applicant and any of its directors, partners, or principal executive officers, or any person or persons whose name is required to be furnished under subparagraph (4) of this paragraph.

(6) Full and complete statement of all sums paid or to be paid and of any other consideration given or to be given by lender in connection with the proposed loan, including with respect thereto:

(i) Name and address of each person to whom the payment is made or to be made;

(ii) The amount of the cash payment, or the nature and value of other consideration;

(iii) The exact nature of the services rendered or to be rendered;

(iv) Any condition upon the obligation of the lender to make such payment; and

(v) The nature of any affiliation, association, or prior business relationship between any person listed in subdivision (i) of this subparagraph and the lender or any of its directors, partners, or officers.

§ 251.7 Required exhibits.

Each application and each copy thereof required by this part must have attached the exhibits listed in Appendix A to this part. If a particular exhibit is not applicable, the application shall so state.

§ 251.9 Additional information.

(a) Each application for a loan guarantee must include the following:

(1) A statement on behalf of the Applicant that it has endeavored to obtain a loan without a guarantee by the Administrator, but has not been able to obtain a loan upon reasonable terms, including in the statement the terms that are available and describing any facts relevant to the efforts to obtain a loan.

(2) Copies of correspondence from all, and not less than three, lending institutions to which application for the financing has been made, showing that they have declined the financing unless guaranteed by the Administrator or showing the terms upon which they will undertake the financing without a guarantee.

(b) Each application for a loan must include the following:

(1) A statement on behalf of the Applicant that it has endeavored to obtain a loan but has been unable to obtain a loan therefor upon reasonable terms, and including in the statement the terms that are available and describing any facts relevant to the efforts to obtain a loan.

(2) Copies of correspondence from all, but not less than three, lending institutions to which application for the financing has been made, showing that they have declined the financing.

§ 251.11 Fees for loan guarantees.

The lender of a loan guaranteed by the Administrator shall pay to the Administrator a guarantee fee that the Administrator determines to be reasonable under the circumstances. This guarantee fee is paid on the date of closing the loan and annually thereafter until the loan is repaid.

§ 251.13 Execution and filing of application.

(a) Each original application shall bear the date of execution and be signed by or on behalf of the Applicant and the

lender. Execution on behalf of the Applicant shall be by an officer having knowledge of the matters set forth in the application. Each person signing the application on behalf of the Applicant or lender shall also sign a certificate in the form as set forth in Appendix B to this part.

(b) Each original application shall include a certificate by the Chief Accounting Officer of the Applicant in the form set forth in Appendix B to this part.

(c) Each original application and supporting papers, and six copies thereof shall be filed with the Federal Railroad Administrator, Department of Transportation, Washington, D.C. One copy of the application and supporting papers for a loan under section 701 of the Act shall be filed with the Secretary of the Treasury, Washington, D.C. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself.

(d) If unusual difficulties arise in the furnishing of any of the exhibits required by § 251.7, the Applicant or the lender may, upon appropriate showing and with the consent of the Administrator, omit filing those exhibits.

(e) If furnishing exhibits in the detail required by § 251.7 is shown by the Applicant or lender to be unduly burdensome in relation to the nature and amount of the loan, the Administrator may modify the requirements of said section.

(f) The Administrator may, with respect to individual loans, waive or modify any requirement of this part upon good cause shown, or make any additional requirements he deems necessary.

§ 251.15 General instructions.

(a) If the application is approved by the Administrator the documents listed in section II of Appendix A to this part shall be deposited with the Administrator at least 3 business days before the transaction is closed, together with any other document the Administrator may require.

(b) A loan or a guarantee of a loan by the Administrator under this part does not relieve the applicant from complying with section 20a of the Interstate Commerce Act (49 U.S.C. 20a) in relation to the issuance of securities.

APPENDIX A—REQUIRED EXHIBITS, DOCUMENTS, AND CERTIFICATES

I. *Exhibits.* (a) The following exhibits must be submitted with respect to the Applicant:

Exhibit 1. A duly certified copy of the Charter or Articles of Incorporation and the bylaws of the Applicant. (Submitted with the original application only.)

Exhibit 2. A certified copy of resolutions of the Board of Directors of the Applicant, or if the Applicant is in reorganization under Chapter 77 of the Bankruptcy Act, a certified copy of the order of the District Court having jurisdiction of Applicant, authorizing—

(i) The filing of the application;

(ii) The filing of an application with the Interstate Commerce Commission under section 20a of the Interstate Commerce Act, for authority to issue securities; and

(iii) The pledge of security for the loan or the guarantee.

Exhibit 3. A preliminary opinion of counsel for Applicant that he is familiar with the corporate or other organizational powers of the Applicant, that the Applicant is authorized to make the application, and that when proper corporate action has been taken, necessary authorizations obtained and the obligations executed, and security delivered as contemplated by the application, the obligations will constitute the valid and subsisting obligations of the Applicant.

Exhibit 4. A map of the railroad owned, operated, or leased by Applicant.

Exhibit 5. A statement as to whether or not any railroad affiliated with Applicant has applied for or received a loan guarantee under Title V of the Interstate Commerce Act, the Emergency Rail Services Act of 1970, or under this Act. If an affiliate has applied for or received such a guarantee, full particulars shall be given.

Exhibit 6. A statement showing total dividends declared and total dividends paid for each of the last 5 calendar years and for the current year to latest available date.

Exhibit 7. A copy of general balance sheet as of latest available date, but not earlier than the end of the third month preceding date of filing of the application, in the form and detail required in Schedules 200A and 200L of the Interstate Commerce Commission's annual report Form A, together with the following supporting schedules:

(i) Particulars of loans and notes receivable in form and detail as required in Schedule 201 of annual report Form A or the Class I railroads.

(ii) Particulars of investments in other companies in form and detail similar to that required in Schedules 205 and 206 of annual report Form A.

(iii) Particulars of balances in accounts 741 and 743, Other Assets and Deferred Charges, in form and detail as required in annual report Form A, Schedule 216.

(iv) Particulars of loans and notes payable in form and detail required in Schedule 223 of annual report Form A, as well as information as to bank loans, including the name of the bank, date and amount of the original loan, current balance, maturities, rate of interest, and any security given.

(v) Particulars of long-term debt in form and detail similar to that required in Schedules 218 and 219 of annual report Form A, including a brief statement concerning each mortgage, and indicating the property or securities encumbered.

(vi) Particulars of balance in account 784, Other Deferred Credits, in form and detail as required in Schedule 225 of annual report Form A.

(vii) Particulars as to contingent assets and liabilities in form and detail as required in Schedule 233 of annual report Form A.

(viii) Particulars as to guarantees and suretyships in form and detail as required in Schedule 110 of annual report Form A.

(ix) Particulars as to capital stock in form and detail as required in Schedules 228, 229, and 230 of annual report Form A.

The information required in this exhibit shall give effect to any modification of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date the loan application is filed.

Exhibit 8. A statement showing comparative balance sheets as of December 31, for each of the last 2 years preceding the year in which the application is filed, in the form and detail required in annual report Form A, Schedules 200A and 200L, and if the Applicant's report to its stockholders includes a consolidated balance sheet for two or more railroads which differs from the returns in the balance sheet schedules of its annual reports to the Commission, reference shall be made to the sections of the stockholders' reports which include those consolidated balance sheets.

Exhibit 9. A copy of the Applicant's report to its stockholders for each of the 3 years preceding the year in which the application is filed. (Submitted with the original of the application only.)

Exhibit 10. A comparative income statement for last full quarter of the year preceding the month of the year in which the loan application is filed, including cumulative data to latest month shown, which may not be earlier than the third month preceding date of filing the application, compared with the same quarter of each of the 2 preceding years, in account form similar to that required in column (a) of Schedule 300 of annual report Form A. The information must be modified to include any revision of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date the loan application is filed.

Exhibit 11. A comparative income statement showing data for each of the last 2 years in account form and detail required by Exhibit 10.

Exhibit 12. A pro forma income statement showing estimated income account for each of the remaining months in the current year and for each month of the following year, in the account form and detail required by Exhibit 10, together with a statement setting forth the basis for such estimates.

Exhibit 13. A comparative statement of total expenditures for maintenance of (i) way and structures and (ii) equipment for each of the past 2 years and for each month of the current year, together with estimated expenditures for the remaining months of the current year and the following year, including a statement showing the basis for the estimates.

Exhibit 14. A statement showing for the current calendar year and each year for 5 years thereafter, estimates for total operating revenues, total operating expenses, operating ratio, income available for fixed charges, and net income after fixed charges and contingent interest.

Exhibit 15. A statement showing actual cash balance at the beginning of each month and the actual cash receipts and disbursements during each month of the current year to the date of the latest balance sheet furnished as Exhibit 7, together with a monthly forecast (both before and after giving effect to use of proceeds from the proposed loan) for the balance of the current year and for the following year.

Exhibit 16. A statement showing, for each month to latest available month of the current year, compared with the same month of each of the 2 preceding years—

(i) Number of tons of revenue freight carried;

(ii) Number of revenue ton-miles;

(iii) Freight revenue (account 101);

(iv) Number of passengers carried;

(v) Number of passenger miles;

(vi) Passenger revenue (account 102); and

(vii) Estimated information for subdivisions (i) through (iii) for each of the remaining months in the current year and for the following year.

Exhibit 17. A comparative statement showing, for each year in the 2-year period preceding the year in which the application is filed, and on an estimated basis for the current year and each of the 4 years thereafter, the following:

(i) Total charges to operating expenses for depreciation of way and structures, and equipment;

(ii) Deductions for accelerated tax amortization under section 168 of the Internal Revenue Code in excess of charges listed in subdivision (i);

(iii) Net income reported in annual reports to the Commission; and

(iv) Pro forma net income which would have resulted without the benefit of deductions for accelerated tax amortization under section 168 of the Internal Revenue Code.

Exhibit 18. A general statement setting forth the facts as to estimated prospective earnings and other funds upon which Applicant relies to repay the loan.

(b) The following exhibits must be submitted with respect to the loan transaction:

Exhibit 19. Specimens or, where specimens are not available, forms of all securities to be pledged or otherwise issued in connection with the proposed loan and in case of a mortgage, a copy of the mortgage or indenture.

Exhibit 20. Copies of the loan agreement entered into, or to be entered into, between the Applicant and lender, and of any agreements or instruments executed or to be executed in connection with the proposed loan.

(c) The following must be submitted with applications under section 701 of the Act:

Exhibit 21. An executed copy of the Agreement between the Applicant and the National Railroad Passenger Corporation entered into under section 401 of the Act.

(d) If Applicant is not a carrier subject to the accounting requirements of the Commission, Exhibits 7, 8, 10–12 shall conform to generally accepted accounting principles and practices.

II. *Documents.* (a) The following documents must be submitted under § 251.15(a) before the closing of the loan transaction:

(1) A final opinion by counsel for the Applicant to the effect that he is familiar with the corporate powers of the Applicant; that the Applicant is authorized to execute and deliver the securities or other obligations evidencing them, and to pledge and hypothecate any securities pledged as collateral; that the securities or other obligations so executed and delivered constitute the valid and binding obligations of the Applicant; and that the securities or other obligations of the Applicant will obtain a lien on any security involved of the rank and priority represented by the Applicant. The opinion shall also cover the priority and lien of each item of the collateral offered.

(2) Certified copies of the resolutions of the Board of Directors of the Applicant or, where applicable, the order of the reorganization court, authorizing officers of Applicant to execute and deliver the securities or other obligations and to give the security under and according to the terms of the loan or guarantee as prescribed by the Administrator.

APPENDIX B—FORMS

I. The following is the form of the certificate to be made by each person signing an application on behalf of an Applicant or lender:

---------- certifies
(Name of official)
that he is the ---------- of the
(Title of official)
----------; that he
(Name of Applicant or lender)
is authorized by ----------to sign
(Name of Applicant or lender)
and file with the Administrator this application and the attached exhibits; that he has carefully examined all of the statements contained in the application and the attached exhibits relating to ----------;
(Name of Applicant or lender)
that he has knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

---------- ----------
(Date) (Signature)

II. The following is the form of the certificate to be made by the Chief Accounting Officer of an Applicant:

----------certifies that he
(Name of Officer)
is ---------- of
(Title of Officer)
----------; that he
(Name of Applicant)
has supervision over the books of account and other financial records of----------
---------- and has
(Name of Applicant)
control over the manner in which they are kept; that the accounts are maintained in good faith in accordance with the orders of the Interstate Commerce Commission or with generally acceped accounting principles and practices; that he has examined the financial statements and supporting schedules included in this application and to the best of his knowledge and belief those statements accurately reflect the accounts as stated in the books of account, and that, other than the matters set forth in the attached exceptions those financial statements and supporting schedules represent a true and complete statement of the financial position of the Applicant; and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingency rental agreements, or other contingent transactions which might materially affect the financial position of the Applicant.

---------- ----------
(Date) (Signature)

[FR Doc.71-4281 Filed 3-26-71;8:50 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assemblies for Passenger Cars, Multipurpose Passenger Vehicles, Trucks and Buses

The purpose of this notice is to amend Motor Vehicle Safety Standard No. 209, in § 571.21 of Title 49, Code of Federal Regulations, to clarify the method in which the buckle release force of a Type 3 seat belt assembly is measured.

The standard provides (S4.3(d)(1), S5.2(d)(1)) that the force required to release a Type 3 assembly buckle is measured following the assembly test of S5.3, with a force of 45±5 pounds applied to a torso block restrained by the Type 3 assembly. The test procedure was intended to represent the situation in which the vehicle is inverted and the child is held by the harness. The force applied along the line of the belt is of primary significance, but it appears that the release force of some buckles is significantly increased by the pressure of the torso block on the back of the buckle. This pressure is not regarded as representative of actual conditions, in that the hard surface of the torso block offers much more resistance than would a child's body. To eliminate the effects of such pressure by the torso block, section S5.3(c)(1) of the standard is amended to read as set forth below.

Since this amendment is interpretative and clarifying in intent and imposes no additional burden on any person, notice and public procedure thereon are unnecessary.

Effective date: April 1, 1971.

The major usage of Type 3 seat belt assembly buckles will be on child seating systems that comply with Standard No. 213, effective April 1, 1971. So that the amendment to Standard No. 209 will have maximum effect, good cause is found for establishing an effective date sooner than 180 days after issuance. Since the amendment is interpretive in nature and relieves a restriction, there is also good cause for establishing an effective date sooner than 30 days after issuance.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 209, in § 571.21 of Title 49, Code of Federal Regulations, is amended as follows:

§ 571.21 Federal Motor Vehicle Safety Standards.

* * * * *

MOTOR VEHICLE SAFETY STANDARD NO. 209

SEAT BELT ASSEMBLIES—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

* * * * *

S5.3(c) * * *

(1) The testing machine shall conform to the requirements specified in S5.1(b). A torso having the dimensions shown in Figure 6, configured so that it does not contact a buckle in such a way as to affect the buckle release force, shall be attached to one head of the testing machine through a universal joint which is guided in essentially a frictionless manner to minimize lateral forces on the testing machine. An anchorage and simulated seat back shall be attached to the other head as shown in Figure 7.

* * * * *

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on March 23, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-4282 Filed 3-26-71;8:50 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S. O. 1067, Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of March 1971.

Upon consideration of requests of the Illinois Central Railroad Co. seeking suspension of certain provisions of Service Order No. 1067.

It appearing, that the provisions of paragraph (8) of section (a) of Service Order No. 1067 have resulted in severe shortages of plain 50-foot boxcars by shippers located on the lines of the Illinois Central Railroad Co.; that the provisions of Service Order No. 1067 which require the return to owners of plain 50-foot boxcars owned by the Illinois Central Railroad have not been in effect for a sufficient time to overcome the shortages caused by the limited use, authorized by Service Order No. 1067, of similar cars owned by railroads not named in various Interstate Commerce Commission service orders; and to prevent irreparable harm to the affected shippers during the necessary car-relocation period.

It is ordered, That:

Service Order No. 1067 be, and it is hereby, amended, by adding the following paragraph (a), subparagraph (8.1) to paragraph (a) of Service Order No. 1067:

§ 1033.1067 Service Order No. 1067.

(a) *Distribution of boxcars.* • • •

(8.1) The provisions of subparagraph (8) of this paragraph insofar as they apply to the Illinois Central Railroad Co. are hereby suspended until 12:01 a.m. April 5, 1971.

• • • • •

Effective date. This amendment shall become effective at 12:01 a.m., March 24, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-4312 Filed 3-26-71;8:53 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Designation of Montana Under the Federal Meat Inspection Act

Statement of considerations. Paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State as one in which the requirements of Titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under Titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State 1 additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Montana that the State would develop and activate the prescribed requirements by December 15, 1970, and accordingly allowed the State the additional period of time for this purpose. However, the Secretary has now determined that Montana has not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under paragraph 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of Titles I and IV of said Act shall apply to intrastate operations and transactions in said State and persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in Montana which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. L. H. Burkert, Director, 316 Robert Street, Room 636, St. Paul, MN 55101, Telephone: Area Code 612–725–7835.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective dates of designation to the list set forth in said section:

State	*Effective date of designation*
Montana	April 27, 1971.

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under paragraph 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER (3–27–71).

Done at Washington, D.C., on March 25, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-4402 Filed 3-26-71;11:26 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[43 CFR Part 4]

MINE HEALTH AND SAFETY: HEARINGS AND APPEALS

Notice of Proposed Rule Making

In the FEDERAL REGISTER for March 28, 1970 (35 F.R. 5255–5258) there were published regulations governing administrative hearings and appeals under the Federal Coal Mine Health and Safety Act of 1969. These regulations are codified in Title 30, Code of Federal Regulations, under Chapter III, Part 301. As a result of experience gained to date in processing applications and petitions filed pursuant to the Act, it is determined desirable to propose a revision of these rules. It is also proposed to place these regulations in Subpart F, Part 4, Title 43. This is being done as a complete recodification of all hearing and appellate rules for administrative proceedings within the Department. The change will centralize and unify administrative proceedings within the Department. Accordingly, notice is hereby given of a revision of former Part 301 reading as set forth below in tentative form.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed revised regulations to the Director, Office of Hearings and Appeals, Attention: Special Assistant to the Director (Regulations), 4015 Wilson Boulevard, Arlington, VA 22203, within 45 days from the date of publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 23, 1971.

Subpart F—Special Rules Applicable to Mine Health and Safety Hearings and Appeals

PROCEDURES UNDER FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

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GENERAL

§ 4.505 Definitions.

As used in these rules:

(a) The term "Act" means the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 742; 30 U.S.C., Supp. V, 801–960 (1970).

(b) The terms "Secretary," "operator," "person," "agent," "miner," "coal mine," "imminent danger," and "mandatory health or safety standard," have the meanings set forth in section 3 of the Act.

(c) The term "notice of violation" means a notice issued under sections 104 (b), (c) or (i) of the Act or any modification thereof.

(d) The term "withdrawal order" means an order issued under section 104 of the Act.

(e) The term "Bureau" means Bureau of Mines of the Department of the Interior.

(f) The term "Office of Hearings and Appeals" means the Office of Hearings and Appeals of the Department of the Interior.

(g) The term "Board" means the Board of Mine Operations Appeals of the Office of Hearings and Appeals.

(h) The term "Examiner" means a Hearing Examiner appointed pursuant to section 3105 of title 5 of the United States Code.

(i) The term "Associate Solicitor" means the Associate Solicitor, Division of Mine Health and Safety, Department of the Interior, or his delegate.

(j) The term "representative of miners" means a person or organization designated by a group of miners to act as their representative for purposes of the Act.

§ 4.506 Scope and construction.

(a) The procedures and rules of practice set forth in these rules shall govern investigations pursuant to section 104 (h) of the Act, applications for review under section 105 of the Act, assessment of civil penalties under section 109 of the Act, applications under section 110 of the Act, and petitions for modification of the application of mandatory safety standards under section 301(c) of the Act.

(b) These rules shall be liberally construed to secure the just, prompt and inexpensive determination of all proceedings consistent with adequate consideration of the issues involved.

§ 4.507 Parties.

(a) All persons indicated in the Act as parties to administrative review proceedings under the Act shall be considered statutory parties. Such statutory parties include: (1) In all but penalty, compensation or discrimination proceedings, the Bureau of Mines as represented by the Solicitor, the operator of the mine, any representative of miners; (2) in a penalty proceeding under section 109 of the Act, the Bureau and the party against

whom the penalty is sought to be assessed; (3) in a compensation action under section 110 of the Act, the miners and operator affected; and (4) in a discrimination action under section 110 of the Act, the miner, miners, or representative of miners who claim discrimination and the operator affected.

(b) Any other person claiming a right of participation as an interested party or otherwise seeking to intervene in a proceeding may become a party upon petition to the Examiner or the Board and the granting of such petition.

(c) Where a person who is a statutory party, as described above, has not filed a pleading on or before the time permitted for the filing of a responsive pleading, that person shall no longer be considered a party to the proceeding unless otherwise ordered by the Examiner or the Board. Such person shall not thereafter be entitled to participate as a party in such proceedings and shall not thereafter be entitled to personal service of further pleadings or documents in the proceeding, unless the Examiner or the Board for good cause shown permits such person to intervene in the proceeding.

§ 4.508 Filing and form of documents.

(a) *Where to file.* All initial pleadings or documents in a proceeding described in these rules shall be filed with the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203. Where a proceeding has been assigned to an Examiner, the parties will be notified of the name and address of the Examiner assigned to the case and thereafter all further documents shall be filed with the Examiner, Office of Hearings and Appeals at the address designated. Any person not notified of the Examiner's address should file pleadings at the address of the Office of Hearings and Appeals. If the case is before the Board, all further pleadings should be filed with the Board of Mine Operations Appeals, 4015 Wilson Boulevard, Arlington, VA 22203.

(b) *Number of copies.* Except as otherwise provided in these rules, a party shall furnish an original and two copies of all pleadings, briefs, petitions, applications and other documents required or permitted to be filed.

(c) *Caption, title, and signature.* (1) The documents filed in any proceeding brought under the Federal Coal Mine Health and Safety Act of 1969 shall be captioned in the name of the operator of the mine to which the proceeding relates and in the name of the mine. After a docket number has been assigned to the proceeding by the Office of Hearings and Appeals, the caption shall contain such docket number. The caption may include other information appropriate for identification of the proceeding, including any Bureau identification number.

(2) After the caption each such document shall contain a title which shall be descriptive of the document and which shall identify the party by whom the document is submitted.

(3) The original of all documents filed shall be signed at the end by the party submitting the document or, if the party is represented by an attorney, by such an attorney. The address of the party or the attorney shall appear beneath the signature.

§ 4.509 Service.

(a) Copies of all documents filed in any proceeding described in these rules and copies of all notices pertinent to such proceeding shall be served on all other persons made parties to the proceeding under § 4.507. Interested parties are given notice of proceedings under §§ 4.520 and 4.550 by posting such document on the bulletin board at the office of the mine affected and by publication in the FEDERAL REGISTER.

(b) Documents by which any proceeding is initiated shall be served on each other party personally or by registered or certified mail, return receipt requested. All subsequent documents may be served personally or by first-class mail. Service by mail is complete upon mailing.

(c) Whenever a party is represented by an attorney who has signed any document filed on behalf of such party or otherwise entered an appearance on behalf of such party, service thereafter shall be made upon the attorney.

(d) Any party initiating a proceeding under these rules shall file proof or service in the form of a return receipt where service is by registered or certified mail, an acknowledgment by the party served, or a verified return where service is made personally. A certificate of service shall accompany all other documents filed by a party in any proceeding.

§ 4.510 Motions.

Each motion filed with the Examiner or the Board during the pendency of any proceeding shall be in writing and shall contain a short and plain statement of the grounds upon which it is based. A statement in opposition to the motion may be filed by any party within 10 days after the date of service. Unless requested by the Examiner or the Board, oral argument on motions will not be permitted. The Examiner or the Board may permit oral motions during the course of proceedings.

§ 4.511 Consolidation of proceedings.

The Examiner or the Board may at any time order a proceeding described in these rules consolidated with any other such proceeding then pending before the Office of Hearings and Appeals which involves the same applicant or similar issues of law or fact.

§ 4.512 Withdrawal of pleading.

A party may withdraw a pleading at any stage of a proceeding without prejudice.

§ 4.513 Intervention.

A petition for leave to intervene may be filed at any stage of a proceeding. In the discretion of the Examiner or the Board a person may be denied intervention in a matter in which he could have participated as a party but failed to avail himself of the opportunity to do so. The petition must set forth the interest of the petitioner in the proceeding and show that the petitioner's participation will assist in the determination of the issues in question. The Examiner or the Board may grant or deny petitions for intervention or may permit intervention limited to particular stage of the proceeding.

§ 4.514 Expedition of proceedings.

(a) *Before the Examiner.* At any time after the commencement of a proceeding a party may move the Examiner to expedite the hearing and decision of the case. Such motion shall be in writing and accompanied by supporting documents that establish the party's claim of exigent circumstances warranting expedition. Service of such motions, where possible, shall be by personal delivery to all parties; otherwise, service shall be by telegraphic communication followed by registered or certified mail. Upon filing of a motion to expedite, the Office of Hearings and Appeals shall promptly present the motion to the Examiner assigned to the proceeding, or where no assignment has been made, shall promptly assign the proceeding to an Examiner and present the motion to him. The Examiner shall promptly review the motion and, if he deems appropriate, may advance the motion on his calendar and order such expedition of the proceeding, including expedited schedules for pleadings, prehearing conference and a hearing, as he deems appropriate. *Provided:* A hearing on the merits of the case shall not be scheduled with less than 5 days' notice to the parties unless all parties to the proceeding consent to an earlier hearing.

(b) *Before the Board.* A party taking an appeal to the Board may move the Board to expedite the appeal. Such motion shall be in writing and specifically state the grounds for requesting expedited proceedings. The Board shall promptly review such motion, including any opposing papers, and may, if it deems appropriate, advance the appeal on its calendar and order such other expedition as it deems appropriate, including an abbreviated schedule for briefing or oral argument.

§ 4.515 Waiver of hearing and initial decision by Examiner.

Any person entitled to a hearing and initial decision by an Examiner may waive such right in writing within the time permitted for filing all responsive pleadings and request the Board to decide the case on a stipulated factual record. The waivers must be unequivocal and request the Board to decide the matter at issue on the pleadings and written stipulation. Where the Board determines that the case presents factual issues which require a hearing, the case will be remanded to an Examiner for a de novo hearing and initial decision. Where a party has filed a waiver of hearing and initial decision, any other party who fails to file a response to an action shall be deemed to have waived his right under the Act to a hearing and initial decision by an Examiner.

§ 4.516 Applicability of general rules.

Reference should be made to the General Rules of Practice of the Office of Hearings and Appeals contained in subpart B of Part 4. All General Rules are binding and applicable to all Examiner and Board proceedings under the Act. Where conflict exists between a rule contained herein and a general rule, the rule in this subpart shall govern.

INVESTIGATIONS PURSUANT TO SECTION 104(h) OF THE ACT

§ 4.520 How initiated.

Investigation pursuant to section 104(h) of the Act shall be initiated whenever the Bureau files with the Office of Hearings and Appeals the notice provided in section 104(h)(1) of the Act. Such notice and findings shall be served by the Bureau on the operator of the affected mine and on any representative of miners at such mine.

§ 4.521 Participation by interested parties.

(a) The operator of the mine affected and the authorized representative of miners shall have 30 days from service to answer the 104(h) notice and present any information relating to that notice and request a public hearing.

(b) (1) Any interested person desiring to request a public hearing or otherwise participate in the 104(h) proceeding shall within 30 days of posting of the 104(h) notice in accordance with section 107(a) of the Act file with the Office of Hearings and Appeals a Petition to Intervene and serve a copy of the petition on the Bureau, the operator and any representative of miners at the affected mine.

(2) The Petition to Intervene shall comply with the applicable requirements and shall contain a short and plain statement of: (i) The petitioner's claimed interest in the matter; (ii) the petitioner's position with respect to each of the findings set forth in the notice; (iii) a request for public hearing where desired; and (iv) the action which petitioner contends should be taken as a result of the notice.

(c) Participation in the investigation by interested parties, including the operator of the mine affected and any authorized representative of miners, may be denied or limited for failure to file an answer or petition to intervene within the time herein provided.

§ 4.522 Application for hearing on abatement.

(a) (1) Where pursuant to section 104(h)(2) of the Act an order has been issued requiring an operator to withdraw persons from any part of a mine, any interested person (whether or not such person has previously participated in the investigation) may file an application for a hearing on the issue of whether the conditions upon which such order was based have been abated.

(2) The applicant shall serve the application on any party who participated in the investigation which resulted in the order, and if the applicant is not the operator of the mine affected by the order, on such operator. On the day of service and for a period of 10 days thereafter, the operator shall post the petition on the bulletin board of the Office of the mine in accordance with section 107(a) of the Act.

(b) Interested persons desiring to participate in the hearing, shall within 10 days of first posting of the application, file with the Office of Hearings and Appeals a Petition to Intervene. The petition shall comply with the applicable general requirements and shall contain a short and plain statement of: (1) The petitioner's claimed interest in the matter; and (2) the action which petitioner contends should be taken with respect to the application and the reasons therefor. Failure to file such petition within 10 days may be grounds for limiting or denying such person's participation in the hearing.

REVIEW OF ORDERS AND NOTICES

§ 4.530 Initiation of proceedings.

(a) *How initiated.* Proceedings for the review of a withdrawal order, a modification or termination thereof, or a notice of violation shall be initiated by filing an Application for Review.

(b) *Who may file.* An Application for Review may be filed by the operator of the mine affected by the order or notice sought to be reviewed or by a representative of miners employed at such mine.

(c) *Time for filing.* An Application for Review shall be filed within 30 days of receipt by the applicant of the order or notice sought to be reviewed or within 30 days of receipt of any modification or termination of an order where review is sought of the modification or termination. A copy of the Application for Review shall be served upon the representative of the miners (or the operator, as the case may be), and the Associate Solicitor.

(d) *Effect of failure to file.* An operator's failure to file an Application for Review of a withdrawal order or notice of violation shall not preclude the operator from challenging the fact of violation or raising any other pertinent matter in any other proceeding initiated under these rules.

§ 4.531 Answer.

The Bureau and any party desiring to participate in the proceeding in opposition to the Application for Review shall file an answer within 15 days of service of such Application for Review.

§ 4.532 Contents of application and answer.

(a) An Application for Review and an answer shall comply with applicable general requirements and shall contain:

(1) A short and plain statement of (i) such party's position with respect to each issue of law or fact which the party contends is pertinent to the legality or correctness of the order or notice; (ii) and the relief requested by such party;

(2) A statement of whether the party submitting the document requests a public hearing or waives it either as provided in § 4.516 or § 4.588.

(b) A copy of the order or notice sought to be reviewed shall be attached to any Application for Review.

§ 4.533 Review of subsequent order or notice.

(a) An applicant in a proceeding under these rules shall file, within 5 days of receipt thereof, any subsequent order or notice which modifies or extends the order or notice sought to be reviewed and any subsequent order or notice which relates to the violation charged in the order or notice sought to be reviewed. The Application for Review, unless withdrawn by the applicant, shall be deemed to challenge any such subsequent order or notice. Where clarification of the applicant's position is deemed desirable, the Examiner or the Board may require the applicant to file a new or amended application.

(b) An operator or a representative of miners, when not the applicant in a pending proceeding for review of a withdrawal order or notice of violation, may apply for review of a notice or order which modifies or extends the notice or order then being reviewed or of a notice or order which relates to the violation charged in the notice or order then being reviewed by filing an Application for Review in such pending proceeding within the time prescribed by § 4.530(c).

ASSESSMENT OF CIVIL PENALTIES

§ 4.540 How initiated.

(a) Where an operator, a miner or a director, officer or agent of a corporate operator has requested formal adjudication of a civil penalty assessment pursuant to § 100.4(i) of Title 30, proceedings for the assessment of a civil penalty shall be initiated by the Bureau by filing a Petition to Assess Penalty with the Office of Hearings and Appeals.

(b) Any notice or order previously issued pursuant to the Act with respect to the violation for which the penalty is sought to be assessed shall accompany the petition.

(c) Where appropriate, the Examiner or the Board shall consolidate penalty proceedings with other proceedings described herein.

§ 4.541 Contest of penalty.

A party against whom a penalty is sought shall file an Answer within 15 days of service of the petition.

§ 4.542 Contents of answer to penalty assessment.

An answer shall comply with applicable requirements of subpart A hereof and shall contain a short and plain statement of the party's position with respect to each issue of law or fact which the party contends is pertinent to the question of whether a penalty should be assessed against such party, including whether a violation occurred, and the amount of such penalty.

§ 4.543 Burden of proof.

(a) The Bureau shall have the burden of initiating all proceedings for the assessment of penalties by the filing of a

Petition to Assess Penalty and of introducing therein evidence sufficient to permit the Examiner or the Board to determine the fact of violation and the amount of penalty.

(b) Where a party fails to contest the assessment of a penalty within 15 days, it will be deemed a waiver of evidentiary hearing and the Examiner will find facts and assess the penalty based upon the written record of the case. The Examiner may assume for purposes of the assessment of an uncontested penalty: (1) The truth of each allegation contained in any Petition to Assess Penalty served on such party, (2) the legal validity of any withdrawal order or notice of violation on which the penalty against such party is sought to be based, and (3) the truth of any fact alleged in such order or notice.

§ 4.544 Assessment of penalty.

(a) Where, after opportunity for hearing and consideration of the record as a whole including the size of the business of the operator charged, whether the operator was negligent, the effect on the operator's ability to continue in business, the gravity of the violation and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of violation, the Examiner or the Board finds that a violation of a mandatory health or safety standard or any other provision in the Act has occurred, he or they shall determine the amount of penalty which is warranted and incorporate in the decision concerning the violation an order requiring that the penalty be paid.

(b) Where the Board, upon review of the record and decision of an Examiner in a penalty proceeding, modifies the amount of penalty, it shall issue an order requiring the modified amount to be paid.

PETITIONS FOR MODIFICATION OF APPLICATION OF MANDATORY SAFETY STANDARDS

§ 4.550 Who may file.

A petition under section 301(c) of the Act for modification of the application of a mandatory safety standard may be filed by the operator of the affected mine or any representative of the miners at such mine.

§ 4.551 Form of petition.

(a) A Petition for Modification shall comply with the applicable general requirements and shall contain a detailed statement showing the following:

(1) The mandatory standard to which the petition is directed.

(2) The alternate standard the petitioner proposes to establish in lieu of the mandatory standard.

(3) That the alternate standard will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by the mandatory standard or that the application of the mandatory standard will result in diminution of safety to miners in the affected mine (or specific area thereof).

(b) A Petition for Modification shall not include a request for modification of the application of more than one safety standard, and shall not include a request for any relief other than modification of the application of a safety standard. However, a petition for modification may be filed on behalf of more than one mine.

§ 4.552 Procedure.

(a) Promptly upon receipt of such petition for modification, the Office of Hearings and Appeals will give notice of the petition to each known representative of miners or the operator of the affected mine as appropriate and shall publish notice of the petition in the FEDERAL REGISTER. All interested parties including a representative of miners or an operator shall have 30 days from the date of publication of notice in the FEDERAL REGISTER to answer the petition or otherwise comment or provide information.

(b) Such notice shall contain a statement that the petition has been filed, shall identify the petitioner and the mine or mines to which the petition relates, shall cite the section of the Act for which modification of application is sought, shall summarize the facts claimed by petitioner to warrant a modification and shall provide an opportunity for all interested parties to request a hearing and to present commentary or information relating to the proposed modification within 30 days of the date of publication of the notice.

APPLICATION FOR COMPENSATION OR FOR REVIEW OF DISCHARGE OR ACTS OF DISCRIMINATION UNDER SECTION 110 OF THE ACT

§ 4.560 Who may file.

An application for compensation or for review of an alleged discharge or act of discrimination may be initiated by a miner who has been idled by an order of withdrawal, by a miner who believes that he should have been withdrawn, by a miner who believes that he has been discharged or otherwise discriminated against by reason of invoking his rights, testifying, or awaiting to testify under the Act, by a representative of miners who believes that he has been discharged or otherwise discriminated against by reason of invoking his rights, the rights of the miners he is authorized to represent, testifying or awaiting to testify under the Act. Such applications may be brought on behalf of a miner or miners by an authorized representative of miners.

§ 4.561 When to file.

An application to review a discharge or act of discrimination shall be filed within 30 days after such discharge or act of discrimination occurs. An application for compensation shall be filed within 45 days after the date of issuance of the withdrawal order which gives rise to the claim.

§ 4.562 Contents of application.

(a) An application for compensation shall comply with the applicable general requirements and shall state or include:

(1) A statement of the period for which compensation is claimed;

(2) The total amount of the compensation claimed to be due;

(3) An allegation that a demand for compensation has been made on the operator and that such demand has not been satisfied; and

(4) A copy of any pertinent order of withdrawal, or information to sufficiently identify any such order.

(b) An application for review of discharge or acts of discrimination shall be supported by an affidavit of a person with knowledge of the facts surrounding the alleged discharge or acts of discrimination and a statement of the relief requested.

§ 4.563 Answer.

Within 15 days after the date of service of such application, the operator shall file an answer which shall respond to each allegation of the application.

APPLICATION FOR TEMPORARY RELIEF

§ 4.570 Procedure.

(a) An Application for Temporary Relief may be filed at any time prior to final decision by an Examiner or the Board in the matter to which the application relates. The application shall be addressed to the Examiner if the proceeding is then pending before an Examiner, and shall be made to the Board if the proceeding is then pending before the Board.

(b) All parties to the proceeding in which the application is filed shall have 3 days from the date of the application to file a written response to the application.

(c) At the discretion of the Examinef or the Board, oral argument shall be held at the request of any party or at the request of the Examiner or the Board.

(d) Where the application is before the Board, it may order a special hearing to be held before an Examiner on any issues raised by the application.

§ 4.571 Contents of application.

(a) An Application for Temporary Relief shall comply with the applicable general requirements and shall contain: (1) a statement of the specific relief requested, (2) a showing of substantial likelihood that the findings and decision of the Examiner or the Board in the matters to which the application relates will be favorable to the applicant; (3) a showing that the applicant will suffer substantial and irreparable injury if temporary relief is not granted; and (4) a showing that such relief will not adversely affect the health and safety of miners in the affected mine.

(b) An Application for Temporary Relief may be supported by affidavits or other evidentiary matter.

§ 4.572 Limitations.

(a) Temporary relief shall not be granted by the Examiner or the Board except in extraordinary cases and upon a clear and convincing showing that the applicant is entitled to such relief.

(b) Temporary relief shall not be granted with respect to any order issued under section 104(a) of the Act or with respect to any notice of violation issued under sections 104 (b) or (i) of the Act.

HEARINGS

§ 4.580 Hearings to be conducted by Examiners.

All hearings shall be presided over by an Examiner appointed under section 3105 of title 5 of the United States Code.

§ 4.581 Assignment of Examiners.

In any proceeding under the Act which requires an initial or recommended decision by an Examiner or where the Board remands a matter for hearing, an Examiner will be assigned. All subsequent motions, applications, and other papers thereafter filed in the proceeding shall be filed with the Examiner assigned to the proceeding at the address specified until his jurisdiction terminates.

§ 4.582 Powers of Hearing Examiners.

(a) Subject to the regulations of this subpart, an Examiner may:

(1) Administer oaths and affirmations;

(2) Issue subpoenas authorized by law;

(3) Rule on offers of proof and receive relevant evidence;

(4) Take depositions or have depositions taken when the ends of justice would be served;

(5) Regulate the course of the hearing;

(6) Hold conferences for the settlement or simplification of the issues;

(7) Dispose of procedural requests or similar matters;

(8) Make or recommend decisions in accordance with section 557 of title 5 of the United States Code;

(9) Take other action authorized by this part, by section 556 of title 5 of the United States Code, or by the Act.

(b) The Examiner may direct the parties to appear for a prehearing conference to consider:

(1) The simplification of the issues;

(2) The possibility of obtaining stipulations, admissions of fact and of producing documents which will avoid unnecessary proof;

(3) The possibility of agreement disposing of all or any of the issues in dispute;

(4) Such other matters as may aid in the disposition of the case.

(c) The Examiner's authority in each case shall terminate upon the filing of an appeal from an initial decision or other order dispositive of the proceeding or upon the expiration of the period within which an appeal to the Board may be filed or upon an order of the Board directing that the proceeding be reviewed by the Board.

§ 4.583 Notice of hearings; appearances.

Written notice of time, place, nature of hearing, the legal authority and jurisdiction under which the hearing is to be held, and the matters of fact and law asserted shall be given, at least 5 days prior to the date set for hearing, to all persons made parties to the proceeding by section 4.507 of these rules.

§ 4.584 Depositions.

(a) *When permitted.* The Examiner may, for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories for use as evidence or for the purpose of discovery.

(b) *Order on depositions.* Unless otherwise stipulated by the parties, the time, place and manner of taking depositions shall be governed by the order of the Examiner.

§ 4.585 Interrogatories and production of documents.

(a) Any party may serve written interrogatories or a request for admission of facts upon another party to a proceeding brought under these rules.

(b) A party served with written interrogatories shall answer such interrogatories within 15 days of service unless the proponent of the interrogatories agrees to a longer time or unless the Examiner by order specifies a different time or excuses the party from answering on good cause shown.

(c) For good cause shown, the Examiner may order a party to produce and permit inspection and copying or photographing of designated documents relevant to the proceeding.

§ 4.586 Subpoenas, witness fees.

(a) On written application of a party or on his own motion, the Examiner may issue subpoenas requiring the attendance of witnesses and the production of relevant papers, books and documents in their possession and under their control. A subpoena may be served by any person who is not a party and is not less than 18 years of age and the original subpoena bearing a certificate of service shall be filed with the Examiner. A witness may be required to attend a deposition or hearing at a place not more than 100 miles from the place of service.

(b) Witnesses subpoenaed by any party shall be paid the same fees and mileage as are paid for like attendance in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 4.587 Burden of proof.

Except as otherwise provided in these rules, the burden of proof shall be on the applicant for relief.

§ 4.588 Waiver of evidentiary presentation.

Any party who desires to submit written pleadings, comments or information in lieu of an evidentiary presentation may submit such documents for the Examiner's consideration in the matter. Within the time permitted for filing all responsive pleadings parties entitled to an evidentiary hearing may waive such right in writing, but unless all entitled parties file timely waivers, a hearing will be initiated. Such waiver must be unequivocal and request the Examiner to decide the matter at issue on the pleadings and written record of the case including any stipulation the parties might enter.

§ 4.589 Evidence.

(a) Any relevant evidence may be received at the discretion of the Examiner. The Examiner may exclude evidence which is unreliable or unduly repetitious.

(b) A party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full disclosure of the facts.

§ 4.590 Summary decision of Examiner.

(a) *Filing.* At any time after commencement of a proceeding and before the scheduling of a hearing on the merits, a party to the proceeding may move the Examiner to render summary decision disposing of all or part of the proceeding.

(b) *Grounds.* A motion for summary decision shall be granted only if the entire record, including the pleadings, depositions, answers to interrogatories, admissions and affidavits, shows (1) that there is no genuine issue as to any material fact and (2) that the moving party is entitled to summary decision as a matter of law.

(c) *Form of motion and affidavits.* The Motion may be supported by affidavits or other verified documents, and shall specify the grounds showing the party's right to the relief sought. Supporting and opposing affidavits shall be made on personal knowledge, shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or be incorporated if not otherwise a matter of record. The Examiner may permit affidavits to be supplemented or opposed by testimony, depositions, answers to interrogatories, admissions or further affidavits. When a motion for summary decision is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleadings, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for hearing. If he does not so respond, summary decision, if appropriate, shall be entered against him.

(d) *Case not fully adjudicated on motion.* If a motion for summary decision is denied in whole or in part, and the Examiner determines that an evidentiary hearing of the case is necessary, he shall, if practicable, and upon examination of all relevant documents and evidence before him, and upon interrogating counsel or the parties, ascertain what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy,

and direct such further proceedings as deemed appropriate.

§ 4.591 Certification of interlocutory ruling.

In making a ruling not otherwise appealable under these rules, the Examiner shall at the request of a party or may on his own motion certify his ruling if he determines that such ruling involves a controlling question of law and that an immediate appeal therefrom may materially advance the ultimate disposition of the matter before him. An interlocutory appeal will not lie from an Examiner's denial of a request to certify an issue to the Board except for abuse of discretion.

§ 4.592 Proposed findings, conclusions and orders.

The Examiner may require the submission of proposed findings of fact, conclusions of law, and orders, together with a supporting brief. Such proposals shall be served upon all parties, and shall contain adequate references to the record and authorities relied upon.

§ 4.593 Initial decision.

As soon as practicable after conclusion of the hearing, the Examiner shall render an initial decision. The initial decision shall be in writing and shall include a statement of (a) findings and conclusions and the reasons or basis therefore on the material issues of fact, law or discretion presented on the record and (b) the appropriate ruling, or order, or denial of relief with the effective date. All initial or recommended decisions of the Examiner shall be served on all parties to the proceeding and the Board promptly upon issuance.

§ 4.594 Effect of initial decision.

An initial decision shall become final upon the expiration of 30 days of its issuance unless an appeal to the Board is filed within the time allowed or the Board determines within 30 days of the decision to review such decision on its own initiative. The timely filing of an appeal or a review by the Board on its own motion with notice to the parties shall stay the effect of the initial decision. However, when the public interest requires, the Board may modify the effective decision date of an initial decision.

§ 4.595 Certification of record.

Within 5 days after an initial decision has been rendered, the Examiner shall certify the official record of the proceedings including all exhibits and order the official record filed in the Office of Hearings and Appeals. Notice of certification shall be served on all parties to the proceedings and the Board.

APPEALS TO THE BOARD

§ 4.600 Notice of appeal.

Any party may appeal from an Examiner's order or from the initial decision by filing with the Board a notice of appeal within 20 days after service of the order or initial decision. Two or more parties may join in the same appeal; the Board may consolidate related appeals. Copies of a Notice of Appeal shall be served on all parties to the proceeding in accordance with section 4.510 of this part.

§ 4.601 Briefs.

(a) *Appellant's brief.* Within 20 days after filing the Notice of Appeal, appellant shall file his brief and serve copies on all other parties to the proceeding. When a party who has filed a notice of appeal fails to file a timely brief, or if the Notice of Appeal and the brief are not served upon all parties to the proceeding within the time required, the appeal shall be subject to summary dismissal. Appellant's brief shall set forth in detail the objections to the initial decision, the reasons for such objections and the relief requested. Any error contained in the initial decision that is not objected to may be deemed by the Board to have been waived. Where any objection is based upon evidence of record, such objection need not be considered by the Board if specific record citations to the pertinent evidence are not contained in appellant's brief.

(b) *Appellee's brief.* Within 15 days after service of appellant's brief, any other party to the proceeding may file a brief in opposition thereto as an appellee.

(c) *Number of copies.* Five copies of each brief shall be filed with the Board and two copies served on each party. Copies of briefs shall be legibly typewritten (double-spaced), printed or duplicated.

(d) *Length of brief.* Except by permission of the Board, appellant's brief may not exceed 50 pages and appellee's brief may not exceed 25 pages.

§ 4.602 Interlocutory appeals.

(a) *Requests for permission.* Interluctory appeals from rulings and orders of an Examiner may be filed only after permission is granted by the Board. The Board shall not entertain a request unless a party has first sought certification of the ruling by the Examiner pursuant to § 4.591. Any request for permission from the Board shall be in writing, not to exceed 10 pages in length, shall be granted only from rulings and orders of the Examiner on legal issues, and only in such cases where the issue affects substantial rights and is a controlling question of law which will materially advance the final disposition of the case.

(b) *Briefs.* Unless the Board directs otherwise, a brief shall be filed by each party permitted by the Board to take an interlocutory appeal within 5 days after notice of such permission. Within 5 days after service of any appellant's brief, any other party to the proceeding may file a brief as appellee.

(c) *Effect.* An interlocutory appeal shall not operate to suspend the hearing unless ordered by the Board or the Examiner.

(d) *Jurisdiction.* If an interlocutory appeal is permitted, the Board's jurisdiction shall be confined to review of the ruling or order to the Examiner on the legal issue raised by the appeal, and shall not extend to any other issues.

(e) *Decision and remand.* Upon affirmance, reversal or modification of the Examiner's interlocutory ruling or order the jurisdiction of the Board shall terminate, and the case will be promptly remanded to the Examiner for further proceedings.

§ 4.603 Remand.

Where any matter is before the Board, the Board may issue an order remanding the proceeding for further hearing in accordance with such order.

§ 4.604 Reconsideration.

Unless the Board orders otherwise, the filing of a petition for reconsideration shall not stay the effect of any decision or order and shall not affect the finality of any decision or order for purposes of judicial review.

§ 4.605 Final decisions.

Final decisions of the Board shall be rendered as promptly as practicable consistent with adequate consideration of the issues involved. The Board may adopt, modify or set aside any finding, conclusion or order of the Examiner.

[FR Doc.71-4274 Filed 3-26-71;8:50 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 42]

STANDARDS FOR CONDITION OF FOOD CONTAINERS

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the U.S. Standards For Condition of Food Containers, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627).

Statement of considerations. The amendments are being proposed to more clearly state the purpose and use of the standard and to provide for broader application of the standard. Certain definitions would be changed for the sake of clarity. Other sections dealing with sampling plans, classifying defects and the application of switching rules would also be changed for clarification. The purpose and scope section would be rewritten to delete superfluous wording.

Superfluous wording would be deleted from titles in Tables I, IA, II, IIA, III, and IIIA. Provision would be made for appeal inspections, and a new Code would be added to Table III for an additional step from lot sizes over 36,000 to be consistent with Tables I and II. The new Code provides for a single plan of $n_c=315$ at the reduced level. Appropriate additions would be made in the affected sampling plans and Operating Characteristic curves listed in the standard.

In the tables for defects of containers, the following changes would be made:

Table IV—a new defect (minor) for "Wet containers (excluding refrigerated containers)" would be added.

Table VI—a new defect (major) would be added for "Component part missing." "Closure not sealed, crimped, or fitted properly" would be revised to provide for "major defect" on a primary container and "minor defect" on other than a primary container. The category for "Flap" would be changed to provide (minor) defects for (a) "Projects beyond edge of container more than ¼ inch," and (b) "Does not meet properly, allowing space of more than ¼ inch."

Table VII "Closure not sealed, crimped, stitched, or fitted properly" would be revised to provide for "major defect" on a primary container and "minor defect" on other than a primary container. "Torn container" would be revised to provide for "minor defect" not affecting usability, "major defect" when the usability is affected. Several other minor changes would be made solely for clarification.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, no later than May 24, 1971.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. In § 42.102, the following definitions would be amended to read:

§ 42.102 Definitions, general.

* * * * *

Lot. A collection of filled food containers of the same size, type, and style. The term shall mean "inspection lot," i.e., a collection of units of product from which a sample is to be drawn and inspected to determine conformance with the applicable acceptance criteria. An inspection lot may differ from a collection of units designated as a lot for other purposes (e.g., production lot, shipping lot, etc.).

Operating Characteristic curve ((OC) curve). A curve that gives the probability of acceptance as a function of a specific lot quality level. It shows the discriminatory power of a sampling plan, i.e., how the probability of accepting a lot varies with the quality of the containers offered for inspection.

* * * * *

Primary container. The immediate container in which the product is packaged and which serves to protect, preserve, and maintain the condition of the product. It may be metal, glass or fiber, wood, textile, plastic, paper, or any other suitable type of material and may be supplemented by liners, overwraps, or other protective materials.

Random sampling. A process of selecting a sample from a lot whereby each unit in the lot has an equal chance of being chosen.

* * * * *

Shipping case. The container in which the product or primary containers of the product are placed to protect, preserve, and maintain the condition of the product during transit or storage. The shipping case may include strapping, liners or other protective material.

* * * * *

2. Paragraph (a) of § 42.103 would be amended to read:

§ 42.103 Purpose and scope.

(a) This subpart outlines the procedure to be used to establish the condition of containers in lots of packaged foods. This subpart shall be used to determine the acceptability of a lot based on specified acceptable quality levels and defects referenced in § 42.104 or any alternative plan which is approved by the Administrator. In addition, any other sampling plan in the tables with a larger first sample size than that indicated by the lot size range may be specified when approved by the Administrator. This subpart or approved alternative plan will be applied when a Government agency or private user of the C&MS inspection or grading services requests that filled primary containers or shipping cases, or both, be certified for condition. Unless the request for certification specifically asks that only the primary container or only the shipping case be examined, both containers will be examined.

* * * * *

3. Paragraph (a) of § 42.104 would be amended to read:

§ 42.104 Sampling plans and defects.

(a) *Sampling plans.* Sections 42.109 through 42.111 show the number of containers to examine for condition in relation to lot size ranges. The tables provide acceptance (Ac) and rejection (Re) numbers for lot acceptance (or rejection) based on the number, class, and type of defects present in the sample.

* * * * *

4. Subparagraphs (a)(5) and (c)(2) of § 42.105 would be amended to read, respectively:

§ 42.105 Basis for selection of sample.

(a) *Identification of lot.* * * *

(5) The inspection status (normal, tightened, or reduced).

* * * * *

(c) *Sample size.* * * *

(2) Select the appropriate sample size for the corresponding lot size range as indicated in the appropriate column headed "Sample Size."

* * * * *

5. Subparagraph (a)(1) of § 42.106 would be amended to read:

§ 52.106 Classifying and recording defects.

(a) *Classifying defects.* * * *

(1) Related defects are defects on a single container that are related to a single cause. If the initial incident causing one of the defects had not occurred, none of the other related defects on the container would be present. As an example of related defects, a can may be a leaker and the exterior may also be seriously rusted due to the leakage of the contents. In this case, the container is scored only once for these two defects since the rust condition can be attributed to the leak. Score the container according to whichever condition is the most serious. In this example, score as a "leaker" (a critical defect) and not as "pitted rust" (a major defect).

* * * * *

§ 42.107 [Amended]

6. In paragraphs (a) and (c) of § 42.107, the titles "Acceptance and rejection numbers" and "Acceptance or rejection," respectively, would be deleted.

7. In § 42.108, subparagraph (d)(1)(iii) would be deleted and paragraph (d), the introductory text in subparagraph (d)(1), subparagraph (d)(4), and paragraph (e) would be amended and a new paragraph (f) would be added to read, respectively:

§ 42.108 Normal, tightened, or reduced inspection.

* * * * *

(d) Switching rules: The normal inspection procedure shall be followed except when conditions in subparagraph (1) or (3) of this paragraph are applicable or unless otherwise specified. Application of the following switching rules will be restricted to the inspection of lots for one applicant at a single location (plant, warehouse, etc.), and will be based upon records of original inspections of lots (excluding resubmitted lots) at that same location.

(1) *Normal inspection to reduced inspection.* When normal inspection is in effect, reduced inspection shall be instituted providing that reduced inspection is considered desirable by the Administrator and further provided that all of the following conditions are satisfied for each class of defect:

* * * * *

(4) *Tightened inspection to normal inspection.* When tightened inspection is in effect, normal inspection shall be reinstituted when five consecutive inspection lots have been considered acceptable on original inspection.

(e) When the rules require a switch in the inspection status because of one or more classes of defects, all classes of defects shall be inspected under the new inspection criteria. At the option of the user of the service and when approved by the Administrator, such user may elect to remain on normal inspection when qualified for reduced inspection, or on tightened inspection when qualified for normal inspection.

(f) Appeal inspection:

(1) *Appeal request.* Any interested party who is not satisfied with the results of a condition inspection on packaged food containers, as stated on an official certificate, may request an appeal inspection.

(2) *How to file an appeal.* A request for an appeal inspection may be made orally

or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service and a description of the product to be appealed.

(3) *When an application for an appeal inspection may be refused.* When it appears to the official with whom an appeal request is filed that: (i) the reasons given in the request are frivolous or not substantial, or (ii) the condition of the containers has undergone a material change since the original inspection, or (iii) the original lot is no longer intact, the applicant's request for the appeal inspection may be refused. In such case, the applicant shall be promptly notified of the reason(s) for such refusal.

(4) *Who shall perform the appeal.* An appeal inspection shall be performed by a person(s) other than the person who made the inspection being appealed.

(5) *Sampling procedures.* The sampling plan for an appeal inspection shall be the next larger sampling plan from the plan in the table used in the original inspection.

(6) *Appeal grading certificate.* Immediately after an appeal inspection is completed, an appeal certificate shall be issued to show that the original inspection was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the inspection involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until the previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government.

§ 42.109 [Amended]

8. In § 42.109, Table I, the parentheses and wording "(normal inspection)" would be deleted and in Table I A, the parentheses and wording "(normal inspection)" would be deleted and the word "Rejest" below the table would be changed to read "Reject."

§ 42.110 [Amended]

9. In § 42.110, Tables II and II A, the parentheses and wording "(normal inspection)" and "(tightened inspection)," respectively, would be deleted.

10. In § 42.111, Table III A, the parentheses and wording "(reduced inspection)" would be deleted and Table III would be amended to read:

§ 42.111 Sampling plans for reduced condition of container inspection, Tables III and III–A; and limit number for reduced inspection, Table III–B.

TABLE III—SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan		Sample size	Acceptable quality levels																	
					0.15		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
					Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Single		29	1	2	1	2	1	2	1	2	1	2	2	3	3	4	4	5	5	6
		Double	1st	18	0	2	0	2	0	2	0	2	0	2	0	3	1	3	1	4	2	5
			2d	18																		
			Total	36	1	2	1	2	1	2	1	2	1	2	2	3	4	5	5	6	5	7
CA	6,001–36,000	Single		84	1	2	1	2	1	2	2	3	3	4	4	5	6	7	9	10	13	14
		Double	1st	36	0	2	0	2	0	2	0	3	0	4	0	4	0	5	2	7	3	9
			2d	60																		
			Total	96	1	2	1	2	1	2	2	3	3	4	4	5	7	8	10	11	15	16
CB	Over 36,000	Single		168	1	2	1	2	2	3	4	5	5	6	7	8	11	12	16	17	23	24
		Double	1st	120	0	2	0	2	0	3	2	5	2	6	3	7	6	10	10	14	14	19
			2d	60																		
			Total	180	1	2	1	2	2	3	4	6	5	6	8	9	12	13	17	18	25	26
CC		Single		315	1	2	2	3	3	4	6	7	8	9	13	14	19	20	28	29	41	42

TABLE VI—RIGID AND SEMIRIGID CONTAINERS—CORRUGATED OR SOLID FIBERBOARD, CHIPBOARD, WOOD, ETC.

(Excluding Glass and Metal)

Defects	Categories			
	Critical	Major	Minor	
Type or size of container or component parts not as specified		None permitted		101
Component part missing				101
Closure not sealed, crimped, or fitted properly:				
(a) Primary container			102	201
(b) Other than primary container				202
Dirty, stained, or smeared container				
Wet or damp (excluding ice packs):				
(a) Material affecting appearance but not usability			103	203
(b) Materialy affecting usability		1		
Moldy area				
Crushed or torn area:				
(a) Materially affecting appearance but not usability			104	204
(b) Materially affecting usability				
Separation of lamination (corrugated fiberboard):				
(a) Materially affecting appearance but not usability			105	205
(b) Materially affecting usability				
Product adhering to exterior			106	
Nails or staples (when required):				
(a) Not as required, insufficient number or improperly positioned				206
(b) Nails or staples protruding			107	
Glue or adhesive (when required); not holding properly, not covering area specified, or not to cover sufficient area to hold properly):				
(a) Primary container			108	207
(b) Other than primary container				
Flap:				
(a) Projects beyond edge of container more than ¼ inch				208
(b) Does not meet proof (allowing space of more than ¼ inch				209
Sealing tape or strapping (when required):				
(a) Missing			109	210
(b) Improperly placed or applied				

11. Tables IV, VI, and VII of § 42.112 would be amended to read, respectively:

§ 42.112 Defects of containers; Tables IV, VI, and VII.

• • • • •

TABLE IV—METAL CONTAINERS

Defects	Categories			
	Critical	Major	Minor	
Type or size of container or component parts not as specified		None permitted		101
Closure incomplete, not sealed correctly or not sealed, crimped, or fitted properly				201
Dirty, stained or smeared container				
Key opening metal containers (when required):				
(a) Key missing			102	
(b) Key does not fit			103	
(c) Tab of opening band insufficient to provide accessibility to key			104	
(d) Improper scoring (band would not be removed in one continuous strip			105	
Open top with plastic overcap (when required):				
(a) Plastic overcap missing			106	
(b) Plastic overcap warped (making opening or resapplication difficult)			107	
Outside tinplate or coating (when required):				
(a) Missing or incomplete				202
(b) Blistered, flaked, sagged, or wrinkled				203
(c) Scratched or scored				204
(d) Fine cracks				205
Rust (rust stain confined to the top or bottom double seam or rust that can be removed with a soft cloth is not scored a defect):				
(a) Rust stain (nonmilitary purchases) ⅛			106	206
(b) Rust stain (military purchases) ⅛			108	
(c) Pitted rust			109	207
Wet cans (excluding refrigerated containers)				
Dent:				
(a) Materially affecting appearance but not usability				208
(b) Materially affecting usability			110	
Buckle:				
(a) Not involving end seam				209
(b) Extending into the end seam			111	
Cocked end or body			112	
Paneled side materially affecting appearance but not usability				210
Solder missing when required			113	
Cable cut exposing seam			114	
Improper side seam			115	
Bent, stripped, rusted, or slipper (not applicable to gas or pressure packed product not frozen products)	1			
Leaker or blown container	2			
Frozen products only:				
(a) Bulging ends ⅛" to 1/4" beyond lip				211
(b) Bulging ends more than 1/4" beyond lip			116	

• • • •

TABLE VII—FLEXIBLE CONTAINERS (PLASTIC, CELLO, PAPER, TEXTILE, ETC.)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted		
Closure not sealed, crimped, stitched, or fitted properly:			
(a) Primary container		101	
(b) Other than primary container			201
Dirty, stained, or smeared container			202
Unmelted gels in plastic			203
Torn container:			
(a) Materially affecting appearance but not usability			204
(b) Materially affecting usability		102	
Product sifting or leaking		103	
Moldy area	1		
Individual packages sticking together or to shipping case (tear when separated)		104	
Not fully covering product		105	
Wet or damp (excluding ice packs):			
(a) Materially affecting apperance but not usability			205
(b) Materially affecting usability		106	
Overwrap (when required):			
(a) Missing		107	
(b) Loose, not sealed or closed			206
(c) Improperly applied			207
Sealing tape, strapping or adhesives (when required):			
(a) Missing		108	
(b) Improperly placed, applied, torn, or wrinkled			208
Tape over bottom and top closures (when required):			
(a) Not covering stitching		109	
(b) Torn (exposing stiching)		110	
(c) Wrinkled (exposing stitching)		111	
(d) Not adhering to bag:			
1. Exposing stitching		112	
2. Not exposing stitching			209
(e) Improper placement			210

12. In § 42.115, Reduced and Normal Inspection Plans for AQL=0.25 would be amended by changing the title N5 to read N and R5 and OC Curve N5 would be amended to read N and R5; Reduced and Normal Inspection Plans for AQL's=0.50, 1.00, 1.50, 2.50, 4.00, 6.50, and 10.00 would be amended by changing the title N4 to read N and R4 and OC Curves N4 would be amended to read N and R4 whenever they appear, respectively, and; the sampling plan and OC Curves chart for Reduced and Normal Inspection Plans for AQL=0.15 would be amended to read:

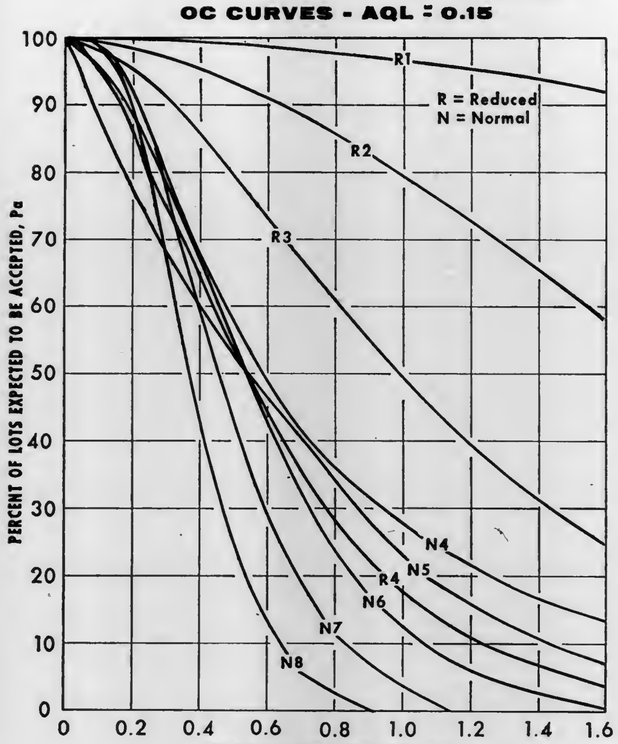
§ 42.115 Operating Characteristic (OC) Curves.

• • • • • •

REDUCED AND NORMAL INSPECTION PLANS SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.15 DEFECTS PER HUNDRED UNITS

(Sampling plans—AQL=0.15)

Comparable sampling plans	Identification number of OC curve																										
	R1			R2			R3			R4			N4			N5			N6			N7			N8		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	1	2	126	0	1	315	1	2	168	1	2	264	1	2	500	2	3	800	3	4	1250	4	5
Double	18	0	2	36	0	2	-----	-----	-----	-----	-----	-----	120	0	2	174	0	2	282	0	3	456	0	4	-----	-----	-----
	36	1	2	96	1	2	-----	-----	-----	-----	-----	-----	180	1	2	336	1	2	540	2	3	864	3	4	-----	-----	-----



U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS (19-70 (9)) CONSUMER AND MARKETING SERVICE

Done at Washington, D.C., this 23d day of March 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-4153 Filed 3-26-71;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

CONTRACT FORMS FOR CONSTRUCTION-DIFFERENTIAL SUBSIDY

Notice of Proposed Rule Making

The Merchant Marine Act, 1936, as amended (46 U.S.C. 1101, et seq.) as amended by the Merchant Marine Act of 1970 (Public Law 91-469), provides that a shipyard of the United States may apply for construction-differential subsidy to aid in the construction of merchant vessels to be used in the foreign commerce of the United States. This formal industry comment, draft contract forms for use in the implementation of the new Maritime Program authorized by the 1970 Act. Copies of the draft contract forms may be obtained from the Secretary, Maritime Subsidy Board.

Pursuant to sections 502 and 504, Merchant Marine Act, 1936, as amended (46 U.S.C. 1152 and 1154), notice is hereby given that the Maritime Subsidy Board is contemplating the adoption of contract forms, substantially in the form drafted as aforesaid, for use in the granting of construction-differential subsidy to aid in the construction of merchant vessels to be used in the foreign commerce of the United States.

While the construction-differential subsidy program is exempt from the requirements of section 4, Administrative Procedure Act (5 U.S.C. 553), the Board invites interested parties to submit written comments on the draft contract forms for consideration by the Board, in triplicate, to the Secretary, Maritime focus on the shipyard as the recipient of construction-differential subsidy as well as the goals of subsidy simplification and reduction of direct government involvement in contract administration reflected in the 1970 Act and its background, has led the Maritime Subsidy Board to develop, after receipt of in- Subsidy Board, Maritime Administration, Washington, D.C. 20235, by the close of business on April 26, 1971.

Dated: March 25, 1971.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-4332 Filed 3-26-71;8:53 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71-22]

DIFLUOROMONOCHLOROETHANE IN TANK TRUCKS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to allow the carriage of shipments of difluoromonochloroethane in motor vehicle tank trucks complying with Department of Transportation regulations aboard trailerships and trainships.

Interested persons are invited to submit written data, views, or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications should identify the notice number, CGFR 71-22, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on Tuesday, May 4, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. Comments received on or before May 11, 1971, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC., both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

In Notice No. 71-9 (Docket No. HM-82) page 5806 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes amendments to Parts 172 and 173 of Title 49,

Code of Federal Regulations relating to the authorization of shipments of difluoromonochloroethane in specification MC 330 and MC 331 cargo tanks, and 105A300W tank-car tanks. For reasons fully stated in that document, the Board has concluded that satisfactory special performance during the past 5 years with the proposed specification supports the proposal.

The proposed amendment of the hazardous materials regulations of the Department of Transportation in Title 49 would make these changes apply to shippers by water, air, and land, and to carriers by air and land. The adoption of the applicable provisions of the proposed amendment to Title 46 would make the change apply to carriers by water.

In consideration of the foregoing, the Coast Guard proposes to amend § 146.24-100 to allow the carriage of difluoromonochloroethane on deck in the open on board trailerships and trainships in motor vehicle tank trucks that comply with Department of Transportation regulations.

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: March 19, 1971.

W. M. BENKERT,
Captain, U.S. Coast Guard, Acting Chief, Officer of Merchant Marine Safety.

[FR Doc.71-4156 Filed 3-26-71;8:48 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173]

[Docket No. HM-82; Notice No. 71-9]

TRANSPORTATION OF HAZARDOUS MATERIALS

Difluoromonochloroethane in Tank Trucks and Tank Cars

The Hazardous Materials Regulations Board is considering amending §§ 172.5, 173.314, and 173.315 to provide for the transportation of difluoromonochloroethane, a flammable compressed gas, in specifications MC 330 and MC 331 cargo tanks, and 105A300W tank car tanks.

This proposal is based on a current special permit, originally issued over 5 years ago, that has provided for the subject transportation. During this time, the experience has been satisfactory. Although the permit requires cargo tanks having a minimum design pressure of 250 p.s.i.g., the Board has no objection to cargo tanks of 100 p.s.i.g. minimum design. The vapor pressure of the commodity is reported as 75 p.s.i.g. at 115° F. Records indicate the 250 p.s.i.g. was a result of the petitioner's request. The Board notes that a 250 p.s.i.g. design pressure cargo tank is a common type tank in many transportation fleets because of its versatility.

In consideration of the foregoing, 49 CFR Parts 172 and 173 would be amended as follows:

I. Part 172:

(A) In § 172.5, paragraph (a), commodity list, would be amended as follows:

§ 172.5 List of hazardous materials.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
• • •	• • •	• • •	• • •	• • •
Difluoromonochloroethane	F.G.	173.306, 173.304, 173.314, 173.315.	Red Gas.	300 pounds.
• • •	• • •	• • •	• • •	• • •

II. Part 173:

(A) In § 173.314, paragraph (c) table would be amended as follows:

§ 173.314 Requirements for compressed gases in tank cars.

(c) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
(Change)	*Percent*	
• • •	• • •	• • •
Difluoromonochloroethane Note 13	100	DOT-106A500X, 110A500W, Note 7. DOT-105A300W, Note 4.
• • •	• • •	• • •

(B) In § 173.315, subparagraphs (a)(1) table, (h)(2) table, and (i)(2) table would be amended as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density: Percent by weight (see Note 1)	Maximum permitted filling density: Percent by volume (see par. (l) of this section)	Specification container required: Type (see Note 2)	Specification container required: Minimum design pressure (p.s.i.g.)
(Add)				
Difluoromono-chloroethane (see Note 9).	100	Note 7	MC 330, MC 331	100.
• • •	• • •	• • •	• • •	• • •

(h) • • •

(2) • • •

Kind of gas (Add)	Permitted gaging device
• • •	• • •
Difluoromonochloroethane	None
• • •	• • •

(i) • • •

(2) • • •

Kind of gas (Add)	Minimum start-to-discharge pressure (p.s.i.g.)
• • •	• • •
Difluoromonochloroethane	100.
• • •	• • •

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before May 11, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on March 19, 1971.

W. M. BENKERT,
Captain, U.S. Coast Guard, by direction of the Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-4155 Filed 3-26-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19045]

TELEVISION BROADCAST STATIONS

Table of Assignments; Clarksville, Tenn.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations. (Clarksville, Tenn.), Docket No. 19045, RM-1637.

1. This proceeding was begun by a notice of proposed rule making (FCC 70-1099), adopted October 7, 1970, and published in the FEDERAL REGISTER October 15, 1970 (35 F.R. 16181). The date designated for reply comments has expired and reply comments are presently due on March 12, 1971.

2. On March 12, 1971 Professional Telecasting Systems, Inc. (Professional Telecasting), licensee of television Station WBKO in Bowling Green, Ky., filed a request to extend the time for filing reply comments to and including March 26, 1971. Professional Telecasting states that because of the press of other business and the need to gather additional material the additional time is necessary. Counsel for the rule making proponent has consented to the extension requested.

3. It appears that the requested extension is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of Professional Telecasting Systems, Inc., is granted to and including March 26, 1971, for reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 23, 1971.

Released: March 24, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-4303 Filed 3-26-71;8:52 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-415]

RELIABILITY OF ELECTRIC SERVICE

Submission of a Weekly Fuel Report Under Emergency Conditions

MARCH 23, 1971.

Notice is hereby given that, pursuant to 5 U.S.C. 551, et seq. (1967), and sections 202, 301, 304a, 309, and 311 of the Federal Power Act (49 Stat. 848, 854, 855, 858, 859; 67 Stat. 461; 16 U.S.C. 824a, 825, 825c, 825h, 825j) the Commission proposed to amend Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new § 141.59 prescribing new Weekly Fuel Emergency Report Forms Nos. 237a (Coal and 237B (Oil)). The Commission proposes to require all electric utilities or suppliers whether investor owned, publicly owned or cooperatively owned to submit the proposed Weekly Fuel Emergency Reports (Forms Nos. 237A and 237B) whenever the utility, in the proper exercise of due diligence, shall determine that its fuel supplies are threatened or fall below a level which is necessary to assure reliability of service.

The reasons for promulgation of the proposed Weekly Fuel Emergency Report Form are: (a) To assure to the greatest extent possible an adequate and reliable supply of electric power and energy in the United States; (b) to assure proper utilization and conservation of natural resources in the United States; (c) to promote coordination among governmental agencies and electric utilities to solve the problem of fuel supply for electric generation, if when, and where the problem arises; (d) to collect in a timely manner such information on fuel supply as may be necessary to meet emergencies affecting reliability of electric service in the United States; and (e) to assist the Commission generally in the proper administration of the Federal Power Act.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 22, 1971, views and comments in writing concerning the proposed rulemaking. An original and 14 conformed copies of such comments shall be filed with the Secretary of the Commission and shall contain the name, title and mailing address of the person or persons to whom communications concerning the proposal should be addressed; and shall state whether the person filing comments requests a conference at the Federal Power Commission to discuss the proposed form and amendment. In addition, interested persons wishing to have their comments considered in the clearance of the proposed Weekly Fuel Emergency Report Forms pursuant to 44 U.S.C. 3501-3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. The Commission will consider all written submittals and responses before acting on the matter herein proposed.

The proposed amendment to Part 141—Statements and Reports (Schedules), prescribing new Weekly Fuel Emergency Report Forms Nos. 237A and 237B, would be issued under the authority granted the Federal Power Commission by the Federal Power Act as amended, particularly sections 202, 301, 304a, 309, and 311 (49 Stat. 848, 854, 855, 858, 859; 67 Stat. 461; 16 U.S.C. 824a, 825, 825c, 825, 825h, 825j).

Accordingly, it is proposed to amend Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 141.59 prescribing new FPC Forms Nos. 237A (Coal) and 237B (Oil), in the form set out in Attachment A hereto. New § 141.59 will read:

§ 141.59 Weekly Fuel Emergency Report, Form No. 237A (Coal) and Form No. 237B (Oil).

These forms are designed to obtain information on a weekly basis from electric utilities or suppliers whether investor owned, publicly owned or cooperatively owned facing fuel emergencies. The report must be filed in the first instance whenever a utility shall determine in the exercise of duel diligence that an emergency exists and must be filed weekly thereafter until the emergency terminates. A fuel emergency exists when supplies of fuels for generation are at a level which threatens projected operations or reliability of electric service. Form 237A [1] pertains to situations where coal is the principal fuel. Form 237B [1] pertains to oil as a principal fuel.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4283 Filed 3-26-71;8:50 am]

[1] Filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 5, 1971.

Dated: February 5, 1971.

JOHN S. ANDERSON.

[FR Doc.71-4257 Filed 3-26-71;8:48 am]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 10, 1971.

Dated: February 10, 1971.

CHARLES A. CAMPBELL.

[FR Doc.71-4258 Filed 3-26-71;8:48 am]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.

(2) FMC Corp., Howmet Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Pacific Power & Lt. Co., Utah Power & Light Co., Union Pacific Corp., Portland G E Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Co., Puget Sound Power & Light Co., Howmedica Corp., Anaconda, Gulf Oil.

(3) No change.
(4) No change.

This statement is made as of February 19, 1971.

Dated: February 19, 1971.

GLENN J. HALL.

[FR Doc.71-4259 Filed 3-26-71;8:48 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of today.

Dated February 10, 1971.

DAVID G. JETER.

[FR Doc.71-4260 Filed 3-26-71:8:49 am]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 10, 1971.

Dated: February 10, 1971.

J. W. KEPNER.

[FR Doc.71-4261 Filed 3-26-71;8:49 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 2, 1971.

Dated: March 2, 1971.

OWEN A. LENTZ.

[FR Doc. 71-4262 Filed 3-26-71;8:49 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 1, 1971.

Dated: February 4, 1971.

ROBERT R. McLAGAN.

[FR Doc.71-4263 Filed 3-26-71;8:49 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 1971.

Dated: February 8, 1971.

JULIO A. NEGRONI.

[FR Doc.71-4214 Filed 3-26-71;8:49 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 8, 1971.

Dated: February 8, 1971.

LEROY J. SCHULTZ.

[FR Doc.71-4265 Filed 3-26-71;8:49 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1971.

Dated: February 3, 1971.

CHARLES W. WATSON.

[FR Doc.71-4266 Filed 3-26-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following county in the State of Arizona natural disasters have caused a general need for agricultural credit:

ARIZONA

Yuma.

Emergency loans will not be made in the above-named county under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 24th day of March 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-4276 Filed 3-26-71;8:50 am]

CONSUMER AND MARKETING SERVICE

Organization and Delegations

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, section 110c of Secretary's Order dated December 3, 1969 (34 F.R. 19474), is amended by adding a new subparagraph (30), which will read as follows:

(30) Potato Research and Promotion Act (Public Law 91-670).

Done at Washington, D.C., this 24th day of March 1971.

J. PHIL CAMPBELL,
Acting Secretary of Agriculture.

[FR Doc.71-4309 Filed 3-26-71;8:53 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

DETERMINATION OF DIRECTOR REGARDING VOTING RIGHTS

Alaska et al.

In accordance with section 4(b)(2) of the Voting Rights Act of 1965 (42 U.S.C. 1973b) as amended by section 4 of the Voting Rights Act Amendment of 1970 (Public Law 91-285) and the determination of the Attorney General made pursuant to section 4(b)(1) of the Act and amendments thereto published in the August 1, 1970, issue of the FEDERAL REGISTER (35 F.R. 12354), I have determined that in the following political subdivisions considered as a separate unit less than 50 per centum of the persons of voting age residing therein voted in the presidential election of November 1968.

ALASKA (ELECTION DISTRICTS)

8 Anchorage.
11 Kodiak.
12 Aleutian Islands.
16 Fairbanks-Fork Yukon.

ARIZONA

Apache County.
Cochise County.
Coconino County.
Mohave County.
Navajo County.
Pima County.
Pinal County.
Santa Cruz County.

CALIFORNIA

Monterey County.
Yuba County.

IDAHO

Elmore County.

NEW YORK

Bronx County.
Kings County.
New York County.

WYOMING

Campbell County.

GEORGE H. BROWN,
Director, Bureau of the Census.

MARCH 15, 1971.

[FR Doc.71-4220 Filed 3-26-71;8:45 am]

Office of the Secretary

[Dept. Organ. Order 30-2B, Amdt. 1]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on March 15, 1971. This material amends the material appearing at 35 F.R. 18550 of December 5, 1970.

Department Organization Order 30-2B, dated November 16, 1970, is hereby amended as follows:

1. SEC. 7. *Office of the Associate Director for Information Programs.*

a. Paragraph .05, The Office of Public Information is deleted.

b. Paragraph .06 is renumbered .05.

2. The attached organization chart dated March 15, 1971 supersedes the organization chart dated November 16, 1970. (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

Effective date: March 15, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-4221 Filed 3-26-71;8:46 am]

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

OFFICIAL SYMBOL FOR BICENTENNIAL COMMEMORATION

Interim Rules and Regulations

MARCH 18, 1971.

Pursuant to the authority vested in the American Revolution Bicentennial Commission by section 6(g) of Public Law 89-491, as amended by Public Law 91-528, and the delegation of authority from the Commission to the Chairman contained in the Commission's Resolution J approved February 5, 1971, to issue rules and regulations and take necessary actions to implement said provisions of law, there are hereby prescribed the following interim regulations governing the manufacture, importation, reproduction or use of an official symbol for use in connection with the commemoration of the American Revolution Bicentennial.

SECTION 1. *Authority and definitions.* (a) *Authority.* Section 6(g) of Public Law 89-491 as amended by Public Law 91-528 provides:

Whoever, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $250 or imprisoned not more than 6 months or both: *Provided*, that this section shall be applicable upon publication in the FEDERAL REGISTER of notification of certification hereunder by the Commission with respect to each such logo, symbol, or mark.

(b) *Definitions.* (1) The term "Commission" means the American Revolution Bicentennial Commission.

(2) The term "official symbol" means a five pointed white star outlined in red, white, and blue rounded contour (whether used with or without text) originated under the authority of and adopted by the Commission on February 5, 1971, as the official symbol for the commemoration of the American Revolution Bicentennial Commission, or any reproduction of facsimile thereof, sufficiently similar as to suggest the said symbol.

(3) The term "Chairman" means the Chairman of the American Revolution Bicentennial Commission or any person designated to act for him.

SEC. 2. *Unauthorized use.* The manufacture, importation, reproduction or use of the symbol except as licensed by the Chairman is unauthorized.

It is to the benefit of the public that these interim regulations be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedures Act (60 Stat. 238), it is found upon good cause that notice and public procedure on the interim regulations are impracticable, unnecessary and contrary to the public interest, and good cause is found for making these regulations effective upon publication.

Washington, D.C.

DAVID J. MAHONEY,
Chairman, American Revolution, Bicentennial Commission.

RESOLUTION J

ARBC OFFICIAL SYMBOL

Be it resolved, That the ARBC, meeting in San Francisco, Calif., in regular session and with a required quorum for doing business, hereby adopts a symbol designed by the firm of Chermayeff and Geismar Associates, Inc., as the official symbol of the Commission for use in connection with the commemoration of the American Revolution Bicentennial.

Said symbol is a five pointed white star outlined in red, white, and blue rounded contour (a copy of which is attached). The symbol was designed by Chermayeff and Geismar Associates, Inc., under letter agreement with the Commission dated December 4, 1970.

The Chairman is hereby authorized and directed to certify on behalf of the Commission, as may be required by statute or otherwise, that said symbol originated under the authority of the Commission and has been adopted by the Commission as its official symbol for use in connection with the Bicentennial commemoration.

The Chairman is authorized and directed to issue rules and regulations for use of the symbol and to take such actions as are necessary and proper to implement the provisions of Public Law 91-528 with respect to said symbol.

Agreed to this 5th day of February 1971 in the city of San Francisco.

I certify that the above is a true copy of a Resolution adopted by the American Revolution Bicentennial Commission at San Francisco on February 5, 1971.

M. L. SPECTOR,
Executive Director.
DAVID J. MAHONEY,
Chairman.

[FR Doc.71-4219 Filed 3-26-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71-3-122]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1971.

By Order 71-2-88, dated February 19, 1971, the Board, among other things, deferred action with a view toward eventual approval on certain resolutions adopted by Traffic Conference 1 of the International Air Transport Association (IATA). These resolutions encompass fares and related provisions to apply in United States-Caribbean/Bermuda markets for a one-year period commencing April 1, 1971. In general terms, the agreement would result in a continuation of first-class fares at current levels and upward adjustments in economy-class fares. More significant revisions were proposed to the pattern of first-class and economy 21-day excursion fares. In the case of first-class excursion fares, the current midweek/weekend fare differential would be eliminated and a higher fare level would be applied all year throughout the entire week. The midweek/weekend fare differential would be retained at somewhat higher levels than at present for economy-class excursion travel, and these fares would be further differentiated so as to provide higher fare levels in the peak season. Other elements of the agreement include establishment of travel restrictions on group inclusive tour (GIT) travel and the introduction of an incentive/own use program for groups of 20 or more passengers.

In deferring action on matters relating to Bermuda and Caribbean travel, the Board commented that the carriers' current depressed earnings situation appeared to warrant the additional revenues which would flow from the agreement.[1] However, a period of 10 days was provided for the receipt of comments on the agreement. No comments have been received, and we will therefore finalize our tentative conclusions set forth in Order 71-2-88.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 22051, R-26, R-27, R-29, and R-30 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4223 Filed 3-26-71;8:46 am]

[1] The resolutions provide for some rather substantial increases, particularly the 10-14 percent hike in the all-important 21-day excursion fares during the high season. We find that approval of such increases is in the public interest primarily because of the fact that Pan American experienced an operating loss of $36 million in its Latin American operations for the 12 months ended Sept. 30, 1970, the great bulk of which was sustained in the Caribbean markets which are covered by these resolutions.

[2] Dissenting statement of Member Minetti filed as part of the original document.

[Docket No. 22975; Order 71-3-124]

OVERSEAS NATIONAL AIRWAYS, INC.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of March 1971.

By tariff revisions[1] filed February 19, and effective March 24, 1971, Overseas National Airways, Inc. (ONA), proposes to establish charges for cargo charters in its DC-9 aircraft from Atlanta to New York of $1,256 and from New York to Detroit of $806. The charges would yield $1.68 and $1.67 per aircraft mile, respectively.

Airlift International, Inc. (Airlift), submitted a complaint requesting an expeditious investigation of the proposal to be conducted contemporaneously or consolidated with the investigation in Docket 22975, discussed below.

No justification for the proposed charges was submitted by ONA.

By Order 71-1-11, dated January 5, 1971, Docket 22975, the Board instituted an investigation of a charter charge proposed by ONA from Atlanta to Detroit, also yielding $1.68, on the ground that it may be unduly low. Consistent with the above order and in view of all other relevant factors, the Board finds that ONA's currently proposed charter charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. In view of the similarities of the issues, we shall consolidate the investigation of ONA's current proposals with the investigation instituted in Order 71-1-11. Although we shall not direct expedition of that investigation, we intend to proceed as soon as practicable in the light of other matters pending before the Board.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the cargo charter charges and provisions on Original Page 11 of Overseas National Airways, Inc.'s CAB No. 22 (Overseas National Airways Series) including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, and practices affecting such charges and provisions;

2. The foregoing investigation be consolidated into the investigation instituted in Docket 22975;

3. The complaint of Airlift International, Inc., in Docket 23210, is dismissed, except to the extent granted herein; and

[1] Revisions to Overseas National Airways, Inc., Tariff CAB No. 22 (Overseas National Airways Series).

4. Copies of this order shall be served upon Overseas National Airways, Inc., Airlift International, Inc., and upon all other parties of record in Docket 22975.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4224 Filed 3-26-71;8:46 am]

[Docket No. 22628; Order 71-3-131]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for Spouses of Passenger Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of March 1971.

By Order 71-1-111, dated January 25, 1971, the Board deferred action, with a view toward disapproval, on a resolution adopted by the International Air Transport Association (IATA) which would permit the spouses of U.S.-based travel agents to travel at reduced fares.

In proposing to disapprove the resolution, the Board noted that the concept of reduced fares to travel agents is predicated on the business needs of the carriers and agents, including travel for familiarization purposes as well as that required in the day-to-day conduct of business activities, and indicated that no showing had been made that the granting of discounts to spouses of travel agents would enhance the agents' ability to sell air transportation. The Board allowed a 30-day period for the receipt of comments on its proposed action.

Comments have been received from the American Society of Travel Agents (ASTA), numerous travel agencies, and individuals numbering in excess of 100. Without exception, all of the responses urge that the Board reconsider its tentative action and approve the resolution granting reduced-rate privileges to spouses of travel agents. No air carrier comments have been received.

The gist of the many comments received is as follows: (1) Many travel agents are married women who hesitate to take trips without their spouses, and the effect of the Board's tentative action would be to deny these women a chance to become more proficient and to compete effectively in their profession; (2) many travel agents are unwilling to travel without their spouses and are not financially able to pay full fare for their spouses; (3) spouses are, in many cases, instrumental in obtaining business for the agent; (4) the Board should offer to the carriers in a program of this type; (5) approval would help fill empty airline seats and thus contribute to increased revenues; (6) the Board is guilty of discrimination in permitting discounts for spouses of foreign-based agents while denying the privilege to U.S. agents; and (7) the Board has permitted free and reduced-rate privileges to employees of the carriers and their families when the position of the employee may be completely unrelated to selling.

Upon consideration of the comments and all relevant matters before it, the Board has concluded to disapprove the agreement. The reduced-fare privileges accorded travel agents are an exception to the general rule inherent in the Federal Aviation Act that users of air transportation pay regular tariff rates for the services provided. Reduced fares for travel agents have been adopted by the carriers and approved by the Board in the past solely for the purpose of enhancing the sale of air transportation by travel agents. The privilege is not intended as a type of fringe benefit as is permitted by law to airline employees and their immediate families.[1] It may be that an agent's spouse is instrumental in the sale of air transportation in some instances. By the same token, it is likely that in other instances the spouse has little to do with the agent's professional activities. The carriers agreement does not, and probably could not, distinguish between these different factual situations. Neither can the Board perceive any objective basis for identifying those persons who should be eligible for the reduced-fare privilege other than their status as a bona fide employee of a travel agency. The provision of a reduced fare for a relatively narrow segment of the traveling public, i.e., agent's spouses, is a clear discrimination. Without the justification found in a resultant enhancement of sales of air transportation, we conclude that the discrimination is unjust and lawful.

We recognize that a degree of discrimination is inherent in treating U.S. agents differently from their foreign counterparts. However, the Board has generally declined to exercise jurisdiction over agents in other countries since they operate under differing laws and their activities are more appropriately the concern of their respective governments, and to a lesser extent because of the practical difficulties of enforcement. Moreover, we would observe that maintaining parity among agents selling transportation to and from the United States could, in this instance, serve as an incentive for foreign-based agents to sell other countries as a destination.

Accordingly, it is ordered, That:

Agreement CAB 22068, R-22, Resolution 203, Reduced Fares for Passenger Agents—USA—Amending is disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4308 Filed 3-26-71;8:53 am]

[1] Section 403(b) of the Act permits carriers to transport their directors, officers, and employees, as well as certain other limited categories of persons, without regard to their effective tariffs.

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Tourism.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4289 Filed 3-26-71;8:51 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Assistant to Secretary of Defense for Strategic Arms Limitation Talks.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4290 Filed 3-26-71;8:51 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Executive Director for Jobs for Veterans, Office of the Assistant Secretary for Manpower.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4291 Filed 3-26-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the

excepted service the position of General Manager, National Transportation Safety Board.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 71-4292 Filed 3-26-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Associate Commissioner for Regional Office Coordination, Office of Education.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4293 Filed 3-26-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4294 Filed 3-26-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director, Office of International Transportation Policy and Programs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4295 Filed 3-26-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

MEXICAN STANDARD BROADCAST STATIONS

Notification List

MARCH 22, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		810 kHz							
XERSV (PO: 5 kw, ND, D)	Ciudad Obregon, Sonora, N. 27°30'60", W. 109°56'16".	0.25	DA-N		II				
		860 kHz							
XEZR (PO: Daytime on 850 kHz)	Zaragoza, Coahuila, N. 28°29'00", W. 100°54'00".	0.25	DA-N		II				
		1530 kHz							
XEUR	Texcoco, Edo. de Mexico, N. 19°23'46", W. 98°56'57".	5	DA-1	U	II				

FCC NOTE: Notification of basic information for these changes in a notification list has not been received as of this issue date. Supplementary information was transmitted in accordance with provisional procedures for exchange of notifications established in a memorandum of understanding between the Delegations of the United States and Mexico signed in Washington on November 27, 1968.

Issued: March 22, 1971.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARTIN I. LEVY,
Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc.71-4302 Filed 3-26-71;8:52 am]

[Docket No. 19175; FCC 71-275]

TROPICAL RADIO TELEGRAPH CO. AND RCA GLOBAL COMMUNICATIONS, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

Application for Transfer of Control of Tropical Radio Telegraph Co., a Radio Licensee, to RCA Global Communications, Inc., a subsidiary of Radio Corp. of America, Inc., File No. 537-C4-TC (4)-69.

1. By an application filed on July 29, 1968, pursuant to section 310(b) of the Communications Act of 1934, RCA Global Communications, Inc. (RCA Globcom), United Brands Corp. (United),[1] a corporation holding all the outstanding stock of Tropical Radio Telegraph Co. (Tropical), and Tropical request our consent to the transfer of control of Tropical, the holder of four licenses in the International Fixed Radio Service and two licenses in the Safety and Special Radio Services, to RCA Globcom, a wholly owned subsidiary of Radio Corp. of America, Inc. (RCA), by RCA Globcom acquiring all the issued and outstanding stock of Tropical.[2]

2. The price to be paid by RCA Globcom will either be an amount of RCA Common Stock, not to exceed 258,000 shares in the aggregate, or be an amount of cash equal to the excess of total assets over liabilities, excluding indebtedness due from Tropical to United and a United subsidiary, as shown on Tropical's balance sheet (Tropical's book value).[3] If Tropical's book value exceeds the value of 258,000 shares of RCA Common Stock, RCA Globcom will pay the difference in cash. RCA has covenanted and agreed to issue and deliver to RCA Globcom, at or immediately prior to the closing of the pending agreement, a stock certificate for the requisite number of shares of RCA Common Stock.

3. On May 23, 1969, the Commission released a memorandum opinion and order (17 FCC 2d 933) pursuant to which AMK Corp. was authorized to obtain control of Tropical by acquiring control of United Fruit Co., subject to the condition that AMK, if the proposed transfer to RCA Globcom were not approved, take such necessary action as may be required to assure the prompt availability of any need financial support Tropical may require to continue to provide, in an adequate manner, all the services Tropical then provided or may be authorized to provide. AMK accepted this condition by letter dated May 27, 1969.

4. Tropical was initially established as an operating division of United Fruit Co. in 1904 and was incorporated in 1913. At present less than 10 percent of its service is performed for United. For many years Tropical has provided international common carrier telegraph service between the United States and points in Central America, Mexico, South America, the West Indies, including the Bahamas, and with ships at sea. It operates gateways for telegraph service in Miami and New Orleans but maintains only a minimal number of traffic solicitation personnel elsewhere in the United States. Almost half of Tropical's outbound traffic from the United States is obtained from areas near its gateway operations, specifically from Florida, Louisiana, and Texas.

5. Tropical operates international communications facilities at Panama, Honduras, and Nicaragua, under concessions granted by those countries. By virtue of the concessions, Tropical provides international telephone service, principally as American Telephone and Telegraph's foreign correspondent and as a foreign international carrier. It also provides international record communication service between those countries and other foreign locations. More than half of Tropical's total revenues were derived from its operations as a foreign rather than as a United States carrier.

6. Tropical, in 1969, received 22 percent of total industry revenues from record services between the United States and Bermuda, total West Indies, Central America, and Colombia, South America. Its participation in record traffic between the United States and all overseas points in 1969 was 4 percent.

7. RCA Globcom is a communications common carrier certificated and licensed by the Commission under the Communications Act of 1934. It is engaged principally in the business of furnishing overseas communications services via submarine cable, radio and satellite facilities linking the continental United States directly with 76 other countries and overseas points.

8. RCA Globcom, in 1969, received 24 percent of total industry revenues from record services between the United States and Bermuda, total West Indies, Central America and Colombia, South America. Its participation in record traffic between the United States and all overseas points in 1969 was 40 percent.

9. RCA is engaged directly and through subsidiaries in the research, manufacture, distribution, sale, lease and servicing of electronic products including television, radios, phonographs, and tape recorders; tubes and semiconductors; records and recorded tapes; magnetic products; broadcast and communications equipment; instructional systems; information systems and graphic systems; and space and military equipment. It is also engaged either directly or through its subsidiaries in the operation of television and radio broadcasting networks and stations; licensing patents and providing technical know-how; renting and leasing of automobiles and trucks; book publishing; and conducting other related activities.

10. The application states that the requested transfer will serve the public interest, convenience and necessity by providing a small carrier with the technological and other assistance necessary for it to maintain its position as a successful carrier in its service area in the face of increasing competitive pressures from International Telephone and Telegraph and Western Union International, Inc. (WUI).

11. The application was listed in the Commission August 5, 1968, notice of applications accepted for filing and copies of the application were mailed to Western Union International, Inc. (WUI), ITT World Communcations, Inc. (ITT), and the Department of Justice. By letter dated September 3, 1968, ITT gave notice that it desired to be treated as an interested party. A petition to deny under section 309(d)(1) of the Communications Act of 1934 was filed by WUI on October 16, 1968. In addition, Western Union Telegraph Co. (WU) submitted comments on the proposed transfer by letter dated February 19, 1971.

12. WUI's petition states: That (a) RCA Globcom is the largest carrier in the industry and that its acquisition of Tropical would eliminate a competitive force, compound the dominant position of RCA Globcom and combine in one organization overwhelming shares of the relevant markets; (b) the proposed acquisition would substantially lessen competition and violate section 7 of the Clayton Act (15 U.S.C. sec. 18), section 1 of the Sherman Act (15 U.S.C. sec. 1) and section 314 of the Communications Act of 1934 as well as violate the public interest by eliminating a viable competitor, ending competition between RCA Globcom and Tropical to many points and allowing RCA Globcom to succeed to various favored positions; (c) the proposed acquisition is not in the public interest; and (d) the application is deficient for want of a necessary applicant—RCA

13. In their answers, RCA Globcom and Tropical state: That (a) the public interest would be served by the grant of the application; (b) the transfer would not have any significant adverse effect on competition; (c) the proposed transfer is not prohibited by section 314 of the Communications Act; (d) the antitrust type arguments of WUI lack substance, and, in any event, are not the controlling factor; (e) Tropical's economic circumstances preclude it from

[1] When the application was originally filed, Tropical was wholly owned by United Fruit Co. Thereafter, United Fruit Co. merged with AMK Corp. with United Fruit Co. surviving. The name of United Fruit Co. was subsequently changed to United Brands Co. United Brands Co. has applied to the Commission for approval of any transfer which may have occurred as a result of the foregoing and has requested that this matter be expedited pursuant to section 309(c)(2)(B) of the Communications Act of 1934. In its request, United Brands Co. acknowledges its assumption of the undertakings made by AMK Corp. to this Commission. (See paragraph 3, infra).

[2] Action on the application was held in abeyance for more than a year pending the outcome of negotiations between RCA Globcom, Western Union International (WUI) and Tropical for a possible joint venture arrangement between RCA Globcom and WUI. By memorandum of Oct. 9, 1970, Tropical informed the Commission that negotiations had been terminated and requested that the processing of the application be resumed.

[3] As of Dec. 31, 1969, Tropical's book value was somewhat in excess of $5,500,000.

taking action required to insure maintenance of its viability; and (f) the proper transferee is RCA Globcom and that such information which the Commission requires with respect to RCA has been furnished.

14. On June 18, 1969, the Department of Justice forwarded its comments on the proposed transfer of control to this Commission. It examined the competitive effects of the proposed acquisition on both inbound and outbound traffic and concluded that the proposed acquisition would significantly lessen competition for international record traffic outbound from the United States to Central America. It also postulated that, by giving RCA Globcom direct control over additional inbound traffic, the acquisition might help to increase RCA Globcom's leading position on the trans-Atlantic and other international routes. The Department of Justice further concluded that the proposed merger would have a significant effect on potential competition for traffic outbound from the United States to Central America and stated that, even if there were no new entrants who would be willing to purchase and operate Tropical as a separate business, it would seem that there are one or more existing international record carriers whose acquisition of Tropical would seem to present a less anticompetitive threat than that posed by the acquisition by RCA Globcom.

15. By letter dated February 3, 1971, ITT filed additional comments with the Commission urging that the application not be granted without a hearing. In support of its position ITT questions whether Tropical's continued viability depends on the proposed transfer of control. It also requests, that, to the extent the transfer, if consummated, would permit RCA Globcom to gain access to Tropical's gateway privileges in Miami and New Orleans, ITT should be granted identical privileges, and that all the international record carriers be granted equal opportunity to handle traffic to Mexico. ITT also contends that a review of the International Formula [1] for the distribution of unrouted outbound telegraph message traffic would be required in the event that the proposed acquisition be approved prior to a resolution of ITT's pending general complaint regarding the International Formula.

16. In its letter of February 19, 1971, to this Commission, WU requests that: (a) The Commission require RCA Globcom to make its intentions clear with respect to the acquisition of Tropical; (b) any grant of the application be made on the condition that RCA Globcom may continue to use New Orleans and Miami as gateway cities for the traffic of Tropical only; and (c) the Commission refrain from any action that might invoke demands by other international record carriers for enlarged opportunities with respect to message traffic to and from Mexico.

[1] Prescribed under sec. 222 of the Communications Act of 1934.

17. In view of all the foregoing, we find and conclude:

(a) That the pleadings and documents relating thereto demonstrate that United Brands Co. possesses the necessary statutory qualifications to become the transferee of control of Tropical Radio Telegraph Co.; that the public interest, convenience and necessity will be served by the transfer of control of Tropical Radio Telegraph Co. to United Brands Co.; and that we should consent to, and approve, the transfer of control of Tropical Radio Telegraph Co. as the holder of radio licenses to United Brands Co. as a result of the merger of AMK Corp. into United Brands Co.

(b) That the application for transfer of control makes it clear that RCA Globcom is a wholly owned subsidiary of RCA and to this extent the application is not deficient for want of a necessary party.

(c) That RCA Globcom appears to be technically and financially qualified to acquire and operate the facilities of Tropical.

(d) That a substantial and material question has been raised as to whether the proposed transfer will serve the public interest, convenience, and necessity, which question cannot be determined on the basis of the pleadings.

18. Accordingly, so that a determination may be made as to whether the proposed transfer of control of Tropical to RCA Globcom does and will serve the public interest, convenience, and necessity: *It is hereby ordered*, Pursuant to section 309(e) of the Communications Act of 1934, that the captioned application is designated for hearing in a proceeding at the Commission's offices in Washington, D.C., before an examiner and on a date to be hereafter specified by separate order, upon the following issues:

(a) To determine in what specific ways the proposed acquisition will benefit the public.

(b) To determine the line or lines of commerce and the nature and extent of the relevant market or markets to be considered in making a determination on this application.

(c) To determine the effect the proposed transfer of control will have on the carrier market in the Central American area or such other area or areas as shall be determined to constitute a relevant market.

(d) To determine the extent, if any, to which the acquisition may be prohibited under section 314 of the Communications Act of 1934.

(e) To determine the extent, if any, to which the proposed acquisition may be inconsistent with the policies set forth in the various antitrust laws of the United States.

(f) To determine whether Tropical can survive as a viable competitor if the proposed acquisition is not approved, and if not, if there are any other alternatives should the Commission deny the application.

(g) To determine in light of the foregoing, whether the proposed transfer will serve the public interest, convenience, and necessity.

19. *It is further ordered*, That the Commission hereby consents to, and approves the transfer of control of Tropical Radio Telegraph Co., as the holder of radio authorizations, to United Brands Co., in the manner described in the pleadings and documents relating thereto.

20. *It is further ordered*, That the applicants shall have the burden of going forward with the introduction of evidence and the burden proof on the issues.

21. *It is further ordered*, That Tropical Radio Telegraph Co., United Brands Co., RCA Global Communications, Inc., Western Union International, Inc., ITT World Communications, Inc., and the Chief, Common Carrier Bureau are made parties to the proceeding.

22. *It is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with 47 CFR 1.221.

23. *It is further ordered*, That the petitions and requests of Tropical Radio Telegraph Co., United Brands Co., RCA Global Communications, Inc., Western Union International, Inc., ITT World Communications, Inc., and Western Union Telegraph Co., to the extent they are not granted herein, are otherwise denied.

Adopted: March 17, 1971.

Released: March 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-4304 Filed 3-26-71;8:52 am]

[Dockets Nos. 19178, 19179; FCC 71-281]

ZIA TELE-COMMUNICATIONS, INC. AND ALVIN L. KORNGOLD

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Zia Tele-Communicatons, Inc., Albuquerque, N. Mex., Docket No. 19178, File No. BPH-6887, requests: 107.9 mcs, No. 300; 27.5 kw.(H); 27.5 kw.(V); 517 feet, Alvin L. Korngold, Albuquerque, N. Mex., Docket No. 19179, File No. BPH-6952, requests: 107.9 mcs, No. 300; 38.2 kw.; 495 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Zia Tele-Communications, Inc., would require $13,000 to construct and operate its proposed station for 1 year without reliance on revenues. Since the station would be operated on a nonduplicated, nonautomated basis during nighttime hours, the proposed operating budget of $8,500 does not appear to be reasonable. Applicant has not provided a sufficient showing regarding the availability of any of the needed funds. Accordingly, a financial issue will be specified.

3. According to his application, Alvin Korngold would require $13,170 to construct and operate his proposed station for 1 year without reliance on revenues. The proposed operating budget of $8,670 does not appear adequate for the independent operation he proposes. To meet this requirement, applicant relies on funds on hand, but these funds appear to be the same as those relied on in connection with other FM proposals he has filed. Accordingly, a financial issue will be specified.

4. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and our Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 71-176, released February 23, 1971, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, Zia Tele-Communications does not appear to have contacted a representative cross-section of the area nor has it adequately provided the comments regarding community needs obtained from such contacts. Likewise, it has not adequately provided a listing of specific programs responsive to specific community needs as evaluated. As a result, we are unable at this time to determine whether Zia Tele-Communications is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

5. Since no determination has yet been reached on whether the antenna proposed by Alvin Korngold would constitute a menace to air navigation, an issue regarding this matter is required.

6. Zia Tele-Communications proposes substantial AM duplication while Alvin Korngold proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programming inquiry— Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the amount reasonably required by Zia Tele-Communications for construction and first-year operation of its proposed station without reliance on revenues and whether such funds are available to it to thus demonstrate its financial qualifications.

(2) To determine the amount reasonably required by Alvin Korngold for construction and first-year operation of his proposed station without reliance on revenues and whether such funds are available to him to thus demonstrate his financial qualifications.

(3) To determine the efforts made by Zia Tele-Communications to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine whether there is a reasonable possibility that the tower height and location proposed by Alvin Korngold would constitute a menace to air navigation.

(5) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(6) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

9. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

10. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

11. *It is further ordered*, That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 17, 1971.

Released: March 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-4305 Filed 3-26-71;8:52 am]

FEDERAL MARITIME COMMISSION

MEDCHI FREIGHT POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement led by:

Eric G. Brown, Secretary, Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, 10, Place de la Joliette (2me), Marseilles, France.

Agreement No. 9020-11 effects preseason adjustments in the basic agreement which may be made by the Pool Committee without prior Commission approval pursuant to Article 20. Adjustments are made in the membership list, the amount of Carrying Money, the minimum Service Obligations, and the Pool Percentages. The parties also agreed not to have an interim pool settlement as of June 30, 1971.

Dated: March 24, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4248 Filed 3-26-71;8:48 am]

PORT OF PALM BEACH AND WEST INDIA SHIPPING CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New

York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act of detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. E. Jaudon, Port Director, Port of Palm Beach, Post Office Box 9935, Riviera Beach, FL 33409.

Agreement No. T-2499 (as amended), between the Port of Palm Beach (Port), and West India Shipping Co., Inc. (Company), provides for the 5-year exclusive use of certain facilities at the Port of Palm Beach, Fla. As compensation, the Company will pay the Port a total of $272,130.52 over the term of the agreement plus all applicable tariff charges. In addition, the Company also guarantees a minimum of 37,500 tons wharfage for each year of the agreement, charged to the Company at the prevailing tariff rates of the Port. The Company is granted the right of docking vessels for which it acts as husbanding agent at no charge for dockage at certain portions of the facility. The parties agree that Port's tariff rates will not exceed competitive port tariff charges as established by Southern Florida ports.

Dated: March 24, 1971.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4247 Filed 3-26-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. R-407]

ONE DAY SUSPENSION PERIOD

Order Denying Rehearing and Request for Stay of Order No. 423

MARCH 22, 1971.

The Public Service Commission of the State of New York (New York) on February 25, 1971, filed an application for rehearing of Order No. 423 issued on February 18, 1971, in the above-entitled proceeding. New York also requested a stay of the effectiveness of Order No. 423 pending action on its application for rehearing, and in the event it is denied, to continue such stay pending judicial review of that order.

By Order No. 423 the Commission amended section 2.56 in Part 3, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations by the addition of a new paragraph which provides that if it decides to suspend a rate change filing made by an independent producer under section 4(d) of the Natural Gas Act and such rate change is filed at least 60 days prior to its proposed effective date, the suspension period will be for 1 day unless the Commission waives the 60-day notice period or imposes a longer suspension period.

New York's application for rehearing sets forth no further facts or principles of law which were not fully considered in Order No. 423, or which, having now been considered, warrant any modification of that order.

Nor is there any justification for granting a stay here. Any increased rate proposed by a producer which is suspended for 1 day, in lieu of 5 months, will be collected subject to refund. To impose, as New York suggests, a 5-month suspension period for a producer increase in a situation where we believe a 1-day suspension period is sufficient would cause irreparable injury to the producer involved to the extent that the proposed increase is eventually determined to be just and reasonable since the producer cannot recover the revenues lost during the suspension period.

By our refusal to grant a stay of this order, we do not mean to imply that in individual cases we will not consider the effect of a 1 day as opposed to a 5-month suspension period. But, we certainly do not intend to impose 5-month suspension periods on all producer increases pending the outcome of judicial review.

The Commission orders:

The application for rehearing and the request for stay filed by New York on February 25, 1971, of Order No. 423 are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4242 Filed 3-26-71;8:48 am]

[Docket No. CI62-1019 etc.]

CIROCO EXPLORATION, INC. ET AL.

Notice of Redesignation

MARCH 22, 1971.

By letters of October 16, 1970, and December 23, 1970, Ciroco Exploration, Inc., advised the Commission that its corporate name had been changed from Circle Drilling Co., Inc., as of June 6, 1969.

Accordingly, the following certificates of public convenience and necessity issued pursuant to section 7(c) of the Natural Gas Act to Circle Drilling Co., Inc., and the related FPC gas rate schedules are redesignated as those of Ciroco Exploration, Inc., with the rate schedules retaining their numerical designations:

Certificate Docket No.	*FPC gas rate schedule No.*
CI62-1019[1]	[1] 4
CI64-715	1, 2
CI64-932	3

[1] (Operator) et al.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4243 Filed 3-26-71;8:48 am]

[Project No. 13]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Annual License

MARCH 22, 1971.

On March 2, 1970, Niagara Mohawk Power Corp., licensee for Green Island Project No. 13 located in the vicinity of Albany County, N.Y., on the Hudson River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 28, 1970.

The license for Project No. 13 was issued effective March 3, 1921, for a period ending March 2, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Niagara Mohawk Power Corp. for continued operation and maintenance of Project No. 13.

Take notice that an annual license is issued to Niagara Mohawk Power Corp. (licensee) under section 15 of the Federal Power Act for the period March 3, 1971, to March 2, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Green Island Project No. 13, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4243 Filed 3-26-71;8:48 am]

[Docket No. AR64-2 etc.]

TEXAS GULF COAST AREA RATE PROCEEDING ET AL.

Notice of Further Extension of Time

MARCH 19, 1971.

Texas Gulf Coast Area Rate Proceeding, Docket No. AR64-2; Mobil Oil Corp., Docket No. RI70-1666; Petroleum Corporation of Texas, Docket No. RI71-477; J. S. Abercrombie Mineral Co., Inc., Docket No. RI71-479; Atlantic Richfield Co., Docket No. RI71-480; Pan American Petroleum Corp., Docket No. RI71-515; Sun Oil Co., Docket No. RI71-530; Mobil Oil Corp., Docket No. RI71-555; John W. Pace (Operator), Docket No. RI71-556; Coastal States Gas Producting Co., Docket No. RI71-611.

Upon consideration, notice is hereby given that the time is further extended to and including April 19, 1971, within which answers may be filed to the motion filed by the Philadelphia Gas Works Division of UGI on February 18, 1971.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4245 Filed 3-26-71;8:48 am]

[Dockets Nos. E-7494, CP70-73]

IOWA POWER AND LIGHT CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Order Staying Date of Expiration of Commission Authorization for Consolidation

MARCH 23, 1971.

On March 12, 1971, Iowa Power and Light Co. and Iowa-Illinois Gas and Electric Co. (applicants) filed a motion for an extension of time within which to consummate consolidation pursuant to Opinon No. 590 issued December 24, 1970. Applicants note that the Examiner's initial decision, adopted by the Commission, provides that the Commission's authorization will expire unless consolidation is consummated within 90 days after the issuance of the order.

An application for rehearing and other relief was filed by the State of Iowa on January 25, 1971. The Commission on February 22, 1971, granted rehearing for the purpose of giving further consideration. Under the circumstances, we shall stay the date of expiration of the Commission's authorization pending issuance of the Commission's final order upon the State of Iowa's application for rehearing.

The Commission finds:

It is appropriate and proper in the administration of the Federal Power Act to stay the date of expiration of the Commission's authorization for consolidation pending issuance of a final order of the Commission on the State of Iowa's application for rehearing.

The Commission orders:

The date of expiration of the Commission's authorization for consolidation is hereby stayed pending the issuance of a final Commission order upon the State of Iowa's application for rehearing.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4285 Filed 3-26-71;8:51 am]

[Docket No. RP70-43]

NORTHERN NATURAL GAS CO.

Notice of Filing of Stipulation and Agreement and Revised Tariff Sheets

MARCH 22, 1971.

Take notice that on March 11, 1971, Northern Natural Gas Co. (Northern) filed in Docket No. RP70-43 a proposed stipulation and agreement, together with a schedule of proposed rates. The stipulation and agreement is stated to result from discussions among Northern, the Commission's Staff, and interested parties.

The stipulation and agreement would resolve all issues in Docket No. RP70-43 and generally provides for specified reduced rates to become effective as of December 27, 1971, for refund with interest of excess amounts collected during the period of December 27, 1971, to the date Northern shall first begin to collect charges under the rates shown and for contingent refunds and rate reductions.

Copies of the stipulation and agreement, the schedule of proposed rates and certain revised sheets of the general terms and conditions of Northern's gas tariff were served on all of Northern's customers, parties of record, and interested State commissions.

Comments or objections relating to the proposed stipulation and agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 5, 1971.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4286 Filed 3-26-71;8:51 am]

[Project No. 1396]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Application for Amendment of License for Project

MARCH 23, 1971.

Public notice is hereby given that application for amendment of license has been filed pursuant to the Federal Power Act (16 U.S.C. 791(a)-825(r)) by Southern California Edison Co. (correspondence to : P. B. Peecock, Manager, Right-of-Way and Land Department, Post Office Box 350, Los Angeles, CA 90053), for transmission line Project No. 1396 located in the vicinity of Victorville, and San Bernardino in San Bernardino County, Calif., and affecting lands of the United States.

The licensee requests authorization for the relocation of a portion of the Bishop Tower Transmission Line to a new location to accommodate construction of the State of California's Cedar Springs Reservoir.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4287 Filed 3-26-71;8:51 am]

OUTSTANDING SUSPENSION PROCEEDINGS AND TEMPORARY CERTIFICATES INVOLVING INDEPENDENT PRODUCERS

Order Granting in Part and Denying in Part Applications for Rehearing

MARCH 22, 1971.

The Public Service Commission of the State of New York (New York) filed on February 25, 1971, an application for rehearing of the Commission's order issued on February 18, 1971, in the above-entitled proceedings concurrently with the issuance of Order No. 423.

The Commission in its February 18 order shortened the suspension periods in outstanding suspension orders relating to producer rate changes so that such changes would become effective, subject to refund, as of March 21, 1971, or as of 1 day from the date a proposed change would otherwise become effective in the absence of suspension, whichever is later.[1] The Commission also waived conditions in temporary certificates prohibiting producers from filing for contractually authorized rate increases.[2]

New York also requests the Commission to suspend the effectiveness of this order until after action is taken on its application for rehearing, and to continue such stay if the Commission does not set aside such order until the completion of judicial review. In addition to its general attack on the February 18 order. New York also specially challenges the shortened suspension periods provided by that order for the proposed rates involved in Dockets Nos. RI71-425, RI71-694, R71-646, RI71-666, and RI71-530.

The Philadelphia Gas Works Division of UGI Corp. (PGW) on March 3, 1971, also filed an application for rehearing of the February 18 order insofar as it shortened the suspension periods previously ordered for the proposed increases in certain dockets,[3] and insofar as it eliminated

[1] This modification had no applicability to sales in the Southern Louisiana area or to those situations where the primary suspension period previously ordered by the Commission would expire prior to Mar. 21, 1971.

[2] The waiver did not apply to temporary certificates in the Hugoton-Anadarko area, the Appalachian and Illinois Basin areas, or the Southern Louisiana area.

[3] PGW refers to the same dockets specified by New York except for Docket No. RI71-694 and also refers to Dockets Nos. RI71-477, RI71-479, RI71-480, RI71-515, RI71-555, RI71-556, RI71-611, RI71-633, RI71-634, RI71-635, RI71-636, RI71-643, and RI71-669. The suspension periods for the increased rates filed by Pan American in Docket No. RI71-555 had expired prior to the issuance of the February 18 order, and thus were not affected by that order.

conditions precluding increased rate filings in temporary certificates.

The Commission in the past generally has waived conditions precluding increased rate filings above the guideline initial rates authorized in temporary certificates in those situations where permanent certificates are not issued within 3 years. The effect of our action in the February 18 order was to eliminate whatever remains of that 3-year period in each individual case. There is no justification in these inflationary times for continuing to limit producers operating under temporary certificates to guideline ceiling rates originally set almost 10 years ago.[4] In these circumstances, we consider our action in the February 18 order to be fully warranted.

The general reasons for shortening suspension periods for producer rate filings are discussed in Order No. 423. No useful purpose would be served by repeating that discussion here.

New York and PGW, however, also object to the shortened suspension periods in certain specified rate proceedings. These proceedings involve 39 sales in the Gulf Coast Area (Texas RR. Dists. Nos. 2, 3, and 4) where the producers have sought increased rates ranging from 16 cents to 28 cents per Mcf and one sale from Texas RR. Dist. No. 6, which is in the Other Southwest Area, where the producer seeks an increased rate of 19 cents per Mcf. Most of these sales are old sales. Of the 40 proposed increased rates in the Gulf Coast Area, one is at 28 cents, three are at 25 cents, five are at 24.25 cents, four are at 22 cents, and the remainder are at or below 21 cents. Both the Gulf Coast and the Other Southwest cases are pending before this Commission on exceptions to initial decisions by Presiding Examiners. The just and reasonable rates for sales in these areas should therefore be determined soon.

In the meantime, however, we believe the February 18 order should be modified so as to withdraw the shortened suspension period for those increased rates which are in excess of 21 cents per Mcf. As a result, those increased rates above 21 cents per Mcf will remain under suspension for the full 5-month period previously ordered prior to the February 18 order.[5]

We do not mean by our action to suggest either that proposed rates not in excess of 21 cents per Mcf are just and reasonable or that proposed rates in excess of 21 cents per Mcf are necessarily not just and reasonable. We believe, however, that where the proposed rate for a sale of gas of the vintage involved here in the Gulf Coast Area exceeds 21 cents per Mcf, the ultimate consumer is entitled to the protection of a full 5-month suspension period. The rate of 21 cents per Mcf corresponds to the 22.375 cents per Mcf rate limitation established for increased rate filings in Southern Louisiana.

Similarly, there are certain other sales in Permian, Miss., Texas RR. Dist. Nos. 2, 3, 4, and 6, and the Aneth-Utah Area, which were not specifically mentioned by New York or PGW, involving proposed increased rates above the corresponding limitations imposed in Southern Louisiana.[6] These proposed increased rates shall also remain under suspension for the full 5-month period previously ordered.

The applications for rehearing filed by New York and PGW set forth no further facts or principles of law which were not fully considered in the February 18 order, or which, having now been considered, warrant any modification of that order, except as hereinafter provided. For the same reasons set forth in the order issued concurrently herewith denying the application for rehearing and request for a stay filed by New York with respect to Order No. 423, we also deny New York's request for a stay of the February 18 order.

The Commission orders:

(A) The above applications for rehearing and New York's request for a stay of the February 18, 1971, order in the above-entitled proceedings are denied, except as hereinafter provided.

(B) The February 18, 1971, order in the above-entitled proceedings is modified so as to reimpose the suspension periods ordered prior to the February 18 order for the proposed increased rates involved in Dockets Nos. RI71–334, RI71–450 (only insofar as it relates to Humble's FPC Gas Rate Schedules Nos. 110 and 338), RI71–451, RI71–508, RI71–645 (only insofar as it relates to Chevron's FPC Gas Rate Schedule No. 26), RI71–712, RI71–715, RI71–716, RI71–419, RI71–424, RI71–708 (only insofar as it relates to the 25-cent rate proposed under Continental's FPC Gas Rate Schedule No. 102), RI71–713 (only insofar as it relates to the 25-cent rate proposed under Continental's FPC Gas Rate Schedule No. 77), RI71–756 (only insofar as it relates to the proposed 25-cent rate under W. L. Pickens' FPC Gas Rate Schedule No. 5), RI71–758, RI71–811, RI71–425, RI71–479, RI71–555, RI71–636 (except for the proposed 21-cent rate under Pan American's FPC Gas Rate Schedule No. 92 in Docket No. RI71–636) and RI71–694 (only insofar as it relates to the proposed 25-cent rate under Harris' FPC Gas Rate Schedule No. 1), and those proposed increased rates under Atlantic's FPC Gas Rate Schedules Nos. 5, 6, 330, and 491 involved in Docket No. RI71–646. In the event or to the extent that the just and reasonable rates in these proceedings have not been determined by the Commission prior to the expiration of the respective suspension periods involved here, then the proposed increased rates affected by this paragraph shall become effective subject to refund, as of the expiration of the respective suspension periods provided herein, without any further action by the producer involved or by the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4239 Filed 3-26-71;8:47 am]

[4] These guideline rates were originally set in the Commission's Statement of General Policy No. 61–1 issued Sept. 24, 1960, 24 FPC 818. Some of these guideline rates have been revised by subsequent amendments to that policy statement.

[5] The proposed increased rates in Dockets Nos RI71–425, RI71–479, RI71–555, RI71–636 (except for the proposed 21-cent rate under Pan American's FPC Gas Rate Schedule No. 92 in Docket No. RI71–636), and RI71–694 (only insofar as it relates to the proposed 25-cent rate under Harris' FPC Gas Rate Schedule No. 1) and those proposed increased rates under Atlantic's FPC Gas Rate Schedules Nos. 5, 6, 330, and 491 involved in Docket No. RI71–646 are affected by this determination.

[6] Dockets Nos. RI71–334, RI71–450 (only insofar as it relates to Humble's FPC Gas Rate Schedules Nos. 110 and 338, RI71–451, RI71–508, RI71–645 (only insofar as it relates to Chevron's FPC Gas Rate Schedule No. 26), RI71–712, RI71–715, RI71–716, RI71–419, RI71–424, RI71–706 (only insofar as it relates to the 25-cent rate proposed under Continental's FPC Gas Rate Schedule No. 102), RI71–713 (only insofar as it relates to the 25-cent rate proposed under Continental's FPC Gas Rate Schedule No. 77, RI71–756 (only insofar as it relates to the proposed 25-cent rate under W. L. Pickens FPC Gas Rate Schedule No. 5), RI71–758 and RI71–811.

FEDERAL RESERVE SYSTEM

MIDLAND NATIONAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by The Midland National Corp., which is a bank holding company located in Midland, Tex., for prior approval by the Board of Governors of the acquisition by applicant (which presently owns 24½ percent of the voting shares of Southwest National Bank of El Paso, El Paso, Tex.) of the remaining 75½ percent, less directors' qualifying shares, of the voting shares of the successor by merger to Southwest National Bank of El Paso, El Paso, Tex.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

By order of the Board of Governors, March 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4296 Filed 3-26-71;8:52 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. F-94]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interest of the Federal Government in a gas service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Florida Public Service Commission in a proceeding (Docket No. 71001–GU) involving gas service rates of the Gulf Natural Gas Corp., Florida Gas Co., Miller Gas Co., Peoples Gas System, Inc., and City Gas Company of Florida.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 22, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-4297 Filed 3-26-71;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2913]

AMERICAN-SOUTH AFRICAN INVESTMENT CO., LTD. AND SOUTH AFRICAN INVESTMENT ADVISER (PROPRIETARY) LTD.

Notice of Application for Exemption

MARCH 22, 1971.

Notice is hereby given that an application has been filed pursuant to Section 6(c) of the Investment Company Act of 1940 (Act) by American-South African Investment Co., Ltd. (ASAIC), 54 Marshall Street, Johannesburg, South Africa, a registered closed-end management investment company, and South-African Investment Adviser (Proprietary) Ltd. (SAIA), the investment adviser to ASAIC. The application requests an order of the Commission exempting SAIA from the requirements of section 15(a) of the Act and exempting ASAIC from the requirements of section 15(c) of the Act from the time of Mr. Charles W. Englehard's death on March 2, 1971, until the final adjournment of the 1971 Annual Shareholders Meeting of ASAIC, which meeting is scheduled to be held on April 26, 1971, thereby permitting SAIA to serve as investment adviser to ASAIC during that period. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

The shareholders of ASAIC at its annual meeting on April 27, 1970, approved an Investment Advisory Agreement between ASAIC and SAIA. Dillon, Read & Co., Inc., owns 50 percent of the outstanding shares of SAIA. Mr. Englehard on March 2, 1971, owned indirectly, 50 percent of the outstanding shares of SAIA.

On March 2, 1971, Mr. Engelhard died. As a result of his death, his indirect ownership of 50 percent of the outstanding shares of SAIA was transferred to his estate by operation of law. The executors named in his will are his widow, a resident of New Jersey, Edward G. Beimfohr, a resident of New Jersey, and D. J. right indirectly to vote the shares of SAIA formerly owned indirectly by Mr. Engelhard and now owned indirectly by his estate.

Under the terms of Mr. Engelhard's will, the major portion of his estate, after payment of taxes, is left for the benefit of his widow and his children. The division of the property in the estate may be made in terms of value rather than in kind, and it will not be possible to determine how the assets of the deceased will be distributed until the assets of the estate have been valued and its liabilities determined and satisfied. The indirect ownership of the 50 percent of the outstanding voting securities of SAIA formerly owned indirectly by Mr. Engelhard will, therefore, remain in his estate until well after the 1971 Annual Meeting of Shareholders of ASAIC which is scheduled to be held on April 26, 1971.

The directors of SAIA prior to Mr. Engelhard's death were Mr. Engelhard, Nicholas Brady, John H. F. Haskell, Jr., Ian MacPherson, and D. J. Gevisser. Mr. Brady is president and Mr. Haskell is a vice president of Dillon, Read & Co., Inc. Mr. Engelhard was chairman of the board of SAIA for many years prior to his death, and Mr. MacPherson has been for many years, and still is, managing director and treasurer of SAIA. As managing director, Mr. MacPherson is charged with the supervision and management of the affairs of SAIA. The next annual shareholders meeting for the election of directors of SAIA is scheduled to be held in December 1971.

The transfer indirectly to the estate of Charles W. Engelhard of the securities of SAIA previously owned indirectly by Mr. Engelhard may be deemed, pursuant to sections 2(a)(4), 2(a)(9), and 15(a)(4) of the Act, to have constitued an assignment of the Investment Advisory Agreement between ASAIC and SAIA and to have terminated such Agreement. On March 9, 1971 the board of directors of ASAIC, and on March 15, 1971, the board of directors of SAIA, approved the terms of the investment advisory agreement in effect prior to Mr. Engelhard's death and readopted it.

The annual meeting of shareholders of ASAIC is scheduled to be held on April 26, 1971. The application states that it is impractical to hold a special meeting of shareholders of ASAIC to act on the investment advisory agreement before April 26, 1971.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company and provides, in substance, for its automatic termination in the event of its assignment by the investment adviser.

Section 15(c) provides, among other things, that it is unlawful for any registered investment company having a board of directors to enter into, renew, or perform any investment advisory contract unless the terms of the contract and any renewal thereof are approved by a majority of the directors who are not parties to such contract or affiliated persons of any such party or by the vote of a majority of the outstanding voting securities of such company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection

of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 8, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issue of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above and care of Ernest B. Tracy, 46 William Street, New York, NY 10005. Proof of such service (by affidavit or in case of an attorney at law certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–4278 Filed 3–26–71;8:50 am]

[811–1379]

ENGINEERED ROYALTIES, INC.

Notice of Proposal To Terminate Registration

MARCH 22, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Engineered Royalties, Inc. (Royalties), c/o Cruttenden & Co., Inc., 4500 Campus Drive, Newport Beach, CA 92660, registered under the Act as a closed-end, nondiversified, management investment company, has ceased to be an investment company.

On March 28, 1966, Pacific filed a notification of registration under the Act. Commission records disclose that Royalties does not intend to make a public offering of its securities, has no assets, and no security holders.

Section 3(c)(1) of the Act provides, in pertinent part, that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 15, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Pacific at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–4279 Filed 3–26–71;8:50 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 10/10–5158]

CIRCLE K INVESTMENT CORP.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to section 107.102 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107; 33 F.R. 326) under the name of Circle K Investment Corp., 900 Magoffin Avenue, El Paso, TX 79901, for a license to operate in the States of Texas, New Mexico, Arizona, California, Oregon, Idaho, and Montana as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act). The proposed officers and directors are as follows:

Fred Hervey, 904 Magoffin Avenue, El Paso, TX 79901, President, Director.
John A. Gillett, Jr., 2810 West Camelback, Phoenix, AZ 85017, Director.
Kenneth L. Carroll, 900 Magoffin Avenue, El Paso, TX 79901, Director.

The stock of the company will be wholly owned by Circle K Corp., 900 Magoffin Avenue, El Paso, TX 79901, which operates a chain of approximately 450 convenience stores (grocery stores).

The applicant, a Texas corporation will begin operations with $200,000 of paid-in capital and surplus consisting of 200,000 shares of common stock issued at $1 per share. As a MESBIC, the company's investment policy is that its investments will be made solely to small business concerns which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership in such small business concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. The applicant will not concentrate its investments in any particular industry but will invest in diversified enterprises.

Matters involved in CBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in El Paso, Tex.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 17, 1971.

[FR Doc.71–4269 Filed 3–26–71;8:49 am]

GOLD COAST CAPITAL CORP.

Approval of Application for Transfer of Control of a Licensed Small Business Investment Company

On March 5, 1971, a notice of application for transfer of control was published in the FEDERAL REGISTER (36 F.R. 4451) stating that an application had been filed with the Small Business Administration pursuant to § 107.701 of the SBA rules and regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of Gold Coast Capital Corp., License No. 05/05–0010, 1451 North Bayshore Drive, Miami, FL 33132, a Federal licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Interested persons were given until the close of business March 15, 1970, to submit their written comments to SBA. No comments were received.

SBA, having considered the application and all other pertinent information and facts with regard thereto, hereby approves the application for transfer of control to Messrs. Morris Bayroff and William I. Gold.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 17, 1971.

[FR Doc.71–4270 Filed 3–26–71;8:49 am]

[Declaration of Disaster Loan Area 812]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Bowie County, Tex., suffered damage or destruction resulting from tornado occurring on March 16, 1971.

OFFICE

Small Business Administration District Office, 505 East Travis Street, Marshall, TX 75670.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1971.

Dated: March 18, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71–4271 Filed 3–26–71;8:49 am]

TARIFF COMMISSION

CERTAIN PANTY HOSE

Recommendation for Temporary Exclusion Order in Importation

The Tariff Commission today released a report of its findings in a preliminary investigation (No. 337–25) arising under section 337 of the Tariff Act of 1930 involving certain panty hose which is embraced within the claim of U.S. Patent No. Re. 25,360. Tights, Inc., of Greensboro, N.C., alleged unfair methods of competition and unfair acts of the importation and sale of panty hose manufactured in accordance with the claim of the patent owned by the complainant, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Commissioners Clubb, Leonard, and Moore recommend that, pursuant to the authority in section 337(f) of the Tariff Act, the President request the Secretary of the Treasury to forbid entry into the United States, except under bond, of panty hose which is embraced within the claim of U.S. Patent No. Re. 25,360, except where the importation is made under license of the registered owner of the said patent. Presiding Commissioner Sutton recommends that this action not be taken. The Commission (Commissioner Young not participating) ordered the institution of a full investigation.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71–4298 Filed 3–26–71;8:52 am]

[337–25]

PANTY HOSE

Notice of Investigation and Temporary Exclusion Order Action

A complaint was filed with the United States Tariff Commission on January 30, 1970, by Tights, Inc., of Greensboro, N.C., alleging unfair methods of competition and unfair acts in the importation and sale of certain panty hose which is embraced within the claim of U.S. Patent No. Re. 25,360 owned by the complainant in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Having conducted in accordance with section 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3) a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on October 15, 1970: *Ordered*, That, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of the said panty hose.

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for February 18, 1970 (35 F.R. 3139–40) and the complaint was served on the parties named in the complaint and has been available for inspection by interested persons continuously since issuance of the notice, at the Office of the Secretary located in the Tariff Commission Building, and also in the New York City office of the Commission located in Room 437 of the Customhouse.

Complainant requested that the Commission recommend to the President the issuance of a temporary exclusion order in accordance with the provisions of section 337(f) of the Tariff Act of 1930. Commissioners Clubb, Leonard, and Moore recommended a temporary exclusion order with Presiding Commissioner Sutton dissenting. Commissioner Young did not participate in this decision. The recommendations are being forwarded to the President for his consideration, and his determination as to the issuance of a temporary exclusion order in accordance with section 337(f).

Issued: March 24, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71–4299 Filed 3–26–71;8:52 am]

[AA1921–75]

EGGS FROM MEXICO

Notice of Investigation and Hearing

Having received advice from the Treasury Department on March 22, 1971, that chicken eggs in the shell from Mexico are being, and are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

HEARING. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on May 3, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: March 24, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71–4300 Filed 3–26–71;8:52 am]

DEPARTMENT OF LABOR

Office of the Secretary

ARISTA MILLS CO.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing

an affirmative finding under section 301 (c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of former workers of Arista Mills Co., Winston-Salem plant, located at Winston-Salem, N.C. (No. TEA–W–57). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 437), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before March 31, 1971.

Signed at Washington, D.C., this 23d day of March 1971.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[FR Doc.71-4306 Filed 3-26-71;8:52 am]

INTERSTATE COMMERCE COMMISSION

[Notice 268]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 24, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5466 (Sub-No. 1 TA), filed March 22, 1971. Applicant: FRANK & BROTHERS MOVING CO., INC., 240 East 152d Street, Bronx, NY 10451. Applicant's representative: Brodsky, Linett & Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, between points in the New York Commercial Zone, on the one hand, and, on the other, points in New York, for 180 days. Supporting shippers: Swift Home-Wrap, Inc., 105 Leonard Street, New York, NY 10013; Interconex, Inc., 22 East 67th Street, New York, NY 10021. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 107515 (Sub-No. 742 TA), filed March 22, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050, also: 3901 Jonesboro Road SE. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I, sections A, C, and D to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials, and supplies* used in the conduct of meat packing business, from the plantsite and other facilities of Illini Beef Packers, Inc., at Joslin, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, and Tennessee, for 180 days. Supporting shipper: Illini Beef Packers, Inc., 221 North LaSalle Street, Chicago, IL 60601. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 111401 (Sub-No. 324 TA), filed March 18, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701, also: Post Office Box 632, Enid, OK. Applicant's representative: Victor Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Tulsa, Okla., to Shreveport, La., St. Petersburg, Fla., Gulfport and Meridian, Miss., Lincoln, Nebr., Clovis, N. Mex., Austin, Beaumont, Grand Prairie, Lubbock, Marshall, Midland, Odessa, Temple, and Wichita Falls, Tex., for 180 days. Supporting shipper: Sun Chemical Corp., Mr. J. Bolzak, Director of Traffic, 631 Central Avenue, Carlstadt, NJ 02072. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 112750 (Sub-No. 270 TA), filed March 19, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except coin, currency, bullion, and negotiable securities), as are used in the business of banks, and banking institutions, between Augusta and Savannah, Ga., on the one hand, and, on the other, Charlotte, N.C., between Danville, Lynchburg, Martinsville, and Roanoke, Va., on the one hand, and, on the other, Charlotte and Raleigh, N.C., for 180 days. Supporting shipper: North Carolina National Bank, Post Office Box 120, Charlotte, NC 28201. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 113666 (Sub-No. 53 TA), filed March 19, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized limestone*, from Harrisville, Pa., to points in West Virginia, for 180 days. Supporting shipper: Allegheny Mineral Corp., Post Office Box 10, Kittanning, PA 16201. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 113843 (Sub-No. 167 TA), filed March 18, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix 1, sections A, C, and D to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and (2) *equipment, materials and supplies*, used in the conduct of meatpacking businesses, from Joslin, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: John B. Thomas, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 211–B John F. Kennedy Federal Building, Government Center, Boston, MA 02203.

No. MC 117592 (Sub-No. 4 TA), filed March 19, 1971. Applicant: GERALD L. KRAMER, Rural Delivery No. 4, Quakertown, PA 18951. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground or pulverized ores, minerals, and metallics*, in dump-type or flat bed semitrailers, from Greenville, Pa., to points in Pennsylvania, New York, New Jersey, and Maryland (2) *ores, minerals, and metallics, to be processed*, in dump-type or on flat bed semitrailers, from points in Pennsylvania, New York, New Jersey, and Maryland, to East Greenville, Pa., for 180 days. Supporting shipper: AMSAT Corp., Custom Pulverizing Division, Post Office Box 95, East Greenville, PA 18041. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 118039 (Sub-No. 14 TA), filed March 22, 1971. Applicant: MUSTANG TRANSPORTATION, INC., 856 Warner Street SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, Suite 431, Tile Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, carpeting remnants and rugs*, from plantsite and warehouse of Vernon Carpet Mills, Inc., Randolph County, Ala., to points in the United States (except Alaska and Hawaii), for 120 days. Supporting shipper: Vernon Carpet Mills, Inc., Post Office Box D–300, Wedowee, AL 36278. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 119426 (Sub-No. 7 TA), filed March 18, 1971. Applicant: COOKSTETTER HORSE VAN SERVICE, INC., Box 241, Coeur D'Alene, ID 83814. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, WA 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle with such horses, *Stable supplies and equipment* used in their care, *mascots, and the personal effects of attendants*, between points in Oregon and points in California, for 180 days. Supporting shippers: Geraldine H. Pearson, 20451 South Central Point Road, Oregon City, OR 97045; Seaside Stock Farm, Inc., Route 1, Box 190, Seaside, OR 97138; Henry W. Turk, Post Office Box 694, Grants Pass, OR; Knute M. Qvale, Riveria Motors, 2400 Southeast Fifth, Beaverton, OR; C. E. Gregg, 1860 Highway Northeast, Salem, OR; W. R. Cummings, Box 28, Fern Hill Station, Tacoma, WA; F. E. Peery, 4885 Prairie Road, Junction City, OR; Norman L. Hux, 9000 Northeast Union, Portland, OR; N. E. Norton, 11412 Northeast 26th Avenue, Vancouver, WA 98665; C. W. Bernards, Route 2, Box 211, McMinnville, OR. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

No. MC 119669 (Sub-No. 20 TA), filed March 18, 1971. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, IN 47201. Applicant's representative: Donald McCameron (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and (2) *equipment, materials, and supplies* used in the conduct of meat packing businesses, between the plantsite and warehouse facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Connecticut, Delaware, New Hampshire, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 802, Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 123490 (Sub-No. 15 TA), filed March 22, 1971. Applicant: CHIP CARRIERS, INC., 927 32d Avenue, Council Bluffs, IA 51501, also mail: Post Office Box 894. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, polyurethane, foam pads or padding used for mattresses or upholstery*, from Council Bluffs, Iowa, to Newton, Kans., and Tulsa, Okla., for 150 days. Supporting shipper: Future Foam, Inc., 400 North 10th Street, Council Bluffs, Iowa 51501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 124796 (Sub-No. 84 TA), filed March 19, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cove base*, for the account of Roberts Consolidated Industries, Inc., from City of Industry, Calif., to points in the United States (except Alaska, Hawaii, California, Nevada, Oregon, Washington, Idaho, Montana, and Wyoming), for 150 days. Supporting shipper: Roberts Consolidated Industries, Inc., 600 North Baldwin Park Boulevard, City of Industry, CA 91747. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 Los Angeles Street, Los Angeles, CA 90012.

No. MC 127042 (Sub-No. 76 TA), filed March 18, 1971. Applicant: HAGEN, INC., Post Office Box 6, Leeds Station, 4120 Floyd Boulevard, Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, C, and D of Appendix 1 to the report in the description cases, from the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Arizona, California, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nevada, Oregon, Utah, Washington, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, IA 55501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, IA 51101.

No. MC 128075 (Sub-No. 11 TA), filed March 18, 1971. Applicant: LEON JOHNSRUD, Cresco, IA 52136. Applicant's representative: F. O. Magdefrau, 1451 East Grand Avenue, Des Moines, IA 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (2) *foodstuffs* (except commodities in bulk), when moving in the same vehicle with the commodities listed in (1) above; from the plantsite and warehouse facilities of George A. Hormel & Co., at Austin, Minn., to points in Maine, Massachusetts, New York, Pennsylvania, West Virginia, Vermont, Connecticut, New Jersey, Delaware, Virginia, Tennessee, New Hampshire, Rhode Island, District of Columbia, Maryland, and points in Hertford County, N.C., for 180 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 133608 (Sub-No. 2 TA), filed March 22, 1971. Applicant: LESTER C. DENZIN, doing business as L. C. DENZIN

TRUCKING, Route No. 1, Oakfield, WI 53065. Applicant's representative: Lester C. Denzin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forage box units and Roll-A-Bout feeders* for the account of Denzin & Rahn Manufacturing, from Waupun, Wis., to Minneapolis, Minn.; Batavia and Oneida, N.Y.; Des Moines, Iowa; Lansing, Mich.; Memphis and Chattanooga, Tenn.; Fargo, N. Dak.; Statesville, N.C.; Bald Knob, Ark.; New Paris, Ind.; Kansas City, Mo., and Sioux Falls, S. Dak., for 180 days. Supporting shipper: Denzin & Rahn Manufacturing Co., Route 2, Highway 151 North, Waupun, WI 53963 (Erwin Denzin, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 135350 (Sub-No. 1 TA), filed March 19, 1971. Applicant: W. G. LONG, 412 Cedar Street, Weldon, NC 27890. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap, iron or steel crushed*, such as scrap automobile and/or scrap automobile parts, from points in North Carolina to points in Virginia, for 180 days. Supporting Shipper: John R. Liles III, Liles Landscaping, Littleton, NC 27850. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 135399 (Sub-No. 1 TA), filed March 19, 1971. Applicant: HASKINS TRUCKING, INC., 3735 Gouldburn Street, Houston, TX 77045. Applicant's representative: J. L. Haskins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, pulpboard and materials, equipment, and supplies* used in the manufacture and distribution thereof (except commodities in bulk and commodities which because of size or weight, require special equipment); (1) from the plantsite of Continental Can Co., Inc., Hodge, La., to points in Alabama, Mississippi, Tennessee, Kentucky, Virginia, North Carolina, South Carolina, Georgia, Florida, Texas (except points east of U.S. Highway 75 and except Dallas and Houston, Tex.), Phoenix, Mesa, and Tucson, Ariz., Albuquerque, Roswell, and Santa Fe, N. Mex.; and (2) from points in Alabama, Mississippi, Tennessee (except McMinn County), Kentucky, (except the plantsite of West Virginia Pulp & Paper Co. located at or near Wickliffe, Ky.), Virginia, North Carolina, South Carolina, Georgia (except Richmond County), Florida, Texas (except points east of U.S. Highway 75 and except Dallas and Houston, Tex.), Phoenix, Mesa, and Tucson, Ariz.; and Albuquerque, Roswell, and Santa Fe, N. Mex., to the plantsite of Continental Can Co., Inc., Hodge, La., for 150 days. Supporting shipper: Continental Can Co., Inc., 2 Executive Park West NE., Atlanta, GA 30329. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 135403 TA, filed March 19, 1971. Applicant: CARROL G. MILLER, doing business as MILLER TRANSFER & STORAGE, 31259 East Highway 66, Barstow, CA 92311. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Los Angeles, Orange, San Diego, Riverside, Imperial, San Bernardino, Ventura, Kern, Santa Barbara, and San Luis Obispo Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Astron Forwarding Co., Post Office Box 161, Oakland, CA 94604; Columbia Export Pakers, Inc., 19000 South Vermont Avenue, Torrance, CA 90502; Davidson Forwarding Co., 3180 V Street NE., Washington, DC 20018; Imperial Household Shipping Co., Inc., Post Office Box 20124, St. Petersburg, FL 33702; Jet Forwarding Inc., 2945 Columbia Street, Torrance, CA 90503; Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA 98108. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 135406 TA, filed March 19, 1971. Applicant: LAMAR TRUCKING, INC., 19 Driscoll Street, Rockville Centre, NY. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, NY 10021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, minerals, mineral ores, pigments; and materials and supplies* used in the manufacture of paints, between points within the commercial zone of the city of New York as defined by the Interstate Commerce Commission, on the one hand, and, on the other, points in New York, New Jersey, and the city of Philadelphia, under continuing contract with the Smith Chemical & Color Co., of Brooklyn, N.Y., for 180 days. Supporting shipper: Smith Chemical & Color Co., Inc., 124 Commerce Street, Brooklyn, NY 11231. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 135416 TA, filed March 22, 1971. Applicant: ROBERT C. HUDAK, doing business as CHAMPION VAN & STORAGE, Post Office Box 194, 879 North Highway 101, Buellton, CA 93427. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household* goods, between points in Santa Barbara, San Luis Obispo and Ventura Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic for 180 days. Supporting shippers: Four Winds Forwarding, Inc., Post Office Box 2184, San Diego, CA 92112, and Jet Forwarding, Inc., Torrance, CA 90503. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135418 TA, filed March 22, 1971. Applicant: ACIL J. JAGGERS AND CARL E. HOUGHTON, a partnership, doing business as CALICO TRANSFER & STORAGE, Post Office Box 1046, Barstow, CA 92311. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Bernardino and Riverside Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such shipments for 180 days. Supporting shippers: American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, CA 90744; Four Winds Forwarding, Inc., Post Office Box 2184, San Diego, CA 92112; and Getz Bros. & Co. (U.S.), 640 Sacramento Street, San Francisco, CA 94111. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MOTOR CARRIER OF PASSENGERS

No. MC 135288 (Sub-No. 1 TA), filed March 18, 1971. Applicant: MCGILL'S TAXI AND BUS LINES, INC., doing business as ASHEBORO COACH CO., 151 Sunset Avenue, Asheboro, NC 27203. Applicant's representative: Clarence M. McGill (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage*, in round trip charter operations, beginning and ending at points in Randolph, Chatham, Stanley, Robeson, Moore, Lee, Anson, Richmond, Scotland, and Montgomery Counties, N.C., and extending to points in Florida, Georgia, South Carolina, Virginia, District of Columbia, Maryland, Pennsylvania, New Jersey, New York, and Tennessee, for 180 days. Supported by: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4310 Filed 3-26-71;8:53 am]

[Notice 670]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 24, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72778. By application filed March 19, 1971, SOUTHERN OHIO TRUCK LINES, INC., 325 North Erie Boulevard, Hamilton, OH 45011, seeks temporary authority to lease the operating rights of UNIT TRANSPORTATION, INC., 845 East Avenue, Hamilton, OH 45012, under section 210a(b). The transfer to SOUTHERN OHIO TRUCK LINES, INC., of the operating rights of UNIT TRANSPORTATION, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4311 Filed 3-26-71;8:53 am]

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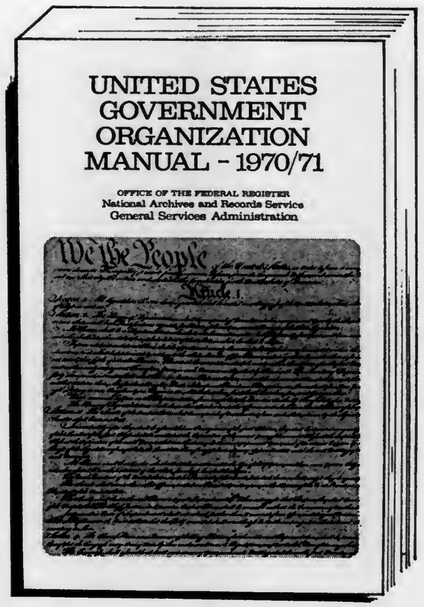
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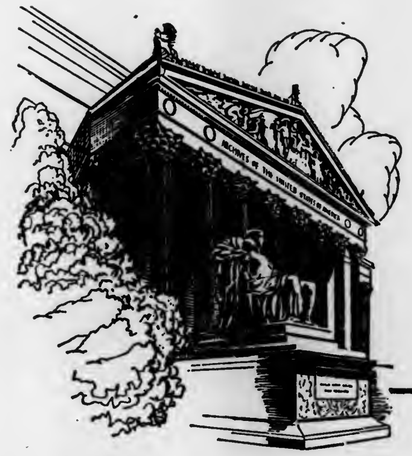
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PETITIONS FOR THIRD AND SIXTH PREFERENCE CLASSIFICATION; ADJUSTMENT OF STATUS

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on February 23, 1971 (36 F.R. 3370), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set out proposed rules which conform Service regulations to the regulations of the Department of Labor published on February 4, 1971 (36 F.R. 2462). No representations were received. Those proposed rules have been amended in the following respects: § 204.1(c)(3) has been amended by clarifying the filing date of a sixth preference petition which is required to be and is supported by a labor certification issued on the basis of a job offer to insure that such a sixth preference petition filed on or after April 1, 1971, will not be accorded a more advantageous filing date than such a petition filed prior to that date; and § 204.4(b) has been amended by clarifying the duration of validity of third and sixth preference petitions and a sentence has been added thereto conferring the benefit of revalidation of third and sixth preference petitions which had previously become invalid solely through the passage of time. The amendatory regulations as set out below are hereby adopted:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

§ 103.1 [Amended]

1. Subparagraph (2) of paragraph (e) of § 103.1 is amended to read as follows:

(2) Decisions on third- and sixth-preference petitions, as provided in § 204.1(c) of this chapter, except when the denial of the petition is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act;

2. Subparagraphs (3) and (5) of paragraph (e) *Regional commissioners* of § 103.1 *Delegations of authority* are revoked.

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

§ 204.1 [Amended]

1. Paragraph (c) of § 204.1 *Petition* is amended to read as follows:

(c) *Petition under section 203(a)(3) or (6)—(1) General.* A petition to classify the status of an alien under section 203(a)(3) or (6) of the Act shall be filed on Form I-140. For each beneficiary a separate Form I-140 must be submitted, accompanied by a fee of $25. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer or an immigration officer. Before it may be accepted and considered properly filed, the petition must be accompanied by Statement of Qualifications of Alien on Form MA 7-50A and Job Offer for Alien Employment on Form MA 7-50B to which the certification under section 212(a)(14) of the Act has been affixed by the Secretary of Labor or his designated representative, except that Form MA 7-50B and such certification may be omitted if the beneficiary is qualified for and will be engaged in an occupation currently listed in the Department of Labor's Schedule A (29 CFR Part 60), or the beneficiary is qualified as a member of a profession or has exceptional ability in the sciences or arts and will be engaged therein.

(2) *Place of filing.* A petition to classify the status of an alien under section 203(a)(3) of the Act shall be filed by such alien or by any person on his behalf in the office of the Service having jurisdiction over the place in the United States where the alien intends to reside. A petition to classify the status of an alien under section 203(a)(6) of the Act shall be filed by the person, firm, or organization desiring and intending to employ the alien within the United States in the office of the Service having jurisdiction over the place of intended employment.

(3) *Filing date.* In the case of a sixth preference petition received by the Service on or after April 1, 1971, which is required to be and is supported by a labor certification issued on the basis of a job offer, the filing date of the petition within the meaning of section 203(c) of the Act shall be the date the request for certification was accepted for processing by any office within the employment service system of the Department of Labor, or April 1, 1971, whichever is the later. In the case of any other sixth preference petition, and in the case of any third preference petition, the filing date of the petition shall be the date it was properly filed with the appropriate Service office.

(4) *Sixth-preference petition for member of the professions or person having exceptional ability in the sciences or arts.* Nothing contained in this part shall preclude an employer who desires and intends to employ an alien who is a member of the professions or a person having exceptional ability in the sciences or the arts from filing a petition for a sixth-preference classification; however, any such petition shall be subject to the requirements of this part governing sixth-preference petitions.

(5) *Interview and decision.* Prior to decision by the district director, the beneficiary and the petitioner may be required as a matter of discretion to appear in person before an immigration or consular officer and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying a petition for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act.

2. Paragraph (d) *Petitions under section 203(a)(6) of the Act* of § 204.1 *Petition* is revoked.

§ 204.2 [Amended]

3. Paragraph (e) of § 204.2 *Documents* is amended to read as follows:

(e) *Evidence of eligibility for third- or sixth-preference classification—(1) General.* The documentary evidence which the petitioner must submit to establish the beneficiary's eligibility under section 203(a)(3) or (6) of the Act shall include Form MA 7-50A, or Forms MA 7-50 A and B, as provided in § 204.1(c), and any documents required to be presented with those forms. If the alien's eligibility is based in whole or in part on higher education, a certified copy of his school record shall be submitted. The record must show the period of attendance, major field of study, and the degrees or diplomas awarded. If the alien has received a license or other official permission to practice his profession, the license or other official permit to practice must also be submitted. If the alien's eligibility is based on a claim of exceptional ability in the sciences or the arts, documentary evidence supporting the claim must be submitted by the petitioner. Such evidence may attest to the universal acclaim and either the national or international recognition accorded to the alien; that he has received a nationally or internationally recognized prize or award or won a nationally or internationally recognized competition for excellence for a specific product or performance or for outstanding achievement; or that he is a member of a national or international association of persons which maintains standards of membership recognizing outstanding achievement as judged by recognized national or international experts in a specific discipline or field of endeavor. An affidavit attesting to an alien's exceptional ability in the sciences or the arts must set forth the name and address of the affiant, state how he has acquired his knowledge of

the alien's qualifications, and must describe in detail the facts on which the affiant bases his assessment of the alien's qualifications. If material published by or about the alien is submitted, it must be accompanied by information as to the date, place, and title of the publication. If the alien's eligibility is based on training or experience, documentary evidence thereof, such as affidavits, must be submitted by the petitioner. Affidavits concerning training or experience must set forth the name and address of the affiant, state how he acquired his knowledge of the alien's qualifications, state the places where and the dates between which the alien gained the training or experience, and described in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien.

(2) *Physicians.* An alien physician shall be considered eligible for classification as a member of the professions if he establishes that he was graduated from a medical school in the United States or Canada, or that he was graduated from a foreign medical school and has successfully passed the examination given by the Educational Council for Foreign Medical Graduates, or that he was graduated from a foreign medical school and has obtained a full and unrestricted license to practice medicine in the country where he obtained his medical education. In any other case the district director may consult the Educational Council for Foreign Medical Graduates or other organizations and experts in the medical field for the purpose of obtaining an advisory opinion of the alien's qualifications as a physician.

(3) *Advisory opinion.* The district director may request the Manpower Administration to furnish an advisory opinion concerning the qualifications of the beneficiary of a petition under section 203(a) (3) or (6) of the Act.

(4) *Certification under section 212 (a) (14).* An alien whose occupation is currently listed in Schedule A (29 CFR Part 60) will be considered as having obtained a certification under section 212(a) (14) of the Act upon determination by the district director that the alien is qualified for and will be engaged in such occupation. In the case of an alien whose occupation is currently listed in Schedule B, the Secretary of Labor has announced that the determination and certification required by section 212(a) (14) of the Act cannot now be made (29 CFR Part 60). In the case of a beneficiary who the district director finds is a member of a profession or a person with exceptional ability in the sciences or arts, but who is not included in Schedule A (29 CFR Part 60), the district director will refer Form MA 7-50A to the appropriate Regional Manpower Administrator for a determination as to whether an individual labor certification will be issued. In the case of any other alien, his employer or prospective employer may apply for certification under section 212(a) (14) of the Act by submitting properly executed Forms MA 7-50A and MA 7-50B, together with the documentary evidence required by the instructions for completion of the forms, to the local office of the State Employment Service serving the area of intended employment. Information concerning the categories of employment listed in Labor Department Schedules (29 CFR Part 60) may be obtained from principal offices of the Service, from State Employment Service offices and from U.S. consular offices.

4. Paragraph (f) *Evidence required to accompany petition for skilled or unskilled labor* of § 204.2 *Documents* is revoked.

5. Paragraphs (b) and (c) of § 204.4 are amended to read as follows:

§ 204.4 Validity of approved petitions.

* * * * *

(b) *Petitions under sections 203(a) (3) and (6).* The approval of a petition to classify an alien as a preference immigrant under section 203(a) (3) or (6) of the Act shall remain valid for as long as the supporting labor certification is valid and unexpired, provided in the case of a petition for third preference classification there is no change in the beneficiary's intention to engage in the indicated profession, art or science, and provided in the case of a petition for sixth preference classification there is no change in the respective intentions of the petitioner and the beneficiary that the beneficiary will be employed by the petitioner in the capacity indicated in the petition. The approval of a petition to classify an alien under section 203(a) (3) or (6) which had heretofore become invalid solely because the date until which the approval was valid had lapsed, is hereby reinstated provided the conditions of this paragraph are met.

(c) *Subsequent petition by same petitioner for same beneficiary.* When a visa petition has been approved and subsequently a new petition by the same petitioner is approved in behalf of the the same beneficiary, the latter approval shall be regarded as a reaffirmation or reinstatement of the validity of the original petition.

* * * * *

§ 204.6 [Amended]

6. The last sentence of § 204.6 *Effect of changed employment on priority date for sixth-preference classification* is amended to read as follows: "However, the original priority date shall be restored if the beneficiary returns to the original petitioner's employment or establishes that he intends upon arrival in the United States to be employed by the original employer as specified in the original petition, and that petition is still valid."

PART 205—REVOCATION OF APPROVAL OF PETITIONS

Paragraph (b) of § 205.1 is amended to read as follows:

§ 205.1 Automatic revocation.

* * * * *

(b) *Petitions under section 203(a) (3) or (6).* (1) Upon expiration pursuant to 29 CFR Part 60 of the labor certification in support of the petition unless the certification is thereafer revalidated.

(2) Upon the death of the petitioner or beneficiary.

(3) Upon formal notice of withdrawal filed by the beneficiary with the officer who approved the petition in a third-preference case.

(4) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition in a sixth-preference case.

(5) Upon termination of the employer's business in a sixth-preference case.

* * * * *

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

§ 245.1 [Amended]

1. Paragraph (e) of § 245.1 *Eligibility* is amended to read as follows:

(e) *Nonpreference aliens.* An applicant who is a nonpreference alien seeking adjustment of status for the purpose of engaging in gainful employment in the United States, and who is not exempted under § 212.8(b) of this chapter from the labor certification requirement of section 212a() (14) of the Act, is ineligible for the benefits of section 245 of the Act unless an individual labor certification is issued by the Secretary of Labor or his designated representative, or unless the applicant establishes that he is within Schedule A (29 CFR Part 60).

2. The fourth sentence of paragraph (g) *Availability of immigrant visas under section 245* of § 245.1 *Eligibility* is amended to read as follows: "The priority date of an applicant who is seeking the allotment of a nonpreference immigrant visa number shall be fixed by the following factors, whichever is the earliest: (1) The priority date accorded the applicant by the consular officer as a nonpreference immigrant; (2) the date on which application Form I-485 is filed, if the applicant establishes that the provisions of section 212(a) (14) of the Act do not apply to him or that he is within the Department of Labor's Schedule A (29 CFR Part 60); (3) the date on which an approved valid third- or sixth-preference visa petition in his behalf was filed if the applicant was within the Department of Labor's Schedule A (29 CFR Part 60); or (4) the date an application for certification was accepted for processing by any office within the employment service system of the Department of Labor, provided the certification applied for was issued."

3. Paragraph (b) of § 245.2 is amended to read as follows:

§ 245.2 Application.

* * * * *

(b) *Application by nonpreference alien seeking adjustment of status for purpose of engaging in gainful employment—(1) Alien whose occupation is included in Schedule A (29 CFR Part 60), or who is a member of the professions, or has exceptional ability in the sciences or arts.* An applicant for adjustment of status as a nonpreference alien under section 245 of the Act who is subject to the labor certification requirement of section 212 (a) (14) of the Act must submit Form MA 7-50A with his application, if he is qualified for and will be engaged in an occupation currently listed in Schedule A (29 CFR Part 60), or if he is a member of a profession or has exceptional ability in the sciences or arts. The Forms MA 7-50A must be executed in accordance with the instructions for completion of that form, and must be accompanied by the evidence of the applicant's qualifications specified in the instructions attached to the application for adjustment of status. The other documents specified in paragraph (a) of this section must also be submitted in support of the application for adjustment of status. Determination concerning certification under section 212(a) (14) of the Act will be made in accordance with the pertinent provisions of § 204.1(e) (4) of this chapter.

(2) *Other nonpreference aliens who will engage in gainful employment.* An applicant for adjustment of status as a nonpreference alien under section 245 of the Act, who is subject to the labor certification requirement of section 212 (a) (14) of the Act, must submit the certification with his application if he is not a member of a profession, is not a person with exceptional ability in the sciences or the arts, and is unqualified for a category of employment currently listed in Schedule A (29 CFR Part 60). The applicant's employer or prospective employer may apply for the certification to the local State Employment Service.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed rules are to conform Service regulations to the regulations promulgated by the Department of Labor relating to immigrant labor certifications on February 4, 1971 (36 F.R. 2462).

This order shall be effective on April 1, 1971. Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to delayed effective date, is unnecessary in this instance and would serve no useful purpose because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: March 24, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-4327 Filed 3-29-71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70-EA-117; Amdt. 39-1179]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to the Pratt & Whitney JT8D-1, -7, -7A type aircraft engines.

There had been a report of the front compressor hub on a JT8D engine having failed. The failure had been ascribed to a crack in the acute corner of the blade slot which propagated to the rear hub rim and through to the bolt holes. Since this deficiency could exist or occur in other engines of the same type design, a telegram dated October 16, 1970, was issued to all known owners of airplanes incorporating the JT8D engines requiring an inspection of the hub. Subsequent evaluation was performed with the intent of making the inspection a repetitive one. However, it is determined that such amendment of the telegraphic airworthiness directive is unnecessary and it is, therefore, being published in its original form. However, the safety concern is still present and requires expeditious adoption of the amendment making notice and public procedure impractical and requiring effectivity in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 12697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Applies to all Pratt & Whitney, Aircraft JT8D-1, JT8D-7, and JT8D-7A Turbofan Engines which incorporate Part No. 504101 and 515201 front compressor front hubs (first stage fan disc). To preclude front compressor front hub failures accomplish the following, unless already accomplished:

1. Hubs with 6,000 total cycles in service but less than 8,000 total cycles in service:

(A) Inspect in accordance with paragraph (4) within the next 70 cycles in service, or

(B) Inspect in accordance with paragraph (5) within the next 70 cycles in service unless already accomplished within the last 1,500 cycles.

2. Hubs with 8,000 total cycles or more in service:

(A) Inspect in accordance with paragraph (4) within the next 140 cycles in service, or

(B) Inspect in accordance with paragraph (5) within the next 140 cycles in service unless already accomplished within the last 1,500 cycles.

3. Hubs with less than 6,000 total cycles in service:

(A) Inspect in accordance with paragraph (4) prior to the accumulation of 6,070 cycles in service, or

(B) Inspect in accordance with paragraph (5) prior to the accumulation of 6,070 cycles, unless already accomplished subsequent to 4,500 cycles.

4. With a mirror or equivalent inspect all visible portions of the rear face of the disc rim and overhang of the front compressor front hub for cracks, with particular attention to the acute corner. If any crack is found, replace hub before further flight.

5. Remove all first stage compressor blades from front compressor hub and by use of fluorescent penetrant, inspect for cracks paying particular attention to the rear acute corner of the hub blade slots. If any crack is found, replace hub before further flight.

This amendment is effective March 30, 1971 and was effective upon all recipients of the telegram dated October 16, 1970, which contained this Airworthiness Directive.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), DOT Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 12, 1971.

ROBERT M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-4351 Filed 3-29-71;8:48 am]

[Airspace Docket No. 71-CE-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Madison, Wis.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new

criteria requires minor alteration of the Madison, Wis., control zone and transition area. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 27, 1971, as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

MADISON, WIS.

That airspace within a 5½-mile radius of the Truax Field Airport (latitude 43°08'15" W., longitude 89°20'10" W.); within 2½ miles each side of the Madison VOR 359° radial extending from the 5½ mile radius to 6 miles north of the VOR; and within 2½ miles each side of the Madison VOR 134° radial extending from the 5½-mile radius to 6 miles southeast of the VOR.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

MADISON, WIS.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Truax Airport (latitude 43°08'15" N., longitude 89°20'10" W.); within 3 miles each side of the Madison ILS localizer south course extending from the 11-mile radius to 8 miles south of the Madison ILS outer marker; and within 3 miles each side of the Madison ILS localizer north course extending from the 11-mile radius to 8 miles north of the Windsor back course marker; and that airspace extending upward from 1,200 feet above the surface bounded on the north by a line extending from latitude 43°43'00" N., longitude 89°55'00" W., to latitude 43°30'00" N., longitude 88°30'00" W.; on the east by longitude 88°30'00" W.; on the south by latitude 42°45'00" N.; and on the west by longitude 89°55'00" W.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 10, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-4346 Filed 3-29-71;8:48 am]

[Airspace Docket No. 71-CE-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Ashland, Wis.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Ashland, Wis., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 27, 1971, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

ASHLAND, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the John F. Kennedy Memorial Airport (latitude 46°32'55" N., longitude 90°55'00" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southeast and 4½ miles northwest of the 209° bearing from the John F. Kennedy Memorial Airport extending from the airport to 18½ miles southwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 10, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-4347 Filed 3-29-71;8:48 am]

[Airspace Docket No. 71-CE-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area of Sheboygan, Wis.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the transition area at Sheboygan, Wis. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 27, 1971, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

SHEBOYGAN, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Sheboygan County Memorial Airport (latitude 43°46'05" N., longitude 87°51'05" W.); and within 3 miles each side of the 026° bearing from the Sheboygan County Memorial Airport extending from the airport to 8 miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 16, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-4348 Filed 3-29-71;8:48 am]

[Airspace Docket No. 70-CE-116]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 7, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 225) stating that the Federal Aviation Administration proposed to alter the Watertown, S. Dak., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. No objections have been received to this proposal.

Subsequent to the publication of this notice it has been determined that the NDB (ADF) Runway 30 approach procedure has been canceled. Therefore, less airspace is required than was proposed in the notice and will be so deleted from the adopted rule.

Since this change reduces the amount of controlled airspace and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and this change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 27, 1971, as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

WATERTOWN, S. DAK.

That airspace within a 5-mile radius of Watertown Municipal Airport (latitude 44°-54''51' N., longitude 97°09'16'' W.).

(2) In § 71.181 (35 F.R. 2134) the following transition area is amended to read:

WATERTOWN, S. DAK.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Watertown Municipal Airport (latitude 44°54'51'' N., longitude 97°09'16'' W.); within 4½ miles east and 9½ miles west of the Watertown VORTAC 006° radial extending from the 10-mile radius to 18½ miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 23½-mile radius circle centered on the Watertown VORTAC, extending from a line 5 miles north of and parallel to the VORTAC 086° radial clockwise to a line 5 miles northwest of and parallel to the VORTAC 235° radial; within a 13-mile radius of the Watertown VORTAC from a line 5 miles northwest of and parallel to the VORTAC 235° radial clockwise to a line 5 miles north of and parallel to the VORTAC 086° radial; and within 9½ miles east and 4½ miles west of the Watertown VORTAC 185° radial extending from the VORTAC to 30 miles south of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 12, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-4349 Filed 3-29-71;8:48 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Delivery of the Shipper's Export Declaration to Exporting Carrier

Correction

In F.R. Doc. 71-3928 appearing at page 5411 in the issue of Tuesday, March 23, 1971, the phrase "shipments by vessel or aid" in the first line of § 30.12 should read "shipments by vessel or air".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1866]

PART 13—PROHIBITED TRADE PRACTICES

Chrysler Corp. et al.

Subpart—Advertising falsely or misleading: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 12.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material discuosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Chrysler Corp. et al., Highland Park, Mich., Docket No. C-1866, Feb. 19, 1971]

In the Matter of Chrysler Corp., Chrysler Motors Corp., and Young & Rubicam, Inc., Corporations

Consent order requiring a major automobile corporation with headquarters in Highland Park, Mich., and its New York City advertising agency to cease violating the Truth in Lending Act by misrepresenting in advertisements that a specific installment payment can be arranged in the credit sale of its automobiles; representing the amount of the downpayment or that no downpayment is required, the amount of the installment payment, the dollar amount of any finance charge, the number of installments or period of repayment, or that there is no charge for credit, unless the terminology of Regulation Z is used; and publishing any consumer credit advertising without making all disclosures required by Regulation Z.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Chrysler Corp. and Chrysler Motors Corp., corporations, and their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit in connection with the sale of automobiles, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing, directly or by implication, that a specific amount of credit or installment amount can be arranged unless such amount is usually and customarily made available to purchasers of such automobiles by a substantial number of dealers in the areas in which the advertisement is to appear. Unless it has been ascertained that all dealers in such areas arrange credit in the amount advertised, the advertisement shall indicate that the amount shown is not necessarily available from all dealers.

2. Representing, directly or by implication, the amount of the down payment required or that no down payment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z:

(i) The cash price;

(ii) The amount of the down payment required or that no down payment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

3. Causing to be published any consumer credit advertisement without making all disclosures that are required by § 226.10 (a) and (d) of Regulation Z to be made in connection with that advertisement, in the manner and form prescribed in Regulation Z.

4. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of preparation, creation, and placing of advertising, all persons engaged in reviewing the legal sufficiency of advertising, and all present and future agencies engaged in preparation, creation and placing of advertising on behalf of respondents, and failing to secure from each such person or agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondent Young & Rubicam, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with any advertisement to aid, promote, or assist, directly or indirectly any extension of "consumer credit" in connection with the sale of automobiles, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing, directly or by implication, that a specific amount of credit or installment amount can be arranged unless such amount is usually and customarily made available to purchasers of such automobiles by a substantial number of dealers in the areas in which the advertisement is to appear. Unless it has been ascertained that all dealers in such areas arrange credit in the amount advertised, the advertisement shall indicate that the amount shown is not necessarily available from all dealers.

2. Representing, directly or by implication, in any advertisement on behalf of any advertiser the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items

are stated in terminology prescribed under § 226.8 of Regulation Z:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

3. Creating or causing to be published any consumer credit advertisement without making all disclosures that are required by § 226.10 (a) and (d) of Regulation Z to be made in connection with that advertisement, in the manner and form prescribed by Regulation Z.

4. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in reviewing the legal sufficiency of advertising prepared, created, or placed on behalf of any advertiser, and failing to secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That each respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: February 19, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-4333 Filed 3-29-71;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6392]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Periodic Payment Plans and Face-Amount Certificates

This is the second in a series of releases relating to the Investment Company Amendments Act of 1970 (1970 Act), Public Law 91-547, enacted December 14, 1970. The purpose of this release is to call to the attention of registered investment companies and other interested persons some important provisions of the 1970 Act relating to periodic payment plan and face-amount certificates which will require companies issuing such certificates and their managements to take certain actions.

CONTRACTUAL OR PERIODIC PAYMENT PLANS

The 1970 Act amends section 27 of the Investment Company Act by adding new subsections (d), (e), (f), (g), and (h), which provide greater protection to investors in contractual or periodic payment plans. These amendments do not become effective until June 14, 1971, but a number of matters should be considered, some requiring immediate action.

New subsection (d) will make it unlawful on and after June 14, 1971, for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless it provides that the holder thereof may surrender the certificate at any time within the first 18 months after its issuance and receive payment thereof, in cash, the sum of (1) the value of his account and (2) an amount equal to that part of the excess paid for sales loading which is over 15 percent of the gross payments made by the holder. This subsection also gives the Commission authority to adopt rules specifying such reserve requirements as it deems necessary or appropriate in order for such depositors and underwriters to carry out their obligations to refund sales charges. Subsection (e) requires that any registered company which issues periodic payment plant certificates subject to subsection (d) or any depositor or underwriter for such a company must give written notice of the refund rights specified in subsection (d) to certificate holders who have missed a specified number of payments. In addition, subsection (e) authorizes the Commission to make rules specifying the method, form, and contents of such notice.

In connection with subsection (d), it should be noted that the refund obligation of the depositor or underwriter of the registered company issuing the periodic payment plan certificate, which is required to be embodied in the certificate, may be considered to be an evidence of indebtedness, and thus a security as defined by section 2(1) of the Securities Act of 1933, which might be required to be registered under that Act. Also, depending upon the use of the portion of the proceeds from the sale of the plan which is held in reserve to meet the refund obligations, the depositor or underwriter may be an investment company for the purposes of the Investment Company Act. However, the Commission will deem the requirements of the Securities Act to be met with respect to the refund obligation and will not raise any questions under the Investment Company Act at this time, if the depositor or underwriter makes adequate disclosure of its financial status and ability to meet its refund obligations in the registration statement and prospectus for the certificates. Appropriate disclosure requirements will be specified in a revised form for registration of unit investment trusts now in preparation. Of course, until such form is promulgated unit investment trusts should continue to use Forms S-6 and N-8B-2.

As an alternative to the refund obligations imposed by subsection (d), new subsection (g) would permit a registered investment company issuing periodic payment plan certificates to elect to be governed by the provisions of new subsection (h). Any such election must be by written notice to the Commission and may be filed with the Commission prior to June 14, 1971, to take effect on or after that date. Subsection (g) makes no provision for an investment company which has elected to be governed by subsection (h) to revoke such election. However, the Commission expects to adopt a rule to allow revocation of such election, subject to appropriate limitations.

Subsection (h) will make it unlawful for a registered investment company governed by that subsection to issue periodic payment plan certificates, or for any depositor or underwriter for such company, to sell any such certificate if, among other things, (1) the sales load exceeds 9 percent of the total payments to be made thereon,[1] (2) more than 20 percent of any 1 year's payments are deducted for sales load, (3) more than an average of 16 percent is deducted from the first 48 monthly payments, or (4) the amount deducted for sales load in any month on any payment in excess of the minimum monthly payment, or its equivalent, exceeds the sales load applicable to payments subsequent to the first 48 monthly payments or their equivalent.

New subsection (f) requires the custodian bank for any periodic payment plan to mail to each certificate holder within 60 days after issuance of the certificate, a statement of charges[2] to be deducted from the projected payments on the certificate and a notice of his right of withdrawal. Under this new subsection, a certificate holder may within 45 days of the mailing of such notice surrender his certificate and receive in payment thereof, in cash, the sum of (1) the value of his account and (2) an amount, from the underwriter or depositor, equal to the difference between the gross payments and the net amount invested. It should be noted that this provision affords the certificate holder the right to a complete refund of all charges imposed in connection with the sale plus the then value of his account, whether such certificate is sold subject to subsection (d) or subject to subsection (h).

Subsection (f) gives the Commission authority to adopt rules specifying the method, form, and contents of the notice required by this subsection. Also, the Commission is given authority to adopt rules specifying such reserve requirements as it deems necessary or appropriate in order for underwriters and depositors of such registered companies to carry out their obligations to refund sales charges as required by the subsection. The Commission intends to propose rules on these subjects in the near future.

It is clear that the amendments to section 27 of the Investment Company Act will permit a person on and after June 14, 1971, to purchase a periodic payment plan certificate on substantially more advantageous terms. The Commission believes that it is important for investors to consider these factors in deciding whether or not to purchase periodic payment plan certificates prior to June 14, 1971, and that they constitute material facts which should be disclosed no later than April 1, 1971, on the front page of the prospectuses of issuers of such certificates. For this purpose, amendments may be made pursuant to Rule 424(c) under the Securities Act of 1933. The Commission would ordinarily consider acceptable language which substantially conforms to the following guidelines:

GUIDELINES FOR SUPPLEMENTS TO PROSPECTUSES OF REGISTERED INVESTMENT COMPANIES ISSUING PERIODIC PAYMENT PLANS

The following guidelines for supplements are presented in three versions. The first version should be used by companies which have not yet determined whether they will be governed by the provisions of section 27(h) or the provisions of sections 27 (a) and (d). The second version should be used by companies which elect or plan to elect to be governed by section 27(h). The third version is for use by companies which plan to be governed by sections 27 (a) and (d).

(1) FOR COMPANIES WHICH HAVE NOT DETERMINED WHETHER TO BE GOVERNED BY SECTION 27(h)

Under recent amendments to the Investment Company Act of 1940, a planholder who starts a periodic payment plan on or after June 14, 1971, will have certain new rights including (a) a 45-day right of withdrawal and refund, and (b) either (i) a direct limit on the amounts which may be deducted for sales charges from payments during the early years of the plan, or (ii) an indirect limit on such charges in the form of a refund of a portion of the sales charges during the first 18 months of the plan. You should consider these rights, explained below, in deciding whether to purchase a periodic payment plan before that date.

(a) The first right, a 45-day right of withdrawal, is applicable to all such plans. A new planholder will be entitled to surrender his periodic payment plan certificate for any reason within 45 days after the custodian bank mails the planholder a notice of that right and to receive in cash the value of his account plus an amount equal to the difference between the gross payments made and the net amount invested.

(b) Under the periodic payment plans now in effect, and being offered by this prospectus, 50 percent of the total payments made during the first 12 months or their equivalent is deducted as sales charges. (i) Effective June 14, 1971, registered investment companies issuing periodic payment plan certificates may elect to sell periodic payment plans under which no more than 20 percent of any payment is deducted for sales charges and no more than an average of 16 percent is deducted for sales charges from the first 48 payments. Under this provision, in addition to these direct limits on sales charges, a substantially larger portion of the planholder's early payments would be invested on his behalf in the shares of the underlying investment company than under the periodic payment plans presently being offered. The sponsor has not yet determined whether it will elect to offer periodic payment plans on this basis. (ii) If it does not elect to do so, a planholder who starts his periodic payment plan on or after June 14, 1971, will be entitled, at any time within 18 months after the issuance of his certificate, to surrender that certificate and receive in cash the value of his account plus that part of the amount which he has paid for sales charges which exceeds 15 percent of his gross payments. Holders of periodic payment plans now in effect or purchased before June 14, 1971, will not be entitled to any of the above rights. Under such plans a planholder who redeems during the first 18 months receives only the net asset value of his plan.

(2) FOR COMPANIES WHICH ELECT TO BE GOVERNED BY SECTION 27(h)

Under recent amendments to the Investment Company Act of 1940, a planholder who starts a periodic payment plan on or after June 14, 1971, will have certain new rights, including (a) a 45-day right of withdrawal and refund, and (b) a limit on the amounts which may be deducted for sales charges from payments during the early years. You should consider these rights, explained below, in deciding whether to purchase a periodic payment plan before that date.

(a) The first right, a 45-day right of withdrawal, enables a new planholder to surrender his periodic payment plan certificate for any reason within 45 days after the custodian bank mails the planholder a notice of that right and to receive in cash the value of his account plus an amount equal to the difference between the gross payments made and the net amount invested.

(b) The second right will substantially reduce the sales load which may be deducted from payments made during the early years of the plan, and thus would reduce effective charges for certificates surrendered during such early years. Starting June 14, 1971, the sponsor intends to offer periodic payment plans under which no more than 20 percent of any payment will be deducted for sales charges and no more than an average of 16 percent will be deducted for sales charges on the first 48 payments. Under this new plan a substantially larger portion of a planholder's early payments will be invested on his behalf in the shares of the underlying investment company than under the periodic payment plans offered by this prospectus and presently in effect. Holders of periodic payment plans now in effect or purchased before June 14, 1971, will not be entitled to any of the above rights. Under such plans, 50 percent of the total payments made during the first 12 months or their equivalent is deducted as sales charge and a planholder who redeems receives only the net asset value of his plan.

(3) FOR COMPANIES WHICH HAVE DETERMINED NOT TO ELECT TO BE GOVERNED BY SECTION 27(h)

Under recent amendments to the Investment Company Act of 1940, a planholder who starts a periodic payment plan on or after June 14, 1971, will have certain new rights, including (a) a 45-day right of withdrawal and refund, and (b) a right to receive a refund of a portion of the sales charges during the first 18 months of the plan. You should consider these rights, explained below, in deciding whether to purchase a periodic payment plan before that date.

(a) The first right, a 45-day right of withdrawal, enables a new planholder to surrender his periodic payment plan certificate for any reason within 45 days after the custodian bank mails the planholder a notice of that right and to receive in cash the value of his account plus an amount equal to the difference between the gross payments made and the net amount invested.

(b) New planholders will also have another right which may substantially increase the amount recoverable on certificates surrendered during the first 18 months after their issuance. A planholder who starts a plan on or after June 14, 1971, will be entitled, at any time within 18 months after the issuance of his certificate, to surrender his certificate and receive in cash the value of his account plus that part of the amount which he has paid for sales charges which exceeds 15 percent of his gross payments. In addition, a new planholder who misses specified numbers of payments during this 18-month period will be sent a notice informing him of (1) his right to surrender, (2) the value of his account at the time of the mailing of the notice, and (3) the amount to which he is entitled. Holders of periodic payment plans now in effect or purchased before June 14, 1971, will not be entitled to any of the above rights. Under such plans 50 percent of total payments made during the first 12 months or their equivalent is deducted as sales charges and a planholder who redeems during the first 18 months receives only the net asset value of his plan.

FACE-AMOUNT CERTIFICATES

The 1970 Act adds a new section 28(1) to the Investment Company Act which increases reserve requirements for face-amount certificates issued on and after June 14, 1971. Instead of the present certificate reserve requirement of 50 percent the first year, the amendment requires that the reserve payment or payments on such certificates for the first 3 certificate years must amount to at least 80 percent of the required gross annual payment for those years, 90 percent in the fourth certificate year, 93 percent in the fifth year and 96 percent in subsequent years.

In effect, this amendment reduces the front-end load on face-amount certificates sold on and after June 14, 1971, to 20 percent in each of the first 3 years, 10 percent in the fourth year, 7 percent in the fifth year and 4 percent in subsequent years. It also provides for similar reductions in any surrender charges on face-amount certificates issued on and after June 14, 1971.

Several face-amount certificate companies are already offering certificates which meet the requirements of the amendment. However, other companies

[1] Although section 27 of the Act provides an outer limit of a 9 percent sales load on any periodic payment plan certificate, this provision does not limit in any way the authority of the National Association of Securities Dealers, Inc., or of the Commission under section 22(b) to make rules to prohibit excessive sales loads.

[2] The charges which must be described, in such statement include the sales load and all other custodial, administrative, and similar charges imposed in connection with the sale of a certificate.

now offering or selling face-amount certificates which do not comply with the requirements of new section 28(i) should disclose in their prospectuses no later than April 1, 1971, the reduced sales and surrender charges which will be available on and after June 14, 1971, since the Commission believes that such changes constitute material facts which investors should consider in deciding whether or not to purchase face-amount certificates.

By the Commission, March 19, 1971.

[SEAL] ROSALIE SCHNEIDER,
Recording Secretary.

[FR Doc.71-4413 Filed 3-29-71;8:50 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965-__)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

COMPENSATION OF OWNERS

Correction

In F.R. Doc. 71-3996 appearing on page 5488 in the issue for Wednesday, March 24, 1971, the word "provided" in the ninth line of § 405.426(d)(1) should read "provider".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

ISSUANCE OF CERTAIN NOTICES REGARDING FOOD STANDARDS, FOOD ADDITIVES, AND COLOR ADDITIVES

Under authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new paragraph is added to § 2.121 to establish the described delegation of authority:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(t) *Delegation regarding issuance of notices of filing of petitions and notices of proposed rulemaking pertaining to food standards, food additives, and color additives.* The Director of the Bureau of Foods is authorized to perform all the functions of the Commissioner of Food and Drugs under sections 401, 409, and 706 of the Federal Food, Drug, and Cosmetic Act regarding the issuance of notices of filing of petitions and notices of proposed rulemaking pertaining to food standards, food additives, and color additives.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-30-71).

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: March 18, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-4320 Filed 3-29-71;8:45 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.636]

PART 51—PASSPORTS

Issuance of Passports to Boy Scouts Attending World Jamboree of Boy Scouts

Part 51, Chapter I, Title 22, of the Code of Federal Regulations is amended in accordance with section 4 of the Act of December 9, 1970 (Public Law 91-539), governing the issuance of passports to Boy Scouts, Scouters, or officials of the Boy Scouts of America who are nationals of the United States for use in attending the World Jamboree of Boy Scouts to be held in Japan in July and August 1971.

Section 51.63(a) is amended by adding a new subparagraph (4) to read as follows:

§ 51.63 Exemption from payment of passport or fee.

(a) * * *

(4) Any Boy Scout, Scouter, or official of the Boy Scouts of America who is a national of the United States and who is certified by a responsible official of the National Council, Boy Scouts of America, as a representative of the Boy Scouts of America at the World Jamboree, Boy Scouts, in Japan in July and August 1971. No person described in this subparagraph (4) shall be required to pay an execution fee when his passport application is executed before a Federal official. Each passport issued under this subparagraph (4) shall:

(i) Include only the name of the applicant;

(ii) Be restricted in validity to a period not later than November 1, 1971; and

(iii) Bear a statement of the purpose for which it is issued.

* * * * *

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (3-30-71) and shall remain in effect until November 1, 1971.

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 211a, 2658, E.O. 11295; 3 CFR, 1966 Comp.)

For the Secretary of State.

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

MARCH 17, 1971.

[FR Doc.71-4356 Filed 3-29-71;8:49 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER A—NATIONAL INSURANCE DEVELOPMENT PROGRAM

PART 1906—STANDARD REINSURANCE CONTRACT

The purpose of the following revision is to offer Federal reinsurance against excess aggregate losses from riots and civil disorders, as defined in § 1906.21, to insurance companies eligible under § 1906.35 for such coverage, for the May 1, 1971, through April 30, 1972, contract year; and to set forth the terms, conditions, and premium rates for such coverage. The principal changes in the contract from the preceding year are (1) a reduction in the basic premium rate from $0.30 to $0.15 per $100 of direct earned premiums, to be paid in a single installment; (2) a reduction from $2.50 to $2 per $100 of direct earned permiums in the assessment liability under § 1906.27, combined with an elimination of credits against net retention (and its concomitant recordkeeping requirements) and provision for making such assessments (where necessary) in increments of $0.10; and (3) the establishment of a $25 minimum premium under § 1906.31 for each reinsured State.

Insurers may enter into the contract with the Federal Insurance Administration in the manner prescribed by § 1906.24.

Notice and public procedure upon this revision are not required inasmuch as it relates only to a contract (5 U.S.C. 553(a)(2)).

Part 1906 is revised to read as follows:

Sec.
1906.20 Statement of applicable law.
1906.21 Definitions.

Sec.
1906.22 Offer to provide reinsurance.
1906.23 Effective date of offer.
1906.24 Acceptance of offer.
1906.25 Policies reinsured.
1906.26 Premiums.
1906.27 Assessments.
1906.28 Claims.
1906.29 Inception and expiration dates.
1906.30 Cancellations.
1906.31 Adjustments.
1906.32 Insolvency.
1906.33 Errors and omissions.
1906.34 Restriction of benefits.
1906.35 Participation in statewide plans.
1906.36 Limitations on reinsurance.
1906.37 Arbitration.
1906.38 Access to books and records.
1906.39 Information and annual statements.

AUTHORITY: The provisions of this Part 1906 issued under title XII, National Housing Act, added by the Urban Property Protection and Reinsurance Act of 1968 (secs. 405-407, Public Law 91-152, Dec. 24, 1969), 12 U.S.C. 1749bbb—1749bbb-21; 5 U.S.C. 553; and Secretary's delegation of authority to Federal Insurance Administrator, effective February 27, 1969 (34 F.R. 2680).

§ 1906.20 Statement of applicable law.

Title XII of the National Housing Act (hereinafter referred to as the Act), added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21, provides for a National Insurance Development Program. Pursuant to this title, the Secretary of Housing and Urban Development is authorized to offer to any insurer reinsurance against losses resulting from riots or civil disorders, in all standard lines of property insurance enumerated under subparagraphs (A) through (E) of section 1203(a)(13) of the Act taken together, and, with respect to any State in which such reinsurance is purchased, to offer reinsurance individually on the standard lines of property insurance enumerated under subparagraphs (F) through (J) of said section. Principal eligibility requirements under the Act for such reinsurance are set forth in § 1906.35.

§ 1906.21 Definitions.

As used in this part:

(a) "Aggregate losses" means the sum total of losses resulting from riots or civil disorders occurring in a State and allocable to a State in which reinsurance is provided;

(b) "Civil disorder" means:

(1) Any pattern of unlawful incidents taking place within close proximity as to time and place and involving property damage intentionally caused by persons apparently having civil disruption, civil disobedience, or civil protest as a primary motivation, at least two of which incidents result in property damage in excess of $1,000 each; or

(2) Any occurrence of property damage in excess of $2,000 caused by persons whose unlawful conduct in causing the occurrence clearly manifests their primary purpose of civil disruption, civil disobedence, or civil protest;

(c) "Company" means any company authorized to engage in the insurance business under the laws of any State, except that if there are two or more companies within a State in which reinsurance is to be provided under the contract which as determined by the reinsurer:

(1) Are under common ownership and ordinarily operate on a group basis; or

(2) Are under single management direction; or

(3) Are otherwise determined by the reinsurer to have substantially common or interrelated ownership, direction, management, or control; then all such related, associated, or affiliated companies, excluding nonadmitted companies which are not specifically included by endorsement to the contract, shall be reinsured only as one aggregate entity;

(d) "Continuing organization, pool, or association of insurers" means an industry pool created to provide direct insurance to meet special problems of insurability, such as for a particular class or type of business;

(e) "Contract" means the Standard Reinsurance Contract;

(f) "Direct premiums earned" means direct premiums earned as reported in column 2 on page 14 of the company's Fire and Casualty Annual Statement for the specified calendar year, in the form adopted by the National Association of Insurance Commissioners, subject to (1) adjustment as approved by the reinsurer for cessions to pools, facilities, and associations, and for the inclusion of participations in such pools, facilities, and associations, and (2) such other appropriate adjustments as may be approved or required by the reinsurer, which shall include adjustments for dividends paid or credited to policyholders and reported in column 3 on page 14, subject to a maximum credit of 20 per centum of direct premiums earned for any one line of insurance;

(g) "Excess aggregate losses" means that part of aggregate losses which is equal to the sum of—

(1) 90 percent of the company's aggregate losses in excess of its net retention until the company's 10-percent share of aggregate losses under this subparagraph (1) equals the amount of its net retention;

(2) 95 percent of the company's remaining aggregate losses (after deducting the reinsurer's share of aggregate losses under subparagraph (1) of this paragraph in excess of twice its net retention, until the company's 5-percent share of aggregate losses under this subparagraph (2) equals the amount of its net retention; and

(3) 98 percent of the company's remaining aggregate losses (after deducting the reinsurer's share of aggregate losses under subparagraphs (1) and (2) of this paragraph) in excess of an amount equal to three times its net retention;

(h) "Losses" means all claims proved, approved, and paid by the company under reinsured policies, resulting from riots or civil disorders occurring in a State during the period of the contract, after making proper deduction for salvage and for recoveries other than reinsurance, together with an allowance for expense in connection therewith, hereby agreed to equal an amount per claim of eight per centum (8%) of the first $25,000 of any such claim, plus three per centum (3%) of the amount by which such claim exceeds $25,000 but is less than $100,000, plus one per centum (1%) of the amount by which the claim exceeds $100,000;

(i) "Net retention" means the amount of aggregate losses that the company must stand before the reinsurer's liability attaches under the contract and shall be one aggregate figure for each State which shall be the larger of either $1,000 or the amount determined by applying a factor of two and one-half per centum (2½%) to the specified percentage of the company's direct premiums earned in the State for the calendar year 1971 on those lines of insurance reinsured;

(j) "Property owner" means any individual or group of individuals, corporation, partnership, or association, or any other organized groups of persons having an insurable interest in any real, personal, or mixed real and personal property;

(k) "Reinsurer" means the Federal Insurance Administrator;

(l) "Riot" means any tumultuous disturbance of the public peace by three or more persons mutually assisting one another, or otherwise acting in concert, in the execution of a common purpose by the unlawful use of force and violence resulting in property damage of any kind;

(m) "Specified percentage" means one hundred per centum (100%) of the direct premiums earned for each line of insurance reinsured under the contract, except that the specified percentage of Homeowners multiple peril shall be eighty-five per centum (85%) and that of Commercial multiple peril shall be sixty-five per centum (65%);

(n) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions, and the Trust Territory of the Pacific Islands; and

(o) "State pool" means any State pool or other facility required under State law or approved by the State insurance authority which is formed, associated, or otherwise created as part of a statewide plan for the purpose of making property insurance more readily available.

§ 1906.22 Offer to provide reinsurance.

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968, and subject to the terms and conditions set forth in this part, the reinsurer offers to enter into a contract to pay, as reinsurance of the company, the amount of the company's excess aggregate losses resulting from riots or civil disorders in such lines of mandatory and optional coverage as may be designated by the company separately for each State.

§ 1906.23 Effective date of offer.

The reinsurer's offer to provide reinsurance under the terms and conditions set forth in this part is effective at the

time this document is filed for public inspection at the Office of the Federal Register.

§ 1906.24 Acceptance of offer.

(a) Acceptance of this offer shall be by telegraphed or mailed notice of acceptance to the reinsurer. The date of dispatch of this notice of acceptance, which date should be no later than 12 p.m., e.s.t., April 30, 1971, must be clearly shown either by telegraph dispatch notation or postmark.

(b) The telegram or letter accepting this offer of reinsurance must indicate the States in which reinsurance on lines of mandatory coverage is to be provided and must specifically designate for each such State the lines of optional coverage for which reinsurance is to be provided. This notice of acceptance shall be in substantially the following form:

The [name of insurer or insurers] hereby accepts the offer as filed with the Office of the Federal Register of a Standard Reinsurance Contract pursuant to the Urban Property Protection and Reinsurance Act of 1968 for the mandatory and [specify] optional lines in the following States: [specify].

(c) Any company accepting this offer of reinsurance in accordance with paragraphs (a) and (b) of this section shall be supplied copies of the Standard Reinsurance Contract, Form HUD–1601, for execution and return to the reinsurer.

§ 1906.25 Policies reinsured.

(a) Reinsurance, under a Standard Reinsurance Contract provided pursuant to this offer, shall apply to:

(1) All policies or contracts of direct property insurance issued by the company to any property owner, except for policies for which the business is handled for or through any State pool or any other continuing organization, pool, or association of insurers, and

(2) The company's participations in State pools and, as may be approved by the reinsurer, in other continuing organizations, pools, or associations of insurers,

which policies, contracts, or participations are in force on the effective date of the contract or which commence or are renewed on or after such effective date in all the mandatory and in such optional standard lines of property insurance listed under paragraphs (b) and (c) of this section as may be designated separately for each State.

(b) The lines of mandatory coverage are:

(1) Fire and extended coverage;
(2) Vandalism and malicious mischief;
(3) other allied lines of fire insurance;
(4) Burglary and theft; and
(5) Those portions of multiple peril policies covering similar perils to those provided in subparagraphs (1), (2), (3), and (4) of this paragraph.

(c) The lines of optional coverage are:

(1) Inland marine;
(2) Glass;
(3) Boiler and machinery;
(4) Ocean marine; and
(5) Aircraft physical damage.

§ 1906.26 Premiums.

(a) The aggregate basic premium due the reinsurer for the reinsurance coverage provided under the contract shall be computed by applying an annual rate of fifteen hundredths of one per centum (0.15%) to an aggregate premium base consisting of the sum of the products of the company's direct premiums earned in each State in each reinsured line for the calendar year 1971 multiplied by the specified percentage of such earned premiums, as defined in § 1906.21 (f) and (m).

(b) An advance premium, which shall be an estimated premium only, shall be computed by the company on the basis of its direct premiums earned in the calendar year 1970 in the manner required for the computation of the aggregate basic premium. If any line of insurance is added during the term of the contract for which the company had no premium writings in 1970, the premium base for the advance premium shall be estimated by State for the period from the date of attachment of coverage to the expiration date of the contract. The aggregate advance premium shall be paid to the reinsurer without demand within 30 days from the effective date of coverage. Interest shall accrue at six per centum (6% per annum on any portion of the advance premium which is not paid on or before 30 days from its due date. The actual amount of the aggregate basic premium shall subsequently be computed and adjusted in accordance with the provisions of this § 1906.26 and § 1906.31.

(c) If at any time the total amount of excess aggregate losses incurred by the reinsurer under the contract and all like Standard Reinsurance Contracts issued during the period between May 1, 1971, and April 30, 1972, exceeds the total net amount of all advance premiums collected by the reinsurer during the same period under all such contracts, the company shall be obligated to pay to the reinsurer as an additional premium an amount equal to ten hundredths of one per centum (0.10%) of its aggregate premium base as defined above. Such additional premium shall be payable within 30 days after the demand of the reinsurer, either as an additional advance premium estimated on the basis of direct premiums earned for the year 1970 (and subject to adjustment in accordance with § 1906.31) or subsequent to adjustment, whichever the reinsurer may determine to be appropriate.

(d) The aggregate basic premium, together with any additional premium which may be due the reinsurer in accordance with the preceding paragraph, shall constitute the minimum reinsurance premium payable for coverage under the contract; and such reinsurance premium shall be deemed fully earned on the date that such reinsurance coverage attaches, except as otherwise provided in § 1906.30.

§ 1906.27 Assessments.

If any other company (or companies) reinsured by the reinsurer under a like Standard Reinsurance Contract incurs aggregate losses in reinsured lines in any State during the period of the contract, which in total exceed its net retention for all such lines, and as a result lodges claims against the reinsurer, then the company, on demand of the reinsurer, shall pay to the reinsurer an assessment sufficient to meet the company's equitable share of all such excess aggregate losses incurred in the State, but only to the extent that such losses exceed the unused net amount of all reinsurance premiums paid or payable by all reinsured companies into the National Insurance Development Fund for the period from August 1, 1968, through April 30, 1972 (including interest earned thereon), for reinsurance in such State. Such share shall be in the proportion that—

(a) The amount, if any, by which the company's net retention in lines reinsured under the contract in such State exceeds the company's aggregate losses in such lines, bears to

(b) The aggregate amount of unabsorbed net retention for all the lines of insurance of all companies reinsured under the contract in such State,

but such share shall not exceed the amount of the company's unabsorbed net retention under paragraph (a) of this section. An assessment will be required only after the termination of coverage provided by the contract.

§ 1906.28 Claims.

(a) The company shall advise the reinsurer by letter (1) of all losses from a single occurrence which exceed $50,000 and (2) whenever it appears that aggregate losses have been incurred in an amount equal to ninety per centum (90%) of the company's net retention in any State, on the basis of its direct premiums earned and reported to the reinsurer for the calendar year 1970.

(b) When the company incurs aggregate losses which exceed its net retention in any State, the company may make claim upon the reinsurer for the payment of excess aggregate losses in that State by filing a certification of loss and thereafter such supporting documentation of such losses as may be required by the reinsurer, and following the receipt of such certifications and documentation the reinsurer shall, as promptly as possible, in such installments and on such conditions as may be determined by the reinsurer to be appropriate (including advance payments made on the basis of preliminary certifications of loss filed in advance of the final determination of the ultimate amount of losses paid), pay to the company the amount of such excess aggregate losses subject to adjustments on account of underpayments or overpayments.

(c) If the ultimate amount of losses to be paid by the company has not been finally determined when the certification of loss is filed, the company shall, in due course, file one or more supplementary certifications of loss and thereafter the reinsurer or the company, as the case may be, shall pay the balance due.

(d) Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar

year 1970 shall be recomputed and adjusted at the termination of the coverage provided by the contract on the basis of direct premiums earned in reinsured lines for the calendar year 1971.

§ 1906.29 Inception and expiration dates.

(a) Provided the company has requested reinsurance by States and lines of coverage on or before April 30, 1971, the Standard Reinsurance Contract shall be in effect from 12:01 a.m., e.s.t., on May 1, 1971, and shall expire at 12 p.m. (midnight), e.s.t., on April 30, 1972, unless sooner terminated.

(b) If the company applies for coverage on or after May 1, 1971, the contract shall be effective from 12:01 a.m., e.s.t., on the day after such application is dispatched, as determined by the date of postmark or telegram, provided the company requests coverage by State and line and otherwise complies with the eligibility requirements of the contract.

(c) The contract applies only to losses occurring during the term of the contract as follows:

(1) If at the inception of the contract any riot or civil disorder is in progress, no coverage shall be provided for losses resulting therefrom unless the contract is a continuation of coverage from the previous year's contract.

(2) If the contract terminates while a riot or civil disorder is in progress, no coverage shall be provided for any losses resulting therefrom which occur after the date and time of termination of the contract.

§ 1906.30 Cancellations.

(a) Reinsurance under the contract may be canceled by the company in its entirety or with respect to any State upon written notice by the company to the reinsurer stating that it desires to cancel the reinsurance coverage specified and that it will pay any premium due the reinsurer in accordance with the provisions of the contract, subject to any adjustments which may be required under § 1906.31: *Provided, however,* That no coverage shall attach under the contract if the company has willfully concealed or misrepresented any material fact with respect thereto.

(b) Reinsurance under the contract may be canceled by the reinsurer in its entirety or with respect to any State upon 30 days written notice to the company of such cancellation, stating the reasons for cancellation, which shall be limited to one or more of the following grounds: Fraud or misrepresentation subsequent to the inception of the contract, nonpayment of premium or any other amount due the reinsurer, and the grounds set forth in paragraph (b) of § 1906.36.

(c) Whenever the reinsurer determines, in his discretion, that any cancellation of reinsurance is involuntary and without fault on the part of the company, the premium due the reinsurer for the coverage afforded under the contract shall be prorated in the ratio of—

(1) The number of days for which coverage was provided prior to the cancellation of such coverage plus 30, to

(2) The total number of days of coverage provided under the contract from the inception of such coverage up to and including April 30, 1972.

(d) In the event of any cancellation of reinsurance coverage under this § 1906.30, the net retention and assessment of such company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year 1971. Refunds of premiums, if any, due the company upon cancellation may, at the discretion of the reinsurer, be deferred until after final adjustments have been made in accordance with the provisions of § 1906.31.

§ 1906.31 Adjustments.

(a) The company shall report to the reinsurer within 60 days after request its direct premiums earned for the calendar year 1971 in all reinsured lines in all States for which reinsurance was provided under the contract, for the purpose of computing and adjusting the reinsurance premium due to the reinsurer with respect to the coverage provided. The direct premiums earned to be reported for any line of insurance added during the contract term for any State in which the company had no premium writings in such line in 1971 shall be the direct premiums earned for the first 4 months of 1972 as estimated by the company, subject to audit by the reinsurer.

(b) In no event shall the adjusted amount of direct premiums earned by the company result in a basic premium to the reinsurer in an amount less than $25 for each State during the contract year, which shall constitute the minimum adjusted reinsurance premium for any State under the contract.

(c) On or before July 31, 1972, or such later date as may be permitted at the option of the reinsurer, the company shall report to the reinsurer its aggregate losses, for the purpose of computing and adjusting excess aggregate losses and assessments.

(d) Any overpayment or underpayment between the reinsurer and the company shall be adjusted and paid in accordance with the obligations assumed under the contract.

§ 1906.32 Insolvency.

(a) In the event of insolvency of the company the reinsurance under the contract shall be payable by the reinsurer to the company or to its liquidator, receiver, or statutory successor on the basis of the liability of the company under all policies, contracts, or participation shares reinsured without diminution because of the insolvency of the company.

(b) It is further agreed that the liquidator, or receiver, or statutory successor of the company shall give written notice to the reinsurer of the pendency of any claim against the company on the policies, contracts, or participation shares reinsured within a reasonable time after such claim is filed in the insolvency proceeding, and that during the pendency of such claim the reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which may be deemed available to the company or its liquidator, receiver, or statutory successor. The expense thus incurred by the reinsurer shall be chargeable, subject to court approval, against the company as part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the company solely as a result of the defense undertaken by the reinsurer.

§ 1906.33 Errors and omissions.

Inadvertent delays, errors, or omissions made in connection with any transaction under the contract shall not relieve either party from any liability which would have attached had such delay, error, or omission not occurred, provided always that such delay, error, or omission is rectified as soon as possible after discovery.

§ 1906.34 Restriction of benefits.

No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to the contract if made with a corporation for its general benefit.

§ 1906.35 Participation in statewide plans.

(a) No reinsurance shall be offered or effective under the contract in any State unless there is in effect in such State, on the date coverage commences, a continuing statewide plan to make essential property insurance more widely available, and the company is fully participating in such plan on a risk-bearing basis and is certified by the State insurance authority as meeting the requirements of this § 1906.35. Except with respect to its runoff business after ceasing to do business within a State, the company shall not be eligible for reinsurance under the contract in any State in which it is not engaged in the direct writing of property insurance at the time coverage is requested, or in which it is writing business on a nonadmitted basis, unless it reports such nonadmitted business to the State insurance authority and participates in the statewide plan of such State on the basis of such reported business. The company shall file and maintain with the State insurance authority in each State in which it is participating in the statewide plan a statement pledging its full participation and cooperation in carrying out the plan and shall file a copy of each such statement with the reinsurer. The company shall not direct any agent, broker, or other producer not to solicit business through such plans and shall not penalize in any way any agent, broker, or other producer for submitting applications for insurance under such plans. The company shall also establish and carry out an education and public information program to encourage agents, brokers,

and other producers to utilize the programs and facilities available under such statewide plans.

(b) In the event that the company after the inception of the contract voluntarily withdraws from any State plan, pool, or other facility required by the provisions of this section, such withdrawal shall be deemed to constitute cancellation by the company with respect to that State as of the effective date of the withdrawal.

§ 1906.36 Limitations on reinsurance.

(a) Reinsurance hereunder shall not be applicable to insurance policies subsequently written in a State by the company after the close of the second full regular session of the appropriate State legislative body following August 1, 1968, if the State has not enacted legislation to reimburse the reinsurer, as necessary, for the portion of the aggregate losses specified in section 1223(a)(1) of the National Housing Act (12 U.S.C. 1749 bbb–9(a)), paid by the reinsurer under the contract.

(b) The reinsurer shall cancel coverage, in accordance with the provisions of the contract, with respect to any State in which—

(1) The reinsurer has found (after consultation with the State insurance authority) that (i) it is necessary to have a suitable program adopted, in addition to required statewide plans, to make essential property insurance available without regard to environmental hazards and that such a program has not been adopted, or (ii) the company is not fully participating in the statewide plan; and, where it exists, in a State pool or other facility; and, where it exists, in any other program found necessary to make essential property insurance more readily available in the State; or

(2) Following a merger, acquisition, consolidation, or reorganization involving the company and one or more insurers with or without such reinsurance, the surviving insurer does not meet all criteria of eligibility for reinsurance and within 10 days pay any reinsurance premiums due; or

(3) The reinsurer has found (after consultation with the State insurance authority) that a statewide plan is not complying with the reinsurer's statutory or regulatory criteria or has become inoperative.

(c) Notwithstanding the foregoing provisions, reinsurance may at the election of the company be continued, up to and including April 30, 1972, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this § 1906.36, provided the company pays the reinsurance premiums in such amounts as may be required. For the purposes of this § 1906.36, the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged, shall be deemed to be a policy or contract written on the date such change was made.

(d) Reinsurance under the contract shall be subject to all of the provisions of the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb–1749bbb–21, and to all regulations duly promulgated by the reinsurer pursuant thereto prior to the inception of any particular coverage provided under the contract.

§ 1906.37 Arbitration.

(a) If any misunderstanding or dispute arises between the company and the reinsurer with reference to the amount of premium due, the amount of loss, or to any other factual issue under any provision of the contract, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by the reinsurer. The company and the reinsurer may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make his determination. If the company and the reinsurer cannot agree on the appointment of an arbitrator, than two arbitrators shall be appointed, one to be chosen by the company and one by the reinsurer.

(b) The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the reinsurer. The company and the reinsurer shall bear equally all expenses of the arbitration.

(c) Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this § 1906.37, shall, upon objection by the reinsurer or the company, be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

§ 1906.38 Access to books and records.

The reinsurer and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books documents, papers, and records of the company that are pertinent to the business reinsured under the contract. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities. The company shall keep records which fully disclose all matters pertinent to the business reinsured, including premiums and claims paid or payable under the contract. Records relating to premiums shall be retained and available for three (3) years after final adjustment of premiums, and to reinsurance claims three (3) years after final adjustment of such claims.

§ 1906.39 Information and annual statements.

The company shall furnish to the reinsurer such summaries and analyses of information in its records as may be necessary to carry out the purposes of the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb–1749bbb–21, in such form as the reinsurer, in cooperation with the State insurance authority, shall prescribe; and the company shall file with the reinsurer a true and correct copy of the company's Fire and Casualty Annual Statement, or amendment thereof, as filed with the State insurance authority of the company's domicillary State, at the time it files such statement or amendment with the State insurance authority. The company shall also file with the reinsurer an equivalent of page 14 of such annual statement for each State in which reinsurance is provided under the contract.

Effective date. This part is effective at the time this document is filed for public inspection at the Office of the Federal Register.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-4357 Filed 3-29-71;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7100]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Revision of Corporate Rates and Related Provisions Pursuant to the Revenue Act of 1964 and Imposition and Extensions of Tax Surcharge; Correction

On March 20, 1971, Treasury Decision 7100 was published in the FEDERAL REGISTER (36 F.R. 5325). In § 1.11, strike out the title and insert in lieu thereof the following title:

§ 1.11 Statutory provisions; tax imposed.

In section 11(e)(2) of § 1.11, strike out the period and insert "; or" after the words "(sec. 801 and following, relating to insurance companies)."

Section 51(a)(2)(A)(ii) of §1.51 should be changed to read as follows:

(ii) A fraction, the numerator of which is the sum of the number of days in the taxable year occurring on and after the effective date of the surcharge and before January 1, 1970, plus one-half times the number of days in the taxable year occurring after December 31, 1969, and before July 1, 1970, and the denominator of which is the number of days in the entire taxable year.

In paragraph (d) of § 1.821–4, item (6) of Example (3) is changed to read as follows:

(6) Total tax (item (2) plus item (5))— 16,540

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71-4440 Filed 3-29-71;8:50 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—PUBLIC RELATIONS

PART 834—SELECTING ARCHITECT-ENGINEERS FOR PROFESSIONAL SERVICES BY NEGOTIATED CONTRACTS

Part 834 of Chapter VII, Title 32, of the Code of Federal Regulations is revised to read as follows:

Sec.
834.1 Purpose.
834.2 Definitions.
834.3 Policies.
834.4 Contract provisions and limitations.
834.5. The architect-engineer progress report.

AUTHORITY: The provisions of this Part 834 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

§ 834.1 Purpose.

This part states the policies and procedures for selecting architectural and engineering firms and for negotiating contracts for their professional services.

§ 834.2 Definitions.

(a) *Architect-engineer.* A firm (individual, partnership, association, corporation, or joint-venture) performing architectural or engineering services, or both, under the personal direction and responsibility of an individual or individuals legally qualified to engage in the professional practice of architecture or engineering.

(b) *Professional architect-engineering services.* Those operations, service, and materials furnished by architects or engineers, as defined in paragraph (a) of this section, for developing designs, plans, drawings, specifications, and other documents essential to facilities repair, alteration, or construction for the Air Force. These services also include, but are not limited to: (1) Making technical studies analyses, surveys, investigations, and reports; (2) master planning of site developments and installations; (3) preparing technical operating/maintenance manuals; (4) supervising and inspecting repair, alteration, or construction projects; and (5) performing the necessary supervision and coordination of all phases of such architectural-engineering work.

(c) *Fee.* The compensation for professional services furnished.

(d) *Civil engineer.* The responsible Air Force civil engineering official at any echelon of command.

§ 834.3 Policies.

(a) In-service architectural and engineering capabilities will be used to the maximum feasible extent in providing the technical services required to accomplish Air Force projects and programs.

(b) The Secretary of the Air Force may authorize the procurement of the professional services of architect-engineers under a negotiated contract if he finds that in-service capability is inadequate to provide the needed architectural and engineering services and determines that procurement of such services by contract will be in the interest of national defense.

(c) The use of architect-engineer services for any repair, alteration, or construction project must be approved by the commander of the echelon of command having authority to approve the project concerned. Before approval, the commander must fully determine that in-service capability is not available to accomplish the services required.

(d) Preselection and selection boards, formally constituted and composed of members nominated by the responsible civil engineer and appointed by special orders, will select architect-engineers for each proposed architect-engineer contract.

(e) Architect-engineer selections will be based solely upon comparative evaluations of the professional and technical qualifications considered essential for satisfactory performance of the work and services required. Competitive bidding or comparable procedures will not be used.

(f) Fixed-price (lump sum) contracts will be negotiated. Each contract will be based upon a complete well defined Statement of Work which clearly describes the project, the objectives to be accomplished, and the scope and nature of the work, services, and material to be furnished. If the nature of the project involved does not permit development of a definite Statement of Work, a cost-plus-a-fixed-fee type of contract may be negotiated, provided the Secretary of the Air Force specifically authorizes that type of procurement of architect-engineer services for the particular project involved.

(g) Architect-engineer fees will be negotiated in accordance with the criteria and guidance outlined in AFR 70–22 (Procedure for Negotiation of Architect-Engineer Contracts).

§ 834.4 Contract provisions and limitations.

The following provisions and limitations apply to professional architect-engineer contracts:

(a) *Statutory limitation on the fee.* The total amount that may be paid to an architect-engineer for producing and delivering the designs, plans, drawings, and specifications for a public work or utility project is limited by statute (10 U.S.C. 9540) to 6 percent of the predetermined estimated construction cost of the particular project, or part of a project, to which the architect-engineer work applies. This limitation, applied to either a fixed-price or cost-plus-a-fixed-fee type contracts, is referred to as a 6 percent statutory fee limitation.

(1) Under a cost-plus-a-fixed-fee type of contract, the 6 percent limitation applies to the total, consisting of the costs incurred by the architect-engineer in producing and delivering the above documents, plus his fixed fee (10 U.S.C. 2306(d)).

(2) The predetermined estimated construction cost of a project is an estimate of those costs expected to be incurred in connection with actual construction, repair, or alteration. That estimated cost does not include any amount to be paid to the architect-engineer. The above 6 percent of the predetermined estimated construction cost represents the maximum amount that may be paid for the services outlined.

(3) The contracting officer will determine that the negotiatcd fee is fair and reasonable for these services and for other services discussed in this section, that are not subject to the 6 percent limitation. In determining appropriate fees, follow the guidance in AFR 70–22.

(b) *Application.* The 6 percent statutory fee limitation applies to all services normally furnished by an architect-engineer in the actual preparation of the material outlined. This includes the visual inspections of the site of (or facility comprising) the proposed project, for familiarization with its scope, the general conditions governing the performance of his work, the conditions under which the project will be constructed, and the coordination with using elements, to develop functional relationships and special detailed requirements.

(1) This limitation, however, does not apply to the cost of making other field investigations and surveys, such as topographical surveys, soil borings, soil, chemical, mechanical, and similar fact-finding surveys and investigations that are essential to proper design.

(2) Similarly, the 6 percent fee limitation does not apply to services furnished for the supervision and inspection of construction; master planning; making technical studies, investigations, and reports; preparing technical operating or maintenance manuals; and similar services not involving the production of designs, plans, drawings, and specifications for specific projects.

(c) *Contract provisions.* When the "Statement of Work" contemplates furnishing services subject to the 6 percent limitation and services not subject to that limitation, the fee negotiated for each class of service will be separately stated in the contract.

(d) *Family housing.* Architect-engineer fees for family housing projects authorized for construction under the U.S. Housing Act of 1937, as amended (Capehart or Title VIII family housing projects), will not exceed those fees legally permissible under schedules allowed and established from time to time by the Public Housing Administration.

(e) *Revising a contract.* Change orders and supplemental agreements to existing architect-engineer contracts may be authorized subject to the following limitations:

(1) The cost of changes may not exceed the approved funding limitations for specific projects or programs.

(2) Architect-engineer fees incident to changes are subject to the fee limitations outlined in paragraphs (a), (b), and (d) of this section.

(3) Contract modifications which increase the scope or change the character of the work or services required by the original contract must be approved by the Secretary of the Air Force or his designated representative, as outlined in the Findings and Determination which authorized the original contract and will not be binding until so approved.

(f) *Personal services.* This part does not authorize, under any circumstance, the negotiation or award of any contract exclusively for personal services, such as:

(1) Day labor, management, office, or stenographic personnel; or

(2) Expert, consultant, or inspection services other than for nonprofessional architect-engineer services as explained in § 834.2.

§ 834.5 The architect-engineer progress report.

(a) Each architect-engineer contract of 6 months' duration or longer will contain a provision requiring the architect-engineer to submit to the contracting officer, by the 10th day of each month, a report of the work done on the contract during the preceding month.

(1) This provision may be inserted in a contract of less than 6 months' duration when special circumstances make inclusion desirable.

(2) One copy of the report will be forwarded to the major command concerned.

(3) This reporting requirement has been exempted by the Bureau of the Budget from clearance under the Federal Reports Act of 1942.

(b) Performance Evaluation, Architect-Engineer Professional Services Contractor, DD Form 1413, RCS: DD-I&L (AF) 559.

(1) The performance of each architect-engineer will be monitored closely and evaluated by the civil engineer monitoring the contract. The following factors will be used as guidelines in evaluating this performance:

(i) Cooperation of the principals and employees.

(ii) Adequacy and active participation of top management.

(iii) Quality and adequacy of the work produced.

(iv) Suitability of the end product for the intended purpose.

(v) Ability to meet established schedules.

(vi) Overall performance.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71-4318 Filed 3-29-71;8:45 am]

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Application of Statutory Factors

The table of contents of this part is amended by changing the heading of § 1460.8 to read as follows:

Sec.
1460.8 Application of statutory factors.

Section 1460.8 *Application of statutory factors; general policy* is amended in the following respects: The heading of the section is deleted in its entirety and a new heading inserted in lieu thereof; the existing text of the section is designated as paragraph (a) with the heading "General policy" added therefor; and a new paragraph (b) is added; all to read as follows:

§ 1460.8 Application of statutory factors.

(a) *General policy.* * * *

(b) *Considerations affecting small contractors.* Characteristics inherent in the operation of a small company, if shown to be relevant in a particular case, are taken into consideration by the Board in applying the factors described in section 103(e) of the act. For example, under the efficiency factor, it may be shown that a small contractor, through greater flexibility, was able to schedule and complete the performance of a contract more expeditiously than his larger competitors, or that by closer personal supervision he achieved lower costs or a better product. Under the risk factor, the small contractor undertaking renegotiable production unrelated to his ordinary commercial business may be shown to have been endangered to a greater extent than larger contractors by the possible cancellation of the Government program. Considerations of company size may also affect the application of other factors.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: March 23, 1971.

LAWRENCE E. HARTWIG,
Chairman.

[FR Doc.71-4330 Filed 3-29-71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PROCUREMENT

The following miscellaneous amendments are made in the Agriculture Procurement regulations:

PART 4-1—GENERAL

1. In § 4-1.009-2(b)(2), the first sentence is amended to read as follows:

§ 4-1.009-2 Procedure.

* * * * * * *

(b) * * *

(2) Where the deviation applies to a class of cases, necessary coordination with the General Services Administration and Office of Management and Budget will be accomplished by the Office of Plant and Operations.* * *

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PART 4-3—PROCUREMENT BY NEGOTIATION

1. The table of contents for Part 4-3 is amended by adding the following entry:

Sec.
4-3.5110 Changes in methodology, objectives or phenomena.

§ 4-3.5101 [Amended]

2. Section 4-3.5101 is amended as follows:

a. Paragraph (h) is amended by deleting that reading "$100" and replacing with "$200."

b. A new paragraph (i) is added as follows:

(i) "General Purpose Equipment" means nonexpendable property which is usable for activities of the institution other than research, such as office equipment and furnishings, air conditioning, reproduction or printing equipment, motor vehicles, etc., or any automatic data processing equipment.

3. Section 4-3.5102-1 is amended to read as follows:

§ 4-3.5102-1 Contracts.

41 U.S.C. 252 (5) and (11); 7 U.S.C. 427i(a) and 7 U.S.C. 1624 (Research and Marketing Act of 1946, as amended).

4. Section 4-3.5102-3 is amended to read as follows:

§ 4-3.5102-3 Cooperative arrangements.

7 U.S.C. 2201 (formerly 5 U.S.C. 511); 7 U.S.C. 450b (formerly 5 U.S.C. 563); 7 U.S.C. 2220 (formerly 5 U.S.C. 564); 7 U.S.C. 427 and 427i(b); 16 U.S.C. 581 and 581a-581l and 7 U.S.C. 1624.

§ 4-3.5103 [Amended]

5. Section 4-3.5103(e) is amended as follows: So much as reads "§ 4-1.109" is corrected to read "§ 4-1.009."

6. Section 4-3.5104 is amended as follows: Paragraphs (b) and (d) are revised and a new paragraph (e) is added, to read as follows:

§ 4-3.5104 Cost reimbursement policy.

* * * * * * *

(b) *Grants.* Grants shall provide for cost participation by the grantee institution in accordance with Office of Management and Budget Circular No. A-100 (see § 4-52.602 of this chapter).

* * * * * * *

(d) *Allowable costs.* The allowable costs shall be determined in accordance with the cost principles in Office of Management and Budget Circular No. A-21 which is codified in Subpart 1-15.3 of the Federal Procurement Regulations (Subpart 1-15.3 of this title).

(e) *Advance payments.* In view of the nonprofit position of educational institutions, and the stated Government objective of strengthening the research capabilities of those institutions, advance payments shall be made in reasonable amounts on Research Agreements whether under contract, grant, or cooperative arrangement authorities, whenever practical and authorized by law. Advance shall be made in accordance with the Treasury Fiscal Requirements Manual, Part IV, Chapter 1000. Advances should be limited to the minimum necessary to meet the institution's cash needs. Ordinarily advances by Treasury check will be made monthly but may be made less frequently whenever the cash need is small.

7. Section 4-3.5105 is amended by adding paragraph (d) which reads as follows:

§ 4-3.5105 Negotiation procedures.

* * * * * * *

(d) *Indirect cost rates.* The indirect cost rate for research agreements shall be in accordance with OMB Circular A-88 (see § 4-52.601 of this chapter).

8. Section 4-3.5107 is amended to read as follows:

§ 4-3.5107 Nonexpendable property.

(a) In accordance with OMB Circular A-101 title to nonexpendable property purchased or fabricated under a research agreement at an educational institution shall be vested in the institution, without further obligation to the Government except as provided under paragraph (b) of this section, unless it is determined that such vesting is not in furtherance of the objective of the agency or unless there is not proper authority to vest title in the institution (see § 4-52.603 of this chapter). Title shall be vested at the time of acquisition.

(b) The sponsoring agency may reserve the right to require the institution to transfer title to items of nonexpendable property to the Government or to a third party named by the Government, when such third party is otherwise eligible under existing statute. The reservation shall provide that the right may be exercised at any time, but no later than 12 months after receipt of a final fiscal report from the institution after completion or termination of the particular project. Such right to require transfer of title shall not apply to any items of nonexpendable property with an acquisition cost of less than $1,000.

(c) The research agreement shall clearly indicate where title to nonexpendable property is to be vested. If title to any nonexpendable property is to vest in the Government, the research agreement shall specify which items are to be Government property.

9. Add new § 4-3.5110 as follows:

§ 4-3.5110 Changes in methodology, objectives or phenomena.

(a) The principal investigator shall be permitted to change the methods and procedures employed in performing the research without approval of the Authorized Departmental Officer unless the methods and procedures employed are stated as specific objectives of the research work, in which case, paragraph (b) of this section applies. Significant changes made by the principal investigator within his authority shall be reported to the Authorized Departmental Officer in periodic or final technical reports.

(b) The stated objectives of the research effort shall not be changed except with the prior written approval of the Authorized Departmental Officer.

(c) The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed except with prior written approval of the Authorized Departmental Officer.

(d) The degree of Government review or direction exercised will vary depending upon the amount of detail used in stating the objectives of the research effort in the Research Agreement.

PART 4-7—CONTRACT CLAUSES

§ 4-7.5101-1 [Amended]

1. Section 4-7.5101-1 is amended as follows:

a. Paragraph (h) is amended by deleting that reading "$100" and replacing with "$200."

b. A new paragraph (i) is added as follows:

(i) "General Purpose Equipment" means nonexpendable property which is usable for activities of the institution other than research, such as office equipment and furnishings, air conditioning, reproduction or printing equipment, motor vehicles, etc., or any automatic data processing equipment.

2. Section 4-7.5101-4 is amended to read:

§ 4-7.5101-4 Key personnel.

KEY PERSONNEL

Written approval of the Authorized Departmental Officer is required to change the principal investigator(s) or to continue the research work, without participation of the principal investigator(s), for a period in excess of 3 continuous months. Substantial reduction in the effort devoted to the work by the principal investigator(s) requires approval of the Authorized Departmental Officer.

The principal investigator(s) shall obtain prior written approval of the Authorized Departmental Officer before changing the objectives of the research effort as stated in the agreement or the phenomenon or phenomena under study.

3. Section 4-7.5101-11(d) is amended to read as follows:

§ 4-7.5101-11 Estimated costs.

* * * * * * *

(d) The Authorized Departmental Officer shall be kept informed of contemplated major changes of cost estimates and the reason therefor. Expenditures requiring prior approval in writing from the Authorized Department Officer are:

(1) Foreign travel must be specifically approved for each separate trip. Foreign travel is any travel outside of Canada and the United States and its territories and possessions.

(2) Domestic travel exceeding the amount allocated for such travel by $500 or 25 percent whichever is greater.

(3) Personnel movements of a special or mass nature not approved in the budget.

(4) Purchase of general purpose equipment not itemized in the approved budget.

(5) Purchase of permanent research equipment costing $1,000 or more and not itemized in the approved budget.

(6) Expenditures for nonexpendable property exceeding the amount allotted for the nonexpandable property category by 25 percent.

(7) Expenditures for the acquisition of land or any interest therein.

4. Section 4-7.5101-12 *Reimbursements* is changed to read as follows:

§ 4-7.5101-12 Payment.

PAYMENT

Advance payments or reimbursement of costs incurred will be made at scheduled intervals by the Authorized Departmental Officer. The frequency of the payment interval will be based upon cash needs.

Done at Washington, D.C., this 25th day of March 1971.

ELMER MOSTOW,
Director,
Office of Plant and Operations.

[FR Doc.71-4362 Filed 3-29-71;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5032]

[New Mexico 12226]

NEW MEXICO

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. sec. 300 (1964), it is ordered as follows:

The departmental order of April 29, 1919, creating Stock Driveway Withdrawal No. 81 (New Mexico 12), is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDAN

T. 13 N., R. 4 L.,
Sec. 30, lots 7, 8, 9 and NW¼.

The area described aggregates 218.13 acres in Sandoval County.

The land has been patented to the State of New Mexico and is located within the Coronado State Monument.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 19, 1971.

[FR Doc.71-4322 Filed 3-29-71;8:46 am]

[Public Land Order 5033]
[Idaho 3728]

IDAHO

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2); but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEZPERCE NATIONAL FOREST
BOISE MERIDIAN
Dry Gulch Recreation Area

T. 29 N., R. 4 E.,
Sec. 22, SE¼NE¼SE¼SE¼, W½NE¼SE¼SE¼, NW¼SE¼SE¼, NE¼SE¼SE¼SE¼.

The areas described aggregate 20 acres in Idaho County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 19, 1971.

[FR Doc.71-4323 Filed 3-29-71;8:46 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Union Slough National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3-30-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA

UNION SLOUGH NATIONAL WILDLIFE REFUGE

Sport fishing on the Union Slough National Wildlife Refuge, Kossuth County, Iowa, is permitted only on the area designated by signs as open to fishing. This open area is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from May 15, 1971 through September 15, 1971 during daylight hours only.

(2) The use of boats or other floating devices is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in title 50, Part 33, and are effective through September 15, 1971.

STEPHEN S. BERLINGER,
Refuge Manager, Union Slough National Wildlife Refuge, Titonka, Iowa.

MARCH 23, 1971.

[FR Doc.71-4324 Filed 3-29-71;8:46 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Extensions of Time To File Appeal Briefs

After the effective date of this rule change, the examining group clerical staffs will perform all processing and recordkeeping relating to appeals to the Board of Appeals up to and including the time when an examiner's supplemental answer to a reply brief is mailed or the time for filing a reply brief has expired. At this time jurisdiction of an appealed application passes from the examiner to the Board of Appeals.

Therefore, all inquiries and papers concerning an application under appeal should be directed to the appropriate examining group until the application is in condition for consideration by the Board of Appeals.

Papers filed in an appealed application under the jurisdiction of the Board of Appeals, such as requests for reconsideration or confirmation of an oral hearing date, should include an expression in the heading such as "Before the Board of Appeals" so that it may be properly routed by the mailroom.

The examining group appeal clerks are authorized to grant, upon the first request therefor, 1-month extensions of time to file the brief or reply brief. Any further extensions or any initial request for an extension of more than 1 month may be granted by the group directors.

After the effective date, there will be no Patent Office acknowledgements of notices of appeals or briefs.

There was published in the December 31, 1970, issue of the FEDERAL REGISTER (35 F.R. 20010) a proposal to revise § 1.192 of Title 37, Code of Federal Regulations, to broaden the authority to grant extensions of time for filing appeal briefs.

Interested persons were given the opportunity to participate in the rule making through submission of comments in writing, and at an oral hearing held on February 19, 1971.

In consideration of the foregoing and pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), § 1.192 of Title 37 of the Code of Federal Regulations is hereby revised as follows:

§ 1.192 Appellant's brief.

(a) The appellant shall, within 2 months from the date of the appeal, or within the time allowed for response to the action appealed from, if such time is later, file a brief in triplicate, accompanied by the requisite fee, of the authorities and arguments on which he will rely to maintain his appeal, including a concise explanation of the invention which should refer to the drawing by reference characters, and a copy of the claims involved, at the same time indicating if he desires an oral hearing. Upon a showing of sufficient cause, the Commissioner may grant extensions of time for filing the brief. The determination of such requests may be delegated by the Commissioner to appropriate Patent Office officials. All requests for extensions must be filed prior to the expiration of the period sought to be extended.

(b) On failure to file the brief, accompanied by the requisite fee, within the time allowed, the appeal shall stand dismissed.

Effective date. This amendment shall be effective March 30, 1971.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: March 25, 1971.

JAMES H. WAKELIN, JR.,
Assistant Secretary for Science and Technology.

[FR Doc.71-4414 Filed 3-29-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Special Rules for Determining Foreign Tax Credit in the Case of Certain Interest Income

Correction

In F.R. Doc. 71-3871 appearing at page 5423 in the issue of Tuesday, March 23, 1971, in the table for example 1 of § 1.904-4(e)(2)(iii) the "Other income" figure for 1965 under the heading "Excess limitation with respect to—" reading "65" should read "55".

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 25, 26, 29, 31, 33]

NATIONAL WILDLIFE REFUGE SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), it is proposed to amend 50 CFR 25.1, 26.12, 26.14, 29.3, 31.16, and 33.1.

The purpose of the proposed amendment is to conform to recent enacted laws and to improve management practices within the National Wildlife Refuge System.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Part 25, General Provisions:

Section 25.1 is amended as follows:

§ 25.1 Definitions.

As used in the rules and regulations in this subchapter:

"National Wildlife Refuge System" means all lands, waters, and interests therein administered by the Bureau of Sport Fisheries and Wildlife as national wildlife refuges, wildlife ranges, game ranges, wildlife management areas, waterfowl production areas, and areas for the protection and conservation of fish and wildlife, including those that are threatened with extinction.

"Wildlife refuge area" means any area of the National Wildlife Refuge System.

"Wildlife range" means any area of public land administered by the Bureau of Sport Fisheries and Wildlife for the protection and management of wildlife resources under the terms of an Executive or Public Land Order establishing a specific area.

"Game range" means any area of public land administered jointly by the Bureau of Sport Fisheries and Wildlife and the Bureau of Land Management for the protection and management of wildlife resources and for the grazing of domestic livestock under the terms of an Executive or Public Land Order establishing a specific area.

"Waterfowl production area" means any small wetland or pothole area acquired pursuant to section 3 of the amended Migratory Bird Hunting Stamp Act (72 Stat. 487; 16 U.S.C. 718b), owned or controlled by the United States and administered by the Bureau of Sport Fisheries and Wildlife as a part of the National Wildlife Refuge System.

"Big game" means large game mammals, including moose, elk, caribou, reindeer, musk ox, deer, big horn sheep, mountain goat, pronghorn, bear, wild hogs, and peccary.

"Migratory bird" means and refers to those species of birds listed under § 1.11 of this chapter.

2. Part 26, Restricted or Prohibited Acts:

Section 26.12 is amended as follows:

§ 26.12 Firearms, fireworks, and explosives.

Carrying, possessing, or discharging firearms, fireworks, or explosives is prohibited except as may be authorized under the provisions of Part 28 of this chapter.

Section 26.14 is amended as follows:

§ 26.14 Vehicles.

Travel in or use of any motorized vehicle, including land, water, ice, snow, and aircraft types is prohibited on areas within the National Wildlife Refuge System except on specific routes of travel or in designated areas posted for public use by the officer in charge.

3. Part 29, Land Use Management, Subpart A—General Rules:

Section 29.3 is amended as follows:

§ 29.3 Nonprogram uses.

Uses of wildlife refuge areas that make no contribution to the primary objective of the program for an individual area or are in no way related to the objectives of the National Wildlife Refuge System are classed as nonprogram uses. Permission for such uses will be granted only when compatible with the major purposes for which such areas are established.

4. Part 31, Wildlife Species Management, Subpart A—Surplus Wildlife:

Section 31.16 is amended as follows:

§ 31.16 Trapping program.

Except as hereafter noted, persons trapping annimals on wildlife refuge areas where trapping has been authorized shall secure and comply with the provisions of a Federal permit issued for that purpose. This permit shall specify the terms and conditions of trapping activity and the rates of charge or division of pelts, hides, and carcasses. Lands acquired as "waterfowl production areas" shall be open to public trapping without Federal permit provided that trapping on all or part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions affecting land, water, vegetation, or wildlife populations. Each person trapping on any wildlife refuge area shall possess the required State license or permit and shall comply with the provisions of State laws and regulations.

5. Part 33, Sport Fishing:

Section 33.1 is amended as follows:

§ 33.1 Public fishing authorization.

Except as hereafter noted, the opening or closing of wildlife refuge areas to sport fishing shall be in accordance with the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553). However, wildlife refuge areas will be opened to sport fishing only when a determination has been made that such activity is not detrimental to the objectives for which the area was established. Lands acquired as "waterfowl production areas" shall be open to sport fishing subject to the provisions of State laws and regulations and that pertinent provisions of Parts 25 through 31 of this subchapter; provided, that fishing on all or any part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions of, or affecting, land, water, vegetation, or wildlife populations.

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

MARCH 25, 1971.

[FR Doc.71-4341 Filed 3-29-71;8:47 am]

National Park Service

[36 CFR Part 7]

GLACIER NATIONAL PARK, MONT.

Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535,

as amended; 16 U.S.C. 3), the Act of May 11, 1910 (36 Stat. 354; 16 U.S.C. 162), and the Act of August 22, 1914 (38 Stat. 700; 16 U.S.C. 170), 245 DMI (27 F.R. 6395) as amended, National Park Service Order No. 34 (31 F.R. 4255) as amended, Regional Director, Midwest Regional Order No. 4 (31 F.R. 5769) as amended, it is proposed to amend § 7.3 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to further insure the protection and preservation of populations of native fishes and natural aquatic environments, to retain quality angling for wild fish in natural environments as part of the visitors' total park experience, and to simplify the fishing season by establishing one opening and closing date for all but four park waters.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Glacier National Park, West Glacier, Mont. 59936, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraphs (a), (b), and (c) of § 7.3 are amended, as follows:

§ 7.3 Glacier National Park.

(a) *Fishing; open season.* All waters in the park shall be open to fishing from 12:01 a.m. on June 5 and end at 12 midnight on October 15, except as otherwise provided by the following restrictions:

(1) That portion of Waterton Lake that is in the park shall be open to fishing in conformance with the seasons established by Canada for this lake.

(2) Kintla Creek between Kintla Lake and Upper Kintla Lake, Bowman Creek for its entire length above Bowman Lake, Logging Creek between Logging Lake and Grace Lake, and Ole Creek, Park Creek, Muir Creek, Coal Creek, and Nyack Creek for their entire length; Fish Creek for its entire length, Upper McDonald Creek from McDonald Falls to Lake McDonald, shall be closed to fishing.

(3) The North Fork of the Flathead River, except for its tributaries, and Lower McDonald Creek from the Quarter Circle Bridge to its confluence with the Middle Fork of the Flathead River, shall be open to fishing in conformance with the seasons and regulations established by the State of Montana for this river.

(4) That portion of Lower Two Medicine Lake that is in the park shall be open in conformance with the seasons established for the Blackfeet Indian Reservation for this lake.

(5) [Deleted]

(6) [Deleted]

(7) [Deleted]

(b) *Fishing; daily limit of catch and possession limit.* (1) Sport fish are herein defined as cutthroat trout, rainbow trout, brook trout, lake trout, Dolly Varden, Kokanee salmon, grayling, mountain whitefish, lake whitefish, northern pike, and burbot (ling). All other species are defined as nonsport fish and may not be kept or killed.

(2) A person must cease fishing immediately when he has in his possession or has taken into his possession a total of five (5) sport fish that day, except that a person shall cease fishing as soon as he has in his possession or has taken into his possession a total of three (3) of the following sport fish that day: Cutthroat trout, Dolly Varden trout, lake trout, grayling. However:

(i) The daily limit of catch and possession in the North Fork of the Flathead River, except for its tributaries, and Lower McDonald Creek from the Quarter Circle Bridge to its confluence with the Middle Fork of the Flathead River, shall be in conformance with the regulations established by the State of Montana for this river;

(ii) The daily limit of catch and possession in that portion of Waterton Lake, located within the park, shall be in conformance with the limits established by Canada for this lake;

(iii) The daily limit of catch and possession in that portion of Lower Two Medicine Lake, located within the park, shall be in conformance with the regulations established for the Blackfeet Indian Reservation for this lake;

(iv) Fish caught in Lower McDonald Creek from the Quarter Circle Bridge and upstream, extending into Lake McDonald for a radius of 300 feet, shall be handled carefully and released immediately to the stream. No fish of any size may be in possession at any time along this stream.

(c) *Fishing; restriction on use of bait and lures.* (1) Only artificial flies, with a single hook, may be used as lures in Rogers Lake, Trout Lake, Arrow Lake, Camas Lake, Lake Evangeline, Ruger Lake, and those sections of Camas Creek interconnecting these lakes.

(2) Only artificial flies and lures, with a single hook, may be used as lures in the catch and release fishing waters of Lower McDonald Creek from the Quarter Circle Bridge and upstream, extending into Lake McDonald for a radius of 300 feet.

* * * * *

Dated: February 18, 1971.

WILLIAM J. BRIGGLE,
Superintendent,
Glacier National Park.

[FR Doc.71-4326 Filed 3-29-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS FOR HUMAN USE

New Drugs on the Market Without Approved New-Drug Applications; Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of February 23, 1971 (36 F.R. 3372), proposing § 130.— *New drugs on the market without approved new-drug applications,* provided for comments to be filed within 30 days of said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments on the proposal is extended to April 24, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 505, 701(a), 52 Stat. 1041–42, as amended, 1052–53, as amended, 1055; 21 U.S.C. 321(p), 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 24, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4334 Filed 3-29-71;8:47 am]

Social and Rehabilitation Service

[45 CFR Part 250]

UTILIZATION REVIEW OF CARE AND SERVICES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to certification and recertification by physicians for inpatient hospital services in the medical assistance program under title XIX of the Social Security Act.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under section 1102, 49 Stat. 647, 42 U.S.C. 1302.

Dated: February 10, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: March 17, 1971.

ELLIOT L. RICHARDSON,
Secretary.

Section 250.20(a) is amended by adding a new subparagraph (3) to read as follows:

§ 250.20 Utilization review of care and services.

(a) * * *

(3) Provide for procedures to assure that the principles and standards for certification and recertification by physicians for inpatient hospital services described in 20 CFR 405.1625–405.1630 are applied for hospital inpatients under the medical assistance program.

* * * * *

[FR Doc.71-4095 Filed 3-29-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71-17]

SULFURIC ACID CONTAINERS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-3790 appearing at page 5296 in the issue of Friday, March 19, 1971, in the table in the first column of page 5297, the fourth entry under the heading "Wooden boxes" now reading "Fiberboard boxes (DOT-12)B WIC polyethylene not over 1 gal. cap. ea." should read "Fiberboard boxes (DOT-12B) WIC polyethylene not over 1 gal. cap. ea."

Federal Aviation Administration

[14 CFR Parts 37, 91, 121, 127, 135]

[Docket No. 10955; Notice 71-10]

AIRBORNE ATC TRANSPONDER EQUIPMENT

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts, 37, 91, 121, 127, and 135 to provide new standards for airborne ATC transponder equipment and to require that transponders in aircraft meet TSO standards.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before June 30, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

By Notice 69-9 published in the FEDERAL REGISTER (34 F.R. 5259) on March 14, 1969, the FAA proposed to further implement the National Airspace System (NAS) by requiring that all aircraft carry improved radar beacon transponders for all operations in controlled airspace at and above 10,000 feet MSL, in positive control airspace, or in terminal airspace within which transponders are required by appropriate FAR's.

The present TSO-C74b contains appropriate minimum performance standards for the improved radar beacon transponders specified in Notice 69-9. However, TSO-C74b was prepared with air carrier operations in mind and did not take into consideration the minimum performance standards that would be suitable for transponder equipment to be used in general aviation operations under Part 91. It is therefore proposed to update TSO-C74b to provide appropriate performance standards for ATC transponder equipment to be used in general aviation operations. The present performance standards of TSO-C74b would be incorporated into the new TSO with the exception that paragraph 2.7c of the Federal Aviation Administration Standard set forth in the TSO would be amended to limit the dead time of the transponder due to means other than normal interrogations. This would control transponder dead time occurring primarily from the use of proximity warning systems. In addition, the present classifications would be redesignated as Class 1A and Class 1B. A new class of equipment designated 2A and 2B would be incorporated in the TSO and the performance standards for such equipment would be set forth in Radio Technical Commission for Aeronautics Document No. DO-144 entitled "Minimum Operational Characteristics—Airborne ATC Transponder Systems," dated March 12, 1970, and Change No. 1 to DO-144, Paper 232-70/EC-643, dated November 5, 1970. The identification of equipment as Class 2A and 2B would depend upon whether the equipment was to be used in operations above 15,000 feet or below, the same as Class 1A and 1B equipment. It should be noted that while ATC transponder equipment approved prior to the effective date of the new TSO may continue to be manufactured, the proposed amendments to the operating rules would require the installation of equipment meeting this new TSO after January 1, 1972, on all aircraft not equipped with an ATC transponder and on all aircraft using ATC transponders after January 1, 1975.

The proposed new TSO would also require a manufacturer to furnish the FAA with an equipment data sheet specifying the actual performance capability of the equipment and the environmental conditions under which the performance capability can be achieved. Knowledge of the actual performance capability for transponder equipment would facilitate the approval of the equipment installation. Therefore, it is proposed to require manufacturers to also furnish a copy of this data sheet with each article.

Notice 69-9 identifies the required ATC transponder merely as one which has a Mode 3/A 4096 code capability, replying to Mode 3/A interrogations with the code specified by ATC. Both TSO-C74b and the proposed TSO provide this capability. However, there are numerous other design requirements, in addition to the number of codes, which a transponder must meet to insure that it will perform its function adequately and reliably and that it is compatible with other airborne transponders and with the ground interrogator facilities. Both TSO-C74b and the TSO proposed herein provide the necessary performance standards and they are both compatible with the U.S. National Standards for Radar Beacon Systems (ATCRBS). Therefore, in order to properly implement the Air Traffic Control Radar System portion of the National Airspace System it will be necessary that all transponders meet the requirements of TSO-C74b or the TSO proposed herein at the time that the requirements proposed in Notice 69-9 are incorporated into the Federal Aviation Regulations.

For the foregoing reasons, it is proposed to amend Parts 91, 121, 127, and 135 to require that ATC transponder equipment installed after January 1, 1972, in any aircraft not previously equipped with an ATC transponder must meet the requirements of TSO-C74b or the appropriate requirements of the TSO proposed herein. Moreover, it is proposed to require that all ATC transponder equipment used after January 1, 1975, meet the requirements of TSO-C74b or the appropriate requirements of the TSO proposed herein. This will insure that all transponder equipment being used in any operation, regardless of when that equipment was installed, eventually meets the necessary performance standards. Under this proposal, transponders currently installed may continued to be used, including the installation of replacement equipment, until January 1, 1975, without meeting the requirements of TSO-C74b or the TSO proposed herein. It should be noted that there is no need for a specific amendment to Part 123 in this proposal since the proposed amendment to § 121.345 would be applicable to Part 123 operators under the provisions of § 123.27(g).

Under the terms of this notice, affected operators would be allowed to equip their aircraft with either above-15,000-feet transponders (TSO-C74b, Class I, or TSO-C74c, Classes 1A and 2A, as applicable) or below-15,000-feet transponders (TSO-C74b, Class II, or TSO-C74c, Classes 1B and 2B, as applicable). This would mean that aircraft capable of operating well above 15,000 feet could be equipped (under the proposed rules) with below-15,000-feet transponders. If the operator of such an aircraft were to climb above 15,000 feet, either voluntarily or in response to an ATC request, his transponder would not perform adequately and safety might be adversely affected. For this reason, it has been suggested that the agency eliminate the 15,000-foot altitude distinction and require all affected operators to equip their aircraft with above-15,000-feet transponders. The agency is aware that transponders meeting above-15,000-feet standards are more expensive than those that do not, but does not have reliable information on how much. To help resolve this issue, interested persons are hereby asked to comment on: (1) The need to eliminate the 15,000-foot altitude

as amended; 16 U.S.C. 3), the Act of May 11, 1910 (36 Stat. 354; 16 U.S.C. 162), and the Act of August 22, 1914 (38 Stat. 700; 16 U.S.C. 170), 245 DMI (27 F.R. 6395) as amended, National Park Service Order No. 34 (31 F.R. 4255) as amended, Regional Director, Midwest Regional Order No. 4 (31 F.R. 5769) as amended, it is proposed to amend § 7.3 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to further insure the protection and preservation of populations of native fishes and natural aquatic environments, to retain quality angling for wild fish in natural environments as part of the visitors' total park experience, and to simplify the fishing season by establishing one opening and closing date for all but four park waters.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Glacier National Park, West Glacier, Mont. 59936, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraphs (a), (b), and (c) of § 7.3 are amended, as follows:

§ 7.3 Glacier National Park.

(a) *Fishing; open season.* All waters in the park shall be open to fishing from 12:01 a.m. on June 5 and end at 12 midnight on October 15, except as otherwise provided by the following restrictions:

(1) That portion of Waterton Lake that is in the park shall be open to fishing in conformance with the seasons established by Canada for this lake.

(2) Kintla Creek between Kintla Lake and Upper Kintla Lake, Bowman Creek for its entire length above Bowman Lake, Logging Creek between Logging Lake and Grace Lake, and Ole Creek, Park Creek, Muir Creek, Coal Creek, and Nyack Creek for their entire length; Fish Creek for its entire length, Upper McDonald Creek from McDonald Falls to Lake McDonald, shall be closed to fishing.

(3) The North Fork of the Flathead River, except for its tributaries, and Lower McDonald Creek from the Quarter Circle Bridge to its confluence with the Middle Fork of the Flathead River, shall be open to fishing in conformance with the seasons and regulations established by the State of Montana for this river.

(4) That portion of Lower Two Medicine Lake that is in the park shall be open in conformance with the seasons established for the Blackfeet Indian Reservation for this lake.

(5) [Deleted]

(6) [Deleted]

(7) [Deleted]

(b) *Fishing; daily limit of catch and possession limit.* (1) Sport fish are herein defined as cutthroat trout, rainbow trout, brook trout, lake trout, Dolly Varden, Kokanee salmon, grayling, mountain whitefish, lake whitefish, northern pike, and burbot (ling). All other species are defined as nonsport fish and may not be kept or killed.

(2) A person must cease fishing immediately when he has in his possession or has taken into his possession a total of five (5) sport fish that day, except that a person shall cease fishing as soon as he has in his possession or has taken into his possession a total of three (3) of the following sport fish that day: Cutthroat trout, Dolly Varden trout, lake trout, grayling. However:

(i) The daily limit of catch and possession in the North Fork of the Flathead River, except for its tributaries, and Lower McDonald Creek from the Quarter Circle Bridge to its confluence with the Middle Fork of the Flathead River, shall be in conformance with the regulations established by the State of Montana for this river;

(ii) The daily limit of catch and possession in that portion of Waterton Lake, located within the park, shall be in conformance with the limits established by Canada for this lake;

(iii) The daily limit of catch and possession in that portion of Lower Two Medicine Lake, located within the park, shall be in conformance with the regulations established for the Blackfeet Indian Reservation for this lake;

(iv) Fish caught in Lower McDonald Creek from the Quarter Circle Bridge and upstream, extending into Lake McDonald for a radius of 300 feet, shall be handled carefully and released immediately to the stream. No fish of any size may be in possession at any time along this stream.

(c) *Fishing; restriction on use of bait and lures.* (1) Only artificial flies, with a single hook, may be used as lures in Rogers Lake, Trout Lake, Arrow Lake, Camas Lake, Lake Evangeline, Ruger Lake, and those sections of Camas Creek interconnecting these lakes.

(2) Only artificial flies and lures, with a single hook, may be used as lures in the catch and release fishing waters of Lower McDonald Creek from the Quarter Circle Bridge and upstream, extending into Lake McDonald for a radius of 300 feet.

* * * * *

Dated: February 18, 1971.

WILLIAM J. BRIGGLE,
Superintendent,
Glacier National Park.

[FR Doc.71-4326 Filed 3-29-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS FOR HUMAN USE

New Drugs on the Market Without Approved New-Drug Applications; Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of February 23, 1971 (36 F.R. 3372), proposing § 130.— *New drugs on the market without approved new-drug applications,* provided for comments to be filed within 30 days of said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments on the proposal is extended to April 24, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 505, 701(a), 52 Stat. 1041-42, as amended, 1052-53, as amended, 1055; 21 U.S.C. 321(p), 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 24, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4334 Filed 3-29-71;8:47 am]

Social and Rehabilitation Service

[45 CFR Part 250]

UTILIZATION REVIEW OF CARE AND SERVICES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to certification and recertification by physicians for inpatient hospital services in the medical assistance program under title XIX of the Social Security Act.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under section 1102, 49 Stat. 647, 42 U.S.C. 1302.

Dated: February 10, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: March 17, 1971.

ELLIOT L. RICHARDSON,
Secretary.

Section 250.20(a) is amended by adding a new subparagraph (3) to read as follows:

§ 250.20 Utilization review of care and services.

(a) * * *

(3) Provide for procedures to assure that the principles and standards for certification and recertification by physicians for inpatient hospital services described in 20 CFR 405.1625-405.1630 are applied for hospital inpatients under the medical assistance program.

* * * * *

[FR Doc.71-4095 Filed 3-29-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71-17]

SULFURIC ACID CONTAINERS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-3790 appearing at page 5296 in the issue of Friday, March 19, 1971, in the table in the first column of page 5297, the fourth entry under the heading "Wooden boxes" now reading "Fiberboard boxes (DOT-12)B WIC polyethylene not over 1 gal. cap. ea." should read "Fiberboard boxes (DOT-12B) WIC polyethylene not over 1 gal. cap. ea."

Federal Aviation Administration

[14 CFR Parts 37, 91, 121, 127, 135]

[Docket No. 10955; Notice 71-10]

AIRBORNE ATC TRANSPONDER EQUIPMENT

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts, 37, 91, 121, 127, and 135 to provide new standards for airborne ATC transponder equipment and to require that transponders in aircraft meet TSO standards.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before June 30, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

By Notice 69-9 published in the FEDERAL REGISTER (34 F.R. 5259) on March 14, 1969, the FAA proposed to further implement the National Airspace System (NAS) by requiring that all aircraft carry improved radar beacon transponders for all operations in controlled airspace at and above 10,000 feet MSL, in positive control airspace, or in terminal airspace within which transponders are required by appropriate FAR's.

The present TSO-C74b contains appropriate minimum performance standards for the improved radar beacon transponders specified in Notice 69-9. However, TSO-C74b was prepared with air carrier operations in mind and did not take into consideration the minimum performance standards that would be suitable for transponder equipment to be used in general aviation operations under Part 91. It is therefore proposed to update TSO-C74b to provide appropriate performance standards for ATC transponder equipment to be used in general aviation operations. The present performance standards of TSO-C74b would be incorporated into the new TSO with the exception that paragraph 2.7c of the Federal Aviation Administration Standard set forth in the TSO would be amended to limit the dead time of the transponder due to means other than normal interrogations. This would control transponder dead time occurring primarily from the use of proximity warning systems. In addition, the present classifications would be redesignated as Class 1A and Class 1B. A new class of equipment designated 2A and 2B would be incorporated in the TSO and the performance standards for such equipment would be set forth in Radio Technical Commission for Aeronautics Document No. DO-144 entitled "Minimum Operational Characteristics—Airborne ATC Transponder Systems," dated March 12, 1970, and Change No. 1 to DO-144, Paper 232-70/EC-643, dated November 5, 1970. The identification of equipment as Class 2A and 2B would depend upon whether the equipment was to be used in operations above 15,000 feet or below, the same as Class 1A and 1B equipment. It should be noted that while ATC transponder equipment approved prior to the effective date of the new TSO may continue to be manufactured, the proposed amendments to the operating rules would require the installation of equipment meeting this new TSO after January 1, 1972, on all aircraft not equipped with an ATC transponder and on all aircraft using ATC transponders after January 1, 1975.

The proposed new TSO would also require a manufacturer to furnish the FAA with an equipment data sheet specifying the actual performance capability of the equipment and the environmental conditions under which the performance capability can be achieved. Knowledge of the actual performance capability for transponder equipment would facilitate the approval of the equipment installation. Therefore, it is proposed to require manufacturers to also furnish a copy of this data sheet with each article.

Notice 69-9 identifies the required ATC transponder merely as one which has a Mode 3/A 4096 code capability, replying to Mode 3/A interrogations with the code specified by ATC. Both TSO-C74b and the proposed TSO provide this capability. However, there are numerous other design requirements, in addition to the number of codes, which a transponder must meet to insure that it will perform its function adequately and reliably and that it is compatible with other airborne transponders and with the ground interrogator facilities. Both TSO-C74b and the TSO proposed herein provide the necessary performance standards and they are both compatible with the U.S. National Standards for Radar Beacon Systems (ATCRBS). Therefore, in order to properly implement the Air Traffic Control Radar System portion of the National Airspace System it will be necessary that all transponders meet the requirements of TSO-C74b or the TSO proposed herein at the time that the requirements proposed in Notice 69-9 are incorporated into the Federal Aviation Regulations.

For the foregoing reasons, it is proposed to amend Parts 91, 121, 127, and 135 to require that ATC transponder equipment installed after January 1, 1972, in any aircraft not previously equipped with an ATC transponder must meet the requirements of TSO-C74b or the appropriate requirements of the TSO proposed herein. Moreover, it is proposed to require that all ATC transponder equipment used after January 1, 1975, meet the requirements of TSO-C74b or the appropriate requirements of the TSO proposed herein. This will insure that all transponder equipment being used in any operation, regardless of when that equipment was installed, eventually meets the necessary performance standards. Under this proposal, transponders currently installed may continued to be used, including the installation of replacement equipment, until January 1, 1975, without meeting the requirements of TSO-C74b or the TSO proposed herein. It should be noted that there is no need for a specific amendment to Part 123 in this proposal since the proposed amendment to § 121.345 would be applicable to Part 123 operators under the provisions of § 123.27(g).

Under the terms of this notice, affected operators would be allowed to equip their aircraft with either above-15,000-feet transponders (TSO-C74b, Class I, or TSO-C74c, Classes 1A and 2A, as applicable) or below-15,000-feet transponders (TSO-C74b, Class II, or TSO-C74c, Classes 1B and 2B, as applicable). This would mean that aircraft capable of operating well above 15,000 feet could be equipped (under the proposed rules) with below-15,000-feet transponders. If the operator of such an aircraft were to climb above 15,000 feet, either voluntarily or in response to an ATC request, his transponder would not perform adequately and safety might be adversely affected. For this reason, it has been suggested that the agency eliminate the 15,000-foot altitude distinction and require all affected operators to equip their aircraft with above-15,000-feet transponders. The agency is aware that transponders meeting above-15,000-feet standards are more expensive than those that do not, but does not have reliable information on how much. To help resolve this issue, interested persons are hereby asked to comment on: (1) The need to eliminate the 15,000-foot altitude

distinction in the transponder TSO proposed in this notice and to require that all affected operators equip their aircraft with above-15,000-feet transponders; and (2) how much more expensive above-15,000-feet transponders would be in comparison to below-15,000-feet transponders. If, on the basis of comments received, the agency determines that there is insufficient justification to retain the proposed distinction between above-15,000-feet transponders and below-15,000-feet transponders, the final rule will permit the use of above-15,000-foot transponders only.

In consideration of the foregoing, it is proposed to amend Parts 37, 91, 121, 127, and 135 of the Federal Aviation Regulations as follows:

A. Part 37 would be amended by amending § 37.180 as follows:

1. Paragraphs (a), (b), (c), and (d) would be amended and a new paragraph (e) would be added, to read as follows:

§ 37.180 Airborne ATC transponder equipment—TSO–C74c.

(a) *Applicability.* This technical standard order prescribes the minimum performance standards which airborne ATC transponder equipment must meet in order to be identified with the applicable TSO marking. New models of such equipment that are to be so identified and that are manufactured on or after (the effective date of this section) must meet the following performance and environmental standards:

(1) *Performance standards.* (i) Equipment marked as Class 1A must be equipment intended for installation in aircraft that operate at altitudes above 15,000 feet and must meet the minimum performance requirements of "Federal Aviation Administration Standard Airborne ATC Transponder Equipment," set forth at the end of this section, as applicable.

(ii) Equipment marked as Class 1B must be equipment intended for installation in aircraft that operate at altitudes not exceeding 15,000 feet and must meet the minimum performance standards of "Federal Aviation Administration Standard, Airborne ATC Transponder Equipment," set forth at the end of this section, as applicable.

(iii) Equipment marked as Class 2A must be equipment intended for installation in aircraft that operate at altitudes above 15,000 feet and must meet the minimum performance standards set forth in Radio Technical Commission for Aeronautics Document No. DO–144 entitled "Minimum Operational Characteristics—Airborne ATC Transponder Systems," dated March 12, 1970, and Change No. 1 to DO–144, Paper 232–70/EC–643, dated November 5, 1970, as applicable.

(iv) Equipment marked as Class 2B must be equipment intended for installation in aircraft that operate at altitudes not exceeding 15,000 feet and must meet the minimum performance standards set forth in Radio Technical Commission for Aeronautics Document No. DO–144 entitled, "Minimum Operational Characteristics—Airborne ATC Transponder Systems," dated March 12, 1970, and Change No. 1 to DO–144, Paper 232–70/EC–643, dated November 5, 1970, as applicable.

(2) *Environmental standards.* RTCA Document No. DO–138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments," dated June 27, 1968, must be used in determining the environmental conditions over which the equipment has been designed to operate. Class 2A and 2B equipment need only be tested for the environmental conditions of temperature and altitude, humidity, shock, vibration, and power input voltage set forth in paragraphs 4, 5, 6, 7, and 9 of DO–138.

(b) *Availability of documents.* RTCA Documents Nos. DO–138 and DO–144, as amended, are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 of the Federal Aviation Regulations and are available as indicated in § 37.23. Additionally, RTCA Documents Nos. DO–138 and DO–144, as amended, may be examined at any FAA regional office of the Chief of Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division) and may be obtained from the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, DC, 20006, at a cost of $8 per copy for Document No. DO–138 and $6 per copy for Document No. DO–144.

(c) *Marking.* In addition to the markings specified in § 37.7, the equipment must meet the following requirements:

(1) The environmental categories over which it has been designed to operate as set forth in Appendix B of RTCA Document No. DO–138 must be permanently and legibly marked on the equipment. Where an environmental test procedure is not applicable and the test is not conducted, and "X" should be placed in the space assigned for that category.

(2) The class which the equipment meets must be permanently and legibly marked on the equipment. Equipment which meets the requirements of more than one class need only be marked with the class which contains the more severe requirements. When listed in order of severity of requirements, highest first, the classes are: 1A, 1B, 2A, and 2B.

(3) Each separate component of equipment (antenna, receiver-transmitter, etc.) must be permanently and legibly marked with at least the name of the manufacturer, the TSO number, and the environmental categories over which it is designed to operate.

(d) *Data requirements.* (1) In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or in the case of the Western Region, the Chief, Aircraft Engineering Division), Federal Aviation Administration, in the region in which the manufacturer is located, one copy of the following technical data:

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic diagrams, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to the installation.

(iii) Manufacturer's test report(s).

(iv) Equipment data sheet specifying the actual performance capability of the equipment and the environmental conditions under which the performance capability can be achieved. Performance data for abnormal environmental conditions may also be included.

(2) One copy of the technical data specified in subparagraphs (1) (ii) and (iv) of this paragraph must be furnished with each article.

(e) *Previously approved equipment.* Airborne ATC transponder equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

2. Paragraph 2.7c of the "Federal Aviation Standard, Airborne ATC Transponder Equipment," would be amended to read as follows:

2.7 Transponder discrimination and desensitization.

• • • • •

c. *Dead time.* (1) After reception of a proper interrogation, the transponder must reply to no other interrogation for the duration of the reply pulse train. This dead time must end no later than 125 microseconds after the transmission of the last reply pulse of the group.

(2) The dead time of the transponder created by means other than normal interrogations shall not exceed a period of more than 2,500 microseconds duration at a maximum duty cycle of 4.5 percent.

3. Paragraphs 2.8 and 2.11 of the "Federal Aviation Standards, Airborne ATC Transponder Equipment" would be amended by deleting the parenthetical reference to "(Class I)" and to "(Class II)".

B. Part 91 would be amended by adding a new § 91.24 to read as follows:

§ 91.24 ATC transponder equipment.

(a) ATC transponder equipment installed after January 1, 1972, in U.S. registered civil aircraft not previously equipped with an ATC transponder and all ATC transponder equipment used in U.S. registered civil aircraft after January 1, 1975, must meet the requirements of any Class of TSO–C74b of any Class of TSO–C74c, as appropriate.

(b) This section does not apply to operations conducted under Part 121, 123, 127, or 135 of this chapter.

C. Part 121 would be amended by amending § 121.345 by adding a new paragraph (c) to read as follows:

§ 121.345 Radio equipment.

• • • • •

(c) ATC transponder equipment installed after January 1, 1972, in aircraft not previously equipped with an ATC transponder and all ATC transponder equipment used after January 1, 1975, must meet the requirements of any Class of TSO–C74b, or Class 1A or Class 1B of TSO–C74c, as appropriate.

• • • • •

D. Part 127 would be amended by designating present § 127.123 as paragraph (a) and adding a new paragraph (b) as follows:

§ 127.123 Radio equipment.

• • • • •

(b) ATC transponder equipment installed after January 1, 1972, in helicopters not previously equipped with an ATC transponder and all ATC transponder equipment used after January 1, 1975, must meet the requirements of any Class of TSO–C74b, or Class 1A or 1B of TSO–C74c, as appropriate.

E. Part 135 would be amended by amending § 135.143 by adding a new paragraph (c) to read as follows:

§ 135.143 General requirements.

• • • • •

(c) ATC transponder equipment installed after January 1, 1972, in aircraft not previously equipped with an ATC transponder and all ATC transponder equipment used after January 1, 1975, must meet the requirements of any Class of TSO–C74b, or Class 1A or Class 1B of TSO–C74c, as appropriate.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 22, 1971.

R. S. SLIFF,
Acting Director,
Flight Sandards Service.

[FR Doc.71–4352 Filed 3–29–71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71–SO–40]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vidalia, Ga., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Vidalia transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vidalia Municipal Airport (lat. 32°11'45" N., long. 82°22'15" W.).

The proposed alteration is required to provide controlled airspace protection for IFR operations in the Vidalia terminal in conformance with the application of Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 19, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71–4353 Filed 3–29–71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71–EA–23]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Correction

In F.R. Doc. 71–4088 appearing at page 5620 in the issue of Thursday, March 25, 1971, in the description of the Utica, N.Y., transition area (§ 71.181), the phrase "9 miles southwest" in the 14th line should read "9 miles southeast".

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1–5; Notice 7]

BRAKE HOSES AND BRAKE HOSE ASSEMBLIES

Proposed Motor Vehicle Safety Standard

A notice of proposed amendment to 49 CFR 571.21, Federal Motor Vehicle Safety Standard No. 106, Brake Hoses and Brake Hose Assemblies, was published on August 28, 1970 (35 F.R. 13728), corrected on November 5, 1970 (35 F.R. 17055), and revised in certain respects on November 6, 1970 (35 F.R. 17116). The purpose of this notice is to reissue the proposal incorporating the corrections, some of the earlier revisions, and additional revisions discussed herein.

Research, test results, and other data which have come to the attention of the Administration since the initial issuance of the proposal have shown the need for additional revisions of proposed requirements and test procedures, and for comment thereon. The proposed specifications for hydraulic brake hose braid are revised to eliminate cotton, viscose rayon, and polyester cord, and to leave the braid material unspecified. Thus, under the proposal, a hydraulic brake hose braid may be made from any material as long as the brake hose incorporating the braid can meet the performance requirements of the standard. Values for regular-expansion hoses are added to Table I that previously set forth only maximum expansion limits of a low-expansion hose under pressure. The additional values will permit the continued availability of cotton braid hoses. A substantial number of passenger cars use cotton braid hydraulic brake hoses as original equipment, and a cotton braid hose is deemed more suitable for replacement than a rayon braid hose, which would have been the alternative had the earlier proposal not been modified. The proposed requirement that hoses bear two white stripes is revised to allow use of at least two stripes of any color contrasting with that of the hose. Under the previous proposal, the date of manufacture was indicated by a hyphenated numeral representing the day of the year, and the year itself; comments indicated that a numeral combining month, day, and year would result in a more easily identifiable manufacturing date and the proposal is revised accordingly.

Major revisions have been made in the airbrake hose portion of the proposal by eliminating the six types previously specified. Thus an airbrake hose under the proposal may be manufactured from any material as long as the hose can meet the performance requirements of the standard. Specification of a multilayer construction has been deleted to allow the industry more freedom for innovation in meeting the proposed requirements. Similarly, multilayer construction has been deleted from proposed hydraulic brake hose specifications. Comments are especially solicited on this specific area of the proposal. In recognition of the contemplated manufacture of certain brake hoses from synthetic materials, hoses of ⅛-inch inside diameter are included. The proposed minimum radii of the forms are also increased, as the previously specified radii are considered unduly restrictive.

Comments have apprised the NHTSA of the hazards involved in coupling differing sizes of air brake hoses and end fittings. While the coupling appears proper to the eye, the hose may be separated from the fitting as early as the first brake application. Specifying the outside diameter of airbrake hoses would insure a

greater likelihood of proper inservice replacement of airbrake hose assemblies. The NHTSA has not specified outside diameter dimensions for airbrake hoses in this rulemaking action but will prescribe values that will require the use of Standard SAE 100R5 fittings. It is requested that interested persons comment to the docket in order that these dimensions may be prescribed in the eventual amendment of Standard No. 106.

Test requirements are proposed for airbrake hoses to demonstrate resistance to ozone, water, ultraviolet light, and zinc chloride. Following exposure to each, a brake hose would have to demonstrate compliance with one of the following requirements: length change, adhesion, air pressure, strength, or tensile strength.

Physical tolerances in test conditions and procedures have been removed, since they are generally inappropriate for regulatory purposes, and likely to cause confusion as to their significance. Where a range within test conditions or procedures is specified, it is important for enforcement purposes that the vehicle or equipment be required to meet the specified requirements at all points within the range. If it is only required to meet the requirements at one point within a range, a nonconforming result in an NHTSA compliance test would be inconclusive, and repeated retesting would be required. Thus, if tolerances are used they should represent options for Government testing, not for manufacturers' test. But since safety standards should in all cases be considered as performance levels that each vehicle or item of equipment must meet, and not as instructions for manufacturer testing, it is usually clearer and more useful to express a test condition as a single figure without tolerances. Manufacturers have the responsibility of insuring, by any methods that constitute due care, that their products meet the requirements at the stated level. Normally this is done by setting their own test conditions slightly on the "adverse side" of the stated level.

The proposed effective date is extended from October 1, 1971, to March 1, 1972.

Interested persons are invited to submit data, views, and arguments on the proposed amendments. Comments are particularly invited on the leadtime and costs directly related to compliance with the proposed standard. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 4223, 400 Seventh Street SW., Washington, DC 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business May 24, 1971, will be considered, and will be available in the docket for examination both before and after the closing date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration will be treated as suggestions for future rulemaking. Relevant material will continue to be filed as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective date: March 1, 1972.

In consideration of the foregoing it is proposed that 49 CFR 571.21, Motor Vehicle Safety Standard No. 106, Brake Hoses and Brake Hose Assemblies, be amended as set forth below. This notice of proposed rulemaking is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on March 19, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator,
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§ 571.21 Federal Motor Vehicle Safety Standards.

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MOTOR VEHICLE SAFETY STANDARD NO. 106

S1. *Scope.* This standard specifies requirements for motor vehicle brake hoses and hose assemblies.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring as a result of brake failure from pressure loss due to hose leakage or rupture.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles, and to brake hoses and brake hose assemblies for use in passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

S4. *Definitions.*

"Braid" means two or more strands of intertwined threads forming a diagonal pattern the length of a brake hose.

"Hydraulic brake hose" means a flexible hose for use in a hydraulic brake system of a motor vehicle.

"Hydraulic brake hose assembly" means a hydraulic brake hose with or without armor equipped with permanently attached end fittings.

"Airbrake hose" means a flexible hose for use in an airbrake system of a motor vehicle.

"Airbrake hose assembly" means an airbrake hose with or without armor equipped with couplings or end fittings.

"Vacuum brake hose" means a flexible hose for use in a vacuum brake system of a motor vehicle.

"Vacuum brake hose assembly" means a vacuum brake hose with or without armor equipped with couplings or end fittings.

"Heavy-duty vacuum brake hose" means a vacuum brake hose intended for use in the braking systems of single vehicles or as connecting or transmission lines in combinations of vehicles and systems thereof.

"Oil-resisting heavy-duty vacuum brake hose" means a heavy-duty vacuum brake hose intended for specific use as a manifold connection.

"Light-duty vacuum brake hose" means a vacuum brake hose intended for service in conjunction with the power-braking system on passenger cars, multipurpose passenger vehicles and trucks.

"Rupture" means any failure which results in leakage or a separation of a brake hose from its couplings or end fittings.

"P.s.i." means gage pressure in pounds per square inch as differentiated from absolute pressure.

S5 *Requirements.*

S5.1 *Hydraulic brake hoses and hose assemblies.*

S5.1.1 *Manufacture.* Each hydraulic brake hose shall consist of a rubber inner tube of ⅛-inch, 3/16-inch, or ¼-inch inside diameter, braid imbedded in and bonded to the rubber, and a rubber outer cover. The cover shall be free from sulfur bloom. The inner tube of each hose shall be of a nonblooming stock.

S5.1.2 *Labeling.*

S5.1.2.1 Each hydraulic brake hose shall have at least two solid stripes of a color contrasting to that of the hose, at least one-eighth of an inch in width, placed on opposite sides of the hose parallel to its longitudinal axis. The stripes may be interrupted by the information required by S5.1.2.2.

S5.1.2.2 Each hydraulic brake hose shall be permanently labeled at 6-inch intervals, in block capital letters and numerals at least five thirty-seconds of an inch high, with the following information in the order listed:

(a) A six-digit number indicating the month, day, and year of manufacture. For example, "010773" means January 7, 1973.

(b) The symbol DOT, constituting a certification by the hose manufacturer that the hose conforms to all applicable motor vehicle safety standards.

(c) The hose manufacturer's code number, assigned by the National Highway Traffic Safety Administration.

(d) One of the following three symbols, as applicable:

(1) H2, for hydraulic brake hose of ⅛-inch diameter;

(2) H3, for hydraulic brake hose of 3/16-inch diameter; or

(3) H4, for hydraulic brake hose of ¼-inch diameter.

S5.1.2.3 At least one end fitting of a hydraulic brake hose assembly shall be permanently etched, embossed, or stamped, in block capital letters and numerals at least three thirty-seconds of an inch high, with the date on which the fitting was assembled to the hose, the symbol DOT, and the assembler's code number, as specified in S5.1.2.2 (a), (b), and (c).

S5.1.3 *Test requirements.* Each hydraulic brake hose assembly shall be capable of meeting any of the requirements set forth under this heading, when tested under the conditions of S6 and the applicable procedures of S7. However, a particular hose assembly need not meet further requirements after having been subjected to, and having met the requirements of, any one of the following test groups:

(a) Expansion test (S7.1.2) and strength test (S7.1.3);

(b) Fatigue life test (S7.1.4.) and pressure test (S7.1.5);

(c) Tensile test (S7.1.6) and pressure test (S7.1.5);

(d) Water absorption procedure (S7.1.7), strength test (S7.1.3), tensile test (S7.1.6), and fatigue life (S7.1.4);

(e) Cold test (S7.1.8);

(f) Brake fluid compatibility test (S7.1.9); constriction test (S7.1.1), and strength test (S7.1.3);

(g) Ozone resistance test (S7.1.10); or

(h) Salt spray test (S7.1.11).

S5.1.3.1 *Constriction.* The time required for the gage plug to drop of its own weight a distance of 3 inches into the hydraulic brake hose assembly shall not exceed 5 seconds (S7.1.1(a)). However, if the configuration of the assembly precludes testing by the gage plug method, the above requirement shall not apply, and instead, when tested according to S7.1.1(b), a steel ball with a diameter equal to that of the applicable gage plug under 25 p.s.i. air pressure shall pass completely through the hose assembly at a rate not less than 1 inch per second.

S5.1.3.2 *Expansion and strength.* The maximum expansion of a hydraulic brake hose assembly at 1,000 p.s.i. and 1,500 p.s.i. shall not exceed the values specified in Table I (S7.1.2). After being subjected to the expansion test, the hydraulic brake hose shall then withstand 4,000 p.s.i. water pressure for 2 minutes without rupture, and shall not rupture at less than 5,000 p.s.i. (S7.1.3).

TABLE I—MAXIMUM EXPANSION OF FREE LENGTH BRAKE HOSE, cc/ft.

Hydraulic brake hose, inside diameter	Test pressure			
	1000 p.s.i.		1500 p.s.i.	
	Reg. Exp. hose	Low Exp. hose	Reg. Exp. hose	Low Exp. hose
⅛ inch	0.66	0.33	0.79	0.42
3/16 inch	0.86	0.55	1.02	0.72
¼ inch	1.04	0.82	1.30	1.10

S5.1.3.3 *Fatique life and pressure resistance.* A hydraulic brake hose assembly shall not rupture when run continuously on the flexing machine for 35 hours (S7.1.4), and shall then withstand 1,500 p.s.i. air pressure for 30 seconds without rupture (S7.1.5).

S5.1.3.4 *Tensile strength and pressure resistance.* A hydraulic brake hose assembly shall withstand a pull of 325 pounds without rupture (S7.1.6), and shall then withstand 1,500 p.s.i. air pressure for 30 seconds without rupture (S7.1.5).

S5.1.3.5 *Water absorption, strength, tensile strength, and fatigue life.* Each hydraulic brake hose assembly, after immersion in water for 70 hours (S7.1.7), shall withstand 4,000 p.s.i. water pressure for 2 minutes without rupture, and shall then not rupture at less than 5,000 p.s.i. (S7.1.3). It shall then withstand a pull of 325 pounds without rupture (S7.1.6), and shall not rupture when run continuously on a flexing machine for 35 hours (S7.1.4).

S5.1.3.6 *Low-temperature compatibility.* The outer cover of a hydraulic brake hose conditioned at minus 65° F. for 70 hours shall show no signs of cracking when bent around a cylinder (S7.1.8).

S5.1.3.7 *Brake fluid compatibility, construction, and strength.* After having been subjected to a temperature of 250° F. for 70 hours while filled with brake fluid conforming to Standard No. 116, as in effect on the date of manufacture of the hose (S7.1.9), each hydraulic brake hose assembly shall meet the constriction requirements of S5.1.3.1. It shall then withstand 4,000 p.s.i. water pressure for 2 minutes without rupture, and shall not rupture at less than 5,000 p.s.i. (S.7.1.3).

S5.1.3.8 *Ozone resistance.* The outer cover of a hydraulic brake hose shall show no cracking after exposure to ozone, when examined under 7-power magnification (S71.10).

S5.1.3.9 *End fitting corrosion resistance.* After 24 hours of exposure to salt spray, hydraulic brake hose assembly end fittings shall show no pitting, or base metal rust on the end fitting surface (S7.1.11).

S5.2 *Airbrake hoses and hose assemblies.*

S5.2.1 *Manufacture.*

(a) Each airbrake hose and hose assembly shall be provided with reusable metal end fittings.

(b) Each reusable end fitting shall consist of a nipple inserted into the bore of the hose and an outer sleeve (socket, body, or shell) engaging the nipple. The wall of the hose shall be compressed between the nipple and sleeve. Zinc-plated end fittings, if any, shall be dichromate dipped.

S5.2.2 *Labeling.*

S5.2.2.1 Each airbrake hose shall be labeled as specified in S5.1.2.2 (a), (b), (c), and with the letter "A" indicating that the hose is an airbrake hose. In addition each airbrake hose shall bear a number designating hose diameter in sixteenths of an inch. For example, "7" designates a hose diameter of seven-sixteenths of an inch; "6.5" designates a hose diameter of thirteen thirty-seconds of an inch.

S5.2.2.2 Each airbrake hose assembly shall be permanently labeled as specified in S5.1.2.3.

S5.2.3 *Test requirements.*

(a) Each airbrake hose assembly shall be capable of meeting any of the requirements set forth under this heading, when tested under the conditions of S6 and the applicable procedures of S7.

(b) A particular hose assembly need not meet further requirements after having been subjected to and having met the requirements of any of the following tests:

(1) Salt spray test (S7.2.2).

(2) High temperature resistance test (S7.2.3).

(3) Low temperature compatibility test (S7.2.4).

(4) Oil resistance test (S7.2.5).

(c) Each airbrake hose assembly shall meet the applicable requirements when subjected to any one of the tests in group (1), below, followed by any one of the tests in group (2). A particular hose assembly need not meet further requirements after having been subjected to and having met the requirements of any such combination of tests.

(1) Ozone resistance test (S7.2.6); water resistance test (S7.2.12); ultraviolet light resistance test (S7.2.13); or zinc chloride resistance test (S7.2.14).

(2) Length change test (S7.2.7); adhesion test (S7.2.8); air pressure test (S7.2.9); strength test (S7.2.10); or tensile strength test (S7.2.11).

S5.2.4 *Constriction.* A steel ball (of diameter as specified in Table II) under 25 p.s.i. air pressure shall pass completely through the hose assembly at a rate not less than 1 inch per second (S7.2.1).

TABLE II—AIRBRAKE HOSE CONSTRICTION REQUIREMENTS

Inside diameter of hose (inches):	*Minimum ball diameter (inches)*
⅛	0.0940
3/16	.1405
¼	.1880
5/16	.2340
⅜	.2820
13/32	.2980
7/16	.3280
½	.3750
⅝	.4700

S5.2.5 *Airbrake hose assembly end connectoins.* After 24 hours exposure to salt spray airbrakes hose assembly couplings or end fittings shall show no pitting, or base metal rust of the couplings or end fittings surfaces (S7.2.2).

S5.2.6 *High temperature resistance.* An airbrake hose shall show no cracks, charring or disintegration externally or internally when straightened after being bent over a form having the minimum bend radius specified in Table III (S7.2.3) and then impacted with a 10-pound weight (see Figure 1).

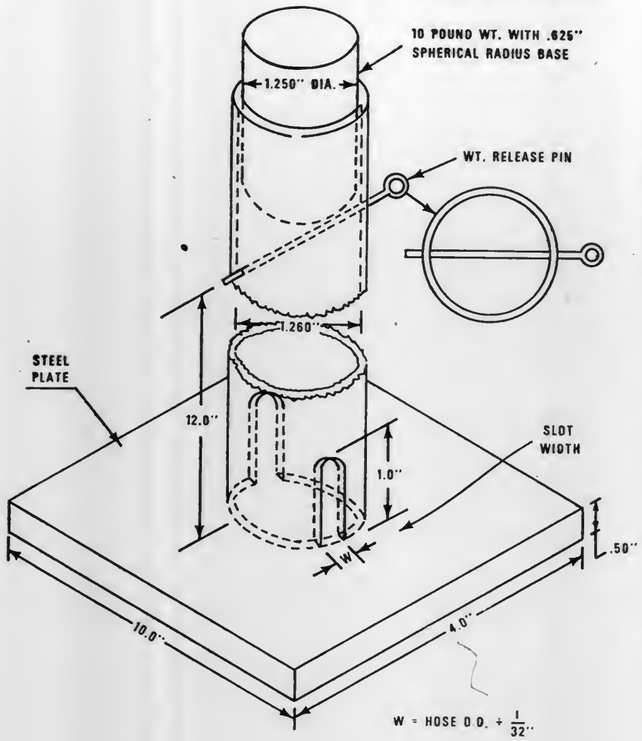


FIGURE 1

TABLE III—AIR BRAKE HOSE DIAMETERS AND MINIMUM BEND RADII

Hose, inside diameter in inches	½	9/16	¾	5/16	⅜	13/32	7/16	½	5/8
Minimum bend radius to inside of bend, in inches	1½	2	2½	3	3½	3½	4	4	4½

S5.2.7 *Sizes.* The hose shall conform to the dimensional requirements given in Table III.

S5.2.8 *Low temperature compatibility.* The outer cover of an airbrake hose shall show no signs of cracking after conditioning at minus 40° F. for 70 hours, when bent around a cylinder having the minimum bend radius specified in Table III, and shall not rupture when tested under 300 p.s.i. air pressure for 30 seconds (S.7.2.4).

S5.2.9 *Oil resistance.* After immersion in ASTM No. 3 oil for 70 hours at 212° F. the volume of a specimen prepared from the inner tube and from the cover of an airbrake hose shall not increase more than 100 percent (S7.2.5).

S5.2.10 *Ozone resistance.* After exposure to ozone for 70 hours at 104° F. the outer cover of an airbrake hose shall show no cracking when examined under 7-power magnification (S7.2.6), and:

(a) *Length change.* The hose shall not contract in length more than 7 percent nor elongate more than 5 percent when tested under a pressure of 150 p.s.i. (S7.2.7).

(b) *Adhesion.* The hose shall not require a force less than 8 pounds (machine method) to separate adjacent layers (S7.2.8).

(c) *Air pressure.* The hose assembly shall show no leakage when tested under air pressure of 300 p.s.i. for 30 seconds (S7.2.9).

(d) *Strength.* The hose shall not rupture when tested under hydrostatic pressure at 900 p.s.i. (S7.2.10).

(e) *Tensile strength.* The hose assembly shall withstand a pull of 250 pounds if it is ⅛-inch, 3/16-inch, or ¼-inch hose, or of 325 pounds, if it is any other hose, without separation from the end fittings or couplings and without rupture of the hose (S7.2.11).

S5.2.11 *Water resistance.* After immersion in distilled water for 168 hours, each airbrake hose and hose assembly shall be capable of meeting the requirements of S5.2.10(a)–(e).

S5.2.12 *Ultraviolet light resistance.* After exposure to ultraviolet light for 1,200 hours, and impact with a 10-pound weight (see Figure 1), the outer cover of each airbrake hose shall show no cracks under 7-power magnification (S7.2.13). The hose assembly shall then be capable of meeting the requirements of S5.2.10(a)–(e).

S5.2.13 *Zinc chloride resistance.* After immersion in a 50-percent zinc chloride aqueous solution for 200 hours, the outer cover of each airbrake hose shall show no cracks under 7-power magnification (S7.2.14). The hose assembly shall then be capable of meeting the requirements of S5.2.10(a)–(e).

S5.3 *Vacuum brake hoses and hose assemblies.*

S5.3.1 *Manufacture.* Vacuum brake hose shall have the dimensional requirements as specified in Table IV and Table V and shall be manufactured with a smoothbore tube of flexible material, reinforced with cord or duck plies, or a combination of both, together with an abrasive, weather, and sunlight resistant cover. Covers for light-duty vacuum and for oil-resisting heavy-duty vacuum brake hose shall be oil resistant. Zinc plated end connections shall be dichromate dipped.

TABLE IV—HEAVY-DUTY VACUUM BRAKE HOSE DIAMETERS

Heavy-duty vacuum brake hose size	Inside diameter, inch					
	¼	5/16	⅜	½	¾	1
Tolerance (inch):						
Plus	0.008	0.008	0.008	0.008	0.008	0.010
Minus	0.020	0.020	0.020	0.020	0.020	0.022
	Outside diameter, inch					
	9/16	13/16	15/16	1 1/16	1 3/16	1 5/16
Tolerance (inch):						
Plus	1/32	1/32	1/32	1/32	1/32	1/32
Minus	1/32	1/32	1/32	1/32	1/32	1/32

TABLE V—LIGHT-DUTY VACUUM BRAKE HOSE DIAMETERS

Light-duty vacuum brake hose size	Inside diameter, inch		
	7/32	1 1/32	1 5/32
Tolerance (inch):			
Plus	0.028	0.028	0.028
Minus	0.032	0.032	0.032
	Outside diameter, inch		
	7/16	1 1/16	1 3/16
Tolerance (inch):			
Plus	0.032	0.032	0.032
Minus	0.032	0.032	0.032

S5.3.2 *Labeling.*

S5.3.2.1 Each vacuum brake hose shall be labeled as specified in S5.1.2.2 (a), (b), and (c). In addition each hose shall also bear the following information in the order listed:

(a) A digit indicating intended service. The digit "1" designates a light-duty vacuum brake hose, "2" designates a heavy-duty vacuum brake hose, and "3" designates an oil-resisting heavy-duty vacuum brake hose.

(b) The letter "V" indicating that the hose is a vacuum brake hose.

(c) A number designating hose diameter in sixteenths of an inch. For example, "7" designates a hose diameter of seven-sixteenths of an inch; "6.5" designates a hose diameter of thirteen thirty-seconds of an inch.

S5.3.2.2 Each vacuum brake hose assembly shall be permanently labeled as specified in S5.1.2.3.

S5.3.3 Each vacuum brake hose assembly shall be capable of meeting any of the requirements set forth under this heading, when tested under the conditions of S6 and the applicable procedures of S7.

S5.3.4 *Constriction.* A steel ball of diameter as specified in Table VI for heavy-duty vacuum brake hose or Table VII for light-duty vacuum brake hose, under 25 p.s.i. air pressure shall pass completely through the hose assembly at a rate not less than 1 inch per second (S7.3.1).

S5.3.5 *Vacuum brake hose assembly end connections.* After 24 hours exposure to salt spray vacuum brake hose assembly end connections shall show no pitting or base metal rust of the connection surface (S7.3.2).

S5.3.6 *High temperature resistance.* A vacuum brake hose shall show no cracks, charring, or disintegration externally or internally when straightened after being bent over a form having the radius specified in Table VI for heavy-duty type or Table VII for light-duty type (S7.3.3).

TABLE VI—HEAVY-DUTY VACUUM BRAKE HOSE TEST REQUIREMENTS

Hose—Inside diameter, inches	High temperature resistance		Bend		Deformation—Collapsed ID (dimension D), inches	Strength—p.s.i.	Swell—diameter of ball, inches
	Specimen length, inches	Radius of form, inches	Specimen length, inches	Maximum collapse of OD, inches			
¼	9	1½	8	9/32	1/16	1200	5/16
5/16	10	1¾	12	5/32	9/32	1200	7/16
⅜	11	2	16	7/32	1/8	1000	1 3/32
7/16	12	2¼	22	7/32	5/32	1000	1 7/32
½	14	2½	28	7/32	9/64	800	5/8
1.0	16	3¼	36	9/32	¼	800	7/8

TABLE VII—LIGHT-DUTY VACUUM BRAKE HOSE TEST REQUIREMENTS

Hose—Inside diameter, inches	High temperature resistance		Bend		Deformation—Collapsed ID (dimension D), inches	Strength—p.s.i.	Swell—ball diameter factor
	Specimen length, inches	Radius of form, inches	Specimen length, inches	Maximum collapse of OD, inches			
7/32	8	1½	7	1 13/64	9/64	350	1/16
1 1/32	9	1¾	11	1 3/64	1/16	350	3/32
1 9/32	11	2	14	1 7/64	3/64	350	3/32

S5.3.7 *Low temperature compatability.* The outer cover of a vacuum brake hose shall show no signs of cracking after conditioning at minus 40° F. for 70 hours when bent around a cylinder (S7.3.4).

S5.3.8 *Ozone resistance.* The outer cover shall show no cracking when examined under 7-power magnification after exposure to ozone (S7.3.5).

S5.3.9 *Strength.* A vacuum brake hose shall not rupture at the hydrostatic pressure specified in Table VI for heavy-duty type and Table VII for light-duty type (S7.3.6).

S5.3.10 *Vacuum.* The collapse of the outside diameter of a vacuum brake hose under internal vacuum of 26 inches of Hg. for 5 minutes shall not exceed 1/16 inch S7.3.7).

S5.3.11 *Bend.* The collapse of the outside diameter of a vacuum brake hose at the middle point of the test length when bent until the ends touch shall not exceed the values given in Table VI for heavy-duty type and Table VII for light-duty type (S7.3.8).

S5.3.12 *Swell.* A vacuum brake hose shall show no leakage in vacuum test under 26 inches of Hg. for 10 minutes, after which there shall be no separation of the inner tube from the fabric reinforcement of the hose. The steel ball shall pass freely through the hose (S7.3.10).

S5.3.13 *Adhesion.* The load required to separate adjacent layers shall be not less than 8 pounds (S7.3.11).

S5.3.14 *Additional requirements for heavy-duty vacuum brake hose.* In addition to meeting the requirements of S5.3.4 through S5.3.13, each heavy-duty vacuum brake hose shall also meet the following requirements:

(a) *Deformation.* A heavy-duty vacuum brake hose shall immediately return to at least 90 percent of the original outside diameter. The collapsed inside diameter (dimension D) shall be that specified in Table VI. The load required in the first compression shall be less than 70 pounds, and in the fifth compression it shall be greater than 40 pounds (S7.3.9).

(b) *Cover tensile.* The cover shall have a tensile strength not less than 1,200 p.s.i. (S7.3.12).

(c) *Cover elongation.* The cover stock shall have an elongation at break not less than 200 percent (not less than 2 inches or more than 6 inches) (S7.3.12).

(d) *Tube tensile.* The tube stock shall have a tensile strength not less than 1,000 p.s.i. (S7.3.12).

(e) *Tube elongation.* The tube shall have an elongation at break not less than 175 percent (S7.3.12).

S5.3.15 *Additional requirements for light-duty vacuum brake hose.* In addition to meeting the requirements of S5.3.4 through S5.3.13, each light-duty vacuum brake hose shall also meet the following requirements:

(a) *Deformation.* Each light-duty vacuum brake hose shall immediately return to at least 90 percent of the original outside diameter. The collapsed inside diameter (dimension D) shall be that specified in Table VII. The load required in the first compression shall be less than 50 pounds, and in the fifth compression it shall be greater than 20 pounds (S7.3.9).

(b) *Swell.* Each hose shall meet the requirements of S5.3.12 (S7.3.10).

(c) *Cover tensile.* The cover stock shall have a tensile strength not less than 800 p.s.i. (S7.3.12).

(d) *Cover elongation.* The cover stock shall have an elongation at break not less than 200 percent (not less than 2 inches or more than 6 inches) (S7.3.12).

(e) *Cover volume increase.* The volume of a specimen prepared from the cover of the hose shall not increase more than 50 percent (S7.2.5).

(f) *Tube tensile.* The tube stock shall have a tensile strength not less than 700 p.s.i. (S7.3.12).

(g) *Tube elongation.* The tube stock shall have an elongation at break not less than 175 percent (S7.3.12).

S5.3.16 *Special requirements for oil-resisting heavy-duty vacuum brake hose.* The tube volume of a specimen of oil-resisting heavy-duty vacuum brake hose prepared from the inner tube of the hose shall not increase more than 100 percent. (S7.2.5). The brake hose itself shall meet each requirement of S5.3.4 through S5.3.14.

S6. *Test conditions.* The requirements of S5 shall be met under the following conditions.

S6.1 The temperature of the testing room is 75° F.

S6.2 Except for S7.1.8, S7.2.4, and S7.3.4 the test samples are stabilized at room temperature prior to testing.

S6.3 The brake hose assemblies are at least 24 hours old, and unused.

S7. *Test procedures.*

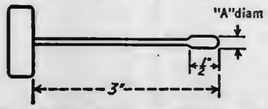
S7.1 *Hydraulic brake hoses and hose assemblies.*

S7.1.1 *Constriction test.*

(a) Measure the constriction of the brake hose assembly with gage plugs as shown in Figure 2. Diameter "A" shall be 0.080 inch for ⅛-inch hose, 0.120 inch for 3/16-inch hose, and 0.165 inch for ¼-inch hose. Gage plugs shall weigh 2 ounces. Hold the hose assembly vertically, and insert the "A" diameter portion of the plug one-half inch into the end of the fitting, then permit the gage plug to drop of its own weight the remaining

2½ inches into the hose assembly. Test both ends.

(b) Hold the brake hose assembly in a straight and vertical position. Pass a steel ball of diameter equal to diameter "A" of the applicable gage plug through the hose under 25 p.s.i. air pressure.



GAGE PLUG SHALL WEIGH 2-OUNCES. DIMENSION "A" OF THE GAGE PLUG SHALL BE AS PRESCRIBED IN THE SPECIFICATIONS FOR THE HOSE.

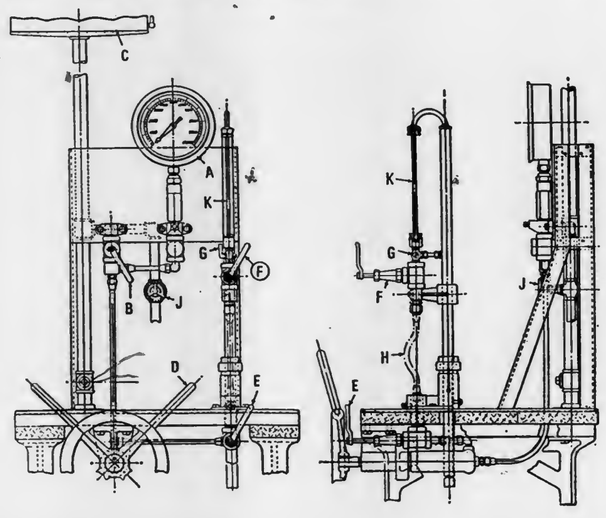
FIGURE 2.—Gage Plug for Testing Construction of Bore of Hose.

S7.1.2 *Test apparatus.*

(a) The test apparatus shall consist essentially of the following, as shown in Figure 3: Source for required fluid pressures, pressure gages, piping, valves, fittings in which the hose assembly may be mounted vertically for application of pressure under controlled conditions, and a graduated buret for measuring the volume of liquid corresponding to the expansion of the hose under pressure. All piping and connections shall be smooth bore without recesses or offsets, so that all air may be freely removed from the system before running each test. Valves shall be capable of withstanding pressures involved without leakage. The apparatus shall be capable of applying pressure at a rate of increase of 15,000 p.s.i. per minute.

(b) Establish the calibration correction factor for the test device at pressures of 1,000 and 1,500 p.s.i. using doublewalled, copper-brazed steel tubing with a small diameter, in place of the hose assembly. Subtract these calibration correction factors from expansion readings obtained on test specimens. The maximum permissible calibration correction factor shall be 0.08 cubic centimeters at 1,500 p.s.i.

(c) Thread the test specimen into position on apparatus so as to provide a leakproof seal. Do not twist. Maintain the hose in a vertical, straight position without tension while under pressure. Fill tank C with distilled water, so that when it is filled it is free of air and dissolved gases. Open valve B and turn crank D to left to allow the maximum amount of water to flow into the master cylinder. Next open valves, E, F, and G allowing water to run from tank C through buret K until no air bubbles are seen in the buret. Removal of air bubbles may be facilitated by moving the hose back and forth. Close valves B and F and raise pressure in hose to 1,500 p.s.i., at a rate of 15,000 p.s.i. per minute, for not more than 10 seconds. After inspecting for leaks at the connections, release the pressure in the hose completely by opening valve F. Close valve F. Adjust water level in buret K to zero by means of valve G. Turn crank D to the right, raising the pressure in the hose to 1,000 p.s.i., at a rate of 15,000 p.s.i. per minute. Seal this pressure in hose by closing valve E, after which measure the expansion immediately by opening valve F and allowing water in the expanded hose to rise in the buret. As soon as the liquid level is constant, close valve F and take reading on buret K. Repeat this operation so that the final reading taken on buret K will be the total of three expansions. This reading, divided by 3, minus the calibration factor, is the final volumetric expansion of the hose at 1,000 p.s.i. Readjust the water level in buret to zero as above and repeat procedure to obtain expansion at 1,500 p.s.i. If pressure in the hose should inadvertently be raised just prior to the expansion reading to a value above that specified, do not take a reading but release pressure and repeat procedure.



A—PRESSURE GAGE OF 10,000-PSI CAPACITY.
B—CONTROL VALVE FROM TANK C.
C—PRESSURE-MEDIUM TANK (VENTED ON TOP).
D—SCREW OPERATED MASTER CYLINDER.
E—VALVE CONTROLLING LINE FROM MASTER CYLINDER TO HOSE.
F—VALVE ABOVE HOSE.
G—VALVE CONTROLLING FLOW INTO BURET.
H—HOSE IN SLACK POSITION.
J—FLUID LINE VALVE.
K—BURET GRADUATED IN 0.1 CU CM.

FIGURE 3.—Apparatus for Expansion and Bursting Strength Tests.

S7.1.3 *Strength test.*

(a) The test apparatus shall consist of a pressure system in which the brake hose is so connected that controlled and measured fluid pressure may be applied internally. The pressure shall be obtained by pump or accumulator system and shall be measured with a calibrated gage. Provision shall be made for filling the hose with distilled water and allowing all air to escape through a relief valve prior to application of pressure. Pressure shall be applied at a rate of increase of 15,000 p.s.i. per minute. The apparatus described in S7.1.2(a) may be used when it conforms to these requirements and the components are adapted to high-pressure work.

(b) Connect the brake hose assembly to pressure system and fill completely with water, allowing all air to escape. Close relief valve and apply pressure at 15,000 p.s.i. per minute until it reaches 4,000 p.s.i. Hold for 2 minutes. Then increase pressure to 5,000 p.s.i.

S7.1.4 *Fatigue life (whip test).* Test shall be conducted with free length as specified in Table VIII and with protective armor removed.

TABLE IX.—HOSE LENGTHS

Straight length (free length between end fittings), in.	Slack, in.	
	⅜-in. hose	⅛-in. and ¼-in. hose
8 to 15½, inclusive	1.750 ±0.015	1.000 ±0.015
Over 15½ to 19, inclusive	1.250 ±0.015	----------
Over 19 to 24, inclusive	0.750 ±0.015	----------

(a) Test apparatus shall provide the same motion to the specimens as the following: A movable header consisting of a horizontal bar mounted at each end on vertically rotating disks through ball bearings with centers placed 4 inches from disk centers, and an adjustable stationary header parallel to the movable header in the same horizontal plane as the centers of the disks. The headers are each provided with four standard end connections equally spaced, approximately 3½ inches on centers in which the hose assemblies are mounted in parallel. The disks are revolved at a speed of 800 r.p.m., whereby the hose ends fastened to the moving header are rotated at this speed through a circle 8 inches in diameter while the opposite hose ends remain stationary. The end connections on the movable header are tightly capped, while those on the stationary header are open to a manifold through which water pressure is supplied by means of a weight-operated plunger in a pressure cylinder. The hose assemblies are thereby subjected during test to a constant water pressure which shall be maintained between 225 and 235 p.s.i. as shown by a gage installed so as to read pressure in the manifold. A limit switch operated by the plunger weight must be used to stop the machine when the water pressure drops as in the case of rupture of the hose, since it is essential that the machine stop if the pressure drops or a hose assembly fails. A revolution counter and elapsed time indicator shall be provided.

(b) Equip the nonrotating header to permit attachment of each hose assembly with individual adjustment for length. When mounted in the whip test machine, the projected length of the hose assembly shall be less than the straight length by the amount indicated as slack in Table VIII. The reduction from straight length to projected length on the machine shall be within the limits specified. Take the projected length parallel to the axis of the rotating head. Install brake hose assemblies in the apparatus without any twist. Apply water pressure and bleed all hose and passages to eliminate air pockets or bubbles. Start the motor rotating the movable head and note the duration of the test. Failure of the brake hose by water leakage through a rupture, and consequent loss of pressure, constitutes a failure of the test. Run the machine continuously for 35 hours.

S7.1.5 *Pressure test.* Attach one end of the hose assembly to a source of air pressure and cap the open end. Submerge the hose assembly in water, using a suitable container for visual observation. Before applying pressure, wipe the hose assembly free of any surface bubbles formed during submersion. Apply an internal air pressure of 1,500 p.s.i. to the hose assembly and maintain for 30 seconds.

S7.1.6 *Tensile test.*

(a) Use a tension testing machine conforming to the requirements of the Methods of Verification of Testing Machines (ASTM Designation: E4) and provided with a recording device to give the total pull in pounds. The hose assembly shall be so held that the hose and fittings shall have a straight centerline corresponding to the direction of the machine pull.

(b) Assemble hose assembly in the fixture and mount in the testing machine. Apply a steady tension load at a speed such that the moving head of the testing machine travels at 1 inch per minute until the total load reaches 325 pounds.

S7.1.7 *Water absorption procedure.* Remove cover of a hose assembly one-half inch to five-eighths inch from either side of the center (total 1 inch to 1¼ inches of the cover removed), in such a manner that the outer braid is exposed, but the outer yarn is not injured and the hose is not elongated. Immerse the assembly in distilled water at room temperature for 70 hours. Within 10 minutes after removal from the water, begin tests S7.1.3, and S7.1.6, as appropriate. Begin whip test (S7.1.4) not sooner than 10 minutes, and not later than 30 minutes, after removal from the water.

S7.1.8 *Low temperature compatability test.* After removal of chafing sleeves or extra appendages, condition the hose, in a straight position, and a cylinder of the diameter specified below, in air at minus 65° F. for 70 hours. Then, still at that temperature, bend the hose 180 degrees around the cylinder at a steady rate in a period of 3 to 5 seconds. The cylinder diameter shall be 3 inches for ⅛-inch hose, and 3½ inches for 3⅜₁₆-inch and ¼-inch hose.

S7.1.9 *Brake fluid compatibility procedure.* Fill a hose assembly with brake fluid conforming to Federal Motor Vehicle Safety Standard No. 116, as effective at the time of manufacture of the hose, and cap both ends. Condition the assembly in an oven at 250° F. for 70 hours. Within 10 minutes after removal from the oven, drain the brake hose assembly of brake fluid and immediately begin test S7.1.1 or S7.1.3 as appropriate.

S7.1.10 *Ozone resistance test.* Bend a brake hose 10 inches longer than the circumference of the required cylinder around the cylinder, the diameter of which shall be eight times the nominal outside diameter of the brake hose, and bind where the ends cross. If the hose collapses when bent around the cylinder, provide for internal support of the hose. Condition hose for 24 hours in air at room temperature, and then place the hose on the cylinder in an exposure chamber containing air mixed with ozone in the proportion of 50 parts of ozone per 100 million parts of air by volume, for 70 hours. Ambient air temperature in chamber during test shall be 104° F. Then examine cover of hose under 7-power magnification, ignoring areas immediately adjacent to or within area covered by binding.

S7.1.11 *Salt spray test.*

(a) *Apparatus.* The apparatus for this test shall be that described in the appendix.

(b) *Material.* The material of construction of the salt spray chamber shall be such that it will not affect the corrosiveness of the fog. Drops of solution which accumulate on the ceiling or cover of the chamber shal not be permitted to fall on the brake hose. Drops of solution which fall from the brake hose shall not be returned to the solution reservoir for respraying.

(c) *Position of hose during test.* The position of the hose assembly in the chamber during the test shall be such that the following conditions are met:

(i) A hose assembly is supported or suspended 30° from the vertical and parallel to the principal direction of horizontal flow of fog through the chamber, based upon the dominant surface being tested.

(ii) Each hose is so placed as to permit free settling of fog on all assemblies.

(iii) Salt solution from one hose assembly does not drip on any other hose assembly.

(d) *Salt solution.* Solution shall be 5 parts by weight of sodium chloride in 95 parts of distilled water or water containing not more than 200 p.p.m. of total solids. The sodium chloride shall be substantially free of nickel and copper and shall contain on a dry basis not more than 0.1 percent of sodium iodide and not more than 0.3 percent of total impurities. The pH of the salt solution shall be such that when atomized at 95° F. the collected solution shall be in the pH range of 6.5 to 7.2. Before the solution is atomized it shall be free of suspended solids. The pH measurement shall be made electrometrically at 77° F. using a glass electrode with a saturated potassium chloride brideg, or colorimetrically using Bromthymol blue as indicator.

(e) *Air supply.* Compressed air supply to nozzle or nozzles for atomizing salt solution shall be free of oil and dirt and maintained between 10 and 25 p.s.i.

(f) *Condition in salt supply chamber.*

(i) Exposure zone of salt spray chamber shall be maintained at 95° F. Temperature within the exposure zone of the closed cabinet shall be recorded at least twice a day at least 7 hours apart.

(ii) Place at least two clean fog collectors within the exposure zone so that no drops of solution from the hoses or other sources are collected. Collectors shall be placed in the proximity of hoses, one nearest to any nozzle and the other farthest from all nozzles. Fog shall be such that for each 80 square centimeters of horizontal collecting area there will be collected in each collector from 1 to 2 milliliters of a solution per hour based on an average run of at least 16 hours. The sodium chloride concentration of the collected solution shall be 5 percent by weight. The pH of the collected solution shall be 6.5 to 7.2 and shall be made

electrometrically or colorimetrically using Bromthymol blue as the indicator.

(iii) The nozzle or nozzles shall be so directed or baffled that none of the spray can impinge directly on the hose assemblies.

(g) *Continuity and cleaning.* (i) The test shall be continuous for a period of 24 hours.

(ii) Remove salt deposit from surface of hoses by washing gently or dipping in clean running water not warmer than 100° F. and then immediately dry.

S7.2 *Airbrake hoses and hose assemblies.*

S7.2.1 *Constriction test.* Hold the hose assembly in a straight and vertical position. Pass a steel ball (of diameter as specified in Table II) through the hose while under 25 p.s.i. air pressure.

S7.2.2 *Salt spray test.* Conduct S7.1.11 using an airbrake hose.

S7.2.3 *High temperature resistance test.* Bend a specimen of brake hose over a form having the minimum bend radius specified in Table III and hold in place by a band or cord. Condition the assembly for 70 hours in an air oven at 212° F. After removal from oven allow hose to cool to room temperature and then remove from the form. Open hose out to a straight length, and impact at once, one time, with a 10-pound weight with a device as illustrated in Figure 1. Examine externally for cracks, charring, or disintegration. Cut specimen lengthwise and examine inner tube for signs of cracking.

S7.2.4 *Low temperature compatibility test.* Condition a hose, in a straight position, and a cylinder in a cold box at minus 40° F. for 70 hours. Without removing the hose, bend it around the cylinder 180° in not less than 3 seconds and not more than 5 seconds. The cylinder shall have a diameter of the minimum bend radius specified in Table III. Conduct S7.1.5 maintaining an internal air pressure of 300 p.s.i. for 30 seconds.

S7.2.5 *Oil resistance (volume increase).*

(a) Each test specimen shall be a rectangular rubber block 2 inches long and 1 inch wide, having a thickness not over one-sixteenth inch. It shall be cut from the brake hose and buffed on both faces only to extent necessary to insure smoothly buffed faces, except when the material is too thick, in which case the buffing shall be sufficient to reduce specimens to one-sixteenth inch. Three specimens shall be used for each test and the results averaged.

(b) Measure the volume of each test specimen by a water displacement method in which the specimen is accurately weighed to nearest milligram in air (W_1) and in distilled water (W_2) at room temperature. When weighing in water take care that specimen is free from adhering air bubbles. If necessary it may first be wetted by being dipped in acetone and thoroughly rinsed with distilled water. After weighing, blot specimen dry with filter paper, completely immerse in ASTM No. 3 oil, and allow to stand for 70 hours at 100° C. Cool specimen to room temperature by transferring to a clean, cool portion of test liquid for 30 to 60 minutes. Dip specimen quickly into acetone, blot lightly with filter paper, and place in a tared weighing bottle and weigh (W_3). Then remove it from bottle and weigh (W_4) in distilled water in immediate consecutive procedure to determine water displacement after test. Final weighing shall be completed within 5 minutes after removal of test specimen from test liquid.

(c) Calculate percentage increase in volume as follows:

$$\text{Percentage of increase} = \frac{(W_3 - W_4) - (W_1 - W_2)}{(W_1 - W_2)} \times 100$$

S7.2.6 *Ozone test.* Conduct S7.1.10 using air brake hose. Then conduct one of the following tests: Length change (S7.2.7), adhesion (S7.2.8, air pressure (S7.2.9), strength (S7.2.10), or tensile strength (S7.2.11).

S7.2.7 *Length change.* Lay out the hose in a straight, horizontal position and apply a pressure of 10 p.s.i. Measure the original length at this pressure. Then increase the pressure to 200 p.s.i. without releasing the original pressure of 10 p.s.i. and make a final length measurement within 1 minute. An increase in the final length from the original length is an elongation. A decrease in the final length from the original length is a contraction.

S7.2.8 *Adhesion test.* The test shall be conducted only on original unaged specimens using a power-driven apparatus of the inclination balance or pendulum type which fulfills the following requirements:

(i) The applied tension as measured and recorded is accurate within ±1 percent.

(ii) The recording head of the machine has a freely rotating form with an outside diameter substantially the same as the inside diameter of the hose specimen that is placed on it. The form shall be mounted in such a way that its axis of rotation will be in the plane of the ply being separated from the ring and that the applied force will be perpendicular to the tangent of the ring circumference at the line of separation.

(iii) The rate of travel of the power-actuated grip is a uniform 1 inch per minute.

(iv) The machine is to be operated without any device for maintaining maximum load indication. In a pendulum type machine, the weight lever swings as a free pendulum without engagement of pawls.

(v) The machine is autographic, giving a chart having the inches of separation as one axis and applied tension as the other axis of coordinates.

(vi) The machine is of such capacity that the maximum applied tension during the test is not more than 85 percent or less than 15 percent of the rated capacity. Separate from the specimen by hand that layer of the specimen of which the adhesion is to be tested, sufficient to permit attaching the power-actuated clamp of the machine. Place the specimen snugly on the cylinder. With the cylinder attached to the recording head of the machine and the separated layer gripped symmetrically and firmly without twisting in the power-actuated lamp, adjust the autographic mechanism and chart to zero and start the machine. Strip the separating layer from the specimen approximately at an angle of 90° to the tangent of the specimen surface, and continue the separation for a sufficient distance to indicate the adhesion value. The adhesion value shall be the minimum load over the portion of the chart corresponding to actual separation of the part being tested, or the minimum load recorded during actual separation of the part being tested. The load shall be expressed in pounds per inch of width for separation at 1 inch. During test the cylinder shall rotate freely so as to maintain the line of separation at all times approximately in the same position.

S7.2.9 *Air pressure test.* Assemble a specimen of hose 18 inches in length, with end fittings as for service, and connect to a source of air pressure. Then submerge the hose assembly entirely in water, using any suitable container for the water such that visual observation of the assembly is permitted. Then apply internal air pressure of 200 p.s.i. and maintain for 30 seconds.

S7.2.10 *Strength test.*

(a) Apply hydrostatic pressure by means of a hydraulic pump or an accumulator system. Connect hose to waterline or pump and fill with water before applying pressure, allowing all air in hose to escape through a petcock. Then close petcock and apply pressure at a uniform rate of increase of approximately 1,000 p.s.i. per minute until hose ruptures.

(b) The brake hose test specimen shall be at least 18 inches in length for hose 3 inches or less in inside diameter, and at least 24 inches in length for larger hose, but in no case shall the length exceed 36 inches.

S7.2.11 *Tensile test.* Use machine as in S7.1.6. The machine shall be operated at a speed of approximately 1 inch per minute. The specimen of airbrake hose, approximately 18 inches in length, shall be so held in the testing machine that the hose and fittings have a straight center line corresponding to the direction of the machine pull. The hose assembly shall be subjected to an increasing tension load until failure occurs either by separation of the specimen from the end fittings or by rupture of the hose structure.

S7.2.12 *Water resistance.* Bend air brake hose assembly around a cylinder having the minimum bend radius specified in Table III, then immerse in distilled water at room temperature for 168 hours. After removal from distilled water, conduct one of the following tests: length change (S7.2.7), adhesion (S7.2.8), air pressure (S7.2.9), strength (S7.2.10), or tensile strength (S7.2.11).

S7.2.13 *Ultraviolet light resistance.* Bend air brake hose assembly into a circle having the minimum bend radius specified in Table III and place on a turntable with an RS4 sunlamp centered 9 inches above. Rotate the turntable at 33⅓ r.p.m. for 1,200 hours. Remove hose assembly and impact at once, one time, with a 10-pound weight (see Figure 1). Examine under 7-power magnification for cracks. Then conduct one of the following tests: Length change (S7.2.7), adhesion (S7.2.8), air pressure (S7.2.9), strength (S7.2.10), or tensile strength (S7.2.11).

S7.2.14 *Zinc choloride resistance.* Bend air brake hose assembly around a form having the minimum bend radius specified in Table III, then immerse in a 50 percent zinc chloride aqueous solution at room temperature for 200 hours. After removal from solution, examine under 7-power magnification for cracks, then conduct one of the following tests: Length change (S7.2.7), adhesion (S7.2.8), air pressure (S7.2.9), strength (S7.2.10), or tensile strength (S7.2.11).

S7.3 *Vacuum brake hoses and hose assemblies.*

S7.3.1 *Constriction test.* Conduct S7.2.1 using vacuum brake hose.

S7.3.2 *Salt spray test.* Conduct S7.1.11 using vacuum brake hose.

S7.3.3 *High temperature resistance test.* Conduct S7.2.3 using vacuum brake hose with dimension of form (Figure 4) as specified in Table IX.

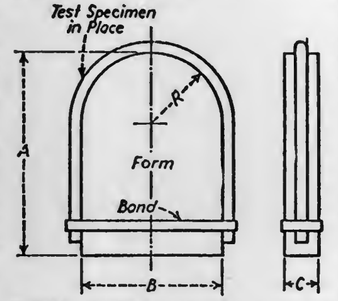


FIGURE 4.—Test Specimen on Form for Aging Test.

TABLE IX—DIMENSIONS OF VACUUM BRAKE HOSE TEST SPECIMEN AND FORM FOR HIGH TEMPERATURE RESISTANCE TEST

Inside diameter of hose (inch)	Duty type	Length of specimen (inch)	Dimensions of form (see Fig. 4) (inches) A	B	R	C (min.)
VACUUM BRAKE HOSE						
7/32	Light	8	4 1/16	3	1 1/16	1/16
1/4	Heavy	9	4 1/16	3	1 1/16	1/16
11/32	Light	9	4 3/4	3 1/16	1 3/4	3/4
5/16	Heavy	10	4 3/4	3 1/16	1 3/4	3/4
13/32	Light	11	5	4	2	3/4
1/2	Heavy	11	5	4	2	3/4
5/8	do	12	5 1/16	4 1/16	2 1/4	7/8
3/4	do	14	6	5	2 1/16	1
1	do	16	7	6 1/16	3 1/4	1 3/8

S7.3.4 *Low temperature compatibility test.* Conduct S7.2.4 using vacuum brake hose.

S7.3.5 *Ozone test.* Conduct S7.1.10 using vacuum brake hose.

S7.3.6 *Strength test.* Conduct S7.2.10 using vacuum brake hose.

S7.3.7 *Vacuum test.* Assemble a specimen of vacuum brake hose 12 inches long with end fittings so that one end may be completely closed against air leakage and the other end connected to a vacuum pump. Measure the outside diameter of the test specimen and subject it to a vacuum of 26 inches of Hg. for 5 minutes. Connect a manometer or vacuum gage in the system to indicate the degree of vacuum actually maintained. At the end of the 5-minute period, while the hose is still under vacuum, again measure the outside diameter of the specimen so as to determine the minimum diameter at any cross section. Make the measurement with outside spring calipers and a steel scale graduated to one sixty-fourth inch. The difference between this measurement and the original outside diameter shall be the collapse of the hose outside diameter under vacuum.

S7.2.12 *Water resistance.* Bend air-vacuum brake hose, of the length prescribed in Table VI or Table VII, in the direction of its normal curvature until its ends just touch as shown in Figure 5. Measure the outside diameter of the specimen at the middle section A in the plane of the centerline before and after bending, using outside spring calipers and a steel scale graduated to one sixty-fourth inch. The difference between the two measurements shall be considered the collapse of the hose outside diameter on bending.

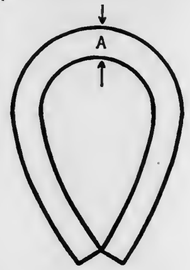


FIGURE 5.—Bend Test of Vacuum Brake Hose.

S7.3.9 *Deformation test.*

(a) *Apparatus.* The test apparatus shall consist of a No. 3 arbor press or other suitable compression device for collapsing the diameter of hose specimens, a platform scale or other suitable means for weighing the load required to collapse the hose, and feeler gages for measuring the free distances between the inner tube faces of the collapsed hose. The weighing device shall have a capacity of at least 100 pounds and shall indicate the applied loads on a dial or scale with an accuracy within ±1 percent. The feeler gages shall be of sufficient length to be passed completely through the test specimens of hose, which shall be a section cut to a length of 1 inch and shall be of rectangular cross section with dimensions as prescribed in Table X.

(b) *Procedure.* Place test specimen longitudinally in the arbor press with the fabric laps, if any, on either side and not in the line of the applied pressure. Insert the weighing device in the press and place the specimen on it so that the load applied may be measured. Compress test specimen to the form shown in Figure 6 with dimension D as prescribed in Table X. Record the observed load required to compress specimen to specified dimension D. Then compress test specimen 4 additional consecutive times to the form shown in Figure 6 with dimension D as prescribed in Table X. Hold the specimen under load each time for 5 seconds and allow it to recover for approximately 10 seconds which shall elapse between load applications. While under each application of the load, measure dimension D by means of the proper feeler gage for the size of hose being tested. Record the observed load required in the fifth application to compress the specimen to the specified dimension D. The specimen shall fail the test unless the load is less than that specified on the first application and unless the load is greater than that specified on the fifth application.

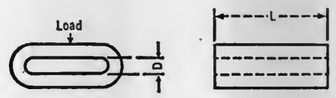


FIGURE 6.—Deformed Specimen of Vacuum Brake Hose.

TABLE X—DIMENSIONS OF TEST SPECIMEN AND FEELER GAGE FOR DEFORMATION TEST OF VACUUM BRAKE HOSE

Inside diameter of hose (inch)	Duty type	Specimen dimensions (see Fig. 6)		Feeler gage dimensions	
		D (inch)	L (inch)	Width (inch)	Thickness (inch)
7/32	Light	3/64	1	1/8	3/64
1/4	Heavy	1/16	1	3/8	1/16
11/32	Light	3/64	1	3/16	3/64
3/8	Heavy	3/32	1	3/16	3/32
13/32	Light	5/64	1	1/4	5/64
1/2	Heavy	1/8	1	1/4	1/8
5/8	do	3/32	1	1/4	3/32
3/4	do	1/16	1	1/4	1/16
1	do	1/8	1	1/4	1/8

S7.3.10 *Swell test.*

(a) Cut a speciment of vacuum brake hose 12 inches long. Measure the inside diameter and then fill the specimen with Reference Fuel A as described in the Method of Test for Change in Properties of Elastomeric Vulcanizates Resulting From Immersion in Liquids (ASTM Designation D471), enclosed by means of suitable cork stoppers to prevent loss by evaporation or leakage. Avoid putting Fuel A under greater than atmospheric pressure. Allow the filled hose to stand at room temperature for 48 hours, then remove the fuel and immediately test the hose specimen, in sequence, as described in paragraphs (b) to (d) of this section.

(b) Drop a steel ball through the specimen. If the ball does not pass freely, the specimen fails the test. Diameter of steel ball shall be that specified in Table VI for Heavy-Duty hose, and equal to the actual inside diameter measurement minus ball diameter factor in Table VII for Light-Duty hose.

(c) Next subject the specimen to a vacuum of 26 inches of Hg. as prescribed in S7.3.7, except that no measurements of diameter are required and the vacuum shall be maintained for at least 10 minutes. If the hose leaks, the specimen fails the test.

(d) Cut the specimen lengthwise in two sections and examine for any signs of separation of the inner tube from the fabric. If there is separation, the specimen fails the test.

S7.3.11 *Adhesion test.* Conduct S7.2.8 using vacuum brake hose.

S7.3.12 *Tensile strength and elongation of tube and cover.*

(a) *Apparatus.* Test apparatus shall consist of the following:

(i) *Bench marker.* The bench marker shall have two parallel straight marking surfaces ground smooth in the same plane. The surfaces shall be between 0.002 and 0.003 inch in width and at least 0.6 inch in length. The angles between the marking surfaces and the sides shall be at least 75°. The distance between the centers of the markings surfaces shall be within 0.003 inch of the required distance.

(ii) *Stamp pad.* The stamp pad shall have a plane unyielding surface (for example, hardwood, plate glass, or plastic). The ink shall have no deteriorating effect on the specimen and shall be of contrasting color to that of the specimen.

(iii) *Micrometers.* The dial micrometer used to measure the thickness of flat specimens shall be capable of exerting a pressure of 3.6 p.s.i. on the specimens and measuring the thickness to within 0.001 inch. The anvil of the micrometer shall be at least 1.4 inches in diameter and shall be parallel to the face of the contact foot.

(iv) *Testing machine.* Tension tests shall be made on a power-driven machine equipped with a suitable dynamometer and indicating or recording device for measuring the applied force within ±2 percent. If the capacity range cannot be changed during a test, as in the case of the pendulum dynamometer, the applied force at break shall be measured within ±2 percent, and the smallest tensile force measured shall be accurate to within 10 percent. If the dynamometer is of the compensating type for measuring tensile stress directly, means shall be provided to adjust for the cross sectional area of the specimen. The response of either an indicator or recorder shall be sufficiently rapid that the applied force is measured with the requisite accuracy during the extension of the specimen to rupture. If the tester is not equipped with a recorder, a device shall be provided that indicates after rupture the maximum force applied during extension. Testers equipped with a device to measure elongation automatically shall be capable of determining extensions within 5 percent of the original length. If elongation is measured manually, a scale capable of measuring each 10 percent elongation shall be provided.

(v) *Grips.* The tester shall have two grips, one of which shall be connected to the dynamometer, and a mechanism for separating the grips at a uniform rate of 20 inches per minute for a distance of at least 30 inches. Grips for testing specimens shall be either wedge or toggle type designed to transmit the applied force over a large surface area of the specimen.

(vi) *Calibration of testing machine.* The testing machine shall be calibrated in accordance with Procedure A of ASTM E4, Methods of Verification of Testing Machines.[1] If the dynamometer is of the strain-gage type the tester shall be calibrated at one or more loads daily, in addition to the requirements in sections 7 and 18 of Methods E4. Testers having pendulum dynamometers may be calibrated as follows: Place one end of a specimen in the upper grip of the testing machine. Remove the lower grip from the machine and attach it to the specimen. Attach to the lower grip a hook suitable for holding weights. Suspend a weight from the hook on the specimen to permit the weight assembly to rest on the machine grip holder. If the machine has a dynamometer head of the compensating type calibrate it at two or more settings of the compensator. Start the motor and run as in normal testing until the weight assembly is freely suspended by the specimen. If the dial or scale (whichever is normally used in testing) does not indicate the weight applied (or its equivalent in stress for compensating tester) within the specified tolerance, check the machine for excess friction in the bearings and all other moving parts. After eliminating as nearly as possible all the excess friction, recalibrate the machine as described in this paragraph. Calibrate the machine at a minimum of three points, using accurately known weight assemblies of approximately 10, 20, and 50 percent of capacity. Include the weight of the lower grip and hook as part of the calibration weight. If pawls and ratchet are used during the test, use them during the calibration. Friction in the head may be checked by calibrating with the pawls up.

(b) *Test specimens.* Test specimens shall be of sufficient length to permit their installation in the wedge or toggle grip used in the test. Bench marks shall be placed on the specimens. To determine the cross sectional area of specimens in the form of tubes, the weight, length, and density of the specimen shall be determined. The cross sectional area shall then be calculated from these measurements as follows:

$$A = \frac{W}{DL}$$

where:

A = Cross sectional area, cm.²,
W = Weight in air, g.,
D = Density, g./cm.³, and
L = Length, cm.

To determine the cross sectional area in square inches, the area A in square centimeters shall be multiplied by 0.155.

(c) *Determination of tensile stress, tensile strength, and ultimate elongation.* Place specimens in the grips of the testing machine, using care to adjust it symmetrically in order that the tension will be distributed uniformly over the cross section. If tension is greater on one side of the specimen than on the other, the bench marks will not remain parallel and maximum strength of the rubber will not be developed. Start the machine and note continually the distance between the center of the two bench marks, taking care to avoid parallax. Record the stress at the elongation specified for the materials under test and at the time of rupture, preferably by means of an autographic or spark recorder. At rupture measure and record the elongation to the nearest 10 percent on the scale. If the stress and strain are not autographically recorded, predetermine the distance between the centers of the rollers for the elongation specified for the material under test by the following equation:

[1] ASTM Standards Part 30 (1967)

$$D = \frac{1}{2}\left[\frac{EM}{100} + C - G\right]$$

where:

D = Distance between the roller centers of two grips,
E = Specified elongation, percent,
C = Inside circumference of the specimen,
M = Mean circumference of the specimen, and
G = Circumference of one grip roller (if each grip has two rollers, add twice the distance between the centers of the rollers on one grip).

Record the stress at the predetermined distance between the centers of the rollers and at the time of rupture, preferably by means of an autographic or spark recorder. At rupture measure the distance between the centers of rollers to within 0.1 inch and record.

(d) *Calculation.* Specimen: Calculate the tensile stress as follows:

$$\text{Tensile stress} = F/A$$

where:

F = Observed force, and
A = Cross-sectional area of the unstretched specimen.

Calculate the tensile strength by letting F in the above equation for tensile stress be equal to the force required to break the specimen.

Calculate the elongation as follows:

$$\text{Elongation, percent} = \frac{L - L_o}{L_o} \times 100$$

where:

L = Observed distance between the benchmarks on the stretched specimen, and
L_o = Original distance between the benchmarks.

Calculate the maximum elongation by letting L in the above equation for elongation be equal to the distance between the bench marks at the time of rupture. Calculate the tension set by substituting for L in the above equation, the distance between the bench marks after the 10-minute retraction period.

APPENDIX

CONSTRUCTION OF APPARATUS

1. *Cabinets.* (a) The salt spray cabinet consists of the basic chamber, an air saturator tower, a salt solution reservior, atomizing nozzles, specimen supports, provisions for heating the chamber, and suitable controls for maintaining the desired temperature.

(b) Accessories such as a suitable adjustable baffle or central fog tower, automatic level control for the salt reservoir, and automatic level control for the air saturator tower are pertinent parts of the apparatus.

(c) The cabinet is of sufficient size to test adequately the desired number of parts without overcrowding (i.e. no less than 15 cubic feet capacity).

(d) The chamber may be made of inert materials such as plastic, glass, or stone, but most preferably is constructed of metal and lined with impervious plastics, rubber, or epoxy type materials or equivalent.

2. *Temperature control.* (a) The maintenance of temperature within the salt chamber can be accomplished by several methods. It is desirable to control the temperature of the surroundings of the salt spray chamber and to maintain it as stable as possible. This may be accomplished by placing the apparatus in a constant temperature room, or by surrounding the basic chamber by a jacket containing water or air at a controlled temperature.

(b) The use of immersion heaters in an internal salt solution reservoir or of heaters within the chamber is detrimental where heat losses are appreciable, because of solution evaporation and radiant heat on the specimens.

(c) All piping which contacts the salt solution or spray must be of inert materials such as plastic. Vent piping should be of sufficient size so that a minimum of back pressure exists and should be installed so that no solution is trapped. The exposed end of the vent pipe should be shielded from extreme air currents that may cause fluctuation of pressure or vacuum in the cabinet.

3. *Spray nozzles.* (a) Satisfactory nozzles may be made of hard rubber, plastic, or other inert materials. The most commonly used type is made of plastic. Nozzles calibrated for air consumption and solution atomized are available. The operating characteristics of a typical nozzle are given in Table A.

TABLE A.—OPERATING CHARACTERISTICS OF TYPICAL SPRAY NOZZLE

Siphon height, in.	Air flow, liters per min.				Solution consumption, ml per hr.			
	Air pressure, p.s.i.				Air pressure, p.s.i.			
	5	10	15	20	5	10	15	20
4	19	26.5	31.5	36	2100	3840	4584	5256
8	19	26.5	31.5	36	636	2760	3720	4320
12	19	26.5	31.5	36	0	1380	3000	3710
16	19	26.5	31.5	36	0	780	2124	2904

(b) Air consumption is relatively stable at the pressures normally used, but a marked reduction in solution sprayed occurs if the level of the solution is allowed to drop appreciably during the test. Thus, the level of the solution in the salt reservoir must be maintained automatically to insure uniform fog delivery during the test.

(c) If the nozzle selected does not atomize the salt solution into uniform droplets, direct the spray at a baffle or wall to pick up the larger drops and prevent them from impinging on the test specimens. The nozzle selected shall produce the desired condition when operated at the air pressure selected. Nozzles are not necessarily located at one end, but may be placed in the center and can also be directed vertically up through a suitable tower.

4. *Air for atomization.* (a) The air used for atomization must be free of grease, oil, and dirt before use by passing through well-maintained filters. Room air may be compressed, heated, humidified, and washed in a water sealed rotary pump, if the temperature of the water is suitably controlled. Otherwise cleaned air may be introduced into the bottom of a tower filled with water, through a porous stone or multiple nozzles. The level of the water must be maintained automatically to insure adequate humidification. A chamber operated according to this method will have a relative humidity between 95 and 98 percent. Since salt solutions from 2 to 6 percent will give the same results (though for uniformity the limits are set at 4 to 6 percent), it is preferable to saturate the air at a temperature well above the chamber temperature as insurance of a wet fog. Table B shows the temperature, at different pressures, that are required to offset the cooling effect of expansion to atmospheric pressure.

TABLE B.—TEMPERATURE AND PRESSURE REQUIREMENTS FOR OPERATION OF TEST AT 95° F.

	Air pressure, p.s.i.			
	12	14	16	18
Temperature, degree fahrenheit	114	117	119	121

(b) Experience has shown that most uniform spray chamber atmospheres are obtained by increasing the atomizing air temperature sufficiently to offset heat losses, except those that can be replaced otherwise at very low temperature gradients.

5. *Types of construction.* A modern laboratory cabinet is shown in Fig. 1. Walk-in chambers are not usually constructed with a sloping ceiling due to their size and location. Suitably located and directed spray nozzles avoid ceiling accumulation and drip. Nozzles may be located at the ceiling, or 3 feet from the floor directed upward at 30° to 60° over a passageway. The number of nozzles depends on type and capacity and is related to the area of the test space. A 3- to 5-gallon reservoir is required within the chamber, with the level controlled. The major features of a walk-in type cabinet, which differs significantly from the laboratory type, are illustrated in Figure 2. Construction of a plastic nozzle, is shown in Figure 3.

TABLE X—DIMENSIONS OF TEST SPECIMEN AND FEELER GAGE FOR DEFORMATION TEST OF VACUUM BRAKE HOSE

Inside diameter of hose (inch)	Duty type	Specimen dimensions (see Fig. 6)		Feeler gage dimensions	
		D (inch)	L (inch)	Width (inch)	Thickness (inch)
7/32	Light	3/64	1	1/8	3/64
1/4	Heavy	1/16	1	1/8	1/16
11/32	Light	3/64	1	3/16	3/64
3/8	Heavy	3/32	1	5/16	3/32
13/32	Light	3/64	1	1/4	3/64
1/2	Heavy	1/8	1	1/4	1/8
5/8	do	5/32	1	1/4	5/32
3/4	do	3/16	1	1/4	3/16
1	do	1/4	1	1/4	1/4

S7.3.10 *Swell test.*

(a) Cut a speciment of vacuum brake hose 12 inches long. Measure the inside diameter and then fill the specimen with Reference Fuel A as described in the Method of Test for Change in Properties of Elastomeric Vulcanizates Resulting From Immersion in Liquids (ASTM Designation D471), enclosed by means of suitable cork stoppers to prevent loss by evaporation or leakage. Avoid putting Fuel A under greater than atmospheric pressure. Allow the filled hose to stand at room temperature for 48 hours, then remove the fuel and immediately test the hose specimen, in sequence, as described in paragraphs (b) to (d) of this section.

(b) Drop a steel ball through the specimen. If the ball does not pass freely, the specimen fails the test. Diameter of steel ball shall be that specified in Table VI for Heavy-Duty hose, and equal to the actual inside diameter measurement minus ball diameter factor in Table VII for Light-Duty hose.

(c) Next subject the specimen to a vacuum of 26 inches of Hg. as prescribed in S7.3.7, except that no measurements of diameter are required and the vacuum shall be maintained for at least 10 minutes. If the hose leaks, the specimen fails the test.

(d) Cut the specimen lengthwise in two sections and examine for any signs of separation of the inner tube from the fabric. If there is separation, the specimen fails the test.

S7.3.11 *Adhesion test.* Conduct S7.2.8 using vacuum brake hose.

S7.3.12 *Tensile strength and elongation of tube and cover.*

(a) *Apparatus.* Test apparatus shall consist of the following:

(i) *Bench marker.* The bench marker shall have two parallel straight marking surfaces ground smooth in the same plane. The surfaces shall be between 0.002 and 0.003 inch in width and at least 0.6 inch in length. The angles between the marking surfaces and the sides shall be at least 75°. The distance between the centers of the markings surfaces shall be within 0.003 inch of the required distance.

(ii) *Stamp pad.* The stamp pad shall have a plane unyielding surface (for example, hardwood, plate glass, or plastic). The ink shall have no deteriorating effect on the specimen and shall be of contrasting color to that of the specimen.

(iii) *Micrometers.* The dial micrometer used to measure the thickness of flat specimens shall be capable of exerting a pressure of 3.6 p.s.i. on the specimens and measuring the thickness to within 0.001 inch. The anvil of the micrometer shall be at least 1.4 inches in diameter and shall be parallel to the face of the contact foot.

(iv) *Testing machine.* Tension tests shall be made on a power-driven machine equipped with a suitable dynamometer and indicating or recording device for measuring the applied force within ±2 percent. If the capacity range cannot be changed during a test, as in the case of the pendulum dynamometer, the applied force at break shall be measured within ±2 percent, and the smallest tensile force measured shall be accurate to within 10 percent. If the dynamometer is of the compensating type for measuring tensile stress directly, means shall be provided to adjust for the cross sectional area of the specimen. The response of either an indicator or recorder shall be sufficiently rapid that the applied force is measured with the requisite accuracy during the extension of the specimen to rupture. If the tester is not equipped with a recorder, a device shall be provided that indicates after rupture the maximum force applied during extension. Testers equipped with a device to measure elongation automatically shall be capable of determining extensions within 5 percent of the original length. If elongation is measured manually, a scale capable of measuring each 10 percent elongation shall be provided.

(v) *Grips.* The tester shall have two grips, one of which shall be connected to the dynamometer, and a mechanism for separating the grips at a uniform rate of 20 inches per minute for a distance of at least 30 inches. Grips for testing specimens shall be either wedge or toggle type designed to transmit the applied force over a large surface area of the specimen.

(vi) *Calibration of testing machine.* The testing machine shall be calibrated in accordance with Procedure A of ASTM E4, Methods of Verification of Testing Machines.[1] If the dynamometer is of the strain-gage type the tester shall be calibrated at one or more loads daily, in addition to the requirements in sections 7 and 18 of Methods E4. Testers having pendulum dynamometers may be calibrated as follows: Place one end of a specimen in the upper grip of the testing machine. Remove the lower grip from the machine and attach it to the specimen. Attach to the lower grip a hook suitable for holding weights. Suspend a weight from the hook on the specimen to permit the weight assembly to rest on the machine grip holder. If the machine has a dynamometer head of the compensating type calibrate it at two or more settings of the compensator. Start the motor and run as in normal testing until the weight assembly is freely suspended by the specimen. If the dial or scale (whichever is normally used in testing) does not indicate the weight applied (or its equivalent in stress for compensating tester) within the specified tolerance, check the machine for excess friction in the bearings and all other moving parts. After eliminating as nearly as possible all the excess friction, recalibrate the machine as described in this paragraph. Calibrate the machine at a minimum of three points, using accurately known weight assemblies of approximately 10, 20, and 50 percent of capacity. Include the weight of the lower grip and hook as part of the calibration weight. If pawls and ratchet are used during the test, use them during the calibration. Friction in the head may be checked by calibrating with the pawls up.

(b) *Test specimens.* Test specimens shall be of sufficient length to permit their installation in the wedge or toggle grip used in the test. Bench marks shall be placed on the specimens. To determine the cross sectional area of specimens in the form of tubes, the weight, length, and density of the specimen shall be determined. The cross sectional area shall then be calculated from these measurements as follows:

$$A = \frac{W}{DL}$$

where:

A = Cross sectional area, cm.²,
W = Weight in air, g.,
D = Density, g./cm.³, and
L = Length, cm.

To determine the cross sectional area in square inches, the area A in square centimeters shall be multiplied by 0.155.

(c) *Determination of tensile stress, tensile strength, and ultimate elongation.* Place specimens in the grips of the testing machine, using care to adjust it symmetrically in order that the tension will be distributed uniformly over the cross section. If tension is greater on one side of the specimen than on the other, the bench marks will not remain parallel and maximum strength of the rubber will not be developed. Start the machine and note continually the distance between the center of the two bench marks, taking care to avoid parallax. Record the stress at the elongation specified for the materials under test and at the time of rupture, preferably by means of an autographic or spark recorder. At rupture measure and record the elongation to the nearest 10 percent on the scale. If the stress and strain are not autographically recorded, predetermine the distance between the centers of the rollers for the elongation specified for the material under test by the following equation:

[1] ASTM Standards Part 30 (1967).

$$D = \frac{1}{2}\left[\frac{EM}{100} + C - G\right]$$

where:

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G = Circumference of one grip roller (if each grip has two rollers, add twice the distance between the centers of the rollers on one grip).

Record the stress at the predetermined distance between the centers of the rollers and at the time of rupture, preferably by means of an autographic or spark recorder. At rupture measure the distance between the centers of rollers to within 0.1 inch and record.

(d) *Calculation.* Specimen: Calculate the tensile stress as follows:

$$\text{Tensile stress} = F/A$$

where:

F = Observed force, and
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Calculate the tensile strength by letting F in the above equation for tensile stress be equal to the force required to break the specimen.

Calculate the elongation as follows:

$$\text{Elongation, percent} = \frac{L - L_o}{L_o} \times 100$$

where:

L = Observed distance between the benchmarks on the stretched specimen, and
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Calculate the maximum elongation by letting L in the above equation for elongation be equal to the distance between the bench marks at the time of rupture. Calculate the tension set by substituting for L in the above equation, the distance between the bench marks after the 10-minute retraction period.

APPENDIX

CONSTRUCTION OF APPARATUS

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(b) Accessories such as a suitable adjustable baffle or central fog tower, automatic level control for the salt reservoir, and automatic level control for the air saturator tower are pertinent parts of the apparatus.

(c) The cabinet is of sufficient size to test adequately the desired number of parts without overcrowding (i.e. no less than 15 cubic feet capacity).

(d) The chamber may be made of inert materials such as plastic, glass, or stone, but most preferably is constructed of metal and lined with impervious plastics, rubber, or epoxy type materials or equivalent.

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(b) The use of immersion heaters in an internal salt solution reservoir or of heaters within the chamber is detrimental where heat losses are appreciable, because of solution evaporation and radiant heat on the specimens.

(c) All piping which contacts the salt solution or spray must be of inert materials such as plastic. Vent piping should be of sufficient size so that a minimum of back pressure exists and should be installed so that no solution is trapped. The exposed end of the vent pipe should be shielded from extreme air currents that may cause fluctuation of pressure or vacuum in the cabinet.

3. *Spray nozzles.* (a) Satisfactory nozzles may be made of hard rubber, plastic, or other inert materials. The most commonly used type is made of plastic. Nozzles calibrated for air consumption and solution atomized are available. The operating characteristics of a typical nozzle are given in Table A.

TABLE A.—OPERATING CHARACTERISTICS OF TYPICAL SPRAY NOZZLE

Siphon height, in.	Air flow, liters per min.				Solution consumption, ml per hr.			
	Air pressure, p.s.i.				Air pressure, p.s.i.			
	5	10	15	20	5	10	15	20
4	19	26.5	31.5	36	2100	3840	4584	5256
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16	19	26.5	31.5	36	0	780	2124	2904

(b) Air consumption is relatively stable at the pressures normally used, but a marked reduction in solution sprayed occurs if the level of the solution is allowed to drop appreciably during the test. Thus, the level of the solution in the salt reservoir must be maintained automatically to insure uniform fog delivery during the test.

(c) If the nozzle selected does not atomize the salt solution into uniform droplets, direct the spray at a baffle or wall to pick up the larger drops and prevent them from impinging on the test specimens. The nozzle selected shall produce the desired condition when operated at the air pressure selected. Nozzles are not necessarily located at one end, but may be placed in the center and can also be directed vertically up through a suitable tower.

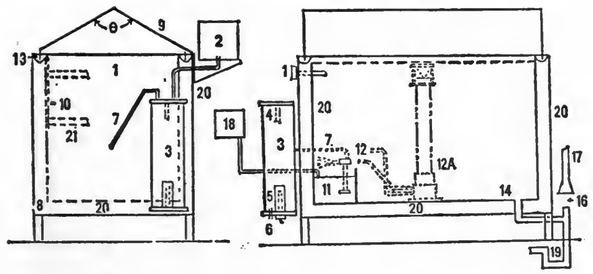
4. *Air for atomization.* (a) The air used for atomization must be free of grease, oil, and dirt before use by passing through well-maintained filters. Room air may be compressed, heated, humidified, and washed in a water sealed rotary pump, if the temperature of the water is suitably controlled. Otherwise cleaned air may be introduced into the bottom of a tower filled with water, through a porous stone or multiple nozzles. The level of the water must be maintained automatically to insure adequate humidification. A chamber operated according to this method will have a relative humidity between 95 and 96 percent. Since salt solutions from 2 to 6 percent will give the same results (though for uniformity the limits are set at 4 to 6 percent), it is preferable to saturate the air at a temperature well above the chamber temperature as insurance of a wet fog. Table B shows the temperature, at different pressures, that are required to offset the cooling effect of expansion to atmospheric pressure.

TABLE B.—TEMPERATURE AND PRESSURE REQUIREMENTS FOR OPERATION OF TEST AT 95° F.

	Air pressure, p.s.i.			
	12	14	16	18
Temperature, degree fahrenheit	114	117	119	121

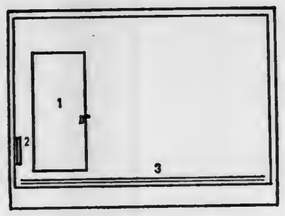
(b) Experience has shown that most uniform spray chamber atmospheres are obtained by increasing the atomizing air temperature sufficiently to offset heat losses, except those that can be replaced otherwise at very low temperature gradients.

5. *Types of construction.* A modern laboratory cabinet is shown in Fig. 1. Walk-in chambers are not usually constructed with a sloping ceiling due to their size and location. Suitably located and directed spray nozzles avoid ceiling accumulation and drip. Nozzles may be located at the ceiling, or 3 feet from the floor directed upward at 30° to 60° over a passageway. The number of nozzles depends on type and capacity and is related to the area of the test space. A 3- to 5-gallon reservoir is required within the chamber, with the level controlled. The major features of a walk-in type cabinet, which differs significantly from the laboratory type, are illustrated in Figure 2. Construction of a plastic nozzle, is shown in Figure 3.



0 - Angle of lid, 90 to 125 deg
1 - Thermometer and thermostat for controlling heater (Item No, 8) in base
2 - Automatic water leveling device
3 - Humidifying tower
4 - Automatic temperature regulator for controlling heater (Item No. 5)
5 - Immersion heater, non-rusting
6 - Air inlet, mulitple openings
7 - Air tube to spray nozzle
8 - Strip heater in base
9 - Hinged top, hydraulically operated, or counterbalanced
10 - Brackets for rods supporting specimens, or test table
11 - Internal reservoir
12 - Spray nozzle above reservoir, suitably, located anf baffled
12A - Spray nozzle housed in idspersion tower located preferably in center of cabinet
13 - Water Seal
14 - Combination drain and exhaust. Exhaust at oppsite side of test space from spray nozzle (Item 12), but preferably in combination with drain, waste trap, and force draft waste pipe (Items 16, 17, and 19).
16 - Complete separation between forced draft waste pipe (Item 17) and combination drain and exhaust (Items 14 and 19) to avoid undersirable suction or back pressure.
17 - Forced draft waste pipe.
18 - Automatic levelling device for reservoir
19 - Waste trap
20 - Air space or water jacket
21 - Test table or rack, well below roof area

Fig. 1.-Typical Salt Spray Cabinet



NOTE.-The controls are the same, in general, as for the laboratory cabinet (Fig1), but are sized to care for the larger cube. The chamber has the following features:
(1) Heavy insulation,
(2) Regrigeration door with drip rail, or pressure door with drip rail, inward sloping sill,
(3) Low temperature auxilliary heater, and
(4) Duck boards on floorm with floor sloped to combination drain and air exhaust.

Fig. 2.-Walk-in Chamber, 5 by 8 ft and Upward in Overall Size

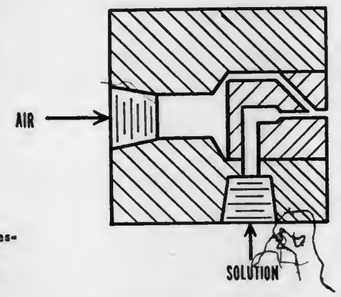


FIG. 3.—TYPICAL SPRAY NOZZLE.

[FR Doc.71-4181 Filed 3-29-71; 8:45 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Notice 71-15; Docket No. OPS-3]

MINIMUM FEDERAL SAFETY STANDARDS FOR GAS PIPELINES

Initial Determination of Class Location and Confirmation or Revision of Maximum Allowable Operating Pressure; Notice of Public Hearing

The Minimum Federal Safety Standards for the Transportation of Natural and Other Gas by Pipeline were issued on August 11, 1970 (35 F.R. 13248). At that time, it was stated in the preamble that—

• • • a new § 192.607 contains requirements for the initial determination of class location and confirmation or establishment of maximum allowable operating pressure. Each operator is required to complete before April 15, 1971, a study to determine (for pipelines operated at more than 40 percent of SMYS) the present class location of all of the pipeline in its system, and whether the maximum allowable operating pressure for each segment of pipeline is commensurate with the present class location. The operator is then required to confirm or revise, in accordance with § 192.611, the maximum allowable operating pressure of the affected segment of pipeline so that at least 50 percent of the affected pipeline is confirmed or revised before January 1, 1972, and the remainder before January 1, 1973.

In view of • • • the diversity of views as to how much time is needed for confirmation or revision of pressures after a change has been discovered, • • • the impact of § 192.607 will not be known until April 1971, when the required studies are completed. These studies may show that the existing pipelines are, for the most part, already in compliance with the new class locations, so that there will be little difficulty in meeting the schedule for adjusting operating pressure. On the other hand, the studies may reveal a problem of such magnitude as to raise serious question as the practicality of the schedule.

The Office of Pipeline Safety plans to hold a public hearing in late April 1971 to get the results of the required studies and to give all interested parties an opportunity to present their recommendations on any adjustment which may be required in the schedule for adjusting operating pressures.

In order to afford ample time to prepare the data resulting from the studies for presentation at the hearing, the Office of Pipeline Safety will not hold the hearing referred to above until the middle of May. As a result of the hearing, the Office of Pipeline Safety hopes to develop a comprehensive picture of the situation of the industry as a whole in this regard, as well as detailed information concerning each individual company faced with special problems in complying with § 192.607. The information desired should cover such specifics as the contemplated methods of scheduling tests (including the length of time for required shutdown); the effects of testing and of revision of maximum allowable operating pressures on throughput (including percentage of system likely to be affected, effect on storage, effect on customers, both interruptible and noninterruptible, and capability of interchange with the operator's other lines or lines of other operators); cost data; total length of time to confirm or revise operating pressures; etc.

Accordingly, the Office of Pipeline Safety will conduct a public hearing at 10 a.m. on Wednesday, May 12, and if necessary, on Thursday, May 13, in Room 2230, 400 Seventh Street SW., Washington, DC. The hearing will be an informal one. It will not be a judicial or evidentiary type of hearing. There will be no cross-examination of persons presenting statements. A staff member of the Office of Pipeline Safety will make an opening statement outlining the problem. Interested persons will then have an opportunity to present their initial oral statements. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for the conduct of the hearing will be announced at the hearing.

Interested persons are invited to attend the hearing and present oral or written statements on the matters set for hearing. These statements will be made a part of the record of the hearing, the transcript of which will be a matter of public record. Any person who wishes to make oral statements at the hearing should notify the Director, Office of Pipeline Safety, before May 6, 1971, stating the amount of time required for his initial statement. All communications concerning the hearing should be addressed to the Director, Office of Pipeline Safety, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. sec. 1671, et seq.), Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on March 24, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc.71-4355 Filed 3-29-71; 8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 410]

NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

Notice of Proposed Standard for Sulfur Oxides

On January 30, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1502) setting forth proposed national primary and secondary ambient air quality standards for sulfur oxides and five other types of air pollutants. National secondary ambient air quality standards must, under section 109 of the Clean Air Act, as amended (sec. 4, Public Law 91-604; 84 Stat. 1679), define levels of air quality which the Administrator judges necessary, based on applicable air quality criteria, to protect the public welfare from any known or anticipated adverse effects of an air pollutant. Upon further examination of the air quality criteria for sulfur oxides issued February 11, 1969 (34 F.R. 1988), it has been determined that protection of the public welfare from adverse effects associated with short-term exposure to sulfur oxide requires promulgation of an additional secondary standard, as proposed below. The pararosaniline measurement method, as described in Appendix A of the January 30, 1971, notice would be applicable to this additional secondary standard.

Interested persons may submit written comments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Parklawn Building, Room 17-59, 5600 Fishers Lane, Rockville, MD 20852. All relevant comments received not later than 21 days after the publication of this proposal will be considered. The standard, modified as the Administrator deems appropriate after consideration of comments, will be promulgated no later than April 30, 1971.

This notice of proposed rule making is issued under the authority of section 4, Public Law 91-604, 84 Stat. 1679.

Dated: March 24, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

In the new Part 410 proposed to be added to Chapter IV, Title 42, Code of Federal Regulations, on January 30, 1971 (36 F.R. 1502), a new § 410.5(c) would be added, as follows:

§ 410.5 National secondary ambient air quality standards for sulfur oxides (sulfur dioxide).

• • • • •

(c) 1,300 micrograms per cubic meter—maximum 3-hour concentration not to be exceeded more than once per year.

[FR Doc.71-4314 Filed 3-29-71; 8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Ch. V]

[No. 71-284]

DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

Service Corporations and Certain Pension Trusts

MARCH 18, 1971.

Resolved, that the Federal Home Loan Bank Board considers it advisable to amend Subchapter E of Chapter V of Title 12 of the Code of Federal Regulations to implement the authority contained in section 913 of Public Law 91-609, which amended section 8 of the Home Owners' Loan Act of 1933 to grant the Board regulatory authority over certain District of Columbia institutions. Accordingly, for the purposes of allowing such institutions to invest in service corporations and act as trustees for certain pension trusts to the same extent permitted Federal savings and loan associations, the Federal Home Loan Bank Board proposes to amend said subchapter by: (1) Revising the caption thereof; (2) adding a new § 581.6 to Part 581—Definitions; and (3) adding a new Part 582a—Operations of District of Columbia Associations, to read as follows:

SUBCHAPTER E—DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

1. The caption of Subchapter E is revised as set forth above.

PART 581—DEFINITIONS

2. A new § 581.6 is added to read as follows:

§ 581.6 District of Columbia association.

The term "District of Columbia association" means an association which is incorporated or organized under the laws of the District of Columbia and which has its principal office located therein.

PART 582a—OPERATIONS OF DISTRICT OF COLUMBIA ASSOCIATIONS

3. A new Part 582a is added to read as follows:

§ 582a.1 Miscellaneous activities.

Any District of Columbia association may, if not inconsistent with the terms of its charter, certificate or articles of incorporation, constitution, or bylaws, to the same extent as it could if it were a Federal savings and loan association:

(a) Invest in a service corporation, pursuant to the provisions of § 545.9-1 of this chapter; and

(b) Act as a trustee of any trust forming part of a stock bonus, pension, or profit-sharing plan, pursuant to the provisions of § 545.17-1 of this chapter.

(Sec. 8, 48 Stat. 132, as added by sec. 913, Public Law 91-609, 84 Stat. 1815. Reorganization Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by April 19, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71-4375 Filed 3-29-71; 8:50 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 10]

GLENS FALLS INSURANCE COMPANY, FIDELITY-PHENIX INSURANCE COMPANY, AND THE GLENS FALLS INSURANCE COMPANY

Termination as Surety on Federal Bonds; Change of Name and Replacement of Certificate of Authority

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Glens Falls Insurance Company, Glens Falls, N.Y., under sections 6 to 13 of title 6 of the United States Code to qualify as an acceptable surety on Federal bonds, is hereby terminated effective December 31, 1970, because of its merger into The Continental Insurance Company as outlined below.

The Continental Insurance Company, New York, N.Y., a New York corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to an Agreement of Merger approved by the Superintendent of Insurance of New York on November 17, 1970 and effective January 1, 1971, Glens Falls Insurance Company was merged into The Continental Insurance Company, the surviving company. A copy of the merger agreement, as approved, has been received and filed in the Treasury. The Continental Insurance Company acquired all the business and assets, and assumed all the liabilities of the Glens Falls Insurance Company, which ceased to exist as a separate entity. There has been no change in the underwriting limitation of $54,192,000 established for The Continental Insurance Company as of July 1, 1970.

At the same time, Fidelity-Phenix Insurance Company, New York, N.Y., a New York corporation, formally changed its name to The Glens Falls Insurance Company, effective January 1, 1971. A copy of the Certificate of Amendment of the Restated Certificate of Incorporation of Fidelity-Phenix Insurance Company, approved by the Insurance Department of the State of New York on November 17, 1970, changing the name of Fidelity-Phenix Insurance Company to The Glens Falls Insurance Company, has been received and filed in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated January 1, 1971, has been issued by the Secretary of the Treasury to the Glens Falls Insurance Company, New York, N.Y., to replace the Certificate issued July 1, 1970, to the Company under its former name, Fidelity-Phenix Insurance Company. The underwriting limitation of $358,000 previously established for the Company remains unchanged.

In view of the foregoing, no action need be taken by bond-approving officers by reason of the merger of the Glens Falls Insurance Company into The Continental Insurance Company and the change of name of the Fidelity-Phenix Insurance Company to The Glens Falls Insurance Company with respect to any bond or other obligation in favor of the United States, or in which the United States has an interest, direct or indirect, issued prior to January 1, 1971, by the Glens Falls Insurance Company or Fidelity-Phenix Insurance Company pursuant to the Certificates of Authority issued to the companies by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 24, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-4345 Filed 3-29-71;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., April 15, 1971.

COPPER RIVER MERIDIAN, ALASKA

T. 2 S., R. 3 E.,
Sec. 1, lots 1 through 6, S½NW¼, SW¼, W½SE¼;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1 through 6, S½N½, NE¼SW¼, SE¼;
Sec. 5, lots 1 through 5;
Sec. 6, lots 1 through 9, SE¼SW¼;
Sec. 7, lots 1 through 6, NW¼NE¼, S½NE¼, E½NW¼, N½SE¼;
Sec. 8, lots 1 through 5, SW¼SW¼;
Sec. 9, lots 1, 2, 3, 4;
Sec. 10, lots 1, 2, 3, 4, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 11, all;
Sec. 12, all;
Sec. 13, lots 1, 2, 3, 4, N½, N½S½;
Sec. 14, lots 1, 2, 3, 4, NE¼;
Sec. 16, lots 1 through 8, S½NW¼, E½SW¼, SW¼SE¼;
Sec. 17, lots 1 through 7, NE¼;
Sec. 18, lot 1;
Sec. 21, lots 1, 2, 3, 4, N½NE¼;
Sec. 22, lots 1 through 9, SW¼NW¼, N½S½;
Sec. 23, lots 1 through 5, S½SW¼, SW¼SE¼;
Sec. 24, lots 1, 2, 3, 4;
Sec. 25, lots 1 through 5, NW¼NE¼, S½NE¼, N½NW¼;
Sec. 26, lots 1 through 5;
Sec. 27, lot 1.
Containing 8,130.45 acres.

T. 2 S., R. 4 E.,
Sec. 6, lot 1;
Sec. 7, lots 1 through 9, SE¼SW¼, S½SE¼;
Sec. 8, lots 1, 2, 3, 4, S½SW¼;
Sec. 17, lots 1, 2, 3, 4, W½E½, W½;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, lots 1 through 5;
Sec. 20, lots 1 and 2, W½NE¼, W½, SE¼;
Sec. 21, lots 1 through 6, S½SW¼;
Sec. 22, lots 1 and 2;
Sec. 26, lots 1 through 5, W½SW¼, SE¼SW¼;
Sec. 27, lots 1 through 5, S½NE¼, NW¼, N½S½, SW¼SW¼;
Sec. 28, lots 1 and 2, N½, N½S½, S½SE¼;
Sec. 29, lots 1, 2, 3, 4, N½;
Sec. 30, lots 1 through 8, S½NE¼, SE¼NW¼;
Sec. 33, lots 1, 2, 3;
Sec. 34, lots 1 through 6;
Sec. 35, lots 1 through 5, N½NW¼, SE¼NW¼.
Containing 5,174.24 acres.

2. The lands are situated upstream from the confluence of the Copper and Tonsina Rivers, and approximately 11 miles east from the junction of the Richardson and Edgerton Highways toward Chitina, Alaska. It is mostly high mesa land with dense stands of heavy spruce and aspen interspersed with dense willow brush. The river margins and bottom land are covered with stands of heavy spruce and cottonwood between dense willow and alder brush.

The Edgerton Highway traverses sections 20, 27, 28, 29, and 34 of T. 2 S., R. 4 E.

3. Two land withdrawals by the Federal Power Commission, Power Projects 2138 and 2215, reserved under the provisions of section 24 of the Federal Power Act of June 10, 1920, as amended, embrace, in part, the following described lands:

COPPER RIVER MERIDIAN, ALASKA

T. 2 S., R. 3 E.,
Sec. 1, lots 1 through 6, S½NW¼, W½SE¼, and NE¼SW¼;
Sec. 2, lot 1;
Sec. 12, E½NE¼, SW¼NE¼, and NE¼SE¼;
Sec. 16, lots 6 and 7, and SE¼SW¼;
Sec. 17, lots 1 through 7, and S½NE¼;
Sec. 21, lots 1, 2, 3, 4, and NW¼NE¼;
Sec. 22, lots 6, 7, 8, 9, and NW¼SW¼;
Sec. 23, SW¼SW¼;
Sec. 25, lots 2, 3, 4, 5, and S½NE¼;
Sec. 26, lots 1 through 5;
Sec. 27, lot 1.

T. 2 S., R. 4 E.,
Sec. 6, lot 1;
Sec. 7, lots 1 through 8, and S½SE¼;
Sec. 8, lots 1, 2, 3, 4, and S½SW¼;
Sec. 17, lots 1, 2, 3, 4, W½NE¼, NE¼NW¼, S½NW¼, W½SE¼, E½SW¼, and NW¼SW¼;
Sec. 18, SE¼NE¼;
Sec. 20, lots 1 and 2, and W½NE¼;
Sec. 21, lots 1 through 6;
Sec. 22, lots 1 and 2;
Sec. 26, lots 1 through 5, S½SW¼, and NW¼SW¼;
Sec. 27, lots 1 through 5, S½NE¼, N½NW¼, SE¼NW¼, N½SE¼, NE¼SW¼, and SW¼SW¼;
Sec. 28, lots 1 and 2, SE¼, and N½SW¼;
Sec. 29, lots 1, 2, 3, 4, S½NE¼, and S½NW¼;
Sec. 30, lots 4 through 8, and SE¼NW¼;
Sec. 33, lots 1, 2, 3;
Sec. 34, lots 1 through 6;
Sec. 35, lots 1 through 5, N½NW¼, and SE¼NW¼.

4. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582 dated January 17, 1969, as modified and amended by Public Land Order 4962 dated December 11, 1970, and the requirements of applicable law, rules, and regulations.

5. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, AK 99501.

NEIL R. BASSETT,
Acting Manager, Land Office.

[FR Doc.71-4340 Filed 3-29-71;8:47 am]

[Serials Nos. N-1128, 2421, 4180, 4690]

NEVADA

Notice of Public Sale; Correction

MARCH 22, 1971.

In F.R. Doc. 70-16817 appearing on page 18987 of the issue for Tuesday, December 15, 1970, Parcel 1 is shown to have an appraised value of $600. This is corrected to show an appraised value of $200.

ROBERT T. WEBB,
Acting Manager,
Nevada Land Office.

[FR Doc.71-4321 Filed 3-29-71;8:45 am]

National Park Service

AMISTAD RECREATION AREA, TEX.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that 30 days after the date of publication of this notice, the Department of the Interior through the Superintendent, Amistad Recreation Area, proposes to issue a concession permit to Rough Canyon Marina, Inc., authorizing it to provide marina and boating services for the public at the Rough Canyon site, Amistad Recreation Area for a period of 2 years from April 1, 1971 through March 31, 1973.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within 30 days after the publication date of this notice.

Interested parties should contact the Superintendent, Amistad Recreation Area, Post Office Box 1463, Del Rio, TX 78840, for information as to the requirements of the proposed permit.

BYRON A. HAZELTINE,
Acting Superintendent,
Amistad Recreation Area.

[FR Doc.71-4325 Filed 3-29-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Forest Service

AGUA TIBIA WILDERNESS PROPOSAL

Notice of Public Hearing

Notice is hereby given in accordance with the provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on May 18, 1971, in the American Legion Hall, 230 East Park Avenue, Escondido, CA, on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States that a recommendation be submitted to Congress for the establishment of the Agua Tibia Wilderness. The proposed Agua Tibia Wilderness is located within the Cleveland National Forest, Riverside and San Diego Counties, State of California.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Cleveland National Forest, 3211 Fifth Avenue, San Diego, CA 92103, or the Regional Forester, Appraiser's Building, 630 Sansome Street, San Francisco, CA 94111.

Individuals and organizations are invited to express their views by appearing at the hearing or may submit written comments for inclusion in the official record to the Regional Forester, Appraiser's Building, 630 Sansome Street, San Francisco, CA 94111, by June 17, 1971.

EDWARD P. CLIFF,
Chief, Forest Service.

[FR Doc.71-4363 Filed 3-29-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

A. E. STALEY MANUFACTURING CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2649) has been filed by A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, IL 62525, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of starch reacted with formaldehyde in the presence of urea, or with a methylol urea derived from urea-formaldehyde concentrate, as a component of food-packaging adhesives.

Dated: March 19, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc. 71-4338 Filed 3-29-71;8:47 am]

E. F. HOUGHTON & CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2647) has been filed by E. F. Houghton & Co., 308 West Lehigh Avenue, Philadelphia, PA 19133, proposing that § 121.2531 *Surface lubricants used in the manufacture of metallic articles* (21 CFR 121.2531) be amended to provide for the safe use of acetate esters of fatty alcohols as components of surface lubricants used in the manufacture of metallic articles that contact food.

Dated: March 19, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-4335 Filed 3-29-71;8:47 am]

M&T CHEMICALS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2651) has been filed by M&T Chemicals, Inc., subsidiary of American Can Co., Rahway, N.J. 07065, proposing that § 121.2602 *Octyltin stabilizers in vinyl chloride plastics* (21 CFR 121.2602) be amended to provide for the additional safe use of di(*n*-octyl)tin *S,S'*-bis(isooctylmercaptoacetate) and di(*n*-octyl)

tin maleate polymers as stabilizers in the manufacture of vinyl chloride-ethylene copolymers (complying with § 121.2609) intended to contact food.

Dated: March 22, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-4336 Filed 3-29-71;8:47 am]

SCIENTIFIC SUPPLY CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2590) has been filed by Scientific Supply Co., Inc., Post Office Box 5231, Terminal Annex, Denver, CO 80217, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of a mixture of methyl dodecyl benzyl trimethyl ammonium chloride, methyl dodecyl xylylene bis-(trimethyl ammonium chloride), and an alkyl aryl polyether alcohol as a sanitizing solution on food-processing equipment and utensils and on other food-contact articles.

Dated: March 19, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-4337 Filed 3-29-71;8:47 am]

SWIFT & CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued.

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Swift & Co., 1919 Swift Drive, Oak Brook, IL 60521, has withdrawn its petition (FAP 9A2388), notice of which was published in the FEDERAL REGISTER of February 8, 1969 (34 F.R. 1917), proposing the issuance of a regulation to provide for the safe use of nicotinic acid to promote color retention in frozen red meats.

Dated: March 19, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-4339 Filed 3-29-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-379, 50-380, 50-381]

GENERAL DYNAMICS CORP.

Notice of Receipt of Applications for Facility Licenses

The General Dynamics Corporation, Convair Aerospace Division, Fort Worth, Tex., and the National Aeronautics and Space Administration (NASA), Washington, D.C., have filed applications dated December 7, 1970, and March 1, 1971, respectively, for licenses pursuant to the Atomic Energy Act of 1954, as amended (the Act), to possess and operate the three reactors owned by the U.S. Air Force and located at the Air Force's Plant No. 4 Nuclear Aerospace Reactor Facility (NARF) in Fort Worth, Tarrant County, Tex. The reactors were constructed and have been operated by General Dynamics under contract with the Air Force pursuant to Section 91b of the Act.

The Air Force has granted a permit to the National Aeronautics and Space Administration (NASA) for the use of the NARF reactors. NASA in turn will enter into a contract with General Dynamics for operation of the reactors to conduct research and development programs for the Space Nuclear Propulsion Office and others. NASA's application is to acquire and possess, but not to operate, the reactors and General Dynamic's application is to acquire, possess and operate.

The reactors making up the NARF are referred to as the Ground Test Reactor—GTR, the Reactivity Test Assembly—RTA, and the Aerospace Systems Test Reactor—ASTR. The GTR and ASTR are 10 MW(t) light-water moderated reactors which have been operating since 1953 and 1956, respectively, and the RTA is a 1 kW(t) critical experiment facility which has been operating since 1961.

A copy of each application which gives further details is available for public inspection in the U.S. Atomic Energy Commission's Public Document Room at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 19th day of March 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-4316 Filed 3-29-71;8:45 am]

[Docket No. 50-365]

GULF OIL CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on August 22, 1970 (35 F.R. 13482), the Atomic Energy Commission has issued License No. XR-74 to Gulf Oil Corp., authorizing the export of a 250 kilowatt thermal TRIGA Mark I nuclear research reactor to Imperial Chemical Industries, Ltd., London, England. The license is being issued as proposed except that, Gulf General Atomic, Inc., having being merged into Gulf Oil Corp. and the application having been accordingly amended, the licensee is Gulf Oil Corp. The export of the reactor to England is within the purview of the present agreement for cooperation between the Governments of the United States and the United Kingdom.

Dated at Bethesda, Md., this 15th day of March 1971.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[FR Doc.71-4315 Filed 3-29-71;8:45 am]

[Docket No. 50-4]

NAVAL RESEARCH LABORATORY

License Termination Order

The Atomic Energy Commission ("the Commission") has found that the Naval Research Laboratory's (NRL) pool reactor located in Washington, D.C., has been dismantled and decontaminated, and that disposition has been made of the component parts, fuel and other special nuclear material (pursuant to the Commission's order dated July 29, 1970), in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. The small amount of radioactive material contained in the region formerly occupied by the reactor core has been adequately shielded and posted, and possession of this material by NRL is authorized by the existing Byproduct Material License No. 08-01393-02 held by NRL. Therefore, pursuant to the application by NRL dated June 17, 1970, and supplements thereto dated December 21 and 31, 1970, and February 26, 1971, Facility License No. R-5 is hereby terminated as of the date of this order.

Also, Indemnity Agreement No. D-6 between the Naval Research Laboratory and the Atomic Energy Commission dated December 20, 1962, as amended, is hereby terminated as of the date of this order and concurrently Amendment No. 4 to Indemnity Agreement No. D-6 is being executed.

Dated at Bethesda, Md., this 18th day of March 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-4317 Filed 3-29-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71-3-95]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority March 17, 1971.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to fare matters; Docket 22628, Agreement CAB 22223.

By Order 71-2-91, dated February 22, 1971, action was deferred, with a view toward eventual approval, on a resolution adopted by Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, would permit the establishment of 8-day group inclusive tour (GIT) fares from points in the United States to Panama City for 15 or more passengers purchasing at least $70 in ground accommodations.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 71-2-91 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22223 be and hereby is approved, provided that approval shall be subject to the following conditions:

(a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added costs.

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4370 Filed 3-29-71;8:50 am]

[Docket No. 22628; Order 71-3-116]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority March 19, 1971.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to fare matters; Docket 22628, Agreement CAB 22133, Agreement CAB 22221.

By Order 71-3-19, dated March 2, 1971, action was deferred, with a view toward eventual approval, on resolutions adopted by Joint Conference 3-1 of the International Air Transport Association (IATA). The agreements, which have been assigned the above-designated CAB agreement numbers, would permit contract bulk inclusive tour (CBIT) fares to be combined with IATA-agreed fares within the Western Hemisphere, and clarify the minimum tour price for use in connection with South Pacific 35-day individual inclusive tour fares.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in order 71-3-19 will herein be made final.

Accordingly, it is ordered, That:

Agreements CAB 22133 and CAB 22221 be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4371 Filed 3-29-71;8:50 am]

[Docket No. 22628; Order 71-3-126]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Issued under delegated authority March 23, 1971.

Agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to delayed inaugural flights; Docket 22628, Agreement CAB 22330.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB Agreement number.

The agreement permits Pan American World Airways, Inc., to postpone to dates not later than April 15, 1971, the performance of its inaugural flights between New York and Damascus.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Resolution JT12(Mail 765)200h, which is incorporated in the above-designated agreement, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 22330 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4372 Filed 3-29-71;8:50 am]

[Docket No. 22628; Order 71-3-127]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority March 23, 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to fare matters; Docket 22628, Agreement CAB 22285.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA) and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement amends an IATA resolution recently approved by the Board[1] as agreed upon at the 1970 Worldwide Passenger Fare Conference held in Honolulu, in that it would permit the combinability of normal fares in conjunction with group inclusive tour fares and that the stopover points covered by such normal fares shall not be counted for the purposes of determining the number of permissible stopovers under the group inclusive tour rules. As presently exists, stopovers resulting from the combination of normal fares with group inclusive tour fares are included in the number of permissible stopovers under the group inclusive tour rules.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Agreement CAB 22285, JT12 (Mail 764) 084a and JT123 (Mail 664) 084a is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 22285 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4373 Filed 3-29-71;8:50 am]

[1] Order 71-3-87, Mar. 16, 1971.

[Docket No. 22628; Order 71-3-147]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of March 1971.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to passenger fares; Docket 22628, Agreement CAB 22185,[1] Agreement CAB 22222, R-7.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at meetings in Geneva following the Honolulu Worldwide Passenger Fare Conference. The agreements, which have been assigned the above-designated CAB Agreement numbers, are generally intended for a 1-year period of effectiveness commencing April 1, 1971.

The agreements encompass fares and related resolutions to apply between Europe/Africa/Middle East and Asia/Australasia, and the Board's primary interest in the agreements is confined to the extent they would apply to/from American Samoa, Guam, and Okinawa. In general terms, normal first-class and economy fares would be increased in the range of 3 to 5 percent, and promotional fare levels would accordingly be adjusted upward as a result of the fact that these are based on a percent discount from the applicable round-trip economy-class fare.

In view of their limited application in areas of "air transportation" where traffic is of a low-density nature, the Board concludes that approval of fare increases provided by the agreements would not be adverse to the public interest. Indeed, certain elements of the agreements, which would permit travel to/from Asia, e.g., London-Tokyo, via the Western Hemisphere at more favorable fare levels appear advantageous to this country insofar as they would help to stimulate traffic via the United States. The Board will, however, maintain its outstanding condition on the revalidated and amended student-fare resolution so as to preclude its application in air transportation. The Board has long held that special fares held to narrow segments of the traveling public and based on the characteristics of the user are unjustly discriminatory. In the same vein, we will also preclude, by condition, the application in air transportation of resolutions which would permit group fares for ships' crews and individual fares for seamen, since the carriers have submitted no justification in support of the fares in air transportation.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find the following resolutions, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act, provided that fares shall not be applicable in air transportation:

Agreement CAB	IATA No.	Title	Application
22185:			
R-68	077	JT23 Group Fares for Ships Crews (Revalidating and Amending).	2/3.
R-71	077k	Individual Fares for Seamen (NEW)	2/3; 1/2/3.
R-104	092	Student Fares (Revalidating and Amending)	2/3; 1/2/3.

2. The Board does not find the following resolutions, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
22185:			
R-5	002e	Standard Revalidation Resolution	2/3.
R-18	050	First Class Conditions of Service (Revalidating and Amending)	2; 2/3.
R-21	055	Joint Conference 2/3 First Class Fares	2/3.
R-22	057	First Class Fares-TC2-TC2 (Australasia) Via TC1 (Except Polar).	1/2/3.
R-23	058	First Class Polar Fares	1/2/3.
R-24	059	First Class Fares TC2-TC3 (Asia) Via TC1 (Except Polar) (NEW).	1/2/3.
R-25	060	Economy Class Conditions of Service (Revalidating and Amending).	2; 2/3; 1/2/3.
R-26	060a	Mixed Class Aircraft (Revalidating and Amending)	2; 2/3; 1/2/3.
22222:			
R-7	060a	Mixed Class Aircraft (Revalidating and Amending)	1/2; 1/2/3 (South Atlantic).
22185:			
R-30	065	Joint Conference 2/3 Economy Class Fares	2/3.
R-31	067	Economy Class Fares-TC2-TC3 (Australasia) Via TC1 (Except Polar).	1/2/3.
R-32	068	Economy Class Polar Fares	1/2/3.
R-33	069	Economy Class Fares-TC2-TC3 (Asia) Via TC1 (Except Polar) (NEW).	1/2/3.
R-40	071j	JT23 10 Day Excursion Fares-TC3 to Shiraz (NEW)	2/3.
R-63	076d	JT23 Affinity Group Fares (Revalidating and Amending)	2/3.
R-64	076g	TC2-TC3 Via TC1 Affinity Group Fares (Revalidating and Amending).	1/2/3.
R-72	079b	Europe-Japan and Okinawa Contract Bulk Inclusive Tour Rules (Revalidating and Amending).	2/3; 1/2/3.
R-75	080h	JT23 and JT123 30, 45 and 60 Day Individual Inclusive Tour Fares (Revalidating and Amending).	2/3; 1/2/3.
R-85	081l	JT23 and JT123 30, 35, 45 and 60 Day Group Inclusive Tour Fares-TC2 to Far East (Revalidating and Amending).	2/3; 1/2/3.
R-88	081n	JT23 and JT123 30, 35 and 60 Day Group Inclusive Tour Fares-Far East to TC2 (Revalidating and Amending).	2/3; 1/2/3.
R-91	081t	45 and 60 Day Group Inclusive Tour Fares From Australasia to TC2 (NEW).	2/3; 1/2/3.
22185:			
R-93	084g	30 Day Group Inclusive Tour Fares, Europe-Japan/Okinawa/Hong Kong/Manila (Revalidating and Amending).	2/3; 1/2/3.
R-113	150a	Fares for Round Trip (Revalidating)	2; 2/3.
R-114	151a	Circle Trip Discount (Revalidating and Amending)	2; 2/3.
R-117	310	Free Baggage Allowance (Revalidating and Amending)	2; 2/3; 1/2/3.
R-118	311	Baggage Excess Weight Charges (Revalidating and Amending)	2; 2/3.
R-120	311b	Charges for Snow Skiing Equipment (Revalidating and Amending).	2; 2/3.

Accordingly, it is ordered, That:

1. Those portions of Agreement CAB 22185 as set forth in finding paragraph 1 above be and hereby are approved, subject to the condition stated therein; and

2. Those portions of Agreements CAB 22185 and 22222 as set forth in finding paragraph 2 above be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4374 Filed 3-29-71;8:50 am]

[Docket No. 22508 etc.]

MAINLAND-PONCE SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held before the undersigned examiner in Ponce, P.R., on May 11, 1971, at 10 a.m. (local time), in the Intercontinental Hotel, at which time and place the evidence of all parties to the proceeding will be received.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the report and supplemental report of prehearing conference and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 25, 1971.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[FR Doc.71-4369 Filed 3-29-71;8:50 am]

[1] Agreement CAB 22185, R-5; R-18; R-21 through R-26; R-30 through R-33; R-40; R-63; R-64; R-68; R-71; R-72; R-75; R-85; R-88; R-91; R-93; R-104; R-113; R-114; R-117; R-118; R-120.

FEDERAL MARITIME COMMISSION

HAPAG-LLOYD AKTIENGESELLSCHAFT ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Hapag-Lloyd Aktiengesellschaft, Compagnie Generale and Transatlantique, and N.V. Nederlandsch-Amerikaansche Stoomvaart Maatschappij.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 9902-1 modifies the basic agreement as necessary to reflect the addition of Holland-America Line to membership in the joint service. It also provides that the joint service will be known as "Euro-Pacific."

Dated: March 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4365 Filed 3-29-71;8:49 am]

LA CENTRO AMERICANA DE NAVEGACION S.A. AND ROYAL NETHERLANDS STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliot B. Nixon, Esq., Burlingham, Underwood, Wright, White, & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9937, a memorandum of understanding between La Centro Americana de Navegacion S.A. (CADENA) and Royal Netherlands Steamship Co. (RNSS), establishes a Cooperative Working Arrangement, whereby RNSS vessels will no longer call at the Western Venezuelan port of Maracaibo and ports on Lake Maracaibo to load or discharge cargo in the northbound and southbound trades between such ports and the United States ports of New York, Philadelphia, Baltimore, and Savannah, and that such trades shall be serviced by CADENA vessels. However, this shall not prevent RNSS from transporting cargo in these trades on particular occasions with the consent of CADENA. RNSS shall support CADENA's application to become a joint member of the United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference (Agreement No. 6190).

Dated: March 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4366 Filed 3-29-71;8:49 am]

TRADE-LANES SHIPPING CORP. AND FRANOREN SHIPPING CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

W. Coletti, Trade-Lanes Shipping Corp., 140 Cedar Street, New York, NY 10006.

Agreement No. FF 71-2 between Trade-Lanes Shipping Corp. (Trade-Lanes), and Franoren Shipping Corp. (Franoren) is intended to secure Federal Maritime Commission approval for an agreement whereby Trade-Lanes will refer all forwarding accounts handled by it to Franoren. Employees of Trade-Lanes are offered employment by Franoren. According to the agreement Trade-Lanes will not engage in the business of ocean freight forwarding after its current shipments have been completed.

Commencing with February 1, 1971, and continuing for a period of 10 years thereafter, Franoren will pay Trade-Lanes 10 percent of its gross operating income from all of its accounts. Gross operating income, for the purposes of the agreement, is defined as the sum of forwarding fees and brokerage earned less amounts paid to other (outport) forwarders.

Dated: March 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4367 Filed 3-29-71;8:49 am]

[Docket No. 71-24]

MID-PACIFIC FREIGHT FORWARDERS

Increases in Freight Rates in U.S. Pacific Coast/Hawaii Trade; Order of Investigation and Suspension

Mid-Pacific Freight Forwarders has filed with the Federal Maritime Com-

mission Supplement No. 2 to its Tariff FMC–F No. 2 to become effective April 1, 1971. This supplement increases the rate on Freight, All Kinds, between U.S. Pacific Coast ports and Hawaiian ports.

Upon consideration of said tariff supplement, the Commission is of the opinion that the above-designated tariff matter should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Supplement No. 2 to Tariff FMC–F No. 2 is suspended and the use thereof deferred to and including July 31, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Mid-Pacific Freight Forwarders, a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until August 1, 1971, unless otherwise authorized by the Commission; and the rates and charges, heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within ten days of commencement of the proceeding, is similarly waived;

It is further ordered, That Mid-Pacific Freight Forwarders be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(l) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4364 Filed 3-29-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-836, etc.]

AUSTRAL OIL CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 19, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules or practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-836..	Austral Oil Co., Inc., Agent for Oil Participations, Inc.	9	12	United Fuel Gas Co. (Thornwell Field, Jefferson Davis, and Cameron Parishes Southern Louisiana).	$25,500	2-19-71	.....	4- 6-71	[11] 21.1	[2] [11] 22.375	RI64-187.
	....do.....	23	10	....do.....	191,250	2-19-71	.....	4- 6-71	[11] 22.1	[2] [11] 22.375	RI71-607.
RI71-837..	General American Oil Co. of Texas.	37	[1] [11] 21	United Gas Pipe Line Co. (Valentine Field, Lafourche Parish) (Southern Louisiana).	2,114	2-19-71	.....	4- 6-71	[9] [11] 22.502850	[2] [11] 23.275	RI71-684.
	....do.....	40	[1] [11] 9	Transcontinental Gas Pipe Line Corp. (Johnson's Bayou Field) (Cameron Parish) (Southern Louisiana).	7,105	2-19-71	.....	4- 6-71	[11] 23.55	[2] [11] 26.0	
RI71-838..	Sun Oil Co.....	287	[7] 15	Transcontinental Gas Pipe Line Corp. (South Mineral Field, Bee County, Tex. RR. District No. 2).	.....	2-19-71	3-22-71	[10] Accepted	.....	.....	
	....do.....	287	[8] 16	....do.....	28,298	2-19-71	.....	4-22-71	[3] 11.0 [4] 12.0 [5] [10] 13.0	[3] 19.0	
RI71-839..	Cabot Corp.....	102	2	Michigan Wisconsin Pipe Line Co. (Eugene Island Block 285) (Offshore Louisiana).	108,000	2-19-71	.....	4- 6-71	17.0 [6] 18.5	[2] [11] 26.0	
RI71-840..	Kerr-McGee Corp.....	112	2	....do.....	281,250	2-19-71	.....	4- 6-71	[11] 18.5	[2] [11] 26.0	
RI71-841..	Belmont Oil Corp.....	18	2	....do.....	112,500	2-19-71	.....	4- 6-71	[11] 18.5	[2] [11] 26.0	
RI71-842..	Trice Production Co. et al.[12]	4	12	Michigan Wisconsin Pipe Line Co. (Welsh Field, Jeff Davis Parish, Southern Louisiana).	18,270	2-19-71	.....	4- 6-71	[11] 19.75	[2] [11] 22.375	
RI71-843..	Pennzoil Producing Co. et al.[13]	234	[13] [14] [15] 11	United Gas Pipe Line Co. (Gibson Field, Terrebonne Parish) (Southern Louisiana).	106,762	2-17-71	.....	4- 4-71	[11] 22.375	[2] [11] 25.30	RI71-685.
RI71-844..	Cities Service Oil Co..	186	[14] [15] [16] 23	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 47 Field) (Offshore Louisiana) (Disputed).	17,493	2-16-71	.....	4- 3-71	[11] 22.375	[1] [11] 23.5	RI71-677.
RI71-845..	Trice Production Co.[12]	5	6	United Gas Pipe Line Co. (East Bell City Field, Calcasieu Parish) (Southern Louisiana).	3,825	2-19-71	.....	4- 6-71	[11] 20.25	[2] [11] 22.375	
RI71-846..	Trice Production Co. et al.[11]	19	[20] 7	Trunkline Gas Co. (Rieeville Field, Vermilion Parish) (Southern Louisiana).	11,020	2-19-71	.....	4- 6-71	[11] 20.0	[2] [11] 22.375	
RI71-847..	Don Chemical Co.....	1	1	Michigan Wisconsin Pipe Line Co. (Southwest Lake Arthur Field, Cameron Parish) (Southern Louisiana).	29,200	2-22-71	.....	4- 9-71	[11] 20.625	[2] [11] 21.625	
RI71-848..	Lamar Hunt.....	10	5	South Texas Natural Gas Gathering Co. (May Field, Kleberg County, Tex. RR. District No. 4).	422	2-24-71	.....	4-27-71	17.3147	18.3184	RI70-818.
RI71-849..	Sun Oil Co.....	6	[21] [23] [24] 21	Transcontinental Gas Pipe Line Corp. (Various Fields Starr County, Tex., RR. District No. 4).	50,000	2-17-71	.....	4-20-71	[22] 13.04875	21.0	
RI71-850..	Ashland Oil, Inc.....	201	[20] 1	Southern Natural Gas Co. (Fish Island Field, Iberia Parish, Southern Louisiana).	988	2-25-71	.....	4-12-71	[11] [11] 20.1143	[2] [11] 21.25	
RI71-851..	Humble Oil & Refining Co.	137	7	Natural Gas Pipeline Co. of America (Ramerina, Southwest Field, Live Oak County, Tex., RR. District No. 2).	14,363	2-25-71	.....	5- 2-71	16.5619	17.5656	RI70-870.
RI71-852..	Shell Oil Co. et al....	132	14	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Chesterville Field, Colorado County, Tex., RR. District No. 3).	6,150	2-22-71	.....	4-25-71	[26] 15.5	[26] 16.5	RI66-313.
RI71-853..	Mobile Oil Corp. et al.	320	[27] 24	Natural Gas Pipeline Co. of America (La Gloria Field, Jim Wells and Brooks Counties, Tex., RR. District No. 4).	15,976	2-19-71	.....	4-22-71	16.0	16.7295	
RI71-854..	Mobil Oil Corp.....	417	[28] 17	....do.....	536	2-19-71	.....	4-22-71	16.0	16.7338	
RI71-855..	Sun Oil Co.....	486	2	Michigan Wisconsin Pipe Line Co. (Eugene Island Area Block 285) (Offshore Louisiana).	54,000	2-19-71	.....	4- 6-71	[11] 18.5	[2] [11] 26.0	
RI71-856..	Petroleum Corp. of Texas et al.	5	[29] 3	Coastal States Gas Producing Co.[29] (Donna Field, Hidalgo County Tex., RR. District No. 4).	860	2-18-71	.....	3-22-71	13.7860	14.9815	RI71-129.
	....do.....	7	[29] 4		5,740	2-18-71	.....	3-22-71	13.7860	14.9815	RI71-129.
	....do.....	8	[29] 3	....do.....	1,705	2-24-71	.....	3-28-71	12.51	12.8695	RI71-129.
	....do.....	9	[29] 4	....do.....	145	2-24-71	.....	3-28-71	12.5148	12.8695	RI71-129.
	....do.....	10	[29] 4	....do.....	250	2-22-71	.....	3-26-71	13.5282	13.8829	RI71-129.
	....do.....	12	[29] 4	....do.....	3,190	2-22-71	.....	3-26-71	13.5282	13.8829	RI71-129.
	....do.....	13	[29] 3	....do.....	125	2-24-71	.....	3-28-71	12.5148	12.8695	RI71-129.
	....do.....	14	[29] 3	....do.....	425	2-24-71	.....	3-28-71	12.5148	12.8695	RI71-129.
	....do.....	15	[29] 3	....do.....	1,420	2-24-71	.....	3-28-71	12.5148	12.8695	RI71-129.
	....do.....	16	[29] 3	....do.....	2,990	2-18-71	.....	3-22-71	13.7860	14.9815	RI71-129.
RI71-857..	George R. Brown.....	3	10	Texas Eastern Transmission Corp. (Lochridge Field, Brazoria County, Tex., RR. District No. 3).	.....	2-25-71	.....	5- 1-71	16.8735	17.0743	RI71-294.
RI71-858..	John B. Rich, Trustee, Agent for Trusts U/D Donaldson Brown, et al.	1	[33] 9	Transcontinental Gas Pipe Line Corp. (Orcones Field, Duval County Tex., RR. District No. 4).	.....	2-19-71	3-22-71	[31] Accepted	.....	.....	
	....do.....	1	10	....do.....	4,320	2-19-71	.....	4-22-71	13.0	[32] 16.0	

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R169-386..	Southern Union Production Co.	1	[28] 1 to 26	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex., San Juan Basin and La Plata Company, Colo.).	7,281	2-22-71	3-25-71	[27] Accepted	[24] [31] 15.0636	[24] [31] 15.2886	R169-386.
		5	1 to 14	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex., San Juan Basin).	1,052	2-22-71	3-25-71	[27] Accepted	[24] [31] 15.0619	[24] [31] 15.2869	R169-386.
R169-627..	Jerome P. McHugh et al.	[37] 9	[38] 4	El Paso Natural Gas Co. (leases in Rio Arriba County, N. Mex., San Juan Basin).	3,711	2-25-71	3-26-71	[48] Accepted	[31] 13.0	[31] 15.0619	
R169-379..	Aztec Oil & Gas Co...	1	1 to 7	El Paso Natural Gas Co. (Mesa Verde Formation, Rio Arriba, and San Juan Counties, N. Mex., San Juan Basin).	2,961	2-25-71	3-25-71	[27] Accepted	[24] [31] 15.0593	[24] [31] 15.2886	R169-379.
R171-859..	Consolidated Production Corp.	4	2	Arkansas Louisiana Gas Co. (Hill Unit, Le Flore County, Oklahoma Other Area).	5,786	2-25-71	.....	[46] 4-28-71	[30] 15.0	[30] 16.015	
R171-860..	Humble Oil & Refining Co.	111	10	Mississippi River Transmission Corp. (Woodlawn Field, Harrison County, Tex., RR. District No. 6).	383	2-25-71	.....	[46] 5- 2-71	[30] 15.2003	[30] 15.7069	R168-2.
R171-861..	L. L. Robinson.....	2	8	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, Northern Louisiana).	369	2-22-71	.....	[46] 4-25-71	[41] [42] [31] 15.8007	[42] [31] 17.8519	
R171-862..	Lamar Hunt et al.....	13	1	Arkansas Louisiana Gas Co. (Sugar Creek Field, Claiborne Parish, Northern Louisiana).	360	2-24-71	.....	[46] 4-27-71	[31] 18.75	[43] [31] 19.0	
R171-863..	Galaxy Oil Co.....	1	[44] 3	Arkansas Louisiana Gas Co. (Arkoma Area, Le Flore et al. Counties, Oklahoma Other Area and Franklin et al. Counties) (Arkansas).	822	2-18-71	.....	[46] 4-21-71	[30] 15.0	[30] 16.015	
R171-864..	R. M. Mora i et al...	(45)	(46)	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex., Permian Basin).	1,857	2-25-71	.....	4-28-71	14.50	17.50	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Applicable only to the Bigen 3-X and the 5168' Stray Sand Reservoirs, inadvertenly omitted in the filings submitted on Nov. 23, 1970.
[2] Increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413 issued Oct. 27, 1970.
[3] For gas not requiring compression or compressed by buyer.
[4] For gas compressed by buyer if seller assumes operation of compressors.
[5] For gas requiring compression if seller elects to install and operate compressors.
[6] For gas discovered prior to Sept. 28, 1960.
[7] Agreement dated Dec. 31, 1970, provides among other things for a extension of contract term until Apr. 1, 1981, and for renegotiated rates specified therein, or any higher area rate.
[8] Based on the assumption that all gas is sold from the 13-cent rate which may or may not be the case.
[9] Includes upward B.t.u. adjustment.
[10] Subject to a 0.2193-cent dehydration charge deducted by buyer.
[11] Submitted as a correction to an earlier increased rate filing.
[12] Changed name to Oleum, Inc., but filings have not yet been received to reflect such change.
[13] As corrected by letter dated Feb. 23, 1971.
[14] Pertains to gas sold from the "KD" and "KJ" Sand Reservoirs and to gas previously shown to qualify for third vintage prices per Opinion 567.
[15] Includes documents required by Opinion No. 567 establishing the discovery dates of new reservoirs identified therein.
[16] Not used.
[17] Both buyer and seller are wholly owned subsidiaries of Pennzoil United, Inc.
[18] Applicable to gas sold from the 15,200' Sand Reservoir which was discovered on Dec. 25, 1970, and thus qualifying for third vintage price.
[19] As corrected by filings transmitted by letter date Feb. 22, 1971.
[20] As corrected.
[21] Applicable only to gas sold from reservoirs discovered after Sept. 28, 1960, and prior to June 17, 1970.
[22] Increase to 19 cents suspended in Docket No. R171-530. (Applicable to gas sold from reservoirs discovered prior to Sept. 28, 1960.)
[23] Includes letters between Sun & Transco showing a break down of the prices for reservoirs by fields.
[24] As corrected by filing transmitted by letter dated Mar. 1, 1971.
[25] Includes Upward B.t.u. price adjustment.
[26] Subject to a 0.2193-cent dehydration charge deducted by buyer.
[27] Applicable to additional gas added by Supplement No. 24.
[28] Applicable to additional gas added by Supplement No. 16.
[29] Includes letter from the buyer dated Feb. 9, 1971 showing the prices to which Petroleum Corp. is entitled.
[30] Coastal State resells the subject gas to Trunkline Gas Co. under its R/S No. 1 at an effective rate of 15.6576 cents ESR in Docket No. R170-1548.
[31] Not used.
[32] Inclusive of a 3 compression charge paid to seller by buyer.
[33] Agreement dated Feb. 1, 1971 provides among other things, for a renegotiated rate of 16 cents.
[34] Includes 1 cent per Mcf minimum guarantee for liquids.
[35] Tax portion of rate applicable only to New Mexico sales.
[36] Applicable to New Mexico sales only.
[37] Partial succession to Thomas A. Dugan Rate Schedule No. 4 and Occidental Petroleum Corp., Rate Schedule No. 1.
[38] Pertains only to sales from acreage acquired from Occidental Petroleum Corp.
[39] Base rate subject to Downward B.t.u. adjustment.
[40] Pursuant to Order No. 423.
[41] Rate of 16.8263 cents currently suspended in Docket No. R168-686, never made effective.
[42] Includes 1.75-cent tax reimbursement.
[43] Filing from initial certificated rate to initial contract rate.
[44] Applicable only to acreage added by Supplement No. 1.
[45] Small producer certificate holder in Docket No. CS71-131.
[46] Related contract dated Apr. 1, 1953.
[47] Accepted, subject to existing suspension proceedings in Docket No. R169-386 and R169-379 to be effective as of the expiration of statutory notice period, the date shown in the "Effective Date" column.
[48] Accepted, for filing subject to the existing suspension proceeding in Docket No. R169-627, to be effective 61 days from date of filing, the date shown in the "Effective Date" column.
[49] Accepted to become effective on the dates shown in the "Effective Date" column.
[50] Accepted to become effective on the dates shown in the "Effective Date" column, subject to the conditions prescribed elsewhere in this order.
[51] Pressure base is 15.025 p.s.i.a.

Under the provisions of the Commission's order issued October 27, 1970, in Docket No. AR69-1, producers in the Southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by November 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of January 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970 order. Producer filing made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970 deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971 that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

The agreement filed by Sun Oil Co. in addition to providing for the proposed increased rate of Transcontinental Gas Pipe Line Corp. also provides for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b-1), the agreement is accepted for filing upon expiration of statutory notice with the condition that the provision relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage. Additionally, the agreement of Sun Oil Co. limits the gas reserves committed to such contracts. Neither the basic contracts nor the related certificates were previously limited in this manner. Therefore, such agreements are accepted for filing only insofar as they pertain to the reserves specified therein and the increases are limited only to gas produced from such reserves. Also, Respondent is advised that the acceptance of such agreements does not constitute any authorization to abandon any

acreage covered by the original contracts which is not covered by these agreements.

Petroleum Corporation of Texas is proposing increases with respect to gas sold to Coastal States Gas Producing Co. from leases in various fields in Hidalgo County, Tex., R.R. District No. 4. Coastal resells the subject gas to Trunkline Gas Co., at a currently effective rate of 15.6576 cents being collected subject to refund in Docket No. RI70-1548 pursuant to its Rate Schedule No. 1. Petroleum's proposed increases are based on the revenue-sharing provisions of Petroleum's contracts and therefore the proposed rates are directly related to Coastal's rate which is being collected subject to refund. In these circumstances the proposed rates should be suspended for 1 day from the expiration of the statutory notice period.

The proposed increases, except for Petroleum's increases and those relating to tax increases and those relating to sales in Southern Louisiana, are suspended for a period ending 61 days from the date of filing thus according them the same treatment as will be accorded those producers filing pursuant to Order No. 423.

Certain respondents request effective dates for which adequate notice was not given. Additionally, certain respondents request waiver of the notice requirements, still certain respondents request that the suspension period be limited to 1 day. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-4238 Filed 3-29-71;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Barnett Banks of Florida, Inc., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Hollywood Bank and Trust Company, Hollywood, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than 30 days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, March 24, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4319 Filed 3-29-71;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

BETHLEHEM MINES CORP. AND EASTERN COAL CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg/m³) have been received as follows:

(1) ICP Docket No. 10989, Bethlehem Mines Corp., Brookdale Mine No. 77, USBM ID NO. 36 00843 0, Mineral Point, Cambria County, Pa., Section ID No. 006 (3 Panel Main).

(2) ICP Docket No. 10843, Eastern Coal Corp., Stone Mine, USBM ID No. 15 02096 0, Stone, Pike County, Ky., Section ID No. 001 (Section 14), Section ID No. 004 (Section 18), Section ID No. 005 (Section 24), Section ID No. 006 (Section 25), Section ID No. 008 (Section 29), Section ID No. 009 (Section 31), Section ID No. 010 (Section 32).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 24, 1971.

[FR Doc.71-4354 Filed 3-29-71;8:48 am]

RENEGOTIATION BOARD

PERSONS HOLDING PRIME CONTRACTS OR SUBCONTRACTS FOR TRANSPORTATION BY WATER AS COMMON CARRIER

Extension of Time for Filing Financial Statements

Every person who held a prime contract or subcontract for transportation by water as a common carrier at any time during the calendar year 1970 is hereby granted an extension of time until September 1, 1971, for filing a financial statement for such year pursuant to section 105(e)(1) of the Renegotiation Act of 1951, as amended.

Dated: March 23, 1971.

LAWRENCE E. HARTWIG,
Chairman.

[FR Doc.71-4331 Filed 3-29-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5002]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Shares of Common Stock Pursuant to Rights Offering

MARCH 23, 1971.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, NY 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

GPU proposes to offer up to 3 million authorized but unissued shares of its common stock (additional common stock) for subscription by the holders of its outstanding shares of common stock on the basis of one share of the additional common stock of each ten (10) shares of common stock held on the record date. The offering of the common stock will not be underwritten. The record date will be May 6, 1971, or such later date as GPU's registration statement under the Securities Act of 1933 may become effective. The subscription price, to be determined by GPU's Board of Directors on the record date, will be not more than the closing price of GPU commonstock on the New York Stock Exchange on the day prior to the record date and not less than 85 percent thereof. The subscription period will expire May 28, 1971, unless the record date should be later than May 7, 1971, in which event the expiration date will be specified by amendment.

Rights to subscribe to the additional common stock will be evidenced by

transferable subscription warrants which will be issued to all record holders of GPU common stock as promptly as practicable after the record date. No fractional shares will be issued; however, any holder with more than 10 shares, but not in exact multiples thereof, may purchase, at the subscription price, one extra share of additional common stock. A stockholder with less than 10 shares of common stock will be entitled to purchase, at the subscription price, one full share of additional common stock. In addition, each holder of a warrant or warrants who exercises such warrant or warrants in full will be given the privilege of subscribing, subject to allotment, at the same subscription price, for shares of additional common stock not subscribed to pursuant to rights. GPU intends to take such action as is appropriate on its part to effect the admission of the warrants to dealing on the New York Stock Exchange. A commercial bank will be used as subscription agent in connection with the rights offering. GPU proposes to utilize the services of securities dealers in soliciting the exercise by the initial record holders of original issue warrants of the subscription privileges represented thereby and in disposing of the shares of additional common stock available to GPU for such disposition. GPU will pay compensation to the securities dealers, in an amount to be determined by the GPU Board of Directors at a later time and to be supplied by amendment, for the successful solicitation of the exercise of original issue warrants by the initial record holders thereof and in connection with the purchase of additional common stock by such dealers from GPU. The fee payable with respect to any single beneficial owner will not exceed $250.

No warrants will be mailed to stockholders with registered addresses outside the United States, Bermuda, Canada, and Mexico. Such stockholders will be informed in advance by GPU of their rights. Any of such warrants as to which no instructions have been received before the close of business on the second business day preceding the expiration date of the warrants will be sold for cash, and the pro rata portions of such proceeds will be delivered to, or held for 2 years for the account of, such stockholders, after which such proceeds will become the property of GPU.

In connection with the rights offering, GPU may effect stabilization transactions in its common stock or warrants up to a maximum net long position equivalent to 300,000 shares.

GPU will utilize the net proceeds realized from the sale of the common stock for additional investments in its subsidiary companies or to pay a portion of its promissory notes then outstanding, the proceeds of which have been or will be used for such investments.

The fees and expenses to be incurred by GPU will be supplied by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 23, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4342 Filed 3-29-71;8:47 am]

[File No. 500-1]

LONG ISLAND PLASTICS CORP.

Order Suspending Trading

MARCH 23, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Long Island Plastics Corp. (a New York corporation) and all other securities of Long Island Plastics Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 23, 1971, 11 a.m., e.s.t., through April 1, 1971.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4343 Filed 3-29-71;8:47 am]

[31-706]

NATIONAL UTILITIES & INDUSTRIES CORP.

Notice of Filing and Order for Hearing Regarding Application for Exemption

MARCH 23, 1971.

Notice is hereby given that National Utilities & Industries Corp. (National), One Elizabethtown Plaza, Elizabeth, NJ 07207, has filed an application and an amendment thereto for an order exempting National from all provisions of the Public Utility Holding Company Act of 1935 (Act) except section 9(a)(2) thereof. The application is made under section 3(a)(1) of the Act.

National claimed an exemption as of June 13, 1969 from the registration requirements of the Act pursuant to the provisions of Rule 2 promulgated thereunder. Pursuant to Rule 6 National was advised by the Commission by letter of December 18, 1970, that a question exists as to whether its exemption from the registration requirements of the Act may be detrimental to the public interest or the interest of investors or consumers. The present application was filed January 27, 1971. All interested persons are referred to the application, which is summarized below:

National, a New Jersey corporation, is a holding company as defined in section 2(a)(7)(A) of the Act. One of its subsidiary companies, Elizabethtown Gas Co. (Elizabethtown), also a New Jersey corporation, is a public-utility company as defined by the Act.

National was organized on February 28, 1969. Shortly thereafter it became a holding company when, pursuant to an exchange offer, it acquired all the outstanding voting shares of the common stock of Elizabethtown. National bases this application on the fact that it and Elizabethtown are predominately intrastate in character and carry on their business substantially in the State of New Jersey. As at September 30, 1970, National had consolidated total assets of $78,490,388 and for the year then ended it had consolidated net income of $3,478,240.

Elizabethtown is engaged in the retail distribution of natural gas in 68 municipalities located in parts of Hunterdon, Mercer, Middlesex, Morris, Sussex, Union, and Warren Counties in New Jersey. For the year ended September 30, 1970, Elizabethtown had operating revenues of $40,431,271 and net income of $3,641,332. At September 30, 1970, Elizabethtown's utility plant account was stated at original cost of $81,385,945, less accumulated depreciation of $18,299,715. As of the same date, Elizabethtown had long-term debt (less current maturities) of $30,220,000 and total stockholders' equity of $33,394,362.

Elizabethtown has four wholly-owned nonutility subsidiary companies, all organized under the laws of New Jersey: (1) Utility Propane Co. (Propane) distributes propane gas at retail in enclosed, portable containers throughout

northern New Jersey and, to a limited degree, in adjacent parts of eastern Pennsylvania. It sells propane gas in bulk at wholesale and also sells gas appliances at retail. Propane supplies Elizabethtown with propane it uses for peak shaving purposes. For the year ended September 30, 1970, Propane had operating revenues of $601,644 and net income of $37,012; (2) Elizabethtown Sales Associates is engaged primarily in the wholesale distribution of appliances and equipment related to the gas industry. Its principal customers are utility companies, builders and dealers located in New Jersey. Its sales territory also includes the New England area, New York and Pennsylvania. For the year ended September 30, 1970, this subsidiary company had operating revenues of $1,312,306 and net income of $41,372; (3) Achter Kol Corp. (Achter Kol) owns real estate in certain of the territories in which Elizabethtown distributes natural gas. For the year ended September 30, 1970, Achter Kol had operating revenues of $16,430 and a net loss of $4,245. Achter Kol also has a New Jersey subsidiary company, Panther Valley Energy Co., which operates a natural gas total energy installation. For the year ended September 30, 1970, it had operating revenues of $35,968 and a net loss of $45,404; and (4) on December 31, 1970, Elizabethtown acquired Caroli Travel, Inc. (Caroli), since renamed E-Town Travel, Inc., a travel agency located in Plainfield, N.J. Elizabethtown made a loan of $32,000 to the travel agency in connection with this transaction. The purchase price was $90,000 subject to possible downward adjustment depending on operating results.

Since its organization National has also acquired all of the outstanding capital stock of National Computer Utility Co. (Computil), National Exploration Co. (Exploration) and National Energy Leasing Co. (Energy), all New Jersey corporations. All of the companies were organized by National during 1969.

Computil offers computer software services which include systems design, programing, and information systems and provides data handling services through the use of leased computers. For the year ended September 30, 1970, Computil had operating revenues of $287,622 and a let loss of $6,851.

Exploration is a gas and oil exploration and producing company authorized to do business in Texas and Louisiana. Exploration was established to develop natural gas reserves for Elizabethtown. For the year ended September 30, 1970, Exploration had operating revenues of $5,935 and a net loss of $94,168. Exploration has a subsidiary company, National Gas Gathering Co., a New Jersey corporation. The stated purpose of this subsidiary company is to arrange for the transportation and marketing of hydrocarbons that Exploration and others associated with it in any particular drilling venture may find.

Energy is the owner of, among other things, two steam generators which produce steam for sale to one industrial customer. In addition, Energy has purchased at an approximate cost of $435,000 an aircraft which it leased through National to Executive Airlines, Inc. (Executive), discussed below, for a term of 8 years on a net lease basis. For the year ended September 30, 1970, Energy had operating revenues of $57,583 and net income of $3,134.

In April 1970, National entered into an agreement with the major shareholders of Executive to acquire 51 percent of the outstanding common stock of Executive during 1971 in exchange for 27,778 shares of National's common stock, subject to upward adjustment depending upon Executive's earnings for the calendar years 1971 and 1972. Under the agreement, National is obligated to loan Executive a minimum of $1,000,000 at the prime bank interest rate, to be secured by 5-year convertible subordinated notes. On September 30, 1970, $1,400,000 had been advanced to Executive. The unaudited financial statements of Executive for the 9 months ended September 30, 1970, reflect a substantial net loss, which, it is stated, was anticipated. The agreement may be terminated by National at its option if certain specified financial results were not attained by the end of 1970; according to the application, it appears that these results have not been attained.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the application; that the stockholders of National and other interested persons be afforded an opportunity to be heard at such hearing with respect to the application; and that the application should not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing be held at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549, at a date to be specified by the Secretary of the Commission. On such date, the hearing room clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether National and every subsidiary company thereof which is a public-utility company from which National derives, directly or indirectly, any material part of its income, are predominantly intrastate in character and carry on their business substantially in a single state in which National and every such subsidiary company thereof are organized.

(2) Whether, and, if so, to what extent, the granting of the exemption would be detrimental to the public interest or the interest of investors or consumers.

(3) Whether National's application for exemption should be denied or, if granted, whether such exemption should extend to all or only some provisions of the Act.

(4) Whether the granting of any exemption under section 3(a) should be subject to terms and conditions.

It is further ordered, That any person, other than applicant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before May 3, 1971, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of the date of hearing or any adjournment thereof as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid by mailing copies of this Notice and Order by certified mail to National, the New Jersey Board of Public Utility Commissioners, the Federal Power Commission and the U.S. Department of Justice; that National shall mail copies of this Notice and Order, not later than April 8, 1971, to the stockholders of record of National; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this Notice and Order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4344 Filed 3-29-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 4.4 for Designated Disasters, Amdt. 1]

REGIONAL DIRECTORS

Delegation of Financial Assistance

Delegation of Authority No. 4.4 for Designated Disasters (36 F.R. 1297), published January 27, 1971, is hereby amended by revising Items A.a., A.c., A.d., A.e., A.f., A.g., A.h., B.a., B.c., B.d., B.e., B.f., B.g., B.h., C.a., C.c., C.d., C.e., C.f., C.g., C.h., and by adding Items A.i., A.j., B.i., B.j., C.i., and C.j., to read as follows:

A. * * *

a. Regional Director, Region II, for the following disasters:

(1) New York, Broome, Deleware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

(4) New York, Malone area, Disaster No. 804.

* * * * *

c. Regional Director, Region IV, for the following disasters:

(1) Alabama, all areas affected, Disaster No. 734.

(2) Florida, all areas affected, Disaster No. 734.

(3) Florida, Santa Rosa, Escambia, Disaster No. 773.

(4) Florida, Bay, Disaster No. 793.

(5) Georgia, Chatham, Disaster No. 784.

(6) Mississippi, all areas affected, Disaster No. 734.

(7) Florida, Santa Rosa and adjacent areas, Disaster No. 803.

(8) Mississippi, Town of Ecru, Disaster No. 796.

(9) Mississippi, all areas affected, Disaster No. 807.

(10) Tennessee, McNairy and adjacent areas, Disaster No. 807.

(11) North Carolina, Cumberland and adjacent areas, Disaster No. 808.

d. Regional Director, Region V, for the following disasters:

(1) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

(4) Illinois, all areas affected, Disaster No. 810.

(5) Minnesota, Miracle Mile Shopping Center in Rochester, Disaster No. 811.

e. Regional Director, Region VI, for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

(3) New Mexico, Bernalillo, Disaster No. 781.

(4) Oklahoma, Oklahoma, Disaster No. 770.

(5) Oklahoma, Lincoln, Pottawatomie, Disaster No. 790.

(6) Oklahoma, Murray, Disaster No. 792.

(7) Texas, Lubbock, Disaster No. 767.

(8) Texas, all areas affected, Disaster No. 636.

(9) Texas, Hays, Disaster No. 768.

(10) Louisiana, Calcasieu and adjacent areas, Disaster No. 805.

f. Regional Director, Region VII, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

(2) Iowa, Fort Dodge area, Disaster No. 797.

(3) Nebraska, all areas affected, Disaster No. 809.

g. Regional Director, Region VIII, for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

h. Regional Director, Region IX, for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas affected, Disaster No. 789.

(4) Hawaii, Islands of Oahu, Hawaii, and Maui, Disaster No. 799.

(5) California, Los Angeles and adjacent areas, Disaster No. 802.

i. Regional Director, Region I, for the following disasters:

(1) New Hampshire, Winchester area, Disaster No. 798.

(2) Massachusetts, Area of Salem and North Margin Streets in Boston, Disaster No. 801.

j. Regional Director, Region X, for the following disasters:

(1) Alaska, city of Fairbanks, town of Nenana, Disaster No. 634.

(2) Washington, Lewis, Grays Harbor, Thurston, and Whatcom, Disaster No. 800.

(3) Oregon, Clatsop, Tillamook, Disaster No. 806.

B. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Regional Director, Region II, for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

(4) New York, Malone area, Disaster No. 804.

* * * * *

c. Regional Director, Region IV, for the following disasters:

(1) Alabama, all areas affected, Disaster No. 734.

(2) Florida, all areas affected, Disaster No. 734.

(3) Florida, Santa Rosa, Escambia, Disaster No. 773.

(4) Florida, Bay, Disaster No. 793.

(5) Georgia, Chatham, Disaster No. 784.

(6) Mississippi, all areas affected, Disaster No. 734.

(7) Florida, Santa Rosa and adjacent areas, Disaster No. 803.

(8) Mississippi, town of Ecru, Disaster No. 796.

(9) Mississippi, all areas affected, Disaster No. 807.

(10) Tennessee, McNairy and adjacent areas, Disaster No. 807.

(11) North Carolina, Cumberland and adjacent areas, Disaster No. 808.

d. Regional Director, Region V, for the following disasters:

(1) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

(4) Illinois, all areas affected, Disaster No. 810.

(5) Minnesota, Miracle Mile Shopping Center in Rochester, Disaster No. 811.

e. Regional Director, Region VI, for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

(3) New Mexico, Bernalillo, Disaster No. 781.

(4) Oklahoma, Oklahoma, Disaster No. 770.

(5) Oklahoma, Lincoln, Pottawatomie, Disaster No. 790.

(6) Oklahoma, Murray, Disaster No. 792.

(7) Texas, Lubbock, Disaster No. 767.

(8) Texas, all areas affected, Disaster No. 636.

(9) Texas, Hays, Disaster No. 768.

(10) Louisiana, Calcasieu and adjacent areas, Disaster No. 805.

f. Regional Director, Region VII, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

(2) Iowa, Fort Dodge area, Disaster No. 797.

(3) Nebraska, all areas affected, Disaster No. 809.

g. Regional Director, Region VIII, for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

h. Regional Director, Region IX, for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas affected, Disaster No. 789.

(4) Hawaii, Islands of Oahu, Hawaii, and Maui, Disaster No. 799.

(5) California, Los Angeles and adjacent areas, Disaster No. 802.

i. Regional Director, Region I, for the following disasters:

(1) New Hampshire, Winchester area, Disaster No. 798.

(2) Massachusetts, Area of Salem and North Margin Streets in Boston, Disaster No. 801.

j. Regional Director, Region X, for the following disasters:

(1) Alaska, city of Fairbanks, town of Nenana, Disaster No. 634.

(2) Washington, Lewis, Grays Harbor, Thurston and Whatcom, Disaster No. 800.

(3) Oregon, Clatsop, Tillamook, Disaster No. 806.

C. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired:

a. Regional Director, Region II, for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

(4) New York, Malone area, Disaster No. 804.

* * * * *

c. Regional Director, Region IV, for the following disasters:

(1) Alabama, all areas affected, Disaster No. 734.

(2) Florida, all areas affected, Disaster No. 734.

(3) Florida, Santa Rosa, Escambia, Disaster No. 773.

(4) Florida, Bay, Disaster No. 793.

(5) Georgia, Chatham, Disaster No. 784.

(6) Mississippi, all areas affected, Disaster No. 734.

(7) Florida, Santa Rosa and adjacent areas, Disaster No. 803.

(8) Mississippi, town of Ecru, Disaster No. 796.

(9) Mississippi, all areas affected, Disaster No. 807.

(10) Tennessee, McNairy and adjacent areas, Disaster No. 807.

(11) North Carolina, Cumberland and adjacent areas, Disaster No. 808.

d. Regional Director, Region V, for the following disasters:

(1) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

(4) Illinois, all areas affected, Disaster No. 810.

(5) Minnesota, Miracle Mile Shopping Center in Rochester, Disaster No. 811.

e. Regional Director, Region VI, for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

(3) New Mexico, Bernalillo, Disaster No. 781.

(4) Oklahoma, Oklahoma, Disaster No. 770.

(5) Oklahoma, Lincoln, Pottawatomie, Disaster No. 790.

(6) Oklahoma, Murray, Disaster No. 792.

(7) Texas, Lubbock, Disaster No. 767.

(8) Texas, all areas affected, Disaster No. 636.

(9) Texas, Hays, Disaster No. 768.

(10) Louisiana, Calcasieu and adjacent areas, Disaster No. 805.

f. Regional Director, Region VII, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

(2) Iowa, Fort Dodge area, Disaster No. 797.

(3) Nebraska, all areas affected, Disaster No. 809.

g. Regional Director, Region VIII, for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

h. Regional Director, Region IX, for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas affected, Disaster No. 789.

(4) Hawaii, Islands of Oahu, Hawaii, and Maui, Disaster No. 799.

(5) California, Los Angeles and adjacent areas, Disaster No. 802.

i. Regional Director, Region I, for the following disasters:

(1) New Hampshire, Winchester area, Disaster No. 798.

(2) Massachusetts, Area of Salem and North Margin Streets in Boston, Disaster No. 801.

j. Regional Director, Region X, for the following disasters:

(1) Alaska, city of Fairbanks, town of Nenana, Disaster No. 634.

(2) Washington, Lewis, Grays Harbor, Thurston, and Whatcom, Disaster No. 800.

(3) Oregon, Clatson, Tillamook, Disaster No. 806.

Effective date for:

1. Disaster Nos. 634, 636, 734, 771, 772, 767, 768, 770, 773, 774, 775, 776, 777, 779, 781, 784, 786, 787, 788, 782, 785, 789, 790, 791, 792, 793, 794, 795, 796, January 11, 1971.

2. Disaster Nos. 797 and 798, January 22, 1971.

3. Disaster Nos. 799, 800, and 802, February 9, 1971.

4. Disaster No. 801, February 8, 1971.

5. Disaster Nos. 803 and 804, February 16, 1971.

6. Disaster Nos. 805 and 806, February 18, 1971.

7. Disaster Nos. 807 and 808, February 24, 1971.

8. Disaster No. 809, February 25, 1971.

9. Disaster No. 810, March 1, 1971.

10. Disaster No. 811, March 3, 1971.

JACK EACHON, JR.,
Associate Administrator for Financial Assistance.

[FR Doc.71-4328 Filed 3-29-71;8:46 am]

[Delegation of Authority No. 30 (Revision 13)]

REGIONAL DIRECTORS ET AL.

Delegation of Authority To Conduct Program Activities in Field Offices

Pursuant to statutory and delegated authority vested in the Administrator, the following authority is hereby delegated:

PART I—FINANCING PROGRAM

SECTION A. *Loan approval authority*—1. *Small Business Act section 7(a) loans.* To approve or decline business loans not exceeding the following amounts (SBA share):

a. Regional Director	$350,000
b. Chief and Assistant Chief, Regional Financing Division	350,000
c. Regional Supervisory Loan Officer	50,000
d. District Director	350,000
e. Chief, District Financing Division	350,000
f. Branch Manager, Fairbanks, Alaska, Branch Office	350,000
g. Branch Manager, Gulfport, Miss., Branch Office	350,000
h. Branch Manager, Cincinnati, Ohio, Branch Office	100,000
i. Branch Manager, Springfield, Ill., Branch Office	100,000
j. Branch Manager, Buffalo, N.Y., Branch Office	50,000
k. Branch Manager, Marquette, Mich., Branch Office	50,000
l. Branch Manager, Milwaukee, Wis., Branch Office	50,000

2. *Economic opportunity (EO) loans.* To approve or decline economic opportunity loans not exceeding $25,000 (SBA share): All officials as shown in subparagraphs a. through l. of paragraph 1. of this section A.

3. *Displaced business and other economic injury loans.* a. To decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

(1) Regional Director	$1,000,000
(2) Chief and Assistant Chief, Regional Financing Division	350,000

b. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

(1) Regional Supervisory Loan Officer	$ 50,000
(2) District Director	350,000
(3) Chief, District Financing Division	350,000
(4) Branch Manager, Fairbanks, Alaska, Branch Office	350,000
(5) Branch Manager, Gulfport, Miss., Branch Office	350,000
(6) Branch Manager, Springfield, Ill., Branch Office	100,000
(7) Branch Manager, Cincinnati, Ohio, Branch Office	100,000
(8) Branch Manager, Buffalo, N.Y., Branch Office	50,000
(9) Branch Manager, Marquette, Mich., Branch Office	50,000
(10) Branch Manager, Milwaukee, Wis., Branch Office	50,000

SEC. B. *Other financing authority.* 1. a. To enter into business, economic opportunity, disaster, displaced business, and coal mine health and safety loan participation agreements with banks:

(1) Regional Director.
(2) Chief and Assistant Chief, Regional Financing Division.
(3) Regional Supervisory Loan Officer.

(4) District Director.
(5) Chief, District Financing Division.
(6) District Supervisory Loan Officer, if assigned.
(7) Branch Manager, Buffalo, N.Y., Branch Office.
(8) Branch Manager, Cincinnati, Ohio, Branch Office.
(9) Branch Manager, Fairbanks, Alaska, Branch Office.
(10) Branch Manager, Gulfport, Miss., Branch Office.
(11) Branch Manager, Marquette, Mich., Branch Office.
(12) Branch Manager, Milwaukee, Wis., Branch Office.
(13) Branch Manager, Springfield, Ill., Branch Office.
(14) Branch Supervisor Loan Officer, if assigned, Fairbanks, Alaska, Branch Office.

b. To enter into blanket loan guarantee agreements with banks: (1) Branch manager.

2. a. To execute loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

(1) Regional Director.
(2) Chief and Assistant Chief, Regional Financing Division.
(3) Regional Supervisory Loan Officer.
(4) District Director.
(5) Chief, District Financing Division.
(6) District Supervisory Loan Officer, if assigned.
(7) Branch Manager, Buffalo, N.Y., Branch Office.
(8) Branch Manager, Cincinnati, Ohio, Branch Office.
(9) Branch Manager, Fairbanks, Alaska, Branch Office.
(10) Branch Manager, Gulfport, Miss., Branch Office.
(11) Branch Manager, Marquette, Mich., Branch Office.
(12) Branch Manager, Milwaukee, Wis., Branch Office.
(13) Branch Manager, Springfield, Ill., Branch Office.
(14) Branch Supervisor Loan Officer, if assigned, Fairbanks, Alaska, Branch Office.

b. The execution of loan authorizations shall be as follows:

(*Name*), *Administrator,*
By----------
(Name)
(*Title of person signing*)
(City, State)

3. To cancel, reinstate, modify, and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, and coal mine health and safety loans:

(1) Regional Director.
(2) District Director.
(3) Branch Manager, Buffalo, N.Y., Branch Office.
(4) Branch Manager, Cincinnati, Ohio, Branch Office.
(5) Branch Manager, Fairbanks, Alaska, Branch Office.
(6) Branch Manager, Gulfport, Miss., Branch Office.
(7) Branch Manager, Springfield, Ill., Branch Office.

b. For fully undisbursed business, economic opportunity, disaster, displaced business, and coal mine health and safety loans:

(1) Chief and Assistant Chief, Regional Financing Division.
(2) Regional Supervisory Loan Officer.
(3) Chief, District Financing Division.
(4) District Supervisory Loan Officer, if assigned.
(5) Branch Manager, Milwaukee, Wis., Branch Office.
(6) Branch Supervisory Loan Officer, if assigned, Fairbanks, Alaska, Branch Office.

c. For business, economic opportunity, disaster, displaced business, and coal mine health and safety loans personally approved under delegated authority: (1) Branch Manager, Marquette, Mich., Branch Office.

4. To approve minor modifications in fully undisbursed loan authorization:

a. Loan Officer, Regional Financing Division.
b. Loan Officer, District Financing Division.

5. a. To extend the disbursement period on all loan authorizations:

(1) Regional Director.
(2) District Director.
(3) Branch Manager, Buffalo, N.Y., Branch Office.
(4) Branch Manager, Cincinnati, Ohio, Branch Office.
(5) Branch Manager, Fairbanks, Alaska, Branch Office.
(6) Branch Manager, Gulfport, Miss., Branch Office.
(7) Branch Manager, Marquette, Mich., Branch Office.
(8) Branch Manager, Springfield, Ill., Branch Office.

b. To extend the disbursement period on all loan authorizations on loans fully undisbursed:

(1) Chief and Assistant Chief, Regional Financing Division.
(2) Regional Supervisory Loan Officer.
(3) Loan Officer, Regional Financing Division.
(4) Chief, District Financing Division.
(5) District Supervisory Loan Officer, if assigned.
(6) Loan Officer, District Financing Division.
(7) Branch Manager, Milwaukee, Wis., Branch Office.
(8) Branch Supervisory Loan Officer, if assigned, Fairbanks, Alaska, Branch Office.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:

a. Regional Director.
b. Chief and Assistant Chief, Regional Financing Division.
c. Regional Supervisory Loan Officer.
d. District Director.
e. Chief, District Financing Division.
f. District Supervisory Loan Officer.
g. Branch Manager, Buffalo, N.Y., Branch Office.
h. Branch Manager, Cincinnati, Ohio, Branch Office.
i. Branch Manager, Fairbanks, Alaska, Branch Office.
j. Branch Manager, Gulfport, Miss., Branch Office.
k. Branch Manager, Marquette, Mich., Branch, Office.
l. Branch Manager, Milwaukee, Wis., Branch Office.
m. Branch Manager, Springfield, Ill., Branch Office.
n. Branch Supervisory Loan Officer, if assigned, Fairbanks, Alaska, Branch Office.

PART II—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

SECTION A. *Sections 501 and 502 loan approval authority.* 1. To approve or decline section 501 State development company loans:

a. Without dollar limitation: (1) Regional Director.

b. Up to the following amounts (SBA share) when project cost does not exceed $1 million, provided the official concurs in at least one prior recommendation:

(1) Chief, Regional CED Division--- $350,000

c. Up to the following amounts (SBA share) when project cost does not exceed $700,000, provided the official concurs in at least one prior recommendation:

(1) District Director---------- $350,000

2. To approve or decline section 502 local development company loans:

a. Up to the following amount (SBA share):

(1) Regional Director---------- $350,000

b. Up to the following amount (SBA share) when project cost does not exceed $1 million, provided the official concurs in at least one prior recommendation:

(1) Chief, Regional CED Division-- $350,000

c. Up to the following amount (SBA share) when project cost does not exceed $700,000, provided the official concurs in at least one prior recommendation:

(1) District Director---------- $350,000

SEC. B. *Other 501 and 502 authority.* 1. a. To extend the disbursement period on sections 501 and 502 loan authorizations:

(1) Regional Director.
(2) District Director.
(3) Branch Manager, Cincinnati, Ohio, Branch Office.
(4) Branch Manager, Springfield, Ill., Branch Office.

b. To extend the disbursement period on fully undisbursed sections 501 and 502 loans:

(1) Chief, Regional CED Division.
(2) Economic Development Specialists, Regional CED Division.
(3) Chief, District CED Division.
(4) Economic Development Specialists, District CED Division.
(5) Branch Manager, Milwaukee, Wis., Branch Office.

2. a. To execute sections 501 and 502 loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

(1) Regional Director.
(2) Chief, Regional CED Division.
(3) District Director.
(4) Chief, District CED Division.

b. The execution of loan authorizations shall be as follows:

(*Name*), *Administrator,*
By _____
(Name)
(*Title of person signing*)
(City, State)

3. a. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans:

(1) Regional Director.
(2) District Director.
(3) Branch Manager, Cincinnati, Ohio, Branch Office.
(4) Branch Manager, Springfield, Ill. Branch Office.

b. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans:

(1) Chief, Regional CED Division.
(2) Economic Development Specialists, Regional CED Division.
(3) Chief, Division CED Division.
(4) Economic Development Specialists, District CED Division.
(5) Branch Manager, Milwaukee, Wis., Branch Office.

4. To enter into section 502 loan participation agreements with banks:

a. Regional Director.
b. Chief, Regional CED Division.
c. Economic Development Specialists, Regional CED Division.
d. District Director.
e. Chief, District CED Division.
f. Economic Development Specialists, District CED Division.
g. Branch Manager, Cincinnati, Ohio, Branch Office.
h. Branch Manager, Milwaukee,Wis., Branch Office.
i. Branch Manager, Springfield, Ill., Branch Office.

SEC. C. *Lease guarantee approval authority.* 1. To approve or decline applications for the direct guarantee of payment of rent not to exceed the following amounts:

a. Regional Director----------	$1,000,000
b. Chief, Regional CED Division_	500,000
c. District Director----------	500,000

SEC. D. *Other lease guarantee authority.* 1. a. To issue and modify commitment letters:

(1) Regional Director.
(2) Chief, Regional CED Division.
(3) District Director.
(4) Chief, District CED Division.

b. These issuances shall be as follows:

(*Name*), *Administrator,*
By _____
(Name)
(*Title of person signing*)
(City, State)

SEC. E. *EDA loan disbursement authority.* 1. To disburse approved EDA loans, as authorized:

a. Regional Director.
b. Chief, Regional CED Division.
c. Economic Development Specialists, Regional CED Division.
d. District Director.
e. Chief, District CED Division.
f. Economic Development Specialists, District CED Division.
g. Branch Manager, Cincinnati, Ohio, Branch Office.
h. Branch Manager, Milwaukee, Wis., Branch Office.
i. Branch Manager, Springfield, Ill., Branch Office.

a. Regional Director.
b. Chief, Regional CED Division.

PART III—LOAN ADMINISTRATION (LA) PROGRAM

SECTION A. *Loan administration, servicing, collection, and liquidation authority.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of matters in litigation, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; the approval of bank applications for use of liquidity privilege under the loan guaranty plan; and to advertise regarding the public sale of collateral in connection with the liquidation of loans, and acquired property,

a. EXCEPT: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(1) Regional Director.
(2) Chief and Assistant Chief, Regional LA Division.
(3) District Director.
(4) Branch Manager, Gulfport, Miss., Branch Office.

b. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate:

(1) Supervisory Loan Officer, Regional LA Division.
(2) Chief, District LA Division.
(3) Supervisory Loan Officer, District LA Division, if assigned.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of matters in litigation, and acquired collateral, when and as authorized by EDA:

a. Regional Director.
b. Chief and Assistant Chief, Regional LA Division.
c. Supervisory Loan Officer, Regional LA Division.
d. District Director.
e. Chief, District LA Division.
f. Supervisory Loan Officer, District LA Division, if assigned.
g. Branch Manager, Gulfport, Miss., Branch Office.

SEC. B. *Authority to compromise on indebtedness owed to SBA.* 1. Regional claims review committee, consisting of the regional chief, LA Division, acting as chairman; regional counsel; and regional chief, Financing Division, are delegated the authority to take final action on compromise proposals of indebtedness owed to the Agency, as follows:

a. Claims not in excess of $5,000 (including CPC advances but excluding interest): (1) Regional Claims Review Committee upon majority vote.

b. Claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest): (1) Regional Claims Review Committee upon unanimous vote.

SEC. C. *Loan administration, servicing, and collection authority.* 1. To take all necessary actions in connection with the administration, servicing, and collection of all loans, other than those accounts classified as "in liquidation," and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; and the approval of bank applications for use of liquidity privilege under the loan guaranty plan,

a. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate.

(1) Branch Manager, Buffalo, N.Y., Branch Office.
(2) Branch Manager, Cincinnati, Ohio, Branch Office.

(3) Branch Manager, Fairbanks, Alaska, Branch Office.
(4) Branch Manager, Marquette, Mich., Branch Office.
(5) Branch Manager, Milwaukee, Wis., Branch Office.
(6) Branch Manager, Springfield, Ill., Branch Office.

2. To approve the following actions:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorizations.

d. Extension of disbursement period on loans partially undisbursed.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

(1) Concerning all current direct and participation loans and First Mortgage Plan 502 loans:

(a) Loan Officer, Regional LA Division.
(b) Loan Officer, District LA Division.

(2) Concerning all direct and participation loans:

(a) Loan Officer, Fairbanks, Alaska, Branch Office.

SEC. D. *Lease guarantee administration and servicing authority.* 1. a. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims:

(1) Region Director.
(2) Chief and Assistant Chief, Regional LA Division.
(3) Supervisory Loan Officer, Regional LA Division.

b. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims:

(1) District Director.
(2) Chief, District LA Division.
(3) Supervisory Loan Officer, District LA Division, if assigned.
(4) Branch Manager, Fairbanks, Alaska, Branch Office.

c. To service claims arising under all lease insurance policies issued in the branch office area, approving the payment or recommending denial of such claims.

(1) Branch Manager, Gulfport, Miss., Branch Office.

2. To take all actions necessary to mitigate losses from lease guarantees.

a. Regional Director.
b. Chief and Assistant Chief, Regional LA Division.
c. Supervisory Loan Officer, Regional LA Division.
d. District Director.
e. Chief, District LA Division.
f. Supervisory Loan Officer, District LA Division, if assigned.
g. Branch Manager, Fairbanks, Alaska, Branch Office.
h. Branch Manager, Gulfport, Miss., Branch Office.

PART IV—PROCUREMENT AND MANAGEMENT ASSISTANCE

SECTION A. *Certificate of competency approval authority.* 1. With the exception of rereferred cases, to approve applications for certificates of competency up to but not exceeding $250,000 bid value received from small business concerns located within the geographical jurisdiction of the following:

a. Regional Director.
b. District Director, Los Angeles District.

2. To deny an application for a certificate of competency when an adverse determination as to capacity or credit is concurred in:

a. Regional Director.
b. District Director, Los Angeles District.

SEC. B. *Section 8(a) contracting authority.* 1. To enter into contracts not exceeding $100,000, on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts:

a. Regional Director, Region IV.
b. Regional Director, Region IX.
c. Chief, Regional PMA Division, Region IX.

2. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts:

a. Regional Director, Region IV.
b. Regional Director, Region IX.
c. Chief, Regional PMA Division, Region IX.

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract, not exceeding $100,000, to be let by any such officer:

a. Regional Director, Region IV.
b. Regional Director, Region IX.
c. Chief, Regional PMA Division, Region IX.

SEC. C. *Section 406 contract management authority.* 1. To take all necessary actions in connection with the administration and management of grants, agreements, and contracts executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Amendments of 1967, except changes, amendments, modifications, or termination of the original grant, agreement, or contract.

a. Regional Director.
b. Chief, Regional PMA Division.

PART V—LEGAL SERVICES

SECTION A. *Authority to conduct litigation activities.* 1. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation.

(1) Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(a) Regional Director.
(b) Regional Counsel.
(c) District Director.
(d) Branch Manager, Gulfport, Miss., Branch Office.

(2) Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate:

(a) District Counsel.
(b) Branch Manager, Fairbanks, Alaska, Branch Office.
(c) Branch Attorney, Fairbanks, Alaska, Branch Office.

2. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to regional and district counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation:

(1) Regional Attorneys.
(2) District Attorneys.
(3) Branch Manager, Springfield, Ill., Branch Office.
(4) Branch Attorney, Springfield, Ill., Branch Office.

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA:

a. Regional Director.
b. Regional Counsel.
c. Regional Attorneys.
d. District Director.
e. District Counsel.
f. District Attorneys.
g. Branch Manager, Fairbanks, Alaska, Branch Office.
h. Branch Manager, Gulfport, Miss., Branch Office.
i. Branch Manager, Springfield, Ill., Branch Office.
j. Branch Attorney, Fairbanks, Alaska, Branch Office.
k. Branch Attorney, Springfield, Ill., Branch Office.

SEC. B. *Loan closing authority.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development:

a. Regional Director.
b. Regional Counsel.
c. Regional Attorneys.
d. District Director.
e. District Counsel.
f. District Attorneys.
g. Branch Manager, Fairbanks, Alaska, Branch Office.
h. Branch Manager, Gulfport, Miss., Branch Office.
i. Branch Manager, Springfield, Ill., Branch Office.
j. Branch Attorney, Fairbanks, Alaska, Branch Office.
k. Branch Attorney, Springfield, Ill., Branch Office.

2. To close and disburse approved SBA loans:

a. Branch Manager, Buffalo, New York, Branch Office.

3. To close approved EDA loans, as authorized:

a. Regional Director.
b. Regional Counsel.
c. Regional Attorneys.
d. District Director.
e. District Counsel.
f. District Attorneys.
g. Branch Manager, Fairbanks, Alaska, Branch Office.
h. Branch Manager, Springfield, Ill., Branch Office.
i. Branch Attorney, Fairbanks, Alaska, Branch Office.
j. Branch Attorney, Springfield, Ill., Branch Office.

4. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization:

a. Regional Director.
b. Regional Counsel.
c. Regional Attorneys.
d. District Director.
e. District Counsel.
f. District Attorneys.
g. Branch Manager, Buffalo, N.Y., Branch Office.
h. Branch Manager, Fairbanks, Alaska, Branch Office.
i. Branch Manager, Gulfport, Miss., Branch Office.
j. Branch Manager, Springfield, Ill., Branch Office.
k. Branch Attorney, Fairbanks, Alaska, Branch Office.
l. Branch Attorney, Springfield, Ill., Branch Office.

PART VI—ADMINISTRATIVE

SECTION A. *Authority to purchase, rent, or contract for equipment, services, and supplies.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases:

a. Regional Director.
b. Chief, Regional Administrative Division.
c. District Director.
d. Chief, District Administrative Division.
e. Branch Manager, Fairbanks, Alaska, Branch Office.
f. Branch Manager, Gulfport, Miss., Branch Office.

2. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading:

a. Regional Director.
b. Chief, Regional Administrative Division.
c. Regional Office Services Manager or Office Services Assistant.
d. District Director.
e. Chief, District Administrative Division.
f. District Office Services Manager or Office Services Assistant.
g. Branch Manager, Fairbanks, Alaska, Branch Office.
h. Branch Manager, Gulfport, Miss., Branch Office.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration:

a. Regional Director.
b. Chief, Regional Administrative Division.
c. Regional Office Services Manager or Office Services Assistant.
d. District Director.
e. Chief, District Administrative Division.
f. District Office Services Manager or Office Services.
g. Branch Manager, Fairbanks, Alaska, Branch Office.
h. Branch Manager, Gulfport, Miss., Branch Office.

SEC. B. *Authority to obligate SBA for reimbursement of rent.* 1. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space:

a. Regional Director.
b. Chief, Regional Administrative Division.
c. District Director.
d. Chief, District Administrative Division.
e. Branch Manager, Fairbanks, Alaska, Branch Office.

PART VII—ELIGIBILITY AND SIZE DETERMINATIONS

SECTION A. *Eligibility Determinations.* 1. a. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under any program of the Agency,

(1) Except: The SBIC program:

(a) Regional Director.
(b) District Director.
(c) Branch Manager, Cincinnati, Ohio, Branch Office.
(d) Branch Manager, Milwaukee, Wis., Branch Office.
(e) Branch Manager, Springfield Ill., Branch Office.

(2) Except: The SBIC and community economic development programs:

(a) Chief and Assistant Chief, Regional Financing Division.
(b) Chief, District Financing Division.
(c) Branch Manager, Buffalo, N.Y., Branch Office.
(d) Branch Manager, Fairbanks, Alaska, Branch Office.
(e) Branch Manager, Gulfport, Miss., Branch Office.
(f) Branch Manager, Marquette, Mich., Branch Office.

b. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency:

(1) Chief, Regional Community Economic Development Division.

c. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations: All officials as shown in subparagraphs a and b of paragraph 1 of this section A.

SEC. B. *Size determinations.* 1. a. To make initial size determinations in all cases within the meaning of the Small

Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only:

(1) Regional Director.

b. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financing purposes only:

(1) District Director.
(2) Branch Manager, Cincinnati, Ohio, Branch Office.
(3) Branch Manager, Milwaukee, Wis., Branch Office.
(4) Branch Manager, Springfield, Ill., Branch Office.

c. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only:

(1) Chief and Assistant Chief, Regional Financing Division.
(2) Chief, District Financing Division.
(3) Branch Manager, Buffalo, N.Y., Branch Office.
(4) Branch Manager, Fairbanks, Alaska, Branch Office.
(5) Branch Manager, Gulfport, Miss., Branch Office.
(6) Branch Manager, Marquette, Mich., Branch Office.

d. To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only.

(1) Chief, Regional CED Division.

e. Product classification decisions for procurement purposes are made by contracting officers.

PART VIII—EXERCISE OF AUTHORITY BY OFFICIAL IN AN ACTING CAPACITY

The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

PART IX—RESCISSION OF AUTHORITY

All authority previously delegated by the Administrator to Regional Directors, Regions I through X, and redelegated by the regional directors to positions under their jurisdiction is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to effective date hereof.

Effective date: March 19, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-4329 Filed 3-29-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 25, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 42159—*Returned Shipments of Beet or Cane Sugar from Points in Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B-219), for interested rail carriers. Rates on sugar, beet or cane, in bulk in covered hopper cars, in carloads, as described in the application, from specified points in Louisiana, to Austin and Minneapolis, Minn., also returned shipments in the reverse direction.

Grounds for relief—Market competition, rate relationship, and returned movement of commodities.

Tariff—Supplement 75 to Southern Freight Association, Agent, tariff I.C.C. S-772.

FSA No. 42160—*Urea to Points in WTL Territory.* Filed by Western Trunk Line Committee, Agent (No. A-2639), for interested rail carriers. Rates on urea, in carloads, as described in the application, from Courtright and Port Robinson, Ontario, Canada, to specified points in western trunkline territory.

Grounds for relief—Rate relationship, modified short-line distance formula and grouping.

Tariff—Canadian Freight Association tariff I.C.C. 342.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-4360 Filed 3-29-71;8:49 am]

[Notice 269]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 25, 1971.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7640 (Sub-No. 26 TA), filed March 22, 1971. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, NC 27893. Applicant's representative: C. T. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood, fiberboard, wood fiberboard faced or finished with decorative and/or protective material and accessories and supplies used in installation thereof* (except commodities in bulk), from Moncure, N.C., to points in Connecticut, Georgia, New Jersey, South Carolina, and Virginia, for 180 days. Supporting shipper: Allen K. Penttila, Corporate Director of Traffic and Transportation, Evans Products Co., 2200 East Devon Avenue, Des Plaines, IL 60018. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 30837 (Sub-No. 430 TA), filed March 19, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160, 53141, Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Folding tent campers*, designed to be drawn by passenger automobiles, in truckaway service, from Middlebury, Ind., to points in the United States (except Alaska and Hawaii) and the *return of damaged and rejected folding tent campers*, from points in the United States (except Alaska and Hawaii) to Middlebury, Ind., for 180 days. Supporting shipper: Viking Boat Co., Inc., Post Office Box 319, Middlebury, IN 46540 (R. A. Mooth, Business Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 51146 (Sub-No. 202 TA), filed March 22, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., Post Office Box 2298, 817 McDonald Street (54033), Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from South Bend, Ind., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Weyer Haeuser Co., Paper Division, 545 Westminster Street, Fitchburg, MA 01420 (Frederick E. L'Ecuyer, Manager, Transportation). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 60186 (Sub-No. 41 TA), filed March 23, 1971. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, CT 06066. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition flooring or facing and materials and supplies used in the installation thereof*, from Lisbon, Maine, to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin and, on return, *materials, equipment and supplies* used in the manufacture and distribution of the commodities above from the above named destination States to Lisbon, Maine, for 180 days. Supporting shipper: Robbins Flooring, Division of Cook Industries, Inc., Lisbon Road, Lisbon, ME 04250. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 100449 (Sub-No. 21 TA), filed March 23, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, and lumber*, when moving in mixed shipments with pallets, from the plantsites of Disposal Systems of America near Armstrong, Iowa, to Fulton, Ill., and points in Illinois in the Davenport, Iowa, Rock Island and Moline, Ill., commercial zone, for 150 days. Supporting shipper: Disposal Systems of America, Armstrong, Iowa 50514. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 102971 (Sub-No. 3 TA), filed March 23, 1971. Applicant: LYTLE'S TRANSFER & STORAGE, INC., 2309 Union Avenue, Altoona, PA 16601. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Altoona, Pa., on the one hand, and, on the other, points in Adams, Bedford, Berks, Blair, Centre, Clinton, Cumberland Dauphin, Franklin, Fulton, Huntingdon Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Montour, Northumberland, Perry, Potter, Schuylkill, Snyder Union, and York Counties, Pa. Restriction: The operations authorized herein are subject to the following conditions: (1) Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and (2) said operations are restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Ward Trucking Corp., Ward Tower, Altoona, PA 16603, and Ralph A. Raible, doing business as Raible's Commercial Warehouse, Post Office Box 109, Altoona, PA 16603. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 106398 (Sub-No. 535 TA), filed March 23, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular housing transporters*, from the plantsite of Lakeside Manufacturing Corp. at Honeoye, N.Y., to points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Lakeside Manufacturing Corp., Dale E. Kipner, President, 39 East Main Street, Honeoye, NY 14471. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 106398 (Sub-No. 536 TA), filed March 23, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from the plantsite of Fleetwood Homes of Wisconsin, Inc., at Portage, Wis., to points in Minnesota and Iowa, for 180 days. Supporting shipper: Fleetwood Homes of Wisconsin, Inc., John Heiser, Sales Manager, 2400 West Wisconsin Service Road, Post Office Box 443, Portage, WI 53901. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 107295 (Sub-No. 493 TA), filed March 23, 1971. Applicant: PRE-PAB TRANSIT CO. (a corporation), 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel fencing, fence posts, gates and woven fabric*, with all necessary fittings therefor, from the plantsite and storage facilities of Hurricane Industries at Houston, Tex., to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Kansas, Louisiana, Nevada, New Mexico, North Carolina, Tennessee, and Washington, for 180 days. Supporting shipper: Hurricane Industries, Houston, Tex. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 107515 (Sub-No. 743 TA), filed March 22, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid varnish or resin polyester*, in vehicles equipped with mechanical refrigeration (except in bulk in tank vehicles), from North Kansas City, Mo., to points in Florida, for 180 days. Supporting shipper: Cook Paint and Varnish Co., Post Office Box 389, Kansas City, MO 64141. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 108449 (Sub-No. 322 TA), filed March 19, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from La Crosse, Wis., to points in Minnesota, Illinois, Iowa, Wisconsin, and Upper Peninsula of Michigan, for 180 days. Supporting shipper: Dundee Cement Co., Clarksville, Mo. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 111401 (Sub-No. 325 TA), filed March 23, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the Texas Sulphur Products Sneed Plant near Stinnett, Tex., to Oral, S. Dak., for 60 days. Supporting shipper: Texas Sulphur Products Co., Inc., 1502 Primrose Lane, Borger, TX 79007. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 114789 (Sub-No. 34 TA), filed March 23, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, from the plantsites and storage facilities of Interstate Stores Payment Corp. at Secaucus, New Brunswick and Wayne, N.J.; Yonkers and New York City, N.Y.; Bridgeport, Conn.; Philadelphia, Pa., and Beltsville, Md., to retail department stores owned and operated by Interstate Stores Payment Corp. located at points in Illinois, Indiana, Kentucky, Ohio, Wisconsin, Iowa, and Michigan and in Baltimore and Beltsville, Md.; Buffalo and Rochester, N.Y.; and Williamsport, Glenolden and Levittown, Pa., for 180 days. Supporting shipper: Interstate Stores Payment Corp., 111 Eighth Avenue, New York, NY. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 115821 (Sub-No. 13 TA), filed March 23, 1971. Applicant: FRANK BELMAN, JR., St. Libory, Ill. 62282. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from points in Ste. Genevieve County, Mo., to points in Williamson County, Ill., for 180 days. Supporting shipper: Peabody Coal Co., 301 North Memorial Drive, St. Louis Mo. 63102. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 119641 (Sub-No. 100 TA), filed March 19, 1971. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Post Office Box 471, Fowler, IN 47944. Applicant's representative: Leo Maciolek, Box 335, Moline, IL 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment*, designed for use in conjunction with tractors, *agricultural, industrial, and construction machinery and equipment, trailers* designed for the transportation of the above-described commodities, (except those trailers designed to be drawn by passenger automobiles), *attachments* for the above-described commodities, *internal combustion engines and parts* of the above-described commodities when moving in mixed loads with such commodities, from the ports of entry on the international boundary line between the United States and Canada, located at or near Detroit and Port Huron, Mich., to points in Michigan. Restriction: The above authority restricted to the transportation of shipments originating at the facilities of Deere & Co. located in Ontario, for 150 days. Supporting shipper: Deere & Co., Moline, IL 61265. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 119777 (Sub-No. 205 TA) (Correction), filed March 10, 1971, published in FEDERAL REGISTER issue of March 20, 1971, and republished in part as corrected this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Fred F. Bradley, Suite 202–204, Court Square Office Building, Frankfort, KY 40601. NOTE: The purpose of this partial republication is to include the number of days (180) which was inadvertently omitted in previous publication, the rest of the application remains the same.

No. MC 126489 (Sub-No. 8 TA) (Correction) filed February 10, 1971, published FEDERAL REGISTER issue of February 20, 1971, and republished in part as corrected this issue. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, Post Office Box 1066, Hutchinson, KS 67501. NOTE: The purpose of this partial republication is to redescribe the territory description to read as follows: From Sylvia and Pretty Prairie, Kans., to points in Oklahoma, Texas (except Houston), Arkansas, and Louisiana. The rest of the application remains the same.

No. MC 133259 (Sub-No. 3 TA) filed March 19, 1971. Applicant: ALLIED AIR FREIGHT CORPORATION, Municipal Airport, Burlington, VT 05401. Applicant's representative: Francis P. Barrett, 60 Adams Street, Post Office Box 238, Milton (Boston), MA 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) Irregular routes: Between points in Addison, Chittendon, Caledonia, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties, Vt., on the one hand, and, on the other, Albany County Airport, Albany, N.Y., restricted to traffic having a prior or subsequent movement by air, and

(2) Regular routes: (1) Between Burlington, Vt., and Highgate Center, Vt., serving Winooski, Colchester, Milton, Georgia, St. Albans City, St. Albans Town, Swanton, Highgate Falls, and Essex Junction, from Burlington over U.S. Highway 7 to Winooski, thence over U.S. Highway 7 to Colchester (also over Vermont Highway 15 to Essex Junction, thence over Vermont Highway 2A to Colchester), thence over U.S. Highway 7 to Swanton, thence over Vermont Highway 78 to Highgate Center, and return over the same routes; (2) between Highgate Center, Vt., and Fairfield, Vt., serving East Highgate, Sheldon Springs, and Sheldon Junction, from Highgate Center over Vermont Highway 78 to Sheldon Junction, thence over unnumbered highway to Fairfield and return over the same routes; (3) between North Sheldon, Vt., and East Franklin, Vt., serving Franklin, from North Sheldon over Vermont Highway 120 to East Franklin and return over the same route; (4) between St. Albans, Vt., and Richford, Vt., serving Sheldon Springs, East Highgate, Sheldon Junction, North Sheldon, Enosburg Falls, and East Berkshire, from St. Albans over Vermont Highway 105 to Richford and return over the same route; (5) between St. Albans, Vt., and East Franklin, Vt., serving Fairfield, East Fairfield, Bakersfield, West Enosburg, Enosburg Falls, from St. Albans over Vermont Highway 36 to Bakersfield, thence over Vermont Highway 108 to West Berkshire, thence over Vermont Highway 120 to East Franklin and return over the same routes, (6) between West Berkshire, Vt., and Montgomery Center, Vt., serving Berkshire, East Berkshire, and Montgomery, from West Berkshire over unnumbered highway to Vermont Highway 118 at East Berkshire, thence over Vermont Highway 118 to Montgomery Center and return over the same routes and (7) between Burlington, Vt., and St. Albans, Vt., serving Essex Junction, Westford, and Fairfax, from Burlington over Vermont Highway 15 to Essex Junction, thence over Vermont Highway 128 to junction Vermont Highway 104, thence over Vermont Highway 104 to St. Albans (also from junction Vermont Highway 128 and 104, over Vermont Highway 104 to junction Vermont Highway 104A, thence over Vermont Highway 104A to U.S. Highway 7, thence over U.S. Highway 7 to St. Albans), and return over the same routes, for 180 days.

Supporting shippers: Emery Air Freight Corp., Lakeside Office Building, North Avenue, Wakefield, Mass. 01880; Hazelett Strip-Casting Corp., Malletts Bay, Winooski, Vt. 05404; Sprague Electric Co., North Adams, Mass. 01247; Standard Packaging Corp., Missisquoi Specialty Board Division, Sheldon Springs, Vt. 05485; Haveg Industries, Inc., Super Temp Wire Division, Winooski, Vt. 05404; Union Carbide Corp., Consumer Products Division, Post Office Box 2837, Rocky River, Ohio 44116, and The Standard Register Co., York, Pa. 17405. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 134631 (Sub-No. 6 TA), filed March 22, 1971. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 503, 323 Bridge Street, Winona, MN 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in crates or cases, from Arcadia, Wis., to points in Colorado, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Ashley Furniture Corp., Chicago, Ill. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135283 (Sub-No. 2 TA), filed March 22, 1971. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., East Highway 30, Grand Island, Nebr. 68801. Applicant's representative: John K. Walker, Post Office Box 1665, Grand Island, NE 68801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, from the plantsite and storage facilities of Swift & Co. at or near Grand Island, Nebr., to Burlington, Montpelier, Rutland, St. Johnsbury, and White River Junction, Vt., for 150 days. Supporting shipper: Swift Fresh Meat Co., Division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & U.S. Courthouse, Lincoln, NE 68508.

No. MC 135417 TA, filed March 22, 1971. Applicant: FARO TRUCKING CORP., 310 North Seventh Street, Brooklyn, NY 11211. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, boots, footwear, and handbags*, under continuing contract with Lujan, Inc., Di Leon, Ltd., and Di Leon Western, Ltd., from points in New Jersey and New York within the Port of New York Harbor as defined by the Interstate Commerce Commission, to Hicksville, N.Y., restricted to shipments having a prior movement by water, for 150 days. Supporting shippers: Lujan, Inc., Di Leon Ltd., Di Leon Western Ltd.; 55 East 34th Street, New York, NY 10016. Send protests to: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MOTOR CARRIER OF PASSENGERS

No. MC 135408 TA, filed March 19, 1971. Applicant: WHITE PLAINS BUS COMPANY, INC., 91 Fulton Street, White Plains, NY 10602. Applicant's representative: Garrison R. Corwin, Jr., 35 Hillcrest Road, Hartsdale, NY 10530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from White Plains Railroad Station (Harlem Division, Penn Central Railroad) along Depot Plaza, Bronx Street then Hamilton Avenue to Central Avenue, thence along the Cross Westchester Expressway (Route I 287) to I 684, along I 684 to King Street (Route 120) to the American Can Lane and discharge at American Can Company Building. Return route in the reverse of the foregoing, for 180 days. Supporting shipper: American Can Co., Attention: Mr. Arthur H. Stoddard, American Lane, Greenwich, Conn. 06830. Send protests to: Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4358 Filed 3-29-71;8:49 am]

[Notice 671]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 25, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72709. By order of March 22, 1971, the Motor Carrier Board approved the transfer to William M. Wilson, doing business as Wilson Truck Service, Rocky Ford, Colo., of certificate of registration No. MC-120626 (Sub-No. 1) issued November 3, 1967, to Eddie Wilson, doing business as Wilson Truck Service, Rocky Ford, Colo., evidencing a right to engage in transportation in interstate commerce as described in Certificate No. 1025 dated February 28, 1939, issued by The Public Utilities Commission of Colorado. Cover Mendenhall, 915 Railroad Avenue, Rocky Ford, CO 81067, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4359 Filed 3-29-71;8:49 am]

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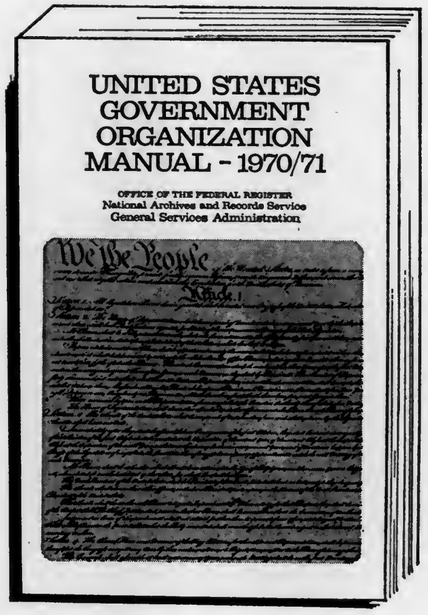
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PROCLAMATION 4039

Cancer Control Month, 1971

By the President of the United States of America

A Proclamation

This Nation may stand on the threshold of one of the greatest triumphs in human history—the conquest of cancer. If we can now achieve that great goal, we will have lifted from the human family forever the pain, the suffering and the unbearable fear of that most dreaded of all diseases.

Decades of research have brought us at last to the moment when scientists can look with renewed hope toward victories in the prevention and treatment of cancer. This moment presents an opportunity that we dare not pass up. The lives of millions now living and countless more yet unborn can be touched—and saved—by what we do.

I have proposed a bold new effort to bring us closer to the goal we seek. I have asked for an additional $100 million this year to press toward the conquest of cancer. I know that money alone cannot guarantee victory in a struggle as complex and difficult as this. But I also know that this search can be quickened by great strides. When they occur, we must be ready to seize upon them and grasp, if we can, the prize that has been sought for so long.

Just as the whole world could benefit from this effort, the whole Nation must be behind it. The Congress, by joint resolution of March 28, 1938 (52 Stat. 148) requested that the President issue annually a proclamation setting aside the month of April as Cancer Control Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of April 1971 as Cancer Control Month, and I invite the Governors of the States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag to issue similar proclamations.

To give new emphasis to this serious problem, and to encourage the determination of the American people to resolve it, I also ask the medical

and allied health professions, the communications industries, and all other interested persons and groups to unite during the appointed month in public reaffirmation of this Nation's efforts to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-4516 Filed 3-29-71;4:27 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

PART 862—WAGE RATES: SUGAR BEETS

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearings held during December 1970, the following determination is hereby issued:

The regulations previously appearing in these sections under "Determination of Wage Rates; Sugar Beets" remain in full force and effect as to the crops to which they were applicable.

Sec.
862.9 General requirements.
862.10 Wage rates.
862.11 Compensable working time.
862.12 Applicability of wage requirements.
862.13 Payment of wages.
862.14 Evidence of compliance.
862.15 Employment of workers through a labor contractor or crew leader.
862.16 Subterfuge.
862.17 Claim for unpaid wages.
862.18 Failure to pay all wages in full.
862.19 Child labor.
862.20 Checking compliance.

AUTHORITY: Secs. 862.9 to 862.20 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 862.9 General requirements.

A producer of sugar beets shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of sugar beets, as provided in § 862.12, shall have been paid in accordance with the following:

§ 862.10 Wage rates.

All such persons shall have been paid in full for all such work and shall have been paid wages therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, but not less than the following, which shall become effective on April 12, 1971, and shall remain in effect until amended, superseded, or terminated:

(a) When employed on a time basis: For the hand labor operations of thinning, hoeing, hoe-trimming, blocking and thinning, weeding, pulling, topping, loading, or gleaning: $1.85 per hour: *Provided*, That for workers 14 or 15 years of age the hourly rate specified herein may be reduced by not more than 15 percent.

(b) When employed on a piecework basis for the hand labor operations in the following table:

Hand labor operations

	Rate per acre
A. Thinning: Removing excess beets with a hoe only	$13.50
B. Hoeing: Removing weeds and excess beets with a hoe only	17.50
C. Hoe-Trimming: Removing weeds with a hoe and by hand and removing excess beets with a hoe only	21.00
D. Weeding: Removing weeds with a hoe and by hand following either A, B, or C above, E below, or following the operation specified in paragraph (c) of this section	11.00
and in the State of California only:	
E. Blocking and Thinning: Removing weeds and excess beets with a hoe and by hand	29.50

Wide row planting: The above rates and the rate provided for in paragraph (c) of this section may be reduced by not more than the indicated percentages for the following row spacing: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

Narrow row planting: The above rates and the rate provided for in paragraph (c) of this section shall be increased by not less than the indicated percentages for the following row spacing: 19 inches or less but more than 16 inches, 25 percent; 16 inches or less, 35 percent.

(c) In the fields that have been completely machine-thinned and on which chemical herbicides have been applied, removing weeds with a hoe only may be employed as a first operation: *Provided*, That the applicable piecework rate therefor shall be not less than $11 per acre.

(d) When employed on a piecework basis for hand labor operations not specified or defined, or for harvesting: The piecework rate for blocking and thinning in States other than California, weeding not qualified as a first operation under paragraph (c) of this section or not preceded by A, B, C, or E or paragraph (b) of this section, and any other hand labor operation involving the removal of beets or weeds which is not defined above, and for the operations of pulling, topping, loading, or gleaning, shall be as agreed upon between the producer and the worker: *Provided*, That the average hourly rate of earnings of each worker for each operation shall be not less than $1.85 per hour computed on the basis of the total time such worker is employed on the farm for such operation.

(e) When employed on a time or piecework basis for other operations: For all other operations in the production, cultivation, or harvesting of sugar beets for which no minimum rate is provided for herein, the rate shall be as agreed upon between the producer and the worker.

§ 862.11 Compensable working time.

For work performed under § 862.10, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the workday. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central labor recruiting point or labor camp to the farm is not compensable working time.

§ 862.12 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugar beets on any acreage from which sugar beets are marketed or processed for the production of sugar, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by a custom operator who performs the above services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truckdrivers employed by a contractor engaged by the producer only in hauling sugar beets; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including but not

limited to mechanics, welders, and other maintenance workers and repairmen.

§ 862.13 Payment of wages.

(a) The producer shall make payment of wages in accordance with the following requirements: (1) Workers shall be paid by check or in currency for all work performed and shall be paid upon completion of work; (2) deductions from payments are permitted and may be made for cash advances made only by producers to workers and, in reasonable amounts agreed upon by the producer and worker, for items furnished by the producer such as meals and transportation, and for mandatory deductions or withholdings required by law; (3) deductions may not be made from wages for payment of debts originally incurred with someone other than the producer, except as required and provided under applicable garnishment statutes or by other legal process; and (4) deductions may not be made for payment to a labor contractor or supervisor for his services, or for any items which the producer agreed to furnish the worker free of charge.

(b) The producer shall furnish the worker at the time of payment of wages, or, if payment of wages is made through a labor contractor or crew leader, require the labor contractor or crew leader to furnish the worker at the time of payment of wages a statement showing the producer's and worker's names, the gross earnings, the items and amounts of deductions, and the net earnings of the worker, and the producer or the labor contractor or crew leader shall obtain the worker's signature acknowledging receipt of the amount of wages received which shall in no event be less than that required by this part.

§ 862.14 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings, and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this Part have been met.

§ 862.15 Employment of workers through a labor contractor or crew leader.

(a) If a producer employs workers through a labor contractor or crew leader, the producer may make payment of workers' wages through such labor contractor or crew leader: *Provided*, That the producer obtain from such contractor or crew leader and have on file (1) a written record that he is registered or licensed as derived from examination of a valid certificate of registration or a farm labor contractor employee identification card; (2) a copy of his authorization signed by each worker to collect wages due each such worker; (3) a copy of each worker's statement of earnings as required by § 862.13, or a wage record sheet such as the "Wage Record Sheet Sugar Beet Program" shown in Exhibit 9 of Handbook 1–SU, available in county ASCS offices, showing the names of the producer and workers, dates work was performed, description of work performed, units of work, agreed upon rates per unit, and the amounts of wages due each such worker; and (4) the signature of each worker acknowledging receipt of wages received which shall in no event be less than those required by this Part. The producer is responsible for paying to the labor contractor or crew leader the fee for his services, and the producer shall have on file a statement signed by the labor contractor or crew leader showing the amount of the fee being paid by the producer to the labor contractor or crew leader for his services, and showing that such fee is over and above the wages agreed upon by the contractor and the producer which shall in no event be less than those provided by this part.

(b) Responsibility for insuring that workers actually receive the minimum wage or the agreed upon wage, whichever is higher, less only deductions authorized by this part, rests with the producer. Whenever it appears that a worker has received less than the minimum or agreed upon wage, whichever is higher, less deductions authorized by this part, the producer shall not have met the requirements of this part for eligibility for payment under the act until it is determined that all workers on the farm have been paid in full: *Provided, however*, That a producer who having acted in good faith to fulfill his obligation to insure that the minimum or agreed upon wage is actually received by the workers, has obtained and has on file documents which meet the requirements set forth in paragraph (a) of this section and which show payment of wages in accordance with this part, shall have met the requirements of this part, except that in cases where the worker files a claim in the county ASCS office that he has not been paid wages in accordance with this part and it is found by the county committee that the worker's signature has been forged or he has been forced to sign under duress or by fraud, the producer shall not have met the requirements of this part for eligibility for payment under the act until the county committee determines that all workers on the farm have been paid in full.

§ 862.16 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined herein, through any subterfuge or device whatsoever.

§ 862.17 Claim for unpaid wages.

Any person who belives he has not been paid in accordance with this part may file a wage claim with the Agricultural Stabilization and Conservation Service County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the county ASCS office. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the county ASCS office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ACS committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendations for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Service Office. The address of the State ASCS Office will be furnished by the local county ASCS office. Upon receipt of the appeal the State ASC committee shall likewise consider the facts and notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the State ASC committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 870 of this chapter.

§ 862.18 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer had made full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer, or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this section, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them, or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would be otherwise made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 862.19 Child labor.

Notwithstanding any of the foregoing provisions of this part, the act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day (except a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed), will result in a deduction from Sugar Act payments to the producer.

§ 862.20 Checking compliance.

The procedures to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the applicable sections of Handbook 1–SU issued by the Deputy Administrator, State and County Operations, ASCS. Copies of Handbook 1–SU may be inspected at local county ASCS offices and copies may be obtained from State Agricultural Stabilization and Conservation Service offices. The address of the State ASCS office will be furnished by the local county ASCS office.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugar beets as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standard employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugar beets and cost of production), and the differences in conditions among the various sugar producing areas.

Wage determination. This determination increases the minimum hourly wage rate for specified hand labor operations 10 cents per hour to $1.85; and increases minimum piecework rates $0.50 per acre for the operation of weeding, $0.75 per acre for thinning, $1 per acre for hoeing and for hoe-trimming, and $1.50 per acre for blocking and thinning (applicable in the State of California only). Other provisions of the prior determination, as amended, continue unchanged with the exception of certain clarifications made in some provisions.

Public hearings were held in Detroit, Mich.; Moorhead, Minn.; Richland, Wash.; San Francisco, Calif.; San Antonio, Tex.; and Denver, Colo., during the period December 7, through December 16, 1970. These hearings afforded interested persons the opportunity to present testimony and make recommendations relating to fair and reasonable wage rates for sugar beet workers.

Most producer representatives recommended that the minimum hourly and piecework wage rates established in 1970 remain the same for 1971. Some of these representatives recommended that the Department, before making further increases in the wage scale, make a finding on producers' ability to pay wage increases, taking into consideration inflation, production costs, living costs, sugar price fluctuations, and risks involved in raising beets. One representative recommended that no wage increase be made until the price of beets rises by the same percentage as any proposed increase in wages. A representative of producers in one region testified that the piecework rate for weeding a completely machine-thinned field is too high, and suggested a rate of $5 per acre for the operation. A producer in another region devised a method of payment using a combination of the piecework and hourly rates. He recommended that workers be paid $1 per hour plus $10 an acre for the first hand labor operation, and $1 per hour plus $5 an acre for the second operation. Another representative of producers recommended that wage rates for sugar beet workers be established nearer the national minimum for general farm labor.

Representatives of workers recommended that the minimum hourly wage be increased to rates ranging from $2.25 to $2.50. Several representatives recommended that all workers be guaranteed a minimum hourly wage, and that all workers be paid by check rather than in cash. One worker representative suggested that the Department consider as wages the complete conditions under which migrant families live, and that the Department assist in educating migrant farmworkers. Other worker representatives recommended that the wage determination be premised upon a realistic survey of the living conditions and expenses of a representative sampling of sugar beet workers, and that the Department regulate the use of herbicides in the interest of farmworkers' health and safety. One representative also recommended that there be major changes in the Sugar Act when it comes up for reenactment during 1971, so that farmers receive fair returns and farmworkers receive fair and reasonable wages.

Another worker representative recommended that the applicability of the blocking and thinning operation be extended to all States rather than to California only; that the provision permitting weeding as a first operation in fields completely machine-thinned and on which chemical herbicides have been applied be reworded to say "effective" chemical herbicides; and that the Department require the power to perform all his contractual obligations before Sugar Act payments are made to him. The witness also recommended that compensable working time include time the worker spends waiting for machinery and other delays for which the worker is not responsible and over which he has no control; that deductions from the worker's wages for advances made by third parties be prohibited; that the producer be required to make payments directly to the worker or to the head of the family; that arbitrators be appointed to handle disputes over wages between growers and farmworkers; and that the decision as to whether or not payment or failure to pay workers was an inadvertent error also be

made subject to arbitration. The witness further recommended the adoption of new regulations prohibiting retaliation by the grower against farmworkers who file wage claims with the Department of Agriculture; prohibiting the use of illegal aliens; requiring a written contract between the producer and workers which specifies the number of acres to be performed, conditions for payment of bonuses, whether or not the worker will be entitled to perform the second hoeing, the minimum to be paid, and a description of the housing to be provided, if any; providing sanitary requirements for housing facilities; requiring travel allowances to be based on mileage rather than a flat rate; and requiring adequate health insurance coverage for farmworkers while they're employed in the production of sugar beets.

Consideration has been given to all recommendations and testimony presented at the public hearings; to the returns, costs, and profits of producing sugarbeets obtained by field survey for a recent crop and recast in terms of price and production conditions likely to prevail for the 1971 crop; and to other generally related standards normally considered in wage determinations, including the cost of living and producers' ability to pay. During the past year the cost of living has increased about 6 percent. Present prospects indicate favorable sugarbeet prices for the 1971 crop and a profitable position for the average sugarbeet producer. Analysis of these and all other relevant factors indicates that the minimum wage rates established in this determination are fair and reasonable and within producers' ability to pay.

The recommendation of producers that the wage scale remain unchanged, or that the rates for certain operations be lowered have not been adopted in view of the continuing rise in the cost of living, as well as the increased prices for sugarbeets. The recommendations of worker representatives for increases exceeding 10 cents per hour have also not been adopted since many producers are still recovering from substantial losses sustained from the 1969 crop, and because the differential of sugarbeet workers' average earnings over the general farm wage rates has widened.

The Department believes the recommendation of one producer that workers be paid $1 per hour plus a specified amount per acre would be burdensome to producers and at the same time not be greatly beneficial to workers. The piecework basis is structured to yield competent workers earnings in excess of the determination minimum hourly rate, and also to provide hand labor operations which do not require producers to maintain detailed time records. For these same reasons, the recommendation of worker representatives that pieceworkers be guaranteed a minimum hourly wage has not been adopted. Also, a guaranteed minimum hourly wage would be dependent upon accurate time records. Such records would be extremely difficult to obtain, especially for individuals in family groups of workers.

The special rate for blocking and thinning remains applicable only in the State of California. This operation usually involves the use of a short-handled hoe and considerable stooping to perform. The use of monogerm seed, space planting, weedicides, and mechanical thinning has outmoded this operation in most parts of the sugar beet area, and removing beets by hand is generally not necessary except in California. However, if the producer, in States other than California, requests the worker to remove beets and weeds with a hoe and by hand, then they must agree upon a piecework rate subject to a minimum hourly guarantee.

This determination provides that weeding may be used as a first-hand labor operation in fields that have been machine-thinned and on which chemical herbicides have been applied. The recommendation that "effective" herbicide application be made a part of the provision has not been adopted. This would involve a personal judgment as to the meaning of "effective" and would be an additional item subject to dispute. A worker always has the prerogative of negotiating with the producer for wage rates higher than the minimums specified in the determination when conditions are less than normal.

Producers are required to pay workers either by check or in currency. A requirement that workers be paid exclusively by check would not greatly benefit workers. The requirement of § 862.13 that workers be furnished a statement of earnings at the time of payment of wages will give the worker a permanent record, whereas a check no longer serves as a statement of earnings after it is cashed. Also, some workers have no desire to be paid by check, and some producers would not be in a position to pay in this manner.

The Department has found that crew leaders or labor contractors often perform a valuable service for both workers and producers. Nevertheless, producers have the responsibility to insure that workers actually receive the wages agreed upon, and they are bound by several requirements in the wage determination to meet this responsibility. In view of such requirements reaffirming and clarifying the producers' responsibility to insure that workers actually receive the wages agreed upon, which shall in no event be less than the fair and reasonable rates provided in the wage determination, the recommendation by representatives of workers that producers pay each worker or head of family directly has not been adopted.

The Sugar Act contains no statutory authority for the establishment of housing standards. There are already many State and Federal laws or regulations that apply to labor camps or housing for migratory agricultural workers.

The recommendation by worker representatives that arbitrators be appointed by State ASC Committees to settle wage and other disputes between producers and workers has not been adopted. The State and county farmer committee system has been established for the purpose of administering in the field the provisions of the various farm programs carried out by ASCS. The Sugar Act authorizes the Secretary to utilize such committees to administer the provisions of the sugar program. The appeal procedure set forth in these regulations provides an effective means of resolving wage claims. Any worker dissatisfied with any determination initially made by the county committee may obtain a reconsideration of such determination by the State committee. If dissatisfaction exists with the State committee's determination, then the worker has the right to obtain a reconsideration at the national level.

The recommendations that the determination include provisions relating to the hiring of illegal aliens, travel allowances, health insurance, restrictions on the use of herbicides, and education for migrant workers have not been adopted. The use of the wage determination as an enforcement vehicle for various nonwage requirements is not practical. Other Federal or State statutes now in existence must be depended upon for most of these matters.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: April 12, 1971.

Signed at Washington, D.C., on March 24, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-4429 Filed 3-30-71;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 69, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit grown in Florida.

(a) *Order.* In § 905.525 (Grapefruit Regulation 69, 35 F.R. 14499, 17937, 19245) the provisions of (a)(1)(v) are amended to read as follows:

§ 905.525 Grapefruit Regulation 69.

(a) • • •

(1) • • •

(v) Any seedless grapefruit, grown in the production area, which are smaller than 3 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said U.S. Standards for Florida Grapefruit.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 26, 1971, to become effective March 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-4428 Filed 3-30-71;8:49 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

Correction

In F.R. Doc. 71-2759 appearing at page 3884 in the issue of Tuesday, March 2, 1971, the 19th line of § 1472.1322(b) reading "required ownership shall again begin" should read "required ownership shall begin".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-CE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Appleton, Wis.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the control zone and transition area at Appleton, Wis. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 27, 1971, as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

APPLETON, WIS.

Within a 5-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); and within 2½ miles each side of the 135°, 285°, and 016° bearings from Outagamie County Airport, extending from the 5-mile radius zone to 5½ miles southeast, west, and north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continously published in the Airman's Information Manual.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

APPLETON, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); excluding the portions which overlie the Green Bay, Wis., 700-foot floor transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 16, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-4408 Filed 3-30-71;8:47 am]

[Airspace Docket No. 71-CE-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Baraboo, Wis.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the transition area at Baraboo, Wis. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 27, 1971, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

BARABOO, WIS.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Baraboo-Wisconsin Dells Airport (latitude 43°31'21" N., longitude 89°46'22" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 16, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-4409 Filed 3-30-71;8:47 am]

[Airspace Docket No. 71-SO-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On February 13, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3015), stating that the Federal Aviation Administration was considering as amendment to Part 71 of the Federal Aviation Regulations that would designate the Drew, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

DREW, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ruleville-Drew Airport (lat. 33°46'-39" N., long. 90°31'27" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 22, 1971.

CHESTER W. WELLS,
Acting Director, Southern Region.

[FR Doc. 71-4410 Filed 3-30-71;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Aklomide

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34-536V) filed by Salsbury Laboratories, Charles City, Iowa 50616, proposing (1) to revise the labeling regarding aklomide when used alone or in combination with 3-nitro-4-hydroxyphenylarsonic acid to provide for its safe and effective use in the feed of broiler chickens only, (2) to delete the 5-day withdrawal period prior to slaughter when aklomide is used alone, and (3) to establish tolerances for residues of aklomide and its metabolite (4-amino-2-chlorobenzamide) in the edible tissues of treated birds. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135g are amended as follows:

§ 121.262 [Amended]

1. In § 121.262 *3-Nitro-4-hydroxyphenylarsonic acid*, item 1.6 of table 1 in paragraph (c) is amended by revising the text in the "Limitations" column to read: "For broiler chickens only; withdraw 5 days before slaughter; as sole source of organic arsenic."

§ 121.269 [Amended]

2. In § 121.269 *Aklomide (2-chloro-4-nitrobenzamide)*, item 1.1 in table 1 of paragraph (c) is amended by revising the text in the "Limitations" column to read: "For broiler chickens only." Item 1.4 in the same table is amended by revising the text in the "Limitations" column to read: "For broiler chickens only; withdraw 5 days before slaughter; as sole source of organic arsenic."

3. Section 135g.60 is revised to read as follows:

§ 135g.60 Aklomide.

Tolerances are established for combined residues of aklomide (2-chloro-4-nitrobenzamide) and its metabolite (4-amino-2-chlorobenzamide) in uncooked edible tissues of chickens as follows:

(a) 4.5 parts per million in liver and muscle.

(b) 3 parts per million in skin with fat.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-31-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 22, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.71-4384 Filed 3-30-71;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 14—PROCEDURAL RULES FOR PROCEEDINGS CONDUCTED PURSUANT TO ENFORCEMENT OF EXECUTIVE ORDER 11246, AND RULES, REGULATIONS, AND ORDERS THEREUNDER

Pursuant to delegated authority, and in accordance with Executive Order No. 11246 and rules and regulations implementing said order, the Secretary of Commerce hereby adopts the following rules of practice and procedure to be used in proceedings for the imposition of sanctions under section 209(a) (1), (5), and (6) of Executive Order 11246, for violations of the Executive order and rules, regulations and orders thereunder.

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AUTHORITY: The provisions of this Part 14 are issued under Executive Order 11246, 41 CFR 60-1.26(b), 33 F.R. 104, May 28, 1968.

GENERAL INFORMATION

§ 14.1 Authority.

These rules of procedure supplement, and are established pursuant to, the provisions of 41 CFR 60-1.26(b).

§ 14.2 Scope of rules.

These rules govern the practice and procedure for proceedings conducted, and decisions made, by the Department precedent to the imposition of sanctions under section 209(a) (1), (5), and (6) of Executive Order 11246, for violations of Executive Order 11246, and rules, regulations, and orders thereunder.

§ 14.3 Definitions.

(a) "Department" means the "Department of Commerce".

(b) "Secretary" means "Secretary of Commerce".

(c) "Notice" means "Notice of Hearing".

(d) "Party" means a respondent; the General Counsel, Maritime Administration; and any person or organization participating in a proceeding pursuant to § 14.8.

(e) "Respondent" means a person or organization against whom sanctions are proposed because of alleged violations of Executive Order 11246, and rules, regulations, and orders thereunder.

(f) "General Counsel" means "General Counsel, Maritime Administration".

(g) "Hearing clerk" means "Secretary, Maritime Administration".

§ 14.4 Time computation.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act or event, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

DESIGNATION AND RESPONSIBILITIES OF HEARING EXAMINER

§ 14.5 Designation.

Hearings shall be held before a hearing examiner designated by the Secretary. In the case of the death, illness, disqualification, or unavailability of the designated hearing examiner, another hearing examiner may be designated in his place.

§ 14.6 Authority and responsibilities.

(a) The hearing examiner shall have the duty to conduct a fair and impartial hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(1) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(2) Require parties to state their position with respect to the various issues in the proceeding.

(3) Establish rules for media coverage of the proceedings.

(4) Rule on motions, and other procedural items in matters before him.

(5) Regulate the course of the hearing, the conduct of counsel, parties, and other participants.

(6) Examine witnesses and direct witnesses to testify.

(7) Receive, rule on, exclude, or limit evidence.

(8) Fix time limits for submission of written documents in matters before him.

(9) Take any action authorized by these Rules.

(10) Upon notice to all parties, modify or waive any rule upon a determination that no party will be prejudiced and that the ends of justice will thereby be served.

(b) The hearing examiner shall recommend a decision on the basis of the record before him. Together with his recommended decision, he shall propose findings of fact and conclusions of law to the Secretary.

APPEARANCE AND PRACTICE

§ 14.7 Participation by a party.

A party may appear in person, by representative, or by counsel, and participate fully in any proceeding held pursuant to these Rules.

§ 14.8 Determination of parties.

(a) The Respondent and the General Counsel, Maritime Administration are the initial parties to the proceeding. To the extent that proceedings hereunder are based in whole or in part on matters subject to a collective bargaining agreement, any labor organization which is a signatory to the agreement shall also have the right to participate as a party.

(b) Other persons or organizations shall have the right to participate as parties if the final decision could directly and adversely affect them or the class they represent, and if they may contribute materially to the disposition of the proceedings.

(c) Any person or organization wishing to participate as a party under this section shall submit a petition to the hearing examiner within 15 days after the notice has been filed. The petition should be filed with the hearing clerk and served on Respondent, on the General Counsel and on any other person or organization who has been made a party at the time of filing. Such petition shall concisely state: (1) Petitioner's interest in the proceeding, (2) how his participation as a party will contribute materially to the disposition of the proceeding, (3) who will appear for petitioner, (4) the issues on which petitioner wishes to participate, and (5) whether petitioner intends to present witnesses.

(d) The hearing examiner shall promptly ascertain whether there are objections to the petition. He shall then determine whether petitioners have the requisite interest to be a party in the proceedings, as defined in paragraphs (a) and (b) of this section, and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the hearing examiner may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners; provided that the representative of a labor organization qualifying to participate under paragraph (a) of this section must be permitted to participate as a party. The hearing examiner shall give each such petitioner written notice of the decision on his petition. If the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The hearing examiner shall give written notice to each party of each petition granted.

(e) Persons or organizations whose petition for party participation is denied may appeal the decision to the Secretary within 7 days of receipt of denial. The Secretary will make the final decision to grant or deny the petition.

§ 14.9 Determination and participation of amici.

(a) Any interested person or organization wishing to participate as amicus curiae in the proceeding shall file a petition before the commencement of the hearing. Such petition shall concisely state the petitioner's interest in the hearing and who will represent petitioner.

(b) The hearing examiner will grant the petition if he finds that the petitioner has an interest in the proceedings and may contribute materially to the disposition of the proceedings. The hearing examiner shall give the petitioner written notice of the decision on his petition. If the petition is denied, the hearing examiner shall briefly state the grounds for denial. The hearing examiner shall give written notice to each party of each petition granted.

(c) An amicus curiae is not a party but may only participate as provided in paragraph (d) of this section.

(d) An amicus curiae may submit a written statement of position to the hearing examiner at any time prior to the beginning of a hearing, and shall serve a copy on each party. He may also file a brief or written statement at such time as the parties submit proposed findings and conclusions and supporting briefs to the hearing examiner and at such times as the parties file exceptions to the decision of the hearing examiner.

FORM AND FILING OF DOCUMENTS

§ 14.10 Form.

Documents filed pursuant to a proceeding herein shall show the docket description and title of the proceeding, the party or amicus submitting the document, the date signed, and the title, if any, and address of the signatory. The original will be signed in ink by the person representing the party or amicus. Copies need not be signed, but the name of the person signing the original shall be reproduced.

§ 14.11 Filing and service.

(a) All documents submitted in a proceeding shall be served on all parties. The original and two copies of each document shall be submitted to the hearing clerk for filing. With respect to exhibits and transcripts of testimony, only originals need be filed.

(b) Service upon a party or amicus shall be made by delivering one copy of each document requiring service in person or by certified mail, return receipt requested, properly addressed with postage prepaid to the party or amicus or his attorney, or designated representative. Filing will be made in person or by certified mail, return receipt requested, to the hearing clerk, at the address stated in the notice of hearing.

(c) The date of filing or of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person.

(d) A copy of all documents submitted in a proceeding shall be sent to the hearing examiner.

§ 14.12 Certificate of service.

The original of every document filed and required to be served upon parties shall be endorsed with a certificate of service signed by the party or amicus curiae making service or by his attorney

or representative, stating that such service has been made, the date of service, and the manner of service.

PROCEDURES

§ 14.13 Notice of hearing.

In response to Respondent's request for a hearing, the General Counsel shall serve on the Respondent, pursuant to 41 CFR 60–1.26(b)(1), a notice of hearing by registered mail, return receipt requested, to Respondent's last known address. Such notice shall contain the time and place of the hearing; the legal authority under which the proceedings are to be held; and the matters pursuant to which sanctions or other actions are proposed.

§ 14.14 Answer to notice.

Within 15 days after receipt of the notice of hearing, Respondent may file an answer. This answer shall admit or deny specifically and in detail matters set forth in each allegation of the notice unless Respondent is without knowledge, in which case his answer should so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged in the answer as affirmative defenses shall be separately stated and numbered. Failure of Respondent to file an answer within the 15-day period following receipt of the notice may be deemed an admission of all facts recited in the notice.

§ 14.15 Amendments.

The Department may amend its notice once as a matter of course before an answer is filed, and Respondent may amend its answer once as a matter of course not later than 15 days after it is filed. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing examiner. An amended notice shall be answered within 10 days of its service, or within the time for filing an answer to the original notice, whichever period is longer.

§ 14.16 Motions.

Motions and petitions shall state the relief sought, the basis for relief and the authority relied upon. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally; but the hearing examiner may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Within 8 days after a written motion or petition is served, any party may file a response to a motion or petition. An immediate oral response may be made to an oral motion. Oral argument on motions will be at the discretion of the hearing examiner.

§ 14.17 Disposition of motions.

The hearing examiner may not grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately.

§ 14.18 Interlocutory appeals.

No interlocutory appeals will be permitted from an adverse ruling except as specifically provided in these rules.

§ 14.19 Exhibits.

Proposed exhibits shall be exchanged at the prehearing conference, or otherwise prior to the hearing, if the hearing examiner requires. Proposed exhibits not so exchanged may be denied admission as evidence. The authenticity of all exhibits submitted prior to the hearing will be deemed admitted unless written objection thereto is filed and served on all parties, or unless good cause is shown for failure to file such written objection.

§ 14.20 Admissions as to facts and documents.

Not later than 25 days prior to the date of the hearing any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period of 20 days, the party to whom the request is directed serves upon the requesting party a statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 14.21 Discovery.

(a) *Methods.* Parties may obtain discovery by depositions, written interrogatories, production of documents, or other items; or by permission to enter property, for inspection and other purposes.

(b) *Scope.* Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the hearing.

(c) *Protective orders.* Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the hearing examiner may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(d) *Sequence and timing.* Methods of discovery may be used in any sequence. The fact that a party is conducting discovery shall not operate to delay any other party's discovery.

(e) *Time limit.* Discovery by all parties will be completed within 75 days from the date the notice of hearing is served on Respondent.

§ 14.22 Depositions.

(a) After the notice of hearing has been filed, any party may take the testimony of any person, including a party, by deposition upon oral examination. This may be done by stipulation or by notice, as set forth in paragraph (b) of this section.

(b) (1) The party will give reasonable notice in writing to every other party of the time and place for taking depositions, the name and address of each person to be examined, if known, or a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The notice to a deponent may be accompanied by a request for the production of documents and tangible things at the taking of the deposition.

(3) A party may name as the deponent a corporation, partnership, association, or governmental agency and may designate a particular person within the organization whose testimony is desired and the matters on which examination is requested. If no particular person is named, the organization shall designate one or more agents to testify on its behalf, and may set forth the matters on which each will testify. The persons so designated shall testify as to matters known or reasonably available to the organization.

(c) Examination and cross-examination of witnesses may proceed as permitted at the hearing. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally record the testimony of the witness.

(d) If during the taking of a deposition there is bad faith in the conduct of the examination, annoyance, embarrassment, oppression of a deponent or party or improper questions propounded, a party or deponent may request suspension of the deposition. The deposition will then be adjourned. However, the objecting party or deponent must immediately move the hearing examiner for a ruling on the suspension. The hearing examiner may then limit the scope and/or manner of the taking of the deposition.

(e) The officer shall certify the deposition and promptly file it with the hearing clerk. Documents or true copies of documents and other items produced for inspection during the examination of the witness, shall, upon the request of a party, be marked for identification and annexed to the deposition.

(f) The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 14.23 Use of depositions at hearing.

(a) Any part or all of a deposition, so far as admissible under § 14.31 applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof as follows:

(1) Any deposition may be used for contradiction or impeachment of the deponent as a witness.

(2) The deposition of a party, or of an agent designated to testify on behalf of a party, may be used by an adverse party for any purpose.

(3) The deposition of any witness may be used if the party offering the deposition has been unable to procure his attendance or if he is unable to testify by reason of age; illness; infirmity; imprisonment; death, his residence outside the State or if he is out of the country, unless his absence was procured by the party offering his deposition:

(b) If only part of a deposition is offered in evidence, the remainder becomes subject to introduction by any party.

(c) Objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

§ 14.24 Interrogatories to parties.

(a) Any party may serve upon any other party written interrogatories after the notice of hearing has been filed. If the party served is a corporation, partnership, association, or governmental agency, an agent shall furnish such information as is available to the party.

(b) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney or other representative making them. Answers and objections shall be made within 30 days after the service of the interrogatories. The party submitting the interrogatories may move for an order under section 14.26 with respect to any objection to or other failure to answer an interrogatory.

(c) Interrogatories shall relate to any matter not privileged which is relevant to the subject matter of the hearing.

§ 14.25 Production of documents and things and entry upon land for inspection and other purposes.

(a) After the notice of hearing has been filed, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any designated documents, phonorecords, and other data compilations from which information can be obtained and which are in the possession, custody or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After the notice of hearing has been filed, any party may serve on any other party a request to permit entry upon designated property in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 15 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections in which case the reasons for each objection shall be stated. The party submitting the request may move for an order under § 14.26 with respect to any objection to or other failure to respond.

§ 14.26 Sanctions.

(a) A party, upon reasonable notice to other parties and all persons affected thereby, may move for an order as follows:

(1) If a deponent fails to answer a question propounded or submitted under § 14.22(c), or a corporation or other entity fails to make a designation under § 14.22(b)(3), or a party fails to answer an interrogratory submitted under § 14.24, or if a party, under § 14.25, fails to respond that inspection will be permitted or fails to permit inspection, the discovering party may move for an order compelling an answer, a designation, or inspection.

(2) An evasive or incomplete answer is to be treated as a failure to answer.

(b) If a party or an agent designated to testify fails to obey an order to permit discovery, the hearing examiner may make such orders as are just, including:

(1) That the matters regarding which the order was made or any other designated facts shall be established in accordance with the claim of the party obtaining the order;

(2) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence.

(c) If a party or an agent designated to testify fails after proper service (1) to appear for his deposition, (2) to serve answers of objections to interrogatories submitted under § 14.24, or (3) to serve a written response to a request for inspection submitted under § 14.25, the hearing examiner on motion may make such orders as are just, including those authorized under subparagraphs (1) and (2) of paragraph (b) of this section.

§ 14.27 Ex parte communications.

(a) Written or oral communications involving any substantive or procedural issue in a matter subject to these proceedings, directed to the hearing examiner or the Secretary, shall be deemed ex parte communications and are not to be considered part of any record or the basis for any official decision by the hearing examiner or Secretary, unless the communication is made by motion pursuant to these rules. Any such communication in writing received by the hearing examiner or Secretary shall be made public by placing it in the correspondence file of the docket which is available for public inspection. If the ex parte communication is received orally, a memorandum setting forth the substance of the conversation shall be made and filed in the correspondence section of the docket. In either case, notice of such communication will be given to the parties.

(b) The hearing examiner shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate, or be responsible to or subject to the supervision or direction of an employee or agent engaged in the performance of investigation or prosecuting functions related to the case.

(c) No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision, except as witness or counsel in the proceeding.

PREHEARING

§ 14.28 Prehearing conferences.

(a) Within 15 days after the Answer has been filed the hearing examiner will establish a prehearing conference date for all parties including persons or organizations whose petition requesting party status has not been ruled upon. Written notice of the prehearing conference shall be sent by the hearing examiner.

(b) At the prehearing conference the following matters, among others shall be considered: (1) Simplification and delineation of the issues to be heard; (2) stipulations; (3) limitation of number of witnesses; and exchange of witness lists; (4) procedure applicable to the proceeding; (5) offers of settlement; and (6) scheduling of the dates for exchange of exhibits. Additional prehearing conferences may be scheduled on the motion of the hearing examiner or on the motion of any party to the hearing.

HEARING

§ 14.29 Appearances.

The parties may appear in person, by counsel, or other representatives. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's proposed decision and to file exceptions to it.

§ 14.30 Purpose.

(a) The hearing is directed primarily to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. A hearing will be held in order to determine whether Respondent has failed to comply with one or more applicable requirements of Executive Order 11246, and rules, regulations, and orders thereunder. However,

this shall not prevent the parties from entering into a stipulation of the facts.

(b) If all facts are stipulated, the proceedings shall go to conclusion in accordance with §§ 14.38 to 14.44.

§ 14.31 Evidence.

Formal rules of evidence will not apply to the proceeding. Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded from the record of a hearing. Hearsay evidence shall not be inadmissible as such.

§ 14.32 Official notice.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof. Official notice may also be taken of other matters, at the discretion of the hearing examiner.

§ 14.33 Testimony.

Testimony shall be given under oath by witnesses at the hearing. A witness shall be available for cross-examination, and, at the discretion of the hearing examiner, may be cross-examined without regard to the scope of direct examination as to any matter which is material to the proceeding.

§ 14.34 Objections.

Objections to evidence shall be timely, and the party making them shall briefly state the ground relied upon.

§ 14.35 Exceptions.

Exceptions to rulings of the hearing examiner are unnecessary. It is sufficient that a party, at the time the ruling of the hearing examiner is sought, makes known the action which he desires the hearing examiner to take, or his objection to an action taken, and his ground therefor.

§ 14.36 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing examiner excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony. If the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 14.37 Official transcript.

An official reporter will be designated for all hearings. The official transcripts of testimony and argument taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the hearing clerk. Transcripts may be obtained by the parties and the public from the official reporter at rates not to exceed the applicable rates fixed by the contract with the reporter. Upon notice to all parties, the hearing examiner may authorize such corrections to the transcript as are necessary to accurately reflect the testimony.

POSTHEARING PROCEDURES

§ 14.38 Proposed findings of fact and conclusions of law.

Within 30 days after the close of the hearing each party may file, or the hearing examiner may request, proposed findings of fact and conclusions of law together with supporting briefs. Such proposals and briefs shall be served on all parties and amici. Reply briefs may be submitted within 15 days after receipt of the initial proposals and briefs. Reply briefs should be filed and served on all parties and amici.

§ 14.39 Oral argument.

Within the time period for filing initial proposals and briefs, any party may move for oral argument. It is within the hearing examiner's discretion to grant the request. If the request is granted, the hearing examiner shall establish a time and place for oral argument following the filing of the briefs.

§ 14.40 Record for decision.

The hearing examiner will make his findings, conclusions, and proposed decision upon the basis of the record before him. The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, except the correspondence section of the docket, shall constitute the record.

§ 14.41 Recommended determination.

The hearing examiner shall, in an expeditious manner, rule on proposed findings and conclusions submitted by the parties; and shall make recommended findings, conclusions, and decision. These rulings and recommendations shall be certified, together with the record for decision, to the Secretary, for his decision. The rulings, recommended findings, conclusions, and decision of the hearing examiner shall be served on all parties and amici curiae to the proceedings.

§ 14.42 Exceptions to recommended determination.

Within 30 days after receipt of the recommended decision, all parties to the proceeding may file with the hearing clerk a brief in support of or as an exception to, the recommended findings, conclusions, and decision of the hearing examiner. Service of such briefs or exceptions shall be made on all parties and amici in the proceeding. Such briefs may be responded to within 15 days of their receipt by the other parties. Responses should be filed with the hearing clerk and served on all parties and amici to the proceeding.

§ 14.43 Record.

After expiration of the time for filing briefs and exceptions, the Secretary shall make a final decision on the basis of the record before him. The record includes the record for decision, the rulings, the recommended findings, conclusions and decision of the hearing examiner, and the exceptions and briefs filed subsequent to the hearing examiner's decision.

§ 14.44 Final decision.

The Secretary may affirm, modify, or set aside in whole or in part, the recommended findings, conclusions, and decision of the hearing examiner. The decision of the Secretary shall not be final without the approval of the Director, Office of Federal Contract Compliance, Department of Labor.

Effective date. This part shall become effective upon publication in the FEDERAL REGISTER (3–31–71).

Dated: March 26, 1971.

MAURICE H. STANS,
Secretary of Commerce.

[FR Doc.71–4426 Filed 3–30–71;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7098]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Capitalization of Costs of Planting and Developing Citrus Groves

Correction

In F.R. Doc. 71–3781 appearing at page 5214 in the issue of Thursday, March 18, 1971, the eighth line of § 1.278–1(a)(1)(i) reading "section 278 of this section) which is at-" should read "section 278 or this section) which is at-".

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7096]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Voluntary Withholding Agreements; Correction

On March 18, 1971, T.D. 7096 was published in the FEDERAL REGISTER (36 F.R. 5216). The date "December 31, 1955," appearing on the sixth line in paragraph (a)(2)(ii) of § 31.6302(c)–1 of the Employment Tax Regulations (26 CFR Part 31), as prescribed by T.D. 7096, should have been "November 1955". Accordingly, replace the date "December 31, 1955," with "November 1955". Also, the date "April 1, 1971" on the seventh line in paragraph (a)(2)(ii) of § 31.6302(c)–1 of such regulations, as prescribed by T.D. 7096, should have been "April 1971". Accordingly, replace the date "April 1, 1971" with "April 1971".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71–4419 Filed 3–30–71;8:48 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Lake Michigan, Ill.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), §§ 204.179 and 204.180 governing the use and navigation of danger zones in Lake Michigan, Ill., are hereby amended revoking paragraphs (b)(2) and (b)(3) respectively, effective upon publication in the FEDERAL REGISTER, as follows:

§ 204.179 Lake Michigan, Belmont Harbor Entrance, Chicago, Ill.; danger zones.

• • • • • •

(b) *The regulations.* • • •

(2) [Revoked]

§ 204.180 Waters of Lake Michigan south of Northerly Island at entrance to Burnham Park Yacht Harbor, Chicago, Ill.; danger zone adjacent to airport on Northerly Island.

• • • • • •

(b) *Regulations.* • • •

(3) [Revoked]

[Regs., Mar. 10, 1971, 1522–01—(Lake Michigan, Ill.)—ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71–4380 Filed 3–30–71;8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 12—DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS

Deceased Veteran's Cases

1. In § 12.3, paragraphs (a)(2) and (b) are amended to read as follows:

§ 12.3 Deceased veteran's cases.

(a) • • •

(2) If the death or absence without leave occurred while the beneficiary was assigned to a domiciliary section, or while receiving hospitalization and at time of death or absence without leave any effects are in the section, a like inventory will be made by representatives of the Chief, Domiciliary Operations and/or Medical Administration Division.

• • • • • •

(b) Upon completion of the survey and inventory, the effects will be turned over to the designated employee for safekeeping. Any funds found in excess of $100 which apparently were the property of the deceased will be turned over to the details clerk and delivered immediately to the agent cashier, who shall deposit same in the account "Personal Funds of Patients". Unendorsed checks other than Treasury checks and funds not in excess of $100 will be considered personal effects and not funds and will be handled accordingly.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective date of approval.

Approved: March 26, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71–4415 Filed 3–30–71; 8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subpart 101–32.47—Reports

REPORTING OF ADP SHARING AND SERVICES OBTAINED FROM COMMERCIAL SOURCE

This amendment provides for agencies to report to GSA separate pricing charged by ADP equipment manufacturers for so-called "unbundled services," such as systems engineering, ADP training, and related ADP services.

Sections 101–32.4701, 101–32.4701–1, and 101–32.4701–2 are revised as follows:

§ 101–32.4701 Reporting of sharing and services obtained from a commercial source.

ADP sharing accomplished by Federal agencies shall be reported directly by ADP units as provided in § 101–32.4701–1 or centrally as provided in § 101–32.4701–2. In this connection, ADP sharing means the use of available but unused ADP resources by other activities for which the ADP unit was not established or programed to support. This would include sharing on a reimbursable or nonreimbursable basis. When submitting GSA Form 2068A, Quarterly Report of ADP Service Provided to Another Agency or Obtained from a Commercial Source (illustrated at § 101–32.4902–2068A), agencies shall report in attachments to Item 9, "Total Other," information on unbundled services such as systems engineering, ADP training, and related ADP services which are acquired separately. Unbundling is the establishment of separate prices for ADP support services which were previously provided with ADP equipment at no additional cost; e.g., ADP training and systems engineering services. Systems engineering services is the assistance in data processing related to:

(a) Systems analysis and design;

(b) Application design and development;

(c) Program design and development;

(d) Conversion and implementation planning; and/or

(e) Installation evaluation and improvement.

§ 101–32.4701–1 Reports by ADP units.

Reports of sharing and of services obtained from a commercial source by ADP units shall be submitted on GSA Form 2068A to the appropriate ADP sharing exchange not later than the 15th of Jaunary, April, July, and October of each year. Addresses of ADP sharing exchanges are shown in § 101–32.4801, and locations are illustrated in § 101–32.4802.

§ 101–32.4701–2 Centralized reporting.

Federal agencies may elect to submit quarterly reports on a centralized basis at any organizational level desired. Federal agencies electing this method of reporting shall inform the General Services Administration (FTR), Washington, D.C. 20406, to this effect and explain the reporting procedures to be followed. Reports submitted in accordance with this § 101–32.4701–2 shall be submitted on GSA Form 2068A and forwarded to the address above not later than the 15th day of January, April, July, and October of each year.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (3–31–71).

Dated: March 24, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–4420 Filed 3–30–71;8:48 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

Postal Motor Carrier Certificate

At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of March 1971.

It appearing, that pursuant to section 5215 of the Postal Reorganization Act (Public Law 91–375), the adoption of an application form for requesting a Postal Motor Carrier Certificate of Public Convenience and Necessity is necessary; and good cause appearing therefor:

It is ordered, That § 1003.1(a) of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding form OP–OR–10 to read as follows:

OP–OR–10.

Application for Postal Motor Carrier Certificate, adopted March 3, 1971, to be used by persons who were contractors under a star route, mail messenger, or contract motor vehicle service contract, on the effective date of Chapter 52 of the Postal Reorganization Act (Public Law 91–375).

It is further ordered, That this order shall become effective on the date hereof.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of this Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(84 Stat. 719 et seq.)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4431 Filed 3-30-71;8:49 am]

[Second Rev. S.O. 1061]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of March 1971.

It appearing, that an acute shortage of hopper cars exists on the railroads named in section (a) paragraph 1 herein; that shippers located on the lines of these carriers are being deprived of hopper cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owner; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1061 Service Order No. 1061.

(a) Regulations for return of hopper cars: Each common carrier by railroad subject to the Interstate Commerce Act, with the exception of those carriers named in Service Order No. 1043 (Service Order No. 1043 remains in effect, and carriers named therein must continue to comply with its provisions), Shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, except as otherwise authorized in subparagraphs (3) and (4) of this paragraph, all hopper cars owned by the following railroads:

The Akron, Canton & Youngstown Railroad Co. Reporting marks: ACY.
Chicago & Eastern Illinois Railroad Co. Reporting marks: C&EI.
Missouri-Illinois Railroad Co. Reporting marks: M–I.
Missouri-Kansas-Texas Railroad Co. Reporting marks: MKT, BKTY.
Missouri Pacific Railroad Co. Reporting marks: MP.
St. Louis-San Francisco Railway Co. Reporting marks: SLSF.
Texas-New Mexico Railway Co. Reporting marks: T–NM.
The Texas and Pacific Railway Co. Reporting marks: T&P, TP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (3), and (4) is of this paragraph:

Chicago & Eastern Illinois Railroad Co.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.
The Texas and Pacific Railway Co.
Texas-New Mexico Railway Co.

(3) Hopper cars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, providing such loading is available at unloading point. Backhauling of empties is prohibited.

(4) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modification may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(5) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car for movements contrary to the provisions of subparagraphs (3) and (4) of this paragraph.

(b) The term "hopper cars" as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT", in the Official Railway Equipment Register, I.C.C. R.E.R. No. 378, issued by E. J. McFarland, or reissues thereof.

(c) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) Effective date: This order shall become effective at 12:01 a.m., April 1, 1971.

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4432 Filed 3-30-71;8:50 am]

[S. O. 1068]

PART 1033—CAR SERVICE

Regulations for the Return of Gondola Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of March 1971.

It appearing, that an acute shortage of plain unequipped gondola cars exists throughout the country; that shippers are being deprived of such cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that plain unequipped gondola cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such gondola cars are ineffective; and that efforts by the Association of American Railroads to have such cars returned to owning carriers have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1068 Service Order No. 1068.

(a) *Regulations for the return of gondola cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraphs (3) and (4) of this paragraph, all plain unequipped gondola cars which

are listed in the Official Railway Equipment Register I.C.C. R.E.R. No. 378 issued by E. J. McFarland, or reissues thereof, as having mechanical designations "GA", "GB", "GD", "GE", "GH", "GRA", "GS", and "GT."

(2) Except as authorized in subparagraph (4) of this paragraph, gondola cars described in subparagraph (1) of this paragraph may be loaded only to destinations on, via, or to a destination closer to the owner's lines than where loaded. Cars must not be backhauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(3) Except as authorized in subparagraph (4) of this paragraph, gondola cars described in subparagraph (1) of this paragraph, empty at a junction with the owner, must be delivered to the owner at that junction.

(4) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(5) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, I.C.C. R.E.R. No. 378, issued by E. J. McFarland, or reissues thereof, under the heading "Freight Connections and Junction Points."

(6) In determining distances to the owner's line from point of loading or destination, tariff distances applicable via the lines of the carriers obligated under Association of American Railroads Car Service Rules 1 and 2 to move the car shall be used.

(7) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded gondola car, described in this order, contrary to the provisions of the order.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1971.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4433 Filed 3-30-71;8:50 am]

SUBCHAPTER B—OTHER REGULATIONS RELATING TO TRANSPORTATION

[Ex Parte No. MC–86]

PART 1100—GENERAL RULES OF PRACTICE

Motor Carrier Licensing Provisions

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of March 1971.

It appearing that the Commission, on the date hereof, has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof;

It is ordered, That based upon the explanations set forth in the said report and good cause appearing therefor, a proceeding be, and it is hereby instituted under the authority of part II of the Interstate Commerce Act and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine the Procedures necessary to implement Public Law 91–375, Postal Reorganization Act, described in the said report.

It is further ordered, That Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new § 1100.248, reading as follows:

§ 1100.248 Implementation of Public Law 91–375, Postal Reorganization Act (Motor Carrier Licensing Provisions).

(a) *Scope of special rules.* These special rules govern the filing and handling of applications seeking the right to operate pursuant to either a Postal Certificate of Public Convenience and Necessity or a General Postal Certificate of Exemption authorizing operation, in interstate or foreign commerce, by motor vehicle in the transportation of mail.

(b) *Applications for postal certificates of public convenience and necessity.* (1) The application form (Op–Or–10) shall be available from the Secretary, Interstate Commerce Commission, and shall be completed in duplicate, and transmitted to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, and a copy thereof shall be sent to the transportation regulatory commission (or, if none, the Governor) of each State within which operations are sought to be performed.

(2) Attached to the application shall be a true copy of applicant's contract with the Postal Service (or its predecessor Post Office Department), which contract must have been in force on the effective date of section 5215 of the Postal Act.

(3) If applicant is a successor in interest to a qualifying star route carrier, evidence of continuity of star route service and carrier identity must be furnished (this may be done in letter form duly sworn and notarized).

(4) The application form provides space for a description of the territory served by the applicant on or before the effective date of section 5215. Here, applicant should describe the territorial extent of operations performed pursuant to its contract in force on the effective date, such description being in terms of the appropriate political division or subdivision (i.e., State, county, city, village, et cetera) within which service was authorized by contract. Authority may be granted only commensurate with the service covered by applicant's contract; therefore, applicants are cautioned to be specific in delineating the territory sought, in order to avoid delays in processing their applications.

(5) Notice to the public of any such application will be made by publication in the FEDERAL REGISTER. Provision will be made for the filing of protests within 30 days from the date of publication, although it is not contemplated that protests will, in fact, be filed.

(6) Upon determination that an applicant is qualified to receive "grandfather" authority, and upon compliance by applicant with sections 215 and 221(c) of the Interstate Commerce Act, and with the rate-filing procedures established by this Commission, a Postal Certificate of Public Convenience and Necessity will be issued, authorizing the transportation of mail from, to, or between points in the involved territory.

(7) All further proceedings, including petitions for reconsideration, shall be handled in the manner specified in this Commission's general rules of practice.

(c) *Applications for inclusion within general postal certificate of exemption.* The class of carriers to which such certificate of exemption is applicable is defined as all star route, mail messenger, and contract motor vehicle operators, whose for-hire motor carrier operations are confined to a single State, and who, on the effective date of section 5215 of the above-entitled Postal Act, hold a contract for the transportation of mail wholly within a single State. Upon submission to this Commission of a copy of such contract, the name of the carrier's representative to whom inquiries may be made, and the carrier's written request therefor, such carrier shall be included within the terms of the general postal certificate of exemption which reads as follows:

[Ex Parte No. MC-86]

GENERAL POSTAL CERTIFICATE OF EXEMPTION DESIGNATED SINGLE-STATE MOTOR CARRIERS AFFECTED BY THE POSTAL REORGANIZATION ACT (PUBLIC LAW 91-375)

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of March 1971.

After due investigation, it appearing that any motor carrier having complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and having complied with all the requirements established by this Commission in its report in Ex Parte No. MC-86, and lawfully engaging in operations solely within a single State in the transportation of mail; that the transportation of mail in interstate or foreign commerce performed by him is in fact of such nature, character, or quantity as not substantially to affect or impair uniform regulation by this Commission of transportation by motor carriers engaged in interstate or foreign commerce in effectuating the national transportation policy declared in the Interstate Commerce Act; that he, therefore, is entitled to inclusion within a general postal certificate of exemption in accordance with the provisions of section 204(a)(4a) of part II of said act; and this Commission so finding:

It is ordered, That the said motor carrier be, and it is hereby, granted this general postal certificate of exemption, which during the period it shall remain effective and unrevoked, shall exempt the said motor carrier from compliance with the provisions of part II of said act in respect of transportation of mail in interstate or foreign commerce, and it is hereby issued to said motor carrier.

It is further ordered, That this general postal certificate of exemption shall be effective from the date hereof and shall remain in effect until revoked in accordance with the provisions of said act.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

(Secs. 204, 206, 207, 208, and 210; 49 Stat. 546, as amended, 551, as amended, 552, as amended, 554, as amended; 49 U.S.C. 304, 306, 307, 308, and 310)

It is further ordered, That this order shall become effective upon publication in the FEDERAL REGISTER (3-31-71).

And it is further ordered, That notice of this order shall be given to the public by depositing a copy thereof in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4434 Filed 3-30-71;8:50 am]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

On October 31, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16861) to amend Part 481 by designating the Northern Missouri, Southeast Missouri, and Southwest Missouri Intrastate Air Quality Control Regions, and by revising the boundaries of the Metropolitan St. Louis and Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Regions.

On November 17, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 17664) to amend Part 481 by designating the Eastern Oklahoma, North Central Oklahoma, Southwestern Oklahoma, and Northwestern Oklahoma Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. Consultations were held on November 10, 1970, in Missouri and on November 24, 1970, in Oklahoma with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented, with the recommendation that Craig, Delaware, and Ottawa Counties in the State of Oklahoma, presently in the designated Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region, be deleted from that Region and added to the presently designated Metropolitan Tulsa Intrastate Air Quality Control Region. It was also recommended that the Missouri counties of Barton, Jasper, McDonald, and Newton, presently designated in the Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region, now be added to the Southwest Missouri Intrastate Air Quality Control Region. Thus the recommendation was to revoke the existing Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region. In addition, it was recommended that the name of the Metropolitan Tulsa Intrastate Air Quality Control Region be changed to the Northeastern Oklahoma Intrastate Air Quality Control Region. Finally, a recommendation was made to change the name of the designated Metropolitan Oklahoma City Intrastate Air Quality Control Region to the Central Oklahoma Intrastate Air Quality Control Region and change the name of the Eastern Oklahoma Intrastate Air Quality Control Region to the Southeastern Oklahoma Intrastate Air Quality Control Region. The boundaries of these two intrastate Regions are not affected by these changes.

In consideration of the foregoing, the regulations set forth below, designating and revising certain air quality control regions in the States of Missouri and Oklahoma, are adopted effective on publication.

§ 481.116 Northern Missouri Intrastate Air Quality Control Region.

The Northern Missouri Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Missouri:

Adair County.	Lincoln County.
Andrew County.	Linn County.
Atchison County.	Livingston County.
Audrain County.	Macon County.
Boone County.	Marion County.
Caldwell County.	Mercer County.
Callaway County.	Moniteau County.
Carroll County.	Monroe County.
Charlton County.	Montgomery County.
Clark County.	Nodaway County.
Clinton County.	Osage County.
Cole County.	Pike County.
Cooper County.	Putnam County.
Daviess County.	Ralls County.
De Kalb County.	Randolph County.
Gentry County.	Saline County.
Grundy County.	Schuyler County.
Harrison County.	Scotland County.
Holt County.	Shelby County.
Howard County.	Sullivan County.
Knox County.	Warren County.
Lewis County.	Worth County.

§ 481.117 Southeast Missouri Intrastate Air Quality Control Region.

The Southeast Missouri Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Missouri:

Bollinger County.	New Madrid County.
Butler County.	Pemiscot County.
Cape Girardeau County.	Perry County.
Carter County.	Phelps County.
Crawford County.	Reynolds County.
Dent County.	Ripley County.
Dunklin County.	St. Francois County.
Gasconade County.	Ste. Genevieve County.
Iron County.	Scott County.
Madison County.	Stoddard County.
Maries County.	Washington County.
Mississippi County.	Wayne County.

§ 481.118 Southwest Missouri Intrastate Air Quality Control Region.

The Southwest Missouri Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Missouri:

Barton County.	Lawrence County.
Barry County.	McDonald County.
Bates County.	Miller County.
Benton County.	Morgan County.
Camden County.	Newton County.
Cedar County.	Oregon County.
Christian County.	Ozark County.
Dade County.	Pettis County.
Dallas County.	Polk County.
Douglas County.	Pulaski County.
Greene County.	St. Clair County.
Henry County.	Shannon County.
Hickory County.	Stone County.
Howell County.	Taney County.
Jasper County.	Texas County.
Johnson County.	Vernon County.
Laclede County.	Webster County.
Lafayette County.	Wright County.

§ 481.18 Metropolitan St. Louis Interstate Air Quality Control Region.

The Metropolitan St. Louis Interstate Air Quality Control Region (Illinois-Missouri) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Madison County.	St. Clair County.
Monroe County.	

In the State of Missouri:

Franklin County.	St. Louis City.
Jefferson County..	St. Louis County.
St. Charles County.	

§ 481.123 Southeastern Oklahoma Intrastate Air Quality Control Region.

The Southeastern Oklahoma Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma:

Atoka County.	Latimer County.
Bryan County.	Love County.
Carter County.	McIntosh County.
Choctaw County.	Marshall County.
Coal County.	Murray County.
Garvin County	Okfuskee County.
Haskell County.	Pittsburg County.
Hughes County.	Pontotoc County.
Johnston County.	Pushmataha County.
	Seminole County.

§ 481.124 North Central Oklahoma Intrastate Air Quality Control Region.

The North Central Oklahoma Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma:

Garfield County.	Noble County.
Grant County.	Payne County.
Kay County.	

§ 481.125 Southwestern Oklahoma Intrastate Air Quality Control Region.

The Southwestern Oklahoma Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma:

Beckham County.	Jackson County.
Caddo County.	Jefferson County.
Comanche County.	Kiowa County.
Cotton County.	Stephens County.
Greer County.	Tillman County.
Harmon County.	Washita County.

§ 481.126 Northwestern Oklahoma Intrastate Air Quality Control Region.

The Northwestern Oklahoma Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma:

Alfalfa County.	Harper County.
Beaver County.	Major County.
Blaine County.	Roger Mills County.
Cimarron County.	Texas County.
Custer County.	Woods County.
Dewey County.	Woodward County.
Ellis County.	

§ 481.47 Central Oklahoma Intrastate Air Quality Control Region.

The Metropolitan Oklahoma Intrastate Air Quality Control Region has been renamed the Central Oklahoma Intrastate Air Quality Control Region and consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma:

Canadian County.	Kingfisher County.
Cleveland County.	McClain County.
Grady County.	Oklahoma County.
Lincoln County.	Pottawatomie County.
Logan County.	

§ 481.79 Northeastern Oklahoma Intrastate Air Quality Control Region.

The Metropolitan Tulsa Intrastate Air Quality Control Region has been renamed the Northeastern Oklahoma Intrastate Air Quality Control Region and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma:

Craig County.	Osage County.
Creek County.	Ottawa County.
Delaware County.	Pawnee County.
Mayes County.	Rogers County.
Muskogee County.	Tulsa County.
Nowata County.	Wagoner County.
Okmulgee County.	Washington County.

§ 481.65 Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region.

The Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region, designated on December 8, 1970, and consisting of the counties of Barton, Jasper, McDonald, and Newton in the State of Missouri and Craig, Delaware, and Ottawa in the State of Oklahoma, is revoked effective upon publication.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of the Public Law 91-604)

Dated: March 26, 1971.

WILLIAM D. RUCKELSHAUS, *Administrator.*

[FR Doc.71-4457 Filed 3-30-71;8:51 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Designation

On January 20, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 932) to amend Part 481 by designating the Eastern Connecticut and Northwestern Connecticut Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 4, 1971, with appropriate State and local authorities pursuant to Section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.183, as set forth below, dseignating the Eastern Connecticut Intrastate Air Quality Control Region, and § 481.184, as set forth below, designating the Northwestern Connecticut Intrastate Air Quality Control Region are adopted effective on publication.

§ 481.183 Eastern Connecticut Intrastate Air Quality Control Region.

The Eastern Connecticut Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut:

TOWNS

Ashford.	Mansfield.
Bozrah.	Montville.
Brooklyn.	North Stonington.
Canterbury.	Old Lyme.
Chaplin.	Old Saybrook.
Chester.	Plainfield.
Clinton.	Pomfret.
Colchester.	Preston.
Columbia.	Putnam.
Coventry.	Salem.
Deep River.	Scotland.
Eastford.	Sprague.
East Lyme.	Stafford.
Essex.	Sterling.
Franklin.	Stonington.
Griswold.	Thompson.
Groton.	Union.
Hampton.	Voluntown.
Killingly.	Waterford.
Killingworth.	Westbrook.
Lebanon.	Willington.
Ledyard.	Windham.
Lisbon.	Woodstock.
Lyme.	

CITIES

Groton.	Putnam.
New London.	Willimantic.
Norwich.	

§ 481.184 Northwestern Connecticut Intrastate Air Quality Control Region.

The Northwestern Connecticut Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut:

TOWNS

Barkhamsted.	New Hartford.
Bridgewater.	New Milford.
Canaan.	Norfolk.
Colebrook.	North Canaan.
Cornwall.	Roxbury.
Goshen.	Salisbury.
Hartland.	Sharon.
Harwinton.	Sherman.
Kent.	Warren.
Litchfield.	Washington.
Morris.	Winchester.

CITIES

Torrington.	Winsted.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604)

Dated: March 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4546 Filed 3-30-71;11:20 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Designation

On January 8, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 293) to amend Part 481 by revising the boundaries of the Phoenix-Tucson Intrastate Air Quality Control Region by adding Yuma County, Ariz., to the Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on January 19, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented with the recommendation that Yuma County be designated as part of the Clark-Mohave Interstate Air Quality Control Region (Nevada-Arizona) rather than the previously designated Phoenix-Tucson Intrastate Air Quality Control Region as originally proposed.

In consideration of the foregoing, § 481.80, as set forth below, revising the boundaries of the Clark-Mohave Interstate Air Quality Control Region (Nevada-Arizona) is adopted effective on publication.

§ 481.80 Clark-Mohave Interstate Air Quality Control Region.

The Clark-Mohave Interstate Air Quality Control Region (Nevada-Arizona) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Nevada:

Clark County.

In the State of Arizona:

Mohave County. Yuma County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4545 Filed 3-30-71;11:19 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Designation

On February 5, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 2518) to amend Part 481 by designating the Eastern Idaho Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 17, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented with the recommendation that the initially proposed five-county area be expanded to be designated as a 14-county air quality control region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.190, as set forth below, designating the Eastern Idaho Intrastate Air Quality Control Region, is adopted effective on publication.

§ 481.190 Eastern Idaho Intrastate Air Quality Control Region.

The Eastern Idaho Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Idaho:

Bannock County.	Franklin County.
Bear Lake County.	Fremont County.
Bingham County.	Jefferson County.
Bonneville County.	Madison County.
Butte County.	Oneida County.
Caribou County.	Power County.
Clark County.	Teton County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4547 Filed 3-30-71;11:19 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1201]

HANDLING OF TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Expenses and Fixing of Rate of Assessment for 1971-72 Fiscal Period

Consideration is being given to the following proposals submitted by the Control Committee, established under the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) Expenses in the amount of $7,200 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1972.

(b) The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as such handler's pro rata share of the aforesaid expenses: $1.60 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1972.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business.

Done at Washington, D.C., this 25th day of March 1971.

JACK THOMPASON,
Director, Tobacco Division,
Consumer and Marketing Service.

[FR Doc.71-4427 Filed 3-30-71;8:49 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 381]

CARGO PREFERENCE; U.S.-FLAG VESSELS

Notice of Proposed Rule Making

The Assistant Secretary of Commerce for Maritime Affairs has under consideration the promulgation of regulations to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954, section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), in the administration of their programs with respect to that Act, as provided in section 27 of the Merchant Marine Act of 1970, Public Law 91-469. The first of such proposed regulations are set forth in F.R. Doc. 71-577 published in the FEDERAL REGISTER issue of January 15, 1971 (36 F.R. 609).

Section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) reads in part:

Whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any equipment, materials, or commodities, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such equipment, materials, or commodities, the appropriate agency or agencies shall take such steps as may be necessary and practicable to assure that at least 50 per centum of the gross tonnage of such equipment, materials, or commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers), which may be transported on ocean vessels shall be transported on privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for U.S.-flag commercial vessels, in such manner as will insure a fair and reasonable participation of U.S.-flag commercial vessels in such cargoes by geographic areas * * *

Section 901(b)(2) of the Merchant Marine Act, 1936, as amended by section 27 of Public Law 91-469, approved October 21, 1970, provides that—

Every department or agency having responsibility under this subsection shall administer its programs with respect to this subsection under regulations issued by the Secretary of Commerce. The Secretary of Commerce shall review such administration and shall annually report to the Congress with respect thereto.

Some years ago, in accordance with Charter Party terms, 100 percent of freight payments on preference cargoes were considered to be earned upon loading, with 90 percent payable upon completion of loading and the remaining 10 percent payable upon mutual agreement of a laytime statement.

Subsequently, some vessels were abandoned by their owners prior to discharge of the cargo. As a result, and in order to protect their interests, Government shipping agencies commenced approving only those Charter Parties which contained new freight payment procedures providing for no freight to be earned until arrival at the port of destination at which time 100 percent was earned, with 90 percent payable upon arrival of the vessel at the first discharge port and 10 percent payable upon mutual agreement of a laytime statement.

The freight payment procedure currently in effect, in one form or another, in all preference cargo Charter Parties, creates unnecessary financial burdens for many shipowners since it either requires them to finance their expenses in movement of the cargoes—resulting in substantial out-of-pocket sums for considerable periods of time—or to postpone receipt of payment altogether contrary to historical practice in the steamship industry—until the vessel arrives at its first discharge port.

Moreover, particularly in the case of the final 10 percent payment, the shipowner is often subjected to arbitrary withholding of this payment for reasons other than failure to mutually agree upon laytime statements.

In order to arrive at a more uniform freight payment procedure on preference cargo shipments and to minimize inequities now existing in the manner in which final payments are made, a return to the original procedure for payment of freight is desirable, provided the shipper is secured against loss of freight charges.

Therefore, notice is hereby given pursuant to Section 4 of the Administrative Procedure Act (5 U.S.C. 533) that the Assistant Secretary of Commerce for Maritime Affairs pursuant to sections 204(b), 212(d), and 901(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 2141(b)), and the authority delegated to him by the Secretary of Commerce under section 3 of the Department Organization Order 10-8, 36 F.R. 1223, proposes to add the following regulation to those set forth in F.R. Doc. 71-577:

§ 381.6 Freight payments.

The head of each department or agency (except Department of Defense) having responsibility under the Cargo Preference Act of 1954 shall, except for shipments on vessels making one-way voyages, prescribe a formal procedure providing that in cases where the shipper is secured against loss of prepaid freight charges, 100 percent of the freight payments on preference cargoes be earned upon loading, 90 percent be

payable upon completion of loading, and 10 percent be payable within 45 days after completion of discharge. The procedure should also provide that if any dispute arises regarding the laytime computation (1) the amount not disputed to be paid immediately with the disputed amount placed in escrow, and (2) efforts shall be made by the parties to reach agreement within the next 45 days, and (3) that if agreement is not reached within 90 days after completion of discharge, the dispute shall be submitted to arbitration as provided in the Charter Party, and (4) the amount found to be due by the arbitrators shall bear interest at the then current rate for the period commencing on the 91st day after completion of discharge and ending on the day of payment. A copy of these procedures shall be furnished to and approved by the Maritime Administration.

All interested persons are invited to submit their views and comments on the foregoing proposed regulation in writing to the Maritime Administration, Washington, D.C. 20235, on or before April 30, 1971. Except where it is requested that such communications not be disclosed, they will be considered to be available for public inspection.

Dated: March 29, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

AARON SILVERMAN,
Assistant Secretary,
Maritime Administration.

[FR Doc.71-4514 Filed 3-30-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 135g, 144]

NIHYDRAZONE

Notice of Proposed Rule Making

On the basis of grounds set forth in a notice of opportunity for hearing (Docket No. FDC-D-282) published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs proposes (1) to revoke the food additive regulation providing for the use of nihydrazone in chicken feed for specified purposes and (2) to revoke the exemption from certification requirements of poultry feed containing nihydrazone and antibiotics.

The Commissioner, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to him (21 CFR 2.120), proposes that:

1. Part 121 be amended by revoking § 121.237 *Nihydrazone.*

2. Part 135g be amended by revoking § 135g.21 *Nihydrazone.*

3. Part 144 be amended in § 144.26 *Animal feeds containing certifiable antibiotic drugs* by revoking paragraph (b) (60).

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 18, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-4385 Filed 3-30-71;8:45 am]

[21 CFR Parts 121, 144, 146a]

NITROFURAZONE

Notice of Proposed Rule Making

On the basis of grounds set forth in a notice of opportunity for hearing (Docket No. FDC-D-280) published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs proposes (1) to revoke the exemptions from certification of animal feeds containing nitrofurazone, (2) to delete from the list of preparations acceptable for certification or exemption from certification those preparations containing nitrofurazone and antibiotics intended for use in animals, and (3) to revoke the food additive regulation providing for the use of nitrofurazone in mink feed.

The Commissioner, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to him (21 CFR 2.120), proposes that:

1. Part 121 be amended by revoking § 121.248 *Nitrofurazone.*

2. Part 144 be amended in § 144.26 *Animal feed containing certifiable antibiotic drugs:*

a. In paragraph (a)(5) by deleting the words "or without nitrofurazone 0.0056 percent, and/or".

b. In paragraph (b) by revoking subparagraphs (1) (iii) and (v), (2) (iii), and (11).

3. Part 146a be amended:

a. In § 146a.26 *Penicillin ointment* by deleting from the second sentence of paragraph (a) the words "nitrofurazone and".

b. In § 146a.45 *Procaine penicillin G in oil* by deleting from the second sentence of paragraph (a) the words "nitrofurazone".

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferable in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 18, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-4386 Filed 3-30-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-40]

FEDERAL AIRWAY SEGMENT

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a south alternate to VOR Federal airway No. 88 via the Forney (AAF), Mo., VOR.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace action proposed in this docket would designate a south alternate to V-88 from the intersection of the Springfield, Mo., VORTAC 058° T (051° M) and the Forney (AAF) VOR 266° T (260° M) radials to the Vichy, Mo., VORTAC via the Forney (AAF) VOR and the intersection of the Forney 046° T (040° M) and Vichy 216° T (210° M) radials.

There has been an increase of traffic to and from the Forney Army Airfield, Fort Leonard Wood, MO. The Air Route Traffic Control Center has no radar coverage below 7,000 feet MSL along the proposed route. The proposed route would allow a more expeditious flow of traffic to and from Forney Army Airfield.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 25, 1971.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.71-4406 Filed 3-30-71;8:47 am]

Federal Railroad Administration

[49 CFR Part 230]

[Docket No. FRA-LI-3; Notice No. 1]

LOCOMOTIVE INSPECTION

Notice of Proposed Rule Making

The Federal Railroad Administration is considering amendment of 49 CFR Part 230 to delete certain reporting and record-keeping requirements that are no longer considered necessary to administer the Locomotive Inspection Act, as amended (45 U.S.C. 22-34).

Every rail carrier is now required to: (1) File with the Director of the Bureau of Railroad Safety a specification for each Other Than Steam (OTS) and Multiple Unit (MU) locomotive unit it operates; (2) keep a copy of this specification in the office of its mechanical engineer; and (3) file a corrected specification or alteration report within 30 days after any changes have been made which affect the specification data. The proposed rule would remove these requirements.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or arguments. Communications should be submitted to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Attention: Docket No. FRA-LI-3, 400 Seventh Street SW., Washington, DC 20591. All comments received on or before May 3, 1971, will be considered by the Administrator before taking action on the proposed rule. All comments received will be available both before and after the closing date for comments in the Public Docket for examination by interested persons. The Docket may be examined at any time during regular working hours, at Room 5100, 400 Seventh Street SW., Washington, DC 20591.

In consideration of the foregoing it is proposed to amend Part 230 by deleting §§ 230.328 and 230.449 in their entirety.

These amendments are proposed under the authority of sections 2 and 5, 36 Stat. 913, 914; 45 U.S.C. 23, 28, section 6 (e) and (f), 80 Stat. 939, 940; 49 U.S.C. 1655.

Issued in Washington, D.C., on March 22, 1971.

CARL V. LYON,
Acting Administrator.

[FR Doc.71-4381 Filed 3-30-71;8:45 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

AUDITOR GENERAL AND DEPUTY AUDITOR GENERAL, OFFICE OF AUDITOR GENERAL

Redelegation of Authority to Approve Travel, and Transportation Waivers, for Overseas Auditor General Personnel

Pursuant to the authority delegated to me by Delegation of Authority No. 36 of April 21, 1964 (29 F.R. 5353), as amended by Amendment 1, dated May 31, 1966 (31 F.R. 8166) and Amendment 2, dated June 25, 1969 (34 F.R. 11385), contained in A.I.D. Manual Order 130.36, I hereby redelegate to the Auditor General and his Deputy the following travel and transportation authority for Office of the Auditor General personnel and their dependents:

1. Authorize and approve official travel, per diem, transportation, and storage of effects (including automobiles) and related expenses incident to temporary duty, a personnel action, home leave, and emergency evacuation (see M.O. 391.3.1., A.I.D. Emergency and Evacuation Guide).

2. Authorize, in accordance with sections 133 and 134 of M.O. 560.2, the use of foreign flag ships and airlines when American flag carriers are not available; when necessitated by the official business concerned; or to avoid excessive delay, cost, or personal inconvenience.

3. Authorize actual subsistence expenses.

4. Authorize cost of living allowances and overseas differentials when appropriate.

5. Authorize the transportation of replacement motor vehicles in accordance with sections 165.3 and 165.4 of M.O. 560.2.

6. Authorize educational travel for eligible dependents in accordance with section 111.1 of M.O. 560.2.

7. Authorize travel within or between foreign countries when travel is for temporary detail, consultation, or conference purposes.

8. Authorize rest and recuperation travel.

9. Authorize the family of an employee to return to the United States for a compelling or compassionate reason in advance of the date the employee is eligible for travel.

10. All authorities delegated herein may be redelegated by the Auditor General or his Deputy to Auditor General Office Directors, Area Auditors General, Regional Inspectors-in-Charge, and their Deputies. These authorities may also be exercised by persons who are performing the functions of the designated officers in an "Acting" capacity.

11. This redelegation of authority shall be effective immediately.

Dated: March 23, 1971.

FRED C. FISCHER,
Acting Assistant Administrator for Administration.

[FR Doc.71-4411 Filed 3-30-71;8:48 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 11]

MID-STATES INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $183,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Mid-States Insurance Company

Evanston, Illinois

Illinois

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 25, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-4403 Filed 3-30-71;8:47 am]

Internal Revenue Service

ERWIN CARL FRIES

Notice of Granting of Relief

Notice is hereby given that Erwin Carl Fries, Rural Route 2, Henderson, MN 56044, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 20, 1967, in the 1st Judicial District Court, Gaylord, Sibley County, MN, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Erwin Carl Fries because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Erwin Carl Fries to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Erwin Carl Fries' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Erwin Carl Fries be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 23d day of March 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-4404 Filed 3-30-71;8:47 am]

BRYNNIE MAE JONES

Notice of Granting of Relief

Notice is hereby given that Brynnie Mae Jones, 888 Collingwood, Detroit, MI 48202, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of her conviction on March 2, 1951, in the Recorder's Court of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Brynnie Mae Jones because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearms or ammunition, and she would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Brynnie Mae Jones to receive, possess, or transport in commerce or affecting commerce, any firearms.

Notice is hereby given that I have considered Brynnie Mae Jones' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Brynnie Mae Jones be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 16th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-4405 Filed 3-30-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPREDATING AMERICAN COOTS

Order Terminating Authorization To Kill in Certain Counties of California

MARCH 29, 1971.

On page 999 of the FEDERAL REGISTER on Thursday, January 21, 1971, there was published an order permitting depredating American Coots (Fulica Americana) to be killed in designated agricultural areas in California, including the 10 counties named below.

It has been determined that the emergency condition created by these depredating American Coots (Fulica Americana) has been abated and no longer exists in the following named counties of California:

1. Fresno.
2. Kern.
3. Kings.
4. Madera.
5. Merced.
6. Stanislaus.
7. Tulare.
8. Imperial.
9. Riverside.
10. San Bernardino.

Therefore, the termination date of the order published on page 999 of the FEDERAL REGISTER of Thursday, January 21, 1971, will be at sunset on March 31, 1971, in the 10 counties of California named above.

AUTHORITY: Section 16.25, Title 50, Code of Federal Regulations.

Effective date: This amendment will be effective upon publication in the FEDERAL REGISTER (3-31-71).

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-4531 Filed 3-30-71;10:10 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-342]

ROY P. AND VIVIAN L. MYKING

Notice of Loan Application

MARCH 25, 1971.

Roy P. Myking and Vivian L. Myking, 7364 Player Drive, San Diego, CA 92119, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 56-foot length overall steel vessel to engage in the fishery for tuna (albacore, yellowfin, bluefin, skipjack), bonito, salmon, and Dungeness crab.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief, Division of Financial Assistance.

[FR Doc.71-4421 Filed 3-30-71;8:49 am]

Office of the Secretary

[Dept. Organ. Order 10-8, Amdt. 1]

DEPUTY ASSISTANT SECRETARY FOR MARITIME AFFAIRS

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on March 5, 1971. This material amends the material appearing at 36 F.R. 1223 of January 26, 1971.

Department Organization Order 10-8, effective October 21, 1970, is hereby amended as follows:

1. SEC. 2. *Status and line of authority.* Paragraph .03 is amended to read:

".03 The Assistant Secretary shall be assisted in his duties by a Deputy Assistant Secretary for Maritime Affairs (ex-officio Deputy Maritime Administrator) who shall perform such duties as the Assistant Secretary shall assign. In addition, he shall assume the duties of the Assistant Secretary in his absence or during a vacancy in the office, unless the Secretary shall designate another person."

2. SEC. 5. *Maritime Subsidy Board.* The words "Deputy Assistant Secretary for Maritime Affairs" shall be substituted for the words "Deputy Maritime Administrator."

Effective date: March 5, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71 4416 Filed 3-30-71;8:48 am]

[Dept. Organ. Order 25-2, Amdt. 2]

MARITIME ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on March 5, 1971. This material amends the material appearing at 35 F.R. 13145 of August 18, 1970; and 35 F.R. 17797 of November 19, 1970.

Department Organization Order 25-2B, dated August 5, 1970, is hereby further amended as follows:

1. The number of this order is changed to "Department Organization Order 25-2."

2. SECTION 1. *Purpose.* This section is amended to read:

"This order prescribes the organization and assignment of functions within the Maritime Administration. The delegations of authority to the Assistant Secretary for Maritime Affairs and the Maritime Subsidy Board are set forth in Department Organization Order 10-8."

3. SEC. 3. *Office of the Assistant Secretary for Maritime Affairs.* This section is amended to read:

".01 The Assistant Secretary for Maritime Affairs (the Assistant Secretary), who is ex-officio Maritime Administrator, is the head of the Maritime

Administration and serves as Chairman of the Maritime Subsidy Board.

".02 The Deputy Assistant Secretary for Maritime Affairs shall assist the Assistant Secretary in carrying out his responsibilities and perform such duties as the Assistant Secretary shall prescribe, together with the duties which he performs as a member of the Maritime Subsidy Board. In addition, he shall be the Acting Assistant Secretary durihg the absence or disability of the Assistant Secretary and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Assistant Secretary. He shall also be responsible for supervision and coordination of contract compliance activities and activities under Title VI of the Civil Rights Act of 1964.

".03 The Deputy Administrator for Program Implementation shall also assist the Assistant Secretary in carrying out his responsibilities and shall perform such duties as the Assistant Secretary shall prescribe in providing executive direction and coordination of activities related to: (a) Implementation of the program created under the Merchant Marine Act of 1970; (b) international maritime affairs of significant interest to the Maritime Administration; (c) equal employment opportunity programs administered by the Maritime Administration with respect to ship construction, boatbuilding and water transportation industries that are Government contractors; and (d) such other areas as the Assistant Secretary shall determine.

".04 The Executive Staffs shall consist of the Secretary of the Maritime Administration who also serves as Secretary of the Maritime Subsidy Board, the hearing examiners, and officials concerned with other special services for the Assistant Secretary and the Maritime Subsidy Board."

4. SEC. 9.–13. All references to the title of "Maritime Administrator" in these sections are deleted and the title of "Assistant Secretary" is substituted therefor.

5. SEC. 12. Office of the Assistant Administrator for Operations. The last sentence of paragraph .02 of this section is changed to read: "The Office of Ship Operations has the following divisions: Division of Operations and Repair and Division of Reserve Fleet."

6. The organization chart of August 5, 1970, as amended, attached as Exhibit 1 to DOO 25–2B, is superseded by the chart attached to this amendment. (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

Effective date: March 5, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-4417 Filed 3-30-71;8:48 am]

[Dept. Organ. Order 25–5B]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

The following order was issued by the Secretary of Commerce on March 5, 1971. This National Oceanic and Atmospheric Administration material supersedes the material appearing at 35 F.R. 16601 of October 24, 1970; and 36 F.R. 3134 of February 18, 1971.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the National Oceanic and Atmospheric Administration (NOAA). This is an interim organization arrangement for NOAA.

.02 This revision provides for the functions relating to the programs and activities transferred to the Secretary of Commerce by Executive Order 11564, and in turn delegated to the Administrator of NOAA by Department Organization Order 25–5A.

SEC. 2. *Organization structure.* The interim organization structure and line of authority of NOAA shall be as depicted in the attached organization chart (Exhibit 1). (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Administrator.* .01 The Administrator of NOAA formulates policies and programs for achieving the objectives of NOAA and directs the execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating polices and programs and in managing NOAA.

SEC. 4. *Assistant Administrator for Administration and Technical Services.* The Assistant Administrator for Administration and Technical Services shall provide administrative management and technical support services for all components of NOAA except for elements of such services that appropriate components are directed to provide for themselves, and exercise functional supervision over such decentralized services; and provide advice and guidance to the Administrator on the allocation of NOAA resources. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The Administrative Operations Division shall perform the following functions: property and supply management; directives management; records and files management; reports management; space and facilities management; travel and transportation services; mail, messenger, and related office services; graphic services; safety; security; and processing of tort claims.

.02 The Budget Division shall analyze and aggregate NOAA budgetary requirements; prepare and coordinate formal budget documents for submission to the Office of the Secretary; develop and recommend fiscal plans to assure optimum use of available funds; and review and report on execution of approved budgets and associated fiscal plans.

.03 The Finance Division shall provide centralized financial accounting for all components of NOAA, determine needs of managers for accounting data, and maintain a financial reporting system that will facilitate effective management of NOAA's financial resources.

.04 The Management Systems Division shall conduct studies and provide other analytical assistance to develop or improve the organization structure and other management systems of NOAA and to improve the economy and effectiveness of NOAA activities; perform ADP systems analysis and programing required for administrative management functions; and operate a system for assembling and preparing analytic summaries of administrative and program performance information for NOAA's top management.

.05 The Personnel Division shall provide personnel management services by conducting recruitment, employment, classification and compensation, employee relations, labor relations, incentive awards, and career development activities for civilian personnel.

.06 The Computer Division shall operate an automatic data processing facility for all components of NOAA, except where separate ADP facilities are approved; provide programing assistance and advice; exercise overall management of NOAA's ADP needs and facilities; and coordinate needs for and uses of NOAA telecommunications facilities.

.07 The Scientific Information and Documentation Division shall assemble and maintain scientific reports and publications emanating from or relevant to NOAA's activities; operate the NOAA library system; and provide editorial assistance in the preparation of scientific papers and publications.

.08 The Radio Frequency Management Division shall, as a Department-wide responsibility, coordinate the requirements and the management and use of radio frequencies by all organizations of Commerce.

SEC. 5. *Assistant Administrator for Plans and Programs.* The Assistant Administrator for Plans and Programs shall provide a focal point for the development, implementation, and maintenance of an effective planning and programing system throughout NOAA and for the development of plans for meeting approved objectives; in close collaboration with line and staff components, develop 5-year programs and compatible financial plans from which NOAA budgets can be formulated; evaluate NOAA programs and accomplishments; and provide advice to the Administrator on the program impact of resource allocations, retrenchments, and reprograming. The Assistant Administrator will also serve as NOAA's focal point for weather modification activities, including planning, legislation, and liaison functions. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The following divisions shall perform the functions enumerated herein, each for the broad program area indicated by its title:

Oceanic Division.
Solid Earth Division.
Atmospheric Division.
Space Division.

Each division shall maintain cognizance over the acquisition, communication, analysis, processing, publication, dissemination, archiving, and retrieval of information involved in operating programs; and over research, development, test and evaluation activities in support of those programs. The divisions shall obtain and evaluate requirements of users, assure development of adequate plans for meeting these requirements, maintain current projections of resources required to implement approved plans, and make recommendations on ongoing and future programs. The divisions, on a continuing basis, shall evaluate the programs under their purview in terms of quality and responsiveness to user needs, and recommend program curtailments, redirections, expansions and new program initiatives.

.02 The Weather Modification Division shall be responsible for the development and updating of weather modification plans; drafting of proposed domestic legislation concerning weather modification in conjunction with NOAA's General Counsel; conversion of weather modification research into an operational program; development of the sociological, legal, and economic implications of an operational program, with economic studies conducted in conjunction with the Office of Special Studies and legal studies conducted in conjunction with NOAA's General Counsel; and the preparation of weather modification impact statements required by section 102 of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. This division shall also serve as the Administrator's clearing house for all outside contacts with NOAA regarding an operational program in weather modification.

.03 The Office of Special Studies shall provide guidance on long-range goals and plans for NOAA's major program areas, applying such planning factors as forecasts of technological advances, technological assessment, user needs and NOAA resource capacity and availability. The Office shall conduct benefit-cost analyses and other basic studies required in planning and carrying out programs of NOAA.

SEC. 6. Assistant administrator for environmental systems. The Assistant Administrator for Environmental Systems shall (a) provide a focus for environmental systems analysis and design, for international and interagency coordination and planning, and for cooperative field experiments; and (b) shall be responsible for national oceanographic instrumentation program, a marine minerals technology program, and development of a national data buoy system. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The Federal Plans and Coordination Division shall perform the functions required to carry out NOAA's responsibility for coordinating Federal meteorological services and supporting research, for coordinating Federal marine environmental predictions, for United States participation in the cooperative World Weather Program, for a coordinated national program of geodetic surveys, and for similar multiagency Federal efforts.

.02 The Systems Division shall conduct systems studies for improvement of activities relating to NOAA's total environmental involvement; analyze alternative methods for achieving future national environmental science goals; and conduct studies on the design and analysis of interagency and international programs, such as the World Weather Program.

.03 The Field Research Projects Division shall conduct the engineering and operational planning (including logistical support), coordination and implementation of experiments or tests requiring the joint participation of agencies, countries, or scientific groups.

.04 The National Oceanographic Instrumentation Center shall operate a test and evaluation laboratory for oceanographic instruments and maintain a data bank on instrument specifications, proposal clauses, and performance characteristics; coordinate all Government requirements for oceanographic instrument development; conduct programs for improving instruments needed in testing, standardization, and calibration of oceanographic equipment; and establish techniques and guidelines by which oceanographic instrument performance can be assessed.

.05 The Marine Minerals Technology Center shall conduct marine minerals research to improve the fundamental technology that will make it possible for industry to exploit undersea minerals commercially in a manner that is safe to the environment as well as compatible with other uses of the sea; develop, test and evaluate tools and techniques for delineating the important characteristics of marine mineral deposits; and develop, test, and evaluate marine mining systems that are compatible with the principle of multiple use of the marine environment.

.06 The National Data Buoy Project Office shall design, develop, test and evaluate a national system of data buoys capable of collecting and disseminating nationally required oceanographic and marine meteorological data at time intervals to meet user needs.

SEC. 7. *Special Staff Offices.* .01 The Office of International Affairs shall formulate and coordinate policies and plans of U.S. participation in international activities in the environmental sciences; manage NOAA's international training program; and advise on special programs for bilateral cooperation with foreign countries in the environmental sciences, including U.S. AID programs.

.02 The Office of Public Affairs shall recommend objectives and policies relating to public affairs; plan and conduct and information and education program to insure that the public, Congress, users groups, and employees are properly informed on matters relating to NOAA's activities and environmental safety and conservation; and provide direction to all public affairs activities within NOAA. These activities shall be carried out in collaboration with the Departmental Office of Public Affairs.

a. The Public Information Service Staff shall conduct an information program which describes NOAA's activities to the public, Congress, users groups, and employees.

b. The Public Safety and Education Services Staff shall conduct an education program to instruct and inform the public concerning environmental safety and conservation and the beneficial user of marine resources.

.03 The Office of Aviation Affairs shall establish objectives and recommend policies for aviation services; serve as aviation services adviser to the Administrator and his senior line managers; maintain liaison with FAA and advise FAA officials on aviation services; and represent NOAA in top level relations with other Government agencies, the aviation industry and international interests on aviation services.

.04 The Office of General Counsel shall provide legal services for all components of NOAA, subject to the overall authority of the Departments' General Counsel as provided in Department Organization Order 10–6.

.05 The Office of Ecology and Environment Conservation shall act as a central point to which ecological and environmental conservation interests can communicate their views on NOAA activities; act as a focal point for the review of all NOAA activities which impinge upon ecological and environmental conservation matters; review NOAA activities to insure full compliance with the purposes and provisions of sections 102 and 103 of the National Environmental Policy Act of 1969; coordinate preparation, within NOAA, of environmental statements and comments required by section 102 of the Act; and represent NOAA within the interagency councils of the Government on matters that involve ecology or environmental quality within NOAA's assigned responsibilities.

.06 The Office of Congressional Affairs shall coordinate contacts with Congress, except for matters relating to appropriations; in consultation with NOAA's General Counsel, formulate recommendations for legislative programs; and review, coordinate, and advise on all legislative matters affecting NOAA's programs and activities. These activities

shall, as applicable, be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Relations, and of the Departmental Office of the General Counsel.

SEC. 8. *Director of the NOAA Corps.* The Director of the NOAA Corps shall develop plans for the efficient utilization of the NOAA commissioned officers corps; develop and implement policies and procedures for the recruitment, commissioning, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

SEC. 9. *Office of Sea Grant.* The Office of Sea Grant shall provide grant support, primarily to institutions, for research, education and advisory services almed at assisting man in the intelligent utilization of the seas and the Great Lakes of the United States.

SEC. 10. *National Marine Fisheries Service.* The National Marine Fisheries Service shall promote the protection and rational use of living marine resources for their aesthetic, economic, and recreational value of the American people. The Service shall administer programs to determine the consequences of the naturally varying environment and man's activities on living marine resources, to provide knowledge and service to foster their efficient and judicious use and to achieve domestic and international management, use and protection of living marine resources. The Service shall be organized as set forth below.

.01 Headquarters.

a. Office of the Director.

1. The Director shall formulate and execute basic policies and manage the Service.

2. The Deputy Director shall assist the Director in carrying out his responsibilities.

3. The Office of Planning shall coordinate planning activities, and provide the Director with advice on the selection of program objectives and the allocation of resources; prepare program memorandum and issue papers; and assist in developing justification for use in budget estimates.

4. The Office of Information shall plan and carry out the Service's publication program.

b. The Associate Director for Resource Programs shall plan, develop, and evaluate an interdisciplinary research and development program to produce basic knowledge necessary for management, protection, and rational use of living marine resources. In this capacity the Associate Director shall maintain principal responsibility for resource programs, associated laboratories, and the facilities and plans for their operations. The program shall involve the following activities: Research for improvement of fish detection and harvesting systems; assessment and characterization of the raw material potential and fundamental properties of fishery resources; development of monitoring, sampling, assessment, and analytical methods and techniques; collection and documentation of scientific data to provide a means for protecting the access of U.S. citizens to living marine resources; and biological surveys and studies for monitoring, assessment, and prediction of abundance and availability of marine living resources and improvement of their quality and abundance in both natural and controlled environments.

c. The Associate Director for Management and Utilization shall plan, develop, and evaluate (1) programs designed to increase efficiency in utilization of fishery products; (2) financial assistance to State governments and recreational and commercial interests; (3) management activities aimed at maintaining resources at levels of optimum abundance; and (4) operations relating to the development of political and legal institutions (particularly on Federal-State jurisdictional matters) that are involved in the achievement of the utilization and management program objectives.

d. The Assistant Director for International Affairs shall advise and assist the Director in the formulation and implementation of policy on international fishery matters; exercise staff supervision over the review and coordination of international activities and interests of NOAA in the recreational and commercial fisheries; and collect and disseminate information on the activities of foreign fisheries to users in Government and industry.

.02 Field.

a. Regional Offices shall plan and operate fishery resource research, conservation and utilization programs. Regional Offices shall provide administrative and technical support for all NMFS components in their geographic area of responsibility except as the Director may otherwise specify. Where feasible and practical, this support will be extended to include other NOAA components. The Regional Offices and their regions shall be as follows:

Region	*Regional office*
Northwest Region	Seattle, Wash.
Southeast Region	St. Petersburg, Fla.
Northeast Region	Gloucester, Mass.
Southwest Region	Terminal Island, Calif.
Alaska Region	Juneau, Alaska.

The area of jurisdiction of each region shall be that shown in Exhibit 2. (A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.)

b. Marine Sport Fishery Laboratories shall provide a coordinated program of resource survey and biological research including life history studies, fish behavior studies, habitat improvement studies, pollution research, ecological research, resource inventories and estuarine research. The laboratories are:

Sandy Hook Marine Laboratory, Sandy Hook, N.J.
Tiburon Marine Laboratory, Tiburon, Calif.
Narragansett Marine Gamefish Laboratory, Saunderstown, R.I.
Eastern Gulf Marine Laboratory, Panama City, Fla.
Aransas Pass Marine Laboratory, Aransas Pass, Tex.

SEC. 11. *Environmental Data Service.* The Environmental Data Service (EDS) shall acquire, store, and disseminate worldwide environmental data, once the immediate purposes for which the data were collected have been satisfied. To accomplish this, the EDS shall maintain and operate appropriate data centers and perform related research and information dissemination activities. More specifically, the EDS shall inventory, acquire, provide quality controls for, store, recall, and disseminate environmental data; process, analyze, and interpret these data as required for preparation and publication of data products for use by Government, the scientific and engineering community, industry, commerce, agriculture, and the general public; foster and conduct research and development activities pertinent to the improvement of these functions, particularly data application and the effective use of computer technology; and coordinate the international exchange of marine, atmospheric, solid earth, and space data. The Service shall be organized as set forth below:

.01 Office of the Director. The Director shall formulate and execute basic policies and shall manage the Service. He shall be immediately assisted by a Deputy and a Deputy for Climatology.

.02 The Office of Field Services shall provide planning and technical direction for climatological data acquisition to meet national and international needs through observing networks such as the basic climatological network and the climatological benchmark network; and plan and provide technical direction for environmental data dissemination through the environmental data services regional climatologist and State climatologist programs.

.03 The Office of Data Information shall assure proper dissemination of environmental data to the user public and scientific community from centralized data sources.

.04 The National Geophysical Data Center shall collect, process, archive, and publish geophysical data; develop analyses of geophysical data to meet user requirements and provide ready access to geophysical data; and provide facilities for world geophysical data centers.

.05 The National Oceanographic Data Center shall acquire, process, and preserve oceanographic data for dissemination to the governmental, industrial, and scientific marine communities. Data shall be acquired through gifts, scientific exchange or through purchase.

.06 The National Climatic Center shall collect, process, archive, and publish climatological data; develop analyses of climatological data to meet user requirements and provide ready access to climatological data; and provide facilities for the world meteorological data center under international auspices.

.07 The Laboratory for Environmental Data Research shall develop the analysis, processing and interpretation of geophysical and climatological data through research activities; and anticipate needs for climatological and geophysical data for design and risk assessment and stimulate original work to meet these needs.

SEC. 12. *National Weather Service.* The National Weather Service (NWS) shall observe and report the weather of the United States and its possessions and issue forecasts and warnings of weather and flood conditions that affect the Nation's safety, welfare, and economy; develop the National Meteorological Service System; participation in international meteorological and hydrological activities, including exchanges of meteorological data and forecasts; and provide forecasts for domestic and international aviation and for shipping on the high seas. The Service shall be organized as set forth below.

.01 Office of the Director. The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy.

.02 The Office of Meteorological Operations shall observe, prepare, and distribute forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; develop and institute policies, and plans and procedures for operation of meteorological services; and serve as the primary channel for coordinating NWS field operations.

.03 The Office of Hydrology shall provide river and flood forecasts and warnings, and water supply forecasts; conduct research to improve river and flood forecasts and warnings; and analyze and process hydrometeorological data for use in water resource planning and operational problems.

.04 The Systems Development Office shall manage, plan, design, and develop a system to meet all meteoroligacl service requirements; develop, test, and evaluate techniques and equipment; translate research results into operational practices; and conduct studies associated with the design of the World Weather Watch.

.05 The National Meteorological Center shall provide analyses of current weather conditions over the globe and depict the current and anticipated state of the atmosphere for general national and international uses; conduct development programs in numerical weather prediction; and lead in the extension and application of advanced techniques.

.06 The Field Structure shall consist of six regions as shown in Exhibit 3. A region shall consist of a Regional Office managed by a Regional Director, and contain field offices and forecast centers reporting to the Regional Director. (A copy of Exhibit 3 is on file with the original of this document with the Office of the Federal Register.)

a. Each region shall provide weather services within its prescribed geographical area by issuing forecasts and warnings of weather and flood conditions, and shall conduct operational and scientific meteorological and hydrological programs as are assigned to it.

b. Regional Offices shall provide administrative and technical support for all NWS components in their respective regions and shall provide such services to other components of NOAA as determined to be practicable and advantageous to NOAA.

SEC. 13. *Environmental Research Laboratories.* The Environmental Research Laboratories (ERL) shall conduct an integrated program of research and services relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the solid earth so as to increase understanding of man's geophysical environment and thus provide the scientific basis for improved services. The ERL shall be organized as set forth below.

.01 Office of the Director.

a. The Director shall formulate and execute basic policies and manage ERL. He shall be immediately assisted by a Deputy Director.

b. The Office of Programs shall provide policy and management advice to the Director; lead and coordinate program planning activities, including PPBS requirements; coordinate ERL's activities with national and international scientific programs; review and evaluate current programs; develop a management information system; and provide related staff assistance to the Director.

c. The Office of Research Support Services shall provide administrative and technical services to all ERL components at Boulder, Colo., and at other locations except as otherwise specified.

.02 The Earth Sciences Laboratories shall conduct research in geomagnetism, seismology, geodesy, and related earth sciences, seeking fundamental knowledge of earthquake processes, of internal structure and accurate figure of the earth, and the distribution of its mass.

.03 The Atlantic Oceanographic and Meteorological Laboratories shall conduct research toward a fuller understanding of the ocean basins and borders, of oceanic processes, ocean-atmosphere interactions, and the origin, structure, and motion of hurricanes and other tropical phenomena.

.04 The Pacific Oceanographic Laboratories shall conduct oceanographic research toward fuller understanding of the ocean basins and borders, or oceanic processes, sea-air and land-sea interactions as required to improve the marine scientific services and operations of NOAA.

.05 The Atmospheric Physics and Chemistry Laboratory shall perform research on processes of cloud physics and precipitation and the chemical composition and nuclearing substance in the lower atmosphere. The Laboratory is NOAA's major focus for design and conduct of laboratory and field experiments towards developing feasible methods of practical, beneficial weather modification.

.06 The Air Resources Laboratories shall conduct research on the diffusion, transport, and dissipation of atmospheric contaminants, using laboratory and field experiments to develop methods for prediction and control of atmospheric pollution.

.07 The Geophysical Fluid Dynamics Laboratory shall conduct investigations of the dynamics and physics of geophysical fluid systems to develop a theoretical basis, by mathematical modelling and computer simulation, for the behavior and properties of the atmosphere and the oceans.

.08 The National Severe Storms Laboratory shall conduct studies of tornadoes, squall lines, thunderstorms and other severe local convective phenomena in order to achieve improved methods of forecasting, detecting and providing advance warning of their occurrence and severity.

.09 The Space Environment Laboratory shall conduct research in the field of solar-terrestrial physics; develop techniques necessary for forecasting of solar disturbances and their subsequent effects on the earth environment; and provide environment monitoring of forecasts, and data archival services on a continuing basis.

.10 The Aeronomy Laboratory shall study the nature of and the physical and chemical processes controlling the ionosphere and exosphere of the earth and other planets. Theoretical, laboratory, ground-based, rocket and satellite studies are included.

.11 The Wave Propagation Laboratory shall act as a focal point for the development of new methods for remote sensing of man's geophysical environment. Special emphasis shall be given to the propagation of sound waves and electromagnetic waves at millimeter, infrared and optical frequencies.

.12 The Research Flight Facility shall meet the requirements of NOAA and other interests for atmospheric and other environmental measurements from aircraft, and for outfitting and operating aircraft specially instrumented for research.

SEC. 14. *National Ocean Survey.* The National Ocean Survey (NOS) shall provide charts for the safety of marine and air navigation; provide a basic network of geodetic control; provide basic data for engineering, scientific, commercial, industrial, and defense needs; and support the quest for more fundamental knowledge of our geophysical environment. In performance of these functions, it shall conduct surveys, investigations, analyses, and research; and disseminate data in the following fields: geodesy, hydrography, oceanography, seismology, gravity, geomagnetism and astronomy. The NOS shall be organized as set forth below.

.01 Office of the Director. The Director shall formulate and execute basic policies and manage the NOS. He shall be immediately assisted by a Deputy.

.02 The Office of Geodesy and Photogrammetry shall fulfill national requirements for a system of basic geodetic control and for precise gravimetric, and global configuration and mensuration data. Towards doing that it shall establish and maintain a geodetic control network throughout the United States and a worldwide geometric network based on satellite observations; plan and direct geodetic, gravity, astronomic, earth movement, and photogrammetric and boundary surveys; make observations for variation of latitude and longitude; disseminate geodetic data; and conduct related research.

.03 The Office of Seismology and Geomagnetism shall investigate and measure seismic and geomagnetic phenomena and their relation to the state and structure of the earth; and fulfill national requirements for standardized seismic and geomagnetic data. Towards doing that it shall collect, analyze, and compile and disseminate data on a national and worldwide basis; maintain liaison with geophysicists throughout the world; and conduct related research. It shall also operate seismic sea wave warning systems.

.04 The Office of Hydrography and Oceanography shall contribute to the safety of marine navigation through nautical charting and related publications; and seek more knowledge about the states and processes of the ocean. Towards doing that it shall plan and direct hydrographic and oceanographic surveys (including current surveys) and operate a network of tide stations; process, analyze, and compile the survey data including the compilation of nautical charts; and conduct related research. It shall also make studies and conduct functions pertinent to marine boundary demarkation and related nearshore and estuary problems.

.05 The Office of Aeronautical Charting and Cartography shall contribute to the safe navigation of air commerce and provide nautical and aeronautical charts for widespread use. Towards doing that it shall collect and evaluate air navigation information and compile aeronautical chart manuscripts; print and distribute nautical and aeronautical charts; maintain liaison with interests concerned with navigation regulations and information; and conduct research in support of these programs. The Office also shall print and distribute weather charts and related documents and provide printing, reproduction and distribution services for all components of NOAA.

.06 The Office of Systems Development shall plan, design, and develop systems for the description, mapping and charting of the earth and for hydrographic and oceanographic service requirements where such systems cut across major NOS program boundaries, or when they are designated by the Director for special attention and support; develop, test, and evaluate systems and system components, including instrumentation, equipment, and related manning and operational doctrines; and translate research results into NOS operational systems.

.07 The Executive and Technical Services Staff shall provide executive assistance to the Director and technical services in support of programs throughout the NOS.

.08 The Field Structure shall consist of the following organizational elements:

a. The Atlantic and Pacific Marine Centers shall direct the operation of ocean-going survey ships; maintain ship bases at Norfolk, Miami, and Seattle; operate shore facilities for processing oceanographic data and compiling photogrammetric survey data; and manage photogrammetric field units.

b. The Mid-Continent Field Director shall direct geodetic field parties; and direct the NOS geodetic mark preservation program.

c. The Lake Survey Center shall conduct surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canal, and the Minnesota-Ontario Border Lakes, and compile and publish charts and the Great Lakes Pilot for the benefit and use of the public; shall collect data relating to the hydrologic and hydrology of the Great Lakes for use in the maintenance and control of water levels within the Great Lakes system; shall conceive, plan, and conduct research and development in the fields of water motion; water characteristics, water quantity, and ice and snow as they apply to navigation, flood and storm protection, power generation, beach erosion and shore structures; shall publish data and results of research projects in forms useful to NOAA, other agencies and the public; and shall collect, coordinate, analyze and make available to interested agencies, data relating to the Water Resources of the Great Lakes.

d. Observatories, a seismology center, tsunami warning center, and a geomagnetic center, which shall report to the appropriate program components at the headquarters of NOS.

The Atlantic and Pacific Marine Centers shall provide their own administrative support, including that required by vessels under their respective jurisdictions and, where feasible and practical, extend this support to other NOAA field units. The Mid-Continent Field Director shall obtain administrative support, as feasible, from the National Weather Service Regional Office at Kansas City. The Lake Survey Center shall provide its own administrative support. Other field elements shall receive administrative support from NOAA Headquarters.

SEC. 15. *National Environmental Satellite Service.* The National Environmental Satellite Service shall provide observations of the environment by means of satellites; increase the utilization of satellite data in the environmental sciences; establish and operate a national environmental satellite system; manage and coordinate all operational satellite programs within NOAA and certain research-oriented satellite activities with NASA and DOD. The National Environmental Satellite Service shall be organized as set forth below.

.01 Office of the Director. The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy and a Chief Space Scientist.

.02 The Office of Operations shall provide data from environmental satellites and increase the value and the use of these data; operate the environmental satellite systems; collect; process and analyze data from operational and specified research and development satellites; and develop new and improved applications of satellite data.

.03 The Office of System Engineering shall provide the planning, design, and engineering necessary to fulfill NOAA's requirements for environmental satellite systems; conduct systems design and analysis; explore possible multipurpose uses of environmental satellite systems; and perform the engineering required to implement new or modified satellite systems.

.04 The Office of Research shall improve understanding of the environment through satellite data and provide new and improved satellite measurement techniques and applications.

Effective date: March 5, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-4418 Filed 3-30-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-282; NADA Nos. 13-159V and 13-200V]

NIHYDRAZONE

Notice of Opportunity for Hearing

Notice is hereby given to Hess and Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44205, to the Norwich Pharmacal Co., Post Office Box 191, Norwich, NY 13815, and to any interested persons who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b (e)) withdrawing approval of NADA (new animal drug application) Nos. 13-195V and 13-200V with respect to nihydrazone when offered in feed for the prevention of specified conditions in chickens.

The Commissioner, based on an evaluation of new information before him with respect to such drugs together with the evidence available to him when the applications were approved, concludes that the drugs are not shown to be safe under the conditions of use upon the basis of which the applications were approved.

Information available to the Commissioner establishes that the drugs, when administered to laboratory animals, have been shown to produce tumors. The drugs are, therefore, not considered to be safe for use in the absence of appropriately sensitive methods of analysis to establish their absence in food derived from treated animals.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicants, and any interested persons who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA Nos. 13-195V and 13-200V should not be withdrawn. Promulgation of this order will cause any such preparation containing nihydrazone to be a new animal drug for which no approved new animal drug application is in effect. Any such drug or any animal feed bearing or containing such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing concerning a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why the approval of the new animal drug applications should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for the notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of this application, the Commissioner will enter an order stating his findings and conclusions on such data. If the hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. Such time shall be not more than 90 days after the expiration of said 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4388 Filed 3-30-71;8:46 am]

[Docket No. FDC-D-280; NADA No. 7801V etc.]

NITROFURAZONE

Notice of Opportunity for Hearing

Notice is hereby given to the firms listed below, and to any interested persons who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of the following listed new animal drug applications with respect to the new animal drug substance nitrofurazone for the treatment of animals:

1. Hess and Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44205; NADA Nos. 6395V, 7073V, 7801V, 8324V, 8410V, 8529V, 8784V, and 10-741V.

2. Eaton Laboratories, Division of The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815; NADA Nos. 6475V, 8129V, and 9415V.

3. E. F. Drew & Co., Farm Feed Division, Boonton, N.J. 07005; NADA No. 6649V.

4. Vet Products Co., 1524 Holmes, Kansas City, Mo. 64108; NADA No. 8142V.

5. Nopco Chemical Co., 60 Park Place, Newark, N.J. 07102; NADA No. 9013V.

The Commissioner, based on an evaluation of new information before him with respect to such drugs together with the evidence available to him when the applications were approved, concludes that the drugs are not shown to be safe under the conditions of use upon the basis of which the applications were approved.

Information available to the Commissioner establishes that the drugs, when administered to laboratory animals, have been shown to produce tumors. The drugs are, therefore, not considered to be safe for use in the absence of appropriately sensitive methods of analysis to establish their absence in food derived from treated animals.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicants, and any interested persons who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above-listed new animal drug applications should not be withdrawn. Promulgation of the order will cause any such preparation containing nitrofurazone to be a new animal drug for which no approved new animal drug application is in effect. Any such drug or any animal feed bearing or containing such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing concerning a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug applications should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for the notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and

substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. Such time shall be not more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4387 Filed 3-30-71;8:46 am]

[Docket No. FDC-D-293; NDA 10-493]

SCHERING CORP.

Metreton Tablets: Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New-Drug Application

In a notice published in the FEDERAL REGISTER of August 29, 1970 (35 F.R. 12803) (DESI 10493), Schering Corp., 60 Orange Street, Bloomfield, NJ 07003, holding new-drug application No. 10-493 for Metreton Tablets, containing prednisone, chlorpheniramine maleate, and ascorbic acid, and any interested person who may be adversely affected by removal of the drug from the market, were invited to submit pertinent data bearing on the announced intention to initiate proceedings to withdraw approval of the application. Schering Corp. submitted information on September 24, 1970. The material submitted has been evaluated and found not to provide substantial evidence of effectiveness of the fixed-combination drug.

Therefore, notice is given to Schering Corp., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 35(e)) withdrawing approval of the above-named new-drug application, and all amendments and supplements applying thereto, on the grounds that new information before the Commissioner with respect to this drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commisioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Such withdrawal of approval may cause any related drug for human use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-65, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves for the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in hear appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of facts requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 16, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4401 Filed 3-30-71;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DEPUTY ASSISTANT SECRETARY FOR COMMUNITY DEVELOPMENT

Designation

During the period of vacancy in the position of Deputy Assistant Secretary for Community Development, Warren H. Butler is designated to serve as Acting Deputy Assistant Secretary for Community Development, with all the powers, functions, and duties delegated or assigned to the Deputy Assistant Secretary for Community Development.

(Delegation of Authority from the Secretary, 36 F.R. 5004, March 16, 1971)

Effective Date. This designation shall be effective March 8, 1971.

FLOYD H. HYDE,
Assistant Secretary for Community Development.

[FR Doc.71-4441 Filed 3-30-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

REGIONAL OFFICES

Establishment and Realignment

Notice is hereby given that effective April 2, 1971, four new FAA regions will be established and the regional boundaries of existing FAA regions comprising the 48 contiguous States and the District of Columbia will be realigned, in conformance with the President's objective for establishing uniform boundaries among Federal agencies. On this date, responsibility for services related to air traffic control, airspace procedures, flight service activities, maintenance of air navigation facilities, general aviation, and airport aid and development matters, and allied services will be assigned to the new regions. The existing FAA regions will retain responsibility for the foregoing services within their new regional boundaries, and will retain responsibility for all other services within their current regional boundaries until further notice. Regional field offices and facilities will continue to serve as in the past. Most of the activities of the FAA Area Offices will be gradually phased out.

1. *New regional boundaries.* The new regional boundaries are as follows:

(a) *New England Region.* This new region will provide services in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) *Eastern Region.* The Eastern Region will continue to provide services in the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

(c) *Southern Region.* The Southern Region will provide services in the States of Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Kentucky.

(d) *Southwest Region.* Boundaries of this region are not changed. The Southwest Region will continue to provide services in the States of Arkansas, Louisiana, Oklahoma, Texas, and New Mexico.

(e) *Great Lakes Region.* The new region will provide services in the States of Michigan, Indiana, Wisconsin, Illinois, Minnesota, and Ohio.

(f) *Central Region.* This region will continue to provide services in the States of Missouri, Iowa, Nebraska, and Kansas.

(g) *Rocky Mountain Region.* This new region will provide services in the States of North Dakota, South Dakota, Montana, Wyoming, Utah, and Colorado.

(h) *Northwest Region.* This new region will provide services in the States of Washington, Oregon, and Idaho.

(i) *Western Region.* This region will continue to provide services in the States of California, Nevada, and Arizona.

2. *Transfers of responsibility for selected functions and services.* Effective April 2, 1971, responsibility for all services related to air traffic control, airspace procedures, flight service activities, maintenance of air navigation facilities, general aviation, airport activities, airport aid development matters, and allied services in the States identified will be adjusted as set out in this section. The air route traffic control centers, airport traffic control towers, flight service stations, airway facilities sectors, and general aviation district offices in the States transferred to the jurisdiction of another region will be under the jurisdiction of the latter region.

(a) These services provided in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont by the Boston Area Office, Eastern Region, will be provided by the New England Region, at Boston, Mass. These services provided in the counties in the State of New York north of Dutchess, Ulster, and Sullivan Counties by the Boston Area Office will be provided by the Eastern Region, at New York. Services provided in the State of Vermont by the General Aviation District Office in Albany, N.Y., will be provided by the General Aviation District Office in Portland, Maine.

(b) These services provided by the Cleveland Area Office, Eastern Region, in the State of Kentucky are now provided by the Southern Region (see 35 F.R. 19707); in the State of Ohio they will be provided by the Great Lakes Region at Chicago, Ill., and in western Pennsylvania by the Eastern Region.

(c) The services provided in the States of Tennessee, Alabama, Mississippi, and Florida by the Memphis and Miami Area Offices, Southern Region, will be provided by the Southern Region, at Atlanta, Ga.

(d) The services provided in the States of Arkansas, Louisiana, Oklahoma, Texas, and New Mexico by the Houston and Albuquerque Area Offices will be provided by the Southwest Region, at Fort Worth, Tex.

(e) These services provided in the States of Illinois, Indiana, and Michigan by the Chicago Area Office, Central Region, will be provided by the Great Lakes Region, at Chicago, Ill. The general aviation services provided in the Illinois counties of Madison, Monroe, and St. Clair by the Flight Standards District Office in St. Louis, Mo. will be provided by the General Aviation District Office in Springfield, Ill.

(f) These services provided in the States of Minnesota and Wisconsin by the Minneapolis Area Office, Central Region, will be provided by the Great Lakes Region, at Chicago, Ill. Services provided by the General Aviation District Office in Fargo, N. Dak. in the Minnesota Counties of Becker, Beltrami, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, Traverse, and Wilkin will be provided by the General Aviation District Office in Minneapolis, Minn.

(g) These services provided in the States of Montana, North Dakota, and South Dakota by the Minneapolis Area Office, Central Region will be provided by the Rocky Mountain Region, at Denver, Colo.

(h) These services provided in the States of Colorado, Wyoming, and Utah by the Denver and Salt Lake City Area Offices, Western Region, will be provided by the Rocky Mountain Region. The services provided in the Utah Counties of Iron, Washington, and Kane by the General Aviation District Office in Las Vegas, Nev., will be provided by the General Aviation District Office in Salt Lake City.

(i) These services provided in the States of Washington, Oregon, and Idaho by the Seattle and Salt Lake City Area Offices, Western Region, will be provided by the Northwest Region at Seattle, Wash.

(j) These services provided in the States of California and Nevada by the San Francisco and Salt Lake City Area Offices, Western Region, will be provided by the Western Region, at Los Angeles, Calif.

3. *Communications to new regions.* Correspondence and inquiries related to services and activities transferred to the New England, Great Lakes, Rocky Mountain, and Northwest Regions should be sent to the cognizant field office or, if sent to the cognizant regional headquarters, should be addressed as follows:

Director, New England Region, Federal Aviation Administration, Department of Transportation, 154 Middlesex Street, Burlington, MA 01803.

Director, Great Lakes Region, Federal Aviation Administration, Department of Transportation, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

Director, Rocky Mountain Region, Federal Aviation Administration, Department of Transportation, 10255 East 25th Avenue, Aurora, CO 80010.

Director, Northwest Region, Federal Aviation Administration, Department of Transportation, FAA Building, Boeing Field, Seattle, WA 98108.

4. *Services retained by current regions.* The Eastern, Southern, Southwest, Central, and Western Regions will provide services related to air traffic control, airspace procedures, flight service activities, maintenance of air navigation facilities, general aviation, airport activities, airport aid development matters, and allied services within their new geographical boundaries. They will also retain responsibility within their current geographic boundaries for activities not yet assigned to the new regions, until further notice. Correspondence and inquiries on activities under the jurisdiction of the current regions should be sent to the cognizant field office, or if sent to the cognizant regional headquarters, should be addressed as follows:

Director, Eastern Region, Federal Aviation Administration, Department of Transportation, JFK International Airport, New York, NY 11430.

Director, Central Region, Federal Aviation Administration, Department of Transportation, 601 East 12th Street, Kansas City, MO 64106.

Director, Southern Region, Federal Aviation Administration, Department of Transportation, Post Office Box 20636, Atlanta, GA 30320.

Director, Southwest Region, Federal Aviation Administration, Department of Transportation, Post Office Box 1689, Fort Worth, TX 76101.

Director, Western Region, Federal Aviation Administration, Department of Transportation, Post Office Box 92007 Worldway Postal Center, Los Angeles, CA 90009.

5. *FAA area offices.* Activities of the FAA area offices that are not located in FAA regional headquarters cities will be gradually phased out. Responsibility for the operating program activities (air traffic, flight standards, airway facilities, and airports) will be assumed by the program divisions of the FAA regional headquarters or by field extensions of the division. Area coordinators will be established at Washington, D.C.; Memphis,

Tenn.; Miami, Fla.; San Francisco, Calif.; Salt Lake City, Utah; Albuquerque, N. Mex.; and Houston, Tex. These Area Coordinators will be the regional directors' representative, but will have no line authority over or responsibility for the program activities at those locations. They will serve as a point of contact for visitors on FAA business who are not concerned solely with a single program area; represent the regional director on nonprogram matters in relationships with the community; and advise and assist program elements of FAA on activities that cross program lines.

(Sec. 313(a) of the Federal Aviation Act of 1958, as amended; 49 U.S.C. 1354)

Issued in Washington, D.C., on March 22, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-4407 Filed 3-30-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

Correction

In F.R. Doc. 71-2263 appearing at page 4898 in the issue for Saturday, March 13, 1971, the last line of the fourth paragraph, now reading "(60) days after 1971", should read "(60) days after February 20, 1971".

[Docket No. 50-255]

CONSUMERS POWER CO.

Notice of Issuance of Interim Provisional Operating License

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated March 22, 1971, the Atomic Energy Commission (the Commission) has issued Interim Provisional Operating License No. DPR-20 to the Consumers Power Co. (the licensee) which permits fuel loading and low-power testing of the Palisades Plant, a pressurized water nuclear reactor located on the Company's site on the eastern shore of Lake Michigan in Covert Township, Van Buren County, Mich., approximately 4½ miles south of South Haven, Mich. The reactor is designed for operation at approximately 2,200 megawatts thermal but operation, in accordance with the provisions of Interim Provisional Operating License No. DPR-20 and the Technical Specification appended thereto, is restricted to one megawatt thermal.

The Commission's regulatory staff has inspected the facility and has determined that, for fuel loading and low-power testing at power levels up to one megawatt thermal, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-25, said initial decision, the Atomic Energy Act, and the Commission's regulations. The licensee has submitted proof of financial protection in satisfaction of 10 CFR Part 140.

The license is effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon earlier issuance of a superseding provisional operating license. The matter of an initial decision authorizing issuance of such a superseding provisional operating license to permit full power operation is pending before the Atomic Safety and Licensing Board.

Copies of (1) the Initial Decision for Fuel Loading and Low-Power Testing License and (2) Interim Provisional Operating License No. DPR-20, complete with Technical Specifications, are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of the license may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th day of March 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-4392 Filed 3-30-71;8:46 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated March 23, 1971, the Director of the Division of Reactor Licensing has issued Construction Permit No. CPPR-80 to The Toledo Edison Co. and The Cleveland Electric Illuminating Co. for the construction of a pressurized water nuclear reactor, known as the Davis-Besse Nuclear Power Station, on the applicants' site on the southwestern shore of Lake Erie, in Ottawa County, Ohio, approximately 21 miles east of Toledo, Ohio. The reactor is designed for initial operation at approximately 2,633 megawatts (thermal).

A copy of the Initial Decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of Construction Permit No. CPPR-80 is also on file in the Commission's Public Document Room, or may be obtained upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, DC 20545.

Dated at Bethesda, Md., this 24th day of March 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-4393 Filed 3-30-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23172; Order 71-3-148]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of March 1971.

Effective March 28, 1971, Pan American World Airways, Inc. (Pan American)[1] proposes jointly with American Airlines, Inc. (American), Trans World Airlines, Inc. (TWA), and Western Air Lines, Inc. (Western), to establish new group inclusive tour basing fares between 12 continental U.S. points[2] and Hawaii, for groups of 154 or more passengers. The tariff rules provide that members of the group may travel individually between the point of origin and the assembly point on the West Coast, but that between the West Coast and Hawaii the group must travel together on the same aircraft. Pan American states that the proposed fares have been filed to match competitive fares and provisions.

A complaint against the proposal has been filed by Northwest requesting suspension and investigation. In summary, it is alleged that the proposal should be rejected because it has not been supported by justification as required by the Board's economic regulations and that it is not motivated by competition; that the relaxation of the travel restrictions proposed is economically destructive and contrary to the objectives of limiting diversion and improving aircraft and facilities utilization; that the proposal would result in passengers traveling overland on the identical basis as an individually ticketed passenger, which is tantamount to a drastic cut in fares for individual transcontinental travel, that the proposal features a consolidation provision more liberal than that rejected by previous Board order; and that the proposed fares are not constructed on the same basis as present fares which permit passengers to join the group only after paying a local fare to the group departure city.

Pan American has answered the complaint, asserting that these same allegations were considered and dismissed by the Board in recently permitting other carriers to establish similar fares and provisions.

Upon consideration of the tariff filing, the complaint and answer thereto and other relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposed tariff and the request therefor, and consequently the request for suspension, will be denied.

The proposed fares and provisions match existing joint fares and provisions recently permitted other carriers,[3] and Northwest's complaint does not set forth any facts not previously considered by the Board in connection with that earlier filing.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. The complaint of Northwest Airlines, Inc., in Docket No. 23172 is hereby dismissed; and

2. A copy of this order be served upon American Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4383 Filed 3-30-71;8:45 am]

[1] International Air Tariff Corp., agent, Inc., CAB No. 382.

[2] Baltimore, Boston, Chicago, Cleveland, Detroit, Hartford, Minneapolis, New York, Philadelphia, Pittsburgh, St. Louis, and Washington.

[3] Order 71-3-5.

ENVIRONMENTAL PROTECTION AGENCY

AIR POLLUTION PREVENTION AND CONTROL

List of Hazardous Air Pollutants

Section 112 of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), directs the Administrator of the Environmental Protection Agency to publish, no later than March 31, 1971, and from time to time thereafter revise, a list of air pollutants which in his judgment may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness and to which no national ambient air quality standard is applicable. Within 180 days from the inclusion of any air pollutant in the list, the Administrator is required to publish proposed regulations establishing emission standards for such pollutant together with a notice of public hearing to be held within 30 days after publication of the notice.

The Administrator, after evaluating available information, has concluded that asbestos, beryllium, and mercury are air pollutants which meet the above requirements. Evaluation of other air pollutants is being conducted and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, pursuant to section 112(b)(1)(A) of the Act, notice is given that the Administrator, after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, hereby establishes a list of hazardous air pollutants as follows.

LIST OF HAZARDOUS AIR POLLUTANTS

1. Asbestos.
2. Beryllium.
3. Mercury.

Dated: March 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4529 Filed 3-30-71;9:04 am]

AIR POLLUTION PREVENTION AND CONTROL

List of Categories of Stationary Sources

Section 111(b)(1)(A) of the Clean Air Act as amended December 31, 1970 (Public Law 91-604), directs the Administrator of the Environmental Protection Agency to publish no later than March 31, 1971, and from time to time thereafter revise, a list of categories of stationary sources which he determines may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Within one hundred and twenty (120) days after the inclusion of a category of stationary sources in such list, the Administrator is required to propose regulations establishing Federal standards of performance for new sources within such category.

The Administrator, after evaluating available information, has determined that the followig are categories of stationary sources which meet the above requirements: Contact sulfuric acid plants; fossil fuel-fired steam generators of more than 250 million B.t.u. per hour heat input; municipal incinerators of more than 2000 lbs. per hour refuse charging rate; nitric acid plants; and portland cement plants. Evaluation of other stationary source categories is being conducted, and the ilst will be revised from time to time as the Administrator deems appropriate. Accordingly, pursuant to section 111(b)(1)(A) of the Act, notice is given that the Administrator, after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, establishes a list of categories of stationary sources as follows:

LIST OF CATEGORIES OF STATIONARY SOURCES

1. Contact sulfuric acid plants.
2. Fossil fuel-fired steam generators of more than 250 million B.t.u. per hour heat input.
3. Incinerators of more than 2000 pounds per hour charging rate (municipal-type refuse).
4. Nitric acid plants.
5. Portland cement plants.

Dated: March 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4530 Filed 3-30-71;9:04 am]

FEDERAL MARITIME COMMISSION

GREAT LAKES/JAPAN RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. P. B. Dowling, Vice President, "K" Line - New York, Inc., 29 Broadway, New York, NY 10006.

Agreement No. 8595-5 is a modification of the Great Lakes/Japan's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4422 Filed 3-30-71;8:49 am]

PORT OF OAKLAND AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-1768-5, between the Port of Oakland (Port) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement which provides for the preferential assignment to Sea-Land of certain marine terminal facilities. The purpose of the modification is to revise the formula by which the Port is reimbursed by additional rental for further improvements made to the premises during the remaining term of the agreement. The formula also applies to the marine operations building completed by the Port.

Dated: March 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4423 Filed 3-30-71;8:49 am]

PORT OF SEATTLE AND FOSS-ALASKA LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violations or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. T. P. McCutchan, Manager, Property Management, Port of Seattle, Post Office Box 1209, Seattle, WA 98111.

Agreement No. T-2489, between the Port of Seattle (Port) and Foss-Alaska Line, Inc. (Line), provides for the 5-year lease of 9.3 acres of land and 1.4 acres of water area for barge loading and unloading, van stuffing and unstuffing, container repair and general offices. For the lease of this facility, the line will pay the Port a fixed annual rental in lieu of tariff charges, as well as construct $1,378,100 worth of improvements.

Dated: March 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4424 Filed 3-30-71;8:49 am]

STATES STEAMSHIP CO. AND EVERETT ORIENT LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Fensin, Rates & Conferences Department, States Steamship Co., 320 California Street, San Francisco, CA 94104.

Agreement No. 9274-2, between States Steamship Co. and Everett Orient Line, Inc., modifies the basic transshipment agreement by deleting in its entirety paragraph 7. The deleted paragraph is the agreement's variance clause, which prohibits either carrier from entering into other arrangements with other carriers in the same trade at terms at variance with Agreement No. 9274.

Dated: March 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4425 Filed 3-30-71;8:49 am]

FEDERAL POWER COMMISSION

[Dockets Nos. G-4526 etc.]

R. W. STOUGH ET AL.

Findings and Order

MARCH 23, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, dismissing applications, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors co-respondents, substituting respondents, redesignating proceedings, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

John R. Crain and Malcolm Deisenroth, Jr., applicants in Docket No. G-11959, propose to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 34. Said rate schedule will be redesignated as that of applicants. The present rate under Mobil's rate schedule is in effect subject to refund in Docket No. RI71-56 and a prior increased rate was in effect subject to refund in Docket No. RI67-272 on the effective date of transfer of producing properties. Therefore, applicants will be made co-respondents in the proceeding pending in Docket No. RI67-272 and will be substituted in lieu of Mobil as respondent in the proceeding pending in Docket No. RI71-56, and the proceedings will be redesignated accordingly.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a notice of intervention by The People of The State of California and The Public Utilities Commission of the State of California was filed in Docket No. CI71-183, and a petition to intervene by Long Island Lighting Co. was filed in Docket No. CI71-185. Said interventions have been withdrawn. No other petitions to intervene, notices of intervention, or protests to the granting of the applications have been filed.

At a hearing held on March 18, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the abandonments of service should be permitted and approved in Dockets Nos. CI67-696 and CI68-112; that the temporary certificates heretofore issued in said dockets should be terminated; and that the certificate applications filed in said dockets should be dismissed.

(8) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI69-321 should be terminated only with respect to sales made pursuant to Gulf Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 382.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI71-301 should be terminated.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John R. Crain and Malcolm Deisenroth, Jr., should be made co-respondents in the proceeding pending in Docket No. RI67-272 and should be substituted in lieu of Mobil Oil Corp. as respondent in the proceeding pending in Docket No. RI71-56 and that said proceedings should be redesignated accordingly.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rates for sales authorized in Dockets Nos. G-18044, CI67-1252, CI67-361, CI71-489, CI71-525, CI71-539, and

CI71–546 shall be the applicable area base rates prescribed in Opinion No. 586, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by applicants deviates at any time from the quality standards set forth in Opinion No. 586, so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to Section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of this order applicants in Dockets Nos. G–18044 and CI67–1252 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586. Within 90 days from the date of initial delivery applicants in Dockets Nos. CI71–489 and CI71–539 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586.

(c) Issuance of the certificate in Docket No. CI71–361 shall not be construed as constituting approval of the advance payment provisions of the contract and any such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(d) The authorization granted in Docket No. CI62–606 is subject to Opinion Nos. 546 and 546–A, and accompanying orders, specifically including those relating to rate reductions, refunds, and filings required by those orders. Applicant shall be liable, in lieu of Lawson & Bennett Inc. (Operator) et al., for any refunds ordered in Docket No. CI62–606 for sales made prior to July 23, 1964.

(e) The rate for the sale authorized in Docket No. CI62–1184 shall be 15 cents per Mcf at 14.65 p.s.i.a.

(f) The rate for the sale authorized in Docket No. CI65–1286 shall be 13 cents per Mcf at 15.025 p.s.i.a.

(g) The rate for the sale authorized in Docket No. CI70–51 shall be 17 cents per Mcf at 14.65 p.s.i.a.

(h) In Docket No. CI70–51 the provisions contained in section 6 of Article VI of the subject contract providing for a rate increase to an applicable area rate or area settlement rate will only be applicable upon Commission approval of a just and reasonable rate or settlement rate in an applicable area rate proceeding.

(i) The initial rate for the sale authorized in Docket No. CI71–183 shall be 19.6944 cents per Mcf at 14.65 p.s.i.a., subject to B.t.u. adjustment as provided in Opinion No. 468, as modified by Opinion No. 468–A, or the contract rate, whichever is less. This rate is subject to modification prospectively in the proceedings pending in Dockets Nos. R–389 and R–389–A.

(j) Within 90 days from the date of initial delivery applicant in Docket No. CI71–183 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(k) The initial rate for the sale authorized in Docket No. CI71–185 shall be 23 cents per Mcf at 15.025 p.s.i.a. This rate is subject to modification prospectively in the proceeding pending in Dockets Nos. R–389 and R–389–A and in Docket No. AR67–1 et al.

(l) The certificates issued herein in Dockets Nos. CI71–361 and CI71–185 are subject to any determination by the Commission in the proceeding pending in Docket No. R–400 with respect to take-or-pay obligations.

(E) The orders issuing certificates in Dockets Nos. G–10033, G–10686, G11863, G–18621, CI62–1184, CI65–631, CI65–1286, CI68–589, CI68–1166, and CI70–51 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(F) The authorization granted in Docket No. G–11863 in paragraph (E) above shall not be construed to relieve Applicant of any refund obligations in the proceeding pending in Docket No. RI69–347 with respect to the deletion of acreage.

(G) The orders issuing certificates in Dockets Nos. G–8592 and CI67–952 are amended by deleting therefrom authorization to sell natural gas assigned to applicants in Dockets Nos. CI71–510 and CI68–1166, respectively.

(H) The order issuing a certificate in Docket No. CI70–691 is amended to include the sales of natural gas heretofore authorized in Dockets Nos. G–3999 and G–4763; the certificates heretofore issued in the latter dockets are terminated; and the certificate and related rate schedules in Docket No. CI70–691 are redesignated from Cities Service Oil Co. (Operator) to Cities Service Oil Co. et al. (Operator).

(I) The orders issuing certificates in Dockets Nos. G–4526, G–11959, G–18044, G–19019, CI64–1103, and CI67–1252 are amended to reflect the successors in interest as certificate holders as described in the tabulation herein.

(J) The orders issuing certificates in Dockets Nos. G–16528 and CI62–606 are amended to reflect the change in operators as described in the tabulation herein.

(K) Permission for an approval of the abandonment of service by applicants, as, hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(L) Permission for and approval of the abandonments in Dockets Nos. CI67–696 and CI68–112 are granted; the temporary certificates heretofore issued in said dockets are terminated; and the certificate applications filed in said dockets are dismissed.

(M) Permission for and approval of the abandonment in Docket No. CI71–509 are granted; the certificate heretofore issued in Docket No. G–4436 is terminated only with respect to sales made pursuant to William Herbert Hunt Trust Estate FPC Gas Rate Schedule No. 1.

(N) The certificates heretofore issued in Dockets Nos. G–2668, G–4626, G–6634, G–11251, G–12411, G–12851, CI61–1101, CI64–1020, and CI67–803 are terminated.

(O) The rate proceeding pending in Docket No. RI69–321 is terminated only with respect to sales made pursuant to Gulf Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 382.

(P) The rate proceeding pending in Docket No. RI67–301 is terminated.

(Q) Permission for and approval of the abandonment of service in the following dockets shall not be construed to relieve Applicants of any refund obligations in the following proceedings:

Abandonment docket	*Refund docket*
CI67–696	CI67–696 and RI70–401.
CI71–509	G–13506, G–16643, G–19750, RI61–143, RI62–140, RI63–140, RI64–199,[1] RI65–253, RI66–125, RI67–87, RI68–178, RI69–155, and RI70–362.
CI71–511	RI65–456[1] and RI66–147.
CI71–550	RI68–100.
CI71–551	RI68–100 and RI70–350.
CI71–552	RI66–312 and Opinion No. 501.
CI71–553	RI65–534.

[1] Champlin Petroleum Co. is not relieved of any refund obligations for its sales covered by Getty Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 62 in Docket No. G–12411.

(R) John R. Crain and Malcolm Deisenroth, Jr., are made co-respondents in the proceeding pending in Docket No. RI67–272 and are substituted in lieu of Mobil Oil Corp. as respondents in the proceeding pending in Docket No. RI71–56, and said proceedings are redesignated accordingly. They shall charge and collect the rate of 16 cents per Mcf at 14.65 p.s.i.a. subject to refund in Docket No. RI67–272 for sales from December 1, 1970, through December 29, 1970, and the rate of 18 cents per Mcf at 14.65 p.s.i.a. for sales from December 30, 1970, and shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(S) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule: Description and date of document	No.	Supp.
CI65–1286 C 10–26–70 [12]	Rincon Oil & Gas Corp.	El Paso Natural Gas Co., San Juan Dakota Unit, Rio Arriba County, N. Mex.	Supplemental agreement 10–20–70 [11]	5	4
CI67–696 B 11–23–70 [13]	Texaco, Inc.	Florida Gas Transmission Co., Skipper Field, Brooks County, Tex.	Notice of cancelation 11–20–70 [2]	388	2
CI67–1252 E 1–19–71	Texas Oil & Gas Corp. (successor to J. Len Youngblood (Operator) et al.).	Northern Natural Gas Co., Laverne Field, Beaver County, Okla.	J. Len Youngblood (Operator) et al., FPC GRS No. 4	78	
			Notice of succession 1–19–71	78	1
			Assignment 10–19–70 [13]	78	2
			Assignment 10–22–70 [13]	78	
			Notice of date: 11–1–70		3
CI68–112 B 1–11–71 [14]	C. C. Winn	Oil Field Transportation, Inc., and Hydroco Gas Supply Corp., Orange Grove Field, Jim Wells County, Tex.	Notice of cancelation 1–6–71 [2]	11	
CI68–589 D 9–8–70 [15]	Jerome P. McHugh et al.	El Paso Natural Gas Co., Tapacito Pictured Cliffs, Blanco Mesaverde, Gallup, and Basin Dakota Fields, Rio Arriba County, N. Mex.	Assignment 6–8–70 [13]	3	1–6
			Assignment 9–8–70 [13]	3	2–8
CI68–1166 (CI65–1286) C 1–26–71	Franks Petroleum Inc. (Operator) et al.	United Gas Pipe Line Co., West Hyperion Field, Brevville Parish, La.	Agreement 6–19–70 [3]	9	5
CI70–51 C 12–14–70	Logue and Patterson [3].	Florida Gas Transmission Co., Kain Field, Matagorda County, Tex.	Letter agreement 9–21–70 [11]	14	6
CI70–691 (G–4763) 1–14–71 [12]	Cities Service Oil Co., et al. (Operator).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Robstown Plant, Nueces County, Tex.	(1 [2a])	320	
	do	do	(2 [2a])	321	
CI70–691 (G–3999) 1–14–71 [2a]	do	Humble Oil & Refining Co.	Contract 8–18–70 [11]	479	
CI71–183 A 9–31–70	Humble Oil & Refining Co.	Transwestern Pipeline Co., Carlsbad Field, Eddy County, N. Mex.	Contract 7–31–70	381	1
CI71–185 C 8–31–70	Shell Oil Co.	United Gas Pipe Line Co., Learned Field, Hinds County, Miss.	Letter agreement 7–31–70 [11]	381	1
CI71–361 A 10–22–70	Robert M. Hoover, Jr.	Arkansas Louisiana Gas Co., Buffalo Wallow Field, Hemphill County, Tex.	Contract 9–25–70	1	1
			Compliance 1–3–71 [2] [11]	1	1
CI71–489 A 12–23–70	Sun Oil Co.	Northern Petroleum Co., West Panhandle Field, Gray County, Tex.	Contract 11–23–70 [11]	490	
CI71–509 (G–4436) B 1–6–71	William Herbert Hunt Trust Estate.	Texas Eastern Transmission Corp., North Corrigan Field, Liberty County, Tex.	Notice of cancelation, 1–4–71 [2]	21	20
CI71–510 (G–8592) F 1–4–71	Wm. C. Huls (successor to Sun Oil Co.).	United Gas Pipe Line Co., Maxie Field, Forrest County, Miss.	Contract 3–4–55 [3]	1	1
			Letter agreement 3–10–55	1	2
			Letter agreement 3–18–55	1	3
			Letter agreement 8–23–60	1	4
			Assignment 10–19–70 [2]	1	5
			Assignment 10–7–70 [13]	1	6
			Notice of cancelation 12–31–70 [2]	62	14
CI71–511 (G–12411) B 1–4–71	Getty Oil Co. (Operator) et al.	Transcontinental Gas Pipe Line Corp., Northwest Grayday Field, Acadia and Vermillion Parishes, La.			

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule: Description and date of document	No.	Supp.
G–4526 E 1–8–71	R. W. Slough (successor to Car-Tex Producing Co.)	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Car-Tex Producing Co. FPC GRS No. 1	1	
			Supplement Nos. 1–11	1	1–11
			Notice of succession 11–1–70		12
			Assignment 11–1–70	1	
			Notice of date: 11–1–70		13
			Notice of partial cancellation 12–30–70 [2]	4	14
G–10033 D 1–4–71	Petroleum, Inc. (Operator) et al.	Cities Service Gas Co., Driftwood Field, Barber County, Kans.	Contract 7–1–70 [4 5]	9	9
G–11863 C 10–23–70 D 10–23–70 [3]	Mobil Oil Corp. (Operator) et al.	Lone Star Gas Co., Lamar Area, Carter County, Okla.	Mobil Oil Corp., FPC GRS No. 34	4	
G–11959 E 1–4–71	John R. Crain and Malcolm Deisenroth, Jr. (successor to Mobil Oil Corp.).	Cities Service Gas Co., Northeast Norman area, Oklahoma County, Okla.	Supplement Nos. 1–6	4	1–6
			Notice of succession 12–5–70	4	7
			Assignment 11–23–70	4	
			Effective date: 12–1–70		8
G–16528 E 1–4–71 [3]	Harry D. Owen (Operator) et al. (successor to Fred LaRue (Operator) et al.)	United Gas Pipe Line Co., Mule-Pistol Ridge Field, Smith et al. Counties, Miss.	Fred LaRue (Operator) et al., FPC GRS No. 2	1	
			Supplement Nos. 1–5	1	1–6
			Notice of change in operator 12–15–70 [5a]		7
G–18044 E 1–26–71	Mabee Petroleum Corp. (successor to Mabee Royalties, Inc.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Mabee Royalties, Inc., FPC GRS No. 1	1	
			Supplement Nos. 1	1	1
			Notice of succession 1–6–71	1	2
			Assignment 10–1–70	1	
			Assignment 10–1–70	1	3
G–18621 D 1–27–71	J. M. Huber Corp.	Northern Natural Gas Co., McKinney Field, Meade County, Kans.	Notice of cancellation 1–25–71 [11]	36	6
G–19019 E 1–13–71	Petroleum Equipment Leasing Co. (successor to Omega Oil Corp.).	South Texas Natural Gas Gathering Co., Hennet-Winch-Fite-Hall and Jim Hogg and Webb Counties, Tex.	Omega Oil Corp., FPC GRS No. 2	1	
			Supplement Nos. 1–6	1	1–6
			Notice of succession 1–5–71	1	7
			Assignment 10–28–70	1	
			Effective date: 3–1–70		8
CI62–606 E 1–15–71 [2a]	Emerald Oil Co. (Operator), agent for Lawson & Bennett, Inc. et al. (successor to Lawson & Bennett, Inc. (Operator) et al.).	Michigan Wisconsin Pipe Line Co., Lowell Field, St. Landry Parish, La.	Lawson & Bennett, Inc. et al., FPC GRS No. 1	3	
			Supplement Nos. 1–2	3	1–2
			Notice of succession 1–15–71		3
			Operating agreement 1–15–71	3	3
			Letter agreement 1–3–67 [9]	3	4
			Effective date: 1–1–67		21
CI62–1184 C 1–18–71 [10]	Atlantic Richfield Co. (Operator) et al.	Arkansas Louisiana Gas Co., Pittsburg County, Okla.	Supplemental agreement 11–12–69	481	
CI64–1103 E 1–8–71	Sun Oil Co. (successor to Southern Minerals Corp.).	Florida Gas Transmission Co., Edna Field, Jefferson Davis Parish, La.	Southern Minerals Corp., FPC GRS No. 3	488	
			Supplement No. 1	488	1
			Notice of succession 1–6–71		2
			Conveyance 10–1–70	488	
CI65–631 D 12–31–70	Hunt Petroleum Corp.	Northern Natural Gas Co., Laverne Gas Field, Beaver County, Okla.	Effective date: 11–1–70		
			Notice of partial cancellation 12–29–70 [11]	3	5

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule: Description and date of document	No.	Supp.
C171-522 A 1-14-71	Commonwealth Gas Corp.	United Fuel Gas Co., Union District, Jackson County, W. Va.	Contract 11-30-70 (No. 7466).	22	
C171-523 (C164-1020) B 1-14-71	Tenneco Oil Co	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss. [3]	Agreement for Cancellation 1-4-71 [4] [5]	63	2
C171-535 A 1-15-71	H. A. Pearce and A. E. Perkins.	Cities Service Gas Co., Acreage in Chautauqua County, Kans.	Contract 12-18-70	1	
C171-537 A 1-21-71	Texaco Inc	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Contract 12-21-70 [10]	452	
C171-539 A 1-22-71	Gulf Oil Corp	Arkansas Louisiana Gas Co., Southeast Ames Field, Major County, Okla.	Contract 12-15-70 [11]	422	
C171-545 (G-4284) B 1-27-71	Pan American Petroleum Corp. [20]	Mississippi River Transmission Corp., Waskom Field, Harrison County, Tex.	Notice of Cancellation 1-22-71 [12]	27	9
C171-546 A 1-27-71	William Gruenerwald (Operator) et al.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Adams Ranch Field, Meade County, Kans.	Contract 7-27-70	13	
C171-548 (C165-569) B 1-28-71	Gulf Oil Corp. (Operator) et al.	El Paso Natural Gas Co., J. L. Greenwood Well No. 1, South Penrose Skelly Unit, Langlie-Mattix and Fumont Fields, Lea County, N. Mex.	Notice of cancellation 1-27-71 [13]	[21] 382	6
C171-550 (G-6634) B 1-27-71	Sun Oil Co	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Placedo Field, Victoria County, Tex.	Notice of cancellation 1-26-71 [14]	12	15
C171-551 (G-11351) B 1-27-71	do	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Sullivan Field, Starr County, Tex.	Notice of cancellation 1-26-71 [14]	73	8
C171-552 (C161-1101) B 1-27-71	do	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Donna Field, Hidalgo County, Tex.	Notice of cancellation 1-26-71 [14]	131	4
C171-553 (G-2668) (G-12361) B 1-29-71	Cities Service Co	United Gas Pipe Line Co., Bourg Field, Terrebonne Parish, La.	Notice of cancellation 1-25-71 [15]	2	14

[1] Source of gas depleted.
[2] Effective date: Date of this order.
[3] Applicant filed Jan. 27, 1971, applicant agreed to accept permanent authorization at 15 cents.
[4] All sales subject to contract have been committed or dedicated to interstate commerce and all of such gas committed and not under the Replacement Contract has either been contracted for or is currently being sold on an interstate basis.
[5] Effective dates: Date of initial delivery (added acreage) and date of this order (deletion of acreage).
[6] Amendment to reflect the change in operator.
[7] Notice of succession states that effective Jan. 1, 1971, Amoco Production Co. succeeded Pan American Petroleum Corp. as operator of the subject properties.
[8] Conveys interest from Mateo Royalties, Inc., to The E. Commission as to such date.
[9] Conveys interest from The J. E. and L. E. Mabee Foundation, Inc., to applicant.
[10] Agreement whereby Emerald assumes all of Lamson & Bennett, Inc's, obligations as set forth in the Oct. 2, 1961 contract agreement.
[11] Contract dated Dec. 18, 1970, however, applicant states it will accept permanent authorization at 15 cents.
[12] Effective date: Date of initial delivery, applicant shall advise the Commission as to such date).
[13] Production of gas no longer economically feasible.
[14] By letter dated Jan. 19, 1971, applicant agreed to accept permanent authorization at 13 cents.
[15] Proposed abandonment is subject to the filing of a petition for abandonment authorization. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.
[16] Conveys interest from Flag-Redfern Oil Co. (formerly Redfern Development Corp.) to applicant.
[17] Original application in docket No. C165-112 sought certificate of public convenience and necessity. Applicant now requests that certificate be amended to show only the acreage actually turned under the Farmout Agreement as shown in the above assignments.
[18] By order issued June 30, 1970, in docket No. G-4284, Pan American was authorized to add acreage pursuant to application filed Apr. 20, 1970. The acreage was added pursuant to Mar. 11, 1970, Farmout Agreement previously accepted as supplement No. 6 to said rate schedule. By letter dated Jan. 19, 1971, applicant agreed to accept permanent authorization at 15 cents.
[19] Contract provides for rate of 24.25 cents/Mcf, however, applicant states it is willing to accept permanent authorization at 17 cents/Mcf, including all adjustments.
[20] Applicant is filing to include South Tex's interest formerly covered by South-Tex Corp. (Operator) et al., FPC GRS No. 1. The interest statement has been made an exhibit to Cities' FPC GRS No. 326; South-Tex's FPC GRS No. 1 is superseded thereby; and the certificate in Docket No. G-4284 will be terminated.
[21] Includes 1,382 Mcf/day of casinghead gas.
[22] Applicant is filing to include Associated Programs, Inc.'s interest formerly covered by Associated Programs, Inc., FPC GRS No. 7. The interest statement has been made an exhibit to Cities' FPC GRS No. 321; Associated's FPC GRS No. 7 is superseded thereby; and the certificate in Docket No. G-3999 will be terminated.
[23] Accepts for filing certificate issued in Docket No. G-4496, effective July 21, 1971, applicant expressed willingness to accept a permanent certificate conditioned similarly to the temporary certificate.
[24] Other sales covered under the certificate in Docket No. G-4496, therefore, the certificate in said docket will be terminated only with respect to sales made pursuant to applicant's FPC GRS No. 1.
[25] Pending a full 2.5 cents suspended in Docket No. R171-361 and never made effective, therefore, the proceeding in Docket No. R165-253 is terminated. Applicant has been collecting 3.725 cents effective subject to refund in Docket No. R170-362. Other rates subject to refund in Dockets Nos. G-4300, G-7958, G-10644, G-12958, R164-139, R165-253, R166-125, R167-87, R168-178, and R169-155.
[26] Between Sun Oil Co. and United Gas Pipe Line Co.; currently on file as Sun Oil Co. FPC GRS No. 66.
[27] Assigns acreage to a surface to depth of 4,282 feet from Sun Oil Co. to Larco Drilling & Exploration Corp.
[28] Agreement is being construed as a Rate Supplement. Corp. to Wm. C. Hinds.
[29] Agreement is being construed as a Rate Schedule covering assessed production and were assigned to Joseph Fritz in 1967. Agreement cancelling contract effective date of abandonment authorization.
[30] Now Amoco Production Co.
[31] Rate of 16.50 cents effective subject to refund in Docket No. R169-321; no money was collected under the subject docket. The proceeding in Docket No. R169-321 is terminated. Rate presently being collected under the subject docket will be terminated only with respect to sales made pursuant to applicant's FPC GRS No. 382.
[32] Production ceased Nov. 21, 1969; leases have expired.

[FR Doc.71-4284 Filed 3-30-71;8:45 am]

[Docket No. RP64-9]

CITIES SERVICE GAS CO.

Order Setting Hearing on Refunds

MARCH 24, 1971.

Midwest Industrial and Commercial Gas Users' Association (Midwest) on July 24, 1970, petitioned the Commission in the above designated proceedings for the issuance of an order (1) directing Pan American Petroleum Corp. (Pan American) to release to Cities Service Gas Co. (Cities) refunds in the amount of $1,701,129.53, plus interest, and (2) directing Cities Service to flow said refunds through to its jurisdictional customers in accordance with the principles enunciated in the Texas Eastern case.[1]

Cities Service by answer filed on August 21, 1970, agreed that the Commission should direct Pan American to release the refunds to it but denied that it should be required to pass any of the amount through to its customers. Cities Service, stating that the principles of the Texas Eastern case do not apply to these refunds, requested that the Commission set the matter down for hearing to enable it to show that it had an earnings deficiency during each of the periods within which the moneys involved were accumulated (July 1, 1962, through April 22, 1964). The City Group Gas Defense Association, the city of Springfield, Mo., and the Board of Public Utilities of Springfield, Mo., jointly on August 24, 1970, and the Missouri Public Service Commission on September 28, 1970, filed answers in support of Midwest's petition. Pan American on August 24, 1970, filed an answer stating that it should not be required to make refunds to Cities Service. Pan American urges that there have been material changes in circumstances, such as producers' need to fund gas drilling efforts, and that Midwest's petition is premature.[2] Midwest by response filed August 28, 1970, alleged that Pan American's petition is not well founded in that the aforementioned refunds were involved in the Pan American rate settlement in Docket No. G-9279.

There is no issue as to the size of the refundable amount involved. The sole issue raised is a matter of equitable entitlement to the amount. Therefore, consistent with the principles enunciated in the aforementioned Texas Eastern case and in view of the asserted claims to the instant refunds, we deem it appropriate that proceedings should be instituted to determine the appropriate disposition of the subject refundable amounts now being retained by Pan American in Docket No. G-9279. We are not by this order determining that a jurisdictional pipeline is never entitled as a matter of law or equity to retain all or any part of the refunds received from its suppliers.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that a proceeding be instituted pursuant to the provisions of sections 4, 5, 10, 14, and 16 of the Act to determine whether Cities Service is legally or equitably entitled to all or any part of the refundable amount now being retained by Pan American pursuant to orders issued in Docket No. G-9279.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 10, 14, and 16 thereof, and the Commission's rules of practice and procedure (18 CFR Ch. 1), a public hearing be held commencing with a prehearing conference on May 25, 1971, at 10 a.m., e.s.t., in a public hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, to determine the extent, if any, to which Cities Service is entitled to receive and retain all or any part of the aforementioned refundable amount now being retained by Pan American pursuant to orders issued in Docket No. G-9279.

(B) Within 45 days from the date of the issuance of this order, Cities Service shall serve its case-in-chief in this matter. Concurrently, therewith, Cities Service shall file and serve on the parties hereto a special report setting forth in detail its cost-of-service for the calendar years 1962, 1963, and 1964. In such report, Cities Service shall utilize a 6⅓-percent rate of return in determining the return component and shall otherwise reflect the results of its operations as set forth in its Form 2 applicable to the years 1962, 1963, and 1964, without "normalization" of conditions actually in effect during each such calendar year, annualizing adjustments, elimination of nonrecurring items, or averaging of recurring items varying in amounts from year to year, except that all supplier refunds received by Cities Service, which are attributable to gas purchases made during each of these 3 years and have not been passed on to its jurisdictional customers, shall be regarded as a reduction in the reported cost of purchased gas for the calendar year involved.

(C) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the aforementioned prehearing conference and otherwise control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(D) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, DC 20426, in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37(f) (18 CFR 1.8 and 1.37(f)), on or before April 9, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-4395 Filed 3-30-71;8:46 am]

[1] Texas Eastern Transmission Corp. (Docket No. RP66-12), Opinion No. 540 (39 FPC 630) and No. 540-A (40 FPC 62); Texas Eastern Transmission Corp. v. FPC., CA5 (414 F. 2d 344), cert. denied May 27, 1970 (398 U.S. 928).

[2] Pan American contends that the Commission should not consider the requests of Midwest until after the Commission has acted on the petition filed by Phillips Petroleum Co. filed on June 30, 1970, in Area Rate Proceeding, et al., Docket No. AR64-1, et al., for special relief from the refund obligation which would be required upon Commission acceptance of the settlement proposal in that proceeding.

[Docket No. RP66-4 etc.]

FLORIDA GAS TRANSMISSION CO.

Order Remanding Proceeding to Presiding Examiner for Hearing in Accordance With Court Order and Providing for Prehearing Conference

MARCH 22, 1971.

The Commission, on July 16, 1969, issued its Opinion No. 561 and Order, 42 FPC 74, determining the rate of return to be allowed Florida Gas Transmission Co. (Florida Gas) in Dockets Nos. RP66-4, RP68-1, and RP69-2. Rehearing was denied by order issued September 12, 1969, 42 FPC 649. Sun Oil Co. (Sun Oil), on November 10, 1969, filed, with the U.S. Court of Appeals for the District of Columbia Circuit, a petition for review of the Commission's Opinion and Order, but limited its appeal to the Commission's determination of rate of return in Docket No. RP66-4. The court, in a decision issued February 12, 1971 (Sun Oil Company v. Federal Power Commission, No. 23,629), reversed the Commission's rate of return determination in Docket No. RP66-4 and remanded the case to the Commission for a more complete statement of the facts and reasons bearing upon its decision in Docket No. RP66-4 and to provide Sun Oil an opportunity for hearing on the issue of rate of return in that docket.

We shall remand the proceeding in Docket No. RP66-4 to the Presiding Examiner in order to provide Sun Oil the opportunity for hearing on the issue of rate of return in that docket. To that end we shall provide for a prehearing conference to give Sun Oil, other parties and the Commission staff the opportunity to present their views to the Presiding Examiner on the substantive and procedural matters involved, including the definition of issues and the stipulation of noncontroverted facts, and to indicate whether they intend to present evidence in the remanded proceeding in Docket No. RP66-4.

The Commission orders:

(A) In accordance with the decision of the U.S. Court of Appeals for the District of Columbia Circuit, in Sun Oil Company v. Federal Power Commission, issued February 12, 1971, the proceeding in Docket No. RP66-4 is remanded to the Presiding Examiner for hearing on the issue of rate of return.

(B) The hearing shall commence with a prehearing conference to be held on April 20, 1971, at 10 a.m., e.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, for the purposes set forth herein.

(C) Presiding Examiner William L. Ellis, or any other designated by the Chief Examiner for that purpose [see Delegation of Authority, 18 CFR 3.5(d)], shall preside at the hearing in this proceeding, shall fix dates for the service of evidence and for cross-examination of witnesses, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4396 Filed 3-30-71;8:46 am]

[Docket No. E-7608]

INDIANA & MICHIGAN CO.

Notice of Amendment of Interconnection Agreement

MARCH 24, 1971.

Take notice that on February 19, 1971, Indiana & Michigan Co. (Indiana) filed with the Commission Amendment No. 2 dated February 1, 1971, to the operating agreement dated March 1, 1966, among Consumers Power Co. (Consumers), The Detroit Edison Co. (Detroit), and Indiana, designated Indiana Rate Schedule FPC No. 68.

Section 1 of Amendment No. 2 provides for an increase in the demand charge for short-term power or from $0.30 per kilowatt per week to $0.40 per kilowatt per week and a charge in the reduction of weekly demand charges in the event that the supplying party is unable to fulfill any part of its commitment from $0.06 per kilowatt per day to $0.067 per kilowatt per day for each day (except Sundays) any such reduction is in effect.

Indiana states the proposed changes indicated above are in each case the result of discussions and negotiations between the parties and reflect a desire on the part of such parties to assure that the compensation received for providing short-term power continue to be compensatory and not impose a burden on the supplying utility and its customers. Indiana contends that a service, which is (1) reciprocal, (2) subject to changing conditions, and (3) to be provided only if the party requested to supply such service is willing to provide it, must result in the realization of mutual benefits and compensation, therefore, must be reasonable in the light of current conditions and circumstances.

The stated reasons for the proposed rate increase are: (1) increases in current capital costs; and (2) increases in current installed cost of generation and transmission facilities.

Indiana also states that it cannot estimate the transactions and revenues for the next 12 months because the extent to which short-term power will be used is unknown at present.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4398 Filed 3-30-71;8:47 am]

[Docket No. E-7616]

CITIZENS UTILITIES CO.

Notice of Application

MARCH 25, 1971.

Take notice that on March 16, 1971, Citizens Utilities Co. (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term promissory notes in an aggregate principal amount not to exceed $6 million outstanding at any one time.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Arizona, Colorado, Connecticut, Hawaii, Idaho, and Vermont.

The notes are to be issued pursuant to a credit arrangement with Marine Midland Bank of New York. All notes are to be issued from time to time after April 15, 1971, having maturities of 90 days from their date of issuance, with final maturity of all notes being on or before April 10, 1972. The interest rate each note shall bear will be the New York prime commercial interest rate for 90-day notes as of the date of issuance.

The net proceeds from the sale of the notes will be used, together with other funds of the applicant, for the construction, extension, and improvement of facilities.

Any person desiring to be heard or to make any protest with reference to this application should on or before April 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petition or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4397 Filed 3-30-71;8:46 am]

[Docket No. RP71-89]

NORTHERN NATURAL GAS CO.

Order Granting Partial Reconsideration, Amending Suspension Period, Denying Stay, and Determining Abandonment Issue

MARCH 19, 1971.

Four motions for reconsideration[1] of the Commission's order issued February 26, 1971, in the above-entitled proceeding have been filed. The Commission's order had suspended for 2 months, or until April 27, 1971, the effectiveness of revised tariff sheets filed by Northern Natural Gas Co. (Northern) which would permit it to curtail up to 15 percent of contract demand deliveries in the months of April and October and to curtail up to 30 percent of contract demand during the months of May through September to assure that Northern would have sufficient volumes of gas and pipeline capacity to replenish its Redfield underground storage field. The order, in addition to providing for service of testimony and commencement of hearing, deferred a decision on the question of whether Northern was required to obtain abandonment authorization under section 7(b) of the Natural Gas Act before it could institute the curtailments.

The petitioners' motions raise a few points which were not considered by the Commission when it issued its order of February 26, 1971. The Commission believes that some revisions of the order should be made in light of the petitioners' further arguments.

First, Michigan Power and Michigan Wisconsin argue that the Commission concluded that Northern's proposal should not be suspended for the full 5-month statutory period because Northern would be able to obtain the gas required to replenish Redfield only by invoking the curtailment plan proposed in Docket No. RP71-89 under which Northern would revise the General Terms and Conditions of its Tariff by inserting a new § 9.4 to permit up to 30 percent curtailment of all customers' contract demands. However, it is a fact, as petitioners observe, that Northern, under

[1] "Motion of Northern Illinois Gas Company for Rehearing" (NI-Gas) filed Mar. 5, 1971; "Application for Rehearing by Northern Municipal Defense Group" (NMDG) filed Mar. 8, 1971; "Application of Michigan Power Company, Intervenor, for Rehearing and Stay of Order Issued February 26, 1971" (Michigan Power) filed Mar. 10, 1971; and "Application of Michigan Wisconsin Pipe Line Company for Rehearing and Reconsideration of Suspension Order" (Michigan Wisconsin) filed Mar. 12, 1971.

§ 9.2 of the General Terms and Conditions, now has the right, after discontinuance of deliveries to its direct interruptible customers, to require its utility customers to reduce their takes for large volume industrial and commercial customers (with maximum daily requirements of 200 Mcf or more) "• • • in order to protect deliveries of gas to residential, small volume commercial and industrial consumers." Northern has shown no reason why the existing curtailment provision should not be used pending a consideration of the merits of the new curtailment method which is the subject of the instant filing. Since the new § 9.4 curtailment plan would reduce deliveries in a manner different from that provided for in § 9.2, and since use of § 9.4 is not absolutely essential for Northern to obtain the volumes of gas necessary for replenishing Redfield, its effectiveness should be suspended for the full statutory period.

Inasmuch as the 5-month suspension may not provide a sufficient time within which to reach a final decision as to the justness and reasonableness of Northern's new curtailment proposal, the Commission will also require Northern, as requested in the motion filed by NI-Gas, to adjust deliveries "• • • during curtailment periods subsequent to Commission decision herein, insofar as is practicable, to provide that total deliveries to each customer during the 1971 and 1972 curtailment periods will be in accord with the allocation method finally approved." Additionally, as requested in the motion filed by NMDG, the Commission will provide in any order issued upon the filing of a motion by Northern to make the tariff sheets effective that Northern will be required to refund demand charges to the extent contract demand is curtailed if the Commission ultimately determines that an adjustment in the demand charge should have been made in connection with curtailments made effective under § 9.4.

In light of Northern's testimony to the effect that injections into Redfield must begin gradually in order to avoid damage to the aquiferous reservoir, the Commission assumes that Northern will be curtailing under the existing § 9.2 when the suspension period herein ends on July 27, 1971. If the Commission has not reached a decision herein by that time, and if Northern elects to file a motion to effectuate curtailments under § 9.4, it will be on notice that any curtailments made pursuant to that section will be subject to an obligation to adjust deliveries and refund demand charges to the extent that the Commission's final decision herein may find it necessary to disallow or adjust the curtailment plan provided for in the tariff sheets filed in Docket No. RP71-89.

NMDG, Michigan Power, and Michigan Wisconsin contend that the Commission's February 26, 1971, order erroneously deferred the decision regarding the applicability of section 7(b) of the Act to Northern's filing. They insist that the Commission must decide as a threshold question prior to the commencement of the hearing whether Northern must obtain abandonment authorization. A preliminary decision is required, they say, in order to bar a defective proceeding under section 4 in the event the Commission later determines that it should have required a filing under section 7(b). The Commission agrees that the applicability of section 7(b) is a legal decision which can be made now on the basis of the arguments advanced in the motions for reconsideration.

As the Commission noted on page 7 of its February 26, 1971, order, there is merit to Northern's contention that it need not file an abandonment application in order to obtain permission to change its curtailment procedure in the event of a gas shortage. Northern's filing in this proceeding under section 4 of the Act has given its customers notice of the plan under which curtailments are proposed to be made and an opportunity to oppose the plan in proceedings before the Commission. The chance of irreparable injury is reduced, as hereinbefore indicated, by a full statutory suspension and the requirements herein imposed with respect to adjustments in deliveries and refund of any demand charges collected which may later be found to be unjustified.

In the instant case Northern does not seek permission to stop selling gas to any of its customers on a permanent basis. It is simply alleging that its gas supply and pipeline capacity are inadequate to permit it to supply its customers' full contract quantities during the summer and also to allow it to refill its Redfield underground storage reservoir so that it will be able to meet those same customers' requirements this coming winter. In view of the fact that Redfield supplies up to 388,000 Mcf. of Northern's peak-day requirements, all of its customers are dependent upon Northern's ability to rely upon Redfield. It is appropriate that a curtailment plan be established to deal with emergencies of the type described in Northern's filing. The Commission finds that the proposal of Northern is a change in service which is a permissible filing under section 4 of the Act.

In granting the petitioners' requests that Northern's proposal be suspended for the full statutory period and by indicating now that if Northern elects to make the proposal effective by motion on or after July 27, 1971, it will be required to adjust deliveries and make refund of demand charges pursuant to the Commission's final decision herein, the Commission has granted in full NI-Gas' request for relief and NMDG's third alternative request for relief.

The Commission finds it necessary to deny Michigan Wisconsin's motion for reconsideration to the extent[2] that the order herein declines to provide that Northern cannot make the new § 9.4 curtailment procedure effective at the end of the suspension period. The Commission is still of the opinion, for the reason given on pages 8 and 9 of the February 26, 1971 order, that Northern had a right under section 4 of the Act to file the proposed change in the General Terms and Conditions of its tariff and that the proposal cannot be suspended for longer than 5 months.

There remains for consideration the primary point raised by Michigan Power. It contends that the Commission erred in not granting its motion to reject Northern's filing. If the Commission will not vacate that portion of its February 26, 1971 order denying its motion to reject Northern's filing, Michigan Power requests that the Commission stay the effectiveness of Northern's proposal pending judicial review.

In Virginia Petroleum Jobbers Ass'n v. F.P.C., 259 F. 2d 921, 925 (D.C. Cir. 1958), the court set forth the following criteria for evaluating the merits of a motion for stay:

• • • (1) Has the petitioner made a strong showing that it is likely to prevail on the merits of its appeal? • • • (2) Has the petitioner shown that without such relief, it will be irreparably injured? • • • (3) Would the issuance of a stay substantially harm other parties interested in the proceedings? • • • (4) Where lies the public interest? • • •

The Commission has already indicated in its February 26, 1971, order that Northern's service agreements, rate schedules, and tariff contain provisions which allow it to file the proposed tariff sheets under the principles set forth by the Supreme Court in United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958). Consequently, the Commission does not think that Michigan Power is likely to prevail on the merits of its appeal.

Michigan Power alleges that it will be irreparably injured because "[e]ven if the Commission were subsequently to authorize Northern to deliver 'make up' volumes for those withheld, there is no assurance that the market could absorb such 'make up' volumes, because sales once foregone cannot be recouped with subsequent increased gas availability." As hereinbefore noted, the Commission will condition Northern's curtailment

[2] Michigan Wisconsin also requested that the dates fixed in the Feb. 26, 1971 order for the filing of testimony and commencement of hearing be extended, but, as the petitioners note, Congress intended for the Commission to culminate investigations and hearing and issue a final decision within the 5-month suspension period if possible. Extensions of the dates fixed in the Feb. 26, 1971, order would not, therefore, be appropriate in a case where many parties are alleging economic loss and asking that a Commission decision be issued prior to the end of the suspension period.

proposal, if made effective, on both gas adjustments and possible refund of demand charges. Consequently, Michigan Power will be protected to the extent possible by this and future Commission orders to be issued in this proceeding. Moreover, as the court in the Jobbers case pointed out (259 F. 2d at 925):

> • • • Mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough. The possibility that adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation, weighs heavily against a claim of irreparable harm. • • •

Without in any way intending to prejudge the merits of curtailments which might be made under the proposed § 9.4 compared with curtailments which might be made under the existing § 9.2, it is a fact, as noted on page 4 of the February 26, 1971, order, that the petitions to intervene of 14 parties appeared to favor curtailments under § 9.4. It would seem therefore that some of Northern's customers are not favorably disposed to the curtailments under § 9.2 which Northern now has a right to impose. As indicated in the February 26, 1971, order, the primary public interest consideration is that gas be obtained for replenishing Northern's underground storage field so that a supply of gas for space heating will not be endangered for the 1971–72 winter period. If there are inequities in the application of curtailments under § 9.2, those inequities should be brought forth in an immediate open hearing so that the Commission can ultimately determine whether any curtailments are required, and if so, whether they should be made under § 9.2 or § 9.4, or by means of a modification of one or both of those sections. In view of the foregoing considerations, the Commission concludes that Michigan Power's request for stay pending judicial review should be denied.

The February 26, 1971, order permitted intervention by all parties which had filed petitions to intervene. Subsequent to the issuance of that order untimely notices of intervention were filed by the Iowa State Commerce Commission and the Illinois Commerce Commission. It appears that these late notices of intervention should be accepted.

The Commission finds:

(1) The assignments of error and grounds for reconsideration set forth in the motions for reconsideration filed by NI-Gas, NMDG, Michigan Power, and Michigan Wisconsin present no facts or legal principles which would warrant any change in or modification of the Commission's order issued February 26, 1971, except to the extent reconsideration has hereinbefore been discussed and is hereinafter granted.

(2) Good cause exists to permit the late filing of the notices of intervention of the Iowa State Commerce Commission and the Illinois Commerce Commission.

The Commission orders:

(A) The motions for reconsideration of the order issued February 26, 1971, filed by NI-Gas, NMDG, Michigan Power, and Michigan Wisconsin are denied except to the extent that reconsideration has been hereinbefore discussed and is hereinafter ordered.

(B) Northern is not required to obtain abandonment authorization under section 7(b) of the Natural Gas Act for the reasons hereinbefore stated; therefore, the Commission's order issued February 26, 1971, is amended to delete paragraph (I) therefrom.

(C) The request by Michigan Wisconsin for extending the dates within which testimony shall be served and commencement of hearing shall begin is denied.

(D) Michigan Power's request for stay pending judicial review is denied.

(E) Paragraph (C) of the Commission's order issued February 26, 1971, is amended by substituting the date of July 27, 1971, for April 27, 1971, as the terminal suspension date of Northern's proposed revised tariff sheets and Northern is hereby notified that if it files a motion to make such tariff sheets effective, any curtailments made pursuant to those tariff provisions will be subject to (1) adjustment after Commission decision herein, insofar as is practicable, to provide that total deliveries to each customer during the 1971 and 1972 curtailment periods will be in accord with the allocation method finally approved, and (2) refund of any demand charges associated with curtailments of contract demands if the Commission ultimately modifies or disallows Northern's proposal to make no adjustments in demand charges.

(F) The Commission's order issued February 26, 1971, shall remain in full force and effect except to the extent modified and amended herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4394 Filed 3-30-71;8:46 am]

[Docket No. CP71-220]

OKLAHOMA NATURAL GAS CO.

Notice of Application

MARCH 25, 1971.

Take notice that on March 17, 1971, Oklahoma Natural Gas Co. (applicant), Post Office Box 871, Tulsa, OK 74102, filed in Docket No. CP71-220 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of an interconnection between applicant's A-50 line and a 26-inch pipeline of Natural Gas Pipeline Company of America (Natural), located in Grady County, Okla., and the operation of a measuring station for the sale of natural gas to Natural on a best-efforts basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been advised by Natural of a need for additional volumes of natural gas to meet existing contractual requirements. Applicant anticipates that from time to time over the next 2-year period, it will have volumes of natural gas which it will be able and willing to make available to Natural to help alleviate this gas supply problem.

Applicant also states that it is exempt from regulation by the Federal Power Commission under the provisions of section 1(c) of the Natural Gas Act and proposes this sale for resale of natural gas in interstate commerce subject to the following conditions: (1) Applicant's facilities will continue to be exempt from Commission regulation; (2) sales to applicant by independent producers and other suppliers from whom applicant purchases natural gas remain exempt from Commission regulation; (3) that applicant be relieved from any accounting or reporting requirement to the Commission, although applicant states that it would be willing to furnish data showing the volumes sold and price paid for said gas pursuant to this proposed sale; and (4) that the sale automatically terminate, without further order by the Commission 2 years after commencement thereof.

Applicant further states that the selling price for the sales proposed herein will be 21 cents per Mcf, adjusted to reflect changes in applicant's average cost of purchased gas, increases in taxes and B.t.u. adjustments.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4399 Filed 3-30-71;8:47 am]

[Project No. 1759]

WISCONSIN-MICHIGAN POWER CO.

Notice of Application for New License for Constructed Project

MARCH 25, 1971.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a, 825r) by Wisconsin-Michigan Power Co. (correspondence to: Mr. John K. Babbitt, Vice President and General Manager, Wisconsin-Michigan Power Co., 807 South Oneida Street, Appleton, WI 54911) for its constructed Way, Peavy Falls and Twin Falls, Project No. 1759 located on the Michigamme and Menominee Rivers in the counties of Iron and Dickinson (Michigan) and Florence (Wisconsin). The project affects land and navigable waters of the United States.

The constructed project consist of:

(A) *Michigamme Reservoir (Way Dam) and Way Plant.* (1) A dam located on the Michigamme River comprised of a concrete arch section with a maximum height of 50 feet above streambed, earth embankment sections, a concrete dike, and a concrete gravity spillway section at the south abutment of the dam with three Tainter gates; (2) a reservoir with a normal pool at elevation 1,374 feet (m.s.l.) having a storage capacity of 119,950 acre-feet and a surface area of 7,000 acres; (3) a powerhouse immediately below the dam having a single 1,800 kw. generating unit; (4) transmission facilities consisting of 4 kv. generator leads and connections to the adjacent 4/69 kv. 2,000 kv.-a step-up substation, and the 8-mile long Way-Crystal Falls 69 kv. transmission line; (5) all other facilities and interests appurtenant to operation of the project.

(B) *Peavy Falls.* (1) A dam located on the Michigamme River comprised of a multiple-arch concrete section about 75 feet in height above stream bed, a concrete gravity spillway section at the right abutment with three Tainter gates, an intake section, and concrete gravity sections at each abutment; (2) reservoir with normal pool at elevation 1,285 feet (m.s.l.) having a storage capacity of 34,250 acre-feet and a surface area of 3,160 acres; (3) a concrete lined tunnel about 750 feet long extending from the dam to a surge tank and thence two penstocks to the powerhouse, (4) a powerhouse containing two 6,000 kw. generating units; (5) transmission facilities consisting of 6.9 kv. generator leads and connections to the nearby 6.9/69 kv. substation, the 3-mile long Peavy Falls-Brule 69 kv. transmission line, and the 8-mile long Peavy Falls-Randville 69 kv. transmission line; and (6) all other facilities and interests appurtenant to operation of the project.

(C) *Twin Falls.* (1) A dam located on the Menominee River comprised of a concrete gravity spillway section about 40 feet in height above stream bed, with ten 14 x 14 foot Tainter gates, a gravity section extending to the west abutment, a secondary spillway and channel west of the dam, and a gravity section on the east; (2) a canal about 200 feet long; (3) a reservoir with normal headwater at elevation 1,114 feet (m.s.l.) have a surface area of 1,120 acres; (4) a powerhouse with five generating units having a total installed capacity of 6,144 kw.; (5) transmission facilities consisting of 6.9 kv. generator leads and connections from the powerhouse to the outdoor step-up transformer, the 6.9/69 kv., 6,000 kv.-a. step-up transformer; and (6) all other facilities and interests appurtenant to operation of the project.

According to the application: (1) The project power is used in Applicant's interconnected transmission and distribution system for ultimate delivery to its customers in Michigan and Wisconsin; (2) the estimated net investment in the project is about $2,300,000 as of June 30, 1970 which is less than applicant's estimated fair value; (3) the severence damage in the event of "takeover" by the United States is $3,285,500; (4) annual taxes paid to State and local government agencies are estimated to be $229,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4400 Filed 3-30-71;8:47 am]

[Docket No. CP71-232]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

MARCH 29, 1971.

Take notice that on March 26, 1971, Midwestern Gas Transmission Co. (applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP71-232 an application pursuant to section 3 of the Natural Gas Act for authorization to import natural gas from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authorization to import up to 9,000,000 Mcf of additional natural gas, during the period from March 20, 1971, to November 1, 1971, through existing facilities at the international boundary near Emerson, Manitoba. Applicant states that this natural gas will be purchased from Trans-Canada Pipe Lines Ltd. on a best-efforts basis at a rate of 34 cents per Mcf, for resale to Michigan Wisconsin Pipe Line Co. and other of its northern customers requiring additional volumes of natural gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4488 Filed 3-30-71;8:51 am]

OFFICE OF EMERGENCY PREPAREDNESS

MISSISSIPPI

Amendment to Notice of Major Disaster

The Counties of:

Hinds.	Perry.
Jasper.	Stone.
Jones.	

Notice of Major Disaster for the State of Mississippi, dated February 26, 1971, and published March 5, 1971 (36 F.R. 4450), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 22, 1971:

Dated: March 25, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-4382 Filed 3-30-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1102]

DEVELOPERS SMALL BUSINESS INVESTMENT CORP.

Notice of Proposal to Terminate Registration

MARCH 24, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that Developers Small Business Investment Corp. (Developers), c/o Struthers Capital Corp., 630 Fifth Avenue, New York, NY 10020, a registered closed-end, nondiversified, management investment company has ceased to be an investment company.

Commission records disclose that, pursuant to a proxy statement and shareholder approval, substantially all the assets and all the liabilities of Developers have been acquired by Struthers Capital Corp. and that Developers is not conducting any business.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than April 14, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon emerging at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4376 Filed 3-30-71;8:45 am]

[812-2823]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

MARCH 23, 1971.

Notice is hereby given that E. I. du Pont de Nemours & Co., Wilmington, DE 19898 (Applicant), a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of 17(a), the proposed grant of an exclusive license under a U.S. Patent application (and foreign counterparts) to Digilab, Inc. (Digilab), a wholly owned subsidiary of Block Engineering, Inc (Block). All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

Christiana Securities Co. (Christiana), a registered closed-end investment company, owns approximately 28.5 percent of the outstanding common stock of Applicant, which in turn owns approximately 33 percent of the outstanding common stock of Block. Under section 2(a)(9) of the Act, Applicant, Block, and Digilab are presumed to be controlled by Christiana and under section 2(a)(3) of the Act, are also affiliated persons of Christiana.

The proposed transaction involves Applicant's granting of an exclusive license on a U.S. Patent application (and foreign counterparts) to Digilab, and any sublicensee of Digilab, who agrees to be bound by the terms of the agreement between Applicant and Digilab, so that Digilab can make and sell optical thickness gauges, used in measurement of film thickness.

Digilab has agreed to pay Applicant, in consideration for the granting of this exclusive license, a royalty of 5 percent of the "net selling price", as described in the application, for the first $250,000 of net sales of the apparatus covered by the patent, plus a declining percentage of such price for net sales over $250,000. Total royalty payments to Applicant are not expected to exceed $200,000 during the life of the license. In the event that the amount of royalties paid by Digilab to Applicant for an annual period is less than $10,000, then Applicant has the option, at any time, to convert the exclusive license into a nonexclusive license, or terminate all rights and licenses granted to Digilab and any sublicensee of Digilab.

Applicant represents that the terms of the proposed transaction were negotiated on an arms-length basis, and are reasonable to both Applicant and Digilab. Applicant considered, in determining the terms of the agreement, the nature of the invention, its stage of development, the anticipated extent of use of the invention, and its prospective profitability.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company, or an affiliated person of such a person, to purchase any security or other property from such registered company, or from any company controlled by such registered company.

Section 17(b) provides that a proposed transaction may be exempted from the provisions of section 17(a) upon application if the Commission finds that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, not later than April 15, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4377 Filed 3-30-71;8:45 am]

[81-20]

MENOMINEE ENTERPRISES, INC., AND TRUSTEES OF MENOMINEE COMMON STOCK AND VOTING TRUST

Notice of Application and Opportunity for Hearing

MARCH 24, 1971.

Notice is hereby given that Menominee Enterprises, Inc. (Enterprises), and the Trustees of the Menominee Common Stock and Voting Trust (Trustees) have filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the Act) for an extension of an order of the Commission dated May 26, 1965, that Enterprises and the Trustees be exempted from the provisions of sections 12(g), 13, 14, and 16 of the Act until sixty (60) days before the certificates of beneficial interest (trust certificates) become alienable on January 1, 1974.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting, interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of its fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons.

Section 12(h) of the Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions under sections 13, 14, and 15(d) and any officer, director or beneficial owner of 12(g) registered securities of any issuer from the insider trading provisions of section 16 of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

Section 13 of the Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission. Section 14 requires that issuers of securities registered pursuant to section 12 must comply with certain requirements with respect to proxy solicitations.

Section 16 imposes certain ownership reporting requirements upon the beneficial owners of more than 10 percent of a class of equity security registered pursuant to section 12 and upon officers and directors of the issuer of such security.

The application of Enterprises and the Trustees states, in part:

1. Enterprises is a Wisconsin corporation formed in February 1961, to receive from the U.S. Government and to operate extensive forest and other tribal properties pursuant to the plan for the future control of Menominee Indian Tribal Property and Future Service Functions (the Termination Plan) as negotiated between the Menominee Indian Tribe of Wisconsin (Tribe), Federal congressional committees, the Department of the Interior and its Bureau of Indian Affairs, and the Attorney General, Legislative Council, and other public officers and agencies of the State of Wisconsin, in order to carry out the congressional policy of termination of Federal supervision over the property and members of the Tribe in accord with Public Law 399—83d Congress.

2. The properties of Enterprises consist of the tribal lands and property held in trust by the Government of the United States at April 30, 1961, the date of termination of Federal supervision. In area this was approximately 365 square miles of land formerly known as the Menominee Indian Reservation and now constituting Menominee County of the State of Wisconsin. The land is principally forest land and the economy of the area is principally forestry. The properties also include a sawmill operated for many years by the Tribe under Federal supervision. Enterprises was formed to assure conformity with the purpose that the valuable timber assets would be operated as a whole on the sustained-yield basis and thereby contribute as much as possible to employment and economic and living conditions in the area. This could not have been possible if the lands and assets had been fragmented by conveyance and distribution directly to tribal members.

3. Pursuant to the Termination Plan, the rights of tribal members in Enterprises were evidenced initially by $9,538,346.06 of 4 percent Income Bonds due December 1, 2000, and 327,000 shares of common stock, $1 par value per share, which represent the only securities which it has had or expects to have outstanding. All 327,000 shares of the common stock were issued by Enterprises in 1961 directly to the Trustees elected by the Tribe. The Trustees in turn then issued trust certificates to the 3,270 members of the Tribe (1954 Tribal Rule) or their heirs.

4. The board of directors of Enterprises consists of nine persons of whom four are required to be Tribal members. They are elected by the Trustees as holders of all outstanding common stock. The seven Trustees, of whom four are required to be Tribal members, are elected for 7-year, staggered terms (one each year) at the annual meeting of holders of the trust certificates, with vacancies being filled by the remaining Trustees.

5. On May 26, 1970, the trust agreement, which had previously provided that the trust certificates could not be transferred prior to January 1, 1971, was amended to provide that the trust certificates could not be transferred until January 1, 1974. The beneficiaries of trust certificates representing a majority of the shares of stock held by the Trustees have consented in writing to such amendment. Furthermore, the extension of restrictions on alienability have been authorized by Chapter 483, Laws of 1969, amending section 231.45, Wisconsin Statutes. In addition, the subject extension was approved by the Commissioner of Securities of the State of Wisconsin on December 23, 1970.

6. Enterprises and the Trustees furnish full information on its business operations to holders of the trust certificates by transmitting an annual report to them. This information is also fully available to the numerous public bodies of the State of Wisconsin who have concern with the success of Enterprises. The financial and business affairs of Enterprises are under continuous and close scrutiny by interested public authorities in Wisconsin.

7. Enterprises and the Trustees have waived a hearing in connection with the matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the Offices of the Commission at 500 North Capitol Street NW., Washington, DC 20549.

Notice is further given that any interested person not later than April 12, 1971, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4378 Filed 3-30-71;8:45 am]

[70-5005]

POTOMAC EDISON CO. ET AL.

Notice of Proposed Increase in Authorized Capital Stock and Issue and Sale of Common Stock by Subsidiary Companies, and Acquisition and Pledge Thereof by Holding Company

MARCH 24, 1971.

Notice is hereby given that the Potomac Edison Co. (Potomac Edison), Downsville Pike, Hagerstown, MD 21740, an electric utility company and a registered holding company, and its subsidiary companies, the Potomac Edison Company of Pennsylvania (PE-Pa.), the Potomac Edison Company of Virginia (PE-Va.), and the Potomac Edison Company of West Virginia (PE-W. Va.), have filed an application-declaration with this

Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. Potomac Edison is a subsidiary company of Allegheny Power System, Inc., also a registered holding company. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

PE-Pa. proposes to amend its charter to increase the authorized shares of its capital stock by the number shown below; PE-Pa., PE-Va., and PE-W. Va. (Subsidiary Companies) propose to issue and sell additional shares of their authorized and unissued capital stocks; and Potomac Edison proposes to acquire such shares, in each case in the amounts and for the consideration shown below:

Subsidiary company and title of issue	Proposed increase in authorized shares	Proposed issuance of shares	Cash consideration
PE-Pa.: capital stock, no par, stated value $5 per share	282,000	400,000	$2,000,000
PE-Va.: common stock, par value $100 per share	-------	22,000	2,200,000
PE-W.Va.: common stock, par value $100 per share	-------	17,000	1,700,000

The application-declaration states that funds derived from the proposed issuance and sale of capital stock will be used by each of the Subsidiary Companies to finance necessary property additions and improvements. Construction expenditures for 1971 are estimated to be $2,785,400 for PE-Pa., $3,568,700 for PE-Va., and $3,337,150 for PE-W.Va.

Potomac Edison now owns all the outstanding shares of capital stock of each the Subsidiary Companies, and such shares are pledged under the Indenture of Potomac Edison dated as of October 1, 1944, as supplemented, securing its First Mortgage and Collateral Trust Bonds. The filing states that the additional shares proposed to be acquired by Potomac Edison will be issued by the Subsidiary Companies from time to time as necessary prior to December 31, 1971, and on issuance will be pledged by Potomac Edison under said Indenture in accordance with the requirements thereof.

The application-declaration states that the Pennsylvania Public Utility Commission has jurisdiction over the issuance of the stock of PE-Pa.; the State Corporation Commission of Virginia has jurisdiction over the issuance and acquisition of the stock of PE-Va.; and the Public Service Commission of West Virginia has or asserts jurisdiction over the acquisition of the stocks of the Subsidiary Companies. Appropriate orders of these Commissions are to be filed by amendment. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $3,500, including legal fees of $300.

Notice is further given that any interested person may, not later than April 17, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4379 Filed 3-30-71;8:45 am]

SMALL BUSINESS ADMINISTRATION

GARDEN STATE SMALL BUSINESS INVESTMENT CO.

Notice of License Surrender

Notice is hereby given that Garden State Small Business Investment Co. (Garden State), 385 Northfield Avenue, West Orange, N.J. 07052, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107).

Garden State was licensed as a small business investment company on June 8, 1961, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the Regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises derived therefrom are canceled.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 22, 1971.

[FR Doc.71-4389 Filed 3-30-71;8:46 am]

FAIRCON INVESTORS CORP.

Notice of Surrender of License To Operate as a Small Business Investment Corporation

Notice is hereby given that Faircon Investors Corp., Stamford, Conn., incorporated under the laws of the State of Connecticut on November 27, 1961, has surrendered its license (Number 01/02-0114) issued by the Small Business Administration on January 30, 1962.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Faircon Investors Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: March 22, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-4390 Filed 3-30-71;8:46 am]

FUTURA CAPITAL CORP.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) under the name of Futura Capital Corp., 4218 Roosevelt Way NE., Seattle, WA 98105, for a license to operate in the State of Washington as a small business investment company under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers and directors are:

John M. Goodfellow, 4218 Roosevelt Way NE., Seattle, WA 98105, President and Director.

Marilou P. Goodfellow, 4218 Roosevelt Way NE., Seattle, WA 98105, Vice President and Director.

Jerome M. Johnson, 2920 Seattle First Bank Building, Seattle, WA 98104, Secretary-Treasurer and Director.

The company will begin operations with an initial capitalization of $153,000. Virtually, all the outstanding stock will No concentration in any particular inbe held by Mr. and Mrs. Goodfellow. dustry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily within the State of Washington but with eventual extension of its activities to other surrounding States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than ten (10) days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Seattle, Wash.

Dated: March 23, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-4391 Filed 3-30-71;8:46 am]

TARIFF COMMISSION

[337-29]

ARTICLES COMPRISED OF PLASTIC SHEETS HAVING AN OPENWORK STRUCTURE

Notice of Investigation and Date of Hearing

A complaint was filed with the Tariff Commission July 28, 1970, on behalf of Ben Walters, Ben Walters, Inc., and Kage Co., Inc., alleging unfair methods of competition and unfair acts in the importation and sale of certain articles comprised of plastic sheets having an openwork structure produced by means of a process embraced within the claims of U.S. Patent No. 2,761,177 owned by the complainant Ben Walters. The complaint alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Sterling Novelty Products, Division of Glovemakers, Inc., 2701 Milwaukee Avenue, Chicago, IL, has been named as an importer of the subject products. Having conducted in accordance with § 203.3 of the Commission's rules of practice and procedure (19 C.F.R. 203.3) a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on March 18, 1971; Ordered:

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of the said articles comprised of plastic sheets having an openwork structure.

(2) A public hearing in connection with the investigation to be held in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on May 18, 1971, at which hearing all parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation.

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for August 8, 1970 (35 F.R. 12683) and the complaint was served on the party named in the complaint and has been available for inspection by interested persons continuously since issuance of the notice, at the Office of the Secretary, located in the Tariff Commission Building, and also in the New York City Office of the Commission, located in Room 437 of the Customhouse.

Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Issued: March 26, 1971.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-4412 Filed 3-30-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF COMMON CARRIER INTRASTATE APPLICATIONS

MARCH 26, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No MC 4485 (Sub-No. 5), filed January 6, 1971. Applicant: WAVERLY TRANSFER COMPANY, INC., 111 Tredco Drive, Nashville, TN 37211. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, TN 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except household goods, commodities in bulk, and articles requiring special equipment, serving all points and places in Humphreys County, Tenn., other than those located on U.S. Highway 70, as off-route points in conjunction with applicant's existing authority contained in certificates Nos. 219, 219-A, 219-B, and 219-F. Both intrastate and interstate authority sought.

HEARING: April 7, 1971, at 9:30 a.m., at the Commission's Court Room C-1-110 Cordell Hull Building, Nashville, TN. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-4436 Filed 3-30-71;8:50 am]

[Notice 672]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 26, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No MC-FC-72734. By order of March 15, 1971, the Motor Carrier Board approved the transfer to Charles R. Steger and Susan A. Steger, a partnership, doing business as Prescott Transfer & Storage Co., Prescott, Ariz., of Certificate of Registration No. MC-98699 (Sub-No. 2) issued May 20, 1965, to Donald G. Randall, and Dorothy M. Randall, a partnership, doing business as Prescott Transfer & Storage Co., Prescott, Ariz. Ronald V. Meeks, Registered Practitioner, 100 West Camelback Road, Phoenix, AZ, representative for applicants.

No. MC-FC-72740. By order of March 24, 1971, the Motor Carrier Board approved the transfer to Donald E. Hirtle Transport Ltd., Blockhouse, Lunenburg County, Nova Scotia, Canada, of the operating rights in Permit No. MC-129074 and Certificate No. MC-127892 issued August 25, 1967, and September 6, 1967, respectively, to Delta Transport Ltd., Blockhouse, Lunenburg County, Nova Scotia, Canada, authorizing the transportation of fresh and processed fish, from ports of entry on the United States-Canada boundary line at or near Calais and Houlton, Maine, to Bangor, Maine, Boston, Gloucester, Worcester, and Springfield, Mass., Providence, R.I., Hartford, New Haven, and Bridgeport, Conn., New York, N.Y., and Philadelphia and Pittsburgh, Pa.; fish packaging supplies and trawler equipment and machinery, from Boston and Gloucester, Mass., and New York, N.Y., to ports of entry on the United States-Canada boundary line

at or near Calais and Houlton, Maine; and bananas, and fresh fruits and vegetables when moving in the same vehicle with bananas, from Boston, Mass., to the above-described destination points. Dual operations were authorized. Francis E. Barrett, Jr., 536 Granite Street, Braintree, MA 02184, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4437 Filed 3-30-71;8:50 am]

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 26, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 89723 (Deviation No. 18) (Correction), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103, filed February 23, 1971, and published in the FEDERAL REGISTER issue of March 10, 1971. Inadvertent errors appear in the description of applicant's described service route appurtenant to the proposed deviation route, and the correct description of the pertinent service route is as follows: from junction U.S. Highway 67 and Missouri Highway 110 over Missouri Highway 110 to De Soto, Mo., thence over Missouri Highway 21 to junction Missouri Highway 8 (at or near Potosi, Mo.), thence over Missouri Highway 8 to junction County Road "M" (at or near Leadwood, Mo.), thence over County Road "M" to junction County Road "BB", thence over County Road "BB" to junction Missouri Highway 32, thence over Missouri Highway 32 to Bismarck, Mo., thence over Missouri Highway 32 to junction County Road "N", thence over County Road "N" to junction County Road "W", thence over County Road "W" to junction Missouri Highway 21, thence over Missouri Highway 21 to junction Missouri Highway 49, thence over Missouri Highway 49 to Piedmont, Mo., thence over Missouri Highway 34 to junction Missouri Highway 49, thence over Missouri Highway 49 to junction U.S. Highway 67 (near Williamsville, Mo.), and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4438 Filed 3-30-71;8:50 am]

[Notice 23]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 26, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 2110 (Sub-No. 5) (Republication), filed August 7, 1970, published in the FEDERAL REGISTER issue of September 3, 1970, and republished this issue. Applicant: BOWLUS TRUCKING CO., INC., 1000 Wolf Avenue, Fremont, OH 43420. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. The modified procedure has been followed and an order of the Commission, Operating Rights Board, dated March 8, 1971, and served March 22, 1971, finds: That operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of automotive brake parts and assemblies, and parts used in the manufacture thereof, and coolants (other than in bulk), between points in Rice Township (Sandusky County), Ohio, on the one hand, and, in the other, points in the lower peninsula of Michigan, under a continuing contract with Kelsey Wheel, Drum and Brake Division of Kelsey Hayes Co. of Romulus, Mich., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene setting forth the manner in which he has been prejudiced.

No. MC 116280 (Sub-No. 11) (Republication), filed November 9, 1970, published in the FEDERAL REGISTER November 26, 1970, and republished this issue. Applicant: W. C. McQUADE, INC., 153 Macridge Avenue, Johnstown, PA 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. The modified procedure has been followed and an order of the Commission, Operating Rights Board, dated February 26, 1971, and served March 17, 1971, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wearing apparel, from points in Blair, Somerset, and Cambria Counties, Pa., to Philadelphia, Pa.; that applicant is fit, willing, and able to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate should be issued, subject to the following conditions: (1) That the holding by applicant of the certificate authorized to be issued in this proceeding and the holding by applicant of the permit heretofore issued in No. MC-88299 will be consistent with public interest and the national transportation policy, subject to the condition that the certificate granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitation in the future as it may find necessary in order to insure that applicant's operations conform to the provisions of section 210 of the Interstate Commerce Act. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 134888 (Republication), filed August 24, 1970, published in the FEDERAL REGISTER issue of September 17, 1970, and republished this issue. Applicant: MOROSA BROS. TRANSPORTATION CO., a corporation, 3831 Pierce Road, Bakersfield, CA 93308. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Suite 606, Los Angeles, CA 90017.

The modified procedure has been followed and an order of the Commission, Operating Rights Board, dated February 25, 1971, and served March 19, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of dry animal and poultry feeds, in bulk, from points in Imperial, Riverside, Kern, Los Angeles, Inyo, and Kings Counties, Calif., to points in the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate should be issued; and that the application in all other respects should be denied. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

TRANSFER APPLICATIONS TO BE ASSIGNED FOR ORAL HEARING

No. MC-FC-72427 (Corrected) Published in the FEDERAL REGISTER February 18, 1971, and republished as corrected this issue. Authority sought by transferee, Taylor Services, Inc., Post Office Box 8088, Freehold, N.J., to acquire the operating rights of Somco Freight Lines, Inc. (Frank G. Masini, Receiver), 433 Board Street, Newark, NJ. Transferee's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Transferor's representative: William J. Hanlon, 744 Broad Street, Newark, NJ 07102. Operating rights to certificate No. MC-80402 sought to be transferred: (1) material, not including classes A and B explosives, and equipment, consigned to, or intended for, the U.S. Army or U.S. Navy, between points in Essex, Bergen, Hudson, and Passaic Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, except Philadelphia, Rhode Island, Virginia, and the District of Columbia, and (2) general commodities, except household goods as defined by the Commission, and classes A and B explosives, between the Naval Supply Depot at or near Mechanicsburg, Pa., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission, and points in Nassau County, N.Y., other than points in the New York, N.Y., commercial zone. The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with the proceedings in MC-F-10976, MC-F-10977, and MC-F-10984 at a time and place to be fixed, for the purpose of determining, among other things, whether the subject operating rights are severable under the provisions of § 1132.5(a)(1) of the rules and regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce 49 CFR. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for the presentation of evidence. NOTE: Republished to correct the description of commodities and territory in part (2) of the authority involved, previously published in FEDERAL REGISTER publication of February 18, 1971.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-11113. Authority sought for control by a noncarrier DISTRIBUTION SYSTEMS, INC., 1918 Park Street, Alameda, CA 94501, controlled by DEL MONTE CORPORATION, 215 Fremont Street, San Francisco, CA 94119, the operating rights and property of (1) SHIPPERS-ENICAL EXPRESS, INC., Post Office Box 5790, San Jose, CA 95150; (2) WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728; (3) NEEDHAM'S MOTOR SERVICE, INC., 2751 Brunswick Avenue, Trenton, NJ 08634; (4) FAIRCHILD GENERAL FREIGHT, INC., Post Office Box 44, Yakima, WA 98901; (5) FRITZ-WAY MESSENGER SERVICE, INC., 1440 West 34th Street, Chicago, IL 60608, and for acquisition by DEL MONTE CORPORATION, of control of said carriers through the transaction. Applicants' attorneys: R. Frederic Fisher, 311 California Street, San Francisco, CA 94104, and Thomas E. Kimball, 1625 K Street NW., Washington, DC 20006. Applicants state that the proposed transaction consists solely of an intracompany regorganization of the transportation subsidiaries of Del Monte, and will not result in any change in ultimate common ownership of these carriers by Del Monte. Operating rights sought to be controlled: (1) Under a certificate of registration of general commodities, as a common carrier, in interstate commerce, within the State of California; (2) frozen foods, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in all States in the United States (except Alaska and Hawaii) and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC-117119 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for the purpose of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof;

(3) *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Camden, N.J., and Philadelphia, Pa., to the described points in New Jersey, with restriction; (4) *general commodities*, excepting among others, classes A and B explosives, commodities in bulk, as a *common carrier* over irregular routes, between points within 3 miles of Yamima, Wash., including Yamina; *livestock*, between points in that of Washington on and east of a line extending north and south from Roslyn, Wash., on the one hand, and, on the other, points in Oregon and Idaho; wool, from points in Washington, on and east of a line extending north and south from Roslyn, Wash., to Portland, Oreg.; *glass bottles and jars, and covers, stoppers, and tops* for glass bottles and jars, as a *contract carrier* over irregular routes, from Portland, Oreg., to points in Washington, with restriction; *fiberboard containers and packing forms*, from Portland, Oreg., to the described points in Washington, with restriction; (5) *box shook*, as a *common carrier* over irregular routes, from the plantsite of the Chelan Box & Manufacturing Co. near Manson, Wash., to points in California and to Medford, Oreg., and points within 30 miles thereof, to Hood River, Oreg., and points in Oregon within 20 miles of Hood River, and points in Idaho and Montana; *fiberboard, paper, and pulpboard boxes and partitions*, from Longview and Yakima, Wash., to The Dalles and Hood River, Oreg.; *paper and paper articles* as defined in appendix XI of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 289–91, between Longview and Yakima, Wash., on the one hand, and, on the other, points in Idaho. Application has not been filed for temporary authority under section 210a(b). NOTE: Motion to dismiss application filed concurrently herewith.

No. MC-F-11116. Authority sought for purchase by BERMAN'S MOTOR EXPRESS, INC., Post Office Box 1566, Binghamton, NY 13902, of the operating rights of WILLARD L. STANNARD, doing business as BINGHAMTON WINDSOR FREIGHT SERVICE, Rural Delivery No. 3, Windsor, NY 13865, and for

acquisition by JACOB BERMAN, also of Binghamton, NY 13902, of control of such rights through the purchase. Applicants' representative: Joseph P. Conte, Post Office Box 1566, Binghamton, NY 13902. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Binghamton and Windsor, N.Y., serving all intermediate points and the off-route points of East Windsor, Center Village, Ouaquaga, Doraville, and Damascus, N.Y. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Rhode Island, Pennsylvania, Maine, New Hampshire, Vermont, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11117. Authority sought for merger into CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, TX 75201, of the operating rights and property of (1) SMITH TRANSIT, INC., AND (2) RAY SMITH TRANSPORT CO., both of 1200 Simons Building, Dallas, TX 75201, and for acquisition by CURTIS W. MEWBOURNE; HERMAN J. RUPPEL; AND A. POLLARD SIMONS, all of Dallas, Tex. 75201, of control of such rights and property through the transaction. Applicants' attorney: Wm. E. Livingstone III, Suite 4555, First National Bank Building, Dallas, TX 75202. Operating rights sought to be merged: (1) Specified commodities, as a *common carrier* over irregular routes, from, to, and between, specified points in the States of Texas, Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Colorado, Utah, Georgia, Illinois, Indiana, Ohio, North Carolina, South Carolina, Wisconsin, Iowa, Nebraska, Oregon, Washington, California, Florida, Tennessee, Arizona, Idaho, Minnesota, Montana, Nevada, North Dakota, South Dakota, and Wyoming, with certain restrictions, serving various intermediate and off-route points, for operating convenience only, as more specifically described in Docket No. MC–113514 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. (2) RAY SMITH TRANSPORT CO. holds no authority from this Commission. CEMENT EXPRESS, INC., is authorized to operate as a *common carrier* in Texas, New Mexico, Arkansas, Louisiana, Oklahoma, Colorado, Kansas, Alabama, Mississippi and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11118. Authority sought for control by WORSTER-MICHIGAN, INC., 664 54th Avenue, Mattawan, MI 49071, of the operating rights and property of McKEE LINES, INC., also of Mattawan, Mich. 49071, and for acquisition by DAVID B. WORSTER, 9212 East Lake Road, North East, PA, of control of McKEE LINES, INC., through the acquisition by WORSTER-MICHIGAN, INC. Applicants' attorney: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Operating rights sought to be controlled: *Pharmaceuticals, drugs, and druggist supplies*, other than in bulk, in vehicles equipped with mechanical refrigeration, as a *common carrier*, over irregular routes, from Allegan, Mich., to points in California, Florida, and Louisiana, Atlanta, Ga., Phoenix, Ariz., and Salt Lake City, Utah; *parts and supplies* used in the construction of campers and camp trailers, from points in Indiana and the Lower Peninsula of Michigan to Belzoni, Miss.; *frozen pizza pies and materials* used in the preparation of pizza, from Syracuse, Ind., to points in the Lower Peninsula of Michigan; *pizza pies and pizza pie crusts*, from the plantsite of G–W Food Products Corp. at Syracuse, Ind., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee (except Memphis), Virginia, and West Virginia; *meats, meat products, and meat byproducts*, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson & Co., Inc., at Monmouth, Ill., to points in Indiana, Michigan, Ohio, Connecticut, Delaware, Maine, Maryland, New Hampshire, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, from Allen Township (Hillsdale County), Mich., to points in Maine, Vermont, New Hampshire, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, New Jersey, and the District of Columbia;

Fresh, frozen, and processed fruits and vegetables, in containers other than glass or hermetically sealed, from Benton Harbor, Mich., to the described points in Kansas, Missouri, Kentucky, Pennsylvania, Indiana, Ohio, and Illinois; *empty fruit and vegetable containers*, from the above-specified destination points to the above-described origin points; *frozen fruits and vegetables*, from Benton Harbor, Mich., to the described points in Kansas, Kentucky, Missouri, Nebraska, and Iowa; *frozen fruits, frozen berries, and frozen vegetables*, from points in Michigan to the described points in Michigan, Colorado, Georgia, Minnesota, New Jersey, Pennsylvania, New York, Ohio, Tennessee, Wisconsin, Indiana, Illinois, Florida, Kansas, Missouri, Louisiana, Alabama, Massachusetts, South Carolina, Texas, Virginia, and the District of Columbia; *frozen fruits and frozen berries*, from Winchester, Va., to the described points in Colorado, Illinois, Minnesota, Missouri, Nebraska, Wisconsin, Kansas, and Tennessee; *empty containers*, from Chicago, Ill., to the described points in Michigan; *frozen foods* (except commodities in bulk), from Traverse City, Mich., to points in the United States, except Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Washington, and Wyoming; *lactose*, from Winsted, Minn., to Springdale, Ohio, and to points in Michigan, from Mayville, Wis., and Bongards, Minn., to St. Louis, Mo., and to points in Indiana, Michigan, and Ohio;

Frozen foods, from the plant site and storage facilities of Michigan Lloyd J. Harris Pie Co., at Saugatuck, Mich., to points in Connecticut, Deleware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, from the plantsite and warehouse facilities of Pet, Inc., Frozen Food Division at Frankfort, Mich., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Ohio, Missouri, and Wisconsin, from the plantsite and warehousing facilities of Pet, Inc., Frozen Foods Division, Allentown, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia (except points west of U.S. Highway 220), West Virginia, and the District of Columbia; *prepared frozen foods*, from Lafayette, Ind., to the described points in Pennsylvania, Indiana, Michigan, and Ohio, from the plantsite and storage facilities utilized by the Kitchens of Sara Lee, Division of Consolidated Foods Corp., at Deerfield and Chicago, Ill., to points in Indiana, Michigan, Ohio, West Virginia, and points in that part of Pennsylvania on and west of U.S. Highway 220; *such commodities* as are dealt in by retail department stores (except meats and frozen foods), from Mount Clemens and Taylor, Mich., to points in Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Virginia, West Virginia, and Wisconsin; *frozen potatoes and potato products, and foodstuffs* when moving in mixed shipments with frozen potatoes and potato products, from points in Montcalm County, Mich., to points in Indiana and Ohio;

Bakery goods (except frozen), from the plantsite and storage facilities of the Johnson Biscuit Co. at Sioux City, Iowa, to points in Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, with restrictions; also holds authority to operate as a *contract carrier, waste paper and scrap paper stock*, from points in New York (except points on Long Island), Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, and Rhode Island, to Plainwell, Mich., and points in Kalamazoo County, Mich., with restriction. WORSTER-MICHIGAN, INC., holds no authority from this Commission. However it is affiliated with WORSTER MOTOR LINES, INC., Gay Road, Post Office Box 110, North East, PA 16428, which is authorized to operate as a *common carrier* in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Indiana, Illinois, Michigan, Ohio, Vermont, Maine, New Hampshire, Minnesota, Virginia, South Carolina, Alabama, Wisconsin, Florida, Kentucky, and the District of Columbia and POWER TRANSPORTATION, INC., Post Office Box 147, Highway 71, East Storm Lake, IA, which is authorized to operate as a *common carrier* in New York, North Dakota, South Dakota, Iowa, Nebraska, Michigan, Minnesota, Wisconsin, Kansas, Pennsylvania, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11119. Authority sought for purchase by WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, TN 38106, of a portion of the operating rights of MID-SOUTH DELIVERY SERVICE CO., 3215 Tulane Road, Memphis, TN 38116, and for acquisition by W. H. WOOTEN, Box 28, Covington, TN, of control of such rights through the purchase. Applicants' attorney: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. Operating rights sought to be transferred: *Liquid corn syrup*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Memphis, Tenn., to points in Kentucky, Alabama, Louisiana, Missouri, and Mississippi, from Memphis, Tenn., to points in Arkansas; and *liquid sugar and blends of liquid sugar and corn syrup*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Missouri, Tennessee, Kentucky, Illinois, Iowa, Indiana, Mississippi, North Carolina, Georgia, Michigan, Kansas, Ohio, Oklahoma, Wisconsin, and Louisiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11120. Authority sought for control by AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040, of MERCER & DUNBAR ARMORED CAR SERVICE, INC., 75 Maxim Road, Hartford, CT 06120, and for acquisition by PUROLATOR, INC., and, in turn, by PAUL A. CAMERON, both of 970 New Brunswick Avenue, Rahway, NJ 07065, of control of MERCER & DUNBAR ARMORED CAR SERVICE, INC., through the acquisition of AMERICAN COURIER CORPORATION. Applicants' attorneys: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040, and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Operating rights sought to be controlled: *Coin*, as a *contract carrier*, over irregular routes, between Philadelphia, Pa., Boston, Mass., and Buffalo and New York, N.Y.; *bullion*, from New York and West Point, N.Y., to Philadelphia, Pa.; *bank bills, bonds, negotiable and non-negotiable securities, notes, drafts, and other valuable papers*, except cash letters and checks moved therewith, in armored car service, between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa., Baltimore, Md., and Washington, D.C., with restrictions; *bank bills, bonds, negotiable and non-negotiable securities, notes, drafts, and other valuable papers*, between points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island; *such commodities*, except those specified immediately above, as require special protection by guards and armored cars, between Hartford, Conn., on the one hand, and, on the other, Boston, Mass., and New York, N.Y. AMERICAN COURIER CORPORATION is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, Pennsylvania, New York, Iowa, Illinois, Nebraska, Kentucky, Tennessee, Ohio, West Virginia, Rhode Island, Michigan, Indiana, Maryland, Virginia, Delaware, Wisconsin, Missouri, Minnesota, North Dakota, South Dakota, Kansas, North Carolina, Texas, Louisiana, Vermont, Alabama, Georgia, Arkansas, Mississippi, Oklahoma, Florida, South Carolina, California, and the District of Columbia and as a *contract carrier* in New York, New Jersey, Connecticut, Pennsylvania, West Virginia, Ohio, Massachusetts, Delaware, Virginia, Maryland, Louisiana, Rhode Island, Iowa, Missouri, Illinois, Indiana, Kentucky, Maine, Minnesota, Wisconsin, New Hampshire, Nebraska, Vermont, Michigan, North Dakota, South Dakota, North Carolina, Alabama, Georgia, Tennessee, South Carolina, Texas, Mississippi, Oklahoma, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11121. Authority sought for purchase by B & C SPECIALIZED CARRIERS, INC., 6524 Brookville Road, Indianapolis, IN 46219, of a portion of the operating rights and property of PIERCETON TRUCKING COMPANY, INC., Post Office Box 233, Laketon, IN 46943, and for acquisition by CHARLES L. MONG, 9329 Sherwood Lane, Indianapolis, IN 46240, and BRENT L. LEIFER, 7741 Hilltop Lane, Indianapolis, IN 46256, of control of such rights and property through the purchase. Applicants' attorney: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Operating rights sought to be transferred: *Precast concrete and materials and supplies* used in the erection of precast concrete when moving at the same time and in the same vehicle with precast concrete, as a *common carrier* over irregular routes, from Indianapolis, Ind., to points in Illinois, Kentucky, Missouri, Ohio, Tennessee, and West Virginia, from the plant and warehouse sites of American Precast Concrete, Inc., at Indianapolis, Ind., to points in New York, Pennsylvania, Wisconsin, and Iowa, with restriction; *brick*, from Danville, Ill., to certain specified points in Indiana; *prefabricated cement slabs and allied products* used in the installation of prefabricated cement slabs, from Indianapolis, Ind., to points in Illinois, Michigan, Ohio, and that part of Kentucky east of U.S. Highway 31W; *prefabricated steel and materials, equipment, and supplies* used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel, from the plant and warehouse sites of Indiana Bridge Co., Inc., at Muncie, Ind., to points in Illinois, Kentucky, Michigan, Ohio, and Wisconsin, from the plant and warehouse sites of Baystone Construction, Inc., at Muncie, Ind., to points in Illinois, Kentucky, Michigan, Wisconsin, and Ohio, with restriction; in pending docket No. MC–111941 Sub-18.

(1) *prefabricated steel and materials, equipment, and supplies*, used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel, from Detroit, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Minnesota, Missouri, Pennsylvania, Wisconsin, and Tennessee, and (2) *materials, equipment, and supplies* used in the manufacture, production, and processing of prefabricated steel from the destination points above to Detroit, Mich., and certificate not yet issued; and in pending docket No. MC–111941 Sub-22, *precast concrete and materials and supplies* used in the installation and erection of precast concrete when moving at the same time and in vehicle with precast concrete, from Kalamazoo, Mich., to points in Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, West Virginia, Kentucky, Missouri, and Wisconsin, and certificate not yet issued. Application has been filed for temporary authority under section 210a(b). NOTE: Transferee is not a carrier of record with the Interstate Commerce Commission. The parties in control of transferee CHARLES L. MONG & BRENT L. LEIFER expect to resign from their present employment with PIERCETON TRUCKING COMPANY, INC., an interstate motor carrier, upon favorable determination of this application.

No. MC–F–11122. Authority sought for purchase by DUFF TRUCK LINE, INC., Broadway and Vine Streets, Lima, OH 45802, of the operating rights of VERNON R. DOERING, doing business as MICHIGAN OHIO MOTOR FREIGHT, 1566 Ridgewood Avenue, Toledo, OH 43608, and for acquisition by L. EUGENE DUFF, 1422 Fox River Drive, Lima, of control of such rights through the purchase. Applicants' attorney: Jack Goodman, 39 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Pontiac,

Mich., and Toledo, Ohio, serving the intermediate point of Detroit, Mich., restricted to traffic originating at Toledo, Ohio. Vendee is authorized to operate as a *common carrier* in Ohio. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4439 Filed 3-30-71;8:50 am]

[Revised S.O. 994; I.C.C. Order No. 55]

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of R. D. Pfahler, Agent, The Central Railroad Company of New Jersey (R. D. Timpany, Trustee), is unable to effect delivery of traffic at its facilities at Pier 18, Jersey City, NJ, account of coal dumper out of service.

It is ordered, That:

(a) The Central Railroad Company of New Jersey, being unable to effect delivery of traffic at its facilities at Pier 18, Jersey City, N.J., account of coal dumper out of service, that line and its connections are hereby authorized to reroute and divert such traffic over any available route, to expedite the movement.

(b) Concurrence of receiving road to be obtained: The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 1 p.m., March 24, 1971.

(g) Expiration date: This order shall expire at 11:59 p.m., April 23, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 24, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.71-4435 Filed 3-30-71;8:50 am]

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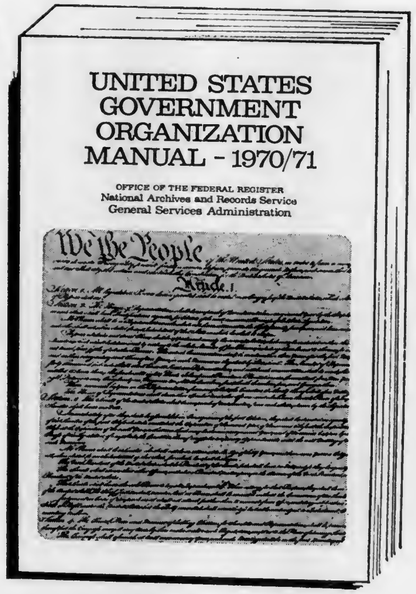
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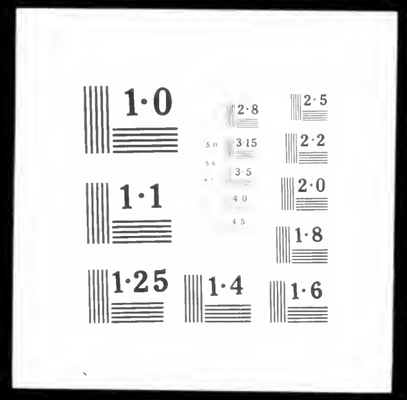
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XUM

RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.